

ANTONIA TOLBERT, et al.

v.

**MONSANTO COMPANY PHARMACIA,
INC., et al.**

MICHAEL PIERLE

May 21, 2003

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1 IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
2 WESTERN DIVISION
3

4 ANTONIA TOLBERT, et al.,
Plaintiffs,

5 vs. CIVIL ACTION NO.
6 CV-01-N-1407-W
7

8 MONSANTO COMPANY
PHARMACIA, INC., and
9 SOLUTIA, INC.,
10 Defendants.
11

12 * * * * *

13
14 VIDEOCONFERENCE DEPOSITION
15 OF MICHAEL PIERLE,
16 taken pursuant to notice and stipulation on
17 behalf of the Plaintiffs, in the Law
18 Offices of Beasley, Allen, Crow, Methvin,
19 Portis & Miles, P.C., 218 Commerce Street
20 Montgomery, Alabama, before Nicole Paulk,
21 Shorthand Reporter and Notary Public in and
22 for the State of Alabama at Large, on May
23 21st, 2003, commencing at 10:06 a.m.

Page 2

1 APPEARANCES

3 FOR THE PLAINTIFFS:

4 (In Montgomery, Alabama)

5 ROBERT R. RODEN, ESQUIRE

6 Shelby, Roden & Cartee

7 2956 Rhodes Circle

8 Birmingham, Alabama 35205

11 FOR THE DEFENDANTS:

12 (In St. Louis, Missouri)

13 MICHAEL E. KELLY, ESQUIRE

14 Smith, Moore, LLP

15 300 North Green Street

16 Suite 1400

17 Greensboro, North Carolina 27401

19 ALSO PRESENT:

20 (In St. Louis, Missouri)

21 BILL HUELSMAN, VIDEOGRAPHER

Page 3

1 STIPULATIONS

2 It is stipulated and agreed by and
3 between counsel representing the parties
4 that the videoconference deposition of
5 MICHAEL PIERLE may be taken before Nicole
6 Paulk, Shorthand Reporter and Notary Public
7 in and for the State of Alabama at Large,
8 without the formality of a commission; and
9 all formality with respect to other
10 procedural requirements is waived; that
11 objections to questions, other than
12 objections as to the form of the questions
13 need not be made at this time, but may be
14 reserved for a ruling at such time as the
15 videoconference deposition may be offered
16 in evidence or used for any other purpose
17 by either party as provided by the Federal
18 Rules of Civil Procedure.

19 It is further stipulated and
20 agreed by and between the parties hereto
21 and the witness, that the signature of the
22 witness to this videoconference deposition
23 is hereby NOT waived.

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2 EXAMINATION PAGE

3 By Mr. Roden 4

5 * * * * *

6
7 MR. KELLY: Bob, I would suggest
8 the usual stipulations,
9 reserving objections to the
10 form, and Mike would like to
11 read and sign.

12 THE VIDEOGRAPHER: Mike, what's
13 your last name?

14 THE WITNESS: Pierle, P-I-E-R-L-E.

15 THE VIDEOGRAPHER: Okay. We're on
16 the record; the witness is
17 Mike Pierle. You may swear
18 in the witness.

19
20 MICHAEL PIERLE, of lawful age,
21 having first been duly sworn, testified as
22 follows:

23 EXAMINATION

Page 5

1 BY MR. RODEN:

2 Q. Mr. Pierle, good morning.

3 A. Good morning.

4 Q. I think we have a little delay in our
5 transmission, so we'll have to bear with
6 each other about that. So you may have to
7 wait for me to -- the transmission to get
8 through to you before you can speak and
9 vice versa, okay?

10 A. Very good.

11 Q. Okay. Again, what is your full name,
12 Mr. Pierle?

13 A. Michael A. Pierle.

14 Q. And where do you reside, Mr. Pierle?

15 A. My current address is 770 Gulf Shore Drive
16 in Destin, Florida.

17 Q. And how long have you lived at that
18 address?

19 A. Since about March of 1999.

20 Q. Okay. And prior to that, you were living
21 in Missouri; is that correct?

22 A. That is correct.

23 Q. Then St. Louis?

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1 A. In 801 -- yes.
 2 Q. 801 Greenwich Green Lane?
 3 A. That's correct.
 4 Q. Okay. And are you presently or currently
 5 employed?
 6 A. I have a consulting company.
 7 Q. What's the name of it?
 8 A. Pierle Consulting, Incorporated.
 9 Q. And what's the nature of the consulting
 10 business?
 11 A. I do environmental consulting work --
 12 Q. Of what?
 13 A. -- and I do that relatively infrequently as
 14 of now.
 15 Q. For what type of environmental work --
 16 what -- is it geared toward any particular
 17 type of environmental?
 18 A. Initially I was doing consulting work for
 19 Solutia, and I have done some projects
 20 around property acquisitions for other
 21 clients.
 22 Q. Can you be more specific about that as far
 23 as the name of the clients, and what do you

Page 7

1 mean by property acquisitions?
 2 A. I've done three or four pieces of work for
 3 small companies, predominantly in the state
 4 of Missouri, and for the acquiring company
 5 was doing basically environmental
 6 assessment work, which typically in the
 7 industry would be called Phase 1 property
 8 assessments. And that work is in essence
 9 looking for possible environmental
 10 liabilities.
 11 Q. Can you be -- can you give me examples of
 12 companies and the type of, I guess,
 13 environmental properties you were looking
 14 at?
 15 A. These -- as I said, it was a small number
 16 of jobs. One was for a -- a small die
 17 casting operation in Saint Clair, Missouri,
 18 and for the acquiring entity, I did work
 19 that was probably two or three days work,
 20 site visit, site assessments, basically
 21 walking the property, looking at the
 22 property, checking generally available
 23 environmental records to determine whether

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1 or not there were existing or potential
 2 property contamination issues that an owner
 3 should be -- should be -- or take into
 4 consideration in their acquisition process.
 5 Q. And so you're working -- or you have worked
 6 mainly for the acquiring company or
 7 acquiring entity?
 8 A. That's correct. And I want to be clear
 9 that this was -- has been a relatively
 10 small amount of -- of work. Last year I
 11 did, I think, only like a day's activity.
 12 I have been in retirement since January of
 13 '99 and have chosen to primarily stay in
 14 retirement.
 15 Q. Okay. And you retired in January of '99
 16 from Solutia; is that correct?
 17 A. That is correct.
 18 Q. Now, you mentioned you have done some
 19 consulting work for Solutia since your
 20 retirement?
 21 A. Yes.
 22 Q. Tell me about that. What was the nature of
 23 that?

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1 A. For approximately two years, I was retained
 2 to assist and continue work that I had been
 3 doing on mainly outside activities out --
 4 and by that I mean in trade associations
 5 and other entities that Solutia within the
 6 chemical industry had an interest in. I
 7 had been doing that prior to my retirement,
 8 and it was deemed that that was the best
 9 way to continue those activities, so I
 10 was -- I continued in activities with, for
 11 example, the Chemical Manufacturer's
 12 Association and continued as Solutia's
 13 representative on the Chemical Industry
 14 Institute of Toxicology as Solutia's board
 15 member, and I was also a member of that
 16 executive committee.
 17 Q. All right. Since your retirement -- go
 18 ahead. Did you finish?
 19 A. I'm finished.
 20 Q. Since your retirement in January of '99,
 21 have you done any work on behalf of Solutia
 22 or Monsanto or anybody else concerning the
 23 Anniston proper or the -- around the plant

3 (Pages 6 to 9)

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1 and/or the city of Anniston?

2 A. For a period of time, I attended in some
3 cases by conference call; in other cases,
4 presence, the ongoing Anniston Solutia --
5 sort of the -- the Solutia's committee that
6 was dealing with Anniston, I was in
7 attendance at some of those meetings. I
8 think that continued for about a year,
9 maybe a little bit longer, until basically
10 that team, you know, was -- had completely
11 taken over that activity. Prior to my
12 retirement, I was obviously a full member
13 of that working group.

14 Q. Who is that working group, if you can tell
15 me?

16 A. I don't know who it is today, because I've
17 not been involved since, I guess, that
18 would be sometime in -- sometime in
19 probably 2001. So I don't know who is
20 involved in that working group today.

21 Q. Who was involved in the working group when
22 you were involved with it?

23 A. I will try to recall some of the players.

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1 Bob Kaley; Glenn Ruskin was involved in
2 those sessions; Mike Foresman, I believe
3 was the plant manager. There were one or
4 two people at the plant that were involved
5 in those conversations.

6 Q. Is that Mr. Birchfield or is it
7 Branchfield?

8 A. I'm not familiar with that name.

9 Q. Who is the plant manager?

10 A. At -- at -- for a period of time it was
11 Jack Miyausky, and then he was replaced,
12 and I don't recall -- I don't recall the
13 gentleman's name.

14 Q. Okay.

15 A. Kevin Cahill was also involved in that --
16 in that group. That's sort of my
17 recollection of the members.

18 Q. Well, what was the purpose of this working
19 group?

20 A. It was to basically attend to the
21 investigation and remediation issues that
22 were undergoing -- in progress and underway
23 at the Anniston site.

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1 Q. Is that something that you, yourself, had
2 been instrumental in starting; that is, the
3 remediation issues that were in progress?

4 A. I don't recall how that was started. It
5 was -- it was common that as we were
6 dealing with remediation questions at
7 certain locations, that we typically had a
8 team that was involved in the management of
9 the issues, and there were -- the types of
10 people that I have described typically
11 would make up the members of that team.

12 Q. Where were -- where was that working group
13 as far as the remediation issues were
14 concerned at the last time you attended the
15 meetings?

16 A. I don't recall specifically the -- the
17 project work that was underway. We had
18 completed the sort of stormwater runoff
19 retention basin projects, or they were near
20 completion, and had begun, as I recall,
21 some of the additional off-site activities.
22 We had already been through part of the
23 property acquisition in conjunction with

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1 the construction project of the stormwater
2 retention basins. I'm not any clearer than
3 that.

4 Q. Well, other than the property acquisitions,
5 what other off-site activities was the
6 committee or working group attempting to
7 accomplish?

8 A. As I recall at that time, it was primarily
9 further investigation of the presence of
10 PCBs. I recall that this was being done in
11 conjunction with the State and under a --
12 an order, so the scope of work that we were
13 attempting to implement, as I recall, was
14 what had been discussed and agreed with,
15 with the State -- with the State agencies.
16 I don't recall the specifics of the work
17 plan.

18 Q. Was that a written work plan? Is that
19 something that's in writing?

20 A. I believe it was, yes.

21 Q. Did it include the testing of soils in and
22 around the off-site?

23 A. I'm not -- I just do not recall the

4 (Pages 10 to 13)

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1 specifics of the work plan.
 2 Q. Okay. Well, let me ask you this -- and I
 3 should have asked you this earlier -- you
 4 have given a deposition concerning the
 5 Anniston PCB concerns how many times?
 6 A. I believe I have done that twice.
 7 Q. All right. Then one would have been in the
 8 case of Dyar versus Monsanto, which was, I
 9 think, the deposition was October of '98;
 10 is that your understand -- recollection?
 11 A. Yes, that is.
 12 Q. And then the other one would have been in
 13 the -- I guess, the Myers/Hills case in
 14 June of '98?
 15 A. I believe that's correct, yes.
 16 Q. And are those the only two you recall
 17 giving your deposition concerning --
 18 A. Yes.
 19 Q. All right. At the time that you testified
 20 in the Dyar case, you mention -- and
 21 just -- if you have it; I'll tell you the
 22 page number if you need to refer to it --
 23 but you made mention that there was an

Page 15

1 extensive study underway looking at the
 2 hydrology of the system, comma, the
 3 sources, comma, potential sources, and that
 4 report would be instrumental in helping
 5 understand the responsibilities of, I
 6 guess, Solutia. Can you tell me what that
 7 study was and whether it was ever complete?
 8 A. I believe that the work at that time was
 9 concentrated on the stormwater runoff areas
 10 around the landfills and the property.
 11 And, yes, I believe that work was completed
 12 beforehand and basically provided the basis
 13 for the remedial action, which I mentioned,
 14 which was the stormwater retention basin.
 15 Q. When you say the stormwater runoff areas,
 16 can you be -- can you specify what you
 17 mean, where that is?
 18 A. I believe in that -- in that case, there
 19 was stormwater areas from, I believe, a
 20 south landfill area, and there may have
 21 been other areas, but that was drawn into
 22 this stormwater retention basin, and then
 23 the purpose of collecting sediments and --

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1 and materials that would separate out of
 2 the -- of the water.
 3 Q. Well, let me ask, did this study result in
 4 finding that there was PCBs running off of
 5 the south landfill?
 6 A. My recollection of what, in part, started
 7 this was that there were low
 8 part-per-billion levels of PCBs detected
 9 prior to this time in some stormwater
 10 runoff samples, and that gave rise, then,
 11 to further discussions and further reports
 12 and studies which then resulted in both
 13 the -- I think the -- the construction of
 14 the stormwater basin as well as some other
 15 work that was done around capping the south
 16 landfill and some other areas to provide
 17 additional assurance of -- to prevent the
 18 migration of the potential for any PCBs
 19 from the site.
 20 Q. So this would have been done sometime after
 21 your deposition in the Dyar case, which was
 22 in October '98?
 23 A. I don't recall the exact -- the exact dates

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1 of completion of these projects.
 2 Q. Well, the reason I -- I'm sorry. Go ahead.
 3 A. There has been a series of work, as I
 4 recall, from '93/'94 time frame on up to
 5 and including the time when I left in
 6 January of '99, so it's difficult to recall
 7 in a more slender time frame exactly what
 8 work was happening at what time.
 9 Q. Well, the only reason, you know, I say it
 10 that way was in October of '98, when your
 11 deposition was taken the last time, as I
 12 understand, the extensive study that you
 13 were talking about was underway and had not
 14 been completed, and therefore you couldn't
 15 answer a lot of questions in that
 16 deposition. You obviously left the company
 17 two months later, but you continued to work
 18 with the working group as I understand it,
 19 so obviously the completion of that work in
 20 the stormwater retention basin was after
 21 October '98?
 22 A. I think there are -- I know there's a -- an
 23 affidavit that has been submitted which

5 (Pages 14 to 17)

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1 describes the entire sequence of
 2 activities, and I think that is the
 3 accurate description of the time lines of
 4 the various projects.
 5 Q. Is this an affidavit that you have
 6 submitted?
 7 A. No, I believe it's an affidavit from Bob
 8 Kaley.
 9 Q. Okay. Do you know when that was prepared
 10 and submitted? Because I don't really have
 11 it with me.
 12 A. I don't, but I know it was -- because it
 13 includes -- as I recall in just scanning
 14 it, it includes work that is being done in
 15 conjunction with EPA, and I think that was
 16 after I left, so it was sometime after I
 17 left, but I don't know how -- how much
 18 after the -- after I left.
 19 MR. KELLY: Bob, as a point of
 20 clarification, that was in
 21 the Abernathy case but was
 22 provided to a note to Johnny
 23 Norris in -- during the

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1 course of either Dr. -- I
 2 believe during Dr. Clarke's
 3 deposition, but it's been on
 4 file in other cases.
 5 MR. RODEN: I'm sure we have it,
 6 Mike.
 7 THE WITNESS: Yeah.
 8 MR. RODEN: I'm just not -- I
 9 didn't have it, that's all.
 10 I know -- I'm sure we do.
 11 MR. RODEN: Understood.
 12 Q. Let me ask a little bit, Mr. Pierle,
 13 about -- a little bit about your background
 14 with the companies involved here. As I
 15 understand from the Dyar depositions
 16 testimony, you began working for Monsanto
 17 in 1966; is that correct?
 18 A. Yes.
 19 Q. And where were you actually physically
 20 located with the company in 1966?
 21 A. I began work at the W.G. Krummrich plant in
 22 what is now Sauget, S-A-U-G-E-T, Illinois.
 23 Q. And what exactly were you doing in that

Page 20

1 company?
 2 A. I began my work out of school working in
 3 their environmental group and my
 4 responsibilities were primarily focused on
 5 monitoring discharges from the -- the plant
 6 site.
 7 Q. And discharges of what?
 8 A. We were doing primarily work in the water
 9 area on phenols, and that's P-H-E-N-O-L-S,
 10 and what was termed COD, or chemical oxygen
 11 demand. These were two parameters that
 12 were of importance in matters with the
 13 regulatory -- the state regulatory agency
 14 at that time, and I was also involved in a
 15 sulfur dioxide monitoring program, which
 16 included both stack levels from our power
 17 plant as well as levels in the ambient area
 18 around the plant site.
 19 Q. So did that plant manufacture PCBs?
 20 A. Yes, it did.
 21 Q. Did you have anything -- did you work in
 22 the area of PCBs as far as monitoring the
 23 discharge of that?

Page 21

1 A. Sometime -- and again, it was late '68 or
 2 '69 -- and I left that plant site in August
 3 of '70 -- we began a program to understand
 4 whether or not there were losses from the
 5 PCB department and began to define and
 6 undertake measures to reduce those losses.
 7 Q. Can you -- do you know what prompted that;
 8 that is, the monitoring?
 9 A. I -- I remember that around that time there
 10 was some more public information about PCBs
 11 and concerns about them as an environmental
 12 contaminant, and the company management,
 13 somebody, put together a work group at the
 14 site of which I was a member to conduct
 15 this sort of study, monitoring, and
 16 attempted project work to reduce losses
 17 from the department.
 18 Q. Can you -- can you quantify what y'all
 19 were -- y'all found as to being the amount
 20 of losses that you were finding?
 21 A. I don't recall.
 22 Q. And so you worked on that particular -- or
 23 part of your work involved that particular

6 (Pages 18 to 21)

Page 22

1 part of your job in '68 and '69; is that
 2 what you're saying?
 3 A. That's my recollection of the time frame.
 4 I know I left in '70, and I know it
 5 happened sometime prior to that leaving,
 6 but it seemed it was in the late '60s that
 7 this activity was undertaken.
 8 Q. And where did you go after you left that
 9 facility?
 10 A. I transferred to a plant in Bridgeport, New
 11 Jersey, that was called the Delaware River
 12 Plant, and I was their environmental
 13 engineer at that site.
 14 Q. What did they manufacture?
 15 A. That plant was primarily a -- what is
 16 called a plasticizer manufacturing
 17 operation.
 18 Q. Like something in the nature of plastics,
 19 or am I simplifying it too much?
 20 A. I think the simple answer is these are
 21 materials that, as I recall, were mixed
 22 with certain plastics to make them more
 23 pliable --

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1 Q. Okay.
 2 A. -- something like what would go into floor
 3 tiling, that sort of thing.
 4 Q. So you again at that plant were not --
 5 would not have been involved in any way
 6 with PCBs; is that correct?
 7 A. The only involvement I recall us having at
 8 that plant site is that we -- we had what
 9 were heat transfer units -- and I -- I
 10 don't recall whether there was one or two,
 11 but during that time, the company was
 12 changing over its fluids to non-PCB
 13 materials, and we -- I was involved in
 14 basically, as I recall, the activities to
 15 arrange for disposal of the liquid
 16 materials that we had removed from the --
 17 the heat transfer units.
 18 Q. That is, the PCB material?
 19 A. Yes.
 20 Q. What was it -- what were the heat transfer
 21 units being transferred to? What was the
 22 new material that was going to be used?
 23 A. You know, I -- I don't recall that because

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1 I really wasn't involved in the process
 2 changes; I was primarily involved in the
 3 activity around the disposal of the PCB
 4 liquids.
 5 Q. Can you quantify the amount of the PCB
 6 liquids that you were trying to dispose of?
 7 A. I do not recall the volumes in those units.
 8 Q. Can you tell me the manner and method you
 9 used to dispose of them? What did you do
 10 with them?
 11 A. As I recall, those materials were sent for
 12 incineration.
 13 Q. Sent where?
 14 A. They were sent for incineration. I -- I do
 15 not recall the -- the place that we used
 16 for -- for -- for incineration and burning
 17 and disposal.
 18 Q. Was there -- and what time frame are we
 19 talking about, Mr. Pierle?
 20 A. As I recall, that would have been maybe
 21 '71, '72. I could be off there somewhat,
 22 but it seemed like it was the early '70s.
 23 Q. How long were you at the Bridgeport, New

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1 Jersey, location?
 2 A. I stayed at that location through mid-1974.
 3 Q. Was there any type of regulations that
 4 would govern the disposal of PCBs at that
 5 point in time?
 6 A. I don't believe so.
 7 Q. Was there ever -- has there ever been a
 8 regulation that you know of that governs
 9 the disposal in the same way you did then;
 10 that is, incineration?
 11 A. I don't recall the specifics. I know over
 12 time there became standards for PCB waste
 13 management for liquids and for solid
 14 materials and soils, but I don't recall the
 15 timing or the sequence of those
 16 regulations.
 17 Q. Can you tell me the -- were you involved in
 18 any way in the decision to change over from
 19 PCB to the non-PCB material?
 20 A. No.
 21 Q. Did you see any type of documentation
 22 concerning the reasons why it was changed
 23 over?

7 (Pages 22 to 25)

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1 A. No.
 2 Q. All right. After you left Bridgeport,
 3 where did you go?
 4 A. I moved to the Washington, D.C., area, and
 5 I worked for one year at the Department of
 6 Commerce in what was an Office of
 7 Environmental Affairs, I believe.
 8 Q. Now, at Newport -- at Bridgeport, New
 9 Jersey, were you still working for
 10 Monsanto?
 11 A. Yes, I was.
 12 Q. And when you went to Washington, D.C., who
 13 were you working for?
 14 A. The Department of Commerce, the government.
 15 Q. So you actually had left Monsanto?
 16 A. Yes.
 17 Q. Did you have any connections to Monsanto as
 18 you -- when you worked for the Department
 19 of Commerce?
 20 A. I was basically in a position that was a
 21 rotating position in the Department of
 22 Commerce, and by that I mean they typically
 23 had people come in from industry to work in

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1 one of their job positions for about a
 2 year, and during that time period, as I
 3 recall, I had a dollar a year sort of
 4 employment agreement with Monsanto that
 5 allowed my medical benefits and things of
 6 that nature to stay in place. I was not
 7 under an employment contract or a term
 8 employment contract, so I was being paid by
 9 the Department of Commerce; I had an
 10 arrangement that allowed for some of my
 11 benefits to continue during that time
 12 period. At the end of the year, there was
 13 not an agreement, there was nothing that
 14 said I'll come back to Monsanto or they
 15 have to take me back; it was open-ended at
 16 the end of the year.
 17 Q. Okay. But as far as Monsanto's concerned,
 18 you didn't do any type of work outside the
 19 Department of Commerce for them?
 20 A. I did not.
 21 Q. All right. So you stayed there for what,
 22 '74 to '75, something like that?
 23 A. Yes.

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1 Q. And then where did you go from there?
 2 A. At the end of that year, I was offered a
 3 position to come back to Monsanto in the
 4 St. Louis area as a manager of
 5 environmental protection, and we -- my
 6 family and I returned to the St. Louis
 7 area, and I believe I began working
 8 sometime in the August of 1975 time period.
 9 Q. All right. And as manager of environmental
 10 protection, is that --
 11 A. I believe that -- that was the correct
 12 title for the position.
 13 Q. When you went to the -- back to Monsanto in
 14 '75, what, if any, connections did you have
 15 to the Anniston facility?
 16 A. None.
 17 Q. When would it have been the first time that
 18 you would have had any responsibilities to
 19 the Anniston facility?
 20 A. I believe the first connection that I had
 21 was sometime in the late '80s when the
 22 Anniston plant, which had been part of
 23 Monsanto agricultural company operations,

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1 was being considered to be transferred back
 2 to the chemical company operations. And I
 3 became involved at that time.
 4 Q. I -- I -- I don't understand. In the late
 5 '80s you're saying the Monsanto plant in
 6 Anniston was an agricultural --
 7 A. My recollection is that plant had made --
 8 had been predominantly an agriculture --
 9 had made agricultural chemical products --
 10 Q. Right.
 11 A. -- and had been assigned for management
 12 purposes to the agricultural company. And
 13 in the -- in that time period, I believe
 14 the agricultural company was in the process
 15 of closing down its last agricultural
 16 chemical production, and the question then
 17 arose, since there are still chemical
 18 company operations here, should the plant
 19 be moved under the management umbrella of
 20 the chemical company.
 21 Q. So in the -- prior to that time, then, do I
 22 understand it that the plant in Anniston
 23 was making or producing agricultural-type

8 (Pages 26 to 29)

Page 30 1 products and PCBs? 2 A. Yes. 3 Q. And can you give me a time frame as to how 4 long that had been going on and the 5 agricultural company side had been the 6 managing side of the company? 7 A. I don't recall when that, you know, when -- 8 when the ag -- whether the agricultural 9 people, when they started operations there. 10 I know that plant was acquired sometime in 11 the '30s as I recall, but I don't know 12 exactly when or -- and what the history was 13 of production at the plant site. 14 Q. What agricultural products were being 15 manufactured in the -- that time frame 16 before the change in the '80s? 17 A. My recollection, because it was at the end 18 of that time period, was that they had made 19 a decision to exit the parathion business, 20 and that -- the ending of that business 21 then prompted the question of transference 22 of the production site. I don't recall 23 what the prior history was of agricultural	Page 32 1 Anniston facility? 2 A. The -- the role after or moving this to the 3 chemical company was typical of -- of other 4 plants in that a plant site would have 5 direct responsibilities for meeting 6 environmental requirements, laws and 7 regulations, and internal requirements, and 8 my group, which was a staff group that had 9 influence over all of the plant sites 10 within Monsanto chemical company, would 11 provide regulatory assistance and help in 12 the plant meeting their requirements. 13 Q. Why, Mr. Pierle, would this period of time 14 in the late and/or mid-'80s have prompted a 15 staff group such as yours to get involved 16 with any kind of regulatory situation 17 involving the chemicals? 18 A. The -- this had been standard practice for 19 quite some time or -- 20 Q. This -- what had been -- 21 A. -- the involvement -- I'm sorry. 22 Q. What had been the -- 23 A. -- the involvement --
Page 31 1 products at that -- at that facility. 2 Q. So -- so when you say management team, is a 3 management team that was the agricultural 4 management, was that team or group located 5 actually in Anniston? 6 A. The -- typically, the -- what I would term 7 the operating company management was in 8 St. Louis, and then each plant site which 9 had its own plant manager and operations 10 team was located at the plant facility, and 11 then that plant manager reported up through 12 some structure into the operating company 13 to which it was assigned. 14 Q. And I assume there would be a plant manager 15 for the agricultural side as well as one 16 for the chemical side? 17 A. No, I don't believe that's correct. At the 18 sites there was typically one plant 19 manager. 20 Q. Okay. All right. So in the late '80s, 21 when you got involved with the Anniston 22 facility, can you give me an idea of what 23 your role was to be in that -- for the	Page 33 1 Q. I'm sorry. 2 A. We're now having trouble with our 3 communication. 4 Q. I'm sorry. Go ahead. 5 A. I think your question was what in the late 6 '80s would precipitate the involvement of a 7 company-wide staff group in plant 8 activities. 9 Q. Right. 10 A. And my response was, this -- this 11 relationship had existed at least back 12 until the time that I was -- became manager 13 in the mid-'70s, that we've described 14 earlier, that the complexity of rules and 15 regulations, that the resource requirements 16 that were needed in order to effectively 17 manage in this particular area was 18 recognized by management that in addition 19 to the site-related people, that it was 20 useful to have a company-wide group of 21 people that could assist the locations in 22 their activities. So this had been going 23 on for quite some time, and the only thing

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1 that was really different in the late '80s
 2 with respect to Anniston was that it
 3 transferred from one operating company, who
 4 had a very similar environmental structure,
 5 to the chemical company who had the
 6 environmental structure that I've
 7 described.
 8 Q. And so you would have been on the
 9 environmental structure side of the
 10 chemical company?
 11 A. That's correct. I was what was called the
 12 director of environmental operations, and
 13 then I had a group of people that were
 14 working for me who did the primary
 15 interface with the -- the plant sites.
 16 Q. So you would have been -- to make it clear
 17 with me, you would have been the director
 18 of environmental operations for the
 19 chemical side of the company?
 20 A. That's correct.
 21 Q. All right. Before that, who would have
 22 been your counterpart for the -- as
 23 director of environmental operations for

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1 the agricultural side of the company?
 2 A. You know, at that time, I -- I don't recall
 3 specifically. I do know that Dennis
 4 Reddington was an environmental manager in
 5 the agricultural company, and I believe he
 6 reported to a person with a similar title
 7 as mine, director of environmental
 8 operations or something, but I don't recall
 9 exactly who that was.
 10 Q. Okay. I mentioned to Mr. Kelly earlier
 11 that there was a document that I wanted you
 12 to be -- to have in front of you, and --
 13 MR. RODEN: Mike, do you have
 14 that?
 15 MR. KELLY: I do, and I'm going to
 16 hand it to Mike.
 17 MR. RODEN: Okay. And we can mark
 18 it, I guess, if you want to
 19 or -- I'm not sure how we can
 20 handle that.
 21 MR. RODEN: That's fine.
 22 MR. RODEN: Or we can refer to it
 23 by date and Bates number if

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1 you want to.
 2 Q. But it's a February 26, 1987, internal memo
 3 with a number, DSW119459 Bates stamp.
 4 Mr. Pierle, did you author this memo? Was
 5 this your memo?
 6 A. Yes. I see that I have co-signed this with
 7 Mr. Reddington.
 8 Q. Okay. Now, is this -- is this the same
 9 time frame that you -- you and I have been
 10 talking about for the last five minutes or
 11 so where you, as director of environmental
 12 operations, started working with the
 13 Anniston plant?
 14 A. Let me just briefly -- because I haven't
 15 looked at this --
 16 Q. That's fine.
 17 A. -- briefly read this --
 18 Q. Take your time.
 19 A. -- and then I'll answer the question.
 20 (Witness reviewing document.) I've
 21 finished reading this. Could you repeat
 22 your question, then, please?
 23 Q. I was just trying to get a point of

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1 reference with respect to your involvement
 2 with the Anniston facility, and I was
 3 wondering if this might help you give us a
 4 time of reference when you had first become
 5 involved with the Anniston facility. I
 6 think you said earlier -- you were using --
 7 you were saying the mid-'80s -- or maybe
 8 you said the late '80s, you said, and I'm
 9 wondering is this -- this February '87, is
 10 that about the same time we're talking
 11 about?
 12 A. Yes, it is.
 13 Q. All right. So would this have been the
 14 very beginning of your involvement, or was
 15 this some months later, or can you give me
 16 some kind of time frame?
 17 A. I don't recall, but I would believe it was
 18 contemporaneous with this date.
 19 Q. Okay. All right. Now, you mentioned
 20 Mr. Reddington earlier, who is -- you said,
 21 Dennis Reddington, who is the environmental
 22 manager for the agricultural side of the
 23 company; is that correct?

10 (Pages 34 to 37)

Page 38 1 A. Yes. 2 Q. And he signed that along with you? 3 A. Yes, he did. 4 Q. Can you identify any of these other 5 gentlemen that were copied and/or referred 6 to in the memo, Mr. Hal Corbett -- who is 7 he? 8 A. At that time, Hal was a senior executive 9 within the company who had responsibilities 10 which included the environmental health and 11 safety function. 12 Q. Well, was he chemical or agricultural? 13 A. He was -- he had a corporate position and 14 therefore was in that position for the 15 entire company -- for Monsanto Company. 16 Q. Okay. So he would have been -- he would 17 have been responsible for both the chemical 18 and agricultural? 19 A. Yes. 20 Q. Okay. 21 A. He had -- he certainly had influence over 22 that as the senior executive at Monsanto 23 company for environmental matters.	Page 40 1 Q. Now, the designation by his name on this 2 memo, C2NJ, does that -- what does that 3 reference? 4 A. That's a building -- a mail code reference 5 for each of these people; designates 6 Building 4 and location within that 7 building and floor. 8 Q. Okay. So that was a -- NJ is not New 9 Jersey; it's just a building designation? 10 Okay. 11 A. That's -- that's correct. 12 Q. All right. Who is Mr. Harness? 13 A. Mr. Harness was also a member of the 14 agricultural chemicals company, and I 15 believe at that time, in seeing this memo, 16 was probably Mr. Reddington's supervisor. 17 Q. Okay. What about the memo makes you say 18 that? Just your memory is... 19 A. Yes. I -- the inclusion of people on the 20 notes would to me indicate -- and I know 21 Bob spent a lot of time in the 22 environmental area, was the lead guy within 23 the agricultural chemical company, I just
Page 39 1 Q. And was he based in St. Louis? 2 A. Yes, he was. 3 Q. All right. Now, who is R.L. Fields? 4 A. Bob Fields was a member of the agricultural 5 chemicals management team. 6 Q. Are you saying agricultural, slash, 7 chemical? 8 A. No. I'm sorry. I -- my reference here 9 would be agricultural chemicals as a unit 10 of Monsanto, and otherwise it would be 11 chemical company as a unit of Monsanto. 12 Q. Well, I guess what I'm trying to -- in my 13 mind I've gotten to thinking about there 14 being two separate divisions or 15 departments -- one is agricultural and one 16 is chemical. Is Mr. Fields in both 17 departments, if you will? 18 A. No. He would be in the agricultural -- 19 Q. Okay. 20 A. -- side of it. 21 Q. All right. And is he also -- or was he 22 also in St. Louis? 23 A. I believe he was.	Page 41 1 couldn't remember exactly if he was there 2 during this time frame, and this suggests 3 to me that he was. 4 Q. All right. And then you have a 5 Mr. Matteucci? 6 A. That's -- that's correct. 7 Q. Who is that? 8 A. Mr. Matteucci. This was a -- was in the 9 chemical company, and he was a director of 10 manufacturing. 11 Q. Was he in St. Louis? 12 A. He was in St. Louis. 13 Q. Okay. And then who is Mr. Mickelson? 14 A. All right. That is Dan Mickelson, and Dan 15 was a member of the agricultural chemical 16 side and he was also in manufacturing and 17 in St. Louis. 18 Q. All right. And then you've got a 19 Mr. Potter -- who is he? 20 A. Mr. Potter at that time was the head of the 21 chemical company unit of Monsanto. 22 Q. Was he an environmental -- he was not in 23 environmental, then?

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1 A. He had management responsibilities for the
 2 entire chemical company.
 3 Q. And he was in St. Louis?
 4 A. Yes.
 5 Q. And then Mr. Reding?
 6 A. Mr. Reding had the -- the same position as
 7 I've described for Mr. Potter for the
 8 agricultural --
 9 Q. Okay.
 10 A. -- company as a unit of Monsanto.
 11 Q. So around this period of time in '87 is
 12 when the changeover was going to be made
 13 and you got involved with the Anniston
 14 facility; correct?
 15 A. Yes.
 16 Q. And what exactly were you to do or what was
 17 your responsibility toward -- with the
 18 Anniston facility when you got involved in
 19 '87?
 20 A. The -- the purpose of this memo was to come
 21 to a joint understanding of the
 22 environmental situation at the Anniston
 23 site as -- with respect to Monsanto

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1 Company's internal guidelines and
 2 requirements and to describe back to our
 3 collective management what the current
 4 state of environmental matters was at that
 5 time.
 6 Q. At that point in time, can you tell me what
 7 the situation was in Anniston with respect
 8 to determining what losses, if any, there
 9 had been of PCBs out -- outside the plant?
 10 A. May I look at the balance of the memo?
 11 Q. Sure.
 12 A. It may help me with that.
 13 Q. Sure.
 14 MR. KELLY: Bob, would this be a
 15 good time for a couple minute
 16 break for the reporter and --
 17 MR. RODEN: That would be fine. I
 18 need a break myself.
 19 (Brief recess.)
 20 Q. Mr. Pierle, I was asking -- or maybe I
 21 better restate it. I was asking you if you
 22 knew at the time in February of 1987 what
 23 the status of -- or what was known with

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1 respect to the loss of PCBs from the plant
 2 in Anniston?
 3 A. I've looked at the attachments to this
 4 document and -- well, it describes from
 5 what I recollect that this was an inventory
 6 of the currently active items at the plant
 7 site, and the only item I see in here
 8 relative to PCBs from an active standpoint
 9 was the indication of some work that was
 10 planned in the -- the Snow Key -- Creek
 11 under the item, PCB removal.
 12 Q. Okay. When you say "current active," I
 13 assume you mean as opposed to, obviously,
 14 inactive, but what would -- what would
 15 active versus inactive be?
 16 A. As I read this document, it -- it describes
 17 the -- and this was primarily a review of
 18 issues and the financial accounting around
 19 those issues at the site so that we were
 20 clear in the transfer of the operation that
 21 the finances were under -- were understood.
 22 And that way there were a number of what I
 23 said then were active issues. There were

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1 things that were being done at the plant
 2 site at that point in time, one of which
 3 indicated again a PCB removal activity
 4 in -- in Snow Creek.
 5 Q. Where are you referencing or what are you
 6 referencing to about that? Where is that?
 7 A. I think it's on the fourth page, what
 8 you've described as Page 2 and Item Number
 9 5.
 10 Q. Okay.
 11 A. PCB removal, Snow Creek.
 12 Q. And what is ERAP on the right-hand side of
 13 that stand for?
 14 A. That was a -- a term that we used for
 15 accounting and then describing -- and I
 16 believe I'm correct -- their environmental
 17 remediation or remedial action plans.
 18 Q. Okay. All right. So does not any of this
 19 other reflect current active issues
 20 concerning the PCBs as far as the remedial
 21 actions or monitoring of wells or anything
 22 like that?
 23 A. There is a -- a reference to -- in this

12 (Pages 42 to 45)

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1 to -- and let me find it -- some various
 2 land -- RECRA monitoring that I think was
 3 underway at the site, but my recollection
 4 was that PCBs were not a subject matter of
 5 that ongoing work.
 6 Q. Of the remediation?
 7 A. Of the -- what are defined as the
 8 groundwater or -- and RECRA monitoring
 9 activities.
 10 Q. What was that concerned with?
 11 A. As I recall, under the RECRA, which was a
 12 federal statute for monitoring waste
 13 disposal facilities, that there were
 14 certain wells around the plant site, and
 15 those wells were monitored for a certain
 16 set of materials. And it was in a program
 17 to ascertain and determine if there were
 18 any groundwater impacts resulting from
 19 RECRA-permitted disposal facilities.
 20 Q. Well, now, up until this time, as I
 21 understand your testimony, Mr. Reddington,
 22 who was on the agricultural side of the
 23 environmental management, would have been

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1 the one who would have kept up with what,
 2 if any, losses of PCBs there may have been.
 3 Is that -- is that right or wrong?
 4 A. Again, going back and reflecting on the
 5 plant structure, the -- the primary people
 6 that were following the regulatory
 7 activities were the people at the plant
 8 site --
 9 Q. Okay.
 10 A. -- and that Mr. Reddington as an
 11 environmental manager a level above would
 12 have had more broader less detailed
 13 knowledge of what was going on at the site.
 14 And I think then, specific to your question
 15 of PCBs, again, as I read this and
 16 recollect from both Dennis and I
 17 examination of issues in the '87 time
 18 period, is that there -- there were not
 19 issues of PCB, for example, in the
 20 groundwater, that the PCB issue at that
 21 time was focused on the PCB removal Snow
 22 Creek ERAP item.
 23 Q. All right. Can you give me an idea at this

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1 time -- in this time period who you would
 2 have looked to, to determine what PCB
 3 issues did exist or did not exist?
 4 A. I think both Dennis and I would have looked
 5 principally to the people at the plant site
 6 at this time to help us understand what
 7 were the issues that were active at the --
 8 at the plant site.
 9 Q. And can you give me any -- can you remember
 10 any particular names of those people?
 11 A. You know, I -- I don't really recall at
 12 that time who the site environmental person
 13 was.
 14 Q. Can you give me any names of any site
 15 environmental people that would have been
 16 there at any time from 19 -- or from '87
 17 until the time you left?
 18 A. Now, this is more towards the '90s time
 19 frame --
 20 Q. Okay.
 21 A. -- so I don't know where they were in
 22 the -- in the '80s. Robert Jones was an
 23 environmental manager at the site. I do

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1 remember Jerry Brown would have been an
 2 environmental person at the site for quite
 3 some time. I guess those are the only two
 4 names that come to mind.
 5 Q. Okay. Just to give me a sense of -- of
 6 structure or organization, you're saying
 7 that at the site, that is, the Monsanto
 8 plant in Anniston, there would have been a
 9 man -- an environmental manager, if you
 10 will; correct?
 11 A. Yeah. He may have been -- this was a small
 12 site, so he may have had a different name,
 13 but there would have been a person, at
 14 least, at the site that had primary
 15 responsibilities for environmental matters.
 16 Q. And environmental matters would include --
 17 I assume it would include anything to do
 18 with PCBs; correct?
 19 A. If there were -- if there were active
 20 issues, yes.
 21 Q. Okay. And again, making sure I understand
 22 what you mean by "active" -- I guess you
 23 need to explain to me again what you

13 (Pages 46 to 49)

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1 specifically mean by "active issues."
 2 A. It -- it -- I would say a -- maybe a simple
 3 term is that it would have been an issue
 4 that would have been in active conversation
 5 with the regulatory matters or the subject
 6 of an ongoing, say, plant permit. That's
 7 what I mean as active, anything that was
 8 requiring active work at the -- at the
 9 plant site.
 10 Q. Could we use the word -- could we use as a
 11 synonymous word "concern"? I mean, it
 12 might have -- be to the point where it was
 13 a concern -- or am I -- is that too strong
 14 of a word?
 15 A. That's -- I don't know if it's too strong a
 16 word, but it's --
 17 Q. Okay.
 18 A. -- I don't know how to describe it.
 19 Q. Okay. I think I understand what you're
 20 saying. Now, in this transition period
 21 you're talking about in '87, did you -- as
 22 the environmental operation -- or director
 23 of environmental operation, did you come to

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1 find out that there had been an active
 2 issue involving escapes of PCBs from the
 3 Anniston Monsanto facility?
 4 A. I -- I do not recall that as being a
 5 subject matter in and around the
 6 development and the creation of this
 7 document.
 8 Q. Well, I'm just trying from --
 9 A. Other than the Snow -- other than the Snow
 10 Creek conversation that we -- we discussed.
 11 Q. Okay. Can you give me some ideas about
 12 what the conversation was concerning the
 13 remediation of Snow Creek? I mean, what --
 14 why was that an active issue?
 15 A. All I recall there was that there was a --
 16 an open item with the State concerning PCB
 17 removals in Snow Creek and that there was
 18 work that was contemplated, and I believe
 19 that we were leaning to further
 20 conversations with the State on the
 21 acceptability of that removal plan or were
 22 okay to proceed. That's what I recall
 23 around this particular item.

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1 Q. Did you ever determine in your mind how the
 2 PCBs had gotten into Snow Creek?
 3 A. No.
 4 Q. Was it an issue with you that -- as to
 5 whether or not the PCBs got into Snow Creek
 6 from the Anniston facility, that is, the
 7 Monsanto facility?
 8 A. No. We, at this time, were again
 9 principally focused on trying to delineate
 10 the projects and the monies around those
 11 projects that would need to be understood
 12 as this plant site was being transferred
 13 from one operating company to the -- to the
 14 other, and that was really the content and
 15 the context of this discussion.
 16 Q. So you would not have -- then I understand
 17 what you're saying is, you would not have
 18 been concerned at this point in time about
 19 what the prior history was concerning the
 20 PCB issue?
 21 A. That's correct.
 22 Q. All right. All right. So after this
 23 initial meeting, as I understand what

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1 you're saying, this memo concerned the
 2 financial -- along with the other issue
 3 you're talking about -- but the financial
 4 accounting of what the active issues were
 5 concerning, not just PCBs but other
 6 matters?
 7 A. That's correct.
 8 Q. All right. Now, what -- after this initial
 9 involvement, what -- what was your
 10 continuing role in the PCB Anniston -- PCB
 11 Anniston facility?
 12 A. I don't recall much ongoing work from this
 13 point forward. I was, as I said, director
 14 of environmental operations. At that time
 15 I had a number of people working for me,
 16 and an environmental manager that would
 17 have been one level down from me would have
 18 taken on the active communications with the
 19 plant sites around all environmental
 20 matters.
 21 Q. And who would that person have been?
 22 A. You know, I don't recall -- I don't recall
 23 exactly who that person was.

14 (Pages 50 to 53)

Page 54

1 Q. Well, how long did you stay with -- as
 2 the -- as I understand, you were vice
 3 president of environmental safety and
 4 health; is that correct? Well, that was
 5 later?
 6 A. Well, yes, at this time I was, as we've
 7 described, director of environmental
 8 operations, and I retained that position
 9 until April of 1991 when I was appointed as
 10 the vice president of environmental health
 11 and safety for Monsanto Company.
 12 Q. So you were director of environmental --
 13 environmental management up until April of
 14 '91, and you would have been -- so
 15 therefore you would have been the director
 16 of environmental management for the -- with
 17 the Monsanto plant in Anniston from about
 18 '87 through '91?
 19 A. Yes. One slight correction, was director
 20 of environmental operations, I think was
 21 the --
 22 Q. Okay. I'm sorry.
 23 A. -- was the title.

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1 Q. Okay. And you don't remember, during that
 2 '87 to '91 period, who would have worked
 3 under you, directly under you?
 4 A. I recall that I had, maybe, four
 5 environmental managers that were covering
 6 20 to 30 plants, and I just don't recall to
 7 which of these individuals the -- the
 8 Anniston plant was grouped.
 9 Q. Can you give me some of their names -- and
 10 it might appear somewhere in --
 11 A. Mike Foresman.
 12 Q. Okay.
 13 A. Leo Parrity, and again I'm reflecting on
 14 the time frame where some of these people
 15 may or may not have continued to work. A
 16 Richard Joslin. I had other functions. I
 17 think at least those three guys were
 18 handling most of the plant sites.
 19 Q. All right. So each one of them would have
 20 been assigned a certain number of plants.
 21 I mean, so one of -- maybe one of these
 22 three may have been in the -- have had the
 23 Anniston facility?

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1 A. Yes.
 2 Q. Okay. Now, during --
 3 A. I would --
 4 Q. I'm sorry. Go ahead.
 5 A. I'm fine. Thank you.
 6 Q. During the '87 -- '91 time frame, director
 7 of environmental operations and after this
 8 February '87 memo, do you recall any active
 9 issues -- any other active issues
 10 concerning PCBs at the Anniston facility?
 11 A. No, I do not.
 12 Q. All right. Then as -- when you became vice
 13 president of environmental safety and
 14 health in '91, what were your duties -- or
 15 what was the change in the duties for you?
 16 A. At that time I was primarily responsible
 17 for managing a corporate staff of
 18 approximately 100 individuals, and our
 19 functions included setting or recommending
 20 internal environmental health and safety
 21 policies. A lot of compliance with those
 22 policies and maintaining understanding of
 23 external federal laws and regulations and

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1 maintaining Monsanto's presence in external
 2 working groups, such as industry groups,
 3 environmental groups, regulatory groups.
 4 Q. All right. And you held that position with
 5 Monsanto until '97, when it became Solutia;
 6 correct?
 7 A. That is correct.
 8 Q. Now, up until the time it became Solutia
 9 from '91 until '97, did there -- there come
 10 a time that additional PCB-active issues
 11 came about at the Monsanto plant?
 12 A. At the Anniston plant?
 13 Q. Yes, sir. Yes, sir.
 14 A. There was in the -- I'll say mid-'90s, a
 15 set of items that began to come forward,
 16 one of which I recall was a property
 17 reacquisition from, I believe, Alabama
 18 Power.
 19 Q. Right.
 20 A. And at that time the -- there was a policy
 21 within the company that you needed the
 22 environmental health and safety function
 23 sign-off on the acquisition of property.

15 (Pages 54 to 57)

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1 And I remember some conversations, I
2 believe they were with Mike Foresman at
3 that time around that subject, and then
4 subsequent to that time period, we also
5 went through some internal organizational
6 changes and corporate staff function
7 changes at which time -- and I believe it
8 was in the '95 time period -- I basically
9 became the -- the supervisor over all of
10 the environmental people at the staff
11 function levels within -- within the
12 company. And during -- or sort of
13 commensurate with that, the responsibility
14 for remediation of -- for remediation
15 projects for the company then came under my
16 responsibilities.

17 Q. And that was in '95?

18 A. So at that time -- so at that time, the
19 work that began to unfold with respect to
20 the Anniston site as it dealt with PCBs,
21 which we have previously mentioned the
22 stormwater runoff activity, that became
23 under my -- under my direct responsibility.

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1 Q. And so that would have been around '95?

2 A. That's my recollection.

3 Q. Okay. All right. And at that point in
4 time, what was the -- was the only active
5 issue then the -- the storm runoff issue?

6 A. Yeah. Following the -- you know, the
7 property acquisition, there began a series
8 of studies and investigations, as I recall,
9 around the possibility or the presence of
10 PCBs and stormwater runoff that led to, as
11 we've described, the stormwater set of
12 issues, and then that also moved into some
13 of the property acquisition issues. As I
14 recall, sort of in that time frame, there
15 were a couple of issues with respect to
16 churches within that property acquisition
17 issue, and then it -- it developed into
18 broader area sampling and determinations of
19 PCBs in other parts of the area proximate
20 to the plant site. There was a, as I
21 recall, series of issues and investigations
22 and potential items that we were actively
23 engaged in with the ADEM in studying and

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1 defining.

2 Q. When you say property acquisition, was
3 there a -- an acquisition program
4 developed?

5 A. Yes, there was.

6 Q. And who developed that program?

7 A. It was developed by people internally with,
8 as I recall, some help of outside experts
9 that had developed the new real estate --
10 real estate acquisition, and there was a
11 group of people, all of which -- I don't
12 recall who was involved -- but in
13 conjunction with the project and the
14 stormwater containment, there was a need to
15 develop and to acquire properties in order
16 to allow us to construct what needed to be
17 constructed, and it was in that context, as
18 I recall, that we began this property
19 acquisition program.

20 Q. And did that -- did that program continue
21 to expand; that is, did it get larger?

22 A. I recall that it did commensurate with, I
23 believe, additional work we were doing with

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1 the state to look at the potential for PCBs
2 in other areas near the plant site, and I
3 think as that information developed, there
4 were additional offerings of acquisition,
5 you know, consistent with that
6 investigation work.

7 Q. You've mentioned the State, and I assume
8 you mean the Alabama Department of
9 Environmental Management. Is that -- is
10 that who you mean?

11 A. Yes, I believe -- ADEM, I think that's
12 correct.

13 Q. Did you ever have -- I assume you,
14 yourself, personally had contact with the
15 agency?

16 A. No, I don't believe I did.

17 Q. Okay. All right. Was there any other
18 agencies involved such as the EPA during
19 your tenure?

20 A. At some point in time I recall there was
21 people in the organization in the State I
22 think were having informational
23 conversations with the EPA, but -- but I

16 (Pages 58 to 61)

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1 believe they were primarily informational
 2 in keeping them abreast and aware of what
 3 was going on.
 4 Q. Were you ever involved with -- I believe
 5 you mentioned early on the -- the consent
 6 orders or the agreements with the ADEM or
 7 the EPA. Did you have any input into
 8 those?
 9 A. I recall some of the development of the
 10 early agreements with ADEM, and the people
 11 that were working for me would have been
 12 primarily involved in the development of
 13 those documents and agreements.
 14 Q. Have you had any input into the current
 15 proposed consent decree?
 16 A. No, I have not.
 17 Q. Okay.
 18 A. Let me be -- let me -- let me be clear. I
 19 understand that there's one being
 20 negotiated with the EPA --
 21 Q. Right.
 22 A. -- and that's what my response refers to.
 23 Q. That's what -- yeah. That's what I'm

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1 referring -- the one that has not been
 2 approved, but is proposed at this time.
 3 A. That's the one I was referring to.
 4 Q. Right. Right. So other than the property
 5 acquisitions that you talked about, any
 6 other active issues that you were
 7 personally involved with up until the time,
 8 I guess, you retired?
 9 A. No. As I indicated, I think there was a
 10 sequence of -- of those projects, and I
 11 think even when I retired there were
 12 ongoing, you know, study and investigatory
 13 work around the site, but it was in that
 14 context of those projects that -- that I
 15 would have had involvement up to my point
 16 of retirement.
 17 Q. Now, in 1997, as I understand it, you
 18 became the vice president of environmental
 19 safety and health for Solutia; correct?
 20 A. That's correct.
 21 Q. Can you give me somewhat of an, I guess,
 22 history of how this -- the Monsanto became
 23 Solutia?

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1 A. I don't know that Monsanto became Solutia.
 2 I --
 3 Q. Okay. You're right.
 4 A. What happened at that time was a decision
 5 to what was termed extend the chemical
 6 businesses or basically separate the
 7 chemical businesses from Monsanto Company
 8 and to create a free-standing company which
 9 chose the name Solutia, and that process
 10 concluded, I think, in -- sometime in
 11 September of 1997.
 12 Q. Can you give me an idea of when that
 13 process began?
 14 A. I don't really recall. I -- I think it --
 15 I remember discussions and meetings that
 16 went on for several months, but I don't
 17 recall the -- the origin of that
 18 conversation -- I wouldn't have been
 19 involved in that.
 20 Q. All right. Did -- with respect to the --
 21 the facility in Anniston, can you give me a
 22 sense of what occurred with respect to the
 23 personnel when Monsanto -- or when this

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1 spin-off occurred and Solutia was created?
 2 A. My sense would be that there was really
 3 no -- no change in -- in personnel. It
 4 would have been, I guess -- the term I
 5 would have used would be seamless, that
 6 there was continuity at the plant site, and
 7 there would have been continuity within the
 8 chemical component of -- of Monsanto at the
 9 time. Really the only real allocation of
 10 people or assignment of people came about
 11 primarily in the corporate staff functions
 12 that needed to be split up, and part of
 13 them who were most familiar with, you know,
 14 the chemical unit, went with the chemical
 15 unit and the ag unit went with the rest of
 16 Monsanto at that time.
 17 Q. All right. And then -- and then what
 18 happened to Monsanto?
 19 A. Monsanto was a -- a free-standing company
 20 at that time and later became, I guess,
 21 merged with Pharmacia.
 22 Q. Okay.
 23 A. And then I know subsequently Monsanto

17 (Pages 62 to 65)

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1 has -- the agricultural businesses within
 2 Pharmacia have now become Monsanto, and I
 3 guess the rest of Pharmacia has now become
 4 Pfizer, but that's -- you know, that's
 5 mainly through an understanding of what's
 6 going on in the newspaper.
 7 Q. Did you -- then you became an employee --
 8 you became employed in 1997 with Solutia?
 9 A. That's correct.
 10 Q. And you ceased your employment with
 11 Monsanto?
 12 A. That is correct.
 13 Q. And you never -- then I take it, you never
 14 had any further connections with Monsanto?
 15 A. The only residual connection that I had is
 16 that I -- I was at a level of management
 17 where I had stock options that had
 18 expiration dates, and at the time of the
 19 separation of the two companies, people's
 20 options were separated, so I had some
 21 continuing options at that time in
 22 Monsanto, but no business responsibilities
 23 or business activities with Monsanto.

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1 Q. Well, I guess you were in the same locale?
 2 You stayed -- did you stay in the same
 3 place physically?
 4 A. I made a change. We indicated the --
 5 locations. The people in the chemical
 6 company were consolidated for a period of
 7 time on part of what had been the Monsanto
 8 Company world headquarters site, and so I
 9 was -- I did move into the -- obviously the
 10 Monsanto -- or the Solutia Company building
 11 in '97 and stayed there through --
 12 basically through my retirement.
 13 Q. Now, was there a similar transition type
 14 assessment done in '97 that had been done
 15 in 1987 when the transition from
 16 agricultural to chemical operations was
 17 talked about?
 18 A. Yes, there was.
 19 Q. All right. Can you tell me about what was
 20 done in that area and trying to -- if I
 21 can -- I'm trying to back at the '87 period
 22 and see if there was a similar -- what the
 23 similarities were.

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1 A. I think they were fairly similar, but at a
 2 broader scope. What -- what the -- the
 3 intent of the separation was to separate a
 4 series of businesses into Solutia or what
 5 had been Monsanto Company -- chemical
 6 company and the rest of Monsanto
 7 businesses. And what we did at that time
 8 was again to go through this sort of
 9 financial and accounting exercise and look
 10 at the -- really within the financial books
 11 of Monsanto, the issues in the
 12 environmental health and safety area that
 13 should flow to what were the chemical
 14 businesses which flowed to Solutia and the
 15 balance of issues which would then
 16 basically stay at -- at Monsanto. So we
 17 went back through a historical
 18 understanding of both current businesses
 19 and past businesses, and we went through
 20 and assigned those items relative to go to
 21 what became Solutia and what was --
 22 remained as Monsanto. And then we assigned
 23 the -- really, the finances associated with

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1 those businesses into those two companies
 2 and that was the methodology that was
 3 basically used then to separate from the
 4 business down directly to the business,
 5 which then separated out the financial
 6 reserves and accounting associated with
 7 those businesses at the time of separation.
 8 Q. Of course at that time in 1997, the active
 9 issues involving PCBs had changed; there
 10 were more?
 11 A. There -- there were more. The -- as I
 12 indicated, though, that we separated
 13 primarily on a business, both current
 14 businesses and past businesses and since,
 15 for example, the PCB business had been
 16 historically a chemical company business
 17 and was a past business, it was basically
 18 put in the Solutia column, if you will.
 19 And this was typical of what we did for
 20 other businesses that had been either sold
 21 or shut down or previously -- or that had
 22 existed prior in -- in the Monsanto
 23 company's history.

18 (Pages 66 to 69)

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1 Q. But in considering the financial accounting
2 aspect, you were looking at the active
3 issues that involved PCBs; correct?

4 A. Amongst other things, that's correct.

5 Q. And, like, in 1987, did you assign a
6 certain reserve, if you will, or
7 prospective cost of the environmental
8 remedial requirements for the active PCB
9 issues?

10 A. We did have a -- an ongoing program that
11 you noted was this ERAP process, and that
12 was a process whereby for an environmental
13 remediation projects we needed to establish
14 at particular points in the definition of
15 those projects, reserves, and those -- that
16 had been done and had been done on a
17 continual basis. And what we did as a
18 result of the '97 separation was to go in
19 and look at those reserves and separate out
20 those reserves that attach to the projects
21 that were being included in the chemical
22 business, the Solutia business, and those
23 reserves that were attached to the

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1 businesses that remained at Monsanto.

2 Q. What reserves do you recall that were
3 attached to the projects in the chemical
4 business?

5 A. I'm not sure I understand the question.

6 Q. Well, as I understand in your -- in 1987
7 there had been some -- there were some
8 reserves assigned to the environmental
9 sector, and I understand it may not all
10 include PCBs. But in 1997, what reserves
11 were assigned or attached to those projects
12 that would be included in the
13 environment -- in the chemical business or
14 that would have been assigned, I guess, to
15 Solutia?

16 MR. RODEN: Object to the form and
17 Bob, just a point of
18 clarification, for the
19 Anniston plant or all of the
20 chemical plants?

21 MR. RODEN: The Anniston plant.

22 A. I -- I don't recall what the specifics
23 were. We had a fairly large number of

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1 projects, and at the time the accounting
2 mechanism that was required was that you
3 have what I'd call line-by-line reserves,
4 so for each project we were working, we had
5 to have a reserve. And I -- I don't
6 recall, you know, what at that particular
7 point in time was in what you might
8 describe as an Anniston reserve.

9 Q. Was there a reserve -- or was one of the
10 projects or any of the projects concerned
11 with litigation?

12 A. This -- this would not have included
13 litigation activities. That -- that was
14 not under the purview of -- of sort of my
15 function in environmental remediation
16 function.

17 Q. Would your -- would one of the projects
18 have been the remediation of private
19 properties?

20 A. To the extent that -- I don't recall there
21 specifically whether to the extent that
22 they were remediation, whether they were
23 included in these reserves or not. I just

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1 don't recall the -- the accounting and
2 exactly where that -- you know, whether
3 that ended up in remediation reserves or
4 whether it ended up in some other
5 accounting mechanism. I don't recall the
6 specifics of that.

7 Q. Well, other than remediation reserves, what
8 other reserves would there be as far as
9 your project -- or your involvement was
10 concerned?

11 A. That -- the remediation reserve was the
12 only reserve I would have had
13 responsibility and understanding of.

14 Q. And you don't recall discussing remediation
15 of private properties?

16 A. No. I do recall discussing that, and the
17 project involved our group's active
18 participation. What I don't recall clearly
19 is whether we included those costs in the
20 environmental reserve accounting. I just
21 don't recall that.

22 Q. Along that -- that topic, was there any
23 discussion that you recall during the '97

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1 period of time involving properties within
 2 like a floodplain or a flood basin?
 3 A. Yes. I believe that some of the extended
 4 sampling work that was being done was in
 5 part around areas that may have included
 6 areas around drainage systems. I'm not
 7 sure whether floodplain or the right
 8 terminology is --
 9 Q. Right.
 10 A. -- but there was -- there was some work in
 11 trying to sort of determine if there had
 12 been flow, where did the flow go and what
 13 is the status of the properties proximate
 14 to that.
 15 Q. Would that have been part of the analysis
 16 of determining what might have been some
 17 reserves that might be needed for
 18 remediation; that is, what properties, for
 19 instance, in the floodplain or I call it --
 20 and you call it water basin -- whichever
 21 term you want to use?
 22 A. Yeah. Let me describe, maybe, a little bit
 23 of what we did on reserves and see if

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1 that -- see if that helps. But the process
 2 that we had in place to establish reserves
 3 was primarily consistent with a degree of
 4 knowledge about a potential for expenditure
 5 and then a commitment to expenditure. So
 6 we would typically -- if we had agreed with
 7 ADEM, for example, around a sampling
 8 scheme --
 9 Q. Right.
 10 A. -- we would have attempted to estimate what
 11 the cost of that program was and included
 12 that in our reserve calculations.
 13 Subsequent to that, once one began to
 14 understand what the monitoring data was
 15 showing and what the conversations with
 16 ADEM were proceeding to a point of what a
 17 remedial action might be, once it was able
 18 to determine that and to be able to put
 19 some financial quantification to it, then
 20 we would establish a reserve for that phase
 21 of -- of the work. So the reserve -- the
 22 establishment of work of reserves for each
 23 project was sort of a sequential, based on

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1 the knowledge of -- of what the situation
 2 was as well as what a determination of a
 3 commitment would be. I don't know if that
 4 answers your question --
 5 Q. Well, it helps, but I guess my -- what I
 6 was trying to get at was, at least, any
 7 properties outside of the flood -- or the
 8 water basin, or floodplain I'll call it,
 9 was not considered in determining those
 10 reserves; is that correct?
 11 MR. RODEN: Object to the form.
 12 A. Bob, I'm not again, as I said, a hundred
 13 percent certain as to where property
 14 acquisition off-site was included.
 15 Q. Okay.
 16 A. I don't think I can be any more responsive
 17 to your question.
 18 Q. Now, Mr. Pierle, back in your deposition in
 19 '90 -- the '98, you had said that it was a
 20 common and, I think, acceptable practice in
 21 the 1960 time period for companies to
 22 discharge chemicals into the water system.
 23 Is that -- is that your understanding?

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1 A. Yes.
 2 Q. You know what I'm referring to?
 3 A. I believe so. And I think my reference
 4 there was that during that time period,
 5 that generally in the United States, there
 6 was --
 7 (Brief interruption.)
 8 Q. You may have answered my last question, but
 9 I didn't hear it.
 10 THE VIDEOGRAPHER: Let me go back
 11 on the record, please.
 12 MR. RODEN: I'm sorry. Go for it.
 13 (Off-the-Record discussion.)
 14 Q. Mr. Pierle, you may have answered my last
 15 question, but I didn't hear it. So do you
 16 want me to ask it again, or do you remember
 17 the question?
 18 A. If you would, please, ask again.
 19 Q. I was referring to your testimony in the
 20 Dyar case referencing the common practice
 21 to dump materials or put materials in
 22 rivers and streams by various manufacturing
 23 facilities. And you said that was

Page 78 1 acceptable practice for companies to do 2 that; is that -- do you remember that 3 testimony? 4 A. Yes. 5 Q. And I assume that's still your opinion -- 6 that's still your belief and testimony; 7 correct? 8 A. Yes. 9 Q. And was that because there was no 10 regulations concerning that issue? 11 A. During -- during that time period, as I 12 recall, there were -- the regulatory 13 structure was -- consisted primarily of 14 state and local regulations, and the -- the 15 level of treatment that existed on 16 wastewater discharges, both municipal and 17 industrial business, was in many cases 18 nonexistent, and that is what I was 19 referring to, that as I began to work and 20 began to become acquainted with the plants 21 and operations and other industries and 22 municipalities, that was pretty much the 23 conditions that existed as acceptable	Page 80 1 treatment methodology, but I think the 2 prime determinant, as I recall, during that 3 time was -- was driven by the regulatory 4 structure in which facilities existed. 5 Q. Well, but are you saying that there was 6 not -- what methods were available in the 7 '60s to control wastewater discharge? 8 A. Again, I think in most cases they were what 9 I call would be direct discharges or 10 uncontrolled discharges. What was 11 primarily referred to at that time in terms 12 of treatment may have been in some cases 13 what I call neutralization or adjustment of 14 acidic and basic discharges. 15 Q. For instance, limestone -- 16 A. It was fairly limited. 17 Q. Limestone pits, that kind of thing? Is 18 that what you're saying when you say 19 neutralization? 20 A. That would have been one methodology that 21 would have been used or what I would term 22 to neutralize wastewater discharges. 23 Q. But there are no other -- there was no
Page 79 1 practice in the late '60s. That began to 2 subsequently change with increased laws and 3 regulations and practices over time, but 4 in the late '60s, I think that accurately 5 described what was general practice. And 6 that would have included regulatory 7 requirements and expectations. 8 Q. Well, but you're not saying there were no 9 standards in existence in the industry 10 concerning wastewater discharge, are you, 11 as opposed to regulations? 12 A. Again, in terms of industry standards, are 13 you asking general industry standards or 14 some standard that existed within, you 15 know, industries broadly? 16 Q. Yes, sir. 17 A. I don't recall or remember any what I would 18 call general or universal industry 19 standards on controlling discharges. 20 Q. Well, were there means and methods 21 available in the industry to control 22 wastewater discharge in the '60s? 23 A. There -- in some cases there was some	Page 81 1 other methods used by the industry to 2 either prevent wastewater discharge as 3 opposed to neutralize? 4 A. I don't -- again, we've kind of moved from 5 standards or practice industry or 6 governmental, which in general there 7 weren't requirements. I don't recall, you 8 know, in the late '60s, mid-'60s, what the 9 host of available technologies -- I know at 10 the plant that I started working -- worked 11 at, there was -- which was in a sort of an 12 industrial complex, many different 13 manufacturing sites, we were at that stage 14 just beginning to install and develop 15 projects for what is called primary -- 16 primary treatment or sedimentation and 17 removal of what would commonly be termed 18 materials that float or sink. But we were 19 just in the process, I think, even at that 20 site of the installation of some of that 21 technology. 22 Q. What period are you talking about? What 23 period of time?

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1 A. I started work in '66 and one of my jobs
2 there was sort of to look after a plant
3 that got constructed and started in
4 operation kind of mid -- right after -- I
5 think it was right after I started working.
6 Q. Then when you went -- when you worked that
7 one year with the Department of Commerce as
8 officer of environmental affairs, did you
9 come to find out there were industries that
10 did, in fact, utilize means and methods to
11 control wastewater discharge?
12 A. Actually, part of the work that I did there
13 did affect industries other than the
14 chemical industry, and what we were working
15 on was the development -- EPA was in the
16 process of actually developing discharges
17 for standards which included an
18 understanding of treatment technologies
19 that could potentially be applied. So in
20 '74 we were really in a -- in a process
21 of -- for most industries of understanding
22 for the current discharges, were there
23 technologies that could be developed and

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1 applied to their wastewater streams, and
2 what were their performance, and then
3 ultimately what would be what was termed
4 allowable discharges from those industries.
5 So the whole flux at that time was a
6 developmental regulatory process which
7 included a developing understanding of what
8 technologies could be available and applied
9 to certain industrial categories.
10 Q. But wasn't there technologies already
11 available at that time, and the government
12 was looking into actually utilizing or
13 making those techniques mandatory?
14 A. I think it was a combination of both
15 understanding, and what we were working on
16 is were there technologies that could be
17 applied, and then what were the standards.
18 So it was -- it was both aspects. It
19 was -- it was -- it was not simply taking,
20 you know, what was in practice. It had a
21 paramount of development and application
22 associated with it.
23 Q. But even in 1974, did you not find that the

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1 technologies were, in fact, available?
2 A. I think from there at the site where I
3 worked at the Delaware River, we were -- we
4 were in the process of -- of developing the
5 technology that could be used for that --
6 that plant site for wastewater treatment.
7 So again, in that time frame, there was
8 a -- there was a large amount of activity
9 around the development and application of
10 technologies.
11 Q. I guess what I'm trying to differentiate
12 between is the standards or the mandatory
13 standards that ultimately came into
14 existence that utilized the technologies
15 that may have been in existence but weren't
16 utilized by the industry; isn't that --
17 isn't that the way it was?
18 A. No. I don't believe so. I think it was --
19 it was really about understanding -- and I
20 think their terms were, what is -- was
21 first best practicable technology, which
22 they said, you know, in the Act, needed to
23 be put in, I think, as I recall, 1977. So

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1 the initial focus under the Clean Water Act
2 was the development of best practicable
3 technologies, which could have included
4 technologies that -- that were in
5 development or at certain levels of
6 application and trying to determine how to
7 practically apply those to wastewater
8 discharges. Actually there was a
9 requirement subsequent to that, as I
10 recall, in the Clean Water Act about the
11 application best available for technologies
12 which was some subsequent date of
13 implementation past 1977, which would have
14 actually then been a -- another level of
15 more restrictive technologies.
16 Q. Well, let me ask you, when was it first
17 utilized -- when was a device such as the
18 stormwater retention basin that was finally
19 utilized at the south landfill in Anniston,
20 when was that technology first developed?
21 A. I -- I don't recall.
22 Q. Well, I mean, I --
23 A. I mean, I --

22 (Pages 82 to 85)

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1 Q. Go ahead.
 2 A. Go ahead with your question.
 3 Q. Well, as I understand, retention basins is
 4 a -- is a practice that's been utilized in
 5 the industry for years, has it not?
 6 A. No, not necessarily. I mean, I think at --
 7 at that time again, I recall, for example,
 8 in the -- in the oil industry, I think they
 9 were using what were referred to as
 10 flotation sedimentation basins, and that
 11 was for removing floating oils off of
 12 wastewater discharges, because that
 13 technology had developed within the --
 14 within the oil industry itself. And so
 15 separation technology, I think, was known,
 16 but its application to particular problems
 17 and issues, I think, evolved consistent
 18 with the regulatory structure.
 19 Q. Well, I mean, retention ponds have been
 20 utilized in mining operations for years?
 21 A. I -- I -- I don't know that --
 22 Q. Well, I guess what I'm trying to ask --
 23 A. I don't know when that practice started.

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1 Q. I guess what I'm trying to ask is, the
 2 technology, that is, such as retention
 3 ponds or retention basins, that was in
 4 existence long before 1974 -- the
 5 technology?
 6 A. That -- you know, that -- I don't know.
 7 What I do know and understand is that the
 8 whole subject of stormwater discharge,
 9 which we're in essence talking about here
 10 as well, was a -- it was not a regulated
 11 discharge until even after what were
 12 determined as process discharges came under
 13 the structure. So -- this is where I say,
 14 you know, there may have been some
 15 technology; whether it existed and then to
 16 when it was applied to a certain problem or
 17 capable of being applied to a certain
 18 problem, to me, was an evolutionary kind of
 19 process from my experience from the sort of
 20 mid-'60s on up through mid- to late '70s,
 21 and -- you know, and continued on past
 22 that.
 23 Q. And was it actually -- did it evolve

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1 because the government regulations came
 2 about?
 3 A. I think that was a strong component to that
 4 evolution.
 5 Q. You mention one other thing in your prior
 6 testimony, and that's this -- let me find
 7 it. You mention about the aspect of
 8 dredging; that is, dredging is not -- let
 9 me make sure I say it correctly -- that
 10 dredging is not a typical answer to the
 11 sort of issues involving -- and that line
 12 of questioning had to do with the
 13 remediation of the PCBs in Snow Creek,
 14 Choccolocco Creek and Lake Logan Martin.
 15 And your -- you were asked that about doing
 16 dredging operations to remove the PCBs from
 17 the system, and you said that dredging is
 18 not a typical answer to those sorts of
 19 issues. Do you recall that line of
 20 question and answers?
 21 A. I do remember some discussion on that.
 22 Q. Can you give me a little more idea about
 23 what you -- when you say dredging is not a

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1 typical answer to these sorts of issues, is
 2 that still your belief?
 3 A. It's still my belief that I believed it at
 4 that time.
 5 Q. Okay.
 6 A. I have not been -- I have not been, as I
 7 say, since retirement really actively
 8 engaged in following technologies and
 9 remediation plans and that, so I really
 10 can't comment on, you know, what may or may
 11 not have changed since that point in time.
 12 Q. All right. And obviously you -- I think
 13 you probably anticipate my next question,
 14 because we do know now that there is
 15 dredging operations going on at the -- in
 16 the Hudson River concerning PCBs?
 17 MR. RODEN: Object to the form.
 18 No foundation.
 19 Q. Do you know that for a fact?
 20 A. I do not.
 21 Q. You've read it, haven't you?
 22 A. Pardon?
 23 Q. You have read about it?

23 (Pages 86 to 89)

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1 A. You know, I have not followed -- I do know
2 that there's activity and that GE is
3 continuing a discussion, but I do not know
4 the current state of actually remedial
5 projects in that area.
6 Q. Okay. Let me ask it this way, then: Is it
7 today still your belief that dredging is
8 not a typical answer to the issue of
9 removing PCBs from areas such as Snow
10 Creek, Choccolocco Creek, and/or Logan
11 Martin in the Anniston area?
12 A. And I think what I've indicated is I don't
13 have any knowledge to -- for me to alter
14 what I said in that deposition.
15 Q. So -- all right, so is it still your -- is
16 that still your belief, then, based on your
17 knowledge?
18 A. Yeah. Based on my knowledge, yes.
19 Q. Okay. Now, do you have any ongoing -- I
20 mean, I understand you're here testifying,
21 I assume -- do you have any ongoing work
22 going on with the Solutia, Monsanto,
23 Pharmacia Companies?

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1 A. No, I do not, other than this -- I've been
2 asked to come back for this -- this
3 particular event.
4 Q. This deposition?
5 A. This deposition.
6 Q. Do you know whether or not you intend to
7 testify in this case in the October time
8 frame?
9 A. I do not.
10 Q. You haven't been asked one way or the
11 other?
12 A. No. I've been asked really to come in for
13 this deposition.
14 Q. Okay. Other than the Dyar deposition you
15 gave and the Morris Hill Church case that
16 you gave, have you actually testified in
17 any case involving PCBs on behalf of any of
18 these companies?
19 A. No.
20 Q. Those are the only two that you recall?
21 A. Yes.
22 Q. You haven't testified in the Aber --
23 A. Look --

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1 Q. Go ahead.
2 A. I have not testified in the -- in any case.
3 Q. Have you testified in the Abernathy case,
4 or do you know what case I'm talking about?
5 A. I'm -- I know I haven't testified.
6 Q. Okay. All right. So you don't remember an
7 Abernathy case or an Owens case? Those
8 aren't familiar to you?
9 A. I remember reference to those cases. I
10 don't remember the particulars.
11 Q. Have you worked on any of those cases?
12 A. No. They -- I remember them just in the
13 general context of matters that the law
14 department was working on, but I -- I don't
15 recall doing any specific work on them.
16 Q. What have you done -- what have you done to
17 prepare yourself to testify today in this
18 case?
19 A. I did go back and peruse the -- the two
20 depositions that we've referred to. I
21 think it's the Dyar and the Morris Hill. I
22 did meet with counsel to basically tell me,
23 you know, that this was a different case

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1 and the name of it and -- and the generals
2 on that. And I did review the document we
3 talked about earlier, which was the Kaley
4 affidavit.
5 Q. Okay.
6 A. And that's all.
7 Q. Have you -- and you have -- did you review
8 any documents in relation to this today?
9 A. In perusing the two affidavits -- or the
10 two -- I'm sorry -- depositions, the
11 documents relative to -- or the exhibits, I
12 guess, for those documents.
13 Q. Okay. But other than those, you don't --
14 none others?
15 A. No.
16 Q. Is there anything about those documents
17 that you looked at -- that you looked at
18 that would be contrary to what those
19 documents say; in other words, did you
20 refer to any other documents that would
21 contradict any of those documents?
22 MR. RODEN: Object to the form.
23 A. No, I did not.

24 (Pages 90 to 93)

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1 Q. Did you do any kind of work independent of
2 the documents or transcripts concerning
3 the -- the amount of PCBs that were
4 referred in some of those documents that
5 were being discharged into the water
6 system?

7 A. No, I did not.

8 Q. Okay. All right. Mr. Pierle, I think
9 that's all I have. I appreciate it.

10
11 (The videoconference deposition of MICHAEL
12 PIERLE concluded at approximately
13 12:47 p.m. on May 21st, 2003.)
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2 REPORTER'S CERTIFICATE

3 * * * * *

4 STATE OF ALABAMA

5 COUNTY OF MONTGOMERY

6 I, Nicole Paulk, Shorthand

7 Reporter and Notary Public in and for the

8 State of Alabama at Large, do hereby

9 certify that on May 21st, 2003, pursuant to

10 notice and stipulation on behalf of the

11 Plaintiffs, I reported the videoconference

12 deposition of MICHAEL PIERLE, who was first

13 duly sworn by me to speak the truth, the

14 whole truth, and nothing but the truth, in

15 the matter of ANTONIA TOLBERT, et al.,

16 Plaintiffs, versus Monsanto COMPANY,

17 PHARMACIA, INC., and SOLUTIA, INC.,

18 Defendants, Civil Action Number

19 CV-01-N-1407-W, now pending in the United

20 States District Court for the Northern

21 District of Alabama, Western Division, that

22 the foregoing 94 typewritten pages contains

23 a true and accurate transcription of the

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1 examination of said witness by counsel for
2 the parties set out herein; that the
3 reading and signing of said videoconference
4 deposition was NOT waived by witness and
5 counsel for the parties.

6 I further certify that I am
7 neither of kin nor of counsel to the
8 parties to said cause, nor in any manner
9 interested in the results thereof.

10 This 29th day of May, 2003
11
12
13

14 Nicole Paulk
15 Reporter and Notary Public
16 State of Alabama at Large
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1 * * * * *

2 WITNESS SIGNATURE PAGE

3 * * * * *

4 IN THE UNITED STATES DISTRICT COURT FOR
5 THE NORTHERN DISTRICT OF ALABAMA

6 WESTERN DIVISION

7 ANTONIA TOLBERT, et al.,
8 Plaintiffs,

9 vs. CIVIL ACTION NO.
10 CV-01-N-1407-W

11 MONSANTO COMPANY
12 PHARMACIA, INC., and
13 SOLUTIA, INC.,
14 Defendants.

15 I, Michael Pierle, hereby certify
16 that I have read the deposition enclosed
17 herein and that it is a true and accurate
18 transcription of the deposition given by me
19 in this cause with the corrections or
20 additions, if any, indicated by me on the
21 attached errata sheet.

22 Signature of Witness
23 Subscribed and sworn to before me this
day of 2003.

Notary Public

25 (Pages 94 to 97)

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