

20001

1 Re: Transwestern Pipeline Company
2 vs.

3 Monsanto Company

4

5

6

7

8 October 6, 1992

9

10

11

12

13 Deposition of G. ROBERT SIDO

14

15

16

17

18

19

20

21

22

23

24

25

1 Superior Court of the State of California

2 For the County of Los Angeles

3
4 Transwestern Pipeline)

5 COMPANY,)

6 Plaintiff,)

7)

8 v.) No. BC 026959

9)

10 MONSANTO COMPANY and)

11 DOES 1 through 200,)

12 inclusive,)

13 Defendants.)

14
15
16
17
18 Deposition of G. ROBERT SIDO,

19 taken on behalf of Plaintiff, at the offices

20 of Bryan Cave, 500 North Broadway in the City

21 of St. Louis, State of Missouri, commencing

22 at 9:00 a.m. on the 6th day of October, 1992,

23 before J. Bryan Jordan, certified shorthand

24 reporter and notary public.

25

1 1 APPEARANCES:

2 2

3 3 FOR THE PLAINTIFF:

4 4 Ms. Janet M. Grady

5 5 Shearman & Sterling

6 6 21st Floor

7 7 725 South Figueroa Street

8 8 Los Angeles, California 90017

9 9 (213) 239-0300

10 10

11 11 FOR THE DEFENDANTS:

12 12 Mr. Donald F. Zimmer, Jr.

13 13 Bronson, Bronson & McKinnon

14 14 505 Montgomery Street

15 15 San Francisco, California 94111-2514

16 16 (415) 986-4200

INDEX

PAGE

EXAMINATION BY MS. GRADY:

7

EXHIBITS

Plaintiff's Exhibit 765 91

Plaintiff's Exhibit 758 103

Plaintiff's Exhibit 759 108

Plaintiff's Exhibit 700 111

Plaintiff's Exhibit 764 113

Plaintiff's Exhibit 766 115

Plaintiff's Exhibit 768 122

Plaintiff's Exhibit 769 136

Plaintiff's Exhibit 774 138

Plaintiff's Exhibit 775 139

Plaintiff's Exhibit 776 145

Plaintiff's Exhibit 778 146

Plaintiff's Exhibit 779 146

Plaintiff's Exhibit 780 146

Plaintiff's Exhibit 781 146

Plaintiff's Exhibit 783 152

Plaintiff's Exhibit 785 154

Plaintiff's Exhibit 786 156

EXHIBITS (CONTINUED)

1	1				
2	2	Plaintiff's Exhibit	788	.....	162
3	3	Plaintiff's Exhibit	789	.....	165
4	4	Plaintiff's Exhibit	790	.....	167
5	5	Plaintiff's Exhibit	793	.....	168
6	6	Plaintiff's Exhibit	794	.....	170
7	7	Plaintiff's Exhibit	795	.....	173
8	8	Plaintiff's Exhibit	796	.....	189
9	9	Plaintiff's Exhibit	798	.....	192
10	10	Plaintiff's Exhibit	799	.....	196
11	11	Plaintiff's Exhibit	803	.....	207
12	12	Plaintiff's Exhibit	804	.....	210
13	13	Plaintiff's Exhibit	806	.....	213
14	14	Plaintiff's Exhibit	808	.....	219
15	15	Plaintiff's Exhibit	809	.....	222
16	16	Plaintiff's Exhibit	810	.....	224
17	17	Plaintiff's Exhibit	811	.....	226
18	18	Plaintiff's Exhibit	813	.....	227
19	19	Plaintiff's Exhibit	816	.....	233
20	20	Plaintiff's Exhibit	818	.....	236
21	21	Plaintiff's Exhibit	823	.....	239
22	22	Plaintiff's Exhibit	824	.....	242
23	23	Plaintiff's Exhibit	826	.....	245
24	24	Plaintiff's Exhibit	827	.....	252
25	25	Plaintiff's Exhibit	840	.....	281

EXHIBITS (CONTINUED)

2	2	Plaintiff's Exhibit	848	.....	285
3	3	Plaintiff's Exhibit	851	.....	287
4	4	Plaintiff's Exhibit	852	.....	289
5	5	Plaintiff's Exhibit	858	.....	289
6	6	Plaintiff's Exhibit	860	.....	290
7	7	Plaintiff's Exhibit	754	.....	296
8	8	Plaintiff's Exhibit	755	.....	297
9	9	Plaintiff's Exhibit	899	.....	300
10	10	Plaintiff's Exhibit	900	.....	305

1 1 Whereupon. . .

2 2 G. ROBERT SIDO,

3 3 of sound mind, having been first duly sworn

4 4 to tell the truth, the whole truth, and

5 5 nothing but the truth in the case aforesaid,

6 6 testified upon his oath as follows, to-wit:

7 7 EXAMINATION

8 8 QUESTIONS BY MS. GRADY:

9 9 Q. Mr. Sido, could you please state
10 10 and spell your full name for the record?

11 11 A. G. Robert Sido, S-i-d-o.

12 12 Q. And could you state your business
13 13 address, please?

14 14 A. I'm retired, and my home address
15 15 is 7143 Kingsbury, K-i-n-g-s-b-u-r-y, St.
16 16 Louis, 63130.

17 17 Q. Mr. Sido, my name is Janet Grady,
18 18 and I'm with the firm of Shearman & Sterling,
19 19 and we we represent a company called
20 20 Transwestern Pipeline in litigation against
21 21 Monsanto Company. That's what this
22 22 deposition is being called with regard to.
23 23 I'm sure that you've had time to prepare with
24 24 Mr. Zimmer, but let me go over the ground
25 25 rules, so that we're working off of the same

1 1 page.

2 2 The most important thing I can
3 3 tell you is that it's important that we get
4 4 our best testimony here today, so if you do
5 5 not believe that you've understood a
6 6 question, will you please bring that to my
7 7 attention?

8 8 A. I will.

9 9 Q. You also understand that you are
10 10 under oath today. Even though we're in a
11 11 conference room, the oath you just took is
12 12 just the same as the one you would take in
13 13 court, so your testimony today is the same as
14 14 if you were offering it in court. Do you
15 15 understand that?

16 16 A. Yes, I do.

17 17 Q. You will have a chance to review
18 18 your testimony. Our reporter will type it up
19 19 into a booklet and that will be sent to you.
20 20 You will have a chance to review it and to
21 21 make any corrections to what was said here
22 22 today that you believe are appropriate, but
23 23 it's important that we get our best testimony
24 24 here today. Do you understand that?

25 25 A. Yes.

1 1 Q. Is there any reason why you can't
2 2 give your best testimony today?

3 3 A. No.

4 4 Q. Mr. Sido, are you represented by
5 5 counsel here, today?

6 6 A. Yes, by Fritz Zimmer.

7 7 Q. And did you have an opportunity to
8 8 meet with your lawyer prior to today's
9 9 deposition?

10 10 A. Yes.

11 11 Q. When did you meet him?

12 12 A. Yesterday.

13 13 MR. ZIMMER: He doesn't need to
14 14 talk about when, how long, any of those kinds
15 15 of things, so let's get to get to your
16 16 questions.

17 17 MS. GRADY: He needs to answer my
18 18 questions. If you are asserting some sort of
19 19 privilege, I'll lay a foundation.

20 20 MR. ZIMMER: I'll do that shortly.

21 21 MS. GRADY: Why don't we just go
22 22 proceed in the normal way, where I ask the
23 23 questions and you make the objections.

24 24 BY MS. GRADY:

25 25 Q. You met with Mr. Zimmer yesterday;

1 1 is that correct?

2 2 A. That's correct.

3 3 Q. How long did you meet with Mr.
4 4 Zimmer?

5 5 MR. ZIMMER: I object and instruct
6 6 him not to answer.

7 7 MS. GRADY: And what is the basis
8 8 for your objection?

9 9 MR. ZIMMER: The privilege.

10 10 MS. GRADY: What privilege is
11 11 that?

12 12 MR. ZIMMER: The attorney-client
13 13 privilege.

14 14 MS. GRADY: And how does the
15 15 period of time during which you met with Mr.
16 16 Sido tend to reveal attorney-client
17 17 privilege?

18 18 MR. ZIMMER: Because if I met with
19 19 him for 24 hours yesterday versus one hour,
20 20 that would disclose to you my thought
21 21 processes which makes it work product in
22 22 addition to attorney-client, as to how
23 23 important a witness he is or isn't.

24 24 MS. GRADY: Okay, so maybe I
25 25 should restate the question, then. Maybe you

1 1 want to assert both of those grounds.

2 2 MR. ZIMMER: I think I just have,
3 3 and frankly, if you want to talk to your
4 4 office about whether you folks have been
5 5 making the same objections consistently
6 6 throughout this litigation, maybe you ought
7 7 to take a moment to make a phone call.

8 8 MS. GRADY: I don't think so,
9 9 Fritz.

10 10 MR. ZIMMER: Well --

11 11 MS. GRADY: Mr. Sido, how long did
12 12 you meet with your attorney yesterday?

13 13 MR. ZIMMER: Same objection, same
14 14 instruction.

15 15 MS. GRADY: Okay, so the
16 16 foundation, so we've got the foundation, the
17 17 objection is based on attorney-client
18 18 privilege and work product. Is that correct?

19 19 MR. ZIMMER: Those are the ones I
20 20 stated.

21 21 BY MS. GRADY:

22 22 Q. Mr. Sido, did you have the
23 23 opportunity to review any documents with your
24 24 attorney?

25 25 A. Yes.

1 Q. Approximately how many documents
2 did you review?

3 MR. ZIMMER: Same objection, same
4 instruction.

5 BY MS. GRADY:

6 Q. Did any of the documents that you
7 reviewed refresh your recollection in any way
8 about your employment at Monsanto?

9 A. Yes.

10 Q. Which documents did that? Please
11 describe them for me.

12 A. Only from a factual point of view,
13 those things that you, I think, have.

14 Q. Could you --

15 A. I couldn't identify them by other
16 than looking at them.

17 Q. Okay, I'll ask you individually,
18 then, and then maybe at the end, if there was
19 an additional document or documents that
20 refreshed your recollection that you haven't
21 seen here today, I'll ask you if you can give
22 me any identification information so I can
23 try to go find them.

24 Mr. Sido, could you summarize your
25 educational background for me after high

1 1 school?

2 2 A. Yes. I graduated from Westminster
3 3 College in Fulton, Missouri, and went to
4 4 graduate school at Washington University here
5 5 in St. Louis and got my Master's degree in
6 6 organic chemistry. That was just prior to
7 7 World War II, or then in the middle of World
8 8 War II, and I went into the Navy with a
9 9 commission, and when I was released in 1946,
10 10 I went to work for Monsanto in Springfield,
11 11 Massachusetts, doing research on plastic
12 12 products.

13 13 I was, in about nineteen forty --
14 14 let's see; I guess from '52 to '56, I was in
15 15 Cincinnati, Ohio, with a manufacturing plant
16 16 that Monsanto started up making some of the
17 17 products that I had started work on in
18 18 research, and I was in charge of the
19 19 laboratory and one of the manufacturing
20 20 operations.

21 21 I was then on loan to the, our
22 22 Washington, D.C., office, as technical
23 23 representative for Monsanto in a liaison way
24 24 with various divisions of the company,
25 25 returned to plastics operation in

1 1 Springfield, Massachusetts, about 1948, and
2 2 then in 1940 -- no excuse me, that's 1958,
3 3 and in 1959, I was given the job of Labeling
4 4 Supervisor in St. Louis for Monsanto and
5 5 remained in that function in a managerial
6 6 sense up to my retirement in 1983.

7 7 Q. Thanks, very much. Let me go back
8 8 over this and fill in some of the detail, and
9 9 also make sure that my notes are correct.

10 10 You graduated from Westminster
11 11 College in what year?

12 12 A. 1942.

13 13 Q. And then you received your
14 14 Master's in what year?

15 15 A. 1944.

16 16 Q. Then you went into the Navy. Is
17 17 that correct?

18 18 A. That's correct.

19 19 Q. Was the job that you took with
20 20 Monsanto in 1946 your first employment after
21 21 college?

22 22 A. Yes.

23 23 Q. Other than the Navy?

24 24 A. Yes.

25 25 Q. You were doing research on plastic

1 1 products? Is that right?

2 2 A. That's correct.

3 3 Q. What kind of plastic products?

4 4 A. They were products related, they
5 5 were related to paint vehicle. Resins were
6 6 used in paint formulations for the automotive
7 7 industry, primarily.

8 8 Q. And did your job entail work in
9 9 the lab?

10 10 A. Yes.

11 11 Q. Did the plastic products that you
12 12 were working with contain Aroclors?

13 13 A. No.

14 14 Q. Did they contain any kind of
15 15 polychlorinated biphenyls?

16 16 A. No.

17 17 Q. And you were in Massachusetts,
18 18 working on plastic product research from 1946
19 19 to 1952? Is that correct?

20 20 A. That's correct.

21 21 Q. And what was your title during
22 22 those years?

23 23 A. Just a research chemist.

24 24 Q. How did you obtain your job, your
25 25 first job at Monsanto?

1 A. By applying and being interviewed
2 and hired.

3 Q. And where did you apply?

4 A. Here in St. Louis.

5 Q. In 1952, you moved to an Ohio
6 manufacturing plant? Is that correct?

7 A. That's correct.

8 Q. And your job title at that time
9 was?

10 A. I was laboratory supervisor and
11 supervisor of a phenolic and melamine resin
12 production operation, primarily phenolic.

13 Q. You may have told me this. If so,
14 my notes don't reflect it. Where in Ohio was
15 the plant?

16 A. Addyston, Ohio, just outside of
17 Cincinnati.

18 Q. And you were in the position of
19 lab supervisor at the Addyston facility from
20 1952 to '56? Is that right?

21 A. That's correct.

22 Q. You then took a position with
23 Monsanto in Washington? Is that right?

24 A. Washington, D.C., correct.

25 Q. And that was in 1956?

1 A. That's right.

2 Q. I didn't understand exactly what
3 your job responsibilities were in that
4 position. Could you expand a bit on what you
5 told me before?

6 A. Strictly a liaison, representative
7 of the company to assist others in the other
8 operations of the company to meet and make
9 contact with the people that they needed to
10 to conduct whatever technical business they
11 might have.

12 Q. Was your job to act as liaison
13 between Monsanto employees and government
14 employees?

15 A. That's correct.

16 Q. And were there any particular
17 government agencies that you worked with in
18 your role as liaison more than others?

19 A. Not really. There was the
20 Department of the Navy, the Agriculture, Food
21 & Drug, just the places that had laboratory
22 facilities in the Washington, D.C., area.

23 Q. How did you happen to take this
24 position in Washington, D.C., as a liaison
25 person for Monsanto?

1 A. It was customary for Monsanto at
2 that time to -- we had a regional
3 vice-president who was maintaining a
4 longevity job with Monsanto, and primarily,
5 in contact with government agencies, and then
6 the technical aspects was -- were left to a
7 technical individual on loan from some
8 company division for sort of educational
9 opportunity to get acquainted with
10 government, learn something about it on a
11 short-term exposure of two to three years,
12 and then return to the, their operating
13 division thereafter. Thereby, over a period
14 of years, there were many people that filled
15 that capacity as technical liaison.

16 Q. Who did you report to in your job
17 as technical liaison?

18 A. It was Mr. Gamble.

19 Q. And Mr. Gamble --

20 A. Was the regional vice-president.

21 Q. So he was the fellow that stayed
22 in Washington and people rotated in as
23 technical liaison officer? Is that correct?

24 A. That's correct.

25 Q. Do you recall working on any

1 liaison projects that involved Aroclors?

2 A. No.

3 Q. Did you work on a liaison project
4 that involved the U.S. Navy's potential use
5 of products, Monsanto products that contain
6 Aroclors in submarines?

7 A. No.

8 Q. Was your work in the nature of
9 informing people at Monsanto who the right
10 person to contact at the government was?

11 A. Usually, the people at Monsanto
12 knew what government agency they needed to
13 contact. If I had any other help or names, I
14 would provide them, certainly.

15 Q. So how was a typical day spent?
16 I'm having trouble figuring out exactly what
17 the liaison role was.

18 A. We would make arrangements for the
19 people to see the people that they were
20 interested in discussing a common product
21 project on or they, -- we would either go
22 with them if they were not familiar with
23 Washington to see how they knew how to go to
24 the right place and if there place was
25 outside of the Washington, D.C., area, we

1 1 would usually accompany them, or I would, and
2 2 just to be helpful and also learn a little
3 3 bit about what their interests were. I
4 4 didn't always know in advance what their
5 5 interests were or what the government
6 6 interest might be in Monsanto's products.

7 7 Q. Did you have any follow-up
8 8 responsibilities that flowed from your
9 9 liaison efforts?

10 10 A. In a matter of transmittal of
11 11 information to some degree.

12 12 Q. Was there an attempt made to make
13 13 the liaison office in Washington the focus of
14 14 information coming back from the government
15 15 to Monsanto?

16 16 A. Not, not directly, no.

17 17 Q. You were in this position from
18 18 1956 to 1958? Is that right?

19 19 A. That's correct.

20 20 Q. Then in 1958, you returned to
21 21 Massachusetts?

22 22 A. I returned to our plastics
23 23 headquarters at that time, which was in
24 24 Springfield, Massachusetts.

25 25 Q. And what was your position on your

1 1 return?

2 2 A. A development associate, which was
3 3 a matter -- we were a group of people to
4 4 review, that were assigned to review research
5 5 projects and make recommendations to the
6 6 general manager of the division as to whether
7 7 these should be expanded, continued, dropped,
8 8 whatever might be appropriate in their
9 9 judgment.

10 10 Q. So was -- what were the
11 11 considerations used to evaluate proposed
12 12 research projects?

13 13 A. Well, the degree of information
14 14 that's -- success in what's been developed,
15 15 what business, what interest the customers
16 16 may have in those products, what amount of
17 17 business might be related to it, was -- did
18 18 it match with overall company desires.

19 19 Q. Do you recall any projects that
20 20 you evaluated at that time that had anything
21 21 to do with Aroclors?

22 22 A. There were none.

23 23 Q. And you held a position of
24 24 Development Associate? Is that correct?

25 25 A. Development Associate.

1 Q. Until 1959?

2 A. That's correct.

3 Q. And in 1959, you became Labeling
4 Supervisor? Is that correct?

5 A. That's right.

6 Q. What organization did you work for
7 when you became Labeling Supervisor?

8 A. The function was focused in the
9 Purchasing and Traffic Department of
10 Monsanto. It was a corporate function, so
11 that labeling involved products from all of
12 the company operations, wherever they might
13 be in the United States.

14 Q. The Purchasing and Traffic
15 Department was provided services to all of
16 the divisions of Monsanto? Is that correct?

17 A. That's right.

18 Q. How did you get your job as
19 Labeling Supervisor?

20 A. I always thought I -- I really
21 don't know, exactly, other than I had
22 experience of a technical nature, I had
23 experience in Washington which had some
24 bearing on product registration. Labeling
25 and product registration was the function

1 1 that I held, and by "product registration," I
2 2 mean labeling or the labels, registering of
3 3 the labels of products with whatever
4 4 government agency might be involved, and the
5 5 Department of Agriculture was one that we had
6 6 quite a few labels registered with them.

7 7 Q. Mr. Sido, when you say that you
8 8 were involved in product registration, were
9 9 you referring back to when you were a liaison
10 10 officer in Washington or when you assumed
11 11 your new duties as Labeling Supervisor in
12 12 1959?

13 13 A. When I assumed the new duties.

14 14 Q. Did you have anything, any tasks
15 15 that involved product label registration when
16 16 you were working in Washington?

17 17 A. No.

18 18 Q. What is the Purchasing and Traffic
19 19 Department?

20 20 A. It's a -- it was a central
21 21 organization set up to involve things with
22 22 transportation which was the traffic area,
23 23 which this involved truck, rail, water, air,
24 24 any mode of movement of chemicals, rate
25 25 establishment, things of that nature which I

1 1 had nothing to do with. The purchasing
2 2 function included purchasing of all raw
3 3 materials that Monsanto used, the -- we had
4 4 also, as it related to labeling, gave me the
5 5 responsibility of establishing sources of
6 6 supply of labels and arranging competitive
7 7 bids or whatever might be related to
8 8 providing that for Monsanto.

9 9 Q. Did you interview for the position
10 10 of Labeling Supervisor?

11 11 A. I was asked to come to St. Louis
12 12 for an interview, yes.

13 13 Q. Who asked you to come to St.
14 14 Louis?

15 15 A. I really don't know.

16 16 Q. And do you recall how many people
17 17 you interviewed with?

18 18 A. No.

19 19 Q. Who did you end up working for as
20 20 Labeling Supervisor?

21 21 A. I was manager of the function
22 22 and -- or supervisor or became manager; a guy
23 23 by the name of Charles Downs was the
24 24 individual that I reported to. He was a
25 25 buyer of packages and other materials, so

1 1 that labeling fit into that particular
2 2 category, I think.

3 3 Q. Did you say that you were manager
4 4 of the function?

5 5 A. I was supervisor and later became
6 6 Manager or title of Manager, with essentially
7 7 the same scope --

8 8 Q. Did -- I'm sorry, please continue.

9 9 A. -- same scope I was.

10 10 Q. In that phrase manager or
11 11 supervisor of the function, is "function" a
12 12 term of art in Monsanto management structure?
13 13 Or another way to say it would be -- and this
14 14 is my question -- what did you mean by
15 15 "function"?

16 16 A. Things that we were responsible
17 17 for or were interested in as, in job, job
18 18 performance.

19 19 Q. Is that a term of art?

20 20 A. I really don't know whether it is
21 21 or not.

22 22 Q. Who did Mr. Downs report to?

23 23 A. I don't recall, other than the
24 24 Director of Purchasing and Traffic, I think
25 25 maybe he reported -- yes, he did report to a

1 1 man by the name of Sayers, who was overall in
2 2 charge of the purchasing function of the
3 3 Purchasing and Traffic Department.

4 4 Q. In 1959, when you took the job of
5 5 Labeling Supervisor, did you have any people
6 6 that reported to you?

7 7 A. Yes.

8 8 Q. How many?

9 9 A. Two.

10 10 Q. What were their names?

11 11 A. Bill Stewart is the man, and I
12 12 don't recall the secretarial individual's
13 13 name at that time. It was short-term, and I
14 14 don't recall.

15 15 Q. So you had a secretary and then
16 16 you had Mr. Stewart? Is that right?

17 17 A. That's correct.

18 18 Q. What was Mr. Stewart's job?

19 19 A. To assist me or anybody involved
20 20 in -- in the labeling function.

21 21 Q. And did you and Mr. Stewart divide
22 22 up the responsibilities for labeling in any
23 23 set manner?

24 24 A. No.

25 25 Q. Did he have any tasks that he was

1 1 responsible for and you were responsible for
2 2 other jobs?

3 3 A. No.

4 4 Q. So just general assistance
5 5 wherever you needed it? Is that --

6 6 A. Correct.

7 7 Q. Do you recall if you sat down with
8 8 anyone when you assumed the job of Labeling
9 9 Supervisor and had the job described to you?

10 10 A. Yes, there was Bob Mintier is the
11 11 man that I replaced. He had been in charge
12 12 of packaging and labeling, and when I was
13 13 brought into the function, it was divided as
14 14 to one function of labeling and the other
15 15 function of packaging, and he retained the
16 16 packaging function, but he had been working
17 17 in that field.

18 18 Q. And did you have a chance to talk
19 19 to Mr. Mintier about what the labeling
20 20 responsibilities were in this position?

21 21 A. Yes.

22 22 Q. And what did Mr. Mintier tell you?

23 23 A. Well, there was a general job
24 24 scope of getting information from Marketing,
25 25 and from the Medical Department, and

1 1 Manufacturing, research people, getting all
2 2 the facts that are necessary to know what
3 3 kind of a chemical it is, what it might do as
4 4 a product, what it might do in terms of
5 5 exposure to the environment, or to an
6 6 individual, or in the movement of that
7 7 product from the point of manufacture to the
8 8 ultimate customer.

9 9 Q. Was there a manual that described
10 10 the job functionings of the label supervisor
11 11 when you assumed the position?

12 12 A. No.

13 13 Q. Was there one when you left the
14 14 position in 1983?

15 15 A. No.

16 16 Q. Over the years between 1959 and
17 17 1983, were there responsibilities added to
18 18 your position?

19 19 A. At one point in time, I think I
20 20 managed the claims, railroad claims or truck
21 21 claims filing, in addition to the labeling
22 22 activity that was involved for probably three
23 23 or four years, but not as a continuing
24 24 function.

25 25 Q. What's railroad claims filing?

1 A. Anything related to damage in
2 movement of goods that --

3 Q. Did your staff increase or
4 decrease during that 1959 to 1983 period?

5 A. Yes, it increased as a result of
6 workload requirements.

7 Q. Could you go through those
8 increases for me?

9 A. I had a secretary which, on a
10 continuing basis, the -- Mr. Stewart was
11 replaced by Mr. Litteken, who was a chemical
12 engineer that worked for me for most of that
13 time, up until the time of retirement of both
14 of us.

15 We had one other lady that was
16 involved in the submission and -- of labels
17 to regulatory agencies such as the state
18 regulatory agencies of agricultural products
19 on a -- which were, required annual
20 submissions, and payment of what related
21 fees, things of that nature that were
22 associated with that function. We -- I had
23 added another chemical engineer about, oh, I
24 guess it was mid Seventies, and there were
25 probably two others brought into the, to the

1 1 labeling activity, along with one other woman
2 2 that was involved in word processing and
3 3 handling of that kind of record retention on,
4 4 in correspondence that was related to word
5 5 processing technology that was developing.

6 6 Q. Could you spell Mr. Litteken's
7 7 name?

8 8 A. L-i-t-t-e-k-e-n.

9 9 Q. And Mr. Litteken replaced Mr.
10 10 Stewart? Is that right?

11 11 A. That's right.

12 12 Q. When did that occur?

13 13 A. Probably about 1960 or '61.

14 14 Q. And when did Mr. Litteken retire?

15 15 A. I believe he retired in 1982.

16 16 Q. You mentioned Mr. Litteken was a
17 17 chemical engineer? Is that right?

18 18 A. That's correct.

19 19 Q. Did you hire Mr. Litteken to
20 20 assist you in the labeling function?

21 21 A. He was a Monsanto employee, and I
22 22 hired him into that particular function,
23 23 correct.

24 24 Q. What were you looking for when you
25 25 were in the market to hire someone to assist

1 1 you?

2 2 A. Knowledgeable chemist, with
3 3 manufacturing experience, understanding of
4 4 the distribution, and packaging, and chemical
5 5 properties of things that Monsanto made.

6 6 Q. Why was it important that or why
7 7 did you believe it to be important to have
8 8 someone who was a knowledgeable chemist?

9 9 A. I don't see how you can label a
10 10 product if you don't know something about the
11 11 chemical properties of a product, to know
12 12 what its hazards might be or what its
13 13 properties are, fire potential, health
14 14 aspects of it, toxicity to animals, or test
15 15 methods that are involved in that which the
16 16 Medical Department provided, but you needed
17 17 to be able to relate facts to a particular
18 18 chemical in order to know what -- or at least
19 19 to advise other people within the company of
20 20 the things that they needed to understand and
21 21 provide to be sure that we gave the right
22 22 labeling communications to the end product
23 23 packages.

24 24 Q. In your school work or -- let me
25 25 back up.

1 1 The Master's degree that you
2 2 achieved, was that the last formal schooling
3 3 that you had?

4 4 A. Yes.

5 5 Q. Have you ever taken any classes or
6 6 done any course work in communications?

7 7 A. Through Monsanto, and -- not
8 8 outside, but within the organization, that
9 9 subject, obviously, is one that people try to
10 10 improve their skills as they go along, true.

11 11 Q. Did you take in-house, so to
12 12 speak, classs on communications?

13 13 A. No formal classes related
14 14 specifically to communications.

15 15 Q. Did you ever attend any seminars
16 16 concerning communications as it relates to
17 17 labeling?

18 18 A. No.

19 19 Q. Did -- how did you refer to your
20 20 group of employees? Was it the Labeling
21 21 Department?

22 22 A. Labeling and Product Registration
23 23 Section of the Purchasing and Traffic
24 24 Department.

25 25 Q. But if we want to shorthand, if I

1 1 want a shorthand way to refer to it so you
2 2 know I'm talking about you and the people
3 3 that worked for you, what do you suggest we
4 4 call it?

5 5 A. Just exactly what I've just given
6 6 you.

7 7 Q. Okay, I'll write it down, then.
8 8 Labeling --

9 9 A. And Product Registration Section
10 10 of the Purchasing and Traffic Department.

11 11 Q. How about Labeling and Product
12 12 Registration Department? Is that
13 13 sufficiently specific so you'll know what I'm
14 14 talking about?

15 15 A. "Section" isn't essential in that,
16 16 but it would be all right. It was not a
17 17 department, it was the Labeling and Product
18 18 Registration Group -- Section of the
19 19 Purchasing and Traffic Department.

20 20 Q. Okay. Did the Labeling and
21 21 Product Registration Section order toxicity
22 22 tests on products?

23 23 A. No.

24 24 Q. Did the Labeling and Product
25 25 Registration Section determine what hazards

1 1 were posed by products?

2 2 MR. ZIMMER: Hazards to what or
3 3 whom?

4 4 MS. GRADY: Anyone or anything.

5 5 A. We interpreted the facts provided
6 6 by the Medical Department in accordance with
7 7 established definitions.

8 8 BY MS. GRADY:

9 9 Q. Did the Labeling and Product
10 10 Registration Section initiate any
11 11 biodegradation tests?

12 12 A. No.

13 13 Q. Did that section initiate any kind
14 14 of environmental tests of Monsanto products?

15 15 A. No.

16 16 Q. While you were the head of the
17 17 Labeling and Product Registration Section,
18 18 did you ever order focus group tests of
19 19 particular label copy?

20 20 A. No.

21 21 Q. Have you ever heard of Monsanto
22 22 ordering any focus group tests of label copy?

23 23 MR. ZIMMER: Do you want to define
24 24 what you mean by focus group tests, Counsel?

25 25 MS. GRADY: Do you understand what

1 1 I mean by that?

2 2 MR. ZIMMER: Well, I don't, so
3 3 it's not important whether he does or not, so
4 4 I'd like it defined.

5 5 MS. GRADY: Well, of course it's
6 6 important. I'm communicating with Mr. Sido,
7 7 here.

8 8 MR. ZIMMER: He's not going to
9 9 answer a question that I don't understand.

10 10 MS. GRADY: He's already answered
11 11 it once, Fritz.

12 12 MR. ZIMMER: Well, okay, but he's
13 13 not going to again, then.

14 14 BY MS. GRADY:

15 15 Q. I'll be happy to define it, Mr.
16 16 Sido. When I say focus groups, what I mean
17 17 is providing ad copy or label copy to a group
18 18 of people and then querying them, questioning
19 19 them about what meaning they take from the
20 20 copy, so with that definition in mind, have
21 21 you ever heard that Monsanto presented label
22 22 copy to focus groups?

23 23 A. No.

24 24 Q. While you were head of the
25 25 Labeling and Product Registration Section,

1 1 did you ever do any testing of the meaning
2 2 conveyed by the language on Monsanto labels?

3 3 A. No.

4 4 Q. In your position as head of
5 5 Labeling and Product Registration, were you a
6 6 member of any trade association groups?

7 7 A. Yes.

8 8 Q. What trade associations were you,
9 9 did you --

10 10 A. The Manufacturing Chemists
11 11 Association had a Labeling and Precautionary
12 12 Information Committee, and I was a member of
13 13 that committee.

14 14 Q. And what years were you a member
15 15 of the Manufacturers (sic) Chemists
16 16 Association?

17 17 A. 1959 until 1980.

18 18 Q. Let me make sure I have the name
19 19 right: Manufacture --

20 20 A. Manufacturing Chemists
21 21 Association.

22 22 Q. Thanks. And what did you
23 23 understand the makeup of the Manufacturing
24 24 Chemists Association to be?

25 25 A. By "makeup," would you clarify

1 1 that?

2 2 Q. Membership.

3 3 A. It was made up of physicians,
4 4 lawyers, chemists, chemical engineers,
5 5 technical people, sales-oriented people from
6 6 many of the different companies in the
7 7 chemical industry in the United States at
8 8 that time.

9 9 Q. What did you understand the
10 10 function of the Manufacturing Chemists
11 11 Association to be?

12 12 A. The function of the Manufacturing
13 13 Chemists Association or function of the
14 14 committee?

15 15 Q. Function of the association.

16 16 A. I couldn't tell you what the --
17 17 other than it was made up to carry out
18 18 whatever chemical companies, and -- thought
19 19 were constructive or useful in the conduct of
20 20 their business.

21 21 Q. So you understood the function to
22 22 be whatever the --

23 23 A. The man you -- excuse me.

24 24 Q. No, go ahead.

25 25 A. No, I --

1 Q. You understood the function of the
2 Manufacturing Chemists Association to be what
3 the member chemical manufacturing plants
4 determined the function to be? Is that
5 right?

6 A. No. No, I said that the
7 Manufacturing Chemists Association was, is a
8 trade association representing the chemical
9 industry in this country. Beyond that, I,
10 other than representing or being a
11 coordinating organization, that's as much as
12 I know of it.

13 Q. What was the function, as you
14 understood it, of the Labeling Committee?

15 A. The Labeling Committee developed,
16 prior to my involvement with it, it had been
17 a committee in existence probably since about
18 1944, and that committee developed a guide to
19 precautionary labeling, labeling of hazardous
20 chemicals, and they maintained that manual
21 which started out as a compendium of chemical
22 labels up until 1970, but it was established
23 to define or to look at chemicals, provide
24 definitions of various hazards,
25 toxicology-type things, industrial hygiene

1 definitions, reactivity, flammability,
2 chemical, physical reactivity hazards that
3 were known or could be evaluated on
4 chemicals, to establish common phraseology
5 for reflecting those hazards, alerting to the
6 hazards and degrees of severity, and
7 organizing the copy in a concise, laymen
8 language presentation to be on labels used by
9 the various manufacturers to convey that
10 information to anybody that stores, handles,
11 uses, transports the product or their
12 products.

13 Q. Did the committee promulgate
14 actual standards?

15 A. They issued, listed the manual.
16 It was not a standard in the -- it was
17 accepted and used as some state health codes
18 after it existed, but it replaced the much
19 earlier Surgeon General's agreements, which
20 were limited to just a few chemicals, and
21 then it expanded into a system that would
22 enable anybody with a new chemical to look at
23 its characteristics, and evaluate it, and
24 relate appropriate language for similar
25 hazards and degrees of hazard, on product

1 1 labels.

2 2 Q. What was the -- by compendium of
3 3 chemical labels, do you mean some sort of
4 4 collection of automatic chemical labels of
5 5 member companies?

6 6 A. No, I was -- it was, it was, by
7 7 "compendium," I mean it was a list of
8 8 chemicals that were identified by name, with
9 9 the precautionary hazard language
10 10 communications for what the hazard was, what
11 11 the degree of hazard, precautionary measures
12 12 to avoid extending the hazard or aggravating
13 13 the hazard if it became loose or was exposed
14 14 to, you know, an individual or something, and
15 15 what to do in the case of spill, leak or
16 16 first-aid. Those -- that was the concept of
17 17 the, the label, but the compendium was a list
18 18 of actual chemicals that were considered
19 19 hazardous under these terms and just put
20 20 together in a book just like in the, I think
21 21 at one time, it listed something in the
22 22 neighborhood of probably 175 industrial
23 23 chemicals, and also at one point, it had in
24 24 the neighborhood of around 80 to 90
25 25 agricultural pesticide labels.

1 Q. Did the compendium show label
2 copy?

3 A. Yes.

4 Q. And did Monsanto contribute to the
5 compendium?

6 A. We had some products that were
7 listed among those in that.

8 Q. Were all Monsanto products listed?

9 A. Those hazardous products that
10 Monsanto had and that were subsequently
11 reviewed by that committee, if they -- it was
12 not proprietary, usually, into one company.
13 Most of the labels that were listed probably
14 had more than one supplier, and the labels
15 that did go into that book were reviewed by
16 that committee, in addition to their own
17 company resolution of information.

18 Q. Do you recall submitting labels to
19 the review panel?

20 A. I do not.

21 Q. Do you recall if labels for
22 Aroclor products or Aroclor-containing
23 products were included in the compendium?

24 A. They were not included in the
25 compendium.

1 1 Q. Why was the compendium
2 2 discontinued in 1970?

3 3 A. It became impractical to continue
4 4 to expand the number of things that could be
5 5 included into it, plus every time you try to
6 6 add something to it, it would occur maybe on
7 7 a three-, or four-year, or five-year cycle.
8 8 We had no specific time to update a manual,
9 9 but it wasn't -- you couldn't maintain it in
10 10 a current, up-to-date way that would be
11 11 useful, so that it became obvious to us, and
12 12 the issue of the manual that came out in
13 13 1970, I think it was, was one that was, that
14 14 eliminated those illustrative labels of a
15 15 compendium sort and made it to show all of
16 16 the hazards that were defined within the
17 17 manual and how they would reflect themselves
18 18 in a label.

19 19 If, for example, you had something
20 20 that was going to cause burns to the skin, it
21 21 would be "Danger: Causes skin and eye
22 22 burns," and have an appropriate precautionary
23 23 copy and first-aid related to it, but then
24 24 for single hazards or multiple hazards, that
25 25 would be, a multiple hazard would combine

1 1 several different texts into one composite
2 2 label, but it was more practical to
3 3 illustrate it as categories of hazard and the
4 4 kind of text that would apply to that, and
5 5 then people could then relate their hazards
6 6 as they looked at their facts and determined
7 7 "Yes, these were the kinds of hazards we have
8 8 here. That looks like the kind of language
9 9 we should make sure was on your our package
10 10 on the label."

11 11 Q. Did you use "compendium" in that
12 12 way when you were working on Monsanto labels
13 13 in the way you just described it?

14 14 A. If we had that particular -- if we
15 15 were going to ship or handle that kind of a
16 16 product that was listed in the compendium, we
17 17 would not move it with less language than was
18 18 on the compendium label that was
19 19 illustrative, and yes, we tried to adhere, to
20 20 the best of our knowledge, to the latest,
21 21 up-to-date standards and best communicating
22 22 practices that were available to us.

23 23 Q. And did you instruct the people
24 24 that worked for you to check label copy
25 25 against the illustrations in the compendium?

1 1 A. Yes.

2 2 Q. You mentioned that Aroclors and
3 3 Aroclor-containing products were not included
4 4 in the compendium; is that correct?

5 5 A. That's correct.

6 6 Q. And why is that?

7 7 A. Because they were not sufficiently
8 8 hazardous to fall under the hazardous
9 9 category definition for hazardous industrial
10 10 chemicals.

11 11 Q. What was that definition?

12 12 A. Well, the definitions, are, excuse
13 13 me, related to skin contact, whether it
14 14 causes burns, or irritation by, as a direct
15 15 effect of contact. Aroclors do not do that.
16 16 If the product, as you ship it and move it,
17 17 has fire potential, it could be ignitable, in
18 18 the definitions of flash point. If it met
19 19 the definition of a flammable or a
20 20 combustible, we would use that language, but
21 21 the Aroclors did not except where they might
22 22 be involved in some formulations of -- but
23 23 not as such.

24 24 Does that answer your question, or
25 25 do you --

1 1 Q. Yes.

2 2 As of the time that the compendium
3 3 was discontinued in 1970, did it contain any
4 4 model language for environmental hazards?

5 5 A. Not model language for
6 6 environmental hazards up until through 1970,
7 7 that's correct.

8 8 Q. What about after 1970: Did the
9 9 Labeling Committee of the Manufacturing
10 10 Chemists Association take up the issue of
11 11 environmental hazards?

12 12 A. There has always been a concern
13 13 for environmental hazards in the event of a
14 14 spill or leak, how to confine it, what to do
15 15 to avoid extending exposure unnecessarily.
16 16 From a long -- from an, other environmental
17 17 ways, the sophistication and understanding
18 18 has evolved from that time, longer. The
19 19 American National Standard for Labeling of
20 20 Hazardous Industrial Chemicals, up in about
21 21 1976, took over the concept of defining and
22 22 carrying through, but the same principles and
23 23 practices that the Manufacturing Chemists
24 24 Association or -- had established in the
25 25 first place, and expanded it as new input,

1 1 new understanding -- it's a growing, dynamic
2 2 thing. It doesn't stay fixed; it grows as
3 3 there's reason and understanding for it to
4 4 grow.

5 5 Q. During your time with the Label
6 6 Committee of the Manufacturing Chemists
7 7 Association, did the committee take up the
8 8 issue of the labeling of environmental
9 9 hazards?

10 10 MR. ZIMMER: Do you have a
11 11 particular product in mind, or just any, any
12 12 product?

13 13 MS. GRADY: Let's start broad, any
14 14 product.

15 15 A. From a standpoint of release from
16 16 a container into the environment or in that
17 17 sense, the concern for minimizing,
18 18 restraining, keeping it from becoming an
19 19 extended problem, yes, that was in the
20 20 concept, because we, what you do in case of
21 21 fire, spill or leak was a part of the
22 22 language that was included on product labels.

23 23 BY MS. GRADY:

24 24 Q. Do you recall any discussion at
25 25 Labeling Committee meeting of the

1 1 environmental hazard, if any, posed by PCBs?

2 2 A. No.

3 3 Q. Were specific products discussed
4 4 at Labeling Committee meetings?

5 5 A. Those -- the products that were in
6 6 the manual or in the illustrative labels,
7 7 those products and labels were discussed,
8 8 yes.

9 9 Q. Was the primary function of the
10 10 Labeling Committee to put together the
11 11 compendium and update it?

12 12 A. Yes.

13 13 Q. Did the Labeling Committee have
14 14 any other function other than to make sure
15 15 the compendium was up-to-date?

16 16 A. No.

17 17 Q. What happened between 1970 and
18 18 1976 with regard to standardized language
19 19 concerning hazardous industrial chemicals?

20 20 A. There was no interruption of it.
21 21 The continuation of the labeling principles,
22 22 and practices, and definitions were retained
23 23 and utilized. The Manufacturing Chemists
24 24 Association that ultimately changed to
25 25 Chemical Manufacturers Association as a name,

1 1 being the same organized group, to my
2 2 knowledge, the -- part of that focus in
3 3 individual committees was changed and
4 4 consolidated in other ways related more to
5 5 evolving legislation, I think, but they still
6 6 relied upon some of the people with
7 7 experience in labeling from, as being called
8 8 into the committees to participate in any way
9 9 they felt constructive, but the -- between
10 10 '70 and '76, there was broad concern for
11 11 having a standard that would be, would have a
12 12 little more, a little more exposure, broader
13 13 acceptance throughout the industry, and
14 14 government, and a proprietary published
15 15 manual such as the labeling and
16 16 precautionary, hazardous chemical manual that
17 17 I described at MCA had, had the trade
18 18 association, industry association with it
19 19 that prohibited it from being accepted as an
20 20 Occupational Safety and Health act, for
21 21 example, reference, or -- so that the, in
22 22 order to continue those principles and
23 23 practices that were agreed upon or felt to be
24 24 right by industry, as well as government, it
25 25 became necessary to establish a, something

1 1 within the framework of, for example, the
2 2 American National Standards Institute and
3 3 have something that would be voted upon,
4 4 accepted on as a consensus standard among all
5 5 of the academia, government agencies,
6 6 industry, anybody that had any real valid
7 7 interest in the standard, labor, what have
8 8 you.

9 9 The American National Standards'
10 10 ultimate acceptance and publication, then, of
11 11 the Z 129.1, I think, is the standard number,
12 12 that became the replacement of the
13 13 labeling -- the LAPI manual as we referred to
14 14 it as the -- and it has continued. It,
15 15 periodically every five years, gets reviewed
16 16 again, it gets updated, it gets added to,
17 17 with any information that is involved in new
18 18 needs or understanding of the health
19 19 community, the public as a whole.

20 20 Q. What's the American National
21 21 Standards Institute?

22 22 A. It's a, a standards organization
23 23 that publishes and helps resolve various
24 24 whatever is presented to them, I guess. I
25 25 don't know that much about them other than it

1 1 is not a proprietary standard; it is one that
2 2 has general review, consensus and input
3 3 capabilities.

4 4 Q. Other than the Manufacturing
5 5 Chemists Association, were you a member of
6 6 other trade associations in your job as head
7 7 of Labeling and Product Registration?

8 8 A. No.

9 9 Q. Let me back up and see if I've got
10 10 the names of everyone that worked for you.
11 11 You mentioned Mr. Litteken, and then you
12 12 mentioned a lady that was responsible for
13 13 submission of labels to regulatory agencies
14 14 and the payment of fees. What was her name?

15 15 A. Virginia Bodnar.

16 16 Q. And when did you hire Ms. Bodnar?

17 17 A. I don't recall exactly. It was
18 18 early Sixties sometime.

19 19 Q. And what was -- was she still
20 20 there when you left?

21 21 A. Yes.

22 22 Q. You mentioned that there was
23 23 another chemical engineer that was hired in
24 24 the mid Seventies. What was that person's
25 25 name?

1 A. Kenneth Smith.

2 Q. And what was Mr. Smith's
3 responsibility?

4 A. Counter to or comparable to Mr.
5 Litteken's.

6 Q. Did Mr. Litteken have any defined
7 job responsibilities?

8 A. Comparable, similar in scope to
9 mine, only he reported to me in our final
10 judgment.

11 Q. Was there any division of labor
12 between you and Mr. Litteken or you and Mr.
13 Smith?

14 A. Various product groups would be
15 their primary direction.

16 Q. What do you mean by the term,
17 "product groups"?

18 A. Could be agricultural chemicals,
19 could be plasticizers, could be organic
20 chemicals, could be just plastics, just
21 differing types of end products that Monsanto
22 had.

23 Q. Who was responsible for the
24 Organic Chemicals Group?

25 A. I was, I assume, but responsible

1 1 for the, the labeling of the organic
2 2 chemicals product?

3 3 Q. Yes, let me strike that question,
4 4 because --

5 5 In terms of this division of
6 6 labor, you indicated that the people that
7 7 worked for you might have -- maybe
8 8 "responsible" is a bad word -- might have
9 9 initial oversight of particular product
10 10 groups. Who had initial oversight for the
11 11 Organic Chemicals Group?

12 12 MR. ZIMMER: Do you have a time
13 13 frame in mind?

14 14 MS. GRADY: No.

15 15 MR. ZIMMER: '59 to '83,
16 16 inclusive?

17 17 MS. GRADY: I think Litteken
18 18 started in '60 to '60 to '83.

19 19 A. No, I would be responsible for,
20 20 for the labeling of the, of all of the
21 21 chemicals at Monsanto, yeah.

22 22 BY MS. GRADY:

23 23 Q. I'm trying to back up and
24 24 understand what you mean when you say that
25 25 Mr. Smith and Mr. Litteken, who worked for

1 1 you, had responsibility for certain product
2 2 groups. What did you mean by that?

3 3 A. It would be assigned to take care
4 4 of the initial acceptance of information.
5 5 Anytime a new product was developed or was,
6 6 became of interest through research or
7 7 whatever it would be, the -- before a product
8 8 could move in any way in the company, the
9 9 facts that are necessary to establish
10 10 appropriate labeling have to be provided.
11 11 This means the assessment of the toxicology
12 12 aspects of it, the fire potential,
13 13 reactivity, things that are necessary to -- I
14 14 mean corrosivity, all of those need to be
15 15 looked upon and provided by the people that
16 16 have those facts, which would be the research
17 17 people and those that had been working with
18 18 and knew something about the chemistry of the
19 19 end product, and they and the technical
20 20 development people that would be interested
21 21 in the initial marketing for whatever
22 22 applications would be anticipated for those
23 23 end products, the input, making sure that
24 24 those people had provided to the Medical
25 25 Department the opportunity to evaluate the

1 health or exposure aspects of it, industrial
2 hygiene aspects of the total thing from that
3 point of view, if the -- then the technical
4 people that were involved also would be
5 necessary to run the fire potential aspects
6 of the -- or tests and things of that nature
7 to get the facts that were provided to the
8 labeling section, and these people that I've
9 referred to were the first to, so to speak,
10 say "Provide the facts. We need the facts
11 before anything is done" and before anything
12 could be shipped or moved.

13 And they were -- that was their
14 liaison with the operating units of Monsanto,
15 the various departments, the various people
16 that had input to knowing what the product
17 was going to be used for, as well as what his
18 problems would be or could be.

19 Q. For what product departments was
20 Mr. Litteken the product liaison?

21 A. It was anyplace that I needed him
22 to support my overall efforts as a Labeling
23 Manager.

24 Q. Did you assign the people that
25 worked for you any particular product group

1 1 to be initially responsible for gathering the
2 2 facts?

3 3 A. No.

4 4 Q. You mentioned that there were two
5 5 others, two other chemical engineers that
6 6 worked in the Labeling and Product
7 7 Registration Section. Who were those?

8 8 A. Mr. Rod-REEGZ (Phonetic), Jim
9 9 Rodriguez spelled like Rod-REE-guhz, and Mr.
10 10 Pat Brown.

11 11 Q. Let me back up. Mr. Smith's job
12 12 tenure was from the mid Seventies until when?

13 13 A. Nineteen eighty -- end of '82.

14 14 Q. What about Mr. ROD-REE-GUHZ,
15 15 Rod-REEGZ?

16 16 A. Yes, he, till '82, then -- yes,
17 17 that was correct.

18 18 Q. When was Mr. Rodriguez hired?

19 19 A. He was only with us about a year
20 20 or two years prior to that. He had been
21 21 working elsewhere in the company.

22 22 Q. What was the start date of Mr.
23 23 Brown?

24 24 A. Approximately that same time, in
25 25 about '80 -- oh, excuse me, not '80, it

1 1 was -- yeah, yeah, it was about '80, because
2 2 I retired in 1983. It was about '80, '82 --
3 3 '80-'81, somewhere in that range. He was one
4 4 of the last individuals, I guess, that was
5 5 brought into the function.

6 6 Q. During the time period from about
7 7 1968 to about 1972, who were the employees of
8 8 the Labeling and Product Registration
9 9 Section?

10 10 A. Mr. Litteken, Virginia Koenig and
11 11 Virginia Bodnar, and myself.

12 12 Q. Who is Virginia Koenig?

13 13 A. She was my secretary and labeling
14 14 recorder, so to speak, I guess, with --

15 15 Q. Who within Monsanto during your
16 16 tenure as head of Labeling and Product
17 17 Registration Section, who within Monsanto was
18 18 responsible for drafting label copy?

19 19 MR. ZIMMER: For what type of
20 20 product?

21 21 BY MS. GRADY:

22 22 Q. For all products, and if there's
23 23 some difference, you can bring that to my
24 24 attention.

25 25 A. It was a committee review of text

1 1 that was resolved in various ways.

2 2 Q. Was the committee made up of
3 3 representatives from the same functions
4 4 overtime?

5 5 A. Essentially, you are right.

6 6 Q. What were those functions?

7 7 A. Medical, the research, marketing,
8 8 manufacturing involved, Law would review the
9 9 ultimate text, and the Labeling Section as --
10 10 no, Law would, Legal Department would have a
11 11 representative or somebody involved in or
12 12 aware of what was the label was going to be,
13 13 and my section of the Labeling and Product
14 14 Registration also would sometimes have
15 15 somebody involved in packaging.

16 16 Q. Was this, the group that was
17 17 responsible for the reviewing the text of
18 18 labels, was this a standing committee within
19 19 Monsanto?

20 20 A. No, the, the Medical Department
21 21 had toxicologists or industrial hygienists,
22 22 and the medical physicians that were involved
23 23 in the review of data, it wasn't always the
24 24 same individual, it was -- they were
25 25 reflecting a departmental scope, and

1 1 knowledge, and understanding. The Marketing
2 2 or Development Group would be product
3 3 oriented into some market or markets that
4 4 were anticipated for the end product.

5 5 Research would be the
6 6 manufacturing -- would be the technical
7 7 insight into the item or items or end
8 8 product.

9 9 The manufacturing usually wasn't
10 10 directly involved at that time because this
11 11 was all premanufacturing. It was early, the
12 12 earlier stages than that.

13 13 The packaging and labeling
14 14 functions would relate to make primarily, I
15 15 mean packaging would be the types of things
16 16 that was going to go in, whether it be little
17 17 packages, or big ones, how about labeling,
18 18 and the Labeling Section, which, in my
19 19 responsibilities, were aimed at trying to be
20 20 sure that we collected all of the data, which
21 21 was prior to any essential movement or basis
22 22 of classification, and at that time, put it,
23 23 interpret it in terms of the definitions that
24 24 existed and that were issued through medical
25 25 or transportation regulations or whatever

1 1 might be called for to resolve standard
2 2 language that was being used consistently by
3 3 the chemical industry for labeling of
4 4 chemical products.

5 5 Q. When you became head of labeling
6 6 in product registration in 1959, was there an
7 7 inventory of labels within the Labeling
8 8 Department?

9 9 A. Yes.

10 10 Q. And how was the inventory kept?

11 11 A. Samples of actual labels that were
12 12 from the printer or printers, card files,
13 13 file folders.

14 14 Q. Where was the Labeling
15 15 Department -- excuse me, Labeling and
16 16 Project -- Product Registration Section,
17 17 located in 1959?

18 18 A. It was in "A" Building in the
19 19 Monsanto campus on Lindbergh and Olive Street
20 20 Road.

21 21 Q. Between 1959 and 1983, was that
22 22 section relocated at any time?

23 23 A. Yes. Yes.

24 24 Q. Where did you move?

25 25 A. Well, I think we moved to what

1 1 they call "E" Building, and then we were in
2 2 "G" Building, and then we were in a building,
3 3 I'm not sure what it was referred to, but it
4 4 was across the, the campus on Olive Street
5 5 Road at, at another site. I don't know that
6 6 there was -- I don't recall the letter
7 7 designation for the building, but it moved
8 8 wherever the Purchasing and Traffic
9 9 Department occupied space.

10 10 Q. You mentioned that the inventory
11 11 of labels involved samples of labels and card
12 12 files. What was contained in the card files?

13 13 A. Simply an identification
14 14 reference, the dates, the name under which
15 15 something probably was going to be
16 16 recognized, and more or less the initiation
17 17 of a label, whatever it might be.

18 18 Q. What do you mean by "initiation of
19 19 a label"?

20 20 A. The proofing, the copy, resolution
21 21 and printing, in effect, the printing of that
22 22 object.

23 23 Q. Would that include the proofs?

24 24 A. Certainly, reference to the proofs
25 25 on an index card. It wouldn't be, the proof

1 1 would not be necessarily stuck to the card.

2 2 That's --

3 3 Q. Would the proof be someplace or
4 4 were proofs kept within in the Labeling and
5 5 Product --

6 6 A. Sure.

7 7 Q. -- Registration Section?

8 8 A. Sure.

9 9 Q. So all proofs for all labels were
10 10 kept within your section? Is that right?

11 11 A. That's correct.

12 12 Q. What was in the folders?

13 13 A. The product questionnaires or
14 14 information that might have been or was
15 15 related to the product from the beginning, or
16 16 as it evolved at any time there were changes
17 17 in it, it would, the folders would, you could
18 18 include the basis for reevaluating doing
19 19 something. Just a current, living file of
20 20 each product.

21 21 Q. If you wanted to find out how a
22 22 particular Monsanto product was labeled over
23 23 time, where within the records of the
24 24 Labeling and Product Registration Section
25 25 would you look?

1 A. I would go to the Labeling and
2 Product Registration individual that was
3 involved with that Business Group or that --
4 in the company.

5 Q. How would you figure out who that
6 was?

7 A. By asking.

8 Q. What do you mean by you would go
9 to the individual? You would go to --

10 A. I would go to the supervisor of,
11 or manager, or whatever his title might be of
12 the labeling of products of a kind of
13 particular product that I wanted to know
14 something about.

15 Q. Okay. Let's limit the time period
16 to prior to when you left the department in
17 1983. It was my understanding that the work
18 of the Labeling and Product Registration
19 Section was not divided up by product group.
20 Do I have that wrong?

21 A. When, what -- prior to what time
22 are you --

23 Q. 1983, when you left.

24 A. Prior to that time, it was not
25 divided up; you are right.

1 Q. Okay. Is it your understanding
2 that after 1983, the work of the Labeling and
3 Product Registration Department was divided
4 up by product group?

5 A. It was divided up.

6 Q. Was it divided up by product
7 group?

8 A. It was divided by, not by product
9 group except there was all the agricultural
10 chemicals, all the agricultural products were
11 separated into that particular organization's
12 responsibility. The industrial chemicals and
13 other types of things were oriented primarily
14 in with the organic company or Monsanto
15 chemical operation. I don't know that they
16 are all by, by group. There are large
17 groups. It was primarily split with
18 agricultural products all being moved off and
19 the balance balance of it being maintained
20 essentially the way it had before.

21 Q. So to your knowledge, there still
22 is a Labeling and Product Registration
23 Section?

24 A. There is a Labeling Section for
25 industrial chemicals, there's a Labeling and

1 1 Product Registration Section for agricultural
2 2 products.

3 3 Q. Okay. Back to if you wanted to
4 4 find the report of how a product was labeled
5 5 over time, who would you contact within the
6 6 Labeling Section?

7 7 MR. ZIMMER: I think your previous
8 8 question said prior to '83. Is that still
9 9 what you want him to answer?

10 10 MS. GRADY: No, I wasn't, after
11 11 1983.

12 12 THE WITNESS: Now?

13 13 MS. GRADY: Yeah.

14 14 A. There is -- the individual, I'm
15 15 not sure that it makes -- I don't know
16 16 exactly who I would, would contact. The
17 17 organizational arrangement provides for
18 18 contact with a Labeling Section in the
19 19 chemical company as well as the agricultural
20 20 company, and in regard to a particular item,
21 21 just make the inquiry. Can they steer us, do
22 22 we have, who do I get the facts from, it
23 23 would be maintained in a similar fashion to
24 24 what had gone on prior.

25 25 Q. When you were head of Labeling and

1 1 Product Registration, was there an individual
2 2 file folder for every Monsanto product that
3 3 was labeled?

4 4 A. As far as I know.

5 5 Q. So it would be consistent --
6 6 excuse me, did you want to --

7 7 A. It would be, whether it's a file
8 8 folder for every product, I -- there would be
9 9 information about every product in files.
10 10 Now, whether they be grouped by categories of
11 11 several different numbered products of a
12 12 particular brand, they might be in the same
13 13 folder, but they, in effect, they would be
14 14 individually referable.

15 15 Q. Okay. Well, let's make it more
16 16 specific. While you were head of Labeling
17 17 and Product Registration Section and you
18 18 wanted the history of the labeling of
19 19 Turbinol, where would you look?

20 20 A. I would go to the group that was
21 21 either closely, closest related to that
22 22 business area today from what it was before.
23 23 We might not exist, if, in this case, it
24 24 doesn't exist, but I would go to the, the
25 25 group that relates to labeling of organic

1 1 chemicals and ask the question about that
2 2 number or that product by name as best I
3 3 could identify and ask for the backup
4 4 information or what might be still available,
5 5 to refer to on the understanding and
6 6 knowledge of the product and the labeling of
7 7 it.

8 8 Q. When you left in 1983, was there a
9 9 document destruction policy at Monsanto with
10 10 regard to records of the -- of your section?

11 11 A. No.

12 12 Q. As far as you knew, when you left
13 13 in 1983, were all labeling records intact?

14 14 MR. ZIMMER: For any product at
15 15 any point in time?

16 16 MS. GRADY: Right. Well, let's
17 17 limit it up during your job tenure.

18 18 BY MS. GRADY:

19 19 Q. Between 1959 and 1983, were all
20 20 labeling records intact, as far as you knew,
21 21 when you left in 1983?

22 22 A. Yes.

23 23 Q. Were all of the labeling records
24 24 developed during your tenure kept on site
25 25 where your offices were located?

1 1 A. Yes.

2 2 Q. And how were they stored?

3 3 A. File cabinets.

4 4 Q. When you were head of labeling, if
5 5 you wanted to know what the printing history
6 6 of labels for Turbinol was, where would you
7 7 look?

8 8 MR. ZIMMER: Asked and answered.

9 9 A. I believe I've answered the
10 10 question.

11 11 BY MS. GRADY:

12 12 Q. I think that my previous question
13 13 was broader. I think it was the labeling
14 14 history, and now I'm asking about printing
15 15 history, but if it's the same answer --

16 16 A. Repeat the question, then. I'm
17 17 not sure I understood.

18 18 Q. Yes. When you were head of the
19 19 Labeling and Product Registration Section and
20 20 you had a question about the printing history
21 21 of labels for the product Turbinol, where
22 22 would you look?

23 23 A. I would probably -- I would look
24 24 at the file folder of the printed label for
25 25 that product.

1 Q. Was it the practice while you were
2 the head of the Labeling and Product
3 Registration Section to create a file folder
4 for each printed label of a product?

5 A. Yes.

6 Q. And were all printed labels for a
7 product contained in the same file folder?

8 A. All printed labels for the same
9 product in the same folder?

10 Q. Yes. Let me give you an example,
11 to clarify. Let's say that the label for
12 Aroclor 1242 changed over time, the text on
13 the label changed over time. Would all of
14 the various versions of the Aroclor 1242
15 label be in the same file folder?

16 A. No.

17 Q. How would they be stored?

18 A. In file folders individually.

19 Q. And how would they be noted? How
20 would they be identified?

21 A. There would be a label number.
22 There is a reference number on each label.

23 Q. Somewhere in the -- when you were
24 head of Labeling and Product Registration,
25 somewhere in the files of your section, every

1 1 label that was ever put on a product was
2 2 filed away. Is that right?

3 3 A. Yes.

4 4 Q. So if you wanted to find all the
5 5 variations on the Aroclor 1242 label, where
6 6 would you look?

7 7 A. Just exactly what I've described
8 8 before; to those file folders for those
9 9 individual labels.

10 10 Q. And how were the file folders
11 11 labeled? Were they labeled Aroclor 1242 with
12 12 a time period during which the label was
13 13 used, for example?

14 14 A. A folder would be identified by
15 15 the product, the Aroclor 1242, if that's the
16 16 particular item, and every time that was
17 17 printed, it would be dated thereafter, and a
18 18 copy included in that same folder.

19 19 Q. If the text changed, if the text
20 20 of the label changed, was the different label
21 21 filed in the same folder?

22 22 A. No.

23 23 Q. Where was it filed?

24 24 A. In a new folder.

25 25 Q. And what was the label on the new

1 1 folder?

2 2 A. Exactly the same as the one it
3 3 replaced, and then the one that was replaced
4 4 was no longer available.

5 5 Q. Was the one that was no longer
6 6 available still in your file someplace?

7 7 A. Yes.

8 8 MS. GRADY: Okay. Why don't we
9 9 take a break. I'm having an inordinate
10 10 amount of difficulty figuring this out, and
11 11 I'm sure it's just me. Why don't we come
12 12 back in ten minutes.

13 13 MR. ZIMMER: Sounds good.

14 14 MS. GRADY: Off the record.

15 15 (Recess)

16 16 BY MS. GRADY:

17 17 Q. All right, are we ready?

18 18 A. Yes.

19 19 MS. GRADY: Back on the record.

20 20 BY MS. GRADY:

21 21 Q. Mr. Sido, between 1959 and 1983,
22 22 was there a pattern or practice in the
23 23 Labeling Or Product -- and Product
24 24 Registration Section for filing information
25 25 concerning the text of labels used on

1 1 Monsanto products?

2 2 A. Please repeat that a little bit.

3 3 What --

4 4 Q. Sure. Between 1959 and 1983, you
5 5 were the head of the Product -- Labeling and
6 6 Product Registration Section. Was there a
7 7 pattern and practice for filing information
8 8 concerning the text of labels used on
9 9 Monsanto products?

10 10 A. Yes.

11 11 Q. What was that pattern of practice?

12 12 A. Product folders, index references.

13 13 Q. What was in the product folders?

14 14 A. Information about the chemical,
15 15 the questionnaire-type information that I
16 16 described earlier, evidence of the ultimate
17 17 label that was printed, or proofed, if it
18 18 might have occurred.

19 19 Q. Was the text of the label of all
20 20 Monsanto products kept in a product folder
21 21 during the time when you were head of
22 22 Labeling and Product Registration?

23 23 A. In individual folders.

24 24 Q. And how were the individual
25 25 folders organized?

1 A. Alphabetically, whatever
2 convenient.

3 Q. During your time as head of the
4 Labeling and Product Registration Section, it
5 was the practice of that section to keep the
6 text of every label of every Monsanto
7 product?

8 A. Correct.

9 Q. Was evidence of when the label was
10 printed kept in the product folder?

11 A. No.

12 Q. Where was evidence of when the
13 label was printed kept?

14 A. In folders that were turnouts from
15 print runs.

16 Q. I don't understand those terms.
17 What is a turnout of a print run?

18 A. An actual copy of the labels that
19 were ordered, and printed, and delivered
20 someplace. When they were printed under an
21 order, a copy of that label was returned or
22 copies of it returned to us and we filed it
23 in a folder.

24 Q. And was that the same folder, that
25 information about the chemical, in which

1 1 information about the chemical was stored?

2 2 A. No.

3 3 Q. So we're now up to two folders.

4 4 One is the product folder which contains

5 5 information about the chemical, together with

6 6 evidence of when the label was printed or

7 7 proofed. Is that correct?

8 8 A. That's correct.

9 9 Q. The second is a folder that

10 10 contains an actual copy of the label that was

11 11 printed? Is that correct?

12 12 A. That's correct.

13 13 Q. And does the actual copy of the

14 14 label that was printed contain the date

15 15 and -- the label was printed, together with

16 16 how many were printed?

17 17 A. That was the practice.

18 18 Q. And what was the name of the

19 19 second folder?

20 20 A. Product label folder.

21 21 Q. How were product label folders

22 22 organized?

23 23 A. Alphabetically in file cabinets.

24 24 Q. You mentioned that information or

25 25 evidence of when the label was printed or

1 1 proved would be present. What's the
2 2 difference between printed and proofed?

3 3 A. Proofed is a -- is the art work or
4 4 the topography, the organization, the
5 5 assembly of what you intend to print, and in
6 6 printing operations, they simply photograph
7 7 that or its original, and that's a copy of
8 8 the negative that they photograph, and then
9 9 they use that same negative to make print
10 10 plates for the labels when the labels,
11 11 themselves, are printed.

12 12 Q. If the -- was there a pattern or
13 13 practice when you were head of the Labeling
14 14 and Product Registration Section to contract
15 15 out for printing of labels of Monsanto
16 16 products?

17 17 A. Yes.

18 18 Q. When you did contract out, was a
19 19 copy of the negative returned to the Labeling
20 20 and Product Registration Section?

21 21 A. The actual, a copy of the actual
22 22 printed label was returned.

23 23 Q. And that was kept in the product
24 24 label folder; correct?

25 25 A. Correct.

1 Q. Along with a notation of how many
2 copies were printed and when they were
3 printed? Is that right?

4 A. Correct.

5 Q. Was there a pattern or practice
6 with, during the time that you were head of
7 Labeling and Product Registration, concerning
8 the filing of information about where labels
9 were sent within the Monsanto organization?

10 A. This would be on the record,
11 likely, or the order to the printer. The
12 printer shipped the labels to the
13 destination.

14 Q. Where would the print order be
15 kept, or where was it kept?

16 A. I have no idea.

17 Q. Was there a pattern or practice of
18 keeping print orders within the Labeling and
19 Product Registration Section?

20 A. No.

21 Q. Was there any pattern or practice
22 in the Labeling and Product Registration
23 Section when you were the head of that
24 section to keep information about how many
25 labels were sent to individual Monsanto

1 1 plants?

2 2 A. Normally, the, yes, the quantity
3 3 and where they went was recorded.

4 4 Q. Was that information -- was there
5 5 a pattern or practice that that information
6 6 was recorded in the product label folder?

7 7 A. Yes.

8 8 Q. What other information about the
9 9 labeling of an individual Monsanto product
10 10 was kept within the Labeling and Product
11 11 Registration Section during your tenure
12 12 there?

13 13 A. Nothing.

14 14 Q. You mentioned before file cards, I
15 15 believe, as part of the recordkeeping system
16 16 in the section. Is that right?

17 17 A. Yes.

18 18 Q. What were file cards used for?

19 19 A. There were little simple three-by-
20 20 five-type index cards that would record the
21 21 basic -- that label, the product, and any
22 22 things about it, and usually it gave some
23 23 reference to when we first started to put the
24 24 label together, I guess, if you want to
25 25 describe it that way.

1 1 Q. Was it the pattern or practice to
2 2 attach a file card to a copy of the label
3 3 that was actually printed?

4 4 A. No.

5 5 Q. Where were the file cards filed?

6 6 A. In my section, with -- in a file
7 7 folder.

8 8 Q. Was it the pattern or practice to
9 9 store the file cards in the product label
10 10 folder?

11 11 A. No.

12 12 Q. Were they -- how were they stored,
13 13 then?

14 14 A. In a card index.

15 15 Q. In a card index?

16 16 A. Just a card -- you are -- if I
17 17 understood you correctly, you, I assumed you
18 18 were saying where are those card indexes,
19 19 those index cards, they're in a file of just
20 20 index cards.

21 21 Q. Okay. What was the -- was there a
22 22 different purpose for these file index cards
23 23 than there was for the printing history and
24 24 quantity information in the product label
25 25 folders?

1 A. There wasn't a different purpose,
2 no.

3 Q. Was there different information
4 recorded?

5 A. Not -- the word-for-word, if
6 that's what you mean, there may be some
7 differences. The intent was the same;
8 consistency and simple reference was the only
9 intent.

10 Q. Why did you have a system where
11 you had product label folders and some of the
12 same, if not all of the same information on
13 product file cards?

14 MR. ZIMMER: Do you mean other
15 than consistency of the simple reference
16 which he just --

17 MS. GRADY: He didn't link that to
18 this question.

19 MR. ZIMMER: I don't believe
20 that's the case, but he can tell you for
21 himself.

22 A. I know of no other reason.

23 BY MS. GRADY:

24 Q. So you put the information
25 concerning printing history on file cards so

1 1 it would be easier to reference? Is that
2 2 right?

3 3 A. Yes, and the card did give
4 4 sequential information. It would, if -- it
5 5 would initiate the product once we first
6 6 looked at it and it would indicate if there
7 7 were any changes subsequently that were made
8 8 or anticipated. Generally, the things that
9 9 were done, if there was a change that
10 10 occurred someplace down the line where one
11 11 label was obsoleted and its subsequent label
12 12 was referenced, that was on that card.

13 13 Q. Could you determine that same
14 14 information from the product label folder?

15 15 A. No.

16 16 Q. Why is that not the case?

17 17 A. Because once a label was
18 18 obsoleted, no longer of use, it was no longer
19 19 kept in an active, available situation. It
20 20 couldn't be reordered once we obsoleted it or
21 21 said it no longer was appropriate, as time
22 22 went on for whatever reason.

23 23 Q. Where were obsoleted labels kept?

24 24 A. In storage boxes that, file
25 25 folders that would be just put into someplace

1 1 that was not going to be referred to daily,
2 2 or -- and could be anyplace. I have no idea
3 3 where they are or where they could be.

4 4 Q. Where --

5 5 A. We --

6 6 Q. During your tenure there, when a
7 7 label was no longer in use, what was done
8 8 with it?

9 9 A. The file folders related to that
10 10 were put into a storage area and maintained
11 11 as long as I know.

12 12 Q. Where was the storage area?

13 13 A. We, some of it was within our
14 14 section; some of it was out in some warehouse
15 15 or something of that area. Just exactly
16 16 where, I don't know, other than it was just a
17 17 Monsanto facility that was -- that had space
18 18 to keep boxes and keep track of.

19 19 Q. Did you ever make decisions when
20 20 you were head of the Labeling and Product
21 21 Registration Section about what files were
22 22 going to get sent off site?

23 23 A. Yes.

24 24 Q. And was your decision based on how
25 25 old the files were?

1 A. No.

2 Q. What was it based on? What

3 3 criteria did you use?

4 A. Well, if it was current and active

5 5 product, we wanted it available. We didn't

6 6 want it in some remote location. If it was

7 7 an obsolete product or an inactive product,

8 8 in whatever information was -- we didn't want

9 9 it to be available, then it could be put into

10 10 a storage area and just retained as a record,

11 11 but the things that we had in our section

12 12 were active, current, working records.

13 13 Q. Did you ever receive any

14 14 notification between 1959 and 1983 that file

15 15 folders that were from the Labeling and

16 16 Product Registration Section and stored off

17 17 site were going to be destroyed?

18 18 A. No.

19 19 Q. To your knowledge, were such

20 20 folders ever destroyed?

21 21 A. No, they were never destroyed, not

22 22 as far as I know.

23 23 Q. How did a request for a change in

24 24 a label come into the Labeling and Product

25 25 Registration Section?

1 A. It could come in from many -- from
2 anybody, really, that had something to do
3 with the product; Marketing, Manufacturing,
4 Medical, anyplace.

5 Q. How did a request for a change in
6 the label of PCB-containing products come
7 into the Labeling and Product Registration
8 Section?

9 A. I don't know exactly how they came
10 to us, but it would have come through the
11 Marketing Group, primarily, which would have
12 had other contact with medical or other parts
13 of the company.

14 Q. Why do you say that it would have
15 come in through marketing?

16 A. Because marketing is the
17 primary -- has primary responsibility for the
18 sale and movement of the product.

19 MR. ZIMMER: And remember, Mr.
20 Sido, to tell her what you remember, not to
21 reconstruct things in your mind, if you are
22 guessing or assuming things.

23 BY MS. GRADY:

24 Q. What was the first step that was
25 taken by the Labeling and Product

1 1 Registration Section when you were head of
2 2 it, when a request from the Marketing Group
3 3 came in for a change in a product label?

4 4 A. To ask why they wanted it, what,
5 5 what was the basis for doing so, and --

6 6 Q. Were there forms that were used
7 7 for requesting a change in a product label?

8 8 A. No standard form.

9 9 Q. Were changes generally requested
10 10 by means of inter-office correspondence?

11 11 A. Yes.

12 12 Q. And did all such correspondence
13 13 requesting changes in labels come to you?

14 14 A. Yes.

15 15 Q. Was -- did you have a pattern or
16 16 practice of what you did when a request for a
17 17 change in a label came in?

18 18 A. By "pattern or practice," I'm not
19 19 sure I understand what your question --

20 20 Q. Did you typically assign it to one
21 21 of our subordinates, for example, to collect
22 22 the appropriate information?

23 23 A. That was essentially the way it
24 24 was handled, yes.

25 25 Q. And what did you understand your

1 1 assistants would do when you assigned them a
2 2 product label change request?

3 3 A. To handle it as though it were a
4 4 new label from start to finish.

5 5 Q. Was there a pattern or practice
6 6 within the Labeling and Product Registration
7 7 Section about how new labels were created?

8 8 A. I don't believe there was a -- I
9 9 don't understand quite, I don't believe I
10 10 quite get what you are asking. There was a
11 11 consistency of what we did.

12 12 Q. Can you describe for me that, the
13 13 typical steps taken in creating a new label?

14 14 A. I think --

15 15 MR. ZIMMER: Is this for a PCB
16 16 product or -containing product?

17 17 MS. GRADY: It's a pattern or
18 18 practice question. Any product.

19 19 MR. ZIMMER: Any product; okay.

20 20 A. The information gathering depends
21 21 on what was the source of the request. There
22 22 could be a request that would relate to
23 23 something that was involving industrial
24 24 hygiene, it could relate to different weights
25 25 and measures on a particular package, as a

1 1 change of a label, so anything that changed
2 2 on the label meant a re-look at it, and if
3 3 there was no other reason than, say, weights
4 4 or measures that you wanted on the label,
5 5 that was quickly accommodated and agreed upon
6 6 and we stayed with the same text, changing
7 7 the weights and measures, if that was -- or
8 8 if the picture of the design, layout was a
9 9 little different, that -- and we kept our
10 10 text the same, we could proceed, proof it,
11 11 get everybody's awareness of the fact that it
12 12 was changing, and proceed from there.

13 13 BY MS. GRADY:

14 14 Q. Here's what I'm trying to
15 15 understand, Mr. Sido. You indicated that
16 16 when a request for a label change in, you
17 17 typically would assign it to one of your
18 18 assistants and it was your expectation that
19 19 they would handle that request for a label
20 20 change as they would a request for a new
21 21 label. Is that right?

22 22 A. That's correct.

23 23 Q. How would a request for a new
24 24 label be handled? I'm interested in the
25 25 steps that go into creating a new label.

1 1 Since you've said that a request for a label
2 2 change is typically handled like a request
3 3 for a new label, I'm interested in the steps
4 4 that your group went through.

5 5 MR. ZIMMER: Asked and answered.

6 6 A. I believe I have given you the
7 7 concept. I can repeat it if that's what you
8 8 wish.

9 9 BY MS. GRADY:

10 10 Q. I'm interested in, if you can for
11 11 me, define the steps from when the request
12 12 for a new label comes in until the new label
13 13 is put on the product.

14 14 A. The facts about a chemical, its
15 15 chemical, physical properties, its
16 16 information on flammability, or toxicology,
17 17 or toxicity, end use, markets, reference, so
18 18 to speak, what general area is it going to be
19 19 sold in, as it would have some bearing on
20 20 labeling, the -- that information is in the
21 21 form of a questionnaire, and if there were
22 22 any changes in that from the outset, then it
23 23 would be altered and have, that would be a
24 24 basis for reconsidering the text of the
25 25 label. If it were repackaged, the package

1 1 size could, weights and measures indicated
2 2 could mean different labels, because we tried
3 3 to print that kind of information on a label
4 4 to minimize the amount of stenciling, other
5 5 complexities of metric conversions of weights
6 6 and measures, things like that that would be
7 7 handy on labels if they could be used in ways
8 8 we might even, you know, export or anything
9 9 else, some of that information is, we try to
10 10 consolidate all the facts that we have in the
11 11 record and proceed with the resolution of the
12 12 text of the label and submit it to the people
13 13 that had input into this gathering mechanism
14 14 and show, actually, the proof of the label is
15 15 something that's made before you actually
16 16 print or provide the labels to anybody.

17 17 Q. Was the proof of the label -- and
18 18 by that, you mean a photographic proof?

19 19 A. A printer proof.

20 20 Q. A printer proof?

21 21 A. Yes.

22 22 Q. Was that circulated to the --

23 23 A. Yes.

24 24 Q. -- group that reviewed labels?

25 25 A. Yes.

1 1 Q. Prior to its printing; is that
2 2 correct?

3 3 A. Yes.

4 4 Q. When Marketing requested a new
5 5 label or a change in a label, did you have
6 6 someone in Marketing fill out a product
7 7 questionnaire?

8 8 A. Not always. It didn't always --
9 9 if it meant that the product was going to be
10 10 sold into a new use or new applications or
11 11 something, it might have been at least
12 12 recorded in the file as a, a record. It
13 13 wouldn't have -- it might not have actually
14 14 changed the basic questionnaire, so it wasn't
15 15 essential that a questionnaire be submitted
16 16 every time that a change was required or
17 17 requested.

18 18 Q. What about for a new label; when a
19 19 new label was being requested, was a product
20 20 questionnaire requested?

21 21 A. Yes, it was.

22 22 Q. And the product questionnaire was
23 23 drawn up by your section? Is that right?

24 24 A. No. No, it was provided by the
25 25 various organizations. People that I have

1 1 described before within this company provide
2 2 information that they have access to, and
3 3 know, and input, so that we gathered the
4 4 information through that form. We didn't
5 5 provide them the data.

6 6 Q. Did someone in your office
7 7 typically work with a person in Marketing to
8 8 develop the label copy?

9 9 A. Yes.

10 10 Q. How long did it take to change a
11 11 label?

12 12 A. Probably from about two days to
13 13 six months or more. It varied.

14 14 Q. Were most labels printed in St.
15 15 Louis and shipped to manufacturing plants?

16 16 A. Yes.

17 17 Q. Did they come back through the --
18 18 typically, did they come back through the
19 19 Label and Product Registration Department
20 20 before they were shipped to the factories?

21 21 A. Simultaneous with.

22 22 Q. Did the plants receiving the
23 23 labels have any direct dealings with the
24 24 printer, typically?

25 25 A. Not normally.

1 Q. It was a, one of the
2 responsibilities of your section to place the
3 orders with the printer and ensure that the
4 labels were properly printed? Is that right?

5 A. Yes.

6 Q. And did you also have the
7 responsibility or your group have the
8 responsibility for providing shipping
9 instructions to the printer?

10 A. Yes.

11 Q. And how did you figure out what
12 labels needed to go where?

13 A. The plants were the originators of
14 what they wanted or what they needed. Once
15 something was available to that plant, if
16 they had labels in inventory, they could use
17 those labels in inventory until we said
18 don't, or -- but in, or until they needed
19 more and reordered.

20 Q. When they reordered, did they
21 reorder through your section?

22 A. Yes, they did.

23 Q. If a label had changed the plant,
24 the manufacturing plant would receive
25 instructions not to use an old label from

1 1 your section? Is that correct?

2 2 A. Yes.

3 3 Q. Was it your understanding that if
4 4 the plant -- if you didn't tell the plant to
5 5 stop using a label, they would continue to
6 6 use it?

7 7 A. Yes.

8 8 MR. ZIMMER: Calls for
9 9 speculation.

10 10 THE WITNESS: Excuse me, but --

11 11 BY MS. GRADY:

12 12 Q. You understand that the -- I'm
13 13 sure your lawyer will explain this to you --
14 14 that the objections that Mr. Zimmer is making
15 15 here today, unless he instructs you not to
16 16 answer, the objections he is making are for
17 17 the record, and you are still obligated to
18 18 answer the question.

19 19 (Plaintiff's Deposition
20 20 Exhibit 765 marked for
21 21 identification.)

22 22 Let's look at an exhibit. The
23 23 first exhibit I'd like to use today I've
24 24 marked as Exhibit 765. I'll hand you a copy,
25 25 Mr. Sido, and one to your counsel, and I'd

1 1 like to describe this exhibit for the record
2 2 as a two-page exhibit bearing Bates number
3 3 TRAN 088136 through 137, which purports to be
4 4 a memorandum dated June 19th, 1963, to Dr.
5 5 Hal -- hard to read the name -- Seppala?
6 6 Seppala, S-e-p-p-a-l-a, from G. Robert Sido
7 7 with an attachment that purports to be
8 8 pictures of different labels for Aroclors.

9 9 I'm going to ask you to follow the
10 10 same procedure for all exhibits I give you,
11 11 Mr. Sido, unless I say otherwise, and that is
12 12 to look at it and sufficiently so that you
13 13 can answer the question whether you've seen
14 14 this exhibit prior to today.

15 15 MR. ZIMMER: Well, he's not going
16 16 to answer with respect to yesterday, but if
17 17 he has seen it prior to that, and recalls it,
18 18 he'll tell you that, and if it refreshes his
19 19 memory, he'll tell you that, as well, but
20 20 anything I showed him is privileged.

21 21 MS. GRADY: Unless it refreshes
22 22 his recollection. Well, I'm not going to get
23 23 into to colloquy because I think that's a
24 24 bogus objection, but so be it.

25 25 MR. ZIMMER: As I indicated,

1 1 whatever you show him, if it refreshes his
2 2 memory, he'll tell you that.

3 3 (Witness peruses said
4 4 document.)

5 5 A. I recognize the, what you are
6 6 providing.

7 7 BY MS. GRADY:

8 8 Q. Did you draft Exhibit or at least
9 9 the first page of Exhibit 765?

10 10 A. Yes.

11 11 Q. That's your signature up above
12 12 your name on the first page?

13 13 A. Correct.

14 14 Q. And did you prepare this
15 15 memorandum. That's the first page of Exhibit
16 16 765 as part of your job responsibilities as
17 17 head of the Labeling and Product Registration
18 18 Section?

19 19 A. Yes.

20 20 Q. What is Exhibit 765, Mr. Sido?

21 21 A. It's a memo to -- it says it's a
22 22 resume of the historical practice of labeling
23 23 Aroclor products prior to 1947 to date.

24 24 Q. Do I have the name right? Is it
25 25 Seppala? Dr. Hal Seppala?

1 A. I can't recall.

2 Q. Do you recall time in 1963 or
3 3 thereabouts being asked to provide a history
4 4 of the labeling of Aroclors?

5 A. No.

6 Q. Who is Mr. E. L. French?

7 A. He was a member of our Law
8 8 Department.

9 Q. Could you look at the first
10 10 paragraph of the memo, Mr. Sido, and read
11 11 that if you haven't up to this point?

12 A. Yes.

13 Q. There's reference, here, to three
14 14 memos dated in May 1947 which confirm the
15 15 precautions regarding skin contact and
16 16 inhalation of fumes, et cetera, that
17 17 sentence. Was there a pattern or practice in
18 18 the Labeling and Product Registration Section
19 19 when you were head of it to file memos
20 20 concerning the precautions about a particular
21 21 product?

22 A. No.

23 Q. Do you have any recollection of
24 24 going outside of your department to gather
25 25 information to determine the labeling history

1 1 of a product?

2 2 A. No.

3 3 Q. Looking at this reference to three
4 4 memos concerning the precautions that were
5 5 agreeable to the Surgeon General and the
6 6 California hazardous chemical labeling law,
7 7 can you think of any file that existed in
8 8 your section when you were there that would
9 9 contain such information about Aroclors?

10 10 A. No.

11 11 Q. The second paragraph reads, "The
12 12 general labeling practice for Aroclors has
13 13 been to stencil the brand name Aroclor with
14 14 the appropriate numeral designation for the
15 15 product and also affix the caution label
16 16 illustrated on the xerox copy." Were there
17 17 numeral designations for each Monsanto
18 18 product?

19 19 A. Not every product. Usually, in
20 20 conjunction with brand name usage, there
21 21 could be.

22 22 Q. And what was the numbering
23 23 convention, if there was one?

24 24 A. None.

25 25 Q. At the time a label was created

1 1 for a new product, you would be provided with
2 2 a product number? Is that correct?

3 3 A. The name and product number,
4 4 whatever was used to identify it.

5 5 Q. And when a product had a product
6 6 number, did it appear on the label?

7 7 A. Yes.

8 8 Q. What was the practice concerning
9 9 labeling Monsanto products by means of
10 10 stenciling?

11 11 A. It's customary to put permanent,
12 12 sort of concise information that can be
13 13 stenciled, bold copy, on a container in a
14 14 permanent sort of way. It wouldn't include
15 15 all of the text of a wordy nature because it
16 16 would be awkward to do so, but it would be a
17 17 product name often would be stenciled, the
18 18 number of it, possibly weight, a few things
19 19 that could be -- and lot number related to
20 20 the filling operation.

21 21 Q. What's a lot number?

22 22 A. Identification of the batch or
23 23 the -- from which they are filling a
24 24 container.

25 25 Q. Was it part of the function of

1 1 your section to provide information to the
2 2 plants about what information had to be
3 3 stenciled on products?

4 4 A. No.

5 5 Q. Or was that left to the discretion
6 6 of the plants?

7 7 A. I'm not certaain.

8 8 Q. How did you know what information
9 9 was stenciled on Aroclors?

10 10 A. Just by the facts provided by the
11 11 plant to us.

12 12 Q. Did you ever instruct plants as to
13 13 what information should be stenciled on
14 14 product containers?

15 15 A. No.

16 16 Q. In the second sentence of that
17 17 second paragraph, it says, "All drums
18 18 included the precaution information along
19 19 with stenciling or shipping instructions."
20 20 Were shipping instructions stenciled on
21 21 product containers?

22 22 A. No.

23 23 Q. Do you know how shipping
24 24 instructions were placed on product
25 25 containers?

1 A. Shipping instructions that relate
2 to stenciling would be on the container.
3 Sometimes the customer or the name of the
4 destinations, there are things that the
5 shipping instructions or shipping papers
6 would say put on the container because the
7 customer wants to use it as something to help
8 them recognize the, the material when they
9 receive it.

10 Q. Down in the last paragraph, it
11 states, "In July 1960, the label size was
12 reduced slightly without significant
13 reduction in type size. The size reduction
14 was simply to provide the same container
15 label at a somewhat lower unit cost. This
16 same label has been reprinted many times and
17 used since July 25th, 1960."

18 Is there anything on the
19 attachment to this memorandum that allows you
20 to tell whether the label, how many times the
21 various labels represented there have been
22 printed?

23 A. No.

24 Q. What records would you go to in
25 your section to determine how the labels on

1 1 the attachment, how many times they've been
2 2 printed?

3 3 A. To the file folder I alluded to
4 4 earlier, with copies of labels as they were
5 5 printed.

6 6 Q. Was that the product label folder?

7 7 A. Yes.

8 8 Q. On the second page of Exhibit 765,
9 9 is that your handwriting in the margin?

10 10 A. Yes, it is.

11 11 Q. Do you recall doing a search to
12 12 determine information about when particular
13 13 Aroclor warning labels were used?

14 14 A. To the extent that the dates
15 15 reflect that on this page.

16 16 Q. But you don't -- do you recall
17 17 doing the research that was necessary for you
18 18 to note this information on here?

19 19 A. Sure.

20 20 Q. And how did you do it?

21 21 A. Going to the card file, looking at
22 22 the folders I've described to you.

23 23 Q. To determine what warning labels
24 24 or caution labels were used on Aroclor 1242
25 25 and Aroclor 1221, would you have to go to two

1 1 cards in the card file?

2 2 A. Yes.

3 3 Q. So to research when the caution
4 4 labels that are shown as an attachment to
5 5 Exhibit 765 were used, you would have to know
6 6 each -- you would have to know the
7 7 designation of each of the Aroclor products.
8 8 Is that correct?

9 9 A. No.

10 10 Q. How have I strayed, here?

11 11 A. Aroclor, if these are referring to
12 12 Aroclor labels, I wouldn't have to
13 13 necessarily go to every one of the file
14 14 folders if the Aroclors were labeled in a
15 15 consistent fashion, but I, I would probably
16 16 research to be sure I was giving the facts.

17 17 Q. I don't understand that answer.

18 18 A. Giving the facts.

19 19 Q. I don't understand that answer.

20 20 Let me, let me ask a few more questions to
21 21 see if I can understand this.

22 22 Hypothesize that Aroclor is sold
23 23 as Aroclor with a number designation after
24 24 it, so there are numerous Aroclor products
25 25 that are called Aroclor, and then 1221, 1242,

1 1 1268.

2 2 A. That was the practice.

3 3 Q. To determine what caution labels
4 4 were used on all of those or any individual
5 5 one of those Aroclor products, would you have
6 6 to go to the file for each of the Aroclor
7 7 numerical -- numerically designated products?

8 8 A. If you wanted it on each one of
9 9 the products involved, you'd have to go to
10 10 each of the folders, yes.

11 11 Q. So to provide the information that
12 12 you provided on the second page of Exhibit
13 13 765, you would have to go to the file card
14 14 for each of the Aroclor products. Is that
15 15 right?

16 16 A. Or look at the labels in the label
17 17 folders that were there.

18 18 Q. Same information would also be
19 19 reflected in the product label folder; is
20 20 that right?

21 21 A. Sure.

22 22 Q. You indicate in the middle of the
23 23 second page of Exhibit 765 with an arrow
24 24 pointing to the label that includes the text,
25 25 "CHLORINATED Diphenyl -Tech" used, when the

1 1 trademark Aroclor could not be used. Do you
2 2 recall instances where the trademark of a
3 3 Monsanto product could not be used for some
4 4 reason on a label?

5 5 A. It could be a trademark of
6 6 somebody else, like Westinghouse or somebody
7 7 else's name, instead of Monsanto's.

8 8 Q. How -- do you recall if, in doing
9 9 this search, you searched for products that
10 10 had different names but included Aroclors as
11 11 a constituent ingredient?

12 12 A. These were related to the
13 13 chlorinated diphenyls, Aroclor, not
14 14 necessarily fixtures or other products.

15 15 Q. So for example, if a Pydraul, a
16 16 product designated Pydraul included Aroclors
17 17 as a constituent ingredient, you would have
18 18 to go look at the product label folder for
19 19 the Pydraul product to determine what hazard
20 20 or caution label was used; is that right?

21 21 A. That's correct.

22 22 Q. And your reading of 765 is that
23 23 this only, this information only related to
24 24 products that had the name Aroclor in their
25 25 title? Is that right, sir?

1 1 A. Correct.

2 2 (Plaintiff's Deposition

3 3 Exhibit 758 previously marked

4 4 for identification.)

5 5 MS. GRADY: All right, the next

6 6 exhibit I would like to use is premarked as

7 7 Exhibit 758 --

8 8 (Witness peruses said

9 9 document.)

10 10 BY MS. GRADY:

11 11 Q. -- which I will describe for the

12 12 record as a two-page document dated August

13 13 29th, 1960, Bates range TRAN 088116 through

14 14 117, purportedly from Elmer Wheeler to R. A.

15 15 Culberson, C-u-l-b-e-r-s-o-n, re: Pydraul

16 16 labels. Mr. Sido is shown as a "cc" along

17 17 with Richard Davis, R. E. Kelly and

18 18 D. F. Smith.

19 19 And I'd ask you to look at Exhibit

20 20 758, Mr. Sido, so that you can answer the

21 21 question whether you've seen this exhibit

22 22 prior to today.

23 23 (Discussion off the record.)

24 24 MS. GRADY: I'll read the whole

25 25 number. It's 088116 through 088117.

1 1 A. This looks familiar.

2 2 BY MS. GRADY:

3 3 Q. What about it looks familiar?

4 4 A. I believe I received it when it
5 5 was sent as a memo.

6 6 Q. Who is Elmer Wheeler?

7 7 A. He was an industrial hygienist,
8 8 toxicologist in the Medical Department.

9 9 Q. And who is R. A. Culberson?

10 10 A. I don't know.

11 11 Q. Who is Richard Davis?

12 12 A. He was part of the Marketing
13 13 Group, I believe, I'm pretty sure.

14 14 Q. Dr. Kelly?

15 15 A. Yes, our medical director.

16 16 Q. And what about D. F. Smith?

17 17 A. I can't tell you. I don't know.

18 18 Q. Did Mr. Smith ever work in the
19 19 Labeling Department?

20 20 A. Not that Smith, no. Not this
21 21 individual.

22 22 Q. Do you recall revising the Pydraul
23 23 labels to include new hazard information?

24 24 A. Yes.

25 25 Q. What do you recall about that?

1 A. I'd have to be, to refer to the
2 2 labels to -- when this refers to chlorinated
3 3 hydrocarbons or something, I'd have to refer
4 4 to the label to, to know. I can't recall.

5 Q. Why don't you refer back to that
6 6 last exhibit, 765, that we looked at, and if
7 7 you look at those labels, it indicates that,
8 8 for example, a new caution label went on in
9 9 May 7th, 1959, down in the left-hand corner.
10 10 Is that your understanding of the information
11 11 you provide there?

12 A. I don't quite -- the blocked-out
13 13 information, I don't know just what that is,
14 14 but the caution, and that I can't recall
15 15 exactly what occurred. The others, I think,
16 16 are a little bit more obvious in reading
17 17 them.

18 Q. Okay, but your handwriting says
19 19 that the May 7th, 1959, dated label replaced
20 20 the one that's right up above it; right?

21 A. Yes, that's the case.

22 Q. Okay. When a new caution label
23 23 was placed on a product, was there any
24 24 systematic way for changing the caution
25 25 labels for products that contained similar

1 1 constituent ingredients?

2 2 A. Our works were based on individual
3 3 products, not so much a class. Everything
4 4 had to be identified as what are you
5 5 shipping. That was the concept.

6 6 Q. And when you were requested to
7 7 change a label or to create a new label, that
8 8 was done on an individual product basis. Is
9 9 that correct?

10 10 A. That's correct.

11 11 Q. So unless you were given the
12 12 instructions at the time that the Aroclor
13 13 labels were changed to also change the
14 14 Pydraul labels, you wouldn't do that. Is
15 15 that correct?

16 16 A. It would depend on the
17 17 instructions that we were given. There could
18 18 be some class instructions given that we
19 19 would do just as a class, but it depended,
20 20 and we would -- we had to relate it to the
21 21 individual labels in the end.

22 22 Q. You had to have sufficient
23 23 information to figure out what products the
24 24 labels needed to be changed.

25 25 A. Absolutely. Mm-hmm.

1 Q. Do you recall that identification
2 of products that contained chlorinated
3 hydrocarbons was a legal requirement?

4 A. No, it was not.

5 Q. It wasn't?

6 A. No.

7 Q. So this sentence that's -- the
8 second sentence in Exhibit 758 that states,
9 "The information about composition is
10 required because of new legislation
11 pertaining to labeling of hazardous materials
12 adopted by a number of industrial states,"
13 does that refresh your recollection in any
14 way about whether labeling a product as
15 containing hydrocarbons was a legal
16 requirement?

17 MR. ZIMMER: Calls for
18 speculation.

19 MS. GRADY: Not if -- I'm merely
20 asking him if it refreshes his recollection.

21 MR. ZIMMER: It still does because
22 it misrepresents what the sentence says. The
23 sentence doesn't state it has to contain
24 chlorinated hydrocarbons.

25 BY MS. GRADY:

1 1 Q. Do you want me to repeat the
2 2 question, Mr. Sido, or do you have it in
3 3 mind?

4 4 A. Yes, I would like to have it
5 5 repeated.

6 6 Q. Why don't you read that second
7 7 sentence and tell me if that refreshes your
8 8 recollection, refreshes your recollection in
9 9 any way on whether or not labeling a product
10 10 as containing chlorinated hydrocarbons was a
11 11 legal requirement.

12 12 A. It is not -- it was not a legal
13 13 requirement.

14 14 Q. And what are you basing that
15 15 answer on?

16 16 A. If you don't have a hazardous
17 17 chemical under the criteria, it wouldn't be a
18 18 requirement.

19	19	(Plaintiff's Deposition
20	20	Exhibit 759 previously marked
21	21	for identification.)

22 22 BY MS. GRADY:

23 23 Q. All right, let's look at the next
24 24 exhibit, which is 759, which I'll describe
25 25 for the record as bearing Bates number TRAN

1 1 055388, a memorandum purportedly dated
2 2 February 3rd, 1960, subject matter, MONTAR
3 3 label, labeling, to Paul Benignus,
4 4 B-e-n-i-g-n-u-s, from Robert Sido. I'll ask
5 5 you to read Exhibit 759 and tell me if you've
6 6 seen it prior to today.

7 7 A. I don't recall having seen it
8 8 prior to today.

9 9 Q. Is that your signature, Mr. Sido?

10 10 A. Yes, it seems to be.

11 11 Q. Did you prepare memoranda like
12 12 this in the course of your work as Labeling
13 13 Supervisor?

14 14 A. Yes.

15 15 Q. Do you recall the label changing
16 16 for MONTAR 1, 2, 3, 4, 5, 6, 9? There are
17 17 commas in between those numbers.

18 18 A. They would be individual Montars,
19 19 but I don't recall anything specific about
20 20 them at the moment, other than what's set
21 21 forth here.

22 22 Q. Who is Paul Benignus?

23 23 A. He was the marketing individual
24 24 for this product line.

25 25 Q. You appear to be instructing Mr.

1 1 Benignus on what the label copy for these
2 2 Montars should say. I realize you don't
3 3 remember this exact memo, but were there
4 4 situations that came up where you instructed
5 5 the Marketing Department about what labels
6 6 should say?

7 7 A. We, if we had information that we
8 8 felt pertained or related to that product
9 9 line, we certainly told them the best we knew
10 10 how, and this appeared to be something in
11 11 terms of consistency that may or may not have
12 12 been envisioned or understood at some point
13 13 which prompted this memo.

14 14 Q. Was it -- were you able to change
15 15 the label on the Montars without receiving
16 16 the approval of the Marketing Department?

17 17 A. No.

18 18 Q. So you can recall situations where
19 19 you provided information to the Marketing
20 20 Department, but it was ultimately up to them
21 21 to instruct you on whether the label should
22 22 be changed? Is that correct?

23 23 A. It was up to them to concur what
24 24 should be done.

25 25 (Plaintiff's Deposition

1 1 Exhibit 760 previously marked
2 2 for identification.)

3 3 BY MS. GRADY:

4 4 Q. Okay, the next exhibit is
5 5 premarked as 760. I'll describe it for the
6 6 as TRAN 088120; purports to be a memorandum
7 7 dated October 17th, 1960, re: Product
8 8 questionnaires for Aroclors to D. L. Offill,
9 9 O-f-f-i-l-l?

10 10 A. Yes, I think "awful" was the way
11 11 you pronounced it.

12 12 Q. -- from G. Robert Sido. Have you
13 13 seen Exhibit 760 prior to today?

14 14 A. Not that I recall.

15 15 Q. Does Exhibit 760 refresh your
16 16 recollection in any way concerning the legal
17 17 requirements about labeling of Aroclors?

18 18 A. It appears factual. By refreshing
19 19 me, it seems to be in order.

20 20 Q. Okay. What was, what on the
21 21 Aroclor label was required by law?

22 22 A. Really, nothing, on an absolute
23 23 basis. It wasn't a hazardous commodity from
24 24 the standpoint of transportation and
25 25 shipping. Rate trademark reference was a

1 1 legal requirement. We wouldn't ship anything
2 2 within our company that we had precautionary
3 3 instructions of any sort on without it, and
4 4 thereby, we internally kind of looked at it
5 5 as Monsanto law, if not other, but as far as
6 6 other requirements for it, I know of none.

7 7 Q. Can you tell what this is a
8 8 reference to?

9 9 A. Sure.

10 10 Q. Under Item E, "Monsanto label
11 11 required by law"?

12 12 A. That's a statement that we used
13 13 that statement, whenever we had any
14 14 precautionary copy, or trademark, or anything
15 15 else that required a particular label that
16 16 was authorized to be used.

17 17 Q. So instead of saying, "required by
18 18 Monsanto," you said "required by law"?

19 19 A. That's correct.

20 20 Q. Who is D. L. Offill?

21 21 A. Someone in our Traffic Department.

22 22 Q. Was there a separate product
23 23 questionnaire that needed to be filled out
24 24 for interstate transportation of products?

25 25 A. No.

1 Q. Was there a product questionnaire
2 that had to be filled out for such
3 transportation?

4 A. The same questionnaire that we had
5 originally alluded to on information that we
6 needed to know.

7 (Plaintiff's Deposition
8 Exhibit 764 previously marked
9 for identification.)

10 MS. GRADY: Okay. The next
11 exhibit is Exhibit 764, which I'll describe
12 for the record as a one-page exhibit bearing
13 Bates number TRAN 088135, purports to be a
14 memorandum dated January 7th, 1963, from
15 G. Robert Sido to George Gibson, general
16 offices.

17 BY MS. GRADY:

18 Q. I ask you to take a look at this,
19 Mr. Sido, tell me if you've seen it prior to
20 today.

21 A. I don't recall having seen it
22 prior to today.

23 Q. Were you based in the general
24 offices in St. Louis?

25 A. Yes, I was.

1 1 Exhibit 766 previously marked
2 2 for identification.)

3 3 BY MS. GRADY:

4 4 Q. All right, the next exhibit is
5 5 766, which I'll describe for the record as a
6 6 one-page document bearing Bates number TRAN
7 7 088138, purports to be a memorandum from
8 8 G. Robert Sido to M. Smid, S-m-i-d, and H. L.
9 9 Gray, dated April 7th, 1964: Subject,
10 10 chlorinated polyphenyl drum labeling,
11 11 Aroclors, Pydrauls, Inerteens, Pydrauls," ask
12 12 you to take a look at this, Mr. Sido, and
13 13 tell me if you've seen it prior to today.

14 14 A. I don't recall having seen it
15 15 prior to today, but --

16 16 Q. Is that your signature?

17 17 A. Appears to be. Yes, it is.

18 18 Q. And is this the type of document
19 19 that you wrote as part of your job
20 20 responsibilities as Labeling Supervisor?

21 21 A. Yes.

22 22 Q. Who was Dick Stohr? I'm looking
23 23 at the handwriting up at the top of the page.

24 24 A. I don't recall.

25 25 Q. S-t-o-h-r?

1 1 A. I don't recall.

2 2 Q. What is the WGK Plant?

3 3 A. That's the Krummrich Plant,
4 4 W. G. Krummrich.

5 5 Q. And that was in Saw-GET
6 6 (Phonetic), Illinois? Is that how it's
7 7 pronounced? S-a-u-g-e-t?

8 8 A. Saw-JAY (Phonetic).

9 9 Q. Saw-JAY. And was there also a
10 10 plant in Anniston, Alabama?

11 11 A. Correct.

12 12 Q. What do you recall about the
13 13 labeling of Pydrauls and any changes that
14 14 occurred in or about 1964?

15 15 A. This memo indicates that we are
16 16 encouraging or trying to establish one label
17 17 per product, product including specific
18 18 number identification, whatever, so that the
19 19 plant could apply one thing which would
20 20 include the name of the product, identity of
21 21 it, the precautions, the other things that
22 22 are pertinent as one stick-on type of thing
23 23 for these, these items, instead of relying
24 24 strictly on stenciling and supplemental
25 25 stickers.

1 Q. Who is M. Smid?

2 A. He was in charge of plant
3 operations that packaged the products.

4 Q. And who is H. L. Gray?

5 A. I believe he was his same
6 counterpart at the other plant.

7 Q. Was there one person at each plant
8 that was responsible for the labeling of
9 products at the plant?

10 A. No.

11 Q. If you wanted to find out if
12 labels were -- what labels were going on at
13 the plant, who would you contact at
14 Krummrich?

15 MR. ZIMMER: During what time
16 frame?

17 MS. GRADY: '64.

18 A. It would, I would, would contact
19 the packaging, the part of the operation that
20 packaged the products for shipment.

21 BY MS. GRADY:

22 Q. And was there typically someone
23 else that was involved in labeling products
24 at the plants?

25 A. No.

1 Q. So if you had a question about
2 2 whether the label, what labels were actually
3 3 going on the products, you would contact the
4 4 guy who was head of packaging at the plant?

5 A. The person involved in the filling
6 6 of containers and identifying them.

7 Q. And for the Krummrich Plant, that
8 8 was in 1964, that was M. Smid?

9 A. That's correct.

10 Q. And Anniston at that period, it
11 11 was H. L. Gray?

12 A. To my knowledge, that's correct.

13 Q. Most of the correspondence that
14 14 you sent to the plants, did it go to the head
15 15 of the packaging area or did it go to the
16 16 head of the plant?

17 A. It would vary. Most of it would
18 18 be, relating labels, would go to the
19 19 packaging.

20 Q. Do you recall who was head of the
21 21 packaging area at the Queeny Plant?

22 MR. ZIMMER: In what time frame?

23 MS. GRADY: '64.

24 A. No, I don't recall at the moment.

25 BY MS. GRADY:

1 1 Q. Do you recall who the heads of the
2 2 packaging area at the Queeny Plant were over
3 3 time?

4 4 A. No. No.

5 5 Q. Do you recall anyone who was head
6 6 of the packaging area at the Queeny Plant?

7 7 A. I think Mr. Smid was at one point
8 8 in time, yes.

9 9 Q. And do you recall when that was?

10 10 A. No, not specifically, I don't.

11 11 Q. What's your general recollection?

12 12 A. Subsequent to this 1964, but I
13 13 don't know exactly when that was.

14 14 Q. Was the person who was head of the
15 15 packaging area in a manufacturing plant, did
16 16 that person have a title?

17 17 A. Not specifically that I know of.

18 18 Q. Generally, did they have a title?

19 19 A. No. They must have had some
20 20 identification; I couldn't tell you what it
21 21 would be.

22 22 Q. Up until this period in 1964, was
23 23 it the practice to apply a number of labels
24 24 to Aroclors, Pydrauls, Inerteens and
25 25 Pyranols?

1 A. A label for each product on each
2 container.

3 Q. And what was the change in
4 procedure that you were proposing?

5 A. Proposing that one label
6 containing the product identification, the
7 company name, address, as well as
8 precautionary instructions, be provided for
9 each product to go on each container that was
10 appropriate.

11 Q. And how was that different from
12 the prior practice?

13 A. Stenciling of product name or some
14 identification plus a supplemental sticker
15 had been used in many cases prior to that.

16 Q. So that the change in procedure
17 was to put the product name and
18 identification of the product on a label,
19 rather than just stenciling it on the drum?
20 Is that correct?

21 A. Not rather than, in addition to.
22 We stenciled the name of an information on
23 the drum and we also put a comprehensive
24 label, including the product name, and its
25 precautions, and so forth, and weights and

1 1 measures, and other things, as one
2 2 supplemental sticker, rather than a
3 3 supplemental simple precautionary copy
4 4 sticker, which you've had reference to
5 5 earlier.

6 6 Q. Okay, what was the procedure prior
7 7 to 1964 concerning the labeling of Aroclors
8 8 in terms of stenciling versus labels and how
9 9 many labels?

10 10 A. I think it was, this was covered
11 11 in the reference 765, which you have. I gave
12 12 you the information that certain information
13 13 was stenciled on the container to a
14 14 permanence and a supplemental sticker which
15 15 had cautionary, was attached to all of those
16 16 containers that apply. This is simply a
17 17 consolidation of that, keeping the
18 18 stencilling on the container which had, had
19 19 any shipping instructions that were required,
20 20 as well as the product name and number,
21 21 and -- but the product label was a
22 22 Monsanto-identified, larger, single organized
23 23 label that would be on instead of a
24 24 supplemental little stickers. It was two --
25 25 so it was, it was all-inclusive, to the best

1 1 of our knowledge, to repeat the product name,
2 2 as well as all the -- and provide all the
3 3 product precautions and so forth.

4 4 Q. And this all-inclusive label that
5 5 had both the product identification and
6 6 information plus any cautionary instructions
7 7 on one label was what you were proposing as a
8 8 change of practice in 1964. Is that right?

9 9 A. It seems to be the case, from the
10 10 way I read the memo.

11 11 Q. Do you have any independent
12 12 recollection of that?

13 13 A. No, nothing other than I think it
14 14 was done.

15 15 (Pleading's Deposition
16 16 Exhibit 768 marked for
17 17 identification.)

18 18 BY MS. GRADY:

19 19 Q. The next exhibit is Exhibit 768,
20 20 which I'll describe for the record as a
21 21 one-page exhibit bearing Bates number TRAN
22 22 088140, dated June 9th, 1964, purportedly
23 23 from Charles M. Williams to R. G. Moody at
24 24 Anniston: Subject, Aroclor drums labeling.
25 25 Mr. Sido is shown as a ""cc""

1 1 (Witness peruses said
2 2 document.)

3 3 A. I can't recall this memo, but I
4 4 believe I have seen the memo.

5 5 BY MS. GRADY:

6 6 Q. Is that your handwriting -- excuse
7 7 me.

8 8 A. This is my handwriting on the
9 9 label, I'm pretty sure.

10 10 Q. Is it your recollection that all
11 11 Aroclor products were shipped directly from
12 12 the manufacturing plants?

13 13 A. That appears, that seems to be the
14 14 statement, that they are now being shipped
15 15 from the plant, right.

16 16 Q. You don't have a recollection?

17 17 A. I don't have an independent view.

18 18 MR. ZIMMER: Remember, Mr. Sido,
19 19 she's not going asking you to interpret these
20 20 documents. The documents speak for
21 21 themselves. You should give her your
22 22 recollections.

23 23 A. I can't answer add anything to
24 24 the, what's shown.

25 25 BY MS. GRADY:

1 Q. Mr. Sido, do you have any
2 independent recollection of how products were
3 labeled at Anniston in terms of the physical
4 process of putting the label on drums of
5 product?

6 A. They are physically, the backing,
7 a backing paper is removed and the label is
8 manually applied to the drum.

9 Q. And do you have personal knowledge
10 of that?

11 A. Yes.

12 Q. How so?

13 A. I've been in plants where it's
14 done, and provided the labels that they used
15 to do it.

16 Q. Let's talk about the Queeny Plant.
17 During your time as labeling survivor, did
18 you observe the labeling process at the
19 Queeny Plant?

20 A. Yes.

21 Q. And where was labeling done?

22 A. At the packaging location.

23 Q. Where was the packaging location?

24 A. It varied. Some -- within an
25 operating department or within a consolidated

1 1 packaging department. That changed over a
2 2 period of time.

3 3 Q. So in other words, at certain
4 4 points, the labeling was done, for all
5 5 products produced at the Queeny Plant was
6 6 done in one location, and at other times, it
7 7 was done within the area of the plant where
8 8 the product was actually manufactured? Is
9 9 that right?

10 10 A. It was not all done in one
11 11 central, one location. I can't tell you for
12 12 sure that it was packaged where the product,
13 13 finished product was available to go in a
14 14 container, and they have a packaging
15 15 operation where departments could put
16 16 products for filling in a central location in
17 17 later years. I'm not sure just exactly which
18 18 products at which time were handled in that
19 19 fashion, but the label is applied where the
20 20 product goes into the container.

21 21 Q. And did you ever observe labels
22 22 being applied to 55-gallon drums of Pydrauls?

23 23 A. Yes.

24 24 Q. When was that?

25 25 A. I can't recall specific dates.

1 Q. Give me a general date.

2 A. I only observed it on a plant
3 visit when the products were being handled.
4 I have, know nothing specific.

5 Q. And how were the labels -- first
6 of all, what label was being applied?

7 A. I can't recall which product
8 number was involved, but I think Pydraul
9 products were being packaged.

10 Q. What makes you think it was
11 Pydrauls?

12 A. By the name of the label going on
13 the drums.

14 Q. Were Pydrauls produced at the
15 Queeny Plant?

16 MR. ZIMMER: When you say
17 "produced," I'm a little confused.

18 MS. GRADY: Labeled.

19 MR. ZIMMER: That's why. Thank
20 you.

21 A. I don't -- they weren't produced,
22 to my knowledge, at Queeny Plant.

23 BY MS. GRADY:

24 Q. Did you see Pydrauls being labeled
25 at the Queeny Plant?

1 A. I can't recall where I've seen
2 the -- when you ask the question, but I can't
3 recall where I have seen it. I have visited
4 Krummrich, Queeny, many plants over the
5 period of years and have seen packaging
6 operations, but I can't recall specifically
7 where a particular label was being applied,
8 if I answered your question.

9 MR. ZIMMER: Did you hear
10 Counsel's definition of "produced" to me,
11 "blended," or was I speaking over here?

12 MS. GRADY: He heard that.

13 MR. ZIMMER: You understood that
14 to be her question?

15 MS. GRADY: I'll repeat the
16 question.

17 A. All right. Okay.

18 BY MS. GRADY:

19 Q. I'll repeat the question.

20 A. All right.

21 Q. Did you ever see Pydraul labels
22 being applied at the Queeny Plant?

23 A. I can't recall.

24 MR. ZIMMER: The question I had in
25 mind was whether Pydrauls were blended at the

1 1 Queeny Plant.

2 2 BY MS. GRADY:

3 3 Q. I'll ask that, too: Were Pydrauls
4 4 blended at the Queeny Plant?

5 5 A. I can't answer that.

6 6 Q. Because you don't know?

7 7 A. I don't know.

8 8 Q. Did you ever see labels being
9 9 applied to Turbinol 55-gallon drums?

10 10 A. No.

11 11 Q. How do you know that?

12 12 A. How do I know that? That I
13 13 haven't seen it?

14 14 Q. Yes.

15 15 A. I don't recall having seen it
16 16 being applied.

17 17 Q. So you recall that you saw labels
18 18 being applied to Pydraul 55-gallon drums. Is
19 19 that correct?

20 20 A. At some point in my career with
21 21 handling those products, yes. I can't recall
22 22 when or where it was.

23 23 Q. Do you recall if it was at a time
24 24 when the cautionary information included text
25 25 about escape to the environment?

1 A. No, I can't recall.

2 Q. Do you recall when it was at a
3 3 time when the product identification
4 4 information was combined with the cautionary
5 5 information on one label?

6 A. Yes.

7 Q. Tell me what else you recall about
8 8 seeing Pydraul labels applied.

9 A. I don't know what I can tell you
10 10 other than it's physically handled and stuck
11 11 onto the drum, or a five-gallon can.

12 Q. How was it done?

13 A. You remove -- there's a backing
14 14 paper; it's a pressure-sensitive label, is
15 15 the way it was provided. You remove some
16 16 backing paper which gives you the sticky
17 17 material, the face that actually adheres to
18 18 the container, you remove the backing paper
19 19 and physically apply it. You remove a center
20 20 section of it so you can put the label
21 21 against the container, smooth it out, there's
22 22 a packing paper on either side was removed
23 23 and it was smoothed, and the same way on the
24 24 other one, so you had a fairly good-sized
25 25 label with a reasonably easily handled and

1 1 not a messy operation to do so.

2 2 Q. When you described that process,
3 3 Mr. Sido, you said you do this. Are you
4 4 telling me what you saw being done with the
5 5 Pydraul labels?

6 6 A. Yes. Yes.

7 7 Q. That's what you observed being
8 8 done?

9 9 A. I'm describing how I could do it,
10 10 how it is done or how it was done.

11 11 Q. But I'm only asking you one of
12 12 those questions, and I want to make sure I
13 13 have the answer to that one, and that is, did
14 14 you observe that happening with Pydraul
15 15 labels, "that" being this process of removing
16 16 the backing of a sticky label and applying it
17 17 to 55-gallon drums?

18 18 A. Yes, I can recall someplace along
19 19 the line, I have seen that done with Pydraul
20 20 labels.

21 21 Q. And where was that done in
22 22 relation to where the product was placed into
23 23 the 55-gallon drums?

24 24 A. At the spot.

25 25 Q. Is there -- how is the product

1 1 placed into -- and we're talking about

2 2 Pydrauls now -- how is the product placed

3 3 into the 55-gallon drums?

4 4 A. Through a bung into the drum and

5 5 secured by sealing the bung.

6 6 Q. And how does the product get into

7 7 the bung?

8 8 A. Through a pipe.

9 9 Q. So the barrel is placed under the

10 10 pipe --

11 11 A. Yes.

12 12 Q. And --

13 13 A. Or the pipe is brought to the

14 14 barrel to fill, yes.

15 15 Q. And where, in the instance where

16 16 you saw Pydraul labels being applied, where

17 17 were the labels kept in relation to the pipe

18 18 coming down into the bung?

19 19 A. Available to the, the individual

20 20 that was filling the drums.

21 21 Q. I'm asking you to tell me exactly

22 22 what you saw. Is that -- when you say

23 23 "available," where were the labels?

24 24 A. I don't, I don't recall

25 25 specifically, other than they were within the

1 1 custody of the individual that was doing the
2 2 job.

3 3 Q. Okay. You understand that the
4 4 reason I need to be so specific here --

5 5 A. I don't.

6 6 Q. -- is -- I'll tell you, then, I'll
7 7 explain it to you.

8 8 A. Okay.

9 9 Q. -- is for this particular area of
10 10 questioning, I'm only interested in your
11 11 personal knowledge. I'm only interested in
12 12 exactly what you saw and what you remember.
13 13 What I'm interested in is, when I'm
14 14 interested in a pattern or practice of how
15 15 things were generally done, I'll tell you
16 16 that, but here, I'm only interested in what
17 17 you saw and what you remember, so with that
18 18 in mind, where were the Pydraul labels kept
19 19 in relation to the pipe that came down into
20 20 the bung when you saw Pydraul labels being
21 21 applied to 55-gallon drums?

22 22 A. I can't recall exactly where they
23 23 were, other than they were readily available
24 24 to the, the individual who was doing the
25 25 filling operation. Now, whether he had them

1 1 in his pocket or whether he had them
2 2 someplace, I can't give you, recall
3 3 specifically what that -- obviously, he
4 4 wouldn't have them in his pocket because
5 5 they're too big for that, but that would be
6 6 convenient to him where he was doing the
7 7 filling operation.

8 8 Q. But you don't recall where they
9 9 were?

10 10 A. I don't recall specifically.

11 11 Q. What was done with the Pydraul,
12 12 55-gallon drum after the label was placed on
13 13 it? And I'm asking you what you see in your
14 14 mind's eye as your recollection of that
15 15 process.

16 16 A. Put on some sort of pallet to be
17 17 placed.

18 18 Q. How far from where the 55-gallon
19 19 drum was filled was the pallet, in this
20 20 instance where you saw Pydraul labels being
21 21 applied?

22 22 A. Adjacent to.

23 23 Q. How many feet is that?

24 24 A. You move from a scale onto a
25 25 pallet.

1 Q. How many feet would you estimate?

2 A. A foot.

3 Q. So does the same guy swing the
4 barrel under the pipe, fill the tank, close
5 the bung, put the label on, and then put the
6 drum onto the pallet? Is that what you
7 observed with regard to the Pydrauls?

8 A. That's correct.

9 Q. Now, is it the same labeling
10 procedure for all of products filled in
11 55-gallon drums?

12 MR. ZIMMER: All Pydrauls or all
13 products?

14 MS. GRADY: All products.

15 MR. ZIMMER: Calls for
16 speculation.

17 A. I can't be certain whether they
18 were in juxtaposition to the same thing, but
19 they were -- the process is to label the
20 container as it's filled or when it's, at
21 that point where it's identifiable.

22 BY MS. GRADY:

23 Q. Did you ever have any discussions
24 with the person, whoever it was, who was in
25 charge of the Packaging Department at Queeny,

1 1 about where labels were kept?

2 2 A. Other than storage, where the
3 3 backup supplies of inventories, there, we
4 4 had, we knew how they did it. They provided
5 5 it in a convenient way to them where they
6 6 could be kept clean and available and
7 7 withdrawable upon needs.

8 8 Q. When you say "we knew how they did
9 9 it," you knew how they did what?

10 10 A. Stored the labels that they were
11 11 going to use.

12 12 Q. And were you provided information
13 13 by anyone at Queeny about where the labels
14 14 were kept in relation to where the product
15 15 was put into the 55-gallon drums?

16 16 A. No.

17 17 Q. Do you know the name of anyone
18 18 that was responsible for placing labels on
19 19 Pydrauls at the Queeny Plant?

20 20 A. No.

21 21 Q. When you observed labels being put
22 22 on Pydrauls, how many workers were engaged in
23 23 this operation?

24 24 A. One at the time of that.

25 25 MS. GRADY: Why don't we break for

1 1 lunch.

2 2 (Luncheon recess.)

3 3 MS. GRADY: All right, back on the
4 4 record.

5 5 (Plaintiff's Deposition
6 6 Exhibit 769 marked for
7 7 identification.)

8 8 BY MS. GRADY:

9 9 Q. Good afternoon, Mr. Sido.

10 10 A. Good afternoon.

11 11 Q. After lunch, the first exhibit I'd
12 12 like to start with is one that I'm marking
13 13 here today as Exhibit 769, which I will
14 14 describe for the record as a two-page
15 15 document bearing Bates number TRAN 088141
16 16 through 088142, purports to be a memo dated
17 17 June 24th, 1964 to G. R. Sido from
18 18 M. J. Smid. I'd ask you to take a look at
19 19 this and tell me if you've seen it prior to
20 20 today.

21 21 A. I have not.

22 22 Q. Is that your handwriting on this
23 23 document?

24 24 A. It appears to be.

25 25 Q. But you don't recall seeing this

1 1 document prior to today?

2 2 A. No.

3 3 Q. Could you take a look at the
4 4 second page of this exhibit? Are you
5 5 familiar with something called a packing
6 6 list, as that term may be used by -- at
7 7 Monsanto?

8 8 A. No.

9 9 Q. Are you familiar with the
10 10 nomenclature, "Department 246" at the, I
11 11 guess this is the Anniston plant?

12 12 A. No, I don't.

13 13 Q. Actually, to refresh my
14 14 recollection, Smid, was that the Anniston
15 15 plant or Krummrich Plant?

16 16 A. Krummrich Plant.

17 17 MR. ZIMMER: At this time, '64?

18 18 MS. GRADY: Yes, at this time.

19 19 A. Krummrich Plant.

20 20 BY MS. GRADY:

21 21 Q. Do you have any recollection of
22 22 what products that contained Aroclors were
23 23 produced at the Krummrich Plant in 1964?

24 24 A. No.

25 25 Q. Do you have any recollection of

1 1 what products were produced at the Krummrich
2 2 Plant at any time that contained Aroclors?

3 3 A. No.

4 4 Q. Same questions with regard to the
5 5 Anniston plant.

6 6 A. No.

7 7 Q. Any -- okay.

8 8 Do you have any recollection of
9 9 what products, if any, were produced at the
10 10 Queeny Plant that contained Aroclors?

11 11 A. No.

12 12 (Deposition Exhibit 774
13 13 marked for identification.)

14 14 MS. GRADY: The next exhibit is
15 15 marked 774. I'll describe it for the record
16 16 as a one-page document bearing Bates number
17 17 TRAN 088147. It purports to be a memorandum
18 18 to P. E. Heisler, H-e-i-s-l-e-r, at the
19 19 Krummrich Plant: Subject matter, Aroclor
20 20 drum marking, your memo, 12-15, and it's from
21 21 Charles M. Williams. Mr. Sido is shown as a
22 22 "cc," and I'd ask you to read this exhibit
23 23 and tell me if you recall seeing it prior to
24 24 to today.

25 25 A. I haven't. No.

1 1 Q. You don't recall seeing it?

2 2 A. No.

3 3 Q. Back in 1964, were you responsible
4 4 for an overhaul of the labeling scheme that
5 5 Monsanto used for its chemical products, and
6 6 in particular, for its Aroclor products?

7 7 A. There was an overhaul. I don't
8 8 know quite what you mean by that, but any
9 9 changes in labeling that was involved in the
10 10 products, I was responsible.

11 11 Q. Could you recall any -- I'm sorry.
12 12 Do you recall any significant changes in the
13 13 labeling of Aroclor products that were
14 14 directed by you around the end of '64,
15 15 beginning of 1965?

16 16 A. The consolidation of copy into a
17 17 single label, that type of thing, I believe,
18 18 was, is familiar.

19 19 (Plaintiff's Deposition
20 20 Exhibit 775 marked for
21 21 identification.)

22 22 BY MS. GRADY:

23 23 Q. The next exhibit is Exhibit 775,
24 24 which is a two-page document bearing Bates
25 25 number TRAN 088148 through 088149, purports

1 1 to be a memorandum from G. Robert Sido to Mr.
2 2 C. M. Williams, dated February 5th, 1965:
3 3 Subject, Aroclor drum markings. I would ask
4 4 you to take a look at this, Mr. Sido, and
5 5 tell me if you drafted Exhibit 775.

6 6 (Witness peruses said
7 7 document.)

8 8 A. I don't recall at this moment.

9 9 Q. You don't recall if you drafted
10 10 775 or not?

11 11 A. No. No.

12 12 Q. Do you recall a conference
13 13 regarding labeling of Aroclor drums that took
14 14 place sometime in early '65?

15 15 A. No.

16 16 Q. Can you look at the list of cc.'s
17 17 on Exhibit 775 and tell me if there's anyone
18 18 there from the Queeny Plant?

19 19 A. I couldn't identify any.

20 20 Q. Was Benignus at Queeny?

21 21 A. No, he was in the general offices.

22 22 Q. What about Mr. Bergen?

23 23 A. Also at the general offices, they
24 24 were both involved in marketing.

25 25 Q. Mr. Buchanan?

1 A. Likewise.

2 Q. Mr. Cunningham?

3 A. General offices.

4 Q. Mr. Day?

5 A. I'm not certain. I believe he --
6 I'm just not certain.

7 Q. Within the -- was there a protocol
8 or convention used at Monsanto that had the
9 designation of the person's location or some
10 abbreviation of their name, following their
11 name on a "cc" list?

12 A. It would, would relate to mail
13 sorting, I think, is the purpose of it.

14 Q. If there was someone on the
15 "cc" list from the Queeny Plant, would either
16 JKQ or some other designation of the Queeny
17 Plant follow their name?

18 MR. ZIMMER: Calls for
19 speculation.

20 BY MS. GRADY:

21 Q. Based on your familiarity with
22 mail practices at Monsanto.

23 MR. ZIMMER: You mean as opposed
24 to just an abbreviation of their name?

25 MS. GRADY: Right.

1 1 MR. ZIMMER: Same objection.

2 2 A. It could vary from plant to plant.

3 3 I can't be certain that it -- often, the
4 4 plant was spelled out in addition to it, but
5 5 it wasn't necessarily a must in order to get
6 6 the mail to the right place.

7 7 BY MS. GRADY:

8 8 Q. Do you know if any product
9 9 containing Aroclors were produced at the
10 10 Queeny Plant?

11 11 MR. ZIMMER: In what time frame?

12 12 BY MS. GRADY:

13 13 Q. '65.

14 14 A. I couldn't specifically tell you
15 15 which. There were some products blended, but
16 16 I think -- I couldn't be certain. I'd just
17 17 have to guess because I'm not -- I wasn't
18 18 that acquainted with the specific locations
19 19 in every case. The plant, whenever they had
20 20 a need for labels for a particular product,
21 21 they were in control of the, the thing, and
22 22 we provided them and they could be provided
23 23 anyplace that it was going to be formulated
24 24 or packaged, or -- you know, so I couldn't be
25 25 certain as to which was going.

1 Q. And when you say "they," who do
2 you mean by "they"?

3 A. The people that were packaging the
4 products.

5 Q. So the people that were packaging
6 the product were in charge of determining
7 what labels they needed to order? Is that
8 right?

9 A. That's correct.

10 Q. Was any special effort directed to
11 identifying the product numbers for the
12 Aroclor brand products?

13 A. I know of none.

14 Q. Could you read the last paragraph
15 on the first page of Exhibit 775 and see if
16 that refreshes your recollection?

17 A. Other than there were numbers
18 assigned to those products, and this
19 particular thing is aimed at trying to be
20 sure that the Aroclor brand is associated
21 with a number designation for a particular
22 product.

23 Q. But are you interpreting a
24 document, Mr. Sido, or are you recalling that
25 that was, in fact, the case?

1 1 MR. ZIMMER: Remember that she
2 2 doesn't want you to interpret the document,
3 3 but her question was, did that paragraph
4 4 refresh your recollection that some special
5 5 effort was directed.

6 6 A. No.

7 7 BY MS. GRADY:

8 8 Q. Let me just say parenthetically
9 9 that when I ask you whether something
10 10 refreshed your recollection, that means does
11 11 reading something cause bells to ring, "Oh,
12 12 yeah, now I remember." "No" is the answer in
13 13 this answer?

14 14 A. No.

15 15 Q. The answer in this instance is
16 16 "No." Correct?

17 17 A. Correct.

18 18 Q. Were special conferences held
19 19 while, during your tenure as Labeling
20 20 Supervisor or manager for certain categories
21 21 of products?

22 22 A. No, nothing -- no, not
23 23 particularly.

24 24 Q. So this reference to a recent
25 25 conference regarding labeling Aroclor drums

1 1 does not refresh your recollection about any
2 2 conferences that were held concerning the
3 3 labeling of specific products?

4 4 A. No.

5 5 Q. Mr. Sido, did you review planted
6 6 procedures or manuals concerning the steps
7 7 taken to place appropriate labels on
8 8 appropriate products?

9 9 A. No.

10 10 Q. Are you aware if Monsanto
11 11 manufacturing plants had manuals that
12 12 explained what labels went on what products?

13 13 A. I can't say. I don't know.

14 14 MS. GRADY: You don't know.

15 15 (Plaintiff's Deposition
16 16 Exhibit 776 marked for
17 17 identification.)

18 18 BY MS. GRADY:

19 19 Q. The next exhibit is 776, which I
20 20 will identify for the record as bearing Bates
21 21 number 088155. It's a one-page document
22 22 which purports to be a memorandum from
23 23 N. J. Smid to C. M. Williams, dated June
24 24 23rd, 1965; subject, Aroclor drum labeling,
25 25 and Mr. Sido is shown as a "cc" and I'd ask

1 1 you to take a look at this and tell me if
2 2 you've seen Exhibit 776 prior to today.

3 3 A. No. I haven't.

4 4 Q. Was it the practice, after you
5 5 combined the product information name and
6 6 information with the cautionary information
7 7 on one label, to continue to stencil
8 8 55-gallon drums?

9 9 A. Yes, with some stenciling, yes.

10 10 Q. And why was, why was that done?

11 11 A. Because it's a permanent marking
12 12 on the containerr that was considered to be
13 13 worthwhile, and usually, it was on the head
14 14 of the container and put on in an ink or a
15 15 paint that was going to be durable,
16 16 regardless if something should tear a label
17 17 off or do something else. It was just a
18 18 secondary assurance that the identification
19 19 was going to be on that container.

20 20 (Plaintiff's Deposition
21 21 Exhibits 778, 779, 780 and
22 22 781 marked for
23 23 identification.)

24 24 MS. GRADY: The next exhibit, I'm
25 25 going to hand you four exhibits, 778, 779,

1 1 780 and 781, and while you are looking at
2 2 those, let me describe them for the record.

3 3 Exhibit 778 purports to be a label
4 4 for Aroclor 1254, 10 percent toluene, and it
5 5 contains handwriting. The Bates number on it
6 6 is TRAN 00596.

7 7 Exhibit 779 bears Bates number
8 8 TRAN 009892. It purports to be a label for
9 9 Aroclor 1254, 10 percent toluene, and it also
10 10 contains handwriting.

11 11 Exhibit 780 bears Bates number
12 12 TRAN 005955. It purports to be a label for
13 13 Aroclor 1254 with 10 percent toluene, and it
14 14 contains handwriting.

15 15 And Exhibit 781 bears Bates number
16 16 TRAN 009891, purports to be a label for
17 17 Aroclor 1254, 10 percent toluene, and it
18 18 contains handwriting.

19 19 BY MS. GRADY:

20 20 Q. Mr. Sido, is that your handwriting
21 21 on Exhibit 778?

22 22 A. Some of it.

23 23 Q. Which is your handwriting?

24 24 A. I can't -- there's a little
25 25 something on the corner that I can't read

1 1 what it is, but --

2 2 Q. Which corner is that?

3 3 A. It's the lower left corner.

4 4 Q. I'm sorry, could you point --

5 5 A. The lower left corner.

6 6 MS. GRADY: Oh, Mr. Sido, for the
7 7 record, is pointing to the handwriting under
8 8 the Monsanto "M" that's been crossed out.

9 9 BY MS. GRADY:

10 10 Q. Is that right?

11 11 A. Yes.

12 12 Q. Do you recognize those to be your
13 13 initials?

14 14 A. That's what leads me to believe
15 15 it's my handwriting.

16 16 Q. Oh, I'm sorry, then I
17 17 misunderstood what you were identifying as
18 18 not being your handwriting. What is not your
19 19 handwriting?

20 20 A. Nothing else on the page is my
21 21 handwriting.

22 22 Q. Okay, got it. How about on 779,
23 23 what is your -- is your handwriting anywhere
24 24 on this exhibit?

25 25 A. It's the same notation that was

1 1 scratched out on the lower left corner.

2 2 Q. And does your handwriting appear
3 3 anywhere on Exhibit 780?

4 4 A. This on the lower left corner, as
5 5 well, there's my initials appear to be there.

6 6 Q. And handwriting up above notes,
7 7 been crossed out?

8 8 A. Crossed out, correct.

9 9 Q. And does your handwriting appear
10 10 anywhere on Exhibit 781?

11 11 A. Same location, same information as
12 12 on 780.

13 13 Q. Do you recognize the handwriting
14 14 at the top of Exhibit 780, across the top,
15 15 that reads, "5/6/70," followed by some text?

16 16 A. No, I don't.

17 17 Q. Was this the method by which
18 18 changes in labels were noted in the files of
19 19 the Labeling and Product Registration
20 20 Department?

21 21 MR. ZIMMER: Calls for
22 22 speculation.

23 23 A. It is consistent with what we did
24 24 in terms of markings on the record.

25 25 BY MS. GRADY:

1 1 Q. Is this Exhibit 778 consistent
2 2 with a document that would be found in the
3 3 product labeling file?

4 4 A. No.

5 5 Q. What file would --

6 6 A. Product label file.

7 7 Q. Product label file. And do you
8 8 distinguish between the product label file
9 9 and the product labeling file?

10 10 A. Backup correspondence. Labels,
11 11 themselves, the product label file, I'm
12 12 talking about the product labels that would
13 13 be in folders that I described for you.

14 14 Q. Is there something else called the
15 15 product labeling file?

16 16 A. Anything else that would possibly
17 17 be in the file as backup information which
18 18 led to the ultimate development of the labels
19 19 for the product. Product information, things
20 20 of that nature, product labeling file,
21 21 labeling is all-inclusive of markings, and so
22 22 that it, the backup information from which
23 23 this label was resolved, that's what we call
24 24 the product labeling file.

25 25 Q. And the actual label, with

1 1 notations thereon, would be in the product
2 2 label file. Is that correct?

3 3 A. That's correct.

4 4 Q. Got it. And you identified 778 as
5 5 appearing to be in the form that would be
6 6 kept in the product label file. Is that
7 7 right?

8 8 A. That's one of the forms. The
9 9 notation, here, may not be on the label of
10 10 that sort. This could be a copy of it from
11 11 which I might have, you know, written
12 12 something on it, but basically, this is the
13 13 way it would be in the product label file.

14 14 Q. And in the product label file, was
15 15 information written on a proof or a copy of
16 16 the label that indicated how many copies of a
17 17 particular label were sent to individual
18 18 manufacturing plants?

19 19 A. No.

20 20 Q. So up in the left-hand corner
21 21 where it appears to say "Printed 7/1/65, 2000
22 22 for Anniston plant," that is not information
23 23 that would be kept in the product label file?

24 24 A. It would be kept -- that would be
25 25 in the product label file.

1 Q. Okay, and was that information
2 that was typically kept in the product label
3 file?

4 A. Yes.

5 Q. Was there a way of determining
6 from the product label file each of the print
7 runs of a particular label?

8 A. Yes.

9 Q. And was there a way to tell from
10 the product label file where each of the
11 print runs was sent in terms of Monsanto
12 plants or warehouses?

13 A. Through that, the notation of that
14 sort, yes.

15 Q. And that was done as a pattern or
16 practice to note --

17 A. Yes.

18 Q. Could I ask you to look at --
19 something I haven't marked yet.

20 (Plaintiff's Deposition
21 Exhibit 783 marked for
22 identification.)

23 MS. GRADY: The next exhibit,
24 which is 783, which bears Bates number TRAN
25 009894, purports to be an Aroclor 1254 label,

1 1 and it contains handwriting up at the top.

2 2 BY MS. GRADY:

3 3 Q. Mr. Sido, is that your handwriting
4 4 up at the top, or printing?

5 5 A. No.

6 6 Q. Do you recognize whose printing
7 7 that is?

8 8 A. No.

9 9 Q. Was there a pattern or practice
10 10 within the Labeling and Product Registration
11 11 Section at the time you were the head to keep
12 12 in the product label file a record of
13 13 reprints attached -- strike that. It's very
14 14 complicated.

15 15 Let me just do it this way by way
16 16 of a preamble. This document indicates that
17 17 there is an attached sheet which wasn't
18 18 attached when it was produced to us, so I
19 19 don't have it for you to look at, that
20 20 indicates when reprints of this label were
21 21 made. My question is, was it a pattern or
22 22 practice within your section when you were
23 23 Labeling Supervisor to attach a separate
24 24 piece of paper to a label to show when it was
25 25 reprinted?

1 A. No.

2 Q. Was it -- what was the pattern or
3 practice, if there was one?

4 A. To staple it into the product
5 label file and date it with a notation. This
6 may have been a copy of a label with a
7 notation that it was printed on July 1, 1965,
8 but I don't believe that it was, necessarily
9 came from that product label file folder we
10 talked about.

11 Q. But it was the, it was the pattern
12 or practice within your section to keep a
13 record in a product label file of when a
14 label was reprinted?

15 A. Yes.

16 (Plaintiff's Deposition
17 Exhibit 785 marked for
18 identification.)

19 BY MS. GRADY:

20 Q. The next exhibit is 785, which
21 I'll describe for the record at TRAN 056746
22 through 056747, purports to be a two-page
23 memorandum from R. Emmett Kelly dated August
24 2nd, 1966, on Monsanto letterhead, title,
25 "Pydraul 135 Toxicity and Safe Handling

1 1 Information." I ask you to take a look at
2 2 Exhibit 785, Mr. Sido, and tell me if you've
3 3 seen this exhibit or product information in
4 4 this format prior to today.

5 5 MR. ZIMMER: Which question do you
6 6 want him to answer first?

7 7 BY MS. GRADY:

8 8 Q. I want you to tell me if you've
9 9 seen this exact document prior to today.

10 10 A. I don't recall if we have. No.

11 11 Q. Have you seen product information
12 12 provided in this format?

13 13 A. I have seen it, yes.

14 14 Q. Was something called a toxicity
15 15 and safe handling information document
16 16 prepared for each Monsanto product?

17 17 MR. ZIMMER: Calls for
18 18 speculation.

19 19 A. I just can't say for sure.

20 20 BY MS. GRADY:

21 21 Q. You don't know?

22 22 A. I don't know.

23 23 Q. Did you keep records in the
24 24 Labeling Section of documents that looked
25 25 like this for each product?

1 1 A. No.

2 2 Q. When you received information
3 3 about products so as to allow you to draft up
4 4 a label and circulate it for approval, did
5 5 the information come in a form that looked
6 6 like this?

7 7 A. No.

8 8 Q. The information was contained on a
9 9 product questionnaire? Is that correct?

10 10 A. Yes.

11 11 Q. And did the information come in
12 12 any form other than a product questionnaire?

13 13 A. No.

14 14 Q. Does the name V. Brawley mean
15 15 anything to you?

16 16 A. No, it does not.

17 17 (Plaintiff's Deposition
18 18 Exhibit 786 marked for
19 19 identification.)

20 20 MS. GRADY: The next exhibit is
21 21 786. It's a multi-page exhibit bearing Bates
22 22 range TRAN 088159 through 088171. On the
23 23 first page, in handwriting, it says "11-1-66"
24 24 below the name "V. Brawley." The document is
25 25 headed on the first page, "Department 246,

1 1 Stenciling and Labeling Aroclor Drums." I
2 2 ask if you've seen this document prior to
3 3 today.

4 4 A. No, I haven't.

5 5 Q. Take a look at the one, two,
6 6 three, four, five, sixth paragraph on the
7 7 first page of Exhibit 786, if that refreshes
8 8 your recollection about whether there was a
9 9 legal requirement to include a caution
10 10 statement on Aroclors.

11 11 A. No.

12 12 Q. Was it your understanding that by
13 13 1966, there was a combined product
14 14 information cautionary information label for
15 15 each Monsanto product that contained
16 16 Aroclors?

17 17 A. I can't be certain of the date,
18 18 but that was the intent and the direction
19 19 that we were going.

20 20 Q. Okay. Would it help to look back
21 21 at, for example, Exhibit 769 or Exhibit 774?

22 22 MR. ZIMMER: Are you asking for
23 23 his recollection or to interpret a document?

24 24 MS. GRADY: I'm asking for his
25 25 recollection.

1 1 MR. ZIMMER: I think he's given
2 2 you his recollection.

3 3 MS. GRADY: I'm seeking to refresh
4 4 his recollection concerning the date by
5 5 directing his attention to specific documents
6 6 about when changes in labeling occurred.

7 7 MR. ZIMMER: That's fine. That's
8 8 different than "Would it help to look back
9 9 at." If you want to, refer him to a specific
10 10 one and ask him to look at it. Otherwise,
11 11 he's not going to sift through your stack of
12 12 exhibits and decide what or might not help
13 13 him. Which one would you like him to review?

14 14 BY MS. GRADY:

15 15 Q. I want you to look back at -- I
16 16 was just trying to be polite, Mr. Sido. I
17 17 won't make that mistake anymore.

18 18 Would you please look at Exhibit
19 19 769, 774, and 775, and see if those documents
20 20 refresh your recollection on when you had an
21 21 understanding, if ever, that product
22 22 information and cautionary information
23 23 appeared on the same consolidated label.

24 24 MR. ZIMMER: Well, that's an
25 25 entirely different question.

1 1 MS. GRADY: No, it's not.

2 2 A. I, if you would repeat it, I

3 3 didn't quite follow what you were --

4 4 BY MS. GRADY:

5 5 Q. You testified this morning that at

6 6 a certain point in time, there was instituted

7 7 a procedure so that product identification

8 8 information and whatever cautionary

9 9 information attached to a product would be

10 10 contained on the same label.

11 11 A. Yes, I did.

12 12 Q. And that prior to when that policy

13 13 was instituted, the product information was

14 14 stenciled on the 55-gallon drums and the

15 15 cautionary label was put on as a separate

16 16 label.

17 17 A. That's correct.

18 18 Q. Is that correct?

19 19 A. That's correct.

20 20 Q. I'm asking you when you formed an

21 21 understanding that for the Aroclor products,

22 22 the labels had been consolidated so that both

23 23 the product information and whatever

24 24 cautionary information applied to the

25 25 products appeared on one label.

1 A. I can't give you a date because it
2 2 would relate to each individual product and
3 3 the need for labels for that product in the
4 4 plant so that it would -- there was no
5 5 specific date. When you say "as of that
6 6 date," from then on, that was what we were
7 7 going to do and provide labels of that sort
8 8 to the plant, but I can't give you a date,
9 9 to --

10 10 Q. When was -- I'm sorry.

11 11 A. Because I mean, I just can't give
12 12 you a date specific to everyone and say, "As
13 13 of this date, everything had been done," I
14 14 can't tell you, I can't give you, there isn't
15 15 one that I know of.

16 16 Q. Was there a pattern of practice to
17 17 go through existing inventory prior to
18 18 instituting a labeling change?

19 19 A. No.

20 20 Q. Then explain to me why it would be
21 21 different for every product.

22 22 A. They didn't make every product
23 23 every day, and so that at -- I have no idea
24 24 when the demand for that particular grade of
25 25 product was wanted. The plant was the only

1 1 one, and the marketing people were the ones
2 2 that were in control of that, but when the
3 3 plant had orders to fill for a particular
4 4 product or were in that mode, we -- they had
5 5 to give us the alert to provide the action to
6 6 give them the proper consolidated labels that
7 7 they needed, and we did that.

8 8 Q. So I take it that you don't recall
9 9 sending out the word to the plants that from
10 10 now on, there's going to be one label for
11 11 Aroclor 1242 that's going to identify the
12 12 product and contain the cautionary
13 13 information. Is that correct?

14 14 A. I don't know of a specific
15 15 instruction of that sort.

16 16 Q. You don't recall giving that one?

17 17 A. No.

18 18 Q. So the rolling implementation of
19 19 the unitary label was based on product
20 20 demand? Is that right?

21 21 MR. ZIMMER: I'm not sure he
22 22 described it as rolling implementation; he
23 23 described it as rolling manufacture. And
24 24 that each product was --

25 25 MS. GRADY: Well, the record will

1 1 reflect what he said. He didn't say that,
2 2 either. I'm paraphrasing, but so are you.

3 3 A. When there were a need for labels
4 4 of a particular product, we provided them in
5 5 the consolidated form for that plant or the
6 6 plants, whatever they were.

7 7 Q. But you didn't insist that
8 8 everyone change over to a consolidated form
9 9 at one time?

10 10 A. No, we did not.

11 11 (Pleading's Deposition
12 12 Exhibit 788 marked for
13 13 identification.)

14 14 MS. GRADY: Okay, Exhibit 788,
15 15 which I will describe for for the record as a
16 16 three-page document bearing Bates range TRAN
17 17 057803 through 057805, this particular one
18 18 refers to Therminol products, and I would ask
19 19 you to take a look at this document, Exhibit
20 20 788, and tell me if you've seen it prior to
21 21 today.

22 22 A. I have not.

23 23 Q. Have you seen documents that are
24 24 in the same form as Exhibit 788?

25 25 A. Yes.

1 Q. What is Exhibit 788?

2 A. It's a sales data sheet or sales
3 data form that would go to field agents,
4 giving them certain information that they
5 should know about the product pricing and
6 other kinds of -- what it's available in,
7 that kind of thing, but it's a sales
8 document.

9 Q. Were copies of documents that were
10 in the same format as Exhibit 788 filed by
11 the Labeling Section?

12 A. No.

13 Q. Did you provide information to
14 others within Monsanto concerning the
15 labeling requirements of products so as to be
16 put on documents that look like 788?

17 Strike that. That was convoluted.

18 A. I did not, but --

19 Q. Let me put another question on the
20 record, Mr. Sido.

21 A. All right.

22 Q. If you look down at the first page
23 of Exhibit 788, it's got information about
24 both caution, handling precautions and
25 labeling requirements. Was it the

1 1 responsibility of your section to provide
2 2 information to the sales force concerning
3 3 labeling requirements and cautionary
4 4 information?

5 5 A. Yes.

6 6 Q. And who did that on your staff?

7 7 A. No one person in particular.

8 8 Q. How is that accomplished? How was
9 9 the information provided to the sales force?

10 10 A. The shipping classification came
11 11 from the original, the kind of document we
12 12 described earlier, which was called a product
13 13 questionnaire with information relating to
14 14 it, the shipping classification, and the
15 15 labeling is directly off the label. They
16 16 used the, the same language that would be on
17 17 the label, and they couldn't edit it or do
18 18 anything, do anything else. They had to
19 19 provide that, and labeling requirements, by
20 20 reference to "Label required by law" meant to
21 21 us that they had to do it. It wasn't a
22 22 matter of a law requiring them to do it, it
23 23 was a Monsanto requirement, and that's what I
24 24 described to you earlier.

25 25 Q. Monsanto was the law for these

1 1 purposes?

2 2 A. Monsanto was the law with regard
3 3 to that.

4 4 Q. When a label changed, how was the
5 5 information conveyed to the Sales Department
6 6 that they needed to change their form?

7 7 A. Through the sign-off and the
8 8 evidence of the copy on the labels. They had
9 9 agreed and understood any change that was
10 10 going to be made, and they had received
11 11 copies of what was going to be so they were
12 12 aware of what the label was going to look
13 13 like and they were the ones that generated
14 14 and maintained these sales sheets.

15 15 Q. And when you say "they," do you
16 16 mean the Marketing Department?

17 17 A. Marketing, marketing people.

18 18 Q. Marketing people?

19 19 (Plaintiff's Deposition
20 20 Exhibit 789 marked for
21 21 identification.)

22 22 BY MS. GRADY:

23 23 Q. The next exhibit is 789, a
24 24 one-page document bearing Bates number TRAN
25 25 058282, purports to be a memorandum from

1 1 B. O. Severson, S-e-v-e-r-s-o-n, to H. L.
2 2 Williams: Subject, toxicity warning label,
3 3 Aroclor, dated August 20th, 1969. Mr. Sido's
4 4 name appears in handwriting on the document,
5 5 and I'd ask you to read this document and
6 6 tell me if you've seen it prior to today.

7 7 A. I have not.

8 8 Q. Who was B. O. Severson?

9 9 A. I don't know. I couldn't --

10 10 Q. What about H. L. Williams? Does
11 11 that name ring a bell?

12 12 A. Not, not specifically. I'm not --
13 13 I can't identify him.

14 14 Q. Do you recall discussing a change
15 15 in the Therminol caution information
16 16 following an incident in Japan?

17 17 A. No.

18 18 Q. Do you recall discussing a change
19 19 in the Therminol caution information to
20 20 indicate that it should not come in contact
21 21 with food?

22 22 A. Yes.

23 23 Q. Tell me what you recall about
24 24 that.

25 25 A. The -- there were some

1 supplemental labels made with instructions or
2 comments regarding contamination or
3 difficulties and problems with it, that were
4 made to be put onto labels of Therminol
5 products. Just when, I can't identify, but
6 some, at some time frame and ultimately, that
7 did become included into the text on the
8 Therminol product labels. It was first as a
9 sticker, a supplemental label, and then added
10 as it could be brought into the supply
11 system.

12 (Plaintiff's Deposition
13 Exhibit 790 marked for
14 identification.)

15 BY MS. GRADY:

16 Q. Okay, Exhibit 790, which is a
17 one-page document bearing Bates number TRAN
18 09752, purports to be a memorandum from Elmer
19 Wheeler to David A. Hall: Subject, toxicity
20 and safe handling statements, and it lists
21 certain Pydraul products. It is dated
22 February 10th, 1970, and Mr. Sido is a "cc".

23 A. I don't recall seeing it.

24 Q. Take a look at the last sentence
25 in this memorandum and see if it refreshes

1 1 your recollection concerning laws requiring
2 2 certain labeling of products that contained
3 3 chlorinated hydrocarbons.

4 4 A. No.

5 5 Q. It's your best recollection that
6 6 whatever requirements there were for labeling
7 7 chlorinated hydrocarbons, were Monsanto
8 8 requirements, not legal requirements; is that
9 9 right?

10 10 A. That's correct.

11 11 (Plaintiff's Deposition
12 12 Exhibit 793 marked for
13 13 identification.)

14 14 BY MS. GRADY:

15 15 Q. All right, Exhibit 793 I'll
16 16 describe for the record as a two-page
17 17 document bearing Bates range TRAN 088183
18 18 through 88184, purports to be a memorandum
19 19 from W. B. Papageorge: Subject, Aroclor
20 20 labeling to a list of people. Mr. Sido does
21 21 not appear on the, either the distribution
22 22 list or the "cc" list. It's dated April
23 23 13th, 1970, and there's a label for Aroclor
24 24 1260 attached, or what purports to be one.

25 25 A. I don't recall seeing this.

1 Q. Mr. Sido, did you ever -- are you
2 familiar with a committee called the
3 Corporate Management Committee at Monsanto?

4 A. No.

5 Q. Who did you report to in 1970?

6 A. I think it was Mr. Sayers, who is
7 the distribution manager for the company.

8 Q. What role did you play in changing
9 the caution label for Aroclors in 1970?

10 A. The actual putting together of the
11 label, text, whatever it was, and assembling
12 it into a label that was going to be used for
13 that product was consolidated in my
14 department and generated, and labels were
15 generated, yes.

16 Q. Did you play any role in
17 determining what the label would say?

18 MR. ZIMMER: Which label are we
19 talking about specifically?

20 MS. GRADY: I'm talking about the
21 label that indicated that the product
22 contained chlorinated biphenyls which some
23 studies have shown may be an environmental
24 contaminant and variations on that theme.

25 A. No.

1 1 BY MS. GRADY:

2 2 Q. Who prepared the text?

3 3 A. I really don't know.

4 4 Q. The text was provided to you? Is
5 5 that correct?

6 6 A. Correct.

7 7 Q. And the involvement of your
8 8 department was to make the text up into a
9 9 label and to have the label printed? Is that
10 10 right?

11 11 A. That's correct.

12 12 Q. Was your department or section
13 13 also involved in shipping the labels or
14 14 ensuring that the labels were shipped to
15 15 Monsanto manufacturing plants?

16 16 A. As they requested them, yes.

17 17 Q. Do you recall the labels for
18 18 Montars 1, 2, 3, 4 and 7 being changed?

19 19 A. No.

20 20 Q. What's a Montar?

21 21 A. I really can't tell you without
22 22 referring to a file that --

23 23 Q. You don't recall this as an
24 24 individual Monsanto product?

25 25 A. No. The brand name has some

1 1 familiarity, but that's, that's all.

2 2 Q. Do you recall a Montar as being a
3 3 Monsanto product that contained
4 4 polychlorinated biphenyls?

5 5 A. I believe so, but I --

6 6 (Plaintiff's Deposition
7 7 Exhibit 794 marked for
8 8 identification.)

9 9 BY MS. GRADY:

10 10 Q. Exhibit 794, which I'll describe
11 11 for the record as a one-page document bearing
12 12 Bates number TRAN 088187, dated April 20th,
13 13 1970, it purports to be from D. A. Olson to
14 14 W. B. Papageorge, headed "Aroclor labeling,"
15 15 ask you to take a look at this, Mr. Sido, and
16 16 tell me if you recall seeing Exhibit 794
17 17 prior to today.

18 18 A. No. I don't.

19 19 Q. Was the cautionary label that
20 20 provided information about polychlorinated
21 21 biphenyls and environmental studies, was that
22 22 information added to the Pydraul labels in
23 23 1970?

24 24 A. No.

25 25 Q. Why not?

1 A. It was already there. I mean, the
2 cautionary information was already on the
3 labels, as far as -- it wasn't something to
4 be added to the labels.

5 Q. Let's make sure we're talking
6 about the same cautionary information.

7 MR. ZIMMER: Yeah, I think
8 maybe -- you're talking about the
9 environmental sticker that was --

10 MS. GRADY: The environmental
11 information.

12 BY MS. GRADY:

13 Q. I'm talking about the text that
14 looks --

15 A. You are talking about the text in
16 this 793 text?

17 Q. Yes.

18 A. Oh. I didn't --

19 Q. Or something very similar to that?

20 A. Come again. Was the --

21 Q. Sure. Can you tell me, do you
22 have a name for, for that particular
23 cautionary warning that appears in 793?

24 A. Not a specific one. An
25 environmental paragraph or an instruction

1 1 would suffice for our understanding.

2 2 Q. Okay. Did the Pydraul labels
3 3 contain an environmental paragraph or warning
4 4 in 1970?

5 5 A. I don't know.

6 6 Q. What would you look at to find
7 7 out?

8 8 A. The label file, the labels that
9 9 were generated, and the correspondence file
10 10 that related to the products.

11 11 (Pleading's Deposition
12 12 Exhibit 795 marked for
13 13 identification.)

14 14 MS. GRADY: Exhibit 795. Exhibit
15 15 795 is a one-page document bearing Bates
16 16 number TRAN 088190, purports to be a
17 17 memorandum from W. B. Papageorge to G. Robert
18 18 Sido, dated April 28th, 1970.

19 19 BY MS. GRADY:

20 20 Q. I'll ask you to read this, Mr.
21 21 Sido, and tell me if you recall seeing it
22 22 prior to today.

23 23 (Witness peruses said
24 24 document.)

25 25 A. I don't recall seeing it, but not,

1 1 not prior to today.

2 2 Q. Do you recall the issue of a new
3 3 environmental paragraph being placed on
4 4 Aroclors?

5 5 A. Yes.

6 6 Q. Did you have a conversation with
7 7 Mr. Papageorge about the environmental
8 8 paragraph?

9 9 A. Yes.

10 10 Q. What did he say to you, and what
11 11 did you say to him?

12 12 A. Nothing other -- as far as
13 13 conversation, he indicated he wanted a
14 14 paragraph and provided a text that would be
15 15 that paragraph.

16 16 Q. Did you discuss with him the text?

17 17 A. No.

18 18 Q. Did you suggest changes in the
19 19 text?

20 20 A. No.

21 21 Q. Did you discuss what products the
22 22 text was going to go on?

23 23 A. No.

24 24 What labels were changed? Did I
25 25 discuss what products that the labels were to

1 1 go on?

2 2 Q. Yes.

3 3 A. By "discussed," questioned? Or, I
4 4 want to be sure I understand your question.

5 5 Q. Did he say anything to you about
6 6 what products the new environmental paragraph
7 7 was going to go on, or did you say anything
8 8 to him about that subject?

9 9 A. No.

10 10 Q. Were labels changed to include a
11 11 new environmental paragraph?

12 12 A. Yes.

13 13 Q. What labels were changed?

14 14 MR. ZIMMER: You are talking about
15 15 an actual change in the label, as opposed to
16 16 a separate sticker being printed for this.

17 17 MS. GRADY: No, I'm talking about
18 18 a consolidated label with a new environmental
19 19 paragraph on it.

20 20 A. Some labels were changed. I
21 21 don't -- they were -- the label, by "label,"
22 22 we take the existing label we have and a
23 23 supplemental label, if a message is added to
24 24 the container, to mean that is the labeling
25 25 or label applied to the container, so the

1 1 message is entirely on that container. The
2 2 consolidation into one label can be a
3 3 subsequent operation, and the first step was
4 4 always a supplemental label if it was
5 5 important to get the label information added
6 6 to the package.

7 7 BY MS. GRADY:

8 8 Q. I want to talk about those in
9 9 three separate steps, though. I want to talk
10 10 about these labels as a consolidated label
11 11 with a new environmental paragraph in the
12 12 label, I want to talk about a old label where
13 13 the environmental paragraph has been printed
14 14 over the old label, and I want to talk about
15 15 a supplemental label, which I take to be a
16 16 separate label with just the environmental
17 17 paragraph on it.

18 18 MR. ZIMMER: I'm going to object.

19 19 BY MS. GRADY:

20 20 Q. Does that comport with your
21 21 recollection of how the environmental
22 22 paragraph was added to various products?

23 23 MR. ZIMMER: I'll object as
24 24 compound and assuming facts not in evidence,
25 25 especially as to the second option.

1 1 Go ahead.

2 2 A. On a product-by-product basis, I
3 3 can't recall at the moment.

4 4 BY MS. GRADY:

5 5 Q. Okay. Let's step back. For the
6 6 environmental information that was added to
7 7 certain Aroclor products, was this
8 8 information added to some of them by printing
9 9 over old labels with a new environmental
10 10 paragraph?

11 11 A. I don't recall.

12 12 Q. Was the new environmental label
13 13 added to a new consolidated label, for
14 14 certain products?

15 15 MR. ZIMMER: Do you have a time
16 16 reference in mind, or just anytime after '70?

17 17 MS. GRADY: '70 to the present.

18 18 A. I don't recall, for the reason
19 19 that I don't know that the products, that all
20 20 of the products were continuing to be made,
21 21 that the demand or the need for the labels
22 22 were there, and the intent is probably very
23 23 clear in the correspondence as to what was
24 24 going to be added or provided with the
25 25 package.

1 1 BY MS. GRADY:

2 2 Q. It's not clear to me, but that's
3 3 neither here nor there.

4 4 Is this the kind of memo you
5 5 receive that authorized changing a label?

6 6 A. It's one of the kinds, yes.

7 7 Q. And what products did this memo
8 8 authorize you to change the label for, based
9 9 on your familiarity with requests to your
10 10 department?

11 11 A. It would be aimed at any products
12 12 containing chlorinated polyphenyls or
13 13 biphenyls which would be formulations or
14 14 products such as containing Aroclor 1232-44,
15 15 1248-1254, anything that would contain those
16 16 products in some way, it was intended to
17 17 convey that message.

18 18 Q. How can you tell that? Show me
19 19 the words that you are relating to.

20 20 A. It says, "The mounting interest in
21 21 polychlorinated biphenyls PCB and their
22 22 possible harmful effects on the environment,
23 23 we are very interested in adding the
24 24 following statement on products containing
25 25 PCBs." That's, that is -- anything that

1 1 contains the PCBs was aimed at providing this
2 2 environmental statement.

3 3 Q. And --

4 4 A. And these are products that were
5 5 PCBs, they list several of the Aroclors, that
6 6 are -- but that doesn't mean it's only those
7 7 products. It could mean formulations of
8 8 those products, it is intended to be
9 9 comprehensive in this, in my interpretation
10 10 of this memo.

11 11 Q. Is that your interpretation
12 12 sitting here today or your interpretation
13 13 back then?

14 14 A. It would have been both times.

15 15 Q. Do you recall, since you don't
16 16 recall this document, do you recall having
17 17 that interpretation of this memo back then?

18 18 A. Yes.

19 19 Q. So you do recall receiving this
20 20 document?

21 21 A. I don't recall receiving this
22 22 document, no.

23 23 Q. How, when you were a Labeling
24 24 Supervisor and a request came in to change
25 25 the labels for every product that included a

1 1 constituent ingredient, how did you go about
2 2 finding all of those products?

3 3 A. The Marketing Department was
4 4 responsible for providing us with the
5 5 products that were involved.

6 6 MS. GRADY: Off the record.

7 7 (Discussion off the record.)

8 8 MS. GRADY: Why don't we take a
9 9 break.

10 10 (Recess)

11 11 MS. GRADY: Ready? Back on the
12 12 record.

13 13 BY MS. GRADY:

14 14 Q. Mr. Sido, we were looking at
15 15 Exhibit 796 prior to the break.

16 16 MR. ZIMMER: I'm not sure we have
17 17 that one yet.

18 18 THE WITNESS: 795.

19 19 MS. GRADY: I'm sorry, am I
20 20 jumping ahead of you guys?

21 21 A. I don't have a 95.

22 22 MR. ZIMMER: You are right; we had
23 23 finished 795 but we hadn't seen 796 yet.

24 24 BY MS. GRADY:

25 25 Q. Let's go back to 795. If you

1 1 wanted to change the labels for every product
2 2 that contained any of the Aroclors as a
3 3 constituent ingredient, how would you go
4 4 about identifying those products?

5 5 A. The Business Group, the marketing
6 6 and research people would have to provide
7 7 that information.

8 8 Q. And did they provide that
9 9 information with respect to products that
10 10 contained Aroclors as a constituent
11 11 ingredient?

12 12 MR. ZIMMER: In this context?

13 13 MS. GRADY: Yes, exactly this
14 14 context.

15 15 A. Not that I know of.

16 16 BY MS. GRADY:

17 17 Q. Since they didn't provide that
18 18 information, did you change the labels for
19 19 all products that contained any Aroclor as a
20 20 constituent ingredient?

21 21 MR. ZIMMER: Well, that assumes
22 22 facts not in evidence that they didn't.

23 23 MS. GRADY: He said they didn't.

24 24 MR. ZIMMER: He said not that he
25 25 knows of.

1 BY MS. GRADY:

2 Q. Well, let's back up. This is an
3 important point, and I'll make the record
4 clear. You were a Labeling Supervisor; is
5 that right?

6 A. Yes.

7 Q. If the Marketing Department or the
8 Research Department had provided information
9 to the Labeling Section concerning all
10 products that contained Aroclors as a
11 constituent ingredient that they wanted a
12 label changed for, would it escape your
13 attention?

14 MR. ZIMMER: Calls for
15 speculation, is argumentative.

16 A. The memo that you are showing,
17 here, is evident that they wanted some change
18 made.

19 MS. GRADY: That's nonresponsive,
20 and I move to strike.

21 BY MS. GRADY:

22 Q. Mr. Sido, if the Marketing
23 Department had provided information
24 concerning every product that contained an
25 Aroclor as a constituent ingredient, for

1 1 purposes of changing all of those labels, you
2 2 would know about it; correct?

3 3 MR. ZIMMER: Argumentative,
4 4 assumes facts not in evidence, and calls for
5 5 speculation.

6 6 MS. GRADY: Excuse me? Your
7 7 answer?

8 8 MR. ZIMMER: You can answer.

9 9 A. My office or my function would
10 10 make changes as requested.

11 11 BY MS. GRADY:

12 12 Q. And if the Marketing Department
13 13 had made such a request to change the label
14 14 for every product that contained an Aroclor
15 15 as a constituent ingredient, you would be
16 16 aware of that list of products being provided
17 17 to the Labeling Section. Is that correct?

18 18 MR. ZIMMER: If the Marketing
19 19 Department had made that request?

20 20 MS. GRADY: Yes.

21 21 MR. ZIMMER: Not Mr. Papageorge,
22 22 as the memo indicates?

23 23 MS. GRADY: The question stands.

24 24 MR. ZIMMER: Okay. Do you
25 25 understand the question?

1 A. The request could come from
2 several sources, not just one, but this is
3 one from Mr. Papageorge, who's had some
4 involvement in marketing or environmental,
5 but the actual request for labels to know
6 that they are active labels, active products
7 that are still being sold or want to be sold,
8 would have to -- the requirement of labels
9 would come to us from the plant. If the
10 plant is making a product with the Aroclor
11 formulation, then they are the ones that know
12 it, the marketing people know it, and the
13 manufacturing packaging place would have the
14 request for labels or the need for labels,
15 and they -- we do not print labels except on
16 order by the plant.

17 BY MS. GRADY:

18 Q. I understand.

19 A. And to know that all products that
20 might be numbered or have at one time
21 contained Aroclor are still active market
22 products, I think it's unlikely that all of
23 them would be active market. I mean, these
24 things, they change over a period of years in
25 terms of maybe the market need. The point

1 1 is, if, just to make a blanket statement and
2 2 say all of those labels were changed, at one
3 3 time, no, they wouldn't have been changed.
4 4 They would be changed as they were going on
5 5 to -- needed for a product containing the
6 6 Aroclor product.

7 7 Q. How would you know whether a
8 8 product contained an Aroclor or not? You as
9 9 head of labeling.

10 10 A. The only way would be by
11 11 notification from the, somebody within the
12 12 company. It could be Marketing, it could be
13 13 Medical, it could be the plant, people that
14 14 are familiar with the actual formulation and
15 15 making of those products.

16 16 Q. So do I understand your testimony
17 17 to be that if a product contained as one of
18 18 its constituent ingredients an Aroclor or a
19 19 PCB-containing substance, you would get a
20 20 request from the plant, saying "We need a new
21 21 environmental proof on this label"?

22 22 A. The plant would say they need
23 23 labels for a particular product that contains
24 24 Aroclor if this was the way it was initiated
25 25 to them.

1 1 Q. If what was the way it was
2 2 initiated to them?

3 3 A. A request that the labels be
4 4 changed to include it, and if they were
5 5 making that particular product.

6 6 Q. Okay. Well, I'm confused, because
7 7 my understanding of the way the process
8 8 worked was that a request came to the
9 9 Labeling Department anytime there was a
10 10 change required in a label and that it was
11 11 the responsibility of the Labeling Department
12 12 to make changes in the label. Is that
13 13 correct?

14 14 A. That is correct.

15 15 Q. Would the -- did the Labeling
16 16 Department have any way to determine what
17 17 products contained PCBs as a constituent
18 18 ingredient without receiving information from
19 19 somewhere outside of the Labeling Department?

20 20 A. The product questionnaire would be
21 21 a possibility of having information of that
22 22 sort.

23 23 Q. Do you recall any effort being
24 24 made in your department to search out and
25 25 find every product by means of product

1 1 questionnaires that contained as one of its
2 2 constituent ingredients PCBs?

3 3 A. No, I didn't.

4 4 Q. How many people worked in the
5 5 Labeling Section in 1970?

6 6 A. Four, I believe.

7 7 Q. Did, in April 1970, did Pydrauls
8 8 contain PCBs as a constituent ingredient?

9 9 A. Yes.

10 10 Q. Did you change the label of
11 11 Pydrauls?

12 12 A. I'd have to look at the record to
13 13 see what was done.

14 14 Q. Can you tell whether you changed
15 15 it, based upon Exhibit 795?

16 16 A. No.

17 17 Q. Why not?

18 18 A. It could be changed for any, any
19 19 reason. That document may be a, a, one of
20 20 the documents that could have come from other
21 21 sources, too, that this is what we wanted.

22 22 Q. Based on Exhibit 795 alone, can
23 23 you tell whether the Pydraul labels were
24 24 changed to include an environmental
25 25 paragraph?

1 A. Based on this alone, I can't.

2 Q. And why, what additional
3 information would you need?

4 A. I would have to look at the, at
5 the record of what we did in regard to
6 products with Pydraul labels and look at the
7 labels of those products.

8 Q. Would you interpret this as a
9 request to change Pydraul labels?

10 A. Yes, I think it would include the
11 Pydraul labels.

12 Q. Did you change Pydraul labels
13 based on Exhibit 795?

14 A. I told you I'd have to look at the
15 file; I have no way of knowing.

16 Q. What about Montar 2; did Montar 2
17 contain PCBs as a constituent ingredient?

18 A. I don't know for sure.

19 Q. Did you change the label of Montar
20 2 based on Exhibit 795?

21 A. I can't tell you without looking
22 at the files that are available or would be
23 available that I've described.

24 Q. Did you change the label of
25 Turbinol based on Exhibit 795, to include an

1 1 environmental paragraph?

2 2 A. I would have to look at the record
3 3 to see what label was actually provided. At
4 4 this point, I can't tell you for certain.

5 5 Q. You can't tell just by looking at
6 6 Exhibit 795 whether the label for Turbinol
7 7 was changed to include an environmental
8 8 paragraph?

9 9 A. No.

10 10 MR. ZIMMER: Asked and answered;
11 11 argumentative.

12 12 (Plaintiff's Deposition
13 13 Exhibit 796 marked for
14 14 identification.)

15 15 BY MS. GRADY:

16 16 Q. Now, 796, which is a two-page
17 17 document, Bates range 088188 through 088189,
18 18 purports to be a memorandum from
19 19 W. B. Papageorge to G. Robert Sido, dated
20 20 April 28th, 1970, with an attachment that has
21 21 handwriting that is not very legible but is,
22 22 nevertheless, the most legible version we've
23 23 got. I ask you to take a look at this, Mr.
24 24 Sido, and tell me if you've seen 796 or
25 25 either one of its pages before.

1 A. I've seen the page in 795, which
2 is the first page.

3 MR. ZIMMER: She's talking about
4 796 now.

5 THE WITNESS: This first page is
6 the same as the other first page, isn't it?

7 BY MS. GRADY:

8 Q. Right, but lawyers are funny in
9 that they consider a document with
10 handwriting on it different from the document
11 without it.

12 A. Then I haven't seen the document
13 before.

14 Q. Do you recognize the handwriting
15 on the first page of Exhibit 796?

16 A. No.

17 Q. Was the label of the Santicizer
18 products changed to include an environmental
19 label or an environmental paragraph based on
20 the first page of Exhibit 796?

21 A. I have no idea.

22 Q. You can't tell by looking at
23 Exhibit 796?

24 A. No.

25 Q. Let me turn your attention back to

1 1 795 for a second. Is 795 a document that
2 2 refreshed your recollection concerning events
3 3 that transpired during your employment with
4 4 Monsanto?

5 5 A. To the extent of an environmental
6 6 statement, yes.

7 7 Q. What did you remember after you
8 8 looked at 795 that you hadn't remembered
9 9 before then?

10 10 A. Nothing.

11 11 Q. So it did not refresh your
12 12 recollection in any way about events that
13 13 transpired during your employment at
14 14 Monsanto? Is that correct?

15 15 A. I'm not sure I understand your
16 16 "refresh" word. Maybe that's my problem.

17 17 Q. You have certain memories about
18 18 your employment at Monsanto prior to reading
19 19 795?

20 20 A. I believe I do.

21 21 Q. And after reading 795, either
22 22 yesterday or today, were your memories
23 23 enhanced in any way about any events,
24 24 occurrences, anything about your employment
25 25 at Monsanto?

1 1 A. No.

2 2 Q. Did you perform an inventory
3 3 function of the Aroclor product labels that
4 4 existed out in the plants in the Spring of
5 5 1970?

6 6 A. No.

7 7 Q. Do you recall anyone on your staff
8 8 calling around and finding out how many
9 9 labels were in stock that were for Aroclor
10 10 products?

11 11 A. No.

12 12 Q. Did you have any conversations
13 13 with Mr. Papageorge about how many existing
14 14 labels there were for various Aroclor
15 15 products?

16 16 A. No.

17 (Plaintiff's Deposition
18 Exhibit 798 marked for
19 identification.)

20 MS. GRADY: Exhibit 798. It's a
21 21 one-page document bearing Bates number TRAN
22 22 088197, purports to be a memorandum from
23 23 W. B. Papageorge to J. R. Savage; subject,
24 24 Aroclor labels, dated April 30th, 1970. Mr.
25 25 Sido shows as a "cc".

1 1 BY MS. GRADY:

2 2 Q. I ask you to read this document in
3 3 its entirety, Mr. Sido.

4 4 (Witness peruses said
5 5 document.)

6 6 A. I don't recall this particular,
7 7 seeing this particular document.

8 8 Q. Who is C. Sigler, S-i-g-l-e-r?

9 9 A. He wasn't a Monsanto employee.
10 10 I'm not sure exactly what his job was. He
11 11 was --

12 12 Q. You don't recall him being a
13 13 Monsanto employee?

14 14 A. He is. He was a Monsanto
15 15 employee.

16 16 Q. I'm sorry, I misunderstood your --

17 17 A. But I don't recall exactly what
18 18 his job was. He was at one time in
19 19 manufacturing at the Krummrich Plant. I
20 20 think he might have been Bill Smid's boss, or
21 21 reported to at the Krummrich Plant, I'm not
22 22 real sure, but nevertheless, they were -- he
23 23 was in manufacturing.

24 24 Q. Is it the case that in the Spring
25 25 of 1970 or thereabouts, a supplemental

1 1 environmental label was printed up to be
2 2 placed on certain Aroclor products?

3 3 A. I didn't catch the first part.
4 4 Was such a label generated? Is that what you
5 5 are asking?

6 6 Q. Was it the case, is it the case
7 7 that in the Spring of 1970 or thereabouts, a
8 8 supplemental label with an environmental
9 9 paragraph was printed up to be placed on
10 10 certain Aroclor products?

11 11 A. I'd have to look at the record in
12 12 terms of date as to when that was done, but
13 13 it, I believe that was the intent, and it was
14 14 likely done as you implied.

15 15 Q. And what is your answer based on?

16 16 A. My answer is based on looking at
17 17 what you've provided here, with a request for
18 18 doing something and you said was it done, I
19 19 don't know that it was done without looking
20 20 at the, the file, the label file, to see if
21 21 the labels were generated.

22 22 Q. Do you have any independent
23 23 recollection of supplementary labels being
24 24 printed up in the spring of 1970 that
25 25 included environmental labels?

1 A. Not a date in the spring of 1970,
2 but I have a recollection that some labels of
3 that sort were printed, yes.

4 Q. And what was the purpose of those
5 supplementary labels?

6 A. To add the information to the
7 packages of the products that were being
8 shipped.

9 Q. Was it your understanding that the
10 supplemental label was to be used on product
11 that was already in inventory and that new
12 consolidated labels that included the
13 environmental paragraph was to be used on all
14 new product?

15 MR. ZIMMER: Calls for speculation
16 and assumes facts not in evidence.

17 A. The practice was to add that to
18 existing inventory, and by "existing
19 inventory," it could mean some labels that
20 were in inventory, as well, and not yet on
21 containers but could be handled as a
22 complemental label with a supplemental label
23 on it so that each container was labeled
24 totally as required.

25 BY MS. GRADY:

1 Q. Did the plants order the
2 supplemental label from your group, from your
3 section?

4 A. Yes.

5 Q. Is there anywhere else they
6 ordered the -- anywhere else within Monsanto
7 they could order the supplemental label?

8 A. I know of none.

9 (Plaintiff's Deposition
10 Exhibit 799 marked for
11 identification.)

12 BY MS. GRADY:

13 Q. Exhibit 799, a one-page exhibit
14 with Bates number TRAN 088198, purports to be
15 a memo from W. B. Papageorge to G. R. Sido.
16 Aroclor labeling is the subject, and the date
17 is April 30th, 1970. I ask you to read this
18 exhibit in its entirety, Mr. Sido.

19 A. All right.

20 Q. Do you recall seeing Exhibit 799
21 prior to today?

22 A. No.

23 MS. GRADY: Can we go off the
24 record for a second?

25 MR. ZIMMER: Sure.

1 1 (Discussion off the record.)

2 2 MS. GRADY: Back on the record.

3 3 BY MS. GRADY:

4 4 Q. Mr. Sido, does 799, Exhibit 799,
5 5 refresh your recollection about any events,
6 6 occurrences, anything that transpired during
7 7 your employment at Monsanto?

8 8 A. No.

9 9 Q. The first sentence of this
10 10 memorandum states, "A review of our inventory
11 11 on 4-29-70 indicates about 6,000 units of
12 12 packaged Aroclor products are now in various
13 13 warehouses."

14 14 Is it your understanding that in
15 15 the Spring of 1970, there were approximately
16 16 6,000 units of Aroclor that already had
17 17 labels on them?

18 18 MR. ZIMMER: Let me just object
19 19 that it calls for speculation. I'm assuming
20 20 you mean his understanding independent of
21 21 this memo.

22 22 MS. GRADY: Right.

23 23 MR. ZIMMER: Okay.

24 24 A. All I get from this memo is they
25 25 want 6,000 labels and it's a request for

1 1 6,000 labels.

2 2 MR. ZIMMER: That wasn't her
3 3 question. You don't need to refer to the
4 4 memo for this one. She's asking you if you
5 5 know if in April of 1970 --

6 6 A. (Continuing) I have no idea of
7 7 what number of containers would be anyplace.

8 8 BY MS. GRADY:

9 9 Q. You've testified, as I understand
10 10 your testimony, that it was your
11 11 understanding that the supplemental
12 12 environmental label that was printed up that
13 13 wasn't identified with any individual
14 14 product, it was just an environmental
15 15 paragraph, that it was your understanding
16 16 that this was to be placed not only on
17 17 Aroclor-containing products that were sitting
18 18 in inventory and already had a product
19 19 identification label on it, but also on new
20 20 Aroclor products that were coming off the
21 21 production line. Is that right?

22 22 A. Until a composite label could be
23 23 provided, that was the only way the products
24 24 could be shipped.

25 25 Q. So until a new consolidated label

1 1 was provided, they had to use the old label
2 2 plus the supplemental label.

3 3 A. That's correct.

4 4 Q. Was it your understanding that the
5 5 use of the supplemental label was going to be
6 6 a fairly short-lived event in the labeling
7 7 history of Monsanto?

8 8 MR. ZIMMER: For which product or
9 9 products?

10 10 MS. GRADY: For all Aroclor
11 11 products that it was intended to be used on,
12 12 since I have no idea -- strike that.

13 13 BY MS. GRADY:

14 14 Q. Was it your understanding that use
15 15 of the supplemental label was only intended
16 16 for a short period of time until new labels
17 17 were printed for Monsanto products?

18 18 MR. ZIMMER: Same question as to
19 19 which products. You are just saying all of
20 20 them in one fell swoop.

21 21 MS. GRADY: I can't identify the
22 22 products because it's impossible to determine
23 23 what products the supplemental label was used
24 24 on. You know that as much as I do. That's a
25 25 big issue in this case.

1 1 MR. ZIMMER: That's equally
2 2 difficult for the witness, then. I'm just
3 3 objecting to the overbreadth of the question.

4 4 You can answer if you know.

5 5 A. I really don't, I can't, I can't
6 6 give you a straight answer.

7 7 BY MS. GRADY:

8 8 Q. This memo says that the use of the
9 9 supplemental memo was basically a one-time
10 10 need. Does that refresh your recollection in
11 11 any way about the purpose of the supplemental
12 12 label in terms of how long it was intended to
13 13 be used?

14 14 MR. ZIMMER: Calls for speculation
15 15 as to what was in Mr. Papageorge's mind.

16 16 A. No.

17 17 BY MS. GRADY:

18 18 Q. Did you make any inquiries in your
19 19 job as Labeling Manager or Labeling
20 20 Supervisor concerning how long the plants
21 21 were going to be using the supplemental
22 22 labels, rather than a consolidated label that
23 23 included the environmental paragraph with
24 24 product identification?

25 25 A. I'm not sure I caught exactly what

1 1 you -- did I do, what did I do in regard to
2 2 that? I --

3 3 Q. Did you make inquiries --

4 4 A. Inquires, no. Excuse me.

5 5 Q. Did you make inquiries of anyone
6 6 in Monsanto concerning how long it was
7 7 intended that the plants use a supplemental
8 8 environmental label in conjunction with an
9 9 old product label, rather than printing up a
10 10 new label that included the environmental
11 11 paragraph?

12 12 A. I made no inquiry.

13 13 Q. Did you form any beliefs about the
14 14 period of time the supplemental label would
15 15 be used?

16 16 A. No.

17 17 Q. Did you have any conversations
18 18 with anyone that worked for you about how
19 19 long the supplemental label was intended to
20 20 be used?

21 21 A. No.

22 22 Q. Do you recall ever knowing how
23 23 many packages there were of Aroclor products
24 24 in inventory at Monsanto that didn't have the
25 25 environmental label on them?

1 1 A. I know of none.

2 2 Q. Well, this memo -- then I think
3 3 we're on the wrong wavelength, here. This
4 4 memo indicates at one time there were 6,000
5 5 packages of Aroclor products that didn't have
6 6 an environmental label on them.

7 7 MR. ZIMMER: He's indicated he
8 8 didn't know anything about that or make any
9 9 inquiry as to that.

10 10 A. I didn't know how many containers
11 11 were around anyplace, to be honest with you.

12 12 MS. GRADY: Okay.

13 13 BY MS. GRADY:

14 14 Q. Exhibit 801, which is a three-page
15 15 document bearing Bates range TRAN 088200
16 16 through 088202, purports to be a memorandum
17 17 from G. R. Sido to Mr. W. B. Papageorge:
18 18 Subject, PCB label changes, date, May 4th,
19 19 1970, and attached to it what purports to be
20 20 a memo are two labels. I'd ask you to read
21 21 this exhibit in its entirety, Mr. Sido.

22 22 A. Yes, I've read it.

23 23 BY MS. GRADY:

24 24 Q. Did you draft Exhibit 801? At
25 25 least, the first page of it?

1 A. I believe I did, yes.

2 Q. Did your office make inquiries at
3 the Queeny Plant concerning their label
4 inventories with regard to the provision of a
5 new environmental paragraph that related to
6 Aroclor products?

7 A. I do not know.

8 Q. Do you recall making inquiries at
9 Anniston and Krummrich?

10 A. I didn't personally, but the
11 inquiries apparently were made.

12 Q. Do you recall someone on your
13 staff or --

14 A. I don't know who it could have
15 been, but in order to try to find out
16 something that would enable me to write this,
17 some attempt was made to find out what
18 quantities generally were involved.

19 Q. The second paragraph of Exhibit
20 801 in the first page states, "We have
21 printed the environmental contaminant message
22 on 2 inch by 3 1/2 inch pressure sensitive
23 labels and these are now available. Please
24 advise where these are to be sent for use on
25 packaged goods."

1 1 Were you advised by anyone where
2 2 the supplemental environmental label was to
3 3 be sent?

4 4 A. I don't recall at this time.

5 5 Q. Does the use of, your use of the
6 6 term "packaged goods" refresh your
7 7 recollection in any way concerning whether
8 8 you had an understanding of how the
9 9 supplemental label was to be used?

10 10 A. No.

11 11 Q. Was overprinting of existing
12 12 labels done at Anniston?

13 13 A. I don't recall.

14 14 Q. Do you recall whether any
15 15 overprinting of existing labels to include
16 16 the environmental, new environmental
17 17 paragraph, was done?

18 18 A. Yes.

19 19 Q. You just -- do you recall where it
20 20 was?

21 21 A. No.

22 22 Q. What did you mean by the term
23 23 "distributor label" up there in the point 3
24 24 in your memorandum?

25 25 A. A distributor label is the

1 1 example, the second example that you see her,
2 2 shows that the product has been manufactured
3 3 by Monsanto. It is not being sold by
4 4 Monsanto. It is being sold by some other
5 5 company. I really don't know who it could
6 6 be, but it was intended that this was -- that
7 7 they could have a company identification and,
8 8 if necessary, other commitments for package
9 9 markings, provided in addition to this being
10 10 on a package in order to conduct the legal
11 11 or, you know, a proper sale.

12 12 Q. Is that your handwriting on the
13 13 third page of Exhibit 801?

14 14 A. Yes, it is.

15 15 Q. Could you read it into the record,
16 16 please?

17 17 A. "New label" and it's 4-30-70, "New
18 18 label layout for distributors if this plan
19 19 remains."

20 20 Q. What plan were you referring to?

21 21 A. If there was a need for
22 22 distributor labels, if they were going to
23 23 sell through a distributor, rather than
24 24 directly as Monsanto's product.

25 25 Q. Was there an existing plan?

1 A. They, in the past, there had been.

2 I don't know of a plan specifically. I know
3 that some distributor sales had occurred, and
4 this was strictly a -- in relation to that.

5 Q. Is that your handwriting on the
6 first page down at the bottom of Exhibit 801?

7 A. That appears to be.

8 Q. Could you read that into the,
9 handwritten portion into the record, please?

10 A. It reads, "To avoid shipping
11 delays for lack of labels, overprint one-half
12 of each inventory and then do the others."

13 Q. What did you mean by that?

14 A. In other words, rather than have
15 no labels that they could use in a plant at
16 any one time, the idea was to provide the
17 labels to the printer or whoever was going to
18 overprint them, and it had to be a printer --
19 ship some of them there to be overprinted and
20 then returned and follow through with it,
21 don't devoid yourself of labels entirely, to
22 have some overprinted. That was the intent.
23 The overprint was an option to a supplemental
24 sticker so they had supplemental stickers,
25 they also had the labels so they could

1 1 continue to provide properly labeled
2 2 containers until the overprint labels came
3 3 back in, making it easier to just apply one
4 4 label than two. That's all.

5 5 Q. Were there any advantages to
6 6 having all of the information on one label,
7 7 rather than on two?

8 8 A. Simply to make sure that it all
9 9 got on there in one operation, rather than
10 10 two. It took about as much effort to put two
11 11 labels on -- twice as much as it would take
12 12 to put one.

13 13 (Plaintiff's Deposition
14 14 Exhibit 803 marked for
15 15 identification.)

16 16 MS. GRADY: Okay, Exhibit 803.
17 17 It's a one-page document bearing Bates number
18 18 TRAN 088205, purports to be a memorandum from
19 19 J. R. Savage to Mr. A. Nagel, WGK Plant, and
20 20 Mr. M. Mullally, M-u-l-l-a-l-l-y, Anniston
21 21 Plant. It's dated May 7th, 1970, and it
22 22 shows Mr. Sido as one of the cc's with a
23 23 check next to his name. I ask you to read
24 24 this Exhibit 803 in its entirety, Mr. Sido.

25 25 A. Yes, I've read it.

1 1 Q. Do you recall seeing Exhibit 803
2 2 prior to today?

3 3 A. No, I don't.

4 4 Q. Does Exhibit 803 refresh your
5 5 recollection concerning anything that
6 6 transpired during your employment with
7 7 Monsanto?

8 8 A. No.

9 9 Q. This memorandum appears to be
10 10 directed to the Krummrich Plant and the
11 11 Anniston Plant. Does seeing this memorandum
12 12 refresh your recollection concerning whether
13 13 any supplemental environmental labels were
14 14 sent to the Queeny Plant?

15 15 A. No.

16 16 Q. This memorandum states,
17 17 "Confirming our conversation, G. R. Sido was
18 18 sending you stick-on warning labels for
19 19 Aroclor 1221 through 1268. These should be
20 20 placed on the lower left hand corner of the
21 21 present label on all material presently in
22 22 inventory. Unused labels are to be
23 23 over-printed with the same legend."

24 24 Does this refresh your
25 25 recollection in any way concerning any

1 1 understanding of how at the time about how
2 2 the supplemental labels were to be used?

3 3 A. No.

4 4 MS. GRADY: Exhibit 804.

5 5 BY MS. GRADY:

6 6 Q. Before I show you that, do you
7 7 recall as, during your tenure as Labeling
8 8 Supervisor or Labeling Manager, any effort
9 9 being made to notify customers that held
10 10 materials that contained old labels that the
11 11 label had changed?

12 12 MR. ZIMMER: By his department?

13 13 BY MS. GRADY:

14 14 Q. First by your department, and
15 15 then --

16 16 A. No. No.

17 17 Q. Do you recall hearing any
18 18 discussion or learning of any attempt at any
19 19 time being made to contact Monsanto customers
20 20 who held product that was contained in
21 21 packaging where the label had changed that,
22 22 in fact, the label had changed?

23 23 MR. ZIMMER: No foundation; calls
24 24 for speculation.

25 25 You can answer.

1 1 A. I don't know of any.

2 2 MS. GRADY: You never heard?

3 3 A. No.

4 4 (Plaintiff's Deposition
5 5 Exhibit 804 marked for
6 6 identification.)

7 7 MS. GRADY: Exhibit 804. It's a
8 8 one-page document, TRAN 088206, purports to
9 9 be a memorandum from M. J. Quirk, Q-u-i-r-k,
10 10 Warehouse Coordinator, to various warehouses
11 11 with a blind copy being shown to Mr. Sido.

12 12 BY MS. GRADY:

13 13 Q. I want you to take a look at this,
14 14 Mr. Sido, and tell me if you've seen it prior
15 15 to today.

16 16 A. No, I have not.

17 17 Q. Does seeing Exhibit 804 refresh
18 18 your recollection in any way about anything
19 19 that transpired during your employment at
20 20 Monsanto?

21 21 A. I don't think it refreshes my
22 22 memory in any way, no.

23 23 Q. Same memories after reading it as
24 24 you had before?

25 25 A. Yeah.

1 Q. Including -- well, never mind.

2 Who was M. J. Quirk?

3 A. I do not know. His -- he's
4 indicated as a Warehouse Coordinator, but I
5 don't know.

6 Q. What contact, if any, did you
7 have, did the Labeling Section have with
8 Monsanto's warehouses?

9 A. None. As a rule, none.

10 Q. Did you have any understanding of
11 in what instances Monsanto maintained
12 inventories of product in warehouses?

13 A. No.

14 Q. Do you have any information about
15 whether any Pydraul products were kept in any
16 Monsanto warehouses?

17 A. No, I don't.

18 Q. Do you have any information
19 concerning whether any Montars, or products
20 were kept in Monsanto warehouses?

21 A. No.

22 Q. The same question with regard to
23 Santicizers.

24 A. No.

25 Q. Is that your labeling -- is that

1 1 your handwriting on Exhibit 804?

2 2 A. No.

3 3 Q. Do you recognize that handwriting?

4 4 A. I can't be positive. It could be

5 5 Mrs. Koenig, who was my secretary and was

6 6 involved with some of the ordering --

7 7 Q. Is Mulligan the name of a printing

8 8 plant --

9 9 A. Yes.

10 10 Q. -- that the Labeling Section used

11 11 to print labels?

12 12 A. Yes, it is.

13 13 Q. And were you familiar with an

14 14 employee at the Mulligan facility named

15 15 Cathy?

16 16 A. No.

17 17 Q. Was it your pattern or practice to

18 18 have your secretary call up Mulligan to

19 19 determine whether labels had been shipped?

20 20 A. No, it wasn't the normal practice.

21 21 Q. If you wanted to know whether

22 22 certain labels had been shipped to certain

23 23 destinations by the Mulligan Company, did you

24 24 call them up?

25 25 A. Yes.

1 1 (Plaintiff's Deposition
2 2 Exhibit 806 marked for
3 3 identification.)

4 4 MS. GRADY: Exhibit 806. It's a
5 5 three-page document bearing Bates range TRAN
6 6 088207 through 088209. The first page of
7 7 Exhibit 806 purports to be a memorandum from
8 8 G. R. Sido to Mr. M. B. Mullally,
9 9 M-u-l-l-a-l-l-y, of Anniston: Subject, PCB
10 10 label changes, overprinting labels and
11 11 inventory dated May 12th, 1970.

12 12 BY MS. GRADY:

13 13 Q. I ask you to read Exhibit 806 in
14 14 its entirety, Mr. Sido.

15 15 (Witness peruses said
16 16 document.)

17 17 A. Yes.

18 18 Q. Did you draft Exhibit 806?

19 19 A. I believe I did.

20 20 Q. And who was Mr. M. B. Mullally?

21 21 A. Other than by reference to the
22 22 Anniston Plant, he was an Anniston employee.
23 23 I don't know exactly what his job was.

24 24 Q. Did you draft Exhibit 806 as part
25 25 of your job responsibilities as Labeling

1 1 Supervisor and manager?

2 2 A. Yes, I or someone in my office
3 3 drafted it.

4 4 Q. Ten dollars per thousand is an
5 5 average cost for such a job, you say here in
6 6 the second paragraph. Was it your
7 7 understanding that it cost about ten dollars
8 8 per thousand labels to have them overprinted
9 9 with a new paragraph?

10 10 A. That's what I said.

11 11 Q. Is that your recollection?

12 12 A. I would say so.

13 13 Q. What is overprinting?

14 14 A. It's the same thing as taking a
15 15 piece of paper and printing something else on
16 16 the piece of paper. It's taking, finished an
17 17 actual label and printing something else on
18 18 it.

19 19 Q. And was that, in your experience
20 20 as Labeling Supervisor or manager for
21 21 Monsanto, a fairly common thing you did with
22 22 labels?

23 23 A. No, it was not very common.

24 24 Q. Were the products listed up at the
25 25 top, Montar 1, Aroclor 1232, 1242, 1248,

1 1 1254, 1260, 1262, 1268 and 4465 the products
2 2 that you instructed Mr. Mullally to have
3 3 relabeled with the new environmental label?

4 4 MR. ZIMMER: The document speaks
5 5 for itself. You mean if he recalls that?

6 6 BY MS. GRADY:

7 7 Q. First, if you recall.

8 8 A. I don't recall.

9 9 Q. And then based on your practice of
10 10 corresponding with people within Monsanto,
11 11 can you interpret your own document for me?

12 12 MR. ZIMMER: No, he's not going to
13 13 interpret the document for you. It speaks
14 14 for itself. You are entitled to ask about
15 15 his recollection and that's it.

16 16 MS. GRADY: I'm entitled to ask
17 17 him what I'm entitled to ask him.

18 18 MR. ZIMMER: Well, he's not going
19 19 to answer it because you can read it as well
20 20 as he does and draw your own conclusions.

21 21 BY MS. GRADY:

22 22 Q. Mr. Sido, do you ever recall
23 23 providing inaccurate information to anyone at
24 24 Monsanto?

25 25 MR. ZIMMER: Argumentative.

1 A. I don't.

2 BY MS. GRADY:

3 Q. Do you recall that the
4 overprinting of labels and getting this new
5 environmental label on Aroclor, certain
6 Aroclor products was a priority?

7 A. Not in any extreme urgent way. It
8 was a normal or the same priority as getting
9 labels to somebody.

10 Q. So you didn't feel there was any
11 big rush about getting the environmental
12 label on Aroclor products?

13 MR. ZIMMER: Mischaracterizes his
14 testimony and is argumentative.

15 A. I think it's quite obvious that we
16 were anxious to do the job and do it as
17 promptly as possible.

18 BY MS. GRADY:

19 Q. Were you told that the Corporate
20 Management Committee had ordered that the
21 labels be changed for all Aroclor products?

22 A. No.

23 Q. Were you told by Mr. Papageorge or
24 anyone else that this was a priority at
25 Monsanto to get this new environmental label

1 1 on the Aroclor products?

2 2 A. By being priority, I don't recall
3 3 that word being given, and I'm not sure what
4 4 you intended for it to mean.

5 5 Q. Did you feel a sense of urgency
6 6 with regard to the environmental label on the
7 7 Aroclor products that was different from any
8 8 other labeling task?

9 9 A. No, I felt every order for labels
10 10 was urgent, regardless of what it was for.

11 11 Q. Did you -- was it your practice to
12 12 instruct plants to proceed with implementing
13 13 new labels without delay, once that change
14 14 had been made to change the label -- once the
15 15 decision had been made to change the label?
16 16 Excuse me.

17 17 A. Would you repeat that, please?

18 18 Q. Sure. Was it your practice to
19 19 inform Monsanto's manufacturing plants that
20 20 once a decision had been made to change a
21 21 label, they should put the new labels on as
22 22 soon as possible?

23 23 A. We gave them no specific
24 24 instructions to do anything different than to
25 25 label them as they were required to label for

1 1 proper shipment.

2 2 Q. Okay, could you look at the third
3 3 paragraph in Exhibit 806 and read that to
4 4 yourself, please?

5 5 A. Yes.

6 6 Q. Does your statement, "As soon as
7 7 your labels are overprinted, your only
8 8 labeling problem will be to place the small
9 9 stickers on finished goods inventories" --

10 10 A. You said third paragraph and you
11 11 are talking fourth paragraph.

12 12 Q. Oh, I'm sorry, you are right. I
13 13 completely missed that first one. Sorry.
14 14 Why don't you read the fourth paragraph.

15 15 A. All right.

16 16 (Witness peruses said
17 17 document.)

18 18 A. (Continuing) All right, I've read
19 19 the paragraph.

20 20 BY MS. GRADY:

21 21 Q. Does your statement, "As soon as
22 22 your labels are overprinted, your only
23 23 labeling problem will be to place the small
24 24 stickers on finished goods inventories"
25 25 refresh your recollection in any way about

1 1 the intended purpose of the supplemental
2 2 environmental labels?

3 3 A. No.

4 4 (Plaintiff's Deposition
5 5 Exhibit 808 marked for
6 6 identification.)

7 7 MS. GRADY: All right, Exhibit
8 8 808.

9 9 BY MS. GRADY:

10 10 Q. It's a one-page exhibit, Bates
11 11 number TRAN 61423 dated May 19th, 1970. It
12 12 purports to be a memorandum from G. R. Sido
13 13 to labeling file on a subject, Pydraul 625-A
14 14 with a "cc" to Dr. Wheeler. I ask you to
15 15 read this exhibit in its entirety, Mr. Sido.

16 16 (Witness peruses said
17 17 document.)

18 18 A. Yes.

19 19 Q. Did you draft Exhibit 808?

20 20 A. I am not certain whether I did or
21 21 21 didn't.

22 22 Q. You don't recall whether you --

23 23 A. I don't recall.

24 24 Q. Did you draft memos like Exhibit
25 25 25 808 in the course of your job duties as

1 1 Labeling Supervisor?

2 2 A. Yes, put notes to the label file
3 3 as we had facts to put there.

4 4 Q. Now, this exhibit was directed or
5 5 this memorandum was purportedly directed to
6 6 the labeling file. Is that correct?

7 7 A. Yes.

8 8 Q. And the labeling file was where
9 9 the substantiation for the various texts that
10 10 appear on the label was kept? Is that right?

11 11 A. For this particular product,
12 12 Pydraul 625-A, it appears, it's a little
13 13 garbled on its number, but it would be to the
14 14 label file for that product, which would have
15 15 information that would pertain to that
16 16 product.

17 17 Q. I'm confused now, because my
18 18 understanding was you were using the term
19 19 "labeling file" and "label file" as two
20 20 distinctive files within the Labeling
21 21 Section. Is that correct?

22 22 A. I don't know whether that's
23 23 correct or not. All I'm saying is a label
24 24 file has been -- I had tried to refer to it
25 25 as the printed finished product that had been

1 1 made for shipment to someplace to use them,
2 2 the actual labels. "Labeling file" I have
3 3 tried to be consistent in referring to the
4 4 file about a particular product that would
5 5 contain any information that would relate to
6 6 that product that could have a bearing on a
7 7 label.

8 8 Q. But a labeling file was different
9 9 from a label file; right?

10 10 A. Yes.

11 11 Q. Okay, this information purportedly
12 12 went to the labeling file; is that right?

13 13 A. That's right.

14 14 Q. So how did your secretary file a
15 15 document that looked like 808?

16 16 MR. ZIMMER: Calls for
17 17 speculation.

18 18 A. I can't, other than it should have
19 19 been in the file folder related to it and
20 20 anything pertaining to a label request for
21 21 that product, this would be a document that
22 22 would surface in the guidance to generate the
23 23 label.

24 24 BY MS. GRADY:

25 25 Q. Can you tell whether -- can you

1 1 tell whether Pydraul 625-A has PCBs in it,
2 2 from this information?

3 3 A. Not from this information, I
4 4 can't.

5 5 Q. The last sentence says, "No need
6 6 for environmental comments on the label."
7 7 Can you -- was there a practice who have
8 8 would make, who made that recommendation,
9 9 you, or the medical people, or the marketing
10 10 people?

11 11 A. Marketing people.

12 12 Q. It wasn't the Labeling Department
13 13 that made that determination? Is that right?

14 14 A. That's right.

15 15 (Plaintiff's Deposition
16 16 Exhibit 809 marked for
17 17 identification.)

18 18 MS. GRADY: Okay, Exhibit 809.
19 19 It's a two-page exhibit bearing Bates range
20 20 STR 005152 through 005153, and for the
21 21 record, this exhibit contains two Plaintiff's
22 22 Exhibit stickers, but the one being used in
23 23 this litigation shows Plaintiff's Exhibit
24 24 number 809, dated 10-6-92. It purports to be
25 25 a memorandum to Mr. Bergen and Mr. Springgate

1 1 from Mr. Papageorge dated May 27, 1970:
2 2 Subject, PCB environmental problem, May
3 3 summary. I ask you to take a look at Exhibit
4 4 809, Mr. Sido, and tell me if you've seen it
5 5 prior to today.

6 6 A. No, I haven't.

7 7 Q. Does seeing Exhibit 809 refresh
8 8 your recollection concerning anything that
9 9 happened during your employment at Monsanto?

10 10 A. No.

11 11 Q. Do you recall whether Pydraul
12 12 labels were changed to include the new
13 13 environmental paragraph?

14 14 A. No, I don't recall.

15 15 Q. Could you look at the last
16 16 paragraph on the first page of Exhibit 809,
17 17 read that, and tell me if that refreshes your
18 18 recollection?

19 19 MR. ZIMMER: When you say
20 20 "changed," Counsel, you mean put into a
21 21 consolidated, one consolidated label?

22 22 MS. GRADY: No, let me clarify.

23 23 BY MS. GRADY:

24 24 Q. When I say "changed," I mean put
25 25 into one consolidated label or used in

1 1 conjunction, old labels used in conjunction
2 2 with supplemental environmental label.

3 3 MR. ZIMMER: And the question is,
4 4 does that paragraph refresh his recollection
5 5 as to if that was done?

6 6 MS. GRADY: Correct.

7 7 A. No, it doesn't.

8 8 MS. GRADY: Exhibit 810.

9 (Plaintiff's Deposition
10 10 Exhibit 810 marked for
11 11 identification.)

12 12 BY MS. GRADY:

13 13 Q. Did you ever have any
14 14 conversations with Mr. Papageorge about
15 15 Pydraul labels?

16 16 A. Not that I recall. I've talked to
17 17 him, but I have nothing --

18 18 Q. No conversations spring to mind?

19 19 A. No.

20 20 Q. And in particular, do you recall
21 21 any conversations or communications with Mr.
22 22 Papageorge about changing the Pydraul labels
23 23 to include an environmental paragraph.

24 24 A. No.

25 25 Q. Why don't you go ahead and read

1 1 Exhibit 810, which I'll describe for the
2 2 record as a one-page document bearing Bates
3 3 number 0 -- I'm sorry, TRAN 088210, purports
4 4 to be a memo from W. B. Papageorge to
5 5 G. R. Sido, dated May 27th, 1970.

6 6 A. Yes, I've read it.

7 7 Q. Does this refresh your
8 8 recollection, and in particular, the third
9 9 paragraph, which states, "Pydraul labels will
10 10 not be altered, since reformulations will be
11 11 made," does this refresh your recollection in
12 12 any way concerning whether Pydraul labels
13 13 were changed either by printing a new
14 14 consolidated label or by using the old labels
15 15 in conjunction with a supplemental label at
16 16 the same time as the environmental paragraph
17 17 was added to other Aroclor products?

18 18 A. No, it doesn't.

19 19 Q. Do you know whether Pydraul
20 20 products have the supplemental environmental
21 21 label used on them?

22 22 A. Without referring to the label
23 23 file, I wouldn't be able to tell you right
24 24 now.

25 25 MS. GRADY: Exhibit 811.

1 1 (Plaintiff's Deposition
2 2 Exhibit 811 marked for
3 3 identification.)

4 4 BY MR. PAPAGEORGE:

5 5 Q. Do you recall Mr. Papageorge
6 6 instructing you not to change the Pydraul
7 7 labels to include an environmental paragraph?

8 8 A. I don't recall it. It's listed in
9 9 the memo, but I don't recall.

10 10 Q. No independent recollection?

11 11 A. No.

12 12 Q. Exhibit 811 is a one-page document
13 13 bearing Bates number TRAN 005960, purports to
14 14 be a label for Aroclor 1254 with handwriting
15 15 on it. Mr. Sido, is that your handwriting or
16 16 printing on Exhibit 811?

17 17 A. No, it is not.

18 18 Q. Do you recognize whose it is?

19 19 A. No, I don't.

20 20 Q. What's a brown print as used with
21 21 regard to print jobs?

22 22 A. It's the -- it's an evidence of
23 23 readiness to print. It's like a photocopy of
24 24 the art work that's going to be used in,
25 25 ultimately in a print process, so it's, in

1 1 effect, a xerox copy or a photograph of --
2 2 it's closer to a photograph because it's a
3 3 little bit better quality, maybe, that's all,
4 4 but it indicates something has been
5 5 established, ready for use upon request.

6 6 Q. Do you recall any issues
7 7 concerning printing new labels that included
8 8 the environmental paragraph for Aroclor 1254?

9 9 A. No.

10 10 Q. Do you know whether such labels
11 11 were ever printed?

12 12 A. No, without looking at the label
13 13 file as I described.

14 14 (Plaintiff's Deposition
15 15 Exhibit 813 marked for
16 16 identification.)

17 17 MS. GRADY: All right, Exhibit
18 18 813. It's a one-page document bearing Bates
19 19 number TRAN 088217, purports to be a
20 20 memorandum from G. Robert Sido, Manager,
21 21 Labeling and Registration to Krummrich Plant,
22 22 Mr. R. Kuster, K-u-s-t-e-r; in Anniston
23 23 Plant, Mr. A. B. Mullally: Subject, Aroclor
24 24 sample labels, reference PCB label changes,
25 25 dated June 23rd, 1970.

1 1 BY MS. GRADY:

2 2 Q. Could I ask you to read Exhibit
3 3 813 in its entirety, please?

4 4 A. Yes.

5 5 Q. Is that your signature on Exhibit
6 6 813?

7 7 A. It is.

8 8 Q. And did you prepare Exhibit 813 in
9 9 your function as a Labeling Manager?

10 10 A. I believe I did.

11 11 Q. Do you recall Exhibit 813?

12 12 A. No.

13 13 Q. Does it refresh your recollection
14 14 in any way concerning events that transpired
15 15 during your employ at Monsanto?

16 16 A. No.

17 17 Q. Is that your handwriting up in the
18 18 right-hand corner?

19 19 A. No.

20 20 Q. Do you recognize any of those
21 21 names? Grace Stites?

22 22 A. No, the name Don Mayer seems to be --
23 23 have some familiarity, but I couldn't place
24 24 where they are or where -- who, who they
25 25 were.

1 Q. What's a sample label?

2 A. Well, it could be a label for a
3 small container or sample-sized bottle or it
4 could be a, just a illustration of the label.
5 You know, it could be either, and usually, if
6 it's designated "sample label," it would be
7 intended for something of a research
8 laboratory size or a small, very small
9 container, not a sales item.

10 Q. Well, here, you say, "This is your
11 authorization to dispose of all unused sample
12 labels not bearing this change, and as more
13 are needed, enter an order in your usual
14 way." What did you mean by that?

15 A. Well, there were relatively --
16 they were smaller; they were relatively
17 inexpensive in comparison to larger labels.
18 They, they didn't use a lot of them because
19 they were not that many samples shipped, and
20 we printed things in a quantity that it's
21 like that they could sit around for a long
22 time and not be used, so the turnover of the
23 change label might be slow, and there was no
24 way to add a supplemental label to a sample
25 label because it's a bit small and the

1 1 packages might be small enough to prohibit
2 2 putting another sticker, so the intent was
3 3 to, appears to me to be to get rid of, you
4 4 know, any excess burden and put in, stock
5 5 newer labels updated as quickly as you could.

6 6 Q. Maybe I misdirected you. I think
7 7 I should have had you read this first
8 8 paragraph, too: "All Aroclor labels subject
9 9 to the environmental change have been
10 10 corrected and a supply of each new sample
11 11 label has been forwarded to your plant."
12 12 What did you mean by that?

13 13 A. I would -- this, to me, would
14 14 refer to samples, labels for samples.

15 15 Q. You sent this to the Krummrich
16 16 Plant and the Anniston Plant. Did you send
17 17 the same memo to the Queeny Plant?

18 18 A. I don't see -- somebody on this
19 19 list very well could be the Queeny Plant, and
20 20 Mr. Papageorge being, coordinating the
21 21 function, it could have had something to do
22 22 with them, but specifically, they were, many,
23 23 many sample labels were involved in both of
24 24 those plants related to PCBs.

25 25 Q. And when you said that someone

1 1 whose name is handwritten up in the upper
2 2 right-hand corner could be from the Queeny
3 3 Plant, you are speculating. Is that right?

4 4 A. I am speculating. I have no idea
5 5 for sure.

6 6 Q. And the relationship between those
7 7 people and Mr. Papageorge, you would also be
8 8 speculating about? Is that right?

9 9 A. Their relationship, I don't know
10 10 what their job functions were at Monsanto.

11 11 Q. And you don't recognize any of
12 12 those names as being people that worked at
13 13 the Queeny Plant, do you?

14 14 MR. ZIMMER: He only recognized
15 15 one of those names at all.

16 16 BY MS. GRADY:

17 17 Q. (Continuing) Is that right?

18 18 A. The only name I recognized was the
19 19 one I told you about.

20 20 Q. And you don't recognize that name
21 21 as being someone who worked at the Queeny
22 22 Plant, do you?

23 23 A. I don't recognize it as being one,
24 24 someone from the Queeny Plant.

25 25 Q. Do you have any recollection of

1 1 with regard to this environmental label on
2 2 Aroclor products, making some distinction
3 3 between information going to the Krummrich
4 4 Plant and the Anniston Plant on one hand and
5 5 the Queeny Plant on another?

6 6 MR. ZIMMER: Other than what he
7 7 just told you?

8 8 MS. GRADY: He didn't tell me
9 9 anything about that.

10 10 MR. ZIMMER: He sure did. You can
11 11 have it read back, if you like.

12 12 BY MS. GRADY:

13 13 Q. Do you want me to restate the
14 14 question?

15 15 A. If there's something that I've
16 16 stated that clarifies it, go ahead and read
17 17 it back.

18 18 Q. I'll just ask it again. This memo
19 19 is directed to the Krummrich Plant and the
20 20 Anniston Plant. Do you recall, with respect
21 21 to this environmental label issue and Aroclor
22 22 products, making some distinction between the
23 23 information you sent to the Krummrich Plant
24 24 and Anniston Plant on the one hand and the
25 25 Queeny Plant on the other hand?

1 A. No.

2 Q. Do you recall ever sending any
3 3 information to the Queeny Plant about the PCB
4 4 environmental label?

5 5 MR. ZIMMER: This is for samples
6 6 or for some other type of label?

7 7 MS. GRADY: It's for -- it's not
8 8 for samples, it's for the environmental
9 9 label, either a new consolidated label, a
10 10 supplemental label, sample labels, anything
11 11 that contained that new environmental
12 12 paragraph.

13 13 A. I don't recall it at this time.

14 14 MS. GRADY: Exhibit 816.

15 (Plaintiff's Deposition
16 Exhibit 816 marked for
17 identification.)

18 18 BY MS. GRADY:

19 19 Q. Exhibit 816 is a one-page exhibit
20 20 bearing Bates number TRAN 088231, purports to
21 21 be a memorandum from G. R. Sido to Mr.
22 22 W. B. Papageorge; subject, Inerteen,
23 23 I-n-e-r-t-e-e-n, and Pyranol labels with
24 24 reference to your memos July 9 and 13, 1970.
25 25 There's a list of cc's, as well. I ask you

1 1 to read Exhibit 816 in its entirety, Mr.
2 2 Sido.

3 3 (Witness peruses said
4 4 document.)

5 5 A. Yes.

6 6 BY MS. GRADY:

7 7 Q. What's Inerteen?

8 8 A. It's a trademark, I believe, of
9 9 Westinghouse Electric.

10 10 Q. What's Pyranol?

11 11 A. I think that's a General Electric
12 12 trademark: Brand names under which they had
13 13 at some time sold such products.

14 14 Q. Did those products contain PCBs?

15 15 A. To my knowledge, they did.

16 16 Q. And were the labels for Inerteen,
17 17 was the label for Inerteen changed to include
18 18 on the consolidated label an environmental
19 19 paragraph?

20 20 A. That's what this memo says.

21 21 Q. Other than this memo, do you have
22 22 any independent recollection of that?

23 23 A. Not without looking at the file
24 24 and seeing evidence of it having been done.

25 25 MR. ZIMMER: She's only asking you

1 1 about your memory, so you don't need to read
2 2 the document.

3 3 THE WITNESS: All right.

4 4 MR. ZIMMER: To say one thing or
5 5 another, and we don't have the files here,
6 6 so --

7 7 BY MS. GRADY:

8 8 Q. Pyranol, was that label changed to
9 9 include an environmental paragraph?

10 10 A. By looking at our label file, I
11 11 could determine when and if it was actually
12 12 changed, or whether there was any other
13 13 product ever sold under that designation.

14 14 Q. But you have no recollection one
15 15 way or another without looking at the file?

16 16 A. I don't recall.

17 17 Q. Could you look at the "cc" list up
18 18 in the right-hand corner of Exhibit 816?

19 19 A. Yes.

20 20 Q. Is there anyone on there that you
21 21 identify as being from the Queeny Plant?

22 22 A. I can't identify anybody that I
23 23 would know would belong to, from the Queeny
24 24 Plant.

25 25 MR. ZIMMER: Why don't you ask him

1 1 if they made Inerteen or Pyranol at the
2 2 Queeny Plant, since we're going to spend
3 3 hours on this otherwise?

4 4 Let's take a break.

5 5 MS. GRADY: All right, that's fine
6 6 with me.

7 7 Off the record.

8 8 (Recess)

9 9 (Plaintiff's Deposition
10 10 Exhibit 818 marked for
11 11 identification.)

12 12 MS. GRADY: All right, back on the
13 13 record.

14 14 The next exhibit is Exhibit 818.
15 15 It's a one-page document bearing Bates number
16 16 TRAN 088233, purports to be a memorandum from
17 17 G. R. Sido to labeling file, with regard to
18 18 Pydraul dated August 5th, 1970, and it
19 19 contains a handwritten notation up in the
20 20 right-hand corner saying, "Aroclor."

21 21 BY MS. GRADY:

22 22 Q. I ask you to read Exhibit 818 in
23 23 its entirety, Mr. Sido.

24 24 THE WITNESS: Okay.

25 25 (Witness peruses said

1 1 document.)

2 2 THE WITNESS: Yes.

3 3 BY MS. GRADY:

4 4 Q. Did you draft Exhibit 818?

5 5 A. It appears that I did.

6 6 Q. And did you draft it in the course
7 7 of your work as Labeling Manager?

8 8 A. Yes, I would say so.

9 9 Q. I've asked you before whether you
10 10 recall any conversations or other
11 11 communications with Mr. Papageorge concerning
12 12 the labeling of the Pydraul issues, and
13 13 you've indicated that you do not or did not.
14 14 Does reading Exhibit 818 refresh your
15 15 recollection in any way concerning any
16 16 communications you had with Mr. Papageorge
17 17 concerning the labeling of the Pydraul
18 18 products?

19 19 A. No.

20 20 Q. Does it refresh your recollection
21 21 in any way concerning whether the
22 22 environmental paragraph was added to labels
23 23 of the Pydraul products?

24 24 A. No.

25 25 Q. Mr. W. S. Clark is a "cc" on this

1 1 document. Who is Mr. Clark?

2 2 A. I do not know.

3 3 Q. Mrs. V. K. Koenig, is the second

4 4 "cc". Is that -- that was someone that

5 5 worked for you; correct?

6 6 A. That's correct.

7 7 Q. Did you have a pattern or practice

8 8 when you would "cc" Mrs. Koenig on

9 9 correspondence?

10 10 A. No.

11 11 Q. Can you tell by looking at this

12 12 why you cc'd Mrs. Koenig?

13 13 A. She was in my office and had

14 14 something to do with the proofing and

15 15 preparation of the label once we decided to

16 16 do something with it.

17 17 Q. Mr. Litteken is also a "cc"?

18 18 A. Correct.

19 19 Q. Do you recall why you cc'd Mr.

20 20 Litteken on this correspondence?

21 21 A. For the same reason Mrs. Koenig

22 22 was copied.

23 23 Q. This memorandum is to the labeling

24 24 file. That is to the file that contains

25 25 general information about the labeling of

1 1 products? Is that correct?

2 2 A. Yes.

3 3 Q. Does Exhibit 818 spur any memories
4 4 at all about the labeling of the Pydraul
5 5 products with regard to the environmental
6 6 paragraph?

7 7 A. No.

8 8 MS. GRADY: The next exhibit is
9 9 823.

10 10 (Plaintiff's Deposition
11 11 Exhibit 823 marked for
12 12 identification.)

13 13 MS. GRADY: It's a one-page
14 14 document bearing Bates number TRAN 036358.
15 15 It purports to be a memorandum from the
16 16 J. R. Savage to Mr. A. E. Peterson at the
17 17 J. F. Queeny Plant, title, "PCB Pollution,"
18 18 dated September 23rd, 1970, and I'd ask you
19 19 to generally take a look at Exhibit 823
20 20 without reading the whole thing and tell me
21 21 if you have seen Exhibit 823 prior to today.

22 22 A. No, I haven't.

23 23 Q. Could you read the first paragraph
24 24 of Exhibit 823, the one under "Central
25 25 Drumming?

1 A. Yes, go ahead. What?

2 Q. Do you recall ever having any
3 communications with anyone at the Queeny
4 Plant about eliminating PCBs from the Queeny
5 Plant?

6 A. No.

7 Q. Do you recognize the name
8 D. C. Malm?

9 A. No.

10 Q. Do you recognize the name

11 A. E. Peterson?

12 A. It appears, it seems familiar. I
13 don't know the person that well.

14 Q. Do you know Mr. Peterson at all?

15 A. I can't be certain.

16 Q. Did you ever tour the central
17 drumming area of the J. F. Queeny Plant?

18 A. Yes.

19 Q. What is the central drumming area?

20 A. An area where they had containers,
21 large containers that could be various
22 products and then would package and drum,
23 drum them at that location, and it was, it
24 could be a changing environment of, of
25 products in various large containers, you

1 1 know, tanks. I can't describe it in detail
2 2 other than it provided a place for more
3 3 butting materials into containers efficiently
4 4 and properly.

5 5 Q. Was there a labeling line or any
6 6 kind of production process concerning
7 7 labeling in the central drumming area of the
8 8 Queeny Plant when you toured it?

9 9 A. No.

10 10 Q. Where was the labeling done with
11 11 respect spacially to the central drumming
12 12 area?

13 13 A. Just in it. I can't tell you
14 14 exactly where, but it was while it was being
15 15 filled, there, at that point.

16 16 Q. So they were, when you toured the
17 17 central drumming area, they were putting
18 18 labels on product but it didn't constitute a
19 19 production line. Is that right?

20 20 A. That's -- I think so, but it was,
21 21 it could be a formulating line, it could
22 22 be -- I don't really know what you mean by
23 23 "production." Anything, we take a product
24 24 and put into it a container, now, it puts
25 25 product in the drums. Now, whether that's

1 1 production in your mind, I really don't know.

2 2 Q. My question went more to the
3 3 process of getting the labels on the drums.
4 4 Was there a section of the central drumming
5 5 area that was set aside for the labeling of
6 6 the drums?

7 7 A. No.

8 8 Q. Where was the labeling done?

9 9 A. At the point of filling.

10 10 Q. And when you toured the central
11 11 drumming facility, did you observe where
12 12 labels were kept?

13 13 A. No.

14 14 (Pleading's Deposition
15 15 Exhibit 824 marked for
16 16 identification.)

17 17 BY MS. GRADY:

18 18 Q. Exhibit 824. Exhibit 824 is a
19 19 two-page exhibit bearing Bates range TRAN
20 20 088237 through 088238, purports to be a
21 21 memorandum from Willis S. Clark to
22 22 G. R. Sido: Subject, "New Aroclor labels,"
23 23 dated September 29th, 1970, and I would ask
24 24 you to review Exhibit 824, Mr. Sido,
25 25 including the handwritten portions of it.

1 1 (Witness peruses said
2 2 document.)

3 3 A. Yes.

4 4 Q. Have you seen Exhibit 824 prior to
5 5 today?

6 6 A. No, I haven't.

7 7 Q. Do you recognize any of the
8 8 handwriting that appears on the first page of
9 9 this exhibit?

10 10 A. With the initials related to it, I
11 11 recognize the "ML," which would be Mark
12 12 Litteken, and "VK," Virginia Koenig, as
13 13 notes.

14 14 Q. Are you familiar with the
15 15 abbreviations "WSC-MFL" as used by your
16 16 section?

17 17 MR. ZIMMER: I'm missing
18 18 something.

19 19 A. I'm sorry --

20 20 MR. ZIMMER: Oh, there we are.

21 21 MS. GRADY: "Delete PCB statement
22 22 only "W.S.C. through M.F.L. 10/14/70" with
23 23 the initials "ML" under it.

24 24 MR. ZIMMER: Calls for
25 25 speculation.

1 A. They are initials of people, but I
2 don't know what --

3 BY MS. GRADY:

4 Q. WSC --

5 A. There's a Willis S. Clark
6 involved, and M. F. Litteken are the two men
7 that I --

8 Q. Oh, I see. Okay, well, that makes
9 some sense, doesn't it? Do you recall labels
10 for the Aroclor, certain Aroclor products
11 being changed in the Fall of 1970 to delete
12 the PCB statement?

13 A. I don't recall the time frame, no.

14 Q. Do you recall at a certain point
15 in time that the labels of certain Aroclor
16 products were changed to take the
17 environmental paragraph off the consolidated
18 labels?

19 A. No.

20 Q. And did you identify the initials
21 down in the right-hand corner of the first
22 page of Exhibit 824 as Virginia --

23 A. Koenig.

24 Q. Koenig.

25 Any more idea than when I asked

1 1 you the last time who Willis S. Clark is?

2 2 A. No.

3 3 MS. GRADY: Exhibit 826.

4 4 (Plaintiff's Deposition

5 5 Exhibit 826 marked for

6 6 identification.)

7 7 Did you turn over labeling issues

8 8 regarding Aroclors to Mr. Litteken?

9 9 MR. ZIMMER: Objection; vague and
10 10 ambiguous.

11 11 A. I don't quite know what you mean,
12 12 "turn over."

13 13 BY MS. GRADY:

14 14 Q. Did you assign responsibility to
15 15 Mr. Litteken for dealing with changes in the
16 16 labels of Aroclor products?

17 17 A. No.

18 18 MS. GRADY: Exhibit 826. It's a
19 19 two-page document labeled TRAN 088538 through
20 20 539. It appears to be a form labeled up at
21 21 the top, "Label and Freight Classification
22 22 Request," and I'd ask you, Mr. Sido, if you
23 23 have seen a document filled out in this
24 24 format before.

25 25 A. Yes.

1 BY MS. GRADY:

2 Q. What is Exhibit 826?

3 A. It's a label and freight
4 classification request form.

5 Q. And did you have reason to work
6 with these forms, as Labeling Manager?

7 A. Yes.

8 Q. Who filled these forms out?

9 MR. ZIMMER: Calls for
10 speculation.

11 A. It's designated on the form that a
12 chemist would fill out certain parts of it to
13 do the chemistry of the product, the Sales
14 and Development Department, chemist, the
15 Human Hazards, the Medical Department, as
16 well, there, Marketing Department, each
17 section is identified as to essentially the
18 area of expertise that would be providing it.

19 Q. And did the Labeling Department
20 have any responsibility for filling out this
21 form?

22 A. No.

23 Q. Was this form kept on file at any
24 place in the Labeling Section?

25 A. Yes.

1 Q. And it would be kept in the
2 labeling file for each product?

3 A. Yes.

4 Q. Is it your expectation that there
5 would be a form like this for each Monsanto
6 product?

7 A. A form like this, or what it
8 replaced, or something of a similar intent.

9 Q. Did you use this form in carrying
10 out labeling changes? That may not be clear.
11 Let me direct you to the second page of this
12 exhibit, where in Section 9, "Health hazards,
13 et cetera," item 9.8, "Suggested statements
14 for warning label, same as Aroclor 5466,"
15 this one in particular says, did you use
16 documents that were in the format of Exhibit
17 826 to provide you information on what the
18 labels for products should say?

19 A. Yes.

20 Q. So if the Medical Department
21 thought that the label of a particular
22 product should say, should include certain
23 text, they would use a document that looked
24 like Exhibit 826 to convey that information
25 to you?

1 1 MR. ZIMMER: Calls for speculation
2 2 as to what the Medical Department could do.

3 3 A. They could do it all kinds of
4 4 ways, not just this document.

5 5 BY MS. GRADY:

6 6 Q. Did they use this on occasion to
7 7 convey such information?

8 8 A. Occasionally, they did.

9 9 Q. And how else did they convey
10 10 information that they wanted on the label,
11 11 "they" being the Medical Department?

12 12 MR. ZIMMER: Same objection.

13 13 A. Through written correspondence,
14 14 other techniques to explain what their
15 15 desires were.

16 16 BY MS. GRADY:

17 17 Q. So on occasion, they would write
18 18 you a memorandum about a particular product,
19 19 setting forth the language that they wanted
20 20 on the label? Is that right?

21 21 A. They could.

22 22 Q. Did they?

23 23 A. Not very often, but they could.

24 24 Q. But they did?

25 25 A. But they could.

1 1 Q. But "could" is, "could" is a
2 2 problem for lawyers. I need to know if they
3 3 did.

4 4 A. I can't recall instances of the
5 5 format in which we received information from
6 6 them.

7 7 Q. But you do recall that
8 8 occasionally, you received information in the
9 9 format shown in Exhibit 826?

10 10 A. This was the initial, this was the
11 11 initial type of inquiry in regard to a new
12 12 product or new formulation that was
13 13 customarily used in getting information
14 14 documented by various groups within the
15 15 company that would provide the basis for
16 16 consideration of what labeling ought to be.

17 17 Q. Is this the document that you've
18 18 been referring to as a product questionnaire?

19 19 A. Yes.

20 20 Q. And can you think of any reason
21 21 why this document wouldn't exist for
22 22 Turbinol?

23 23 MR. ZIMMER: Argumentative. Calls
24 24 for speculation.

25 25 A. Something of this sort or its

1 1 predecessor, which was not exactly the same
2 2 format or word for word but conveying the
3 3 same kinds of inquiries, should likely be
4 4 available as an initial assessment of the
5 5 hazards of the product.

6 6 BY MS. GRADY:

7 7 Q. And can you think of any reasons
8 8 why such a document would not exist for the
9 9 product Turbinol?

10 10 MR. ZIMMER: Same objections.

11 11 A. No, I can't.

12 12 BY MS. GRADY:

13 13 Q. Under Item 10 on this product
14 14 questionnaire form, "Resale products to be
15 15 filled in by Marketing Group," this
16 16 particular one says, "Use standard statement
17 17 for chlorinated hydrocarbons."

18 18 When you received product
19 19 questionnaires, was the product text usually
20 20 designated by the Marketing Department --

21 21 A. No.

22 22 Q. -- in this way?

23 23 A. No.

24 24 Q. Was the product text usually not
25 25 on this form --

1 1 A. Yes.

2 2 Q. -- when it came to you?

3 3 A. Yes.

4 4 Q. And it was to be resolved through
5 5 this process of circulating proposed
6 6 language? Is that correct?

7 7 A. That's correct.

8 8 MS. GRADY: Just for the record,
9 9 I'm -- you know, I assume you guys have
10 10 looked, but we don't have any product
11 11 questionnaires or anything that looks like it
12 12 for MCS 153 or Turbinol.

13 13 MR. ZIMMER: I'm well aware of
14 14 that. Nor is it Mr. Sido's job to have
15 15 looked, so his testimony about whether one is
16 16 available or not --

17 17 MS. GRADY: Mr. Sido was the head
18 18 of the department that kept the file, so it's
19 19 very possible that Mr. Sido, just,
20 20 apparently, as he led you to these documents
21 21 that we'll talk about on the record in a
22 22 moment --

23 23 MR. ZIMMER: Well, that's
24 24 information -- Are you testifying now?
25 25 Because Mr. Sido did not lead us to those

1 1 documents. In fact, those were discovered by
2 2 Monsanto's Legal Department and Mr. Sido was
3 3 not responsible for making the document
4 4 productions in this case, so the fact that he
5 5 retired ten years ago probably has a lot to
6 6 do with why there might not be a Turbinol
7 7 product questionnaire anymore if there ever
8 8 was one, but you can draw your own --

9 9 MS. GRADY: That's not testimony,
10 10 though; right, Fritz?

11 11 MR. ZIMMER: Well, tit for tat,
12 12 Counsel.

13 13 (Plaintiff's Deposition
14 14 Exhibit 827 marked for
15 15 identification.)

16 16 BY MS. GRADY:

17 17 Q. The next document is Exhibit 827.
18 18 It's a multipage Exhibit, Bates range TRAN
19 19 088257 through 088265, and I'm going to ask
20 20 you to look at this document carefully, Mr.
21 21 Sido. It involves -- this exhibit is a
22 22 compilation of a number of different
23 23 documents. I'm going to ask you a number of
24 24 questions about each of these pages, so you
25 25 don't need to read every page at this point

1 1 if you don't want to, but I would ask that
2 2 you look at it carefully. I'll provide a
3 3 little more description for the record.

4 4 The first page of Exhibit 827 is
5 5 handwritten notes. The second page appears
6 6 to be a purchase order. The third page is
7 7 handwritten notes with a supplemental
8 8 environmental label. The fourth page appears
9 9 to be a purchase order. The fifth page
10 10 appears to be a label. The next page appears
11 11 to be a purchase order. The next page, which
12 12 is 088263, appears to be a label with
13 13 handwritten notations. Page 088264 appears
14 14 to be a purchase order, and the last page
15 15 appears to be a label.

16 16 (Witness peruses said
17 17 document.)

18 18 A. What can I -- what can I do?

19 19 BY MS. GRADY:

20 20 Q. What can you elucidate me about?
21 21 Does your handwriting appear anywhere on the
22 22 first page of Exhibit 827?

23 23 A. It seems to be, yes.

24 24 Q. Which is your handwriting?

25 25 A. It might all be mine. Could be.

1 Q. Is it?

2 A. I believe it is.

3 Q. Okay, why don't you -- can you
4 read this page into the record for me, then?
5 Starting at the top.

6 A. Okay, the best I can read, it
7 says, "Sample each PCB overprint label,
8 quantity, date and shipper." It looks like
9 "Number used for each overprint," as best I
10 can make that out.

11 MR. ZIMMER: Are you able to read
12 that or are you guessing?

13 THE WITNESS: I can't, I can't be
14 certain of what -- it does make reference to
15 overprint, overprinted.

16 MR. ZIMMER: Okay, there's a
17 number of words there, and we don't want you
18 to guess at that.

19 THE WITNESS: I can't, I can't
20 make it all out. It's just not that legible,
21 either my copy or by the way I wrote it.

22 MS. GRADY: Fritz, do you know if
23 the original of this document still exists?

24 MR. ZIMMER: I have no idea.

25 BY MS. GRADY:

1 Q. Okay, second line?

2 A. Well, this says "PCB statements,
3 overprinted labels, Aroclors, Therminols."

4 Q. What about that statement to the
5 left of that? Might you look at mine?

6 (Witness peruses said
7 document.)

8 MS. GRADY: I might have a
9 highlighter. It's easier to read these
10 documents for some reason if you highlight
11 them.

12 A. I can't make out the first word.
13 I can make out the balance. It says, "Few of
14 each overprinted. Sending us one of each" is
15 basically what the next line reads, but I
16 can't --

17 Q. Can I have mine back, and I'll
18 give you my highlighter in case you need it.

19 Okay, then the next line says --

20 A. Which line are you talking about?
21 To the right of it?

22 Q. "PCB label 10/20/53"?

23 A. Yes, that's what it says, and it
24 says two-inch by three and a half-inch, which
25 relates to the size of the label, and it was

1 1 printed May 11, 1970.

2 2 Q. And then it says?

3 3 A. It says, "How many? Where
4 4 shipped? When?"

5 5 Q. And then the next line says?

6 6 A. "Waste disposal labels 1149/53, 2
7 7 1/2 by 5 3/8 inch, printed August 3, '71."

8 8 Q. And then reading down on the first
9 9 page of Exhibit 827?

10 10 A. "Attention. Do not use in systems
11 11 involving processing of food and food related
12 12 items, et cetera. Printed September 8, 1971,
13 13 label number 1150, 5 3/8 by 5 3/8 bull's-eye
14 14 label."

15 15 Q. The next line?

16 16 A. "Overprinting of existing labels
17 17 with these. Notice! Lables 1154/53, same as
18 18 ATTENTION except no copy about --
19 19 contaminated items may be" -- "may have to be
20 20 destroyed. Get shipping destinations on
21 21 each, also card information on
22 22 811.01-245.11/53."

23 23 Q. Thank you. What does that last
24 24 notation mean?

25 25 A. It's a print plate identification

1 1 number of a label.

2 2 Q. That's the identification of a
3 3 specific print label?

4 4 A. It's a specific label.

5 5 Q. And do you happen to know which
6 6 one that is?

7 7 A. No, I don't.

8 8 Q. Why did you draft up these notes?

9 9 A. As an aid to the people to
10 10 implement the need.

11 11 Q. And when did you draft these
12 12 notes?

13 13 A. I can't tell you because it,
14 14 there's no date shown on it.

15 15 Q. Did someone ask you to find out
16 16 how many PCB environmental labels were
17 17 printed, where they were shipped and when?

18 18 A. Not that I know of.

19 19 Q. Do you recall Mr. Pogue asking you
20 20 to provide information concerning PCB
21 21 environmental labels?

22 22 A. No.

23 23 Q. Are you familiar with a man named
24 24 Don Pogue?

25 25 A. No.

1 Q. You have no recollection at all as
2 2 to why you drafted the notes that form the
3 3 first page of 827?

4 4 A. I described why I drafted them.

5 5 Q. As an aid to people to implement
6 6 the need?

7 7 A. Yes.

8 8 Q. Why don't you explain to me what
9 9 you meant by that.

10 10 A. Well, you have Mrs. Koenig, or
11 11 Mark Litteken, or somebody in the section
12 12 that was going to be working with our
13 13 topographer or printer to prove and prepare
14 14 the labels for use.

15 15 Q. And how would the questions "How
16 16 many, where shipped and when" aid the people
17 17 that worked in your group?

18 18 A. It wouldn't have any bearing at
19 19 all, necessarily, to them. Their job would
20 20 be to prepare the labels in readiness for
21 21 use.

22 22 Q. And so do you have any
23 23 recollection about why you wanted to know how
24 24 many of the supplemental environmental labels
25 25 were printed, where they were shipped and

1 1 when?

2 2 A. No.

3 3 Q. Do you recall making these notes
4 4 and then at some later time coming back to
5 5 try to figure out the shipping destinations
6 6 for each of the labels?

7 7 A. No.

8 8 Q. Can you tell me anything about the
9 9 notes that you drafted that form the first
10 10 page of Exhibit 827, other than what you've
11 11 already testified to?

12 12 A. No.

13 13 Q. Okay, the second page of Exhibit
14 14 826, what is that?

15 15 A. It's a copy of an order form for
16 16 the labels.

17 17 Q. And does your handwriting appear
18 18 on page 088258?

19 19 A. Yes.

20 20 Q. Where is your handwriting?

21 21 A. Down at the bottom, it says, "Copy
22 22 to Don Pogue 3-16-72."

23 23 Q. Does that refresh your
24 24 recollection any that you provided
25 25 information in 1972 to Mr. Pogue concerning

1 1 the environmental label on Aroclor products?

2 2 A. No.

3 3 Q. Did you write these notes that
4 4 appear -- sorry, I haven't established that
5 5 yet. Is that your handwriting up under the
6 6 word "CONFIRMATION (repro from York)"?

7 7 A. No.

8 8 Q. Whose handwriting is that?

9 9 A. I don't know. I believe it's Mrs.
10 10 Koenig's.

11 11 MR. ZIMMER: If you don't know,
12 12 don't guess.

13 13 THE WITNESS: Well, I know of no
14 14 other person, really, that would be putting
15 15 the information on an order, orders as they
16 16 were handled. They were customarily marked
17 17 in a fashion such as that.

18 18 MR. ZIMMER: I just want to make
19 19 sure you are identifying it as handwriting
20 20 that you recognize.

21 21 THE WITNESS: Yes.

22 22 MR. ZIMMER: That's fine.

23 23 BY MS. GRADY:

24 24 Q. Does this refresh your
25 25 recollection in any way on whether any

1 1 supplemental environmental labels were sent
2 2 to the Queeny Plant?

3 3 A. No.

4 4 Q. Could you look at the next page,
5 5 TRAN 088259?

6 6 A. Yes.

7 7 Q. Do you recognize the handwriting
8 8 on this page?

9 9 A. No. I'm not certain whose it is.

10 10 Q. What about up in the right-hand
11 11 corner?

12 12 A. The copy to Don Pogue with my
13 13 initial is my handwriting.

14 14 Q. Is that other handwriting yours?

15 15 A. No.

16 16 Q. Is that Mrs. Koenig's?

17 17 A. I am not certain.

18 18 Q. You believe it to be hers?

19 19 A. I don't know.

20 20 Q. No idea?

21 21 A. I can't be certain. I just don't
22 22 know.

23 23 Q. Do you believe it to be hers?

24 24 MR. ZIMMER: Are you asking him to
25 25 give you an answer different than he just

1 1 gave you?

2 2 MS. GRADY: I'm suggesting that --

3 3 MR. ZIMMER: I thought the answer
4 4 was pretty clear.

5 5 MS. GRADY: There's a difference
6 6 between speculation and not being able to
7 7 testify absolutely.

8 8 MR. ZIMMER: He's given you an
9 9 answer; he's not certain.

10 10 BY MS. GRADY:

11 11 Q. Do you recognize the information
12 12 as it's presented on page 088259 as the way
13 13 information concerning printing history of a
14 14 label was kept in your section?

15 15 A. No.

16 16 Q. Was the printing history of a
17 17 label kept in some method other than a list
18 18 of where it was -- when it was printed and
19 19 where it was sent?

20 20 A. Yes.

21 21 Q. How?

22 22 A. On the product on the label, in
23 23 the label file. That would be the labels
24 24 printed, as printed, would be in the label
25 25 file.

1 Q. And is there some reason --

2 A. And there would be a copy of a
3 label, an actual label, it would be dated and
4 it would be stapled into a file folder and
5 there could be many reproductions of that
6 same label.

7 Q. Could you tell by looking at this
8 if this is the printing list --

9 MR. ZIMMER: No foundation.

10 BY MS. GRADY:

11 Q. -- of 1020/53 supplemental?

12 A. I can't tell from this.

13 Q. Any recollection of why you sent
14 this document to Mr. Pogue?

15 A. For information only.

16 Q. That's what you recall?

17 A. Yes.

18 Q. And why did you send him a copy of
19 various printings of the supplemental
20 environmental label for his information?

21 A. I have no idea other than what my
22 reference, here, by having sent something to
23 him that relates to an order which has
24 numbers on it that correspond somewhat to
25 what you are talking about.

1 Q. How do you know you sent it to him
2 for information and not for action?

3 A. There's nothing, no action for him
4 to take why should he take action.

5 Q. Are you speculating on why you
6 sent it to him, or do you remember that you
7 sent it to him for information?

8 A. I would have --

9 MR. ZIMMER: If you don't remember
10 why you sent to him --

11 A. I don't know why I sent it to him.
12 I sent it to him.

13 BY MS. GRADY:

14 Q. Is Mrs. Koenig still employed by
15 Monsanto?

16 A. No, she's not.

17 Q. Is Mrs. Koenig still living in the
18 St. Louis area?

19 A. No.

20 Q. Where does Mrs. Koenig live?

21 A. She lives in St. Peters. This is
22 I guess, in the greater St. Louis area, if
23 you -- as such, yes.

24 Q. And when did Mrs. Koenig retire
25 stop working for Monsanto?

1 A. I don't recall exactly. It was
2 2 somewhere in the Seventies, but I don't
3 3 recall the exact time.

4 Q. When you were still employed by
5 5 Monsanto, did you ever participate in any
6 6 investigation in aid of figuring out what
7 7 went on with the label of the PCB hazards of
8 8 Aroclor products?

9 A. Try me again. I'm sorry, did I
10 10 ever what?

11 Q. When you were employed by
12 12 Monsanto, were you ever called upon by Mr.
13 13 Papageorge or anyone else to investigate how
14 14 Aroclor products and the PCB hazard of such
15 15 products were labeled over time?

16 MR. ZIMMER: Assumes facts not in
17 17 evidence.

18 18 You can answer.

19 A. I don't recall that, other than
20 20 the record that we would show on what labels
21 21 were printed.

22 BY MS. GRADY:

23 Q. Were you ever asked to provide
24 24 such records to anyone?

25 A. No, I'm not sure I was asked to do

1 1 it. I may have provided it. I may have
2 2 volunteered it, for that matter, but I don't
3 3 know if --

4 4 Q. Did you volunteer the printing
5 5 history for the PCB warning label?

6 6 A. No, not that I know of.

7 7 Q. Page 088259 doesn't show record of
8 8 any supplemental environmental label being
9 9 sent to the Queeny Plant. Does that fact
10 10 refresh your recollection in any way
11 11 concerning whether any such environmental
12 12 labels were sent to the Queeny Plan?

13 13 MR. ZIMMER: Assumes facts not in
14 14 evidence, calls for speculation, and is
15 15 argumentative.

16 16 BY MS. GRADY:

17 17 Q. You get to answer now.

18 18 A. I think he's given you the answer.
19 19 I can't add to it. What's --

20 20 Q. He doesn't give the answer.

21 21 A. I don't know. Try me again. Make
22 22 sure I understand what you are asking,
23 23 because I --

24 24 Q. From my review of page TRAN 088259
25 25 does not show any notation of the

1 1 supplemental environmental label, the text of
2 2 which is shown up in the right-hand corner of
3 3 that page, together with the number of the
4 4 label, as being sent to the Queeny Plant, and
5 5 I'm wondering if you see any reference of
6 6 that label being sent to the Queeny Plant on
7 7 this page.

8 8 MR. ZIMMER: And he is not going
9 9 to answer that question, because he is not
10 10 interpreting documents for you and you can
11 11 read it as well as he does. The document
12 12 speaks for itself and he didn't write it.
13 13 There's no foundation for him to even be
14 14 talking about it.

15 15 MS. GRADY: Well, that is not
16 16 true, because this man worked for Monsanto
17 17 for numerous decades in the very department
18 18 that created this document, and I'm entitled
19 19 to know whether, based on his experience at
20 20 Monsanto dealing with documents that
21 21 indicated where labels were shipped, he can
22 22 tell me whether he sees any reference to this
23 23 label being sent to the Queeny Plant on page
24 24 088259.

25 25 MR. ZIMMER: He hasn't testified

1 1 that his department created this department,
2 2 nor has he given any other foundational basis
3 3 to answer that question, and he's not going
4 4 to do it. You can read it for yourself.

5 5 MS. GRADY: So you are instructing
6 6 him not to answer, I guess. Is that right?

7 7 MR. ZIMMER: That's right.

8 8 BY MS. GRADY:

9 9 Q. And are you going to take his
10 10 instruction?

11 11 A. Yes.

12 12 MS. GRADY: And what is the basis
13 13 for you instructing a witness under the
14 14 California Code of Civil Procedure for not
15 15 answering a question?

16 16 MR. ZIMMER: I've given it. If
17 17 you have another question --

18 18 MS. GRADY: The document speaks
19 19 for itself?

20 20 MR. ZIMMER: Move on.

21 21 MS. GRADY: What's the basis of
22 22 your objection, Counsel?

23 23 MR. ZIMMER: I've given it.
24 24 There's absolutely no foundation for it.
25 25 He's not going to sit there and interpret a

1 1 document for you. The document speaks for
2 2 itself. His job here, today, is not to read
3 3 documents that someone else wrote and to tell
4 4 you whether there is any reference to
5 5 something being shipped somewhere that he
6 6 already has, on multiple occasions, evidenced
7 7 no personal knowledge of.

8 8 MS. GRADY: Well, just for the
9 9 record --

10 10 MR. ZIMMER: If I accepted that --

11 11 MS. GRADY: I'm not interested in
12 12 colloquy, because --

13 13 MR. ZIMMER: I'd like to finish
14 14 what I'm saying, if I could.

15 15 MS. GRADY: Certainly.

16 16 MR. ZIMMER: You have not accepted
17 17 that at anything, including face value,
18 18 because you have continued to ask him by
19 19 showing him other documents, "Does this
20 20 refresh your recollection," "Does this
21 21 refresh your recollection." What you really
22 22 mean is, does it change his recollection.
23 23 He's told you he doesn't know.

24 24 MS. GRADY: This is just silly.

25 25 MR. ZIMMER: It is silly, because

1 1 are asking him to interpret something he
2 2 didn't write.

3 3 MS. GRADY: Mr. Sido did write
4 4 part of Exhibit 826, and in fact, wrote part
5 5 of the page that I'm asking him about. His
6 6 handwriting appears on it.

7 7 MR. ZIMMER: Okay, you are right.
8 8 If you want to have him read the portion that
9 9 says, "Copy to Don Pogue 3-16-72" and his
10 10 initials that follow that and tell you
11 11 whether or not that refreshes his
12 12 recollection of something that was sent to
13 13 Queeny or not, that's fine.

14 14 MS. GRADY: Just for your
15 15 information, I'm entitled to refresh your
16 16 recollection, Mr. Sido, by showing you -- the
17 17 rules of evidence say I can show you anything
18 18 I want and that's what I'm doing.

19 19 MR. ZIMMER: That's true, but you
20 20 are not entitled to have him interpret
21 21 something for you, which is what you are
22 22 asking him to do. I have not stopped you for
23 23 one minute in trying to refresh his
24 24 recollection.

25 25 MS. GRADY: I hope you are not

1 1 going to pay for a trip back to St. Louis.

2 2 MR. ZIMMER: I certainly won't be.

3 3 MS. GRADY: Because I consider
4 4 this an important question, and I'm telling
5 5 you that that instruction is improper, and
6 6 you know it, and if I go to Stillwell on
7 7 that, he's going to -

8 8 MR. ZIMMER: You are dreaming.

9 9 MS. GRADY: -- he's going to cause
10 10 us all to come back here again.

11 11 MR. ZIMMER: There is no way that
12 12 he's going to send us back here again to have
13 13 this gentleman read a document that someone
14 14 else wrote and to tell you what you can read
15 15 for yourself.

16 16 MS. GRADY: I've laid my
17 17 foundation.

18 18 BY MS. GRADY:

19 19 Q. Next page, TRAN 088260. What is
20 20 this page, Mr. Sido?

21 21 A. It's a purchase order for labels,
22 22 a copy of a purchase order for labels.

23 23 Q. And does your handwriting appear
24 24 on this page?

25 25 A. By reference to "Copy to Don Pogue

1 1 on 3-16-72," that's the only part of it that
2 2 I have anything to do with.

3 3 Q. Does that refresh your
4 4 recollection in any way about why you might
5 5 have sent or why you did send this
6 6 information to Mr. Pogue?

7 7 A. No.

8 8 Q. Do you recall sending a package of
9 9 labels to Mr. Pogue at any time?

10 10 A. No.

11 11 Q. Next page, TRAN 088261. Does your
12 12 handwriting appear on this page?

13 13 A. In the same fashion, "Copy to Don
14 14 Pogue, 3-16-72."

15 15 Q. Is that your handwriting that says
16 16 "Printed 9-8-71"?

17 17 A. No, it is not.

18 18 Q. Whose handwriting is that?

19 19 A. I don't know.

20 20 Q. The next page, TRAN 088262: Is
21 21 that your handwriting, or excuse me, does
22 22 your handwriting appear on this page?

23 23 A. In the same reference, "Copy to
24 24 Don Pogue 3-16-72," that is my handwriting,
25 25 and that's the only handwriting that's mine

1 1 on that page.

2 2 Q. So the handwriting that's to the
3 3 right of that is not your handwriting; is
4 4 that correct?

5 5 A. That's correct.

6 6 Q. And whose handwriting is that?

7 7 A. I really can't tell. I don't
8 8 know.

9 9 Q. Next page, 088263, does your
10 10 handwriting appear on this page?

11 11 A. In the same fashion, "Copy to Don
12 12 Pogue 3-16-72."

13 13 Q. And do you know whose handwriting
14 14 states "11-12-71, 10,000 ordered Anniston
15 15 Plant"?

16 16 A. No, I don't.

17 17 Q. Same question on the next page; is
18 18 that your handwriting that says, "Copy to Don
19 19 Pogue 3-16-72"?

20 20 A. Yes, it is.

21 21 Q. Does your handwriting appear
22 22 anywhere else on the next page?

23 23 A. No.

24 24 Q. When was the waste disposal label
25 25 printed? Waste disposal label number

1 1 1149/53?

2 2 MR. ZIMMER: I'm sorry, could I
3 3 have the question read back?

4 4 MS. GRADY: I'll just restate it.

5 5 BY MS. GRADY:

6 6 Q. When was the waste disposal label
7 7 dated -- or, number 1149/53 printed?

8 8 A. I really don't know for sure. It
9 9 appears that it may have been, from what
10 10 you've provided, somewhere around September
11 11 the 9th, 1971. It could have been -- a date,
12 12 our custom was to put a date on there that
13 13 was essentially a date we received an actual
14 14 copy of it from the printer, so it could have
15 15 been printed a day or two before, something,
16 16 but that's, I believe that's the kind of
17 17 notation you would expect to find.

18 18 Q. And are you looking at TRAN
19 19 088265?

20 20 A. Yes, I am.

21 21 Q. Is that your handwriting down
22 22 there at the bottom?

23 23 A. At the very bottom, yes; a copy.

24 24 Q. That's not your handwriting up at
25 25 the top?

1 A. No, it is not.

2 Q. For supplemental labels such as
3 the waste disposal label that appears at TRAN
4 088265, what kind of files were kept in the
5 Labeling Section concerning such labels?

6 A. Numerical, little file folder that
7 would have copies of that label in it.

8 Q. And was a labeling file kept, as
9 well?

10 A. I'm not sure that a separate
11 labeling file -- it could -- I really don't
12 know how those, any file information
13 pertaining to the development of that label
14 would be retained.

15 Q. So let me see if I understand
16 this. If I wanted to find the print history
17 for the waste disposal label which bears
18 number 1149/53, I would look for a label file
19 that had that number on it? Is that correct?

20 A. Yes, and have copies of that label
21 in it, and any time it was reprinted or it
22 would, should be dated, and it was dated and
23 handled in that way.

24 Q. And the label file would also
25 contain who the label was shipped to? Is

1 1 that correct?

2 2 A. It could. It would likely do
3 3 that.

4 4 Q. Did you have any involvement in
5 5 discussions concerning the reformulation of
6 6 Pydrauls to remove PCBs?

7 7 A. No.

8 8 MS. GRADY: The next exhibit is
9 9 836. It's a multi-page exhibit bearing Bates
10 10 range TRAN 088529 through TRAN 088532. The
11 11 first page of this exhibit purports to be a
12 12 memorandum from G. R. Sido to D. R. Pogue:
13 13 Subject, MCS 1109; reference, labeling
14 14 development products, dated April 1st, 1971.

15 15 (Witness peruses said
16 16 document.)

17 17 A. Yes.

18 18 BY MS. GRADY:

19 19 Q. Did you draft Exhibit 836?

20 20 A. I believe I did.

21 21 Q. Did you draft it around the date
22 22 of April 1st, 1971?

23 23 A. It would seem so, yes.

24 24 Q. And did you draft it as part of
25 25 your job responsibilities as Labeling

1 1 Manager?

2 2 A. Yes.

3 3 Q. This is, appears to be to Mr.

4 4 Pogue. Is this a document that you've seen

5 5 before, Mr. Sido?

6 6 A. No.

7 7 Q. And does seeing this reference to

8 8 Mr. Pogue refresh your recollection in any

9 9 way about who Mr. Pogue is?

10 10 A. No.

11 11 Q. What did you mean in that first

12 12 paragraph where you said, "All chlorinated

13 13 biphenyl products must carry the standard

14 14 precaution statement. Some of the more

15 15 persistent ones also carry an environmental

16 16 paragraph"?

17 17 A. If you have -- there are some,

18 18 were some chlorinated products that degraded

19 19 and weren't considered or thought to be

20 20 environmental contaminants, and others that

21 21 definitely were looked upon and considered to

22 22 be environmental contaminants, so that it's,

23 23 by "more persistent," the ones that didn't

24 24 break down or biodegrade as they use the

25 25 term, those were the more persistent ones.

1 1 If they didn't -- those were the ones that
2 2 the environmental paragraph was aimed at.

3 3 Q. And in the Spring of 1971, what
4 4 was your understanding of which chlorinated
5 5 biphenyl products were less persistent?

6 6 MR. ZIMMER: Lacks foundation,
7 7 calls for speculation.

8 8 A. I have no idea.

9 9 BY MS. GRADY:

10 10 Q. Did you know at the time you wrote
11 11 this memo?

12 12 A. No. I said some of them. I don't
13 13 know which ones they were. I have no idea at
14 14 this point. The business groups knew.

15 15 Q. You had no idea which chlorinated
16 16 biphenyl products required carrying the
17 17 environmental paragraph? Is that correct?

18 18 A. Yes. Yes. It was up to the
19 19 business groups to designate the ones that,
20 20 that they applied to. They had the knowledge
21 21 of the formulations and the products.

22 22 Q. And was it your -- did, in fact,
23 23 the business groups direct the Labeling
24 24 Department not to include the environmental
25 25 paragraph on certain products that contained

1 1 chlorinated biphenyls?

2 2 A. Yes.

3 3 Q. Which products were those?

4 4 A. I do not know.

5 5 Q. But you recall that you were

6 6 directed not to put the environmental label

7 7 on certain PCB-containing products? Is that

8 8 right?

9 9 A. That's correct.

10 10 Q. Do you know what MCS 1109 was?

11 11 A. No, I don't.

12 12 Q. How did you know that there were

13 13 more persistent chlorinated biphenyl products

14 14 and less persistent ones?

15 15 A. Our environmental people providing

16 16 the information.

17 17 Q. Are you referring to Mr.

18 18 Papageorge?

19 19 A. Could be Mr. Papageorge, it could

20 20 be our medical people.

21 21 Q. Who was it?

22 22 A. I don't know. The environmental

23 23 toxicologists were possibly involved.

24 24 Q. I'm asking for your specific

25 25 recollection of how you knew that there were

1 1 more persistent chlorinated biphenyl products
2 2 and less persistent ones.

3 3 A. By having heard this from those,
4 4 from those people.

5 5 Q. So you did hear it from Mr.
6 6 Papageorge?

7 7 A. I don't know that I heard it from
8 8 Mr. Papageorge.

9 9 Q. Who did you hear it from?

10 10 A. There were environmental
11 11 toxicologists within the company, as well,
12 12 and I can't even recall the name of one
13 13 individual that could very likely have been,
14 14 but it was, the information would have come
15 15 from a knowledgeable individual or
16 16 knowledgeable people or I wouldn't have said
17 17 it.

18 18 Q. Because it wasn't your practice to
19 19 pass along inaccurate information; right?

20 20 A. That's correct.

21 21 Q. Did you ever question whether a
22 22 product should, PCB-containing product should
23 23 contain the environmental paragraph on the
24 24 label?

25 25 A. We expected the designation to

1 1 include it or not to include it to come from
2 2 the authorities within the company.

3 3 Q. And do you recall ever second
4 4 guessing the authorities within the company
5 5 on whether the environmental label should go
6 6 on a particular PCB-containing product?

7 7 A. No.

8 8 Q. Was it the general case that you
9 9 didn't know if the products contained PCBs or
10 10 not?

11 11 A. Yes.

12 12 (Plaintiff's Deposition
13 13 Exhibit 840 marked for
14 14 identification.)

15 15 BY MS.GRADY:

16 16 Q. The next exhibit is Exhibit 840.
17 17 It's a one-page document bearing Bates number
18 18 TRAN 0882556. It's a waste disposal label
19 19 and it also has handwriting on the page.

20 20 Does your handwriting appear
21 21 anywhere on Exhibit 840, Mr. Sido?

22 22 A. No.

23 23 Q. Whose handwriting is that?

24 24 A. I do not know.

25 25 Q. Is that Mr. -- excuse me; is that

1 1 Mrs. Koenig's handwriting down there at the
2 2 bottom, printed "August 3rd, 1971"?

3 3 A. I can't be certain.

4 4 Q. It looks, looks like her
5 5 handwriting?

6 6 A. It likely could be.

7 7 Q. Do you have the same feeling about
8 8 the handwriting up above, that that could be
9 9 her handwriting?

10 10 A. I really, less likely than the
11 11 other.

12 12 Q. Did you ever direct Mrs. Koenig to
13 13 make a list of the products that were to
14 14 carry the waste disposal label?

15 15 A. No.

16 16 Q. Was this the form of information
17 17 contained in the label file for a
18 18 supplemental label?

19 19 A. It could be. This is likely to be
20 20 that kind of information.

21 21 Q. Did the label file for a
22 22 supplemental label typically identify what
23 23 products the supplemental label was placed
24 24 on?

25 25 A. Not always. I don't believe so.

1 Q. How could you tell what products
2 the supplemental label went on?

3 A. There might be reference added to
4 the file as it would occur. The supplemental
5 label could be useful wherever designated.
6 It doesn't mean that it's only useful at one
7 specific product or one specific time. If it
8 is pertinent to be used, it could conceivably
9 be used on all different kinds of products
10 where it was appropriate.

11 Q. Right, but my question is, how did
12 you keep track of what products it was used
13 on? Was there a way of noting that on the
14 label file for the supplemental label?

15 MR. ZIMMER: Asked and answered.

16 A. I can't be certain. I would think
17 the product files for the individual products
18 would make reference to the use of a label if
19 it were called for.

20 BY MS. GRADY:

21 Q. And what about the supplemental
22 label file? Would that --

23 A. Not likely, not necessarily.

24 MS. GRADY: Exhibit 844. It's a
25 multi-page exhibit bearing Bates range TRAN

1 1 088292 through 088296. The first page
2 2 purports to be a memorandum from G. R. Sido
3 3 to Mr. W. S. Clark, dated September 24th,
4 4 1971: Subject, Aroclor plasticizer use
5 5 notice, reference supplemental label 1154/53.

6 6 Second page purports to be a memo
7 7 from W. S. Clark to G. R. Sido, dated
8 8 September 23rd, 1971: Subject, Aroclor
9 9 labels, and the third page purports to be a
10 10 Aroclor 1221 label. The fourth page has
11 11 handwriting on it, and the fifth page
12 12 purports to be a memorandum from Willis
13 13 S. Clark to G. R. Sido dated September 17th,
14 14 1971: Subject, Aroclor caution label.

15 15 BY MS. GRADY:

16 16 Q. Mr. Sido, did you draft the first
17 17 page of Exhibit 844?

18 18 A. I don't know that I did.

19 19 Q. Is any of the handwriting on this
20 20 page yours?

21 21 A. This on the left-hand corner where
22 22 we're talking about "November 9, '71, 5060 in
23 23 same category per W. S. Clark," and initialed
24 24 by me, is my handwriting.

25 25 Q. And under "W. S. Clark," is that a

1 1 "GP"?

2 2 A. "GRS," that's my initials.

3 3 Q. Oh, "GRS." Okay, and over in the
4 4 right-hand corner, is that your handwriting,
5 5 as well?

6 6 A. "4x4 four sticker NOTICE 1154/53."

7 7 "GRS," those are my initials.

8 8 Q. When you received a request for a
9 9 new label over the phone, was it your
10 10 practice to confirm with a memo?

11 11 A. No.

12 12 Q. How did you confirm requests for
13 13 new labels, if you did?

14 14 A. By evidence of the proof or
15 15 something in doing what was requested,
16 16 establishing the label. It could be all
17 17 kinds of ways to acknowledge or indicate that
18 18 we've done what they've asked. If it was a
19 19 straightforward request for generating a
20 20 label if we could provide it, send them a
21 21 proofed copy, it made sure they were -- said
22 22 it did what they were looking for. There are
23 23 many different ways to do this.

24 24 (Plaintiff's Deposition

25 25 Exhibit 848 marked for

1 1 identification.)

2 2 MS. GRADY: Exhibit 848.

3 3 MR. ZIMMER: Should we take
4 4 another break, here? How much longer do you
5 5 think you have?

6 6 MS. GRADY: A half an hour.

7 7 MR. ZIMMER: We'll take a short
8 8 one.

9 9 MS. GRADY: Off the record.

10 10 (Discussion off the record)

11 11 MS. GRADY: Back on the record.

12 12 BY MS. GRADY:

13 13 Q. Exhibit 848: It's a multipage
14 14 document bearing Bates range TRAN 0045121
15 15 through 004514, purports to be a memorandum
16 16 from R. M. McCutcheon to T. N. Carrico,
17 17 K-a -- excuse me C-a-r-r-i-c-o, and Elmo
18 18 Campbell, dated February 23rd, 1972.
19 19 Subject, summary of labeling of drummed
20 20 Aroclor products.

21 21 Mr. Sido is shown as a "cc". I'll
22 22 have you take a look at Exhibit 848 which
23 23 also includes a label among its pages here,
24 24 and tell me if you've seen it prior to.

25 25 (Witness peruses said

1 1 document.)

2 2 A. I haven't seen this particular
3 3 document, no.

4 4 Q. Have you seen documents like it?

5 5 A. No. No.

6 6 Q. Do you know who R. M. McCutcheon
7 7 is?

8 8 A. No, I don't. I couldn't identify
9 9 him.

10 10 Q. What about Carrico or Campbell?

11 11 A. No.

12 12 (Plaintiff's Deposition
13 13 Exhibit 851 marked for
14 14 identification.)

15 15 BY MS. GRADY:

16 16 Q. The next document is Exhibit 851,
17 17 which I'll describe for the record as a
18 18 multipage document bearing Bates range TRAN
19 19 088383 through 088388. The first page of
20 20 Exhibit 851 purports to be a memorandum from
21 21 Mr. Sido to Mr. W. A. Stewart, dated April
22 22 2nd -- excuse me, April 10th, 1972: Subject,
23 23 PCB warning statement.

24 24 Did you draft the first page of
25 25 this exhibit, Mr. Sido?

1 A. I don't know that I did.

2 Q. Do you recall questioning a
3 3 decision to withhold an offer to incinerate
4 4 waste product that included PCBs from any
5 5 customer?

6 A. Come again. I lost you. I was
7 7 trying to read this, something at the bottom,
8 8 and you were talking. I'm sorry.

9 Q. Sure. Do you recall ever having
10 10 occasion to dispute or to discuss with anyone
11 11 a decision made not to offer waste disposal
12 12 services for used PCB-containing products to
13 13 anyone?

14 A. No.

15 Q. What does that say at the bottom?
16 16 Is that your handwriting?

17 A. It appears to be my handwriting.

18 Q. What does that say?

19 A. It says, "Notice! Contains
20 20 polychlorinated biphenyl. See statement
21 21 below." I don't see a statement below.

22 Q. I don't, either. Okay.

23 A. But I didn't initial it, so I
24 24 really --

25 (Plaintiff's Deposition

1 1 Exhibit 852 marked for
2 2 identification.)

3 3 MS. GRADY: Exhibit 852, a
4 4 one-page document, Bates range TRAN 088403;
5 5 purports to be a memorandum from
6 6 W. B. Papageorge to A. E. Leisy, L-e-i-s-y:
7 7 Subject, PCB labels; date, May 4th 1974. Mr.
8 8 Sido is one of the cc's on this document.

9 9 BY MS. GRADY:

10 10 Q. Mr. Sido, have you ever seen
11 11 Exhibit 852 prior to today?

12 12 A. No.

13 13 Q. Is that your handwriting up at the
14 14 top?

15 15 A. No.

16 (Plaintiff's Deposition
17 Exhibit 858 marked for
18 identification.)

19 19 BY MS. GRADY:

20 20 Q. The next exhibit is Exhibit 858,
21 21 which is a two-page document, Bates range
22 22 TRAN 060810 through 060811, purports to be a
23 23 chart labeled "Precautionary Label
24 24 Chronology, Chlorinated Biphenyls." Have you
25 25 ever seen Exhibit 858 prior to today?

1 A. No, I haven't.

2 Q. Do you have any reason to believe
3 you authored Exhibit 858?

4 A. No.

5 Q. Do you have any idea what these
6 reference numbers are? I'm sorry, the one,
7 two, three, four, fifth column.

8 A. No, I don't.

9 Q. Do you have any idea what the tab
10 references are to in the first column?

11 A. No.

12 Q. Were any label files kept by your
13 section by tab?

14 A. No.

15 Q. No notebooks of labels that
16 included tabs?

17 A. No.

18 MS. GRADY: The next exhibit is
19 Exhibit 860, which, for some reason, I'm not
20 finding.

21 Off the record, please.

22 (Discussion off the record)

23 (Plaintiff's Deposition

24 Exhibit 860 marked for

25 identification.)

1 1 MS. GRADY: Back on the record.

2 2 One copy; you guys can share.

3 3 BY MS. GRADY:

4 4 Q. Exhibit 860, multi-page exhibit,
5 5 Bates range TRAN 088483 through 088527. The
6 6 first page purports to be a memorandum from
7 7 G. Robert Sido to W. B. Papageorge: Subject,
8 8 Monsanto PCB labeling manual; date, October
9 9 24th, 1973.

10 10 Would you flip through this, Mr.
11 11 Sido, and see if you recognize it as your
12 12 work product.

13 13 (Witness peruses said
14 14 document.)

15 15 A. Did you say is it my work product?

16 16 Q. Yes.

17 17 A. Some of it.

18 18 Q. Okay, which part of Exhibit 860 is
19 19 your work product, meaning that you drafted
20 20 it or pulled it together?

21 21 A. I did not pull it together. It's
22 22 some things that were generated in my office
23 23 that became assembled in this document. The
24 24 reference on --

25 25 MR. ZIMMER: Give her the TRAN

1 1 number.

2 2 A. (Continuing) TRAN 088490 is an
3 3 illustration of tank car markings that came
4 4 from our office.

5 5 TRAN 088491 is the proof of a
6 6 label that could have multipurpose use on
7 7 products of a family, but the products,
8 8 themselves, are not identified in the
9 9 example. It's listed as 1249/53. It's
10 10 attached, actually, on the sides of and ends
11 11 of a tank car, and the actual product that
12 12 was in the tank car would be marked through a
13 13 tag mechanism that is illustrated here, so --
14 14 but it's another reference to anybody that
15 15 would be looking at or associated with a tank
16 16 car.

17 17 TRAN 088492 is a labeling bulletin
18 18 that shows how to put a label copy and tag or
19 19 thing onto a tank car that is in transit.

20 20 TRAN 0488495, with a label number
21 21 1068/53B, would be a label that was available
22 22 to the manufacturing locations to provide to
23 23 customers for returning materials for
24 24 disposal-reclamation.

25 25 TRAN 088496 is a label for samples

1 1 of various Aroclors. The TRAN 088497, and it
2 2 appears -- let me see if it's all of the rest
3 3 of them.

4 4 (Witness peruses said
5 5 document.)

6 6 A. (Continuing) That all of the rest
7 7 all the way from 0488497 through 088527 are
8 8 proofs of labels that would be available for
9 9 international movement of those products in
10 10 conjunction with drums that have all this
11 11 multilanguage hazard and precaution
12 12 information in seven languages also included
13 13 on, on the drums. It was a system that was
14 14 established and utilized for export.

15 15 BY MS. GRADY:

16 16 Q. Was putting together a Monsanto
17 17 PCB labeling manual a task of your section?

18 18 A. No.

19 19 Q. Who, whose task was it?

20 20 A. I don't know if it was anybody's
21 21 task. I think this may have actually just, I
22 22 don't know who's the -- it includes some copy
23 23 from our Belgian and U.K. input, as well as
24 24 our domestic, but it meant things going to
25 25 them had to have some compliance with their

1 1 requirements, as well as the domestic
2 2 requirements, so that it, this part of the
3 3 thing would resolve in terms of color of the
4 4 drum, and the multilanguage was aimed at
5 5 providing for international special year
6 6 compliance.

7 7 Q. On the second page of this
8 8 exhibit, TRAN 088484, is that your
9 9 handwriting that says "Retain"?

10 10 A. "Retain."

11 11 Q. Did your unit retain a copy of
12 12 this Monsanto PCB labeling manual?

13 13 A. I believe so.

14 14 Q. Prior to November 1973, was there
15 15 a Monsanto PCB labeling manual?

16 16 A. Not to my knowledge.

17 17 Q. Did Mr. Papageorge request you to
18 18 put information on information together on
19 19 how PCB products were labeled?

20 20 A. No.

21 21 Q. Did anyone else make that request
22 22 of you?

23 23 A. No, not that I know of.

24 24 Q. How did you come to put this
25 25 information together?

1 1 MR. ZIMMER: He didn't say he did.

2 2 BY MS. GRADY:

3 3 Q. Your unit.

4 4 A. I'm not -- my unit didn't
5 5 necessarily do that. I don't know that it
6 6 was done. It could have been done by the
7 7 U.K., Brussels people. It has input from
8 8 them, and I don't recognize this sort of a
9 9 indication of anything that would have come
10 10 from my office, and so if that was -- if it
11 11 was being made as something to distribute and
12 12 identified as a labeling manual, it may have
13 13 very well come from the EEC or Europe.

14 14 Q. But you don't know whether it --

15 15 A. No, I don't know the generator of
16 16 it. I do know that they are one individual,
17 17 Meadowcroft, was a cohort of mine in Brussels
18 18 that I copied in on it, so for their
19 19 information, as well, because they had to be
20 20 satisfied that it complied with their
21 21 requirements if it were going to be used in
22 22 international movement, and that's why I said
23 23 the labels look like they were made to be
24 24 proofed and provided for that purpose.

25 25 (Palintiff's Deposition

1 1 Exhibit 754 marked for
2 2 identification.)

3 3 BY MS. GRADY:

4 4 Q. The next exhibit is Exhibit 754.
5 5 It's a one-page document, Bates number TRAN
6 6 001382, purports to be a label for MCS 153.
7 7 Have you seen Exhibit 754 prior to today?

8 8 A. No, I haven't.

9 9 Q. Does it refresh any recollections
10 10 you have about how MCS 153 was labeled?

11 11 MR. ZIMMER: Lacks foundation.

12 12 A. No.

13 13 MR. ZIMMER: Did you answer
14 14 already? I'm sorry?

15 15 THE WITNESS: I said no.

16 16 BY MS. GRADY:

17 17 Q. Can you describe for -- was there
18 18 a convention for how labels were numbered
19 19 down in the right-hand corner, where it says
20 20 "804.48.000.01/53"?

21 21 A. It was -- I think we established
22 22 something, it ended up with a -- started with
23 23 a manufacturing account code of some sort.
24 24 These things don't stay the same,
25 25 unfortunately, but it was a manufacturing

1 1 account code number and a grade designation
2 2 that related to the product. Like these
3 3 three zeros were somewhere in a sales code,
4 4 it was considered that was part of a grade.
5 5 If there were different grades of the
6 6 product, they were different numbers, so it
7 7 would be something related to the product
8 8 entity of some sort in the company, and then
9 9 just sequential numbers in getting -- the
10 10 first label number was 01, 2, 3, 4, 5,
11 11 whatever it happened to be, and that's, that
12 12 was the code system.

13 13 Q. Can you tell by looking at Exhibit
14 14 754 when it was printed?

15 15 A. No.

16 16 MS. GRADY: The next exhibit is
17 17 Exhibit 755.

18 18 (Plaintiff's Deposition
19 19 Exhibit 755 marked for
20 20 identification.)

21 21 BY MS. GRADY:

22 22 Q. Before we leave Exhibit 754, can
23 23 you tell by looking at Exhibit 754 where it
24 24 was used?

25 25 A. No.

1 Q. Can you tell what manufacturing
2 plants Exhibit 754 was shipped to?

3 A. No.

4 MR. ZIMMER: "To" or "through"?
5 I'm sorry.

6 MS. GRADY: To.

7 BY MS. GRADY:

8 Q. Exhibit 755 is a one-page
9 document, purports to be a label for Turbinol
10 153, TRAN number 001383. Have you ever seen
11 Exhibit 755 prior to today?

12 A. No.

13 Q. Does it refresh your recollection
14 in any way concerning any events that
15 occurred during your employment at Monsanto?

16 A. No.

17 Q. Pursuant to this convention that
18 you just described, does the number down in
19 the right-hand corner that for the last four
20 digits says ".02/53" indicate that this is
21 the second iteration of a label for this
22 product?

23 A. It would, it would indicate that
24 it was of the same chemical composition or
25 something. The number 804.48-000.02

1 1 indicates that this would be the second label
2 2 developed for a particular product, and in
3 3 our file system, that was that's the way it
4 4 was done, and we say "Formerly MCS 153" on
5 5 there, so it would be -- obviously, to me, it
6 6 replaces or supplements that.

7 7 Q. Anytime anything on a label was
8 8 changed, did that digit that's three from the
9 9 end change? Did it go up a number?

10 10 A. It wouldn't go necessarily. It
11 11 would change. It wouldn't necessarily always
12 12 go up a number, one number. I mean, in
13 13 sequence, it went up in one number at a time,
14 14 yes.

15 15 Q. Okay.

16 16 A. Yes.

17 17 Q. So if something on 755 was
18 18 changed, the next proof would have the number
19 19 .03/53? Is that right, pursuant to the
20 20 convention?

21 21 A. No, if, depending -- I mean, the
22 22 number, even if it had a different net
23 23 weight, this chemical was essentially the
24 24 same thing, but it had a different net
25 25 weight, it might have the number 3.

1 Q. I think that's consistent with the
2 question. Maybe I should restate the
3 question.

4 A. Okay, restate the question, if you
5 would.

6 Q. If anything on this label changed
7 pursuant to the labeling convention, would
8 the third-to-the-last number change to a "3"?

9 A. It would change, but it wouldn't
10 necessarily be to a 3. If a 3 had been -- I
11 could have another proof in the file of a
12 sample label off a 50- or a 5-gallon label
13 and already have assigned the 3 number, so it
14 would be a different number. It wouldn't
15 be -- no, we never used the same number on
16 two different things. It would always be
17 identified as a different number.

18 MS. GRADY: I'm going to mark or
19 I'll ask you to mark this as Exhibit 899 that
20 we're going to mark here today --

21 (Plaintiff's Deposition
22 Exhibit 899 marked for
23 identification.)

24 MS. GRADY: -- which is a document
25 that was just produced by Monsanto today, and

1 1 I'll hand one to the witness and one to
2 2 Counsel.

3 3 And for the record, this is Bates
4 4 number TRAN 088569.

5 5 BY MS. GRADY:

6 6 Q. Have you seen Exhibit 899 prior to
7 7 today?

8 8 A. No, I haven't.

9 9 Q. Do you recognize the format of the
10 10 information presented on Exhibit 899?

11 11 A. Similar to our index cards for
12 12 product label.

13 13 Q. Is it the same as those cards?

14 14 A. I can't tell from looking at a
15 15 xerox copy, but it's in the same format.

16 16 Q. Do you recognize the handwriting
17 17 on Exhibit 899?

18 18 A. No, I don't.

19 19 Q. When a product was discontinued,
20 20 did you take the card out of the card file?

21 21 A. Not, not knowingly. We didn't
22 22 destroy anything.

23 23 Q. But I guess my question didn't
24 24 presuppose destruction. Just, I'm picturing
25 25 a card file in the Labeling Section with a

1 1 card for each product. Is that, is that
2 2 correct?

3 3 A. Yes.

4 4 Q. When a product was no longer made
5 5 by Monsanto, was the, was the card taken out
6 6 of the card file?

7 7 A. No.

8 8 Q. There's a reference on here to
9 9 D. F. Smith. Do you know who Mr. Smith is?

10 10 A. No.

11 11 Q. Do you know what that number is
12 12 below the 80448 number? In other words, do
13 13 you know what the "6124-000-11-01 X" denotes?

14 14 A. I'm not certain.

15 15 Q. Give me your, your best belief
16 16 about what that represents.

17 17 MR. ZIMMER: Don't guess or
18 18 speculate.

19 19 A. I can't be certain. I just don't
20 20 know.

21 21 BY MS. GRADY:

22 22 Q. What do you think it represents?

23 23 MR. ZIMMER: Same instruction.

24 24 A. I really don't, I don't know
25 25 what -- by thinking, I would be surmising and

1 1 I'd really be guessing. I can't be sure.

2 2 BY MS. GRADY:

3 3 Q. You understand that I'm entitled
4 4 to your best recollection. If your best
5 5 recollection requires you to say, "I think
6 6 this is what it is but I'm not sure" in front
7 7 of the answer, I'm entitled to that.

8 8 MR. ZIMMER: That's been your
9 9 term, not his.

10 10 MS. GRADY: My term what?

11 11 MR. ZIMMER: That he thinks that
12 12 it's something. He's indicated he doesn't
13 13 know, twice, and I've told him not to guess
14 14 or speculate.

15 15 MS. GRADY: Okay, then I'm
16 16 entitled -- I'll repeat my instruction. I'm
17 17 entitled to your best recollection as you sit
18 18 here today. If your best recollection is
19 19 that you are not sure of something but you
20 20 have some reason to believe that you know
21 21 what something is, then I am entitled to that
22 22 testimony.

23 23 MR. ZIMMER: That's correct, and
24 24 if your best recollection would be a guess or
25 25 speculation, don't give it to her.

1 A. It would have to be a guess. I'm
2 2 sorry.

3 3 BY MS. GRADY:

4 4 Q. Okay. Well, let me put it this
5 5 way. You were head of the Labeling Division,
6 6 and this number has got exactly the same
7 7 convention as the number up above it. It's
8 8 four digits, three digits, two digits.

9 9 A. That's not the same convention.

10 10 Q. Two digits plus an "X" on the end.

11 11 A. It's not -- it's one -- they're
12 12 not the same.

13 13 MR. ZIMMER: Don't engage in the
14 14 arguing game that she's trying to play with
15 15 you. Let her ask you a question.

16 16 BY MS. GRADY:

17 17 Q. What is your understanding of,
18 18 based on your understanding of the
19 19 convention, what scratching out of ".01" on
20 20 the first line of Exhibit 899 and replacing
21 21 it with a ".02" connotes?

22 22 MR. ZIMMER: No foundation. It
23 23 calls for speculation.

24 24 THE WITNESS: I'll answer the
25 25 question.

1 1 MR. ZIMMER: If you know, I mean
2 2 obviously --

3 3 A. In this instance, it would mean
4 4 that the .02 label would replace the .01
5 5 label, which was for a 605-pound net weight
6 6 container of the product.

7 7 BY MS. GRADY:

8 8 Q. So by way of your understanding of
9 9 the conventions used in your department, the
10 10 MCS 153 label contained the number
11 11 80448-000.01/53; is that right?

12 12 A. The original MCS 153 label had the
13 13 number; correct.

14 14 MS. GRADY: The next exhibit I'm
15 15 going to mark or ask our reporter to mark as
16 16 Exhibit 900 --

17 17 (Plaintiff's Deposition
18 18 Exhibit 900 marked for
19 19 identification.)

20 20 MS. GRADY: -- which, for the
21 21 record, is a one-page document that Monsanto
22 22 produced today, with Bates number TRAN
23 23 088570, purports to be, looks like a file
24 24 card with a date 6-8-71 up at the top.

25 25 BY MS. GRADY:

1 1 Q. Have you seen Exhibit 900 prior to
2 2 today?

3 3 A. No, I haven't.

4 4 Q. Does it refresh your recollection
5 5 in any way concerning the labeling of a
6 6 product called Turbinol?

7 7 A. No.

8 8 Q. What does the number up at the top
9 9 that now shows a ".03" where it formerly
10 10 showed a ".02" connote to you pursuant to the
11 11 conventions used in your section?

12 12 A. It's for a different label; in
13 13 this case, for a sample of Turbinol 153.

14 14 Q. Was there -- was the term "sample
15 15 label" used interchangeably between an
16 16 example of a label kept in the files and a
17 17 label specially printed up for samples of a
18 18 product?

19 19 A. No.

20 20 Q. So the word "sample label," you
21 21 are convinced, as you sit there today,
22 22 represents a label that is specially printed
23 23 up for a sample of the product; is that
24 24 correct?

25 25 A. That's correct.

1 1 Q. So this would indicate to you that
2 2 there was a sample label or it's a reference
3 3 to a label placed on a sample of Turbinol
4 4 153; is that right?

5 5 A. Available for use on sample
6 6 bottles, sample containers or whatever that
7 7 might be.

8 8 Q. Can you tell if this label was
9 9 printed or not?

10 10 A. Not from this -- well, it says
11 11 "1,000 ordered for Queeny Plant," yes. It
12 12 doesn't say what date they were -- you'd have
13 13 to go to the label file and it would confirm
14 14 that with a printout of that actual label.

15 15 Q. What do you mean by printout?

16 16 A. A copy of the label that was
17 17 printed, from the print run. By printout, I
18 18 mean taken from the print run, which might
19 19 have been a thousand labels, some of them
20 20 were taken just as evidence that this is what
21 21 went from that printing press on this
22 22 particular, on this order.

23 23 Q. In your experience, is a thousand
24 24 sample labels a large order?

25 25 A. No, it was a -- it's a large order

1 1 for samples, but the, in our system of
2 2 printing, they were grouped in combinations,
3 3 and we ran a thousand sheets of paper through
4 4 a print press, and you got a thousand labels
5 5 were you wanted five or not. You could throw
6 6 a lot of them away and still have them as
7 7 reasonably as the other way around, so that's
8 8 why they were run at a thousand.

9 9 Q. So the thousand was a minimum
10 10 order?

11 11 A. Minimum order.

12 12 Q. Is this your handwriting?

13 13 A. No.

14 14 Q. Does this number, which is
15 15 slightly different, 6124-000-11-001, connote
16 16 anything to you by means of the conventions
17 17 used in your Labeling Section for numbering
18 18 products?

19 19 A. No, by comparison, I will give you
20 20 what I surmise, because I think it is
21 21 correct. I believe that is the sales code
22 22 used in reference in the accounting system
23 23 for some reason, and the digits three zeros
24 24 corresponds to the zeros which is a grade
25 25 designation in a sales code, so those three

1 1 digits in our label number normally
2 2 correspond to the sales grade, so I believe
3 3 it is just an accounting code reference.

4 4 Q. And as such --

5 5 A. I'm not positive, but I'm rather
6 6 certain that's what it is.

7 7 Q. Accounting codes were used by your
8 8 section? Is that right?

9 9 A. No, by the marketing and
10 10 accounting people.

11 11 Q. Did you draft Exhibit 900?

12 12 A. No.

13 13 Q. Do you know who did?

14 14 A. No.

15 15 MS. GRADY: What I would like to
16 16 do is go off the record and review my notes,
17 17 see if I have any last follow-up questions,
18 18 and otherwise, I'm pretty much done.

19 19 Off the record.

20 20 (Recess)

21 21 MS. GRADY: Back on the record.

22 22 BY MS. GRADY:

23 23 Q. Mr. Sido, when you observed the
24 24 Pydraul drums being labeled, what color were
25 25 the drums?

1 A. Black.

2 Q. And were the drums stenciled in
3 any way?

4 A. On the head, they were stenciled
5 with product information.

6 Q. What color was the stenciling?

7 A. Black on a white head. The head
8 of the drum was white, but then it was
9 stenciled black.

10 Q. Did you observe the stenciling
11 process going on?

12 A. I believe so. I don't recall
13 exactly, but it was conventional in their
14 methods. It's kind of a roller technique.

15 Q. Let's broaden the question past
16 whether you saw them do it with Pydrauls. At
17 some point in your career, you saw 55-gallon
18 drums being stenciled with product
19 information? Is that right?

20 A. Yes.

21 Q. Where was that done?

22 A. I -- many plants, many different
23 locations.

24 Q. I guess I'm not being specific
25 enough. Where in relation to the label?

1 1 A. On the head of the drum.

2 2 Q. Where in the plant?

3 3 A. Oh. Where the drum was being
4 4 filled with the product.

5 5 Q. So the same place where you
6 6 observed the labels being applied to the
7 7 drums, they were also engaged in a stenciling
8 8 operation?

9 9 A. Yes.

10 10 Q. Do you have any personal knowledge
11 11 of whether a supplemental environmental label
12 12 was placed on drums of Turbinol between May
13 13 1970 and December 1972?

14 14 A. Have I personally?

15 15 Q. Do you have any personal
16 16 knowledge.

17 17 A. No, but I'm confident that the
18 18 practices that we established and were
19 19 adhering to on all products, not just that
20 20 one, but all products, calling for labeling
21 21 in a consistent and thorough fashion, was
22 22 routine. It was nothing unusual, and it was
23 23 customary to package and label correctly at
24 24 all locations.

25 25 Q. So the pattern or practice was to

1 1 put the appropriate label on the appropriate
2 2 drum?

3 3 A. Absolutely, and if you didn't have
4 4 the proper things to put on it, you didn't
5 5 ship it.

6 6 Q. Who has personal knowledge of
7 7 whether the supplemental environmental label
8 8 was placed on drums of Turbinol between May
9 9 1970 and December 1972?

10 10 MR. ZIMMER: If you know.

11 11 A. I can't be positive of that. I
12 12 would suggest that one man that might be
13 13 would be Milton, Milt Smid, who had
14 14 experience both at Krummrich Plant and at
15 15 Queeny Plant and was -- would have firsthand
16 16 knowledge of the managing of that type of a
17 17 function.

18 18 MS. GRADY: That's all the
19 19 questions I have. Thanks, very much.

20 20 Do you have any questions, Fritz?

21 21 MR. ZIMMER: Not at this time.

22 22 MS. GRADY: Off the record.

23 23 (Discussion off the record.)

24 24 MS. GRADY: Counsel have agreed to
25 25 the usual stipulation concerning the signing

1 1 of the deposition and the use of the
2 2 deposition transcript at trial if, for some
3 3 reason, it is not signed. Is that agreeable
4 4 to you, Mr. Zimmer?

5 5 MR. ZIMMER: Sure.

6 6 MS. GRADY: So stipulated. Off
7 7 the record.

8 8 (Whereupon, at 5:52 p.m., the
9 9 deposition was concluded.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COMES NOW THE WITNESS, G. ROBERT
 2 SIDO, and having read the foregoing
 3 transcript of the deposition taken on the 6th
 4 day of October, 1992, acknowledges by
 5 signature hereto that it is a true and
 6 accurate transcript of the testimony given on
 7 the date hereinabove mentioned.

8
 9

10

11

G. ROBERT SIDO

12

13

14

Subscribed and sworn to before me

15

this _____ day of _____, 1992.

16

17

My Commission expires: _____

18

19

20

21

22

Notary Public

23

24

25

1 1 STATE OF MISSOURI)

2 2 SS:)

3 3 CITY OF ST. LOUIS)

4 4 I J. Bryan Jordan, notary public

5 5 in and for the State of Missouri, duly

6 6 commissioned, qualified and authorized to

7 7 administer oaths and to certify depositions,

8 8 do hereby certify that pursuant to agreement

9 9 in the civil cause now pending and

10 10 undetermined in the Superior Court of the

11 11 State of California, to be used in the trial

12 12 of said cause in said court, I was attended

13 13 at the offices of Bryan Cave, in the City of

14 14 St. Louis, State of Missouri, by the

15 15 aforesaid witness and by the aforesaid

16 16 attorneys, on the 6th day of October, 1992.

17 17 The said witness, being of sound

18 18 mind and being by me first carefully examined

19 19 and duly cautioned and sworn to testify the

20 20 truth, the whole truth, and nothing but the

21 21 truth in the case aforesaid, thereupon

22 22 testified as is shown in the foregoing

23 23 transcript, said testimony being by me

24 24 reported in shorthand and caused to be

25 25 transcribed into typewriting, and that the

1 1 foregoing pages correctly set forth the
2 2 testimony of the aforementioned witness,
3 3 together with the questions propounded by
4 4 counsel and remarks and objections thereto,
5 5 and is in all respects a full, true, correct
6 6 and complete transcript of the questions
7 7 propounded to and the answers given by said
8 8 witness; that signature of the deponent was
9 9 not waived by agreement of counsel.

10 10 I further certify that I am not of
11 11 counsel or attorney for either of the parties
12 12 to said suit, not related to nor interested
13 13 in any of the parties or their attorneys.

14 14 Witness my hand and notarial seal
15 15 at St. Louis, Missouri, this ____ day of
16 16 _____, 1992.

17 17 My commission expires July 20,
18 18 1994.

19 19
20 20 _____
21 21 J. Bryan Jordan

22 22 Notary Public in and for the
23 23 State of Missouri