In The Matter Of:

Nevada Power Company v.
Monsanto Company, et al.

Jack T. Garrett
March 19, 1993

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WATER_PCB-SD0000043462

Page 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
NEVADA POWER COMPANY,)
Plaintiff,)
-vs-) # CV-89-555-LDG (LRL)
MONSANTO COMPANY, GENERAL)
ELECTRIC CORPORATION, et al.,)
Defendants.)

DISCOVERY DEPOSITION OF WITNESS, to be used in an action pending in the District Court of the United States, for the District of Nevada, wherein NEVADA POWER COMPANY is Plaintiff, and MONSANTO COMPANY, et al. are Defendants, pursuant to Notice, under the provisions of Rule 26 of the Rules of Civil Procedure, taken on March 19, 1993, at the law offices of Messrs. Husch & Eppenberger, 100 North Broadway, St. Louis, Missouri, before John T. Concannon, a Notary Public within and for the State of Missouri.

APPEARANCES

The Plaintiff was represented by Mr. Ralph A. Bradley, of the law firm of Bradley & Merrell, c/o Jones, Jones, Close & Brown, 300 South Fourth Street, Ste. 700, Las Vegas, Nevada, 89101.

The Defendant, Monsanto Company, was represented by Mr. Bruce A. Featherstone, of the law firm of Kirkland & Ellis, 1999 Broadway, Ste. 4000, Denver Colorado, 80202.

The Defendant, Westinghouse Corporation, was represented by Ms. Laurie Basch, of the law firm of Weil, Gotshal & Manges, 767 Fifth Avenue, New York, New York, 10153.

Page 4

Page 4

JACK T. GARRETT,

of lawful age, being first duly sworn to tell the truth, the whole truth, and nothing but the truth, deposes and says on behalf of the Plaintiff, as follows:

DIRECT EXAMINATION

QUESTIONS BY MR. BRADLEY:

Q: Would you please state your name and spell your last name for the court reporter?

A: Jack T. Garrett, G-a-r-r-e-t-t, and Jack is the name, not John.

Q: All right. Mr. Garrett, my name is Ralph Bradley and we introduced ourselves just a moment ago; is that true?

A: Yes.

Q: I represent Nevada Power Company in this lawsuit that they've brought against Monsanto, General Electric and Westinghouse; you understand that?

A: Yes.

Q: If, during the course of your deposition, I ask a question that you don't understand, will you tell me?

A: I shall.

Q: And if you give an answer to one of my questions, I'm going to assume you understood the question. Fair enough?

A: Okay. Good enough.

Page 5

Q: Also, if, since we're starting in the late afternoon and apparently going to go into the early evening, if you ever need to take a break, just let us know and we'll accommodate you.

A: Thank you.

Q: Are you represented by an attorney today?

A: No. Not myself, personally.

Q: When did you first learn that your deposition would be taken today?

A: Approximately three weeks ago.

Q: How did you learn that?

A: Monsanto called.

Q: Who did you speak with from Monsanto?

A: To be perfectly frank, I don't remember. I think it was one of the girls, but I'm not sure of that.

Q: Did you know you were listed as a potential witness in this case?

MR. FEATHERSTONE: Object to the form.

A: No.

Q: (By Mr. Bradley) Do you know whether you were listed as a potential witness in this case?

A: Now? I don't know what I'm doing here if I'm not, but now, I don't know.

Q: All right. May I—

A: Excuse me a moment. If you mean do I know if

Page 6

I'm a witness for a court trial at some point, no, I do not know.

Q: All right. That was my question.

A: Okay.

Q: Could I have your home address?

A: 429 Geyer, G-e-y-e-r, Forest Drive, Kirkwood, Missouri, 63122.

Q: Do you have a business address?

A: The same, if I'm in business.

Q: Did you review any documents in preparation for today's deposition?

A: No. As a matter of fact, I didn't review any documents at all. I talked but I didn't review any documents.

Q: Who did you talk to?

A: An attorney from Monsanto.

Q: And was it Mr. Featherstone that you spoke to?

A: No. Mr. Featherstone's associate at Monsanto.

Q: And what were you told?

MR. FEATHERSTONE: You're instructed not to answer that question.

MR. BRADLEY: On what grounds?

MR. FEATHERSTONE: Attorney/client privilege.

MR. BRADLEY: But he said you're not his lawyer.

Page 7

MR. FEATHERSTONE: Well —

Q: (By Mr. Bradley) Was it someone with Mr. Featherstone's office that you spoke to about this?

A: It was somebody from the law department at Monsanto. Whose office he was in, I haven't the foggiest.

Q: Okay. And what did they tell you?

MR. FEATHERSTONE: Well, same instruction.

MR. BRADLEY: How can you instruct him not to answer when he's not your client?

MR. FEATHERSTONE: Because that's, A, not true, and B, the fact of the matter is, Monsanto and it's counsel have a privilege that exists with regard to former employees for matters concerning the scope of their employment while at Monsanto. That's well-developed by the case law.

MR. BRADLEY: My question is, how can you instruct him not to answer when he's not your client?

MR. FEATHERSTONE: I told you the basis for my instruction, Mr. Bradley. If you view the law different than I do, you do. I can't do anything about that.

MR. BRADLEY: I will instruct you to answer. Since Mr. Featherstone is not your attorney, he can't instruct you not to answer.

THE WITNESS: He can instruct me not to answer, can he not?

Page 8

MR. BRADLEY: He can, but unless he's your lawyer — The rule is, Mr. Garrett, that if your lawyer instructs you not to answer, you shouldn't answer. If you're not here represented by a lawyer, then there's no lawyer who can instruct you not to testify. So go ahead.

MR. FEATHERSTONE: I have instructed Mr. Garrett.

MR. BRADLEY: Well, why don't —

THE WITNESS: What is —

MR. BRADLEY: Just a moment. I view this as an important matter and why don't we take it up with Magistrate Levitt?

MR. FEATHERSTONE: Are we off the record?

MR. BRADLEY: Yes.

(Whereupon, a discussion was held between Counsel, off the record.)

Q: (By Mr. Bradley) Mr. Garrett, as I understand it, you've now spoken with Mr. Featherstone outside the presence of everyone in this room and you're now relating to me that you are here, represented by Mr. Featherstone; is that correct?

A: That's correct.

WATER_PCB-SD0000043463

[23] **Q:** Have you paid Mr. Featherstone any money to [24] represent you here, today?

[25] **A:** No.

Page 9

[1] **Q:** Have you signed a contract to have him [2] represent you here, today?

[3] **A:** No.

[4] **Q:** When you walked in the door to have your [5] deposition taken, was Mr. Featherstone your attorney?

[6] **A:** According to what he just told me, yes.

[7] **Q:** He told you he's your lawyer?

[8] **A:** He told me that the policy is that [9] ex-employees are represented by Monsanto's attorney and he [10] is that person at this hearing.

[11] **Q:** Okay. So you didn't ask him to be your [12] lawyer, he told you he was your lawyer?

[13] **A:** That's true. And I accepted that help.

[14] **Q:** Are you presently employed?

[15] **A:** No.

[16] **Q:** You're retired?

[17] **A:** I am retired from Monsanto.

[18] **Q:** All right. Let's start with your educational [19] background. Did you attend college?

[20] **A:** Yes.

[21] **Q:** Where did you attend college?

[22] **A:** Oklahoma State University, and the University [23] of Tennessee, Knoxville.

[24] **Q:** Did you receive a degree?

[25] **A:** Two degrees.

Page 10

[1] **Q:** When did you receive your first degree?

[2] **A:** In 1948, from the University of - from [3] Oklahoma State University. I received a Bachelor of [4] Science in Chemistry.

[5] **Q:** When did you receive your second degree?

[6] **A:** 1950, I received a Master of Science in [7] Chemistry from the University of Tennessee at Knoxville.

[8] **Q:** Have you attended any course work following [9] completion of your Masters of Science in 1950?

[10] **A:** Yes.

[11] **Q:** Tell me which —

[12] **A:** It would be difficult to define them all.

[13] **Q:** Roughly, how many courses have you taken since [14] 1950?

[15] **THE WITNESS:** Define "courses."

[16] **Q:** (By Mr. Bradley) Have you taken any courses [17] through any accredited university since 1950?

[18] **THE WITNESS:** For credit?

[19] **MR. BRADLEY:** Fine. For credit.

[20] **A:** For credit, no.

[21] **Q:** (By Mr. Bradley) Did you take any courses at [22] any accredited university past 1950 where you did not [23] receive credits?

[24] **A:** Yes.

[25] **Q:** Roughly, how many courses were there?

Page 11

[1] **A:** It would be difficult but I would say at [2] universities, somewhere around ten.

[3] **Q:** What were the subject matter of the courses [4] that you took?

[5] **A:** Physical chemistry, industrial hygiene, water [6] pollution control, and toxicology.

[7] **MR. BRADLEY:** Would you read back that answer [8] for me, please?

[9] (Whereupon, the reporter propounded the previous question.)

[10] **Q:** (By Mr. Bradley) Where did you take the [11] course work on toxicology?

[12] **A:** At a meeting of the Toxicological Society [13] seven years ago at the University of North Carolina at [14] Chapel Hill.

[15] **Q:** Were—

[16] **A:** Excuse me a moment. Many of these courses are [17] not subscribed by the university. They are simply used as [18] a — They're part of meetings and so forth, okay?

[19] **Q:** Was the meeting at the University of North [20] Carolina the only instruction that you have had in [21] toxicology following completion of your Masters?

[22] **A:** No.

[23] **Q:** How long was the meeting in North Carolina on [24] toxicology?

[25] **A:** Three days.

Page 12

[1] **Q:** And what year did the meeting occur?

[2] **A:** Somewhere in the late '50s. I can't tell you [3] any better than that.

[4] **Q:** Were the instructors part of the staff at the [5] University of North Carolina?

[6] **A:** No.

[7] **Q:** Who were the instructors?

[8] **A:** They were members of the Toxicological [9] Society.

[10] **Q:** Were you given written materials in relation [11] to that training?

[12] **A:** Yes.

[13] **Q:** Do you still have them?

[14] **A:** No.

[15] **Q:** What other training have you had in toxicology [16] since completion of your Master of Science in 1950?

[17] **A:** Hands-on training with Monsanto and its [18] various functions and its various staff members.

[19] **Q:** Did the hands-on training instruction occur at [20] a special set of meetings?

[21] **A:** No. It occurred at a toxicological [22] laboratory.

[23] **Q:** Over what period of time?

[24] **A:** Probably from 1955 to 1965.

[25] **Q:** And roughly, how many hours would you say that

Page 13

[1] you received instruction with Monsanto in its various [2] functions with staff members?

[3] **MR. FEATHERSTONE:** Object to the form.

[4] **THE WITNESS:** How many hours?

[5] **Q:** (By Mr. Bradley) How many hours did you [6] receive this training between 1955 and 1965?

[7] **A:** Oh, I don't know. Many, many hours.

[8] **Q:** More than a hundred?

[9] **A:** Most likely, yes. I didn't add them up.

[10] **Q:** Any other training that you received in [11] toxicology since completion of your Masters?

[12] **A:** Other than my knowledge and discussions with [13] the people involved in the manufacture, use, pollution [14] treatment and so forth, of materials Monsanto was [15] interested in, in producing or using as raw materials in [16] any of their processes.

[17] **Q:** And who would those folks be?

[18] **A:** Oh, my previous boss, Mr. Elmer Wheeler, now [19] deceased.

[20] **Q:** Anyone else?

[21] **A:** Dr. R.E. Kelly, my boss for many years.

[22] **Q:** Anyone else?

[23] **A:** And perhaps the Toxicology and Industrial [24] Hygiene meetings of the American Petroleum Institute, [25] Manufacturing Chemists Association, and Organic Chemical

Page 14

[1] Manufacturers Association meetings, as well as meetings [2] with customers and so forth.

[3] **Q:** In the meetings that you had with the American [4] Petroleum Institute, did you discuss toxicology of PCBs?

[5] **A:** I really can't — It's likely, but I can't [6] say.

WATER_PCB-SD0000043464

[7] **Q:** In the discussions with the American Petroleum [8] Institute, did you address the topic of Dioxin?

[9] **A:** I'll have to give you the same answer. It's [10] likely but I can't recall specifics.

[11] **Q:** Furans?

[12] **A:** Probably.

[13] **Q:** In your meetings with the American Petroleum [14] Institute, did you discuss polychlorinated dibenzylfurans?

[15] **A:** Likely.

[16] **Q:** Tell me now, what training you had beyond 1950 [17] in industrial hygiene.

[18] **A:** I went to a two-week long introduction course [19] conducted by Liberty Mutual Insurance Company in Boston.

[20] **Q:** When was that?

[21] **A:** It had to be 1954.

[22] **Q:** Why did you attend that introductory course?

[23] **A:** Primarily, because my boss told me to, but for [24] purposes of establishing the premise of industrial hygiene, [25] which I did not know since I was a research chemist prior

Page 15

[1] to that.

[2] **Q:** What is industrial hygiene?

[3] **A:** It's a study of industrial operations with the [4] objective of preventing sickness and death among the [5] workers that handle the materials involved.

[6] **Q:** Did you receive written material as part of [7] this two-week course?

[8] **A:** Yes.

[9] **Q:** Do you still have it?

[10] **A:** No.

[11] **Q:** What did you do with it?

[12] **A:** When I cleaned out my office and left [13] Monsanto, it either left then or — I don't know. I don't [14] know. It disappeared.

[15] **Q:** Did you have any other training in industrial [16] hygiene following completion of your Master's Degree?

[17] **A:** No. Other than the fact that I studied and [18] passed the exam for certification by the American [19] Industrial Hygiene Association, a two-day examination.

[20] **Q:** What training did you have beyond your [21] Master's degree in water pollution control?

[22] **A:** My Master's degree was not in water pollution [23] control. It was inorganic physical chemistry.

[24] **Q:** Following completion of your Master's degree, [25] what training, if any, did you receive in water pollution

Page 16

[1] control?

[2] **A:** Training with some of the best minds, I [3] believe, at the time, in pollution control.

[4] **Q:** In where?

[5] **A:** In pollution control. Some of the best minds. [6] And practical experience with pollution problems at the [7] Texas City, Texas plant.

[8] **Q:** Who were the people that you were working with [9] regarding water pollution control?

[10] **A:** My same boss and subboss. Dr. Kelly was my [11] boss for many years, Mr. Wheeler was my boss also for many [12] years. I was moved to St. Louis for the purpose of, for [13] water pollution reasons, because I had done some work on [14] the problem at Texas City.

[15] **Q:** And Texas - what?

[16] **A:** Texas City plant.

[17] **Q:** And what training did you receive following [18] completion of your Master's degree relating to the subject [19] of physical chemistry?

[20] **A:** Other than meeting, regular meetings with the [21] American Chemical Society at their South Texas group, [22] probably none.

[23] **Q:** Have you had your deposition taken before?

[24] **A:** Yes.

[25] **Q:** When?

Page 17

[1] **A:** Oh, my stars. I don't know when.

[2] **THE WITNESS:** How many or when?

[3] **MR. BRADLEY:** Well, I'm going to ask both. So [4] however you want to answer it.

[5] **A:** The last one was about two months ago. I had [6] about fifteen.

[7] **Q:** Where did the last deposition occur?

[8] **A:** St. Louis.

[9] **Q:** In what kind of case?

[10] **A:** You know, after all the times I have been [11] involved in this mess, I can't even remember what was the [12] case.

[13] **Q:** Did it involve PCBs?

[14] **A:** Not specifically.

[15] **Q:** Do you recall what the general nature of your [16] testimony was during that deposition?

[17] **A:** I can't even recall the subject. I'm sorry. [18] Really sounds stupid but it's true. I don't recall the [19] subject now. I could probably refresh my memory if I got [20] to my office.

[21] **Q:** In the —

[22] **A:** It had nothing to do with PCBs, by the way.

[23] **Q:** You estimated maybe fifteen times you have had [24] your deposition taken?

[25] **A:** Yes.

Page 18

[1] **Q:** Were — Did any of those occasions involve [2] PCBs?

[3] **A:** Specifically as a major subject, no. As an [4] ancillary subject of chemicals that we handled and for [5] reasons of that, yes.

[6] **Q:** Do you recall the case names of any of those [7] cases where you gave depositions that touched on PDBs?

[8] **A:** No.

[9] **Q:** Do you recall if one of them had to do with a [10] case in San Francisco?

[11] **A:** I really don't know. I have had depositions [12] dealing with product handling in very many number of cases. [13] I don't recall specifically a San Francisco case.

[14] **Q:** Do you recall whether you kept copies of any [15] of the transcripts of the depositions in which you gave [16] testimony?

[17] **A:** Absolutely not.

[18] **Q:** Do you know whether Monsanto has copies of [19] those?

[20] **A:** You would have to ask them.

[21] **Q:** Well, after — Did you have your deposition [22] taken at any point when you were still a Monsanto employee?

[23] **A:** Yes.

[24] **Q:** And do you know whether Monsanto kept a file [25] that included a transcript of your deposition?

Page 19

[1] **A:** I haven't the vaguest notion, actually. I [2] think if the case was completed, because of the massive [3] amounts of documentation, it probably would have been [4] disposed of, based on their document retention program.

[5] **Q:** What is their document retention program?

[6] **A:** It's nothing more than a program to keep from [7] filling the entire country with files. Anything that's [8] important enough can be, I presume can be put on discs and [9] so forth. Right now, I don't know where any of them are, [10] nor have any idea if they're stored or what.

[11] **Q:** During the time that you were employed at [12] Monsanto, was there more than one retention policy?

[13] **A:** As a chemist and later, as a manager of a [14] small section in the research department at Texas City, it [15] made little difference to me what happened to the [16] documents. We could fetch them back if they were fresh. [17]

If they were not, they probably went to St. Louis, but I do [18] not know.

[19] **Q:** My question was whether or not you know if [20] there was more than one retention policy for documents [21] during the course of time you were employed with Monsanto.

[22] **A:** The only policy I knew was the one in St. [23] Louis. As near as I know, if there was one in Texas City, [24] I never got a jump on it. We had one policy. That policy [25] went through from virtually the time I came to St. Louis,

Page 20

[1] or a form of it, all the way to the time I retired.

[2] **Q:** Did the policy allow the destruction of [3] certain types of documents if several years had -

[4] **A:** Yes.

[5] **Q:** - passed?

[6] **A:** Yes.

[7] **Q:** And was there discretion given to employees as [8] to whether to maintain documents beyond that several year [9] period?

[10] **A:** Very little discretion.

[11] **Q:** So for the most part, you were supposed to [12] discard documents that were over two years old?

[13] **MR. FEATHERSTONE:** Are you using two years as [14] an example?

[15] **MR. BRADLEY:** I'm asking whether it was two [16] years.

[17] **A:** I believe it was five. I believe.

[18] **MR. BRADLEY:** All right.

[19] **Q:** (By Mr. Bradley) More than five and less than [20] ten?

[21] **A:** I don't know. We had to look at them on that [22] basis, on a five-year basis. Every document we kept, we [23] had to make a special provision for.

[24] **MR. BRADLEY:** Would you read that answer back [25] to me, please?

Page 21

[1] (Whereupon, the reporter propounded the previous answer.)

[2] **A:** For retention, okay?

[3] **Q:** (By Mr. Bradley) Was the retention policy [4] written?

[5] **A:** Yes. So-called Red Book.

[6] **Q:** Pardon me?

[7] **A:** A so-called Red Book.

[8] **Q:** During the time you were employed at Monsanto, [9] do you know whether any documents were destroyed outside [10] the retention policy?

[11] **A:** No, they were not.

[12] **Q:** At least, if they were, you don't know that?

[13] **A:** Not in my section, they weren't.

[14] **Q:** Have you ever given testimony in a trial?

[15] **A:** Yes.

[16] **Q:** Which trials?

[17] **A:** As a consultant in the trials connected with [18] the St. Louis School Board's asbestos program.

[19] **Q:** Any other trials?

[20] **A:** No.

[21] **Q:** What did you do when you graduated with a [22] Master's degree?

[23] **A:** Picked up my wife and my two tattered kids and [24] moved from Knoxville to Texas City, Texas on the basis of [25] money given me by the Government, returning portion of my

Page 22

[1] Government insurance, or I never would have been able to.

[2] **Q:** What did you do in Texas City, Texas?

[3] **A:** I was in the research department of the Texas [4] division of Monsanto.

[5] **Q:** What was your job title when you began that [6] employment?

[7] **A:** Research chemist.

[8] **Q:** What work did you do as a research chemist at [9] the Texas division of Monsanto?

[10] **A:** Virtually all organic — I am an inorganic [11] physical chemist and did virtually all organic, but that's [12] beside the point. I did work on the process for several [13] organic chemicals and worked on processing each improvement [14] to make them more efficient.

[15] **Q:** What product were you working for at Texas [16] City?

[17] **A:** Styrene, eythel benzene, acrylonitrile, [18] a-c-r-y-l-o-n-i-t-r-i-l-e, and it's precurser, hydrogen [19] cyanide.

[20] **Q:** Who was your immediate supervisor?

[21] **A:** There were a number of them, and I can't — [22] To tell you the truth, I can't recall the name of him. My [23] boss was the director of research, and it was a small [24] department and people were — It was almost a [25] boss/individual relationship.

Page 23

[1] **Q:** How long were you a research chemist at the [2] Texas division of Monsanto?

[3] **A:** From 1950 to 1954.

[4] **Q:** During that period of time, did you work at [5] all with Monsanto products that contained PCBs?

[6] **A:** I don't think so. It wasn't an issue of great [7] knowledge, if that's what you mean, no. As a heat transfer [8] medium, it might have been, I don't know. But directly, [9] no. Not to my knowledge, in my processes or any of my [10] process operations, no.

[11] **Q:** In 1954, what did you do?

[12] **A:** I got taken to St. Louis by Dr. Kelly.

[13] **Q:** How did that occur?

[14] **A:** I goofed off and gave a paper on pollution [15] control in New York at an MCA meeting, that's Manufacturing [16] Chemists Association, now known as the Chemical [17] Manufacturers Association.

[18] **Q:** I take it, he liked your paper and contacted [19] you?

[20] **A:** Not necessarily. I think what he did, he was [21] told to begin to supervise information as a center source [22] for information on pollution control for the whole company [23] and he went out looking for a man with some pollution [24] control experience.

[25] **Q:** What was your job title when you first began

Page 24

[1] working in St. Louis?

[2] **A:** Industrial hygienist and water pollution [3] advisor.

[4] **Q:** Was there a time when your job title changed?

[5] **A:** Yes. Many times.

[6] **Q:** Okay. What work did you do as an industrial [7] hygienist and water pollution advisor when you first [8] started with Monsanto in St. Louis?

[9] **A:** I represented the company on the pollution [10] committees of the Ohio River Valley Sanitation Commission, [11] known as ORSANCO; on the water pollution committee of the [12] Manufacturing Chemists Association, now the CMA; the water [13] pollution committee of the American Petroleum Institute, [14] Production Division, and when I found time, a little work [15] for the company.

[16] **Q:** When you worked for the company, what did you [17] do?

[18] **A:** Started beating people about pollution [19] control. I went from plant to plant to plant. We did [20] surveys with the plant people in connection with what they [21] were discharging and where. We did the entire corporation [22] and started working on getting rid - going to work building [23] either pollution treatment plants or managing pollutants [24] through the cities' or communities' treatment facilities.

[25] **Q:** At that time, how many plants were you working

Page 25

[1] with?

[2] **A:** Forty-three, I think it was

[3] **Q:** Did any of those plants manufacture products [4] containing PCBs?

WATER_PCB-SD0000043466

A: Two of those plants — When I first came to Monsanto, two of them manufactured PCBs.

Q: Which were those?

A: Anniston, Alabama, and East St. Louis, Illinois, known in Monsanto as the Anniston and the Krummrich plant, K-r-u-m-m-r-i-c-h, plant.

Q: Did you write a report relating to your work at the Anniston plant?

A: My stars, I don't know. Probably, I'm sure we did, because we worked a long time on the process there. Not PCB process. There was dye in their other process at that plant and I worked with the State of Alabama authorities on that plant and on that river, which fed the, one of the reservoirs of the state.

Q: So you didn't work with the Anniston plant regarding products containing PCBs?

A: No. I worked with the Anniston plant, and by that time, I do not believe they were making PCBs but I can't be absolutely positive on the timing here. We're talking thirty years ago plus.

Q: Did you write a report regarding the work you

Page 26

did at the Krummrich plant?

A: I probably wrote a hundred reports - I don't have the foggiest notion where they're at - and on a number of subjects. I studied every operation in the Krummrich plant, every single one of them, outlined them with the safety people there, went over the industrial hygienicity for each plant, for each employee.

Q: I take it, then, you worked with products containing PCBs at the Krummrich plant?

A: I worked with the PCB production department, yes.

Q: And do you recall what, if any, instructions you gave regarding industrial hygiene for the employees at the Krummrich plant working with products containing PCBs?

MR. FEATHERSTONE: Object to the form of that questioning.

THE WITNESS: What?

MR. FEATHERSTONE: I object to the form of the questioning. We have no idea what he's talking about, and when.

MR. BRADLEY: When Mr. Featherstone makes his objection, he does that for later purposes, and unless he instructs you not to answer, the rule is that you're supposed to

A: We did — We made reports regularly, myself

Page 27

and later, my people, I had a great number of people later on.

Q: (By Mr. Bradley) Do you recall the first time you worked at the Krummrich plant regarding industrial hygiene for employees working with products containing PCBs?

A: Not the first time. It was not one of the most difficult problems we had. We had no problems with the employees there. We had other departments that needed a little more help initially, but we did finally do them all, including that department.

Q: Do you recall roughly what time you did that department at Krummrich?

A: No, I really don't. It would be a pure guess.

Q: Do you know whether it was before or after 1960?

A: To be perfectly honest, it could be either, before or after. Probably after.

Q: Whenever it was, do you recall what instructions, if any, you gave regarding industrial hygiene for the employees at the Krummrich plant working with products containing PCBs?

A: Specifically, no.

Q: What was your next job title?

A: Manager of pollution control.

Page 28

Q: When did you obtain that job title?

A: Somewhere probably in the early '60s.

Q: What work did you do as manager of pollution control?

A: Went back through the company corporate plants, plant by plant. I went through each plant with the division personnel; went over the pollution control, then what we considered problems; recommended and had certain pollution control facilities installed, or contacted contract engineers to do it in a great number of plants.

Q: How long were you the manager of pollution control?

A: Until I became manager of pollution control and industrial hygiene, which was another few years. I can't tell you exactly.

Q: In your work as manager of pollution control, did you work on any matters involving PCBs?

A: Yes.

Q: Describe those for me.

A: Within the process itself and it's handling and within the processes at Anniston and Krummrich both, both produced PCBs. Anniston, during that time, Anniston went out of the business and Krummrich became the only plant, but in the meantime, we had collected it, tested it, sampled throughout the system and sampled through their

Page 29

safety department; we taught them how to do the sampling and testing - chlorine for PCBs, and anything else that might have been involved. We did it to every operating department in the corporation.

Q: What work did you do within the process, itself, relating to PCBs

A: We went through the processes themselves with the process people, engineering people, to discuss what could be done, if anything, where it was necessary, to remove or to allay either pollution or materials getting into the working environment.

Q: By "process," you mean the manufacturing process of Aroclors?

A: That's correct.

Q: As manager of pollution control, do you recall giving any instructions to either Anniston or Krummrich regarding the handling of products containing PCBs?

A: Gave them the same instructions we would have given them, and did, for any chlorinated aromatic hydrocarbon. We never had a case of overexposure in the history of the operation.

MR. BRADLEY: I'll move to strike that last part of that answer as nonresponsive.

THE WITNESS: But it's true.

MR. BRADLEY: I move to strike that comment,

Page 30

too.

Q: (By Mr. Bradley) Were there written instructions for Monsanto plants working with chlorinated aromatic hydrocarbons while you were manager of pollution control?

A: Yes.

Q: Were those instructions kept in a file?

A: I haven't the vaguest notion. All I know is we gave instructions to their safety department and backed it up with inspections, as to handling procedures that must be used. Most of which were, by the way, in place already.

Q: Which department or division were you working in as manager of pollution control?

A: Medical department

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Q: Do you recall, during the period of time you were manager of pollution control, what the instructions were for employees working with chlorinated aromatic hydrocarbons?

A: They were routine instructions in connection with don't inhale any vapors from the hot operations, don't get the hot stuff on you because it will burn, thermally burn. We never had a case.

MR. BRADLEY: Move to strike the last portion of that answer as nonresponsive.

MR. FEATHERSTONE: Which portion specifically,

Page 31

Mr. Bradley?

MR. BRADLEY: "We never had a case."

MR. FEATHERSTONE: All right.

THE WITNESS: Phrase it differently.

MR. FEATHERSTONE: You don't have to worry about it.

THE WITNESS: Okay.

Q: (By Mr. Bradley) Was there a period of time when you no longer had any responsibility for instructions given to workers working with chlorinated aromatic hydrocarbons?

A: Yes.

Q: When was —

THE WITNESS: You mean in person? You mean me, in person?

MR. BRADLEY: You, personally, or if you were responsible because the task was delegated to an employee of yours, I still consider you responsible.

A: It would be delegated to employees of mine in my section.

Q: (By Mr. Bradley) All right. And when it was delegated to employees in your section, did they, those employees, still report to you regarding the written instructions given for workers working with chlorinated aromatic hydrocarbons?

Page 32

A: Yes.

Q: Was there a point in time when you no longer had employees who were delegated that responsibility?

A: No. But the pollution control part of it was separated at one time and I was given a chance to do either one, and I took industrial hygiene.

Q: Was there ever a period that you're aware of where the instructions changed that were given to Monsanto workers working with chlorinated hydrocarbons?

A: No.

Q: As manager of pollution control —

THE WITNESS: Excuse me a moment. Were the instructions changed? Were the basic premises changed, is that what I mean? Department group was bigger and smaller, there were more employees, less employees. That isn't what you mean. You mean did we change the instructions in any way in connection with the actual operation of the department?

MR. BRADLEY: Yes, that is what I meant.

A: Okay. No.

Q: (By Mr. Bradley) In your work as manager of pollution control, did you perform any tests to determine whether PCBs were escaping from the Monsanto plants that produced products containing PCBs?

A: Yes.

Page 33

Q: And did you write reports regarding that situation?

A: There were obviously reports written. I don't know whether the plant did or whether we did. The answer is, I simply don't know.

Q: Do you recall whether that information was related to any Governmental agency?

A: Yes. We related it to the Federal Government completely.

Q: And do you recall who, within the Federal Government, you related it to?

A: Two different agencies, and I don't recall — See, I was on the National Drinking Water Counsel for four years, appointed by - I can't remember the secretary now who appointed me. I spent one year. And then three years - one year term - and then a three year term on the National Drinking Water Advisory Counsel to the EPA, and we made the standard. We made most of the current basic framework standards that are used today by EPA.

Q: You don't recall, though, when you located PCBs outside the Monsanto plants, which Government agencies you reported that information to?

A: We sampled the river, the Mississippi River, on a number of different occasions up and down that river and to be perfectly frank with you, we never could find a

Page 34

lot of these materials at all. Not just the PCBs, but other chlorinated aromatics. So we assumed they were taken up in the pollution control facilities within the plant or they were outside the analytical range.

Q: Did you make reports to any Government agency then, indicating that you found —

A: Yes. The State of Illinois Pollution Control authorities in Springfield, and later, there were reports made, and I did not make them, so I really would not - from the plant, but I can't tell you because I don't know who did it.

Q: Were you the author of the report to the State of Illinois?

A: I took them up and talked to the State of Illinois Pollution authorities many times but it was not just PCBs, now, you understand.

Q: Were you the author of the report that went to the State of Illinois regarding PCBs?

A: I don't recall the author, whether it was I or one of my people or one of their people. It was an analytical job, and I don't know.

Q: What years are we talking about here?

A: Gosh, I really — Has to be in the '60s sometime, probably into the early '70s.

MR. BRADLEY: I'm sorry. I didn't hear.

Page 35

A: And probably into the early '70s.

Q: (By Mr. Bradley) Do you recall the year that you became manager of pollution control for industrial hygiene?

A: No. Pollution control and industrial hygiene. Had to have been in the late 50's, I guess. No, I don't recall the time exactly.

Q: But you became manager for pollution control and industrial hygiene after you finished your work as manager of pollution control?

A: Yes. Then I became — Then I became director of industrial hygiene and health service records, through the medical department at Monsanto.

MR. FEATHERSTONE: Read back that answer. (Whereupon, the reporter propounded the previous answer.)

A: Those were our health computer records.

Q: (By Mr. Bradley) Do you recall when you became director of industrial hygiene and health services records?

A: Well, it's difficult to say. Director is a different salary level, is the only reason they use manager and director and so forth. This is not a director, like a staff director. It had to have been sometime in the late '60s.

WATER_PCB-SD0000043468

[25] **Q:** What work did you do as manager for pollution

Page 36

[1] control and industrial hygiene?

[2] **A:** By this time, I had some employees and they [3] did - they were industrial hygienist, one of which also had [4] been trained in pollution control, as well, and we used [5] them as needed. Generally, they were assigned a group of [6] Monsanto plants. A man would have six or eight Monsanto [7] plants, maybe as many as ten or eleven, and he would handle [8] the industrial hygiene problems and pollution problems up [9] to a point in all of those plants and report back to me. I [10] then either went out with him to the plants, discussed it [11] or if he could handle it himself, he did it himself. [12] Later, we had — The vice-president called us in and said, [13] "I've got to separate these functions, they're getting too [14] complex. So take your choice, Jack. Do you want [15] industrial hygiene or pollution control?" I took [16] industrial hygiene. I thought it was then the most [17] imperative thing. Another man in the engineering [18] department at Monsanto took over the pollution control [19] function.

[20] **Q:** Why did you determine industrial hygiene was [21] the most imperative of the two?

[22] **A:** Because I thought at the time we were doing [23] very well with pollution control and the real challenge was [24] in industrial hygiene.

[25] **Q:** Why was that a challenge?

Page 37

[1] **A:** Many of the questions in connection with [2] industrial hygiene had not been answered. Collectively - [3] this the nationally - all you had to do is read the [4] literature and we were working on those things and solved [5] the majority of them.

[6] **Q:** Which questions were not answered?

[7] **A:** The long-term low level exposure to organic [8] chemicals of many kinds, not just PCBs. In fact, PCBs was [9] simple compared to some of them; and the health records [10] that go with them. We had complete health records. [11] Monsanto had been giving physical exams since 1936, so we [12] had detailed health records on all of our employees, and [13] going over those records and following the sequence of [14] events to determine if we had any problems that were [15] unusual to an individual department or set of products.

[16] **Q:** Why did Monsanto begin giving physical exams [17] in 1936?

[18] **MR. FEATHERSTONE:** How is he supposed to know [19] that? He wasn't

[20] **MR. BRADLEY:** Do you have an objection?

[21] **MR. FEATHERSTONE:** Well, lack of foundation [22] for the answer.

[23] **MR. BRADLEY:** Fine. Go ahead and answer.

[24] **A:** Because it was smart and intelligent. It [25] means a lot to people.

Page 38

[1] **Q:** (By Mr. Bradley) Why was it smart and [2] intelligent?

[3] **THE WITNESS:** To do physical exams?

[4] **MR. BRADLEY:** Yes.

[5] **A:** It was the only way you could determine if you [6] were harming the employees or not. During the World War [7] Two, the company manufactured ammunition and everything [8] else in the crappiest places you ever had seen or we would [9] have lost the bloody war. At that point in time, the [10] physical exams continued.

[11] **Q:** Was there a protocol for the medical exams?

[12] **A:** There was a standard exacted for the basic — [13] Ask Kelly about this. Ask Dr. Kelly about this. There was [14] a standard set up of what we wanted to do, but you then had [15] to look at the individual products and product lines to see [16] if there was a discrete type of medical function or [17] malfunction that could be identified, and we looked for [18] that. We had doctors in all the plants, too.

[19] **Q:** The decision — Well, let me ask it this way. [20] Do you know when Monsanto first began its work with [21] products containing PCBs?

[22] **MR. FEATHERSTONE:** What work are you talking [23] about?

[24] **MR. BRADLEY:** Any work.

[25] **MR. FEATHERSTONE:** Object to the form.

Page 39

[1] **A:** The manufacture of it began long before I [2] joined Monsanto.

[3] **Q:** (By Mr. Bradley) Did the manufacture of it [4] begin when Monsanto took over Swan Chemical?

[5] **MR. FEATHERSTONE:** Object to the lack of [6] personal knowledge.

[7] **A:** The records so indicate.

[8] **Q:** (By Mr. Bradley) All right. And do the [9] records indicate that happened around 1933, 1935?

[10] **A:** I can't recall that.

[11] **Q:** Do you know if there is — Have you reviewed [12] any documents indicating why Monsanto began giving physical [13] exams to its employees in 1936?

[14] **A:** I don't have to have anybody tell me. It's a [15] good idea.

[16] **Q:** Have you read any documents indicating why [17] Monsanto began giving physical exams to its employees in [18] 1936?

[19] **A:** I don't know what you mean by documentation. [20] Dr. Kelly became the physician in charge of Monsanto [21] medical at the time when the primary functions were two or [22] three plants. He set the policy up as a policy to aid and [23] abet good health on the part of our employees, and a signal [24] if there was bad health developing in any one place. [25] Physical exam did that. It's still going on today.

Page 40

[1] **Q:** My question is, have you seen anything written [2] by Dr. Kelly, or by anyone else, that would indicate why [3] Monsanto began giving physical exams to its employees in [4] 1936?

[5] **A:** No. And I haven't seen any darn medical [6] bulletins why they put tails on airplans, but they do it [7] because they won't fly. I'm sorry. I don't understand [8] that question. It makes no sense.

[9] **MR. FEATHERSTONE:** Mr. Garrett, he's asking [10] you if you've seen any written document that states there [11] are some other reasons, and I guess the answer to that is [12] no?

[13] **A:** No, it's not the answer. It's replete in the [14] literature connected with health effects on workers of any [15] variety.

[16] **Q:** (By Mr. Bradley) It's replete in the [17] literature the reasons why Monsanto began —

[18] **A:** No. Why anyone would do physical exams on [19] their employees. We did too. I think that's the best [20] answer.

[21] **Q:** Well, I know that this topic is apparently [22] upsetting to you, but I'm interested in finding out whether [23] these documents that indicated why everybody was giving [24] physical exams to their employees are documents that were [25] maintained in Monsanto's file system somewhere?

Page 41

[1] **THE WITNESS:** The reason for it, or the [2] documents of the health status of the employees?

[3] **MR. BRADLEY:** The reason that you began giving [4] physical exams to employees in 1936.

[5] **A:** I would suggest that you ask the person who [6] started it. That's Dr. Kelly.

[7] **MR. BRADLEY:** I will ask him. I take it, you [8] haven't — I actually want to know now whether you've seen [9] anything written on why Monsanto started that practice. [10] That's really all that I'm asking if you have seen [11] anything

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written that would describe why Monsanto started [12] that?

[13] **A:** No. I would have considered it unnecessary.

[14] **Q:** All right. Was the standard set up by Dr. [15] Kelly for the physical exams written?

[16] **A:** I don't know whether they were specifically [17] written. Full physical can be a normal affair. What [18] special things he did, I don't know. Kelly would have to [19] answer that.

[20] **Q:** Do you no whether special standards were set [21] for employees working with PCBs?

[22] **A:** In a company that manufactured a whole host of [23] chlorinated aromatics, all of the chlorinated aromatics, [24] there were special standards if they were intelligent to [25] do. In most cases, they were not. They were given a full

Page 42

[1] physical examination. In some cases, working with them, [2] they did tests of - did some tests on them. You'd have to [3] ask Kelly why and what they did, but by and large, an [4] employee at Monsanto got a full screening physical exam [5] periodically. Added to that would be any special [6] examination that Dr. Kelly deemed necessary to observe [7] progression of that employee's health.

[8] **Q:** And there were doctors in all of the Monsanto [9] plants?

[10] **A:** Either doctors full-time or doctors part-time.

[11] **Q:** And would that be true from 1936 forward?

[12] **A:** I don't know. You'd have to ask Kelly. It [13] was true when I came to work for Monsanto. The one we had [14] in Texas City was a part-time man.

[15] **Q:** And I take it, the doctors in the different [16] plants when you began working for Monsanto were the doctors [17] who did the physical exams?

[18] **A:** Some. Some were full-time Monsanto employees. [19] Most of them were contract physicians or physician groups [20] that did it. We sent the new employee down to their office [21] and they gave them the physical and the physical exam [22] results on our forms came out and they were filed.

[23] **Q:** Do you know whether the physicians that were [24] contracted out had any special training in symptoms of [25] people who were poisoned by chlorinated aromatic

Page 43

[1] hydrocarbons?

[2] **MR. FEATHERSTONE:** Object to the form.

[3] **A:** I don't know.

[4] **Q:** (By Mr. Bradley) Do you know whether the [5] doctors contracted out by Monsanto to do the physical exams [6] of employees had any special training?

[7] **A:** You'd have to ask them. No, I don't know. [8] I'm sure if there was something germane to be done specific [9] above the current, the then current full examination, it [10] would have been done. Our purpose was to protect the [11] health of the workers. If it required a specialty test, [12] we'd do it.

[13] **Q:** What work did you do as director of industrial [14] hygiene and health services records?

[15] **A:** Supervised the industrial hygiene group which, [16] by this time was probably, with the secretaries, probably [17] fifteen people, and supervised the group in the health [18] services computer system, which contained twenty-four [19] people.

[20] **Q:** What would the people in the health services [21] computer center do?

[22] **A:** The plant would send in their physical exam [23] forms, finished forms, and any special exam material. [24] Results would be sent in, punched into the commuter cards [25] under the man's name and put into the computer file. We

Page 44

[1] had a computer system on every employee at Monsanto.

[2] **Q:** When did Monsanto first begin its computer [3] system covering every Monsanto employee?

[4] **A:** God, they worked for me. I can't recall [5] exactly. It had to have been early '70s, late '60s. Early [6] 70's, I would believe.

[7] **Q:** In the early '70s, roughly, how many employees [8] did Monsanto have?

[9] **A:** Somewhere around fifty thousand. That could [10] be twenty percent one way or the other.

[11] **Q:** Over the period of time you worked with [12] Monsanto, was the standard for the physical exam ever [13] changed?

[14] **A:** We added to the exam in some plants because of [15] materials handling.

[16] **Q:** Would that have been set up as an addition to [17] the standard?

[18] **A:** No. If a person showed some kind of physical [19] problem and it had to be taken care of by periodic testing, [20] Dr. Kelly would put it in and it would be recorded in the [21] files with the computer setup, but primarily everybody got [22] a standard physical exam except in many plants, we had [23] special tests that were done on individual workers or [24] groups of workers and those were also put in the computer.

[25] **Q:** Did you have special exams for workers working

Page 45

[1] with PCBs?

[2] **A:** I don't think so. I really don't think so. I [3] don't think there was anything that you could find as a [4] separate test.

[5] **Q:** In your work as director of the health [6] services records, did you ever access information on the [7] health of Monsanto employees without identifying the [8] employees by name?

[9] **A:** Many times. I didn't. It was done by [10] someone.

[11] **Q:** How long were you the director of industrial [12] hygiene and health services records?

[13] **A:** Until I retired.

[14] **Q:** I'm now going to show you what has been marked [15] as Plaintiff's Exhibit 1427 and ask that you review that [16] document.

[17] **MR. BRADLEY:** Actually, if nobody minds, I'd [18] appreciate a five minute break.

[19] (Whereupon, a five minute recess was taken.)

[20] **THE WITNESS:** This you have given me?

[21] **MR. BRADLEY:** Yes. Can you tell me what [22] Plaintiff's Exhibit 1427 is?

[23] **THE WITNESS:** Ask the question. I didn't hear [24] it.

[25] **MR. BRADLEY:** Oh.

Page 46

[1] **Q:** (By Mr. Bradley) Can you tell me what it is. [2] What is this exhibit?

[3] **A:** This is an analytical setup, including [4] diagrams, from an electronic capture fingerprint, which [5] each compound has its own specific fingerprint, you can't [6] fool with it, done on some samples, to the best of my [7] knowledge, of material from NCR.

[8] **Q:** What is material from NCR?

[9] **A:** NCR is National Cash Register Company, and [10] these things went with their people, analytical people, [11] from NCR. Tucker was an analytical chemist of considerable [12] skill.

[13] **Q:** This is dated December 3, 1969?

[14] **A:** That's what it says.

[15] **Q:** And the samples were run to, in part at least, [16] to determine the presence of Aroclor?

[17] **A:** Yes.

[18] **Q:** And this document was apparently sent to you, [19] J.T. Garrett, and C. Paton; is that correct?

[20] **A:** Yes. Paton was Tucker's boss at the time.

[21] **Q:** Do you recall reviewing this document?

WATER_PCB-SD0000043470

[22] **A:** No.

[23] **Q:** Does this appear to be a true and accurate [24] copy of the document sent to you and to C. Paton on [25] December 3, 1969 with the subject of Aroclor wildlife, NCR

Page 47

[1] water samples?

[2] **A:** If Dr. Tucker said it was true, I'll buy it. [3] He was a first-class analytical chemist, particularly [4] graphic analytical chemist.

[5] **Q:** Is this the sort of document that Monsanto [6] would maintain in one of its files?

[7] **A:** I don't know. The only reason this might be [8] maintained is because it was part of the analytical group [9] and may have ended up in their files. Normally, my copy of [10] it — This probably went into the analytical group's [11] Aroclor file. My copy would have been destroyed by the [12] retention program.

[13] **Q:** Was there a different retention program for [14] different departments?

[15] **A:** No.

[16] **Q:** Why would the analytical department maintain a [17] document longer than you might?

[18] **A:** I don't know that they did. I'm saying it [19] might have been. You asked me where it came from. I don't [20] know. It is not — It's nothing more than showing the [21] difference in the electron capture screens, what he saw, [22] and Dr. Tucker, if he said he saw it, he saw it. He was an [23] excellent, excellent spectroscoper.

[24] **Q:** I'm now going to show you Plaintiff's Exhibit [25] 438 and ask you to review that, if you would, please.

Page 48

[1] **A:** Yes. Mr. H.B. Patrick was safety director at [2] the Krummrich plant at the time. Department 246 was an [3] Aroclor department at the W.G. Krummrich plant in Sauget.

[4] **Q:** And this document has a date of November 14th, [5] 1955?

[6] **A:** Yes.

[7] **Q:** And about two-thirds of the way down, it has [8] "Jack T. Garrett" printed above that, and has a signature. [9] Is that your signature?

[10] **A:** That's right.

[11] **Q:** Is this a document that you wrote?

[12] **A:** Yes. Apparently. I wrote thousands of them [13] but yes, apparently it's mine.

[14] **Q:** Does it appear to be a true and accurate copy [15] of the letter that you wrote back on November 14th, 1955?

[16] **A:** It's a copy of a series of documents written [17] to Mr. Patrick concerning eating in the processing [18] operation at the Krummrich plant, which is a miserable [19] habit and we wanted it stopped.

[20] **Q:** And is this the sort of document that you [21] maintained in your files at Monsanto?

[22] **A:** Probably would have, except this is a document [23] that would have been destroyed by the document retention [24] people. By the way, there were people who came around and [25] looked into my files and asked me questions about them.

Page 49

[1] "Do you want to keep this?" "Why should you keep this."

[2] **Q:** When did they do that?

[3] **A:** At least once a year. I guess the last two or [4] three years when I was there.

[5] **Q:** Did they do that for anyone else?

[6] **A:** All of Monsanto.

[7] **Q:** Did they tell you why they were doing that?

[8] **A:** Yes. They didn't have enough room, and the [9] building wouldn't stand any more file cabinets, full file [10] cabinets. They would collapse.

[11] **Q:** Did they tell you whether they were attorneys?

[12] **THE WITNESS:** People that did this?

[13] **MR. BRADLEY:** Yes.

[14] **A:** They were from the personnel department. They [15] gave you a chance to hold it. If I wanted to hold my copy [16] of this, I could have. Don't get me wrong. I'm not saying [17] that they arbitrarily said "Let's throw this file cabinet [18] in the river." Not that it wouldn't be a pollution hazard, [19] but the point is, we could have retained it but the problem [20] is, how many documents do you retain? This is a document [21] that is of a subject that we are all aware of, and that is [22] eating in processing operations, particularly true in [23] health related organizations within the industry. They [24] were eating in the Aroclor department. We told them to [25] quit.

Page 50

[1] **Q:** Who was responsible —

[2] **A:** And they quit.

[3] **Q:** Who was responsible for sending around the [4] people from the personnel department to help identify [5] documents to be retained and those to be destroyed?

[6] **MR. FEATHERSTONE:** Object to the lack of [7] foundation.

[8] **A:** I have absolutely no idea. I'm sorry. Excuse [9] me.

[10] **MR. FEATHERSTONE:** That's all right.

[11] **A:** I have no idea.

[12] **Q:** (By Mr. Bradley) In looking now at the [13] Exhibit, 438. Was there data within the medical department [14] that indicated that Aroclor vapors could contaminate [15] lunches?

[16] **A:** No. And they couldn't have.

[17] **Q:** And upon what information did you rely on when [18] you said "It is the opinion of the medical department that [19] the eating of lunches should not be allowed in this [20] department for a number of reasons. Number one, Aroclor [21] vapors and other process vapors contaminate the lunches [22] unless they were properly protected?"

[23] **A:** It started when we began to look in the — [24] You don't realize it but in the early part of my career at [25] Monsanto, we still used ice condensers filled with chopped

Page 51

[1] ice, and a guy chopped it and put it in there. This was to [2] cool the condenser that would condense materials. We had a [3] terrible time at Krummrich because it was the last plant [4] where we got rid of all those old ice condensers. We had a [5] terrible time because people put their lunches in the damn [6] thing because there was ice in it, and that's what started [7] this ruckus about quit exposing people to unnecessary [8] exposures of any chemical, which is not a very smart idea. [9] So we started in this route, and this happens to be the one [10] we wrote on the Aroclor department because we found the [11] Aroclor guys with their lunches stacked all over the place. [12] We made them — What we did, we made them put the lunches [13] in the compartments - in the lunchroom and go to the [14] lunchroom to eat.

[15] **Q:** Was there some information that you relied [16] upon in determining that lunches shouldn't been exposed to [17] Aroclor vapors?

[18] **A:** No. Lunches shouldn't been exposed to any [19] chemical vapors, period. We made products at Krummrich a [20] hell of a lot more toxic than Aroclor was.

[21] **Q:** When you wrote this, was it your opinion that [22] Aroclor vapors were toxic?

[23] **A:** It was my opinion that — I had no opinion, [24] in essence, of what toxicology might have been connected [25] with anything that would absorb on anything, but I said if

Page 52

[1] you're going to get rid of a problem in a plant as big as [2] Krummrich, you had to get rid of all of the eating in the

processing departments. You don't get rid of just some of them. You either quit it or you let anybody eat anything they damn please anyplace. So this was part of our efforts to get rid of eating in the processing departments. Most of the plants prohibited it to start with, and the Queeny plant had always prohibited it, right across the river from this plant. We had a long running argument with the Krummrich plant about stop the lunch storing in the damn processing department, where there was a possibility of it being contaminated with the products, or materials in those processes, and believe me, some of them were very, very, toxic. This just didn't happen to be that toxic.

Q: When you wrote this back in '55, did you do any review of any documents to determine the toxicity of Aroclor vapors?

A: No. I went through all of the departments that had eating in the departments and stopped it because — The union over there had rotated bidding. This is completely rotational bidding, on the basis of seniority. A man in the Aroclor department could be anywhere in the plant every time they rebid, and frequently was. If you didn't stop it, we were going to have a damn mess all over the plant continuously. We had a hell of a battle. We

Page 53

finally stopped it. They did not do it anymore. It's dangerous to eat in a damn chemical processing operation, I don't care what it is.

Q: When you wrote this, was there any information that existed regarding the toxicity of Aroclor vapors?

A: No. In the wipe samples we took — We took wipe samples using a pad, which is standard procedure - Feds do it all the time. We did it long, long, long before they did. You wiped down metal materials and go through very fancy analytical methods using an electron scope to see if there was anything there. In almost any case where you had open processing, open processing, shovels and so forth - and believe me, there are a lot of wheel barrels and shovels in Krummrich - those processes would show evidence of chemical materials. We gave every employee in this plant one day's clothing every damn day, In several of the departments, they had new shoes everyday that had been covered with oil to prevent materials from absorbing. Every single operator in this plant was issued new clothing, and socks and underwear and a jacket, and the same was true at the Queeny plant.

MR. BRADLEY: No, Bruce. If you're going to say it, say it out load.

MR. FEATHERSTONE: Off the record.

MR. BRADLEY: No.

Page 54

MR. FEATHERSTONE: Yes. Then you can put it on the record if you'd like.

(Whereupon, a discussion was held between Counsel and witness, off the record.)

Q: (By Mr. Bradley) When did Monsanto start providing new clothes for its employees working with - First of all, did Monsanto provide new clothes for the employees working with PCBs?

A: Yes.

Q: When did that start?

A: It was going on when I came. That was in the '50s.

Q: Did Monsanto provide —

A: Excuse me. The new clothes were provided daily. Laundered clothes everyday.

Q: (By Mr. Bradley) And the new shows, were those provided daily?

A: They were rotated and they were recoated if need be. Now, I'm not sure if that went on in this department. It went on in many departments. They were recleaned and recoated.

Q: And that would be true for employees working with PCBs?

MR. FEATHERSTONE: He just said he wasn't sure.

Page 55

A: I'm not sure of that. With highly toxic substances, yes.

Q: (By Mr. Bradley) And the change of socks, was that —

A: Yes, that was part of it. Socks, underwear and coveralls.

Q: And was that true for employees working with PCBs?

A: The PCB Department — When I first went to the department, they had what they call toxic clothes. This offended my nicety, "toxic clothes." It sounded to me like clothes that were toxic and actually, what they were was company clothing for people to use in toxic departments, or in departments that contained what was classified as toxic materials. This had been going on for years before I ever came to St. Louis. Okay? We straightened this thing out so that people that worked in various departments got company clothing. The union came along and negotiated company clothing for all Krummrich plant employees. So I don't know how they got them. They had company clothes.

Q: Did the workers working with PCBs have the company clothes that included the socks and the underwear?

A: To the best of my — I don't know. That's the best — I don't know. They had company clothing. How

Page 56

extensive, I don't know.

Q: Did you read anything that was written that explained why Monsanto had company clothes for employees working with PCBs before the union got involved?

A: No.

Q: Okay.

A: It was a company plant deal.

Q: Was it something that was generated from the medical department, do you know?

A: No, I don't think so. I think it may originally have been generated by Dr. Kelly back in late '30s. He may have made them give clothing to certain departments then, based on the knowledge they had then of those departments. I don't know. I know that the company clothing issue was a settled issue when I came to St. Louis.

Q: Looking now at Exhibit 438 there, looking at number three. You state, beginning with the second sentence, "While the Areclors are not particularly hazardous from our own experience, this is a difficult problem to define because early literature work claimed that chlorinated biphenyls were quite toxic materials by ingestion or inhalation." Did I read that correctly?

A: That is correct.

Q: What early literature work claimed that

Page 57

chlorinated biphenyls were quite toxic materials by ingestion or inhalation?

A: I have absolutely no idea. Came out in the medical literature, though, apparently.

Q: Do you recall whether you reviewed medical literature that indicated that chlorinated biphenyls were quite toxic materials by ingestion or inhalation?

A: Keep in mind that in chlorinating, you have also chlorine problems, and we all know that's a dangerous material; and also, that in a plant like the Krummrich plant, that manufactured over a hundred products, vast numbers of which were made by aromatic hydrocarbons, most of the aromatics which were manufactured were hazardous. The plant then addressed the company clothing issue, which had been started before the war, I guess. I

WATER_PCB-SD0000043472

don't know. [16] What I was trying to do is to stop them from eating in the [17] departments. I don't care if they're not hazardous. If [18] you rotate employees from one development to another, [19] they're going to eventually get into a hazardous department [20] and get food, smear that stuff on their food. We were [21] trying to get rid of eating in the departments, and we did. [22] It's a difficult task, believe it or not, to change [23] operators' habits. They're like anybody else, they develop [24] a habit, they want to keep it. We declared it hazardous as [25] an issue. As I said, there is no evidence that Aroclors,

Page 58

[1] in any kind of context that a man would normally get from [2] the air on his food, was not probably a hazard. It was not [3] probably a very serious hazard, if a hazard at all, but [4] there were departments that we manufactured amine compounds [5] that were very, very toxic, and these same people could be [6] in and out of any department in the plant and we - you [7] could not stop the eating in the amine departments, and we [8] tried that. So we stopped it in the entire plant, in that [9] plant and in the Queeny plant across the river, because of [10] the number of toxic materials that they were handling. [11] Now, to say this is toxic from the standpoint of the [12] possibility of them absorbing through their food is really [13] a punch line. We're trying to stop them from eating in the [14] operating departments at the W.G. Krummrich plant, and we [15] did. This is part of it.

[16] **MR. BRADLEY:** Would you read the question [17] back?

[18] (Whereupon, the reporter propounded the previous question.)

[19] **A:** Incidently, they are. But I go back to my [20] argument that what we were trying to do — I'd been there [21] six months when this was written. I was trying to do what [22] Dr. Kelly wanted done, and that was to stop eating in the [23] operating departments, and we got it done.

[24] **Q:** I'm now going to show you plaintiff's Exhibit [25] 428 and ask you to review that.

Page 59

[1] **A:** Yes.

[2] **Q:** Have you seen that document before?

[3] **A:** Probably. I've seen a great many discussing [4] that particular group.

[5] **Q:** This is a March 6, 1969 inner-departmental memo [6] to E. Wheeler; is that correct?

[7] **A:** Yes. From Bill Richard, W.R. Richard

[8] **Q:** And it indicates that you were sent a copy; is [9] that correct?

[10] **A:** Yes, I got a copy.

[11] **Q:** And is this a fair and true copy of the [12] document that W.R. Richard wrote to E. Wheeler?

[13] **A:** As far as I know, yes.

[14] **Q:** And is this the sort of document that you [15] maintained in your files at Monsanto?

[16] **A:** I would maintain them in my file.

[17] **Q:** Looking now at the bottom of page two, where [18] it says, "Well prepared discussions with Ind. Bio-test, [19] Monsanto biochemists, the medical and legal departments [20] must take place now." Do you know if those well prepared [21] discussions with those departments took place?

[22] **A:** Well, you're talking about problems proposed [23] by the Environmental Defense Fund. The Environmental [24] Defense Fund is an organization started in Long Island by a [25] bunch of lawyers and millionaires, all of them —

Page 60

[1] **MR. FEATHERSTONE:** The question is, did the [2] discussions take place, to your knowledge, the ones he [3] referred to at the bottom of the page.

[4] **A:** I can't recall. They probably did, but can't [5] say that they did.

[6] **Q:** (By Mr. Bradley) Have you ever had a [7] conversation with anyone from Nevada Power Company?

[8] **A:** Not to my knowledge.

[9] **Q:** Have you ever had a discussion with anyone who [10] said that they were making an inquiry on behalf of Nevada [11] Power Company?

[12] **A:** No. Not to my knowledge.

[13] **Q:** Do you know whether customers of Monsanto's [14] working with PCBs were ever informed that Monsanto workers [15] working with PCBs got clean clothes every day from the [16] company?

[17] **MR. FEATHERSTONE:** Object to the form of the [18] question.

[19] **A:** Because the clothing was provided as a plant [20] and subsequently a union issue, it was not issued because [21] of PCBs. We would not have ordinarily changed workers' [22] clothing in the PCB department.

[23] **MR. BRADLEY:** I move to strike the answer as [24] not responsive.

[25] **Q:** (By Mr. Bradley) My question is, do you know

Page 61

[1] whether customers of Monsanto were ever informed about the [2] clothing policy for workers, for Monsanto workers, in [3] chlorinated - working with chlorinated aromatic [4] hydrocarbons?

[5] **A:** I go back and say at Queeny, at Krummrich, the [6] issue was lunches in the operating departments, not whether [7] we gave them clothing or not, and the way we did it was [8] issued company clothing to everybody in the plant and [9] forced them out of the operating departments and to eat in [10] the lunchrooms which were provided. Because of rotating [11] bidding, a man can be in the Aroclor department today and [12] in the, in one of the highly toxic departments tomorrow, [13] and we did not - he would take his bloody lunch along and [14] we didn't want him to do that, so we said we'll change the [15] clothing, give everybody clothing and stop eating in any of [16] the departments. You eat in the lunchroom. Now, the issue [17] was one of eating in the lunchroom and the possibility of [18] getting products, or raw materials that were, in fact, [19] toxic on their lunchbox, bags - and they used the bags in [20] the damndest sort of ways you've ever seen. They'd put [21] them in our condenser boxes and everyplace else. It was a [22] dangerous and hazardous issue. We stopped it in most [23] plants without all that trouble. We had trouble in the [24] Krummrich plant.

[25] **Q:** My question was, did you tell customers of

Page 62

[1] Monsanto about the clothing policy that you had for your [2] workers working with the chlorinated aromatic hydrocarbons?

[3] **A:** No. We didn't do it at Anniston. It was a [4] specific, special issue connected with that plant, [5] particular plant, and its union structure.

[6] **Q:** Excuse me. Did Monsanto inform its customers [7] in 1955 or later that it shouldn't allow its employees to [8] eat around Aroclor vapors?

[9] **A:** I told many customers of ours not to allow [10] their people in areas where there were toxic materials, [11] okay? That's a standard issue from an industrial hygiene [12] point-of-view.

[13] **Q:** Did Monsanto ever send out a warning or other [14] kind of information bulletin, though, to its customers [15] telling them that their employees shouldn't eat around, in [16] areas where there are Aroclor vapors?

[17] **A:** No. Because that wouldn't have been germane.

[18] **Q:** Did Monsanto, in 1955 or any subsequent period [19] of time, inform its customers that early literature work [20] claimed that chlorinated biphenyls were quite toxic [21] materials by ingestion or inhalation?

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[22] **A:** Everybody was, had that information available [23] to them. Yes, I told many of the customers myself.

[24] **Q:** My question is —

[25] **A:** Yes, they were told.

Page 63

[1] **Q:** All right. And how were they are told?

[2] **A:** Told by either one of us or by letters from [3] Dr. Keller or letters from the production department.

[4] **Q:** When —

[5] **A:** It's on the labels.

[6] **Q:** Do the labels say that early literature work [7] claims that, claimed that chlorinated biphenyls were quite [8] toxic materials by ingestion or inhalation; is that what [9] the labels said?

[10] **A:** No.

[11] **Q:** Oh.

[12] **A:** The label said, "Hazardous material," or [13] "Chlorinated materials can be hazardous," and so forth. [14] All it says is to prevent people from getting chlorinated [15] compounds in their ingestive system. Our problem at [16] Krummrich was to get them to quit eating in the damn [17] departments.

[18] **MR. FEATHERSTONE:** Jack.

[19] **A:** Departments. Strike damn. In the [20] departments, so we could — Because some of the [21] departments were genuinely hazardous to do that.

[22] **Q:** (By Mr. Bradely) On looking here at Exhibit [23] 438, the last sentence says, "In any case, where a workman [24] claimed physical harm from any contaminated food, it would [25] be extremely difficult on the basis of past literature

Page 64

[1] reports to counter such claims."

[2] **A:** That's true.

[3] **Q:** What do you mean by that?

[4] **A:** If a worker claimed that you, that he got [5] exposed to something operating in your plant, he comes to [6] the doctor. The doctor does a physical exam on him and [7] they do certain testing. If a worker of a transport [8] company, or something like that, did it, I don't know who [9] would take care of it. We did it if it was an accident. [10] We handled all accidents connected with Aroclor, Monsanto [11] did. I went many times myself.

[12] **Q:** Did Monsanto inform any of its customers that [13] in any case where a workman claimed physical harm from any [14] food contaminated with Aroclor, that it would be extremely [15] difficult on the basis of past literature reports to [16] counter such claims?

[17] **THE WITNESS:** Specifically?

[18] **MR. BRADLEY:** Yes.

[19] **A:** I don't know.

[20] **Q:** (By Mr. Bradley) Are you familiar with a [21] September, 1937 round table discussion that included Cecil [22] Drinker?

[23] **A:** I knew him before he died. He probably —

[24] **MR. FEATHERSTONE:** Jack, he's asking whether [25] you're familiar with a round table discussion involving Dr.

Page 65

[1] Drinker and some other people.

[2] **MR. BRADLEY:** Lewis Schwartz, Emmett Kelly, [3] Arthur Byer?

[4] **A:** I have probably seen it, yes.

[5] **Q:** Did you discuss with Dr. Kelly the work done [6] by Dr. Drinker regarding chlorinated biphenyls as reported [7] in the September, 1937, Volume 19, Number 7 issue of the [8] Journal of Industrial Hygiene and Toxicology?

[9] **MR. FEATHERSTONE:** Object to the form.

[10] **A:** I was fourteen at the time.

[11] **MR. FEATHERSTONE:** That's never mattered to [12] any of the questioning in this room, Jack. Go ahead, [13] answer.

[14] **MR. BRADLEY:** Let me address that, Mr. [15] Garrett. I didn't ask you how old you were or whether in [16] 1937 you learned about this. My question was more narrow. [17] My question was whether you ever discussed this with Emmett [18] Kelly?

[19] **A:** We discussed Phil Drinker's work and Drinker's [20] work on this material, yes. He made some very bad [21] mistakes.

[22] **Q:** (By Mr. Bradley) I'm going to show —

[23] **MR. BRADLEY:** Off the record. [24] (Whereupon, a discussion was held between Counsel, off the [25] record.)

Page 66

[1] **Q:** (By Mr. Bradley) I'm going to show you know [2] Plaintiff's Exhibit 979, and ask you to review that and [3] actually, I'm going to have some relatively detailed [4] questions about the round table discussion that's reported [5] at the end of that exhibit, So why don't we take a ten [6] minute break, or as long as you need to review that [7] exhibit.

[8] **THE WITNESS:** I can tell you right now, I [9] don't know anything about it. As far as I'm concerned, [10] whatever happened here, Kelly had to do with. I didn't. I [11] don't even remember, recall this document. I'm sure it's [12] in existence. It's a 1937 document. The problem is, from [13] the time Dr. Drinker did this, there is an awful lot better [14] analytical methods, awful lot of better ways of identifying [15] conditions, awful lot better toxicological studies, tests. [16] So whatever Phil Drinker did in 1937 or prior to that, I'm [17] not sure is really germane.

[18] **MR. BRADLEY:** Well, Mr. Garrett, would it be [19] germane to you if, at a round table discussion, a GE [20] employee talked about problems with the health of up to [21] fifty of its employees who were working with chlorinated [22] biphenyl?

[23] **A:** Absolutely not.

[24] **MR. FEATHERSTONE:** I object to the form. It's [25] a clear misstatment of fact, Mr. Bradley. So if you're

Page 67

[1] going to make statement like that, get into arguments, get [2] your facts right.

[3] **MR. BRADLEY:** I move to strike Mr. [4] Featherstone's comments, other than his objection.

[5] **THE WITNESS:** I don't know what went on in [6] 1937, first. Second, in 1937, analytical methods available [7] were zilch, so they're talking about what might be or [8] should be or might occur, because they have no analytical [9] methods to go down into the level we're talking about.

[10] **MR. FEATHERSTONE:** All right. This whole [11] thing started, Mr. Bradley, with you wanting to take ten [12] minutes for Mr. Garrett to read this document. Is this [13] something that you need to —

[14] **MR. BRADLEY:** He says he didn't need to, no.

[15] **MR. FEATHERSTONE:** He said he didn't need to [16] because he doesn't know anything about the document. If [17] you're going to ask him about the document, we're going to [18] take the time for him to read it. What is it going to be, [19] Mr. Bradley?

[20] **MR. BRADLEY:** Mr. Featherstone, when you [21] conduct your deposition, you can lay groundrules. Right [22] now, I want you to make your objection or I want you to [23] shut up. It's my deposition. I'll ask the question I [24] want. If you want to instruct him not to answer, that's [25] fine. What I want you to do is behave professionally and

Page 68

[1] not make those kinds of stupid comments. There is [2] absolutely no need for it.

[3] **MR. FEATHERSTONE:** Keep babbling, Ralph.

[4] **MR. BRADLEY:** Let's puts it this way. I'm [5] going to ask you questions about the round table discussion [6] that is reported at the end of this document, just like I [7] indicated to you I was going to do. Would you like an [8] opportunity to review that before I ask you questions?

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THE WITNESS: I know the basic premises here. They did a bunch of studies on aromatic hydrocarbons. Now mind you —

MR. FEATHERSTONE: There is no question, Jack. He asked you if you wanted to review it. You said no. Wait for the question. We'll never get done.

Q: (By Mr. Bradley) Would you turn to page 303 of that Exhibit?

THE WITNESS: 303?

MR. BRADLEY: Yes.

THE WITNESS: Yes.

Q: In the first column there, under Mr. F.R. Kamer..." First of all, it indicates he's with General Electric Company in York, Pennsylvania. Do you know Mr. Kamer?

A: No.

Q: Mr. Kamer indicates that, and I'm reading now

from the second full paragraph, "It is only one-and-a-half years ago that we had in the neighborhood of fifty to sixty men afflicted with various degrees of this acne about which you all know. Eight or ten of them were very severely afflicted - horrible specimens, as far as their skin condition was concerned. One man died, and the diagnosis may have attributed his death to exposure to Halowax vapors but we are not sure of that."

A: That's not anything to do with what you're talking about.

MR. FEATHERSTONE: Jack, he hasn't asked a question yet. He read something from an article.

Q: (By Mr. Bradley) In your work at Monsanto, were you aware of the conditions that Mr. Kamer reports here, in this round table discussion?

A: No.

Q: Okay. Looking now at page 304, on the bottom right hand side?

A: Wait a minute. You read something on 303.

MR. BRADLEY: Yes. Now I'm moving to 304, under Dr. Lewis Schwartz, Medical Director, Dermatosis Investigation, United States Public Health Service, New York, New York.

A: Yes.

Q: Have you heard of Dr. Schwartz?

A: I did. Schwartz wrote a book, a very good book, by the way. I knew of him.

Q: Towards the end there of the column, on page 304, and I'm going to read into the next page, it says, "If there are any cases of acne or of this [illegible] in a plant where Halowax or the chlorinated naphthalene or chlorinated diphenyls are used, then that shows that there is sufficient concentration of these substances in the air to cause plugging of the follocles and to cause a skin condition. If there is sufficient concentration to do that, there may be sufficient concentration to cause systemic poisoning in the few people who are hypersensitive to the action of these hydrocarbons." Now, when you were a Monsanto employee, were you aware that in 1937, that was the opinion of Dr. Lewis Schwartz?

A: At the time, the most common word used in this document is "if," right?

MR. FEATHERSTONE: Jack, the question is, while you were an Monsanto employee, at any time were you aware of that opinion of the doctor?

A: Yes, I was aware of this document. I was also aware of the fact that Halowax and these other materials are highly - cause skin eruptions of great problems. Any time when one handles those materials, they handle them with great care. That is not chlorinated biphenyls,

period. We're talking about different things.

Q: (By Mr. Bradley) Was the Halowax a combination of chlorinated naphthalene and chlorinated biphenyl?

A: No. Chlorinated naphthalene.

Q: And there was no chlorinated biphenyl or diphenyl in the Halowax?

A: I never saw an analysis, but it never came from a process that had biphenyls in it.

Q: I'm reading now from page 283 of this Exhibit, in the first column, roughly two-thirds of the way down.

"In the spring of 1936, the Halowax Corporation, a division of the Bakelite Corporation, called our attention to three fatal cases of jaundice in workmen working with chlorinated naphthalene and chlorinated diphenyls." Do you see that?

A: That's right. But the point is, it says chlorinated naphthalenes. We know that will occur. That's a common knowledge item in toxicology of aromatic structured compounds. To put chlorinated diphenyls in there is saying that might be because it was in the issue. We never saw that, nor did we ever have a case of a man in Monsanto in all the years we manufactured it, ever went to the hospital with any kind of problems connected with the chlorinated diphenyls

MR. BRADLEY: I move to strike the answer

THE WITNESS: Go ahead and strike whatever you damn please. It's true.

MR. FEATHERSTONE: Jack.

Q: (By Mr. Bradley) Does that refresh your recollection on whether the Halowax was a combination of chlorinated naphthalenes and chlorinated diphenyls?

MR. FEATHERSTONE: Object to the form.

A: Halowax is a product of naphthalenes.

Q: (By Mr. Bradley) Do you know whether, in this study, Dr. Drinker studied the effects from exposure to chlorinated diphenyl?

A: I suspect he died before they became an extremely popular material. I don't know.

Q: Prior to 1955, are you aware of any other — Well, let me ask it this way. Mr. Garrett, you tell me if I've asked this question before. I don't want to ask you the same question twice. Looking here, at Exhibit 438, where you say that - I'm reading the whole sentence.

"While the Aroclors are not particularly hazardous from our own experience, this is a difficult problem to define because early literature claimed chlorinated biphenyls were quite toxic materials by ingestion or inhalation." What was the early literature that you were referring to?

MR. FEATHERSTONE: Objection. Commulative.

Q: (By Mr. Bradley) Just this one document?

A: No. There were others.

Q: (By Mr. Bradley) What others were there?

A: Well, Drinker's stuff got into books on toxicology and on hygiene and it was based, again, on the study with Halowax, only Halowax, which is the chlorinated naphthalenes.

Q: During the time of your employment with Monsanto, were you ever aware of a report by Jones and Alden in 1936 involving a man whose employment involved the distillation of chlorobiphenyl?

A: No. The distillation of chlorobiphenyl?

Q: Were you aware of any reports in the early '30s of up to twenty-three workers working in the manufacturing process of chlorobiphenyl developed chloracne?

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A: I was aware of an incident where it occurred, yes.

Q: Were you aware of any reports in the 1930s that reported digestive disturbances, burning of the eyes and impotence in men working with chlorobiphenyls?

A: No.

Q: I'm going to show you Plaintiff's Exhibit 1373 and ask if you've seen that document before?

A: I've seen parts of it. I probably looked over parts of it.

Page 74

Q: Would you turn to page thirty-two? At the top, it says, "Early use of PCBs was for incorporation along with chlornapthalenes into synthetic waxes." 124 to 128.

A: Yes, I see that.

Q: 124 to 128 refers to references. It says, "These waxes contain ten to twenty percent PCBs," and gives references to 124 to 126.

A: Yes.

Q: "And were used to insulate electrical wire and cable."

A: Yes.

Q: Do you know whether that's referring to the Halowax cables?

A: That's Halowax. It's also the shipyard problems that you may ultimately find in here that occurred during World War II, were also Halowax, not PCBs.

Q: When you worked for Monsanto, were you aware of an animal experiment reported by Bennett, et al. in 1938 which found morphologic changes in the livers of two groups of rats exposed to 0.57 miligrams per cubic M concentration?

A: Meter.

Q: And also at 0.93 miligrams per cubic meter for eight hours a day?

Page 75

MR. FEATHERSTONE: Object to the form.

MR. BRADLEY: What's wrong with the form?

MR. FEATHERSTONE: Just ask the question, Mr. Bradley. If we get in a debate, we'll be here all night.

THE WITNESS: What was the question?

Q: (By Mr. Bradley) The question is, when you worked for Monsanto, were you aware of an animal experiment reported by Bennett, et al. in 1938 which found morphologic changes in the livers of two groups of rats exposed to differing levels of chlorinated biphenyls?

MR. FEATHERSTONE: Object to the form.

THE WITNESS: Are you asking me if chlorinated biphenyls are hepatic/renal toxins?

MR. BRADLEY: No. What I'm asking you, when you work for Monsanto were you ever aware of a study by Bennett in 1938 —

A: No.

Q: (By Mr. Bradley) Okay. When you worked for Monsanto, did you ever become aware of a report by McCloughlin in 1963 which reported that PCBs might be embryotoxic, or have teratogenic effects?

MR. FEATHERSTONE: Object to the form.

A: Specifically, no. There have been an awful lot of studies. I'm saying, I don't remember those.

Q: (By Mr. Bradley) When you began your work

Page 76

with Monsanto, were you aware of any research addressing possible damage to the liver from exposure to PCBs?

A: Specifically, no.

Q: Let me ask it this way. Did you ever learn of any research indicating that PCBs may cause damage to the liver?

A: You're talking about an aromatic chlorinated compound. If you could get it into the system, it will cause problems, okay? They are surely hepatic/renal toxins, and we know that. Everybody knows that.

Q: Well, when did you first learn that?

A: Probably the first time I went over to the Krummrich plant. Mr. Wheeler or Dr. Kelly probably told me.

Q: What documents did Monsanto give to its customers indicating that chlorinated aromatic hydrocarbons may cause damage to the liver?

A: It's sort of like there ain't a warning on it, but whiskey will do the same thing. The point I'm trying to make is, what are you talking about? Are you talking about lots of it? The guy spooning it into his mouth? The problem is, how much are you talking about. Toxicity represents a problem of concentrations. Certain areas — All, - I repeat, all - chlorinated hydrocarbons under certain conditions in the system are hepatic/renal toxins

Page 77

and would probably cause some difficulty in the liver, and some of the liver function studies will indicate that.

Q: And what did — How did Monsanto give that information to its customers?

A: Everybody knew it. Everybody knew it. Everybody was told. it was in our documents.

Q: It was in your documents?

A: Certainly.

Q: What documents was it in?

A: We had an Aroclor bulletin that we put it in that said the material should not be inhaled and should not be thus and so, and the basis for that was the fact that it was, in fact, chlorinated hydrocarbon, and all chlorinated hydrocarbon, if you can get them in the form of a gas or in the form of something you can inhale - now, we couldn't do it by ingestion because we tested that. The rats would just kick it out. I wouldn't obsorb, in other words.

MR. FEATHERSTONE: Jack, the question is one of passing along communications or warnings.

A: We passed it on to our customers and our plants knew it, too.

Q: (By Mr. Bradley) Did the Aroclor bulletins say that exposure to these chlorinated aromatic hydrocarbons could cause damage to the liver?

A: Exactly.

Page 78

Q: Okay.

A: It says it could cause damage to the liver, hepatic/renal toxins. It's in the literature.

Q: Do you know of any research relating PCBs to causing malignant melanomas?

A: No. I know there was some. I don't think the literature was specific in that case. I don't think it caused — I don't think it demonstrated that. I don't think it ever demonstrated that. We never saw them, any operation in which any of our people were involved, or any customer reported them to us.

Q: Do you know of any studies or research indicating PCBs may cause brain tumors?

A: No. That's carrying it a little far.

Q: Do you know whether the United States Environmental Protection Agency classifies PCBs as a potential human carcinogen?

A: I don't know. If they do, it doesn't make a hell a lot of difference to me. That's the craziest list that ever existed.

Q: You disagree with the EPA?

A: I absolutely do, and with their premise and with their standards. So does everybody else that has any knowledge in the field.

WATER_PCB-SD0000043476

[25] **MR. FEATHERSTONE:** Jack, just answer the

Page 79

[1] question. Do you know? Either you know or you don't know. [2] Let's not debate it. Let's get through it.

[3] **Q:** (By Mr. Bradley) Do PCBs get absorbed through [4] the skin?

[5] **MR. FEATHERSTONE:** Objection. Cummulative.

[6] **A:** Not that we could determine. You're talking [7] about a whole host of compounds.

[8] **MR. FEATHERSTONE:** Do you have anything more? [9] Do PCB gets absorbed through the skin was the question.

[10] **MR. BRADLEY:** He answered. I'm satisfied. He [11] said no.

[12] **MR. FEATHERSTONE:** Okay.

[13] **Q:** (By Mr. Bradley) Were precautions in handling [14] chlorinated compounds issued in 1944, do you know?

[15] **MR. FEATHERSTONE:** Objection. Absence of [16] foundation.

[17] **A:** I don't know. I don't know.

[18] **Q:** (By Mr. Bradley) Do you know whether [19] pathologic changes in animals exposed to commercial [20] chlorinated diphenyl were reported in the 1940s?

[21] **A:** No, I do not. I was fighting the war at the [22] time.

[23] **Q:** Were you aware — Well, let when ask it this [24] way. Do you know whether the toxicity of the vapors of [25] Aroclor 1242 and 1254 were documented as early as 1956?

Page 80

[1] **A:** No, I don't know one way or the other.

[2] **Q:** Do you know whether — Do you know what [3] polychlorinated dibenzylfurans are?

[4] **A:** Yes.

[5] **Q:** What are they?

[6] **A:** They're a material that's similar to but not [7] the same as dioxin and other chlorinated organic compounds [8] in the structure, in the ring structrual materials.

[9] **Q:** Are they considered to be quite toxic?

[10] **A:** Yes.

[11] **Q:** Do you know whether polychlorinated [12] dibenzylfurans have ever been shown to be present in PCBs [13] manufactured by Monsanto?

[14] **A:** No, I don't know.

[15] **Q:** Do you know whether anyone has studied the [16] percentage of Americans that have PCBs in their adipose [17] tissue?

[18] **THE WITNESS:** PCB, or chlorinated [19] hydrocarbons?

[20] **MR. FEATHERSTONE:** Do you know if anyone has [21] studied the percentage of Americans —

[22] **A:** Yes, they have studied it.

[23] **Q:** (By Mr. Bradley) What have the studies shown?

[24] **MR. FEATHERSTONE:** Object to the question. [25] Hearsay, among other things.

Page 81

[1] **A:** All chlorinated hydrocarbons ultimately, if [2] you get them into the system, will seek the adipose pool. [3] They will absorb into the oil materials of some of the [4] tissue. Now, if you're messing with compounds in enough [5] animals of different kinds and - different species, enough [6] time, enough facilities and enough people, you can probably [7] prove that any chlorinated hydrocarbon causes problems [8] connected with it's collection in the adipose tissue of [9] beasts of any kind.

[10] **Q:** Do you know whether ninety-nine percent of all [11] Americans reportedly have over five hundred parts per [12] billion PCBs in their adiposes tissue?

[13] **MR. FEATHERSTONE:** Object to the form.

[14] **A:** With all the —

[15] **MR. FEATHERSTONE:** Do you know that?

[16] **A:** No, I didn't know that.

[17] **Q:** (By Mr. Bradley) Do you know whether PCBs [18] have been found in human mother's milk?

[19] **THE WITNESS:** Human what?

[20] **MR. BRADLEY:** Mother's milk?

[21] **A:** No, I don't know it.

[22] **Q:** (By Mr. Bradley) Do you know whether PCBs [23] pass through the mother's placenta to the fetus in human [24] beings?

[25] **A:** No, I don't know that and I wouldn't believe

Page 82

[1] it if somebody told me.

[2] **Q:** Are you familiar with the term [3] biomagnification?

[4] **A:** Yes.

[5] **Q:** What is it?

[6] **A:** It means the material magnifies in the system [7] by - in a specific tissue in a specific system as the [8] material magnifies in concentration.

[9] **Q:** Do you know whether biomagnification occurs in [10] animals that — Excuse me. Do you know whether [11] biomagnification occurs in the human food change, relative [12] to PCBs?

[13] **A:** No. I've seen a lot of data, none of which [14] does any good, as far as I'm concerned, or shows anything.

[15] **Q:** Do you know whether changes in liver chemistry [16] have been observed in PCB exposed humans?

[17] **THE WITNESS:** Change in what?

[18] **MR. BRADLEY:** Liver chemistry.

[19] **A:** No.

[20] **Q:** (By Mr. Bradley) Do you know whether PCBs can [21] work synergistically with other compounds by impairing the [22] immune system?

[23] **A:** No.

[24] **Q:** All right.

[25] **A:** And I don't believe it anyway.

Page 83

[1] **MR. FEATHERSTONE:** Jack, just answer yes or [2] no. We're not going to debate this here. We'll debate it [3] later.

[4] **Q:** (By Mr. Bradley) Do you know whether [5] statistically significant high rates of skin cancer among [6] people exposed to PCBs have been reported?

[7] **A:** No.

[8] **Q:** Do you know whether, in 1947, the literature [9] reported that repeated exposure to PCB vapor may produce [10] internal bodily injury which may be disabling or could be [11] fatal?

[12] **THE WITNESS:** That's a stupid question.

[13] **MR. FEATHERSTONE:** Jack.

[14] **A:** But the answer is, I don't know. The question [15] don't make any sense.

[16] **MR. FEATHERSTONE:** Then the answer is, "I [17] don't know," or "No." Don't argue.

[18] **MR. BRADLEY:** Would you read back the [19] question?

[20] (Whereupon, the reporter propounded the previous question.)

[21] **A:** No.

[22] **Q:** (By Mr. Bradley) Do you know whether a skin [23] disease called chloracne could be an indication of a more [24] serious systemic injury if exposure to PCBs was allowed to [25] continue?

Page 84

[1] **A:** There never was any chloracne indicated with [2] PCBs in our operations, ever.

[3] **Q:** Okay. Were you ever informed in the 1970s [4] that Westinghouse employees indicated that there is [5] sufficient evidence that PCBs can be dilatorious to the [6] health of animal and human life and that the risk of [7] ignoring the evidence that does exist was inappropriate for [8] Westinghouse?

[9] **MR. FEATHERSTONE:** Well, the question is, have [10] you ever heard that

Westinghouse employees had made that [11] statement.

[12] **A:** No.

[13] **MR. FEATHERSTONE:** All right.

[14] **Q:** (By Mr. Bradley) Were you told in the 1970s [15] that Westinghouse employees believe there is now so much [16] PCB in drums in the ground, in the river and ocean beds [17] that unless steps are taken to reduce the source of PCB [18] contamination, the burden in the environment will have no [19] chance of decreasing?

[20] **MR. FEATHERSTONE:** Were you ever told that, [21] that Westinghouse employees —

[22] **A:** No.

[23] **MR. FEATHERSTONE:** All right.

[24] **A:** I never communicated with Westinghouse [25] employees.

Page 85

[1] **Q:** (By Mr. Bradley) Do you know what a furan is?

[2] **A:** Yes.

[3] **Q:** What is a furan?

[4] **A:** A furan is a ring compound, organic ring [5] compound.

[6] **Q:** Are furans one of the most extreme toxicities [7] of any compound since the beginning of chemistry?

[8] **A:** No.

[9] **Q:** Would one once of furans be enough to poison [10] ten thousand people?

[11] **MR. FEATHERSTONE:** Objection. No showing of [12] foundation.

[13] **A:** I have no idea.

[14] **Q:** (By Mr. Bradley) I take it, if I was able to [15] show a transcript that Monsanto's medical director, Dr. [16] Emmett Kelly, stated that furans have one of the most [17] extreme toxicities of any compound since the beginning of [18] chemistry, that you would disagree with that?

[19] **MR. FEATHERSTONE:** Object to the form of the [20] question.

[21] **A:** How did Kelly get to that? My answer is, if [22] you're talking about furans, you've got to be talking about [23] a whole host of furans.

[24] **MR. FEATHERSTONE:** No. The question is, if he [25] can do something like what he said, you would disagree with

Page 86

[1] it?

[2] **A:** Yes.

[3] **Q:** (By Mr. Bradley) Were you part of the group [4] that determined that Monsanto customers would have to enter [5] into indemnification agreements with Monsanto for Monsanto [6] to continue selling PCBs?

[7] **A:** Heavens, no.

[8] **Q:** Did Monsanto require its customers to enter [9] into an indemnification agreement before Monsanto would [10] continue selling them PCBs?

[11] **MR. FEATHERSTONE:** Object to the form of the [12] question.

[13] **A:** I do not now.

[14] **Q:** (By Mr. Bradley) Do you know whether Monsanto [15] entered into any indemnification agreements with any of its [16] customers regarding products manufactured by Monsanto that [17] contained PCBs?

[18] **A:** No.

[19] **Q:** Were you aware of a 1966 study from Sweden [20] where a Swedish scientist found PCBs on the hair of his [21] family and of himself?

[22] **MR. FEATHERSTONE:** Object to the form of the [23] question.

[24] **Q:** (By Mr. Bradley) Are you familiar with a [25] Swedish researcher named Jensen?

Page 87

[1] **A:** Yes.

[2] **Q:** Are you familiar with any of the work that he [3] published in the 1960s?

[4] **A:** Yes.

[5] **Q:** Did any of his work that was published have to [6] do with PCBs?

[7] **A:** Yes.

[8] **Q:** Did Dr. Jensen —

[9] **A:** Jensen.

[10] **Q:** Jensen. Did Dr. Jensen report that he was [11] finding PCBs in the hair of his family?

[12] **A:** Dr. Jensen reported a lot of things, some of [13] which were not scientifically proven.

[14] **MR. FEATHERSTONE:** Did he report that?

[15] **A:** I don't know.

[16] **Q:** (By Mr. Bradley) Did Dr. Jensen report [17] finding PCBs throughout the environment?

[18] **MR. FEATHERSTONE:** Object to the form.

[19] **A:** In Sweden, I suppose. I don't know.

[20] **Q:** (By Mr. Bradley) Did Dr. Jensen report [21] finding PCBs anywhere?

[22] **A:** Yes.

[23] **Q:** Where did he report finding PCBs?

[24] **A:** In sea life.

[25] **Q:** Seal life?

Page 88

[1] **A:** Sea life. In certain see critters.

[2] **Q:** And was Dr. Jensen's report published in 1966 [3] or thereabouts?

[4] **A:** Some of his reports. He wrote a number of [5] papers.

[6] **Q:** Well, the one having to do with finding PCBs [7] in sea life. Was that around the mid '60s?

[8] **MR. FEATHERSTONE:** Object to the form of the [9] question.

[10] **A:** Probably, yes. I don't know exactly. I don't [11] know. It was somewhere in that period of time.

[12] **Q:** (By Mr. Bradley) Was the report written by Dr. [13] Jensen regarding the location, finding of PCBs in sea life, [14] published around the middle of 1960?

[15] **A:** I don't know. It probably was.

[16] **Q:** Do you know whether you reviewed Dr. Jensen's [17] report in the year that it was published?

[18] **A:** I doubt it but I might have. My boss went [19] over there and talked to Jensen quite often.

[20] **Q:** Do you know whether, after your boss went and [21] spoke with Professor Jensen, Monsanto set a goal of [22] increasing its PCB sales?

[23] **A:** No. If they did that, nobody that I know of [24] knew it for that reason.

[25] **MR. BRADLEY:** Excuse me.

Page 89

[1] (Whereupon, a five minute recess was taken.)

[2] **Q:** (By Mr. Bradley) I'm going to show you [3] Plaintiff's Exhibit 1473 and ask you to review that [4] document.

[5] **MR. BRADLEY:** I don't have a copy.

[6] **THE WITNESS:** Yes?

[7] **Q:** (By Mr. Bradley) Have you seen that document [8] before?

[9] **A:** Yes.

[10] **Q:** What is the document?

[11] **A:** It's a manufacturing operation standard [12] practice process setup for Aroclor.

[13] **Q:** Was that something that was developed by [14] Monsanto's medical department?

[15] **A:** No.

[16] **Q:** Who developed it?

[17] **A:** Manufacturing.

[18] **Q:** And is that a fair and accurate copy of the [19] document it purports to be?

[20] **A:** As far as I can see, yes.

[21] **Q:** Is that the sort of document you maintained in [22] your files at Monsanto?

[23] **A:** I doubt it but I might have. It wasn't sent [24] to us, I don't think. I can't see it.

[25] **Q:** Was it the kind of document you'd expect

Page 90

[1] manufacturing to maintain in its files?

WATER_PCB-SD0000043478

[2] **THE WITNESS:** Their files?

[3] **MR. BRADLEY:** Yes.

[4] **A:** If manufacturing detects problems in either [5] plant, in our plant at Queeny or Krummrich, any changes in [6] the quality of product, any changes in the volume, any [7] changes in the conversion rates, those things would all be [8] there and what was recommended to cure them.

[9] **Q:** Do the Aroclors manufactured by Monsanto [10] biodegrade?

[11] **A:** Some.

[12] **Q:** Which ones biodegrade and which ones don't?

[13] **MR. FEATHERSTONE:** Object to the absence of [14] personal knowledge.

[15] **A:** The lesser ones do, some.

[16] **Q:** (By Mr. Bradley) The lesser chlorinated [17] Aroclors?

[18] **A:** Some.

[19] **Q:** Some of the lesser chlorinated. Do you know [20] which ones of the lesser chlorinated Aroclors biodegrade?

[21] **A:** No. We did some work on checking what [22] happened in streams with them.

[23] **Q:** Do you know whether 1221 biodegrades?

[24] **A:** Probably.

[25] **Q:** What's the next less chlorinated Aroclor?

Page 91

[1] **A:** 34 I believe, but I'm not sure. 1232.

[2] **Q:** And does it biodegrade?

[3] **A:** In part.

[4] **Q:** And what's the next least chlorinated Aroclor?

[5] **THE WITNESS:** The most chlorinated?

[6] **MR. BRADLEY:** The next least chlorinated.

[7] **A:** 1221, and there's a 12 — Used to be a 1210 [8] or 1214, or something like that. The lower two numbers [9] mean percent, the percent if chlorination.

[10] **Q:** (By Mr. Bradley) Did 1242 biodegrade?

[11] **A:** In part.

[12] **MR. FEATHERSTONE:** Object to the absence of [13] foundation.

[14] **Q:** (By Mr. Bradley) And how do you know that [15] 1242 biodegrades in part?

[16] **MR. FEATHERSTONE:** Same objections.

[17] **A:** We tracked it in a flowing stream.

[18] **Q:** (By Mr. Bradley) And what work did you do to [19] track it?

[20] **A:** Tested it.

[21] **Q:** What year did you test it?

[22] **A:** I haven't the foggiest.

[23] **Q:** Was it in the 1970s?

[24] **A:** Probably in the '70s.

[25] **Q:** As part of your tracking, did you take

Page 92

[1] samples?

[2] **A:** Yes. Many of them.

[3] **Q:** And what did you do with the samples?

[4] **A:** Tested them.

[5] **Q:** To determine whether they biodegraded?

[6] **A:** Tested the isomeric spread, how many 1244 were [7] there, how many 1221 were there, and these represented [8] specific chlorinated isomers of polychlorinated biphenyl.

[9] **Q:** On the 1221, 1242, 1260, what does the "12" [10] represent?

[11] **A:** It was our term used many years ago and was [12] carried through as the Aroclor material. All of them were [13] 12s. That was biphenyl chlorinated. Any of the other [14] chlorinated structures would have had, would have been a [15] different number.

[16] **Q:** And the second number after the 12 is the [17] percentage of chlorine?

[18] **A:** Roughly, the percentage of total chlorinated [19] material in the material.

[20] **Q:** Did Monsanto ever manufacture chlorinated [21] biphenyl that had the number 1016?

[22] **A:** Not to my knowledge.

[23] **Q:** Did Monsanto ever manufacture a product [24] containing PCBs that had the number 1016?

[25] **A:** Not to my knowledge. I don't remember. I

Page 93

[1] just don't know.

[2] **Q:** Do you know whether Monsanto ever warned its [3] customers that they should inform equipment users of [4] transformers and capacitors of the potential environmental [5] contamination problems with PCBs?

[6] **A:** We dealt directly with the manufacturers of [7] the products that used them and they were given the whole [8] story we had.

[9] **Q:** Did Monsanto ever recommend, though, to [10] General Electric that General Electric notify the people [11] buying transformers and capacitors from General Electric of [12] the potential environmental contamination problems [13] associated with PCBs?

[14] **A:** I do not know.

[15] **Q:** Did Monsanto ever inform Westinghouse that [16] Westinghouse should notify the purchasers of its [17] transformers and capacitors of the potential environmental [18] contamination problems associated with PCBs?

[19] **A:** I don't think there is any doubt they did [20] because the people dealt with us. We dealt with GE, [21] Westinghouse and industrial hygiene people and medical [22] people.

[23] **Q:** So Monsanto told Westinghouse to tell those [24] folks that buy Westinghouse —

[25] **A:** We told them the whole story.

Page 94

[1] **Q:** Let me finish my question. I don't want to [2] argue with you. I want you to answer my question, though. [3] Monsanto told Westinghouse to tell purchasers of [4] Westinghouse transformers and capacitors that contained [5] PCBs about the potential environmental contamination [6] problems with PCBs?

[7] **A:** I don't think that any — I dealt with GE [8] and some of those people, myself. They knew all we knew.

[9] **Q:** Well, my question, though, is whether —

[10] **A:** And your specific question is part of that [11] answer. They knew all we knew, and they knew it when we [12] knew it and when we found it out.

[13] **Q:** Well, did Monsanto tell Westinghouse to tell [14] what it knew to the people who were buying Westinghouse [15] products?

[16] **A:** I told people —

[17] **MR. FEATHERSTONE:** Jack, his question is, did [18] Monsanto tell Westinghouse to tell the Westinghouse [19] customers.

[20] **A:** I don't know.

[21] **MR. FEATHERSTONE:** All right.

[22] **MR. BRADLEY:** I have nothing further.

[23] **CROSS-EXAMINATION**

[24] **QUESTIONS BY MR. FEATHERSTONE:**

[25] **Q:** Jack, when did you retire from Monsanto?

Page 95

[1] **A:** God. You know, it's funny about memory. It [2] had to have been five years ago, four years ago.

[3] **Q:** Okay. And you've used the term "rotating [4] bidding" in your testimony with regard to the Krummrich [5] plant?

[6] **A:** Yes.

[7] **Q:** What does that mean?

[8] **A:** Every union employee in the plant was allowed [9] to bid on any other job in the plant that existed in any of [10] the plants for which bidding was practiced, which meant [11] that any Monsanto employee in the Krummrich plant, in the [12] hourly class, could bid into the PCB department if they had [13] suffi-

cient seniority, okay? Now, the PCB department was [14] such a good department to work in that the people that [15] worked there were so old, that it very rarely occurred [16] because you'd become a sixty year old man who could work [17] until he was sixty-five by Monsanto standards.

[18] **Q:** Let me ask you this question. What, if [19] anything, did the practice of rotating bidding have to do [20] with the memorandum that you sent to the Aroclor department [21] regarding lunches, storage of lunches in the Aroclor [22] department?

[23] **MR. BRADLEY:** Before you answer, I object to [24] the form of the question because it is my memory that I [25] moved to strike an answer that I claimed was not

Page 96

[1] responsive, where he talked about rotating bidding. So I [2] object to the form of the question to the extent the Court [3] grants my motion to strike his answer.

[4] **MR. FEATHERSTONE:** Okay.

[5] **Q:** (By Mr. Featherstone) What, if anything — [6] Now that you defined rotating bidding in response to my [7] question, what, if anything, did that practice have to do [8] with your memorandum which Mr. Bradley showed you regarding [9] storage of lunches in that Aroclor department at Krummrich?

[10] **A:** Any worker in the plant could work in the [11] Aroclor department any time they held biddings.

[12] **MR. FEATHERSTONE:** Held?

[13] **A:** Held them. People retired, people died, [14] people got other jobs. So they bid openings. They held [15] biddings. People bid for the jobs. If they had sufficient [16] seniority, they got the job.

[17] **Q:** (By Mr. Bradley) Now, you also talked about [18] clothing policy - that is, giving laundry, clothing to the [19] workers. You also mentioned a union contract. What, if [20] anything, did the union contract at the Krummrich plant [21] have to do with laundered clothing at —

[22] **MR. BRADLEY:** Object to the form of the [23] question.

[24] **A:** They wanted everybody to get clothing in the [25] plant, and it ultimately occurred. First, we wanted only

Page 97

[1] certain — We said it was required in only certain plants.

[2] **Q:** (By Mr. Featherstone) All right. You say at [3] first, it was required in certain departments. Was that [4] before the union contract?

[5] **MR. BRADLEY:** Object to the form of the [6] question.

[7] **A:** That was the union contract. We stipulated [8] who had clothing and the union made them give it to [9] everybody that covered our stipulations.

[10] **Q:** (By Mr. Featherstone) All right. Now, before [11] the union contract, did Monsanto have a policy of requiring [12] laundered clothing for workers in the Aroclor department at [13] the Krummrich plant?

[14] **A:** Yes.

[15] **MR. FEATHERSTONE:** No further questions. [16] Thank you.

[17] **MR. BRADLEY:** Nothing. Thank you.

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

Page 98

JACK T. GARRETT

Subscribed and sworn to before me this ___ day of _____, A.D., 19____.

Notary Public

Notary Public within and for the State of ___.

MY COMMISSION EXPIRES THE _____ DAY OF _____, A.D. 19____

Page 99

STATE OF MISSOURI)
) SS
COUNTY OF ST. LOUIS)

I, John T. Concannon, a Notary Public within and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to take and certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the District Court of the United States, within and for the District of Nevada, entitled NEVADA POWER COMPANY Plaintiff, -vs- MONSANTO COMPANY, et al., Defendants, to be used in the trial of said cause in said Court, I was attended at the law offices of Messrs. Husch & Eppenberger, 100 N. Broadway, Suite 1300, in the City of St. Louis, State of Missouri, by Ralph A. Bradley, attorney for the Plaintiff; by Bruce A. Featherstone, attorney for the Defendant, Monsanto Company; by Laurie Basch, attornty for the Defendant, Westinghouse; and by J. COLEMAN WEBER, the witness, in said office on March 19, 1993.

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

Page 100

set out the testimony of the aforementioned witness, JACK GARRETT, together with the questions propounded by counsel and the remarks and objections of counsel thereto, and is in all respects a full, true and complete transcript of the questions propounded to and the answers given by said witness; and that said testimony, so transcribed, was subscribed to by the witness on the _____ day of _____, A. D., 1993.

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

WITNESS MY HAND and Notarial Seal, given this ___ day of ___, A. D., 1993, at St. Louis, Missouri

MY COMMISSION EXPIRES SEPTEMBER 12, 1994

JOHN T. CONCANNON,
Notary Public, within and
for the State of Missouri

Page 101

April 14 1993

Bruce A. Featherstone Esq
Kirkland & Ellis
1999 Broadway - Ste 4000
Denver, Colorado 80202

Re: Nevada Power Company -v-
Monsanto Company et al

Dear Mr. Featherstone

This letter, incorporated as the last page of Mr. Garrett s deposition, taken on March 19 1993, will serve as notice to you that his testimony is now ready for reading and signing of same. You will recall you indicated a preference for him reading his deposition, rather than waiving signature.

Enclosed please find the original signature page of Mr. Garrett's deposition, along with an eratta sheet. Please have Mr. Weber read and sign his deposition and return the original signature page to me. I will then return the signature page to the original transcript, and notify Mr. Bradley of any corrections the witness may have made.

Thank you for your cooperation in this regard.

Sincerely,
JOHN T. CONCANNON
Shorthand Reporter
Concannon & Jaeger
General Court Reporters
705 Olive Street - Ste. 604
St. Louis, Missouri 63101

JTC:md

Page 102

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,)
Plaintiff,)
-vs-) # CV-89-555-LDG (LRL)
MONSANTO COMPANY, GENERAL)
ELECTRIC CORPORATION, et al.,)
Defendants.)

INDEX

WITNESS: Page
JACK T. GARRETT
Direct Examination by Mr. Bradley 4
Cross Examination by Mr. Featherstone 95
EXHIBITS
Deposition Exhibit # 1427 45
Deposition Exhibit # 438 48
Deposition Exhibit # 428 59
Deposition Exhibit # 1473 89

WATER_PCB-SD0000043480

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'

'30s 56:12; 73:13
'50s 12:2; 54:12
'55 52:15
'60s 28:2; 34:23; 35:24; 44:5; 88:7
'70s 34:24; 35:1; 44:5, 7; 91:24

0

0.57 74:21
0.93 74:24

1

1016 92:21, 24
12 91:7; 92:9, 16
1210 91:7
1214 91:8
1221 90:23; 91:7; 92:7, 9
1232 91:1
124 74:3, 6, 8
1242 79:25; 91:10, 15; 92:9
1244 92:6
1254 79:25
126 74:8
1260 92:9
128 74:4, 6
12s 92:13
1373 73:22
1427 45:15, 22
1473 89:3
14th 48:4, 15
19 65:7
1930s 73:18
1933 39:9
1935 39:9
1936 37:11, 17; 39:13, 18; 40:4; 41:4; 42:11; 71:12; 73:9
1937 64:21; 65:7, 16; 66:12, 16; 67:6, 6; 70:14
1938 74:19; 75:8, 16
1940s 79:20
1944 79:14
1947 83:8
1948 10:2
1950 10:6, 9, 14, 17, 22; 12:16; 14:16; 23:3
1954 14:21; 23:3, 11
1955 12:24; 13:6; 48:5, 15; 62:7, 18; 72:14
1956 79:25
1960 27:16; 88:14
1960s 87:3
1963 75:20
1965 12:24; 13:6
1966 86:19; 88:2
1969 46:13, 25; 59:5
1970s 84:3, 14; 91:23

2

246 48:2
283 71:10

3

3 46:13, 25
303 68:15, 17; 69:19
304 69:17, 20; 70:4
34 91:1

4

428 58:25
429 6:6
438 47:25; 50:13; 56:17; 63:23; 72:17

5

50's 35:6

6

6 59:5
63122 6:7

7

7 65:7
70's 44:6

9

979 66:2

A

a-c-r-y-l-o-n-i-t-r-i-l-e 22:18
abet 39:23
able 22:1; 85:14
above 43:9; 48:8
Absence 79:15; 90:13; 91:12
Absolutely 18:17; 25:23; 50:8; 57:3; 66:23; 68:2; 78:22
absorb 51:25; 81:3
absorbed 79:3, 9
absorbing 53:18; 58:12
accepted 9:13
access 45:6
accident 64:9
accidents 64:10
accommodate 5:4
According 9:6
accredited 10:17, 22
accurate 46:23; 48:14; 89:18
acne 69:3; 70:5
across 52:8; 58:9
acrylonitrile 22:17
action 70:13
actual 32:17
actually 19:1; 41:8; 45:17; 55:12; 66:3
add 13:9
Added 42:5; 44:14
addition 44:16
address 6:5, 8; 14:8; 65:14
addressed 57:14
addressing 76:1
adipose 80:16; 81:2, 8
adiposes 81:12
advisor 24:3, 7
Advisory 33:17
affair 41:17
afflicted 69:3, 5
afternoon 5:2
again 73:4
against 4:16
age 4:2
agencies 33:12, 21
agency 33:7; 34:5; 78:16
ago 4:12; 5:10; 11:13; 17:5; 25:24; 69:2; 92:11; 95:2, 2
agreement 86:9
agreements 86:5, 15
ahead 8:5; 37:23; 65:12; 72:1
aid 39:22
ain't 76:18
air 58:2; 70:8
airplans 40:6
al 74:19; 75:8
Alabama 25:8, 16
Alden 73:9
allay 29:10
allow 20:2; 62:7, 9
allowed 50:19; 83:24; 95:8
almost 22:24; 53:11
along 55:19; 61:13; 74:3; 77:19
already 30:11
always 52:8
American 13:24; 14:3, 7, 13; 15:18; 16:21; 24:13
Americans 80:16, 21; 81:11
amine 58:4, 7
ammunition 38:7
among 15:4; 80:25; 83:5
amounts 19:3
analysis 71:8
analytical 34:4, 21; 46:3, 10, 11; 47:3, 4, 8, 10, 16; 53:10; 66:14; 67:6, 8
ancillary 18:4
animal 74:19; 75:7; 84:6
animals 79:19; 81:5; 82:10
Anniston 25:8, 9, 12, 19, 21; 28:21, 22, 22; 29:16; 62:3
answered 37:2, 6; 79:10
anybody 39:14; 52:4; 57:23
anymore 53:1
Anyone 13:20, 22; 40:2, 18; 49:5; 60:7, 9; 80:15, 20
anyplace 52:5
anyway 82:25
anywhere 52:22; 87:21
apparently 5:2; 40:21; 46:18; 48:12, 13; 57:4
appear 46:23; 48:14
appointed 33:14, 15
appreciate 45:18
Approximately 5:10
arbitrarily 49:17
areas 62:10, 16; 76:23
Areclors 56:19
argue 83:17; 94:2
argument 52:9; 58:20
arguments 67:1
Aroclor 46:16, 25; 47:11; 48:3; 49:24; 50:14, 20; 51:10, 11, 17, 20, 22; 52:17, 22; 53:5; 61:11; 62:8, 16; 64:10, 14; 77:10, 22; 79:25; 89:12; 90:25; 91:4; 92:12; 95:20, 21; 96:9, 11; 97:12
Aroclors 29:13; 57:25; 72:19; 90:9, 17, 20
aromatic 29:19; 30:4, 17; 31:10, 25; 42:25; 57:12; 61:3; 62:2; 68:10; 71:18; 76:7, 16; 77:23
aromatics 34:2; 41:23, 23; 57:13
around 11:2; 39:9; 44:9; 48:24; 50:3; 62:8, 15; 88:7, 14
Arthur 65:3
article 69:12
asbestos 21:18
assigned 36:5
associate 6:18
associated 93:13, 18
Association 13:25; 14:1; 15:19; 23:16, 17; 24:12
assume 4:23
assumed 34:2
attend 9:19, 21; 14:22
attended 10:8
attention 71:13
attorney 5:6; 6:16; 7:22; 9:5, 9
Attorney/client 6:23
attorneys 49:11
attributed 69:7
author 34:12, 17, 19
authorities 25:17; 34:8, 15
available 62:22; 67:6
aware 32:7; 49:21; 69:14; 70:14, 20, 21, 22; 72:14; 73:8, 12, 16, 18; 74:18; 75:7, 15, 19; 76:1; 79:23; 86:19
awful 66:13, 14, 15; 75:23

B

B 7:11
babbling 68:3
Bachelor 10:3
back 11:7; 19:16; 20:24; 28:5; 35:14; 36:9; 48:15; 52:15; 56:11; 58:17, 19; 61:5; 83:18
backed 30:9
background 9:19
bad 39:24; 65:20
bags 61:19, 19
Bakelite 71:13
barrels 53:13
based 19:4; 56:13; 73:4
basic 32:13; 33:18; 38:12; 68:9
basis 7:18; 20:22, 22; 21:24; 52:21; 63:25; 64:15; 77:12
battle 52:25
beasts 81:9
beating 24:18
became 28:13, 23; 35:3, 8, 11, 11, 18; 39:20; 72:12
become 75:19; 95:16
beds 84:16
began 22:5; 23:25; 38:20; 39:1, 12, 17; 40:3, 17; 41:3; 42:16; 50:23; 75:25
begin 23:21; 37:16; 39:4; 44:2
beginning 56:18; 85:7, 17
behalf 4:4; 60:10
behave 67:25
beings 81:24
believe 16:3; 20:17, 17; 25:22; 44:6; 52:13; 53:13; 57:22; 81:25; 82:25; 84:15; 91:1
Bennett 74:19; 75:8, 16
benzene 22:17
beside 22:12
best 16:2, 5; 40:19; 46:6; 55:24, 25
better 12:3; 66:13, 14, 15
beyond 14:16; 15:20; 20:8
bid 95:9, 12; 96:14, 15
bidding 52:20, 21; 61:11; 95:4, 10, 19; 96:1, 6
biddings 96:11, 15
big 52:1
bigger 32:14
Bill 59:7
billion 81:12
Bio-test 59:18
biochemists 59:19
biodegrade 90:10, 12, 20; 91:2, 10
biodegraded 92:5
biodegrades 90:23; 91:15
biomagnification 82:3, 9, 11
biphenyl 66:22; 71:4, 6; 92:8, 13, 21
biphenyls 56:22; 57:1, 6; 62:20; 63:7; 65:6; 70:25; 71:9; 72:21; 75:10, 13
bloody 38:9; 61:13
Board's 21:18
bodily 83:10
Book 21:5, 7; 70:1, 2
books 73:3
boss 13:18, 21; 14:23; 16:10, 11, 11;

22:23; 46:20; 88:18, 20
boss/individual 22:25
Boston 14:19
both 17:3; 28:21, 22
bottom 59:17; 60:3; 69:17
boxes 61:21
Bradely 63:22
BRADLEY 4:6, 12; 5:20; 6:22, 24; 7:2, 8, 16, 19, 21; 8:1, 8, 10, 14, 17, 10:16, 19, 21; 11:7, 10; 13:5; 17:3; 20:15, 18, 19, 24; 21:3; 26:21; 27:3; 29:22, 25; 30:2, 23; 31:1, 2, 8, 16, 21; 32:19, 21; 34:25; 35:2, 17; 37:20, 23; 38:1, 4, 24; 39:3, 8; 40:16; 41:3, 7; 43:4; 45:17, 21, 25; 46:1; 49:13; 50:12; 53:22, 25; 4:5, 16; 55:3; 58:16; 60:6, 23, 25; 64:18, 20; 65:2, 14, 22, 23; 66:1, 18, 25; 67:3, 11, 14, 19, 20; 68:4, 15, 18; 69:13, 20; 71:2, 25; 72:4, 9, 25; 73:2; 75:2, 4, 6, 14, 18, 25; 77:22; 79:3, 10, 13, 18; 80:23; 81:17, 20, 22; 82:18, 20; 83:4, 18, 22; 84:14; 85:1, 14; 86:3, 14, 24; 87:16, 20; 88:12, 25; 89:2, 5, 7; 90:3, 16; 1:6, 10, 14, 18; 94:22; 95:23; 96:8, 17, 22; 97:5, 17
brain 78:13
break 5:3; 45:18; 66:6
brought 4:16
Bruce 53:22
building 24:22; 49:9
bulletin 62:14; 77:10
bulletins 40:6; 77:22
bunch 59:25; 68:10
burden 84:18
burn 30:21, 22
burning 73:19
business 6:8, 9; 28:23
buy 47:2; 93:24
buying 93:11; 94:14
Byer 65:3

C

C 46:19, 24
cabinet 49:17
cabinets 49:9, 10
cable 74:11
cables 74:14
call 55:10
called 5:12; 36:12; 71:13; 83:23
came 19:25; 25:5; 42:13, 22; 47:19; 48:24; 54:11; 55:16, 18; 56:15; 57:3; 71:8
can 7:8, 16, 24, 25; 8:1, 5; 19:8, 8; 41:17; 45:21; 46:1; 54:1; 61:11; 63:13; 66:8; 67:21; 77:14, 15; 81:6; 82:20; 84:5; 85:25; 89:20
cancer 83:5
capacitors 93:4, 11, 17; 94:4
capture 46:4; 47:21
carcinogen 78:17
cards 43:24
care 44:19; 53:3; 57:17; 64:9; 70:25
career 50:24
Carolina 11:13, 20, 23; 12:5
carried 92:12
carrying 78:14
case 5:17, 21; 7:15; 17:9, 12; 18:6, 10, 13; 19:2; 29:20; 30:22; 31:2; 53:11; 63:23; 64:13; 71:21; 78:7
cases 18:7, 12; 41:25; 42:1; 70:5; 71:14
Cash 46:9
cause 70:9, 9, 11, 23; 76:5, 9, 17; 77:1, 24; 78:2, 13
caused 78:8
causes 81:7
causing 78:5
Cecil 64:21
center 23:21; 43:21
certain 20:3; 28:8; 56:12; 64:7; 76:23, 25; 88:1; 97:1, 1, 3
Certainly 77:8
certification 15:18
challenge 36:23, 25
chance 32:5; 49:15; 84:19
change 32:16; 55:3; 57:22; 61:14; 82:11, 17
changed 24:4; 32:8, 13, 13; 44:13; 60:21
changes 74:20; 75:9; 79:19; 82:15; 90:5, 6, 7
Chapel 11:14
charge 39:20
checking 90:21
Chemical 13:25; 16:21; 23:16; 39:4; 51:8, 19; 53:2, 15
chemicals 18:4; 22:13; 37:8
chemist 14:25; 19:13; 22:7, 8, 11; 23:1; 46:11; 47:3, 4
Chemistry 10:4, 7; 11:5; 15:23; 16:19; 82:15, 18; 85:7, 18
Chemists 13:25; 23:16; 24:12
chloracne 73:15; 83:23; 84:1
chlorinated 29:19; 30:3, 17; 31:10, 24; 32:9; 34:2; 41:23, 23; 42:25; 56:22; 57:1, 6; 61:3, 3; 62:2, 20; 63:7, 13, 14; 65:6; 66:21; 70:6, 7, 25; 71:3, 3, 5, 6, 14, 15, 17, 19, 24; 72:6, 6, 11, 21; 73:5; 75:10, 12; 76:7, 16, 24; 77:13, 13, 23; 79:14, 20; 80:7, 18; 81:1, 7; 90:16, 19, 20, 25; 91:4, 5, 6; 92:8, 13, 14, 18, 20
chlorinating 57:8
chlorination 91:9
chlorine 29:2; 57:9; 92:17
chlornapthalenes 74:3
chlorobiphenyl 73:10, 11, 14
chlorobiphenyls 73:20
choice 36:14
chopped 50:25; 51:1
cities 24:24
City 16:7, 14, 16; 19:14, 23; 21:24; 22:2, 16; 42:14
claimed 56:21, 25; 62:20; 63:7, 24; 64:4, 13; 72:21; 95:25
claims 63:7; 64:1, 16
class 95:12
classified 55:15
classifies 78:16
clean 60:15
cleaned 15:12
clear 66:25
client 7:9, 17
clothes 54:6, 7, 14, 15; 55:10, 11, 12, 21, 23; 56:3; 60:15
clothing 53:16, 20; 55:13, 18, 19, 25; 56:12, 15; 57:14; 60:19, 22; 61:2, 7, 8, 15, 15; 62:1; 96:18, 18, 21, 24; 97:8, 12
CMA 24:12
collapse 49:10
collected 28:24
collection 81:8
Collectively 37:2
college 9:19, 21
column 68:20; 70:3; 71:11
combination 71:3; 72:5
comment 29:25
comments 67:4; 68:1
commercial 79:19
Commission 24:10
committee 24:11, 13
committees 24:10
common 70:16; 71:18
Commulative 72:24
communicated 84:24
communications 77:19
communities 24:24
commuter 43:24
Company 4:15; 14:19; 23:22; 24:9, 15, 16; 28:5; 38:7; 41:22; 46:9; 55:13, 18, 19, 21, 23, 25; 56:3, 7, 14; 57:14; 60:7, 11, 16; 61:8; 64:8; 68:22
compared 37:9
compartments 51:13
complete 37:10
completed 19:2
completely 33:9; 52:21
completion 10:9; 11:21; 12:16; 13:11; 15:16, 24; 16:18
complex 36:14
compound 46:5; 76:8; 85:4, 5, 7, 17
compounds 58:4; 63:15; 71:19; 79:7, 14; 80:7; 81:4; 82:21
computer 35:16; 43:18, 21, 25; 44:1, 2, 21, 24
concentration 70:8, 10, 11; 74:22; 82:8
concentrations 76:23
concerned 66:9; 69:6; 82:14
concerning 7:13; 48:17
condense 51:2
condenser 51:2; 61:21
condensers 50:25; 51:4
condition 69:6; 70:10
conditions 66:15, 69:14; 76:25
conduct 67:21
conducted 14:19
connected 21:17; 40:14; 51:24; 62:4; 64:10; 71:23; 81:8
connection 24:20; 30:19; 32:17; 37:1
consider 31:18
considerable 46:11
considered 28:8; 41:13; 80:9
consultant 21:17
contacted 23:18; 28:9
contain 74:7
contained 23:5; 43:18; 55:14; 86:17; 94:4
containing 25:4, 20; 26:9, 14; 27:5, 22; 29:17; 32:24; 38:21; 92:24
contaminate 50:14, 21
contaminated 52:12; 63:24; 64:14
contamination 84:18; 93:5, 12, 18; 94:5
context 58:1
continue 83:25; 86:6, 10
continued 38:10
continuously 52:25
contract 9:1; 28:10; 42:19; 96:19, 20; 97:4, 7, 11
contracted 42:24; 43:5
control 11:6; 15:21, 23; 16:1, 3, 5, 9; 23:15, 22, 24; 24:19; 27:25; 28:4, 7, 9, 12, 13, 16; 29:15; 30:5, 13, 16; 32:4, 11, 22; 34:3, 7; 35:3, 5, 8, 10; 36:1, 4, 15, 18, 23
conversation 60:7
conversion 90:7
cool 51:2
copies 18:14, 18
copy 46:24; 47:9, 11; 48:14, 16; 49:15; 59:8, 10, 11; 89:5, 18
corporate 28:5
corporation 24:21; 29:4; 71:12, 13
correctly 56:23
couldn't 50:16; 77:15
counsel 7:12; 8:15; 33:13, 17; 54:3; 65:24
counter 64:1, 16
country 19:7
course 4:19; 10:8; 11:11; 14:18, 22; 15:7; 19:21
courses 10:13, 15, 16, 21, 25; 11:3, 16
court 4:8; 6:1; 96:2
coveralls 55:6
covered 53:18; 97:9
covering 44:3
crappiest 38:8
craziest 78:19
credit 10:18, 19, 20
credits 10:23
critters 88:1
CROSS-EXAMINATION 94:23
cubic 74:21, 24
Cummulative 79:5
cure 90:8
current 33:18; 43:9, 9
customer 78:11
customers 14:2; 60:13; 61:1, 25; 62:6, 9, 14, 19, 23; 64:12; 76:16; 77:4, 20; 86:4, 8, 16; 93:3; 94:19
cyanide 22:19

D

daily 54:15, 17
damage 76:2, 5, 17; 77:24; 78:2
damn 51:5; 52:5, 10, 24; 53:2, 16; 63:16, 19; 72:2
damndest 61:20
dangerous 53:2; 57:9; 61:22
darn 40:5
data 50:13; 82:13
date 48:4
dated 46:13
day 53:16; 60:15; 74:25
day's 53:16
days 11:25
deal 56:7
dealing 18:12
dealt 93:6, 20, 20; 94:7
death 15:4; 69:7
debate 75:4; 79:2; 83:2, 2
deceased 13:19

WATER_PCB-SD0000043483

December 46:13, 25
decision 38:19
declared 57:24
decreasing 84:19
deemed 42:6
Defense 59:23, 24
define 10:12, 15; 56:21; 72:20
defined 96:6
degree 9:24; 10:1, 5; 15:16, 21, 22, 24; 16:18; 21:22
degrees 9:25; 69:3
delegated 31:17, 19, 22; 32:3
demonstrated 78:8, 9
department 7:4; 19:14; 22:3, 24; 26:10; 27:11, 13; 29:1, 4; 30:9, 12, 14; 32:14, 18; 35:13; 36:18; 37:15; 47:16; 48:2, 3; 49:14, 24; 50:4, 13, 18, 20; 51:10; 52:11, 22; 54:20; 55:9, 10; 56:9; 57:19; 58:6; 60:22; 61:11; 63:3; 89:14; 95:12, 13, 14, 20, 22; 96:9, 11; 97:12
departments 27:9; 47:14; 52:3, 6, 18, 19; 53:17; 54:20; 55:14, 14, 18; 56:13, 14; 57:17, 21; 58:4, 7, 14, 23; 59:19, 21; 61:6, 9, 12, 16; 63:17, 19, 20, 21; 97:3
deposes 4:3
deposition 4:19; 5:8; 6:11; 9:5; 16:23; 17:7, 16, 24; 18:21, 25; 67:21, 23
depositions 18:7, 11, 15
dermatitis 70:5
Dermatosis 69:21
Describe 28:19; 41:11
destroyed 21:9; 47:11; 48:23; 50:5
destruction 20:2
detailed 37:12; 66:3
detects 90:4
determine 32:22; 36:20; 37:14; 38:5; 46:16; 52:16; 79:6; 92:5
determined 86:4
determining 51:16
develop 57:23
developed 73:14; 89:13, 16
developing 39:24
development 57:18
diagnosis 69:6
diagrams 46:4
dibenzylfurans 14:14; 80:3, 12
died 64:23; 69:6; 72:12; 96:13
difference 19:15; 47:21; 78:19
different 7:19; 33:12, 24; 35:21; 42:15; 47:13, 14; 71:1; 81:5, 5; 92:15
differently 31:4
differing 75:10
difficult 10:12; 11:1; 27:8; 35:20; 56:20; 57:22; 63:25; 64:15; 72:20
difficulty 77:1
digestive 73:19
dilatorious 84:5
Dioxin 14:8; 80:7
diphenyl 71:7; 72:11; 79:20
diphenyls 70:7; 71:15, 19, 24; 72:6
DIRECT 4:5
directly 23:8; 93:6
director 22:23; 35:11, 18, 20, 22, 22, 23; 43:13; 45:5, 11; 48:1; 69:21; 85:15
disabling 83:10
disagree 78:21; 85:18, 25
disappeared 15:14
discard 20:12
discharging 24:21
discrete 38:16
discretion 20:7, 10
discs 19:8
discuss 14:4, 14; 29:8; 65:5
discussed 36:10; 65:17, 19
discussing 59:3
discussion 8:15; 54:3; 60:9; 64:21, 25; 65:24; 66:4, 19; 68:5; 69:15
discussions 13:12; 14:7; 59:18, 21; 60:2
disease 83:23
disposed 19:4
distillation 73:10, 11
disturbances 73:19
division 22:4, 9; 23:2; 24:14; 28:7; 30:12; 71:12
doctor 64:6, 6; 70:20
doctors 38:18; 42:8, 10, 10, 15, 16; 43:5
document 19:4, 5; 20:22; 40:10; 45:16; 46:18, 21, 24; 47:5, 17; 48:4, 11, 20, 22, 23; 49:20; 59:2, 12, 14; 66:11, 12; 67:12, 16, 17; 68:6; 70:17, 21; 72:25; 73:23; 89:4, 7, 10, 19, 21, 25
documentation 19:3; 39:19
documented 79:25
documents 6:10, 13, 14; 19:16, 20; 20:3, 8, 12; 21:9; 39:12, 16; 40:23, 24; 41:2; 48:16; 49:20; 50:5; 52:16; 76:15; 77:6, 7, 9
done 16:13; 29:9; 43:8, 10; 44:23; 45:9; 46:6; 58:22, 23; 65:5; 68:14
door 9:4
doubt 88:18; 89:23; 93:19
down 33:24; 42:20; 48:7; 53:9; 67:9; 71:11
Dr 13:21; 16:10; 23:12; 38:13; 39:20; 40:2; 41:6, 14; 42:6; 44:20; 47:2, 22; 56:11; 58:22; 63:3; 64:25; 65:5, 6; 66:13; 69:21, 25; 70:15; 72:10; 76:13; 85:15; 87:8, 10, 12, 16, 20; 88:2, 12, 16
Drinker 64:22; 65:1, 6; 66:13, 16; 72:10
Drinker's 65:19, 19; 73:3
Drinking 33:13, 17
Drive 6:6
drums 84:16
duly 4:2
during 4:19; 17:16; 19:11, 21; 21:8; 23:4; 28:22; 30:15; 38:6; 73:7; 74:17
dye 25:15

E

E 59:6, 12
each 22:13; 26:7, 7; 28:6; 46:5
early 5:2; 28:2; 34:24; 35:1; 44:5, 5, 7; 50:24; 56:21, 25; 62:19; 63:6; 72:21, 23; 73:12; 74:2; 79:25
East 25:8
eat 51:14; 52:4; 53:2; 61:9, 16; 62:8, 15
eating 48:17; 49:22, 24; 50:19; 52:2, 6, 19; 57:16, 21; 58:7, 13, 22; 61:15, 17; 63:16
educational 9:18
effects 40:14; 72:10; 75:21
efficient 22:14
efforts 52:5
eight 36:6; 69:4; 74:25
either 15:13; 24:23; 27:17; 29:10, 16; 32:5; 36:10; 42:10; 52:4; 63:2; 79:1; 90:4
Electric 4:17; 68:22; 93:10, 10, 11
electrical 74:10
electron 47:21; 53:10
electronic 46:4
eleven 36:7
Elmer 13:18
else 13:20, 22; 29:2; 38:8; 40:2; 49:5; 57:23; 61:21; 78:23
embryotoxic 75:21
Emmett 65:2, 17; 85:16
employed 9:14; 19:11, 21; 21:8
employee 18:22; 26:7; 31:17; 42:4, 20; 44:1, 3; 53:15; 66:20; 70:14, 19; 95:8, 11
employee's 42:7
employees 7:13; 20:7; 26:13; 27:5, 9, 21; 30:17; 31:19, 22, 23; 32:3, 15, 15; 36:2; 37:12; 38:6; 39:13, 17, 23; 40:3, 19, 24; 41:2, 4, 21; 42:18; 43:6; 44:7; 45:7, 8; 54:6, 8, 22; 55:7, 20; 56:3; 57:18; 62:7, 15; 66:21; 84:4, 10, 15, 21, 25
employment 7:14; 22:6; 73:7, 9
end 66:5; 68:6; 70:3
ended 47:9
engineering 29:8; 36:17
engineers 28:10
enough 4:24, 25; 19:8; 49:8; 81:4, 5, 6, 6; 85:9
enter 86:4, 8
entered 86:15
entire 19:7; 24:21; 58:8
environment 29:11; 84:18; 87:17
Environmental 59:23, 23; 78:16; 93:4, 12, 17; 94:5
EPA 33:17, 19; 78:21
equipment 93:3
eruptions 70:23
escaping 32:23
essence 51:24
establishing 14:24
estimated 17:23
et 74:19; 75:8
even 17:11, 17; 37:19; 66:11
evening 5:3
events 37:14
eventually 57:19
Every 20:22; 26:4, 5; 29:3; 44:1, 3; 52:23; 53:15, 16, 19; 60:15; 95:8
everybody 40:23; 44:21; 61:8, 15; 62:22; 76:10; 77:5, 5, 6; 78:23; 96:24; 97:9
everyday 53:17; 54:15
everyone 8:19
everyplace 61:21
everything 38:7
evidence 53:15; 57:25; 84:5, 7
ex-employees 9:9
exacted 38:12
exactly 28:15; 35:7; 44:5; 77:25; 88:10
exam 15:18; 39:25; 42:4, 21; 43:22, 23; 44:12, 14, 22; 64:6
EXAMINATION 4:5; 15:19; 42:1, 6; 43:9
example 20:14
exams 37:11, 16; 38:3, 10, 11; 39:13, 17; 40:3, 18, 24; 41:4, 15; 42:17; 43:5; 44:25
excellent 47:23, 23
except 44:22; 48:22
Excuse 5:25; 11:16; 32:12; 50:8; 54:14; 62:6; 82:10; 88:25
Exhibit 45:15, 22; 46:2; 47:24; 50:13; 56:17; 58:24; 63:22; 66:2, 5, 7; 68:16; 71:10; 72:17; 73:22; 89:3
exist 84:7
existed 53:5; 78:20; 95:9
existence 66:12
exists 7:12
expect 89:25
experience 16:6; 23:24; 56:20; 72:20
experiment 74:19; 75:7
explained 56:3
exposed 51:16, 18; 64:5; 74:21; 75:9; 79:19; 82:16; 83:6
exposing 51:7
exposure 37:7; 69:7; 72:10; 76:2; 77:23; 83:9, 24
exposures 51:8
extensive 56:1
extent 96:2
extreme 85:6, 17
extremely 63:25; 64:14; 72:13
eyes 73:19
eythel 22:17

F

F.R 68:20
facilities 24:24; 28:9; 34:3; 81:6
fact 6:12; 7:11; 15:17; 37:8; 61:18; 66:25; 70:22; 77:12, 13
facts 67:2
Fair 4:24; 59:11; 89:18
familiar 64:20, 25; 82:2; 86:24; 87:2
family 86:21; 87:11
fancy 53:10
far 59:13; 66:9; 69:5; 78:14; 82:14; 89:20
fatal 71:14; 83:11
FEATHERSTONE 5:18; 6:17, 20, 23; 7:1, 7, 10, 18, 22; 8:6, 13, 18, 20, 23; 9:5; 13:3; 20:13; 26:15, 18, 21; 30:25; 31:3, 5; 35:14; 37:18, 21; 38:22, 25; 39:5; 40:9; 43:2; 50:6, 10; 53:24; 54:1, 24; 60:1, 17; 63:18; 64:24; 65:9, 11; 66:24; 67:10, 15, 20; 68:3, 12; 69:11; 70:18; 72:3, 7, 24; 75:1, 3, 11, 22; 77:18; 8:25; 79:5, 8, 12, 15; 80:20, 24; 81:13, 15; 83:1, 13, 16; 84:9, 13, 20, 23; 85:11, 19, 24; 86:11, 22; 87:14, 18; 88:8; 90:13; 91:12, 16; 94:17, 21, 24; 96:4, 5, 12, 97:2, 10, 15
Featherstone's 6:18; 7:3; 67:4
fed 25:17
Federal 33:8, 10

Feds 53:8
fetch 19:16
fetus 81:23
few 28:14; 70:12
field 78:24
fifteen 17:6, 23; 43:17
fifty 44:9; 66:21; 69:2
fighting 79:21
file 18:24; 30:7; 40:25; 43:25; 47:11; 49:9, 9, 17; 59:16
filed 42:22
files 19:7; 44:21; 47:6, 9; 48:21, 25; 59:15; 89:22; 90:1, 2
filled 50:25
filling 19:7
finally 27:10; 53:1
find 33:25; 45:3; 74:16
finding 40:22; 87:11, 17, 21, 23; 88:6, 13
Fine 10:19; 37:23; 67:25
fingerprint 46:4, 5
finish 94:1
finished 35:9; 43:23
first 4:2; 5:8; 10:1; 23:25; 24:7; 25:5; 27:3, 7; 38:20; 44:2; 54:7; 55:9; 67:6; 68:20, 21; 71:11; 76:11, 12; 96:25; 97:3
first-class 47:3
five 20:17, 19; 45:18, 19; 81:11; 89:1; 95:2
five-year 20:22
flowing 91:17
fly 40:7
foggiest 7:5; 26:3; 91:22
folks 13:17; 93:24
follocles 70:9
following 10:8; 11:21; 15:16, 24; 16:17; 37:13
follows 4:4
food 57:20, 20; 58:2, 12; 63:24; 64:14; 82:11
fool 46:6
forced 61:9
Forest 6:6
form 5:18; 13:3; 20:1; 26:15, 18; 38:25; 43:2; 60:17; 65:9; 66:24; 72:7; 75:1, 2, 11, 22; 77:14, 15; 81:13; 85:19; 86:11, 22; 87:18; 88:8; 95:24; 96:2, 22; 97:5
former 7:12
forms 42:22; 43:23, 23
forth 11:18; 13:14; 14:2; 19:9; 35:22; 53:13; 63:13
Forty-three 25:2
forward 42:11
found 24:14; 34:6; 51:10; 74:20; 75:8; 81:18; 86:20; 94:12
foundation 37:21; 50:7; 79:16; 85:12; 91:13
four 33:13; 95:2
fourteen 65:10
framework 33:19
Francisco 18:10, 13
frank 5:14; 33:25
frequently 52:23
fresh 19:16
Full 41:17, 25; 42:4; 43:9; 49:9; 69:1
full-time 42:10, 18
function 36:19; 38:16; 77:2
functions 12:18; 13:2; 36:13; 39:21
Fund 59:23, 24
funny 95:1
furan 85:1, 3, 4
Furans 14:11; 85:6, 9, 16, 22, 23
further 94:22; 97:15

G

G-a-r-r-e-t-t 4:9
G-e-y-e-r 6:6
GARRETT 4:1, 9, 11; 8:2, 7, 17; 40:9; 46:19; 48:8; 65:15; 66:18; 67:12; 72:15
gas 77:14
gave 18:7, 15; 23:14; 26:13; 27:20; 29:18; 30:9; 42:21; 49:15; 53:15; 61:7
GE 66:19; 93:20; 94:7
General 4:16; 17:15; 68:21; 93:10, 10, 11
Generally 36:5
generated 56:8, 11
genuinely 63:21
germane 43:8; 62:17; 66:17, 19
gets 79:9
Geyer 6:6
girls 5:15
given 12:10; 20:7; 21:14, 25; 29:19; 31:10, 24; 32:5, 8; 41:25; 45:20; 93:7
gives 74:7
giving 29:16; 37:11, 16; 39:12, 17; 40:3, 23; 41:3; 96:18
goal 88:21
God 44:4; 95:1
Good 4:25; 39:15, 23; 70:1; 82:14; 95:14
goofed 23:14
Gosh 34:23
Government 21:25; 22:1; 33:8, 11, 21; 34:5
Governmental 33:7
graduated 21:21
grants 96:3
graphic 47:4
great 23:6; 27:1; 28:10; 59:3; 70:23, 25
ground 84:16
groundrules 67:21
grounds 6:22
group 16:21; 32:14; 36:5; 43:15, 17; 47:8; 59:4; 86:3
group's 47:10
groups 42:19; 44:24; 74:20; 75:9
guess 27:14; 35:6; 40:11; 49:3; 57:15
guy 51:1; 76:21
guys 51:11

H

H.B 48:1
habit 48:19; 57:24
habits 57:23
hair 86:20; 87:11
Halowax 69:7; 70:6, 22; 71:2, 7, 12; 72:5, 8; 73:5, 5, 74:14, 15, 17
hand 69:18
handle 15:5; 36:7, 11; 70:24
handled 18:4; 64:10
handles 70:24
handling 18:12; 28:20; 29:17; 30:10; 44:15; 58:10; 79:13
Hands-on 12:17, 19
happen 52:14
happened 19:15; 39:9; 66:10; 90:22
happens 51:9
harm 63:24; 64:13
harming 38:6
hasn't 69:11
haven't 7:5; 19:1; 30:8; 40:5; 41:8; 91:22
hazard 49:18; 58:2, 3, 3
hazardous 56:20; 57:13, 17, 19, 24; 61:22; 63:12, 13, 21; 72:19
health 35:12, 16, 18; 37:9, 10, 12; 39:23, 24; 40:14; 41:2; 42:7; 43:11, 14, 17, 20; 45:5, 7, 12; 49:23; 66:20; 69:22; 84:6
hear 34:25; 45:23
heard 69:25; 84:10
hearing 9:10
Hearsay 80:25
heat 23:7
Heavens 86:7
held 8:15; 54:3; 65:24; 96:11, 12, 13, 14
hell 51:20; 52:25; 78:19
help 9:13; 27:10; 50:4
hepatic/renal 75:13; 76:9, 25; 78:3
high 83:5
highly 55:1; 61:12; 70:23
Hill 11:14
himself 36:11, 11; 86:21
history 29:21
hold 49:15, 15
home 6:5
honest 27:17
horrible 69:5
hospital 71:23
host 41:22; 79:7; 85:23
hot 30:20, 21
hourly 95:12
hours 12:25; 13:4, 5, 7; 74:25
human 78:17; 81:18, 19, 23; 82:11; 84:6
humans 82:16
hundred 13:8; 26:2; 57:11; 81:11
hydrocarbon 29:20; 77:13, 14; 81:7
hydrocarbons 30:4, 18; 31:11, 25; 32:9; 43:1; 57:12; 61:4; 62:2; 68:10; 70:13; 76:16, 24; 77:24; 80:19; 81:1
hydrogen 22:18
hygiene 11:5; 13:24; 14:17, 24; 15:2, 16, 19; 26:13; 27:5, 20; 28:14; 32:6; 35:4, 5, 9, 12, 18; 36:1, 8, 15, 16, 20, 24; 37:2; 43:14, 15; 45:12; 62:11; 65:8; 73:4; 93:21
hygienicity 26:6
hygienist 24:2, 7; 36:3
hypersensitive 70:12

I

ice 50:25; 51:1, 4, 6
idea 19:10; 26:19; 39:15; 50:8, 11; 51:8; 57:3; 85:13
identified 38:17
identify 50:4
identifying 45:7; 66:14
ignoring 84:7
Il 74:17
Illinois 25:9; 34:7, 13, 15, 18
immediate 22:20
immune 82:22
impairing 82:21
imperative 36:17, 21
important 8:11; 19:8
impotence 73:20
improvement 22:13
inappropriate 84:7
incident 73:16
Incidently 58:19
included 18:25; 55:23; 64:21
including 27:11; 46:3
incorporation 74:2
increasing 88:22
Ind 59:18
indemnification 86:5, 9, 15
indicate 39:7, 9; 40:2; 77:2
indicated 40:23; 50:14; 57:6; 68:7; 84:1, 4
indicates 59:8; 68:21, 25
indicating 34:6; 39:12, 16; 76:5, 16; 78:13
indication 83:23
individual 37:15; 38:15; 44:23
industrial 11:5; 13:23; 14:17, 24; 15:2, 3, 15, 19; 24:2, 6; 26:6, 13; 27:4, 20; 28:14; 32:6; 35:3, 5, 9, 12, 18; 36:1, 3, 8, 15, 16, 20, 24; 37:2; 43:13, 15; 45:11; 62:11; 65:8; 93:21
industry 49:23
inform 62:6, 19; 64:12; 93:3, 15
information 23:21, 22; 33:6, 22; 45:6; 50:17; 51:15; 53:4; 62:14, 22; 77:4
informed 60:14; 61:1, 84:3
ingestion 56:23; 57:2, 7; 62:21; 63:8; 72:22; 77:16
ingestive 63:15
inhalation 56:23; 57:2, 7; 62:21; 63:8; 72:22
inhale 30:20; 77:15
inhaled 77:11
initially 27:10
injury 83:10, 24
innerdepartmental 59:5
inorganic 15:23; 22:10
inquiry 60:10
inspections 30:10
installed 28:9
Institute 13:24; 14:4, 8, 14; 24:13
instruct 7:8, 17, 21, 23, 24; 8:5; 67:24
instructed 6:20; 8:6
instruction 7:7, 19; 11:20; 12:19; 13:1
instructions 26:12; 27:20; 29:16, 18; 30:3, 7, 9, 16, 19; 31:9, 24; 32:8, 13, 16
instructors 12:4, 7
instructs 8:3; 26:23
insulate 74:10
Insurance 14:19; 22:1
intelligent 37:24; 38:2; 41:24
interested 13:15; 40:22
internal 83:10
into 5:2; 29:11; 34:24; 35:1; 43:24, 25; 47:10; 48:25; 57:19; 67:1, 9; 70:4; 73:3; 74:3; 76:8, 21; 81:2, 3; 86:5, 9, 15; 95:12
introduced 4:12
introduction 14:18
introductory 14:22
Investigation 69:22
involve 17:13; 18:1
involved 13:13; 15:5; 17:11; 29:3; 56:4; 73:9; 78:10
involving 28:17; 64:25; 73:9

WATER_PCB-SD0000043485

Island 59:24
isomeric 92:6
isomers 92:8
issue 23:6; 56:15, 15; 57:14, 25; 60:20; 61:6, 16, 22; 62:4, 11; 65:7; 71:20
issued 53:19; 60:20; 61:8; 79:14
item 71:18
itself 28:20; 29:6

J

J.T 46:19
JACK 4:1, 9, 9; 36:14; 48:8; 63:18; 64:24; 65:12; 68:12; 69:11; 70:18; 72:3; 77:18; 78:25; 83:1, 13; 94:17, 25
jacket 53:20
jaundice 71:14
Jensen 86:25; 87:8, 9, 10, 10, 12, 16, 20; 88:13, 19, 21
Jensen's 88:2, 16
job 22:5; 23:25; 24:4; 27:24; 28:1; 34:21; 95:9; 96:16
jobs 96:14, 15
John 4:10
joined 39:2
Jones 73:8
Journal 65:8
jump 19:24

K

K-r-u-m-m-r-i-c-h 25:10
Kamer 68:21, 23, 25; 69:14
keep 19:6; 49:1, 1; 57:8, 24; 68:3
Keller 63:3
Kelly 13:21; 16:10; 23:12; 38:13, 13; 39:20; 40:2; 41:6, 15, 18; 42:3, 6, 12; 44:20; 56:11; 58:22; 65:2, 5, 18; 66:10; 76:13; 85:16, 21
kept 18:14, 24; 20:22; 30:7
kick 77:17
kids 21:23
kind 17:9; 44:18; 58:1; 62:14; 71:23; 81:9; 89:25
kinds 37:8; 68:1; 81:5
Kirkwood 6:6
knew 19:22; 64:23; 70:2; 77:5, 5, 21; 88:24; 94:8, 8, 11, 11, 11, 12, 14
knowledge 13:12; 23:7, 9; 39:6; 46:7; 56:13; 60:2, 8, 12; 71:18; 78:24; 90:14; 92:22, 25
known 23:16; 24:11; 25:9
knows 76:10
Knoxville 9:23; 10:7; 21:24
Krummrich 25:10; 26:1, 4, 9, 14; 27:4, 13, 21; 28:21, 23; 29:16; 48:2, 3, 18; 51:3, 19; 52:2, 10; 53:14; 55:19; 57:10; 58:14; 61:5, 24; 63:16; 76:13; 90:5; 95:4, 11; 96:9, 20; 97:13

L

label 63:12
labels 63:5, 6, 9
laboratory 12:22
lack 37:21; 39:5; 50:6
large 42:3
last 4:8; 17:5, 7; 29:22; 30:23; 49:3; 51:3; 63:23
late 5:1; 12:2; 35:6, 23; 44:5; 56:11
later 19:13; 26:22; 27:1, 1; 34:8; 36:12; 62:7; 83:3
Laundered 54:15; 96:21; 97:12
laundry 96:18
law 7:4, 15, 19
lawful 4:2
lawsuit 4:16
lawyer 6:25; 8:2, 2, 4, 5; 9:7, 12, 12
lawyers 59:25
lay 67:21
learn 5:8, 11; 76:4, 11
learned 65:16
least 21:12; 46:15; 49:3; 91:4, 6
left 15:12, 13
legal 59:19
less 20:19; 32:15; 90:25
lesser 90:15, 16, 19, 20
letter 48:15
letters 63:2, 3
level 35:21; 37:7; 67:9
levels 75:10
Levitt 8:12
Lewis 65:2; 69:21; 70:15
Liberty 14:19
life 84:6; 87:24, 25; 88:1, 7, 13
liked 23:18
likely 13:9; 14:5, 10, 15
line 58:13
lines 38:15
list 78:19
listed 5:16, 21
literature 37:4; 40:14, 17; 56:21, 25; 57:4, 6; 62:19; 63:6, 25; 64:15; 72:21, 23; 78:3, 7; 83:8
little 19:15; 20:10; 24:14; 27:10; 78:14
liver 76:2, 6, 17; 77:1, 2, 24; 78:2; 82:15, 18
livers 74:20; 75:9
load 53:23
located 33:20
location 88:13
long 11:23; 14:18; 23:1; 25:14; 28:11; 39:1; 45:11; 52:9; 53:8, 8, 8; 59:24; 66:6
long-term 37:7
longer 31:9; 32:2; 47:17
look 20:21; 38:15; 50:23
looked 38:17; 48:25; 73:24
looking 23:23; 50:12; 56:17, 17; 59:17; 63:22; 69:17; 72:17
lost 38:9
lot 34:1; 37:25; 51:20; 53:13; 66:13, 14, 15; 75:24; 78:19; 82:13; 87:12
lots 76:21
Louis 16:12; 17:8; 19:17, 23, 25; 21:18; 23:12; 24:1, 8; 25:8; 55:16; 56:16
low 37:7
lower 91:8
lunch 52:10; 61:13
lunchbox 61:19
lunches 50:15, 19, 21; 51:5, 11, 12, 16, 18; 61:6; 95:21, 21; 96:9
lunchroom 51:13, 14; 61:16, 17
lunchrooms 61:10

M

M 74:21
Magistrate 8:12
magnifies 82:6, 8
maintain 20:8; 47:6, 16; 59:16; 90:1
maintained 40:25; 47:8; 48:21; 59:15; 89:21
major 18:3
majority 37:5
makes 26:21; 40:8
making 25:22; 60:10
malfunction 38:17
malignant 78:5
man 23:23; 36:6, 17; 42:14; 52:22; 58:1; 61:11; 69:6; 71:21; 73:9; 95:16
man's 43:25
manager 19:13; 27:25; 28:3, 11, 13, 16; 29:15; 30:4, 13, 16; 32:11, 21; 35:3, 8, 10, 21, 25
managing 24:23
manufacture 13:13; 25:3; 39:1, 3; 92:20, 23
manufactured 25:6; 38:7; 41:22; 57:11, 13; 58:4; 71:22; 80:13; 86:16; 90:9
Manufacturers 14:1; 23:17; 93:6
Manufacturing 13:25; 23:15; 24:12; 29:12; 73:14; 89:11, 17; 90:1, 4
many 10:13, 25; 11:16; 12:25; 13:4, 5, 7, 7, 21; 16:11, 11; 17:2; 18:12; 24:5, 25; 34:15; 36:7; 37:1, 8; 44:7, 22; 45:9; 49:20; 54:20; 59:3; 62:9, 23; 64:11; 92:2, 6, 7, 11
March 59:5
marked 45:14
massive 19:2
Master 10:6; 12:16
Master's 15:16, 21, 22, 24; 16:18; 21:22
Masters 10:9; 11:21; 13:11
material 15:6; 43:23; 46:7, 8; 57:10; 63:12; 65:20; 72:13; 77:11; 80:6; 82:6, 8; 92:12, 19, 19
materials 12:10; 13:14, 15; 15:5; 29:10; 34:1; 44:15; 51:2; 52:12; 53:9, 15, 18; 55:15; 56:22; 57:1, 7; 58:10; 61:18; 62:10, 21; 63:8, 13; 70:22, 24; 72:22; 80:8; 81:3
matter 6:12; 7:11; 8:11; 11:3
mattered 65:11
matters 7:13; 28:17
May 5:24; 47:9; 56:10, 12; 69:7; 70:11; 74:16; 76:5, 17; 78:13; 83:9, 10
maybe 17:23; 36:7
MCA 23:15
McCloughlin 75:20
mean 5:25; 23:7; 29:12; 31:14, 14; 32:14, 16, 16; 39:19; 64:3; 91:9; 95:7
means 37:25; 82:6
meant 32:19; 95:10
meantime 28:24
Medical 30:14; 35:13; 38:11, 16; 39:21; 40:5; 50:13, 18; 56:9; 57:4, 5; 59:19; 69:21; 85:15; 89:14; 93:21
medium 23:8
meeting 11:12, 19, 23; 12:1; 16:20; 23:15
meetings 11:18; 12:20; 13:24; 14:1, 1, 3, 13; 16:20
melanomas 78:5
members 12:8, 18; 13:2
memo 59:5
memorandum 95:20; 96:8
memory 17:19; 95:1, 24
men 69:3; 73:20
mentioned 96:19
mess 17:11; 52:24
messing 81:4
metal 53:9
Meter 74:23, 24
methods 53:10; 66:14; 67:6, 9
mid 88:7
middle 88:14
might 23:8; 29:3; 47:7, 17, 19; 51:24; 67:7, 8; 71:20; 75:20; 88:18; 89:23
miligrams 74:21, 24
milk 81:18, 20
millionaires 59:25
mind 57:8; 68:11
minds 16:2, 5; 45:17
mine 31:19; 48:13
minute 45:18, 19; 66:6; 69:19; 89:1
minutes 67:12
miserable 48:18
Mississippi 33:23
Missouri 6:7
misstatment 66:25
mistakes 65:21
moment 4:12; 5:25; 8:10; 11:16; 32:12
money 8:23; 21:25
Monsanto 4:16; 5:12, 13; 6:16, 18; 7:5, 11, 14; 9:17; 12:17; 13:1, 14; 15:13; 18:18, 22, 24; 19:12, 21; 21:8; 22:4, 9; 23:2, 5; 24:8; 25:6, 9; 30:3; 32:8, 23; 33:21; 35:13; 36:6, 6, 18; 37:11, 16; 38:20; 39:2, 4, 12, 17, 20; 40:3, 17; 41:9, 11; 42:4, 8, 13, 16, 18; 43:5; 44:1, 2, 3, 8, 12; 45:7; 47:5; 48:21; 49:6; 0:25; 54:5, 7, 13; 56:3; 59:15, 19; 60:14; 61:1, 2; 62:1, 6, 13, 18; 64:10, 12; 69:13; 70:14, 19; 71:22; 73:8; 74:18; 75:7, 15, 19; 76:1, 15; 77:3; 80:13; 86:4, 5, 5, 8, 9, 14, 16; 88:21; 89:22; 90:9; 92:20, 23; 93:2, 9, 15, 23; 94:3, 13, 18, 25; 95:11, 17; 97:11
Monsanto's 9:9; 40:25; 60:13; 85:15; 89:14
months 17:5; 58:21
More 13:8; 19:6, 12, 20; 20:19; 22:14; 27:10; 32:15; 47:20; 49:9; 51:20; 65:16; 79:8; 83:23
morphologic 74:20; 75:8
Most 13:9; 20:11; 27:8; 30:11; 33:18; 36:16, 21; 41:25; 42:19; 52:6; 57:12; 61:22; 70:16; 85:6, 16; 91:5
mother's 81:18, 20, 23
motion 96:3
mouth 76:21
move 29:22, 25, 30:23; 60:23; 67:3; 71:25
moved 16:12; 21:24; 95:25
moving 69:20
much 76:22; 84:15

must 30:10; 59:20
Mutual 14:19
myself 5:7; 26:25; 62:23; 64:11; 94:8

N

name 4:7, 8, 10, 11; 22:22; 43:25; 45:8
named 86:25
names 18:6
naphthalene 70:6; 71:3, 5, 15
naphthalenes 71:17; 72:6, 8; 73:6
narrow 65:16
National 33:13, 17; 46:9
nationally 37:3
nature 17:15
NCR 46:7, 8, 9, 11, 25
near 19:23
necessarily 23:20
necessary 29:9; 42:6
need 5:3; 54:19; 66:6; 67:13, 14, 15; 68:2
needed 27:9; 36:5
negotiated 55:19
neighborhood 69:2
Nevada 4:15; 60:7, 10
New 23:15; 42:20; 53:17, 19; 54:6, 7, 14, 16; 69:22, 23
next 27:24; 70:4; 90:25; 91:4, 6
nicety 55:11
night 75:4
ninety-nine 81:10
nobody 45:17; 88:23
none 16:22; 82:13
nonresponsive 29:23; 30:24
nor 19:10; 71:21
normal 41:17
Normally 47:9; 58:1
North 11:13, 19, 23; 12:5
nothing 4:3; 17:22; 19:6; 47:20; 94:22; 97:17
notify 93:10, 16
notion 19:1; 26:3; 30:8
November 48:4, 15
number 18:12; 22:21; 26:3; 27:1; 28:10; 33:24; 50:20, 20; 56:18; 58:10; 65:7; 88:4; 92:15, 16, 21, 24
numbers 57:12; 91:8

O

Object 5:18; 13:3; 26:15, 18; 38:25; 39:5; 43:2; 50:6; 60:17; 65:9; 66:24; 72:7; 75:1, 11, 22; 80:24; 81:13; 85:19; 86:11, 22; 87:18; 88:8; 90:13; 91:12; 95:23; 96:2, 22; 97:5
objection 26:22; 37:20; 67:4, 22; 72:24; 79:5, 15; 85:11
objections 91:16
objective 15:4
observe 42:6
observed 82:16
obsorb 77:17
obtain 28:1
obviously 33:3
occasions 18:1; 33:24
occur 12:1, 19; 17:7; 23:13; 67:8; 71:17
occurred 12:21; 73:16; 74:16; 95:15; 96:25
occurring 70:5
occurs 82:9, 11
ocean 84:16
off 8:13, 15; 23:14; 53:24; 54:4; 65:23, 24
offended 55:11
office 7:3, 5; 15:12; 17:20; 42:20
often 88:19
Ohio 24:10
oil 53:18; 81:3
Oklahoma 9:22; 10:3
old 20:12; 51:4; 65:15; 95:15, 16
once 49:3; 85:9
one 4:22; 5:15; 17:5; 18:9; 19:12, 20, 22, 23, 24; 25:18; 26:5; 27:7; 32:5, 6; 33:15, 16; 34:20, 20; 36:3; 39:24; 42:13; 44:10; 47:6; 50:20; 51:9; 53:16; 57:18; 61:12, 17; 63:2; 69:6; 70:24; 72:25; 77:18; 80:1; 85:6, 9, 16; 88:6
one-and-a-half 69:1
ones 60:2; 90:12, 12, 15, 20
only 11:20; 19:22; 28:23; 35:21; 38:5; 47:7; 69:1; 73:5; 96:25; 97:1
open 53:12, 12
openings 96:14
operating 29:3; 58:14, 23; 61:6, 9; 64:5
operation 26:4; 29:21; 32:17; 48:18; 53:2; 78:10; 89:11
operations 15:3; 23:10; 30:20; 49:22; 84:2
operator 53:19
operators 57:23
opinion 50:18; 51:21, 23, 23; 70:15, 20
opportunity 68:8
ordinarily 60:21
Organic 13:25; 22:10, 11, 13; 37:7; 80:7; 85:4
organization 59:24
organizations 49:23
originally 56:11
ORSANCO 24:11
others 73:1, 2
ours 62:9
ourselves 4:12
out 15:12; 23:23; 28:23; 36:10; 40:22; 42:22, 24; 43:5; 53:23; 55:17; 57:3; 58:6; 61:9; 62:13; 77:17; 94:12
outlined 26:5
outside 8:18; 21:9; 33:21; 34:4
Over 12:23; 20:12; 26:6; 28:7; 36:18; 37:13; 39:4; 44:11; 51:11; 52:20, 24; 57:11; 73:24; 76:12; 81:11; 88:19
overexposure 29:20
own 46:5; 56:20; 72:20

P

pad 53:7
page 59:17; 60:3; 68:15; 69:17; 70:3, 4; 71:10; 74:1
paid 8:23
paper 23:14, 18
papers 88:5
paragraph 69:1
Pardon 21:6
part 11:18; 12:4; 15:6; 20:11; 29:23; 32:4; 39:23; 46:15; 47:8; 50:24; 52:5; 55:5; 58:15; 86:3; 91:3, 11, 15, 25; 94:10
part-time 42:10, 14
particular 59:4; 62:5
particularly 47:3; 49:22; 56:19; 72:19
parts 73:24, 25; 81:11
pass 81:23
passed 15:18; 20:5; 77:20
passing 77:19
past 10:22; 63:25; 64:15
pathologic 79:19
Paton 46:19, 20, 24
Patrick 48:1, 17
PCB 25:15; 26:10; 55:9; 60:22; 79:9; 80:18; 82:16; 83:9; 84:16, 17; 88:22; 95:12, 13
PCBs 14:4; 17:13, 22; 18:2; 23:5; 25:4, 6, 20, 22; 26:9, 14; 27:6, 22; 28:17, 22; 29:2, 6, 17; 32:23, 24; 33:21; 34:1, 16, 18; 37:8, 8; 38:21; 41:21; 45:1; 54:8, 23; 55:8, 22; 56:4; 60:14, 15, 21; 74:2, 7, 17; 75:20; 76:2, 5; 78:4, 13, 16; 79:3; 80:12, 16; 81:12, 17, 22; 82:12, 20; 83:6, 24; 84:2, 5; 86:6, 10, 17, 20; 7:6, 11, 17, 21, 23; 88:6, 13; 92:24; 93:5, 13, 18; 94:5, 6
PDBs 18:7
Pennsylvania 68:22
people 13:13; 16:8; 22:24; 24:18, 20; 26:6; 27:1, 1; 29:8, 8; 34:20, 20; 37:25; 42:25; 43:17, 19, 20; 46:10, 10; 48:24, 24; 49:12; 50:4; 51:5, 7; 55:13, 17; 58:5; 62:10; 63:14; 65:1; 70:12; 78:10; 81:6; 83:6; 85:10; 93:10, 20, 21, 22; 94:8, 14, 16; 95:14; 96:13, 13, 14, 15
per 74:21, 24; 81:11
percent 44:10; 74:7; 81:10; 91:9, 9
percentage 80:16, 21; 92:17, 18
perfectly 5:14; 27:17; 33:25
perform 32:22
perhaps 13:23
period 12:23; 20:9; 23:4; 30:15; 31:8; 32:7; 44:11; 51:19; 62:18; 71:1; 88:11
periodic 44:19
periodically 42:5
person 9:10; 31:14, 15; 41:5; 44:18
personal 39:6; 90:14
personally 5:7; 31:16
personnel 28:7; 49:14; 50:4
Petroleum 13:24; 14:4, 7, 13; 24:13
Phil 65:19; 66:16
Phrase 31:4
Physical 11:5; 15:23; 16:19; 22:11; 37:11, 16; 38:3, 10; 39:12, 17, 25; 40:3, 18, 24; 41:4, 15, 17; 42:1, 4, 17, 21, 21, 43:5, 22; 44:12, 18, 22; 63:24; 64:6, 13
physician 39:20; 42:19
physicians 42:19, 23
Picked 21:23
place 30:11; 39:24; 51:11; 59:20, 21; 60:2
placenta 81:23
places 38:8
Plaintiff 4:4
Plaintiff's 45:15, 22; 47:24; 58:24; 66:2; 73:22; 89:3
plant 16:7, 16; 24:19, 19, 19, 20; 25:10, 10, 12, 16, 17, 19, 21; 26:1, 5, 7, 9, 14; 27:4, 21; 28:6, 6, 6, 24; 33:4; 34:3, 10; 43:22; 48:2, 3, 18; 51:3; 52:1, 8, 9, 10, 23, 25; 53:16, 19, 21; 55:20; 56:7; 57:10, 11, 14; 58:6, 8, 9, 9, 14; 60:19; 61:8, 24; 62:4, 5; 64:5; 70:6; 76:13; 90:5, 5; 95:5, 8, 9, 11; 96:10, 20, 25; 7:13
plants 24:23, 25; 25:3, 5; 28:6, 10; 30:3; 32:23; 33:21; 36:6, 7, 9, 10; 38:18; 39:22; 42:9, 16; 44:14, 22; 52:7; 61:23; 77:21; 95:10; 97:1
please 4:7; 11:8; 20:25; 47:25; 52:5; 72:2
plugging 70:9
plus 25:24
point 6:1; 18:22; 22:12; 32:2; 36:9; 38:9; 49:19; 71:16; 76:19
point-of-view 62:12
poison 85:9
poisoned 42:25
poisoning 70:12
policy 9:8; 19:12, 20, 22, 24, 24; 20:2; 21:3, 10; 39:22, 22; 61:2; 62:1; 96:18; 97:11
pollutants 24:23
pollution 11:6; 13:13; 15:21, 22, 25, 16:3, 5, 6, 9, 13; 23:14, 22, 23; 24:2, 7, 9, 11, 13, 18, 23; 27:25; 28:3, 7, 9, 11, 13, 16; 29:10, 15; 30:4, 13, 16; 32:4, 11, 22; 34:3, 7, 15; 35:3, 5, 8, 10, 25; 36:4, 8, 15, 18, 23; 49:18
polychlorinated 14:14; 80:3, 11; 92:8
pool 81:2
popular 72:13
portion 21:25; 30:23, 25
positive 25:23
possibility 52:11; 58:12; 61:17
possible 76:2
potential 5:16, 21; 78:17; 93:4, 12, 17; 94:5
Power 4:15; 60:7, 11
practical 16:6
practice 41:9; 89:12; 95:19; 96:7
practiced 95:10
precautions 79:13
precurser 22:18
premise 14:24; 78:22
premises 32:13; 68:9
preparation 6:10
prepared 59:18, 20
presence 8:19; 46:16
present 80:12
presently 9:14
presume 19:8
prevent 53:18; 63:14
preventing 15:4
previous 11:9; 13:18; 21:1; 35:15; 58:18; 83:20
Primarily 14:23; 44:21
primary 39:21
printed 48:8
prior 14:25; 66:16; 72:14
privilege 6:23; 7:12
Probably 12:24; 14:12; 16:22; 17:19; 19:3, 17; 25:13; 26:2; 27:18; 28:2; 34:24;

WATER_PCB-SD0000043487

35:1; 43:16, 16; 47:10; 48:22; 58:2, 3; 59:3; 60:4; 64:23; 65:4; 73:24; 76:12, 13; 77:1; 81:6; 88:10, 15; 90:24; 91:24
problem 16:14; 44:19; 49:19; 52:1; 56:21; 63:15; 66:12; 72:20; 76:22, 23
problems 16:6; 27:8, 8; 28:8; 36:8, 8; 37:14; 57:9; 59:22; 66:20; 70:23; 71:23; 74:16; 76:9; 81:7; 90:4; 93:5, 12, 18; 94:6
procedure 53:7
procedures 30:10
process 22:12; 23:10; 25:14, 15, 15; 28:20; 29:5, 8, 12, 13; 50:21; 71:9; 73:14; 89:12
processes 13:16; 23:9; 28:21; 29:7; 52:13; 53:14
processing 22:13; 48:17; 49:22; 52:3, 6, 11; 53:2, 12, 12
produce 83:9
produced 28:22; 32:24
producing 13:15
product 18:12; 22:15; 38:15; 72:8; 90:6; 92:23
Production 24:14; 26:10; 63:3
products 23:5; 25:3, 20; 26:8, 14; 27:5, 22; 29:17; 32:24; 37:15; 38:15, 21; 51:19; 52:12; 57:11; 61:18; 86:16; 93:7; 94:15
professionally 67:25
Professor 88:21
program 19:4, 5, 6; 21:18; 47:12, 13
progression 42:7
prohibited 52:7, 8
properly 50:22
proposed 59:22
propounded 11:9; 21:1; 35:15; 58:18; 83:20
protect 43:10
protected 50:22
Protection 78:16
protocol 38:11
prove 81:7
proven 87:13
provide 54:7, 13
provided 54:14, 17; 60:19; 61:10
providing 54:6
provision 20:23
Public 69:22
published 87:3, 5; 88:2, 14, 17
punch 58:13
punched 43:24
purchasers 93:16; 94:3
pure 27:14
purports 89:19
purpose 16:12; 43:10
purposes 14:24; 26:22
put 19:8; 40:6; 43:25; 44:20, 24; 51:1, 5, 12; 54:1; 61:20; 71:19; 77:10
puts 68:4

Q

quality 90:6
Queeny 52:7; 53:21; 58:9; 61:5; 90:5
questioning 26:16, 19; 65:12
quit 49:25; 50:2; 51:7; 52:4; 63:16
quite 56:22; 57:1, 7; 62:20; 63:7; 72:22; 80:9; 88:19

R

R.E 13:21
Ralph 4:11; 68:3
range 34:4
rarely 95:15
rates 83:5; 90:7
rats 74:21; 75:9; 77:16
raw 13:15; 61:18
read 11:7; 20:24; 35:14; 37:3; 39:16; 56:2, 23; 58:16; 67:12, 18; 69:12, 19; 70:4; 83:18
reading 68:25; 71:10; 72:18
real 36:23
realize 50:24
really 14:5; 17:18; 18:11; 27:14; 34:9, 23; 41:10; 45:2; 58:12; 66:17
reason 35:21; 41:1, 3; 47:7; 88:24
reasons 16:13; 18:5; 40:11, 17; 50:20
rebid 52:23
recall 14:10; 17:15, 17, 18; 18:6, 9, 13, 14; 22:22; 26:12; 27:3, 12, 19; 29:15; 30:15; 33:6, 10, 12, 20; 34:19; 35:2, 7, 17; 39:10; 44:4; 46:21; 57:5; 60:4; 66:11
receive 9:24; 10:1, 5, 23; 13:6; 15:6, 25; 16:17
received 10:3, 6; 13:1, 10
recess 45:19; 89:1
recleaned 54:21
recoated 54:18, 21
recollection 72:5
recommend 93:9
recommended 28:8; 90:8
record 8:13, 16; 53:24; 54:2, 4; 65:23, 25
recorded 44:20
records 35:12, 16, 19; 37:9, 10, 12, 13; 39:7, 9; 43:14; 45:6, 12
Red 21:5, 7
reduce 84:17
references 74:6, 8
referred 60:3
referring 72:23; 74:13
refers 74:6
refresh 17:19; 72:4
regard 7:12; 95:4
regarding 16:9; 25:20, 25; 26:13; 27:4, 20; 29:17; 31:23; 33:1; 34:18; 53:5; 65:6; 86:16; 88:13; 95:21; 96:8
Register 46:9
regular 16:20
regularly 26:25
related 33:7, 8, 11; 49:23
relating 8:19; 16:18; 25:11; 29:6; 78:4
relation 12:10
relationship 22:25
relative 82:11
relatively 66:3
relied 51:15
rely 50:17
remember 5:14; 17:11; 33:14; 66:11; 75:24; 92:25
remove 29:10
repeat 76:24
repeated 83:9
replete 40:13, 16
report 25:11, 25; 31:23; 34:12, 17; 36:9; 73:8; 75:19; 87:10, 14, 16, 20, 23; 88:2, 12, 17
reported 33:22; 65:6; 66:4; 68:6; 73:19; 74:19; 75:8, 20; 78:11; 79:20; 83:6, 9; 87:12
reportedly 81:11
reporter 4:8; 11:9; 21:1; 35:15; 58:18; 83:20
reports 26:2, 25; 33:1, 3; 34:5, 8; 64:1, 15; 69:14; 73:12, 18; 88:4
represent 4:15; 8:24; 9:2; 92:10
represented 5:6; 8:4, 20; 9:9; 24:9; 92:7
represents 76:23
require 86:8
required 43:11; 97:1, 3
requiring 97:11
research 14:25; 19:14; 22:3, 7, 8, 23; 23:1; 76:1, 5; 78:4, 12
researcher 86:25
reservoirs 25:18
response 96:6
responsibility 31:9; 32:3
responsible 31:17, 18; 50:1, 3
responsive 60:24; 96:1
results 42:22; 43:24
retain 49:20
retained 49:19; 50:5
retention 19:4, 5, 12, 20; 21:2, 3, 10; 47:12, 13; 48:23
retire 94:25
retired 9:16, 17; 20:1; 45:13; 96:13
returning 21:25
review 6:10, 12, 13; 45:15; 47:25; 52:16; 58:25; 66:2, 6; 68:8, 13; 89:3
reviewed 39:11; 57:5; 88:16
reviewing 46:21
Richard 59:7, 7, 12
rid 24:22; 51:4; 52:1, 2, 3, 6; 57:21
right 4:11; 5:24; 6:3; 9:18; 19:9; 20:18; 31:3, 21; 39:8; 41:14; 48:10; 50:10; 52:8; 63:1; 66:8; 67:2, 10, 21; 69:18; 70:17; 71:16; 82:24; 84:13, 23; 94:21; 97:2, 10
ring 80:8; 85:4, 4
risk 84:6
River 24:10; 25:17; 33:23, 23, 24; 49:18; 52:8; 58:9; 84:16
room 8:19; 49:8; 65:12
rotate 57:18
rotated 52:20; 54:18
rotating 61:10; 95:3, 19; 96:1, 6
rotational 52:21
Roughly 10:13, 25; 12:25; 27:12; 44:7; 71:11; 92:18
round 64:21, 25; 66:4, 19; 68:5; 69:15
route 51:9
routine 30:19
ruckus 51:7
rule 8:2; 26:23
run 46:15
running 52:9

S

safety 26:6; 29:1; 30:9; 48:1
salary 35:21
sales 88:22
same 6:9; 7:7; 14:9; 16:10; 29:18; 53:21; 58:5; 72:17; 76:19; 80:7; 91:16
sampled 28:25, 25; 33:23
samples 46:6, 15; 47:1; 53:6, 7; 92:1, 3
sampling 29:1
San 18:10, 13
Sanitation 24:10
satisfied 79:10
Sauget 48:3
saw 47:21, 22, 22; 71:8, 21; 78:9
saying 47:18; 49:16; 71:20; 75:24
School 21:18
Schwartz 65:2; 69:21, 25; 70:1, 15
Science 10:4, 6, 9; 12:16
scientifically 87:13
scientist 86:20
scope 7:13; 53:10
screening 42:4
screens 47:21
sea 87:24; 88:1, 7, 13
Seal 87:25
second 10:5; 56:18; 67:6; 69:1; 92:16
secretaries 43:16
secretary 33:14
section 19:14; 21:13; 31:20, 22
seek 81:2
selling 86:6, 10
send 43:22; 62:13
sending 50:3
seniority 52:21; 95:13
seniorty 96:16
sense 40:8; 83:15
sent 42:20; 43:24; 46:18, 24; 59:8; 89:23; 95:20
sentence 56:19; 63:23; 72:18
separate 36:13; 45:4
separated 32:5
September 64:21; 65:7
sequence 37:13
series 48:16
serious 58:3; 83:24
service 35:12; 69:22
services 35:18; 43:14, 18, 20; 45:6, 12
set 12:20; 37:15; 38:14; 39:22; 41:14, 20; 44:16; 88:21
settled 56:15
setup 44:21; 46:3; 89:12
seven 11:13
several 20:3, 8; 22:12; 53:16
severely 69:4
shall 4:21
shipyard 74:15
shoes 53:17
shouldn't 8:3; 51:16, 18; 62:7, 15
shovels 53:12, 14
show 45:14; 47:24; 53:14; 58:24; 65:22; 66:1; 73:22; 85:15; 89:2
showed 44:18; 96:8
showing 47:20; 85:11
shown 80:12, 23
shows 54:16; 70:7; 82:14
shut 67:23
sickness 15:4
side 69:18
signal 39:23
signature 48:8, 9
signed 9:1
significant 83:5
similar 80:6
simple 37:9
simply 11:17; 33:5
single 26:5; 53:19

situation 33:2
six 36:6; 58:21
sixty 69:2; 95:16
sixty-five 95:17
skill 46:12
skin 69:5; 70:9, 23; 79:4, 9; 83:5, 22
small 19:14; 22:23
smaller 32:14
smart 37:24; 38:1; 51:8
smear 57:20
So-called 21:5, 7
Society 11:12; 12:9; 16:21
socks 53:20; 55:3, 5, 23
solved 37:4
somebody 7:4; 82:1
someone 7:2; 45:10
something 43:8; 56:8; 64:5, 8; 67:13; 69:12, 19; 77:15; 85:25; 89:13; 91:8
sometime 34:24; 35:23
somewhere 11:2; 12:2; 28:2; 40:25; 44:9; 88:11
sorry 17:17; 34:25; 40:7; 50:8
sort 47:5; 48:20; 59:14; 61:20; 76:18; 89:21
sounded 55:11
sounds 17:18
source 23:21; 84:17
South 16:21
speak 5:13
special 12:20; 20:23; 41:18, 20, 24; 42:5, 24; 43:6, 23; 44:23, 25; 62:4
specialty 43:11
species 81:5
specific 43:8; 46:5; 62:4; 78:7; 82:7, 7; 92:8; 94:10
specifically 17:14; 18:3, 13; 27:23; 30:25; 41:16; 64:17; 75:23; 76:3
specifics 14:10
specimens 69:5
spectroscoper 47:23
spell 4:7
spent 33:15
spoke 6:17; 7:3; 88:21
spoken 8:18
spooning 76:21
spread 92:6
spring 71:12
Springfield 34:8
St 16:12; 17:8; 19:17 22, 25; 21:18; 23:12; 24:1, 8; 25:8; 55:16; 56:15
stacked 51:11
staff 12:4, 18; 13:2; 35:23
stand 49:9
standard 33:18; 38:12, 14; 41:14; 44:12, 17, 22; 53:7; 62:11; 89:11
standards 33:19; 41:20, 24; 78:23; 95:17
standpoint 58:11
stars 17:1; 25:13
start 9:18; 52:7; 54:5, 10
started 24:8, 18, 22; 41:6, 9, 11; 50:23; 51:6, 9; 57:15; 59:24; 67:11
starting 5:1
state 4:7; 9:22; 10:3; 25:16, 18; 34:7, 12, 14, 18; 56:18
stated 85:16
statement 67.1; 84:11
states 40:10; 69:22; 78:15
statistically 83:5
status 41:2
steps 84:17
still 12:13; 15:9; 18:22; 31:18, 23; 39:25; 50:25
stipulated 97:7
stipulations 97:9
stop 52:10, 24; 57:16; 58:7, 13, 22; 61:15
stopped 48:19; 52:19; 53:1; 58:8; 61:22
storage 95:21; 96:9
stored 19:10
storing 52:10
story 93:8, 25
straightened 55:17
stream 91:17
streams 90:22
strike 29:22, 25; 30:23; 60:23; 63:19; 67:3; 71:25; 72:1; 95:25; 96:3
structrual 80:8
structure 62:5; 80:8
structured 71:19
structures 92:14
studied 15:17; 26:4; 72:10; 80:15, 21, 22
studies 66:15; 68:10; 75:24; 77:2; 78:12; 80:23
study 15:3; 72:10; 73:5; 75:15; 86:19
stuff 30:21; 57:20; 73:3
stupid 17:18; 68:1; 83:12
Styrene 22:17
subboss 16:10
subject 11:3; 16:18; 17:17, 19; 18:3, 4; 46:25; 49:21
subjects 26:4
subscribed 11:17
subsequent 62:18
subsequently 60:20
substances 55:2; 70:8
sufficient 70:8, 10, 11; 84:5; 95:13; 96:15
suggest 41:5
supervise 23:21
Supervised 43:15, 17
supervisor 22:20
suppose 87:19
supposed 20:11; 26:24; 37:18
sure 5:15; 25:13; 43:8; 54:19, 25; 55:1; 66:11, 17; 69:8; 91:1
surely 76:9
surveys 24:20
suspect 72:12
Swan 39:4
Sweden 86:19; 87:19
Swedish 86:20, 25
sworn 4:2
symptoms 42:24
synergistically 82:21
synthetic 74:3
system 28:25; 40:25; 43:18; 44:1, 3; 63:15; 76:8, 25; 81:2; 82:6, 7, 22
systemic 70:12; 83:24

T

T 4:1, 9; 48:8
table 64:21, 25; 66:4, 19; 68:5; 69:15
tails 40:6
talk 6:15
talked 6:13; 34:14; 66:20; 88:19; 96:1, 17
talking 25:24; 26:19; 34:22; 38:22; 59:22; 67:7, 9; 69:10; 71:1; 76:7, 20, 20, 22; 79:6; 85:22, 22
task 31:17; 57:22
tattered 21:23
taught 29:1
telling 62:15
ten 11:2; 20:20; 36:7; 66:5; 67:11; 69:4, 74:7; 85:10
Tennessee 9:23; 10:7
teratogenic 75:21
term 33:16, 16; 82:2; 92:11; 95:3
terrible 51:3, 5
test 43:11; 45:4; 91:21
tested 28:24; 77:16; 91:20; 92:4, 6
testify 8:5
testimony 17:16; 18:16; 21:14; 95:4
testing 29:2; 44:19; 64:7
tests 32:22; 42:2, 2; 44:23; 66:15
Texas 16:7, 7, 14, 15, 16, 21; 19:14, 23; 21:24, 24; 22:2, 2, 3, 9, 15; 23:2; 42:14
themselves 29:7
thereabouts 88:3
thermally 30:21
They'd 61:20
They're 11:18; 19:10; 26:3; 36:13; 57:17, 19, 23; 67:7; 80:6
they've 4:16
thirty 25:24
thirty-two 74:1
though 33:20; 57:4; 62:14; 93:9; 94:2, 9
thought 36:16, 22
thousand 44:9; 85:10
thousands 48:12
three 5:10; 11:25; 33:15, 16; 39:22; 49:4; 56:18; 71:13
throughout 28:25; 87:17
throw 49:17
thus 77:12
times 17:10, 23; 24:5; 34:15; 45:9; 64:11
timing 25:23
tissue 80:17; 81:4, 8, 12; 82:7
title 22:5; 23:25; 24:4; 27:24; 28:1
today 5:6, 9; 8:24; 9:2, 33:19; 39:25; 61:11
today's 6:11
told 6:19; 7:18; 9:6, 7, 8, 12; 14:23; 23:21; 49:24; 62:9, 23, 25; 63:1, 2; 76:13; 77:6; 82:1; 84:14, 20; 93:23, 25; 94:3, 16
tomorrow 61:12
took 11:4; 32:6; 34:14; 36:15, 18; 39:4; 53:6, 6; 59:21
top 74:2
topic 14:8; 40:21
total 92:18
touched 18:7
Towards 70:3
toxic 51:20, 22; 52:14, 14; 55:1, 10, 11, 12, 13, 15; 56:22; 57:1, 7; 58:5, 10, 11; 61:12, 19; 62:10, 20; 63:8; 72:22; 80:9
toxicities 85:6, 17
toxicity 52:16; 53:5; 76:22; 79:24
Toxicological 11:12; 12:8, 21; 66:15
toxicology 11:6, 11, 21, 24; 12:15; 13:11, 23; 14:4; 51:24; 65:8; 71:18; 73:4
toxins 75:13; 76:10, 25; 78:3
track 91:19
tracked 91:17
tracking 91:25
trained 36:4
training 12:11, 15, 17, 19; 13:6, 10; 14:16; 15:15, 20, 25; 16:2, 17; 42:24; 43:6
transcript 18:25; 85:15
transcripts 18:15
transfer 23:7
transformers 93:4, 11, 17; 94:4
transport 64:7
treatment 13:14; 24:23, 24
trial 6:1; 21:14
trials 21:16, 17, 19
tried 58:8
trouble 61:23, 23
true 4:13; 7:11; 9:13; 17:18; 29:24; 42:11, 13; 46:23; 47:2; 48:14; 49:22; 53:21; 54:22; 55:7; 59:11; 64:2; 72:2
truth 4:2, 3, 3; 22:22
trying 57:16, 21; 58:13, 20, 21; 76:19
Tucker 46:11; 47:2, 22
Tucker's 46:20
tumors 78:13
turn 68:15; 74:1
twenty 44:10; 74:7
twenty-four 43:18
twenty-three 73:13
twice 72:17
Two 9:25; 17:5; 20:12, 13, 15; 21:23; 25:5, 6; 33:12; 36:21; 38:7; 39:21; 49:3; 59:17; 74:20; 75:9; 91:8
two-day 15:19
two-thirds 48:7; 71:11
two-week 14:18; 15:7
type 38:16
types 20:3

U

ultimately 74:16; 81:1; 96:25
under 43:25; 68:20; 69:21; 76:24
understood 4:23
underwear 53:20; 55:5, 23
union 52:20; 55:18; 56:4; 60:20; 62:5; 95:8; 96:19, 20; 97:4, 7, 8, 11
United 69:22; 78:15
universities 11:2
University 9:22, 22; 10:2, 3, 7, 17, 22; 11:13, 17, 19; 12:5
unless 8:1; 26:22; 50:22; 84:17
unnecessary 41:13; 51:7
unusual 37:15
up 8:11; 13:9; 21:23; 30:10; 33:24; 34:3, 14; 36:8; 38:14; 39:22; 41:14; 44:16; 47:9; 66:20; 67:23; 73:13
upon 50:17; 51:16
upsetting 40:22
use 13:13; 35:21; 55:13; 74:2
used 11:17; 30:11; 33:19; 36:4; 50:25; 61:19; 70:7, 16; 74:10; 91:7; 92:11, 93:7; 95:3
users 93:3

WATER_PCB-SD0000043489

using 13:15; 20:13; 53:7, 10

V

vaguest 19:1; 30:8
Valley 24:10
vapor 83:9
vapors 30:20; 50:14, 21, 21; 51:17, 19, 22; 52:17; 53:5; 62:8, 16; 69:7; 79:24
variety 40:15
various 12:18, 18; 13:1; 55:18; 69:3
vast 57:11
vice-president 36:12
view 7:19; 8:10
virtually 19:25; 22:10, 11
Volume 65:7; 90:6

W

W.G 48:3; 58:14
W.R 59:7, 12
Wait 68:14; 69:19
walked 9:4
War 38:6, 9; 57:15; 74:17; 79:21
warned 93:2
warning 62:13; 76:18
warnings 77:19
water 11:5; 15:21, 22, 25; 16:9, 13; 24:2, 7, 11, 12; 33:13, 17; 47:1
waxes 74:3, 7
way 17:22; 20:1; 30:11; 32:17; 38:5, 19; 44:10; 48:7, 24; 61:7; 68:4; 70:2; 71:11; 72:15; 76:4; 79:24; 80:1
ways 61:20; 66:14
weeks 5:10
well-developed 7:14
weren't 21:13
Westinghouse 4:17; 84:4, 8, 10, 15, 21, 24; 93:15, 16, 21, 23, 24; 94:3, 4, 13, 14, 18, 18
What's 75:2; 90:25; 91:4
wheel 53:13
Wheeler 13:18; 16:11; 59:6, 12; 76:13
Whenever 27:19
Whereupon 8:15; 11:9; 21:1; 35:15; 45:19; 54:3; 58:18; 65:24; 83:20; 89:1
whiskey 76:19
whole 4:3; 23:22; 41:22; 67:10; 72:18; 79:7; 85:23; 93:7, 25
Whose 7:5; 73:9
wife 21:23
wildlife 46:25
wipe 53:6, 7
wiped 53:9
wire 74:10
Within 28:20, 21; 29:5; 33:10; 34:3; 49:23; 50:13
without 45:7; 61:23
witness 5:17, 21; 6:1; 7:24; 8:9; 10:15, 18; 13:4; 17:2; 26:17; 29:24; 31:4, 7, 14; 32:12; 38:3; 41:1; 45:20, 23; 49:12; 54:4; 64:17; 66:8; 67:5; 68:9, 17, 19; 72:1; 75:5, 12; 80:18; 81:19; 82:17; 83:12; 89:6; 90:2; 91:5
word 70:16
words 77:17
work 10:8; 11:11; 16:13; 22:8, 12; 23:4; 24:6, 14, 22; 25:11, 19, 25; 28:3, 16, 17; 29:5; 32:21; 35:9, 25; 38:20, 22, 24; 42:13; 43:13; 45:5; 56:21, 25; 62:19; 63:6; 65:5, 19, 20; 69:13; 75:15, 25; 82:21; 87:2, 5; 90:21; 91:18; 95:14, 16; 96:10
worked 22:13; 24:16; 25:14, 16, 21; 26:8, 10; 27:4; 44:4, 11; 55:17; 74:18; 75:7, 18; 95:15
worker 64:4, 7; 96:10
workers 15:5; 31:10, 24; 32:9; 40:14; 43:11; 44:23, 24, 25; 55:22; 60:14, 21; 61:2, 2; 62:2; 73:13; 96:19; 97:12
working 16:8; 22:15; 24:1, 22, 25; 26:14; 27:5, 21; 29:11; 30:3, 12, 17; 31:10, 24; 32:9; 37:4; 41:21; 42:1, 16; 44:25; 54:6, 8, 22; 55:7, 22; 56:4; 60:14, 15; 61:3; 62:2; 66:21; 71:14; 73:13, 20
workman 63:23; 64:13
workmen 71:14
World 38:6; 74:17
worry 31:5
write 25:11, 25; 33:1
written 12:10; 15:6; 21:4; 30:2; 31:23; 33:3; 40:1, 10; 41:9, 11, 15, 17; 48:16; 56:2; 58:21; 88:12
wrong 49:16; 75:2
wrote 26:2; 48:11, 12, 15; 51:10, 21; 52:15; 53:4; 59:12; 70:1; 88:4

Y

year 12:1; 20:8; 33:15, 16, 16; 35:2; 49:3; 88:17; 91:21; 95:16
years 11:13; 13:21; 16:11, 12; 20:3, 12, 13, 16; 25:24; 28:14; 33:14, 15; 34:22; 49:4; 55:16; 69:2; 71:22; 92:11; 95:2, 2
York 23:15; 68:22; 69:23, 23
yours 31:18

Z

zilch 67:7

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