

Page 1 1 IN THE CIRCUIT COURT FOR ETOWAH COUNTY 2 STATE OF ALABAMA 3 (Transferred from Calhoun County, Alabama) 4 5 SABRINA ABERNATHY, et al.,) 6) 7 Plaintiffs,) 8) CIVIL ACTION NO. 9 VS.) CV-96-269 10) (Consolidated) 11 MONSANTO COMPANY, et al.,) 12) 13 Defendants.) 14 15 DEPOSITION OF JEFFREY D. FELDER 16 17 Taken on behalf of the Plaintiffs 18 19 August 9, 2001 20 21 KRIEGSHAUSER REPORTING & VIDEO 22 REGISTERED PROFESSIONAL REPORTER 319 NORTH 4TH STREET, SUITE 322 ST. LOUIS, MISSOURI 63102 (314) 621-4408 FAX (314) 621-4533	Page 3 1 A P P E A R A N C E S 2 3 The Plaintiffs were represented by 4 Ms. Ellen B. Malow of the law firm of 5 Kasowitz, Benson, Torres & Friedman, L.L.P., 6 700 Louisiana Street, Suite 2200, Houston, 7 Texas 77002. 8 9 The Defendants were represented by 10 Mr. Michael E. Kelly of the law firm of Smith, 11 Helms, Mulliss & Moore, L.L.P., 300 North 12 Greene Street, Suite 1400, Greensboro, NC 13 27401, Post Office Box 21927, Greensboro, NC 14 27420. 15 16 INDEX OF EXAMINATIONS 17 <table border="0"> <tr> <td>18 EXAMINATION</td> <td>PAGE</td> </tr> <tr> <td>19 Direct-Examination by Ms. Malow</td> <td>5</td> </tr> <tr> <td>20</td> <td></td> </tr> <tr> <td>21 INDEX OF EXHIBITS</td> <td></td> </tr> <tr> <td>22</td> <td></td> </tr> <tr> <td>PLAINTIFFS' PAGE</td> <td></td> </tr> <tr> <td>One, Notice</td> <td>5</td> </tr> <tr> <td>Two, Notes of 2/7 meeting</td> <td>5</td> </tr> </table>	18 EXAMINATION	PAGE	19 Direct-Examination by Ms. Malow	5	20		21 INDEX OF EXHIBITS		22		PLAINTIFFS' PAGE		One, Notice	5	Two, Notes of 2/7 meeting	5
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Page 5 1 STATE OF MISSOURI, CITY OF ST. LOUIS, 2 3 JEFFREY D. FELDER, 4 of lawful age, produced, sworn, and examined 5 on behalf of the Plaintiffs, deposes and says: 6 [Plaintiffs' Exhibits One and 7 Two were marked.] 8 9 DIRECT-EXAMINATION 10 QUESTIONS BY MS. MALOW: 11 Q. Can you please tell the ladies and 12 gentlemen of the jury why it is that 13 Monsanto and Solutia have still not 14 cleaned up Snow Creek? 15 A. We're in the process of doing that work 16 now. 17 Q. And in fact back in 1967 Monsanto hired 18 some consultants, specifically 19 Dr. Denzel Ferguson of the University of 20 Mississippi, who told Monsanto over 21 thirty years ago to clean up Snow Creek; 22 isn't that correct? 23 A. I'm not aware of that.	Page 7 1 [Requested portion of record 2 read.] 3 MR. KELLY: Object to form; calls 4 for speculation, no 5 foundation. 6 Q. (By Ms. Malow) You can answer. 7 A. I'm not aware of the recommendation, 8 first of all, so I can't hardly 9 speculate on why you would conclude 10 we're not doing something or should have 11 done something. 12 Q. Well, assume with -- Well, actually we 13 don't even need to assume it. Let me 14 show you what was marked as Exhibit One 15 to Mr. Smith's deposition yesterday -- 16 excuse me. It was marked as Exhibit Two 17 to Mr. Smith's deposition yesterday, and 18 ask you if you have ever seen Exhibit 19 Two before? 20 A. Excuse me just a minute. No. I'm 21 sorry, I haven't. 22 Q. If you will go to page -- I believe it's 23 13 or 15. There's a recommendation
Page 6 1 Q. Have you ever seen the report that 2 Dr. Ferguson issued to Monsanto pursuant 3 to the contract that you had with 4 Monsanto back in 1967 where he makes 5 that recommendation to clean up Snow 6 Creek? 7 A. No, I haven't. 8 Q. Do you have any explanation for why it 9 is that over thirty years after that 10 recommendation was made to Monsanto that 11 that project is not completed? 12 A. No -- 13 MR. KELLY: Object to the form and 14 speculation; no foundation. 15 THE REPORTER: I'm sorry. I 16 didn't get your answer. 17 THE WITNESS: I need to have the 18 question rephrased or the 19 objection rephrased. 20 MS. MALOW: I think he said no, I 21 haven't. Do you want to read 22 it back so we can get it one 23 more time?	Page 8 1 section. I'm not sure. I don't have an 2 extra copy. 3 A. It seems to be on page 15. There is 4 something towards the bottom entitled 5 "recommendations." 6 Q. Right. And does number two say, 7 "Clean-up Snow Creek"? 8 A. It does say that. 9 Q. And that document, if you'll go back to 10 the front, is dated 1967; is that 11 correct? 12 A. There is a handwritten note on here that 13 says 1967. 14 Q. If you'll go to -- I think it's the 15 second or third page -- it's signed by 16 Dr. Ferguson, is it not? 17 A. I'm looking for a signature page, if you 18 will bear with me for a moment. 19 Q. Sure. 20 A. It's not numbered, but there is a 21 signature there, yes. 22 Q. And does it look like that is in fact 23 what I stated; it is a contract between

Page 9 1 -- that it's a report issued pursuant to 2 a contract between Monsanto and 3 Dr. Ferguson? 4 A. It says it's a final report, and it says 5 -- Well, it doesn't say it's pursuant 6 to. It says a contract between Monsanto 7 Chemical Company and Mississippi State 8 University. Yes, it does. 9 Q. Okay. All right. And what is your 10 present position with Solutia, 11 Mr. Felder? 12 A. I'm presently director of environmental 13 safety and health. 14 Q. Let's back up just for formality 15 purposes. Can you tell us your name for 16 the record? 17 A. Yes, ma'am. My name is Jeffrey Felder. 18 Q. Mr. Felder, my name is Ellen Malow. We 19 met shortly before the deposition. I 20 represent 3500 individuals who are suing 21 Monsanto and Solutia for contamination 22 of the Anniston neighborhood. Do you 23 understand that?	Page 11 1 not tell you the case name. I'm sorry. 2 I don't remember the date nor the case. 3 Q. Do you remember the lawyer who took your 4 deposition? 5 A. No, I don't. 6 Q. Or the law firm? 7 A. No, ma'am. Sorry. 8 Q. And you think this was a couple of years 9 ago? 10 A. Sometime in the last three or four 11 years, perhaps five. 12 Q. Have you also given a deposition in any 13 insurance coverage litigation? 14 A. I don't recall having done so, no. 15 Q. What other types of cases have you given 16 depositions in besides one that is 17 similar to this? 18 A. I think I have been deposed in some 19 product stewardship cases. I have been 20 deposed, I believe in -- Golly. Let me 21 think for a minute. Perhaps some other 22 environmental cases. And then in the 23 ordinary run of things, such as traffic
Page 10 1 A. Yes, I do. 2 Q. Have you ever had a deposition taken 3 before? 4 A. Yes, I have. 5 Q. How many times? 6 A. I don't recall. More than once. 7 Q. Can you give me a ball park number? 8 A. Somewhere between a dozen and two, I 9 guess. 10 Q. When was the last time that you gave a 11 deposition, Mr. Felder? 12 A. I don't recall precisely. Sometime in 13 the last three or four years. 14 Q. And do you recall what that deposition 15 was about, what that case was about? 16 A. I think it was related to this matter -- 17 or something similar to this matter. 18 Q. Did you give a deposition in a case 19 called Owens? 20 A. I don't recall. 21 Q. Did you give a deposition in a case that 22 was pending in Anniston, Alabama? 23 A. I believe that to be true, but I could	Page 12 1 accidents or where someone hit me and in 2 some military cases. 3 Q. I want to just limit it -- right now my 4 questions to ones you have given as a 5 representative of either Monsanto or 6 Solutia involving cleanup issues. Have 7 there been any that fit that category? 8 A. I think -- and I apologize because it's 9 not been recent -- but I think that the 10 last case in which I was deposed related 11 to cleanup issues. 12 Q. Any others that you can think of? 13 A. No. 14 Q. Have you ever testified at a trial? 15 A. Yes, I have. 16 Q. How many times? 17 A. I believe once. 18 Q. What kind of case was that? 19 A. It was a case related to environmental 20 issues of a different sort. 21 Q. What was the contaminant or contaminants 22 at issue? 23 A. Suspended solids.

Page 13 1 Q. Where was that case pending? 2 A. I testified in Philadelphia. I'm not 3 sure how the jurisdiction worked. 4 Q. What was the specific allegation against 5 the company? 6 A. The allegation related to Monsanto, 7 actually, at that time, allegedly having 8 violated a discharge permit for a 9 particular manufacturing plant. 10 Q. Which plant was that? 11 A. Delaware River plant in Bridgeport, New 12 Jersey. 13 Q. What was your testimony about? 14 A. It has been quite some time. I'm sure 15 it related to the issue, but I couldn't 16 tell you specifically what I was asked. 17 Q. Who had filed the suit against Monsanto? 18 Was it the government? 19 A. No, ma'am. 20 Q. Individuals? 21 A. No. 22 Q. Company? 23 A. No. As I recall it, and my recollection	Page 15 1 A. I have an undergraduate degree in 2 mechanical engineering from Drexel 3 University, a graduate degree in 4 environmental engineering from the same 5 university. A graduate degree in 6 management from University of Missouri. 7 Chemical Engineering Development 8 Program, as it was called, from 9 Washington University here in St. Louis. 10 Graduate of the Army -- Air Command and 11 Staff College, and a graduate of the 12 Industrial College of the Armed Forces, 13 which is part of the National Defense 14 University. 15 Q. What year did you obtain your 16 undergraduate degree? 17 A. 1970. 18 Q. And your master's in environmental 19 engineering? 20 A. 1972. 21 Q. How about the management degree? 22 A. I don't recall precisely, but sometime 23 in the mid '80s. I'd have to --
Page 14 1 is less than perfect after, oh, probably 2 ten or more years -- was that it was a 3 public interest group of some sort. 4 Q. Do you remember the name of the lawyer 5 on the other side that cross-examined 6 you at trial? 7 A. No, I don't. 8 Q. Do you remember the name of the law firm 9 representing the public interest group? 10 A. No, I don't. 11 Q. Any other environmental cases you can 12 think of where you have testified by 13 deposition or at trial? 14 A. As I said, at least one or two. And I 15 have forgotten the precise number over a 16 career of some twenty plus years. A 17 product stewardship matter or two. 18 Q. Any other PCB cases other than the one 19 you mentioned a few years ago and this 20 one? 21 A. No. 22 Q. Give me a thumbnail sketch of your 23 education, please.	Page 16 1 Q. Were you working for Monsanto when you 2 obtained your management degree? 3 A. Yes, I was. 4 Q. Was that education paid for by Monsanto? 5 A. Not particularly, no. I'm entitled to 6 GI benefits, and I used it. 7 Q. Did you go to night school for that? 8 A. Yes, I did. 9 Q. What was your first job out of school? 10 A. I worked for the DuPont Company. 11 Q. What did you do for DuPont? 12 A. I was an environmental engineer. 13 Q. At what facility? 14 A. In their engineering department. 15 Q. Where was that located? 16 A. In Delaware. 17 Q. How long did you work for DuPont? 18 A. Seven months. 19 Q. Then where did you go? 20 A. United States Army. 21 Q. Did you serve in a war? 22 A. No, not at that time. 23 Q. At some time?

Page 17 1 A. Yes. 2 Q. Which one? 3 A. I subsequently served during Desert 4 Storm in a different service. 5 Q. Okay. Was the Army voluntary after you 6 were at DuPont? 7 A. Yes, it was. 8 Q. How long did you stay with the Army 9 before you came back to civilian life 10 work force? 11 A. I spent three years on active duty. I 12 have never returned to civilian life, 13 per se. 14 Q. Well, I guess I just want to know when 15 you went back into the private work 16 force. 17 A. I returned in 1975 from overseas duty. 18 Q. Where did you go to work then? 19 A. To Monsanto. 20 Q. What position? 21 A. I was an environmental engineer in 22 Bridgeport, New Jersey. 23 Q. Is there a plant located in Bridgeport?	Page 19 1 requirements for the same. 2 Q. When did legal requirements come out for 3 double-lined landfills? 4 A. I don't recall because I changed jobs, 5 but they certainly weren't in place at 6 that time. 7 Q. Was that initiated at your idea, or how 8 did that come about that you were ahead 9 of the industry, I guess, on the 10 double-lined landfill? 11 A. Company felt that it was appropriate. 12 Q. Do you know when the technology first 13 became available for double-lined 14 landfills? 15 A. I don't think there's anything unique 16 about the technology. It's simply a 17 matter in which it's assembled. 18 Q. Do you know when the first double-lined 19 landfill was ever created? 20 A. No. But I understand that ours was very 21 early because the regulators were quite 22 surprised. 23 Q. Did the other Monsanto facilities follow
Page 18 1 A. There was at the time. 2 Q. What did they manufacture primarily in 3 Bridgeport? 4 A. Plasticizers. 5 Q. How long did you work as an 6 environmental engineer of the Bridgeport 7 plant? 8 A. Until 1978. 9 Q. '78? 10 A. Yes, ma'am. 11 Q. And did you remain as environmental 12 engineering for that entire three years 13 in Bridgeport? 14 A. Yes, I did. 15 Q. What were your duties and 16 responsibilities as an environmental 17 engineer at the Bridgeport plant? 18 A. I was involved in startup and operations 19 of a waste treatment plant. I was 20 involved in permitting of various sorts. 21 I was involved in the design and 22 construction of a double-lined landfill, 23 well in advance of the legal	Page 20 1 the Bridgeport facility in putting in 2 double-lined landfills at their sites at 3 that same time? 4 A. I'm not aware one way or the other. 5 Q. Where did you go after you left the 6 Bridgeport facility? 7 A. I went to our engineering department. 8 Q. In St. Louis? 9 A. Yes, ma'am. 10 Q. And what was your title? 11 A. I'm not sure. It was something related 12 to environmental engineer. 13 Q. What were you doing? 14 A. Environmental engineering once again. 15 Q. And what exactly was your 16 responsibility? Were you overseeing 17 particular sites? 18 A. No. 19 Q. What were you doing? 20 A. I was involved in a project in Houston, 21 Texas. And I was involved in regulatory 22 work in Brazil. 23 Q. What was the project in Houston?

Page 21 1 A. There were two. 2 Q. What were they? 3 A. One was startup of a large sort of 4 petrochemical complex. And the second 5 was troubleshooting a process for 6 manufacturing a particular chemical. 7 Q. Which chemical were you troubleshooting 8 for? 9 A. I believe, although I'm not certain 10 after all these years, that it was 11 sorbic anhydride, or sorbic acid. 12 Q. For which plant? 13 A. The so-called Chocolate Bayou plant in 14 Alvin, Texas. 15 Q. And where was the large petrochemical 16 complex being started? 17 A. At the same location. 18 Q. Chocolate Bayou? 19 A. Yes, ma'am. 20 Q. Any other projects that you worked on 21 other than the regulatory work in Brazil 22 and the two that you mentioned in Texas? 23 A. I'm sure there were. But those are the	Page 23 1 A. I led a group of professionals in those 2 various disciplines, as well as 3 professional fire fighters to provide 4 their services to that location. 5 Q. For those of us who have never been in 6 an environmental safety and health 7 department, can you tell us what that 8 exactly entails? 9 A. Yes, ma'am. Environmental protection, 10 safety of personnel and loss prevention, 11 as well as fire safety, industrial 12 hygiene. And in that instance I was 13 also responsible for the medical 14 department. 15 Q. Did the Queeny plant have medical 16 surveillance for its employees and 17 contractors when you were there as 18 superintendent? 19 A. I believe so, but I don't recall all of 20 the details. I'm sorry. 21 Q. How about when you were at Bridgeport? 22 Was there a medical surveillance program 23 in place?
Page 22 1 two that I recall. 2 Q. The main ones? 3 A. Yes, ma'am. 4 Q. How long did you remain in that position 5 in the engineering department in St. 6 Louis? 7 A. It depends. Officially I was assigned 8 there for two years; however, during the 9 second year I was sent to Washington 10 University, as I mentioned earlier, to 11 study chemical engineering. 12 Q. What did you do next? 13 A. After school? 14 Q. Yes. 15 A. I was assigned as the superintendent of 16 environmental safety and health at 17 another location. 18 Q. Which location? 19 A. John F. Queeny plant here in St. Louis. 20 Q. What were your duties and 21 responsibilities as a superintendent of 22 environmental safety and health at the 23 Queeny plant?	Page 24 1 A. I don't recall. 2 Q. In terms of environmental protection, 3 does that include protecting the 4 community? 5 A. Yes, ma'am. 6 Q. Does it also include protecting aquatic 7 life? 8 A. Yes, ma'am. 9 Q. How about the atmosphere? Does it 10 include preventing pollution of the 11 atmosphere? 12 A. Yes, ma'am. 13 Q. All right. How long were you the 14 superintendent of environmental safety 15 and health at the Queeny plant? 16 A. Approximately five years. 17 Q. So does that take us from about -- well, 18 when did you start there? 19 A. I started in 1980. 20 Q. '80 to '85? 21 A. I believe the end of '84. 22 Q. Where did you go next? 23 A. I went back to our corporate offices and

Page 25 1 worked in a different function. 2 Q. What was your title then? 3 A. I was a product stewardship manager. 4 Q. Explain what that means. 5 A. I was responsible for overseeing the 6 safety of a particular set of products 7 for use. 8 Q. What product line or lines? 9 A. At that time various plasticizers. 10 Q. Have you ever had any responsibility -- 11 Well, by then you weren't making them 12 anymore, but in your previous jobs did 13 you ever have any responsibilities for 14 PCBs? 15 A. No, I did not. 16 Q. How long did you stay in the product 17 stewardship position? 18 A. The position changed over time, but as a 19 general functional area until 1991. 20 Q. What other things did you start doing 21 between '84 and '91 other than this 22 product stewardship? 23 A. Nothing. But I did work on different	Page 27 1 A. Yes, ma'am. 2 Q. Which ones? 3 A. Kearny, New Jersey; and Everett 4 Massachusetts. 5 Q. Why were there PCBs in Kearny, New 6 Jersey? 7 A. They were not in use during the time I 8 was involved with the plant. But I was 9 told and the record reflected at that 10 time that they had been used as heat 11 transfer fluids, as was common the case. 12 Q. Do you have any idea what volume of PCBs 13 were used as heat transfer fluids at the 14 Kearny, New Jersey facility? 15 A. No, I don't. 16 Q. Do you know during what time frame PCBs 17 were used as heat transfer fluids at the 18 Kearny, New Jersey facility? 19 A. I'm sure I did. But I don't any longer. 20 Q. Do you know how many years, like ten, 21 twenty? 22 A. I apologize. It would be purely 23 speculative on my part. I simply don't
Page 26 1 products as well. 2 Q. What other products? 3 A. I also worked on rubber chemicals. I 4 also worked on a number of products that 5 we referred to as advanced -- let me 6 think for a minute. I'm sorry. I have 7 forgotten exactly what they were called. 8 But they were basically metalized 9 materials. 10 Q. Can you give us an example? 11 A. Metalized fabric might be an example. 12 Q. What did you do in '91? 13 A. In '91 I became engaged as environmental 14 protection manager for certain of our 15 sites. 16 Q. Which sites? 17 A. Let me see if I can recall them all, 18 because it also changed with time. 19 Initially Camden, New Jersey; Kearny, 20 New Jersey, Everett, Massachusetts; 21 Carson, California; and Long Beach, 22 California. 23 Q. At any of those sites were PCBs present?	Page 28 1 recall. 2 Q. All right. Were those PCBs that were 3 used as heat transfer fluids at the 4 Kearny, New Jersey facility disposed of 5 at the Kearny, New Jersey facility? 6 A. Yes, ma'am; they were. 7 Q. Were they disposed on-site? 8 A. Yes, ma'am; they were. 9 Q. In what type of facility? 10 A. As I learned, they were disposed of when 11 the soil -- or in the soil in pits that 12 were dug within the plant. 13 Q. Do you have any idea what volume was 14 disposed of in those pits? 15 A. No. I don't have any idea what volume 16 was disposed of. 17 Q. Do you have any idea if there has been 18 any migration of the PCBs that were 19 disposed of in those soil pits in 20 Kearny, New Jersey? 21 A. Yes, I do. 22 Q. Have they migrated? 23 A. No, they had not.

Page 29 1 Q. So there's no off-site PCBs in Kearny? 2 A. There were no off-site PCBs. And as I 3 understand it, kind of anecdotally from 4 my colleagues, there are no off-site 5 PCBs, and we remediated the site to the 6 satisfaction of the State of New Jersey. 7 Q. Why was the site required to be 8 remediated? 9 A. There is a law in New Jersey that 10 requires remediation, which of course, 11 has a broad meaning of terms, when one 12 shuts down a site, transfers ownership, 13 or a number of other defined 14 circumstances. 15 Q. Was this Kearny site shut down or 16 transferred? 17 A. The Kearny site was shut down and 18 subsequently transferred. 19 Q. When was it shut down? 20 A. Circa 19 -- Well, depends on your 21 definition of shut down, I suppose. The 22 announcement was made in 1991. I'm 23 sorry. I'm not trying to be coy --	Page 31 1 removed? 2 A. As I recall -- and this is of course 3 more recent times so my recollection is 4 better -- the soil was removed to a 5 TOSCA permitted cell in Model Cities, 6 New York. 7 Q. Do you know how much contaminated soil 8 was taken to that TOSCA permitted 9 facility? 10 A. I don't recall any longer. We removed 11 three hot spots only. That was what the 12 risk assessors advised, and that was 13 what the state agreed. And we capped 14 the remainder in place and placed 15 institutional controls to the 16 satisfaction of the state DEPE. 17 Q. What type of cap was used for the 18 sediment that remained in place? 19 A. Asphalt. Did you say sediment? Because 20 it wasn't sediment. 21 Q. I'm sorry. Soil. Was it soil? 22 A. Yes, ma'am. 23 Q. S, S. You know.
Page 30 1 Q. That's okay. 2 A. -- but I'd like to be specific for your 3 benefit. Precisely when we stopped 4 manufacture, I don't recall, but 5 sometime within a year or two 6 thereafter. 7 Q. Can you describe the remediation work 8 that was done to be in compliance with 9 the State of New Jersey requirements? 10 A. Yes, I can. 11 Q. Tell me about that. 12 A. There was an investigation conducted of 13 the facility, including ground and soil, 14 groundwater and soil. Excuse me. And 15 then there was an agreed program for 16 remediation. And we conducted that 17 agreed removal and institutional control 18 program. 19 Q. Was the soil removed to an off-site 20 facility? 21 A. Some of the soil was removed to an 22 off-site facility. 23 Q. Where was it taken, the part that was	Page 32 1 What institutional controls are in 2 place at that site in Kearny, New 3 Jersey? 4 A. There are a number of them, and I don't 5 recall all the specifics. There's quite 6 a lengthy list that we insisted upon, 7 both with the state and with our buyer. 8 But they include, obviously, a 9 prohibition of breaching the cap, 10 requirements if it's necessary -- for 11 protection if it's necessary to breach 12 the cap and restoration. And they 13 include prohibitions on certain types of 14 re-use. 15 Q. Do you know what levels of PCBs were 16 detected prior to removal to the TOSCA 17 permitted facility of certain soils? 18 A. It varied throughout the site. 19 Q. What was the highest level of PCBs 20 detected at the Kearny site? 21 A. I don't recall, but we were in the 22 percentage range in those hot spots. 23 Q. Meaning pure PCBs?

Page 33 1 A. No. PCBs mixed with the soil and the 2 contents of the three pits. 3 Q. Are we talking about hundreds of parts 4 per million -- 5 A. Yes. 6 Q. -- or thousands of parts per million? 7 A. Yes. 8 Q. So there were some as high as thousands 9 of parts per million? 10 A. Yes, there were. As I said, percentage 11 range of ten thousand parts per million 12 is exactly one percent. 13 Q. I was never good at math; that's why I'm 14 a lawyer. 15 A. So I have been told. 16 Q. Were there any groundwater monitoring 17 wells installed at the Kearny facility 18 to survey the groundwater? 19 A. Yes, ma'am. There were. 20 Q. How many wells were placed there? 21 A. I don't recall precisely. 22 Q. Any ball park estimate? 23 A. Sufficient to as not only satisfy our	Page 35 1 of the operational acreage. There was 2 other acreage that wasn't involved in 3 this whatsoever. And we monitored for a 4 period of five years. That was after I 5 left the project that I agreed to the 6 requirement of the groundwater to ensure 7 that there was no migration. 8 Q. Is the Kearny facility located near a 9 residential neighborhood? 10 A. I don't know the neighborhood well 11 enough to know. Immediately surrounding 12 it is principally commercial and 13 industrial. There may or may not be 14 residences nearby. 15 Q. Do you have any idea how close the 16 nearest resident lives to the Kearny 17 facility? 18 A. No, ma'am. I don't. 19 Q. There was another facility that you 20 mentioned where you said there were PCBs 21 at the site, which was Everett, 22 Massachusetts. Is that correct? 23 A. That's correct.
Page 34 1 own people but also the State of New 2 Jersey. 3 Q. Which consultants did Monsanto use for 4 that cleanup at the Kearny facility? 5 A. I can recall only one. I'm sure there 6 was more than one. 7 Q. Who do you recall? 8 A. Roux Associates. 9 Q. R-O-U-X? 10 A. Yes, ma'am. 11 Q. Do you remember the contact person with 12 Roux that worked on that one? 13 A. Not specifically. 14 Q. Any other remediation work that was done 15 at the Kearny facility to satisfy the 16 State of New Jersey requirements during 17 the shutdown? 18 A. The State of New Jersey required us and 19 we had agreed to remediate PCBs. And we 20 did that by removing those three hot 21 spots and by capping, as I said, and 22 placing institutional controls over the 23 other levels of PCBs throughout the rest	Page 36 1 Q. Were PCBs at the Everett, Massachusetts 2 plant for the same reason as at Kearny, 3 because they were used as heat transfer 4 fluids? 5 A. I don't know. 6 Q. Do you know what the source is of the 7 PCBs at the Everett plant? 8 A. No, I don't. 9 Q. What knowledge do you have about the 10 PCBs at the Everett plant? 11 A. When I became involved with the Everett 12 plant, the PCBs were already enclosed in 13 a containment facility. 14 Q. What year was that that you became 15 involved with Everett? 16 A. 1991. 17 Q. Do you know what year the containment 18 facility was built? 19 A. I'm sure I did, but I no longer recall. 20 Q. Do you know the volume of PCBs that were 21 placed in that containment facility? 22 A. Same answer, really. I'm sure I had 23 access to the data at one time, but I no

Page 37 1 longer recall it. 2 Q. Do you know what prompted placing the 3 PCBs into that containment facility? 4 A. No, I don't. 5 Q. Is the Everett plant located near a 6 neighborhood, residential neighborhood? 7 A. There is a city of Everett, just as 8 there's a city of Kearny, of course, and 9 there are residences, businesses, other 10 industries, et cetera, in the city of 11 Everett. 12 Q. Do you know how close the nearest 13 residence is to the Everett plant? 14 A. No, I don't. Again, I'm sure I did at 15 one time. I'm sure there are site maps, 16 but I no longer recall. 17 Q. Do you know if there has been any 18 off-site migration of PCBs from the 19 Everett plant? 20 A. I don't know at this time. I did not 21 continue on with that project through 22 its completion. 23 Q. Who within Monsanto or Solutia would	Page 39 1 particular sorts. We manufactured a 2 product that's used in paper coatings, 3 electronics industry and the like. And 4 I believe -- Oh. And we manufactured a 5 sequestering agent. 6 Q. How about at Kearny? What was being 7 manufactured at the Kearny facility when 8 you were involved with it? 9 A. I don't remember precisely. I have a 10 vague recollection, but I don't want to 11 mislead you. 12 Q. That's fine. Back to Kearny again. Was 13 there any sampling of the fish in the 14 water bodies near the Kearny, New Jersey 15 facility for PCBs? 16 A. I don't recall. 17 Q. Do you know if there was any air 18 monitoring done at the Kearny facility? 19 A. I also don't recall. 20 Q. Do you know if there's a fish advisory 21 in place at the Kearny facility? 22 A. I don't know. But I would bet that 23 there is, given the nature of the water
Page 38 1 have the most knowledge about the PCB 2 issue at the Everett plant? 3 A. I would guess that my former colleague, 4 Mike Foresman, would have some 5 knowledge. Who has the most, I can't 6 begin to speculate on. 7 Q. Is the Everett Plant still in operation? 8 A. No, ma'am. It's not. 9 Q. When did it close? 10 A. To give you the same sort of answer as I 11 did for Kearny, we announced the 12 shutdown in 1991, which is why my 13 involvement began. I have forgotten 14 precisely when we ceased manufacture. 15 But some one or two years thereafter, 16 since there was more than one product 17 made at the plant. 18 Q. What was primarily being manufactured at 19 the Everett plant? 20 A. At the time I became involved with the 21 Everett plant -- and I'm sure it made 22 many, many things throughout its history 23 -- we manufactured plasticizers of	Page 40 1 in the New York Harbor. 2 Q. But do you know what the reason is for 3 that fish advisory if there is one? 4 A. I don't know if there is one really. 5 It's not a very nice body of water 6 around Manhattan Island and the 7 environs. But if there is one, I would 8 not know what the reason for it would 9 be. 10 Q. Let me go back to your role as 11 environmental protection manager, 12 because the reason we kind of got 13 sidetracked is I was asking you and you 14 told me that you had responsibility for 15 five different facilities, Camden, New 16 Jersey; Kearny, New Jersey; Everett, 17 Massachusetts; Carson, California; and 18 Long Beach, California. Is that 19 correct? 20 A. For that short period of time, yes. 21 Q. Right. And what exactly were you doing 22 as environmental protection manager with 23 respect to those five facilities?

Page 41 1 A. My initial charge was to ensure that the 2 facilities were properly shut down, 3 dismantled, decontaminated, remediated 4 if necessary. 5 Q. What was your next charge? 6 A. My job changed. 7 Q. To what? 8 A. In 1992 I became director of site 9 operations, and my scope increased to 10 also oversee the shutdown of the 11 manufacturing operations, per se, and 12 make sure that our customers were 13 properly satisfied, outplacement of our 14 employees to provide jobs for those 15 people or retirements where they were 16 eligible and wished to do so. And I 17 took on responsibility for an additional 18 number of other sites that were either 19 considered for shutdown or that had been 20 shut down since to try to put them in 21 some useful -- return them to useful 22 purposes. 23 Q. So as director of site operations in	Page 43 1 off the Texas coast near Galveston. 2 Q. Is that in La Marque or Texas City? 3 A. Neither of those names ring a bell with 4 me. I'm sorry. And several others that 5 I don't recall specifically. I really 6 had a portfolio of facilities that had 7 been disused over the years, and we 8 wanted to return them to useful purposes 9 so far as we could. 10 Q. And all I'm really going to try to get 11 to is out of those additional facilities 12 that you became involved with, were any 13 of those facilities where PCBs were on 14 site that had to be addressed? 15 A. I don't think so. 16 Q. So the two that you can recall during 17 the time frame that we're discussing 18 would be Kearny and Everett? 19 A. Yes, ma'am. 20 Q. How long did you remain in that position 21 as director of site operations? 22 A. More or less until the end of 1994. 23 Q. And did your role -- was it basically as
Page 42 1 terms of a shutdown of the facilities, 2 would it be the five that you previously 3 listed, plus some additional ones? 4 A. Yes, ma'am. 5 Q. Which additional ones did you get 6 involved with? 7 A. I don't recall all of the sites, nor 8 their state when I first became 9 involved. 10 Q. As best you can recall which other sites 11 did you have supervision for? 12 A. Supervision I guess is a relative term 13 in the context of the site is already 14 shut down -- same meaning -- 15 Q. Which other sites did you deal with? 16 A. I'm going to try to recollect as best I 17 can. I dealt with Anaheim, California. 18 In that instance I did oversee a 19 shutdown and the re-deployment of the 20 equipment and the people to another 21 location. 22 I was also involved in a facility 23 in Sand Mountain, Alabama, a facility	Page 44 1 you have previously described? 2 A. More or less. 3 Q. What did you do next? 4 A. I was transferred to a project we refer 5 to as WOF, which at the time stood for 6 Worldwide Order Fulfilling, which was a 7 large information technology project. 8 Q. Why were you transferred to that? That 9 doesn't seem to fit with your 10 environmental health background. 11 A. I was transferred to that because of my 12 skills in leading change. 13 Q. Sort of more of a management type role? 14 A. Yes, ma'am. 15 Q. Which does fit with your management 16 background? 17 A. Yes, ma'am. 18 Q. How long did you do that? 19 A. As it turned out, only a matter of a few 20 months, because the company reorganized, 21 and while that project continued, there 22 was another role found where my skills 23 were thought to be more useful, and I

Page 45 1 was asked to take that on. 2 Q. Which was that? 3 A. I was the leader for a portion of the 4 environmental business, environmental 5 safety and health actually, what was 6 called then Monsanto Business Services. 7 Q. What were your duties and 8 responsibilities in that position? 9 A. Initially, I led a group of people in 10 the environmental safety, industrial 11 hygiene, and analytical quality control 12 areas. 13 Q. Were these people at sites in the 14 country or were they in St. Louis? 15 A. Generally they were in St. Louis. 16 Q. And what were you doing in terms of 17 leading these people? 18 A. Various things, ensuring that our 19 clients got what they needed, ensuring 20 that our people were properly developed, 21 and trying to build this organizational 22 structure, which our then CEO felt was 23 going to be beneficial for the company.	Page 47 1 A. Yes, ma'am. It was. 2 Q. And you went with Solutia in the spin? 3 A. Yes, ma'am. I did. 4 Q. So you actually just set up an 5 environmental safety and health 6 department similar to what existed in 7 Monsanto for Solutia; is that accurate? 8 A. I don't know how to define "similar," 9 but we set up an environmental safety 10 and health department that was suitable 11 for Solutia. 12 Q. Okay. Well, can you think of some 13 differences between the environmental 14 safety and health department that was 15 set up in Solutia compared to the 16 Monsanto environmental safety and health 17 department, any significant differences? 18 A. Different people, some different 19 functions, more of some, less of others, 20 I'm sure. The product mix is different 21 and the plant mix is different. 22 Q. Was it a smaller department in Solutia? 23 A. In total, yes.
Page 46 1 Q. What was the organizational structure? 2 A. A sort of internal consulting 3 organization that we refer -- as I say, 4 refer to as Monsanto Business Services. 5 Q. How long did you remain in that 6 position? 7 A. I remained in a position like that or 8 that one precisely through probably the 9 beginning of 1997. Again, the position 10 changed with respect to time. 11 Q. During that '94 to '97 time frame, did 12 you have any responsibilities for either 13 the Anniston site or the Sauget 14 Krummrich site? 15 A. No, ma'am. Did not. 16 Q. What did you do in '97? 17 A. In 1997 I was involved in helping to set 18 up the Environmental Safety and Health 19 Organization and then leading a portion 20 of that organization for Solutia, 21 Incorporated. 22 Q. This was during the time of the spinoff 23 of Solutia?	Page 48 1 Q. And then once Solutia's environmental 2 safety and health department had been 3 set up, what did you do? 4 A. I led our product stewardship in 5 toxicology -- which is a closely-related 6 issue -- and efforts in hazard 7 communication as well. 8 Q. For Solutia? 9 A. Yes, ma'am. I did. 10 Q. How long did you remain in the product 11 stewardship and toxicology leader 12 position? 13 A. The positions have changed with respect 14 to time, so in one view I'm still in 15 that position, although I have 16 additional responsibilities as well. 17 Q. What additional -- Well, did your job 18 title change from '97 to the present? 19 A. Yes, ma'am. It did. 20 Q. What was the next job title change, at 21 what time frame? 22 A. Probably earlier this year my title 23 changed to include responsibility for

Page 49 1 environmental issues and remediation 2 issues. And subsequent to that my 3 position changed again to the title I 4 offered you earlier on when asking my 5 present job title. 6 Q. And give me that one more time, your 7 present title? 8 A. Director of environmental safety and 9 health. 10 Q. Then the job changed in earlier 2000 -- 11 Well, actually when did you get the 12 title of director of environmental 13 safety and health? 14 A. Probably within the last month or so. 15 Q. Was it July or August? 16 A. Either June or July. 17 Q. And did you replace someone that was 18 holding that position? 19 A. No, ma'am. I did not. We reorganized 20 the department. 21 Q. Who was handling those functions before 22 you took over the job of director of 23 environmental safety and health?	Page 51 1 Q. And then who was handling the health 2 issues? 3 A. Dr. Shepperly. 4 Q. So would it be fair to say that prior to 5 June or July of this year you were not 6 addressing safety and health issues for 7 Solutia? 8 A. It would be fair to say prior to June or 9 July of this year I was not responsible 10 for process safety, personnel safety, 11 industrial hygiene, or toxicology. That 12 had moved back and forth. 13 Q. Okay. Then let me back up to the 14 earlier job change, which was sometime I 15 guess toward the beginning of 2001 when 16 you started having responsibility for 17 environmental issues and remediation. 18 Who had been handling those aspects 19 before you took over those functions? 20 A. Remediation was handled by my former 21 colleague, Mike Foresman. 22 Q. And how about environmental issues? 23 A. It seems to me that the environmental
Page 50 1 A. Several people, depending on the 2 function. 3 Q. Okay. Who had environmental issues? 4 A. I did, as I said, beginning in the end 5 of February. 6 Q. How about safety? 7 A. Safety was handled by a former colleague 8 who's a medical doctor. 9 Q. Who is that? 10 A. David Shepperly. 11 Q. David Who? 12 A. Shepperly. 13 Q. Can you spell that? 14 A. Yes, ma'am. S-H-E-P-P-E-R-L-Y. 15 Q. And where did Mr. Shepperly go? 16 A. He's left the company. 17 Q. Do you know where he is now? 18 A. I believe he's with a pharmaceutical 19 firm. 20 Q. Which one? 21 A. Bristol-Myers, I think. 22 Q. Where? 23 A. I don't know precisely.	Page 52 1 protection managers that were then in 2 the company doing that function reported 3 to Mike Foresman also. But that changed 4 with respect to time. And that was 5 frankly more of an administrative 6 question, just as the movement of the 7 toxicologist between Dr. Shepperly and 8 myself was then a functional issue. We 9 simply worked as a team. 10 Q. As we sit here today in August of 2001, 11 can you tell us every area that you have 12 responsibility for in your position as 13 director of environmental safety and 14 health? 15 A. Yes, ma'am. You decide how much detail 16 you wish to have, please. 17 Q. Okay. 18 A. I'm responsible for our environmental 19 issues, again, on something of a shared 20 service basis. I'm responsible for 21 industrial hygiene issues, and this will 22 all be on that same basis. I'm 23 responsible for personnel and process

Page 53 1 safety, loss prevention issues. I'm 2 responsible for toxicology, for product 3 stewardship, for hazard communication, 4 which might be an unfamiliar term, but 5 amongst other things, includes material 6 safety data sheets, labels, and 7 Department of Transportation regulatory 8 compliance. And I'm responsible for 9 remediation projects and technology. 10 Q. Okay. Let me start at the end there 11 with remediation projects. Is it fair 12 to say that the group that is 13 responsible for remediation management 14 of which Mr. Steve Smith is the leader 15 is a subgroup under the environmental 16 safety and health department which 17 you're the director of? 18 A. Yes, ma'am. That's correct. 19 Q. Is there also a similar subgroup for 20 each of those other areas? For example, 21 IH, toxicology, product stewardship, et 22 cetera? 23 A. Generally speaking, yes. They're	Page 55 1 manageable. 2 Q. Does he have a workload that is too 3 heavy for him to manage if he keeps 4 Mr. Branchfield as a direct report 5 functionally? 6 A. I think it's more accurate to say that 7 Steve is also new in his position, and 8 there is a learning curve for any of us 9 when we're new in a position, so this 10 will help him get up that learning 11 curve. 12 Q. Prior to the beginning of this year, did 13 you have responsibility for remediation 14 in the last -- I guess from '97 to 2001? 15 Was that within your bailiwick? 16 A. No, ma'am. It was not. I accepted, as 17 noted, in 2001, earlier this year. 18 Q. Right. Of course you had done some 19 remediation work when you were at some 20 of the specific plants, like we talked 21 about, right? 22 A. That's correct. 23 Q. But at corporate that was being handled
Page 54 1 structured a bit differently, but 2 generally speaking, yes. 3 Q. So all of the remediation management 4 group, of which Mr. Smith is the leader, 5 reports to you indirectly? 6 A. I'm responsible for Steve and his 7 people, yes, ma'am. 8 Q. Are there -- I understand from 9 Mr. Smith's testimony yesterday that 10 there's going to be a structure change 11 with respect to Mr. Branchfield. Can 12 you explain to me what's going on with 13 that? 14 A. Yes, ma'am. Within the last week or two 15 Steve and I agreed, for reasons of 16 workload management and proper 17 oversight, that Mr. Branchfield would 18 report administratively to Steve but 19 functionally to me. 20 Q. Who requested that change? 21 A. Steve and I agreed mutually. 22 Q. And what prompted that? 23 A. The desire to make his workload more	Page 56 1 by someone else up until the beginning 2 of this year? 3 A. That's correct. 4 Q. And why is it that the learning curve is 5 not as great for you as it is for 6 Mr. Smith on this issue? 7 A. I have got other issues that I'm 8 managing. I have spent other time at 9 it. I'm not suggesting that the 10 learning curve isn't as steep in our 11 respective areas. It's simply that it's 12 easier when two people work on two 13 different things than two people work on 14 the same thing at the same time if 15 they're trying to learn as well. 16 Q. I guess what I'm trying to figure out is 17 since Steve Smith is the leader of the 18 remediation group, why one of the major 19 cleanups that Solutia is undertaking is 20 not going to be functionally reporting 21 to him? 22 A. I was already responsible for Steve's 23 performance in any case.

Page 57 1 Q. But it gives you more of a workload, 2 doesn't it? 3 A. Yes, ma'am. It does. And as part of 4 this reorganization, I have created some 5 intermediate positions so my span of 6 control in the other areas is not as 7 large. 8 Q. Okay. So you're going to be freed up in 9 some of your other responsibilities so 10 you can have more direct functional 11 oversight of Mr. Branchfield? 12 A. That's part of my purpose, yes. 13 Q. All right. And that happened one or two 14 weeks ago? 15 A. Yes, ma'am. 16 Q. Do you know if that was before or after 17 Mr. Branchfield was deposed? 18 A. I don't know when Mr. Branchfield was 19 deposed or if he was deposed. 20 Q. He was deposed on July 24th. Do you 21 think that structural change was made 22 before or after July 24? 23 A. It's close, I'm sure. I was, as I say,	Page 59 1 you do understand that you are under 2 oath, correct? 3 A. Yes, ma'am. 4 Q. And you do understand that the penalties 5 of perjury apply? 6 A. Yes, ma'am. 7 Q. And you have understood all my questions 8 so far, haven't you? 9 A. Well, I have understood them as I 10 understood them. Whether I understood 11 them as you meant them is another 12 question. 13 Q. If you didn't understand a question as I 14 phrased it, you have told me, haven't 15 you? 16 A. As best as I could, yes. 17 Q. Is there anything that you need to clear 18 up from what you have already testified 19 to? 20 A. If I could have, if I knew, I would have 21 done. I know what I think you said; I 22 don't know what you meant. 23 Q. Okay. You have answered the questions
Page 58 1 not aware of the date until you told me. 2 Q. And you didn't know he had been deposed? 3 A. I would have assumed as much, but I did 4 not know -- He didn't tell me; no one 5 else had told me that he was deposed, 6 that I recall, in any case. It's 7 logical to assume, of course. 8 Q. Did you know that Mr. Smith was deposed 9 yesterday? 10 A. Yes, ma'am. I did. 11 Q. Did you have any conversations with 12 Mr. Smith after his deposition about his 13 deposition? 14 A. No, ma'am. I have not. 15 Q. I need to back way up to what I would 16 normally do at the beginning. 17 A. Do you mind if I also take a drink? 18 Q. Certainly. Go ahead. I don't mind. 19 At the very beginning I usually go 20 through the usual rules about 21 depositions. Since you have given some 22 and you seem to be doing fine, we don't 23 need to cover very many of them. But	Page 60 1 as best as you understand them? 2 A. To the best of my ability, yes, ma'am. 3 Q. And there's no answers you want to 4 change so far? 5 A. Not so far, no. 6 Q. Have you -- Did you review any documents 7 in order to get ready for your 8 deposition? 9 A. Yes, ma'am. I did. 10 Q. What did you review? 11 A. I looked over three documents, and I'm 12 not quite sure what the first two are 13 called, but there is some sort of order 14 for my appearance that I reviewed. 15 Q. Would that be what I have marked as 16 Exhibit One? 17 A. Yes, ma'am. 18 Q. Okay. And -- 19 A. Thank you. 20 Q. Before the deposition started, you gave 21 me -- or your lawyer gave me what we 22 have now marked as Exhibit Two. Is that 23 another one of the documents that you

Page 61 1 looked at? 2 A. Yes, ma'am. I refreshed my memory with 3 that. 4 Q. Is there a third document that we don't 5 have that you looked at? 6 A. Yes, ma'am. I believe it was our 7 responses to your various questions. 8 Again, I don't know what they are called 9 in your terms, but it's some sort of 10 form of response. 11 Q. Was it objections to this notice, or was 12 it something else? I'm not sure what 13 you're -- 14 A. I don't know what it was responsive to, 15 but there was clearly a set of questions 16 and a set of responses. 17 Q. Was it interrogatories? Do you know 18 what kind of questions there were? 19 A. I don't remember. 20 Q. Can you remember any of the responses 21 that you looked at? 22 A. In some instance it referred to me by 23 name.	Page 63 1 and some other projects that are managed 2 by other people where Steve is not 3 necessarily around. I may ask a 4 question or drop an e-mail off to one of 5 his other people that are in the 6 remediation area. 7 Q. Is it mainly sort of status? You're 8 responsible for making sure that you're 9 up to date on the status of these 10 various projects? 11 A. Generally I wish to be aware that the 12 strategy is logical, and obviously on 13 coming up that learning curve I'm sure 14 there were strategies in place on 15 Mr. Foresman's responsibility that I'm 16 not all aware of. I'm working through 17 the list, if you will -- and that they 18 are on schedule and that they are 19 operating to the satisfaction of those 20 concerned. 21 Q. Are you in the position that Mr. Pierle 22 used to be in? 23 A. I don't think there's a direct analogy.
Page 62 1 MS. MALOW: Do you know what he's 2 talking about? 3 MR. KELLY. (Indicating.) 4 MS. MALOW: Oh. The objections. 5 That's what I thought. 6 Q. (By Ms. Malow) Okay. So I think we 7 have now covered your work history at 8 Monsanto and Solutia in full. 9 A. Yes, ma'am. 10 Q. All right. Let's talk about more 11 specifically your function in terms of 12 remediation as director of environmental 13 safety and health. I understand that 14 that entire department reports to you. 15 But on a day-to-day basis what duties 16 and responsibilities do you have with 17 respect to the ongoing remediation 18 projects that Solutia is involved in 19 throughout the country and the world? 20 A. On a day-to-day basis, save this last 21 change with respect to Craig 22 Branchfield, I have been in touch with 23 Steve Smith to ask how things are going	Page 64 1 Q. Didn't he at one time have a position 2 that was sort of head of environmental 3 safety and health? 4 A. Yes, ma'am. He was vice president of 5 environmental safety and health. I'm 6 sure there was probably some additional 7 duties that he has that I don't. 8 Q. Did you ever work with Mr. Pierle? 9 A. Yes, I did. My pleasure. 10 Q. Was he your boss? 11 A. At several times in my career, yes, 12 ma'am. 13 Q. And who do you report to now? 14 A. I report to a gentleman named Jerry 15 Hayden. 16 Q. And what is Jerry Hayden's title? 17 A. Vice president for corporate services. 18 Q. What is corporate services? 19 A. It's an amalgam of various things, 20 including purchasing or procurement, 21 customer order, processing, I believe. 22 Some groups that provide some internal 23 consulting and a specialized kind of IT

Page 65 1 system, environmental protection, safety 2 and health. And there might be one or 3 two other bits and pieces in there, the 4 physical facilities that we're in. 5 Q. How about the toxicology group? Is 6 Dr. Kaley a direct report of yours? 7 A. No, he's not. 8 Q. Are y'all -- Where are y'all in the time 9 pyramid, vis-a-vis each other? 10 A. Dr. Kaley reports most recently to 11 another colleague of mine who is not in 12 the SH group. 13 Q. Who does he report to? 14 A. He reports to Mr. Bistline. 15 Q. Is Dr. Kaley in the toxicology 16 department? 17 A. No, ma'am. He's not. 18 Q. What department is he in? 19 A. I have forgotten the title, but he's 20 part of the law department these days. 21 Q. Was he at one time dealing with 22 toxicology issues? 23 A. I don't know his entire career.	Page 67 1 literature. In other words, in the 2 first instance we would trigger based on 3 change in something we were doing. In 4 the second instance, we might trigger 5 via change in something someone else had 6 discovered and go back and relook things 7 for something we learned in some other 8 manner. And so there's an ongoing 9 process for assessing those products 10 that we make or sell. 11 Q. Does Solutia perform any in-house 12 toxicity studies on its products? 13 A. We don't have an in-house toxicology 14 laboratory. That work is contracted 15 under the provision of those people. 16 Q. Okay. And is there any ongoing toxicity 17 studies being performed by outside 18 contractors presently? 19 A. Yes, ma'am. There are. 20 Q. Have you ever been involved in any of 21 the toxicological studies for PCBs? 22 A. I have not personally. 23 Q. Have you read any of the toxicological
Page 66 1 Q. What is your responsibility as director 2 of environmental safety and health with 3 respect to toxicology? 4 A. I'm responsible for the people that 5 handle the toxicology investigation, 6 risk assessment and the like for our 7 current products. 8 Q. What sort of risk assessments are done 9 internally at Solutia for its particular 10 products? 11 A. Today? 12 Q. Yes. 13 A. There's a fairly extensive process that 14 we refer to as the environmental safety 15 and health assessment on all new 16 products, new uses of existing products, 17 and several other permutations thereof, 18 to assure they are safe for employees, 19 users, the general public, in transport, 20 et cetera. 21 In addition to that, there is an 22 ongoing assessment of products based on 23 things that might be reported in the	Page 68 1 studies that were previously done by 2 Industrial Biotest? 3 A. I have read studies done by Industrial 4 Biotest but not on PCBs. 5 Q. Did you know that Industrial Biotest 6 performed toxicity studies on PCBs at 7 the request of Monsanto? 8 A. No, I did not know that. 9 Q. Are you familiar with any of criminal 10 proceedings against Industrial Biotest 11 with respect to studies it performed on 12 Monsanto's behalf? 13 A. To the extent that we went back and 14 reaudited studies on some product lines 15 for which I was responsible, as I 16 mentioned earlier, I had some studies 17 that had an audit report by a third 18 party to validate IBT's work or 19 invalidate it, as the case may have 20 been. That's the extent of my 21 experience with IBT. 22 Q. As we sit here today, have you ever read 23 any of the epidemiological literature on

Page 69 1 PCBs? 2 A. No, ma'am. I've not. It's not an 3 existing product, and as I said, my 4 responsibilities in the product area 5 have been defined around our existing 6 product line. 7 Q. Well, but since PCBs continue to persist 8 in the environment, why wouldn't you be 9 familiar with the literature on it? 10 MR. KELLY: Object to the form. 11 A. May I answer? 12 Q. (By Ms. Malow) Yes. 13 A. It's not part of my present 14 responsibility, nor was it. 15 Q. Well, you are dealing now with 16 Mr. Branchfield in the remediation of a 17 PCB contaminated site, are you not? 18 A. Yes, ma'am. I am. 19 Q. So wouldn't it be important for you to 20 know what sort of environmental impact 21 PCBs have? 22 A. It would be important for either me to 23 know or someone whom I might trust who	Page 71 1 environmental impact and a health 2 impact, that in your position as 3 director of environmental safety and 4 health it would be important for you to 5 know that information? 6 A. It would be important for me to know 7 sufficient to do my job or to know those 8 who knew it, either direct employees or 9 contract employees, consultants and the 10 like. It's difficult to know everything 11 about everything. 12 Q. Right. But the only reason I'm getting 13 back to this is because you made a point 14 that you don't manufacture the product 15 anymore. But you do know that PCBs are 16 persistent in the environment, don't 17 you? 18 A. I know that that's said and I know that 19 there are PCBs in Anniston. 20 Q. Do you know that there are levels in the 21 bodies of the neighbors at the Anniston 22 facility that are as high or higher than 23 in worker populations?
Page 70 1 works for me to know. 2 Q. So are you saying that that knowledge is 3 within Mr. Branchfield's head? 4 A. I don't know whether it's in his head or 5 others. It's -- Again, as I said, I 6 have taken over the functional 7 responsibilities in the past week or 8 two. I will know eventually. 9 Q. You personally right now sitting here on 10 August the 9th, 2001, don't have 11 knowledge about the current 12 epidemiological literature on PCBs? 13 A. Not in any detail; no, I do not. 14 Q. How about animal studies on PCBs? Do 15 you have any knowledge right now about 16 the animal studies on PCBs? 17 A. Now, roughly one to two weeks later 18 after I have taken over the 19 responsibility for Steve's day-to-day 20 work, no, I don't. 21 Q. Would you agree that regardless of the 22 fact that PCBs are no longer 23 manufactured, that if there is an	Page 72 1 MR. KELLY: Object to the form and 2 the assumption. 3 A. I have not seen any specific data. No, 4 I don't know that. 5 Q. (By Ms. Malow) Would that surprise you 6 to hear that? 7 MR. KELLY: Object to the form. 8 Q. (By Ms. Malow) Or does that surprise 9 you to hear that? 10 MR. KELLY: Object to form. 11 A. I'm not sure whether I should be 12 surprised or not. You're saying it. I 13 don't have any basis to believe or 14 disbelieve you, nor any basis to 15 understand why it might or might not be 16 if it were true, quality of analytical 17 work, or lots of the other things in my 18 experience that one has to understand 19 before one believes data. 20 Q. (By Ms. Malow) Do you know of any 21 community other than Anniston where the 22 residents have PCB levels in their blood 23 that's comparable to worker populations?

Page 73 1 A. No, I don't. But I don't know that it's 2 true in Anniston either. 3 Q. Have you seen the serum levels of the 4 neighbors of the Anniston plant? 5 A. I have not as yet. 6 Q. Is that something that you plan to look 7 at? 8 A. It depends on whether I need to for my 9 purposes in my job. 10 Q. Well, are you as the director of 11 environmental safety and health for 12 Solutia concerned about the health of 13 your neighbors? 14 A. Of course, I am. 15 Q. Isn't that in fact part of the pledge 16 that Solutia has made to the community, 17 to protect not only the health of its 18 own workers but also the health of its 19 neighbors? 20 A. In words more or less of that sort. 21 Q. And isn't it also part of Solutia's 22 commitment to its neighbors to protect 23 their properties as well from	Page 75 1 intention to retire. My duties had been 2 changed, along with Steve Smith's. And 3 so we went to become acquainted with 4 this particular project. 5 Q. Sort of an orientation? 6 A. Yes, ma'am. 7 Q. Who else from St. Louis other than you 8 and Mr. Smith went to Mr. Anniston? 9 A. Just the three of us. 10 Q. Did Mr. Foresman go with you? 11 A. Yes, ma'am. He did. 12 Q. Oh, I didn't know that because Mr. Smith 13 didn't tell me that yesterday. All 14 right. So Mr. Smith, Mr. Foresman, and 15 yourself all went there in February? 16 A. Yes, ma'am, we did. 17 Q. And who did you meet with at the plant? 18 A. Dave Cain, site manager, as a courtesy. 19 And I had other unrelated business with 20 him. I had never had the pleasure of 21 meeting him. Robert Jones for the same 22 reasons. I had met him before, but I 23 had other business with him. Steve. I
Page 74 1 contamination? 2 A. Yes. And we believe we're doing that. 3 Q. Okay. I want to now go to what we have 4 marked -- 5 MS. MALOW: You want to take a 6 break? Sure. 7 [A break was taken.] 8 MS. MALOW: Back on the record. 9 Q. (By Ms. Malow) Mr. Felder, before we go 10 to Exhibit -- I think it's Two -- how 11 many times have you been to Anniston, 12 Alabama? 13 A. Twice. 14 Q. Were both of those in the year 2001? 15 A. Yes, ma'am. 16 Q. Let's start with the first time that you 17 went there. Was that on February 7th of 18 2001? 19 A. Yes, ma'am. This is my note from -- 20 Exhibit Two is my note from that visit. 21 Q. All right. And what was the purpose of 22 the February 7th, 2001 visit? 23 A. Mike Foresman had announced his	Page 76 1 met the young woman who works in their 2 office. I think I met one of the 3 construction people. 4 Q. Did you meet with Mr. Branchfield as 5 well? 6 A. Yes, ma'am. I'm sorry. 7 Q. I wanted every one of them. 8 A. I thought you had mentioned that earlier 9 on. 10 Q. No, no. I had from St. Louis, you, 11 Mr. Smith, and Mr. Foresman. And then 12 when you got there, you met with 13 Mr. Cain, Mr. Jones, Mr. Branchfield. 14 And who else? 15 A. I have forgotten the last name of the 16 lady that works in the office, but I 17 believe her first name is Gina. 18 Q. Did you also meet with Mr. Jerry Hopper? 19 A. Yes, ma'am. I did meet Jerry Hopper. 20 Thank you. 21 Q. How about Bruce Eley? 22 A. No. I don't recall Bruce being there. 23 Q. I'm just guessing names because I don't

Page 77 1 know who was there. But I saw 2 Mr. Eley's name on the memo, so I was 3 wondering if he was one of the people 4 that was there. 5 A. No. 6 Q. So was it just a one-day visit to the 7 plant? 8 A. We went down one morning and came back 9 early the next morning, though we were 10 not at the plant that morning. I think 11 we had a 7:30 flight the second morning. 12 Q. Right. And my understanding is you did 13 not spend the night in Anniston, 14 correct? 15 A. I don't recall. I think we spent the 16 night by the airport, which I guess 17 would be closer to Birmingham. 18 Q. Right. That's what Mr. Smith testified 19 to yesterday. Is that your 20 recollection? 21 A. That's my recollection as well. 22 Q. And then I'm going to get into more 23 detail about the first meeting, but let	Page 79 1 A. I just don't know. I would have to look 2 at my expense account. 3 Q. All right. Let's -- 4 A. The second one is very clear because we 5 got up early so we could get to the 6 airplane, but the first one I don't 7 remember. 8 Q. Okay. Let's go back to the first one. 9 Other than going to the plant site, did 10 you inspect any other areas or go to 11 other areas in the Anniston -- 12 A. Yes, ma'am. 13 Q. Tell me about that. 14 A. Steve took -- or I don't know whether he 15 drove or Mike drove -- but in the event, 16 somehow between the two of them they 17 showed Steve and me the surrounding 18 areas nearby the plant and elsewhere. 19 Just how far out, what mileage, I don't 20 recall, but where there were issues 21 related to the remediation. 22 Q. Specifically, did you take a look at 23 Snow Creek?
Page 78 1 me skip to the second meeting. When was 2 that? 3 A. A few months ago. I don't recall 4 precisely. 5 Q. April or so? 6 A. April, May, I think. Yes, ma'am. 7 Q. Was that also a one-day trip? 8 A. No. I think that was a two-day trip, 9 actually. 10 Q. Did you stay in Anniston or near 11 Birmingham? 12 A. I know we stayed in Birmingham or near 13 Birmingham the second night so we would 14 be close to the airport in the morning. 15 We may have stayed in Anniston the first 16 night or we may have driven back and 17 forth. I don't honestly recall. My 18 expense account would tell me. 19 Q. Well, Mr. Smith testified that he was on 20 both of those trips and that he didn't 21 spend the night in Anniston either trip. 22 Would that comport with your 23 recollection?	Page 80 1 A. I don't remember. But I may have done 2 -- If Snow Creek crosses under the 3 Quintard Mall, then I saw a part of Snow 4 Creek. 5 Q. Did you look at Choccolocco Creek? 6 A. I don't think so. 7 Q. Did you go to Lake Logan Martin? 8 A. No. I do recall as we were driving down 9 whatever highway goes from the 10 Birmingham airport to the plant that 11 either Mike -- I guess it had to have 12 been Mike because Craig wasn't with us 13 coming from the airport -- gestured and 14 said -- 15 Q. Right. "There is Lake Logan Martin"? 16 A. Yes, ma'am. 17 Q. But there was no actual inspection of 18 the lake? 19 A. No, ma'am. 20 Q. Other than you saw it on the highway? 21 A. I don't know if we saw it. He sort of 22 said, "It's that way." 23 Q. Well, you can see it.

Page 81 1 A. Oh. I don't recall seeing it. Let's 2 put it that way. 3 Q. All right. It's kind of hard to miss. 4 A. Okay. 5 Q. How about any residential neighbors' 6 properties? Did you go look at any 7 residences near the Anniston plant site? 8 A. We drove by some homes. We drove by a 9 church or two. We drove by some 10 businesses near the plant. Yes. 11 Q. How about Oxford ball fields? Did y'all 12 go over there? 13 A. Yes, we did. 14 Q. And any other places that you can recall 15 specifically driving to during that 16 one-day visit? 17 A. I believe I mentioned a moment ago we 18 drove past the Quintard Mall and around 19 it, actually. 20 Q. All right. And the purpose of that 21 again was just sort of orientation as to 22 the different areas where there's 23 projects underway?	Page 83 1 handwriting as well? 2 A. Could you give me a specific? 3 Q. For example, on enclosure 1, which is 4 the "Anniston Remedial Project List of 5 Key Personnel." 6 A. That's my printing. 7 Q. And the same thing on page 2 of that 8 enclosure 1? 9 A. That is also my printing. 10 Q. And is it also your handwriting on 11 what's called "Sheet 1" at the top? 12 A. That is mine as well. 13 Q. And then is that your handwriting on the 14 Summary Graph, where it says "actual"? 15 A. No. That's not. 16 Q. And then it looks like the last two 17 pages have no markings on them. 18 A. Let me just take a look. I agree. 19 Q. So you took these notes during the 20 February meeting. Let's kind of go 21 through these and let me get some 22 understanding of what you meant by these 23 notes. First you have got a -- The
Page 82 1 A. Yes, ma'am. It sometimes helps to see 2 the lay of the land as well as any 3 aerial photo or map. 4 Q. Sure. Okay. Then let's talk about the 5 actual meeting at the plant. You have 6 -- Your lawyer has produced to us some 7 notes that -- I guess this is in your 8 handwriting, the first four pages; is 9 that right? 10 A. Count the pages for you. Yes. 11 Q. And did you take those notes 12 contemporaneously with the meeting? 13 A. Yes, I did. 14 Q. And is that your pattern to -- or 15 practice to take notes during the 16 meetings that you attend? 17 A. Depends. If I can depend on someone 18 else for those purposes, then I will. 19 This was my get-acquainted visit. So I 20 felt that I needed something a bit more. 21 Q. Okay. There's some handwriting on some 22 of the other pages which are also part 23 of Exhibit Two. Is that your	Page 84 1 title of it is "Anniston Remediation" 2 and then in parentheses you say "and 3 litigation." 4 A. Yes, ma'am. 5 Q. Then you have got number 1, "People," 6 "see enclosure 1," and enclosure 1 7 actually gives a fairly detailed list of 8 areas and names of people and which 9 organizations they are with, correct? 10 A. Yes, it does. 11 Q. Then you have got a comment under 1.1 12 "Bruce Eley does very well with people 13 contacts." First of all, what is 14 Mr. Eley's role? 15 A. I don't know precisely. He doesn't work 16 for me, nor does he work for anyone who 17 does work for me. But he's involved in 18 some manner in this project. I think 19 there's some description back there. It 20 says, "Bruce Eley, Solutia, property 21 access and miscellaneous." And the note 22 apparently was taken in the context with 23 those duties. Because I have got a

Page 85 1 direct reference to the enclosure. 2 Q. Was that your comment, or were you 3 recording somebody else's observation 4 about Mr. Eley? 5 A. I was undoubtedly recording someone 6 else's conversation about Bruce because 7 I don't know Bruce that well. 8 Q. Do you remember who made that comment 9 about Bruce, that he does very well with 10 people contacts? 11 A. No. I honestly don't. There were 12 basically three people besides myself in 13 the room. Could have been any one of 14 them. 15 Q. Do you know which particular people 16 contacts were being referred to? Is 17 that neighbors? Is that governmental 18 people? Which people are we talking 19 about? 20 A. I don't recall any longer. 21 Q. Okay. Then you have got 1.2. "Craig 22 deals with public, whereas Richard and 23 Steve handle 'technical' issues." You	Page 87 1 in your list of key personnel document. 2 A. That last is certainly true. But 3 whether it's a direct tie, I don't 4 remember. 5 Q. You just don't remember? 6 A. No, ma'am. Steve is Steve Smith, 7 however. 8 Q. I figured, but I hadn't gotten there 9 quite yet. 10 A. Sorry. 11 Q. You're predicting my questions, which 12 always happens. I'm fine with that. 13 All right. Do you know 14 Mr. Williams? Have you ever met him? 15 A. Yes, I have. 16 Q. And what type of company does 17 Mr. Williams have? It says R. S. 18 Williams & Associates. 19 A. Richard is an environmental consultant, 20 if it's Richard Williams. 21 Q. Okay. And is that an outside consultant 22 that Solutia has hired to assist in 23 their remediation of the Anniston site?
Page 86 1 have got technical in quotations. Let's 2 start with Craig. I'm assuming you mean 3 Mr. Branchfield? 4 A. Yes, I do. 5 Q. And when you say he deals with the 6 public, who specifically was being 7 referred to? 8 A. The public. 9 Q. Meaning the neighbors, residents of 10 Anniston, things like that? 11 A. I would think so, yes. 12 Q. And then who is Richard? 13 A. I don't recall from the notes. I wish I 14 had put a last name down here. It's 15 like my second note at the beginning of 16 the meeting after getting off the 17 airplane. 18 Q. Okay. Could it be Richard Williams, 19 who's listed in the remediation key 20 personnel group? 21 A. It could be but it might not necessarily 22 be. 23 Q. He's the only Richard that I see listed	Page 88 1 A. Yes, it is. 2 Q. And it says, "Technical Lead - Off-Site 3 RFI." And then in your handwriting you 4 wrote, "usually at the site." Is he 5 stationing himself now mostly at the 6 Anniston plant? 7 A. I'm not sure where you're looking. 8 Q. I'm sorry. I'm now looking at the list 9 of key personnel enclosure 1, where you 10 have got some handwritten notes about 11 Mr. Williams. I'm sorry. 12 A. Thank you. 13 Q. I changed pages on you. 14 A. Just a moment and I'll catch up, if you 15 will, please. 16 Q. Certainly. 17 A. Okay. Your question? I'm in the right 18 place. What was your question, please? 19 Q. Okay. I was trying to figure out 20 whether or not your note that says 21 "usually at site" means that 22 Mr. Williams is now pretty much working 23 at the Anniston facility on a regular

Page 89 1 basis? 2 A. Well, I wish I had taken more detailed 3 notes. That's probably what it means, 4 but I'm no longer sure. 5 Q. Okay. Do you know when it is that R. S. 6 Williams & Associates was hired to serve 7 as a consultant on this remediation at 8 the Anniston site? 9 A. I don't just yet. 10 Q. That is something you'll learn as you 11 get more involved? 12 A. If I need to, or if I learn I can depend 13 on Craig for those sorts of things 14 without fail, then I won't learn. 15 [Discussion held off the 16 record.] 17 MS. MALOW: Okay. We'll edit all 18 that out. 19 Q. (By Ms. Malow) What exactly is the 20 function of the technical lead for the 21 off-site RFI to your understanding, 22 Mr. Felder? 23 A. Just as it says. He's providing the	Page 91 1 A. Well, I wrote down what I was told. In 2 my roughly -- Actually, I hadn't even 3 begun the job yet. I knew I was going 4 to begin the job. Mike hadn't retired 5 as yet. So I don't know. I wrote down 6 what I was told at the time. 7 Q. As you sit here now, do you have any 8 understanding as to whether or not 9 Mr. Smith is in fact handling any 10 technical issue at the Anniston site? 11 A. I think it's fair to say that Steve is, 12 by working through Craig and John and 13 Richard and whomever else we may be 14 using. I don't think it would be a 15 reach to say that's handling technical 16 issues. 17 Q. Okay. Who's John? John Loper? 18 A. Yes, ma'am. You mentioned him a moment 19 ago. 20 Q. Sorry. I got confused. 21 Then we go to paragraph 2, which 22 has "Work." It looks like you have 23 divided it into on-site and off-site
Page 90 1 technical input of technology for 2 investigation, remediation, and the like 3 for that portion of the work. 4 Q. Would he be dealing, for example, with 5 Choccolocco Creek? 6 A. Off sites, yes. 7 Q. And then I guess in that list of key 8 personnel, Mr. Loper with Roux is the 9 technical lead for on-site RFI? 10 A. Yes, ma'am. 11 Q. And other areas as well? 12 A. That's correct. 13 Q. Okay. Let's go back to your handwritten 14 notes where you say that Richard and 15 Steve handle technical issues. 16 Yesterday when I took Mr. Smith's 17 deposition he did not seem to know many 18 of the technical details of the Anniston 19 remediation and deferred to 20 Mr. Branchfield. So I guess what I 21 would like to know is what exactly is 22 meant by this note that Steve is 23 handling the technical issues.	Page 92 1 RFIs. And then you have got "CERCLA 2 investigation" on the right-hand side. 3 Are those two different areas? 4 A. That's how it was explained to me at the 5 time. I was literally taking notes to 6 help me understand. It's just one of 7 the ways I study. 8 Q. Okay. Then it says, I think -- And if I 9 misread your writing, tell me. It says, 10 "Start - state RCRA, investigation 11 essentially done, and we would argue 12 earlier remediation work suffices." Did 13 I read that correctly? 14 A. You read my writing correctly, yes. 15 Q. What is meant, based on your 16 participation in this meeting, as to the 17 statement that "Solutia would argue that 18 the earlier remediation work suffices"? 19 A. What I understood it to be, and what my 20 notes remind me of, is that on that 21 phase of the work we think that, A, 22 their investigation was done. And, B, 23 the remediation in those areas that was

Page 93 1 already done was sufficient. 2 Q. So specifically is Solutia taking the 3 position, based on your understanding of 4 this initial meeting, that for example, 5 the landfills on site that have been 6 capped are adequately containing the 7 PCBs? 8 A. That's our belief, yes. 9 Q. And have you read the recent May 2001 10 report by EPA regarding their assessment 11 of the work, remediation work? 12 A. You would have to show me a copy so I 13 could be certain. 14 Q. Well, I mean, as we sit here now, are 15 you familiar with the fact that EPA had 16 requested an environmental response team 17 center to utilize, react as a third 18 party to conduct an independent 19 evaluation of the Anniston PCB site? 20 A. No. There's a note here that says EPA 21 Landfill SWAT Team on my item number -- 22 Q. 4? 23 A. 4.	Page 95 1 or what did you mean by the use of the 2 word "Issues"? 3 A. Kind of open items. 4 Q. And you have got "groundwater" and 5 "air." Correct? 6 A. Yes, ma'am. I do. 7 Q. And now, under groundwater you say 8 "sampling suitability." What do you 9 mean by that? 10 A. Just what it says. Is the sampling 11 suitable? And that's apparently an 12 issue that was -- at least at the time I 13 took these notes -- not agreed amongst 14 the parties. 15 Q. And by that do you mean that some of the 16 governmental entities were saying that 17 the sampling performed of the 18 groundwater may not have been suitable? 19 A. It would include that, yes. There might 20 be other parties, such as your clients, 21 who are arguing the same thing. My 22 notes simply say -- reflect. 23 Q. That's --
Page 94 1 Q. Yeah. Okay. But have you actually seen 2 the written work that EPA Landfill SWAT 3 Team has done? 4 A. I haven't. Late yesterday afternoon as 5 I was leaving the office a report 6 reached me on inter-office mail. 7 Whether it's the same report or not, I 8 don't know. All I know with certainty 9 is that it relates to Anniston. 10 Q. Okay. All right. So the position that 11 Solutia is taking, based on your 12 understanding at this meeting, was that 13 all of the work that has been done both 14 on site as well as off site in terms of 15 the RFIs is appropriate? 16 A. Actually, the note refers specifically 17 to state RCRA investigation. 18 Q. So would that be limited to the on site? 19 A. Ordinarily so. On site plus landfill. 20 RCRA wouldn't cover other kinds of 21 things. 22 Q. Then you say "Issues." I guess what I 23 want to know first is what do you mean	Page 96 1 A. -- it's an open issue. 2 Q. Okay. Have you at this date, in August 3 of 2001, determined in your mind as the 4 director of environmental safety and 5 health for Solutia whether or not the 6 groundwater sampling conducted to date 7 is in fact suitable? 8 A. We're continuing to sample because the 9 regulatory agencies wish us to continue 10 to sample. 11 Q. So it's still an open question? 12 A. It's an open question. 13 Q. Then we go to air, which is number 2 14 under "Issues." And you say, "pathway 15 or not" question mark. Does that just 16 mean you're still trying to determine 17 whether or not the air is a potential 18 pathway of exposure? 19 A. No. It means that someone is trying to 20 determine that and there's not 21 agreement, or it wouldn't be listed 22 under issues. 23 Q. Have you in your own mind determined

Page 97 1 whether or not the air is a potential 2 route of exposure for people in the 3 Anniston area? 4 A. I haven't as yet. It certainly wasn't 5 in Kearny. 6 Q. It was not in Kearny? 7 A. That's correct. 8 Q. Have you seen the air monitoring results 9 that Solutia has taken at the plant 10 site? 11 A. Not as yet. 12 Q. Have you seen any of the EPA air data? 13 A. Not as yet. 14 Q. Have you seen any of the air data by the 15 plaintiffs' experts? 16 A. Not as yet. 17 Q. Are you familiar with any EPA region 18 that has developed risk based 19 concentrations for air? 20 A. For "Rebecca," you mean? 21 Q. Risk based concentration. I call them 22 RBCs. 23 A. The acronym in the industry, I guess, is	Page 99 1 object to the assumptions. 2 A. I'd like to understand, as I said 3 earlier in response to a somewhat 4 similar question; I have forgotten 5 specifics -- I would want to understand 6 more about the basis for how the risk 7 level was set. I would want to 8 understand whether there was some sort 9 of scientific agreement about it. 10 Oftentimes there's disputes in 11 these sorts of things within the 12 scientific community. And I don't mean 13 the industry versus EPA, but others who 14 are more disinterested, perhaps. And 15 I'd like to understand more about the 16 validity of both the sample collection 17 and the analytical work that was 18 associated with it, so both sides of the 19 issue, if you think about it. Risk has 20 an exposure component and a hazard 21 component. And you need to understand 22 both before you can draw reasonable 23 conclusions.
Page 98 1 "Rebecca." I am aware that some work 2 has been done. I don't know the 3 numbers, nor whether there's agreement 4 in the scientific community on it. 5 Q. Do you have any information as to how 6 the levels in Anniston compare with any 7 risk based concentrations the EPA has 8 developed? 9 A. Not as yet. 10 Q. Would it surprise you if the readings 11 were thirty times higher than the risk 12 based concentration levels? 13 MR. KELLY: Object to the form. 14 A. I don't know whether I would be 15 surprised or not until I saw the data 16 and until someone explained to me 17 whether it's rational or not rational. 18 Q. (By Ms. Malow) Okay. Assume with me 19 that in fact there are levels in the air 20 in Anniston that are thirty times higher 21 than EPA risk based concentrations. Do 22 you find that to be acceptable? 23 MR. KELLY: Object to the form;	Page 100 1 Q. (By Ms. Malow) Let's just assume that 2 everything is valid and that the 3 scientific methodology is sound. Let's 4 just make that assumption for purposes 5 of this question only. Given those 6 assumptions, if it turns out that the 7 air levels in fact are thirty times 8 higher than EPA risk based 9 concentrations, do you as the director 10 of environmental safety and health for 11 Solutia find that acceptable? 12 MR. KELLY: Object to the form. 13 A. If all those things were true, we would 14 wish to take some measures to change 15 that. What those measures might be 16 would depend on additional facts. And 17 the further you take the speculation 18 out, the less worthwhile my answer is 19 going to be. 20 Q. (By Ms. Malow) Sure. But as we sit 21 here now, that's information that you're 22 still going to get up to speed on? 23 A. That's correct. Either I will or I'll

Page 101 1 understand that my people understand it 2 sufficiently for my purposes. 3 Q. Okay. Now, since you have only listed 4 groundwater and air under your issues 5 and you did not list, for example, fish 6 or surface water, does that mean that 7 fish and surface water are no longer 8 open issues? 9 A. It means they weren't told to me on my 10 very first visit to this plant and my 11 very first association with this 12 particular mediation they weren't 13 mentioned to me. 14 Q. As we sit here now in August of 2001, do 15 you have any understanding as to what 16 the levels are in the fish in the water 17 bodies near the Anniston facility? 18 A. Yes. I don't remember the specific 19 numbers, but during a subsequent meeting 20 that you mentioned already I was told 21 some of those numbers in the context of 22 where and what and how they had 23 decreased over time.	Page 103 1 MR. KELLY: Object to the form. 2 A. Depends on, I suppose, the use of the 3 fish, et cetera. It's an FDA question 4 after all. 5 Q. (By Ms. Malow) If in fact the people in 6 the Anniston area eat the fish, do you 7 think there should be a first advisory 8 in place if the fish levels exceed FDA 9 limits? 10 MR. KELLY: Object to the form. 11 A. Isn't that a question for ADEM and FDA 12 rather than for me? They are the 13 regulatory authorities. 14 Q. (By Ms. Malow) I'm asking you as 15 someone in charge of environmental 16 safety and health if you think it would 17 be a good idea to have a fish advisory 18 in place if the fish exceed FDA LIMITS? 19 A. If that's what's required to provide 20 safety, yes, of course. If it's not 21 required, no. 22 Q. Let me ask you this, Mr. Felder: If you 23 and your family lived in Anniston and
Page 102 1 Q. Do you know if even today some of the 2 fish in Choccolocco Creek exceed FDA 3 acceptable limits? 4 A. I don't recall specifically. I'm sorry. 5 I recall that the subject matter was 6 discussed, and I entered into the 7 discussion, but I don't remember the 8 details. 9 Q. Well, if they are on decline, does that 10 mean necessarily that they don't exceed 11 FDA limits? 12 A. No. It doesn't mean that they do, 13 though, either. I just don't remember 14 the number. 15 Q. You just don't know the numbers? 16 A. Yes, ma'am. That's correct. 17 Q. Have you seen the most recent ADEM fish 18 data? 19 A. Not as yet. 20 Q. Do you think that the fish advisory 21 should remain in effect if in fact the 22 fish levels exceed FDA acceptable 23 limits?	Page 104 1 the fish levels were higher than FDA 2 limits, would you eat the fish? 3 A. Depends. 4 Q. Depend on what? 5 A. Depends on what other information I 6 have. 7 Q. Well, let's assume that you want to eat 8 fish and you know that the fish levels 9 exceed FDA limits. Would you eat them? 10 A. Possibly. 11 MR. KELLY: Object to form. 12 THE WITNESS: Sorry. 13 Q. (By Ms. Malow) What would be the reason 14 that you would eat the fish? 15 A. If I thought that the standard was 16 unduly conservative -- 17 Q. The FDA standard? 18 A. Yes, ma'am. 19 Q. Okay. Do you have an opinion that the 20 FDA standard of two parts per million of 21 PCBs is unduly conservative? 22 A. In this instance I have no opinion 23 because I have not studied PCB

Page 105 1 toxicology, either human or mammalian. 2 Q. And you would have to do that before you 3 would come to a conclusion as to whether 4 or not the FDA standard is acceptable or 5 too conservative? 6 A. That's correct. 7 Q. All right. Let's go back to your notes. 8 You then have number 3, which says, 9 "Community wants us to settle using 10 landfills as a lever." What was the 11 discussion about the community's wishes 12 and the landfills being a lever? 13 A. One is driving the other. The 14 impression that I took out of it was 15 that there was litigation and there was 16 remediation, and there was some 17 interplay between the two. 18 Q. What was meant in the -- or what was the 19 discussion about the landfills being a 20 lever? 21 A. Other than the note, I don't remember 22 the specifics. Clearly the notes 23 suggest that there is a tie between	Page 107 1 A. Yeah. Community is a broad term. But 2 yes, my understanding is some parts of 3 the community wish that to be the case. 4 Q. Do you have an understanding as to why 5 it is that that is one of the wishes of 6 the community? 7 MR. KELLY: Object to the form. 8 Calls for speculation. 9 Q. (By Ms. Malow) You can answer. 10 A. I understand I can answer; I'm trying to 11 understand the question. 12 Q. Okay. Do you have any understanding as 13 to why it is that the community is 14 requesting that Solutia clean up the 15 landfills further? 16 MR. KELLY: Object to the form, 17 calls for speculation. 18 A. My notes suggest to me, after -- you do 19 the months -- but since February, so 20 there's a bit of time that has elapsed 21 -- that that desire is being used as a 22 lever to cause us to do something 23 different elsewhere.
Page 106 1 those two issues. 2 Q. Is it the case that Solutia does not 3 want to do any remediation of the 4 landfills that are on site? 5 MR. KELLY: Object to the form. 6 A. As you recall, you remarked it earlier, 7 we believe that the landfills are 8 sufficiently contained, that there is no 9 remediation necessary. 10 Q. (By Ms. Malow) I mean any further 11 remediation. My question was poorly 12 phrased. Let me restate it. 13 A. Please. 14 Q. Is it Solutia's position that there is 15 no further remediation work that needs 16 to be taken with respect to the on-site 17 landfills at the Anniston facility? 18 A. As I presently understand it, that's 19 correct. 20 Q. And it's your understanding that the 21 community would like further remediation 22 performed with respect to those on-site 23 landfills?	Page 108 1 Q. (By Ms. Malow) So you think it is 2 completely connected to settlement of 3 litigation and nothing else? 4 MR. KELLY: Object to the form. 5 A. I don't know that I can get in the mind 6 of you or your clients but obviously 7 someone said this to me during the 8 course of the meeting. 9 Q. (By Ms. Malow) And that's all I'm 10 trying to understand, is the thrust of 11 the comment at the meeting was that the 12 only reason that the community want the 13 landfills cleaned up is because they 14 want to use that to you guys to settle 15 their lawsuit. Is that the thrust of 16 it? 17 MR. KELLY: Object to the form. 18 A. That's what my notes suggest to me. 19 Q. (By Ms. Malow) Okay. I think I'm clear 20 now. 21 EPA landfill SWAT team, we alluded 22 to this earlier. Tell me what you can 23 recall about your meeting in February of

Page 109 1 this year about the EPA landfill SWAT 2 team? 3 A. That there was such a thing and it might 4 become an issue. 5 Q. Okay. Was that somehow thought to be 6 connected to the litigation as well? 7 A. I don't recall. 8 Q. The last sentence on that page says, 9 "Virtually everything we do is at our 10 risk. And then in parens you say, "as 11 ADEM are very slow to approve work 12 plans." What was meant by virtually 13 everything we do is at our risk? 14 A. We understand that in order to do what 15 we believe is the right thing that we 16 may wind up doing more than is necessary 17 in the regulator's view or something 18 different in addition to that is 19 necessary. We might have to do more 20 subsequently because we're trying to 21 move things along. 22 Q. So you think -- or it's Solutia's 23 position that Solutia is moving faster	Page 111 1 well completed sampling on Snow Creek." 2 What is your understanding of what 3 sampling has been done on Snow Creek? 4 A. My understanding -- and it's a bit mixed 5 up in my mind as to whether it was given 6 to me then or subsequently -- is that we 7 have sampled along Snow Creek to 8 characterize the sediments. 9 Q. Okay. At the beginning I had asked you 10 about Dr. Ferguson's report, which you 11 testified you hadn't seen before, which 12 actually addressed Snow Creek back in 13 the '60s. Are you aware of sampling 14 that was done at Snow Creek in the '60s? 15 A. No, I'm not. 16 Q. Are you aware of sampling that was done 17 of Snow Creek in the '80s? 18 A. No, I'm not. 19 Q. Are you aware of the attorney general's 20 investigation in 1985 of contamination 21 of Snow Creek? 22 A. I don't recall anything about it. I'm 23 sorry.
Page 110 1 than ADEM is with respect to the work 2 plans? 3 A. In some regards, yes. 4 Q. In what regards is Solutia moving faster 5 than ADEM? 6 A. I don't recall. I was told this. This 7 wasn't my first party conclusion. 8 Q. Going to page 2 of your notes, you say 9 "off-sites are," and then parens, "not 10 plant nor contiguous," "11th Street 11 ditch, Snow Creek, Choccolocco Creek, 12 and Lake Logan Martin to the dam at Loy 13 Lake," right? 14 A. Is that Loy or Lay? Looks like Lay, but 15 it didn't reproduce very well. 16 Q. I can't read your writing there. You're 17 just here identifying what the off-site 18 areas are that are being addressed? 19 A. Yes, ma'am. I'm just trying to 20 understand so that when someone said 21 off-site versus on-sites I know what 22 they're talking about. 23 Q. Okay. And that says, "We have pretty	Page 112 1 Q. None of those things were told to you 2 when you got involved in the Anniston 3 site? 4 A. I don't remember at this point and my 5 notes don't tell me that they do, and 6 these are my contemporaneous notes. 7 Q. So your only knowledge with respect to 8 sampling of Snow Creek deals with 9 present day sampling? 10 A. Yes, ma'am. That's correct. 11 Q. Then you say, "We have done a programmed 12 sampling on Choccolocco Creek." What is 13 meant by a programmed sampling? I think 14 that's what that says, programmed? 15 A. I think it does, too, but apparently I 16 misspelled programmed with only one "m." 17 Or does it only have one "m"? 18 Q. It has two. But it could actually be 19 two because you have a little scribble 20 by it. 21 A. All right then. Apparently it's a 22 systematic statistical approach to it. 23 Q. And it says that "We looked for PCBs and

Page 113 1 metals. We also sampled lake bottom and 2 fish in Choccolocco and the lake" and 3 that "fish showed better than 2 ppm 4 PCBs." So if in fact the FDA acceptable 5 limit is 2 ppm, then these notes 6 demonstrate that the fish are in 7 exceedance of FDA limits, right? 8 A. Yes, they do. Now that I have them in 9 front of me to refer to, yes. 10 Q. Then it says, "In lake we find less than 11 2 ppm in the fish," which would be below 12 the FDA limits, right? 13 A. If you remind me and I can accept that 2 14 ppm is the limit. I just don't recall. 15 Q. Okay. Then you say, "We find PCBs only 16 in deep samples by dam. In Choccolocco 17 we find increasing PCB levels in fish as 18 we move upstream." And I can't tell if 19 that says less than or greater than 8 20 ppm. 21 A. It's actually less than 8 ppm. There's 22 a little approximation sign on top. 23 Q. But does that mean it was greater than 2	Page 115 1 A. As I recall, yes, ma'am. 2 Q. But at the time of this first meeting 3 there was just a general discussion 4 about fish levels? 5 A. That's correct. 6 Q. Amongst yourselves? 7 A. Yeah. The parties mentioned earlier on. 8 Q. And then you say "risk of mass removal 9 is in," open quote, backwater, close 10 quote, "where Snow Creek enters 11 Choccolocco." What does that mean? 12 A. That's the first time I had heard the 13 term in that context. In Other times 14 I've heard it used by USACE as a 15 backwater port or something. That's on 16 the Mississippi. But this refers to 17 waters upstream of the intersection of 18 Snow Creek in Choccolocco Creek. 19 Q. What is meant by that whole sentence? 20 A. It means that there's a risk of mass 21 removal in the backwater where Snow 22 Creek enters Choccolocco Creek. It's 23 not a done -- decided issue at this
Page 114 1 ppm? 2 A. It means that some were greater than 2 3 and less than 8. 4 Q. "However, levels have been coming down"? 5 A. Correct. 6 Q. Mr. Smith testified yesterday that at 7 one of these meetings -- and I can't 8 remember which one -- there was actually 9 a chart that had been put together that 10 showed fish levels over time. Did you 11 remember such a chart? 12 A. Yes, I do. You recall I said there was 13 a subsequent meeting that took place 14 over two days and I had entered into 15 some discussion with respect to fish 16 levels? That was the occasion. 17 Q. Okay. And at that meeting, at least 18 according to Mr. Smith's testimony, he 19 said there were also some consultants 20 present -- 21 A. Yes, there were. 22 Q. -- at that later meeting? And that's 23 when that chart was presented?	Page 116 1 point. 2 Q. I guess I just don't know -- understand 3 fully what that sentence means. Do you 4 mean that there's some risk if you don't 5 remove the mass? Is that what that 6 means? Or does it mean something else? 7 A. No. It means that there's a risk that 8 it may be necessary to remove the mass. 9 It doesn't say that there's a risk if we 10 don't. View it in the opposite 11 direction, if you will -- 12 Q. All right. 13 A. It's not known to be necessary. 14 Q. Has any determination been made since 15 this February meeting that in fact mass 16 does need to be removed in the backwater 17 area where Snow Creek enters Choccolocco 18 Creek? 19 A. Recognizing that my last briefing on 20 this in detail over a period of two days 21 was nominally April, and recognizing 22 that presumably there will be some other 23 such briefing in the future, but I will

Page 117 1 be more knowledgeable in between time, 2 but this might shift with respect to 3 Mr. Branchfield -- I don't know of any 4 such issue at this point in time. 5 Q. It then goes on to say that "We are 6 doing more sampling at this point." So 7 at least as of February that was just an 8 issue that was being looked at further, 9 correct? 10 A. That's correct. 11 Q. Then it says, "We also have PCBs in 12 related floodplain, which we wish to 13 convert to conservation corridor until 14 backwater." What does that mean? 15 A. I guess "until" implies time; I used it 16 to imply physical distance here. 17 Q. Okay. So the conservation corridor 18 would be in a location up to where that 19 -- where Snow Creek enters Choccolocco? 20 A. That's what this sentence -- 21 Q. Okay. What is your understanding of 22 this conservation corridor proposal? 23 A. I learned more about the conservation	Page 119 1 containment of beachwater," and then in 2 parens you say "beachwater is in Oxford, 3 as is Anniston WTP, which has 4 contaminated sediments in a pile and in 5 ponds." 6 A. Actually, it's backwater. 7 Q. I'm sorry. It is backwater. I should 8 have known that from that other 9 backwater. 10 So, again, this is saying that 11 there may be a need to remove this area, 12 but I guess not only is -- where Snow 13 Creek enters Choccolocco but also in 14 Oxford and the Anniston waste treatment 15 plant? 16 A. Actually they are separate issues. In 17 the first sentence it refers back up to 18 the same thing above, where -- the mass 19 removal in the backwater issue. Then 20 this next sentence, the parenthetical 21 portion -- I guess the parentheses 22 either ran out on this page or I wasn't 23 consistent in closing my parentheses.
Page 118 1 corridor in April. At the time of this 2 meeting I knew very little about it 3 other than what the note reflects. But 4 the conservation corridor is a form of 5 institutional control, if you will. It 6 would prevent migration of sediments or 7 soils on the banks to become sediments 8 and would limit exposure of people as 9 well. 10 Q. Would it be less expensive for Solutia 11 to have a conservation corridor program 12 in place than it would be to dredge 13 Choccolocco Creek? 14 A. I don't know. I have not seen the 15 numbers for both cases. 16 Q. Have there been any discussions within 17 Solutia that either Snow Creek or 18 Choccolocco Creek should be dredged? 19 A. I don't recall those discussions. I'm 20 sorry. I had to think back just to be 21 accurate for you, but I don't recall any 22 such discussions. 23 Q. Then says, "We may need removal or	Page 120 1 But in any case, that's just a 2 geographical description of where stuff 3 is. 4 Q. Okay. Do you know what the levels are 5 of contaminated sediments in these piles 6 and ponds? 7 A. No. I'm sure if you had a report I 8 could read it or I could ask Craig a 9 question, but I don't know at the 10 moment. 11 Q. Okay. Then we go to page 3 of your 12 notes, three or four, which says 13 "Construction at WTP" -- which am I 14 correct that stands for waste treatment 15 plant? 16 A. That's right. 17 Q. -- "is a sore point." What was the 18 discussion about the construction at the 19 waste treatment plant? 20 A. Well, it describes it here. There's one 21 issue if EPA removes it and who might 22 pay for it. It says we are the target. 23 "We are target if EPA removes the pile."

Page 121 1 and then on the other hand, if we do it, 2 there's a possible different resolution. 3 And it says that we might be able to 4 recover from the contractor's insurer. 5 Q. Okay. Who are the parties, as far as 6 your understanding, that may have some 7 responsibility for the waste treatment 8 plant area, other than yourselves? 9 A. I'm not sure we have a responsibility. 10 Obviously, the EPA may think we do. But 11 in any case, the other parties are the 12 people who own and operate the waste 13 treatment plant, the contractor who put 14 this material there to begin with, and 15 then some contractor that was involved 16 subsequent to that in moving it around 17 to apparently expand or otherwise change 18 the capacity of the waste treatment 19 plant. 20 Q. Where is this project at this stage? Do 21 you know? 22 A. I think it's moving very slowly due to 23 the reasons -- as I understand -- the	Page 123 1 Q. Right. 2 A. No. Other than it's obviously something 3 less than the 15 million dollar 4 estimates if the EPA were to do it. 5 Q. But you don't have any idea how much it 6 would cost if you guys do it yourselves? 7 A. No. Nor do I know precisely what the 8 cost of recovery might be. 9 Q. Then it says, "We are nearly done 10 removal at ball fields near Snow Creek 11 and in floodplain." Is that the Oxford 12 ball field removal project? 13 A. Yes, ma'am. It is. And if you recall, 14 I mentioned either Mike or Craig, who 15 was driving, showed us those ball fields 16 during the course of the same visit. 17 Q. Right. Then we skip to another 18 paragraph. It says, "USEPA and ADEM are 19 at loggerheads, as EPA only wants 20 certain projects whereas ADEM is pretty 21 much, 'all or nothing.'" 22 What was the discussion with 23 respect to the differences between EPA's
Page 122 1 operators of the waste treatment plant 2 themselves. I don't mean the people 3 mechanically turning the valves but the 4 owner/operator. 5 Q. Sure. And is it your understanding at 6 this point that you guys are going to 7 try and move forward to negotiate a cost 8 sharing rather than having EPA begin 9 removal? 10 A. We would certainly prefer to do that if 11 we can come to agreement with the people 12 involved. 13 Q. And the reason you prefer to do that is 14 it may end up costing you guys a lot 15 less money. 16 A. The other reason we wish to do it is 17 we'd like to move things along in the 18 community. 19 Q. Would it also cost you guys less money? 20 A. I'd suggest that it would. 21 Q. Do you know what the cost would be to 22 Solutia if EPA didn't remove the pile? 23 A. If EPA didn't remove the pile?	Page 124 1 views and ADEM's views at this meeting 2 you attended? 3 A. As I understood it and my notes reflect 4 it -- and this is not an atypical thing; 5 I have seen this in other jurisdictions 6 during my prior remediation experience 7 -- There is some dispute between the 8 competent authorities as to who was 9 responsible for oversight of what. 10 Q. And when you say that "EPA only wants 11 certain projects," do you know which 12 particular projects it is that EPA is 13 trying to get accomplished? 14 A. No, I don't. I'd have to go back and 15 look at whatever documents Craig might 16 have in his office or Steve in his. 17 Q. And do you know what specifically ADEM 18 is asking for when you make that 19 statement, "all or nothing"? 20 A. Just what Craig briefed me on at the 21 time. 22 Q. Which was? 23 A. It was all or nothing.

Page 125 1 Q. Okay. Next paragraph, "Highway 21 2 bridge of over Choccolocco Creek is 3 being added to existing bridge. We will 4 have to excavate for one" -- I can't 5 read that other word. 6 A. "Bent." 7 Q. There is also excavation along utility 8 corridor. The highway people will cap 9 what we remove and will cost share." 10 Do you know what type of capping 11 is being done on that highway project? 12 A. I don't think they are far enough along 13 to say. I asked about this because I 14 find it an interesting project from a 15 technical standpoint. I don't think 16 they are far enough along. 17 Q. Why is it an interesting project to you 18 from a technical standpoint? 19 A. Well, I have built runways and other 20 civil structures. 21 Q. So it was just something you had 22 experience with? 23 A. Yes, ma'am.	Page 127 1 Q. Okay. First of all, do you know who the 2 other PRPs are with respect to Snow 3 Creek? 4 A. I don't at this moment, no. 5 Q. Then where you say that you propose to 6 pave the rest, have you heard anything 7 about a concrete liner being used for 8 Snow Creek? 9 A. I believe that was mentioned as one 10 possibility. There are -- I was shown 11 them near the mall some portions that 12 already are that way. And that's a 13 perfectly rational form of institutional 14 control or containment. 15 Q. And then it says, "there will be some 16 removal." Do you have any idea how much 17 material would have to be removed from 18 Snow Creek? 19 A. No. Although I have asked to learn more 20 about that specific issue at the meeting 21 in April. 22 Q. And this, again, is just something 23 ongoing?
Page 126 1 Q. Do you know what the level is of PCBs 2 that are in that highway area? 3 A. No, I don't. 4 Q. Do you know the volume of PCBs? 5 A. I think there's some discussion around 6 that. It depends on the design for the 7 one bent. 8 Q. Do you know -- Strike that. Why is it 9 that Solutia agreed to cost share on 10 this project on the highway? 11 A. I'm sure we must feel we have some level 12 of responsibility for it or that someone 13 else felt that way and it was more 14 effective to work together than to 15 argue. 16 Q. Okay. Next you say, "We are into 17 corrective measures in parts of Snow 18 Creek (other parts are paved); we 19 propose to pave the rest, but there will 20 be some removal. However, there are 21 other PRPs." By "PRPs," you mean 22 potentially responsible parties? 23 A. Yes, ma'am. That's exactly what I mean.	Page 128 1 A. Yes, ma'am. It is. 2 Q. Next we're on to page 4 of your 3 handwritten notes. Says, "Potential 4 holder for conservation corridor are 5 concerned as to preexisting 6 contamination." What is meant by that? 7 A. Precisely what it says, that the people 8 that -- the people that develop or hold 9 these conservation corridors are 10 typically conservation groups who depend 11 on contributions, grants, and the like. 12 And it means just what they say, they 13 are concerned as to preexisting 14 contamination. 15 Q. Is there any proposal that prior to 16 getting these easements that there would 17 be some cleanup before the easements 18 were put in place -- 19 A. We're still -- I'm sorry. Forgive me. 20 We're still working with these people. 21 So I think that's an issue that's up in 22 the air. 23 Q. As far as you know, have any easements

Page 129 1 been obtained yet? 2 A. In April I was not aware of any. I may 3 learn some at the time of our next 4 meeting. 5 Q. Then it says, "Dave Cain says he and 6 Craig are working just fine together." 7 And then I can't read your next word. 8 A. Well, another term of art. You said 9 objections, and I didn't know what you 10 meant. "Commo" means communications. 11 Q. And then says -- so it's communications 12 and all. What do you mean by "and all"? 13 A. It literally means they're working well 14 together. There was a specific question 15 that someone else -- I have forgotten 16 who -- had nominated to me as to whether 17 they are communicating well. 18 Q. And you just wanted to make sure they 19 were, and they were? 20 A. Part of my responsibility. Yes, ma'am. 21 Q. Last paragraph, "CERCLA AOCs include 22 most of on-site, but include far, far 23 more. Generally they are homes in the	Page 131 1 A. I looked yesterday, but between 2 yesterday and today, it's just as well 3 to refresh our memory to be accurate for 4 your purposes. Let's see. 5 The 2001 budget on what's entitled 6 page 1. 7 Q. Right. 8 A. There is a percentage for conservation 9 corridor. I guess we must be done at 10 the First Missionary Baptist Church, or 11 at least not expecting to spend anything 12 in 2001. 13 There's a property purchase item 14 for 2001 that says three percent but -- 15 Q. That's a purchase rather than a cleanup, 16 right? 17 A. That's what it says. But in fairness, 18 that might also be other properties 19 besides residential. I believe you 20 asked me expressly about residential. 21 Q. Right. It could be commercial, for 22 example. 23 A. And I can't tell from this any more than
Page 130 1 floodplain. We have not agreed to 2 everything but of course EPA is in 3 ultimate" -- what? 4 A. Control. 5 Q. Control. Okay. "EPA wants us to go 6 beyond the AOCs. We argue for 7 containment or at least sequencing." 8 What do you mean by "sequencing"? 9 A. You sample and decide what you need to 10 do, and sample and decide what you need 11 to do, rather than decide what you need 12 to do and then find data to support your 13 hypothesis. 14 Q. Okay. Has there been a budgeted amount 15 for cleanup of residential homes in the 16 area? 17 A. I'm not sure that there is anything 18 broken out in that fashion. 19 Q. Well, you want to take a look at the 20 budgets that are attached here and see 21 if you see anything that addresses that? 22 A. Let's do that. 23 Q. Because frankly, I haven't even looked.	Page 132 1 I can tell about the next chart down. 2 Q. I don't see anything that says 3 "cleanup." Do you? 4 A. Well, let's see. There's something that 5 says "dredge spoils." There is 6 something that says "Choccolocco Creek 7 waste treatment plant." There's 8 something that says "North Side" 9 although it's budgeted at zero at the 10 moment. Several of these could be 11 cleanup but just in different places. I 12 don't see anything that specifically 13 says cleanup of homes, nor do I see 14 anything that says specific cleanup of 15 businesses. So some of the things might 16 very well become -- 17 Q. All right. Let's go back to your notes 18 again. You say in parens, "This is the" 19 -- you had AOC and crossed it out to 20 ACO. Did you mean AOC or ACO? 21 A. No. I meant AOCs. There are apparently 22 several different forms and order. One 23 is called AOC and another is called ACO.

Page 133 1 And then of course there are things 2 under CERCLA. So there are different 3 formats that one can operate. 4 Q. But basically the debate here is the 5 extent to which cleanup will be done. 6 And there's some disagreement between 7 what EPA may want and what you guys may 8 think is appropriate? 9 A. That's certainly true. There was also, 10 appears from the notes, some debate 11 between ACO versus dissent decree versus 12 CERCLA. 13 Q. As to what kind of government? 14 A. Yes, ma'am. 15 Q. Lastly, you say that "There is also a 16 Ninth Street ditch AOC for which we feel 17 we ought not to be responsible. We are 18 only willing to characterize it." 19 I guess the first question I had 20 is why is it that you guys don't feel 21 you're responsible for that Ninth Street 22 ditch area? 23 A. I believe we didn't feel -- I'm	Page 135 1 remarked as he was showing us around 2 that one time Anniston had been a major 3 foundry center. 4 I have personal knowledge of FMC's 5 operations, as to what they made and did 6 there, at least when they were making 7 armored personnel carriers and tank 8 turrets and the like and several other 9 industrial operations, which frankly are 10 going to violate my other obligations to 11 discuss. And they said there were 12 plenty of other users of PCBs for other 13 purposes, and from my understanding from 14 Craig, served a lot of folks. 15 Q. Do you have any personal knowledge that 16 you can share with respect to FMC's 17 potential use of PCBs? 18 A. No. But they ran foundry operations, 19 and PCBs were used at several points in 20 time as binders for castings for sand. 21 Q. Have you actually examined any of FMC's 22 records to determine to what extent if 23 any PCBs were used?
Page 134 1 reconstructing this from the notes -- 2 that we contributed to it in some 3 manner. Our normal habit pattern in my 4 entire experience is if we did 5 something, we deal with it. 6 Q. Do you have any understanding as to who 7 would be the source of the problem, the 8 PCB problem at the Ninth Street ditch. 9 MR. KELLY: Object to the form, 10 object to the assumption, 11 PCBs. 12 Q. (By Ms. Malow) Let me -- That's a good 13 objection. Is the Ninth Street ditch a 14 PCB issue to your understanding? 15 A. Apparently so. 16 Q. Okay. Then I'm going to reask my 17 question. 18 Do you have any idea as to what 19 parties Solutia feels would be 20 responsible for the Ninth Street ditch? 21 A. Craig remarked during the course of the 22 day that PCBs are used in -- or were 23 used in foundry operations. He also	Page 136 1 A. No, I have not. But please understand 2 I'm not suggesting that FMC did or 3 didn't. I'm simply telling you they ran 4 a foundry, as did several others in the 5 area. 6 Q. But you don't have any evidence that 7 you're going to present to the jury one 8 way or another as to their actual use of 9 PCBs, do you, Mr. Felder? 10 A. I don't personally. I wasn't suggesting 11 they had done. Please let me be clear. 12 Q. Okay. That's why I want to make sure. 13 A. Foundries use PCBs; FMC and others had 14 foundries. 15 Q. But again, you haven't examined the 16 records to have any specifics that you 17 can share with the jury? 18 A. It's not part of my normal duties. No, 19 I haven't. 20 Q. Have you been asked to testify at the 21 trial of this case? 22 A. Not as yet. 23 Q. Do you know when the trial is scheduled?

Page 137 1 A. Some time in fall. 2 Q. All right. So we have now covered all 3 your handwritten notes from the first 4 meeting. I did not see any handwritten 5 notes from this last meeting. Did you 6 take notes from that last meeting? 7 A. I don't recall having done so. I did 8 search my files thoroughly at 9 Mr. Kelly's instructions. 10 Q. And you didn't find any? 11 A. No, ma'am. I did not. 12 Q. Do you remember as we sit here now 13 taking notes during that meeting? 14 A. I don't recall. 15 Q. May have, may not have? 16 A. If I did, I surely didn't retain them. 17 I searched the files diligently. 18 Q. Let's go, then, to the next page, which 19 is titled "Anniston Project Review," 20 "February 7th, 2001," "Agenda." Who put 21 this agenda together? Do you know? 22 A. I believe Craig Branchfield. Mike 23 Foresman may have had a role.	Page 139 1 A. No, we didn't. 2 Q. So site history as far as this meeting 3 went was really more just current 4 history? 5 A. Yes. I should tell you, however, that 6 outside this context I do know various 7 products that we made there. 8 Q. Let me ask you this: Do you know 9 whether or not mercury was used at the 10 Anniston plant? 11 A. I am told that it was, but I don't have 12 personal knowledge of that. 13 Q. Who -- and if it's a lawyer, I don't 14 want to know anything more. But was it 15 a lawyer that told you that or somebody 16 else? 17 A. I believe that I read some -- read an 18 e-mail that said someone alleged that 19 mercury was used. But there was a -- to 20 my knowledge, not personal knowledge; I 21 have simply been told this: There was a 22 chloralkylide facility at Anniston. And 23 the normal way in which chloralkylide is
Page 138 1 Q. Let's skip right to the field tour. We 2 had talked about that before. That's 3 where y'all actually got in the cars and 4 went and looked at some of these 5 off-site area that are listed as well as 6 the near site areas that are listed, 7 correct? 8 A. Yes, that's correct. 9 Q. What was discussed during this overview 10 of site history presentation from 2:30 11 to 3:00, just in a nutshell? Do you 12 remember? 13 A. I think the notes reflect what was 14 discussed. Which portion of the agenda 15 they fit under, I don't know. 16 Q. Okay. Well, I guess what I'm trying to 17 figure out is how far back in time did 18 y'all talk? For example, did you talk 19 about the manufacturing processes used 20 at the Anniston plant and things like, 21 you know, volumes of PCBs disposed of in 22 the south landfill or the west end 23 landfill, things of that nature?	Page 140 1 made involves mercury. So it would not 2 surprise me, but I don't have personal 3 knowledge of it. 4 Q. Do you recall who the author was of that 5 e-mail? 6 A. No, I don't; I'm sorry. 7 Q. Okay. Then you went -- Then the next 8 part of the agenda talks about 9 discussion of ongoing activities, and 10 that's got four items, and those I think 11 were covered in your handwritten notes, 12 correct? 13 A. Yes, ma'am. 14 Q. And then budget overview, would that 15 have been just a discussion of these 16 attached budgets? 17 A. Yes, ma'am. 18 Q. Then other issues, do you remember what 19 was discussed in that category? 20 A. No. I'm sorry, I don't. Unless it's in 21 the notes. 22 Q. And did you in fact have dinner 23 together?

Page 141 1 A. Yes, we did. No, I don't recall what I 2 ate. 3 Q. I wasn't going to ask what you ate; I 4 was going to ask you where you went. 5 A. I don't recall that either. I'm sorry. 6 Q. I need a good restaurant recommendation. 7 A. I don't recall; I'm sorry. 8 Q. Let's skip then to what's entitled 9 "Anniston Remedial Projects," "January 10 2001," "Monthly Report." Who prepared 11 this document? 12 A. There's no name on there so I'm not 13 sure. I would guess that Craig did, but 14 it is only a guess, based on his job 15 responsibilities. 16 Q. Okay. And I guess what I want to find 17 out is are there monthly reports for 18 subsequent months that cover these same 19 Anniston remedial projects? For 20 example, would there be a February one, 21 a March one, et cetera? 22 A. There may be. I don't have them. I 23 looked through all my Anniston files,	Page 143 1 Q. I don't really think I want to go -- I 2 think this all is fairly 3 self-explanatory. Let me just take a 4 quick glance at this and see if I have 5 any specific questions about the first 6 page. 7 A. I'll take a drink, if I may, in the 8 meanwhile. 9 Q. Certainly. I do have a question on the 10 fourth bullet point under EPA AOC. It 11 talks about, "Received EPA's database 12 which includes all sample results from 13 EPA's residential and commercial 14 property sampling programs in the 15 Anniston area. This data has been 16 integrated into our database." And my 17 question is, what database are you 18 referring to that you guys have? 19 A. I didn't write this report. 20 Q. Okay. Do you know the database that has 21 this type of information? 22 A. Internal -- Sorry. I'm not aware of who 23 keeps it nor in what form it's kept, but
Page 142 1 both electronic and paper. But Steve 2 Smith sits around the corner from me, 3 and Craig is only a phone call away. So 4 I wouldn't probably, because of space 5 limitations, keep paper on everything or 6 electronics on everything. 7 MS. MALOW: We would just request 8 that we get all of those. 9 MR. KELLY: They are periodically 10 produced. And I think you 11 have all that have been 12 prepared. But as we 13 periodically update the 14 production, all the monthly 15 reports are included. 16 MS. MALOW: Great. 17 Q. (By Ms. Malow) Did you recall, 18 Mr. Felder, whether or not this Remedial 19 Project January 2001 Monthly Report was 20 a handout that you received at that 21 first meeting? 22 A. All of these documents that are attached 23 here were handouts at that meeting.	Page 144 1 obviously we're developing an exposure 2 database. Whether it's through Richard 3 or Roux or Craig, I don't know. But my 4 solution is if I needed it would be to 5 call Craig. But, if you recall, I said 6 earlier on, in order to do risk 7 assessment you need exposure data and 8 you need hazard data. And this goes to 9 exposure. 10 Q. Then it talks about a meeting that was 11 held at the EPA in Washington, D.C. to 12 begin negotiations on these items. And 13 this is bullet point five under EPA AOC. 14 Were you involved in that meeting? 15 A. No, I wasn't. 16 Q. Do you know who attended on behalf of 17 Solutia? 18 A. No, I don't. 19 Q. Have you heard any details at all about 20 what happened at that meeting? 21 A. No. But, of course, I didn't take over 22 responsibilities until essentially the 23 end of February. I wasn't even aware of

Page 145 1 that circumstance until well into 2 January, that my job was changing. So I 3 would have no reason to know nor be 4 involved. 5 Q. Then under off-site RFI, where it says, 6 "No comments have been received on the 7 Off-Site Floodplain Work Plan, the 8 Off-Site Groundwater Work Plan, or the 9 Off-Site Phase I RFI Report." From whom 10 were you either expecting comments or 11 who is that referring to about no 12 comments? 13 A. I can't tell from this report. 14 Obviously either EPA or ADEM, given its 15 context. But I don't know which or 16 both. 17 Q. All right. I think that covers that 18 one. And then the next page where it 19 says, "Choccolocco Creek Waste water 20 Treatment Plant." "No activity." What 21 specifically is that project referring 22 to? Do you know? 23 A. We talked about it a few moments ago.	Page 147 1 Environmental Affairs. And it says in 2 your handwritten notes, possibly next 3 head of ADEM. 4 A. Obviously I was told that at the 5 meeting. 6 Q. All right. I think this is probably a 7 good time to change the tape. 8 [A break was taken.] 9 Q. (By Ms. Malow) Mr. Felder, I now want 10 to look at what is entitled "Anniston 11 Remedial Projects," "List of Key 12 Personnel," page 1. Do you know who 13 assembled that list? 14 A. Yes. Steve did this. He may have had 15 help, but this was what he presented to 16 me. 17 Q. And I just want to ask you a couple of 18 questions about some of these people. 19 Under Bob Kaley it says 20 miscellaneous for the role. What is 21 your understanding of Mr. Kaley's role 22 with respect to the Anniston Remedial 23 Projects?
Page 146 1 That would be the WTP that's referred 2 to. 3 Q. Okay. Because I thought that was called 4 Anniston waste water treatment plant. 5 And here it's referred to as 6 Choccolocco. Is that the same thing? 7 A. To my knowledge it is, unless you want 8 to tell me that there are two. I was 9 only shown one. 10 Q. Okay. Do you know anything about the 11 status of the meeting that was scheduled 12 with the mall in February to address the 13 additional material that needed to be 14 addressed? 15 A. I don't recall anything about it. 16 Q. Do you know who Pete Conroy is that's 17 mentioned in bullet point three under 18 conservation corridor? 19 A. Let's see if his name is in the list of 20 people. 21 Q. That's a good idea. 22 A. Yes, he is. 23 Q. Chairmen of the Governors Commission on	Page 148 1 A. My acquaintanceship with Bob -- which 2 is, as I say, kind of on-again, 3 off-again in terms of business -- is 4 that he's a nationally known expert on 5 PCB matters. I think he's providing 6 technical input. 7 Q. And under Jerry Hopper it says 8 environmental specialist, O&M. Is that 9 operations and management? 10 A. Operations and maintenance is what it 11 normally means. 12 Q. And what does GW stand for? 13 A. Groundwater. 14 Q. And then miscellaneous remedial 15 projects. Okay. 16 Dale Wilson. There is a little 17 bitty note next to him that I can't make 18 out. What does that say? 19 A. Bruce Yare. Actually Yare is Bruce 20 Yare. And the two with the little zero 21 above it, if you will, is actually a 22 degree sign. It's my abbreviation, or a 23 commonly used one, for secondary.

Page 149 1 Q. So Bruce Yare is secondary to Dale 2 Wilson in the position of tech 3 oversight? 4 A. That's correct. 5 Q. And are both Dale and Bruce in St. 6 Louis? 7 A. That's also correct. 8 Q. All right. We talked about Rick 9 Williams. Let me skip down to -- I 10 think all the rest of these I 11 understand. What does the junior mean 12 in front of Rena Ann Peck? She's the 13 junior person on the project for Golder? 14 A. Yes. She's -- Apparently the senior 15 person is Jim Renner, is what my notes 16 say. 17 Q. All right. And what is Maverick? Is 18 that another consultant? 19 A. It's says "construction management" 20 under their role. 21 Q. Okay. And skipping down -- Let's see if 22 I have any questions about this. I 23 don't think I do.	Page 151 1 A. I have met Frank Hamsher. 2 Q. Have you had any contact with 3 Mr. Hamsher with respect to the Anniston 4 site? 5 A. Yes, I have. 6 Q. What specifically have you and 7 Mr. Hamsher discussed regarding the 8 Anniston site? 9 A. We didn't actually. I have had contact 10 with him in a meeting related to the 11 Anniston site. 12 Q. What was the meeting about? 13 A. It was just a coordination meeting to 14 make sure we are all working together to 15 move forward as best we can. 16 Q. And what role is Frank Hamsher's firm 17 serving with respect to the Anniston 18 site? 19 A. Public relations. 20 Q. Specifically what? 21 A. I don't know. 22 Q. Are they trying to get favorable press 23 for Solutia?
Page 150 1 Moving to the next page, 2 Fleishman-Hilliard is a public relations 3 firm, right? 4 A. Yes, ma'am. They are. 5 Q. What about Townsend & Bradley? Is that 6 also a public relations firm? 7 A. Well, it says it's a government affairs 8 firm. 9 Q. Okay. Then what about Holland & Knight? 10 Is that a public relations firm? 11 A. I don't know. It simply says "DC," 12 which is my usual abbreviation for 13 District of Columbia. 14 Q. But you don't know what type of firm 15 that is? 16 A. No. It's apparently miscellaneous when 17 judging by where it's placed on this 18 list. But I don't know specifically. 19 Q. Why is it that all of these PR firms are 20 involved? 21 A. Don't know. 22 Q. Have you had any contact with any of the 23 PR firms?	Page 152 1 MR. KELLY: Object to the form. 2 A. I would hope so. I think we deserve it. 3 Q. (By Ms. Malow) Okay. And then do you 4 know why is it that these various 5 community leaders are listed? 6 A. Well, this is put together to educate 7 Steve and me so we would know with whom 8 we are working. 9 Q. And for Robert Downing it says Calhoun 10 County Commission, "liberal, but good 11 relationship." Does that mean his party 12 is liberal? That he's a Democrat? 13 A. I don't know whether he's a Democrat or 14 a Republican. I just took it down as it 15 was explained to me. Is there a liberal 16 party in this country? 17 Q. All right. I get to ask the questions. 18 A. Sorry. 19 Q. Sheet 1. There's a bunch of notes. And 20 I'm going to have to get you to explain 21 some of these because I can't read your 22 writing very well. 23 First of all, what is Sheet 1?

Page 153 1 Can you explain it? 2 A. Yes, ma'am. I can. 3 Q. Okay. 4 A. Sheet 1 is an assembly of various bits 5 and pieces of the project. And actually 6 if you look at the pie charts later -- 7 Now -- I'm looking at this thing now. 8 It seems to match up. And so it shows 9 what the budget is. And of course, you 10 might have a budget, but you may or 11 might not need to spend it, or make sure 12 you have enough money. So there's a 13 probability as to whether we're going to 14 spend it given a period of time. 15 Q. Okay. Let me ask you a question before 16 you move on. Why does it say zero 17 percent probability for conservation 18 corridor? 19 A. Well, it's a 2001 budget. 20 Q. Okay. So it's just you doubt if that's 21 going to come to fruition in 2001? 22 A. Yeah. If you look at some of the other 23 notes, it says due to delay in 2000,	Page 155 1 Q. Right. But I'm saying your 2 parenthetical corresponds with the 3 ALDOT? 4 A. Yes, ma'am. 5 Q. Then you have circled the figure under 6 current forecast for the Quintard Mall. 7 There's a note -- Does it say "scope 8 change"? 9 A. Exactly. 10 Q. Does that mean that it's probably going 11 to -- that figure is going to change due 12 to the scope changing of the project? 13 A. I think what it means is that's an 14 explanation as to why it differs from 15 what the budget and the weighted -- the 16 averages were. 17 Q. Then there's a little note that's got a 18 triangle. Says triangle, something, 19 conservation corridor. What does that 20 mean? 21 A. Delta, meaning the difference went to 22 the conservation corridor. So in other 23 words, we moved money from the phase of
Page 154 1 2001, et cetera. 2 Q. All right. Then what does "weighted 3 average" mean? 4 A. It's the mathematical product of the 5 budget times the probability converted 6 to a decimal rather than a percentage. 7 Q. And then current what? 8 A. Forecast. 9 Q. Forecast. Okay. Which means? 10 A. Which means where we are exactly at that 11 point in time. 12 Q. That's actual dollars spent to date? 13 A. No. It's actual dollars expected to be 14 spent. And sometimes they differ from 15 the probability. Things don't always 16 turn out as you originally expected. 17 Q. Okay. Then let's go to the first thing 18 where it says, "due to delay in 2000 to 19 2001." Does that correspond to the 20 ALDOT entry? Is that where that goes? 21 A. It's Alabama Department of 22 Transportation, as I understand it. And 23 I believe that relates to the bridge.	Page 156 1 the project called "Off Site RFI" to 2 conservation corridor. 3 Q. Then under air monitoring it's got a 4 little paren, 2. And then next to the 5 current forecast it says "discontinued." 6 Why was that discontinued? 7 A. I don't know. 8 Q. Then what does S-W-A-G stand for under 9 the property purchase current forecast 10 figure? 11 A. It's another term of art, Scientific 12 Wild Ass Guess. It means it's not a 13 very good number. We're not certain of 14 it. 15 Q. I like that one. Let's see. Then you 16 have got a note that says plus 800 K 17 disposal cost to Emelle. Does that 18 correspond with the Oxford Park number? 19 A. Yes, it does. 20 Q. Do you have familiarity with that whole 21 project that was done at the west end 22 landfill that I deposed Mr. Foresman 23 about where part of the toe of the

Page 157 1 landfill was dug up and taken off to 2 Emelle? 3 A. No, I don't. 4 Q. You have no knowledge of that? 5 A. No, ma'am. I don't. Other than the 6 fact it was done. 7 Q. All you know is X amount of dollars were 8 expended? 9 A. To be honest, until I received this, I 10 had no knowledge of that, my first 11 briefing on the project. 12 Q. Then this little note about consent 13 orders. I think it says "& AOCs" or 14 consent order "for AOCs"? Is that what 15 that says under EPA investigation 16 forecast number? 17 A. That's right. 18 Q. And then "report only" for north side. 19 What does that mean? 20 A. It means it only funds the report, 21 nothing more. 22 Q. Then that last figure for current 23 forecast, which is the total figure that	Page 159 1 include these oversight fees? 2 A. I believe that these things are still 3 being negotiated. I don't think that 4 the AOC has been signed as yet. 5 Q. What is your understanding of the two 6 million dollar community goodwill? 7 A. What I was told was that in addition to 8 the normal course of things that one 9 would do in a remediation which might 10 include oversight fees, that the agency 11 wanted us to do certain things that 12 might reasonably be put under the 13 category of goodwill, having nothing to 14 do with remediation. 15 Q. Any idea what types of things are being 16 considered? 17 A. I think that I remember from a prior 18 conversation actually -- I heard a 19 number of things being discussed. And 20 frankly, I suggested that the community 21 might be better served with a different 22 sort of program. And it would be more 23 sustainable for them. And I think some
Page 158 1 you have got a note that says, "as of 2 January 01"? Or 2001, right? 3 A. Yes, ma'am. 4 Q. And then you have also circled the 5 weighted average for the total, and that 6 says 2001 budget cycle? 7 A. That's right. 8 Q. Read me what your handwritten notes say 9 at the bottom of this page? 10 A. It says but EPA/DEM, which I take to be 11 ADEM, are looking for 1, three point 12 five million dollars oversight fees. 2, 13 approximately two million dollars 14 community goodwill. 15 Q. What is your understanding of what those 16 oversight fees are? 17 A. Typically in a remediation project the 18 agencies that are exercising oversight 19 try -- or may try, depends on the 20 circumstances, to recover what they 21 believe their internal costs for their 22 oversight is. 23 Q. Has Solutia now redone the budget to	Page 160 1 of these things are still on the table. 2 I don't know there's a final resolution 3 one way or the other. 4 Q. What sort of program are you proposing? 5 A. At the time we had talked about training 6 programs. 7 Q. What kind of training program? 8 A. At the time I think the agency were 9 talking about job training for limited 10 purpose. I think this thing has evolved 11 over time though where as much as 12 anything else the agency was telling us 13 what they would like us to do. 14 Q. What is your present understanding of 15 what the agency is recommending? 16 A. I'm not sure at this point. There have 17 been several different things on the 18 table. 19 Q. I just am a little fuzzy on what you 20 mean by "job training." 21 A. The agency, as I remember it -- and it's 22 not reflected in my notes -- had asked 23 for a number of different things, one of

Page 161 1 which is they wanted to train people to 2 do remediation work. There may be other 3 issues, or there may have been other 4 issues. 5 Q. So it's not job training for the 6 neighbors? 7 A. I think it was job training for people 8 in Anniston. Whether they were 9 physically direct neighbors or others, I 10 don't know. But it was community 11 goodwill specifically. 12 Q. Let's go to what's entitled "Summary 13 Graph," "Anniston Summary 2001." What 14 does that depict? 15 A. Well, my color blindness isn't going to 16 help very much. Nonetheless, the black 17 bars are the forecasts. The yellow is 18 actual. Craig did that for my benefit, 19 I guess. And since this was done for a 20 February 7th meeting, we only had 21 actuals for one month. 22 Q. Right. Okay. So this is just sort of 23 projections of costs?	Page 163 1 A. You have used two different words. You 2 said "authority" and "recommend." He 3 certainly recommends. 4 Q. Okay. Well, let me break it into two 5 questions. 6 Does Mr. Branchfield have the 7 authority to determine which remedial 8 projects should be implemented? 9 A. Within limits, yes. 10 Q. What is his authority? 11 A. I'd have to go back and ask for the 12 accountants to pull up his delegation of 13 authority. 14 Q. Does he have a number, authority number? 15 A. I suspect he does. I don't know what it 16 might be, nor do I know whether Mike may 17 have held him more closely than that. 18 That's not the way I would operate. 19 Q. That's what I was going to ask you. Now 20 that he is going to be your direct 21 report functionally, how do you -- how 22 would you handle dealing with the 23 authority that Mr. Branchfield will have
Page 162 1 A. That's right. 2 Q. Then we get to the pie graphs that we 3 looked at briefly earlier. And I guess 4 there are two pages. The first one is 5 just the budget at the top. But you 6 have got one 2001 budget, and there's 7 several different projects, I guess, 8 that have percentages assigned to them, 9 correct? 10 A. Yes, ma'am. 11 Q. All right. Let me see if I have any 12 questions about that. 13 Who makes the determination as to 14 how much gets budgeted for each of these 15 projects? 16 A. Well, these budgets were done by Mike 17 Foresman, I'm sure, with input from 18 Craig. 19 Q. Does Craig Branchfield have the 20 authority to make determinations as to 21 the appropriate -- or as to the types of 22 remedial projects he recommends for the 23 Anniston site?	Page 164 1 with respect to the Anniston remedial 2 projects? 3 A. My normal mode of operation, unless the 4 comptrollership advised me that I'm 5 required to do differently, would be to 6 delegate sufficient authority to match 7 his responsibility. 8 Q. And what is his responsibility level? 9 A. His responsibility is implementation of 10 the tactics for this plant. 11 Q. So does Mr. Branchfield have within his 12 discretion -- Let's say he says, "You 13 know what; I think we should dredge Snow 14 Creek." Will he have that discretionary 15 authority to make that determination? 16 A. I suppose that would depend on how much 17 it cost to dredge Snow Creek. But he 18 would certainly have the authority to 19 recommend it and to explain why it was 20 appropriate. 21 Q. Okay. And then who would have the final 22 say as to whether or not that particular 23 remedial project should be undertaken?

Page 165 1 A. Depending on the dollar amount, I might 2 or someone senior to me. Or because of 3 an additional complications called the 4 Solutia Management Company, it might 5 have to be done -- handled by the board 6 of directors of FMCI. 7 Q. What is the Solutia Management Company? 8 A. Solutia Management Company -- This is 9 going to be very difficult because I 10 can't explain it conceptually to you; I 11 was not involved in setting it up. 12 But circa 1998 there was a company 13 set up that is responsible for 14 implementation of remediation of certain 15 U.S. projects, because that was the law 16 then extant. And so projects that came 17 in after that date are not part of 18 FMCI's funds, and they are funded 19 directly by Solutia rather than through 20 this partially-owned company. 21 Projects that are outside the U.S. 22 can't be funded through it. In the 23 event -- It's simply a different level	Page 167 1 Certainly on the finance committee; I 2 don't recall whether he's on the board 3 of directors or not. I'm sorry. 4 Q. What is your level of authority in terms 5 of monies that you can expend without 6 having to go to your boss? 7 A. It depends on the arena. And I would 8 literally take out my authority sheet, 9 or since they are being revised because 10 of my job change, I would give it to the 11 accountant responsible for that and ask 12 the question before I -- 13 Q. Do you have any idea what it would be 14 for Anniston? 15 A. I apologize. I don't at this moment. 16 Q. Well, can you ball park it? I mean, do 17 you have, for example, authority to 18 approve something that cost 10 million 19 dollars without going to Jerry Hayden? 20 A. I doubt it. 21 Q. How about a million dollars? 22 A. I doubt it. 23 Q. So you think once we get over six
Page 166 1 of authority, to your question. 2 Q. But since the Anniston project was 3 ongoing prior to 1998, that's why the 4 Solutia Management Company is involved? 5 A. In some portions. But if there were 6 some new piece that was not in the scope 7 then, my understanding of the tax 8 implications is that it would have to be 9 funded separately, directly by Solutia. 10 Q. And how many people are in the Solutia 11 Management Company? 12 A. There's a board of directors. 13 Q. Does the board of directors have on it 14 anyone who's a Solutia employee? 15 A. Steve Smith, myself. 16 Q. Are you on -- 17 A. Yes, ma'am. Jerry Hayden, whom I 18 mentioned earlier. 19 Q. Who else? 20 A. I don't recall what the various people's 21 functions might be, because there's also 22 a finance committee. And Jim Sullivan 23 is in the finance community. He is	Page 168 1 figures, you would have to go up the 2 chain? 3 A. I think that, but it might be that given 4 the organizational changes that have 5 taken place, the delegation might be 6 done differently for me. I'm not sure 7 at this moment; it's being worked 8 through by the accounting community. 9 Q. How much more monetary authority do you 10 think you have versus Mr. Branchfield? 11 A. Probably a factor of at least two, maybe 12 a factor of ten. But I don't know that. 13 Purely speculative on my part based on 14 other experiences outside of 15 remediation. 16 Q. What does the pie graph represent at the 17 bottom of page 1? 18 A. That's the expected. Budgets are 19 typically put together five, six, seven, 20 four months prior to the end of a given 21 calendar and fiscal year, which in our 22 case are the same. And then during the 23 course of the year, as one gets new

Page 169 1 experience and data, one redoes -- 2 creates a forecast. You don't redo the 3 budget, but you do reforecast it. So 4 that's an expectation. 5 Q. Then we go to page 2, which is the 6 actuals for just January at the top and 7 then actuals to date, which wouldn't be 8 much more, right, because the meeting 9 was in February? 10 A. At that point in time, that's correct. 11 Q. Okay. And that actually shows what has 12 in fact been spent on those various 13 projects? 14 A. That's right. 15 Q. And it looks like, for example, the 16 CERCLA investigation turned out to be 17 thirty percent when the budget had only 18 anticipated one percent? 19 A. Looks to me like the budget anticipated 20 one percent, and then by the time we got 21 around to the forecast, it had shifted 22 to four percent. 23 Q. Right. Ultimately it ended up being	Page 171 1 A. More a matter of nomenclature than 2 anything else. The budget is a 3 constant. Forecast would shift. 4 Q. So the budget is going to keep -- Is 5 going to remain exactly as it is on page 6 1, but you might add a new category to 7 this 2001 EAC -- 8 A. The budget would be the same; the 9 forecast might be different. 10 Q. All right. Let's move to something 11 else. Actually were there any handouts 12 that you can remember -- I know you 13 couldn't find any notes from your second 14 meeting, but were there any handouts 15 that you can remember from the second 16 meeting? 17 A. I don't remember. But you have got what 18 I had. 19 Q. All right. Now, let's talk about -- 20 Have we now covered, as best you can 21 recall, everything that happened at that 22 first meeting that you had in February 23 of 2001?
Page 170 1 thirty percent, at least in January, 2 right? 3 A. That's right. That's the way I read the 4 chart, in any case. 5 Q. And the Oxford Park also looks like it 6 was not budgeted high enough, because 7 that one came in twenty-eight percent, 8 at least for January, right? 9 A. Let's compare it to -- Let's see. 10 Oxford Park. 11 Q. Was fifteen in the budget, and then in 12 the estimated it was sixteen? 13 A. That's correct. But those are 14 percentage of totals. The total might 15 have also shifted. 16 Q. Sure. By the time the year's up. 17 A. That's right. 18 Q. Okay. How often do these budgets get -- 19 Well, let me ask it a different way. 20 Does the budget remain the same, or does 21 it ever get altered during the course of 22 a year? If, for example, a new 23 remediation project comes to light?	Page 172 1 A. As best I can recall, yes, we have. 2 Q. Let's now move to the next meeting, 3 which according to Mr. Smith was 4 sometime in either March or April of 5 this year. Is that your recollection as 6 well? 7 A. That's right. I'm sorry. I wouldn't 8 have thought March. I would have 9 thought April or May. 10 Q. Regardless, it was a couple of months 11 ago? 12 A. That's right. 13 Q. And what was the purpose of that second 14 trip to Anniston? 15 A. The second trip to Anniston was a larger 16 and far more detailed quarterly review. 17 So as to be clear, the first trip was 18 done for Steve Smith's and my benefit, 19 simply to acquaint us with the project, 20 given the expected job changes. The 21 second trip was part of an ongoing 22 effort of which we were simply new 23 members of the team.

Page 173 1 Q. Okay. And is it your understanding that 2 on a quarterly basis those meetings are 3 held, and this was just the first one 4 that you guys had attended? 5 A. More or less, yes. 6 Q. Has there been another one? 7 A. No, there hasn't. 8 Q. Is there one set for September? 9 A. I don't know, but I'm sure if there is, 10 it will be put on my calendar. 11 Q. Are you going to now start attending 12 those in Anniston? 13 A. Yes, ma'am. I will. 14 Q. Why is it that you're not going to just 15 have Mr. Branchfield or Mr. -- Well, 16 Mr. Smith's now going to be dealing 17 administratively, so I understand why he 18 wouldn't go. But I guess why is it that 19 you feel like you need to be present for 20 those? 21 A. Those are -- at least based on one 22 limited experience -- meetings in which 23 we are in essence reviewing our	Page 175 1 Mr. Branchfield? 2 A. Yes. Craig was there from people in 3 Anniston. 4 Q. Who else? 5 A. I think Jerry Hopper joined us for a 6 portion of the meeting. And Jerry 7 Hopper, like Craig, is physically 8 located at the plant, although reporting 9 through Craig to me. 10 Q. Anyone else that you can recall that was 11 plant personnel? 12 A. During the course of the meeting there 13 was a fire drill, and a number of people 14 kind of wandered through the room. But 15 no, I don't recall anyone else who was 16 an active participant from the plant. 17 Q. How about outside consultants? Do you 18 recall any of them being present? 19 A. I need to refer to the man's name here, 20 if I may. 21 Q. Sure. 22 A. I think that's the occasion which I met 23 Richard Williams.
Page 174 1 circumstances at a given point in time, 2 new data, new inputs from other sources, 3 regulators, other parties. 4 And to me it's important that when 5 one has a strategy that one is 6 implementing or tactics that are driven 7 by that strategy, that one continually 8 re-examines the data to make sure that 9 your assumptions are valid and you are 10 doing, quote, the right thing. 11 Q. Okay. Who was present at the meeting 12 that you attended -- this quarterly 13 review meeting, other than Mr. Smith and 14 yourself? Anyone else from St. Louis 15 that came down? 16 A. Dale Wilson. 17 Q. Any other St. Louis persons? 18 A. Seems to me that Bob Kaley was there 19 during a portion of the meeting. 20 Q. Was this a one-day or two-day thing? 21 A. This was a two-day meeting, as you 22 mentioned earlier. 23 Q. Okay. And who was there from the plant,	Page 176 1 Q. Okay. 2 A. John Loper was present. Seems to me 3 that Rena Ann Peck was there. And -- 4 take my glasses off for a minute. Jim 5 Renner. I'm not certain of Jim, but I 6 do believe Rena Ann was there. And Don 7 Miller was there. 8 Q. Okay. And what were the consultants 9 presenting or discussing at this 10 quarterly review? 11 A. I don't remember all the things that 12 were covered, but we discussed the 13 conservation corridor. We discussed, as 14 I think we remarked earlier in this 15 deposition, fish levels, fish PCB 16 levels. 17 Q. Do you remember who it was that had 18 prepared that chart that showed the 19 levels over time? 20 A. No, I don't. I'm sorry. 21 Q. What else do you recall being discussed 22 in terms of topics? 23 A. Snow Creek remediation.

Page 177 1 Q. Anything about the residential 2 properties? 3 A. There may have been, but I don't 4 specifically recall it, unlike the other 5 topics I did mention. 6 Q. Was the Oxford ball field still 7 discussed at this meeting, the second 8 meeting? 9 A. I don't recall; I'm sorry. 10 Q. How about the Quintard Mall? 11 A. I don't recall. 12 Q. How about the highway project? 13 A. I don't recall that. The ones that I 14 specifically recall are those that I 15 enumerated for you. 16 Q. What else was done during this two-day 17 quarterly review? 18 A. I'm not sure I understand the question. 19 It was a quarterly review. 20 Q. I guess I want to know what the full 21 scope was of this quarterly review, I 22 guess. Were there presentations made by 23 each of the consultants as to the status	Page 179 1 Q. Do you remember who? 2 A. I'm not sure which one. 3 Q. Was it someone from the firm of 4 Lightfoot, Franklin & White? 5 A. Since I don't know who's in the firm of 6 Lightfoot, Franklin, & White, nor who 7 was there, I can't help you. I 8 apologize. 9 Q. Mr. Smith seemed to think it was Adam 10 Peck. Does that ring a bell? 11 A. No, it doesn't. I met Adam one time 12 before, and I remembered him for an odd 13 reason unrelated to this matter. I 14 don't think it was Adam. 15 Q. I don't think I want to go there. 16 A. Very simple. He attended Vanderbilt Law 17 School on a scholarship for which my son 18 was a finalist. 19 Q. All right. Let me back up to part of 20 your training. Have you had any -- 21 attended any seminars on remediation 22 techniques? 23 A. Not lately.
Page 178 1 of the projects they were working on? 2 A. There were certainly presentations made 3 by many of the consultants. Whether it 4 was each, I don't recall, because some 5 of them travel in packs, if you will, 6 kind of like lawyers. 7 Q. I'll object to the responsiveness of the 8 question. 9 A. I think it's fully responsive. I didn't 10 mean it to be offensive, however. 11 Q. I'm alone today. 12 A. So I don't know whether each of the 13 consultants made a presentation, to be 14 really specific to respond to your 15 question. 16 Q. Okay. Was there any part of the meeting 17 where the consultants were excluded? 18 A. I don't recall any such part. 19 Q. So your understanding is all those 20 people were present. Were there any 21 lawyers present? 22 A. I think there was during the portion of 23 the meeting.	Page 180 1 Q. In your past career? 2 A. Correct. 3 Q. At some point in time while you have 4 been a Monsanto or Solutia person you 5 have attended such a seminar? 6 A. That's right. 7 Q. Do you remember what year? 8 A. No, I don't; I'm sorry. 9 Q. Do you remember who put on the program? 10 A. I have attended a number of them. I 11 don't remember specifically. In various 12 locations and various times. 13 Q. All right. Are you a member of any 14 institutional committees or 15 organizations such as, have you ever 16 been a member of the Manufacturing 17 Chemical Association? 18 A. Actually, companies are members of what 19 was formerly called MCA, subsequently 20 CMA, and more recently ACC. And I 21 represented my company on a number of 22 committees there, as well as other 23 associations.

Page 181 1 Q. On what committees have you served in 2 any of those organizations? 3 A. My. I have served in several groups 4 that dealt with specific products. I 5 have served more recently on groups 6 dealing with product stewardship, groups 7 dealing with international regulatory 8 matters. I have been more recently 9 asked to serve on yet another group 10 there. I have served in groups under 11 the auspices of the Synthetic Organic 12 Chemical Manufacturers' Association, 13 which is a different trade association. 14 I have served on groups within the 15 adhesive sealants. I have forgotten 16 whether it's Adhesive Manufacturing 17 Association or Adhesive Sealants 18 Council. And I have served on other 19 groups on behalf of other employers' 20 groups. 21 Q. Do you remember what year MCA became the 22 CMA? 23 A. Certainly before the time I joined	Page 183 1 Q. Which professional associations are you 2 a member of on your own? 3 A. I'm a member of the American Academy of 4 Environmental Engineers. I'm a member 5 -- I think I am at this moment. I'll 6 see where my dues bill is for this 7 stuff. The Society of American Military 8 Engineers, National Guard Association, 9 et cetera. 10 Q. Do you serve in the National Guard 11 presently? 12 A. No, I don't. 13 Q. To your understanding was Monsanto 14 always a leader in trade associations? 15 MR. KELLY: Object to the form. 16 A. We certainly have been among the leaders 17 during my career and I think remain so 18 in shifting areas, depending on our 19 business needs. 20 Q. (By Ms. Malow) Certainly from -- 21 A. Excuse me. You reminded me before I'm 22 under oath. I think I may have 23 unwittingly mislead you in answering a
Page 182 1 Monsanto. 2 Q. Okay. So is your whole career with 3 Monsanto, it was CMA? 4 A. Yes. 5 Q. Up until recently? 6 A. That's correct. 7 Q. Have you attended as a representative 8 for Monsanto or Solutia any other trade 9 association meetings? 10 A. I'm sorry. I thought I said a moment 11 ago I had done. Yes, I have. 12 Q. For which organization? 13 A. Synthetic Organic Chemical 14 Manufacturers' Association. Some 15 independent groups that I don't believe 16 are under SOC or any single trade 17 association auspices, product specific 18 problems, if you will, usually sponsored 19 or monitored by a law firm. 20 And several customer sort of trade 21 associations. And then of course I'm a 22 member of several professional 23 associations on my own.	Page 184 1 question a moment ago. 2 You asked if I'm still a member of 3 the National Guard, to which I answered 4 no. And that is perfectly true. I am 5 still a commissioned reserve officer, 6 simply not a National Guard officer. 7 It's a legal distinction. 8 Q. All right. I appreciate the 9 clarification. 10 Let me go back to a question I 11 asked you a long time ago. We talked 12 about medical surveillance when I was 13 asking you specifically about one of the 14 plants where you worked. During your 15 career with Monsanto and Solutia, have 16 you had any involvement regarding any 17 medical surveillance programs that have 18 been implemented at any Monsanto or 19 Solutia facility? 20 A. Yes. 21 Q. What has your involvement been with 22 medical surveillance? 23 A. During my duties at the Queeny plant we

Page 185 1 conducted monitoring for various 2 chemicals, industrial hygiene 3 monitoring. And I believe, although I'm 4 less certain of this after all these 5 years, either urinalysis or some other 6 forms of life monitoring, if you will. 7 Q. Do you know when that IH -- I call 8 industrial hygiene IH for short -- 9 A. That's fine. 10 Q. -- monitoring began at Queeny? 11 A. It certainly began long before my 12 tenure. 13 Q. Is it still in place? 14 A. Yes, it is, as well as at other 15 locations. 16 Q. What is the purpose of doing that 17 industrial hygiene monitoring for 18 various chemicals? 19 A. To determine exposure levels. 20 Q. And is that monitoring done for both 21 employees of Monsanto or Solutia as well 22 as contractors that come on site? 23 A. Depending on chemicals or the other form	Page 187 1 specifically to your question, I was 2 recently involved with a draft resulting 3 from epidemiological monitoring at the 4 Krummrich plant. 5 Q. And what was the chemical or chemicals 6 that were being monitored for these 7 epidemiological studies at Krummrich? 8 A. All. 9 Q. Were PCBs included? 10 A. Let me explain what this is, because I 11 think you're perhaps not understanding 12 the point. 13 In these particular 14 epidemiological studies, we, including 15 our consultants, look at cause of death. 16 And if one sees a cause of death in a 17 certain population, then one attempts to 18 tie it back to cause, given exposure or 19 something of that sort. So this is not 20 an industrial hygiene study. 21 Q. Right. It's a mortality study? 22 A. In this instance, yes. There are other 23 forms of epidemiological studies, but
Page 186 1 of exposure, noise radiation, not 2 chemicals, yes, one would consider that. 3 Or the contractor would do that. 4 Q. Do you know if at Queeny specifically it 5 is done -- the monitoring is done for 6 both employees and contractors? 7 A. No. I don't know that. 8 Q. Are you familiar with any health 9 surveillance that has been performed at 10 any time at the Anniston facility? 11 A. I'm not personally familiar with it, no. 12 Q. Are you familiar with any surveillance, 13 medical surveillance or health 14 surveillance, performed at the Krummrich 15 facility? 16 A. Yes. And I might infer certain answers 17 to our other plants. But let me define 18 this for you so that again I'm not 19 unwittingly misleading you, your 20 definition versus mine. 21 We routinely do industrial hygiene 22 monitoring, IH, as you called it. We 23 also do epidemiological studies. And so	Page 188 1 the one you asked me about is a 2 mortality study. 3 Q. And during what time frame was this 4 epidemiological study performed for the 5 Krummrich facility? 6 A. These are ongoing, and they are updated 7 nominally three or four years. This was 8 simply the latest update of an ongoing 9 progression. 10 Q. And was there any -- Were there any 11 deaths that were attributed to PCB 12 related exposures? 13 A. No. There were not. 14 Q. Are you familiar with any 15 epidemiological studies that have ever 16 been performed on the Anniston workers? 17 A. No, I'm not. 18 Q. How is it determined as to which sites 19 epidemiological studies should be 20 performed? 21 A. To my knowledge -- and this was based on 22 what David Shepperly, medical doctor to 23 whom I referred earlier, told me, and

Page 189 1 what our former colleague, James 2 Collins, who is a Ph.D. level 3 epidemiologist by training -- it was 4 Monsanto's practice and became 5 subsequently Solutia's practice to do 6 this on all our sites. 7 Q. Why wouldn't there be one for Anniston? 8 A. I suspect there is. You asked me if I 9 was familiar with it, and I said I'm 10 not. 11 Q. So there may in fact be one for every 12 single site if the practice was 13 followed? 14 A. There may be or there may not be. If 15 it's overseas, obviously you have to 16 have access to death records. It can't 17 be prohibited by law or anything of that 18 sort. 19 Q. Do you know when it became Monsanto's 20 practice to perform epidemiological 21 studies at its sites? 22 A. No, ma'am. I don't. 23 Q. Is there in fact a company-wide medical	Page 191 1 level. 2 Q. How about the concentration level to 3 which the Quintard Mall has been 4 cleaned? 5 A. No. I don't know that either. 6 Q. Prior to this job -- I'm switching back 7 to Mr. Branchfield and him now reporting 8 directly to you, but prior to that 9 switch a week or two ago, were his 10 budgets submitted directly to Mr. Smith 11 or to you? 12 A. Directly to Mr. Smith. But I think 13 that's a bit, again, unwittingly 14 misleading as to the way you asked the 15 question. The 2001 budget would have 16 been submitted to Mr. Foresman. 17 Q. Right. Because he was here until 18 February or so? 19 A. That's correct. 20 Q. But normally up until this recent job 21 function change it would have gone to 22 his direct supervisor, which was 23 Mr. Foresman and Mr. Smith?
Page 190 1 surveillance program for Solutia for all 2 of its sites? I know that's a separate 3 type of thing than the epi studies. 4 A. There are medical surveillance programs 5 of various sorts. And this is not my 6 immediate field of expertise. If I wish 7 to know more, I would ask what the 8 remaining M.D. -- or I would ask one of 9 the industrial hygienist. 10 But there are certain chemicals 11 which I know we manufacture for which we 12 are required by law to conduct medical 13 surveillance. I understand, although I 14 don't have personal knowledge of this, 15 that there are other chemicals for which 16 over the years we have conducted medical 17 surveillance. 18 Q. All right. Do you know to what level 19 the Oxford ball field has been cleaned? 20 A. To the concentration level? Or how do 21 you define level? 22 Q. Correct. 23 A. No. I don't know what concentration	Page 192 1 A. That's correct. 2 Q. Now will it be Mr. Branchfield's 3 responsibility to submit those directly 4 to you, the budgets? 5 A. That's also correct. And in assembling 6 that then I will bring the Anniston 7 piece and Steve and I will work together 8 to assemble the total budget. 9 Q. Okay. What exactly is Steve going to be 10 left with in terms -- I'm sorry; 11 Mr. Smith -- be left with in terms of 12 responsibility for the Anniston 13 remediation projects? He said 14 administrative functions. Is that your 15 understanding? 16 A. That is our agreement. 17 Q. What does that mean? What 18 administrative functions would Mr. Smith 19 have? 20 A. He will concern himself with -- 21 obviously with input from me, with 22 Mr. Branchfield's and Mr. Hopper's 23 annual performance reviews, setting

Page 193 1 their goals for the following year, 2 nominating their salary, nominating 3 their incentive compensation, if 4 applicable, and the like. 5 Q. But, you know -- All right. I don't 6 need to ask that. Do you know Jo 7 Hanson? 8 A. Yes, I do. Actually I know two Joe 9 Hansons. 10 Q. Did you know the female Jo Hanson that 11 lives in Sarasota, Florida that used to 12 work in our remediation group with 13 Mr. Foresman? 14 A. Yes. And her husband, Joe Hanson, who 15 presumably lives in Sarasota, Florida as 16 well. 17 Q. I didn't know she married Joe. Okay. 18 Did you ever work with her? 19 A. Yes, I did. 20 Q. In what capacity? 21 A. We were both members at one time or 22 another of the corporate engineering 23 department. You may recall when you	Page 195 1 involved in other than Kearny, Everett, 2 and Anniston? 3 First I'd just like a list, and 4 then I'll get into detail. 5 A. I'm not going to be very helpful to you, 6 I'm afraid, because I would ask Steve 7 that question. 8 Q. I asked Steve that question, but I want 9 to ask you that question because he 10 didn't have much of an answer. 11 A. I don't think I have much of an answer 12 either. This is the one that comes most 13 to mind. 14 Q. This meaning Anniston? 15 A. Yes. 16 Q. Let me do this then. We were provided 17 with a list by Solutia's lawyers of 18 various sites; I'm just going to go 19 through it with you. 20 A. Please. 21 Q. If you have information, great, if you 22 don't, you know, I'm going to ask you 23 who does. And we'll just go through it
Page 194 1 asked for my employment history I 2 remarked that I had spent one or two 3 years, depending on how you counted the 4 stint in Washington University in the 5 engineering department. And Jo was a 6 member of that department. She 7 subsequently did some work on my behalf 8 at Queeny plant. 9 Q. I'd like to talk with you specifically 10 about -- We touched on this a little 11 bit, but I need to get into a little 12 more detail. I want to talk about every 13 single PCB cleanup project that Solutia 14 is presently involved in or has been 15 involved in. And we touched on the New 16 Jersey plant. I'm blanking on the name 17 of -- it was the one we talked about in 18 detail earlier? 19 A. Kearny. 20 Q. Kearny. Then we also talked a little 21 bit about Everett, Massachusetts. Okay. 22 Are you familiar with any other 23 PCB cleanup work that Solutia has been	Page 196 1 and see what we know. 2 A. I'll, of course, do my best. 3 Q. Okay. Let's start with the Delaware 4 River plant, which I think you did 5 mention for some other reason? 6 A. Yes. I served at the Delaware River 7 plant, although there was no remediation 8 going on there at that time. 9 Q. And you were there when again? 10 A. I was there from 1975 through 1978. 11 Q. Okay. Here's what I know from what the 12 lawyers for Solutia have told us. 13 Apparently there was what's called a 14 past disposal area one, which consisted 15 of an approximate three point five acre 16 landfill that was used from 1962 until 17 1970. Are you familiar with that area? 18 A. I am. In passing. Thank you for 19 jogging my memory. I'd frankly 20 forgotten. Yes. A little bit. 21 Q. And we were also told that that area, 22 which I'm going to call PDA One, was 23 used for the disposal of various organic

Page 197 1 materials, including PCBs. And what I'm 2 trying to figure out is do you know what 3 the source was of those PCBs at the 4 Delaware River plant? 5 A. Not personally, no. 6 Q. Do you have any, you know, understanding 7 of what could possibly have been the 8 source of the PCBs that went into that 9 disposal area? 10 A. I have a reasonable engineering 11 understanding of what it might have 12 been, yes. 13 Q. What is that engineering understanding, 14 reasonable engineering understanding? 15 A. PCBs were commonly used, amongst other 16 purposes, for heat transfer fluid. 17 During my time at the Delaware River 18 plant we had several units that employed 19 heat transfer fluid. It's not 20 unreasonable to think that the two might 21 tie together. 22 Q. Do you have any knowledge as to how -- 23 the quantity of PCBs that were disposed	Page 199 1 A. Not to my knowledge. 2 Q. Do you know if the PCBs that went into 3 that landfill were solid or liquid? 4 A. No. I don't know that. 5 Q. Do you know what concentration level of 6 PCBs was in that landfill? 7 A. No. I'm sorry, I don't. 8 Q. Do you know if that landfill was lined 9 or unlined when the PCBs were deposited? 10 A. I can infer that it must not have been 11 lined because it was subsequently walled 12 off and a cap put on it. And I learned 13 that during a recent visit pursuant to 14 other duties. 15 Q. What is your understanding of the type 16 of cap that's now in place on that 17 landfill? 18 A. It's a variety of clay, as I understand 19 it. There may be a synthetic liner 20 also. I don't know. 21 Q. According to what the lawyers told us, 22 there was a final cap consisting of 23 geocomposite clay that was placed over
Page 198 1 of at that landfill at Delaware River? 2 A. No, I'm sorry. I don't. 3 Q. Well, you should know this because you 4 worked there. Is that plant located 5 near a residential neighborhood? 6 A. No. Well, near, please tell me. It's 7 not adjacent to it. 8 Q. What is the closest residential 9 neighborhood to it? 10 A. Several miles, I'm quite sure. And, 11 again, neighborhood's a relative term. 12 They were scattered farmhouses. There's 13 a farmhouse across the street. 14 Q. Okay. And what was primarily 15 manufactured at the plant during that 16 '62 to '70 time frame? Do you know? 17 A. Yes, I do, because the product mix had 18 not changed very much by the time I got 19 there. We manufactured several 20 different plasticizers or plasticizer 21 components, or additives. 22 Q. Do you know if PCBs were ever 23 incinerated at the Delaware River plant?	Page 200 1 that area in 1994. Does that -- 2 A. That's a sort of clay, isn't it? 3 Q. Okay. So is that the same thing as a 4 high-density polyurethane cap, or is 5 that different? 6 A. It might be different; it might be 7 similar. Obviously if one speaks only 8 of high-density polyurethane, you didn't 9 include the term clay. But you used a 10 different term here in describing this 11 cap as a composite clay. And I don't 12 know what else might be in the 13 composite. 14 Q. Okay. And I'm just trying to figure out 15 if the cap that is in place in Delaware 16 is similar to the high-density 17 polyurethane cap that's part of the 18 Anniston landfill. 19 A. I don't know. If I had the 20 specifications in front of me, 21 presumably my professional engineer's 22 license says I can read a document and 23 tell you. But if I'm lacking data, I'm

Page 201 1 awfully sorry. 2 Q. Okay. There also apparently was some 3 hydrologic investigations of the 4 groundwater that had been impacted by 5 the PCBs and other constituents, and 6 there was a groundwater treatment remedy 7 implemented. Do you have any details 8 about that? 9 A. Yes. I was given a tour, since I had 10 worked there, by my former boss some 11 years ago. And my understanding, which 12 is just to go a bit further than what I 13 said a moment ago in response to your 14 earlier question, is there is this 15 containment area, and there are a number 16 of monitoring -- monitoring wells are 17 the wrong term. There are monitoring 18 wells, but there also are extraction 19 wells or points or whatever the correct 20 term a hydrogeologist would use. And 21 the basic concept is one pulls water out 22 from inside the containment area so that 23 any groundwater migrates into instead of	Page 203 1 THE WITNESS: I'm sorry? 2 MR. KELLY: Just objected to the 3 form. 4 A. Understanding that it's a guess, my 5 former supervisor at Delaware River was 6 there for many, many years until his 7 recent retirement in various roles 8 relating to the environmental field. If 9 he didn't discover it, he would have 10 certainly had knowledge, simply because 11 it was during his tenure. 12 Q. (By Ms. Malow) Do you know of any other 13 company that was involved in the cleanup 14 of the Delaware River plant? 15 A. Not specifically. I'm sure a consultant 16 was employed to help us, but I don't 17 know what -- 18 Q. And my question was poor because what I 19 was looking at is was there any other 20 PRP or any other company that had some 21 responsibility, or was it solely 22 Solutia's baby? 23 A. I believe it was solely ours.
Page 202 1 out of. And then that water that is 2 pulled out is treated. 3 Q. Is it treated on site, or at an off-site 4 treatment facility? 5 A. I was shown at that time an on-site 6 treatment facility. 7 Q. Okay. Do you know what prompted that 8 cleanup of the landfill? 9 A. Not specifically, no. I'm sorry. 10 Q. Do you have any general understanding of 11 what prompted that? 12 A. No, I don't. 13 Q. Do you know who it is that discovered 14 that the groundwater was impacted with 15 PCBs? 16 MR. KELLY: Object to the form and 17 the assumption. 18 A. I don't know that. I mean I could 19 guess, but it would be purely a guess. 20 Q. (By Ms. Malow) What is your guess, 21 understanding that it's a guess? 22 A. Understanding -- 23 MR. KELLY: Object to the form.	Page 204 1 Q. Do you know what the total cost of 2 remediation has been for that cleanup of 3 the PCBs in the landfill? 4 A. No, I don't. 5 Q. Do you know if there have been any tests 6 to determine if PCBs have migrated off 7 site into the neighborhood at the 8 Delaware River plant? 9 A. No, I don't. 10 Q. Do you know of any remediation done of 11 the residential neighborhood? 12 A. There is no residential neighbor nearby. 13 Q. Okay. Do you know of any bodies of 14 water near the Delaware River plant were 15 impacted by PCBs? 16 A. I am sure, from being a Philadelphia 17 resident and having read the newspapers, 18 that the Delaware River plant discharged 19 waste but not PCBs during my tenure. 20 I'm also sure that the Delaware River is 21 impacted by PCBs but not necessarily by 22 the Delaware River plant. There are 23 lots of industries and other discharges

Page 205 1 up and down the entire length of the 2 river. 3 Q. Okay. Do you know if there's a fish 4 advisory in the place near the Delaware 5 River plant? 6 A. I was recently there in Philadelphia for 7 an engagement party. And I stood on the 8 pier and watched people fishing from the 9 river, and they certainly seemed like 10 people who weren't doing it 11 surreptitiously. 12 Q. Okay. Let's now move to the Trenton 13 plant in Trenton, Michigan. Do you have 14 any knowledge of any PCBs that were in 15 the soil at that Trenton plant? 16 A. No, I don't. 17 Q. We have been told by the attorneys 18 representing Solutia that apparently the 19 Trenton plant removed approximately 20 forty cubic yards of PCB impacted soil 21 and disposed of those soils at the 22 chemical waste management facility at 23 Emelle, Alabama. You have no knowledge	Page 207 1 the answer to that for Trenton, correct? 2 A. I'm sorry. I wouldn't. 3 Q. All right. Let's then go to the 4 Pensacola plant in Pensacola, Florida. 5 Have you been to that facility? 6 A. Yes. Years ago. 7 Q. Have you pretty much been to all the 8 facilities at some point? 9 A. No, I haven't. 10 Q. All right. Let's talk about Pensacola. 11 Were you aware that there was a surface 12 impoundment area, or also called the 13 feed pond, that had some sludge and 14 liner soils that were impacted with 15 PCBs? 16 A. In the way in which you phrased your 17 question, no, I wasn't. Had I asked 18 about PCBs, I would have known about the 19 existence of the feed pond. 20 Q. But you don't know of any contamination 21 of PCBs in that surface impoundment or 22 feed pond? 23 A. No, ma'am. Sorry.
Page 206 1 of that? 2 A. No. Do you know what year it might have 3 been? 4 Q. I don't have a year. That's one of the 5 things I was going to ask you. 6 A. No. I may have well been there doing 7 product stewardship or other work during 8 that period. 9 Q. Do you know who within Solutia would 10 have the most knowledge about that 11 remediation work? 12 A. Without the year, no, I'm sorry I don't. 13 Q. Have you ever been to the Trenton plant? 14 A. Yes. 15 Q. Is that located near a residential 16 neighborhood? 17 A. No. I think it's chiefly industry 18 there. 19 Q. Do you know of any PCBs that were ever 20 disposed of at the Trenton plant? 21 A. No, I don't. 22 Q. So if I ask you specific questions about 23 PCB levels or capping, you wouldn't know	Page 208 1 Q. You just knew that there was a feed pond 2 there? 3 A. I know that there was a feed pond, and I 4 know that the feed pond is either in the 5 process of being closed or is closed. 6 I'm not certain which. 7 Q. Do you know anything about the -- 8 Solutia's construction of an on-site 9 TOSCA landfill for the disposal of 10 materials removed from that feed pond? 11 A. No, I don't. 12 Q. No details, I guess then, about specific 13 PCB waste deposited there, levels, or 14 things of that nature? 15 A. No. But I know all about Kearny. 16 Q. I know. But we already talked about 17 Kearny. 18 A. Sorry. 19 Q. Unless you want to tell me some more 20 about Kearny. 21 A. No. I have told you what you asked. 22 Q. Then let's move on to the Queeny plant, 23 which you may have some more knowledge

Page 209 1 about, because I know you worked there 2 at one point. Apparently, according to 3 Solutia's attorneys, the Queeny plant 4 disposed of approximately forty cubic 5 yards of PCB contaminated soils 6 generated during the replacement of some 7 railroad tracks. Did you know that? 8 A. No, I didn't. Do you know when it took 9 place? 10 Q. Do not. That was one of my questions 11 for you. 12 A. I'm sorry. I was there for a period -- 13 Q. So you have no knowledge of any PCBs 14 that were disposed of at the Queeny 15 facility? 16 A. No. You may recall my tenure there was 17 from 1980 through nominally November of 18 '84 however. 19 Q. Right. But I have no idea when this 20 happened. Okay. Is that plant located 21 near a residential neighborhood? 22 A. Depending on how you choose to define 23 near.	Page 211 1 THE WITNESS: M-A-L-E-I-C. 2 Anhydride, A-N-H-Y-D-R-I-D-E. 3 A. We manufactured toluene sulfanile 4 chloride. Various -- yeah. During part 5 of the time I was there we manufactured 6 benzoic acid. I suppose we could go on, 7 but I don't remember -- 8 Q. Okay. I want to skip now to the Everett 9 plant, which we did talk about before 10 but I didn't ask you the kind of detail 11 I want to ask you now. 12 We were informed by Solutia's 13 attorneys that there were three areas of 14 the Everett facility that have undergone 15 remedial activities associated with 16 PCBs. The first area is the Therminol 17 furnace area, which consisted of a small 18 furnace where PCB-containing heat 19 exchange fluids were used in the past. 20 Do you know about that? 21 A. No. I remarked earlier that when I 22 became acquainted with the Everett -- 23 Well, that's not perfectly true. I had
Page 210 1 Q. How close is the nearest resident? 2 A. Golly. Four or five blocks, I would 3 think, from the nearest portion of the 4 plant. 5 Q. I call that near. Do you? 6 A. Well, I used to be able to run it; it 7 doubt I could anymore. 8 Q. What was manufactured at the Queeny 9 plant when you were working there? 10 A. Oh, my. When I worked at the Queeny 11 plant there were some 1400 people 12 employed. It's a fairly exhaustive list 13 of products. I'm sure I'll be 14 incomplete. 15 Q. That's okay. Just give me sort of the 16 major ones. 17 A. We manufactured salicylic acid in 18 aspirin. We manufactured maleic 19 anhydride. 20 THE WITNESS: I'm sorry. Do you 21 wish me to spell it? 22 THE REPORTER: Maleic, spell that 23 one.	Page 212 1 been to Everett for business team 2 meetings during my product stewardship 3 duties. But I doubt I set foot outside 4 the door of the conference room in 5 pursuit of those duties. 6 But when I became aware of 7 manufacturing-related issues and 8 remediation issues at Everett, circa 9 '91, any PCBs were already contained. I 10 remarked that my duties changed in '94. 11 The remediation that was conducted 12 beginning in '91-92 time frame was not 13 yet complete. 14 Q. So let me go back and make sure I have 15 got a clear answer. Do you have any 16 knowledge about the Therminol furnace 17 area where PCB-containing heat exchanged 18 fluids were used? 19 A. No. Unless you wish to show me 20 documentation that says they are one in 21 the same as I identified earlier. 22 Q. Well, apparently according to the 23 information we received from your

Page 213 1 counsel, it says that that area was 2 closed in 1987 by razing the building, 3 removing the foundation and subsurface 4 utilities, constructing a soil bentonite 5 slurry wall and capping the area with a 6 multi-layer cap. Are you familiar with 7 any of that remediation work? 8 A. I'm not familiar with the remediation 9 work, but from your description, it 10 sounds like one in the same area, as I 11 was describing earlier. 12 Q. So let me ask you: Do you have any 13 knowledge as to the quantity of 14 PCB-containing heat exchanged fluids 15 used in that Therminol furnace area? 16 A. No, I don't. 17 Q. Do you know why the area was closed in 18 '87? 19 A. Why the Therminol furnace was closed? 20 No, I don't. 21 Q. Do you know why it was necessary to raze 22 the building, remove the foundation and 23 subsurface utilities of that Therminol	Page 215 1 PCBs were found was called the storm 2 water lagoon area. Do you know that 3 area? 4 A. No, I don't. 5 Q. Apparently it was closed by the removal 6 and off-site disposal of lagoon sludges, 7 the removal and off-site disposal of PCB 8 impacted surface soils, placement of 9 backfill material, and the installation 10 of a cap over the area. Are you 11 familiar with any of that remediation 12 work? 13 A. No. I'm not aware. 14 Q. So I guess you wouldn't know any details 15 about the quantity of PCBs in that area 16 or things of that nature? 17 A. That's correct. 18 Q. Do you know when that area was closed? 19 A. No, I don't. 20 Q. Why it was closed? 21 A. No. 22 Q. Next area of the Everett plant that was 23 identified for us by your counsel was
Page 214 1 furnace area? 2 A. No. I'm sorry, I don't. 3 Q. Do you know the cost to do those things? 4 A. No, I don't. 5 Q. Do you know why a soil bentonite slurry 6 wall was constructed? 7 A. From an engineering standpoint, to 8 contain whatever was within it. 9 Q. And so that would be the purpose of it, 10 containment? 11 A. That would be normally the purpose, yes. 12 Q. Do you know why the area was capped with 13 a multi-layer cap? 14 A. Containment. 15 Q. Do you know what type of cap it was? 16 A. No, I don't. 17 Q. Do you know the cost to build the soil 18 or bentonite slurry wall? 19 A. No, I don't. 20 Q. Do you know the cost to cap it? 21 A. No, I don't. 22 Q. All right. The next area that was 23 identified at the Everett plant where	Page 216 1 what's called the 409 building area. Do 2 you know that area? 3 A. No, I don't. I'm sorry, ma'am. 4 Q. It says we were told it was closed by 5 razing the building, removal, off-site. 6 disposal of PCB impacted sludge and 7 installation of a cap over the area. 8 Are you familiar with any of that 9 remediation work? 10 A. No, ma'am. 11 Q. So you wouldn't be familiar with any of 12 the other details about that? 13 A. That's correct. 14 Q. Do you know of any PCBs that were ever 15 incinerated at the Everett plant? 16 A. I'm not aware of any. 17 Q. Do you know how those PCBs were 18 discovered in those areas? 19 A. No, ma'am. 20 Q. All right. Kearny we talked about? 21 A. Yes, ma'am. 22 Q. Let me just make sure I covered 23 everything I have here. According to

Page 217 1 what your lawyers told us, there were 2 three areas on the plant property that 3 were identified for remedial action for 4 presence of PCBs. Surface and 5 subsurface soils were removed and the 6 areas were covered with an asphalt cap. 7 I think that's sort of what we 8 talked about before. 9 A. That is in essence what I said before. 10 The asphalt cap, if you recall from what 11 I said before, covered a greater area 12 than simply those three hot spots that 13 were -- 14 Q. Okay. So when you talked about hot 15 spots, that's the same as the three 16 areas referenced in the letter we got 17 from the lawyers -- 18 A. Exactly so. 19 Q. And my question, which I don't think I 20 asked earlier, is why wasn't that 21 PCP-contaminated soil sent off site? 22 A. The portion that was capped? 23 Q. Yes. Why was it capped in place rather	Page 219 1 and remove it? 2 MR. KELLY: Object to form. 3 A. Not necessarily so. 4 Q. (By Ms. Malow) Why not? 5 A. Because there are other things that 6 would work just as satisfactorily and 7 would be as equally as permanent and 8 better for the world as a whole. 9 Q. If the PCB contaminated soil is 10 physically removed from a site, does 11 that one hundred percent eliminate any 12 risk of off-gassing? 13 MR. KELLY: Object to the form. 14 A. It might, depending on what your 15 definition of "all" is. So might other 16 means. PCBs -- You said off-gassing. I 17 would challenge that term from my 18 knowledge of organic chemistry. Not 19 specific to PCBs. But physical 20 constants apply to all materials. 21 Q. (By Ms. Malow) Well, is it your opinion 22 that PCBs cannot volatilize? 23 A. I would say that PCBs would have a very,
Page 218 1 than removing it and sending it to a 2 place like Emelle? 3 A. Because, a more rational solution. 4 Q. Why is it a more rational solution? 5 A. Given the intended reuse of the site, 6 and given the immobility of the PCBs in 7 the soil, we contained it. We saved 8 space in somebody's cell at Emelle for 9 someone who couldn't contain it, and we 10 put the site into beneficial re-use more 11 rapidly. 12 Q. If cost were not a factor, is the most 13 permanent solution to eliminating PCB 14 contaminated soils to actually 15 physically remove it? 16 MR. KELLY: Object to the form. 17 A. Very bad question to ask an engineer 18 because everything is always a 19 consideration. 20 Q. (By Ms. Malow) I'm saying let's take -- 21 Let's say money is no object. Is the 22 most permanent solution to eliminate PCB 23 contamination to physically dig it up	Page 220 1 very low vapor pressure. Everything can 2 volatilize, including us. 3 Q. Do PCBs in fact volatilize? 4 A. By definition, we volatilize; PCBs 5 volatilize, but very low levels by 6 comparison to other materials. 7 Q. And again, you told me earlier you 8 haven't even seen the air monitoring 9 data done by Solutia, EPA, or the 10 plaintiffs' experts in this case, right? 11 A. That's correct. And I remarked several 12 things with that regard. I remarked 13 that my present comment was based on the 14 physical properties of the various 15 materials and immutable laws of nature. 16 And I also remarked that I would want to 17 see the quality control methods of 18 analysis -- 19 Q. Sure. Do you know if PCBs were ever 20 incinerated at the Kearny plant? 21 A. Not to my knowledge. 22 Q. Do you know when those three hot spots 23 were identified, what year?

Page 221 1 A. Identified, delineated. They were 2 delineated circa '92-93. I would have 3 to presume that there were some reason 4 to delineate those particular areas. 5 And I would say that they were first 6 identified the day the holes were dug 7 and the materials put in them. Not to 8 be coy, but we knew where the holes 9 were. 10 Q. What prompted that cleanup of those hot 11 spots. I may have asked that earlier. 12 I can't remember if I did or not. 13 A. I believe you did. And I began to go 14 briefly into the New Jersey law in that 15 regard. 16 Q. Okay. 17 A. Since there was no migration, our 18 behavior might or might not have been 19 different. 20 Q. Do you remember if the PCBs in those 21 areas were solid or liquid? 22 A. When we removed the soil from those 23 holes, we were able to separate water	Page 223 1 Sauget, Illinois. Are you familiar with 2 the remediation work that has been done 3 at the Krummrich plant for PCB 4 contaminate soils and sediments? 5 A. I have been becoming familiar with the 6 overall Krummrich and Sauget project 7 since March. The visit to Anniston came 8 first. 9 Q. Is that now part -- part of your 10 responsibility as director of 11 environmental safety and health? 12 A. Yes, ma'am. It is. 13 Q. Who is the point person for Krummrich? 14 A. There are actually three. And we have a 15 coordinating group of which I am part. 16 Q. Who are the three? 17 A. Steve Smith, whom you have met, Mike 18 Light, and Alan Faust. 19 Q. And Mr. Faust used to be in Anniston? 20 A. That's also correct. 21 Q. And what is Mr. Smith's role? 22 A. Steve is serving two roles. Mr. Light 23 reports to Mr. Smith, both
Page 222 1 and analyze water for PCBs. So there 2 may have been some solid PCBs, but PCBs 3 of which I'm aware were in the water at 4 low levels and decanted off. And I 5 presume there were some PCBs left 6 adhering to the soil. But the soil 7 analysis was well below levels for 8 permissible disposal. 9 Q. What was the total cost of the 10 remediation at the Kearny plant for 11 those hot spots? 12 A. I can't tell you specific to those hot 13 spots. I have an approximate number for 14 the entire remediation. 15 Q. What was that? 16 A. The entire remediation was something 17 approaching 5 million dollars. 18 Q. Are the measures that are in place at 19 Kearny final measures? 20 A. Yes. There is a no-further-action 21 letter from the Department of 22 Environmental Protection pursuant -- 23 Q. Let's now go to the Krummrich plant in	Page 224 1 administratively and functionally for 2 these purposes. And Steve is also 3 handling directly one of the two Sauget 4 areas. 5 Q. Area two? 6 A. That's correct. 7 Q. I got a lot of detail from Mr. Smith 8 yesterday, so I probably won't ask you 9 very much about this, but I just want to 10 get sort of what your involvement is now 11 with respect to Krummrich. What role do 12 you have? 13 A. Is there a question? 14 Q. Yeah. What role do you have? 15 A. I'm Steve's boss. 16 Q. So are you just being informed as to the 17 activities at Krummrich, or are you 18 actually going out there for status 19 meetings? Or what are you doing? 20 A. I am participating in status meetings of 21 various sorts, but I'm generally not 22 participating in detailed meetings. So 23 you might --

Page 225 1 Q. How many times have you been there? 2 Since you got this new position? 3 A. Twice. 4 Q. When? 5 A. I don't recall. 6 Q. Both in the last few months? 7 A. Certainly since March. 8 Q. Okay. And what were the purposes of 9 those two times? 10 A. In the first instance -- I have been 11 there three times. Forgive me. 12 In the first instance I was 13 becoming acquainted with the project. 14 Q. Sort of an orientation again? 15 A. Exactly so. We looked at drawings and 16 photos in our own offices, elsewhere, 17 nearby and then physically did the same 18 sort of tour. Because as I explained 19 earlier, it helps, or at least it helps 20 in an engineer's mind. 21 In a subsequent instance I 22 reviewed the plant sewer improvement 23 strategy. And in a more recent instance	Page 227 1 with the budget for the Anniston 2 remedial projects? Which one has more 3 money budgeted? 4 A. I don't know. I'd have to refer to the 5 documents. 6 Q. Do you know if they are comparable? 7 A. I don't know. My normal mode would be 8 to look at the document. 9 Q. Okay. Have you been involved in any 10 Superfund projects where you had direct 11 responsibility for the cleanup on 12 Solutia's behalf? 13 A. Superfund? No. 14 Q. So you have no Superfund sites that you 15 have ever worked on for CERCLA? 16 A. Not CERCLA sites. 17 Q. How about for Monsanto? 18 A. Not CERCLA sites. 19 Q. Okay. Your group that you're 20 responsible for that Mr. Smith is the 21 leader of does have that involvement, 22 correct? 23 A. Yes, ma'am.
Page 226 1 we took my boss, Jerry Hayden, for the 2 same purpose. This is my initial visit. 3 Q. Has Mr. Hayden ever been to the Anniston 4 site? 5 A. Not to my knowledge. But he may have 6 done it. 7 Q. Are there any plans that you know of for 8 him to go over there? 9 A. Not presently. 10 Q. Why not? 11 A. Why? 12 Q. Why did he go to Krummrich? 13 A. We were explaining the Krummrich project 14 to him. Krummrich is a lot closer. I 15 suspect, but I have not made such a 16 plan, that at some future date I'll take 17 him to Anniston with me or Steve -- not 18 Steve any longer -- that I'll take him 19 to Anniston with me, but I haven't made 20 such a specific plan. There is no date 21 assigned or anything of that sort. 22 Q. How does the budget for the remedial 23 projects at the Krummrich plant compare	Page 228 1 Q. But you're saying that you just haven't 2 directly worked on those; you just have 3 oversight for those? 4 A. That's correct. I explained that I had 5 conducted several remediations but none 6 of them were under the auspices of U.S. 7 CERCLA. 8 MS. MALOW: All right. I need to 9 take a short break. 10 [A break was taken.] 11 MS. MALOW: Back on the record. 12 Q. (By Ms. Malow) Mr. Felder, I want go to 13 back and talk with you more specifically 14 about the Anniston site. And, you know, 15 if you don't have the information, 16 that's fine. I just sort of want to 17 explore the extent of your knowledge for 18 certain areas, like groundwater, surface 19 water, things of that nature. Are you 20 familiar with the geology and the area 21 around the Anniston plant site? 22 A. No. Steve covered it in brief during my 23 first visit but not in detail.

Page 229 1 Q. Are you aware of any dye tests that have 2 been performed by Solutia at the 3 Anniston site? 4 A. I was told that there has been such 5 tests, I believe, but I'm not certain. 6 Q. Do you know what year those were 7 performed? 8 A. No, ma'am, I don't. I may be confusing 9 it with proposals or something of that 10 sort also. 11 Q. Do you know if the area has course 12 terrain? 13 A. My difficulty is I have heard that term 14 in context with other things as well. 15 So I can't separate the two. 16 Q. Are you familiar with a pipe located 17 adjacent to the Solutia Anniston 18 facility where there has been lead, 19 arsenic, and mercury detected? 20 A. I seem to recall reading an e-mail 21 recently of some sort of pipe, but if 22 it's the same issue, it was determined 23 that the pipe didn't reach our property.	Page 231 1 wells at the Anniston site? 2 A. No, I don't. 3 Q. Do you know the total number of 4 monitoring wells at that site? 5 A. No. But again, I'm sure all those 6 things are reflected in the as-built 7 drawings. 8 Q. Solutia does in fact monitor for PCBs in 9 the groundwater at Anniston, correct? 10 MR. KELLY: Object to the form. 11 Q. (By Ms. Malow) Do you know? 12 A. I don't know. 13 Q. Okay. Do you know when the groundwater 14 monitoring program was implemented at 15 the Anniston site? 16 A. No, I don't. 17 Q. Do you know who designed the protocol 18 for that groundwater monitoring program 19 in Anniston? 20 A. No, I don't. And if I wished to know 21 those things, if I had to know it myself 22 as opposed to relying on others, I could 23 read the documents. But I have not seen
Page 230 1 Q. Do you know what the source is of those 2 contaminants? 3 A. No, I don't, nor am I sure it's the same 4 issue. 5 Q. Are you familiar with the hydrology at 6 the Anniston plant? 7 A. No. That's not my specialty. 8 Q. Do you agree that you would need to know 9 the hydrology to determine where to 10 place the monitoring wells? 11 A. I agree that the people placing the 12 monitoring wells would certainly need to 13 know, yes. 14 Q. Right. I meant as a concept? 15 A. Yes, ma'am. 16 Q. It would be a good thing to know the 17 hydrology before you install monitoring 18 wells, correct? 19 A. Correct. I'm quite sure that they would 20 do unless they were ordered to put them 21 in a particular place in spite of the 22 hydrology. 23 Q. Do you know the depth of the monitoring	Page 232 1 the documents. 2 Q. Do you know how often the groundwater is 3 sampled at the Anniston facility? 4 A. No, I don't. 5 Q. Have PCBs been detected in the 6 groundwater sampling of the monitoring 7 wells at the Anniston site? 8 A. I don't recall. 9 Q. Assume with me that they have. Do you 10 have any understanding as to how the 11 PCBs got into the groundwater? 12 MR. KELLY: Object to the form. 13 A. No. It would be purely speculative on 14 my part. I don't know the history of 15 the site. 16 Q. (By Ms. Malow) Do you know the source 17 of PCBs in the groundwater sampling? 18 MR. KELLY: Object to the form and 19 the assumption. 20 A. I don't know that there are PCBs in the 21 groundwater. 22 Q. (By Ms. Malow) Assuming that there are, 23 do you know the source?

Page 233 1 A. No, I don't. 2 MR. KELLY: Object to form. 3 A. No. 4 Q. (By Ms. Malow) Have you -- By you I 5 mean Solutia. Has Solutia performed any 6 aqueous phase PCB testing? 7 A. I don't know. 8 Q. Have you been informed about any aqueous 9 phase testing performed by the 10 plaintiffs' experts in this case? 11 A. No. I have not been told. 12 Q. Do you know if PCBs have been found in 13 two of deep wells that are not part of 14 the on-site groundwater action systems? 15 A. No. I don't know that. 16 Q. Is it a conventional technique to filter 17 groundwater samples for PCB analysis? 18 A. I beg your pardon? 19 Q. Is it a conventional technique to filter 20 groundwater samples for PCB analysis? 21 A. I have not conducted PCC -- excuse me -- 22 PCB sampling before. And I would refer 23 you to the experts in that particular	Page 235 1 is not completely capturing the 2 groundwater leaving the Anniston 3 property? 4 A. I'm not aware. 5 Q. Do you know if there's any relationship 6 between the groundwater flow from the 7 Solutia property and the Jacksonville 8 Fault? 9 A. I don't know. 10 Q. Do you know if EPA is concerned about 11 such a relationship? 12 A. I don't know. 13 Q. Assume that there is such a 14 relationship, would that have a 15 potential effect of groundwater flow 16 from the Anniston plant on the 17 Jacksonville Fault? 18 MR. KELLY: Object to the form. 19 No foundation, assumption. 20 A. I'm not a hydrogeology expert. That 21 would be a question better put to one of 22 the others listed as such. 23 Q. (By Ms. Malow) All right. Do you think
Page 234 1 area. 2 Q. Does ADEM accept results from filtered 3 groundwater result samples? 4 A. I recall a discussion during the course 5 of the April or May meeting when that 6 very point -- and apparently there was 7 some dispute as to the size of the 8 filter that might be employed. And the 9 issue, of course, is PCBs are more 10 commonly found on soil than in 11 groundwater. So the question would be 12 are you sampling the soil or the water? 13 Q. Do you know how Solutia plans to resolve 14 that dispute? 15 A. I don't recall. It was discussed. 16 Q. All right. Have PCBs been detected in 17 any off-site monitoring wells to your 18 knowledge? 19 A. I don't know. 20 Q. Has EPA determined that the corrective 21 action -- active -- I think it's action 22 system -- that Solutia is employing at 23 the Monsanto -- at the Anniston facility	Page 236 1 the monitoring wells at the Anniston 2 site are in the correct position to 3 effectively monitor the groundwater 4 quality? 5 MR. KELLY: Object to the form. 6 A. I don't know. But let me be clear. 7 Just as I presume you're not an expert 8 in every discipline of law, I'm not an 9 expert in every issue of ESH. So the 10 question is have I hired competent 11 people and do they assure me that it is. 12 Q. (By Ms. Malow) Okay. Do you know 13 whether or not EPA has said that the 14 monitoring wells are not in the correct 15 position to effectively monitor the 16 groundwater quality, specifically at the 17 west end landfill? 18 A. I don't recall any such discussions. 19 Q. If in fact EPA has said that, then would 20 that indicate to you that perhaps the 21 experts you're relying on are maybe not 22 doing their job right? 23 MR. KELLY: Object to the form.

Page 237 1 A. No. It might also indicate that either 2 EPA were wrong or there was a legitimate 3 difference of opinion amongst people in 4 the same skill set. 5 Q. (By Ms. Malow) And does that happen 6 where your consultants disagree with 7 other consultants? 8 A. It also happens that other consultants 9 or EPA's consultants disagree with one 10 another. 11 Q. Right. I mean, scientists disagree 12 about things all the time, don't they? 13 A. Yes, ma'am. 14 Q. What happens when you have a situation 15 such as PCB contamination where there's 16 a difference of opinion on something as 17 important as groundwater? 18 MR. KELLY: Object to the form, 19 speculation. 20 Q. (By Ms. Malow) What would you do? 21 MR. KELLY: Object to the form, 22 speculation. 23 Q. (By Ms. Malow) As the director of	Page 239 1 A. I'm not aware of that. 2 Q. Is the Solutia Anniston plant the source 3 of the PCBs in Snow Creek? 4 A. I don't know that. There are many 5 possible sources, as we have spoken 6 earlier. 7 Q. Are you referring again to foundries? 8 A. There could be any number of sources. 9 Q. Have you personally done any 10 investigation to determine other sources 11 of PCB contamination to Snow Creek 12 besides Solutia? 13 A. No. But that's not my role, nor was it 14 previously. 15 Q. Is Snow Creek a source of PCB 16 contamination to fish in Choccolocco 17 Creek and Lake Logan Martin? 18 A. It may be if sediments moved from Snow 19 Creek to Choccolocco Creek. And that's 20 of course part of the basis for the 21 issues. 22 Q. Do you know if back in the time when 23 PCBs were actually being manufactured at
Page 238 1 environmental safety and health? 2 MR. KELLY: Object to the form, 3 speculation. 4 A. In terms of the internal consultants, 5 obviously, one would attempt to 6 reconcile and enlist the aid of others 7 who have expertise or listen for logical 8 inconsistencies are all that one 9 typically does to resolve any dispute. 10 In the case of a dispute with the 11 agency, it's an entirely different 12 matter. I suppose one in essence 13 negotiates on the basis of science. 14 Q. (By Ms. Malow) Okay. Let's talk about 15 surface water. To your knowledge has 16 Solutia tested the water in Snow Creek 17 and tributaries leading into Snow Creek? 18 A. I'm not aware of that. We talked 19 earlier about sediment sampling, if you 20 recall. 21 Q. Okay. Is it your understanding that 22 Solutia has found PCBs in Snow Creek 23 surface water?	Page 240 1 the Anniston facility if there were PCBs 2 that were actually visible with the 3 naked eye in Snow Creek? 4 A. No, ma'am. 5 Q. You have never been told that? 6 A. No. 7 Q. You have never seen any documents to 8 that effect? 9 A. Not as yet. 10 Q. As we sit here today, based on the 11 meetings that you have attended and the 12 budgets that you have seen, does Solutia 13 have any intention to clean up Snow 14 Creek? 15 MR. KELLY: Object to the form. 16 A. There's obviously discussion in the 17 documents to do cleanup. But cleanup 18 has different meanings, depending on the 19 fact set. 20 Q. (By Ms. Malow) I don't see anything in 21 the budget that specifically addressed 22 Snow Creek. I did see something for 23 Choccolocco Creek. Do you see anything

Page 241 1 in the budgets which we have marked as 2 Exhibit Two that specifically refers to 3 Snow Creek? 4 A. Unless I missed my guess, or 5 misunderstand the history, the Quintard 6 Mall is on Snow Creek, and Snow Creek 7 runs under Quintard Mall. Didn't we say 8 that earlier? 9 Q. Well, but the mall itself is not the 10 creek. I mean, Snow Creek is separate 11 from the mall. The mall is a physical 12 structure that may run over the creek, 13 but that's not the creek itself. 14 A. I was under the impression that there 15 were soils being associated with the 16 mall or adjacent to the mall in the 17 creek or the culvert or whatever it 18 actually is at that point, but I think 19 it has the name Snow Creek. 20 Q. Well, is that the only area of Snow 21 Creek that Solutia plans to address 22 according to its budget? 23 A. I don't know.	Page 243 1 MR. KELLY: Object to the form. 2 A. I don't think it affects particularly 3 today's remediation, because we have 4 facts on the ground in terms of 5 monitoring data. And while I can't tell 6 you specifically what those results 7 were, I'm reasonably sure that Craig 8 Branchfield can, Dale Wilson, and the 9 others named. And I think that's more 10 germane. 11 Q. (By Ms. Malow) How about the people 12 that are no longer with us that lived 13 there during the thirty years that have 14 expired? Do you think it may have been 15 important to them that that had been 16 cleaned up thirty years ago? 17 MR. KELLY: Object to the form; 18 speculation. 19 A. I can't comment on that. I have no 20 reason to know that it affected them 21 whatsoever. 22 Q. (By Ms. Malow) Do you have any 23 understanding or explanation for why it
Page 242 1 Q. Do you see any other portion of the 2 budget that addresses Snow Creek other 3 than your reference to the mall? 4 A. No. But keep in mind there will be 5 another budget done for 2002. 6 Q. And also, as I asked you earlier and you 7 told me you have never seen it before, 8 there had been a recommendation back in 9 1967 by a consultant that Monsanto 10 hired, Dr. Ferguson of Mississippi 11 State, to clean up Snow Creek over 12 thirty years, correct? 13 MR. KELLY: Object to the form. 14 A. You showed me that report. That's the 15 first time I had ever seen it. 16 Q. (By Ms. Malow) Do you think that that's 17 important information for you to know, 18 as the person in charge of 19 remediation -- 20 MR. KELLY: Object to the form. 21 Q. -- whether or not a recommendation was 22 made over thirty years ago to clean up 23 Snow Creek?	Page 244 1 is that Solutia and Monsanto never acted 2 on their own consultant's recommendation 3 over thirty years ago? 4 A. I have -- 5 MR. KELLY: Object to the form; 6 speculation, assumption. 7 A. Forgive me. I have no knowledge of 8 that. 9 Q. (By Ms. Malow) All right. I want to 10 talk with you about the in-plant sewer 11 systems. Do you know if those were ever 12 tested or analyzed in Anniston? 13 A. I don't have that as yet. 14 Q. Have you had any conversations with 15 Dr. Kaley about the Anniston remediation 16 issues? 17 A. Yes. 18 Q. Tell me about that. I don't want to 19 know anything where the lawyer was there 20 during the conversation; I just want to 21 know about one-on-one discussions that 22 you have had with Mr. Kaley. 23 A. I can't think of any.

Page 245 1 Q. Every conversation that you have had 2 with Kaley about the Anniston 3 remediation issues have had a lawyer 4 involved as well? 5 A. Every one that I can recall either Tom 6 Bistline or one of his colleagues was 7 there with us. 8 Q. Okay. Have you had any conversations 9 with Dr. Kaley about PCB toxicity 10 issues? 11 A. Yes. 12 Q. Were those also with lawyers present? 13 A. No. 14 Q. Tell me as best you can what you recall 15 about any conversations you had with 16 Dr. Kaley about PCB toxicity issues? 17 A. Sometime at an unspecified date in the 18 past I was asked the question about it, 19 and I asked Bob if he would like 20 handling it for me. 21 Q. Who asked you the question? 22 A. I don't recall. 23 Q. Was it someone with the media?	Page 247 1 Alabama Department of Public Health 2 official? 3 A. Not as yet. 4 Q. Have you about anybody with ATSDR? 5 A. Not as yet. 6 Q. And the way you're answering all those, 7 I take it that you think at some point 8 in the future based on your role you may 9 have some of those conversations? 10 A. It's certainly possible. I can't rule 11 it out. 12 Q. But to this date the answer is no? 13 A. That's correct. 14 Q. How about any local governmental 15 officials in Anniston, state or -- local 16 government or state government for 17 Alabama? 18 A. No. I have not had the pleasure as yet. 19 Q. Do you have any interaction with any of 20 the Solutia lobbyist regarding the 21 Anniston site? 22 MR. KELLY: Object to the form and 23 the assumption.
Page 246 1 A. I don't know. I'm sorry. I simply 2 don't recall. 3 Q. Do you know when it happened? 4 A. No. But, you know, I asked Bob if he 5 would handle the inquiry. 6 Q. Is that Bob's role, to handle any PCB 7 toxicity questions? 8 A. It's certainly part of his role, yes, 9 ma'am. 10 Q. Have you ever met Mark Brown of BBL? 11 A. I don't recall the name. 12 Q. Have you met Mike Price of Genesis? 13 A. I don't recall. 14 Q. Have you ever had any conversations with 15 any EPA official regarding the Anniston 16 PCB issues? 17 A. Not as yet. 18 Q. Have you had any conversations about the 19 Anniston PCB issues with any ADEM 20 official? 21 A. Not as yet. 22 Q. Have you had any conversations about the 23 Anniston PCB remediation issues with any	Page 248 1 A. My colleague, Glenn Ruskin, is probably 2 a registered lobbyist. And we speak and 3 we dine and other things. 4 Q. (By Ms. Malow) Have y'all spoken 5 specifically about the Anniston site? 6 A. Yes. 7 Q. What was the conversation? 8 A. The conversations Glenn and I have had 9 with respect to Anniston were to my 10 memory at least almost always in Tom 11 Bistline's or Karl Barnickols presence. 12 Q. Okay. I think I already asked you about 13 the air contamination. I think we have 14 covered that. 15 Are you familiar with any testing 16 performed by Monsanto on Snow Creek in 17 the 1980s? 18 A. No, I am not. 19 Q. Are you familiar with any hog testing 20 performed by Monsanto? 21 A. I beg your pardon? 22 Q. Hog testing. H-O-G. 23 A. Oh. No, I'm not.

Page 249 1 Q. Are you aware that Monsanto actually 2 purchased some hogs from the residents 3 in the Anniston area at some point in 4 time? 5 A. No, I'm not. 6 Q. You have never seen any of the tissue 7 analyses of the hogs? 8 A. Not as yet. 9 Q. Okay. 10 A. Did you want to ask me if I eat a hog? 11 Q. Would you eat a hog with 19,000 parts 12 per million in its -- 13 A. I wouldn't eat a hog at all. 14 Q. For other reasons? 15 A. That's right. 16 Q. Oxford ball field. We have probably 17 covered most of this. Let me just make 18 sure I don't have any questions about 19 it. 20 Do you know how much of the PCB 21 contaminated material was taken to 22 Emelle? 23 A. No, I don't.	Page 251 1 center. 2 Q. Do you know how it is that Solutia 3 characterized the ball field in terms of 4 whether they used a griding technique or 5 a composite sampling technique? 6 A. I'm not sure of the specifics of the 7 analytical technique, sampling technique 8 in that instance. 9 Q. All right. Do you know why EPA has been 10 overseeing the cleanup of the Oxford 11 ball fields rather than ADEM? 12 A. No, I don't. 13 Q. Do you know how much Solutia has spent 14 to clean up the ball fields? 15 A. No. But I'm sure Mr. Branchfield can 16 tell me at a moment's notice. Maybe two 17 moments. 18 Q. All right. Quintard Mall, do you know 19 how much PCB contaminated material was 20 removed from the mall? 21 A. No, ma'am. I don't. 22 Q. Do you know to what concentration level 23 it was cleaned?
Page 250 1 Q. Do you know at what level -- PCB 2 concentration level you're required to 3 transport to Emelle? 4 A. No. I have to go look that one up. 5 There obviously are stipulated levels 6 under TOSCA. I'm sure they have a 7 license. But I would ask the people 8 dealing with it. 9 Q. My understanding is that some of the 10 contaminated material was actually 11 placed under a parking lot. Is that 12 your understanding? 13 A. I don't know. 14 Q. Do you know of any site where that 15 remediation technique has been used that 16 you are familiar with? 17 A. Yes. Absolutely. 18 Q. Tell me about that. 19 A. Kearny. 20 Q. Kearny? Okay. Any others? 21 A. Probably Everett, but I'd have to see a 22 drawing to where that cell is relative 23 to the parking lot from the shopping	Page 252 1 A. No, ma'am. 2 Q. Do you know how much of it was 3 transported to Emelle? 4 A. No, ma'am. 5 Q. Do you know how much Solutia paid to 6 clean up the PCBs at Quintard Mall? 7 A. No, ma'am. And I won't trouble you with 8 the same answer. 9 Q. Okay. Are you aware of how much was 10 spent to clean up residential properties 11 in Oxford? 12 A. No, ma'am. 13 Q. Do you know the levels found on those 14 properties? 15 A. No, ma'am. 16 Q. Do you know what was done with the 17 contaminated soil removed from those 18 properties? 19 A. No, ma'am. 20 Q. Are you familiar with a facility called 21 Live Oak in Georgia? 22 A. No, ma'am. 23 Q. We have covered all this. Mike was

Page 253 1 right; I did cover some of my outline. 2 Are you aware that the EPA has 3 recently required General Electric to 4 dredge the Hudson River? 5 A. Yes, ma'am. 6 Q. Do you know how the PCB levels in the 7 fish and sediments in the Anniston area 8 compare with the levels found in the 9 Hudson River? 10 A. No, ma'am. 11 Q. Assume with me that the levels are 12 comparable. Do you think that the 13 residents of Anniston, Alabama should be 14 entitled to the same remediation as the 15 Hudson River residents? 16 MR. KELLY: Object to the form; 17 speculation and unfounded 18 assumptions. 19 Q. (By Ms. Malow) You can answer. 20 A. From what I have read, I'm not sure that 21 I agree with the remediation that EPA 22 has insisted upon in the case of General 23 Electric.	Page 255 1 Q. All right. And that opinion is without 2 having the opportunity to look at those 3 items? 4 A. That's correct. 5 Q. Do you agree that if sediments, PCB 6 contaminated sediments in Snow Creek are 7 not removed that there's the potential 8 that they can be redistributed in the 9 water column? 10 A. No. Because there are other ways of 11 protecting the water column. 12 Q. What ways are those? 13 A. Amongst others, containment. 14 Q. Are you familiar with a study that ADEM 15 performed of the southern landfill in 16 the early 1970s that found that the 17 landfill was not in a suitable location? 18 A. No, ma'am. May I stop for a minute? 19 Q. Certainly. 20 Are you familiar -- I'm sorry. 21 Are you familiar with the property 22 purchase program that was used at the 23 Anniston plant site?
Page 254 1 Q. Why is that? 2 A. They may do more harm than good. 3 Q. So you're in agreement with General 4 Electric's position? 5 MR. KELLY: Object to the form. 6 A. I'm more in agreement with General 7 Electric's position than EPA's former 8 position, for sure. 9 Q. (By Ms. Malow) And have you taken a 10 look at any of the risk assessment 11 that's been performed with respect to 12 the Hudson River and investigated all 13 the detailed work that's been done over 14 the years before this decision was 15 entered into? 16 A. No, ma'am. 17 Q. Would that be something that you would 18 want to look at -- 19 A. If I had to make the sole -- 20 Q. -- before you -- 21 A. You asked for my opinion. 22 Q. Okay. 23 A. And I offered you my opinion.	Page 256 1 A. Not in any detail. 2 Q. Do you know if it was cheaper for 3 Monsanto to buy the properties than to 4 clean them? 5 A. I don't know that. 6 Q. Have you played any role -- you probably 7 haven't because you told me you haven't 8 talked to EPA. But let me just ask 9 this: Have you played any role, either 10 directly or indirectly, in the agreement 11 with EPA of the emergency cleanup level 12 for the Anniston area? 13 A. No, I haven't. 14 Q. Do you know how that level in the AOC 15 was determined? 16 A. Not as yet. 17 Q. Do you have any idea how many pounds of 18 PCBs are buried at the Anniston site? 19 A. No, I don't. 20 Q. Have you asked your consultant to 21 determine that information? 22 A. Have I personally? No, ma'am. 23 Q. Do you know if anybody, including

Page 257 1 Mr. Branchfield or Mr. Smith, has asked 2 that question? 3 A. I don't know that. 4 Q. Do you think that's important to know? 5 A. Not necessarily. 6 Q. Are you familiar with the nature of PCBs 7 that were put onto the on-site 8 landfills, whether they were solid or 9 liquid? 10 A. No, I'm not. 11 Q. Are you familiar with any monitoring 12 done of the sewer system on the plant 13 site itself? 14 A. I'm sorry. I thought you had asked that 15 already. 16 Q. I may have. I did. 17 A. The answer is no. 18 Q. You're right. 19 All right. Moving on to a new 20 topic. It's not totally new, but I want 21 to explore in more detail -- which is 22 mercury. Are you familiar with the 23 recent article that came out in the	Page 259 1 was mercury used there because it's 2 necessary to manufacture PCBs to use 3 mercury, right? 4 A. I didn't say PCBs. Forgive me. I said 5 chloralkylide. 6 Q. Well, didn't Monsanto have a mercury 7 cell on site that was part of the 8 chlorine manufacturing process? 9 A. Yes. 10 Q. And wasn't chlorine needed to 11 manufacture PCBs? 12 A. Yes. Again, my engineering frame of 13 reference is a bit different than the 14 way you described it. 15 Q. Okay. Just because mercury is used in a 16 closed-lid process doesn't mean that it 17 won't be released, does it? 18 MR. KELLY: Object to the form. 19 A. Speculative. 20 Q. (By Ms. Malow) Do you know whether or 21 not any of the mercury that was used at 22 the Anniston plant was released? 23 A. No. I don't know that.
Page 258 1 Anniston Star about mercury at the 2 Anniston facility? 3 A. I saw that article, yes. 4 Q. Did you read the entire article? 5 A. Yes. 6 Q. Did you have any conversations with 7 anybody other than attorneys, anybody at 8 Solutia about that article? 9 A. Let me think for a moment. I think the 10 only conversations I had were actually 11 in Tom's or I think Karl's presence, 12 with a couple of others. 13 Q. Based on that article, have you directed 14 Mr. Branchfield to do any additional 15 investigation of mercury discharges from 16 the Anniston facility? 17 A. Not as yet. 18 Q. Have you interviewed any of the people 19 that were quoted in that article? 20 A. I have not, nor would I expect to 21 personally. 22 Q. We already discussed the fact that, you 23 know, you're not surprised that there	Page 260 1 Q. Do you know how many tons of liquid 2 mercury went into the waste stream? 3 MR. KELLY: Object to the form; 4 assumption, no foundation. 5 A. No, I don't. 6 Q. (By Ms. Malow) Do Monsanto's own 7 records show the discharge of mercury? 8 A. I have not seen such records. 9 Q. Do you know where the records are 10 located that were referenced in that 11 article? 12 A. No, I don't. 13 Q. Do you know a guy named Gene Coley, 14 C-O-L-E-Y? 15 A. No, ma'am. 16 Q. Had you heard of this man, Jim Bryant? 17 A. No, I hadn't. I'm surprised that I 18 hadn't, but I hadn't. 19 Q. According to that article apparently 20 there was some mercury that was 21 recovered and then sent back to St. 22 Louis. Are you familiar with that? 23 A. No, ma'am.

Page 261 1 Q. Do you have any idea what was done with 2 that mercury that went back to St. 3 Louis? 4 A. Not possible, given that I'm not 5 familiar with it to begin with. 6 Q. Okay. Do you know if Monsanto kept 7 track of mercury emissions from the 8 plant? 9 A. I don't know that. 10 Q. Is mercury a constituent of concern that 11 Solutia is looking at as part of their 12 present on-site and off-site 13 investigations? 14 A. I'll know that soon enough. I don't 15 know as we sit here. 16 [Discussion held off the 17 record.] 18 Q. (By Ms. Malow) Do you know where BBL 19 obtained their information on mercury? 20 A. No, I don't. 21 Q. Do you know why they were not given 22 access to all the documents? 23 MR. KELLY: Object to the form;	Page 263 1 Q. Do you think that they were aware of it 2 in the 1960s? 3 A. My guess is that somebody was aware of 4 it around the time of Alice in 5 Wonderland's writing. But I don't know 6 the specifics. 7 Q. Are you aware that methyl is toxic to 8 humans and can cause severe mental and 9 physical disability in large doses and 10 intellectual impairment in chronic low 11 doses? 12 MR. KELLY: Object to the form, 13 assumption, no foundation, 14 speculation. 15 A. I'm aware that it's toxic. The 16 specifics of the toxicity and the amount 17 over time or maximum doses to cause such 18 toxicity I'm not aware of. 19 Q. (By Ms. Malow) Are you familiar with 20 whether or not lead was used at the 21 Anniston plant? 22 A. No. But I know that lead is used or has 23 been used as a part of the manufacture
Page 262 1 assumption, no foundation. 2 A. I don't know that they weren't given 3 access. 4 Q. (By Ms. Malow) Do you know who they 5 interviewed to prepare their reply to 6 ADEM about the mercury? 7 A. No, ma'am. I don't. 8 Q. Have you ever heard of a guy named Joe 9 Crockett that used to be with the 10 Alabama Water Improvement Commission? 11 A. I think I have. I think I have heard 12 the name mentioned. 13 Q. In what context? 14 A. I don't recall. 15 Q. Are you aware that when mercury is 16 discharged into water that it can 17 convert to methyl mercury? 18 A. Yes, I am. 19 Q. Is methyl mercury a toxic substance? 20 A. Yes, it is. 21 Q. When did the chemical industry first 22 become aware of the dangers of mercury? 23 A. I don't know that.	Page 264 1 of biphenyls. 2 Q. So it wouldn't surprise you if lead had 3 been used at the Anniston plant? 4 A. That's correct. 5 Q. Do you know anything about the volume of 6 lead that may have been used at the 7 Anniston plant? 8 A. No, ma'am. 9 Q. Do you have any idea where it was 10 disposed of? 11 A. No, ma'am. 12 Q. When mercury gets into the aquatic 13 environment, does it continue to 14 circulate? 15 A. I don't know. There are others I'd wish 16 to ask that question of. 17 Q. Is mercury persistent in the 18 environment? 19 A. Generally, yes. 20 Q. Are PCBs persistent in the environment? 21 A. Generally, yes. 22 Q. Are you aware that as recently as 1993 23 ADEM found fish with mercury levels that

Page 265 1 exceeded Alabama's limits? 2 MR. KELLY: What location? 3 MS. MALOW: Downstream of Snow 4 Creek. 5 A. I'm not aware of any. 6 Q. (By Ms. Malow) What is the status of 7 mercury testing that is being performed 8 in Anniston now by Solutia? 9 A. I don't know. 10 Q. Do you know who's doing the testing? 11 A. No, I don't. 12 Q. Do you think that testing needs to be 13 done for mercury? 14 MR. KELLY: Object to the form; 15 speculation, no foundation. 16 A. Your question stands. I think I need 17 more data to answer the question, 18 however. 19 Q. (By Ms. Malow) Okay. Are you aware 20 that Solutia's own consultants stated to 21 ADEM that Solutia had detected mercury 22 in all ten of its soil sampling 23 locations on Choccolocco Creek near	Page 267 1 Anniston plant? 2 A. Forgive me. Will you back up a moment? 3 I don't know that it was disposed at the 4 Anniston plant. So you have asked 5 whether -- 6 Q. I believe Dr. Kaley even admitted in the 7 article that it had been disposed of, 8 didn't he? 9 A. I don't recall. If you have the 10 article, I'll stipulate to that. But I 11 don't know that it was, nor can I know 12 where it was if it was. 13 Q. Do you know if Solutia ever reported any 14 release of mercury from the Anniston 15 site to any governmental agency? 16 A. I'm not aware. 17 Q. Do you know of any test that Solutia has 18 conducted to determine the amount of 19 mercury discharged from the Anniston 20 facility into the Anniston environment? 21 A. No, ma'am 22 MR. KELLY: Object to the form; 23 assumption, no foundation.
Page 266 1 Boiling Springs Road? 2 A. I don't recall the specifics. 3 Q. Are you aware that Solutia detected 4 mercury in twenty-four out of 5 twenty-seven sediment samples from Snow 6 Creek? 7 A. Not as to the specific numbers. 8 Q. The article talked about some samples 9 that had been collected from Choccolocco 10 Creek downstream of Snow Creek that were 11 scrapped. Are you familiar with those 12 samples? 13 A. No, ma'am. I'm not. 14 Q. Do you know anything about the eight 15 sediment samples that were collected 16 from Snow Creek that were rejected by 17 the lab? 18 A. No, ma'am. 19 Q. Do you know where mercury was disposed 20 of at the Anniston plant? 21 A. No, ma'am. 22 Q. Do you know how much mercury was 23 disposed of in the sewers of the	Page 268 1 Q. (By Ms. Malow) Do you know if Solutia 2 has ever told the Anniston residents 3 that it discharged mercury into 4 landfills on its property? 5 MR. KELLY: Object to the form; no 6 foundation. 7 A. I have no awareness. 8 Q. (By Ms. Malow) Do you have of any 9 internal studies that Monsanto has 10 commissioned regarding mercury health 11 effects? 12 A. No, I don't. 13 Q. Do you know any internal studies that 14 Monsanto has commissioned regarding lead 15 health effects? 16 A. No, I don't. My guess, however, in both 17 instances is that those issues are 18 widely reported in the toxicological 19 literature. 20 Q. Do you know if nerve gas was ever 21 manufactured in Anniston? 22 A. No. I'm not aware of that. 23 Q. Were PCBs or PCB containing material

Page 269 1 ever incinerated at Anniston? 2 A. I don't know. 3 Q. Do you know if they were ever 4 incinerated in Sauget? 5 A. There was an incinerator owned by 6 another party in Sauget. They may or 7 may not have incinerated PCBs. 8 Q. Who would have the most knowledge about 9 any penalties or violations that 10 Monsanto or Solutia has ever received, 11 if there have been any, for PCB 12 discharges? 13 A. Either Tom Bistline or Brent Gilhousen, 14 also in our law department. 15 Q. When was it first known to the chemical 16 industry that dumping toxic chemicals 17 into neighboring streams could be 18 harmful to the environment? 19 MR. KELLY: Object to the form; 20 speculation, no foundation. 21 A. And I don't know the answer to your 22 question. 23 Q. (By Ms. Malow) Well, is it -- As	Page 271 1 to answer that question. 2 Q. (By Ms. Malow) Would you agree that 3 Monsanto was the leader or one of the 4 chemical industry leaders in the '30s, 5 '40s, and '50s? 6 MR. KELLY: Object to the form. 7 A. I don't know. 8 Q. (By Ms. Malow) Did Monsanto in fact 9 have its own in-house medical department 10 back in the '30s, '40s, and '50s? 11 A. I don't know. I know that it had some 12 in-house medical department when I 13 joined the company. 14 Q. Okay. Chemical trade associations have 15 talked about proper waste disposal 16 methods since the 1960s, haven't they? 17 MR. KELLY: Object to the form. 18 A. I'm sorry. I don't know. My knowledge 19 began in 1975. 20 Q. (By Ms. Malow) Do you have any 21 familiarity with the nitro plant? 22 A. Any? Yes. 23 Q. What is your familiarity with the nitro
Page 270 1 someone who deals with environment, 2 safety and health, are you aware that 3 it's been long known to the chemical 4 industry that it's not a good idea to 5 dump chemicals into neighboring streams? 6 MR. KELLY: Object to the form; no 7 foundation, speculation. 8 A. I would say three things. One, you 9 asked me when. I don't know the answer 10 to that question. You asked me if it's 11 generally not a good idea. And the 12 answer to that question is "yes, but." 13 And the but is, of course, how much and 14 how long and what. 15 Q. (By Ms. Malow) Well, isn't it the case, 16 Mr. Felder, that since the 19th century 17 the chemical industry has been aware of 18 the risk posed by the discharge of their 19 waste to surface water and soils? 20 MR. KELLY: Object to the form; 21 speculation; no foundation. 22 A. I was born in 1948. I didn't graduate 23 college until 1970, so it's tough for me	Page 272 1 plant? 2 A. I know approximately where it's located, 3 and I know some of the products that 4 were manufactured there over time. I 5 have never visited it. 6 Q. Were you aware of an outbreak of 7 chloracne, liver and neural problems, at 8 that nitro facility? 9 MR. KELLY: Object to the form; no 10 foundation. 11 A. No, ma'am. I have heard reports only of 12 chloracne. 13 Q. (By Ms. Malow) Have you heard any 14 reports of chloracne amongst the workers 15 at the Anniston plant? 16 MR. KELLY: Object to the form; no 17 foundation. 18 A. No, ma'am. I haven't. 19 Q. (By Ms. Malow) Do you have any plans to 20 return to the Anniston facility in the 21 near future? 22 A. Yes, ma'am. I do. 23 Q. When?

Page 273 1 A. I don't know. 2 Q. Will that be for that next quarterly 3 meeting? 4 A. Most likely. Yes, ma'am. 5 Q. Any other plans to go to Anniston? 6 A. Unless that doesn't suffice, no. 7 MS. MALOW: Let me take just a 8 couple of minutes to look 9 over my notes. We may be 10 wrapping up here. 11 [A break was taken.] 12 MS. MALOW: Thank you, Mr. Felder. 13 I believe that's all the 14 questions I have for you at 15 this time. I'll pass the 16 witness. 17 MR. KELLY: I have no questions at 18 this time. 19 20 (AND FURTHER DEPONENT SAITH NOT.) 21 22 23	Page 275 SIGNATURE PAGE _____ JEFFREY D. FELDER Subscribed and sworn before me on this _____ day of _____, 2001 _____ [NOTARY PUBLIC] My commission expires:_____.
Page 274 August 16, 2001 Mr. Jeffrey D. Felder C/O Michael E. Kelly, Esq. Smith, Helms, Mulliss & Moore, L.L.P., 300 North Greene Street, Suite 1400, Greensboro, NC 27401 Dear Mr. Felder: This page is incorporated as page 274 of your deposition. Your deposition transcript has been completed and, as per requested, is ready for you to read over. Please do not write on the transcript but make any changes you wish on the errata sheet provided. If there are no corrections, write across the page "no corrections." Please sign the signature page before a notary, and then return the errata and signature pages. Under the Rules of Civil Procedure you have thirty days to read and sign your deposition transcript. If you have any questions, please feel free to call me at (314) 729-0575 and I'll be glad to help in any way I can. Sincerely, Sheila L. Ford, RPR, CSR KRIEGSHAUSER REPORTING & VIDEO cc: Ellen B. Malow, Esq.	Page 276 NOTARIAL CERTIFICATE I, SHEILA L. FORD, a Registered Professional Reporter and duly commissioned Notary Public within and for the State of Missouri, do hereby certify that there came before me at offices of Kriegshauser Reporting, 319 N. 4th Street, Suite 322, St. Louis, MO 63102, JEFFREY D. FELDER, Who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was thereupon carefully examined under oath and said examination was reduced to writing by me; and that the signature of the witness was not waived by agreement of witness and all parties, and that this deposition is a true and correct record of the testimony given by the witness. I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action. IN WITNESS WHEREOF, I have hereunto set my hand and seal this the 15th day of August 2001. My commission expires: March 13, 2002 _____ Sheila L. Ford Notary Public

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