

Page 1 1 STATE OF ALABAMA IN THE CIRCUIT COURT FOR ETOWAH COUNTY 2 (Transferred from Calhoun County, Alabama) 3 SABRINA ABERNATHY, et al., 4 Plaintiffs, 5 CIVIL ACTION NO. versus CV-2001-832 6 (Consolidated) MONSANTO COMPANY, et al., 7 Defendants. 8 _____/ 9 DEPOSITION OF JAMES NOLEN SIMS 10 The deposition of JAMES NOLEN SIMS was 11 taken before Deborah Salers Garrett, Certified 12 Shorthand Reporter, Registered Professional 13 Reporter, as Commissioner, commencing at 2:00 14 p.m. on December 27, 2001, by the Plaintiffs, 15 at the law offices of Fite & Miller, Suite 16 400, SouthTrust Bank Building, Anniston, 17 Alabama, pursuant to the stipulations set 18 forth herein. 19 20 Regional Reporting Service, Inc. 21 755 Walnut Street Gadsden, Alabama 35901-0755	Page 3 1 EXHIBITS 2 Plaintiffs' Marked Offered 3 One 9 4 Two 53 5 Three 57 6 Four 71 7 Five 75 8 Six 81 9 Seven 92 10 11 No other exhibits were marked for 12 identification, offered or attached as 13 exhibits hereto. 14 15 16 17 18 19 20 21
Page 2 1 APPEARANCES 2 For the Plaintiffs: 3 HOWARD BRESSLER, Esq. 4 KASOWITZ, BENSON, TORRES & FRIEDMAN, LLP 1633 Broadway 5 New York, New York 10019 6 7 For the Defendants: 8 EDWARD M. NEWSOM, Esq. LAWRENCE J. MYERS, Esq. 9 SMITH, HELMS, MULLIS & MOORE Suite 750, 1355 Peachtree Street, NE 10 Atlanta, Georgia 30309 11 12 13 INDEX Page 14 Stipulations 4 15 Reporter's Certificate 106 16 17 18 EXAMINATIONS Witness: JAMES NOLEN SIMS Page 19 20 By Mr. Bressler 5 21	Page 4 1 STIPULATIONS 2 IT IS STIPULATED AND AGREED by the 3 parties, through their respective counsel, 4 that the deposition of JAMES NOLEN SIMS may be 5 taken before Deborah Salers Garrett, CSR, RPR, 6 as Commissioner and Notary Public, Alabama at 7 Large, at Anniston, Alabama, on December 27, 8 2001, at 2:00 p.m. 9 IT IS STIPULATED AND AGREED that the 10 signature to and reading of the deposition by 11 the witness is waived, the deposition to have 12 the same force and effect as if full 13 compliance were had with all laws and rules of 14 Court relating to the taking of depositions. 15 IT IS STIPULATED AND AGREED that it 16 shall not be necessary for any objections to 17 be made by counsel to any questions except as 18 to form or leading questions and that counsel 19 may make objections and assign grounds at the 20 time of trial or at the time said deposition 21 is offered in evidence or prior thereto. 22 IT IS STIPULATED AND AGREED that notice 23 of filing by the Commissioner is waived.

Page 5 1 STATE OF ALABAMA, ANNISTON, DECEMBER 27, 2001 2 3 JAMES NOLEN SIMS, 4 after having been first duly sworn, was 5 examined and testified as follows: 6 7 EXAMINATION 8 BY MR. BRESSLER 9 Q. Mr. Sims, good afternoon. My name is 10 Howard Bressler. I'm with a law firm in 11 New York called Kasowitz, Benson, 12 Torres, and Friedman. We represent the 13 plaintiffs in this lawsuit against 14 Monsanto. How are you today, sir? 15 A. Fine. You? 16 Q. I'm good. Thank you. 17 What is your full name, sir? 18 A. James Nolen Sims. 19 Q. Mr. Sims, have you been deposed before? 20 A. Yes, sir. 21 Q. I'm sorry? 22 A. Yes, sir. 23 Q. What case was that? Do you recall?	Page 7 1 start another question. That also makes 2 it easier for the court reporter to take 3 down everything that we say. 4 Are you on any medication today, 5 sir? 6 A. Yes. 7 Q. What are you on? 8 A. Lipitor, Proscar. 9 Q. I'm sorry. Lipitor and what else? 10 A. Proscar. 11 Q. Anything else? 12 A. Hytrin. 13 MR. MYERS: Hytrin, H-y-t-r-i-n. 14 Q. Anything else? 15 A. That's all. 16 Q. What are those medications, sir? 17 A. Lipitor is for blood pressure. Hytrin 18 is for blood pressure. Excuse me. 19 Lipitor is for cholesterol. Proscar is 20 prostate medication. 21 Q. Do any of the medications you are on 22 have side effects that might affect your 23 ability to answer questions or affect
Page 6 1 A. I don't recall. It was taken here. 2 MR. BRESSLER: Was that also in 3 the Owens -- 4 MR. MYERS: Owens Adams, yes. 5 Q. I'm going to run through some of the 6 grounds rules of a deposition with you. 7 You are probably an expert as a result 8 of the Owens case, but I will just run 9 through it anyway. I will be asking you 10 a series of questions. You are under 11 oath as you would be in a court of law. 12 And you are therefore obligated to 13 answer truthfully, and I don't doubt 14 that you will. 15 I will also ask that you answer 16 audibly. The court reporter cannot 17 record shaking of the head or uh-huh or 18 uh-uh. Those things can get confused in 19 record. 20 Also I would just ask that you 21 wait until I finish my questions before 22 you start an answer. I will try to make 23 sure you finish your answer before I	Page 8 1 your memory in any way? 2 A. Well, age. No. I function fine with 3 it. 4 Q. Okay. By the way, if I ask a question 5 during the course of the deposition that 6 you don't understand or you are not sure 7 what the meaning of it is, please let me 8 know and I will try to rephrase it for 9 you. 10 MR. MYERS: And try to speak up a 11 little only because there is 12 a fan right over your head. 13 Q. If you need to take a break at any time, 14 let me know, and I will be happy to 15 accommodate you, sir. 16 A. Okay. 17 Q. How long have you been taking these 18 medications that you are on? 19 A. Hytrin probably ten years; Proscar and 20 Lipitor three to four years. 21 Q. Do you have high cholesterol, sir? 22 A. Yes. 23 Q. How high is it?

Page 9 1 A. Two hundred. 2 Q. Mr. Sims, I'm going to show you what we 3 are going to mark as Sims Exhibit One. 4 (Plaintiffs' Exhibit Number 5 One was marked for 6 identification.) 7 Q. I want to ask you, sir, if you recognize 8 this document. Have you ever seen it 9 before? 10 A. I have not seen it. 11 Q. You have not seen it? 12 A. No. 13 Q. I represent to you this is the notice of 14 deposition that was issued by our firm 15 for your deposition here today. Did you 16 discuss the fact you had been noticed 17 with anyone? 18 A. No. The only one I have talked to is 19 Mike Kelly. 20 Q. And I don't want to get into anything 21 privileged, but did he essentially just 22 tell you you were going have a 23 deposition today?	Page 11 1 Do you have any documents in your 2 possession at home or elsewhere that 3 might be responsive to that request. 4 A. No, sir. Excuse me. Were you through? 5 Q. That's okay. Look at the second 6 paragraph, sir. All material safety 7 data sheets and/or training materials 8 given to you concerning Monsanto's 9 Anniston plant and/or PCB and/or any PCB 10 remediation work at the Anniston plant. 11 Do you have any documents in your 12 possession in your home or elsewhere 13 that might be training materials or 14 safety sheets or anything having to do 15 with PCBs or remediation at the Anniston 16 plant? 17 A. No, sir. 18 Q. In paragraph three on the next page, 19 sir, the request is for all medical 20 reports that relate to you concerning 21 PCBs and/or any PCB remediation work at 22 the Anniston plant. Do you have any 23 medical reports that relate to you
Page 10 1 A. Yes. 2 Q. Did he ask you to bring any documents 3 with you? 4 A. No. 5 Q. Did he discuss with you at all any 6 documents that you were to bring? 7 A. No. 8 Q. When is the first time you spoke with 9 Mr. Kelly about the fact you were going 10 to be deposed in this case? 11 A. I would say December 22nd, 23rd. 12 Q. Okay. 13 A. I told him I couldn't do it before 14 Christmas, do it after Christmas. 15 Q. If you would, just look at page four of 16 the deposition notice, at the bottom 17 where it says requested documents. In 18 paragraph one it says all documents 19 including but not limited to 20 correspondence, notes, records, and/or 21 memoranda that refer or relate in any 22 way to Monsanto generally and Monsanto's 23 Anniston plant specifically or to PCBs.	Page 12 1 concerning PCBs or any PCB remediation? 2 A. No, sir. 3 Q. Okay. You can put that one aside. We 4 are finished with that one. 5 I'd like to get some background 6 information on you if that is okay. 7 Where do you live, sir? 8 A. Address? 9 Q. Yes. 10 A. 4706 Brandon Mill Circle. 11 Q. What was that? 12 A. Brandon. 13 Q. Brandon? 14 A. Mill Circle. 15 Q. Is that here in Anniston? 16 A. Yes. 17 Q. Where is that -- Well, first of all, how 18 long have you lived at that address? 19 A. Eleven and a half years. 20 Q. And where is that address in relation to 21 the Monsanto plant, Monsanto property? 22 How far away is that? 23 A. Approximately eight miles.

1 Q. And where did you live before that, sir?
 2 A. Logan Martin Lake.
 3 Q. And you lived on the lake, sir?
 4 A. Yes.
 5 Q. What was your address? Do you recall?
 6 A. No, sir.
 7 Q. Okay.
 8 A. I know the name of the subdivision was
 9 Shannon Lynn Shores, but as far as my
 10 street address, I don't remember that.
 11 Q. And what period of time did you live on
 12 Logan Martin Lake?
 13 A. Three and a half years, from '86 to '90.
 14 Q. And after that you moved to your current
 15 address?
 16 A. Yes.
 17 Q. Were you born in Anniston, sir?
 18 A. No, sir.
 19 Q. I'm sorry?
 20 A. No, sir.
 21 Q. Where were you born?
 22 A. Clay County, Delta.
 23 Q. How far is that from here?

1 A. Thirty miles.
 2 Q. When did you move to Anniston, sir?
 3 A. 1946.
 4 Q. And why did you move to Anniston?
 5 A. My dad worked at Monsanto.
 6 Q. Did he start working at Monsanto in '46
 7 and that is why the family came over?
 8 A. I'm not sure. They could have drove
 9 until we did move. But I'm not sure of
 10 that.
 11 Q. Your previous address is driving
 12 distance from say where the Monsanto
 13 property is?
 14 A. Where I was born?
 15 Q. Well, you said you moved to Anniston in
 16 1946. What I'm wondering, the place you
 17 lived before, that was driving distance
 18 for your dad?
 19 A. Yes, it is like thirty miles.
 20 Q. How old were you when you moved to
 21 Anniston?
 22 A. Twelve.
 23 Q. Excuse me. How old are you now?

1 A. Sixty-eight -- sixty-seven. I'll be
 2 sixty-eight in April.
 3 Q. And before you lived on Logan Martin
 4 where did you live, sir?
 5 A. 116 Patricia Road.
 6 Q. I'm sorry. Let me jump back. Your
 7 residence on Lake Logan Martin, about
 8 how far is that from the Monsanto
 9 property?
 10 A. Approximately twenty miles.
 11 Q. And your residence on Patricia Road, how
 12 far was that from the Monsanto property?
 13 A. Six to eight miles.
 14 Q. Sixteen?
 15 A. Six to eight.
 16 Q. And what period of time did you live at
 17 the Patricia Road residence?
 18 A. You'll have to excuse my memory, now.
 19 Let's see. We moved out there probably
 20 '62 until we moved to the lake, and that
 21 was in '83, '84 -- '86 or '7, I believe
 22 I said.
 23 Q. And what about before 1962, sir?

1 A. 518 South Quintard.
 2 Q. And do you remember from when to when
 3 you lived there?
 4 A. From twelve until I moved to Saks.
 5 Q. So the address on South Quintard was the
 6 place you first lived in Anniston?
 7 A. Yes.
 8 Q. About how far is that from the Monsanto
 9 property?
 10 A. Four miles.
 11 Q. Sir, are you married?
 12 A. Yes.
 13 Q. How long have you been married?
 14 A. Fifty years.
 15 Q. God bless. Fifty years this year?
 16 A. Yes, sir, February.
 17 Q. You are going to have to do some serious
 18 shopping.
 19 Do you have children, sir?
 20 A. Three girls.
 21 Q. And how old are they?
 22 A. Forty-five, forty, thirty-nine.
 23 Q. Were your children born in Anniston?

Page 17 1 A. Yes, sir. 2 Q. And have you lived in Anniston since 3 they were born? 4 A. Yes. Just a minute. What do you mean, 5 since they were born? 6 Q. Since they were born have you lived 7 continuously in Anniston? 8 A. No. I lived at the lake. 9 Q. Is that not technically Anniston? 10 A. Well, it is on Coosa River. It is 11 probably about thirty miles from here. 12 Q. Is that within Calhoun County? 13 A. Talladega. 14 Q. So after your daughters were born -- I 15 just want to get my dates together. You 16 moved to the Logan Martin area in '86, 17 you said? 18 A. Yes. 19 Q. And what year was your first daughter 20 born? She's is forty-five, so that is 21 1955 or so, '55, '56? 22 A. '54, I believe. 23 Q. So from '54 to 1986 you lived at	Page 19 1 children? 2 A. Two children, two of my grandchildren. 3 Q. Okay. Mr. Sims, what is your 4 understanding as to why is it you have 5 been called as a witness in this case? 6 MR. MYERS: Object to the form. 7 A. Other than to give a deposition is all I 8 know. 9 Q. Do you have any understanding as to what 10 it is you will be testifying about in 11 this trial? 12 MR. MYERS: Object to the form. 13 A. Is he objecting? 14 MR. BRESSLER: I should have made 15 that clear at the outset. 16 And I'm assuming as in the 17 last deposition that all 18 objections are reserved 19 except as to form. 20 MR. MYERS: Yes. 21 Q. Your lawyer may be interposing an 22 objection to the form of my questions or 23 perhaps otherwise in some respects.
Page 18 1 Patricia Road? 2 A. Anniston, yeah. 3 Q. And your daughters were raised at that 4 address? 5 A. Uh-huh (indicating yes). 6 MR. MYERS: You need to say yes. 7 A. Yes. 8 Q. Do your children still live in the 9 Anniston area? 10 A. One lives in Oxford. One lives in 11 Atlanta. One lives in Panama City, 12 Florida. 13 Q. Do you have grandchildren, sir? 14 A. Yes, sir. 15 Q. How many? 16 A. Six and one great grandchild. 17 Q. Do any of them live in this area? 18 A. The daughter in Oxford has two 19 grandchildren. 20 Q. The daughter in Oxford, is that what you 21 said? 22 A. Yes. She has two grandchildren. 23 Q. She has two grandchildren or two	Page 20 1 Unless he tells you for some reason not 2 to answer, when he is done with his 3 objection, you can go ahead and answer. 4 A. What I say is PCBs. 5 Q. And what about PCBs? 6 A. What about it? 7 Q. Well, I'm asking you. What is it you -- 8 What information you would have about 9 PCBs that you would be asked to testify 10 about in this case? 11 MR. MYERS: Object to the form. 12 A. I worked for Monsanto, I guess. 13 Q. Mr. Sims, I want to ask you a couple of 14 hypothetical questions. If you were 15 aware of a company, sir, that 16 manufactured a chemical -- and this is 17 all hypothetical. If a company 18 manufactures a chemical in more than one 19 location, would you expect that company 20 to provide the same type of safety 21 equipment or protective clothing in one 22 location as it does in another location? 23 MR. MYERS: Before he answers let

Page 21 1 me object to the form of the 2 question in the first 3 instance because this 4 gentleman has not been 5 identified as an expert on 6 any subject matter. The 7 question is otherwise vague, 8 ambiguous, and not limiting 9 time or subject matter. It 10 provides him with 11 insufficient facts from which 12 to answer. 13 And to the extent it is 14 meant to be linked to this 15 case in any way, it omits 16 facts which will be in 17 evidence and includes facts 18 which will not be in 19 evidence. 20 MR. BRESSLER: Is that it? 21 MR. MYERS: Yes. 22 Q. You can answer the question, sir. 23 A. Repeat the question.	Page 23 1 needed to protect themselves, yes. 2 Q. Here is another hypothetical, sir. If a 3 chemical company releases a toxic 4 chemical into a residential area, do you 5 believe that it should inform the 6 residents of that area that it is 7 releasing that chemical? 8 MR. MYERS: Same objection as to 9 form as to the earlier 10 hypothetical. 11 A. Possibly, if they had the facts to 12 present to the people. 13 Q. And if a company had those facts and was 14 releasing a toxic chemical into an area 15 where it was getting into a residential 16 area and didn't tell people about it, 17 but had the facts, what would you think 18 about that company? 19 MR. MYERS: Same objection as to 20 form. 21 A. Well, there again, I don't know. Still 22 it would depend on what danger there was 23 to the people or whatever, and I don't
Page 22 1 Q. Sure. If there is a company that 2 manufactures a certain type of chemical 3 in more than one location, would you 4 expect that the employees working with 5 that chemical in each location would be 6 afforded the same kind of protective 7 equipment, clothing, things like that? 8 MR. MYERS: Same objection. 9 A. This is a hypothetical? 10 Q. Hypothetical question. 11 A. I think they should have what they 12 needed to protect themselves, although 13 it may not be the same situation. 14 Q. Well, let's add that into the 15 hypothetical, that the manufacturing 16 process is essentially the same, the 17 same scenario in each place. Would you 18 expect them to have the same kind of 19 protective equipment? 20 MR. MYERS: Same objection. 21 A. It is still hypothetical. 22 Q. Yes. 23 A. I would think they would need what they	Page 24 1 know what that would be. 2 Q. Well, hypothetically speaking, let's say 3 the chemical was shown in some studies 4 to possibly cause cancer. Would that be 5 something they ought to tell the 6 community out where it was being 7 released into? 8 MR. MYERS: Same objection. 9 A. I don't know. If it could help the 10 people, yes. 11 Q. I'm sorry? 12 A. If it could help the people, yes. 13 Q. Were you finished with your answer? 14 A. Yes. 15 Q. If you were living in a community where 16 stuff was being discharged that could 17 cause cancer or might have been shown in 18 experiments or tests to cause cancer, 19 would that be something you would want 20 to know? 21 MR. MYERS: Same objection. 22 A. I would want to know how it come about. 23 I'd like for them to show me all the

Page 25 1 information. 2 Q. All information, how it came about, do 3 you mean how it got out into the 4 environment and what the potential 5 dangers are? 6 A. And how it would affect me. 7 Q. Now, Mr. Sims, you worked for Monsanto? 8 A. Yes. 9 Q. When did you start working for Monsanto? 10 A. April 1960, I think, the best I 11 remember. 12 Q. You believe it was 1960, though? 13 A. Yes. 14 Q. And what did you do? Well, actually how 15 long did you work for Monsanto over all? 16 A. Twenty-five years, almost twenty-five 17 and a half to be exact. 18 Q. So until approximately 1985. Would that 19 be correct? 20 A. Yes. December 1st, 1985. 21 Q. And did you retire in 1985? 22 A. Yes, sir. 23 Q. What was your first position when you	Page 27 1 Q. Were you in the Aroclor department from 2 1960 to 1969? 3 A. No. 4 Q. You worked in Aroclor for six months? 5 A. Six months. 6 Q. And then you went to the parathion 7 department? 8 A. Yes. 9 Q. And you were there until 1969? 10 A. Yes. 11 Q. Okay. What did you do after you left 12 the parathion department? 13 A. Went back to the Aroclor department as 14 chief operator for approximately one 15 year. 16 Q. So until 1970 or so? 17 A. Yes. 18 Q. What did you do after that? 19 A. Went into the maintenance department. 20 Q. Maintenance? 21 A. Uh-huh (indicating yes). 22 MR. MYERS: You need to say yes. 23 A. Yes, sir.
Page 26 1 went to work for Monsanto, sir? 2 A. Chemical operator was the 3 classification. 4 Q. Chemical operator. And how long were 5 you in that position? 6 A. I went to -- I was in the Aroclor 7 department approximately six months. 8 Q. I'm sorry? You started around April 9 1960, and you were in the Aroclor 10 department for six months? 11 A. Yes, sir. Went to the parathion 12 department probably in '69. 13 Q. Parathion in 1969? 14 A. Uh-huh (indicating yes). 15 Q. Between -- You said you started in 1960 16 and worked in the Aroclor department six 17 months. What did you do after the 18 Aroclor department? 19 A. I went to the parathion department after 20 six months. 21 MR. MYERS: I think he meant to 22 say until 1969 after those 23 six months.	Page 28 1 Q. You don't have to say sir to me, but yes 2 or no. And that maintenance department, 3 was that responsible for maintenance 4 throughout the plant? 5 A. Yes. 6 Q. And how long were you in the maintenance 7 department? 8 A. About '81. After '81 I was in -- I was 9 still in maintenance, but I was 10 maintenance foreman at that time. I 11 worked in maintenance from about '70 to 12 '81 and maintenance foreman the last 13 four years. 14 Q. You were maintenance foreman from '81 to 15 '84? 16 A. '81 to '85 when I retired. 17 Q. Now, what kinds of -- Let me go back to 18 your first experience in the Aroclor 19 department in 1960. What were you doing 20 in the Aroclor department? 21 A. We were classified as chemical 22 operators. 23 Q. What did that job entail?

Page 29 1 A. I'd spend most of my name running 2 chlorinators, chlorinating Aroclor. 3 Q. Anything else that you did during that 4 six-month period? 5 A. Basically trying -- I went on vacation 6 relief. That is where the jobs were 7 that were in vacation relief. That is 8 the only department I worked in. 9 Q. And then when you went into the 10 parathion department what did you do in 11 that department? 12 A. Chemical operator. 13 Q. Pretty much the same job, just a 14 different department? 15 A. Yes. 16 Q. And what did you actually do day to day 17 when you were in parathion? 18 A. We -- There are about five different 19 jobs in there, went up the ladder, 20 bioacid, condensation reactors, stills, 21 chlorinators, that kind of thing. 22 Q. When you were in the Aroclor department 23 and then went to parathion, would you	Page 31 1 went into that process? 2 A. We caught samples on it, sent it to the 3 lab. That is basically it, the only 4 thing we handled on it. 5 Q. I just want to clarify exactly what your 6 job nature was. Did you actually 7 produce the Aroclor when you were in the 8 Aroclor department? 9 A. One step of it, yes. 10 Q. And was that the same thing with the 11 parathion? 12 A. Yes. 13 Q. Then you went back to Aroclor as chief 14 operator? 15 A. Yes. 16 Q. What were your responsibilities? 17 A. Just responsible for your shift, had 18 about six or eight people to the shift. 19 And you were the chief operator, and the 20 ones under you were chemical operators. 21 Q. Did the other employees on the shift 22 answer to you? 23 A. Yes.
Page 30 1 actually handle the chemicals 2 themselves? 3 A. In the parathion department? 4 Q. Let's start in the Aroclor department in 5 1960. Did you actually handle the 6 Aroclor -- the chemicals that went into 7 there? 8 A. We caught samples, you know, that kind 9 of thing. 10 Q. But did you in fact handle that stuff? 11 A. As far as catching the samples? 12 Q. When you say you handled the samples, 13 what would you do? Where were the 14 samples? Were they in a container of 15 some sort? 16 A. They were in a beaker. It is completed 17 on a specific gravity. We'd catch a 18 sample in a beaker and use a hydrometer 19 to check the gravity. 20 Q. And what about during the time you were 21 in the parathion department? What kind 22 of control -- what kind of interaction 23 did you have with the chemicals that	Page 32 1 Q. You were kind of like the sergeant. 2 A. Yeah. There were several officers above 3 me, though. 4 Q. Kind of like being an associate in a law 5 firm. Was your responsibility when you 6 were the shift chief operator in the 7 Aroclor department to convey to the 8 other employees information about the 9 process, about how to do it? 10 A. Only if we had a new employee for 11 training purposes, you know. 12 Q. So you would give on-the-job training to 13 new employees? 14 A. Yes. 15 Q. What about safety information? Was that 16 conveyed by you to the people that you 17 were supervising when you were the chief 18 operator? 19 A. I think that was conveyed by everybody. 20 Of course, we had our regular safety 21 meetings, but safety was a big item. 22 Q. When you say it was a big item, what do 23 you mean by that?

Page 33 1 A. Preached. 2 Q. Preached by whom? 3 A. By me, being a chief operator. All the 4 employees were well aware of safety 5 procedures. We had departmental safety 6 meetings with everybody there. And 7 then, like on my shift, I was 8 responsible if I saw anything wrong, 9 correcting it, whatever. 10 Q. What kind of information was conveyed to 11 these workers at safety meetings? 12 A. Anything pertaining to safety. 13 Q. What was some of that stuff? 14 A. When to wear your goggles, when to wear 15 your face shield, that kind of thing. 16 Q. The use of safety equipment? 17 A. Yes. 18 Q. Did you ever discuss in any of these 19 safety meetings the potential toxicity 20 of any of the chemicals you were working 21 with? 22 MR. MYERS: Object to the form. 23 A. No, sir.	Page 35 1 A. I was a pipe fitter. 2 Q. What does a pipe fitter do, sir? 3 A. Replace pipe, build -- They work with 4 the welder building the pipeline, 5 installing the pipe. 6 Q. Would these be pipes that ran between 7 the machines or pipes that ran out of 8 the plant? 9 A. Between the vessels, transferring from 10 vessels to storage tanks, this kind of 11 thing. 12 Q. And did you have those kinds of 13 responsibilities throughout the plant or 14 only in particular departments? 15 A. Welding we did in the fab shop. They 16 would send their pipe fitters up there 17 to build what they needed and they put 18 it in. After I went in the pipe 19 fitting, all my work was in the 20 parathion department. 21 Q. The pipe fitting work was in the 22 parathion department. 23 A. After I went in pipe fitting. We had a
Page 34 1 Q. You began in the maintenance department 2 in 1970, correct? 3 A. Late '69 or '70. 4 Q. I won't tie you down to a specific. It 5 was a long time ago. And what would you 6 do on a day-to-day basis as part of the 7 maintenance department? 8 A. I started out welding. Most of that was 9 done many the fab shop. 10 Q. Welding? 11 A. Yes. 12 Q. What function of the maintenance 13 department is welding? 14 A. Welding pipelines to vessels, this kind 15 of thing. 16 Q. So when you say maintenance, you are not 17 talking about cleanliness, right? You 18 are talking about maintaining the 19 equipment itself? 20 A. Yes. 21 Q. What else besides the welding was 22 involved in your tenure in the 23 maintenance department?	Page 36 1 maintenance shop for each area, and I 2 was assigned to the parathion 3 maintenance shop. 4 Q. And was that true from the time you 5 began in the maintenance department -- 6 or from the time you began in pipe 7 fitting, were you only working in the 8 parathion until the end of your tenure? 9 Is that exclusively where you worked? 10 A. After I left welding? 11 Q. Yes, after you left welding. 12 A. Yes. 13 Q. You were only in the parathion 14 department in the pipe fitting? 15 A. Yes. 16 Q. Okay. 17 A. Now, that was until '80, '81, when I 18 went to the foreman's job. Then I was 19 foreman. 20 Q. And you were maintenance foreman? 21 A. Yes. 22 Q. I'm sorry. So when you became a foreman 23 then were your responsibilities

Page 37 1 exclusively in the parathion department, 2 or were they outside the parathion 3 department as well? 4 A. My responsibility was the fab shop where 5 we build the pipe. 6 Q. When you say fab shop, do you mean 7 fabrication? 8 A. Yes. 9 Q. And when you became foreman that is 10 where you were assigned, the fab shop? 11 A. Yes. 12 Q. Was the fab shop set up in a different 13 area of the plant than where say the 14 parathion was produced or the Aroclor 15 was produced? 16 A. It was sort of the central building. 17 Q. Was that a separate building? 18 A. Yes, yes. 19 Q. When you worked in the Aroclor 20 department beginning in 1960 and when 21 you went back in I think you said '69 or 22 '70, who did you report to? 23 A. Mark Williams.	Page 39 1 that is? 2 A. Who? 3 Q. Emmet Kelly. 4 A. The name sounds familiar, but I don't 5 recognize it. 6 Q. Now, Mr. Sims, you started working in 7 the Aroclor department in 1960. When 8 you came into the Aroclor department, 9 what if anything were you told about 10 PCBs? 11 A. Nothing that I remember. 12 Q. Were you told anything at that time with 13 regard to the possible health effects of 14 PCB exposure? 15 A. I don't remember. 16 Q. What about with regards to handling 17 Aroclors when you started in 1960? Did 18 anyone give you any instructions in how 19 to handle chemicals involved in the 20 process or things like that? 21 A. Just use the safety equipment. 22 Q. What kind of safety equipment did you 23 have?
Page 38 1 Q. What was Mr. Williams' title? 2 A. He was foreman, production foreman. 3 Q. Anyone else during those periods? 4 A. Barbara Curry, when Mark was out, but my 5 main contact was Mark Williams. 6 Q. Do you know who Elmer Wheeler was, sir? 7 A. Who? 8 Q. Elmer Wheeler. 9 A. No. 10 Q. What about William Papageorge? 11 A. I know Papageorge, yes, sir. 12 Q. You know him? 13 A. Yeah, yes, sir. 14 Q. Did you interact at all with 15 Mr. Papageorge when you were working at 16 the Anniston plant? 17 A. Somewhat, just when we had a meeting or 18 something. That is all I had with him. 19 Q. What kind of meetings would you interact 20 with Mr. Papageorge in? 21 A. Safety meetings, production meetings, 22 that kind of thing. 23 Q. What about Emmet Kelly? Do you know who	Page 40 1 A. Hard hats, face shields, goggles, 2 gloves, shoes. 3 Q. You said you had goggles also? 4 A. Yes. 5 Q. Did you ever have any kind of 6 respirator, self contained breathing 7 apparatus? 8 A. We had them there if we needed them. 9 Q. I'm talking only about 1960, now. 10 A. Yeah. 11 Q. Now, what about the time period when you 12 went back to the Aroclor department in 13 '69, '70? What kind of protective 14 equipment did you have there? 15 A. Basically the same. We had some air 16 packs. It had changed a lot when I went 17 back. 18 Q. You say it had changed a lot? 19 A. It had been automated a lot by the time 20 I went back over there. 21 Q. How was it automated, sir? 22 A. Continuous chlorination, continuous 23 distillation, this kind of thing.

Page 41 1 Q. You have to educate me a little bit 2 about this process. In 1960 is it that 3 the chlorine was added manually? 4 A. Batches. 5 Q. Batch by batch? 6 A. Uh-huh (indicating yes). 7 Q. What was different in 1969 or '70? How 8 was it automated? 9 A. How was it automated? 10 Q. Yeah. You said previously it was batch 11 by batch. You said it was automated 12 when you went back in '69 or '70. How 13 was the process different? 14 A. Well, it was always done with 15 instrumentation at that time. 16 Q. Was there some kind of feeder or 17 something that went into the pots or 18 however it was cooked up? Was there 19 like a feeder that automatically fed the 20 chlorine in? 21 A. I don't remember. 22 Q. When you were working in the Aroclor 23 department either in 1960 or when you	Page 43 1 tell you or the other people you were 2 working with that you could not eat 3 around the process area? 4 A. Yes. 5 Q. Who told you that? 6 A. My foreman, Mark Williams. 7 Q. Did he tell you why, why he didn't want 8 you eating around that area? 9 A. Not specifically that I remember. It 10 was just a rule. 11 Q. Now, not limiting it just to back in the 12 '60s when you worked there, but what do 13 you currently know if anything about the 14 potential health hazards of PCB 15 exposure. 16 MR. MYERS: Object to the form. 17 What does he know now? 18 MR. BRESSLER: Yes, what does he 19 know now. 20 A. I know that some of the employees have 21 been tested for it. I know from reading 22 in the paper, if you can believe that. 23 Q. When you say that employees were tested
Page 42 1 went back to the Aroclor department at 2 the end of the '60s, was anybody allowed 3 to eat in those departments? 4 A. The lunchrooms. 5 Q. Sir? 6 A. The lunchrooms. 7 Q. Did you have a separate lunch area in 8 those departments? 9 A. Yes. 10 Q. Was that a closed room? 11 A. Yes. 12 Q. There was a door that blocked it off and 13 stuff? 14 A. Uh-huh (indicating yes). 15 MR. MYERS: Yes? 16 THE WITNESS: Yes. 17 Q. What about around the process area 18 itself? Were you allowed to eat in 19 those areas? 20 A. There might have been some, but we had a 21 lunchroom to eat in. 22 Q. But what I'm asking more specifically is 23 did any of the supervisors or anything	Page 44 1 for it, you mean tested for PCBs, see if 2 they had PCBs in it? 3 A. They could request to be tested for it, 4 the way I understood it. I wasn't 5 tested personally. 6 Q. You mentioned some stuff you see in the 7 paper, if you can believe that. What 8 kind of stuff have you seen in the paper 9 about PCBs and potential dangers of 10 PCBs? 11 A. Well, that's -- 12 MR. MYERS: Object to the form. 13 A. I don't remember enough of what I read 14 to answer your question on that. 15 Q. Mr. Sims, assuming that Monsanto knew 16 some things about the toxicity of PCBs 17 before and during the time you worked 18 there, is that information you would 19 expect they would share with you? 20 MR. MYERS: Same objection as with 21 the earlier hypothetical. 22 A. Well, as I said -- as I understand it, 23 any employee who wanted to be tested

Page 45 1 could be tested. 2 Q. But that is not exactly the question I'm 3 asking. I don't mean to cut you off. 4 Were you finished with your answer? 5 A. Yeah. 6 Q. What I'm asking is not so much whether 7 or not employees could be tested if they 8 wanted. But assuming hypothetically, 9 sir, that Monsanto had information about 10 the toxicity of PCBs or the potential 11 adverse health effects of PCB exposure 12 before and during the time you worked 13 there, would you expect Monsanto to 14 share that information with you or with 15 the other workers who were working in 16 the Aroclor department? 17 MR. MYERS: Same objection? 18 A. Hypothetically? 19 Q. Yes. 20 A. I would like -- If what they knew would 21 help me, yes. 22 Q. So if what they knew might help you, you 23 would like to know it?	Page 47 1 Q. Have you ever eaten fish out of 2 Choccolocco Creek? 3 MR. MYERS: When he was growing 4 up? 5 MR. BRESSLER: At any time. 6 A. Rephrase your question a little bit. 7 Q. Sure. During the time you have been 8 living in Anniston, did you ever eat 9 fish that was caught in Choccolocco 10 Creek? 11 A. That is what I was -- I lived on Logan 12 Martin Lake, which Choccolocco Creek 13 runs into. 14 Q. So it might be hard to distinguish 15 between fish caught over there versus -- 16 A. As far as I know I haven't eaten any 17 fish out of Choccolocco Creek, but if 18 they come in the river and go either 19 way -- 20 Q. Mr. Sims, why do you think that ADEM 21 issued a fish advisory for those areas? 22 MR. MYERS: Object to the form, 23 calls for speculation.
Page 46 1 A. Yes. 2 Q. Are you aware, sir, of the existence of 3 a fish advisory in part of Calhoun 4 County with regards to -- well, that 5 there is a fish advisory in parts of 6 Calhoun County? 7 A. Yes. 8 Q. How did you first become aware of that? 9 A. A sign on the river bank. 10 Q. Which river bank are you talking about? 11 A. Not river. Choccolocco Creek. And I 12 also read it in the paper. 13 Q. Do you recall when it was that you first 14 heard about that? 15 A. No, I don't. 16 Q. That's fine. Have you -- During the 17 course of time that you were growing up 18 and living in Anniston, have you eaten 19 locally caught fish? 20 A. Yes. 21 Q. From what bodies of water did you eat 22 those fish? 23 A. Logan Martin.	Page 48 1 A. The only thing I -- that I know about is 2 what I read in the paper. 3 Q. And what have you read in the paper? 4 A. Contaminated with PCBs, maybe not 5 contaminated but showed signs of having 6 PCBs in them. 7 Q. Sir, would you eat fish that had above 8 the government recommended limit of PCBs 9 in them? 10 A. Not if I knew it. 11 Q. Your children are adults, but would you 12 have let them eat fish with PCBs in 13 excess of the governmental limits? 14 A. There again, not if I knew it. 15 Q. Would the same be true of your 16 grandchildren, sir? 17 A. Yes. 18 Q. And why would you not want to eat fish 19 that had PCBs in excess of governmental 20 limits in them? 21 A. How about common sense? Does that 22 answer your question? 23 Q. It does answer my question, but what do

Page 49 1 you mean by just common sense? 2 A. Well, with the warnings that has been 3 out, whether I agree with them or not, I 4 would not let them eat them if I knew 5 they were above the limits. 6 Q. So the fact that ADEM issued a health 7 advisory, did that give you cause for 8 concern enough not to eat fish that had 9 above a certain amount of PCBs in them? 10 A. Yes. 11 Q. Would you eat other types of food 12 products, meats or even vegetables I 13 imagine that had in excess of government 14 regulated limits of PCBs in them? 15 MR. MYERS: Object to the form. 16 A. There again, not if I was aware of it. 17 Q. And again, would you let your children 18 or grandchildren eat it if you were 19 aware of it? 20 A. No, no. 21 Q. Did you ever hear, Mr. Sims, anything 22 about Monsanto buying up some hogs that 23 were grazing up near the Monsanto	Page 51 1 Q. If you knew. 2 MR. MYERS: Same objection. 3 A. I've got a place on Logan Martin Lake, 4 and I don't think that the samples they 5 take, I doubt very seriously, is the 6 same all over the lake. 7 Q. What samples are you talking about, sir? 8 A. PCB samples. 9 Q. Well, again, I'm asking a hypothetical. 10 If you knew that water was contaminated 11 with PCBs, would you swim in it? 12 MR. MYERS: Object to the form. 13 A. If I knew it was above the recommended 14 levels, no, I wouldn't swim in it. 15 Q. Would you have the same answer with 16 regards to your children and 17 grandchildren if it was above certain 18 levels? 19 A. Yes. 20 Q. If it was above certain levels? 21 A. Yes. 22 Q. Are you aware, sir, that the government 23 banned the production of PCBs?
Page 50 1 property? 2 A. No, I haven't heard that. 3 Q. Mr. Sims, did you ever go swimming in 4 the local waterways of Lake Logan Martin 5 or Choccolocco Creek or Snow Creek when 6 you were a kid? 7 A. Yes. 8 Q. In which one did you swim? 9 A. Both. 10 Q. Both meaning which ones? I'm sorry. I 11 asked three. 12 A. Choccolocco and Logan Martin. What was 13 the other one? 14 Q. Snow Creek. 15 A. No. 16 Q. Choccolocco creek and Lake Logan Martin? 17 A. Yes. 18 Q. If you knew that certain waterways were 19 contaminated with PCBs would you swim in 20 them? 21 MR. MYERS: Object to the form. 22 A. That is another hypothetical question in 23 my opinion.	Page 52 1 A. Yes. 2 Q. Do you know when that was? 3 A. I know when Monsanto shut down. I don't 4 know when they banned it. 5 Q. You don't know what year they banned it? 6 A. No. 7 Q. What year did Monsanto stop producing 8 PCBs? 9 A. I think '70, '71, '69 maybe. 10 Q. Does the fact that the government -- 11 federal government bans the production 12 of a chemical say anything to you about 13 the potential adverse health effects of 14 exposure to that chemical? 15 MR. MYERS: Object to the form. 16 A. Would you repeat the question? 17 Q. Yes, sir. The fact that the federal 18 government bans the production of a 19 chemical, says you can't produce it any 20 more, does that say anything to you 21 about the potential health effects of 22 exposure to that chemical? 23 MR. MYERS: Same objection.

Page 53 1 A. That is sort of out of my realm. I 2 would want to know why and what. 3 Q. You would want to know why they banned 4 it? 5 A. Yeah. I'd want to see something. 6 Q. So would you say that the science that 7 supports that decision, that would be 8 something important for you to know 9 before you could draw a conclusion of 10 the potential health effects? 11 A. Yes. 12 Q. If you were going to decide for yourself 13 whether something was dangerous or not, 14 you would want to have all the 15 information; is that correct? 16 A. Yes. 17 (Plaintiffs' Exhibit Number 18 Two was marked for 19 identification.) 20 Q. Mr. Sims, I ask you to take a look at a 21 document we just marked as Exhibit Two 22 to your deposition. And just let me 23 know when you are done reading it, sir.	Page 55 1 were at Monsanto that animal tests of 2 PCB exposure either by high temperature 3 exposure or oral ingestion lead to 4 systemic toxic effects in this animal 5 study? 6 MR. MYERS: Object to the form. 7 A. What does systemic mean? 8 Q. I'll represent to you my understanding 9 of the meaning of systemic meaning to 10 the organ systems of the study animal. 11 MR. MYERS: Well, let me object to 12 the form. If you can answer 13 him, answer him. If you 14 can't, tell him that. Go 15 ahead. 16 A. I don't remember that. 17 Q. Don't remember what? 18 A. The first paragraph. 19 Q. You don't remember anyone ever telling 20 you that tests that were done on animals 21 with regards to Aroclor exposure led to 22 toxic effects on those animals? 23 MR. MYERS: Object to the form.
Page 54 1 Have you read that, sir? 2 A. No, I haven't. 3 Q. Have you finished reading it now? 4 A. Yes. 5 Q. Have you ever seen that document before? 6 A. No, sir. 7 Q. Actually do you see the date on the top 8 of the document? 9 A. March -- the top of the document -- 10 Q. Not the fax line. I mean the October 11 1937. 12 A. Uh-huh (indicating yes). 13 Q. I'd like to direct your attention to the 14 first paragraph of this document. That 15 language says, "Experimental work in 16 animals shows that prolonged exposure to 17 Aroclor vapors evolved at high 18 temperatures or by repeated oral 19 ingestion will lead to systemic toxic 20 effects." 21 My question to you, sir, is did 22 anyone ever tell you when you went to 23 work for Monsanto or during the time you	Page 56 1 A. No, sir. 2 Q. Now, you were working with Aroclors. 3 Would you have liked to have known if 4 animal testing had shown toxic effects 5 of those chemicals? 6 A. We're talking animals to humans. I 7 would like to have known if it affected 8 a human. 9 Q. Well, would you also have liked to have 10 known if it affected an animal in a 11 certain way? 12 MR. MYERS: Object to the form. 13 It is vague and ambiguous. 14 Q. You can answer the question, sir, if you 15 can. 16 A. I don't know where you are coming from, 17 testing animals -- 18 Q. Here's what -- 19 A. They are testing animals. 20 Q. Yes, sir. 21 A. And my answer to you was if it affected 22 humans, then I would be interested in 23 knowing it.

Page 57 1 Q. I'm just trying to be clear on where you 2 are coming from, sir. Is it your 3 testimony that it wouldn't matter to you 4 if animal testing showed Aroclor 5 exposure showed toxic effects? 6 MR. MYERS: Object to the form to 7 the extent you are 8 mischaracterizing what he 9 just said. 10 MR. BRESSLER: I'm asking if that 11 is what he meant. If that is 12 not what he meant, he can 13 tell me. 14 MR. MYERS: Tell him what you 15 meant. 16 A. I'm not an animal activist. You can go 17 off a while, and I will too. They treat 18 animals -- test animals for everything 19 in the world. I've answered your 20 question to the best of my ability. 21 (Plaintiffs' Exhibit Number 22 Three was marked for 23 identification.)	Page 59 1 September 1947. Do you see where that 2 is on the top of the page? 3 A. September 1947, yes. 4 Q. I'd like to direct your attention, sir, 5 to the second full paragraph on what is 6 -- this is page three. I want to direct 7 your attention to the second full 8 paragraph there, the one that starts 9 "There is need therefore to give 10 warning." Do you see that? 11 A. Yes. 12 Q. And the author of this the article goes 13 on to say, "For the toxicity of these 14 compounds has been repeatedly 15 demonstrated, both from the standpoints 16 of their absorption from the inspired 17 air, as well as from their effects in 18 producing a serious and disfiguring 19 dermatitis when allowed to remain in 20 contact with the skin." The title of 21 this document is on the toxicity of 22 Aroclors. Do you see that on top? 23 A. Yes.
Page 58 1 Q. I apologize for the copy quality. Some 2 of these documents are old and we didn't 3 get them in the best quality. And when 4 you copy that, you don't get the best 5 quality. I'll ask you first of all, why 6 don't you take a look at it. I'm 7 actually just going to have a question 8 on one part of it. If you want to read 9 the whole thing, you can read the whole 10 thing. 11 MR. MYERS: Is there a pending 12 question? 13 MR. BRESSLER: I want him to look 14 as it and tell me whether he 15 has seen it. 16 A. To answer your question, no, I haven't 17 seen it. 18 Q. Look on the first page, sir, and see 19 what the date is there on this document. 20 A. '51. 21 Q. And if you could look on the next page, 22 sir, it has a reference to the chemist 23 analyst, a certain volume, says	Page 60 1 Q. In the second full paragraph the author 2 of this article relates that the 3 toxicity of these compounds, the 4 Aroclors, have been repeatedly 5 demonstrated. Do you see that? 6 A. Yes. 7 Q. Did anyone from Monsanto ever tell you 8 that the toxicity of Aroclors had been 9 repeatedly demonstrated? 10 MR. MYERS: Before he answers, let 11 me object to the form of the 12 question. I think I need to 13 state a reason for this one. 14 This is a purported summary 15 of an article which appears 16 in yet another document. 17 Your question is stated not 18 in the context in which this 19 document was obviously 20 written. So I object to the 21 form of the question. 22 Q. Okay. Do you need me to repeat the 23 question, sir?

Page 61 1 A. Yes. 2 Q. Okay. In that first full paragraph, at 3 the end of the line, it says, "For the 4 toxicity of these compounds" -- and this 5 is a document referring to Aroclors -- 6 "For the toxicity of these compounds has 7 been repeatedly demonstrated." What I'm 8 asking you is, leaving aside this 9 document, whether or not Monsanto, 10 anyone from Monsanto ever told you that 11 the toxicity of Aroclors had been 12 repeatedly demonstrated. 13 MR. MYERS: Let me object to the 14 form. He can't leave the 15 document aside since it is in 16 front of him and you are 17 questioning him about it. 18 Truly, Howard, if you want to 19 question him without the 20 document, that's fine. But 21 you can't question him about 22 it and then say forget about 23 it. So I object to the form.	Page 63 1 seen, and he has so 2 testified. That is not a 3 speaking objection. You are 4 now questioning him about 5 approximately two and a half 6 sentences of a five-page 7 document written in 1951. 8 that is not a two-page 9 objection. It is what it is. 10 I object to the question, as 11 to the form of the question, 12 because it is patently unfair 13 and inappropriate to question 14 this man and really to take 15 snippets out of this lengthy 16 document out of context. And 17 that is not a speaking 18 objection. I have not 19 suggested any sort of answer 20 in that. 21 MR. BRESSLER: Excuse me. But 22 when you object on the ground 23 that I'm not specifying the
Page 62 1 Q. Did anyone from Monsanto ever tell you 2 that the toxicity of Aroclors had been 3 repeatedly demonstrated? 4 MR. MYERS: Same objection. And 5 it omits the level and 6 duration of exposure. 7 MR. BRESSLER: I'm going to object 8 to that. And I object to the 9 leading and speaking 10 objections that Mr. Newsom 11 did in the last deposition 12 and the one you just did. I 13 would appreciate it if you 14 would stop making speaking 15 objections. You have been 16 very good, Larry, so far, and 17 I appreciate that. But I 18 don't want you making leading 19 and speaking objections. 20 MR. MYERS: For the record, you 21 are going to question this 22 man about a document written 23 in 1951, which he has never	Page 64 1 levels of exposure or 2 anything else, frankly that 3 is a speaking and a leading 4 objection. And you are free 5 to clarify anything else from 6 this document. You can ask 7 any questions you want about 8 it here or at trial if you 9 think that I am asking 10 questions that don't 11 represent the entirety of the 12 document. 13 MR. MYERS: When the first page 14 says it relates only to 15 really bad exposure, I have a 16 serious question about your 17 delving deeper into the 18 document. 19 MR. BRESSLER: And you are at 20 liberty to ask whatever you 21 want about that document or 22 bring that out at trial if 23 necessary.

Page 65 1 MR. MYERS: I think my objection 2 is on the record and your 3 concern and your objection is 4 on the record. Do you want 5 her to read back the 6 question, or do you want to 7 ask it again? 8 MR. BRESSLER: Let me ask it 9 again. 10 Q. My question to you, Mr. Sims, is whether 11 or not anyone from Monsanto ever told 12 you that toxicity of Aroclors, PCBs, had 13 been repeatedly demonstrated. 14 MR. MYERS: Same objection as 15 earlier stated. 16 A. Demonstrated for what, dermatitis? 17 Q. Well, let me ask the question in a 18 broader sense. I'll incorporate more of 19 what is written here. Has anyone from 20 Monsanto ever told you that the toxicity 21 of PCBs have been demonstrated from the 22 standpoints of their absorption from the 23 inspired air as well as from their	Page 67 1 A. Yes, sir. 2 Q. Did you get one every year? 3 A. Yes. 4 Q. Is that true throughout the whole time 5 you worked at Monsanto? 6 A. Yes. 7 Q. What did those physicals entail? What 8 went on in those examinations? 9 A. Well, basic physical plus a blood test 10 and give you a shot ever so often for 11 working around waste treatment in the 12 parathion department. 13 Q. They give you a shot? Is that what you 14 said? 15 A. Yeah. Same shot you get if you're dog 16 bit or something. 17 Q. Do you know what those shots were for? 18 A. If you worked around the parathion 19 department, around the waste basins, you 20 were given a shot for -- I can't think 21 of the name of it now. 22 Q. Was it for tetanus? 23 A. Yeah.
Page 66 1 effects in producing a serious and 2 disfiguring dermatitis when allowed to 3 remain in contact with the skin? Did 4 anyone from Monsanto tell you that? 5 MR. MYERS: Same objection. 6 A. I have heard about the dermatitis. I 7 have never seen any. I don't know 8 whether supervision told me that or the 9 company doctor. But I had heard that. 10 I don't know that. 11 Q. Do you recall what you heard about the 12 dermatitis? 13 A. That exposure to it could cause 14 dermatitis. 15 Q. Did anyone from Monsanto ever tell you, 16 sir, that the toxicity of Aroclors had 17 been repeatedly demonstrated from the 18 standpoint of their absorption from the 19 inspired air? 20 A. No. 21 MR. MYERS: Same objection. 22 Q. Mr. Sims, were you ever given annual 23 physicals when you were at Monsanto?	Page 68 1 Q. So they give you a booster every now and 2 then? 3 A. Yes. 4 Q. Did you ever have x-rays or anything 5 like that in connection with these 6 physicals? 7 A. No. 8 Q. No? 9 A. Not that I remember. 10 Q. When you were working in the Aroclor 11 department both in 1960 and subsequently 12 later on, were there showers available 13 for the workers there? 14 A. At the bathhouse, and we had safety 15 showers throughout the department. If 16 you had something on you, get under 17 there and wash it off. 18 Q. Was there any company policy about 19 employees using those showers on a 20 regular basis as opposed to just if they 21 happened to spill something on 22 themselves? 23 A. Are you talking about on a regular basis

Page 69 1 just for the heck of it? 2 Q. I guess for hygiene purposes or on a 3 regular basis did the company say X 4 amount of days or at the end of every 5 day everyone has to take a shower? 6 A. In the bathhouse, but not under the 7 safety showers. The safety showers were 8 strictly for spills, splashes, something 9 gets on you. You step under one of 10 them, wash off. 11 Q. Were there actually safety showers in 12 the production departments? Is that 13 what you are saying? 14 A. Yes. 15 Q. So if someone spills something, they 16 could run over and take a shower real 17 fast? 18 A. Yes. 19 Q. What exactly was this bathhouse you are 20 talking about? Was that a separate 21 building? 22 A. Yes. 23 Q. What was that there for?	Page 71 1 spent in the shower? 2 A. No. We went in at seven and got off at 3 three. 4 Q. And you would shower after you got off 5 shift? 6 A. Yeah. 7 (Plaintiffs' Exhibit Number 8 Four was marked for 9 identification.) 10 Q. Mr. Sims, I ask you to take a look at 11 what has now been marked as Exhibit Four 12 to your deposition. 13 A. I've never seen it before. This is 14 before my time, but I didn't see it when 15 I went through either. 16 Q. If you look on the first page it is 17 dated September 20th, 1955, correct? 18 A. Yes. 19 Q. On the second page it says R. Emmet 20 Kelly, M.D. Does that refresh your 21 recollection at all as to who Mr. Kelly 22 was? 23 A. No. As I say, that was before my time.
Page 70 1 A. Shower before you left work. 2 Q. Was it company policy that people shower 3 before they leave work, or was that 4 optional? 5 A. It was policy. Let me rephrase it. It 6 is a policy in the parathion department 7 because of the products. But Aroclor, I 8 always did. But now, I don't remember 9 them telling me I had to. 10 Q. And when you would shower, you said you 11 always did before you went home? 12 A. Yes. 13 Q. I bet your wife appreciated that? 14 A. See, we had lockers and everything for 15 everybody that worked there. You change 16 clothes. You had two lockers. You put 17 your work clothes in one and your street 18 clothes in the other. 19 Q. When you were showering, was that during 20 your work day, or was that on your own 21 time after work was over? 22 A. It was after work. 23 Q. Were you paid for that time that you	Page 72 1 He might have been still there when I 2 went there, but I don't know. 3 Q. Okay. If you could look at the last 4 paragraph on the first page of the 5 document Mr. Kelly writes, "We know 6 Aroclors are toxic, but the actual limit 7 has not been precisely defined." 8 My question to you, sir, is did 9 anyone from Monsanto when you started 10 working there and were working in the 11 Aroclor department ever tell you that 12 Monsanto knew that Aroclors were toxic, 13 just that they didn't establish the 14 limit? 15 MR. MYERS: Let me object to the 16 form to the extent -- I think 17 your question assumes these 18 are Kelly's words. I'm 19 trying not to make a speaking 20 objection, but I think the 21 preceding sentence suggests 22 that maybe those are somebody 23 else's words.

Page 73 1 Q. Do you see in the top left corner, sir, 2 it says Monsanto Chemical Company? 3 A. I do, yes. 4 Q. And in the bottom paragraph, the first 5 word says MCC. In your mind would that 6 be Monsanto Chemical Company, sir? 7 A. Possibly and probably. 8 Q. Okay. With the idea being that is 9 probably Monsanto Chemical Company, the 10 first line of that last paragraph says, 11 "MCC's position can be summarized in 12 this fashion," meaning Monsanto's 13 position can be summarized in this 14 fashion. "We know Aroclors are toxic, 15 but the actual limit has not been 16 precisely defined." 17 What I'm asking you, sir, is did 18 anyone from Monsanto ever indicate to 19 you that Monsanto knew that Aroclors 20 were toxic but just that the actual 21 limit had not been precisely defined? 22 MR. MYERS: Object to the form. 23 A. Yes.	Page 75 1 seems to me, because our main worry is 2 what will happen if an individual 3 develops any type of liver disease and 4 gives a history of Aroclor exposure." 5 My question to you is did anyone 6 from Monsanto ever tell you that 7 exposure to Aroclor can cause liver 8 disease? 9 MR. MYERS: Object to the form. 10 A. No, sir. 11 Q. If Monsanto knew, sir, or suspected that 12 Aroclor exposure could cause liver 13 disease, is that something you would 14 have wanted to have known? 15 MR. MYERS: Object to the form, 16 same objection. 17 A. If it could help my well-being, yes. 18 Q. How would knowing that Aroclors can 19 cause liver damage help your well-being? 20 A. Take precautions. 21 (Plaintiffs' Exhibit Number 22 Five was marked for 23 identification.)
Page 74 1 Q. Yes, that was told to you? 2 A. Yes. 3 Q. Who told that to you? 4 A. Supervision. 5 Q. Who in particular? Do you remember? 6 A. Probably Mark Williams. 7 Q. Sir? 8 A. Probably Mark Williams, who was my 9 immediate supervisor. 10 Q. And what if anything -- What did he tell 11 you about the toxicity of Aroclors? 12 A. To always wear your safety equipment 13 because of that. 14 Q. Did he ever express to you how that 15 toxicity might be manifested, what 16 effects it might have? 17 A. No. It is my understanding that they 18 hadn't decided what it was, just a 19 safety precaution. 20 Q. If you look at the next full sentence 21 after the part that says the limit has 22 not been precisely defined, it says, "It 23 does not make too much difference, it	Page 76 1 Q. My first question is going to be, sir, 2 do you recognize this document? You can 3 take a look at it if you need to. 4 A. No, I haven't seen it. 5 Q. The date on the front of this document 6 is September 3rd, 1965; is that correct? 7 A. That's correct. 8 Q. You were already working for Monsanto at 9 that time, correct? 10 A. Yes. 11 Q. Now, if you'd look at the document, it 12 says Reliance Electric and Engineering 13 Company, Cleveland. Did you ever hear 14 of that company before, sir? 15 A. No, sir. 16 Q. Do you see on the next page it says the 17 name Elmer Wheeler? 18 A. I see it. 19 Q. And do you recall again who Elmer 20 Wheeler was? 21 A. No, sir. 22 Q. If you look on the first page, sir, if 23 you look at the first paragraph,

Page 77 1 Mr. Wheeler says -- and it appears this 2 was something he sent to Mr. Richard 3 Davis. Do you know who Richard Davis 4 was? 5 A. I don't. 6 Q. In this letter that he sends to 7 Mr. Davis Mr. Wheeler states in that 8 first paragraph, "As I told you on the 9 telephone, Mr. Haredos called me earlier 10 quite disturbed as a result of my letter 11 of August 27." Apparently Mr. Wheeler 12 had gotten a letter from Mr. Haredos. 13 The next sentence relates "This letter 14 apparently alerted him somewhat to the 15 potential toxic hazards of the use of 16 Aroclor 1242 at elevated temperatures." 17 Do your see that, sir? That is 18 the next sentence. 19 A. Yes. 20 Q. What I'd like you to do, sir, is skip 21 down to the second paragraph. 22 MR. MYERS: You said Mr. Wheeler 23 got a letter from	Page 79 1 completely unsafe." 2 My question to you, sir, is did 3 anyone from Monsanto ever tell you, sir, 4 that exposure to hot Aroclors could kill 5 somebody with liver or kidney damage? 6 MR. MYERS: Let me object to the 7 form of the question in that, 8 number one, it omits a large 9 part of the letter, and it 10 also misstates the contents 11 of the letter, at least as 12 you read it to him. 13 Go ahead and answer him 14 if you can. 15 A. I don't remember. 16 Q. You don't remember anybody ever telling 17 you that? 18 A. No. 19 Q. If exposure to Aroclor, hot Aroclor 20 could cause liver or kidney damage, sir, 21 is that something you would have wanted 22 to have known? 23 MR. MYERS: Object to the form.
Page 78 1 Mr. Haredos. I think it is 2 the other way around. 3 MR. BRESSLER: I'm sorry. You are 4 right. I said Mr. Wheeler 5 received a letter from 6 Mr. Haredos. I'm sorry about 7 that. 8 Q. Would you skip down, sir, to the second 9 full paragraph on the first page, and go 10 eight lines up from the bottom of that 11 paragraph, the sentence that begins "Mr. 12 Haredos." 13 A. Okay. 14 Q. "Mr. Haredos went on to say that in his 15 own plant Aroclor spills on the floor 16 were common, that his own employees had 17 complained of discomfort. I was 18 brutally frank and told him that this 19 had to stop before he killed somebody 20 with liver or kidney damage, not because 21 of a single exposure necessarily but 22 only to emphasize that eight-hour daily 23 exposures of this type would be	Page 80 1 A. Again, if it would have helped my case, 2 yes. 3 Q. And again, when you say if it would help 4 your case, what do you mean by that? 5 A. If it would have helped prevent it in 6 me, yes, I would want to know. 7 Q. Would knowing such information have 8 allowed you to take precautions? 9 A. Pardon? 10 Q. Would knowing such information have 11 allowed you to take precautions? 12 MR. MYERS: Object to the form. 13 A. Sure. 14 Q. Mr. Sims, have you ever heard from any 15 source that PCB exposure might be linked 16 to certain types of cancer? 17 MR. MYERS: Object to the form. 18 A. No, I haven't. 19 Q. Never heard that? If during the time 20 you were working for Monsanto studies 21 had been done that showed that PCB 22 exposure was associated with increases 23 in certain types of cancers, is that

Page 81 1 something you would have liked to have 2 known? 3 MR. MYERS: Object to the form. 4 A. This, again, if it would help my 5 situation, yes. 6 Q. It would have been important for you to 7 know that? 8 A. I would like to have known that. 9 (Plaintiffs' Exhibit Number 10 Six was marked for 11 identification.) 12 Q. I ask you, sir, if you have ever seen 13 the document that has now been marked as 14 Exhibit Six to your deposition. 15 A. Not that I remember. 16 Q. Have you read the documents in total, 17 sir? 18 A. Yes. 19 Q. Were you ever informed by anybody at 20 Monsanto that an epidemiological 21 studies -- I'm sorry. Do you know what 22 an epidemiological study is, sir? 23 A. No.	Page 83 1 about there? 2 A. Yes. 3 Q. And then the second like down there says 4 identified deaths, all cases, 5 twenty-three? 6 A. Yes. 7 Q. And of those identified deaths, deaths 8 attributed lung cancer, four? 9 A. Yes. 10 Q. And the next paragraph down, sir, says, 11 "When compared to the 1968 U.S. male 12 population, this group of twenty-three 13 deaths would be expected to contain one 14 point two four cases attributable to 15 lung cancer." 16 Do you understand what that means, 17 sir? 18 A. Yes. 19 Q. And this study found four instead of one 20 point two four. Do you understand that? 21 A. Yes. 22 MR. MYERS: Object to the form to 23 the extent your question
Page 82 1 Q. Were you ever informed by anybody at 2 Monsanto that a study was done on the 3 PCB workers at the Krummrich plant as to 4 the -- I'll withdraw that question. It 5 is a bad question. 6 You see in the first paragraph of 7 this document, sir, discusses a group of 8 three hundred and eleven present and 9 former Krummrich plant employees have 10 been compiled? 11 A. Yes. 12 Q. And then a couple of lines down from 13 that, "Information on the cause of death 14 has been obtained on fifty former 15 employees from this group." 16 A. Yes. 17 Q. "Evaluation of death certificates 18 attribute six of those deaths to lung 19 cancer." Do you see that? 20 A. Yes. 21 Q. There in the middle of the page are 22 indented entries here, total number of 23 employees. Do you see what I'm talking	Page 84 1 assumes this was a, quote, 2 unquote, study. 3 Q. Your answer was yes, sir? 4 A. Yes. I see it. 5 Q. So then this observation or study by 6 Monsanto, sir, indicates lung cancer 7 deaths at three times the rate of what 8 would have been expected, roughly three 9 times the rate; is that correct? 10 MR. MYERS: Same objection. And 11 now I think you have strayed 12 into expert witness 13 testimony. 14 Q. I'm just asking that the document says. 15 It says one point two four would be 16 expected and that their study or 17 observation reflected four. 18 MR. MYERS: Same objection. 19 Q. Shows three times the amount of lung 20 cancer than what was expected; is that 21 correct? 22 MR. MYERS: Object to the form. 23 A. I see it, yes.

Page 85 1 Q. Let me ask you, sir. Were you ever 2 informed of a study on the Krummrich 3 workers that showed they had more than 4 three times the rate of lung cancer than 5 what would have been expected in the 6 population? 7 MR. MYERS: Object to the form, 8 especially as it relates to 9 the word "study." 10 Q. Were you ever told that, sir? 11 A. Are you asking about the Anniston 12 Monsanto plant or the Krummrich plant? 13 Q. I'm asking you if you were ever told 14 about the results of the study that are 15 reflected in this document. 16 MR. MYERS: Object to the form. 17 A. I have never seen any figures on the 18 Anniston plant. I'm not aware of this. 19 Q. You were never told this, the results of 20 this study? 21 A. Not that I remember. 22 MR. MYERS: Same objection. 23 Q. If a study of the Krummrich PCB	Page 87 1 it. 2 MR. BRESSLER: I think what I 3 asked him was a yes or no 4 question, would it be 5 important to him. 6 MR. MYERS: You can still explain 7 your answer if you need to. 8 I'm not suggesting you do or 9 you don't. But if you need 10 to, please do so. If not, 11 let's go on. 12 A. No two apples are alike, you know. This 13 could be a completely different 14 situation at the Anniston plant. 15 Q. You don't know whether it was or wasn't, 16 do you? 17 A. No. But you haven't shown me any 18 figures on the Anniston plant either. 19 Q. Do you know if Monsanto ever studied the 20 Anniston workers to determine whether or 21 not in fact there was an increase in 22 incidences of lung cancer in the 23 Anniston plant as there was in the
Page 86 1 employees showed that they experienced 2 three times the lung cancer than what 3 was expected, is that something you 4 would have liked to have known? 5 MR. MYERS: Object to the form. 6 A. There again, if you are talking oranges 7 and apples, you are talking Krummrich 8 versus Anniston. I don't see the 9 figures on Anniston. 10 Q. What I'm asking is if the people at 11 Krummrich who worked with PCBs were 12 shown in this study to have more than 13 three times the lung cancer than would 14 be expected, is that something you would 15 have liked to have known? 16 MR. MYERS: Object to the form. 17 A. Not necessarily. 18 Q. Had no importance to you? 19 A. No. Do you want me to elaborate on that 20 a little bit? 21 Q. No. 22 MR. MYERS: If you need to explain 23 your answer, you can explain	Page 88 1 Krummrich plant? 2 A. I don't know. 3 MR. MYERS: Object to the form. 4 A. I don't know that. 5 Q. You don't know whether they did or not? 6 A. No. 7 Q. Certainly no one has ever shown you a 8 study of the Anniston workers evaluating 9 whether or not their lung cancer rates 10 were higher than what would be expected? 11 A. I would want to know that, yes, before I 12 would be worried about this report. 13 Q. The PCB manufacturing process, sir, at 14 the Anniston plant, is that a set 15 process that would change when you were 16 going to work every day, or was it 17 pretty much the same kind of thing? 18 MR. MYERS: Let's me just object. 19 When he worked in that area 20 or any time he was in the 21 plant? 22 MR. BRESSLER: I'm asking when he 23 worked in that area. Thank

Page 89 1 you. 2 A. Basically the same. We might change -- 3 We might go from 1221 to 1242 for a day 4 or something like that, but the 5 procedure is the same. 6 Q. Well, assuming hypothetically, sir, the 7 procedure was the same in the Krummrich 8 plant, would the fact that people who 9 were working in that department over in 10 Krummrich had over three times the 11 incidences of lung cancer than what 12 would be expected, would that then be 13 important for you to know? 14 MR. MYERS: Object to the form of 15 the hypothetical question on 16 same lengthy basis I stated 17 earlier in the deposition. 18 But if you can answer, go 19 ahead. 20 A. There again, I have never been to the 21 Krummrich plant. I have been to the 22 Anniston plant. And I know at the time 23 our chlorinators were outside. Maybe	Page 91 1 the process at Krummrich were the same 2 or substantially similar to what 3 happened in Anniston and what went on in 4 Anniston, if you knew that to be the 5 case, would it have been important to 6 you to know the results of this study 7 showing the increase in incidences of 8 lung cancer? 9 MR. MYERS: Same objection. 10 A. If it was exactly the same, I would like 11 to have known. 12 Q. Would you have liked to have known if it 13 wasn't exactly the same but 14 substantially similar? 15 MR. MYERS: Same objection. 16 A. Same answer. 17 Q. I'm sorry. What was the same answer? 18 A. If it was exactly the same -- You could 19 read anything in that. If it was 20 exactly the same and their lung cancer 21 rate was four, I'd like to know it. But 22 like I say, I've never been to 23 Krummrich. I don't know a thing in the
Page 90 1 theirs was inside. Our stills were in 2 an open, second floor building. I don't 3 know how Krummrich was set up. I don't 4 know. 5 Q. What I'm asking you, sir, is to assume 6 for the purposes of my hypothetical that 7 the processes are, if not the same, 8 largely similar. With that hypothetical 9 in mind, would it then be important for 10 you to know that a study of the 11 Krummrich workers showed more than three 12 times the incidences of lung cancer than 13 what would have been expected? 14 MR. MYERS: Same objection as 15 earlier stated as to both the 16 hypothetical and the, quote, 17 study, unquote. 18 A. I can't answer your hypothetical 19 question because I'm not at all familiar 20 with what happened at Krummrich. 21 Q. Maybe I'm not being clear, sir. Perhaps 22 it is my fault. What I'm asking you is 23 assuming what went on at Krummrich --	Page 92 1 world about Krummrich. I understand 2 what you are saying about similar, but 3 it is different circumstances. 4 (Plaintiffs' Exhibit Number 5 Seven was marked for 6 identification.) 7 Q. Sir, I'd ask you if you recognize this 8 document. You can feel free to take a 9 look at it if you want to. 10 A. I don't remember seeing but recognize 11 the signature. 12 Q. You do recognize it? 13 A. Papageorge, yes. 14 MR. MYERS: He said he recognized 15 the signature, not the 16 letter. 17 Q. If you look at the next page, it is 18 March 18, 1975, to Mr. Dan Albert at 19 Westinghouse Electric Corporation. Do 20 you see that? 21 A. Yes. 22 Q. If you look in the first paragraph of 23 the letter after the "Dear Mr. Albert,"

Page 93 1 it says, "Attached are responses to the 2 questions listed in your letter dated 3 February 3, 1975." 4 A. Yes. 5 Q. I'd like you to take a look at the next 6 page, sir, where it says item one, 7 "Question: Does Inerteen have permanent 8 effects on the human body? If so, what 9 type of permanent damage and how long a 10 period of time does it take for this to 11 develop? If not, explain why, if 12 possible." 13 And the response immediately 14 following is, "The polychlorinated 15 biphenyls in Inerteen can have permanent 16 effects on the human body." 17 My question to you, sir, is were 18 you ever told by anybody at Monsanto 19 that PCBs can have permanent effects on 20 the human body? 21 MR. MYERS: Object to the form. 22 A. My question to you is what is Inerteen? 23 Q. I can't answer exactly what Inerteen	Page 95 1 Q. Let me ask you, sir, to skip down to the 2 paragraph, one, two, three, four, "The 3 potential toxic effects." Do you see 4 that? 5 A. Uh-huh (indicating yes). 6 Q. That was yes? 7 A. Yes. 8 Q. "The potential toxic effects in humans 9 from excessive exposure to 10 polychlorinated biphenyls include injury 11 to the liver and chloracne." 12 Do you see that, sir? 13 A. Yes. 14 Q. Did anyone from Monsanto ever tell you 15 that excessive exposure to 16 polychlorinated biphenyls include injury 17 to -- can cause injury to the liver? 18 MR. MYERS: Object to the form. 19 A. Not that I remember. 20 Q. If in fact exposure to PCBs can cause 21 injury to the liver, is that something 22 you would have liked to have known? 23 MR. MYERS: Same objection?
Page 94 1 was. But if the response to the 2 question about Inerteen having permanent 3 effects is that the polychlorinated 4 biphenyls in Inerteen can have permanent 5 effects on the human body, my question 6 is did anyone ever tell you that 7 polychlorinated biphenyls have can 8 permanent effects on the human body? 9 MR. MYERS: Let me object to the 10 form of the question because 11 you mischaracterized what the 12 letter says. 13 Q. Okay. You can answer. 14 A. I've never heard -- I don't know what 15 Inerteen is. Maybe -- Do 16 polychlorinated biphenyls interact with 17 Inerteen and cause it to cause that? I 18 haven't seen that letter, and I don't 19 know. I don't understand what you are 20 making the polychlorinated -- I don't 21 understand what you are making the 22 polychlorinated biphenyls and the 23 Inerteen.	Page 96 1 A. Same answer as before. If it would help 2 my situation, yes. 3 Q. Something you would have liked to have 4 known? 5 A. Yes. 6 MR. BRESSLER: Let's go off the 7 record for a minute. 8 (A break was taken.) 9 Q. Mr. Sims, are you aware of any human 10 studies of PCB exposure that show an 11 association between PCBs and different 12 types of cancer? 13 MR. MYERS: Object to the form. 14 A. No, other than what I read right here. 15 Q. If there are in fact studies that have 16 been done on humans that show an 17 association between PCBs and different 18 types of cancer, is that something you 19 would want to know? 20 MR. MYERS: Object to the form. 21 A. I would want to know how much they were 22 exposed. I'll soon be sixty-eight years 23 old. As far as I know I'm in good

Page 97 1 health. 2 Q. I'm sorry. I didn't hear you. 3 A. I said I'll soon be sixty-eight years 4 old. I'd like to know how long exposure 5 and this kind of thing. I'd want to 6 know that. 7 Q. So you would want to know the details 8 about what went into that study? 9 A. Yes. 10 Q. Sir, do you know what your blood PCB 11 level is? 12 A. Should I know? 13 Q. Do you know? 14 A. No, I don't. 15 Q. If your blood PCB level is above what 16 the background level is for people 17 generally in this country, would that 18 cause you any concern? 19 A. Generally in this country? Maybe you 20 are talking about two or three. Mine 21 might be ten. No. That wouldn't bother 22 me. 23 Q. Wouldn't bother you at all?	Page 99 1 ever hear from anyone that smoking can 2 cause cancer? 3 A. Yes. 4 Q. Do you think that that means -- if in 5 fact science is correct that cigarette 6 smoking causes cancer, does that mean in 7 your mind that everybody that smokes is 8 going to get cancer? 9 A. No. 10 Q. Some people that smoke might never get 11 cancer? 12 A. No. That's true. I wouldn't think that 13 everybody that smokes gets cancer. 14 Q. Now, if in fact scientific studies have 15 shown, human, animal, whatever, if those 16 studies show that PCBs are associated 17 with cancer it doesn't mean that every 18 single person will get cancer, right? 19 MR. MYERS: Object to the form. 20 A. I wouldn't think so. 21 Q. And even though you worked with it and 22 you haven't gotten cancer, that doesn't 23 mean that somebody else who worked with
Page 98 1 A. Uh-uh (indicating no). 2 Q. If there are studies, Mr. Sims, assuming 3 hypothetically there are human studies 4 that show that increased levels of PCBs 5 are associated with different human 6 health maladies, would the fact that 7 your PCB blood level is higher than 8 would normally be expected, would that 9 give you any cause for concern? 10 MR. MYERS: Same objection as to 11 the earlier hypothetical 12 without restating it. 13 A. If mine was out of bounds, yes. 14 MR. MYERS: Were you finished? 15 A. But there again, I worked in it. My dad 16 worked out there thirty-five years. He 17 is now eighty-nine years old, no 18 problems, other than age problems. But 19 neither one of us have ever had a 20 problem with any of the things they 21 mention in these. So I'm not 22 essentially worried about it. 23 Q. Let me ask you this question: Did you	Page 100 1 it wasn't going to get cancer, right? 2 MR. MYERS: Object to the form. 3 A. Possibly. 4 Q. Now, I'm assuming based on what you said 5 before that you have never been 6 diagnosed with cancer. 7 A. No. 8 Q. Has any of your immediate family been 9 diagnosed with cancer? 10 A. My mother had colon cancer. 11 Q. Do you recall how long ago that was? 12 A. Four years. 13 Q. Forty years? 14 A. Four years. 15 Q. Is your mother still living, sir? 16 A. Yes. 17 Q. Mr. Sims, when you were working in the 18 Aroclor department back in '60 and then 19 subsequently back in '69 and '70, were 20 you involved at all with the disposal of 21 waste from that process? 22 A. No, sir, other than cleaning it up. We 23 had to clean it up in shipping.

1 Q. Clean what up?
 2 A. Any spills, spatters, anything.
 3 Q. How would you clean up that stuff?
 4 A. Mostly sand.
 5 Q. Sand?
 6 A. Uh-huh (indicating yes).
 7 Q. What, did you spread some sand and get
 8 it absorbed and then shovel up the sand?
 9 A. Yes.
 10 Q. What would you do with the sand once you
 11 shoveled it up?
 12 A. Shipping would dispose of it.
 13 Q. Pardon?
 14 A. Shipping, shipping department disposed
 15 of it.
 16 Q. There was a department within the plant
 17 that was responsible for disposal?
 18 A. The shipping department, they did the
 19 shipping and that kind of such.
 20 Material handling they call it.
 21 Q. Did you ever observe waste materials
 22 being deposited in the landfills around
 23 Monsanto property?

1 MR. MYERS: Object to the form.
 2 At what point in time?
 3 MR. BRESSLER: At any point in
 4 time.
 5 A. I've never been to the landfill.
 6 Q. Do you know if there was ever an
 7 incinerator located on the Monsanto
 8 property?
 9 A. Yes.
 10 Q. Do you know what that incinerator was
 11 for?
 12 A. It was for the parathion department.
 13 Q. Was it for the parathion waste?
 14 A. Yes.
 15 Q. I have seen some references in some
 16 depositions and stuff to a tepee-like
 17 incinerator. Is that what you are
 18 talking about, people called it a tepee.
 19 A. This was a furnace with a stack.
 20 Q. Is that the only incinerator you are
 21 aware of on the Monsanto property?
 22 A. It's the only one I'm familiar with.
 23 Q. Mr. Sims, did you review any documents

1 for your deposition today?
 2 A. No, sir.
 3 Q. What about before your deposition in the
 4 Owens case? Were you shown any
 5 documents or review any documents in
 6 preparation for that?
 7 A. No, sir.
 8 Q. Did you meet with anybody to discuss
 9 your testimony today?
 10 A. About five minutes out in the anteroom.
 11 Q. Right before we started?
 12 A. With these two gentlemen, yes, sir.
 13 Q. What about with regard to the other
 14 deposition in the Owens case? Were you
 15 prepared or did you prepare with anybody
 16 with regard to that one?
 17 A. No, sir. I just met them up here and
 18 had a deposition.
 19 Q. Do you get a pension from Monsanto, sir?
 20 A. Yes.
 21 Q. How long have you been getting that
 22 pension?
 23 A. Sixteen years.

1 Q. And do you still get benefits through
 2 your association with Monsanto, medical
 3 benefits?
 4 A. Yes.
 5 Q. Is that for the same period of time?
 6 A. Solutia now. I retired under Monsanto,
 7 but Solutia as you know took it over
 8 later.
 9 Q. Who pays your pension, Monsanto or
 10 Solutia?
 11 A. Solutia.
 12 Q. Do you have any family or friends who
 13 are still working for either Monsanto or
 14 Solutia, sir?
 15 A. No family. I still know some people
 16 that work at Monsanto.
 17 Q. Are you socially friendly with them?
 18 A. No.
 19 Q. I'll ask you this question. As I said
 20 in the last deposition, I mean you know
 21 offense, but have you ever been
 22 convicted of a crime, sir?
 23 A. No.

1 Q. Have you ever been arrested?

2 A. Running a stop light, never been
3 arrested.

4 MR. BRESSLER: Mr. Sims, as far as
5 I'm concerned you are a free
6 man.
7

8
9 (The deposition concluded at
10 4:05 p.m.)
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23

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer
9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that
15 I am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 6th
20 day of January 2002.
21

22 Deborah Salers Garrett
23 Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-6-05

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