

1 UNITED STATES DISTRICT
2 EASTERN DISTRICT OF MISSOURI
3 NORTHERN DIVISION

4 UNITED STATES OF AMERICA,)
5)
6 PLAINTIFFS,)
7)
8 VS.) CAUSE NO: N87-0030C
9)
10 MEXICO FEED AND SEED CO., ET AL,)
11)
12 DEFENDANTS.)

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17 DEPOSITION OF JAMES R. SAVAGE
18 TAKEN BY BEVERLEE J. DeSTEIN, ESQ.
19 ON BEHALF OF PLAINTIFFS
20 FEBRUARY 16, 1990

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35 (314) 231-2202

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12 DEFENDANT.)

13 DEPOSITION OF JAMES R. SAVAGE, produced, sworn and
14 examined on the 16th day of February, A.D., 1990, between
15 the hours of ten fifty o'clock in the forenoon and three
16 o'clock in the afternoon of that day, at the law offices of
17 Husch, Eppenberger, Donohue, Cornfeld & Jenkins, 100 North
18 Broadway, in the City of St. Louis, State of Missouri,
19 before Jo Ann Sturm, Certified Shorthand Reporter,
20 Registered Professional Reporter, and Notary Public within
21 and for the State of Missouri, in a certain cause now
22 pending in the United States District Court, between United
23 States of America, Plaintiff, and Mexico Feed and Seed
24 Company, et al, Defendants; on behalf of the Plaintiff.
25

A P P E A R A N C E S

For the Plaintiff:

United States Department of Justice
By: Beverlee J. DeStein, Esq.
Land and Natural Resources Division
Ben Franklin Station
P.O. Box 7611
Washington, D.C. 20044

For the Defendant Pierce Waste Oil:

Brett and Erdel, P.C.
By: J. Kevin Hamlett, Esq.
103 West Monroe Street
Mexico, Missouri 65265

For the Defendant Pierce Waste Oil and
Jack and Martin Pierce:

Hendren & Andrae
By: Hal Gibbs, Esq.
P.O. Box 1069
Jefferson City, Missouri 65102

For Monsanto:

Husch, Eppenberger, Donohue, Cornfeld
& Jenkins
By: Thomas M. Carney, Esq.
100 North Broadway
St. Louis, Missouri 63101

Also present: Mr. Eric Nottingham

Mr. David A. Ramsey
Mr. Gerhaardt Braeckel

I N D E X

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

6 IT IS HEREBY STIPULATED AND AGREED by and between
7 counsel for the parties that this deposition may be taken
8 in shorthand by Jo Ann Sturm, CSR, RPR, and afterwards
9 transcribed into printing and signature by the witness is
10 not waived.

11 JAMES R. SAVAGE
12 of lawful age, being first duly sworn to tell the truth,
13 the whole truth and nothing but the truth, deposes and says
14 in behalf of the Plaintiff, as follows:

15 DIRECT EXAMINATION

16 BY MS. DeSTEIN:

17 Q. Good morning.

18 A. Good morning.

19 Q. Would you state your name and spell your last
20 name for the record, please.

21 A. James Richard Savage.

22 Q. Spell your last name for the record, please.

23 A. S-A-V-A-G-E.

24 Q. What is your current address?

25 A. 1461 Oak Bluff Lane, Kirkwood, Missouri, 63122.

1 Q. And your current employer?

2 A. Monsanto Company.

3 Q. How long have you worked for Monsanto?

4 A. 32 years.

5 Q. Do you have your Social Security number?

6 A. 388-32-0586.

7 Q. Do you understand, Mr. Savage, that you're here
8 today as a result of a notice of deposition that the
9 government has served on Monsanto Corporation?

10 A. I'm generally aware of that.

11 Q. And you understand that your statements today --
12 that your statements today are your statements but you are
13 also speaking on behalf of Monsanto?

14 A. Right.

15 Q. All right. Let's go now to your education, Mr.
16 Savage. How old are you?

17 A. I'm 55.

18 Q. All right, and did you -- you graduated from high
19 school?

20 A. Yes.

21 Q. Where?

22 A. Wauwatosa, Wisconsin.

23 Q. What year?

24 A. 1952.

25 Q. And did you go on to college?

1 A. Yes, University of Wisconsin, BS in chemical
2 engineering 1957.

3 Q. Did you receive any monsores or write any papers?

4 A. No.

5 Q. Did you have any other area of expertise besides
6 chemical engineering?

7 A. Not in terms of formal education, no.

8 Q. And after college, what did you do in terms of
9 employment?

10 A. I went to work for Monsanto immediately after
11 that.

12 Q. And did you make a physical moves in terms of
13 your residence?

14 A. Yes, I moved to St. Louis in 1957.

15 Q. Okay, that was right when you graduated?

16 A. Right.

17 Q. And what was your original job with Monsanto?

18 A. I worked as a chemical engineer at the Queeny
19 plant on South Second Street.

20 Q. And how long did you work as a chemical engineer
21 there?

22 A. I was there one year.

23 Q. Was there a particular group that you belonged to
24 at that time?

25 A. It was called a technical service department.

1 Q. And who did you report to?

2 A. Jim Knox, K-N-O-X.

3 Q. What did you do in '58?

4 A. I was transferred to the Anniston plant in
5 Alabama.

6 Q. When you were back at Queeny as a -- working with
7 technical services as a chemical engineer, what were your
8 duties?

9 A. Small improvements to the chemical processes that
10 were in operation there at the time.

11 Q. What chemical processes.

12 Q. Well, at that time the Queeny plant made more
13 than 100 products and I was involved in perhaps 4 or 5 of
14 them during the one year period I was there.

15 Q. Did you work with PCB's at that time?

16 A. No.

17 Q. Now, in Anniston, what group did you work for
18 there?

19 A. At first I was in the technical service
20 department.

21 Q. For how long?

22 A. 3 years.

23 Q. And then what did you do?

24 A. After that, I became a production supervisor for
25 2 years.

1 Q. And as a production supervisor, what were your
2 duties?

3 A. For the first year at that time I supervised the
4 chlorene plant; in the second year I still had the chlorene
5 plant but I also had the Aroclor department.

6 Q. All right. Who did you work to during those
7 years?

8 A. Carl -- during which time?

9 Q. Let's start with the 3 year period you were still
10 in technical services but in Anniston?

11 A. Jim Larkin, L-A-R-K-I-N.

12 Q. 2 years in Anniston?

13 A. First Carl Edelblut.

14 Q. And then? And then?

15 A. Bob Moody.

16 Q. What did you do then? That would have been 1963
17 when you ended that duty, is that right?

18 A. Well, I finished at that time as a production
19 supervisor. Yes, at that time I was transferred to the
20 Krummich plant which is over in Sauget, Illinois.

21 Q. Is Sauget near here?

22 A. Yes, right across the river, in sight of this
23 building.

24 Q. What was your job at Krummich?

25 A. As a supervising engineer in the technical

1 service department.

2 Q. And who did you --

3 A. And then later on a group leader.

4 Q. How long were you a supervising engineer?

5 A. I don't remember exactly. About a year, maybe 2.

6 Q. And then how long were you a group leader?

7 A. Well, for the remainder of the time I was at the
8 plant, I left the Krummich plant in '67.

9 Q. Who did you report to when you were supervising
10 engineer?

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

12 Q. And then as a group leader?

13 A. Homer Carder, C-A-R-D-E-R, Bill Wilson.

14 Q. What were your duties as a supervising engineer?

15 A. I had a group of chemical engineers who worked on
16 various processes at the Krummich plant.

17 Q. Could you give us any of those processes having
18 to do with Aroclors or PCB containing material?

19 A. There was an Aroclor department at the Krummich
20 plant and during that time that department was one of a
21 number that I was responsible for from the standpoint of
22 technical work.

23 Q. At that point in time, what would you -- could
24 you characterize for us the type of work that was being
25 done on Aroclors or with Aroclors at Krummich during the

1 period '63 through, say, '64, '65, when you were a
2 supervising engineer?

3 A. I'm a little confused about the time period
4 because during the time I was at Krummich I was both the
5 supervising engineer level and the group leader level and I
6 think it was at the group leader level that I had
7 responsibility for the Aroclor department. So it would
8 have been more like '66.

9 Q. All right, '66, '67, in that period of time?

10 A. Yes, but anyway in answer to your question, the
11 work that was going on in the Aroclor department at that
12 time was relatively minor. It was not one of the bigger
13 departments that our people worked on and the only kinds of
14 projects that I can remember were -- were modest
15 improvements to the handling of -- of packaging and some
16 waste handling.

17 Q. When you say packaging, what -- what do you mean?

18 A. Well, the Aroclor products were shipped out
19 sometimes in drums, usually the largest volumes were
20 shipped out in tank cars and some in tank trucks, but some
21 was handled in drums and packaging supplement filling the
22 drums.

23 Q. When you talked about the waste, what type of
24 stuff were you doing there?

25 A. The only project I can remember to do with

1 handling residue from the distillation step of the process.

2 Q. Where was the distillation done?

3 A. Distillation was just an integral part of the
4 Aroclor process.

5 Q. Was that done at Monsanto?

6 A. Done at the Krummich plant, yes.

7 Q. Was that waste Aroclor?

8 A. No, no, that was the -- the regular production
9 was distilled, that was just a normal part of the
10 production process.

11 Q. What was distilled off, was that water and acid?

12 A. The product was distilled off. What was left
13 behind was a still residue.

14 Q. Was your job to get rid of that still residue?

15 A. The particular project I mentioned was simply to
16 improve the handling of the stilled residue, put it into
17 drums to be taken to landfill.

18 Q. But you didn't do any reprocessing of used
19 Aroclor?

20 A. No.

21 Q. Now, in '67 what did you do?

22 A. '67 I was transferred to the Queeny plant again
23 South Second Street.

24 Q. And what was your job there at that time?

25 A. General superintendent of technical services and

1 laboratory.

2 Q. Would that be what was sometimes referred to as
3 A-lab?

4 A. That laboratory was the analytical laboratory.

5 Q. A --

6 A. Yeah.

7 Q. Who did you report to there?

8 A. Jack Munie, M-U-N-I-E.

9 Q. And how long were you there?

10 A. 3 years.

11 Q. And what were your duties as general
12 superintendent of the technical services in the lab?

13 A. Technical service was a group of 80 to 100
14 engineers, mostly chemical engineers but also mechanical
15 engineers and draftsmen. Again the job of the technical
16 services department was to improve the processes at the
17 plant. Analytical lab did the traditional job of analyzing
18 the products being made and that was also under my
19 supervision.

20 Q. Do you remember who directed the lab?

21 A. Ray Geisman, G-E-I-S-M-A-N.

22 Q. Was Queeny still producing that 100 products
23 approximately of that large a number of 1967, '70?

24 A. I think so, I think so.

25 Q. Were they producing Aroclors?

1 A. No. Queeny plant never made Aroclor. Processed
2 some Aroclor, but never made it.

3 Q. Where was Aroclor made?

4 A. Anniston and Krummich.

5 Q. And when you say that -- excuse me, I just want
6 to make a note -- when you say that Queeny got involved in
7 processing PCB's, would you describe for us what Queeny
8 did?

9 A. By processing, I was referring to the blending
10 operation at Queeny. We had an operation called central
11 drumming which incorporated a blending facility which made
12 a number of different products and among those were some
13 that contained Aroclor.

14 Q. What would you start with?

15 A. With Aroclor from either Anniston or Krummich.

16 Q. Did you ever receive Aroclor from Findett
17 Corporation?

18 A. Not that I know of.

19 Q. You don't remember that at all?

20 A. I don't remember during that time receiving any
21 Aroclor from Findett. I -- I should comment that in the
22 responsibility that I had then, I would not have been very
23 closely involved with any work that was going on in the
24 central drumming facility. 1 or 2 of my engineers might
25 have been involved in doing that but I would only know from

1 their reports what they were -- they were doing. I
2 wouldn't have known the details.

3 Q. All right. Now, we're talking about a period
4 1967 through 1970 at this point.

5 A. Right.

6 Q. Okay. We'll come back to that period of time,
7 but let's go on to just get your employment history with
8 the company complete. What did you do then in 1970?

9 A. I was transferred to the general office as a
10 manufacturing manager.

11 Q. When you say general office are you talking about
12 800 North Lindbergh?

13 A. Right.

14 Q. That's also the corporate headquarters, is it
15 not?

16 A. Right.

17 Q. Could you give me your title again.

18 A. Manufacturing manager.

19 Q. And how long were you there in that position?

20 A. 5 years.

21 Q. And who did you report to?

22 A. Howard Bergen, B-E-R-G-E-N.

23 Q. Bergen, B-E-R-G-E-N?

24 A. Right.

25 Q. And what were your duties?

1 A. I was responsible for organizing the production
2 of the various products of -- of our business group.

3 Q. And then what did you do in 1975?

4 A. In 1975 I -- I went into some -- I was kind of
5 special assignment involved in kind of a study that the
6 company had going on on business practices, it was called
7 the MBR program.

8 Q. MBR?

9 A. Yeah, it was a personnel type function.

10 Q. Could you tell us what that stood for?

11 A. Management by results.

12 Q. Who did you report to at that time?

13 A. Tom Gossage, I think.

14 Q. How long did you remain working on that?

15 A. 2 years.

16 Q. What did you do in '77?

17 A. In '77 probably the end of the year, I -- I went
18 into the licensing function, technology licensing function.

19 Q. And what was your title?

20 A. Licensing manager, I think.

21 Q. How long did you do that?

22 A. Well, I'm still in licensing, different titles
23 and so forth.

24 Q. All right, and who do you report to currently?

25 A. I currently report to Bill Williams.

1 Q. Do you know a Milton Tegethoff?

2 A. Yes.

3 Q. When did you meet Mr. Tegethoff?

4 A. I think I first met him while I was in the
5 manufacturing manager job.

6 Q. Where -- where would that have been? Are you
7 talking about when you were in corporate headquarters from
8 '70 to '75?

9 A. Yes.

10 Q. And what were the circumstances of that meeting?

11 A. Well, I can't -- I can't tell you exactly what
12 meeting it was, but we worked with -- with Mr. Tegethoff
13 and Findett on a number of specific manufacturing jobs
14 during the time I was in the manufacturing manager
15 position.

16 Q. Could you characterize your relationship with
17 Tegethoff at all? I mean, were you -- have you ever
18 socialized with Mr. Tegethoff?

19 A. No. Perhaps business lunch or something like
20 that but I don't know him outside of business.

21 Q. You work fairly closely with him in business?

22 A. At times. He -- he was in the toll manufacturing
23 business and I guess he still is, and sometimes we would
24 need to make some product for which we didn't have the
25 equipment and we would ask him to bid on the project.

1 Q. Were you ever to get any -- have any
2 understanding for the corporate relationship between
3 Monsanto and Findett?

4 A. No, I was aware that he was doing a number of
5 projects from -- for Monsanto and mine were only some of
6 those.

7 Q. Who introduced you to Mr. Tegethoff, if you
8 recall?

9 A. I don't recall.

10 Q. Do you know if Mr. Tegethoff had any close
11 personal relationships and/or close business relationships
12 with anyone else at Monsanto?

13 MR. CARNEY: Objection to the form of the
14 question.

15 Q. Do you know if he had any close business
16 relationships with anyone at Monsanto?

17 MR. CARNEY: Objection, I don't know what you
18 mean by close, but you can answer.

19 A. He certainly had business relationships with
20 other people at Monsanto. There was somebody in purchasing
21 and I can't remember the name at the present time who was
22 responsible for outside manufacturing. He's now retired or
23 long retired, but whoever that was would have had very
24 regular contact with him.

25 Q. Do you know a Bill Richard?

1 A. Sure.

2 Q. And Mr. Richard was the head of the research
3 department, is that right?

4 A. Dr. Richard.

5 Q. Right. Was he the head?

6 A. Yes.

7 Q. And did you ever meet with Dr. Richard and Mr.
8 Tegethoff together if you recall?

9 A. I don't recall, could have.

10 Q. Did you know a Dave or a Des Houseman?

11 A. Des Houseman.

12 Q. Des Hosmer?

13 A. Right.

14 Q. Do you know if there was a relationship between
15 Des Hosmer and Milt Tegethoff?

16 A. No idea.

17 Q. Do you a Jack Malloy?

18 A. Yes.

19 Q. Where does Mr. Malloy work?

20 A. At the general office.

21 Q. What is his title?

22 A. I'm not sure precisely, but he's something like
23 the director of safety for chemical company.

24 Q. How long have you known him?

25 A. Since 1958.

1 Q. And that's -- he worked at Monsanto at that time,
2 too, didn't he?

3 A. Yes.

4 Q. Do you know what his position was in the fifties,
5 sixties and seventies?

6 A. Well, Jack started at the Anniston plant while I
7 was there as a technical service engineer. He's been a
8 production supervisor and a maintenance supervisor. He was
9 plant manager at Krummich for quite a long time.

10 Q. Do you remember the time frame?

11 A. When he was plant manager at Krummich?

12 Q. Yes.

13 A. He just left that job a year or so ago.

14 Q. And when did he start that if you can recall?

15 A. I don't know.

16 Q. Would it have been like 1970?

17 A. Oh, no. No, he was plant manager at most 5
18 years.

19 Q. Did he ever work at Queeny?

20 A. I don't think so.

21 Q. Now, did you know Don Roush?

22 A. I remember the name, I -- I don't know him well
23 enough to say much more than that.

24 Q. Would you know him on the street?

25 A. Probably not.

1 Q. You don't know then if he's alive or dead today?

2 A. No.

3 Q. Jim Bryant?

4 A. Yes.

5 Q. Tell me, how do you know Jim Bryant?

6 A. He was at the Anniston plant.

7 Q. And when was the last time you ever saw him?

8 A. Well, he worked at the general office at the time
9 during some of that time in '70 to '75, but I can't --
10 can't place it accurately.

11 Q. You haven't seen him beyond '75?

12 A. No.

13 Q. You don't know whether he is -- whether he's
14 alive or dead?

15 A. No.

16 Q. Lou Stark?

17 A. Yeah, I know Lou.

18 Q. How long have you known Mr. Stark?

19 A. I probably met him in 1970 when I joined the
20 business group.

21 Q. And have you had dealings with him?

22 A. Not since 1975.

23 Q. C.P. Dunker?

24 A. I don't recognize the name.

25 Q. Are you at all familiar -- I mean, you're

1 familiar with A-lab, correct, because A-lab was under your
2 direction and supervision back when you worked at Queeny,
3 correct?

4 A. Right.

5 Q. Period '67 through '70.

6 A. Right.

7 Q. All right. Now, are you familiar with the fire
8 test center or sometimes referred to within the Monsanto
9 lingua franca as the fire shack?

10 A. I know of it. I don't believe I was ever there.

11 Q. Do you know where it's located?

12 A. Someplace in St. Charles County, but I don't know
13 any more than that.

14 Q. Krummich had a laboratory, too, didn't it?

15 A. Yes.

16 Q. What would the Krummich plant lab do as opposed
17 to what the A-lab did at Queeny?

18 A. Well, in general Krummich plant would do the same
19 thing for the Krummich that the A-lab at Queeny would do
20 for the Queeny lab.

21 Q. Did you ever hear in discussions at any time in
22 your dealings with people at Monsanto or otherwise Findett
23 referred to as Monsanto's Junior Achievement project?

24 A. No.

25 Q. Now, you've testified that you believe you met

1 Mr. Tegethoff in the period 1970 through '75?

2 A. Right.

3 Q. Do you -- do you think you did not meet him
4 before then?

5 A. I don't recall having met him before then.

6 Q. Were you aware of what Mr. Tegethoff beyond the
7 toll manufacturing business -- do you know whether or not
8 Findett performed any other function for Monsanto or
9 Monsanto's customers?

10 A. They handled reprocessing of catalyst for the
11 Krummich plant. That had nothing to do with PCB's. They
12 were involved in some kind of reclamation scheme for part
13 of the PCB product line.

14 Q. Would it be fair to say that -- that -- do you
15 remember this, that a Monsanto customer upon buying
16 products, for instance, Therminol and Pydraul, would be
17 with this substance was sold to them that having the
18 material reprocessed at a later time should the material
19 become contaminated, that that was a -- an additional
20 incentive for customers of Monsanto to buy the Monsanto
21 product as opposed to another company's product?

22 A. Well, I remember that there was such a scheme.
23 Exactly how it was portrayed to the customers I wouldn't
24 know, I wasn't involved in marketing.

25 Q. Would you give us your understanding just from

1 the engineering technical point of view, your understanding
2 of how that process would work?

3 A. I would be speculating. Contamination could mean
4 alot of different things.

5 Q. I'd like to show you what's been previously
6 marked as Plaintiff's Deposition Exhibit Number 16 and ask
7 you to take a look at it. It's Mexico document Bate stamp
8 691, 692, 693 and 694. Have you had an opportunity to look
9 at that?

10 A. Yes.

11 Q. Directing your attention to Mexico 691, that's
12 the top -- the top page, it says -- it's a note -- it's a
13 piece of note paper on a xerox document it looks like from
14 the desk of J.R. Savage, is that correct?

15 A. Yes.

16 Q. Is that J.R. Savage in fact you, sir?

17 A. Yes.

18 Q. And the handwriting on there while it's a little
19 hard to read on the copy, is it your handwriting?

20 A. Yes.

21 Q. Up in the upper righthand corner, there's a stamp
22 from the files of the WJK laboratory, please return. Is it
23 fair to say then that -- that this note was copied and then
24 that stamp was made on the copy document?

25 A. Yes, certainly appears that way.

1 Q. Was that something that -- that you did or that
2 Monsanto did as a regular routine that you would copy
3 documents like this note that you have?

4 A. No.

5 Q. Can you think of why this one would have been
6 copied and then stamped with this file?

7 A. Well, obviously someone at the Krummich plant
8 laboratory must have copied it.

9 Q. It's got 4870 on it. Did you write that?

10 A. No, that's not my writing.

11 Q. Do you know why that was put on there?

12 A. No.

13 Q. Do you know what the initials PF or PE are?

14 A. No, I don't know what that means.

15 Q. Do you remember writing this note?

16 A. No.

17 Q. Do you remember seeing the document that's
18 attached, the 3 page document that's attached?

19 MR. CARNEY: Back at the time.

20 Q. At the time.

21 A. Well, this is almost 20 years ago. I remember
22 the general situation. I suppose that I saw this document,
23 but I don't remember that precisely.

24 Q. All right, but this is a -- this is a 3 page
25 attached document is a memo to you from Mr. Stark entitled

1 recovered Aroclor 1242 for Pydraul dated April 8th, 1970,
2 is that correct?

3 A. Right.

4 Q. Going back to the front page now, on the memo I
5 can't read it. Can you read number 1 in your handwriting?

6 A. This copy is not that good. I believe that the
7 end of it probably says WGK so it must have been from the
8 Krummich plant.

9 Q. What about number 2?

10 A. Dick Blowers.

11 Q. He worked at WGK?

12 A. Yes, he was in the lab.

13 Q. Number 3?

14 A. That's me, I guess, I must have asked them to
15 circulate it and then send it back to me.

16 Q. What are the initials you have after your name?

17 A. GO, general office.

18 Q. Can you read that sentence to us.

19 A. If we decide to do the recovery at WGK instead of
20 Findett WGK lab would handle this rather than JFQ.

21 Q. So, in other words, was JFQ, that stands for
22 Queeny, doesn't it?

23 A. Right.

24 Q. That was doing the lab work if the -- if the
25 recovery was done at Findett, correct?

1 A. That's right.

2 Q. And it -- because if it was going to go to
3 Krummich, Krummich lab would do it?

4 A. That's right.

5 Q. As a person in your position at that time in
6 1970, let me ask you, was this when you were working at
7 Queeny -- this was not when you were general
8 superintendent, technical services, this was when you were
9 the manufacturing manager at -- at headquarters, correct?

10 A. Yes, but just shortly after I made that move.

11 Q. You were making the decision then that -- about
12 which laboratory would -- would be handling this, correct?

13 A. Well, a decision as I recall had to do with where
14 this step would be done and the question of the laboratory
15 that would do the analysis would depend on where the
16 processing was done.

17 Q. All right. Now, looking at the document that Mr.
18 Stark wrote, would the analysis be done prior to the
19 substance being recovered or after the substance was
20 recovered?

21 A. Well, just reading the memo now, Lou was asking
22 that the laboratories, whichever laboratory was involved,
23 would analyze fluid coming back from some customer before
24 it was used in a blend to determine whether it was suitable
25 for use in a blend.

1 Q. Well, now, the blending would be done here as I
2 understand it, going through it, manufacturing central
3 liquid handling was at Queeny, correct?

4 A. Right.

5 Q. And R. Wagner was at Queeny?

6 A. Right.

7 Q. A-lab was at Queeny?

8 A. Right.

9 Q. Now, where was the electric fluid production
10 group?

11 A. Electrical fluids were produced at either
12 Anniston or Krummich.

13 Q. All right, and manufacturing, was that part of
14 that title -- I'm looking in the first?

15 A. Excuse me, electric fluid product group.

16 Q. And manufacturing?

17 A. Electric fluid product group refers to the
18 marketing people involved in electrical fluids.

19 Q. And electrical fluids?

20 A. PROD in this context refers to the product group
21 not production.

22 Q. Okay. So where would they be?

23 A. At the general office.

24 Q. And manufacturing, is that part of that title or
25 is that a separate?

1 A. No, that's separate.

2 Q. Where was that?

3 A. Well, manufacturing in this context refers to the
4 people doing the production of the blends so that in this
5 context I think means Queeny.

6 Q. All right, and manufacturing last sentence
7 paragraph, MFG.-CLH.

8 A. I'm sorry.

9 Q. Last sentence, second paragraph there.

10 A. Oh, CLH, yes, that's central liquids handling
11 which I guess was the formal name for which we call central
12 drumming.

13 Q. That was at Queeny?

14 A. Right.

15 Q. In going over this then, a customer would send
16 substance -- contaminated substance to Findett, correct?

17 MR. CARNEY: Let me object. Are you saying is
18 that what happened?

19 Q. Is that what this memo reflects?

20 MR. CARNEY: I would reflect to -- this may be
21 calling the witness to speculate as to what Mr. Stark had
22 in mind and you just spent yesterday and the morning asking
23 Mr. Stark about this very memo and he told you what he
24 thought so I don't know that it adds to have this witness
25 speculate on what Mr. Stark meant.

1 MS. DeSTEIN: I believe the memo is addressed to
2 Mr. Savage. Mr. Savage's understanding of the memo is very
3 relevant.

4 THE WITNESS: Well, the difficulty in
5 understanding it is to place things at the proper point in
6 time. That's the hardest thing to remember over such a
7 long period of time is what the sequence of events might
8 have been. At some point we did take back material from
9 primarily electrical customers for use in -- in Pydrauls.
10 The reason for doing that was simply that they would have
11 material which was no longer satisfactory for the extremely
12 difficult electrical specifications but might be perfectly
13 okay for a less demanding application like Pydraul. At
14 some point in time, we did that, but whether we were doing
15 it as early as 1970, I don't know.

16 Q. All right. Tell me how it would be done.

17 A. Well, the -- the shipment back from -- from
18 customers, analyze to determine whether it had been
19 contaminated in some surprising or unusual way, and if not,
20 then use it in Pydraul. That practice only existed for a
21 short period of time because the Aroclors were removed from
22 the Pydraul blends sometime fairly early in this period
23 1970, 1975.

24 Q. All right. Where would the substance actually be
25 shipped from the customer, the tank car or the drums?

1 A. I'm not sure.

2 Q. Do you recall who would pay for the shipping?

3 A. I have no idea, I wouldn't have been involved in
4 that.

5 Q. At some point, would it have ended up at Queeny,
6 possibly, looking at this?

7 A. Well, if it was accepted for use in a Pydraul
8 blend.

9 Q. It would have ended up at Queeny?

10 A. Assuming it was a Pydraul blend that was made at
11 Queeny, not all of the Pydrauls were made at Queeny, most
12 of them were.

13 Q. If it was made at Queeny it would end up at
14 Queeny to be blended, right?

15 Q. Would the contaminated substance be shipped
16 directly to Queeny?

17 A. I don't know. I don't remember.

18 Q. Does -- does this document indicate that it would
19 be shipped directly to Queeny?

20 A. Well, the only clue is the use of the expression
21 CLH and A-lab at the end of the second paragraph. Those
22 are Queeny plant terms.

23 Q. Right. Well, Findett is thrown in on there on
24 each one of these?

25 A. Right.

1 Q. 1, 2 and 3, and then if you look at the next
2 page, in the middle of the column -- middle of the page of
3 the writing which would be the third paragraph, it says we
4 will communicate these results and recommendations for
5 fluid disposition to both Findett and Dick Wagner at
6 central liquids handling. I would expect Dick or whoever
7 has responsibility for incoming shipments at Queeny to let
8 Findett know when to ship. So doesn't that indicate that
9 the shipments were going from Findett to Queeny?

10 MR. CARNEY: Let me object. I think you're
11 mischaracterizing the memo. If you're asking him what
12 actually took place, I think this memo is a recommendation
13 of how it should be done by Mr. Stark. I'm not sure that
14 it's spelling out a procedure that's in place.

15 Q. All right. Is that what you understand that the
16 procedure -- the procedure that was being suggested in this
17 memo?

18 A. I can't really remember any actual Findett role
19 in this procedure that you described.

20 Q. Okay. Is that what the memo reflects, though,
21 that is being suggested here?

22 A. Well, there's certainly an implication that the
23 product stops at Findett on the way to Queeny, but for what
24 purpose I don't know and I don't remember ever having been
25 involved in that kind of a question.

1 Q. What were you being asked to do with this memo?

2 MR. CARNEY: I'm going to object again. I think
3 the document speaks for itself.

4 Q. You can answer the question.

5 A. Well, when Lou says he's trying to get research
6 out of the procedure, he simply means that research should
7 not be part of the routine of an operation that -- that
8 should be able to go on in -- in the rest of the
9 organization.

10 Q. So, in other words, Mr. Stark here is asking to
11 be removed because he worked for research, correct?

12 A. Mr. Stark was in research, still is, yes.

13 Q. He's explaining a procedure that he's
14 recommending to get his unit or his group out of this loop,
15 would that be fair?

16 A. Yes, he wants to become removed from the routine.

17 Q. And you're integral to the routine apparently, is
18 that correct?

19 A. Yes, but newly integral to it. This is a very
20 short time after I joined the group.

21 Q. As a result of this memo, what type of a decision
22 did you make?

23 A. I don't remember.

24 Q. You don't remember whether or not any of this was
25 ever done?

1 A. No. I can't say with confidence that we ever did
2 any of this.

3 Q. Do you remember whether or not research was
4 removed as per the memo?

5 A. I don't think so. It was a very turbulent time
6 when the whole team was working together on alot of
7 different things having to do with PCB issues.

8 Q. When you say turbulent, why?

9 A. It was just a very, very, very busy time. The
10 issues having to do with PCB were a subject that was in the
11 press and we were trying to find a responsible course of
12 action to deal with the very complicated set of problems.

13 Q. Is this the time -- the point in time in April of
14 1970 that environmental concerns were being voiced and
15 certain government agencies might have been concerned about
16 the disposal control of PCB's?

17 A. Again, to say exactly how we felt in April of
18 1970 is something I can't do, I can't remember that well,
19 but we had a whole series of actions to take out related to
20 the product lines that contained PCB's and Mr. Stark was a
21 -- a very important part of -- of the -- all of those
22 actions that had to do with the hydraulic fluids.

23 Q. When did Monsanto install its incinerator at
24 Krummich?

25 A. I can't say, it was during the time I was

1 manufacturing manager but I can't tell you the year.

2 Q. So sometime in the period of '70 to '75?

3 A. Well, later than 1970 certainly because I
4 participated in -- in getting the appropriation approved.

5 Q. How was Monsanto disposing PCB's prior to that?

6 A. By landfill.

7 Q. I'd like to show you what's been previously
8 marked as Plaintiff's Deposition Exhibit 25, Mexico 673
9 through 680, and ask you to look at that. I think if we
10 start at 678 we would -- that that's where we should start
11 on this, so let's go ahead and start. This is a memo
12 written by you, correct, Mr. Savage?

13 A. Yes.

14 Q. I'm just giving you an opportunity to look at it.
15 You've had an opportunity to review it.

16 A. Right.

17 Q. All right, and it's on Monsanto letterhead dated
18 April 2nd, 1970, to Mr. -- Mr. is it --

19 A. Bergen.

20 Q. Mr. Bergen in the general office it was your
21 earlier testimony that at this period of time Mr. Bergen
22 was your boss, correct?

23 A. Right.

24 Q. Now, would you tell us in your own terms what
25 this memo's all about.

1 A. Well, it has to do with -- with dealing with
2 Aroclor return from customers. As I mentioned earlier, my
3 recollection is that this return material generally
4 referred to material coming from the electrical equipment
5 manufacturers who would have contaminated to the point that
6 it was not usable in electrical equipment but had potential
7 for use in some less demanding application. This describes
8 a procedure for dealing with that material which is usable
9 in that way and also about what we might do with material
10 that's not usable.

11 Q. All right. At this time was all of the
12 reprocessing of this material being done at Findett?

13 A. I don't think so from the context of this memo,
14 it doesn't sound like it's yet a fact.

15 Q. All right.

16 A. That's being done at all.

17 Q. Okay. If reprocessing were being done at that
18 time -- if reprocessing were being done at that time, would
19 it have been done at the Krummich plant?

20 A. I don't know, I don't think so.

21 Q. Would it have been done at the Queeny plant?

22 A. No.

23 Q. In fact, in this memo, aren't you considering a
24 point going into the business of doing that rather than
25 sending it to Findett?

1 A. Yes, I'm proposing that the practice be adopted
2 to the Krummich plant for reprocessing if necessary.

3 Q. To see whether or not you could reclaim at
4 Krummich cheaper than Findett could reclaim, correct?

5 A. There's nothing here that makes me think I was
6 trying to decide the cheapest place to do it. It appears
7 we had a cost estimate from Krummich.

8 Q. Okay, number 4, WFK meaning Krummich will provide
9 by May 1 capital and production costs estimates for
10 reclaiming in department 246 to determine whether some
11 kinds of reclaiming might be done there more cheaply than
12 at Findett.

13 A. Yeah, okay, that does sound like I was making a
14 cost comparison.

15 Q. Now, on page 2, you have on acceptance disposal
16 of drum quantities of Askarel. Does that contain PCB?

17 A. Yes, Askarel was a generic name for PCB's with
18 chlorobenzenes.

19 Q. All right, and what -- what do you mean in the
20 last paragraph of your memo?

21 A. I was raising the question disposal of large
22 quantities of Aroclor and suggesting that we would have to
23 install an incinerator.

24 Q. And, in fact, later on you did install an
25 incinerator, correct?

1 A. Yes.

2 Q. And you believed at that time according to this
3 memo when you wrote the memo that the effect of actually
4 going forward with the plan that you outlined that would
5 establish a policy of willingness to accept responsibility
6 for any Aroclor Monsanto ever made, correct?

7 A. Well, I don't remember the context of what I'm
8 saying here. Reading the sentence, it sounds like a
9 speculation, if we take these actions we will have
10 demonstrated that we're willing to accept any Aroclor we
11 ever made.

12 Q. As a manufacturing manager wasn't one of your
13 duties to look out for the well-being of the company and
14 you're -- you're just pointing out something that you see
15 here, is that correct?

16 A. Yeah, I was pointing out the consequences of the
17 actions that were taken at the time, what I thought would
18 be the consequences.

19 Q. You didn't have a crystal ball at that time, did
20 you? All right.

21 A. Don't have one now.

22 Q. On page 680, summary of Aroclor rework, is that
23 your handwriting at the bottom?

24 A. Yes.

25 Q. Once again you're dealing here in -- in figures

1 and costing, correct?

2 A. Yes.

3 Q. Now, going back to the notes that were attached
4 at the beginning and -- can you make some sense out of
5 this? It appears to be a series of notes from Mr. Bergen
6 and then you have a note and then Mr. Bergen has a note.
7 Can you put them in order for us in terms of time. Let me
8 make a suggestion, if you go to 677?

9 A. That appears to be the first one in the sequence
10 of buck slips.

11 Q. And he's referring right to that paragraph 4 that
12 we spent sometime on where you had made the statement about
13 whether or not Krummich could perform certain recovery
14 cheaper than Findett, correct?

15 A. Yes. Howard's first note to me seems to be
16 asking is Krummich the place where I got that information,
17 and I answered yes.

18 Q. Okay, and the next note which would be 676.

19 A. Yeah, that seems to be a reply to my first reply.

20 Q. All right, and -- and what he's -- what do you
21 think he's asking you for here?

22 A. Well, he's asking 2 questions, he's asking me for
23 a comparison with Findett and then some -- some
24 recommendation on pricing to customers.

25 Q. And then the next note of 675 is yours, is that

1 right?

2 A. Right.

3 Q. Now, when was this? What is attached, if you
4 recall?

5 A. No, I can't -- I can't tell.

6 Q. And then if we look at 673 and 674, what --
7 what's going on here?

8 A. Well, Howard says okay the CMC has approved our
9 plan. The CMC was a very high level decision making body
10 in the corporation at the time stood for something like
11 corporate management committee.

12 Q. So, in other words, what plan have they approved?

13 A. From the context it sounds like they approved the
14 procedure of taking back material from customers.

15 Q. Do you in fact know that that was ever done the
16 way it's outlined in your memo?

17 A. I can't say for sure.

18 Q. What does B say there, our alternatives, and then
19 paren, Findett, is that are not cheaper?

20 A. Well, it -- if -- that's a subquestion under item
21 2 that we need to be sure our alternatives, paren, Findett,
22 are not cheaper. So, it appears that we rejected a Findett
23 alternative at that point.

24 Q. All right. Up until that point, was any work
25 like this being done?

1 A. I don't know.

2 (A noon recess was taken.)

3 MS. DeSTEIN: Back from lunch, everyone's
4 present, back from lunch, everybody is present kept Kevin
5 Hamlet and you believe he's gone back to Mexico.

6 Q. (By Ms. DeStein) I'll show you what's been
7 marked as Plaintiff's Deposition Exhibit 26, Mexico 682,
8 683, 685 -- 684 is on the back, 683.

9 MR. CARNEY: I don't know if that's Mexico or --

10 MS. DeSTEIN: Mex 684.

11 MR. CARNEY: You've been assuming that's Mexico.
12 I'm thinking it could be Monsanto Exhibit, I don't know.

13 MS. DeSTEIN: We use -- in the justice department
14 we use Mex, I'm just assuming it was --

15 MR. CARNEY: It may well be I just didn't ask
16 anybody what MEX stands for.

17 THE WITNESS: Didn't we have a copy of this
18 before?

19 MS. DeSTEIN: You're right. I'm sorry, you're
20 absolutely right. This has been underlined.

21 Q. (By Ms. DeStein) Let's keep that on there, 26.
22 It is the same as we had prior as a part of Mexico -- Mex
23 Plaintiff's Deposition 25. There's writing, though, on
24 this -- on this. We've got a telephone number here, looks
25 like -- it says present cost center. Do you know who wrote

1 this, and then there is also an additional page here with
2 written notes on page 685. Do you know who wrote that?

3 A. Looks like Art Koenig.

4 Q. Who is Art Koenig?

5 A. Accountant for our business group.

6 Q. Was he the person you were referring to earlier
7 that Milt Tegethoff might have had a close association
8 with?

9 A. Oh, no.

10 Q. Okay. Would it -- do you know what he's doing
11 here? Can you decipher these numbers and notes?

12 A. Oh, Art's just trying to work out the accounting
13 trial to take care of credits, costs and so forth.

14 Q. Okay. Is he trying to figure out here if it
15 would be cheaper for Krummich to do what Findett's
16 currently doing?

17 A. No, he's just trying to make sure that the costs
18 flow in the proper fashion.

19 Q. With the process as described in the memo?

20 MR. CARNEY: I'll object that this calls for this
21 witness to speculate about what somebody else was doing.

22 Q. If you can tell from the notes.

23 A. Well, if it really is Art Koenig's handwriting
24 and I believe it is, he has underlined the sentence that
25 says what he's supposed to do so I presume that this

1 represents him doing that.

2 Q. Okay. Thank you. I'd like to show you what's
3 been previously marked as Plaintiff's Deposition Exhibit 15
4 and ask you to take a look at this.

5 A. That's kind of hard to read.

6 Q. Can you make it out?

7 A. Yes, I think so.

8 Q. All right. This is a letter dated August 7th
9 with the title Findett-scrap disposal from -- is it D.A.
10 Olson?

11 A. Yeah, that's Don Olson who is the director of --
12 of sales at the time of marketing.

13 Q. And he's writing to you, is that correct?

14 A. Right.

15 Q. Do you remember this letter?

16 A. No. I certainly don't remember the memo.

17 Q. It is addressed to you?

18 A. Right.

19 Q. Seeing it, does it -- does it reflect your
20 recollection as to what was going on at the period of time
21 of August 7, 1970, with respect to the contents of the
22 letter?

23 A. No. It sounds plausible but it doesn't bring
24 back anything in particular.

25 Q. Okay. It states in here that -- it says

1 yesterday we met with Bill Corlew --

2 A. Corlew.

3 Q. Corlew and others from Krummich to evolve proper
4 policies and procedures on Aroclor return for reclamation
5 and for incineration. Krummich installed its incinerator
6 by this time?

7 A. I don't think so, but from the contents of the
8 memo it's clear by then we had decided to put one in.

9 Q. It says one area left unresolved relates to
10 Findett, in their work for us generates considerable scrap
11 100 drums so far which needs to be burned. On this
12 material, we should take back the scrap at no cost to
13 Findett. You were involved with policy in terms of what
14 would be charged to Findett or in determines of
15 incineration or possible disposal?

16 A. Well, my responsibility was to get the
17 incinerator installed and also to control the costs
18 involved in that and from that standpoint I had recommended
19 a pricing policy for what we should charge people for
20 incineration. This memo -- I don't think this memo
21 mentions the figure, actually it turned out that the
22 incineration costs about 3 times the amount.

23 Q. Well, it doesn't mention a figure here, but it
24 does mention that -- it says however Findett also does
25 reclamation for other customers and I assume scrap will be

1 generated here also in these cases or in those cases
2 Findett should pay the same costs as other customers,
3 freight plus 3 cents per pound.

4 A. Oh, okay, right.

5 Q. So there is a cost figure in there.

6 A. Right, right.

7 Q. At 3 cents and you're saying it ended up to be 9
8 cents?

9 A. 9 or 10, yeah.

10 Q. But you would charge customers 9 cents then a
11 pound or at least a figure?

12 A. I -- yeah, I don't remember. The idea was to
13 recover costs and costs turned out to be a lot higher than
14 we thought it to be.

15 Q. If you had sold PCB containing material or
16 Aroclor 1242 to -- let's say a bakery and you were taking
17 it back for incineration would it cost that customer a --
18 would you charge them a fee to incinerate it at Krummich?

19 A. What I remember is that we did charge them a fee,
20 not -- I was not involved in any of the billing or
21 anything. So I -- I can't say from personal experience
22 what we charged them or how we handled that.

23 Q. But you were involved in the decision-making
24 process of the costing of these thing?

25 A. Oh, yeah, yeah.

1 Q. So you would know whether or not you were going
2 to be charging a fee to a customer?

3 A. Well, I can remember what I recommended but what
4 we really did, I don't know for sure.

5 Q. You never followed up on that?

6 A. No, that would be somebody else's responsibility,
7 that would be somebody in marketing, somebody in
8 accounting.

9 Q. Does Monsanto kind of run like the post office,
10 like they have the in book and the out book and never the
11 twain shall meet?

12 MR. CARNEY: I object to the form of the
13 question.

14 A. Oh, no.

15 MS. DeSTEIN: I'll withdraw it.

16 Q. In the fourth paragraph he says we left it that
17 the policy would remain for Monsanto to take back all
18 material at no charge with us paying freight until you had
19 time to discuss with Findett and work out an arrangement
20 which allows them to pay for that portion which they
21 generate independently and then you said after this has
22 been -- this person, Don Olson, says after this has been
23 completed, Krummich should be notified of the revised
24 procedure. Did you in fact talk to Findett?

25 A. I don't remember.

1 Q. Do you remember that Monsanto accepted scrap from
2 Findett and didn't pay anything -- that Findett didn't pay
3 anything for it like other customers?

4 A. Well, the point being made in the memo is that --
5 is that some of that material is really ours and that we
6 would take back obviously without charging.

7 Q. In fact the memo indicates you took it all back
8 at that point until you, Mr. Savage, had an opportunity to
9 find out what shouldn't -- what Findett should pay for it,
10 correct?

11 A. I don't --

12 MR. CARNEY: Let me object to the question. I
13 don't know what you mean by took it all back. Are you
14 talking about what's mentioned in here? I don't know what
15 it means.

16 Q. It says here we left it, that's -- that the
17 policy would remain for Monsanto to take back all material
18 at no charge. Now, this is directed at Mr. Savage and the
19 policy right now, he's very concerned about costs and how
20 much things are going to cost, that's his decision we've
21 seen in the other documents. So I believe it's germane to
22 know that the policy now is to take back all scrap, is that
23 right?

24 MR. CARNEY: Same objection.

25 Q. At no charge to Findett, is that what was going

1 on then?

2 A. I really don't know any more about this subject
3 than what I have just read in this memo. I don't remember
4 it.

5 Q. And you don't remember whether or not you talked
6 to Findett and found out if they had any other customers as
7 this directs you to do?

8 A. I don't remember.

9 Q. But it's clear that at this point Monsanto's
10 taking it all back --

11 MR. CARNEY: I'm going to object.

12 Q. -- for free?

13 MR. CARNEY: I'm going to object to that. I
14 think the document speaks for itself and you're asking this
15 witness to speculate about what somebody else meant back in
16 August of 1970 and he's already indicated he doesn't
17 remember anything more than the words that are on that
18 paper.

19 Q. This was a hot topic, wasn't it, Mr. Savage, at
20 this time? You testified to that already that in April in
21 '70 it was turbulent was your word?

22 MR. CARNEY: Objection as to the form. Contains
23 undefined terms as vague.

24 Q. Was it turbulent -- did you use that term before?

25 A. Yes.

1 MR. CARNEY: I don't know what it -- what is it?

2 MS. DeSTEIN: What is it?

3 MR. CARNEY: Uh-huh.

4 MS. DeSTEIN: It is all of the information
5 surrounding PCB's and PCB disposal.

6 Q. (By Ms. DeStein) It was turbulent?

7 A. Sure, there was alot going on. This was one of
8 many things we were doing in parallel.

9 Q. All right, and you don't remember ever finding
10 out that the Findett was shipping to Monsanto under this
11 policy of not having to pay anything, was shipping other
12 people's scrap, did you?

13 A. I don't remember.

14 Q. You never sued Findett or were involved in a
15 lawsuit against Findett for Findett trying to slip one over
16 on you?

17 A. I was never involved in anything like that.

18 Q. In fact, you, personally, never found out that
19 Findett was doing anything improper when it came to
20 Findett's relationship with Monsanto, correct?

21 MR. CARNEY: Object to that. I don't know what
22 you mean by improper. The question is vague and ambiguous,
23 until you define terms.

24 Q. Did you ever find out that Monsanto was shipping
25 material to Monsanto for disposal at Krummich that it

1 should not have shipped to Monsanto or that it should have
2 paid for?

3 MR. CARNEY: I'll object to that question. It's
4 unintelligible.

5 MS. DeSTEIN: I don't believe so. Read it back.

6 MR. CARNEY: You may have misstated but as posed,
7 I don't understand it.

8 MS. DeSTEIN: Read it back.

9 (The reporter read the requested
10 material.)

11 Q. (By Ms. DeStein) That Findett was shipping
12 material to Monsanto incorrectly?

13 MR. CARNEY: I'm going to object to that because
14 the question contains undefined terms, I don't know what
15 you mean by incorrectly.

16 Q. That they were shipping material to Monsanto --
17 that Findett was shipping material to Monsanto that did not
18 in fact belong to Monsanto?

19 A. I don't -- I don't know. We were receiving
20 material from many, many places and the accounting for who
21 shipped it and whether they owed us money are not -- was --
22 was not part of my responsibility.

23 Q. How many places did you receive material from
24 that you incinerated for free?

25 A. For free?

1 Q. For free.

2 A. None that I know of.

3 Q. Other than Findett?

4 A. I don't know that.

5 Q. Is that -- but the letter reflects the policy at
6 least at this time?

7 A. The letter reflects such a policy, that's right.

8 (Plaintiff's Exhibits 24 through 28 were
9 marked for identification.)

10 Q. All right. I'd like to show you what's been
11 previously marked as Plaintiff's Deposition Exhibit Number
12 24. That's Mex 071 through 075. I'd also like to
13 introduce into evidence Plaintiff's Exhibit 28 which will
14 be Mex 444 and if you'll look at Mex 073, I think you'll
15 see that Mex 444 is a legible copy of that.

16 A. Yeah, appears to be the same.

17 Q. Can you tell us what's going on here with this?
18 Let's start with 074, that's a letter to Mr. Tegethoff
19 dated November 25th, 1970, from Don Roush, is that correct?

20 A. Right.

21 Q. And you've been blindly copied on this along with
22 a Mr. Corlew, correct?

23 A. Yeah.

24 Q. Among others?

25 A. Now I remember who Don Roush is, he was a guy in

1 marketing.

2 Q. Okay. I believe you did know that he worked
3 there but you aren't --

4 A. Yeah, yeah.

5 Q. Okay. This letter it would appear that -- that a
6 certain amount of fluid was going to go from Findett to
7 Krummich, is that right?

8 A. Right.

9 Q. And down at the bottom of the page, it says the
10 normal charge for fluid disposal will not apply to this
11 quantity of used Therminol from blank, correct?

12 A. Right.

13 Q. And he also -- the last sentence reveals that I
14 know you'll be pleased to gain use of your storage tank
15 after 2 years.

16 A. Right.

17 Q. Was that something that -- that to your knowledge
18 that Findett did was store material for Monsanto or
19 Monsanto's customers?

20 A. This refers to used Therminol FR-1 which was the
21 name given to Aroclor 1242 when it was used for heat
22 transfer. So it was coming back from customers as used
23 FR-1. I suppose it was a candidate for reclaiming, but I'm
24 just inferring it that from the letter.

25 Q. There's a separate note here to the blind

1 copiers, copiees, whatever, of which you were one. There's
2 nothing in here that's directly directed specifically to
3 you. It would seem that Don Roush is directing something
4 specifically to Bill Corlew or to Ron Kuster. Why would
5 you have been copied on this?

6 MR. CARNEY: I'm going to object to that. That
7 would ask this witness to speculate what was inside the
8 mind of the writer of the letter.

9 Q. What did you do as a result of receiving this
10 letter?

11 A. I have no idea.

12 Q. Okay. I realize that it's speculation but can
13 you tell us because of where you were in the chain of
14 command why you would have received this?

15 A. Well, Bill Corlew was the manufacturing
16 superintendent. He had kind of a dotted line
17 responsibility to me.

18 Q. When you say dotted line, in other words, he
19 answered to you in some respect?

20 A. Right.

21 Q. So he's being asked here to analyze the fluid to
22 see if it was recoverable, correct?

23 A. No, Ron Kuster was being asked to analyze it, he
24 was the laboratory supervisor.

25 Q. What's Bill Corlew going to do, he's going to --

1 A. Well, Roush is asking Corlew to use Kuster's
2 results to make some kind of a decision about what to do
3 with the fluid.

4 Q. And apparently it would seem that Roush and
5 Corlew had spoken on the phone the day prior to the writing
6 of this letter, that's what it says down here in the last
7 sentence of the bcc. It says if recoverable please arrange
8 tank trailer pick-up per our conversation of 11-24-70.

9 A. Oh, okay, okay.

10 Q. Okay?

11 A. Well, I can read it.

12 Q. Yeah, all right. Now, on the day before Bill
13 Corlew apparently made a -- some notes on a Monsanto
14 rapid-gram. What were rapid-grams used for at Monsanto?

15 A. Oh, just a little note pad.

16 Q. So, he's writing here to a -- an R. McCutchan and
17 J. Littich, R. Kuster and D. Mayer/Trittler. Who are those
18 people?

19 A. McCutchan worked for Corlew and ran the Aroclor
20 department. Littich -- John Littich was a plant
21 accountant, Ron Kuster was the lab supervisor, Don Mayer
22 worked in traffic shipping at Krummich plant and I think
23 Trittler worked for them.

24 Q. Okay. Now, he says, you know, this -- this -- he
25 refers to Don Roush saying that Don Roush says that Findett

1 has 4-4 drums plus 3,400 bulk gallons used FR-1. The stuff
2 ain't too good. Acidity .6, iron 25 parts per million, and
3 then high boiler with a 15 percent after it.

4 A. Well, that ain't too good, all right.

5 Q. How -- how -- now, Ron Kuster was the lab person,
6 right?

7 A. Right.

8 Q. Ron Kuster hadn't gotten ahold of this stuff, had
9 he? In other words, where did -- where did these figures
10 come from, if you know, or if you could speculate about
11 where it could have come from because apparently the drums
12 haven't been sent yet?

13 A. Well, perhaps not, a sample could have come, I
14 don't know.

15 Q. Okay.

16 A. It's possible that Findett might have done an
17 analysis but I don't think they ever had much of a
18 laboratory.

19 Q. What does the term drum-off mean?

20 A. It means to take bulk material and put it in
21 drums.

22 Q. Okay. Now, going to pages 71 and 72 the title of
23 each of these documents is Monsanto laboratory analysis
24 report, company, confidential, and if we go to 72 first, I
25 don't know, can you read the date there?

1 A. It appears to be in November of 1970, perhaps the
2 25th.

3 Q. That's the way I read it as well. All right. If
4 we -- if we take it that -- now, where were these analysis
5 reports done?

6 A. This is a -- I think this is a Krummich ticket.

7 Q. Is there any particular way you know that?

8 A. D.A. 11 dot 11 looks like a Krummich department
9 number.

10 Q. Can you tell from this, I understand that it's
11 not that clear but the -- the 11-25-70 date is the sampling
12 date, is that right?

13 A. Right.

14 Q. Can you tell from here, and I realize it's not a
15 very clear copy, can you tell who did the sampling or would
16 that be on there?

17 A. Well, you can only deduce -- normally -- normally
18 these tickets are used for internal plant samples but can
19 also be used for material coming from outside. Under tank
20 number, it says FSC, I guess that could stand for Findett
21 Service Company.

22 Q. So Findett would have done this?

23 A. That sounds logical.

24 Q. Would Monsanto have provided Findett with these
25 forms so that Findett would just fill them out?

1 A. Oh, I don't think so.

2 Q. Okay. So who would have actually done the
3 sampling?

4 A. I don't know who would have taken the sample.

5 Q. It would have been a Monsanto employee?

6 A. Not necessarily. If the sample came from
7 Findett, perhaps Findett took the sample.

8 Q. Okay. But a Monsanto employee filled this out?

9 A. Ordinarily, the ticket like this would be filled
10 out by the analyst who actually did the work and that would
11 be at the Krummich plant.

12 Q. What is that the -- can you tell us what the
13 results here were?

14 A. Most of it's not really legible. The one thing
15 is clear, 2 things, lower boiler is .66 percent, that
16 implies contamination with moisture or something, something
17 -- something with a lower boiling point than Aroclor. It
18 says peak on low side of B something, that's a little more
19 hard to say, but peak probably means almost certainly --
20 means that they ran a -- a test on an analytical instrument
21 called a chromatograph and the peak means that the peak is
22 drawn on the chart by that instrument. So a peak on the
23 low side would be a way of describing the low boilers.

24 Q. Okay. What -- in layman's terms, terms that a
25 Bachelor of Arts person could understand, would that mean

1 that it is -- it's certainly not pure Aroclor?

2 A. It's not new product by any means.

3 Q. It's used?

4 A. It's used and it has something in it that would
5 not be present in new product.

6 Q. Would that be true if the product had been
7 reclaimed?

8 A. No, if it had been successfully reclaimed, that
9 would no longer be there.

10 Q. Okay. Now, on the ticket 071, that's an
11 identical form, correct?

12 A. Yes.

13 Q. But there's different information on it?

14 A. It's easier to read, too.

15 Q. Yes. The sampling date was December 15th of '70,
16 and the material is Therminol FR-1 and then it says
17 reclaimed, correct?

18 A. Right.

19 Q. And a report of this is going to Kuster and one
20 to Roth?

21 A. Yeah, I don't know who Roth was.

22 Q. Okay.

23 A. Kuster was the lab supervisor at that section.

24 Q. That's at Krummich?

25 A. Right.

1 Q. Can you again possibly make out what the results
2 are here?

3 A. Well, I can read alot of it, but it doesn't mean
4 too much to me.

5 Q. But we still have the low boilers, right, the
6 peak on the low side of --

7 A. Yeah, now I can read peak on low side of
8 biphenyl. Ordinarily biphenyl would be the lowest peak on
9 the -- on the chromatogram of material like that.

10 Q. In other words, a chromatogram is drawn with
11 peaks and like say Aroclor 1242 where the peaks are pretty
12 high at the beginning and then they kind of -- they kind of
13 go -- are shorter.

14 A. Well, Aroclor is a very complex material with all
15 kinds of things in it, different homologs of chlorinated
16 biphenyl, but when they say a peak on the low side of
17 biphenyl that means something that is considerably lighter,
18 probably a smaller molecule than any of the ordinarily
19 appearing materials. So it still says it's got something
20 in it that is different than new product.

21 Q. I'll show you what's been marked as Plaintiff's
22 Deposition Exhibit 27, please, it's Mex 313 and 314. Okay.
23 You've had a chance to look at that. This is -- is a
24 Monsanto memo from John Littich and B.W. Corlew dated
25 September 10th, 1970, to Mr. Olson?

1 A. Correct.

2 Q. That's Mr. Don Olson the man we've been
3 discussing?

4 A. Yeah, I think so.

5 Q. On other documents. Okay. You are one of the 5
6 people carboned on this, correct?

7 A. Right.

8 Q. And it's -- so that -- apparently Aroclor is
9 being returned to Krummich for incineration, is that right?

10 A. Right.

11 Q. So had the incinerator been installed at this
12 point?

13 A. I don't think so.

14 Q. But it was just coming in to be later
15 incinerated?

16 A. Right, we had agreed to take material from
17 customers and there was alot of stuff stockpiled before the
18 incinerator was ready to run.

19 Q. Okay. Now, it says here in a paren, we are aware
20 that Findett is not to be billed, is that right?

21 A. Right.

22 Q. Then if we look at the attachment -- now, let me
23 just explain, Mr. Savage, that our agreement with Monsanto,
24 our being the United States Government under this
25 designation, our agreement with Monsanto at this time we

1 are willing -- we are willing to have Monsanto black-out
2 the name of its customers other than Findett so that's why
3 you see some blackout on these pages. I imagine Mr. Carney
4 has explained that to you, but there are 2 entries here for
5 Findett, waste fluids from GE and Westinghouse and Aroclor
6 waste from GE and Westinghouse and we have a considerable
7 amount of -- the weight is in pounds, correct?

8 A. Right.

9 Q. Okay. So we have over 50,000 pounds?

10 A. Right.

11 Q. Of Aroclor, right?

12 A. Right.

13 Q. Now, when it says from GE and Westinghouse, it's
14 coming from Findett, right?

15 A. Well, Findett is listed in the customer column,
16 GE and Westinghouse are just noted parenthetically. It
17 sounds like it originally came from there.

18 Q. GE and Westinghouse, then Findett and then to
19 Krummich?

20 A. Right.

21 Q. I'd like to show you what's been marked as
22 Government Exhibit 29, it's Mex 473, 474, 475, 476 and 477.

23 (Plaintiff's Exhibit Numbers 29 and 30
24 were marked for identification.)

25 Q. Have you had a chance to look at that?

1 A. Right.

2 Q. The note -- this is first of all a -- a memo, is
3 it not true, Monsanto letterhead from G.E. Gibson, general
4 office, and general offices January 20th, 1971, the subject
5 is marketing services procedure number 303, reference
6 incineration or reclamation of Aroclors, lead -- it's to
7 lead correspondence, sales service supervisors. You are
8 not listed on here in the typed portion, are you?

9 A. Right.

10 Q. But the body says attached is a procedure
11 covering the practice recently established to the return of
12 PCB Aroclors, signed George Gibson, and there is
13 handwriting on here which has your name.

14 A. Right.

15 Q. Do you though who wrote this?

16 A. Well, looking at the carbonees up in the upper
17 right, Bill Corlew's name appears to have been highlighted
18 so I guess it came from him.

19 Q. Okay, and -- and you were working in the general
20 offices at this time, right?

21 A. Right.

22 Q. Okay. Were you -- oh, yeah, '71, excuse me.

23 All right. Now, in going through the
24 incineration or reclamation of Aroclors did you have
25 anything to do with this document or its development?

1 A. I don't think, I don't remember.

2 Q. All right. Let me ask you this. Was Monsanto
3 watching the cost on this incineration pretty carefully?

4 A. Well, it was -- yeah, that was part of my
5 responsibility.

6 Q. Okay. So, in other words, this 3 cents per
7 pound, that was something you watched with pretty great
8 care?

9 A. 3 cents was my original estimate of what the cost
10 was going to be.

11 Q. Is this 3 cents reflected in this document your 3
12 cents?

13 A. It's all of our 3 cents I suppose. It originated
14 from my cost estimate, I think.

15 Q. Okay. Now I'd like to show you Plaintiff's
16 Exhibit 30 and that's Mex 549, 550, 551, 552 and 553, and
17 if -- if you will, but for some handwritten notes, I
18 believe it's identical to the document that you have.

19 A. Appears to be.

20 Q. That's 29. Okay. Up at the top, righthand
21 corner, it says Charm, C-H-A-R-M, or Charm, for your files,
22 do you know who C. Harm or Charm, who this person is?

23 A. No, I don't.

24 Q. If we go into the document on page 550, 1B, we
25 see handwritten notes here changing the 3 cents to 5 cents

1 per pound plus 8 dollars each and then I don't know what
2 that says, handling charge?

3 A. Each drum, PR.

4 Q. Is that your handwriting?

5 A. No.

6 Q. Do you know whose handwriting that is?

7 A. No, I don't recognize it.

8 Q. All right. If we go to page 2, B1.

9 A. Same change has been made, look like.

10 Q. Do you know -- also, if we go to page 3, they've
11 changed the address, not that that's important, I guess.
12 Do you know why they would have changed from 246 to 831?

13 A. 831 would be a service department whereas 246 is
14 a production department. So that suggests that the
15 department number had by then -- had been assigned to the
16 incinerator itself.

17 Q. I see. Was the incinerator in place at this
18 point?

19 A. Well, there's no indication of when this marking
20 was made on the -- on the earlier version of procedure 303.
21 So I don't think there's any -- anything here that tells
22 you when those changes are made.

23 Q. Right. Was it -- was the -- was the incinerator
24 in place as of January 13th, 1971?

25 A. I can't tell you. That's about when it started

1 up, but -- but I don't know. Clearly by then we were
2 looking at 5 cents a pound instead of 3 cents a pound which
3 suggested for some reason we knew by then it was going to
4 cost more than 3 cents a pound but I'm not sure that that
5 means that it was started up by then.

6 Q. You make a good point. I mean, this was written
7 apparently in January of '71 but we don't know when the
8 cent changes --

9 A. Right.

10 Q. -- were made? It could have been made at a later
11 time?

12 A. I'm sure it was made later than the original
13 issue, but whether it was one day or one year, I have no
14 idea.

15 (Plaintiff's Exhibit Number 31 was
16 marked for identification.)

17 Q. I'll show you what I'm in the process of marking
18 as Plaintiff's Deposition Exhibit 31, take a look at it.
19 It's Mex 009.

20 A. Right.

21 Q. This is a letter on Findett Service Company's
22 letterhead from Mr. Milt Tegethoff to you dated April 7th,
23 1971, correct?

24 A. Right.

25 Q. Would you tell us, Mr. Savage, what is -- what

1 Mr. Tegethoff is -- what is he doing at this point?

2 MR. CARNEY: I'm going to object to -- to the
3 question because it calls for this witness to speculate as
4 to what Mr. Tegethoff was doing. You can answer, if you
5 can.

6 A. He's making a proposal to me for some special
7 kind of manufacturing run.

8 Q. Okay. Now, he has -- you have -- according to
9 this letter apparently had discussions about this, correct?

10 A. Right.

11 Q. And do you remember discussing these types of
12 situations with Mr. Tegethoff during this period of time?

13 A. The date doesn't mean anything in particular to
14 me, but -- but Findett made special manufacturing runs of
15 various kinds of products for us from time to time and this
16 is a promo as for one of those things. Most such things
17 had nothing to do with Aroclor.

18 Q. Okay. Here he says that we're continuing to
19 collect as per your discussions to collect and to quote
20 drain off, unquote, all of the 4-4 crystals from our MCS
21 236 drums.

22 A. Yeah, I can't say with any certainty what MCS 236
23 was. MCS was a code designation for a series of
24 experimental materials and those numbers go up 2,000.

25 Q. 4-4 crystals are PCB's, correct?

1 A. There was -- there was a version of PCB where 4-4
2 prime chlorodiphenyl that was a -- that was an intermediate
3 for some kind of product we made.

4 MR. CARNEY: I think just for the record Mr.
5 Stark knows what MCS 256 is --

6 MS. DeSTEIN: 236, and he also knew what 4-4
7 crystals, I just want to know what Mr. Savage knows.

8 Q. (By Ms. DeStein) He didn't discuss this with Mr.
9 Stark. Let me ask you, what is a drain off procedure?

10 A. Well, he speaks here of crude crystals and what
11 he's describing is a -- a process for recovering a crystal
12 and material from some kind of solution, it's simply a
13 separating or purifying technique obviously from the
14 context. The product still is a crude product. It's been
15 recovered from a larger amount of material from some other
16 material.

17 Q. Would the remaining material have PCB's in it?

18 A. Well, if I knew for sure what MCS 236 is, I might
19 be able to answer that. I don't remember what 236 was.

20 Q. If I were to tell you that Mr. Stark said yes,
21 they were were PCB containing items. Would the remainder
22 after the drain off would that -- in than scenario, if that
23 were in fact the case, would it have PCB's in it?

24 A. That's reasonable.

25 Q. In -- in the second paragraph he discusses the

1 pound -- I mean the cost of the crude crystals and he says
2 it's 75 cents per pound.

3 A. Right.

4 Q. And he says we assume that we are to continue
5 collecting all available crystals. Now, would you then --
6 I don't understand what he's saying here. Are you going to
7 pay him 75 cents per pound of crystal recovered?

8 A. Yes.

9 Q. Okay, and he would have a thousand pounds of this
10 stuff according to paragraph 3?

11 A. Yes.

12 Q. And then he -- he also offers, I guess, to purify
13 the isomer for an additional 3 dollars per pound of
14 product, is that --

15 A. Right.

16 Q. Okay. This 2 stage extraction process could be
17 carried out in toluene?

18 A. Toluene, chlorobenzene or chlorethane.

19 Q. Would there be a by-product from that?

20 A. Sure, it's a purification process.

21 Q. There would be a by-product and in all
22 probability that would contain PCB's as well, is that
23 correct?

24 A. That's reasonable.

25 Q. Do you remember -- who is Dr. Q. E. Thompson?

1 A. Quinton Thompson a Monsanto, a very good
2 scientist.

3 Q. Is he still with Monsanto?

4 A. I'm not sure. He's older than I am and I'm very
5 old. I'm not sure.

6 MR. CARNEY: I heard the name mentioned but I
7 can't recall whether he's still with Monsanto or retired.

8 Q. So Dr. Thompson's been with Monsanto from -- do
9 you know, did he continue his service from at least this
10 date to whenever, up close to the present?

11 A. I would think so.

12 (Plaintiff's Exhibit Numbers 32-37 were
13 marked for identification.)

14 Q. I'd like to show you what's been marked as
15 Plaintiff's Deposition Exhibit 32 and ask you to take a
16 look at that, please. All right. This is a letter from
17 Glen F. Taylor to Milton Tegethoff dated June 1, 1971.
18 Would you tell us -- Glen Taylor I take is an employee of
19 Monsanto or was at this time?

20 A. Right.

21 Q. Can you tell us about his position and where he
22 worked?

23 A. Glen is -- is or was at least involved in
24 shipping traffic type activities, probably reported to
25 early Potter at that time, although I'm not sure, who would

1 instead have been at the Queeny plant at that time. I'm
2 not sure about that. But at any rate, he was a guy
3 involved in shipping.

4 Q. Okay. We look at the content of the letter,
5 that's primarily what's -- he's worried about labels and
6 billings and that kind of thing?

7 A. Right.

8 Q. He's talking about the shipment of these 4 by 4
9 dichlorobiphenyl approximately 500 pounds and it's going to
10 the Queeny plant. What would you be doing with it at
11 Queeny?

12 A. 4-4 prime dichlorobiphenyl was an unusual use of
13 chlorinated biphenyl, never was sold that I know of as an
14 Aroclor but rather was used as a chemical intermediate for
15 very small volume special product that was made at the
16 Queeny plant. Queeny plant had an interim production
17 facility that was used for mid-scale experimental materials
18 and that's where this would be going.

19 Q. Well, what was the original stuff if you'll
20 pardon that inaccurate expression and noting Mr. Carney's
21 objection that I know he will be making, he doesn't need
22 to, I understand it's not scientific. What was the
23 original stuff that Mr. Tegethoff would have had that he
24 could draw crystals out of it?

25 A. We called it Aroclor 1232 for convenience. It

1 was biphenyl that had been chlorinated to an average
2 chlorine content of 32 percent.

3 Q. Would that again -- to use the accurate
4 scientific term, would that have been stuff that would have
5 gone to a Monsanto customer and been contaminated?

6 A. No.

7 Q. This was stuff Monsanto shipped to Findett,
8 correct, to do this particular work?

9 A. Right.

10 (A recess was taken.)

11 Q. (By Ms. DeStein) Mr. Savage, I'd like to show
12 you what I've marked as Plaintiff's Deposition Exhibit 33
13 and I'd ask you to take a look at it.

14 A. Okay.

15 Q. This is a memo from you to Art Koenig, correct?

16 A. Right.

17 Q. Dated April 27, 1971, 4 by 4 dichlorobiphenyl?

18 A. Uh-huh.

19 Q. You've carboned in Joe Rositz, is it?

20 A. Rositz.

21 Q. D. R. Hogan, Dr. Thompson. Now, you had stated
22 earlier in -- just a few minutes ago when you were
23 explaining 4 by 4 crystals that generally or that you
24 didn't sell it to customers?

25 A. Right, it was my recollection but obviously from

1 this memo it appears that we did sell a little bit of it.

2 Q. Okay. Now, down here in the third paragraph the
3 -- the opening sentence here: While the revenue from the
4 customer order will not quite cover the cost of making the
5 batch, I told Milt to go ahead. You know, now, your
6 reasoning is are these different things, 1 through 5, no
7 working capital is tied up in inventory, customer
8 development program will be supported, avoids research
9 people tied up on repetitive work, we have no assurance of
10 any further requirement, finally Therminol 77 schedules
11 won't give us another opportunity this year if further need
12 develops. Does that tickle your recollection about what
13 this may be about?

14 A. I don't remember this having an order for -- for
15 4-4 prime dichlorobiphenyl. Art Koenig was the business
16 group accountant. I was making a point with him about how
17 I handled the costs rather than any particular policy
18 point.

19 Q. Bottom line here, you were -- you were approving
20 a loss, weren't you, for these reasons that you set forth?

21 A. Right.

22 Q. A short fall, not a loss, a short fall, on this
23 particular -- all right.

24 Let me show you what's been marked as Plaintiff's
25 Deposition Exhibit 34, Mex 695.

1 A. Okay.

2 Q. Now, this is the same date, Mr. Savage, April
3 27th, 1971, is the previous exhibit, it's a memo from you
4 to J.L. Corder at the Anniston plant, that's Anniston,
5 Alabama, correct?

6 A. Right.

7 Q. It's carboned to Lou Stark, Mr. Potter and Mr.
8 Bradford. Does this -- this -- does this or does it not
9 have anything to do with the 4 by 4 crystal memos and
10 letters?

11 A. As far as I can tell it's a completely different
12 subject, the date is a coincidence.

13 Q. Okay, and here you're discussing making a blend,
14 is it Aroclor 5460?

15 A. Right.

16 Q. What is Aroclor 5460?

17 A. Aroclor 5460 was terphenyl chlorinated to 60
18 percent chlorene and then distilled.

19 Q. Does it have any relation to 1260?

20 A. 1260 is biphenyl chlorinated to 60 percent. So
21 5460 is the terphenyl equivalent of 1260 but made from
22 terphenyl instead of biphenyl.

23 Q. Is it as thick as 1260?

24 A. More so 5460 was a solid shipped in bags, flaked.

25 Q. What would you do with that then, Mr. Savage?

1 A. Just -- you mean -- normal use of it.

2 Q. How would a customer use that?

3 A. It was used for things like waterproofing canvas,
4 as I recall. I think it may have been used as a
5 plasticizer.

6 Q. Then you have these different things but -- what
7 was Findett's function with this particular project?

8 A. Well, again, I've got to read it into the memo, I
9 don't remember exactly what was going on at the time, but
10 reclaimed Pydraul may not pass fire test. Some of the
11 Pydrauls were blends of Aroclors with things like mineral
12 oil and after -- after use, particularly if the product was
13 contaminated with more mineral oil, the reclaimed product
14 might not pass the factory neutral fire test and in order
15 to bring up the fire resistance, chlorinated material could
16 be added to it.

17 Q. Now, would -- would Findett be the party here who
18 would actually at the 5460?

19 A. Again, I'm just reading it into the memo, it
20 appears so.

21 Q. So Anniston was the manufacturer of the 5460,
22 correct?

23 A. That's the only place we made it.

24 Q. I'd like to show you Plaintiff's Deposition
25 Exhibit 35. That's Mexico 656 through 672.

1 A. Okay.

2 Q. This is a Monsanto document from W.R. Richard,
3 Dr. Richard, dated November 17, 1971, subject, project
4 analysis, FLU-013 revised. Pydraul formulations and there
5 is a series of people listed here and you are one of them
6 who received this, is that correct?

7 A. Right, right.

8 Q. All right, and Dr. Richard states attached is
9 specialty products research project analysis of FLU-013
10 revised, quote, Pydraul formulations, unquote. What was
11 this document?

12 A. I think this was a document for management review
13 of the -- of the overall program in Pydrauls.

14 Q. Okay. Let's go right to 63, 663, fluid
15 reclamation. At this point in time I'd like to ask you if
16 the general atmosphere at Monsanto, was it less turbulent
17 at this point by November of '71?

18 MR. CARNEY: Objection to the form.

19 Q. You can answer the question if you understand.

20 A. Surely alot of things had fallen into place.
21 This is dated late 1971, and I must say that I -- I'm not
22 too clear at this point about where we stood in the Pydraul
23 program at that time. I'm sure you heard from Stark we
24 reformulated the Pydraul program twice and the first
25 reformulation took out the PCB's and I should think that by

1 November of 1971 the decision had surely been made to take
2 PCB's out of Pydrauls but whether it had actually been
3 accomplished at that time, I don't know.

4 Q. Let me ask you, did you ever take like whole
5 Pydraul, what was the pure form, correct, and then it would
6 become contaminated and then reprocessed into Pydraul,
7 could that be done? Do I have that correct?

8 A. Well, it's a little bit different flavor than --
9 than the ordinary procedure. When we made Aroclor 1242,
10 the normal procedure was that it was all made to the same
11 standard of purity, typically kept in the same storage
12 tanks, and it could be sold -- sold either at Therminol
13 FR-1 or Pydraul pasture grade or used in Pydraul. The
14 point I made earlier about purity was that if something was
15 slightly off the electrical specifications meaning a very
16 minor amount of contamination those were very severe
17 specifications, that probably did not render it unsuitable
18 for use in other applications but Aroclor 1242 within the
19 manufacturing plant was all one product.

20 Q. Does Monsanto still make Aroclor 1242?

21 A. Oh, no.

22 Q. You haven't made that in years, have you?

23 A. We haven't made any Aroclor in years. Despite
24 what it says in the papers, we stopped 2 years before it
25 was banned.

1 Q. You still have Aroclor 1242 I believe just for
2 scientific purposes? Like storage, you don't make it
3 but --

4 A. Gosh, I don't know. There might be some sample
5 bottles around. Surely no significant quantity.

6 Q. It's a label, Plaintiff's Exhibit 21 that we
7 showed to Mr. Stark, but I will tell you this, that we had
8 that copy made off of a bottle of Aroclor 1242 that is at
9 the NEIC laboratory in Denver and I saw the bottle and pick
10 it up and was able to look at it and --

11 A. Sounds like something has something.

12 Q. Okay, but the level of purity that you were
13 discussing with the standards being as strict as they were,
14 that's what would be in the -- in a bottle labeled like
15 that coming directly from the plant, correct?

16 A. Well, it says dielectric fluid on the label so
17 that implies it's made to the high specification.

18 Q. I will say that the environmental protection
19 agency uses this substance as a standard against -- in
20 their gas chromatograph so that they can see what they've
21 got.

22 So as -- as in 1971 when you knew that -- that
23 PCB's were going to present a problem and Monsanto, I'm
24 sure, was trying to figure out what to do, was one of the
25 answers to this ever proposed that you would reclaim a

1 substance and then try to bring the level of PCB's in it
2 down each time it was reclaimed or bring it down through
3 reprocessing?

4 A. I would think so. I -- I don't know of any way
5 to do that other than perhaps by dilution.

6 Q. Now, it states in here on page 664, when I say in
7 here I'm referring back to Government's Exhibit 35, I
8 believe. On page 664 it says usually the customer doesn't
9 want to invest in recycled fluids. It says it's being done
10 by a few of our major customers but evidently this practice
11 is expected to increase. Did it in fact increase?

12 A. I guess I don't know. At the time that I left
13 the business group in 1975, the only Pydrauls we were
14 selling were all phosphate ester and whether reclamation
15 had really increased at that time or later, I don't know.
16 We subsequently went out of the Pydraul business.

17 Q. The phosphate esters don't have PCB, correct?

18 A. Right.

19 Q. It says here, in some cases reconstitution of the
20 fluid with base stock components and additives is
21 desirable, we have done this on a limited informal basis
22 with Findett. Could you describe what an informal basis
23 would be?

24 A. I really don't know what he's talking about.

25 Q. Okay. That's fine. When in the next paragraph

1 it says that -- that a plan and agreement is being prepared
2 that would involve the customer, the reclaimer and
3 Monsanto, and then Monsanto would have primary
4 responsibility for reclaimed fluid quality, if Findett's
5 the reclaimer, then -- Monsanto then would take
6 responsibility for this stuff after it came out of there?

7 A. That's what he's describing in this paragraph.

8 Q. Okay.

9 A. The plan that he's talking about there I believe
10 was prepared by Don Pogue and was not accepted by
11 management.

12 Q. Okay. If we go to 670, it says 7, fluid
13 reclamation, and then it says -- it's got these dates on
14 the -- on the far righthand column. The document that
15 we're looking at is dated November 11, 1971, the most
16 recent date says third and fourth quarter, '71, then fourth
17 quarter '71 through '72, and fourth quarter '71 through
18 '72. So you're saying that here he's projecting --
19 actually this was from Bill Richard?

20 A. Bill Richard is the author of the document it
21 appears.

22 Q. Right, and so these are projections, is that
23 right, what Monsanto would do and what Findett would do?

24 A. Well, Bill is proposing a program and a
25 timetable. It appears that Findett is involved in this,

1 but that's the proposal.

2 Q. Okay. When it says LRS PFH, is that Lou Stark?

3 A. It's Lou Stark. I don't know who PFH is.

4 Q. Do you know who PDF is?

5 A. No, it doesn't ring a bell.

6 Q. Okay, and the LRS group?

7 A. I should think that's Stark's group.

8 Q. Did you ever consider a proposal to buy Findett?

9 A. No.

10 Q. I'd like to show you what's been marked as
11 Government's Exhibit 36, this is Mex 393 to 409. All
12 right. Turning to Exhibit 36, this is a memo it would
13 appear from C.L. Bradford, J.H. Davidson from the general
14 office dated December 8th, 1971, industrial hydraulic
15 fluids transition plan to T.L. Gossage, is that correct?

16 A. Right.

17 Q. And also there are other people that are on this,
18 you being one of them, correct?

19 A. Right.

20 Q. And on my copy a Mr. Bergen and a Dr. W.R.
21 Richard are also written in?

22 A. Right.

23 Q. What does it mean, industrial hydraulic fluids
24 transition plan? What transition plan?

25 A. Well, I -- I think this refers to the program

1 that I call reformulation, earlier. The original versions
2 of Pydraul were blends, were Aroclor, and at some point we
3 decided to reformulate, produce a new line of products that
4 didn't contain Aroclor. It's a little bit hard again for
5 me to place this in time, but I should think that by the
6 time this was written in December of '71 the decision had
7 already been taken to reformulate. So the plan must have
8 to do with that.

9 Q. Okay. It says reclamation, we should move now to
10 work with Findett Service Company, I'm reading from 395, on
11 the reclamation of the Pydraul fluids. This means quoting
12 in conjunction with Findett for reclamation business
13 wherever we can be competitive. If it turns out that due
14 to geography we cannot be competitive in conjunction with
15 Findett in all locations, we will establish relationships
16 with other reclaimers in those locales. Do you know if in
17 fact you did that?

18 A. No.

19 Q. Whether or not Monsanto did that?

20 A. (Shakes head.)

21 Q. You knew before that a proposal had been
22 rejected. Do you know whether or not this proposal was
23 accepted or rejected by management?

24 A. I don't think we did, but I can't say with
25 certainty.

1 Q. Would it be fair to extrapolate from that that
2 Monsanto was just using Findett up until that point because
3 it says if we can't be competitive in conjunction with
4 Findett in all locations, we'll establish relationships
5 with other reclaimers in far, distant locales.

6 A. I think the competitive issue here would be one
7 of freight.

8 Q. I know that that would be the issue, what I'm
9 saying is it reveals that there are no other relationships
10 at least at this point, correct?

11 MR. CARNEY: Objection, I think it would call for
12 speculation.

13 Q. If you know.

14 A. I don't know that we ever talked to anybody else.

15 Q. Other than Findett?

16 A. Right.

17 Q. I'll show you what's been marked as Government's
18 Exhibit 37, Mex 367 through 381.

19 MR. CARNEY: For the record, part of these --
20 part of this document was drafted by Mr. Stark.

21 MS. DeSTEIN: Thank you for telling me.

22 MR. CARNEY: The graph, 370.

23 MS. DeSTEIN: He drew the graph.

24 MR. CARNEY: Yes.

25 MS. DeSTEIN: I'm glad we have that on the record

1 in case we need him for trial.

2 THE WITNESS: Okay.

3 Q. (By Ms. DeStein) Okay. This is a document dated
4 March 10th, 1972, entitled Pydraul reclamation. It was a
5 written by a G.G. Kosup to Mr. Bergen, correct?

6 A. Right.

7 Q. And you are carboned on this.

8 A. Right.

9 Q. And this is about -- the document presents
10 different alternatives for Pydraul reclamation, correct?

11 A. Right.

12 Q. And it involves discussion of Findett, correct?

13 A. Yes.

14 Q. Who is Corey?

15 A. That's W.R. Corey, known as Wink, he was a -- I
16 think our general manager, Bergen's boss, anyway.

17 Q. General manager of all of Monsanto?

18 A. He was the general manager, I think it was the
19 division at the time. Cunningham was his boss. That was
20 Press Cunningham who was the managing director, whatever we
21 called our business group at the time.

22 Q. Are either of those gentlemen still with the
23 company?

24 A. No, both retired.

25 Q. It says also attached is a discussion of the

1 treatment of Findett's Pydraul losses. You will see that
2 some steps are necessary to create a clean system at
3 Findett, an annual burning cost of around 5,000 dollars
4 will also be incurred. We should assume Monsanto will
5 likely bear this cost in one form or another since Findett
6 operating on its own would probably see little need to go
7 through all of these procedures. What are they talking
8 about there, do you know?

9 MR. CARNEY: I object to the form of the
10 question. I think --

11 Q. Do you know what is being discussed there, Mr.
12 Savage?

13 A. Not from that paragraph.

14 Q. Do you know from later paragraphs in the
15 document?

16 A. Someplace they talk filtering through antipogus
17 clay. I presume he's talking about Aroclor. That would be
18 on that clay after the filtration.

19 Q. And there's concern about that clay then?

20 A. Yeah, where it goes. I don't know where it went
21 but that seems to be what we're concerned about.

22 Q. At this point in time Monsanto is aware that
23 certain legislative action maybe taken with regard to
24 PCB's, is that correct?

25 A. Certainly.

1 Q. If you'd check on page 369 the document is
2 entitled fluid inventory, usage, and PCB/PCT content. Can
3 you tell us what this chart represents?

4 A. Referring to the graph?

5 Q. No, I'm referring to the -- to the table, excuse
6 me.

7 A. It refers to somebody's hydraulic system, it must
8 be the customer, I wouldn't know which one.

9 Q. The customer's name would be the blacked out
10 thing on the top righthand corner?

11 A. I believe so.

12 Q. Was Findett facility the only facility being used
13 at that point in time to reclaim Pydraul?

14 A. I think some of the customers were doing it
15 themselves.

16 Q. In terms of Monsanto, Findett was it at this
17 point in time?

18 A. I think Findett was working for some of the
19 customers. Whether they were doing it on our account, I'm
20 not sure.

21 Q. The graph on 370, what -- apparently Mr. Stark
22 drew, what does it indicate?

23 A. Well, clearly this chart was drawn after the
24 decision was taken to eliminate -- to make the second
25 reformulation. PCB we talked about. PCT referred to

1 polychlorinated terphenyl, 5,400 kinds of products we
2 talked about earlier, and talks about the content of the
3 fluid after change to phosphate ester which was the final
4 reformulation. This would simply describe the behavior of
5 a customer system as the PCB and PCT's were diluted by the
6 addition of new product that didn't contain any.

7 Q. So, in other words, you could take a PCB product
8 and dilute it to the point there were no more PCB's in it?

9 A. That's impossible. There's always a few
10 molecules lefts.

11 Q. So there would still be a few molecules left?

12 A. This is a log chart, it never goes to zero.

13 Q. So there would still be some in there but --

14 A. If -- if you simply continued to top up a system
15 with non-PCB's fluid, obviously the concentration of PCB
16 will go down over time.

17 Q. What would you do with the old PCB's?

18 A. Well, this is describing a customer's system. So
19 somehow the PCB is leaving its system through leakage,
20 drain off or whatever reason.

21 Q. The next page, 371, treatment of Findett's
22 Pydraul reclaim process loss. Do you know who wrote this?

23 A. No.

24 Q. All right. This is part of this document, is
25 that correct?

1 A. I can't even tell.

2 Q. All right.

3 A. I suppose so.

4 Q. It discusses Findett's yield loss and it says
5 it's expected to change from 8 to 3 percent. Why would
6 that be?

7 A. Well, again, I can only deduce from reading what
8 it says. Changing to a cost at wash system, presumably
9 that's a way of getting -- getting out whatever impurities
10 are undesirable. That does not involve losses in the same
11 way as the use of filtration.

12 Q. Okay. At this point in time, though, this page
13 indicates where it has A and B, Pydraul and water and then
14 a slurry fed into our incinerator at the Krummich plant
15 and, B, by the very nature of the title of this, process
16 loss and then these different things that you have listed
17 here, indicates that Monsanto is taking an interest in what
18 happens with Findett's loss, isn't it?

19 MR. CARNEY: I'm going to object to the question.
20 I think it calls for this witness to speculate inside the
21 mind of an unknown author and question has undefined terms,
22 what you mean by Monsanto taking an interest.

23 Q. You can answer the question, if you understand
24 it.

25 A. Well, this appears to be part of a strategy on

1 reclamation. I would presume that a strategy on
2 reclamation at this point in our history when we become
3 very sensitive to PCB's getting into the environment,
4 whether it was Findett, a customer, or anywhere else we
5 would be concerned about the consequences of our strategy.

6 Q. Do you know whether or not Monsanto bought
7 Findett a Gifford-Wood homogenizer mixer?

8 A. I have no idea.

9 Q. Do you know if Monsanto bought anything for
10 Findett in terms of environmental equipment or things that
11 would lower the loss into the environment of PCB's?

12 A. I don't think so.

13 Q. Who is CED?

14 A. Corporate engineering department.

15 Q. Moving along to reclamation strategy --

16 MR. CARNEY: What page are you on?

17 MS. DeSTEIN: 375, title is reclamation strategy.

18 Q. Here it states in the opening paragraph that
19 Monsanto has for many years been the primary supplier of
20 fire resistant fluids to the aluminum and steel making
21 industries. These were based on polychlorinated biphenyls,
22 PCB, and polychlorinated terphenyls, PCT, compounds which
23 provided excellent fire resistance and hydraulic
24 performance at a reasonable price. By nature of most
25 die-casting and foundry operations, large quantities of

1 hydraulic fluid has gone directly into the plant effluent
2 through system leakage, thereby causing both an economic
3 loss and an environmental problem. Because of recent
4 environmental pressures on PCB/PCT compounds in water,
5 users must now stop using these fluids, You, of course,
6 knew this at Monsanto at that point, correct?

7 A. This is right.

8 Q. More in background, all right. Now in the third
9 paragraph it states there are presently 4.5M with a line
10 over it. Does that M with a line over it denote million?

11 A. Yes.

12 Q. If the M didn't have the line over it, would it
13 be thousand?

14 A. Yeah, that was our nomenclature at the time.

15 Q. Okay.

16 A. Before we got metricated.

17 Q. So let's -- is that how many gallons were
18 outstanding that -- that Monsanto had sold to customers at
19 that point and that was your estimate of --

20 A. That seems to be an estimate of the inventory
21 inside customer's systems.

22 Q. It would seem to me that Monsanto, this is not
23 referring to this document, this is just general policy
24 question for the company. It seems that in reviewing all
25 of the 700 documents that were produced here, that Monsanto

1 kept pretty good touch, the salesmen kept in pretty close
2 touch with the customer. In other words, if I were to buy
3 Monsanto product my Therminol or Pydraul, a Monsanto
4 salesman would be in touch with me again. We have call
5 reports, we have --

6 A. That's what good salesmen do.

7 Q. Right. In other words, was -- was this -- and
8 you say you sold this stuff by the tank car and by drums,
9 generally?

10 A. Right.

11 MR. CARNEY: Stuff again.

12 MS. DeSTEIN: Stuff again. I'm being very
13 scientific, Mr. Carney.

14 MR. CARNEY: You're talking about Pydraul.

15 MS. DeSTEIN: And Therminol, right, the FR
16 series.

17 Q. (By Ms. DeStein) When -- when -- so you did keep
18 pretty good -- pretty good tabs on your inventory out at
19 your customers?

20 MR. CARNEY: I'm going to object to the question,
21 I think it's vague and ambiguous.

22 Q. The salesmen knew what the different losses were
23 and then they would bring -- they would bring this stuff
24 again as we've defined it -- they would talk with the
25 customer and work with the customer on it, is that correct?

1 MR. CARNEY: Objection. Same objection.

2 MS. DeSTEIN: Well, if he knows.

3 Q. (By Ms. DeStein) If you can answer my question.

4 MR. CARNEY: I think you're talking about --
5 you're generalizing and I don't know that this witness is
6 involved in marketing, so it might call for him to
7 speculate. If you want a speculation as own personal
8 speculation, I'll allow it, but not as a spokesman for
9 Monsanto.

10 MS. DeSTEIN: I don't think we need speculation
11 here, if he knows. He was involved in product --

12 MR. CARNEY: To be clear about it, I never went
13 on a customer call to a Pydraul account. So I -- you can
14 make a general statement that good salesmen are in contact
15 with customers and they're concerned about when they're
16 going to get another order.

17 Q. And they -- they -- it was a salesman that was
18 the contact, though, between -- between the -- your
19 corporation -- between Monsanto and the customer, it was
20 the salesman that was --

21 A. Normally, sure.

22 Q. It says here most of the existing fluids will
23 have leaked into the environment within 2 years. Is that
24 the existing fluids, the 4.5 million?

25 MR. CARNEY: I'm going to object again, calling

1 for some witness to speculate about what this author was
2 intending. The document can speak for itself.

3 A. The only thing you can test is by reading the
4 paragraph. I don't know anything else about it.

5 Q. On page 376, there's a paragraph that states that
6 most reclaimed companies typically are small and poorly
7 managed places that started by reclaiming dry cleaning
8 fluids. -

9 MR. CARNEY: 376.

10 Q. Paragraph 3. It says there they're sources of
11 pollution because of tendency to sewer most reclaiming
12 process losses. Was that your experience?

13 A. I have no idea. I don't know who wrote this. I
14 never worked with any small reclaiming companies, I don't
15 know.

16 Q. You never worked with Findett?

17 A. I worked with Findett.

18 Q. Were they not a small reclaiming company?

19 A. Well, yeah, maybe so. I didn't work with them on
20 reclaiming in general.

21 Q. Now, in paragraph C, it says there's a -- there's
22 a customer that's been blocked out, is probably the biggest
23 user that is reclaiming. And if you go along it says 60
24 percent is reclaimed fluid and then down in the last
25 paragraph -- sentence of that paragraph says Findett

1 Service Company of St. Charles, Missouri, has been their
2 reclaimer. Now, Findett -- that is a customer then of
3 Monsanto, correct?

4 A. Right.

5 Q. In this, a long range objective, one of the
6 objectives would be for Monsanto to go into the reclamation
7 business, correct?

8 A. That was the purpose of this plan, right.

9 Q. Now, under general strategy under reclaimer, it
10 has Findett Service Company, and then it has a number of
11 things listed that shows that why -- well, they're very
12 positive about Findett, aren't they?

13 MR. CARNEY: Objection to the form of the
14 question.

15 Q. Are they positive about Findett, Mr. Savage?

16 A. Those are positive comments, yes.

17 Q. What does it mean that Findett and Monsanto are
18 in agreement on program and processing costs?

19 MR. CARNEY: Objection. Again, calls for
20 speculation inside the mind of the author.

21 Q. If you know about this.

22 A. I really don't. Whoever worked this plan out
23 with Findett did not involve me in the -- in working it
24 out.

25 Q. Okay. On page 6 of it which is page 380, pricing

1 strategy, it indicates that Findett and Monsanto would work
2 out price, an average cost to Monsanto based upon a cost
3 volume relationship agreed upon. You were very involved in
4 pricing. So you were carboned in on this.

5 A. What's the question?

6 Q. What is the cost volume relationship that had
7 been agreed to by Monsanto and Monsanto -- Monsanto and
8 Findett?

9 MR. CARNEY: Let me object. I -- well, I'm not
10 sure if this is clear that we're talking about something
11 that's a -- a strategy for the future or something that's
12 already happened. You can answer, if you can.

13 A. Well, I really can't. It appears from the
14 paragraph that somebody had worked out a structure for the
15 price that depended on the volume, but I don't recall
16 having had any involvement in it.

17 Q. It says in the next paragraph that since Monsanto
18 is offering a high quality, certified, reclaimed fluid, at
19 a price that is reasonable, this price would be for tank
20 truck quantities with processing requirements similar to
21 those of blank. Was that being done at Findett, correct?
22 The reclaimed fluid?

23 A. That seems to be the proposal.

24 Q. And the strategy alternatives described in number
25 8, number 1 is to buy Findett and be 100 percent in the

1 reclaim business. This route would require a capital
2 investment by Monsanto. This may be desirable after the
3 program has been established.

4 A. That's the first I heard of such a proposal.

5 Q. Well, you were -- you were carboned in on this
6 but are you saying you didn't --

7 A. No. I get alot of mail. I can't imagine that we
8 would have seriously considered that.

9 Q. It says under page 7, number 7, that's Mex 381,
10 under action plans, responsibility, business group director
11 and Findett formally sign proposed contract with reclamer,
12 target or review date was March 21st, 1972. That would
13 have been 11 days from when this was sent out. Do you know
14 if that ever happened?

15 A. Well, you may know better than I do. I don't
16 remember that it ever happened.

17 Q. Now, you've testified that you worked at the
18 Queeny plant from 1967 through 1970, correct?

19 A. Right.

20 Q. And your duties there, I believe you described as
21 general superintendent, is that right, and technical --

22 A. Technical services and laboratory.

23 Q. Okay. Now, you may or may not know about this.
24 I want to ask you if you'll take a look at Plaintiff's
25 Exhibit 18.

1 A. I don't recognize it.

2 Q. Okay. This -- for purposes of the record is a --
3 an internal Monsanto memo, is it not, dated July 15, 1968,
4 subject arrangement 171C, CF 434, customer/Findett
5 reclaiming scrap Aroclors, that's to file. Now, you were
6 not working for Mr. Bergen at that time, were you?

7 A. Right.

8 Q. All right. You were answering to Mr. Moody?

9 A. Right.

10 Q. But in the first paragraph of this under the
11 general when it says JFQ, they're referring to Queeny,
12 correct?

13 A. Right.

14 Q. And later on down in 5 lines up from the bottom
15 of that page, it says J.F. Queeny freight, referring to
16 freight?

17 A. Right.

18 Q. And then on the following page, the last sentence
19 in paragraph 3, again refers to the Queeny plant.

20 A. Right.

21 Q. This is freight from Findett to Queeny for
22 reprocessed stuff. Do you know anything about this?

23 A. I don't know anything about the transaction.

24 Q. Were you ever aware of stuff or substances coming
25 in from Findett to Queeny when you worked there from '67 to

1 '70?

2 A. No.

3 Q. Never?

4 A. No. Pydraul 312 was made at the Queeny plant, I
5 was certainly aware of that, but an unusual freight routing
6 or raw material would not be something that I would have
7 known anything about my responsibilities at that time.

8 Q. Would you call material that had been reprocessed
9 raw material?

10 A. Well, it would be raw material for the Queeny
11 plant if it was going to be used there.

12 Q. I'd like you to look at Plaintiff's Exhibit 23.
13 This is a memo from W.R. Richard to a W.A. Kuhn, November
14 11, 1968, with a --

15 A. Bill Kuhn was my predecessor.

16 Q. He was in GO?

17 A. Right.

18 Q. Again, it refers in the first paragraph to the
19 Queeny plant, correct?

20 A. Right.

21 Q. In the second paragraph it refers to material
22 being delivered from Findett to Queeny, correct?

23 A. Right.

24 Q. All right. When you worked at Queeny, you were
25 there during this period of time, November 11, here's

1 another instance of the same -- I mean of material coming
2 in from Findett. A tank car of it. Were you aware of
3 that?

4 A. No.

5 Q. I'd like to show you what's been marked as
6 Plaintiff's Exhibit 13. In the interest of time, if I
7 could, maybe just -- if you'd like to read the whole
8 document, you're more than willing to, I'm only going to
9 ask you about 2 sections of document. So if I could direct
10 your attention to that. If you need more time to read
11 around it, if you'd like, that's fine. This is dated July
12 24th, on Monsanto memo paper from J.G. Bryant to a series
13 of people including Mr. Bergen, someone whose name has come
14 up. He was not your boss at that time, though, correct?

15 A. Right.

16 Q. Okay. Directing your attention, right, to page
17 415, to the paragraph at the top of the page labeled
18 reclamation agreement. If you'd read that paragraph. This
19 is a reclamation agreement that alot of -- the material
20 would go from Findett to Queeny, correct?

21 A. Yeah, and the next paragraph they talk about
22 896,000 pounds a year.

23 Q. Right. Almost 900,000 pounds a year, scrap,
24 electrical Aroclor. What is your definition in your mind
25 when you read the term as it's used in here in quotation

1 marks, junk? What is junk as you're reading that? I can
2 point a place out.

3 A. Just up at the top of the same page.

4 Q. Right.

5 A. I suspect that junk simply means material that's
6 not good enough to reclaim.

7 Q. Thank you. On page 416, if you'd look at the top
8 of the page, basic agreement under that, Monsanto is
9 creating its own raw material code for the Aroclor
10 reclaimed at Findett, correct?

11 A. Right.

12 Q. And that's the material that you described
13 earlier as raw material and it's described here as raw
14 material that would go back to Queeny?

15 A. Right.

16 Q. Okay. Down in the -- toward the bottom of the
17 page, the paragraph beginning notification of Aroclor?

18 A. Uh-huh.

19 Q. Okay. Will be furnished by Findett and matched
20 with Queeny plant receiving report. So, in other words,
21 when material was received at Queeny, a report was
22 generated, is that right?

23 MR. CARNEY: I'm going to object, you're asking
24 this witness to speculate about what's in a document.

25 MS. DeSTEIN: I'm not asking about what's

1 happening here, I'm asking as a general rule. I don't care
2 if it came from Findett or mars.

3 Q. (By Ms. DeStein) Was a receiving report
4 generated when something was received be it raw material or
5 whatever into the Queeny plant?

6 A. Yes, at any plant. That's a function of
7 shipping, to generate a piece of paper called a receiving
8 report.

9 Q. When it says Findett will give notification of
10 Aroclors to be scrapped, do you have any knowledge of that,
11 what that would mean?

12 MR. CARNEY: Again, I'm going to object. The
13 document speaks for itself and this witness I don't think
14 ever saw this document before.

15 MS. DeSTEIN: I'm just asking if he knows what it
16 means.

17 THE WITNESS: I know what scrap means, something
18 not useful and has to be got rid of.

19 Q. (By Ms. DeStein) If you know, how would Aroclors
20 be scrapped at Queeny in 1969?

21 A. Taken to a landfill, I would think.

22 Q. If you'd take a look at Plaintiff's Deposition
23 Exhibit 5. Have you had enough time to --

24 A. I've gone through it. It's not clear to me what
25 the connection is between all of these papers because some

1 of them seem to be of a different subject.

2 MR. CARNEY: I can't vouch that these papers
3 belong altogether. All I can say is that that's how we
4 found the documents stapled together and they could have
5 been misstapled together but when we found documents
6 stapled together, we kept them stapled together, is the
7 only thing I can say.

8 MS. DeSTEIN: Right, I understand. The documents
9 they didn't seem to make alot of sense to us, either, the
10 way they were stapled together, but some of them I'd like
11 to ask you about specifically. I think we're doing this
12 backwards, but let's start at the beginning.

13 Q. (By Ms. DeStein) Do you recognize this form?

14 A. No.

15 Q. Is this a -- if you don't recognize it, then you
16 don't know whether it's a Monsanto form or some other
17 company's form, is that right?

18 A. Oh, it seems to be a Monsanto form, but COP at
19 the top, we've got a group thing called customer order
20 processing and I suppose that's where it came from.

21 Q. I see it says Sauget, Illinois, on there. Would
22 that be Krummich?

23 A. Yes.

24 Q. It's got Findett Service Company at the top?

25 A. Right.

1 Q. And then it says that J. Littich -- office
2 records only, J. Littich, G. Fague.

3 A. Yeah, John Littich was the accountant over at the
4 Krummich plant, George Fague was in the product group.

5 Q. It indicates credit to cancel debit with a
6 number, 3-27-73, issued in error. Can you -- do you
7 know --

8 A. Well, somebody screwed up and then they
9 straightened it out. I can't tell you what it's about.

10 Q. Is it fair because it says down here under --
11 under the line 658 down here, is it fair to say that it was
12 a screw up -- on the same line -- same document.

13 A. Yeah.

14 Q. That it was for incineration, the underlying --
15 it says 3 cents per pound?

16 A. Well, it fits with one other document that's
17 further along the line in here. 92, yeah, taking the 2
18 together, it appears that's what it's about.

19 Q. You permitted payment on this?

20 A. Yeah, my signature's on here.

21 Q. Evidently, correct me if I'm wrong, Mr. --
22 Monsanto sent Tegethoff a bill, he sent it to you, you saw
23 what he had written and then you approved it for payment?

24 A. Right.

25 Q. Mr. Tegethoff had written that disposal of above

1 material was to be at Monsanto's expense, this is part of
2 the close out on Therminol 77 production, FRT to be at
3 Monsanto's expense, and then it says contact Jim Savage at
4 Monsanto if further information is required. So, you were
5 Mr. Tegethoff's contact at this point, is that or --

6 A. On this particular issue, this -- this has
7 nothing to do with Pydraul. Therminol 77 was the product
8 that was made -- that was made from 4-4 prime
9 dichlorobiphenyl.

10 Q. Are those those crystals we've been talking
11 about?

12 A. Right.

13 Q. Oh, okay. So that's the material that's been
14 disposed of here?

15 A. What's being disposed of is what was left after
16 the crystals had been isolated, I presume.

17 Q. And so you approved it for payment. Why did you
18 do that?

19 A. Well, I guess I concluded we owed him the money.
20 The note here refers to the close out of Therminol 77.
21 Therminol 77 was a high temperature transfer fluid which
22 was not in itself a PCB but because it was made from
23 chlorinated biphenyl was under some cloud and we elected to
24 just stop making it.

25 Q. So this is that batch of material you and I

1 discussed earlier where you stated that this wasn't old or
2 contaminated --

3 A. No, this was a product made on purpose for this
4 use.

5 Q. So those were -- those were PCB's that Monsanto
6 owned, shipped to Findett for processing?

7 A. Yes, a toll manufacturing agreement with Findett.

8 MR. CARNEY: T-O-L-L.

9 Q. If we go to page 2, this is another Monsanto
10 document. Are you familiar with the form --

11 A. Generally, I don't know whether this particular
12 version, but in general.

13 Q. Findett's on here again and the form under
14 explanation, it says being returned for disposal per terms
15 of letter from P. Gann. Free return and incineration
16 extended to September 1, 1972. This is FR fluid from our
17 file test lab. Are you familiar with that?

18 A. Right. I'm -- I know what the fire test lab was
19 all about.

20 Q. That's the fire test lab that was near Findett,
21 right?

22 A. Yeah, why Findett would have had fluid from our
23 fire test lab, I have no idea.

24 Q. Let me put forth a hypothesis to you, that they
25 had the fluid because it was drained out of the heat

1 transfer fluid system at the -- at the -- owned by
2 Monsanto, in other words, the system that -- the fluid that
3 was literally in the Monsanto system at the heat test lab
4 at the fire shack was drained at this period of time and
5 for some reason went to Findett to be shipped. Can you --
6 you don't have any explanation for that?

7 A. No. Maybe it was more convenient for Findett to
8 ship it, but I really don't know.

9 MS. DeSTEIN: I think we're all done. Thank you
10 very much.

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2
3 COUNTY OF ST. LOUIS)
4) SS.
5 STATE OF MISSOURI)

6
7 I, J. R. SAVAGE, do hereby state that the
8 foregoing statements are true and correct to the best of my
9 knowledge and belief.

10
11 _____
12
13 Subscribed and sworn to before me this ____ day of
14 _____, A.D., 1990.

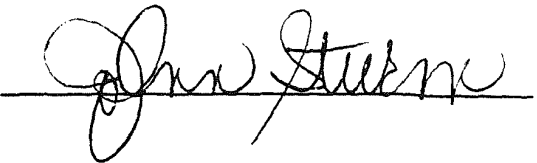
15
16 _____
17 NOTARY PUBLIC

18 My Commission Expires:
19 _____
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2 COUNTY OF ST. LOUIS)
3) SS.
4 STATE OF MISSOURI)
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6 C E R T I F I C A T E
7

8 I, Jo Ann Sturm, a Certified Shorthand Reporter,
9 Registered Professional Reporter and a Notary Public within
10 and for the State of Missouri, do hereby certify that I
11 reported in shorthand the foregoing; that I thereafter
12 caused the same to be transcribed into typewriting, which I
13 hereby certify to be a true and accurate transcription as
14 aforesaid.
15
16
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22 My Commission Expires:
23

24 June 24, 1993
25