

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: WILLIE FRANCIS BYRD

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 MR. LARRY WRIGHT

19 the original transcript of the oral testimony

20 taken on the 27th day of October, 1999, along

21 with exhibits.

22 Please be advised that this is the same and

23 not retained by the court reporter, nor filed

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1 with the Court.

2 The deposition of Willie Francis Byrd was  
3 taken before Tammy R. Jennings Gregory,  
4 commencing at 9:25 A.M. on the 27th day of  
5 October, 1999, by the Plaintiffs, at the law  
6 offices of Fite & Miller, Anniston, Alabama  
7 pursuant to the stipulations set forth herein.

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### 1           A P P E A R A N C E S

2

3    Appearing For The Plaintiffs:

4           MITHOFF & JACKS, LLP

5           By: Larry Wright, Esquire

6           and Laura Ruth, Esquire

7           111 Congress Avenue, Suite 1010

8           Austin, Texas 78701

9

10   Appearing For The Defendant:

11          LIGHTFOOT, FRANKLIN & WHITE

12          By: Adam Peck, Esquire

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14          400 20th Street North

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16

17          SMITH, HELMS, MULLISS & MOORE

18          By: Michael E. Kelly, Esquire

19          300 North Greene Street, Suite 1400

20 Greensboro, North Carolina, 27401

21

22 Court Reporter:

23 Tammy R. Jennings Gregory

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### 1 I N D E X

2

3 Witness: Willie Francis Byrd

4 Stipulations.....page 5

5 Examination by Mr. Wright.....page 7

6 Reporter's Certificate.....page 98

7

8

9

10

### 11 E X H I B I T S

12

13 Plaintiffs' No. 12.....page 16

14 Plaintiffs' No. 13.....page 17

15 Plaintiffs' No. 14.....page 26

16 Plaintiffs' No. 15.....page 32

17 Plaintiffs' No. 16.....page 42

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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 Willie Francis

6     Byrd may be taken before Tammy R. Jennings

7     Gregory, at the law offices of Fite & Miller,

8     Anniston, Alabama on the 27th day of October,

9     1999.

10

11

12            IT IS FURTHER STIPULATED AND AGREED that

13     the signature to and the reading of the

14     deposition by the witness is waived, the

15     deposition to have the same force and effect as

16 if full compliance had been had with all laws and  
17 rules of court relating to the taking of  
18 depositions.

19

20

21 IT IS FURTHER STIPULATED AND AGREED that  
22 it shall not be necessary for any objections to  
23 be made by counsel to any questions, except as to

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1 form or leading questions, and that counsel for  
2 the parties may make objections and assign  
3 grounds at the time of trial or at the time said  
4 deposition is offered in evidence or prior  
5 thereto.

6

7

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

10

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1 STATE OF ALABAMA, CITY OF ANNISTON,  
2 OCTOBER 27, 1999,  
3 9:25 P.M.,

4

5 WILLIE FRANCIS BYRD,

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

8

9 COURT REPORTER: Usual stipulations

10 okay?

11 MR. PECK: Yes.

12 MR. WRIGHT: Yes.

13

14 EXAMINATION BY MR. WRIGHT:

15 Q. Good morning, Mr. Byrd. Again, thank you for  
16 coming in. Have you ever given a deposition  
17 before?

18 A. No.

19 Q. I think you know this, but I want to say it  
20 on the record so that we're clear that you  
21 understand these things. You understand that  
22 a deposition is testimony under oath, and  
23 it's the same oath you would take if you were

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1 in the courtroom in front of a Judge and a  
2 jury?

3 A. Yes.

4 Q. And that all of the same force and effect of  
5 the oath applies, for example, perjury and  
6 all of that applies to your testimony today  
7 just like it would if you were in front of a  
8 Judge and jury?

9 A. Correct.

10 Q. And under certain circumstances, you  
11 understand that this testimony could actually  
12 be read to a Judge and a jury in this case?  
13 A. Yes.  
14 Q. Okay. Let me ask you to do a couple things.  
15 One, you're doing a pretty good job of --  
16 actually better than most witnesses --  
17 speaking out loud because our court reporter  
18 is writing down the words we say, and she  
19 can't -- well, she can -- but it's awkward  
20 for her to write down nods head or shakes  
21 head.  
22 A. All right.  
23 Q. Secondly, if I ask you a question that you

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1 don't understand, if you would stop me and  
2 say Larry, I just don't understand what  
3 you're asking me; can you ask it a different  
4 way, I'll try to ask it a different way.  
5 A. Okay.  
6 Q. And don't answer a question that you don't  
7 understand, that way when we get through with

8 the deposition, we'll know that every answer  
9 you gave was to a question you understood at  
10 the time. Okay?

11 A. Certainly.

12 Q. Can you tell me when you started with  
13 Monsanto?

14 A. May the 10th, 1965.

15 Q. And what was your first job with Monsanto?

16 A. Process operator in the chlorine department.

17 Q. How long did you stay in that job?

18 A. Somewhere around 1979 -- I'm sorry -- '69  
19 probably. I'm not good on dates as far as  
20 remembering exact dates.

21 Q. Were you there until the chlorine plant shut  
22 down?

23 A. Yes.

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1 Q. I want to come back and talk to you about  
2 that, but I want to trace through your career  
3 if we can.

4 A. Okay.

5 Q. Where did you go after the chlorine plant?

6 A. From chlorine plant, I went to the aroclor  
7 department as a process operator.  
8 Q. And how long were you there?  
9 A. I'm not sure.  
10 Q. Until it shut down?  
11 A. I think until it shut down.  
12 Q. Okay. You just killed all those departments,  
13 didn't you?  
14 A. Well, yeah.  
15 Q. Where did you go after that?  
16 A. To the parathion department as a process  
17 operator.  
18 Q. And how long were you there?  
19 A. I'm not sure.  
20 Q. Until it shut down?  
21 A. No.  
22 Q. Do you have a ballpark? Was it months or  
23 years?

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1 A. It was a few years. I made chief operator at  
2 that time in the parathion department.  
3 Q. Okay. Where did you go after parathion?

4 A. To -- do you want me to abbreviate it or say  
5 it -- paranitrophenol department, PNP  
6 department.

7 Q. And how long were you there?

8 A. I'm not sure. Like I said. I'm not good on  
9 lengths of time and dates. I would have to  
10 go back through my employment record.

11 Q. Several years?

12 A. Few years.

13 Q. Okay. Then where did you go?

14 A. I went and shut down P2S5.

15 Q. Okay. Then where did you go? Well, how long  
16 were you at P2S5?

17 A. Very short term. Months.

18 Q. Then where did you go?

19 A. I went to maintenance as an instrument  
20 electrician.

21 Q. And how long were you there?

22 A. For some years. Again, I don't remember how  
23 many years.

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1 Q. Then where did you go?

2 A. To chief operator, plant chief operator.  
3 Several years.  
4 Q. Then where did you go?  
5 A. To trainer resource person.  
6 Q. And how long were you there?  
7 A. Two to three years there.  
8 Q. Okay. Then where?  
9 A. Then promoted into -- as safety and health  
10 technician.  
11 Q. And how long there?  
12 A. Until retirement.  
13 Q. And when did you retire?  
14 A. October 1st, 1998.  
15 Q. Okay. Fairly recently.  
16 A. Uh-huh (indicating yes).  
17 Q. Going back to the chlorine --  
18 A. Wait a minute. Hang on. Let's see. This is  
19 '99. I told you I wasn't good with dates.  
20 '97.  
21 Q. '97?  
22 A. '97.  
23 Q. Okay. If we could, I'd like for you to walk

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1 me through the chlorine operation and give us  
2 an overview of how the chlorine operation  
3 worked. And I'd like to --  
4 A. From the start?  
5 Q. Yeah. I'd like -- and I'd like to kind of  
6 draw a diagram if we can.  
7 A. I flunked art school also.  
8 Q. Draw us the outline of the building and then  
9 we'll just --  
10 A. Okay. Let's see if I can do --  
11 Q. You might want to make it bigger than that  
12 because we may have a lot of stuff to put in  
13 there.  
14 A. Let me have the legal size. (Witness  
15 drawing.) Back a few years. This is not  
16 going to be exactly accurate.  
17 Q. That's all right. We know it's not to scale,  
18 but it will give us a feel of the layout of  
19 the situation there.  
20 A. Pretty much ground level. That's it.  
21 Q. Okay.  
22 A. This is railroad tracks.  
23 Q. Okay. Let's go ahead and label some of these

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- 1 things. Put RR there.
- 2 A. Okay. ST will stand for storage tanks.
- 3 Q. Okay.
- 4 A. I'm going to put PT for process tanks.
- 5 Q. Okay.
- 6 A. And again, this is not correct on the amount
- 7 or exact locations.
- 8 Q. You mean on the numbers of tanks?
- 9 A. Right.
- 10 Q. Yeah.
- 11 A. I'm going to put SAT for a saturator.
- 12 Q. Okay. On the big --
- 13 A. -- which is a large storage tank, large
- 14 tank. And I don't remember what these were
- 15 called. I call them BT for brine tanks,
- 16 b-r-i-n-e tanks.
- 17 Q. And then were the cells lined up in this
- 18 building?
- 19 A. Right. This was the cell -- pretty much the
- 20 cell house in here.
- 21 Q. How were they oriented?
- 22 A. They were in this type direction.
- 23 Q. Two rows?

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1 A. Two rows.

2 Q. Okay. Somebody else told me there were  
3 thirty-six of them.

4 A. There were thirty-six cells. Eighteen to a  
5 side.

6 Q. Okay.

7 A. And --

8 Q. And then what else was in here besides the  
9 cells?

10 A. This was -- the cells were on the top floor.

11 Q. Okay.

12 A. It was two-story wooden floor top floor.

13 Q. What was on the bottom floor?

14 A. The bottom floor was the pump tanks and part  
15 of the -- I think we called them decomposers.

16 I can't remember.

17 But each cell also had -- for lack  
18 of a better term, we'll call them  
19 "decomposers." I'm not sure that's correct.

20 Q. Okay. What did decomposer do?

21 A. That's where the hydrogen -- they were filled  
22 with carbon granules. This is where the

23 return from the flow from the cell went back

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1 into.

2 This is where we mixed the water  
3 with the caustic to make a certain percent  
4 caustic, either KOH or NAOH sodium hydroxide  
5 or potassium hydroxide, depending on what  
6 brine we were using on that particular cell.

7 Q. Okay.

8 A. And then also downstairs was the pump tanks  
9 for mercury. So the decomposers actually  
10 stuck through the floor from the bottom to  
11 the second floor.

12 Q. Okay. Can you draw what a pump tank looked  
13 like, just your best attempt?

14 A. (Witness drawing.) Top view.

15 Q. Just a big round tank.

16 MR. WRIGHT: Which number are we  
17 on?

18 COURT REPORTER: Should be 12.

19

20 (Plaintiffs' Exhibit Number 12 was

21 marked for identification and  
22 copy of same is attached  
23 hereto.)

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1 A. Let's see. And I remember we had inlets and  
2 outlets, but I'm not sure. There's a pipe.  
3 There's a pipe. A motor.

4 Q. Motor?

5 A. Electric motor. And to the best of my  
6 recollection, that's what they looked like.

7 This is a side view; that's top view.

8 Q. Okay. Was it covered?

9 A. Yes.

10 Q. Okay. And then my understanding is that  
11 water circulated in the tank?

12 A. Water and mercury. This was a mercury pump  
13 tank.

14 MR. PECK: These are the pump  
15 tanks?

16 THE WITNESS: Uh-huh (indicating  
17 yes).

18 MR. PECK: We need to write pump

19 tank.

20 Q. (By Mr. Wright) Pump tank diagram will be

21 Number 13.

22

23 (Plaintiffs' Exhibit Number 13 was

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18

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1 marked for identification and

2 copy of same is attached

3 hereto.)

4 MR. PECK: And your chlorine

5 diagram was Number 12?

6 MR. WRIGHT: Number 12.

7 Q. This pipe is what the mercury ran through?

8 A. Somehow the mercury got into the pump tank by

9 pipe, and it was pumped out by a pipe.

10 Q. Okay. Was there a separate pipe for the

11 water?

12 A. I don't recall.

13 Q. Okay. One fellow last week -- and I can't

14 remember exactly who it was. I think it may

15 have been Mr. Hughes -- told me that the --

16 that there was a layer of water over the

17 mercury inside the pump tank.  
18 A. Yes, that's correct.  
19 Q. And that the water came into the tank and  
20 then came out of the tank into a drainage  
21 ditch that ran, I guess, the length of the  
22 building on the ground floor?  
23 A. There was drainage ditches on the ground

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1 floor, but again, I don't recall how the  
2 water got into it.  
3 Q. Okay. Was there always water in the ditch?  
4 A. Yes.  
5 Q. Okay. Let's sketch the ground floor.  
6 MR. PECK: Do you want legal or --  
7 THE WITNESS: I think I can get it  
8 on this. (Witness drawing.) Okay. This is  
9 pretty much the ground floor.  
10 Q. Slope down to the drainage?  
11 A. Uh-huh (indicating yes).  
12 Q. Okay. And then where were the -- where were  
13 the pumps situated?  
14 A. Best of my recollection, they were back on --

15 Q. Again, eighteen in a row?  
16 A. Uh-huh (indicating yes), eighteen. Do you  
17 want me to go ahead and put eighteen in  
18 here?  
19 Q. No. You might just write eighteen pumps.  
20 Was there anything else down there  
21 except for the eighteen pumps, I mean the  
22 thirty-six pumps, and drainage ditch?  
23 A. The pump tanks, the bottom half of the

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1 decomposers, the drainage ditch.  
2 Part of what we call the buss bar  
3 was right underneath the bottom aroclor, and  
4 that's what carried the current.  
5 MR. PECK: What did you call that?  
6 THE WITNESS: A buss bar. B-u-s-s.  
7 Q. (By Mr. Wright) Tell me again what the  
8 decomposers did.  
9 A. As the material flowed into the decomposers,  
10 we added water to them, and that is -- we  
11 kept a check on the material coming out,  
12 which is what we adjusted the water to to

13 keep it at a certain hydromoter reading to  
14 make the percent caustic we needed to make.  
15 And they also striped the mercury  
16 -- I say striped the mercury. Probably not  
17 a good term, but anyway, they separated the  
18 mercury, and to the best of my recollection,  
19 it went from the decomposer back into the  
20 pump tank.  
21 Q. Okay. So it separated the mercury from the  
22 caustic?  
23 A. Uh-huh (indicating yes).

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1 Q. And sent the mercury back to the pump tank?  
2 A. (Witness nods head.)  
3 Q. Did any water come off of that operation and  
4 go into the drainage ditches?  
5 A. I don't remember.  
6 Q. Where did the caustic come from? Was there  
7 one big tank that fed all of the cells?  
8 A. The caustic was a result of the --  
9 Q. -- of the reaction?  
10 A. Of the reaction in the cells.

11 Q. I got you. Where did the brine come from, I  
12 guess, is what I'm asking?  
13 A. Okay. The brine come from the brine area,  
14 what we call the brine area.  
15 Q. These tanks that you put BTs on?  
16 A. Right. In this area. It was pumped in  
17 through the cells or pumped up to a head tank  
18 and then ran into the cells.  
19 Q. Okay. What went into these storage tanks  
20 here? Did the chlorine go into those?  
21 A. No, this was our caustic.  
22 Q. Okay. Can you write caustic ST there?  
23 A. Uh-huh (indicating yes).

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1 Q. What happened to the caustic after it --  
2 what's in this added section over here?  
3 A. We had a control room --  
4 Q. Okay.  
5 A. -- and an office and what we call the dryers,  
6 which were actually sulfuric acid  
7 compressors. I'm just going to put dryers.  
8 Q. This is all on the second floor?

9 A. First floor.

10 Q. First floor. Okay. Let's put --

11 A. Brine area?

12 Q. Well, is that what you called it?

13 A. That's what we called that area.

14 Q. Oh, that area. Yeah, put brine area over

15 here.

16 A. (Witness complies.)

17 Q. And then put -- because I put second floor

18 showing that the cells were in the second

19 floor, so you better put first floor and a

20 little arrow showing that's where the control

21 room and that added in area was.

22 A. (Witness complies.)

23 MR. PECK: What's the CR for?

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1 THE WITNESS: CR stands for control

2 room.

3 Q. (By Mr. Wright) Yeah. And what was the

4 dryer for again?

5 A. Not being a chemist, from what I understood,

6 it was where we took the moisture from the

7 chlorine.

8 Q. Okay. So the chlorine gas would go into the

9 dryer --

10 A. Yes, sir.

11 Q. -- and then come out of the dryer and go into

12 the -- some storage tank -- go directly into

13 some storage tank somewhere? Or did

14 something else happen to it after that?

15 A. We sent the chlorine, again best of my

16 remembrance, to aroclor.

17 Q. Okay. So chlorine went directly from the

18 chlorine plant to aroclor without having to

19 sit in storage tanks in the chlorine area?

20 A. Correct.

21 Q. Well, then what was in these tanks that you

22 marked SAT?

23 A. Okay. The saturators?

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1 Q. Yes.

2 A. This is where we received the salts, either

3 sodium chloride, potassium chloride, those

4 two systems, and we would unload the tank

5 cars into the saturators, and that's where  
6 we'd make the brine solution up.  
7 Q. Okay. Where did the water off of the dryer  
8 go, do you know?  
9 A. There was no water.  
10 Q. When you took the moisture out of the  
11 chlorine --  
12 A. It was in the sulfuric acid.  
13 Q. I got you. Where did the sulfuric acid go?  
14 A. Storage tanks.  
15 Q. And did you sell that?  
16 A. I don't remember.  
17 Q. Okay. What were these, process tanks?  
18 A. Just process tanks.  
19 Q. What happened in them?  
20 A. I don't recall. I can't even remember the  
21 names of them.  
22 MR. PECK: Which tanks are y'all  
23 talking about?

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1 THE WITNESS: These.

2 MR. PECK: The PTs?

3 THE WITNESS: Yeah. Some of the  
4 process tanks.  
5 Q. (By Mr. Wright) What's in this area down in  
6 the bottom left-hand corner of Exhibit Number  
7 12?  
8 A. This was the electrical transformers.  
9 Q. Let's write that.  
10 A. Okay.  
11 Q. Electrical area.  
12 A. (Witness complies.)  
13 Q. And then this room here?  
14 A. That was the -- where we changed the AC to  
15 DC, and I can't remember what we called it.  
16 Q. Another electrical area?  
17 A. Yeah.  
18 Q. Let's just write electrical there.  
19 A. (Witness complies.)  
20 Q. Okay. I'm going to -- well, going back to  
21 what we're going to mark as Exhibit Number  
22 14, which is the ground floor of the chlorine  
23 plant, and I'm going to label it right now

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26

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1 ground floor and mark it Exhibit Number 14.

2

3 (Plaintiffs' Exhibit Number 14 was

4 marked for identification and

5 copy of same is attached

6 hereto.)

7 Q. You have a slope sloping from the edges of

8 the building down to the drainage ditch?

9 A. Correct.

10 Q. By the way, is that what y'all called it,

11 drainage ditch? Mr. Hughes couldn't remember

12 what y'all called it.

13 A. I think we just called it the ditch.

14 Q. Okay. And you have two of them running the

15 length of the building --

16 A. Correct.

17 Q. -- and the pumps sitting close to the

18 drainage ditches in a line, or actually two

19 lines. And I assume that the drainage went

20 this way?

21 A. Right. I'll put an arrow indicating flow.

22 Q. Okay. What are these boxes that you've drawn

23 at the --

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1 A. Sumps. Would you like me to label those?

2 Q. Yes.

3 A. (Witness complies.)

4 Q. Can you describe those?

5 A. They were a weir, w-e-i-r, type sump, so any

6 of the materials that would flow would go

7 into a -- the heavy material would go into a

8 catch pan here.

9 Then if that should fail, it would

10 overflow into the bottom of this sump, and

11 then the lighter material would go over a dam

12 and go out to the ditch.

13 Q. Okay. Mr. Hughes said that mercury got

14 caught in that, and that y'all would

15 periodically take the mercury out and put it

16 back into the pumps, I guess?

17 A. Correct.

18 Q. Okay. How often did you have to clean

19 mercury out of the sumps?

20 A. We had to check it each shift, and when we

21 got mercury in there, then we'd have to clean

22 it out.

23 Q. How frequently was that? Was it a daily

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BIRMINGHAM, ALABAMA 35203

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1 occurrence or weekly occurrence?

2 A. It vary so much, you couldn't really say it

3 was a particular set occurrence.

4 Q. Okay. On average, would it be daily, bidaily

5 -- by "bidaily," I mean every two days --

6 weekly, monthly, biweekly?

7 A. Again, it would depend on the circumstances.

8 It was not -- it was not that common. I

9 couldn't really say as to, you know, put a

10 specific set of times on it.

11 Q. All right. Would you have to do it at least

12 once every month?

13 A. I just can't recall.

14 Q. You still can't say?

15 A. No.

16 Q. Now, when you say, "checked it every shift,"

17 there's three shifts a day; right?

18 A. Correct.

19 Q. Would you necessarily know if one of the

20 other shift operators had cleaned out the

21 sumps? Was there a record kept of it or

22 anything like that?

23 A. We had to notate it on our operating sheet.

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1 Q. What else did you note on the operating  
2 sheet?

3 A. Oh, gosh. The readings of each cell that we  
4 were supposed to take readings on that  
5 particular time.

6 Q. Once each shift?

7 A. We would take -- they were divided -- the  
8 thirty-six pumps were divided so that each  
9 shift had responsibility for taking the  
10 readings on their particular set of cells.

11 There was another reading we would  
12 have to take twice a shift and another  
13 reading we would have to take every hour, so  
14 there were various readings we had to take at  
15 particular intervals.

16 Q. Did you ever have to change the filter on the  
17 -- what did you call that thing that  
18 separated the mercury from the --

19 MR. PECK: Decomposer.

20 Q. (By Mr. Wright) Decomposer. Yeah. Did you  
21 ever have to change out the filters in the

22 decomposers?

23 A. The filter was carbon, and yes, the carbon

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30

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1 was changed.

2 Q. How frequently did you have to change the  
3 carbon in the decomposers?

4 A. Rarely. I don't recall it happening. But as  
5 I said, the time I was there, just rarely.

6 Q. When you did change the carbon in the  
7 decomposers, what did you do with the old  
8 carbon?

9 A. That, I couldn't tell you.

10 Q. Okay. These drainage ditches, how deep were  
11 they?

12 A. The ditch itself? They were curved. The  
13 deepest point was approximately eight inches.

14 Q. Okay. So it was kind of like a half moon  
15 shape?

16 A. Correct.

17 Q. Rounded bottom, I guess, would be a better  
18 way to say it.

19 A. There you go.

20 Q. How deep was the water that normally ran  
21 through them? I mean, was it a stream, or  
22 was it just a little trickle?  
23 A. It was a continual flow. I would just -- if

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31

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1 I gave a depth, I would have to guess. I  
2 know it covered the bottom, but as far as --  
3 Q. Covered the bottom, but it didn't go all the  
4 way to the top, I assume?  
5 A. No.  
6 Q. And how big were the sumps?  
7 A. The -- I know a man could get down there and  
8 stand in the sump and move around a little  
9 bit, so just a guess, looked like about four  
10 foot.  
11 MR. PECK: Four foot wide? Is that  
12 what you're saying, four foot wide?  
13 THE WITNESS: I'd say probably four  
14 and a half feet by four and a half feet on  
15 this particular part.  
16 Q. (By Mr. Wright) Okay.  
17 A. On the front part.

18 Q. About a four and a half foot square, and then  
19 how deep would they be?  
20 A. Again, I don't recall ever measuring it. It  
21 would have to be a guess.  
22 Q. When somebody stood in there, was it over  
23 their head for example?

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32

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1 A. No.  
2 Q. Waist high?  
3 A. I would say waist high.  
4 Q. Okay. And I assume that's the deepest part?  
5 A. That's the deepest part.  
6 Q. All right. I got one more drafting job for  
7 you.  
8 A. Okay.  
9 Q. The cells. Can you do a sample cell for us?  
10 And I guess we'll need two views, maybe a top  
11 view and then a side view.  
12 A. Okay. (Witness drawing.) The rectangle I  
13 can do. I told you I flunked art school.  
14 Q. That's pretty good. Okay. You labeled it  
15 Dendra?

16 A. Denora.  
17 Q. Denora cells. Okay. We're going to mark  
18 this drawing as Number 15, and then let's  
19 talk about it a little bit.

20

21 (Plaintiffs' Exhibit Number 15 was  
22 marked for identification and  
23 copy of same is attached

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33

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1 hereto.)

2 Q. Let's start with the top view, I guess,  
3 because that's the easiest to understand.

4 What have you drawn?

5 A. Okay. This is the front.

6 Q. Okay.

7 A. This is where the mercury would come in.

8 Q. Okay. And by "front," you're talking about  
9 that side would be closest to the middle of  
10 the building?

11 A. To the decomposer, yeah.

12 The mercury could come in here  
13 under the water. We had water flowing in

14 here. It would go under what we called a  
15 weir, which is sort of like an underflow dam.  
16 Q. Okay. Now, that was water, not brine in this  
17 area?  
18 A. I think. Again, I think we put the brine in  
19 right here on the weir.  
20 Q. Let's write water and mercury there then.  
21 A. Can I use those?  
22 Q. Yes. H2O for water and HG for mercury. And  
23 then what happened?

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34

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1 A. Mercury would flow under the weir and form a  
2 film all the way down through the cell. We  
3 would add the brine right here in this top  
4 part.  
5 Again, this was a plate coming  
6 across. And I'll draw a pipe and label it  
7 brine.  
8 Q. Okay. So the mercury went in first, then the  
9 brine came on top of it?  
10 A. Correct.  
11 Q. Did the brine spread out?

12 A. The brine spread out also.

13 Q. Okay.

14 A. These long -- two long rectangles are the

15 support beams that supported the carbon

16 plates that were inside the cell. There was

17 a rubber cover --

18 Q. Okay.

19 A. -- all the way over the cell except for the

20 two end openings. And this is where the

21 electricity went in to actually do the

22 separation of the brine.

23 Q. Okay. Were these support plates on -- well,

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35

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1 maybe the side view will show it.

2 A. Sort of like "I" beams.

3 Q. Okay.

4 A. And then they have stands that come out.

5 Q. So they sit up above the mercury?

6 A. Correct. They were on the outside.

7 Q. On the outside of the cell?

8 A. Right. Of the rubber cover.

9 Q. Okay. So the rubber cover was actually

10 underneath --  
11 A. -- this support plate, but it was across the  
12 top of the cell.  
13 Q. Okay. I'm puzzled.  
14 A. Let me see if I can give you sort of a  
15 breakdown.  
16 Q. Okay.  
17 A. This is the cell bottom.  
18 Q. Okay.  
19 A. We had mercury flowing across that  
20 (indicating).  
21 Q. Right.  
22 A. And then brine across the top of that  
23 (indicating).

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36

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1 Q. Right.  
2 A. Then we had -- I'm left-handed. I'm sitting  
3 on the wrong side of you --  
4 MR. PECK: That's all right.  
5 THE WITNESS: Then we had the  
6 carbon plates that stuck through. And then  
7 over that, we had a rubber cover. And these

8 rods went down through a seal in the cover.

9 Q. (By Mr. Wright) Okay.

10 A. And these rods were --

11 Q. What were they attached to?

12 A. They were attached to a metal arm that comes

13 off -- that's these metal arms that come off

14 the support beam, which the support beam

15 rested on the sides of the cell.

16 So I guess actually I should have

17 done it this way --

18 Q. Okay.

19 A. -- put the support beams there.

20 Q. Okay. So it goes all the way to the side of

21 the box basically?

22 A. Right.

23 Q. Okay. Did you ever take the rubber cover

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37

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1 off?

2 A. Maintenance would take it off.

3 Q. When they took the rubber cover off, how did

4 they do it? Did they just have to --

5 A. They had to undo all the bolts down the sides

6 and on the front and back and take a crane  
7 and lift it up.  
8 Q. Okay. What were the dimensions of the cells  
9 generally?  
10 A. Oh, gosh.  
11 Q. Mr. Hughes said he thought they were about  
12 thirty feet long; does that sound right?  
13 A. And four to five feet wide. They were long,  
14 and that sounds pretty close.  
15 Q. Okay. Actually, let's write that down. You  
16 can do your -- okay. Yeah. Do your  
17 approximately sign.  
18 A. Okay.  
19 Q. Okay. Now, going back to the way the --  
20 everything flowed, did water circulate here,  
21 and by "circulate," I mean new water come in  
22 and old water go out?  
23 A. We kept a continual flow on there because

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38

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1 some of the water would go underneath this.  
2 Q. Okay.  
3 A. So we kept a -- let's see. So approximately

4 six inches of water.

5 Q. Okay.

6 A. Over the mercury.

7 Q. So there would be a pipe bringing water --

8 A. Correct.

9 Q. -- into it, bringing new water in? Was there

10 a drain taking old water off?

11 A. No.

12 Q. Okay. So that water just got added to the

13 brine mixture?

14 A. Correct.

15 Q. Okay. And then what happened down here at

16 the other end?

17 A. Okay. This was where we had the solution

18 coming out that would come from the cells.

19 Of course we kept water on it also. And the

20 mercury would come out and go through a --

21 into a -- I guess collection point.

22 The materials from here would go

23 out of the cell would come from here and then

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39

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1 go back down to the decomposer.

2 Q. Okay. So there would be a pipe coming out  
3 the bottom of the cell to take the --  
4 A. -- materials back to the decomposer.  
5 Q. To the decomposer. And then I assume there  
6 was some place to take the chlorine gas off?  
7 A. Right. There was a collector, and this part  
8 of the rubber cover that would go over to  
9 what we called the header which was a  
10 collector part.  
11 Q. Okay. Let's write chlorine gas.  
12 A. CL2 stands for chlorine.  
13 Q. Okay.  
14 A. I'll put the collector.  
15 Q. Okay. So everything would go down this hole  
16 to the decomposer, brine, mercury?  
17 A. Uh-huh (indicating yes), to the best of my  
18 memory. And I've got this messed up. I'm  
19 changing that.  
20 Q. The collector was closer to the front?  
21 A. It was closer to the front.  
22 Q. Okay. Now, tell me again what came off of  
23 the -- well, on the decomposer, how big was

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1       the decomposer?

2    A. That big (indicating).

3    Q. Just for the record, you've got your arms out

4       like you're putting your arms around a tree,

5       and your hands don't quite touch?

6    A. Yeah. I don't know what you would call that.

7    Q. So you could almost hug it all the way

8       around?

9    A. Uh-huh (indicating yes).

10   Q. Was it round?

11   A. Round, right.

12   Q. How tall was it then?

13   A. I'm not sure because it stood off the bottom

14       floor some on legs, and it stuck through the

15       second floor, so --

16   Q. Would it have been taller than a man?

17   A. I don't think so. I would say approximately

18       the same height.

19   Q. Okay. So around six feet tall?

20   A. Approximately.

21   Q. And did the materials coming from the cell go

22       into the top of the decomposer?

23   A. Close to the top.

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1 Q. Okay. And then what came out of the  
2 decomposer? You said mercury came out of  
3 it.

4 A. The caustic that we made and hydrogen gas.

5 Q. So mercury, caustic, and hydrogen gas?

6 A. Uh-huh (indicating yes).

7 Q. Any water come off of that?

8 A. The water would come off as part of the  
9 caustic.

10 Q. Okay. What happened to the caustic then?

11 A. It ended up in the storage tanks.

12 Q. And what happened to it after that? Was it  
13 sold?

14 A. The majority of it was sold.

15 Q. What happened to what wasn't sold?

16 A. It was used at the plant.

17 Q. Just out of curiosity, what would you use it  
18 for?

19 A. Some of the other processes had to have  
20 caustic.

21 Q. Okay. Why don't we take a break? We've been  
22 going about an hour.

23 MR. PECK: Okay.

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1 (Short recess.)

2 Q. (By Mr. Wright) Okay. Now that we've had a  
3 break, I promised you before the break that  
4 you'd get to walk through your memory of the  
5 parathion operation. And so let's try that  
6 next.

7 I'm giving you another sheet of  
8 paper, and there's a pen. And, again, let's  
9 just do a bird's eye view of the layout of  
10 the parathion area.

11

12 (Plaintiff's Exhibit Number 16 was  
13 marked for identification and  
14 copy of same is attached  
15 hereto.)

16 A. Okay. I was -- they had what they called two  
17 sides to the parathion department, and I'm  
18 very unfamiliar with the one side. I only  
19 worked on one side.

20 Q. Let's just do the one side that you remember  
21 then. What were the two sides? What was the  
22 distinction?

23 A. You sat in the control room. When I first

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43

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1 went over there, you worked your way up on  
2 the jobs by seniority, and I never got enough  
3 seniority to get above one side.

4 And seriously, that's the way it  
5 was. One panel board for one side and one  
6 panel board for another side.

7 Q. I mean, were they the same operation?

8 A. They were the same operation. It was just  
9 the steps in the process that you would go  
10 along.

11 Q. So you handled some steps in the process, and  
12 you never did handle the other steps?

13 A. I never did handle the other steps.

14 Q. Okay. Well, do you -- did you understand  
15 enough to know just generally what the other  
16 steps in the process were?

17 A. Very very general.

18 Q. Let's do that then because it's going to be  
19 awkward if we only talk about one half of it.

20 We can go into detail about the

21 part you remember, but I'd at least like to  
22 generally talk about the whole process to the  
23 extent you can.

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44

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1 A. Okay.

2 Q. And you can just tell us as we go along this  
3 is what you remember well and this is what  
4 you don't remember very well.

5 A. The ones I'm not familiar with started with  
6 the thio acid step, t-h-i-o, and it has a  
7 chemical name I can't remember.

8 This was where some of the raw  
9 products were brought together to first start  
10 in one part of the step to make the  
11 parathion.

12 Q. To make the thio acid?

13 A. To make the thio acid. The alcohol, the  
14 phosphorus pentasulfide P<sub>2</sub>S<sub>5</sub>, and probably  
15 some more materials.

16 From that, it went to a  
17 chlorination step where they used chlorine to  
18 put in what they ended up with thio acid

19 step.  
20 Then from there, it went to another  
21 step where they added what we called soda ash  
22 into that. And that's in a PNP slurry that  
23 had PNP and acetone in it.

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45

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1 That was added, and then that's  
2 where I really came into being at that time.  
3 Q. Okay. I guess what we can do then is let's  
4 just draw a box for thio acid.  
5 A. Okay. (Witness complies.)  
6 Q. And kind of generally lay out where it was in  
7 the plant. And we'll just -- we'll just call  
8 that the thio acid area, and we won't go into  
9 detail on that.  
10 A. (Witness complies.) Okay. That's thio acid.  
11 I'm putting CL2 for what we call  
12 chlorinators. I'm marking four hundred area.  
13 Q. Okay.  
14 A. And again, this is a rough drawing. Four  
15 hundred area which was downstairs.  
16 Q. Okay.

17 A. Where we done the drumming.  
18 Q. Another multilevel building?  
19 A. Right. This was a two-and three-story  
20 structure.  
21 Q. Okay.  
22 A. Primarily, the operating area was open in the  
23 structure. The control room was closed.

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46

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1 Q. Are you drawing -- is this drawing the ground  
2 floor, the second floor?  
3 A. This is primarily the second floor.  
4 Q. Okay.  
5 A. Which was the main operating floor.  
6 Q. Okay.  
7 A. As I said, and I don't remember what these --  
8 what we called cubicles. On bottom of the  
9 second floor was concrete walls separating  
10 three sides with one side -- this side is  
11 open.  
12 Q. Okay. So the thio acid part of the process  
13 was in a cubicle with three sides and then  
14 open?

15 A. Right.

16 Q. Okay. And then chlorinators --

17 A. -- were essentially the same way. We had

18 cubicles on the -- this we called the

19 backside which is on the west side.

20 Q. Okay. Were the chlorinators the same, the

21 two chlorinators, or did they do different

22 things?

23 A. They were essentially the same.

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47

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1 Q. Okay.

2 A. And we had, I think, five of them, but I

3 don't know what the arrangements were in the

4 cubicles.

5 Q. Okay. Were there only three cubicles?

6 A. No, no, there was several.

7 Q. There were a bunch of cubicles?

8 A. There were several cubicles down there.

9 Q. Okay.

10 A. I don't recall how many.

11 Q. Okay.

12 A. Then this -- again, the floors here, the

13 three floors, these were open, and there was  
14 tanks, process tanks, just scattered all  
15 through the three levels down through here.  
16 Q. You don't remember which process tanks were  
17 where?  
18 A. Gosh, no.  
19 Q. Okay. What part of the process were you  
20 mostly involved in then?  
21 A. I was involved in the finished goods side.  
22 Q. What does that mean?  
23 A. That is where we -- the parathion was made,

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48

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1 and we washed it and dried it and drummed it.  
2 Q. How did you wash it?  
3 A. Very carefully.  
4 Q. Little tiny sponges?  
5 A. With water.  
6 Q. And can you describe that? I mean, was there  
7 one machine that did it, and if so, what did  
8 you call that machine? And then let's try to  
9 describe it.  
10 A. I can't remember the name of the tank. There

11 was a couple of tanks that we would put it  
12 through.

13 Q. Okay.

14 A. Of course we would use water to wash it.

15 Q. Was it a solid by the way?

16 A. It was a liquid.

17 Q. Liquid?

18 A. Right. We're probably skipping around in the  
19 process, but as we would receive it from the  
20 other part of the process, we would let it --  
21 let the heavy materials settle out.

22 And then we would take it -- we  
23 would wash it and dry it in a type of a

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49

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1 horizontal vacuum tank. And from there, it  
2 would go to a collection tank, which we would  
3 then put it in another storage tank and drum  
4 from that storage tank.

5 That's pretty much the process I  
6 was involved in.

7 Q. So it got washed in one tank or two tanks?

8 A. A combination of two tanks where we would let

9       it settle.

10    Q. So it would go into one tank and get washed

11       somewhat in that tank, and then it'd go into

12       another tank --

13    A. Correct.

14    Q. -- and get washed some more? When you said

15       the solids settled out or the heavier things

16       settled out, what would that be?

17    A. We called it rag, r-a-g. But it was some of

18       the suspended solids that would be in the

19       material left over from other processes.

20    Q. What solids could it have been? I mean, was

21       it PNP or --

22    A. I wouldn't even hazard to guess.

23    Q. All right. What did you do with those

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50

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1       solids?

2    A. We'd drain those off to waste treatment.

3    Q. So you'd drain the bottom portion of the

4       tank?

5    A. Right.

6    Q. Every -- now, was this a continuous

7 operation, or was it a batch operation?

8 A. It was both. Parts of it was batch

9 operation; parts of it was continuous

10 operation. For the most part, ours was

11 continuous.

12 Q. How often did you drain the bottoms off of

13 the --

14 A. Once a shift.

15 Q. Once a shift?

16 A. Right.

17 Q. You were there '72 and after, but you don't

18 remember how long?

19 A. Correct.

20 Q. Do you remember when parathion shut down,

21 what year?

22 A. No, not exactly.

23 MR. WRIGHT: Do you remember, Adam,

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51

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1 was it '84?

2 MR. PECK: Middle '80s. Either '84

3 or '86. I'm not sure which.

4 THE WITNESS: I know in '85 is when

5 we were told the plant was shutting down.

6 Q. (By Mr. Wright) So it must have been in '86  
7 then. But you weren't there at that time?

8 A. No.

9 Q. Did they have the parathion incinerator when  
10 you were there? Was there an incinerator for  
11 parathion plant?

12 A. Yes, we had an incinerator.

13 Q. Can you describe it for me?

14 A. No. That was not part of my job in that  
15 area.

16 Q. Did you ever put anything in the incinerator?

17 A. Now, the incinerator that you're talking  
18 about -- I'm not sure we're talking about the  
19 same incinerator.

20 Q. I know there was one in the parathion area,  
21 and then I know there was one up at the  
22 landfill, the TP incinerator.

23 A. Okay. I don't know anything about the

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52

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1 landfill.

2 Q. Okay.

3 MR. PECK: I think what's throwing  
4 him is you said putting into it, and it's a  
5 process incinerator, not an open the door --

6 THE WITNESS: No, I didn't put  
7 anything in the incinerator.

8 Q. (By Mr. Wright) Okay. Is the incinerator  
9 one that -- well, can you describe the  
10 parathion incinerator at all?

11 A. It was round and tall and had a stack. That  
12 was really on the other side, so I had very  
13 little dealings with the incinerator.

14 Q. Okay. What other incinerators are you aware  
15 of that were ever at the Anniston plant?

16 A. It was my background when we talk about  
17 incinerators -- I think we may be talking  
18 about two different type things. Explain to  
19 me what you're talking about.

20 Q. Something where you burn stuff.

21 A. Okay.

22 Q. Just something that burns things.

23 A. I want to say no with the reservation I can

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53

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1 change my mind.

2 Q. You don't remember any other incinerators

3 right now?

4 A. No.

5 Q. What about burn pits or burn areas or waste

6 burning or anything like that?

7 A. No.

8 Q. You don't remember?

9 A. The only burn pit I'm familiar with is one I

10 used on the fire training ground.

11 Q. But I assume trash wasn't regularly burned at

12 your burn pit --

13 A. No.

14 Q. -- on the fire training ground?

15 A. No.

16 Q. You never went to the landfill at all?

17 A. One time for about fifteen minutes just to

18 see where it was and what it looked like.

19 Q. Do you remember around what year that was?

20 Was it '60s or '70s or '80s?

21 A. Late '60s, early '70s.

22 Q. What did you see when you went up there?

23 A. Not much really. Just trees and -- I do

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1 remember seeing a hole, but I didn't go see

2 what was in the hole. That's about it.

3 Q. Was there water in the bottom of the hole?

4 A. I didn't even look in the hole.

5 Q. Okay. Was there anything around the hole

6 other than dirt?

7 A. I don't remember. Like I said, I was there

8 probably not for more than fifteen minutes.

9 Q. Did y'all use therminol in the P2S5

10 operation?

11 A. Yes.

12 Q. How -- well, let's walk through the P2S5

13 operation if we can. Can you do that?

14 A. I was there just long enough to shut it down,

15 and it's really going to be sketchy, I'm here

16 to tell you.

17 Q. Well, let's just do the best we can with the

18 understanding that it's going to be sketchy.

19 And let's go ahead and mark the parathion

20 sketch as 17, I guess.

21

22 (Plaintiffs' Exhibit Number 17 was

23 marked for identification and

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1 copy of same is attached

2 hereto.)

3 MR. PECK: Yeah.

4 THE WITNESS: Let me back up. When

5 you asked if we used therminol in P2S5.

6 Q. (By Mr. Wright) Uh-huh (indicating yes).

7 A. I want to change that to I'm not sure.

8 Q. Okay. I know they used it at Krumrich

9 because I've seen documents that talk about

10 draining the therminol in the P2S5 operation

11 at Krumrich, and that's why I asked you

12 that.

13 A. Well, I said yes because most times for heat

14 we use it, but then when I get to thinking

15 about it, I don't remember a therminol

16 furnace, and we would have had to have one in

17 P2S5. And I don't recall one being over

18 there. So --

19 Q. So maybe; maybe not?

20 A. Yeah, maybe; maybe not. I'm not sure.

21 Q. Let's walk through the process, and that may

22 jog the memory some more.

23 A. Okay. Let's see. (Witness drawing.) Okay.

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1 As I say this is going to be very very  
2 sketchy.

3 We had a ground unit out here.

4 This is on the south. This is P2S5. This is  
5 south.

6 Q. Okay.

7 MR. PECK: Good job writing upside  
8 down.

9 THE WITNESS: Yeah, if you couldn't  
10 see any better that I can.

11 There was a system out here on the  
12 ground, and I cannot really remember what all  
13 that did do. I know it had a furnace in it  
14 or a heater, but I can't remember what it was  
15 for. Seems to me it was for the sulfur part.

16 We had a control room. This is the  
17 department itself. We had a control room,  
18 and we had the reactor over here.

19 Q. (By Mr. Wright) Okay.

20 A. The reactor was -- covered all three stories.

21 And this is where we actually mixed the

22 sulfur and the phosphorus.

23 Q. So you spent most of your time on the second

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57

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1 floor?

2 A. Most of my time on the second floor.

3 Q. And then how did you mix the sulfur and the  
4 phosphorus?

5 A. That was very very carefully. I don't  
6 remember. All this is so long ago that when  
7 I left, I put everything out of my mind. I  
8 lost all that memory.

9 Q. I understand.

10 A. I knew I wouldn't need that especially.

11 Q. Okay. Going back to my original question  
12 then on whether you used therminol. You say  
13 there was a heat unit of some sort in this  
14 ground area?

15 A. Yeah, in the ground area.

16 Q. And you just don't remember whether it used  
17 it?

18 A. Again, I think that used natural gas.

19 Q. Okay. What other units used therminol that

20 you remember?

21 MR. PECK: Throughout the plant,  
22 you mean?

23 MR. WRIGHT: Uh-huh (indicating

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58

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1 yes).

2 THE WITNESS: Yeah, the polyphenols  
3 area, what we called HB40, uses therminol.

4 Q. (By Mr. Wright) How did it use the  
5 therminol?

6 A. We used it on a jacket of one of the reactors  
7 to heat the material as we needed to.

8 Q. Did you ever drain the therminol out of that?

9 A. No, I didn't.

10 Q. Do you know if it was drained?

11 A. Yes, it was drained.

12 Q. Do you have any feel for how frequently it  
13 was drained?

14 A. No, but I would say rarely.

15 Q. By "rarely," are you talking about monthly or  
16 every six months or every year?

17 A. I would probably say three to four years.

18       Something like that.

19    Q.  Okay.  Did it ever leak?

20    A.  Yeah, there were leaks.

21    Q.  What part of the plant was that located in?

22    A.  That was located in the -- what we call the

23       polyphenol department or biphenyl department.

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59

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1    Q.  Okay.  Near the aroclor department?

2    A.  Right.

3    Q.  Did you work in that area?

4    A.  In aroclor?

5    Q.  No, in the biphenyl.  No, you did not.

6    A.  Only as when I was chief.

7    Q.  Okay.

8    A.  But yes, I did work.  I was -- while I was

9       shut back, I was trained in the HB40

10       department.

11   Q.  Okay.  Was that area concreted, the HB40

12       area?

13   A.  For the most part.

14   Q.  Did it --

15   A.  Or concrete or asphalt.

16 Q. Okay. Did it have drains like we've been  
17 talking about, the drainage ditches like the  
18 chlorinator area had or like the --  
19 A. Yes.  
20 Q. Okay. And those ran through the sewer system  
21 that went on down to the limestone pits?  
22 A. Uh-huh (indicating yes), yes.  
23 Q. Did that area get washed down like the

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60

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1 chlorinator area?  
2 A. I didn't. It would get cleaned, and -- yes,  
3 it got washed down. I had to stop and think  
4 how they did that.  
5 Q. Okay. Now, I know the chlorinator area got  
6 washed down every shift.  
7 A. Now, when we're talking about chlorinator,  
8 we're -- at aroclor?  
9 Q. Yes, yes. I'm sorry. I forgot y'all had  
10 chlorinators in other places. I'm talking  
11 about the chlorinator area in the aroclor  
12 department.  
13 A. Okay.

14 Q. Did the HB40 area get washed down every shift  
15 or less frequently than that?  
16 A. I couldn't say.  
17 Q. Okay. Did you ever have any involvement with  
18 testing or sampling waste water for PCBs?  
19 A. I sampled waste water from waste treatment  
20 area. I would sample that, but I took the  
21 samples to the lab.  
22 Q. Now, when you say, "the waste treatment  
23 area," is that where the parathion waste

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61

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1 water went?  
2 A. Right.  
3 Q. Did they sample that for PCBs, do you know?  
4 A. I don't know.  
5 Q. So you drew samples from the waste water  
6 treatment area for the PCB waste water, took  
7 those to the lab, and you don't know what  
8 kind of analysis they ran on it?  
9 MR. PECK: Object to the form of  
10 the question. I don't think that's what he  
11 said, but go ahead.

12 THE WITNESS: Ask me again.

13 Q. (By Mr. Wright) Okay. You took samples from

14 the parathion waste water treatment area?

15 A. Correct.

16 Q. Took those samples to the lab?

17 A. Correct.

18 Q. And the lab did whatever the lab does, but

19 you don't know what they were testing for?

20 A. You're right. That's correct.

21 Q. And you did not do something similar to that

22 from the aroclor exposed waste water?

23 A. Personally, I didn't, no.

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62

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1 Q. Do you know who did, if anybody?

2 A. I remember lab personnel coming over and

3 taking samples, but as to what they were

4 taking samples of and what for, I don't know.

5 Q. Did they do it on a routine basis in your

6 recollection, or do you just remember them

7 every now and then coming to take samples?

8 A. Because we worked shift work, you know, they

9 might have been over there taking samples and

10 I didn't see them. So as far as whether it  
11 was routine or not, I can't say.

12 Q. All I'm asking is: Do you know whether they  
13 took samples at 8:00 o'clock every morning or  
14 something like that?

15 A. No, I wouldn't have any idea.

16 Q. Okay. You would just remember seeing them  
17 from time to time, but you don't remember  
18 seeing them do the same thing at the same  
19 time every day?

20 A. No -- I wouldn't have been able to do that  
21 because I was not always in the same area.

22 Q. Okay. When you saw them taking samples,  
23 where were they taking them from in your

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63

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1 recollection?

2 A. That, I don't know. What they had to do was  
3 come through the control room and check in  
4 with us to let us know they were in the area.

5 Q. Just out of curiosity, why did they have to  
6 do that? Was it just safety?

7 A. Safety reasons.

8 Q. So you, as the operator, would know who all  
9 was where?

10 A. Right.

11 Q. So really, what you're saying is you knew  
12 they came to take samples because they  
13 stopped in and told you hey, we're going to  
14 be in the area, but then you don't know  
15 exactly where they went and what samples they  
16 took?

17 A. Correct.

18 Q. Okay. And you don't remember any of the  
19 samples being drawn -- I'm sorry -- and you  
20 don't remember seeing any of the samples  
21 being drawn?

22 A. No. Ordinarily, I wouldn't have, you know,  
23 went -- gone with them to where they were

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64

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1 going or anything.

2 Q. Yeah, I was just wondering if there was an  
3 occasion for whatever reason that you recall  
4 that you did see them?

5 A. No, I don't recall.

6 Q. Okay. Is HB40 still going?

7 A. Yes.

8 Q. Do they still use therminol in the heat  
9 exchanger?

10 A. They did when I retired.

11 Q. As of '98?

12 A. Uh-huh (indicating yes).

13 Q. Okay. Is it the same therminol, or is it a  
14 new and improved no PCB therminol?

15 MR. PECK: Object to the form of  
16 the question.

17 Q. (By Mr. Wright) I'm just wondering if it's  
18 the same -- if you're using the same stuff  
19 that you used back when therminol had PCBs in  
20 it?

21 A. This is a different therminol.

22 Q. Okay. Do you know when they quit using the  
23 PCB therminol and started using a different

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65

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1 therminol?

2 A. No.

3 MR. PECK: Object to the form of

4 the question. I'm only objecting because I'm  
5 not sure if there was non PCB therminols as  
6 well as PCB therminols, and so your question  
7 assumes that the therminol that was being  
8 used originally was PCB therminol. It may  
9 not have been. I don't know, and I don't  
10 know if this witness knows.

11 Q. (By Mr. Wright) Do you know?

12 A. No.

13 Q. Who would know that?

14 A. If the therminols had PCBs in them?

15 Q. I guess. I would have assumed they did back  
16 in the '60s and '70s when PCB -- PCBs were  
17 widely used, but, you know, just to satisfy  
18 Adam, I guess I probably better figure out  
19 somebody to ask.

20 A. It would be someone in a position much higher  
21 than what I had.

22 Q. Okay. How do you know today that the  
23 therminol does not have PCBs?

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66

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1 A. How do I know?

2 Q. Uh-huh (indicating yes).

3 A. Good question. Knowing the company that I

4 worked for, Monsanto Company, and their track

5 record, I would assume, and I know what

6 assume does --

7 Q. Okay.

8 A. -- that they had tested it.

9 Q. Okay. So you assume that they don't use PCB

10 therminol anymore, but you don't know that

11 for sure, I guess?

12 A. No. I don't know where they would get it

13 from, but --

14 Q. Okay.

15 A. I mean, I've not seen any tests on the

16 therminol they use in there.

17 Q. I understand. You feel pretty confident they

18 don't use it anymore, and I'll join you in

19 your confidence that they don't use it

20 anymore. But neither one of us knows for

21 sure.

22 A. (Witness nods head.)

23 Q. Okay.

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1 MR. PECK: That was a yes?

2 THE WITNESS: Yes.

3 Q. (By Mr. Wright) Tell me about your job as

4 safety and health technician.

5 A. Kept me busy.

6 Q. What kind of stuff did you do?

7 A. Primarily, I was responsible for safety at

8 the plant and the industrial hygiene parts

9 for the employees of the plant.

10 Q. Were you the main man for those two points?

11 A. Yes. I did have a supervisor.

12 Q. Is that Ish Ransaw?

13 A. No, Robert Jones.

14 Q. Okay. Yeah, Ish Ransaw was old days, wasn't

15 he?

16 A. He was a long time ago.

17 Q. Okay. I had a mind block there for a minute.

18 I want to talk about the industrial

19 hygiene part.

20 A. Okay.

21 Q. What exactly did you do regarding industrial

22 hygiene?

23 A. The samples, the routine samples, the setup

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1 of the sampling schedule for industrial

2 hygiene, the making sure that the employees

3 were protected as far as what we knew.

4 Q. By "samples," you mean the tags they would

5 wear?

6 A. The badges, the air samples.

7 Q. What did you air sample for?

8 A. Just about everything in there. Welding

9 fumes, benzene, PNP, PNCB. Now, I lost my

10 train of thought.

11 Q. PNP, PNCB?

12 A. I would have to get the list, but we -- the

13 corporate industrial hygienist and I set down

14 every year and go over the -- our plan for

15 sampling as to how many samples we need, what

16 type samples we need, and then that's what

17 I'd base my sampling on was our plan.

18 Q. Who was the corporate industrial hygienist?

19 A. I was going to tell you until you asked me

20 that.

21 Q. I know how that works. That's all right. If

22 it comes to you, tell me.

23 MR. PECK: What time period are we

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1 at?

2 THE WITNESS: Within the last three  
3 years.

4 Q. (By Mr. Wright) This is pretty current.

5 It's my understanding that Monsanto  
6 has a database regarding employee health  
7 status. Do you know anything about that?

8 A. I know the -- I know databases.

9 Q. Let me ask a broader question then. That's a  
10 good point.

11 What kind of records did Monsanto  
12 keep regarding the health status of its  
13 employees at the Anniston plant?

14 A. Now, I'm not privilege to look at their  
15 health records, medical records, so I know  
16 there is a database as far as their medical  
17 records are concerned, but I don't know  
18 what's in there.

19 Q. I understand.

20 A. Okay.

21 Q. Where is the database kept? I assume it's  
22 computerized now?

23 A. The records are kept -- hard copies are kept

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70

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1 at the plant doctor's office, and at Monsanto

2 corporate.

3 Q. St. Louis?

4 A. St. Louis.

5 Q. How long have those records been maintained?

6 A. Long as I can remember.

7 Q. Including the '60s and '70s and '80s?

8 A. Uh-huh (indicating yes), yes.

9 Q. Do you have any idea when they first started

10 being computerized?

11 A. No.

12 Q. Has St. Louis always had a copy?

13 MR. PECK: Object to the form of

14 the question.

15 Q. (By Mr. Wright) You can answer.

16 A. Yeah, I have no way of knowing.

17 Q. What's the earliest that you know St. Louis

18 had a copy or St. Louis got a copy of the

19 data?

20 A. Of my records?

21 Q. Yeah, the health records of the people in the  
22 plant?  
23 A. I was told when I went to work that they kept

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71

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1 copies.  
2 Q. That Monsanto Anniston kept copies. Was it  
3 your understanding that St. Louis also kept  
4 copies?  
5 A. Yes.  
6 Q. Okay. So it was your understanding that  
7 there would be one set of records there at  
8 the plant and a duplicate set sent to St.  
9 Louis?  
10 A. Correct.  
11 Q. Okay. Did you ever have any interaction --  
12 well, is there still a medical department at  
13 Monsanto?  
14 A. Contract.  
15 Q. Okay. You're answering a different -- you're  
16 answering --  
17 A. Okay. When you talk medical --  
18 Q. I know. That's what I'm saying.

19 A. -- I'm talking about a doctor and a nurse.  
20 Q. I know. Okay. We're talking -- I'm asking a  
21 question, and you're answering it right, but  
22 that's not the question that I intended.  
23 So there's a doctor and a nurse

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72

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1 which is the local Anniston medical  
2 department, so to speak?  
3 A. Right, and they're contract.  
4 Q. Okay. What I'm asking about is the corporate  
5 medical department. I mean, they used to  
6 call it the medical department. They may  
7 call it something else now. It may just be  
8 called industrial hygiene. I don't know.  
9 That's why I'm asking if there's  
10 still a separate medical department and an  
11 industrial hygiene department or if y'all  
12 call it something else?  
13 A. At?  
14 Q. St. Louis corporate.  
15 A. St. Louis?  
16 Q. Yes.

17 A. There was a -- right before I retired, they  
18 brought a new physician on board for the  
19 medical department.  
20 Q. For the corporate medical department?  
21 A. For the corporate medical department.  
22 Q. Who was that physician?  
23 A. Gosh, I can't remember.

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73

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1 Q. Was George -- did you ever -- George Rousch  
2 was the doctor there for a while. Did you  
3 ever have any dealings with him?  
4 A. No. That name's totally unfamiliar.  
5 Q. Okay. Off the record.  
6 (Discussion off the record.)  
7 Q. (By Mr. Wright) Last week, I was provided a  
8 report that somebody in St. Louis did  
9 evaluating the -- or analyzing the health  
10 status of people who worked there from '79 to  
11 '89. And it carried a date of 1995, so I  
12 assume that would have come down when you  
13 were in your safety and health job; right?  
14 A. No, that would have been before.

15 Q. Okay. In any event, do you remember that  
16 report coming down and being talked about?

17 A. Yes, I do.

18 Q. How was it presented, if it was presented to  
19 the workers? I mean, did y'all have a  
20 meeting or slide show or what?

21 A. I'm trying to remember. I think we had a  
22 meeting, and I know I've read a copy of it.

23 Q. Have there been any -- well, I was going to

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74

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1 say follow-up studies, but it may not have  
2 been necessarily a follow-up study.

3 Have there been any other studies  
4 of the health status of workers at the  
5 Anniston plant other than that one that came  
6 down in '95?

7 A. When you say "health study," is that the one  
8 that included the PCB report?

9 Q. Well, I don't know about the PCB report.  
10 What are you thinking of?

11 A. I know we had a meeting a few years ago, may  
12 have been several years ago, but where they

13       came -- we had the opportunity to hear  
14       someone from St. Louis come down and give us  
15       a report on PCBs, what they found in people,  
16       what the median PPM was, parts per million,  
17       was in people.

18   Q.   PCB levels?

19   A.   Yeah, PCB levels.

20   Q.   Well, let me ask you about that, but that's  
21       not really what I'm asking about, but I do  
22       want to ask about that.

23               Did everybody get their blood

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75

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1       tested, everybody at the plant for PCBs, I  
2       mean?

3   A.   Now that, I don't know. Everyone gets their  
4       blood tested.

5   Q.   Do you know if they've ever systematically  
6       tested blood levels of PCBs ever at the  
7       plant?

8   A.   I don't know what all they did run on the  
9       blood, but I know I've had the opportunity to  
10       have mine tested for PCBs.

11 Q. Okay. Just out of curiosity, did you take  
12 them up on it?  
13 A. Sure.  
14 Q. What was your level?  
15 A. I don't know. It wasn't anything that  
16 concerned me.  
17 Q. Was it single digits, do you remember?  
18 A. No, it was double digits, but, again, I don't  
19 really recall.  
20 Q. You don't remember whether it was teens or  
21 twenties or thirties?  
22 A. No.  
23 Q. When did you get yours tested? Do you

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76

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1 remember just ballpark?  
2 A. Somewhere in the '90s.  
3 Q. Was it after -- Adam may object to this, but  
4 I don't think he will.  
5 I think you'll agree that in recent  
6 years there's been kind of a fire storm of  
7 discussion about PCBs in and near the  
8 Monsanto plant in Anniston?

9 A. Yes, I'm aware of that.

10 Q. Was the blood testing that you volunteered

11 for done before or after the fire storm hit?

12 A. In that period, but I can't remember before

13 or after.

14 Q. All right. But it was near the time that it

15 all started bubbling up?

16 A. (Witness nods head.)

17 Q. Okay. Now, I want to ask you about the

18 meeting. When was the meeting that you were

19 talking about where the guys came from St.

20 Louis and talked about blood levels?

21 A. We had one guy, and as to when it was, I

22 cannot remember.

23 Q. Was it after you had your blood tested?

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77

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1 A. No, I think it was before.

2 Q. Did he -- well, do you remember who the guy

3 was?

4 A. No.

5 Q. Do you remember what department he was from?

6 A. No.

7 Q. Do you remember how old he was?  
8 A. Not really.  
9 Q. Were there materials handed out at that  
10 meeting?  
11 A. Yes.  
12 Q. What kind of materials were handed out?  
13 A. Materials on studies of PCB levels in people.  
14 Q. You don't still have one by any chance, do  
15 you?  
16 A. It's possible.  
17 Q. Do you still live in Anniston?  
18 A. Jacksonville.  
19 Q. Okay. Would you mind checking, if it's not  
20 too much trouble, and seeing if you have  
21 either the materials that were handed out at  
22 the PCB meeting or this health study that  
23 we've been talking about?

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78

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1 I think I have a copy of the health  
2 study, but if yours is different, I'd like to  
3 know that.  
4 A. Boy, if you could only see my place. No, I

5 don't mind checking.

6 Q. Okay.

7 MR. KELLY: Can we go off the  
8 record for a minute?

9 MR. WRIGHT: Yeah.

10 (Discussion off the record.)

11 Q. (By Mr. Wright) Yeah, Mr. Byrd, if you  
12 wouldn't mind just checking your materials,  
13 and you can either call the court reporter or  
14 Adam may rather you call him.

15 MR. PECK: I gave you my card.

16 THE WITNESS: Right.

17 MR. PECK: There's a direct dial  
18 number on there. Just call and let me know  
19 what you found.

20 THE WITNESS: Okay.

21 MR. PECK: If you find something,  
22 maybe drop it here at Arthur Fite's office.

23 MR. WRIGHT: You can put it in a

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79

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1 manila envelope.

2 MR. PECK: Give it to Jessica, and

3 then we'll deal with it, and I'll send you  
4 back yours when we're done.  
5 MR. WRIGHT: Just make a Xerox here  
6 and he can take his original back.

7 MR. PECK: You can actually get  
8 Jessica to copy it in there and then take  
9 yours back and leave it with us.

10 Q. (By Mr. Wright) All right. The way we got  
11 into that is I was asking you if there have  
12 ever been any other health studies other than  
13 this one that I think you and I are both  
14 talking about that was presented in '95.

15 A. Okay.

16 Q. To your knowledge, have there ever been any  
17 other health studies or analysis or anything  
18 of the worker health status or mortality  
19 status at the Anniston plant?

20 A. I have not seen any.

21 Q. Have you heard of any?

22 A. I have heard of some.

23 Q. Where and how did you hear about them?

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80

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1 A. Talking with some of the personnel in St.

2 Louis where they said the database was being

3 used to track, you know, how people were

4 doing.

5 Q. What did they tell you about the results?

6 A. We're a pretty safe healthy plant.

7 Q. Do you remember what they were looking at, I

8 mean, what kind of things they were measuring

9 or counting up or anything? I mean, I know

10 y'all keep tracks of accidents, slips and

11 falls and things like that?

12 A. What I understood from the conversation is

13 that they were looking for anything that was

14 setting trends, and they'd not found any

15 trends for any of the materials.

16 Q. Is it your understanding they were looking

17 specifically at Anniston when they were

18 talking about that, or was this company wide?

19 A. Company wide.

20 Q. Do you know if there's ever been any analysis

21 focussing on Anniston other than this '95

22 study that we talked about?

23 A. Not company wide that I'm aware of as far as

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1 looking at Anniston as a single plant.

2 Q. Okay. I'm confused by your answer. It may  
3 make perfect sense, but I'm confused by it.

4 Can you rephrase your answer?

5 THE WITNESS: Could you read back  
6 my answer?

7 (Record read.)

8 Q. (By Mr. Wright) What threw me was the "not  
9 company wide."

10 A. Okay. Because I was safety and industrial  
11 hygiene, I did set down and look myself.  
12 Just took the company employees records and  
13 looked into -- and it was not scientific or  
14 anything, but I was looking at people I knew  
15 that had died, people that I knew were  
16 working that I have a knowledge of their  
17 health problems and seeing if I could put  
18 anything together, which I couldn't, so I  
19 just dropped it.

20 Q. Did you write any of that down?

21 A. No. I mean, I made notes and stuff, but I  
22 threw everything in the garbage.

23 Q. So you don't have any of those notes?

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1 A. No.

2 Q. And you're saying nobody asked you to do  
3 that, you just --

4 A. No, just something that I pursued on my own.

5 Q. Were you thinking -- when you were doing  
6 that, were you including people that had  
7 worked there back in the aroclor days?

8 A. The ones I was familiar with, yes.

9 Q. Okay. Let me show you -- because frankly,  
10 I've been trying to do something similar to  
11 that myself. Let me show you a list that --  
12 this is something I needed to do with you any  
13 way.

14 This is a list that we've been  
15 putting together of people that worked in the  
16 aroclor area. And we're up to forty-two  
17 people now. And you're on there I believe.

18 Yeah, here you are. You're number sixteen.

19 A. Uh-huh (indicating yes).

20 Q. And what they've done is, of course, it's  
21 pretty self-explanatory. They've listed the  
22 people that they remember. A "D" means that  
23 they know they're deceased.

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1 A. Uh-huh (indicating yes).

2 Q. These "Ls" mean they were laborers in the  
3 aroclor plant, and there's a couple other  
4 notations that are kind of hit and miss,  
5 foreman, supervisor.

6 So can you take a little while to  
7 look at this list, and if there are any  
8 people that you can think of that should be  
9 added, let's add them, and if there are any  
10 people that are deceased that aren't marked  
11 as deceased, let's add those too.

12 MR. WRIGHT: Okay. We can go off  
13 the record for this.

14 (Discussion off the record.)

15 Q. (By Mr. Wright) You mentioned when we were  
16 off the record that you thought of at least  
17 one more guy?

18 A. I have Sam Caffee who no longer works at the  
19 plant.

20 Q. Okay.

21 A. Buster Ford who worked there, and he was

22 killed in a car wreck, and then a supervisor  
23 from Louisiana with big feet. I can't

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84

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1 remember his name.

2 MR. PECK: I have an idea. Why  
3 don't you write his new names in red?

4 MR. WRIGHT: All right. Let's do  
5 that then.

6 Q. On Exhibit Number 11, we're going to go ahead  
7 and put forty-three, let him be Sam Caffee.

8 And I'll let you write it.

9 A. Okay.

10 Q. Does he still live in the Anniston area?

11 A. Last I heard, he was in the Anniston area.

12 Q. And then Buster Ford?

13 A. And Buster, of course, was his nickname. I

14 don't know his true name. He was the one

15 that was killed in an automobile accident.

16 Q. When did that happen?

17 A. '70s.

18 Q. Oh, long time ago.

19 A. Yeah.

20 Q. Okay. And we won't put the supervisor with  
21 big feet.  
22 A. That's all I can remember.  
23 Q. Did you see anybody else that is deceased

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85

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1 that's not noted as deceased?  
2 A. None that I'm aware of.  
3 Q. Okay. Do you know of anybody that's on this  
4 list that has had cancer, either somebody  
5 who's still alive or somebody who's deceased?  
6 A. Specifically, no. I don't know what they  
7 died from.  
8 Q. Okay. But I'm talking about even the guys  
9 that are still alive or the guys who are dead  
10 and you don't know what they died from. Are  
11 you aware of anybody that has any form of  
12 cancer?  
13 MR. PECK: From the list?  
14 Q. (By Mr. Wright) Yeah.  
15 A. Yes.  
16 Q. Which ones?  
17 A. I'm sorry. I can't tell you.

18 Q. Do you know that because of seeing their  
19 medical records?  
20 A. And personal confidence.  
21 Q. They've told you in confidence?  
22 A. Right.  
23 Q. Can you tell me how many there are?

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86

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1 A. Two.  
2 Q. I want to go back real quickly to your time  
3 in aroclor department. What kind of leaks  
4 and spills do you recall there being in the  
5 aroclor department?  
6 A. Piping leaks and two overfilled vessels.  
7 Q. Where were the overfilled vessels?  
8 A. They were in aroclor department. They  
9 were --  
10 Q. I just wondered specifically were they  
11 draining the still bottoms or --  
12 A. No. They -- one a valve was left open, and  
13 the other was pumped into a tank that was  
14 supposed to have been empty but wasn't.  
15 Q. Do you have any feel for what year those

16       were?

17    A.  They would have been in the '70s.

18    Q.  Okay.  Not too long before the plant shut

19       down?

20    A.  Yes.

21    Q.  You mentioned pipes leaking.  I know the

22       pumps leaked at the packing glands.

23    A.  Correct.

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87

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1    Q.  What else?

2    A.  Occasionally, you would get a leak around the

3       threads on a pipe.

4    Q.  Okay.  Anything else you recall specifically?

5    A.  On the solid aroclor, we were trying to make

6       a clear solid aroclor, and a couple times

7       they, what we called, burped out.

8    Q.  What did that mean?

9    A.  They reacted with the caustic we were adding

10       to them, and they just burped out.  Some of

11       the material --

12    Q.  Where did it burp out from I guess is what --

13    A.  Where we were adding the caustic too, an

14 opening in the vessel itself on top of the  
15 vessel.

16 Q. Okay. Anything else?

17 A. No, that's it.

18 Q. Were you ever involved in the loading  
19 operations, loading the tank cars or the  
20 trucks?

21 A. Yes.

22 Q. What kind of spills do you remember from  
23 those operations?

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88

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1 Did you just remember somebody  
2 else?

3 A. Yes, I wanted to check on this and see.

4 Q. Okay.

5 A. I don't see a Dan Childs on here. Also  
6 there's another name on here.

7 Q. Let's use the red pen.

8 A. Okay.

9 Q. Is he alive or dead?

10 A. Alive.

11 Q. Still in the area?

12 A. Uh-huh (indicating yes), yes. I'm sorry.

13 Q. That's all right. No, I'm glad you did that.

14 The question I was asking related

15 to the loading area, loading the cars or

16 tanker trucks. Do you remember spills or

17 leaks in that area or during that process?

18 A. No spills; a leak I remember, and that's it.

19 Q. Where was that leak?

20 A. That leak was on the loading line going into

21 the tank car.

22 Q. Now, it's my understanding those tank cars

23 were washed down at least on the outside from

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89

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1 time to time. Do you recall that?

2 A. I don't recall washing them down on the

3 outside.

4 Q. And they were cleaned on the inside?

5 A. Correct.

6 Q. How were they cleaned?

7 A. With -- the laborers would go in and use rags

8 to clean them out. Mop them out and then

9 swab them out.

10 Q. Would they use mops or just rags?  
11 A. Rags.  
12 Q. What happened to the rags after they used  
13 them, if you recall?  
14 A. It would just be supposition on my part. I  
15 don't recall what they did with them.  
16 Q. All right. When you were a trainer, who did  
17 you train?  
18 A. Primarily all the employees in the plant.  
19 Q. What did you train them?  
20 A. Most of my training had to do with OSHA  
21 regulations, DOT regulations. Some of the  
22 operating procedures.  
23 Q. Do you remember when the sump was put in on

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90

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1 the sewer system?  
2 A. In --  
3 MR. PECK: In the aroclor?  
4 Q. (By Mr. Wright) Yeah. There's a little bit  
5 of confusion in my mind. One witness said  
6 that he thought the sump was down by the  
7 limestone pits, and the other witness thought

8 the sump was closer to the aroclor department

9 itself?

10 A. We had a sump close to the aroclor

11 department.

12 Q. Do you remember when that was put in?

13 A. No.

14 Q. Do you remember who put it in?

15 A. No.

16 MR. PECK: Off the record.

17 (Discussion off the record.)

18 Q. (By Mr. Wright) What PCB products were you

19 making in -- well, when the liquid part of

20 the plant shut down, what kind of product --

21 what products were you making? Was it the

22 whole range of the aroclor that you'd always

23 made?

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91

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1 A. The ones I remember making was 1242, 1246,

2 and, again, long time ago, but that's what I

3 remember right offhand those two. That was

4 the numbers.

5 Q. 1242, 1246?

6 A. Yeah.

7 Q. Do you remember making 1221?

8 A. I remember the number, but I don't remember

9 if I made 1221.

10 Q. What about 1254?

11 A. Yeah, made 1254.

12 Q. 1260?

13 A. I remember the 1260, but I can't remember --

14 if that was the one that used a melting

15 point, then I made it, but I can't remember

16 which one that was.

17 Q. Okay. Same for 1268? Would the answer be

18 the same?

19 A. Correct.

20 Q. Okay. Now, again, I was asking you which

21 ones you were making in -- at the time the

22 aroclor plant shut down -- I'm sorry -- at

23 the time the liquid part of the aroclor plant

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92

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1 shut down.

2 A. The only ones I recall is the 42 -- and what

3 did I say -- 42 and 46, I think.

4 Q. Was it 46 and not 48? Because to be honest,  
5 I don't remember 46.  
6 A. Could have been 48.  
7 Q. And then the solid, y'all called that 5460?  
8 A. Correct. But I didn't make the solids. I  
9 was just on the liquid chlorinators.  
10 Q. What was your understanding of why the  
11 aroclor plant was shutting down?  
12 A. I understood that aroclor was shutting down  
13 because it had been determined that it was an  
14 environmental hazard.  
15 Q. When did you understand that, at the time it  
16 was shutting down?  
17 A. In that time frame.  
18 Q. Okay. When is the first you heard about  
19 aroclors or PCBs being outside the Monsanto  
20 Anniston plant boundaries?  
21 A. This is a guess on my part, but I'm going to  
22 say late '80s.  
23 Q. When you heard about it, how did you hear

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93

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1 about it?

2 A. That, I don't recall.

3 Q. How did you hear what you heard about the

4 reasons for the aroclor plant shutting down?

5 A. Rumor mill at first, and if I remember

6 correctly, we had plant wide meeting.

7 Q. Do you remember the plant wide meeting, or

8 are you just kind of thinking that you

9 probably did?

10 A. That's what I say. Best of my recollection,

11 we had a plant wide meeting.

12 Q. But you don't remember the meeting?

13 A. No, I don't remember the meeting. I don't

14 remember who the plant manager was at that

15 time.

16 Q. Are you sure there was a plant meeting?

17 A. No, not positive. That's why I say best of

18 my recollection.

19 Q. And if there was a plant meeting, you don't

20 remember anything that was said in it?

21 A. No, and it may have been a department

22 meeting.

23 Q. Do you ever remember the aroclor operation

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1 changing significantly in any respect?

2 A. I remember we had some new chlorinators put

3 in.

4 Q. Do you remember when that was?

5 A. It was while I was there, but I don't really

6 recall the years.

7 Q. Other than new chlorinators, did the way

8 y'all did business ever change significantly

9 from when you started to when you finished?

10 A. As to how we made the aroclor?

11 Q. Yeah.

12 A. No.

13 Q. In any way?

14 A. Other than the -- when I was talking about we

15 lost some of the solid aroclor over the top

16 when we was trying to make the clear aroclor.

17 I remember that.

18 Also remember that we had to stop

19 using some type of a soap.

20 Q. Some type of a soap?

21 A. Yeah, when we were cleaning up. Dew Jet

22 (phonetic), and I'm not sure about the

23 spelling of that.

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1 Q. Anything else?

2 A. No, that's the changes I remember, some of  
3 the things --

4 Q. Just out of curiosity, why did they change  
5 you from using one soap to a different soap?

6 A. Well, in fact we couldn't use soap.

7 Q. Oh. Why was that, just out of curiosity?

8 A. Environmental from what I understand, from  
9 what I remember.

10 Q. How did the soap affect the environment?

11 MR. PECK: Object to the form. You  
12 can answer.

13 Q. (By Mr. Wright) You can answer.

14 A. I assumed, and, of course, I'm just making an  
15 assumption, it was carrying the aroclor out  
16 with it.

17 Q. When was that? When was that change made?

18 A. Late '70s.

19 Q. You mean late '60s? You said late '70s.

20 A. Yeah, I think -- it had to have been in the  
21 '70s because I remember using that stuff.

22 Q. Was it while the aroclor plant was still in  
23 operation?

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1 A. Yes.

2 Q. But it was in your second go round in

3 aroclor?

4 A. No, first time in aroclor.

5 Q. That's right. You were in aroclor '69 to

6 '72. I'm sorry.

7 A. It was during that time frame.

8 Q. Okay.

9 A. Early '70s.

10 Q. Okay. Where was the soap used again?

11 A. We used it in a steam wand.

12 Q. Oh, to wash the area down?

13 A. Yeah, wash the area down.

14 Q. I got you now.

15 A. I'm sorry. I wasn't clear. It was used for

16 cleanup purposes.

17 Q. So you still steam cleaned; you just didn't

18 use soap anymore?

19 A. Right.

20 Q. Had they always been using soap as far as you

21 know?

22 MR. PECK: Object to the form.

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97

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1 there, they'd been using soap, and then we

2 stopped.

3 Q. Okay. Any other changes that you recall?

4 A. No, that's the only ones I recall.

5 Q. Okay. Thank you very much for your time,

6 sir. Sorry it went a little longer than I

7 thought it would.

8 (Deposition concluded at 12:10 p.m.)

9 FURTHER THE DEPONENT SAITH NOT.

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98

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1           C E R T I F I C A T E

2

3   STATE OF ALABAMA    )

4   CALHOUN 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

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