

FOSHEE & TURNER COURT REPORTERS

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF ALABAMA

3 EASTERN DIVISION

4

5 WALTER OWENS, et al.,)

6 Plaintiffs,)

7)

8 vs.) CIVIL ACTION NO.

9) CV-P-440-E

10 MONSANTO COMPANY,)

11 Defendant.)

12

13 DEPOSITION OF: CHARLES CHATMAN

14

15 In accordance with Rule 5 (d) of The

16 Alabama Rules of Civil Procedure, as Amended,

17 effective May 15, 1988, I, TAMMY JENNINGS

18 GREGORY, am hereby delivering to MS. LAURA RUTH

19 the original transcript of the oral testimony

20 taken on the 4th day of November, 1999, along

21 with exhibits.
22 Please be advised that this is the same and
23 not retained by the court reporter, nor filed

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 with the Court.

2 The deposition of Charles Chatman was taken
3 before Tammy R. Jennings Gregory, commencing at
4 10:10 A.M. on the 4th day of November, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A P P E A R A N C E S

2 Appearing For The Plaintiffs:

3 MITHOFF & JACKS, LLP

4 By: Laura Ruth, Esquire

5 and Drew Wright, Esquire

6 111 Congress Avenue, Suite 1010

7 Austin, Texas 78701

8

9 Appearing For The Defendant:

10 LIGHTFOOT, FRANKLIN & WHITE

11 By: Adam Peck, Esquire

12 The Clark Building

13 400 20th Street North

14 Birmingham, Alabama 35203-3200

15

16 SMITH, HELMS, MULLISS & MOORE

17 By: Michael E. Kelly Esquire

18 300 North Greene Street

19 Suite 1400

20 Greensboro, North Carolina 27401

21

22 Court Reporter:

23 Tammy R. Jennings Gregory

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 INDEX

2

3 Witness: Charles Chatman

4 Stipulations.....page 5

5 Examination by Ms. Ruth.....page 7

6 Reporter's Certificate.....page 90

7

8

9

10

11

12

13 EXHIBITS

14

15 Plaintiffs' No. 29.....page 65

16 Plaintiffs' No. 30.....page 71

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

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

2

3 IT IS STIPULATED AND AGREED by and
4 between the parties through their respective
5 counsel that the deposition of Charles Chatman
6 may be taken before Tammy R. Jennings Gregory, at
7 the law offices of Fite & Miller, Anniston,
8 Alabama on the 4th day of November, 1999.

9

10

11 IT IS FURTHER STIPULATED AND AGREED that
12 the signature to and the reading of the
13 deposition by the witness is waived, the
14 deposition to have the same force and effect as
15 if full compliance had been had with all laws and
16 rules of court relating to the taking of
17 depositions.

18

19

20 IT IS FURTHER STIPULATED AND AGREED that

21 it shall not be necessary for any objections to
22 be made by counsel to any questions, except as to
23 form or leading questions, and that counsel for

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

5

6

7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 STATE OF ALABAMA, CITY OF ANNISTON,

2 NOVEMBER 4, 1999,

3 10:10 A.M.,

4

5 CHARLES CHATMAN,

6 having been first duly sworn, was examined and

7 testified as follows:

8

9 COURT REPORTER: Usual stipulations

10 okay?

11 MS. RUTH: That's right.

12 MR. KELLY: Yes.

13

14 EXAMINATION BY MS. RUTH:

15 Q. Mr. Chatman, have you ever given a deposition

16 before?

17 A. Yes.

18 Q. You have?

19 A. Uh-huh (indicating yes).

20 Q. In the context of being a Monsanto --

21 A. No.

22 Q. -- or Solutia employee?

23 A. No.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. What reason did you give a deposition?

2 A. Divorce.

3 Q. A divorce?

4 A. Yeah.

5 Q. Is that the only time you've ever given a
6 deposition?

7 A. Yeah.

8 Q. Well, nonetheless, you still understand the
9 ground rules are the same and that by taking
10 the oath, you swear to tell the truth just as
11 though you were sitting in a court of law?

12 A. Uh-huh (indicating yes).

13 Q. Okay. The way we seem to run this is getting
14 to be a little bit formula, but we're going
15 to run through your work history at Monsanto
16 as an overview, probably pick an area or two
17 to ask you a little more questions about, and
18 then some follow-up questions at the end.
19 And we should have you out of here hopefully
20 no later than noon or 12:30.

- 21 A. Okay.
- 22 Q. Are you presently still an employee?
- 23 A. Yes.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. And it's now Solutia?

2 A. Solutia.

3 Q. But purposes -- Monsanto for purposes of this
4 deposition.

5 A. Okay.

6 Q. When did you start working for Monsanto?

7 A. 1965. May of 1965.

8 Q. May of 1965.

9 A. Yeah.

10 Q. Was that your first job out of high school or
11 college?

12 A. No, second.

13 Q. Second job?

14 A. Out of high school.

15 Q. Okay. What was your first job?

16 A. Union Foundry.

17 Q. Union Foundry. And how long were you at
18 Union Foundry?

19 A. About twenty months.

20 Q. What did you do? We're not going to spend a

21 lot of time on Union Foundry, but --

22 A. Well, I was a pipe grinder.

23 Q. Pipe grinder?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Yeah.

2 Q. In May of 1965 when you started with

3 Monsanto, what capacity did you start?

4 A. Laborer in the shipping department.

5 Q. A laborer in the shipping department?

6 A. Yeah.

7 Q. And how long did you do that for?

8 A. Eleven months.

9 Q. And then what did you do?

10 A. Went to the operator laborer department.

11 Q. Operator laborer department?

12 A. Yeah. Operator laborer in aroclor

13 department.

14 Q. Operator and laborer in the aroclor

15 department. And how long did you do that?

16 A. About six or seven months.

17 Q. What did you do next?

18 A. Then I went to operator in the P2S5

19 department.

20 Q. How long did you do that for?

- 21 A. Probably eight years. Seven, eight years
- 22 from '66 to -- through '74.
- 23 Q. You're really going to be short. What did

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 you do after that?

2 A. Then I went to operator in the biphenyl
3 department.

4 Q. That would be around 1974?

5 A. '75. Started January 1st of '75.

6 Q. Okay.

7 A. To mid '81. About June of '81, and then I
8 went to chief operator in the biphenyl
9 department.

10 Q. Okay. And then --

11 A. Until -- I stayed operator, chief operator,
12 until March of '87 is when the plant
13 downsized, and I got rolled out of my chief
14 job. Then I went back to operator in the
15 biphenyl department.

16 Q. Okay.

17 A. Until April '98.

18 Q. Okay.

19 A. Then I went to chief operator, plant chief
20 operator.

- 21 Q. What does that mean?
- 22 A. Plant wide chief operator. We don't have
- 23 department chiefs. We have plant wide

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 chiefs.

2 Q. So you oversee all the different --

3 A. On the off shift and weekend. On day shift,

4 we have three chiefs, sometime four chiefs

5 for each department for the warehouse, PNP,

6 and polyphenol, but on off shift and weekend,

7 we have plant wide chief. That chief is

8 over --

9 Q. Just one chief --

10 A. One chief.

11 Q. -- and he oversees everything?

12 A. Right.

13 Q. So that's been for about a year and a half

14 now you've been doing that?

15 A. Yeah.

16 Q. You spent the vast majority of your time it

17 looks like in the biphenyl department?

18 A. Right.

19 Q. More than twenty years. Almost twenty-three

20 years.

- 21 Okay. Well, let's focus on your
22 early days with Monsanto.
23 A. Okay.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. When you came in as a laborer in the laborer

2 shipping department, what did you do?

3 A. We did the loading of all the chemicals,

4 aroclor, biphenyl, niran, whatever they're

5 loading.

6 Q. Loading them where? Loading them to go to

7 customers or --

8 A. Customers, tank cars, and all the packaging

9 -- not really the packaging. We did the

10 loading of the packages and the drums to the

11 trucks and tank cars to go to the different

12 customers.

13 Q. Did you also take waste materials, leftover

14 materials?

15 A. Right. We did the waste from different

16 departments and take it to the landfill.

17 Q. You did? What was your procedure for

18 bringing that up to the landfill? How did

19 that work?

20 A. We'd load it on the back of the truck and

21 took it up to the landfill.

22 Q. You loaded?

23 A. Drums.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. It was drums?

2 A. Drums.

3 Q. What other form would it be in? What

4 other --

5 A. Well, I guess -- we hauled all the trash up

6 there, so sometimes it may have been loose

7 wood or cardboard or paper, just whatever.

8 Everything went to the landfill.

9 Q. Where would loose wood come from?

10 A. We had a carpenter department.

11 Q. Okay.

12 A. And they used it for pouring form for

13 concrete and did building -- fixing building

14 repairs and stuff like that, and they did the

15 cabinet making and stuff like that.

16 Q. And you would get that in a loose form rather

17 than bagged, or would that normally be

18 bagged?

19 A. Well, that would normally be loose --

20 Q. Okay.

21 A. -- the wood and stuff, but the bags and all
22 that would be in trash drums. All the waste
23 went in trash drums, sawdust and stuff like

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 that.

2 Q. Okay. What about your obsolete or old or
3 broken plant equipment, would you ever deal
4 with old plant equipment from any department
5 if you were getting rid of, I don't know,
6 some piece of equipment or piping?

7 A. Well, all the piping went up there too. I
8 guess old broken piping. Well, not all went
9 up there.

10 We had -- at that time at the niran
11 department, we had a contamination pit, so
12 all the pipes out of niran went into a
13 concrete contamination basin before they --
14 and then they sold them for scrap after they
15 was treated, the piping and stuff.

16 Q. Only the stuff from the niran department?

17 A. Only the stuff from the niran.

18 Q. What about other piping?

19 A. It was sold as scrap.

20 Q. It was sold as scrap?

- 21 A. Anything that was contaminated went in there.
- 22 I'm not sure what they -- all the
- 23 contaminated pipe they considered

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 contaminated went into the contamination pit,
2 and I don't really know what they used to
3 decontaminate it.

4 As laborers, we used to all haul
5 pipes and all into that.

6 Q. From the niran department to the
7 decontamination pit?

8 A. Right.

9 Q. But if you've got -- I guess you wouldn't
10 know, and correct me if I'm wrong -- would
11 you know how a pipe was characterized as
12 contaminated or not? Who made the
13 determination whether or not piping should be
14 considered contaminated?

15 A. I guess the niran department, their foreman,
16 and the maintenance department. All we did
17 was just the transporting.

18 Q. So any piping from any other part of the
19 plant other than niran as far as you know
20 would not be considered contaminated?

21 MR. KELLY: Object to the form. Go

22 ahead.

23 THE WITNESS: I don't know.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. (By Ms. Ruth) Did you ever pick up piping
2 from any other part of the plant to bring up
3 to the landfill?

4 A. Well --

5 Q. Would you ever swing by the aroclor
6 department and they'd have some old pipes
7 sitting out on their dock and ask you to pick
8 it up as trash? Did that ever happen?

9 A. I'm not sure. We picked up everything in the
10 plant. When they called on the shipping,
11 they said, hey, we got material to take to
12 the landfill, and we picked it up, you know.

13 Q. Uh-huh (indicating yes).

14 A. Whether it was contaminated or not, I'm not
15 aware of it. But I know they had a
16 contamination pit that they put all the
17 contaminated material in.

18 Q. But your -- at the time, as the person who
19 would pick up the trash, would you have
20 assumed that if you were asked to pick it up,

21 it was either not contaminated or it would be

22 in a drum?

23 MR. KELLY: Object to the form.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. (By Ms. Ruth) It's still okay to answer.

2 A. Well, I don't --

3 Q. If you saw pipe sitting out -- let me just

4 ask you: If you went to a department, even

5 niran, if you went to any department,

6 aroclor, biphenyl, and there were pipes or

7 some kind of metal equipment, pans, anything,

8 and it was sitting out on the dock and you

9 were supposed to pick it up and bring it up

10 to the landfill -- you'd been called and said

11 we've got some stuff out on our dock, please

12 come pick it up and take it up to the

13 landfill, it's trash -- would there be any

14 procedure or method of characterizing whether

15 that trash was contaminated or not?

16 A. I don't know.

17 Q. As far as you knew -- you didn't make any

18 judgment whether or not --

19 A. We didn't make any judgment. Only thing we

20 required to have the safety equipment --

- 21 gloves, shoes, steel-toe shoes, etcetera, and
- 22 we took it up to the landfill.
- 23 Q. What's etcetera? Was there anything other

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 than gloves and shoes you were required to

2 wear?

3 A. Glasses and all. All the basic safety

4 equipment.

5 Q. Basic safety equipment would include glasses?

6 A. Right.

7 Q. Would it include a hard hat?

8 A. Yeah.

9 Q. Would it include any kind of a breathing

10 mask?

11 A. No, no.

12 Q. No. Would it include -- what would be the --

13 would it include a uniform?

14 A. Yeah, we had standard company uniforms, yes.

15 Q. That was laundered at the --

16 A. Right. At the plant.

17 Q. Okay. So now that we've driven around the

18 plant and picked up trash and loaded on it on

19 the -- how did you load it, on the back of

20 the truck; is that what you said?

21 A. Yeah.

22 Q. So let's go to the landfill. What do you do

23 when you get up to the landfill? What do you

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 see, and what do you do?

2 A. We had a pit.

3 Q. A pit. Just one pit?

4 A. Well, as far as I remember, there's just one.

5 That's a long time ago.

6 Q. I understand.

7 A. I was new then. We rolled the drums and

8 whatever off into the pit, the contamination

9 pit.

10 Q. And the stuff like the wood or the pipes or

11 the bags of paper, regular trash, what would

12 you do with that?

13 A. Everything went into -- it's been so long

14 ago. Maybe been more than one pit that we

15 separated.

16 Like I say, that's been a long time

17 ago. I don't remember exactly, but I know we

18 took it up to the landfill and put it in --

19 Q. -- and put it in the pit?

20 A. Put it in the pit, yeah.

- 21 Q. Was the landfill -- did the landfill have
22 liquid in it, or was it like a big hole?
23 What did it look like?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Just a hole. I don't know what the -- you
2 know -- what it was made out of. All I know
3 we roll it up there and we roll -- I don't
4 remember ever putting in liquid off in it.

5 Q. Okay.

6 A. It was all --

7 Q. Do you remember there ever being like an
8 accumulation, you know? Like if there was a
9 heavy rain, would it fill like a little bit
10 of a pool or lake or anything like that? Do
11 you remember anything?

12 A. May have been a little water sometime when it
13 rained, but see, we didn't really go up there
14 when it rained.

15 Q. Oh, okay.

16 A. Because, you know, the truck had to back up
17 there, and it wasn't --

18 Q. Was it a dirt road?

19 A. Yeah.

20 Q. Made it a little slippery?

21 A. Yeah, so we couldn't go up there when it was
22 raining. Later years, you know, they put
23 gravel on the road and all like that, but at

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 that time, we had to, you know, wait until

2 dry weather.

3 Q. Do you ever remember there being any kind of

4 an incinerator up near the landfill?

5 A. No, not to my knowledge.

6 Q. Was there any kind of a fence, I mean, any

7 kind of a fence around the landfill? Or at

8 that time, was there a fence yet?

9 A. I know there was a fence around the landfill,

10 but I can't tell you exactly when they put it

11 around there. But I believe it's always had

12 a gate to keep, you know, other peoples from

13 trespassing. I think we always had a gate

14 around it.

15 Q. Yeah.

16 A. So I guess it had to be a fence.

17 Q. Yeah. You remember that?

18 A. Yeah.

19 Q. Let me just ask you briefly about the

20 decontamination pit that you were talking

21 about that was associated with niran plant.

22 A. Uh-huh (indicating yes).

23 Q. Did you ever put anything in the

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 decontamination pit?

2 A. Yeah, yeah.

3 Q. There was just one pit?

4 A. There may have been more. I know everything
5 went into that pit, and it was decontaminated
6 and sold for scrap pipe. May have been
7 another one there.

8 Like I said, that's a long time
9 ago, and I was new there, and I didn't really
10 -- like I say, we was on a time schedule.

11 We didn't have the luxury to look around.

12 We took it to the dump and had to
13 get back. Different than it is now.

14 Q. Sure. Did you ever actually take it when
15 something was decontaminated, at least you
16 were told it was decontaminated?

17 A. No, never happened.

18 Q. That never happened? You never handled it --
19 you never handled the moving it from the pit?

20 A. No. All we did was just --

21 Q. How did you put something in it? I mean,
22 what would be the process for putting
23 something in the pit?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Well, if it was something small that we could
2 handle, then if it was -- then we had to wear
3 rubber shoes. If you went in the niran
4 department, you had to wear rubber shoes or
5 rubber gloves.

6 Q. Okay.

7 A. And sometimes we had a rubber apron if we was
8 gonna be physically handling it, but most of
9 the piping was done by the crane and stuff
10 like that.

11 They bundle it up and take it over
12 there, and then -- so it wasn't much hands-on
13 except real small.

14 Q. Then would you just put it in there?

15 A. Yeah.

16 Q. Did it look just -- how did it look? What
17 did the pit look like?

18 A. I don't know. I know it didn't look as clear
19 as water cause I don't know what kind of
20 decontamination, you know, product it had in

21 there.

22 Q. It didn't look like water, or it did look

23 like water? I'm sorry.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Well, it's -- it had a different color
2 because they used some kind of agent in
3 there -- but I don't know what it was -- to
4 decontaminate it. They had to have something
5 to decontaminate it, but I don't know what
6 they used.

7 Q. Did you ever see the pit drained for any
8 reason?

9 A. No.

10 Q. It always had some liquid in it as far as
11 you --

12 A. You have to understand then -- no, I never
13 seen it. But I was limited being around it.

14 Q. Right.

15 A. I may haul some stuff over there on one
16 month, and it may be another month or two
17 before I even seen the pit again, you know,
18 from a standpoint of what we had to do.
19 We was on a very tight schedule.
20 We didn't have the luxury like we have now

21 just riding around through the plant. You
22 had to do what you had to do and then get
23 back to the warehouse and load a truck or

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 something.

2 Q. I understand. Okay. Well, I'm going to --

3 we can leave the shipping department now --

4 A. Okay.

5 Q. -- and move into your time in the aroclor

6 department, which was -- seems like not very

7 long.

8 A. Not very long.

9 Q. Probably won't take us too long get through

10 it.

11 A. Okay.

12 Q. What did you do in the aroclor department?

13 A. I drummed and packed aroclor and biphenyls

14 and different products, whatever.

15 Q. Drumming and packaging?

16 A. Uh-huh (indicating yes).

17 Q. So what floor did you work on?

18 A. The bottom floor.

19 Q. The bottom floor?

20 A. Yeah, that's where the packing machine was.

- 21 Q. Okay. Did you work with liquid or solid?
- 22 A. Solid and liquid. We drummed the liquid in
- 23 drums and bagged the solid in bags.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay. So you worked in the drumming and
2 flaking; is that fair?

3 A. Right. Drumming and flaking.

4 Q. Okay. When you were working -- let's first
5 talk about flaking, and then we'll talk about
6 drumming if that's okay.

7 A. Okay.

8 Q. When you worked with flaking, what did you
9 wear at that time?

10 A. Your regular work clothes, hard hat, safety
11 glasses, uniform, gloves, and the safety
12 shoes.

13 Q. Okay. No breathing material?

14 A. No.

15 Q. When you're bagging, this is just out of
16 curiosity, is it coming down from over your
17 head? Are you looking up, or are you looking
18 down?

19 A. Well, the material came out in a hopper.

20 Q. Okay.

21 A. And the bags we had had an open chute on it.
22 You slipped it over the nozzle then hit the
23 vibrator, and you fill it from the hopper by

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 vibrating the material in the bag. And then
2 you set it on the scale and weighed.

3 And then we had a waste drum, I
4 guess an extra drum with material in it. If
5 it was over -- more than a hundred pounds,
6 we'd take some out -- if we needed it -- and
7 we adjusted by that. Then stick another bag
8 on it and push the vibrator and fill it up.

9 Q. Did the vibrator automatically vibrate for a
10 certain amount of time?

11 A. No, we had to manually --

12 Q. Manually turn it off and on?

13 A. Right. If it was flowing without the
14 vibrator, we wouldn't need it, but most of
15 the time, we had to touch the vibrator to get
16 it started flowing out of the hopper into the
17 bag.

18 Q. And, like, I guess my initial question so you
19 stick that sleeve over the hopper?

20 A. Right.

- 21 Q. As you're looking up, holding the sleeve like
22 this --
23 A. Probably right here (indicating).

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Right here (indicating)?

2 A. Yeah. The way it was designed so you
3 wouldn't have to be reaching up over your
4 head, everything was designed about --

5 Q. Right here (indicating)?

6 A. Right.

7 Q. I guess your arms would get tired by the end
8 of the day if you were holding it up like
9 that?

10 A. Right.

11 Q. You guesstimate about -- I assume you do this
12 for two or three or four days, you sort of
13 get a sense of about how long --

14 A. Right. Well, you had to pat the bag too and
15 feel the bag, so you get a feel what a bag
16 level was by the right poundage.

17 Q. Right. After a while, it sort of becomes --
18 you're within a few pounds --

19 A. Right.

20 Q. -- I assume of a hundred pounds?

21 A. A pound or two.

22 Q. Is that right?

23 A. Yeah.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

- 1 Q. Turn off the vibrator; is that right --
- 2 A. Uh-huh (indicating yes).
- 3 Q. -- when you're done? Do you pull the sleeve
- 4 off at that point?
- 5 A. Yeah.
- 6 Q. When you pull off the sleeve, do some little
- 7 extraneous flakes --
- 8 A. Yeah, uh-huh (indicating yes).
- 9 Q. -- pop out? Do they get on you, your shoes,
- 10 the ground, any part? Where do they go?
- 11 A. Well, some of it got on you, but it got on
- 12 the floor around the hopper.
- 13 Q. The floor right around the hopper?
- 14 A. Yeah. So at that point, you take your bag
- 15 and you weigh it?
- 16 A. Right, and palletize.
- 17 Q. Palletize?
- 18 A. On a pallet. There's probably twenty bags to
- 19 a pallet, something like that.
- 20 Q. Did you ever get some of the flakes on your

21 skin? Did you ever touch them?

22 A. Yeah.

23 Q. Or did you ever breath some in?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Well, sometimes some of it would get down in
2 your gloves, and then you have to take your
3 glove off and get it off your skin, but it
4 didn't cause --

5 Q. Didn't hurt?

6 A. No.

7 Q. And how would you get it off? Would you just
8 take your gloves off and (indicating), like
9 this?

10 A. Yeah.

11 MS. RUTH: That was totally
12 inaudible.

13 Q. Would you clap your hands together to brush
14 it off of your -- the material off of your
15 hands?

16 MR. KELLY: Object to the form.

17 THE WITNESS: Something like that
18 or rub it off, or shake it out of your
19 gloves.

20 Q. (By Ms. Ruth) Shake it out of you gloves?

21 A. Yeah. Because we had a waste drum there that
22 it would do that because the more we shake
23 off in the waste drum, the less we have to

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 clean up at the end of the shift.

2 Q. I understand. Expedient.

3 A. Yeah.

4 Q. Okay. Do you think you ever -- I'm just
5 thinking of being out camping and there's a
6 bunch of gnats flying around and occasionally
7 you might breath in a gnat. Do you think
8 occasionally some of the flakes would be
9 flying around and you might breath in a flake
10 or two?

11 MR. KELLY: Object to the form.

12 Q. (By Ms. Ruth) It's still okay.

13 A. It wasn't that -- the aroclor flake didn't
14 have that type of flakes. It wasn't powdery.

15 Q. Was it heavier?

16 A. Yeah, it was heavier.

17 Q. Would it fall to the ground pretty

18 immediately --

19 A. Right.

20 Q. -- rather than --

21 A. Rather than dissipate in the air. It
22 wouldn't do that. It would just fall to the
23 ground. They was heavy flakes. It wasn't

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 the powdery material.

2 Q. Okay. And what would be your procedure for
3 cleaning up the flakes? When did you clean
4 them up, and how did you clean them up?

5 A. If we're between hoppers -- see, the operator
6 upstairs, he fills the hopper, and if he was
7 between batches, then we clean up around the
8 area because we have to always be doing
9 something, so we either clean up then or
10 cleaned up -- and we had a waste drum, and we
11 used a shovel and a broom to put it in the
12 waste drum.

13 Q. Okay. Did you ever hose the area down?

14 A. Not the area I worked in, no.

15 Q. So did you ever sweep flakes into a sewer
16 system or anything like that?

17 A. No, all that was just concrete floor and
18 swept it in.

19 Q. Okay. And so the gloves that you would shake
20 out and that you expressed you shook out and

21 the clothes that you brushed off at the end
22 of the day, what did you -- what did you do
23 with them at the end of the day?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Well, we reused the gloves if it wasn't too
2 bad. We may use the gloves for a week or
3 longer. As long as they was good, we didn't
4 get any other gloves, but if they got so bad,
5 you know, then we would change them out. But
6 normally we reuse them daily.

7 Q. Daily?

8 A. Uh-huh (indicating yes).

9 Q. How about the clothes?

10 A. Clothes, they went into the laundry when they
11 was too soiled to use. We didn't put them in
12 there every day because some days you didn't
13 get anything on you.

14 But, you know, I guess about twice
15 a week we put them in. But if we got -- if
16 they got dirty for some other reason, you
17 know, we put them in there daily.

18 We had enough to rotate that week,
19 so we had enough to rotate that week, so it
20 wasn't a problem with the clothes.

21 Q. Do you know if you had to keep your laundry
22 separate from laundry that came from the
23 niran plant?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. No.

2 Q. You didn't, or you don't know?

3 A. As far as I know, it all went into the -- at
4 that time --

5 Q. Was there one big laundry room?

6 A. Well, at that time this was in 1966, and the
7 plant was not integrated. So all the blacks
8 was laborers, operator laborers, and
9 everybody in that part of the bathhouse we
10 was in, they all went into the same hopper.

11 Q. Okay.

12 A. And nobody at that time --

13 Q. Hopper. By "hopper," do you mean --

14 A. -- dirty clothes hamper.

15 Q. Laundry basket, okay.

16 A. And nobody worked in the niran department
17 because the niran was the operators.

18 Q. Okay.

19 A. And so we had a separate laborers' and
20 operators' bathhouse.

21 Q. Okay. So what about the guys from

22 shipping --

23 A. They all went into --

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

- 1 Q. -- and the maintenance?
- 2 A. -- the same hopper, yeah.
- 3 Q. What about the guys who put contaminated pipe
- 4 into the decontamination pit, those guys?
- 5 I'm thinking of them as being the laborer
- 6 shipping department because I think you said
- 7 you did some of that?
- 8 A. Yeah.
- 9 Q. When you were doing that, would you put your
- 10 laundry in the same --
- 11 A. Everybody went in the same.
- 12 Q. Everybody went in the same?
- 13 A. Yeah.
- 14 Q. And how did you identify what was your
- 15 laundry when you got it back? Did you put
- 16 your name on it?
- 17 A. By the locker number and your name.
- 18 Q. Locker number and name. You put it on a tag,
- 19 or was it embroidered in your shirt?
- 20 A. It was embroidered in your shirt collar and

- 21 then in your pants.
- 22 Q. Does the -- do the laundry people put the
- 23 laundry back into your locker for you?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Uh-huh (indicating yes).

2 Q. So when you come in the next day, you open up
3 you locker, and there's your --

4 A. They ran about twice a week, I think, or
5 three times a week, and they'd pick up the
6 old dirty laundry and put the fresh clean
7 laundry in your locker.

8 Q. And how many uniforms did you have -- did the
9 average person have?

10 A. Well, over a period of time, you was issued
11 three, and you was issued three every year.

12 Q. Okay.

13 A. So at that time, I probably had about six.

14 Q. Okay. So the very first day you start --

15 A. You get at least three.

16 Q. So that you've got something to wear if you
17 need to have something else laundered?

18 A. Uh-huh (indicating yes).

19 Q. Okay. Now, let's switch gears and go back
20 now to drumming.

- 21 A. Okay.
- 22 Q. I think we've talked a lot about some of the
- 23 specific mechanics of drumming, but just real

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 quickly, if you want to sum up for me what it
2 meant.

3 A. Drumming where we drum the liquid aroclor in
4 different size drums, fifty-five gallon,
5 thirty gallon, different -- whatever the
6 customer had ordered.

7 Q. What were you -- where were you getting the
8 product from? Was it from a hold tank?

9 A. Well, from a hold tank.

10 Q. From a hold tank?

11 A. But as far as my job was, the operators
12 upstairs set everything up.

13 Q. Okay.

14 A. And when they told me the tank was ready, I
15 used a -- just a piece of pipe cut out with a
16 nozzle on it, and you inserted it in the
17 drum, put the drum on the scale.

18 Q. So you inserted it in the drum. Does that
19 mean the drum is not otherwise --

20 A. -- open. It's just --

- 21 Q. Only has a hole big enough to stick the pipe
22 in?
23 A. Right.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay. I'm sorry. How did you say you got
2 the liquid to start?

3 A. We just open the valve. They tell us when
4 they're ready, and then we open the valve and
5 fill the drum on the scale and then move it
6 off the scale and on a pallet.

7 Q. I think that answers my question, which was
8 since you couldn't see inside, how did you
9 know it was full?

10 A. By the weight.

11 Q. By the weight. So you're watching the scale?

12 A. Right.

13 Q. Then at the time you see that it hits the
14 level, the poundage, I guess, that you want
15 it to be, do you then turn off the valve?

16 A. Turn off the valve.

17 Q. Do you --

18 A. Raise the lance --

19 Q. Go ahead.

20 A. -- cut off the valve. The valve was closer

21 to the nozzle than to the tank, so you only
22 had a small amount to drip out. And then you
23 raise the lance.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 We always used a cloth to catch any

2 dripping that came out.

3 Q. Okay.

4 A. And then we capped the drum and moved it off.

5 And when the cloth gets saturated, we put it

6 in a waste drum.

7 Q. What did you do with the cloth when it wasn't

8 saturated? Do you stick it in your pocket?

9 A. No. It was always laying on another drum or

10 somewhere in the area close by.

11 Q. Okay. What is your average workday attire

12 when you're doing drumming?

13 A. Uniform, pants and shirt, hard hat, safety

14 glasses, and safety shoes and gloves.

15 Q. Okay. I'm speculating here, so I need to ask

16 you: Do you get more of the liquid aroclor

17 on your gloves than you would the solid?

18 MR. KELLY: During which operation?

19 MS. RUTH: The equivalent, the

20 bagging versus the drumming.

21 THE WITNESS: Maybe a little. If
22 it gets on your gloves, it's going to stay on
23 it.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 But the key to that is making sure
 2 the lance is drained before you take it out
 3 of there, the drum.
 4 Q. (By Ms. Ruth) Was that a problem maybe for
 5 new guys or some people or some people -- I
 6 mean did you ever feel too rushed or --
 7 MR. KELLY: Object to the form.
 8 Q. (By Ms. Ruth) That's okay when he objects to
 9 the form.
 10 A. Well, we had a quota to get.
 11 Q. You had a quota?
 12 A. Yeah.
 13 Q. What would happen if you didn't meet your
 14 quota?
 15 A. The boss want to -- you had to explain what
 16 happened. If you had a valid excuse, you
 17 know, like say the operator didn't get the
 18 material ready on time or you was out of
 19 drums or something like that, but he did want
 20 an explanation on what happened.

21 Q. Was it a reasonable quota?

22 A. Yeah, it was reasonable.

23 Q. It was reasonable?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Yeah.

2 Q. Did some people have trouble making quota
3 regularly?

4 A. No.

5 Q. No?

6 A. No. But just if we didn't get it, you have
7 to have a reason why we didn't get the quota
8 that week.

9 And you had to be careful about
10 waste too, so that's why we were very careful
11 not to generate any waste because, you know,
12 they didn't -- they explained to us the
13 material goes in the drum not on the floor.
14 So they was very particular back during that
15 time.

16 Q. Okay. Basically because they didn't want to
17 waste product they could otherwise sell?

18 A. Right.

19 MR. KELLY: Object to the form.

20 Q. (By Ms. Ruth) At the end -- at the end of

21 the day, is there any -- despite your best
22 efforts -- is there still a certain amount of
23 liquid aroclor that gets on the ground or on

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 the scale, I guess?

2 A. Any spill we had to clean it up at the end of
3 the day. We took rags and wiped everything
4 down and put those in the waste drum. I
5 mean, we had to clean the area up at the end
6 of each shift.

7 Q. Was it a wet rag or dry rag that you'd use?

8 A. Dry rag.

9 Q. Dry rag?

10 A. Yeah. And if we get any liquid material on
11 it, it went in waste drums. See, we had two
12 drums that we always, you know, put all the
13 -- for the flaking material, we had a drum
14 for that and then other drum for all that
15 stuff.

16 Q. Uh-huh (indicating yes). Did you ever use
17 water or a hose to clean that area?

18 A. Not in the area where I worked at, we didn't.

19 Q. So neither the flaking area nor the drumming
20 area, did you?

- 21 A. No.
- 22 Q. Were they adjacent to one another?
- 23 A. Right, they was all in an open area.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay. Was this the ground floor; right?

2 A. The ground floor, right.

3 Q. Would you say that -- how often would you
4 change your gloves when you worked in the
5 liquid aroclor as opposed to --

6 A. When the gloves get saturated -- if they get
7 material on it and it made a mark on the
8 drums --

9 Q. Okay.

10 A. -- then we would have to because we had to
11 stencil the product. We had to stencil
12 whatever the product was on the drum, and we
13 had to have -- the white -- the top of the
14 drum was white where we put the black stencil
15 on.

16 Q. Okay.

17 A. And we had to make sure it was clean. So if
18 we start handling the drum and we've left
19 some mark or something on it, then we changed
20 and got a fresh glove.

- 21 Q. What was that process like changing out your
22 gloves?
23 A. Well, we went to the chief operator and told

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 them -- basically, what we had, we had a
2 flaking pair of gloves and a drumming pair of
3 gloves.

4 Q. So you kept two separate pair of gloves?

5 A. Right. Because you didn't want to -- because
6 sometime we did both in the same day.

7 Q. Okay.

8 A. So you didn't want to get the oily material
9 on the flaking bag and, you know, get it all
10 soiled up.

11 Q. So normally you would end up with some oily
12 material on your gloves?

13 A. Right, eventually.

14 Q. Eventually.

15 A. Uh-huh (indicating yes).

16 Q. Would you change -- if it was a -- what would
17 it take for you to decide you needed a new
18 pair of gloves?

19 A. Well, sometimes they get tore.

20 Q. Tore.

21 A. And then after they get so soiled that, you
22 know -- they was cloth gloves because you
23 didn't use leather for handling the material

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 because most of it was hot.

2 Q. Uh-huh (indicating yes).

3 A. So --

4 Q. Okay. I want to just talk briefly about your

5 time in the biphenyl department.

6 A. Okay.

7 Q. I know it seems silly to talk briefly about

8 twenty-five years of your life or whatever it

9 was, but to the extent that we can, what did

10 do you in the biphenyl department?

11 A. Well, when I first went to the biphenyl

12 department, I went to the therminol

13 department, which is heat transfer fluid,

14 where we took the santowax that was produced

15 in another part of the department and

16 hydrogenated it into therminol 66 or the

17 different therminol brand.

18 Q. Okay. Do you use aroclor at all in the

19 production at that time of therminol?

20 A. No.

21 Q. No. Can you just briefly draw for me a
22 picture of what the biphenyl department
23 looked like? You can use circles and squares

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 to say this was here, you know, this is where
2 we did therminol, just so I know what
3 different operations were going on and
4 where.

5 A. (Witness drawing.) This is the tube unit
6 area. And these the biphenyl santowax
7 columns, and it goes down to the therminol
8 T-66 area.

9 Q. Would you call that what it is?

10 A. This is the biphenyl column, and that's
11 santowax column.

12 Q. Okay.

13 A. The tube unit produces crude and biphenyl
14 which it goes to --

15 Q. Can you write those things? I'm sorry. It
16 will help though later.

17 A. This is crude and biphenyl. Crude and
18 biphenyl produce off the tube unit, goes
19 through these sump tanks, which is the
20 storage tank for the crude and biphenyl.

21 We pumped the material to the
22 biphenyl column, which we take the biphenyl
23 material off. The biphenyl they used as a

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 dye carrier and stuff like that.

2 Q. As a what? As a dye carrier?

3 A. Yeah, that's one. Anyway, it would go to the

4 santowax column --

5 Q. Would the biphenyl column always go to the

6 santowax column or --

7 A. Yeah, it would have to because you separate

8 these two materials. Crude and biphenyl is

9 biphenyl and santowax.

10 Q. Okay.

11 A. You separated biphenyl.

12 Q. What have you put into the tube units? What

13 are your initial ingredients?

14 A. Benzene.

15 Q. Just benzene?

16 A. Benzene.

17 Q. Can you do a little arrow that says benzene

18 in or something like that?

19 A. Okay. Through the tubes. It goes through

20 the tubes.

- 21 Q. And these are sump tanks? Would you identify
22 those as sump tanks?
23 A. (Witness drawing.)

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Just it makes a lot of sense while we're
2 discussing it, and then if I go back and look
3 at it in a week, it's not going to mean
4 anything to me.

5 A. (Witness drawing.)

6 Q. Okay.

7 A. And this santowax column is --

8 Q. What's happening in these columns?

9 A. Just separating the -- by temperature and
10 reflux, which is reflux, that's just liquid
11 biphenyl from -- you're separating the crude
12 and biphenyl. The --

13 Q. And they used temperature to do the
14 separation?

15 A. Right.

16 Q. How are you heating then? Is it heating or
17 cooling?

18 A. You have a furnace -- you have a furnace that
19 goes -- that material that circulates through
20 the furnace coil where it heat.

- 21 Q. Okay.
- 22 A. And then the vapor is cooled by flowing
- 23 through a condenser which is cooled by a

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 tower water.

2 Q. Is the condenser on top?

3 A. Condenser is setting on the very top of the
4 column.

5 And then from there it flows to a
6 receiver, and from there it goes to the
7 loading dock. I'm sorry. Receiver to the
8 storage tanks and from storage tank to the
9 loading dock.

10 Q. Okay. Where does the santowax column come
11 into play then if it comes off the condenser?

12 A. All right. The bottom --

13 Q. What's getting taken? What are we moving?

14 A. Biphenyl. You take the biphenyl off.

15 Q. Okay.

16 A. And the bottom -- what's left is santowax.

17 See crude biphenyl is biphenyl and santowax.

18 So crude santowax --

19 Q. -- stays in the system?

20 A. Crude santowax goes to the santowax column.

- 21 Q. Okay.
- 22 A. And that's where the --
- 23 Q. Can we call this a condenser just so I know?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

- 1 A. (Witness drawing.) Goes to the santowax
2 column where santowax R, which is same as
3 refined santowax.
- 4 Q. Okay.
- 5 A. And then the bottom of the santowax column is
6 santotar/9.
- 7 Q. Okay. You've got your crude. Does your
8 crude go into this column?
- 9 A. Crude goes into this column.
- 10 Q. What happens in that column?
- 11 A. By pressure and temperature, the santowax R
12 is taken off.
- 13 Q. Okay. How do you -- what is your pressure
14 source?
- 15 A. The -- it goes through a furnace. We use a
16 vacuum.
- 17 Q. Use a vacuum and a furnace?
- 18 A. Right. The furnace heats it, and the vacuum
19 pulls the light material over the column --
- 20 Q. Okay.

- 21 A. -- and down to a receiver.
- 22 Q. And the light material is this --
- 23 A. Right. This santowax R.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay.

2 A. And the heavier material, which is the

3 bottom, is santotar/9.

4 Q. Okay. Which goes where now?

5 A. Santowax R go to T-66 where it's

6 hydrogenated. The santowax R is hydrogenated

7 to the finished product which is therminol

8 66.

9 Q. Okay. What happens to santotar/9?

10 A. Now or then? What I'm doing now?

11 Q. Well, tell me then. This is in the mid '70s.

12 Then is the mid '70s?

13 A. Right. We had two ponds on site, but

14 santotar/9 went to the santotar/9 pond. And

15 at that time, we was taking that S9, and it

16 was going to another process which was a Q

17 still.

18 Q. Back then -- now it goes to this pond; is

19 that right?

20 A. No, it doesn't go anywhere on site now.

- 21 Q. Anywhere on site?
- 22 A. I thought you wanted me to explain then.
- 23 Q. I did. I'm sorry. I don't understand the

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

- 1 ponds then if it goes to the Q still.
- 2 A. The santotar/9 went to the melt pit.
- 3 Q. A melt?
- 4 A. Yeah. This is then. Okay?
- 5 Q. Okay.
- 6 A. Okay. The santotar/9 bottom went to melt pit
- 7 or went to the S9 pump.
- 8 Q. Where are these in relation to the biphenyl
- 9 building? Are they inside?
- 10 A. No, they're way across the road from it.
- 11 This is a long way from the building.
- 12 Q. How does it get from -- in a second, I'm
- 13 going to ask you to show me where on that map
- 14 it is -- but how does it get from your
- 15 biphenyl building to the pond or the melt
- 16 pit?
- 17 A. It's pumped.
- 18 Q. It's pumped?
- 19 A. Yeah.
- 20 Q. Is it pumped above ground or below ground.

- 21 A. Above ground.
- 22 Q. Above ground.
- 23 A. Yeah. Everything above ground.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay.

2 A. And then you want to know about what we did
3 in the '70s. We made another product then
4 called WCM then, and we took the S9 from the
5 melt pit and --

6 Q. Or the pond? If it went to the pond did it
7 stay in the pond for all eternity?

8 A. No.

9 Q. So what went --

10 A. When the melt pit couldn't handle it, it went
11 to the pond.

12 Q. Okay.

13 A. And we took it and distilled it to santowax

14 Q, and we hydrogenated the santowax Q to WCM,
15 which is another product we sold.

16 Q. Okay.

17 A. At that time, the bottom was so valuable that
18 even the England plant would need -- because
19 England plant needed all S9 they could. This
20 was a good seller then.

21 When these -- okay. Another
22 question. It went to the S9. This was the
23 S10, santotar/10.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Do you have two different types of bottom
2 that would come off?

3 A. Yeah, because we didn't have no use for
4 this. When you distill it here, then it went
5 to there. That was waste.

6 Q. Okay. That was actually going to be my
7 question --

8 A. That was waste.

9 Q. -- was did you have any waste from this
10 distillation process, and you did. It was
11 S10?

12 A. Santotar/10.

13 Q. S10, santotar/10?

14 A. Yeah.

15 Q. But now you've got a melt pit and an S9 pond?

16 A. Right. We had then.

17 Q. I'm sorry. Then, in 1975. How did you get
18 your S9 from either the melt pit or the S9
19 pond to the still?

20 A. We got it from the melt pit with a pump,

21 pumped it to the still.

22 Q. Okay.

23 A. And when the process was down and we needed

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 some S9, we contracted a guy at that came out
2 and took his backhoe and dug material out of
3 S9 and put it back into the melt pit and
4 melted it up. So we could use it even when
5 this process was --

6 Q. So the S9 is then a solid and not a liquid;
7 is that right?

8 A. It was a liquid when it went in, but it
9 solidified pretty quick. It was a solid when
10 he removed it here.

11 Q. Okay. Is this a lined pond? Is it a lined
12 pond? Is there any lining? Is it a hole?
13 Is the pond a hole?

14 A. Yes.

15 Q. Earthen hole?

16 A. Yes.

17 Q. Is there any cement or any lining?

18 A. I don't know. I don't remember. It was
19 already there when I came to the department.

20 Q. And so you'd contract -- do you remember who

21 you contracted to?

22 A. Bill Hall.

23 Q. Bill Hall?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Yeah.

2 Q. That's the name of my old boss. I'm sure

3 it's not the same guy.

4 Bill Hall would come in with a

5 backhoe. Pardon my ignorance on this. Is a

6 backhoe a big --

7 A. -- bucket on a tractor like.

8 Q. Bucket on a tractor?

9 A. Yeah. Scoop on one end and a bucket on that

10 end.

11 Q. What would he -- what would he -- I guess my

12 question is: Is he scooping out this S9 from

13 the pond?

14 A. Right. It's crystallized. I mean, it's

15 solid.

16 Q. Does he keep it in his little scooper and

17 truck on over to the melt pit?

18 A. It's right next to it.

19 Q. Okay.

20 A. It's a short distance.

- 21 Q. So you just kind of U-turn around?
- 22 A. Well, no, he had about, I guess, twenty-five
- 23 or thirty feet. Somewhere like that.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Is the melt pit open? Is it an open pit?

2 A. No, it had a lid on it because it had heating

3 coils in it because we had to melt it back

4 up.

5 Q. So that it could continue to be pumped?

6 A. Right.

7 Q. Okay. And is it being heated by the same

8 furnace that's heating --

9 A. No, it's heated by steam.

10 Q. Heated by steam?

11 A. Steam coils.

12 Q. Steam coils.

13 A. Yeah.

14 Q. Okay. Now, if we could just look at

15 Plaintiffs' Exhibit 27. It's a tough one to

16 mark, but if we can just look at Plaintiffs'

17 Exhibit 27 and you could tell me -- well, two

18 things. Where is the biphenyl department,

19 and where is the -- where are these -- was

20 the melt pit and the pond? This was took in

- 21 1969, this map, this picture, and --
- 22 A. Wait a minute. Let me find where I am.
- 23 MR. PECK: There's the aroclor

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 unit.

2 THE WITNESS: This is building

3 twenty-eight here.

4 MR. PECK: That's the warehouse.

5 That big white building's the warehouse.

6 THE WITNESS: Let's see if I'm in

7 the right place.

8 Q. (By Ms. Ruth) Well, let's figure out. Where

9 are you coming in from the morning?

10 MR. KELLY: This is what is now

11 Clydesdale here (indicating).

12 MR. PECK: Before 202.

13 THE WITNESS: Okay. I'm with you.

14 I just had to find out where I was. This is

15 the railroad tracks.

16 MR. KELLY: North side.

17 THE WITNESS: Come in here. And

18 biphenyl department is right in here

19 (indicating). That's one of the storage

20 tanks. This part is biphenyl.

21 MS. RUTH: I'm going to ask Adam to
22 help me with my direction. Is that the
23 southeast?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 MR. PECK: Yeah, that's southeast.

2 MS. RUTH: Bordering right on 202,

3 southeast corner?

4 MR. PECK: Old Highway 78 -- yeah.

5 THE WITNESS: This is the tube unit

6 furnace here (indicating).

7 Q. You want to use -- I don't know what the best

8 way to mark that thing is. You want to use a

9 dot like a round dot because we put an "X"

10 on --

11 MR. PECK: Circle it.

12 THE WITNESS: This is building

13 twenty-eight. This is the tube unit furnace

14 (Witness drawing.)

15 Q. (By Ms. Ruth) Draw an arrow off to the side

16 and just say it's the biphenyl unit. That

17 might be the best way.

18 A. (Witness drawing.)

19 Q. Okay. And then from there, where are your S9

20 S10 pits and your melt pit or ponds and pits?

- 21 A. Right here (indicating).
- 22 MR. PECK: Highlighted in yellow?
- 23 THE WITNESS: Yeah, they're right

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 in here straight across the road.

2 Q. (By Ms. Ruth) Are they already yellowed; is
3 that right?

4 A. Yeah.

5 Q. Would you have ever heard it called Clegorn
6 Lake?

7 A. Yeah, that's what I -- I heard that phrase
8 when I first come to work over there.

9 Basically the same what they call --

10 Q. Is Clegorn Lake S10 or S9?

11 A. Well, I don't know because I don't know which
12 one was there first, and I don't know what
13 phase -- when they started using this S9 for
14 QC may have been later, and then they found
15 out they needed another pond to put the
16 bottom off there, but all I know both of
17 these was here.

18 Q. Okay. So you're not sure if Clegorn Lake was
19 S10 or S9?

20 A. No, I don't.

- 21 Q. Okay. But Clegorn Lake is one of the two
22 pits?
23 A. Yeah, that's what I heard it called when I

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 first went over there.

2 Q. All right. Maybe we can just put underneath
3 here Clegorn Lake and then just put AKA S9
4 and S10.

5 MR. PECK: S9 or S10.

6 Q. (By Ms. Ruth) Okay. Thanks. All right.
7 Now we'll finish this up. And what do you do
8 now with your S9? Do you even have S10
9 anymore? Do you get S10 anymore?

10 A. No.

11 Q. So you just get the --

12 A. Well, we get -- we don't make Q anymore.

13 Q. Okay.

14 A. What we do with S9 now?

15 Q. Yeah.

16 A. S9 now go into a storage tank instead of you
17 go from the santowax column --

18 Q. Uh-huh (indicating yes).

19 A. -- to a storage tank. S9 storage tank.

20 Q. We probably need to date these somehow or

- 21 write present and past. Let me do that here.
- 22 Current practice. S9 storage tank.
- 23 Past practice.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Do you know what year you switched
2 from making your WCM to not? Do you know
3 when you shut down?

4 A. We lost customers probably -- quit making
5 that probably about in the '80s, the late
6 '80s.

7 Q. Late '80s?

8 A. Yeah.

9 Q. Okay. I cut you off a little before. You
10 were saying S9 was such a hot commodity that
11 the guys in England couldn't get enough of
12 it.

13 A. Yeah, because WCM was a hot commodity at that
14 time.

15 Q. Okay.

16 A. We were saving all the S9 we could. That's
17 why we take it out of this pit and melt it up
18 and reuse it because we needed the product.

19 Q. Would you ever ship some of the S9 that you
20 had to your England facility?

- 21 A. No.
- 22 Q. All of it stayed on site at the time?
- 23 A. Uh-huh (indicating yes).

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay. What happens with the S9 now that goes
2 to a storage tank?

3 A. It's used as a mix for boiler fuel.

4 Q. Actually, let me fully circle this so we can
5 separate out --

6 A. For right now what we have is the boiler is
7 moved up to steam boiler. It's moved up to
8 polyphenol area from across the plant.

9 Q. Okay.

10 A. And because we use -- natural gas is one
11 resource, but all the waste -- this S9, and
12 I'm going to --

13 Q. And is there other waste --

14 A. Yeah.

15 Q. -- in addition to the S9? Is it all stored
16 in the same storage tank?

17 A. You got a mix tank, and you got a feed tank.

18 Let me put the S9 storage tank here. I'll do
19 it better. What we doing with the S9 now.

20 Q. Okay. Would we be better with a clean sheet

21 of paper?

22 A. To do the boiler on?

23 Q. Uh-huh (indicating yes). I'm afraid we're

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 going to get confused. And I can't keep
2 partitioning things off and hoping it makes
3 sense.

4 MR. WRIGHT: Do you want to mark
5 that one?

6 MS. RUTH: Yeah, I'm just titling
7 it.

8 Q. This says past and present overview of the
9 biphenyl department. Are you comfortable
10 with that as the title?

11 A. Well, that's partly, but it's, I guess,
12 basically the process from the tube unit to
13 the sump tanks to the biphenyl column to
14 santowax column.

15 Q. So you want to put process on the bottom of
16 that? Should I identify that -- we're
17 identifying a process? Would that make you
18 happy?

19 A. It's fine like it is.

20 Q. We'll mark it as Plaintiffs' Exhibit 29.

21

22 (Plaintiffs' Exhibit Number 29 was

23 marked for identification and

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 copy of same is attached

2 hereto.)

3 Q. Okay.

4 A. So what you want on here is what happens to

5 the S9?

6 Q. What happens to S9 now from your storage

7 tank?

8 A. (Witness drawing.) Can I do it this way?

9 The S9 from santowax column either go to the

10 S9 storage tank or down to the C storage

11 tank, which is a larger S9 storage tank.

12 Q. Okay.

13 A. And from there, it goes to the mix tank.

14 Q. Do you have a mix tank that's also attached

15 to the C storage tank?

16 A. All it's attached together on this line.

17 Q. So it would come back up the same -- so --

18 A. It would come back up to this tank.

19 Q. First?

20 A. First. And then go to the mix tank.

- 21 Q. So it would come back up from the C storage
22 tank into the S9 storage tank to go to the
23 mix tank?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Right.

2 Q. If it had been pumped from the santowax
3 column to the C storage tank?

4 A. Right.

5 Q. And can go to either storage tank?

6 A. Right. All right. It goes to a mix tank
7 and --

8 Q. What's happening in the mix tank?

9 A. That's where we're taking the S9, and I'll
10 have to do another tank here. The end
11 storage tank. Any liquid waste that we have
12 from any of the product and return fluid --

13 Q. In the biphenyl products or any --

14 A. Any of the liquid product --

15 Q. Could be outside biphenyl department?

16 A. Yeah.

17 Q. Okay.

18 A. It goes into the end tanks.

19 Q. And just gets mixed? They all get mix --

20 A. And from the end tanks --

- 21 Q. Is that right, sir?
- 22 A. Yeah.
- 23 Q. It all just gets mixed together?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Yeah.

2 Q. Okay.

3 A. This is the feed tank. Okay. Because we
4 have to have the same viscosity in the mix
5 tank where we can feed the boiler that
6 blended fuel.

7 Q. Where is your end storage tank?

8 A. Next to 202. The last tank -- the three
9 biggest tanks near 202, it's the last tank.
10 It had a loading dock -- I don't know where
11 you've been -- have you been by the plant?

12 Q. Uh-huh (indicating yes).

13 A. The last one with the loading dock next to
14 202, that's the end tank.

15 Q. Okay.

16 A. And also when we don't have any ends, we use
17 fuel oil.

18 Q. Okay. Do you keep fuel oil in the same
19 storage tank you keep the ends in?

20 A. Yeah. And also return T-66 that the customer

21 done used.

22 Q. Yeah.

23 A. And --

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. If you get returned T-66 from --

2 A. Right, we put that in the mix tank and make a
3 blend.

4 Q. Okay.

5 A. And then from the feed tank to the boiler.

6 The boiler couldn't burn S9 by itself.

7 Q. I see.

8 A. So we used you all the end, so there's no --
9 there's really no residue kept on the plant.

10 Everything is burned for fuel oil except
11 for --

12 Q. What do you use your boiler for?

13 A. Steam.

14 Q. Steam?

15 A. Yeah.

16 Q. So is the boiler the same thing as the
17 furnace?

18 A. Not the same as the furnace. Boiler is
19 separate.

20 Q. Okay.

- 21 A. It's to generate the steam for the plant.
- 22 Q. Okay. Let's identify this as the present
- 23 process for S9.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. These ponds no longer on site anymore nor the
2 melt pit. None of that is on site anymore.

3 Q. What happened to those, do you know?

4 A. All the material that was left in it was
5 taken out of it.

6 Q. And put where? Do you know where it was put?

7 A. In the landfill.

8 Q. In the landfill?

9 A. Uh-huh (indicating yes).

10 Q. Do you know what year that was?

11 A. In the '80s. The same time the boiler moved
12 up there, late '80s or '90. Probably '90
13 probably the last time we used the landfill.
14 '89 or '90 last time we had those on site.

15 Q. Okay. Just for the record --

16 A. When we moved the boiler so we could start --
17 when we moved the boiler that used all the S9
18 and all for blended fuel, and all of that was
19 taken out --

20 Q. Okay.

- 21 A. -- and covered up or dug out and everything
22 was hauled up to the landfill, and new
23 gravels and dirt and all was put in.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. For the record, let's say that Mr. Chatman's
2 drawing of the present process for using S9
3 is marked as Plaintiffs' Exhibit 30.

4

5 (Plaintiffs' Exhibit Number 30 was
6 marked for identification and
7 copy of same is attached
8 hereto.)

9 Q. Okay. Do you remember you talked about the
10 fact that you sometimes get returned product
11 for the T-66? Sometime customers will return
12 products?

13 A. Yeah.

14 Q. Do you remember when you were working in the
15 aroclor department -- and this may have been
16 beyond the scope of what you did, but you
17 might have seen it -- whether or not there
18 was ever any return aroclor product?

19 A. No.

20 Q. Did anybody ever return product?

- 21 A. Not that I know of.
- 22 Q. Not that you know of. Did you ever in your,
- 23 maybe in your working with the landfill

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 before going to the aroclor department, did
2 you ever know of off speck aroclor product to
3 be brought to the landfill, whether it be
4 solid or drummed?

5 A. Now, we did haul stuff from the aroclor
6 department. Any waste we was called, you
7 know, to take it to the landfill, and that's
8 what we did from different departments, so --

9 Q. But you don't know at that time whether or
10 not it was off speck product that might have
11 been drummed or bagged, you just know --

12 A. No, all I knew whether it was waste or
13 whatever, we just -- we was called to pick it
14 up and take it to the landfill, and that's
15 what we did. That was our job.

16 Q. When you were -- I guess when you were
17 working particularly in the drumming
18 department and possibly you had some window
19 in the chlorinator area, did you ever see a
20 time where they hosed or sewerred off speck --

- 21 A. No, I'm sorry. I didn't.
- 22 Q. -- aroclor? Okay.
- 23 A. This was a solid floor. Like I say, we swept

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 up the flaking, and we wiped up. In my area,
2 now. I don't know what they --

3 Q. Didn't know what they did in the chlorinator
4 area?

5 A. (Witness shakes head.)

6 Q. Okay. I think we're in our final -- and part
7 of the reason I asked you to go through the
8 biphenyl is -- actually, it was Doug Rich who
9 volunteered you. So if you want to give him
10 a hard time. He said it was you that could
11 explain that the best.

12 Real quick I've just got some tying
13 up questions. Were you ever blood tested for
14 PCBs?

15 A. Yeah.

16 Q. You were. What prompted that?

17 A. I don't know whether the -- I came to work
18 one day, and they said -- somebody had
19 requested it. I don't know whether some of
20 the employees or in light of the PCBs in the

- 21 area somebody got concerned.
- 22 All I know is it was a request to
- 23 have employees and ex-employees tested that

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 worked in that area. If you wanted to, you

2 could, you know, volunteer to be tested.

3 Q. Okay.

4 A. And so I did because I worked in there doing

5 that, the bagging and flaking.

6 Q. Do you remember how you were notified that

7 they would be doing tests?

8 A. I've been on the union committee.

9 Q. Okay.

10 A. And it was brought up in the union management

11 meeting, so I had firsthand knowledge of it.

12 Q. Okay. That way?

13 A. I don't know who prompted, you know, decided

14 to do the testing, but I know we was

15 notified. And being the secretary and posted

16 in the minutes, you know, I had firsthand

17 knowledge of it or when it was available.

18 Q. Do you remember how the rest of the plant

19 would have been notified?

20 A. I don't --

- 21 Q. Other guys who might not have been in "the
22 know" the way you were?
23 A. In fact, I know from word of mouth. I'm not

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 sure. There may have been a letter sent
2 out.

3 But I know when -- I know telling
4 some of the employees if anybody wanted to be
5 tested that Solutia is doing a --
6 Solutia-Monsanto -- doing a PCB testing of
7 any of the ex-employees or present or current
8 employees wanted to be test, just give them a
9 call and they would.

10 I fact, I think they went through
11 two different times.

12 Q. Do you remember if there was a mailing that
13 went out to retired employees?

14 A. I'm not sure. I'll have to check on that.

15 Q. Would the union have taken care -- would the
16 union have been who notified the employees,
17 or would it have been Solutia management or
18 somebody else? Do you remember who would
19 have actually been the organization that
20 notified --

21 A. Yeah, we was asked in the union management
22 meeting if, you know, that if, you know, if
23 we -- anybody get in contact with any of

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 them.

2 I don't know whether everybody was
3 notified by letter, but I know in the union
4 management meeting, we was asked to, you
5 know, given a date when it was going to
6 happen so if anybody wanted to and we see
7 them or call them if anybody's interested to
8 be sure to let them know.

9 So we sort of passed it on ourself
10 if we saw some of the employee, ex-employees.

11 Q. Do you remember being told, if you were told,
12 what the reason for being tested would be? I
13 mean, what would be the benefit of knowing if
14 you had PCB in your blood?

15 MR. KELLY: Object to the form.

16 Q. (By Ms. Ruth) If any benefit?

17 A. Well, I guess just curious because the people
18 in the area across the plant, some of them
19 was tested, and they never would have found
20 out and had some counts of PCBs.

21 The reason I test, I just wanted to
22 see since I worked in it, you know, what was
23 my count.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Okay.

2 A. You know just personal reasons wanted to know
3 what it was.

4 Q. Were you concerned?

5 A. No.

6 Q. You weren't?

7 A. No, but I was just interested in knowing -- I
8 probably -- if that hadn't of come up, I
9 probably never would have requested it.

10 Q. Would you have known that you could be blood
11 tested the for PCBs if that hadn't come up?

12 A. I guess being the type of company it is, if
13 we'd have requested it, I guess we would
14 have.

15 Q. I mean, I guess I wonder if you would have
16 known that there was such a -- whether or not
17 there was such a test as a blood test for
18 PCBs?

19 A. We had a guy come in from St. Louis, I guess,
20 during that time, and I don't know. I don't

21 remember what time it was if it was before we
22 was checked.
23 I know -- I'm not sure whether I'm

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 answering the question right, but I don't

2 remember exactly what -- ask the question

3 again. I'm sorry.

4 Q. That's fair.

5 A. I'm a little bit confused myself.

6 Q. I think that what you said to me before was

7 you'd heard that people who didn't work at

8 the plant had been blood tested and had PCBs

9 in their blood?

10 A. Uh-huh (indicating yes).

11 Q. And so you're not sure what the source was,

12 whether it be employees or union or who, but

13 that this made at least the employees who

14 worked in the aroclor department curious as

15 to whether or not they would have --

16 A. Some of them wasn't tested. They didn't

17 care. Some of them was that worked in that

18 area.

19 Q. Would you have known about the ability to be

20 blood tested for PCBs had you not heard that

- 21 other people had been blood tested for PCBs?
- 22 Would you have known that that would be a way
- 23 to gauge PCB exposure?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 MR. KELLY: Object to the form.

2 THE WITNESS: I guess I had thought

3 about it when they -- the first thing that

4 came about PCB since I worked there.

5 Q. (By Ms. Ruth) Okay.

6 A. But I really wouldn't have been concerned

7 enough to asked because, you know, I didn't

8 seem to have any problem from it.

9 Q. You would have known that you could be blood
10 tested?

11 A. Right.

12 Q. Okay. When was the first time you heard that

13 the residential area next to or adjacent to

14 the plant was contaminated with PCBs?

15 A. I really don't know exactly on that. I

16 really don't. I can't -- because I don't

17 remember when the first time it came out. I

18 can't say exactly.

19 Q. Do you remember what year you were blood

20 tested in?

- 21 A. Probably '95, '96. Somewhere in there. It
- 22 hasn't been that many years ago.
- 23 Q. So would it probably have been right around

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 then?

2 A. Yeah.

3 Q. Okay.

4 A. I'm not sure what the exact year, but it was

5 in the '90s.

6 Q. Had you ever heard of a problem, a possible

7 problem, with PCBs going off-site into that

8 neighborhood prior to 1995, '96 time frame?

9 A. No, no.

10 Q. Okay. I'm not sure that I have anything

11 else. I just want to visit with Drew for a

12 second and see if he's got any questions, and

13 then we may be able to wrap up.

14 (Short recess.)

15 Q. (By Ms. Ruth) Just a couple follow-ups.

16 A. Okay.

17 Q. You talked about a gentleman coming from St.

18 Louis for a meeting?

19 A. Uh-huh (indicating yes).

20 Q. I just want to talk about that meeting

- 21 briefly. Did you attend the meeting?
- 22 A. Yeah.
- 23 Q. Do you remember the name of the gentleman who

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 came from St. Louis?

2 A. No. I'm sorry. I don't.

3 Q. Do you remember his title?

4 A. I don't.

5 Q. Do you remember what he looked like?

6 A. I'm sorry.

7 Q. Was he tall, short, fat, skinny, bald, young,

8 old, anything at all?

9 A. (Witness shakes head.)

10 Q. Just walked in there and closed your eyes and

11 listened?

12 A. Well, we was told -- being on the committee,

13 we was told firsthand that, you know,

14 somebody was going to come down and he was

15 going to talk about, you know, the PCBs and

16 stuff like that in front of the employees,

17 but I really can't. I don't remember his

18 name.

19 Q. Do you remember if anybody from your plant

20 helped run the meeting from the Anniston

21 plant?

22 A. No, I can't.

23 Q. You don't remember if anybody --

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. No.

2 Q. Do you remember what was talked about at the
3 meeting?

4 A. Well, I guess PCBs basically and the pending
5 litigation about the plant over there just to
6 inform the employees about what's, you know,
7 bring us up to date on the PCBs and all that.

8 Q. What kind of stuff would they tell you about
9 PCBs?

10 A. Well, that it was -- it had been proven to
11 cause cancer in rats, but it nowhere been
12 proven that it caused any harm to humans.

13 Q. Any other health issues discussed with
14 respect to PCBs?

15 A. Well, I don't -- I don't know whether this
16 was at the same time, but they did a survey
17 at one time about ex-employees in comparison
18 with other areas about -- see if there was a
19 bigger health risk, you know, with employees
20 that worked at the plant or have worked at

21 the plant in comparing to other areas that
22 people wasn't exposed to PCBs. And it wasn't
23 from the survey.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. Were the ex-workers only aroclor employees,
2 do you know, or were the ex-workers anybody
3 who would have worked --

4 A. Ex-workers in the plant.

5 Q. In the plant generally?

6 A. Basically they keyed on aroclor workers.

7 They did that survey and then the entire
8 plant, I think, but it wasn't --

9 Q. Okay.

10 A. -- it wasn't found to be any, you know, any
11 different.

12 Q. Were you ever questioned in the context of
13 that survey?

14 A. Yeah, I think I was.

15 Q. Did you answer questions?

16 A. Uh-huh (indicating yes).

17 Q. So six or seven months constituted an aroclor
18 employee in terms of that survey for purposes
19 of that survey? Were you interviewed as an
20 ex-aroclor employee, do you recall?

21 A. No.

22 Q. I'm sorry. The way I understood what you

23 said, and maybe I misunderstood it, was a

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 survey was done of ex-Monsanto employees to
2 determine whether or not there was a
3 higher --

4 A. Well, they had your -- my medical records --
5 they had your medical records of other
6 employees that were there, and I was asked
7 personally to contact somebody that I knew,
8 and I did, so they could come talk with
9 someone and follow up and see what their
10 health was in.

11 Q. Did anybody follow up with you about your
12 health?

13 A. No, because it was on -- it was already --

14 Q. Because they had your health records?

15 A. Yeah, they had my health records.

16 Q. Do you know for purposes of the survey
17 whether you were included as an ex-aroclor
18 employee?

19 A. Well, in the testing it was.

20 Q. Yeah.

- 21 A. When we was tested.
- 22 Q. When you were blood tested, you were?
- 23 A. Right.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 Q. But you don't know if that's how you -- you
2 talk about this survey of ex-Monsanto
3 employees?

4 A. Current and anybody that worked there.

5 Q. You don't know -- and I think what you said
6 was they did this general look at ex-Monsanto
7 employees, and then within that, they looked
8 at ex-aroclor employees; is that right, or
9 did they only look at the plant?

10 A. Probably at the plant, but when they did the
11 PCBs, they basically looked at the ex -- they
12 looked at the whole plant, but the people
13 that worked in aroclor, they looked at those
14 too. And it wasn't a big difference.

15 Q. Okay. And when they looked at people who
16 worked in aroclor, you would be one of the
17 people they looked at?

18 A. Yes.

19 Q. So six months constituted -- of employment
20 constituted --

21 MR. KELLY: Object to the form.
22 Q. (By Ms. Ruth) -- would constitute an
23 ex-aroclor employee?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

- 1 MR. KELLY: Object to the form.
- 2 Q. (By Ms. Ruth) My question is: Was there --
- 3 you said they looked at ex-aroclor employees
- 4 for the purposes of this health survey?
- 5 A. They looked at the whole plant, anybody that
- 6 worked at the plant.
- 7 Q. And then after they looked at the whole
- 8 plant, you said that they looked at aroclor
- 9 employees.
- 10 A. Probably when they PCB tested, they --
- 11 Q. Are you telling me that they --
- 12 A. I'm confused. Go ahead.
- 13 Q. So am I, so we're even. Are you telling me
- 14 that they looked at aroclor employees to
- 15 decide who to blood test?
- 16 A. No, no.
- 17 Q. So when you say they looked at everybody who
- 18 used to work for the plant and worked for the
- 19 plant --
- 20 A. Right.

21 Q. -- and then you're telling me they looked at
22 people who worked at aroclor? Did that
23 happen?

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 A. Well, when they did -- they wanted to compare
2 the people that worked at Monsanto, have
3 worked at Monsanto, to possibly could have
4 been exposed to PCBs in compared to other
5 areas.

6 Q. To you know what "possibly could have been
7 exposed" means?

8 A. I mean, the only thing I got from that,
9 anybody who ever worked in a plant that PCBs
10 have been in a plant, that was in the plant,
11 you know.

12 Q. That was it?

13 A. That was it.

14 Q. That's the only criteria that you know of?

15 A. Yeah.

16 Q. Okay.

17 A. I'm sorry if I --

18 Q. No, no, no. I think we're kind of on the
19 same page at this point. We'll stop now
20 anyway.

- 21 Did you ever hear of West End
- 22 Landfill?
- 23 A. West End Landfill? Now, the only time I had

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 -- when I came -- I didn't know anything
2 about this West End Landfill when I came to
3 work out there. And it was -- I guess, to be
4 honest with you, the only time I've been out
5 there wasn't until the Alabama Power property
6 and it was discovered PCB on that area that I
7 was aware that that used to be a landfill.

8 Q. Okay.

9 A. That's the only --

10 Q. So was that property -- that was property
11 already -- had that property already been
12 sold to Alabama Power --

13 A. Right.

14 Q. -- when you started in --

15 A. I don't know.

16 Q. But you didn't --

17 A. I don't ever remember a landfill being over
18 there.

19 Q. So when you were bringing things to a
20 landfill, you never brought things to that?

- 21 A. No, I don't remember a landfill being there.
- 22 Q. Okay. I think that's it.
- 23 A. Okay.

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 (Deposition concluded at 11:30 a.m.)
2 FURTHER THE DEPONENT SAITH NOT.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

21

22

23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO

FOSHEE & TURNER COURT REPORTERS

1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 ETOWAH COUNTY)

5

6 I HEREBY CERTIFY that the above and
7 foregoing transcript was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness.

13 I FURTHER CERTIFY that I am neither
14 of counsel, nor of any relation to the parties to
15 the action, nor am I anywise interested in the
16 result of said cause.

17

18

19

20

21 TAMMY R. JENNINGS GREGORY
Notary Public, State of Alabama
22 MY COMMISSION EXPIRES: 9-12-2001
23

2001 PARK PLACE, SUITE 220
BIRMINGHAM, ALABAMA 35203
1-800-888-DEPO