

STATE OF ALABAMA
IN THE CIRCUIT COURT FOR ETOWAH COUNTY
(Transferred from Calhoun County, Alabama)

SABRINA ABERNATHY, et al.,

Plaintiffs,

versus

CIVIL ACTION NO.
CV-2001-832
(Consolidated)

MONSANTO COMPANY, et al.,

Defendants.

-----/

DEPOSITION OF TOM LACKEY

The deposition of TOM LACKEY was taken before Deborah Salers Garrett, Certified Shorthand Reporter, Registered Professional Reporter, as Commissioner, commencing at 1:30 p.m. on January 2, 2002, by the Plaintiffs, at the law offices of Fite & Miller, Suite 400, SouthTrust Bank Building, Anniston, Alabama, pursuant to the stipulations set forth herein.

Regional Reporting Service, Inc.
755 Walnut Street
Gadsden, Alabama 35901-0755

A P P E A R A N C E S

For the Plaintiffs:

CHARLES CUNNINGHAM, Esq.
 Morrissey Building, Suite 200
 304 West Liberty Street
 Louisville, Kentucky 40202

For the Defendants:

LAWRENCE J. MYERS, Esq.
 SMITH, HELMS, MULLIS & MOORE
 1355 Peachtree Street, NE, Suite 750
 Atlanta, Georgia 30309

I N D E X

	<u>Page</u>
Stipulations	3
Reporter's Certificate	101

E X A M I N A T I O N S

Witness: TOM LACKEY	<u>Page</u>
By Mr. Cunningham	4

E X H I B I T S

<u>Plaintiffs'</u>	<u>Marked</u>	<u>Offered</u>
One	6	

No other exhibits were marked for
 identification, offered or attached as
 exhibits hereto.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of TOM LACKEY may be taken before Deborah Salers Garrett, CSR, RPR, as Commissioner and Notary Public, Alabama at Large, at Birmingham, Alabama, on January 2, 2002, at 1:30 p.m.

IT IS STIPULATED AND AGREED that the signature to and reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance were had with all laws and rules of Court relating to the taking of depositions.

IT IS STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions except as to form or leading questions and that counsel may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS STIPULATED AND AGREED that notice of filing by the Commissioner is waived.

1 STATE OF ALABAMA, ANNISTON, JANUARY 2, 2002

2
3 TOM LACKEY,

4 after having been first duly sworn, was
5 examined and testified as follows:

6
7 EXAMINATION

8 BY MR. CUNNINGHAM:

9 Q. Sir, my name is Charlie Cunningham. I'm
10 going to ask you some questions today to
11 try to find out what factual information
12 you may have that would be relevant in a
13 lawsuit styled Abernathy, et al., versus
14 Monsanto, et al. Have you ever been in
15 a deposition before?

16 A. Yes.

17 Q. You understand the lady to your left is
18 taking down everything that we say
19 stenographically, and therefore I need
20 you to answer in a way that she knows
21 quite clearly what you say.

22 I'm going to tell you a couple of
23 idiosyncrasies about myself that you may

REGIONAL REPORTING SERVICE, INC.

1 not have encountered in your previous
2 deposition testimony. First, I have a
3 bad habit of asking you a question and
4 I'll either think you have finished when
5 you haven't or I'll have this burst of
6 inspiration and ask another question and
7 have precluded you from completing your
8 answer. If I do that, let us know,
9 because we do want to give you an
10 opportunity to completely answer the
11 questions. Okay?

12 A. Yes, sir.

13 Q. The second bad habit of mine, I'll ask
14 you a question and make it sound for all
15 the world like I know just exactly what
16 I'm talking about and I don't sometimes.
17 So if I ask you something that doesn't
18 seem right or suggests something that
19 you don't think is so, by all means let
20 us know. Don't assume I know what I'm
21 talking about. Okay?

22 A. All right.

23 Q. All right. Let's start with a real easy

1 one. Give us your full name, please.

2 A. Thomas Edward Lackey, Senior.

3 Q. That is L-a-c-k-e-y?

4 A. L-a-c-k-e-y.

5 (Plaintiffs' Exhibit Number
6 One was marked for
7 identification.)

8 Q. Mr. Lackey, I'm going to ask you to take
9 a quick look at a document there that we
10 will introduce as Exhibit One to your
11 deposition. That is a notice for your
12 deposition. In there it asks you to
13 bring certain types of documents to the
14 deposition. I'm going to guess that you
15 haven't brought any documents with you
16 to the deposition. Is that correct?

17 A. That's correct.

18 Q. All right, sir. Don't feel bad. Nobody
19 else has been bringing them either.

20 Will you tell us where you reside,
21 please, Mr. Lackey?

22 A. Munford, Alabama.

23 Q. Munford is --

- 1 A. South.
- 2 Q. I think that is where Donald Stewart
3 actually grew up. And as I recall,
4 Mr. Chatman who I took last week, his
5 deposition, I believe he lives in
6 Munford now. Do you know Mr. Chatman?
- 7 A. Yes.
- 8 Q. Can you tell me how long you have lived
9 in Munford?
- 10 A. Not long. Forty-eight years this last
11 time.
- 12 Q. Okay. And why don't you just tell me
13 where you have lived other than Munford?
- 14 A. Well, I've lived at Munford off and on
15 since 1928.
- 16 Q. Okay.
- 17 A. And prior to that I lived in Clay
18 County. I lived there until I married
19 in '49. We lived in Anniston four and a
20 half years.
- 21 Q. Now, Clay County, that is northeast of
22 here?
- 23 A. Yeah, I guess -- It is over toward

1 Georgia, but it is north of Cleburne. I
2 believe it would be -- it joins
3 Cleburne. It would be south of
4 Cleburne.

5 Q. Okay. And you say you to lived in
6 Anniston four years. What four years
7 would that have been?

8 A. '49 to '53.

9 Q. What caused you live in the city during
10 that period of time?

11 A. Well, I worked up here when I married.
12 I had to have a place to live, so it was
13 about as good as any.

14 Q. Okay. What made you move back to
15 Munford in '53?

16 A. Well, my people lived down there. I had
17 a fellow wanted to sell a house and more
18 or less they contacted me. My family
19 did. And I purchased it, and we moved
20 down there.

21 Q. And been stuck there ever since?

22 A. Can't get enough money up to get out.

23 Q. Okay. Do you recall where in Anniston

1 you lived from '49 to '53?

2 A. 2016 Gurnee.

3 Q. And I have to confess, I'm not familiar

4 with what part of town that is located

5 in.

6 A. That would be northwest. It is right

7 off Noble Street going north, in fact,

8 the next street over, west.

9 Q. So that is kind of in the same quadrant

10 as the plant. The plant I perceive as

11 being west.

12 A. Well, no. You go north ten blocks.

13 Q. Okay.

14 A. And then go over one block west. So you

15 would be ten blocks more to the plant.

16 Q. All right. Are you married at this

17 time?

18 A. Yes.

19 Q. Same lady you were married to way back

20 then?

21 A. Yeah. She won't let me leave.

22 Q. What is her name?

23 A. Jean.

1 Q. And the maiden name?
2 A. Hewitt, H-e-w-i-t-t.
3 Q. Do y'all have any children?
4 A. Yes.
5 Q. What are their names?
6 A. Thomas Jr., William, Melanie Corrine.
7 Q. Now, is Melanie married?
8 A. Yes.
9 Q. And what is her married --
10 A. Berry.
11 Q. B-e --
12 A. R-r-y.
13 Q. Do you have any relatives by blood or
14 marriage who are adults, not convicted
15 felons, and residing in Etowah County?
16 Potential jurors is what I'm looking for
17 in Etowah County.
18 A. Not as I know of.
19 Q. Okay. Do you know if your wife has ever
20 had her PCB level checked?
21 A. No.
22 Q. And I'm assuming your children have
23 never been checked?

REGIONAL REPORTING SERVICE, INC.

HARTOLDMON0015422

1 A. No.

2 Q. Any of your children have any trouble in
3 school?

4 A. No, sir. Valedictorian of their class,
5 every one of them.

6 Q. Great.

7 A. Two of them made mechanical engineers
8 and my daughter in computer science.

9 Q. Where did they get their mechanical
10 engineering degrees?

11 A. Auburn University.

12 Q. You are the first Auburn man I've
13 encountered. Most folk I see up here
14 are Crimson Tide people.

15 A. Well, them's outlaws.

16 Q. My condolences. I understand y'all lost
17 a football game this weekend.

18 A. That's normal for us.

19 Q. Mr. Lackey, I know that you've had a
20 chance to talk to Mr. Myers, your
21 attorney, to prepare for this. I'm
22 wondering if you spoke with anyone else
23 before coming today.

1 A. No, sir.

2 Q. Have you looked at anything?

3 A. Well, I looked at some information.

4 Q. What did you look at?

5 A. Some stuff on a previous deposition.

6 Q. Was this your previous testimony in

7 another case?

8 A. Yes.

9 Q. Do you recall what case it was?

10 A. No.

11 MR. MYERS: I have a copy of his

12 deposition in the Owens case.

13 It may have been that.

14 MR. CUNNINGHAM: Okay.

15 Q. Was there anything about what you read

16 in that deposition that surprised you or

17 that you didn't remember?

18 A. No.

19 Q. Okay. Was there anything else that you

20 looked at before today in an effort to

21 get ready for today other than --

22 A. No.

23 Q. I'm going to assume for the sake of our

1 further discussion today that everything
2 you tell me is your own recollection of
3 events.

4 A. Yes.

5 Q. If you know something by virtue of
6 having read it or you suddenly remember
7 somebody telling you something, that's
8 fine. I just want to know that too.
9 Just tell me that is where it is coming
10 from.

11 You have been identified by
12 Monsanto or Solutia as a person they may
13 call as a witness. What is your
14 understanding of what you would testify
15 about in this case?

16 MR. MYERS: Let me object to the
17 form. You can answer.

18 A. I don't know at the present time. They
19 have several cases out there. So I
20 don't know which one you are dealing
21 with and could care less, really.

22 Q. No one has talked to you about could you
23 come in and talk about this issue or

1 that issue?

2 A. No.

3 Q. Before we get into what you did for
4 Monsanto, can you tell me about work you
5 have done for any other employer besides
6 Monsanto?

7 A. I worked at Kilby Steel.

8 Q. How is that spelled?

9 A. S-t-e-e-l, just like steel.

10 Q. I'm sorry. The first name, was it
11 Kibby?

12 A. Kilby, K-i-l-b-y.

13 Q. Where is that located, sir?

14 A. It was located down on Tenth Street,
15 right on this street here at the
16 railroad track (indicating).

17 Q. Towards Oxford?

18 A. No, toward Birmingham. Toward where the
19 Monsanto plant is. Used to be the old
20 78 Highway.

21 Q. I'm with you now. What did you do for
22 Kilby Steel?

23 A. I worked more or less in the shipping.

REGIONAL REPORTING SERVICE, INC.

HARTOLDMON0015426

1 They were making what they called
2 mosquito bar. You put mosquito nets on
3 them to keep mosquitoes off soldiers.
4 You put one up at each end, and you
5 drape the net over them to keep the
6 mosquitoes off them.

7 Q. You were just banding these up and
8 getting them ready to ship out as
9 opposed to fabricating them?

10 A. I was loading them in boxcars.

11 Q. When did you do that?

12 A. Fall of 1940.

13 Q. Okay. And was Kilby Steel -- were they
14 actually rolling steel or just taking
15 steel somebody else had made and
16 fabricating stuff?

17 A. They had a furnace there and had a bolt
18 shop and made shell casings during the
19 war. That's the biggest thing they
20 thrived on, I think, is war contracts.

21 Q. Now, most shell cases I'm familiar with
22 are brass. Were they rolling brass down
23 there, or was it just steel?

1 A. I didn't get into that either. They
2 were getting set up for that, and I got
3 an opportunity to go to Monsanto, and I
4 chose Monsanto.

5 Q. So was this the first, like, wage
6 earning job you had?

7 A. No. I drove a truck prior to that in
8 1940 for my brother. But I learned then
9 I didn't want to be a truck driver.

10 Q. Okay. My father -- the first job he had
11 was a delivery truck. He found out
12 pretty quick that didn't suit him. You
13 went to Kilby Steel. That didn't last
14 long, a few months. Then you got a
15 chance to hire on with Monsanto?

16 A. Yes.

17 Q. And been with Monsanto ever since?

18 A. Yes, except for the three and a half
19 years I was in the Navy in World War II.

20 Q. I watched Pearl Harbor last night. Tell
21 me what you did in the Navy. I'd be
22 curious to know.

23 A. I was an aircraft mechanic.

- 1 Q. Did you serve on a carrier?
- 2 A. I served on a seaplane carrier, three
3 hundred ten feet long, forty-one feet
4 wide, carried a hundred thousand gallons
5 of hundred octane, seventy-five tons of
6 ammunition bombs, and then you had your
7 five-inch forty millimeter. If you got
8 hit, don't worry.
- 9 Q. Wouldn't be around long enough to worry?
- 10 A. No. But I was land based most of the
11 time.
- 12 Q. And as a mechanic for -- You worked on
13 seaplanes then, like if one came in --
- 14 A. I worked on advance fighters, trainers.
15 Then I worked on bombers. Then when I
16 went over seas and got on this seaplane
17 -- I worked on the seaplane, big flying
18 boat which had a big two thousand
19 horsepower engine on it. The engines is
20 what I worked on.
- 21 Q. Honorable discharge I presume?
- 22 A. Yes.
- 23 Q. Came back to Alabama?

1 A. Yes, sir.

2 Q. Got married?

3 A. Three years later.

4 Q. Started having valedictorians?

5 A. Yes.

6 Q. Okay. How is your health, Mr. Lackey?

7 A. Now?

8 Q. Yes.

9 A. Well, about as good as anybody else that

10 is my age, better than a lot of them. I

11 do what I want to do.

12 Q. You are how old?

13 A. Seventy-nine.

14 Q. You are a good looking seventy-nine.

15 A. Thank you. I'll be eighty two months

16 from now. And today would be my

17 sixty-first anniversary with Monsanto.

18 I went to work on the 2nd of January of

19 '41. This is 1-02, which makes

20 sixty-one years.

21 Q. Okay. So it was January 2nd of --

22 A. '41.

23 Q. Hire date? All right. Now, I asked you

1 about your health and you said "now."
2 Your lawyer will teach you that when you
3 say things like that it is going to make
4 me suspect that I need to ask my
5 question differently. Have you had some
6 health problems in the past that are now
7 behind you?
8 A. Yes. I had a kidney stone one time when
9 I was in service.
10 Q. Ever had any kind of cancer?
11 A. Yes.
12 Q. What kind have you had?
13 A. Prostate.
14 Q. Okay. Ever had any problems with your
15 liver?
16 A. Not that as I know of.
17 Q. Do you consume alcohol?
18 A. No.
19 Q. Have you ever?
20 A. Oh, yes. If you've been a serviceman
21 and a sailer, you have.
22 Q. All right. And what about tobacco?
23 Ever used tobacco products?

REGIONAL REPORTING SERVICE, INC.

HARTOLDMON0015431

- 1 A. I did then. Not regular, but off on
2 dates I would use tobacco. And
3 cigarettes was a premium then. You
4 could go wherever you wanted to. If you
5 had cigarettes, you were in. It is kind
6 of like drugs today.
- 7 Q. Okay. Are you still employed by
8 Monsanto today?
- 9 A. No, sir.
- 10 Q. Are you just retired?
- 11 A. I've been retired sixteen years.
- 12 Q. Are you receiving any kind of money
13 these days in the form of a pension?
- 14 A. Yes, sir.
- 15 Q. Okay. Were you involved at all in the
16 union? I think it was the International
17 Chemical Workers.
- 18 A. I belonged to it a while.
- 19 Q. Okay. Did you hold any position in the
20 union such as shop steward or
21 committeeman?
- 22 A. Trustee, at one time.
- 23 Q. Do you remember roughly when you served

REGIONAL REPORTING SERVICE, INC.

1 as trustee?

2 A. Late '50s, '55, between '55 and '60.

3 Q. And I'm assuming that is with the local

4 rather than the national?

5 A. Yes, sir.

6 Q. And what were your responsibilities as a

7 trustee?

8 A. Well, you kind of audit the books,

9 money.

10 Q. Okay.

11 A. Where the finances were going.

12 Q. Now, when I took Mr. Chatman last week,

13 I understood from him that he had been

14 one of the first guys to integrate the

15 plant in the sense of going from laborer

16 to operator. Was the union somewhat

17 also -- maybe segregated is too strong a

18 word, but were there different positions

19 that whites and blacks could hold within

20 the union?

21 A. Well, there were at one time.

22 Q. That changed in the years you were

23 there?

1 A. Yes.

2 Q. Well, let's take your work history at
3 Monsanto, and I'd like to start with the
4 first job you had and work through to
5 the job you had the day you retired. If
6 that is a hundred different jobs, maybe
7 we will rethink that. How many
8 different titles did you hold in your
9 tenure there?

10 A. Operator, chief operator, production
11 foreman, maintenance foreman, back to
12 production foreman, then material
13 handling foreman. That is what I ended
14 up with when I retired.

15 Q. That sounds manageable. Let's start
16 with operator. You are saying the day
17 you hired on, January 2, 1941, you came
18 in as an operator?

19 A. Yes.

20 Q. Tell me what positions you were -- what
21 you were operating.

22 A. Well, I worked in the carbide screening
23 plant, and I did what they call screw

1 cap boy. There was a hundred pound can
2 that came off the scale. I had a cap
3 with a gasket on it and a wrench, and I
4 put it on top of that can and twisted
5 it. And it rolled down a conveyor, and
6 they put another cap on it. And they
7 called that the dummy cover, and that
8 sealed the top of it. And it went on
9 down the conveyor to the warehouse.

10 Q. Okay.

11 A. I worked in there about six weeks. And
12 then I --

13 Q. I'm sorry. The contents of those cans
14 was carbide?

15 A. Yes. Then I went from there down to the
16 abrasive plant where they made emery
17 grit, emery paper. And I worked there
18 until I went in the service, about the
19 13th of November of '42. But
20 intermittently I worked some in the
21 research department, go and work a week
22 or two weeks and go back.

23 Q. What would you do in the research

1 department?

2 A. Well, they were making these small
3 products, mixes you would make, batches.
4 When we got through, go back to your
5 department. It might be -- in a batch
6 you might come out twenty pounds or ten
7 pounds or a hundred pounds.

8 Q. Small stuff?

9 A. Small stuff.

10 Q. And what was your educational
11 background, Mr. Lackey?

12 A. Well, eighth grade in school and four
13 years of correspondence, high school.

14 Q. Did you ever obtain any kind of high
15 school certificate?

16 A. No.

17 Q. So when you worked in the research
18 department, you were kind of the
19 hands-on kind of guy who would
20 actually --

21 A. Do the work.

22 Q. Somebody would say maybe if we could mix
23 this and this --

- 1 A. Well, they would give it to me on paper.
- 2 Q. Like a recipe almost?
- 3 A. Yes. Then you would sample it. Maybe
- 4 you would take it to the lab. And they
- 5 would give you an analysis on it, and
- 6 maybe you might have to adjust that mix.
- 7 Sometimes you would run your own chart
- 8 on pH, color.
- 9 Q. Now, when you were doing this occasional
- 10 research project during your early years
- 11 as an operator, do you ever recall any
- 12 of that involving making some kind of
- 13 chlorinated biphenyl type product?
- 14 A. No.
- 15 Q. And you knew enough about what you were
- 16 doing that if you had been doing that,
- 17 you would have known it?
- 18 A. Yes.
- 19 Q. All right. So what's the next thing you
- 20 did there after this working in the
- 21 emery and the carbide and the occasional
- 22 bit in the research?
- 23 A. I went in the Navy.

1 Q. Okay. And then you came back, and what
2 was the first thing you did when you got
3 back?

4 A. Back to the research department.

5 Q. Okay. At this point we are roughly in
6 the '45, '46 time frame?

7 A. '46, May of '46.

8 Q. Okay. And what were you -- You were in
9 research. Give me some idea of what you
10 were doing there?

11 A. Well, I was mixing different products,
12 working on whatever they had there day
13 to day to do.

14 Q. Okay. And again in this time frame to
15 your knowledge were you involved at all
16 with chlorinated biphenyl type products?

17 A. (Witness shakes head negatively.)

18 Q. Okay.

19 A. There was one that you used potash in a
20 product.

21 Q. I know they did some early work when the
22 Army brought nerve gas stuff back from
23 Germany. Some of the research on

1 American nerve gas munitions was done
2 out there, right?

3 A. Yes.

4 Q. You were involved in part of that
5 research.

6 A. I was involved in part of the project
7 after I got out of research.

8 Q. I don't want you to tell us anything
9 where you have to shoot us after you
10 tell us, but I assume not much of that
11 stuff is secret any more.

12 A. I wouldn't think. Maybe I shouldn't say
13 think. They publicized it or published
14 it in the paper in the tricities. They
15 made it up there. When they moved it
16 from Anniston, from research or special
17 products, they put a plant in Muscle
18 Shoals.

19 Q. Right. That is where they made one of
20 the precursors to the --

21 A. That's was a part of it. It wasn't the
22 whole thing. It was a part, and it went
23 somewhere else. I think they said there

REGIONAL REPORTING SERVICE, INC.

HARTOLDMON0015439

1 were twelve parts. We had three.

2 Q. And the phosgene was kind of a feed
3 stock that you all did something to to
4 create this component?

5 A. Well, the phosgene was in the
6 isocyanates, which was foam rubber or
7 insulation. Mix it and spray it with a
8 spray gun on that wall, and it would
9 swell up about that thick as insulation.
10 They used it on airplane wings when they
11 were getting up to faster speed to cut
12 out what they call flutter, vibrate the
13 wing.

14 Q. The skin would vibrate?

15 A. Right. And put it in hollow core
16 propellers. We made that in small
17 batches. I think for a while we made
18 something like forty pounds a week.

19 Q. And the reason you mentioned phosgene
20 when I mentioned the word chlorinated is
21 I assume you understand that phosgene
22 had chlorine in it?

23 A. I guess it would. I never give it a

- 1 thought. Because it is Cl.
- 2 Q. Right, Cl. Now, I have always kind of
- 3 assumed -- maybe you can answer this for
- 4 me -- that the development of the
- 5 parathion that they made for so long out
- 6 there was tied to some of the research
- 7 that had been done on the chemical
- 8 munitions because they were both
- 9 organophosphate type products. Do you
- 10 know if that's the case?
- 11 A. I've heard them say it was a half-sister
- 12 to it. But I don't know. It has some
- 13 of the same antidotes if you got
- 14 poisoned with it.
- 15 Q. Okay. So after you -- what's the next
- 16 title that you had after you're job as
- 17 an operator in the research department
- 18 in post 1946?
- 19 A. Chief operator.
- 20 Q. When would you have gone to chief
- 21 operator?
- 22 A. '51.
- 23 Q. And I'm assuming that was a logical step

1 for you to take, that that was a
2 promotion in terms of pay and
3 responsibility?

4 A. Yes. You ran the shift.

5 Q. Okay. And how many people might you
6 have been responsible for?

7 A. About three.

8 Q. Okay. And can you tell me what you
9 recall doing as a chief operator in the
10 '50s?

11 A. Well, in one job you ran the still.
12 They distill this stuff. Of course you
13 supervised or coordinated work for the
14 others to bring it up to that point.

15 Q. So you would have people under you,
16 these three people, doing certain
17 things, but you are kind of sitting back
18 at the still and bringing it all
19 together, making the product?

20 A. Well, I ran the still. I was
21 responsible for that. As well as the
22 other chief operators. It was shift
23 work, four of them, and you went around

1 the clock.

2 Q. You rotated, so it is not like you

3 always worked nights or always worked

4 days?

5 A. No. Rotated every two weeks.

6 Q. And what sort of things, products were

7 you making as chief operator?

8 A. That was organophosphate.

9 Q. Parathion?

10 A. No. Nerve gas.

11 Q. Okay. Did you generate a still bottom,

12 in part of that process with the still

13 you operated?

14 A. Yes.

15 Q. And what is still bottom? That is

16 still, when you say s-t-i-l-l?

17 A. Yes.

18 Q. Tell me what you did with that still

19 bottom.

20 A. We drummed it out, and really they

21 hailed it off, but I don't know where it

22 went, to be honest with you.

23 Q. I presume that you were fairly careful

REGIONAL REPORTING SERVICE, INC.

1 to avoid having much contact with that
2 stuff?

3 A. Well, you do that with all chemicals.

4 Q. Sure. And I suppose when you are
5 fooling with it, it is at an elevated
6 temperature where even if it was
7 innocuous it would still hurt you just
8 because it was so hot?

9 A. Well, most of it. Most of it you
10 control the temperature.

11 Q. What part of the plant was that
12 particular still located in?

13 A. It was over in the west side.

14 Q. Okay. So the runoff from that would
15 have been headed toward the railroad
16 tracks?

17 A. If you had any.

18 Q. And obviously I assume you all tried to
19 minimize any waste water streams you
20 might have from that?

21 A. The only waste water you would have had
22 is maybe some cooling water. To the
23 business of my knowledge we used

1 refrigerator compressors to cool the
2 condenser and reactor. So I don't know
3 of any water that would be contaminated
4 with anything from that.

5 Q. Okay. So y'all had a system in place
6 for that particular process where you
7 were able to keep the waste water
8 essentially to zero?

9 A. Yes. Unless it was in the air
10 compressor, which would still be -- when
11 it went through the air compressor it
12 would still be pure water.

13 Q. All right. When did you move onto some
14 other type of position or task?

15 A. I went -- When they started the chlorine
16 department up, I went from special
17 products to start up the chlorine in
18 '52.

19 Q. Still as a chief operator?

20 A. Yes.

21 Q. Now, as I recall, making the chlorine,
22 you didn't use a still for that but what
23 they call these denora cells?

1 A. Yes.

2 Q. Okay. And again, I'm assuming your job
3 was to kind of ride herd on that process
4 and keep an eye on a couple of other
5 workers?

6 A. Yes, plus operating the motor generator
7 set.

8 Q. And it is my understanding that the
9 denora system basically worked by
10 flowing brine over mercury cells?

11 A. Yes. With DC current going through it.
12 The mercury picked up your caustic, and
13 of course you pulled your chlorine off
14 by vacuum.

15 Q. Then that chlorine was a feed stock for
16 other things y'all were making in the
17 plant?

18 A. Yes.

19 Q. That heretofore y'all had to buy that
20 chlorine from somebody?

21 A. Yes.

22 Q. And I understand -- and this may have
23 come after you were working there, but

1 eventually y'all did learn you were
2 losing some of that mercury?
3 A. Lost a lot out the back gate with people
4 stealing it.
5 Q. Really?
6 A. A truck load one time, a hundred and
7 twenty-two thousand dollars' worth.
8 Q. Wow. You've got to have a pretty heavy
9 truck to haul that much.
10 A. Backed a tractor under a trailer.
11 Q. I'm more concerned, as you will
12 understand, more with it not running out
13 on wheels but running out in water or
14 air.
15 A. I don't believe much went out in water
16 or air, because the insurance company
17 was tight on you. They come in from the
18 lab and ran samples each week. If you
19 had it on the floor, it would show up in
20 those samples, and you would have to
21 decontaminate and clean it up. You had
22 drains down there that would catch it
23 when you hit the bottom floor, and you

1 wash it down pick it up and recover it.

2 Q. And that stuff had some economic value
3 to Monsanto?

4 A. You mean the mercury?

5 Q. Yes.

6 A. Yeah. You had to pay about eight
7 hundred dollars for a flask. So if you
8 loss a flask, you lost about eight
9 hundred dollars.

10 Q. So because of that they were careful,
11 and they had these systems in place to
12 keep track of it and avoid losing it?

13 A. Yes. Of course they had some high uses
14 there at the end, and they couldn't
15 figure it out. And I had left there,
16 and they sent me back and closed it
17 down. And I got a tipoff, and they were
18 stealing it.

19 Q. So you think some of the losses were not
20 because it was going out in waste water
21 or vaporizing --

22 A. It was going out the back gate. When I
23 got tipped off and went and counted all

1 my empty flasks -- and I counted them
2 every day. And I came in on Monday
3 morning, which we had had it closed down
4 to clean it up. And he told me he was
5 missing some mercury. I said pull the
6 trap. I immediately counted my
7 containers. I asked him, "Did you move
8 any of them? Did you have your men move
9 any?" He said no.

10 I hunted and hunted. I couldn't
11 find it. The next day I found where
12 there was a ventilating fan open, and
13 they loaded it in a pickup and went out
14 the back gate. Then of course, I had
15 already reported my other information to
16 higher up, and then when I got that, I
17 reported that. And they turned it over
18 to the FBI.

19 So when they got the truck load --
20 The FBI was watching them and got them.
21 But had it not been for my tip they
22 probably would have pulled a lot of it
23 out from under. That is what they had

1 been doing, taking it out each week, so
2 much.

3 Q. A little at a time thinking no one would
4 notice?

5 A. Well, the only thing to notice is your
6 uses continue getting higher and higher.
7 And where was it going?

8 Q. And that is pretty basic chemical plant
9 101, that you keep track of what comes
10 and what goes out, and their should be a
11 balance to that, right?

12 A. Like if you counted up how much
13 electricity you used and converted that
14 into a figure, that is how much caustic
15 chlorine you had.

16 Q. And I have seen some accounting papers
17 where they did that in the Monsanto
18 plant throughout the years. They would
19 know how many pennies per hundred pounds
20 they spent on mercury to make chlorine
21 and how much they spent on salt and how
22 much they spent on electricity, as you
23 say, right?

1 A. Yes.

2 Q. As a chief operator have you seen them
3 come to you and say we seem to be
4 running a little high on our electricity
5 use; what' going on?

6 A. Well, you took a meter reading every
7 day. Then we went down to the boss'
8 office, and he ran it out and that went
9 on to St. Louis that day. And if you
10 missed reading the meter correct, you'd
11 get a visit, and I've got one of them.
12 Let's see you read that meter. But that
13 was for production. That meter was very
14 important. Of course, you took a
15 reading every hour or every thirty
16 minutes of what the generator was doing
17 or the -- took the generator out and
18 electrified it, made it more reliable.
19 And you produced more because you could
20 put more load on there and it stay
21 steady. The generators were from France
22 and were used. One of them wasn't any
23 good much. You had to drop your load on

1 it every once and a while and let it
2 cool down.

3 Q. Are these gas fueled?

4 A. No. AC and some of the DC. But somehow
5 or another the generator would get the
6 brush out and sparks coming out of it.
7 And you would have to cut your load
8 down. It burned up, and they rebuilt
9 it, but they never did get that out of
10 there. So they got those mechanical
11 rectifiers in place.

12 Q. When you finished your tour as chief
13 operator in the chlorine department,
14 what was your next task.

15 A. I got to be foreman.

16 Q. Now, what did you do differently as the
17 foreman from what you were doing as
18 chief operator?

19 A. I sat in the big chair and checked on
20 the others. I worked days. I didn't
21 work shift.

22 Q. I would assume that would be the main
23 thing. You were kind of over all

1 shifts, but you got to pick the shift
2 you were there?

3 A. Well, I was on days. I was on call all
4 the time, so it didn't matter about the
5 time I was there. I was there or on
6 call.

7 Q. If things went to heck in a hand basket,
8 it didn't matter what shift it was, your
9 phone rang?

10 A. Right.

11 Q. And that started when?

12 A. 1960.

13 Q. How long did you serve as foreman of the
14 chlorine department?

15 A. '62.

16 Q. And again it is logical that you would
17 want to move from chief operator to
18 foreman, a better position pay-wise, I
19 presume?

20 A. Yes.

21 Q. Theoretically better house, depending on
22 how many late night phone calls you got.

23 A. Well, that plant, I knew it well enough

1 that you didn't get too much. I'd
2 settle most of it on the phone.

3 Q. I take it the denora system -- there
4 weren't a lot of moving parts to it, I
5 presume?

6 A. No, just electricity and pumps.

7 Q. After 1962 what was the next position
8 that you held?

9 A. Maintenance.

10 Q. Maintenance. And was it foreman
11 supervisor or --

12 A. Yes.

13 Q. And that was starting in '62. And was
14 there any particular part of the plant
15 you were charged with maintaining?

16 A. I had the carpenters, painters,
17 janitors, laborers, the sewers, the spur
18 railroad tracks, and all that to
19 maintain.

20 Q. Carpenters, janitors, laborers, the
21 railroad track, the sewers. Anything
22 else?

23 A. I filled in for the other foremen when

1 they went on vacation, the mechanical
2 foremen.

3 Q. Okay. So in other words, as opposed to
4 maintaining stills and the pipelines and
5 the tanks, you were kind of maintaining
6 everything else at the site?

7 A. Well, I had the grass, yards, had to
8 repair the railroad tracks. Back then
9 they put diesel on and started spreading
10 the track, come around the curve with
11 that light-gauge track, had to put some
12 ties in in order to get that thing back
13 in gauge after they come back over it.

14 Q. I worked on the railroad one summer. I
15 know what you are talking about?

16 A. Keep them from spreading. That diesel
17 will spread those narrow-gauge track --
18 not narrow gauge, but light weight. We
19 finally put the heavy weight in. If you
20 don't do that overnight, you've got a
21 lot of track. You don't get that kind
22 of money.

23 Q. All right. So you were handling -- And

1 the sewers I assume required some
2 routine maintenance to keep them up to
3 snuff.

4 A. Yeah. And they added, too, you know
5 changed. Usually they used contractors
6 to do that.

7 Q. Now, there are different kinds of
8 sewers. The average lay person is going
9 to think that sewer is something that
10 runs from their bathroom to some
11 municipal treatment plant.

12 A. Well, you had that type sewer, but this
13 is main storm sewer, water, and sewers
14 like that.

15 Q. Now, as of 1962 I would have known of
16 three kinds of sewers out there that I
17 think you might be talking about. One
18 would be a collection system that
19 drained directly to the municipal
20 treatment facility down near Snow Creek
21 and Choccolocco Creek. Right?

22 A. Well, in '62 probably somebody was. But
23 some of it we had already built, I

1 believe, a waste treatment plant.

2 Q. Right. A second type of sewer would be
3 you had your own biological treatment
4 facility for certain waste waters,
5 particularly off the parathion
6 department, drained into. The bacteria
7 would detoxify those wastes, and then
8 that was discharged out into the surface
9 waters, right?

10 A. Went down to Snow Creek. Went through
11 the clarifier, and when it got through
12 there it went on down and went through
13 the Anniston treatment plant.

14 Q. And then the third would have been just
15 sort of sewers that took off various
16 storm water and waste water from the
17 facility and went out the east side of
18 the plant through a drainage ditch?

19 A. Went through a limestone pit.

20 Q. Were you in charge of that limestone
21 pit?

22 A. Not at that time.

23 Q. Okay. So all you really had

1 responsibility for at that time as the
2 maintenance foreman in the '62 time
3 frame was keeping the sewers intact in
4 the sense they didn't leak into the
5 ground? Was it something that did
6 happen though, that these things would
7 leak, particularly given the caustic
8 nature of some of the stuff running
9 through them?

10 A. Well, they might get thin. Then you
11 replaced them.

12 Q. What was the typical composition of your
13 sewer in terms of concrete pipe --

14 A. Terra cotta type is what it is. Some of
15 it may have been concrete.

16 Q. Okay.

17 A. To my knowledge it was terra cotta.

18 Q. All right. And you were in charge of
19 laborers. Again, Mr. Chatman talked
20 about a laborer going packaging of
21 various things. Was that --

22 A. That was in the production department.
23 What I had, they cut the grass, did

1 janitorial service, all hauled materials
2 off the plant, picked up stuff, things
3 likes that.

4 Q. What about waste? I read stuff and
5 talked to people about waste being
6 hauled to the dump. Would that have
7 been part of your people?

8 A. No.

9 Q. Who would have been there in charge of
10 that limestone pit?

11 A. Shipping department had the limestone
12 hauled in there, and I think Mr. Taffee
13 had it a while. And prior to his time I
14 don't know which one had it, but I know
15 he inherited the environmentalists.

16 Q. Who was your supervisor when you were
17 the maintenance foreman for this
18 component you have told you us about?

19 A. Bob Turchiet.

20 Q. After becoming maintenance foreman as
21 you have described for us in 1960, what
22 is the next time you would have had a
23 job or title shift?

1 A. The next year I went down to the Niran
2 department as maintenance foreman.

3 Q. Okay. So in 1963 you become maintenance
4 foreman at Niran, which is the trade
5 name for parathion?

6 A. Yes.

7 Q. There I presume your responsibilities
8 were to maintain the equipment used to
9 make Niran?

10 A. Yes.

11 Q. Any other responsibility as you recall
12 in that job position?

13 A. No.

14 Q. And again you started a moment ago to
15 tell us a little bit about what was done
16 with the waste generated off that
17 process. But if you would, what role if
18 any did you have as a maintenance
19 foreman in making sure the wastes
20 generated in the Niran production were
21 adequately dealt with?

22 A. They put it in drums, and then the
23 shipping department picked it up and

1 took it to the landfill and put it in a
2 certain place there that Mr. Taffee had
3 designated.

4 Q. All right. Were you actually involved
5 in making that happen?

6 A. No.

7 Q. You just know that is what was done with
8 it?

9 A. Yes.

10 Q. All right. And now, it is not as
11 apparent to me why one would shift from
12 maintenance foreman to maintenance
13 foreman Niran. Was there a particular
14 reason you shifted positions?

15 A. The boss said you are going down there.

16 Q. That's the best reason of all. Okay.
17 How long did you stay on as the
18 maintenance foreman in the Niran
19 department?

20 A. '64, August 31st of '64.

21 Q. So on 8-31-64 you became what?

22 A. Production foreman.

23 Q. Okay.

1 A. And that was supposed to have been going
2 to each department and relieving the
3 production foreman to do a specific job
4 in his department. And I operated the
5 department while he was taking care of
6 that need. So the first place they sent
7 me back to was chlorine.

8 Q. So when you say production foreman, you
9 weren't for instance production foreman
10 in Niran or production foreman for
11 Aroclor. You were kind of the utility
12 infielder at the plant at that point?

13 A. Well, they assigned me to chlorine.
14 When I finished there I went to Aroclor.

15 Q. So you went to chlorine initially. We
16 don't need to rehash what you were doing
17 there. Roughly when did you wind up in
18 Aroclor?

19 A. '65.

20 Q. Now, at this point I take it this is the
21 first time you have had any kind of
22 involvement with the Aroclor production,
23 correct?

1 A. No. Yes. I was maintenance -- relief
2 -- maintenance foreman over there.

3 Q. Okay.

4 A. When I was on that first maintenance
5 job.

6 Q. But that wouldn't have been very many
7 weeks, I take it?

8 A. No. A week or two weeks at a time.

9 Q. So how long were you there serving as
10 production foreman for the Aroclor
11 department?

12 A. Until it went down in '72.

13 Q. So you were there from '65 to '72?

14 A. Yeah. They would work on expansion or
15 start up on biphenyl. Then I went to
16 PNP -- no -- P2S5 and worked on startup
17 up there.

18 Q. But if that is a seven-year period, you
19 probably spent six of those years you
20 think as a production guy in Aroclor?

21 A. Pretty close.

22 Q. Tell me if you would please what sort of
23 responsibility you had as a production

1 foreman when you were billeted there in
2 the Aroclor department?

3 A. Well, I was it. The other foreman was
4 out doing the assignments they had
5 assigned him to.

6 Q. And I don't doubt that, but I have no
7 idea what -- I mean, I could guess, but
8 I don't want to guess. I want you to
9 tell me what would you do on a typical
10 day?

11 A. You'd check your records and your
12 schedule, fill out your schedules, your
13 shipments, what you are going to ship,
14 your blends you are going to make, make
15 up a blend sheet for the operators to
16 make. And of course you have different
17 orders that came in from shipping that
18 you had to produce.

19 Q. And I take it that is because you would
20 get -- were you involved at all in
21 making biphenyl at that point, or
22 biphenyl came to you from a different
23 department?

1 A. It came to me from a different
2 department.

3 Q. So you would get biphenyl from the
4 biphenyl still and chlorine from the
5 chlorine department, and you would mix
6 those two together and make Aroclor.

7 A. Yes.

8 Q. And depending on what the sales
9 department needed on a particular day,
10 you could make up one type of Aroclor or
11 another?

12 A. Yes.

13 Q. Now, as I understand it, you had a still
14 that you did this in, where you would
15 mix this biphenyl and the chlorine and
16 heat it up and take it off after a
17 certain amount of time.

18 A. You put it in the chlorinator, what they
19 call the chlorinator, and you had a
20 distributor, and you fed the chlorine in
21 the bottom. And the liquid come down
22 through a packet, which is metal
23 turning. And it spread out, and of

1 course your chlorine came in contact
2 with it. After you got it chlorinated
3 up to a certain level of gravity for
4 that specific grade of Aroclor, then you
5 pump it over into a tank. And then they
6 pumped it into the still and distill it.

7 Q. Let me stop you there. I've seen them
8 talk about batch chlorination and
9 continuous process chlorination. Which
10 one or both did you work?

11 MR. MYERS: \ At what point?

12 MR. CUNNINGHAM: Any point.

13 A. All of them. Chlorination was all in
14 the Aroclor department, under one man, a
15 foreman.

16 Q. And you ran both kinds of chlorinators?

17 A. Yes.

18 Q. You say you would keep pumping chlorine
19 to it until you had the right degree of
20 chlorination?

21 A. Yes.

22 Q. And the way you knew you had that was by
23 the specific gravity of the liquid

- 1 A. Yes. You had a rolling meter telling
2 you how many went in, how many pounds
3 you put in per hour. Then at a certain
4 time you knew to go sample it, see where
5 your level was, and then come on up.
6 You didn't wait until it jumped over and
7 over-chlorinate. If you did you had to
8 go to a higher level, and it became a
9 different --
- 10 Q. Blend?
- 11 A. -- Aroclor.
- 12 Q. Instead of 1254, you would have a batch
13 of 1260 and have to start over again to
14 make the 1254 you wanted?
- 15 A. 1254 was made from a different stock,
16 which was Santowax.
- 17 Q. Okay.
- 18 A. But that was the bottoms off the
19 biphenyl, the Santowax was.
- 20 Q. You talked about taking this liquid off
21 the chlorinator and putting it into a
22 still. And that process was designed,
23 as I understand it, basically to purify

1 it and give it better electrical
2 properties?

3 A. Well, if you stilled it and left your
4 bottoms on it, you make different cuts
5 on it with gasoline. With Aroclor you
6 only took one cut. When it got so high,
7 what was left were still bottoms.

8 Q. And those are sometimes referred to as
9 Montars?

10 A. Yes.

11 Q. Now, are you familiar with the chemistry
12 of this stuff? Do you understand that
13 Aroclor 1248 would actually have a
14 number of different kinds of chemical
15 molecules in it?

16 A. Not to talk about.

17 Q. What you understood was that it would
18 have a particular specific gravity,
19 meaning a particular weight?

20 A. Yes, sir.

21 Q. Density, if you will. And that was a
22 function of how long and how chlorinated
23 it got?

- 1 A. Yes, sir.
- 2 Q. And what did you all do with these
3 Montars, these still bottoms off the
4 still? You didn't sell those, I take
5 it. Those had to be discarded.
- 6 A. Those went to the landfill. We did sell
7 some.
- 8 Q. But that was a fairly small fraction of
9 what you were generating?
- 10 A. Yes, sir.
- 11 Q. And I have seen a document that
12 suggested that the percentage of Montar
13 that you all would generate was roughly
14 ten percent of your Aroclor production.
15 Do you have any information to support
16 or refute that?
- 17 A. No. Again, you took your chlorine, how
18 much chlorine you used and figure your
19 production. It could vary a little bit
20 based on how far you went down to still
21 bottom.
- 22 Q. And did you have any role to play in the
23 process or managing the process of

1 removing these Montars from the still
2 and getting them to the dump?
3 A. Put them on the dock, and the shipping
4 department picked them up.
5 Q. And when these things came out of the
6 still, they were hot, were they not?
7 A. Pretty hot.
8 Q. And it was vented to the outside so you
9 wouldn't get those fumes building up at
10 the plant?
11 A. Yes. They may have gone through a
12 scrubber.
13 Q. I haven't ever seen anything to indicate
14 back in the early '60s that they had a
15 scrubber. Now, there was some
16 discussion in the '70s about having a
17 brink coalescer in that stream. Do you
18 know what a brink coalescer is?
19 A. Yes.
20 Q. Do you ever recall having to change some
21 cartridges for one of those in that
22 particular process?
23 A. We changed them out, I believe, while it

1 was running. But then we put one
2 downstream filled with coke. We put a
3 pump on it and what missed would get
4 knocked out, and we would pump it out
5 and drum it and pump it back.

6 Q. Do you recall roughly when y'all started
7 that process?

8 A. They used it prior to the expansion and
9 they put in the new method. And the new
10 method -- So they put this other thing
11 in.

12 Q. And when they finally decided to start
13 thinking about this air stream, they did
14 realize there was some stuff getting
15 through, right?

16 MR. MYERS: Object to the form.

17 Go ahead.

18 A. Well, you were selling it -- They were
19 trying to keep it out, if there was any
20 going through.

21 Q. Well, you all were never at a loss for
22 this Montar, right? You always had more
23 than you could sell. You were always

1 sending some of it to the dump, right?

2 MR. MYERS: Object to the form.

3 A. Yes.

4 Q. As far as you know?

5 A. We sent what we didn't sell.

6 Q. So it is not like this thing had a true
7 economic value to Monsanto, this Montar,
8 certainly not the stuff that was going
9 out the exhaust fan?

10 A. Well, it would have if you were losing
11 any Aroclor because that's your money.

12 Q. Okay. That is a different story.
13 Obviously the Aroclor was a product you
14 were selling.

15 A. No. It was the Montars, the bottoms off
16 the Aroclor.

17 Q. But you didn't sell all the Montars that
18 you generated?

19 A. No.

20 Q. Sold a small fraction of it, and a large
21 fraction of it went to the landfill?

22 A. Yes.

23 Q. Now, how big were the skids that were

1 used to haul this Montar up to the
2 landfill?

3 A. I think it was forty-seven gallon top
4 drum with a ring and lids.

5 Q. I've seen discussions in the documents
6 about at some point in time using skids.
7 Are you saying they never used a skid
8 while you were there?

9 A. Not as I recall. We worked on one that
10 would do that. But we never did get it
11 perfected.

12 Q. What role if any did you have in
13 monitoring the waste streams coming off
14 this Aroclor production in terms of
15 waste waters or the kind of vapors or
16 air streams we alluded to a little
17 earlier?

18 A. Pumps and samples. Take the samples up
19 and carried them to the lab, and they
20 analyzed it.

21 Q. Now, let me ask you to tell me when
22 y'all were doing that.

23 A. Every morning.

REGIONAL REPORTING SERVICE, INC.

1 Q. So in 1965 when you started as a
2 production foreman in the Aroclor
3 department, y'all would have been
4 picking up samples every day of the
5 waste waters that were coming off --

6 A. Yes.

7 Q. -- and taking it to the lab and finding
8 out how much Aroclor was in those waste
9 waters?

10 A. Yes. If you had a small pump, you
11 continuously sample from a jug there.
12 In twenty-four hours, you'd go down and
13 get the sample, and they would empty the
14 jug.

15 Q. Do you ever recall somebody coming back
16 -- either a supervisor of yours or
17 somebody from the lab, and saying we
18 have too much Aroclor in this waste
19 water. We need to tighten some valves
20 or put in a sump. We have to somehow
21 reduce the amount of contamination
22 getting into this?

23 A. Well, they had some get down there, of

1 course. And of course they talk about
2 sumps and they talk about ways of
3 keeping it all in the plant.

4 Q. But I take it they didn't install a sump
5 never, on those -- well, I guess maybe
6 in '71?

7 A. Well, they installed something right
8 outside the department.

9 Q. That was that, a sump.

10 A. A concrete vat that water ran through,
11 waste water, and any chemical would drop
12 out and into the bottom, and you would
13 go pump it out.

14 Q. That was one of the nice things about
15 Aroclor for waste control, was it not,
16 that it was heavier than water and
17 wasn't terrible soluble.

18 A. It wasn't soluble, because you distilled
19 it -- 1242 I believe at a hundred and
20 seventy-five degrees centigrade.
21 Everything in that plant was on
22 centigrade basically. Of course, your
23 solid Aroclors went to about three

1 seventy-five, somewhere.

2 Q. So if you didn't need any fancy
3 technology to get the worst of it out of
4 a waste water stream if you just let it
5 sit in a pond like that or a concrete
6 vat. It would settle out?

7 A. It would settle out.

8 Q. Do you recall when they put that in
9 place?

10 A. It was in the late '60s. I don't
11 remember.

12 Q. Any other involvement that you can
13 recall with trying to control, assess,
14 monitor the amounts of Aroclor in either
15 the waste water of the plant or the air
16 around the plant?

17 MR. MYERS: Do you want to say a
18 point of time?

19 Q. Any time we you were production foreman
20 for that department.

21 A. I don't recall any vapor, but like I
22 said, they got samples every day on that
23 stream.

1 Q. And at some point in the late '60s they
2 put in the sump.

3 A. They were getting some down there. They
4 were concerned about it and did
5 everything they could to keep it in the
6 plant. They brought a fellow from St.
7 Louis down.

8 Q. Do you remember who that was?

9 A. Jim Savage. Of course, he had been
10 supervisor over that department. He
11 came down because he was over it from up
12 there, the same thing in the stuff
13 inside the plant.

14 Q. Okay. And you mentioned the limestone
15 pits before. Did you have any role as a
16 production foreman for the Aroclor
17 department with seeing to it that those
18 were maintained?

19 A. Well, they got low. We usually just
20 called the shipping department, and I
21 got the limestone people to haul out
22 there. Of course Fred Taffee, which was
23 environmentalist, he'd check it and

1 maybe clean it out if it got too much
2 slack in it or where the acid had ate
3 the limestone up.

4 Q. Yeah. You convert that calcium
5 carbonate into a salt basically, a
6 calcium salt. And that would have to be
7 removed because it wasn't doing any good
8 in there, right?

9 A. Right.

10 Q. Were you the person who was supposed to
11 make that call or Mr. Taffee the person
12 who was supposed to make that call?

13 A. Usually it was Fred that did it down to
14 the shipping department, and he --
15 Horace Gray, and he did the purchasing
16 or went through the purchase agent. We
17 did get called to the contractor or
18 people that had the limestone, and they
19 would come out there, and they would
20 fill it up.

21 Q. Did you have any particular role with
22 respect to investigating a lawsuit that
23 was filed against Monsanto in the '60s

1 by BASS, where they thought the
2 parathion department had caused a fish
3 kill? Did you ever hear anything about
4 that?

5 A. I heard a little about it.

6 Q. You weren't involved in it?

7 A. I wasn't involved in it.

8 Q. Did you ever hear anything about a
9 professor from Mississippi State named
10 Denzel Ferguson who came over and
11 studied the waste waters off the plant?

12 A. No, sir.

13 Q. Did they ever tell you as the production
14 foreman in the Aroclor department that
15 they found Aroclor downstream and in
16 fish?

17 MR. MYERS: Object to the form.

18 A. I don't recall if they did or not.

19 Q. When you found out at some point in your
20 tenure there in the '60s that Aroclor
21 was in the waste water, did you give any
22 thought or do you recall any
23 conversations with people there at the

REGIONAL REPORTING SERVICE, INC.

1 plant about Aroclor possibly having
2 gotten off the reservation?

3 MR. MYERS: Object to the form.

4 A. I don't recall.

5 Q. Does it surprise you as you sit here
6 today to know there is a fish advisory
7 downstream from the plant on Choccolocco
8 Creek because of PCB in fish?

9 A. I know about it.

10 Q. I understand. Does it surprise you or
11 is that something you would have
12 expected given what you knew about the
13 fact that Aroclor was getting out?

14 MR. MYERS: Object to the form.

15 A. Well, I won't comment on that, because I
16 don't know enough about it.

17 Q. Well, you know whether you are surprised
18 or not. You either were or weren't.
19 You would know the answer to that.

20 MR. MYERS: Let me object to the
21 form. You are getting
22 argumentative. If you know,
23 Mr. Lackey, tell him. If you

1 don't, tell him that.

2 A. Well, I don't know that I was surprised.

3 Q. That's fine. That's a fair answer, that
4 you weren't surprised.

5 MR. MYERS: Object to the form.

6 (A break was taken.)

7 Q. All right. We were talking about the
8 role that you had to play in Aroclor
9 waste control, and I think you told us
10 about the sampling that y'all did daily
11 and then the sump that was put in and
12 the limestone pit. Now, the limestone
13 served principally to neutralize that
14 waste stream, correct?

15 A. Correct.

16 Q. Didn't really serve as a filter, per se?

17 A. Well, I couldn't say.

18 Q. And to your knowledge, there was never
19 like an activated carbon filter on that
20 waste water stream?

21 A. Not as I know of.

22 Q. What role if any did you have with
23 respect to the dump, landfill, there at

REGIONAL REPORTING SERVICE, INC.

1 the plant?

2 MR. MYERS: At what point in time?

3 Q. As a production foreman for the Aroclor
4 department.

5 A. Not any.

6 Q. Did you ever have occasion to go up and
7 look at it? If I wanted to talk to you
8 about what it looked like, would you
9 have any firsthand information?

10 A. I can't recall whether I would at that
11 time or not.

12 Q. Okay. And you were actually working
13 there at a point in time when they had
14 what is now called the west end
15 landfill, as well, correct? Are you
16 familiar with what that speaks to?

17 A. Yes.

18 Q. If I wanted to talk to you about what it
19 looked like and what went in there and
20 how it was operated, would you have any
21 firsthand information about that?

22 A. No, sir.

23 Q. All right, sir. After you ceased to be

REGIONAL REPORTING SERVICE, INC.

1 the production foreman for Aroclor and
2 those others departments on rare
3 occasions as you told us, what did you
4 do next for the company?

5 A. I was moved to shipping, material
6 handling.

7 Q. And the title again was foreman?

8 A. Yes.

9 Q. And that would have been '72?

10 A. April of '72.

11 Q. And I guess there is just one other
12 thing I ought to ask you -- Well, I'll
13 come back to that.

14 As the foreman of the shipping
15 department, what sort of responsibility
16 did you have?

17 A. Well, I coordinated the work of the men
18 there at the warehouse and warehousing
19 of empty containers, warehousing of full
20 containers, seeing that the orders of
21 shipping were sent out to the warehouse
22 and loaded out, labeled. I had the
23 packaging department in part of it,

REGIONAL REPORTING SERVICE, INC.

1 filled the drums.

2 Q. Two questions about drums that maybe
3 with your involvement in the shipping
4 department you could help us on better
5 than other folks. First off, I know at
6 some points in time the still bottoms
7 from the chlorinator and Aroclors still
8 went in the drums.

9 A. Yes.

10 Q. You have told us that. And my sense was
11 they tried to use used drums for that?

12 A. They may have used some, but when I was
13 in Aroclor, I think most of them were
14 new drums, forty-seven gallon, open-top
15 drums that had a lid and a ring that you
16 fastened to hold the material in there.

17 Q. Okay. And another thing that I have
18 noticed in reading some of the documents
19 we've reviewed, there was a discussion
20 about problems with drums of Aroclor --
21 these were the drums actually used for
22 the finished product -- leaking and
23 creating problems. Do you have any

REGIONAL REPORTING SERVICE, INC.

1 personal knowledge of them ever having
2 to go to a heavier gauge drum because of
3 product leaking in transit?

4 MR. MYERS: Object to the form.

5 A. Not of Aroclor.

6 Q. What kind of products?

7 A. Well, they had heavier gauge on
8 parathion. What they started out with,
9 I don't know. But they went to sixteen
10 gauge drum for parathion.

11 Q. Seems to me that is what I recall them
12 going to kind of at the end of the
13 Aroclor era, was the sixteen gauge drum.

14 MR. MYERS: Object to the form.

15 Q. You don't have any recollection of them
16 doing that?

17 MR. MYERS: Same objection.

18 A. No.

19 Q. Did you have any responsibility when you
20 were foreman in the shipping department
21 to deal with Aroclor waste?

22 A. No. I closed the Aroclor down when I
23 went to shipping.

REGIONAL REPORTING SERVICE, INC.

1 Q. Let me deal with that in two senses.
2 First off, yes, it had been closed down,
3 but there was still a lot of Aroclor
4 waste around that plant, wasn't there?

5 MR. MYERS: Object to the form.

6 A. I don't remember. Because I had already
7 left. And I cleaned up most of it
8 before I left.

9 Q. It is kind of like your last act as a
10 production foreman in the Aroclor
11 department, was shutting that department
12 down?

13 A. Yes.

14 Q. Let's talk about that for a moment, if
15 we might. Tell me what that entailed
16 and what you did.

17 A. Well, that meant we cleaned the floors
18 up, and we cleaned the waste up and
19 emptied the stills out and just closed
20 them down.

21 Q. When you say the waste, where was this
22 waste and what form was it?

23 A. It may have been on the floor or stuff

1 you spilled off on the floor. In
2 closing it down, and we cleaned that up,
3 and left it just like you leave your
4 house clean.

5 Q. When you say you cleaned it up, what did
6 you do with it?

7 A. Put it in drums, probably hauled it to
8 the landfill. I don't know.

9 Q. Again, as with other occasions you have
10 told us about, your job was to get it
11 into a drum, and then somebody else had
12 the responsibility for getting it to the
13 dump?

14 A. Or whatever it went to.

15 Q. Did you in any way dismantle the actual
16 fixed equipment of the Aroclor
17 department?

18 A. No, sir; no, sir.

19 Q. So basically it was just shutting it
20 down and cleaning it out?

21 A. Yes, sir.

22 Q. And I take it, unlike for instance, the
23 denora system, if you had shut down the

REGIONAL REPORTING SERVICE, INC.

1 chlorine department, you had some
2 mercury that had to be dealt with in
3 some form or fashion. You really
4 wouldn't have had anything like that
5 that had to be put somewhere?

6 A. You mean the chlorine?

7 Q. Right. But I'm talking about in
8 Aroclor.

9 A. No.

10 Q. In Aroclor you just would have had steel
11 piping, and steel chlorinator and still?

12 A. Yes.

13 Q. You left all that in place?

14 A. Yes.

15 Q. Do you know what ultimately happened
16 with that equipment?

17 A. Ultimately they tore it down.

18 Q. Yes, sir. And what did they do with it?

19 A. I don't know. It was hauled off.

20 Q. You just know it left the plant?

21 A. Yes.

22 Q. Could some of it have gone up on the
23 landfill?

REGIONAL REPORTING SERVICE, INC.

- 1 A. I don't know.
- 2 Q. What about the structure itself, the
3 building that was the Aroclor building?
- 4 A. I don't know where that went to.
- 5 Q. But it's gone now, is it not?
- 6 A. Yes. They tore it down.
- 7 Q. Was it torn down while you were there?
- 8 A. Part of it was. Some of it was still
9 standing.
- 10 Q. Okay. Well, let me get back, then, to
11 your job with the shipping department.
12 As far as you know, y'all weren't taking
13 any daily sample after that of the waste
14 water to look for Aroclors?
- 15 MR. MYERS: Excuse me. At one
16 point he was in shipping?
- 17 MR. CUNNINGHAM. Right. After he
18 shut down Aroclor, no more
19 samples were taken.
- 20 A. I didn't take any. When I went to
21 shipping, I didn't do anything in the
22 production line.
- 23 Q. What is the next job you held at

REGIONAL REPORTING SERVICE, INC.

- 1 Monsanto?
- 2 A. Shipping was the last one.
- 3 Q. When did you retire?
- 4 A. November 30th, '85, lacking one month
- 5 making forty-five years.
- 6 Q. So you actually worked thirteen years as
- 7 the foreman in material handling and
- 8 shipping?
- 9 A. Yes.
- 10 Q. But all of that was in a time frame when
- 11 y'all were not selling Aroclor --
- 12 chlorinated biphenyl?
- 13 A. When I went to shipping, that ended the
- 14 Aroclor. We had some made up, and by a
- 15 certain date, it was all shipped out. I
- 16 think that was June of '72.
- 17 Q. As the person who was in charge of that
- 18 particular shipping, were you the person
- 19 who handled returns?
- 20 A. Yes, sir.
- 21 Q. And what would you do with returned
- 22 Aroclor?
- 23 A. I don't think we got it. I think it was

REGIONAL REPORTING SERVICE, INC.

1 returned to St. Louis after that date.

2 Q. Okay. You don't ever recall Anniston
3 being kind of a weigh station where
4 sometimes it came and then on to St.
5 Louis?

6 MR. MYERS: Object to the form.

7 A. I don't recall it.

8 Q. In the historic past, if somebody had
9 some Aroclor that turned out to be not
10 to spec or needed to be cleaned up, that
11 occasionally came back to the plant,
12 didn't it?

13 A. Before we shut Aroclor down.

14 Q. Yeah. And you all would either dispose
15 of it or run it through the equipment
16 and try and clean it up and get it back
17 within spec?

18 A. Usually, if it was out of spec, you
19 didn't run it back through the
20 equipment.

21 Q. So you just put -- Well, what did you do
22 with it? You tell me.

23 A. Unless you could chlorinate it up to a

1 higher level.

2 Q. What would you do it with then?

3 A. Chlorinate it up to a higher level and
4 make a higher grade out of it.

5 Q. I'm saying you said a lot of times you
6 wouldn't do that. I am saying what was
7 the other thing you would do with this
8 returned stuff?

9 MR. MYERS: Object to the form.

10 A. I don't know of any that we shipped out
11 of spec.

12 Q. But I'm saying, didn't customers
13 occasionally send stuff back to you?

14 A. If it was good material, we just
15 reshipped it.

16 Q. I understand. But what about if it
17 wasn't good material? If the reason
18 they sent it back to you was because it
19 wasn't good anymore, what did you do
20 with it?

21 A. I don't recall them sending any bad
22 Aroclor back. But that was all over
23 with when I went to shipping.

REGIONAL REPORTING SERVICE, INC.

1 Q. So there might have been some stuff
2 coming back and you just wouldn't know
3 about that because that wasn't your task
4 at that point in time?

5 MR. MYERS: Object to the form.

6 A. Yes.

7 Q. In your role as a production -- Well,
8 let me put it broader. At any time
9 while you were working at Monsanto,
10 would you ever physically come into
11 contact with Aroclor?

12 A. Yes.

13 Q. Tell me how that would happen and when
14 that happened and where it happened.

15 A. Well, I ran the department and on
16 strikes, I did operate it.

17 Q. How, how often did y'all have strikes?

18 A. We had two in the time I was there.

19 Q. And I take it the whole time you were
20 production foreman with Aroclor from
21 1965 to 1972, you were management as
22 opposed to union?

23 A. When I went on salary, I did resign from

REGIONAL REPORTING SERVICE, INC.

1 the union.

2 Q. That was --

3 A. 1960.

4 Q. Okay. So do you recall what year those

5 strikes occurred?

6 A. Had one in '68 and one in '74.

7 Q. Okay. The only time you would have been

8 operating -- manufacturing Aroclor that

9 was chlorinated biphenyl, that would

10 have been that '68 strike?

11 A. Yes.

12 Q. And how long did that strike run?

13 A. Two weeks.

14 Q. So in those two weeks as an operator you

15 would have been around it?

16 A. Yes.

17 Q. What other time frames in work would

18 have had you physically in contact

19 with --

20 A. Well, on start up down there, in

21 breakdowns, plug-ups, things like that.

22 Q. Okay. Were there steps taken to avoid

23 or minimize contact between you and the

REGIONAL REPORTING SERVICE, INC.

1 workers and the Aroclor, such as
2 personal protective equipment?

3 MR. MYERS: At what point?

4 MR. CUNNINGHAM: At any point.

5 Q. If it changed over time, we certainly
6 would want to know what changes took
7 place in your tenure.

8 A. You mean was I isolated from the work
9 force?

10 Q. No, sir. I'm sorry. That was a poorly
11 worded question. What steps were taken
12 -- Let's take your role as a production
13 foreman. Did you make your workers wear
14 certain protective equipment if they
15 were going to be around Aroclor?

16 A. If they changed chlorine for us, they
17 were supposed to use a gas mask, and any
18 other that -- fumes, they were supposed
19 to wear respirators or if a gas mask was
20 required?

21 Q. What about --

22 A. If you went in a tank car, they had to
23 wear an air mask with an air cylinder.

REGIONAL REPORTING SERVICE, INC.

1 And you had a watcher on top of the tank
2 to make sure nothing happened to the man
3 that went in the tank car or into the
4 tank. That was procedures.

5 Q. I'm thinking more like only those two
6 weeks when you were working as an
7 operator or during the several years
8 that people under you were working as
9 operators or during these start-ups or
10 breakdowns. Did people wear gloves?

11 A. Yes.

12 Q. In fact didn't you enforce that as a
13 rule?

14 A. We furnished them gloves.

15 Q. And if you came out and found somebody
16 putting their bare hands in the liquid
17 Aroclor, would you say keep up the good
18 work or would you say where in the heck
19 are your gloves?

20 A. I don't think he is going to put his
21 hands in Aroclors with gloves on or
22 without gloves on. That stuff is hot.

23 Q. So they have gloves that you all furnish

REGIONAL REPORTING SERVICE, INC.

1 them, and as foreman are helping to make
2 sure they wear them. And logically they
3 wouldn't not wear them anyway, because
4 the stuff is hot?

5 A. He'd use gloves if he handled anything
6 or a sample or anything like that.

7 Q. And you had them wearing clothes that
8 you all provided, correct.

9 A. Correct.

10 Q. And that you all laundered?

11 A. We laundered.

12 Q. So they were changing out of them before
13 they even went home?

14 A. Took a shower.

15 Q. Y'all gave them facilities and time to
16 wash and clean up?

17 A. Provided them soap.

18 Q. Now, were they doing that on their time
19 or company time?

20 A. They took their bath on their time.

21 Q. And I assume you had boots for them?

22 A. Well, the company required rubber boots.
23 We had rubber boots and overshoes.

REGIONAL REPORTING SERVICE, INC.

1 Q. Overshoes, goggles or face masks?

2 A. Face masks, goggles, face shields, ear
3 plugs, ear muffs.

4 Q. And again, you as a foreman, you are
5 going to make sure that if your people
6 are potentially exposed to various kinds
7 of threats to their health in the plant,
8 you are going to make them use this
9 stuff?

10 MR. MYERS: Object to the form.

11 A. Well, we're going to try. You have that
12 human element that if you turn your back
13 on them, they'll pull it off. You have
14 to go back and check again.

15 Q. And that is why you couldn't be foreman
16 for a week and take the rest of the year
17 off, right?

18 A. Right.

19 Q. And I take it another precaution that
20 the company put in place and you as a
21 foreman helped enforce is nobody was
22 going to be smoking around this stuff
23 and nobody was going to be eating around

1 this stuff.

2 A. They had lunchrooms, and they had
3 smoking areas, and that was the area
4 that it was permitted for you to smoke.

5 Q. And I take it you also had ventilation
6 in those areas of the building where one
7 might anticipate a buildup of Aroclor
8 fume?

9 A. Had air conditioning.

10 Q. But also not just air conditioning but
11 also ventilation? It wasn't just a
12 matter of cooling the air, you were also
13 bringing fresh air into that room and
14 taking the fume out?

15 A. Usually, yes. Air conditioning
16 installed rather than a window unit. Of
17 course the window unit pulled out the
18 old air so you can circulate what is in
19 there.

20 Q. But quite aside from some air
21 conditioner, you all had ventilation
22 fans in those parts of the facility
23 where the stills were. When you were

1 drawing off these bottoms you had a
2 ventilation hood, didn't you?

3 A. Yes. We had a ventilation hood there.

4 Q. And that is a large contraption that is
5 sucking air up to pull those fumes away?

6 A. Away from you.

7 Q. Now, what information were you providing
8 to your work force about the toxicity or
9 the chemical dangers of the Aroclors?

10 MR. MYERS: Object to the form.

11 At what point in time?

12 MR. CUNNINGHAM: At any time.

13 Q. If that changed over time, I'm very much
14 interested in you telling me how it
15 changed over time.

16 MR. MYERS: Same objection.

17 A. I can't tell you when it changed, but as
18 things changed, we changed procedures.
19 As technology improved, that gave us
20 information. And we gave them the best
21 that could be got of personal protective
22 safety equipment.

23 Q. I'm talking about aside from the

REGIONAL REPORTING SERVICE, INC.

1 equipment and ventilation and the rules
2 that were in place. What did you tell
3 them about the consequences of this
4 stuff, what it could do to you?

5 A. Probably at that time as I retired and
6 we shut it down, we didn't know anything
7 other than rashes and breakouts.

8 Q. So the concern was rashes. You talked
9 about as things changed. Subsequently
10 did you personally understand something
11 else about the chemical dangers, the
12 toxicity of chlorinated biphenyls?

13 MR. MYERS: Object to the form.

14 A. Not really.

15 Q. I want to read you a statement here from
16 a document stating follows:

17 Experimental work in animals shows that
18 prolonged exposure to Aroclor vapors
19 evolved at high temperatures or by
20 repeated oral ingestion will lead to
21 systemic toxic effects. Repeated bodily
22 contact with the liquid Aroclors may
23 lead to an acne form of skin eruption.

REGIONAL REPORTING SERVICE, INC.

1 Now, you told me you knew about
2 the rashes and the skin problems. Did
3 you have any understanding that repeated
4 exposure to Aroclor could lead to
5 systemic toxic effects?

6 MR. MYERS: Object to the form.

7 A. I don't recall. They continued to
8 update things, and I --

9 Q. Well, this particular document is dated
10 in 1937. That certainly predated your
11 tenure there, did it not?

12 A. Yes, before my time.

13 Q. Do you ever recall anybody telling you
14 and you in turn telling the people who
15 were working under you that excessive
16 exposure to Aroclor could lead to liver
17 problems?

18 MR. MYERS: Object to the form.

19 A. No.

20 Q. Because you didn't know that. You
21 couldn't have told anybody because you
22 did know that?

23 A. No, I didn't.

REGIONAL REPORTING SERVICE, INC.

1 Q. Is this the -- Is today the first day
2 you have ever had anybody suggest to you
3 that PCBs could cause liver problems in
4 people?

5 MR. MYERS: Object to the form.

6 A. No.

7 Q. You have heard it before?

8 A. Yes.

9 Q. What about -- We have heard recently
10 that there was a fellow out there at the
11 plant who committed suicide who had had
12 liver problems, a very painful liver
13 disease. Does that ring any bells? Any
14 idea who that might be?

15 A. No, sir.

16 Q. Okay. When did you first hear or did
17 you ever hear that PCBs might cause
18 people to get cancer?

19 MR. MYERS: Object to the form.

20 A. It has probably been since we closed it
21 down.

22 Q. Did you ever fish in Choccolocco Creek
23 or Snow Creek?

REGIONAL REPORTING SERVICE, INC.

1 A. No, sir, not in the last sixty years.

2 Q. When you were a young boy you would

3 fish?

4 A. I fished.

5 Q. I guess Choccolocco Creek isn't too far

6 from Munford?

7 A. Three miles.

8 Q. And the closest stream that is going to

9 have any fish worth catching anyway?

10 A. And I lived on Choccolocco for a while.

11 Q. Do you just not fish at all these days?

12 A. No, sir.

13 Q. Do your children or grandchildren fish?

14 A. No, sir.

15 Q. Were you ever involved or asked about

16 your health by anybody from Monsanto who

17 was trying to conduct an investigation

18 as to the health of folks at the

19 Anniston plant who had worked around

20 Aroclors?

21 A. No, I guess not.

22 Q. Were you ever told about the results of

23 a study of workers from the Krummrich

REGIONAL REPORTING SERVICE, INC.

1 plant who worked with Aroclors?

2 A. No.

3 MR. MYERS: Object to the form.

4 Q. When I say the Krummrich plant, do you
5 know what I'm talking about?

6 A. Sure.

7 Q. Have you ever been up and visited?

8 A. No. I visited the Queeny plant.

9 Q. Okay. Did you ever have your blood
10 tested for PCBs?

11 A. No.

12 Q. Was it ever offered to you?

13 A. Probably indirectly.

14 Q. How so?

15 A. You just had to ask about it.

16 Q. So you haven't asked to have it checked?

17 A. No.

18 Q. Have you ever talked to a doctor about
19 the fact you worked around Aroclor?

20 A. No.

21 Q. Did they provide medical care as part of
22 your employment at Monsanto?

23 A. Yes.

REGIONAL REPORTING SERVICE, INC.

1 Q. And as part of the medical plan did you
2 get a routine examination or physical?
3 A. Yes.
4 Q. And how often did that occur?
5 A. About every year.
6 Q. And do you recall where that took place?
7 A. At the plant.
8 Q. And who did it?
9 A. The nurse and the company doctor, except
10 the x-ray.
11 Q. Where did you go for the x-ray?
12 A. Up at one of the clinics here.
13 Q. Okay. And what was your understanding
14 of why you were getting this annual
15 checkup?
16 A. You did that from the beginning on until
17 I retired.
18 Q. Did you ever have occasion at one of
19 these checkups for them to say, oh, we
20 found the following, thought you might
21 want to know about it, or was it always
22 uneventful.
23 A. Well, they would tell you about certain

REGIONAL REPORTING SERVICE, INC.

- 1 things, blood pressure is up or need to
2 go get your eyes checked.
- 3 Q. What is the worst thing you remember
4 them finding out at one of these
5 checkups?
- 6 A. I don't recall anything.
- 7 Q. And did you have to pay anything for
8 that?
- 9 A. No.
- 10 Q. Was that optional? Could you just
11 choose not to go?
- 12 A. I'm not sure of that. Everybody went,
13 and I'm sure that was a case of
14 employment.
- 15 Q. Did you mind going? Were you happy to
16 have that?
- 17 A. It wouldn't bother me. You got a
18 checkup once a year to find out what is
19 going on.
- 20 Q. Did it cause you any kind of concern to
21 do that?
- 22 A. No.
- 23 Q. How many incinerators at that facility

REGIONAL REPORTING SERVICE, INC.

1 did you know about over any period of
2 time that you were there?

3 A. I don't know.

4 Q. Are you of aware of any incinerators?

5 A. They had a thing called the tepee that
6 they burned. And I think they had
7 something before that. I don't know.

8 Q. The tepee was up on the landfill?

9 A. Yes.

10 Q. And it was basically sheet steel in the
11 shape of a tepee with a screen at the
12 top?

13 A. They had an incinerator over at the
14 Niran department.

15 Q. That had the small, skinny metal stack?

16 A. Yeah. Well, a Fiberglas stack.

17 Q. Did they have it jacketed with
18 something, because it looks awfully
19 shiny in the pictures I've seen.

20 A. No, it wasn't jacketed.

21 Q. Just a Fiberglas stack?

22 A. Yes.

23 Q. Do you have any idea what they were

REGIONAL REPORTING SERVICE, INC.

1 burning in either of those incinerators?

2 A. Burning the waste off Niran, probably
3 the still bottoms.

4 Q. And do you know if they ever tried to
5 burn still bottoms from the Aroclor
6 department?

7 A. No.

8 Q. No, they didn't try, or no, you don't
9 know?

10 A. I don't know.

11 Q. And I take it -- Well, do you know what
12 they burned in tepee?

13 A. Just wood and paper.

14 Q. One of the workers last week was talking
15 about them burning still bottoms in the
16 boilers, using it as a boiler fuel. Do
17 you know anything about that?

18 MR. MYERS: Object to the form.

19 A. Well, that is since I left.

20 Q. Do you have any friends who still work
21 at the facility?

22 A. I guess they are my friends.

23 Q. Let me qualify it in a sense. Anybody

1 out there that you still know on a
2 first-name basis that if you saw them
3 walking down the street today when we
4 left the building you would say hi, Jim
5 or hi, Joe?

6 A. Really I don't know which ones. I know
7 some of them are retired, so I couldn't
8 call any names. But if any of the old
9 ones that came there in the '60s, maybe
10 some of them were hired in the '70s,
11 Wayne Carden, Anthony Pettus. I think
12 Joe Webb is still there, Dan Truitt --
13 Dan Hewlett, not Truitt.

14 Q. Do you ever read the Birmingham News?

15 A. No.

16 Q. Have you heard about reports of PCB
17 being found in a lot of folks' yards out
18 there around the plant in the last few
19 years?

20 MR. MYERS: Object to the form.

21 A. It has been in the paper.

22 Q. What paper do you take?

23 A. The Daily Home from Talladega and The

1 Anniston Star.

2 Q. Okay. Have you heard anything in the
3 media that you take, be it TV or paper
4 or just talking to folks that you know
5 from up here, about it being found in
6 people in west Anniston?

7 MR. MYERS: Object to the form.

8 A. I heard that, but I don't know.

9 Q. Well, you heard about the fish advisory
10 down on Choccolocco Creek?

11 A. Yes.

12 Q. Have you heard about the EPA Superfund
13 branch coming to town and setting up an
14 office?

15 A. Yes.

16 Q. How did you hear about that?

17 A. Paper.

18 Q. We talked earlier about when the PCBs
19 were found in the fish and the fish
20 advisory, that that didn't surprise you.
21 When you read in the paper that there
22 were reports -- whether they are true or
23 not we can argue about later. I don't

REGIONAL REPORTING SERVICE, INC.

1 need to get into that with you. But
2 when you read about those reports of it
3 being found in peoples' yards and in
4 peoples' bodies, did that surprise you
5 or not surprise you?

6 MR. MYERS: Object to the form.

7 A. Yes, that surprised me.

8 Q. Did you have any thoughts at that point
9 in time to perhaps having your own blood
10 tested being as it seemed to be in some
11 people allegedly who didn't even work at
12 the plant?

13 A. Well, there is nothing bothering me and
14 no way to get it out. So why worry
15 about it?

16 MR. CUNNINGHAM: That's all I
17 have.

18
19 (The deposition concluded at
20 3:15 p.m.)

21
22
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 11th
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

REGIONAL REPORTING SERVICE, INC.