

(copy)

705 Olive Street, Suite 604
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

NEVADA POWER COMPANY,

Plaintiff,

-vs-

MONSANTO COMPANY, GENERAL
ELECTRIC CORPORATION, et al.,

Defendants.

CV-89-555-LDG (LRL)

* * *

I N D E X

WITNESS:

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JACK T. GARRETT

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEVADA

3 NEVADA POWER COMPANY,)

4 Plaintiff,)

5 -vs-)

CV-89-555-LDG (LRL)

6)

7 MONSANTO COMPANY, GENERAL)

8 ELECTRIC CORPORATION, et al.,)

9 Defendants.)

10 DISCOVERY DEPOSITION OF WITNESS, to be used in an

11 action pending in the District Court of the United States,

12 for the District of Nevada, wherein NEVADA POWER COMPANY is

13 Plaintiff, and MONSANTO COMPANY, et al. are Defendants,

14 pursuant to Notice, under the provisions of Rule 26 of the

15 Rules of Civil Procedure, taken on March 16, 1993, at the

16 law offices of Messrs. Husch & Eppenberger, 100 North

17 Broadway, St. Louis, Missouri, before John T. Concannon, a

18 Notary Public within and for the State of Missouri.

19 A P P E A R A N C E S

20 The Plaintiff was represented by Mr. Ralph A.

21 Bradley, of the law firm of Bradley & Merrell, c/o Jones,

22 Jones, Close & Brown, 300 South Fourth Street, Ste. 700,

23 Las Vegas, Nevada, 89101.

24 The Defendant, Monsanto Company, was represented by

25 Mr. Bruce A. Featherstone, of the law firm of Kirkland &

Ellis, 1999 Broadway, Ste. 4000, Denver Colorado, 80202.

 The Defendant, Westinghouse Corporation, was

represented by Ms. Laurie Basch, of the law firm of Weil,

Gotshal & Manges, 767 Fifth Avenue, New York, New York,

10153.

1 JACK T. GARRETT,
2 of lawful age, being first duly sworn to tell the truth,
3 the whole truth, and nothing but the truth, deposes and
4 says on behalf of the Plaintiff, as follows:

5 DIRECT EXAMINATION

6 QUESTIONS BY MR. BRADLEY:

7 Q. Would you please state your name and spell
8 your last name for the court reporter?

9 A. Jack T. Garrett, G-a-r-r-e-t-t, and Jack is
10 the name, not John.

11 Q. All right. Mr. Garrett, my name is Ralph
12 Bradley and we introduced ourselves just a moment ago; is
13 that true?

14 A. Yes.

15 Q. I represent Nevada Power Company in this
16 lawsuit that they've brought against Monsanto, General
17 Electric and Westinghouse; you understand that?

18 A. Yes.

19 Q. If, during the course of your deposition, I
20 ask a question that you don't understand, will you tell me?

21 A. I shall.

22 Q. And if you give an answer to one of my
23 questions, I'm going to assume you understood the question.
24 Fair enough?

25 A. Okay. Good enough.

1 Q Also, if, since we're starting in the late
2 afternoon and apparently going to go into the early
3 evening, if you ever need to take a break, just let us know
4 and we'll accommodate you.

5 A. Thank you.

6 Q. Are you represented by an attorney today?

7 A. No. Not myself, personally.

8 Q. When did you first learn that your deposition
9 would be taken today?

10 A. Approximately three weeks ago.

11 Q. How did you learn that?

12 A. Monsanto called.

13 Q. Who did you speak with from Monsanto?

14 A. To be perfectly frank, I don't remember. I
15 think it was one of the girls, but I'm not sure of that.

16 Q. Did you know you were listed as a potential
17 witness in this case?

18 MR. FEATHERSTONE: Object to the form.

19 A. No.

20 Q. (By Mr. Bradley) Do you know whether you were
21 listed as a potential witness in this case?

22 A. Now? I don't know what I'm doing here if I'm
23 not, but now, I don't know.

24 Q. All right. May I--

25 A. Excuse me a moment. If you mean do I know if

1 I'm a witness for a court trial at some point, no, I do not
2 know.

3 Q. All right. That was my question.

4 A. Okay.

5 Q. Could I have your home address?

6 A. 429 Geyer, G-e-y-e-r, Forest Drive, Kirkwood,
7 Missouri, 63122.

8 Q. Do you have a business address?

9 A. The same, if I'm in business.

10 Q. Did you review any documents in preparation
11 for today's deposition?

12 A. No. As a matter of fact, I didn't review any
13 documents at all. I talked but I didn't review any
14 documents.

15 Q. Who did you talk to?

16 A. An attorney from Monsanto.

17 Q. And was it Mr. Featherstone that you spoke to?

18 A. No. Mr. Featherstone's associate at Monsanto.

19 Q. And what were you told?

20 MR. FEATHERSTONE: You're instructed not to
21 answer that question.

22 MR. BRADLEY: On what grounds?

23 MR. FEATHERSTONE: Attorney/client privilege.

24 MR. BRADLEY: But he said you're not his
25 lawyer.

1 MR. FEATHERSTONE: Well --

2 Q. (By Mr. Bradley) Was it someone with Mr.
3 Featherstone's office that you spoke to about this?

4 A. It was somebody from the law department at
5 Monsanto. Whose office he was in, I haven't the foggiest.

6 Q. Okay. And what did they tell you?

7 MR. FEATHERSTONE: Well, same instruction.

8 MR. BRADLEY: How can you instruct him not to
9 answer when he's not your client?

10 MR. FEATHERSTONE: Because that's, A, not
11 true, and B, the fact of the matter is, Monsanto and it's
12 counsel have a privilege that exists with regard to former
13 employees for matters concerning the scope of their
14 employment while at Monsanto. That's well-developed by the
15 case law.

16 MR. BRADLEY: My question is, how can you
17 instruct him not to answer when he's not your client?

18 MR. FEATHERSTONE: I told you the basis for my
19 instruction, Mr. Bradley. If you view the law different
20 than I do, you do. I can't do anything about that.

21 MR. BRADLEY: I will instruct you to answer.
22 Since Mr. Featherstone is not your attorney, he can't
23 instruct you not to answer.

24 THE WITNESS: He can instruct me not to
25 answer, can he not?

1 MR. BRADLEY: He can, but unless he's your
2 lawyer -- The rule is, Mr. Garrett, that if your lawyer
3 instructs you not to answer, you shouldn't answer. If
4 you're not here represented by a lawyer, then there's no
5 lawyer who can instruct you not to testify. So go ahead.

6 MR. FEATHERSTONE: I have instructed Mr.
7 Garrett.

8 MR. BRADLEY: Well, why don't --

9 THE WITNESS: What is --

10 MR. BRADLEY: Just a moment. I view this as
11 an important matter and why don't we take it up with
12 Magistrate Levitt?

13 MR. FEATHERSTONE: Are we off the record?

14 MR. BRADLEY: Yes.

15 (Whereupon, a discussion was held between Counsel, off the
16 record.)

17 Q. (By Mr. Bradley) Mr. Garrett, as I understand
18 it, you've now spoken with Mr. Featherstone outside the
19 presence of everyone in this room and you're now relating
20 to me that you are here, represented by Mr. Featherstone;
21 is that correct?

22 A. That's correct.

23 Q. Have you paid Mr. Featherstone any money to
24 represent you here, today?

25 A. No.

1 Q. Have you signed a contract to have him
2 represent you here, today?

3 A. No.

4 Q. When you walked in the door to have your
5 deposition taken, was Mr. Featherstone your attorney?

6 A. According to what he just told me, yes.

7 Q. He told you he's your lawyer?

8 A. He told me that the policy is that
9 ex-employees are represented by Monsanto's attorney and he
10 is that person at this hearing.

11 Q. Okay. So you didn't ask him to be your
12 lawyer, he told you he was your lawyer?

13 A. That's true. And I accepted that help.

14 Q. Are you presently employed?

15 A. No.

16 Q. You're retired?

17 A. I am retired from Monsanto.

18 Q. All right. Let's start with your educational
19 background. Did you attend college?

20 A. Yes.

21 Q. Where did you attend college?

22 A. Oklahoma State University, and the University
23 of Tennessee, Knoxville.

24 Q. Did you receive a degree?

25 A. Two degrees.

1 Q. When did you receive your first degree?

2 A. In 1948, from the University of - from
3 Oklahoma State University. I received a Bachelor of
4 Science in Chemistry.

5 Q. When did you receive your second degree?

6 A. 1950, I received a Master of Science in
7 Chemistry from the University of Tennessee at Knoxville.

8 Q. Have you attended any course work following
9 completion of your Masters of Science in 1950?

10 A. Yes.

11 Q. Tell me which --

12 A. It would be difficult to define them all.

13 Q. Roughly, how many courses have you taken since
14 1950?

15 THE WITNESS: Define "courses."

16 Q. (By Mr. Bradley) Have you taken any courses
17 through any accredited university since 1950?

18 THE WITNESS: For credit?

19 MR. BRADLEY: Fine. For credit.

20 A. For credit, no.

21 Q. (By Mr. Bradley) Did you take any courses at
22 any accredited university past 1950 where you did not
23 receive credits?

24 A. Yes.

25 Q. Roughly, how many courses were there?

1 A. It would be difficult but I would say at
2 universities, somewhere around ten.

3 Q. What were the subject matter of the courses
4 that you took?

5 A. Physical chemistry, industrial hygiene, water
6 pollution control, and toxicology.

7 MR. BRADLEY: Would you read back that answer
8 for me, please?

9 (Whereupon, the reporter propounded the previous question.)

10 Q. (By Mr. Bradley) Where did you take the
11 course work on toxicology?

12 A. At a meeting of the Toxicological Society
13 seven years ago at the University of North Carolina at
14 Chapel Hill.

15 Q. Were--

16 A. Excuse me a moment. Many of these courses are
17 not subscribed by the university. They are simply used as
18 a -- They're part of meetings and so forth, okay?

19 Q. Was the meeting at the University of North
20 Carolina the only instruction that you have had in
21 toxicology following completion of your Masters?

22 A. No.

23 Q. How long was the meeting in North Carolina on
24 toxicology?

25 A. Three days.

1 Q. And what year did the meeting occur?

2 A. Somewhere in the late '50s. I can't tell you
3 any better than that.

4 Q. Were the instructors part of the staff at the
5 University of North Carolina?

6 A. No.

7 Q. Who were the instructors?

8 A. They were members of the Toxicological
9 Society.

10 Q. Were you given written materials in relation
11 to that training?

12 A. Yes.

13 Q. Do you still have them?

14 A. No.

15 Q. What other training have you had in toxicology
16 since completion of your Master of Science in 1950?

17 A. Hands-on training with Monsanto and its
18 various functions and its various staff members.

19 Q. Did the hands-on training instruction occur at
20 a special set of meetings?

21 A. No. It occurred at a toxicological
22 laboratory.

23 Q. Over what period of time?

24 A. Probably from 1955 to 1965.

25 Q. And roughly, how many hours would you say that

1 you received instruction with Monsanto in its various
2 functions with staff members?

3 MR. FEATHERSTONE: Object to the form.

4 THE WITNESS: How many hours?

5 Q. (By Mr. Bradley) How many hours did you
6 receive this training between 1955 and 1965?

7 A. Oh, I don't know. Many, many hours.

8 Q. More than a hundred?

9 A. Most likely, yes. I didn't add them up.

10 Q. Any other training that you received in
11 toxicology since completion of your Masters?

12 A. Other than my knowledge and discussions with
13 the people involved in the manufacture, use, pollution
14 treatment and so forth, of materials Monsanto was
15 interested in, in producing or using as raw materials in
16 any of their processes.

17 Q. And who would those folks be?

18 A. Oh, my previous boss, Mr. Elmer Wheeler, now
19 deceased.

20 Q. Anyone else?

21 A. Dr. R.E. Kelly, my boss for many years.

22 Q. Anyone else?

23 A. And perhaps the Toxicology and Industrial
24 Hygiene meetings of the American Petroleum Institute,
25 Manufacturing Chemists Association, and Organic Chemical

1 Manufacturers Association meetings, as well as meetings
2 with customers and so forth.

3 Q. In the meetings that you had with the American
4 Petroleum Institute, did you discuss toxicology of PCBs?

5 A. I really can't -- It's likely, but I can't
6 say.

7 Q. In the discussions with the American Petroleum
8 Institute, did you address the topic of Dioxin?

9 A. I'll have to give you the same answer. It's
10 likely but I can't recall specifics.

11 Q. Furans?

12 A. Probably.

13 Q. In your meetings with the American Petroleum
14 Institute, did you discuss polychlorinated dibenzylfurans?

15 A. Likely.

16 Q. Tell me now, what training you had beyond 1950
17 in industrial hygiene.

18 A. I went to a two-week long introduction course
19 conducted by Liberty Mutual Insurance Company in Boston.

20 Q. When was that?

21 A. It had to be 1954.

22 Q. Why did you attend that introductory course?

23 A. Primarily, because my boss told me to, but for
24 purposes of establishing the premise of industrial hygiene,
25 which I did not know since I was a research chemist prior

1 to that.

2 Q. What is industrial hygiene?

3 A. It's a study of industrial operations with the
4 objective of preventing sickness and death among the
5 workers that handle the materials involved.

6 Q. Did you receive written material as part of
7 this two-week course?

8 A. Yes.

9 Q. Do you still have it?

10 A. No.

11 Q. What did you do with it?

12 A. When I cleaned out my office and left
13 Monsanto, it either left then or -- I don't know. I don't
14 know. It disappeared.

15 Q. Did you have any other training in industrial
16 hygiene following completion of your Master's Degree?

17 A. No. Other than the fact that I studied and
18 passed the exam for certification by the American
19 Industrial Hygiene Association, a two-day examination.

20 Q. What training did you have beyond your
21 Master's degree in water pollution control?

22 A. My Master's degree was not in water pollution
23 control. It was inorganic physical chemistry.

24 Q. Following completion of your Master's degree,
25 what training, if any, did you receive in water pollution

1 control?

2 A. Training with some of the best minds, I
3 believe, at the time, in pollution control.

4 Q. In where?

5 A. In pollution control. Some of the best minds.
6 And practical experience with pollution problems at the
7 Texas City, Texas plant.

8 Q. Who were the people that you were working with
9 regarding water pollution control?

10 A. My same boss and subboss. Dr. Kelly was my
11 boss for many years, Mr. Wheeler was my boss also for many
12 years. I was moved to St. Louis for the purpose of, for
13 water pollution reasons, because I had done some work on
14 the problem at Texas City.

15 Q. And Texas - what?

16 A. Texas City plant.

17 Q. And what training did you receive following
18 completion of your Master's degree relating to the subject
19 of physical chemistry?

20 A. Other than meeting, regular meetings with the
21 American Chemical Society at their South Texas group,
22 probably none.

23 Q. Have you had your deposition taken before?

24 A. Yes.

25 Q. When?

1 A. Oh, my stars. I don't know when.

2 THE WITNESS: How many or when?

3 MR. BRADLEY: Well, I'm going to ask both. So
4 however you want to answer it.

5 A. The last one was about two months ago. I had
6 about fifteen.

7 Q. Where did the last deposition occur?

8 A. St. Louis.

9 Q. In what kind of case?

10 A. You know, after all the times I have been
11 involved in this mess, I can't even remember what was the
12 case.

13 Q. Did it involve PCBs?

14 A. Not specifically.

15 Q. Do you recall what the general nature of your
16 testimony was during that deposition?

17 A. I can't even recall the subject. I'm sorry.
18 Really sounds stupid but it's true. I don't recall the
19 subject now. I could probably refresh my memory if I got
20 to my office.

21 Q. In the --

22 A. It had nothing to do with PCBs, by the way.

23 Q. You estimated maybe fifteen times you have had
24 your deposition taken?

25 A. Yes.

1 Q. Were -- Did any of those occasions involve
2 PCBs?

3 A. Specifically as a major subject, no. As an
4 ancillary subject of chemicals that we handled and for
5 reasons of that, yes.

6 Q. Do you recall the case names of any of those
7 cases where you gave depositions that touched on PDBs?

8 A. No.

9 Q. Do you recall if one of them had to do with a
10 case in San Francisco?

11 A. I really don't know. I have had depositions
12 dealing with product handling in very many number of cases.
13 I don't recall specifically a San Francisco case.

14 Q. Do you recall whether you kept copies of any
15 of the transcripts of the depositions in which you gave
16 testimony?

17 A. Absolutely not.

18 Q. Do you know whether Monsanto has copies of
19 those?

20 A. You would have to ask them.

21 Q. Well, after -- Did you have your deposition
22 taken at any point when you were still a Monsanto employee?

23 A. Yes.

24 Q. And do you know whether Monsanto kept a file
25 that included a transcript of your deposition?

1 A. I haven't the vaguest notion, actually. I
2 think if the case was completed, because of the massive
3 amounts of documentation, it probably would have been
4 disposed of, based on their document retention program.

5 Q. What is their document retention program?

6 A. It's nothing more than a program to keep from
7 filling the entire country with files. Anything that's
8 important enough can be, I presume can be put on discs and
9 so forth. Right now, I don't know where any of them are,
10 nor have any idea if they're stored or what.

11 Q. During the time that you were employed at
12 Monsanto, was there more than one retention policy?

13 A. As a chemist and later, as a manager of a
14 small section in the research department at Texas City, it
15 made little difference to me what happened to the
16 documents. We could fetch them back if they were fresh.
17 If they were not, they probably went to St. Louis, but I do
18 not know.

19 Q. My question was whether or not you know if
20 there was more than one retention policy for documents
21 during the course of time you were employed with Monsanto.

22 A. The only policy I knew was the one in St.
23 Louis. As near as I know, if there was one in Texas City,
24 I never got a jump on it. We had one policy. That policy
25 went through from virtually the time I came to St. Louis,

1 or a form of it, all the way to the time I retired.

2 Q. Did the policy allow the destruction of
3 certain types of documents if several years had -

4 A. Yes.

5 Q. - passed?

6 A. Yes.

7 Q. And was there discretion given to employees as
8 to whether to maintain documents beyond that several year
9 period?

10 A. Very little discretion.

11 Q. So for the most part, you were supposed to
12 discard documents that were over two years old?

13 MR. FEATHERSTONE: Are you using two years as
14 an example?

15 MR. BRADLEY: I'm asking whether it was two
16 years.

17 A. I believe it was five. I believe.

18 MR. BRADLEY: All right.

19 Q. (By Mr. Bradley) More than five and less than
20 ten?

21 A. I don't know. We had to look at them on that
22 basis, on a five-year basis. Every document we kept, we
23 had to make a special provision for.

24 MR. BRADLEY: Would you read that answer back
25 to me, please?

1 (Whereupon, the reporter propounded the previous answer.)

2 A. For retention, okay?

3 Q. (By Mr. Bradley) Was the retention policy
4 written?

5 A. Yes. So-called Red Book.

6 Q. Pardon me?

7 A. A so-called Red Book.

8 Q. During the time you were employed at Monsanto,
9 do you know whether any documents were destroyed outside
10 the retention policy?

11 A. No, they were not.

12 Q. At least, if they were, you don't know that?

13 A. Not in my section, they weren't.

14 Q. Have you ever given testimony in a trial?

15 A. Yes.

16 Q. Which trials?

17 A. As a consultant in the trials connected with
18 the St. Louis School Board's asbestos program.

19 Q. Any other trials?

20 A. No.

21 Q. What did you do when you graduated with a
22 Master's degree?

23 A. Picked up my wife and my two tattered kids and
24 moved from Knoxville to Texas City, Texas on the basis of
25 money given me by the Government, returning portion of my

1 Government insurance, or I never would have been able to.

2 Q. What did you do in Texas City, Texas?

3 A. I was in the research department of the Texas
4 division of Monsanto.

5 Q. What was your job title when you began that
6 employment?

7 A. Research chemist.

8 Q. What work did you do as a research chemist at
9 the Texas division of Monsanto?

10 A. Virtually all organic -- I am an inorganic
11 physical chemist and did virtually all organic, but that's
12 beside the point. I did work on the process for several
13 organic chemicals and worked on processing each improvement
14 to make them more efficient.

15 Q. What product were you working for at Texas
16 City?

17 A. Styrene, ethyl benzene, acrylonitrile,
18 a-c-r-y-l-o-n-i-t-r-i-l-e, and it's precursor, hydrogen
19 cyanide.

20 Q. Who was your immediate supervisor?

21 A. There were a number of them, and I can't --
22 To tell you the truth, I can't recall the name of him. My
23 boss was the director of research, and it was a small
24 department and people were -- It was almost a
25 boss/individual relationship.

1 Q. How long were you a research chemist at the
2 Texas division of Monsanto?

3 A. From 1950 to 1954.

4 Q. During that period of time, did you work at
5 all with Monsanto products that contained PCBs?

6 A. I don't think so. It wasn't an issue of great
7 knowledge, if that's what you mean, no. As a heat transfer
8 medium, it might have been, I don't know. But directly,
9 no. Not to my knowledge, in my processes or any of my
10 process operations, no.

11 Q. In 1954, what did you do?

12 A. I got taken to St. Louis by Dr. Kelly.

13 Q. How did that occur?

14 A. I goofed off and gave a paper on pollution
15 control in New York at an MCA meeting, that's Manufacturing
16 Chemists Association, now known as the Chemical
17 Manufacturers Association.

18 Q. I take it, he liked your paper and contacted
19 you?

20 A. Not necessarily. I think what he did, he was
21 told to begin to supervise information as a center source
22 for information on pollution control for the whole company
23 and he went out looking for a man with some pollution
24 control experience.

25 Q. What was your job title when you first began

1 working in St. Louis?

2 A. Industrial hygienist and water pollution
3 advisor.

4 Q. Was there a time when your job title changed?

5 A. Yes. Many times.

6 Q. Okay. What work did you do as an industrial
7 hygienist and water pollution advisor when you first
8 started with Monsanto in St. Louis?

9 A. I represented the company on the pollution
10 committees of the Ohio River Valley Sanitation Commission,
11 known as ORSANCO; on the water pollution committee of the
12 Manufacturing Chemists Association, now the CMA; the water
13 pollution committee of the American Petroleum Institute,
14 Production Division, and when I found time, a little work
15 for the company.

16 Q. When you worked for the company, what did you
17 do?

18 A. Started beating people about pollution
19 control. I went from plant to plant to plant. We did
20 surveys with the plant people in connection with what they
21 were discharging and where. We did the entire corporation
22 and started working on getting rid - going to work building
23 either pollution treatment plants or managing pollutants
24 through the cities' or communities' treatment facilities.

25 Q. At that time, how many plants were you working

1 with?

2 A. Forty-three, I think it was.

3 Q. Did any of those plants manufacture products
4 containing PCBs?

5 A. Two of those plants -- When I first came to
6 Monsanto, two of them manufactured PCBs.

7 Q. Which were those?

8 A. Anniston, Alabama, and East St. Louis,
9 Illinois, known in Monsanto as the Anniston and the
10 Krummrich plant, K-r-u-m-m-r-i-c-h, plant.

11 Q. Did you write a report relating to your work
12 at the Anniston plant?

13 A. My stars, I don't know. Probably. I'm sure
14 we did, because we worked a long time on the process there.
15 Not PCB process. There was dye in their other process at
16 that plant and I worked with the State of Alabama
17 authorities on that plant and on that river, which fed the,
18 one of the reservoirs of the state.

19 Q. So you didn't work with the Anniston plant
20 regarding products containing PCBs?

21 A. No. I worked with the Anniston plant, and by
22 that time, I do not believe they were making PCBs but I
23 can't be absolutely positive on the timing here. We're
24 talking thirty years ago plus.

25 Q. Did you write a report regarding the work you

1 did at the Krummrich plant?

2 A. I probably wrote a hundred reports - I don't
3 have the foggiest notion where they're at - and on a number
4 of subjects. I studied every operation in the Krummrich
5 plant, every single one of them, outlined them with the
6 safety people there, went over the industrial hygienicity
7 for each plant, for each employee.

8 Q. I take it, then, you worked with products
9 containing PCBs at the Krummrich plant?

10 A. I worked with the PCB production department,
11 yes.

12 Q. And do you recall what, if any, instructions
13 you gave regarding industrial hygiene for the employees at
14 the Krummrich plant working with products containing PCBs?

15 MR. FEATHERSTONE: Object to the form of that
16 questioning.

17 THE WITNESS: What?

18 MR. FEATHERSTONE: I object to the form of the
19 questioning. We have no idea what he's talking about, and
20 when.

21 MR. BRADLEY: When Mr. Featherstone makes his
22 objection, he does that for later purposes, and unless he
23 instructs you not to answer, the rule is that you're
24 supposed to answer.

25 A. We did -- We made reports regularly, myself

1 and later, my people. I had a great number of people later
2 on.

3 Q. (By Mr. Bradley) Do you recall the first time
4 you worked at the Krummrich plant regarding industrial
5 hygiene for employees working with products containing
6 PCBs?

7 A. Not the first time. It was not one of the
8 most difficult problems we had. We had no problems with
9 the employees there. We had other departments that needed
10 a little more help initially, but we did finally do them
11 all, including that department.

12 Q. Do you recall roughly what time you did that
13 department at Krummrich?

14 A. No, I really don't. It would be a pure guess.

15 Q. Do you know whether it was before or after
16 1960?

17 A. To be perfectly honest, it could be either,
18 before or after. Probably after.

19 Q. Whenever it was, do you recall what
20 instructions, if any, you gave regarding industrial hygiene
21 for the employees at the Krummrich plant working with
22 products containing PCBs?

23 A. Specifically, no.

24 Q. What was your next job title?

25 A. Manager of pollution control.

1 Q. When did you obtain that job title?

2 A. Somewhere probably in the early '60s.

3 Q. What work did you do as manager of pollution
4 control?

5 A. Went back through the company corporate
6 plants, plant by plant. I went through each plant with the
7 division personnel; went over the pollution control, then
8 what we considered problems; recommended and had certain
9 pollution control facilities installed, or contacted
10 contract engineers to do it in a great number of plants.

11 Q. How long were you the manager of pollution
12 control?

13 A. Until I became manager of pollution control
14 and industrial hygiene, which was another few years. I
15 can't tell you exactly.

16 Q. In your work as manager of pollution control,
17 did you work on any matters involving PCBs?

18 A. Yes.

19 Q. Describe those for me.

20 A. Within the process itself and it's handling,
21 and within the processes at Anniston and Krummrich both,
22 both produced PCBs. Anniston, during that time, Anniston
23 went out of the business and Krummrich became the only
24 plant, but in the meantime, we had collected it, tested it,
25 sampled throughout the system and sampled through their

1 safety department; we taught them how to do the sampling
2 and testing - chlorine for PCBs, and anything else that
3 might have been involved. We did it to every operating
4 department in the corporation.

5 Q. What work did you do within the process,
6 itself, relating to PCBs

7 A. We went through the processes themselves with
8 the process people, engineering people, to discuss what
9 could be done, if anything, where it was necessary, to
10 remove or to allay either pollution or materials getting
11 into the working environment.

12 Q. By "process," you mean the manufacturing
13 process of Aroclors?

14 A. That's correct.

15 Q. As manager of pollution control, do you recall
16 giving any instructions to either Anniston or Krummrich
17 regarding the handling of products containing PCBs?

18 A. Gave them the same instructions we would have
19 given them, and did, for any chlorinated aromatic
20 hydrocarbon. We never had a case of overexposure in the
21 history of the operation.

22 MR. BRADLEY: I'll move to strike that last
23 part of that answer as nonresponsive.

24 THE WITNESS: But it's true.

25 MR. BRADLEY: I move to strike that comment,

1 too.

2 Q. (By Mr. Bradley) Were there written
3 instructions for Monsanto plants working with chlorinated
4 aromatic hydrocarbons while you were manager of pollution
5 control?

6 A. Yes.

7 Q. Were those instructions kept in a file?

8 A. I haven't the vaguest notion. All I know is
9 we gave instructions to their safety department and backed
10 it up with inspections, as to handling procedures that must
11 be used. Most of which were, by the way, in place already.

12 Q. Which department or division were you working
13 in as manager of pollution control?

14 A. Medical department.

15 Q. Do you recall, during the period of time you
16 were manager of pollution control, what the instructions
17 were for employees working with chlorinated aromatic
18 hydrocarbons?

19 A. They were routine instructions in connection
20 with don't inhale any vapors from the hot operations, don't
21 get the hot stuff on you because it will burn, thermally
22 burn. We never had a case.

23 MR. BRADLEY: Move to strike the last portion
24 of that answer as nonresponsive.

25 MR. FEATHERSTONE: Which portion specifically,

1 Mr. Bradley?

2 MR. BRADLEY: "We never had a case."

3 MR. FEATHERSTONE: All right.

4 THE WITNESS: Phrase it differently.

5 MR. FEATHERSTONE: You don't have to worry
6 about it.

7 THE WITNESS: Okay.

8 Q. (By Mr. Bradley) Was there a period of time
9 when you no longer had any responsibility for instructions
10 given to workers working with chlorinated aromatic
11 hydrocarbons?

12 A. Yes.

13 Q. When was --

14 THE WITNESS: You mean in person? You mean
15 me, in person?

16 MR. BRADLEY: You, personally, or if you were
17 responsible because the task was delegated to an employee
18 of yours, I still consider you responsible.

19 A. It would be delegated to employees of mine in
20 my section.

21 Q. (By Mr. Bradley) All right. And when it was
22 delegated to employees in your section, did they, those
23 employees, still report to you regarding the written
24 instructions given for workers working with chlorinated
25 aromatic hydrocarbons?

1 A. Yes.

2 Q. Was there a point in time when you no longer
3 had employees who were delegated that responsibility?

4 A. No. But the pollution control part of it was
5 separated at one time and I was given a chance to do either
6 one, and I took industrial hygiene.

7 Q. Was there ever a period that you're aware of
8 where the instructions changed that were given to Monsanto
9 workers working with chlorinated hydrocarbons?

10 A. No.

11 Q. As manager of pollution control --

12 THE WITNESS: Excuse me a moment. Were the
13 instructions changed? Were the basic premises changed, is
14 that what I mean? Department group was bigger and smaller,
15 there were more employees, less employees. That isn't what
16 you mean. You mean did we change the instructions in any
17 way in connection with the actual operation of the
18 department?

19 MR. BRADLEY: Yes, that is what I meant.

20 A. Okay. No.

21 Q. (By Mr. Bradley) In your work as manager of
22 pollution control, did you perform any tests to determine
23 whether PCBs were escaping from the Monsanto plants that
24 produced products containing PCBs?

25 A. Yes.

1 Q. And did you write reports regarding that
2 situation?

3 A. There were obviously reports written. I don't
4 know whether the plant did or whether we did. The answer
5 is, I simply don't know.

6 Q. Do you recall whether that information was
7 related to any Governmental agency?

8 A. Yes. We related it to the Federal Government
9 completely.

10 Q. And do you recall who, within the Federal
11 Government, you related it to?

12 A. Two different agencies, and I don't recall --
13 See, I was on the National Drinking Water Counsel for four
14 years, appointed by - I can't remember the secretary now
15 who appointed me. I spent one year. And then three years
16 - one year term - and then a three year term on the
17 National Drinking Water Advisory Counsel to the EPA, and we
18 made the standard. We made most of the current basic
19 framework standards that are used today by EPA.

20 Q. You don't recall, though, when you located
21 PCBs outside the Monsanto plants, which Government agencies
22 you reported that information to?

23 A. We sampled the river, the Mississippi River,
24 on a number of different occasions up and down that river
25 and to be perfectly frank with you, we never could find a

1 lot of these materials at all. Not just the PCBs, but
2 other chlorinated aromatics. So we assumed they were taken
3 up in the pollution control facilities within the plant or
4 they were outside the analytical range.

5 Q. Did you make reports to any Government agency
6 then, indicating that you found --

7 A. Yes. The State of Illinois Pollution Control
8 authorities in Springfield, and later, there were reports
9 made, and I did not make them, so I really would not - from
10 the plant, but I can't tell you because I don't know who
11 did it.

12 Q. Were you the author of the report to the State
13 of Illinois?

14 A. I took them up and talked to the State of
15 Illinois Pollution authorities many times but it was not
16 just PCBs, now, you understand.

17 Q. Were you the author of the report that went to
18 the State of Illinois regarding PCBs?

19 A. I don't recall the author, whether it was I or
20 one of my people or one of their people. It was an
21 analytical job, and I don't know.

22 Q. What years are we talking about here?

23 A. Gosh, I really -- Has to be in the '60s
24 sometime, probably into the early '70s.

25 MR. BRADLEY: I'm sorry. I didn't hear.

1 A. And probably into the early '70s.

2 Q. (By Mr. Bradley) Do you recall the year that
3 you became manager of pollution control for industrial
4 hygiene?

5 A. No. Pollution control and industrial hygiene.
6 Had to have been in the late 50's, I guess. No, I don't
7 recall the time exactly.

8 Q. But you became manager for pollution control
9 and industrial hygiene after you finished your work as
10 manager of pollution control?

11 A. Yes. Then I became -- Then I became director
12 of industrial hygiene and health service records, through
13 the medical department at Monsanto.

14 MR. FEATHERSTONE: Read back that answer.
15 (Whereupon, the reporter propounded the previous answer.)

16 A. Those were our health computer records.

17 Q. (By Mr. Bradley) Do you recall when you
18 became director of industrial hygiene and health services
19 records?

20 A. Well, it's difficult to say. Director is a
21 different salary level, is the only reason they use manager
22 and director and so forth. This is not a director, like a
23 staff director. It had to have been sometime in the late
24 '60s.

25 Q. What work did you do as manager for pollution

1 control and industrial hygiene?

2 A. By this time, I had some employees and they
3 did - they were industrial hygienist, one of which also had
4 been trained in pollution control, as well, and we used
5 them as needed. Generally, they were assigned a group of
6 Monsanto plants. A man would have six or eight Monsanto
7 plants, maybe as many as ten or eleven, and he would handle
8 the industrial hygiene problems and pollution problems up
9 to a point in all of those plants and report back to me. I
10 then either went out with him to the plants, discussed it
11 or if he could handle it himself, he did it himself.
12 Later, we had -- The vice-president called us in and said,
13 "I've got to separate these functions, they're getting too
14 complex. So take your choice, Jack. Do you want
15 industrial hygiene or pollution control?" I took
16 industrial hygiene. I thought it was then the most
17 imperative thing. Another man in the engineering
18 department at Monsanto took over the pollution control
19 function.

20 Q. Why did you determine industrial hygiene was
21 the most imperative of the two?

22 A. Because I thought at the time we were doing
23 very well with pollution control and the real challenge was
24 in industrial hygiene.

25 Q. Why was that a challenge?

1 A. Many of the questions in connection with
2 industrial hygiene had not been answered. Collectively -
3 this the nationally - all you had to do is read the
4 literature and we were working on those things and solved
5 the majority of them.

6 Q. Which questions were not answered?

7 A. The long-term low level exposure to organic
8 chemicals of many kinds, not just PCBs. In fact, PCBs was
9 simple compared to some of them; and the health records
10 that go with them. We had complete health records.
11 Monsanto had been giving physical exams since 1936, so we
12 had detailed health records on all of our employees, and
13 going over those records and following the sequence of
14 events to determine if we had any problems that were
15 unusual to an individual department or set of products.

16 Q. Why did Monsanto begin giving physical exams
17 in 1936?

18 MR. FEATHERSTONE: How is he supposed to know
19 that? He wasn't even there.

20 MR. BRADLEY: Do you have an objection?

21 MR. FEATHERSTONE: Well, lack of foundation
22 for the answer.

23 MR. BRADLEY: Fine. Go ahead and answer.

24 A. Because it was smart and intelligent. It
25 means a lot to people.

1 Q. (By Mr. Bradley) Why was it smart and
2 intelligent?

3 THE WITNESS: To do physical exams?

4 MR. BRADLEY: Yes.

5 A. It was the only way you could determine if you
6 were harming the employees or not. During the World War
7 Two, the company manufactured ammunition and everything
8 else in the crappiest places you ever had seen or we would
9 have lost the bloody war. At that point in time, the
10 physical exams continued.

11 Q. Was there a protocol for the medical exams?

12 A. There was a standard exacted for the basic --
13 Ask Kelly about this. Ask Dr. Kelly about this. There was
14 a standard set up of what we wanted to do, but you then had
15 to look at the individual products and product lines to see
16 if there was a discrete type of medical function or
17 malfunction that could be identified, and we looked for
18 that. We had doctors in all the plants, too.

19 Q. The decision -- Well, let me ask it this way.
20 Do you know when Monsanto first began its work with
21 products containing PCBs?

22 MR. FEATHERSTONE: What work are you talking
23 about?

24 MR. BRADLEY: Any work.

25 MR. FEATHERSTONE: Object to the form.

1 A. The manufacture of it began long before I
2 joined Monsanto.

3 Q. (By Mr. Bradley) Did the manufacture of it
4 begin when Monsanto took over Swan Chemical?

5 MR. FEATHERSTONE: Object to the lack of
6 personal knowledge.

7 A. The records so indicate.

8 Q. (By Mr. Bradley) All right. And do the
9 records indicate that happened around 1933, 1935?

10 A. I can't recall that.

11 Q. Do you know if there is -- Have you reviewed
12 any documents indicating why Monsanto began giving physical
13 exams to its employees in 1936?

14 A. I don't have to have anybody tell me. It's a
15 good idea.

16 Q. Have you read any documents indicating why
17 Monsanto began giving physical exams to its employees in
18 1936?

19 A. I don't know what you mean by documentation.
20 Dr. Kelly became the physician in charge of Monsanto
21 medical at the time when the primary functions were two or
22 three plants. He set the policy up as a policy to aid and
23 abet good health on the part of our employees, and a signal
24 if there was bad health developing in any one place.
25 Physical exam did that. It's still going on today.

1 Q. My question is, have you seen anything written
2 by Dr. Kelly, or by anyone else, that would indicate why
3 Monsanto began giving physical exams to its employees in
4 1936?

5 A. No. And I haven't seen any darn medical
6 bulletins why they put tails on airplanes, but they do it
7 because they won't fly. I'm sorry. I don't understand
8 that question. It makes no sense.

9 MR. FEATHERSTONE: Mr. Garrett, he's asking
10 you if you've seen any written document that states there
11 are some other reasons, and I guess the answer to that is
12 no?

13 A. No, it's not the answer. It's replete in the
14 literature connected with health effects on workers of any
15 variety.

16 Q. (By Mr. Bradley) It's replete in the
17 literature the reasons why Monsanto began --

18 A. No. Why anyone would do physical exams on
19 their employees. We did too. I think that's the best
20 answer.

21 Q. Well, I know that this topic is apparently
22 upsetting to you, but I'm interested in finding out whether
23 these documents that indicated why everybody was giving
24 physical exams to their employees are documents that were
25 maintained in Monsanto's file system somewhere?

1 THE WITNESS: The reason for it, or the
2 documents of the health status of the employees?

3 MR. BRADLEY: The reason that you began giving
4 physical exams to employees in 1936.

5 A. I would suggest that you ask the person who
6 started it. That's Dr. Kelly.

7 MR. BRADLEY: I will ask him. I take it, you
8 haven't -- I actually want to know now whether you've seen
9 anything written on why Monsanto started that practice.
10 That's really all that I'm asking, if you have seen
11 anything written that would describe why Monsanto started
12 that?

13 A. No. I would have considered it unnecessary.

14 Q. All right. Was the standard set up by Dr.
15 Kelly for the physical exams written?

16 A. I don't know whether they were specifically
17 written. Full physical can be a normal affair. What
18 special things he did, I don't know. Kelly would have to
19 answer that.

20 Q. Do you know whether special standards were set
21 for employees working with PCBs?

22 A. In a company that manufactured a whole host of
23 chlorinated aromatics, all of the chlorinated aromatics,
24 there were special standards if they were intelligent to
25 do. In most cases, they were not. They were given a full

1 physical examination. In some cases, working with them,
2 they did tests of - did some tests on them. You'd have to
3 ask Kelly why and what they did, but by and large, an
4 employee at Monsanto got a full screening physical exam
5 periodically. Added to that would be any special
6 examination that Dr. Kelly deemed necessary to observe
7 progression of that employee's health.

8 Q. And there were doctors in all of the Monsanto
9 plants?

10 A. Either doctors full-time or doctors part-time.

11 Q. And would that be true from 1936 forward?

12 A. I don't know. You'd have to ask Kelly. It
13 was true when I came to work for Monsanto. The one we had
14 in Texas City was a part-time man.

15 Q. And I take it, the doctors in the different
16 plants when you began working for Monsanto were the doctors
17 who did the physical exams?

18 A. Some. Some were full-time Monsanto employees.
19 Most of them were contract physicians or physician groups
20 that did it. We sent the new employee down to their office
21 and they gave them the physical and the physical exam
22 results on our forms came out and they were filed.

23 Q. Do you know whether the physicians that were
24 contracted out had any special training in symptoms of
25 people who were poisoned by chlorinated aromatic

1 hydrocarbons?

2 MR. FEATHERSTONE: Object to the form.

3 A. I don't know.

4 Q. (By Mr. Bradley) Do you know whether the
5 doctors contracted out by Monsanto to do the physical exams
6 of employees had any special training?

7 A. You'd have to ask them. No, I don't know.
8 I'm sure if there was something germane to be done specific
9 above the current, the then current full examination, it
10 would have been done. Our purpose was to protect the
11 health of the workers. If it required a specialty test,
12 we'd do it.

13 Q. What work did you do as director of industrial
14 hygiene and health services records?

15 A. Supervised the industrial hygiene group which,
16 by this time was probably, with the secretaries, probably
17 fifteen people, and supervised the group in the health
18 services computer system, which contained twenty-four
19 people.

20 Q. What would the people in the health services
21 computer center do?

22 A. The plant would send in their physical exam
23 forms, finished forms, and any special exam material.
24 Results would be sent in, punched into the commuter cards
25 under the man's name and put into the computer file. We

1 had a computer system on every employee at Monsanto.

2 Q. When did Monsanto first begin its computer
3 system covering every Monsanto employee?

4 A. God, they worked for me. I can't recall
5 exactly. It had to have been early '70s, late '60s. Early
6 70's, I would believe.

7 Q. In the early '70s, roughly, how many employees
8 did Monsanto have?

9 A. Somewhere around fifty thousand. That could
10 be twenty percent one way or the other.

11 Q. Over the period of time you worked with
12 Monsanto, was the standard for the physical exam ever
13 changed?

14 A. We added to the exam in some plants because of
15 materials handling.

16 Q. Would that have been set up as an addition to
17 the standard?

18 A. No. If a person showed some kind of physical
19 problem and it had to be taken care of by periodic testing,
20 Dr. Kelly would put it in and it would be recorded in the
21 files with the computer setup, but primarily everybody got
22 a standard physical exam except in many plants, we had
23 special tests that were done on individual workers or
24 groups of workers and those were also put in the computer.

25 Q. Did you have special exams for workers working

1 with PCBs?

2 A. I don't think so. I really don't think so. I
3 don't think there was anything that you could find as a
4 separate test.

5 Q. In your work as director of the health
6 services records, did you ever access information on the
7 health of Monsanto employees without identifying the
8 employees by name?

9 A. Many times. I didn't. It was done by
10 someone.

11 Q. How long were you the director of industrial
12 hygiene and health services records?

13 A. Until I retired.

14 Q. I'm now going to show you what has been marked
15 as Plaintiff's Exhibit 1427 and ask that you review that
16 document.

17 MR. BRADLEY: Actually, if nobody minds, I'd
18 appreciate a five minute break.

19 (Whereupon, a five minute recess was taken.)

20 THE WITNESS: This you have given me?

21 MR. BRADLEY: Yes. Can you tell me what
22 Plaintiff's Exhibit 1427 is?

23 THE WITNESS: Ask the question. I didn't hear
24 it.

25 MR. BRADLEY: Oh.

1 Q. (By Mr. Bradley) Can you tell me what it is.
2 What is this exhibit?

3 A. This is an analytical setup, including
4 diagrams, from an electronic capture fingerprint, which
5 each compound has its own specific fingerprint, you can't
6 fool with it, done on some samples, to the best of my
7 knowledge, of material from NCR.

8 Q. What is material from NCR?

9 A. NCR is National Cash Register Company, and
10 these things went with their people, analytical people,
11 from NCR. Tucker was an analytical chemist of considerable
12 skill.

13 Q. This is dated December 3, 1969?

14 A. That's what it says.

15 Q. And the samples were run to, in part at least,
16 to determine the presence of Aroclor?

17 A. Yes.

18 Q. And this document was apparently sent to you,
19 J.T. Garrett, and C. Paton; is that correct?

20 A. Yes. Paton was Tucker's boss at the time.

21 Q. Do you recall reviewing this document?

22 A. No.

23 Q. Does this appear to be a true and accurate
24 copy of the document sent to you and to C. Paton on
25 December 3, 1969 with the subject of Aroclor wildlife, NCR

1 water samples?

2 A. If Dr. Tucker said it was true, I'll buy it.
3 He was a first-class analytical chemist, particularly
4 graphic analytical chemist.

5 Q. Is this the sort of document that Monsanto
6 would maintain in one of its files?

7 A. I don't know. The only reason this might be
8 maintained is because it was part of the analytical group
9 and may have ended up in their files. Normally, my copy of
10 it -- This probably went into the analytical group's
11 Aroclor file. My copy would have been destroyed by the
12 retention program.

13 Q. Was there a different retention program for
14 different departments?

15 A. No.

16 Q. Why would the analytical department maintain a
17 document longer than you might?

18 A. I don't know that they did. I'm saying it
19 might have been. You asked me where it came from. I don't
20 know. It is not -- It's nothing more than showing the
21 difference in the electron capture screens, what he saw,
22 and Dr. Tucker, if he said he saw it, he saw it. He was an
23 excellent, excellent spectroscoper.

24 Q. I'm now going to show you Plaintiff's Exhibit
25 438 and ask you to review that, if you would, please.

1 A. Yes. Mr. H.B. Patrick was safety director at
2 the Krummrich plant at the time. Department 246 was an
3 Aroclor department at the W.G. Krummrich plant in Sauget.

4 Q. And this document has a date of November 14th,
5 1955?

6 A. Yes.

7 Q. And about two-thirds of the way down, it has
8 "Jack T. Garrett" printed above that, and has a signature.
9 Is that your signature?

10 A. That's right.

11 Q. Is this a document that you wrote?

12 A. Yes. Apparently. I wrote thousands of them
13 but yes, apparently it's mine.

14 Q. Does it appear to be a true and accurate copy
15 of the letter that you wrote back on November 14th, 1955?

16 A. It's a copy of a series of documents written
17 to Mr. Patrick concerning eating in the processing
18 operation at the Krummrich plant, which is a miserable
19 habit and we wanted it stopped.

20 Q. And is this the sort of document that you
21 maintained in your files at Monsanto?

22 A. Probably would have, except this is a document
23 that would have been destroyed by the document retention
24 people. By the way, there were people who came around and
25 looked into my files and asked me questions about them.

1 "Do you want to keep this?" "Why should you keep this."

2 Q. When did they do that?

3 A. At least once a year. I guess the last two or
4 three years when I was there.

5 Q. Did they do that for anyone else?

6 A. All of Monsanto.

7 Q. Did they tell you why they were doing that?

8 A. Yes. They didn't have enough room, and the
9 building wouldn't stand any more file cabinets, full file
10 cabinets. They would collapse.

11 Q. Did they tell you whether they were attorneys?

12 THE WITNESS: People that did this?

13 MR. BRADLEY: Yes.

14 A. They were from the personnel department. They
15 gave you a chance to hold it. If I wanted to hold my copy
16 of this, I could have. Don't get me wrong. I'm not saying
17 that they arbitrarily said "Let's throw this file cabinet
18 in the river." Not that it wouldn't be a pollution hazard,
19 but the point is, we could have retained it but the problem
20 is, how many documents do you retain? This is a document
21 that is of a subject that we are all aware of, and that is
22 eating in processing operations, particularly true in
23 health related organizations within the industry. They
24 were eating in the Aroclor department. We told them to
25 quit.

1 Q. Who was responsible --

2 A. And they quit.

3 Q. Who was responsible for sending around the
4 people from the personnel department to help identify
5 documents to be retained and those to be destroyed?

6 MR. FEATHERSTONE: Object to the lack of
7 foundation.

8 A. I have absolutely no idea. I'm sorry. Excuse
9 me.

10 MR. FEATHERSTONE: That's all right.

11 A. I have no idea.

12 Q. (By Mr. Bradley) In looking now at the
13 Exhibit, 438. Was there data within the medical department
14 that indicated that Aroclor vapors could contaminate
15 lunches?

16 A. No. And they couldn't have.

17 Q. And upon what information did you rely on when
18 you said "It is the opinion of the medical department that
19 the eating of lunches should not be allowed in this
20 department for a number of reasons. Number one, Aroclor
21 vapors and other process vapors contaminate the lunches
22 unless they were properly protected?"

23 A. It started when we began to look in the --
24 You don't realize it but in the early part of my career at
25 Monsanto, we still used ice condensers filled with chopped

1 ice, and a guy chopped it and put it in there. This was to
2 cool the condenser that would condense materials. We had a
3 terrible time at Krummrich because it was the last plant
4 where we got rid of all those old ice condensers. We had a
5 terrible time because people put their lunches in the damn
6 thing because there was ice in it, and that's what started
7 this ruckus about quit exposing people to unnecessary
8 exposures of any chemical, which is not a very smart idea.
9 So we started in this route, and this happens to be the one
10 we wrote on the Aroclor department because we found the
11 Aroclor guys with their lunches stacked all over the place.
12 We made them -- What we did, we made them put the lunches
13 in the compartments - in the lunchroom and go to the
14 lunchroom to eat.

15 Q. Was there some information that you relied
16 upon in determining that lunches shouldn't been exposed to
17 Aroclor vapors?

18 A. No. Lunches shouldn't been exposed to any
19 chemical vapors, period. We made products at Krummrich a
20 hell of a lot more toxic than Aroclor was.

21 Q. When you wrote this, was it your opinion that
22 Aroclor vapors were toxic?

23 A. It was my opinion that -- I had no opinion,
24 in essence, of what toxicology might have been connected
25 with anything that would absorb on anything, but I said if

1 you're going to get rid of a problem in a plant as big as
2 Krummrich, you had to get rid of all of the eating in the
3 processing departments. You don't get rid of just some of
4 them. You either quit it or you let anybody eat anything
5 they damn please anyplace. So this was part of our efforts
6 to get rid of eating in the processing departments. Most
7 of the plants prohibited it to start with, and the Queeny
8 plant had always prohibited it, right across the river from
9 this plant. We had a long running argument with the
10 Krummrich plant about stop the lunch storing in the damn
11 processing department, where there was a possibility of it
12 being contaminated with the products, or materials in those
13 processes, and believe me, some of them were very, very,
14 toxic. This just didn't happen to be that toxic.

15 Q. When you wrote this back in '55, did you do
16 any review of any documents to determine the toxicity of
17 Aroclor vapors?

18 A. No. I went through all of the departments
19 that had eating in the departments and stopped it because
20 -- The union over there had rotated bidding. This is
21 completely rotational bidding, on the basis of seniority.
22 A man in the Aroclor department could be anywhere in the
23 plant every time they rebid, and frequently was. If you
24 didn't stop it, we were going to have a damn mess all over
25 the plant continuously. We had a hell of a battle. We

1 finally stopped it. They did not do it anymore. It's
2 dangerous to eat in a damn chemical processing operation, I
3 don't care what it is.

4 Q. When you wrote this, was there any information
5 that existed regarding the toxicity of Aroclor vapors?

6 A. No. In the wipe samples we took -- We took
7 wipe samples using a pad, which is standard procedure -
8 Feds do it all the time. We did it long, long, long before
9 they did. You wiped down metal materials and go through
10 very fancy analytical methods using an electron scope to
11 see if there was anything there. In almost any case where
12 you had open processing, open processing, shovels and so
13 forth - and believe me, there are a lot of wheel barrels
14 and shovels in Krummrich - those processes would show
15 evidence of chemical materials. We gave every employee in
16 this plant one day's clothing every damn day, In several
17 of the departments, they had new shoes everyday that had
18 been covered with oil to prevent materials from absorbing.
19 Every single operator in this plant was issued new
20 clothing, and socks and underwear and a jacket, and the
21 same was true at the Queeny plant.

22 MR. BRADLEY: No, Bruce. If you're going to
23 say it, say it out loud.

24 MR. FEATHERSTONE: Off the record.

25 MR. BRADLEY: No.

1 MR. FEATHERSTONE: Yes. Then you can put it
2 on the record if you'd like.

3 (Whereupon, a discussion was held between Counsel and
4 witness, off the record.)

5 Q. (By Mr. Bradley) When did Monsanto start
6 providing new clothes for its employees working with -
7 First of all, did Monsanto provide new clothes for the
8 employees working with PCBs?

9 A. Yes.

10 Q. When did that start?

11 A. It was going on when I came. That was in the
12 '50s.

13 Q. Did Monsanto provide --

14 A. Excuse me. The new clothes were provided
15 daily. Laundered clothes everyday.

16 Q. (By Mr. Bradley) And the new shows, were
17 those provided daily?

18 A. They were rotated and they were recoated if
19 need be. Now, I'm not sure if that went on in this
20 department. It went on in many departments. They were
21 recleaned and recoated.

22 Q. And that would be true for employees working
23 with PCBs?

24 MR. FEATHERSTONE: He just said he wasn't
25 sure.

1 A. I'm not sure of that. With highly toxic
2 substances, yes.

3 Q. (By Mr. Bradley) And the change of socks, was
4 that --

5 A. Yes, that was part of it. Socks, underwear
6 and coveralls.

7 Q. And was that true for employees working with
8 PCBs?

9 A. The PCB Department -- When I first went to
10 the department, they had what they call toxic clothes.
11 This offended my nicety, "toxic clothes." It sounded to me
12 like clothes that were toxic and actually, what they were
13 was company clothing for people to use in toxic
14 departments, or in departments that contained what was
15 classified as toxic materials. This had been going on for
16 years before I ever came to St. Louis. Okay? We
17 straightened this thing out so that people that worked in
18 various departments got company clothing. The union came
19 along and negotiated company clothing for all Krummrich
20 plant employees. So I don't know how they got them. They
21 had company clothes.

22 Q. Did the workers working with PCBs have the
23 company clothes that included the socks and the underwear?

24 A. To the best of my -- I don't know. That's the
25 best -- I don't know. They had company clothing. How

1 extensive, I don't know.

2 Q. Did you read anything that was written that
3 explained why Monsanto had company clothes for employees
4 working with PCBs before the union got involved?

5 A. No.

6 Q. Okay.

7 A. It was a company plant deal.

8 Q. Was it something that was generated from the
9 medical department, do you know?

10 A. No, I don't think so. I think it may
11 originally have been generated by Dr. Kelly back in late
12 '30s. He may have made them give clothing to certain
13 departments then, based on the knowledge they had then of
14 those departments. I don't know. I know that the company
15 clothing issue was a settled issue when I came to St.
16 Louis.

17 Q. Looking now at Exhibit 438 there, looking at
18 number three. You state, beginning with the second
19 sentence, "While the Areclors are not particularly
20 hazardous from our own experience, this is a difficult
21 problem to define because early literature work claimed
22 that chlorinated biphenyls were quite toxic materials by
23 ingestion or inhalation." Did I read that correctly?

24 A. That is correct.

25 Q. What early literature work claimed that

1 chlorinated biphenyls were quite toxic materials by
2 ingestion or inhalation?

3 A. I have absolutely no idea. Came out in the
4 medical literature, though, apparently.

5 Q. Do you recall whether you reviewed medical
6 literature that indicated that chlorinated biphenyls were
7 quite toxic materials by ingestion or inhalation?

8 A. Keep in mind that in chlorinating, you have
9 also chlorine problems, and we all know that's a dangerous
10 material; and also, that in a plant like the Krummrich
11 plant, that manufactured over a hundred products, vast
12 numbers of which were made by aromatic hydrocarbons, most
13 of the aromatics which were manufactured were hazardous.
14 The plant then addressed the company clothing issue, which
15 had been started before the war, I guess. I don't know.
16 What I was trying to do is to stop them from eating in the
17 departments. I don't care if they're not hazardous. If
18 you rotate employees from one development to another,
19 they're going to eventually get into a hazardous department
20 and get food, smear that stuff on their food. We were
21 trying to get rid of eating in the departments, and we did.
22 It's a difficult task, believe it or not, to change
23 operators' habits. They're like anybody else, they develop
24 a habit, they want to keep it. We declared it hazardous as
25 an issue. As I said, there is no evidence that Aroclors,

1 in any kind of context that a man would normally get from
2 the air on his food, was not probably a hazard. It was not
3 probably a very serious hazard, if a hazard at all, but
4 there were departments that we manufactured amine compounds
5 that were very, very toxic, and these same people could be
6 in and out of any department in the plant and we - you
7 could not stop the eating in the amine departments, and we
8 tried that. So we stopped it in the entire plant, in that
9 plant and in the Queeny plant across the river, because of
10 the number of toxic materials that they were handling.
11 Now, to say this is toxic from the standpoint of the
12 possibility of them absorbing through their food is really
13 a punch line. We're trying to stop them from eating in the
14 operating departments at the W.G. Krummrich plant, and we
15 did. This is part of it.

16 MR. BRADLEY: Would you read the question
17 back?

18 (Whereupon, the reporter propounded the previous question.)

19 A. Incidentally, they are. But I go back to my
20 argument that what we were trying to do -- I'd been there
21 six months when this was written. I was trying to do what
22 Dr. Kelly wanted done, and that was to stop eating in the
23 operating departments, and we got it done.

24 Q. I'm now going to show you plaintiff's Exhibit
25 428 and ask you to review that.

1 A. Yes.

2 Q. Have you seen that document before?

3 A. Probably. I've seen a great many discussing
4 that particular group.

5 Q. This is a March 6, 1969 innerdepartmental memo
6 to E. Wheeler; is that correct?

7 A. Yes. From Bill Richard, W.R. Richard.

8 Q. And it indicates that you were sent a copy; is
9 that correct?

10 A. Yes, I got a copy.

11 Q. And is this a fair and true copy of the
12 document that W.R. Richard wrote to E. Wheeler?

13 A. As far as I know, yes.

14 Q. And is this the sort of document that you
15 maintained in your files at Monsanto?

16 A. I would maintain them in my file.

17 Q. Looking now at the bottom of page two, where
18 it says, "Well prepared discussions with Ind. Bio-test,
19 Monsanto biochemists, the medical and legal departments
20 must take place now." Do you know if those well prepared
21 discussions with those departments took place?

22 A. Well, you're talking about problems proposed
23 by the Environmental Defense Fund. The Environmental
24 Defense Fund is an organization started in Long Island by a
25 bunch of lawyers and millionaires, all of them --

1 MR. FEATHERSTONE: The question is, did the
2 discussions take place, to your knowledge, the ones he
3 referred to at the bottom of the page.

4 A. I can't recall. They probably did, but can't
5 say that they did.

6 Q. (By Mr. Bradley) Have you ever had a
7 conversation with anyone from Nevada Power Company?

8 A. Not to my knowledge.

9 Q. Have you ever had a discussion with anyone who
10 said that they were making an inquiry on behalf of Nevada
11 Power Company?

12 A. No. Not to my knowledge.

13 Q. Do you know whether customers of Monsanto's
14 working with PCBs were ever informed that Monsanto workers
15 working with PCBs got clean clothes every day from the
16 company?

17 MR. FEATHERSTONE: Object to the form of the
18 question.

19 A. Because the clothing was provided as a plant
20 and subsequently a union issue, it was not issued because
21 of PCBs. We would not have ordinarily changed workers'
22 clothing in the PCB department.

23 MR. BRADLEY: I move to strike the answer as
24 not responsive.

25 Q. (By Mr. Bradley) My question is, do you know

1 whether customers of Monsanto were ever informed about the
2 clothing policy for workers, for Monsanto workers, in
3 chlorinated - working with chlorinated aromatic
4 hydrocarbons?

5 A. I go back and say at Queeny, at Krummrich, the
6 issue was lunches in the operating departments, not whether
7 we gave them clothing or not, and the way we did it was
8 issued company clothing to everybody in the plant and
9 forced them out of the operating departments and to eat in
10 the lunchrooms which were provided. Because of rotating
11 bidding, a man can be in the Aroclor department today and
12 in the, in one of the highly toxic departments tomorrow,
13 and we did not - he would take his bloody lunch along and
14 we didn't want him to do that, so we said we'll change the
15 clothing, give everybody clothing and stop eating in any of
16 the departments. You eat in the lunchroom. Now, the issue
17 was one of eating in the lunchroom and the possibility of
18 getting products, or raw materials that were, in fact,
19 toxic on their lunchbox, bags - and they used the bags in
20 the damndest sort of ways you've ever seen. They'd put
21 them in our condenser boxes and everywhere else. It was a
22 dangerous and hazardous issue. We stopped it in most
23 plants without all that trouble. We had trouble in the
24 Krummrich plant.

25 Q. My question was, did you tell customers of

1 Monsanto about the clothing policy that you had for your
2 workers working with the chlorinated aromatic hydrocarbons?

3 A. No. We didn't do it at Anniston. It was a
4 specific, special issue connected with that plant,
5 particular plant, and its union structure.

6 Q. Excuse me. Did Monsanto inform its customers
7 in 1955 or later that it shouldn't allow its employees to
8 eat around Aroclor vapors?

9 A. I told many customers of ours not to allow
10 their people in areas where there were toxic materials,
11 okay? That's a standard issue from an industrial hygiene
12 point-of-view.

13 Q. Did Monsanto ever send out a warning or other
14 kind of information bulletin, though, to its customers
15 telling them that their employees shouldn't eat around, in
16 areas where there are Aroclor vapors?

17 A. No. Because that wouldn't have been germane.

18 Q. Did Monsanto, in 1955 or any subsequent period
19 of time, inform its customers that early literature work
20 claimed that chlorinated biphenyls were quite toxic
21 materials by ingestion or inhalation?

22 A. Everybody was, had that information available
23 to them. Yes, I told many of the customers myself.

24 Q. My question is --

25 A. Yes, they were told.

1 Q. All right. And how were they are told?

2 A. Told by either one of us or by letters from
3 Dr. Keller or letters from the production department.

4 Q. When --

5 A. It's on the labels.

6 Q. Do the labels say that early literature work
7 claims that, claimed that chlorinated biphenyls were quite
8 toxic materials by ingestion or inhalation; is that what
9 the labels said?

10 A. No.

11 Q. Oh.

12 A. The label said, "Hazardous material," or
13 "Chlorinated materials can be hazardous," and so forth.
14 All it says is to prevent people from getting chlorinated
15 compounds in their ingestive system. Our problem at
16 Krummrich was to get them to quit eating in the damn
17 departments.

18 MR. FEATHERSTONE: Jack.

19 A. Departments. Strike damn. In the
20 departments, so we could -- Because some of the
21 departments were genuinely hazardous to do that.

22 Q. (By Mr. Bradely) On looking here at Exhibit
23 438, the last sentence says, "In any case, where a workman
24 claimed physical harm from any contaminated food, it would
25 be extremely difficult on the basis of past literature

1 reports to counter such claims."

2 A. That's true.

3 Q. What do you mean by that?

4 A. If a worker claimed that you, that he got
5 exposed to something operating in your plant, he comes to
6 the doctor. The doctor does a physical exam on him and
7 they do certain testing. If a worker of a transport
8 company, or something like that, did it, I don't know who
9 would take care of it. We did it if it was an accident.
10 We handled all accidents connected with Aroclor, Monsanto
11 did. I went many times myself.

12 Q. Did Monsanto inform any of its customers that
13 in any case where a workman claimed physical harm from any
14 food contaminated with Aroclor, that it would be extremely
15 difficult on the basis of past literature reports to
16 counter such claims?

17 THE WITNESS: Specifically?

18 MR. BRADLEY: Yes.

19 A. I don't know.

20 Q. (By Mr. Bradley) Are you familiar with a
21 September, 1937 round table discussion that included Cecil
22 Drinker?

23 A. I knew him before he died. He probably --

24 MR. FEATHERSTONE: Jack, he's asking whether
25 you're familiar with a round table discussion involving Dr.

1 Drinker and some other people.

2 MR. BRADLEY: Lewis Schwartz, Emmett Kelly,
3 Arthur Byer?

4 A. I have probably seen it, yes.

5 Q. Did you discuss with Dr. Kelly the work done
6 by Dr. Drinker regarding chlorinated biphenyls as reported
7 in the September, 1937, Volume 19, Number 7 issue of the
8 Journal of Industrial Hygiene and Toxicology?

9 MR. FEATHERSTONE: Object to the form.

10 A. I was fourteen at the time.

11 MR. FEATHERSTONE: That's never mattered to
12 any of the questioning in this room, Jack. Go ahead,
13 answer.

14 MR. BRADLEY: Let me address that, Mr.
15 Garrett. I didn't ask you how old you were or whether in
16 1937 you learned about this. My question was more narrow.
17 My question was whether you ever discussed this with Emmett
18 Kelly?

19 A. We discussed Phil Drinker's work and Drinker's
20 work on this material, yes. He made some very bad
21 mistakes.

22 Q. (By Mr. Bradley) I'm going to show --

23 MR. BRADLEY: Off the record.

24 (Whereupon, a discussion was held between Counsel, off the
25 record.)

1 Q. (By Mr. Bradley) I'm going to show you know
2 Plaintiff's Exhibit 979, and ask you to review that and
3 actually, I'm going to have some relatively detailed
4 questions about the round table discussion that's reported
5 at the end of that exhibit, So why don't we take a ten
6 minute break, or as long as you need to review that
7 exhibit.

8 THE WITNESS: I can tell you right now, I
9 don't know anything about it. As far as I'm concerned,
10 whatever happened here, Kelly had to do with. I didn't. I
11 don't even remember, recall this document. I'm sure it's
12 in existence. It's a 1937 document. The problem is, from
13 the time Dr. Drinker did this, there is an awful lot better
14 analytical methods, awful lot of better ways of identifying
15 conditions, awful lot better toxicological studies, tests.
16 So whatever Phil Drinker did in 1937 or prior to that, I'm
17 not sure is really germane.

18 MR. BRADLEY: Well, Mr. Garrett, would it be
19 germane to you if, at a round table discussion, a GE
20 employee talked about problems with the health of up to
21 fifty of its employees who were working with chlorinated
22 biphenyl?

23 A. Absolutely not.

24 MR. FEATHERSTONE: I object to the form. It's
25 a clear misstatement of fact, Mr. Bradley. So if you're

1 going to make statement like that, get into arguments, get
2 your facts right.

3 MR. BRADLEY: I move to strike Mr.
4 Featherstone's comments, other than his objection.

5 THE WITNESS: I don't know what went on in
6 1937, first. Second, in 1937, analytical methods available
7 were zilch, so they're talking about what might be or
8 should be or might occur, because they have no analytical
9 methods to go down into the level we're talking about.

10 MR. FEATHERSTONE: All right. This whole
11 thing started, Mr. Bradley, with you wanting to take ten
12 minutes for Mr. Garrett to read this document. Is this
13 something that you need to --

14 MR. BRADLEY: He says he didn't need to, no.

15 MR. FEATHERSTONE: He said he didn't need to
16 because he doesn't know anything about the document. If
17 you're going to ask him about the document, we're going to
18 take the time for him to read it. What is it going to be,
19 Mr. Bradley?

20 MR. BRADLEY: Mr. Featherstone, when you
21 conduct your deposition, you can lay groundrules. Right
22 now, I want you to make your objection or I want you to
23 shut up. It's my deposition. I'll ask the question I
24 want. If you want to instruct him not to answer, that's
25 fine. What I want you to do is behave professionally and

1 not make those kinds of stupid comments. There is
2 absolutely no need for it.

3 MR. FEATHERSTONE: Keep babbling, Ralph.

4 MR. BRADLEY: Let's puts it this way. I'm
5 going to ask you questions about the round table discussion
6 that is reported at the end of this document, just like I
7 indicated to you I was going to do. Would you like an
8 opportunity to review that before I ask you questions?

9 THE WITNESS: I know the basic premises here.
10 They did a bunch of studies on aromatic hydrocarbons. Now
11 mind you --

12 MR. FEATHERSTONE: There is no question, Jack.
13 He asked you if you wanted to review it. You said no.
14 Wait for the question. We'll never get done.

15 Q. (By Mr. Bradley) Would you turn to page 303
16 of that Exhibit?

17 THE WITNESS: 303?

18 MR. BRADLEY: Yes.

19 THE WITNESS: Yes.

20 Q. In the first column there, under Mr. F.R.
21 Kamer..." First of all, it indicates he's with General
22 Electric Company in York, Pennsylvania. Do you know Mr.
23 Kamer?

24 A. No.

25 Q. Mr. Kamer indicates that, and I'm reading now

1 from the second full paragraph, "It is only one-and-a-half
2 years ago that we had in the neighborhood of fifty to sixty
3 men afflicted with various degrees of this acne about which
4 you all know. Eight or ten of them were very severely
5 afflicted - horrible specimens, as far as their skin
6 condition was concerned. One man died, and the diagnosis
7 may have attributed his death to exposure to Halowax vapors
8 but we are not sure of that."

9 A. That's not anything to do with what you're
10 talking about.

11 MR. FEATHERSTONE: Jack, he hasn't asked a
12 question yet. He read something from an article.

13 Q. (By Mr. Bradley) In your work at Monsanto,
14 were you aware of the conditions that Mr. Kamer reports
15 here, in this round table discussion?

16 A. No.

17 Q. Okay. Looking now at page 304, on the bottom
18 right hand side?

19 A. Wait a minute. You read something on 303.

20 MR. BRADLEY: Yes. Now I'm moving to 304,
21 under Dr. Lewis Schwartz, Medical Director, Dermatoses
22 Investigation, United States Public Health Service, New
23 York, New York.

24 A. Yes.

25 Q. Have you heard of Dr. Schwartz?

1 A. I did. Schwartz wrote a book, a very good
2 book, by the way. I knew of him.

3 Q. Towards the end there of the column, on page
4 304, and I'm going to read into the next page, it says, "If
5 there are any cases of acne or of this dermatitis occurring
6 in a plant where Halowax or the chlorinated naphthalene or
7 chlorinated diphenyls are used, then that shows that there
8 is sufficient concentration of these substances in the air
9 to cause plugging of the follicles and to cause a skin
10 condition. If there is sufficient concentration to do
11 that, there may be sufficient concentration to cause
12 systemic poisoning in the few people who are hypersensitive
13 to the action of these hydrocarbons." Now, when you were a
14 Monsanto employee, were you aware that in 1937, that was
15 the opinion of Dr. Lewis Schwartz?

16 A. At the time, the most common word used in this
17 document is "if," right?

18 MR. FEATHERSTONE: Jack, the question is,
19 while you were an Monsanto employee, at any time were you
20 aware of that opinion of the doctor?

21 A. Yes, I was aware of this document. I was also
22 aware of the fact that Halowax and these other materials
23 are highly - cause skin eruptions of great problems. Any
24 time when one handles those materials, they handle them
25 with great care. That is not chlorinated biphenyls,

1 period. We're talking about different things.

2 Q. (By Mr. Bradley) Was the Halowax a
3 combination of chlorinated naphthalene and chlorinated
4 biphenyl?

5 A. No. Chlorinated naphthalene.

6 Q. And there was no chlorinated biphenyl or
7 diphenyl in the Halowax?

8 A. I never saw an analysis, but it never came
9 from a process that had biphenyls in it.

10 Q. I'm reading now from page 283 of this Exhibit,
11 in the first column, roughly two-thirds of the way down.
12 "In the spring of 1936, the Halowax Corporation, a division
13 of the Bakelite Corporation, called our attention to three
14 fatal cases of jaundice in workmen working with chlorinated
15 naphthalene and chlorinated diphenyls." Do you see that?

16 A. That's right. But the point is, it says
17 chlorinated naphthalenes. We know that will occur. That's
18 a common knowledge item in toxicology of aromatic
19 structured compounds. To put chlorinated diphenyls in
20 there is saying that might be because it was in the issue.
21 We never saw that, nor did we ever have a case of a man in
22 Monsanto in all the years we manufactured it, ever went to
23 the hospital with any kind of problems connected with the
24 chlorinated diphenyls.

25 MR. BRADLEY: I move to strike the answer

1 THE WITNESS: Go ahead and strike whatever you
2 damn please. It's true.

3 MR. FEATHERSTONE: Jack.

4 Q. (By Mr. Bradley) Does that refresh your
5 recollection on whether the Halowax was a combination of
6 chlorinated naphthalenes and chlorinated diphenyls?

7 MR. FEATHERSTONE: Object to the form.

8 A. Halowax is a product of naphthalenes.

9 Q. (By Mr. Bradley) Do you know whether, in this
10 study, Dr. Drinker studied the effects from exposure to
11 chlorinated diphenyl?

12 A. I suspect he died before they became an
13 extremely popular material. I don't know.

14 Q. Prior to 1955, are you aware of any other --
15 Well, let me ask it this way. Mr. Garrett, you tell me if
16 I've asked this question before. I don't want to ask you
17 the same question twice. Looking here, at Exhibit 438,
18 where you say that - I'm reading the whole sentence.
19 "While the Aroclors are not particularly hazardous from our
20 own experience, this is a difficult problem to define
21 because early literature claimed chlorinated biphenyls were
22 quite toxic materials by ingestion or inhalation." What
23 was the early literature that you were referring to?

24 MR. FEATHERSTONE: Objection. Commulative.

25 Q. (By Mr. Bradley) Just this one document?

1 A. No. There were others.

2 Q. (By Mr. Bradley) What others were there?

3 A. Well, Drinker's stuff got into books on
4 toxicology and on hygiene and it was based, again, on the
5 study with Halowax, only Halowax, which is the chlorinated
6 naphthalenes.

7 Q. During the time of your employment with
8 Monsanto, were you ever aware of a report by Jones and
9 Alden in 1936 involving a man whose employment involved the
10 distillation of chlorobiphenyl?

11 A. No. The distillation of chlorobiphenyl?

12 Q. Were you aware of any reports in the early
13 '30s of up to twenty-three workers working in the
14 manufacturing process of chlorobiphenyl developed
15 chloracne?

16 A. I was aware of an incident where it occurred,
17 yes.

18 Q. Were you aware of any reports in the 1930s
19 that reported digestive disturbances, burning of the eyes
20 and impotence in men working with chlorobiphenyls?

21 A. No.

22 Q. I'm going to show you Plaintiff's Exhibit 1373
23 and ask if you've seen that document before?

24 A. I've seen parts of it. I probably looked over
25 parts of it.

1 Q. Would you turn to page thirty-two? At the
2 top, it says, "Early use of PCBs was for incorporation
3 along with chlornapthalenes into synthetic waxes." 124 to
4 128.

5 A. Yes, I see that.

6 Q. 124 to 128 refers to references. It says,
7 "These waxes contain ten to twenty percent PCBs," and gives
8 references to 124 to 126.

9 A. Yes.

10 Q. "And were used to insulate electrical wire and
11 cable."

12 A. Yes.

13 Q. Do you know whether that's referring to the
14 Halowax cables?

15 A. That's Halowax. It's also the shipyard
16 problems that you may ultimately find in here that occurred
17 during World War II, were also Halowax, not PCBs.

18 Q. When you worked for Monsanto, were you aware
19 of an animal experiment reported by Bennett, et al. in 1938
20 which found morphologic changes in the livers of two groups
21 of rats exposed to 0.57 milligrams per cubic M
22 concentration?

23 A. Meter.

24 Q. And also at 0.93 milligrams per cubic meter for
25 eight hours a day?

1 MR. FEATHERSTONE: Object to the form.

2 MR. BRADLEY: What's wrong with the form?

3 MR. FEATHERSTONE: Just ask the question, Mr.

4 Bradley. If we get in a debate, we'll be here all night.

5 THE WITNESS: What was the question?

6 Q. (By Mr. Bradley) The question is, when you
7 worked for Monsanto, were you aware of an animal experiment
8 reported by Bennett, et al. in 1938 which found morphologic
9 changes in the livers of two groups of rats exposed to
10 differing levels of chlorinated biphenyls?

11 MR. FEATHERSTONE: Object to the form.

12 THE WITNESS: Are you asking me if chlorinated
13 biphenyls are hepatic/renal toxins?

14 MR. BRADLEY: No. What I'm asking you, when
15 you work for Monsanto were you ever aware of a study by
16 Bennett in 1938 --

17 A. No.

18 Q. (By Mr. Bradley) Okay. When you worked for
19 Monsanto, did you ever become aware of a report by
20 McCloughlin in 1963 which reported that PCBs might be
21 embryotoxic, or have teratogenic effects?

22 MR. FEATHERSTONE: Object to the form.

23 A. Specifically, no. There have been an awful
24 lot of studies. I'm saying, I don't remember those.

25 Q. (By Mr. Bradley) When you began your work

1 with Monsanto, were you aware of any research addressing
2 possible damage to the liver from exposure to PCBs?

3 A. Specifically, no.

4 Q. Let me ask it this way. Did you ever learn of
5 any research indicating that PCBs may cause damage to the
6 liver?

7 A. You're talking about an aromatic chlorinated
8 compound. If you could get it into the system, it will
9 cause problems, okay? They are surely hepatic/renal
10 toxins, and we know that. Everybody knows that.

11 Q. Well, when did you first learn that?

12 A. Probably the first time I went over to the
13 Krummrich plant. Mr. Wheeler or Dr. Kelly probably told
14 me.

15 Q. What documents did Monsanto give to its
16 customers indicating that chlorinated aromatic hydrocarbons
17 may cause damage to the liver?

18 A. It's sort of like there ain't a warning on it,
19 but whiskey will do the same thing. The point I'm trying
20 to make is, what are you talking about? Are you talking
21 about lots of it? The guy spooning it into his mouth? The
22 problem is, how much are you talking about. Toxicity
23 represents a problem of concentrations. Certain areas --
24 All, - I repeat, all - chlorinated hydrocarbons under
25 certain conditions in the system are hepatic/renal toxins

1 and would probably cause some difficulty in the liver, and
2 some of the liver function studies will indicate that.

3 Q. And what did -- How did Monsanto give that
4 information to its customers?

5 A. Everybody knew it. Everybody knew it.
6 Everybody was told. it was in our documents.

7 Q. It was in your documents?

8 A. Certainly.

9 Q. What documents was it in?

10 A. We had an Aroclor bulletin that we put it in
11 that said the material should not be inhaled and should not
12 be thus and so, and the basis for that was the fact that it
13 was, in fact, chlorinated hydrocarbon, and all chlorinated
14 hydrocarbon, if you can get them in the form of a gas or in
15 the form of something you can inhale - now, we couldn't do
16 it by ingestion because we tested that. The rats would
17 just kick it out. I wouldn't absorb, in other words.

18 MR. FEATHERSTONE: Jack, the question is one
19 of passing along communications or warnings.

20 A. We passed it on to our customers and our
21 plants knew it, too.

22 Q. (By Mr. Bradley) Did the Aroclor bulletins
23 say that exposure to these chlorinated aromatic
24 hydrocarbons could cause damage to the liver?

25 A. Exactly.

1 Q. Okay.

2 A. It says it could cause damage to the liver,
3 hepatic/renal toxins. It's in the literature.

4 Q. Do you know of any research relating PCBs to
5 causing malignant melanomas?

6 A. No. I know there was some. I don't think the
7 literature was specific in that case. I don't think it
8 caused -- I don't think it demonstrated that. I don't
9 think it ever demonstrated that. We never saw them, any
10 operation in which any of our people were involved, or any
11 customer reported them to us.

12 Q. Do you know of any studies or research
13 indicating PCBs may cause brain tumors?

14 A. No. That's carrying it a little far.

15 Q. Do you know whether the United States
16 Environmental Protection Agency classifies PCBs as a
17 potential human carcinogen?

18 A. I don't know. If they do, it doesn't make a
19 hell a lot of difference to me. That's the craziest list
20 that ever existed.

21 Q. You disagree with the EPA?

22 A. I absolutely do, and with their premise and
23 with their standards. So does everybody else that has any
24 knowledge in the field.

25 MR. FEATHERSTONE: Jack, just answer the

1 question. Do you know? Either you know or you don't know.
2 Let's not debate it. Let's get through it.

3 Q. (By Mr. Bradley) Do PCBs get absorbed through
4 the skin?

5 MR. FEATHERSTONE: Objection. Cumulative.

6 A. Not that we could determine. You're talking
7 about a whole host of compounds.

8 MR. FEATHERSTONE: Do you have anything more?
9 Do PCB gets absorbed through the skin was the question.

10 MR. BRADLEY: He answered. I'm satisfied. He
11 said no.

12 MR. FEATHERSTONE: Okay.

13 Q. (By Mr. Bradley) Were precautions in handling
14 chlorinated compounds issued in 1944, do you know?

15 MR. FEATHERSTONE: Objection. Absence of
16 foundation.

17 A. I don't know. I don't know.

18 Q. (By Mr. Bradley) Do you know whether
19 pathologic changes in animals exposed to commercial
20 chlorinated diphenyl were reported in the 1940s?

21 A. No, I do not. I was fighting the war at the
22 time.

23 Q. Were you aware -- Well, let when ask it this
24 way. Do you know whether the toxicity of the vapors of
25 Aroclor 1242 and 1254 were documented as early as 1956?

1 A. No, I don't know one way or the other.

2 Q. Do you know whether -- Do you know what
3 polychlorinated dibenzylfurans are?

4 A. Yes.

5 Q. What are they?

6 A. They're a material that's similar to but not
7 the same as dioxin and other chlorinated organic compounds
8 in the structure, in the ring structural materials.

9 Q. Are they considered to be quite toxic?

10 A. Yes.

11 Q. Do you know whether polychlorinated
12 dibenzylfurans have ever been shown to be present in PCBs
13 manufactured by Monsanto?

14 A. No, I don't know.

15 Q. Do you know whether anyone has studied the
16 percentage of Americans that have PCBs in their adipose
17 tissue?

18 THE WITNESS: PCB, or chlorinated
19 hydrocarbons?

20 MR. FEATHERSTONE: Do you know if anyone has
21 studied the percentage of Americans --

22 A. Yes, they have studied it.

23 Q. (By Mr. Bradley) What have the studies shown?

24 MR. FEATHERSTONE: Object to the question.
25 Hearsay, among other things.

1 A. All chlorinated hydrocarbons ultimately, if
2 you get them into the system, will seek the adipose pool.
3 They will absorb into the oil materials of some of the
4 tissue. Now, if you're messing with compounds in enough
5 animals of different kinds and - different species, enough
6 time, enough facilities and enough people, you can probably
7 prove that any chlorinated hydrocarbon causes problems
8 connected with it's collection in the adipose tissue of
9 beasts of any kind.

10 Q. Do you know whether ninety-nine percent of all
11 Americans reportedly have over five hundred parts per
12 billion PCBs in their adiposes tissue?

13 MR. FEATHERSTONE: Object to the form.

14 A. With all the --

15 MR. FEATHERSTONE: Do you know that?

16 A. No, I didn't know that.

17 Q. (By Mr. Bradley) Do you know whether PCBs
18 have been found in human mother's milk?

19 THE WITNESS: Human what?

20 MR. BRADLEY: Mother's milk?

21 A. No, I don't know it.

22 Q. (By Mr. Bradley) Do you know whether PCBs
23 pass through the mother's placenta to the fetus in human
24 beings?

25 A. No, I don't know that and I wouldn't believe

1 it if somebody told me.

2 Q. Are you familiar with the term
3 biomagnification?

4 A. Yes.

5 Q. What is it?

6 A. It means the material magnifies in the system
7 by - in a specific tissue in a specific system as the
8 material magnifies in concentration.

9 Q. Do you know whether biomagnification occurs in
10 animals that -- Excuse me. Do you know whether
11 biomagnification occurs in the human food chain, relative
12 to PCBs?

13 A. No. I've seen a lot of data, none of which
14 does any good, as far as I'm concerned, or shows anything.

15 Q. Do you know whether changes in liver chemistry
16 have been observed in PCB exposed humans?

17 THE WITNESS: Change in what?

18 MR. BRADLEY: Liver chemistry.

19 A. No.

20 Q. (By Mr. Bradley) Do you know whether PCBs can
21 work synergistically with other compounds by impairing the
22 immune system?

23 A. No.

24 Q. All right.

25 A. And I don't believe it anyway.

1 MR. FEATHERSTONE: Jack, just answer yes or
2 no. We're not going to debate this here. We'll debate it
3 later.

4 Q. (By Mr. Bradley) Do you know whether
5 statistically significant high rates of skin cancer among
6 people exposed to PCBs have been reported?

7 A. No.

8 Q. Do you know whether, in 1947, the literature
9 reported that repeated exposure to PCB vapor may produce
10 internal bodily injury which may be disabling or could be
11 fatal?

12 THE WITNESS: That's a stupid question.

13 MR. FEATHERSTONE: Jack.

14 A. But the answer is, I don't know. The question
15 don't make any sense.

16 MR. FEATHERSTONE: Then the answer is, "I
17 don't know," or "No." Don't argue.

18 MR. BRADLEY: Would you read back the
19 question?

20 (Whereupon, the reporter propounded the previous question.)

21 A. No.

22 Q. (By Mr. Bradley) Do you know whether a skin
23 disease called chloracne could be an indication of a more
24 serious systemic injury if exposure to PCBs was allowed to
25 continue?

1 A. There never was any chloracne indicated with
2 PCBs in our operations, ever.

3 Q. Okay. Were you ever informed in the 1970s
4 that Westinghouse employees indicated that there is
5 sufficient evidence that PCBs can be dilatorious to the
6 health of animal and human life and that the risk of
7 ignoring the evidence that does exist was inappropriate for
8 Westinghouse?

9 MR. FEATHERSTONE: Well, the question is, have
10 you ever heard that Westinghouse employees had made that
11 statement.

12 A. No.

13 MR. FEATHERSTONE: All right.

14 Q. (By Mr. Bradley) Were you told in the 1970s
15 that Westinghouse employees believe there is now so much
16 PCB in drums in the ground, in the river and ocean beds
17 that unless steps are taken to reduce the source of PCB
18 contamination, the burden in the environment will have no
19 chance of decreasing?

20 MR. FEATHERSTONE: Were you ever told that,
21 that Westinghouse employees --

22 A. No.

23 MR. FEATHERSTONE: All right.

24 A. I never communicated with Westinghouse
25 employees.

1 Q. (By Mr. Bradley) Do you know what a furan is?

2 A. Yes.

3 Q. What is a furan?

4 A. A furan is a ring compound, organic ring
5 compound.

6 Q. Are furans one of the most extreme toxicities
7 of any compound since the beginning of chemistry?

8 A. No.

9 Q. Would one ounce of furans be enough to poison
10 ten thousand people?

11 MR. FEATHERSTONE: Objection. No showing of
12 foundation.

13 A. I have no idea.

14 Q. (By Mr. Bradley) I take it, if I was able to
15 show a transcript that Monsanto's medical director, Dr.
16 Emmett Kelly, stated that furans have one of the most
17 extreme toxicities of any compound since the beginning of
18 chemistry, that you would disagree with that?

19 MR. FEATHERSTONE: Object to the form of the
20 question.

21 A. How did Kelly get to that? My answer is, if
22 you're talking about furans, you've got to be talking about
23 a whole host of furans.

24 MR. FEATHERSTONE: No. The question is, if he
25 can do something like what he said, you would disagree with

1 it?

2 A. Yes.

3 Q. (By Mr. Bradley) Were you part of the group
4 that determined that Monsanto customers would have to enter
5 into indemnification agreements with Monsanto for Monsanto
6 to continue selling PCBs?

7 A. Heavens, no.

8 Q. Did Monsanto require its customers to enter
9 into an indemnification agreement before Monsanto would
10 continue selling them PCBs?

11 MR. FEATHERSTONE: Object to the form of the
12 question.

13 A. I do not now.

14 Q. (By Mr. Bradley) Do you know whether Monsanto
15 entered into any indemnification agreements with any of its
16 customers regarding products manufactured by Monsanto that
17 contained PCBs?

18 A. No.

19 Q. Were you aware of a 1966 study from Sweden
20 where a Swedish scientist found PCBs on the hair of his
21 family and of himself?

22 MR. FEATHERSTONE: Object to the form of the
23 question.

24 Q. (By Mr. Bradley) Are you familiar with a
25 Swedish researcher named Jensen?

1 A. Yes.

2 Q. Are you familiar with any of the work that he
3 published in the 1960s?

4 A. Yes.

5 Q. Did any of his work that was published have to
6 do with PCBs?

7 A. Yes.

8 Q. Did Dr. Jensen --

9 A. Jensen.

10 Q. Jensen. Did Dr. Jensen report that he was
11 finding PCBs in the hair of his family?

12 A. Dr. Jensen reported a lot of things, some of
13 which were not scientifically proven.

14 MR. FEATHERSTONE: Did he report that?

15 A. I don't know.

16 Q. (By Mr. Bradley) Did Dr. Jensen report
17 finding PCBs throughout the environment?

18 MR. FEATHERSTONE: Object to the form.

19 A. In Sweden, I suppose. I don't know.

20 Q. (By Mr. Bradley) Did Dr. Jensen report
21 finding PCBs anywhere?

22 A. Yes.

23 Q. Where did he report finding PCBs?

24 A. In sea life.

25 Q. Seal life?

1 A. Sea life. In certain see critters.

2 Q. And was Dr. Jensen's report published in 1966
3 or thereabouts?

4 A. Some of his reports. He wrote a number of
5 papers.

6 Q. Well, the one having to do with finding PCBs
7 in sea life. Was that around the mid '60s?

8 MR. FEATHERSTONE: Object to the form of the
9 question.

10 A. Probably, yes. I don't know exactly. I don't
11 know. It was somewhere in that period of time.

12 Q. (By Mr. Bradley) Was the report written by Dr.
13 Jensen regarding the location, finding of PCBs in sea life,
14 published around the middle of 1960?

15 A. I don't know. It probably was.

16 Q. Do you know whether you reviewed Dr. Jensen's
17 report in the year that it was published?

18 A. I doubt it but I might have. My boss went
19 over there and talked to Jensen quite often.

20 Q. Do you know whether, after your boss went and
21 spoke with Professor Jensen, Monsanto set a goal of
22 increasing its PCB sales?

23 A. No. If they did that, nobody that I know of
24 knew it for that reason.

25 MR. BRADLEY: Excuse me.

1 (Whereupon, a five minute recess was taken.)

2 Q. (By Mr. Bradley) I'm going to show you
3 Plaintiff's Exhibit 1473 and ask you to review that
4 document.

5 MR. BRADLEY: I don't have a copy.

6 THE WITNESS: Yes?

7 Q. (By Mr. Bradley) Have you seen that document
8 before?

9 A. Yes.

10 Q. What is the document?

11 A. It's a manufacturing operation standard
12 practice process setup for Aroclor.

13 Q. Was that something that was developed by
14 Monsanto's medical department?

15 A. No.

16 Q. Who developed it?

17 A. Manufacturing.

18 Q. And is that a fair and accurate copy of the
19 document it purports to be?

20 A. As far as I can see, yes.

21 Q. Is that the sort of document you maintained in
22 your files at Monsanto?

23 A. I doubt it but I might have. It wasn't sent
24 to us, I don't think. I can't see it.

25 Q. Was it the kind of document you'd expect

1 manufacturing to maintain in its files?

2 THE WITNESS: Their files?

3 MR. BRADLEY: Yes.

4 A. If manufacturing detects problems in either
5 plant, in our plant at Queeny or Krummrich, any changes in
6 the quality of product, any changes in the volume, any
7 changes in the conversion rates, those things would all be
8 there and what was recommended to cure them.

9 Q. Do the Aroclors manufactured by Monsanto
10 biodegrade?

11 A. Some.

12 Q. Which ones biodegrade and which ones don't?

13 MR. FEATHERSTONE: Object to the absence of
14 personal knowledge.

15 A. The lesser ones do, some.

16 Q. (By Mr. Bradley) The lesser chlorinated
17 Aroclors?

18 A. Some.

19 Q. Some of the lesser chlorinated. Do you know
20 which ones of the lesser chlorinated Aroclors biodegrade?

21 A. No. We did some work on checking what
22 happened in streams with them.

23 Q. Do you know whether 1221 biodegrades?

24 A. Probably.

25 Q. What's the next less chlorinated Aroclor?

1 A. 34 I believe, but I'm not sure. 1232.

2 Q. And does it biodegrade?

3 A. In part.

4 Q. And what's the next least chlorinated Aroclor?

5 THE WITNESS: The most chlorinated?

6 MR. BRADLEY: The next least chlorinated.

7 A. 1221, and there's a 12 -- Used to be a 1210
8 or 1214, or something like that. The lower two numbers
9 mean percent, the percent if chlorination.

10 Q. (By Mr. Bradley) Did 1242 biodegrade?

11 A. In part.

12 MR. FEATHERSTONE: Object to the absence of
13 foundation.

14 Q. (By Mr. Bradley) And how do you know that
15 1242 biodegrades in part?

16 MR. FEATHERSTONE: Same objections.

17 A. We tracked it in a flowing stream.

18 Q. (By Mr. Bradley) And what work did you do to
19 track it?

20 A. Tested it.

21 Q. What year did you test it?

22 A. I haven't the foggiest.

23 Q. Was it in the 1970s?

24 A. Probably in the '70s.

25 Q. As part of your tracking, did you take

1 samples?

2 A. Yes. Many of them.

3 Q. And what did you do with the samples?

4 A. Tested them.

5 Q. To determine whether they biodegraded?

6 A. Tested the isomeric spread, how many 1244 were
7 there, how many 1221 were there, and these represented
8 specific chlorinated isomers of polychlorinated biphenyl.

9 Q. On the 1221, 1242, 1260, what does the "12"
10 represent?

11 A. It was our term used many years ago and was
12 carried through as the Aroclor material. All of them were
13 12s. That was biphenyl chlorinated. Any of the other
14 chlorinated structures would have had, would have been a
15 different number.

16 Q. And the second number after the 12 is the
17 percentage of chlorine?

18 A. Roughly, the percentage of total chlorinated
19 material in the material.

20 Q. Did Monsanto ever manufacture chlorinated
21 biphenyl that had the number 1016?

22 A. Not to my knowledge.

23 Q. Did Monsanto ever manufacture a product
24 containing PCBs that had the number 1016?

25 A. Not to my knowledge. I don't remember. I

1 just don't know.

2 Q. Do you know whether Monsanto ever warned its
3 customers that they should inform equipment users of
4 transformers and capacitors of the potential environmental
5 contamination problems with PCBs?

6 A. We dealt directly with the manufacturers of
7 the products that used them and they were given the whole
8 story we had.

9 Q. Did Monsanto ever recommend, though, to
10 General Electric that General Electric notify the people
11 buying transformers and capacitors from General Electric of
12 the potential environmental contamination problems
13 associated with PCBs?

14 A. I do not know.

15 Q. Did Monsanto ever inform Westinghouse that
16 Westinghouse should notify the purchasers of its
17 transformers and capacitors of the potential environmental
18 contamination problems associated with PCBs?

19 A. I don't think there is any doubt they did
20 because the people dealt with us. We dealt with GE,
21 Westinghouse and industrial hygiene people and medical
22 people.

23 Q. So Monsanto told Westinghouse to tell those
24 folks that buy Westinghouse --

25 A. We told them the whole story.

1 Q. Let me finish my question. I don't want to
2 argue with you. I want you to answer my question, though.
3 Monsanto told Westinghouse to tell purchasers of
4 Westinghouse transformers and capacitors that contained
5 PCBs about the potential environmental contamination
6 problems with PCBs?

7 A. I don't think that any -- I dealt with GE..
8 and some of those people, myself. They knew all we knew.

9 Q. Well, my question, though, is whether --

10 A. And your specific question is part of that
11 answer. They knew all we knew, and they knew it when we
12 knew it and when we found it out.

13 Q. Well, did Monsanto tell Westinghouse to tell
14 what it knew to the people who were buying Westinghouse
15 products?

16 A. I told people --

17 MR. FEATHERSTONE: Jack, his question is, did
18 Monsanto tell Westinghouse to tell the Westinghouse
19 customers.

20 A. I don't know.

21 MR. FEATHERSTONE: All right.

22 MR. BRADLEY: I have nothing further.

23 CROSS-EXAMINATION

24 QUESTIONS BY MR. FEATHERSTONE:

25 Q. Jack, when did you retire from Monsanto?

1 A. God. You know, it's funny about memory. It
2 had to have been five years ago, four years ago.

3 Q. Okay. And you've used the term "rotating
4 bidding" in your testimony with regard to the Krummrich
5 plant?

6 A. Yes.

7 Q. What does that mean?

8 A. Every union employee in the plant was allowed
9 to bid on any other job in the plant that existed in any of
10 the plants for which bidding was practiced, which meant
11 that any Monsanto employee in the Krummrich plant, in the
12 hourly class, could bid into the PCB department if they had
13 sufficient seniority, okay? Now, the PCB department was
14 such a good department to work in that the people that
15 worked there were so old, that it very rarely occurred
16 because you'd become a sixty year old man who could work
17 until he was sixty-five by Monsanto standards.

18 Q. Let me ask you this question. What, if
19 anything, did the practice of rotating bidding have to do
20 with the memorandum that you sent to the Aroclor department
21 regarding lunches, storage of lunches in the Aroclor
22 department?

23 MR. BRADLEY: Before you answer, I object to
24 the form of the question because it is my memory that I
25 moved to strike an answer that I claimed was not

1 responsive, where he talked about rotating bidding. So I
2 object to the form of the question to the extent the Court
3 grants my motion to strike his answer.

4 MR. FEATHERSTONE: Okay.

5 Q. (By Mr. Featherstone) What, if anything --
6 Now that you defined rotating bidding in response to my
7 question, what, if anything, did that practice have to do
8 with your memorandum which Mr. Bradley showed you regarding
9 storage of lunches in that Aroclor department at Krummrich?

10 A. Any worker in the plant could work in the
11 Aroclor department any time they held biddings.

12 MR. FEATHERSTONE: Held?

13 A. Held them. People retired, people died,
14 people got other jobs. So they bid openings. They held
15 biddings. People bid for the jobs. If they had sufficient
16 seniorty, they got the job.

17 Q. (By Mr. Bradley) Now, you also talked about
18 clothing policy - that is, giving laundry, clothing to the
19 workers. You also mentioned a union contract. What, if
20 anything, did the union contract at the Krummrich plant
21 have to do with laundered clothing at --

22 MR. BRADLEY: Object to the form of the
23 question.

24 A. They wanted everybody to get clothing in the
25 plant, and it ultimately occurred. First, we wanted only

1 certain -- We said it was required in only certain plants.

2 Q. (By Mr. Featherstone) All right. You say at
3 first, it was required in certain departments. Was that
4 before the union contract?

5 MR. BRADLEY: Object to the form of the
6 question.

7 A. That was the union contract. We stipulated
8 who had clothing and the union made them give it to
9 everybody that covered our stipulations.

10 Q. (By Mr. Featherstone) All right. Now, before
11 the union contract, did Monsanto have a policy of requiring
12 laundered clothing for workers in the Aroclor department at
13 the Krummrich plant?

14 A. Yes.

15 MR. FEATHERSTONE: No further questions.
16 Thank you.

17 MR. BRADLEY: Nothing. Thank you.

18

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25

Jack T. Carrett
JACK T. CARRETT

Subscribed, and sworn to before me this 10 day of
May, A.D., 1993.

Notary Public

Notary Public within and for the State of Missouri.

MY COMMISSION EXPIRES THE 15th DAY OF

January, A.D., 1995.

JOSEPHINE S. NIBLOCK
NOTARY PUBLIC STATE OF MISSOURI
ST. LOUIS COUNTY
MY COMMISSION EXP. JAN. 15, 1995

Josephine S. Niblock

1 STATE OF MISSOURI)
2) SS
3 COUNTY OF ST. LOUIS)

4 I, John T. Concannon, a Notary Public within and for
5 the State of Missouri, duly commissioned, qualified and
6 authorized to administer oaths and to take and certify to
7 depositions, do hereby certify that pursuant to Notice in
8 the civil cause now pending and undetermined in the
9 District Court of the United States, within and for the
10 District of Nevada, entitled NEVADA POWER COMPANY
11 Plaintiff, -vs- MONSANTO COMPANY, et al., Defendants, to be
12 used in the trial of said cause in said Court, I was
13 attended at the law offices of Messrs. Husch & Eppenberger,
14 100 N. Broadway, Suite 1300, in the City of St. Louis,
15 State of Missouri, by Ralph A. Bradley, attorney for the
16 Plaintiff; by Bruce A. Featherstone, attorney for the
17 Defendant, Monsanto Company; by Laurie Basch, attorney for
18 the Defendant, Westinghouse; and by J. COLEMAN WEBER, the
19 witness, in said office on March 16, 1993.

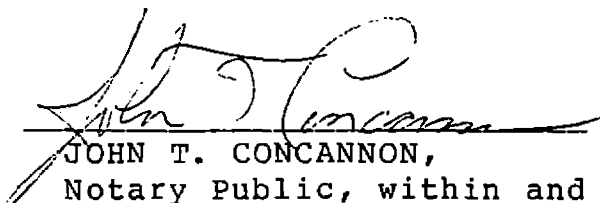
20 The said witness, JACK GARRETT, being of sound mind
21 and being by me first carefully examined and duly cautioned
22 and sworn to testify the truth, the whole truth and nothing
23 but the truth in the case aforesaid, thereupon testified as
24 is shown in the foregoing transcript, said testimony being
25 by me reported in shorthand and caused to be transcribed
into typewriting, and that the foregoing pages correctly

1 set out the testimony of the aforementioned witness, JACK
2 GARRETT, together with the questions propounded by counsel
3 and the remarks and objections of counsel thereto, and is
4 in all respects a full, true and complete transcript of the
5 questions propounded to and the answers given by said
6 witness; and that said testimony, so transcribed, was
7 subscribed to by the witness on the 10 day of
8 May, A. D., 1993.

9 I FURTHER CERTIFY that I am not of counsel nor
10 attorney for any of the parties to said suit, nor related,
11 nor interested in any of the parties or their attorneys.

12 WITNESS MY HAND and Notarial Seal, given this 27
13 day of July, A. D., 1993, at St. Louis, Missouri.

14 MY COMMISSION EXPIRES SEPTEMBER 12, 1994

15
16
17 
18 JOHN T. CONCANNON,
19 Notary Public, within and
20 for the State of Missouri
21
22
23
24
25

April 14, 1993

Bruce A. Featherstone, Esq.
Kirkland & Ellis
1999 Broadway - Ste. 4000
Denver, Colorado 80202

Re: Nevada Power Company -v-
Monsanto Company, et al.

Dear Mr. Featherstone:

This letter, incorporated as the last page of Mr. Garrett's deposition, taken on March 16, 1993, will serve as notice to you that his testimony is now ready for reading and signing of same. You will recall you indicated a preference for him reading his deposition, rather than waiving signature.

Enclosed please find the original signature page of Mr. Garrett's deposition, along with an eratta sheet. Please have Mr. Weber read and sign his deposition and return the original signature page to me. I will then return the signature page to the original transcript, and notify Mr. Bradley of any corrections the witness may have made.

Thank you for your cooperation in this regard.

Sincerely,

JOHN T. CONCANNON
Shorthand Reporter

Concannon & Jaeger
General Court Reporters
705 Olive Street - Ste. 604
St. Louis, Missouri 63101

JTC:md