IN THE MATTER OF:

Antonia Tolbert, et al.
vs.
Monsanto Company, et al.

Cause No. CV-01-C-1407-S

Deposition of John C. Hunter, III
5/23/03

Gore Perry Gateway & Lipa Reporting
515 Olive Street
Suite 700
St. Louis,MO 63101

Full GLOSSARY included with this DepoScript

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANTONIA TOLBERT, et al.,

Plaintiffs,

vs. No. CV-01-C-1407-S

MONSANTO COMPANY,
PHARMACIA, INC., and
SOLUTIA, INC.,

Defendants.

Video Deposition of John C. Hunter, III
Taken on May 23, 2003

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vs. No. CV-01-C-1407-S

MONSANTO COMPANY,
PHARMACIA, INC., and
SOLUTIA, INC.,

Defendants.

VIDEO DEPOSITION OF JOHN C. HUNTER, III,
produced, sworn and examined on behalf of the
Plaintiffs on May 23, 2003, at the Marriott Hotel,
I-70 at Lambert Airport, St. Louis, Missouri,
before WILLIAM C. MORRIS, a Registered Diplomate
Reporter and Notary Public.

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APPEARANCES OF COUNSEL:

FOR THE PLAINTIFFS:
Rhon E. Jones
David B. Byrne, III
Beasley, Allen, Crow,
Methvin, Portis & Miles, P.C.
Montgomery, AL 36103

FOR THE DEFENDANTS:
J. Mark White
White, Dunn & Booker
2025 Third Avenue North, Suite 600
Birmingham, AL 35203
and
Debra E. Pole
Sidley, Austin, Brown & Wood
555 West Fifth Street
Los Angeles, CA 90013

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IT IS HEREBY STIPULATED AND AGREED by and between Counsel for the Plaintiffs and Counsel for the Defendants that this deposition may be taken in shorthand by WILLIAM C. MORRIS, a Registered Diplomate Reporter and Notary Public, and afterwards transcribed into typewriting, and the Witness will read and sign the transcript.

o-O-o

THE VIDEOGRAPHER: We're on the record at 7:57 a.m. Today's date is May 23rd, 2003. We're at the Lambert Airport Marriott. My name is Curt Shaw, legal videographer, along with Bill Morris, certified court reporter, here today for the deposition of John C. Hunter, III, to be taken in the case of Tolbert versus Monsanto, currently pending in the United States District Court, Northern District of Alabama, Western Division, Civil Action No. CV-01-C-1407-W. At this time would counsel please identify themselves for the record.

MR. JONES: Rhon Jones for the plaintiffs.

MR. BYRNE: David Byrne for the Plaintiffs.

MR. WHITE: Mark White for the defendants.

MS. POLE: Debra Pole for the defendants.

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THE VIDEOGRAPHER: Very good. At this time would you swear in the witness, please.

JOHN C. HUNTER, III,
of lawful age, being produced, sworn and examined on behalf of the Plaintiffs, deposes and says:

DIRECT EXAMINATION

QUESTIONS BY MR. JONES:

Q: Could you state your name, please?
A: John Hunter.
Q: Okay, your full name, please?
A: John C. Hunter, III.
Q: Where do you live, Mr. Hunter?
A: I live here in St. Louis.
Q: Where specifically?
A: I live at 1508 Highland Valley Circle in Chesterfield, Missouri.
Q: What subdivision or neighborhood do you live in?
A: It's called The Highlands.
Q: Is that a gated community?
A: No, it's not.
Q: Okay. What is your current job title?
A: I am the chairman, CEO, and president of

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Solutia, Inc.
Q: If you don't mind, I'd like to take a moment and work back through your employment history with Monsanto and Solutia. Did you begin with Monsanto Polymers & Petrochemicals Company in 1969.
A: Yes, I did, October of 1969.
Q: Okay. You were an engineer in Texas City, Texas?
A: Yes, I was.
Q: Okay. Then in 1972 did you become a senior engineer in Texas City?
A: In 1972 after I returned from military service, yes, I believe senior engineer was the title.
Q: Okay. Then in 1976 you were in Houston as a sales specialist with Monsanto Polymers and Petrochemicals Company?
A: Yes, that's correct.
Q: Okay. And then in 1977 you were in Chicago, Illinois, with the former Monsanto Chemical Intermediaries Company?
A: I believe it's Monsanto Chemical Intermediates Company, and yes, that's correct.
Q: All right, thank you. And in 1979 you moved to St. Louis; is that correct?
A: Yes, that is correct.

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Q: And you were then planning manager with the process chemicals, is that a division or a unit?
A: It was a division, I suppose, would be the right way to say it, yes.
Q: Of Monsanto?
A: Yes.
Q: Okay. Then in 1983 you were business director of the former Monsanto Industrial Chemical Company?
A: Yes, I think that's correct.
Q: In 1986 director of sales, specialty chemicals division at Monsanto?
A: Yes, that's correct.
Q: 1987, director of the fibers division, I guess, of Monsanto Chemical Company?
A: That's correct, yes.
Q: July of 1989 you became vice-president and general manager of the, I guess, Asia Pacific Region or Division of Monsanto Chemical Company?
A: Yes, that is also correct.
Q: And in March of 1993 you became vice-president and general manager of the fibers division, chemical group, Monsanto?
A: Yes.
Q: February, 1995, you became president of the

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fibers business unit of Monsanto?
A: Yes, that's correct.
Q: September of 1997 you became president and chief operating officer of Solutia?
A: Yes.
Q: May, 1999, you became president and CEO of Solutia?
A: Yes.
Q: And you started your current job in December of 1999?
A: Yes, I believe so.
Q: Okay. What other boards do you serve on? I take it -- well, strike that. What companies do you serve on the board for?
A: I am a member of the board of directors for the Penford Company and for Hercules.
Q: What does the Penford Company do?
A: The Penford Company is a specialty starch manufacturer that makes starches for both industrial and food uses.
Q: Where are they headquartered?
A: They are headquartered in Denver, Colorado.
Q: How long have you been on that board?
A: I've been on that board for four years, I believe.

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Q: What does Hercules do?
A: Hercules is a chemical company that makes various chemicals, mostly industrial.
Q: Where are they headquartered?
A: They are headquartered in Wilmington, Delaware.
Q: What other boards have you served on that you can recall?
A: Those are the only boards that I have served on of public companies.
Q: Okay. What about private?
A: I serve on the board of the Missouri Baptist Hospital here in St. Louis.
Q: Okay, any others?
A: No.
Q: Okay. Have you ever given a deposition before today?
A: Yes, I have.
Q: How many times?
A: Once.
Q: On what occasion?
A: That was on an occasion in a breach of contract suit between Monsanto and Mobil Chemical Company.
Q: Who brought the suit?

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A: Monsanto brought that suit.
Q: Monsanto was the plaintiff?
A: Yes.
Q: Where was that suit filed?
A: Here in St. Louis.
Q: Okay. What happened in the suit?
A: The suit went to trial and Monsanto prevailed in that suit.
Q: How much was their judgment amount?
A: I believe the judgment amount was twenty million dollars.
Q: Okay. And did -- sometime after that did the defendant settle with Monsanto or did they just pay the judgment?
A: As I recall they just paid the judgment...
Q: Paid the twenty million dollars?
A: That's what I recall, yes.
Q: Okay. When did you give your deposition, just the year, please, if you can recall?
A: I don't know the year. It was in the early '80's.
Q: Okay. Can you give me a judgment beyond the early '80's?
A: No, I don't remember.
Q: Do you remember what law firm represented

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Monsanto in that case?
A: I believe it was Peper and something, but I don't -- I don't remember the -- no, I don't remember the full name of the law firm.
Q: Okay. Have you been a witness in a lawsuit before?
A: I was a witness in that lawsuit.
Q: Okay.
A: The same one that I gave the deposition for.
Q: Testified at trial?
A: I did testify at trial, yes.
Q: Okay. Are you familiar with the Abernathy case?
A: I am familiar, yes, with the Abernathy case.
Q: Did you give testimony in that case?
A: I have given very, very brief testimony in that case that -- last year, I guess.
Q: Okay. I'm going to show you what I want to mark as Exhibit No. 1, and I'll show it to your attorneys. I'll represent to you that that's a transcript of your testimony in the Abernathy case.
[Marked Plaintiff's Deposition Exhibit 1 for identification.]
Q: (By Mr. Jones) I'm also going to show you what I want to mark it as Plaintiff's Exhibit 2.

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This is an amended notice for your deposition.
[Marked Plaintiff's Deposition Exhibit 2 for identification.]
Q: (By Mr. Jones) On Exhibit 2, I realize you've not seen the deposition notice that is for today's date, but have you reviewed a deposition notice that we sent that was similar in nature to that one for your deposition?
A: Yes, I have.
Q: Okay. Did you review the portion where it discussed documents, that if you had certain documents in your possession that you would bring those to the deposition?
A: Yes, I did scan through that.
Q: Okay. Do you have any documents that would fall under those categories?
A: No, I do not.
MR. WHITE: We sent you -- so the record is clear, I think you have it because it sounds like you were reading it to begin with, we sent you the CV. That was the one thing that appeared to have been on there. Did Roden give it to you?
MR. JONES: No, I didn't get that from --
MR. WHITE: Here.
MR. JONES: That's all right. I got it

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from your web site.
MR. WHITE: It's the same. I will represent to you that that was the one thing that I did furnish so that the record is clear, but --
Q: (By Mr. Jones) So, Mr. Hunter, other than the CV which your counsel, I trust, sent to us, you don't have any other documents that would be responsive to the document request on the deposition notice, Plaintiff's Exhibit 2?
A: No, I do not.
Q: I'm going to show you a third document. It is the, as I understand it, the Monsanto Pledge. It was at least the pledge as of 1990, per the document I received.
[Marked Plaintiff's Deposition Exhibit 3 for identification.]
Q: (By Mr. Jones) I think the actual pledge starts on either the second or third paragraph there, if you'll take a moment to review that.
A: Okay.
Q: Is that the Monsanto Pledge?
A: Yes, I believe it is.
Q: Would you mind reading it into the record, please?
A: "The Monsanto Pledge was announced by

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Chairman and CEO Richard J. Mahoney at a meeting of the Corporate Conservation Council of the National Wildlife Federation in Washington, D.C., on January 30, 1990. Here is the pledge as announced by Mahoney.
It is our pledge to reduce all toxic and hazardous releases and emissions, working toward an ultimate goal of zero effect. It may take time, but we will not be satisfied with anything else.
It is our pledge to ensure that no Monsanto operation poses any undue risk to our employees and our communities. It is our pledge to work to achieve sustainable agriculture with the lowest inputs feasible, through new technology and new practices.
It is our pledge to ensure the safety of groundwater. If our products are found to pose a problem, we will solve it by whatever means necessary. We will make our technical resources available to farmers who may have concerns about groundwater contamination, even if none of our products is involved.
It is our pledge to keep our plants open to our communities, bringing the community into plant operations. Our employees and our communities will be kept fully informed of any significant hazard. If we

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can't eliminate the hazard, we will work to eliminate the source of it.
It is our pledge to do our part to halt deforestation and declining biodiversity. All corporate real estate, including plant sites, will be managed with the benefit of nature as a serious operating of factor.
It is our pledge to search worldwide for technology that will reduce and eliminate waste from your operations, with the top priority being not making it in the first place.
Our commitment is to achieve sustainable development for those aspects of the environment where we have an impact. Our commitment is to achieve sustainable development for the good of all people in both developed and less developed nations.
It is not enough to simply unpollute the world. We must provide food and energy for ever-growing populations, most of which are in the Third World and not in the developed nations, which have the resources and freedom to worry about these vital environmental issues.
We must rectify the mistakes of the past while we continue to develop and introduce the new technologies to provide the essentials for mankind in

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the future.
And we must ensure, as we know we can, that these new technologies will not create problems to be dealt with by our children, grandchildren, and great-grandchildren.
I have described the Monsanto Pledge. We are determined to achieve it and we are pursuing the programs needed to achieve it.
Q: Mr. Hunter, do you believe in that pledge?
A: This was the Monsanto Pledge as Chairman Mahoney put forth in 1990. I believe that it was the right direction for the company to move in at the point in which it was with its current -- with its business at that time, yes.
Q: So, do you believe in it as we sit here today?
A: I believe that on balance that pledge is still valuable, yes.
Q: When you say on balance, what part of it do you believe is not valuable?
A: I don't believe there's any specific part that is not valuable.
Q: So, can we agree then that you do believe in the pledge?
A: I believe that it is a pledge that is a good

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direction in which to move, yes.
Q: Okay. Thank you. Does Solutia have a pledge of a similar nature?
A: We have not put a pledge in place of this similar nature, no.
Q: Why is that?
A: Again, as we -- as we have become Solutia, we put forth our commitments to environmental stewardship in just a different form.
Q: Do you feel like Solutia needs a pledge like that one?
A: I believe that Solutia is an environmentally responsible company, and that the way we have outlined our responsibilities and priorities around the environment and our operations is the right way for us to do that.
Q: And I don't mean to be difficult, but do you think Solutia needs a pledge like that or not?
A: I don't believe we need a pledge in this form, no.
Q: Okay. Explain briefly how Solutia came into being.
A: Solutia came into being as a spinoff of the Monsanto Company. This was done because Monsanto made a decision to pursue a life sciences strategy. Life

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science strategy was based on the combination of Monsanto's pharmaceutical businesses and agricultural/ chemical businesses. They believed that the common thread between those two businesses would ultimately be the biotechnology capability that Monsanto had been developing for some time.
With that decision the chemical company was not central to that strategy, and so the board and the executives of Monsanto decided that the best way to the greatest value in both parts of the company, the life sciences made up of pharmaceuticals agricultural chemicals, and the chemical company was to separate those two and allow them to pursue strategies independent of each other.
Q: Did Solutia come into being in 1997?
A: Yes, it did, September 1st, 1997.
Q: Was part of the reason that Solutia was created was to shield Monsanto from potential liability in Anniston regarding PCB's?
A: No, that was not part of the reason it was created.
Q: And you are absolutely certain that that is true?
A: I am confident that that is true, yes.
Q: Okay. What part of the decision making

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process were you involved in as to the creation of Solutia?
A: As Monsanto was considering alternatives for how to separate these two parts of the company, I was involved in a small team that evaluated some of those alternatives. Those alternatives being to sell the chemical businesses, to merge the chemical businesses with another chemical company, or to spin the company out as a separate individual company which would be dividend to the current shareholders.
As that decision was made to spin off, I was a member of a small team that did the design work for Solutia to create Solutia as an independent public company, and upon spin I was named the president and chief operating officer of Solutia.
Q: Has the practical effect of the spinoff been to take Monsanto further away from liability from the Anniston plant regarding PCB's?
MR. WHITE: Objection to that, you're asking for a legal conclusion, but I'm not going to direct him not to answer.
MR. JONES: All right.
MR. WHITE: Go ahead, if you know the answer, John.
THE WITNESS: Would you repeat the question,

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please?
Q: (By Mr. Jones) I'll try. Has the practical effect of the spinoff of Solutia been to further remove Monsanto from liability for the Anniston plant regarding PCB's?
A: The practical effect of the spin has been that Solutia has been able to pursue a chemical company strategy, and as PCB liabilities are related, Solutia has the responsibility to manage the PCB issues and to clean up the PCB's in Anniston, which we are doing and fully willing to continue to do to completion.
Q: Yes, sir. And I'm -- I hear what you're saying but that's not responsive to my question. Is the practical effect that it further removed Monsanto from liability for the Anniston plant regarding PCB's?
MR. WHITE: Same objection, a legal conclusion.
THE WITNESS: In the regard that Solutia became a separate company for Monsanto and that Solutia has the responsibility to manage PCB's in the Anniston community, yes, I suppose that would mean that it was further removed from those liabilities.
Q: (By Mr. Jones) Is Solutia a global chemical company?

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A: Yes, it is.
Q: How many people does it employ?
A: We employ approximately 7500 people worldwide.
Q: Okay. What are your approximate annual -- what's your approximate annual revenue?
A: Annual revenue is about 2.3 billion dollars.
Q: Have there been other PCB-related cases where you have requested of the court that you not be required to give a deposition?
MR. WHITE: Object to the form. That sounds like you're assuming we did that in this case, and to my knowledge we haven't done that.
MR. JONES: No, I don't think that's what I asked.
MR. WHITE: Rephrase it, because it came out sounding that way. I know what you're asking but it came out sounding like we had objected in this case, Rhon, and we have not.
Q: (By Mr. Jones) I probably just asked the question poorly. What I meant to ask you was, have you been -- has there been a PCB-related case, whether it's this one or any other one, where you have requested of the court that you not be required to give a deposition?

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A: I don't know the formality of that question. There are other PCB cases, I believe, that there have certainly been discussions about whether a deposition by me was -- would have been valuable to either party. Whether there was a formal request of the court that I not be giving a deposition, I don't recall.
[Marked Plaintiff's Deposition Exhibit 4 for identification.]
Q: (By Mr. Jones) Let me show you what I've marked as Plaintiffs Exhibit 4, and perhaps I'll refresh your recollection. It's an affidavit that you submitted in another matter. After reading that, does that -- well, I'll ask you, does that refresh your recollection?
A: Yes, that does refresh my recollection. Obviously, that affidavit was that formal request that I just did not recall.
Q: Okay. How many PCB -- I'm just going to say PCB/Anniston lawsuits are you currently familiar with?
A: Well, let's see, I'm familiar with certainly the Abernathy case and the Tolbert case. There are other Anniston, I think, related cases smaller in magnitude of which I have some familiarity. I don't recall the names of the specific cases.
Q: Do you think Solutia did anything wrong in

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any of those lawsuits?
A: No, I do not believe that Solutia has done anything wrong.
Q: And that would include the Tolbert case as well, I take it?
A: Yes, that would include the Tolbert case.
Q: Okay. Is it your belief Solutia is a responsible corporate citizen?
A: Yes, I absolutely believe that Solutia is a responsible corporate citizen, and I think that some things are very clear about that. We are being, in my opinion, very responsible in terms of how we are addressing the current PCB issues in Anniston. We are fully willing and able to clean up the PCB's in Anniston. We have entered a consent decree with the EPA to govern that cleanup with the oversight of the government, the oversight of the community, to do it to the standards that are set by the government. We have already commenced a lot of work in that area in terms of characterizing the PCB's in the community around Anniston.
We have sampled over a thousand residential properties. We have sampled thousands of acres of properties, streams, et cetera. We have started some cleanup of some residential areas where we are allowed

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access to the property to do that. And we are -- we understand that that's our responsibility, to clean up PCB's in Anniston, and we stand prepared to do that at the first opportunity.

Q: Do you contend that in the Tolbert case that we have not allowed you to visit and sample on properties of our clients?

A: No, I do not believe that that is the case in the Tolbert case at this point. There are other cases, the Abernathy case, where apparently upon advice of legal counsel some of the residential property owners have not allowed us access to their property.

Q: But as I hear you, you have no complaint with our cooperation in that regard?

A: To my knowledge we have no issue in that regard in the Tolbert case at this point.

Q: And without going into as much detail, perhaps, would you agree that Monsanto is also a responsible corporate citizen?

A: Yes, I do believe that Monsanto is a responsible corporate citizen.

Q: Okay. Do you believe that Solutia and Monsanto have treated the citizens, specifically of West Anniston, fairly?

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A: I believe that we have treated them fairly. I think that we have worked -- both Monsanto and Solutia have tried to work in cooperation with the citizens of Anniston to move forward and to get PCB's cleaned up, revitalize the community of West Anniston and look to the future.

Q: All right. If I might, I'm going to try to alert you today as we change subjects to some degree so that it will be a little bit easier for you. I'd like to ask you a few questions now about the Abernathy case. In that case is it your understanding that approximately 105 verdicts have been rendered thus far on property-related claims totaling a little over 32 million dollars?

A: It is my understanding that verdicts, as I understand the word verdict, have been rendered on 17 property-damaged plaintiffs. There have been recommended damage awards by the jury of something in excess of a hundred property-damaged plaintiffs.

Q: But you don't have the same understanding as, perhaps, I do related to my previous question?

MR. WHITE: Object to the form of that.

MR. JONES: Let me -- that's a good objection because that was a bad question.

Q: (By Mr. Jones) You then are saying that you

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are not aware of 105 verdicts totalling 32 million dollars?

MR. WHITE: Let me interpose on objection here, maybe. To the extent you received this information, and I frankly don't know the answer, but to the extent he's getting information communicated to him by counsel in that case, and I'm not counsel in that case, I want to be careful that we don't go down a path where you're going to claim he's waived attorney/client privilege. So, if the information is coming from counsel, then I'm obviously going to direct him not to answer. If it's coming through some general corporate area or something -- the reason I say that, Rhon, is it may help you frame your question to exclude those communications and move it along. Is that a fair request?

MR. JONES: I think it's a fair request. I don't think the question I asked even remotely gets near anything that you would talk to your attorneys about. I think this is very public.

MR. WHITE: That's what I'm saying. We're assuming, but for purposes of your questions as you go down the path, we're assuming to the extent he has knowledge other than direct communication from attorneys, okay?

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MR. JONES: Certainly.

MR. WHITE: Okay.

MR. JONES: With Mr. Hunter's experience, I just kind of assumed he would know that.

MR. WHITE: I think that's probably correct, but let's see where we -- I just want to make sure that's there.

Q: (By Mr. Jones) Okay, that being said --

MR. WHITE: Excuse me.

Q: (By Mr. Jones) I'm sorry, that being said, do you believe that 105 verdicts have been rendered totalling over 32 million dollars in Abernathy?

A: Well, what I know is that relates to that might have the numbers being a little bit different. I know the jury is returning damage awards to property-damaged plaintiffs in the Abernathy case routinely over the weeks. 32 million doesn't sound like the same number that I have. I thought it was more and, you know, something less than that, and I thought the jury had dealt with, perhaps, as many as 140 of those claims at this point.

Q: Okay. Do you receive any kind of periodic update on the Abernathy matter outside of what you hear from your counsel?

A: I do receive a tabular report of the jury

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damage assessments, and that's why I say that my numbers seem to be a little different from yours.

Q: You are aware, aren't you, that a jury of Alabamians has heard evidence in the Abernathy case, correct?

A: Yes.

Q: Do you have confidence in those Alabama jurors?

A: Yes.

MR. WHITE: I'll object to the form of that question. I don't understand the relevance.

MR. JONES: Let me rephrase it. That's probably a fair objection.

Q: (By Mr. Jones) Do you agree with what the jury has done thus far?

MR. WHITE: I'm going to object to that question. Are you talking about in the Abernathy case?

MR. JONES: Yes.

THE WITNESS: No, I do not agree that the findings of the jury are correct.

Q: (By Mr. Jones) Okay. And what do you base that on?

A: I base that on my understanding of the case, my understanding of Alabama law, discussions that

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clearly that we have had with our legal counsel.

Q: Do you think the jury was just confused or they don't know what they're doing or --

MR. WHITE: I'm going to object to this line of questioning because I think you're now asking him for opinions about something where he's relying on communications with counsel. I'm going to object, and I'll let -- I may have interrupted your question, which I apologize for, Rhon. Why don't you take another shot at it.

MR. JONES: Well, I don't know that I agree, but I understand what you're saying.

Q: (By Mr. Jones) Did you attend any of the Abernathy trial?

A: I attended a court-ordered mediation session in the Abernathy trial which briefly at the conclusion of that I suppose turned into resuming that Abernathy trial, and that is the only time that I attended.

Q: Okay. Outside of what you may have learned from your counsel, can you tell me more specifically what it is you disagree with the Alabama jury on in Abernathy?

A: It's very difficult for me to separate those things in terms of -- because of the -- because we have very comprehensively, obviously, discussed

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certain aspects of how we want to pursue that litigation --

MR. WHITE: I apologize for interrupting, but when you say we discussed, are you talking about with counsel?

THE WITNESS: Yes.

MR. WHITE: Then I'm going to direct you not to go into that. And I understand you DID THE predicate, but I'll direct him not to go into any communications with counsel on Abernathy.

Q: (By Mr. Jones) Can we say this then, can we safely agree that you personally do not see the Abernathy case the way that the Alabama jurors have seen it thus far?

A: Yes, I do not personally see it the same way that the Alabama jury sees it.

Q: And you are not in agreement with the verdicts they have rendered thus far?

A: That is correct. I am not in agreement with the jury verdicts as they have rendered them so far.

Q: Do you think those jurors are wrong?

A: Well, I do not agree with the conclusions that they have reached.

Q: Isn't that the same thing?

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MR. WHITE: I'm going to object, argumentative. He's answered your question.

MR. JONES: Well, I don't think he has, but I won't press the subject any further.

Q: (By Mr. Jones) I want to ask you a question or two about some media comments you have made. You talked with 60 Minutes about, I guess, Anniston and PCB's generally?

A: Yes, I have.

Q: Okay. I think you said in one of your discussions with the 60 Minutes folks is that the best way to judge someone's words is to watch their actions. Do you recall saying that?

A: I recall saying that the best way to judge what someone is going to do is to look at what they are doing and continue to say, as I recall in that -- in response to the question by 60 Minutes, that what we are doing in Anniston is we are moving forward with the cleanup of the PCB's. We have spent in excess of 50 million dollars so far in doing that. We have done extensive sampling of the area. We have sampled over a thousand residential properties. In that sampling we have found only 28 of those properties which had PCB contamination or content that met the EPA's immediate action level. And we have in

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fact cleaned up 13 of those properties. We stand ready to clean up the other 12, but at this point the owners of those 12 properties, upon advice of their legal counsel, have not allowed us access to the property to do that. So, we are prepared to do that. We are going to clean up the PCB's. We will do that to its conclusion.

Q: Just to make sure we're clear in part of your answer when you say not allowed access, you're not talking about folks in the Tolbert case, are you?

A: No, those are references to the Abernathy case.

MR. WHITE: I don't mind stipulating to that throughout this deposition if that will help you.

Q: (By Mr. Jones) Thank you. Let me ask you this based on your answer, when you said you've spent 50 million dollars thus far, is that accurate?

A: Something in excess of 50 million, I believe yes.

Q: Tell us a little bit more about what that money has gone for, the specifics.

A: In kind of categories we have spent that money in extensive sampling of the area around our plant in the Anniston community. That sampling has included both waterways as well as property. That

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money has -- category of spending has been in the cleanup of residential properties that have -- that have in excess of immediate action level that EPA has established. We have ahead of the process, gone and gotten agreements with the EPA to clean up certain other areas, parts of drainage areas, parts of creeks. We've cleaned up a ballfield, so -- and used, as we've done that, created a parking lot for that ballfield. So, it's spending that we're doing to try to advance the process as fast as we can to get on with the cleanup of PCB's and get it behind us and the community of Anniston, which I believe is the desire of all of us.

Q: Despite your efforts thus far, there are still lots of PCB's in Anniston, aren't there?

A: There are areas of Anniston that we have not yet had the opportunity to clean up, that's correct.

Q: What areas?

A: There are areas around our plant in the community of Anniston. I don't know how to characterize it, you know, by landmark or anything of that nature, but it's in the community of Anniston around our plant.

Q: In your opinion has Monsanto-Solutia been slow to react to the cleanup process? That's a poor

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question. Let me try that again. Why is it not all cleaned up already?

A: Well, the -- I can only speak directly to the actions of Solutia. Solutia, since we have been formed, has in my opinion been working very steadily towards getting to a final cleanup of Anniston. We have sampled a lot of property, we have sampled waterways, we have cleaned up properties where the immediate action level was exceeded that has been set by the EPA, we have actively discussed and agreed with EPA to a consent decree which sets out the process by which the PCB's would be cleaned up as a final solution to get it all done. I believe that the way in which we have done that and the way in which that decree has been structured actually accelerates the process and accelerates the cleanup of PCB's over what would have been a more normal situation in dealing with these types of issues. So, from a Solutia standpoint we are -- we accept the responsibility to clean up the PCB's. We are committed to do that and want to move forward with that just as rapidly as possible.

Q: And you accept the responsibility because Solutia and Monsanto put them there, correct?

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A: Much of the -- there's a portion of those PCB's that we believe came from the Anniston plant, and we believe it is our responsibility to clean those up.

Q: What portion?

A: I can't quantify the portion. I just -- I don't know.

Q: 25 percent, 50 percent?

MR. WHITE: He's already answered your question.

MR. JONES: Okay. Let me -- that's a good objection.

Q: (By Mr. Jones) So, it is your testimony here on record today that you do not even have a judgment as to what proportion of the PCB's in Anniston are Solutia or Monsanto's responsibility?

A: We accept the responsibility to clean up the PCB's in Anniston. That is what we have agreed to with the EPA, that is what I have committed to the community of Anniston, and that Solutia will do. We will clean up those -- the PCB's that are in the Anniston community.

Q: Yes, sir, and I appreciate that. The question, though, was, do you have a judgment as to the proportion of PCB's in Anniston that Monsanto and

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Solutia are responsible for?
MR. WHITE: I'm going to object to the form.
Again, it's the responsible for, he's answered your question.
Q: (By Mr. Jones) Any way you want to slice it, Mr. Hunter, I want to know what proportion of the PCB's that are in Anniston that Monsanto or Solutia put there.
MR. WHITE: If he knows.
MR. JONES: Sure, if he knows. If he doesn't I mean --
MR. WHITE: He's already said he didn't know. So, that was one of my objections is that you're --
MR. JONES: And I'm just trying to confirm that.
Q: (By Mr. Jones: Is that indeed the fact, Mr. Hunter, that you don't know?
A: I do not know the specific proportion of PCB's in Anniston that came from our plant. I do know that we are responsible to clean that up and that is our commitment to the community of Anniston.
Q: Yes, sir, and I understand as to specific proportion. Do you have a judgment as to any general proportion that Monsanto or Solutia put in the

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community?
MR. WHITE: Objection. You can answer it again.
THE WITNESS: I would say that in just a judgment that certainly the majority probably came from our plant.
Q: (By Mr. Jones) How long have Monsanto and Solutia been working on a cleanup in Anniston?
A: Solutia has been working on a cleanup in Anniston since September 1st, 1997, because we've been working on it ever since we became Solutia, and have been working on it steadily. To my knowledge, Monsanto has -- had started some cleanup efforts and working in that direction in Anniston prior to that.
Q: When?
A: I don't know the specific dates. In my career at Monsanto, I did not have a position that had any direct responsibility for the Anniston plant or for what was produced at the Anniston plant, et cetera. So, I just don't have a lot of personal knowledge and experience with what was being done in Anniston prior to my position with Solutia.
Q: Do you have knowledge of when -- even generally, when Monsanto began their cleanup of Anniston?

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A: I believe that it was in the early '90's.
Q: Okay.
A: I can't be anymore specific than that.
Q: In your opinion why did Monsanto not start a cleanup process when they ceased production of PCB's in Anniston?
A: I can only speculate because, again, my particular career in Monsanto did not ever include a position that had any direct responsibility for the Anniston plant and what was made there. I never had any position that really gave me any field of view or an opportunity to even need to be involved in anything that was going on in Anniston. So, I can only speculate as to what Monsanto was doing or what --
MR. WHITE: I'm going to object to speculation, but I'm going to go ahead and let him answer, Rhon, to move it along. You can go ahead and answer.
THE WITNESS: You know, my experience, again, with Monsanto, I had a career of Monsanto of almost 30 years prior to Solutia being spun out, was that Monsanto was a very responsible company and had a sensitivity to our plant operations and the effect of our plant operations on employees and community alike. And it was my experience that we were generally even a

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little ahead of the curve in managing issues of that nature. And so I could only speculate that Monsanto was doing -- taking action based on the best knowledge that they had, based on the best science that they had at the time, based on the ability to detect and measure in any of these issues like this.
Q: (By Mr. Jones) I just want to make sure that you're satisfied with your answer. My question was, why didn't Monsanto start the cleanup process when they voluntarily stopped the production of PCB's? And is that -- is your answer that you just gave responsive to that question?
A: Yes, I believe it is responsive to that question. And, you know, as -- again, as speculation, when Monsanto ceased manufacturing PCB's, that was in 1971 in Anniston. That was 32 years ago. And, you know, again, my experience, 1971, I was in the Army. I had only been out of college a couple of years. I had worked for Monsanto nine months and then gone into the military service. But over my extensive career with Monsanto, my experience would have said that Monsanto would have acted to the best knowledge that they had, to the best technology that they had, and if that had dictated a different action, that's what they would have taken.

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Q: Do you believe that Monsanto knew that PCB's were harmful to the environment when they ceased production?

A: Again, 1971 was 30 something years ago, and I had only been in the work force essentially a year. In fact, was in the military service in 1971, but my understanding is that one of the reasons that Monsanto stopped manufacturing PCB's in Anniston was because of the knowledge that was gained that it was a persistent chemical in the environment, and so they chose to stop manufacturing it.

Q: So, I kind of lost you there. Would that be a yes or no to the question that you believe Monsanto knew that PCB's were harmful to the environment in 1971?

A: I believe that Monsanto knew that PCB's were persistent in the environment. I do not know that at that point, state of art what we understood about PCB's, that Monsanto knew that it was harmful to the environment.

Q: Could you give me your definition of persistent, please?

A: Persistent is something that stays around for a long time.

Q: May be harmful, may be not?

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A: May be harmful, may be not. Persistence does not mean -- does not -- there's not a natural connection to persistence being harmful, no.

Q: Do you believe that in 1971 Monsanto knew PCB's were harmful to people?

A: I think that -- again, in 1971 I can only speculate.

MR. WHITE: Can I continue to have my objection to speculation? But I will let him, if you want him to answer the question on speculation, answer the question.

MR. JONES: Well, I do want him to answer, but let me also fairly say for the record, you have worked for Monsanto or Solutia now for 44 years.

A: No, I've worked for Monsanto or Solutia for 34 years.

MR. JONES: I'm sorry, that shows you what a mathematician I am.

Q: (By Mr. Jones) You've worked for Solutia or Monsanto for 34 years, correct?

A: Yes, that's correct.

Q: You were employed by Monsanto in 1971, correct?

A: I was on leave of absence from Monsanto in 1971. I graduated from Georgia Tech in 1969, went to

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work for Monsanto at their Texas City, Texas plant, which is south of Houston. As part of -- when I graduated, I graduated with a commission in the United States Army through ROTC at Georgia Tech. I was granted a delay to report to active duty for about nine months, nine to ten months, so that I could go ahead and seek employment. Monsanto hired me knowing that I was going to be going in the service in just a short nine or ten months in the Texas City plant. I did in fact report to active duty in June of 1970, and was in the military in the U.S. Army until I believe it was March or April of 1972.

Q: And would it be fair to say that since you've been in your employment with Solutia that you have been a spokesperson of sorts for Solutia related to the PCB litigation?

A: I have been a spokesperson and am a spokesperson for Solutia. That is part of my job. And where it was relevant that we communicate to our stakeholders about PCB's, yes. I have been involved in that communication.

Q: So, you're not telling the jury that you're unfamiliar with the PCB litigation, are you?

A: No, I am not unfamiliar with the PCB litigation, but I think that it is -- it is important

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that the jury understand that I had no direct involvement during the time period that you're talking about, that that was -- that that was over 30 years ago, and so therefore I can only speculate as to what decisions were made and why they were made.

Q: That being said, is it your belief that Monsanto knew or didn't know that PCB's were harmful to people in 1971?

A: I believe that Monsanto at that point in time was aware that PCB exposure to humans was there. How much they knew about the harmful nature of that exposure, I can only speculate about. Again, the state of the art, the state of the science, are very, very different 30 years ago, 40 years ago. Monsanto stopped making PCB's in Anniston in 1971. As I understand it, that was even prior to a lot of the animal studies and that sort of thing that were done around PCB's and a whole lot of other chemicals later in the '70's.

Q: Would you agree with me that it would be fair to attempt to find out the answer to that question by speaking with Monsanto employees and reviewing company documents related to those issues?

MR. WHITE: Object to the form of that question.

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Q: (By Mr. Jones) The question is, if you're speculating, as you say, as to what Monsanto knew or didn't know about PCB's being harmful to people in 1971, would you agree with me that a good way to attempt to answer that question would be to speak with employees of Monsanto at that time and review documents of the company that discussed the issue of PCB's?

MR. WHITE: You're asking for anyone or are you asking for him, I'm --

MR. JONES: For him.

Q: (By Mr. Jones) Do you agree with me that that would be a fair way to attempt to find the answer to that question?

MR. WHITE: I'm going to object to that. I don't think it's -- but if you can answer it, go ahead.

THE WITNESS: It would be a way for me to gain additional information about that question. But we're talking about a long period of time in which PCB's were manufactured in Anniston. My guess is that that would involve a lot of people and a lot of documents, and I don't believe that that is -- that would be consistent with how I see the role that I play as CEO of Solutia. And maybe it's helpful to

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just talk a minute about how I see my job and how I do my job.

I believe that the CEO of any company and certainly my job as the CEO of Solutia is to be the chief strategist of the company. I believe the CEO must set the strategy of the company. I believe that the CEO must then ensure that there are adequate resources to perform against that strategy, both in terms of capital resource and people. And I believe that the CEO must be a key communicator for the company to both inside and outside constituencies. And those are the three areas that I spend most of my time in, and those are the three areas in which I reach agreement with our board as to what my objectives are at any given point in time.

Now, what that means is that in terms of setting strategy, in terms of creating the resources to perform against that strategy and communication, then I look to where can I, because of my unique knowledge, my unique experience, my unique position, can add leverage to pursue the business endeavors as we have -- as we have -- as we have described them. That requires that we delegate issues to people of particular expertise. It requires that I spread myself over a very wide range of issues.

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So, in terms of the PCB issues at Anniston, what I believe is appropriate for me to do is to -- is to direct the company in what do we need to do in going forward for the future. And as it relates to Anniston and PCB's, the company has committed -- I have committed, that we will clean up the PCB's in the Anniston community, and that we will continue to be a positive contributing corporate citizen to the Anniston community.

We have a plant there that is a great plant. Its employees there do a terrific job. They are very productive. They operate very safely, and we want to move forward. So, that's where I add my unique leverage. I'm not sure that my going back and reviewing a lot of, you know, an extremely large number of documents or trying to talk personally to a large number of people is the best use of my leverage as it relates to the PCB's and solving the PCB issues in Anniston. So, I have not done that.

There are people that, whether it be our lawyers or others, that can better -- can better review documents and talk to people as it relates primarily to us moving forward with the cleanup of PCB's in Anniston.

Q: And given the length of your answer, I just

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want to make sure that I'm on the same page with you.

Do you and I agree that one way to determine what Monsanto knew or didn't know back in 1971 would be to talk with people that worked at the company at that time and review the internal company documents related to PCB's?

A: Your question is such that it seems to ask how would you establish, you know, absolute knowledge.

Q: Keep in mind I said one way.

A: And I believe that it is a way, but it is a way that in order to really be able to make conclusions, the amount of documents that would have to be reviewed and the number of people that would have to be talked to, I think, is really quite large.

Q: All right. Do you believe that you can judge someone's conduct in the future based on what they've done in the past?

MR. WHITE: I'll object to the form of the question. Go ahead and answer, though.

THE WITNESS: I believe that there are some judgments that you can make about someone's conduct in the future based on how they are operating in the present.

Q: (By Mr. Jones) Not the past?

A: I believe that the past could be indicative,

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but that then must be looked at with a careful consideration for how have things changed, particularly in the area of how has -- how has what you know changed, how has the state of science changed, how has the ability to understand cause and effect or have technologies that are available that weren't available in the past. So, you know, the future depends on what you know and what your capabilities are at any given point in time.

Q: Do you believe that corporations should be responsible for their conduct?

A: I believe that corporations, yes, should be responsible for their conduct.

Q: Do you believe that Solutia and Monsanto should compensate people if they have harmed them?

A: I believe that if there is -- if there is some conclusive proof that harm has been caused, that Solutia should do the right thing as it is related to that.

Q: Would you define conclusive, please?

A: I think conclusive means that there is -- there is very good science that has been supported with all of the things that are related to that in terms of cause and effect, in terms of reproducibility, in terms of being able to be even

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somewhat predictive before you can say that it conclusively is causing harm.

Q: Do you believe Solutia and/or Monsanto should be punished if they intentionally have caused harm to others?

A: I believe that there are consequences for that if there was a very clear intent to do harm.

Q: So, that would be a yes?

A: Yes.

Q: Do you believe that Solutia or Monsanto should tell residents around their plant, specifically Anniston, the truth about harmful chemicals?

A: I believe that Solutia has a responsibility to tell the communities around our plants the truth about all of our operations, and we have a very, very open policy in which to do that. So, yes, I believe that they -- that it is our responsibility to tell people the truth about what's going on in our operations.

Q: In your opinion do Solutia and Monsanto communicate clearly with their business partners, customers that is, regarding what they may know about harmful chemicals at their plants?

MR. WHITE: Let me object.

MR. JONES: I think that's a good objection

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because I didn't even like it after I asked it.

MR. WHITE: Well, then you can sustain my objection, I guess.

MR. JONES: I can. I'll try again.

MR. WHITE: And when you're asking predicate questions where you're putting Monsanto and Solutia, can you give a time reference? I can't tell if you're talking about two companies currently or if you're trying to go back over a period of time --

THE WITNESS: Can we take a break?

MR. WHITE: Yeah, and that was what I was going to get to --

MR. JONES: I'll try to make that more clear.

MR. WHITE: Is this a good time to take a break?

MR. JONES: It is.

THE VIDEOGRAPHER: We're off the record at 9:02 a.m.

(A break was taken.)

THE VIDEOGRAPHER: We're back on the record at 9:15 a.m.

Q: (By Mr. Jones) Mr. Hunter, do you report to any one individual at Solutia?

A: No, I do not report to an individual. I report to our board of directors.

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Q: Are you the highest ranking official at Solutia?

A: Yes, I am.

Q: And in reviewing the Solutia web site, I note that Solutia claims a 100 year history in conjunction with Monsanto. Did you know that?

A: Yes, I did.

Q: Okay. And the current Solutia, the former Monsanto, was founded in St. Louis in 1901 as Monsanto Company?

A: Yes, that's correct.

Q: Okay. Who held your position before you did?

A: Bob Potter was my predecessor.

Q: Why did Mr. Potter leave his position?

A: He elected to retire when he became 60.

Q: Okay. A voluntary move on his part?

A: Yes, it was voluntary on his part.

Q: Do you believe that Solutia has a good environmental record?

A: Yes, I do believe that we have a good environmental record.

Q: Do you believe that Monsanto has a good environmental record?

A: Yes, I do.

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Q: Okay. Do you feel like Solutia and Monsanto operate with integrity?
A: Absolutely.
Q: Do you feel like Solutia and Monsanto stand out from some of the other companies whose ethics have been questioned recently?
MR. WHITE: Object to the form of that. That's a little bit vague.
Q: (By Mr. Jones) I'm referring to a shareholder letter I think that you sent out in 2002 that made the statement that Solutia -- you felt like Solutia does stand out from other companies whose ethics have been questioned recently.
A: I believe Solutia, yes, operates with integrity. I believe that not only do we do the right things but we do them in the right way, and as it would relate to some of the particular corporate governance issues that have gone on in corporate America, I believe that Solutia does stand out very positively against that.
Q: Different from companies like Enron or Worldcom or Healthsouth?
A: Yes.
Q: I think you have said before that regarding Anniston and PCB lawsuits that you have contended that

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both Solutia and Monsanto have acted responsibly; is that accurate?
A: Yes, that is.
Q: How would you define responsibly?
A: I think that responsibility of a company is that it operates with integrity, it operates with a sensitivity to what it does and how it affects all stakeholders. I believe that it operates consistent with the best knowledge that it has at the time in a very open and above-board manner.
Q: Haven't you also contended previously that the claims of all plaintiffs, and I think you referenced the Tolbert case specifically, lack a sound basis in science or fact?
A: Yes, I have said that.
Q: What do you base that contention on?
A: Well, there are -- there are claims in this PCB litigation around property damage and around personal injury and around fear of future illness. On personal injury, I believe that there has been no sound science or fact that links PCB's to long-term human health.
I base that on several studies, one of the most extensive being done on GE workers who were in the GE factory that built transformers who worked with PCB's

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on a daily basis. That study has gone on for -- has a latency period of over 30 years, and that study clearly concludes that there is no abnormal pattern to disease of those over 7,000 employees. It's had enough time since those employees worked with PCB's that I would expect, anyway, that if some pattern were to develop, it would be apparent by now.
That study was done by the same person who was very involved, as I understand it, in some of the early animal testing around PCB's and has stayed involved with PCB's from that standpoint over 30 years. So, that certainly doesn't support the exposure to PCB's is the cause for any serious health effect in humans.
In terms of fear of future illness, I think that is a very, very -- very, very difficult concept. Certainly if there is no causation of PCB's with human illness, then I have to question whether the fear of future illness related to PCB's is appropriate.
And in terms of property damage, there's no doubt that PCB's exist on properties around Anniston, around our plant, and we have agreed that we will clean up the PCB's. And with that cleanup, I believe the property is restored and the property is not damaged. And we are fully prepared to clean it up. It is our

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responsibility. We are committed to doing so in as rapid a fashion as we can.
Q: On the health study you mentioned, were you referring to Dr. Kimbrough?
A: I believe it is, yes, Dr. Kimbrough's study.
Q: Is Dr. Kimbrough a paid witness for Solutia and Monsanto?
A: I don't know.
Q: Would it surprise you if he is?
A: No, I don't think it would surprise me that he would be an appropriate expert witness to call in a trial of this nature.
Q: You think he's an independent expert?
A: Yes, I do.
Q: Okay. Even though you may have paid him? I'm sorry, when I said he, I meant she.
A: I believe that Dr. Kimbrough is an independent witness, yes.
Q: Okay. Are you aware that there are studies that indicate otherwise regarding health effects?
A: I'm aware that there are studies. My understanding is that those studies are of greater, much greater limited scope, and that those studies have not been able to be reproduced, that they are more single incident types of studies.

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Q: You mentioned that you didn't think there was any long-term health effect to regarding PCB exposure. Do you believe there's a short-term health effect?

A: Well, I think that with direct contact with PCB's that there is a chloracne type of reaction in some people with their skin, yes. My understanding is that as soon as the contact with PCB's is removed, that the skin condition also disappears.

Q: Has Solutia resolved or settled other lawsuits that deal with claims of PCB related injuries?

A: Yes, we have.

Q: Why would you do that if there is no sound basis in science or fact for PCB's to cause illnesses in humans?

A: Any time that you have that sort of situation, I think it calls on the judgment of the corporation as to the value of moving on, of getting past some of these lawsuits which can be terribly distracting to the business and to employees and to communities. And a judgment was made that those settlements could be done in a reasonable manner and put behind us and we could move on.

Q: Do you think the plaintiffs in the Tolbert

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case are a distraction to the company?

A: The litigation around PCB's is a distraction to the company.

Q: Would you agree with me that some could view your settlement of those claims as an admission that PCB's do have health effects for humans?

MR. WHITE: Object to the form of the question, and also object to the relevancy of it. I don't -- but if you can answer, go ahead.

THE WITNESS: When we have -- when we have settled other PCB lawsuits, we've done so because we wanted to move on. We believed that it was a reasonable way to do that, and there certainly was in those settlements no admission or acceptance that there was necessarily any harmful effect of the PCB's.

Q: (By Mr. Jones) All right. Do you think that people could construe it, though, as an admission of liability as to the health effect to humans?

A: I suppose that could be a perception that someone could have.

Q: You mentioned cleanup costs. I think you have repeatedly said that the anticipated cleanup costs in Anniston are manageable. Do you recall making that statement?

A: Yes, I do.

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Q: And you have said it several times; have you not?

A: Yes.

Q: Okay.

A: I believe the cleanup costs in Anniston are manageable.

Q: What are the anticipated cleanup costs?

A: We have not -- we don't know what the cleanup costs are for Anniston at this point because we are still waiting on the consent decree, obviously, to go into effect. That will do a lot of -- that does a lot of the definition around what the standards to which the cleanup must be done. As we do that, and depending on further sampling and characterization of the area, there will be better definition of exactly how much of the property is required for cleanup. What I can say, though, is that whatever that cost is, Solutia will bear. We will clean up the PCB's to the standards that are set under the oversight of both the government and the community.

Q: What has -- what has Solutia or Monsanto budgeted for that cleanup cost?

A: Well, that budget varies from year to year. We set budgets on an annual basis, and we set those budgets based on what we believe the cleanup is going

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to require in that year. Perhaps -- perhaps another way to characterize this, and we've characterized it this way in the past, is that Solutia spends -- since the time that we came into being a public company, we spend between 30 and 40 million dollars a year on remediation and environmental issues. Over the past five years that has been moving towards the lower end of the range. As we get better and more deeply involved in the cleanup with Anniston, it will move up in that range. We believe, though, that on an annual basis our overall spending will remain in that 30 to 40 million dollars, a certainly greater proportion of that will be Anniston. But that is why I believe that the cleanup costs in Anniston are manageable. But again, whatever the costs are, that's what we'll spend.

Q: The 30 to 40 million figure, that's a company-wide figure, that is not just for Anniston, is it?

A: That is a company-wide figure, yes.

Q: How much of that 30 or 40 million has gone to Anniston?

A: I don't have the specifics on that to the actual amount in any given year. Since we have -- since we have spun, we've spent, I believe, something

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in excess of 50 million dollars. So, that would be an average of about ten, and we will continue to spend what it takes to clean up the PCB's in Anniston.

Q: So, roughly ten of the 40 million per year has gone to Anniston?

A: Again, I've just calculated an average for you. What the specific numbers are, I just don't recall.

Q: Well, all right. Well, two questions then. First, what -- you didn't tell me what you had budgeted to clean up Anniston. What's your figure?

MR. WHITE: I object. What year?

Q: (By Mr. Jones) Well, right now.

A: What the exact budget is for 2003 for cleanup in Anniston, I don't have that detail.

Q: Do you have a judgment?

A: Sure. I would expect that it's somewhere in the five to ten million dollars. But again, I just don't have that detail.

Q: Five to ten million dollars to clean all the the PCB's up in Anniston?

MR. WHITE: Objection, your predicate question was for a year, not for cleaning up all the PCB's, Rhon. That's grossly unfair to try to do that.

Q: (By Mr. Jones.) I didn't understand what

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you were saying.

MR. WHITE: That's why you need to do a point in time.

Q: (By Mr. Jones) I'm clear now. Do you have a judgment or do you have a figure for what it's going to cost to clean up all the PCB's in Anniston?

A: No, I don't. I don't know what that cost is going to be, but I think it is relevant that we all understand that we will spend what it takes to clean up the PCB's in Anniston, consistent with the standards that are set by the government and under the oversight of both the government and the community.

Q: Isn't a part of being a CEO and running a company trying to predict and have a handle on what your expenses are going to be?

A: Yes, I think that that is part of the CEO, but again, you know, as a CEO, there's a broad range of things. I mean, Solutia is not a large company but it's not a small company. And we have quite a few businesses and we operate worldwide and we have 7500 employees. And, you know, the CEO's responsibility -- my responsibility as agreed to with our board, is primarily in the area of strategy, in the area of providing resources to perform that strategy, and in the area of being a key communicator, both to outside

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and to inside audiences. In doing that I do get involved in annual budgets. I get involved in annual budgets to a certain level, but I do not examine every single line item of a budget down to all of the various categories because that's not where I can add best leverage. We have excellent people running businesses. We have excellent people doing the accounting. We have excellent people doing the environmental work, et cetera, and that's their jobs. And it's my job to ensure that those people are good at what they are doing, that they have the resources that they need to do what they need to do, and for me to be there to help them. But I don't believe that a CEO should be reviewing and have at top of mind all the details of an annual budget down to every line item.

Q: So, you do not as a company have any budget amount for what the total cleanup cost in Anniston is projected to be?

A: As a company we will have an annual budget, and that annual budget will include what we would expect to spend in Anniston PCB cleanup on an annual basis. I do not have the detail of what that number is for 2003.

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Q: So, you look at this as a company one year at a time? Let me repeat that. So, you look at this issue as a company one year at a time?

A: We look at the issue one year at a time. Obviously, the look at it one year at a time is the more detailed look. We also do look at a long-range plan which would cover a three to five year time frame, but that is at less detail and less specificity as you go out in time.

Q: Plus your --

MR. WHITE: We need to go off the record.

MR. JONES: Let's go off the record.

THE VIDEOGRAPHER: We're off the record at 9:35 a.m.

(A short break was taken.)

THE VIDEOGRAPHER: We're back on the record at 9:39 a.m. This starts Tape No. 2.

Q: (By Mr. Jones) What is your cleanup budget for Anniston for the five year window?

A: I just don't have that detail. I don't know what our cleanup budget is specifically for Anniston.

Q: Do you have a judgment as to what it is?

A: No, I don't. In that particular case, clearly some of the things that will help determine that are to be determined as we finalize the consent

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decree and begin that work.
Q: Has Solutia not put any thought into what it's going to take to clean up the community?
A: Yes, we've put a lot of thought into what it's going to take. In fact, we have done a lot of the work that characterizes that, but we've sampled a lot of properties. We've begun cleanup in places where we believe it was needed now. We are prepared to do -- to accelerate the cleanup as rapidly as we can, but I do not here today have the detail of what the specific line item cost of that is.
Q: Well, less then, for the five year window, less than a hundred million dollars?
MR. WHITE: Object to the form. I mean it's asked and answered, and I think your question is argumentative at this point. I mean the consent decree is there. You're aware of it, and everybody sitting here is waiting on it to be signed. So, you're asking him an unknown until Judge Clement signs it or doesn't sign it.
Q: (By Mr. Jones) Is it your testimony then that you can't have a solid budget number until the consent decree is entered?
A: It's my testimony that we're going to spend whatever it takes to clean up the PCB's in Anniston

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consistent with the standards that are set by the government and under the oversight of both the government and the community, so that everyone is confident that that cleanup is being done properly. That's what we're going to spend.
Q: Even if that cost is a hundred million?
A: Whatever that cost is.
Q: Okay. Do you think that Solutia and Monsanto have a responsibility to treat the citizens of Anniston fairly?
A: Solutia has the responsibility to treat all of our constituents fairly, and that includes the citizens of Anniston, yes.
Q: And Solutia should be truthful with those citizens?
A: Yes, they should be truthful and is with those citizens.
Q: Solutia should not keep the truth from those citizens, should they?
A: No, we should not.
Q: You're familiar with the Golden Rule, I take it?
A: Absolutely, I am familiar with the Golden Rule. I presume that's the Golden Rule as it's stated in the bible.

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Q: Solutia follows that rule?
A: Yes, I believe that we follow that rule.
Q: Do you think people who, perhaps, don't have as much in the way of monetary or material things, that -- are they afforded the same rights and treatment as those who have more?
A: I believe that every human being has the same rights and should be treated fairly, yes.
Q: No matter where they live?
A: No matter where they live, yes.
Q: No matter how much there property is worth?
A: I believe that everyone should be treated fairly, yes.
Q: I'm going to switch gears for a second and talk about the manufacture of PCB's. Is it your understanding that the manufacture of PCB's began in Anniston when Monsanto acquired that plant in 1935.
A: I believe that is when Monsanto acquired that plant. To tell you the truth, I don't know whether PCB's were being produced when Monsanto acquired it or whether they started producing PCB's after Monsanto acquired it. Again, 1935 is before I was even born, so I don't have that specific information.
Q: Were -- over the time that PCB's were

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produced in Anniston by Monsanto, was that a profitable product?
A: Yes, I believe it was a profitable product.
Q: Do you know how profitable?
A: No, I do not.
Q: When do you believe that Monsanto learned PCB's were harmful to the environment?
MR. WHITE: Object to the form of the question.
Q: (By Mr. Jones) Well, let me restate it based on your previous testimony. When did you -- when do you believe that Monsanto learned that PCB's were persistent in the environment?
A: Well, again, I believe that that was in the late '60's, early '70's, but having had no direct responsibility in that area, that was prior to me even being in the work force. So I honestly don't know, but that's what I I believe.
Q: Do you believe there was a time when Monsanto learned that PCB's were harmful?
A: I don't believe that there is -- there is a belief that they are. So, no, I don't know when Monsanto might have come to some conclusion that they were harmful.
Q: Do you understand that in 1971 Monsanto

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stopped producing PCB's at the Anniston plant and limited their PCB sales to electrical equipment manufacturers?

A: I do believe, yes, that 1971 was when production was ceased in Anniston, and my understanding is is that sales of the product were focused to certain industries. I'm not sure what the full extent of that was.

Q: Is it your understanding that in 1976 electrical equipment manufacturers developed substitutes for PCB's?

A: It's my understanding that certainly by 1977 that there were some substitutes. It's also my understanding that even when Monsanto shut down or stopped making PCB's in Anniston, that the government would not allow the total cessation of manufacturing PCB's until some substitutes were developed. PCB's over their life history saved a lot of life and saved a lot of property damage because they were developed to solve a very real need in terms of electrical distribution and to prevent fires and harm both to property and to people.

Q: Is it true that, and I think it was 1977, that Monsanto stopped the manufacture and sale of all PCB's, the same year that the substitutes became

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commercially available?

A: I understand that 1977 was when Monsanto stopped all production of PCB's.

Q: Okay. Do you also know that substitutes were not commercially available until 1977 as well?

A: I don't -- I don't have that specific knowledge. I know that substitutes were developed, and that -- I presume that since Monsanto stopped making PCB's in 1977, and prior to that they could not under government mandate is my understanding, that certainly the substitutes would have been available at that time.

Q: Do I understand your testimony to be that the government mandated that Monsanto continue to produce PCB's until 1977?

A: It was my understanding -- it is my understanding that there were still codes that required PCB's, and that Monsanto needed to produce those until substitutes were -- until substitutes were developed. That's my understanding.

Q: Is there any difference in the way that Solutia treats its customers as opposed to the residents around its plants?

A: I'm not sure I understand your question. If you could help me a little bit.

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Q: Do -- let's just take the issue of harmful effect of something like a PCB. Does Solutia owe a greater duty to disclose harmful effects to its customer than it does to the residents near the plant?

MR. WHITE: Object to the form of that.

THE WITNESS: I think that we probably would communicate differently with customers than, perhaps, the community in terms of the nature of your question. There is -- there is a difference between an industrial use of the product and the industrial hygiene that is required in the use of that product where people are routinely either in the presence or handling that product or have the opportunity to be exposed to that product in some significant way. And so I think that there is communication in that regard that would be different than communication necessarily to a community where there was no product use or there was no need for the industrial hygiene kinds of standards because of much less exposure, if any exposure at all.

Q: (By Mr. Jones) Would your answer be the same if the company was aware that they were releasing the chemical into the environment near the plant?

A: I believe that, you know, the company should communicate as fully with its constituents, be it

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customers, be it communities, be it employees, as fully as they can with the knowledge that they have. And if something were being released that truly was harmful, then clearly that would be part of that communication.

Q: Do you ever feel like it's appropriate for a company to place profits above the health and well-being of the residents of a community where one of your plants is located?

A: No, I do not.

Q: And if a company were to do that, would you agree that they should be punished?

A: Would you maybe restate that question?

Q: Sure. If a company did place its profits above the health and well-being of residents around one of its plants, and that was proven, do you think that that company should be punished?

A: If the company were doing that with clear knowledge that harm was being caused and were doing that intentionally, yes, that company should suffer consequences for that.

Q: And if a company were to do that, that would not be acting responsibly, would it?

A: No, I do not believe that that would be a responsible action.

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Q: Let me switch gears for a moment, is it your belief that PCB's are toxic?
A: Toxic is a word that's used, I think, in a lot of different contexts, particularly within the chemical industry, and has to do with the degree of exposure, the form of exposure, et cetera. PCB's in certain -- in certain cases where they were exposed to very high heat and vapor exposure was there, I believe would be toxic.
Q: I'm sorry, I don't think I understood all that. Is that a yes?
MR. WHITE: I object to -- well, go ahead and answer the question.
THE WITNESS: I don't believe that there is a yes or no answer to the question. I believe that toxicity has very specific application particularly within the chemical -- within the chemical industry and how it's regulated, et cetera.
Q: (By Mr. Jones) Would you want PCB's in your blood?
A: Well, I think that if you're asking would I purposely want to have PCB's in my blood, no, I don't think so. I think that the reality of our living in an industrialized nation says that we all have various things in our blood that you would not

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necessarily go out and specifically desire that they be put there.
Q: Would you want PCB's in your organs?
A: No, I would not want PCB's in my organs. But again I do not believe that there is any cause or effect that exposure to PCB's are dangerous to me in terms of my future health.
Q: So, in your opinion PCB's are not hazardous to your or anyone else's health?
A: I do not believe that PCB's are hazardous to my health, no.
Q: Regardless of the level of exposure?
A: I believe regardless of the level of exposure. I believe that there are studies that support that where very lengthy, detailed studies over a long latency period of time have been done of people who certainly would have much greater exposure to PCB's than I would in any form of just environmental type of exposure.
Q: Does Solutia represent to Anniston residents that PCB's are not hazardous to people's health?
A: We do not believe that PCB's are hazardous to health in any kind of long term human health issues, yes.
Q: All right. So, the answer is yes or no that

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Solutia represents that to the residents of Anniston?
A: We represent to the residents of Anniston that we do not believe that PCB's and exposure to PCB's are linked to any serious human health issues.
Q: Does Solutia represent to Anniston residents that PCB's aren't a toxic substance?
A: Certainty under definitions within the chemical industry in terms of industrial hygiene issues around industrial exposures to PCB's, PCB's would in that context I think probably be considered a toxic substance.
Q: And do -- are you aware of whether Solutia represents to people in Anniston that PCB's aren't toxic?
A: I'm not sure I understand what you mean by represent.
Q: I mean, in other words, do they tell people that, do people at Solutia go around to civic groups, to clubs, to people on the street, to people at a local restaurant, and tell them individually or in groups that, "Hey, PCB's aren't toxic"?
A: Well, I don't think that there has been any directive certainly for employees of Solutia to go out and talk to people in the community necessarily around the toxicity or anything else regarding the PCB's. I

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believe that if asked the best information they have and what we believe is that PCB's are not linked to long term human health issues.
Q: And I may just be asking you something you don't know, but do you know whether or not Solutia employees are out and about in Anniston telling people in groups that PCB's aren't toxic?
A: No, I don't know.
Q: Okay. If they were doing that, would that be consistent with your company policy?
A: We don't have a company policy that directs our employees to go out and talk to groups or individuals or anybody else about PCB's or necessarily any specific issue like that.
Q: Would it be consistent with your position?
A: I'm sorry, ask the question again.
Q: Yes, if Solutia employees were in Anniston telling residents and groups that PCB's aren't toxic, would that be consistent with your position?
A: It's consistent with my position that there is no credible science or study in my opinion that has demonstrated any linkage or any causation of exposure to PCB's to long term human health issues.
Q: Is that really the same thing, though, as telling people generally that PCB's aren't toxic?

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MR. WHITE: I'm going to object to the form. You've asked him the question and you're basing it on some sort of hypothetical that -- I think he's answered your question as fully and completely as possible, so I'm going to object to further argumentative sort of inquiry.

MR. JONES: Well, I don't agree with your characterization.

Q: (By Mr. Jones) But in any event, in an effort to move forward, would you want PCB's on your property?

A: I don't believe that PCB's on my -- on property that I own would be a problem. Again, would I voluntarily go out and put PCB's on my property? No. I think that as we have already said with the Anniston community, the PCB's do not occur naturally in their property, and therefore, we will clean them up. We believe it is our responsibility to clean them up, and, therefore, we will.

Q: If they were on your property, which I assume they are not, would you want them cleaned up?

A: If there were a -- if there were a cleanup available that was reasonable and didn't inconvenience me, would I perhaps do that? Yes. But would I worry if my property were not cleaned up? No, I would not.

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Q: Okay. Is it reasonable in your opinion for the residents in Anniston to want the PCB's out of there or off their property?

A: Look, I agree with the people, the residents of Anniston, wanting PCB's cleaned up, and I am fully prepared for Solutia to do that. I understand that PCB's do not naturally occur on their property. I also understand that there is a perception around PCB's that has been built through a lot of publicity and other things that creates some concern for the Anniston residents, and I am sensitive to that. And that's why we have had, you know, long and productive discussions with the EPA to come to an agreement on how to do the cleanup of PCB's in Anniston. That's why we have sampled as much of the area that we have around the Anniston community. It's why we sampled a thousand residential properties. And the EPA has an immediate action at the ten part per million level. We found 28 of a thousand, 28 properties out of a thousand, that had a concentration of ten parts per million or greater that required immediate action. We've taken that action. We've cleaned up 13 of those 25, and we kind of stand there at the gate, shovel in hand, ready to clean the other 12. But on advice of legal counsel those property

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owners have not allowed us access to that property. We have in the consent decree agreements that will accelerate the process of cleanup in Anniston. So, when the consent decree is entered, we can move forward as rapidly as possible. So, we are committed to cleaning up PCB's in the Anniston community.

Q: How many of the one thousand properties you're talked about have you found PCB levels of over one part per million?

A: I don't know.

Q: Why not?

A: I don't know. I would say that there's certainly a significant number, but I don't know the number.

Q: Does significant mean more than half?

A: Yes, certainly more than half. I would say a large majority.

Q: Okay. More than three quarters?

A: Large majority.

Q: Okay, that's -- well, do you think those need to be cleaned up as well?

A: I believe that the EPA has set an appropriate standard of one part per million and that any properties that have greater than one part per million we will clean up. And we will do that as

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rapidly as we can.

Q: Have you cleaned those up yet?

A: We have not cleaned -- we have not cleaned all of those up yet. Again, understand that under the EPA guidelines immediate action is required for ten part per million or greater. Ten part per million or greater, we found 28 out of the thousand that had that concentration, and we have cleaned up 13 and want to clean up the other 12 if we could be granted access. We believe that the finalization of the consent decree would allow us then to have access to that property and we would immediately clean those up. But when standards are set like this, the EPA looks at a process of where levels are and prioritizes those to levels. They use a process that is very, very conservative so that they are sure that if there is any error it's in the interest of all concerned that they've been conservative. And so that's why that they settled on a one part per million. I think that is an appropriate standard and anything over one part per million would be cleaned up. We would certainly prioritize residential areas prior to rural areas. And we will move on with that as we get the opportunity.

Q: The EPA has not prevented you from cleaning

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up those, I think you put it, large majority of those properties over one part per million. They've not told you you can't clean those up, have they?

A: When you're in a discussion with the EPA around establishing a protocol and the methods by which you clean up properties, in this case with PCB's, there are some limitations because they want to ensure that that cleanup is done appropriately. They want to ensure that that cleanup is done according to the standards that they set, and with good -- with good state of the art practices.

We have in fact as we have gone through the process of coming to the conclusions on the consent decree, there have been times when we've gone to the EPA and said, "Look, we think this particular area, we ought to go ahead and clean up. We think that particular area we ought to go ahead and clean up."

There's a ballfield, I think it's in Oxford, that we felt that was necessary. Let's go ahead and clean that up because the community was going to be doing something there in terms of improving that area anyway. So, it was very practical to go ahead and do that. And we went to the EPA and asked for permission to do that and they agreed with us.

It's -- I think it's been everybody's experience,

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it's certainly been my experience in the chemical industry that when you do these cleanups that the best way to do that is to have one agency that is -- has the responsibility for defining the standards, defining the cleanup, and doing the oversight. And the EPA is that agency, and we have reached those conclusions. We will work and have worked very cooperatively with them. And we will clean up the PCB's in a prioritized way as rapidly as we can. And we will prioritize residential properties prior to rural properties.

Q: So, are you telling me then you realize the standard is one part per million and you just can't get to those properties yet?

A: The standard is one part per million, that is in the consent decree which is awaiting approval at the federal court level. There is a practical limit as to just how fast you can do the cleanup of PCB's, but we're committed to do that as rapidly as possible, and we'll do it in a prioritized way. And we'll do these properties that have the level of PCB's of ten part per million or greater which is the immediate action requirement of the EPA. Out of the thousand properties sampled there are 28 of those. We've cleaned up 13, there's another

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15 to go. As soon as we can get access to those properties, we'll clean them up.

Q: You're not suggesting to the jury, are you, that you're going to wait on the one part per million properties until you have cleaned up those ten part per million, are you?

A: No, what I'm trying to say is is that there is a prioritization and the ten part per million properties we would have cleaned up by now. Those would be behind us if we had been granted access to the property. So, will those be among the first that we clean up? Absolutely, those will be among the first that we clean up. But we will -- we will be cleaning up PCB's in Anniston in an orderly fashion as fast as it can be done to be both effective and efficient consistent with the consent decree that sets forth the methods and sets forth the standards. It will be consistent with the oversight of the EPA. And as part of that consent decree there is after oversight group from the community who will have at their -- available to them experts who can -- so that they do can ensure that the clean up is being done well, that it's being done according to the standards and according to the processes that have been defined, and that it's being done to its final

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conclusion.

Q: Well, are you cleaning up the one part per million properties right now?

A: We are in -- we are doing, you know, some cleanup. We are continuing to characterize the area. We are -- you know, the consent decree does need to be finally approved at the federal level. That consent decree then allows some accelerated work for us to do, but again, there is a regulatory process here within which we are operating, and we're doing that as pro-actively and as cooperatively with the EPA as we can.

Q: As we sit here today, May 22, 2003, are the one part per million properties being cleaned up today?

MR. WHITE: I'm going to object to the form of the question as argumentative. You know the status of the consent decree, and you know it's before Judge Clement right now. For you to suggest that he doesn't have to wait for that process to take place, that there is something he can do other than wait for that decree to be entered, I think is not only argumentative but I think it basically is frankly not fair. And with all due respects to you I respect, it's not an intellectually honest assessment of the current situation.

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MR. JONES: Well, I'm glad you brought that up, so we can go ahead and get this on the record, too. Is it your position as counsel for Solutia that the consent decree, the fact that it's not been entered, prevents Solutia from cleaning up the one part per million properties? Is that your position?
MR. WHITE: I'm going to tell you that there is an agreement with the EPA on the consent decree. Now, I can tell you this, if you would go and advise Judge Clement that your clients are willing to support the consent decree, it will certainly accelerate the cleanup of the property.
MR. JONES: Well, that's not -- let's ask -- that's not an answer either, but let's ask Mr. Hunter, the CEO, president and chairman of Solutia.
Q: (By Mr. Jones) Are you saying on the record today, are you telling the jury as of May 22, 2003, that the fact that the consent decree is not entered, that is preventing you from cleaning up any property over one part per million?
MR. WHITE: Well, that's not fair because you're assuming some of your clients are in that property. You were asked by Judge Clement at the consent decree hearing for a position and you all stood mute. So, we don't know -- your clients have

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not indicated to us, you know, whether they want their property cleaned up or even if it needs cleaning up.
MR. JONES: Without being too difficult, are you going to tell him not to answer that?
MR. WHITE: I think because it involves a legal matter, for purposes of this deposition I think I will think about it. How about that? Are you about through with this line of inquiry.
MR. JONES: I'll be glad to take a break, but I would like to either know the answer to that question --
MR. WHITE: All right, give me your question, and I'll take a break and confer. I may have to make a call.
MR. JONES: Well --
MR. WHITE: Because, as you know, while I was at the consent decree, it's largely been handled by other counsel, but I'll get you the answer to the question.
Q: (By Mr. Jones) Let me ask you this, are you cleaning up the hundred part -- isn't that what you said the number was, hundred part per million? What was the number?
MR. WHITE: The ten part has already been cleaned up.

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Q: Ten part, do you need the consent decree to clean those up?
MR. WHITE: Ron, I'll be happy to get you the information as to what that was. I'm not the best source of it, probably Buddy is, but if he can answer -- tell you what, let me take a break. Let me find out what his involvement was.
MR. JONES: Let me just go on the record and again, Mark, with all due respect, I do not think we need a break. I do not think a break is necessary to answer the question.
MR. WHITE: Wait a minute, if you're going to play that game, if you're going to try to suggest that he can't confer with counsel or that this break is designed to affect his testimony, take your best shot. Ask your question.
MR. JONES: I'm not suggesting that.
MR. WHITE: No, no, no break. Ask your question. I find that particularly offensive, but go ahead and ask your question. Take your best shot.
MR. JONES: That being said, let's just take a break.
MR. WHITE: No, we're not going to take a break. Let's go. Go for it. Ask your question.

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MR. JONES: That being said --
MR. WHITE: No, no. We're not going to take a break. We're not going to take a break. Ask your question.
Q: (By Mr. Jones) Does the consent decree, lack of entry of the consent decree, keep you from cleaning up the properties that have over one part per million?
MR. WHITE: Objection to the extent that it requires a legal conclusion or legal interpretation, I'm going to object to that. To the extent he thinks he can answer, I'll let him answer.
THE WITNESS: It is my understanding that when you're in a process with EPA where you are reaching conclusion of a consent decree, where a consent decree is a very detailed description of how cleanup is to go forward, complete with standards, that the EPA and the party involved in that consent decree, in this case Solutia, the EPA does not want that cleanup to occur kind of ad hoc, not guided by those principles that have been discussed and arrived at with the best knowledge of the regulatory agency, the best knowledge of the involved constituents, and the best knowledge of the company.
So, to be -- to be moving forward rapidly with

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a broad scale cleanup prior to having that consent decree approved so that you know under what standards you're cleaning up, you know under what process you're cleaning up, you know how you're going to sample and characterize the property so you know exactly what areas need be cleaned up, that is something that the EPA does not want to occur.

Now, on the other hand the EPA in their process, which we fully concur with, does say that where there are places where the concentrations would require immediate action, and that's ten parts per million or greater, that those properties should go ahead and be cleaned up. Out of a thousand properties we found 28 that met that criterion. We have cleaned up 13 of them. We are prepared to clean up the balance, but at this point upon advice by legal counsel those property owners have denied us access to the property. We can't clean it up if we can't get on it.

MR. JONES: Well, Mark, you all want to take a break?

MR. WHITE: It's your break. I'll join you.

THE VIDEOGRAPHER: We're off the record at 10:17 a.m.

(A break was taken.)

THE VIDEOGRAPHER: We're back on the record

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at 10:28 a.m.)

Q: (By Mr. Jones) Mr. Hunter, in an attempt to conclude that previous line of questioning, is there anyone, any entity that is preventing Solutia cleaning up those properties that have greater than one part per million but less than ten?

A: It is my understanding that in the process of coming to a formal consent decree with the EPA, that we have agreed to with the EPA, that the cleanup -- that the EPA requires that the cleanup would be done under those standards and to those criteria, and with the consent decree not yet being approved at the federal court level and entered into the record, I guess, it is my understanding that the EPA is the controlling factor on what properties get cleaned up when.

We have worked cooperatively with the EPA. Certainly where immediate action is required by EPA standards we've taken that where we have been able to, where we've been granted access to the property by the property owners. Some have not allowed us on the property upon advice of their legal counsel. But the other places we've worked with the EPA where it would make sense to go ahead and do that cleanup because of other circumstances that would make the cleanup more

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difficult or less efficient if we waited. And we have gone to the EPA and worked out an agreement to go ahead and do that.

But it's my understanding that with the consent decree still awaiting approval that the EPA is basically the controlling factor on any broad cleanup that is going to occur.

Q: All right. Who is your plant manager at Anniston now?

A: Our plant manager is David Cain.

Q: Who is your remedial projects manager in Anniston?

A: That is Craig Branchfield.

Q: Did -- were you aware that Mr. Branchfield has testified that he is telling both individuals and groups of people in Anniston that PCB's are not toxic nor are they hazardous to people's health?

A: No, I'm not aware that he is specifically going out and doing that, no.

Q: Would you approve of that?

A: I approve of Craig Branchfield being an involved member of the community and communicating with people in an appropriate manner based on his knowledge. I have absolutely no problem with that.

Q: If what I have said to you is factual

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regarding things he's saying regarding toxicity and hazards to health, are you in approval of that?

A: I'm in approval of him making comments to people that are based upon his knowledge which is very detailed, and I have every confidence that Craig Branchfield is communicating with people in a truthful and straightforward manner.

Q: If PCB's are not toxic and they are not hazardous to people's health, long term at least as you contend, then why is Solutia cleaning them up from properties in Anniston?

A: We are cleaning up and committed to cleaning up the PCB's in Anniston because those PCB's did not naturally occur on that property. And we understand the concern that the residents of Anniston have because of some of the perception that has been generated about PCB's through an awful lot of publicity and through other avenues. It is our responsibility to clean it up. We recognize that it's our responsibility to clean it up. We recognize that some, perhaps even most, of those PCB's did come from our plant. We know how to clean it up. We have negotiated and discussed with the EPA the standards to which that would be cleaned up, the criteria under which it would be cleaned up, how that

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cleanup would proceed forward in a formal consent decree which is pending approval. So, we're going to clean up the PCB's in Anniston, get that issue behind us, so it just won't be an issue in the Anniston community in the future.

Q: You've mentioned the word publicity as it surrounds PCB's a couple of times now. Do you admit that there are people, scientists, doctors, who disagree with your position that PCB's are not toxic and they are not hazardous to people's health long term?

A: Yes, I understand that there are people that would have a different opinion of that. There are questions that still are being asked around PCB and its effect on humans. I believe that some of the extensive studies that have been done are very strong indications that that is not the case. But there's still questions around it.

I believe that there are even health studies that are either pending or even under way to perhaps even more conclusively answer those questions. And Solutia certainly supports the conduct of those health studies and certainly are in favor of them going forward so that those answers can be conclusive once and for all and it can get behind us and those concerns would not

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be present in the future.

Q: Changing gears just a moment, if Monsanto knew that there were questions about PCB's being toxic to humans and their effect on the environment, should they have warned the residents of Anniston if they knew they were being discharged from the plant?

A: Well, you've asked me a hypothetical, but I believe that a responsible organization, and I believe that Monsanto was, that was my experience certainly with Monsanto, that they would communicate to the community what they knew, when they knew it, and would do that in a responsible way. They would do that consistent with fact. I do not believe that they would go out and communicate supposition or preliminary conclusions, for example, until they were sure so that the communication would be accurate and would not cause any reaction that really was not appropriate.

Q: Okay. Would you feel comfortable living next to the Monsanto plant in Anniston?

A: Yes, I would feel comfortable living next to the Anniston plant. In fact, I have lived in Anniston. And while I didn't live right next to the Anniston plant, I certainly lived in the Anniston community. I believe that I lived on Abbott Avenue.

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And that was when I first entered the military. I was a chemical corps officer and my first, I believe it was eight weeks in the service, was spent at Fort McClellan in Anniston, Alabama, going through what was then called a basic officers training course for the chemical corps.

Q: Would you have any concerns about your children or grandchildren being there with you being exposed long-term?

A: No, I do not have any concerns about that.

Q: Would you eat fish out of Choccolocco or Snow Creek?

A: You know, I think I, just like everybody else, would abide by whatever regulatory agency restrictions had been placed. Right now there is a -- there is a catch and release or do not eat fish -- I don't know what the right word is -- directive from the regulatory agencies. So, you know, I would abide by that.

However, I also believe that that is -- that the level of PCB's in the fish in those areas is coming down and that those directives will be lifted at some time in the future.

Q: Do you have a judgment as to when those directives will be lifted?

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A: I don't know how to predict when those directives would be lifted because that has to do with, as I understand it, a schedule of the regulatory agencies and when they sample and that sort of thing. But it is clear that the PCB levels in fish are coming down.

Q: Do you understand that there are directives in parts of Anniston not only regarding the fish but related to eating food out of gardens and playing in certain areas, being in the dirt in certain areas?

A: I guess I'm not aware of directives in the same sense that I used the word directive for the fish, the don't eat fish in some of the waterways. I guess I'm not aware that there are as formal or as specific a directive around, you know, vegetables or that sort of thing in the area.

Q: Can we agree that Solutia and Monsanto are responsible for the vast majority of PCB's that are now present in the communities in Anniston?

A: I believe that there is certainly a high likelihood that the majority of the PCB's that are in the community came from the Monsanto plant in Anniston.

Q: Personally, do you feel guilty about that?

A: No, I don't feel guilty. I think that to

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feel guilty you've got to believe that something was done contrary to the knowledge at the time, to the capabilities of the time. My experience with Monsanto was that Monsanto was very responsible and met that criteria, that as they knew things, as they had different capabilities, that they acted accordingly. I also believe that it just makes no sense that Monsanto, although I don't know because I wasn't there and it was prior to my being with Monsanto, employed by Monsanto, but it makes no sense to me that Monsanto would allow PCB's to just be discharged because PCB's were the product. This was not a byproduct. This was not a waste stream. I mean this was the item of commerce.
And so there's every incentive to ensure that you get all of the PCB's that you manufacture into the stream of commerce, because that's what they were about. From Solutia's standpoint there is absolutely -- absolutely no concern or any guilt or anything else.
Solutia is fully prepared to clean up the PCB's. We acknowledge the PCB's are there. We acknowledge that it is our responsibility to clean them up, and we are doing that. And we stand ready to do that on an accelerated basis as soon as we can get the consent

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decree that we have agreed to with the EPA approved at the federal court level.
Q: Has Solutia considered removing the landfills in or around the plant in Anniston?
A: We have -- we have not considered moving those landfills. We believe that those landfills are safe. We have put monitoring capability around those landfills so that there will be more than sufficient notice if there is any change in status of those landfills. And so we see no need to move those landfills. Those landfills are safe, and we are maintaining them so that they will be safe.
Q: If you -- strike that. Do you have a judgment, notwithstanding your previous answer, of what it would cost to remove the landfills?
A: No, I do not know what it would cost to remove the landfills.
Q: Has anybody at Solutia ever even considered what that cost would be?
A: I don't know whether they have or not.
Q: Do you think it would be wise for someone at Solutia to consider that cost?
A: You know, in any business there are a lot of things that you consider, but there are -- you know, there are things that you don't because they really

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are not something that you're going to do because there's no reason to do them. So, you know, we like every other company have resources that we want to apply to the best conduct of our business.
The landfills in Anniston are performing their function in exactly the way that they should. There is no issue with those landfills, in my opinion.
There is no reason to move those landfills, and so there's no reason to have somebody to evaluate what it would cost to do so.
Q: Could people disagree on the level or amount of cleanup that is needed in Anniston regarding PCB's?
A: Well, I think, you know, with regard to cleanup of anything, people will -- can certainly disagree and probably will. I think that's the value of having independent agencies do that work and do the evaluation and set the standards. I think that's the value of having one agency do that as opposed to several agencies trying to do it, so that it's very clear what the standards are. It's clear how those standards have been arrived at, and that those standards have been arrived at in the right way, and that it's clear what the proper process and techniques are to effect that cleanup.
Q: When did Solutia begin discussion with the

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EPA to clean up Anniston?
A: I don't know. I know the discussions have taken some time. I don't know precisely when those discussions started.
Q: Do you have a judgment as to when they started?
A: I would say they started a year ago, two years ago. I don't know exactly.
Q: Why didn't they start sooner?
A: When Solutia became a public company we addressed the Anniston issue. Again, I don't know when the EPA discussions started. I know that we fully accept our responsibility and have from day one to clean up PCB's. And we have moved forward in my opinion in a very reasonable and very progressive way in order to get that done. We have done an awful lot of the characterization of the area, sampling of PCB's that otherwise would have in a normal process probably would not have been done until the formal consent decree was done, so we're ahead of the game in that regard.
The discussions with the EPA have been discussions that we have entered into fully and cooperatively. I know that early on there was some dispute around, you know, the Alabama Department of

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Environmental Maintenance and the EPA, and where jurisdiction was and who was best to do it. We were in those discussions. I believe that the right conclusion has been reached, that in these cleanups you get the best job when one agency is the oversight group in determining those criteria.

So, there certainly has been nothing that Solutia has done to delay the normal progress of this type of process. In fact, I believe that we, quite frankly, have acted in a way that has accelerated it.

Q: If I understand your answer, you said a year or two ago was when discussions started. This is 2003 so it would be 2001, 2002?

A: What I said was that I didn't know when the EPA discussions actually started. I don't know. You asked me for a judgment. I said possibly one or two years ago. And exactly what would characterize, quote, the start of discussions, we probably never have not been in discussion with the EPA in some form or another around Anniston and the PCB issues, because we've been fully involved in it since the very first day that Solutia came into existence.

Q: Well, were you talking with the EPA about a consent decree in 1997 when Solutia was formed.

A: I don't know when our formal discussions

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around consent decrees started with the EPA. I know that we have had those discussions, and we have had lots of discussions with the EPA and other agencies. We have reached conclusions on what I believe to be a very, very good process by which to get a final cleanup -- excuse me, a final cleanup of PCB's done in Anniston, and that is represented by the current consent decree which is simply awaiting approval. And we are very ready to act under that consent decree. We will do what is necessary in order to clean up PCB's once and for all in Anniston.

Q: Did Monsanto have talks with the EPA about a consent decree before the spinoff?

A: I do not know.

Q: You were apprised of the situation with Anniston in 1997, I take it?

A: If your question means was I -- was I aware that there was a PCB issue in Anniston and that was part of the responsibilities Solutia was taking in the spin from Monsanto, yes, I was certainly made aware of that.

Q: Did you ask the question at that time of Monsanto -- excuse me, did you ask the question at that time of Monsanto, what's going on with the EPA, where do we stand on trying to get some cleanup

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remedy?

A: No, I did not ask that question of Monsanto. Again, as we spun from Monsanto, at that time I was president and chief operating officer, we were in the process of getting the company started up a brand new -- a new public company. There were a lot of things that we were doing, but when you do that you have people that have the particular expertise dealing with the details of various issues. And so there would have been other people dealing with those details. I certainly was aware that PCB's were an issue in Anniston, but did not go and have detailed conversations around that specific issue. It was clear to me, and I fully accepted and supported that the PCB cleanup situation and the conduct of that cleanup was Solutia's, and that's what we were going to do.

Q: So, that being the case, the fact of the matter is you did not ask questions of Monsanto at the time of the spinoff about the EPA or any cleanup remedy?

A: No, I did not.

Q: Okay. Was Anniston not a high priority at the time of the spinoff?

A: Anniston was a plant that was included in

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the spinoff of Solutia. It was one of many plants around the world. We were in the process of kind of, you know, you're talking about creating a company here. You're talking about getting the employees to understand that they are no longer part of Monsanto. They are now part of Solutia. We were having to change our name. I mean there were a lot of priorities around that time, and one of the key priorities was to ensure that we continued to run our facilities in a safe and responsible manner and that we continued to serve our customers. And that was the primary responsibility that I was trying to ensure occurred during this time of change.

Q: And in light of your testimony today about Solutia's corporate responsibility and wanting to do the right thing, wouldn't that have been a logical question to ask at the time of the spinoff –

MR. WHITE: Object.

Q: (By Mr. Jones) -- what's going on with the EPA and cleanup? How are we going to get a resolution to this?

MR. WHITE: Object to the form because you're asking that in a general nature. You've been asking about what he specifically did and you've now gone to what appears to be a general predicate

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question, so it's vague. I object on that ground. It's also argumentative.

Q: (By Mr. Jones) Let me reask it because Mark makes a good point. I was asking you specifically as an individual before. Now, generally, just your knowledge of anyone at Solutia, was the question asked of Monsanto at the time of the spinoff, what is the status with the EPA and what are we doing regarding cleanup?

A: I am confident that the people that had the expertise around those issues had conversations with Monsanto that were appropriate for us assuming responsibility for all of the sites that were coming with Solutia as well as the accounting, as well as the sales, as well as all other aspects of Solutia as it became a separate company. And I'm sure that conversations and appropriate conversations by the qualified people were had to properly characterize what the status was of issues at all of our sites.

Q: Once you entered serious discussions with the EPA about a partial consent decree, how long did it take to get into a form to submit to the court?

A: I don't know. I don't know when -- as I've said, I don't know exactly when those discussions

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started, and so I don't -- I don't know. I just don't have those dates in my head.

Q: Do you have a judgment as to whether it took more than a year or less?

A: No, I don't.

Q: Okay. So, is it your belief that the people at Solutia did ask of Monsanto at the time of the spinoff, what is the status of the EPA and the cleanup?

A: I am confident that the people that we were looking to have those discussions around all of our plants, be they manufacturing issues, environmental issues, safety issues, employee relations issues, et cetera, that the appropriate people were having the appropriate conversations. I would expect that certainly the status of PCB's and where we were on cleanup and where we were with regulatory agencies, that that would have been a part of those conversations. I would have expected that to be a part of those conversations. And do I know precisely what all of those conversations were? No, I don't, but I would certainly expect that those conversations were comprehensive as we were effecting this transfer, or this handoff, and creating Solutia as an operating company.

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Q: Right. You say precisely, but isn't it a fact that you don't have any knowledge of any such discussions, general or otherwise?

A: I have no specific knowledge of any individual conversation that was had between people of Solutia and people of Monsanto about the precise status of the EPA conversations. I have no knowledge of a lot of conversations that were going on in that. Again, we were in the process, we're talking about taking a -- taking a business that at that time had over nine thousand employees, it had, I believe, some 16 sites, manufacturing sites, worldwide. It had to change it's name. It had to ensure that the customers understood how business was going to go forward. And we had to be sure that we had all the financial aspects fully separated properly. So, there were just -- there were thousands of things going on of a detailed nature when you separate a company like this. And part of my responsibility was the oversight of a lot of that, primarily around operations, the making and the selling. So, the last thing we wanted to do was to not be able to conduct our business as we were making this transition. So, again, we had gone to great lengths to select very qualified people for their jobs. I believe that

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it was my responsibility to do -- to be a part of that selection to ensure that people had the resources that they needed, and then let them do their jobs and be of support to them where I needed to be in order to effect that very, very complex and difficult split-off.

Q: Was there a higher environmental priority than Anniston at the time of the spinoff?

A: I could not say that there was any higher environmental responsibility than Anniston. Anniston was a significant environmental responsibility. We have other environmental responsibilities. We take those responsibilities very seriously, and I'm confident that we were progressing all of our environmental responsibilities as we made that -- as we made that spin in an appropriate manner.

Q: As we sit here today, can you think of an environmental priority that was higher than Anniston?

A: No, I don't know that there was an environmental priority that was higher than Anniston.

Q: Okay. Did the progression of the Abernathy trial have any effect on Solutia's discussions with the EPA as it relates to a consent decree?

A: No, I don't believe that it had any effect. I think that our discussions with the EPA proceeded as

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rapidly as we could do. I think that the agreement of the consent decree was comprehensive and was done in a fully cooperative manner with the EPA. That was a process that was operating separately to the legal procedures of the Abernathy case. And I think it's important to understand that Solutia is going to clean up the PCB's in Anniston. And that is an independent issue as to whatever may or may not happen in litigation or in the judicial process. Our commitment to the Anniston community is to clean up the PCB's. That's what we're going to do.

Q: Does Solutia have any sort of plan as it relates to, not property, but PCB's, in the bodies of people in Anniston?

A: I don't think I understand your question. You need to help me a little bit.

Q: Are you aware of a manner in which PCB's can be removed from one's body once they are there?

A: No, I'm not aware of that.

Q: And if they do cause long term health effects, are you aware of any way to remedy that situation other than to compensate those people?

MR. WHITE: Object to the form of the question. You can answer if you understand it.

THE WITNESS: I'm not sure I understand what

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you're asking me to answer.

Q: (By Mr. Jones) Right. Is there a way that you know of to remove PCB's once they are in a person's body?

MR. WHITE: Asked and answered.

THE WITNESS: No.

MR. JONES: Okay. I'm trying to -- he said he didn't understand the question. I'm trying to help him.

Q: (By Mr. Jones) That being the case, if it is proven that the exposure to PCB's in one's body has long-term health effects, do you know any way to remedy that situation for those people other than to compensate them for their illness?

A: No, I'm not aware of anything of that nature, no.

Q: And you are aware that there are many people in and around Anniston currently who have PCB's in their bodies?

A: Yes, I'm aware that there PCB content in people around Anniston, yes.

Q: Okay. If you feel like you've already answered this, then that's understandable. I'm not sure I asked this specific question, though. Is there a date certain that you can point to when Solutia at

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a point in time said, we need to clean up the PCB's in Anniston, made a formal decision to say let's do that?

A: I would say that that decision was made on September 1st, 1997, when Solutia became an independent company. That was something that we recognized was our responsibility and something that we were going to do, that we have been doing and that we intend to continue to do to its completion.

Q: By giving that answer, do you mean to say that Monsanto had not made such a decision before that date?

A: I spoke only to Solutia as it became an independent and public company. That's -- that's what I know. That's what I was responsible for was for Solutia. Whether Monsanto had made a decision prior to that, I do not know.

Q: Okay. And did you have any dealings with the Monsanto people before the spinoff? I mean, it doesn't just occur one day, you don't just spin off, do you? Aren't there formal discussions and informal discussions with people within Monsanto for months, maybe even years before a spinoff occurs?

A: Yes, there were quite a few discussions as a matter of fact, and the way that this was conducted was that I believe probably in the neighborhood of

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August of '96 the corporation decided that the spinoff was possibly going to be the best way to make this strategic separation between the life sciences businesses and the chemical businesses. I was a part of a design team to look at how that would be done. I was a part of an implementation team to get that done. There was -- there was a team of the same nature for Monsanto. We met routinely. That team addressed broad issues and categories. There were many teams, depending on discipline and function, on both sides that had very detailed discussions on how to make the separation of the companies.

Q: And despite those discussions it is your testimony that you have no knowledge as to what Monsanto's decision was regarding cleanup before September 1, 1997?

A: Well, as I understood the question when it was asked, it was around a date certain about when decisions were made by Solutia and by Monsanto, and I am not aware of -- I do not know a date certain when Monsanto made decisions around Anniston or the cleanup of Anniston. I do believe that Monsanto was acting as if that decision had been made to do the things necessary to resolve the PCB issues in Anniston, and we assumed it at the point that they existed at the

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time that we spun, and from that time I believe that we have, in fact, accelerated that process and moved to get on with it just as fast as we can so that we and Anniston, the community, can get PCB's behind us, which I believe is the desire of all parties.

Q: And if I changed the question from date certain to a general judgment on the date, when do you believe Monsanto made the formal commitment to clean up Anniston?

A: I can't give you a judgment on that because prior to the actual beginning of the discussions around separation of Solutia, my responsibilities had absolutely nothing to do with the businesses at Anniston, with the site of Anniston in any way. And so I had no line of sight to any of the decisions that would have been made in that regard.

Q: Do I remember accurately that earlier in your deposition you told me that Monsanto's liability in Anniston was not even a factor in the spinoff of Solutia?

A: Yes, that is what I said. That's what I believe.

Q: Okay. Not even a -- I mean that -- by my definition that means it was zero percent of the equation to spinoff?

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A: Right. Monsanto and its board of directors had made a decision to pursue a life sciences strategy. That life sciences strategy included pharmaceuticals and agriculture. They believed that the common tie between those businesses, other than the fact that both obviously address life in terms of generating food, of generating health care, was some of the biotechnology -- a lot of the biotechnology work that Monsanto had done over some number of years and made some large investment in. The chemical company was not central to that strategy. Those businesses did not fit that strategy. And when you make that kind of strategic decision you want to get the company as focused on that strategy as you can. And the way to do that was to separate the chemical businesses from the life sciences businesses. That's why the decision was made.

Q: Thank you. Is Anniston to your knowledge the most contaminated PCB site in the United States?

A: To my knowledge it is not the most contaminated PCB site in the United States. That is certainly the way it has been characterized in the press. I think it is a mischaracterization. If you look at all the sampling that we've done, you know, a

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thousand residential properties, and only 28 have a concentration of ten parts per million or greater. That's not evidence of something that is just, you know, massively contaminated or that would earn the moniker of the most contaminated site in the United States or anywhere else.

Q: Right. In your answer have you considered any of the blood sampling that's been done on people in the area?

A: Yes.

Q: Okay.

A: I would say that that is also a consideration.

Q: Okay, and what site would be more contaminated than Anniston?

A: Well, I think --

Q: With PCB's?

A: With PCB's, I think if you look at sites -- I mean you talk about areas like the Hudson River which has had a lot of publicity and PCB content. You know, the amount of PCB's in the Hudson River is substantially greater than the amount of PCB's in Anniston.

Q: All right. Any other example of a more contaminated site?

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A: Specifically PCB's in terms of that, no, I don't have any other examples at hand.

Q: The PCB's that were used in the -- with GE at the Hudson river area, those were furnished by whom?

A: Some of them were furnished by Monsanto.

Q: Earlier I think you mentioned that if the, and I'm paraphrasing to some degree so correct me if I'm misstating, but that if the EPA ordered you to do anything, regardless of cost, regarding cleaning up Anniston, that you would do that?

A: Yes, there is no, quote, cost consideration in the consent decree with the EPA. We're fully prepared to clean up the PCB's and we will do so.

Q: Would the same thing apply to a U.S. District Court?

A: I don't understand that.

MR. WHITE: I'm going to object to that, because that's the same process. I mean it's the U.S. District Court that has the consent decree, you know that, it's the same judge. So, when it comes out as a decree, it's his order, Rhon. You lost me.

MR. JONES: I probably just don't understand the technical aspect of it enough. As I understood it the district judge is not limited in scope to what the

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EPA proposes and what Solutia proposes. I understood that the U.S. District judge could make the cleanup more extensive if he chose to do so. And perhaps I just misunderstand the process.

Q: (By Mr. Jones) Assuming my hypothetical is true --

MR. WHITE: But you lost me because you got the same U.S. District judge in your case, obviously, that's in the consent decree case.

MR. JONES: Right.

MR. WHITE: And you've lost me.

MR. JONES: And I'm probably not communicating --

MR. WHITE: If you're asking are we going to follow -- make sure my microphone is on -- if you're asking me are we going to follow what the United States District Court judge orders, yes, I think, but is that the question?

MR. JONES: Yes.

MR. WHITE: Okay. So, the question is, is he going to obey the orders of the United States District judge?

Q: (By Mr. Jones) Let me take it a step further, even if it was to call for removal of the landfills.

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A: I believe that, yes, we are going to follow any orders of the federal district court. Without question, we will follow the orders of the federal court.

Q: Okay, let me switch gears on you again, sir. And what I'd like to mark as an exhibit, I'm not sure what number it is, five, is just the video of the 60 Minutes piece on Anniston and on Solutia.

MR. WHITE: That's the TV spot?

MR. JONES: Right, it's the TV spot.

MR. WHITE: That's not the video of the entire interview?

MR. JONES: I don't think it is.

MR. WHITE: It's the televised portion.

MR. JONES: I think it's the televised portion, and then I was going to get to something after that, but --

MR. WHITE: Okay.

MR. JONES: -- let me just --

MR. WHITE: Okay, that's five.

[Marked Plaintiff's Deposition Exhibit 5 for identification.]

Q: (By Mr. Jones) Just by way of predicate, I take it you recall being interviewed and talked to by

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the people at 60 Minutes and subsequent to that you've seen the piece on TV?

A: I do recall being interviewed by 60 Minutes, yes.

Q: (By Mr. Jones) And as I understand it, you -- on your web site you also have, I guess, I don't know if it's the full text or not, I guess that's my question. On your web site when you click on there and it says text or clip of 60 Minutes interview, and it has different subjects, is that the full clip or are those pieces that Solutia has selected?

A: What I know is that we do have a video of the entire interview with 60 Minutes from which they edited what actually aired on TV. So, we do have that available. Exactly -- exactly how that has been put on the web site, I don't know. It was -- certainly the intent was to give the employees and others the opportunity to see what the full context and content of that entire interview was.

Q: Okay. Do you remember during the interview, as I remember it from my notes, you said -- at one point you said, "Do I wish things might have been done differently than they were"? And I think you then said, "Sure, I do." Do you recall anything along those lines? If you recall it slightly differently,

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that's fine. Tell me how you recall it.

A: Yes, I do recall, and it's in the context of, you know, do you wish things might have been done differently and, you know, in that hypothetical, sure, I think all of us have all kinds of situations in our lives that in retrospect looking backwards we say, gee, we wish that had been a little different, or we wish we had done something differently. That's usually in light of current knowledge and applying kind of current knowledge to a point in the past. But it was in the context certainly that would we rather the Anniston not have this PCB issue. Yes, we would rather that. Would we rather we not have the PCB issue to deal with and to apply resources to, sure. I mean I think it would be -- I don't think it would make any sense to have any other feeling about that. But that's not what we have. We do have the PCB issue in Anniston. We do have PCB's that need to be cleaned up in Anniston, and that is what we're acting upon, what we do have. And that is what we have and that's what we're going to do. We're going to clean up the PCB's to their conclusion.

Q: Are there any specific things that you wish had been done differently, that is Monsanto's conduct, during the time of PCB production?

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A: Again, a very hypothetical question, but it requires a knowledge of both what was known and capabilities and that sort of thing. You know, looking back in 2003 to 1935 and the 1940's and the 1950's and 1960's, and knowing where we are today and things that we're committed to doing, I would certainly love for, you know, no PCB's to ever have left the plant of Anniston. But I don't know that that would even be a logical conclusion.
So, you know, again, it's a hypothetical. We have all kinds of things in our lives that we wish were different. They aren't. And what we are dealing with is the situation of today. PCB's are in properties around our plant in Anniston. We are committed to cleaning them up. We are committed to clean them up under the oversight of the EPA and the government and under the oversight of the community. We will clean them up to the standards that have been set, and we will clean them up according to the techniques and procedures that have been set forth.
Q: All right. What about the PCB's that are in people's bodies and not in their property?
A: I don't understand. What about what?
Q: What do you plan to do about that?
A: I'm not aware that there is anything that we

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can do. If you're asking that in the same context of the cleanup of property, I don't know that there is anything that we do can do in that regard. I understand the concern people have around having PCB's in their blood, particularly with a lot of the perception that's been generated around PCB's. But I would also offer the encouragement to people that have PCB's in their blood that there is no credible link between PCB's and serious human health issues. And I would offer that, but I know of nothing that we can do in the same context that we can do around cleanup of the properties.
Q: And going back to my previous question, I want to make sure that you're not aware of anything specifically that Monsanto could or should have done differently during their time of production of PCB's. You gave me a fairly general answer, and I just wanted to make sure that I was communicating. If there is a specific thing you can think of that they should have done differently, I'd like to know that.
A: No, I'm not aware of any specific that they should have done differently, again coming at it from the standpoint of pure speculation, because I have no -- I have no knowledge of the context of that time, of the knowledge level of that time, the state of

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science, any of those things. So, no, I can't say that there is a specific thing that they should have done differently than they did.
Q: Mr. Hunter, were you aware that Monsanto has produced documents in this litigation that indicate they knew PCB's were dangerous as early as the 1930's?
A: I'm aware that there have been thousands, if not a higher characterization, of documents that have been produced in this case. And I'm sure that there are various things in those documents that are there that I'm not -- I'm certainly not aware of them. I have not reviewed those documents. I don't know the context of those documents, or anything of that nature.
Q: All right. So, specifically your testimony is you are not aware of any document that would -- that's Monsanto's that would indicate that PCB's were dangerous as early as the 1930's?
A: Again, I'm aware that a lot of documents have been disclosed. I'm aware that in those documents there are generally various statements around PCB's and where they are and what their effect might or might not be. But I don't have, you know, a very specific awareness of any particular document.

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And that's -- you know, that is something clearly that is part of this kind of litigation, and, you know, people that are dealing with this litigation as their primary job are involved obviously in that kind of detail. What's critical to me is that as this litigation is proceeding that we also are getting on with the issue of the cleanup of PCB's and getting it behind us. And litigation is a totally separate process from that.
Q: So, as we sit here today, just to be clear, instead of going through a bunch of other questions, if I were to submit to you that internal Monsanto documents indicate that Monsanto had knowledge that PCB's could be or were dangerous during the '30's, '40's, '50's, '60's, you would not have any specific ability to refute that?
A: No, I would not have a specific ability to refute that, no.
Q: Okay. Would you have a general ability to disagree with any of that based on things you have reviewed?
A: No, I don't know what the specifics of all those documents are.
Q: Okay. Do you trust a jury to be able to review the evidence presented in this case and make an

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informed decision?
MR. WHITE: Object to the form of the question. But you can answer, John, if you understand it.
THE WITNESS: I think a jury is always doing the very best that it can in any case. I think this is a very complex case. It takes place over a long period of time. It has taken place over a period a long time ago. And so, I think that it is a complex case. In any complex case I believe that there is a lot presented to the jury for them to try to understand and to digest. And it's very difficult for a jury to have the complete context of any particular piece that they are presented. I believe that they will do the very best that they can. Do I believe that they can make an informed decision? They can certainly make an informed decision based on what's been presented to them. Does that necessarily mean that everything a jury comes back with is conclusive around some of these very complex issues? Not necessarily.
Q: (By Mr. Jones) Okay. Let me switch gears another moment and talk about some recent donations, charitable donations, that Solutia has made in the Anniston community. Have you ever reviewed or are you

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familiar with a multiple impact strategy related to charitable donations by Solutia?
A: Solutia makes charitable donations through what we call a Solutia fund. We do that in a manner that is reviewed by a board of that Solutia fund. We do that in a way that allows us to be involved in what we believe to be positive, worthwhile endeavors in communities in which we operate. And we do -- we do very much try to target our charitable contributions to places where we operate because we want to use our resources where it benefits our own employees and the communities in which we have operations.
Q: And by that answer does that mean you are or are not familiar with a multiple impact strategy as it relates to charitable donations by Solutia?
A: Well, by the term multiple impact, do we try to make sure that the resources, limited resources that we have for charitable contributions are used in ways that best benefit the communities in which we operate, yes.
Q: Are you familiar with that actual term as it relates to Solutia?
A: You know, I don't recall the specific term, no.

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Q: Okay. Does Solutia publicize their local donations in Anniston?
A: I believe when we make a charitable donation in any community that certainly there is publicity that is around it. I'm not aware that we make any anonymous contributions. We make them in the name of Solutia. We're proud to make them. We think that they are appropriate to be made.
Q: All right. And from looking at your web site and other things I've seen, I understand that there's a PR representative for Solutia -- I mean there are people that are responsible for making sure that donations are publicized to media?
A: Yes.
Q: Is that accurate?
A: Well, yes, we have public relations people and their responsibility is to manage the interface with -- certainly with public media as well as other constituencies.
Q: All right. Is any part of Solutia's charitable giving currently an effort to make up for the PCB releases by Monsanto over the years?
A: I would characterize that differently. In Anniston we have made some charitable contributions and we have made some facilitations around the

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Anniston community that we're able to make because we have the opportunity to do so, some of which has been developed as a result of how the PCB issues have been handled in the past. Specifically, where Monsanto had bought up some properties around the Anniston plant, we have tried to get those properties into productive use and provide them for the use of the West Anniston community. We have been, I think, a major part in creating a West Anniston business development group, so that new business could be attracted to West Anniston and additional jobs could be brought into West Anniston. I think that's part of our corporate responsibility and we would do similar types of things in any of our communities. It just so happens in Anniston, again because of how the PCB situation has progressed to this point, we've got some very specific things that we can do there that we might not have available to us in other sites. That's one of them. I believe it's been successful. You look at West Anniston, Solutia and Monsanto have been there for almost 70 years and we're still there. And we are still an employer in West Anniston, and we want the West Anniston community to have an opportunity to have additional jobs brought in. We

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think it's good for us, we think it's good for the community. And so where we have opportunity to do that, we certainly do it. And we do it in Anniston as well as our other sites.

Q: Are any of the properties that your company has purchased, do they have PCB levels greater than one part per million?

A: I don't know. I would expect that some might. Certainly any of the properties that we are -- that we are using for the West Anniston Development Center or talking to other businesses about being able to provide properties. We're providing an office for the EPA for it's oversight of the PCB situation. That's our responsibility to provide that, and this gives us the opportunity to do it right there where it's close and can be very efficient and effective. But there's no issue around PCB's in terms of occupation or occupancy of those properties.

Q: Have you cleaned up those properties that you've purchased that are greater than one part per million with PCB's?

A: We have done some cleanup of those properties. I don't have the details as to specifically which ones or what the specific concentrations are on any of them.

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Q: Could you say definitively that you've not cleaned them all up?

A: Yes, I think we probably haven't cleaned them all up.

Q: Why is that?

A: Again, when you're cleaning up PCB's in this kind of issue, and you're dealing with the EPA and other regulatory agencies, and you prioritize -- you prioritize cleanup. And you put the resources where they are needed in some priority manner. That's usually described by consent decrees or other agreements that you have. In this case we've negotiated a very specific consent decree with the EPA. We've reached agreement on exactly how that is going to be done. The EPA has set the criteria and the standards, and we'll progress it along those lines. There -- quite frankly, there's probably greater need to clean up some things outside of the properties that we own before we would clean up those that Monsanto had purchased prior to our spin.

Q: But again, as it relates to a property you own, there is not any entity body of authority that is preventing you from cleaning up those properties?

MR. WHITE: Asked and answered.

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Q: (By Mr. Jones) I'm saying this as to properties they own.

A: Well, just because we own the property doesn't put us outside the purview of the consent decree and the EPA's oversight, so that doesn't give us unilateral -- in my opinion I don't believe that we have unilateral capability to act on any property, even our own.

Q: Are you familiar with any document or terminology used within Solutia that contains damage control strategy as it relates to charitable donations?

A: I'm not specifically aware of, you know, of a specific use of that term, no.

Q: What about generally?

A: Well, I think that, you know, as we have progressed through this PCB issue, and particularly as it has become a greater item of publicity, and in my opinion some sensationalized publicity, it would not certainly surprise me that as we looked at how we deal with the community, how we deal with the cleanup, that we would have some issue with how some things are reported in the public media. And it would not surprise me that the term damage control around those kinds of things might well be used.

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Q: Are you generally familiar with any document or procedure, if you will, within Solutia that discusses containing media issues regionally as it relates to PCB's in Anniston?

A: Again, I'm not aware specifically of the, you know, specific words that you've used or what that specific document might or might not be, but I think it makes -- I think it makes pretty good sense that when you've got a situation like PCB's that are being characterized in the media in my opinion and often times in at best a partial manner that, you know, that has impact on our company. It has impact on our employees, it has impact on our customers, it has impact on our suppliers, it has impact on our communities, and I think it makes sense for Solutia to be involved in trying to ensure that information that is out there to the public is accurate. And that it is, quote, contained, if you want to use that word, to being accurate and to being in areas where that is specific to the issue.

Q: What amount of charitable donations has Solutia made in Anniston, say for last year?

A: Well, I don't know the specific amount. We have made various contributions. Some of those have been in education. We have provided resources to

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schools, we have provided, I think, some opportunities for some teachers to go to some specialized training. We try to be involved in education in Anniston. Just recently we have made a $500,000 contribution to charity in the Anniston region. That is to Habitat for Humanity. Anniston, I think by the way, very fortunately, has been selected for the 2003 Jimmy Carter Work Project of Habitat for Humanity. This is an admirable project. It is the center of the Jimmy Carter -- Anniston is the center of the Jimmy Carter Work Project for Habitat for Humanity which is always the largest annual project that Habitat does. It's because the government of Anniston and the leaders of the Calhoun County have subscribed, as I understand it, to the pledge that Habitat for Humanity is seeking more areas to do, and that is to be dedicated to the eradication of substandard housing. Solutia has been a supporter of Habitat for Humanity for years. We have been involved with Habitat for Humanity in many of our sites. In the past that's been in the normal course of Habitat where it's just been the more localized projects of Habitat. This is the first time we've had an opportunity to be involved in the Jimmy Carter Work Project.

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As I say, I think it's a terrific project. I think it's a terrific goal that Calhoun County has set. We are a member, and I believe a responsible member of that community, and so it makes sense for us to take this unique opportunity and continue to be the supporter of Habitat that we have.

MR. WHITE: Is this a good break time?

MR. JONES: It's fine because we're getting more towards the end.

THE VIDEOGRAPHER: We're off the record at 11:35 a.m.

(A short break was taken.)

THE VIDEOGRAPHER: We're back on the record at 11:43. This begins tape number three.

Q: (By Mr. Jones) Mr. Hunter, are any of the properties that are being donated by Solutia, those that they purchased, that had PCB's on them?

A: I would expect that those properties had some PCB's on them. To my knowledge we have not donated any properties. What we've done is we have allowed those properties to be used by, for example, the Anniston -- West Anniston Regional Business Development Center. To my knowledge we have not actually donated the properties. So, we still own the properties and are allowing them to be used.

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Q: Have all those that you are allowing to be used been cleaned up?

A: If they needed cleaned up, I think they've been cleaned up.

Q: Whether it be being ten parts or one part?

A: To whatever the standard might be. But again, I'm not -- I don't have specific knowledge as to each individual piece of property or anything of that nature.

Q: Okay. Who is your environmental affairs director?

A: Today?

Q: Yes, sir.

A: Our environmental affairs director today would be a gentleman by the name of Max McCombs.

Q: Switching gears just a moment, has Solutia or Monsanto ever opposed any proposal for comprehensive health studies in Anniston?

A: I don't know whether that has ever occurred at Monsanto or not. I don't know.

Q: Do you feel like that Solutia or Monsanto owe an apology to the residents of Anniston over the release of PCB's which are now in their property and in their bodies?

A: You know, if you're asking me do we

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understand the concern of the residents? Yes, we do. Clearly we accept the responsibility to clean up the PCB's that are on the property and we are seeking to do that in as rapid a manner as possible, and in a way that ensures that it's done to appropriate standards and with appropriate techniques and criteria that are established by the EPA and under the EPA's oversight as well as the oversight of their community.

Q: Yes, sir, but do you feel as though Solutia or Monsanto owe those residents an apology as stated in my previous question?

MR. WHITE: Objection, asked and answered. I don't know that that's the -- I mean you're in a lawsuit. And is that -- is it your position that there's some sort of remedy that applies to your complaint or --

MR. JONES: No.

MR. WHITE: - that's standard of care for your theory of the case?

MR. JONES: No, I think it's just based on the testimony and the evidence we have thus far. I just think it's a straightforward question.

MR. WHITE: It's asked and answered. You can answer it again if you want to, but go ahead, let's go.

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Q: (By Mr. Jones) Do you want me to ask it again?
A: Yes, if you would, please.
Q: Do you feel like Solutia or Monsanto owes the residents of Anniston an apology for placing PCB's on their properties and in their bodies?
A: I can speak certainly for Solutia, and Solutia shares the -- understands the concern that Anniston residents have for -- about PCB's on their properties, PCB's on their blood. Do we wish or do -- would we rather that that not be the case? Sure, we do. But we understand their concern and we are fully prepared to do the cleanup of PCB's in Anniston, do it in full compliance with the consent decree of the EPA, do it under the very clear and transparent oversight of the EPA and the community, and do it to its conclusion so that, you know, PCB's just won't be an issue in the future. We think the best interests of the Anniston community and Solutia are served by our completing the cleanup of PCB's.
Q: And I don't want to get into an argument with your lawyers. I still don't think that answers my question. So, let plea just ask it this way: Is it possible for you to give me a yes or no answer on whether you believe Solutia owes the

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residents of Anniston an apology for being responsible for the vast majority of PCB's being on their property and in their bodies?
MR. WHITE: Object to the form of the question. It repeats the same question that he's already answered, but --
MR. JONES: I'm trying --
MR. WHITE: He has answered the question and the fact that you want to try to create some kind of sound bite or something like that is -- you asked him the question, he's answered it. You asked him the question again, he answered it.
MR. JONES: Again, I don't want to be argumentative, but I couldn't disagree more. The question was, do you them an apology or not, and I have yet to hear a yes or a no.
MR. WHITE: And there's nothing magic -- I think your last question is, as I understand it, can he answer that with a yes or no?
MR. JONES: Which you objected to.
MR. WHITE: I did object. I still object.
Q: (By Mr. Jones) Can you?
MR. WHITE: But I'm not directing him not to answer. He can answer.
THE WITNESS: Would you restate the

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question, please.
Q: (By Mr. Jones) Yes, sir. As we go through it I may get sketchy but I'm going to try. Do you feel like Solutia owes -- well, let's go back to the second question. Can you answer yes or no whether Solutia owes an apology to the residents of Anniston for being responsible for the vast majority of the PCB's that are on their property and in their blood?
A: The implication to me of that question in being able to answer yes or no is that in so doing there is, I believe, a fairly easy implication that an apology implies that something was done with intent, that it was done to harm and that sort of thing, and I don't believe that Solutia has -- that any of that criteria applies to Solutia. If in your question you're trying to clarify whether Solutia shares the concern or understands the concern of the Anniston residents, that if Solutia -- does Solutia wish that we weren't in this situation, certainly we would rather not be in this situation. But I think the greatest thing that Solutia can do with and for the Anniston community and the residents of Anniston is to move forward on the cleanup so that PCB's just cease to be an issue and no one has to have

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those concerns in the future. And that's precisely what we're committed to do is to move forward as rapidly as possible to clean up the PCB's in Anniston.
Q: So, you don't feel an apology is necessary?
MR. WHITE: Objection, argumentative, that question has been asked and answered.
MR. JONES: Okay. I'll stop there and let others decide if you have answered my question or not.
Q: (By Mr. Jones) Do you feel like at any time that Solutia has misled any state or federal regulatory agency regarding PCB's?
A: No, I do not believe that we have misled any agency regarding PCB's.
Q: What about Monsanto?
A: I have no knowledge of what Monsanto did or did not do. It would be certainly very contrary to my almost 30 years of experience with Monsanto if that were to occur, but I have no direct knowledge of whether Monsanto did or not.
Q: Okay, changing gears for a moment, do you know why in 1971 Monsanto moved all of its PCB production from Anniston to Illinois?
A: In 1971 I was in the Army, had been out of

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college for not quite two years, had worked for Monsanto nine months in Texas. I do not know why that decision was made by Monsanto.

Q: All right, sir. Has ADEM fined Solutia since you have been chairman, president, and CEO?

A: I don't know specifically whether ADEM has fined Solutia. There are lots of things in operating a chemical plant -- we operate three plants in Alabama. Is there some likelihood that over some -- over some regulation or some regulatory incident that we have been fined by ADEM, I guess that certainly is possible.

Q: Were you aware that in 2000 ADEM fined Solutia $87,000 for violating a hazardous waste permit at the Anniston plant?

A: Yes, I guess I do -- I guess I do with your -- as you talk about that specific, that yes, I think that's right, that ADEM did fine us at the Anniston plant in 2002.

Q: Did you know that the nature of the violation was that Solutia didn't tell the state that PNP, a chemical, had seeped into a ditch by your plant?

A: Again, I don't have all of the specifics at top of mind, but as I recall we notified ADEM about

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that as soon as we found that situation. And apparently there had been some low level issue of PNP and as soon as we found it, we advised ADEM of that fact.

Q: Would it surprise you to know that your company did not notify ADEM but that the property owner on which the chemical seeped into was the one that notified ADEM?

A: It may well be that they were the first ones to notice it or to find it, and if so, I'm sure they did notify ADEM.

Q: What -- do you know if any investigation into the spill has been conducted by your company since that time?

A: I am confident that an investigation has been done of that spill. It is our -- it is our policy that we do not make any attempts to conceal things from the regulatory agencies, that we self report anything that we find as we find it as we understand that it applies under the various regulations and permits that we have from any agency.

Q: Do you know the result of the investigation?

A: The specific result? No, I do not.

Q: Were you aware that Solutia has replaced some of the danger signs surrounding the Anniston

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plant with ones that say "authorized personnel only"?

A: I'm aware that, yes, we changed some of those signs.

Q: Did you realize that ADEM has some problems with that, with that being done?

A: It seems that I recollect that someone said they preferred one sign versus the other, whether it was specifically ADEM, I don't remember.

Q: Do you know if the signs have been replaced?

A: No, I don't know. I would expect that if that had been something that ADEM asked us to do that we probably would have done it. But sitting here right here now today, do I know that? No, I can't definitively say that.

Q: Okay. So, changing gears one more time and hopefully getting near the end here, you -- I think you and I have agreed today that it is reasonable for property owners to want PCB's out of or off of their property, correct?

A: Yes, I think we've agreed that PCB's should be cleaned up in properties in Anniston. I think that we have been clear that Solutia is prepared to do that, and I think that it's been clear that that should be done according to standards that are set by the government and under the oversight of both

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the government and the community so that everyone is confident that the cleanup is being done as it should and is being done effectively.

Q: And so if I took the position that all the properties with any PCB's, those PCB's should be removed, we would then disagree?

A: I think we disagree somewhat on form as opposed to substance. I think that when you deal with issues like this and with PCB's, that, you know, there's a practical limit towards doing anything. And the EPA has gone through an extensive process of determining what the standard of cleanup should be. They've determined that to be one part per million. That process is a very conservative process. So, when the EPA reaches that conclusion, I think they do so with a great deal of confidence that that's the appropriate level.

And so the only place I think that we would disagree is on that standard, and I believe that the EPA is the appropriate agency. It's the agency that is in the business of doing that. That is why the agency was created, and it has the greatest experience in order to be able to do it, so I believe that that is an excellent and appropriate way to set that standard of cleanup.

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Q: Do we agree that it is reasonable for people who have PCB's in their bodies to want them -- to want them out of their bodies?
A: That's a -- that's a little harder question to answer in the same context as cleaning up PCB properties. I think it's reasonable for any and all of us to desire that we not have something in our bodies that, quote, isn't there naturally. That desire is certainly reasonable. I think that the facts of matters are is that in living in an industrialized world there are trace amounts of a lot of things that are in our bodies. And I'm not aware of any way to necessarily just go in and, quote, clean it up, like we have the ability to do with property and that sort of thing.
Q: And so can we not agree that -- or rather can we agree that when PCB's are in somebody's body that is an entirely different type of issue than if it's on or in their property?
A: Well, I think it's certainly a different issue from just a practical matter, that there are very well known ways to remove PCB's from property. It's different in terms of what's available with PCB's in the body. So, yes, in that sense they are different issues.

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MR. JONES: Let's take a short break.
THE VIDEOGRAPHER: We're off the record at 12:01 p.m.
(A short break was taken.)
THE VIDEOGRAPHER: We're back on the record at 12:16 p.m.
Q: (By Mr. Jones) If you had PCB's in your body wouldn't you want your doctor to be aware of that?
A: Yes, if I had PCB's in my body I think I would want my doctor to be aware of that, just like I would want my doctor to be aware of other aspects of my condition, but I'm not sure that that would necessarily create any sort of action or anything like that that I would expect.
Q: Would you want -- again with the knowledge that you have it in your body, would you want your doctor to follow up with you, or you to follow up with your doctor on the changing levels of PCB's in your body?
A: You know, I guess I would expect that a doctor would do what, and we would consult about what would be the proper course of action going forward. You know, my understanding of PCB's and the mechanism by which PCB's get into the body and that sort of

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thing would not suggest to me that that level of PCB's would accelerate at any sort of alarming rate or anything like that.
So, whether it would be a routine type of follow-up or monitoring or anything of that nature, I don't know that that would be necessary.
Q: Would you want to know the amount of the PCB's in your body?
A: Well, certainly from an intellectual curiosity I probably would. But I also have a great deal of confidence that there isn't a connection between PCB's and any particular human health issue. So, I don't know that that's, you know, the absolute level would be a particular point of decision for me on a course of action one way or another.
Q: All right. I didn't go through your complete history, but you're not a medical doctor, are you?
A: No, I am not a medical doctor.
Q: And would you agree that a medical doctor would be the one, rather than you, to -- well, strike that.
MR. JONES: Strike my question about him being a medical doctor as well. I don't think I have any other questions at this time.

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MR. WHITE: All righty. Thank you much.
THE VIDEOGRPAHER: We're off the record at 12:19 p.m. This concludes the deposition of John C. Hunter, III.

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WITNESS SIGNATURE PAGE

COMES NOW THE WITNESS, JOHN C. HUNTER, III, and having read the foregoing transcript of the deposition taken on May 23, 2003, acknowledges by signature hereto that it is a true and accurate transcript of the testimony given on the date hereinabove mentioned.

_____
JOHN C. HUNTER, III

Subscribed and sworn to before me this _____ day of _____, 2003. My commission expires _____.

_____
Notary Public

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I, WILLIAM C. MORRIS, a Registered Diplomate Reporter and Notary Public, do hereby certify that there came before me at the Marriott Hotel, I-70 at Lambert Airport, St. Louis, Missouri, JOHN C. HUNTER, III, who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was thereupon examined under oath and said examination was reduced to writing by me; that the signature of the witness was reserved; and that this transcript is a true and correct record of the testimony given by the witness.

I further testify that I am neither attorney nor counsel for, nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or Plaintiff of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF I have hereunto set my hand and seal this _____ day of _____, 2003.

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Notary Public

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