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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

KATHERINE JOYCE BREWER,	)	
et al.,	)	
	)	
Plaintiffs,	)	Nos. 1-88-008 and
	)	1-88-0014 through
-vs-	)	1-88-0368
	)	Judge Wiseman
MONSANTO CORPORATION,	)	
et al.,	)	
	)	
Defendants.	)	

DEPOSITION OF J. COLEMAN WEBER
Taken on behalf of the Plaintiffs
December 20, 1988

ORIGINAL

KARPOWICZ REPORTING COMPANY
Registered Professional Reporters
408 Olive Street, Suite 316
St. Louis, Missouri 63102
(314) 621-8883

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Parties stipulated to attachment of first and last pages only
of lengthy exhibits.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

KATHERINE JOYCE BREWER,)
et al.,)

Plaintiffs,)

-vs-

MONSANTO CORPORATION,)
et al.,)

Defendants.)

Nos. 1-88-008 and
1-88-0014 through
1-88-0368
Judge Wiseman

ORIGINAL TRANSCRIPT
FOR THE COURT

DEPOSITION OF J. COLEMAN WEBER produced, sworn
and examined on the 20th day of December, 1988,
between the hours of eight o'clock in the forenoon
and six o'clock in the afternoon of that day, at the
Karpowicz Reporting Company Conference Room, 314
North Broadway, 11th Floor, in the City of St. Louis,
State of Missouri, before Gwen A. Huffman, a
Registered Professional Reporter, and Notary Public
within and for the County of St. Louis, State of
Missouri, in a certain cause now pending in the
United States District Court, for the Middle District
of Tennessee, Columbia Division, between Katherine
Joyce Brewer, et al., Plaintiffs, and Monsanto
Corporation, et al., Defendants, taken on behalf of
the Plaintiffs.

A P P E A R A N C E S

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12 Emhart Industries,
13 Inc.

14 IT IS HEREBY STIPULATED AND AGREED by and
15 between Counsel for the Plaintiffs and Counsel for
16 the Defendants, that this deposition may be taken in
17 shorthand by GWEN A. HUFFMAN, a Registered
18 Professional Reporter and Notary Public, and
19 afterwards transcribed into typewriting, and that the
20 signature of the witness is not waived.

21 - - - - -

22 J. COLEMAN WEBER,
23 of lawful age, being produced, sworn and examined on
24 behalf of the Plaintiffs, deposes and says:

25 DIRECT EXAMINATION

BY MR. CUKER:

22 Q. Mr. Weber, my name is Mark Cuker. I'm
23 the attorney for a group of workers at the P. R.
24 Mallory Plant in Waynesboro, Tennessee. I'm going to
25 be asking you some questions about the work you've

1 done for Monsanto and its relationship with the P. R.
2 Mallory Company.

3 If at anytime you don't understand any
4 of my questions, will you let me know and I'll
5 rephrase the question?

6 A. Fine.

7 Q. How old are you, sir?

8 A. Fifty-seven.

9 Q. Are you still employed by Monsanto?

10 A. No.

11 Q. Are you employed?

12 A. No.

13 Q. Okay. You're retired?

14 A. Yes.

15 Q. Okay. When did you retire from
16 Monsanto?

17 A. November of '85.

18 Q. Okay. And what was your position at
19 that time?

20 A. It was manager of -- in regulatory
21 affairs for the nutrition chemical division.

22 Q. Okay. How long had you held that
23 position?

24 A. Oh, I'm going to guess about two years
25 because we always were reorganizing.

1 Q. Okay. When did you start working for
2 Monsanto?

3 A. In 1961.

4 Q. So you were about thirty years old at
5 the time?

6 A. Yes.

7 Q. What was your educational background
8 leading up to 1961?

9 A. I have a bachelor's degree and a
10 master's degree.

11 Q. In what?

12 A. Bachelor's in chemistry and master's in
13 business administration.

14 Q. MBA from what school?

15 A. St. Louis U.

16 Q. Okay. And where had you worked before
17 1961?

18 A. I was -- before I came to work for
19 Monsanto, I was employed by Mallinckrodt.

20 Q. Mallinckrodt?

21 A. Chemical Works.

22 Q. Okay. What kind of business do they
23 have?

24 A. I was involved in the nuclear fields.

25 Q. Okay. What was your first position with

1 Monsanto in '61?

2 A. I was employed by the inorganic chemical
3 division at that time in quality control work.

4 Q. In inorganic chemical division?

5 A. Right.

6 Q. What was the name of the division that
7 manufactured PCBs?

8 A. When I was associated, it was the
9 special chemical division.

10 Q. It was called the special chemical
11 division?

12 A. Right.

13 Q. And that was a division of the chemical
14 company, is that correct?

15 A. It was a division of the industrial
16 chemical company.

17 Q. The industrial chemical company.

18 A. Yes.

19 Q. All right. When were you associated
20 with the manufacture of PCBs?

21 A. I believe I came under that division
22 when it was formed in late 1975 and stayed with them
23 until we discontinued the production, which was
24 the -- July or August '77.

25 Q. Okay.

1 A. So approximately eighteen months, I
2 would guess.

3 Q. All right. What was your position?

4 A. I was manager of product acceptability.

5 Q. For that division?

6 A. For the special chemical division.

7 Q. Okay. How many divisions are there --
8 were there, approximately, within the industrial
9 chemical company?

10 A. I don't remember, but I want to guess
11 about a half a dozen.

12 Q. All right. And the special chemical
13 division also made chemicals other than PCBs?

14 A. Yes.

15 Q. All right. Between -- let's see, you
16 started out in the inorganic chemical division. What
17 did you do between that time and the time you began
18 in the special chemical division?

19 A. The same type of work leading through
20 various positions as we restructured and
21 reorganized. So I went from quality control work
22 into a product acceptability function which was
23 formed about 1970 or '72. And that encompassed
24 product quality tech -- technical service and product
25 safety.

1 Q. All right. In what divisions did you do
2 that before '75? Or with regard to what products?

3 A. Primarily the products associated with
4 the food ingredients, detergents, water treatment
5 chemicals. Well, I was involved in flavor essence,
6 the majority of the products that the industrial
7 chemical company made, heavy chemicals.

8 Q. Okay.

9 A. Except the fluids and the PCBs, which I
10 didn't come into until --

11 Q. '75.

12 A. Late '75.

13 Q. After 1977, where did you move on to?

14 A. I stayed with the special chemical
15 division until we reorganized again and became -- and
16 stayed with the food chemical group which then became
17 the nutrition chemical division.

18 Q. Okay. Can you give me some idea during
19 the period '75 to '77 how much of the business and
20 personnel of the special chemical division was
21 involved with the PCBs?

22 A. No, because the special chemical
23 division was made up of four business groups that I
24 remember, flavor essence, we had good and fine, which
25 was good and drug chemicals, and then we had the

1 functional fluids group or division. So I -- I don't
2 recall that.

3 Q. PCBs was in the functional fluids group?

4 A. If that's the right name.

5 Q. Okay. Did you have any training in
6 industrial hygiene or toxicology?

7 A. No, I relied on the medical department
8 for that information.

9 Q. Okay. And during the period of time you
10 were involved with -- you were the manager of product
11 acceptability in the special chemical division, who
12 was the head of the medical department?

13 A. At that time, it was George Roush.

14 Q. Okay. Who in that department would you
15 communicate most often with?

16 A. To the toxicologist assigned for the
17 business group or the toxicologist involved in that
18 particular product line.

19 Q. Who was that?

20 A. It varied because I -- we covered a
21 multitude of products.

22 Q. You remember who it was for PCBs?

23 A. At that time, it was Paul Wright and
24 probably George Levinskas because he was head of the
25 toxicologists.

1 Q. Does Paul Wright work under
2 Mr. Levinskas?

3 A. I believe he did.

4 Q. You know where Mr. Wright is today?

5 A. No, I don't.

6 Q. As manager of product acceptability, who
7 did you report to?

8 A. For that division, I reported to the
9 general manager, which was Earle Harbison.

10 Q. Okay. Do you remember Mr. Bill
11 Papageorge?

12 A. Yes.

13 Q. Where did he fit in in the hierarchy?

14 A. He was another manager of the
15 acceptability. I took over the fluid groups from him
16 when he formed the division.

17 Q. Okay. What did he go on to do when you
18 became manager in the fluids group?

19 A. He was manager of product acceptability,
20 I believe, for the chemicals group.

21 Q. What chemicals are included in that
22 group?

23 A. Well, sulfuric acid, muriatic acid,
24 those type of products.

25 Q. Did Bill Papageorge continue to

1 participate in any communications about PCBs to
2 customers or to government agencies after you took
3 over that post in late 1975?

4 A. I can't answer that. I don't -- I
5 assume that he did continue on it. My job at that
6 time was just day-to-day contact with the customers,
7 and Bill had the -- had more expertise than I did.

8 Q. In PCBs --

9 A. In that -- yes, being new to the
10 division.

11 Q. Okay. Did you ever visit the Krummrich
12 plant?

13 A. Yes.

14 Q. How often during that eighteen month --
15 approximately eighteen month time span?

16 A. I visited it before that in relation to
17 the chemicals that were in my -- in the division that
18 I was responsible for.

19 Q. Okay. Did you visit the Krummrich plant
20 in relation to PCBs during the time you were manager
21 of product acceptability for the fluids?

22 A. I probably did because I visited most of
23 the manufacturing departments that -- the chemicals
24 that I had in that division.

25 Q. Okay. Did you ever have any contact

1 with Dr. Osland?

2 A. No.

3 Q. Okay. Was Dr. Osland the plant
4 physician there during -- up through August '77?

5 A. I believe he was.

6 Q. Did you have any contact with a
7 Dr. Spraul?

8 A. As -- yes, in our medical department.

9 Q. Okay. What kind of contact did you have
10 with him?

11 A. On routine problems that would be
12 associated with any -- with products that he was
13 responsible for.

14 Q. Did you ever have any contact with him
15 about PCBs?

16 A. I don't remember. I might have.

17 Q. Okay. Do you recall what that would
18 have been --

19 A. No.

20 Q. -- the nature of it? When you were at
21 the Krummrich plant -- can you recall any of the
22 industrial hygiene measures that were used at that
23 plant?

24 A. That was not in my field.

25 Q. Okay. Is the answer no?

1 A. No.

2 Q. Okay. Do you recall what the workers
3 wore?

4 A. No.

5 Q. You understand, Mr. Weber, I'm just
6 asking questions and you answer them as best you
7 can. This is not a memory test.

8 Do you remember having any direct
9 contacts with P. R. Mallory?

10 A. Yes, the meeting we had in St. Louis.

11 Q. Okay. You can remember that meeting?

12 A. I know we had a meeting.

13 Q. Do you remember what happened at that
14 meeting?

15 A. No, I don't.

16 Q. Okay. Is there -- now, do you actually
17 have independent recollection of a meeting,
18 Mr. Weber, or is that just based on documents you may
19 have reviewed recently?

20 A. That was based on documents that I
21 reviewed because I've met with many customers over
22 the time.

23 Q. Okay. Did you -- when did you review
24 those documents?

25 A. Last week.

1 Q. Okay. Did you meet with Mr. Moore?

2 A. Yes.

3 Q. Did you meet with Mr. Buster and
4 Mr. Schneider?

5 A. Yes.

6 Q. Okay. What was your discussion with
7 them?

8 A. Basically what we're covering today.

9 Q. Okay. You did not meet with me, is that
10 true?

11 A. Yes.

12 Q. All right. Can you remember, do you
13 have any independent recollection of the people you
14 dealt with at Mallory? Any particular names, voices,
15 or faces that stick in your mind?

16 A. The only one that came to mind was
17 Mr. Dibble.

18 Q. Okay. What do you remember about
19 Mr. Dibble?

20 A. That he was the leader of a group that
21 represented Mallory.

22 Q. Okay. Is that all?

23 A. That's all.

24 Q. Okay.

25 MR. CUKER: Can I have this marked Weber

1 Exhibit 1?

2 (Weber Deposition Exhibit No. 1 was
3 marked by the court reporter for identification.)

4 Q. (BY MR. CUKER) Mr. Weber, we've had
5 marked Weber Exhibit 1.

6 MR. SPODEN: Could we just see what it
7 is?

8 MR. CUKER: Sure. I'm just going to
9 read what the stamps are first.

10 Q. (BY MR. CUKER) A document stamped BRW
11 002822 dated February 9th, 1976. Mr. Weber, are you
12 a bcc on that letter?

13 A. Yes.

14 Q. Okay. What was MCS 1475?

15 A. I don't remember.

16 Q. And I guess you wouldn't know what the
17 toxicity and handling precautions were for it, would
18 you?

19 A. No.

20 Q. You have no idea what it was at all?

21 A. It would be the fluid that we were
22 working on at that time, but we had many of them
23 under study. I don't remember what the composition
24 was.

25 Q. Okay.

1 MR. CUKER: I'll follow up this letter
2 by asking Monsanto, asking them to produce that
3 document referred to there.

4 MR. MOORE: What's that?

5 MR. CUKER: The information on the
6 toxicity and handling procedures for MCS 1475.

7 MR. MOORE: Okay. Mark, I think what we
8 need to do is when we get through with the
9 deposition, if you have some additional requests that
10 you want to have, send us a letter and we'll handle
11 that.

12 MR. CUKER: I'll do that.

13 MR. BUSTER: And cc the other
14 defendants, please.

15 MR. CUKER: Sure.

16 Q. (BY MR. CUKER) Do you know why you were
17 copied in on that letter?

18 A. Yes.

19 Q. Why is that?

20 A. Because being at the time manager of
21 product acceptability, I would receive that type of
22 information going to the customer because it dealt
23 with the product and toxicity or data sheet on it.

24 Q. Did you ever visit the Waynesboro plant?

25 A. No.

1 Q. What was Monsanto's policy on the sale
2 of PCBs in late 1975 and 1976?

3 MR. BUSTER: Object to form. It's
4 overly broad.

5 THE WITNESS: I can't answer that
6 because -- if you have a specific question, I'll try
7 to answer it.

8 Q. (BY MR. CUKER) Okay. Policies in terms
9 of who they would sell it to and for what purposes.

10 A. That policy was published, and I don't
11 recall the details of it.

12 Q. Published in what kind of document?

13 A. I think it was in public record to
14 people that -- in the sales contracts and so forth.

15 Q. Okay.

16 A. It was primarily to, you know, the
17 people that were -- needed it for their use in
18 electrical.

19 Q. Okay. Can you recall whether Monsanto
20 attempted to exercise any control over how PCBs were
21 being used by their customers?

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

24 THE WITNESS: What do you mean by
25 control over customers? We would sell to the

1 electrical industry.

2 Q. (BY MR. CUKER) Right. Okay. By
3 control, what I mean, were there circumstances under
4 which Monsanto would indicate to customers that
5 unless the use of PCBs conform to certain standards,
6 the sales would not continue?

7 A. I can't answer that. I wasn't in the
8 marketing department.

9 Q. That would be dealt with in marketing?

10 A. And the administration, right. That was
11 a policy decision of the corporation at that time.

12 Q. Okay. But as someone communicating with
13 the customers, did you ever do any --

14 A. Me?

15 Q. Yeah, did you ever communicate to the
16 customers that unless PCBs were used in accordance
17 with certain standards, then sales might not be
18 continued to that particular customer?

19 A. I had nothing to do with the sales. I
20 communicated to the customer on the quality or the
21 handling characteristics of the product.

22 Q. Okay.

23 A. But I had nothing to do with the sales.

24 Q. Okay. And when you say the handling
25 characteristics, what do you mean by that?

1 A. We tried to give our customers, whoever
2 they were, whatever information we had on the
3 products that we were selling, along with the safe
4 handling of them.

5 Q. Okay. Was that done routinely or only
6 in response to specific requests?

7 A. It was done routine basis on all the
8 products.

9 MR. CUKER: Mark this Weber Exhibit 2.

10 (Weber Deposition Exhibit No. 2 was
11 marked by the court reporter for identification.)

12 Q. (BY MR. CUKER) Have you seen that
13 before, Mr. Weber?

14 A. Yes.

15 Q. Okay. Was that one of the types of
16 documents that would be given to customers?

17 A. Yes.

18 MR. MOORE: What frame in time,
19 Mr. Cuker?

20 Q. (BY MR. CUKER) Well, have you ever
21 found a date on that, Mr. Weber?

22 A. Yes, back here, this particular sheet
23 indicates it was published in November of '71.

24 Q. Okay. With regard to time frame, I'm
25 talking about -- I'm only really talking about the

1 time frame that you were manager of product
2 acceptability. Is that one of the types of brochures
3 that you would send to customers?

4 A. I'm not sure we would have sent this
5 one.

6 MR. BUSTER: I want to make an
7 objection.

8 THE WITNESS: Because it might have been
9 outdated.

10 MR. MOORE: Let him make his objection
11 before you go on.

12 MR. BUSTER: I want to make an
13 objection. Object to the question because I think
14 it's still unclear what's being asked.

15 THE WITNESS: I'm not sure this was sent
16 out because, you know, it might be out of date.

17 MR. CUKER: Okay.

18 MR. MOORE: And you're speaking now, to
19 clarify, Mr. Weber, with regard to the period of time
20 you had some PCB responsibility, is that right?

21 THE WITNESS: That's right.

22 Q. (BY MR. CUKER) Would the updated one
23 have been in the same format, Mr. Weber, in the same
24 type of cover, or would it be radically different in
25 format?

1 A. I don't know. I don't remember. But
2 these -- this was put out in 1971.

3 MR. CUKER: I'm going to ask that we
4 also mark as an exhibit a lengthy document, bates
5 number BRW 001297 through 001410. This will be Weber
6 Exhibit 3.

7 (Weber Deposition Exhibit No. 3 was
8 marked by the court reporter for identification.)

9 Q. (BY MR. CUKER) Mr. Weber, I'm showing
10 you Weber Exhibit 3, which is entitled The Proper
11 Handling Of Aroclors And Their Mixtures In The
12 Electrical Industry. And that is January of 1960.
13 Had you ever seen that before?

14 A. No, because it's '60. It's out of
15 date. It might have been -- it might have been an
16 old reference.

17 Q. Did you know Mr. Benignus, the author of
18 that document?

19 A. Just by name.

20 Q. You met him or ever worked with him?

21 A. I never really worked with him at that
22 time.

23 Q. Okay.

24 MR. CUKER: Off the record.

25 (A discussion was held off the record.)

1 Q. (BY MR. CUKER) Mr. Weber, let me show
2 you a document that's already been marked as Roush
3 Exhibit 2.

4 MR. MOORE: Is that two or three?

5 THE WITNESS: Three.

6 MR. CUKER: I'm sorry, excuse me. It's
7 dated 2/29/76.

8 MR. MOORE: Looks like Roush 3 on the
9 exhibit marker.

10 MR. SCHNEIDER: Yeah, by my notes, it's
11 Exhibit 3.

12 Q. (BY MR. CUKER) Have you ever -- well,
13 your name appears on this document, does it not,
14 Mr. Weber?

15 A. Yes.

16 Q. And in what context does it appear?

17 A. As a carbonee.

18 Q. Okay. Here's a statement here in
19 parentheses which refers to the report of
20 Dr. Stopford which was attached. And it says -- I
21 believe this is on medical file. "Do not," underline
22 not, quote, "put on our file."

23 A. Okay.

24 Q. Okay. What's your understanding of
25 where this document, where the report of Dr. Stopford

1 came from?

2 MR. MOORE: Well, let's establish he has
3 an understanding, to start with.

4 THE WITNESS: I don't remember this
5 letter on it. I probably got -- I may have gotten a
6 copy, but whether I got the attachment or not, I
7 couldn't remember.

8 Q. (BY MR. CUKER) Okay. You know whose
9 handwriting that is up in the upper left-hand corner
10 of Dr. Stopford's report?

11 A. No. It looks as bad as mine.

12 Q. What was Mr. Wood's position?

13 A. He was manager of the group handling the
14 fluids, the dialectric fluids, sales group.

15 Q. Okay. Where did he fit in with you on
16 the chain of command, were you on the same chain of
17 command or --

18 A. He reported through the marketing group
19 and I reported to the general manager, so we're
20 different structures.

21 Q. Okay. In Monsanto documents generally
22 in the company correspondence where you referred to
23 the medical department, which medical department
24 would that be?

25 A. We only had one.

1 Q. The corporate medical department?

2 A. Corporate.

3 Q. And Mr. Wood, okay, worked within -- was
4 it the fluids -- was it a division, a section? We
5 have division and subdivisions here.

6 A. Yes, we did. We had the special
7 chemical division.

8 Q. Right.

9 A. Okay. Headed up by a general manager.
10 Under that were business groups at that time.

11 Q. Right.

12 A. And Bob Potter, who was the business
13 director for this group of products, and I don't
14 remember what the business group's name was. We had
15 flavor essence, we had good and fine. So we had one,
16 two, three -- we had three business groups.

17 Q. And functional fluids was the group that
18 had PCBs in it?

19 A. Yes.

20 Q. And he was work -- and Mr. Wood worked
21 in sales and functional fluids?

22 A. Right, he reported -- there was a
23 business director and under the business director was
24 functions of research, marketing, manufacturing,
25 accounting, and I think that was it. And that was

1 basically, you know --

2 Q. So there was a business director for the
3 functional fluids group?

4 A. For that group, that's right.

5 Q. And Wood would have been the head of
6 marketing working under him?

7 A. No, he would have reported into a
8 marketing director.

9 Q. Okay. You remember who the director of
10 marketing was?

11 MR. MOORE: For functional fluids,
12 you're talking about?

13 THE WITNESS: For that particular area?
14 I believe it was Tom Lafferty. I'm -- you could
15 check. I mean we have -- you have to look at the
16 organization.

17 Q. (BY MR. CUKER) Sure.

18 A. But I believe it was Tom Lafferty.

19 Q. All right. And he reported to the same
20 fellow you reported to, didn't he?

21 A. No, he reported to Bob and I reported to
22 Earle Harbison.

23 Q. Okay. And you reported to Earle
24 Harbison?

25 A. Hes.

1 Q. Within function, did they break it down
2 to dielectrics?

3 A. Dielectrics?

4 Q. Dielectrics and the other different
5 fluids?

6 A. I'm going to -- I don't remember, but I
7 believe we did.

8 Q. Okay.

9 A. Because we had -- we had many products
10 in that particular business.

11 Q. Did you ever work with Jack Garrett?

12 A. Yes.

13 Q. Okay. In what context?

14 A. He was head of the industrial hygiene
15 department and would work with him on industrial
16 hygiene questions that would have come up on products
17 that I was involved with.

18 Q. Did you ever work with him on industrial
19 hygiene questions involving PCBs?

20 A. Most probably.

21 Q. But you cannot, sitting here today,
22 specifically recall?

23 A. No.

24 Q. Did you ever work with Elmer Wheeler?

25 A. Yes.

1 Q. Okay. When did you work with Elmer
2 Wheeler?

3 A. In my involvement with the product lines
4 before I got into the special chemical until the time
5 he retired.

6 Q. Okay. Did you work with Elmer Wheeler
7 during the time that you were involved with PCBs?

8 A. I'm sure I did.

9 Q. Okay. And what was Elmer Wheeler's
10 involvement with PCBs at that time?

11 A. In industrial hygiene areas.

12 Q. Do you recall if he had a position
13 called director of environmental health?

14 A. I don't remember that title.

15 Q. Okay. Where did he stand in relation to
16 Jack Garrett on the hierarchy?

17 A. I'm not sure. I believe -- he reported
18 to Dr. Roush, and I believe Jack Garrett reported to
19 him, too. But I --

20 Q. Did one report to the -- did Garrett
21 report to Wheeler or vice versa?

22 A. I don't remember.

23 Q. Let me show you an exhibit which has
24 already been marked Roush Exhibit 4.

25 A. All right.

1 Q. Did you get a chance to review that last
2 week?

3 A. Yes.

4 Q. All right. Let me just call your
5 attention to certain parts of the document. On the
6 first page under subsection d, you see where it says
7 "Bud would like to defuse the situation at Mallory
8 which has resulted from Stopford's recommended course
9 of action?"

10 A. Yes.

11 Q. Do you have any recollection about that
12 at all?

13 A. No.

**ORIGINAL TRANSCRIPT
FOR THE COURT**

14 Q. Or what situation had to be defused?

15 MR. MOORE: He's already said no.

16 THE WITNESS: No.

17 Q. (BY MR. CUKER) Page two under e -- by
18 the way, this is a memo addressed to you, Mr. Weber.
19 You see that?

20 A. Yes.

21 Q. You know why it was addressed to you as
22 opposed to anyone else?

23 A. Yes. At that time, Alley was field
24 sales and I would have been a coordinator to the
25 meeting.

1 Q. Your job was to coordinate the meeting?

2 A. Yes.

3 Q. The agenda that's attached later on in
4 that document, is that something that you prepared?

5 A. No, that was prepared by -- looks like
6 it was prepared by marketing.

7 Q. By who?

8 A. I said it looks like it was prepared by
9 marketing, Jim Alley.

10 Q. There's a -- under the cc at the top of
11 that letter are R. E. Hatton.

12 A. Yes.

13 Q. What was his position?

14 A. According to the memo that you showed me
15 before, he was technical service manager.

16 Q. Which means what?

17 A. Roger had a Ph.D., I believe, and was
18 more in the technology aspect of the product line,
19 and his job was to relate to the customers on helping
20 them on the technology aspect of the products.

21 Q. All right. Anyway, page two of that
22 memo under e, you see where it says "Criteria" --

23 A. Yes.

24 Q. -- "for successful visit: Remove some
25 of the emotion from the Mallory situation and move

1 them toward a better understanding of PCBs and
2 Monsanto medical procedures for our personnel."

3 You have any understanding of what the
4 emotion was in the situation?

5 A. I don't remember.

6 Q. Okay. Turning to page three -- I think
7 you're a little past me here. Oh, I'm sorry, maybe
8 not. Under number one, under h --

9 A. Yes.

10 Q. -- it says "We should not exhibit any
11 prior knowledge of Dr. Stopford's recommendations."
12 Are you aware of any reason for not exhibiting a
13 prior knowledge of Dr. Stopford's recommendation?

14 A. I had not seen Dr. Stopford's
15 recommendations and I don't remember what they were.
16 But that's -- sounds -- it looks like it would be a
17 comment by field sales.

18 Q. Did you work with Mr. Alley?

19 A. Yes.

20 Q. Okay. Are you aware of any reason he
21 may have had for not exhibiting a prior knowledge of
22 Dr. Stopford's recommendations?

23 A. I can't answer that. I don't recall.

24 Q. What type of a file -- when you got
25 memos like this, what type of a file did you put them

1 in?

2 A. Normally, when we got a customer letter
3 on a product, we filed it by product and customer.
4 First product and then we -- then by customer.

5 Q. Would that mean you'd file it -- you'd
6 make a copy and file it twice, put it in two files?

7 A. No, no, the file was broken down by
8 product because we had so many products, and then
9 customer.

10 Q. Customer within the product?

11 A. Within the product line.

12 Q. Okay. So here, you would look under
13 something like PCBs - Mallory?

14 A. Look under whatever the product was we
15 were marketing to those people, whichever one it was,
16 and then it would be under Mallory.

17 Q. Who succeeded you as manager of product
18 acceptability and functional -- excuse me, special
19 chemicals?

20 A. Well, we redid the division again and I
21 think Bill Papageorge came back into it.

22 Q. He did?

23 A. I think. I don't remember at the time
24 on it.

25 Q. Were there -- did Monsanto hold any

1 other meetings like this with other PCB customers
2 that you can recall?

3 A. Yes.

4 Q. Okay. During that year or earlier?

5 A. Well, they -- I can only speak for the
6 time that I was involved.

7 Q. Sure.

8 A. I want to say yes, we had meetings with
9 customers.

10 Q. Okay. When I say meetings like this,
11 I'm looking at the page of the agenda that lists the
12 topics to be discussed.

13 A. I can't -- I can't say that.

14 Q. Well, let me ask -- look at the list.
15 I'm going to ask you the question, okay?

16 A. Okay.

17 Q. All right. I'm talking about meetings
18 with customers where issues similar to this in
19 substance were discussed. That is, potential health
20 effects of PCBs on the workers and hygiene measures
21 which workers use or should use.

22 A. I don't remember the particulars of any
23 of the customer meetings, but generally, we -- when
24 we met with customers and I was involved, we were
25 talking about the quality and safety of products.

1 Q. Now, by safety, I just want to -- does
2 safety include -- I understand safety includes things
3 like exposure and that type of thing. Did that also
4 include its ability to cause illness over long term?
5 Did that fall under the nomenclature of safety or a
6 different title?

7 A. Well, I would think the safety of the
8 product had to do with the characteristics of it and
9 handling and use of it.

10 Q. Okay. So you would include safety to
11 include toxicity?

12 A. Yes.

13 Q. Did you have any awareness of the
14 hygiene measures which were used at the Krummrich
15 plant?

16 A. I was knowledgeable of some of the
17 measures that we used, but not specifically because
18 it wasn't in my --

19 Q. Okay. Do you remember today what they
20 were?

21 A. No.

22 Q. Did you have knowledge of whether
23 physical exams were done at the Krummrich plant?

24 A. No, that was not my area.

25 Q. Do you recall whether Monsanto

1 specifically requested that Mallory not take its
2 lawyer to that meeting in March of '76?

3 A. No.

4 Q. You have any awareness of any reason why
5 Monsanto would have requested that?

6 A. I had nothing -- no, don't even remember
7 any discussion on it.

8 (A break was taken.)

9 Q. (BY MR. CUKER) Have you ever been
10 deposed in connection with PCB litigation?

11 A. Yes.

12 Q. How many times?

13 A. Once.

14 Q. Which case was that?

15 A. That was Outboard Marine.

16 Q. Outboard Marine?

17 A. Uh-huh.

18 Q. Is that on that list?

19 MR. MOORE: I think so.

20 THE WITNESS: I'm sure it is.

21 Q. (BY MR. CUKER) You remember where that
22 was?

23 A. Where I was deposed?

24 Q. Yeah, was it in a cell block like this
25 or was it --

1 A. No, it was a very comfortable office in
2 a Standard Oil building in Chicago.

3 MR. CUKER: Off the record.

4 (A discussion was held off the record.)

5 (Weber Deposition Exhibit No. 4 was
6 marked by the court reporter for identification.)

7 Q. (BY MR. CUKER) Mr. Weber, when you
8 visited Columbia, Tennessee, was that in connection
9 with any visit to Waynesboro?

10 A. Oh, no, it was in relation to our
11 phosphorus plant in Columbia.

12 Q. Oh, I've seen that plant. I've smelled
13 it, too.

14 A. Is that off the record?

15 Q. That's on the record.

16 All right. Mr. Weber, have you seen
17 this exhibit, Weber 4, before?

18 A. Yes, last week.

19 Q. Other than last week?

20 A. I don't remember it.

21 Q. All right. Let me just go down the list
22 of Monsanto people referred to here. There is
23 yourself.

24 A. Yes.

25 Q. Is there any reason why you're listed

1 first?

2 A. I have no idea.

3 Q. Okay.

4 MR. MOORE: Mark, let's don't ask him to
5 try to interpret what Mr. Alley may have been doing,
6 let's just ask him questions that he can answer as of
7 his own knowledge.

8 Q. (BY MR. CUKER) Now, David Wood is
9 listed here as manager of dielectrics. Does that
10 refresh your memory of what his title was at that
11 time?

12 A. That may not be right. He was a market
13 manager. And the best way to find out what the
14 titles are is to go back to the organizational charts
15 for that period of time.

16 Q. Would David Wood have been Jim Alley's
17 boss, though?

18 A. No.

19 Q. No? Who would have been?

20 A. Jim Alley would have reported into sales
21 manager in the district, whoever -- wherever that
22 was. Now, I don't remember --

23 Q. In the geographic district?

24 A. Yes.

25 Q. Dave Wood worked out of St. Louis?

1 A. Yes.

2 Q. And the region that covered the
3 Tennessee area, was that not in St. Louis? Was that
4 elsewhere?

5 A. I don't remember. It depends on the
6 size of the sales group and the territories, but that
7 also could be on record in the organization.

8 Q. I think you already testified you had
9 very little contact with Dr. Osland, or none?

10 A. I did not know the gentleman.

11 Q. And no direct contact with Dr. Roush?

12 A. In relation to what?

13 Q. PCBs.

14 A. No, I talked to Dr. Roush.

15 Q. About PCBs?

16 A. Yes.

17 Q. Okay. When was that?

18 A. In this time frame I was involved with
19 them.

20 Q. You remember what the discussions were?

21 A. No.

22 Q. Okay. Any direct contact with Paul
23 Wright?

24 A. Yes.

25 Q. Okay. What were those discussions?

1 A. On the products that he was responsible
2 for as the toxicologist.

3 Q. All right. Any direct -- any
4 discussions with him about PCBs during this time
5 frame?

6 A. Yes.

7 Q. What were they?

8 A. I don't remember.

9 Q. Was Mr. Wright still a toxicologist
10 working in the area of PCBs as of August of '77?

11 A. Yes, he was a toxicologist employed by
12 Monsanto.

13 Q. Okay. You remember when he left the
14 company?

15 A. No, I don't.

16 MR. CUKER: That's all I have.

17 MR. MOORE: Anybody else have any
18 questions?

19 MR. BUSTER: No.

20 MR. SPODEN: No questions for Emhart.

21 MR. BUSTER: None for Duracell.

22 MR. MOORE: Thank you, Mr. Weber.

23

24

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5 J. COLEMAN WEBER

6 Subscribed and sworn to before me on
7 this 25th day of January, 1989
8 My commission expires **JOSEPHINE S. NIBLOCK**
Notary Public - State of Missouri
St. Louis County
My Commission Expires January 15, 1991

9
10 Josephine S. Niblock
11 NOTARY PUBLIC
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ORIGINAL TRANSCRIPT
FOR THE COURT.

NOTARIAL CERTIFICATE

STATE OF MISSOURI)
)
 COUNTY OF ST. LOUIS)

I, Gwen A. Huffman, a Registered Professional Reporter and Notary Public duly commissioned and qualified in and for the County of St. Louis, State of Missouri, do hereby certify that, pursuant to agreement between Counsel, came before me on the 20th day of December, 1988, at the Karpowicz Reporting Company Conference Room, 314 North Broadway, 11th Floor, St. Louis, Missouri, J. COLEMAN WEBER, who was by me first duly sworn on his oath to testify to the truth and nothing but the truth of his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon carefully examined upon his oath, and his examination reduced to writing under my supervision; that the deposition is a true record of the testimony given by the witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this 10th day of January, 1989.

My commission will expire January 27th, 1991.

Gwen A. Huffman
 Notary Public

ORIGINAL TRANSCRIPT
 FOR THE COURT

KARPOWICZ REPORTING COMPANY
408 Olive Street, Suite 316
St. Louis, MO 63102

January 11, 1989

Mr. J. Coleman Weber
518 Sunnyside Street
St. Louis, MO 63119

In Re: Katherine Joyce Brewer, et al. vs
Monsanto Corporation, et al.

Dear Mr. Weber:

This letter, incorporated as the last page of your deposition taken on December 20, 1988, will serve as notice to you that your testimony is now ready for your reading and signing of same.

I would appreciate your contacting my office by calling 314/621-8883 so that arrangements can be made to accomplish this.

This letter is being mailed to you, as you know, by Certified Mail with return receipt requested. If we have not heard from you within thirty days after receiving your return receipt, this testimony will be filed with our indication of this offer of submission to you and your refusal to sign.

I would appreciate hearing from you at your earliest convenience and appreciate your cooperation in this regard.

Sincerely yours,

Gwen A. Huffman, RPR

CERTIFIED MAIL: P 714 737 466

MAILED ON: January 11, 1989

KARPOWICZ REPORTING COMPANY

WATER_PCB-SD0000056115

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

KATHERINE JOYCE BREWER,)
et al.,)
Plaintiffs,) Nos. 1-88-008 and
-vs-) 1-88-0014 through
MONSANTO CORPORATION,) 1-88-0368
et al.,) Judge Wiseman
Defendants.)

A F F I D A V I T

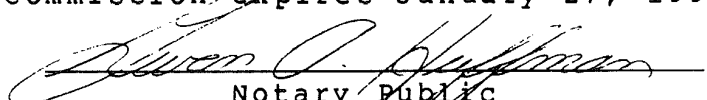
I, GWEN A. HUFFMAN, a Registered
Professional Reporter and Notary Public within and
for the State of Missouri, do hereby certify that
under Certified Mail No. P 714 737 466

J. COLEMAN WEBER

was duly notified that his deposition taken in the
above matter had been transcribed and could be read
and signed; that signed receipt was returned showing
signature date of _____

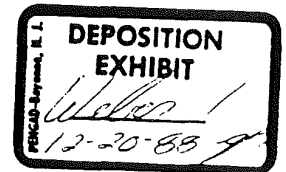
That over thirty days have elapsed since the sending
of the aforementioned Certified Letter; that there
has been no response from this party or counsel; that
therefore, said deposition is herewith filed.

My Commission expires January 27, 1991.


Notary Public

bcc: D. Wood
J. C. Weber
cc: ~~W. C. Weber~~
File: Dielectrics Mallory

February 9, 1976



Mr. Ed Donohue
P. R. Mallory Capacitor Co.
Waynesboro, Tennessee 38485

Dear Mr. Donohue:

Recently you discussed with Jim Alley the environmental and health aspects of Monsanto fluid MCS 1475 and asked that we send you some information.

Enclosed is a copy of information on the toxicity and handling precautions for MCS 1475. The biodegradation data that we have shows that MCS 1475 undergoes microbial degradation to innocuous substances (CO_2 and H_2O) at rates comparable to non-persistent chemical compounds of known environmental histories.

Please contact Jim Alley or me if you have further questions.

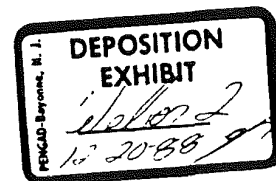
Very truly yours,

R. E. Hatton
Technical Service Manager
Dielectric Fluids

REH/cc
Enclosure

cc: J. Alley

BRW 002822



THE AROCLOR® POLYCHLORINATED POLYPHENYLS

Dielectrics for Capacitors & Transformers

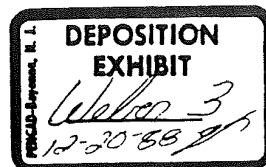
TECHNICAL BULLETIN O-FF/1R

Monsanto

BRW 000731

BRW 000752

Monsanto 800 N. LINDBERGH BLVD., ST. LOUIS, MISSOURI 63166



THE PROPER HANDLING OF AROCLORS AND THEIR MIXTURES IN THE ELECTRICAL INDUSTRY

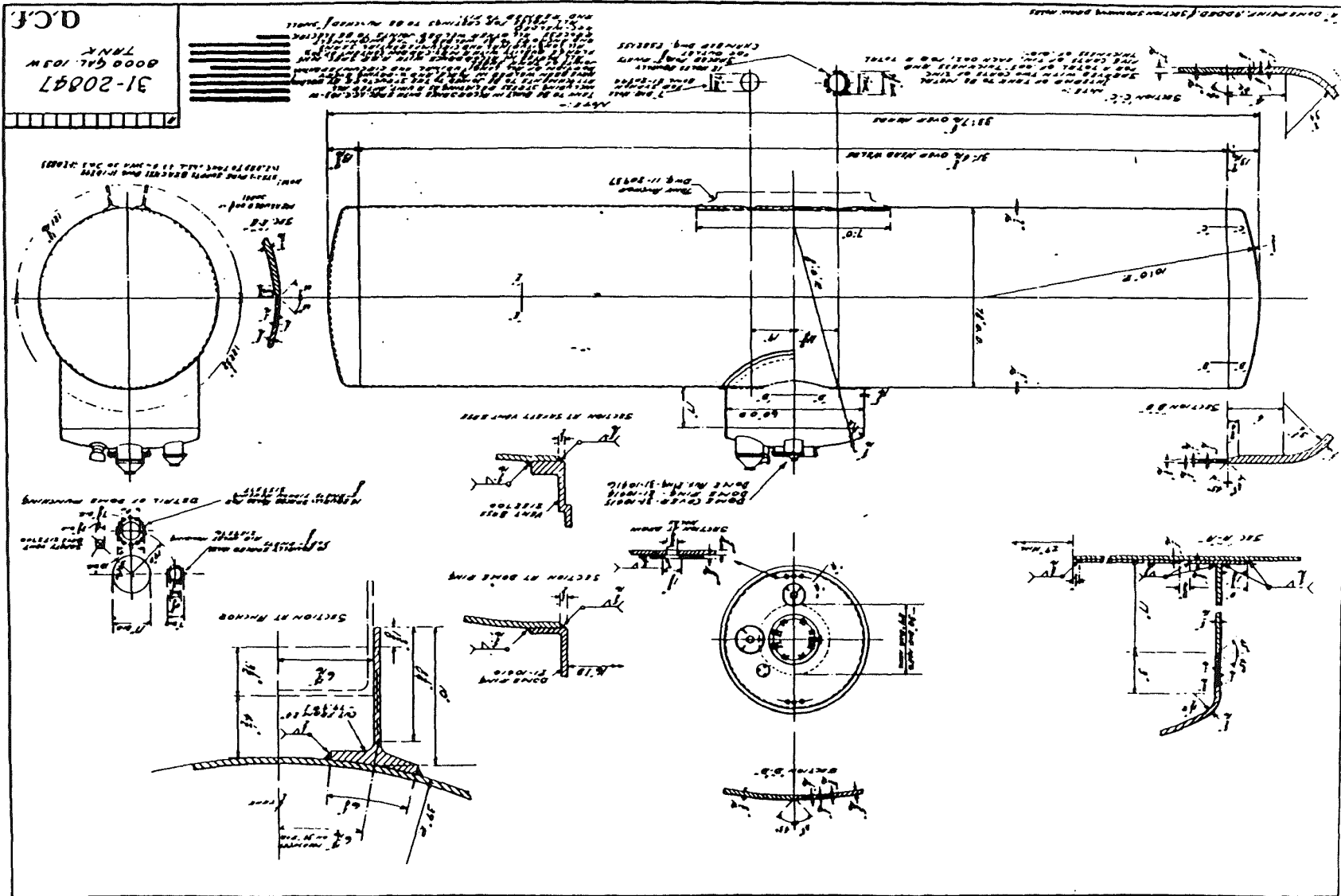


Monsanto Chemical Co.
Organic Div. Sales Dept.
800 N. Lindbergh Blvd.
St. Louis 66, Mo.

P. G. BENIGNUS
Revised
January 1960

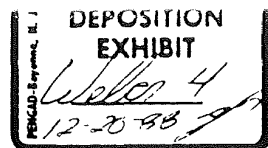
BRW 001297

Q.C.F.
31-20897
8000 GAL. TANK



BRW 001410

Monsanto



J. A. Alley-B2SD-St. Louis

DATE April 2, 1976 R. E. Hatton
SUBJECT P. R. MALLORY COMPANY MEETING
AT MONSANTO HEADQUARTERS
REFERENCE WEDNESDAY, MARCH 31, 1976
TO D. Wood
B2SD

Present for Mallory:

Bud Dibble, Mallory Capacitor Div., General Manager
Ron Warwick, President, Mallory Capacitor Co.
Robert Ellis, Mallory Capacitor Company, Director of
Personnel and Labor Relations
Dr. Shep Wolsky, Directory, Mallory Physical Sciences
Lab.
Dr. George Wallis, Mallory Environmental Affairs

Present for Monsanto:

Cole Weber, Manager, Product Acceptability
Dick Osland, M.D., Plant Physician, Krummrich
George Roush, M.D., Director, Dept. of Medicine &
Environmental Health
Paul Wright, Toxicologist
Jack Garrett, Industrial Hygiene
Dave Wood, Manager, Dielectrics
Jim Alley, Industrial Sales Representative, Dielectrics

Subject areas discussed in the meeting were: PCBs, Monsanto medical procedure for PCB plant personnel as well as personnel exposed to any chemical, practices and procedures at our Krummrich Plant and various test methodologies. The Mallory people expressed satisfaction with the factual information supplied by Monsanto. They indicated they obtained a much clearer understanding of PCBs and our practices relative to these materials.

Jim Alley

/deb

BRW 000514

1323 Ambassador Building 441 North Seventh Street

NEW ADDRESS

KARPOWICZ REPORTING COMPANY
316 MERCHANTS LATELLE BLDG.
408 OLIVE STREET
ST. LOUIS, MO 63102

UPON READING THE DEPOSITION AND BEFORE SUBSCRIBING THERETO, THE DEPONENT

J. COLEMAN WEBER INDICATED THE FOLLOWING CHANGES SHOULD MADE.

(Signature of Witness)