

IN THE COURT OF COMMON PLEAS

LAKE COUNTY, OHIO

RUTH N. BURNHEIMER,
Plaintiff

VERSUS

UNIROYAL CHEMICAL CO., INC. :
ET AL, :
Defendants

CASE NUMBER 91CV001653

JUDGE PARKS

* * * * *

The deposition of LAVERN E. LANDRY, a witness
in this proceeding, was taken at the instance of the
Plaintiff herein, before and by Sharon S. Wendt, a
Certified Shorthand Reporter for the State of Louisiana
and a Registered Professional Reporter, at the offices
of Baton Rouge Court Reporters, located at 11832
Newcastle Drive, Suite 16, Baton Rouge, Louisiana, on
the 10th day of November, 1992, commencing at 1:35 p.m.
and ending at 3:35 p.m.

APPEARANCES:

PETER J. BRODHEAD, ESQ.) For the Plaintiff
Spangenberg, Shibley, Traci &)
Lancione)
1500 National City Bank Bldg.)
Cleveland, Ohio 44114)

VICTORIA L. VANCE, ESQ.) For the Defendants,
Arter & Hadden) Borden, Inc. and
1100 Huntington Building) Monochem, Inc.
Cleveland, Ohio 44115)

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1 ANNE Y. KOESTER, ESQ.) For the Defendant,
 2 Bunda, Stutz & DeWitt) Uniroyal Chemical
 3 One SeaGate, Suite 650) Company, Inc.
 4 Toledo, Ohio 43604)

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14 LIST OF EXHIBITS

- 15 Landry 1 -- Letter from Dr. Werner to Mr. Landry dated
 16 6-11-64
- 17 Landry 2 -- Vinyl Chloride Testing Program dated July
- 18 Landry 3 -- Methods of Obtaining Blood
- 19 Landry 4 -- Vinyl Chloride Testing Program dated
 12-11-74
- 20 Landry 5 -- Letter to Mr. Fletcher and Dr. Werner from
 21 Dr. Forbes dated 11-6-74
- 22 Landry 6 -- Letter to Mr. Landry from Mr. Lloyd dated
 2-19-75
- 23 Landry 7 -- Letter to Dr. Forbes from Mr. Landry dated
 24 6-13-75
- 25 Landry 8 -- Regulation of vinyl chloride as health
 hazard in U.S.

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S T I P U L A T I O N

IT IS STIPULATED AND AGREED by and among the parties in the proceeding above numbered and entitled that the testimony of LAVERN E. LANDRY, a witness in this matter, shall be taken at the instance of the Plaintiff herein, before and by Sharon S. Wendt, a Certified Shorthand Reporter for the State of Louisiana and a Registered Professional Reporter, on the 10th day of November, 1992, at the offices of Baton Rouge Court Reporters, located at 11832 Newcastle Drive, Suite 16, Baton Rouge, Louisiana; that the witness shall be sworn by said Court Reporter so reporting; that the testimony shall be taken under oral examination reserving the right to make objections, except as to the form of the question and the responsiveness of the answer, until the time of the trial of this matter; that the reading and signing of the deposition are not waived by the parties and by the witness; and that the said deposition is being taken for discovery purposes and for any and all purposes authorized under the Ohio Rules of Civil Procedure.

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1 LAVERN E. LANDRY, after having been first duly
2 sworn, was examined and testified as follows:

3 EXAMINATION

4 BY MR. BRODHEAD:

5 Q Mr. Landry, can you tell us your full name and
6 address for the record, please.

7 A My name is Lavern Landry. My address is 15337
8 Highway 44, Gonzales, Louisiana 70737.

9 Q How old of a man are you, Mr. Landry?

10 A Sixty-nine.

11 Q Beginning with high school, can you tell us a
12 little bit about your education?

13 A I got a high school education.

14 Q What city was that in, sir?

15 A Gonzales.

16 Q What did you do after you finished high school?

17 A My goodness alive. I worked two or three
18 little jobs, but I worked for Ethyl Corporation
19 fourteen years.

20 MS. KOESTER: I'm sorry, sir. Could
21 you say that again?

22 THE WITNESS: I worked for Ethyl
23 Corporation fourteen years. Ethyl was owned by
24 Dupont at that time. Then I went to Monochem,
25 and I worked there right at twenty years.

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1 BY MR. BRODHEAD:

2 Q Okay. In what year did you begin employment
3 with Ethyl Corporation?

4 A Oh, my goodness. November the 26th, 1947.

5 Q What did that corporation do?

6 A What did Ethyl do? Their main product was
7 tetraethyllead and tetramethyllead.

8 Q And what that -- in what city did you work for
9 them?

10 A In Baton Rouge.

11 Q What was your job title, sir?

12 A I was a fire inspector.

13 Q Can you take me through the various job titles
14 that you have held with Ethyl Corporation up
15 until --

16 A Well, with Ethyl Corporation, I worked for -- I
17 was a fire inspector. I worked out of the
18 Safety Department for a foreman by the name of
19 Bill McCarthy, and his boss was Carroll Hebert
20 who was the head of safety at Ethyl
21 Corporation. And I left there in 1962, and I
22 went to Monochem on February the 19th, 1962.

23 Q Why did you make the switch to Monochem?

24 A Why did I make the switch?

25 Q Yes, sir.

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- 1 A It wasn't voluntary. We had a cutback. They
2 cut back about half of the force.
- 3 Q How did you find out about the Monochem job?
- 4 A Through a fellow by the name of W. W. Merritt,
5 who was a neighbor to the plant manager, Mr.
6 John Lynn, and --
- 7 Q Is Mr. Merritt still around?
- 8 A Yes.
- 9 Q Where does he live?
- 10 A He's here in Baton Rouge somewhere. I've lost
11 track of him.
- 12 Q What about Mr. Lynn?
- 13 A Mr. Lynn is -- last I heard, he was somewhere
14 around San Diego. Whether that's the truth or
15 not, I don't know, but that's what I heard.
- 16 Q You're the second person to tell me that today.
17 Mr. Merritt's first name?
- 18 A Woody, W. W. Merritt.
- 19 Q You were telling me --
- 20 A Well, I did some safety work for him a number
21 of times when he was -- he worked on what they
22 call the ethyl chloride side of the Ethyl
23 plant, and when he found out I was going to get
24 laid off, he called me over and said, look,
25 Monochem's opening up, you know, and I will see

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1 if I can get you a job there if you would like
2 one. I said, fine.

3 Q What do you mean by safety work?

4 A Well, holding safety meetings for them and what
5 have you, fire drills and what have you. That
6 was part of my work at Ethyl, but I would also
7 hold safety meetings for him. When he wasn't
8 available and he had one scheduled, he would
9 call me and I would go take it for him.

10 Q So you began in February '62, and what jobs did
11 you hold for Monochem?

12 A Well, I was a senior production technician in
13 the O2 plant from then until November. I don't
14 even remember the date now. Then I took the
15 safety position.

16 Q November of '62?

17 A Um-hum, November '62. And my actual working
18 time was to January the 5th, 1981.

19 Q And the safety title was --

20 A I was a safety supervisor. When I retired, I
21 was personnel manager, and I was responsible
22 for safety, too.

23 Q What did you do in '81?

24 A You mean after I left there?

25 Q Yes, sir.

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1 A I goofed off for awhile, and then my wife made
2 me go to work.

3 Q That's --

4 A I went to work for --

5 Q That's the "honey-do" club?

6 A Yeah. I got tired of that. I went to work for
7 Ormet, which was Burnside terminal at that
8 time, and I went to work there working with the
9 longshoremen, and I wound up the labor
10 relations supervisor there, and I worked there
11 two years, and I left there. They were also
12 cutting back.

13 Then I went to work as a consultant
14 for Armant Corporation in Vacherie, Louisiana.
15 I worked there part-time, and I worked for the
16 gentleman that used to be the production
17 manager at Monochem. He was the plant manager.

18 Q Who is that?

19 A A fellow by the name of Dayton Slocum.

20 Q What did you do for him?

21 A I set up his first aid, his safety, his
22 personnel, his security.

23 Q What did you understand your job
24 responsibilities to be as safety supervisor?

25 A A safety supervisor is really responsible for

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1 the programs. He is not -- you're operating
2 original foreman, whether it's maintenance or
3 not, he is actually responsible for the safety
4 of his people. In other words, I made out the
5 programs and what have you.

6 The foremen -- after a few years, the
7 foremen got to where they would hold meetings.
8 Plant manager, personnel manager, operations
9 manager, everybody had to have safety meetings
10 because it was their responsibility.

11 Of course, I held them, too, you
12 know, but the thing is, safety is not a safety
13 supervisor's responsibility. His job is to
14 guide the program, and I think if you ever had
15 any of these -- our programs and some of our
16 records and what have you, you would find out
17 why we are proud of them.

18 Q Mr. Landry, I would like to show you some
19 documents that have already been identified
20 previously today. I would like to know what it
21 is, if anything, you know about them or
22 participation you had in connection with them.
23 This is Variani Exhibit 6, dated April 18th of
24 1962, entitled Monochem, Inc. Supervisors'
25 Safety Manual. Are you familiar with that

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1 document?

2 A I most certainly am. I updated this thing
3 several times, the Monochem Supervisors' Safety
4 Manual.

5 Q How frequently was that manual renewed?

6 A I don't remember. All I can tell you is I
7 updated it several -- not renewed. We updated
8 it.

9 Q I'm showing you Variani Exhibit 7, which is
10 Monochem's Safety Handbook dated May 22nd of
11 '64. Can you take a look at that and let me
12 know if that, to the best of your knowledge,
13 was the next update after the April 18th of
14 '62?

15 A I rewrote this, after I took over, at the
16 request of Mr. John Lynn, who was the plant
17 manager. I've always been fortunate enough to
18 work for the plant manager, directly for him.

19 Q You wrote that document?

20 A Yes. Well, put it this way: I updated it.

21 Q Before we get to any more specific questions, I
22 want to show you Exhibit 5 from the Variani
23 deposition, Chemical Safety Data Sheet for
24 vinyl chloride adopted 1954. Are you familiar
25 with that document, sir?

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1 A Yes.

2 Q When were you first familiar with it?

3 A In 19 -- probably as early as -- well, no, I
4 wouldn't say in '62 because I was just getting
5 my feet wet; probably '63.

6 Q Did you continue to refer to that document?

7 A Well, we did most of the time. Our expertise
8 at the time, in vinyl chloride operations, was
9 not very much. In other words, we depended
10 strictly on Uniroyal. They sent their people
11 down there to operate this plant: Jerry Braun,
12 Steve Sabolick, Bob Williams, who is here in
13 Baton Rouge, Robert Williams, and Roy
14 Stinchcomb who is in Florida. Ted Brown was an
15 original man, but he didn't last too long. He
16 couldn't stand the food down here.

17 Q What conclusions do you draw about a man who
18 feels that way about Louisiana food?

19 A I think he is in the wrong place. I think he
20 really ought to go home. He did. He went back
21 to -- now, Steve Sabolick, I understand, went
22 back to Ohio. That's what I have been told.

23 Q Sir, my question to you previously was, for how
24 long did you continue to draw on Exhibit 5, the
25 1954 CSDS?

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- 1 A Probably until we got a new updated one.
- 2 Q And that was when?
- 3 A I don't have the least idea. I don't remember.
- 4 I know there was another one updated, but I
- 5 don't remember which one it was. I don't
- 6 remember when I got it.
- 7 Q I'm showing you Exhibit 9 from Variani. Is
- 8 that it, sir?
- 9 A It looks like it, '72. I would guess it is.
- 10 Q So would it be a fair statement that you relied
- 11 on CSDS 1954 from the time you first became
- 12 familiar with it, in approximately 1963, until
- 13 it was updated in 1972?
- 14 A I would say yes. And we also used the Uniroyal
- 15 employees. You got to remember now, Mr. Jack
- 16 Little, who was a Uniroyal employee, a
- 17 long-term Uniroyal employee, was the production
- 18 manager, and he had a lot of expertise in this
- 19 form, and we used him, too.
- 20 Q For example, in Exhibit 7, which you have told
- 21 us that you redrafted yourself --
- 22 A Yes.
- 23 Q -- I would like to direct your attention to
- 24 page 19 of that document --
- 25 A All right.

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1 Q -- under Vinyl Chloride. It says, "Aside from
2 the risk of fire and explosion, vinyl chloride
3 presents no other very serious problem in
4 general handling. The presently accepted
5 maximum allowable concentration is 500 parts
6 per million. In concentrations well above 500
7 parts per million, vinyl chloride acts as a
8 mild general anesthetic. In contact with the
9 skin, vinyl chloride is irritating. Prolonged
10 contact will result in refrigeration and
11 freezing."

12 A Correct.

13 Q On to page 20 now, "Vinyl chloride is not a
14 serious industrial hazard provided precautions
15 are taken to avoid leaks or spills which might
16 provide a fire or explosion hazard." That's
17 taken right from the 1954 CSDS, isn't it, sir?

18 A I'm sure it is; that and the expertise of the
19 Uniroyal people.

20 Q Is something that I read there to you from the
21 expertise of the Uniroyal people?

22 A I don't remember.

23 Q I'm trying to speed this up if I can, sir.

24 A Go ahead.

25 Q I'm representing to you that it's taken

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1 directly from the '54 sheet to try to save you
2 time. My intent is not to do anything except
3 to try to establish that you were, in fact,
4 drawing upon it almost verbatim at times?

5 A Right.

6 Q As information became available, was it
7 provided to you by anyone at Uniroyal or
8 Borden, that is, about the adverse health
9 effects of vinyl chloride?

10 A It seems like the first thing I remember about
11 this thing is -- and my memory has been
12 refreshed on this -- is an Italian had
13 performed a lot of experiments with this stuff
14 on animals, and -- well, and I don't remember
15 any correspondence from Uniroyal or anybody to
16 that effect.

17 Q Okay. That's what I am asking you. Was there,
18 in fact, a conduit of information from Uniroyal
19 to Monochem, or did that really not exist as
20 far as the flow of medical information?

21 A Oh, no. We had medical inspections by the
22 company doctors of Uniroyal, who was -- let's
23 see. Forbes was the first one.

24 Q And he began in November of '71, correct?

25 A I don't remember.

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1 Q That's his testimony.

2 A Yeah.

3 Q Let's talk about before OSHA got heavily
4 involved.

5 A Oh, you're talking about Wolfsi now. We're
6 talking about Wolfsi, the original medical
7 director.

8 Q Let me phrase the question so we get on the
9 track here. I want to limit the questioning
10 now to before the time when OSHA intervened
11 after January 22nd of 1974.

12 A Yeah.

13 Q We're talking about before then. What I want
14 to know from you, sir, is, to the best you can
15 recall, did anyone from Uniroyal or Borden
16 actually feed, send, transmit medical
17 information about the harmful effects of vinyl
18 chloride, generally, whether animals, humans,
19 whatever?

20 A I doubt it. I don't remember really.

21 Q What do you know about Dr. Wolfsi?

22 A I remember Dr. Wolfsi well.

23 Q How so, sir?

24 A Well, I don't know. He was a fine -- fine
25 looking gentleman with a little gray moustache

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1 and what have you. Did you know him?

2 Q No. But I shall soon, God willing for both of

3 us.

4 A He was a fine fellow; Dr. Wolfsi was. He came

5 to our Medical Department, checked our medical

6 records and what have you.

7 Q When, if you can recall, Mr. Landry, did Dr.

8 Wolfsi first visit the Monochem plant?

9 A I don't remember. I don't remember.

10 Q Do you recall for what purpose it was?

11 A To check our medical.

12 Q Among your employees?

13 A Yes, our medical records. That's what he come

14 down and checked and, of course, he talked to

15 me, you know. He checked our safety and what

16 have you as far as medical went because I had

17 the Medical Department, too, at that time. I

18 was trying to think of anything else I could

19 add to it, but right offhand, I can't remember.

20 Q Would it be safe to say that Dr. Wolfsi's visit

21 had to do with the health of the Monochem

22 employees as opposed to, say, trying to educate

23 people, in positions of responsibility at

24 Monochem, about harmful effects of occupational

25 exposure?

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1 A I sort of doubt that, but I don't really
2 remember actually what happened when he come
3 down there. I can tell you he inspected our
4 orders and talked to me and what have you and
5 our nurse, and we had some of the finest there
6 is, a Ms. Breaux and a Ms. James. They were
7 two sisters. Ms. Breaux, as far as I know, is
8 at Ormet Corporation. Ms. James died working
9 for Dow Chemical.

10 Q Mr. Landry, I would like to slow down a little
11 bit here and see if we can back up and cover
12 some territory that I haven't fairly covered.
13 What was your understanding of the reason why
14 Monochem was formed?

15 A Well, I really never did get into that. The
16 only thing I --

17 Q If you don't know, that's okay. We will move
18 on.

19 A I really don't know why -- well, I really know
20 why it was formed, you know, but nobody ever
21 really told me this. I knew --

22 Q What's your understanding?

23 A That it was incorporated because Borden got a
24 certain percentage of it, and Uniroyal got the
25 other percentage of it. Some of the off-gases

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1 and what have you went to other plants and what
2 have you. It was for everybody's benefit, but
3 I think -- my understanding -- and this is from
4 talking to other people -- that the Painesville
5 plant was being shut down when we went on
6 stream, and we went on stream I would guess --
7 if I had to guess at it, I would say around
8 April or maybe May of '62.

9 Q Were you working there when you went on stream?

10 A Yes. I wasn't in safety.

11 Q Yes, sir. I understand. Not until November?

12 A Until November.

13 Q When you say on stream, does that mean when you
14 were producing from natural gas until the rail
15 cars went out, right?

16 A Well, you had your boiler house area first.
17 Your O2 plant come up second, which is an air
18 separation unit. Your acetylene plant come up
19 third. Then your vinyl chloride plant. In the
20 meantime, the HCl plant down on the river came
21 up because we used the HCl gas.

22 Q When you say on-line, you mean you were
23 actually producing the monomer and shipping it
24 out?

25 A That's correct. Well, I say shipping. I don't

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1 know when they started shipping. That I do not
2 know, because we had storage.

3 Q Did you ever participate, at anytime before
4 OSHA intervened -- again, we're talking about
5 before January 22nd of '74 -- in any training
6 program that talked about the harmful health
7 effects of vinyl chloride?

8 A I don't remember when it was. Several times I
9 attended the Uniroyal corporate safety meetings
10 up in Oxford, and which, I believe, was built
11 after I went to work there. I don't remember.
12 And then, of course, we had the -- in October,
13 when the National Safety Council met, I met
14 with Uniroyal up there, too, at the same time,
15 and this was mostly on general safety.

16 Q These meetings were not specific to vinyl
17 chloride?

18 A Not specific unless you had a question.

19 Q Did you ask them any specific questions about
20 vinyl --

21 A I --

22 Q -- chloride?

23 A I don't remember.

24 Q If you did, you don't recall?

25 A No, I don't recall.

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1 Q Mr. Landry, I'm going to ask you if you would
2 kindly try to wait until I'm done with my
3 question before you answer.

4 A Oh, all right. Okay.

5 MS. VANCE: Can we take a short
6 break?

7 [A short recess was taken.]

8 MR. BRODHEAD: We're back on the
9 record.

10 BY MR. BRODHEAD:

11 Q Referring back to Exhibit 7, Mr. Landry, did
12 you draw upon Exhibit 6? When you say you
13 updated it, I mean, you used this material in
14 large measure?

15 A Oh, absolutely.

16 Q Now, other than to draw upon the April 18th of
17 '62 document, I assume you also relied on the
18 1954 CSDS.

19 A Yes.

20 Q You were, in fact, a Monochem employee, that
21 is, your paycheck was from Monochem?

22 A Yes.

23 Q I want to ask a previous question which is
24 really necessary before I ask that one, and
25 that is, when were you first familiar with a

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1 threshold limit value for vinyl chloride?

2 A Threshold -- the first time I read this book

3 right here (Indicating), this pamphlet.

4 Q Exhibit 5?

5 A Yes. But I did this on -- on all our chemicals

6 that we handled. I had a chemical data sheet

7 on everything.

8 Q What is a threshold limit value? How is it

9 quantified? Do you know?

10 A I don't have the least idea.

11 Q Did you have any equipment there, when you

12 first got to Monochem, to measure it?

13 A Well, about the only thing that I remember is

14 ampules that we used in a drager. I finally

15 thought of the name of it. It was a drager

16 tester.

17 Q You used those?

18 A I have used them, yes.

19 Q When did you first use them?

20 A I don't remember.

21 Q When you first got to Monochem in '62, were you

22 using them?

23 A I don't remember. I just don't remember.

24 Q What were they to measure?

25 A They would measure vinyl chloride.

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1 Q Yeah. For --

2 A You bought the different tubes for the
3 different chemicals.

4 Q For what kind of exposures were you measuring
5 them? For explosive or for human levels?

6 A Oh, this was parts per million for -- in
7 ampules. For explosive limits, we used the
8 explosive meter, an MSA, MSA-2.

9 Q Was that available when you first got to
10 Monochem?

11 A The MSA-2?

12 Q Yes, sir.

13 A Yes.

14 Q But you're not sure about the ampules?

15 A No, I'm not sure when that came into being.

16 Q Where did you use the MSA-2?

17 A Oh, my goodness; everywhere. We used it at the
18 acetylene plant. We had them in the plants.
19 They stayed in the plants.

20 Q Did the ampules tell you how many parts per
21 million you were getting?

22 A Yes. There was a plus or a minus to the deal.

23 Q And what levels were you getting there?

24 A I don't remember.

25 Q You ever been to the Painesville plant?

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- 1 A No.
- 2 Q You ever been to either of the Borden plants?
- 3 A No.
- 4 Q Did any part of your job responsibility have to
5 do with documentation that was sent along with
6 the vinyl chloride monomer when it went out of
7 the plant?
- 8 A No.
- 9 Q What was sent with the monomer when it went out
10 of the plant?
- 11 A I will tell you what, now, you will have to ask
12 somebody in operations for that. I don't
13 remember. All I know is the place cards were
14 put on the tank cars. I think there was four
15 on each tank car, but now what documentation
16 was sent with it, I don't know. That was not
17 in any part of my business.
- 18 Q Now, is there anything about ampules in your
19 1964 --
- 20 A I don't think so. If it did, I don't remember
21 it.
- 22 Q Is there anything -- here, let me identify this
23 first, Exhibit 10. It's August 1st of 1974.
24 Did you participate in that, sir?
- 25 A In this?

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- 1 Q In the formulation of that.
- 2 A Oh, yes. I didn't participate in it. I
- 3 revised it.
- 4 Q I'm showing you, on page 15, that section under
- 5 Vinyl Chloride. Is there anything about
- 6 ampules in there?
- 7 A No. This was in '74?
- 8 Q Yes. Might you have used these ampules after
- 9 OSHA intervened?
- 10 A No. I think we bought a Sentry analyzer. I
- 11 think we bought two very expensive machines.
- 12 Q Is that gas chromatography?
- 13 A Yes.
- 14 Q I'm talking about ampules now.
- 15 A No, ampules, for vinyl chloride, period. We
- 16 bought -- this is what we bought them for.
- 17 Q Right now I'm talking about ampules. I want to
- 18 make sure --
- 19 A Okay.
- 20 Q -- that if you have any memory of whether it
- 21 was after OSHA came in or was it before? Do
- 22 you have any memory, sir?
- 23 A I don't have the least idea.
- 24 Q Now, as far as gas chromatography is concerned,
- 25 were you using that at Monochem after or before

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1 OSHA?

2 A It was after.

3 Q Now, if I may refer you to Exhibit 7, referring
4 to vinyl chloride, this is a sentence we
5 already read previously in here, and that is,
6 "Vinyl chloride is not a serious industrial
7 hazard provided precautions are taken to avoid
8 leaks or spills which might provide a fire or
9 explosion." In the 1974 document, on page 15
10 under the second paragraph, it is stated vinyl
11 chloride is to be considered a serious
12 industrial hazard.

13 A Right.

14 Q I take it this 1974 document was prepared after
15 OSHA intervened. Is that correct?

16 A I really don't remember.

17 Q If I were to tell you that the date of
18 intervention was -- began on January 22nd and
19 this was prepared on August 1st of '74, does
20 that help you to --

21 A No, not really, not specific dates.

22 Q In any event, can you tell me at what point,
23 between 1962 and 1974, as the person who
24 prepared these documents, when did vinyl
25 chloride become a serious industrial hazard?

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1 A I don't remember. If you're asking about for
2 dates, I don't remember.

3 Q Is this time in 1974 the first time you ever
4 wrote that to your knowledge?

5 A Yes. As far as I know, that's the first time I
6 ever wrote it. If I wrote it any other time, I
7 don't remember it.

8 Q Now, as far as the shipments of vinyl chloride
9 out of the Monochem facility, you have spur
10 lines, rail lines in?

11 A Yes.

12 Q How many lines? Do you know how many tracks?

13 A Well, we had one line in, but we had two spurs
14 on it on both sides of our loading rack.

15 Q How many cars could you load at the same time?

16 A It seems to me like it was four. It might have
17 been six, but it seems like it was four, which
18 is...

19 Q All right. And those were 20,000 gallons per
20 car?

21 A They were the big cars. Some of them -- we
22 filled whatever Uniroyal and Borden sent us.
23 That's what we filled.

24 Q As much as they wanted in terms of cars?

25 A According to what their entitlement was.

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1 Q Who determined the entitlement?

2 A That was beyond me.

3 Q Could you tell if it was a Uniroyal or a Borden
4 car that came in, or how could you tell?

5 A I tell you what, I never did pay any attention
6 to it.

7 Q There was, obviously, some marking on it that
8 would enable you to tell?

9 A Oh, I'm sure it was, yeah.

10 Q Mr. Landry, I want to read you a statement, and
11 all I want to know is whether you would agree
12 or disagree with it. "It is not in the
13 production of the chemical itself that the
14 greatest potential for harmful exposure exists,
15 rather, the greatest hazard is when the
16 chemical is polymerized to form other
17 materials, nearly all of which are polyvinyl
18 chloride resins during which process vinyl
19 chloride escapes into the air." Are you in a
20 position to say whether you agree or disagree
21 with that?

22 A I never got beyond the operation part of it.

23 Q Do you know what happens in polymerization?

24 A No, not really.

25 Q Anybody ever explain the process to you?

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1 A No.

2 Q You don't know about suspension and emulsion
3 and all that stuff?

4 A (Witness shakes head negatively.)

5 Q Mr. Landry, there is some documents on which
6 your name appears, and I would like to ask you
7 about them.

8 A I'm sure there is.

9 Q Before we get to that, threshold limit value,
10 do you know how that's computed?

11 A Yes.

12 Q Please tell me.

13 A Well, one part per million for an 8-hour work
14 period, let's say.

15 Q Okay. You're talking, for example, the OSHA
16 standards --

17 A As an example. But for thirty minutes, if you
18 had four parts per million, you done took up
19 five hours. So it's --

20 Q Time --

21 A -- over an 8-hour period, yes.

22 Q Do you know what the original standard was?

23 A As far as I know in that vinyl chloride sheet,
24 it was 500.

25 Q Where did that come from? How did that get on

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1 something from 1954?

2 A I don't have the least idea.

3 Q Do you know whether it had ever been tested or

4 validated?

5 A No.

6 Q Did you monitor -- well, I take it, from your

7 previous answer, you don't recall as to whether

8 or not that was monitored when you started at

9 Monochem, right?

10 A No.

11 Q Okay. I'm showing you what's been marked

12 Exhibit 1. This is a letter from you, as

13 safety supervisor, dated June 11th of 1974.

14 You're writing to a Dr. Werner?

15 A He was the company doctor here, yes.

16 Q And you're telling Dr. Werner that beginning

17 January 10th --

18 A Let me read it.

19 Q I'm sorry.

20 A (Witness reviews document.)

21 Q You're telling Dr. Werner that beginning

22 January 10th, 1974, all pre-employment physical

23 examinations must include liver function lab

24 tests -- and, of course, they are enumerated in

25 the letter -- as well as physician's

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1 examination and chest x-ray.

2 And I'm quoting your last paragraph:
3 "If there is any elevation noted in any one or
4 more of these tests, the applicant must be
5 rejected as unacceptable for employment at
6 Monochem." Why did you write that the
7 candidate would be unacceptable for employment?

8 A Well, if he already had some of this and -- the
9 way I understood it, that this is some of the
10 signs of the guy might have been -- have liver
11 cancer or something like this. I don't really
12 know right offhand. I don't even remember it.
13 But we wrote to him what we wanted included in
14 our pre-employment physicals.

15 Q Was this company policy?

16 A It is when I wrote him that letter.

17 Q Who made it company policy?

18 A Well, of course, it went through the plant
19 manager.

20 Q Who was?

21 A In '74, I guess Dr. Boyne. I don't remember.

22 Q Whoever was the plant manager in '74 made it
23 Monochem policy that if one of the liver tests
24 was abnormal, they were unacceptable for
25 employment; is that correct?

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1 A Correct.

2 Q And those tests you said that were -- in your
3 letter were bilirubin, alkaline phosphate,
4 SGOT, SGPT, and GGPT, correct?

5 A Whatever they mean.

6 Q They are awfully long words. SGPT is serum
7 glutamic-pyruvic transaminase. In any event,
8 sir, and back to the point, it was as a result
9 of your communication of June 11th of '74, the
10 prerogative of Dr. Werner, at your instruction,
11 to determine if the levels were abnormal as he
12 saw fit as a doctor, correct?

13 A Right.

14 Q And if he saw fit, he would so communicate to
15 you, and that person's position as a potential
16 hiree would go off the list, correct?

17 A Right.

18 Q On Exhibit 2 -- you may take it, sir -- that's
19 a two-page document identified by Bates stamp
20 number 000169, and it has your initial and last
21 name in the upper left-hand corner and is
22 indicated July?

23 A Correct.

24 Q Was this something you wrote, sir?

25 A Yes.

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1 Q And that was to the Medical Department?

2 A Yes. This also went through my plant manager.
3 Of course, everything I did would have to go
4 through the plant manager. He had to okay it.

5 Q You state that the purpose is to establish
6 proper procedures for screening of employees
7 working in vinyl chloride areas?

8 A Right.

9 Q Were you working off of any document when you
10 did that?

11 A Probably so. I don't remember. You're talking
12 about, my goodness alive, eighteen years ago.

13 Q Would it be a fair statement, sir, that you
14 were attempting to comply with the OSHA
15 requirements pertaining to medical
16 surveillance?

17 A Yes.

18 Q How did this become your job to implement the
19 OSHA requirements? Was this at the direction
20 also of the plant manager?

21 A Not really. Well, yes and no. Yes, because it
22 was part of my job to oversee the safety
23 program, and this was part of the safety
24 program.

25 Q I'm showing you what's been marked Exhibit 3.

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1 It is a four-page document, beginning Bates
2 stamp number 000174, also with your initial and
3 last name -- July -- and, apparently, it is
4 from you to the Medical Department regarding
5 methods of obtaining blood; is that correct?

6 A That's correct.

7 Q Was this also an attempt, on your part, to
8 implement the OSHA guidelines on medical
9 surveillance?

10 A Yes.

11 Q All right. Mr. Landry, on the third page --
12 actually, on the second page and on the third,
13 there is some writing in there, handwriting
14 that is interlineated. Can you see where I'm
15 talking about here and then on the third page?
16 (Indicating.)

17 A Somebody has added something. I would guess
18 when I got through writing this -- and I'm just
19 going to strictly guess at this -- that that's
20 my nurse's handwriting.

21 Q Was Dr. W. D. Harris, a toxicologist on behalf
22 of Uniroyal, involved with you at all on this?

23 A No, not that I can remember.

24 Q How about J. Dexter Forbes, M.D.?

25 A Dr. Forbes visited us pretty often in the

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1 latter part.

2 Q Was this after the OSHA intervention?

3 A Yes.

4 Q In any event, so far as the methods of
5 obtaining blood was concerned, that is, Exhibit
6 3, would this again, in large measure, come
7 down to you from the plant manager?

8 A Well, it probably went from me to the plant
9 manager.

10 Q Did you do this on your own?

11 A And then with his okay, we published it.

12 Q So this was done on your initiative?

13 A I would think it would be, yes, or has been,
14 one or the other.

15 Q I'm showing you Exhibit 4. It's a three-page
16 document beginning Bates stamp number 000171,
17 signed on the last page by you, and noting it
18 was revised December 11th, 1974 on the first
19 page.

20 A Right.

21 Q That, again, is a document prepared by you,
22 presumably, on your own volition?

23 A Yes. I would say yes.

24 Q And that would be an attempt to comply with the
25 OSHA medical surveillance guidelines?

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1 A Yes.

2 Q The date of that document, December 11th of
3 '74, that, together with the revision, would
4 suggest that you had, previously, another
5 testing program. Would that be the document we
6 referred to earlier, that is, the July --

7 A I don't really -- it probably does, but I don't
8 remember.

9 Q -- Exhibit 2? Well, they are titled the same
10 thing. I'm just trying to figure out if you
11 were trying to update; that is, is Exhibit 4 an
12 update by you of Exhibit 2?

13 A Yes. You got to remember, anything that's got
14 my name on it, I was responsible for it --

15 Q Fair enough.

16 A -- regardless of whether I had help writing it
17 or not.

18 Q Did you participate in regular meetings at
19 Monochem? Like did you get together with Jack
20 Little and Mr. Kogler or any other people to
21 have regular discussions of day-to-day events?

22 A Oh, yes. The schedule was set up twelve months
23 ahead of time, and it was okayed by the plant
24 manager and Mr. Little. Well, Mr. Little, at
25 this time, I think, was plant manager, or

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1 somewhere in that neighborhood anyway.

2 Q Did you discuss the harmful effects of vinyl
3 chloride at these meetings?

4 A Oh, yes, absolutely.

5 Q Did you --

6 MS. VANCE: Can I just interject?
7 I'm sorry. Are we talking about the staff
8 meetings or safety meetings? I don't want
9 there to be any miscommunication or
10 misunderstanding.

11 THE WITNESS: Probably both. I would
12 say both.

13 BY MR. BRODHEAD:

14 Q Can you ever recall discussing what happens to
15 that monomer, in terms of human exposure, when
16 you get to the polymerization stage?

17 A No.

18 Q I want to show you what's been marked as
19 Exhibit 5, a two-page document Bates stamped
20 000156. It's a letter to Dr. Fletcher,
21 Uniroyal plant, Painesville, from your Dr.
22 Werner.

23 MS. VANCE: I'm sorry, did you say
24 from --

25 MR. BRODHEAD: To Fletcher in

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1 Painesville from J. C. Werner at Monochem; is
2 that correct?

3 MS. VANCE: No, I don't think it is.

4 MR. BRODHEAD: Excuse me. You're
5 right. It's to Fletcher and Werner, and it's
6 from Forbes. Excuse me.

7 BY MR. BRODHEAD:

8 Q You are copied on that letter as you will note.

9 A Uh-huh. Yeah, I noticed that, yes. Yes, I was
10 given a copy of it.

11 MR. BRODHEAD: Off the record.

12 [A short recess was taken.]

13 BY MR. BRODHEAD:

14 Q I'm going to give you my copy because this one
15 is punched. Referring now to Exhibit 5, Mr.
16 Landry, this is November 6th, a letter from Dr.
17 Forbes. Insomuch as it has to do with, at
18 least in part with the physical examinations,
19 did this have anything to do with your updating
20 it for December 11th of '74? Was it this
21 letter that caused you to do that update?

22 A Everything that we did had a reason.

23 Q One would hope so.

24 A Yes. And if it had to do with vinyl chloride,
25 I'm sure it did.

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1 Q Why was Dr. Forbes copying you? I don't mean
2 that pejoratively. I'm just saying we haven't
3 seen anything up until now, at least I
4 haven't.

5 A I don't know.

6 Q Maybe we can look at those other people who got
7 copies of the letter. Who is David Stevens,
8 M.D.? Do you know him?

9 A No, I don't know him. He is probably at one of
10 the other plants, Uniroyal plants I would guess
11 now. I don't know.

12 Q We know Little and we know Landry. How about
13 Fontana and Lowell?

14 THE WITNESS: Wasn't that some of the
15 Borden Columbus people?

16 MS. VANCE: I don't know.

17 BY MR. BRODHEAD:

18 Q And Dudrow was at Uniroyal?

19 A Dudrow was head of your Safety Department at
20 Uniroyal.

21 Q Did you have any communication of any
22 consequence with Dudrow?

23 A Once a year.

24 Q When you went up there?

25 A When I went to -- well, sometimes twice because

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1 I went to the National Safety Council every
2 year, pretty well every year.

3 Q That was in October?

4 A October.

5 Q But that was for general purposes and not
6 specific to vinyl chloride?

7 A Yes. But I've seen Dudrow in Oxford, I don't
8 know, two or three times, four times, something
9 like that.

10 Q Total?

11 A (No response.)

12 Q Two or three or four times total?

13 A Something total, oh, yes.

14 Q Can you recall ever having a specific
15 conversation about vinyl chloride with him?

16 A No.

17 Q There is some writing on the second page of
18 this. Is that your nurse?

19 A It's mine. I can't read it, so it's my
20 writing. No, that's my writing.

21 Q Mr. Landry, did you get any formal training
22 in -- whether it be nursing or paramedical or
23 anything like that? Are you sort of a
24 school-of-hard-knocks guy that picked it up
25 along the way?

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- 1 A Mostly hard knocks, but the only thing I ever
2 had was I was a first aid instructor at one
3 time.
- 4 Q And that was at what point in time?
- 5 A That was in the -- probably in the early
6 seventies, because we trained -- all our
7 foremen had a certain amount of instruction in
8 first aid. Our guards had first aid
9 instructions. They all carried certificates.
- 10 Q Do you know who J. William Lloyd is?
- 11 A J. William Lloyd? No.
- 12 Q Let me see if I can refresh your recollection.
13 I'm showing you a two-page letter with an
14 attachment of three pages, Bates stamp number
15 000143, stamped February 19th, 1975 to you from
16 Dr. J. William Lloyd. Have I correctly
17 identified that?
- 18 A (Witness reviews document.)
- 19 Q Have I, sir?
- 20 A I don't remember the document, but since it has
21 my name on it, I'm sure it came to me.
- 22 Q It does not string your recollection?
- 23 A Doesn't ring a bell, no.
- 24 Q Sir, in the second paragraph of that letter,
25 Dr. Lloyd says, in part, or he refers, in part,

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1 to the high risk of this disease for
2 polymerization workers which might have gone
3 unnoticed. My question to you is, at some
4 point in time, anytime prior to today when you
5 walked in here, sir, were you made aware of an
6 increased risk for polymerization workers?

7 A No. No, I don't even remember this.

8 Q That is as distinguished from monomer
9 producers?

10 A Yes.

11 Q Did the name Dr. William Lloyd -- J. William
12 Lloyd doesn't ring a bell with you?

13 A Doesn't ring a bell.

14 Q I take it that you had no contact, before or
15 since, with Dr. Lloyd.

16 A That's right.

17 Q You don't doubt that you received this letter?

18 A Oh, no. No, I don't doubt that I received it.

19 Q Would you agree with me that if we were to
20 summarize what he is saying in this letter is
21 that while there is an increased risk clearly
22 for polymerization workers, we shouldn't forget
23 about everybody who is exposed to vinyl
24 chloride?

25 A Yes.

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1 Q Okay. This chart, this table two that's
2 attached, do you have any recollection of
3 having reviewed it or done some analysis of it?

4 A No, I sure don't.

5 Q Mr. Landry, as a result of the statistics which
6 began to demonstrate that polymerization was an
7 extremely high relative risk, did Monochem do
8 anything, by way of communication with or
9 sending warnings to the polymerization people
10 that this was going out to, the monomer was
11 going out to?

12 A Not as I know of. We didn't do this, and I'm
13 sure we didn't do it because all the expertise
14 in handling vinyl chloride came from Uniroyal.
15 I will give you the names of the people they
16 sent down here to operate the plant and what
17 have you, which we knew very little, if any,
18 about vinyl chloride.

19 Q Well, my question is, as a result of the
20 statistics that came out about the high
21 relative risk for polymerization, did Monochem
22 do anything, by way of warning the end
23 polymerizer -- I take it your answer is no.

24 A Not as I know of.

25 Q Okay. I have another exhibit I would like to

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1 mark. This will be 7. This is a one-page
2 exhibit dated June 13th, 1975, Bates stamped
3 000180, from you to Dr. Forbes, in which you
4 enclosed to him the results of Monochem's
5 latest vinyl chloride medical survey. You
6 state that Dr. Werner does not recommend any
7 further blood work on the employees with
8 abnormal tests. You now have all of the tests
9 to date. If you think for any reason further
10 tests should be conducted on Monochem
11 employees, please contact Dr. J. C. Werner with
12 your recommendations. Is that correct?

13 A Yes. But you got to remember, the abnormal
14 tests we're talking about is not these that has
15 come off the record. It's some of these that's
16 elevated just a hair or a very small amount.
17 This strictly was a company doctor, and if Dr.
18 Forbes would've decided we needed it, we would
19 have did it.

20 Q Now these are of employees, right?

21 A Yes.

22 Q These aren't prospective employees?

23 A Oh, no. This is employees, the ones that we
24 took the blood from every -- as far as I
25 remember, every, what, six months I believe it

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1 was.

2 Q Now, do you know did Dr. Forbes use the --
3 excuse me. Did Dr. Werner use the same
4 standard -- was the same kind of elevation that
5 was high enough to get you kicked off potential
6 employment high enough to get another test, or
7 was it a different standard?

8 A I don't really know. I don't remember.

9 Q That was up to Dr. Forbes I take it.

10 A That was strictly Dr. Forbes and Dr. Werner.

11 Q Did Dr. -- excuse me. It was up to Dr. Werner;
12 is that correct?

13 A Werner.

14 Q Did Dr. Werner have much contact, to your
15 knowledge, with Uniroyal headquarters?

16 A I don't know.

17 Q He was a private physician here in Baton Rouge,
18 was he not?

19 A Yes.

20 Q How was he selected? Did you select Dr.
21 Werner?

22 A I don't want to guess. I think I know, but I
23 don't want to guess at it. Dr. McVea was our
24 first company doctor, and I'm sure it came
25 through his recommendation because the two

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1 doctors worked together if I remember right.
2 Q Mr. Landry, would it be a fair statement that
3 so far as Monochem is concerned -- I mean
4 strictly Monochem people; I'm not talking about
5 Borden; I'm not talking about Uniroyal, just
6 Monochem people -- that the extent to which it
7 had knowledge of the potential harmful effects
8 of vinyl chloride, prior to OSHA intervention,
9 would be the information contained in the 1954
10 CSDS?

11 A Would you repeat that? You stopped so many
12 times, I lost track of you.

13 MR. BRODHEAD: If you could, read
14 that back, please.

15 (The pending question was read back by the
16 reporter.)

17 A Yes, with the knowledge of the Uniroyal people
18 that were sent down here to operate this plant.

19 BY MR. BRODHEAD:

20 Q That was technical support?

21 A No. They actually operated the plant.

22 Q Right. That's what I want to know, is, what
23 information about harmful physical effects did
24 Uniroyal give you?

25 A I don't remember really.

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1 Q There was no regular flow of information or
2 articles as they appeared or any of --

3 A No, only what you have here.

4 MS. KOESTER: This is to him
5 personally? Is that what you're talking about?

6 MR. BRODHEAD: To the extent of his
7 knowledge, as a Monochem employee, about
8 information flowing from Uniroyal.

9 MS. VANCE: Uniroyal to Monochem.

10 BY MR. BRODHEAD:

11 Q Mr. Landry, there was a paper that was
12 presented in Houston, Texas, in May of 1970, by
13 the Italian or one of the Italians --

14 A I remember that.

15 Q -- to whom you have referred.

16 A Yes, sir.

17 Q It was marked Kogler Exhibit 4. I'm showing it
18 to you and I'm asking if you have ever seen
19 that document before.

20 A I remember something about this document. Now,
21 you know, the minor points in here I don't
22 remember, but I remember the Italian report,
23 but that's as far as I could go.

24 Q Again, strictly speaking of Monochem employees,
25 was there anyone within Monochem -- I don't

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1 want to hear about Uniroyal; I don't want to
2 hear about Borden, just within Monochem -- who
3 monitored the literature and epidemiology and
4 animal tests as it related to vinyl chloride?

5 A I don't really know. I don't really know.

6 Q There is no one to your knowledge?

7 A Other than me, I don't know.

8 Q All right. Did you, sir, have a particular
9 method of trying to accumulate available
10 literature and data and epidemiology and animal
11 test materials?

12 A No.

13 Q So if it was anyone, it would be you, and you
14 didn't do it; so can we fairly conclude that it
15 wasn't done by strictly Monochem people?

16 A Unless like he was talking about here, like
17 Kogler got the --

18 Q Well, we'll let Mr. Kogler's testimony stand by
19 itself because he has already testified.

20 A As far as I know, not personally, no.

21 Q Now, when the plant went on-line, as you say,
22 in 1962 --

23 A Right.

24 Q -- was that an event that was memorable to
25 you? Was there some sort of celebration?

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1 A No, not really; not really. I remember it
2 going on-line. I remember all of them going
3 on-line, but at that time, I was having enough
4 problems at the O2 plant that I couldn't worry
5 about everybody else.

6 Q That rail line, was it on Monochem's property?

7 A Yes.

8 Q Who did the coupling and uncoupling of the cars
9 there?

10 A The railroad.

11 Q Do you remember which railroad that was?

12 A No.

13 Q Who put together the bills of lading?

14 A I don't know.

15 Q There were bills of lading?

16 A I don't know. I'm sure there was, but I didn't
17 have anything to do with it. I wasn't
18 responsible for it.

19 Q When the cars would come back -- well, first of
20 all, the spur line, was that open access, or
21 was there a gate there?

22 A There was a gate.

23 Q So for the cars to get onto the Monochem
24 property, there had to be permissive access by
25 Monochem people, right?

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1 A The guard had to go open the gate for them.

2 Q And to get out, likewise?

3 A Same way.

4 Q What did the railroad do? Back in an engine?

5 A Backed the cars in on the spurs and spotted
6 them. They had to spot them. We didn't have
7 anything to spot them with.

8 Q Now, the services that the railroad provided,
9 those were to Monochem, at least insofar as
10 we're talking about right now; is that correct?

11 MS. VANCE: What services, just to
12 clarify.

13 MR. BRODHEAD: The services performed
14 on Monochem's property.

15 MS. VANCE: The coupling, the
16 uncoupling, the spotting the cars?

17 MR. BRODHEAD: Right.

18 BY MR. BRODHEAD:

19 Q Is that your understanding, sir?

20 A Yes. I'm not talking -- you're not talking
21 about the loading and unloading now?

22 Q No, sir.

23 A You're just talking about the uncoupling
24 between the cars and what have you?

25 Q Yeah.

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- 1 A You're right. That's all they did.
- 2 Q And what about the loading?
- 3 A After it was loaded, they come in and pick them
- 4 up.
- 5 Q And Monochem people did the loading?
- 6 A Yes.
- 7 Q Do you know how long it took for a car to get
- 8 up to Ohio?
- 9 A No.
- 10 Q Now you got me with the long vowels.
- 11 A No, I don't have the least idea.
- 12 Q Who, to your knowledge, within the employment
- 13 of Monochem, would be most knowledgeable -- I
- 14 mean through your entire employment there --
- 15 most knowledgeable about the polymerization
- 16 process?
- 17 A It would probably be any one of the five men,
- 18 the names I gave you, because they come from
- 19 Painesville.
- 20 Q Merritt?
- 21 A No, no. That came from --
- 22 Q Give me those five names again.
- 23 A Okay. Jack Little, Robert Williams, Steve
- 24 Sabolick, Roy Stinchcomb, and Ted Brown. Ted
- 25 Brown is the one that didn't last but just two

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1 or three months, and he went back to
2 Painesville.

3 Q Which one of those people were Monochem
4 employees?

5 A None of them. They were all Uniroyal
6 employees.

7 Q Did you have much contact with the Borden
8 people?

9 A No, only the plant part of it.

10 Q How about Mr. Kogler? Did you have much
11 contact with him?

12 A Well, yeah, I had some, and Dr. Boyne, Mr. John
13 Lynn who was the plant manager, Dr. Boyne who
14 succeeded him.

15 Q Mr. Landry, I think I'm almost done. I would
16 like to take a break for a minute, and we'll
17 get you out of here in a few minutes, all
18 right?

19 A It's all yours.

20 [A short recess was taken.]

21 MR. BRODHEAD: We're back on the
22 record.

23 BY MR. BRODHEAD:

24 Q Mr. Landry, I'm showing you what's been marked
25 Exhibit 8. Sir, I know you have never seen it

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1 before or I'm assuming that you haven't, but
2 it's a chart which shows what standards or
3 changes were made and when and by whom with
4 respect to vinyl chloride exposure. I just
5 have a couple of short questions. In 1963,
6 that would've been after your employment at
7 Monochem, correct?

8 A Uh-huh.

9 Q According to this chart, which I'm going to
10 reference to you as page 6 from the U.S.
11 Department of Health, Education, and Welfare
12 NIOSH document 79-1599, that indicates that the
13 TLV was recommended lowered in 1963, by the
14 ACGIH, to 500 maximum concentration levels. My
15 question to you, is, number one, are you
16 familiar with the ACGIH?

17 A No.

18 Q Number two, do you have any recollection of a
19 change in TLV in 1963 by any entity?

20 A No.

21 Q Okay. In 1972 the ACGIH revised the 500 part
22 per million downward to 200 parts per million.

23 A I don't remember it.

24 Q Certainly, there was no Monochem safety
25 handbook amendment that you can recall which

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1 reflected the ACGIH downward --

2 A Not to 200.

3 Q -- change.

4 A No.

5 Q Would you agree with me, just as a matter of
6 common sense, sir, that if NIOSH wasn't created
7 by the United States Congress until 1970 and
8 had no authority in this area until -- OSHA
9 had no authority whatsoever in this field until
10 1971, that if there was a standard in 1954, as
11 reflected in Variani Exhibit 5, that it was
12 most likely the standard initially recommended
13 by the ACGIH? Does that make sense to you?

14 A Yes.

15 Q I understand you have no particular familiarity
16 with the organization. I'm showing you what's
17 been previously marked Variani Exhibit 12.
18 That's a letter to Dr. Gaffey from Dr. Harris,
19 correct?

20 A Yes.

21 MS. VANCE: From Harris to Gaffey.

22 THE WITNESS: From Harris to Gaffey,
23 yes.

24 BY MR. BRODHEAD:

25 Q Mr. Landry, do I understand that you have never

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1 met Dr. Harris?

2 A Oh, no, I've met Dr. Harris. That's the
3 toxicologist --

4 Q Yes, sir.

5 A Little short fellow? Do you know him?

6 Q No. Again, I believe I'm going to have the
7 pleasure soon, God willing for both of us.

8 A He is a fine fellow, I can tell you.

9 Q Thank you. Did you meet him in Geismar or at
10 corporate headquarters?

11 A Both.

12 Q When did he first appear, to your knowledge,
13 at --

14 A I don't have the least idea. I don't remember.

15 Q -- at Geismar?

16 A I just don't remember.

17 Q Was it before or after OSHA intervention?

18 A It was probably after. It was probably after.

19 Q I want to ask you a couple of things about this
20 letter which you may or may not know. Dr.
21 Harris says, in the first paragraph, that in
22 addition to the Monochem plant, there are
23 separate plants down there wholly-owned by both
24 companies.

25 A Right.

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1 Q Is he talking about the Borden facility on one
2 side and the Uniroyal facility on the other so
3 far as you know?

4 A That would be my guess.

5 Q Okay. In the last paragraph, Dr. Harris refers
6 to being in the midst of labor negotiations
7 with the URW. Were you a union shop?

8 A No.

9 Q To your knowledge, was Painesville a URW shop?

10 A I don't know.

11 Q Mr. Landry, was there ever any discussions in
12 which you participated or documents which you
13 saw or conversations you were a part of, one
14 way or another, in which Monochem considered
15 the potential adverse health effects of vinyl
16 chloride on the polymerization workers to whom
17 the Monochem product was sent?

18 A No.

19 MR. BRODHEAD: That's all I have.
20 Thank you, sir.

21 MS. KOESTER: Sir, I don't have any
22 questions for you at this time.

23 MS. VANCE: I do. Let me ask you a
24 few questions, Mr. Landry, if I might.

25 MR. BRODHEAD: Show my objection to

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1 inquiry by counsel for Monochem.

2 EXAMINATION

3 BY MS. VANCE:

4 Q Mr. Landry, the questions I have relate to your
5 interactions with the people from Uniroyal and
6 the information that you had available to you
7 from Uniroyal during your tenure as a safety
8 supervisor at Monochem. First of all, did I
9 understand you to testify that you had had
10 occasion to meet with Dr. Wolfsi on occasion?

11 A Yes.

12 Q And Dr. Wolfsi was -- what was his position
13 with Uniroyal?

14 A He was the corporate medical director, I
15 believe.

16 Q And did you have occasion to see Dr. Wolfsi in
17 Geismar, Louisiana --

18 A Yes.

19 Q -- or at other locations?

20 A Geismar.

21 Q And what was the nature or the purpose of your
22 dealings with Dr. Wolfsi in Geismar?

23 A Well, Dr. Wolfsi came down and checked our
24 medical facilities and medical records and what
25 have you.

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- 1 Q Did he look at your safety records?
- 2 A Oh, absolutely.
- 3 Q What did those safety records pertain to or
- 4 relate to?
- 5 A Injuries.
- 6 Q On-the-job injuries?
- 7 A Yes, and off the job, too.
- 8 Q Dr. Wolfsi checked those out?
- 9 A He checked them out but didn't do anything
- 10 about them. He was as proud of them as we
- 11 were, the records that we had.
- 12 Q How often did Dr. Wolfsi come to Geismar and
- 13 deal with you?
- 14 A Oh, I don't remember. He was probably there
- 15 two or three times anyway.
- 16 Q Aside from his visits to Geismar, did you have
- 17 any other communication, either direct or
- 18 indirect, with regard to safety programs at
- 19 Monochem?
- 20 A No.
- 21 Q Did you prepare any sort of safety reviews or
- 22 safety reports from time to time in your
- 23 position as a safety supervisor?
- 24 A You mean like a monthly report and what have
- 25 you?

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- 1 Q Yes, monthly or any other interval than that.
- 2 A Yes.
- 3 Q What became of those reports that you prepared?
- 4 A I don't have the least idea. I sent them to
- 5 the plant manager, and what he did with them, I
- 6 don't know.
- 7 Q What sort of information was contained in the
- 8 safety reports that you prepared?
- 9 A Off-the-job injuries and on-the-job, the days
- 10 without lost time injuries, you know, both on
- 11 and off the job, and some of the -- what the
- 12 safety programs were you had for the month and
- 13 what have you.
- 14 Q What became of that information after you
- 15 presented your report to your plant manager?
- 16 A Well, he included it in his monthly report to
- 17 the owners as far as I remember.
- 18 Q And the owners being whom?
- 19 A Borden and Uniroyal.
- 20 Q So it was your understanding that your safety
- 21 records were being transmitted to ownership on
- 22 a monthly basis?
- 23 A Yes.
- 24 Q Did you have occasion to meet with Dr. Forbes
- 25 who was also, as I understand it, a medical

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1 director at Uniroyal and may have succeeded Dr.
2 Wolfsi in his position?

3 A I would say yes, but I don't remember when or
4 how many times.

5 Q And were those meetings in Geismar or
6 elsewhere?

7 A Probably was in Geismar.

8 Q You told us a little bit about regional
9 meetings with Uniroyal?

10 A Yes.

11 Q Can you explain a little bit more about what
12 that's all about?

13 A Well, they had a -- every year, in October,
14 they had the National Safety Council meeting,
15 and Uniroyal usually had about two or three
16 days' reports from the different plants on
17 their safety accomplishments and what have you.

18 Also, if anybody had any questions,
19 they -- you know, you could ask them; and
20 between the -- of course, there was a lot of
21 plants involved at Uniroyal. You could usually
22 get a general consensus on what your problem
23 was.

24 Q Where were those meetings held?

25 A They were held in the -- I believe it was the

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1 Pick Congress in Chicago.

2 Q And this was the National Safety Council?

3 A Yes.

4 Q And then also in conjunction with that,
5 Uniroyal would have extra meetings for its
6 plants?

7 A Right.

8 Q And these aren't just limited to vinyl chloride
9 plants?

10 A Oh, no.

11 Q All the plants?

12 A All the plants, including England.

13 Q But vinyl chloride people were there?

14 A Yes. We also met in -- I met a couple of times
15 with them in Oxford.

16 Q Where is Oxford?

17 A Connecticut.

18 Q What is that or what is at Oxford?

19 A That's the headquarters of Uniroyal, I guess.

20 Q At those regional meetings, who was present
21 from Uniroyal corporate or Uniroyal management?

22 A All of corporate usually. Dudrow and
23 Derringer, and Jim Alexius, and usually the --
24 Dr. Harris was there a couple of times I can
25 remember. There probably was some more, and I

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1 don't remember.

2 Q Were those meetings designed to just simply
3 take questions from the Uniroyal people or from
4 the plant representatives, or was it also an
5 information exchange of some nature with
6 information being given or imparted to the
7 attendees such as yourself?

8 A It was intended for all of us. In other words,
9 I was considered a Uniroyal employee. I was
10 considered a Borden employee because I worked,
11 actually, for both companies. The corporation
12 was -- I don't remember what the percentage
13 was, but it was owned by both of them.

14 Q When you went to those safety counsel meetings,
15 how many days or how much time was devoted to
16 these Uniroyal meetings?

17 A Oh, at least two days.

18 Q Again, the question I was asking, was it an
19 opportunity for you to ask questions if you had
20 questions to ask?

21 A Yes.

22 Q But in addition to questions that you or other
23 representatives might have, did the people who
24 were holding those meetings provide information
25 to you?

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1 A I don't really remember exactly what went on at
2 the meetings. I know there was a report from
3 every plant, you know, and their safety
4 progress, you know, and they had different
5 speakers from different plants and what have
6 you.

7 Q Was occupational health one of the subjects of
8 those meetings?

9 A In a general way I would say, yes.

10 Q And did Uniroyal provide information or updates
11 to its various plant people?

12 A Not as such, no.

13 Q What information was Uniroyal providing, or
14 what information was conveyed to you as an
15 attendee at those meetings?

16 A You're talking about at the meetings?

17 Q Yeah.

18 A I really don't remember. I don't remember.

19 Q Was that an opportunity for people at Uniroyal
20 to present new information to plant people such
21 as yourself?

22 A Yes. And whether they did or not, I don't
23 remember.

24 Q As far as you know, did anyone from Uniroyal
25 ever have occasion to review or examine any of

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1 your safety handbooks that you have prepared
2 over the years?

3 A Specifically, I couldn't say. I'm sure they
4 did, but any specifics, I don't remember.

5 Q Was this something that Dr. Forbes or Dr.
6 Harris would examine or look at when they would
7 come down and meet with you and review your
8 safety records?

9 A I don't think so, not general safety.

10 Q Were these handbooks that you prepared reviewed
11 by your plant management before being placed
12 into effect?

13 A It went through all the managers, in other
14 words, the plant managers, operating manager,
15 maintenance manager. You name it. They all
16 had their part to see if they wanted to revise
17 it or, you know, accept it like it was or what
18 have you.

19 Q To what extent did you -- let me withdraw
20 that. I'm going to put before you again
21 Exhibit 7. There was a question --

22 MR. BRODHEAD: From his deposition.

23 MS. VANCE: From his deposition,
24 thank you.

25 BY MS. VANCE:

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1 Q Landry Exhibit No. 7, it was the letter that
2 you wrote to Dr. Forbes dated June 13, 1975.
3 The question I have is just to clarify what I
4 heard to be some of the testimony regarding
5 additional blood work, if any, to be performed
6 on employees of Monochem.

7 And the question I have, sir, is,
8 whose discretion was used to determine whether
9 or not any additional blood work or further
10 blood testing would be done on employees of
11 Monochem who had presented with what is
12 described as abnormal tests?

13 A You're talking about additional blood work?

14 Q Yes.

15 A Dr. Werner.

16 Q And the purpose of this letter was?

17 A So Dr. Forbes could put in his input if he
18 thought it needed to be taken further, you
19 know, more blood tests or what have you.

20 Q And did you then leave it with Dr. Forbes and
21 Dr. Werner to carry on any further
22 communications as may be necessary with regard
23 to additional blood work?

24 A I don't remember any of it.

25 Q I'm asking you with respect to the last

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1 sentence of this letter.

2 A I never --

3 Q Did you, essentially, ask Dr. Forbes then to
4 communicate directly with Dr. Werner as to any
5 further recommendations?

6 A I don't remember asking Dr. Werner or Dr.
7 Forbes.

8 Q Perhaps you misunderstand. Looking at the last
9 sentence of your letter -- and I will read it
10 to you.

11 A I know. I can see it.

12 Q "If you think for any reason further tests
13 should be conducted on Monochem employees,
14 please contact Dr. J. C. Werner with your
15 recommendations."

16 A As far as I know, there wasn't any.

17 Q But that was a matter to be discussed between
18 Forbes and Werner?

19 A Right, and Werner.

20 Q What efforts did you undertake, Mr. Landry, as
21 safety supervisor at Monochem, to educate
22 yourself about vinyl chloride health hazards or
23 safety concerns and then to stay abreast of any
24 new developments as they may have occurred over
25 the years?

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1 A Well, I guess I read everything that was
2 written about vinyl chloride. As you know, I
3 told you I had a high school education. What I
4 was lacking in education, I had to make up on
5 my own, and the only way I could do it was
6 reading what other people wrote or what have
7 you.

8 Q Can you give me some examples of what you read
9 or where you looked for such information to
10 stay abreast of vinyl chloride?

11 A Such as the data sheet, one of those right
12 there. The OSHA handbook, when it came out, I
13 read that thing from cover to cover.

14 Q Did you receive, to your knowledge, any
15 communications, either written directly to you
16 or indirectly through your plant manager, from
17 either Borden or Uniroyal, with regard to vinyl
18 chloride or updates in that regard?

19 A I think there is a letter here somewhere, from
20 somebody at Uniroyal, about the -- this was
21 after OSHA, I think. I don't remember really,
22 but I thought I had read a letter here.

23 Q During the course of your tenure as safety
24 manager, if you had questions concerning your
25 job and what you were doing with respect to the

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1 Monochem employees, to whom did you turn,
2 within the organization, to get answers to any
3 of your questions?

4 A Mostly the production manager at that time, Mr.
5 Jack Little. He was a Uniroyal employee and if
6 I had a question, he was from Painesville -- he
7 was a long-term employee of Uniroyal, and any
8 questions I had, I could go to him with it.

9 Q Okay. And was the same true after he was
10 elevated to the status of plant manager?

11 A Yes. Well, I worked for him then at that time,
12 directly for him.

13 Q Did you have the prerogative to pick up the
14 phone and call Uniroyal directly if you had any
15 questions?

16 A Yes.

17 Q Did you ever have occasion to do that?

18 A I don't remember.

19 MS. VANCE: Nothing further. Thank
20 you.

21 RE-EXAMINATION

22 BY MR. BRODHEAD:

23 Q Mr. Landry, when you tell us that you read
24 everything that was written about vinyl
25 chloride, I take it, from your answer, that you

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1 don't pretend to have undertaken a search of
2 the medical literature or the epidemiological
3 literature, do you?

4 A No.

5 Q What you mean is that you read the data sheets
6 when they became available, correct?

7 A That's correct.

8 Q And you read the OSHA handbook after OSHA
9 intervened; is that correct?

10 A That's correct.

11 Q I don't want to belabor this point if it's not
12 necessary, but if it is, believe me, I will. I
13 want to make very clear that you did not -- and
14 if I'm mistaken, please tell me. I've got
15 dozens and dozens of articles I can go over
16 here with you dating back to the 1930's if you
17 wish, but I just want to make sure I understand
18 that you're not telling us that you were
19 familiar with world medical literature.

20 A Oh, no indeed. No.

21 Q You read the pamphlets or the circulars from
22 organizations that were available on the
23 subject?

24 A That's correct.

25 Q And, specifically, you recall two of those?

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1 A And articles came out in different -- your
2 chemical magazines and what have you.

3 Q For example, when I showed you the May 1970
4 article that was presented in Houston by Dr.
5 Viola, you had not seen that article before
6 today?

7 A I don't remember.

8 Q You don't --

9 A I remember something about it, but I don't
10 remember seeing the article.

11 Q There were two Italians that are of note, one
12 by the name of Viola and the other by the name
13 of Maltoni (phonetic). Do you know which is
14 which?

15 A No, I sure don't.

16 Q You don't know whose research preceded the
17 other?

18 A No.

19 Q And you don't know who worked with hamsters,
20 who worked with rats, who worked with mice, so
21 on and so forth?

22 A Sure don't.

23 Q And you don't know what their conclusions
24 specifically were?

25 A No.

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1 Q All right. To your knowledge, no one from
2 Monochem attended that International Cancer
3 Congress in May?

4 A Not that I know of. They may have now. They
5 may have.

6 Q Would it be fair for me to assume then that if
7 someone did, then they would know about Dr.
8 Viola's paper being delivered in May of '70?

9 A I don't know who it would've been except maybe
10 Dr. Boyne or Dr. Kogler.

11 Q Dr. who?

12 A Mr. Kogler.

13 Q If he said he didn't know anything about it --

14 A It would be one of those. They are technical
15 people.

16 Q I believe you already told me you don't know
17 anything about the findings, results, or
18 recommendations based upon animal studies that
19 have been done with vinyl chloride, correct?

20 A Right.

21 Q Do you claim to have any knowledge about any of
22 the nonmalignant effects clearly associated
23 with vinyl chloride exposures such as the
24 following. I will go through them each, and
25 you tell me yes or no if you have any

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1 particular knowledge.

2 A Not that I know of.

3 Q Number one, disturbance of liver function?

4 A Other than what's in the letters that was
5 written around here and in this other stuff,
6 that's all I know about it.

7 Q Acroosteolysis?

8 MS. VANCE: Are you asking for his
9 present knowledge or knowledge back at some
10 point in time when he was working --

11 BY MR. BRODHEAD:

12 Q Present knowledge is fine.

13 A I don't know.

14 Q Raynaud's phenomenon?

15 A Do what?

16 Q I'll show it to you. Did you ever hear of it?

17 A (Witness reviews document.) No.

18 Q Scleroderma?

19 A No.

20 Q Alterations in pulmonary functions?

21 A A little bit, because we did that at Monochem,
22 the pulmonary functions.

23 Q What are you able to tell me, as a general
24 premise, about pulmonary function results among
25 occupationally exposed polymerization people?

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1 A Right offhand, I couldn't tell you anything.
2 Q Alterations in the cellular elements of blood?
3 A (Witness shakes head negatively.)
4 Q No?
5 A No.
6 Q Have you seen, heard, or read anything about an
7 alleged increase in the frequency of
8 chromosomal aberrations?
9 A No.
10 Q I want to ask you a couple of questions about
11 cancer. Then I think I will be done.
12 A Good.
13 Q Do you have any knowledge of a brain cancer
14 called glioblastoma multiforme?
15 A No.
16 Q Did you ever hear of it in association with
17 vinyl chloride?
18 A No.
19 Q Increased incidents of lung cancer?
20 A No.
21 Q You have heard about angiosarcoma of the liver?
22 A Yes.
23 Q Did you know anything about angiosarcoma of the
24 liver before OSHA intervention in January of
25 '74?

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1 A No.

2 Q Do you know what exposure levels were generally
3 found to be the case before OSHA intervention
4 in polymerization plants?

5 A No.

6 MS. VANCE: Let me just interject an
7 objection to all the questions asking about
8 this witness' knowledge about health --
9 reported health effects associated with vinyl
10 chloride exposure on the grounds that there may
11 be no foundation or lack of foundation as to
12 this witness' knowledge of these reports or
13 reported associations that may have post-dated
14 his participation at Monochem.

15 MR. BRODHEAD: And let me state, for
16 the record, that the witness stated, at one
17 point, that he had read everything that was
18 written.

19 THE WITNESS: Well, let me correct
20 that.

21 MS. VANCE: We clarified that.

22 MR. BRODHEAD: I hope we did, but
23 that certainly entitles me to test that, and I
24 intend to.

25 THE WITNESS: Right.

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1 BY MR. BRODHEAD:

2 Q As you sit here today, sir, what is your
3 understanding of what levels of vinyl chloride,
4 in parts per million, have been known to
5 produce angiosarcomas of the liver in
6 laboratory animals?

7 A I don't really remember.

8 MR. BRODHEAD: That's all I have,
9 sir. Thank you.

10 THE WITNESS: Thank you.

11 RE-EXAMINATION

12 BY MS. VANCE:

13 Q Just because I'm not sure that it's clear, can
14 you tell us when, in relationship to today, did
15 you last work for or with either vinyl chloride
16 or vinyl chloride monomer? How long has it
17 been?

18 A My last day was -- let's see. The 5th of
19 January was on a Monday, so Friday.

20 Q What year, please?

21 MR. BRODHEAD: 1981.

22 A 1981.

23 BY MS. VANCE:

24 Q So this deposition has been testing your
25 knowledge as to events some eleven plus years

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1 ago; is that right?

2 A Yes. And some of it goes back a lot further
3 than that.

4 Q Did Uniroyal participate, in any way, in
5 assisting you in reviewing or developing your
6 safety program at Monochem, contributing to
7 that?

8 A I don't really recall really.

9 MR. BRODHEAD: Show an objection to
10 the line of questioning on the original basis,
11 and this exceeds the scope of re-examination.

12 MS. VANCE: This just a deposition.

13 MR. BRODHEAD: I understand. I'm
14 making my objection for the record.

15 MS. VANCE: The exceeding the scope
16 rule is normally applied in a courtroom
17 setting.

18 MR. BRODHEAD: Depending on how this
19 is intended to be used.

20 BY MS. VANCE:

21 Q As a safety supervisor at Monochem, was it your
22 understanding that the owners, Uniroyal, was
23 familiar with the safety program that you had
24 in place at Monochem?

25 MS. KOESTER: I'm going to object

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1 just because you used the word "owners" and you
2 only named Uniroyal. I'm not sure what you
3 mean.

4 MR. BRODHEAD: You're also leading
5 your own witness, so that's an objection.

6 BY MS. VANCE:

7 Q Was it your understanding, Mr. Landry -- or
8 tell us what your understanding was as to
9 Uniroyal's familiarity with the particulars of
10 your safety program at Monochem.

11 A Oh, I'm sure they were -- they knew about it.
12 That I'm sure of.

13 Q How are you sure of that? What suggested to
14 you that they were?

15 A Well, since I reported to my boss every month
16 and he reported to the owners every month, I'm
17 sure they must have had some knowledge or
18 understanding of it.

19 Q Of what you were doing and how you were doing
20 it?

21 A Yes, I'm sure.

22 MS. VANCE: Nothing further.

23 MS. KOESTER: No questions, Mr.
24 Landry.

25 MR. BRODHEAD: Your position on

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1 waiver?

2 MS. VANCE: We would prefer not to
3 waive signature.

4
5 WITNESS EXCUSED AT 3:35 P.M.

6 * * * * *

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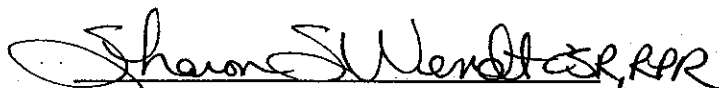
1 STATE OF LOUISIANA

2 PARISH OF EAST BATON ROUGE

3 I, SHARON S. WENDT, a Certified Shorthand
4 Reporter and a Registered Professional Reporter, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the deposition of LAVERN E.
7 LANDRY given under oath in the preceding matter on the
8 10th day of November, 1992, as taken by me in
9 Stenographic machine shorthand, complemented with
10 magnetic tape recording, and thereafter reduced to
11 transcript using Computer-Aided Transcription.

12 I further certify that I am not an
13 attorney or counsel for any of the parties; that I
14 am neither related to nor employed by any attorney
15 or counsel connected with this action; and that I
16 have no financial interest in the outcome of this
17 action.

18 Baton Rouge, Louisiana, this 15th day of
19 November, 1992.

20
21
22 
23 SHARON S. WENDT, CSR, RPR
24
25

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