

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON, WEST VIRGINIA

JAMES M. ADKINS, Administrator)
of the Estate of Ralph E. Adkins,)
Deceased, et al,)

Plaintiffs,)

vs.)

No. 81-2093

MONSANTO COMPANY, a Delaware)
Corporation,)

Defendant.)

Deposition of
KARL H. HARBISON, JR.
taken on behalf of the
Plaintiffs.

Reporter: M. Joy Springer

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Plaintiffs,)

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No. 81-2098

MONSANTO COMPANY, a Delaware)
Corporation,)

Defendant.)

APPEARANCES:

Messrs. Calwell, McCormick &
Payton,

by W. Stuart Calwell, Jr., Esq. For Plaintiffs,

Messrs. Bowles, McDavid, Graff &
Love,

by P. Michael Pleska, Esq.

and

John Woods, Esq.

For Defendant,

Thomas M. Bistline, Esq.

Monsanto Company
Counsel.

IT IS STIPULATED AND AGREED by and between
counsel for the plaintiffs and counsel for the defendant
that the deposition of EARL H. HARBISON, JR., may be
taken pursuant to Rule 26(a) of the Federal Rules of
Civil Procedure, on July 13, 1983, at the Radisson Hotel,
Room 215, 9th Street and Convention Plaza, St. Louis,

1 Missouri, before M. JOY SPRINGER, a Notary Public within
2 and for the County of Madison, State of Illinois; that
3 the issuance of notice and dedimus is waived, and that
4 this deposition may be taken with the same force and
5 effect as if all Federal rules and statutory requirements
6 had been complied with.

7 IT IS FURTHER STIPULATED AND AGREED that any
8 and all objections to all or any part of this deposition,
9 except objections as to form of the questions asked or
10 answers given, are hereby reserved and may be raised
11 on the trial of this cause; and that the signature of
12 the deponent is not waived.

13 * * * * *

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17
18 EARL H. HARBISON, JR.

19 produced, sworn and examined on behalf of the plaintiffs,
20 deposes and says as follows:

21 EXAMINATION

22 BY MR. CALWELL:

23 (Whereupon the reporter marked Plain-
24 tiffs' Deposition Exhibit #330 (Monsanto
25 #8323075 through #8323079) consisting of 5

1 pages; Exhibit #331 (Monsanto #8322875) con-
2 sisting of 1 page; Exhibit #332 (Monsanto
3 #8322986) consisting of 1 page; Exhibit
4 #333 (Monsanto #8323053 and #8323054) con-
5 sisting of 2 pages; Exhibit #334 (Monsanto
6 #8322987 through #8322989) consisting of 3
7 pages; Exhibit #335 (Monsanto #8322905)
8 consisting of 1 page; Exhibit #336 (Monsanto
9 #8322919) consisting of 1 page, for the
10 purposes of identification.)

11 Q (By Mr. Calwell) Would you state
12 your name, please.

13 A Yes. Earl Harrison Harbison, Jr.

14 Q And what is your address, Mr. Harbison?

15 A 74 Fair Oaks, St. Louis, Missouri.

16 Q You're employed by Monsanto?

17 A That's correct.

18 Q And what is your present position
19 with the company?

20 A Executive Vice President.

21 Q I'd like to ask you a couple of areas
22 of questions. First, if you would, please, tell me what
23 your education is and then we'll talk about your career
24 with Monsanto for a few minutes.

25 A Education is an A.B. Degree in Political

1 Science from Washington University and an L.L.B. from
2 George Washington University and some business training
3 beyond that at Harvard.

4 Q Just some course work at Harvard?

5 A Yeah. It was a Management Development
6 Program.

7 Q When did you graduate from law school?

8 A I'd have to go back and think about that.

9 Q It hasn't been that long, has it?

10 A It's been a while, unfortunately.

11 Gosh, it was mid-'50's. Say, '56. It might be off a year.

12 Q Aside from the management courses at
13 Harvard, do you have any other post-graduate studies be-
14 yond law school?

15 A No.

16 Q No other Degrees, right?

17 A No.

18 Q Now, when did you start to work for
19 Monsanto?

20 A 1967.

21 Q Between the time that you graduated
22 from law school in the mid-'50's and the time that you
23 went to work for Monsanto what did you do?

24 A I was with the CIA in Washington.

25 Q Any training you received there assist

1 you in your work at Monsanto?

2 A Well, not really. It was general
3 management. All Washington based.

4 Q So it was an administrative position?

5 A Yeah.

6 Q No attorney assignments, huh?

7 A No.

8 Q You went directly from the CIA to
9 Monsanto there?

10 A Yeah.

11 Q And that was in 1967. What was your
12 first position with Monsanto?

13 A Director of Management Information and
14 Systems with the corporation.

15 Q That was a corporate staff position?

16 A That was a corporate staff.

17 Q What does that title mean, what did
18 you do?

19 A Well, I ran the corporatewide computers
20 and communications systems for the company across all
21 of the United States and Europe.

22 Q When you say communications systems,
23 does that mean intracompany communications? Does it
24 have anything to do with public relations or anything
25 like that?

1 A No, no. Just the physical communica-
2 tions: telephone, telex, computer-to-computer.

3 Q And that was companywide?

4 A Yes.

5 Q How do you do that? What's it that
6 you did? Did you facilitate this by telephones, or what?

7 A Well, it was the overseeing of the
8 purchase of the computers for the corporation, administra-
9 tion of the staff of, I guess, 800 people across the
10 United States and Europe, setting the policies, deciding
11 on the equipment, hiring people. The typical thing one
12 would do in running a business. It was the computer
13 business systems for Monsanto but meeting its internal
14 need. We didn't sell anything to the public.

15 Q Now, would that include the computers
16 used for library and research purposes and that kind of
17 thing?

18 A By and large, although, some of the
19 research elements had their own computer system, plants
20 had some of their own computer systems; and over the
21 years we attempted to integrate those. What does that
22 mean. Get them to be able to talk to each other. But
23 that was an evolutionary process. You don't do that
24 in one afternoon, I suppose you know.

25 Q I suppose that had some relation to

1 the development of the science?

2 A Oh, technology, sure.

3 Q So would it be fair to say, then,
4 that part of your communications efforts beginning in
5 '67 were to try to pull together and to develop this
6 idea of computers talking to each other through the
7 company?

8 A Uh huh (yes).

9 Q Now, does Monsanto have, like, a
10 computer center or a computer that's the master brain
11 for the entire deal?

12 A Well, not really. There are three
13 computer centers and they are fundamentally business
14 computer centers handling the financial and order traffic
15 of the company. After that there are a host of specialized
16 computer centers, small in nature, that would deal with
17 specific subjects to those centers.

18 Q When you were with the CIA, was this
19 the kind of thing you were doing?

20 A No, not really.

21 Q So you have three business centers
22 for computers?

23 A Uh huh (yes).

24 Q That are concerned with the financial
25 and business end of the company?

1 A Uh huh (yes).

2 Q Then you have some specialized centers?

3 A Uh huh (yes).

4 Q What would they be?

5 A Well, thank God, it's been so long
6 since I have been in it, but you would have a research
7 onclave would probably have computer support of some type
8 and it might well have a computer library within that
9 center.

10 Q Do you know if Monsanto has such a
11 thing now at the present time?

12 A Well, I really don't.

13 Q The time frame you're talking about
14 is --

15 A Well, see, I got out of that in 1973,
16 so I've got a ten-year void in terms of who's done what
17 with those.

18 Q So 1967 to 1973?

19 A Uh huh (yes).

20 Q At least, during that period of time
21 was there some specific research center computer operation
22 that you recall?

23 A I don't recall a research center one.
24 Our Central Engineering Department, for example, had a
25 computer facility. It was the early vestiges of putting

1 the design of buildings and plants on computers.

2 Q Did the Medical Department have one?

3 A Gee, I don't think in those days.

4 Q Did it ever during the period of
5 time that you were working in that field, '67 to '73?

6 A I guess I'd have to tell you I don't
7 remember because I have no recollection of it if they did.

8 Q During the period '67 to '73 was there
9 some division of Monsanto concerned with environmental
10 situations or problems?

11 A I don't remember one.

12 Q Do you remember any other specialized
13 computer function separate and apart from the three
14 business center operations other than the Engineering
15 Department?

16 A Well, plants had computers that had
17 not yet been wired into the system.

18 Q Do you know what their function is, the
19 various plant computers?

20 A Fundamentally, business computers in
21 the plants or an engineering department in a plant might
22 have a small computer. In those days we didn't have the
23 microprocessors of today, so they were fiddling around
24 with computers; but I don't know specifically what they
25 did with them early on.

1 Q O.K. Do you recall if the Nitro
2 facility had such a computer during the period of time
3 you were --

4 A I really don't.

5 Q And were you successful in getting
6 these plant computers and these various other computers
7 wired into some central system?

8 A By the time I left the system I'd
9 say the vestiges of that were coming around, but prin-
10 cipally in the large plants, Texas City, Pensacola,
11 places like that.

12 Q And would these plants be wired into
13 the business centers?

14 A Uh huh (yes).

15 Q One of the three business centers?

16 A Uh huh (yes).

17 Q And do the three business centers
18 persist today, or do you know?

19 A As far as I know, they are still there,
20 and one serves as a backup for the other.

21 Q To your knowledge, does everything that
22 has something to do with computers, are they wired into
23 this one central system now?

24 A I really couldn't answer it. I don't
25 know how they have split their work over the past ten years.

1 Q Your work between '67 and '73, was
2 that all in St. Louis?

3 A Yes.

4 Q And that was the same position --

5 A That was.

6 Q -- for that time period. What did
7 you do next with the company?

8 A I went to work for the -- Well, really,
9 I went to work for the Chairman then as Director of
10 Organization and Management Development, and that tech-
11 nically reported to, God, I guess, it was Executive Vice
12 President. I've forgotten.

13 Q You say you were working for the
14 President?

15 A Fundamentally.

16 Q O.K. And what was your mission in that
17 job? What were you supposed to be doing?

18 A We were looking at the organization
19 of the company, seeing whether it met the ends, the
20 programs that the President wanted to put in place,
21 assessing the so-called management style of the company,
22 whether we had a common style of management across the
23 corporation, and designing new pay and incentives systems.

24 Q In carrying out, I guess, the program
25 of the President is part of your job, is that right?

1 A Yes. He was new to the company and
2 we were trying to get it in sync with his views of the
3 future.

4 Q Implementing his policies to see if
5 it would work, right?

6 A Uh huh (yes).

7 Q Now, in connection with that, did you
8 have occasion to work with any employee health policies
9 or programs?

10 A No.

11 Q Was there someone who was your peer
12 who did during that period of time? I'm talking about '73.

13 A Well, I don't ever recall it being a
14 matter of attention during that period because we were
15 dealing with broad management style within the company.
16 We weren't dealing with specific segments of it or
17 specific issues within it.

18 Q Just wasn't that important at that time?

19 A Well, it just wasn't a factor in what
20 I was doing.

21 Q And you don't know if it was a factor
22 in what somebody else was doing?

23 A No.

24 Q Who was the President at that time?

25 A John W. Hanley.

1 Q Well, you must have done something
2 right for Mr. Hanley?

3 A I guess so.

4 Q Were you in charge of any particular
5 aspect of the operations of the company from corporate
6 staff level in this job?

7 A Not really.

8 Q Or were you just an implementer?

9 A Well, it was a design and coordination
10 role in helping him implement the policies that he needed,
11 but I was not in charge of anything per se.

12 Q In terms of a line and staff function --

13 A It was staff.

14 Q Any environmental concerns at that
15 particular time?

16 A Not by me.

17 Q Do you know if there was anybody who
18 was your peer that was trying to implement that kind of
19 thing at that time?

20 A I don't know.

21 Q During that period of time were you
22 made aware of any chloracne problem at the Nitro, West
23 Virginia, manufacturing facility?

24 A I don't think at that time other than
25 hearing the word "Nitro" that I even knew what they did.

1 Q And you heard the word "Nitro" because
2 it was a facility?

3 A It was a plant.

4 Q This business of Nitro about chloracne
5 or that kind of thing never filtered up to you during
6 that period of time?

7 A No.

8 Q Let me back up just for a minute.
9 During the period 1967 to '73 the Vietnam conflict was
10 still going on and Monsanto was a government contractor,
11 I suppose, to provide certain herbicides for that effort.
12 Were you aware of that at that time?

13 A I was not.

14 Q So you didn't know between '67 and '73
15 that your company was selling 2,4,5-T and 2,4-D in a
16 thing called Agent Orange to the government?

17 A No.

18 Q Did you ever become aware that your
19 company had?

20 A Ever?

21 Q Yeah.

22 A Well, lately.

23 Q And was it just lately that you learned
24 that?

25 A Yes.

1 Q Do you recall the first time that you
2 determined that?

3 A No, I cannot tell you with any
4 specificity.

5 Q So your contacts with Washington and
6 the CIA and all were not utilized at all in the Agent
7 Orange business, or whatever?

8 A No.

9 Q In fact, you just didn't even know
10 anything about it, is that right?

11 A That's correct.

12 Q And you got this new job in 1973 as
13 adviser to Mr. Hanley, and how long did that job last?

14 A I think it was until September, give
15 and take, of '75.

16 Q And during that period of time you
17 had no knowledge about this 2,4,5-T and chloracne issue
18 at the Nitro Plant or even Agent Orange, for that matter,
19 right?

20 A No.

21 Q In this job, '73 to '75, did you have
22 any responsibility at all to look at or review budgets
23 or income or balance sheets or anything else for the
24 corporation?

25 A No.

1 A No.

2 Q How did you know whether the policies
3 were paying off or being implemented?

4 A Which policies?

5 Q Well, as I understand your job, Mr.
6 Hanley has some program that he wanted to implement,
7 whatever that might have been, to reflect his leadership
8 and so forth in the company; and as I understand it,
9 part of your job was to see to it that that concept,
10 those concepts were carried out and also, I assume, you
11 helped design some of them in that function.

12 A Uh huh (yes).

13 Q So how did you know whether the com-
14 pany was in actuality carrying out this idea that Mr.
15 Hanley had?

16 A Well, we spent some several years
17 trying to put a series of management and personnel poli-
18 cies into effect. You don't get the impact of those for
19 maybe half a decade. I'd say today you're looking at
20 some of the payouts from those systems. But in the
21 period of time I was there you'd be putting them in and
22 there would be no way to tell if they were successful,
23 in fact, they weren't even implemented.

24 Q So between '73 and '75 was a time of
25 trying to get these things in place?

1 A Right.

2 Q You were not looking for and did not
3 receive any feedback as to their success or failure at
4 that time?

5 A No.

6 Q You said there were some personnel
7 policies that you were designing or, at least, respon-
8 sible for implementing. Did those personnel policies
9 affect the operating units, for example, like, Nitro?

10 A They were basically compensation policies.

11 Q What does that mean?

12 A Pay, how are we going to pay people,
13 by what systems, what parts will be basic compensation,
14 what will be incentive, that sort of thing.

15 Q Was that for hourly people?

16 A No.

17 Q These were for company people, right?

18 A Yes. Management in the company.

19 Q And how far down did your policies go
20 relating to these compensation policies?

21 A They'd go through the professional
22 ranks of the company.

23 Q Would they reach the supervisor
24 level in the plant?

25 A Well, they'd go through the salaried

1 work force, but the impact of the policies, obviously,
2 is greater in the management areas at the top of the
3 company than it is further down.

4 Q Was that the extent of your personnel
5 policies that you were particularly responsible for?

6 A I guess in terms of direct personnel
7 policies -- I couldn't tell you there was nothing else,
8 but that's the thrust of it.

9 Q So primarily how much you're going
10 to pay people, right?

11 A And the systems by which you motivate
12 people, yeah.

13 Q You also were responsible for deciding
14 how big or what kind of carrot should be on the end of
15 the stick to get these people to work, is that right?

16 A Uh huh (yes).

17 Q Now, were there some areas that you
18 can tell me about like that that you implemented?

19 A I guess I don't understand the question.
20 It was an across-the-board compensation system, so it
21 was not specifically related to an area so much as a
22 general compensation system for the management of the
23 corporation as a whole.

24 Q And did that carry with it, as you
25 said, some idea of how to motivate people?

1 A To the extent you believed that motiva-
2 tion is in part achieved by compensation, yeah.

3 Q So the motivation was purely connected
4 to how much money these people were making or how many
5 fringe benefits they were getting, is that what you're
6 saying?

7 A That was the thrust of this particular
8 set of programs we were working on, yes.

9 Q And were there a set of programs in
10 this same vein geared to production, increased production,
11 increased pay, that kind of thing?

12 A Compensation tied to productivity?

13 Q Of performance.

14 A Of performance, yes.

15 Q And is there some relation in Monsanto's
16 scheme of things between performance and productivity?

17 A Well, there's certainly a relationship
18 between -- We hope there's a relationship between per-
19 formance and compensation. Now, productivity you really
20 have to define to say does performance include productivity,
21 does it?

22 Q Does it in Monsanto's scheme of things?

23 A Sure. But then you have to define
24 productivity.

25 Q Amount put out by a plant, would that

1 be productivity?

2 A Yes, the amount of product put out
3 per hour, per capital dollar, yes, sure.

4 Q In other words, in terms of some
5 unit of measure?

6 A Uh huh (yes).

7 Q Either time or capital dollar expendi-
8 ture, that kind of thing?

9 A Uh huh (yes).

10 Q And all that would have some relation
11 to your return on investment, then, is that right?

12 A Sure.

13 Q Which is kind of the ultimate measuring
14 stick, I suppose, how much you get?

15 A A measuring stick.

16 Q Now, in designing these policies with
17 all that in mind -- and I assume, you had to consider
18 all that in order to set a compensation scale that would
19 adequately compensate people engaged in this philosophy
20 of work productivity -- did you design any policies
21 related to how the company decided to keep a product or
22 keep a particular aspect of its business on board or to
23 cut it as being not profitable, those kinds of decisions?
24 Did your policy touch on that at all?

25 A No. The policies dealt, the programs

1 dealt with setting up a system by which individual
2 managers could put in place longer term results and
3 shorter term goals which would help them achieve success
4 in their operations, and compensation would be tied in
5 some measure to that performance. The definition of that
6 performance was in the hands of the managers. There
7 was no attempt to do that from corporate. We simply
8 tried to put the system down, said, if you operate
9 this system, you'll be more successful in terms of
10 specifying the performance and whatever you expect; but it
11 was impossible in a company of that breadth to attempt
12 to do anything more than put a broad scale system down.
13 How that was applied by an individual manager or execu-
14 tive was a different matter.

15 Q Then, I suppose, that became one
16 measurement, then, of the accountability of the individ-
17 ual manager, how well he implemented it, whether it paid
18 off and was successful since you left the practicality
19 of putting this system into effect up to him?

20 A You mean whether he implemented the
21 programs?

22 Q Yes. Whether it was successful or not.

23 A Yes.

24 Q When you say these individual managers,
25 are these the various operational managers that you're

1 talking about?

2 A Well, the whole system tiers itself
3 down to executive vice presidents have vice presidents
4 reporting to him who have general managers reporting who
5 have other people reporting. The system cascades its
6 way down in terms of results and goals within the company.

7 Q A general manager, for example, of
8 MIC would be one level of person who would receive this
9 policy?

10 A Oh, sure.

11 Q And would be expected, then, to operate
12 within it?

13 A Yes.

14 Q Now, that was true between '73 and '75,
15 in any event?

16 A That's when it started.

17 Q And do you know if that process that
18 you were in part responsible for is still going on?

19 A Yes, it is.

20 Q Does that policy have a name?

21 A Well, I guess we would refer to it as
22 the Management By Results Program.

23 Q In other words, if you had a fellow
24 and you said, look, you don't understand what's going on,
25 I want you to read the Management By Results Program so

1 you get a better idea, you could point him to a document
2 and he could go read it and he'd know what you're talking
3 about, is that right?

4 A I'm not sure there is a document.
5 There are probably some documents that lay that out, yes.

6 Q Where would they be?

7 A Be throughout the corporation.

8 Q I realize that.

9 A In the hands of many managers. There's
10 not some central repository for the document.

11 Q You could find it, though, couldn't you?

12 A Yeah.

13 Q How would you find it?

14 A Go to a file.

15 Q What file would you go to?

16 A I'd have a file probably in my office
17 on Management By Results.

18 Q If I asked you, then I'd ask you for
19 your file on Management By Results Program, right?

20 A Yeah.

21 Q And does the Management By Results
22 Program include other policies aside from just the com-
23 pensation policy? It sounds to me like that's a pretty
24 comprehensive program, Management By Results, of which
25 compensation would be one part, is that true?

1 A Yes. In management the compensation
2 program is the means by which you, obviously, reward
3 or compensate for the program. It is not the program.

4 Q Exactly. All right. Is there any
5 other program that you were working on and responsible
6 for implementation during the '73 to '75 period?

7 A That's the basic program.

8 Q And did this program have within it
9 anything to do with employee health, the Medical Depart-
10 ment or environmental concerns or toxic substances and
11 those kinds of things?

12 A I don't remember any specifics of that
13 nature.

14 Q Was there not a general area, was
15 there not a general area?

16 A Well, the program didn't have, it
17 didn't spec out responsibilities or areas. It didn't
18 say, do this in marketing and that in employee health
19 and this in advance and so on. It rather put a concept
20 of how one would manage a company through successive
21 layers of managers into effect. But it didn't -- You
22 could take the program and presumably deal as effectively
23 with employee health as you could in the finance function.
24 It was not a program with specificity of function in it.

25 Q Part of the design problem was to

1 create a model that would have applicability wherever
2 you put it, right?

3 A Right.

4 Q You would expect, then, a management
5 person in environmental health or employee health or
6 the Medical Department to be able to take this program
7 and utilize it in carrying out the goals and ends of
8 Monsanto just as well as that particular model might be
9 used over this production unit somewhere?

10 A Yes, you would. Although, it's more
11 difficult in some areas. Marketing and sales is much
12 more easily applied to the program than the amorphous
13 fields of science and technology, but in general, yes,
14 you're right.

15 Q I gather what you're saying is the
16 Management by Results Program is really an effort by
17 Mr. Hanley's regime to implement the philosophy of Mon-
18 santo as reflected through his regime? It's sort of an
19 approach to the company, is that right?

20 A Yes, I think that's fair enough.
21 It's a program designed to get a commonality of manage-
22 ment approach across the corporation.

23 Q Would that be the best place to find
24 Monsanto's philosophy, really, in terms of how the company
25 should be run and what it should be doing and how it should

1 be doing it?

2 A I think that and the accompanying,
3 what we call, management style of Monsanto, yes, indeed.

4 Q Now, when you got into this rather
5 philosophical position in '73 and '75, was there an exist-
6 ing program from previous regimes that you replaced with
7 the Management By Results Program, or did you kind of
8 refine or add to what was already in place?

9 A Well, the concept of Management By
10 Results, MBO, Management By Objectives, obviously, was
11 not a new thought. It was around for years. There were
12 vestiges of that program administered by different mana-
13 gers in their own unique way. You can call it a replace-
14 ment. We didn't build the lot on the path, let me put
15 it that way.

16 Q When you got there in '73 in this posi-
17 tion, is what you're saying is there was no centralized --

18 A That's correct.

19 Q That it was a decentralized kind of
20 thing?

21 A (Nods head affirmatively.)

22 Q And did it require you, then, to go to
23 various areas of the company to find out what in fact was
24 going on in this area that we have been talking about,
25 enable you to pull it all together?

1 A Well, in a way, yes, but not in the
2 detailed way you might imagine because simply through
3 living there you knew that there were diverse approaches
4 to it; so we didn't go around and catalog 82 different
5 ways to get to the end. We said, of course, it's diverse
6 and we're going to try and move to get a more coordinated
7 approach to it. So, yeah, I guess we thought about it,
8 but, no, we didn't out and catalog them.

9 Q And were there any written programs
10 or policies or sets of documents, as you have referred
11 to here as your file on the Management By Results Pro-
12 gram, in existence that you were able to find in '73 when
13 you wanted to implement your own program?

14 A I don't recall looking for any, there-
15 fore, finding any. It was just not terribly germane.

16 Q If you know, who would have been in
17 this decentralized scheme prior to '73? Were there key
18 persons who would have been responsible for these various
19 or diverse programs of operation throughout the company?
20 I'm trying to get some idea as to how it worked on this
21 decentralized basis.

22 A Well, it would have been the major
23 heads of the operating units of Monsanto and decentralized
24 through their various levels of management. If you took
25 an operation chart from 1971, you know, that's what it

1 would be.

2 Q And was that historically true, like,
3 back in 1949 or '48?

4 A I really couldn't answer.

5 Q How far back do you know it was de-
6 centralized in the fashion you found it in, say, 1973?

7 A I can't go back much more than a year
8 or so of that period. Even '67. I only know my own
9 era that I worked in. I can't take you back much
10 further than that era.

11 Q Did the company have organizational
12 charts during that period of time, if you know?

13 A Yes.

14 Q Is that what they are called?

15 A Uh huh (yes).

16 Q If you wanted to sum it up, what this
17 company was like in --

18 A Sure, there are organization charts.

19 Q And where would they be in you wanted
20 to go look at one?

21 A I don't know that they would be any-
22 where today. I would guess the Director of Personnel
23 for the corporation would be the logical place, but I
24 don't know there are any in existence today.

25 Q Would the Director of Personnel sort

1 of be the repository of this kind of information? If
2 anybody had it, it would be the Director of Personnel --

3 A You mean of the organization charts?

4 Q Yeah.

5 A I would think so.

6 Q O.K. In 1975 you went somewhere else?

7 A Yeah. I became General Manager of
8 the Specialty Chemicals Division.

9 Q Was that a lateral transfer or step up?

10 A No. Fundamentally lateral. That
11 was in the Industrial Chemicals Company.

12 Q And that would have been in late '75
13 or early '76?

14 A My recollection is late '75.

15 Q Industrial Chemicals Division?

16 A It was the Specialty Chemicals Division
17 of the Industrial Chemicals Company.

18 Q And what did you do for the Specialty
19 Chemicals Division?

20 A I was the General Manager. I ran the
21 business and was accountable for its profits, loss,
22 business direction, you name it.

23 Q What did the Specialty Chemicals
24 Division do?

25 A Well, it manufactured and sold a wide

1 range of products: analgesics, functional fluids. There
2 must have been a hundred products of various sorts.
3 Swimming pool chemicals.

4 Q Did it have anything to do with agri-
5 cultural chemicals?

6 A No.

7 Q No herbicides or pesticides?

8 A No.

9 Q Was that a St. Louis based or this area?

10 A Yes.

11 Q Any chlorinated phenols involved in
12 that operation?

13 A Gee, I don't think so. I either have
14 to tell you no or I don't remember it.

15 Q This was actually in a manufacturing
16 operating unit?

17 A It was operating unit. Manufacturing,
18 sales, uh huh (yes).

19 Q And how long were you there?

20 A I'd say a year.

21 Q O.K. So then what happened?

22 A Then I became General Manager of the
23 Plasticizers Division.

24 Q Now, does that have a number of manu-
25 facturing facilities under it or just one?

1 A Plasticizers had -- Well, it had
2 several.

3 Q Now, in that division do you know
4 if they were dealing with any chlorinated phenols?

5 A I don't think so.

6 Q O.K. So you got that job, and that
7 was St. Louis based also?

8 A That's correct.

9 Q Now, that's not a corporate staff
10 job, is it?

11 A No. It's a line job.

12 Q O.K. So that job began in late '76
13 or early '77?

14 A Uh huh (yes).

15 Q How long did that last?

16 A Well, it lasted about a year, but
17 concurrently with that, about halfway through that, I
18 also became Manager of the Detergents and Phosphates
19 Division.

20 Q Is that like a dual job?

21 A I had both of them and I had assistant
22 general managers under me who oversaw the daily operations
23 of it.

24 Q So you got involved with phosphates?

25 A Uh huh (yes).

1 Q Did that include the Krummrich Plant?

2 A Uh huh (yes).

3 Q And do you know if you were dealing
4 with any chlorinated phenols in that division?

5 A Yes.

6 Q Did you have a department that you
7 recall that you called Department 237 at the Krummrich
8 Plant?

9 A I couldn't tell you.

10 Q Did you have a Chlorinated Phenols
11 Department at the plant?

12 A We made chlorinated phenols. What
13 the department was I can't tell you.

14 Q When did you first learn about
15 chlorinated phenols, that there was such an animal?
16 You, obviously, didn't get it in law school, right?

17 A Didn't get that. The reason I'm
18 hesitating is I really don't know if I heard it then or
19 later on as Managing Director of the Industrial Chemicals
20 Company. I just absolutely don't have a specific recol-
21 lection of it. I certainly heard of it, but it could have
22 been '79 or '80 or even '81.

23 Q In a very brief period it looks like
24 the company was getting you very well seasoned in line
25 positions here. Can you tell me basically as a general

1 manager for these two divisions, what was your job or
2 mission, what were you responsible for?

3 A Well, basically, you still first have
4 to have a general understanding of the basics. These
5 are complex businesses because it handles a range of
6 products. Special Chemicals, as I said, is maybe a
7 hundred products. So you've got to get in and under-
8 stand the general workings of it, the product lines,
9 the markets, the budget, the sales, the profitability.

10 Q Any problems with the products?

11 A Problems to the extent they are
12 material problems, yes.

13 Q Do you have some person who advises
14 you as to what is a material problem and what is not?

15 A Well, material, of course, is in the
16 eyes of the beholder at the time you're talking about it.
17 The whole philosophy of an operation, go back to the
18 Catholic church or anything you want, it's fundamentally
19 of delegation and setting up people functionally or across
20 functional lines to run the various businesses or to
21 administer the function, and the higher up you go in it
22 the smaller the flow of information or you'd, obviously,
23 die in the effort, damn near die anyway, but it's kept
24 thin. So you're fundamentally reliant on the judgment
25 of the people who report to you having given them broad

1 instructions. So if an individual thinks something is
2 important or is going to be important, you probably
3 hear about it. If he does not, the odds are good you
4 will not.

5 Q So material problems would then be
6 brought to your attention by somebody under you as
7 General Manager, is that right?

8 A If he determined it was a material
9 problem or probably going to be a material one, and
10 then it's an issue of timing on it.

11 Q You were not an initial identifier
12 of material problems?

13 A No.

14 Q You were a receiver of them, right?

15 A Through a number of layers of review-
16 ing and sifting, yeah.

17 Q And, I take it, that under you one
18 of those levels, there were some medical people, is
19 that right?

20 A No. I have no recollection of any
21 medical people in any of the operations that I had.

22 Q And while you were General Manager
23 of these two -- they are divisions, is that right?

24 A They are divisions.

25 Q General Manager of these two divisions,

1 did you have some kind of a line that got you over to
2 the Medical Department for communication purposes and
3 for the idea of material problems or anything like that?

4 A Well, there would certainly be, if
5 there were a material problem turn up, there would be a
6 line to the Medical Department, yes. You would hear
7 from the Medical Department, that's correct.

8 Q So if I understand what you're saying,
9 then, somewhere below you when you were General Manager
10 of these divisions there would be some mechanism or,
11 at least, somebody there would know to report a material
12 problem, say, involving health, to the Medical Depart-
13 ment; and chances are you would get that information
14 yourself from the Medical Department, then, if it
15 materialized and was deemed to be of enough signifi-
16 cance that you should know about it, is that what you're
17 saying?

18 A Yes.

19 Q All right. Carrying it a step further,
20 I suppose, getting those material problems to you was a
21 specific charge to the people under you? Certainly
22 didn't discourage them bringing that stuff to you, did you?

23 A Oh, heavens no. I don't know that it
24 would have been any more a specific charge than a dozen
25 other things might have been a specific charge. Certainly

1 there would be an understanding if there are material
2 problems, yes.

3 Q You need to know about it because
4 that's part of your job?

5 A That's correct.

6 Q And is that kind of management
7 approach reflected in the Management By Results Program?

8 A Well, let me go back to that one
9 more time with you. That program would not specify that
10 sort of detail, it would not cover that with some speci-
11 ficity, take important emerging problems up the line,
12 it wouldn't do that.

13 Q I understand that, but was the overall
14 philosophy of that program calculated to see to it that
15 you, say, as the General Manager of the division are
16 kept informed of those kinds of things?

17 A Sure.

18 Q In other words --

19 A Sure.

20 Q There is a positive pressure in that
21 program to get that to you and then, I suppose, part
22 of your accountability would be to get it to the next
23 important?

24 A There is a pressure in the program
25 to have the corporation act responsibly, and to that end,

1 whatever one needs to do to act responsibly is part
2 of that program, no question.

3 Q I suppose, the further down you get,
4 the more responsibility these various managers have for
5 filling in the detail within the purview of that philos-
6 ophy as it relates to their specific job, right?

7 A Well, the style of management, as
8 I say, is typical of most large organizational styles.
9 Says you deal with the problems you're capable of
10 handling at your level, otherwise everything goes up.
11 So you fundamentally try to handle the issues and prob-
12 lems and circumstances you can. Failing that, you put
13 them up.

14 Q And did you find during your tenure
15 as General Manager of these two divisions and really,
16 I suppose -- Were you a General Manager of the Specialty
17 Chemical Division?

18 A Yes.

19 Q So that's three general managerships,
20 I guess, on the line?

21 A Uh huh (yes).

22 Q Did you find that that system worked
23 pretty well, that you were informed of problems that
24 people thought were material? In other words, you
25 weren't surprised, were you, during that period of time

1 that there was some festering problem down here that
2 nobody ever told you about? Most of it finds its way
3 to you that was of some importance?

4 A Yes, I guess that's a fair statement.
5 Although, there's always a tendency in a large organiza-
6 tion to try and solve the problem yourself at your
7 level before you take it up. That's inherent in a big
8 organization. So whether you and I would make the same
9 judgment if the problem came up with the timeliness it
10 should have come up is highly unlikely.

11 Q O.K. So you're working away here
12 on the line as a General Manager of a division?

13 A Uh huh (yes).

14 Q How long did that continue? You're
15 in '77.

16 A I think that was until the end of 1977.

17 Q And what happened then?

18 A Then I was made Vice President and
19 Managing Director of the Commercial Products Company.

20 Q Now, is that still a line job?

21 A That's a line job. That was a promo-
22 tion to the head of an operating company as opposed to
23 a division. Divisions report to companies in the then
24 structure.

25 Q I understand that's subject to change

1 from time to time.

2 A Well, that's right.

3 Q But during that period of time, in
4 any event, divisions reported to companies?

5 A Right.

6 Q And companies to corporate staff?

7 A Well, not to corporate staff, but to
8 an Executive Vice President.

9 Q O.K. And what did the Commercial
10 Products Company do?

11 A It had, let's see, three elements to
12 it. It had the Electronics Division, which fundamentally
13 manufactured semiconductor grade silicon, Fischer Con-
14 trols, which is in the valve regulator control instru-
15 mentation business, and Monsanto Enviro-Chem, which
16 designs and builds sulfuric plants, mist eliminators,
17 catalysts for the sulfuric acid plants. I guess that
18 was it. Fundamentally non-chemical businesses. They
19 made, we would call it, things and not pounds of product.

20 Q You know how old the Commercial
21 Products Division is or was at that time, whether it
22 was known by that name or not? You know how long the
23 company's been in that end of the market?

24 A We had a Commercial Products Company
25 for some years. I don't know what some is. Four or five

1 years maybe before that, but it didn't necessarily look
2 the same in each of those years. We would roll businesses
3 in and out of them.

4 Q Enviro-Chem made equipment for
5 emission abatement and that sort of thing?

6 A Scrubbers. Fundamentally the equiva-
7 lent of scrubbers.

8 Q I take it from what you're saying
9 that that kind of business was relatively new to Monsanto?
10 It wasn't there twenty years?

11 A No. Silicon we had been in close
12 to twenty years. The Fischer Controls we acquired in
13 1969, and Enviro-Chem had been around -- We had been
14 in the sulfuric acid plant business for a number of
15 years, so I would say they were not new businesses. Ten
16 to twenty years.

17 Q Sulfuric acid business twenty years?

18 A Yes. Well, that's building plants.
19 That isn't making sulfuric acid.

20 Q But it had to do with the technology
21 of emission abatement or control?

22 A Not the sulfuric acid plant. That's
23 taking Monsanto technology for a design and construction
24 of plants and building a plant. If you're a company
25 that wants a sulfuric acid plant, we'll build you one

1 for X price. The rest of Enviro-Chem was involved in
2 the design and sale of systems to --

3 Q Like, dust control?

4 A Yeah. SO2, for example.

5 Q Is that a pretty old business, too?

6 A Yeah.

7 Q What about control of H2S? Was that
8 just a business generally if there was a method for
9 control of emissions of a particular thing, you'd try
10 to identify it and go after it?

11 A Yeah. But it was fundamentally an
12 SO2 emission business.

13 Q And part of this business, I suppose,
14 was to stay current with contemporary techniques for
15 controlling SO2 emissions, control, or contemporary
16 technique for manufacturing, building and designing
17 plants for the manufacture of SO2?

18 A They have fundamentally made the same
19 product for a number of years. It's not a wide range
20 of product. It's fundamentally a product we have sold
21 and continued to sell into the market place.

22 Q All right. So you're Managing Director
23 of this company now by the end of '77?

24 A Uh huh (yes).

25 Q What happened next?

1 and agreed that he may read the materials
2 between mark "A" and "B" and it will be
3 noted in the record as such. Exhibit
4 336 has been marked "A" through "B",
5 and the materials between the letters "A"
6 and "B" have been stipulated as read by
7 the deponent.

8 MR. PLESKA: It will be taken the
9 witness read the document from points "A"
10 to "B" into the record.

11 Q (By Mr. Calwell) Now, thank you.

12 Let me ask you, this document makes
13 reference to a Suskind study. Do you know what study
14 this document is referring to?

15 A This is the study wrapped around the
16 Nitro situation.

17 Q And it's the same one that you have
18 been talking about today?

19 A Yes.

20 Q Do you know of any other Suskind
21 studies other than this one on the Nitro work force?

22 A None other than my hearing of the
23 ones that were conducted many years before by Dr. Suskind.

24 Q And you will note in the third para-
25 graph of that exhibit a reference to 100,000 to 150,000

1 A Well, in the end of '78 I became
2 Vice President and Managing Director of the Industrial
3 Chemicals Company.

4 Q So that's the same level job?

5 A Same level job but now a bigger operation.

6 Q Now, was the Nitro Plant included
7 in that company?

8 A Yes.

9 Q Now, is that the first time you had
10 any responsibility for the Nitro Plant?

11 A Yes. Well, you say any responsibility,
12 let me add to that. The answer's correct, but I was
13 connected with it earlier because we made a product in
14 the Specialty Chemicals Company at Nitro.

15 Q What product was that?

16 A But we were not accountable for the
17 plant. Product called methionine hydroxy-analog, called
18 MHA, so I knew there was such a thing as the Nitro Plant.

19 Q Is that about all you knew about it?

20 A Just about. It's a very small operation
21 that the manufacturing happened to take place there.

22 Q All right. So how long did you stay
23 in that position? That's about in '78 or '79.

24 A That should have been the end of '78.
25 I guess, until '81. About three years.

1 Q O.K. And when did you move to
2 your present position?

3 A Then I became Executive Vice President
4 and the Industrial Chemicals Company reported to me along
5 with some others.

6 Q What other companies reported to you?

7 A Monsanto Plastics and Resins and the
8 Electronics Division which we took out separately from
9 the Industrial Chemicals Company.

10 Q Any other companies report to you?

11 A Well, we split out some. They weren't
12 actually companies then. We split out -- No. Maybe that
13 was it at that point in time. I'm still Executive Vice
14 President but I don't do the same thing.

15 Q You have a little different job?

16 A Right. Now I oversee Fischer Controls,
17 the electronics company which we have made into an operat-
18 ing company, the Engineered Products Division, which is
19 a new division we created last September, and the Monsanto
20 Oil Company.

21 Q You're fairly well out of chemicals,
22 aren't you?

23 A Basically, yes.

24 Q Then that became true when?

25 A The end of '82.

1 Q So you have been fairly well weaned
2 from the chemical business?

3 A Yeah.

4 (Whereupon a short recess was taken,
5 after which the following proceedings were
6 had:)

7 Q (By Mr. Calwell) All right. Mr.
8 Harbison, I'll hand you what's been marked Plaintiffs'
9 Exhibit #330 (Monsanto #8323075 through #8323079), and
10 ask you to take a look at that.

11 A O.K.

12 Q All right. Mr. Harbison, you have
13 had an opportunity to look at Exhibit #330, and if I
14 might briefly describe it, it appears to be a memorandum
15 on Monsanto letterhead, is that correct?

16 A Correct.

17 Q And it's dated June 25, 1979,
18 apparently, authored by William J. McCarville, and
19 directed to M. C. Throdahl, and you're indicated as
20 having received a copy of it with its attachments, right?

21 A Right.

22 Q Do you have any reason to believe you
23 didn't get a copy of that?

24 A No.

25 Q I would like for you to turn to page

1 4 of the exhibit, which should be the third page of
2 the attachment. At the top of the page there is a
3 reference made to a DMEH study. It's documented para-
4 graph A. You see that?

5 MR. PLESKA: I don't think we have it.

6 Q (By Mr. Calwell) Mr. Harbison, the
7 page I want you to look at is a Monsanto document
8 #8323078. At the top of the page you'll see a para-
9 graph lettered A referring to a DMEH study. You see that?

10 A Uh huh (yes).

11 Q During the period of time that this
12 memo is dated you were the Manager of the Industrial
13 Chemicals Company, is that right?

14 A That's correct, I was Managing Direc-
15 tor of the company, uh huh (yes).

16 Q And is that the reason you were copied?

17 A Yes, undoubtedly.

18 Q Do you know what the DMEH study was
19 or is?

20 A I recall hearing it. I cannot tell
21 you the specifics of it. Reading it does not surprise
22 me, but I cannot tell you the specifics of it.

23 Q You know what you can tell me about it?

24 A About the DMEH study?

25 Q Yes.

1 A Only seeing that triggers in my mind
2 the fact that it was exactly what it says, an examina-
3 tion of employee health records by DMEH. That makes
4 sense to me as I recall it, but I can't recall anything
5 beyond that about it.

6 Q Do you know what employees are re-
7 ferred to there?

8 A I do not specifically.

9 Q Do you know generally or do you have
10 any recollection?

11 A We are talking about Nitro employees,
12 but whether it was all Nitro employees or a select group,
13 I do not know.

14 Q So as far as you recall, it was the
15 Nitro employees, right?

16 A Yes.

17 Q Do you know why the study was undertaken?

18 A My recollection is the Steelworkers
19 wanted to bring in Dr. Selikoff to examine a group of
20 employees that Monsanto agreed to. Dr. Suskind, I think,
21 had been involved in the Seveso, Italy, situation. I think
22 he had done a review or a study, whatever you want to
23 call it, on Nitro employees at some earlier date. I
24 think he thought it was helpful to his review of the
25 Italian situation to redo, relook at the Nitro population.

1 My recollection is that he even proposed that. We agreed
2 with that. Thought it was useful to have another view
3 of the Nitro population in addition to Dr. Selikoff's.
4 I guess, my recollection is that was to be augmented
5 by the DMEH review of records. I guess, that's about
6 as clear as I can be on it.

7 Q As the General Managing Director,
8 is that the title?

9 A (Nods head affirmatively.)

10 Q Was this DMEH study and the Steel-
11 workers' study and the Seveso incident and all that that
12 you just talked about, was that one of those material
13 problems that we talked about earlier that worked its
14 way up to your position?

15 A Yes, but we are in a slightly different
16 context. When we talked about it earlier, I was General
17 Manager of the Specialty Chemicals Division. That would
18 have been and was, because Lee Miller, you see, was then
19 the General Manager of Specialty Chemicals. That
20 General Manager would have been principally in charge
21 of that. So the issue -- I'm not at all suggesting
22 it isn't an issue of importance -- but the issue would
23 have been more centered on Miller in his role as General
24 Manager than it now would have on me as the Managing
25 Director with Miller reporting to me, so the two situations

1 are not comparable.

2 Q Do you recall -- and this may be a
3 poor choice of words -- but what your involvement was
4 with this general issue surrounding the DMEH study
5 that you recounted for us?

6 A I don't recall any particular in-
7 volvement in the DMEH study. My recollection is simply
8 hearing about it. I have no recollection of taking
9 any action on it. Hearing about it, I guess.

10 Q If you would continue to hold on to
11 Exhibit 330, I'd like to hand you 331 (Monsanto #8322875),
12 and ask you to take a look at that, if you would, sir.

13 A Uh huh (yes).

14 Q All right. Mr. Harbison, could you
15 identify that document for the record, please.

16 A It's a memorandum from Lee A. Miller,
17 dated May 10, 1979, subject is Nitro Safety/PR Program
18 to me.

19 Q And is that the same Lee A. Miller
20 who would be the General Manager of the --

21 A -- Specialty Chemicals Division.

22 Q Yes. Who at that point in time was
23 answering to you as Managing Director of Industrial
24 Chemicals Company?

25 A That's correct.

1 Q And if you would, sir, please read
2 the first two paragraphs of that letter.

3 A "You asked for my views on the
4 attached proposal from Messrs. McKee and Wilkins. I
5 believe it is a well thought through and sound approach
6 to a difficult and risky situation. My primary concern
7 is the relative timing of the Selikoff and Suskind study."

8 Q O.K. Thank you, sir.

9 Now, do you know what you were asking
10 for a report on, what study, in that letter?

11 A I really don't. I guess I don't.

12 Q Was it the DMEH study or anything
13 connected with that set of circumstances that you des-
14 cribed for us earlier?

15 A The attached proposal to which he
16 refers, I don't know what that is.

17 Q I don't either.

18 A That's not a study. That must have
19 been some proposal to, I guess -- Well, I really don't
20 know what the thing is. The attached proposal is not
21 attached to this cover memo. I don't know what it is.

22 Q All right. Do you know what the risky
23 situation is that's referred to there?

24 A I don't know from my recollection
25 then. I could interpret it from this.

1 Q What would be your interpretation?

2 A I would interpret it that Miller
3 thought the release of the Selikoff study out of sync
4 with the release of the Suskind study would give an
5 imbalanced picture of what the results of the study might
6 be.

7 Q Now, the Selikoff study and Suskind
8 study referred to in Exhibit 331, are those the two
9 studies you were referring to when you were explaining
10 the DMEH study you were describing earlier in your tes-
11 timony?

12 A Yes.

13 Q All right. If you would turn back to
14 Exhibit 330 on the same page that we were talking about.
15 Reference is made in the paragraph under DMEH Study to
16 a contract laboratory in Philadelphia. Do you have any
17 idea what laboratory that is?

18 A I do not.

19 Q In your position as a Director of the
20 Industrial Chemicals Company, did you have responsibility
21 for the budgeting and expenditures of money for that
22 company?

23 A Yes.

24 Q Did you have to approve the budgets
25 and expenditures, that kind of thing?

1 A Well, at that level I would approve
2 the budget, but the budget is -- how do I want to say it --
3 it's aggregated. There are not 8000 lines of categories.
4 There is a line and you'll approve it. Expenditures
5 depend on the size of the expenditures and the nature
6 of it.

7 Q During the fiscal year that a budget
8 would apply to, if there was a request for a budget
9 supplement or budget transfer concerning an item that
10 was not contemplated at the time the budget was drawn,
11 would that be the kind of thing that would be brought
12 to your attention?

13 A If it was of significance, yes.

14 Q Was there a dollar level cutoff for
15 that or a general range that people under you would know
16 that this is something that Mr. Harbison really ought
17 to take a look at?

18 A Certainly there would be a dollar
19 level if we are talking about shifting millions of
20 dollars around.

21 Q Sure. But practically speaking --

22 A Practically speaking, you could
23 shift substantial sums of money in smaller increments
24 from one category to the other and that would be at the
25 discretion of the General Manager in running his business.

1 Q Say, \$150,000?

2 A Well, it might depend on what it's for.

3 150 might or might not have come to me. It would just

4 depend on the nature of it.

5 Q If it was for a health study, would

6 that be something that would be brought to your attention?

7 A 150 for a health study, that's be-

8 tween possible and likely, yes.

9 Q That would not be an expenditure

10 you expected to see in a given year?

11 A Unless we had put it in the budget

12 ahead of time.

13 Q And I was speaking of --

14 A Extraordinary.

15 Q Yes.

16 A If it had been in the budget, no.

17 Q Do you know if the budget for the

18 fiscal year that would include June 29, '79, included

19 money for the DMH study or the Suskind study?

20 A I really don't. I couldn't say.

21 Q If you would now turn to the second

22 page of Exhibit 330, which is the first page of the

23 attachment.

24 A Uh huh (yes). Starting "Situations"?

25 Q Yes.

1 A All right.

2 Q Under Roman Numeral II there called
3 "Major Issues" there are four subjects identified as
4 major issues. Would those items be of the category of
5 material problems that would have gotten to your level
6 in accordance with the policy that we earlier talked about?

7 A That would generally be handled by
8 the General Manager, but I would say it would come up
9 in probably the form it came up. So I'd have to say,
10 yes, it would be called to my attention.

11 Q So, for example, major issue number
12 four there is, "Is there a continuing exposure of sig-
13 nificance to dioxins or other compounds in the Nitro
14 Plant today?" That would be a material problem that
15 would find itself to you?

16 A That probably would. It's listed
17 here, so it obviously came up.

18 Q Now, once a material problem gets
19 to you, and as you testified, this was a form it would
20 find its way to you, in accordance with your Management
21 for Results Program, what action, if any, would you take?

22 A Well, that's a situation where I
23 would look at it and probably talk to the General Manager
24 about it. If I were convinced that he was proceeding
25 along a path that seemed reasonable and they were driving

1 to reach a conclusion to those issues, that's the way
2 it would run, and he would remain fundamentally account-
3 able for that.

4 Q In this case it would be Lee Miller?

5 A Yes.

6 Q Did you in fact talk to Mr. Miller
7 about, for example, major issue number four there?

8 A I don't remember it. I do not know.

9 Q Do you know if you took any action
10 regarding major issue number four?

11 A I have no recollection of that.

12 Q Do you know if some conclusion was
13 reached with reference to major issue number four?

14 A I don't remember.

15 Q So you don't know whether it was de-
16 termined whether a continuing exposure to dioxin was sig-
17 nificant at Nitro today?

18 A I do not know without going back and
19 examining records, I don't know.

20 Q What records would you need to make a
21 determination?

22 A I don't know what's there.

23 Q You just don't know?

24 A I don't know.

25 Q You don't have any idea where to go

1 for an answer to that?

2 A I would assume either in DMEH or
3 with Lee Miller there may be some answer to it if in-
4 deed there are files left from that.

5 Q And what would have happened to the
6 files if they are not left?

7 A I would assume they went out under
8 the retention and destruction policy of the company.

9 Q I gather from your testimony that
10 even though these are denominated major issues at your
11 level, they didn't enjoy any particular predominance
12 over other issues, is that right?

13 A I said to you that is a major issue
14 for a General Manager and he would send that, as he
15 obviously did, send that forward; but you would funda-
16 mentally look to the handling of that issue from what
17 we knew about it at that time under a General Manager's
18 aegis. That doesn't say that's not an issue. It
19 says he was empowered in a position and a level to
20 handle an issue like that.

21 Q Did you follow up on it to see how he
22 handled it?

23 A I do not remember.

24 Q How would you have followed up on
25 something like that in accordance with your job?

1 A I would have either gotten a later
2 report from him on it or had a meeting with him on it.

3 Q You would have requested a memo
4 from him?

5 A Yes, certainly possible.

6 Q And if you had done that, the memo
7 would have been filed in the ordinary course of running
8 your office, right?

9 A I would assume so.

10 Q Or you'd know where to go look for a
11 memo like that, then, right?

12 A Well, I can tell you, yes, I'd know
13 where to look; but my files are probably two cabinets
14 and there's nothing from the MIC days in them now.
15 Whether there is something somewhere else, I don't know.

16 Q Where would those files be from MIC
17 days?

18 A They are probably destroyed. It
19 comes out the doors and windows eventually.

20 Q If you were going to look and see if
21 those files were destroyed, where would you go?

22 A I'd go to my secretary and ask her.

23 Q What is your secretary's name?

24 A Mrs. Heuseck, H-e-u-s-e-c-k.

25 Q Has she been a long-standing secretary

1 of yours?

2 A Since '79.

3 Q If you like, you can hand me 330 and
4 331. Mr. Harbison, I want to hand you what's been marked
5 Exhibits 332 (Monsanto #8322986) and 333 (Monsanto #8323053
6 and #8323054), and ask you to take a look at those.

7 A Uh huh (Yes).

8 Q O.K. Mr. Harbison, Exhibit 332 that
9 you have before you and you've had an opportunity to
10 look at is captioned "Budget-Monsanto Study."

11 A Uh huh (yes).

12 Q Do you recognize that document?

13 A I really don't.

14 Q Do you recall ever having seen it before?

15 A No, I do not.

16 Q And do you know what Monsanto study
17 is referred to in that document?

18 A I do not.

19 Q Do you know -- and I realize the
20 document is on its face fairly vague as to identity --
21 but do you know who would know about what appears to be a
22 medical study of some kind?

23 A I don't. You know, it has no --

24 Q I know it doesn't.

25 A It has no data, no subject. I don't

1 know where you'd go.

2 Q If it did pertain to the Suskind
3 study that you talked about, who would know about it,
4 if you know? Whose job would it be?

5 A Might be Miller's.

6 Q Miller, perhaps?

7 A Perhaps.

8 Q All right. If you'll now look at
9 Exhibit 333. It's on Monsanto letterhead, is it not?

10 A Right.

11 Q And appears to be a memorandum dated
12 June 20, 1979, over, looks like, C. J. Smith's signa-
13 ture?

14 A Uh huh (yes).

15 Q And addressed to you, is it not?

16 A Correct.

17 Q Now, in the first paragraph of that
18 document it refers to the cost of the Suskind study?

19 A Uh huh (yes).

20 Q "To determine the long range health
21 effects resulting from worker exposure of 2,4,5-T
22 formerly produced at the Nitro Plant should be borne
23 entirely by MAP for the following reasons."

24 A Uh hun (yes).

25 Q Now, what study is referred to in that

1 document, if you know or if you recall?

2 A That's the study we are talking about
3 that was done at Nitro.

4 Q Do you know what kind of a study
5 it was? Was it like a morbidity study or mortality?

6 A I don't know. I know it was against
7 the long term exposure effects, but I do not know details.

8 Q And do you know if this was a part
9 of the DMEH study?

10 A Well, the DMEH study of medical
11 records and the Suskind study, whatever he was going to
12 do, were parallel studies, if you will; but I do not
13 know whether one contributed -- I don't know whether
14 Suskind used DMEH. I just don't know.

15 Q You're speaking about what you knew
16 in June of 1979, is that right?

17 A That's correct.

18 Q Have you subsequently learned any
19 more about what the Suskind study did? You testified
20 whatever he was to do. Did you ever learn in fact what
21 he did?

22 A You mean in detail how he conducted
23 the study or what he found?

24 Q Just did you ever learn any more about
25 it. I'm interested in what you know.

1 A My understanding of what he found
2 was he could find no correlation between the long term
3 health effects in that population and their exposure
4 to dioxin and that it was not out of the realm of
5 the normal population.

6 Q And where did you get that information?

7 A I don't remember.

8 Q Now, this document 333, now, you
9 correct me if I'm wrong, it appears to have something
10 to do with allocation of the cost of this study?

11 A Right.

12 Q Now, was that something that you
13 would have to approve in your capacity as Managing
14 Director of the Industrial Chemicals Company?

15 A Yes. It would only be if we apparently
16 were having a disagreement among two of the units as
17 to where the costs should be logged. Otherwise, I
18 probably would not have seen it.

19 Q So the fact that you saw it, is that
20 indicative there was, perhaps, some disagreement on
21 who ought to bear the expense of this study?

22 A Yes.

23 Q All right. I guess your company
24 lost out, right, and you had to pay for it?

25 A You know, I don't remember who did.

1 Q Is that something that Lee Miller
2 ought to know?

3 A Who paid for that?

4 Q Yes.

5 A If the Industrial Chemicals Company
6 paid for it, undoubtedly Lee Miller paid for it, so I
7 would guess he would.

8 Q So if you wanted to find out who
9 paid for it and how much, you'd go ask Lee Miller?

10 A I'd ask Lee Miller.

11 Q And if you wanted to know the results
12 of the Suskind study, who would you ask?

13 A Miller, Roush, Throdahl, any of them.

14 Q All right. And did you ask either
15 of those gentlemen?

16 A I have no specific recollection of
17 asking them.

18 Q Do you have a non-specific?

19 A Well, I'm confident I did.

20 Q O.K. If you'd like to hand those
21 two documents back to me, we'll press on with another.
22 All right. I want to hand you what's been marked Exhibit
23 #334 (Monsanto #8322987 through #8322989).

24 A O.K.

25 Q Mr. Harbison, you have had an opportunity

1 to look at Exhibit 334. Do you recall having seen that
2 document before?

3 A I don't recall.

4 Q The document refers to, does it not,
5 a study of workers involved in the manufacture of 2,4,5-T?

6 A Right.

7 Q Raymond R. Suskind, M.D. Do you know
8 if this document refers to the Suskind study that we
9 have been talking about?

10 A I do not specifically know.

11 Q On page 2 of the document at the
12 bottom of the page there is a paragraph that begins,
13 "Method and Scope of the Examination."

14 A Uh huh (yes).

15 Q And described therein, beginning on
16 that page and continuing on to the third page, are a
17 number of clinical tests that are described as, "Clinical
18 Laboratory Work will include," and there is a very long
19 list of a number of medical tests. If this document
20 pertained to the Suskind study we are talking about
21 and if you wanted to find out who paid for that, is
22 Lee Miller the gentleman you would inquire of in the
23 organizational scheme of things?

24 A I would think so.

25 Q Would that be where you would go?

1 A Yes.

2 Q I'll hand you what's been marked
3 Exhibit #335 (Monsanto #8322905), which appears to be
4 a letter from Clayton F. Callis, dated May 30, 1979,
5 addressed to you regarding the Suskind study, and ask
6 you to take a look at that for a minute.

7 A Uh huh (yes).

8 Q All right. Mr. Harbison, you have
9 had a chance to look at that document, have you not?

10 A Yes.

11 Q Is there any reason to doubt that
12 you got a copy of that?

13 A No.

14 Q Now, that document refers to the
15 Suskind health study, does it not?

16 A Uh huh (yes).

17 Q Do you know what Suskind health study
18 is referred to there?

19 A I cannot tell from this specifically.

20 Q Then you have no recollection as to
21 what it would have been, I assume?

22 A I have no recollection of reading
23 that document. I don't doubt but that it came to me,
24 but I don't have any recollection of reading it.

25 Q Do you have any recollection as to

1 which Suskind study is referred to there?

2 A Well, he links this Suskind study
3 with the Selikoff study, so I would assume it's the
4 Suskind study at Nitro.

5 Q O.K. And that's the same study that
6 you earlier described in connection with the DMEH study?

7 A Uh huh (yes).

8 Q Did you take part at all in authoriz-
9 ing that study to be made, or do you recall?

10 A Well, I don't specifically recall
11 authorizing it, but if I would have had it come to me
12 for authorization, I would have approved it, I don't
13 have any problem with that, but I don't remember sign-
14 ing a sheet that said, go with that study.

15 Q This was one of those material problems
16 that found its way to you. Did you make any investigation
17 as to the nature of this problem or why a health study
18 was required at all?

19 A Well, I have no specific recollection
20 of my conducting a study of the issue, but from the
21 memoranda that have flowed and on seeing those --

22 Q It's all pretty hazy right now?

23 A I'm trying to remember some of the
24 events that went on. I don't have any doubt but what
25 I might have had a give-and-take with some of these people

1 on this study. I would not have just tossed memoranda
2 in the waste basket and said, well, run along and do it,
3 but I cannot recall for you a specific set of circum-
4 stances or a meeting on it.

5 Q This whole period of time, then, around
6 this material problem is something that's pretty hazy to
7 you?

8 A Well, it is. Although, the problem
9 itself is not hazy. It's that I have no recollection
10 of Nitro or Selikoff or Suskind or any of those, I do
11 have a recollection of those. Specifically the events
12 that occurred I don't have a direct recollection of, but
13 the whole situation, yes.

14 Q Have you told me today what your
15 recollection is about that problem? Is there anything
16 you'd like to add to it?

17 A Well, we discussed the Selikoff versus
18 Suskind studies or the connection of those, the DMEH
19 study. I have no more recollection of that than I said
20 to you. I think it's a review of the long term records
21 of the employees. I have no more recollection of that.
22 As I look at the names of the players involved, they
23 make perfectly good sense to me as being the people in-
24 volved, departmental environmental offices. George
25 Roush is the head of DMEH, the head of the division

1 accountable for the plant, Clayton Callis as a DEO.
2 All of those people make perfectly good sense to me
3 being involved in this network of reviewing the situa-
4 tion there. So the problem was one of sufficient
5 materiality to bring to my attention, that's true, al-
6 though, principally handled by the General Manager of
7 the division involved because that was our style unless
8 it got beyond a point he could handle it. Seems to me
9 he did effective coordination with the medical elements
10 and environmental elements of the company. I would
11 say that was in executing our style of management.
12 So I'm surprised by none of it and it recalls the
13 general circumstances to me, but beyond that to say,
14 you know, yeah, I remember a meeting with those three
15 guys, I really don't.

16 Q Let me hand you what's been marked
17 336 (Monsanto #8322919), and it appears to be a memoran-
18 dum on Monsanto letterhead dated June 1, 1979, authored
19 by George Roush, Jr., and it was addressed to you.

20 A O.K.

21 Q All right. Mr. Harbison, is there
22 any reason to doubt that you received this letter or
23 memorandum?

24 A None.

25 MR. CALWELL: I assume it's stipulated

1 dollars as an out-of-pocket cost.

2 A Uh huh (yes).

3 Q Is that an amount of money that would
4 have been brought to your attention for the budget approval?

5 A Not necessarily, but assuming it
6 was not budgeted, then it would have.

7 Q O.K. Do you recollect whether in
8 fact this study was budgeted for or not?

9 A I do not.

10 Q When did you first learn about the
11 2,4,5-T herbicide at the Nitro Plant and some problem
12 with exposures there which are referred to in paragraph
13 one of the exhibit?

14 A Well, I have no recollection of it
15 prior to the time that this entire issue came up, which
16 is apparently from looking at the document, the May,
17 June, July time frame of 1979.

18 Q And since learning of that, has your
19 knowledge about the exposure problem at Nitro related to
20 2,4,5-T increased?

21 A My knowledge of it undoubtedly in-
22 creased over this period of time. Since I have been
23 disassociated with it for quite a while now, it's fuzzier
24 in my mind than it probably was completing these studies.

25 Q In your present position as an Executive

1 Vice President, you have no occasion to keep abreast
2 of this through the company channels or anything like
3 that, do you?

4 A I do not through our internal company
5 channels, no. Now, I'm not excluding what you read in
6 the press and what's published, but I'm talking about
7 any flow of information within the company I don't.
8 It's not an area of my responsibility.

9 Q Do you know whose area of responsi-
10 bility it is?

11 A You mean the Nitro location itself?

12 Q This material problem that we have
13 been talking about.

14 A I would assume it's being handled
15 today by Mr. Throdahl primarily, Dr. Roush.

16 Q And those are the people you'd go to
17 to find out about it, right?

18 A Today, yes.

19 Q Now, these documents have, a number
20 of them, have referred to the Suskind study, and,
21 apparently, your memory is sufficiently refreshed, would
22 it be fair for you to say, you believe these documents
23 were referring to the Suskind study on the Nitro people?

24 A Yes.

25 Q Did you ever find out if those studies

1 were completed?

2 A I have a recollection of the studies
3 being completed, yes.

4 Q And reported to Monsanto?

5 A I'm sure they were, yes.

6 Q And, specifically, the studies referred
7 to in these documents that I have handed to you, is that
8 what we are talking about?

9 A Yes.

10 Q And do you recall how you found out
11 they were completed, who told you?

12 A No, I don't. I really don't.

13 Q Again, I guess you would have asked
14 Dr. Throdahl or Dr. Roush?

15 A Yeah.

16 Q And would it be your recollection
17 that one of those gentlemen probably told you?

18 A I would think so.

19 Q Give you a little briefing as to what
20 the results of the studies were probably?

21 A A briefing or it could have been a
22 memorandum or both.

23 MR. CALWELL: Thank you, Mr. Harbison.
24
25

Earl H. Harbison

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF MADISON)
4

5 I, M. JOY SPRINGER, a Notary Public, duly
6 commissioned and qualified in and for the County of
7 Madison, State of Illinois, do hereby certify that
8 pursuant to notice came before me on the 13th day
9 of July, 1983, at the Radisson Hotel, Room 215, 9th
10 Street and Convention Plaza, St. Louis, Missouri,
11 EARL H. HARBISON, JR., who was by me duly sworn to
12 testify to the truth and nothing but the truth of
13 his knowledge touching and concerning the matters
14 in controversy in this case; that he was thereupon
15 carefully examined upon oath, and his examination
16 reduced to writing under my supervision; that the
17 deposition is a true record of the testimony given
18 by the witness; and signature of the witness was not
19 waived.

20 I FURTHER CERTIFY that I am neither attor-
21 ney nor counsel for nor related to nor employed by
22 and of the parties to the action in which this depo-
23 sition is taken; and further, that I am not a relative
24 or employee of any attorney or counsel employed by the
25 parties hereto, or financially interested in the
action.

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IN WITNESS WHEREOF, I have hereunto set
my hand and affixed my notarial seal on this _____
day of July, 1983.

Notary Public within and for the
County of Madison, State of Illinois.

