

1 presented live.

2 Are you presenting him live?

3 THE COURT: Will he be here, Mr.

4 Crawford?

5 MR. CRAWFORD: No, Your Honor, he will  
6 not.

7 THE COURT: All right. You may offer  
8 his deposition.

9 You may proceed.

10

11 (WHEREUPON THE FOLLOWING PORTIONS OF THE VIDEO  
12 DEPOSITION WERE SHOWN TO THE JURY.)

13

14 Q Will you state your full name for the record  
15 please, sir?

16 A Paul George Benignus.

17 Q Tell me a little bit about your education  
18 after your graduation from high school, if you  
19 would?

20 A I have a bachelor of arts from Illinois  
21 College. My major there was chemistry and  
22 education. I have a master of science from  
23 Washington University in organic chemistry.

24 Q Did you do additional course work after your  
25 masters?

1 A I did some, yes.

2 Q In what field?

3 A Organic chemistry.

4 Q Tell me about your employment history after  
5 obtaining your formal education?

6 A In 1934, I was hired by Monsanto.

7 Q And how long did you remain in Monsanto's  
8 employment?

9 A Until I retired in 1974.

10 Q And from 1952 to 1974, would that be the  
11 time frame?

12 A That's correct.

13 Q What sort of position did you hold in the  
14 organic chemical division and a rough time frame?

15 A I specialized in the area of Aroclor, which  
16 is Monsanto's trade name or the generic name,  
17 Askarel, which is a name that applies to  
18 dielectric fluids that meet the underwriter's  
19 requirements on fire resistance.

20 Q So, from the entire period of '52 to '74,  
21 you were working with Monsanto's Aroclor in the  
22 dielectric area?

23 A Yes.

24 Q Was this work with PCBs in the development  
25 department, the period from '41 to '46 the first

1 time that you had worked with Monsanto's PCB  
2 production?

3 A This is correct, yes.

4 Q Do you know where PCBs were being produced  
5 at that time by Monsanto?

6 A Yes.

7 Q Where?

8 A They were produced at Anniston, Alabama and  
9 at Monsanto, Illinois.

10 Q Okay. Is that also what is known as the  
11 Krummrich plant?

12 A Yes, sir.

13 Q And I have also seen the -- a notation of  
14 Sauget, Illinois?

15 A Yes.

16 Q That is all one in the same place?

17 A One and the same. It's in Illinois, across  
18 the river.

19 Q Okay. Then you joined the inorganic  
20 division in '47?

21 A Right.

22 Q What sort of things did you work on in the  
23 inorganic division?

24 A PCBs.

25 Q Did you do anything in the organic division,

1 other than work with PCBs?

2 A No.

3 Q So, id I understand what you have told me  
4 correctly, from 1947 through 1974 for all  
5 practical purposes, your work at Monsanto was  
6 related to their PCB products?

7 A Yes.

8 Q Monsanto was the sole United States  
9 commercial manufacturer of PCBs --

10 A Yes.

11 Q -- during that period of time; is that  
12 correct?

13 A Always.

14 Q Always, okay.

15 You mentioned something about the Swann  
16 Chemical Company. What can you tell me about  
17 Swann Chemical Company?

18 A Swann Chemical was the Anniston, Alabama  
19 plant, which was acquired by Monsanto in 1935.

20 Q And was the Swann Chemical Company the place  
21 where the commercial manufacture of PCBs in the  
22 United States began?

23 A Yes.

24 Q And did that begin before 1935?

25 A Yes.

1 Q So, they actually developed the process?

2 A For making it, yes.

3 Q Okay. And did they have a patent on the  
4 process for making PCBs?

5 A Yes.

6 Q In the chemical business -- and I guess  
7 maybe in other business this is true -- but in  
8 chemical business in particular, what's the  
9 effect of patenting a chemical process?

10 A The effect is that it is protected,  
11 restricted. I think the period of effectiveness  
12 of the patent in those days was 17 years, I  
13 think.

14 Q And so, that meant that other chemical  
15 companies could not make PCBs for 17 years?

16 A Not without approval from whoever owns the  
17 patent.

18 Q Oh, I mean you could get a license, in other  
19 words, to do it

20 A Right.

21 Q But after getting that approval, nobody else  
22 could make it?

23 A Right.

24 Q Had Swann acquire the patent prior to  
25 Monsanto's acquisition of Swann?

1 A Yes.

2 Q Now, when Monsanto acquired Swann in 1935,  
3 it also acquired the patent rights Swann had of  
4 PCBs?

5 A Yes.

6 Q Correct?

7 A I said yes.

8 Q Do you know of whether or not Monsanto ever  
9 licensed any other chemical company in United  
10 States to produce PCBs under its patent?

11 A No.

12 Q No, they did not?

13 A They did not.

14 Q Was the process of making PCBs roughly the  
15 same from the 1930's through the 1970's?

16 A Exactly.

17 Q Now, let me talk a little bit about the  
18 various names and the chemistry of PCBs.

19 You have already mentiond the name  
20 "Aroclor"?

21 A Yes.

22 Q And that is a name that was used by Monsanto  
23 to identify any product that contained any  
24 chlorinated biphenyl; is that correct?

25 A Correct.

1 Q And you also mentioned the name "Askarel."  
2 That is another name for an Aroclor that has an  
3 electrical application, is it not?

4 A Yes.

5 Q So, when we talk about Aroclor, we are  
6 talking about a mixture of PCBs, correct?

7 A Yes.

8 Q And when we talk about Askarel, we are  
9 talking about a mixture of PCBs?

10 A Yes.

11 Q Okay. When we talk about dielectric fluids,  
12 we are talking about PCBs that are used in  
13 electrical equipment like transformers and  
14 capacitors?

15 A Yes.

16 Q Now, can you explain for us briefly what a  
17 "dielectric fluid" is?

18 A A "dielectric fluid" is somewhat of a  
19 sophisticated term used for an insulation, and  
20 insulating material. Without getting into more  
21 unnecessary detail, it is an insulating material.

22 Q And what do we mean by "insulating" when we  
23 talk about "electrical insulation"?

24 A Electrical insulation, now I will use the  
25 word "dielectric."

1 Q Okay.

2 A This is a material that insulates the system

3 from passage of electric current.

4 Q So, it can't --

5 A It is not a conductor.

6 Q Right. There are other dielectric materials

7 besides this fluids, correct?

8 A Mineral oil.

9 Q That's one. Air is a dielectric, is it not?

10 A Yes, it is.

11 Q Are there other liquids that have dielectric

12 properties besides PCBs?

13 A Oh, sure.

14 Q When were PCBs first commercially produced

15 by Swann, approximately.

16 Q I would say in 1930.

17 Q Did we have capacitors before then?

18 A Yes.

19 Q Any of them have liquids in them or --

20 A Yes.

21 Q Okay. What sort of materials were use as

22 capacitor dielectric fluids before 1930, if you

23 know?

24 A Yes. Mineral oil.

25 Q Okay. Mr. Benignus, let me ask you what the

1 court reporter has now marked as Benignus Exhibit  
2 No. 1 is your rough drawing for us of a  
3 capacitor?

4 A Very rough.

5 Q But that is your drawing of it?

6 A It explains the simple configuration of  
7 materials in this.

8 Q Okay. Now, I know that Monsanto did ot  
9 actually stop producing PCBs until after you left  
10 them, but you know do you know whether or not the  
11 electrical industry still makes and uses  
12 capacitors?

13 A Oh, obviously, otherwise the country would  
14 shut down but not PCB.

15 Q Okay.

16 A But not PCB.

17 Q Okay. They are making them with something  
18 else?

19 A Yes.

20 Q I understand that there are also things  
21 called transformers?

22 A Yes.

23 Q Can you explain for us generally what a  
24 "transformer" is?

25 A Well, in the area of PCB transformers, I

1 will call those "distribution-type transformers,"  
2 rather than power transformers."

3 Q So, I understand the -- the relative  
4 position of capacitors and transformers in terms  
5 of the external view of it, I'm going to have --  
6 in each one, I'm going to have each one of them  
7 have a can drawn of the capacitor smaller and the  
8 transformer larger, that's got two wires or  
9 something that will transmit electricity coming  
10 out of it?

11 A Yes.

12 Q And inside, I have got these windings --

13 A Yes.

14 Q -- soaked in my fluid?

15 A Yes.

16 Q And with --

17 A That's it.

18 Q -- with the capacitors, I am -- I have got  
19 this sponge that's storing power?

20 A Yes.

21 Q And with the transformer, I have got this  
22 thing that is changing the voltage?

23 A Yes --

24 Q That's --

25 A -- exactly.

1 Q -- the basic difference between the two?

2 A This's right.

3 Q And if I understand what you are saying  
4 correctly, even when PCBs were being manufactured  
5 and used in transformers, the vast majority of  
6 distribution transformers in general use were not  
7 PCB transformers?

8 A That's right.

9 Q We had them in special applications where  
10 people chose them for particular characteristics  
11 or uses, correct?

12 A Yes. Compared to the overall transformer  
13 usage, this is correct.

14 Askarel transformers weren't put on  
15 telephones poles -- utility poles.

16 Q And in general application, the majority of  
17 transformers would have been mineral oil  
18 transformers?

19 A Yes.

20 Q And then in specialty applications, you  
21 might find PCB transform or dry-type  
22 transformers?

23 A Yes.

24 Q Were any mineral oil transformers ever used  
25 in any specialty applications in some way or

1 another?

2 A They could be if you weren't concerned with  
3 fire hazards.

4 Q Okay. Now, in the capacitor area, were  
5 basically all capacitors PCB capacitors when PCBs  
6 were being made?

7 A Again, it's specialty.

8 Q And subsequent to the cessation of use of  
9 PCBs, there are other products that are being  
10 used in even these specialty application  
11 capacitors and transformers serving in place of  
12 PCBs?

13 A No.

14 Q What's being --

15 A I'm sorry. Maybe I mislead you.

16 Q No. I -- no. I'm asking that question to  
17 you at this point: What are we doing today? We  
18 are not making PCBs anymore, correct?

19 A So, what are we using today?

20 Q Yes. Are there substitutes that are being  
21 used in place of PCBs?

22 A Yes, obviously. Or else we wouldn't be  
23 sitting here.

24 Q By the way, were PCBs a naturally occurring  
25 chemical or were those just man-made?

1 A Those are man-made.

2 Q You mentioned to me that there was -- it was  
3 very important this electrical PCB be very pure.

4 Did that get special treatment to make sure  
5 that it was especially pure versus PCBs that were  
6 used, for example, as plasticizers that you  
7 mentioned, or used in adhesive or sealing  
8 compounds, things like that?

9 A I think it was all made the same.

10 Q As far as you know, it would have been  
11 possible for Monsanto to discontinue sales of any  
12 particular Aroclor product for any electrical  
13 application, just like they did in nonelectrical  
14 application, wouldn't it?

15 A I suppose so.

16 Q One of the things I'm interested in is that  
17 I have seen documents which suggest that Monsanto  
18 modified the contracts or the purchase orders or  
19 the invoices or whatever you want to call them,  
20 by which it sold PCBs to its electrical  
21 customers, provided that it could stop selling  
22 them PCBs in the event those customers didn't  
23 handle those chemicals correctly.

24 A This is right. You are correct.

25 Q What group or department within Monsanto

1 would be responsible for producing documents like  
2 that?

3 A This "P" indicates the phosphate division.

4 Q And within that group, is there a particular  
5 group or particular specialty that is assigned  
6 the responsibility of actually preparing the  
7 documents of this type?

8 A Well, this -- this seems to be coming out  
9 before my time, but it would be applicable so I  
10 will answer it on that basis.

11 Documents of this type are prepared by  
12 people who have assembled this technical  
13 information, and have put it together in rough  
14 form. Then the procedure is usually to -- not in  
15 all cases, but I would think writers of  
16 literature. And then these people would be in  
17 the advertising department, not necessarily  
18 meaning writing ads, et cetera, but we will have  
19 them in this department. They are writers. They  
20 put this into a final finished form, and that  
21 gives rise to this, for example.

22 Q What was the purpose or preparing the  
23 literature of that source?

24

25 (WHEREUPON THE VIDEO DEPOSITION WAS INTERRUPTED)

1  
2  
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THE COURT: How much longer is this deposition?

How much longer?

MR. LACEY: It's a considerably lengthy deposition, Your Honor. It sets up the basic background for how Monsanto operated the PCB business and the literature it put out.

THE COURT: I think we will offer the rest of it by question and answer.

MR. LACEY: Thank you, Your Honor.

THE COURT: So, you may proceed. If you will turn on the lights.

It will be faster with question and answer. In the future, always have the written deposition available.

MS. OLESEN: Your Honor, are we going to do this like we did Dr. Kreiss?

THE COURT: Do you have an extra copy that we could borrow?

MR. CRAWFORD: Your Honor, we would ask that they go ahead and read our designation along with it to save time because it's right in there, if we could.

1 THE COURT: All right.

2 MR. LACEY: Your Honor, we will need  
3 the original deposition which I previously  
4 provided the court reporter this morning.

5 THE COURT: If you see some portions  
6 you want to omit, well, you can omit them.

7 Don't necessarily have to offer all of  
8 them.

9 MR. LACEY: If you would go to Volume  
10 II, Page 178, I will begin at line 21.

11  
12 (Reading from video deposition)

13 Q What was the purpose of preparing literature  
14 of that sort?

15 A The purpose of preparing literature of this  
16 sort was to distribute it to customers of the  
17 company who were buying the Aroclors, the subject  
18 of this to disseminate and distribute information  
19 to these people. That was the purpose.

20 Q Okay. So, this was designed to provide to  
21 customers?

22 A Essentially, yes.

23 (End of reading)

24

25 MR. LACEY: Picking up at line 19.

1

2

(Reading from video deposition)

3

Q           Was there some sequence that Monsanto used  
4           in order to identify revised version of documents  
5           so, for example, when you were going give to a  
6           customer, you could make sure that you gave them  
7           the most current one?

8

A           I don't know of formal procedures.   These  
9           were reissued when they ran out.

10

Q           Okay.

11

A           That essentially the modus operandi.

12

(End of reading)

13

14

MR. LACEY:   Ending at line 2.

15

And going to Page 183, line 12.

16

17

(Reading from video deposition)

18

Q           Now, let me show you some more copies of  
19           this same bulletin.   The next number is 1606  
20           through 1634.   And on this one, I would ask you  
21           again to look at the next to last page and let me  
22           know whether or not you have any idea of what  
23           those letters and numbers stand for?

24

A           Yeah, I see this.

25

Q           Do you know what those letters and numbers

1 stand for?

2 A "P.G.B." are my initials.

3 Q All right.

4 A "10," I would assume is October.

5 Q Okay.

6 A The year 1948. And again, this number 71 up  
7 here is --

8 Q Okay. Why would your initials appear on  
9 that document?

10 A On this document?

11 Q Yes.

12 A It was a reissue of the prior documents in  
13 1948, and I was in that area at that time.

14 Q Would that mean that you had reviewed that  
15 document prior to its issuance to ensure that it  
16 was accurate and so forth and so on?

17 A I would say so.

18 (End of reading)

19

20 MR. LACEY: Skipping down to line 17.

21

22 (Reading from video deposition)

23 Q Now, if that number right there means that  
24 you issued that in -- what did you say, October  
25 of 1940?

1 A '48.

2 Q If we use that same identification, when  
3 would that previous document have been issued?

4 A 1947.

5 (End of reading)

6

7 MR. LACEY: Going to Page 186, line 24.

8

9 (Reading from video deposition)

10 Q Let me show you another version of P-115  
11 document 1635 through 1663. And on the next to  
12 the last page, it has your initials and the code  
13 indicating that that one was issued in April of  
14 1949, does it not?

15 A Yes.

16 Q Okay. Let me somehow another version of  
17 Application Data Bulletin P-115, Document 1664  
18 through 1692. Again the next to the last page,  
19 we have your initials and the code indicating  
20 that was issued in June of 1950, correct?

21 A Yes.

22 (End of reading)

23

24 MR. LACEY: May we approach the bench  
25 for a moment, Your Honor?

1 THE COURT: I don't know. What --

2 MR. LACEY: I believe we might be able  
3 to shorten this matter with a stipulation at  
4 this point.

5  
6 (DISCUSSION HELD OFF THE RECORD)

7  
8 THE COURT: Is it an error to --

9 MR. MUSSLEWHITE: No. He's talking  
10 about all these documents. He's trying to  
11 get it in the book now and that will save a  
12 lot --

13 MR. LACEY: There is a section of this  
14 deposition to prove up the dating on certain  
15 documents and we have previously discussed  
16 whether Monsanto would stipulate to that.  
17 And since we are reading all of this in at  
18 one point together, they are offering ours,  
19 I was wondering if we might be able to  
20 shorten it by avoiding having to reread  
21 this.

22 MR. CRAWFORD: Your Honor, I think the  
23 easiest thing to do, the Court always allows  
24 summaries to be made of the depositions.  
25 They can offer a summary of that.

1 MR. LACEY: We offer a stipulation if  
2 they would agree to the dating in lieu of  
3 the section that deals with the dating --.

4 THE COURT: Go ahead and offer it as  
5 you wish to offer it. If counsel wishes to  
6 make an explanation or offer additional  
7 information, well, you may do so.

8 MR. LACEY: Okay, fine, Your Honor.  
9 Picking up, then.

10

11 (Reading from video deposition)

12 Q Let me show you another version of  
13 Application Data Bulletin P-115, No. 1693 through  
14 1721. And on the next to the last page, we have  
15 your initials and the code indicating that  
16 document was issued in January of 1952, correct?

17 A Yes.

18 Q Let me show you another copy of the  
19 Application Data Bulletin P-115, document 55  
20 through 83 and direct your attention to the next  
21 to the last page which has your initials and a  
22 code indicating this document was issued in  
23 November of 1952, correct?

24 A Yes.

25 Q Let me show you another version of the

1           Application Data Bulletin P-115, No. 1752 through  
2           1752 and direct your attention to the fourth page  
3           from the end where there's a code giving your  
4           initials and indicating that this ws issued in  
5           March of 1953, correct?

6           A           Yes.

7           Q           Okay. And in the case of each one of these  
8           documents where your initials appear in the date  
9           code, you would have -- either by yourself or  
10          with others have reviewed these documents before  
11          they were sent to the printers for printing and  
12          then distribution?

13          A           Yes.

14          (End of reading)

15  
16                       MR. LACEY: Going to Page 189, line 17.

17  
18          (Reading from video deposition)

19          Q           It definitely appears that the 71 that's in  
20          each of these codes is consistent because we have  
21          the same Application Data Bulletin, doesn't it?

22          A           Yes, I would think so.

23          (End of reading)

24  
25                       MR. LACEY: Going Page 190, line 3.

(Reading from video deposition)

Q Let me try to identify some additional documents here in terms of what they are. Let me start by handing you a document called "Application Data Bulletin No. OP-115," 1794 through 1824, and ask you to take a look at that.

Did you review that document last night or one like it?

A Oh, I saw it last night, yes. They have this.

Q What does the "OP-115" mean as opposed to the "P-115"?

A Well, this is what I'm trying to think, what does that mean. The P we decided was the phosphate division.

Q That's what you told me, yes.

A Right. The "O," this I do not know, other than by this point in time, the materials where in the area of the organic chemicals division.

(End of reading)

MR. LACEY: Going Page 191, line 2.

(Reading from video deposition)

1 Q The code number concludes with that same  
2 reference to 71, does it not?

3 A Right. This is right.

4 Q Now, is that document basically filled with  
5 the same information that the previous  
6 Application Data Bulletins P-115 were filled  
7 with?

8 And if you need to, you can take a moment to  
9 compare that document with one of the the P-115  
10 documents.

11 A Well, without going through it page by page,  
12 it's essentially the same I would say.

13 (End of reading)

14  
15 MR. LACEY: Going to Page 193, at line  
16 8.

17  
18 (Reading from video deposition)

19 Q Are you satisfied that this last document I  
20 have handed you is just an updated version of the  
21 previously documents?

22 A That's the way it looks to me.

23 Q Okay. Now --

24 A With the "OP" and a different front page.

25 (End of reading)

1  
2 MR. LACEY: Going to line 20 on that  
3 same page.  
4

5 (Reading from video deposition)

6 Q The last P-115 document we had, from the  
7 code on it -- and we are talking about document  
8 1722 through 1752 -- was printed in March of  
9 1953, correct?

10 A Yes.

11 Q Okay. And that went out with the P-115  
12 cover and your initials, correct?

13 A Yes.

14 (End of reading)  
15

16 MR. LACEY: Going to Page 195, line 2.  
17

18 (Reading from video deposition)

19 Q Let me show you first, Application Data  
20 Bulletin OP-115, Document 1753 through 1782. And  
21 on the third page from the end, we find the code  
22 at the bottom is 2-195-03-5402M-71.

23 And in each of the OP documents that I'm  
24 going to show you, the No. 2-195 is the beginning  
25 number. I'm just wondering if that 2-195

1 represented a reference to a particular  
2 individual who reviewed that document?

3 A I can't answer that. I don't know.

4 Q Fine. Would you, after you moved or after,  
5 actually the PCB division moved to the organic  
6 group, had continued with responsibility for  
7 reviewing documents like this before they went  
8 out?

9 A I would be in the area and could be given  
10 this to look at.

11 Q We know from your initials on the preceding  
12 documents --

13 A That I did, yes.

14 Q -- and that you did for some period of time?

15 A That's right.

16 Q Now, looking at the code on that document,  
17 it has the same 71 that's referenced all the  
18 previous bulletins, does it not?

19 A Yes.

20 Q And if we look at that code, we see a  
21 reference there to the numbering system. Maybe  
22 you can open up the last previous 115 to the  
23 code --

24 A This?

25 Q -- and we can compare that code number.

1 A That doesn't have any code number.

2 Q I believe it does. Right there?

3 A No.

4 Q I meant the code -- I didn't mean exactly

5 the same code, but it has, it has a code number

6 on it, does it not?

7 Yep. That has your initials and then the

8 code number, correct?

9 A Which I thought was the date.

10 Q Yes. Which you have indicated you think

11 this means this was published in March of 1953?

12 A That's you how I interpret this.

13 Q Okay. Now, as we compared the come number

14 that appears on the same page of that document,

15 that code and the last Application Data Bulletin

16 P-115, Document 1722 through 1742, appears on

17 Page 27 of the internal number of that document,

18 does it not?

19 A Yes.

20 Q And when we come to Page 27 of the

21 Application Data Bulletin OP-115, Document 1753

22 through 1782 and we look at page 27 of the

23 internal numbering of that document --

24 A Okay.

25 Q -- we find another set of codes --

1 A Codes.

2 Q -- down at the bottom left.

3 A Right.

4 Q We have at the end "71," which appears to  
5 reference this particular series of books, does  
6 it not?

7 A Right. We have the same 2M reference that  
8 we've previously noted that may relate to the  
9 number of documents published, correct.

10 (End of reading)

11

12 MR. LACEY: I believe that was the  
13 question, incorrectly noted in transcript.  
14 And the answer was?

15

16 (Reading from video deposition)

17 A Yes.

18 Q At the beginning, instead of initials like  
19 we previously had, which were your initials --

20 A Yes.

21 Q -- P.G.B., we have a 2-195. And you're not  
22 sure whether that references a person --

23 A I don't know what that is, no.

24 Q And then we have 3-54, which would  
25 apparently indicate that this was published in

1 March of 1954, would it not?

2 A I would assume so.

3 Q Okay. And if we come to the next document,  
4 Application Data Bulletin OP-115, Document 1794  
5 through 1824, we have the same code numbers  
6 except numbers indicating that this published in  
7 February of 1955, correct?

8 A It looks that way, right.

9 Q And as we come to the next Application Data  
10 Bulletin OP-115, Document 1825 through 1856, we  
11 have again the same series of numbers except a  
12 number indicating that this was apparently  
13 published in December of 1955, correct?

14 A yes.

15 Q And as we come to next Application Data  
16 Bulletin OP-115, Document 1857 through 1888, we  
17 have a set of code numbers which would appear to  
18 indicate tht this document was published in  
19 November of 1956, correct?

20 A Let me see that -- yes, this looks -- now,  
21 they don't have the 2M in here, do they?

22 Q Right. Which would maybe indicate a  
23 different quantity.

24 A It may indicate a different quantity. Here  
25 the numbers seem to run together; here they are

1 separated. But it appears to relate.

2 Q To November 1956?

3 A I would assume so.

4 Q And then we come to the next Application  
5 Data Bulletin OP-115, No. 1889 through 1918, and  
6 the code numbers here appear to indicate that the  
7 document was published in November of 1957,  
8 correct?

9 A Yes.

10 Q And again, you may or may not have reviewed  
11 these documents that don't bear your initials but  
12 bear the code 2195. You're just not sure?

13 A I don't know what 2-195.

14 Q Okay. But would somebody in the group that  
15 you worked with have been responsible for  
16 reviewing these documents before they were  
17 published?

18 A Those were my initials on -- that indicates  
19 that I was involved.

20 Q And --

21 A 2-195, I would assume, is someone else.

22 (End of reading)

23

24

MR. LACEY: Going to Page 201, line 15.

25

1 (Reading from video deposition)

2 Q Let me direct your attention back to  
3 Document 1606 through 1634. And this is the  
4 document that had your initials and the code  
5 indicating it was printed in October of 1948.

6 A Okay.

7 Q I want to direct your attention to Page 1625  
8 of the numbering system for that document or Page  
9 19 of that document, where it talks about  
10 dermatology and toxicology. Do you see that  
11 topic being discussed that?

12 A Yes.

13 Q Where would you have gotten the information  
14 to review and verify the accuracy of the  
15 information in that document on dermatology and  
16 toxicology?

17 A From the medical department.

18 Q This is the Monsanto medical department?

19 A Correct, yes.

20 Q And who in the medical department was  
21 responsible for giving you that information?

22 A Dr. Kelly.

23 Q Dr. Emmet Kelly?

24 A Yes.

25 Q Would you have spoken personally with Dr.

1 Emmet Kelly to verify the accuracy of that  
2 information?

3 A It would be directly to his attention,  
4 reviewed by him, and approved by him. That was  
5 his responsibility on the dermatology and  
6 toxicology. That is the responsibility of the  
7 medical director. This is the 14th copy.

8 (End of reading)

9

10 MR. LACEY: Going to Page 205, line 13.

11

12 (Reading from video deposition)

13 Q Did you, during your work in and with PCBs  
14 in the organic division and in the inorganic  
15 division ever provide copies of these document to  
16 anybody?

17 A They were mailed out to the customers.

18 (End of reading)

19

20 MR. LACEY: Going to Page 206.

21

22 (Reading from video deposition)

23 Q Let me show you the next document that you  
24 reviewed, Document 1635 through 1663, which  
25 according to the code with your initials was

1 published in April of 1949. And again, with  
2 regard to the section on dermatology and  
3 toxicology, which appears at Document No. 1654,  
4 internal Page No. 19, ask if, again, the review  
5 of that language to ensure its accuracy was the  
6 responsibility of the medical department and Dr.  
7 Emmet Kelly?

8 A That is the place where it originated. And  
9 it is the responsibility of the medical  
10 department, yes.

11 Q Okay. Would the same thing be true for  
12 Document 1664 through 1692 where the dermatology  
13 and toxicology information appears on internal  
14 Page 19, Document No. 1693?

15 A Is this a different one?

16 Q Yes, it's a different one.

17 Would that also have been the  
18 responsibility --

19 A This also would be, yes.

20 Q -- of Dr. Emmet Kelly and the medical  
21 department?

22 A Right.

23 Q Okay. Would the same thing be true for the  
24 dermatology and toxicology section in Document  
25 1693 through 1721, which appears at internal Page

1 19, Document 1712?

2 A This dermatology and toxicology. The answer  
3 is yes.

4 Q So again, Dr. Emmet Kelly and his department  
5 would be responsible for the review and accuracy  
6 of that information?

7 A That is where the information came from.

8 Q And he would be responsible for reviewing it  
9 and making sure it was accurate before it was  
10 published, correct?

11 A I have to assume this.

12 (End of reading)

13

14 MR. LACEY: Going to line 18.

15

16 (Reading from video deposition)

17 Q If he didn't review that information before  
18 it went out, he should have?

19 A I would have to say yes.

20 A It's important tht information like that be  
21 accurate, isn't it?

22 A Yes.

23 (End of reading)

24

25 MR. LACEY: Going to Page 209, line 11.

1  
2 (Reading from video deposition)

3 Q Would the same thing be true for the other  
4 versions of booklets P-115 and OP-115 that we  
5 have previously discussed today in each one of  
6 these?

7 A Yes.

8 Q In each one of those, Dr. Emmet Kelly and  
9 the medical department would have been  
10 responsible for reviewing and determining the  
11 accuracy of the section on dermatology and  
12 toxicology?

13 A Yes.

14 (End of reading)

15  
16 MR. LACEY: Going to Page 215, line 8.

17  
18 (Reading from video deposition)

19 Q The only section of this entire booklet that  
20 you would not review would be dermatology and  
21 toxicology, correct?

22 A I'm not responsible for this, yes --

23 Q But you are --

24 A -- that's correct.

25 Q But you're responsible for everything else?

1 A Yes.

2 Q And that would be true with regard to each  
3 version?

4 A This --

5 Q -- of these documents?

6 A This was my work. You say responsibility;  
7 this was my activity.

8 (End of reading)

9

10 MR. LACEY: Going Page 216, line 1.

11

12 (Reading from video deposition)

13 Q Let me see if we can switch to another group  
14 of documents that deal with PCBs. And they have  
15 a different series or, at least, a different set  
16 of covers on them. I'm not sure that they are  
17 different series of documents or information is.

18 But let me show you a document, 1919 through  
19 1966 and ask you if you have had a chance to look  
20 at that document since yesterday afternoon?

21 A I have seen this yesterday afternoon.

22 Q Now, this document has much of the same  
23 information on PCBs that the bulletins known as  
24 P-115 or OP-115 had; is that correct?

25 A This is correct. It has much of the same

1 information.

2 Q Do you know whether or not that document was  
3 one that was generated earlier than the P and the  
4 OP-115 series or if this is a subsequent document  
5 that replaced those earlier ones?

6 And I note for one example --

7 A I'm looking at the information in here.  
8 It's essentially derived from these earlier ones,  
9 I would say. Now --

10 Q Yeah. This appears to be a later --

11 A It appears that way to me, yes.

12 Q Okay.

13 (End of reading)

14

15 MR. LACEY: Going to Page 218, line 16.

16

17 (Reading from video deposition)

18 Q And all you can tell us is that it appears  
19 to be subsequent to P-115?

20 A Yes.

21 Q -- OP-115 series?

22 A This I would say "yes."

23 (End of reading)

24

25 MR. LACEY: Going to Page 221, line 16.

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25

(Reading from video deposition)

Q           Would the same thing be true for Document 84 through 131; that is, that you didn't write it but that much of the information contained in it came from the earlier literature that you were responsible for reviewing?

A           This looks like the same thing I just looked at.

Q           And appears so to me.

A           I can't see a difference anything difference -- anything different.

Q           Okay. And, so, the same thing would be true: You did not personally review any of the information in that document, but it does appear that much of the information in there came from earlier documents that you did review and verify?

A           Yes. Yes.

Q           Okay.

A           This is an -- an enlargement, a later edition.

Q           Okay. Let me direct your attention to another series of documents; and let me hand you Document 2347 through 2377 and ask you to take a look at that document, which is labeled "Monsanto

1 Askarel Inspection and Maintenance Guide."

2 Are you familiar with that document?

3 A Yes. Yes.

4 Q Did you have anything to do with that  
5 document?

6 A Yes.

7 Q What did you have to do with that document?

8 A I accumulated the information and the data.  
9 I worked on the accumulation of this information  
10 and data in making rough drafts of this  
11 information that is contained in this literature.

12 Q So, you were actually the person who started  
13 putting together what became that booklet that  
14 you have?

15 A This is right, yes.

16 Q Okay. And about when did you actually start  
17 the process of preparing that document that's  
18 called an "Askarel Inspection and Maintenance  
19 Guide"?

20 A It was sometime in the period of the early  
21 to mid 1960's.

22 (End of reading)

23

24 MR. LACEY: Page 224, line 1.

25

1 (Reading from video deposition)

2 Q Was there any particular reason why you  
3 prepared that document?

4 A Yes.

5 Q Why was that?

6 A Well, it states its purpose in the  
7 introduction. It says why it was prepared.

8 May I read it?

9 Q Certainly.

10 A "This manual describes the operating  
11 characteristics of transformer Askarel liquid  
12 insulation and how it differs from mineral oil."

13 Q So --

14 A "The information is based on facts gathered  
15 by Monsanto over 30 years as producer of Askarel  
16 plus knowledge gained from the experience of  
17 transformer manufacturers and users. It is a  
18 manual that deals with the difference of the  
19 characteristics of liquid Askarel as versus  
20 mineral oil."

21 Q What was this to be used for? To whom would  
22 this be provided, for example?

23 A This would be provide told manufacturers of  
24 Askarel transformers and also provided to users  
25 of Askarel transformers.

1 Q Now, in that introduction there was a  
2 reference to Monsanto having produced Askarel for  
3 over 30 years?

4 A Yeah.

5 Q Does that 30-year period run from when  
6 Monsanto acquired the Swann Chemical Company or  
7 back from 1930, '31, '32, when G.E. started using  
8 PCBs for transformer dielectric fluids?

9 A I'm not. It says, "Based on facts gathered  
10 by Monsanto over 30 years." I can't define it  
11 any closer than that.

12 (End of reading)

13

14 MR. LACEY: Going to line 19.

15

16 (Reading from video deposition)

17 Q And, if I understood your testimony  
18 correctly, PCBs started being used in  
19 transformers in the early 1930's?

20 A Yes.

21 Q So, if you are talking about a 30-year  
22 period, this would have to be written at least no  
23 earlier than the early 1960's, correct?

24 A Yes, this is correct.

25 Q And that's when you think you wrote it, was

1 in the 1960's?

2 A In the 1960's.

3 Q Okay.

4 A Yes.

5 Q Now, if you would, turn to the page of that  
6 document that talks about directions for  
7 handling. I think it's pretty close to the front  
8 of it there, not far after the introduction,  
9 maybe three or four pages later. Right there, I  
10 think -- where it talks --

11 A Yes.

12 Q -- about direction for handling?

13 A For handling.

14 Q And under that there is a discussion of "use  
15 ordinary personal precautions," correct?

16 A Right.

17 Q Where did you get the information that went  
18 into that section on ordinary personal  
19 precautions?

20 A This was obtained -- again, referring to the  
21 introduction, this information was gathered," as  
22 the introduction says, by Monsanto based on  
23 experience of 30 years, of hour experience and  
24 the experience of transformer manufacturers.

25 In the introduction, some of the

1 transformer -- the main transformer manufacturers  
2 are listed here; for instance, General Electric  
3 Company, Westinghouse, Allis-Chalmers. Others  
4 could be listed -- listed.

5 To answer your question, this was derived  
6 from the experience of 30 years satisfactory use  
7 in the industry.

8 Q Well, for example, what I'm trying to find  
9 out is whether or not you went to somebody in the  
10 medical department at Monsanto to get the  
11 information that is contained hear or whether you  
12 you got that just from you're own personal  
13 knowledge?

14 A Not from any my own personal knowledge.

15 Q Okay.

16 A This came from the knowledge that was  
17 gathered from 30 years satisfactory use of  
18 Askarel.

19 Q Okay. My question is --

20 A And -- oh, excuse me.

21 Q My question is: To whom did you go to get  
22 the information about that 30-year history of  
23 handling Askarel?

24 A This came from the people here in the  
25 industry manufacturing and using Askarel

1 transformers.

2 Q Well, let me --

3 A And -- okay.

4 Q Go ahead. I'm sorry. I didn't mean to  
5 interrupt you. I thought you were through, go  
6 ahead.

7 A And -- you -- you asked me about my  
8 knowledge. There was no knowledge, as far as I'm  
9 concerned no knowledge, of toxic or other ill  
10 effects. So, I share this view. I share this  
11 view.

12 (End of reading)

13

14 MR. LACEY: Going to line 15.

15

16 (Reading from video deposition)

17 Q Let me also should you Document 2378 through  
18 2410, also labeled Monsanto Askarel Inspection  
19 and Maintenance Guide.

20 A Okay.

21 Q Document 2299 through 2331, also labeled  
22 Monsanto Askarel Inspection and Maintenance  
23 Guide.

24 A Yes.

25 Q Document 212 through 240, also labeled

1           Monsanto Askarel Inspection and Maintenance  
2           Guide; and Document 180 through 211, also labeled  
3           Monsanto Askarel Inspection and Maintenance Guide  
4           but with the name Allis-Chalmers down at the  
5           bottom.

6           A           Oh, all right.

7           Q           Now, what I want to ask you is whether all  
8           those documents are basically copies of the same  
9           document --

10          A           Right.

11          Q           Containing the same information?

12          A           Right.

13          Q           Now, let me ask you with regard to the one  
14          that's got Allis-Chalmers written on it, why is  
15          Allis-Chalmers name down there on the bottom of  
16          that document that begins Page 180?

17          A           Allis-Chalmers made Askarel transformers,  
18          was one of the people making Askarel  
19          transformers. Allis-Chalmers requested this  
20          literature for -- to use and our advertising -- I  
21          say "advertising" -- our literature department --  
22          I think that's a more correct nomenclature in  
23          these cases than saying "advertising" -- our  
24          literature department agreed to print some of  
25          these with their name on it --

1 Q Okay.

2 A -- as they would have for anyone else.

3 (End of reading)

4

5 MR. LACEY: Go to Page 230, line 19.

6

7 (Reading from video deposition)

8 Q The document is, however, a  
9 Monsanto-prepared document with information, in  
10 part, you gained from others?

11 A Correct.

12 Q Okay. Now, I want to focus your attention  
13 back on the paragraph that deals with ordinary  
14 personal precautions.

15 A All right.

16 Q And, again, just so we're clear, when we're  
17 talking about Askarel, we're talking about PCBs  
18 that Monsanto had the trade name of Aroclor for,  
19 correct?

20 A Yes.

21 (End of reading)

22

23 MR. LACEY: Going to Page 232, line 5.

24

25 (Reading from video deposition)

1 Q Now, talking about these ordinary personal  
2 precautions, we have the same -- the same  
3 information in each one of these documents we  
4 have just looked at --

5 A Yes.

6 Q -- each version of them. Now, did you  
7 acquire information own ordinary personal  
8 precautions from talking General Electric and  
9 Westinghouse and Allis-Chalmers?

10 A Not exclusively

11 Q Were else did you acquire information own  
12 that?

13 A Monsanto.

14 Q From home at Monsanto did you acquire such  
15 information?

16 A Our plant people, as supported by the  
17 industrial hygiene people.

18 Q Are they in -- the industrial hygiene people  
19 in the medical department?

20 A Yes. They are with Dr. Kelly.

21 Q So --

22 A He was not the only one their.

23 Q Okay. So, you would --

24 A This is a consensus --

25 Q Okay.

1 A -- in other words.

2 Q Okay.

3 A It is a consensus, in-house and out-house.

4 Q Okay. These are not just your thoughts?

5 A That is right.

6 (End of reading)

7

8 MR. LACEY: Going to line 14.

9

10 (Reading from video deposition)

11 Q And these thoughts, then, include the  
12 thoughts of Moinsanto's medical department?

13 A These thoughts were certainly checked with  
14 the medical department at some period in time.

15 Q And they approved what you said?

16 A They must have -- the procedure was, from a  
17 product group, as when went through before, when  
18 literature like this is composed and then, in  
19 the -- the writing department, I think we called  
20 them rather than advertising, they would set up  
21 the format.

22 Now, in-house at Monsanto, this is to be  
23 passed onto the medical department.

24 Q Okay.

25 A So, I assume that it was done so.

1 Q Okay. So, my -- my specific question is:  
2 Was this directed for review to the medical  
3 department?

4 And your answers is you think so?

5 A I think so.

6 Q Okay. Now, did you also very this  
7 information on personal precautions reviewed by  
8 plant managers at the plants that made PCBs?

9 A Not directly, know. No.

10 Q Did you do it indirectly?

11 A I would -- I would say, really, no, other  
12 than -- to my knowledge -- this is my personal  
13 knowledge -- I was not aware of anything that  
14 would be contrary to this.

15 Q Okay. But the actual review process, then,  
16 at Monsanto involved what you knew and what the  
17 medical department knew?

18 A Correct.

19 Q And nobody else, correct?

20 A That is the answer to your question.

21 Q Okay. Now, I in this section on ordinary  
22 personal precautions you state that Askarel has  
23 been made, handled, and used for over 30 years  
24 without causing toxic or other ill effects. Is  
25 that what your statement was?

1           A           That's with it says.

2           Q           And you believe that to be true?

3           A           As far as I know.

4           Q           And would you consider anybody who might get  
5           sick enough to seek medical attention having had  
6           a toxic or ill effect?

7           A           Would what?

8           Q           If someone who had made, handled, or used  
9           Askarel had a sufficient medical problem to seek  
10          medical attention, would you consider that a  
11          toxic or ill effect?

12          A           Yes, I would consider that something to call  
13          and go see the medical department.

14          Q           So, you --

15          A           Yes.

16          Q           You understood the statement here to mean  
17          that nobody who had made, handled, or used  
18          Askarel had ever gotten sick enough to need  
19          medical attention, correct?

20          A           Essentially, yes.

21          Q           And certainly not to have died from it?

22          A           That's right.

23          Q           Okay. And the next sentence says, "It can  
24          be handled" -- and "it," we are talking about the  
25          PC --

1 A Askarel.

2 Q Askarel, the materials containing PCBs?

3 A Right.

4 Q -- "It can be handled with only minor  
5 precautions"?

6 A Yes.

7 Q What did you consider to be minor  
8 precautions?

9 A What I would consider here to be minor  
10 precautions is sensible cleanliness and avoidance  
11 of long-term exposure to the skin or to the  
12 vapors; and if it were to come in contact with  
13 the skin, to wash the skin. That is how I  
14 interpret this.

15 What I am saying is: Our people, to my  
16 knowledge, did not wear complete rubberized  
17 suits. They wore ordinary clothes in our plants.  
18 And --

19 Q No special clothing?

20 A No special clothing.

21 However, if accidentally it was  
22 spilled, they would have removed their clothing  
23 instead of continuing to wear the clothing with  
24 the Askarel spilled over themselves.

25 Q Okay. And you would have --

1 A They would have washed themselves.

2 Q Okay. And you consider --

3 A They did not wear special gloves and so  
4 forth.

5 Q They didn't have any special gear for their  
6 hands or feet or their heads or anything like  
7 that?

8 A No special gear, no helmets -- well, hard  
9 hats for mechanical -- no space-age suits.  
10 (End of reading)

11

12 MR. LACEY: Going to Page 238, line 5.

13

14 (Reading from video deposition)

15 Q And it was you're understanding that the way  
16 Monsanto handled PCBs in their plants, they  
17 didn't have any special protective gear for their  
18 heads, their hands, their feet, or anything like  
19 that?

20 A This is correct.

21 Q And you wouldn't consider special protective  
22 gear for the head, the hands, the feet, and  
23 stuff like that minor precautions, would you?

24 A No. Those are unusual precautions.

25 Q Okay. Now, you go own to say, "If it's

1 accidentally spilled on the hands no serious skin  
2 irritation will occur"; is that correct?

3 A That's -- that's what it says.

4 Q Where did you get that information?

5 A This information came from the consensus of  
6 the people in the industry and from the  
7 experience in Monsanto's plant -- plants. I  
8 would include this.

9 Q Now, where did you get the information on  
10 the experience in Monsanto's plants?

11 A I would say this was run through the  
12 industrial hygiene people again in the medical  
13 department.

14 Q Medical department?

15 A Yes.

16 Q You go own to say that -- that, "If Askarel  
17 is spilled on the hands, prolonged contact may  
18 lead to drying and chapping of the skin"?

19 A This is right.

20 Q That's kind of like if you're out in the  
21 winter wind and your skin dries out?

22 A It's like if you have your hand in paint  
23 thinner, is what it says here.

24 Q Okay.

25 A It removes the oils from the skin.

1 Q Was there any problem that you suggested  
2 resulting from prolonged contacted with the skin,  
3 other than drying and chapping?

4 A Not to my knowledge.

5 Q So, the one reason you'd want to --

6 A However, I think if you'll go into this  
7 further, it says if -- avoid prolonged contact  
8 with the skin.

9 (End of reading)

10

11 MR. LACEY: Going to Page 240, line 17.

12

13 (Reading from video deposition)

14 Q I'm trying to find out what else you told  
15 people in this document might result from  
16 prolonged contact of PCBs with the skin, other  
17 than drying or chapping?

18 A I don't think anything --

19 Q Okay.

20 A -- in this document, no.

21 (End of reading)

22

23 MR. LACEY: Going to Page 242, line 21.

24

25 (Reading from video deposition)

1 Q If a person contacted it during a shift when  
2 he was working, would it be appropriate for him  
3 to wash carefully at the conclusion of his shift?

4 A If he had Askarel on his skin, he should  
5 wash at the time -- immediately after it --

6 Q He should wash --

7 A -- in my opinion.

8 Q -- immediately?

9 A I would say so.

10 Q Okay.

11 A Then -- and this is not prolonged. An  
12 eight-hour exposure is prolonged exposure.

13 Q Did you say in here to wash immediately?

14 A It says if -- if it contacts the skin, wash  
15 it. Wash it --

16 Q Doesn't say to do it immediately, does it?

17 A Well, I don't know. It may say -- if they  
18 wash the skin -- in case of contact -- in case of  
19 contact, wash off the skin; in case of contact --

20 Q Yeah.

21 A -- wash it off.

22 Q And by that, you meant to say, "In case of  
23 contact, immediately wash off the skin"?

24 A I -- these are the words I said.

25 Q Well, what I'm trying to find out is: Do

1           you read that --

2           A           What I say here, "Do not have prolonged  
3           exposure. If contact, wash it off."

4           Q           And you think that should be done  
5           immediately, correct?

6           A           Essentially -- I'm not agreeing with what  
7           you indicated, that you go around eight hours  
8           with it on during the work day.

9           Q           Well, that's what I'm trying to find out.

10          A           Oh, you better believe this is my intent.

11          Q           It was your intent that they immediately  
12          wash?

13          A           If one contact it -- if this happens, wash  
14          it off.

15          Q           Immediately?

16          A           I would -- I would say that is -- this is  
17          what I myself would do.

18          Q           Okay. And as far as clothing, was it your  
19          intention that in the event PCBs got on clothing  
20          that they should immediately remove that clothing  
21          and change into fresh clothing?

22          A           Well, let me read this. Where is this --

23          Q           It's the same --

24          A           Oh, all right. "Wash off the skin with soap  
25          and water." It says "remove."

1 Q Yes. And my question --

2 A Now, yes. I agree with you, immediately.

3 Q Immediately is what you meant?

4 A Let me say promptly, without undue delay,  
5 reasonable promptness.

6 Q Which doesn't mean at the end of a shift if  
7 someone --

8 (End of reading)

9

10 THE COURT: This is argument counsel,  
11 let's skip over this.

12 MR. LACEY: Going down to line 17.

13

14 (Reading from video deposition)

15 Q I don't have any questions about it; but if  
16 you want to go into it, well, fine.

17 A Well, if it gets in the eye, it is going to  
18 be irritate -- irritating. You can count on it.  
19 But permanent damage -- it says, "no permanent  
20 damage."

21 It says, "Flush with large amounts of  
22 water," and then goes on to say, "See the eye  
23 doctor."

24 Now, here again, the implication is don't  
25 hang around eight hours to tend to this.

1 Promptly, if it gets in your eye, do something  
2 about it. Wash it with copious amounts -- you'll  
3 want to do it, believe me.

4 Q Well, let me ask you about that. You didn't  
5 advise anyone to see a physician if they got it  
6 on their skin, only if they got it in their eye,  
7 correct?

8 A This is correct -- on short-term contact,  
9 yes.

10 (End of reading)

11

12 MR. LACEY: Wasn't me to continue?

13 THE COURT: Just a second.

14 MR. LACEY: He continues the answer.

15 THE COURT: Go ahead, continue.

16

17 (Reading from video deposition)

18 A Here. "To relieve the irritation,  
19 physicians have used" -- well -- "if Askarel" --  
20 "flush with large amounts of water as with all  
21 eye first aid."

22 Q "Refer to a physician," do you see that?

23 A Yes.

24 Q It says, "refer to a physician."

25 A It says "refer to physician."

1 Q Mr. Benignus doesn't --

2 A Yes.

3 Q -- "refer to a physician" mean go to a  
4 doctor?

5 A Yes. And this is the meaning of it, yes.

6 (End of reading)

7

8 MR. LACEY: Going to Page 248, line 4.

9

10 (Reading from video deposition)

11 Q Let me show you another document, 2267  
12 through 2298. And this is "Monsanto Askarel  
13 Inspection and Maintenance Guide, Revised  
14 September, 1963." Do you see that on the  
15 cover --

16 A Yes.

17 Q -- where it says "revised"?

18 Now, is that a subsequent version to the  
19 ones we've been looking at?

20 A I would say so, yes.

21 Q So, the others must have been written  
22 sometime before September, 1963?

23 A Yes.

24 Q If you would, find the section in that  
25 revised version that deals with the handling

1 procedures and look at it and tell me whether  
2 those are the same as the ones in the previous  
3 nonrevised version.

4 A Looks the same to me.

5 Q Now, let me direct your attention to some  
6 more Askarel Inspection Maintenance Guides.  
7 First, I want to show you Document 2450 through  
8 2477. This has got a different cover on it --

9 A Yes, it does.

10 Q -- but is that another version of that same  
11 inspection and maintenance guide that you  
12 prepared?

13 A It encompasses it, yes, plus there is more  
14 information in this. It's an -- it has an  
15 addition to, expansion of, enlargement of.

16 And the date -- do you have the date of  
17 this?

18 Q Well, I was going to ask you about that.

19 A I would say 1975.

20 Q 1975?

21 A I think that is the date.

22 (End of reading)

23

24 MR. LACEY: Going to Page 250, line 9.

25

1 (Reading from video deposition)

2 Q Were these inspection and maintenance guides  
3 that we have previously looked at, particularly  
4 the one that was derived in September of 1963,  
5 the one that remained in use until the time that  
6 you retired?

7 A Yes. I don't know of anything other.

8 (End of reading)

9  
10 MR. LACEY: Go to Page 251, line 7.

11  
12 (Reading from video deposition)

13 Q If I understand your testimony, then, the  
14 "Monsanto Askarel Inspection and Maintenance  
15 Guide" revised September, 1963, Document No. 2267  
16 through 2298, was the document that Monsanto made  
17 available about its transformer Askarel from 1963  
18 until your retirement in 1974?

19 Is that correct?

20 A I would say that is correct.

21 Q And, then, the document that I've shown you,  
22 another updated "Monsanto Inspection" -- Askarel  
23 Inspection and Maintenance Guide, Document 2450  
24 through 2477, is an updated revision that didn't  
25 come out until after you had left Monsanto in

1 1974?

2 A This is correct.

3 (End of reading)

4  
5 MR. LACEY: Going to Page 252, line 1.

6  
7 (Reading from video deposition)

8 Q And, then, when we come to the "Monsanto  
9 Transformer Askarel Inspection and Maintenance  
10 Guide," revised March, 1975, Document 241 through  
11 268, that's a revision of the one I've just shown  
12 you, but, again, prepared after your retirement,  
13 correct?

14 A Correct.

15 (End of reading)

16  
17 MR. LACEY: Going to line 18.

18  
19 (Reading from video deposition)

20 Q You'll note that the first one doesn't have  
21 the "R" in the number.

22 A Doesn't have an "R" in what number?

23 Q Let me show you here.

24 A Oh, all right. All right. You're looking.

25 38 and this is 38-R.

1 Q You will see this is known as both the No.  
2 IC/FF-38 --

3 A Right.

4 Q -- and the one that was revised in March of  
5 1975 is IC/FF-38-R?

6 A This is right.

7 Q And then let me show you the last one,  
8 "Monsanto Transformer Askarel Inspection and  
9 Maintenance Guide," Document 2478 through 2505.

10 You'll note it has the same bulletin number,  
11 IC/FF-38 --

12 A Right, R-2.

13 Q -- but it's R-2 and that shows it was --

14 A '76.

15 Q -- revised August, 1976.

16 A Exactly.

17 Q So, all three of those last ones that we  
18 have the different covers on them -- could you  
19 just hold one of those up so the camera can see  
20 what the cover looks like?

21 A (Witness complies)

22 Q Those "Transformer Askarel Inspection and  
23 Maintenance Guides" were all produced after 1974,  
24 when you retired?

25 A This is right.

1 (End of reading)

2  
3 MR. LACEY: Going to Page 254, line 12.

4 (Reading from video deposition)

5 Q Okay. Let me show you some more documents  
6 that relate to transformers and Askarel.

7 First, let me show you a document called,  
8 quote, "When Specifying Transformers, Here's How  
9 To Get More Money and -- quote, "More Performance  
10 and Save Money," close quote, a document O/ff-14,  
11 with No. 2411 through 2425.

12 Have you seen that document before?

13 A Not in this form. I've seen it --

14 Q Did you --

15 A -- in a different form.

16 Q Okay. And what is different? The cover?

17 A The -- not only the cover, but it was a  
18 folder, about this large, that unfolded.

19 Q I think if you will look at that, that may  
20 be a copy of such a document that did unfold  
21 because you look inside --

22 A It has to be.

23 Q Okay. When this thing was originally in  
24 Monsanto's manufacturing, it was something that  
25 folded out into a longer sheet?

1 A Yes.

2 Q Okay. Does that appear to be a copy of that  
3 folder that you have previously sent?

4 A Right.

5 Q Did you have --

6 A Yes.

7 Q -- anything to do with preparing that  
8 folder?

9 A I know when it was prepared. And this was  
10 prepared by a writer in the advertising  
11 department, and I'm aware of this. It has some  
12 of the same statements in it that our maintenance  
13 guide has in it.

14 (End of reading)

15

16 MR. LACEY: Going to Page 256, line 24.

17

18 (Reading from video deposition)

19 Q I'm just trying to figure out when the  
20 document was written. And if, in fact, it were  
21 true that for almost 40 years Askarel  
22 transformers had been used when this document  
23 would have been written in the early '70's or  
24 around that?

25 A I think you are right.

1 Q Okay. Do you believe it was, in fact,  
2 written around 1970?

3 A No.

4 Q When do you believe it was written?

5 A This was written in the mid 1960's.

6 Q Okay. So, this is a little bit of  
7 overstatement when it says 40 years?

8 A It's an aberration.

9 Q There are -- What was the purpose of this  
10 pamphlet?

11 A Let's look at the pictures --

12 Q Okay.

13 A -- If we may.

14 Q Be happy to.

15 A Here's a building similar to what we have  
16 where we are. Here is another one. Here is a  
17 shopping center. If I might -- am I going too  
18 fast?

19 Q No. Fine.

20 A Here is -- is this a school? This is a  
21 school, evidently.

22 Q Okay.

23 A Has a flag. This is --

24 Q Looks like a space needle in Seattle or  
25 something.

1           A           Yes. It's a commercial area. Here we have  
2                       some more. You will see here a hospital --

3           Q           Uh-huh.

4           A           -- A high-rise; again, shopping center,  
5                       industrial load center; schools --

6           Q           Uh-huh.

7           A           -- we were right on that.

8                       That is the end of the pictures.

9                       Now, here is a transformer.

10          Q           Right.

11          A           This is a leaflet, a flyer, that indicates  
12                       the use, popular use, and location of Askarel  
13                       transformers. What this is saying, is you can  
14                       see from the pictures, the place, the location,  
15                       of use of an Askarel transformer, in general it  
16                       is use in a populated -- people -- populated area  
17                       where judgment has been made that warrants  
18                       spending the increased money to have a  
19                       transformer that is fire resistant. Now, that is  
20                       the overall premise for the application of  
21                       Askarel transformers. I could add other places.

22          Q           Uh-huh.

23                       (End of reading)

24

25                               MR. MUSSLEWHITE: You want me to go

1 on -- do I go on --

2 MR. LACEY: Stop right there. Go to  
3 line 16.  
4

5 (Reading from video deposition)

6 Q Is it fair to say that was designed not only  
7 to go to people who manufactured transformers,  
8 but, also, people who might specify transformers?

9 A Yes.

10 Q And the goal was to encourage those people  
11 to specify Askarel or PCB transformers in  
12 locations that Monsanto and others thought were  
13 good ones for PCB transformers?

14 A Where Monsanto -- wait a minute. I'm going  
15 to change this.

16 Q Feel free.

17 A Where Monsanto was informed that the  
18 consensus of people who had -- where in a  
19 position to select transformers did, indeed,  
20 select Askarel transformers and install them in  
21 those locations. And some of those are  
22 represented here.

23 Q Well, you can you agree with me that in some  
24 of these particular uses, there were other  
25 non-PCB products that might be competing to be

1 the transformer selected by, say, architect for a  
2 particular use, can't you?

3 A In these applications that are depicted  
4 here, I would not put a mineral oil transformer,  
5 neither would the insurance people --

6 Q Well, I guess --

7 (End of reading)

8

9 MR. LACEY: Line 17.

10

11 (Reading from deposition)

12 A -- to give an example.

13 Q I guess I'm trying to find out whether this  
14 document was designed to put out information that  
15 Monsanto thought was appropriate to get  
16 architects, builders, and owners to say that they  
17 wanted Askarel transformers.

18 A Correct. And it stems from our knowing that  
19 this is, indeed, what was in vogue and was being  
20 done.

21 Q I understand.

22 A Correct.

23 Q And one of the reasons Monsanto would be  
24 interested in people specifying Askarel  
25 transformers because Monsanto made all the PCBs

1           that went into those transformers.

2           A           I think that is obvious.

3           Q           And the more Askarel transformers that were  
4           specified, the more PCBs Monsanto could make and  
5           sell, correct?

6           A           Correct.

7           Q           Okay. And that's why you would be  
8           interested in putting out literature to encourage  
9           people to use Askarel transformers?

10          A           Correct.

11          Q           Okay. Now, there -- in this literature is a  
12          discussion not only of Askarel transformers, but  
13          what Monsanto believed were the advantages of  
14          Askarel transformers over other transformers that  
15          might be used, correct?

16          A           Oh, I'll say "yes." And we didn't think a  
17          mineral oil transformer would have any advantage.

18          Q           Right. And you even compared them to  
19          dry-type transformers?

20          A           Correct. Now we are in gear.

21          Q           Okay.

22          A           Right.

23          Q           And one can compare the fire capabilities,  
24          noise capabilities, the need to build a vault to  
25          maintain --

1           A           Water exposure, dust exposure, and hazards  
2                       from that sources in the case of a open dry-type.  
3                       In other words, really there are places where one  
4                       should not intall an open dry-type transformer.

5           Q           Okay. Now, there are potential problems  
6                       with Askarel transformers in places like office  
7                       buildings and schools, are there not?

8           A           Any piece of electrical apparatus can be --  
9                       no piece of electrical apparatus, transformer, no  
10                      matter what it is, that doesn't have something to  
11                      be concerned about.

12                      Is this what you were asking?

13          Q           Yeah. I guess just in view of this  
14                      advertising literature --

15          A           They can all explode, for example.

16          Q           Yeah. And -- and the explosion of a PCB  
17                      transformer can cause problems, just like the  
18                      explosion of an oil transformer?

19          A           Or of a dry-type transformer.

20          Q           Certainly.

21          A           They could cause more problems.

22                      (End of reading)

23                      MR. LACEY: Go to go to Page 266, line  
24                      13.

25

1 (Reading from video deposition)

2 Q Mr. Benignus, let me hand you again a  
3 document we were looking at before the break,  
4 Doicument 2411 through 2425, Document O/FF-14 in  
5 Monsanto's nomenclature, entitled "When  
6 Specifying Transformers, Here's How to Get More  
7 Performance and Save Money," and ask you whether  
8 that document, anywhere in it, indicates that if  
9 a person gets PCB-containing Askarel fluid on  
10 them they should change their clothing  
11 immediately.

12 A I don't think it does. I paged through it.  
13 I don't find that.

14 Q Now, did you have anything to do with the  
15 writing of the language in this document that  
16 you're looking at?

17 A Our advertising writer wrote this.

18 Q You didn't review it or for accuracy or  
19 anything else?

20 A Well, it's a very light document. There is  
21 no technology in this thing at all. So, I may  
22 not have been involved in it. I know what he was  
23 doing was sending out a leaflet to try and get  
24 the name Askarel and show a picture of an Askarel  
25 transformer, call that to the attention of people

1           who do use transformers. That was the purpose of  
2           it.

3           It's not a technical thing. It's no  
4           technology in it. There's no toxicology,  
5           dermatology or medical. It's just a very  
6           nebulous kind of thing to, hopefully, enhance the  
7           popularity of Askarel. Thesein this thing at  
8           people would have heard the name.

9           (End of reading)

10

11                       MR. LACEY: Page 268, line 17.

12

13           (Reading from video deposition)

14           Q           Let me show you Document 2426 through 2437,  
15                       also entitled "here's How to Get More Performance  
16                       and Save Money When Specifying Transformers," a  
17                       similar title to the preceding one, and ask you  
18                       to take a look at that briefly.

19           A           I've looked at it.

20           Q           Now, that document has on it at the front an  
21                       indication that it was a new document created in  
22                       August of 1967; is that correct?

23           A           I would think that that's about correct.

24           Q           Okay.

25           A           I don't know were that comes from, but I

1 would agree.

2 Q That handwriting was on the document when it  
3 came to me from Monsanto. I don't know who wrote  
4 that there, but that is what's written on that  
5 document.

6 A I would agree with that.

7 (End of reading)

8

9 MR. LACEY: Page 270, line 18.

10

11 (Reading from video deposition)

12 Q Now, who was responsible for putting out  
13 that document?

14 A The same writer and it's the same tenor of  
15 things.

16 Q Was it intended for the same market, people  
17 who --

18 A Yes, same purpose.

19 Q To encourage people to use Askarel  
20 transformers?

21 A To call Askarels to their attention; and,  
22 hopefully, that it would leave a favorable  
23 impression, yes.

24 Q Then the whole point is to get them to  
25 specify Askarel transformers?

1 A Yes.

2 Q So, there will be more sold and more demand  
3 for Monsanto's PCB Askarels?

4 A That's what we said before, right.

5 (End of reading)

6

7 MR. LACEY: Going to line 20.

8

9 (Reading from video deposition)

10 Q There's a section called, "Let's get all the  
11 facts on the table."

12 A Oh, yeah, I have it.

13 Q And there it indicates that Askarel fluids  
14 have been manufactured handled and used safely  
15 for 37 years; is that correct?

16 A Yes, that is what that says.

17 Q And, again, that would be consistent with  
18 the period from 1930 to 1967, correct?

19 A Right.

20 Q And when you hear a phrase like "They've  
21 been manufactured, handled, and used safely for  
22 37 years," that would imply people haven't gotten  
23 injured as a result of them, correct?

24 A That is the implication, yes.

25 Q And then there's this discussion again about

1 standard normal good housekeeping practices,  
2 correct?

3 A Right.

4 Q The same sort of standard good housekeeping  
5 practices that you would use with other  
6 industrial materials, right?

7 A Yes, that's what it says.

8 Q Doesn't indicate any -- any precautions are  
9 needed with PCBs oither than what you would use  
10 with other industrial materials, correct?

11 A That's with it says.

12 Q Okay. Now, let me hand you another document  
13 with the same title, "Here's How to Get More  
14 Performance and Save Money When Specifying  
15 Transformers" -- this is Document 2438 through  
16 2449 -- and ask if this is the same document,  
17 only an updated version, that, according to the  
18 code, would have been produced in June of 1971.

19 A Well, here you come into this number we  
20 don't know of '71. I'm a bit confused by this,  
21 say, 1971.

22 Q Let me show you right here -- I believe  
23 there is a code number right here, which  
24 indicates --

25 A Yeah.

1 Q -- 06-71 --

2 A -6.

3 Q Yes. That would indicate June of '71,  
4 wouldn't it?

5 A I can't say this. I'm confused with that  
6 one.

7 Q Okay.

8 A I don't know if that's -- that strange '71  
9 we've been running into on all of these things or  
10 whether maybe the year here is '66, which is --  
11 correlates with the time these -- which is in  
12 correlation with the time that these things were  
13 put.

14 Q Okay. Well, let me show you something else  
15 on that same page. We have a list of the  
16 district sales offices for all divisions, do we  
17 not?

18 A Yes.

19 Q And down at the bottom of the section that  
20 has that list there's the notation 4/71, isn't  
21 there?

22 A I see this, correct.

23 Q And that indicates that that list of  
24 district sales offices as they existed in April  
25 of 1971, does it not?

1 A I would say so.

2 Q So, we know that the document is after April  
3 of '71, then?

4 A That is what it -- I would have to agree  
5 with that --

6 Q Okay.

7 A -- based on the numbers. And I do not  
8 disagree with that.

9 (End of reading)

10

11 MR. LACEY: Going to Page 279, line --

12 I'm sorry, 275, line 6.

13

14 (Reading from video deposition)

15 Q The code number, the long code number, not  
16 the district office number, but the long code  
17 number at the bottom of that same page if 06 --  
18 names the numbers 06-71, does it not?

19 A I think so, yes.

20 Q And that can be indicative of June of 1971,  
21 wouldn't it?

22 A Oh, yes.

23 Q And it would make sense that this could have  
24 been published in June of 1971, after the  
25 district sales office list was prepared in April

1 of 1971?

2 A Yes.

3 Q Or sometime thereafter?

4 A Yes.

5 Q Okay.

6 A It must have been a revision of earlier.

7 Q Exactly, a revision of the document we first  
8 saw that was prepared in August of '67, correct?

9 A Yes.

10 Q Okay.

11 A And this is a revision of that in '71.

12 Q Let me show you Document No. 2265 through  
13 2266 and ask if you can identify that document.

14 A Yes.

15 Q Who prepared that document?

16 A The same person.

17 Q Okay. Somebody in this advertising group?

18 A Yes, an advertising writer.

19 Q Do you know when that document was prepared?

20 A It's -- pardon.

21 Q Do you know when that document was prepared?

22 A I would say this one was prepared in the  
23 approximate time period of mid '66, as are these,  
24 other than what you've shown here, come up with a  
25 revision of one that was prepared. So, I put

1           that into the same time frame. Whether it's a  
2           revision or not, this, I don't know. I don't see  
3           the -- the date of issue.

4           (End of reading)

5  
6           MR. LACEY: Going to Page 179, line 4.

7           THE COURT: You mean 279?

8           MR. LACEY: 279. Thank you, Your  
9           Honor.

10  
11          (Reading from video deposition)

12          Q           Well, if you know it was sent out in '71,  
13                      Mr. Benignus, just concentrate on what you know.

14          A           Well, I don't know. All I -- I'm trying to  
15                      follow along here. I told you, I'm somewhat  
16                      confused with that one.

17          Q           Well, you-all didn't prepare these books to  
18                      have them sit on the shelf, did you?

19          A           I didn't, no.

20          Q           They were prepared to be given to people who  
21                      would be specifying transformers?

22          A           Yes.

23          Q           And, so, if you add a list of district sales  
24                      offices to a document and print it, you're  
25                      preparing to have it sent out, correct?

1 If that's, in fact, what happened.

2 A If that is what happened, yes.

3 Q Well, let me -- let me just make sure  
4 what --

5 A This here --

6 Q These are exactly the same here, apparently.

7 A You see, what's being said, that this  
8 literature is exactly the same -- you know,  
9 somebody could have punched this addition onto  
10 this thing.

11 Let me say this -- I'm pretty sure I'm  
12 correct of this -- these folders that these  
13 are -- see, this didn't go out in this form.  
14 They went out in a folder. Those folders did not  
15 have added to them this.

16 Q So, you're telling me when Monsanto gave me  
17 that document as an entire document --

18 A I think that's a --

19 Q -- they made a mistake?

20 A I think this is an aberration.

21 Q Okay.

22 A I really do. This is why I am telling you I  
23 am confused with it. I think this is an  
24 abberation because I know that this that came out  
25 did not have this with it.

1 (End of reading)

2  
3 MR. LACEY: Going to Page 284, line 5.

4  
5 (Reading from video deposition)

6 Q Let me show you another document, now,  
7 called "The Care and Grooming of Askarel  
8 Transformer Fluid," Document 2506 through 2521  
9 and --

10 A Right.

11 (End of reading)

12  
13 MR. LACEY: Go to Page 285, line 8.

14  
15 (Reading from video deposition)

16 Q Who was the man who prepared those  
17 documents?

18 A Bill Grosse.

19 Q Bill?

20 A Grosse, G-r-o-s-s-e.

21 Q And how was he employed with Monsanto?

22 A He was the advertising -- in charge of -- he  
23 was the advertising director, I guess you would  
24 call him, Bill Grosse, the advertising director.

25 (End of reading)

MR. LACEY: going to Page 287, line 10.

(Reading from video deposition)

Q This little character that we see on the front of the book -- can you kind hold that up so the camera can take a look at that.

A (witness complies)

Q That little character there, was that one of Mr. Grosse's invention?

A Yes, it was.

(End of reading)

MR. LACEY: Going to Page 288, line 3.

(Reading from video deposition)

Q Now, in this book on the, quote, "The Care and Grooming of Askarel Transformer Fluid," close quote, there is a section that talks about personal care it indicates that transformer Askarel has been made and handled and use for over 30 years without causing toxic or other ill effects. Where would Mr. Grosse have gotten the information like that?

A He would have gotten that out of probably our maintenance guide.

1 Q Okay.

2 A That is my guess.

3 Q Let me look at this section with you  
4 briefly, if I could. In the second sentence  
5 where he talks about personal care, he says that,  
6 quote, "Askarel can be handled in the same manner  
7 as insulating mineral oil," close quote.

8 A I can show you where this comes from.

9 Q Where does that come from?

10 A That comes from outside of Monsanto. This  
11 comes from the transformer industry and you will  
12 see this same wording here in literature  
13 published ex-U.S. in the -- some of these  
14 technical organizations' publications.

15 Q Okay. Now, here is --

16 A That is, in my opinion, where that came  
17 from. And that is where this -- some of this was  
18 extracted from.

19 Q This particular document is Monsanto  
20 publication, is it not?

21 A Yes.

22 Q And it's designed to go to various customers  
23 of Monsanto?

24 A Yes.

25 Q And, in fact, it's design to encourage the

1 use of Askarel transformers, is it not?

2 A Right.

3 Q And one of the things that said to encourage  
4 the use of Askarel transformers is that, quote  
5 "Askarel can be handle in the same manner as  
6 insulating mineral oil," close quotes?

7 A Correct.

8 Q And it indicates that, with regard to skin  
9 contact, prolong skin contact should be avoided  
10 because there may be an allergic reaction to  
11 Askarel, just like there can be with mineral oil,  
12 correct?

13 A Where does it says, quote, "like there can  
14 be with" -- end quote.

15 Q Quote, "as with mineral oil" -- close  
16 quotes.

17 A Oh, yes. Yes.

18 Q Quote -- "there may be some people allergic  
19 to Askarel. So, prolonged skin contact should be  
20 avoided where possible," close quote.

21 A That is what it says, right.

22 Q And I guess if it's not possible to avoid  
23 prolong skin contact, as long as you're allergic,  
24 you don't have to worry about is it. Is it what  
25 he's saying?

1 A It doesn't say that.

2 Q Well --

3 A It doesn't say that. That is an assumption,  
4 I suppose. He doesn't say that.

5 Q Or does it indicate or clearly imply that  
6 there are situations where prolonged contact with  
7 Askarel cannot be avoided?

8 A Well, I don't read this.

9 Q Well, it says, quote, "should be avoided  
10 where possible," close quote. Does that indicate  
11 there are situations where it's not possible to  
12 avoid prolonged skin contact?

13 A I can't think of any.

14 Q I see. Okay.

15 A Can't think of any.

16 Q All right. Now, with regard to this type of  
17 information here, would Mr. Grosse have reviewed  
18 these statements regarding what one should do in  
19 contacting Askarel, with the medical department  
20 of Monsanto?

21 A I would say it should have been, or was.

22 Q Either was or should have been?

23 A Either was or should be have been.

24 Q Okay.

25 A But I'm also am saying: Some of this

1 writing, some of this exact writing, comes from  
2 literature outside of Monsanto. I'm not  
3 disagreeing with this. I'm telling you the  
4 source.

5 Q Do you agree with it?

6 A I agree -- well, I would like read it over  
7 again before getting pinned.

8 Q Sure. Feel free.

9 (End of reading)

10  
11 MR. LACEY: Going to Page 293, 15.

12  
13 (Reading from video deposition)

14 Q Well, I'm trying to find out what you have  
15 to say on the subject. That is -- that's what  
16 I'm trying to find out.

17 And what I hear you saying is: You would  
18 not make the statement that you can handle PCBs  
19 just like mineral oil because you don't know  
20 anything about mineral oil.

21 A I can't say I don't know anything about  
22 mineral oil, but can I say I'm not sufficiently  
23 experienced or conversant with mineral oil to  
24 really make this statement.

25 (End of reading)

MR. LACEY: Page 294, line 14.

(Reading from video deposition)

Q Okay. Let me show you another document called quote, "When You Want Fire Safety Reliability, Minimum Maintenance Specify Askarel Type Transformers," close quote, document 2522 through 2531.

A Okay.

Q Have you seen that document before?

A I have seen this before that fits -- ties in with these same things.

Q I see the -- you might hold that up. We have got the same --

A Pixie girl.

Q -- pixie girl.

A That is what I called it.

Q Okay. Is that another of Mr. Grosse's productions?

A It is.

Q Okay. It was produced in the mid 1960's, too?

A Yes. It ties in with the other pixie girl.

Q Okay. So, any time we see that, we know we are looking for Mr. Grosse, or we are looking at

1 Mr. Grosse's work?

2 A Yes.

3 (End of reading)

4

5 MR. LACEY: Line 21.

6

7 (Reading from video deposition)

8 Q Let me look at a section of this document  
9 with you, on Document No. 2532. And it's  
10 entitled, quote, "An end to Misconceptions,"  
11 close quote. Do you see that?

12 A Yes.

13 Q And it indicates that there are some  
14 engineers who have some misconceptions about  
15 Askarel transformer fluid, doesn't it?

16 A This is the idea here, yes.

17 Q Now, again --

18 A They don't understand it.

19 Q Yeah.

20 A -- and, therefore, have misconceptions.

21 Q Yes. Now, this is a document, again,  
22 prepared by Monsanto and provided to customers to  
23 encourage them to use Askarel transformers,  
24 correct?

25 A Yes.

1 Q Now, one misconceptions -- it starts off by  
2 giving in bold type what the misconceptions are,  
3 correct?

4 A Yes.

5 Q And the first misconception it says it's  
6 going to deal with is the misconception that  
7 Askarel transformers fluids are poisonous; is  
8 that correct?

9 A That is what it says, yes.

10 Q And it then goes on to say that Askarel  
11 fluids have been manufactured, handled, and used  
12 over 30 years without encountering toxic or ill  
13 effects?

14 A That is what we have been reading.

15 Q Okay. And that means that this document is  
16 telling Monsanto customers that nobody has gotten  
17 sick enough to go to the doctor as a result of  
18 working with PCBs, correct?

19 A Well, it doesn't say that in those words,  
20 no.

21 Q That's what it means however, isn't it?

22 A Well, it doesn't say that. But --

23 Q Well, let me ask you about that. Didn't you  
24 tell me before the lunch break that when a  
25 document says there are no toxic or ill effects,

1           it means no one has gotten sick enough from PCBs  
2           to have to go to the doctor?

3           A           Did I say that?

4           Q           Yes, you told me that, didn't you, before  
5           the lunch break?

6           A           I would say so, if that is what -- what I  
7           said. I don't exactly recall, but I'm not --

8           Q           Well, isn't that right when you say --

9           A           If somebody is sick from it, they should go  
10          see the doctor.

11          Q           And this somebody got sick from PCBs, that  
12          would be a toxic or ill effect, wouldn't it?

13          A           Yes.

14          Q           Okay. So, what that's saying is people  
15          haven't gotten sick from PCBs, correct?

16          A           That is what this is saying, yes.

17          Q           Okay. And that's said in order to overcome  
18          this belief that some people have that PCBs are  
19          Askarel fluids are poisonous, right?

20          A           This is correct.

21          Q           Okay. And it then goes on to indicate that  
22          you can use Askarel fluids with ordinary personal  
23          precautions used with other inert industrial  
24          materials, correct?

25          A           That is what it says.

1 Q What's a, quote, "inert material," close  
2 quote?

3 A Not reactive.

4 Q Okay. The next misconception that it  
5 indicates it's going to deal with is the  
6 misconception that Askarel transformers can  
7 explode, correct?

8 A That is what it says.

9 Q Now, can Askarel transformers explode?

10 A Yes.

11 Q Okay. So, that misconception wasn't really  
12 a misconception at all; that was correct, they  
13 could explode, right?

14 A I just told you they could --

15 Q Okay.

16 A -- explode as a result of an arc formed gas.

17 Q Okay. So, it's not a misconception that  
18 Askarel transformers can explode, is it?

19 A I would have to read this. Askarel  
20 transformers can explode.

21 Q Right.

22 A They can explode.

23 Q Okay.

24 A So, whether it is a misconception that --

25 Q It's a little bit confusing, isn't it?

1 A Yeah, I agree with you. And he is a writer.

2 Q Okay. And, yet, he's still writing on  
3 behalf of Monsanto for people who might be using  
4 PCB products made by Monsanto?

5 A At this point in time.

6 Q Yes.

7 A Yes, he was writing about that.

8 (End of Reading)

9

10 MR. LACEY: Go to Page 306, line 7.

11

12 (Reading from video deposition)

13 Q Let me show you another document called,  
14 quote, "Toxicology and Safe Handling of Monsanto  
15 Aroclor Chlorinated Diphenyl," close quote,  
16 document 18731 through 18737, and ask you if you  
17 can give me a date on that document.

18 Have you ever seen that one before?

19 A I recognize things in here that we printed  
20 before. But whether I saw this, I'm trying to --

21 Q I have looked for --

22 A I would almost say "no."

23 (End of Reading)

24

25 MR. LACEY: Going to Page 313, line 3.

(Reading from video deposition)

Q           There's a document here called, quote,  
"Aroclor Polychlorinated Polyphenyls," close  
quote, Technical Bulletin 0-FF/1, Document SCM  
018626 through 18651. Let me ask you to take a  
look and see if you can provide me any  
information about that document.

A           Now, incidentally, this has that same --  
this thing, which we thought might be an  
attachment earlier --

Q           Right.

A           -- and where somewhat confused about,  
whether somebody tacked it on there.

            This, I would say -- here, this says, quote,  
"For more information, additional literature,  
Askarel inspection and Maintenance Guide," end  
quote, which we have already time framed between  
1962 at the start and -- I don't know when the  
last revision was made. This is -- would have to  
be put into the framework of the 1960's.

Q           Okay.

A           That is --

Q           This has, I note, in it tables like we saw  
before in that --

1 A It does.

2 Q -- P-115 and OP-115?

3 A Yes.

4 (End of Reading)

5

6 MR. LACEY: Going down to line 17.

7

8 (Reading from video deposition)

9 Q Let me show you another document which  
10 appears to be just another copy of that -- but I  
11 want look and make sure -- also labeled the,  
12 quote, "Aroclor Polychlorinated Polyphenyls,"  
13 close quote, Technical Bulletin 0-FF/1, 132  
14 through 157, and ask if that's simply a copy of  
15 the other document that you just looked at?

16 A It appears to me to be exactly that. Now,  
17 it has this number back here. Have you looked at  
18 that number?

19 Q Which number is that?

20 A This number.

21 Q Where it says "0466-6"?

22 A Yes.

23 Q Let me see the --

24 A I think that is the same as that.

25 Q Let me see if that is the same number on the

1           other one.

2           Does it have -- it seems to be the same  
3           little number here?

4           A           I think it's just another --

5           Q           Another copy of the same one?

6           A           -- copy.

7                       I think so.

8           Q           Let me show you another document, also  
9                       labeled, quote, "Aroclor Polychlorinated  
10                      Polyphenyls," close quote. Here, instead of  
11                      giving the -- it's got the same title; but  
12                      instead of giving a list of the series, et  
13                      cetera, it just says "Dielectric for Capacitors  
14                      and Transformers," close quotes. Then it says  
15                      Technical Bulletin 0/FF/R, which would indicate  
16                      it is a revision?

17          A           That's a revision of something.

18          Q           This is document 158 through 179, and I  
19                      would ask you if that appears to be a revision of  
20                      the two documents we just previously discussed?

21          A           I have evidence here that this would, no  
22                      doubt, put this into the time frame of this 11-71  
23                      that I see back here.

24                      (End of Reading)

25

MR. LACEY: Page 317, line 21.

(Reading from video deposition)

Q And the reason this one just talks about dielectrics for capacitors and transformers where the prior versions of the same titled document talked about all these other uses is because Monsanto has not stopped selling PCBs for any use except dielectric; isn't that correct?

A Yes, sir.

(End of Reading)

MR. LACEY: Going to line 11.

(Reading from video deposition)

Q Now, each one document has in it a section on dermatology toxicology and safe handling. Is that something that would, again, go back to the medical department for explanation?

A It should.

(End of Reading)

MR. LACEY: Line 21.

(Reading from video deposition)

1 Q And we would still be --

2 A Sure have.

3 Q -- talking about Dr. Emmet Kelly --

4 A Yes.

5 Q -- as the person in the medical department?

6 A Yes.

7 Q Was he there all the way up until the time  
8 that you retired?

9 A Yes.

10 (End of Reading)

11

12 MR. LACEY: Line 20.

13

14 (Reading from video deposition)

15 Q I want to show you a document called the,  
16 quote, "Reference Bulletin on Aroclor Fluids for  
17 the Transformer Industry," dated April 13, 1954,  
18 Document 1783 through 1793.

19 Have you seen that document before?

20 A Yes, I have seen that. I saw that last  
21 night, late last night.

22 Q Who wrote that document?

23 A I did. This is dated 1954.

24 Q Okay. And --

25 A It's dated.

1 Q Okay. And what was the purpose?

2 A It's dated.

3 Q Yes. What is the exact --

4 A It's got my initial, and you're asking me?

5 Q What's the exact date there on it?

6 I don't have a copy in front of me. I gave  
7 my copy to you.

8 A The exact date is 4-13-54.

9 Q And that would be April 13th, 1954?

10 A Correct.

11 Q What was your purpose in writing that  
12 document?

13 A This is an in-house, one might say, within  
14 the company piece of information, brochure, that  
15 was aimed at telling people in our sales  
16 department that there are these different  
17 materials that they may hear. This is the  
18 essential part of this thing.

19 And you will see here it identifies a whole  
20 list of compounds. It's nice that you have this,  
21 isn't it. It does that accurately and gives  
22 there composition.

23 Q This was written as reference book for other  
24 Monsanto people, so to speak?

25 A Yes, that is all it is.

1 And it lists trade names by various  
2 transformer manufacturers, what their given trade  
3 name is. Some of these are capacitor -- well, it  
4 does say "capacitor" here. Others says  
5 "transformer." So that the salesmen will have  
6 heard of this, that he is not completely  
7 oblivious to this.

8 It's not intended for anything external.

9 Q But it's information so that he can answer  
10 questions that do come from customers, correct?

11 A I wouldn't -- all right. If you want -- I  
12 don't know whether we expect this.

13 (End of Reading)

14  
15 MR. LACEY: Going to Page 322, line 4.

16  
17 (Reading from video deposition)

18 Q You had more knowledge about these sorts of  
19 things --

20 A Yes.

21 Q -- than anybody else --

22 A Yeah.

23 Q -- in Monsanto?

24 A Yeah.

25 Q Let me --

1 (End of Reading)

2  
3 MR. LACEY: Line 12.

4 THE COURT: How much longer of this  
5 deposition do you have?

6 MR. LACEY: Your Honor, we completed  
7 about one half of it.

8 THE COURT: You say about half of it?

9 MR. LACEY: Yes.

10 THE COURT: Gone 300 pages. About how  
11 many pages is it?

12 MR. LACEY: It was taken in two  
13 sections, Your Honor, with the first section  
14 had 446 pages, we are to Page 322 and the  
15 second section has --

16 THE COURT: Well, there's no need of  
17 trying to over do it today. So, we will  
18 stand adjourned. But if you are able to --  
19 if some of it is repetitious, I wish you  
20 would go through it tonight and eliminate  
21 as much of it as you can because the court  
22 does not want to engage in repetition.

23 MR. LACEY: I will do that, Your Honor.

24 THE COURT: Ladies and gentlemen of the  
25 jury we are going to stand recess until 9:00

o'clock tomorrow morning. Please return at  
that time.

(WHEREUPON AT 5:00 P.M. COURT WAS IN RECESS UNTIL  
AUGUST 26, 1987 AT 9:00 A.M. AT WHICH TIME THE  
FOLLOWING PROCEEDINGS WERE HAD AND DONE.)

\* \* \* \* \*