

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

SABRINA ABERNATHY, et al.,

Plaintiffs,

versus

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

MONSANTO COMPANY, et al.,

Defendants.

DEPOSITION OF CHARLES CHATMAN

The deposition of CHARLES CHATMAN was taken before Deborah Salers Garrett, Certified Shorthand Reporter, Registered Professional Reporter, as Commissioner, commencing at 3:10 p.m. on December 28, 2001, by the Plaintiffs, at the law offices of Fite & Miller, Suite 400, SouthTrust Bank Building, Anniston, Alabama, pursuant to the stipulations set forth herein.

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

A P P E A R A N C E S

For the Plaintiffs:

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For the Defendants:

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E X H I B I T S

<u>Plaintiffs'</u>	<u>Marked</u>	<u>Offered</u>
One	6	
No other exhibits were marked for identification, offered or attached as exhibits hereto.		

REGIONAL REPORTING SERVICE, INC.

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

IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of CHARLES CHATMAN may be taken before Deborah Salers Garrett, CSR, RPR, as Commissioner and Notary Public, Alabama at Large, at Anniston, Alabama, on December 28, 2001, at 3:10 p.m.

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

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

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

REGIONAL REPORTING SERVICE, INC.

STATE OF ALABAMA, ANNISTON, DECEMBER 28, 2001

CHARLES CHATMAN,

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

EXAMINATION

BY MR. CUNNINGHAM:

Q. Sir, my name is Charlie Cunningham, and I'm going to ask you some questions today to find out what factual knowledge you may have that would be helpful for parties in a lawsuit styled Abernathy, et al., versus Monsanto, et al., filed in Calhoun Circuit Court.

Have you ever been in a deposition before?

A. Yes, I have.

Q. So you understand that the lady to your left is taking down everything we both say, and therefore we need you to answer orally with words as opposed to nods of the head or grunts.

REGIONAL REPORTING SERVICE, INC.

1 A. Right.
 2 Q. And secondly I'm going to give you just
 3 some idiosyncrasies of my own that you
 4 may not have encountered in the previous
 5 deposition testimony.
 6 A. Okay.
 7 Q. One bad habit of mine is that you will
 8 be answering a question that I have
 9 asked you and I will mistakenly believe
 10 you have finished with that answer or
 11 I'll have a brilliant idea of another
 12 question I want to ask, and I'll go to
 13 another question before you are done.
 14 We certainly want you to have a chance
 15 to answer completely and fully. So if I
 16 do that to you, just let us know.
 17 A. Okay.
 18 Q. A second thing I have a bad habit of
 19 doing is I'll ask a question and the way
 20 I'll say it makes it sound like I know
 21 exactly what I'm talking about and that
 22 it must be so when in fact I don't know
 23 what I'm talking about and it isn't so.

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1 Exhibit One. Have you seen that
 2 document before?
 3 MR. NEWSOM: Take a look at it. I
 4 don't know that you have, but
 5 you may have.
 6 A. I don't think so.
 7 Q. Okay.
 8 A. No. No, I haven't.
 9 Q. All right. What is your address,
 10 Mr. Chatman?
 11 A. My mailing address or street address?
 12 Q. Street address.
 13 A. 41050 Highway 21 South, Munford,
 14 Alabama, 36268.
 15 Q. And I believe Munford is the community
 16 Donald Stewart is from that is south of
 17 here.
 18 A. Right.
 19 Q. Maybe fifteen, twenty miles?
 20 A. About thirteen miles south of Oxford.
 21 So about fifteen or twenty from here.
 22 Q. And how long have you lived in Munford,
 23 Alabama?

REGIONAL REPORTING SERVICE, INC.

1 So if I say something, even if sounds
 2 like I know it is sure, but it is not
 3 consistent with what you understand the
 4 truth to be, let us know that. All
 5 right?
 6 A. Yes.
 7 Q. Okay. Let's start with a very easy one.
 8 What is your full name, please?
 9 A. Charles Thomas Chatman, and I use senior
 10 since I have a junior. But my work
 11 record is just Charles Thomas.
 12 Q. Is that spelled C-h-a-t-m-a-n?
 13 A. Yes.
 14 Q. Do you know if there was a fellow at the
 15 plant out there whose name was Chapman,
 16 C-h-a-p-m-a-n?
 17 A. Yes.
 18 (Plaintiffs' Exhibit Number
 19 One was marked for
 20 identification.)
 21 Q. I'm going to enter into evidence as an
 22 exhibit to your deposition the notice of
 23 your deposition. We have marked that as

REGIONAL REPORTING SERVICE, INC.

1 A. About four years.
 2 Q. Prior to that take me back in time to
 3 the different places you have resided,
 4 please.
 5 A. I moved to Munford in September of '98,
 6 and I lived in Golden Springs from
 7 January '97 to September of '98. And I
 8 lived in the west Anniston area from
 9 '63, the year I came to Anniston, until
 10 January of '97.
 11 Q. Now, when you say west Anniston, what
 12 particular street or neighborhood in
 13 west Anniston?
 14 A. 1423 Pine Avenue. I lived there from
 15 '65 to '76, and from '76 until '97 I
 16 lived at 2524 Paul Circle. That is a
 17 subdivision out in west Anniston by
 18 Union Foundry on -- I guess you would
 19 call it the northwest side of Union
 20 Foundry.
 21 Q. Okay.
 22 A. And from '63 to '65 I lived at 1407
 23 Stevens Avenue.

REGIONAL REPORTING SERVICE, INC.

1 Q. Okay.
 2 A. All that was west Anniston area.
 3 Q. And Golden Springs and Munford are a
 4 fair distance from the plant?
 5 A. Right.
 6 Q. But the addresses you have given me for
 7 west Anniston would be relatively close
 8 to the plant?
 9 A. Yes.
 10 Q. Are you married?
 11 A. Yes.
 12 Q. What is your wife's name?
 13 A. Leslie, L-e-s-l-i-e, K. Chatman.
 14 Q. What was her maiden made?
 15 A. Hilliards, H-i-l-l-i-a-r-d-s.
 16 Q. And do either of you all have relatives
 17 who reside in Etowah County who would be
 18 above the age of eighteen and eligible
 19 to serve as potential jurors?
 20 A. No.
 21 Q. And I know you have at least one child
 22 because you said you now are a senior.
 23 How many children do you have?

REGIONAL REPORTING SERVICE, INC.

1 A. No, sir. The first female that worked
 2 out in the plant was 1975.
 3 Q. Okay. You've been identified as I
 4 understand it on a witness list of
 5 persons that Monsanto or Solutia might
 6 call in their defense of the lawsuit.
 7 What is your understanding of the type
 8 of testimony you would be providing in
 9 that lawsuit?
 10 MR. NEWSOM: Object to the form.
 11 You may go ahead.
 12 A. Well, just I was called because I worked
 13 in the department during the time of the
 14 PCBs, the Aroclor department. That is
 15 as far as I know, you know, to give
 16 testimony. Or I don't know what is
 17 going to be asked, but I was being
 18 called because of my experience in that
 19 department.
 20 Q. When were you first contacted about
 21 potentially testifying in the case?
 22 A. Let me see. Probably September of this
 23 year, and I think I was scheduled to

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1 A. Six all total. I have four by my first
 2 wife and then I have two additional
 3 ones.
 4 Q. Your first wife, was she -- Would she
 5 have been married to you during the time
 6 frame at all before 1971 or '72?
 7 A. Right.
 8 Q. And what is her name?
 9 A. Mary Lois. Maiden name was Stamps,
 10 S-t-a-m-p-s.
 11 Q. Do you know if she has ever had her
 12 serum PCB level determined?
 13 A. No, I don't.
 14 Q. What about your current wife? Has she
 15 ever been tested to your knowledge?
 16 A. No.
 17 Q. And I presume the same for your
 18 children. They have never been tested?
 19 A. No, sir.
 20 Q. Do you remember if there were any
 21 females who worked at the plant in the
 22 era from 1971 back that would have been
 23 involved in the Aroclor department?

REGIONAL REPORTING SERVICE, INC.

1 testify before the Trade Center bombing,
 2 sometime before that.
 3 Q. Okay. And who have you talked to about
 4 this since hearing about the fact you
 5 might testify other than attorneys?
 6 A. I mean --
 7 Q. In other words, did you speak with any
 8 other folks who worked out there to
 9 share recollections or talk about what
 10 might be coming up?
 11 A. No, sir.
 12 Q. So you have only talked to lawyers about
 13 being a witness?
 14 A. Right.
 15 Q. Aside from talking to lawyers have you
 16 looked at anything in the way of
 17 documents, photographs, books, records,
 18 or anything like that?
 19 A. No, sir.
 20 Q. How is your health today, Mr. Chatman?
 21 A. Pretty good for a fifty-eight year old.
 22 Q. Okay. Have you any historical health
 23 problems such as cancer?

REGIONAL REPORTING SERVICE, INC.

1 A. I had prostate cancer.
 2 Q. And that is under control now?
 3 A. Right. I had the operation in '93
 4 January of '93.
 5 Q. Okay. Do you consume alcohol at all?
 6 A. Very -- maybe in a month's time maybe a
 7 six-pack of beer or a wine cooler or two
 8 within a month, very light.
 9 Q. Do you consume any tobacco products?
 10 A. No, sir.
 11 Q. Have you ever consumed tobacco?
 12 A. Yes, sir.
 13 Q. Tell me your history of tobacco use,
 14 please.
 15 A. I started smoking when I was sixteen,
 16 and quit when I was twenty-five. And I
 17 haven't smoked since March 10th, 1969.
 18 Q. Good man. You are really good with
 19 dates. When you were twenty-five, when
 20 would that have been? I have to work
 21 that backwards.
 22 A. Probably '69.
 23 Q. When were you born?

REGIONAL REPORTING SERVICE, INC.

1 A. At Union Foundry, about eighteen months,
 2 from October '63 to May of '65, Union
 3 Foundry in west Anniston.
 4 Q. What did you do there?
 5 A. Started out as laborer, just doing
 6 general cleanup. When I left I was a
 7 grinder, grinding the pipe.
 8 Q. Smooth out the castings?
 9 A. Yes.
 10 Q. In your eighteen months at Union Foundry
 11 what sort of Aroclor or PCB containing
 12 products did you use?
 13 A. I never heard of it.
 14 Q. Okay. All right. Let's talk about -- I
 15 take it that was your first job?
 16 A. First job, right.
 17 Q. And you moved up in the world so to
 18 speak and went to work for Monsanto?
 19 A. Right.
 20 Q. Then you retired out of Monsanto?
 21 A. NO. I'm still employed.
 22 Q. Let's start with the first job you had
 23 when you went to work at Monsanto and

REGIONAL REPORTING SERVICE, INC.

1 A. '43.
 2 Q. So that would have been in 1968. So you
 3 were a smoker at least part of the
 4 time --
 5 A. I quit before '69, though. Anyway I
 6 quit in '69, March 10th. I know that.
 7 Q. Was there something particular about
 8 that date?
 9 A. Yes, because whenever anybody asked me
 10 if I smoked, me and my wife both smoked.
 11 And we both had been talking about
 12 quitting. And we got up on that Monday
 13 morning and she didn't have any
 14 cigarettes, and I had one. And I told
 15 her she could have mine, and I quit.
 16 And we lived together until June of '78,
 17 and I never smoked again, and she still
 18 smokes to this day. That is why I can
 19 remember that date, sir.
 20 Q. Okay. Aside from your work with
 21 Monsanto that we will talk about here in
 22 a moment, have you held any other
 23 gainful employment?

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1 tell me what your title was.
 2 A. I was a general laborer for the first
 3 eleven months.
 4 Q. And that was in '65?
 5 A. Late 1965.
 6 Q. Okay. And then what did you do as a
 7 general laborer? Was it a bunch of
 8 different things, or did you have a
 9 specific job?
 10 A. Well, we did all the drumming, the
 11 capping. Not really -- We did some of
 12 the drumming in the -- we did the
 13 bagging. To operate -- to operate as
 14 laborer, which I went to in April, I did
 15 the bagging of the material. We used to
 16 palletize and put caps on and the labels
 17 on. We also did all the cleanup,
 18 hauling all the trash and stuff like
 19 that for the first eleven months. As a
 20 general laborer you did that all
 21 throughout the plant. General labor,
 22 you were the ones they called.
 23 Q. I have seen some historical documents

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1 from the Anniston plant from back in the
 2 '30s where the laborer in the charts
 3 specifically said it would be Negro. By
 4 the time you were there in the '60s was
 5 it mixed race as far as laborers?
 6 A. Well, I guess you called it colored or
 7 Negro or whatever. We were the Negro
 8 race then I guess, still.
 9 Q. But I'm saying by the '60s had it been
 10 integrated for work for both whites and
 11 blacks to do labor work?
 12 A. Not in '65. It happened in 1966 when it
 13 integrated. That is when I went from a
 14 laborer to an operator. I went into the
 15 operating room.
 16 Q. So you were one of the pioneers, if you
 17 will?
 18 A. I was the first black that went from a
 19 laborer to an operator.
 20 Q. My next question would be why did you
 21 move to another position? That is kind
 22 of self-evident, isn't it? And which
 23 department, if it was limited to one

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1 things that get clogged in the system or
 2 anything like that. Did you do any of
 3 that sort of stuff?
 4 A. Only if you're flaking when I was an
 5 operator's laborer. That is the only
 6 time we did anything like that as far as
 7 I remember.
 8 Q. So would you basically -- When you
 9 reported to work -- And I assume y'all
 10 were on shift work back then?
 11 A. At what particular time?
 12 Q. This 1966 era.
 13 A. Right, right, on shifts.
 14 Q. Do you recall what shift you --
 15 A. We were on rotating shifts.
 16 Q. So you would show up for your shift and
 17 basically show up at the Aroclor
 18 department and be at the machine filling
 19 bags?
 20 A. Right, relieve other laborers,
 21 operator's laborers.
 22 Q. But you spent eight hours a day
 23 essentially putting product into its

REGIONAL REPORTING SERVICE, INC.

1 particular area, did you work in as a
 2 laborer?
 3 A. Aroclor department.
 4 Q. Okay.
 5 A. I went from a laborer to an operator's
 6 laborer.
 7 Q. Operator's laborer?
 8 A. Right.
 9 Q. And that began in '66?
 10 A. Around April of '66.
 11 Q. Okay. And there you were bagging?
 12 A. Bagging, drumming, and flaking. When it
 13 flakes we put it in bags. That is the
 14 same thing.
 15 Q. So you were working pretty much
 16 exclusively with the finished product?
 17 A. Right, right. See, at that time I was
 18 still a laborer. We weren't doing any
 19 manufacturing or processing.
 20 Q. I would have assumed that laborers would
 21 have had some role to play in cleanup,
 22 taking care of Montars or still bottoms,
 23 taking care of bad batches, you know,

REGIONAL REPORTING SERVICE, INC.

1 containers?
 2 A. Yes.
 3 Q. Tell me about the next position you held
 4 as a Monsanto employee.
 5 A. In October of '66 they started up a P2S5
 6 department or phosphorus pentasulphide
 7 department. I went in for that. At
 8 that time the plant had been integrated,
 9 and I put in for one of the jobs and was
 10 selected as one of the operators for
 11 that particular department.
 12 Q. Pentasulphide --
 13 A. P2S5, phosphorus pentasulphide.
 14 Basically that come from -- We use two
 15 parts phosphorus and five parts sulfur,
 16 react together to make P2S5.
 17 Q. Which in turn was a feed stock for one
 18 of your finished products?
 19 A. In another department.
 20 Q. But your title was?
 21 A. An operator.
 22 Q. Okay.
 23 A. Everybody that operated had the same

REGIONAL REPORTING SERVICE, INC.

1 title regardless of what department you
 2 were an operator in.
 3 Q. And what sort of task did you perform as
 4 an operator in that P2S5 department?
 5 A. We processed the chemical, did the
 6 mixing and all that, made the chemical,
 7 our part of the operations. In fact it
 8 was a two-man operation for about eight
 9 months, and then it became a one-person
 10 operation after that.
 11 Q. So you would do a lot of turning of
 12 valves and monitoring --
 13 A. Right.
 14 Q. -- needles and making sure the stuff was
 15 flowing the way it was supposed to?
 16 A. Right, sampling and stuff like that.
 17 Q. And by sampling, you would take some of
 18 your finished product and send it off to
 19 the lab to find out if the product was
 20 finishing out to spec?
 21 A. Right.
 22 Q. But you didn't actually take it up and
 23 do the measuring yourself, I trust?

REGIONAL REPORTING SERVICE, INC.

1 position that you held there at the
 2 company?
 3 A. Well, I just changed from one department
 4 to another one. I went from the P2S5
 5 department in January '75 to the
 6 biphenyl department.
 7 Q. Okay. And you were an operator?
 8 A. I was operator.
 9 Q. So you were a P2S5 operator for about
 10 nine years?
 11 A. Right.
 12 Q. And by the time you would have gotten
 13 back to the biphenyl department in '75,
 14 they weren't making -- they weren't
 15 chlorinating any of that biphenyl any
 16 more?
 17 A. No, sir, they wasn't.
 18 Q. What did you do in the biphenyl
 19 department as an operator?
 20 A. Process the chemical, in fact the same
 21 chemical we are making today, the
 22 Therminol heat transfer fluid and all.
 23 Q. Was this again a one-man kind of

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1 A. No, sir.
 2 Q. I assume though that there was a pretty
 3 precise way they wanted you to draw that
 4 sample and what you drew it into and how
 5 it was collected?
 6 A. Right.
 7 Q. And I would also assume that you had a
 8 fair amount of instruction on how to
 9 operate that system?
 10 A. We had to be trained and had to be
 11 qualified in order to be able to be
 12 responsible for that one-person
 13 operation.
 14 Q. Because I'm also presuming that if you
 15 screwed up on that job you could cause
 16 not only a lot of financial damage to
 17 the company but possibly some physical
 18 damage as well.
 19 MR. NEWSOM: Object to the form.
 20 A. Well, you had to know the operation. If
 21 you weren't trained and didn't follow
 22 the procedure, you could do that, yes.
 23 Q. Okay. What would have been the fourth

REGIONAL REPORTING SERVICE, INC.

1 operation?
 2 A. No, sir. There was about -- depends on
 3 the department. There were two of three
 4 operators in one department and one or
 5 two in another department. There were
 6 several operators on each shift.
 7 Q. I take it you all were kind of
 8 interchangeable. You didn't have a set
 9 task that you did as an operator in that
 10 nine years, but you probably did all of
 11 them?
 12 A. Well, we rotated. We were trained to
 13 rotate a job on a weekly or biweekly
 14 basis. So eventually we operated on all
 15 the jobs, all operators.
 16 Q. Everything from getting benzine into the
 17 reactor vessel where --
 18 A. Right.
 19 Q. -- it would be blended together to make
 20 biphenyl to controlling the catalyst to
 21 getting the final product out?
 22 A. Right, yes, sir.
 23 Q. Okay. What happened after 1975?

REGIONAL REPORTING SERVICE, INC.

1 A. In 1981 I became one of the chief
2 operators.
3 Q. Okay. And what department did you --
4 was that in?
5 A. That was in the biphenyl department.
6 Q. And I didn't ask, but I'm assuming when
7 you went from the P2S5 department to the
8 biphenyl department that was your
9 choice?
10 A. Right.
11 Q. Was that in some sense a step up for
12 you?
13 A. No. It was just -- We had the bid
14 system, and there was an opening. If
15 you had seniority and wanted to move
16 from one department to another one and
17 you had seniority.
18 Q. Why would you want to move from that
19 department to another one?
20 A. Well, I guess you would call it a step
21 up. It was from a one-person operation
22 -- I wanted to learn more about the
23 plant, and so I moved to this

REGIONAL REPORTING SERVICE, INC.

1 department.
2 Q. Did you say polyphenyl?
3 A. Well, biphenyl. It is the same thing.
4 Q. Okay. Was there some discussion back in
5 the mid '80s time frame that the plant
6 might actually be sold?
7 A. Yes. There was an announcement came out
8 October '85. I remember it because I
9 was one of the union committee
10 representatives. And they said by the
11 end of '86 if it wasn't sold it would be
12 closed. That is when we had a major
13 layoff in '86, in two different
14 sections.
15 Q. Well, let's talk about that for a
16 minute. You were a union rep. What is
17 the union out there?
18 A. ICW chemical workers.
19 Q. And do you recall when that plant went
20 union?
21 A. I don't know. It was union when I went
22 to work there in '65.
23 Q. But you were a shop steward in the mid

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1 department, which it wasn't any upgrade
2 as far as pay or as far as job status.
3 You just went to a different department.
4 Q. But I'm guessing when you went to chief
5 operator that was a step up?
6 A. Right.
7 Q. What different responsibilities did you
8 have as a chief operator from those you
9 had as just an operator?
10 A. Well, you were the shift coordinator.
11 You were the person responsible on the
12 off shifts. You were responsible for
13 the operators. You were the lead person
14 per se on that shift.
15 Q. Okay. And what would have been the next
16 title which you held?
17 A. Well, in 1986 when the plant downsized
18 and we went to -- the plant went to
19 plant-wide chiefs because of the smaller
20 plant, I got rolled out of my job.
21 Someone else that had more seniority
22 bumped me out of it. So I went back as
23 an operator in the polyphenyl

REGIONAL REPORTING SERVICE, INC.

1 '80s? What was your title that you
2 held?
3 A. I was a department steward, but when the
4 plant downsized, I was a committeeman,
5 which is one of the executive committees
6 that handled all the grievances, did the
7 contract negotiations. I was part of
8 that group.
9 Q. Okay. And you were told by management,
10 I take it, that the plant would either
11 be sold or closed?
12 A. Right.
13 Q. But something happened, obviously, that
14 caused the plant to be neither closed
15 nor sold?
16 A. Right.
17 Q. And that thing of course was the
18 environmental law where they realized
19 they had these mountains of PCBs sitting
20 around and realized they couldn't very
21 well afford to --
22 MR. NEWSOM: Object to the form.
23 A. I don't know. I haven't heard that

REGIONAL REPORTING SERVICE, INC.

1 before.

2 Q. What were you told as to why they

3 changed their mind?

4 A. Well, the plant got out of -- the

5 parathion department closed. And at

6 that time Monsanto closed lots of its

7 small plants. They were downsizing, per

8 se. And we had a sister plant in

9 England that was going to stay open.

10 And I think after they -- what I

11 understand, after they researched it,

12 they found out England would not be able

13 to handle all the business. So we were

14 able to keep the polyphenyl part at

15 Anniston.

16 Q. Okay. Do you know if the union out

17 there ever took any steps to have the

18 work force checked for PCB levels?

19 A. Yes.

20 Q. When was that?

21 A. In the '90s. I don't remember the exact

22 date, '98, '99, sometime in the '90s. I

23 can't tell you the exact day. I was one

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1 all happened.

2 Q. What did you move to next?

3 A. Moved back to an operator in the

4 polyphenyl department, biphenyl

5 department.

6 Q. After that what is the next title that

7 you held?

8 A. I went back to chief operator in '98,

9 which I am today, chief operator.

10 Q. Still in biphenyl?

11 A. Well, plant chief now, other than

12 department chief.

13 Q. Okay. If I understand it correctly, you

14 would have only had actual contact or

15 daily work activity in the Aroclor area

16 from May of 1965 until October of '66?

17 A. No, sir. There was two or three more

18 times. Before P2S5 started up we had

19 finished the training. Around December,

20 the last of the year, we went back for a

21 short term. The P2S5 was used in the

22 parathion they was making. And there

23 were a couple of dry spells we had. We

REGIONAL REPORTING SERVICE, INC.

1 that tested. I was on the committee

2 when we requested the testing.

3 Q. So that was initiated by the union?

4 A. Right.

5 Q. That had never -- in your years there

6 anyway from the mid '60s on had never

7 been offered by the company as far as

8 you knew?

9 A. Well, as far as I know there had never

10 been a problem. It was only initiated

11 because of the claim around the plant,

12 you know, about the PCBs. So we

13 decided, well, let's test employees, you

14 know, see what --

15 Q. Well, I'll come back in a little bit and

16 we'll talk about the results of that.

17 You say even at that point you were

18 still on the committee that was involved

19 in getting that done?

20 A. Right.

21 Q. Okay. So in '86 you get bumped because

22 the work force is reduced?

23 A. Right, really '87. Early '87, when it

REGIONAL REPORTING SERVICE, INC.

1 was filled up on inventory, and the

2 department was shut down, because we

3 made the intermediate for the parathion.

4 I went back to the Aroclor department

5 because that is what my previous

6 experience was.

7 Q. What would you say then was your total

8 years or months working in the Aroclor

9 department?

10 A. A couple, two years, maybe two years.

11 At least two years.

12 Q. And the two or maybe as much as three

13 years that you were in the Aroclor

14 department, you would pretty exclusively

15 have been involved with drumming or

16 bagging the finished product?

17 A. Right.

18 Q. Now, when you were drumming or bagging

19 it, I'm assuming that stuff is pretty

20 much at ambient temperature?

21 A. Yes, yes. It had to be cooled. Some of

22 the drumming was a little bit warm, but

23 the flaking and bagging wasn't.

REGIONAL REPORTING SERVICE, INC.

1 Q. That would have been cooled basically to
2 normal temperatures and then flaked and
3 into the bag?
4 A. Yes.
5 Q. Was there a lot of dust involved in that
6 flaking process, or did you have
7 equipment --
8 A. Well, my job basically was the Aroclor
9 flaker, and there was very little dust
10 because it just came off in solid
11 flakes. There wasn't a lot of dust. We
12 didn't have -- Very little dust
13 accumulated in there.
14 Q. Now, by way of comparison, the drumming
15 operation, would some of that be at
16 elevated temperature?
17 A. Yes.
18 Q. And was there any effort to control fume
19 off that heated --
20 A. Well, we had masks available if we need
21 them, if there was a problem. There was
22 always safety equipment available.
23 Q. And what would that personal protective

REGIONAL REPORTING SERVICE, INC.

1 there were some rubber gloves available
2 if you needed them. There were two
3 types available if you wanted them.
4 Q. And what sort of ventilation would have
5 been provided in those kinds of
6 settings?
7 A. Well, there was -- It was open. It was
8 an open area. It wasn't a closed area.
9 Q. Were the shoes and the shirts and the
10 pants that you wore, were these company
11 issued?
12 A. Yes.
13 Q. And were you provided fresh garments
14 each day? Would you take those home and
15 you or your wife would be responsible
16 for cleaning?
17 A. No. Monsanto took care of the laundry.
18 They provided for a change of clothes.
19 They did the laundry. All of that was
20 free.
21 Q. Were you allowed to eat or smoke in the
22 area where you would be fooling with the
23 Aroclor products?

REGIONAL REPORTING SERVICE, INC.

1 equipment consist of?
2 A. Standard, which is -- over the years I
3 have been out there, safety shoes, long
4 sleeves, gloves, glasses and goggles and
5 shields if you were drumming, because
6 you didn't want to take a chance of
7 splattering.
8 Q. Safety shoes, long sleeves, goggles,
9 face shields. Did I get it all?
10 A. Glasses, gloves.
11 Q. Now, gloves can be made of various
12 things. Do you recall what these were
13 made of?
14 A. Well, depends on whether you were
15 drumming or flaking. Basically they
16 were leather gloves.
17 Q. I have heard people tell me in other
18 cases where they worked on PCBs that
19 certain types of Aroclor could be fairly
20 corrosive of certain types of leathers.
21 A. Well, see, I wasn't in the processing.
22 I was only in the bagging and flaking.
23 We used basically leather gloves, and

REGIONAL REPORTING SERVICE, INC.

1 A. No. We wasn't allowed to, but we always
2 slipped and ate it sometimes, but we
3 wasn't allowed to. We could have been
4 in big trouble if they had found it out.
5 Q. As far as smoking in a place where there
6 is benzene being used wouldn't be a
7 particularly good idea?
8 A. Right.
9 Q. But eating, I'm sort of curious about
10 what sort of rule was in place about
11 eating.
12 A. Well, any chemical, my understanding,
13 you didn't want to eat it, you know,
14 whether it was harmful or not. That was
15 just a policy. They provided a
16 lunchroom for breaks and lunch so you
17 wouldn't have to eat out there. In fact
18 they didn't want you to be eating. They
19 wanted you to be working. That is the
20 main thing.
21 Q. That is the real bottom line?
22 A. Right.
23 Q. Let's talk about what information you

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1 all were provided with regard to PCBs or
2 Aroclors. We talk about in this case
3 PCBs, polychlorinated biphenyl. One of
4 the guys earlier today said that wasn't
5 a term y'all used back then, that y'all
6 just called them Aroclors.

7 A. Right.

8 Q. What were you told when you first came
9 to work there in the Aroclor department
10 about the toxicity of these things, if
11 anything, about the dangers of them?

12 MR. NEWSOM: You are talking about
13 while he was in the Aroclor
14 department?

15 MR. CUNNINGHAM: Yeah.

16 A. Well, I don't know. It is a long time
17 ago. They gave us -- told about what
18 the chemical was, to be explained, what
19 the chemical was.

20 Q. Nothing that sticks out in your mind?

21 A. No, nothing that sticks out as far as a
22 hazard or anything like that.

23 Q. And what about subsequent to that? Do

REGIONAL REPORTING SERVICE, INC.

1 production of this particular family of
2 chemicals?

3 A. Well, I don't -- I was working in the
4 P2S5, and when they gave the layoff
5 number, my number was in that number.
6 So that was a major concern, but I
7 can't --

8 Q. But I take it you weren't laid off?

9 A. No, no. But I was scheduled to be laid
10 off, but they didn't go into it.

11 Q. Did you ever hear anyone suggest that
12 the reason they were going to stop
13 making this stuff was that it was
14 creating problems in the environment for
15 animals, that it was toxic to fish?

16 MR. NEWSOM: Object to the form.

17 A. I don't remember hearing that.

18 Q. Do you remember hearing anything about
19 an incident in Japan sometimes referred
20 to as the Usho incident with people
21 getting heat transfer fluid made of
22 Aroclor or the Japanese equivalent to
23 Aroclor in rice oil and consuming that

REGIONAL REPORTING SERVICE, INC.

1 you ever recall any particular event as
2 a Monsanto -- as a Monsanto employee
3 where you were informed either through
4 some sort of documentation provided to
5 you, a meeting where someone got up and
6 spoke, press releases, anything at all
7 that you can recall that stands out in
8 your mind where you learned something
9 about the toxicity or the dangers of
10 PCBs or Aroclors?

11 MR. NEWSOM: Object to the form.

12 Go ahead.

13 A. At that time frame?

14 Q. At any date.

15 A. Well, there was concern, because when we
16 lost the department around '72, when we
17 stopped making it, it was a major
18 concern because it caused some layoffs.
19 Monsanto was phasing out its Aroclor
20 business.

21 Q. Well, what did you understand in '72
22 when they stopped making it as far as
23 the rationale behind their ceasing

REGIONAL REPORTING SERVICE, INC.

1 and getting sick?

2 A. Back during that time?

3 Q. Yes.

4 A. No.

5 Q. Were you aware of there being
6 Aroclor-containing waste at the plant as
7 part of the manufacturing operations
8 back in the '60s?

9 A. Repeat the question, please.

10 Q. Yes. Back when you were working as a
11 laborer in the Aroclor department --

12 A. Right.

13 Q. -- and even as an operator at the P2S5
14 department while they still had an
15 Aroclor department, were you ever aware
16 of the fact there were waste streams
17 being generated that contained Aroclor?

18 A. Yes. As the warehouse laborer my early
19 year, we did transferring of waste to
20 the landfill.

21 Q. Okay. So you knew there were fairly
22 substantial quantities of that material
23 in the landfill?

REGIONAL REPORTING SERVICE, INC.

1 MR. NEWSOM: Object to the form as
2 to what you mean by fairly
3 substantial.

4 MR. CUNNINGHAM: He is a big boy.
5 If he doesn't understand it,
6 he can tell me.

7 A. Well, I understand -- I don't know about
8 the amount. I can't tell you how much.
9 Whenever it was generated, I can't tell
10 you how long it took to generate what we
11 carried up there. When the waste was
12 generated, we were called from the
13 warehouse laborers to go transfer it.
14 But what kind of time frame it took to
15 generate it, I don't know. You know, I
16 wasn't in there.

17 Q. When you would haul that stuff up there,
18 what were you taking up there? Describe
19 it for me as best you can.

20 A. The bottoms that they drew off the
21 Aroclor still, the chlorinator, was in
22 metal containers, sealed metal
23 containers. It was hot when they pulled

REGIONAL REPORTING SERVICE, INC.

1 something like that.

2 Q. And you don't have any recollection of
3 how often you would take a truck load of
4 that stuff?

5 A. No, I don't. Because see, I didn't --
6 We rotated jobs even then. We didn't
7 have a certain job. And I can't
8 remember, you know, how often we did it,
9 but I know that was part of the laborer
10 jobs, take the waste to the landfill.
11 But I couldn't tell you.

12 Q. Aside from that waste, the still bottoms
13 -- And is Montar another name for the
14 still bottoms?

15 A. Not off the Aroclor department. Montar
16 is off the heat transfer fluid, the
17 Santowax, the heat transfer fluid is
18 made out of.

19 Q. The biphenyl?

20 A. Well, it is a bottom that is generated
21 off the raw material that the Therminol
22 is made out of.

23 Q. In other words, when they had a still

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1 it off. And then when it cooled, they
2 would call us, and we would take it. We
3 had to make sure all the containers was
4 sealed, even though we didn't do the
5 sealing. The operators did the sealing.
6 We had to make sure it was sealed before
7 we carried it up there.

8 Q. And how much of that stuff do you
9 remember taking up there?

10 A. I couldn't tell you over the period of
11 time.

12 Q. Well, how much would you take up there
13 on any one trip?

14 A. Oh, I really don't remember. It was
15 several containers. I really don't
16 remember.

17 Q. Just as a matter of practice, I assume
18 you didn't take a barrel and roll it up
19 that hill and push it over the side?

20 A. No.

21 Q. Put it on a truck?

22 A. Load it on a truck. And I guess there
23 may have been eight or ten barrels or

REGIONAL REPORTING SERVICE, INC.

1 there making the benzine and putting it
2 together and putting the hydrogen on to
3 make biphenyl, there was a Montar that
4 came out of the bottom of that?

5 A. I don't understand. I don't remember
6 making it like you are saying.

7 Q. Well, that is what I'm saying. Don't
8 presume I'm right. I want you to tell
9 me. What are you talking about when you
10 say Montar? What is it and where did it
11 come from?

12 A. All right. We took the benzine and run
13 it through the furnace and made crude
14 biphenyl.

15 Q. Ran it through which?

16 A. The tubes in the furnace and heated it
17 and made crude biphenyl.

18 Q. Didn't you run it through molten lead to
19 do that?

20 A. Not me, I mean, not in my time. The
21 time I operated, the furnace we have
22 now, that's the only one I can tell you
23 about.

REGIONAL REPORTING SERVICE, INC.

1 Q. What made the benzine molecules mate up
2 into pairs?
3 A. Now or then? From '75 on I can tell you
4 about it. Before '75 I can't tell you
5 because I wouldn't know. I wasn't
6 involved in none of the processes.
7 Q. Well, I'm really interested in the era
8 when y'all were making Aroclors. You
9 are not familiar with how you made the
10 biphenyls?
11 A. No, sir. I was only a laborer,
12 operator's laborer. I have no knowledge
13 of how they made them.
14 Q. If I was looking at a document generated
15 by the plant describing the different
16 waste streams they generated and they
17 talked about Montars one through nine,
18 nine different Montars --
19 A. I don't know about that either.
20 Q. With basically each of these stills, the
21 still that made Aroclor 1254 had a still
22 bottom, and that was one of the Montars;
23 and the still that made 1260 had a still

REGIONAL REPORTING SERVICE, INC.

1 was chief operator we had a safety
2 meeting at the beginning of each shift.
3 Q. I assume you would have attended these
4 safety meetings even as a laborer.
5 There was a meeting where this
6 information was passed on all the way
7 down to laborers.
8 A. Repeat the question. You lost me.
9 Q. As a chief operator you went to monthly
10 safety meetings?
11 A. Right.
12 Q. Was that because they only wanted chief
13 operators to know about this stuff, or
14 was it part of your job to then
15 disseminate that information to people
16 that worked --
17 A. The safety meeting was open to everybody
18 in the plant.
19 Q. So everybody went to these monthly
20 meetings?
21 A. Right, everybody that could.
22 Q. So why did you say you went to safety
23 meetings as a chief operator? Did you

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1 bottom that was a Montar eight or
2 whatever. All of that would be news to
3 you. You never heard anything like?
4 A. Well, I used to drum all that. I used
5 to drum 1254 and all that.
6 Q. The finished product?
7 A. Finished product.
8 Q. But you weren't involved in the process
9 of taking off the still bottoms?
10 A. No, sir. What was in the container we
11 took up there, I can't tell you what it
12 was, whether it was 1254 or whatever.
13 We were called when the waste was
14 generated to take it to the landfill.
15 Q. Were you ever involved in your capacity
16 as a union representative or as a chief
17 operator with making sure that the
18 people -- the workers in the plant knew
19 about the hazards there in the plant to
20 their health and safety?
21 A. Yeah.
22 MR. NEWSOM: Object to the form.
23 A. Yeah. We had a safety meeting -- When I

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1 not go --
2 A. No. I said as a chief operator we had
3 monthly -- daily meetings at the
4 beginning of my shift. I had daily
5 meetings on each shift. At the
6 beginning of each shift as chief
7 operator, we would go over the safety to
8 remind each other to be safe. That is
9 the meetings I was talking about.
10 Q. I'm sorry. So those would be among some
11 of the higher-ups, like chief operators
12 daily, but you are saying the entire
13 work force would be involved in monthly
14 meetings?
15 A. Right, right.
16 Q. Were those exclusively devoted to
17 safety, or did they also get into health
18 type questions?
19 MR. NEWSOM: Which one? Are you
20 talking about safety?
21 Q. The monthly meeting where everybody was
22 invited.
23 A. Well, the monthly meetings, if there was

REGIONAL REPORTING SERVICE, INC.

1 an incident where somebody got hurt, a
 2 near miss, they were addressed, things
 3 like that. But I don't remember the
 4 monthly meetings when I was a laborer.
 5 Q. What I'm trying to work toward is -- I
 6 was a little surprised when I asked you
 7 about what you were told about the
 8 toxicity of Aroclor when you started
 9 working there given that was the
 10 department you went to. And I want to
 11 read you something and ask if you have
 12 ever heard anything like this before.
 13 And that is that prolonged exposure to
 14 Aroclor vapors evolved at high
 15 temperatures or repeated oral ingestion
 16 will lead to systemic toxic effects.

17 MR. NEWSOM: Let me object to the
 18 form. It's vague, Charlie,
 19 when you say have you heard
 20 something like this. That
 21 opens it up to a world of
 22 possibilities.

23 MR. CUNNINGHAM: That is what I'm

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1 extensive bodily contact with the liquid
 2 Aroclors should prevent any untoward
 3 effects. I take it that is something
 4 you were familiar with?

5 A. Yeah.

6 Q. And you had ventilation and/or suitable
 7 garments at all times?

8 A. Yes.

9 MR. NEWSOM: I think he has
 10 testified it was largely
 11 open.

12 MR. CUNNINGHAM: Right.

13 Q. But inside the facility, where you might
 14 have had enclosed areas where Aroclors
 15 were present, there were hoods and fans?

16 A. Right, right, ventilation.

17 Q. Do you ever recall being advised that
 18 Aroclors could cause skin problems for
 19 people if they got on you?

20 MR. NEWSOM: Charlie, are we back
 21 -- when?

22 MR. CUNNINGHAM: Any time, any
 23 time.

REGIONAL REPORTING SERVICE, INC.

1 looking for, the whole world
 2 of possibilities.

3 A. I can't remember. We could have. I
 4 can't remember, you know. Back in 1966
 5 that's a long time ago. I don't
 6 remember all the documents that we were
 7 showed.

8 Q. Do you recall ever hearing anything like
 9 or reading anything like repeated body
 10 contact with the liquid Aroclors may
 11 lead to an acne form of eruption?

12 A. No.

13 Q. You don't remember anything like that?

14 A. I don't remember. I know we were
 15 required to wear our safety and it is
 16 required today. The same requirements
 17 today as then. That hasn't changed.

18 Q. You are reading my mind, because the
 19 next thing I was going to ask you is if
 20 you understood that suitable draft
 21 ventilation to control the vapors
 22 evolved at elevated temperatures as well
 23 as protection by suitable garments for

REGIONAL REPORTING SERVICE, INC.

1 Q. You tell me when. First off, have you
 2 ever heard it? Then we can get to when
 3 and where you heard it.

4 A. Yeah. We have heard a lot of things.
 5 But I can't tell you the dates when I
 6 heard it. We also heard that it has
 7 never been proven, you know, only in
 8 rats.

9 Q. Well, let's start with skin problems.
 10 When do you think, to the nearest
 11 decade, if you can do so, do you think
 12 you first heard that Aroclors could
 13 possibly cause, theoretically cause
 14 problems for people on their skin?

15 MR. NEWSOM: Just object to the
 16 form of the question. It
 17 fails to include things such
 18 as nature, degree, duration
 19 of exposure.

20 Subject to that, if you
 21 understand, you can answer.

22 A. I can't remember because I'm a little
 23 bit -- See, all of this -- I mean, I

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1 heard a lot of things in my years out
2 there since we stopped making, you know,
3 the Aroclors. But I can't give you any
4 dates because I don't remember the dates
5 on them.

6 Q. When you were working with this stuff,
7 when you were bagging it and drumming
8 it, what if anything did you understand
9 could happen to you if you got too much
10 of it on you or in you?

11 A. Too much on or in me? I know if the hot
12 material got on you it could burn you.
13 That was the main thing.

14 Q. But what if you got too much of it,
15 irrespective of it being at an elevated
16 temperature? If you got too much in
17 your body or on your body was there
18 anything in particular you understood it
19 would cause?

20 MR. NEWSOM: Object to the form.

21 A. Repeat that question again. I'm trying
22 -- It was so long ago, and I was trying
23 to think. I'm trying to think about --

REGIONAL REPORTING SERVICE, INC.

1 Q. What did you think it could do to harm
2 you?

3 A. Just like any chemical. But the bags
4 they were bagged in might have said
5 harmful if swallowed. It may have had
6 it on it, had some direction on it. I
7 know if it got on you it would burn you.
8 But you know, like all chemicals in a
9 chemical plant, we were told you are in
10 a chemical plant and you want to keep
11 the chemicals off you. That is why they
12 were very strict on wearing the long
13 sleeves and gloves and all this other
14 equipment.

15 Q. But you weren't told anything particular
16 about Aroclor that you can recall
17 specific to that chemical as opposed to
18 any other chemical in the plant?

19 A. Not --

20 MR. NEWSOM: Object to the form.

21 He just said they were told
22 as to all chemicals in a
23 chemical plant to keep them

REGIONAL REPORTING SERVICE, INC.

1 repeat the question again.

2 Q. When you were there in the '60s bagging
3 the stuff and putting it in the drums,
4 when you were working with it every
5 workday, do you recall having any
6 particular understanding of what this
7 stuff could do to you if you got it on
8 you, on your skin or in your body?

9 MR. NEWSOM: Object to the form,
10 vague and ambiguous, doesn't
11 given him enough to answer, I
12 don't think.

13 MR. CUNNINGHAM: Are you
14 instructing him not to
15 answer?

16 MR. NEWSOM: No. I don't think
17 you have given him enough to
18 answer. If he thinks
19 otherwise --

20 A. Well, I would answer it if --

21 Q. Did you think this stuff was harmless?
22 Let's start with something easy.

23 A. No. I didn't think it was harmless.

REGIONAL REPORTING SERVICE, INC.

1 off. That includes PCBs. I
2 think that is an unfair
3 question based on what he
4 just said.

5 Q. No. You weren't given anything specific
6 about Aroclors as far as toxicity. You
7 were just told avoid skin contact with
8 all the chemicals in the plant?

9 A. Right.

10 Q. Did you ever have occasion to see the
11 drainage ditches leading away from the
12 plant?

13 A. Not then, not in the '60s.

14 Q. You know where Snow Creek is, I take it,
15 relative to the plant?

16 A. Right.

17 Q. Of your own personal knowledge are you
18 able to tell us anything about the
19 condition of Snow Creek below the plant
20 in that time frame in the '60s?

21 A. No, couldn't tell you anything.

22 Q. Ever have occasion to be on Choccolocco
23 Creek back in that time frame?

REGIONAL REPORTING SERVICE, INC.

1 A. I may have. I don't know -- then I
2 probably wouldn't know which part, you
3 know, whether I was on Choccolocco Creek
4 or not. I know I used to fish in
5 different areas and stuff like that.
6 Q. Did you ever fish in Choccolocco Creek?
7 A. I wouldn't know it if I was.
8 Q. You realize it now has a fish advisory
9 on it?
10 A. Right.
11 Q. You cross that every day?
12 A. Right, but I don't know --
13 Q. Would you fish there now, knowing about
14 that fish advisory?
15 A. No, no. Unless it is just for sport,
16 catch them and throw them back.
17 Q. Catch and release?
18 A. Yeah.
19 Q. As a person who worked in the plant and
20 in more than one department, could you
21 identify a particular department by
22 smell? Could you walk in a particular
23 area and say I'm in the P2S5 department?

REGIONAL REPORTING SERVICE, INC.

1 A. Well, I guess each department probably
2 had, you know, a little different smell.
3 Like PNP department, it had a different
4 smell.
5 Q. Do you recall and particularly perhaps
6 as one of the union committeemen an
7 investigation or study being conducted
8 as to the mortality of the work force
9 there at the plant in terms of how many
10 workers or ex-workers had died and what
11 they had died of?
12 A. Well, when this -- along I guess about
13 the same time frame of the plant PCB
14 testing, I'm not sure the union
15 initiated that. I know the management
16 safety supervisor asked me about that he
17 was contacting everybody to see -- after
18 it came out, you know, that the PCBs had
19 a long -- was harmful, then they decided
20 to do a survey with the ex-employees and
21 retired employees and compare it with
22 the others in the community and see if
23 there is a higher health risk or not.

REGIONAL REPORTING SERVICE, INC.

1 A. Definitely. We didn't get too many
2 visitors in the P2S5. If you have ever
3 smelled hydrosulphide, it smelled like
4 rotten eggs.
5 Q. I haven't smelled P2S5, but guessing it
6 was a sulfur product.
7 A. We didn't get many visitors.
8 MR. NEWSOM: He hasn't smelled
9 that, but he's smelled rotten
10 eggs.
11 Q. Now I know why you transferred from P2S5
12 to biphenyl.
13 Did biphenyl or, more important,
14 did Aroclor have a distinctive smell as
15 well?
16 A. The material that we drummed, you know,
17 you could tell, but I wouldn't --
18 Between 1254 or 1232 or whatever, but
19 you could tell when you were -- You
20 weren't in the P2S5 department.
21 Q. Aroclor had a distinctive sort of odor,
22 not as strong as P2S5, but it did have a
23 smell?

REGIONAL REPORTING SERVICE, INC.

1 And I was asked to contact two or three
2 people that they wasn't able to contact.
3 And I did on two of those. And my
4 understanding of the study was that --
5 the employees in the plant was even less
6 than the general area anyway as far as
7 health problems.
8 Q. That the number of deaths in this
9 population was smaller than the expected
10 deaths?
11 A. Well, deaths or illness. I didn't
12 understand it was just death. It was
13 just health problems, is what I
14 understood, you know. Death was
15 included but just a survey of the
16 health.
17 Q. Did you ever see the actual compilation
18 of the data, or were you just told --
19 A. No. It was given at a safety meeting, a
20 plant-wide safety meeting.
21 Q. So you had a chance to actually take a
22 look at it for yourself?
23 A. Right, right.

REGIONAL REPORTING SERVICE, INC.

1 Q. Do you know if your union, International
2 Chemical Workers Union, has an
3 epidemiologist or a toxicologist in its
4 employ?
5 A. I think so.
6 Q. And where would they be found, these
7 individuals?
8 A. Probably the home office up in Ohio,
9 somewhere in that area.
10 Q. Do you know if they were involved at all
11 in this investigation that you have
12 described?
13 A. I'm not sure. I think they were sent a
14 copy of it. But I'm not sure they were
15 directly involved in it.
16 Q. You think this might have been something
17 Monsanto did in house with Monsanto
18 employees conducting the investigation?
19 A. I know it was done for the Anniston
20 plant. I don't know how widespread it
21 was. The Anniston plant --
22 Q. But as far as you know, the people --
23 the professionals who were gathering the

REGIONAL REPORTING SERVICE, INC.

1 wanted to, even the retirees or anyone
2 that ever worked there, if they wanted
3 to be tested, they could.
4 Q. Okay. But this was voluntary then?
5 A. Right.
6 Q. And do you recall roughly how many
7 people got tested?
8 A. No.
9 Q. Were you one of the people who got
10 tested?
11 A. I was one of the people who got tested.
12 Q. Do you recall what level your level was?
13 A. It's was twenty-four parts per billion.
14 Q. And do you recall when that was?
15 A. It was in the '90s. I can't recall what
16 year.
17 Q. And who took that? Where did you go to
18 have the blood drawn?
19 A. Let me think now if we went down to the
20 doctor's office -- See, at that time we
21 had a plant physician. I mean, we still
22 have a plant physician, but he was
23 coming out to the plant every day. But

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1 data and interpreting this data were
2 Monsanto employees as opposed to
3 somebody from outside the company who
4 was provided the information and said
5 here, tell us what you think?
6 A. Right, right, I think so.
7 Q. Have you ever visited the Krummrich
8 plant in Illinois?
9 A. No.
10 Q. So if we wanted to try and talk about
11 differences in the way that Krummrich
12 might have taken steps to control
13 pollution from its facility, you
14 wouldn't have any personal knowledge?
15 A. I wouldn't have any knowledge.
16 Q. Okay. You were telling us earlier that
17 the union requested that the workers be
18 tested for PCB levels?
19 A. Yeah. They asked that they be, you
20 know. What happened was since
21 everybody around the plant had been
22 tested and because the company readily
23 agreed, you know, that anybody that

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1 I think we went up to the doctor's
2 office. I can't remember. I really
3 can't.
4 MR. NEWSOM: Gehi?
5 THE WITNESS: Right. I can't
6 remember if we went up there
7 or he came out here.
8 MR. NEWSOM: We have been going
9 about an hour. Do you want
10 to take a break?
11 THE WITNESS: I'm okay.
12 Q. After you found out you had a
13 twenty-four -- You say you had a
14 twenty-four. Do you know what that is,
15 twenty-four what?
16 A. Twenty-four parts per billion.
17 Q. And what if any did you -- what if
18 anything did you understand about that
19 as far as its being relative --
20 A. That it was --
21 Q. -- to anyone else?
22 A. That it was surprisingly low since I
23 worked in it and probably ate some of it

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1 too, because I ate in there every day.
 2 Didn't have no more than that, but I was
 3 told -- don't know if I read it or what,
 4 but anybody can have up to twenty parts
 5 per billion even if they have never been
 6 close to a PCB. And mine was only
 7 twenty-four.
 8 Q. Were you present when some professionals
 9 from Monsanto came down and talked to
 10 some of the work force explaining these
 11 results?
 12 A. Right. I was there.
 13 Q. Someone typed up some of the
 14 questioning, and there is a reference
 15 here to a question asked by Chapman. It
 16 says why is there so much concern about
 17 having PCBs across the street if the
 18 evidence is so strong that there are no
 19 ill effects. And the answer given was
 20 there are regulatory limits set by the
 21 government for allowable levels of PCB
 22 in the environment. There are levels
 23 that exceed those levels, and they have

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1 reported as being fifty-six years old --
 2 A. What now?
 3 Q. I'm sorry. Was fifty-two years old and
 4 had about one and a half years of
 5 exposure. Let me find the questionnaire
 6 sheet for that particular sample. Does
 7 that look at all familiar to you?
 8 MR. NEWSOM: If you know.
 9 A. Well, I'm not sure. I know mine had my
 10 name on it.
 11 Q. They whited out the names to protect the
 12 privacy. Now, that is the questionnaire
 13 that went with number 1005. The only
 14 reason I'm pulling that out is it is the
 15 only one that says twenty-four as a
 16 result. I'll ask if that looks like
 17 what you recall answering on that
 18 questionnaire.
 19 A. Yeah. This looks like mine.
 20 Q. Okay.
 21 A. Because I had thirty-one years at the
 22 time and '65, '66, '69, and '70.
 23 Q. Okay.

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1 to be cleaned up.
 2 Do you recall possibly that was
 3 you who asked that question and were
 4 given that answer?
 5 A. Could have been. How did they spell
 6 Chapman?
 7 Q. They have it C-h-a-p-m-a-n.
 8 A. Now, there was a C-h-a-p at the plant at
 9 that time.
 10 Q. Do you know if he got tested?
 11 A. I don't know. I don't think he ever
 12 worked in that department, and I don't
 13 know if he got tested or not. Like I
 14 said, I asked some questions, but I
 15 can't remember what questions I did ask.
 16 Q. I've got a little chart here I did.
 17 When we were provided the raw data on
 18 people's serum levels in the plant, all
 19 we got was an identifying number. And
 20 the only twenty-four parts per billion
 21 is number 1005. I'm going to guess that
 22 is you. It looks like it was taken June
 23 12 of 1996. At that time the worker was

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1 A. And twenty-four parts per billion.
 2 Q. Very good. Okay. Now, what do your
 3 doctors tell you about PCBs when you
 4 talk to them about this level that you
 5 have in your blood?
 6 A. Well, I really haven't talked to any of
 7 them about it. You know, when I had my
 8 surgery I asked the doctor could it have
 9 anything to do with PCBs, and he said
 10 no, that he didn't think it did. That
 11 is the only -- I haven't talked to
 12 anybody else about it.
 13 Q. Some of the other comments on these
 14 questionnaires -- and I don't know the
 15 names of these workers, and I don't know
 16 if you can help me. Number 1006, the
 17 next person behind you, wrote down that
 18 he has chloracne frequently. Do you
 19 know who out there has chloracne a lot?
 20 A. No. I don't know what that is.
 21 Q. You know what acne is, I presume.
 22 Chloracne is simply a rather extreme
 23 form of acne that is caused by

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1 chlorinated compounds.
 2 A. No.
 3 Q. Don't know who that might be?
 4 A. No.
 5 Q. There is another one here, 1013, talks
 6 about having had an abnormal liver test
 7 five years ago. That would have been in
 8 1991 roughly. Do you know who in the
 9 work force that might have been
 10 referring to?
 11 A. No.
 12 MR. NEWSOM: He is not necessarily
 13 saying that is true. He is
 14 just asking if his
 15 representation matches up
 16 with what he has heard.
 17 A. I haven't heard of anybody having it.
 18 Q. Number 1035, age sixty-two, mentioned
 19 that he carried melted PCB to the dump.
 20 I guess that would have been when they
 21 were doing it in the trash skits. Do
 22 you know who was in charge of doing that
 23 or --

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1 Q. That's the one with the really skinny
 2 metal stack?
 3 A. Yes.
 4 Q. Well, they had a tepee incinerator up on
 5 the hillside. Did you ever see that,
 6 kind of a conical device with a heavy
 7 spherical screen at the top that you
 8 burn trash and debris in, called a tepee
 9 incinerator? You don't recall that?
 10 A. No. I don't remember that one.
 11 Q. You would have been going up on the
 12 hillside, what is called the south
 13 landfill, south of 202 when you carried
 14 those drums up, right?
 15 A. Right.
 16 Q. Is that all you took up there, these
 17 drums of still bottoms?
 18 A. No. We took just general trash.
 19 Q. And what did you do with the general
 20 trash?
 21 A. Put it in the landfill. They had more
 22 than one landfill.
 23 Q. Okay. Well, more than one cell?

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1 A. No.
 2 Q. -- who did that?
 3 A. Melted to the dump?
 4 Q. Yeah. As opposed to putting it in
 5 barrels at various times, they would put
 6 it into skits and take it up there
 7 liquid and pour it into the dump. Do
 8 you know anything about that?
 9 A. No. I'm not aware of it.
 10 Q. Did you have any role to play with any
 11 of the incinerators at the plant?
 12 A. No.
 13 Q. How many incinerators were you aware of
 14 that they had there?
 15 A. What area?
 16 Q. Anywhere.
 17 A. The only incinerator I'm aware of is the
 18 -- when they had the parathion
 19 department and had the recycle
 20 incinerator. That's the only one I
 21 ever --
 22 Q. In the parathion department?
 23 A. Right.

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1 A. Yeah, more than one cell.
 2 Q. Now, let's talk about that for a moment
 3 here. Did any of these cells ever have
 4 any water in them?
 5 A. I can't recall.
 6 Q. Could have, but you don't remember?
 7 A. I don't remember.
 8 Q. And you were putting all this stuff into
 9 the same cell? In other words, if you
 10 brought up trash, it went in this spot.
 11 If you brought up drums of still
 12 bottoms, it went in this spot?
 13 A. I don't remember. May have. That's
 14 been so long ago. We were on a time
 15 schedule, had to take it there and get
 16 back.
 17 Q. Ever know of things to catch fire up
 18 there?
 19 A. I've never known of a fire up there.
 20 Q. Ever seen people up there scavenging
 21 metal?
 22 A. No.
 23 Q. The fellow this afternoon, earlier this

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1 afternoon, was talking about some
2 material being burned in the boilers,
3 that they were natural gas fed
4 predominantly but at times they also fed
5 those boilers with other waste product.
6 Do you know anything about that?

7 MR. NEWSOM: Are you saying the
8 Aroclor department?

9 MR. CUNNINGHAM: I said waste
10 product. That's what I'm
11 going to find out, which
12 departments and what feed
13 stock.

14 A. The biphenyl department today, we
15 recycle. See, we recycle all the waste
16 now. If it can be burned, that is part
17 of the fuel. That only started in the
18 '90s.

19 Q. So you are not aware of any sort of
20 effort to reduce the waste streams by
21 putting stuff in the boiler in the '60s
22 or '70s?

23 A. No. We didn't.

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1 kind of an open area. Do you have any
2 understanding of whether or not that
3 particular area historically was used to
4 deposit anything by Monsanto?

5 A. No, sir.

6 Q. Where would you have taken the stuff as
7 best you recall went you were hauling
8 stuff to the dump?

9 A. Across 202, up in the landfill.

10 Q. Now, back in that era, in the '60s, 202
11 didn't go as it does now, right?

12 A. Right, right.

13 Q. Kind of came down where Clydesdale is
14 today?

15 A. Right, right.

16 Q. When you were working as an operator,
17 did y'all ever have occasion to just
18 have a bad batch of something, just
19 wasn't working, wasn't coming out to
20 spec?

21 MR. NEWSOM: Are you talking about
22 operator anywhere?

23 A. What product?

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1 Q. Did you have any role to play when
2 people would return Aroclor to the plant
3 with what happened with that?

4 A. I don't recall any returns.

5 Q. You don't know anything about when they
6 stopped making this stuff and people
7 were changing out from the chlorinated
8 products to the non-chlorinated product?

9 A. No. I was in P2S5. I wasn't aware of
10 that.

11 Q. There is an area that I have had people
12 call Sweet Valley. I don't know how
13 familiar you are with the area out
14 there. Do you know where the Mars Hill
15 Missionary Baptist Church is?

16 A. Yes.

17 Q. You know, just to the east of that there
18 is what is now a pond or retention
19 basin.

20 A. Right.

21 Q. I have had people tell me that is called
22 Sweet Valley. And if you look at old
23 historical aerial photographs, it is

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1 Q. Any product. Did you ever have when you
2 were an operator or chief operator, on
3 your watch, where a batch of stuff just
4 wasn't coming together and you just at
5 the end had to say we are just going to
6 have to toss this stuff, it has gone
7 south on us?

8 A. Basically we would have recycled it,
9 reworked it. If it was biphenyl or
10 Santowax we would drum it out and put it
11 back in the system, melt it up later,
12 put it back in the system. I don't
13 remember just dumping a batch because we
14 could always recycle it.

15 Q. What about ruptures, spills, where stuff
16 would -- pipes or valves or fittings or
17 tanks would leak or break? And let me
18 just limit it to Aroclor. Were you ever
19 aware of any Aroclor getting away from
20 you all because of a break in a pipe,
21 break in a valve, a seam in a tank or
22 anything like that?

23 A. The only recollection I have -- Like I

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1 said, I did the packaging. If we had a
2 drum that was overfilled, we would clean
3 it up and put it in one of those drums
4 that they drew the bottoms with and
5 seal it up. And it went to -- but I
6 don't ever remember -- Like I said, I
7 didn't work in the processing, so I
8 don't know what they did with a valve
9 open. But if we had a spill or one of
10 the bags busts and we couldn't put it in
11 another bag, we had a waste can that we
12 would get it all in that and then seal
13 it off. And it would go up to the
14 landfill.

15 Q. Okay. Do you own any property in west
16 Anniston today?

17 A. No. I did, a house, but I don't today.

18 Q. You moved out of west Anniston in '97?

19 A. Yes. My ex-wife still has the property.

20 Q. We're not going to talk about leaving
21 ex-wives with the property in west
22 Anniston. Do you know if that property
23 has ever been tested?

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1 A. No more than a couple of miles.

2 MR. NEWSOM: Then you have to
3 figure out how a crow flies.

4 Q. If you drew a straight line on an aerial
5 photograph.

6 Is the reason you left west
7 Anniston because you got divorced from
8 your first wife?

9 A. No, second wife.

10 Q. From your second wife. Okay.

11 A. First wife got the 1423 Pine property.
12 The second wife got 2524 Paul Circle
13 property. So I moved out. I moved to
14 Munford after that.

15 Q. First you went to Golden Springs, which
16 is on the other side of the mountain,
17 kind of southeast?

18 A. Yes.

19 Q. And then down to Munford?

20 A. Yes.

21 Q. Have you heard at all or read in the
22 paper, heard people talk about there
23 having been a lot of PCBs found in

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1 A. No, sir. As far as I know it hasn't.

2 Q. You know it hasn't?

3 A. It hasn't as far as I know.

4 Q. Is that 1423 Pine Avenue?

5 A. 2524 Paul Circle.

6 Q. I have to confess. I don't know where
7 Paul Circle is. If you left, how would
8 you go home to get to Paul Circle?

9 A. Go to Fifteenth and Quintard, and go all
10 the way until it ends. And you take a
11 right by Union Foundry, going west on
12 Fifteenth. You go through the little
13 business district of Fifteenth Street,
14 and when you get to a couple of railroad
15 tracks, take a right. Then there is
16 McWayne, used to be Union Foundry, where
17 I used to work. Paul Circle is a
18 subdivision right --

19 Q. That is a pretty fair distance then from
20 the Monsanto plant?

21 A. Right, right.

22 Q. Maybe two to three miles as the crow
23 flies?

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1 people's yards and people's bodies out
2 there around the plant?

3 MR. NEWSOM: Object to the form.

4 What do you mean by a lot of?

5 A. I mean, I read the newspaper and read of
6 the amounts. I can't tell you what
7 amount it was.

8 Q. Okay. Did it surprise you when you read
9 about that and heard about that?

10 MR. NEWSOM: Object to the form.

11 A. Well, I mean, I don't know how to answer
12 that because I didn't -- you know, for
13 many years I didn't know that PCBs --
14 still don't know --

15 Q. Still don't know what?

16 A. That it is really harmful.

17 Q. Right. And I'm not asking you whether
18 you think it is harmful or not. I'm
19 asking you did it surprise you to learn
20 that it was being found as far away from
21 the plant as it seems to be based on
22 what you read?

23 MR. NEWSOM: Object to the form.

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1 A. No, sir. Can I answer that? I can tell
2 you why it didn't surprise me.
3 Q. Okay. It did surprise you?
4 A. Didn't surprise me. Because all of the
5 yards in west Anniston and the two
6 houses I owned in west Anniston has pipe
7 shop sand in them. And pipe shop sand
8 has PCBs from the different foundries,
9 and that is why it is so widespread.
10 Q. Let me see if I've got this straight.
11 You know that every yard in west
12 Anniston has pipe shop sand?
13 A. Well, I'm saying the two houses I owned
14 in west Anniston -- the one at 1423 Pine
15 Avenue, I used pipe shop sand to help
16 fill in the low spots as a base. And at
17 2524 Paul Circle, I could get out there
18 and dig in the yard to put a fence post
19 up, and I could dig up pipe shop coal
20 and pipe shop sand, because sand was --
21 That was just a hilly area. And it was
22 a new subdivision, and to my knowledge
23 they used pipe shop sand as a base to

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1 you ever hear or see anything that made
2 you think --
3 A. I didn't even know what PCB was when I
4 worked at the foundry. I never heard of
5 PCBs when I worked at the foundry. That
6 is what I was basing my assumption on.
7 Q. These yards of yours, have you had them
8 tested --
9 A. No.
10 Q. -- to see if there is PCB in them?
11 A. No.
12 Q. So if we tested your yard and you didn't
13 have PCBs and you know you had foundry
14 sand put there, that would be a pretty
15 good indication that's not the source of
16 the PCBs?
17 A. No, I can't say that. It may be just a
18 bad batch -- or a good batch.
19 Q. Are you saying it would surprise you if
20 somebody suggested PCBs had gotten away
21 from the plant and into the
22 neighborhoods around the plant? It
23 would surprise you?

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1 fill in. And that was common to see,
2 the truck with pipe shop sand stopped at
3 people's yards. I gave five dollars,
4 you know, to keep from taking it to the
5 landfill. He will gladly -- And most of
6 the yards in west Anniston has pipe shop
7 sand.
8 Q. And who told you that is where the PCBs
9 came from?
10 A. Well, I either read somewhere that the
11 PCBs was used in the pipe making, but I
12 can't recall just, you know, just when
13 or where. But at one time I read that.
14 The pipe shop sand -- a lot of Aroclor
15 was sold to the pipe shop to use in
16 their core making.
17 Q. I'm asking where --
18 A. I can't remember.
19 Q. Do you remember what kind of Aroclor it
20 was?
21 A. No. All I know is just Aroclor was
22 used.
23 Q. And when you worked at the foundry did

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1 MR. NEWSOM: Object to the form.
2 A. Ask that question again. It sounds like
3 a trick question.
4 Q. No. I wish I was smart enough to ask
5 trick questions.
6 I'm saying to assume for the sake
7 of my next question that there are
8 documents from Monsanto that said PCBs
9 were not sold for use in casting waxes
10 in the kinds of foundries we have down
11 here. Assume for the sake of my
12 question that the EPA has gone out to
13 all the foundries in this area and
14 tested and not found evidence of large
15 scale PCB contamination or any PCB
16 contamination in some of the sites.
17 Assume for the sake of my question that
18 in areas where one can horizon out what
19 appears to be sand from a foundry versus
20 native soil, there is more PCB in the
21 native soil than there is in the sand.
22 Assume all of those facts for the
23 purpose of my question, which would tend

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1 to indicate that foundry sand is not a
 2 source of PCBs, that PCB is being found
 3 all around this plant. Assume all of
 4 those facts which you don't agree with,
 5 but assume --
 6 A. I'm following you.
 7 Q. -- all of that is true. Would that then
 8 surprise you? Would you be surprised if
 9 PCB appears to have gotten from the
 10 plant into the neighborhoods around it?
 11 MR. NEWSOM: Let me object to the
 12 form of the question. It
 13 includes facts not in
 14 evidence, fails to include
 15 pertinent facts that will be
 16 in evidence, such as the
 17 Smith brothers, your own
 18 witnesses, and what they have
 19 testified to. Your question
 20 is asking him whether he was
 21 surprised. Are you now
 22 asking him whether with this
 23 additional information he is

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1 MR. CUNNINGHAM: I'm just being
 2 sure.
 3 MR. NEWSOM: Well, you gave him
 4 two possibilities, neither of
 5 which is what he testified
 6 to.
 7 MR. CUNNINGHAM: No. He said he
 8 didn't know about it.
 9 MR. NEWSOM: No. He said he
 10 didn't have knowledge, and
 11 you are saying it didn't
 12 happen. Your question
 13 includes two possibilities --
 14 read it back -- neither of
 15 which is what he testified
 16 to, which is that he didn't
 17 have knowledge of it. You
 18 can read it back.
 19 Q. Are you saying it never happened, or are
 20 you saying you just don't know?
 21 A. I don't know.
 22 Q. If there were documents in this case to
 23 show that PCBs got away from the dumps,

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1 still surprised or not
 2 surprised?
 3 Q. Would you then --
 4 MR. NEWSOM: Whether he is
 5 surprised or not surprised is
 6 not relevant either to
 7 anything. He is asking you a
 8 hypothetical question I
 9 guess. Further grounds,
 10 obviously he is not an
 11 expert, hasn't been
 12 designated as an expert.
 13 A. The only way I can answer is like this.
 14 I have no knowledge of PCBs leaving the
 15 plant from a spill or discharge. I have
 16 no knowledge of that ever leaving the
 17 plant there, you know, from Monsanto.
 18 Q. Are you saying it didn't happen, or you
 19 just don't know about it?
 20 MR. NEWSOM: Object to the
 21 question. What he said was
 22 he didn't have knowledge
 23 about it.

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1 got out in the air, got out in the water
 2 from this plant, you are saying that
 3 would be the first you ever heard of it?
 4 MR. NEWSOM: Object to the form.
 5 Q. If I showed you documents where people
 6 literally could see PCB in the ditches,
 7 leaving the dump, leaving the plant,
 8 where people measured PCB in the air
 9 around the plant, Monsanto people, that
 10 would be the first you have heard of
 11 that?
 12 MR. NEWSOM: Object to the form.
 13 A. I mean, yeah. Because I don't have any
 14 knowledge of it getting out. I have no
 15 knowledge of PCBs getting out of the
 16 plant, so I have to say that.
 17 MR. CUNNINGHAM: That's all I
 18 have.
 19
 20 (The deposition concluded at
 21 4:35 p.m.)
 22
 23

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

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

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

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

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