

COPY

IN THE MATTER OF:

Transwestern Pipeline Company
vs.
Monsanto Company, et al.

Cause No. BC 026959

Deposition of David Wood
September 3, 1992

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1 Superior Court of the State of California
2 For the County of Los Angeles
3

4 TRANSWESTERN PIPELINE)
5 COMPANY,)
6 Plaintiff,)

7)
8 v.) No. BC 026959
9)

10 MONSANTO COMPANY and)
11 DOES 1 through 200,)
12 inclusive,)
13 Defendants.)
14
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16
17

18 Deposition of DAVID WOOD, taken on
19 behalf of Plaintiff, at the offices of Bryan,
20 Cave, McPheeters & McRoberts, 500 North
21 Broadway in the City of St. Louis, State of
22 Missouri, commencing at 9:00 a.m. on the 3rd
23 day of September, 1992, before J. Bryan
24 Jordan, certified shorthand reporter and
25 notary public.

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1 Whereupon. . .

2 DAVID WOOD,
3 of sound mind, having been first duly sworn
4 to tell the truth, the whole truth, and
5 nothing but the truth in the case aforesaid,
6 testified upon his oath as follows, to-wit:

7 EXAMINATION

8 QUESTIONS BY MR. TALLON:

9 Q: State your full name for the
10 record, please.

11 A: David Wood, W-o-o-d.

12 Q: And are you employed, Mr. Wood?

13 A: I'm employed by Monsanto Company.

14 Q: In what position?

15 A: I'm director, Saflex Americas.

16 Q: Could you spell that?

17 A: S-a-f-l-e-x Americas.

18 Q: And just briefly for context, what
19 is the business of Saflex?

20 A: Saflex is a plastic interlayer
21 material which is laminated between glass to
22 produce a safety glass.

23 Q: Did you start with Monsanto in
24 1961?

25 A: Yes.

1 Q: And was that after you received a
2 degree from Trinity College at Cambridge
3 University?

4 A: Yes.

5 Q: And do you have a degree in
6 chemistry?

7 A: I have a degree in natural
8 sciences which included chemistry.

9 Q: When you joined Monsanto, what
10 position did you assume?

11 A: Sales trainee.

12 Q: And how long did you hold that
13 position?

14 A: I became a salesman perhaps twelve
15 months later.

16 Q: Did there come a time when you
17 became a Product Supervisor for Dielectric
18 Fluids for Monsanto Europe, SA?

19 A: Yes.

20 Q: Do you remember approximately when
21 that was?

22 A: That would have been in the range
23 of 1964-65.

24 Q: And how do you define the term
25 "dielectric fluids"?

1 A: A dielectric fluid is, in the case
2 of the dielectric fluids that Monsanto sold,
3 were liquids, as opposed to gases, and they
4 imparted certain insulation and energy
5 storage properties to devices such as
6 capacitors and transformers.

7 Q: At the time you were Product
8 Supervisor for Dielectric Fluids for Monsanto
9 Europe, SA, were the dielectric fluids sold
10 by Monsanto composed of part of
11 polychlorinated biphenyls?

12 A: Yes.

13 Q: Was the -- was your appointment to
14 the position of product supervisor your first
15 contact with sales of Monsanto products that
16 included PCBs?

17 A: Yes.

18 Q: And can you describe, if you
19 recall, how it was that you came to assume
20 that position as product supervisor?

21 A: In the evolution of my career, I
22 made it known when I joined Monsanto that I
23 was looking for a career, as opposed to a job
24 as a salesman, and a natural progression
25 through the marketing career path is that

1 after a period in selling products, that you
2 will become responsible for the business
3 administration of products. It was an
4 appropriate time in my career for me to
5 become, to get some experience of the
6 administration, the marketing administration
7 of products, and therefore, I was appointed
8 to the position involving the dielectric
9 fluids. That was an opening that was
10 available that matched my career timing.

11 Q: Do you recollect how long you held
12 the position as Product Supervisor for
13 Dielectric Fluids?

14 A: I left it in '68, yeah, so it was,
15 it would have been from the period, I said,
16 around '64-'65 time range until '68.

17 Q: And what position did you take up
18 when you -- what was your next position after
19 you were product supervisor for --

20 A: I became a market manager for a
21 product line that we called Food and Fine,
22 which was food ingredients and fine
23 chemicals.

24 Q: Were any of the products under
25 your supervision as Market Manager for Food

1 and Fine Chemicals products that included
2 polychlorinated biphenyls?

3 A: They were not.

4 Q: During the time that you were
5 Product Supervisor for Dielectric Fluids, did
6 you have occasion to communicate with
7 customers about their use of the dielectric
8 fluids?

9 A: Yes, I did.

10 Q: Was that part of a customary or
11 ordinary part of your job duties, to
12 communicate with customers about the
13 products?

14 A: Yes, I was the person who was
15 administering the, I would say, that product
16 line in the European marketplace, and as
17 such, it was important that I talk with
18 customers.

19 Q: Could you describe briefly the
20 other responsibilities you had as product
21 supervisor during the period from
22 approximately 1964 or '65 until you left that
23 position in 1968?

24 A: Essentially, it was to make sure
25 that we had sufficient product to meet the

1 sales forecast so that there were a liaison
2 coordination with our manufacturing groups to
3 make sure that we had a sufficient volume of
4 the, of the appropriate quality of material,
5 it was to maintain contact with the people
6 who had a responsibility for the world-wide
7 dielectric business to understand what was
8 evolving in that marketplace and that the
9 European customers were made aware of product
10 developments, and there was a responsibility
11 to make sure that we had availability to
12 transport materials from our manufacturing
13 plants to, to our customers around Europe and
14 to provide our customers around Europe or to
15 provide our salesmen with the tools to
16 educate our customers about the application
17 and use of our products.

18 Q: And in what fashion did you
19 provide your salesmen with tools to help
20 educate customers with respect to the
21 application and use of Monsanto products?

22 A: You would be responsible for
23 making sure that you received timely data
24 from, in terms of new technical bulletins and
25 literature, material that had been prepared

1 in our major home base market of the United
2 States and at that point, to, to make sure
3 that that was translated into a form that you
4 could satisfactorily educate the consuming
5 public in Europe.

6 Q: Was it part of your job
7 responsibility as product supervisor to
8 assist with sales growth, as to say volume of
9 product and dollars of profit?

10 A: Yes. Mm-hmm.

11 Q: Do you recall during the period
12 that you acted as product supervisor
13 receiving any inquiries from customers for
14 dielectric fluids about safety precautions to
15 be taken with respect to the use of the
16 dielectric fluids?

17 A: Yes, from time to time during my
18 period of involvement with polychlorinated
19 biphenyls, I would be asked to provide
20 information to them about how a material
21 should be handled, stored, what materials
22 were compatible with polychlorinated
23 biphenyls in construction of the electrical
24 devices that were being used.

25 Q: Where did you acquire the

1 information necessary to enable you to
2 respond to those inquiries?

3 A: I was supported by a Marketing
4 Technical Service Group who, where we had had
5 people involved for some years in design and
6 development and use of our products. I would
7 contact my colleagues in our central research
8 areas in the United States and they would
9 tell me what the current status was of the
10 various, the various elements of product
11 usability.

12 Q: When you referred to a Marketing
13 Technical Services Group, were you referring
14 to a group based in Europe or a group based
15 in the United States, or both?

16 A: Both.

17 Q: Who did you communicate, as best
18 you recall, while you were a Product
19 Supervisor for Dielectric Fluids, in the
20 Marketing Technical Services Group in the
21 United States?

22 A: Normally, my contact would be with
23 Dr. Ralph Munch.

24 Q: Is there anyone else whom you
25 recall, with whom you recall communicating in

1 the Marketing Technical Services Group in --

2 A: In the marketing technical
3 services area for dielectrics, my contact was
4 Dr. Munch, and if he required to reach out to
5 other people in his staff, he would do so.

6 Q: But it was not customary for you
7 to do so?

8 A: No.

9 Q: As a part of your job
10 responsibilities as product supervisor, did
11 you have occasion to communicate with Emmett
12 Kelly, Medical Director of Monsanto in St.
13 Louis?

14 A: Yes, I did.

15 Q: Do you recall communicating with
16 Dr. Kelly or his staff in connection with
17 inquiries from dielectric fluid customers
18 about the use and, perhaps, precautions to be
19 taken with respect to the use of dielectric
20 fluids?

21 A: There were occasions when I did
22 so, yes.

23 Q: Do you recall, as you sit here
24 today, any occasions when you did so?

25 A: The major, the major communication

1 during the period that I was product
2 supervisor was at the time that some
3 information allegedly about polychlorinated
4 biphenyls emerged in Sweden, and I saw a
5 guidance from -- I was led to Dr. Kelly
6 through my normal contacts with St. Louis, to
7 explore the significance of what I had read
8 about in Sweden.

9 Q: Could you explain what you mean
10 when you use the phraseology that you were
11 led to Dr. Kelly?

12 A: Initially, I talked to my major
13 commercial contact in St. Louis, Paul
14 Benignus, and he guided me and suggested that
15 I needed to involve Dr. Kelly in
16 understanding what we were, what we were
17 hearing in Sweden.

18 Q: When you referred to that which
19 you were hearing in Sweden, are you referring
20 to a published newspaper account of some
21 research work done by Sorjen Jensen?

22 A: Yes, I am.

23 Q: When you made contact with Mr.
24 Benignus, was that by telephone, or by fax,
25 or -- by Telex, or by letter, do you recall?

1 A: I don't recall.

2 Q: Do you recall ever communicating
3 with a representative or representatives of
4 the Central Electricity Generating Board
5 about the use of respirators in connection
6 with their use of Pyroclor?

7 A: No, I don't.

8 Q: Do you know what Pyroclor is?

9 A: Yes, Pyroclor is a transformer
10 insulating liquid, fire resistant in
11 character, and was a blend of polychlorinated
12 biphenyl and trichlorobenzene.

13 Q: Let me show you a document that
14 we'll ask the court reporter to mark as
15 Exhibit 659, and I'll just ask you to take a
16 moment and review that.

17 (Plaintiff's Deposition
18 Exhibit 659 marked for
19 identification.)

20 (Witness peruses said
21 document.)

22 BY MR. TALLON:

23 Q: Mr. Wood, Exhibit 659 is a letter,
24 the stationery of the Central Electricity
25 Generating Board, dated November 10th, 1964,

1 addressed to Monsanto Chemicals, Ltd., for
2 the attention of Mr. D. Wood. Do you have a
3 recollection of having received this letter?

4 A: No.

5 Q: Do you have a recollection of ever
6 having communicated with a medical officer of
7 the Central Electricity Generating Board on
8 the subject of having their employees use
9 respirators in connection with their use of
10 Pyroclor?

11 A: I don't recall this specific
12 request for data.

13 Q: Do you have a recollection of
14 having communicated with any customers for
15 PCB-based dielectric fluids in connection
16 with the use by their employees of
17 respirators?

18 A: Yes.

19 Q: And did you, in fact, inform
20 customers that they should allow their
21 employees to use their -- to use a respirator
22 in connection with their work with dielectric
23 fluids?

24 A: We advised customers that for
25 transformer fluids, that if they had had a,

1 an event where they had created an electrical
2 arc under the surface of the insulating
3 fluid, which could happen from time to time
4 in an overload situation such as a lightning
5 surge, that they could have created a certain
6 amount of hydrogen chloride gas in the
7 airspace above the fluid inside the
8 transformer, and if they had repair crews who
9 were going to dismantle the top of the
10 transformer and lift it to be able to get in
11 to repair the damage to the wire coils within
12 the transformer, that they could have a
13 modest release of hydrogen chloride gas at
14 the point that they unsealed the gasket in
15 the transformer, and it would be standard
16 practice that at that point in that
17 particular maintenance operation, that the
18 people should take the safety precaution of
19 having a cannister respirator so they did not
20 subject themselves to a sudden outlet of
21 hydrogen chloride gas.

22 Q: Was the caution that you provided
23 about the use of a cannister-type respirator
24 the basis of any directive to you from St.
25 Louis or elsewhere in the Monsanto

1 organization?

2 A: It was on a basis of advice and
3 direction which we gave our customers through
4 our, our maintenance guide for transformers,
5 which said if you have this situation, you
6 should be using a respirator.

7 Q: And that situation --

8 A: This, I mean in fact, when I talk
9 about descriptive brochure on Pyroclor in
10 this particular letter, then they would have
11 been alluding to information that was in that
12 particular instruction booklet.

13 Q: Are you referring to a, when you
14 said "that situation," are you referring to
15 the situation of an arc of electricity --

16 A: Mm-hmm yes, I am.

17 Q: -- that would have created a
18 certain amount of gas?

19 A: Yes, I am.

20 Q: We can put that aside.

21 Do you recollect, Mr. Wood, ever
22 having visited with R.I.C. Components, Ltd.,
23 of Ronsey, regarding the trouble that they
24 were having with their employees handling the
25 soldering of capacitors?

1 A: R.I.C. Components were a small,
2 newly-formed capacitor company in the United
3 Kingdom, and as they established their
4 production of small capacitors, they needed
5 some assistance from Monsanto in helping them
6 understand what was good industrial hygiene
7 practice in handling the Aroclor dielectric
8 fluids.

9 Q: Do you recollect furnishing
10 particular advice to R.I.C. on how to handle
11 Aroclors in the process of their
12 manufacturing?

13 A: One particular issue that was
14 open, there, was a practice which they had
15 which was to seal the small capacitors which
16 they were manufacturing by soldering the hole
17 through which they had impregnated the
18 winding with liquid Aroclor. They were doing
19 this in a way which could create some fumes
20 of, of the dielectric fluid, because of the
21 heat of the soldering iron, and we
22 recommended that they, that they needed to
23 have a fairly strong force draft evacuation
24 venting system over that particular line to
25 take those, those fumes away from the

1 workplace.

2 Q: Do you know if the company,
3 R.I.C., adapted to the fume it issued by
4 having certain of its employees wear hoods?

5 MR. ZIMMER: The wearing of hoods.

6 MR. TALLON: Wearing of hoods.

7 A: You need to help me to put the
8 term "hoods" --

9 MR. TALLON: Okay, let me have the
10 court reporter mark as the next exhibit,
11 which would be 660, a call report typed on
12 March 1st, 1965, and it bears production
13 numbers TRAN 009506 and 009507.

14 (Plaintiff's Deposition
15 Exhibit 660 marked for
16 identification.)

17 (Witness peruses said
18 document.)

19 BY MR. TALLON:

20 Q: The question that I had asked you
21 was whether you recollected that as a measure
22 of dealing with the fumes created in their
23 manufacturing process, R.I.C. had its
24 employees, or certain of their employees wear
25 a hood, and now I will ask you whether,

1 having reviewed this call report, you
2 recollect that that was the case.

3 A: I recollect the situation, having
4 read this call report, but this was not --
5 the hood that is referred to in this case is
6 purely a -- it was a light cotton or plastic
7 material hood to surround the face and the
8 forehead, to prevent the female workers who
9 were involved with the soldering, that if
10 they got their -- if they got material on
11 their gloves, of wiping their brow and
12 getting liquid Aroclor onto the sensitive
13 skin of their foreheads.

14 Q: Did you write this memorandum?

15 A: I was the salesman attending
16 R.I.C. at this point in time. I certainly
17 dictated it. I'm not sure that's my
18 signature at the end, so --

19 Q: Was it part of your job to record
20 call reports after making a visit to a
21 customer?

22 A: It would be my normal practice. I
23 mean, one could communicate different ways.
24 I, when I was a salesman, as opposed to a
25 product supervisor, then I would normally, I

1 would normally make a call report of a
2 customer visit.

3 Q: At this point in 1965, do you
4 recall precisely what your position was?

5 A: I was a salesman in the United
6 Kingdom, handling, amongst other products,
7 dielectric fluids.

8 Q: And does that, does the date of
9 this memo and your recollection that you were
10 a salesman at this time assist in any way in
11 pinpointing in your recollection the date
12 when you became Product Supervisor for
13 Dielectric Fluids?

14 A: Well, in '65, I was obviously
15 still -- let me explain. At this time,
16 Monsanto was moving its headquarters from,
17 from London, England, to Brussels, Belgium,
18 and so when I was in England, I was a
19 salesman for product lines, including
20 dielectrics. There was then a period when I
21 was selling dielectric products on a broader
22 European base based in England. I then moved
23 to Brussels. At about the time that I moved
24 to Brussels, my job shifted from that of
25 salesman for product lines, including

1 dielectric fluids, to becoming a Product
2 Supervisor for Dielectric Fluids.

3 Q: At the time you wrote this call
4 report, you were a salesman?

5 A: I was a salesman.

6 Q: And that would suggest, would it
7 not, that you did not yet become product
8 supervisor by the beginning of March 1965?

9 A: I don't recall.

10 Q: All right.

11 A: But this is likely, that I was a
12 salesman in England at the time of March
13 1965.

14 MR. TALLON: I don't mean to make
15 too much of this, but I do want to get this
16 date.

17 Could we please mark as Exhibit
18 661 a two-page document bearing production
19 number 60000110 is and 111.

20 (Plaintiff's Deposition
21 Exhibit 661 marked for
22 identification.)

23 (Witness peruses said
24 document.)

25 A: Yes.

1 BY MR. TALLON:

2 Q: Is that your CV, Mr. Wood?

3 A: Yes, it is.

4 Q: Does reviewing Exhibit 661 refresh
5 your recollection as to the precise dates
6 when you became product supervisor and when
7 you terminated your responsibilities as
8 Product Supervisor for Dielectric Fluids?

9 A: Yes, it does. I became product
10 supervisor on November the 1st, 1966, and I
11 left that position in January of 1968.

12 Q: Does this curriculum vitae
13 accurately reflect your positions with
14 Monsanto through May 1st, 1982?

15 A: Yes.

16 Q: All right, thank you.

17 Do you recall, Mr. Wood, the
18 circumstances under which you first learned
19 of the work performed in Sweden by Sorjen
20 Jensen and his colleague or colleagues?

21 A: I received a letter from our agent
22 in Sweden in which they told me of some press
23 reports in two Swedish newspapers, reporting
24 on the work of an analytic chemist researcher
25 called Sorjen Jensen.

1 Q: And upon receipt of this letter,
2 what did you do with the information that was
3 contained in it?

4 A: I contacted my colleagues in St.
5 Louis and asked them to help me to understand
6 what product was being discussed in Sweden
7 and to understand if, in fact, chlorinated
8 polyphenyl material was being discussed or
9 not.

10 Q: Did you have doubts as to whether
11 or not the material being examined by Sorjen
12 Jensen was, in fact, polychlorinated
13 biphenyls?

14 A: Yes, I did.

15 Q: And why was that?

16 A: The early information from, from
17 Sweden was talking about a material which
18 they described as a derivative of biphenol,
19 b-i-p-h-e-n-o-l, and yet some of the
20 industrial applications alluded to in Mr.
21 Jensen's report suggested that there were
22 applications involved where I knew that a
23 chlorinated diphenyl, d-i-p-h-e-n-y-l, were
24 used, and so I was trying to get a response
25 to the question that was asked by our Swedish

1 customers, is there a chemical terminology
2 issue here, what are we talking about, what
3 chemical material do we believe is the
4 subject of Sorjen Jensen's investigation.

5 Q: You alluded earlier in your
6 testimony today to a contact that you made
7 with Paul Benignus, and a moment ago, you
8 said that you contacted colleagues in St.
9 Louis. Were you indicating Mr. Benignus in
10 your more recent answer?

11 A: I certainly, at that time, would
12 have -- my immediate reaction would have been
13 to have talked to Mr. Benignus.

14 Q: Do you recollect whether you spoke
15 directly to him?

16 A: I don't recall.

17 Q: Do you recall having communicated
18 with anyone other than Mr. Benignus after you
19 received information from your agent in
20 Sweden regarding the Jensen work?

21 A: Following my initial inquiry to,
22 to the United States and in St. Louis, there
23 were a number of contacts that I developed
24 over the next few months with people in St.
25 Louis concerning gathering data about what

1 was the subject of what we had learned in
2 Sweden.

3 Q: Did you communicate with Monsanto
4 employees in St. Louis about the possibility
5 that the substances being studied by Jensen
6 were not biphenyls but were biphenols? Did
7 you follow that?

8 A: No, I didn't. You are going to
9 have to retrace that one.

10 Q: Okay, you had testified a moment
11 ago that early information from Sweden talked
12 about a derivative of biphenol, p-h-e-n-o-l,
13 yet you believe that because of some of the
14 industrial applications being discussed in
15 the Jensen's work, you believed that the
16 substance involved could have been diphenyl,
17 d-i-p-h-e-n-y -- am I spelling that right?
18 Biphenyl as in polychlorinated biphenyl. Did
19 you discuss that possible discrepancy with
20 your colleagues in St. Louis?

21 A: I corresponded about it, but
22 again, I want to reemphasize that one of the
23 issues at that time was we were talking about
24 selling chlorinated diphenyl with a "d," not
25 a "b," and so this biphenol, I mean we had an

1 obvious interpretation issue about what
2 chemical material were we talking about.

3 Q: Well, what is the difference, in
4 your mind, between diphenyl and biphenol?

5 A: Biphenol contains hydroxyl groups,
6 and there are biphenyls, biphenols,
7 diphenyls, and these are different chemical
8 materials.

9 Q: Biphenols are not polychlorinated
10 biphenyls. Biphenols, o-l-s, are not
11 polychlorinated biphenyls, y-l-s?

12 A: They are not.

13 Q: And diphenols are a type of
14 polychlorinated biphenyl?

15 A: No.

16 Q: No?

17 A: Diphenyl or diphenol. Let's be,
18 really, sort of overstated. I mean diphenyl
19 or diphenol?

20 Q: That's a very good suggestion, and
21 perhaps the best way to ask the question is
22 to ask you, was Monsanto selling diphenyl,
23 y-l?

24 A: We were selling diphenyl,
25 unchlorinated, just the material diphenyl.

1 Q: All right, and what industrial
2 applications in Sorjen Jensen's work did you
3 believe to be associated with diphenyl?

4 A: None. I -- some of the
5 applications alluded to by Sorjen Jensen
6 suggested that they were similar applications
7 to chlorinated diphenyls except he was
8 alluding to discovering chlorinated
9 biphenols.

10 Q: And was that discrepancy or
11 ambiguity ever cleared up, in your mind, why
12 he was referring to biphenols, and you
13 believe that the applications referred to
14 another type of chemical substance entirely?

15 A: It took some time to, just to
16 clarify what, indeed, were all the parties
17 talking about.

18 Q: And was it clarified eventually?

19 A: Eventually, but not in a short
20 period of time.

21 Q: By what time would you say that it
22 was clarified what all the parties were
23 talking about?

24 A: I think a year or two later,
25 people were.

1 Q: And do you recollect how it was
2 that the ambiguity was clarified?

3 MR. ZIMMER: Talking, now, about
4 in his mind?

5 MR. TALLON: Yes.

6 A: I need to move forward to 1974.

7 BY MR. TALLON:

8 Q: All right.

9 A: Because the document that you
10 showed me a moment ago, which was my
11 curriculum vitae, which showed that I was
12 away from the chlorinated biphenyl circuit
13 from 1968 until 1974, when I became
14 reinvolved with what were then known as
15 chlorinated biphenyls if, PCBs, when I moved
16 to the United States in 1974, it became clear
17 in 1974 to me that during that intervening
18 period, any doubts that the technology had
19 not been resolved, had been resolved in that
20 intervening period and that materials that
21 were now labeled as PCBs, chlorinated
22 biphenyls, were present in the environment.
23 But that had not been totally clarified by
24 the time I moved into another function in a
25 nonrelated chemical area in 1968.

1 Q: When you state in your testimony
2 that the technology had been resolved, do you
3 mean detection technology?

4 A: Identification, detection, yes.

5 Q: And are you referring specifically
6 to gas chromatography, or mass spectrometry,
7 or both when you refer to the technology, or
8 something else entirely?

9 A: I, I am referring to the fact that
10 ultimately, a combination of chromatography
11 and mass spectroscopy became a very useful
12 tool to the chemical industry during this
13 period of the late Sixties and the early
14 Seventies in enabling the industry to more
15 clearly identify what they were finding in
16 small levels in the environment.

17 Q: Did you learn at any time what
18 technology Sorjen Jensen had used in order to
19 report the results of his study?

20 A: Sorjen Jensen was involved with
21 some early work in the evolution of the
22 combination of gas chromatography and mass
23 spectroscopy.

24 Q: The equipment was available to
25 perform gas chromatography tests and mass

1 spectroscopy tests before 1970?

2 MR. ZIMMER: Available to who?

3 A: Available to whom?

4 BY MR. TALLON:

5 Q: Available to Sorjen Jensen.

6 A: I can't speak to that issue. I
7 was never involved in terms of any
8 investigation, either in Europe or the
9 U.S.A., in equipment availability at that
10 point in time.

11 Q: Did you visit with Sorjen Jensen
12 in Sweden?

13 A: Yes, I did.

14 Q: Did you discuss with him what
15 technology he used in order to -- on which he
16 based his report?

17 A: Yes, I did. He gave me, he gave
18 me details of his work, and that I sent to
19 people better qualified than myself to
20 understand what his work had been doing in
21 technical detail.

22 Q: Did he tell you what equipment he
23 had used in order to perform those studies?

24 A: Yes, he did. It was included in
25 his working papers.

1 Q: Do you recollect as you sit here
2 today what equipment he told you he used in
3 order to perform his studies?

4 A: It was some new equipment
5 developed by a Swedish company, because part
6 of the reason for his reported work at that
7 time was the beginning of that company's need
8 to introduce the fact that they had developed
9 what they considered to be new equipment, and
10 they were trying to interest the technology
11 community in its potential use.

12 Q: How would you identify that new
13 equipment? What was it called?

14 A: I don't recall. It was a
15 combination in some format of gas
16 chromatography and mass spectroscopy. Boy,
17 these --

18 Q: It's one of those cases, Mr. Wood.

19 MR. TALLON: Can we please mark as
20 the next exhibit in order a document bearing
21 production numbers TRAN 056461 through 463,
22 dated November 28, 1966? And that'll be
23 Exhibit 662.

24 (Plaintiff's Deposition
25 Exhibit 662 marked for

1 identification.)

2 (Witness peruses said

3 document.)

4 A: Yes.

5 BY MR. TALLON:

6 Q: Do you, or rather, can you
7 identify the document which has been put
8 before you and has been marked as Exhibit
9 662?

10 A: This is a letter from Monsanto's
11 agent in Sweden, Rising & Strand, to me, in
12 Monsanto Europe's office in Brussels,
13 Belgium.

14 Q: Do you recollect having received
15 this letter in late November 1966 or early
16 December of that year?

17 A: Yes, I do.

18 Q: Upon receiving this letter, do you
19 recollect whether or not you communicated
20 with the author of this letter?

21 A: I responded to the author of this
22 letter after I had asked some questions of my
23 colleagues in St. Louis, to try to clarify
24 was this a Monsanto manual, was it a product
25 manufactured by our company and others in

1 Europe and used in Sweden, or were we talking
2 about a different chemical material.

3 Q: What is the name of the author of
4 this letter?

5 A: The name at the foot of the letter
6 is Ola, O-l-a, and I don't recall Ola's last
7 name.

8 Q: Did you send copies of this letter
9 to colleagues in St. Louis?

10 A: Yes, I did.

11 Q: Do you recall to whom you sent
12 copies?

13 A: I would probably have sent it to
14 Paul Benignus, but I can't be sure of that,
15 that he was the only person to whom I sent
16 it.

17 Q: Did you consider this to be a
18 serious matter when you have received this
19 letter?

20 A: I considered that the -- let me
21 rephrase this. I was concerned that if,
22 indeed, it was a Monsanto product that was
23 being alluded to by Sorjen Jensen in his
24 comments to the press, that the way the press
25 were reporting his comments certainly cast a

1 very new and different light on a chemical
2 material that if, indeed, it were ours, was
3 not consistent with my understanding of the,
4 of the industrial hygiene situation that we
5 were describing to our customers. I recall
6 that a term such as "poison" were used in
7 the, in the headlines of the reports, and so
8 yes, I was concerned, but -- that if, indeed,
9 our products were involved, that they were
10 being, that they were being characterized in
11 a way that was not consistent with their --
12 with reality.

13 MR. TALLON: I want to show you
14 another copy of this same letter which we'll
15 mark as the next exhibit in order, 663.

16 (Plaintiff's Deposition
17 Exhibit 663 marked for
18 identification.)

19 BY MR. TALLON:

20 Q: And the purpose of my doing so,
21 Mr. Wood, is to ask you whether or not you
22 recognize the handwriting that appears on the
23 first page of that letter, now Exhibit 663,
24 which appears to say, "This is not biphenyl."

25 A: Yes, I do recognize the writing.

1 That is Paul Benignus' writing.

2 Q: And Mr. Benignus was in the United
3 States, so far as you know, his regular
4 office station was in the United States,
5 and --

6 A: Yes, he was in St. Louis,
7 Missouri, U.S.A.

8 Q: After you sent a copy of the
9 Rising & Strand letter to St. Louis, do you
10 recall what happened next, whether you were
11 asked to do anything or whether you were
12 asked for information from Monsanto employees
13 in St. Louis?

14 A: Ultimately, as part of a visit
15 that I made to Sweden, I visited with Sorjen
16 Jensen and, and reported back to St. Louis
17 further information about the work that he
18 had been doing and gave them further
19 information about how his work had started,
20 what was the extent of his work, and where
21 his work might take him next.

22 Q: But after -- I want to focus you
23 for just a moment, if you will, on the time
24 in late 1966 when the Rising & Strand letter
25 came to you, you sent it on to St. Louis; is

1 that correct?

2 A: Yes, that is correct.

3 Q: Do you recollect the initial
4 response of your colleagues in St. Louis to
5 their receipt of this letter or a copy of
6 this letter from you?

7 A: Their immediate response is
8 typified, I guess, by what I'm -- what I read
9 here and what I read then is that my
10 colleagues would say, "Hey, there is a
11 chemical characterization issue here, that
12 biphenol is not biphenyl, and therefore, we
13 will have to do further questioning to find
14 out what is the reality of the work that Mr.
15 Jensen is doing in Sweden and --

16 MR. TALLON: Let me have marked as
17 the next exhibit a one-page memorandum that
18 has a production number on it STR 01790.

19 THE WITNESS: Are we going back to
20 these, or --

21 MR. TALLON: I think it would be
22 useful to just have that.

23 THE WITNESS: All of them?

24 MR. TALLON: Yeah.

25 (Deposition Exhibit 664

1 marked for identification.)

2 (Witness peruses said

3 document.)

4 THE WITNESS: Yes.

5 BY MR. TALLON:

6 Q: Do you recognize or can you
7 identify this document, Mr. Wood?

8 A: This is a letter which I sent to
9 George Buchanan, who was Paul Benignus'
10 superior in St. Louis, and again, I was
11 seeking to try to get clarification of what
12 are we seeing in Sweden, what is this
13 confusion that is reigning in Sweden in terms
14 of what chlorinated entity is the subject of
15 publicity in Sweden at the present time, what
16 action should be we be taking, what should
17 Monsanto's response, appropriate response be
18 to an unclear environmental issue report.

19 Q: Do you recollect Mr. Buchanan's
20 title in December 1966?

21 A: December 1966, he was probably
22 director of Functional Fluids or Specialty
23 Chemicals. One name or the other was the,
24 was the group operation name at that point in
25 time.

1 Q: Dr. Emmett Kelly is listed as a
2 copyee on this memorandum. He was the
3 medical director in St. Louis at the time?

4 A: Yes, he was.

5 Q: And D. V. N. Hardy in London, was
6 he your superior?

7 A: No, D. V. N. Hardy in London was
8 essentially the medical expert, consultant in
9 product safety issues in our London office.

10 Q: And the memorandum is also copied
11 to R. A. Steinrod in St. Louis. Do you
12 recall who that gentleman was?

13 A: Mr. Steinrod had a position
14 relative to international marketing. He
15 would be involved in part of the
16 communication of where we were selling
17 products that were made in the United States
18 outside of the United States, then you would
19 have somebody responsible for administrating
20 and communicating with the world areas, and
21 that was Mr. Steinrod's role.

22 Q: And Mr. Arpino in Brussels, who
23 was that?

24 A: Mr. Arpino worked with me in the
25 fluids area, in the marketing of fluids in

1 Europe.

2 Q: Do you know whether this
3 particular memorandum dated the 1st of
4 December 1966 was your first communication
5 with Monsanto employees in St. Louis about
6 the Sorjen Jensen work?

7 A: I received the letter from Rising
8 & Strand very late in November, so I may have
9 had a telephone conversation, but this, I
10 believe, was probably the first -- it was the
11 first or the second, it was early in the
12 correspondence chain with St. Louis.

13 Q: The first line of the memorandum
14 refers to a letter, a copy of a letter being
15 attached to the memorandum. It's refers to a
16 letter received from Ola Palm in Stockholm.
17 Is Ola Palm the Ola who you believe authored
18 the letter from Rising & Strand?

19 A: Yes, he is.

20 Q: So the letter referred to in the
21 first line of the first paragraph is the
22 Rising & Strand letter which has been earlier
23 marked as an exhibit in this deposition?

24 MR. ZIMMER: You mean that
25 particular letter?

1 MR. TALLON: Right.

2 MR. ZIMMER: As opposed to one of
3 some other date.

4 MR. TALLON: That's correct.

5 A: I can't state that categorically.

6 BY MR. TALLON:

7 Q: Do you recollect having received
8 another letter from Rising & Strand before
9 the 1st of December 1966 which discussed the
10 situation with Aroclors in Sweden?

11 A: I don't recall such, but the same
12 extent, I'm sure you don't want me to
13 speculate.

14 Q: No, I don't want you to speculate
15 but I do want you to tell me whether you
16 recall any other --

17 A: I don't recall whether this was
18 the other that I attached to this memo.

19 Q: Do you have any doubts as to
20 whether or not it is?

21 MR. ZIMMER: Argumentative, calls
22 for speculation.

23 BY MR. TALLON:

24 Q: You can answer.

25 MR. ZIMMER: If you have a

1 different answer than you've already given.

2 A: I thought I'd given the answer to
3 that question.

4 MR. ZIMMER: You have about three
5 times, but you can.

6 MR. TALLON: Well, I'm going to
7 ask the question again, and the question is,
8 do you have any doubt that the Rising &
9 Strand letter which we have looked at in this
10 deposition as an exhibit is the letter which
11 was attached to this memorandum to Mr.
12 Buchanan in St. Louis?

13 MR. ZIMMER: Same objections.

14 A: I have some doubt.

15 BY MR. TALLON:

16 Q: And upon what is that doubt based?

17 A: Because I can't with certainty
18 recall that this was the letter that was
19 attached to that cover memo.

20 Q: Do you recall having received any
21 other correspondence from Rising & Strand
22 before the 1st of December 1966 which was the
23 subject of your writing to Mr. Buchanan?

24 A: I received correspondence from
25 Rising & Strand frequently.

1 Q: Understood, but the specific
2 question, Mr. Wood, is whether you recall
3 getting a letter from Rising & Strand which
4 was the subject of correspondence between you
5 and Mr. Buchanan at --

6 A: No, I don't recall any other
7 letters.

8 Q: Okay, thank you.

9 The memorandum of December 1st,
10 1966, states that "I have sent copies of this
11 letter also to the appropriate departments
12 within our own organization." Do you know
13 what departments are referred to in that
14 sentence?

15 A: D. V. N. Hardy in London and
16 Adolfo Arpino in Brussels.

17 Q: The memorandum goes on to state
18 that, "In consideration of the importance we
19 are placing on development of the Swedish
20 market for Aroclor over the next five years,
21 we would be grateful if you could arrange for
22 this information to be considered by the
23 appropriate departments in St. Louis and
24 their comments transmitted to us as soon as
25 possible." Do you see that?

1 A: Barely, but yes.

2 Q: Do you recall whether in 1966 you
3 had a business plan to develop a Swedish
4 market for Aroclor?

5 A: Sweden at that particular point in
6 time was within the European Free Trade
7 Organization, as opposed to being within the
8 Common Market. Our production plan for
9 chlorinated biphenyls was in the United
10 Kingdom which was also part of the European
11 Free Trade Association. There was,
12 therefore, a preferential duty for material
13 flowing from England to Sweden, and
14 therefore, Sweden was a target market for
15 supply from our United Kingdom plant that was
16 making this class of materials.

17 Q: So it was your hope to establish
18 a, establish or grow a market for Aroclor in
19 Sweden?

20 A: There was a market for dielectric
21 fluids in Sweden. It was my intention to
22 grow Monsanto's position in that marketplace.

23 Q: Did you -- by the way, Mr. Wood,
24 after you communicated initially with your
25 colleagues in St. Louis about the Sorjen

1 Jensen work, do you recollect having any
2 communications by telephone, as opposed to
3 communications in writing about the subject
4 of the Sorjen Jensen work?

5 A: No, I don't.

6 Q: Did you travel to the United
7 States, as best you recall, in December 1966
8 or the first quarter of 1967 for the purpose
9 of meeting with your colleagues in St. Louis?

10 A: I made one trip to St. Louis in
11 the period that I was in the position of
12 Product Supervisor for Dielectric Fluids in
13 Europe. When that visit was, precisely, I do
14 not recall.

15 Q: Do you recall if that visit was,
16 in part or in whole, in connection with the
17 issues raised by Sorjen Jensen's work?

18 A: It -- I'm pretty sure it wasn't.
19 This was part of a developmental visit that I
20 was to -- to visit the United States to --
21 for routine exposure to the people in the
22 extended business organization.

23 MR. TALLON: Let me show you a
24 document that's a one-page memorandum bearing
25 production number TRAN 056624 and is dated

1 December 12, 1966. I'm going to have the
2 court reporter mark that as Exhibit 665.

3 (Plaintiff's Deposition
4 Exhibit 665 marked for
5 identification.)

6 (Witness peruses said
7 document.)

8 THE WITNESS: Yes.

9 BY MR. TALLON:

10 Q: Can you identify that document,
11 please, Mr. Wood?

12 A: This is a memo to me from Dr.
13 Emmett Kelly from our Medical Department in
14 the United States in December of 1966.

15 Q: Do you believe that this refers to
16 the work of Sorjen Jensen which was referred
17 to in the Rising & Strand letter?

18 A: Yes, I do.

19 Q: At any time after you learned
20 about Sorjen Jensen's work initially, Mr.
21 Wood, did you provide or were you in the
22 chain of providing Aroclor samples to Sorjen
23 Jensen?

24 A: Sorjen Jensen, in the following
25 year, when we visited and met with him, asked

1 about samples of certain chlorinated
2 materials which were not materials of
3 commerce. That request was relayed to the
4 people competent to provide them, and whether
5 or not they were eventually provided, I'm not
6 certain.

7 Q: You did not provide any --

8 A: I did not take in my hands samples
9 of chlorinated polyphenyl isomers and say,
10 "Sorjen, here are some pure isomers."

11 Q: When you referred to not -- a
12 product or a substance that was not
13 commercial. You were referring to the
14 isomer, as opposed to a blended product?

15 A: I've got to make a correction in
16 your question.

17 Q: Okay.

18 A: You talk about blended product.
19 When you chlorinate biphenyl, you produce a
20 mixture of isomers. You do not produce
21 isomers and then blend them together to
22 produce a commercial product. The mixture of
23 isomers is the product of chlorination of
24 biphenyl, so what Mr. -- what Dr. Jensen was
25 looking for were some pure isomers of

1 chlorinated biphenyl materials, and those you
2 cannot produce by a straightforward
3 chlorination of biphenyl separation. You
4 have to go through some rather exotic
5 synthesis means to produce specific isomers
6 and not just a big mixture of isomers of
7 chlorinated biphenyls.

8 Q: Did you acquire an understanding
9 from Sorjen Jensen why he was looking for
10 individual -- and tell me if that's not the
11 correct technology -- or, terminology --
12 isomers?

13 A: Yes, because the, the hypothesis
14 of Sorjen Jensen was that if he had some pure
15 isomers which were components of the mixture
16 of chlorinated biphenyls, that he might be
17 able to associate these with the peaks that
18 he was discovering in the spectrographs, and
19 therefore, clarify and identify was the
20 chemical material that he was seeing, that he
21 thought they was he was seeing, indeed a
22 biphenyl ring chlorinated to different high
23 levels.

24 Q: Do you recall what specifically he
25 asked Monsanto to provide to him?

1 A: He was asking if we have small
2 milligram quantities of pure isomers of
3 higher chlorinated biphenyls which he
4 believed that he was seeing in his spectrum
5 of peaks in his spectrographs.

6 Q: When you used the term "more
7 highly chlorinated biphenyls," to what do you
8 refer?

9 A: Most of the work that Jensen
10 seemed to be reporting at that time was
11 alluding to finding a chlorinated material
12 but which was very highly chlorinated. He
13 wasn't talking about a lightly chlorinated
14 material, he was talking about a high ratio
15 of chlorine to hydrocarbon in the molecules.

16 Q: And when you used the term "high
17 ratio of chlorine to hydrocarbon in the
18 molecules, what ratio do you refer to?

19 A: To relate that purely
20 hypothetically to a chlorinated biphenyl, we
21 would be talking penta, hexa, hepta,
22 oxychlor, the high end of saturation with
23 chlorine of the ring.

24 Q: Did you have any communications,
25 Mr. Wood, with a Mr. Richardson of Shell

1 Chemicals Tunstall Laboratory in Sittingborn
2 Kent on the subject of Sorjen Jensen's work?

3 A: I'm not sure I did. I believe
4 Monsanto did.

5 Q: And by "Monsanto," are you
6 referring to Mr. Hardy?

7 A: I believe there was some contact
8 at that period between Dr. Hardy and, and
9 Shell.

10 Q: Would you please relate what you
11 recall about the contact between Mr. Hardy,
12 Dr. Hardy and Shell?

13 A: Very little.

14 Q: All right, could you tell me what
15 you remember?

16 A: Well, I don't remember. I know
17 that there was contact between Dr. Hardy and,
18 and Shell. I do not recall details of that
19 communication.

20 Q: Let me show you a document which
21 we'll have the court reporter mark as Exhibit
22 666, a one-page memorandum bearing production
23 number TRAN 007566.

24 (Plaintiff's Deposition
25 Exhibit 666 marked for

1 identification.)

2 (Witness peruses said
3 document.)

4 A: Yes.

5 Q: Does having reviewed that exhibit,
6 Mr. Wood, refresh your recollection in any
7 respect as to the communications or your
8 knowledge of the communications between Dr.
9 Hardy and Shell?

10 A: It reminds me that Shell had,
11 themselves, become aware of the publication
12 of the paper by Sorjen Jensen in Sweden and
13 that they contacted Dr. Hardy to again
14 further get into the dialogue, which was now
15 becoming a multilog, between people as to
16 what chemically are we, what chemically are
17 we really seeing in the Swedish area.

18 Q: Do you recollect Dr. Hardy
19 communicating to you that Shell believed that
20 the polychlorinated biphenols referred to in
21 the Swedish press were, in fact,
22 polychlorinated biphenyls?

23 A: Yes, I do recall that.

24 Q: Do you recall what, if anything,
25 Dr. Hardy said to you about the -- that

1 belief communicated to him by Shell?

2 A: That again, this was one more
3 voice suggesting that, that the materials
4 that Sorjen Jensen was seeing could be,
5 perhaps were, chlorinated biphenyls, but that
6 this was still an issue that we had not yet
7 got to the bottom of the track in terms of
8 elucidating exactly what was being observed
9 in Sweden.

10 Q: When you indicated a moment ago
11 that the dialogue was becoming a multilog,
12 did you mean to suggest that a greater number
13 of people were becoming involved in the
14 discussion?

15 A: Yes. Yes.

16 MR. TALLON: I want to mark as the
17 next exhibit, which is -- you want to take a
18 break?

19 THE WITNESS: I want to take a
20 break for two purposes.

21 (Recess)

22 BY MR. TALLON:

23 Q: Let me just touch on a couple of
24 things which I think will be quick, Mr. Wood.
25 During the period of your employment with

1 Monsanto, did you ever have responsibility
2 for sales of products sold under the names of
3 either MCS 153 or Turbinol 153?

4 A: No, I did not.

5 Q: During the period of your
6 employment by Monsanto, did you ever have
7 responsibility -- strike that.

8 Did you ever communicate with
9 persons you believed to be representatives of
10 Texas Eastern Transmission Company?

11 A: No, I did not.

12 Q: And during the period of your
13 employment with Monsanto, did you ever have
14 occasion to communicate with persons you
15 believed to be representatives of
16 Transwestern Pipeline Company?

17 A: No, I did not.

18 Q: During the period of your
19 employment with Monsanto, have you ever had
20 occasion to communicate with any customer or
21 prospective customer of Monsanto which was in
22 the business of natural gas transmission
23 through interstate pipelines?

24 A: I want you to ask that last
25 question again, please.

1 THE COURT REPORTER:

2 "Q. During the period of your
3 employment with Monsanto, have you ever had
4 occasion to communicate with any customer or
5 prospective customer of Monsanto which was in
6 the business of natural gas transmission
7 through interstate pipelines?"

8 A: Yes.

9 BY MR. TALLON:

10 Q: And what customer are you
11 referring to, or prospective customer?

12 A: In that part of my responsibility
13 which involved dielectric fluids as they were
14 utilized in transformers, from time to time I
15 am -- I do recall that I was asked questions
16 about transformer maintenance issues by
17 people who used transformers on natural gas
18 pipelines.

19 Q: Transformers, electrical
20 transformers?

21 A: Electrical transformers.

22 Q: Are you familiar with the
23 terminology "open system" and "closed
24 system"?

25 A: Yes.

1 Q: And is a transformer a closed
2 system?

3 A: Yes, it is.

4 Q: Is a capacitor a closed system?

5 A: Yes, it is.

6 MR. TALLON: Let me show you a
7 document which we'll ask the court reporter
8 to mark as Exhibit 667. It's a multipage
9 memorandum with an attachment bearing
10 production numbers TRAN 05947 through 085953.

11 (Plaintiff's Deposition
12 Exhibit 667 marked for
13 identification.)

14 (Witness peruses said
15 document.)

16 THE WITNESS: Yes.

17 BY MR. TALLON:

18 Q: Can you identify this exhibit, Mr.
19 Wood?

20 A: This is a memo that I used to
21 communicate to my colleagues in St. Louis
22 following a visit that I made to Sweden in
23 January of 1967. As a part of that visit, I
24 took the opportunity to meet with Sorjen
25 Jensen, who had made some statements about

1 his work in December of 1966 which had led to
2 certain articles appearing in the Swedish
3 press.

4 Q: Are the statements you've just
5 referred to the statements which were
6 communicated to you in the Rising & Strand
7 letter?

8 A: These are they.

9 Q: Do you recall where Sorjen Jensen
10 was physically located when you visited with
11 him in Sweden in 1967?

12 A: He was associated with a
13 technology institute in Sweden called the
14 ~~Carlin Cancer~~ ^{Carlinsta} Institute.

15 Q: And where, what location, in what
16 location was that institute?

17 A: That was in Stockholm.

18 Q: Did you visit with Mr. Jensen or
19 Dr. Jensen in his office in Stockholm, then?

20 A: I visited with him in the
21 institute. I don't recall whether it was his
22 office, or in a conference room, or --

23 Q: Were you accompanied by anyone on
24 your meeting with Sorjen Jensen?

25 A: I was accompanied by our local

1 representative.

2 Q: And who was that?

3 A: Ola Palm.

4 Q: Ola Palm. And was Sorjen Jensen
5 accompanied by anyone?

6 A: I -- there was communication with
7 two people in that area, both Dr. Jensen and
8 Dr. Widmark. I don't recall whether we met
9 Dr. Widmark at the same meeting or
10 separately.

11 Q: You are referring to Gunar
12 Widmark?

13 A: I believe his first name was
14 Gunar.

15 Q: And did you make any handwritten
16 notes of your meeting with Sorjen Jensen?

17 A: I probably, I probably did.

18 Q: Do you recollect whether you saved
19 those in any file after your meeting?

20 A: I didn't.

21 Q: You didn't?

22 A: I did not. I communicated based
23 on my notes at the meeting and then sort of
24 destroyed the -- normal practice, no use
25 keeping handwritten notes when you've

1 communicated the context of what you wanted
2 to --

3 Q: Is Exhibit 667 a memorandum based
4 in part on your, the notes of your meeting
5 with Sorjen Jensen?

6 A: Yes, it is.

7 Q: And did you draft this memorandum
8 on or about 26 January 1967?

9 A: Yes.

10 Q: Was it part of your job
11 responsibilities to do so?

12 A: Yes.

13 Q: And did you intend for the
14 recipient, Mr. Buchanan, and the copyees, to
15 rely on the information which you included
16 within the memorandum?

17 A: I expected them to accept and rely
18 on this memo as my understanding of what I
19 had heard in Sweden and to come back to me
20 and give me guidance as to did this raise in
21 their mind any other questions, any other
22 issues that would need further, further
23 investigation, further study.

24 Q: Did your discussions with Sorjen
25 Jensen eliminate in your mind any doubt that

1 the chemical which is the subject of his
2 investigation was chlorinated diphenyl?

3 A: It eliminated from my mind any
4 doubt that what Sorjen Jensen thought he was
5 dealing with was chlorinated biphenyl.

6 Q: Chlorinated biphenyl is an
7 Arochlor?

8 A: Chlorinated biphenyl which various
9 types of chlorinated biphenyl were sold by
10 Monsanto under a trademark Aroclor. The term
11 "chlorinated biphenyl" as used by Sorjen
12 Jensen is not synonymous with Aroclor.

13 Q: In what way is it not synonymous?

14 A: First of all, there are many
15 producers of chlorinated biphenyls, so there
16 is not an automatic tie-in, chlorinated
17 biphenyl equals Aroclor. Secondly, there
18 were chlorinated biphenyls that we didn't
19 make that were made by other people that were
20 used in commerce. Secondly, there were other
21 chlorinated materials that had similar
22 fingerprints to chlorinated biphenyls, and
23 again, there is not an automatic synonymity
24 between chlorinated biphenyl and Aroclor.

25 Q: And you are using Aroclor in its

1 sense as a trade name or trademark for a
2 Monsanto product; correct?

3 A: Aroclor was the trademark of
4 Monsanto's used for sales of various types of
5 chlorinated biphenyls.

6 Q: Did you, as a result of your visit
7 with Sorjen Jensen, come to have some
8 confidence in his work?

9 MR. ZIMMER: I'm sorry,
10 "competent" or "confidence"?

11 MR. TALLON: Confidence.

12 THE WITNESS: Confidence in his
13 work.

14 MR. ZIMMER: I'm sure.

15 A: No, I came from my meeting with
16 Sorjen Jensen to understand what his work had
17 been about and from what was the origin of
18 his work program. I was not, not competent
19 or qualified to say that his work was
20 definitively correct.

21 BY MR. TALLON:

22 Q: Did you come away with your
23 meeting with Sorjen Jensen with the belief
24 that he had no special agenda to prosecute or
25 to follow, but that he was an analytical

1 chemist dedicated to his research work?

2 A: I came away from that particular
3 meeting feeling that Sorjen Jensen had been
4 engaged in some, some analytical research
5 work; he was young; he was obviously seeking
6 to advance in the Swedish technological
7 community, he had made some statements about
8 his work and had been drawn into making
9 comments that took him beyond his area of
10 expertise, into speculation, which I came
11 away from (sic) the sense from these meetings
12 that his own supervisors, Gunar Widmark, had
13 felt that he was not comfortable with the
14 extension of remarks that were attributed to
15 Sorjen Jensen as being remarks that Sorjen
16 Jensen was qualified to make.

17 Q: When you say Sorjen Jensen was
18 drawn into making remarks, you mean drawn by
19 the media, the Swedish press?

20 A: I believe so.

21 Q: And did you talk with Jensen about
22 the, the care that he should -- with which he
23 should approach further media inquiries?

24 A: I did discuss with him the
25 unfortunate aspect that people were hanging,

1 hanging onto his words things that his words
2 did not support.

3 Q: Did you encourage him to be
4 moderate in his further communications with
5 the press on the subject of his work?

6 A: I encouraged him not to be drawn
7 into areas that were not areas of his
8 specific expertise.

9 Q: Did you emphasize with him a need
10 for care in any further publication of his
11 work which was made?

12 A: I would like to say that I
13 encouraged him to be more technically
14 responsible, if that is the connotation in
15 which you are using the word "care," yes.

16 Q: Actually, it's not a trick
17 question, Mr. Wood. I was looking at the
18 third paragraph on the second page of your
19 memorandum, dated 26 January 1967, which
20 states that, "The point that I have made to
21 Jensen is the need for care in any further
22 publication of his work which is made." Did
23 you --

24 A: Which paragraph are we talking
25 about?

1 Q: Excuse me; it's the fourth and
2 last paragraph.

3 A: Oh.

4 Q: Did you make that statement?

5 A: I wrote that statement; that is my
6 statement. My intention at the time was that
7 related to responsibility, that he did not
8 appear to be speaking with an expertise that
9 he did not have.

10 Q: And I take it from your response
11 that your concern was to emphasize to Sorjen
12 Jensen the need to stick to what we knew
13 about in dealing with the press?

14 A: Yes.

15 Q: In your communications on that
16 occasion with Sorjen Jensen, did you and he
17 discuss any issues related to the disposal of
18 PCB wastes?

19 A: I don't recall.

20 Q: About how long would you say that
21 that initial meeting with Sorjen Jensen was?

22 A: It was more than an hour and less
23 than a day. I seem to recall it was either a
24 morning or an afternoon meeting.

25 Q: And are you able to state how long

1 that particular trip to Sweden lasted in
2 totality?

3 A: The trip to Sweden, I would
4 probably have visited two capacitor
5 manufacturers, a transformer manufacturer,
6 had some administration with Rising & Strand,
7 our agents, it would normally have been,
8 probably, about three days in Sweden.

9 Q: Do you recall when you arranged to
10 make that trip?

11 A: No, I don't.

12 Q: Do you recall from what source you
13 obtained a copy of the LKB press release
14 which is attached to Exhibit 667 and which is
15 referred to in the text of your memorandum?

16 A: I would have got that either from
17 Ola Palm or from Sorjen Jensen.

18 Q: Mr. Wood, that is your signature
19 over the typed name, "D. Wood" on page 3 of
20 the memo?

21 A: Yes, it is.

22 Q: Do you recognize the handwritten
23 marginalia that appear on the front first
24 page of the memo up in the upper right-hand
25 corner?

1 A: I'm sorry, which words are you
2 drawing my attention to?

3 Q: In the upper right-hand corner,
4 there appears to be a name or some words
5 which are crossed out, in effect.

6 A: I don't recognize that writing.

7 Q: By the way, Mr. Wood, did you ask
8 Sorjen Jensen to -- not at the particular
9 meeting that we've been discussing, but did
10 you ever ask Sorjen Jensen to write a letter
11 defining the true extent of his own research
12 work and placing his results in their proper
13 perspective as referred to on the bottom of
14 page 2 and the top of page 3 of this
15 memorandum?

16 A: The bottom of page --

17 Q: 2 of the memo, if you see it
18 begins, "I am hopeful that we" and then goes
19 over to the top of page 3.

20 (Witness peruses said
21 document.)

22 A: I don't -- I'm not aware that
23 Jensen ever wrote such a letter.

24 Q: Are you aware, or rather, do you
25 recollect having asked him to?

1 A: Not directly. I mean, it was
2 suggested that if questions from the press
3 came up, that at some point in time he might
4 wish just to make sure that people understood
5 that he was talking as an analytical chemist,
6 he was not talking as a, as a doctor of
7 medicine, he was not talking as an industrial
8 hygienist, he was not talking, you know, from
9 other -- I mean, he was making comments,
10 Jensen's work was related to studying
11 environmental residues around the DDT
12 studies, and he came around some peaks which
13 he was trying to identify what were these,
14 and as I said, that was the beginning and end
15 of what Jensen's expertise was. It was
16 analysis of small parts of chlorinated
17 materials in the environment.

18 Q: Understood, but when you say it
19 was suggested that Jensen not speak as an
20 industrial safety expert or so forth, do you
21 mean you suggested?

22 A: I suggested it was unwise and
23 unprofessional for people to speak to the
24 press outside their areas of expertise.

25 Q: And just to be clear, do you

1 recall asking him to write a letter of the
2 type which is described on the bottom of page
3 2 and the top of page 3?

4 A: I don't think I ever directly
5 asked him to write such a letter.

6 Q: To your knowledge, did anyone else
7 ask him to do so?

8 A: I don't know of anybody else
9 asking him to do so.

10 Q: Were you hopeful, Mr. Wood, in
11 obtaining Sorjen Jensen's cooperation and
12 support in dealing with the emerging issues
13 that, among other things, were the subject of
14 the Rising & Strand letter to you in
15 November, late November 1966?

16 MR. ZIMMER: What do you mean by
17 cooperation and support?

18 BY MR. TALLON:

19 Q: What did you mean, Mr. Wood, when
20 you wrote, "It would certainly be helpful in
21 getting his further support if we were able
22 to make available to him any small quantities
23 of pure isomers"? What support were you
24 looking for?

25 A: His support in carrying out work

1 to find out ultimately what was he seeing,
2 what was he measuring in Sweden.

3 Q: Wasn't it your understanding that
4 he was going to continue that work anyway?

5 A: He was to continue that work, but
6 he, his claim was that his work could proceed
7 faster if, indeed, there were available pure
8 isomers.

9 Q: Okay.

10 A: I did not know at that time
11 whether pure isomers existed, whether they
12 could be made or what.

13 Q: Understood. But what support were
14 you looking for from Sorjen Jensen? Support
15 in dealing appropriately with the media?

16 A: No. No, support in keeping us
17 informed of what, indeed, he was finding,
18 that he would be working collaboratively to
19 allow us to understand what the issues were
20 involved.

21 Q: Just one other thing. I had asked
22 you whether you recalled discussing with
23 Sorjen Jensen the issue of waste disposal,
24 and I'm just wondering if reading the last
25 paragraph of this memorandum on page 3

1 refreshes your recollection of such a
2 discussion.

3 A: Didn't discuss that so much
4 with -- no. As I state in this paragraph,
5 "As you will see from the press release one
6 of the major points that is made" --
7 parentheses, in the press release -- "in the
8 difficulty of disposing of waste materials,"
9 and so no, that was not part of my discussion
10 with Sorjen Jensen, it was part of my
11 reporting and sending the press release to
12 the United States.

13 Q: So the reference in the last
14 paragraph refers to the LKB press release
15 which was attached to this --

16 A: Which is attached and to which
17 this paragraph refers.

18 Q: All right, thank you.

19 Did you ever have any dealings in
20 the course of your career with Monsanto, Mr.
21 Wood, with NCR, National Cash Register
22 Company?

23 A: Yes, I did.

24 Q: And how so? What were your
25 dealings, in brief?

1 A: I want to go back, if I may, to an
2 exhibit that we talked about a little bit
3 earlier, my curriculum vitae, which was
4 Exhibit 661.

5 Q: Yes.

6 A: And if you look through the
7 section on professional activities, on the
8 second page, from the period of January the
9 1st, '78, through December 31st of 1979, I
10 talked here about my position being Market
11 Manager, Heat Transfer and Process Chemicals.
12 The process chemicals mentioned there
13 included solvents used in the production of
14 carbonless copy paper, and one of the large
15 customers in the United States for those
16 materials were NCR, the National Cash
17 Register Company, so in that period between
18 January 1978 and December 1979, I had
19 extensive contact with NCR.

20 Q: When you were in that position,
21 did it come to your attention that Monsanto
22 had sold a product to NCR for the manufacture
23 of its carbonless copy paper which had as a
24 constituent element or elements
25 polychlorinated byphenyls?

1 A: Yes.

2 Q: And is it your recollection or did
3 you ever learn that the particular Aroclor
4 involved in the manufacture of carbonless
5 copy paper was Aroclor 1242?

6 A: As an historical fact, I was aware
7 in the period that I was dealing with NCR
8 that in the past, they had at one point in
9 time used Aroclor 1242-base fluids in the
10 production of carbonless copy paper.

11 MR. TALLON: Let me ask the court
12 reporter to mark as Exhibit 668 a two-page
13 memo dated February 10, 1967, from R. Emmett
14 Kelly to Mr. D. Wood, bearing production
15 numbers TRAN 056619 and 6620.

16 (Plaintiff's Deposition
17 Exhibit 668 marked for
18 identification.)

19 (Witness peruses said
20 document.)

21 THE WITNESS: Yes.

22 BY MR. TALLON:

23 Q: Do you recollect receiving a copy
24 of this memorandum from Dr. Kelly?

25 A: Yes.

1 Q: Do you recollect having any
2 communications with Dr. Kelly on the subjects
3 articulated in this memo?

4 A: I know that I was involved with
5 trying to fill the information gaps which he,
6 which he identified under the, under the
7 items 1 through 7.

8 Q: Do you recollect having any
9 telephone communications with Dr. Kelly about
10 this memorandum or the process of pulling
11 together the information called for in items
12 1 through 7?

13 A: No, I don't.

14 Q: Did you set about inquiring the
15 information called for on your own, or did
16 you enlist help?

17 A: I enlisted help.

18 Q: Who did you enlist?

19 A: I enlisted the help of Ola Palm on
20 the ground in Sweden, in terms of getting
21 copies of some of the, some of the
22 Swedish-generated material. I enlisted the
23 help of Dr. Hardy in London in coming to some
24 of those areas where, where he had more
25 functional expertise than I had.

1 Q: Was the meeting that you have
2 testified to with Sorjen Jensen your first
3 meeting with -- is it Mr. Jensen or Dr.
4 Jensen?

5 A: I don't remember. I don't think
6 he had got his doctorate at that point. I
7 think he was still a "Mr." At that point in
8 time. But yes, that was my first meeting
9 with him.

10 Q: Did you have subsequent meetings
11 with Sorjen Jensen?

12 A: I may have met him once more, but
13 I did not have, I did not have many meetings
14 with Mr. Jensen.

15 Q: Do you recall any others?

16 A: No.

17 MR. TALLON: Let's mark as the
18 next exhibit, 669, a one-page memo dated
19 February 4th, 1969, from D. Wood to E. Scott
20 Tucker.

21 (Pleading's Deposition
22 Exhibit 669 marked for
23 identification.)
24 (Witness peruses said
25 document.)

1 THE WITNESS: Yes.

2 BY MR. TALLON:

3 Q: Do you -- can you identify that
4 document, Mr. Wood?

5 A: This is a memo that I wrote to
6 Scott Tucker in early 1969, when I believe
7 that there was a later article in a Danish
8 newspaper discussing Jensen's work.

9 Q: By the time of this memo, February
10 4th, 1969, you were no longer Product
11 Supervisor for Dielectric Fluids?

12 A: If I go back to the curriculum
13 vitae to be precise, the memo we are
14 referring to was dated in the 4th of February
15 of 1969 and I was, from January the 7th,
16 1968, in the position of Market Supervisor,
17 Food and Fine Chemicals.

18 Q: Do you recollect Mr. Tucker's
19 position at the time you wrote this
20 memorandum to him?

21 A: He was involved in the research
22 and development laboratories in St. Louis,
23 and his main involvement had been and
24 continued to be in developing analytical
25 techniques.

1 Q: Analytical techniques for
2 identifying, detecting PCBs?

3 A: Analytical techniques for wherever
4 Monsanto had need for developing methods for
5 chemical identification and quantification,
6 then those would be sent to the Applied
7 Sciences Section. They were experts in
8 analytical -- on development of analytical
9 technology. Scott happened to have been
10 involved in the development of techniques for
11 identification of measuring of PCBs.

12 Q: And in this memorandum, you were
13 replying to a memo that he wrote to you?

14 A: Yes.

15 Q: And you wrote this memo on or
16 about February 4th, 1969?

17 A: Yes, I did, and this was something
18 where, because of my previous involvement,
19 something had occurred that, that I suspect
20 that Scott wanted to test my recollection of
21 previous events.

22 Q: And it was part of your job
23 responsibilities at Monsanto to respond to
24 Mr. Tucker's inquiry in this memo to him?

25 A: No, it wasn't part of my job

1 responsibility, but good common sense says
2 that if somebody that you've worked with
3 previously asks that sort of question, you
4 respond. I mean, I was -- my responsibility
5 was for the marketing of Food and Fine
6 chemicals.

7 Q: Yes. You had moved out of the
8 dielectric area.

9 A: That's right.

10 Q: And you had no responsibility in
11 1969 for PCB-based products?

12 A: That is correct.

13 Q: But would you not have expected
14 that it was anticipated by your superiors
15 that if you got a, an inquiry from a person
16 in another department at Monsanto, it was
17 part of your job responsibility to reply to
18 it?

19 A: Yes.

20 Q: And you intended for Mr. Tucker to
21 rely on the information which was reflected
22 in your memorandum?

23 MR. ZIMMER: What do you mean by
24 "rely on," Counsel?

25 MR. TALLON: I don't -- is that a

1 mysterious word, "rely"?

2 MR. ZIMMER: Well, in this
3 context, it could be rely on to what, to do
4 what?

5 MR. TALLON: Well, in the process
6 of establishing a foundation to qualify the
7 document as a business record. If you want
8 to stipulate to that, then we can withdraw
9 the question.

10 MR. ZIMMER: Well, my question to
11 you stands. I'm not sure what you mean by
12 "rely." I mean, you can rely on it for a
13 variety of different things.

14 MR. TALLON: The question stands.
15 I'm not going to have a dialogue with you,
16 Fritz, on what the word "rely" means.

17 MR. ZIMMER: Fine. Then we'll
18 have the uncertainty also stand.

19 BY MR. TALLON:

20 Q: You can answer. Do you understand
21 the word "rely"?

22 A: Would you read back the question?

23 THE COURT REPORTER:

24 "Q. And you intended for Mr.
25 Tucker to rely on the information which was

1 reflected in your memorandum?"

2 A: No, I intended Mr. Tucker to rely
3 on my recollection of a previous event, of
4 what my understanding was of a previous
5 situation.

6 BY MR. TALLON:

7 Q: And was your recollection and
8 understanding of the previous situation
9 reflected in the memorandum you wrote to him
10 on February 4th, 1969?

11 A: I try to accurately reflect what
12 my memory was about a previous event.

13 Q: Is there anything in this
14 memorandum that you see today that is -- that
15 you believe is incorrect?

16 A: Yes.

17 Q: What?

18 A: If I went back and, with 20/20
19 hindsight, I would not have said, "I don't
20 think that at that time we questioned" -- can
21 I start again?

22 Q: Mm-hmm.

23 A: In retrospect, I would not have
24 composed a memo which said, "I don't think at
25 that time we questioned that he had, in

1 actual fact, found chlorinated biphenyl."
2 I've been involved with the PCB situation
3 later, and I think more accurately that there
4 was still, at that point in time, a question
5 in some more capable people in Monsanto's
6 minds as to what Jensen really was finding.

7 Q: What about what was in your mind?

8 A: I'm going to say, you know, I --
9 but I use the term, "I don't think at that
10 time we questioned." I mean, if I had
11 misinterpreted the situation and had sort of
12 said that I felt that it was fairly likely,
13 but I'm a salesman. I'm a marketing guy.
14 I've got some basic chemical training, but it
15 is not, in retrospect, I don't think that
16 this letter accurately reflects an
17 appropriate view put forward by me, as a
18 marketing guy, in terms of saying "Without
19 any doubt, there is no question in Monsanto's
20 corporate mind that what we were seeing was
21 chlorinated biphenyl."

22 Q: Is it fair to say that at the time
23 that you did not question that he had, in
24 fact, found chlorinated biphenyl in the sea
25 eagle's livers?

1 A: I didn't, but I probably should
2 have done.

3 Q: And what you are referring to is
4 that you don't know February 4, 1969, whether
5 others in Monsanto shared your conclusion?

6 A: That is correct, and that's why I
7 have trouble with "rely on."

8 Q: Did it come to your attention at
9 any point that Mr. Tucker disagreed with the
10 information reflected in your memorandum
11 dated February 4th, 1969?

12 A: No.

13 Q: Did you ever send him another memo
14 correcting the sentence to which you have
15 referred?

16 A: Nope.

17 Q: Is it a correct statement or is
18 the statement in the memorandum that, "Since
19 he had appreciated this point, we then let
20 the matter rest, not wanting to stir up
21 further agitation in other countries"? Isn't
22 that an accurate statement of your mental
23 state at the time?

24 (Witness peruses said
25 document.)

1 THE WITNESS: Can I have that
2 question back again?

3 THE COURT REPORTER:

4 "Q. Is it a correct statement or
5 is the statement in the memorandum that,
6 'Since he had appreciated this point, we then
7 let the matter rest, not wanting to stir up
8 further agitation in other countries'? Isn't
9 that an accurate statement of your mental
10 state at the time?"

11 A: Accurate but incomplete. I was
12 referring, there, to our concerns that Sorjen
13 Jensen had been, his disclosures about his
14 analytical work had been extended into making
15 comments on, on toxicology issues which he
16 was not qualified to make, and there was a
17 question of did we need to, to reach out and
18 say to people, these, these claims, things
19 have been alleged in the media that we want
20 to set straight, and it was felt that it was
21 not appropriate for Monsanto to do that
22 whilst we were trying, from a good science
23 base, to find out exactly what it was that
24 was being said.

25 Q: Did you ever communicate with

1 Elmer Wheeler during the period, let's say,
2 from 1968 through 1970?

3 A: I don't recall specific
4 communications.

5 MR. TALLON: Let me show you a
6 memorandum which we'll mark as Exhibit 670.
7 It's just a one-page memo, dated April 16th,
8 1969, bearing production number TRAN 058769.

9 (Plaintiff's Deposition
10 Exhibit 670 marked for
11 identification.)

12 (Witness peruses said
13 document.)

14 THE WITNESS: Yes.

15 BY MR. TALLON:

16 Q: Do you recollect receiving this
17 memorandum from Elmer Wheeler?

18 A: No, I don't.

19 Q: In 1969,, you were not in a -- you
20 were not a Product Supervisor for Dielectric
21 Fluids, but you were still in your Food and
22 Fine chemicals position?

23 A: Yes, I was, mm-hmm.

24 Q: Do you recall the communication
25 with Dr. Kelly which was referred to in the

1 last paragraph of Elmer Wheeler's memorandum
2 to Mr. Soden?

3 A: SEW-den (Phonetic).

4 Q: SEW-den?

5 A: No, I don't.

6 Q: While you were in your Food and
7 Fine chemicals position did you have any
8 responsibility for dealing with Bayer?

9 A: No, I did not.

10 Wait a minute. Yes, I did.

11 Q: What was that responsibility?

12 A: One of the major products in our
13 product line in the Food and Fine area, as
14 aspirin. Bayer are a large manufacturer also
15 of aspirin. In terms of discussing what
16 other analgesics might ultimately around the
17 world replace aspirin, if at all, I did from
18 time to time have occasion in that job to
19 talk about other product areas, aspirin, with
20 Bayer.

21 Q: Did you have any involvement, Mr.
22 Wood, in the phasing out of PCB sales by
23 Monsanto?

24 A: In the United States, at the time
25 that I had moved to the United States, I had

1 involvement in that part of my job when I was
2 involved with dielectric materials, I had
3 involvement in the phase-out, Monsanto's
4 phase-out on PCBs.

5 Q: What time period are you referring
6 to now?

7 A: Post-1974.

8 Q: And what PCBs were you in -- what
9 involvement did you have with the phase-out
10 of what PCBs?

11 A: I was involved with the phasing
12 out of the dielectric products incorporating
13 PCBs.

14 Q: And when were -- when was that
15 phase-out accomplished?

16 A: In 1974 and 1978.

17 MR. TALLON: Let me show you a
18 one-page memo which has production number
19 BIR, looks like 007768, and we'll ask the
20 reporter to mark that as 671.

21 (Plaintiff's Deposition
22 Exhibit 671 marked for
23 identification.)

24 (Witness peruses document.)

25 A: Talking about a memo dated 1979?

1 BY MR. TALLON:

2 Q: Yes, my question is, can you
3 identify this memorandum?

4 A: Let me first relate back one more
5 time to the curriculum vitae which I'm going
6 to leave out, here.

7 (Witness peruses documents.)

8 A: (Continuing) Yes. Yes, I have
9 now finished reading the memo.

10 BY MR. TALLON:

11 Q: Okay, I think the pending question
12 was, can you identify it.

13 A: This is a memo which relates to a
14 heat transfer incident in the 1979 time frame
15 when I was contacted for two reasons.

16 Firstly, I was at that stage the
17 product manager for heat transfer fluids, and
18 Therminol was the trademark under which
19 Monsanto sold heat transfer fluids. At that
20 time, we were selling heat transfer fluids
21 which did not incorporate PCBs, but I was a
22 natural person to speak to or to find out
23 from the record where there might be
24 information about what had happened in the
25 past with heat transfer fluids, and because I

1 had been the person involved with phasing out
2 the dielectric fluids containing PCBs, I was
3 one of the people on the spot in 1979 who
4 people would refer to and ask questions about
5 PCBs.

6 Q: Does this memorandum purport to
7 propose answers to questions, or to be a
8 transcript, in essence, of a conversation
9 that you had with a reporter from the "Rocky
10 Mountain Journal"?

11 A: I don't recall.

12 Q: And who is R. C. Isham?

13 A: Isham was involved in our public
14 relations organization, and as such, a press,
15 a media query would have come into his
16 office.

17 Q: Do you know where you acquired the
18 information that appears in the "A" or answer
19 portions of these Q and A memo?

20 A: I'm sorry?

21 Q: The memo is in Q and A --

22 A: Yeah.

23 Q: -- format.

24 Question: "When did Monsanto
25 phase out PCBs?"

1 Answer: "Started in '69-'70," and
2 so on. I'm wondering if you recall where you
3 acquired the information which is furnished
4 in the "A's."

5 A: Oh. This would have been
6 information which I had developed as I was
7 involved in the period 1974 through '78-'79
8 in the dielectric area in the United States,
9 in terms of looking at the -- at what
10 Monsanto's program had been for withdrawal
11 from the various fluids with which I was
12 involved.

13 Q: When you say information you had
14 developed, you mean that which you had
15 discovered on your own, or that which you
16 learned from others, or both?

17 A: Both.

18 MR. TALLON: Let me show you a
19 document that we'll mark as Exhibit 672,
20 which bears production numbers BIR 001285
21 through 1306 and is titled "National
22 Conference On Polychlorinated Biphenyls,
23 David Wood, Chlorinated Biphenyl
24 Dielectrics - Their Utility and Potential
25 Substitutes."

1 (Plaintiff's Deposition
2 Exhibit 672 marked for
3 identification.)

4 BY MR. TALLON:

5 Q: Can you take a moment to review
6 that, please, Mr. Wood?

7 (Witness peruses said
8 document.)

9 A: I can take half an hour to refresh
10 my memory on this.

11 Q: I'm not going to ask you
12 particular questions about all of the
13 technical information which is included here,
14 but I do want you to at least know what the
15 document is.

16 A: I know what the document is.

17 Q: Okay.

18 A: Okay.

19 Q: Can you identify it, then?

20 A: This is a presentation that I
21 prepared for presentation at a conference at
22 the Pick Congress Hotel in Chicago on
23 November 19th through 21st of 1975 where I
24 was asked to speak for Monsanto on the issue
25 of chlorinated biphenyl dielectrics, their

1 utility, and where the search was going for
2 potential substitutes.

3 Q: Did you have assistance in
4 preparing this paper?

5 A: Yes, I did.

6 Q: And who assisted you?

7 A: I was assisted by, certainly, Dr.
8 Munch, would have been my main technological
9 support in terms of making sure that what I,
10 as a Marketing Manager, was saying was
11 totally correct in terms of the applicational
12 technology. To the extent that I was
13 using -- I don't recall if this -- to the
14 extent that I was using any product safety
15 data, then it would have been reviewed with
16 my product safety colleagues.

17 Q: And how do you define a closed
18 system?

19 A: I define a closed system, I
20 defined a closed system then, as I do today,
21 as one that in its manufacture, you
22 essentially contain a fluid in a sealed
23 container, and that that fluid will then only
24 potentially see the light of day again in
25 failure, in maintenance, or in disposal.

1 Q: When you -- when did you move to
2 the United States?

3 A: 1974.

4 Q: And that was for the purpose of
5 taking on what position?

6 A: I took on the position as
7 international sales manager for the
8 Functional Fluids business.

9 Q: And at that point, the functional
10 fluids containing PCBs still being sold by
11 Monsanto were the dielectric fluids?

12 A: Yes. We were still selling
13 dielectric fluids at that point in time
14 containing chlorinated biphenyls.

15 Q: Was there a project underway to
16 find a replacement product for the
17 polychlorinated biphenyls in dielectric
18 fluids?

19 A: There was a program going on to
20 ultimately identify whether there was a
21 product which did not contain chlorinated
22 biphenyls which could offer equivalent
23 benefits to the electrical -- to the
24 electrical generation and distribution
25 industry.

1 Q: To your knowledge, did Monsanto
2 manufacture or produce PCB-based products
3 outside the United States at any time?

4 A: Yes, we produced them in Europe.

5 Q: In Ruabon?

6 A: Yes, we did.

7 Q: Elsewhere?

8 A: I can't recall if we produced them
9 in Japan or not. I think not. I don't
10 recall. I know we produced them in Europe.

11 Q: Do you recall when sales of
12 PCB-based products were terminated in Europe?

13 A: We terminated the sales of
14 chlorinated biphenyls in Europe
15 simultaneously with our discontinuing sales
16 in the United States.

17 Q: The sales of all products were
18 terminated simultaneously? Does that mean
19 that dielectric fluids were --

20 A: We, when I was responsible for the
21 phase-out of dielectric fluids containing
22 chlorinated biphenyls, we discontinued the
23 sales of chlorinated biphenyls as dielectrics
24 world-wide at the same time.

25 Q: And eventually, the sales of PCBs

1 in dielectric fluids were terminated?

2 Eventually, dielectric fluids containing PCBs
3 were no longer sold by Monsanto?

4 A: This is true.

5 Q: Do you know when that cessation
6 occurred?

7 A: 19 seventy -- '78 or '79. It was
8 either late '78 or -- I think, or finally '79
9 that we discontinued all sales,
10 simultaneously, around the world, of
11 chlorinated biphenyls, but the question you
12 asked was did sales of chlorinated biphenyls
13 as dielectrics cease around the world at the
14 same time.

15 Q: Mm-hmm.

16 A: Other producers of chlorinated
17 biphenyls did not cease supply of chlorinated
18 biphenyls at the same time that Monsanto
19 choose to do so.

20 Q: I understand.

21 A: That's what I'm trying to make
22 sure.

23 Q: I was referring to Monsanto, but
24 thank you for clarifying that. Do you know
25 whether, before the termination of sales of

1 dielectric fluids by Monsanto in Europe,
2 other PCB-based products were being sold by
3 Monsanto?

4 A: At various points in history,
5 Monsanto had sold PCB-containing fluids in
6 Europe as plasticizers, in thermostat
7 devices, as hydraulic fluids, in steam
8 generation, electrical steam generation
9 units, as heat transfer fluids, as
10 dielectrics, as dielectrics, as components of
11 carbonless copy, carbonless copy paper.

12 Q: Excluding dielectric fluids, were
13 any of the product applications sold by
14 Monsanto in Europe after 1972, to your
15 knowledge?

16 A: I don't know. I was outside of
17 chlorinated biphenyls and in a new and
18 different job, and I don't recall the exact
19 scenario and timetable of the, of the
20 discontinuity of PCBs in Europe.

21 Q: So from that, I would take it that
22 you don't know whether it was the same or
23 different than in the United States?

24 A: I don't know.

25 MR. TALLON: Thank you.

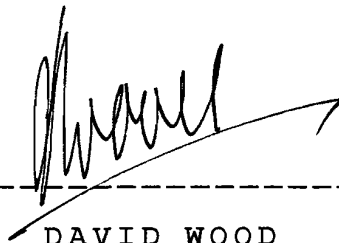
1 THE WITNESS: Is that it?

2 MR. TALLON: Unless Mr. Zimmer has
3 something to say.

4 MR. ZIMMER: No, not today.

5 (Whereupon, at 11:40 a.m.,
6 the deposition was
7 concluded.)

COMES NOW THE WITNESS, DAVID WOOD,
and having read the foregoing transcript of
the deposition taken on the 3rd day of
September, 1992, acknowledges by signature
hereto that it is a true and accurate
transcript of the testimony given on the date
hereinabove mentioned.

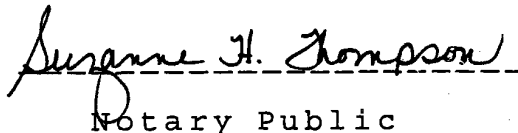


DAVID WOOD

Subscribed and sworn to before me
this 23 day of October, 1992.

SUZANNE H. THOMPSON
NOTARY PUBLIC STATE OF MISSOURI
ST. CHARLES COUNTY
MY COMMISSION EXP. MAR. 19, 1995

My Commission expires: _____



Notary Public

ORIGINAL

1 STATE OF MISSOURI)

2 SS:)

3 CITY OF ST. LOUIS)

4 I J. Bryan Jordan, notary public
5 in and for the State of Missouri, duly
6 commissioned, qualified and authorized to
7 administer oaths and to certify depositions,
8 do hereby certify that pursuant to agreement
9 in the civil cause now pending and
10 undetermined in the Superior Court of the
11 State of California, in and for the County of
12 Los Angeles, to be used in the trial of said
13 cause in said court, I was attended at the
14 offices of Bryan, Cave, McPheeters &
15 McRoberts, in the City of St. Louis, State of
16 Missouri, by the aforesaid witness and by the
17 aforesaid attorneys, on the 3rd day of
18 September, 1992.

19 The said witness, being of sound
20 mind and being by me first carefully examined
21 and duly cautioned and sworn to testify the
22 truth, the whole truth, and nothing but the
23 truth in the case aforesaid, thereupon
24 testified as is shown in the foregoing
25 transcript, said testimony being by me

1 reported in shorthand and caused to be
2 transcribed into typewriting, and that the
3 foregoing pages correctly set forth the
4 testimony of the aforementioned witness,
5 together with the questions propounded by
6 counsel and remarks and objections thereto,
7 and is in all respects a full, true, correct
8 and complete transcript of the questions
9 propounded to and the answers given by said
10 witness; that signature of the deponent was
11 not waived by agreement of counsel.

12 I further certify that I am not of
13 counsel or attorney for either of the parties
14 to said suit, not related to nor interested
15 in any of the parties or their attorneys.

16 Witness my hand and notarial seal
17 at St. Louis, Missouri, this ____ day of
18 _____, 1992.

19 My commission expires July 20,
20 1994.

21
22 _____
23 J. Bryan Jordan
24 Notary Public in and for the
25 State of Missouri

DEPOSITION CORRECTION SHEET

In Re:

Upon reading the deposition and before subscribing thereto,
the deponent indicated the following changes should be made:

Page 57 Line 14 Should read: *Carolinska Institute*

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

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Reason assigned for change:

Page Line Should read:

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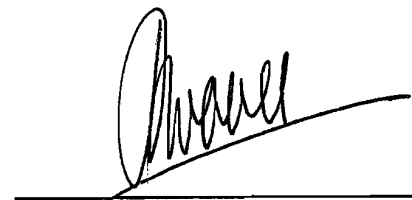
Reason assigned for change:

Page Line Should read:

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Deponent