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

4

5 CASE NUMBER: CV-P-440-E

6 WALTER OWENS, et al.,

7 Plaintiffs,

8 vs.

9 MONSANTO COMPANY,

10 Defendant.

11

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

13 IT IS STIPULATED AND AGREED

14 by and between the parties through their

15 respective counsel, that the deposition

16 of ALAN GRICE McCARTY may be taken before

17 MICKEY TURNER, Commissioner, at the

18 offices of Fite & Miller at 4th Floor

19 SouthTrust Bank Building, Anniston,

20 Alabama, on the 15th day of October,

21 1999.

22 IT IS FURTHER STIPULATED AND

23 AGREED that the signature to and the

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1 reading of the deposition by the witness

2 is waived, the deposition to have the

3 same force and effect as if full
4 compliance had been had with all laws and
5 rules of Court relating to the taking of
6 depositions.

7 IT IS FURTHER STIPULATED AND
8 AGREED that it shall not be necessary for
9 any objections to be made by counsel to
10 any questions except as to form or
11 leading questions, and that counsel for
12 the parties may make objections and
13 assign grounds at the time of the trial,
14 or at the time said deposition is offered
15 in evidence, or prior thereto.

16 IT IS FURTHER STIPULATED AND
17 AGREED that the notice of filing of the
18 deposition by the Commissioner is waived.

19
20
21
22
23

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3 Mr. Wright 6

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6 WALTER OWENS, et al.,
7 Plaintiffs,
8 vs.

9 MONSANTO COMPANY,

10 Defendant.

11 BEFORE:

12 MICKEY TURNER, Commissioner

13 APPEARANCES:

14 MITHOFF & JACKS, L.L.P., by

15 Mr. James L. Wright and Ms. Laura Ruth,

16 111 Congress Avenue, Suite 1010, Austin,

17 Texas 78701, appearing on behalf of the

18 Plaintiffs.

19 SMITH, HELMS, MULLISS &

20 MOORE, by Mr. Michael E. Kelly, 300 North

21 Greene Street, Suite 1400, Greensboro,

22 North Carolina 27401, appearing on behalf

23 of the Defendant.

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1 I, MICKEY TURNER, a Court

2 Reporter of Birmingham, Alabama, acting

3 as Commissioner, certify that on this

4 date, as provided by the Federal Rules of

5 Civil Procedure and the foregoing

6 stipulation of counsel, there came before

7 me at the offices of Fite & Miller, 4th

8 Floor SouthTrust Bank Building,

9 Anniston, Alabama, beginning at 8:30

10 a.m., ALAN GRICE McCARTY, witness in the

11 above cause, for oral examination,

12 whereupon the following proceedings were

13 had:

14

15 ALAN GRICE McCARTY,

16 being first duly sworn, was examined and

17 testified as follows:

18

19 COURT REPORTER: Usual

20 stipulations?

21 MR. WRIGHT: Yes.

22 MR. KELLY: Yes.

23 MR. WRIGHT: Mr. McCarty, how

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1 are you?

2 THE WITNESS: Fine.

3 MR. KELLY: With those usual

4 stipulations would be all the things we

5 said yesterday about Burr and Forman?

6 MR. WRIGHT: The usual

7 speech.

8

9 EXAMINATION BY MR. WRIGHT:

10 Q. Thank you for coming in this

11 morning. Have you ever given a

12 deposition before?

13 A. I never have.

14 Q. You didn't get to make the

15 trip to Delaware with all of the rest of

16 those guys?

17 A. No.

18 Q. Let me give you the long

19 version, then. A deposition, and I'm

20 sure you have already been told this, but

21 because I didn't tell it to you, I don't

22 know what you have been told and I want

23 to make sure that you understand all of

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1 the ground rules for today.

2 A deposition is a means of

3 gathering and preserving testimony

4 outside of court. And the oath you have

5 taken is the same oath that you would

6 take in front of a judge and a jury and

7 it has the same force and effect. In

8 other words, penalties of perjury, and so

9 forth, all attach just like if you were

10 in front of a judge and a jury in a

11 courtroom.

12 It's possible that at the

13 time of trial your testimony could be

14 read to the judge and jury and they would

15 be able to consider it just as if you are

16 on the witness stand there. So, even

17 though this is an informal setting and we

18 are going to try to do things as
19 cooperatively and so forth as we can, it
20 is an important proceeding, and so for
21 that reason, I need you to do a couple of
22 things for me.

23 One is, if you don't

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1 understand the question I'm asking, stop
2 me and tell me, "Larry, I just don't
3 understand what you mean. Could you ask
4 it a different way?" And I will be glad
5 to do that. The second thing is, if you
6 could answer out loud, "yes" or "no,"
7 because our court reporter is writing
8 that down and because we don't have a
9 video camera, she's not going to write
10 down "witness nodded head" or "witness
11 shook head" or something, okay?

12 And then, of course, if you
13 want to take a break, we'll take a break
14 any time. This isn't an endurance
15 contest. So any time you want to take a
16 break or get a cup of coffee or whatever,
17 we'll take a break. And my estimate is
18 that we'll be through by lunchtime, so
19 it's not going to be an all day grueling
20 procedure.

21 So having said all of that,
22 let me ask you my first question. Would
23 you tell me a little bit about your

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1 background, for example, where did you
2 grow up, and your educational background
3 before you started with Monsanto?

4 A. I grew up in Wichita Falls,
5 Texas. I graduated from high school
6 there.

7 Q. What year was that?

8 A. 1949. I went from there to
9 Texas A & M College. I graduated from
10 there in 1953. My major was chemical
11 engineering. I worked briefly for Alcoa
12 in Rockdale, Texas, and then I entered
13 active military duty and I served
14 twenty-one months, from August of 1953
15 until May of 1955. I served in Korea and
16 Japan during that time.

17 Q. What branch of the service
18 were you in?

19 A. I was in the Army, field
20 artillery.

21 Q. Then where did you go?

22 A. I returned home and I did not
23 resume my previous employment. I was

0010

1 interested in slightly different type of
2 work. So, in September of 1955, I joined
3 Lion Oil Company.

4 Q. Lion?

5 A. Lion. Eldorado, Arkansas,
6 as a chemical engineer in their Luling,
7 Louisiana plant. I think about the same
8 time I joined Lion Oil Company, they
9 merged with Monsanto Company. I had no
10 idea I would be working for Monsanto
11 Company.

12 I remained at that plant for
13 roughly a year and a half. I had a GI
14 bill credit, so I returned to school. I
15 went to Austin, and my attempt was to do
16 graduate work in chemical engineering and
17 it didn't work out for me. I switched to
18 business.

19 Q. At UT Austin?

20 A. Yes. And I stayed in that
21 program for about another year and then I
22 returned to work at the same place that I
23 left, in Luling, Louisiana, with Monsanto

0011

1 at that time.

2 Q. Okay.

3 A. I worked there from roughly
4 November of 1958 until March of 1961, at
5 which time I was transferred to
6 Anniston. I worked for Monsanto here in
7 Anniston up until the time I took an
8 early retirement in 1986.

9 Q. Let me stop you there,
10 because we are going to go over that in
11 some detail.

12 A. Okay.

13 Q. I want to ask you about, in
14 Luling, what was your job in Luling?

15 A. I had several jobs, mostly of
16 early career training variety. I was --

17 Q. As a chemical engineer
18 primarily?

19 A. Primarily. I was a project
20 engineer. I was a shift foreman, or
21 supervisor in the laboratory about six
22 months. I was a -- we didn't actually
23 have a Technical Service Department at

0012

1 that time, but I was essentially
2 technical service engineer for a while.
3 Then I became an area maintenance
4 engineer. That was what I was doing at
5 the time I was transferred.

6 Q. What did they primarily make
7 in Luling?

8 A. In Luling at that time, they
9 primarily made ammonia and nitric acid
10 and ammonium nitrate. And before I left,
11 they were making adipic acid.

12 Q. All right. Let's start now
13 with Monsanto Anniston. What was your
14 first job when you came here?

15 A. It was called a technical
16 supervisor. It was in the Parathion
17 operation.

18 Q. What were the jobs of a
19 technical supervisor? What were your
20 specific duties?

21 A. I did not actually have
22 supervisory responsibilities over people
23 as such, but primarily they were involved

0013
1 in optimizing production processes and
2 implementing projects, minor start-ups.

3 Q. How long had the Parathion
4 plant been in operation at that time?

5 A. When I arrived, it had been
6 in operation, actually operating -- let
7 me see, about three and a half years
8 from the time it started up until I

9 arrived.

10 Q. How long did you stay in that
11 job?

12 A. I stayed in that job until, I
13 think, about March of 1963.

14 Q. Okay.

15 A. At that time, I was
16 transferred into the plant's Technical
17 Service Department as a technical service
18 engineer.

19 Q. What was the Technical
20 Service Department?

21 A. At that time it was headed by
22 the plant superintendent. It was a group
23 of process and project engineers who did

0014
1 plant work.

2 Q. What kind of projects would
3 y'all do? For example, if they say, "We
4 want to add another process," would it be
5 your job to figure out how to do the
6 process that they wanted to do?

7 A. Yes, it would be.

8 Q. What other kind of things?

9 A. Normally, these would be
10 minor-type projects. Major projects
11 would be handled by central engineering

12 type organizations, or at that time,

13 division engineering organizations.

14 Q. Were they in St. Louis?

15 A. Yes. We would do what we

16 called plant level projects. We would

17 conduct process studies and we would

18 develop project background. Then we

19 would, for the most part, implement the

20 project with the assistance of other

21 plant groups.

22 Q. How long did you stay in that

23 position?

0015

1 A. Let me think. Let me back up

2 a little bit.

3 Q. Okay.

4 A. I think I actually entered

5 that function in, sometime in the fall of

6 1962 instead of '63. And I left that

7 position in, I think, December of 1963.

8 Q. So just a little over a year?

9 A. Yes.

10 Q. Okay.

11 A. Then I became manufacturing

12 supervisor or production supervisor of

13 Parathion operation. That was one

14 responsibility. The other one was to act

15 as liaison, or we called it manufacturing
16 representative, for an oncoming expansion
17 of the Parathion facility.

18 Q. Let's split that job down
19 into two pieces. The first part of the
20 job, did you say production supervisor
21 over the Parathion Department?

22 A. Yes. Yes.

23 Q. What exactly were the things

0016

1 that the production supervisor of the
2 Parathion Department was supposed to do?

3 A. Primarily to supervise the
4 overall operation of that department. At
5 that time it consisted of a production
6 foreman and probably in the neighborhood
7 of twenty hourly personnel and you were
8 responsible for safety. You were
9 responsible for meeting a production
10 schedule. You were responsible for the
11 personnel, through deployment, of course,
12 supervision of the personnel. You were
13 responsible for relationships with other
14 plant departments, such as maintenance
15 and laboratory. Your essential
16 responsibility was to make sure that you
17 made the proper production in a safe

18 manner.

19 Q. Who did you report to?

20 A. I reported at that time to a

21 gentleman named Arthur Leisy. He was the

22 manufacturing superintendent over that

23 area.

0017

1 Q. Were you going to add

2 something?

3 A. I was going to add something,

4 maybe you might already be aware of it,

5 but the plant at that time was operated

6 by a different division from what the

7 Parathion Department was in.

8 Q. I would like for you to

9 explain that. I have seen that. Were

10 y'all the Phosphate Division at that

11 time?

12 A. No, we were the Agricultural

13 Division at that time.

14 Q. And then you turned into the

15 phosphate?

16 A. No, phosphate preceded

17 agricultural by quite a bit.

18 Q. So phosphate was the real old

19 days?

20 A. The real old days.

21 Q. And then agricultural?

22 A. Yes. At this particular

23 time, the plant was operated by the

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1 Organic Chemical Division and the

2 agricultural facilities, of which the

3 Parathion was at, was considered as a

4 guest operation. So Mr. Leisy was the

5 guest superintendent.

6 Q. That helps me a whole lot

7 make sense out of some of the things that

8 I have seen in the documents.

9 A. I was actually a member of

10 the Agricultural Division. At the time I

11 went into the Technical Services

12 Department, that was a plant-owned

13 operation, so I was transferred into the

14 Organic Division. When I came back as

15 supervisor, I was moved back into the

16 Agricultural Division.

17 Q. Let me write that down. So

18 during this period of time, the Aroclors

19 would have been in the Organic Division?

20 A. Yes.

21 Q. Now, the Aroclors were in the

22 Phosphate Division when the Anniston

23 plant was --

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1 A. That was quite early. The
2 Anniston plant became the Organic
3 Division in the early fifties, possibly
4 around 1954. All of the phosphate-type
5 operations had been moved to other
6 locations and no more existed in
7 Anniston.

8 Q. I have always been kind of
9 puzzled, and you may not have an answer,
10 as to why the Aroclors, which are
11 chlorinated biphenyls, were in the
12 Phosphate Division.

13 A. The plant was not always
14 Monsanto.

15 Q. Right.

16 A. Prior to that, it was Swann
17 Chemical Company and prior to that other
18 names. But the Swann Chemical Company
19 had many different products, organic and
20 inorganic type products, and they
21 implemented the biphenyl chlorination
22 operation in the late 1920s and this was
23 acquired by Monsanto about '34, '35,

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1 somewhere in there. At that time, the
2 plant was mainly in phosphate-type

3 chemicals, even though they made the
4 Aroclor products in other locations.

5 Q. They just ranked the whole
6 plant as phosphate, put the whole plant
7 in the phosphate category?

8 A. Yes, uh-huh. Yes.

9 Q. Okay, that explains it. Now,
10 going back to where we were. The second
11 part of your job during those years was
12 as the plant liaison for the expansion of
13 the Parathion facilities?

14 A. Yes, right.

15 Q. What were your specific
16 duties as the liaison?

17 A. As I said, you were
18 considered a representative of the
19 Manufacturing Department, and you related
20 to the search and engineering people who
21 were in St. Louis. And you were the
22 local contact for them in terms of what
23 the plant desired, what kind of

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1 facilities that the plant preferred and
2 you were really charged with more or less
3 implementing the major projects from the
4 plant standpoint.

5 This included assisting with

6 design, many many visits between
7 engineering and the plant, many safety
8 reviews. Following that, of course,
9 acquiring and training personnel for
10 start-ups, starting up the operation,
11 making sure it started up safely and
12 operated to meet criteria.

13 Q. Were you the first person in
14 that position?

15 A. In --

16 Q. I guess what I'm asking is:
17 Were you the first person to act as the
18 liaison between the plant and the St.
19 Louis folks regarding the expansion?

20 A. Regarding that particular
21 expansion, yes. There have been others
22 before that as the plant was built here.

23 Q. All right. What stage was

0022

1 the expansion process in when you stepped
2 in as liaison?

3 A. It had just begun.

4 Q. So they made the decision,
5 but they really hadn't gone too far down
6 the road --

7 A. That's right.

8 Q. -- in terms of figuring out

9 what they were going to do?

10 A. Hadn't gone anywhere.

11 Q. I assume then that you were

12 involved in every major decision about

13 how the facility was going to be --

14 A. I would have had an input. I

15 didn't necessarily make the decisions.

16 Q. Right. Okay. Was the

17 purpose of the expansion only to increase

18 production or were they adding additional

19 products?

20 A. There were no new or

21 additional products in the Parathion

22 facility as such. The purpose was to

23 increase production. Along with this,

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1 there was the addition of the

2 paranitrophenol plant, or PNP plant,

3 which was an intermediate product to

4 making Parathion. I did not have liaison

5 responsibilities over that operation.

6 Q. Before that time, did y'all

7 buy the PNP and have it shipped in?

8 A. It was produced by Monsanto

9 in St. Louis and shipped into the

10 Anniston facility.

11 Q. When did your job change?

12 When did that job change?

13 A. That job lasted for about,
14 approximately two years. I would say it
15 changed in early '66.

16 Q. Where did you go then?

17 A. I stayed in the agricultural
18 products. Really, I just relinquished
19 the supervisory responsibilities. Another
20 supervisor was brought in because
21 expansions were continuing.

22 Q. So you became the expansion
23 guy at the Anniston plant.

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1 A. I became the manufacturing
2 representative for ag products only,
3 because there were other expansions going
4 on in the organic at the same time, a
5 very active period, but I was involved in
6 continuing expansions of the Parathion
7 operation. And, also, I was the
8 representative for a new plant that
9 produced phosphorus pentasulfide or
10 P2 S5, as you have probably seen.

11 Q. There in Anniston?

12 A. In Anniston, yes.

13 Q. What was the P2 S5 used for?

14 A. That was a raw material for

15 the production of the Parathion
16 products. That, too, had been acquired
17 from the St. Louis area.

18 Q. So in the old days, they
19 would ship in the P2 S5 and the PNP?

20 A. Uh-huh (indicating
21 affirmatively).

22 Q. And y'all would use those in
23 the Parathion process in Anniston?

0025

1 A. Yes. Yes.

2 Q. And, so, as you went along,
3 you added internal facilities to produce
4 those two raw materials?

5 A. Yes, sir. What occurred, as
6 the Parathion product grew, it outgrew
7 the capability to produce these materials
8 in other Monsanto plants and it made
9 logical sense to build the facilities in
10 Anniston and just transfer it across the
11 street.

12 Q. Did Monsanto make Parathion
13 anywhere else?

14 A. They made Parathion initially
15 in West Virginia.

16 Q. At the nitro plant?

17 A. At the nitro plant.

18 Q. Did they continue to make it
19 in nitro?

20 A. No.

21 Q. So they shut nitro down and
22 Anniston became the only --

23 A. The only plant.

0026

1 Q. Just out of curiosity, did

2 any other companies make Parathion?

3 A. Oh, yes, many companies made
4 it.

5 Q. Who else?

6 A. Stauffer Chemical Company
7 made Parathion.

8 Q. Can you spell that name?

9 A. S-T-A-U-F-F-E-R.

10 Q. Where were they located?

11 A. They made it in Mt. Pleasant,
12 Tennessee. American Pot Ash Corporation
13 at that time made Parathion. I'm not
14 sure exactly where their facility was.
15 There were possibly two or three other
16 companies that made the product. I can't
17 remember their names at this time.

18 Monsanto, I think, had the
19 largest facility and kept expanding.
20 Stauffer had a very large facility,

21 though, in Tennessee.

22 Q. Was Parathion the only
23 insecticide that Monsanto made in

0027

1 Anniston?

2 A. To my knowledge, that was the
3 only insecticide that was manufactured
4 commercially in Anniston. Of course,
5 there are two types of Parathion, ethyl
6 and methyl.

7 Q. Explain the distinction
8 between them, because that's something
9 I've seen in the documents, but I don't
10 understand what the difference is between
11 them.

12 A. Okay. They just start with a
13 different raw material, in terms of an
14 alcohol. Methyl Parathion begins with
15 methyl alcohol and Ethyl Parathion begins
16 with ethyl alcohol. They had slightly
17 different applications in farming.

18 Q. What were the differences in
19 the applications?

20 A. At that time, Methyl
21 Parathion seemed to be primarily used as
22 an insecticide in cotton and quite a few
23 other products. And Ethyl Parathion was

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1 used in fruits, vegetables, wheat,

2 possibly corn. As I remember, those were

3 the primary differences in the usage of

4 the two products.

5 Q. Did y'all make any

6 rodenticides there?

7 A. They made some early on in

8 the forties, and maybe early fifties.

9 Q. I have seen reference to a

10 material and I can't remember the exact

11 name of it. I think it's called Compound

12 Q10, or something like that?

13 A. There was a Compound 1080.

14 Q. Compound 1080, that's what

15 I'm thinking of.

16 A. That was made there. I think

17 Monsanto chose to leave that business and

18 sold the equipment. That was long before

19 I arrived there. I had heard about it.

20 Q. What's your best estimate of

21 when they stopped making the Compound

22 1080?

23 A. I would say sometime in the

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1 mid-fifties, but that would be just a

2 guess.

3 Q. We are going to keep tracing
4 your career here in a minute, but this
5 brings to mind a couple of questions that
6 I wanted to ask. Who were some of the
7 old timers there when you got there? And
8 by that, I mean people that had been
9 there for several years before you got
10 there.

11 MR. KELLY: You mean a
12 particular department?

13 Q. I am talking about in the
14 Agricultural Products Division there in
15 Anniston.

16 A. Okay. Let me explain one
17 thing. The Agricultural Products
18 Division began in 1960, so everything at
19 the plant prior to that time was in the
20 Organic Division.

21 Q. Let me rephrase the question
22 then. And I appreciate that. My
23 question was not a good way to ask what I

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1 wanted to ask. What I mean is, in the
2 organophosphate operation, who had been
3 there for a while when you got there?
4 And the reason I am asking this is I
5 would like to know -- you can take this

6 back to '61. And I would like to see who
7 I can talk to that would take us back to
8 earlier times than that.

9 A. Okay. Most of the people who
10 were in that operation at that time who
11 had had some history with Monsanto are no
12 longer living.

13 Q. Right. Is there anybody
14 still alive that had been there back in
15 the forties and fifties?

16 A. With direct experience in
17 that area, organophosphate area?

18 Q. Yes.

19 A. Frankly, I can't think of
20 anyone at this time. There may be.

21 Q. Okay. Going back now to your
22 career. So you remained as the
23 manufacturing liaison for how long?

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1 A. I relinquished that activity
2 in the spring of 1967 with the startup of
3 the phosphorus pentasulfide operation.
4 And at that time, I went back to a role
5 similar to the technical supervisor
6 role. But at this time, it involved what
7 we called debottlenecking and
8 optimization of the expansions that had

9 proceeded, changes and some additions to
10 make some areas of these expansion
11 products perform as they should.

12 It went into -- we worked
13 very closely with the plant Technical
14 Services Department, which was in the
15 organic group, but which had process
16 engineers assigned to work in the
17 Parathion area. And I was -- a lot of my
18 activity was liaison between that
19 department and the facility itself.

20 Q. Let me see if I've got this
21 right. You were head of technical
22 services for the Parathion
23 organophosphate-type activities?

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1 A. I wasn't necessarily head of
2 anything. I was just kind of by myself
3 in that activity.

4 Q. Okay.

5 A. I still worked for Mr. Leisy,
6 who was a superintendent in the area. I
7 worked very closely with the plant
8 Technical Service Department to implement
9 process improvement work and process
10 optimization work.

11 Q. That's going to explain a lot

12 of what we are going to talk about here
13 in a little bit. Your name ended up
14 being cc'd on a lot of documents that I
15 think were primarily directed to the
16 plant technical services?

17 A. Probably were. I was
18 essentially the Ag company representative
19 to the plant technical services.

20 Q. And how long did you stay in
21 that position?

22 A. I stayed in that position
23 until the fall of 1968.

0033

1 Q. Then where did you go?

2 A. I went into the plant
3 technical services group, into the
4 Organic Division at that time as an
5 engineering supervisor. I reported to
6 the technical services superintendent,
7 and I had a group of process engineers
8 working for me then.

9 Q. How long did you stay in that
10 position?

11 A. I stayed in that position
12 with that title until February of 1972.
13 But the last year in that position, the
14 plant had suffered quite a reduction in

15 people. This was getting to be close to
16 the time where they were looking at the
17 PCB-type products and were beginning to
18 make plans to probably exit that business
19 and there were other economy-directed
20 situations that caused a cutback. So the
21 group that I was supervising
22 disappeared. I retained the title, but I
23 worked --

0034

1 Q. You supervised yourself?

2 A. Yeah, I did. And we really
3 didn't know what would be happening. We
4 lost probably two-thirds of our
5 engineering groups. And the last year
6 that I was in that position, I still did
7 work, but I did it mostly myself instead
8 of supervising through people. And that
9 lasted until February of 1972.

10 Q. Then where did you go?

11 A. I went in the accounting
12 department.

13 Q. Accounting?

14 A. I was appointed plant
15 accountant.

16 Q. You were appointed plant
17 accountant?

18 A. Yes, I was.

19 MR. KELLY: It was a good

20 Texas education.

21 MR. WRIGHT: I guess so.

22 A. Let me point out that during

23 the time I was doing other things, I did

0035

1 complete college work that I started

2 earlier. I received a degree in

3 economics from UAB in Birmingham.

4 Q. Okay.

5 A. And I had had some exposure

6 to accounting courses, not a whole lot,

7 not enough to be a plant accountant. I

8 also had the purchasing department.

9 Q. All right. We are going to

10 speed through the accounting part of your

11 career.

12 A. It was a very interesting

13 part. More challenging than many.

14 Q. I'll bet. How long were you

15 in that area?

16 A. Three years.

17 Q. That takes us to '75?

18 A. March of '75.

19 Q. Then where did you go?

20 A. I went back into the plant.

21 It was time to do another major
22 expansion. And it was felt that -- as
23 far as I know, it was felt that I could

0036

1 contribute more there.

2 Q. All right. What was your
3 specific job then?

4 A. It again was manufacturing
5 representative-type function, except
6 instead of doing it myself I did have a
7 group of engineers who were assigned to
8 the expansion. It was quite a major jump
9 for Monsanto at that time.

10 Q. What were they expanding to?
11 What were they adding, I guess is what
12 I'm asking?

13 A. The plant was adding about a
14 forty percent expansion to the Parathion
15 production.

16 Q. So expanding the Parathion
17 capability again?

18 A. Yes. That also involved
19 expanding the paranitrophenol capability,
20 involved expanding the phosphorus
21 pentasulfide capability.

22 Q. How long did that position
23 last?

0037

1 A. That position lasted -- my
2 direct involvement in that position
3 lasted until probably, guessing, close to
4 September, 1977, maybe slightly earlier.
5 And then I was still involved with it,
6 but by this time the activities had moved
7 into the plant itself and there were
8 other people there who at that time were
9 directing the implementation of the
10 training and startup and this kind of
11 thing.

12 Mr. Walker, who I think you
13 talked to, was very much involved in
14 that. I stayed in the activity still
15 supervising some engineers, but we didn't
16 do direct expansion work. We looked at
17 side issues like making sure that spare
18 parts were on hand for all of the new
19 equipment and these type of activities.
20 And that lasted until March of 1978.

21 Q. Then where did you go?

22 A. I became a production
23 supervisor over the overall facility at

0038

1 that time, which included Parathion and
2 P2 S5 and also paranitrophenol.

3 Q. Let me stop you there and ask
4 you what other products was Monsanto
5 manufacturing at that time? No longer in
6 PCBs. I don't think y'all were still in
7 caustic chlorine, were you?

8 A. I think chlorine had already
9 disappeared, yes.

10 Q. So we have got Parathion and
11 then the two products that you used to
12 make Parathion?

13 A. Right.

14 Q. What else did Monsanto make
15 at that time?

16 A. They made the biphenyl and
17 the other polyphenyl products that come
18 along with that. They made a product
19 called HB40 that has many uses. It's a
20 precursor of some of the Therminol
21 products they make right now. That was
22 primarily what was made at that time.

23 Let me back up a little bit

0039

1 more. In the fall of 1971, the plant
2 became completely Agricultural Division.
3 We reported to a different group entirely
4 in St. Louis.

5 Q. Including the PCB operation?

6 A. They were considered a guest
7 facility then.

8 Q. Okay. So the shoe changed to
9 the other foot?

10 A. Yes.

11 Q. They stayed in the Organic
12 Division, but the plant became known as
13 an agricultural plant?

14 A. An agricultural plant. And I
15 believe that was the situation throughout
16 the first half of the seventies.

17 Q. We were talking about
18 products. Were there any other products
19 that you can recall?

20 A. None other than those that
21 have already been mentioned.

22 Q. Let's pick back up and finish
23 out your career history there. I think

0040

1 we left off in around '75.

2 A. Yeah. I was trying to back
3 up and reconsider some of the time frame
4 after it became an agricultural plant.
5 Some things happened in the Organics
6 Division and other divisions earlier in
7 those years, too. I think the Organic
8 Division was combined with the Inorganic

9 Division and made into what Monsanto
10 called an Industrial Chemical Company.
11 That's the other group that was in the
12 plant. It was no longer Organic
13 Division.

14 Q. It was Industrial Chemicals?

15 A. Industrial Chemical Company.

16 My experience as production supervisor
17 directly related to the OP operations
18 occurred from, say, March of 1978 until
19 probably September of 1980, at which time
20 I became another manufacturing
21 representative for a new product that was
22 being implemented into the RPOP.

23 Q. What product was that?

0041

1 A. We called it -- it was an
2 intermediate and it was an intermediate
3 that we used in our normal production,
4 but we made a refined variety which was
5 sold outside Monsanto.

6 Q. What was that?

7 A. It was called -- we called it
8 Ethyl Intermediate. That's probably what
9 you will see it referred to.

10 Q. In the documents?

11 A. In the documents.

12 Q. What was it used for?

13 A. It's Diethylphosphoro-

14 chloridothioate, and it was sold to Dow

15 Chemical Company as an intermediate for

16 their two major pesticides, Dursban and

17 Lorsban.

18 Q. Did y'all make that before

19 1980?

20 A. Not in this refined variety.

21 We had made a partially refined variety

22 back in the sixties, which was sold to

23 Geigy down in South Alabama. It wasn't

0042

1 Ciba Geigy at that time, it was just

2 Geigy, and they used it as an

3 intermediate in diazenyl, which is still

4 used as an intermediate in diazenyl.

5 Q. Is Monsanto still making that

6 in Anniston?

7 A. No, they are not making any

8 of these products any more.

9 Q. So you were again liaison for

10 expansion in 1980?

11 A. Started in 1980.

12 Q. How long did that last?

13 A. We started up the operation

14 about April of 1981 and spent a few weeks

15 optimizing. And at that time I was --
16 once I became a manufacturing
17 representative again for this product, I
18 went under the, I went in the -- I worked
19 for Jerry Brown, who you may have met, I
20 don't know, in his technical services
21 group.
22 Q. Right. Not yet, I haven't
23 met him yet.

0043

1 A. Actually, I reported through
2 that group, but my major work occurred
3 with the people and products in the OP
4 area.

5 Q. What was your job during the
6 '81 to '86 time?

7 A. Okay. I remained in the
8 technical services group and we continued
9 optimizing that particular process that I
10 am talking about, the refined
11 intermediate process. And we had some,
12 along with that process, we had some
13 other changes in how we handled plant
14 equipment, and so we continued optimizing
15 in that area. And that lasted until
16 through '81 and '82 into early 1983.

17 And then I was assigned to,

18 again, a new aspect of the process. And
19 this had to do with the recovering of
20 materials which formerly were disposed of
21 some way or another, processing these and
22 returning them to the process as raw
23 materials.

0044

1 Q. Which products were those?

2 A. Which products were those?

3 One of the by-products of the Parathion
4 operation is elemental sulfur. And this
5 particular project involved defining that
6 by-product sulfur and making it suitable
7 for reuse in the P2 S5 operation. So
8 this is one stream that previously was
9 disposed of by incineration and actually
10 by landfilling by this time, because we
11 had long ceased incinerating that
12 sulfur. At this point, it became
13 possible to just send it around the loop
14 and reuse it.

15 Q. What other things did you do
16 that with?

17 A. Prior to that in the
18 mid-seventies, one of the other
19 by-product streams was hydrogen sulfide
20 gas. And we put it in what's known as a

21 Klas unit, sulfur recovery unit, and
22 converted that back to sulfur and reused
23 that phosphorus pentasulfide.

0045

1 Q. When did y'all install the
2 Klas units?

3 A. I think the Klas unit
4 probably was installed in the 1975-1977
5 period.

6 Q. What other things did you
7 start to reuse instead of dispose of?

8 A. These were the things that
9 were reused. Other materials that were
10 disposed of, as we continually optimized,
11 we were able to gain greater recovery in
12 the operation, because we were able to
13 reuse a larger amount of those products.
14 But these were the two major materials
15 that were actually treated in separate
16 plants and reused.

17 Q. '83 to '86, what were your
18 jobs?

19 A. Okay. The sulfur recovery
20 unit, as we called it, started up in late
21 '83. We continued optimizing that up
22 until mid-'84. And that point, I worked
23 for an engineering supervisor. I was

0046

1 called an engineering specialist by that
2 time. And I worked for an engineering
3 supervisor, who reported through the
4 Technical Service Department. And I
5 worked on process improvement, some major
6 changes in some of the operations that
7 existed and optimization at other
8 operations. And this continued through
9 '84 and most of '85. There were several
10 different projects and types of
11 optimizations that occurred in that time.

12 Q. All focusing on this same
13 family of products?

14 A. All focusing on the same
15 family of products. The only time I
16 focused on any other family of products
17 was during the period of 1969 and '70 and
18 '71 when my engineering group, although
19 it was primarily oriented toward the
20 organophosphate products, we did have
21 responsibility for a muriatic acid
22 facility, which existed over in the other
23 side of the plant, the organic side of

0047

1 the plant. We had responsibility for
2 process improvement in that area.

3 Q. Why was that? Why were y'all
4 given that responsibility?

5 A. I think we were just to kind
6 of divide up the responsibilities overall
7 between the person who had most of the ag
8 products and the other engineering
9 supervisor who had most of the organic
10 products. This was kind of an adjunct to
11 the organic products area.

12 Q. I guess I am just wondering
13 why they put y'all in or had you involved
14 with the muriatic acid since you didn't
15 use that in any of your processes, did
16 you?

17 A. No, used it in no process.
18 One of the by-products of the Parathion
19 operation is muriatic acid or HCL gas.
20 But this was simply neutralized and
21 treated in the waste treatment plant, in
22 that area. The acid that was made in the
23 organic portion of the plant was sold,

0048

1 was collected and sold.

2 Q. And that was made with HCL
3 off-gas from the Aroclor operation?

4 A. From chlorinations, yes. At
5 that time, Monsanto did not feel that

6 they should be selling acid from
7 pesticide operations. Everybody else
8 did, but Monsanto did not sell that type
9 of acid.

10 Q. Why not?

11 A. I'm not sure why not. It was
12 perfectly good, you know, because it
13 didn't come -- it came from the
14 intermediate operation, not from the
15 operation where the pesticide was
16 actually produced. And I'm not sure why
17 it was not desired to collect and sell
18 that acid. Other manufacturers did sell
19 it.

20 Q. But they did sell the acid
21 that was a by-product of the Aroclor
22 operation?

23 A. Yes, they did.

0049

1 Q. I am sorry, did you say you
2 used muriatic acid in the --

3 A. No, it was a by-product in
4 both areas.

5 Q. So they would sell the
6 Aroclor-derived muriatic acid, but not
7 sell the Parathion-derived muriatic acid?

8 MR. KELLY: Object to the

9 form.

10 A. Yes. And, again, I am not
11 too sure of all of the reasons, whether
12 they just didn't think it was worthwhile
13 to do that. Muriatic acid then, and I
14 think now, is kind of a surplus in the
15 market. And I don't think there was very
16 much money made on it at all. But,
17 traditionally, I think as long as the
18 Aroclor operation had been there, I think
19 they made and sold muriatic acid. I am
20 not too sure about the early years, but I
21 think that was the case.

22 MR. WRIGHT: Why don't we
23 take a quick break. We have been going

0050

1 about an hour.

2

3 (Whereupon, a brief recess was
4 taken.)

5

6 Q. (BY MR. WRIGHT:) And you
7 have been retired since 1986?

8 A. Actually, I accepted
9 retirement in November of 1985 and it was
10 delayed for nine months. During that
11 time, they were trying to maybe sell the

12 facility to another company and a couple
13 of us were asked to stay if we would, for
14 another nine months.

15 MR. KELLY: Speak up a little
16 bit if you can, Alan.

17 THE WITNESS: Okay.

18 Q. Just out of curiosity, what
19 do they make there now?

20 A. They make, they call it
21 polyphenyls, which is biphenyl plus
22 terphenyl, higher phenols. And they make
23 hydrogenated terphenyls. That is

0051

1 hydrogen added to terphenyl and that
2 makes one of the Therminol materials.
3 They make Paranitrophenol. They make
4 some other Therminols.

5 Q. What are those used for,
6 primarily?

7 A. They are high temperature
8 heat transfer fluids.

9 Q. And that's what the biphenyl
10 was used for all the way along?

11 A. The Therminols at the time of
12 the Aroclors were chlorinated biphenyls.
13 They were a high temperature heat
14 transfer material. Also dielectrics to

15 put in transformers and this kind of

16 thing.

17 Q. But just the straight

18 phenols, both biphenyls and polyphenyls,

19 they have been primarily used for these

20 heat exchange fluids?

21 A. Yes.

22 Q. And hydraulic fluid, I

23 assume, also?

0052

1 A. I think some hydraulic fluid,

2 yes.

3 Q. All right. Any other current

4 products that you are aware of?

5 A. Not really. They do bring in

6 some materials that they blend into

7 different types of Therminols. They have

8 a product line of six or eight materials

9 with Therminols.

10 Q. When did they stop the

11 Parathion production.

12 A. Parathion was produced up

13 until about mid-year 1986.

14 Q. You live in the Anniston

15 area, still?

16 A. Yes, I do.

17 Q. All right. So I want to now

18 go back to the late sixties. How was the
19 plant Technical Services Department
20 organized in the late sixties?

21 A. In the late sixties, there
22 was a technical superintendent who
23 reported to the plant manager. And he

0053

1 had a relationship, also, with a manager
2 in the division manufacturing office who
3 was a technical production manager. And
4 he looked after several plants. He
5 helped look after the technical aspects
6 of several plants.

7 The technical superintendent
8 at the plant, he was responsible for the
9 laboratory, for a project engineering
10 group and for one or more process
11 engineering groups. And --

12 Q. What's the difference between
13 the product engineering and the process
14 engineering?

15 A. I am sorry project
16 engineering.

17 Q. Okay.

18 A. Process engineers primarily
19 study and examine processes and determine
20 how to make them more efficient, how to

21 make them more environmentally suitable.
22 And a project engineering usually
23 implements any projects that come out of

0054

1 this to actually effect what was come up

2 with. And --

3 Q. Was there -- go ahead and
4 finish.

5 A. So, really, he had all of
6 these groups. And I think at the time,
7 he began to have environmental
8 responsibilities, but this may have come
9 along in the early seventies, more so
10 than late sixties.

11 Q. That's what I was going to
12 ask you. In the late sixties, was there
13 somebody who had specific responsibility
14 for environmental matters?

15 A. There were several people,
16 beginning in the mid-fifties, who began
17 to have environmental responsibilities.

18 Q. Who were those people?

19 A. One person, the first one I
20 think we had was a person named Gene
21 Coley.

22 Q. C-O-L-E-Y?

23 A. C-O-L-E-Y. He's no longer

0055

1 living.

2 Q. Was he in Anniston or in St.

3 Louis?

4 A. He was in Anniston.

5 Q. Okay.

6 A. Some individuals that

7 followed him, one was Gene Wright, and he

8 has not been with the company for a long

9 time.

10 Q. Is he still alive?

11 A. Yes, I think he lives in

12 Chattanooga. He was the Chattanooga city

13 environmental person.

14 Q. When was his tenure?

15 A. I believe his tenure was in

16 the -- during this period of late

17 sixties. It possibly ended in the early

18 seventies.

19 Q. What was his job, to the best

20 of your understanding?

21 A. At that time we would, I

22 believe we termed this person as a

23 pollution control engineer. And there

0056

1 were others, one or two others, I think,

2 that had that responsibility along during

3 that period. I can't remember the names
4 exactly.

5 Q. When we go through the
6 documents some of them may ring a bell.

7 A. Some of them may come out
8 there. But that was the case in the late
9 sixties period.

10 Q. Now, were they attached to
11 the Technical Services Department?

12 A. I believe they actually were
13 attached to the laboratory, which was
14 attached to the Technical Services
15 Department. But I'm not too certain
16 about that, either. I wasn't really
17 directly related so much with the
18 environmental. I think the earliest
19 environmental person, Gene Coley, might
20 have been actually attached to the ag
21 manufacturing group under Mr. Leisy at
22 that time. I would have to review that,
23 too, to be certain, because after that,

0057

1 he became associated with the technical
2 services group some way or another.

3 Q. Did you know Mr. Papageorge
4 when he was in Anniston?

5 A. Yes, he was the plant

6 manager.

7 Q. Did you have some
8 interactions with him during that time?

9 A. Only in the sense that he was
10 plant manager and I was a person in the
11 technical services area. And let's see.
12 I'm trying to think when he became plant
13 manager. The first years he was plant
14 manager, I was still with the
15 agricultural products group.

16 Q. At some point during his
17 tenure as plant manager is when you moved
18 over into the plant Technical Services
19 Department?

20 A. Yes, into the Organic
21 Division area, although we still had
22 responsibilities for the guest facility.
23 This was one of the services that the

0058

1 host plant provided.

2 Q. We talked generally about the
3 organization of the technical services.
4 I would like to get more specific about
5 that. And specifically, let's talk about
6 the '68, '69, '70 time frame.

7 A. Uh-huh.

8 Q. Who was the head of technical

9 services?

10 A. The person I reported to was
11 named Joel Landwehr.

12 Q. What was his title?

13 A. He was superintendent of
14 technical services.

15 Q. Where did he office?

16 A. His office was in the office
17 building at that time.

18 MR. WRIGHT: Let's look at
19 our pictures. We might as well go ahead
20 and mark those.

21 MR. KELLY: These may not be
22 as good a copies as the ones you were
23 dealing with yesterday.

0059

1 THE WITNESS: This was a
2 office building at the time. His office
3 was in this building.

4 MR. WRIGHT: Hang on a
5 second. Let me mark them as 1 and 2.
6 Mike, can you find the photographs in the
7 book? And that way if we can't make
8 something out, we can refer to the real
9 photograph.

10

11 (Whereupon, Plaintiff's Exhibits

12 1-2 were marked for identification

13 and same are attached hereto.)

14

15 Q. Exhibit 1 is a larger scale

16 picture. Exhibit 2 is the smaller scale

17 that shows the greater area around the

18 plant. Looking at Exhibit Number 1, you

19 pointed to a building?

20 A. This was the main office

21 building at that time (indicating).

22 Q. I am going to circle that

23 with my red pen here, and label it "main

0060

1 office building."

2 Where was the lab located?

3 A. This was the lab building

4 behind it (indicating).

5 Q. The lab is the building --

6 let's see. We have got to get our

7 directions again. This is south, I

8 believe (indicating).

9 A. South is this way

10 (indicating). You are looking east this

11 way.

12 Q. That's right. South. So it

13 is the building, the small building

14 directly to the south of the main office

15 building?

16 A. Yes. It's no longer there.

17 Q. That was the lab?

18 A. Yes.

19 Q. Who was under Mr. Landwehr?

20 A. The project engineering

21 supervisor at the time I was there was

22 Bill Taffee, T-A-F-F-E-E.

23 Q. Let me write this down.

0061

1 Project supervising engineer?

2 A. Or project engineering

3 supervisor.

4 Q. Okay. Bill Taffee?

5 A. Taffee, T-A-F-F-E-E.

6 Q. All right.

7 A. And I was a process

8 engineering supervisor, one of two.

9 Q. Who else was?

10 A. An engineer named Vince

11 Haupt, H-A-U-P-T. And the chief

12 chemist -- I will think of it later -- he

13 reported to Mr. Landwehr, too.

14 Q. Is that G.W. Miller?

15 A. At the time I was there, it

16 was the person following Mr. Miller. He

17 left and went with a different company a

18 couple of years later.

19 Q. We'll fill that blank in in a
20 minute. I'm pretty sure you will see his
21 names in these documents. Who else was
22 in the Technical Services Department?

23 A. These were the supervisory

0062

1 persons. The process engineers, I am not
2 sure I remember who all were the
3 engineers under these people.

4 Q. Then there were several
5 process engineers?

6 A. Yes.

7 Q. Who else?

8 A. A project engineer, drafting.

9 Q. Only one project engineer?

10 A. I can only remember one.

11 Q. Drafting? Were there lab
12 techs?

13 A. Lab techs were under the
14 chief chemist.

15 Q. How many lab technicians
16 would there be?

17 A. Well, I'm not sure how many
18 they had at that time. There may have
19 been other project engineers. I think
20 there were civil and electrical

21 engineers.

22 Q. And then assorted other

23 engineers, I will just put.

0063

1 A. Yes, process engineers.

2 Q. Okay. About how big, how

3 many people worked in the Technical

4 Services Department?

5 A. I am going to estimate about

6 twenty.

7 Q. Where did they office?

8 A. They officed in the same

9 building.

10 Q. The main office building?

11 A. Yeah, there was an area there

12 that was set aside for technical services

13 and the chief chemist's office in the

14 laboratory.

15 Q. Would you describe the

16 laboratory for people that have never

17 seen it and will never be able to see it

18 because it's gone now? Can you describe

19 it?

20 A. It was a fairly small

21 building, but it was adequate at the

22 time. It formerly had been a research

23 laboratory for the Phosphate Division.

0064

1 So it was equipped as a lab. It had
2 divided into maybe as many as four rooms
3 larger than this room by about twice.
4 And in there, they had all the laboratory
5 equipment that it was common to have at
6 that time.

7 Q. Which would have been what
8 kind of equipment? What kind of
9 equipment do you remember them having?

10 A. Of course, they had -- this
11 preceded the days when such things as
12 chromatographs became common. They may
13 have had some early models. I had no
14 direct function with the lab. Other than
15 sinks and different types of labware here
16 and there, I couldn't tell you
17 specifically what equipment they had.

18 Q. So you didn't do any lab work
19 yourself?

20 A. No.

21 Q. What is the first you
22 remember about PCBs being a potential
23 problem?

0065

1 MR. KELLY: Object to the
2 form.

3 THE WITNESS: Huh?

4 MR. KELLY: Go ahead.

5 MR. WRIGHT: They don't like
6 me calling PCBs a problem.

7 MR. KELLY: Rather vague and
8 ambiguous.

9 MR. WRIGHT: So for the rest
10 of the day every time I talk about the
11 PCB problem, they are going to object.

12 A. I suppose it was in the, I am
13 going to say 1970, plus or minus a year
14 or two.

15 Q. 1970?

16 A. '70, plus or minus a year.

17 Q. Okay.

18 A. Frankly, I was never that
19 directly involved with the PCB operation
20 or their marketing or production. I knew
21 people who were. I knew that they were
22 working in the area, but I was much aware
23 of the problems that existed in terms of

0066

1 pesticides. Even though we didn't make
2 them, I was aware of problems that
3 existed with DDT and those kinds of
4 things. I was never particularly aware
5 of problems that might have existed with

6 the PCBs until about that time frame and
7 then just from hearsay.

8 Q. Okay. That's what I am just
9 -- I understand there were more people, I
10 mean, there were people that were much
11 more involved than you were.

12 A. Oh, yeah, in the plant.

13 Q. But what I am trying to find
14 out now, since you are here and they are
15 not, I am just trying to find out what
16 you remember.

17 A. That's about it. If I recall
18 PCBs as being a problem as such, it was
19 probably in that time.

20 Q. And that awareness came just
21 from people talking around --

22 A. Indirectly talking, and
23 realizing that certain activities were

0067

1 happening and certain plans were being
2 made, certain pressures on the product
3 line. Nothing directly. I was very,
4 very deeply involved in activities in
5 other areas of the plant, and just
6 completely tied up, nearly, in the other
7 area.

8 Q. I am sorry. You were

9 completely tied up in the other area?

10 A. In the organophosphate area.

11 My involvement was almost completely in

12 that. Very intensely involved, too.

13 Q. Let's talk about that for a

14 minute. I have seen references in the

15 documents to some fish kill that was

16 attributed to Parathion.

17 A. In the early sixties time

18 frame?

19 Q. Yes.

20 A. Yes.

21 Q. Tell me what you remember

22 about that, because that would have been

23 your area, correct?

0068

1 A. That would have been --

2 Q. I'm not saying in your area.

3 I'm saying that that related to

4 organophosphates, which is what you were

5 focused on at the time?

6 A. Yes, and I was aware of the

7 publicity. I was aware of both fish

8 kills and things like this. I was

9 involved with the operation of the waste

10 treatment facilities to treat the waste

11 from the Parathion operation. But what I

12 am trying to recall, I think that there
13 was some releases -- let me back up a
14 little bit on the waste treatment aspects
15 of Parathion.

16 Q. All right.

17 A. When the plant was first
18 built there and before I came, the waste
19 was treated in the City of Anniston waste
20 treatment plant, which is a conventional
21 municipal type treatment facility. And
22 these wastes treat very well in that type
23 of operation.

0069

1 Along with the first
2 expansion that occurred, and this was
3 also before I came, the Organic Division
4 installed their own waste treatment plant
5 for Parathion, which was again a
6 conventional municipal type treatment
7 plant parallel with the city. The waste
8 from the Parathion operation was treated
9 in the plant's treatment plant and then
10 flowed to the City of Anniston's
11 treatment plant.

12 In connection with the
13 problems that existed that may have
14 resulted in a fish kill, I think there

15 was some heavy flow from the plant's
16 treatment plant to the city treatment
17 plant, which maybe they couldn't handle
18 and possibly was bypassed, but this area
19 I'm somewhat uncertain about.

20 Q. Okay. How many fish kill
21 incidents do you remember in the sixties?

22 A. I think I am just aware of
23 the one.

0070

1 Q. Were you ever involved in
2 trying to figure out what happened to
3 cause that?

4 A. I was involved in, as I say,
5 operation of the waste treatment plant
6 and in optimizing operation of the waste
7 treatment plant. And other than having
8 somewhat heavy release at one time, and I
9 am not exactly sure that this was
10 associated with that particular fish
11 kill, but that's the only incident that I
12 can remember.

13 Q. Okay. The reason I am asking
14 you about that is I have seen some
15 indication in the documents that when
16 Monsanto was investigating or when
17 somebody was investigating that fish

18 kill, they found some PCBs as well.
19 A. I wasn't aware of that. And
20 there were no PCBs at all associated with
21 what was released or what went from the
22 plant waste treatment into the city's
23 sewer supply, their waste treatment

0071

1 plant. So if there were PCBs involved,
2 it would not have come from the OP
3 operation.

4 Q. Well, yeah, and I guess I am
5 making -- I am not saying what I am
6 intending to say. I am not implying that
7 the PCBs were released in the same way
8 the Parathion was released. What I am
9 referring to is, there is a particular
10 memo, I think it's in 1968 where -- well,
11 let me see if I can find it. Maybe I can
12 find it on our next break.

13 Let me show you a memo,
14 another memo from about this same time
15 frame. And it has got a bunch of names
16 on here. And I would like to go down
17 through the list and we can talk about
18 who they all are. Some of them we have
19 talked about this morning.

20 This is a memo dated July 23

21 of '69 when -- why don't you take a
22 second to look at that and then we'll
23 talk about it in some detail.

0072

1 A. Okay. (Witness reading.)

2 I'm on there, aren't I? That's me.

3 Q. I take it by what you said
4 that you don't really remember getting
5 that memo?

6 A. Probably not. I was in
7 technical services at that time. I
8 worked for Mr. Landwehr, whose name is
9 also on here, but, again, other than the
10 muriatic acid operation, I had no
11 responsibilities in these areas. I was
12 copied in probably because I was in that
13 department. This was written by Gene
14 Wright, who you already know was at the
15 plant in Chattanooga. I notice they do
16 list the HCL Department as a six-pound
17 per day generator of this waste.

18 Q. Right.

19 A. What's the other department,
20 sewer?

21 Q. Why would they have copied
22 you, do you think?

23 A. Simply because I was a member

0073

1 of the group. Like Mr. Haupt, whose name
2 is on here, would have had the process
3 group that was directly associated with
4 Mr. Lahman.

5 Q. I am sorry, directly
6 associated with what?

7 A. With the Aroclor production
8 facility. They were support for
9 Aroclor. I am surprised. I don't see
10 the chief chemist's name here I was
11 looking for. I guess G.W. Miller was
12 chief chemist at that time.

13 Q. He was still the chief
14 chemist?

15 A. Still the chief chemist.

16 Q. In July of '69?

17 A. Yes.

18 Q. Let's talk about the other
19 names here on the list. J.N. Carpenter,
20 what was his position?

21 A. He was a production
22 supervisor at the organophosphate plant.

23 Q. C.K. Eastman.

0074

1 A. He was maintenance
2 superintendent for the Anniston plant.

3 Q. Carpenter was production
4 superintendent?

5 A. Supervisor.

6 Q. Supervisor. What was his
7 specific job?

8 A. His was one which I had
9 identified as my own from several years
10 before. His job was to supervise the
11 foremen and hourly personnel in
12 manufacturing the Parathion products.

13 Q. Carpenter was Parathion?

14 A. Yes.

15 Q. Okay.

16 A. He may have been P2 S5 also,
17 but I think at that time he was
18 Parathion.

19 MR. KELLY: Alan, where you
20 can, keep your voice up.

21 THE WITNESS: Okay.

22 Q. C.K. Eastman?

23 A. C.K. Eastman was the plant

0075

1 maintenance superintendent.

2 Q. What was his job?

3 A. He was responsible for
4 overall plant maintenance and also
5 maintenance engineering.

6 MR. WRIGHT: Can we go off the
7 record a minute?

8

9 (Whereupon, a discussion was held
10 off the record.)

11

12 Q. Okay. We have talked about
13 Mr. Carpenter and Mr. Eastman. L.L.
14 Faulkner?

15 A. I believe at that time Mr.
16 Faulkner was supervisor of the chlorine
17 operation.

18 Q. The chlorine operation?

19 A. Uh-huh (indicating
20 affirmatively), which was probably in the
21 process of being discontinued by then.

22 Q. Did you ever work in the
23 chlorine operation?

0076

1 A. No, I never did.

2 Q. Did you ever help them or
3 anything?

4 A. I had responsibility later
5 on, once the chlorine operation was shut
6 down, of assisting with the
7 implementation of facilities to receive
8 chlorine tank cars and unload chlorine.

9 Q. That was your only

10 involvement?

11 A. My only involvement.

12 Q. R.A. Haydel?

13 A. R.A. Haydel was a -- he was a

14 technical service engineer and his

15 responsibilities were primarily with

16 organophosphates.

17 Q. What were his specific

18 duties?

19 A. He would conduct process

20 studies and optimization studies and

21 implement small projects in the

22 organophosphates facility.

23 Q. I don't have that memo that I

0077

1 was referring to, so we won't be able to

2 talk about that.

3 Vince Haupt we have talked

4 about. L.C. Lahman?

5 A. L.C.Lahman was the

6 manufacturing superintendent for the

7 organophosphate facilities.

8 Q. What were his specific

9 duties?

10 A. Let me recheck my time frame

11 here just a second.

12 MR. KELLY: Larry, as I

13 recall, this memo is July of 1969?

14 MR. WRIGHT: Yes.

15 A. At that time, Mr. Lahman

16 would have been production supervisor for

17 organophosphates. Mr. Carpenter would

18 have been production supervisor for

19 phosphorus pentasulfide. The guest

20 superintendent for agricultural products

21 at that time was Mr. Lloyd Boesch. I

22 don't know if his name is on there or

23 not.

0078

1 Q. How do you spell his name?

2 A. B-O-E-S-C-H.

3 Q. It's not on there.

4 A. He was probably in a

5 transition phase, because shortly after

6 this period, he was relocated to another

7 Monsanto plant and Mr. Lahman took his

8 job. Mr. Carpenter took Mr. Lahman's job

9 at that time. This occurred during a

10 transition when Mr. Boesch was

11 relocating. He had been there been for

12 approximately a year, not quite a year.

13 Q. Is he still alive?

14 A. As far as I know, he is.

15 Q. Where did he move to?

16 A. At that time, he moved to the
17 Eldorado, Arkansas plant with the ag
18 company. And later he moved up to the
19 St. Louis area with the manufacturing
20 organizations, and I think he retired
21 several years ago, in the early nineties
22 sometime.

23 Q. Where was he the last time

0079

1 you knew about him?

2 A. The last time I was aware, he
3 was in the St. Louis area.

4 Q. Okay.

5 A. He came to the Anniston plant
6 in late fall of 1968. I think he stayed
7 ten months.

8 Q. Who had his position before
9 him?

10 A. Mr. Leisy.

11 Q. Is Mr. Leisy still alive?

12 A. Yes, Mr. Leisy is still
13 alive.

14 Q. In the Anniston area?

15 A. No.

16 Q. Where is he?

17 A. He's either in north Florida

18 or western Georgia area. I'm not exactly

19 sure where he is.

20 Q. Do you know any towns that we

21 could look for him?

22 A. At the time I had a last

23 correspondence, he was in the Pensacola

0080

1 area, but not right at Pensacola. It was

2 more in the beach area. I can't remember

3 all of those towns. And then I heard

4 that he possibly lived in the Calloway

5 Gardens area. I'm not sure.

6 Q. Where is Calloway Gardens?

7 A. That's in central west

8 Georgia, west central Georgia.

9 MR. KELLY: Off the record a

10 second.

11

12 (Whereupon, a discussion was held

13 off the record.)

14

15 MR. WRIGHT: Okay. We can

16 go back on.

17 Q. Joe Landwehr we talked about.

18 A. Yes.

19 Q. You, we talked about. G.W.

20 Miller, you think he was the chief

21 chemist at that time?

22 A. He was chief chemist at that

23 time, yes.

0081

1 Q. Papageorge, in July of '69,

2 what was his position?

3 A. He was plant manager.

4 Q. B.O. Severs?

5 A. Severson?

6 Q. Severson.

7 A. He was production supervisor

8 for the biphenyl and Aroclor products.

9 Q. So he was the production

10 supervisor over Aroclor at the time?

11 A. Yes.

12 Q. What were his specific jobs

13 as production supervisor?

14 A. His specific jobs were to

15 supervise, I think maybe more than one

16 foreman, a group of manufacturing

17 personnel, who made these products. And

18 his jobs would have been to meet

19 production schedules and meet cost

20 objectives and meet safety guidelines and

21 environmental guidelines. Essentially

22 his job was to make the product and see

23 that it shipped.

0082

1 Q. Bill Taffee, we have talked
2 about.

3 A. Bill Taffee, yes.

4 Q. What was his specific job at
5 the time?

6 A. He was the project
7 engineering supervisor in technical
8 services.

9 Q. And then H.L. Williams?

10 A. He was the production
11 superintendent for the organic products.

12 Q. What was his job as
13 production superintendent?

14 A. He was overseeing several
15 organic departments, several
16 supervisors. His job was to just oversee
17 the manufacturing from the organic
18 division standpoint, which was the host
19 plant. He reported to Mr. Papageorge.

20 Q. Now, there were some people
21 listed in the general offices. I want to
22 see if you know who they were or what
23 their jobs were. You may not know that,

0083

1 but you might. And so I have got to ask
2 you. M.E. Bitts?

3 A. I don't know. I have heard
4 the name, but I don't know what his
5 responsibilities were.

6 Q. P.B. Hodges, and I think he
7 goes by Paul?

8 A. Paul Hodges had environmental
9 responsibilities for the Organic
10 Division.

11 Q. Do you remember what his
12 specific title was?

13 A. No, I do not.

14 Q. Did he have responsibilities
15 other than environmental
16 responsibilities?

17 A. I am not aware of others that
18 he might have had.

19 Q. D.B. Hosmer?

20 A. Hosmer? Mr. Hosmer was the,
21 at the time I believe was considered to
22 be a technical production manager. And
23 he would have overseen the technical

0084

1 aspects of production and several Organic
2 Division plants. He was a former plant
3 manager in Anniston in the mid-fifties.

4 Q. Is he still alive?

5 A. No.

6 Q. W.A. Kuhn? K-U-H-N.

7 A. Mr. Kuhn was Mr. Hosmer's
8 counterpart in the Agricultural Division.

9 Q. Is he still alive?

10 A. I don't know.

11 Q. R.J. Stratmeyer?

12 A. I think at that time Mr.
13 Stratmeyer may have been director of
14 manufacturing in the Organic Division.

15 Q. Is he still alive?

16 A. I don't know.

17 Q. Then there's some other
18 people listed. I'm just going to see if
19 you know who they are. Scott Tucker.
20 You probably know who he was.

21 A. Again, I have heard the name,
22 but I don't remember exactly who he was.

23 Q. Okay. C.F. Buckley?

0085

1 A. I have heard that name and I
2 don't remember exactly who he was.

3 Q. H.M. Galloway in Nitro?

4 A. Mr. Galloway, at that time, I
5 think had the Technical Services
6 Department in Nitro, but I'm not certain
7 of that.

8 Q. C.G. Hoffman?

9 A. I don't know him.

10 Q. J.L. Solari?

11 A. I believe at that time Mr.

12 Solari had technical services

13 responsibility in one of the St. Louis

14 operations.

15 Q. Did you -- I assume you went

16 to St. Louis from time to time?

17 A. I did go from time to time.

18 Q. Since you are the first

19 person we are deposing who was in a

20 managerial capacity and had interactions

21 with St. Louis, I am going to have to ask

22 you some questions. And I know you are

23 not the best person to answer them, but

0086

1 since you are the first, you get the

2 first shot at it.

3 I am a little bit unclear

4 about how things were organized in St.

5 Louis. And I am wondering if you could

6 kind of walk me through it. Was the

7 Krummrich plant -- well, let me just ask

8 you a broader question. St. Louis was

9 the headquarters?

10 A. Yes.

11 Q. How were they organized up

12 there? And that's a broad question. You
13 may not feel like you are able to answer
14 it, but do the best you can. And I am
15 not going to hold you to any of this.

16 This is all just background right now.

17 A. Yeah, basically at that time
18 Monsanto had divisional organization,
19 and they had several divisions. I was
20 most familiar with the Agricultural
21 Division. I was somewhat familiar with
22 the Organic Division.

23 Q. What were some of the other

0087

1 divisions?

2 A. They had the Inorganic
3 Division. I think at this time they had
4 Plastics and Resins Division. They
5 probably had a Textiles Division. They
6 had a Hydrocarbons Division. That's what
7 I remember in general about their
8 organization.

9 Q. Now, as we break these down,
10 was there somebody who was in charge of
11 the Agricultural Division?

12 A. Yes, there was division
13 general manager.

14 Q. That's what they were called,

15 division general managers?

16 A. At that time. And each

17 division had that type of person in

18 charge.

19 Q. Okay. Was the general

20 structure of each division similar?

21 A. Similar, but probably not

22 exactly alike.

23 Q. Well, let's talk about kind

0088

1 of the generic division structure. You

2 say there's a general manager for the

3 division?

4 A. Yeah.

5 Q. Then, how does it devolve

6 after that?

7 A. He would have had the sales

8 and marketing function. He would have

9 had a manufacturing function. He would

10 have had various staff, like controllers.

11 Q. Like what?

12 A. Controllers.

13 Q. Okay.

14 A. He would have had legal

15 staff. He would have had an engineering

16 staff. But at that time, Monsanto had a

17 central engineering organization and in

18 the divisions they had, still had
19 division groups which would do
20 preliminary engineering work and then
21 shift it into the Central Engineering
22 Department for implementation. So he
23 would have still had an engineering

0089

1 activity under him.

2 Each of these was headed by a
3 director, a director of manufacturing, a
4 director of marketing, this kind of
5 thing. The director of manufacturing
6 would have had the -- reporting to him
7 would have been all of the plant
8 managers, and some technical production
9 managers in a more or less staff position
10 who also had involvement with the plant
11 technical services organizations.

12 Q. I am sorry, would you say
13 that last part again?

14 A. They were in a staff
15 position, but they had involvement --
16 reporting through the director of
17 manufacturing, but they were involved
18 heavily with the plant technical services
19 superintendents.

20 Q. Now, I assume you were most

21 familiar with the agricultural makeup?

22 A. That's right. Essentially

23 all of my visits to St. Louis involved

0090

1 visits to the agricultural organization.

2 Q. Was there a headquarters

3 building in St. Louis?

4 A. Several.

5 Q. I have seen reference to

6 South 2nd Street.

7 A. South 2nd Street was an

8 original Monsanto headquarters.

9 Essentially that's where their, what they

10 called Queeny plant was located. In the

11 late fifties, they located their

12 headquarters into a suburban area in St.

13 Louis and that's where they were from

14 then on.

15 Q. Did that headquarters have a

16 name?

17 A. It was called just

18 headquarters. It was in a suburb called

19 Creve Coeur.

20 Q. What did the Queeny plant

21 make?

22 A. Mostly a variety of organic

23 chemicals. I only visited the Queeny

0091

1 plant one time. That was one of
2 Monsanto's, maybe their first plant, and
3 they made a variety of organic and
4 inorganic chemicals.

5 Q. The Krummrich plant, where
6 was it located and what did they make?

7 A. It was located in Illinois,
8 across the river from St. Louis, in east
9 St. Louis, and they made a variety of
10 organic and inorganic chemicals. Both of
11 these at the time were very large plants.

12 Q. Was the Krummrich plant much
13 larger than the Anniston plant?

14 A. Yes, much larger.

15 Q. The Organic Division, you may
16 not be able to answer this question, but
17 I need to ask it anyway, again since you
18 are the first person who might be able to
19 answer that we have deposed. Who was
20 what in the Organic Division in the late
21 sixties? For example, who was their
22 division manager?

23 A. I am not sure I recall who

0092

1 their division manager was at that time.
2 I believe that Mr. Stratmeyer, who was on

3 the list, was director of manufacturing.
4 And I believe at that time, Mr. Hosmer
5 was the technical production manager who
6 worked with the Anniston plant. And I am
7 not too sure who the general manager of
8 Organic Division was at that time.

9 Q. Okay.

10 MR. WRIGHT: Why don't we
11 take a quick break?

12 MR. KELLY: Okay.

13

14 (Whereupon, a brief recess was
15 taken.)

16

17 THE WITNESS: I remembered
18 the name of the chief chemist who
19 followed Mr. Miller. His name was Toby
20 Bell.

21 MR. WRIGHT: Okay. I have
22 seen him on later memos. All right.

23 Q. Did you ever do any work on

0093

1 the Aroclor facilities?

2 A. No.

3 Q. Not at all?

4 A. Not at all.

5 Q. Did you ever go into the

6 Aroclor area?

7 A. Probably only on three or

8 four occasions during this time. I

9 walked past it every day on the way to my

10 own area, but I had no occasion, really,

11 to go into the area.

12 Q. Were you ever aware of any

13 air sampling or monitoring for PCBs?

14 A. Not for PCBs.

15 Q. What was the air monitoring

16 for that you were familiar with?

17 A. It was for sulfur dioxide.

18 Q. That's all?

19 A. That's all that I'm aware of.

20 Q. Who was Ron Brown? In 1969,

21 what was his job?

22 A. I believe he was in the

23 laboratory, but I'm not too sure what his

0094

1 responsibilities were.

2 Q. Gene Barham, B-A-R-H-A-M?

3 A. Gene Barham? Gene was not at

4 the Anniston plant. He was associated

5 with a different Monsanto facility.

6 Q. Which one was he with?

7 A. I think he was with a plant

8 near Chicago that made plastic products.

9 And I'm not sure this Brown person --

10 Q. That might not have been the
11 same Brown?

12 A. This documentation here, is
13 it an --

14 Q. Let me show it to you.

15 A. -- inspection, or report of a
16 plant inspection?

17 Q. Yeah.

18 A. Okay. Those would have been
19 external people, I think.

20 Q. By external, what do you
21 mean?

22 A. From other plant who came in
23 and made an inspection of the Anniston

0095

1 facility. They shared plant inspections.
2 They had groups made up of people from
3 different plants and a bunch of other
4 plants.

5 Q. Okay.

6 A. We had a Mr. Brown, I
7 believe, but I'm not sure that's the one
8 I'm thinking of.

9 Q. Well, I will tell you what.

10 Let's go through this in some detail,
11 because it kind of has an organizational

12 chart. I am going to ask you what

13 happened to some of the people.

14 A. Okay.

15 Q. Now, another name that I've

16 seen several times is G.L. Bratch,

17 B-R-A-T-C-H. I think he went by Jerry or

18 Gerald.

19 A. I think he might have been a

20 person from another plant that might have

21 participated in some of these

22 inspections.

23 Q. Did you ever hear of any

0096

1 concerns about mercury in relation to the

2 Anniston plant?

3 A. Yes, there was some concerns

4 about mercury that, of course, was

5 utilizing the chlorine.

6 Q. When do you remember those

7 surfacing?

8 A. I think they surfaced at

9 about the time the chlorine plant ceased

10 operating, or maybe slightly before.

11 Q. In the late sixties?

12 A. Uh-huh (indicating

13 affirmatively).

14 Q. What do you remember about

15 those concerns?

16 A. I remember that there was

17 concern about possible mercury

18 contamination in the area where the

19 chlorine plant was located, possibly

20 mercury in the soil at that location.

21 Q. Where was that? On your map,

22 can you point that out?

23 A. The chlorine plant was right

0097

1 here (indicating).

2 Q. This white building here

3 (indicating)?

4 A. Yeah, uh-huh.

5 Q. Let's circle that. I lost

6 our red pen. Well, we'll have to do it

7 in blue. I am circling in blue the

8 chlorine plant.

9 A. Chlorine, uh-huh.

10 Q. Who did you hear those

11 concerns from?

12 A. I heard it in the plant.

13 Actually, as I worked in the technical

14 services group, I had some involvement

15 with that, and maybe it -- it was some

16 early involvement and some talk about

17 remediation in that area. But that's all

18 I got into, and then I don't know whether
19 it was just dropped or what the
20 resolution of that was.

21 Q. Is that your understanding of
22 why the chlorine plant ceased operation
23 is the contamination concerns?

0098

1 A. No, the chlorine plant ceased
2 operations because this was going away,
3 the Aroclor was going away, it was felt.
4 And also Monsanto had constructed and had
5 interest in other very, very large
6 chlorine facilities that it became more
7 economical to receive chlorine by tank
8 car than to manufacture it here.

9 Q. Now, in '69 the Aroclor
10 wasn't going away?

11 A. I know that the chlorine
12 plant disappeared primarily, because of
13 the facility at Pt. Comfort, Texas, for
14 instance, which was a very large chlorine
15 plant that Monsanto had an interest in.
16 So I guess that did precede even the
17 thought of the Aroclor going away, but
18 that's why they closed the chlorine
19 plant.

20 Q. Okay.

21 A. And they installed unloading
22 facilities to receive these cars. As a
23 matter of fact, you are right, because

0099

1 one of the unloading facilities was to
2 unload cars for Aroclor. And another one
3 was to upgrade a facility to unload cars
4 for organophosphate. This did go away.

5 Q. And was there a concern about
6 mercury releases outside of the plant?

7 A. I never remember any concern
8 about releases outside the plant of
9 mercury.

10 Q. Was there a concern about
11 mercury that was found outside the plant
12 in the waterways and so forth?

13 A. I don't remember --

14 MR. KELLY: Object to the
15 form.

16 A. I am not aware of any concern
17 about mercury in the waterways outside
18 the plant.

19 Q. Was the mercury remediated
20 from the site of the chlorine operation?

21 A. I am going to say, I don't
22 think it was ever remediated. I think it
23 was decided to -- everybody knew it was

0100

1 there -- just to not disturb it.

2 Q. Was something rebuilt on that
3 location?

4 A. That particular location, I
5 think it's a bare site today. I don't
6 think anything was ever rebuilt on that
7 area. There could have been some
8 remediation, but I wasn't involved in
9 them. I don't think -- I don't know if
10 it ever occurred, really.

11 Q. Who was in charge of that
12 chlorine operation?

13 A. At that time, Mr. Faulkner
14 was the supervisor and Mr. Williams was
15 the superintendent overall of the
16 manufacturing.

17 Q. I may have asked you this and
18 I just don't remember. Is Mr. Faulkner
19 still alive?

20 A. As far as I know, he is.

21 Q. In this area?

22 A. He's not in this area. He
23 may be in the Pensacola area. He was

0101

1 transferred from here to the Pensacola
2 plant.

3 Q. Is there anybody else that
4 was involved in the chlorine operation
5 that you know is still alive and in this
6 area or someplace where you know where
7 they are?

8 A. I am sure there are some
9 people who worked as operators or
10 mechanics that were associated with that
11 area that are still alive and in this
12 area. I don't know of any
13 supervisory-type person, other than Mr.
14 Faulkner, who might still be alive. And
15 I don't know which of these hourly-type
16 employees might actually have worked in
17 there and might still be alive. I never
18 had any direct involvement with the
19 chlorine operation.

20 Q. So you don't know anybody
21 other than Mr. Faulkner that's still
22 alive that you feel comfortable worked in
23 the chlorine operation?

0102

1 A. No, I don't.

2 Q. Okay. Were you ever involved
3 in any way with the landfill operation?

4 A. No, I was not.

5 Q. Did you ever go to the

6 landfill?

7 A. I think over the years I

8 might have made one or two observation

9 trips to the landfill, but that's it.

10 Q. What would that have been?

11 Why would you have made an observation

12 trip to the landfill?

13 A. I think it was just to see

14 the area and see where it was and that

15 was it.

16 Q. I mean, did you do that on

17 your own or were you told for a reason to

18 go over there and look at the landfill?

19 A. If I went, I was never told

20 to go to look at it.

21 Q. What, if anything, do you

22 remember about the landfill on the one or

23 two times you went over there?

0103

1 A. I remember that it was a

2 series of sales or pits where materials

3 were placed and covered later.

4 Q. Were these pits designated?

5 I mean, did they put different stuff in

6 different pits or were they just --

7 A. I don't really know whether

8 they had designated pits for certain

9 materials or not.

10 Q. Do you remember the
11 incinerator over there?

12 MR. KELLY: Object to the
13 form.

14 A. It was called -- excuse me?

15 MR. KELLY: I just objected
16 to the form.

17 Q. He doesn't like me talking
18 about incinerators either. Whenever he
19 objects, you can answer unless he tells
20 you not to answer.

21 A. Okay. I remember there was
22 an incinerator. It was called a tepee.
23 I think I did see that at one time. I

0104

1 saw the tepee.

2 Q. Did you see it in operation
3 or just see it?

4 A. I just saw it. It may have
5 been in construction. As I recall, it
6 did not function the way they had hoped
7 and I don't think it lasted very long.

8 Q. When you say tepee, you mean
9 tepee like an Indian tepee?

10 A. Yes. It sort of had a
11 cone-like structure.

12 Q. Who was in charge of, if you
13 know, the operation of that tepee
14 incinerator?

15 A. I don't know who actually
16 might have been in charge of that. I am
17 not sure whether that area came under Mr.
18 Taffee in the project group, which some
19 environmental things did come under him,
20 or whether it came under the laboratory
21 group or maybe the organic production
22 group. I'm just not sure who had direct
23 charge of that.

0105

1 Q. Mr. Walker and Mr. Sims said
2 the landfill was run by the shipping
3 group.

4 A. Well, I know that they moved
5 a lot of material up there. Whether they
6 actually ran it, I'm not sure. If those
7 two said it was, chances are it was.

8 Q. You can't think of anybody
9 else that you feel comfortable operated
10 the landfill operations or was in charge
11 of the landfill operations, I should say?

12 A. No, other than someone in
13 those three groups, which probably all
14 had involvement, I don't know who had

15 direct charge of it.

16 Q. And the three groups again

17 were the shipping --

18 A. Project engineering.

19 Q. Project engineering?

20 A. And laboratory.

21 Q. Why would the laboratory be

22 involved in the landfill?

23 A. I don't know exactly. Later

0106

1 on, as the environmental activities -- as

2 activity in the environmental area began

3 to increase, the chief chemist seemed to

4 have most of that responsibility for that

5 in the plant. So it may have been later

6 on that they were involved with the

7 landfill.

8 Q. All right. What was

9 maintenance's job?

10 A. Maintenance had overall

11 responsibility for the upkeep of plant

12 assets. They would do repair. They

13 would do maintenance work of a

14 preventative nature, maintenance work of

15 a breakdown nature. They had a

16 maintenance engineering group, which

17 tried to improve reliability of

18 equipment.

19 Q. Was it their job to fix

20 leaks?

21 A. Their job was to repair leaks

22 and, typically, if a leak occurred,

23 someone in the area where the leak

0107

1 occurred would turn in a work order and

2 describe what was going on and

3 maintenance would make the repair.

4 Q. Where were they located?

5 A. They were located in, at that

6 time, in this building right here

7 (indicating).

8 Q. And what was that building

9 called? Is that building 28?

10 A. Building 28, yeah.

11 Q. I have got a list here of

12 maintenance personnel from the 1969

13 inspection package.

14 A. Okay.

15 Q. Are any of those people still

16 alive and in the area?

17 A. Let's see. Mr. Ankeny, I'm

18 not sure he's in this immediate area, but

19 I think he's in Alabama. Mr. Tumlin

20 still lives in the area. He's retired.

21 Mr. Rogers, who left Monsanto in the
22 early seventies, still lives in the area.

23 Q. Where did Mr. Rogers go?

0108

1 A. He, I believe, went with
2 Federal Mogul Corporation. I am not too
3 sure. Mr. Mizzell, I think, is still
4 alive. As far as I know, Mr. Hill is
5 still alive and in the area. Mr.
6 Findley, I'm not sure where he would be.
7 Others, I know some are deceased and I
8 don't know where the others live.

9 Q. There are some on the back,
10 also. I mean, on the next page there.

11 A. Okay. Mr. Curry, Donald
12 Curry is still in the area. Mr. Snider
13 is still in the area.

14 Q. What was Mr. Curry's job?

15 A. He was project planner for
16 the south area.

17 Q. What does that mean?

18 A. That would probably include
19 the Aroclor area and the polyphenyl area,
20 and the chlorine area. It would
21 probably be anything south of the main
22 street through the plant.

23 Q. Now, the next page I've got

0109

1 is -- just for the record, so that we'll

2 know where to find this when we look

3 back, the pages that you were referring

4 to were DSW 085419 and 085420.

5 Page DSW 085421 appears to be

6 an organizational chart for organic

7 production. And I would like to do the

8 same exercise, if we can, for these

9 people, starting with Hill Williams, the

10 general superintendent. Is he still

11 alive?

12 A. Yes, but he's probably

13 retired from Monsanto St. Louis.

14 Q. When did he leave, or was he

15 in St. Louis at the time?

16 A. No, he was, as it says,

17 general superintendent for organic

18 production. He was here at that time.

19 Q. In Anniston?

20 A. Uh-huh (indicating

21 affirmatively).

22 Q. Bill Voss?

23 A. He's deceased. Burns

0110

1 Severson is deceased. Mr. Haydel is

2 probably -- at this time, he was Aroclor

3 muriatic supervisor, so I had thought he
4 was still in technical services, but he
5 was not. He's retired from the Luling
6 plant. Mr. Williams --

7 Q. Is he down there in
8 Louisiana, you think?

9 A. I'm sure he is.

10 Q. Okay.

11 A. Mr. Williams is retired,
12 lives in the area.

13 Q. That's Mark Williams?

14 A. Mark Williams. Mr. Lackey.

15 Q. Let's use their first and
16 last name. That way it will be easier
17 for us to find them.

18 A. Tom Lackey is retired and
19 lives the next town south of Anniston.
20 Lamar Faulkner, we think lives in the
21 Pensacola area.

22 Q. Right.

23 A. Norm Madison lives in the

0111

1 Anniston area. Nick Finley is deceased.
2 Mike Mullally is deceased. Harris Powell
3 lives in Birmingham and Troy Tally lives
4 in the Anniston area.

5 Q. Did all of those people

6 retire from Monsanto or did some of them

7 leave before they retired?

8 A. Mr. Voss left before he

9 retired. I think the others were retired

10 and stayed in the Anniston area.

11 Q. Did you have anything to do

12 with the health, with any health

13 programs?

14 A. No, I did not.

15 Q. Now, the next page of our

16 organizational chart is DSW 085424. It's

17 entitled "Technical Services and

18 Laboratory." And this is the one where

19 you appear?

20 A. I am, uh-huh.

21 Q. It describes you as

22 engineering supervisor, product area 1?

23 A. Right.

0112

1 Q. What was product area 1?

2 A. That was the organophosphate

3 area, paranitrophenol and P2 S5.

4 Essentially the agricultural type

5 products, but I mentioned we did have

6 involvement with the muriatic acid aspect

7 of Aroclor.

8 Q. Vince Haupt was the one over

9 product area 2, and that's what would

10 incorporate the Aroclor area, correct?

11 A. Yes.

12 Q. Is he still alive?

13 A. Yes, he is. He retired from

14 the Luling plant. I don't remember where

15 he lives right now.

16 Q. Do you remember about when he

17 retired from the Luling plant?

18 A. No. I would hate to even

19 guess. It would probably have been as

20 much as ten years ago.

21 Q. Where is the Luling plant?

22 A. It's in south Louisiana.

23 It's essentially across the Mississippi

0113

1 River from the New Orleans airport. You

2 go to New Orleans, you fly right over it,

3 right smack down the middle of it, into

4 the runway across the river.

5 Q. Bill Niemeyer?

6 A. I don't know where Mr.

7 Niemeyer is. He relocated to one of the

8 engineering departments in St. Louis.

9 Q. That's where you lost track

10 of him?

11 A. Yes.

12 Q. Dan Self?

13 A. He was one of the engineers
14 who, unfortunately, was let go in the
15 early seventies.

16 Q. You don't know where he is?

17 A. No, I don't.

18 Q. John Jones?

19 A. He was a co-op student. I
20 don't know where John went to work.

21 Q. Ed Bowles, B-O-W-L-E-S?

22 A. He is with Monsanto in
23 Pensacola.

0114

1 Q. Charles McMillan?

2 A. No, McIlwain.

3 Q. McIlwain. Let's spell it for
4 the court reporter. M-C-I-L-W-A-I-N.

5 A. I think he left the company.

6 And Jim Mattern is at the Pensacola
7 facility. He may be retired now.

8 Q. Then, over here on the next
9 page, Bill Taffee?

10 A. Yes.

11 Q. Explain again what his job
12 is. And I apologize, because I know you
13 have said it before.

14 A. This is what I would have

15 called the project engineering group
16 versus the process engineering group. He
17 is still alive, lives in Anniston. Jack
18 Price is alive, lives in Anniston. Jerry
19 Besay works at the Luling plant.

20 Q. Jim House, do you know about
21 him?

22 A. He's deceased.

23 Q. Okay.

0115

1 A. Let's see. This may be a
2 different Jim House. No, I don't know
3 about him. We had an operator named Jim
4 House that is deceased. I'm sorry.

5 Q. These three engineers here,
6 did you know any of them? Glen
7 Morgan -- or no.

8 A. Brody Morgan.

9 Q. Brody Morgan. I'm reading
10 upside down.

11 A. Not really.

12 Q. Glen Ritchie?

13 A. I knew him at the time, but I
14 don't know anything about him.

15 Q. Russ Carlisle?

16 A. He's retired, lives in the
17 Anniston area.

18 Q. Bunky Wright?

19 A. He left Monsanto and went to
20 work for the City of Chattanooga.

21 Q. Ron Brewer?

22 A. He was transferred to a plant
23 in Michigan, I think, and I don't know

0116

1 whether he's still working there or

2 whether he is retired.

3 Q. Is that Red --

4 A. Goodwin.

5 Q. -- Goodwin?

6 A. He left Monsanto. I don't
7 know where he went to.

8 Q. You don't know if he's still
9 in the area or not?

10 A. I don't know. He wasn't from
11 the area. I think he moved back to --
12 Bill Dunlap is retired and lives in the
13 area.

14 Q. Lamar Murphree?

15 A. Lamar Murphree is in one of
16 the company accounting groups in St.
17 Louis. He may be living in the area and
18 kind of working from the area.

19 Q. The next section, still in
20 the technical services and laboratory

21 area, is on page DSW 085426. And that
22 shows Gerald Miller as the chief chemist
23 at that time, like you were saying.

0117

1 A. Yes.

2 Q. Toby Bell, as the senior
3 chemist and the process group leader?

4 A. Uh-huh (indicating
5 affirmatively).

6 Q. What was that job?

7 A. As you see here, we had some
8 chemists identified as process. These
9 people worked on process development.
10 They would develop, work on issues
11 involving the processes themselves versus
12 any analytical lab-type activity. They
13 would work on possible new processes,
14 optimization of present processes.

15 Q. What about pollution control
16 or pollution abatement? Who would have
17 done that kind of stuff?

18 A. At that time -- where did we
19 see Mr. Wright at that time?

20 Q. Bunky Wright?

21 A. Yeah.

22 Q. Engineering 2, pollution
23 control?

0118

1 A. That would have been the one
2 who did the pollution work.

3 Q. Okay.

4 A. He worked very closely with
5 the analytical group here (indicating).

6 Q. With the analytical chemists
7 that we are about to go through the list
8 of?

9 A. Yes.

10 Q. Toby Bell, what do you know
11 about him?

12 A. Toby took Mr. Miller's job.
13 Mr. Miller was transferred. And he
14 became, I think shortly after this
15 inspection, I think, he became chief
16 chemist. And Mr. Howard --

17 Q. Is he still around?

18 A. No, he's deceased.

19 Q. Toby Bell is deceased?

20 A. Yes. And Mr. Howard is no
21 longer with Monsanto. He left Monsanto
22 about this time.

23 Q. You don't know where he is, I

0119

1 assume?

2 A. No, I don't.

3 Q. Okay.

4 A. Arnett, Gene Arnett is

5 retired and still in the area. Jerry

6 Brown is. Of course, you know who Jerry

7 is, I'm sure.

8 Q. Uh-huh (indicating

9 affirmatively).

10 A. Ish Ransaw is at the Luling

11 plant. He may be approaching

12 retirement. Bud Kemp retired from

13 Monsanto. He's in the area.

14 Q. He was the analytical

15 supervisor at the time.

16 A. Yeah.

17 Q. Don Turner?

18 A. I don't know where Don is.

19 Q. Don Yates? Oh, no, John

20 Wooster?

21 A. John Wooster is retired and

22 in the area. John Yates is retired and

23 in the area. Dan Blackstone is still

0120

1 employed in this facility. Andy Bonds is

2 retired and in the area. Jim Brooks left

3 Monsanto shortly after this. Gene Brown,

4 that's the Brown I thought you were

5 talking about a while ago on the from of

6 the inspection report, one of the
7 inspectors. I don't know if he's in the
8 area or not. He did not retire. Jerry
9 Hopper still works in the environmental
10 area at the plant. Gerald Maddox, I
11 don't remember what happened. Andy
12 Nelson later moved into a different
13 department in the plant. He's retired
14 and lives in the area.

15 Q. Were you part of the
16 Technical Services Department when they
17 started doing PCB analysis, trying to
18 quantify PCBs in various things like the
19 plant effluent and in sediment that was
20 collected down the street?

21 A. I think so. On that earlier
22 memo we were looking at, I believe I was
23 in that group at that time. That was in

0121
1 '69?

2 Q. Yes.

3 A. Yes, I was an engineering
4 supervisor.

5 Q. And you left that group when?

6 A. I left that group in,
7 actually, February of 1972.

8 Q. During that period, 69, '70,

9 '71, did you have any involvement in
10 either the collection of samples or the
11 analysis of samples for PCB residue?

12 A. No, sir, none whatsoever.

13 Q. Did you have any input into,
14 for example, where samples should be
15 taken from, how they should be taken, or
16 anything like that?

17 A. None at all.

18 Q. I didn't think so, but I
19 needed to ask.

20 MR. WRIGHT: Why don't we
21 attach -- we'll just attach the
22 organizational sheets as an exhibit.

23

0122

1 (Whereupon, a discussion was held
2 off the record.)

3

4 (Whereupon, Plaintiff's Exhibit 3
5 was marked for identification and
6 same is attached hereto.)

7

8 Q. All right. We have marked
9 as Exhibit 3 the organizational charts
10 that we were talking through a few
11 minutes ago.

12 Let me ask you now, I am
13 going to go through some other random
14 things that are -- that your name shows
15 up on.

16 A. Okay.

17 Q. And most of them are going to
18 be things similar to that July '69 memo
19 that we talked about. So you may not
20 know much about it, but I want to ask you
21 and see whether you know anything about
22 it or not.

23 Here is the July '70 memo

0123

1 that has most of the same people
2 referenced discussing Aroclor losses from
3 the Anniston plant. Again, you were not
4 involved in --

5 A. No, we were copied in just
6 because of the fact that we were in this
7 group.

8 Q. Okay.

9 A. Of course, this was the
10 plant manager then. This was the general
11 manufacturing superintendent.

12 Q. G.L. Jesse?

13 A. He was the plant manager.
14 Mr. Corder was manufacturing

15 superintendent. Mr. Miller, at that time
16 I think was supervisor over in polyphenyl
17 and Mr. Bell was probably chief chemist
18 at that time.

19 Q. They talked here and this is
20 why I asked you earlier about air
21 monitoring for Aroclor. Item number 3 on
22 this future work list is, "Sample and
23 analyze ambient air for Aroclor

0124
1 content." Do you remember that ever
2 being done?

3 A. No, I do not.

4 Q. The next item, item number 4,
5 is "Sample and analyze tank vents in the
6 Aroclor Department to pinpoint
7 atmospheric loss points." Do you know
8 anything about that ever being done?

9 A. No, I do not.

10 Q. Do you know anything about
11 how the Analytical Department operated in
12 performing its function? For example,
13 when they wanted to sample, say,
14 effluent, do you know anything about the
15 process that they went through?

16 MR. KELLY: Effluent from any
17 particular area or overall?

18 Q. Let's just say overall for
19 right now. For example, who would
20 collect the sample?

21 A. An effluent sample would have
22 been, more than likely, collected by
23 somebody from the lab itself or somebody

0125

1 involved with environmental activities.

2 Q. And then what happens? I
3 guess, can you -- do you know enough to
4 be able to walk me through the process?

5 A. Only that the sample would be
6 identified and taken to the lab and
7 analyzed.

8 Q. Did they keep notebooks, for
9 example?

10 A. They would have kept very
11 good records for all analytical work.

12 Q. Did you ever see them go
13 through that process?

14 A. Of sampling or analyzing?

15 Q. Both.

16 A. Other than just a notice,
17 maybe someone out sampling an effluent
18 stream, I would never go into the lab to
19 observe the analysis.

20 Q. Do you know anything about

21 any remedies that they tried to do to

22 reduce Aroclor losses?

23 A. Nothing specifically that was

0126

1 tried. I notice there were some losses

2 in the muriatic acid area and I don't

3 know of any specific remedies that were

4 implemented in that time frame of mid-'69

5 to reduce those losses. As I understand,

6 it was about six pounds per day.

7 Q. The reason you are talking

8 about that is because that's the area

9 that --

10 A. That's the area I worked in.

11 Q. -- you might have been

12 involved in?

13 A. But I don't remember our

14 group doing anything that was directly

15 associated with that loss. It was

16 probably considered one of the minor

17 losses during that time. I don't really

18 know that, either. That's speculation. I

19 don't recall any.

20 Q. Now, you were talking about

21 the '69 time frame. Let me broaden it.

22 Are you aware of any things that were

23 done until the plant was -- until the

0127

1 Aroclor plant was shut down to try to

2 reduce Aroclor losses?

3 A. Not specifically, no.

4 Q. What about generally?

5 A. Not that way either, other

6 than maybe have a knowledge that

7 something might have been going on to

8 reduce losses. But I wouldn't have had

9 any specific knowledge or a general

10 knowledge of what might be going on to

11 reduce losses.

12 Q. Focusing on the muriatic acid

13 aspect, my understanding is that the HCL

14 off cast was combined with water?

15 A. That's right.

16 Q. And then the excess water

17 from that operation was routed into the

18 sewer system into a limestone pit?

19 A. That's correct.

20 Q. And then on out into the

21 drainage ditch?

22 A. Any runoff, rain or something

23 happened to leak or be spilled, it went

0128

1 that way through the limestone bed for

2 further neutralization and then out the

3 drainage ditch. The acid itself was made
4 at specific concentration and placed in a
5 storage tank and shipped from there.

6 Q. Did you ever have any
7 involvement in looking at the sewer
8 system or the limestone pit or the
9 drainage ditch on out of the plant?

10 A. No.

11 Q. Other than just driving by
12 it?

13 A. That's all.

14 Q. That's the extent of your
15 involvement?

16 A. That's the extent of it,
17 uh-huh.

18 Q. Let me just ask you this:
19 Did you ever have any involvement or
20 interaction at all with any of the people
21 in the neighborhood there around the
22 plant?

23 A. No. That never was my

0129
1 responsibility.

2 Q. Do you remember anything
3 about the area around the plant there?

4 A. The area I would have been
5 involved in involved sulfur dioxide,

6 SO2. And I know that there were some
7 monitoring stations established at
8 various places around the plant to check
9 for that. I know there was occasional
10 complaints, but I never investigated any
11 complaints. I never visited anybody. I
12 had nothing do with the monitoring
13 stations. That would have been the only
14 thing that I would have had any activity
15 at all in.

16 Q. Do you remember when that
17 sulfur dioxide became an issue?

18 A. It was probably an issue
19 beginning in the early sixties.

20 Q. Is that when the monitoring
21 was?

22 A. I think the monitoring
23 actually occurred maybe later in that

0130

1 decade, mid-sixties or later. I'm not
2 sure about that.

3 Q. Let me ask you about what is
4 called, in some documents I have seen,
5 the HCL sewer. Is that the same sewer
6 that comes off of the muriatic acid
7 facility?

8 A. I'm sure that is the same

9 sewer. The HCL that was made at the
10 organophosphate plant went in a common
11 sewer with everything else.

12 Q. There is a discussion of a
13 catch tank being installed in the HCL gas
14 line. Does that ring any bells?

15 A. One bell. I think my group
16 had responsibility in that area and we
17 didn't -- we did install one tank that
18 was called the coke scrubber, C-O-K-E
19 scrubber. There had previously been one,
20 and for some reason it was removed, some
21 modification there. Later on, it was
22 felt that it might have reduced any
23 Aroclor contamination that might be in

0131

1 the HCL stream and so we put it back in.

2 Q. When was it taken out?

3 A. I'm not sure when it was
4 taken out.

5 Q. Was that before your time?

6 A. Yeah. It was reinstalled
7 during my time.

8 Q. And what did it do?

9 A. It simply, the HCL gas simply
10 flowed through this and contacted coke,
11 which you might say is just carbon, and

12 some of the organics that might have been
13 entrained in the HCL gas would have been
14 absorbed on the carbon.

15 Q. Is that the carbon
16 adsorption?

17 A. No. Well, I wouldn't say
18 so. We simply called it a coke scrubber.
19 That's the only one we had any
20 involvement with.

21 Q. All right.

22 A. Instead of some fine
23 high-priced carbon, we just simply put

0132

1 foundry coke in there, which served the
2 same purpose.

3 Q. And did that stay in
4 operation, then, until the Aroclor plant
5 shut down?

6 A. As far as I know, it did.

7 Q. Was it torn down when the
8 Aroclor plant was torn down?

9 A. I'm sure it was. It was not
10 a large tank or a large vessel.

11 Q. What were the HCL carbon
12 towers? Is that what you are talking
13 about?

14 A. HCL carbon towers? That's

15 not exactly what I'm talking about, and
16 I'm not sure in what part of the process
17 they existed there.

18 Q. Let me read you this
19 sentence, then you can help me decipher
20 it.

21 A. Okay.

22 Q. "Since the installation of a
23 catch tank in the HCL gas line, and a

0133

1 coalescer in the acid stream, the Aroclor
2 content in the waste acid stream has been
3 greatly reduced."

4 A. The scrubber was a project I
5 was involved in, or my people were
6 involved in. I'm not sure about the
7 coalescer.

8 Q. By the scrubber, you think
9 that's the catch tank in the HCL gas line
10 that they are talking about?

11 A. I think so. It formerly was
12 referred to as a coke scrubber.

13 Q. Okay. Now, it goes on to
14 say, "Based on this data, a decision was
15 made not to route this stream to the sump
16 presently being installed." Do you know
17 what sump they are talking about?

18 A. No. I would be unsure as to

19 what sump they were talking about.

20 Q. "This resulted in a

21 substantial saving on installing the

22 sump. However, at times the spent carbon

23 from the HCL carbon towers is dumped into

0134

1 this sewer." What would the spent carbon

2 from the HCL carbon towers be?

3 A. I'm not sure what that was.

4 Q. Okay.

5 A. I could speculate that it

6 might be some cleanup before it entered

7 the storage tank or some further attempt

8 to take out organics, which is what

9 carbon does.

10 Q. Okay.

11 A. I would have to see a diagram

12 of the process to really pick that out.

13 Q. All right. Do you remember

14 the trial of a carbon adsorption system

15 for reducing Aroclor emissions, other

16 than this coke scrubber that you talked

17 about?

18 A. No, I don't.

19 Q. Do you remember anything

20 about a reactor clarifier for removing

21 PCBs?

22 A. No, I don't.

23 Q. Now, the Parathion Department

0135

1 had an incinerator, correct?

2 A. Yes.

3 Q. Can you describe that

4 incinerator?

5 A. Over the period of time that

6 the department operated, it actually had

7 three incinerators. These were changed

8 or enlarged or modified as a result of

9 various expansions. The incinerator

10 burned what we call a distillation

11 residue, which was material that was not

12 recovered for intermediate use. It

13 consisted of sulfur, elemental sulfur and

14 then various organophosphate compounds.

15 And these were incinerated and the

16 effluent was quenched and scrubbed and

17 primarily what was exhausted from the

18 stack that would have been a, other than

19 combustion products, normal combustion

20 products, would have been sulfur dioxide,

21 which doesn't absorb.

22 Now, this was used for two

23 incinerators. By the time the last

0136

1 incinerator went in service, we were
2 removing sulfur by other methods and did
3 not have the sulfur dioxide.

4 Q. Was anything else burned in
5 that particular incinerator?

6 A. That was an alternate means
7 of burning hydrogen sulfide. The primary
8 means for burning hydrogen sulfide was up
9 through a flare tower, but it could be
10 burned in the incinerator, also. It also
11 generated sulfur dioxide.

12 Q. Do you remember a concern
13 about hydrogen sulfide leaving the plant
14 premises?

15 A. Hydrogen sulfide, per se, I
16 don't remember a concern about it leaving
17 the plant premises. That would have had
18 to have been -- no hydrogen sulfide, to
19 my knowledge, or when I was there, was
20 ever just vented. It was always
21 incinerated in a flare or in an
22 incinerator.

23 Q. Were there times that the

0137

1 flare didn't work or the incinerator
2 didn't work?

3 A. If that was the case, nothing
4 operated that generated hydrogen
5 sulfide. The only way hydrogen sulfide
6 would be released would be in an
7 equipment failure or safety device
8 activated. That happened on a few
9 occasions and that would simply release
10 what we would call the head space on our
11 reactor.

12 Q. Let me show you a memo, DSW
13 082526. I will let you take a minute to
14 look at it and then I will ask you about
15 some of the specific things in there.

16 A. (Witness reading.) I'm sure
17 that happened just as it says there.

18 Q. Well, let me lead into it so
19 when we read the depo we'll know what we
20 are talking about. This is a memo dated
21 January 27, 1978 from J.L. Brown to you
22 and to J.R. Walker. Who was J.R. Walker,
23 by the way?

0138

1 A. Dicky Walker.

2 Q. Oh, Dicky Walker. Okay. It
3 says, "Several discharges of biological
4 sludge through the 42-inch storm sewer
5 have been detected in the past few

6 months. As you are aware, we have
7 already received a severe letter from
8 AWIC concerning such discharges. It is
9 highly probable that their next
10 observation of this will result in a fine
11 and/or court action." What is that
12 talking about?

13 A. We were not supposed to
14 discharge anything resembling biological
15 sludge through the storm sewer system.
16 This should have all gone in the waste
17 treatment plant.

18 Q. By biological sludge, what do
19 you mean?

20 A. That's sludge that's
21 generated in the typical aeration-type
22 waste treatment. It primarily consists
23 of deceased organisms that have done

0139

1 their job and passed on.

2 Q. Later on, y'all started doing
3 some groundwater monitoring around there?

4 A. Uh-huh (indicating
5 affirmatively).

6 Q. Were you involved in that?

7 A. No. I think by that time all
8 of that activity had been placed under

9 the laboratory.

10 Q. At some point -- let me ask
11 it this way. Were you ever aware of any
12 attempt to gather health information
13 about the health of the workers there at
14 the Anniston plant?

15 A. Yes, in later years as
16 industrial hygiene became active, I'm
17 aware that health information was
18 gathered through our people in the plant.

19 Q. How was it gathered?

20 A. I'm not too sure about that.
21 Basically, I don't know how it was
22 obtained.

23 Q. Who was in charge of that?

0140

1 A. It's speculation, but I feel
2 that the laboratory and the plant safety
3 department at that time would have been
4 involved in that.

5 Q. I have seen reference to a
6 B.W. Eley, E-L-E-Y.

7 A. I think he was industrial
8 hygiene in the St. Louis area at that
9 time.

10 Q. Let me ask you about this
11 particular memo. On page DSW 085521,

12 there's reference to retrospective work

13 history of salaried and hourly

14 employees. Do you see that?

15 A. Yes.

16 Q. A February meeting of Jan

17 Yung, Y-U-N-G, epidemiologist in DMEH.

18 Do you know what DMEH is?

19 A. That would have been --

20 I think that would have been a company

21 department that dealt with industrial

22 hygiene.

23 Q. Jan Yung, did you ever have

0141

1 any involvement with that person?

2 A. No.

3 Q. Bob Peck, industrial

4 hygienist in DMEH, same thing?

5 A. No involvement there.

6 Q. And B.W. Eley, E-L-E-Y,

7 manager of safety/health for MAPC?

8 A. I just know the name. I

9 don't know that I ever met the

10 individual.

11 Q. What does MAPC stand for?

12 A. At this point Monsanto

13 Agricultural Products Company versus the

14 former Agricultural Division.

15 Q. And then later on it says,
16 "B.W. Eley, manager of safety/health for
17 MAPC, and involved plant personnel is
18 planned to discuss the retrospective work
19 history and future description of," and
20 it looks like MEHI, or -- (indicating).
21 It's this word right here (indicating).
22 I can't make it out.

23 A. It looks like MEHI.

0142

1 Q. Do you know what MEHI is?

2 A. Future direction of -- I
3 don't know what that is. I think DMEH
4 was Department of Medicine and
5 Environmental Health.

6 Q. That would make sense.

7 A. I don't know what MEHI is.

8 Q. Let me ask you about another
9 thing on here that you may or may not
10 know anything about. See down here at
11 item 6, it says "Monitoring Activities"?

12 A. Uh-huh (indicating
13 affirmatively).

14 Q. "Four employees monitored for
15 PNCB exposure in the PNP department"?

16 A. Uh-huh (indicating
17 affirmatively).

18 Q. What is that referring to?

19 A. Is this something that came

20 off of a monthly report?

21 Q. Yeah, let me tell you what it

22 is. It is from a monthly report. This

23 is a series of monthly reports that you

0143

1 were cc'd on. It's entitled, "Technical

2 Engineering Report," and this particular

3 one is from January 1984.

4 A. 1984?

5 Q. Yes.

6 A. By that time, monitoring

7 activities were plantwide and continuing,

8 involving some statistical determination

9 of employees to be monitored and areas

10 and all of that.

11 Q. By monitoring, what does that

12 mean, when it says four employees were

13 monitored?

14 A. There was probably attached

15 to that employee some sort of device that

16 as they went through their daily

17 activities, it would detect these

18 compounds. That's my guess. I wasn't

19 directly involved in that.

20 Q. Would they just randomly pick

21 people to wear the devices for a

22 particular day?

23 A. I think they did that

0144

1 randomly and probably on some statistical

2 base.

3 Q. This next one says,

4 "Fifty-three employees were monitored for

5 plasma and red blood cell cholinesterase

6 activity."

7 A. Yeah.

8 Q. What did that refer to?

9 A. That was a blood sample that

10 is taken to determine if a person has

11 suffered a decrease in cholinesterase

12 activity as a result of organophosphate

13 exposure.

14 Q. Did you find that from time

15 to time?

16 A. I don't know what the results

17 might been here. This was very common

18 even before I arrived in the

19 organophosphate operation to periodically

20 test blood. First, a level was

21 established and then we tested it against

22 your level periodically in the future.

23 Q. Did they do that with you?

0145

1 A. Yes. I probably was not
2 involved in this monitoring that occurred
3 right here (indicating).

4 Q. Do you ever remember there
5 being times when they found
6 cholinesterase effects from exposure?

7 A. I remember one occasion that
8 some people were exposed to these type
9 compounds and they did suffer a decrease
10 in their cholinesterase. And, in fact,
11 more than one was hospitalized as a
12 result of that occurrence.

13 Q. When would that have been?

14 A. It would have probably been
15 late sixties, early seventies time
16 frame. This occurred when several
17 employees were cleaning a tank car which
18 had arrived from a customer. Apparently,
19 it was still contaminated with some of
20 their product, which was a more potent
21 cholinesterase inhibitor than what was
22 made in our plant. I believe on that
23 occasion that there were some people sent

0146

1 to the hospital.

2 That's the only major

3 incident I remember. I don't remember
4 anyone ever just suffering a depressed
5 cholinesterase level that could be
6 attributed to any Parathion exposure.
7 Some people had different levels than
8 others. Some were quite low normally and
9 some were high.

10 Q. Do you ever remember any
11 similar-type testing for PCBs?

12 A. If they did that, I don't
13 remember any blood-type testing. I'm not
14 aware of what kind of testing occurred
15 for PCBs.

16 Q. So you are not aware of any
17 testing for PCBs?

18 A. No.

19 Q. Do you ever remember concern
20 about benzene leaving the plant premises?

21 A. Benzene leaving? I don't
22 remember any incidence of benzene
23 leaving. I know there would be concern

0147
1 about the possibility of incidence of
2 benzene leaving.

3 Q. Let me just broaden the
4 question. I think I can save us all
5 time. Do you remember there ever being

6 a concern about anything leaving the

7 plant other than PCBs?

8 A. I think there was concern

9 about the possibility or potential for

10 the organophosphate-type products to

11 leave the plant. And I think monitoring

12 and sampling went on in certain instances

13 to try to determine this. I couldn't

14 point to any specific incident or

15 specific concern.

16 Q. Do you remember any specific

17 time frame when that concern was more

18 evident?

19 MR. KELLY: Object to the

20 form. And, Larry, when you are asking

21 that question, are you talking about a

22 concern that it had left?

23 MR. WRIGHT: Yes.

0148

1 MR. KELLY: Or the concern

2 for the potential to leave?

3 MR. WRIGHT: A concern that

4 it had left or was leaving.

5 A. I don't remember any

6 particular time frame. I know that

7 monitoring did occur of ditches outside

8 the plant fence to detect anything.

9 Q. By monitoring, do you mean
10 sampling?

11 A. Sampling and analysis and
12 checking.

13 Q. Were there any permanent
14 monitors set up for monitoring that, or
15 was it just --

16 A. I don't know if there were
17 any permanent monitors. There were
18 permanent locations where the monitoring
19 took place, but it probably involved
20 going to taking a sample. And in later
21 years, there may have been some types of
22 automatic samplers put in these places.
23 I couldn't specify a time frame for that,

0149
1 either.

2 Q. I know this wasn't your area,
3 sir, but did you ever see any Aroclor
4 spills or leaks?

5 A. In the production areas?

6 Q. Yes, anywhere.

7 A. Yes, there were. Like in the
8 production area, there would be leaks of
9 Aroclors. There were two types of
10 Aroclors, one called solid Aroclor, and
11 this would set up like brick

12 immediately. Liquid Aroclors would be
13 picked up with sand, or whatever, in
14 containers and disposed of, probably in
15 the landfill at that time.

16 Q. Did you see them?

17 A. Not -- I didn't walk through
18 the area that much.

19 Q. I know. That's why I'm just
20 asking. This is just kind of --

21 A. I might have just, in
22 glancing over, seen somebody cleaning up
23 where a pump seal might have leaked or

0150

1 something like that, or a gasket failed,
2 but I can't remember specifically how
3 much. But it would be typical to
4 occasionally experience leaks that would
5 be cleaned up.

6 Q. Okay. So you remember seeing
7 them around; just nothing sticks out in
8 your mind about any specific instance?

9 A. No, nothing does, and it
10 would have been included in an overall
11 housekeeping effort to not let this
12 occur. I don't remember any gross
13 amounts or anything like that.

14 Q. Nothing stands out?

15 A. No.

16 Q. As being unusual or out of
17 the ordinary?

18 A. Uh-uh (indicating
19 negatively).

20 MR. WRIGHT: Why don't we
21 take a quick break and we may be
22 through.

23

0151

1 (Whereupon, a brief recess was
2 taken.)

3

4 Q. (BY MR. WRIGHT:) We are
5 almost finished. I just wanted to go
6 back for a minute to, we talked about
7 when you became aware of a concern about
8 Aroclors.

9 A. Uh-huh.

10 Q. And I'm not sure we talked
11 about -- I think I may have kind of
12 changed the subject on you before we
13 finished that. And I wanted to make sure
14 we got a chance to finish it. You
15 indicated that your first awareness of
16 concerns about Aroclors was a year or so
17 on either side of 1970?

18 A. I would say so.

19 Q. And what did you hear the
20 concern to be or concerns about Aroclors
21 to be?

22 A. Again, I'm not too certain of
23 the years, but I think the first concerns

0152

1 we began to hear or read about had to do
2 with the Peregrine falcon, the problems
3 with eggs along the Hudson River Valley
4 and these areas. Again, I couldn't
5 specify that that was within that exact
6 time frame, but that's the first concern
7 I remember. I remember reading the
8 articles about it and maybe hearing it
9 commented on.

10 Q. I assume there was discussion
11 around the plant about those things?

12 MR. KELLY: Object to the
13 form.

14 Q. Is that true?

15 A. Yeah, there was. Since they
16 manufactured the product, there was
17 discussion about it.

18 Q. What do you remember next
19 about the Peregrine falcon in the Hudson
20 Valley?

21 A. Not very much, other than
22 just to maybe occasionally read something
23 about the problem that might exist with

0153

1 Aroclors. I wasn't, again, directly
2 involved with them and I didn't make any
3 investigation on my own. I didn't try to
4 really learn that much.

5 Q. I am just trying to -- since
6 you were there and I wasn't, I am just
7 trying to exhaust your memory about what
8 you heard around the plant about the
9 concerns about Aroclors.

10 A. Okay. Well, there was, to my
11 knowledge, no great amount of discussion
12 or concern in the sense that you would
13 hear about it wherever you went or all
14 day, or something like that. You would
15 hear it mentioned. But other than the
16 normal activities of trying to
17 manufacture it correctly and clean up
18 correctly, I know there was always a
19 great deal of concern in those areas.

20 Q. But you don't remember it
21 being a particular or unusual concern?

22 MR. KELLY: Object to the
23 form.

0154

1 A. I don't remember that.

2 Q. I assume that also means that

3 your recollection doesn't include a large

4 amount of activity to deal with it?

5 A. That's true. There was very

6 little direct activity on my part dealing

7 with those products.

8 Q. What about observation of

9 activity by others? Do you have a

10 recollection about people being all

11 stirred up and in a flurry of activity

12 over Aroclor concerns?

13 MR. KELLY: Object to the

14 form.

15 A. I remember activity, but I

16 don't remember a great stir or great

17 flurry. I remember activity in the area

18 of the limestone bed, making sure that it

19 was adequately stocked with limestone.

20 And I think in addition to serving as a

21 neutralization facility for muriatic

22 acid, I think it possibly also served as

23 a filtering system which would pick up

0155

1 Aroclors. It was periodically cleaned

2 out and hauled to the landfill, but

3 again, direct involvement, I didn't have

4 any, other than just observation.

5 Q. Okay. And that's the only

6 activity that you recollect observing

7 relating to Aroclor reduction or

8 remediation?

9 A. Yes.

10 Q. All right. When the plant

11 was shut down, how did you hear that the

12 plant was going to be shut down, the

13 Aroclor plant?

14 A. I don't know directly how I

15 heard about it. What year are we talking

16 about?

17 Q. '72.

18 A. Okay. In '72, I was in the

19 accounting department. And one of my

20 jobs in the accounting department would

21 have been to handle the retirement

22 associated with the dismantling of the

23 equipment, get this off the books. And I

0156

1 remember doing that.

2 Q. What happened to the

3 dismantled plant?

4 A. I'm not sure what actually

5 happened to it. I haven't -- I'm

6 speculating that the equipment that was
7 contaminated for any contact with Aroclor
8 would have been moved up to the landfill
9 and eventually covered in that area. And
10 that, again, is somewhat speculation.

11 MR. WRIGHT: Okay. Thank you
12 for your time, Mr. McCarty. I think we
13 are finished.

14

15 FURTHER DEPONENT SAITH NOT

16

17

18

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0157

1 CERTIFICATE

2

3 STATE OF ALABAMA

4 JEFFERSON COUNTY

5

6 I hereby certify that the
7 above and foregoing hearing was taken
8 down by me in stenotype and the colloquy

9 thereto were transcribed by means of
10 computer-aided transcription, and that
11 the foregoing represents a true and
12 correct transcript of the testimony given
13 by said witness upon said hearing.

14 I further certify that I am
15 neither of counsel, nor of kin to the
16 parties to the action, nor am I in
17 anywise interested in the result of said
18 cause.

19

20

21

22 MICKEY TURNER

23