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1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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3 PENNSYLVANIA DEPARTMENT OF GENERAL)
4 SERVICE, PENNSYLVANIA DEPARTMENT)
5 OF TRANSPORTATION,)
6 PENNSYLVANIA PUBLIC UTILITY)
7 COMMISSION, PENNSYLVANIA EMERGENCY)
8 MANAGEMENT AGENCY, PENNSYLVANIA)
9 DEPARTMENT OF STATE,)

10 Plaintiffs,)

11 vs.) 284 M.D. 1990

12 UNITED STATES MINERAL PRODUCTS)
13 COMPANY, CERTAINTIED CORPORATION,)
14 COURTAULDS AEROSPACE, INC;)
15 CHEMREX, INC.; PHILIPS ELECTRONICS)
16 NORTH AMERICA CORPORATION,)
17 ADVANCE TRANSFORMER COMPANY and)
18 MONSANTO,)

19 Defendants.)

20

21

22 Oral deposition of ROGER E. HATTON pursuant
23 to notice, taken at the Ritz Carlton, 100
24 Carondelet Plaza, St. Louis, Missouri, on Tuesday,
25 June 2, 1998 commencing at 9:00 a.m. by and before
Sherri R. Gad, a Certified Shorthand Reporter and
Notary Public.

26

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1 IT IS HEREBY STIPULATED AND AGREED by and
2 between Counsel for the Plaintiff and Counsel for
3 the Defendant, that this deposition may be taken in
4 shorthand by SHERRI R. GAD, a Certified Shorthand
5 Reporter, and Notary Public, and afterwards
6 transcribed into typewriting, and signed by the
7 witness.

8

9

* * *

10

ROGER E. HATTON,

11

12 after having been first duly sworn, was
13 examined and testified as follows:

14

15

* * *

16

17 MR. GOUTMAN: Usual stipulations, but the
18 witness will read and sign the transcript.

19

[EXAMINATION]

20

QUESTIONS BY MR. BRITTON-MEHLISCH:

21

22 (Whereupon, Hatton Exhibit No. 1 was
23 marked for identification by the court reporter.)

23

24 Q. Morning Mr. Hatton, We were introduced
25 before the deposition. But for the record, my name
is Scott Britton-Mehlis. I represent the

JURIST-BEGLEY REPORTING SERVICES

1 Commonwealth Pennsylvania. We are here in the
2 lawsuit involving the transportation and safety
3 building in Harrisburg, Pennsylvania. Would you
4 identify yourself for the record, please, sir?

5 A. Well, my name is Roger Hatton. I've been
6 retired now for some time from Monsanto where I
7 spent my professional life.

8 Q. Mr. Hatton, where do you live now?

9 A. I live at 406 Claybrook Lane, Kirkwood,
10 Missouri.

11 Q. How long have you lived there, sir?

12 A. Since 1955.

13 Q. Mr. Hatton, are you currently employed?

14 A. Self-employed.

15 Q. All right. And what is the nature of
16 yourself employment?

17 A. I have a small consulting business, which
18 is basically ~~dominant~~ ^{dormant} at this point, but I am still
19 available for consulting on synthetic functional
20 fluids.

21 Q. Have you provided consulting in the past
22 through this company?

23 A. Yes.

24 Q. And who are some of the clients you have
25 provided consulting to?

1 A. I really don't remember the list because
2 it's been inactive for about three or four years
3 now. And going back, it was always on -- in terms
4 of what I termed synthetic fluids?

5 Q. Is this the REH Consultants that's listed
6 on Exhibit 1?

7 A. Yes, uh-huh.

8 Q. Mr. Hatton, when did you form REH
9 Consultants?

10 A. The day I retired from Monsanto.

11 Q. That was approximately 1982?

12 A. Yes.

13 Q. Are there any other employees of REH
14 Consultants other than yourself?

15 A. Only on personal call.

16 Q. What are some -- who are some of the
17 employees that you have used in the past?

18 A. I do not like the term employees. These
19 were consultants on brief questions. And I talked
20 to many of the coworkers that I worked with while I
21 was still at Monsanto who were alive and active at
22 that point.

23 Q. Could you identify some of those
24 individuals?

25 A. Louie Stark and Quinton Thompson. And

1 those were the two main ones.

2 Q. These are individuals that you have
3 worked with at Monsanto?

4 A. Yes. Dave Miller, I talked with a couple
5 of times.

6 Q. Is REH Consultants incorporated in the
7 State of Missouri?

8 A. No.

9 Q. It's a sole proprietorship?

10 A. Yes.

11 Q. Have you provided consulting services to
12 Monsanto through REH Consultants in the past?

13 A. Yes.

14 Q. Again, on the topic of synthetic oils and
15 hydraulics?

16 A. Yes. Covering the work that I did while
17 I was there.

18 Q. Has REH Consultants provided any
19 consulting to Monsanto in areas of litigation?

20 A. Yes.

21 Q. Would you describe those services that
22 you have provided to Monsanto?

23 A. Depositions -- depositions, plus a couple
24 of special assignments where I was given a project
25 to undertake, develop the history and the

1 background of. Mostly on things that I had already
2 started while I was at Monsanto.

3 Q. What particular products were you asked
4 to develop the history and background on?

5 MR. GOUTMAN: Objection. This is work
6 product.

7 MR. BRITTON-MEHLISCH: I'm going to go
8 ahead --

9 MR. GOUTMAN: Also, this is for
10 litigation support. He's said that in preparation
11 for litigation.

12 MR. BRITTON-MEHLISCH: Can you tell me
13 what products that involved? He doesn't have to
14 tell me the nature of the services. He can tell me
15 the identity of the product.

16 MR. GOUTMAN: Go ahead, you can tell him
17 the product.

18 A. Heat transfer fluids under the Therminaul
19 name, hydraulic fluids under the Pydraul name.
20 Turbine lubricants under the Turbinaul name.

21 Q. Did you provide any litigation support
22 for Monsanto regarding the Aroclor name or the
23 Aroclor products?

24 MR. GOUTMAN: Objection to form?

25 A. Would you repeat that?

1 Q. (By Mr. Britton-Mehlisch) Certainly.

2 This is probably a good time. Mr. Hatton, you have
3 indicated that you have given several depositions,
4 but for the record, I want to make sure we have an
5 understanding about how this deposition is going to
6 go. If you don't understand any question that I
7 ask you, please ask me to repeat it or rephrase it.
8 If you answer a question, I'll assume that you
9 understood it and were able to answer from your
10 recollection and memory; all right?

11 A. Okay.

12 Q. If you need to take a break at any time
13 or talk to your counsel, feel free to let me know,
14 and I'll be happy to stop for you.

15 A. Okay.

16 Q. Just as a preliminary, are you taking any
17 medication or is there any physical reason why
18 you're not able to give your best testimony today?

19 A. I'm taking medicines, yes. After all,
20 I'm 80 years old. My body has gotten pretty tired
21 over the years.

22 Q. I understand. Anything that you're aware
23 of that would affect your memory or your
24 recollection?

25 A. No.

1 Q. Are you billing Mr. Goutman's firm or
2 Monsanto today for your time?

3 A. Yes.

4 Q. And that's through REH Consultants?

5 A. The answer is yes. I mean, that's
6 identical to me.

7 Q. What is your rate of compensation for
8 your testimony here today?

9 A. \$200 an hour.

10 Q. Do you have a different rate of
11 compensation for trial testimony?

12 A. No.

13 Q. Are you being paid by Mr. Goutman's firm
14 or by Monsanto directly?

15 A. I really don't know, I'll be honest about
16 it.

17 Q. You might want to check into that before
18 the day is over?

19 A. I have worked with these people for a
20 while.

21 MR. ROUX: Goutman is good for it.

22 Q. (By Mr. Britton-Mehlich) How many
23 depositions have you given before?

24 A. In the range of 20 - 30.

25 Q. Have those all been concerning hydraulic

1 fluids and Thermal^o transfer fluids?

2 A. I really don't recollect the subject of
3 each one, but I would -- they did involve synthetic
4 fluids.

5 Q. Did these depositions concern PCB
6 containing synthetic fluids?

7 A. Some.

8 Q. What proportion of the 20 would you
9 estimate?

10 A. I don't remember.

11 Q. Would you say the majority of them
12 concerned PCB containing synthetic fluids?

13 A. Probably -- not the majority, but most,
14 the difference being a majority is a number and
15 most is how I remember it.

16 Q. All right. Did any of these depositions
17 concern allegations of PCB contamination of
18 buildings?

19 A. I don't remember.

20 (Whereupon, a discussion was held off the
21 record.)

22 Q. Back on the record, did any of these
23 depositions concern spills of PCB containing
24 synthetic fluids?

25 A. Yes.

1 Q. Can you recall where these spills were
2 alleged to have occurred?

3 A. Within the plants that were using the
4 products such as Pydraul or Therminaul or
5 Turbinaul.

6 Q. Were these Monsanto plants?

7 A. No.

8 Q. These were customers' plants?

9 A. Yes.

10 Q. Do you recall when these depositions were
11 given?

12 A. In the last 20 years. And I don't have
13 definite dates for any of these. I can't remember
14 that much.

15 Q. Mr. Hatton, your counsel has provided us
16 with what we have marked deposition Exhibit 1,
17 and it's your resume. Is this your current
18 resume?

19 A. Yes.

20 Q. And does it accurately describe your work
21 experience and publications?

22 A. Yes.

23 Q. I'd like to briefly take you back,
24 Mr. Hatton, through your educational and work
25 experience. You graduated from the University of

1 Omaha, 1940 with a degree in chemistry?

2 A. No. This was a Bachelor of Arts, AB.

3 Q. You went on and obtained a Masters of
4 Science in Organic Chemistry from Purdue?

5 A. Yes.

6 MR. GOUTMAN: Wait until he is done with
7 the question?

8 A. I'm sorry.

9 Q. (By Mr. Britton-Mehlisch) Do you recall
10 studying PCB's at any point during your study at
11 Purdue?

12 A. No.

13 Q. Then you went on and obtained a PhD in
14 Organic Chemistry from Purdue?

15 A. Yes.

16 Q. Did you research in PCB's?

17 A. No.

18 Q. What particular emphasis did you have in
19 your doctoral program at Purdue?

20 A. My thesis was on chlorinolysis -- I
21 can't even spell it anymore, but chlorinolysis was
22 the subject, which is the reaction of chlorine with
23 organic molecules under conditions that leads to
24 breakage of the organic bonds. And that's -- did
25 you get that?

1 COURT REPORTER: (Nods.)

2 Q. (By Mr. Britton-Mehlisch) And from 1944
3 to 1946, you stayed on and did a research
4 fellowship at Purdue?

5 A. Yes.

6 Q. Again, what was the topic of your
7 fellowship?

8 A. I worked for the Manhattan District, and
9 we were involved in things relating to the atomic
10 bomb.

11 Q. You joined Monsanto as a research chemist
12 in 1946?

13 A. Yes.

14 Q. And worked approximately six years as a
15 research chemist?

16 A. Yes.

17 Q. Would you describe for me what your
18 duties as a research chemist were?

19 A. I worked for, during that period, I
20 worked for two different group leaders, as they
21 were called, who were basically my supervisors.
22 First one I did work relating to processes to make
23 chemicals in plants. It was a learning process,
24 but it was primarily in production of chemicals.
25 The other one that I worked for was concerned with

1 the properties and uses of materials that Monsanto
2 sold or wanted to sell.

3 Q. Did any of your work as a research
4 chemist involve PCB's?

5 A. Yes.

6 Q. Would you describe for me what work you
7 did as a research chemist in the area of PCB's from
8 1946 to '52?

9 A. The work involved looking at what I term
10 functional fluids. This term was used within the
11 company, also.

12 Q. That's a topic we are going to talk quite
13 a bit about today. Would you describe what you
14 understand the term functional fluids to mean?

15 A. The -- my definition and the one I think
16 is widely accepted is that it is a fluid without
17 which a machine or apparatus cannot do its designed
18 function.

19 Q. All right. Getting back to the question
20 that we had, you said you were a research -- doing
21 research on PCB's as they relate to functional
22 fluids while you were a research chemist?

23 A. Yes.

24 Q. Would you describe that for me?

25 A. PCB's and other materials that Monsanto

1 made were potential ingredients in the formulation
2 of fluids, functional fluids; and therefore, were
3 available and used.

4 Q. What particular functional fluids were
5 you researching during this time period?

6 A. Primarily, working on a fire resistant
7 industrial fluid, which would be primarily used in
8 hydraulic systems.

9 Q. Did you do any work on the Aroclor --
10 excuse me, the Aroclor fluid^s?

11 A. Studied ^{their} ~~its~~ properties and ~~its~~ ^{their}
12 performance.

13 Q. What particular properties of Aroclor^s did
14 you study?

15 A. Concerned with stability, physical
16 properties such as specific gravity and viscosity,
17 thermal properties, lubrication properties. Those
18 are the primary ones that you looked at.

19 Q. Did you do any research on the
20 degradeability of the Aroclor product?

21 A. No.

22 Q. Were you aware of any research that
23 Monsanto did during this time period about the
24 degradeability or persistence of the Aroclor
25 product^s?

1 A. I don't remember.

2 Q. During this time period, who was your
3 superior?

4 A. Harry Gamrath (phonetic).

5 Q. What was ^{Dr.}Mr. Gamrath's title?

6 A. He would be termed group leader.

7 Q. Did his group have a name?

8 A. I don't remember.

9 Q. You mentioned you worked for two
10 different groups ^{leaders}during this time period?

11 A. If you go back to when I first started,
12 yes, sir.

13 Q. Who was the other group leader that you
14 worked for?

15 A. Mike Divornikoff, D-I-V-O-R-N-I-K-O-F-F,
16 I think. It's been a while.

17 Q. Was it for Mr. Gamrath or Mr. Divornikoff
18 that you did the PCB research?

19 A. I would like that question clarified.

20 Q. Certainly. You have mentioned previously
21 that you did research during this time period on
22 PCB materials, correct?

23 A. Yes.

24 Q. All right. And you've mentioned that you
25 worked for Mr. Gamrath and Mr. Divornikoff,

1 correct?

2 A. Uh-huh.

3 Q. Did you do work on PCB for both of these
4 gentlemen or one of them?

5 A. Just under Gamrath.

6 Q. And can you place at what point during
7 the 1946 to '52 time period this research took
8 place?

9 A. We are talking, you said 1946 to 1952?

10 Q. Yes.

11 A. Most of the work was done on formulating
12 PCB's was -- the basic work was done after --
13 well, it was briefly started under Gamrath. Then I
14 was elevated to the position of group leader, and
15 then it was my work.

16 Q. All right. And that was during the time
17 period of 1952 to 1960?

18 A. Yes.

19 Q. You mentioned there was some formulation
20 work that was done on PCB materials?

21 A. Uh-huh.

22 Q. What particular PCB containing products
23 did you help formulate or research the formulation
24 of?

25 A. Oh, this work led to the eventual

1 products, a series of Pydrauls P-Y-D-A-U-L.

2 MR. PENDERGAST: P-Y-D-R-A-U-L, I think
3 you left the R out.

4 A. Like hydraulic. That's where the name
5 came from. Pyro meaning fire and draul meaning
6 draulic.

7 Q. (By Mr. Britton-Mehlis) Indicating the
8 fire resistant nature of that fluid?

9 A. Yes.

10 Q. Were there any other PCB containing
11 products that you worked on during this time frame?

12 MR. GOUTMAN: Talking about '52 to '60.

13 MR. BRITTON-MEHLISCH: Yes.

14 A. Yes. There were numerous applications
15 looked at, and if they required specific products,
16 they were formulated and samples sent, typical
17 development work done.

18 Q. (By Mr. Britton-Mehlis) Any other
19 products other than the Pydraul products that made
20 it -- that were -- eventually became a commercial
21 product?

22 A. Therminal^o -- no. I'm sorry. May I back
23 up, please?

24 Q. Sure.

25 A. Turbin^oal is the one that I meant to

1 say. And that product was designed specifically
2 for use in gas turbines.

3 Q. What was the function of Turbine² in a
4 gas turbine?

5 A. Lubrication, heat transfer.

6 Q. Were you the primary person responsible
7 for the formulation of that product?

8 A. Yes.

9 Q. During --

10 A. Well, my group, I should say, not...

11 Q. Again, did this group have a title other
12 than the research group?

13 A. We went by, that's Hatton's group and
14 that's Gamrath's group, and that's Joe Smith's
15 group, so. . .

16 Q. No formal designation in the corporate
17 organization?

18 A. No, uh-uh.

19 MR. PENDERGAST: The answer is no?

20 A. No.

21 Q. (By Mr. Britton-Mehlisch) During this
22 time period, Mr. Hatton, where were you located
23 within the company physically?

24 MR. GOUTMAN: From '52 to '60 again?

25 A. We are talking '52 to '60?

1 MR. BRITTON-MEHLISCH: Yes.

2 A. I was thinking for the total time span,
3 and that was spent at the research laboratories on
4 Second Street.

5 Q. (By Mr. Britton-Mehlisch) Here in St.
6 Louis?

7 A. In Monsanto, yes.

8 Q. Was your entire career as a research
9 chemist spent at that facility, or did you at some
10 point in time move?

11 A. I moved when I changed positions in
12 1960. I came out to the main campus at that point.

13 Q. That's a logical move.

14 Let's talk about in 1960 to 1968 when you
15 have listed that you became a project manager in
16 Organic Chemicals Commercial Development
17 Department?

18 A. Uh-huh.

19 Q. What was the responsibility of the
20 Commercial Development Department in organic
21 chemicals?

22 A. Basic functions were to find and develop
23 uses for Monsanto products.

24 Q. This was uses of existing products, or
25 did you assist in the formulation of new products

1 also?

2 A. The development department had no direct
3 responsibility for formulation of products. They
4 did have responsibility for doing market research
5 type of things, which meant that we visited
6 customers, learned what their problems were, and
7 came back and relayed them to the research
8 department.

9 Q. You've mentioned that during the time
10 period, 1960 to 1968, you were a project manager in
11 organic chemicals. Was that a division of Monsanto
12 at that time?

13 A. Yes.

14 Q. What other divisions existed in Monsanto,
15 other than organic chemicals?

16 MR. GOUTMAN: Again, from 1960 to 1968?

17 MR. BRITTON-MEHLISCH: 1960 to 1968.

18 A. I do not think I can give you all of the
19 divisions. One that I was familiar with was in
20 organic chemicals. Organic and inorganic was the
21 way the company was split then, and they were the
22 biggest ones. There were -- I guess I have to stop
23 there. I don't remember the complete organization.

24 Q. (By Mr. Britton-Mehlis) Those would be
25 the two main divisions in your mind, organic and

1 inorganic?

2 A. Yes.

3 Q. Forgive my knowledge of chemistry, but
4 would all PCB production be centered within the
5 organic division?

6 A. Yes.

7 MR. GOUTMAN: Again, from '60 to '68?

8 MR. BRITTON-MEHLISCH: '60 to '68.

9 Q. (By Mr. Britton-Mehlisch) Has it ever
10 been centered in any other division other than the
11 organic division?

12 A. I don't know.

13 Q. During the time period from 1960 to '68,
14 did you continue to have a responsibility for
15 market research and application of PCB containing
16 products for Monsanto?

17 A. That was a minor part of what I did in
18 that period.

19 Q. What would you consider the major part of
20 your responsibilities during that time period?

21 A. At that point, I was mainly interested in
22 aircraft hydraulic fluids, in fire resistance, and
23 in space applications of synthetic fluid.

24 Q. Were any of these materials that were
25 your primary focus during that time period PCB

1 containing?

2 A. Anything on the industrial side could
3 have been --

4 Q. Do you recall --

5 A. -- in the aircraft industry, no.

6 Q. Do you recall specific products in the
7 industrial side that were PCB containing that you
8 dealt with?

9 A. No, not specifically.

10 Q. From 1960 to '68, did you continue to
11 have responsibility for commercial development of
12 the Pydraul line?

13 A. No.

14 Q. Who was responsible for the commercial
15 development of that line?

16 MR. GOUTMAN: Objection to the form. You
17 may answer.

18 MR. PENDERGAST: This was for the period
19 '60 - '68?

20 MR. BRITTON-MEHLISCH: '60 - '68.

21 A. These were commercial products and were
22 handled by marketing department.

23 Q. (By Mr. Britton-Mehlis) Was there a
24 marketing department specifically for that product
25 or for the -- let me strike that.

1 How was marketing of the hydraulic
2 fluids, PCB containing hydraulic fluid, handled
3 during the time period 1960 - '68.

4 MR. GOUTMAN: Objection, vague. You may
5 answer if you can.

6 A. Marketing department was broken down into
7 groups. And groups were handled or were assigned
8 by application, meaning a fluids group, X group, a
9 Y group, depending on what the products were.

10 Q. (By Mr. Britton-Mehlis) What about the
11 -- excuse me, the Turbina^ol line during the
12 period 1960 to '68, again, did you have
13 responsibility for the commercial development of
14 the Turbina^ol line?

15 A. Yes.

16 Q. Who were your primary customers, if you
17 recall, during this time period of the Turbina^ol
18 product?

19 A. Texas Eastern Gas Transmission.

20 Q. During the period 1960 to '68, did you
21 have any responsibility for commercial development
22 of the Aroclor?

23 A. No.

24 Q. Again, what department or what entity
25 within Monsanto would have been responsibility for

1 the commercial development of the Aroclor line?

2 MR. GOUTMAN: Objection to the form. You
3 may answer.

4 A. I don't remember the group, where it
5 fell.

6 Q. (By Mr. Britton-Mehlis) Do you
7 remember any individuals who would have had that
8 responsibility during that time period?

9 A. We are talking now?

10 Q. 1960 - '68.

11 A. I need your question clarified, if I may.

12 Q. Certainly. During the period 1960 to
13 1968, do you recall any individuals who would have
14 been responsible for the marketing or commercial
15 development of the Aroclor product line?

16 MR. GOUTMAN: Objection to form. You may
17 answer.

18 A. Marketing was handling those products at
19 that point.

20 Q. (By Mr. Britton-Mehlis) Do you recall
21 who was in charge of marketing during that time
22 period?

23 A. No.

24 Q. Would there have been an Aroclor group
25 underneath -- within the framework of marketing to

1 handle the product development of that particular
2 product?

3 MR. GOUTMAN: Objection to form. You may
4 answer.

5 A. I don't recall.

6 Q. (By Mr. Britton-Mehlis) In 1968, your
7 job title changed to technical service manager?

8 A. Yes.

9 Q. Would you describe for me what your
10 responsibilities as technical service manager were?

11 A. My activities were directed toward
12 insuring that the Monsanto products ~~formed~~ ^{performed} the
13 function that they were sold for. Specifically,
14 this was in the fluids area.

15 Q. Within the title of technical service
16 manager, would you handle customer company
17 complaints about your products?

18 A. I only handled customer complaints that
19 dealt with the functionality of the product.

20 Q. Did you have any role in developing new
21 uses for Monsanto products during this time period?

22 A. I continued to work on Therminaul --
23 Turbinaul. Somehow or other I got a block in my
24 mind this morning, but with Turbinaul, I continued
25 work. Actually, what this amounts to is that I had

1 the same responsibilities and a new title and a
2 raise.

3 Q. Again, during the period 1968 to 1982,
4 did you have any responsibilities for the Aroclor
5 product line?

6 A. No.

7 Q. Do you know who would have had that
8 responsibility during that time period?

9 A. No.

10 Q. During the period of 1968 to 1982, who
11 would have been responsible for marketing the
12 Aroclor product?

13 MR. GOUTMAN: From, I'm sorry, from?

14 MR. BRITTON-MEHLISCH: '68 until it was
15 phased out.

16 A. I do not remember the -- any names of who
17 was in charge at that point.

18 Q. (By Mr. Britton-Mehlisch) Mr. Hatton,
19 you mentioned that you were located for a certain
20 part of your career at the research lab on Second
21 Street in St. Louis.

22 A. Yes.

23 Q. When did you move out to what you have
24 described, I think, as the campus?

25 A. Well, when -- the date that is here for

1 becoming a project manager. It was a transfer in
2 position that led to my moving to the campus.

3 Q. Sometime in 1960 approximately?

4 A. Yes.

5 Q. Was marketing also located in the same
6 building or general area?

7 A. Yes.

8 Q. Did you have contact with anyone in
9 marketing on a regular basis during the time period
10 1960 until PCB containing materials were phased
11 out?

12 MR. GOUTMAN: Objection to the form. You
13 may answer.

14 A. Yes.

15 Q. (By Mr. Britton-Mehlis) Who in
16 marketing would you have talked to about PCB
17 containing materials?

18 MR. GOUTMAN: Objection to the form. You
19 may answer.

20 A. People who were in those departments --

21 Q. (By Mr. Britton-Mehlis) I understand.
22 Do you recall --

23 A. -- from clerks to people who ran the
24 place.

25 Q. Do you recall any specific names of

1 individuals?

2 A. I need clarification on that question.

3 Q. All right.

4 A. In what area are we talking about now?

5 Q. Let's talk about the hydraulic fluid
6 area, because that's what you have indicated you're
7 most familiar with. During the time from 1960
8 until PCB containing hydraulic fluids were phased
9 out in the early '70s, do you recall having regular
10 conversations with individuals in marketing about
11 those fluids?

12 MR. GOUTMAN: Objection to form. You may
13 answer.

14 A. Yes.

15 Q. (By Mr. Britton-Mehlisch) Again, do you
16 recall specific individuals within marketing that
17 you talked about PCB containing hydraulic fluids
18 with?

19 A. There were a number of people, again, and
20 I -- I have to give -- well, put it this way: I
21 just did not have a continuing contact with these
22 people. I did my job and they did theirs. And the
23 contact would be, what would normally occur, if I
24 had a problem or they had a problem, and we had to
25 have help.

1 Q. Who do you recall talking to in marketing
2 during this time period?

3 A. Dick Davis. What was Johnson's first
4 name? I can't even remember now.

5 MR. PENDERGAST: Norm?

6 A. Norm Johnson. That's the one I'm looking
7 for. And there were others. Marketing had a
8 number of people in and out of it over the years.

9 Q. (By Mr. Britton-Mehlisch)
10 what was Mr. Davis responsibility during this time
11 period?

12 A. Mainly in the Pydraul area.

13 Q. Would Mr. Davis deal with customer
14 complaints about the Pydraul product?

15 MR. GOUTMAN: Objection. You may answer
16 if you can.

17 A. Any marketing man has to be in contact
18 with the customer, and anything they say is okay.

19 Q. (By Mr. Britton-Mehlisch) Did Mr. Davis
20 refer customer complaints to you for your technical
21 expertise?

22 MR. GOUTMAN: Objection to form. You may
23 answer.

24 A. Not routinely.

25 Q. (By Mr. Britton-Mehlisch) From time to

1 time this did happen?

2 A. Yes.

3 Q. Would you typically contact the customer
4 yourself to investigate the problem?

5 MR. GOUTMAN: Objection to form. You may
6 answer.

7 A. Not routinely.

8 Q. (By Mr. Britton-Mehlis) Who within
9 Monsanto would be responsible for investigating the
10 problem if there was a customer complaint?

11 A. Problems were assigned as to the area in
12 which they fell. If it was a manufacture~~r~~ drumming
13 or labeling, all these things went to specifics --
14 people.

15 Q. Mr. Hatton, do you have any professional
16 licenses?

17 A. No.

18 Q. I see you have indicated that you were a
19 member of Society of Automotive Engineers?

20 A. Yes, uh-huh.

21 Q. The American Society for Testing
22 Materials?

23 A. Yes.

24 Q. When did you become a member of the ASTM,
25 sir?

1 A. I do not remember a date. It was
2 sometime while I was a group leader, in that
3 period.

4 Q. Sometime in the 1950 to 1960 time frame?

5 A. Yes.

6 Q. It indicates you were a member of the
7 Fluid Power Society?

8 A. Yes.

9 Q. Could you tell me what the Fluid Power
10 Society is?

11 A. This was a group of technical people who
12 were concerned with all ~~of the~~ properties of the
13 uses of liquids and gasses in devices.

14 Q. Again, sir, when did you join that
15 society?

16 A. Shortly after it was formed. And I
17 cannot give you a date it was formed.

18 Q. Again, do you have a general feeling for
19 what decade that was?

20 A. It's also in this time period of when I
21 was a group leader.

22 Q. Again, the American Chemical Society,
23 when did you join that organization?

24 A. After I got my degree.

25 Q. Are we talking about your PhD?

1 A. PhD. No. That is not a true answer. I
2 was involved in the local American Chemical Society
3 while I was a -- in graduate school.

4 Q. Does the American Chemical Society
5 publish abstracts of research?

6 A. Yes, yes.

7 Q. And did you receive those abstracts on a
8 regular basis after you joined the American
9 Chemical Society?

10 A. No.

11 Q. Do you know whether or not Monsanto
12 received those abstracts?

13 MR. GOUTMAN: Objection. You may answer
14 if you can.

15 A. I don't know.

16 Q. (By Mr. Britton-Mehlich) Do you recall
17 consulting those abstracts during your tenure at
18 Monsanto?

19 MR. GOUTMAN: Objection. You may
20 answer.

21 A. Yes.

22 Q. (By Mr. Britton-Mehlich) And finally,
23 sir, you said you were a member of the American
24 Society of Lubrication Engineers?

25 A. This is another specialized group, and

1 they were concerned with the function of
2 lubrication. What is it? How does it work? What
3 is required of the products? Many papers were
4 presented on that subject. A lot a papers
5 presented on the best way to use a fluid in a given
6 device. They did additional work on test methods,
7 supplementing the ASTM work.

8 Q. Did any of these technical or
9 professional organizations have regular
10 publications you received?

11 MR. GOUTMAN: Objection to form.

12 A. Yes.

13 Q. (By Mr. Britton-Mehlis) Which ones?
14 Would you identify those for me, please?

15 A. Oh, I got the -- from the society -- or
16 from the SAE.

17 Q. Society of Automotive Engineers?

18 A. Yeah. ASTM has publications, but I did
19 not routinely get them. Fluid ^{Power} ~~Eng~~ Society, no;
20 American Chemical Society, yes; and definitely from
21 the Lubrication Engineers.

22 Q. Did you regularly read those as you
23 received them?

24 A. Within a few months.

25 Q. Do you recall any of those publications

1 having any mention of possible allegations of
2 health hazards from PCB's?

3 A. No.

4 Q. Mr. Hatton, have you been convicted of
5 any felonies or misdemeanors?

6 A. Speeding only.

7 Q. You have already indicated that you have
8 given prior deposition testimony around 20 times,
9 correct?

10 A. Yes.

11 Q. Have you ever testified at trial?

12 A. No.

13 Q. I briefly mentioned, Mr. Hatton, that we
14 are here over a case involving a building in
15 Harrisburg Pennsylvania. When did you first become
16 aware of this case?

17 MR. GOUTMAN: Objection. It involves
18 communications with counsel. I instruct him not to
19 answer the question.

20 MR. PENDERGAST: Further for the record,
21 I'd like clarified, Mr. Hatton, does Mr. Goutman
22 represent you?

23 MR. GOUTMAN: I represent him.

24 A. Yes, yes.

25 MR. PENDERGAST: Okay.

1 MR. ROUX: You mean to say when he first
2 contacted you is covered by attorney-client
3 privilege?

4 MR. GOUTMAN: He asked about the --

5 MR. ROUX: I'm sorry, about attorney work
6 product; is that what you're saying?

7 MR. GOUTMAN: No. I said by
8 attorney-client privilege.

9 MR. ROUX: Attorney-client privilege
10 things.

11 MR. BRITTON-MEHLISCH: I'm asking him
12 when he first became aware of this case. That's
13 covered by attorney-client privilege?

14 MR. GOUTMAN: Yeah.

15 MR. BRITTON-MEHLISCH: I don't agree with
16 you on that one. I don't want the substance of
17 your discussions at all. I'm simply asking when he
18 was first contacted about this case.

19 MR. GOUTMAN: And given the liberal
20 interpretation that your office has extended to
21 attorney-client privilege, I think that's well
22 within the attorney-client privilege.

23 Q. (By Mr. Britton-Mehlis) Mr. Hatton,
24 have you discussed this case with any of your
25 former coworkers at Monsanto?

1 A. No.

2 Q. Have you discussed this case with any
3 friends of yours?

4 A. Excluding Mr. Goutman, I'm removing him.

5 MR. ROUX: Assuming he is a friend.

6 MR. BRITTON-MEHLISCH: Assuming he is a
7 friend.

8 A. And assuming I have any left at this
9 stage. That's off the record, I guess. Anyway,
10 other than my wife, no.

11 Q. (By Mr. Britton-Mehlis) And what
12 discussion did you have with your wife about this
13 particular case?

14 A. I have lived with her now for 50 some
15 years, and there isn't much that we don't discuss
16 anymore, including where were you yesterday?

17 Q. Have you attempted to contact anyone
18 within Monsanto in order to prepare for the
19 deposition today, other than Mr. Goutman?

20 A. No.

21 Q. Did you meet with anyone in preparation
22 for your case or your testimony in this case today?

23 A. Yes. I met with Tom yesterday.

24 Q. And how long did you meet with
25 Mr. Goutman?

1 A. Several hours.

2 Q. Where did that meeting take place?

3 A. Hotel here.

4 Q. Did you take any notes during this
5 meeting?

6 A. No.

7 Q. Did you read any documents to prepare for
8 the deposition?

9 A. I read the information provided by
10 Mr. Goutman.

11 Q. Mr. Goutman had some documents that he
12 had you read?

13 A. Yes.

14 Q. Could you tell me what documents those
15 were?

16 A. Oh, it was a stack, I don't know,
17 somewhere like that (indicates).

18 Q. Do you recall --

19 A. We just briefly reviewed.

20 Q. Do you recall specifically any documents
21 Mr. Goutman asked you to read?

22 A. Not specific ones, no.

23 Q. Did you review any documents that had to
24 do with the Aroclor product line?

25 MR. GOUTMAN: Objection to form. You may

1 answer.

2 A. May I ask for clarification of that
3 question?

4 MR. BRITTON-MEHLISCH: Certainly.

5 A. Your use of the term Aroclor always mean
6 PCB's?

7 Q. (By Mr. Britton-Mehlis) Well,
8 Mr. Hatton, you're the gentleman that worked for
9 Monsanto. In your mind, what does the term Aroclor
10 relate to? Does it relate, in your mind, to PCB
11 containing materials?

12 A. It relates to at least PCB's, PCT's and
13 any higher molecular weight materials that might be
14 there. And I believe that even some of the high
15 molecular weight aromatic compounds that were
16 by-products of those materials were also at one
17 time called Aroclors.

18 Q. For the sake of, I think, of the jury and
19 for my understanding, I'm going to confine when I
20 use the Aroclor, I'm going to talk, at least in my
21 mind, about a product that contained PCB's that
22 was, I believe, eliminated from the Monsanto
23 product line in the 1970s. Can we agree on that
24 definition?

25 MR. GOUTMAN: I think you've been using

1 it differently throughout this deposition; and
2 therefore, I'm not going to agree to it. Are you
3 saying going forward, you're going to use Aroclor
4 as any product that contains PCB's; is that your
5 definition you want?

6 MR. BRITTON-MEHLISCH: No, no. I'm
7 talking about specific product line that contained
8 PCB that was phased out by Monsanto in the 1970s.

9 A. I --

10 MR. GOUTMAN: I don't know what you mean
11 by specific product line.

12 MR. BRITTON-MEHLISCH: We got Aroclor.
13 We'll go through that.

14 MR. GOUTMAN: Well, I don't understand or
15 can't agree with your definition of the Aroclor,
16 because I think you've been using it in different
17 ways throughout this deposition. And I don't think
18 the witness is using it in the same way you're
19 using it, so in any event?

20 A. I'm confused as to what should be
21 included in the terms that you're using Aroclor.

22 Q. (By Mr. Britton-Mehlisch) All right.
23 That's what I'm attempting to define, Mr. Hatton.
24 When you use the term Aroclor, from now on I'm
25 talking about a specific PCB containing product

1 line that was phased out by Monsanto in the 1970s.

2 A. Anything that Monsanto made that
3 contained it?

4 Q. The contained PCB that was sold under
5 that trade name.

6 A. All right.

7 MR. PENDERGAST: Yeah. I'm going to join
8 Mr. Goutman's objection, because I think we are
9 going to confuse the record somewhat if now you add
10 the definition, because the deposition has
11 proceeded with your use of the term Aroclor, and
12 you have also used different terms for other
13 products that were sold by Monsanto, including
14 Pydraul and Turbinaul and others. And it appears
15 now that you want to change the definition, which
16 would then maybe subsume some of those products.
17 So I'd just as soon proceed with the nomenclature
18 we've used so far. And if you want to ask the
19 witness how he has understood the term or used that
20 term Aroclor, maybe that would clarify the past
21 testimony, but you changing the definition in
22 midstream, I think it's just going to confuse the
23 record.

24 MR. BRITTON-MEHLISCH: I understand your
25 objection, and I think we have Mr. Hatton's

1 understanding on the record, whatever he
2 understands it to be, we will go through with that
3 for now on.

4 MR. GOUTMAN: I don't think it's at all
5 the definition set forth by this witness. Define
6 what you mean by Aroclor.

7 MR. BRITTON-MEHLISCH: All right. Let's
8 go --

9 MR. GOUTMAN: You're talking about
10 Aroclor as a product line. Go ahead.

11 Q. (By Mr. Britton-Mehlisch) What do you
12 understand, in your mind, the term Aroclor to mean,
13 Mr. Hatton?

14 A. Aroclor is a trademark of Monsanto
15 Company which was applied to a line of materials,
16 sales materials, that were made -- I can't even say
17 this. It's a difficult thing to define beyond the
18 term of being a trademark of materials, of which
19 most were polychlorinated biphenyls.

20 Q. Just so we are clear, some of the
21 products sold under the Aroclor trade name,
22 according to your testimony, did not contain PCB's,
23 correct?

24 A. I do not remember what the product
25 literature says. I do know that there were high

1 molecular weight materials which were sold, and my
2 memory said that they were called Aroclors. There
3 were some called Santowaxes and they generally --
4 these are the higher numbers in the system.

5 Q. Santowax?

6 A. Santowax.

7 MR. ROUX: How do you spell that?

8 A. S-A-N-T-O-W-A-X it's just like it
9 sounds. These things generally were waxy. That's
10 why they were called that. They were solids.

11 Q. (By Mr. Britton-Mehlisch) And what were
12 some of the functions of Santowax?

13 A. Major one that I remember was used in a
14 process of casting commonly known as a lost wax
15 casting process.

16 MR. ROUX: In the jewelry making
17 industry?

18 A. I am not sure what industries used them,
19 but that general make a -- you know, make a form,
20 you know, and melt the wax out, and then pour the
21 metal, whatever it may be. I think some of that
22 even practiced industrially, not in the jewelry.
23 It's mainly a jewelry operation.

24 MR. ROUX: I'm sorry.

25 Q. (By Mr. Britton-Mehlisch) Mr. Hatton,

1 did Santowax contain PCB's?

2 A. I don't know.

3 Q. During the time period that you were
4 employed by Monsanto, did they have a health and
5 safety department in the company?

6 A. I don't know.

7 Q. Do you know whether or not Monsanto
8 employed industrial hygienists?

9 A. Yes.

10 Q. Do you recall who any of the industrial
11 hygienists employed by Monsanto were?

12 A. Yes.

13 Q. Could you list those individuals for me,
14 sir?

15 A. Yes. They worked actually for the
16 medical department going back to when I remember.
17 Dr. Kelly and Elmer Wheeler were the two that I
18 dealt with over the years.

19 Q. Doctor Kelly was an M.D.?

20 A. M.D.

21 Q. What about Mr. Wheeler, was he an
22 industrial hygienist or M.D.?

23 A. I think he was a toxicologist, but I
24 would not -- I asked not to be held to that,
25 because I'm not sure of what his training was, but

1 he was in that department.

2 Q. Did Monsanto have specific industrial
3 hygienists assigned to certain production plants?

4 A. I don't know.

5 Q. Do you recall whether or not any of the
6 industrial hygienists were based in the production
7 plants Monsanto had?

8 MR. GOUTMAN: You talking from 19 --

9 A. I don't know.

10 MR. GOUTMAN: From 1946 to 1982?

11 MR. BRITTON-MEHLISCH: Yes.

12 MR. GOUTMAN: Objection. Overly broad.

13 Answer the same, you don't know.

14 A. I don't know.

15 Q. (By Mr. Britton-Mehlisch) Mr. Hatton,
16 what organization within Monsanto was responsible
17 for product testing?

18 A. That has to be clarified. That's a very
19 broad question.

20 Q. All right. I understand some of your
21 testimony is that while you were a research chemist
22 and research group leader, you had some
23 responsibility for product testing, correct?

24 MR. GOUTMAN: Objection. You may
25 answer.

1 A. Again, this is a very broad question.
2 The testing of products before they left the plant
3 was not a research function, and we did not enter
4 into that. We may have helped set up test
5 requirements and limits for these products, but we
6 did not do it ourselves.

7 Q. Who handled the quality assurance aspect
8 of product testing?

9 A. That was handled by each plant in a
10 special laboratory with people doing that.

11 Q. Did those people fall under the
12 production aspect of the company or under the
13 research?

14 A. No. They reported to the manufacturing.

15 Q. From time to time as a technical service
16 manager, did you discuss quality assurance issues
17 with these individuals for the hydraulic fluid
18 line?

19 MR. GOUTMAN: You talking now about 1968
20 and 1982, did he discuss with whom, you said these
21 individuals?

22 MR. BRITTON-MEHLISCH: With the quality
23 insurance individuals who were located within the
24 plant?

25 A. Within plants, you said?

1 MR. BRITTON-MEHLISCH: Yes.

2 MR. GOUTMAN: Could you please just
3 completely repeat or rephrase your question,
4 because it was vague as phrased. Let's make sure
5 the record is clear as to what you're asking.

6 Q. (By Mr. Britton-Mehlis) During the
7 period 1968- '82, while you were technical service
8 manager, did you have responsibility for talking to
9 these individuals about quality assurance issues
10 for the hydraulic fluid line?

11 MR. GOUTMAN: These individuals, meaning
12 quality assurance individuals located in individual
13 plants?

14 MR. BRITTON-MEHLISCH: In manufacturing
15 plants?

16 A. And your term of your question, again,
17 did I have responsibility for these people? No.

18 Q. (By Mr. Britton-Mehlis) Were you
19 responsible for talking to these people about
20 quality assurance problems?

21 MR. GOUTMAN: Objection to the form. You
22 can answer if you can.

23 A. And the question was responsibility for?
24 No. I did not have responsibility for talking to
25 these people.

1 Q. (By Mr. Britton-Mehlis) What position
2 within the company would have that responsibility?

3 MR. GOUTMAN: Objection to the form. You
4 may answer.

5 A. Oh, the plants always had a chief
6 chemist, and he would have reported to the
7 management of the plant.

8 Q. (By Mr. Britton-Mehlis) Mr. Hatton,
9 are you familiar with the term an open system
10 versus a closed system product?

11 A. Yes.

12 Q. What is your understanding of an open
13 system product?

14 A. An open system is any system that isn't
15 closed. And a closed system is one in which the
16 material is completely contained.

17 Q. With reference to the use of hydraulics
18 in hydraulic fluids, what would be an example of an
19 open system, if there is such an example?

20 A. Normal use of the fluid would be a ~~cross~~ ^{closed}
21 system. The fluid is contained within the
22 hydraulic system while it's being used, but there
23 was no attempt made to isolate it from the
24 atmosphere.

25 Q. Are there any examples of a closed system

1 product in the field of hydraulics and fluids?

2 MR. PENDERGAST: Hydraulic fluids?

3 MR. BRITTON-MEHLISCH: Hydraulic fluids,
4 I mean.

5 MR. GOUTMAN: It changes your question
6 quite a bit?

7 A. I can't remember a specific closed
8 system.

9 Q. Would you agree with me that a hydraulic
10 fluid would generally be considered an open system
11 product?

12 MR. GOUTMAN: Objection to form. You may
13 answer.

14 A. Depends completely on your definition of
15 sealed, enclosed, or any of these terms.

16 Q. (By Mr. Britton-Mehlis) Let's go ahead
17 and take a look at a document here.

18 MR. GOUTMAN: You want to mark this two.

19 (Whereupon, Hatton Exhibit No. 2 was
20 marked for identification by the court reporter.)

21 MR. ROUX: I'm sure you're going to do
22 this, for those of us who do not have the privilege
23 of having a copy of the document, would you at
24 least identify it?

25 MR. BRITTON-MEHLISCH: Certainly.

1 Document is an untitled Monsanto document, seven
2 pages, bearing the Bates number MONS 035405 through
3 MONS 035412.

4 MR. ROUX: Is it dated?

5 MR. BRITTON-MEHLISCH: The document
6 itself, the date appears to be 1969 -- excuse me,
7 1970.

8 MR. ROUX: Are the Bates stamp numbers in
9 this case or other cases?

10 MR. GOUTMAN: This was produced in this
11 litigation.

12 MR. ROUX: I'm sorry to interrupt.

13 MR. GOUTMAN: What are you referring to
14 when you say this document is dated 1970 or '69?

15 MR. BRITTON-MEHLISCH: I said it appears
16 to be dated sometime during 1970.

17 MR. PENDERGAST: The document itself
18 references a meeting of November 17, 1969, first
19 sentence.

20 MR. GOUTMAN: I understand that. It has
21 all kinds of dates in here, but the document is not
22 dated, so the record is clear.

23 Do you have a question about this
24 document?

25 Q. (By Mr. Britton-Mehlis) I do. Mr.

1 Hatton, have you ever seen this document before?

2 A. I have no memory of seeing this.

3 Q. Rather than take you through individual
4 statements in this document, I'd like to have you
5 turn your attention to the next to the last page,
6 which is titled, Schedule for Discontinuing Aroclor
7 Applications. See that, 'sir?

8 A. Yes, uh-huh.

9 Q. Underneath the application, it says
10 hydraulic fluids and list a number of Pydraul
11 products?

12 A. Yes.

13 Q. Are you familiar with the product Pydraul
14 AC?

15 A. Yes.

16 Q. Did that product contain PCB's?

17 A. Yes.

18 Q. What type of PCB did the product contain?

19 A. I don't remember the specific one.

20 Q. What was the application for or the use
21 of Pydraul AC?

22 A. AC meant air compressors, and it was used
23 as a lubricant in air compressors, primarily.

24 Q. During the time from 1952 until 1968, did
25 you have any responsibility for research into this

1 product?

2 A. Yes.

3 Q. What types of research did you do on the
4 Pydraul AC product?

5 A. It was formulated in my laboratory.

6 Q. Did you have any responsibility for
7 researching possible health effects from the PCB's
8 in the product?

9 A. No.

10 Q. Did you have any discussions with any
11 individuals about the possible health effects of
12 PCB's in the product?

13 A. No. Product was not, at that time
14 period, was never given a trade name until it had
15 cleared the medical department, which is what it
16 was called then with regard to a ^{safe} handling ~~and~~
17 statement, which went into the product literature.
18 So yes. I had to find a statement to put in that
19 product literature, which I wrote.

20 Q. You were responsible for writing the --

21 A. That was one of the many functions.

22 Q. Pardon me?

23 MR. GOUTMAN: You're going to have to let
24 him finish.

25 Q. (By Mr. Britton-Mehlis) Let me

1 finish.

2 A. Sorry.

3 Q. You were responsible for formulating or
4 drafting a health effect statement for this
5 product?

6 MR. GOUTMAN: Objection to form. You may
7 answer.

8 A. I was required by company rules to have
9 obtained approval and the wording of the statement
10 from our medical department.

11 Q. (By Mr. Britton-Mehlisch) Was there a
12 specific individual in the medical department that
13 you submitted your proposed statement to?

14 A. Sure. Emmett Kelly ran the place.

15 Q. Do you recall any discussions with Dr.
16 Kelly about the possible health effects from the
17 Pydraul AC product?

18 A. No.

19 Q. Did you discuss any possible health
20 effects that the PCB's in the product might have on
21 humans?

22 A. I don't remember.

23 Q. Did you discuss any possible health
24 effects that the PCB's in the Pydraul AC product
25 might have on other mammal life?

1 A. I don't remember.

2 Q. Do you recall any specific discussions
3 you would have had with Dr. Kelly about any
4 potential toxic effects the PCB's in the Pydraul AC
5 product would have had on any form of animal life?

6 A. No.

7 Q. Do you know what research Dr. Kelly did
8 to determine whether or not the PCB's in the
9 Pydraul AC product would have any toxic effect on
10 human life?

11 A. No.

12 Q. Did you do any specific research on the
13 toxic or health effects of PCB's in this product
14 before --

15 A. Go ahead.

16 Q. -- Before you submitted your statement
17 to Dr. Kelly for his review?

18 A. I did not submit any statements to Dr.
19 Kelly for review. The medical department wrote the
20 statements, and I merely put them in the bulletin
21 as given to me.

22 Q. All right. Just so we can shorten our
23 inquiry about all the Pydraul products, was this
24 the same procedure that you followed for all the
25 Pydraul products that were listed on page six of

1 this document?

2 MR. GOUTMAN: Procedure for the creation
3 of product literature that contained health
4 statements?

5 MR. BRITTON-MEHLISCH: Yes.

6 A. I cannot remember whether I wrote all
7 those documents, but if I wrote any of them, they
8 would have gone through the same procedures. And
9 if somebody else wrote them, they would have also
10 been cleared through the medical department.

11 Q. Do you recall doing any research yourself
12 on health effects of PCB's that were contained
13 within any of these products?

14 A. No. We were not toxicologists, we were
15 chemists.

16 Q. You relied on the medical department for
17 that area of expertise?

18 A. Yes.

19 MR. GOUTMAN: Wait until he is finished.

20 A. Yes.

21 Q. (By Mr. Britton-Mehlisch) They had
22 toxicologists on staff such as Mr. Wheeler?

23 A. I do not remember the organization of the
24 medical department.

25 Q. Do you recall having any discussions with

1 Mr. Wheeler about PCB's in the Pydraul product
2 line?

3 A. I do not recall that.

4 Q. When did Pydraul AC first begin to be
5 sold on the market if you recall?

6 A. I do not have that date in my mind.

7 Q. Let's move onto the next product.

8 Pydraul AC-WG. Do you recall what -- do you recall
9 whether or not this product contained PCB's?

10 A. I do not recall this product here today.

11 I do not know -- remember what it was.

12 Q. You have no recollection of about what
13 its function might have been?

14 A. No.

15 Q. Looks like it was a big seller for you,
16 also, there.

17 What about the Pydraul 625 product, do
18 you recall that product?

19 A. Yes. And that one contained PCB's.

20 Q. Do you recall what specific type of PCB's
21 that product contained?

22 A. No.

23 MR. PENDERGAST: I'm going to object to
24 the form of the question.

25 Q. (By Mr. Britton-Mehlis) Do you recall?

1 MR. GOUTMAN: I assume by type of PCB's,
2 you mean which Aroclor?

3 MR. PENDERGAST: Which Aroclor, I'd just
4 as soon you'd be precise with the question.

5 Q. (By Mr. Britton-Mehlis) Do you know
6 what particular type Aroclor that product
7 contained?

8 A. No, I do not.

9 Q. Do you recall when that product first
10 entered the market place?

11 A. I do not.

12 Q. Did you have any responsibility for the
13 development of that product?

14 A. That came out of my group, yes.

15 Q. What specifically -- what specific
16 research did you have in the development of that
17 product?

18 MR. GOUTMAN: At this time, I would
19 object. None of these products are involved in
20 this litigation. I don't -- I can't fathom the
21 relevancy of who developed Pydraul and what its
22 functions were. Can you maybe explain that to me,
23 it's been going on now for an hour, we haven't
24 gotten to any products that was found in the
25 transportation and safety book.

1 MR. BRITTON-MEHLISCH: Tom, I understand
2 that's your general objection to this whole
3 deposition.

4 MR. GOUTMAN: It's not a general
5 objection to this whole deposition. I'm just
6 asking you where you're going with this. I mean,
7 you could take depositions adnauseam at all sorts
8 of products manufactured by Monsanto. But I don't
9 understand the relevance. Maybe you can tell me
10 what it is.

11 MR. BRITTON-MEHLISCH: I have the right
12 to inquire into what knowledge Monsanto had about
13 the health hazards of PCB's as it relates to any
14 product that had PCB's in them.

15 MR. GOUTMAN: I understand that. And a
16 lot of your questions have related to that, to
17 health hazards of PCB's and the rest was when was
18 Pydraul developed. This is hydraulic fluid. It
19 has nothing to do with this case.

20 MR. BRITTON-MEHLISCH: You stated your
21 objection for the record. I'm going ahead, Tom. I
22 have sat through enough depositions where I felt
23 the same about your inquiry, too. And I'm going to
24 go ahead and take the deposition the way I want to
25 take it.

1 MR. GOUTMAN: I don't think any of my
2 deposition was ever devoted to a product that was
3 not found in the building, but in any event.

4 MR. BRITTON-MEHLISCH: We are wasting
5 time getting into an argument about this. I can
6 probably go ahead and speed through there.

7 MR. GOUTMAN: Again, I'm not objecting.
8 You can ask all the question you want. I find it
9 to be somewhat frustrating because this gentleman
10 was a research chemist in Pydrauls. Pydrauls have
11 not been found in the building, and I just don't
12 see the point of this, but please proceed.

13 Q. (By Mr. Britton-Mehlis) All right.
14 Talking about Pydraul 625, do you recall having any
15 discussions with anyone in the medical department
16 about possible health effects from PCB's in Pydraul
17 625?

18 A. I do not recall.

19 Q. Do you recall having any discussions with
20 anyone within your research group about possible
21 health effects from PCB's in Pydraul 625?

22 A. No.

23 Q. Let's move on to Pydraul F-9. What was
24 the function of this product?

25 A. It was the beginning of the line of

1 Pydrauls. It was the first one.

2 Q. And it was used as a hydraulic fluid?

3 A. Yes.

4 Q. And any particular applications?

5 A. Mostly ~~die~~ ^{die} casting metal handling, other
6 problems involving exposure to high temperatures or
7 fire.

8 Q. Do you recall what particular type of
9 Aroclor was used in this product?

10 A. No, I do not.

11 Q. Did you have any involvement with the
12 medical department about possible health hazards
13 from PCB's in this product?

14 A. They provided the handling statement.

15 Q. Again, the same procedure you already
16 described in your testimony?

17 A. Yes, yes.

18 Q. Did you do any independent research
19 yourself about possible health effects from PCB's
20 in this product?

21 A. No.

22 MR. GOUTMAN: This witness has never done
23 any research on health effects of PCB's. That can
24 be established with one question and one answer.
25 You don't have to go through each question. He's

1 not a toxicologist. He is a chemist.

2 MR. BRITTON-MEHLISCH: Let him testify,
3 okay?

4 MR. GOUTMAN: Ask him the question.

5 MR. BRITTON-MEHLISCH: I'm trying to.

6 Q. (By Mr. Britton-Mehlisch) Let's go to
7 the Pydraul A-200 product, Mr. Hatton. Did this
8 product contain PCB's?

9 MR. GOUTMAN: Excuse me, it's Dr.
10 Hatton.

11 A. Yes.

12 Q. (By Mr. Britton-Mehlisch) What
13 particular type of Aroclor did this contain?

14 A. I do not remember.

15 Q. And do you recall having any particular
16 discussions with the medical department about
17 health effects of PCB's in this product?

18 A. Same answer as before.

19 Q. Next is the Pydraul or the Pydraul 540
20 product.

21 A. Uh-huh.

22 Q. Did this product contain PCB's?

23 A. Yes.

24 Q. Do you recall what particular type of
25 Aroclor was contained within this product?

1 A. No.

2 Q. Did you have any discussions with the
3 medical department or any of the toxicologists
4 about possible health effects from PCB's in this
5 product?

6 A. They provided the handling statement.

7 Q. The Pydraul 280 product, did that contain
8 PCB's?

9 A. That, I do not remember for sure.

10 Q. Do you have any recollection of this
11 product at all?

12 A. No.

13 Q. What about the sealant product line, Dr.
14 Hatton, did you have any responsibility for PCB use
15 in sealants?

16 A. No.

17 Q. Was sealants handled by a separate
18 marketing group?

19 A. I do not know.

20 Q. Did you do any research on PCB use in
21 sealants --

22 A. No.

23 Q. -- during your tenure.

24 Was there a separate research group that
25 would have handled that research?

1 A. We wouldn't have. I don't know whether
2 they had a group for it or not.

3 Q. Do you know whether or not Monsanto
4 produced any sealants or caulks that contained
5 PCB's in them?

6 MR. GOUTMAN: Objection. There's been no
7 allegation that Monsanto ever manufactured caulk or
8 sealants containing PCB's in your complaint or
9 otherwise. But go ahead, you can answer.

10 A. I just don't know. I just don't know.

11 Q. (By Mr. Britton-Mehlis) Dr. Hatton,
12 did you have any responsibility for the decision to
13 discontinue the use of Aroclors in the Pydraul
14 product line?

15 A. No. I was not a member of the committee
16 that made the decision.

17 Q. Who were members of that committee, if
18 you recall?

19 A. It was headed up by Bill Pappageorge
20 (phonetic), and I do not recollect the members of
21 the committee.

22 Q. Was anyone in the marketing department a
23 member of that committee?

24 A. If I can't remember who they were, I sure
25 can't remember what they did.

1 Q. When do you recall being informed?

2 MR. GOUTMAN: Are we done with this?

3 MR. ROUX: You want to get into the NCR
4 Paper?

5 MR. GOUTMAN: Go ahead, I'm sorry to
6 interrupt. There was a pending question. I didn't
7 mean to interrupt.

8 Q. Dr. Hatton, do you know where Aroclors
9 were produced by Monsanto, what particular plants
10 produce them?

11 A. I'm aware, or I remember two locations,
12 one of which was Anniston, Alabama, and one I think
13 was the so called Plant B in Illinois.

14 Q. Is that the plant located in Sauget,
15 Illinois?

16 A. Yes. We called it Plant B. It's called
17 -- it's been called the Krummrich plant. It's had
18 a half a dozen other names.

19 Q. Also known as the WKG plant?

20 A. Bill Krummrich was one of my better
21 bosses.

22 Q. Which plant produced the Pydraul product
23 line?

24 A. The only plant that I remember that did
25 it for sure was the JF Queeny plant in St. Louis,

1 or also called Plant A.

2 Q. Did you visit that plant from time to
3 time to observe production of this product?

4 A. No. It was not a routine responsibility
5 of mine.

6 Q. Again, referring to the Aroclor products,
7 you mentioned those were produced at two plants,
8 Anniston, Alabama and Sauget, Illinois?

9 A. I mentioned that I remember two. I would
10 not go on the record as saying that they weren't
11 produced elsewhere.

12 Q. Did you ever have opportunity to observe
13 the production of Aroclor at the Sauget plant?

14 A. No.

15 Q. Did you ever have opportunity to observe
16 production of Aroclors at the Anniston, Alabama
17 plant?

18 A. No.

19 Q. Are you familiar at all with what
20 policies for personal protective measure might have
21 been in place at those plants during the Aroclor
22 production?

23 MR. GOUTMAN: Objection to form. You may
24 answer.

25 A. No. I -- no.

1 Q. (By Mr. Britton-Mehlis) Do you have
2 any knowledge about who would be responsible for
3 health and safety issues for Monsanto workers that
4 would be involved in Aroclor production?

5 MR. GOUTMAN: You mean other than the
6 medical department?

7 MR. BRITTON-MEHLISCH: Well, why don't
8 you let him answer.

9 MR. GOUTMAN: I thought you covered this
10 already. That's why I said --

11 MR. BRITTON-MEHLISCH: I'm talking about
12 in-plant.

13 MR. GOUTMAN: Within the plant, okay.

14 A. Such items were the responsibility of the
15 plant manager and his working group, whoever it
16 might have been, and overall responsibility back to
17 the medical department.

18 Q. (By Mr. Britton-Mehlis) During the
19 time that Aroclors were produced, do you recall who
20 the manager of the Sauget, Illinois plant was?

21 A. No.

22 Q. Do you remember the time that Aroclors
23 were produced, do you know who the plant manager of
24 the Anniston, Alabama plant was?

25 A. No.

1 Q. Do you know who would have been
2 responsible for health and safety and worker
3 protection within those plants during that time
4 period?

5 A. No.

6 Q. Do you know whether or not Monsanto had a
7 policy to medically monitor workers who were
8 exposed to Aroclors during production at those
9 plants?

10 MR. GOUTMAN: Objection to the form. You
11 can answer if you know what the question means,
12 what medical monitoring means.

13 A. I do not know who is responsible, other
14 than back at that time the medical department.

15 Q. (By Mr. Britton-Mehlisch) Do you know
16 whether or not Monsanto had a policy recording
17 spills of Aroclor within these plants during
18 production?

19 A. I did not know, I do not know.

20 Q. That would have been a responsibility for
21 the plant manager or those underneath them?

22 A. Uh-huh.

23 MR. PENDERGAST: That's a yes?

24 A. Yes, uh-huh.

25 Q. (By Mr. Britton-Mehlisch) Are you aware

1 of any claims or lawsuits by former workers or
2 workers of Monsanto alleging health effects --
3 strike that question.

4 Are you aware of any claims or lawsuits
5 by Monsanto workers alleging personal injury from
6 exposure to PCB's while they worked at those
7 plants?

8 A. No, I'm not aware of any.

9 MR. ROUX: You mean employees of
10 Monsanto?

11 MR. GOUTMAN: I think that was the
12 question.

13 MR. ROUX: I think he said workers,
14 because we know there are other lawsuits out there
15 by people.

16 MR. GOUTMAN: Not from the Monsanto
17 plant, but anyway, James, I don't think the
18 question is restricted to that.

19 Q. (By Mr. Britton-Mehlich) Dr. Hatton,
20 did you ever do any research on pyrolysis of
21 Aroclor PCB's?

22 MR. GOUTMAN: Pyrolysis, you mean?

23 MR. BRITTON-MEHLISCH: Yes.

24 A. The only work that I remember doing was
25 related to the fire resistance of ingredients that

1 went into the Pydrauls and the Pydrauls themselves.

2 Q. (By Mr. Britton-Mehlisch) Do you recall
3 when this work took place?

4 A. I guess -- well, -- there is no answer to
5 your question. During my entire career at
6 Monsanto, I was highly involved in fire resistant^{ce}
7 testing of fluids, and my committee work that we
8 have already been through were of -- that was
9 involved in developing test methods and trying to
10 standardize and that sort of thing.

11 Q. Did you do any work on pyrolysis of
12 Aroclor 1242?

13 A. No.

14 Q. Did you do any work to determine how much
15 PCB's would be vented during the manufacturing
16 process?

17 A. No.

18 MR. GOUTMAN: Objection. I'm sorry --
19 of Aroclors? Go ahead and answer.

20 A. No.

21 Q. (By Mr. Britton-Mehlisch) Did you do any
22 work on the persistence of PCB's in the
23 environment?

24 A. No.

25 Q. Are you aware of any work that was done

1 by Monsanto on that question?

2 MR. GOUTMAN: Objection to form. You may
3 answer.

4 A. I don't -- I'd say no.

5 Q. Did you discuss the persistence of PCB's
6 in the environment with anyone in the medical
7 department?

8 MR. GOUTMAN: Objection to form. You may
9 answer.

10 A. I don't recall any specific discussions.

11 (Whereupon, a short recess was taken.)

12 Q. (By Mr. Britton-Mehlis) Dr. Hatton, we
13 are back on the record.

14 Do you know when Monsanto began
15 development of non-PCB containing hydraulic fluids?

16 A. I need too look at that again. Would you
17 restate that question? I want to be sure I know
18 what fluids you're talking about.

19 Q. Well, my question was do you know when
20 Monsanto began the development of non-PCB
21 containing hydraulic fluids?

22 A. Yes.

23 Q. When was that, sir?

24 A. 1948.

25 Q. Did you have any involvement in the

1 development of non-PCB containing hydraulic fluids?

2 A. Yes.

3 Q. Is that something that you started on as
4 a research chemist when you joined the company in
5 1948?

6 A. No. It's an area that got started after
7 I was with the company, and we are -- the
8 application -- there was aircraft hydraulic fluids
9 and PCB's were never used in any of the aircraft
10 hydraulic fluids.

11 Q. When did Monsanto begin development of
12 non-PCB hydraulic fluids to replace the PCB
13 containing Pydraul line?

14 MR. GOUTMAN: Objection to form.

15 A. I don't know.

16 Q. (By Mr. Britton-Mehlisch) Looking back
17 at this document that we have marked as Exhibit 2,
18 it lists a number of -- page seven, it lists a
19 number of dates: September, 1970 and December,
20 1970 as target dates for discontinuing Aroclor
21 applications. Do you see that, sir?

22 A. Yes.

23 Q. Do you recall whether or not Pydraul AC
24 was discontinued in September, 1970?

25 A. I do not.

1 Q. Do you recall whether or not its function
2 was replaced by a non-PCB containing hydraulic
3 fluid?

4 A. I do not.

5 Q. With respect to the other Pydraul
6 products --

7 MR. GOUTMAN: I assume you mean replaced
8 by Monsanto?

9 Q. (By Mr. Britton-Mehlis) Yes. With
10 respect to the other Pydraul products that are
11 listed on this page, do you recall whether or not
12 any of these were replaced by non-PCB containing
13 hydraulic fluids by Monsanto?

14 A. I certainly do not remember the dates
15 which this occurred. I am aware of work, which I
16 was not involved in this, which alternate products
17 were made for the customers.

18 Q. Who was involved with the development of
19 alternate products for customers?

20 MR. PENDERGAST: Specifically in the
21 Pydraul line?

22 MR. BRITTON-MEHLISCH: Specifically in
23 the Pydraul line.

24 A. I do not recall the name of the group
25 leader who would have been in charge of this after

1 I left Monsanto.

2 Q. (By Mr. Britton-Mehlis) Do you recall
3 any of the individuals who have worked on that
4 project?

5 A. L.R. Stark would have been involved
6 definitely.

7 Q. What was Mr. Stark's position in the
8 company?

9 A. I think they called him a research
10 engineer, his background.

11 Q. Do you recall whether or not sales of
12 chlorinated biphenyl based hydraulic fluids were
13 discontinued by Monsanto in 1971?

14 MR. GOUTMAN: Would you read back the
15 question, please?

16 Q. (By Mr. Britton-Mehlis) Do you recall
17 whether or not sales of chlorinated biphenyl based
18 hydraulic fluids were discontinued by Monsanto in
19 1971?

20 A. I'm not aware of the exact date in which
21 the products were withdrawn.

22 Q. Do you have a reasonable estimate about
23 when that occurred?

24 A. Early '70s.

25 Q. Do you have any recollection about when

1 chlorinated biphenyl plasticizers were phased out
2 by Monsanto?

3 A. No.

4 Q. Again, did you have any role in research
5 for that particular product line?

6 A. No.

7 Q. Do you recall when sales of chlorinated
8 biphenyl based vacuum pumped fluids were
9 discontinued by Monsanto?

10 A. I'm having trouble putting a date on it,
11 but I recall that being done.

12 Q. Would it have been within the same time
13 frame as discontinuing the PCB based hydraulic
14 fluids?

15 A. I do not know.

16 Q. From the time period of 1960 to 1968, Mr.
17 -- or Dr. Hatton, who did you report to, who was
18 your immediate superior?

19 A. '60 to '68?

20 Q. Yes.

21 A. Oh, a series of people. Let's see, I
22 guess I worked for ^{Paton}~~Peyton~~ (phonetic) for a while.
23 I worked for George Fague (phonetic). And I think
24 I was assigned to David Woods for maybe a year.
25 Ned Klein was there at one time. And I'm not sure

1 that there wasn't others during that time period.

2 Q. During this time period, what was
3 Mr. Peyton's job title?

4 MR. GOUTMAN: He's being deposed on
5 Friday. You could get that from him.

6 MR. PENDERGAST: Calls for speculation.

7 Q. (By Mr. Britton-Mehlisch) How about
8 George Fague, do you recall his title?

9 A. No.

10 Q. Do you recall what responsibilities he
11 had?

12 A. He was my boss.

13 Q. He was in charge of the research
14 division?

15 A. No. Look at what we are talking about,
16 we are talking about the development department.

17 Q. How about David Woods, what was his
18 title?

19 A. Same answer.

20 Q. What about Mr. Ned Klein, what was his
21 responsibility?

22 A. He was in charge of the commercial
23 development department, I think, when I joined the
24 department.

25 Q. During the time period from 1962 to 1982,

1 who did you report to?

2 A. '62 to?

3 Q. Excuse me, '68 to '82.

4 A. Again, it was a series of people: Frank
5 Langenfeld (phonetic) was one of them that I
6 reported to at that time. But there were many
7 changes, and I can't remember all of ~~them~~ ^{those} people.

8 Q. Do you recall what Mr. Langenfeld's job
9 title was?

10 A. He was in -- no, I do not recall his job
11 title.

12 Q. Do you recall which group or division he
13 was in?

14 A. He was mainly interested in the Skydrol
15 fluids.

16 MR. PENDERGAST: Were those a non-PCB
17 containing aircraft fluid, the Skydrol?

18 A. Yes. They were phosphate ester products.

19 Q. Let's go ahead and mark this as Exhibit
20 3.

21 (Whereupon, Hatton Exhibit No. 3 was
22 marked for identification by the court reporter.)

23 Q. Dr. Hatton, have you ever seen this
24 document before?

25 MR. GOUTMAN: Meaning this particular

1 document with handwriting on the top and scribbled
2 out stuff, or this label.

3 MR. BRITTON-MEHLISCH: This label.

4 A. I do not remember any of these labels
5 that would say 10 percent Toluene on them.

6 Q. This Aroclor 1254 label has a caution
7 statement on this, correct?

8 A. Yes.

9 Q. Was that similar to the caution statement
10 that was on the Pydraul product label?

11 MR. GOUTMAN: Objection to form. You may
12 answer.

13 A. I do not remember.

14 MR. ROUX: Could I please see Exhibit 3
15 after you're done with it?

16 Q. (By Mr. Britton-Mehlis) Let's mark
17 this as Exhibit 4.

18 (Whereupon, Hatton Exhibit No. 4 was
19 marked for identification by the court reporter.)

20 Q. Dr. Hatton, do you recall seeing a
21 product label of this type for the Aroclor 1260
22 product?

23 A. No. I do not recall seeing that label.

24 Q. Do you ever recall having discussions
25 with anyone in Monsanto about the dangers of

1 prolonged and repeated contact with skin if Aroclor
2 1260 contacted skin?

3 A. Not this product, no.

4 Q. Do you have -- do you recall having any
5 discussion with anyone at Monsanto about the
6 hazards of skin contact for any PCB containing
7 product?

8 A. No.

9 Q. It also has a statement, avoid prolonged
10 breathing of vapor and dust. Do you recall having
11 any discussions with anyone at Monsanto about the
12 hazards of breathing Aroclor 1260 vapor?

13 A. No.

14 Q. Do you recall having any discussions with
15 anyone at Monsanto about the hazards of breathing
16 Aroclor vapor contained within the Pydraul product?

17 A. No specific discussions.

18 Q. Do you have a general recollection of
19 having those discussions with someone within
20 Monsanto?

21 A. I was in contact with the medical
22 department at all times on this. We did not -- we
23 had no responsibility, and neither do I have any
24 knowledge of toxicology, how you'd run the testing,
25 all this sort of thing. That was not my function.

1 If I had a question, I went over and talked to the
2 medical department, relayed the question, and they
3 took care of answering it.

4 Q. When do you recall first learning that
5 there could be health problems with contact with
6 Aroclor on the skin?

7 MR. GOUTMAN: Objection to form. You may
8 answer.

9 A. I don't have a date. Industrial
10 chemicals, chemicals of all types are always warned
11 this way, that you don't bathe in them or use them
12 as hair oil or whatever. That's a typical
13 industrial statement.

14 Q. (By Mr. Britton-Mehlis) Is that
15 something you would have learned when you first
16 joined the company in the 1940s?

17 A. I learned that when I was in high school.

18 Q. I'm talking about specifically with
19 respect to the Aroclor 1260 or Aroclor products.

20 A. I have no idea when I learned that. We
21 applied this to all materials we used in
22 laboratories.

23 Q. Have you ever heard the term chloracne?

24 A. Sure.

25 Q. What do you understand chloracne to be?

1 A. It's an attack of the skin. Usually, I
2 don't know all the medical symptoms, but it
3 involves rashes and sores and anything that you can
4 think of.

5 Q. Is that something that you understand can
6 be caused by exposure to PCB containing Aroclor?

7 MR. GOUTMAN: Objection. No foundation
8 as to this witness' expertise, but you may answer
9 if you can.

10 A. I don't have any specific recollection
11 being informed of this or concerned about it.

12 Q. (By Mr. Britton-Mehlis) Well, sir, you
13 told me you understand what the term means,
14 correct?

15 A. Sure.

16 Q. Do you recall when you first learned of
17 that term?

18 A. Yeah. When I was in high school, acne
19 that you got on your skin that's chloracne.

20 Q. You associate it with that?

21 A. Yes.

22 Q. All right. Did your understanding of
23 what chloracne is change after you came to work for
24 Monsanto?

25 A. I can't answer that question. I don't

1 know.

2 Q. Do you recall whether or not chloracne
3 can be caused by exposure to PCB containing
4 materials?

5 MR. GOUTMAN: Objection. Asked and
6 answered. You can answer it again if you want to.
7 You want another answer to the same question you
8 just asked two minutes ago?

9 A. Could you repeat the question?

10 Q. (By Mr. Britton-Mehlisch) Do you have an
11 understanding that chloracne could be caused by
12 skin contact with PCB containing materials?

13 MR. GOUTMAN: Objection. You can answer
14 if you can.

15 A. My answer is yes.

16 Q. (By Mr. Britton-Mehlisch) And do you
17 recall when you gained that knowledge that
18 chloracne could be caused by exposure to PCB
19 containing materials?

20 A. I have no, no memory.

21 Q. Is that sometime after your employment
22 began with Monsanto?

23 A. I do not remember.

24 Q. Have you ever heard allegations that PCB
25 exposure can cause birth defects?

1 MR. GOUTMAN: In what species?

2 MR. BRITTON-MEHLISCH: In humans.

3 A. You say have I ever heard of
4 allegations?

5 MR. BRITTON-MEHLISCH: Yes.

6 A. Yes. I have read it in the newspaper.

7 Q. (By Mr. Britton-Mehlisch) Do you recall
8 when you have read those allegations?

9 A. No.

10 Q. Do you recall whether or not that was
11 during the 1960s?

12 A. No, I do not.

13 Q. Was that something you discussed with the
14 medical department at Monsanto?

15 MR. GOUTMAN: Objection. He doesn't --
16 objection, lack of foundation, hasn't been
17 established whether, in fact, he read that while he
18 was at Monsanto. You can answer the question if
19 you can.

20 A. I have no recollection.

21 Q. (By Mr. Britton-Mehlisch) You don't
22 recall ever discussing the topic of human birth
23 defects due to PCB exposure with anyone at the
24 medical department?

25 A. I do not have a recollection of that.

1 Q. Have you ever heard of allegation that
2 exposure to PCB's can cause liver cancer?

3 MR. GOUTMAN: In humans, are you talking
4 about?

5 MR. BRITTON-MEHLISCH: Yes.

6 A. I have.

7 MR. BRITTON-MEHLISCH: I'm not concerned
8 about bird liver cancer at this point in the
9 deposition.

10 A. No, I don't recollect.

11 Q. (By Mr. Britton-Mehlisch) You never
12 heard that allegation before?

13 A. I cannot answer a question, which says I
14 never heard it before. My memory is not that good.

15 Q. So your recollection, your answer is that
16 you don't recall whether you ever heard this
17 allegation?

18 A. That is correct.

19 Q. Do you recall ever having discussions
20 with customers of Monsanto about allegations of
21 health effects from exposure to PCB's in humans?

22 A. Yes.

23 Q. Do you recall when you first had a
24 discussion with a customer about those allegations?

25 A. No.

1 MR. GOUTMAN: You have to wait until he's
2 done, Doctor.

3 A. I'm sorry.

4 Q. (By Mr. Britton-Mehlisch) Do you recall
5 who that customer was?

6 A. No.

7 Q. Do you recall whether or not that
8 concerned a specific product that Monsanto was
9 making?

10 A. Yes. I cannot name a customer, but it
11 was normal practice when I went out into the field
12 to take with me the product bulletin, which
13 contained the handling statement which came from
14 the medical department. If there were further
15 questions, I wrote it down carefully, went back,
16 talked to Dr. Kelly, and he answered the customer.

17 Q. You didn't have any responsibility for
18 drafting a letter replying to that customer?

19 A. No.

20 Q. That was something that was handle by Dr.
21 Kelly or the medical group?

22 A. Somebody handled it. I may have signed
23 the letter if they gave me a statement, which I put
24 into an introductory Dear Joe, and this was what I
25 obtained from the medical department, and I signed

1 it.

2 Q. You've mentioned from time to time you
3 had opportunities to go into the field to observe
4 customers use of the product?

5 MR. GOUTMAN: Objection to form. You may
6 answer.

7 A. Yes, yes.

8 Q. (By Mr. Britton-Mehlis) Do you recall
9 discussing any particular health hazards associated
10 with PCB's in the product that you were visiting
11 the customer -- strike that.

12 Do you recall any specific discussion of
13 PCB health hazards during any of these field trips
14 that you had?

15 A. No.

16 Q. Do you know what health investigations
17 the medical department made into the Aroclor
18 product line before it was first sold?

19 A. I do not.

20 Q. Do you know what --

21 MR. GOUTMAN: You're going to have to
22 slow down your answers a little bit, so I can do my
23 job.

24 A. Okay.

25 Q. (By Mr. Britton-Mehlis) Do you know

1 what investigations the medical department at
2 Monsanto undertook after the Aroclor product line
3 was put on the market?

4 MR. GOUTMAN: Objection to the form of
5 the question. You can answer.

6 A. No, I do not know.

7 Q. (By Mr. Britton-Mehlis) Dr. Hatton,
8 are you familiar with a scientist by the name of
9 Soren Jensen (phonetic)?

10 A. It does not strike a cord in my memory.

11 Q. Do you recall whether or not you were
12 aware in 1966 that Dr. Jensen made allegations that
13 PCB exposure could have adverse effects on the
14 environment?

15 MR. GOUTMAN: Objection to the form. You
16 can answer the question.

17 A. I don't remember, no.

18 Q. (By Mr. Britton-Mehlis) Do you recall
19 becoming aware of Dr. Jensen's work at any point
20 after 1966?

21 MR. GOUTMAN: He just said he never heard
22 of Dr. Jensen. What are you pursuing this for?

23 A. I don't remember any.

24 Q. (By Mr. Britton-Mehlis) Within the
25 trade associations that you listed on your resume,

1 do you recall any discussion of PCB health effects
2 in any of those trade organizations?

3 A. Not in the time period I was active.

4 Q. Has there been discussion in those
5 organizations at any point in time?

6 A. I'm not a member of the organizations any
7 longer, and I have no idea what they've done in
8 recent years.

9 MR. GOUTMAN: I don't know as Jensen had
10 a PhD in '66. He might have been a graduate
11 student at the time.

12 A. I don't know who the gentleman is, I have
13 no idea.

14 (Whereupon, Hatton Exhibit No. 5 was
15 marked for identification by the court reporter.)

16 Q. (By Mr. Britton-Mehlis) Dr. Hatton, do
17 you recall seeing a label such as this for the
18 Pydraul 1350 product before?

19 A. I do not recall specifically seeing this.

20 Q. Would that have been a product that you
21 would have had responsibility for assisting the
22 drafting of the label?

23 A. I did not -- my responsibilities did not
24 include drafting labels.

25 Q. Was that something that was performed by

1 the marketing department in conjunction with the
2 medical department?

3 MR. GOUTMAN: Objection to form. You may
4 answer if you know.

5 A. No. It was -- there was somewhere along
6 the line of my work with Monsanto, they set up a
7 label department, and they were concerned with the
8 format, the legal requirements and the wording of
9 the label. And one of their major responsibilities
10 was to coordinate this with the medical
11 department. And if I remember the rules and
12 regulations, we had to have a sign off by the
13 medical department, because I was also consulted,
14 but I was not responsible for it. I did not.

15 Q. (By Mr. Britton-Mehlisch) Do you recall
16 when the labeling department came into being?

17 A. No.

18 Q. Was it in place in the 1970s?

19 A. Yes.

20 MR. GOUTMAN: Objection.

21 Q. (By Mr. Britton-Mehlisch) Was it in
22 place in the 1960s?

23 A. I do not remember.

24 Q. Just so I understand your testimony, just
25 so we are clear, you have had no responsibility for

1 any of the wording of the caution --

2 A. That is correct.

3 Q. -- portion of that.

4 That would have been the responsibility
5 of the labeling department and the medical
6 department?

7 A. Uh-huh.

8 MR. PENDERGAST: The answer is yes?

9 A. Yes.

10 Q. (By Mr. Britton-Mehlis) Dr. Hatton,
11 are you familiar with the product Santosafe?

12 A. Santosafe. I am aware of the product,
13 but I had nothing to do with the development of
14 that -- of the Santosafe line of products.

15 Q. Do you know who was responsible for that
16 product line?

17 A. No, I don't remember who was involved at
18 that point.

19 Q. Would it have been someone within the
20 research department?

21 MR. GOUTMAN: Responsibility for the
22 development of it; is that what you're talking
23 about?

24 MR. BRITTON-MEHLISCH: Yes.

25 A. It would have been a research project.

1 Q. (By Mr. Britton-Mehlisch) Do you recall
2 whether or not that Santosafe product contained
3 PCB's?

4 A. I do not, no.

5 (Whereupon, Hatton Exhibit No. 6 was
6 marked for identification by the court reporter.)

7 Q. Dr. Hatton, do you recall seeing a
8 product label for Aroclor 1242 such as this before?

9 MR. GOUTMAN: Objection to form. What do
10 you mean such as this?

11 MR. BRITTON-MEHLISCH: Such as Exhibit 6
12 in front of you.

13 MR. GOUTMAN: Objection. Vague. You can
14 answer if you can.

15 A. I have no memory -- I have no specific
16 memory of this -- of seeing this.

17 Q. We are under a large word, Monsanto, in
18 the middle of the label, it contains the paragraph
19 which states, this product contains polychlorinated
20 biphenyls which some studies have shown may be
21 persistent in environmental contaminant and,
22 possibly, injurious to certain forms of bird,
23 aquatic, and animal life. Extreme care should be
24 taken to prevent any entry into the environment
25 through spills, leakage, use, disposal

1 vaporization, or otherwise. Contact your Monsanto
2 representative regarding reclamation of used
3 fluid. Do you see that paragraph?

4 A. Yes.

5 Q. Do you recall when this statement was
6 added to the Aroclor label?

7 A. I do not. I have no information on the
8 date of which this was.

9 Q. Did you have any responsibility for the
10 addition of that language to the Aroclor label?

11 A. No.

12 Q. Again, that would have been the
13 responsibility of the labeling department or the
14 medical department?

15 A. Yes.

16 Q. Over on the right, it says, waste
17 disposal, it says, used polychlorinated biphenyl
18 fluid may be returned, freight prepaid for proper
19 incineration at three cents per pound, correct?
20 Have I read that correctly?

21 A. Yes.

22 Q. Was this a policy that was also enacted
23 for the Pydraul product line containing PCB's?

24 MR. GOUTMAN: Objection. No foundation.
25 You can answer if you can.

1 A. I have no recollection that this was a
2 Pydraul program.

3 Q. (By Mr. Britton-Mehlisch) You have no
4 idea whether or not Monsanto offered to incinerate
5 Pydraul for three cents a pound?

6 A. No. I have no information that says yes
7 or no on that.

8 Q. All right. Do you recall when this offer
9 that Monsanto made to incinerate used PCB's fluids
10 first appeared on the label?

11 A. No.

12 Q. Again, you had no role in that policy?

13 A. I had -- no.

14 Q. Dr. Hatton, have you ever heard of the
15 product Santovac?

16 A. Yes.

17 Q. I understand there are two products,
18 Santovac 1 and Santovac 2; is that correct?

19 A. There was another product which was
20 called Santovac. We had a Santovac 5.

21 Q. Did the Santovac products contain PCB's?

22 A. One and two did. Five did not.

23 Q. What type of Aroclor PCB did Santovac 1
24 contain?

25 MR. GOUTMAN: Object to form.

1 A. I can't remember.

2 Q. (By Mr. Britton-Mehlich) What type of
3 PCB did two contain?

4 MR. PENDERGAST: Object to form. I just
5 as soon you use the term Aroclor.

6 Q. (By Mr. Britton-Mehlich) What type of
7 Aroclor did Santovac 2 contain?

8 A. I don't remember.

9 Q. Did you have any responsibility for
10 labeling any of the Santovac products?

11 A. No.

12 Q. So we are clear that that's the same
13 procedure that we have already described concerning
14 the labeling department and the medical department?

15 A. Yes, sir.

16 Q. What were the Santovac products used for?

17 A. Santovac fluids were used as working
18 fluids in vacuum pump systems.

19 Q. Do you recall when they were developed
20 and first put on the market?

21 A. No.

22 Q. Do you recall whether or not they were
23 discontinued by Monsanto at some point in time?

24 A. Yes, they were.

25 Q. Do you recall when that was?

1 A. I do not have a specific date, but it was
2 at the same time that the rest of the
3 polychlorinated biphenyl materials were removed
4 from the market.

5 Q. Would that have been sometime in the
6 early '70s?

7 A. Early '70s is close as I can recall.

8 Q. Are you familiar with the Inertene
9 (phonetic) product?

10 A. I'm aware of the trade name. It was used
11 for electrical applications.

12 Q. Did it contain Aroclor?

13 A. Yes.

14 Q. Do you recall what specific type of
15 Aroclor it contained?

16 MR. GOUTMAN: What's the possible
17 relevance of this to this case?

18 A. No.

19 Q. (By Mr. Britton-Mehlich) Did you have
20 any responsibility for the labeling of the Inertene
21 product?

22 A. No.

23 MR. PENDERGAST: Was Inertene a Monsanto
24 trade name or a GE trade name or Westinghouse?

25 MR. GOUTMAN: Westinghouse?

1 A. Westinghouse, I think.

2 MR. ROUX: To the extent, it matters at
3 all.

4 Q. (By Mr. Britton-Mehlis) Did Monsanto
5 eventually substitute Aroclors in hydraulic fluids?

6 MR. GOUTMAN: Objection, what do you mean
7 by that? I don't understand the question,
8 substitute Aroclors, you mean change 1240 to 1248.

9 Q. Did Monsanto eventually substitute a
10 non-PCB containing component for the Aroclors in
11 hydraulic fluids?

12 A. We did not substitute. New products were
13 developed.

14 Q. What new products were developed to
15 replace the Aroclors in hydraulic fluids?

16 A. Phosphate esters.

17 Q. Do phosphate esters have alleged health
18 effects on humans?

19 MR. GOUTMAN: Objection. I don't know
20 what that means. Are you asking this witness for
21 his medical judgment?

22 MR. BRITTON-MEHLISCH: I'm asking him for
23 his awareness of any potential health effects that
24 phosphate ester may have on human beings?

25 A. There's no way you can answer that

1 question. Phosphate esters is a general
2 terminology, and it goes all the way from materials
3 that are completely innocuous to poisonous gasses.

4 Q. (By Mr. Britton-Mehlisch) Did you
5 participate in any health and safety research with
6 regard to the toxicological effects of phosphate
7 esters on humans before they replaced Aroclors in
8 hydraulic fluids?

9 MR. GOUTMAN: That wasn't his testimony.

10 A. I did not.

11 Q. (By Mr. Britton-Mehlisch) Do you know
12 whether or not the medical department was
13 responsible for that area of research?

14 MR. GOUTMAN: Objection to form. You may
15 answer.

16 A. They would ^{not} have been introduced at
17 commercial products if they hadn't been.

18 Q. (By Mr. Britton-Mehlisch) Was mineral
19 oil used as a substitutes or replacement for
20 Aroclors in hydraulic fluid?

21 A. Mineral oils have been used as hydraulic
22 fluid since the beginning of time. Earliest fluids
23 were mineral oils, petroleum fluids, any of the
24 names you want to apply to them.

25 Q. Did Monsanto use mineral oil as a

1 replacement component for Aroclors in hydraulic
2 fluids?

3 A. I have been told that they did.

4 Q. Do you know when this replacement
5 occurred?

6 A. Well, in the early '70s somewhere.

7 Q. Do you know which specific products
8 mineral oils replaced Aroclors in hydraulic fluids?

9 A. No, no, I do not.

10 Q. Are you familiar with the product
11 Skydrol?

12 A. What?

13 Q. Are you familiar with the product
14 Skydrol?

15 A. No. It's Skydrol, S-K-Y-D-R-O-L. This
16 is a fire resistant aircraft hydraulic fluid that
17 Monsanto sold.

18 Q. Did it ever contain Aroclors?

19 A. Absolutely not.

20 (Whereupon, Hatton Exhibit No. 7 was
21 marked for identification by the court reporter.)

22 MR. GOUTMAN: You want him to read this
23 multi page article?

24 Q. (By Mr. Britton-Mehlis) I'll just ask
25 some foundation questions first. Perhaps we can do

1 away with him reading it. Doctor, Exhibit 7 is a
2 article by Robert Risebrough and Virginia Brodine
3 in the publication, Environment for the
4 January-February, 1970 issue. Do you recall ever
5 seeing this document before?

6 A. I have no memory ever seeing it.

7 Q. Did you ever read the publication,
8 Environment?

9 A. No.

10 Q. Do you know whether medical department
11 subscribed to this document or this publication?

12 A. I have no knowledge.

13 (Whereupon, Hatton Exhibit No. 8 was
14 marked for identification by the court reporter.)

15 Q. Exhibit 8 is an April 1st 1971 letter
16 from Mr. -- Dr. Hatton to Don Raible of the
17 American Hospital Supply Corporation, Monsanto
18 Bates number MONS 089728. Dr. Hatton, do you
19 recall this document?

20 A. I saw it yesterday again.

21 Q. Do you recall this inquiry that
22 Mr. Raible made to you about Santovac 2?

23 A. Not specifically.

24 Q. Do you recall whether or not Mr. Raible
25 raised any concern about possible health hazards

1 from -- excuse me, from exposure to Santovac 2?

2 A. I can't remember.

3 Q. This letter is blind carbon copied to a
4 Mr. C.L. Bradford, who is C.L. Bradford?

5 A. I think he was one of my many bosses at
6 one stage.

7 Q. Do you recall what his title was during
8 this time period in 1971?

9 A. Other than boss, no. I shouldn't have
10 said that.

11 Q. Second paragraph or the second sentence
12 of the letter, the purpose of this letter is
13 confirm Santovac 2 is the same as Aroclor 1254.
14 Does that refresh your recollection as to what
15 particular Aroclor was contained in Santovac 2?

16 A. If I wrote it there, yes, that's what it
17 says.

18 Q. You go on to state, because of questions
19 raised by certain ecology studies, Monsanto has
20 decided to carefully control the uses and disposal
21 of the polychlorinated biphenyls. What certain
22 ecology studies are you referencing in this letter?

23 A. This is a statement given to me by the
24 medical department to put in the letter.

25 Q. Was this a form letter that you would use

1 to address customer concerns?

2 A. It was personalized, but it's basically a
3 form letter.

4 Q. Do you know who within the medical
5 department drafted this letter?

6 A. No, I do not.

7 Q. Do you know whether or not Dr. Kelly had
8 any role in drafting this letter?

9 A. I do not.

10 Q. Is there any particular reason why a
11 Mr. J. O'Connell is referenced on this letter at
12 the bottom?

13 A. It says in the letter that I -- that I
14 had talked with Mr. O'Connell, and what's his name
15 -- and Swendson. So apparently, this was to let
16 him know, probably confirming phone discussion.

17 Q. Do you recall any concerns that either
18 Mr. O'Connell or Mr. Swendson raised about possible
19 health hazards to human exposure to Santovac 2?

20 A. No.

21 MR. GOUTMAN: Objection. You asked that
22 question about two minutes ago. Are you going to
23 circle back and ask questions over and over again?

24 Q. (By Mr. Britton-Mehlis) What's your
25 answer, Dr. Hatton?

1 MR. GOUTMAN: His answer is no.

2 A. I don't remember.

3 MR. ROUX: May I please see Exhibit 8?

4 MR. GOUTMAN: Sure can.

5 Q. (By Mr. Britton-Mehlis) Do you recall
6 what steps Monsanto took to carefully control the
7 use and disposal of polychlorinated biphenyls at
8 this point in time?

9 MR. PENDERGAST: What's the date, again,
10 in the letter?

11 MR. BRITTON-MEHLISCH: 1971.

12 A. I was aware generally, but I was not a
13 member of the committee that was making those
14 decisions and implementing them.

15 Q. (By Mr. Britton-Mehlis) What was your
16 general understanding in April of 1971 about what
17 steps Monsanto was doing to control the uses and
18 disposal of polychlorinated biphenyls?

19 A. We are going to get out of the business.

20 Q. Specifically, do you remember any
21 knowledge about what Monsanto was doing with regard
22 to disposal of polychlorinated biphenyls?

23 A. I was aware of the incineration program.
24 Beyond that, no.

25 Q. Do you know whether or not Santovac 2,

1 used Santovac 2, could be returned to Monsanto for
2 incineration during this time period?

3 A. I can't remember specifically.

4 Q. Do you have an understanding of the
5 reason why Monsanto was getting out of the PCB
6 business during this time period?

7 A. The statement that was provided to me by
8 the medical department that's in this letter is my
9 understanding.

10 Q. Did you have any knowledge beyond the
11 understanding of the statement that was provided to
12 you by the medical department?

13 A. I don't remember what I knew in 1971 with
14 regard to rumors and scuttlebutt.

15 Q. What rumors and scuttlebutt did you hear
16 during this time period?

17 MR. GOUTMAN: He just said he didn't
18 remember.

19 A. I just said I didn't remember, and I
20 don't.

21 MR. BRITTON-MEHLISCH: I wanted to
22 clarify it for the record.

23 MR. GOUTMAN: How could it be clearer?
24 The man said he didn't remember.

25 Q. (By Mr. Britton-Mehlisch) Let's go ahead

1 and mark this as Exhibit 9?

2 (Whereupon, Hatton Exhibit No. 9 was
3 marked for identification by the court reporter.)

4 Q. This is a February 23, 1971 letter from
5 Dr. Hatton to Mr. M.B. Simms, the name of
6 corporation is obscured. The Bates number is MONS
7 089751.

8 MR. ROUX: What's the date?

9 Q. (By Mr. Britton-Mehlisch) February 23,
10 1971.

11 You state to Mr. Simms -- first, Dr.
12 Hatton, do you recall writing this letter?

13 A. Not specifically.

14 Q. Again, do you recall writing letters of
15 that type during this time period?

16 A. Certainly.

17 Q. Letter states, Dear Mr. Simms: This
18 letter will confirm our discussions this morning
19 concerning Santovac 2 as a replacement for Aroclor
20 1254 in vacuum pumps. Did I read that correctly?

21 A. Yes.

22 Q. Looking back at Exhibit 8, doesn't
23 Exhibit 8 state that Santovac 2 is the same as
24 Aroclor 1254?

25 A. That's what it says.

1 Q. Do you have any understanding, as you sit
2 here today, why you would tell Mr. Simms that
3 Santovac 2 is a replacement for Aroclor 1245, when
4 in the previous exhibit, you identified that
5 Santovac 2 is the same as Aroclor 1254?

6 MR. GOUTMAN: That isn't what the letter
7 says. I object. It says they discussed Santovac 2
8 as a replacement for Aroclor 1254. It doesn't say
9 this witness recommended that or stated that.

10 MR. BRITTON-MEHLISCH: My question stands
11 as it is. You can make your objection.

12 A. Would you go through it again?

13 Q. (By Mr. Britton-Mehlis) Would you
14 confirm for me, in Exhibit 8, you stated Santovac 2
15 is the same as Aroclor 1254, correct?

16 A. Yes.

17 Q. Exhibit 9 you state that Santovac 2 is a
18 replacement for Aroclor 1254 in vacuum pumps,
19 correct?

20 MR. GOUTMAN: Objection. You may
21 answer.

22 A. Santovac 2 required some further
23 processing of Aroclor 1254, did not change anything
24 except its volatility.

25 Q. Would you explain to me, Dr. Hatton, why

1 you would tell Mr. Simms that Santovac 2 was a
2 replacement for Aroclor 1254 when you have already
3 identified the fact that Santovac 2 is essentially
4 an Aroclor or the same as Aroclor 1254?

5 MR. GOUTMAN: Object to the form.

6 MR. PENDERGAST: That's not what the
7 letter says.

8 MR. GOUTMAN: That's not what the letter
9 says. Why do you persist in asking a blatantly
10 misleading question?

11 MR. PENDERGAST: I agree.

12 MR. ROUX: Not withstanding the tutorship
13 from Harrisburg.

14 Q. (By Mr. Britton-Mehlich) Do you
15 understand the question, Dr. Hatton?

16 A. No. I don't understand it at all.

17 Q. Dr. Hatton, do you agree that Santovac 2
18 is the same as Aroclor 1254?

19 A. No. It is not the same as. It is a
20 material which is very closely similar to. But
21 what you are asking for is something the same as,
22 does it mean that you just took it out of one
23 bottle and poured it into another? And the answer
24 is no.

25 Q. All right. What process did Aroclor 1254

1 go through to become Santovac 2?

2 A. Distillation.

3 Q. What properties of Aroclor 1254 were
4 changed by distillation?

5 A. Volatile -- can't even say the word,
6 volatility.

7 Q. Did it become more easily volatile?

8 A. No, less.

9 Q. Again, looking at Exhibit 9, was this a
10 letter that was of the form type that was provided
11 to you by the medical department?

12 A. Yes.

13 Q. In the last paragraph, you make the
14 statement that there are no distributors for this
15 product. Do you see that statement?

16 A. Yes.

17 Q. Did Monsanto have a distribution network
18 at one point in time in the Santovac product line?

19 A. No.

20 Q. It was always sold directly from
21 Monsanto?

22 A. As far as I can remember.

23 Q. Was that the case for the Pydraul product
24 line, also?

25 A. No.

1 Q. What about with the Aroclor, PCB
2 containing Aroclors, do you have any understanding
3 about what the distribution was for that?

4 MR. GOUTMAN: Objection.

5 A. No, I do not.

6 MR. ROUX: May I see Exhibit 8 and 9,
7 please.

8 MR. GOUTMAN: Sure can.

9 (Whereupon, Hatton Exhibit No. 10 was
10 marked for identification by the court reporter.)

11 Q. (By Mr. Britton-Mehlisch) Dr. Hatton,
12 Exhibit 10, a February 16, 1971 letter from
13 yourself to Mr. Howard M. Berch, president of the
14 Plastics Specially Incorporated Company. Again, do
15 you recall this letter?

16 A. No, not until I saw this yesterday.

17 Q. In this first paragraph you state, Dear
18 Mr. Berch: Thank you for your letter of February 4
19 concerning Aroclor 1254 and Santovac 2. Monsanto
20 no longer offers Aroclor 1254 for sale. Does that
21 statement refresh your recollection about when
22 Monsanto discontinued at least the Aroclor 1254
23 product?

24 A. Well, this was dated the 16th of
25 February, 1971, so it was prior to that. Memory

1 says it was close to that.

2 Q. You also make a statement in the third
3 paragraph you may return used Santovac to Monsanto,
4 W.G. Krummrich plant supervisor, department 246
5 Sauget, Illinois 62201 for incineration and
6 disposal. You should pay the freight and will be
7 invoiced three cents per pound on the material
8 disposed of. Do you recall -- again, do you recall
9 when this incineration policy went into effect?

10 A. No, I don't know when it first started.

11 Q. Did you have any customers that took you
12 up on this offer to incinerate Santovac 2 for three
13 cents a pound?

14 A. I can't remember.

15 Q. Do you recall whether or not any
16 customers sent Pydraul containing PCB's for you to
17 incinerate?

18 MR. GOUTMAN: Objection. Asked and
19 answered. You can answer it again.

20 A. No, I don't recall any.

21 Q. (By Mr. Britton-Mehlich) Do you recall
22 sending any information to any customers about
23 disposal of Aroclor or Santovac 2 if they chose not
24 to send it back to Monsanto for incineration?

25 MR. GOUTMAN: I don't understand the

1 question. Would you repeat it, please, or the
2 court reporter could read it back.

3 (Whereupon, the preceding
4 question was read back by the court reporter.)

5 MR. GOUTMAN: Objection to form. You can
6 answer.

7 A. I have no recollection of doing so.

8 Q. Do you recall any calls from customers
9 about how they should properly dispose of these
10 products?

11 A. No, I do not.

12 Q. Dr. Hatton, while you were employed with
13 Monsanto, did you have any contact with the
14 Saunaborn (phonetic) Corporation?

15 MR. PENDERGAST: Object to the form.

16 A. I can't remember that name of a company
17 that I would have dealt with.

18 Q. (By Mr. Britton-Mehlis) Do you know
19 whether or not they were ever a customer of
20 Monsanto before the Aroclor products?

21 A. I don't know.

22 Q. With respect to the Chemrex, the name
23 Chemrex, are you familiar with that name at all?

24 A. No.

25 Q. Do you know whether or not they were a

1 customer of Monsanto for Aroclors?

2 A. I don't even recognize the name.

3 Q. What about the company, Advanced
4 Transformer, have you ever heard of that company?

5 A. No. I have no recollection of that.

6 Q. How about the company Philips North
7 America, you heard of that entity before?

8 A. No, Philips has a pretty good stock, but
9 then that's all I know about it.

10 Q. Have you had any discussions with any
11 manufacturer of PCB containing light valves
12 concerning possible health hazards to humans?

13 A. During one period in my career, I was
14 given the job of introducing -- getting rid of
15 Santovac 1 and 2. And I was also given the
16 additional assignment of determining what
17 replacement products were available and could be
18 used in the electrical applications.

19 Q. Let me go --

20 A. Such as made some calls to various
21 manufacturers in the presence of other people. And
22 I do not remember whether this was one of them that
23 I talked to.

24 Q. Do you recall any electrical
25 manufacturers that you might have talked to during

1 that time period?

2 A. Oh, Westinghouse and General Electric and
3 the list gets longer and longer, but the companies
4 smaller and smaller. We visited -- by we, one of
5 the fellows working with me, we went to a number of
6 people that make capacitors and talked to them.
7 That was my education/period.

8 Q. Do you recall any specific discussions
9 with any of these companies about possible health
10 hazards to humans from PCB exposure?

11 A. No.

12 Q. You mentioned that at one point in time,
13 you were given the responsibility of getting rid of
14 Santovac 1 and 2. When you use that phrase, what
15 do you mean?

16 A. You have shown me a number of letters
17 here. The purpose of this project was to introduce
18 Santovac 1 and 2 and let -- and no longer sell
19 Aroclors for that application. So that was my
20 assignment. And I carried it out as we have pretty
21 much indicated in these previous exhibits.

22 Q. Do you know what health studies the
23 medical department would have conducted on Santovac
24 2 to determine whether or not it posed any hazard
25 to human health?

1 A. I used the statement in paragraph three
2 of Exhibit 10 from the medical department.

3 Q. Again, do you know what specific studies
4 they are referring to in that paragraph?

5 A. No, I do not.

6 Q. While you were employed by Monsanto, did
7 you have any contact with Gustan Bacon Corporation
8 (phonetic)?

9 A. That doesn't ring a bell at all.

10 Q. Did you have any discussions with any
11 manufacturers of duct work that utilized PCB's in
12 their construction?

13 A. No. I'm sorry. I answered too quick,
14 but the answer is no.

15 Q. Did you have any discussions with anyone
16 at the Certainteed Corporation concerning PCB's?

17 A. I have no recollection.

18 Q. And what about the U.S. Mineral
19 Corporation, did you have any discussion with
20 anyone at that company concerning PCB's or use the
21 PCB materials in their products?

22 A. No.

23 Q. What about the Isoltech Corporation
24 (phonetic). Do you recall that name?

25 A. No.

1 MR. GOUTMAN: Nor did it exist.

2 MR. BRITTON-MEHLISCH: That's right.

3 MR. ROUX: It's a good question, though.

4 Q. (By Mr. Britton-Mehlisch) What about the
5 PRC Corporation or the PRC Division? Doesn't stand
6 for the Peoples Republic of China.

7 A. No. It's Products Research Corporation.

8 Q. Yes.

9 A. I know who they were at this time period,
10 but I had no contact with them.

11 Q. What was your understanding of who this
12 company was during this time?

13 A. Oh, they made specialty resins, specialty
14 adhesives, anything that had the name specialty in,
15 they made. It was just a general sort of
16 operation.

17 Q. And just so we are clear, you had no
18 contact with this company during this time period?

19 A. No, uh-uh.

20 Q. Are you aware of anyone at Monsanto
21 having discussion with PRC about the use of PCB
22 materials in their products?

23 A. I have no information on that.

24 Q. Thank you, Dr. Hatton. I don't have
25 anymore questions.

1 MR. ROUX: I have no questions, Dr.
2 Hatton.

3 [EXAMINATION]

4 QUESTIONS BY MR. PENDERGAST:

5 Q. Dr. Hatton, John Pendergast. I represent
6 Chemrex. And Chemrex didn't exist until 1988, so
7 it's not surprising that you hadn't heard of them.
8 In your work, have you ever worked with
9 polyurethanes?

10 A. No. But they sure make good paints and
11 varnishes.

12 Q. All right. Let me ask you this: What
13 was it about the property of Aroclors that made
14 them a good plasticizer?

15 A. I have no information on the plasticizer
16 application.

17 Q. Okay. All right. Do you know whether
18 Santosizer 278 contained Aroclors?

19 A. I do not.

20 Q. Would that be true of any Monsanto
21 product marketed under the trade name Santosizer?

22 A. I knew the compositions of a few of them,
23 but I didn't -- was not directly concerned with
24 their applications or their development.

25 Q. All right. How about Santosizer 140, do

1 you know if that was a Aroclor product?

2 A. It was not an Aroclor product.

3 Q. How about 148?

4 A. No, it was not.

5 Q. How about 679?

6 A. I have no idea.

7 Q. 160? I'm looking at a time frame of
8 1970.

9 A. I have forgotten 160.

10 Q. How about 261?

11 A. Same thing.

12 Q. Would you agree with me that any Aroclor
13 with a number starting with 54 would be a ~~terphenyl~~ *terphenyl*
14 product, in other words, Aroclor 5442 would be a
15 ~~terphenyl~~ *phenyl* product chlorinated to 42 percent?

16 A. I was told that somewhere in my career
17 with Monsanto. I can't remember who or when.

18 Q. Okay. Are you familiar as a chemist with
19 the general properties of polyurethanes?

20 A. That is as broad a question as I think I
21 have ever been asked.

22 Q. All right.

23 A. You don't become a chemist, unless you
24 know a lot of chemistry, a lot of odd materials.
25 And that's one of them I think I could draw a

1 structure for.

2 Q. Would you agree with me that -- do you
3 know anything about the use of polyurethanes in
4 sealants or caulks?

5 A. No, I do not.

6 Q. Do you know whether or not polyurethanes
7 have as a general -- a property elasticity?

8 MR. BRITTON-MEHLISCH: Objection. Lack
9 of foundation.

10 A. I have no knowledge there.

11 Q. (By Mr. Pendergast) Would you as a
12 chemist have any reason to believe -- strike that.

13 Would you as a chemist -- strike that.

14 One more time, could you as a chemist
15 think of any reason whatsoever why anyone would
16 want to add an Aroclor based plasticizer to a
17 polyurethane sealant.

18 MR. BRITTON-MEHLISCH: Objection. Calls
19 for speculation.

20 A. That's beyond my expertise.

21 Q. (By Mr. Pendergast) Couple times during
22 the deposition, you indicated rather emphatically
23 that Skydrol did not contain PCB's.

24 A. That is correct.

25 Q. Was there a reason that Skydrol did not

1 contain PCB's?

2 A. Yes.

3 Q. What was it?

4 A. Airplanes fly at high altitudes, and the
5 hydraulic fluid on the aircraft goes through the
6 nose to the tail to the tip of each wing. And it
7 must be able to move at the temperatures involved,
8 which minus 65 is commonly talked about, but it
9 goes sometimes lower. The Aroclors as a group of
10 compounds get like rocks at that temperature.

11 Q. Okay. Is there --

12 A. Therefore, you cannot push them down a
13 hydraulic line.

14 Q. Did you do any work with DDT while you
15 were at Monsanto?

16 A. No.

17 Q. Were you familiar with Rachel Carson's
18 publication of the book Silent Spring around the
19 time it was published in 1962?

20 A. I read it.

21 Q. Just so I understand your testimony about
22 Santovac 2, I think you indicated in your testimony
23 that it differed from Aroclor 1254 in that some
24 kind of distillation process was performed on the
25 product; is that correct?

1 A. That is correct.

2 Q. What was the process, to remove higher
3 chlorinated PCB's?

4 A. No. The process in making it more
5 suitable as a vacuum pump fluids, removes the low
6 ends.

7 Q. Okay. And was there any suggestion at
8 the time -- strike that.

9 Did Monsanto produce any PCB's outside
10 the United States to your knowledge?

11 A. Yes.

12 Q. Okay. Monsanto had a plant in England,
13 correct?

14 A. Yes.

15 Q. Did -- were you involved in any work to
16 compare Monsanto's PCB's -- strike that --
17 Monsanto's Aroclor product with other similar
18 products manufactured by Monsanto's foreign
19 competitors?

20 A. I'm not aware of any work.

21 Q. Did Monsanto have an ownership interest
22 in any of the foreign manufacturers of PCB's to
23 your knowledge?

24 A. Would you define foreign manufacturers?

25 Q. Sure. I think we were told by someone

1 that there was a Japanese company, Kanajafukee
2 (phonetic), did Monsanto have any ownership
3 interest in that company to your knowledge?

4 A. I do not know.

5 Q. Can I take a look at Exhibit 2? Dr.
6 Hatton are you aware of any work that was done by
7 Monsanto or anyone else concerning the issue of
8 whether PCB's would migrate from PCB containing
9 sources to non-PCB containing substrates?

10 A. I'm not.

11 MR. GOUTMAN: Objection to form.

12 A. I'm not aware of any.

13 Q. All right. That's all the questions I
14 have.

15 SIGNATURE NOT WAIVED?

16 (Whereupon, the witness was excused.)

17 (Deposition concluded at 12:00 noon.)

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1 COUNTY OF ST. LOUIS)
 SS.)
 2 STATE OF MISSOURI)

3 NOTARIAL CERTIFICATE

4 I, SHERRI R. GAD, Certified Shorthand
 Reporter, a Registered Professional Reporter, and a
 5 duly commissioned Notary Public do hereby certify
 that there came before me at the Ritz Carlton in
 6 St. Louis, Missouri,

7 ROGER E. HATTON,

8 who was by me first duly sworn to testify to the
 truth and nothing but the truth of all knowledge
 9 touching and concerning the matters in controversy
 in cause; that the witness was thereupon carefully
 10 examined under oath and said examination was
 reduced to writing by me; and that this deposition
 11 is a true and correct record of the testimony given
 by the witness.

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

16 IN WITNESS WHEREOF, I have hereunto set
 17 my hand and seal this 2nd day of June, 1998.

18 My commission expires March 30, 2001.

19

20

 [NOTARY PUBLIC]

21 *NOTE: The certification appended hereto does not
 apply to any reproduction of same unless under the
 22 direct control and/or supervision of the certifying
 court reporter.

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SIGNATURE PAGE

OF

ROGER E. HATTON

I hereby acknowledge that I have
read the foregoing deposition and that the same is
a true and correct transcription of the answers
given by me to the questions propounded, except for
the changes, if any, noted on the attached errata
sheet.

SIGNATURE: _____

WITNESSED BY: _____

DATE: _____

Jurist-Begley Reporting Services

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1 COUNTY OF ST. LOUIS)
 SS.)
 2 STATE OF MISSOURI)

3 NOTARIAL CERTIFICATE

4 I, SHERRI R. GAD, Certified Shorthand
 Reporter, a Registered Professional Reporter, and a
 5 duly commissioned Notary Public do hereby certify
 that there came before me at the Ritz Carlton in
 6 St. Louis, Missouri,

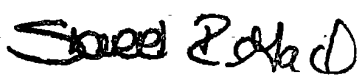
7 ROGER E. HATTON,

8 who was by me first duly sworn to testify to the
 truth and nothing but the truth of all knowledge
 9 touching and concerning the matters in controversy
 in cause; that the witness was thereupon carefully
 10 examined under oath and said examination was
 reduced to writing by me; and that this deposition
 11 is a true and correct record of the testimony given
 by the witness.

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

16 IN WITNESS WHEREOF, I have hereunto set
 17 my hand and seal this 2nd day of June, 1998.

18 My commission expires March 30, 2001.

19
 20 

21 [NOTARY PUBLIC]

22 *NOTE: The certification appended hereto does not
 apply to any reproduction of same unless under the
 23 direct control and/or supervision of the certifying
 court reporter.

24 **SHERRI R. GAD**
 Notary Public - Notary Seal
 STATE OF MISSOURI
 St. Louis City
 25 My Commission Expires: Mar. 30, 2001

1 COMES NOW THE WITNESS, ROGER E. HATTON,
2 and having read the foregoing transcript of the
3 deposition taken on the 2nd day of June, 1998,
4 acknowledges by signature hereto that it is a true
5 and accurate transcript of the testimony given on
6 the date hereinabove mentioned.

5

6 -----
7 ROGER E. HATTON

7

8 Subscribed to before me this _____ day of
9 _____, 1998.

10

11

[Notary Public]

12

13

My commission expires:

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