

1 UNITED STATES DISTRICT COURT
 2 NORTHERN DISTRICT OF ALABAMA
 3 EASTERN DIVISION

4 JOHN R. SWIFT and
 5 BARBARA SWIFT,

6 Plaintiffs,

CIVIL ACTION NUMBER

7 versus

CV-97-AR-2430-E

8 MONSANTO COMPANY, INC.,
 9 et al.,

10 Defendants.

11 _____/

12 CONTINUATION OF DEPOSITION OF BETH RUSERT

13 The continuation of the deposition of

14 BETH RUSERT, was taken before Deborah Salers

15 Garrett, Certified Shorthand Reporter,

16 Registered Professional Reporter, as

17 Commissioner, commencing at 10:00 a.m. on

18 September 1, 1999, by the Plaintiffs, at the

19 law offices of Lightfoot, Franklin & White,

20 The Clark Building, 400 North 20th Street,

21 Birmingham, Alabama, pursuant to the

22 stipulations set forth herein.

23 Regional Reporting Service, Inc.

755 Walnut Street
 Gadsden, Alabama 35901-0755

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17 I N D E X

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19 Stipulations 190

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21 E X A M I N A T I O N S

22 Witness: BETH RUSERT Page

23 By Ms. Malow 191

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1 E X H I B I T S

2	Plaintiffs'	Marked	Offered
3	Thirteen	191	
	Fourteen	194	
4	Fifteen	197	
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15	Thirty-seven	290	
	Thirty-eight	296	
16			

17 No other exhibits were marked for
 identification, offered or attached as
 18 exhibits hereto.

19

20

21

22

23

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

2 IT IS STIPULATED AND AGREED by the
3 parties, through their respective counsel,
4 that the deposition of BETH RUSERT may be
5 taken before Deborah Salers Garrett, CSR, RPR,
6 as Commissioner and Notary Public, Alabama at
7 Large, at Birmingham, Alabama, on September 1,
8 1999, at 10:00 a.m.

9 IT IS STIPULATED AND AGREED that the
10 signature to and Redding of the deposition by
11 the witness is waived, the deposition to have
12 the same force and effect as if full
13 compliance were had with all laws and rules of
14 Court relating to the taking of depositions.

15 IT IS STIPULATED AND AGREED that it
16 shall not be necessary for any objections to
17 be made by counsel to any questions except as
18 to form or leading questions and that counsel
19 may make objections and assign grounds at the
20 time of trial or at the time said deposition
21 is offered in evidence or prior thereto.

22 IT IS STIPULATED AND AGREED that notice
23 of filing by the Commissioner is waived.

1 BIRMINGHAM, ALABAMA, SEPTEMBER 1, 1999

2
3 (Plaintiffs' Exhibit Number
4 Thirteen was marked for
5 identification.)
6

7 BETH RUSERT,

8 after having been first duly sworn, was

9 examined and testified as follows:

10
11 EXAMINATION

12 BY MS. MALOW:

13 Q. Ms. Rusert, as you know, I'm Ellen
14 Malow. We are going to continue your
15 deposition. Are you ready to go
16 forward?

17 A. I'm ready.

18 Q. Let me hand you what has been marked as
19 Plaintiffs' Exhibit Thirteen and ask if
20 you have seen that before.

21 A. Yes.

22 Q. That's the renote of your deposition.

23 Is that right?

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1 A. I've seen it, yes.

2 Q. Did you do anything to locate the
3 documents that were requested in the
4 document request?

5 A. The community advisory panel file.

6 Q. That's the documents we discussed at
7 your last deposition?

8 A. Right.

9 Q. Since your last deposition have you made
10 any efforts to locate any additional
11 documents?

12 A. The only other thing I found was I had a
13 community relations plan for the
14 Anniston plant because it was at my
15 southeast region, and I did also carry
16 that forward.

17 MS. MALOW: Do we have that now?

18 MR. PECK: Yeah, we produced that.

19 MS. MALOW: That came in the stuff
20 Mike gave us?

21 MR. KELLY: Yes.

22 Q. Do you recall what year that community
23 relations plan was for?

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1 A. I don't.

2 Q. Since you deposition back in July, have
3 you looked at any documents to get ready
4 for your deposition today?

5 A. No other than the deposition itself.

6 Q. You did read your deposition testimony?

7 A. Yes.

8 Q. When did you read that?

9 A. Yesterday.

10 Q. To freshen your mind?

11 A. Yes.

12 Q. Have you talked with anybody other than
13 your attorneys about the testimony that
14 you've given already in this case?

15 A. No.

16 Q. Did you talk with Diane Herndon about
17 her deposition last week?

18 A. No.

19 Q. Have you talked to Kevin Cahill
20 recently?

21 A. Yeah. I have spoken with him recently.
22 Do you mean have I spoken with him --
23 Q. About this case.

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1 A. No.
2 Q. Have you spoken with Kevin about
3 anything regarding Anniston recently?
4 A. I don't think so, no.
5 Q. And I take it you had a chance to meet
6 with the attorneys again before today to
7 get ready for today?
8 A. Yes.
9 Q. All right. I'm going to kind of be
10 bouncing around just because I'm going
11 to follow up on some areas from before
12 and cover some new areas. So bear with
13 me. If at any time you are confused
14 about where we are, just let me know and
15 I will be happy to clarify. Okay?
16 A. Okay.
17 Q. We had talked before about community
18 assistance panels. Do you recall in
19 general our discussion about CAPs?

20 A. Yes.

21 (Plaintiffs' Exhibit Number

22 Fourteen was marked for

23 identification.)

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1 Q. Let me hand you what I have marked as

2 Plaintiffs' Exhibit Fourteen and ask you

3 to identify that document, please.

4 A. It's a document from John Mitchell of

5 Prudential, and the letter says the

6 purpose is to provide --

7 MR. PECK: All I think she wants

8 you to do is identify --

9 A. To me -- okay -- dated October 1st,

10 1997, from John Mitchell of Prudential.

11 Q. Did you contact Mr. Mitchell to ask if

12 Prudential could provide community

13 interaction services for Solutia?

14 A. Let me read this real quick.

15 Q. Sure.

16 A. Okay.

17 Q. My question was whether you contacted

18 Mr. Mitchell to see if Prudential could

19 provide some community interaction
20 services for Solutia.
21 A. Yes.
22 Q. Do you recall when your initial contact
23 was with Mr. Mitchell?

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1 A. No.
2 Q. Why is it that you were contacting
3 Mr. Mitchell?
4 A. We were evaluating whether or not to put
5 together a community advisory panel at a
6 number of locations, and Anniston was
7 one of them.
8 Q. If you recall, at your last deposition
9 we talked about a company named Bourne
10 Elliott. Do you recall that company?
11 A. Yeah. I think so.
12 Q. And Diane Herndon was the person that
13 had been dealing with Bourne Elliott on
14 establishing a CAP. Is that right?
15 A. Yes.
16 Q. The correspondence that we have marked
17 as exhibits to her deposition indicates

18 that those discussions were going on
19 back in 1996. Does that fit with your
20 recollection?

21 A. I don't know the timing. I wasn't
22 working on this in '96.

23 Q. Okay. I'm handing you Plaintiffs'

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1 Exhibit Eighteen, which is a letter from
2 Bourne Elliott Associates to Diane
3 Herndon dated May 27th, 1996.

4 (Plaintiffs' Exhibits Numbers
5 Fifteen, Sixteen,
6 Seventeen, and Eighteen were
7 marked for identification.)

8 MR. PECK: Is that Plaintiffs'
9 Exhibit Eighteen to Diane's
10 deposition?

11 MS. MALOW: No. Unfortunately I
12 don't know what number it was
13 to Diane's.

14 MR. PECK: I just thought since it
15 was out of sequence it might
16 be to hers.

17 Q. Have you seen that document before?
18 A. I think you showed it to me last time.
19 Q. I think I did too. What I'm trying to
20 figure out, Ms. Rusert, is the timing of
21 this, because I understand from
22 Ms. Herndon that this CAP was never put
23 in place by Bourne Elliott. Is that

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1 your understanding?
2 A. Yes.
3 Q. Why is it, then, that in '97 you were
4 revisiting this issue of establishing a
5 CAP in Anniston?
6 A. Because at the time what we were looking
7 at, as I recall anyway, is we were
8 looking at a number of plants, not just
9 Anniston. We were trying to determine
10 whether there might be some cost savings
11 by having one company help us put
12 together and facilitate community
13 advisory panels. And Anniston was one
14 of those sites.
15 Q. I believe you told me at your last

16 deposition that you did not select
17 Prudential to go through with trying to
18 help establish CAPs. Is that accurate?
19 A. We didn't select anyone. I had several
20 different people that gave me proposals,
21 and we ended up not doing it at all
22 because there really wasn't a big cost
23 savings for us.

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1 Q. Other than Exhibit Fourteen do you
2 recall any other correspondence or
3 contacts that you had with Mr. Mitchell
4 of Prudential on this issue of a CAP?
5 A. I mean, I spoke with him on several
6 different occasions over the course of
7 time. He has called me on occasion to
8 see if there is any new locations that
9 we might want to develop a CAP or if we
10 have a site that has one but could use a
11 facilitator. But I couldn't
12 specifically tell you when those
13 conversations occurred. He calls me
14 periodically.

15 Q. In the October 1st, 1997 letter to you
16 from Mr. Mitchell he outlines various
17 stages of this CAP program. Did he ever
18 go beyond just a solicitation level?
19 A. No. As far as speaking with anyone, no.
20 Just all the conversation was between
21 the two of us in looking at just
22 generally what their approach is to
23 handling a community advisory panel and

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1 the costs associated.
2 Q. Ms. Herndon testified last week that one
3 of the reasons the CAP was not set up
4 for Anniston was due to the fact there
5 was litigation that had commenced. Is
6 that your recollection?
7 MR. PECK: Object to the form of
8 the question.
9 A. Yes. In fact I think I testified to
10 something very similar during the last
11 deposition.
12 Q. Right. And the part I'm trying to
13 understand, Ms. Rusert, is given the

14 fact there was ongoing litigation, why
15 was the issue of a CAP being revisited
16 at this date in October of '97?
17 A. Because honestly we thought their value
18 to them, it would have been nice, and we
19 have continuously reevaluated the
20 circumstances to see whether there was a
21 way we could put together a community
22 advisory panel working around the
23 litigation. And I do recall

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1 conversations where we determined there
2 was no way to do it and to ensure we
3 were not involving anyone who was
4 involved in litigation. So we dropped
5 the whole Anniston idea.

6 Q. The conversations about trying to
7 determine if there was a way around the
8 litigation issue, were any of those
9 conversations with non-attorneys?

10 A. It would have involved the folks who
11 were on the team working on Anniston,
12 Bob Kaley. Beyond that I don't recall

13 anyone else. The plant manager, surely
14 the plant manager would have been
15 involved in that conversation.
16 Q. Would that have been Jack Mayausky or
17 Blake Hamilton at that time?
18 A. It would have been Blake Hamilton.
19 Q. Other than Prudential do you recall any
20 companies that you received bids from or
21 information on CAPs in this '97 time
22 frame?
23 A. For any plant, you mean, or just --

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1 Q. For Anniston.
2 A. I thought that for Anniston I had also
3 asked for bids from Ann Green, and I
4 think it was Vandever Group. However,
5 when I pulled the material for you and
6 was looking at it, I didn't see anything
7 for Anniston from those other two
8 companies, just for other plants,
9 Greenwood, Augusta, and I think it was
10 Decatur. So perhaps I did not ever ask
11 them to even look at Anniston. I don't

12 recall. I can't remember. It has been
13 a while since I looked at that.
14 Q. When did you do that search to look back
15 and see whether Ann Green --
16 A. When I was pulling the material to give
17 it to you.
18 Q. Back in July?
19 A. Yes, after our deposition, after we
20 talked.
21 Q. After the deposition --
22 A. Right. You asked for the community
23 advisory panel file, and I pulled

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1 everything out. When I pulled it all
2 out, I looked to see because I knew we
3 had talked about it. And I was trying
4 to recall for myself what I had actually
5 asked for.
6 Q. And it was based on looking at those
7 documents that you determined those
8 others entities had not solicited work
9 for Anniston?
10 A. Apparently not, because there was no

11 reference, at least that I recall, on
12 Anniston.
13 Q. Let me hand you what I have marked as
14 Exhibit Fifteen and tell me if those are
15 your notes.
16 A. Yes.
17 Q. Can you read for me what those say?
18 A. With difficulty. One of people quoted
19 was member of CAP group -- something --
20 I can't read it -- in getting word out,
21 went looking for people, comments by
22 plant, says something of Motco,
23 favorable, helped, change, something or

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1 another, save money, quarterly meetings
2 with CAP, setbacks, relationship.
3 Q. And at the top there is number one,
4 performance?
5 A. Performance, two, dialogue.
6 Q. Do you recall what those notes were
7 taken in conjunction with?
8 A. I can't say for sure, no.
9 Q. I mean, it looks like you are talking

10 about CAPs, right?

11 A. Yes.

12 Q. And the part about Motco, was there a

13 CAP in place at Motco?

14 A. Yes.

15 Q. Is that a Monsanto site?

16 A. It was, yes. It was a Monsanto site.

17 Q. Was there any litigation arising out of

18 the Motco facility?

19 A. I'm not sure.

20 Q. Why was a CAP put in place at Motco?

21 A. It was a Superfund site.

22 Q. So there were some issues of

23 contamination?

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1 A. Right. And they took the community

2 members and put together a community

3 advisory panel.

4 Q. Where is that site located?

5 A. South of Houston.

6 Q. Is that CAP still in place at Motco?

7 A. No. The whole thing -- project is done.

8 Q. And when you say favorable, helped in

9 relation to Motco, what does that mean?

10 A. We -- meaning that the community

11 advisory panel was successful in the

12 sense we had good community dialogue.

13 And when they had concerns, they would

14 talk to us about them. We had feedback,

15 conversations back and forth, and they

16 were involved in the whole process of

17 the remediation.

18 Q. And I'm not sure if I understood your

19 answer. Has there ever been any

20 litigation arising out of the Motco

21 site?

22 A. I'm not sure. I don't know. I can't

23 answer that.

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1 Q. This part about saving money, what does

2 that refer to?

3 A. I don't remember.

4 Q. And there is this second thing about

5 group something and getting word out, or

6 group best --

7 A. I don't know either what that was

8 referring to.

9 Q. Do you know what you mean by performance

10 and dialogue?

11 A. Well, dialogue I don't know. I don't

12 know about performance because I don't

13 recall the context of this. It looks

14 like I was probably talking to somebody

15 and taking notes. It has been too long.

16 I don't know when I did this.

17 Q. I'm going to show you some other

18 documents. Maybe it will put it in

19 context.

20 A. Okay.

21 Q. Do you recall trying to set up some sort

22 of presentation for the Manufacturing

23 Leadership Council in Anniston, Alabama

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1 on CAPs?

2 A. No.

3 (Plaintiffs' Exhibit Number

4 Nineteen was marked for

5 identification.)

6 Q. I'm going to hand you what has been

7 marked as Plaintiffs' Exhibit Nineteen
8 and ask you to take few moments to read
9 through that.
10 A. Okay.
11 Q. Will you identify what Exhibit Nineteen
12 is, please?
13 A. It is an e-mail message to Mike Pierle
14 regarding the presentation on community
15 advisory panels to the Manufacturing
16 Leadership Council.
17 Q. Are you the author of this e-mail?
18 A. Yes.
19 Q. And a copy of it went to Lawrence
20 O'Neill?
21 A. Right.
22 Q. Was Mr. O'Neill your boss at the time?
23 A. Yes.

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1 Q. Tell me what was going on here. Why
2 were you proposing a presentation to the
3 Manufacturing Leadership Council in
4 Anniston, Alabama on CAPs?
5 A. Well, I can't speak exactly to this one.

6 I just know in general that there were
7 times when we do presentations on
8 community advisory panels to different
9 leadership folks at the company, because
10 in public affairs we feel they are very
11 important to maintain our right to
12 operate our manufacturing sites. So it
13 wouldn't be uncommon when there is a
14 meeting at a particular site to have a
15 proposal -- I mean, a presentation on a
16 particular subject and in particular
17 CAPs.

18 Q. Who would be the participants in the
19 Manufacturing Leadership Council?

20 A. They are the site managers and the
21 people who run the manufacturing, like
22 vice president or whatever over
23 manufacturing.

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1 Q. So they are all I guess at this time
2 Monsanto employees?

3 A. Yes.

4 Q. Okay. Were there any outside people

5 that would be in attendance at a
6 Manufacturing Leadership Council
7 meeting?

8 A. No.

9 Q. And it indicates on this e-mail that you
10 sent to Mr. Pierle that there is going
11 to be a CAP anecdote which discusses
12 that the Anniston plant is going to
13 share how it might have benefited from
14 having a CAP in place before a problem
15 occurred. What does that refer to?

16 A. Just what it says. The fact that if we
17 had had some ongoing dialogue already in
18 place with our community members, it
19 would have been very beneficial to us to
20 understand their concerns and be able to
21 talk with them about what we are doing
22 to help resolve issues, concerns, and
23 also to show them what we are doing at

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1 our manufacturing site.

2 Q. How would it have benefited the company?

3 A. How would it have benefited them?

4 Because we would have a better
5 understanding of what their concerns
6 are. Without talking to them we can't
7 possibly address them and help them
8 understand what we are doing to
9 alleviate them.

10 Q. Was it your belief that had a CAP been
11 in place that litigation would have been
12 prevented?

13 A. I can't predict that. It is like having
14 a crystal ball.

15 Q. Well, you are proposing a hindsight
16 discussion and trying to teach a lesson
17 anecdotally about the Anniston plant.
18 What was your purpose there?

19 MR. PECK: Object to the form of
20 the question, asked and
21 answered.

22 A. First of all, I wouldn't have been
23 giving that presentation. That would

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1 have been given by someone at the plant.
2 That was the objective, for the people

3 there to actually give the anecdotal
4 presentation about what they are doing.
5 So I can't predict -- We never can
6 predict what is or is not going to
7 happen. All we do know is that in
8 places where we have community advisory
9 panels we find the open dialogue and the
10 outreach through a community advisory
11 panel very beneficial to us. And it
12 doesn't mean that people don't get upset
13 with us. They do. We talk to them
14 about it, and it is nice to be able to
15 have that dialogue.

16 Q. Compare and contrast for me the
17 difference in the situation at the
18 Augusta plant, which is referenced in
19 Exhibit Nineteen, and the Anniston
20 plant.

21 A. Well, it is stated there. The Augusta
22 plant, there is no immediate issues in
23 the sense of there is no neighbors who

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1 are living right adjacent to the plant.

2 That is one thing. They're not
3 concerned about whether there is too
4 much traffic, if it is too noisy, or if
5 there is a smell. There are none of
6 those current issues that happen to be
7 coming out of that site, yet they felt
8 there was a lot of value to their
9 community advisory panel, because where
10 there were issues and concerns they
11 could talk directly to them about them.
12 But there was nothing there that the
13 people were already upset about. And
14 they found value.

15 Sometimes the feedback you get
16 from people -- and this is just an
17 educational thing, but on community
18 advisory panels is you don't need one
19 unless there is an issue. We totally
20 disagree. We think it is important to
21 have ongoing feedback even where there
22 is not a lot of concern about anything
23 ongoing, no matter what. And there are

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1 those in the world that think that's not
2 the case.
3 Q. Is part of the reason you have that
4 philosophy because then when there is a
5 problem that occurs you have already
6 established that dialogue?

7 A. Right.

8 Q. If you will go back to section B in your
9 e-mail of 2-19-96, it talks about a
10 community advisory panel adding value
11 for several reasons. One of the things
12 it says is providing some insurance.

13 What do you mean by that?

14 A. I'm not sure what we meant by that. It
15 has been a while since I wrote that up.
16 I would be guessing.

17 Q. With all your familiarity with CAPs and
18 as we are sitting here right now, what
19 does that mean? How do CAPs provide
20 insurance for the company?

21 A. Well, I'm sure -- if I were speaking
22 from this today, it would be around that
23 it helps you provide insurance that you

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1 are going to have some ongoing dialogue
2 with people no matter what the
3 circumstances are, because people tend
4 to be willing to talk with you when they
5 have developed a relationship and
6 understand what it is you are doing and
7 establish some trust that you are not
8 trying to hurt them.

9 Q. And the people that serve on a community
10 assistance panel can then serve as
11 spokespeople for the company?

12 A. No. Actually we would never advise them
13 nor would we ask them to do that. If
14 people choose to do that on the side on
15 their own, that is different. But
16 actually that is counterproductive to
17 what we are looking for. We are really
18 looking for people who are going to be
19 really honest with us and tell us their
20 concerns and issues. There is no way to
21 address them if we don't know what they
22 are.

23 Q. Your handwritten notes on the left-hand

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1 margin of Exhibit Nineteen says two
2 hundred fifty visited plant. Do you
3 know what that refers to?
4 A. I don't remember. I read that, and I
5 don't recall what that was referencing.
6 Q. It mentions students, teachers,
7 northeast Alabama safety engineer?
8 A. Yes.
9 Q. Do you know what any of those notes
10 refer to?
11 A. No.
12 Q. What does the next sentence say?
13 A. See CAP book small plants options 10-1.
14 Q. Do you know what that means?
15 A. No.
16 Q. Did in fact a presentation take place
17 for the Manufacturing Leadership Council
18 in Anniston, Alabama?
19 A. I don't remember if we did it or not.
20 Q. If you will go down to section two, it
21 talks about why hold a workshop on
22 improving community dialogue. One of
23 the session topics is worst case

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1 scenario, risk communications. Do you

2 see that?

3 A. Yes.

4 Q. The second part is lessons learned from

5 worst case scenario case studies?

6 A. Yes.

7 Q. What are you referring to there?

8 A. In this particular time frame I would

9 have been referring to Nitro, West

10 Virginia where they rolled out the very

11 first management program worst case

12 scenario communications that happened

13 prior to that date.

14 Q. What was that about?

15 A. EPA's risk management program requiring

16 that companies that use or manufacture

17 certain hazardous chemicals develop

18 worst case and alternative case

19 scenarios and communicate those to the

20 public and to the emergency management

21 folks.

22 Q. So was that a mandate from EPA?

23 A. Right. It is a requirement. And this

1 was the very first step in that process,
2 was Nitro, West Virginia did sort of a
3 test run, I guess you would call it,
4 before the law went into effect.

5 Q. Continuing on there in section two,
6 section A three talks about community
7 outreach strategies. The last one there
8 is environmental justice. To what does
9 that refer?

10 A. The subject of environmental justice?
11 You are asking what environmental
12 justice is?

13 Q. What are you talking about there? Why
14 are you referencing environmental
15 justice as part of an community outreach
16 strategy?

17 A. Because it is something we would
18 consider, I guess, as to whether -- when
19 you are looking at the communities that
20 you would try to involve in a community
21 advisory panel, certainly you want to
22 make sure you get all of the different
23 folks that would be around in your

1 community, whatever that looks like, and
2 being sure not to leave out any that
3 might fall under the environmental
4 justice issues.

5 Q. What is an environmental justice issue?

6 A. Environmental justice is essentially
7 where -- a community that is usually a
8 poor minority community that is
9 perceived to be at a disadvantage
10 because of the location of industry or
11 businesses.

12 Q. Based on your work at the Anniston site,
13 did you have a concern that there were
14 some environmental justice issues in the
15 neighborhood?

16 A. Yes.

17 Q. Based on what?

18 A. Based on the community immediately
19 around the plant.

20 Q. That is it is made up of poor --

21 A. Poor minority, right.

22 Q. And what was your plan to deal with that

23 potential issue for Anniston?

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1 A. We didn't have a plan per se. I mean,
2 ideally we would have liked to establish
3 a community advisory panel that would
4 include that neighborhood but not
5 exclusive to those neighborhoods.

6 Q. How do you think that would have
7 prevented the possibility of
8 environmental justice issues being
9 raised?

10 MR. PECK: Object to the form of
11 the question.

12 A. I can't say one way or the other whether
13 it would. It is just a matter that
14 people -- historically when you are
15 talking with people and trying to obtain
16 an understanding of their issues and
17 concerns, it helps open up dialogue and
18 mutual understanding of one another and
19 oftentimes can alleviate concerns.

20 Q. You also mentioned, going back up to one
21 B, that a community advisory panel can

- 22 add value by helping reinforce our
23 commitment to fulfill your requirements

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- 1 of complying with the Monsanto pledge
2 and responsible care. Do you see that?
3 A. Yes.
4 Q. When you talk about responsible care is
5 that a concept that comes out of CMA?
6 A. Yes.
7 Q. And CMA is the Chemical Manufacturers
8 Association?
9 A. Yes.
10 Q. Monsanto and Solutia are both members of
11 CMA?
12 A. I don't know if Monsanto is or not
13 still. Solutia is.
14 Q. Is responsible care a mandatory
15 requirement for members of CMA?
16 A. Yes.
17 Q. Is the right to operate also a concept
18 that grows out of CMA?
19 A. I think it is wrapped in part of the
20 responsible care program.

21 Q. Which again is mandatory for CMA
22 members?
23 A. Right.

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1 Q. Ms. Rusert, I'm handing you what has
2 been marked as Exhibit Sixteen. If you
3 could, take a look at that document and
4 let me know when you have read it.

5 A. Okay.

6 Q. Please identify what Exhibit Sixteen is
7 for the record.

8 A. It's a response from -- It would be
9 D. M. Vandever, Donna Vandever.
10 Apparently I had a question on community
11 advisory panels and was asking her to
12 respond to it.

13 Q. Okay. And this e-mail which is marked
14 as Exhibit Sixteen is dated August 20 of
15 1997?

16 A. Yes.

17 Q. And Ms. Vandever is with what company?

18 A. Vandever Group.

19 Q. What kind of group is that?

20 A. A PR marketing firm.
21 Q. Had you used Ms. Vandever's firm before
22 August of '97 for any purpose?
23 A. No.

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1 Q. How did you get her name?
2 A. I knew her. She was a previous employee
3 of Monsanto and then started her own
4 business.
5 Q. What did she do at Monsanto?
6 A. She was -- When I knew her she was in
7 media communications.
8 Q. And according to her reply to your
9 questions on CAPs, it looks like she is
10 suggesting to you ways to find potential
11 CAP members. Is that accurate?
12 A. Yeah. This appears to be her relatively
13 informal proposal on establishing a
14 community advisory panel.
15 Q. Were you talking to Ms. Vandever about
16 establishing a CAP for the Anniston
17 site?
18 A. I think this is one where I just asked

19 her about Greenwood, Decatur, and
20 Augusta. But I'm not one hundred
21 percent sure of that.
22 Q. What makes you think it is those three
23 sites that you were asking her questions

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1 about?
2 A. Mostly because of the material I glanced
3 at before turning it over to you,
4 because I thought I had originally put
5 Anniston in that group. And I didn't
6 see evidence of that as I was flipping
7 through it. But I went through it
8 pretty quick. It may have, but I don't
9 think it did.
10 Q. In looking at her reply on your question
11 of CAPs, do you see any problems with
12 her proposal on how you get CAP members?
13 A. I don't know that I would do it exactly
14 like this. I might make some
15 adjustments.
16 Q. What adjustments would you make?
17 A. It could be done differently in

18 different communities. Sometimes it is
19 good to do like a survey of plant
20 employees and get different names from
21 them and then do some of this approach
22 to identify individuals that might be
23 suit -- good to participate in a

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1 community advisory panel. Also
2 sometimes asking these very people that
3 she talks about talking to who are
4 movers and shakers who they think would
5 be good to participate on a community
6 advisory panel, whether they are not --
7 whether the folks themselves or not
8 would be dependent on the material you
9 put together and what they recommend.

10 Q. Did you end up retaining the Vandever
11 group to do any work for any Solutia
12 site?

13 A. No, we didn't.

14 Q. Why is that?

15 A. Because like I said before, we decided
16 not to go that route.

17 Q. Let me hand you what has been marked as
18 Plaintiffs' Exhibit Seventeen and ask
19 you to identify that.
20 A. I'm sorry. I'm still trying to figure
21 out what it is. Some document that says
22 resources and where to find help on the
23 top.

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1 Q. And at the top does it have your name
2 written?
3 A. It does. It says Beth Rusert on the
4 top.
5 Q. And it looks like -- and I talked with
6 Diane Herndon about this document in her
7 deposition -- that this is a referral
8 source for Bourne Elliott, which is on
9 one of the pages.
10 A. Here it is, a little arrow. Michael
11 Elliott's name is on there.
12 Q. Really all I'm trying to find out from
13 you, Ms. Rusert, is do you know where
14 you got that document?
15 A. No.

16 Q. It looks like, if you look at the very
17 first page, that you forwarded that on
18 to Ms. Herndon; is that right?

19 A. It looks that way, yes.

20 Q. But you don't know the source of the
21 document?

22 A. No. Whoever it was spelled my last name
23 wrong, so it wasn't anyone who knew me

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1 very well.

2 Q. Not a close friend.

3 Take a look at -- This has
4 actually been marked previously as
5 Exhibit Thirty-five to Ms. Herndon's
6 depo. Take your time and let me know
7 when you have finished looking at
8 Exhibit Thirty-five to the Herndon depo.

9 A. Okay.

10 Q. What is Exhibit Thirty-five to
11 Ms. Herndon's depo?

12 A. It's a community -- a presentation on
13 community dialogue and specifically
14 community advisory panels.

15 Q. Who prepared Exhibit Thirty-five?
16 A. I'm not sure. I think I did.
17 Q. That's what Ms. Herndon thought. That
18 is what I'm trying to confirm.
19 A. I think I did put this together.
20 Q. Why were you putting together Exhibit
21 Thirty-five?
22 A. Apparently someone asked me to give a
23 presentation on community advisory

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1 panels.
2 Q. Do you know when you gave that
3 presentation?
4 A. I don't remember, no.
5 Q. Do you know where you gave it?
6 A. No.
7 Q. Do you know who was in attendance?
8 A. No, I don't. I do remember putting it
9 together. I'm quite sure it was me.
10 Q. You are sure it was you?
11 A. I'm pretty sure it was me that did this.
12 Q. Let me ask you a few questions about the
13 document.

14 A. Okay.

15 Q. On the third page of the document you

16 talk about the growth of CAPs, and you

17 have some numbers from the Chemical

18 Manufactures Association or CMA. Do you

19 recall where you got that information?

20 A. I would have gotten it from CMA.

21 Q. The specific documents you would have

22 received from them in that regard?

23 A. No. I mean, I could have either called

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1 them and they could have faxed me

2 material. I don't know specifically,

3 no.

4 Q. The next page talks about Monsanto

5 plants where there are CAPs in place and

6 where there are not CAPs in place. And

7 Anniston is listed as a no there,

8 correct?

9 A. Correct.

10 Q. Can you explain why it is that the CAPs

11 were put in place at the facilities

12 where there is a yes indicated?

13 A. I wouldn't know because those decisions
14 are usually made locally. And sometimes
15 there is involvement from the folks in
16 St. Louis, the corporate headquarters.
17 But I mean, some of these go way back,
18 long before my time or are areas I have
19 never worked in. I couldn't tell you
20 because each situation is different.
21 Q. If you will flip a couple of pages it
22 says community advisory panels, no
23 response. What does that mean?

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1 A. I have no idea. I was wondering the
2 same thing when I looked at this. I
3 don't remember what that means any more.
4 Q. Those locations that say no response,
5 are those Monsanto facilities?
6 A. I'm not sure. I don't remember any
7 more.
8 Q. Well, Nutrasweet is a product --
9 A. It would have to be, because Nutrasweet
10 and -- They would have to be.
11 Q. But you don't know what it means when it

12 says no response?

13 A. I don't remember what that means.

14 Q. Let's go to the next page where it says

15 strengths and weaknesses of CAPs. Under

16 strengths the third one says create

17 credible allies and supporters. I

18 believe that goes back to the point I

19 was raising earlier where if you had

20 people who were on a CAP, those people

21 can then be spokespeople for your

22 company, right?

23 A. But that doesn't say that we're creating

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1 spokespeople. Allies and supporters

2 don't necessarily go out and speak on

3 behalf of your company.

4 Q. What do you mean when you say credible

5 allies and supporters?

6 A. Because they are not spokespeople. I

7 might be a spokesperson, but I wouldn't

8 probably have credibility because I work

9 for the company.

10 Q. Because you are a PR lady?

11 A. That's right.

12 Q. You would rather have someone who is not

13 known as putting things in a favorable

14 light for a living?

15 A. But you are still not asking them to go

16 out and speak on your behalf. In fact

17 we would not encourage them to do that

18 in the sense of going out and raising

19 the flag like I would do.

20 Q. But by credible ally and supporter, you

21 are referring to people that have

22 listened to the position the company has

23 made and are willing to share those

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1 thoughts and views with other people

2 that they know?

3 A. If they choose to do so.

4 Q. And you hope that the members of your

5 CAP turn out to be allies and supporters

6 of the company, right?

7 A. I mean, you would like to think that is

8 going to happen. It doesn't always

9 happen that way. Usually they may not

10 support everything you do or all the
11 decisions you make, but they at least
12 have an understanding as to why you have
13 made them or what it is you are doing.

14 Q. Let's look at the weaknesses. When you
15 talk about that a CAP can result in a
16 loss of control, what are you referring
17 to there?

18 A. Usually that really just refers to
19 concerns that a lot of site managers
20 have who are unfamiliar with community
21 advisory panels. They are often
22 concerned about that.

23 Q. And what specifically is their concern?

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1 A. Their concern is that a community
2 advisory panel member will ask for
3 something that they couldn't or wouldn't
4 do from a business decision and the
5 community advisory would drive that
6 decision one way or the other,
7 regardless. And really the objective of
8 the CAP up front is that we don't always

9 take every idea and go forward, but we
10 would certainly explain why we chose not
11 to or couldn't from a business
12 perspective.

13 Q. Because sometimes there might be a
14 conflict between what the community
15 wants and what the business group is
16 willing to do?

17 A. I don't even know if it is so much
18 willing. It is usually a matter of
19 being able to support that from a
20 business decision or the technology
21 doesn't exist yet. But normally that
22 conversation itself allows for an
23 understanding mutually, and also it

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1 oftens gives Solutia and companies like
2 us that have CAPs an opportunity to see
3 where there are -- where there are
4 things that we might strive for in our
5 next phases of improvements in the
6 future.

7 Q. Let's say for example you guys made

8 something that had a really bad odor and
9 the members of your CAP told you, "We
10 don't like the odor. Get rid of that
11 chemical." Are you with me on the
12 scenario?

13 A. Right.

14 Q. There may be -- Based on the company's
15 business interest that is in making
16 money in producing this chemical, there
17 may be no way they could stop making it
18 even if it is an odor problem, right?

19 A. Possibly.

20 Q. All right. One of the other weaknesses
21 is create perception that facility is
22 attempting to manipulate community
23 opinion. What do you mean by that?

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1 A. It gets right to your question that
2 there could be a perception that we are
3 putting them in place to be spokespeople
4 for our company.

5 Q. And where did you get this list of
6 weaknesses from?

7 A. I probably drew it from a variety of
8 sources of people out there who have
9 become experts on community advisory
10 panels and things I would have read.

11 Q. And that is one of the criticisms of
12 CAPs, is that is really what they are,
13 is an attempt by the company to
14 manipulate community opinion?

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

17 A. It could be a concern. It is a concern
18 and something that is important to be
19 aware of as a company. That is one of
20 the reasons why a lot of community
21 advisory panels have tenures and roll
22 people off after a couple of years, so
23 that doesn't. One, it doesn't happen

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1 because that can happen if they are
2 there too long, or also to help prevent
3 that from happening, so it doesn't look
4 like all we are doing is having somebody
5 who rubber stamps things for us.

6 Q. And what do you mean by the weakness
7 CAPs can lead to a loss of trust and
8 credibility?

9 A. I don't know exactly what that was
10 referring to.

11 Q. Well, if you will look at the strengths
12 side, the last strength is that a CAP
13 can build trust and credibility. I
14 guess I'm trying to figure out how it
15 can be both a strength and a weakness.

16 A. I suppose if you think about your
17 example of where we are not willing to
18 get rid of an odor problem and can't
19 instantaneously correct the odor
20 problem, something could lead to a loss
21 of trust and credibility. There is that
22 risk because we couldn't fix their main
23 issue.

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1 Q. Okay. If you will go to the next page,
2 it talks about community advisory panels
3 can add value by, and then there is a
4 list of items on there. If you will

5 look, we have the same one about
6 providing some insurance. I'm just
7 trying to get back to jogging your
8 memory on what that is intended to mean.
9 A. I don't think it -- It doesn't mean
10 anything in the sense of what I think we
11 use as a simplified way to state things.
12 It is more a matter of providing a
13 mechanism for having open conversation
14 and to know that you have at least some
15 sense -- I guess the insurance part
16 would be from having some sense of what
17 the people in the community are thinking
18 and the concerns about your plant and
19 also a sense of what they like about
20 your plant and what they are happy with
21 that you are doing, both sides of the
22 coin there. If there is insurance, that
23 would be what I would refer that to.

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1 Q. Okay. And if you will flip down a few
2 more pages, there is a page called
3 anecdotes.

4 A. Yes.

5 Q. Do you recall the specifics about the
6 anecdotal information you gave on the
7 Anniston, Alabama CAP?

8 A. I don't other than very similar to the
9 previous reference that we had on that
10 other document.

11 Q. And it looks like this document, which
12 is Exhibit Thirty-five to Ms. Herndon's
13 deposition, seems to mimic a lot of the
14 statements that were in Exhibit
15 Nineteen. Is that right?

16 A. That would be reasonable, yes.

17 Q. Okay. Let's see if we can find out more
18 about the Anniston anecdote. If you
19 will go to -- I guess it is the second
20 to last page. Do you see a section on
21 Anniston?

22 A. Yeah. I found it.

23 Q. What is meant by Anniston is

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1 experiencing some challenges?

2 A. Well, based on -- if you keep reading

3 where it says now there are lawyers
4 involved and in many cases the plant no
5 longer can speak, I would assume it is
6 referencing litigation.

7 MR. PECK: The plant can no longer
8 speak?

9 THE WITNESS: Right. The plant
10 can no longer speak directly
11 with community members.

12 Q. Okay. Now, tell me if I'm wrong, but I
13 read this to say that the lesson you
14 have learned from Anniston is that you
15 would have been able to possibly prevent
16 some of this litigation.

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

19 A. Well, again, that is like a crystal
20 ball. I can't predict that, and neither
21 can anyone else. All we do know is we
22 were no longer able to even talk to
23 people and sit down with them because

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1 the litigation prevented us from doing

2 that. We know there is definitely value
3 -- like everybody does, that two-way
4 dialogue is a lot better than no
5 dialogue. That was the point of the
6 message behind Anniston, is now with the
7 situation we no longer have the ability
8 to talk to people, many people, because
9 they are involved in litigation. So
10 even if a litigation had occurred, if we
11 had previously had conversations with
12 them, that would have benefited us.

13 Q. In what way?

14 A. Because they would have been -- We would
15 have been listening to them and hearing
16 their concerns, and we would have been
17 also -- We would also have been able to
18 relay to them what we were doing and how
19 we were running our manufacturing.

20 Q. Having looked through Exhibit
21 Thirty-five to the Herndon deposition,
22 does it refresh your memory as to who
23 you gave this presentation to?

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1 A. It doesn't, no.

2 Q. Do you know who would have looked at

3 your presentation materials before you

4 made the presentation, who would have

5 approved them?

6 A. Very likely my -- whoever I was

7 reporting to at the time, which I

8 believe that would have been Larry

9 O'Neill.

10 Q. And would it have been run by Mr. Pierle

11 as well?

12 A. Possibly.

13 Q. Did you gather information on CAPs from

14 other chemical companies such as BASF?

15 A. Yes.

16 (Plaintiffs' Exhibit Number

17 Twenty was marked for

18 identification.)

19 Q. Would you identify what Plaintiffs'

20 Exhibit Twenty is, please?

21 A. This says BASF Corporation, Community

22 Advisory Panel Handbook.

23 Q. Is that a document that you obtained?

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1 A. Yes.

2 Q. Why did you get that document?

3 A. At some point in time I was obviously
4 gathering information on what other
5 companies were doing with community
6 advisory panels.

7 Q. Do you remember who your contact was at
8 BASF?

9 A. I don't.

10 Q. Do you recall at what point in time you
11 were gathering this information?

12 A. No, not specifically.

13 Q. Why was it important to you to know what
14 those other companies were doing?

15 A. Usually we do that to gather ideas for
16 ways to improve our community advisory
17 panels or ways to evaluate our
18 communities, but I can't tell you
19 specifically what I was working on at
20 the time.

21 Q. Do you remember having any discussions
22 with anyone at BASF regarding any CAPs
23 they have implemented?

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1 A. I don't remember.

2 Q. Do you remember other companies besides

3 BASF from whom you obtained CAP

4 information?

5 A. There were others. I just don't

6 specifically recall who they were.

7 Q. Do you know Diane Sheridan?

8 A. I know who she is.

9 Q. Who is she?

10 A. She is a community advisory panel

11 facilitator.

12 Q. Have you ever had any discussions with

13 her about CAPs?

14 A. Yes. She taught a course -- she was one

15 of the instructors in a course I took.

16 Q. What course was that?

17 A. I don't remember the name of it.

18 Q. Where was it held?

19 A. In -- near Houston.

20 Q. Was it dealing with the issue of CAPs?

21 A. Yes.

22 Q. Do you remember what year you went to

23 that?

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1 A. No.

2 Q. How many courses have you taken on CAPs?

3 A. That's the only one.

4 Q. Was anyone else from Monsanto or Solutia

5 in attendance at that seminar?

6 A. No.

7 Q. Do you remember if that seminar took

8 place before or after you had solicited

9 information from Prudential?

10 A. Before.

11 Q. Do you remember if it was before or

12 after Bourne Elliott had been referred

13 to you guys?

14 A. I don't know because I wasn't involved

15 in the Bourne Elliott referral.

16 Q. Well, let me ask it this way: At the

17 time you went to the seminar, do you

18 know if Monsanto had even tried to form

19 a CAP in Anniston?

20 A. I don't recall because I don't remember

21 the specific timing. I know we had CAPs

22 at other plants at that time.

23 Q. Well, based on the letter from Bourne

1 Elliott to Diane Herndon which we have
2 marked as Exhibit Eighteen to your
3 deposition, which was showing that he
4 had done work in January of 1996, do you
5 think it was before that time?

6 A. I do. I think it was before that time.

7 MR. PECK: Can we take a quick
8 break while you look for your
9 next document?

10 MS. MALOW: Sure.

11 (A break was taken.)

12 (Plaintiffs' Exhibits Numbers
13 Twenty-one, Twenty-two,
14 Twenty-three, Twenty-four,
15 and Twenty-five were marked,
16 for identification.)

17 Q. What I'm going to do, Beth, is hand you
18 a bunch of things I have marked and let
19 you look at them, and then I'll ask you
20 some questions. Can you identify for
21 the record what Exhibits Twenty-one
22 through Twenty-five are? Just identify
23 what Exhibits Twenty-one through

1 Twenty-five are, please.

2 A. Read off the titles?

3 Q. Sure.

4 A. Twenty-one is Chemical Industry Tries to

5 Improve its Community Relations.

6 Twenty-two is Steps to Address the

7 Concern of an Overly Supportive CAP;

8 Twenty-three, Forming a Community

9 Advisory Panel; Twenty-four, ATSDR

10 Community Assistance Panels; and

11 Twenty-five, Challenges Faced by

12 Community Advisory Panels and

13 Recommendations to Address Them.

14 Q. Are Exhibits Twenty-one through

15 Twenty-five documents that you gathered

16 when you were trying to get information

17 on CAPs?

18 A. No. Actually, Twenty-one, Twenty-two,

19 Twenty-three, and Twenty-five were from

20 the class I just referenced.

21 Q. Twenty-one?

22 A. Twenty-two, Twenty-three, and

23 Twenty-five were all provided to me when

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1 I attended that class in Houston.

2 Q. That leaves Twenty-four, which is the

3 ATSDR document on CAPs.

4 A. I don't recall ever seeing this before.

5 Q. Do you know what ATSDR is?

6 A. ATSDR --

7 Q. Agency for Toxic Substances and Disease

8 Registry, which is part of the U.S.

9 Department of Health and Human Services.

10 A. Okay.

11 Q. But you don't know where Twenty-four

12 came from?

13 A. No.

14 Q. Let's talk about -- Well, strike that.

15 In attending this seminar on CAPs

16 and in gathering information from other

17 companies about CAPs, did you come to an

18 understanding of what the historical

19 reason was that CAPs were instituted in

20 the first place?

21 A. The understanding I'm aware of is to

- 22 establish dialogue and improve community
23 outreach.

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1 Q. Weren't CAPs started because the
2 chemical industry was having problems in
3 terms of its reputation?

4 A. I can't say that is why CAPs were
5 started.

6 Q. Well, weren't there a series of
7 disasters such as Bhopal, India, and
8 various explosions that generated the
9 interest in forming CAPs?

10 MR. PECK: Object to the form of
11 the question, no foundation.

12 Q. Let me back up with you. Responsible
13 care, which we have talked about, which
14 is mandatory from CMA for all CMA
15 members, grew out of events such as the
16 Bhopal, India, chemical disaster; is
17 that right?

18 A. That is what CMA says.

19 Q. And CMA promotes the use of CAPs as part
20 of responsible care to bolster the image

21 of chemical companies, don't they?
22 A. They support CAPs for the same reason
23 that we do, to improve community

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1 dialogue and to, you know, improve
2 outreach to the community.
3 Q. Okay. Are you telling me that there is
4 no literature that CMA has published or
5 issued to its members that talks about
6 the exact fact that CAPs are helpful to
7 bolster the image of chemical companies?

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

10 A. I don't really recall them using those
11 words. I recall them saying it is good
12 for improving dialogue and developing
13 relationships with your community
14 members and helping understand their
15 concerns and helping them to understand
16 what we do to ensure the safe operation
17 of our company.
18 Q. And is there any link between developing
19 that understanding and the fact that

20 chemical companies have spills and
21 releases and incidents that can
22 potentially harm people?
23 MR. PECK: Object to the form of

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1 the question.
2 A. I'm not sure. Could you rephrase the
3 question, please?
4 Q. Is there any connection between the need
5 for open dialogue in the community and
6 the fact that in the chemical industry
7 it is not uncommon for there to be
8 spills or releases or events that can
9 potentially harm the community?
10 MR. PECK: Object to the form of
11 the question.
12 A. Well, I don't -- That is sort of a
13 statement that I don't actually agree
14 with. In our business today and the
15 time frame I've worked, it actually is
16 uncommon. We do everything in our power
17 to ensure we don't have releases and
18 spills. We have had community advisory

19 panels at some plants for less than ten
20 years but around that time frame. And
21 so I -- And in the time frame I've
22 worked for this company, which has been
23 a little over nine years, that has not

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1 been a regular occurrence by any
2 stretch. It certainly is the exception.
3 So we obviously have not put them in
4 place for that purpose exclusively. We
5 have done it to establish dialogue and
6 outreach.
7 Q. Doesn't this document, Exhibit
8 Twenty-one which was provided to you at
9 the seminar you attended on CAPs, talk
10 about the fact that as a result of
11 incidents like in Bhopal, India, the
12 chemical industry has been feared?

13 MR. PECK: Object to the form of
14 the question.

15 A. Let me read it for a minute.

16 Q. Okay.

17 A. If you read the first paragraph, it does

18 talk about how the general public's fear
19 that another chemical disaster like
20 Bhopal could occur and that they have
21 needed something besides just general
22 assurances from the chemical industry to
23 allay those fears.

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1 Q. And that is what brought about both
2 responsible care by CMA and also the
3 concept of CAPs?
4 MR. PECK: Object to the form of
5 the question, no foundation.
6 A. Well, if you want to read this, it says
7 encouraging dialogue with communities
8 surrounding chemical facilities
9 overrides every facet of responsible
10 care. So responsible care or elements
11 of it have to do with community outreach
12 and interaction with communities which
13 involves dialogue. CAPs are just one
14 mechanism for doing that. We have
15 always told our sites that if they have
16 a community advisory panel, that alone

17 is not enough either. That is one of
18 the avenues for outreach.
19 Q. But all of this grew, Ms. Rusert, out of
20 the fact that there were mishaps at
21 chemical plants?

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

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1 A. It grew out of the Bhopal incident,
2 which was a major problem, yes. And you
3 know, that is undeniable by -- It
4 happened, and it scared people, yes.

5 Q. And Monsanto has had its share of
6 problems as well with explosions and
7 chemical releases and contamination of
8 neighborhoods, hasn't it?

9 MR. PECK: Object to the form of
10 the question.

11 A. Over the history of the company there
12 have been things, yes.

13 Q. Are you familiar with the Attorney
14 General's lawsuit in the State of
15 Illinois against Monsanto arising out of

16 the Sauget site?
17 A. No.
18 Q. You haven't had any dealings with that?
19 A. No.
20 Q. Haven't heard about it at all?
21 A. No.
22 Q. Haven't heard about the fact that
23 millions of dollars were contributed by

REGIONAL REPORTING SERVICE, INC.

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1 Monsanto to clean up PCB contamination
2 in Dead Creek?
3 MR. PECK: Object to the form of
4 the question.
5 A. Well, sure I've heard of that, but I
6 don't know much about the details at
7 all. I haven't worked on that.
8 Q. After you attended this seminar in which
9 Ms. Sheridan was a speaker, did you
10 convey the information that you learned
11 to anybody at the company?
12 A. Well, some of that material you saw in
13 that presentation was very likely drawn
14 from these types of materials, so I

15 guess the answer would be yes.

16 Q. Do you recall having any specific

17 discussions with anybody about the

18 information that you learned at the

19 seminar?

20 A. I can't recall specifics.

21 Q. Are you aware of any other presentations

22 that you have put together or given on

23 CAPs other than the one we have already

REGIONAL REPORTING SERVICE, INC.

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1 discussed?

2 A. No presentations, no.

3 Q. What about something other than a

4 presentation, the way you answered that?

5 A. Well, I did a big workshop which

6 actually was referenced in that

7 presentation.

8 Q. What workshop did you do?

9 A. We -- It was a community outreach

10 workshop where we brought in site

11 managers from around the United States

12 to learn how to improve their community

13 outreach and dialogue with their

14 communities.

15 Q. When did you hold that?

16 A. It was -- I think it was in '97, just

17 prior to Solutia spinning out.

18 Q. Was there any representative from the

19 Anniston facility at that workshop?

20 A. I don't remember. It was very well

21 attended, but I don't remember.

22 Q. What was the purpose of that workshop?

23 A. To help our sites improve their ability

REGIONAL REPORTING SERVICE, INC.

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1 in dialogue and outreach.

2 Q. Was that a one-day workshop?

3 A. I don't remember. It was maybe one or

4 one and a half.

5 Q. Did you present the same information as

6 what is contained in Exhibit Thirty-five

7 to Ms. Herndon's deposition?

8 A. I did not give a presentation actually.

9 I had people come in who were experts

10 outside the company.

11 Q. Who were those speakers?

12 A. I don't remember all their names. Erin

13 Donavan -- I'm drawing blanks on the
14 rest of them. That is the only one that
15 comes right to my mind.
16 Q. Is Erin a woman or a man?
17 A. A woman.
18 Q. Who is she with?
19 A. I think she is with her own company.
20 She was an independent.
21 Q. Has the Donovan group done any work for
22 you guys, for Solutia?
23 A. Other than she gave a class at that

REGIONAL REPORTING SERVICE, INC.

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1 workshop.
2 Q. Do we have documentation from that?
3 Were there any documents?
4 A. No, because it is a binder. It is a
5 big, fat book. It wasn't in a file or
6 anything.
7 Q. What is the binder labeled?
8 A. I don't remember. Whatever the name of
9 the class was. Community outreach
10 probably, something like that.
11 Q. Would that file have been transferred to

12 Mr. Cahill after he got responsibility?
13 A. No.
14 Q. Where would it be?
15 A. I believe I have the binder.
16 Q. Okay. If you would make that available
17 for the lawyers, they can give that to
18 us.
19 A. Sure.
20 Q. All right. Let's go to another subject.
21 We talked at your last deposition about
22 your contact with Steve Bradley. Do you
23 recall that in general?

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1 A. Yes.
2 (Plaintiffs' Exhibits Numbers
3 Twenty-six and Twenty-seven
4 were marked for
5 identification.)
6 Q. Can you identify Exhibit Twenty-six,
7 please?
8 A. Anniston site issues, September 4, 1998.
9 Q. Was Exhibit Twenty-six provided to
10 Mr. Bradley?

- 11 A. I don't know.
- 12 Q. Have you seen Exhibit Twenty-six before?
- 13 A. At a glance, you know, in the book on
- 14 issues.
- 15 Q. Do you know who prepared Exhibit
- 16 Twenty-six?
- 17 A. I can't say for sure, but probably Kevin
- 18 because it is in his time frame.
- 19 Q. Do you know the purpose of -- or do you
- 20 know why it was that Exhibit Twenty-six
- 21 was prepared?
- 22 A. For our management.
- 23 Q. Why did they want this information?

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- 1 A. Because they like to know what is going
- 2 on in the company.
- 3 Q. Who requested it specifically?
- 4 MR. PECK: Object to the form of
- 5 the question, no foundation.
- 6 A. Probably our CEO asked for these.
- 7 Q. Which was who at the time?
- 8 A. Bob Potter.
- 9 Q. Can you identify Exhibit Twenty-seven?

10 A. Solutia, Inc., Anniston plant fact
11 sheet.
12 Q. Have you seen Exhibit Twenty-seven
13 before?
14 A. No.
15 Q. So you have no idea where it came from
16 or who prepared it?
17 A. No.
18 Q. At your deposition in July we marked --
19 This is not the original, but we marked
20 Exhibit Twelve, which is a proposal for
21 Solutia, Inc. Do you recall that
22 document?
23 A. Yes.

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1 Q. In that document Mr. Bradley recommends
2 certain steps be taken by Solutia. Is
3 that right?
4 A. I'd have to look at it again.
5 Q. Okay.
6 MR. PECK: If you don't mind,
7 Ellen, why don't we make it a
8 copy in this deposition,

9 since it was never put in as

10 a copy in the other one?

11 MS. MALOW: That's fine.

12 Q. Does Mr. Bradley set forth some

13 recommendations in Exhibit Twelve?

14 A. I believe I addressed this last time,

15 but as I recall, this was given to me as

16 a proposal before he even really had the

17 idea of the scope of what we were

18 looking for. So this was different than

19 what we were really asking him to do for

20 us and work with us on.

21 Q. Did you ever receive any sort of report

22 from Mr. Bradley?

23 A. No. Because he was hired just shortly

REGIONAL REPORTING SERVICE, INC.

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1 before I moved on the other projects.

2 Q. All right. The answer may be the same

3 for the questions, but let me go through

4 them. He references conducting

5 interviews. Are you aware of any

6 interviews that were conducted?

7 A. I'm not aware of them.

8 Q. Do you know of any environmental issues

9 that he identified?

10 A. I don't know.

11 Q. Do you know of a recommended course of

12 action that Mr. Bradley suggests for

13 Solutia?

14 A. No.

15 Q. What was done to improve Solutia's

16 standing with political leaders,

17 minority and environmental communities?

18 A. I don't know.

19 Q. What media contacts did Mr. Bradley have

20 or make?

21 A. I don't know.

22 Q. I think I asked you before whether or

23 not you provided Mr. Bradley with any

REGIONAL REPORTING SERVICE, INC.

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1 public information about Solutia. Did

2 you?

3 A. I don't believe that I provided -- I may

4 have provided him with our annual report

5 and environmental safety and health

6 report. That is not uncommon. But I

7 couldn't tell you specifically what I
8 sent him if anything.

9 Q. While you had responsibility for
10 Anniston, did you ever put in place a
11 plan to place positive media stories?

12 A. No.

13 Q. We talked before about your contacts
14 with the media during your time that you
15 had responsibility for Anniston. Did
16 you ever put together any sort of
17 package or tour for press regarding
18 Anniston?

19 A. No.

20 Q. All right. Let me go back to some
21 follow-up from the last deposition. We
22 talked about Dr. Renate Kimbrough, and
23 you told me that you had seen the

REGIONAL REPORTING SERVICE, INC.

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1 GE-funded study which was the most
2 recently funded study that she did. Do
3 you recall that?

4 A. Yes.

5 Q. Have you seen Dr. Kaley's articles on

6 the GE epidemiological study?

7 A. I don't think so.

8 Q. You told me before that you had heard of

9 Dr. Kimbrough regarding PCBs and other

10 topics. On what other topics have you

11 heard of Dr. Kimbrough?

12 A. I don't know. I just remember her name

13 and that I had read some different

14 articles from her.

15 Q. Do you recall the names of any of the

16 articles that you have read?

17 A. No.

18 Q. You also testified that you have

19 discussed Kimbrough's studies with

20 environmental people at your company.

21 Which environmental people?

22 A. Bob Kaley.

23 Q. Anybody else?

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1 A. Not that I recall.

2 Q. What discussions have you had with

3 Mr. Kaley -- Dr. Kaley in that regard?

4 A. I couldn't recall specifics. I mean, it

5 would just have been him generally
6 telling me about the studies that have
7 been conducted.

8 Q. Do you know why it is that articles from
9 Dr. Kimbrough and Dr. James are in the
10 PR files?

11 A. Because they are good information for us
12 to understand and read about the studies
13 that have been done.

14 Q. Do you know Dr. James?

15 A. No.

16 Q. You also testified that there were some
17 historical PCB studies that you
18 discussed with Dr. Kaley. Do you recall
19 that testimony?

20 A. Yes.

21 Q. What is your understanding of those
22 historical studies?

23 A. I don't recall specifically what we

REGIONAL REPORTING SERVICE, INC.

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1 talked about, what he told me at the
2 time. I just know we talked about it.

3 Q. Switching gears with you, you previously

4 testified that Bill DeFer had discussed
5 some on-site levels of PCBs at the
6 Anniston site with you. Do you recall
7 that?

8 A. I think so.

9 Q. What were the levels that had been
10 found?

11 A. I don't remember the numbers.

12 Q. Do you know the locations?

13 A. No.

14 Q. See how fast we are going to clip
15 through all this.

16 You testified that you knew about
17 studies performed regarding off site
18 migration of PCBs. What types of
19 studies were performed?

20 A. I couldn't give you specifics. I just
21 remember generalities, which I think we
22 talked about last time.

23 Q. Do you know what areas were studied off

REGIONAL REPORTING SERVICE, INC.

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1 site?

2 A. No.

3 Q. Do you know the results of any of those
4 studies?

5 A. No.

6 Q. And you did testify that you didn't know
7 the specifics about the off site
8 contamination, but what is your general
9 understanding of that off site
10 contamination?

11 MR. PECK: Object to the form of
12 the question, no foundation.

13 A. Just generally that there was some off
14 site contamination identified.

15 Q. What do you generally know about the
16 levels found in the neighborhoods around
17 the Anniston plant?

18 MR. PECK: Object to the form of
19 the question, no foundation.

20 A. I don't know anything.

21 Q. Have you heard anything about levels in
22 the neighborhood?

23 A. I've heard there are levels in the

REGIONAL REPORTING SERVICE, INC.

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1 neighborhood. I don't know anything

2 about the levels.

3 Q. I also asked you at your last deposition

4 whether you had had any direct contact

5 with anyone at ADEM. My question for

6 you now is have you had any indirect

7 contact with anyone at ADEM?

8 A. No.

9 Q. You testified that you were aware that

10 Alabama Power had found some PCBs on the

11 former Monsanto property. Do you recall

12 that testimony?

13 A. Yes.

14 Q. Were you aware of the press release that

15 was issued by Alabama Power at the time

16 of its discovery of those PCBs?

17 A. No. I may have seen it.

18 Q. Did you later become aware of it?

19 A. I may have seen it. I just don't recall

20 it specifically.

21 Q. Switching gears again, you testified

22 that you had had some discussions with

23 Jack Mayausky when he became plant

REGIONAL REPORTING SERVICE, INC.

1 manager. Do you recall that?

2 A. Yes.

3 Q. Specifically you testified that your

4 conversations with Mayausky were

5 regarding what happened in the past and

6 assessing the situation. What past

7 events did you discuss with Jack

8 Mayausky?

9 A. I can't remember specific conversations.

10 Q. Can you remember any past events that he

11 shared with you?

12 A. Well, Jack wouldn't -- Jack was newer

13 than me, even though I was new. So I

14 was relaying what little I knew, which

15 wasn't much because I hadn't worked on

16 it very long before he came on board.

17 Q. What past events did you share with him?

18 A. It would have just been our general

19 conversation about the history of the

20 plant and what we were learning

21 together.

22 Q. You also in your testimony had said that

23 you were assessing the situation. What

REGIONAL REPORTING SERVICE, INC.

1 situation were you assessing with
2 Mr. Mayausky?
3 A. The fact there had been some off site
4 PCBs found off site.
5 Q. What did you and Mr. Mayausky decide to
6 do in that regard?
7 A. No final decisions were made even before
8 I was no longer working with the plant.
9 Q. What were some of the preliminary
10 discussions?
11 A. Well, we were at the time looking at
12 trying to establish a community advisory
13 panel. We spent a lot of energy around
14 that.
15 Q. You also testified that you had had some
16 discussions with Blake Hamilton
17 regarding the Anniston facility. Do you
18 recall that?
19 A. Yes.
20 Q. Do you recall any conversations you had
21 with Mr. Hamilton in that regard?
22 A. No.
23 Q. As the person in charge of PR for the

REGIONAL REPORTING SERVICE, INC.

1 Anniston site, what sort of image were

2 you trying to establish for Solutia?

3 A. I can't say that I was really looking at

4 establishing an image per se as much as

5 trying to establish a good relationship

6 in the community.

7 Q. Did you identify any key reporters for

8 that area?

9 A. No. I don't recall doing that.

10 Q. Did you interview any people from the

11 media?

12 A. No.

13 Q. Were you made aware of any articles

14 about the Anniston site before they were

15 published?

16 A. I don't think so.

17 Q. Do you know why there is a book review

18 on Mollenkamp's Big Tobacco in the PR

19 files?

20 A. No.

21 Q. Do you know Mollenkamp, a Wall Street

22 Journal reporter?

23 A. No.

REGIONAL REPORTING SERVICE, INC.

1 Q. Have you ever heard of a book he wrote
2 called Big Tobacco?

3 A. No.

4 Q. I know from Ms. Herndon that he was
5 directly involved with Rick Bragg's
6 story on the Anniston site. Did you
7 have any involvement with that
8 whatsoever?

9 A. No.

10 Q. Were you aware that Fleishman Hilliard
11 was involved in putting together a media
12 presentation regarding a Wall Street
13 Journal article by a reporter name
14 McMurray?

15 A. No.

16 Q. Do you know why an article about PCBs in
17 the Hudson is in the PR file?

18 A. No.

19 Q. Are you familiar with any information
20 about the PCB problem in the Hudson
21 River?

22 A. I believe I have read an article on it
23 before.

1 Q. Why is that of interest to you?

2 A. I suppose it is the subject matter is

3 just similar. I don't know. I don't

4 recall the article.

5 Q. Have you read the article PCBs in the

6 Hudson are Found to Persist and to Enter

7 the Air?

8 A. I don't recall reading that.

9 Q. Are you familiar with the PCB

10 backgrounder document?

11 A. No.

12 Q. Are you familiar with the geriatric and

13 infant day care proposal?

14 A. No.

15 Q. Have you had any indirect contacts with

16 anyone at EPA?

17 A. No.

18 Q. Do you know where the letter from Carol

19 Browner of the EPA regarding the west

20 Anniston environmental justice task

21 force came from?

22 A. No.

23 Q. Do you know who Monsanto's contacts were

1 at EPA in Washington?

2 A. No.

3 Q. How about in Atlanta?

4 A. No.

5 Q. Do you know of any congressmen or

6 senators contacted by Solutia regarding

7 the Anniston facility?

8 A. No.

9 Q. Have you ever heard of Carol Browner?

10 A. Sure.

11 Q. Have you ever had any contact with

12 her?

13 A. No.

14 Q. Do you know of anyone with Solutia who

15 has had contact with Ms. Browner?

16 A. Not specifically.

17 Q. How about generally?

18 A. I mean, it is possible, but I can't say

19 for sure. So I guess the answer is no.

20 Q. Are you familiar with a former Monsanto

21 employee named Jerry Ford?

22 A. I've heard of him.

23 Q. Do you know what support was provided

REGIONAL REPORTING SERVICE, INC.

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1 for Mr. Ford when he was running for

2 local election in Anniston?

3 A. No.

4 Q. Who was Solutia's lobbyist when you had

5 the Anniston site?

6 A. When I was working with the Anniston

7 site the first time, we didn't have a

8 contract lobbyist or anyone lobbying

9 per se. And then the second time I had

10 hired, just prior to when I was no

11 longer working for the plant, David

12 Roberson.

13 Q. Are you familiar with a Calhoun County

14 Chamber of Commerce map project?

15 A. No.

16 Q. Have you heard of the Spirit of Anniston

17 program?

18 A. No.

19 Q. Are you aware of any epidemiological

20 studies that have been performed on

21 workers at the Anniston site?

22 A. No.

23 Q. I asked you about the Monsanto

REGIONAL REPORTING SERVICE, INC.

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1 backgrounder. I wanted to show it to

2 you and see if it jogs your memory. I'm

3 not going to mark it yet.

4 A. Oh, I think I have seen this before.

5 Q. Do you know who prepared the Monsanto

6 backgrounder?

7 A. I have no idea.

8 Q. Have you ever given that to anybody?

9 A. I don't think so. It is pretty old,

10 July 1990. I started that year, so I

11 wasn't working on this kind of thing

12 then.

13 Q. Have you heard of Michael Lythcott?

14 A. No.

15 Q. I'm going to show you what was marked as

16 Exhibit Thirty-eight to Ms. Herndon's

17 deposition and ask if you have seen this

18 before.

19 A. Since I'm on the distribution list,

20 apparently I did, but I don't recall it.

21 Q. Do you want to take a moment to look at
22 it and see if it refreshes your
23 recollection?

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1 A. Do you want me to read it cover to
2 cover? I don't really recall this at
3 all. If I read it, I have forgotten it
4 entirely.

5 Q. Well, it seems to relate to community
6 advisory type issues, doesn't it?

7 A. Yeah, to some degree.

8 Q. I mean, according to that article from
9 the LA Times Mr. Lythcott is involved in
10 trying to bring chemical companies and
11 communities together on different
12 issues; isn't that right?

13 A. It looks that way.

14 Q. But you never had any contact with
15 Mr. Lythcott?

16 A. No.

17 Q. Are you familiar with Grover Hankins?

18 A. I've heard of him.

19 Q. In what context?

- 20 A. Just a different case.
- 21 Q. What case is that?
- 22 A. I don't remember the name of it.
- 23 Q. Okay. Are you familiar with

REGIONAL REPORTING SERVICE, INC.

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- 1 Mr. Hankins' web site?
- 2 A. No.
- 3 Q. Do you know anything about the Superfund
- 4 relocation planning committee of which
- 5 Mr. Pierle was a member?
- 6 A. No.
- 7 MS. MALOW: Just for purposes of
- 8 the record, Exhibit
- 9 Thirty-eight to Ms. Herndon's
- 10 deposition is the article
- 11 from the LA Times regarding
- 12 Mr. Lythcott.
- 13 (Plaintiffs' Exhibit Number
- 14 Twenty-eight was marked for
- 15 identification.)
- 16 Q. Can you identify Exhibit Twenty-eight?
- 17 A. Environmental justice issues and
- 18 opportunities.

19 Q. And it has a Solutia insignia at the
20 bottom?

21 A. Yes.

22 Q. Have you seen this document before,
23 Exhibit Twenty-eight?

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1 A. I don't think so.

2 Q. So I take it you don't know who prepared
3 it?

4 A. No.

5 Q. Okay. Maybe you can help with some of
6 the content of it. If you will go to --
7 it is about midway through, there is a
8 page called environmental justice
9 vulnerability analysis.

10 A. Yes.

11 Q. Do you know why Anniston would be listed
12 as being vulnerable from an
13 environmental justice perspective?

14 A. Well, as we defined environmental
15 justice earlier, it is when there is a
16 poor minority neighborhood in close
17 proximity to industry where there might

18 be some -- something that results from
19 that. Anniston happens to have a poor
20 minority community in close proximity to
21 the industry.

22 Q. Are you familiar with Solutia's
23 environmental justice principles, which

REGIONAL REPORTING SERVICE, INC.

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1 is at the back of Exhibit Twenty-eight?

2 A. No. I've never seen these before.

3 Q. Did you have any involvement in the
4 Solutia education connection program?

5 A. No.

6 Q. If you recall at your last deposition we
7 talked about the benzene incident at the
8 Anniston site.

9 A. Yes.

10 (Plaintiffs' Exhibit Number
11 Twenty-nine was marked for
12 identification.)

13 Q. Can you identify Plaintiffs' Exhibit
14 Twenty-nine?

15 A. It's a description of -- It says 3-20-92
16 and 12-24-92 incidents that could be

17 used to construct a press release
18 responding to media regarding Alabama
19 spill reporting issues in Anniston.
20 Q. Who provided you with these memos?
21 A. Steve Krchma.
22 Q. He is an attorney?
23 A. Yes.

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1 Q. Did you construct such a response?
2 A. I would assume I did.
3 Q. Okay. Maybe I have it. Let's see.
4 (Plaintiffs' Exhibit Number
5 Thirty was marked for
6 identification.)
7 Q. Can you identify Exhibit Thirty?
8 A. Yeah. This is it. This is a response.
9 Q. And is the response what is known as the
10 preparedness statement?
11 A. Yes.
12 Q. Did you prepare the preparedness
13 statement?
14 A. Yes.
15 Q. Do you recall what media inquiries you

16 received?
17 A. I don't remember.
18 Q. Did anyone else have input on that
19 preparedness statement?
20 A. I'm sure they did. I don't know who I
21 worked with on it though.
22 Q. Were you involved at all with the
23 Anniston site when the advisory went in

REGIONAL REPORTING SERVICE, INC.

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1 place that people should not consume
2 fish?
3 A. No. You mean when it was already active
4 or when it was first put in place?
5 Q. When it was first put in place.
6 A. No. I don't believe I was working with
7 the plant then.
8 Q. Was there any time you had a
9 responsibility for Anniston when there
10 was a fish advisory in place?
11 A. Yes. I think there was a fish advisory
12 in place during the second stretch I
13 had.
14 Q. Did you have any dealings with the press

15 regarding the fish advisory issue?
16 A. No.
17 Q. There was a health study that was
18 performed regarding the Anniston site.
19 Did you have any involvement in that by
20 the Alabama Department of Public health?
21 A. No.
22 Q. Were you familiar at all with any of the
23 dust samples that were collected in the

REGIONAL REPORTING SERVICE, INC.

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1 homes of Anniston residents?
2 A. No.
3 Q. Have you had any contact or
4 communication in any form with Dr. Brian
5 Hughes?
6 A. No.
7 Q. Have you heard of him?
8 A. No.
9 Q. Do you know John Seymour?
10 A. No.
11 Q. He was a city manager of Anniston that
12 attended the VPP -- I don't know what
13 you call it -- presentation or award at

14 the Anniston site. Do you remember
15 that?
16 A. I remember the event. I don't remember
17 him being there. I don't know who he
18 is.
19 Q. Okay.
20 (Plaintiffs' Exhibit Number
21 Thirty-one was marked for
22 identification.)
23 Q. Can you identify Exhibit Thirty-one,

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1 please?
2 A. It looks like a memo from me to John
3 Seymour with a copy of a news release
4 that says Monsanto Anniston plant
5 recertified, top safety rating.
6 Q. Do you know why it was that Mr. Seymour
7 was included in this VPP issue?
8 A. I honestly do not remember at all why I
9 was in contact with him. I don't
10 remember.
11 Q. And your fax to him of July 1997, it
12 says thanks for your assistance. Do you

13 know what assistance he provided?

14 A. No.

15 (Plaintiffs' Exhibit Number

16 Thirty-two was marked for

17 identification.)

18 Q. Ms. Rusert, I'm going to hand you what

19 has been marked as Exhibit Thirty-two.

20 It appears to be a chapter from a book

21 about lobbying. Have you seen this

22 document before?

23 A. I don't think so.

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1 Q. Doesn't look familiar?

2 A. No.

3 Q. We talked before about the fact that you

4 had received various information from

5 Alabama Chemical regarding different

6 legislation. Do you recall that?

7 A. Yes.

8 (Plaintiffs' Exhibit Number

9 Thirty-three was marked for

10 identification.)

11 Q. Can you identify Exhibit Thirty-three,

12 please?

13 A. A legislative alert, tort reform in the

14 senate, action needed.

15 Q. And it is from Rita Hartman at AlaChem,

16 is that right, if you look at the top

17 fax line?

18 A. Rata Hartman was with Monsanto.

19 Q. Okay. Do you know why it has the

20 AlaChem information at the top?

21 A. No. Maybe she was down there. I don't

22 know.

23 Q. Actually, the other documents that are

REGIONAL REPORTING SERVICE, INC.

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1 attached to that probably don't go with

2 that, just the first page.

3 What was Monsanto's or Solutia's

4 position with respect to this tort

5 reform legislation which is Exhibit

6 Thirty-three?

7 A. Well, our general position on tort

8 reform was that there should be caps on

9 punitive damages in relationship to the

10 actual damages that have occurred.

11 Q. So Monsanto or Solutia supports tort
12 reform legislation?
13 A. Yes.
14 Q. Have you actually seen the Alabama tort
15 reform bill?
16 A. No.
17 (Plaintiffs' Exhibit Number
18 Thirty-four was marked for
19 identification.)
20 Q. Can you identify Exhibit Thirty-four,
21 please?
22 A. Legislative report, 1997 regular
23 session, April 11th, 1997, from Alabama

REGIONAL REPORTING SERVICE, INC.

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1 Chemical Association, Inc.
2 Q. And if you will flip to the second page,
3 the second paragraph, and take a moment
4 to read that.
5 A. Yes, I've read it.
6 Q. Why were you interested in this
7 information regarding Donald Stewart?
8 A. Probably because it mentioned our
9 company. That would be the only reason

10 it was pointed out. I don't know that I
11 did that. It was probably faxed to me.
12 Q. What is Rita Hartman's job?
13 A. She worked with our group in state
14 government affairs.
15 Q. Is she still with Monsanto?
16 A. No. She retired.
17 Q. Is she living in St. Louis?
18 A. I don't know where she is living.
19 Q. Do you know Max McCombs?
20 A. I do.
21 Q. Have you done any work with him
22 regarding the Sauget site?
23 A. No.

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1 Q. Are you familiar with a publication
2 called Bama Briefs?
3 A. I've heard of that, yes.
4 Q. Did you have any role in that
5 publication?
6 A. No.
7 Q. Do you know the distribution of that
8 publication?

9 A. No.

10 Q. I think I may have already asked you
11 this. If I did I apologize. But have
12 you had any role with respect to Sauget
13 or Krummrich?

14 A. No.

15 Q. Are you aware that Krummrich was the
16 first plant to have a CAP?

17 A. No.

18 Q. And you didn't have any involvement at
19 all with the property purchase program,
20 correct?

21 A. No involvement.

22 Q. Are you familiar with the article Scott
23 McMurray wrote in the Wall Street

REGIONAL REPORTING SERVICE, INC.

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1 Journal on Monsanto case shows how hard
2 it is to tie pollution to a source?

3 A. No.

4 Q. Do you know anything about a
5 contribution that Solutia made to a bass
6 tournament?

7 A. No.

8 (Plaintiffs' Exhibit Number
9 Thirty-five was marked for
10 identification.)
11 Q. Can you identify Plaintiffs' Exhibit
12 Thirty-five?
13 A. It says it is Anniston safety issues or
14 has Anniston written on the top and says
15 safety issues.
16 Q. Have you seen Exhibit Thirty-five
17 before?
18 A. I don't recall seeing this.
19 Q. Are you familiar with the Anniston PCB
20 history, which is the last page of
21 Exhibit Thirty-five?
22 A. Generally. I'm generally familiar with
23 it, yes.

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1 Q. But you didn't have anything to do with
2 this document?
3 A. No.
4 Q. And you weren't present when these
5 issues were discussed at any meeting?
6 A. No, no.

7 (Plaintiffs' Exhibit Number
8 Thirty-six was marked for
9 identification.)
10 Q. Can you identify Exhibit Thirty-six?
11 A. It says it is Monsanto Anniston plant
12 recent accomplishments.
13 Q. Have you seen this document before,
14 Exhibit Thirty-six?
15 A. I don't think so.
16 Q. Well, it had to have been prior to the
17 spin. Would that have been the time you
18 had responsibility for Anniston?
19 A. Yeah. I had a brief stint prior to --
20 when it was still Monsanto.
21 Q. Do you recall being at any meetings
22 where this presentation was given?
23 A. No.

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1 Q. Okay. Has Solutia ever used a focus
2 group for Anniston?
3 A. I don't think so.
4 Q. How about for any of its sites?
5 A. Yes.

6 Q. Which sites?

7 A. I don't know all of them. I know we did
8 one in Pensacola.

9 Q. What is the difference between a focus
10 group and a CAP?

11 A. Well, a CAP is ongoing, and a focus --
12 it doesn't really have dialogue. A
13 focus group is just gathering
14 information based upon the opinions of
15 the people participating in the focus
16 group. It is a survey. But a CAP is by
17 no means of a survey. You are there and
18 interacting with them and having
19 feedback and giving information back to
20 them.

21 Q. Okay. In the cases where you've used
22 focus groups, what have been the reasons
23 that focus groups have been used?

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1 A. Well, if we want to get a clear
2 understanding of people's concerns or
3 just attitudes in the community or it
4 could be just a better understanding of

5 the community in general, which might

6 use a focus group.

7 Q. Are you familiar with an article that

8 was written in Sierra magazine entitled

9 Pandora's Poison?

10 A. I've heard of it.

11 Q. Did you have any part in responding to

12 that article?

13 A. No.

14 Q. Have you read the article?

15 A. Probably.

16 (Plaintiffs' Exhibit Number

17 Thirty-seven was marked for

18 identification.)

19 Q. Can you identify Exhibit Thirty-seven?

20 A. It says Solutia Anniston.

21 Q. It looks like a copy of a brochure; is

22 that right?

23 A. Yes.

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1 Q. Have you seen Exhibit Thirty-seven

2 before?

3 A. Yes.

4 Q. Were you involved in its preparation?

5 A. Yes.

6 Q. Tell me about your involvement in that.

7 A. I oversaw the preparation of the

8 brochure for all of our plants, for

9 Solutia, for the new company. And then

10 I would have worked closely like with

11 Kevin who actually had responsibility

12 for this plant to make sure we had the

13 information correct and stuff.

14 Q. Where was the information obtained from

15 that went into this brochure, which is

16 Exhibit Thirty-seven?

17 A. The plant.

18 Q. Who were the specific people at the

19 plant that provided that information?

20 A. Primarily Blake Hamilton, and I wouldn't

21 know who he worked with, but we worked

22 directly with Blake.

23 Q. Do you recall when this was prepared?

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1 A. Last year.

2 Q. And why was it prepared?

3 A. Because we were a new company, and we
4 felt we needed some plant brochures with
5 our Solutia logo and updated information
6 on our plants.

7 Q. Who was the brochure given to?

8 A. It is whomever they want to give it to.
9 They use it for different purposes,
10 different community members. People
11 calling and requesting information about
12 the plants from a job hunting
13 perspective, they will provide it for
14 that.

15 Q. Was there any sort of distribution of
16 the brochure after it was prepared?

17 A. No. It just went straight to the plants
18 for them to distribute as they like.

19 Q. In the brochure it talks about certain
20 programs such as the Adopt a School
21 program and science education. Are you
22 familiar with those programs?

23 A. No. That is where Kevin and Blake would

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1 have come in to help.

2 Q. Do you know if the Anniston plant
3 maintained funding for fire department
4 training?

5 A. I don't know.

6 Q. Do you know if a relationship was
7 developed by the Anniston plant with
8 Calhoun County Emergency Response
9 Agency?

10 A. I don't know about that either.

11 Q. Are you familiar with any luncheons that
12 have been held for Anniston area math
13 and science teachers?

14 A. No.

15 Q. Do you know what was done to educate the
16 community on commitments to responsible
17 care?

18 A. No.

19 Q. We talked earlier about Prudential
20 Community Consulting and the letter you
21 had from John Mitchell. There was some
22 previous correspondence from
23 Mr. Mitchell to Thomas Bistline. Are

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1 you familiar with any of that contact?

2 A. No.

3 Q. Are you familiar with any of the

4 arrangements that were made for Kevin

5 Cahill to attend Governor Siegleman's

6 inaugural ball?

7 A. No.

8 Q. Did this brochure, which is Exhibit

9 Thirty-seven, replace on older brochure?

10 A. There was one done for the plants years

11 ago. I don't know if the Anniston plant

12 had one or not. I would assume it did.

13 Q. But it would have had Monsanto logo?

14 A. Right. And it was a long time ago, like

15 in the '80s, I think is when they were

16 done.

17 Q. Are you familiar with any involvement

18 that the Anniston site has had with the

19 Alabama Business Council?

20 A. No.

21 Q. Have you had any involvement with the

22 Alabama Business Council?

23 A. No.

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1 Q. Are you familiar with the Coalition for
2 Environmentally Responsible
3 Concerns, CERCS?

4 A. I've heard of it.

5 Q. Did you have any involvement in
6 answering a questionnaire from CERCS?

7 A. I don't think so.

8 Q. Do you know if Monsanto ever tried to
9 become a member of CERCS?

10 A. I don't know.

11 Q. Is Larry O'Neill still with the company?

12 A. No. He is retired.

13 Q. Are you familiar with a document
14 entitled Poisons in Our Neighborhoods,
15 Toxic Pollution in Alabama?

16 A. Doesn't sound familiar.

17 Q. Let me just show you this page and see
18 if that looks familiar to you.

19 A. No, it doesn't.

20 Q. Have you seen data on toxic waste in the
21 State of Alabama?

22 A. Not that I recall.

23 Q. Are you familiar with the EPA's grant,

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1 environmental justice grant to Sweet
2 Valley, Cobb Town?
3 A. No.
4 Q. Are you familiar with the Indian Orchard
5 plant?
6 A. You mean the fact that it exists? Yes.
7 Q. Do you know anything about a group
8 called the Toxins Action Center?
9 A. No.
10 Q. I think this might be Diane's
11 handwriting. But can you tell me if
12 that is your handwriting?
13 A. No. It is mine.
14 (Plaintiffs' Exhibit Number
15 Thirty-eight was marked for
16 identification.)
17 Q. Gosh. That is another document. Just
18 for the record, can you identify what
19 Exhibit Thirty-eight is?
20 A. It is some sort of handwritten document
21 with the name Anniston on top.
22 Q. And you have confirmed that is your
23 handwriting?

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1 A. It is my handwriting.

2 Q. Can you read any of that?

3 A. Sort of.

4 Q. Why don't you just go through the
5 document and tell me what it says to the
6 best of your ability from the top to the
7 bottom?

8 A. Okay. It looks like we were looking at
9 the possibility, in trying to figure out
10 a way to establish a CAP, of using a
11 core group of people, those names that
12 are listed there, to begin, get a
13 preliminary list of names that we could
14 use to start from in establishing
15 potential folks for a community advisory
16 panel. And it would be started off as a
17 six-month commitment and perhaps, if it
18 was successful, it would continue from
19 that point. This is when we were trying
20 to figure out a way to do it in spite of
21 the litigation.

22 Q. At the very top there is a phone number,
23 1-800-980-988 something. Do you know

1 what number that is?

2 A. I don't have any idea.

3 Q. Okay. And it says core group is

4 identified by, and then you have listed

5 Blake Hamilton, Alan Faust, Robert

6 Jones, Brian Thrasher, Charlie

7 McCartney, and Jerry Brown?

8 A. Yeah. They were all plant folks.

9 Q. I think I'm familiar with all the names

10 except Brian Thrasher. Who is Brian

11 Thrasher?

12 A. I don't know. Those names were probably

13 selected by Blake and maybe Alan.

14 Q. Do you know who Charlie McCartney is?

15 A. I don't recall.

16 Q. Do you recall either Brian or Charlie's

17 position?

18 A. No.

19 Q. Off to the side, it says group to select

20 a group of twelve?

21 A. Or so.

22 Q. And then it says names and maybe why?

23 A. Why, yeah. I'm not sure what I meant by

1 that.

2 Q. Does that mean your core group of
3 Monsanto folks or Solutia folks was
4 going to select a group of twelve people
5 for the CAP?

6 A. No. The idea was to see if we could
7 come up with some people that were not
8 involved in the litigation to help give
9 us some community dialogue and feedback.
10 These are sort of brain-storming
11 sessions as we are trying to come up
12 with ideas and ways we could work around
13 the litigation.

14 Q. Who were you meeting with at the time
15 you made these notes?

16 A. I don't remember.

17 Q. Do you recall the names of the plant
18 representatives?

19 A. I would guess it was probably on phone,
20 by my notes.

21 Q. Do you recall who you were talking to?

22 A. No, I don't.

23 Q. There is a handwritten note that says

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1 legal review. What does that refer to?

2 A. Very likely meaning we would have to

3 work with legal because of the

4 litigation.

5 Q. Would that be in-house counsel or

6 outside counsel or both?

7 A. Probably both.

8 Q. Do you know what it says right above

9 that legal review note?

10 A. No.

11 MR. PECK: Where is the legal

12 review note?

13 MS. MALOW: Under the list of

14 names.

15 A. Presentation of names and backgrounds.

16 No. I think it says something about

17 presentation of names and background

18 would be my guess, but I can't tell what

19 the first part is, and I don't have a

20 clue what that means.

21 MS. MALOW: Can we get a better

22 copy of this, the original?

23 I think this is one we had

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1 asked for at Beth's original

2 deposition, and I'm not sure

3 I got it.

4 MR. PECK: I think at Beth's

5 deposition something came up

6 about something that was

7 marked. And I could read my

8 copy, so I read it into the

9 record.

10 MS. MALOW: If we could get or

11 have an opportunity to

12 inspect the original and get

13 a better copy.

14 Q. It also says minimum six, maximum ten.

15 I guess that is just back to the size.

16 A. Back to the size of the group, yeah.

17 Q. What does it mean by personal visit

18 followed by formal letter of invitation?

19 A. I don't know exactly what we were

20 referring to there.

21 Q. And then you go into the part about
22 six-month commitment, two things. The
23 first thing is understand legal action

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1 taken at the site that can't be
2 discussed.

3 A. It means that you can't discuss the
4 litigation.

5 Q. The pending litigation?

6 A. Right, and anything that involved that
7 can't be talked about.

8 Q. Can you read what it say from there?

9 A. Not very well. Something like issues in
10 community -- I don't have any idea what
11 that says. I can't really read the rest
12 of it.

13 Q. Does it say anything about remediation
14 on the second line?

15 A. It might. I can't read it. Oh, oh, I
16 know the third thing. It is coming back
17 to me. It says helping decide should
18 establish a CAP and a plan for -- and
19 the rest of it is illegible.

20 Q. And then the last --

21 A. The last says giving constraint to the
22 plants, would a CAP work and help
23 establish. This group -- The idea was

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1 for this group to help us figure out
2 whether and how we could establish a CAP
3 and whether it would be successful given
4 the constraints of the litigation.

5 Q. When you say constraints of the plant,
6 you are referring to the litigation?

7 A. Referring to -- right.

8 MS. MALOW: Well, let me just say
9 for the record that, you
10 know, we would reserve the
11 right to ask Ms. Rusert
12 additional questions after we
13 can see a legible copy of
14 Exhibit Thirty-eight. Maybe
15 we can do that by phone.

16 Q. You mentioned earlier that you would
17 have worked with the plant on
18 establishing a community relations plan

19 when you had responsibilities for
20 Anniston. Is that right?
21 A. Right.
22 Q. How did it work in practice --
23 MR. PECK: Let me take a timeout.

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1 The last time when I looked
2 at my copy of that stuff I
3 was able to get a better
4 copy. Let me just go. I'll
5 get Mike to look at that
6 while you continue asking
7 questions.
8 Q. In practice how did it work in terms of
9 updating a community relations plan for
10 a site from one year to the next?
11 A. Every year in the fall, like October or
12 November time frame, we asked the sites
13 to go and update their plans as to what
14 they plan to do for the next year,
15 typically looking into the future.
16 Q. Would you have had responsibility for
17 Anniston for the 1996 year?

18 A. No, I did not.

19 Q. It indicates in the Anniston '96

20 community relations plan that one of the

21 goals was to enhance two-way

22 communication with the community, and it

23 mentions forming a CAP. Is that one of

REGIONAL REPORTING SERVICE, INC.

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1 the goals that was in place before '96,

2 when you had responsibility?

3 A. I don't recall if we had that in place

4 before then or not.

5 Q. Do you recall making any changes to the

6 proposed community relations plan in

7 dealing with the plant manager?

8 A. I don't recall.

9 Q. In general what would be the reason for

10 wanting to staff Chamber of Commerce

11 committees with key plant personnel?

12 A. I don't know. It would have to be a

13 specific scenario for me to be able to

14 address that. I don't know what the

15 circumstances might be.

16 Q. Are you familiar with any self-audits

17 that Solutia does for CMA?

18 A. No.

19 Q. Who handles that?

20 A. I don't know specifically who.

21 MS. MALOW: I think I'm finished,

22 if you will give me a minute

23 to just look.

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1 (A break was taken.)

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4 (The deposition concluded at

5 12:35 p.m.)

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1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer
9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that

15 I am not an employee of any of them, nor
16 interested in the matter of controversy.
17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 20th
20 day of September 1999.

21 _____
22 Deborah Salers Garrett
23 Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-7-2001

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