

In The Matter Of:

*Nevada Power Company v.
Monsanto Company, et al.*

*J. Coleman Weber
March 19, 1993*

*Concannon & Jaeger
General Court Reporters
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
NEVADA POWER COMPANY,)
Plaintiff,)
-vs-) # CV-89-555-LDG (LRL)
MONSANTO COMPANY, GENERAL)
ELECTRIC CORPORATION, et al.,)
Defendants.)

DISCOVERY DEPOSITION OF WITNESS, to be used in an action pending in the District Court of the United States, for the District of Nevada, wherein NEVADA POWER COMPANY is Plaintiff, and MONSANTO COMPANY, et al. are Defendants, pursuant to Notice, under the provisions of Rule 26 of the Rules of Civil Procedure, taken on March 19, 1993, at the law offices of Messrs. Husch & Eppenberger, 100 North Broadway, St. Louis, Missouri, before John T. Concannon, a Notary Public within and for the State of Missouri.

APPEARANCES

The Plaintiff was represented by Mr. Ralph A. Bradley, of the law firm of Bradley & Merrell, c/o Jones, Jones, Close & Brown, 300 South Fourth Street, Ste. 700, Las Vegas, Nevada, 89101.

The Defendant, Monsanto Company, was represented by Mr. Bruce A. Featherstone, of the law firm of Kirkland & Ellis, 1999 Broadway, Ste. 4000, Denver Colorado, 80202.

The Defendant, Westinghouse Corporation, was represented by Ms. Laurie Basch, of the law firm of Well, Gotshal & Manges, 767 Fifth Avenue, New York, New York, 10153.

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[1] J. COLEMAN WEBER,

[2] of lawful age, being first duly sworn to tell the truth, [3] the whole truth, and nothing but the truth, deposes and [4] says on behalf of the Plaintiff, as follows:

[5] DIRECT EXAMINATION

[6] QUESTIONS BY MR. BRADLEY:

[7] Q: Would you please state your name and spell [8] your last name for the court reporter?

[9] A: Last name is Weber, W-e-b-e-r, J. Coleman is [10] the middle name. C-o-l-e-m-a-n.

[11] Q: Is it Mr. Weber?

[12] A: Yes, sir.

[13] Q: Mr. Weber, my name is Ralph Bradley, and you [14] and I were introduced to one another a few moments ago; is [15] that correct?

[16] A: Yes.

[17] Q: I represent Nevada Power Company in a lawsuit [18] that they brought against Monsanto, General Electric and [19] Westinghouse. Do you understand that?

[20] A: Yes, sir.

[21] Q: During the course of your deposition, I'm [22] going to ask you questions and you're going to give answers [23] and if I ask a question you don't understand, will you tell [24] me?

[25] A: Yes, sir.

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[1] Q: And if you answer one of my questions, I'm [2] going to assume you understood the question. Fair enough?

[3] A: Yes, sir.

[4] Q: And if at any time during the deposition you [5] want to take a break,

just let us know and we'll [6] accommodate you; all right?

[7] A: Yes, sir.

[8] Q: Mr. Weber, are you presently employed?

[9] A: No, sir.

[10] Q: Are you retired?

[11] A: Yes.

[12] Q: Let's talk about your educational background. [13] Did you attend college?

[14] A: University of Missouri, and graduated in 1952 [15] with a Bachelor's Degree, 1959 from St. Louis University [16] with a Master's in Business Administration.

[17] Q: What was your Bachelor's Degree in?

[18] A: Major in chemistry.

[19] Q: Are you here, today, represented by an [20] attorney?

[21] A: Yes.

[22] Q: All right. When did you first learn that your [23] deposition would be taken?

[24] A: A call a week to ten days ago.

[25] Q: You were listed as either a potential witness

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[1] in this lawsuit or somebody with knowledge about the [2] contents of or - excuse me - somebody with knowledge about [3] the subject matter of the lawsuit. Were you aware of that?

[4] MR. FEATHERSTONE: Object to the form of the [5] question.

[6] THE WITNESS: I believe you better re-ask the [7] question.

[8] MR. BRADLEY: You didn't understand it?

[9] THE WITNESS: No, sir.

[10] MR. BRADLEY: Okay.

[11] Q: (By Mr. Bradley) Did you know — Let me ask [12] it this way. Do you know whether you've been listed as a [13] potential witness in this lawsuit?

[14] A: No.

[15] Q: Do you know whether you've been listed as [16] somebody with knowledge of the subject matter of this [17] lawsuit?

[18] A: Yes.

[19] Q: When did you first learn that?

[20] A: When I was called for the deposition, alerted [21] to the deposition.

[22] Q: All right. What is your residential address?

[23] A: 518 Sunnyside Avenue, Webster Groves, [24] Missouri.

[25] Q: What?

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[1] A: Webster Groves, Missouri.

[2] Q: Between 1953 and today's date, have you taken [3] any graduate level courses in chemistry?

[4] A: Yes.

[5] Q: When did you take those?

[6] A: 1954. Fall of 1954.

[7] Q: And was that the only period of time that you [8] took graduate courses in chemistry?

[9] A: Probably — Probably in 1955.

[10] Q: The winter of 1955?

[11] A: Yes.

[12] Q: When you took those courses, were you enrolled [13] in a graduate program?

[14] A: No.

[15] Q: Where did you take those graduate courses?

[16] A: Washington University in St. Louis.

[17] Q: When you graduated in 1953 —

[18] A: No. I graduated in 1952.

[19] Q: I'm sorry. Thank you. When you graduated in [20] 1952, did you obtain employment?

[21] A: I was in ROTC and when I graduated, I was [22] employed by the United States Air Force for two years [23] during the Korean conflict.

[24] Q: All right. And what was your military status [25] when you left the military, what rank?

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[1] A: I was on active reserve.

[2] Q: What rank did you have?

[3] A: First Lieutenant.

[4] Q: When did you first obtain employment outside [5] of the military following receipt of your Bachelor's in [6] 1952?

[7] A: Upon discharge from active duty in the Air [8] Force in June of 1954.

[9] Q: For whom did you work in June of '54?

[10] A: Mallinckrodt Chemical Works, St. Louis.

[11] Q: Would you spell that for me?

[12] A: M-a-l-l-i-n-c-k-r-o-d-t.

[13] Q: What was your job title?

[14] A: I was in the quality control laboratory, the [15] uranium division in St. Louis.

[16] Q: What work did you do in the quality control [17] lab?

[18] A: We did analytical work for the production of [19] uranium for the Government.

[20] Q: How long did you have that job?

[21] A: I worked for Mallinckrodt from 1954 until [22] February of 1961 in various capacities.

[23] Q: Describe for me the capacities and the years [24] that you had them.

[25] A: I was manager of the laboratory on Destrehan

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[1] Street through 1958/59 time frame. Later in my career at [2] Mallinckrodt, I went to work for the Nuclear Fuel Company [3] in production, and left that in 1961.

[4] Q: When you were first working in the quality [5] control lab in the uranium division, were you the lab [6] manager?

[7] A: Later in my career.

[8] Q: Roughly, what year was it that you became lab [9] manager?

[10] A: '55 or '56.

[11] Q: What employment did you next have?

[12] A: With Monsanto Company.

[13] Q: Did that begin in 1961?

[14] A: In February of 1961.

[15] Q: What was the job title that you had when you [16] first began working for Monsanto?

[17] A: I was a quality control supervisor for the [18] inorganic division.

[19] Q: What kind of work would you do as the quality [20] control supervisor for the inorganic division?

[21] A: Whatever products at that time that were in [22] the division, we worked on specifications and analytical [23] methods for the division, customer complaints, customer [24] problems.

[25] Q: What kind of analytical methods were you

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[1] working on in that job?

[2] A: Whatever methods were used in our plant for [3] the analysis of our products that we would supply to [4] customers.

[5] Q: How long did you have that position?

[6] A: I stayed in that position for several years, [7] and then was promoted to manager in that department.

[8] Q: While you were the quality control supervisor, [9] did you work with any products containing PCBs?

[10] A: No.

[11] Q: Have you ever worked with products containing [12] PCBs while a Monsanto employee?

[13] A: Yes. I was associated with it.

[14] Q: You became manager of that, of the inorganic [15] division, in what year?

[16] A: I don't remember.

[17] Q: What work did you do as manager of the [18] inorganic division?

[19] MR. FEATHERSTONE: Well, wait a minute. I [20] don't think — He didn't say he was manager of inorganic.

[21] MR. BRADLEY: I'm sorry. I thought you said [22] you began work as the quality control supervisor for the [23] inorganic division, then you were promoted to manager in [24] that department.

[25] A: That's correct.

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[1] MR. FEATHERSTONE: My mistake.

[2] Q: (By Mr. Bradley) What department did you [3] become manager of?

[4] A: When I — When they realigned Monsanto and [5] became Monsanto Industrial Chemical Company, which was the [6] alignment between the inorganic and the organic divisions, [7] I became manager of product acceptability for the detergent [8] and fine chemical group.

[9] MR. BRADLEY: Would you repeat that answer? [10] (Whereupon, the reporter propounded the previous answer.)

[11] A: That was 1972, I think.

[12] Q: (By Mr. Bradley) What type of work did you do [13] as manager of that department?

[14] A: My responsibility was to make sure that our [15] specifications defined the products we were making and that [16] we had the proper methodology for it and also, to work with [17] customer complaints and to work with the toxicology, our [18] medical department on any - getting safety data that we [19] needed on our products.

[20] Q: While manager of that department, did you work [21] with any Monsanto products that contained PCBs?

[22] A: No.

[23] Q: Give me the names of two or three types of [24] products you worked on while you were manager of that [25] department?

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[1] A: Food phosphates, detergent phosphates, [2] chlorinated syneric acids.

[3] Q: Did you work with the toxicology or medical [4] department regarding safety data for detergent phosphates [5] while you were manager of that department?

[6] A: Yes.

[7] Q: To whom did you speak within the medical [8] department or toxicology department?

[9] A: The toxicologist that was assigned to that, [10] for the division products, and I'm not sure of the name [11] anymore, and he headed the toxicology department.

[12] Q: At that point in time, was there a toxicology [13] department that was separate from the medical department?

[14] A: No. It was under the director of the medical [15] department.

[16] Q: Was Dr. Emmett Kelly head of the medical [17] department at the time you were department manager?

[18] A: I don't remember when Dr. Kelly retired. He [19] preceded Dr. Roush.

[20] Q: Dr. Roush was the head of the medical [21] department?

[22] A: I don't know at that time, because I don't [23] recall whether Dr. Kelly had retired at that time.

[24] Q: Oh, I see. All right. Did Dr. Roush [25] succeed Dr. Kelly as head of the medical department?

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[1] A: Yes.

[2] Q: When you wanted toxicology or medical data on [3] detergent phosphates, what did you do? Did you talk with [4] the head of the medical department, did you go into a [5] library and do your own research, were you told of [6] different articles that addressed the safety issues of your [7] product? What did you do?

[8] A: Depends on the question that would have been [9] asked or the data I needed on which resource I would have [10] used.

[11] Q: All right. Let's work with detergent [12] phosphates. What kind of data did you need from the [13] toxicology or the medical department regarding the safety [14] of the detergent phosphates you were working with?

[15] A: Normally, in that case, since they were using [16] detergents such as dishwashing or laundry detergents, we [17] probably would get irritation data, such as skin or eye [18] data.

[19] Q: And how would you get that data?

[20] A: I would go to the person that was involved in [21] that data in toxicology and ask them for the information.

[22] Q: And would they give you the information orally [23] or in written form?

[24] A: Both.

[25] Q: When they gave it to you in written form, was

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[1] it in the form of a report, or would they give you various [2] studies or what would the written material —

[3] A: The information would be provided either in a [4] summary sheet or accompanying a report or a in a memo.

[5] Q: When you got the information, were studies [6] ever attached to the reports that were given to you?

[7] A: Normally, a lot of the information that [8] pertained to the products where studies were done, we had [9] copies of those reports on file for our own information.

[10] Q: Where would you keep copies of those reports?

[11] A: In the files that were assigned to me.

[12] Q: And at that point in time, where was your [13] office?

[14] A: It was on campus here. I believe it was in A [15] Building.

[16] Q: What do you mean when you say it what on [17] campus?

[18] A: The headquarters here, at Monsanto.

[19] Q: All right. Back when you were manager of the [20] department working with detergent phosphates, for example, [21] did you have a way of determining whether you had copies of [22] all of the reports that the toxicology or medical [23] department had?

[24] A: It was not my place to have all the copies. I [25] had data that I needed to answer questions and if I didn't,

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[1] I could easily obtain them from their offices.

[2] Q: What was the criteria, if any, that you used [3] in deciding which reports you would maintain copies of?

[4] A: I don't remember any specific criteria. I [5] would probably keep what I thought, what I personally [6] thought was pertinent.

[7] Q: All right. What was your next job title at [8] Monsanto?

[9] A: I retained the same title, but we realigned [10] divisions in 1975. We formed a special chemical division, [11] which included four business groups. One of them was [12] detergents, one of them was food and fine, one was flavor [13] essence and one of them was the functional fluids group, [14] which contained the Aroclor products.

[15] Q: A-r-o-c-l-o-r?

[16] A: I believe.

[17] Q: And when those four business groups joined [18] together in 1975, did you maintain the job title of [19] department manager?

[20] A: I was manager of product acceptability for the [21] special chemicals division.

[22] Q: And how long had you had that job title?

[23] A: I received that title in 1972.

[24] Q: Prior to 1975, did you work with any Monsanto [25] products that contained PCBs?

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[1] A: No.

[2] Q: Well, in 1975, did you work with products that [3] contained PCBs?

[4] A: They were in our division and I did begin to [5] pick up work with them.

[6] Q: What work did you pick up with them?

[7] A: They were — The same work that I would do [8] with other products. Providing information to our [9] customers and making sure the specifications were correct [10] and that the methodology —

[11] Q: What do you mean when you indicate you made [12] sure the specs were okay?

[13] A: The criteria that we used to sell the product [14] or manufacture the product is what I would call the setup [15] product specifications.

[16] Q: And what were the specs for Aroclor in 1975 [17] when you began your work with that product?

[18] A: I don't remember.

[19] Q: Would the specs have to do with the amount of [20] chlorination, for example?

[21] A: Yes, since it was a chlorinated hydrocarbon.

[22] Q: Other than the amount of chlorine, do you [23] recall any other specs relating to Aroclor that you worked [24] with in 1975?

[25] A: No, sir.

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[1] Q: What information, if any, were you providing [2] to customers in 1975 regarding products manufactured by [3] Monsanto which contained PCBs?

[4] A: On the Aroclor products, we would send them [5] the specifications if they requested it, handling data, [6] probably a safety data sheet. Whatever — Usually, [7] whatever they asked for we tried to respond to.

[8] Q: How would customers request information?

[9] A: By letter, by phone, through our marketing [10] people.

[11] Q: What would happen to the letters sent in by [12] customers requesting information on Aroclor?

[13] A: Depends on what information the letter [14] contained and what was needed.

[15] Q: Were the letters that were sent in by [16] customers requesting information on Aroclor maintained in a [17] separate file?

[18] A: There were letters that would come in to me [19] requesting information that would be filed by product, as [20] were any other letters that came in.

[21] Q: All right. And do you know whether those [22] letters still exist?

[23] A: I do not know, but on any customer letters [24] like that, we did not - I did not throw anything away.

[25] Q: All right. When did you retire?

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[1] A: I retired in November of 1985.

[2] Q: And at the time you retired in November of [3] 1985, do you know whether the letters from customers [4] seeking information about Aroclor still existed in your [5] files?

[6] A: I have no idea.

[7] Q: I'm talking about at the time you retired in [8] November of '85.

[9] A: I was not involved with Aroclor at that time.

[10] Q: All right. When did you cease your [11] involvement with Aroclors?

[12] A: In 1977. They realigned the divisions again.

[13] Q: What job did you have after the 1977 [14] realignment?

[15] A: Maintained the same job in a different, [16] somewhat different product mix.

[17] Q: After the '77 realignment, were you still with [18] Aroclor products?

[19] A: No. I believe I was on call because of the [20] past involvement, but I was not working with Aroclor [21] products.

[22] Q: Following the '77 realignment, did you ever, [23] up until the time of your retirement, did you ever have any [24] job responsibilities where you worked with Monsanto [25] products containing PCBs?

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[1] A: No.

[2] Q: What products, other than Aroclor, did [3] Monsanto manufacture that contained PCBs between 1975 and [4] 1977?

[5] A: That was all. The Aroclor product was used in [6] transformers and capacitors.

[7] Q: Did Monsanto mix products called Inerteens [8] during that 1975 to 1977 period?

[9] A: No.

[10] Q: During the 1975 to 1977 period, did Monsanto [11] mix the Aroclors with any other chemicals and give them a [12] different name?

[13] A: Not to my knowledge.

[14] Q: Have you ever heard the word Pydraul?

[15] A: Yes.

[16] Q: What is Pydraul?

[17] A: It was a hydraulic fluid.

[18] Q: Who manufactured Pydraul?

[19] A: Monsanto.

[20] Q: Was it comprised of products, other than [21] Aroclor?
[22] A: Yes.
[23] Q: And did Monsanto manufacture that between 1975 [24] and 1977?
[25] A: Yes.

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[1] Q: Did you have —
[2] MR. FEATHERSTONE: Well, it didn't. The [3] documents, you know, Mr. Bradley, Monsanto got out of the [4] PCB/Pydraul business. There may have been Pydraul, a [5] different Pydraul name with a different formulation, but [6] that terminated sometime in the early '70s.
[7] THE WITNESS: That's correct. I'm referring [8] to other than a PCB fluid type product.
[9] Q: (By Mr. Bradley) All right. So between 1975 [10] and 1977, did the Pydraul manufactured by Monsanto contain [11] PCBs?
[12] A: The only products that contained PCBs was the [13] Aroclors, which was used in the transformers or capacitors.
[14] Q: Are you familiar with the name Pyranol?
[15] A: Yes.
[16] Q: What is Pyranol?
[17] A: I don't remember the formulation anymore.
[18] Q: Do you know whether Monsanto ever manufactured [19] a product called Pyranol?
[20] A: I believe that's one of our tradenames.
[21] Q: Did Pyranol have, as part of its mixture, [22] Aroclors that were manufactured by Monsanto?
[23] A: Not in 1975.
[24] Q: Okay. How about — Are you familiar with the [25] composition of Pyranol manufactured by Monsanto, whenever

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[1] it was manufactured by Monsanto?
[2] A: No. That was not in my bailiwick.
[3] Q: So you don't know whether Pyranol ever [4] contained Aroclor, for example?
[5] A: I don't remember the formulation.
[6] Q: Not to split hairs here, but you say you don't [7] remember the formulation. Do you remember, though, whether [8] Pyranol every contain Aroclor?
[9] A: Prior — In the early years when they were [10] using polychlorinated biphenyls, it was in many products, [11] and it could very well have been in that product.
[12] Q: You just don't know?
[13] A: I don't know.

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[14] Q: All right. Between 197 — All of my [15] questions now have to do with the work that you did between [16] 1975 and 1977.
[17] A: All right.
[18] Q: During that period of time, did customers make [19] inquiry to you regarding Aroclor?
[20] A: Yes.
[21] Q: Did those inquiries come through letters?
[22] A: Some of them did.
[23] Q: Did some come through phone calls?
[24] A: Yes.
[25] Q: Did some come through the sales division?

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[1] A: Yes.
[2] Q: Was the sales division part of the marketing [3] division?
[4] A: There are synonymous. The marketing [5] department or the sales department would be one in the [6] same.
[7] Q: Do you recall what kinds of information was [8] requested by the customers regarding Aroclor?
[9] A: Normally, they would request a product [10] specification. Whatever information we had on handling the [11] product.
[12] Q: And what kind of product specs would they [13] inquire about?
[14] A: Probably the performance of the product in the [15] particular application.
[16] Q: Did you receive any inquiries regarding the [17] possibility that the Aroclor might cause harm to human [18] health?
[19] A: No. We had questions regarding handling of [20] the product.
[21] Q: Okay. During that period of time, did you [22] receive any request for information concerning the [23] possibility that Aroclor might cause harm to the [24] environment?
[25] A: Yes.

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[1] Q: What kinds of inquiries did you get on that [2] topic?
[3] A: I don't remember any specific inquiries. I [4] would say that they were concerned about whatever data we [5] had on fish studies or that type of information, but I do [6] not recall anything specific.
[7] Q: When a customer, during this period of time, [8] contacted you and wanted data on fish studies, for example, [9] what would you do?
[10] A: We'd give them what we had.

[11] Q: From the reports that you had maintained in [12] your area?
[13] A: No. Be from the original document of the [14] people that were knowledgeable in that field, their [15] interpretation of the data.
[16] Q: Were those people Monsanto people?
[17] A: Could be.
[18] Q: Were they occasionally other scientists who [19] had done their own studies?
[20] A: Yes.
[21] Q: Did you ever employ other scientists to [22] respond to customer inquiries?
[23] A: No. We employed people to do studies for us.
[24] Q: If you determined a customer wanted data on [25] toxicology of Aroclor, what would you do?

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[1] A: We'd give them a summary of what data we had [2] that was prepared by the medical department toxicologist.
[3] Q: Do you recall what that summary was called?
[4] A: Probably just that.
[5] Q: Probably called summary of data on Aroclor [6] toxicology? Yes?
[7] A: Yes.
[8] Q: When the 1977 realignment occurred, did you [9] still have the summary data forms on Aroclor toxicity?
[10] A: I don't remember.
[11] Q: Was there a time when the summary data forms [12] on Aroclor toxicity were no longer available that you knew [13] about?
[14] A: I don't recall that.
[15] Q: Do you recall whether the summary was ever [16] mailed to any customers?
[17] A: No specific customers, but it was our practice [18] to do that.
[19] Q: So you wouldn't just read them the information [20] over the phone? You'd actually send them a summary data [21] sheet?
[22] A: If the inquiry was of a nature that he wanted [23] the data over the phone, we would report that and then [24] follow-up by sending them a written copy.
[25] Q: During the '75 to '77 period, did you ever

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[1] speak to anyone from Nevada Power Company?
[2] A: No. Not to my knowledge.
[3] Q: During that two year period of time, did you [4] ever speak with any marketing or salespeople regarding [5]

inquiries made by Nevada Power Company?

[6] A: Not to my knowledge.

[7] MR. FEATHERSTONE: Object to the form.

[8] Q: (By Mr. Bradley) During that period, the two [9] year period of time, did you supply those summary data [10] forms to the marketing people?

[11] A: They had those available for their need.

[12] Q: What do you mean when you say that they had [13] those available?

[14] A: They could obtain copies for their information [15] or for their customers without any problem.

[16] Q: And the way they would request copies is [17] through you?

[18] A: That's correct.

[19] Q: During that two year period, did anyone from [20] marketing request those summary data sheets on Aroclor [21] toxicology from you?

[22] A: I don't remember any specific times, but it [23] was routine.

[24] Q: Did you have any way of knowing during this [25] two year period of time whether the marketing folks were,

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[1] in fact, giving those summary data sheets to customers?

[2] A: Perhaps through a copy of the letter that was [3] sent to the customer.

[4] Q: Would the marketing people send those letters [5] to customers?

[6] A: They would send that letter with the [7] information the customer requested. Usually included [8] additional marketing information.

[9] Q: And were you copied on those, at least on some [10] letters from marketing to customers?

[11] A: Whatever was pertinent.

[12] Q: And as far as you knew, if the customer was [13] requesting summary data on Aroclor toxicology or toxicity, [14] you would probably be sent a letter, a copy of a letter?

[15] A: Most likely.

[16] Q: And you maintained those letters as part of [17] your filing system, as well?

[18] A: I would say, yes.

[19] Q: When the 1977 realignment occurred, who, [20] within Monsanto, had the job title of manager of product [21] acceptability for the special chemicals division for the [22] products containing Aroclor?

[23] A: At that time, we - the end of 1977 - we were [24] phased out of that business.

[25] Q: All right. So following 1977, nobody had the

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[1] kind of responsibility for Aroclors that you had between [2] '75 and '77?

[3] A: They were not an active — When the business [4] was shut down, that was not an active product, but there [5] was that — That information was still available to be [6] sent out to people that requested it.

[7] Q: Who was responsible for sending the [8] information out when it was requested?

[9] A: I retained that for awhile, and then I believe [10] — I don't remember who picked it up after that.

[11] Q: When you had responsibility for the Aroclor [12] products in 1975, did you receive any training on the [13] toxicology of Aroclor?

[14] MR. FEATHERSTONE: Object to the form of the [15] question.

[16] MR. BRADLEY: Let me ask it in a different [17] way.

[18] Q: (By Mr. Bradley) When you began your work [19] with Aroclor in 1975, did you receive any training [20] regarding the toxicology of Aroclor?

[21] THE WITNESS: What type of training are you [22] asking about?

[23] MR. BRADLEY: Regarding the toxicology of [24] Aroclor.

[25] A: I was informed — I worked with the medical

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[1] department on gaining background information on the [2] Aroclors, and with research.

[3] Q: Who, in the medical department, did you work [4] with regarding gaining information on Aroclor?

[5] A: George Levinskas, the toxicologist at that [6] time.

[7] Q: And did you meet with Dr. Levinskas to discuss [8] the toxicological aspects of Aroclor?

[9] A: Yes, I met with him to discuss the toxicity of [10] the PCBs in the Aroclor products, get the background [11] information.

[12] Q: Do you recall when it was that you meet with [13] Dr. Levinskas?

[14] A: Early when I became manager of product [15] acceptability for those products. Within the first week or [16] so.

[17] Q: So in 1975?

[18] A: Yes. Right. After they were assigned to me.

[19] Q: And do you recall how much —

[20] MR. FEATHERSTONE: You might, Mr. Weber, for [21] Mr. Bradley, specify whether that was the first part of the [22] year, the middle part of the year, the end of 1975.

[23] A: It was towards the fall of 1975 when the [24] division was first formed.

[25] Q: (By Mr. Bradley) Do you recall — You said

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[1] you met with him probably during the first week of you [2] having a new job assignment. Do you recall how much time [3] you spent with Dr. Levinskas regarding the toxicity of [4] Aroclor?

[5] A: No. We spent much time together on the [6] products I had responsibility for.

[7] Q: Talking now just about the toxicity of [8] Aroclor. Would you say you spent an hour with Dr. [9] Levinskas, ten minutes, two days? What would you say?

[10] A: I don't recall exactly how much time, but it [11] was quite a bit, to get the background.

[12] Q: When you say "quite a bit" —

[13] A: It was more than an hour and it was probably [14] over a period, developed over a period of time, months.

[15] Q: So you would have occasion to speak with Dr. [16] Levinskas over the first couple of months of your new job [17] assignment?

[18] A: Continuously, as I was in that group to learn [19] whatever it was I needed to know to respond to any [20] questions.

[21] Q: And when you first had the job in the fall of [22] 1975, you met with him for more than an hour and up to some [23] other unspecified time?

[24] A: That's correct.

[25] Q: And do you recall what Dr. Levinskas told you

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[1] about the toxicity of Aroclor?

[2] A: No, sir.

[3] Q: When you met with him, did you meet in his [4] office?

[5] A: Yes.

[6] Q: And his office was in the medical department?

[7] A: That's correct.

[8] Q: Did he show you documents?

[9] A: I would say that we would have reviewed the [10] data that I needed.

[11] Q: And how did he show you the data?

[12] A: I don't recall.

[13] Q: Do you recall if he showed you the summary [14] data sheets?

[15] A: I don't recall.

[16] Q: Do you recall if he had something that was [17] relatively detailed that listed the different studies that [18] have been conducted on Aroclor?

[19] A: I don't recall the specifics of our meetings.

[20] Q: Okay.

[21] A: I can just speak in general terms, that we [22] would cover any product.

[23] Q: All right. And you don't recall whether he [24] showed you anything written?

[25] A: He did, because that's what we dealt with, was

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[1] written reports and sheets which I needed.

[2] Q: What type of written reports did he show you [3] regarding the toxicity of Aroclor?

[4] A: I don't recall.

[5] Q: You just don't remember anything at all about [6] them?

[7] A: I had so many products that I don't recall [8] exactly any specifics. I can talk in general terms on what [9] we normally reviewed on a product, which included the PCBs [10] as well as other products that were under my area.

[11] Q: Do you recall whether Dr. Levinskas discussed [12] with you studies back in the 1930s that had been done on [13] chlorinated biphenyl or chlorinated diphenyl?

[14] A: I don't remember.

[15] Q: Do you know what chlorinated biphenyl is?

[16] A: Yes.

[17] Q: The same as PCBs?

[18] A: PCBs are chlorinated biphenyl.

[19] Q: And chlorinated biphenyls are the same as [20] chlorinated diphenyls?

[21] A: Bi and di were used interchangeably.

[22] Q: Do you recall whether Dr. Levinskas discussed [23] with you a report in 1937 by Dr. Drinker?

[24] A: No.

[25] Q: When you met with Dr. Levinskas, did he

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[1] indicate to you that studies showed PCBs could be absorbed [2] through the skin?

[3] A: As I said, I don't remember the data that we [4] went through.

[5] Q: Did Dr. Levinskas tell you anything about the, [6] any studies to determine whether PCBs caused liver changes, [7] or liver problems?

[8] A: I don't remember exactly the specifics of our [9] discussion.

[10] Q: During those talks you had with Dr. Levinskas, [11] did he give you any information that was not contained on [12] those summary data sheets on the toxicity of Aroclor?

[13] A: Not to my knowledge.

[14] Q: So if we looked at one of those summary data [15] sheets, we'd know pretty much what information Dr. [16] Levinskas had gave you regarding the toxicity of Aroclor?

[17] A: At that particular time.

[18] Q: Well, was there a time between — Was there a [19] time when Dr. Levinskas gave you information in greater [20] detail than was on the summary data sheets?

[21] A: No. What I was referring to was new data that [22] came out.

[23] Q: As new data came out, would the new data be [24] added to the summary data sheets?

[25] A: We would update those things routinely.

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[1] Q: And was that your responsibility, to update [2] them?

[3] A: No. My job was to make sure I had the latest [4] information for the customers and I would make sure — I'd [5] go over after it, go over to the medical department and [6] make sure it was updated.

[7] Q: Did the medical department do the updating?

[8] A: That was their responsibility.

[9] Q: The summary data sheets, then, on Aroclor [10] toxicity came from the medical department?

[11] A: That was their job, right. The toxicity [12] information.

[13] Q: Do you know whether Dr. Levinskas was the [14] author of any of those summaries?

[15] A: I don't remember.

[16] Q: Do you recall whether the summary data sheets [17] on Aroclor toxicity mentioned chlorodibenzylfuran?

[18] A: I don't remember what was included in this [19] data sheets.

[20] Q: I'm going so show you Plaintiff's Exhibit [21] 1428, ask you to review that for a moment. Have you seen [22] that document before?

[23] A: If my name was on as a carbon copy, yes.

[24] Q: And up at the top of that document, it says [25] "CCYC, Weber," and then "BLND?"

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[1] A: That's "B1ND." That's the office mail code.

[2] Q: All right. Was that your office mail code in [3] October of 1975?

[4] A: Apparently, it was.

[5] Q: And this is an October 29th, 1975 letter to [6] W.B. Papageorge?

[7] A: Yes.

[8] Q: By J.P. M-i-e-u-r-e?

[9] A: Yes.

[10] Q: Who is J.P. M-i-e-u-r-e?

[11] MR. FEATHERSTONE: It's pronounced Mieure?

[12] A: Jim Mieure was head of the analytical group [13] under Bob Keller, in research.

[14] Q: (By Mr. Bradley) Under Bob Keller?

[15] A: Yes. His name is listed at the top of the [16] list.

[17] Q: All right.

[18] MR. FEATHERSTONE: You're talking about [19] Keller's name?

[20] A: Yes.

[21] MR. FEATHERSTONE: All right.

[22] A: He was the manager of the department, and Jim [23] was under his management.

[24] Q: (By Mr. Bradley) Looking at the first [25] sentence, "GE is aware of the chlorodibenzylfuran issue and

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[1] might bring it up in their defense in the November [2] hearings." Were there November, 1975 hearings?

[3] A: I do not know what he is referring to. I do [4] not remember.

[5] Q: Do you know whether GE stands for anything, [6] other than General Electric?

[7] A: No.

[8] Q: Were you aware of a chlorodibenzylfuran issue [9] in October of 1975?

[10] A: According to this memo, that was the [11] information that they gave me. Up until that time, I don't [12] remember.

[13] Q: Between 1975 and 1977, did you know what [14] chlorodibenzylfuran was?

[15] A: It was a very fine trace impurity in the [16] Aroclor products.

[17] Q: What do you know, then, about the toxicity of [18] any of the chlorodibenzylfurans?

[19] MR. FEATHERSTONE: Object to the form.

[20] A: I don't remember.

[21] Q: (By Mr. Bradley) Do you remember anything [22] to day about the toxicity of chlorodibenzylfurans?

[23] A: No.

[24] Q: Forgive me if I've asked this before. Did you [25] discuss chlorodibenzylfuran with Dr. Levinskas?

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[1] A: We discussed the products that we were [2] manufacturing.

[3] Q: I take it, that means you don't recall whether [4] you discussed it or not?

[5] A: No.
[6] Q: All right.
[7] A: I don't remember.
[8] Q: Between 1975 and 1977, do you recall [9] discussing chlorodibenzylfuran with anyone within Monsanto?
[10] A: Yes. As a trace impurity in our product.
[11] Q: Do you recall who those people were that you [12] spoke to?
[13] A: No.
[14] Q: Do you recall, between 1975 and 1977, whether [15] you discussed chlorodibenzylfuran with any of Monsanto's [16] customers?
[17] A: I don't remember.
[18] Q: I'm going to show you now what's mark as [19] Plaintiff's Exhibit 1451, and I don't have any extra copies [20] of that, so we'll have to have some made here.
[21] A: Fine.
[22] Q: What is that?
[23] A: It's a inneroffice memo. "Subject matter: [24] PCB Discussions Governmental Agencies," November 13 and 14, [25] 1975. It says, "Attached is a summary of a review of PCBs

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[1] with the various government agencies." No summary is [2] attached.
[3] Q: Who is the author of that exhibit?
[4] A: Inneroffice memo. I am.
[5] Q: Do you recall, on November 13 and 14 of 1975, [6] distributing a review of PCBs with various government [7] agencies?
[8] MR. FEATHERSTONE: Well, that's not what it [9] is. The memo is dated November 17th. So if something was [10] distributed, it was probably that date or later.
[11] MR. BRADLEY: I don't have it to refer to. I [12] thought he said it references November 13th and 14th.
[13] A: That was the dates we visited the various [14] government agencies.
[15] MR. BRADLEY: All right.
[16] Q: (By Mr. Bradley) And do you recall which [17] government agencies you visited on November 13th and 14th [18] of 1975?
[19] A: No. Not completely.
[20] Q: Okay. Which government agencies do you recall [21] meeting with?
[22] A: I would — I would remember EPA, FDA, NIOSH. [23] That's all I remember.
[24] Q: And where —
[25] A: It showed on the summary that's attached.

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[1] Q: Were you part of a group of people who met [2] with those Government agencies on those two dates in 1975?
[3] A: Yes.
[4] Q: Do you recall who the others were who met with [5] those government agencies with you?
[6] A: Yes. It would be Bill Papageorge, Warren [7] Easley, George Roush and myself.
[8] Q: And what was the purpose of meeting with those [9] Government agencies?
[10] A: To give them the data that we had on our [11] products and bring them up-to-date on what information we [12] had.
[13] Q: Was the purpose to allow Monsanto to continue [14] the manufacture of Aroclor?
[15] A: No. It was to present the data that we had at [16] that time. I believe it was in response to their seeking [17] additional information.
[18] Q: Did you write the summary?
[19] A: Yes.
[20] Q: When you met with those Government agencies, [21] did you provide written material to them?
[22] A: I don't remember. It probably states, though, [23] in the summary.
[24] Q: Well, I don't have the summary.
[25] A: I don't know. I don't remember.

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[1] Q: Do you recall whether any member of your four [2] person party distributed any written documents to those [3] agencies?
[4] A: I do not.
[5] Q: Do you recall whether any of those government [6] agencies gave any of you four written documents?
[7] A: I don't remember. They could have.
[8] Q: When you left responsibility for the Aroclors, [9] direct responsibility, in 1977, did the summary still exist [10] in your files?
[11] A: Yes. When I left, everything I had remained [12] in the files.
[13] Q: And when you left, you had in your files this [14] summary that is referred to in this?
[15] A: If I wrote that document, I would have [16] retained a copy in the files.
[17] Q: And as I understand it, that summary would [18] have the latest information available to Monsanto regarding [19] PCBs?
[20] A: I do not know.
[21] Q: Okay.

[22] MR. FEATHERSTONE: You're referring to the [23] summary that's referenced in the Exhibit 1451?
[24] A: That summary would just be a summary of a [25] meeting we had with the people in Washington.

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[1] MR. FEATHERSTONE: So the record is clear, Mr. [2] Weber. You're talking about the summary that's reference [3] in Exhibit 1451?
[4] A: That is supposedly attached to that, which [5] would be a summary of a meeting we had in Washington.
[6] MR. FEATHERSTONE: All right.
[7] A: The notes we had from the meeting.
[8] Q: (By Mr. Bradley) When you ceased having [9] responsibility for the Aroclors, did you have in your file, [10] not only the summary of your review of PCBs with the [11] various Government agencies, but also the notes of your [12] meetings with those Government agencies?
[13] MR. FEATHERSTONE: Object to the form.
[14] MR. BRADLEY: Let me ask it this way, then.
[15] Q: (By Mr. Bradley) When you ceased working with [16] Aroclors, did you have in your files notes from your [17] November 13th and 14th, 1975 meeting with various [18] Government agencies?
[19] A: I don't remember what was in the file, but if [20] I had the notes, I did not destroy anything in that file, [21] what was intact when I left.
[22] Q: Now, I'm going to show I what's marked for [23] identification as Plaintiff's Exhibit 1429 and ask you to [24] review that.
[25] A: Okay.

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[1] Q: What is Exhibit 1429?
[2] A: It's a statement I made in a meeting with [3] Russell Train on May 13th, 1976.
[4] Q: And when you met with Mr. Train in May of [5] 1976, he was the administrator of the EPA?
[6] A: Yes.
[7] Q: And you met with him in Washington D.C.?
[8] A: Yes.
[9] Q: What was the purpose of your meeting with Mr. [10] Train May 13th, 1976?
[11] A: He called a meeting of industry and other [12] interested parties to explain their position on PCBs in [13] products.
[14] Q: Do you recall what he told you EPA's position [15] was regarding PCBs?
[16] A: No, I don't remember.

[17] Q: Did you write these remarks prior to meeting [18] with Mr. Train?

[19] A: Yes.

[20] Q: Did you submit these written remarks to Mr. [21] Train?

[22] A: Probably was given a copy.

[23] Q: Did you also present this material orally?

[24] A: Yes. It was an open meeting for industry and [25] Government and the public.

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[1] Q: I'm looking now at the last paragraph on the [2] first page, where it says, "Based on customer feedback, the [3] transformer industry is apparently leaning towards [4] silicones, which are readily available, as the leading [5] askarel (PCB) replacement candidate." Do you see that [6] there?

[7] A: Yes, sir.

[8] Q: What customer feedback were you referring to [9] when you wrote that sentence?

[10] A: I don't remember.

[11] Q: Was it customer feedback from General [12] Electric?

[13] A: I don't remember the specific customer.

[14] Q: What do you remember the customer feedback — [15] What do you remember about the customer feedback?

[16] A: I don't remember.

[17] Q: Do you recall whether Monsanto elicited [18] information from customers regarding replacement fluids for [19] askarel?

[20] A: I do not know what marketing did.

[21] Q: Do you know whether the transformer industry [22] used silicones as a replacement for askarel in the 1970s or [23] 1980s?

[24] A: I do not know what was the replacement fluid [25] for PCBs, what they finally decided on.

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[1] Q: During the 1970s, did Monsanto manufacture [2] silicones?

[3] A: The only thing we did was do research work on [4] the product.

[5] Q: PCBs were developed as a dielectric fluid in [6] part to replace mineral oil in transformers and capacitors; [7] is that true?

[8] A: That's correct. They were fire retardant.

[9] Q: All right. And between 1930 and 1980, did [10] Monsanto ever manufacture mineral oil?

[11] MR. FEATHERSTONE: Objection. Complete [12] absence of foundation.

[13] A: Not to my knowledge.

[14] Q: (By Mr. Bradley) Between 1930 and 1980, did [15] Monsanto ever manufacture transformers or capacitors?

[16] A: No.

[17] Q: Looking now at page two of this exhibit, the [18] second paragraph. It says, "In the capacitor segment, the [19] trend is currently towards commodity type solutions which [20] are widely available in large quantities, such as..." [21] p-h-t-h-a-l-a-t-e "...esters." First, how do you pronounce [22] that?

[23] A: Phthalate.

[24] Q: What is a commodity type solution?

[25] A: Readily available.

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[1] Q: Do you recall what readily available material [2] was being considered for askarel replacement in capacitors?

[3] A: No.

[4] Q: But you do recall phthalate esters were one of [5] them?

[6] A: Yes.

[7] Q: Do you know whether silicon existed in 1930?

[8] A: No.

[9] Q: Do you know when silicon first existed?

[10] A: No.

[11] Q: When did you first learn about the existence [12] of silicon?

[13] A: I don't remember.

[14] Q: Is Exhibit 1429 a true copy of the remarks [15] that you had written out for your presentation on May 13th, [16] 1976 to Russell Train?

[17] A: Yes, it appears to be complete.

[18] Q: And is this a document that you maintained in [19] your files at Monsanto?

[20] A: Yes.

[21] Q: And this was written about the time of your [22] presentation on May 13th, 1976?

[23] A: Yes.

[24] Q: Going back to Exhibit 1451. Does that appear [25] to be an accurate copy of the letter that you wrote

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[1] November 17th, 1975?

[2] A: Yes.

[3] MR. FEATHERSTONE: It's a —

[4] A: It's an inneroffice memo.

[5] Q: (By Mr. Bradley) It appears to be an accurate [6] copy of the inneroffice memo you wrote November 17th, 1975?

[7] A: Yes.

[8] MR. FEATHERSTONE: Wait a minute. With the [9] understanding the witness

already said the summary is not [10] attached. You mean the cover sheet; is that right?

[11] MR. BRADLEY: Mr. Featherstone, I can't ask [12] him whether the summary is correct because I don't have it [13] here. I'm only asking about this exhibit, this one-page [14] exhibit.

[15] A: It's a cover memo for a summary.

[16] MR. BRADLEY: Right.

[17] A: Okay.

[18] Q: (By Mr. Bradley) And is this inneroffice [19] cover memo something that you maintained in your files at [20] Monsanto?

[21] A: Yes.

[22] Q: And you wrote it on or about November 17th, [23] 1975?

[24] A: Yes.

[25] Q: And now looking at Exhibit 1428.

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[1] A: Yes.

[2] Q: Is this a document that you maintained in your [3] files at Monsanto?

[4] A: Yes.

[5] Q: And does it appear to be a true and accurate [6] copy of a letter written by J.P. Mieure to W.B. Papageorge [7] on October 29th, 1975?

[8] A: Yes.

[9] Q: Aroclor had — Let me rephrase that. [10] Different numbers were identified for different Aroclor [11] compounds; is that correct?

[12] A: Yes.

[13] Q: And some of them were 1242, 1254, 1260; is [14] that correct.

[15] A: Yes.

[16] Q: And what did the "12" refer to in that [17] numbering system for Aroclor?

[18] A: The biphenyl.

[19] Q: What do you mean, the biphenyl?

[20] A: The parent group. The biphenyl that made up [21] the polychlorinated biphenyl.

[22] Q: Did the "12" indicate the 12 carbon atoms in [23] the biphenyl structure?

[24] A: It indicated biphenyl.

[25] Q: And what did the last two digits indicate?

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[1] A: The approximate chlorination of the biphenyl [2] group.

[3] Q: Did Monsanto manufacture other Aroclor [4] compounds that also had 12 carbon atoms in a biphenyl [5] structure but which did not have a number that began with [6] 12?

[7] A: Yes. It was 1016.

[8] Q: Do you know how 1016 received that number?

[9] A: Yes.
[10] Q: How did it receive that number?
[11] A: That was a research number.
[12] Q: When did it receive the number?
[13] A: When —
[14] MR. FEATHERSTONE: Objection. Calls for [15] speculation.
[16] MR. BRADLEY: Go ahead and answer.
[17] A: The number? That would have been a number [18] assigned by the research department on a sample when they [19] started the investigation.
[20] Q: (By Mr. Bradley) Do you know if there is a [21] reason why 1016 was not referred, did not ultimately [22] received "12" as the beginning numbers of that four number [23] identifier?
[24] A: Because at the time that product came into [25] being, the familiarity with the nomenclature of 1016 was

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[1] widespread and we continued that as the identity of it.
[2] Q: 1016 had slightly more than forty-one percent [3] chlorine; is that correct?
[4] A: I don't remember exactly.
[5] Q: 1016 was developed as a replacement for the [6] Aroclors beginning with the number 12; is that correct?
[7] A: No.
[8] Q: Why was 1016 developed?
[9] A: It was developed to use as a capacitor fluid [10] and replaced, I believe it would have been 1242.
[11] Q: Did the 1016 have 12 carbon atoms in the [12] biphenyl structure?
[13] A: It was made from chlorinated biphenyl.
[14] Q: Does that mean it had 12 carbon atoms?
[15] A: That's what biphenyl has.
[16] Q: All right. Do you recall anything about the [17] chlorine content of 1016?
[18] A: It would have been in the neighborhood of the [19] same as 1242 for the dielectric performance.
[20] Q: How was it different from 1242, if it [21] had the 12 biphenyl rings and roughly 42 percent chlorine?
[22] A: I believe it gave better performance.
[23] MR. FEATHERSTONE: Object to the form.
[24] A: In capacitors.
[25] Q: (By Mr. Bradley) How could it do that?

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[1] A: I don't know.
[2] Q: Was 1016 advertised as a replacement for 1242?

[3] A: I don't remember how it was advertised.
[4] Q: When 1016 was marketed by Monsanto, that was [5] following disclosure of alleged hazards of 1242; is that [6] correct?
[7] MR. FEATHERSTONE: Object to the form.
[8] THE WITNESS: I don't — What hazards? What [9] do you mean, what hazards?
[10] MR. BRADLEY: Thank you for asking me to [11] clarify.
[12] Q: (By Mr. Bradley) Was there a time when [13] Aroclor 1242 was alleged to cause harm to the environment?
[14] A: The persistence of PCBs was a problem.
[15] Q: Just the simple fact of their persistence was [16] a problem?
[17] A: Yes.
[18] Q: Were there any other problems with PCBs?
[19] THE WITNESS: For example?
[20] Q: (By Mr. Bradley) Were there any other alleged [21] hazards to the environment caused by PCBs?
[22] A: It wasn't as readily biodegradable as people [23] would have liked and they were finding it in places that [24] were a surprise to people.
[25] Q: Were there any other allegations that Aroclor

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[1] 1242 caused harm to the environment?
[2] MR. FEATHERSTONE: Object to the form.
[3] A: They did not quote by product name. They used [4] the ubiquitous term "PCBs."
[5] Q: (By Mr. Bradley) Were there any other [6] alleged, or any other allegations, then, that PCBs caused [7] any harm to the environment, other than they didn't [8] biodegrade readily?
[9] A: That was the problem.
[10] Q: Any other problems relating — Let me ask it [11] this way. I'm interested in knowing whether you know [12] whether there were ever any other allegations that PCBs [13] caused harm to the environment, other than the fact that [14] they had difficulty biodegrading?
[15] A: That was what caused the persistence of PCBs [16] in the environment, was the problem. Whether it showed up [17] in water samples or fish or whatever, that was the problem. [18] It was not biodegradable as readily as we would have [19] liked.
[20] Q: What problems did the persistence cause?

[21] MR. FEATHERSTONE: Object to the form.
[22] A: I don't — There were all kinds of innuendos [23] but I do not recall any specifics, other than being [24] persistent.
[25] Q: (By Mr. Bradley) Do you know which researcher

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[1] assigned 1016 the number 1016?
[2] A: No.
[3] Q: Do you recall how you learned that 1016 was a [4] research number?
[5] A: Just that was the normal system that they [6] would use.
[7] Q: All right. Why, then, didn't 1242 have a [8] research number?
[9] MR. FEATHERSTONE: Object. Calls for [10] speculation.
[11] A: I don't know.
[12] Q: (By Mr. Bradley) Do you know whether Aroclor [13] 1242 had a research number of 1242?
[14] A: I don't know.
[15] Q: Do you know whether 1016 was advertised as a [16] product that would biodegrade better than 1242?
[17] A: I don't remember.
[18] Q: Do you recall hearing from Monsanto or its [19] employees that 1016 would biodegrade better than 1242?
[20] A: I don't remember.
[21] Q: Do you know whether 1016 biodegrades better [22] than 1242?
[23] A: I don't remember now.
[24] Q: When you met with Dr. Levinskas, you indicated [25] that was in his office?

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[1] A: Yes.
[2] Q: And was his office near a library?
[3] A: I don't remember.
[4] Q: Did the medical department within Monsanto [5] have a library?
[6] A: I don't remember how extensive - what they had [7] over there.
[8] Q: Did you ever use any library within Monsanto [9] as part of, or during the period 1975 to 1977?
[10] A: Yes.
[11] Q: Which library did you use?
[12] A: We had the main library in the research center [13] which was available to us.
[14] Q: Where was that library physically located?
[15] A: In the research center, the R Building on this [16] campus.
[17] Q: Do you recall using the research center's [18] library to gain any information on Aroclor?

[19] A: That library maintained periodicals and [20] general information. They would not have, to my knowledge, [21] toxicology data. That would be retained in the medical [22] department.

[23] Q: So you didn't do any research on the [24] toxicology of Aroclor by using the research center library?

[25] A: I relied on the medical department for their

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[1] toxicology, for their interpretation. They were the [2] experts.

[3] Q: Did the research center library have an [4] indexing system when you used it?

[5] A: Yes.

[6] Q: How was that — Describe the indexing system [7] to me.

[8] A: Standard library system, to my knowledge. [9] What I remember.

[10] Q: Tell me what you remember about it.

[11] A: I don't.

[12] Q: Do you recall looking up information by [13] subject matter?

[14] A: Yes.

[15] Q: Do you recall there being an index to [16] documents by subject matter?

[17] A: Standard library procedure is what I remember, [18] but I can't be specific on it. I haven't been to the [19] library since I retired. I don't recall.

[20] Q: I'm not certain we all agree what "standard [21] library procedures" are, which is why I'm asking these [22] questions.

[23] A: Well, I have been in many library since then, [24] so I can't be specific to that one.

[25] Q: Do you recall whether documents in the

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[1] research center library could be accessed by author?

[2] A: Yes.

[3] Q: Could they be accessed by date?

[4] A: I don't know.

[5] Q: Could they be accessed by title?

[6] A: Yes.

[7] Q: Were they accessed by three-by-five cards, [8] computer, some other form?

[9] A: They're pretty modern down there today. I [10] don't remember exactly what the system was then.

[11] Q: What is the system now?

[12] A: I don't know. I haven't been in it in eight [13] years or longer.

[14] Q: Prior to your retirement from Monsanto, did [15] Monsanto have a policy on records retention?

[16] A: Yes.

[17] Q: What was the policy?

[18] A: I don't remember.

[19] Q: Did the policy allow the destruction of [20] documents after a certain period of time passed?

[21] A: They had a written procedure that was put out [22] for the general use on retaining documents.

[23] Q: Did that procedure allow the destruction of [24] documents after a certain period of time had passed?

[25] A: Whatever was prescribed in that procedure.

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[1] Q: I take it — You help me here. I take it, [2] the answer is yes, and whatever the procedure says for the [3] appropriate time, that's when you could get rid of [4] documents; is that what you're telling me?

[5] A: It was a published document put out by the [6] corporate secretary's office on retention of documents, [7] general documents. There were also specific instructions [8] given on certain things that would modify that. In the [9] case of PCBs, I did not destroy any documents.

[10] Q: Do you know whether anyone within Monsanto [11] destroyed documents relating to PCBs?

[12] A: I can only speak for myself.

[13] Q: Did you ever hear of anyone within Monsanto [14] destroying documents relating to PCBs?

[15] A: Not to my knowledge.

[16] Q: You didn't hear anything?

[17] A: No.

[18] Q: Why did you not destroy any of the records you [19] had on PCBs?

[20] A: When I came into the job, I had inherited [21] whatever documents were there on PCBs, and then I added to [22] that, and I was under instruction by our legal department [23] to retain all documents relating to PCBs. When that was [24] issued was prior to my coming into the job.

[25] Q: And was it there when you left your job

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[1] responsibility with Aroclors in '77?

[2] A: When I left there, nothing was destroyed.

[3] Q: When you left there, did Monsanto have [4] computers?

[5] MR. FEATHERSTONE: What year are we talking [6] about?

[7] MR. BRADLEY: 1977.

[8] MR. FEATHERSTONE: All right.

[9] MR. BRADLEY: When you left your [10] responsibility with Aroclors.

[11] A: I don't remember.

[12] Q: (By Mr. Bradley) When you retired in '81, did [13] Monsanto have computers?

[14] A: Oh, sure.

[15] MR. FEATHERSTONE: '85, first of all.

[16] A: I retired in '85. Yes, we were using word [17] processors and so forth then.

[18] Q: (By Mr. Bradley) Before your retirement in [19] 1985, did you ever hear that documents referring to PCBs [20] were to be destroyed?

[21] A: No.

[22] Q: Before you retired in '85, was there a method [23] within Monsanto for sending messages from one computer for [24] another computer without producing a hard copy?

[25] A: I don't remember. In my office, we had word

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[1] processing and they could use that like a typewriter.

[2] Q: Did you have your own computer screen?

[3] A: No.

[4] Q: Prior to your retirement in '85, do you know [5] whether there was inter-departmental communication by [6] computer to another computer that did not generate a piece [7] of paper with print on it?

[8] A: I don't remember what the — It wasn't in my [9] group.

[10] Q: Did you ever request that the medical [11] department obtain periodicals relating to PCBs?

[12] THE WITNESS: did I request that the medical [13] department retain periodicals?

[14] MR. BRADLEY: Obtain.

[15] THE WITNESS: Obtain.

[16] A: No. That would be up to them, unless there [17] was some specific article that I wanted, and I would ask [18] the library to get that for me.

[19] Q: (By Mr. Bradley) You would ask the research [20] library to get that for you?

[21] A: Yes. librarian to obtain an article.

[22] Q: Do you recall, between '75 and '77, asking the [23] librarian to obtain any articles for you relating to [24] Aroclor or PCBs?

[25] A: I don't recall any specific ones.

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[1] Q: Did Dr. Levinskas indicate to you whether the [2] medical department had

copies of all of the studies that [3] had been done on the toxicity of PCBs?

[4] A: I don't remember. When you say "all," I don't [5] know whether he did or didn't.

[6] MR. BRADLEY: This would be a good time for me [7] to take about a five minute break.

[8] THE WITNESS: I was just going to suggest [9] that.

[10] MR. BRADLEY: All right. [11] (Whereupon, a ten minute recess was taken.)

[12] Q: (By Mr. Bradley) Did you recall — Excuse [13] me. Do you know whether the summary of data on Aroclor [14] toxicology was prepared by the employees in Monsanto's [15] medical department or whether they shipped it out to [16] somebody else to prepare?

[17] A: Well, that summary was just that, you know, a [18] short synopsis of the toxicity data that we give to [19] customers and it was prepared by, it would have been [20] prepared by the toxicology department.

[21] Q: Okay. Do you know what chlorinated [22] naphthalenes are?

[23] A: I don't remember.

[24] Q: When you had your discussions with Dr. [25] Levinskas about the toxicity of Aroclor, did he mention

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[1] chlorinated naphthalenes to you?

[2] A: I don't remember.

[3] Q: Do you recall whether the summary data sheets [4] mentioned chlorinated naphthalenes?

[5] A: No, I do not.

[6] Q: Other than the summary data sheets, do you [7] know whether any of Monsanto's customers were provided any [8] warnings regarding the toxicity of Aroclor?

[9] A: In our labeling.

[10] Q: And the labels would go on the Aroclor [11] products?

[12] A: The labels would be on the drum, and we would [13] send label information to the customers. We would send [14] them whatever information they requested.

[15] Q: Other than the drum labels and the summary [16] data sheets, are you aware of any other material that was [17] given to Monsanto's customers regarding Aroclor toxicity?

[18] A: There was a — Let's see.

[19] MR. FEATHERSTONE: Object to the form. [20] Witness just testified that, and has testified earlier, [21] that there were inquiries that came in from customers and [22] they were responded to. Are you

talking about in the [23] ordinary course or are you talking about —

[24] MR. BRADLEY: I'm talking about the ordinary [25] course.

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[1] A: Okay. We gave them whatever data we had, plus [2] there was, let's see, an ANSI, I believe it was, a [3] guideline on Aroclors or PCBs that we also furnished and [4] any other public information that we had.

[5] Q: Do you know whether Monsanto routinely sent [6] out the ANSI material to its customers who were purchasing [7] Aroclor?

[8] A: Yes.

[9] Q: That automatically went out with the product?

[10] A: No. That would go out with the data that we [11] would send out on a product.

[12] Q: All right. So if somebody didn't inquire - [13] Excuse me. If somebody didn't make an inquiry to you [14] regarding some specific information on the toxicity of [15] Aroclor, then the information that they would routinely be [16] given would be the summary data sheets and the labels?

[17] THE WITNESS: No. I don't quite understand [18] what you're asking here.

[19] MR. BRADLEY: Okay.

[20] Q: (By Mr. Bradley) Well, you described for us [21] what information you'd give to customers who called you or [22] wrote to you requesting information.

[23] A: That includes the ANSI guideline at the same [24] time.

[25] Q: All right.

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[1] A: Sent out a package of data.

[2] Q: And what information would customers get [3] regarding the toxicity of Aroclor, if anything, if they [4] didn't just — Just routinely and they didn't make a [5] special inquiry to you.

[6] MR. FEATHERSTONE: You're talking about [7] Monsanto customers?

[8] MR. BRADLEY: Yes [9] THE WITNESS: You're talking about a new [10] customer to that particular product?

[11] MR. BRADLEY: Any customer, old or new.

[12] A: Well, new customers on any product, they would [13] get the information we had on that product, material safety [14] data sheet or whatever it was called at that time.

[15] MR. BRADLEY: All right.

[16] A: The label would contain whatever information [17] that was required at that instant in time.

[18] Q: (By Mr. Bradley) Did you have any discussion [19] with Dr. Levinskas regarding the warnings on the labels of [20] products manufactured by Monsanto that contained PCBs?

[21] A: We had a label committee, or a routine that [22] every label had to go through to get reviewed and checked [23] off, and one of the review points was the medical [24] department; or the toxicology would review the safe [25] handling data that was on the draft to make sure it was

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[1] correct; the industrial hygienist and the toxicologist [2] would review those statements to make sure they were [3] correct.

[4] Q: Did you ever have a discussion with Dr. [5] Levinskas about the correctness of those labels for [6] products containing PCBs?

[7] A: I reviewed the labels when they were changed [8] or updated or whatever, as part of my function, as they [9] went through that review train.

[10] Q: My question is, though, whether you had any [11] discussion with Dr. Levinskas.

[12] A: I don't remember any discussion.

[13] Q: Did you review any documents in preparation [14] for today's deposition?

[15] A: Yes.

[16] Q: What documents did you review?

[17] A: Ones that you showed me today.

[18] Q: Any others?

[19] A: Yes. I don't remember. I would have to be [20] shown them to identify them.

[21] Q: Well, I want you to tell me as best you can [22] what you remember about them?

[23] A: Memos with my signature on them, such as when [24] we sent out samples to the agencies or people that asked [25] for samples, sample requests. This document.

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[1] Q: All right. How about the summary?

[2] A: Yes.

[3] Q: You reviewed that prior to —

[4] A: Yes.

[5] Q: How about the summary of data on Aroclor [6] toxicology? Did you review that prior to today?

[7] A: Never saw that.

[8] Q: Did you review any internal memoranda that was [9] not written by you?

[10] A: I don't know.

[11] Q: When did you review the documents?

[12] A: This morning.

[13] Q: And I don't —

[14] A: Other than there was a memo in here by Jim [15] Mieuire, which was not written by me, which I reviewed.

[16] Q: Do you recall how many documents you reviewed [17] this morning?

[18] A: Oh, less than a dozen. Less than ten.

[19] Q: Do you recall whether any of the documents had [20] a date that preceded 1974?

[21] A: No.

[22] Q: No, you don't recall or no, there were no [23] documents?

[24] A: No. They were in this time frame you were [25] speaking of, '75-'77.

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[1] Q: Did any of the documents that you reviewed [2] refer to Nevada Power Company?

[3] A: No.

[4] Q: Did any of the documents that you reviewed [5] refer to the toxicity of Aroclor?

[6] A: No.

[7] Q: Did any of the — Were any of the documents [8] that you reviewed written by you?

[9] A: Yes.

[10] Q: Were any of the documents addressed to you?

[11] A: Yes.

[12] Q: Were the documents that you reviewed that I [13] have not shown you, were they documents that you maintained [14] in your files at Monsanto?

[15] A: If they had my name on them, they would have [16] been in my file cabinet when I left the area.

[17] Q: Were you within the umbrella of the [18] transformer and capacitor division — Excuse me. Monsanto [19] had no transformer and capacitor division.

[20] A: That's correct.

[21] Q: Were you asked to help identify documents that [22] might be responsive to any request for production that [23] Nevada Power Company has given to Monsanto in this case?

[24] A: No.

[25] Q: Were any of the documents that you reviewed

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[1] addressed to anyone at General Electric?

[2] A: No.

[3] Q: Any of them received from, by you from General [4] Electric?

[5] A: No.

[6] Q: Any of them addressed to anyone at [7] Westinghouse?

[8] A: No.

[9] Q: Any of them written by anyone from [10] Westinghouse?

[11] A: No.

[12] Q: Any of them written by an employee of [13] Industrial Biotech Laboratories?

[14] A: No. Calandra's name was on the memo when we [15] visited the Government agencies, as a participant.

[16] Q: Have you had your deposition taken before?

[17] A: Yes.

[18] Q: When?

[19] A: I do not remember the exact date. Several [20] years ago.

[21] Q: And in what kind of matter was it?

[22] A: Involved a firm in San Francisco on a [23] dielectric matter.

[24] Q: And you were retired at the time your [25] deposition was taken?

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[1] A: Yes.

[2] Q: Do you recall the deposition being sent to you [3] for your signature?

[4] A: Yes.

[5] Q: Did you sign a deposition in that case?

[6] A: Yes.

[7] Q: Do you have a copy of it?

[8] A: No.

[9] Q: Were you working with an attorney then?

[10] A: Yes.

[11] Q: Who was the attorney?

[12] A: I don't remember the gentleman that [13] represented me at that deposition.

[14] Q: Do you recall what law firm he was with?

[15] A: Let me see. Probably Smith, Helms.

[16] Q: You just referred to a piece of paper that you [17] have in your pocket?

[18] A: Yes.

[19] Q: Does that have Smith, Helms' name on it?

[20] A: Yes.

[21] Q: Can I see the document?

[22] MR. FEATHERSTONE: Well, let me see it.

[23] A: No. I was trying to recall it.

[24] Q: (By Mr. Bradley) This document has Mike [25] Newport's name on it and phone number?

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[1] A: He's Monsanto.

[2] Q: He's an attorney with Monsanto?

[3] A: Yes.

[4] Q: And it has, next to Smith, Helms, in [5] parentheses, the name David Moore?

[6] A: Yes.

[7] Q: Is that the attorney that represented you when [8] you had your deposition taken previously?

[9] A: I don't remember.

[10] Q: Do you know who David Moore is?

[11] A: Yes.

[12] Q: Who is David Moore?

[13] A: He's an attorney with the firm I indicated [14] there, and I have spoken to him before.

[15] Q: Did you speak with him about this deposition?

[16] A: No.

[17] Q: Underneath the name Smith, Helms are two other [18] words. Can you tell me what those are?

[19] A: Oh, that's Tim Peck.

[20] Q: Who is Tim Peck?

[21] A: He's a lawyer with Smith, Helms.

[22] Q: Where is Smith, Helms' office?

[23] A: In the Carolinas.

[24] Q: Which Carolinas?

[25] A: North, I think.

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[1] Q: Do you remember the town?

[2] A: No.

[3] Q: You have written down here, "'75 to '77."

[4] A: That's my time frame, when I was there.

[5] Q: And you also have under that, written, [6] "February, '61 to November '85."

[7] A: That's my employment period.

[8] Q: Have you had your deposition taken in any [9] other cases?

[10] A: Yes.

[11] Q: What other cases?

[12] A: The power company in San Francisco, and for [13] Outboard Marine.

[14] Q: When was your deposition taken for Outboard [15] Marine?

[16] A: '82, '83.

[17] Q: What general areas did you give testimony on [18] in Outboard Marine?

[19] A: Probably followed the same area of questioning [20] similar to what you would have asked on PCBs.

[21] Q: The same areas that I have asked so far?

[22] A: Similar.

[23] Q: Are there areas that you were asked about that [24] I have not inquired about?

[25] A: I don't recall.

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[1] **Q:** How about in the San Francisco case? What was [2] the subject matter of your deposition?

[3] **A:** PCBs. I don't recall exactly what - you know, [4] everything I covered on that.

[5] **Q:** Do you recall whether you talked about any [6] matter that you and I have not discussed here, this [7] afternoon?

[8] **A:** Not to my knowledge.

[9] **Q:** Any other cases that you have had your [10] deposition taken in?

[11] **A:** No.

[12] **Q:** Have you ever testified in a trial?

[13] **THE WITNESS:** In regards to PCBs?

[14] **MR. BRADLEY:** In regards to your work at [15] Monsanto.

[16] **A:** No.

[17] **Q:** (By Mr. Bradley) Between '75 and '77, did you [18] send any material relating to Aroclors to any trade [19] associations for electric utilities?

[20] **A:** I do not recall any specifics but that would [21] be on the sample requests that they would have submitted, [22] and I would have sent the sample to them. We sent samples [23] to all legitimate people that requested it.

[24] **Q:** If they didn't request it, you wouldn't send [25] it to them?

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[1] **A:** No.

[2] **MR. FEATHERSTONE:** Talking about samples now.

[3] **A:** Samples.

[4] **Q:** (By Mr. Bradley) I'm talking now about [5] information to trade association regarding Aroclor.

[6] **A:** No. I thought you asked about samples.

[7] **MR. BRADLEY:** Oh.

[8] **A:** Information? We readily sent anything they [9] wanted.

[10] **Q:** (By Mr. Bradley) Well, did you send them [11] information if they didn't request it? By "them," I mean [12] trade association, between '75 and '77. Did you send them [13] any information regarding the toxicity of Aroclors if it [14] was not specifically requested?

[15] **A:** Tell me what trade association you're [16] referring to.

[17] **Q:** Well, National Electrical Manufacturers [18] Association.

[19] **A:** We dealt through the Electrical — Let's see. [20] Electrical — EIA, I believe.

[21] **MR. FEATHERSTONE:** EEI?

[22] **A:** EEI, up in Washington. Electrical —

[23] **Q:** (By Mr. Bradley) Do you recall sending any [24] information between

'75 and '77 regarding the toxicity of [25] Aroclors to the National Electrical Manufacturers

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[1] Association?

[2] **A:** No. It would have to be in the files.

[3] **Q:** Do you recall during that period sending any [4] information about toxicity of Aroclors to the Edison [5] Electrical Institute?

[6] **A:** I do not recall any specific name of an [7] association.

[8] **Q:** Do you recall the Electric Power Research [9] Institute, EPRI?

[10] **A:** No.

[11] **Q:** Do you recall in your discussions with Dr. [12] Levinskas him indicating to you that PCBs may cause harm to [13] human health?

[14] **MR. FEATHERSTONE:** Objection. Cumulative.

[15] **A:** No.

[16] **Q:** (By Mr. Bradley) Do you recall in your [17] discussions with Dr. Levinskas whether he indicated to you [18] that PCBs may cause harm to the environment?

[19] **A:** No. They weren't as biodegradable. They [20] were persistent, that was the problem.

[21] **Q:** I'm going to show you now Plaintiff's Exhibit [22] 1526 and ask you to review that. Have you seen that [23] document before?

[24] **A:** I don't recall.

[25] **Q:** Is that the summary of data on Aroclor

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[1] toxicology that you were referred to during your [2] deposition?

[3] **A:** No. It would have been a Monsanto summary.

[4] **Q:** Would it have had a Monsanto letterhead?

[5] **A:** Yes.

[6] **Q:** In your discussions with Dr. Levinskas, did he [7] describe for you any differences in the toxicity of [8] Aroclor, if Aroclor was ingested versus if it got on your [9] skin?

[10] **A:** I don't remember.

[11] **Q:** Do you recall who Monsanto's customers were [12] for Aroclor between 1975 and 1977?

[13] **A:** No, I do not remember all the customers.

[14] **Q:** Do you know whether Monsanto was the sole [15] producer of Aroclor in the United States?

[16] **A:** Yes.

[17] **Q:** Do you know whether Monsanto was the sole [18] supplier to companies

that manufactured transformers and [19] capacitors within the United States?

[20] **A:** Yes.

[21] **Q:** And they were the sole supplier, so that I [22] understand your answer?

[23] **A:** Yes.

[24] **MR. FEATHERSTONE:** Objection. Calls for [25] speculation.

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[1] **Q:** (By Mr. Bradley) Did you ever visit the [2] Industrial Biotech Laboratory?

[3] **A:** No.

[4] **Q:** Do you know who, if anyone, within Monsanto [5] ever visited the Industrial Biotech Laboratory?

[6] **A:** I do not know who visited them. When we had [7] studies, any laboratory, they would have been under the [8] supervision of someone in the toxicology department.

[9] **Q:** Did anyone within Monsanto's toxicology [10] department tell you that they had been out to the [11] Industrial Biotest Labs?

[12] **A:** I don't remember.

[13] **MR. FEATHERSTONE:** Take a second, Mr. Bradley.

[14] **MR. BRADLEY:** All right. [15] (Whereupon, a ten minute recess was taken.)

[16] **Q:** (By Mr. Bradley) Are you aware whether [17] Monsanto entered into any agreements with its customers to [18] indemnify Monsanto if anybody alleged they were harmed by [19] Monsanto products containing PCBs?

[20] **A:** There was an agreement made when we supplied [21] the product.

[22] **Q:** Were you told why Monsanto wanted those [23] indemnity agreements?

[24] **A:** We had no control over how they handled the [25] product.

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[1] **Q:** Were you told that Monsanto was afraid of [2] being sued?

[3] **A:** No.

[4] **Q:** Were you told what difference it made how [5] people handled the product?

[6] **A:** We gave them the information on safe handling [7] and it was up to them to follow the instructions.

[8] **Q:** Did you meet with Congressman Ryan during the [9] 1970s?

[10] **A:** I don't remember.

[11] **Q:** Did anyone within Monsanto ever tell you that [12] they had met with Congressman Ryan in the 1970s?

[13] **A:** I don't remember.

[14] **Q:** When you began your work with Aroclor in 1975, [15] do you know

whether any other nation had banned the use of [16] PCBs?

[17] A: I don't remember on that.

[18] Q: Do you know whether that information was [19] contained in the summary of data on Aroclor toxicology?

[20] A: I don't remember what was in that summary.

[21] Q: Have you had any discussions at any time [22] regarding allegations that Westinghouse destroyed documents [23] relating to PCBs?

[24] A: I know nothing about it.

[25] Q: Do you read the Wall Street Journal?

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[1] A: Yes.

[2] Q: Did you read a Wall Street Journal account [3] within the last thirty days that discussed an allegation [4] that Westinghouse destroyed documents pertaining to, or [5] pertaining to liability from products it manufactured?

[6] A: No.

[7] MR. BRADLEY: I have nothing further for you. [8] Thank you, very much.

[9] THE WITNESS: You're welcome.

[10] CROSS-EXAMINATION

[11] QUESTIONS BY MR. FEATHERSTONE:

[12] Q: Mr. Weber, you took the job as manager of [13] product acceptability for specialty chemicals in the fall [14] of 1975?

[15] A: Yes.

[16] Q: And that was the first time you became [17] involved with PCBs?

[18] A: Yes.

[19] Q: And you held that function until sometime in [20] 1977, when there was a reorganization?

[21] A: Yes.

[22] Q: All right. And that year and a half time [23] period is the only time you were involved with PCBs?

[24] A: Except for being called for depositions.

[25] Q: Okay. But in your regular work history at

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[1] Monsanto, that's the only time?

[2] A: That I was actually involved, yes.

[3] Q: All right. Now, in that position as manager [4] of product acceptability during that time period, did you [5] receive inquiries from, outside of Monsanto for samples of [6] PCBs?

[7] A: Yes.

[8] Q: And was it your job to respond to those [9] inquiries?

[10] A: Yes.

[11] Q: Did you?

[12] A: Yes.

[13] Q: Did you provide the samples when they were [14] requested?

[15] A: If they filled out the form indicating what [16] they needed and what specific application they wanted the [17] sample for and it was legitimate, we gave it to them.

[18] Q: Did you provide samples to scientists and [19] others connected with the Government, United States [20] Government?

[21] A: Yes.

[22] MR. BRADLEY: Objection. It goes beyond the [23] scope of the examination.

[24] Q: (By Mr. Featherstone) Did you provide samples [25] to scientists connected with universities and colleges?

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[1] A: Yes.

[2] MR. BRADLEY: Same objection.

[3] A: If they requested the samples, we gave it to [4] them.

[5] MR. FEATHERSTONE: Let me see her. Would you [6] mark that is Exhibits A, B, C, and D.

[7] (Whereupon, the reporter marked Defendant, Monsanto, [8] Deposition Exhibit Letters A, B, C, and D, for [9] identification.)

[10] MR. FEATHERSTONE: For the record, Exhibit A [11] is a three page, four page document bearing the numbers NEV [12] 015027 through 015030; Exhibit B is a multipage document [13] bearing the numbers ADM 007019 through, last page doesn't [14] have a document number. Second last page, ADM 007021; [15] Exhibit C is a multipage document bearing some ADM numbers; [16] Exhibit D is a multipage document bearing some ADM numbers.

[17] Q: (By Mr. Featherstone) All right. Mr. Weber, [18] look at Exhibit A, please. Tell us what exhibit A is.

[19] A: It's a standard sample request for Aroclor [20] 1254. It's sent to the U.S. Department of Health, [21] Education and Welfare.

[22] Q: Okay. Is Exhibit A a series of documents [23] relating to the request for Monsanto to provide a PCB [24] sample to the Government?

[25] A: Yes.

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[1] MR. BRADLEY: Objection. It's beyond the [2] scope, and I object to the form. It's leading.

[3] MR. FEATHERSTONE: All right.

[4] Q: (By Mr. Featherstone) The first page of [5] Exhibit A, is that a Monsanto form that was used?

[6] A: Yes.

[7] MR. BRADLEY: Same objection.

[8] Q: (By Mr. Featherstone) What's the purpose of [9] Exhibit A?

[10] MR. BRADLEY: Same objection, two objections.

[11] MR. FEATHERSTONE: First page of exhibit A.

[12] A: To document a sample request.

[13] Q: (By Mr. Featherstone) Was the first page of [14] Exhibit A sent to the plant?

[15] MR. BRADLEY: Same two objections.

[16] A: Yes.

[17] Q: (By Mr. Featherstone) All right. Now, pages [18] two and three of Exhibit A, what form is that?

[19] MR. BRADLEY: Same two objections.

[20] A: Monsanto form requesting information on the [21] need for a sample.

[22] Q: (By Mr. Featherstone) Is the underlying form [23] one that Monsanto gave to someone requesting a sample of [24] PCBs?

[25] MR. BRADLEY: Same two objections.

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[1] A: Yes. This form would be sent to them before a [2] sample would be sent.

[3] Q: (By Mr. Featherstone) And what was the [4] procedure once Monsanto received a completed form back [5] requesting a sample?

[6] MR. BRADLEY: Objection, scope.

[7] A: It was reviewed to make sure the request was [8] legitimate and if it was, then the sample request form was [9] forwarded to the plant to send the sample.

[10] Q: (By Mr. Featherstone) Was the first page of [11] Exhibit A prepared after the request form pages two and [12] three of the Exhibit were completed and reviewed?

[13] MR. BRADLEY: Objection. Scope and leading.

[14] A: Yes. The sample request form would be [15] initiated after review of the information that came back [16] from the customer, or the person requesting the sample.

[17] Q: (By Mr. Featherstone) All right. And — [18] Exhibit A is dated November 22, 1976. Is that when you had [19] your job as manager of product acceptability?

[20] MR. BRADLEY: Objection. Scope, leading and [21] compound.

[22] A: Yes.

[23] Q: (By Mr. Featherstone) Was it your job at that [24] time to review these requests and approve them?

[25] MR. BRADLEY: Objection. Scope.

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[1] A: Yes.

[2] Q: (By Mr. Featherstone) Was it your job to then [3] arrange for the provision of a sampling of PCBs to the [4] requester?

[5] MR. BRADLEY: Objection. Scope and leading.

[6] A: The sample request form was sent to the plant, [7] who prepared the sample and sent it on to the requester.

[8] Q: (By Mr. Featherstone) Okay. Did you forward [9] — Who forwarded the documents to the plant?

[10] MR. BRADLEY: Objection. Scope.

[11] A: Went through company mail.

[12] Q: (By Mr. Featherstone) Did it originate in [13] your office?

[14] MR. BRADLEY: Objection. Scope.

[15] A: Yes.

[16] Q: (By Mr. Featherstone) And in the case of [17] Exhibit A, which plant provided PCBs requested?

[18] MR. BRADLEY: Objection. Scope.

[19] A: To our Krummrich plant.

[20] Q: (By Mr. Featherstone) Let me show you Exhibit [21] B. Tell us what exhibit B is?

[22] A: Exhibit B is another example the same as A, [23] Exhibit A. It's a request from the National Heart and Lung [24] Institute of the National Institutes of Health for a sample [25] of Aroclor.

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[1] MR. BRADLEY: Bruce, can I have a continuing [2] objection to scope, any questions relating to these [3] documents as beyond to scope of direct exam?

[4] MR. FEATHERSTONE: Sure.

[5] MR. BRADLEY: Okay.

[6] Q: (By Mr. Featherstone) In the — On the [7] third page of the exhibit, there's a notation in the upper [8] left-hand corner of that page. Do you recognize it?

[9] A: It's my handwriting. It says, "Okay," and the [10] initial J.

[11] Q: And what was the purpose of making that [12] notation?

[13] A: So the secretary would prepare the sample [14] label request and forward it to the plant.

[15] Q: Were you approving the request form?

[16] A: Yes.

[17] Q: And what is the date of Exhibit B?

[18] A: July 23, 1976.

[19] Q: All right. With regard the Exhibit C, would [20] you tell us the date and identify the document, please?

[21] A: Is another Sample Request Form, similar to A [22] and B. The date is July 23, 1976. It's to the EPA in [23] Philadelphia and again, a request for samples of Aroclor.

[24] MR. BRADLEY: Bruce, may I have a continuing [25] objection to any questions regarding this Exhibit and

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[1] Exhibit D, being beyond the scope of direct exam?

[2] MR. FEATHERSTONE: Yes.

[3] MR. BRADLEY: Thank you.

[4] Q: (By Mr. Featherstone) Second page of Exhibit [5] C, again, is there a handwritten notation on that document?

[6] A: Yes. It says, "Okay," and the initial J, [7] which is my handwriting.

[8] Q: And the purpose of that notation?

[9] A: Secretary would prepare the sample request and [10] forward it to the plant for supplying that sample.

[11] Q: All right. And the sample in this case was [12] one quart of Aroclor 1242 and one quart of Aroclor 1254.

[13] A: Yes.

[14] Q: All right. Finally, with regard the Exhibit [15] D. Would you identify Exhibit D and tell us the date of [16] that Exhibit?

[17] A: It's February 4th, 1976. Another sample [18] request for, that goes to the EPA office in Duluth, [19] Minnesota and it's one liter of Aroclor 1016.

[20] Q: Would you look at the second page? Is there a [21] notation in your handwriting?

[22] A: It says, "Okay," and it appears to be my [23] handwriting.

[24] Q: Again, is that approving the request for a [25] sample?

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[1] A: Yes.

[2] Q: Exhibits A through D that you just reviewed, [3] these were all sample request forms that were completed and [4] processed by your office; is that correct?

[5] A: Yes.

[6] MR. BRADLEY: Objection. Scope.

[7] MR. FEATHERSTONE: All right. No further [8] questions. Thank you, [9] THE WITNESS: All right.

[10] MR. FEATHERSTONE: Done?

[11] MR. BRADLEY: I'm done.

[12] MR. FEATHERSTONE: All right. Same [13] arrangements on signature. Is that all right with you? [14] Same arrangements on signature that we had at Papageorge [15] and we discussed at length?

[16] MR. BRADLEY: That it would be sent directly [17] to the witness?

[18]

[19]

[20]

[21]

[22]

[23]

[24]

[25]

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J. Coleman Weber

Subscribed and sworn to before me this ____ day of _____, A.D., 91 ____.

Notary Public

Notary Public within and for the State of ____
MY COMMISSION EXPIRES ON THE ____ DAY OF _____, A.D., 19 ____.

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STATE OF MISSOURI)
COUNTY OF ST. LOUIS) SS

I, John T. Concannon, a Notary Public within and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to take and certify to depositions, do hereby certify that pursuant to Notice in the civil cause now pending and undetermined in the District Court of the United States, within and for the District of Nevada, entitled NEVADA POWER COMPANY Plaintiff, -vs- MONSANTO COMPANY, et al., Defendants, to be used in the trial of said cause in said Court, I was attended at the law offices of Messrs. Husch & Eppenberger, 100 N. Broadway, Suite 1300, in the City of St. Louis, State of Missouri, by Ralph A. Bradley, attorney for the Plaintiff; by Bruce A. Featherstone, attorney for the Defendant, Monsanto Company; by Laurie Basch, attorney for the Defendant, Westinghouse; and by J. COLEMAN WEBER, the witness, in said office on March 19, 1993.

The said witness, J. COLEMAN WEBER, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing

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pages correctly set out the testimony of the aforementioned witness, J. COLEMAN WEBER, together with the questions propounded by counsel and the remarks and objections of counsel thereto, and is in all respects a full, true and complete transcript of the questions propounded to and the answers given by said witness; and that said testimony, so transcribed, was subscribed to by the witness on the ____ day of _____, A. D., 1993.

I FURTHER CERTIFY that I am not of counsel nor attorney for any of the parties to said suit, nor related, nor interested in any of the parties or their attorneys.

WITNESS MY HAND and Notarial Seal, given this ____ day of ____ A. D., 1993, at St. Louis, Missouri.

MY COMMISSION EXPIRES SEPTEMBER 12, 1994

JOHN T. CONCANNON,

Notary Public, within and for the State of Missouri

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April 14, 1993

Bruce A. Featherstone, Esq.
Kirkland & Ellis
1999 Broadway - Ste. 4000
Denver, Colorado 80202

Re: Nevada Power Company -v-
Monsanto Company, et al.

Dear Mr. Featherstone:

This letter, incorporated as the last page of Mr. Weber's deposition, taken on March 19, 1993, will serve as notice to you that his testimony is now ready for reading and signing of same. You will recall you indicated a preference for him reading his deposition, rather than waiving signature.

Enclosed please find the original signature page of Mr. Weber's deposition, along with an errata sheet. Please have Mr. Weber read and sign his deposition and return the original signature page to me. I will then return the signature page to the original transcript, and notify Mr. Bradley of any corrections the witness may have made.

Thank you for your cooperation in this regard.

Sincerely,

JOHN T. CONCANNON

Shorthand Reporter
Concannon & Jaeger
General Court Reporters
705 Olive Street - Ste. 604
St. Louis, Missouri 63101

JTC:md

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
NEVADA POWER COMPANY,)
Plaintiff,)
-vs-) # CV-89-555-LDG (LRL)
MONSANTO COMPANY, GENERAL)
ELECTRIC CORPORATION, et al.,)
Defendants.)
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