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In the Circuit Court of
Cook County, Illinois
County Department, Chancery Division

Fruit of the Loom, Inc.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	89-CH-9846
	)	
The Travelers Indemnity	)	
Company and Transportation	)	
City of Chesterfield, et al,	)	
	)	
Defendant.	)	

October 27, 1992

**Deposition of WILLIAM B. PAPAGEORGE, taken on behalf of
Defendant Travelers Indemnity Company.**

GORE REPORTING COMPANY

**Boatmen's Tower, Suite 1175 - 100 North Broadway
St. Louis, Missouri 63102
(314) 241-6750**

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In the Circuit Court of
Cook County, Illinois
County Department, Chancery Division

Fruit of the Loom, Inc.,)
Plaintiff,)
) Number
vs.) 89-C-H-9846
)
The Travelers Indemnity)
Company and Transportation)
Insurance Company,)
Defendants.)

Deposition of WILLIAM B.
PAPAGEORGE, taken on behalf of Defendant
Travelers Indemnity Company, at the offices
of Gallop, Johnson & Neuman, Interco
Corporate Tower, 101 South Hanley, 16th
Floor, in the County of St. Louis, State of
Missouri, commencing at 9:30 a.m. on the 27th
day of October, 1992, before J. Bryan Jordan,
certified shorthand reporter and notary
public.

GORE REPORTING COMPANY - ST. LOUIS, MISSOURI

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1 MR. HUELSMAN: My name is William
2 Huelsman. I work for Huelsman Video
3 Deposition Company. The date is 10-27-92,
4 9:37 a.m., we're in St. Louis, Missouri.

5 The caption of this case is Fruit
6 of the Loom, Incorporated, vs. Travelers
7 Indemnity Company. The case today is being
8 taken on behalf of Travelers Indemnity
9 Company, and I think we are ready to go now,
10 if Jerry wants to swear him in.

11 Whereupon. . .

12 WILLIAM B. PAPAGEORGE,
13 of sound mind, having been first duly sworn
14 to tell the truth, the whole truth, and
15 nothing but the truth in the case aforesaid,
16 testified upon his oath as follows, to-wit:

17 MR. SCHWARTZ-LEEPER: Before we
18 begin, I'm going to ask counsel for Fruit of
19 the Loom if we have any stipulation that we
20 would like to put on the record.

21 MS. SOBEL: We reserve our right
22 till trial to make any stipulations.

23 MR. SCHWARTZ-LEEPER: Does that
24 mean that you will not stipulate as to
25 objections, to reserve objections as to form?

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1 MS. SOBEL: No, we will be making
2 the objections on this.

3 MR. SCHWARTZ-LEEPER: Okay. Are
4 there any other announcements that anybody
5 wants to put on the record at this time?

6 MR. DAVIDSON: I would like to go
7 on the record and state that my name is
8 Gerard Davidson with Smith, Helms, Mulliss &
9 Moore in Greensboro, North Carolina, and I
10 represent Monsanto Company and Mr.
11 Papageorge, and Mr. Papageorge is being
12 designated by Monsanto pursuant to a subpoena
13 issued from the Court of the County of St.
14 Louis here in Missouri in which they were
15 required to designate a witness most
16 knowledgeable with respect to certain areas
17 of testimony or designated testimony pursuant
18 to Missouri Rules of Civil Procedure 57.03
19 (b) (4), and Mr. Papageorge is designated by
20 Monsanto for that purpose.

21 MR. SCHWARTZ-LEEPER: Okay.

22 DIRECT EXAMINATION

23 BY MR. SCHWARTZ-LEEPER:

24 Q. Sir, for the record, would you
25 please state your name and business address?

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1 A. William B. Papageorge, 321 Pebble
2 Valley Drive, St. Louis, Missouri, 63141.
3 Q. Are you currently employed, sir?
4 A. Self-employed.
5 Q. Okay, could you tell me what the
6 nature of that employment is?
7 A. It's engineering consulting,
8 particularly in the areas of use, manufacture
9 handling, disposal of polychlorinated
10 biphenyls.
11 Q. Mr. Papageorge, have you had your
12 deposition taken before?
13 A. Yes, I have.
14 Q. When?
15 A. Oh, many times. I can't recall --
16 Q. When was the last time?
17 A. I can't recall the date -- the
18 last one? About a week ago.
19 Q. And what was the nature of the
20 lawsuit in which your deposition was taken a
21 week ago?
22 A. I have so many, I confuse them in
23 my own mind. This, of course, involved
24 polychlorinated biphenyls, and as I recall,
25 it had to do with alleged contamination of

1 property, the efforts to clean up the
2 property to meet federal regulations, the
3 costs associated with that effort, and an
4 attempt to, by the Plaintiff to get others to
5 help pay for this cleanup.

6 Q. Who was the Plaintiff in that
7 case?

8 A. Gosh, I draw a blank on this. Let
9 me think.

10 (Pause)

11 A. (Continuing) I just can't recall.

12 Q. Do you recall where the lawsuit
13 was situated?

14 A. In Kentucky.

15 Q. Prior to that deposition a week
16 ago, approximately how many times have you
17 given depositions in cases involving
18 polychlorinated biphenyls?

19 A. I have never kept a score sheet.
20 As best I can recall, at least a couple of
21 dozen.

22 I do recall the Defendant of the
23 deposition, your previous question.

24 Q. Who was the Defendant?

25 A. E. R. -- let's see, Energy Recycle

1 Corporation, I believe, is the title.

2 Q. Do you recall whether in any of
3 the cases in which you've given depositions
4 involving polychlorinated biphenyls, any of
5 those cases involved insurance coverage
6 issues?

7 MR. DAVIDSON: You are referring
8 to coverage issues being litigated in that
9 lawsuit?

10 MR. SCHWARTZ-LEEPER: That's
11 correct.

12 A. Not, if I understand your question
13 correctly, no.

14 BY MR. SCHWARTZ-LEEPER:

15 Q. Okay, in any of the depositions
16 that you have given in cases involving
17 polychlorinated biphenyls, do you recall
18 whether any of the parties have been
19 insurance companies?

20 A. I recall a situation in which the
21 building occupied by an insurance company was
22 involved and it involved the cleanup within
23 that building, the costs associated with the
24 cleanup. That's the only insurance company
25 involvement that I remember.

1 Q. Okay. I suspect, given your
2 experience, you probably have a better sense
3 of how depositions are conducted than almost
4 anybody in this room.

5 Simply for the record, let me tell
6 you that I will be asking you a series of
7 questions today, after which Miss Sobel, who
8 represents Fruit of the Loom, will have an
9 opportunity to ask you questions, as well.
10 Also Miss Matre, who represents
11 Transportation Insurance Company, will have
12 an opportunity to ask you questions.

13 I would like to ask you to wait
14 for me to complete each of my questions
15 before you answer so that you fully
16 understand what it is that I'm asking you.
17 If you need a break at any time for any
18 reason, please just say so, I'll be glad to
19 accommodate you.

20 For the record, you do have or
21 Monsanto does have the opportunity to
22 designate this deposition transcript or any
23 exhibits used in this deposition as
24 confidential for purposes of the
25 confidentiality order that's been entered in

1 this case.

2 Having said all that, Mr.
3 Papageorge, I'd like to ask you, have you
4 spoken with any of Fruit of the Loom's
5 lawyers about this deposition?

6 A. I have not.

7 MS. SOBEL: David, I'm going to
8 interject now and ask, are you going to be
9 asking him to sign the confidentiality
10 protective order in this case?

11 MR. SCHWARTZ-LEEPER: No, if only
12 because I don't intend to show him anything
13 that I understand would be subject to the
14 terms of that order.

15 MS. SOBEL: So are you showing him
16 only exhibits produced by Monsanto in this
17 litigation?

18 MR. SCHWARTZ-LEEPER: I believe
19 so.

20 MS. SOBEL: Okay, if at any point
21 we go beyond that, I may see fit to ask him
22 to, to do that.

23 MR. SCHWARTZ-LEEPER: That's fine.

24 MS. SOBEL: Okay.

25 MR. SCHWARTZ-LEEPER: I have no

1 problem with that.

2 BY MR. SCHWARTZ-LEEPER:

3 Q. Mr. Papageorge, have you spoken
4 with anyone at Fruit of the Loom about this
5 deposition?

6 A. No.

7 Q. Have you spoken with anyone at
8 Velsicol Chemical Corporation about this
9 deposition?

10 A. No.

11 Q. Could you describe for us your
12 educational background after high school?

13 A. I received a Bachelor of Science
14 degree in chemical engineering from
15 Washington University in St. Louis in 1943, a
16 Master of Science degree in chemical
17 engineering from Washington University in
18 1947, and I earned, as best I recall, about
19 twelve or sixteen credits toward a Doctor of
20 Science degree at Oklahoma State University.

21 Q. And when did you take those
22 courses at Oklahoma state?

23 A. In the period 1947 to 1951.

24 Q. Okay. Recognizing that your
25 answer is likely to be fairly lengthy, I'd

1 like you to describe your employment
2 experience chronologically since you received
3 your Master of Science degree in 1947.

4 A. I will try that. The dates, I may
5 not be exact, but I'll be as close as I can
6 recall.

7 After receiving my Master of
8 Science degree, I joined the Phillips
9 Petroleum Company in Bartlesville, Oklahoma.
10 For two years, I was a research engineer in
11 their Research Department, working on
12 research problems associated with drilling
13 fluids used in drilling for oil wells and in
14 secondary recovery of oil from exhausted oil
15 fields.

16 Following that, for two years I
17 was involved with, as a process engineer,
18 working on the design or specification of
19 equipment required at oil refineries to
20 accomplish certain separations of petroleum.

21 In 1951, I joined Monsanto Company
22 and for the first thirteen years or so, I
23 worked at their St. Louis plant, which was
24 referred to as the J. F. Queeny, Q-u-e-e-n-y,
25 Plant. I started at that plant as a process

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1 design engineer, designing equipment required
2 for the manufacture of a chemical, and
3 following the design phase, I was involved
4 with the startup operations whereby I
5 actually went out into the plant and did what
6 was required to test to see that the
7 equipment I designed could do what I said it
8 could do.

9 After the successful startup of
10 that new system, I was assigned to -- and
11 this was about 19 forty -- fifty -- 1953 or
12 '4, I was assigned as an assistant supervisor
13 in a production unit that made chemicals
14 known as plasticizers. These are materials
15 that are added to plastics to make them
16 flexible, pliable.

17 After about a year in that
18 assignment, I was given my own department as
19 a supervisor. I would say this was about
20 1954-55, and this production unit was
21 involved with the purification of a mixture
22 of chemicals to produce specific parts of
23 that mixture that were later used to making
24 such things as rubber chemicals.

25 About 1955 or '56, I transferred

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1 into the Maintenance Department -- now, all
2 of this takes place at this plant that I
3 mentioned I had served for thirteen years.
4 My initial assignment in the Maintenance
5 Department for about a year was as the
6 supervisor of a group of, of a team that was
7 involved in small projects such as replacing
8 a tank, replacing a pump, putting in new
9 pipelines, new instruments, new facilities;
10 small projects.

11 Following that assignment, and
12 this takes me now to about 1956, I was made
13 the Superintendent of Maintenance, and this
14 involved a much bigger team. It included
15 about -- and this would change with the
16 needs -- about eight supervisors, 25 to 30
17 foremen and about 400 craftsmen, pipe
18 fitters, welders, carpenters, insulators, and
19 so on. We were responsible for not only the
20 little project group that I had, but as well
21 as the maintenance, upkeep, preservation of
22 the facilities at the plant.

23 I believe now I've reached about
24 1958 or '59. I was then assigned to the
25 plant engineering department, which at the

1 plant was called the Technical Services
2 Department, as a superintendent in that
3 department, and I supervised the activities
4 of -- and again, the number would change
5 depending on the workload -- from six to
6 twenty engineers and technicians who made the
7 necessary studies, developed the
8 specifications, assisted with the startup of
9 new facilities to help improve the operations
10 of various producing units in the plant.

11 In about 1963 or '62 or '63, I'm
12 not certain of the date, I was made a general
13 superintendent of the service functions in
14 the -- at that plant. This included the
15 management and supervision of such things as
16 the power plant, the Receiving Department,
17 the Shipping Department, the, the group that
18 cleaned up the streets and alleys, all of the
19 activities that supported the manufacturing
20 function except for the maintenance support.
21 In other words, I picked up everything else
22 that was required to keep the plant running.

23 That completes my assignments at
24 the John F. Queeny Plant which takes me up to
25 1964. In 1964, I was assigned to Monsanto's

1 plant located across the Mississippi River in
2 Sauget, Illinois, S-a-u-g-e-t, as one of six
3 or eight general superintendents of
4 manufacturing. In that assignment, I was
5 responsible for a given set of products
6 produced at that plant, and my responsibility
7 included the manufacture of these products at
8 scheduled rates of production, at budgeted
9 costs, and of course, to do it safely,
10 without hurting anybody or destroying the
11 equipment. That lasted until 1965.

12 In 1965, I was assigned to the
13 Monsanto plant in Anniston, Alabama, as the
14 plant manager, which is the top
15 administrative assignment at the plant, and I
16 guess the best way to describe my
17 responsibilities is to say that I was really
18 responsible for everything at the plant. The
19 buck stopped at my desk, I guess, is another
20 way to say it.

21 That assignment lasted until the
22 end of 1969.

23 In 1970, I was assigned back to
24 St. Louis at Monsanto's headquarters, as a
25 Manager of Environmental Control,

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1 coordinating activities relating to
2 polychlorinated biphenyl and its emergence at
3 that time as an environmental issue.

4 I had that responsibility for PCB
5 environmental issue until February of 1976.
6 Now, in those intervening years, my job title
7 did change from Manager, Environmental
8 Control, to Manager, Environmental
9 Protection, and finally to Manager, Product
10 Acceptability.

11 Starting in about 1973, I not only
12 kept the assignment to PCBs as an
13 environmental issue, but was assigned other
14 products that Monsanto manufactured and sold.

15 In February of 1976, the
16 responsibilities for PCB were assigned to
17 another individual, and this was the result
18 of a -- of one of many company
19 reorganizations where products were regrouped
20 and assignments were made to other
21 individuals.

22 In 1977, I was appointed as
23 Director of Environmental Operations for a --
24 for one of Monsanto's operating units, and
25 that unit was referred to as the Monsanto

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1 Chemical Intermediates Company.

2 As best I recall, that assignment
3 lasted until 1983, and because of another
4 Monsanto reorganization, I was then named as
5 the Director, Environmental Operations for
6 the Monsanto Industrial Chemicals company.

7 In 1985, another reorganization
8 took place, and I was then named Manager of
9 Occupational Health for the Monsanto Chemical
10 Company, an operating unit of Monsanto
11 Company, and at the end of 1986, I retired
12 from Monsanto Company.

13 Q. Have you been self-employed since
14 1986?

15 A. Yes, sir.

16 Q. In the course of your
17 responsibilities with Monsanto, did you have
18 any involvement with any issues involving
19 polychlorinated biphenyls prior to 1970?

20 A. Yes.

21 Q. Could you tell me about that?

22 A. I first became involved with
23 polychlorinated biphenyls in 19 -- I'm trying
24 to recall the date -- 1953 or so, when I was
25 a supervisor of the, the department that

1 manufactured these chemicals that were used
2 for rubber additives. There were compressors
3 involved that used fluids containing PCBs,
4 and there were heat transfer units that used
5 fluids that contained PCBs.

6 As a user of that equipment, I had
7 to know something about the properties of
8 those fluids and make certain that the
9 employees were informed. I later became
10 involved with PCB fluids when I had the small
11 project group. We were, on occasion,
12 involved with installing pumps, and
13 pipelines, and equipment that used fluids
14 containing PCBs. When I became the general
15 superintendent of the Services Department, I
16 was, of course, my operations in the power
17 plant were capacitors and electrical gear,
18 and transformers were in place. They were
19 certainly there and I had -- I was aware of
20 that.

21 Let me back a bit, though. When I
22 was maintenance superintendent prior to that,
23 I had about 40 electricians who, on occasion,
24 would be working with electrical equipment
25 that contained PCB-type materials, and of

1 course, I also had pump mechanics, and pipe
2 fitters, and welders that would work on
3 systems like heat transfer systems and air
4 compressed -- compressed air systems. They,
5 too, had the potential for being involved
6 closely with PCB-type fluids.

7 When I was the general
8 manufacturing superintendent at the Sauget,
9 Illinois, plant, some of the facilities that
10 manufactured the chemicals to which I was
11 assigned, they had, again, air compressor
12 systems and other hydraulic systems that used
13 fluids containing PCBs, as well as heat
14 transfer systems.

15 At the Anniston Plant, where I
16 served as the plant manager, we manufactured
17 PCBs, packaged them, labeled them and shipped
18 them, as well as used them in our own
19 facilities.

20 That summarizes my involvement
21 with PCBs prior to 1970.

22 Q. I think that you indicated that in
23 February of 1976, responsibilities for PCBs
24 were assigned to another individual as a
25 result of a corporate reorganization at

1 Monsanto.

2 Do you know who the individual was
3 to whom those responsibilities were
4 transferred?

5 A. Yes, sir.

6 Q. Who were they?

7 A. Mr. J. C. Weber.

8 Q. That was two "b's" or one?

9 A. One "b."

10 Q. Is Mr. Weber still with Monsanto?

11 A. I believe he's retired.

12 Q. Do you know where he is now?

13 A. The last I heard -- this has been
14 five years ago -- he was in the St. Louis
15 area.

16 Q. Do you know how long Mr. Weber
17 held responsibilities for PCBs?

18 A. I, I have a rough recall; a couple
19 or three years.

20 Q. Were responsibilities for PCBs
21 then assigned to yet another individual
22 within Monsanto?

23 A. Yes, sir.

24 Q. Do you know who that individual
25 was?

1 A. I recall David Wood being
2 involved. I do not know if it was an
3 official assignment or whether it was a sort
4 of an involvement brought about by the fact
5 that Mr. Wood was still involved in marketing
6 the materials, so he, in essence, became the
7 individual that I associated with the PCB
8 issue, following Mr. Weber.

9 Q. Just so that I understand, he was
10 involved in marketing Monsanto products
11 containing PCBs?

12 A. Yes, sir.

13 Q. Do you know if Mr. Wood is still
14 employed by Monsanto?

15 A. The last I heard, he was, yes.

16 Q. And when was the last you heard?

17 A. Oh, within the past year.

18 Q. Do you know whether
19 responsibilities for PCBs was transferred to
20 anyone else after Mr. Wood?

21 A. Yes, in the -- hmm: In about
22 1980, '81, the responsibility for PCB
23 environmental issues was assigned to Dr.
24 J. H. Craddock, C-r-a-d-d-o-c-k.

25 Q. Is Mr., or excuse me, Dr. Craddock

1 still employed by Monsanto?

2 A. Yes, he is.

3 Q. Here in St. Louis?

4 A. Yes.

5 Q. Were responsibilities for PCB
6 issues assigned to anybody after Dr.
7 Craddock?

8 A. He still has that assignment.

9 Q. When you became Director of
10 Environmental Operations in 1977, did that
11 position involve PCBs in any way?

12 A. Yes.

13 Q. How?

14 A. It was my responsibility to see
15 that those Monsanto facilities assigned to
16 the operating unit that I was a member of
17 were complying with all of the evolving
18 practices, rules, regulations relating to
19 PCBs and their use, disposal. It was up to
20 me and my team to monitor these activities to
21 make certain that they were understood and
22 the actions taken were acceptable.

23 Q. When you say that you monitored
24 these activities, are you referring to
25 activities within Monsanto?

1 A. Yes.

2 Q. Did you have any involvement in
3 activities by Monsanto's customers for PCB
4 products?

5 A. Not at that time, no.

6 Q. Did you prior to 1977, have
7 responsibility or involvement in monitoring
8 activities of Monsanto's PCB customers?

9 A. Yes.

10 Q. When was that?

11 A. It was the period 1970 to February
12 19 -- through February 1976.

13 Q. When you said that your
14 responsibilities were in part to see how
15 your -- or how Monsanto's facilities were
16 complying with all the evolving practices,
17 what kind of practices are you referring to?

18 A. Of course, there's the obvious
19 practice, practices that had to do with
20 personal hygiene, the washing of hands that
21 had been contaminated with the fluids or the,
22 preferably, the wearing of the proper gloves;
23 the awareness that breathing too much of the
24 fumes is not acceptable and they must avoid
25 that exposure or if they are forced to be

1 there, to put on the proper kind of
2 protection; the practice, for example, of
3 working on a system and making certain that
4 the liquid doesn't just flow on to the, the
5 department floor, down the sewer; the
6 practice of once the material is judged to be
7 unsuitable for use in equipment, that it be
8 properly collected, put in the proper
9 container, properly labeled, and properly
10 disposed of. It's that kind of thing that we
11 continually reemphasize with the plants.

12 Q. During the period from 1970 until
13 February of '76, did you reemphasize the same
14 kinds of things to customers for Monsanto's
15 PCB products?

16 A. Yes.

17 Q. With respect to Monsanto's
18 customers during that period, did you
19 emphasize practices relating to making
20 certain that the liquid did not just flow on
21 the floor or go down the sewer of the
22 customer's facilities?

23 A. That is correct.

24 Q. In the position that you assumed
25 in 1983 within Monsanto, were you involved in

1 any PCB issues?

2 A. 1983.

3 Q. Go ahead.

4 A. I was, as a Director of
5 Environmental Operations, I had that
6 responsibility I just described for the
7 previous Director of Environmental Operations
8 activity. In addition, I had Dr. Craddock
9 reporting to me, so I was, again, being tuned
10 in, in a way, to the kinds of things Dr.
11 Craddock was involved in.

12 Q. Did you have any involvement in
13 PCB issues as Manager of Occupational Health
14 for Monsanto?

15 A. The involvement then centered on
16 employee exposure and the prevention thereof.

17 Q. During the time that you have been
18 self-employed, have you done any work for
19 Fruit of the Loom?

20 A. No.

21 Q. Have you done any work for
22 Velsicol Chemical Corporation?

23 A. No.

24 Q. Have you done any work for
25 Universal Manufacturing Corporation?

1 A. No.

2 Q. Mr. Papageorge, do you belong to
3 any trade or professional associations?

4 A. Yes, I do.

5 Q. Could you identify those trade
6 associations?

7 A. I belong to the American Chemical
8 Society, I belong to the American Institute
9 of Chemical Engineers. I don't suppose this
10 quite fits the definition of trade society,
11 but I'm registered as a professional engineer
12 in the State of Missouri, and that's it.

13 Q. Have you participated in any
14 industry committees that addressed PCB
15 issues?

16 A. Yes.

17 Q. Could you identify those
18 committees?

19 A. There was a committee which, which
20 was under the auspices of the American
21 National Standards Institute, designated as
22 ANSI, A-N-S-I, Committee C-107.

23 There was another committee which
24 was referred to as the PCB Ad Hoc Committee
25 under the auspices of the Electronic

1 Institute of America, EIA. Those are the
2 only two formal committees I could recall.

3 Q. With respect to the ANSI C-107
4 Committee, what did that committee do?

5 A. That committee developed and
6 published guidelines on the proper use,
7 transportation, disposal of fluids used in
8 electrical equipment that contained PCBs.

9 Q. When did the C-107 Committee
10 develop and publish these guidelines?

11 A. The proposed guidelines were
12 published and distributed as of January 1973.
13 Those proposed guidelines were finally
14 adopted by the American National Standards
15 Institute in January of 1974.

16 Q. To whom were the proposed
17 guidelines distributed?

18 A. They were distributed, of course,
19 to manufacturers of electrical equipment
20 which used PCB-type fluids, they were
21 distributed to utilities, the power stations
22 and all that used equipment containing PCB
23 fluids, they were distributed to disposal
24 service operators, they were distributed to
25 various governmental agencies and departments

1 that were involved with electrical equipment
2 containing PCB fluids, and they were
3 distributed to companies in the business of
4 servicing transformers. I'm sure I missed
5 some of them, but that's a representative
6 sample of what was done.

7 Q. The manufacturers of electrical
8 equipment which used PCB-type fluids, would
9 those include capacitor manufacturers?

10 A. Yes.

11 Q. Have you heard of a company called
12 Universal Manufacturing Corporation?

13 A. I have.

14 Q. Is Universal a capacitor
15 manufacturer?

16 A. Yes.

17 Q. Was it in 1973?

18 A. I first, I first heard of them
19 when I was at the Anniston Plant as a
20 customer of the PCB materials that were
21 shipped out of that plant. That would have
22 been in the late Sixties.

23 Q. Just so that I'm clear on that
24 last question and answer, is it your
25 understanding that Universal manufactured

1 capacitors containing PCB materials in 1973?

2 A. I'm confused by the date '73.

3 Q. That's when, as I understand it,
4 the ANSI C-107 Committee's proposed
5 guidelines were distributed to capacitor
6 manufacturers.

7 A. Oh, yes, yes.

8 Q. Do you know whether Universal
9 received those ANSI guidelines?

10 A. I'm positive, yes.

11 Q. How do you know that?

12 A. Their representative was an active
13 member of the committee, and he was one that
14 took home a boxful of these guidelines.

15 Q. Are we referring now to the
16 proposed guidelines or to the actual
17 guidelines?

18 A. To both. Both.

19 Q. Who was that representative?

20 A. Mr. Clark.

21 Q. Ray Clark?

22 A. Ray Clark. He had another initial
23 as I remember that I never did know. I think
24 it's N, N. R. Clark.

25 Q. With respect to the PCB Ad Hoc

1 Committee that you identified earlier, what
2 did that committee do?

3 A. They addressed the presence of
4 PCBs in waste effluents from plants. By
5 waste effluents, I'm talking about the water
6 wastes from their plants, and were attempting
7 to determine what was realistically
8 achievable and to share that information with
9 the appropriate governmental agencies,
10 primarily the federal agencies. They were
11 also interested in preserving the use of PCBs
12 in capacitors because of their excellent fire
13 resistance, and they were very concerned that
14 they might be forced to using materials that
15 didn't have this fire-resistant property. As
16 I remember, those were the two important
17 activities that they were involved with.

18 Q. Was Mr. Clark active in preparing
19 the ANSI C-107 guidelines?

20 MS. SOBEL: Objection, could you
21 rephrase that, please?

22 MR. SCHWARTZ-LEEPER: Do you
23 understand the question?

24 THE WITNESS: I think I do.

25 BY MR. SCHWARTZ-LEEPER:

1 Q. Could you answer?

2 A. Yes. Mr. Clark was one of the
3 leaders in the group, and by "group," I'm
4 talking about the capacitor working subgroup
5 within the ANSI committee.

6 BY MR. SCHWARTZ-LEEPER:

7 Q. Did Universal Manufacturing
8 Corporation have a representative on the PCB
9 Ad Hoc Committee?

10 A. Yes.

11 Q. Who was that?

12 A. It was predominantly Mr. Clark,
13 although at times, as I remember, he would
14 send someone else because he had other
15 commitments, but Mr. Clark was the designated
16 representative.

17 Q. Excuse me. Could you give me a
18 sense of the time frame that the PCB Ad Hoc
19 Committee addressed the presence of PCBs in
20 the waste effluents?

21 A. What was the last expression of
22 the word.

23 Q. Effluents.

24 A. Oh, waste effluents. We're
25 talking now about the EIA ad hoc committee?

1 Q. That's correct.

2 A. As best I recall, that activity
3 began in 19, late 1972, 1972 or '73, early
4 '73, and that activity continued through
5 1974, as I recall. That's the best I can
6 remember.

7 Q. Mr. Papageorge, have you given
8 testimony before any legislative or executive
9 body of the federal government?

10 A. I have given before legislative,
11 for sure. I don't know what you mean by
12 executive body. Can you help me with that?

13 Q. Any administrative agencies within
14 the federal government?

15 A. I have given it before
16 representatives of these agencies, yes.

17 Q. How many times have you given
18 testimony before any bodies of the federal
19 government?

20 A. Can you help me a little with
21 "testimony"? Is this the formal presentation
22 under formal conditions, or is this in
23 meetings with groups of working kind of
24 sessions?

25 Q. Let's say formally.

1 A. The formal type; all right. I'm
2 sure I won't recall all of them. I remember
3 the presentation before a, a committee
4 chaired by Dr. Martha Saeger in about 1972 on
5 the subject of toxic pollutants in waters.
6 That's the best I remember. There must have
7 been ten or a dozen materials that were being
8 considered, one of these was PCBs. There was
9 another session at which I testified before
10 an EPA administrative law judge, again on
11 PCBs in water systems. I have spoken
12 before -- you suggested formal sessions.
13 Those are the only two formals that I recall.

14 Q. On whose behalf did you give
15 testimony in those two formal occasions?

16 A. On behalf of Monsanto Company.

17 Q. I take it from your answers that
18 you have also given or participated
19 informally in occasions with agencies or
20 bodies of the federal government relating to
21 PCBs?

22 A. Yes.

23 Q. Approximately how many times have
24 you engaged in these informal occasions?

25 A. Dozens. I don't know, I didn't

1 keep any score.

2 Q. Have you given any formal
3 testimony before any legislative or
4 administrative body of any state government?

5 A. I recall giving -- I hesitate
6 because I don't know exactly the definition
7 of the group that I made the presentation to,
8 but I recall the administrative law judge in
9 Albany, New York, addressing the presence of
10 PCBs in the Hudson River. I recall a, a
11 hearing in the -- in New York City, I think
12 it's before the Attorney General? Not
13 Attorney General, the district attorney in
14 New York? I'm not certain. He was an
15 attorney who was popular at the time, his
16 name escapes me, in the World Trade Center.
17 It was a room, there, looked like a courtroom
18 and I testified there. I recall a meeting in
19 Madison, Wisconsin, before a state, I think
20 it was their Department of Natural Resources
21 or some such title. Those situations I just
22 described were the -- we were -- I was
23 present because of the invitation to appear.

24 Q. Do you recall when that meeting in
25 Madison, Wisconsin, was, approximately?

1 A. About 1973.

2 Q. Do you recall why you had been
3 invited to make a presentation there?

4 A. I don't recall any specific
5 incident other than the general interest of
6 PCBs in public waters, primarily the Great
7 Lakes.

8 THE WITNESS: Is this a good time
9 for a break?

10 MR. SCHWARTZ-LEEPER: It certainly
11 is. Let's take a break.

12 THE WITNESS: Thank you.

13 (Recess)

14 MR. HUELSMAN: We're back on.

15 BY MR. SCHWARTZ-LEEPER:

16 Q. Mr. Papageorge, I think you
17 testified earlier that during the period from
18 1970 through February of 1976, you monitored
19 customers' practices relating to PCBs. Do
20 you recall that testimony?

21 A. I do recall it and I did.

22 Q. Did you monitor Universal's
23 practices relating to PCBs during that
24 period?

25 A. To a degree, yes.

1 Q. What did you do?

2 A. I did visit the plant in
3 Connecticut as part of a review of capacitor
4 manufacturers in the Northeast part of the
5 United States, and of course, I relied on the
6 Monsanto field salesmen to be my eyes and
7 ears and report back any observations he made
8 or any discussions he had held relating to
9 PCBs in the environment.

10 Q. How many times did you visit the
11 plant in Connecticut?

12 A. Just once.

13 Q. Do you recall who the Monsanto
14 field salesman was that you relied on?

15 A. Yes, sir.

16 Q. Who was that?

17 A. Randall, R-a-n-d-a-l-l, Graham,
18 G-r-a-h-a-m.

19 Q. Is Mr. Graham still employed by
20 Monsanto?

21 A. No, sir.

22 MR. SCHWARTZ-LEEPER: You must
23 rate if you get two, two microphones.

24 MR. HUELSMAN: The one might have
25 went out, so I just put both of them on.

1 MR. SCHWARTZ-LEEPER: Is there
2 some way we can check that to see if we lost
3 any testimony?

4 MR. HUELSMAN: Pardon me?

5 MR. SCHWARTZ-LEEPER: Is there
6 some way to check that is to see whether we
7 lost any testimony?

8 MR. HUELSMAN: We didn't lose any,
9 but I can take this bottom one off.

10 MR. SCHWARTZ-LEEPER: Okay.

11 BY MR. SCHWARTZ-LEEPER:

12 Q. Do you know where Mr. Graham is
13 now?

14 A. I do not.

15 Q. Do you recall when Mr. Graham was
16 last employed by Monsanto?

17 A. About 1972.

18 Q. Did you rely on anyone else to
19 report back concerning observations they had
20 made or discussions that they had had with
21 Universal personnel concerning their
22 practices relating to PCBs?

23 A. Yes, I relied on the Monsanto
24 representative who replaced Mr. Graham in
25 that area, Mr. Alley. I also relied on

1 Monsanto individuals in the St. Louis area
2 who were involved in the marketing and
3 marketing services of electrical fluids
4 containing PCBs.

5 Q. Anyone else?

6 A. I don't recall any other names.
7 There may well have been one, one or two
8 more.

9 Q. Do you recall what Mr. Alley's
10 first name was?

11 A. James.

12 Q. Do you know whether he is still
13 employed by Monsanto?

14 A. I do not.

15 Q. Do you know where Mr. Alley is
16 today?

17 A. I do not know.

18 Q. With respect to Universal's
19 practices relating to PCBs, what did you rely
20 on the Monsanto individuals who were involved
21 in marketing and marketing services to do?

22 A. I expected them to, at the risk,
23 even, of being repetitious, to review the
24 knowledge that Monsanto had regarding all
25 facets of the PCB issue, analytical

1 techniques, animal testing, presence in the
2 environment, government agency activities
3 pertaining to PCBs. I expected them to be
4 another source of information for not only
5 Universal, all customers.

6 Q. Did the Monsanto individuals
7 involved in marketing and marketing services
8 of PCB products report to you any
9 observations or discussions that they had had
10 with Universal individuals?

11 A. Yes, on occasion, yes.

12 Q. I believe you testified earlier
13 that one of your responsibilities during the
14 period from 1970 through February of 1976 was
15 to monitor Monsanto's PCBs customers
16 practices relating to PCBs. Do you recall
17 that testimony?

18 A. Yes.

19 Q. I believe you also testified that
20 as an example of such practices, one was to
21 make certain that the liquid didn't just flow
22 on the department floor and down in the
23 sewer. Did you ever tell Universal during
24 that period that they should make certain
25 that PCB liquid didn't just flow on to their

1 facilities' floors or down sewers at their
2 facility?

3 A. Yes, definitely.

4 Q. Do you recall when the first time
5 would have been that you told Universal
6 personnel that?

7 A. That I, personally, told them?

8 Q. Yes, sir.

9 A. I know I spoke to Mr. Clark about
10 this. I'm having trouble recalling the
11 timing. For sure, I told the group of
12 Universal representatives that I met in
13 Connecticut, Bridgeport plant, in June of
14 1970. I don't recall if I had told, if I
15 told Mr. Clark before that. It's possible I
16 did, but I don't remember exactly when.

17 Q. Do you know whether anyone else at
18 Monsanto had told anyone at Universal prior
19 to that that they should not permit PCB
20 liquid to flow on to the plant's floors at
21 Bridgeport?

22 A. I have the understanding that Mr.
23 Graham covered that subject as a result of a
24 letter that went out in February of 1970 in
25 which the presence of PCBs in the environment

1 was reported and also as a result of a new
2 label that was affixed to the containers of
3 PCB fluids which was instituted in about May
4 of 1970.

5 Q. I believe you testified that it's
6 your understanding that Mr. Graham had told
7 Universal personnel. What's your
8 understanding based on?

9 A. Mr. Graham was informed that we
10 were embarking on a program of informing
11 customers to keep PCBs from getting into the
12 environment, that we were going to do this
13 via mailing, as well as labeling, but he
14 didn't have to wait for those to happen.
15 There -- when he called on the customers to
16 inform them that such a message was coming
17 their way and that they should review their
18 operations and assure themselves that PCBs
19 were not going down the sewer, or up the
20 stack, or anywhere else where they shouldn't
21 be, that was the instruction that was passed
22 on to Mr. Graham, and that was his
23 assignment. That's his job.

24 Q. Do you have any reason to believe
25 that Mr. Graham did not pass that information

1 on to Universal?

2 A. I have absolutely no reason to
3 believe that.

4 Q. Do you have any particular --

5 A. In fact, --

6 Q. Excuse me.

7 A. In fact, I would, knowing Mr.
8 Graham, I would suggest that he did it
9 immediately.

10 Q. Given that as far as I'm aware,
11 nobody else in this case is a chemical
12 engineer, could you describe as best you can
13 in terms comprehensible to a layman what a
14 polychlorinated biphenyl is?

15 A. I can start or I can try.

16 Q. Give it your best shot, please.

17 A. The polychlorinated biphenyls, in
18 discussions of this type were industrial
19 materials, and they were in a liquid form
20 that looked very much, at least in the pure
21 state, like baby oil, if you can picture
22 that. Some of them were more free-flowing,
23 and some of them were a little thicker, like
24 molasses in January, but that's the physical
25 description of them. They were never pure

1 chemicals. They were mixtures of a family of
2 chemicals. They were never sold as a pure
3 chemical. This is a mixture that has these
4 properties is the way the material was
5 described. They are made from two common
6 materials, and I believe that they're common
7 materials, I think most of us have heard of
8 benzene. I suppose the most popular place
9 benzene is found today is in gasoline, it's
10 one of the ingredients. It's described by
11 the chemists graphically on paper by a, a
12 hexagon-shape configuration. At each corner
13 of this hexagon is located a carbon. These
14 carbons are connected to form this hexagon.
15 In addition to the carbon, there is attached
16 to it a hydrogen, so you have six carbons
17 associated with six hydrogens. That is
18 called benzene, and benzene, under normal
19 conditions, is a liquid, looks very much like
20 gasoline. When this benzene is exposed to
21 high temperatures, glowing, red-hot metal
22 kind of temperature, and high pressure, two
23 of these hexagons join, and I call it nose to
24 nose, a carbon to a carbon. That joining
25 forms the biphenyl, so you now have twelve

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1 carbons with ten hydrogens; biphenyl.

2 Now, biphenyl, under normal
3 conditions, is, it's a white solid, looks
4 very much like white candle wax. The
5 biphenyl is heated to melt it back to the
6 liquid form, and into it is introduced
7 chlorine. Now, the chlorine, many of us may
8 be familiar with in terms of chlorine used in
9 swimming pool sanitation or disinfection, you
10 bubble the chlorine through the biphenyl. As
11 the chlorine goes through, it randomly chases
12 away one of the hydrogens and replaces it, so
13 instead of a carbon hydrogen, you now have a
14 carbon and chlorine combination around this
15 double hexagon configuration, so you can see
16 that you can have as much as one chlorine on
17 this configuration up to ten chlorines. The
18 amount of chlorine that affixes itself to
19 this biphenyl is dependent on the time of
20 exposure. The longer you bubble chlorine,
21 the more chlorine hooks on.

22 In the manufacture of PCBs, from
23 experience, it is known that for a given
24 amount of biphenyl, you bubble chlorine at a
25 given rate for so many hours and you should

1 have the mixture you are looking for.

2 The mixture can range, say, from a
3 two-chlorine type to a five chlorine type,
4 all within the same pot. That mixture then
5 is distilled, and by distilling, what I'm
6 talking about is applying enough heat so that
7 the material that is desired boils off as a
8 vapor, it is cooled down to a liquid and
9 collected, and that's what's sold as a PCB.
10 The undesirables end up as a black tar that
11 looks very much like road tar. I know I've
12 talked a lot. I don't know if I answered
13 your question, but does that help?

14 Q. I think you have. It does help.

15 What is a chlorinated hydrocarbon?
16 Have you, in the course of your past answer,
17 just described what a chlorinated hydrocarbon
18 is?

19 A. A chlorinated hydrocarbon, that
20 expression is used to describe a very large
21 family of chemicals that consist of
22 carbon-type products that are treated in such
23 a way that chlorine is attached. The PCB is
24 a member of that family, because we started,
25 remember, with carbon and added chlorine.

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1 Another, used to be popular, you may have
2 heard of carbon tetrachloride. That's the
3 single carbon with four chlorines attached.
4 That used to be popular as a dry cleaning
5 fluid and a spot remover, and so on, until it
6 was found to be harmful.

7 Chloroform is another form of
8 chlorinated hydrocarbon. Chloroform has got
9 three chlorines but one hydrogen. That other
10 hydrogen wasn't pushed out of the way by a
11 chlorine. Chloroform was used in the early
12 days as a, as an anesthetizer, anesthetic.

13 Another popular one that you may
14 have heard of is perchlorethylene, which is
15 two carbons loaded with chlorine, that's used
16 in the dry cleaning business.

17 Q. That's the only one you've got so
18 far that I haven't heard of, but I think you
19 answered one of my other questions, which was
20 whether or not a polychlorinated biphenyl is
21 a chlorinated hydrocarbon.

22 A. It is, definitely.

23 Q. Have you heard the term askarel?

24 A. Yes.

25 Q. What is an askarel?

1 A. An askarel, well, the word
2 "askarel" is a generic term. It's not a
3 trademark, it's a generic term used by the
4 electrical equipment industry to describe a
5 fluid used in that electrical equipment that
6 is fire resistant, and of course, for
7 decades, the only proven one was the type
8 that contained PCBs, but the word "askarel,"
9 in itself, is not necessarily limited to the
10 PCB type.

11 Q. You've heard of products sold
12 using the trade name Aroclor.

13 A. I have.

14 Q. Okay. Does the term Aroclor have
15 any meaning other than as a trade name?

16 MS. SOBEL: Objection. Can you
17 rephrase the question for the record?

18 BY MR. SCHWARTZ-LEEPER:

19 Q. Do you understand the question?

20 A. I think I do. Does it have any
21 other meaning other than the trade name.

22 Q. Yes, sir.

23 A. I think I understand your
24 question. It is a trade name, it's a
25 Monsanto trade name --

1 MS. SOBEL: That's what you should
2 have asked --

3 A. To describe chlorinated
4 hydrocarbons that Monsanto manufactured.

5 BY MR. SCHWARTZ-LEEPER:

6 Q. Aside from that use as a trade
7 name, does the term "Aroclor," does the term
8 "Aroclor" refer to anything else?

9 A. Not that I'm aware of.

10 Q. Could you identify the products
11 sold by Monsanto using the trade name
12 Aroclor?

13 A. Identify them in what way?

14 Q. Were different products sold by
15 Monsanto using that trade name?

16 A. Yes.

17 Q. Which products?

18 A. I'll have difficulty remembering
19 them all. They were designated using the
20 expression "Aroclor" followed by a number,
21 four-digit number. There was a 1200 series
22 that defined the PCB group, a 5000 series
23 that defined the chlorinated terphenyl group,
24 and there was a 4000 series that defined the
25 mixtures of the two.

1 Q. What does the, what do the last
2 two digits of the numerical designation
3 following the trade name indicate?

4 A. Except for one case, they
5 designate, those two digits represent the
6 percent on a weight basis of chlorine present
7 in that mixture, so when you see a number
8 like 42, that's 42 percent of that material,
9 as weighed, is chlorine.

10 Q. You said except for one exception.
11 What's that exception?

12 A. There was a product sold with
13 Aroclor trademark called Aroclor 1016. That
14 16 and the 10 do not fit the previous
15 description I gave you. It has no
16 significance whatever in determining or
17 describing the product.

18 Q. Did Aroclor 1016 contain PCBs?

19 A. Yes.

20 Q. When did Monsanto begin marketing
21 Aroclor 1016?

22 A. 1971.

23 Q. Had Monsanto been marketing
24 Aroclor products containing PCBs prior to
25 that?

1 A. Certainly.

2 Q. Does Monsanto still market
3 products under the Aroclor trade name?

4 A. No.

5 Q. When did Monsanto stop marketing
6 products that used the Aroclor trade name?

7 A. 1977.

8 Q. Did Monsanto produce other
9 products containing PCBs?

10 A. When?

11 Q. Prior to 1977.

12 A. Yes.

13 Q. Okay, what other products did
14 Monsanto produce that contained PCBs?

15 MR. DAVIDSON: David, let me
16 interject, here, that it seems to me that
17 we're getting kind of far afield of the
18 designated areas of testimony that you've
19 asked for. I realize you need to get some
20 background on Mr. Papageorge's involvement
21 with the company, but as I understand it,
22 your case involves, basically, mostly a
23 dielectric fluids and some Pydraul fluid or
24 hydraulic fluid, so I'm just questioning
25 whether we're getting a little far afield of

1 the relevant information that you need to
2 get.

3 MR. SCHWARTZ-LEEPER: Some of this
4 is, by nature of background. I don't know
5 that it goes beyond what we've designated as
6 matters for testimony today.

7 As far as what Monsanto produced
8 in the way of PCB products, so far we have no
9 testimony indicating what Universal may have
10 purchased from Monsanto that contained PCBs
11 if, in fact, they used it as hydraulic
12 fluids, and I think we'll be getting to that.
13 I think I am getting to that.

14 MR. DAVIDSON: Well, but you've
15 asked a fairly broad question and it seems to
16 me to be asking for a lot of information
17 about products and product uses that couldn't
18 possibly be involved.

19 MR. SCHWARTZ-LEEPER: We don't
20 know that yet, and that's why I'm asking
21 these questions.

22 MR. DAVIDSON: All right, I would
23 ask you to focus in a little more on the
24 products it is that you are going to be
25 concerned about and not --

1 MR. SCHWARTZ-LEEPER: That's what
2 we were attempting to do.

3 MR. DAVIDSON: Okay.

4 BY MR. SCHWARTZ-LEEPER:

5 Q. Let me ask it this way, Mr.
6 Papageorge. Did Monsanto produce a product
7 using the trade name Pydraul that contained
8 PCBs?

9 A. Yes.

10 Q. Did Monsanto produce a product
11 using the trade name Therminol that
12 produced -- or, that contained PCBs?

13 A. Yes.

14 Q. How many manufacturers of PCBs
15 were there in the United States prior to
16 1977?

17 A. I'm aware of only one. I had
18 received reports that others were involved,
19 but I was never able to confirm it.

20 Q. Who was the one that you were
21 aware of?

22 A. Monsanto.

23 Q. Have there been other suppliers of
24 products containing PCBs used as dielectric
25 fluids outside of the United States?

1 A. Yes.

2 Q. Do you recall who some of those
3 were?

4 A. Yes.

5 Q. Could you give me some examples?

6 A. There's the chemical company in
7 Germany that I'm going to refer to as the
8 Bayer, B-a-y-e-r, Company. That is not its
9 official long-term designation. There's
10 Rhome-Poulenc, P-o-u-e-l-n-c (sic), in
11 France; Cafarro, C-a-f-a-r-r-o, in Italy;
12 Slick, S-l-i-c-k, in Spain, there's another
13 one in France that the name escapes me at the
14 moment. There's the Kannegafuchi in Japan,
15 and I understand there were manufacturers in
16 Czechoslovakia and in the USSR.

17 Q. Have you heard of a dielectric
18 fluid that was sold under the trade name
19 Kannechlor?

20 A. Yes, I am.

21 Q. Who manufactured that?

22 A. Kannegafuchi Company in Japan.

23 Q. Do you know whether that product
24 was ever supplied to customers in the United
25 States?

1 A. Not to my knowledge.

2 Q. Did that product contain PCBs?

3 A. Yes, sir.

4 Q. Do any of the manufacturers you've
5 just named supply customers with PCB products
6 in the United States today?

7 A. Today?

8 Q. Yes, sir.

9 A. I, I don't know.

10 Q. What characteristics of Monsanto's
11 Aroclor products led them to be used as
12 dielectric fluids?

13 A. The two principal characteristics
14 were their excellent nonelectrical
15 conductivity properties. They were good
16 liquid insulators. They were very stable
17 materials that could withstand the heat and
18 stresses that occur in the electrical
19 equipment without deteriorating, still
20 performing the, the function they were
21 intended to perform, and I suggest that most
22 importantly is that they were resistant to
23 any fires that could result from a system
24 upset.

25 Q. Earlier, I believe you testified

1 that at the Sauget plant, that facility was
2 used to manufacture chemicals and that that
3 plant had hydraulic systems, heat transfer
4 systems. Did the hydraulic systems use a
5 hydraulic fluid?

6 A. Yes, sir.

7 Q. What does a hydraulic fluid do?

8 A. Well, of course, it depends on the
9 application. For example, in your car, when
10 you press the brake pedal, the hydraulic
11 fluid is energized and applies pressure on
12 the brake system, to allow the closing and
13 opening of the devices that form the braking
14 action, so it's -- the fluid is used, really,
15 as a means of transmitting the energy from
16 one point of initiation to the point of
17 application.

18 Q. Does it have any application in
19 pumps used in manufacturing processes?

20 MS. SOBEL: Objection. Could you
21 try and be more specific, please?

22 MR. SCHWARTZ-LEEPER: I don't
23 think I can.

24 BY MR. SCHWARTZ-LEEPER:

25 Q. If you can, answer the question.

1 A. You said application in pumps.
2 The only association I can describe is that
3 the pump is used to give this hydraulic fluid
4 the energy that it needs to perform the duty
5 it was designed for.

6 Q. Was Monsanto's Pydraul product a
7 hydraulic fluid?

8 A. Yes.

9 Q. What does a heat transfer fluid
10 do?

11 A. Heat transfer fluid is used to
12 transfer heat from the source, whether it be
13 a gas flame, cold flame or what have you, to
14 the point of use.

15 Q. Were Monsanto's Therminol products
16 heat transfer fluids?

17 A. Yes.

18 Q. Earlier, you testified that while
19 you were at Monsanto's Anniston, Alabama,
20 plant, Universal Manufacturing Corporation
21 was a customer of PCB materials that were
22 shipped out of that plant. Do you recall
23 what materials those were?

24 A. Certainly, Aroclor 1242 and a
25 little bit of Aroclor 1254.

1 Q. Do you know whether Universal
2 Manufacturing purchased other Aroclor
3 products from Monsanto?

4 A. Yes, they purchased a Pydraul.

5 Q. Do you know whether Universal
6 purchased Aroclor 1016 at any time?

7 A. I'm sorry, yes, 1016, but that was
8 not out of the Anniston Plant.

9 Q. Okay. When you answered that
10 Universal purchased Pydraul, you were
11 referring to Pydraul that was produced in the
12 Anniston Plant and sent to them during the
13 time that you were there?

14 A. No. No, no, no.

15 Q. Okay, I just wanted to --

16 A. You asked me what materials out of
17 the Anniston Plant. The only materials was
18 Aroclor 1242 and 1254. Other PCB materials
19 were purchased by Universal but they did not
20 originate at the Anniston Plant.

21 Q. Do you have some understanding of
22 what Universal used Aroclor for?

23 A. I believe I do.

24 Q. What's your understanding?

25 A. They used the Aroclor 1242 and its

1 successor, Aroclor 1016, in the manufacture
2 of electrical capacitors. They used Aroclor
3 1254 as a fluid in their vacuum pumps they
4 had at the site.

5 Q. Do you have an understanding of
6 what Universal used Pydraul for?

7 A. I have an understanding but I
8 don't know how accurate it is. A compressor
9 application, is my understanding.

10 Q. Okay, what is your understanding
11 based on?

12 A. Some discussions that I remember
13 having with Mr. Clark. At least, that's my
14 recollection after twenty years.

15 Q. Have you heard Universal
16 Manufacturing Corporation referred to as
17 Electronic Components, Incorporated?

18 A. Yes, I have.

19 Q. Do you have some understanding
20 that those are one and the same company?

21 A. That was my understanding. I
22 thought of them as the same.

23 Q. Beside from -- do you what
24 position Mr. Clark held with Universal?

25 A. What -- I don't recall his exact

1 title. General manager, or -- it was a --
2 from my perspective, Mr. Clark represented
3 the top man insofar as PCBs and capacitors
4 were concerned. That's the way I perceived
5 the man.

6 Q. How did you come to know Mr.
7 Clark?

8 A. He was, of course, introduced to
9 me by our Monsanto marketing representatives,
10 and I'm trying to recall the first place I
11 met him and I'm having some difficulty. I
12 believe it was in early 1970, with a group of
13 representatives of other companies that used
14 PCBs in electrical equipment, and as best I
15 recall, it was under the informal auspices of
16 the National Electrical Manufacturers
17 Association, NEMA. It was an informal
18 gathering and this is where I met Mr. Clark
19 and others.

20 Q. Do you recall the names of any
21 other employees or representatives of
22 Universal?

23 A. No, I don't. I have a hard time
24 remembering those names. Mr. Clark was so
25 dominant, that --

1 Q. Okay, let me try some names out on
2 you. Do you recall an individual names Glenn
3 Rayno?

4 A. I don't recall him, but I have to
5 tell you I saw their names yesterday on some
6 papers. I just don't recall them as
7 individuals that I talked to and so on,
8 although I do know that I did talk to some of
9 them and wrote to some of them.

10 Q. Do you recall an individual named
11 Paul Einhorn?

12 A. I recall Mr. Einhorn; I don't
13 believe I ever met Mr. Einhorn. I have seen
14 his name in print. I don't recall meeting
15 him.

16 Q. Do you remember the time period
17 during which Universal purchased Aroclor
18 products from Monsanto?

19 A. I don't recall the initial
20 purchase dates. I do know they were buying
21 them in the Sixties and discontinued buying
22 them when Monsanto stopped manufacturing in
23 '77. That is as close as I can get to the
24 timing.

25 Q. Just to back up for one second, do

1 you have some understanding as to who Mr.
2 Einhorn was?

3 A. Yeah, it's my understanding he was
4 the president of the company, or way up. He
5 was above Mr. Clark.

6 Q. In Universal?

7 A. In Universal.

8 Q. Do you know whether Universal
9 purchased any Therminol products from
10 Monsanto?

11 A. I'm not aware of any.

12 Q. Do you recall the time period
13 during which Universal purchased Pydraul
14 products from Monsanto?

15 A. Not specifically. It's still,
16 again, the Sixties and Seventies is as close
17 as I can get.

18 MR. SCHWARTZ-LEEPER: I'm asking
19 the reporter to mark as Papageorge Exhibit 1
20 a one-page document bearing the production
21 number FRL 001831, dated May 16th, 1963, and
22 titled "Toxicity and Safe Handling of Pydraul
23 150."

24 (Papageorge Deposition

25 Exhibit 1 marked for

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1 identification.)

2 BY MR. SCHWARTZ-LEEPER:

3 Q. Mr. Papageorge, I'm handing you
4 what we have had marked for identification as
5 Papageorge Exhibit 1. I'd like to ask you to
6 review that document and let me know when
7 you've had an opportunity to review it.

8 (Witness peruses said
9 document.)

10 A. I have reviewed it.

11 Q. Was R. Emmett Kelly, M.D., the
12 medical director of Monsanto Chemical Company
13 in 1963?

14 A. He was.

15 Q. Do you know why Dr. Kelly wrote
16 this one-page document?

17 A. Well, this was, this was typical
18 of every product Monsanto makes: There's a
19 sheet similar to this, signed by Dr. Kelly
20 from his department.

21 Q. What's the purpose of documents
22 such as these?

23 A. This is to communicate to the user
24 of the Monsanto product what Monsanto knows
25 about it in terms of its toxicity and

1 contains suggestions on how to handle it
2 safely.

3 Q. I'd like to direct your attention
4 to the fourth paragraph of the exhibit, the
5 one that begins, "based on the animal
6 toxicity data and handling experience," you
7 see that?

8 A. I see that.

9 Q. There is a reference than
10 paragraph to "our label." What is the label
11 that Dr. Kelly is referring to?

12 A. This is the label that is affixed
13 to the containers of the product, in this
14 case, Pydraul 150.

15 Q. In this document, Mr. Kelly states
16 that "Our label includes the following
17 precautionary information," and following
18 that, in capital letters, it reads, "Caution:
19 Contains Chlorinated Hydrocarbons." Did
20 the -- did Monsanto affix this type of label
21 to all of its chlorinated hydrocarbon
22 products during this time?

23 A. I can only speak for the
24 chlorinated hydrocarbons I was familiar and
25 involved with and I would say yes. I don't

1 know if other chlorinated hydrocarbons with
2 which I had no involvement had the same
3 label. I can't speak for them.

4 Q. Would or did Monsanto's Aroclor
5 products bear a label such as this?

6 A. This identical label, identical
7 wording.

8 Q. Aside from this type of label, did
9 Monsanto provide the same precautionary
10 information in some other form?

11 A. Yes.

12 Q. How would they provide, how did
13 Monsanto provide that information? I'm
14 referring to the time period around 1963,
15 now.

16 A. Yes. There were product bulletins
17 which contained sections on toxicity and safe
18 handling that contained this kind of
19 information, probably a little more elaborate
20 in form, a little more detail.

21 Q. Were product bulletins of the kind
22 you just described sent to Monsanto's
23 customers for its Aroclor products?

24 A. Yes, sir.

25 Q. In 1963?

1 A. Yes, sir.

2 MR. SCHWARTZ-LEEPER: We'll set
3 Exhibit 1 aside.

4 I'd like to ask the reporter to
5 mark as Papageorge Exhibit Number 2 a
6 four-page document bearing the production
7 numbers FRL 001840 through FRL 001843,
8 consecutively. Appears to be on Monsanto
9 Company letterhead and is dated March 3rd,
10 1969.

11 (Papageorge Deposition
12 Exhibit 2 marked for
13 identification.)

14 BY MR. SCHWARTZ-LEEPER:

15 Q. Mr. Papageorge, I'm handing you
16 what we've had marked for identification as
17 Papageorge Exhibit Number 2. I'd like to
18 give you an opportunity to review that
19 document, and please indicate me -- indicate
20 to me when you have finished your review.

21 (Witness peruses said
22 document.)

23 A. I have reviewed the document.

24 Q. Have you seen this document
25 before, sir?

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1 A. Yes, I have.

2 Q. Can you tell me what it is?

3 A. This is a, a copy of a letter from
4 Monsanto to customers of PCBs, informing them
5 as of the date of this letter, which is March
6 3rd, 1969, of the knowledge that Monsanto had
7 regarding PCBs and presence in the
8 environment.

9 Q. Was this letter sent to Mr. Ray
10 Clark?

11 A. It was.

12 Q. And how do you know that?

13 A. ! A. Well, two ways. First of
14 all, there's a copy of his -- of the sheet on
15 which Mr. Clark's name appears as one of the
16 recipients of this letter, and the other is
17 that I have personal knowledge that Mr. Clark
18 and his company were on a master list of
19 Monsanto's customers of PCBs.

20 Q. Are Monsanto's Aroclor products
21 water soluble?

22 A. No. Well, it depends on your
23 definition, sir, of -- they are very
24 insoluble, but with modern days of analytical
25 methodology, they can be detected in the

1 parts per billion range.

2 Q. Okay. I think I understand the
3 limitations on your answer. I'd like to
4 direct your attention to the second page of
5 what we've had marked as Exhibit 2, the third
6 paragraph in particular on that page,
7 contains a sentence which reads,
8 "polychlorinated biphenyls are stable
9 chemical compounds which are essentially
10 insoluble in water."

11 Is that basically a true
12 statement?

13 A. Yes, it is.

14 Q. If one of Monsanto's Aroclor
15 products containing PCBs is placed on a wood
16 surface, will the wood absorb the Aroclor
17 product?

18 A. Yes. I hesitate because I don't
19 know how deep the penetration will be,
20 depending on the density of the wood, the
21 presence of moisture in the wood, other
22 materials, but there will be some penetration
23 into the wood, yes.

24 Q. With respect to the Aroclor which
25 is absorbed by the wood, is it possible to

1 wash that Aroclor out of the wood using only
2 water?

3 A. I would suggest no, for all
4 practical purposes.

5 Q. Can you wash that Aroclor out of
6 the wood by swabbing the wood with a sponge
7 in water?

8 A. Only if the Aroclor or PCB is on
9 the surface. If it's penetrated, it becomes
10 more difficult.

11 MR. HUELSMAN: I have to change
12 tapes.

13 MR. SCHWARTZ-LEEPER: Do you want
14 to announce this is the end of tape one?

15 MR. HUELSMAN: It's flashing right
16 now.

17 This is the end of tape 1.

18 (Pause, to change videotapes)

19 BY MR. SCHWARTZ-LEEPER:

20 Q. Mr. Papageorge, we were just
21 talking about placing an Aroclor product on a
22 wood surface, and if that Aroclor were
23 absorbed into the wood, whether it could be
24 removed from the wood using just water, and
25 then whether it could be removed from the

1 wood using a sponge and water. Could you
2 remove the absorbed Aroclor from the wood
3 using a mop and water?

4 MS. SOBEL: David, I'm going to
5 object here, because your questioning is very
6 general and you are posing hypothetical
7 questions calling for speculation on the part
8 of the witness without knowing the specific
9 density or anything like that of the wood.

10 BY MR. SCHWARTZ-LEEPER:

11 Q. Can you answer the question as
12 posed, Mr. Papageorge?

13 A. I can answer.

14 Q. What would your answer be?

15 A. Since PCBs are not soluble in
16 water, using just a water flow or even an
17 abrasive action with a sponge or a mop, there
18 just is no way to encourage that PCB to
19 transfer to the water phase. It will remain
20 in place.

21 Q. I'd like to direct your attention
22 again to Exhibit 2. Do you recall whether
23 Monsanto received any response from Mr. Clark
24 or anyone else at electronic components to
25 Mr. Wheeler's letter?

1 A. Certainly.

2 Q. Do you recall what that response
3 was?

4 A. Mr. Clark, along with others who
5 received this, called their normal contacts
6 within Monsanto to inquire for more details
7 and to propose more dialogue between Monsanto
8 and the customers.

9 Q. I'd like to direct your attention
10 to the second-to-last paragraph of the
11 letter, which is on the page bearing the
12 production number FRL 1842. It's the
13 paragraph that begins, "Additionally,
14 Monsanto will continue to exercise --" Do you
15 see that?

16 A. I do.

17 Q. Actually, let me read the whole
18 sentence because I want to ask you a question
19 or two about that sentence. It says,
20 "Monsanto will continue to exercise the
21 highest degree of control in its
22 manufacturing, shipping and storage of PCB --
23 as we do with all products." What did
24 Monsanto do to exercise the highest degree of
25 control in shipping PCBs in 1969?

1 A. Well, that covers many types of
2 activities and inspections, and the like. It
3 starts with the selection of the proper
4 container, and by proper container, I've used
5 as an example a steel drum with the proper
6 steel thickness, the proper gasketing
7 material where the sides meet the bottom and
8 the top. It involves the selection of the
9 right tank trucks, and by "right," I'm
10 talking here, again, about the right
11 structure of the vehicle in terms of its
12 flanges, and its valves, and its pipelines
13 that are associated with it, the use of the
14 right kinds of hoses, tank cars again, they
15 must be, of course, all of these must be road
16 worthy. They can't use broken-down tank cars
17 to ship this, these kinds of materials. It
18 involves the presence of the right kinds of
19 accessories to the tank car to help with the
20 various unloading conditions that are present
21 at each of the customers.

22 Q. Let me stop you right there. What
23 kind of accessories are you referring to?

24 A. Well, for example, a, an
25 opportunity to attach a pipe or hose to the

1 bottom of the car, and that the valve that
2 keeps the contents from coming out the bottom
3 is a reliable valve that can withstand a lot
4 of, a lot of service, or, or it also involves
5 the presence at the top of the car, at the
6 dome, the proper kind of cover that is
7 clamped shut so it can take miles and miles
8 of rough railroad movement, and even when
9 open, that there is in some cases the
10 availability of a, of a, of a valve and the
11 necessary piping so that the customer, who
12 does not have a pump, can use gas or air to
13 push the material out of the car, and
14 preferably that removal of the material is
15 not done out of the bottom of the car but
16 preferably out the top. In case there's a, a
17 break in the system, it don't lose the whole
18 car on to the ground.

19 The use of heavy wall or heavy
20 steel ends on the car, in case there's, the
21 tank car is involved in a railroad collision
22 that it can withstand some collision, impact.

23 Q. Let me stop you again. Earlier,
24 and when I asked you about the accessories,
25 the first that you mentioned, I believe, was

1 the opportunity to attach a pipe or a hose to
2 the bottom of the tank car. Whose
3 responsibility was it to provide that pipe or
4 hose? Monsanto's responsibility or was it
5 the customer's responsibility?

6 A. It was -- it's the customer's
7 responsibility to provide that hose, but it's
8 Monsanto's responsibility to check that that
9 valve is functioning properly before it
10 leaves Monsanto's plant.

11 Q. You had mentioned earlier steel
12 drums as part of the selection of a proper
13 container. Could you describe those drums in
14 a little greater detail?

15 A. I don't know where to start,
16 frankly.

17 Q. What size drum is it we're talking
18 about?

19 A. These are 55-gallon containers or
20 32-gallon containers, or 5-gallon pails.
21 They are, the barrels are the typical types
22 that many of us have seen with the two ridges
23 around the sides of the steel drum and
24 because the PCBs are heavy liquids, it
25 requires a heavier steel than, say, a water

1 drum, and because PCBs do tend to dissolve
2 many caulking materials, the material that is
3 used to seal that edge where the sides meets
4 the bottom must resist this, any softening
5 action by the contents of the barrel.

6 Q. To be road worthy, did such
7 containers -- I'm referring now to the steel
8 drums that you've described -- have to be
9 free of any holes or leaks?

10 A. Oh, certainly.

11 Q. The sentence that we were
12 referring to in Exhibit 2, in that
13 second-to-last paragraph, also refers to the
14 highest degree of control in Monsanto's
15 storage of PCBs. What did Monsanto do to
16 exercise the highest degree of control in
17 storing PCBs in 1969?

18 A. Well, there again, the material is
19 stored in tanks, vessels that are, of course,
20 checked for any leakage or weakness in their
21 structure. They are, of course, checked to
22 see that they are able to, I'm going to call
23 it breathe, so that when the material is
24 pumped into or out of it, the tank doesn't
25 either implode, collapse inward, or be put

1 under such strain when being filled that it
2 develops breaks or leaks anywhere in its its
3 makeup. So there, it's a case of a sturdy
4 enough tank to withstand a heavy material.

5 Q. Why did Monsanto take these steps
6 in shipping and storing PCBs?

7 MR. DAVIDSON: David, it seems to
8 me that the issue, here, involves what
9 Universal or other parts of Universal were
10 doing and not what Monsanto was doing or may
11 have done. The types of storage that we did
12 or the types of containers that we used.

13 MR. SCHWARTZ-LEEPER: We will be
14 getting to that within the next two
15 questions.

16 MR. DAVIDSON: Okay, well, I'm --

17 MR. SCHWARTZ-LEEPER: Just to let
18 you know, Gerard, what I'm doing is, I'd like
19 to have some sense from the sole supplier of
20 PCBs in the United States at this time what
21 it considered to be an adequate degree of
22 control in the shipping and storage of PCBs.

23 MR. DAVIDSON: Okay, well, I'm
24 concerned about the concentration on what we
25 did that doesn't appear to be connected to

1 what your adversary did or what Universal
2 did. If you want to question him about what
3 they did and what he knew about it, and how
4 it compared, fine, but you may be talking
5 about apples and oranges when you are talking
6 about storage of chemicals at a
7 chemical-producing plant, as opposed to a
8 plant that was manufacturing capacitors.

9 MR. SCHWARTZ-LEEPER: We may be
10 but if we are going to compare, we have to
11 have something to compare to.

12 MR. DAVIDSON: Well, you can ask
13 him by telling him what they were doing, or
14 what you understand they were doing, or what
15 he knows they were doing and ask him what he
16 thought of it.

17 MR. SCHWARTZ-LEEPER: Okay. Are
18 you instructing him not to answer my last
19 question?

20 MR. DAVIDSON: No, I'm not
21 instructing him not to answer.

22 MR. SCHWARTZ-LEEPER: Okay.

23 MR. DAVIDSON: But I mean, I want
24 to get on with it and I want to get this over
25 today.

1 MR. SCHWARTZ-LEEPER: We are doing
2 that.

3 MR. DAVIDSON: And I'm a little
4 concerned about the concentration on what
5 appears to be only Monsanto's conduct.

6 BY MR. SCHWARTZ-LEEPER:

7 Q. Having said that, Mr. Papageorge,
8 could you answer my last question?

9 A. I've forgotten the question.

10 MR. DAVIDSON: You can have it
11 repeated if you wish.

12 MR. SCHWARTZ-LEEPER: Could we
13 have the last question repeated, please?
14 Actually, let me just read it, because I
15 think I've got it.

16 BY MR. SCHWARTZ-LEEPER:

17 Q. Why did Monsanto take these steps
18 in shipping and storing PCBs?

19 A. These reflect the, the standard
20 kinds of practices that Monsanto followed for
21 its industrial chemicals. They're based on
22 the need to keep any of these industrial
23 chemicals from getting out into the air or
24 the ground. I don't know how else to explain
25 except that this is almost like breathing.

1 It's accepted as the normal standard in the
2 proper handling of chemicals, and the intent,
3 here, is don't have a leaky, sloppy tank,
4 don't have a tank car that leaks as it's on
5 its way to the customer, a drum that really
6 won't hold the contents of the material.
7 Keep it contained is the message, whether
8 it's PCBs, or rubber chemicals, or muriatic
9 acid or whatever the product is.

10 Q. Did Monsanto communicate that
11 message to its PCB customers in 1969?

12 A. I don't recall any specific effort
13 to convey that kind of message because that
14 was believed to be the way responsible
15 industry behaved.

16 Q. Subsequent to the March 3rd, 1969,
17 letter from Monsanto, did Monsanto
18 communicate to its PCB customers that they
19 should exercise the highest degree of control
20 in their storage of PCB products?

21 A. Yes.

22 Q. You can set Exhibit Number 2
23 aside.

24 MR. SCHWARTZ-LEEPER: I'd like to
25 ask the reporter to mark as Papageorge

1 Exhibit Number 3 a eight-page document
2 bearing the production numbers FRL 001844
3 through FRL 001851, and for the record, I
4 will describe the exhibit as consisting of
5 two pages, the first two pages which appear
6 to be a letter on Monsanto letterhead dated
7 February 9th, 1970, addressed to "Dear Sir"
8 and signed by Donald A. Olson, references an
9 attachment. I believe the attachment,
10 bearing the production numbers 14846 through
11 the end of the exhibit, consist of an article
12 from "Chemical Week" dated October 29th,
13 1969, heading appears to be "Environment."

14 (Papageorge Deposition
15 Exhibit 3 marked for
16 identification.)

17 BY MR. SCHWARTZ-LEEPER:

18 Q. Mr. Papageorge, I'm handing you
19 what we've had marked for identification as
20 Papageorge Exhibit Number 3. I'd like to ask
21 you to take whatever time you feel is
22 necessary to review that document to get
23 familiar with it.

24 I am going to ask you questions
25 only about the two-page letter at the

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1 beginning of the exhibit. Feel free to
2 review as much of it as you feel is necessary
3 to get comfortable with it.

4 (Witness peruses said
5 document.)

6 A. I have reviewed it and I'm
7 familiar with this letter.

8 Q. And how are you familiar with this
9 letter?

10 A. Oh, I was involved in drafting it,
11 and I was present when it was being mailed.

12 Q. Can you tell me what this letter
13 is?

14 A. This letter is Monsanto's attempt
15 to communicate to its customers on record of
16 PCB products the latest information Monsanto
17 had regarding the presence of PCBs in the
18 environment, and it also mentions in the
19 writing, in the letter, the products with
20 Monsanto trademarks that contained PCBs.

21 Q. Do you recognize that to be Mr.
22 Olson's signature on the second page of the
23 exhibit?

24 A. I do, yes.

25 Q. Do you know whether this letter

1 was sent to Universal Manufacturing
2 Corporation?

3 A. They -- no, not this particular
4 version. Ah, I'm sorry, let me think. Yes,
5 they did get this one, yeah.

6 Q. What are you thinking of that
7 leads you to answer that they did receive
8 this version of this letter?

9 A. Well, this particular version of
10 the letter was sent to customers of Pydraul,
11 Turbinol, Therminol, and as a customer of
12 Pydraul 150, Universal was on the mailing
13 list and did receive a copy.

14 Q. Is there another version of this
15 letter that was sent to Monsanto's Aroclor
16 customers?

17 A. There were several versions,
18 primarily differing in the last paragraphs,
19 last paragraph.

20 MS. SOBEL: David, I'm going to
21 object to the use of the word "receive," I
22 think you really mean to say "send" to
23 Universal.

24 BY MR. SCHWARTZ-LEEPER:

25 Q. Taking Counsel up on the

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1 suggestion, is your testimony any different?

2 A. Well, I know we sent it, and Mr.
3 Clark and I -- Mr. Clark indicated he had
4 received it, so --

5 Q. And you are referring to what
6 we've had marked as Exhibit 3?

7 A. And other versions.

8 Q. Okay. Do you recall approximately
9 when Mr. Clark indicated that he had received
10 this document or this letter?

11 A. Sometime before the summer of
12 1970, a few months after this.

13 Q. How did the last paragraph differ
14 in this version, the last paragraph in this
15 version differ from versions, or paragraphs
16 in other versions? It's inartfully put, but
17 if you can, answer that question.

18 A. I remember specifically the, the
19 one that went to the electrical equipment
20 customers in which there is reference, and I
21 don't recall the exact words, that "As
22 manufacturers of electrical equipment, you
23 use products such as," and it mention a few
24 trade names like Pyranol and Inerteen, which
25 are trademarks of other companies. There is

1 a specific reference to the electrical
2 application on those versions that went to
3 the electrical customers.

4 Q. I'd like to direct your attention
5 to the first sentence of the last paragraph
6 that we have here as Exhibit 3. That
7 sentence reads, "We feel that all possible
8 care should be taken in the application,
9 processing and effluent disposal of these
10 products to prevent them becoming
11 environmental contaminants." Was that
12 sentence included in the version sent to the
13 electrical equipment manufacturers?

14 A. Yes.

15 Q. Was that sentence included in
16 every version of this letter that was sent?

17 A. Yes.

18 MR. SCHWARTZ-LEEPER: Okay, you
19 can set Exhibit Number 3 aside.

20 I'm asking the reporter to mark as
21 Papageorge Exhibit Number 4 for
22 identification a two-page document bearing
23 the production numbers FRL 002052 and FRL
24 002053. It appears to be a letter on
25 Monsanto letterhead dated June 11, 1970.

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1 That is, that's the first page. Accompanying
2 that on the second page is a table with the
3 heading "Monsanto Company Regional Sales
4 Offices."

5 (Papageorge Deposition
6 Exhibit 4 marked for
7 identification.)

8 BY MR. SCHWARTZ-LEEPER:

9 Q. Mr. Papageorge, I'm handing you
10 what we've had marked for identification as
11 Papageorge Exhibit Number 4. I'd like to ask
12 you to review this exhibit and let me know
13 when you've finished with your review.

14 (Witness peruses said
15 document.)

16 A. I have reviewed it.

17 Q. Have you seen the letter that --
18 Excuse me. Let me just finish the
19 sentence, so we have a clear record.

20 Have you seen the letter that's
21 the first page of this exhibit?

22 A. I have.

23 Q. When have you seen that letter?

24 A. Well, I saw a draft of this before
25 it was mailed.

1 Q. Did you see the final signed
2 version of this letter?

3 A. Yes, I did.

4 Q. Did you see that final signed
5 version sometime shortly after June 11th,
6 1970?

7 A. On or about that date, yes, sir.

8 Q. Was N. T. Johnson Monsanto's
9 Marketing Manager For Industrial Fluids in
10 June of 1970?

11 A. He was.

12 Q. Do you recognize that to be Mr.
13 Johnson's signature on the first page of this
14 exhibit?

15 A. It is it is.

16 Q. The first sentence of this letter
17 reads, "In February, we advised you of the
18 newspaper and magazine articles indicating
19 that polychlorinated biphenyls," paren, all
20 caps, "(PCBs) have been discovered at some
21 points in submarine, aquatic and wildlife
22 environments and might be environmental
23 contaminants."

24 Is the reference to Monsanto
25 advising someone in February a reference to

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1 the letter that we have had marked as
2 Papageorge Exhibit 3?

3 A. To that letter or something very
4 similar.

5 Q. Okay. By June of 1970, was
6 Monsanto offering Pydraul products in which
7 the Aroclor components had been replaced by
8 new formulations?

9 A. Yes.

10 MR. SCHWARTZ-LEEPER: I think you
11 can set Exhibit Number 4 aside.

12 Off the record.

13 (Discussion off the record.)

14 MR. SCHWARTZ-LEEPER: Let's go
15 back on at this point.

16 I am asking the court reporter to
17 mark as Papageorge Exhibit Number 5, a
18 two-page document bearing the production
19 numbers FRL 002060 and FRL 002061. The first
20 page appears to be a memorandum on Monsanto
21 stationery from a C. L. Bradford - G. O.,
22 dated April 30th, 1971, subject is indicated
23 as PCB letter. It's followed by a series of
24 names as to whom this memorandum was sent.
25 There is also a fairly lengthy column of

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1 people who received copies or are shown as
2 having received copies.

3 The second page is a letter on
4 Monsanto letterhead dated April 15th, 1971,
5 addressed to "Dear Sir," signed by someone
6 identified as C. Larry Bradford, Product
7 Manager, Hydraulics and Lubricants.

8 (Papageorge Deposition
9 Exhibit 5 marked for
10 identification.)

11 BY MR. SCHWARTZ-LEEPER:

12 Q. Mr. Papageorge, I'm handing you
13 what we've had marked as Papageorge Exhibit 5
14 for identification, and I'd like to ask you
15 to take whatever time you feel is necessary
16 to review that document and familiarize
17 yourself with it.

18 (Witness peruses said
19 document.)

20 A. I have reviewed it.

21 Q. Mr. Papageorge, have you seen
22 either the memorandum that comprises the
23 first page of this exhibit, or the letter
24 that comprises the second page of this
25 exhibit?

1 A. I have seen it before, yes, sir.

2 Q. Have you seen both pages of this
3 exhibit?

4 A. Yes, sir.

5 Q. On the April 30th memorandum, it
6 is stated that "The attached letter was sent
7 out to all known Pydraul customers on April
8 15, 1971." The attached letter is a
9 reference to the second page of this exhibit?

10 A. It is.

11 Q. Do you know whether Universal
12 Manufacturing Corporation received a copy of
13 the April 15, 1971, letter which comprises
14 the second page of this exhibit?

15 A. Yes, they did.

16 Q. How do you know that?

17 A. Because I, at the time, knew who
18 was on their list of customers of Pydrauls
19 and I knew that list was used to mail letters
20 of this type for general mailing.

21 Q. I'd like to direct your attention
22 to the first sentence of the April 15th,
23 1971, letter. It states, "Over the past year
24 or so, we have written you several letters
25 concerning polychlorinated biphenyls and have

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1 urged that care be taken to prevent the
2 escape of hydraulic fluids containing PCBs
3 into the environment."

4 The reference to several letters
5 include -- does the reference to several
6 letters in this sentence include the letters
7 that we have looked at as Exhibits 3 and 4?

8 A. Yes.

9 Q. Are there other letters that are
10 included in that reference that we have not
11 marked as exhibits?

12 A. There could be. It's been so long
13 and so many letters did go out, that I --
14 there could well be other letters that went
15 out in that period of time.

16 MR. SCHWARTZ-LEEPER: Okay, you
17 can set that exhibit aside.

18 I'm asking the reporter to mark as
19 Papageorge Exhibit Number 6 for
20 identification a three-page document bearing
21 the production numbers FRL 001862 through FRL
22 001864. The first two pages of the exhibit
23 appear to be a letter on Monsanto letterhead
24 dated August 6th, 1970, bearing the signature
25 of Paul G. Benignus. The third page of the

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1 exhibit consists of a document entitled
2 "Recipients of P. G. Benignus newsletter
3 dated August 6, 1970, are as follows."

4 (Papageorge Deposition
5 Exhibit 6 marked for
6 identification.)

7 BY MR. SCHWARTZ-LEEPER:

8 Q. Mr. Papageorge, I'm handing you
9 what we've had marked for identification as
10 Papageorge Exhibit 6. I'd like to ask you to
11 review that document and let me know when you
12 have finished your review.

13 (Witness peruses said
14 document.)

15 A. I have reviewed it.

16 Q. Mr. Papageorge, have you seen what
17 we've had marked as Exhibit 6 before?

18 A. Yes, I have.

19 Q. Can you tell me what it is?

20 A. This is a copy of a letter that
21 Mr. Benignus, who was the Marketing Manager
22 For Dielectric Fluids at that time, sent to
23 his customers who manufactured capacitors
24 using PCB fluids, informing them that a
25 modified PCB was available in test

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1 quantities, that some of this material was
2 being sent to each of the customers so that
3 they could evaluate it to determine if it was
4 suitable for their production needs.

5 Q. Do you know whether a copy of Mr.
6 Benignus' August 6, 1970, letter was sent to
7 Universal Manufacturing Corporation?

8 A. It was.

9 Q. How do you know that?

10 A. Well, the third sheet in this
11 exhibit is a copy of the recipients of this
12 letter, and Mr. Clark and Electronic
13 Components are listed.

14 Q. Was it Mr. Benignus's practice to
15 attach a list of recipients to letters such
16 as this that he sent to his customers?

17 A. Oh, no.

18 Q. Was it a practice of Monsanto?

19 A. No.

20 Q. Do you know why Mr. Benignus would
21 have attached a list of recipients of this
22 letter to this exhibit?

23 A. This, this third page is not part
24 of the original mailing. This third page is
25 apparently produced for legal purposes, here.

1 Q. Okay, I think I may have
2 misphrased my question. I apologize for
3 that. Was it the practice of Monsanto in the
4 ordinary course of its business to keep a
5 list of recipients of letters that were sent
6 by Monsanto such as what we've had marked as
7 Exhibit 12346?

8 A. Oh, certainly, yes.

9 Q. What is the modified PCB that you
10 were referring to in your testimony?

11 A. It was called MCS 1016.

12 Q. Is MCS 1016 the same as Aroclor
13 1016?

14 A. Yes.

15 Q. Did MCS 1016 contain PCBs?

16 A. Yes.

17 Q. Okay. During the period from 1969
18 to 1971, did Monsanto warn purchasers of its
19 PCB products to take care to prevent the
20 escape of PCBs into the environment?

21 A. Yes.

22 Q. How did Monsanto warn its PCB
23 customers to prevent the escape of PCBs into
24 the environment during this time?

25 A. Through letters, by personal

1 communication, by meetings with customer
2 representatives in groups, and of course, by
3 labels, and by inserting that cautionary
4 statement on many of their documents,
5 including invoices, bills of lading, and so
6 on.

7 Q. The cautionary statement that you
8 are referring to is the one contained in --
9 let me ask it this way, to save time. What
10 is the cautionary statement that you are
11 referring to?

12 A. It was a paragraph, and I confess
13 I don't recall all the exact words but in
14 essence, the paragraph indicated, "This
15 product contains polychlorinated biphenyls
16 which have been found in environmental
17 samples. Extreme care must be taken in
18 handling, disposal, use, to avoid getting
19 into the environment," that kind of message
20 was added to the label.

21 Q. Do you know whether Monsanto
22 warned Universal Manufacturing Corporation by
23 each of the various means you've just
24 identified during the period from 1969 to
25 1971?

1 A. We did, yes.

2 Q. Did Monsanto provide its PCB
3 customers with any guidelines for the proper
4 handling and disposal of PCBs during this
5 period?

6 A. We certainly reviewed with them.
7 I don't recall any specific piece of paper
8 that had it all in one document, and we're
9 talking now through 1971.

10 Q. That's correct.

11 A. I know for a certainty that in my
12 visit to the Connecticut plant, we reviewed
13 this in depth for more than half a day in
14 terms of the kinds of things that we were
15 able to do. By "we," I mean Monsanto, the
16 fact that it succeeded for us might be of
17 interest to them, but of course, they had to
18 adapt their particular facility to suit their
19 unique needs, we could not tell them
20 specifically because we were not in any
21 position to know everything they had in their
22 plan, and we were not really in the business
23 of being design engineers for -- to take care
24 of the multitude of problems that could exist
25 out there, but we were able to share with

1 them the kinds of things that we did and hope
2 that they could use those thoughts. That
3 kind of discussion I know took place.

4 MR. SCHWARTZ-LEEPER: Okay. I'd
5 like to have the reporter mark as Papageorge
6 Exhibit Number 7 for identification a
7 multipage document bearing the production
8 numbers FRL 001599 consecutive through FRL
9 001606. The, purely for identification
10 purposes, for the record, the first page of
11 this exhibit bears a legend at the top
12 reading "Copy," the date is indicated as July
13 1971. The job is shown as "PCB bulletin."
14 Below that is a heading which reads
15 "(COVER)," "Handling, Waste Control &
16 Disposal of Polychlorinated Biphenyls --
17 Produced and distributed as a service to
18 industry by Monsanto (Logo)."

19 (Papageorge Deposition
20 Exhibit 7 marked for
21 identification.)

22 BY MR. SCHWARTZ-LEEPER:

23 Q. Mr. Papageorge, I'm handing you
24 what we've had marked for identification as
25 Papageorge Exhibit Number 7, and as with the

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1 previous exhibits, I'd like to ask you to
2 take the opportunity to review it for however
3 long you choose in order to get familiar with
4 it?

5 (Witness peruses said
6 document.)

7 A. I have reviewed the document.

8 BY MR. SCHWARTZ-LEEPER:

9 Q. Sir, have you seen this document
10 before?

11 A. Yes, I have.

12 Q. Can you tell me what it is?

13 A. This is a draft of a bulletin
14 which was intended to share with the reader
15 some of the kinds of activities that should
16 take place or could take place to reduce the
17 chances that PCBs would enter the
18 environment.

19 Q. Do you know who was involved in
20 preparing this draft?

21 A. Well, I was one of the individuals
22 involved. The marketing representatives were
23 participated and the manufacturing, Monsanto
24 manufacturing representative also
25 participated. That's about it.

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1 Q. You indicated that this is a draft
2 of a bulletin. Was a final bulletin of this
3 sort sent, actually sent out to Monsanto's
4 PCB customers?

5 A. To the best of my recollection,
6 yes.

7 Q. I'd like to be able to show you
8 that final bulletin. I don't know that I
9 have it. Can you tell me from looking at
10 this draft how the final version differed
11 from this draft?

12 A. Well, for example, the draft would
13 not have "Copy" on it and it wouldn't. It
14 wouldn't have parentheses "Cover" on it, it
15 would be a glossy hard cover on it, and where
16 it says "Monsanto logo," it would have the
17 logo printed on it. There is a reference, I
18 note, back here where it says, "The drawing
19 below," that is missing.

20 Q. Okay, let me direct your attention
21 to the third page of the exhibit, bearing the
22 production number FRL 001601.

23 A. I have it.

24 Q. Do you see the section under the
25 title "In General" that reads "Every care

1 should be taken care by users of PCB-
2 containing products to prevent entry into the
3 environment through spills, leaks, disposal,
4 vaporization or everyday use in handling"?

5 A. I do.

6 Q. Do you know whether the final
7 version of the bulletin was sent out by
8 Monsanto to its PCB customers contained that
9 language?

10 A. Yes.

11 Q. Do you know whether Universal
12 Manufacturing Corporation received -- was
13 sent a copy --

14 A. Yes.

15 Q. -- of the final bulletin?

16 A. Yes.

17 Q. Do you know whether Universal, in
18 fact, received a copy of the final bulletin?

19 A. I have no reason to believe they
20 did not receive it. Again, in subsequent
21 discussions with Mr. Clark, I have every
22 reason to believe that they were right in
23 tune with all of this. That's as close as
24 I -- I just don't recall any discussion that
25 centered on "Did you actually receive it,"

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1 but --

2 Q. Okay.

3 A. -- their behavior was such to
4 suggest that they did receive it.

5 Q. Okay, I'd like to direct your
6 attention on the same page to the paragraph,
7 second paragraph, begins, "Tight maintenance
8 of old facilities"?

9 A. I see it.

10 Q. Okay, do you see the nine
11 guidelines --

12 A. I do.

13 Q. -- below that?

14 A. I do.

15 Q. Do you know whether the final
16 version of the bulletin that was sent by
17 Monsanto to Universal contained that
18 paragraph and the nine guidelines?

19 A. Yes, it did.

20 Q. How do you know that?

21 A. I just, I remember it. I --

22 Q. I'd like to direct your attention
23 below that. There is a heading which reads
24 "Measuring Losses"?

25 A. I see.

1 Q. Below that, it reads, "A check of
2 how Aroclor is used versus how much is known
3 to be in finished product gives a good
4 estimate of losses." Do you see that?

5 A. I see that.

6 Q. Do you know whether the final
7 version of the bulletin was sent by Monsanto
8 to Universal contained that language?

9 A. It did.

10 Q. Do you know whether Universal
11 performed such a check?

12 A. I do not.

13 MR. SCHWARTZ-LEEPER: I think you
14 can set Exhibit Number 7 aside.

15 I'd like to ask the reporter to
16 mark as Papageorge Exhibit Number 8 for
17 identification, a one-page document bearing
18 the production number FRL 002144. It appears
19 to be a letter dated July 1, 1970, to Mr.
20 Glenn Rayno at Electronic Components Company,
21 902 Crescent Avenue, Bridgeport, Connecticut
22 from W. B. Papageorge, Manager of
23 Environmental Control. Copies are also shown
24 to have been sent to Mike Gianotti,
25 Electronic Components, and to G. R. Graham in

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1 New York.

2 (Papageorge Deposition
3 Exhibit 8 marked for
4 identification.)

5 BY MR. SCHWARTZ-LEEPER:

6 Q. Mr. Papageorge, you have been
7 handed a copy of what we've had marked as
8 Exhibit Number 8 for identification. I'd
9 like to ask you to take your time to review
10 that exhibit and let me know when you are
11 finished with your review.

12 (Witness peruses said
13 document.)

14 A. I have reviewed it.

15 BY MR. SCHWARTZ-LEEPERS:

16 Q. Can you tell me what this document
17 is?

18 A. It's a copy of a letter I mailed
19 in July the 1st, 1970, to a Mr. Rayno at
20 Electronic Components in Bridgeport. I
21 really cover two or three subjects in it.
22 One is, I had attached copies of Monsanto's
23 analytical methods for determining PCBs in
24 various samples, and I requested that you
25 share with us any comments he may have

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1 regarding these methods that we were
2 proposing. I referred to my visit at the
3 plant and my impressions regarding their
4 sincerity and I had confidence, I expressed
5 my confidence that they would improve their
6 methods of control, and I ended up by
7 suggesting that if we didn't control PCBs,
8 states and federal agencies would do it for
9 us, or words to that effect.

10 Q. Earlier I asked you about an
11 individual named Glenn Rayno. Having looked
12 at this document, is your recollection
13 refreshed as to who Mr. Rayno was?

14 A. It's now that I see it in print,
15 yes.

16 Q. Do do you recall now who Mr. Rayno
17 was?

18 A. Yes.

19 Q. Who was he?

20 A. He was their, the lab guy, as I
21 remember, the technical person there, at the
22 site.

23 Q. Okay. Do you see the reference to
24 Mike Gianotti?

25 A. Yes.

1 Q. Do you recall who Mr. Gianotti
2 was?

3 A. I recall him as a person, an
4 individual there, but confess I don't recall
5 his, his duties or his title.

6 Q. Do you recall ever meeting Mr.
7 Gianotti?

8 A. Yes, at the plant.

9 Q. I'd like to direct your attention
10 to the third paragraph of your letter, which
11 states, "I personally found our discussions
12 at your plant very interesting. We recognize
13 that you do have some problems in controlling
14 the escape of Aroclors to the environment,
15 but I am impressed with your sincere concern
16 and I am confident that you will be
17 successful in your efforts to improve
18 control." Do you recall those discussions?

19 A. Yes.

20 Q. Is there just one such discussion?

21 A. At the plant, yes.

22 Q. Do you recall who was present
23 during that discussion?

24 A. Well, of course, Mr. Rayno and Mr.
25 Gianotti, and as I remember, about three

1 other people in the room. I just don't
2 remember who they were now.

3 Q. The reference in the next sentence
4 to some problems in controlling the escape of
5 Aroclors to the environment, do you recall
6 what that reference is to?

7 A. As I recall, there were stains on
8 the floors in the plant, and I was told that
9 this came about through some spills, and this
10 is when we got into a discussion of
11 controlling spills and how were the spills
12 addressed, and I remember I mentioned to them
13 at the time that in our particular situation,
14 we would get the free fluid of the, resulting
15 from the spill in some absorbent material
16 like clay, or sawdust, or rags and dispose of
17 those properly and we would be very careful
18 about what we did with any hosing down,
19 washing down, so that it didn't get into a
20 public stream or waterway. Of course, in our
21 situation, we were able to tell them that
22 since we had concrete floors, we put up
23 curbing and we also blocked our sewers so
24 that the water didn't go into the sewer, that
25 we had at that time plans to put in a, a sump

1 so that any material that did spill would end
2 up in this, really it was a concrete tank
3 below ground level that would capture all of
4 this, and we could keep it from being
5 distributed across the, the back yard, so to
6 speak, and down the sewer or the local creeks
7 and so on.

8 Q. Now, you indicated that there were
9 stains on the floors in the plant. Did you
10 see those stains yourself?

11 A. Yes.

12 Q. Can you tell me where those stains
13 were located within the plant?

14 A. Oh, golly, I can't remember that
15 detail. You mean under a specific piece of
16 equipment and so on? I --

17 Q. Yes, sir.

18 A. I saw so many capacitor plants in
19 the two-month period the, there, that I, I
20 can't recall this specifically. I do
21 remember the oil stains. I don't remember
22 where they were.

23 Q. Let me stop you right there.

24 A. Mm-hmm.

25 Q. You referred to oil stains. Were

1 those stains of oil-containing PCBs?

2 A. Well, I call them stains. To me,
3 PCBs are oily materials.

4 Q. Okay.

5 A. So the net effect on the surface
6 on which they fall looks like an oil stain,
7 very much like the stain out of my automobile
8 that drips on my garage floor.

9 Q. Okay. Do you recall whether those
10 stains were located below machinery used to
11 impregnate capacitors with PCB oil?

12 A. Well, certainly it was the area
13 where PCB oils were used. There were
14 impregnating facilities there.

15 Like I said earlier, I saw so many
16 plants, I cannot specifically point to this
17 one. The stains could have occurred under
18 the impregnating chambers, it could have
19 occurred on --

20 MS. SOBEL: Objection. I ask the
21 witness not to speculate.

22 MR. SCHWARTZ-LEEPER: We really
23 don't want speculation.

24 THE WITNESS: All right.

25 BY MR. SCHWARTZ-LEEPER:

1 Q. Do you recall any discussions
2 concerning those stains?

3 A. Yes. Oh, yes.

4 Q. Okay.

5 A. That's what all this was about.

6 Q. Okay. Do you recall anyone
7 telling you how those stains occurred?

8 A. No. I do not.

9 Q. Do you recall seeing the stains
10 anywhere else within this plant?

11 A. I saw stains out in the tank car
12 unloading area.

13 Q. Anywhere else?

14 A. I do not recall any others.

15 Q. I'd like to direct your attention
16 again to the, if reference to some problems
17 in controlling the escape of Aroclors to the
18 environment. Aside from what we've just been
19 talking about, do you recall any other
20 problems in controlling the escape of
21 Aroclors to the environment at the Bridgeport
22 plant?

23 A. I do not.

24 Q. Did you discuss with Universal
25 personnel during the visit that you've

1 referred to how they could improve control
2 within the plant?

3 A. Yes, along the lines that I
4 reviewed earlier of the "kinds of things we
5 found successful and hope that you can gain
6 from our experience" type of discussion.

7 Q. Do you recall anything in
8 particular at the Bridgeport plant that would
9 have benefited from improvement in control?

10 A. Not specifically, but I can't
11 remember the details at all.

12 Q. Let me try coming at it with a
13 different question. Do you recall any
14 specific control improvements that you
15 suggested to the Universal personnel with
16 regard to the Bridgeport plant?

17 A. Not specific. I had to speak in
18 generalities and the idea was review your
19 operations so the PCBs don't get out of
20 control. It was, I left it up to them as to
21 what it took, specifically, to do that.

22 MR. SCHWARTZ-LEEPER: Okay, you
23 can set Exhibit Number 8 aside.

24 (Papageorge Deposition

25 Exhibit 9 marked for

1 identification.)

2 BY MR. SCHWARTZ-LEEPER:

3 Q. I've asked the reporter to mark
4 for identification a one-page document
5 bearing the production number FRL 003211 as
6 Papageorge Exhibit Number 9 for
7 identification. Mr. Papageorge, I'm now
8 handing you Exhibit Number 9. I'd like to
9 ask you to review that document. If you can
10 let me know when you've finished with your
11 review, I'll follow up with some questions
12 concerning it.

13 (Witness peruses said
14 document.)

15 A. I have reviewed it.

16 Q. In the course of the regular
17 business activities, did Monsanto personnel
18 who visited customer facilities prepare
19 reports describing what was said and done
20 during those visits?

21 A. I didn't hear the first part to
22 it. You say as a routine?

23 Q. In the course of their regular
24 business activities.

25 A. The preparation of the report was

1 left to the option of the individual.

2 Q. Can you tell me what Exhibit
3 Number 9 is?

4 A. Exhibit Number 9 is a report from
5 the Monsanto sales representative, Randall
6 Graham, reporting his visit to Electronic
7 Components' plant in Bridgeport, Connecticut,
8 on September the 28th, 1970. He reports to
9 people he spoke with and the subjects
10 covered.

11 Q. Do you see your name as one of the
12 recipients indicated of Exhibit Number 9?

13 A. I do.

14 Q. Do you recall receiving a copy of
15 this document?

16 A. Yes.

17 Q. Okay, earlier, I asked you about
18 Mr. Rayno. If you take a look at the middle
19 of the page, under "Personnel contacted," Mr.
20 Rayno's name is indicated. Does this refresh
21 your recollection as to what position he held
22 within the company?

23 A. Yes; chief engineer. I had him as
24 a top technical individual, yes.

25 Q. And do you see Mr. Gianotti's name

1 there?

2 A. I do.

3 Q. Does that refresh your
4 recollection as to who he was at Universal?

5 A. Not too much.

6 Q. Okay.

7 A. I still don't know what a
8 technician does at a plant like that.

9 Q. Okay. Do you see the handwriting
10 in the upper right-hand portion of the, the
11 page, right above Mr. Graham's name?

12 A. I do.

13 Q. Do you know what that is?

14 A. I'd be guessing; I don't know.

15 Q. Okay. I'd like to direct your
16 attention to the lower right-hand corner of
17 the page. Do you see the handwriting that
18 appears there?

19 A. I do.

20 Q. Do you know whose handwriting that
21 is?

22 A. No, I don't.

23 Q. Do you know an individual at
24 Monsanto named Jim Bryant?

25 A. Yes.

1 Q. Do you see the reference to Mr.
2 Bryant in the last two sentences of the text
3 of this document?

4 A. I saw that, yes.

5 Q. Okay. Do you know whether the
6 initials in the lower right-hand corner are
7 Mr. Bryant's initials?

8 MS. SOBEL: Objection. He's
9 already testified he didn't know.

10 A. I can guess, but I'm not positive.

11 MS. SOBEL: I don't want you to
12 guess.

13 MR. SCHWARTZ-LEEPER: I don't want
14 you to guess.

15 A. I don't know.

16 BY MR. SCHWARTZ-LEEPER:

17 Q. Okay. Below your name, there
18 appears the name of somebody named
19 D. A. Olson.

20 A. Yes, sir.

21 Q. Who is Mr. Olson?

22 A. He was the Director of Marketing
23 for Functional Fluids.

24 Q. Following the heading labeled
25 "Aroclor," in the text of this document,

1 states "Discussed PCB pollution situation
2 with Ray Clark. He was not present when Bill
3 Papageorge made presentation." Do you know
4 what that refers to?

5 A. Yes.

6 Q. What does it refer to?

7 A. When I visited the plant in June
8 of 1970, Ray Clark was out of town. He could
9 not attend the meetings, and Mr. Graham, in
10 his subsequent visit, reviewed with Mr. Clark
11 the things we reviewed back in June.

12 Q. Do you have some understanding as
13 to what the PCB pollution situation was
14 that's referred to in this document?

15 A. That's Mr. Graham's description of
16 the PCB environmental issue as Monsanto knew
17 it in 1970, and the kinds of actions that
18 Monsanto was taking to communicate, and to
19 test and find out more about it.

20 Q. Do you know what, specifically,
21 the nature of the PCB pollution was that Mr.
22 Graham was referring to in this document?

23 MS. SOBEL: Objection. I don't
24 think he said that it did refer to pollution.
25 BY MR. SCHWARTZ-LEEPER:

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1 Q. Do you see in this document the
2 reference to PCB pollution?

3 A. Yes.

4 Q. Okay, now can you answer my
5 preceding question?

6 A. I think I can.

7 Q. Okay. Go ahead.

8 A. He was referring to the fact that
9 studies in Switz -- in Sweden, studies in
10 California, the Great Lakes and the Gulf
11 Coast area were showing the presence of PCBs,
12 the PCBs being found were the higher
13 chlorinated types, that the effect of the
14 presence of these PCBs was unknown, then he
15 went on to talk about the fact that Monsanto
16 was working to get rid of the higher
17 chlorinated types that were being found,
18 reformulating some of their products, that we
19 had a program of withdrawal of many of the
20 applications at that time, these are the
21 kinds of things he was -- he had in mind when
22 he talks about the pollution situation.

23 Q. Okay. I'd like to direct your
24 attention to the paragraph under the
25 paragraph we were just reading. You see the

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1 reference to scrap Aroclor and waste being
2 removed from the site?

3 A. Yes.

4 Q. Do you know what the reference to
5 scrap Aroclors was to?

6 A. He was talking about the PCBs that
7 were used at that plant that, during use,
8 became contaminated to the point where they
9 could no longer be put in electrical
10 equipment, could not be reconditioned and
11 recycled, and therefore, were declared as
12 scrap, unrecyclable, and that that plant at
13 the time had a service for disposal of this
14 material and the plant was going to review
15 that practice in light of the fact that we
16 had offered an incineration service for
17 disposal of liquid wastes of this type.

18 Q. I'd like to direct your attention
19 to the reference to waste being removed from
20 the site. Is there anything other than the
21 scrap Aroclor that's being referred to by the
22 term "waste"?

23 A. The term "waste" in this context
24 refers again to PCB-contaminated items, such
25 as rags, and sawdust, and whatever else that

1 might be present.

2 Q. Do you recall how scrapped Aroclor
3 was kept at the Bridgeport plant at the time
4 of your visit to the plant?

5 A. I just recall seeing some drums
6 that were pointed out to me as material that
7 they couldn't recycle that was off to one
8 side. I don't remember anything other than
9 that.

10 Q. Do you recall where those drums
11 were within the plant?

12 A. I can't -- I don't know how to
13 describe it. It was a part -- I didn't know
14 the equipment or facilities next to it, so I
15 can't -- I remember pointing some, gosh,
16 three or four drums of material off to one
17 side, there.

18 Q. Do you recall how waste such as
19 PCB-contaminated rags or sawdust was kept at
20 the Bridgeport plant at the time of your
21 visit to the plant?

22 A. No, I don't.

23 Q. Okay. In the next paragraph, the
24 one that starts, "Lab studies carried out by
25 Electronic Components," did you see such lab

1 studies?

2 A. No, because it's my previous
3 letter sending them the analytical methods
4 that enabled them to start studies. When I
5 was there, they didn't have this capability.

6 Q. Subsequent to September 28th,
7 1970, did you ever discuss those lab studies
8 with anyone at Universal Manufacturing or
9 Electronic Components?

10 A. I don't recall, no.

11 Q. Do you recall whether Monsanto was
12 ever provided with copies of those lab
13 studies?

14 A. I never saw any.

15 MR. SCHWARTZ-LEEPER: Counsel, in
16 keeping with our prior practice in this case,
17 I'd like to request the production -- that a
18 search be made for the lab studies referred
19 to in this exhibit and that if they are
20 found, they be produced to us, and in keeping
21 with our prior practice in this case, I would
22 certainly follow up with a written request to
23 that effect, but I think they are called for.

24 MS. SOBEL: The request is so
25 noted, but I think you already know that we

1 have produced everything in this litigation
2 already relating to such lab studies that we
3 have.

4 MS. SOBEL: And I think you also
5 know why, if we don't have it, why we don't
6 have it.

7 MR. SCHWARTZ-LEEPER: I know what
8 you've said. I am now requesting that --

9 MS. SOBEL: It continues to be
10 true.

11 MR. SCHWARTZ-LEEPER: I am now
12 requesting that the search be made for these
13 specific documents, whether it be in the
14 materials you have already produced to us or
15 in materials which have not been produced to
16 us, but as I said, we will follow that up
17 with a written request.

18 MS. SOBEL: If you are asking for
19 us to go back through materials that we've
20 already produced to you because you haven't
21 carefully reviewed them, then I ask you to
22 review them yourself.

23 MR. SCHWARTZ-LEEPER: I don't
24 think I'm asking that.

25 MS. SOBEL: If you are asking us

1 to conduct a further search, your request is
2 so noted for the record. I think we should
3 move on.

4 MR. SCHWARTZ-LEEPER: I think so,
5 too.

6 BY MR. SCHWARTZ-LEEPER:

7 Q. Mr. Papageorge, do you know who
8 provided the information contained in the
9 paragraph beginning "Lab studies"?

10 A. Who provided to whom?

11 Q. Who provided the information
12 that's contained in this paragraph to Mr.
13 Graham?

14 A. I don't know.

15 Q. Do you know whether it was
16 Electronic Components or Universal
17 Manufacturing?

18 A. You are asking me to speculate.

19 Q. Do you know how Mr. Graham
20 obtained the information contained in this
21 particular paragraph?

22 A. He obtained it from
23 representatives of the plant while he was
24 there.

25 Q. Okay.

1 A. Just who, I don't know.

2 Q. All right. Do you have any reason
3 to believe that this paragraph does not
4 accurately reflect information that was given
5 by plant representatives to Mr. Graham?

6 A. I have no reason to believe so.

7 MS. SOBEL: Just for the record,
8 do you have any reason to believe so or or to
9 not believe so?

10 MR. SCHWARTZ-LEEPER: If we follow
11 the procedure that Mr. Nardolilly adopted and
12 imposed on the deposition of Mr. Rhineheimer
13 last week, I would not permit you to ask that
14 question now. If we follow the procedure
15 that Mr. Talieh imposed at the deposition of
16 Mr. Galluzzi over a month ago, with respect
17 to counsel for Transportation, I would not
18 permit you to ask that question now. In the
19 interests of saving Mr. Papageorge's time,
20 though, I'll allow you to ask that question
21 now.

22 MS. SOBEL: I just want to make
23 sure the record is clear, that's all. I'm
24 not trying to do my examination at this
25 point.

1 MR. SCHWARTZ-LEEPER: Other than
2 that one question, but please go ahead and
3 answer the question, sir.

4 A. I think I forgot the exact wording
5 of the question at this point.

6 BY MR. SCHWARTZ-LEEPER:

7 Q. Do you have any reason to believe
8 that the information or that this paragraph
9 in Exhibit Number 9 accurately reflects
10 information that was given to Mr. Graham by
11 representatives of Electronics -- Electronic
12 Components?

13 A. This reflects the information as
14 Mr. Graham understood it as he received it
15 during his discussions with individuals from
16 Universal at the time of the visit. I
17 believe Mr. Graham had put in the report what
18 he understood was relayed to him.

19 Q. Do you have any understanding as
20 to how Electronic Components was losing six
21 and a half pounds per week out of vent lines?

22 A. No, I --

23 MS. SOBEL: Object to the form of
24 the question, David. You can rephrase it, I
25 think.

1 MR. SCHWARTZ-LEEPER: Okay.

2 BY MR. SCHWARTZ-LEEPER:

3 Q. Do you recall any discussions with
4 Universal personnel as to whether or not the
5 Bridgeport plant was losing Aroclor to the
6 environment through vent lines?

7 A. Yes.

8 Q. What do you recall about those
9 discussions?

10 A. I do recall their awareness of
11 vapors, of PCBs being released through the
12 vent lines, and I do recall their study of
13 the system and their desire to reduce them.
14 That's all I recall.

15 Q. Do you recall when that awareness
16 was conveyed to you?

17 A. I'm trying to think of the date.
18 I believe it happened, my discussions with
19 Mr. Clark as we got ready to assemble for an
20 ANSI -- the first ANSI C-107 meeting was
21 about September, and I think it was '71, that
22 period of time.

23 Q. Do you recall whether the loss of
24 Aroclors to the environment at the Bridgeport
25 plant was discussed during your visit to the

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1 plant?

2 A. Yes, but it was one of -- we were
3 aware of those losses. We don't know how
4 much, and we got to check into it. This is
5 what I suggested, "Well, do you have the
6 necessary equipment or do you have a
7 laboratory you can go to?" And this resulted
8 in my sending them methodology. So that was,
9 they were aware of it, but they didn't know
10 the magnitude of it. This was the first
11 example of any numbers that I saw, and it's
12 only later, about a year later that Mr. Clark
13 led me to believe that subject was still
14 being addressed, that they thought they were
15 on top of it and had made considerable
16 improvements, and I was not told any specific
17 numbers.

18 Q. Okay. Do you recall whether there
19 was any discussion during your visit to the
20 Bridgeport plant of loss of Aroclors to the
21 environment through the vent lines in
22 particular?

23 A. Yes. Yes.

24 MR. SCHWARTZ-LEEPER: Okay. We've
25 run a little bit past one o'clock. Why don't

1 we take a lunch break here.

2 MS. SOBEL: Are we done with this
3 exhibit, or do you still have more on that?

4 MR. SCHWARTZ-LEEPER: We will have
5 a few more questions on it. I think it makes
6 sense, of light of what's going on, to break
7 here. There'll be a different subject.

8 (Luncheon recess from 1:10 to
9 2:25 p.m.)

10 MR. HUELSMAN: We're back on the
11 air since lunchtime.

12 BY MR. SCHWARTZ-LEEPER:

13 Q. Mr. Papageorge, before we broke
14 for lunch, we were talking about Exhibit
15 Number 9. We had spoken a little bit about
16 this third paragraph, begins with the
17 reference to lab studies. The reference at
18 the end of that sentence to vent lines, based
19 upon your visit to the Bridgeport plant and
20 your discussions with Bridgeport personnel,
21 do you have an understanding as to what the
22 vent lines are?

23 A. I think I do, yes.

24 Q. What are the vent lines?

25 A. These are pipes that come up from

1 equipment within the plant, such as the
2 chambers in which the capacitors are
3 impregnated with the dielectric fluid which
4 contains PCB. Storage tanks also have vent
5 lines through which these tanks are allowed
6 to, to breathe, literally, where the liquid
7 forces out any gas that's in the tank, and
8 when the liquid is emptied from the tank, the
9 vent provides a means for the air to enter
10 the tank.

11 Q. Do you recall where within the
12 Bridgeport plant these vent lines were
13 located?

14 A. I do not.

15 Q. I'd like to direct your attention
16 to the final paragraph in Exhibit Number 9.
17 Do you see the reference to the St. Louis
18 visit?

19 A. I do.

20 Q. Do you recall what that refers to?

21 A. I don't recall the specifics, but
22 there was a visit made by Electronic
23 Components personnel to St. Louis in mid 1970
24 or about that period of time.

25 Q. Do you recall which personnel from

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1 Electronic Components came?

2 A. I do not, no.

3 Q. Were you involved in any aspect of
4 that visit?

5 A. Only to meet them, say hello, and
6 that's the extent of it.

7 Q. Do you know whether there were any
8 discussions during that visit regarding the
9 escape of Aroclors into the environment at
10 Universal's Bridgeport plant?

11 A. I do not.

12 MR. SCHWARTZ-LEEPER: Let's set
13 Exhibit Number 9 aside.

14 (Papageorge Deposition
15 Exhibit 10 marked for
16 identification.)

17 BY MR. SCHWARTZ-LEEPER:

18 Q. Mr. Papageorge, I've had marked as
19 Exhibit Number 10 for identification a
20 five-page document bearing the production
21 numbers FRL 003212, consecutive through FRL
22 003217. It appears to be a memorandum dated
23 September 17, 1970, concerning a customer
24 visit as indicated on the first page. I'd
25 like to ask you to review that exhibit and

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1 take whatever time you need to get familiar
2 with it.

3 (Witness peruses said
4 document.)

5 A. I have reviewed the exhibit.

6 Q. Sir, I'd like to direct your
7 attention to the first page. Do you see the
8 list of names related to the heading "Persons
9 Contacted"?

10 A. I do.

11 Q. And are you the W. Papageorge who
12 is the last person in the right-hand column
13 among those names?

14 A. I am.

15 Q. Does "GO" refer to Monsanto's
16 general offices?

17 A. It does.

18 Q. That's where you were located at
19 this time?

20 A. Yes.

21 Q. Have you seen this document
22 before?

23 A. At the time, yes. I haven't seen
24 it since.

25 Q. Time being --

1 A. The time it was dated.

2 Q. And that's September 17th of 1970?

3 A. Correct.

4 Q. Okay. Can you tell me what this
5 document is?

6 A. This is a report by Mr. Bryant of
7 Monsanto describing a visit by Mr., Messrs.
8 Rayno and Gianotti from Electronic Components
9 to the St. Louis area to visit Monsanto
10 offices and facilities on September 8th and
11 9th of 1970.

12 Q. I'd like to direct your attention
13 to the second page of the exhibit. Do you
14 see the second paragraph, in the second
15 paragraph, reference to Japanese Kannechlor?

16 A. I do.

17 Q. What is Kannechlor?

18 A. Kannechlor is --

19 MS. SOBEL: Question asked and
20 answered.

21 BY MR. SCHWARTZ-LEEPER:

22 Q. Can you tell us what it is,
23 please?

24 A. Kannechlor is a trade name of the
25 Kannegafuchi Company in Japan for their PCB

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1 product line.

2 Q. I'd like to direct your attention
3 to the third page of the exhibit, the first
4 full sentence on that page reads, "Also Rayno
5 requested copies of the February 9 and 18
6 letters by D. A. Olson relating to
7 pollution." Do you see that reference?

8 A. I do see it.

9 Q. Do you have some understanding as
10 to what that refers to?

11 A. Yes.

12 Q. What's it referencing?

13 A. Those are the letters that we
14 looked, at least, at one of them earlier in
15 which the customers of Monsanto's PCB
16 products were given a status report on the
17 PCB environmental issue.

18 Q. If you could turn back to the
19 second page of the exhibit, the -- and I'd
20 like to direct your attention in particular
21 to what appears to be the third paragraph on
22 this page, it begins, "They did decide a more
23 pressing pollution problem for them was the
24 vacuum diffusion pump which uses Aroclor 1254
25 as a seal." You see the reference in the

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1 next sentence to a cold trap on the vent
2 line?

3 A. I do.

4 Q. What is a cold trap?

5 A. It's a device that's typically
6 installed on vent lines that contain vapors
7 that, when cooled, would condense into a
8 liquid form, so what this really amounts to
9 is, it's a, it's a wide space in the line
10 that has a cooling medium flowing through it
11 to cool the gases so they condense in a film
12 and dribble on back down as a liquid. It can
13 be cold water, refrigerated water, or it can
14 be even a freon like they use in your
15 automobile air conditioning system. It
16 depends on kind of gas they expect in that
17 vent line and what it takes to cool it down
18 so it becomes a liquid to prevent it from
19 escaping as a gas out the top of the vent.

20 Q. Did you have any discussions
21 concerning cold traps for the vent lines
22 during your visit to the Bridgeport plant?

23 A. No.

24 Q. During your visit to the
25 Bridgeport plant, did you have any

1 discussions with Universal personnel
2 concerning contamination of Aroclor 1254 with
3 Aroclor 1242 at the Bridgeport plant?

4 A. No.

5 (Pause for telephone call.)

6 MR. SCHWARTZ-LEEPER: Off the
7 record. You want to take a short break?

8 MS. MATRE: If I could, for two
9 minutes.

10 (Short break.)

11 MR. HUELSMAN: We're back on.

12 BY MR. SCHWARTZ-LEEPER:

13 Q. Mr. Papageorge, just so that I'm
14 clear, the reference on page 3 of this
15 exhibit to the February 9th letter by
16 D. A. Olson relating to pollution, does that
17 refer to what we've had marked as Exhibit 3
18 today?

19 A. The February 9th reference is
20 Exhibit 3.

21 Q. Okay. Do you have some
22 understanding of what the February 18th
23 letter said?

24 A. Yes, sir, that's the one that's
25 addressed to the electrical equipment

1 manufacturers.

2 Q. I'd like to direct your attention
3 to the final page of the exhibit. It is a
4 letter dated September 16, 1970, addressed to
5 Mr. Glenn Rayno, Electronic Components
6 Division, Universal Manufacturing
7 Corporation. The sender appears to be J. G.
8 paren "Jim," close paren, Bryant,
9 B-r-y-a-n-t.

10 Mr. Papageorge, do you see the
11 references in that letter to the February 9
12 and 18 letters by D. A. Olson on PCB
13 pollution?

14 A. I do.

15 Q. Do those references refer to
16 Exhibit 3 and the other letter which you just
17 described which was sent to the electrical
18 equipment manufacturers?

19 A. It does.

20 Q. Can you see the little mark above
21 Mr. Rayno's name to the right of his name?

22 A. I see something there, yes, sir.

23 Q. Do you know what that is?

24 A. No, I don't.

25 MR. SCHWARTZ-LEEPER: Okay. You

1 can set Exhibit 10 aside.

2 Let's mark this as 11.

3 (Papageorge Deposition
4 Exhibit 11 marked for
5 identification.)

6 BY MR. SCHWARTZ-LEEPER:

7 Q. Mr. Papageorge, I've had marked
8 for identification as Exhibit Number 11 a, a
9 letter and attachment bearing the production
10 numbers FRL 002070, consecutive through FRL
11 002077. I'd like to ask you to review that
12 exhibit to the extent you feel necessary to
13 answer some questions about it. My questions
14 will only concern the letter, the two-page
15 letter at the beginning of this exhibit.

16 (Witness peruses said
17 document.)

18 A. I have reviewed the two pages of
19 the letter.

20 Q. I'd like to direct your attention
21 to the signature that appears on the second
22 page of the exhibit at the end of the letter.
23 First I'd like to ask you, what Howard
24 S. Bergen or Howard Bergen the director of
25 Monsanto's Specialty Products Group in late

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1 1971?

2 A. He was.

3 Q. Did you, yourself, know Mr.
4 Bergen?

5 A. Yes. He was my supervisor.

6 Q. Did you work with him on any
7 matters relating to PCBs?

8 A. Yes.

9 Q. During the time that you worked
10 with him, did you have any occasion to review
11 materials written by him?

12 A. Always, virtually all PCB letters
13 or memoranda.

14 Q. Do you recognize the signature
15 that appears on this page?

16 A. I do.

17 Q. To be that of Mr. Bergen?

18 A. That is his.

19 Q. Is Mr. Bergen still employed by
20 Monsanto?

21 A. No, he's deceased.

22 MR. SCHWARTZ-LEEPER: I won't
23 subpoena him. We can set that exhibit aside.
24 BY MR. SCHWARTZ-LEEPER:

25 Q. Mr. Papageorge, did there come a

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1 time when Monsanto restricted sales of its
2 Aroclor products?

3 A. Yes.

4 Q. When was that?

5 A. It was in May of 1970, when the
6 decision was made to terminate the sales of
7 PCBs to many uses, to phase out of the PCB
8 applications in some of the uses but to
9 retain the use of PCBs in the electrical
10 applications.

11 Q. Subsequent to May of 1970, did
12 Monsanto adopt an approval process to
13 determine those customers to whom it would
14 continue to sell Aroclor products?

15 A. Yes, there was a process developed
16 in late '71.

17 Q. How did Monsanto determine whether
18 or not to approve the sale of Aroclor to a
19 customer?

20 A. Oh, primarily it had to be in a
21 closed system electrical use by a company
22 that was willing to agree to conditions that
23 Monsanto was asking at the time regarding
24 responsibility for the safe handling and
25 control of the product to prevent entry into

1 the environment.

2 Q. When you refer to a closed system
3 in electrical use, what are you referring to?

4 A. I'm referring to the situation
5 where the liquid is in a, let's say a steel
6 container, which is what a capacitor would be
7 typical of, or a transformer, which is really
8 a large steel tank which contains the
9 necessary wiring, all of it immersed in a
10 bath of liquid which contains PCBs.

11 Q. Were any Aroclor customers exempt
12 from having to provide this agreement as to
13 the conditions that Monsanto was asking you
14 referred to?

15 A. After 1971?

16 Q. Yes, sir.

17 A. No.

18 Q. How did you first learn that
19 Monsanto was requiring that its Aroclor
20 customers agree to these conditions?

21 A. I, I personally was informed by a
22 member of Monsanto's Legal Department.

23 Q. Aside from this person in
24 Monsanto's Legal Department, did you discuss
25 this agreement with anyone else at Monsanto?

1 A. Well, certainly, after I was aware
2 of the, the plan, I reviewed this with my
3 supervisor, Mr. Bergen, and reviewed it with
4 the marketing director, who at that time was
5 Mr., I believe it was Mr. Gossage at that
6 time, yes, and of course, all the other
7 marketing people, I tried to get an
8 understanding of what they knew, and how they
9 were going to implement it, and how they were
10 personally involved.

11 Q. I take it from your last answer
12 that you had these discussions prior to
13 Monsanto's implementation of this
14 requirement, for want of a better word, that
15 its Aroclor customers provide this agreement?

16 A. Some of the discussions were taken
17 right after I was told by the attorney in
18 December of '71. The activity relating to
19 getting these agreements negotiated and
20 signed occurred during December, January,
21 February. This is now into 1971, so my
22 discussions with some of the people took
23 place during all this communication and
24 negotiating phase, and some of them took
25 place after the signatures had been attained.

1 Q. Do you recall what Mr. Gossage's
2 first name was?

3 A. Thomas.

4 Q. Is Mr. Gossage still employed by
5 Monsanto?

6 A. No, he is not.

7 Q. Do you know where he is today?

8 A. I understand he's the top man at
9 Hercules Chemical Company.

10 Q. And where is that?

11 A. Delaware. Wilmington, Delaware.

12 Q. Do you recall an individual
13 employed at Monsanto named C. P. Cunningham?

14 A. Yes, I do.

15 Q. What was Mr. Cunningham's first
16 name?

17 A. I don't know.

18 Q. You don't recall?

19 A. His middle name was Preston.
20 Everyone called him "Press." I personally
21 never knew his first name.

22 Q. What position did Mr. Cunningham
23 hold with Monsanto?

24 A. At what time?

25 Q. Was he employed by Monsanto in

1 1971?

2 A. Yes.

3 Q. At the beginning of 1972?

4 A. Yes.

5 Q. Do you recall what his position
6 was at Monsanto at the beginning of 1972?

7 A. '72, Mr. Cunningham was assigned
8 to Monsanto activities in Europe. I believe
9 he was the principal Monsanto individual in
10 Monsanto Europe at that time.

11 Q. Do you recall whether Mr.
12 Cunningham had any involvement in these
13 agreements we've just been talking about?

14 A. I have my dates wrong. Mr.
15 Cunningham signed some of the agreements in
16 '71. Therefore, he must have returned from
17 Europe in '71. Okay, I had my dates wrong.
18 He was involved, and he was, when he signed
19 them, he was the vice-president of the
20 operating unit in Monsanto responsible for
21 PCBs.

22 Q. Is Mr. Cunningham still employed
23 by Monsanto?

24 A. He's retired.

25 Q. Do you know where he is now?

1 A. I do not.

2 Q. Did you ever work, yourself, with
3 Mr. Cunningham?

4 A. Certainly.

5 Q. Did you review any documents that
6 he had written or signed?

7 A. At what point in time?

8 Q. 1971.

9 A. '71: Not at that time, no.

10 Q. Prior to that?

11 A. No.

12 MR. SCHWARTZ-LEEPER: Let me do
13 this. Let's mark that as -- what are we up
14 to; 12?

15 MR. HUELSMAN: I've got about two
16 minutes. You want me to stop and change now?

17 MR. SCHWARTZ-LEEPER: Let's stop
18 and change.

19 MR. HUELSMAN: This is the end of
20 tape number 2.

21 (Papageorge Deposition
22 Exhibit 12 marked for
23 identification.)

24 MR. HUELSMAN: We are starting
25 tape number 3.

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1 BY MR. SCHWARTZ-LEEPER:

2 Q. Mr. Papageorge, I've asked the
3 court reporter to mark for identification
4 purposes as Exhibit 12, a one-page documents
5 bearing production number FRL 003113. At the
6 top, it states, "Monsanto Special Undertaking
7 by Purchasers of Polychlorinated Biphenyls."
8 I'd like to ask you to review this document,
9 and if you can let me know when you've
10 finished with your review of it, I'd like to
11 ask you some questions about it.

12 A. I have finished reviewing it.

13 (Witness peruses said
14 document.)

15 Q. Mr. Papageorge, have you seen this
16 document before?

17 A. I have.

18 Q. Can you identify it?

19 A. It's a copy of the agreement
20 between Monsanto and Universal Manufacturing
21 Corporation regarding the sale of PCBs by
22 Monsanto to Universal Manufacturing, and the
23 conditions under which those sales would be
24 made, and the responsibility regarding their
25 sale, delivery, use, and so on.

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1 Q. Do you recall when the first time
2 was that you saw this, this undertaking?

3 A. This particular undertaking?

4 Q. Yes, sir.

5 A. For sure, I saw it yesterday, but
6 it seems to me I saw it before that, but I
7 can't recall the date.

8 Q. Do you recall the year?

9 A. Yes, I saw many documents of this
10 nature about mid 1972.

11 Q. Is this an example of the
12 agreement that Monsanto was asking of its
13 Aroclor customers that you had discussed
14 earlier?

15 A. Yes, starting in 1972.

16 Q. Do you recognize that to be Mr.
17 Cunningham's signature below the line reading
18 "Monsanto Company"?

19 A. That is his signature, yes.

20 MR. SCHWARTZ-LEEPER: You can set
21 this exhibit aside.

22 (Papageorge Deposition
23 Exhibit 13 marked for
24 identification.)

25 BY MR. SCHWARTZ-LEEPER:

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1 Q. Mr. Papageorge, I've asked the
2 court reporter to mark for identification
3 purposes as Exhibit Number 13 a one-page
4 document bearing the production numbers FRL
5 003259. It bears Universal Manufacturing
6 Corporation letterhead. It's dated January
7 7th, 1972. It's addressed to Mr. H., I
8 believe, S. Bergen, Monsanto Company. I'd
9 like to ask you to take an opportunity to
10 review that. If you can let me know when you
11 are finished with your review, I'm going to
12 ask you just a very few questions about it.

13 (Witness peruses said
14 document.)

15 A. I have reviewed it.

16 Q. I'd like to direct your
17 attention -- first of all, have you ever seen
18 this document before?

19 A. I saw it yesterday.

20 Q. Prior to that?

21 A. No.

22 Q. Okay. I direct your attention to
23 the first sentence of the letter, which
24 reads, "Enclosed is the undertaking you
25 requested in connection with our purchase of

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1 PCB." Is the reference to the undertaking in
2 this Exhibit 13 the undertaking with
3 Universal Manufacturing Corporation that
4 we've had marked as Exhibit 12?

5 A. Yes.

6 MR. SCHWARTZ-LEEPER: You can set
7 this exhibit aside.

8 (Papageorge Deposition
9 Exhibit 14 marked for
10 identification.)

11 BY MR. SCHWARTZ-LEEPER:

12 Q. Mr. Papageorge, I've asked the
13 court reporter to mark for identification
14 purposes as Exhibit Number 14 a one-page
15 document bearing production numbers FRL --
16 production number FRL 002401. I'd like you
17 to take your time in reviewing this
18 particular exhibit and let me know when
19 you've finished, and I'll ask you --

20 A. I have reviewed it.

21 Q. Okay. Have you seen this document
22 before?

23 A. I saw it yesterday.

24 Q. Have you seen it prior to that?

25 A. No.

1 Q. Do you have some understanding as
2 to what is meant by the first sentence in
3 this exhibit, which reads, "Subject company
4 is now fully approved"?

5 A. I think I do.

6 Q. Okay, what is your understanding?

7 A. That the subject company,
8 Universal Manufacturing Corporation, has met
9 the requirements set for the continued sales
10 of PCBs, and Mr. Bergen, the director of the
11 group, is addressing his marketing director
12 to release shipments.

13 Q. Was Monsanto's approval of
14 Universal Manufacturing Corporation as
15 indicated in this exhibit contingent upon
16 Monsanto receiving a signed undertaking that
17 we've had marked as Exhibit Number 12?

18 A. Definitely, yes.

19 Q. Do you recall whether Monsanto
20 continued to sell Aroclor products to
21 Universal after January 7th of 1972?

22 A. Yes, they did.

23 Q. Okay, you can set that exhibit
24 aside.

25 (Papageorge Deposition

1 Exhibit 15 marked for
2 identification.)

3 BY MR. SCHWARTZ-LEEPER:

4 Q. Mr. Papageorge, I'm handing you
5 what I've had marked by the court reporter
6 for identification purposes as Papageorge
7 Exhibit 15. It consists of documents bearing
8 the production numbers FRL 001877 consecutive
9 through FRL 001916. I'd like to ask you to
10 take some time to review this exhibit. If
11 you can indicate to me when you are finished
12 with your review, I will ask you some
13 questions about it.

14 (Witness peruses said
15 document.)

16 A. I have reviewed the exhibit.

17 Q. Okay, I'd like to direct your
18 attention to the first page of the exhibit,
19 and it appears to be a letter on Monsanto
20 letterhead, signed by Howard S. Bergen. Do
21 you recognize that to be Mr. Bergen's
22 signature?

23 A. I believe it is, yes, mm-hmm.

24 Q. Have you seen the letter that's
25 on -- that that consists of, the first page

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1 of this exhibit, before?

2 A. I have seen it before, yes, sir.

3 Q. Can you tell me what it is?

4 A. It's a letter intended to be sent
5 to customers still receiving PCB products,
6 and it's -- Mr. Bergen takes the opportunity
7 to again precaution them about entry into the
8 environment through various means and also to
9 remind them to avoid using the PCB product in
10 or near any food processes, food handling
11 equipment.

12 Q. You are referring to the second
13 and third paragraphs of the letter?

14 A. Yes.

15 Q. Could you turn to the second page
16 of the exhibit?

17 A. I have it.

18 Q. This appears to be a memorandum on
19 Monsanto stationery from Mr. Bergen to an
20 individual identified as R. C. E. Sprague,
21 dated September 10, 1971: Subject is
22 indicated as PCBs. There are four
23 individuals also listed as having received
24 copies.

25 Can you tell me who R. C. E.

1 Sprague was?

2 A. Mr. Sprague at that time was in
3 charge of the department in Monsanto that was
4 in charge of customer service. By that, I
5 mean that's the group that acknowledges
6 receipt of the order, makes sure that the
7 order is clearly understood, that the order
8 is placed with the proper plant, that the
9 order is shipped on time and under the right
10 conditions, and that the proper
11 communications take place between the
12 customer who made the order, the plant that
13 made the delivery, and so on.

14 Q. Is Mr. Sprague still employed by
15 Monsanto?

16 A. No.

17 Q. Do you know where he is now?

18 A. The last I heard, which is about
19 five years ago, he was in the St. Louis area.

20 Q. I'd like to direct your attention
21 to that list of four recipients in the upper
22 right-hand corner of this page of the
23 exhibit.

24 A. All right.

25 Q. Do you know who W. R. Corey was?

1 A. Yes, in 1971, Mr. Corey was the,
2 as I recall, he had the title of Director of
3 Administration for Monsanto Industrial
4 Chemicals company, an operating unit of
5 Monsanto.

6 Q. Do you recall Mr. Corey's first
7 name?

8 A. Wendel, W-e-n-d-e-l.

9 Q. You see the reference at the end
10 of that list to a J. Mason?

11 A. I do.

12 Q. Do you know who J. Mason was at
13 that time?

14 A. John Mason was the -- he had the
15 title of the director of some of the business
16 groups. I don't recall his official title.
17 He was Mr. Bergen's supervisor.

18 Q. Is Mr. Mason still employed by
19 Monsanto?

20 A. No.

21 Q. Do you know where he is now?

22 A. I believe he lives in England.

23 Q. Do you recall Monsanto
24 implementing a requirement that all orders
25 for Monsanto's PCB products be acknowledged

1 in writing?

2 A. Yes.

3 Q. When was that requirement
4 implemented?

5 A. At about the time of this letter.
6 It became a practice for all orders.

7 Q. I'd like to direct your attention
8 to the paragraph numbered 2, appears about
9 two-thirds of the way down the page. It
10 reads, "A copy of the enclosed letter should
11 be attached to all the written
12 acknowledgements correctly addressed to the
13 individual customer."

14 Would you take a look at the third
15 page of the exhibit, which bears the
16 production number FRL 001879. Do you know
17 whether that's the enclosed letter that's
18 referred to in the numbered paragraph 2 on
19 the December 10th, 1971, Monsanto memorandum?

20 A. Are you referring to the last
21 column on that?

22 Q. No, sir, I'm referring to the next
23 page in the exhibit.

24 A. Oh, yes, I skipped a page. That
25 is the letter that is referred to, yes.

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1 Q. And turning back to the first page
2 of the exhibit, do you know whether this
3 letter, signed by Mr. Bergen, was sent to all
4 of Monsanto's PCB customers as of the end of
5 1971?

6 A. As they placed orders, yes. This
7 is a copy of the letter we just spoke of.
8 The second page of this contains his
9 signature.

10 Q. Is it your understanding that the
11 signed letter that comprises the first page
12 of this exhibit was attached to all written
13 acknowledgements addressed to Monsanto's PCB
14 customers after December of 1971?

15 A. That is correct.

16 Q. I direct your attention to the
17 numbered paragraph 3 appearing on the
18 December 10, 1971, Bergen memorandum. It
19 reads, "A list recording all customers
20 receiving this letter should be made and held
21 in the files."

22 Could you take a look at the
23 documents and the pages of this exhibit
24 bearing the production numbers FRL 001880
25 through 001916 and tell me whether that is

1 the list that's referred to in Paragraph 3 of
2 the Bergen memorandum?

3 A. This is -- these are certainly
4 copies of such a list. I don't know if it's
5 the complete list. This looks like it covers
6 1972; as best I can tell, starting January in
7 the back, building up to December, the front.

8 MR. SCHWARTZ-LEEPER: Okay, you
9 can set that exhibit aside.

10 (Papageorge Deposition
11 Exhibit 16 marked for
12 identification.)

13 BY MR. SCHWARTZ-LEEPER:

14 Q. Mr. Papageorge, I have had marked
15 for identification purposes as Exhibit Number
16 16 a one-page document bearing production
17 number FRL 000840. I'd like to hand that to
18 you and give you an opportunity to review
19 that exhibit. If you can let me know when
20 you are finished with it.

21 (Witness peruses said
22 document.)

23 A. I have reviewed it.

24 Q. Have you seen this kind of
25 document before?

1 A. Oh, yes.

2 Q. What is it?

3 A. This is a copy of a label which is
4 glued onto a drum of a PCB which is
5 electrical grade Aroclor 1242.

6 Q. Did Monsanto prepare labels such
7 as this for all of its Aroclor products, with
8 the exception of the particular number
9 appearing after the Aroclor trade name?

10 A. Yes.

11 MS. SOBEL: David, I'm going to
12 object and ask you -- I know we want to get
13 right to the heart of the matter, but you've
14 got to ask questions in not a leading way.

15 MR. SCHWARTZ-LEEPER: You are
16 objecting to the form of the question?

17 MS. SOBEL: Yes, I am.

18 BY MR. SCHWARTZ-LEEPER:

19 Q. Did Monsanto prepare labels such
20 as this for its Aroclor 1016 products?

21 A. Yes.

22 Q. Were these labels prepared in the
23 regular course of Monsanto's business?

24 A. Yes.

25 Q. What was Monsanto's purpose in

1 preparing these labels?

2 A. To communicate to anyone who might
3 be involved with the product those conditions
4 which Monsanto felt ought to be followed
5 regarding employee exposure, environmental
6 contamination, and of course, the, the name
7 of the product, and the weight of the
8 material in the container, and the additional
9 piece of information regarding disposal.

10 Q. Okay, you've mentioned the weight
11 of the container. Can you tell me from this
12 exhibit what kind of container this type of
13 label would have been attached to?

14 A. I can.

15 Q. What kind of container?

16 A. This is a 55-gallon steel drum.

17 Q. And how can you tell that?

18 A. The 600 pounds tells me that
19 it's -- and knowing that the PCB product is
20 heavier than water and is roughly
21 10.-something pounds per gallon, so 55 times
22 my 10.-something is close to 600 pounds.

23 Q. I'd like to direct your attention
24 to the center column of text in the section
25 of this exhibit that begins "Caution,

1 contains chlorinated hydrocarbons." The
2 center column begins, I believe, "if clothing
3 becomes soaked with fluid, launder before
4 wearing again," and below that, the text
5 reads, "This product contains polychlorinated
6 biphenyls, which some studies have shown may
7 be persistent, an environmental contaminant,
8 and possibly injurious to certain forms of
9 bird, aquatic and animal life extreme care
10 should be taken to prevent any injury into
11 the environment through spills, leakage, use,
12 disposal, vaporization and otherwise." When
13 did Monsanto begin to include that particular
14 paragraph on labels of products sent to its
15 Aroclor customers?

16 A. Okay, the paragraph that begins
17 with, "This product contains"?

18 Q. That's correct.

19 A. Was introduced on the packages in
20 May of 1970.

21 Q. I'd like to direct your attention
22 to the text in the same portion of this
23 exhibit to the right, the column that bears
24 the heading "WASTE DISPOSAL," "Used
25 polychlorinated biphenyl fluids may be

1 returned for proper incineration at three
2 cents per pound." When did Monsanto begin to
3 include this language in labels affixed to
4 containers for its Aroclor products?

5 A. About the latter part of 1971, as
6 best I can recall.

7 Q. Did Monsanto provide its PCB
8 customers with labels for containers of used
9 PCB fluids that the customer returned to
10 Monsanto for disposal?

11 A. They did.

12 Q. Did Monsanto include instructions
13 against permitting the entry of PCBs into the
14 environment on those labels?

15 A. I just can't recall.

16 Q. Okay, let's set Exhibit Number 16?

17 A. I'd have to see one refresh my
18 memory. I can't recall that one. I do
19 recall they were red with white lettering to
20 highlight them.

21 (Papageorge Deposition
22 Exhibit 17 marked for
23 identification.)

24 MR. SCHWARTZ-LEEPER: Mr.

25 Papageorge, I've had the court reporter mark

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1 for identification as Exhibit 17 a five-page
2 document bearing production numbers FRL
3 000862 through 000866. I'm sure I'm not the
4 only one to pick up on this; it appears that
5 the last digit of the production numbers on
6 the second and last pages of the exhibit
7 appear to have not been reproduced. I will
8 represent that they bear those production
9 numbers. I'd like to ask you to review this
10 exhibit and let me know when you've finished
11 reviewing it.

12 (Witness peruses said
13 document.)

14 A. I have reviewed the exhibit.

15 Q. Have you seen this type of
16 document before?

17 A. Yes, I have.

18 Q. Can you identify it for us?

19 A. These are copies of labels
20 provided by Monsanto to its customers for the
21 return of liquid PCB products that were
22 contaminated or damaged beyond recovery or
23 for recycle and must be destroyed.

24 Q. Were these types of labels
25 prepared in the ordinary course of Monsanto's

1 business?

2 A. Yes.

3 Q. I'd like to direct your attention
4 to the left side of the document, below the
5 language that reads, "Return for reclamation
6 or disposal only." Do you see the text that
7 says, "This product contains polychlorinated
8 biphenyls which some studies have shown may
9 be an environmental contaminant. Extreme
10 care should be taken to prevent any entry
11 into the environment through spills, leakage,
12 use, disposal, vaporization or otherwise"?

13 A. I do see that.

14 Q. Does that refresh your
15 recollection as to whether Monsanto included
16 instructions against permitting the entry of
17 PCBs into the environment on labels for
18 containers for used PCB products?

19 A. Yes, it does.

20 Q. Do you recall when Monsanto began
21 to include this particular instruction on the
22 labels it provided to its PCB customers?

23 A. Do I recall when the paragraph was
24 included?

25 Q. Yes, sir.

1 A. Oh, from the very beginning, and
2 these labels were provided in 1971.

3 Q. Can you tell me what kind of
4 container could bear this kind of return
5 label?

6 A. It would be a steel drum which
7 could withstand at least a one-way trip full
8 of heavy PCB-type liquids.

9 Q. Would that be a 55-gallon drum?

10 A. That was the typical size, but
11 that didn't mean that if a customer had
12 32-gallon drums, he couldn't use them.

13 Q. Okay, who provided the containers
14 for return PCB products?

15 A. The customer had to obtain his own
16 containers.

17 Q. Do you know whether Monsanto sent
18 return labels of the sort that we've had
19 marked as Exhibit Number 17 to Universal
20 Manufacturing Corporation?

21 A. Yes.

22 Q. And how do you know that?

23 A. It was part of a program that was
24 instituted when these labels were printed,
25 all customers on record still receiving PCBs

1 automatically got bundles of these labels,
2 and Universal was on that list.

3 MR. SCHWARTZ-LEEPER: You can set
4 that exhibit aside.

5 (Papageorge Deposition
6 Exhibit 18 marked for
7 identification.)

8 BY MR. SCHWARTZ-LEEPER:

9 Q. Mr. Papageorge, I've had marked
10 for identification purposes a two-page
11 document -- as Exhibit Number 18 a two-page
12 document bearing production numbers FRL
13 003380 and 003381. I'd like to give you the
14 opportunity to review that document or that
15 exhibit, rather.

16 For the record, the exhibit
17 consists of two letters, both dated September
18 28, 1970. The first is addressed to Mr.
19 N. Ray Clark, Executive Vice-President,
20 Electronic Components Div., Universal
21 Manufacturing Company. The second one is
22 addressed to Mr. Armand De Mauro, Plant
23 Manager, Electronic Components Div.,
24 Universal Manufacturing Corp.

25 (Witness peruses said

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1 document.)

2 A. I have reviewed the exhibit.

3 Q. Have you seen either page of this
4 exhibit before?

5 A. Yes, I have.

6 Q. Setting aside whatever you may
7 have looked at yesterday, have you seen this,
8 either page of this exhibit?

9 A. Oh, yes, I saw this about the time
10 of the date of the letter.

11 Q. Do you know whether these letters
12 were, in fact, sent to Mr. Clark and to Mr.
13 De Mauro?

14 A. I do.

15 Q. How do you know that?

16 A. Mr. Graham called me and read
17 these letters over the phone to me for my
18 comments, and at the time he sent these, he
19 sent me carbon copies of these.

20 Q. Do you recall whether Universal
21 returned any waste PCB products to Monsanto's
22 Sauget, Illinois, facility for incineration?

23 A. I do not.

24 MR. SCHWARTZ-LEEPER: Okay, you
25 can set that exhibit aside.

1 (Papageorge Exhibit 19 marked
2 for identification.)

3 BY MR. SCHWARTZ-LEEPER:

4 Q. Mr. Papageorge, I've had the court
5 reporter mark for identification purposes as
6 Exhibit Number 19 a two-page exhibit bearing,
7 or two pages of documents bearing the
8 production numbers FRL 001531 and 001532.
9 I'm going to hand that to you and ask you to
10 review it. If you can indicate to me when
11 you are finished with your review, I will ask
12 you a few questions about this exhibit.

13 For the record, the first page of
14 the exhibit appears to be a letter dated on
15 Monsanto letterhead dated December 15, 1975,
16 to Universal Manufacturing, attention, Mr.
17 Armand De Mauro, Plant Manager. The second
18 page appears to be a handwritten notation.

19 (Witness peruses said
20 document.)

21 A. I have reviewed the exhibit.

22 Q. Okay. Having reviewed this
23 exhibit, does it refresh your recollection as
24 to whether Universal returned any used PCB
25 product to Monsanto for incineration?

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1 A. No, it doesn't.

2 Q. Okay, let me direct your attention
3 to the third paragraph of the letter.

4 Actually, it starts with the second
5 paragraph. It begins, "Enclosed are ten
6 preaddressed drum return labels marked
7 "Disposal only." Are those the kinds of
8 labels that we've had marked as Exhibit 17?

9 A. At least one of those fits this
10 period of time.

11 Q. Can you indicate which one?

12 A. The one that refers to Department
13 831, instead of the other numbers shown
14 there.

15 Q. And that would be, in Exhibit
16 Number 17, the document bearing the
17 production number FRL 864, the document
18 bearing production number 865, and the
19 document bearing production number 866?

20 A. Yes.

21 Q. Now directing your attention to
22 the third paragraph, it begins, "To avoid
23 leakage, use drums which meet DOT 17E
24 specifications." It continues on from there.
25 Do you see that?

1 A. I do.

2 Q. Does that accurately state the
3 container requirements for returns of PCB
4 products to Monsanto from its customers?

5 A. Yes, this describes the minimum
6 standard that must be met. If they had
7 access to drums that were even heavier gauge
8 and all, that's okay, as long as this minimum
9 was met.

10 MR. SCHWARTZ-LEEPER: Okay, let's
11 set Exhibit Number 19 aside.

12 (Papageorge Deposition
13 Exhibit 20 marked for
14 identification.)

15 BY MR. SCHWARTZ-LEEPER:

16 Q. Mr. Papageorge, I've had the court
17 reporter mark for identification purposes as
18 Exhibit Number 20 a single-page document
19 bearing the production number FRL 000861.
20 I'm handing that to you, and I'd like you to
21 review it if you can indicate to me when you
22 are finished reviewing it, I'll ask you a few
23 questions about this exhibit.

24 (Witness peruses said
25 document.)

1 A. I have reviewed it.

2 Q. Have you seen this kind of
3 document before?

4 A. Yes, I have.

5 Q. Can you identify it?

6 A. It is a label to be affixed to
7 drums of products containing PCBs. It's a
8 Monsanto label and was used for those few
9 cases where the information contained on this
10 document was not available on the product
11 label that had to accompany this, this
12 particular label. This is a supplementary
13 label.

14 Q. Do you know when Monsanto first
15 began using this kind of supplementary label?

16 A. Well, the format changed as more
17 information was obtained through the years.
18 The reference, for example, to presence in
19 the environment and preventing leakage and
20 all, you may recall, was in a, a paragraph
21 that was added to products starting in 1970,
22 and through the period '71, '72, and so on,
23 additional messages were included. For
24 example, the reference to contact with food
25 and animal feedstuffs and pharmaceuticals,

1 that was added in 1971. The reference to
2 waste disposal was added in 1971. The
3 reference to Department 831 came about in
4 1975, so this particular exhibit reflects,
5 really, the, the accumulation of all that
6 data on one piece of paper.

7 Q. Okay. Referring back to
8 Papageorge Exhibit Number 17, I'd like to
9 direct your attention to the shipping address
10 that appears on the first two pages of
11 Exhibit Number 17. It indicates Department
12 Number 246 in Sauget?

13 A. Yes.

14 Q. Can, just for purposes of
15 clarification, can you tell me when the
16 shipping address changed from Department 246
17 to Department 831, as indicated on Exhibit
18 number 20?

19 A. It changed from 246 to 700
20 something and then 831. The 700 number was
21 about 1973, and 831 was adopted about
22 1975-ish. These are really assigned by the
23 Accounting Department so they can keep their
24 books appropriately. It's the same set of
25 people.

1 MR. SCHWARTZ-LEEPER: You can set
2 Exhibit Number 20 aside.

3 BY MR. SCHWARTZ-LEEPER:

4 Q. Did Monsanto include instructions
5 against the entry of PCBs into the
6 environment on shipping documents
7 accompanying products sold to Monsanto's PCB
8 customers?

9 A. They started that, yes.

10 Q. Do you recall when they started
11 that?

12 A. About 1972.

13 (Papageorge Deposition
14 Exhibit 21 marked for
15 identification.)

16 BY MR. SCHWARTZ-LEEPER:

17 Q. Mr. Papageorge, I've had the court
18 reporter mark for identification purposes as
19 Exhibit Number 21 a single-page document
20 bearing production number FRL 001021. I'm
21 handing it to you and I'd like for you to
22 review it. When you've finished reviewing
23 it, please indicate to me.

24 (Witness peruses said
25 document.)

1 A. I have reviewed this.

2 Q. Sir, have you seen this type of
3 document before?

4 A. Yes, I have.

5 Q. Can you tell us what it is?

6 A. This is a copy of a shipping
7 document which shows that the material was
8 ordered by Electronic Component Division of
9 Universal in Patterson, New Jersey, for
10 material to be shipped to Bridgeport,
11 Connecticut. It calls for the material, it's
12 an 8,000-gallon tank car, it shows the
13 weight, and it does include three paragraphs
14 that refer to spillage and control.

15 Q. You are referring to the language
16 reading, "This product contains
17 polychlorinated biphenyls (PCBs) which some
18 studies have shown may be persistent, an
19 environmental contaminant, and possibly
20 injurious to certain forms of bird, aquatic
21 and animal life. Prevent any entry into the
22 environment through spills, leakage,
23 disposal, vaporization, reuse of containers
24 or otherwise"?

25 A. Yes.

1 Q. Okay.

2 A. And on; it's got some more
3 sentences there.

4 Q. Okay. Would this shipping
5 document have accompanied product that was
6 shipped to Universal's Bridgeport facility?

7 A. One would accompany the product,
8 another would be sent through the mail.
9 Another copy would be sent through the mail.

10 Q. Okay. Just so that I'm clear, a
11 copy of this would have been sent to
12 Universal's Bridgeport plant?

13 A. That's right.

14 Q. Do you have an understanding of
15 how this type of document is prepared by
16 Monsanto?

17 A. I don't understand the question.
18 You mean the mechanics of doing it, or --

19 Q. Yes, sir, the process which
20 resulted in this kind of shipping document.

21 A. I don't quite know how to answer
22 it. There are people, of course, involved.
23 They do get the, the order, sometimes by
24 telephone, sometimes by mail, sometimes
25 directly from the customer, sometimes from

1 our field sales representative. That
2 information is noted, and in those days in
3 1972, this would be, of course, typed on
4 blank forms and they would also ship -- type
5 in the date of shipment and the tank car
6 number, which is in the upper right-hand
7 corner. The environmental statements we just
8 read would be stamped on, really. It was a,
9 a stamp prepared, and then later on, when the
10 tank car was weighed at the railroad scale,
11 the numbers shown at the bottom of the page
12 would be included on the document. I don't
13 know how else to describe that.

14 Q. Was the information concerning the
15 order put on these types of documents by
16 employees at Monsanto whose responsibilities
17 included taking such information from
18 customers and preparing shipping documents,
19 based on that information?

20 A. Yes. Yes.

21 Q. Were shipping documents such as
22 the one we've had marked as Exhibit Number 21
23 prepared in the regular course of Monsanto's
24 business?

25 A. Yes.

1 Q. Who at Monsanto would stamp the
2 environmental statement on a document such as
3 this?

4 A. Oh, this would be any one of about
5 almost half a dozen people. It would be the
6 individual who was in the -- who was the
7 contact person in the Customer Order
8 Processing Department, and then he would have
9 his clerks at the typewriters; any of those
10 individuals could put that on there.

11 Q. Would this kind of shipping
12 document be prepared at or about the time
13 that Monsanto received an order from a
14 customer?

15 A. It would be started at that time
16 and then later, when the shipment was made,
17 the current dates, tank car numbers, the
18 information that was lacking immediately
19 would be included until the form was
20 completed and the shipment released.

21 Q. Once this type of document had
22 been completed, what would be done with it?

23 A. Well, one copy would accompany the
24 bill of lading, along with the shipping
25 papers to the railroad. Of course, copies

1 would be kept in the file, and the copy would
2 be sent to the field salesman and a copy
3 could be sent to the customer, along with an
4 acknowledgement order. Many times, the two
5 would go together, unless there was a long
6 delay between the day the order was placed
7 and the date of shipment. Then an
8 acknowledgement order would be sent sooner
9 than the date of -- than the shipping
10 document. That's in general what happened.
11 It varied slightly from case to case.

12 Q. With respect to the environmental
13 language stamped on this shipping document,
14 can you tell me why Monsanto would include
15 this language on the shipping document?

16 A. Of course, the principal reason is
17 to communicate. We were fairly certain that
18 the customer and its people had already
19 understood the need for this kind of action
20 or behavior. The new reason for including
21 this is to also inform the transporting
22 company, whether it be a truck driver, or a
23 railroad individual, or if necessary, an
24 emergency response team that responds to an
25 accident that might occur during the

1 shipping.

2 MR. SCHWARTZ-LEEPER: Okay, let's
3 set Exhibit Number 21 aside.

4 (Papageorge Deposition
5 Exhibit 22 marked for
6 identification.)

7 BY MR. SCHWARTZ-LEEPER:

8 Q. Mr. Papageorge, I've had the court
9 reporter mark for identification purposes as
10 Exhibit Number 22 a three-page document
11 bearing production numbers FRL 000078
12 consecutive through 000080. I'm handing it
13 to you. I'd like you to review it, and in
14 the interests of speeding things up, in the
15 course of your review, bear in mind that my
16 first question will be whether or not you
17 have seen this type of document before, and
18 if so, could you identify what it is.

19 (Witness peruses said
20 document.)

21 A. I have seen this kind of document.
22 It is a copy of an invoice for material
23 shipped. This particular one refers to a
24 shipment to Electronic Components in New
25 Jersey. I don't know what else to add at

1 this point.

2 Q. Okay. Do you see the reference
3 under "Description, Price and Unit" midway
4 down the first page of the exhibit, to an
5 8,000-gallon tank car?

6 A. I do.

7 Q. Do you recall the size of tank
8 cars used to ship PCB products to Universal
9 in 1970?

10 A. 8,000-gallon was the size car
11 used.

12 MS. SOBEL: David, I'm just going
13 to ask for a clarification for my own sake.
14 Are you talking about, when you say
15 "Universal," are you just talking about
16 Universal generally, or are you talking about
17 any particular size?

18 BY MR. SCHWARTZ-LEEPER:

19 Q. Let's clarify that. Were
20 different size tank cars used to ship PCB
21 products to Universal at its different sites?

22 A. Not to my knowledge.

23 Q. Would an 8,000-gallon tank car be
24 used to ship PCB products to Universal's
25 Bridgeport site in 1970?

1 A. Yes.

2 Q. And it would be used the same size
3 tank car would be used to ship PCB products
4 to Universal at its New Jersey site?

5 A. Yes.

6 Q. Do you have an understanding as to
7 how or the process by which invoices such as
8 the one we've had marked as Exhibit 22 were
9 prepared by Monsanto?

10 A. Oh, I don't know the exact
11 mechanics of it. I do know that they were
12 the responsibility of the Accounts Receivable
13 Department. They would use the documents
14 similar to the one we had under Exhibit 21 to
15 get their information. That information at
16 that time in 1972 was done manually, with
17 typewriters, and the forms were filled out
18 and the invoice mailed. I don't know, again,
19 how to describe the procedure any more than
20 that.

21 Q. Okay, were invoices such as the
22 one we've got marked as Exhibit 22 prepared
23 by employees within Monsanto whose
24 responsibilities included the preparation of
25 invoices?

1 A. Yes.

2 Q. Were they prepared at or about the
3 time that materials described in the invoice
4 were shipped to the customer?

5 A. I'm under an understanding that it
6 wasn't that quickly done. There was an
7 interval of time between. I don't personally
8 know how long an interval of time, but it did
9 allow for the material to arrive at its
10 destination to be acceptable to the customer
11 and to be unloaded, and thereby avoided the
12 situation where invoice would be sent and a
13 shipment rejected and returned, and
14 complicating the paper work.

15 Q. I'd like to direct your attention
16 to the line of information at the top of
17 Exhibit 22; in particular, in the block
18 indicated "Date shipped." Do you see the
19 date, there, as being November 16th, 1972?

20 A. I saw that, yes.

21 Q. To the right of that, there's an
22 invoice date on this exhibit.

23 A. I saw that, too, yes.

24 Q. The date is the same.

25 A. I'm certain that although it's

1 typed on the 16th, that it wasn't mailed at
2 that time. There was a period of time --

3 Q. Okay.

4 A. -- to allow for the transaction to
5 be completed.

6 Q. Before the invoice was actually
7 mailed.

8 A. Mailed, yes.

9 Q. Okay.

10 A. That's what I had reference to. I
11 don't understand this particular date, here.

12 Q. Let me ask you, then, setting
13 aside when the invoice, itself, may have been
14 mailed to the customer, would the invoice
15 have been prepared at or about the time that
16 the product was shipped to the customer?

17 A. I'm under understanding that there
18 were several days between the time of
19 shipment and the time of invoice preparation.

20 Q. Were invoices such as the type
21 we've had marked as Exhibit Number 22
22 prepared in the regular course of Monsanto's
23 business?

24 A. Yes.

25 Q. Who would put the environmental

1 statement on the invoices?

2 A. Generally, it was the preparer of
3 the document, the clerk.

4 Q. Do you recall when Monsanto began
5 to include this environmental language on
6 invoices for PCB products it was selling?

7 A. Just like they did on the shipping
8 documents, about 72.

9 Q. Can you tell me why Monsanto
10 included this environmental language on its
11 invoices?

12 A. Yes, it's again an attempt to make
13 certain that somebody in the customer's
14 organization is reminded of the need to
15 remember this message and it's an attempt,
16 too, to make certain that with changes of
17 personnel amongst our customers, that someone
18 doesn't forget the need to remember the
19 message.

20 (Papageorge Deposition
21 Exhibit 23 marked for
22 identification.)

23 MR. SCHWARTZ-LEEPER: You can set
24 Exhibit Number 22 aside, so that we may move
25 on to Exhibit Number 23, which consists of a

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1 single page bearing a production number FRL
2 001836. It is headed "The handling of
3 Aroclors (chlorinated diphenyl)." Down at
4 the bottom, there is a notation reading,
5 "Attachment 3-1." I'd like to ask you to
6 review this document, and if you can indicate
7 to me when you are finished with your review,
8 then I can ask you some questions about it.

9 (Witness peruses said
10 document.)

11 A. I have finished reviewing it.

12 Q. Mr. Papageorge, have you seen this
13 particular document before?

14 A. I have.

15 Q. Can you tell me what it is?

16 A. I can tell you a little bit about
17 it. I wish I knew all of it. This is a page
18 out of a document, and this particular page
19 addresses the handling of Aroclors, and the
20 reference to chlorinated diphenyl strongly
21 indicates that the document must have existed
22 back in the Thirties and Forties. The --
23 some of the suggested treatments in this
24 document were changed through the years,
25 which again emphasizes that this document is

1 an early document. I cannot tell from
2 looking just at this page what the original
3 document was.

4 Q. Do you have any understanding as
5 to who prepared this document?

6 A. Yes, I have.

7 Q. Who?

8 A. This would be prepared by Dr.
9 Kelly's Medical Department.

10 Q. Do you know whether this
11 particular page that we've had marked as
12 Exhibit Number 23 was provided to any of
13 Monsanto's customers?

14 A. I do not.

15 MR. SCHWARTZ-LEEPER: Let's set
16 Exhibit Number 23 aside, and I'd ask the
17 court reporter to mark as Exhibit Number 24 a
18 single-page document bearing the production
19 number FRL 001836.

20 (Papageorge Deposition
21 Exhibit 24 marked for
22 identification.)

23 BY MR. SCHWARTZ-LEEPER:

24 Q. I'm handing it to you; I'd like
25 you to review it. If you can tell me when

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1 you've completed your review, I will ask you
2 some questions about it.

3 (Witness peruses said
4 document.)

5 A. I have reviewed it.

6 Q. Have you seen this document
7 before?

8 A. It appears familiar, yes.

9 Q. Can you tell me what it is?

10 A. This is a page out of another
11 document and addresses toxicity safe handling
12 and it does refer to askarel fluids and the
13 date on it, of course, shows that it's a
14 1971 --

15 Q. Excuse me. You are referring to
16 the typed date up in the upper right-hand
17 corner?

18 A. Yes.

19 Q. I'd like to direct your attention
20 to the handwritten date below that. The
21 typewritten date appears to be 2-25-
22 seventy --

23 A. Something.

24 Q. -- something. The handwritten
25 date is indicated to be 2-25-73. Do you have

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1 any independent recollection as to whether
2 this document was prepared in February of
3 1971?

4 A. Not knowing what bulletin or what
5 other document this came from, it's extremely
6 difficult to do that. I do know, though, in
7 1973, when the ANSI committee was active,
8 this, the information on this document would
9 have been reviewed by Monsanto's Medical
10 Department. I find it hard to relate this
11 particular wording with the kinds of
12 information that was used in 1973 by the
13 committee, so I'm having difficulty with
14 those dates.

15 Q. Okay. Do you recall whether
16 Monsanto advised its PCB customers, in
17 particular its Aroclor customers, that they
18 should not heat Aroclors in open vessels
19 above a temperature at which fumes appear?

20 A. Yes, that information was included
21 in bulletins which were published in the
22 Fifties, Sixties.

23 Q. Is your answer complete? I'm
24 sorry, I was looking down, and I didn't know
25 whether you were finished or not.

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1 A. Yeah.

2 Q. Okay.

3 A. That information you asked about
4 was included in bulletins published in the
5 Fifties and Sixties.

6 Q. Do you recall what that
7 temperature is?

8 A. Which temperature? I thought you
9 mentioned 360 degrees or something.

10 Q. No, sir, I didn't. I asked you
11 about a temperature at which fumes appeared.

12 A. Oh, all right. As I recall, it
13 was 300 or so Fahrenheit -- 300 or so degrees
14 Fahrenheit.

15 Q. Do you recall whether Monsanto
16 advised its Aroclor customers that they
17 should not heat Aroclors even in closed
18 vessels and then remove them in open
19 environments at temperatures above which
20 fumes would appear?

21 A. I don't recall that Monsanto
22 referred to specific conditions regarding
23 temperatures and fumes other than to caution
24 the customer not to expose its employees to
25 the fumes, and it's up to the customer then

1 to decide under which conditions those fumes
2 were excessive and either withdraw the
3 employees or give them protection --
4 protective equipment.

5 Q. Do you recall when Monsanto began,
6 began issuing such warnings to its PCB
7 customers?

8 A. Oh, almost from the very
9 beginning. It's, it's part of the general
10 precautionary statement that says avoid
11 prolonged breathing of fumes, and as I
12 recall, it was on -- it was in the bulletins,
13 product bulletins regarding health effects
14 due to breathing of fumes.

15 Q. Do you recall whether Universal's
16 employees were exposed to PCB fumes at the
17 Bridgeport plant?

18 A. I don't really associate a fume
19 problem with Universal employees. I'm not
20 aware of any of that.

21 Q. Okay. During your visit to
22 Universal's Bridgeport plant, did you have
23 the opportunity to observe the manufacturing
24 operations at that plant?

25 A. Yes, mm-hmm.

1 Q. Did you have the opportunity to
2 see how the capacitors manufactured at the
3 Bridgeport plant were impregnated with PCBs?

4 A. Yes.

5 Q. Could you describe how that was
6 done at the Bridgeport plant?

7 A. I don't know that I can recall all
8 the specifics, but it's -- it was again a
9 case of capacitors that had been filled with
10 the windings and they had a cover on them
11 with an opening, and they were in trays, as I
12 recall, and they were introduced into the
13 impregnating chambers and they, the liquid
14 material was introduced in the impregnating
15 chambers. Of course, the chambers previously
16 had been heated to drive off moisture, and
17 after a given period of time, which I don't
18 recall now, the units were allowed to cool
19 down and then they opened them up and took
20 out the now-filled capacitors, and as I
21 remember, the employees were then sealing the
22 opening on the upper cover of the capacitor.
23 The capacitors, of course, were still oily
24 from the PCB dielectric fluid; they had to be
25 degreased. That's all I kind of remember

1 about it. They, they were the small
2 capacitors that I saw. By small, I'm talking
3 about the size of this glass or smaller.

4 Q. Okay. You mentioned trays: Do
5 you have a recollection as to what those
6 trays looked like?

7 A. I don't know how to describe them.
8 They had handles and they were packed with
9 capacitors. They were, what, a yard wide and
10 maybe 30 inches deep. Something about that
11 size.

12 Q. Do you recall whether the bottoms
13 of these -- first of all, do you recall
14 whether these trays had bottoms?

15 A. I thought they were cage
16 construction, basket construction.

17 Q. Okay.

18 A. Not solid trays.

19 Q. Were these trays manually removed
20 by Universal employees from the impregnation
21 chambers after they had been filled with PCB
22 fluid?

23 A. Yes.

24 Q. Do you recall how they were
25 conveyed to the employees who did the sealing

1 on the capacitors?

2 A. I'd have to be careful I don't
3 confuse my capacitor plants.

4 Q. Certainly.

5 A. It was an assembly line kind of an
6 operation where these units would go by and
7 the employees were sealing the holes, is all
8 I remember. I have an impression it was a
9 conveying system.

10 Q. You indicated that the capacitors,
11 I believe, at the sealing stage were still
12 oily from the PCB dielectric fluid?

13 A. Yes.

14 Q. Does that mean that there was PCB
15 oil on the outside of the capacitors?

16 A. It was oil along the sides and
17 then at the top, because of the lip around
18 the condenser, there was a film of oil across
19 the top, through which the soldering iron or
20 hole-filling device would have to go through
21 the liquid to deposit the metal to seal the
22 hole.

23 Q. Do you recall anyone from
24 Universal indicating that the manual removal
25 of the trays containing the PCB, PCB-filled

1 capacitors from the impregnation chambers
2 with the PCB oil on the outside of the
3 capacitors had led to the stains that you
4 observed on the floors of the plant?

5 A. I don't recall that specific
6 discussion. It doesn't mean it didn't
7 happen. I don't recall it.

8 Q. One way or the other?

9 A. That's right, one way or the
10 other.

11 Q. Do you recall now, having gone
12 through the process at the Bridgeport plant,
13 where in the plant you observed those stains?

14 A. No, I was kind of turned around,
15 being a stranger in the plant. No, I
16 couldn't tell you.

17 Q. Okay. Do you recall anyone at
18 Universal indicating to you whether the --
19 whether there was drippage or leakage of PCB
20 oil that was inherent to the manufacturing
21 process at that plant?

22 A. I do not recall that specific
23 subject. Now, there was evidence that I
24 indicated earlier of what I call the oil
25 stains, and there was a recognition amongst

1 all of us present at the discussion that
2 material was getting on, onto the floors, and
3 so on. I don't recall personally the use of
4 the word "drippage" from the impregnation
5 coming out. I, to me, I assume that, but the
6 words, themselves, weren't brought out.

7 Q. Do you recall whether anyone from
8 Universal offered any explanation as to how
9 the material was getting onto the floors of
10 the plant?

11 A. It wasn't an explanation, it was
12 an acknowledgement that it was getting on,
13 they're going to have to do something better:
14 That kind of discussion.

15 MR. SCHWARTZ-LEEPER: Let's have
16 this marked as Exhibit Number 25.

17 (Papageorge Deposition
18 Exhibit 25 marked for
19 identification.)

20 BY MR. SCHWARTZ-LEEPER:

21 Q. Mr. Papageorge, I've had the court
22 reporter mark for identification purposes as
23 Exhibit 25 a series of documents bearing
24 production numbers FRL 001931 consecutive
25 through FRL 001948. I'm handing it to you.

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1 I'd like you to review this exhibit in its
2 entirety. When you have finished with your
3 review, if you could indicate that to me and
4 I'll ask you a few questions about it.

5 (Witness peruses said
6 document.)

7 A. I have reviewed the exhibit.

8 Q. I'd like to direct your attention
9 to the first page of the exhibit. Do you see
10 your name appearing on that page?

11 A. I do.

12 Q. Do you see the check mark next to
13 it?

14 A. Yes.

15 Q. And the date stamp next to the
16 check mark?

17 A. Yes.

18 Q. Does that indicate that you
19 received a copy of what we've had marked as
20 Exhibit Number 25 on or about August 27th of
21 1973?

22 A. It does.

23 Q. Who was Cumming Paton?

24 A. At that time, Dr. Paton was the
25 Manager of Fluid Sales.

1 Q. Do you know whether he still works
2 for Monsanto?

3 A. I believe he does. No, let me
4 think a bit. He retired recently, I guess.
5 He's retired.

6 Q. Do you know about when that was?

7 A. Within the past year.

8 Q. Do you know where he is now?

9 A. I understand he's in the St. Louis
10 area.

11 Q. Okay, I'd like to direct your
12 attention to the second and third pages of
13 the exhibit. Do these pages comprise the
14 letter that's referred to in the memorandum
15 which itself comprises the first page of the
16 exhibit, that you received from Mr. Paton?

17 A. They do.

18 Q. The memorandum, which, for the
19 record, is dated August 3rd, 1973, appears on
20 Monsanto stationery, refers to an attached
21 list of Pydraul customers.

22 A. No, the letter doesn't --

23 Q. I'm sorry.

24 A. -- but the first page does.

25 Q. That's correct, the first page

1 does. Would you take a look at the last page
2 of the exhibit? Maybe the last two pages.

3 A. I have them.

4 Q. Okay, is that the attached list of
5 Pydraul customers that was attached to the
6 first page of this exhibit?

7 A. Well, that's at least two pages of
8 the list.

9 Q. Okay. Do you know whether Mr.
10 Paton's August 3rd, 1973, letter which
11 comprises the second and third pages of the
12 exhibit, was sent, that that letter was sent
13 to Universal?

14 A. At the addresses shown on the last
15 two pages.

16 MR. SCHWARTZ-LEEPER: You can set
17 Exhibit Number 25 aside.

18 (Papageorge Deposition
19 Exhibit 26 marked for
20 identification.)

21 MR. SCHWARTZ-LEEPER: Let's go off
22 the record for a moment.

23 (Discussion off the record.)

24 (Papageorge Deposition
25 Exhibit 27 marked for

1 identification.)

2 (Papageorge Deposition

3 Exhibit 28 marked for

4 identification.)

5 BY MR. SCHWARTZ-LEEPER:

6 Q. Mr. Papageorge, I've had the court
7 reporter mark as Exhibit Number 26 for
8 identification the three-page letter bearing
9 the production numbers FRL 003182, 3183,
10 3184, appears to be a letter on Monsanto
11 letterhead dated August 11, 1975, to Mr. Ray
12 Clark, Universal Manufacturing Corporation.

13 I've also had the court reporter
14 mark as Exhibit Number 27 for identification
15 a three-page letter, also on Monsanto
16 letterhead, also dated August 11, 1975,
17 bearing production numbers FRL 003185, 3186
18 and 3187, addressed to Mr. Ed Wickson of
19 Universal Manufacturing Corp., and as Exhibit
20 Number 28 for identification, I've had the
21 court reporter mark a three-page letter
22 bearing the production numbers FRL 003194,
23 3195, 3196, also on Monsanto letterhead, also
24 dated August 11, 1975, addressed to Mr.
25 Armand De Mauro, Universal Manufacturing

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1 Corporation.

2 Can you take a look at those three
3 exhibits, however much time you need to
4 review them? The first question I will ask
5 you is -- and bear this in mind when you
6 review -- whether, with the exception of the
7 addressees, individual addressees, these
8 letters are identical to each other.

9 (Witness peruses said
10 document.)

11 A. I'm familiar with these letters.
12 They are identical. They were sent to
13 customers on record as of August 1975. This
14 included customers still receiving PCB-type
15 products, as well as those customers who had
16 purchased PCBs from Monsanto in the past.

17 Q. Okay, I'd like to direct your
18 attention -- let's take Exhibit Number 26 as
19 an example -- to the last page of the
20 exhibit. Do you recall whether Phillip
21 Slayton was Regional Sales Manager of
22 Monsanto's Specialty Products Group in August
23 of 1975?

24 A. He was.

25 Q. Do you recognize that to be Mr.

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1 Slayton's signature?

2 A. As best I recall, yes.

3 Q. Do you know whether Mr. Slayton is
4 still employed by Monsanto?

5 A. I do not.

6 Q. Do you know where he is?

7 A. I do not.

8 Q. I'd like to direct your attention
9 to the line copies there are listed below Mr.
10 Slayton's signature.

11 Do you know who J. S. Pullman was?

12 A. In 1975, Mr. Pullman was the field
13 salesman for Monsanto who was assigned the
14 Universal Manufacturing Company's locations
15 represented in these three documents. I
16 think he's in --

17 Q. Just so that we're clear on the
18 record, can you take a look at Exhibit Number
19 28, the last page of that exhibit?

20 A. The last one is a different
21 individual. I was wrong.

22 Q. Okay. Let's go back to 26. Do
23 you know whether Mr. Pullman is still
24 employed by Monsanto?

25 A. The last I heard, he was retired.

1 Q. Do you know where he is now?
2 A. I do not.
3 Q. Now, earlier you had mentioned a
4 Mr. Wood. Do you see the reference to
5 D. Wood?
6 A. I do.
7 Q. On Exhibit Number 26?
8 A. Yes.
9 Q. Is that the same Wood that you had
10 referred to earlier?
11 A. Yes.
12 Q. Okay. Take a look at Exhibit
13 Number 28, the last page, the reference to
14 J. E. Spinks. Do you know who J. E. Spinks
15 was?
16 A. Yes, I do. Mr. Spinks was the
17 Monsanto sales representative to whom the New
18 Jersey Universal site was assigned.
19 Q. Do you know whether Mr. Spinks is
20 still employed by Monsanto?
21 A. I do not.
22 Q. Do you know where he is now?
23 A. I do not.
24 Q. Okay. Do you recall the
25 circumstances which led to Monsanto sending

1 these letters to Messrs. Clark, Wickson and
2 De Mauro?

3 A. I do.

4 Q. Can you describe those
5 circumstances for us?

6 A. Monsanto had been receiving return
7 material in increasing quantities from the
8 period starting in '71 or thereabouts through
9 this period '75 and was experiencing many
10 difficulties because some of the customers
11 were using containers that were not adequate
12 for the kind of material that PCBs are. They
13 were using weaker drums, thinner drums, and
14 in transit, these drums would leak, creating
15 all sorts of spillage problems in the truck
16 beds. The trucks were being stopped on the
17 highways and forced to clean up out in the
18 field. The situation got so bad that
19 Monsanto decided to prepare this letter and
20 send it to all of its customers that were
21 either currently purchasing PCBs or had in
22 the past purchased PCBs, and you'll note this
23 is directed to the electrical application.
24 This was a mailing to all of them, whether
25 they used that disposal service or not, and

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1 the idea being that if they didn't use it
2 today, they might use it tomorrow, so we
3 don't want them to use the wrong container if
4 they start using that service, so it was a
5 preventative measure in terms of those who
6 did not use the service, it was a reminder to
7 those who had been using it, and it was a
8 case, too, of if the shoe fits, you wear it.
9 Many of them were doing a good job. It was
10 the few that were not.

11 Q. Do you recall whether Monsanto had
12 experienced any problems of the sort you just
13 described with respect to returns from
14 Universal?

15 A. No. I'm not aware of any such
16 situation.

17 MR. SCHWARTZ-LEEPER: Let's set
18 Exhibits 26, 27 and 28 aside.

19 (Papageorge Deposition
20 Exhibit 29 marked for
21 identification.)

22 BY MR. SCHWARTZ-LEEPER:

23 Q. Mr. Papageorge, I've had the court
24 reporter mark for identification purposes as
25 Exhibit Number 29 a multipage document

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1 bearing the production numbers FRL 002423
2 consecutive through 2449. I'm handing it to
3 you so that you can review it. For the
4 record, the first page of the exhibit is on
5 United States Environmental Protection Agency
6 letterhead. It's dated December 22nd, 1975.
7 It's indicated to be a memorandum to regional
8 administrators, regional enforcement
9 directors, regional surveillance and analysis
10 directors, from the Assistant Administrator
11 For Enforcement. The subject is indicated to
12 be identification, control of environmental
13 sources of PCBs.

14 Please take of opportunity to
15 review this document. I'm not going to ask
16 you any questions concerning the contents of
17 the documents as such.

18 (Witness peruses said
19 document.)

20 A. I have reviewed the document.

21 Q. Sir, have you seen what we've had
22 marked as Exhibit Number 29 before?

23 A. Yes.

24 Q. Can you identify what it is?

25 A. It's a memorandum from the United

1 States Environmental Protection Agency to its
2 regions, asking the individuals to which this
3 memorandum is addressed to perform the study
4 in the field of the companies listed as users
5 of PCBs.

6 Q. Those are the companies listed on
7 Exhibit C within this exhibit in production
8 numbers 2428 through 2439?

9 A. Yes.

10 Q. Do you recall when you first saw
11 Exhibit 29?

12 A. Yes, it was after the Christmas
13 holidays in '75. I would suggest it was
14 January '76 that I was sent a copy from our
15 Washington office.

16 Q. "Our Washington office" refers to
17 Monsanto's?

18 A. Monsanto's Washington
19 representatives.

20 Q. Do you know how Monsanto obtained
21 this document?

22 A. Not specifically, no.

23 Q. Did Monsanto do anything with this
24 document once it had been received by
25 Monsanto?

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1 A. Not directly, no.

2 Q. Do you know whether it was
3 distributed to anybody on the ANSI C-107
4 Committee that you referred to earlier?

5 A. In 1976, the committee was, I'm
6 going to say dormant, although it still
7 existed on paper. Many of the companies on
8 this list were aware of it from their own
9 Washington contacts. I do not know if any of
10 the, of those members shared it with their
11 fellow members of ANSI.

12 Q. Do you know whether it was
13 distributed to anyone who had served on the
14 EIA ad hoc PCB committee?

15 A. I do not.

16 Q. Okay. Do you know whether
17 Universal Manufacturing ever obtained a copy
18 of what we've had marked as Exhibit Number
19 29?

20 A. I do not know.

21 MR. SCHWARTZ-LEPPER: Okay, you
22 can set 29 aside.

23 I apologize; I don't have a
24 stapler. If somebody else does, I'd
25 appreciate using it.

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(Pause)

MR. SCHWARTZ-LEEPER: For our next exhibit, I'd like to ask the court reporter to mark that as number 30.

(Papageorge Deposition Exhibit 30 marked for identification.)

BY MR. SCHWARTZ-LEEPER:

Q. Mr. Papageorge, I've had the court reporter mark as Exhibit Number 30 for identification two pages of handwriting bearing the production numbers FRL 002938 and 002939. For the record, the first page, 2938, begins, "Universal Manufacturing Corp., Bridgeport." The second page bears at the top the date 11/26/74. I'd like to ask you, sir, to review what we've had marked as Exhibit Number 30.

If you can indicate to me when you are finished, I'll ask you a few questions about this exhibit.

(Witness peruses said document.)

A. I have reviewed the exhibit.

Q. Sir, do you recognize any of the

1 handwriting on this exhibit?

2 A. I believe I do.

3 Q. Can you identify whose handwriting
4 it is?

5 A. It's been awhile, but I would
6 suggest from the handwriting and the contents
7 there was an individual at our Krummrich
8 Plant, Stewart was his last name, I think
9 it's Ed Stewart, Ed Stewart, who was
10 appointed by Monsanto to help a group of
11 capacitor manufacturers who are under the
12 auspices of the EIA, the Electronic
13 Institute -- Electronic Industries
14 Association, EIA, to gather samples from
15 their plants of water effluent, ship them to
16 Monsanto's laboratory in the plant at Sauget,
17 Illinois, and analyze for the presence or
18 absence of PCBs.

19 Q. Do you recall when Mr. Stewart was
20 appointed by Monsanto in this regard?

21 A. About 1972.

22 Q. Do you know whether Mr. Stewart
23 ever visited Universal's Bridgeport plant?

24 A. Yes, he did.

25 Q. Do you recall when that took

1 place?

2 A. This says November '74, so --

3 Q. Are you referring to the second
4 page of the exhibit?

5 A. Second page, yes.

6 Q. Let me ask you, just so that we're
7 all clear on the record, do you know whether
8 the second page of the exhibit is, in fact,
9 part of the same document as the first page?

10 A. I don't know.

11 Q. Independent of the second page of
12 this exhibit, do you have a recollection of
13 when Mr. Stewart visited Universal's
14 Bridgeport plant?

15 A. Not the exact dates. I do know
16 that he worked from a period late '72 through
17 '74, visiting several plants to help with
18 this program. I don't know when he visited
19 which plants.

20 Q. After he visited the Bridgeport
21 plant, did you discuss that visit with Mr.
22 Stewart?

23 A. I had a discussion with Mr.
24 Stewart about the results of the analyses of
25 the samples, and this occurred, as best I can

1 remember, about 1975.

2 Q. During your discussion with Mr.
3 Stewart or any discussion you've had with Mr.
4 Stewart, did he ever indicate that Universal
5 employees had told him that they believe that
6 the loss of PCBs to the environment through
7 vacuum pumps represented a source of
8 contamination at the plant?

9 A. There was no such discussion.

10 Q. I'd like to direct your attention
11 on the first page of the exhibit to the
12 paragraph that's about midway down. It's
13 below the diagram, which reads, "Again, Mr.
14 Ray Clark thinks loss to the environment via
15 vacuum pumps is greatest potential source."
16 Do you have some understanding as to what
17 that refers to?

18 A. I have an understanding that
19 although this program was addressing water
20 losses, Mr. Clark believed that the losses in
21 water were less than those that he suspected
22 were going out of the vents, out of the
23 vacuum pumps, which was a different subject
24 altogether, but in his opinion, thinking of
25 the total environment, he didn't think water

1 was his problem, but vents was the source of
2 his problem.

3 Q. And the problem that we're
4 referring to is the loss of PCBs into the
5 environment at the plant?

6 A. Correct.

7 Q. Did you have any conversations
8 with Mr. Clark on that subject?

9 A. Yes. Yes, we've had conversations
10 with him for, oh, I know I had conversations
11 with him during the ANSI deliberations, which
12 took place between '71 and '73, where he was
13 also trying to get ideas from his
14 counterparts in other companies regarding
15 what they were doing and all.

16 MR. SCHWARTZ-LEEPER: I have no
17 further questions.

18 MS. SOBEL: If everyone is
19 amenable to it, I'd like to take a short
20 break.

21 MR. HUELSMAN: I have to change a
22 tape anyway.

23 This is the end of tape number 3.

24 MR. HUELSMAN: This is the
25 beginning of tape number 4.

CROSS-EXAMINATION

BY MS. SOBEL:

Q. Mr. Papageorge, I'm going to ask you a series of questions now, related to some of the documents that were shown to you by Mr. Schwartz-Leeper and also some documents that I'm going to introduce for the first time during this deposition. I have, here, the protective order, a copy of the protective order that has been signed by all the parties in this case. I'd like for your counsel to be here to review it with you and so that you can decide whether or not you are comfortable signing it. It's just to prevent the disclosure of any documents, and I can refer you, once I have it marked as an exhibit, to the particular paragraphs. You can pass that down.

(Papageorge Deposition
Exhibit 31 marked for
identification.)

MS. SOBEL: We'll mark that as Exhibit 31 for identification purposes.

BY MS. SOBEL:

Q. Mr. Papageorge, on Exhibit 31, I

1 would refer to you paragraph 3-A on page 2,
2 which says that, "Confidential materials
3 shall be used only for the purposes of this
4 litigation and not for any other person"
5 (sic) "whatsoever and not be given, shown,
6 made available or communicated in any way to
7 anyone except to whom it is necessary," et
8 cetera. I ask you and your counsel to review
9 that and once you've had a chance to review
10 it, if you are willing to sign the
11 certificate that's marked as Exhibit A.

12 MR. DAVIDSON: Do you need him to
13 decide that before you go on?

14 MS. SOBEL: Well, the only reason
15 I do is because certain exhibits were
16 produced by Travelers in this litigation. I
17 think that that's the practice between the
18 parties has been that we don't disclose these
19 documents unless they're signed, so I, I
20 won't -- if you are not comfortable signing
21 it today, I will not introduce those
22 documents as exhibits.

23 MR. DAVIDSON: I was just going to
24 look at it a little more while you go ahead,
25 if you want to do that.

1 MS. SOBEL: Oh. Sure. The first
2 few exhibits don't concern it anyway, so --
3 BY MS. SOBEL:

4 Q. I'm going to go back to some of
5 your testimony concerning the relationship
6 between Monsanto and Universal, and I'm going
7 to ask you your general recollection about
8 how Universal was regarded by Monsanto, and
9 this goes to the approval that was given to,
10 certainly, Monsanto customers in the 1970's.
11 Was Universal regarded as a responsible
12 corporation by Monsanto?

13 MR. SCHWARTZ-LEEPER: Object as to
14 the form of the question.

15 MS. SOBEL: What do you object to,
16 Counsel?

17 MR. SCHWARTZ-LEEPER: The form.

18 MS. SOBEL: It's not my
19 deposition. I'm allowed to lead the witness.

20 MR. SCHWARTZ-LEEPER: If that's
21 the case, then with respect to any documents
22 that you've introduced today as new exhibits,
23 I'll object as being beyond the scope of
24 direct.

25 MS. SOBEL: Well, as far as those

1 exhibits are concerned, if you want to object
2 to them at the time that I introduce them,
3 you are more than willing to do so, but I
4 believe that most of the documents that I
5 will be asking about will be directly
6 relevant to the scope of your examination
7 today.

8 MR. SCHWARTZ-LEEPER: I still
9 maintain my objection as to to the form.

10 MS. SOBEL: Okay.

11 MR. SCHWARTZ-LEEPER: I don't know
12 what you mean by "responsible."

13 MS. SOBEL: Okay. Well, those
14 words were used, in fact, earlier today,
15 so --

16 MR. SCHWARTZ-LEEPER: The record
17 will show what they were.

18 BY MS. SOBEL:

19 Q. How would you describe -- how
20 would you describe Monsanto's impression that
21 Universal is a corporate customer?

22 A. Universal representatives were
23 very responsive, very concerned, very active,
24 and Mr. Ray Clark, in all my dealings with
25 the man and observations, had considerable

1 respect not only the for Monsanto, but other
2 members of the various committees that we
3 worked on. He was a very influential
4 individual in this area.

5 Q. Would Monsanto do business with
6 Universal if they didn't have that
7 impression?

8 A. Very likely not.

9 Q. Going back to the point in time
10 when Monsanto adopted its standards for
11 approval, what year was that?

12 A. I'm sorry, Monsanto's standards
13 for approval?

14 Q. Right.

15 A. Oh, oh. I understand. This was,
16 this program was adopted by Monsanto in
17 December of '71. The program became
18 effective January '72.

19 Q. And was Universal such an approved
20 customer?

21 A. Yes, Universal, as I recall, was
22 finally approved in February of '72.

23 Q. Why? Do you recall why?

24 MR. SCHWARTZ-LEEPER: Why what?

25 BY MS. SOBEL:

1 Q. Why Universal was approved.

2 A. Because they agreed to abide by
3 all the, the conditions that were deemed
4 necessary to make us all responsible users of
5 PCBs.

6 Q. And do you recall what those
7 standards were?

8 A. Well, I can try to recall some of
9 the features. One was the use in these
10 closed systems as defined by capacitors
11 specifically for Universal, the proper care
12 in storing, using, shipping, disposing of the
13 PCBs, and of course, the condition that
14 Monsanto insisted on was to have proper
15 financial responsibility to cope with any
16 problems that might arise in spite of all the
17 things that were done.

18 Q. Okay, going back to some of those
19 factors, for example, you mentioned proper
20 care. How did Monsanto assess whether proper
21 care was being taken by its customers?

22 MR. SCHWARTZ-LEEPER: At what
23 time?

24 MS. SOBEL: During the time at
25 which they made the approval.

1 A. Monsanto was not in the field of
2 regulation and assessment. That judgment of
3 the quality of care was left up to the
4 individual customer. Monsanto served the
5 role of advising them that unless they did
6 not meet fairly high standards, they would
7 run into problems with the authorities that
8 did have regulatory responsibilities.
9 Monsanto was in no position to enforce
10 anything. All we could do is persuade, beg
11 and coach, whatever it took to get their
12 attention.

13 BY MR. SOBEL:

14 Q. So would it be fair to say that
15 corporate responsibility was a factor in the
16 decision whether to approve a dielectric
17 customer for shipment of PCBs?

18 MR. SCHWARTZ-LEEPER: Object as to
19 the form of the question.

20 A. Yes, the corporate responsibility
21 of the customer's organization, yes. And in
22 fact, Monsanto perceived that by entering
23 this program and requiring a very high
24 official to sign off, was perceived to be the
25 best way to get the attention of those in

1 authority so that they understood the
2 situation and could assign the necessary
3 resources, whether it be, people,
4 consultants, money, whatever, to see that it
5 was done properly, rather than leave it up to
6 Monsanto salesmen calling on the purchasing
7 agent at a local plant and trying to do all
8 of the persuasion at that level.

9 BY MS. SOBEL:

10 Q. When you refer to "this program,"
11 what exactly are you referring to?

12 A. I'm talking about the proper
13 handling, use, disposal of PCBs in dielectric
14 use in closed systems to avoid entering into
15 the environment. I think that's the best set
16 of words I can find to describe this.

17 Q. Was there any requirement that
18 dielectric customers hold insurance coverage?

19 A. The requirement wasn't really
20 aimed at insurance, it was aimed at financial
21 wherewithal to withstand any high-cost
22 program that might result from some incident
23 that create a problem. Whether it was done
24 from insurance coverage or other means was up
25 to the customer to decide.

1 Q. Do you know how financial
2 responsibility was assessed for Universal?

3 A. I do not.

4 Q. Do you know if Universal ever
5 provided Monsanto with insurance
6 certificates?

7 A. They provided Monsanto with some
8 documents which, as I recall, certified that
9 an appropriate insurance coverage was
10 available.

11 MS. SOBEL: I'm going to ask the
12 court reporter to mark this as Exhibit 32.

13 (Papageorge Deposition
14 Exhibit 32 marked for
15 identification.)

16 MR. DAVIDSON: Let me interject at
17 this point that we have no objection to being
18 bound by the terms of the confidentiality
19 order as you've submitted.

20 MS. SOBEL: Okay. If you would
21 like to go ahead and sign that, then.

22 MR. DAVIDSON: Is there a
23 particular place?

24 MS. SOBEL: I think it's the last
25 page.

1 MR. DAVIDSON: This is the order,
2 itself, isn't it?

3 MR. SCHWARTZ-LEEPER: Mm-hmm, yes.

4 MS. SOBEL: Yes.

5 THE WITNESS: Should we use the
6 date on this, or --

7 MR. SCHWARTZ-LEEPER: Just date it
8 today.

9 MR. DAVIDSON: No, it says,
10 "Restrictions of the ordered date at" so and
11 so."

12 MS. SOBEL: Oh, okay.

13 MR. DAVIDSON: December 13, 1990.
14 Should I put that in there, or you
15 want to put it in there?

16 MS. SOBEL: That's okay, you can
17 put it in.

18 THE WITNESS: 1990?

19 MR. DAVIDSON: Yes.

20 MR. DAVIDSON: And I would
21 appreciate if you would send us back, send us
22 a copy of this.

23 MS. SOBEL: Be happy to. You'll
24 probably get the original back with Mr.
25 Papageorge's deposition.

1 MR. DAVIDSON: Okay.

2 MS. SOBEL: But if you'd like to,
3 I'd be happy to get you an extra copy of it.

4 MR. DAVIDSON: That'll be fine.

5 BY MS. SOBEL:

6 Q. Mr. Papageorge, I refer you now
7 to --

8 MS. SOBEL: Have you marked the
9 exhibit? Would you pass that to the witness,
10 please?

11 BY MS. SOBEL:

12 Q. Mr. Papageorge, I ask you to look
13 at Exhibit 32, which is marked for
14 identification purposes and is, bears the
15 production numbers FRL 3116, 3112, 3104,
16 3102, 3100, 3098, 3085.

17 Mr. Papageorge, have you ever seen
18 these certificates of insurance before?

19 A. I saw these for the first time
20 yesterday afternoon.

21 Q. Have you ever -- do you know why
22 Monsanto would require certificates of
23 insurance from its customers?

24 MR. SCHWARTZ-LEEPER: Objection.

25 BY MS. SOBEL:

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1 Q. Do you know if Monsanto required
2 certificates of insurance from its customers?

3 A. It required these certificates to
4 support the financial wherewithal of the
5 customer desiring to purchase PCB dielectric
6 fluids.

7 Q. So this would be proof of what you
8 considered proper financial responsibility?

9 A. That was the intent.

10 Q. On the part of Monsanto?

11 A. On the part of Monsanto.

12 Q. Do you recognize the signature on
13 document bearing FRL 3116? That's the first
14 page of the exhibit, in the bottom left-hand
15 corner?

16 A. This one marked "Approved 1/25,
17 R. B. Chapman."

18 Q. Do you know who that is?

19 A. This is Monsanto's -- I confess I
20 don't know his official title. He was
21 Monsanto's individual who concerned himself
22 with insurance.

23 Q. Mr. Papageorge, can you tell me
24 who this document was issued to?

25 A. Mr. Bergen up above?

1 Q. Mm-hmm.

2 A. It's Howard Bergen, who was the
3 director of this Special Products Group in
4 Monsanto.

5 Q. Can you tell me why he would
6 receive these certificates of insurance?

7 MR. SCHWARTZ-LEEPER: Objection.

8 A. Well, he was the individual within
9 Monsanto held responsible for the -- for the
10 manufacture, sale of PCBs, and it was up to
11 him to see that they were sold under the
12 conditions that were finally considered to be
13 desirable.

14 BY MS. SOBEL:

15 Q. Do you know who would issue such
16 certificates of insurance, or whether
17 Monsanto required any particular entity to
18 issue such certificates?

19 MR. SCHWARTZ-LEEPER: Object as to
20 the form.

21 A. Are you talking about the, say, an
22 insurance company issuing them?

23 BY MS. SOBEL:

24 Q. Yes.

25 A. Monsanto had nothing to do with

1 that. They left it up to the customers to
2 come forth with some evidence of some kind of
3 coverage, and this is the way Universal did
4 it.

5 Q. Was there any requirement by
6 Monsanto that certificates of insurance such
7 as this would be issued directly by the
8 insurance company?

9 A. Not that I'm aware of.

10 MR. SCHWARTZ-LEEPER: Okay, you
11 can set that aside.

12 MS. SOBEL: I'll mark this for
13 identification purposes as Exhibit 33.

14 (Papageorge Deposition
15 Exhibit 33 marked for
16 identification.)

17 MS. SOBEL: I'll ask you to review
18 that, again.

19 (Witness peruses said
20 document.)

21 MS. SOBEL: For identification
22 purposes, Exhibit 33 is a letter from
23 Universal Manufacturing to the State of
24 Connecticut, dated March 29th, 1976.

25 BY MS. SOBEL:

1 Q. And I'm specifically going to talk
2 to you about page 2 of that exhibit, which I
3 refer to as Bates stamp number 2463 in the
4 bottom, which are subtitled "Sources of PCB
5 Waste."

6 (Witness peruses said
7 document.)

8 A. I have reviewed the exhibit.

9 Q. Mr. Papageorge, are you aware of
10 any attempts by Universal to recycle PCBs?

11 A. I was aware, yes. They attempted
12 to take any PCBs that were contaminated in
13 some way and to regenerate them, if that's
14 the right word, for use in capacitors.

15 Q. Do you know if it was economically
16 desirable to recycle PCBs?

17 MR. SCHWARTZ-LEEPER: Object as to
18 the form of the question.

19 A. Yes, certainly.

20 BY MS. SOBEL:

21 Q. Would it be economically
22 undesirable to allow them to escape into the
23 environment?

24 MR. SCHWARTZ-LEEPER: Object as to
25 the form of the question.

1 A. Well, the amount, of course, will
2 determine the economics. Generally, it's
3 wiser and more economical to salvage and use.
4 BY MS. SOBEL:

5 Q. Are you aware of any efforts by
6 the electrical industry to recycle PCBs?

7 A. Certainly, this was a practice of
8 long standing back in the Forties, and
9 Fifties, Sixties, before the environmental
10 issue ever came up.

11 Q. Did you ever discuss recycling
12 with anyone at, at Universal?

13 A. I don't recall any specific
14 instance where we sat down and talked about
15 recycling and how to do it. I just don't
16 recall any such discussion.

17 Q. Do you know if anyone at Monsanto
18 would have had the opportunity to discuss
19 that process?

20 MR. SCHWARTZ-LEEPER: I'll object
21 as to the form of the question.

22 A. The recycling and treating of PCB
23 fluids for recycling was a subject of
24 longstanding and almost a standard type of
25 discussion was held by Monsanto's field

1 salesmen, and if the questions became more
2 technical than the field salesman was
3 qualified to handle, it would be referred to
4 Monsanto's Dr. Munch in the research
5 laboratory.

6 BY MS. SOBEL:

7 Q. Do you know if any such
8 discussions took place between anyone at
9 Universal and anyone at Monsanto?

10 A. Not personally.

11 Q. Mr. Papageorge, do you recall your
12 testimony earlier about the loss of PCBs in
13 the vacuum pumps at the very end of Mr.
14 Schwartz-Leeper's examination?

15 A. Yes, I do.

16 Q. Okay, do you know of any measures
17 that were taken by Universal to prevent such
18 a loss?

19 MR. SCHWARTZ-LEEPER: Objection as
20 to form. Can you put a time on it?

21 BY MS. SOBEL:

22 Q. During any time that you had
23 discussions with anyone at Universal.

24 A. All I recall is that the people
25 from Universal were addressing this subject.

1 I do not know what was finally done.

2 Q. Do you recall your testimony about
3 Mr. Stewart's visits to the site between 1972
4 and 1974 to the Bridgeport site?

5 A. I recall a discussion, but I
6 don't -- those dates, in the period when Mr.
7 Stewart was involved in this program, I don't
8 know which of those dates fit the Universal
9 sites. It was sometime within that period.

10 Q. Did he ever communicate to you any
11 efforts that were being taken on behalf of
12 Universal to mitigate any loss of PCBs from
13 vacuum pumps?

14 A. No.

15 MR. SCHWARTZ-LEEPER: Object as to
16 the form of the question. Let's make sure
17 that the record recorded your answer.

18 A. No.

19 BY MS. SOBEL:

20 Q. Do you recall your testimony about
21 Mr. Clark's being more concerned about losses
22 from vacuum pumps than water losses?

23 A. Yes, I do.

24 Q. Do you know of any efforts that
25 were being taken or any concern by Universal

1 about such losses?

2 MR. SCHWARTZ-LEEPER: Are you
3 talking now just about concern?

4 MS. SOBEL: Well, let's try
5 concern first.

6 A. I believe I mentioned there was
7 concern about this loss, there were efforts
8 underway at this plant to address this
9 situation. I do not know personally what
10 they eventually ended up with in terms of
11 controlling those losses.

12 BY MS. SOBEL:

13 Q. Going back to your testimony
14 earlier about the stains that you observed on
15 the floor at the plant when you visited the
16 Bridgeport site, do you recall any
17 discussions about those stains?

18 A. At the plant, yes.

19 Q. And do you recall any efforts that
20 were undertaken by Universal to reduce the
21 existence of such stains?

22 MR. SCHWARTZ-LEEPER: Are you
23 talking about removing the stains,
24 themselves?

25 MS. SOBEL: I believe the question

1 was to reduce the existence of such stains.

2 BY MS. SOBEL:

3 Q. Do you need me to clarify that?

4 MR. SCHWARTZ-LEEPER: I object to
5 the form of the question. It's vague and
6 ambiguous.

7 A. I recall the observation of the
8 stains. I recall the -- there was more than
9 one stain, incidentally. I recall the
10 discussion I held with them, saying that
11 "These stains indicate that you have some
12 material that you had some material get away
13 from you. I would suggest you review your
14 process and try to contain these, even if you
15 have to put a drip pan under them," and then
16 I went on to share with them the kinds of
17 things we have done at Monsanto, like putting
18 funnels under the places and having them
19 collect the material in buckets, if
20 necessary, or building curbs around the area
21 so it doesn't get away and into the sewers.

22 I do know personally that they
23 took this quite seriously. I was informed
24 later by Mr. Randy Graham, Monsanto's field
25 salesman who served as my eyes and ears, in a

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1 way, he reported back that the plant was
2 seriously trying to cope with this, but I
3 cannot tell you exactly what was finally
4 done, because I was removed from that
5 assignment and I never heard the end of that
6 effort.

7 BY MS. SOBEL:

8 Q. Okay, how would you describe the
9 attitude of management with respect to
10 preventing such -- preventing any leakage of
11 PCBs during the manufacturing process?

12 MR. SCHWARTZ-LEEPER: Objection as
13 to the form of that question.

14 A. I would describe it as very
15 concerned. Comparing the whole set of
16 customers, I would suggest that the
17 management at Universal was among the leaders
18 in taking this as a serious responsibility.
19 Their cooperation with Monsanto was
20 excellent. They attended all the sessions
21 they could; they'd participate in all the
22 committees. I don't know how else to say it
23 except that overall, it was an excellent
24 customer to work with.

25 MR. SCHWARTZ-LEEPER: Can we set

1 33 aside, or are we going to use it?

2 MS. SOBEL: No, you can set that
3 aside.

4 BY MS. SOBEL:

5 Q. In the course of your dealings
6 with the management of Universal or Mr. Ray
7 Clark, how would you describe Universal's
8 efforts to abide by federal or state
9 regulations regarding PCBs?

10 MR. SCHWARTZ-LEEPER: Object to
11 the form of that question.

12 A. I would say it was totally
13 responsive, cooperative, and they were also
14 attempting to offer suggestions as guidance
15 to those in government who were not familiar
16 with PCBs.

17 BY MS. SOBEL:

18 Q. Are you aware of any, any
19 instances where Universal did not abide by
20 federal or state regulations? I'm just
21 talking about your personal knowledge, now.

22 A. Yeah, my personal knowledge, I'm
23 not aware of anything like that.

24 MS. SOBEL: I ask the court
25 reporter to mark this as Exhibit 34.

1 (Papageorge Deposition
2 Exhibit 34 marked for
3 identification.)

4 MS. SOBEL: We've marked Exhibit
5 34 for identification purposes. This
6 document is, bears the production numbers
7 FRL 3359, consecutively through 3363.

8 BY MS. SOBEL:

9 Q. Please review this document. When
10 you've done, let me know.

11 (Witness peruses said
12 document.)

13 A. I have reviewed the document.

14 BY MS. SOBEL:

15 Q. Mr. Papageorge, do you know who --
16 do you see where on the first page of this
17 document, the name O. E. Dolin appears,
18 "Reported by O. E. Dolin"?

19 A. I do.

20 Q. Do you know who O. E. Dolin is?

21 A. Yes. At that time, Mr. Dolin was
22 the individual in charge of the analytical
23 laboratory at the Anniston Plant at
24 Monsanto -- Anniston, Alabama, plant of
25 Monsanto.

1 Q. Document 3359, which is the
2 beginning of Exhibit 34, is titled on top a
3 trip report. Can you explain what trip
4 report, do you know what a trip report is?

5 A. I believe I do. This is a report
6 of a trip made by three Monsanto employees
7 from the Anniston, Alabama, plant, to several
8 customers. One of those customers was
9 Electronic Components company.

10 Q. Do you know what such a visit
11 would entail?

12 A. I'm sorry.

13 MR. SCHWARTZ-LEEPER: Objection as
14 to the form of the question.

15 BY MS. SOBEL:

16 Q. I said do you know what such a
17 visit would entail by the Monsanto officials?

18 MR. SCHWARTZ-LEEPER: Calls for
19 speculation.

20 A. In this particular trip, from the
21 makeup of the team that visited, had to do
22 with quality of the material Monsanto was
23 shipping to Electronic Components.

24 BY MS. SOBEL:

25 Q. Is there a difference between a

1 trip report and a call report?

2 A. Yes, at Monsanto, the expression
3 "Call report" is reserved for the sales
4 people, whereas "trip report" applies to the
5 rest of us, whatever our jobs might be.

6 Q. On something that would be
7 referred to as a call report, what kind of
8 visit is that?

9 A. Oh, it can vary considerably.
10 Sometimes it's to introduce a new Monsanto
11 salesman. Sometimes it's to introduce a new
12 product and leave some samples and brochures.
13 Other times, it's just a matter of dropping
14 by and asking how are things going, or
15 another reason might well be "We are unhappy
16 to inform you that we're going to have to
17 increase the price" or "We'd like to
18 negotiate some conditions for the future in
19 terms of what you can buy or intend to buy,
20 and we suggest you buy it in tank car lots
21 instead of drums." Any subject whatever
22 could be covered by those kinds of reports or
23 calls.

24 Q. When you say "any subject," would
25 that also include observing the manufacturing

1 processes?

2 A. In those situations where our
3 salesmen are permitted by the customer to go
4 into the plant and observe, yes. That
5 doesn't often happen, but it would -- it
6 could cover that, yes.

7 Q. Do you know if Universal ever
8 allowed Monsanto officials or employees to
9 visit the inside of the plant?

10 MR. SCHWARTZ-LEEPER: I'll object.
11 He's testifying he visited the Bridgeport
12 plant where he saw the stains of the PCB oil
13 on the floor.

14 BY MS. SOBEL:

15 Q. You can answer the question.

16 A. I can speak from my personal
17 experience, yes, I was invited to go through.
18 I am aware that our field salesman, Mr.
19 Randall Graham, on occasion, went through the
20 plant. I cannot speak for any others.

21 Q. Do you know about Mr. Bryant?

22 MR. SCHWARTZ-LEEPER: Object as to
23 the form of the question.

24 BY MS. SOBEL:

25 Q. Do you know whether Mr. Bryant

1 visited the plant?

2 A. I know he visited the plant. I
3 can't, I do not recall if he went into the
4 working area.

5 Q. On the last page of Exhibit 34,
6 which is -- which bears Bates stamp number
7 FRL 3363, I call your attention to the first
8 paragraph, which states, "Electronic
9 Components has made tremendous improvements
10 in facilities and personnel during past two
11 years." Do you have any understanding of
12 what that means?

13 A. No, I do not. That would be from
14 '63 to '65. I cannot speak for that period.

15 MS. SOBEL: Okay. I'll have the
16 court reporter mark this as Exhibit 35.

17 (Papageorge Deposition
18 Exhibit 35 marked for
19 identification.)

20 MS. SOBEL: Exhibit 35 bears the
21 production numbers FRL 2345 through 2346 and
22 a Monsanto document bearing the title "Call
23 Report, Organic Division."

24 (Witness peruses said
25 document.)

1 A. I have reviewed the exhibit.

2 BY MS. SOBEL:

3 Q. Mr. Papageorge, I call your
4 attention to the top portion of the exhibit
5 which bears the date of call as 8/13/71?

6 A. I see it.

7 Q. Have you ever seen this document
8 before?

9 A. I don't recall seeing this.

10 Q. Do you know which division of
11 Electronic Components this document refers
12 to?

13 A. Oh, I don't know any of the
14 divisions of Electronic Components.

15 Q. I meant which site.

16 A. Which site? Yeah, the Bridgeport,
17 Connecticut, as shown in the second line at
18 the top.

19 Q. And does it reflect what salesman,
20 what Monsanto salesman visited the site?

21 A. Yes, Mr. J. G. Bryant, from the
22 Marketing Department, made that visit.

23 Q. Do you know if Mr. Bryant was
24 instructed by Monsanto to observe any safety
25 problems at a plant?

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1 MR. SCHWARTZ-LEEPER: Object as to
2 the form of the question.

3 A. In his assignment as the technical
4 staff member in St. Louis, assigned to the
5 Electrical Fluid Marketing Group and with the
6 PCB environmental issue very much in the
7 forefront, Mr. Bryant was informed that
8 whenever his duties involved traveling to a
9 customer's plant, to arrange if he could to
10 go through the plant, to the operating units
11 and make observations regarding the care and
12 handling of PCBs.

13 BY MS. SOBEL:

14 Q. And would he record his
15 impressions about the care and handling of
16 PCBs?

17 A. Generally, Mr. Bryant would record
18 it, yes.

19 Q. Okay, I'd like to refer you to the
20 fifth-to-last sentence, line from the bottom
21 of page 2345, where it says, "Toward the
22 facilities in the plants, it's extremely
23 clean, free of Aroclor spillage, et cetera."

24 Did you ever discuss with Mr.
25 Bryant his tour of the facilities?

1 A. Yes, I had a discussion with Mr.
2 Bryant before he even -- this is the first
3 time I've seen the written report, but I --
4 when he returned from his trips, he'd drop by
5 and we'd talk, and that's the way I kept up
6 with what was going on.

7 Q. Do you recall what was said to you
8 during that discussion?

9 A. Yes, the general impression was
10 that "They're doing a great job and the plant
11 is really clean," "Squeaky clean" or some
12 such words that he used.

13 MS. SOBEL: I'm done with that
14 exhibit. You can put that aside.

15 BY MS. SOBEL:

16 Q. Mr. Papageorge, did you ever visit
17 the Universal Totowan site in Totowan, New
18 Jersey?

19 A. No, I didn't.

20 Q. Did you ever have discussions with
21 anyone at Monsanto who did tour the Totowan,
22 New Jersey, Universal site?

23 MR. SCHWARTZ-LEEPER: I'll object
24 as to the entire line of questioning
25 concerning the Totowan site, since Mr.

1 Nardolilli has represented on the record that
2 this claim relates to one site, and that's
3 the Bridgeport site. I don't see that this
4 has any relevance.

5 MS. SOBEL: So noted.

6 A. I had discussions with Monsanto
7 people, but I cannot recall the circumstances
8 or the dates, but I was aware of the site and
9 I was aware in general that the attitude that
10 I was aware of exhibited at the Bridgeport
11 plant was also shown at the New Jersey site.
12 I felt comfortable with what I heard, is what
13 it amounts to.

14 BY MS. SOBEL:

15 Q. Do you recall any discussions
16 describing the facilities at Totowan?

17 MR. SCHWARTZ-LEEPER: Same
18 objection.

19 A. No.

20 MS. SOBEL: Mark this as Exhibit
21 36, please.

22 (Papageorge Deposition
23 Exhibit 36 marked for
24 identification.)

25 MS. SOBEL: For identification

1 purposes, Exhibit 36 bears the production
2 numbers FRL 2294 through 2300.

3 MR. SCHWARTZ-LEEPER: And little
4 else.

5 MS. SOBEL: Pardon?

6 MR. SCHWARTZ-LEEPER: And little
7 else.

8 (Witness peruses said
9 document.)

10 A. I have reviewed the document.

11 BY MS. SOBEL:

12 Q. Have you ever seen this document
13 before, Mr. Papageorge?

14 A. I saw it yesterday afternoon.

15 Q. Do you know what it is?

16 A. I believe I do. This appears to
17 be a copy of a summary of the various
18 dielectric customers in one- or two-paragraph
19 form, in an attempt to bring the management
20 up-to-date on what's going on out in the
21 field. At least, this is the kind of thing I
22 recall seeing in the past. This particular
23 document is not dated, so I can't tell what
24 period it covers.

25 Q. Do you know who prepared this

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1 document?

2 A. I'm sorry?

3 Q. Do you know who prepared this
4 document, drafted it?

5 A. The contributions came from each
6 of the regional offices, and as I recall, an
7 individual like Mr. Bryant would have acted
8 as editor, in a scissors-and-paste approach
9 and put it all together.

10 Q. If you turn to page 2298 of the
11 exhibit --

12 A. I have it.

13 Q. -- at the top, there's a
14 handwritten two words.

15 A. I see that.

16 Q. Is that James Bryant?

17 A. That's James Bryant, yes.

18 Q. Do you know who wrote that?

19 A. I do not.

20 Q. Would he have had responsibility
21 for this portion of this exhibit?

22 MR. SCHWARTZ-LEEPER: Objection as
23 to form of the question and lack of
24 foundation.

25 A. I would be guessing. I don't

1 know.

2 BY MS. SOBEL:

3 Q. Mr. Papageorge, I refer your
4 attention to the second sentence of the first
5 paragraph, the only paragraph, which states
6 that "The Bridgeport plant is one of the
7 cleanest regard" -- "re PCB problem in
8 industry." Do you have any understanding of
9 what that means?

10 MR. SCHWARTZ-LEEPER: Objection;
11 calls for sheer speculation.

12 A. Well, the reports I was getting
13 regarding all of our customers led me to
14 place the Bridgeport site as one of the best
15 in terms of responding to the PCB
16 environmental issue and getting their house
17 in order, and I don't know how else to say
18 it. They were better than average.

19 BY MS. SOBEL:

20 Q. Do you recall earlier in your
21 testimony that you were in charge of, your --
22 you had a title at some point concerning
23 product acceptability?

24 A. Yes.

25 Q. Can you tell me again what years

1 that was, approximately?

2 A. I had that title from 1973 to
3 1977.

4 Q. And during that time, was
5 information regarding PCBs channeled through
6 you?

7 MR. SCHWARTZ-LEEPER: I'll object
8 as to the form of the question.

9 A. Information regarding PCBs was
10 channeled through me from seventy -- with
11 that title from '73 through February '76.

12 BY MS. SOBEL:

13 Q. Mr. Papageorge, are you aware of
14 any relationship between Monsanto and
15 Travelers?

16 MR. SCHWARTZ-LEEPER: Object as to
17 the form of that question.

18 A. I'm only peripherally aware that
19 at times, Travelers Insurance Company was
20 mentioned as being somehow associated with
21 Monsanto. I do not know details.

22 BY MS. SOBEL:

23 Q. During your tenure in the product
24 acceptability area, did you ever provide any
25 information regarding PCBs to Travelers, to

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1 anyone at Travelers?

2 A. I did not personally, no.

3 Q. Do you know if anyone at Monsanto
4 ever provided information regarding PCBs to
5 anyone at Travelers?

6 A. I don't personally know that. All
7 I know is that Mr. Chapman, who was the
8 Monsanto individual concerned with insurance
9 contacts, would periodically drop by and get
10 a tutorial from me regarding the PCB
11 situation. I have no way of knowing what he
12 did with that information, but he would come
13 by, we'd talk and I'd give him documents,
14 handouts, brochures, and that's as close as I
15 got to the insurance situation.

16 Q. Would this information that you
17 gave to Mr. Chapman -- what kind of, what
18 kind of information would it include?

19 A. Oh, such things as the status of
20 Monsanto's analytical capabilities and
21 methodologies, the status of government
22 regulations and government activities, the
23 results of animal testing, toxicity testing,
24 the efforts on the part of Monsanto to
25 control losses at its plants of PCBs, what

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1 the producers of PCBs throughout the world
2 were doing; just about every facet that one
3 could think of was covered.

4 MS. SOBEL: I ask the court
5 reporter to mark this as Exhibit 37.

6 (Papageorge Deposition
7 Exhibit 37 marked for
8 identification.)

9 MS. SOBEL: For identification
10 purposes, Exhibit 37 bears the production
11 numbers TT 20515 through 20516 and is marked
12 as a Travelers memorandum dated January 12th,
13 1977.

14 MR. SCHWARTZ-LEEPER: For the
15 record, I will object to any examination
16 concerning this exhibit. One, as I had
17 indicated before, as being beyond the scope
18 of direct: Two, as being irrelevant to the
19 issues raised in this case.

20 (Witness peruses said
21 document.)

22 A. I have read the exhibit.

23 BY MS. SOBEL:

24 Q. Mr. Papageorge, have you ever seen
25 this document before?

1 A. I have not.

2 Q. Do you know the name Frank
3 Catudal, C-a-t-u-d-a-l, that appears on page
4 20516 of this document?

5 A. I do not.

6 Q. Mr. Papageorge, can I refer your
7 attention to the first paragraph on page
8 20515? There's a publication in quotation
9 marks, "The Generator," Volume 4, Number 1,
10 issued February of 1975. Have you ever heard
11 of that publication?

12 A. I have not.

13 Q. Do you have any understanding of
14 how Travelers could obtain such information
15 regarding PCBs?

16 MR. SCHWARTZ-LEEPER: I will
17 object as to the form of the question. I'll
18 also object as to the complete lack of
19 foundation for the question.

20 A. Which, which information?

21 BY MS. SOBEL:

22 Q. Any of the information related to
23 PCBs in this memorandum.

24 A. In this memo.

25 MR. SCHWARTZ-LEEPER: I'll object

1 as to the form of the question.

2 A. I would have no idea how -- there
3 are so many ways one could do it, I don't
4 know how, what approach they used.

5 MS. SOBEL: Okay, let's set that
6 aside.

7 BY MS. SOBEL:

8 Q. Mr. Papageorge, I'm going to refer
9 back to Exhibit 2.

10 A. I have it.

11 Q. Earlier, you testified that Mr.
12 Clark, that the response that you were aware
13 of from Universal to this letter was that Mr.
14 Clark called Monsanto or called a Monsanto
15 representative to inquire regarding more
16 details. Do you know what kind of dialogue
17 was prompted by this letter between Monsanto
18 and Universal?

19 MR. SCHWARTZ-LEEPER: Object as to
20 the form of that question.

21 A. I can share with you my
22 understanding.

23 BY MS. SOBEL:

24 Q. I'm looking for the purpose of, of
25 an exchange between Universal and Monsanto at

1 that time.

2 MR. SCHWARTZ-LEEPER: Object as to
3 the lack of foundation, as well as to form.

4 A. The reaction was one of of, are
5 the PCBs used in capacitors being found? If
6 not, why not? How do you explain this
7 difference? What is the government doing?"
8 These kinds of questions were being asked.
9 "What do you know about the harm to these
10 environmental birds, and seals," and whatever
11 else was being reported at the time. That's
12 the kind of dialogue that took place, and it
13 was not unique to Universal. Everybody had
14 essentially the same kind of questions.

15 BY MS. SOBEL:

16 Q. So Universal responded promptly to
17 this letter?

18 A. Oh, yes. Sure. Mr. Clark was a
19 leader in this.

20 Q. Referring back to Exhibit 6 --

21 A. I have it.

22 MS. SOBEL: -- excuse me. Is
23 Exhibit 7 -- is this Exhibit 7?

24 MR. SCHWARTZ-LEEPER: Yes.

25 MS. SOBEL: Okay, I meant Exhibit

1 7. I apologize.

2 A. I have it.

3 BY MS. SOBEL:

4 Q. My question goes to the PCB
5 bulletin, whether -- I know there was the
6 draft copy. Any final version is included in
7 my question, also. You stated earlier that
8 you reviewed these kind of bulletins,
9 Monsanto reviewed these kind of bulletins for
10 more than half a day at the Universal
11 Bridgeport plant. Do you recall that
12 testimony?

13 MR. SCHWARTZ-LEEPER: Object as to
14 the form of the question because this
15 document is made in 1971. I believe he
16 testified that he visited the Bridgeport
17 plant in 1970.

18 BY MS. SOBEL:

19 Q. Do you recall your testimony
20 earlier about guidelines being discussed at
21 the Bridgeport plant?

22 A. I may have used the word
23 "guidelines," but I don't know that they
24 referred to written guidelines. In 1970,
25 when I visited the Bridgeport site, there

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1 were no such guidelines available. All I
2 could do with them is share Monsanto's
3 approaches and experiences, and as I
4 indicated, we hoped that Monsanto experience
5 might be helpful to their situation.

6 Q. Around the time of July 1971, when
7 these guidelines were shared with Monsanto
8 customers --

9 A. Mm-hmm, yes.

10 Q. -- do you recall what the response
11 was by anyone at Universal?

12 A. I can only describe the response
13 of being they were thankful, appreciative,
14 and they were going to use it to review what
15 they had done and what they proposed to do,
16 and this was through Mr. Clark, and I
17 suggested that if they had any other ideas
18 that we didn't include, I would certainly
19 appreciate hearing from them so that we could
20 perhaps include it in revisions of this
21 document, to share with others.

22 Q. Mr. Papageorge, earlier you
23 testified that you visited many capacitor
24 plants.

25 A. Several.

1 Q. Several; okay. Did you have the
2 opportunity to observe the manufacturing
3 processes at any of these capacitor plants?

4 A. Yes.

5 Q. Did you ever observe any other,
6 any stains similar to the ones you observed
7 at the Bridgeport site at any other
8 manufacturing facilities?

9 A. Yes.

10 Q. Do you recall how many sites had
11 such stains?

12 MR. SCHWARTZ-LEEPER: Object as to
13 relevance.

14 A. Every site that I saw had stains:
15 Some worse and some better. I would describe
16 the Bridgeport, Connecticut, Universal site
17 as average or a little above average in terms
18 of cleanliness, if I could use that word.
19 Like I said, there were some that were much
20 much worse and some that were better, and the
21 better ones, frankly, were the new plants.
22 They had an advantage in being new.

23 BY MS. SOBEL:

24 Q. I'm going to refer you to Exhibit
25 10, page 3214 of that exhibit.

1 A. I have it.

2 Q. Excuse me, 3213; I'm sorry.

3 Earlier, Mr. Schwartz-Leeper was
4 asking you questions about the third
5 paragraph on that page.

6 A. Yes.

7 Q. "They did decide a more" -- which
8 states that "They did decide a more pressing
9 pollution problem for them was the vacuum
10 diffusion pump which uses Aroclor 1254 as
11 seal." When you testified, you testified
12 earlier you used different words than
13 "pollution problem." I don't know if you
14 recall that, but I'll refresh your
15 recollection, you used the word "PCB
16 environmental issues." Is there a
17 distinction in your mind between
18 environmental issues and environmental
19 problems?

20 MR. SCHWARTZ-LEEPER: I'll object.
21 He did not author this document. To the
22 extent you are asking him to compare what
23 somebody else wrote and what somebody else
24 meant when they wrote something in this
25 document to what, to the term he used in

1 testifying today, I don't think you've
2 established any foundation whatsoever for
3 making that comparison in the first place.
4 In the second place, I think you are calling
5 upon him to speculate with respect to the
6 language that appears in this document and as
7 your question is phrased.

8 MS. SOBEL: I was questioning him
9 about his own words.

10 MR. SCHWARTZ-LEEPER: Well, no,
11 you are asking him about words that appear in
12 this document in addition to his words.

13 MS. SOBEL: David, I'm asking him
14 when he used the words "environmental issue,"
15 is that your understanding of how the phrase
16 is used?

17 MR. SCHWARTZ-LEEPER: I'll object
18 as to the form of the question.

19 A. When I use the expression
20 "environmental issue," means the, the release
21 of an industrial chemical PCBs such that it
22 is found in the environment and the question
23 then becomes one of why is it there, what
24 harm is it doing, et cetera. I don't know
25 how to respond to your question other than

1 that. The reference to pollution situation
2 that we discussed earlier was in reference to
3 Mr. Randall Graham's use of that expression
4 to describe the broad PCB environmental
5 issue, and that's why I described it as, as a
6 PCB environmental issue.

7 BY MS. SOBEL:

8 Q. Okay, you've cleared it up for me.
9 Thank you.

10 Mr. Papageorge, were you at all
11 involved in the negotiation of the special
12 undertaking that was discussed in Exhibit 12?

13 A. No.

14 Q. Do you recall what Exhibit 12 was?

15 A. It's the special undertaking
16 document. I was never involved with any of
17 these.

18 MS. SOBEL: Okay, that's all I
19 have.

20 MS. MATRE: No questions.

21 MR. SCHWARTZ-LEEPER: I'll take
22 just a few.

23 FURTHER EXAMINATION

24 BY MR. SCHWARTZ-LEEPER:

25 Q. Mr. Papageorge, did you ever speak

1 to Travelers to determine whether or not
2 Universal Manufacturing Corporation had any
3 insurance?

4 A. No, sir.

5 Q. Did you ever speak to anyone at
6 Travelers concerning anything that was marked
7 as Exhibit Number 32?

8 A. I never spoke to Travelers on any
9 matter, so I don't know what 32 covers. No,
10 no, I did not speak to any --

11 Q. Take a look at Exhibit 32, if you
12 would for just a moment. Do you see the
13 reference -- let's start with the first page.
14 Do you see the reference under the column
15 labeled "Policy Number" on the right half of
16 the page, about a third of the way down?

17 A. I see a series of letters and
18 numbers.

19 Q. Do you know what those letters and
20 numbers refer to?

21 A. No, I don't.

22 Q. Did you ever see any Travelers
23 insurance policies issued to Northwest
24 Industries?

25 A. No.

1 Q. Did you ever see any insurance
2 policies issued to Fruit of the Loom?

3 A. No.

4 Q. Did you ever see any insurance
5 policies issued to Farley Industries?

6 A. No.

7 Q. Did you ever see any insurance
8 policies issued to Farley Northwest
9 Industries?

10 A. No.

11 Q. Did you ever see any insurance
12 policies issued to Northwest Industries?

13 A. No.

14 Q. Did you ever speak to Mr. Chapman
15 about any of what's been marked as Exhibit
16 Number 32?

17 A. No, sir.

18 Q. Did you ever speak to Mr. Bergen
19 about anything that has been marked as
20 Exhibit 32?

21 A. No, sir.

22 MR. SCHWARTZ-LEEPER: Let's set
23 that one aside.

24 BY MR. SCHWARTZ-LEEPER:

25 Q. Exhibit 33, if you would take a

1 look at that for a moment. Counsel marked
2 this as an exhibit, and I don't recall if it
3 was described for the record or not, but at
4 the risk of some duplication, I'm going to
5 state that it bears production numbers 2462
6 through 2469. It is a letter on Universal
7 Manufacturing Corporation Capacitor Division
8 letterhead dated March 29, 1976, State of
9 Connecticut Department of Environmental
10 Protection, from -- and signed by
11 N. Ray Clark, Vice-President of Capacitor
12 Division of Universal.

13 BY MR. SCHWARTZ-LEEPER:

14 Q. Mr. Papageorge, did you ever see
15 this exhibit before?

16 A. I think I saw it yesterday
17 afternoon, but I'm not certain. I had not
18 seen it before that.

19 Q. What is it about this document
20 makes you think you saw it yesterday
21 afternoon?

22 A. There were a series of letters
23 with the letterhead "Capacitor Division" and
24 there were, I remember the reference to State
25 of Connecticut on some of those documents.

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1 This could have been one of them, but I'm not
2 certain.

3 Q. Do you recall how you came into
4 possession of the document you believe you
5 saw?

6 MS. SOBEL: Objection. He didn't
7 say he was in possession. He's not certain,
8 he said.

9 MR. SCHWARTZ-LEEPER: He can
10 answer that.

11 BY MR. SCHWARTZ-LEEPER:

12 Q. Go ahead.

13 A. I was shown documents that I was
14 led to understand were submitted in this
15 matter.

16 Q. By whom?

17 A. By Mr. Davidson.

18 Q. Was anyone else present at that
19 time?

20 A. No.

21 Q. Let me direct your attention to
22 page 3 of the letter bearing production
23 number 2464, and in particular to the
24 numbered paragraph 7 appearing at the bottom
25 of that page. Do you see the sentence that

1 reads, "Although plastic gloves are used,
2 operators in the impregnation area from time
3 to time get Aroclor 1016 on their hands or
4 other skin surfaces"?

5 A. I do see that, yes.

6 Q. Do you have some understanding
7 based upon your visit to the Bridgeport plant
8 or based upon your discussions with Universal
9 employees as to how operators in the
10 impregnation area from time to time got
11 Aroclor 1016 on their hands?

12 A. Not the specifics, no.

13 Q. Do you know generally?

14 A. Yes, that's common in the
15 industry.

16 Q. How, how does that happen?

17 A. Well, sometimes it gets behind the
18 cuff and gets down in there, sometimes
19 there's a break in the glove, it gets on the
20 skin, there are times when the employee takes
21 off the gloves, uses, handles the equipment
22 without gloves and then puts the gloves back
23 on. Those kinds of situations happen.

24 Q. Which equipment are you referring
25 to?

1 A. Handling equipment with PCBs,
2 capacitors in a capacitor plant.

3 Q. That's because the PCBs would be
4 on the outside of the capacitors?

5 A. Yes, and on these baskets, and so
6 on, or the samples, when they're taking
7 samples of the liquid, and so on.

8 Q. I'd like to direct your attention
9 to the next page of the exhibit, and in
10 particular to numbered paragraph 8, which
11 reads, "Chipboard used on the floor around
12 chamber doors in the impregnation area to
13 absorb drippings of Aroclor 1016." Do you
14 see that reference?

15 A. I do.

16 Q. Does that refresh your
17 recollection as to where you saw the stains,
18 PCB oil in the Bridgeport plant?

19 A. I don't remember seeing any
20 accumulation of what they call chipboard or
21 sawdust in the plant at that time, so I
22 cannot associate a pile of chipboard with the
23 stains. It could well be that they are
24 related, but I didn't see it.

25 Q. Okay, let me ask you this; do you

1 recall seeing the stains around the chamber
2 doors of the impregnation chambers on the
3 floor?

4 A. Yes. Yes, and the conveying
5 system, where they were soldering, there were
6 some stains on the floor, and so on.

7 Q. Do you have any understanding as
8 to how the stains under the conveyor system
9 got there?

10 A. I was not told how. I can only
11 speculate how.

12 Q. Do you have any understanding as
13 to how the stains came to be on the floor
14 around the chamber doors of the impregnation
15 chambers?

16 A. Again, I can -- I didn't see it
17 happening, but I didn't feel I had to ask. I
18 knew that or at least speculated how it
19 happened.

20 MS. SOBEL: I would object to any
21 speculation.

22 BY MR. SCHWARTZ-LEEPER:

23 Q. When did you speculate? Now, or
24 back then when you visited the plant?

25 A. No, when I saw it, I -- to me, in

1 my own mind, it's obvious how it happened, so
2 I didn't ask the question. Now you are
3 asking me to formulize (sic) my speculation.

4 Q. What was it about the stains or
5 the location of the stains that made it
6 obvious to you as to how it happened?

7 A. The location, obviously, the type
8 of operation, and the fact that there are
9 liquid PCBs available that could drip on that
10 floor. The question is not so much is it on
11 the floor, but where does it go from that
12 point. If they controlled it with these wood
13 chips and properly dispose of those wood
14 chips, all you have is a stained floor; you
15 don't have an environmental pollution
16 problem, so I look on the stain as a symptom
17 of what possibly could happen if not properly
18 controlled.

19 Q. Okay. Was the chipboard 100
20 percent effective in eliminating PCBs from
21 the floor of the Bridgeport plant?

22 A. I don't know. I didn't see any
23 chipboard in use when I was in the plant.

24 Q. Did the presence of stains on the
25 floor of the Bridgeport plant indicate that

1 the chipboard was less than 100 percent
2 effective?

3 MS. SOBEL: Objection, David. I
4 think he answered that question already.

5 MR. SCHWARTZ-LEEPER: I don't
6 think so.

7 MS. SOBEL: It's been asked and
8 answered.

9 MR. SCHWARTZ-LEEPER: You can
10 answer the question.

11 A. I don't know, when the chipboard
12 is applied, is it applied after the spillage
13 to absorb what's spilled or is it applied
14 before the spillage as a preventative, and if
15 so, is it allowed to collect enough material
16 so it still leaves a stain, or is it picked
17 up quickly so it's always dry between the
18 chipboard and the floor? These are things
19 that I did not see. I could not evaluate.

20 MR. SCHWARTZ-LEEPER: Okay, let's
21 set 33 aside.

22 BY MR. SCHWARTZ-LEEPER:

23 Q. I believe you testified in
24 response to Ms. Sobel's questions that you
25 saw more than one stain at the Bridgeport

1 plant. Can you --

2 A. I'm sorry?

3 Q. I believe you testified in
4 response to Miss Sobel's question that you
5 saw more than one stain at the Bridgeport
6 plant.

7 A. Yes.

8 Q. Can you give us a sense of how
9 many stains you saw?

10 A. Whew. Of course, I didn't count
11 them, I just pointed them out as symptoms of
12 of spillage or loss. Half a dozen? I just
13 don't recall. I didn't count them. I saw
14 them, pointed them out, said, "Here's another
15 case of something got away from you. Make
16 sure it doesn't go down the sewer. Make sure
17 your people don't wallow through it." These
18 kinds of cautions is what I gave them, and
19 they were supposed to take the action as
20 appropriate.

21 Q. Did anyone at the Universal plant
22 express surprise at the presence of the
23 stains?

24 A. Oh, no.

25 Q. Were they aware of the stains?

1 A. Sure, they were. Oh, yeah.

2 Q. When you visited the Bridgeport
3 plant, did you observe any drip pans on the
4 floors of the plant?

5 A. I saw drip pans, but I honestly
6 can't tell you which plant they were in. I
7 saw too many capacitor plants in a month that
8 I could not distinguish at this point, twenty
9 years, thirty years later, just where they
10 were. I don't remember.

11 Q. Okay, let's stay focused on the
12 Bridgeport plant.

13 A. Mm-hmm.

14 Q. Do you recall seeing any buckets?

15 A. Whew. Again, I saw buckets, but I
16 can't say for sure it was the Bridgeport
17 plant or it wasn't the Bridgeport. I cannot
18 say either way.

19 Q. Again, focusing strictly on the
20 Bridgeport plant and your visit to that
21 plant, do you recall seeing any funnels used
22 to collect or direct PCBs, or PCB oil from
23 the impregnation chambers at that plant?

24 A. No, I do not recall funnels.

25 Q. Earlier, I believe you testified

1 that you believed Universal to be totally
2 responsive and cooperative in response to a
3 question by Miss Sobel about Universal's
4 efforts to abide by federal and state
5 regulations concerning PCBs. Do you recall
6 that, that testimony?

7 A. I do.

8 Q. Okay, is your opinion about
9 Universal's efforts to abide by federal and
10 state regulations based on --

11 MS. SOBEL: Why don't ask you --
12 objection. Why don't you ask what it's based
13 on, first?

14 MR. SCHWARTZ-LEEPER: I think you
15 did that.

16 BY MR. SCHWARTZ-LEEPER:

17 Q. I'd like to ask my question, which
18 is, is that opinion based on your lack of
19 knowledge as to whether or not Universal was
20 found to have violated any federal or state
21 regulations concerning PCBs?

22 A. No, it's based on my personal
23 contacts with Mr. Clark and his willingness
24 to talk to regulatory people, openly and to
25 listen, I guess it's based on my observation

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1 of the behavior of the Universal people in
2 the presence of regulatory people.

3 BY MR. SCHWARTZ-LEEPER:

4 Q. During any of your conversations
5 with Mr. Clark or by any of his conduct in
6 the presence of any regulatory people, did
7 you become aware that Universal had violated
8 federal and state regulations concerning
9 PCBs?

10 A. I was never aware of that, no.

11 Q. Let's take a look, just briefly,
12 at Exhibit 344.

13 A. I have it.

14 Q. Okay. Take a look at the last
15 page of the exhibit. I believe Miss Sobel
16 directed your attention to a portion of this
17 exhibit which talks about tremendous
18 improvements in facilities and personnel by
19 Electronic Components. Do you recall that?

20 A. I do.

21 Q. Do you have any idea what the
22 improvements and facilities are that are
23 referred to in this document?

24 A. I do not.

25 Q. Do you have any idea of what the

1 facilities are that are referred to in this
2 document?

3 A. I do not.

4 Q. Do you have any idea of what the
5 conditions were at any Electronic Components
6 facilities prior to the preparation of this
7 document?

8 A. I do not.

9 Q. Do you know when this document was
10 prepared?

11 A. 1965 is the date on it.

12 Q. Do you know more precisely?

13 A. I don't understand.

14 Q. Can you put a more precise date on
15 the preparation of the document?

16 A. All I have, sir, is what's on the
17 first page, June 21 through June 25, which
18 was the period during which the
19 representatives of the plant at which I was
20 plant manager visited several customers.
21 There is no date of typing or preparation of
22 this report.

23 MR. SCHWARTZ-LEEPER: Let's set
24 that one aside.

25 BY MR. SCHWARTZ-LEEPER:

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1 Q. Take a look at Exhibit Number 35.
2 That's the call report prepared by Mr.
3 J. B. Bryant in August of '71?

4 A. I have it. Yes.

5 Q. Mr. Bryant made his visit after
6 your visit to the Bridgeport plant. Is that
7 correct?

8 A. Oh, yes.

9 Q. Did you tell Mr. Bryant that you
10 had seen PCB oil stains on the floor of the
11 plant?

12 A. Yes.

13 Q. When did you tell him that?

14 A. Oh, golly, a year before his trip.

15 Q. Did you discuss that with him at
16 any time other than that prior to his trip,
17 as indicated in this exhibit?

18 A. Not that I recall. There was no
19 need to repeat it.

20 Q. I believe you testified that you
21 discussed Mr. Bryant's trip with him after he
22 returned?

23 A. Yes.

24 Q. Did he say whether he saw PCB oil
25 stains on the floor of the plant?

1 A. No, he mentioned -- I think I used
2 the word the plant was "squeaky clean," "it
3 was a showplace," or some such words. The
4 net effect, at least on my perception, was
5 that the plant had come a long way, that they
6 were doing an excellent job, and certainly at
7 the time, I had other plants that were not as
8 well off, so I directed my attention to them.

9 Q. I'm focusing specifically on what
10 it was he told you about his observations of
11 the Bridgeport plant.

12 A. Mm-hmm.

13 Q. Did he say that he saw no oil
14 stains on the floor of the plant?

15 A. Boy, you are asking me to remember
16 a specific.

17 Q. Yes, sir.

18 A. I don't remember those exact
19 words. All I know is the overall evaluation,
20 that they're doing a great job and things are
21 under control, words to that effect.

22 And keep in mind, we're interested
23 in environmental pollution, not dirty floors.
24 There's a difference. Dirty floors are only
25 a symptom. You have to know what happens

1 with the material when it leaves that dirty
2 floor.

3 Q. Okay, what are the dirty floors a
4 symptom of?

5 A. It's a symptom that some of the
6 material instead of staying in a container or
7 a piece of equipment, landed on the floor.
8 That's all it says.

9 Q. Now, in response to a question by
10 Miss Sobel concerning other plants, capacitor
11 manufacturing plants that you visited, I
12 think you testified that you had seen some
13 that were better than the Universal plant,
14 and the better ones had the advantage in
15 that -- in being new. Do you recall that?

16 A. Yes.

17 Q. With respect to the extent of PCB
18 stains, what was the advantage of those
19 plants in being new?

20 A. Well, I have these kinds of things
21 in mind. A plant that is using an old
22 textile mill with oak beams, and oak floors,
23 and oak stairways, and poor ventilation, and
24 poor lighting, and the type of situation
25 where a spill is mighty difficult to clean

1 up, is at a disadvantage when compared to a
2 plant that has a brand new concrete floor
3 with curbing, and the sewer system is
4 designed differently, and so on, so it's like
5 night and day walking into that, those two
6 situations, and there are variations in
7 between the two, so I've found that the new
8 plants, even before the environmental issue
9 was known regarding PCBs, had a distinct
10 advantage over the old plants in terms of
11 controlling escape to the environment. Just
12 almost by sheer luck, they ended up with
13 something better and easier to modify for
14 better, even better control.

15 Q. Do you have any understanding as
16 to the age of Universal's Bridgeport plant?

17 A. No, I don't. I never did ask.

18 Q. Based upon your observations of
19 plants, was the Bridgeport plant a new plant
20 or an old plant?

21 A. I, I would call it down the middle
22 just about fits its performance when I
23 compare the appearance, and so on.

24 Q. Do you recall what the floor of
25 the Bridgeport plant was made of?

1 A. Wood, wasn't it? Sure.

2 Q. What's your basis for saying that?

3 MR. DAVIDSON: He walked on it.

4 A. I don't know, I just --

5 BY MR. SCHWARTZ-LEEPER:

6 Q. Is that true?

7 A. I remember a wooden floor.

8 Q. Okay.

9 A. I don't know what my basis is.

10 Q. You are referring to the floor in
11 the area where the impregnation chambers
12 were?

13 A. In general. I went through so
14 many -- I went through offices, I went
15 through most of the facility. In general, I
16 am left with the impression that wooden
17 floors were involved.

18 MR. SCHWARTZ-LEEPER: Off the
19 record for a second.

20 (Discussion off the record.)

21 BY MR. SCHWARTZ-LEEPER:

22 Q. Okay, I just have a couple of more
23 questions. If you could take a look at
24 Exhibit 36 again --

25 A. I have it.

1 Q. -- do you know when this document
2 was prepared?

3 A. I do not.

4 Q. Have you seen it before yesterday
5 at all?

6 A. I have seen it before. I believe
7 I saw it yesterday, but I'm not certain.
8 I've seen versions of this before, many
9 times. It's not a surprise.

10 Q. I'm asking specifically about this
11 document that we've had marked as Exhibit 36,
12 not documents that resemble or are in the
13 same format.

14 A. I'm not certain whether I saw it
15 yesterday or not.

16 Q. Okay, set aside yesterday. Do you
17 have a distinct recollection of having seen
18 this particular document that we've had
19 marked as an exhibit, not documents of this
20 type, not documents in this format, but this
21 particular document, at any point in the past
22 prior to yesterday?

23 A. No.

24 MR. SCHWARTZ-LEEPER: I have no
25 further questions.

1 MS. SOBEL: I'm done.
2 MS. MATRE: No.
3 MR. HUELSMAN: Dave, signature?
4 MR. SCHWARTZ-LEEPER: Yeah.
5 MR. DAVIDSON: We do not waive
6 signature.
7 MR. SCHWARTZ-LEEPER: Good.
8 MR. HUELSMAN: This is the end of
9 tape 4 and of the deposition.
10 (Whereupon, at 6:50 p.m., the
11 deposition was concluded.)
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COMES NOW THE WITNESS, WILLIAM B.
PAPPAGEORGE, and having read the foregoing
transcript of the deposition taken on the
27th 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.

William B Papageorge

WILLIAM B. PAPAGEORGE

COPY

Subscribed and sworn to before me
this 10th day of November, 1992.

JOSEPHINE S. NIBLOCK
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. JAN. 15, 1993

My Commission expires: _____

Josephine S. Niblock

Notary Public

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1 STATE OF MISSOURI)

2 SS:)

3 CITY OF ST. LOUIS)

4 I J. Bryan Jordan, notary public
5 in and for the State of Missouri, duly
6 commissioned, qualified and authorized to
7 administer oaths and to certify depositions,
8 do hereby certify that pursuant to agreement
9 in the civil cause now pending and
10 undetermined in the Circuit Court Cook
11 County, Illinois, County Department, Chancery
12 Division, to be used in the trial of said
13 cause in said court, I was attended at the
14 offices of Gallop, Johnson & Neuman, in the
15 County of St. Louis, State of Missouri, by
16 the aforesaid witness and by the aforesaid
17 attorneys, on the 27th day of October, 1992.

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

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

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

15 Witness my hand and notarial seal
16 at St. Louis, Missouri, this 30th day of
17 October, 1992.

18 My commission expires July 20,
19 1994.

20
21 -----

22 J. Bryan Jordan

23 Notary Public in and for the
24 State of Missouri
25

DEPOSITION CORRECTION SHEET

In Re: *Fruit of the Loom Inc. vs The Travelers Indemnity Co et al.*

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page	Line	Should read:
10	25	-- let's see, <i>Equitable Resources</i>

Reason assigned for change:

Incorrect name

Page	Line	Should read:
11	1	<i>Energy Company, I believe. ---</i>

Reason assigned for change:

Incorrect name

Page	Line	Should read:
22	17	<i>plant where capacitors ---</i>

Reason assigned for change:

Spelling

Page	Line	Should read:
57	12	<i>FLICK, F-I-I-C-K, ---</i>

Reason assigned for change:

Spelling

Page	Line	Should read:
60	13	<i>a gas flame, oil flame ---</i>

Reason assigned for change:

Incorrect word

Page	Line	Should read:
98	22	<i>plant, ---</i>

Reason assigned for change:

Incorrect word

Page	Line	Should read:
153	8	<i>Winthrop, W-I-N-T-H-R-O-P.</i>

Reason assigned for change:

Incorrect name

Page	Line	Should read:
215	1	<i>respect not only from Monsanto, ---</i>

Reason assigned for change:

Incorrect phrase

Page	Line	Should read:
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Reason assigned for change:

William B Papaguer