

FOSHEE & TURNER COURT REPORTERS

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF ALABAMA
3 EASTERN DIVISION
4

5 WALTER OWENS, et al.,)
6 Plaintiffs,)
7)
8 vs.) CIVIL ACTION NO.
9) CV-P-440-E
10 MONSANTO COMPANY,)
11 Defendant.)
12

13 DEPOSITION OF: TOM LACKEY
14

15 In accordance with Rule 5 (d) of The
16 Alabama Rules of Civil Procedure, as Amended,
17 effective May 15, 1988, I, TAMMY JENNINGS
18 GREGORY, am hereby delivering to MR. LARRY WRIGHT
19 the original transcript of the oral testimony
20 taken on the 1st day of December, 1999, along
21 with exhibits.

22 Please be advised that this is the same and
23 not retained by the court reporter, nor filed

2

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1 with the Court.

2 The deposition of Tom Lackey was taken
3 before Tammy R. Jennings Gregory, commencing at
4 9:10 A.M. on the 1st day of December, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the

7 stipulations set forth herein.
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1 A P P E A R A N C E S

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3 Appearing For The Plaintiffs:

4

5 MITHOFF & JACKS, LLP

6 By: Larry Wright, Esquire

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8 Austin, Texas 78701

9

10 Appearing For The Defendant:

11

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13 By: Michael E. Kelly, Esquire

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15 Suite 1400

16 Greensboro, North Carolina 27401

17

18 Court Reporter:

19

20 Tammy R. Jennings Gregory

21

22

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1 I N D E X

2

3 Witness: Tom Lackey

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

IT IS STIPULATED AND AGREED by and between the parties through their respective counsel that the deposition of Tom Lackey may be taken before Tammy R. Jennings Gregory, at the law offices of Fite & Miller, Anniston, Alabama on the 1st day of December, 1999.

IT IS FURTHER STIPULATED AND AGREED that the signature to and the reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance had been had with all laws and rules of court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for

6

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the parties may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that

8 the notice of filing of the deposition is waived.
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1 STATE OF ALABAMA, CITY OF ANNISTON,
2 DECEMBER 1, 1999,
3 9:10, A.M.,
4

5 TOM LACKEY,
6 having been first duly sworn, was examined and
7 testified as follows:
8

9 COURT REPORTER: Usual stipulations
10 okay?

11 MR. WRIGHT: Yes.

12 MR. KELLY: Yes.
13

14 EXAMINATION BY MR. WRIGHT:

15 Q. Mr. Lackey, good morning. We met very
16 briefly before the deposition started.

17 You understand my name is Larry
18 Wright, and I represent the plaintiffs in a
19 lawsuit against what used to be Monsanto and
20 is now Solutia, I guess? You understand
21 that?

22 A. Yes.

23 Q. Have you ever given a deposition before?

8

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1 A. Yes.

2 Q. Were you involved in that insurance case?

3 A. Yes.

4 Q. Okay. Is that the only deposition you've
5 given?

6 A. No.

7 Q. What other depositions did you give?

8 A. I gave one on a government vehicle accident
9 what was known as CCC. Three Cs.

10 Q. When was that?

11 A. 1939.

12 Q. Okay. I didn't know they had depositions in
13 1939.

14 A. Well, they had about the same thing then as
15 they have today.

16 Q. Okay. Is that the only other time you've
17 given a deposition?

18 A. Yes.

19 Q. Okay. Very briefly, I just want to ask you
20 to listen carefully to my questions, and if
21 you don't understand a question that I ask,
22 go ahead and stop me and just say Larry, I
23 don't understand what you're asking; could

9

1 you rephrase it, and I'll be glad to do that.

2 Okay?

3 A. Okay.

4 Q. And the other thing is to answer out loud so

5 that our court reporter can write it down.

6 Now, we do have a video, and so the video

7 will pick up head nodding and stuff, but when

8 we read the deposition, the only thing we'll

9 have are your verbal responses. Okay?

10 A. Okay.

11 Q. And everybody forgets that as we go along,

12 and so sometimes I may just point to her, and

13 when I do that, that's reminding you to speak

14 out loud. Okay?

15 A. Thank you.

16 Q. All right. I understand that you went to

17 work for Monsanto in Anniston in 1941; is

18 that correct?

19 A. Yes, sir.

20 Q. What was your first job with Monsanto?

21 A. Working in the carbide screening plant,

22 putting lids on hundred pound carbide cans.

23 Q. How old were you at that time?

10

1 A. Eighteen.

2 Q. Are you from Anniston originally?

3 A. No.

4 Q. How did you get the job, I guess, is the

5 easiest way to ask it?

6 A. I had an uncle that worked there.

7 Q. What was your uncle's name?

8 A. Almond Smith.
9 Q. Is he deceased?
10 A. Yes. Also I had a brother worked there at
11 the same time.
12 Q. A brother?
13 A. Yes.
14 Q. Which one is your brother?
15 A. Fred, Fred H. Lackey.
16 Q. You are T. E. Lackey?
17 A. Yes, sir.
18 Q. I've got your name on some memos, and there
19 was a little -- we had a little bit of
20 confusion yesterday whether you were Fred or
21 Tom, so that helps clear it up. Is your
22 brother still alive?
23 A. Yes, sir.

11

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1 Q. Does he still live in the area?
2 A. He lives here in Anniston.
3 Q. Was he working there before you started?
4 A. Yes, sir.
5 Q. How long had he been working there before you
6 started?
7 A. He went to work there probably in October of
8 '38.
9 Q. What was his main job, if he had a main job?
10 A. Well, he worked as operator, and then as pipe
11 fitter, and then he become a combination man
12 and pipe fitter and millwright.
13 Q. Did he work in the aroclor department?
14 A. Yes, sir, he worked in the aroclor
15 department. In fact, being a pipe fitter
16 millwright, he worked in all departments.
17 Q. Was he ever assigned to the aroclor

18 department?
19 A. Yes.
20 Q. Do you have a feel for what years that would
21 have been?
22 A. Oh, '46 through probably '64. Somewhere in
23 that range.

12

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1 Q. Did you ever work in the aroclor department?
2 A. Yes.
3 Q. When did you start in the aroclor department?
4 A. 1965.
5 Q. Had you worked with aroclors at all before
6 1965?
7 A. No.
8 Q. What was your first job in the aroclor
9 department?
10 A. Foreman.
11 Q. Very briefly, tell me what your main jobs
12 were between 1941 and 1965.
13 A. Well, I worked in the carbide for about six
14 weeks. Then I went to the abrasive
15 department and worked there until November
16 13th of '42. But intermittently, I was
17 forming the research department.
18 Q. Research?
19 A. Yes.
20 Q. What were y'all -- what kind of research?
21 A. Well, small products, the ones they hoped to
22 get on the market. They would be small mixes
23 or small batches.

13

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1 Q. Can you think of any products like that as a
2 sample?
3 A. All.
4 Q. Oil?
5 A. All, detergent All.
6 Q. Oh, All. Okay.
7 A. That was started out here.
8 Q. Okay.
9 A. They was penicillin products that was made
10 there and some water treatment products and
11 detergents.
12 Q. How long were you in the research department?
13 A. Well, it was before I went in the service.
14 Maybe varied one week, two weeks, three weeks
15 period, and then I go back to the abrasive.
16 But when I came back in '46, May of
17 '46, I went and worked in the research
18 department from then up to '51.
19 Q. Worked in the research department until the
20 end of '51?
21 A. From the latter part of '51. Somewhere along
22 the middle or the latter part.
23 Q. Okay. Who else was in the research

14

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1 department from '46 to '51?
2 A. Well, there was Paul Gray.
3 Q. Paul Gray?
4 A. Which is deceased. J. W. Beatty's deceased;
5 Ed Adams, deceased; Simon Pierce, deceased.
6 Q. Ed Adams did you say?
7 A. Yes.
8 Q. Okay.

9 A. J. W. Beatty, John T. Sissons, Wiley Tomly,
10 Carl Norton, which Carl Norton is deceased.
11 Q. Are those all the ones you can think of?
12 A. Virgil Burk; he's deceased. Frank Hardy,
13 deceased.
14 Probably only -- watch it.
15 Q. It does it every time. I'm sorry. What were
16 you --
17 A. All the people I probably think is still
18 living is Wily Tomly. They may be one I
19 haven't thought of right now.
20 Q. From '46 to '51, what kind of products did
21 you work on in the research department?
22 A. Worked on isocyanates, which is foam rubber
23 insulation. I worked on one of the

15

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1 potassiums, which is a penicillin product,
2 tetra potassium, I think, was a detergent.
3 Of course, I worked on All and
4 worked on isocyanates.
5 Q. When you say you did work on that, what kind
6 of work specifically would you do?
7 A. Operating type, chemical operator.
8 Q. So y'all would set up test processes?
9 A. We run the equipment to make the product same
10 as you would on large scale, only that was
11 smaller.
12 Q. Is that called a bench scale or a pilot
13 plant?
14 A. Pilot plant.
15 Q. That's what you called it --
16 A. Yes.
17 Q. -- when you were working out a process on a

18 smaller scale?
19 A. Pilot plant.
20 Q. Pilot plant. How many people were in the
21 research department from '46 to '51?
22 A. I don't know.
23 Q. Was there always a research department at

16

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1 Monsanto?
2 A. They were at Anniston until '54 or '55. Then
3 they moved it to St. Louis and consolidated
4 with other research departments up there.
5 Q. Did you know a Dr. D. H. Chadwick?
6 A. Yes.
7 Q. Was he in the research department?
8 A. Yes.
9 Q. At Anniston?
10 A. Yes.
11 Q. Did you work with him?
12 A. Not as I recall.
13 Q. He was there during the '46 to '51 time
14 frame?
15 A. As far as I know. I don't recall just when
16 he was -- first acquainted with him or the
17 last contact with him.
18 Q. Is he deceased?
19 A. I don't know.
20 Q. Where did he go?
21 A. I don't know that unless he went to St. Louis
22 when he moved.
23 Q. You don't remember him being in Anniston

17

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1 after '54?
2 A. No, sir.
3 Q. What about a P. A. Sanguinetti?
4 A. Yes.
5 Q. Did you work with him also?
6 A. Maybe a little.
7 Q. Did I ask you if you knew what Dr. Chadwick
8 worked on? Let me ask it.
9 A. Well, I don't really remember what he worked
10 on.
11 Q. What about Mr. Sanguinetti, do you remember
12 what he worked on?
13 A. No.
14 Q. Dr. R. L. Jenkins?
15 A. He was research director. He was over it.
16 Q. He was over the research department?
17 A. Yes, sir.
18 Q. All the way until '54?
19 A. No, I think he left before then.
20 Q. Do you know if Mr. Sanguinetti is still
21 alive?
22 A. I think he is. He worked for the "Anniston
23 Star," the paper here in town.

18

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1 Q. After he worked at Monsanto?
2 A. Yes. He left Monsanto in the early '50s or
3 maybe late '40s.
4 Q. And as far as you know, he's still alive?
5 A. Yes, sir.
6 Q. And living in the Anniston area?
7 A. Yes, sir.
8 Q. And Dr. Jenkins, do you know if he's still
9 alive?

10 A. No, but I wouldn't think so.
11 Q. Was he somewhat older in those days?
12 A. I thought he was. It would be different
13 today.
14 Q. What about Dr. Edgar Hardy, did you know him?
15 A. Yes, sir.
16 Q. Is he still alive?
17 A. I don't know.
18 Q. Would you think he'd be alive? Was he a
19 somewhat older fellow also?
20 A. He was much older than I was, so I'm assuming
21 at that time he was in his forties.
22 Q. When was the last time you knew anything
23 about Dr. Hardy?

19

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1 A. Probably when the plant left, the department.
2 Q. '54? Do you know what he worked on?
3 A. He was over a number of things. He was over
4 the isocyanate products, and I think he was
5 over the 1080, but he had a bunch of
6 engineers under him or chemists. He was up
7 next to the top.
8 Q. 1080 was -- the product 1080 was the rodent
9 killer?
10 A. Yes, sir.
11 Q. How long did Monsanto make product 1080?
12 A. I don't know what years it started there,
13 but from '46 to probably '52. Somewhere
14 along there.
15 Q. '52?
16 A. Probably.
17 Q. Was product 1080 created in Anniston?
18 A. I couldn't answer that.

19 Q. Did you work on product 1080?
20 A. I labeled some cans, and I canned some.
21 That's all I worked on.
22 Q. Frank Whitney Jr., did you know him?
23 A. No, I don't believe so.

20

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1 Q. R. L. Bower?
2 A. No.
3 Q. Samuel Coffman?
4 A. No.
5 Q. And I can't remember whether I asked you
6 about H. V. Moss?
7 A. Yes.
8 Q. Is he still alive?
9 A. I wouldn't think so.
10 Q. He was --
11 A. He was --
12 Q. -- that older group?
13 A. He was probably in his '50s at that time.
14 Q. Did you see the pilot plant for the nerve
15 agent?
16 A. Yes.
17 Q. Where was that located?
18 A. Approximately probably in the middle of the
19 plant on the north -- or on the south side --
20 or east side rather.
21 Q. Can you describe what the plant for the --
22 the pilot plant for the nerve agent looked
23 like?

21

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1 A. No.

2 Q. You don't have any kind of recollection of
3 it?
4 A. I didn't work on it but probably one or two
5 days.
6 Q. Okay.
7 A. And we didn't do much then, just probably
8 putting some Pyrex components together, so
9 very -- I actually just don't know anything
10 really.
11 Q. Who worked on that nerve gas product?
12 MR. KELLY: Object to the form and
13 characterization as nerve gas.
14 Q. (By Mr. Wright) You were aware they were
15 creating a process to create nerve gas?
16 A. No.
17 Q. What did you think they were doing?
18 A. I had no idea.
19 Q. You knew it was a nerve agent though?
20 A. No.
21 Q. You knew it was military materials?
22 A. Eventually, I did.
23 Q. When did you learn that it was a military

22

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1 associated project?
2 A. '51.
3 Q. And that was about the time of the Korean
4 War; correct?
5 A. Yes.
6 Q. When they first started up, what were you
7 told they were working on?
8 A. I wasn't told.
9 Q. Who was involved in working on the nerve
10 agent?

11 A. You mean after they started up?
12 Q. Yes, sir.
13 A. I was one; Wily Tomly, Ed Adams, John T.
14 Sissons.
15 Q. And I know you told me, but would you mind
16 telling me which of those gentleman you just
17 named is still alive?
18 A. Wily Tomly.
19 Q. Is he still in the Anniston area?
20 A. Yes.
21 Q. Did he work on that nerve agent process more
22 than you did?
23 A. No.

23

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1 Q. About the same?
2 A. Be the same.
3 MR. KELLY: Larry, I want to keep
4 sort of a running objection to the
5 characterization as "nerve agent," but rather
6 than clutter, move ahead.
7 THE WITNESS: It was called
8 Chemical Core.
9 Q. (By Mr. Wright) Chemical Core project?
10 A. Yeah, CC.
11 Q. And by Chemical Core, you mean Chemical Core
12 of the Army?
13 A. Yes.
14 Q. And as far as you and the others new, it was
15 clearly a Chemical Core military project
16 during those days?
17 A. That's all.
18 Q. I'm sorry?
19 A. That's all.

20 Q. That's all what?
21 A. We knew.
22 Q. Okay. Was it a secret process?
23 A. Yes.

24

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1 Q. Did you see military people coming and going?
2 A. Occasionally one came, and they came and
3 picked up the finished product.
4 Q. Did you work on the process before the pilot
5 plant stage?
6 A. No.
7 Q. Do you know who did work on the process
8 before the pilot plant stage?
9 A. No.
10 Q. Did you know that work on the process was
11 going on before the pilot plant stage?
12 A. No.
13 Q. What was the first you knew about it?
14 A. Well, I worked on the Pyrex glass, and I'm
15 not sure that I knew anything then other than
16 it --
17 Q. -- was a Chemical Core project?
18 A. Project they was working on.
19 Q. When did you get a greater understanding of
20 the nature of the project?
21 A. '51, when I was assigned, or chosen, to go on
22 a start-up and operation of the product.
23 Q. Okay. What was your job at that point?

25

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1 A. To start with, it was operator.
2 Q. Operating the nerve agent process?

3 A. Yes.
4 Q. Who else -- well, how many operators were
5 there?
6 A. Three per shift. Four shifts -- been twelve.
7 Q. So y'all ran four shifts on that project?
8 A. Yes, sir.
9 Q. Was it a batch operation?
10 A. Yes.
11 Q. How much of this agent would you make in a
12 batch?
13 A. I don't know.
14 Q. You don't know?
15 A. (Witness shakes head.)
16 Q. Was it a fifty-gallon drum or more than that
17 or less than that?
18 A. It was probably more.
19 Q. More in a batch?
20 A. Yes. I don't remember how many drums we
21 filled per batch.
22 Q. And it's my understanding you filled -- you
23 had to put it in nickel plated drums?

26

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1 A. Yes, sir.
2 Q. Special drums to contain this agent; correct?
3 A. I don't know where it had been nickel, but we
4 put them in nickel drums.
5 Q. I'm sorry. I missed the first part of what
6 you said.
7 A. We put it in nickel drums.
8 Q. Did y'all put anything else in nickel drums?
9 A. No.
10 Q. So these were special drums that were used
11 only for this nerve agent?

12 A. Yes.
13 Q. And then it was loaded on trucks and sent to
14 Maryland?
15 A. I don't know where it went.
16 Q. All you know is --
17 A. -- it left.
18 Q. It was loaded on trucks, and it left the
19 plant?
20 A. Yes, sir.
21 Q. How many batches of that agent would you make
22 in a day, say?
23 A. I don't remember.

27

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1 Q. In your four-hour shift, could you make more
2 than one batch?
3 A. No, eight-hour shift.
4 Q. Okay. So you could make two batches a day?
5 A. I'm not sure.
6 Q. Well, actually, in an eight-hour shift, you
7 could make -- let me ask you this: Was the
8 pilot plant running around the clock?
9 A. Yes.
10 Q. Was there a big push on to make as much of
11 that stuff as possible?
12 MR. KELLY: Object to the form.
13 THE WITNESS: No. They had a
14 contract to make so many pounds for the Army.
15 Q. (By Mr. Wright) Okay.
16 A. And you made it as the equipment ran. Wasn't
17 a thing that you push like you do production.
18 You had procedures to go by.
19 Q. I'm sure y'all were very careful with that
20 material.

21 A. Well, if you're fooling with any chemical,
22 you're careful. If you don't, you don't live
23 long.

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1 Q. Did anybody -- well, let me just ask it this
2 way: Did anybody have an adverse reaction to
3 the nerve agent?
4 A. Some of them had some breaking out, maybe
5 allergic to some of the products. I don't
6 know. They -- this one moved out because I
7 think he had some breaking out.
8 Q. One of the workers left the project because
9 of some --
10 A. Well, they took him out. Maybe he wanted
11 out. I don't know.
12 Q. All right. Because he'd been exposed
13 somehow, and something bad had happened to
14 him?

15 MR. KELLY: Object to the form.

16 THE WITNESS: Well, it wasn't bad.

17 Q. (By Mr. Wright) Wasn't bad?
18 A. No, it was just a rash or something.
19 Q. But it was bad enough that they removed him
20 from the project, or he removed himself from
21 the project?
22 A. Well, I don't remember whether they moved him
23 or he moved or just what. We went back to
29

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1 the 1080.
2 Q. Was --
3 A. We may have not started it up by then. I

4 don't know, don't remember.
5 Q. May not have started the --
6 A. -- plant up.
7 Q. Chemical Core pilot plant?
8 A. May have been just in training.
9 Q. Do you remember if -- do you remember any
10 warnings that you got about working with that
11 agent?
12 A. No. It was probably in the instruction book,
13 but I don't remember.
14 Q. So you remember there being an instruction
15 book for this process?
16 A. Yes, operating procedures.
17 Q. What other kind of written materials were
18 there that set out the process for making the
19 Chemical Core agent?
20 A. None other than what was in those production
21 or guidelines or procedures.
22 Q. Where were the production procedures for the
23 Chemical Core agent kept?

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1 A. They were kept in a desk.
2 Q. In your desk?
3 A. No, in the supervisor's desk.
4 Q. Who was the supervisor, do you remember?
5 A. Tull Allen was one.
6 Q. Tull Allen?
7 A. Yes.
8 Q. Is he still alive?
9 A. No.
10 Q. Do you remember any others of the
11 supervisors?
12 A. Jack Crouch.

13 Q. Is he still alive?
14 A. Yes.
15 Q. Is he still in the Anniston area?
16 A. No.
17 Q. Where is he?
18 A. I think he lives in New Jersey.
19 Q. Any idea where in New Jersey?
20 A. No.
21 Q. If you wanted to get hold of him, how would
22 you go about doing it?
23 A. I don't know.

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1 Q. There's nobody you could think of that might
2 know where he is?
3 A. I think he's got a brother-in-law here that's
4 a doctor or was a doctor. I believe his name
5 is Earl Jones.
6 Q. So if you had to get hold of him, you'd call
7 Earl Jones and ask him if he had his phone
8 number or something?
9 A. Yes. I'm assuming that's the way you'd do
10 it.
11 Q. Is Earl Jones still alive and in the area?
12 A. As far as I know.
13 Q. Who was -- for Monsanto, who was in overall
14 charge of the Chemical Core project?
15 A. You mean over Jack?
16 Q. Jack who?
17 A. Crouch.
18 Q. Yes, over Jack Crouch?
19 A. I don't know.
20 Q. Do you remember Dr. Chadwick working on that
21 Chemical Core project?

22 A. That may be where he came in. I don't know,
23 don't remember.

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1 Q. Do you remember Dr. Chadwick working on
2 anything else other than the Chemical Core
3 project?
4 A. No, sir.
5 Q. Did y'all have corrosion process -- I'm
6 sorry. Did you have corrosion problems with
7 that pilot plant?
8 A. We had some in the reactor.
9 Q. Can you describe the corrosion problems?
10 A. Just deteriorated the equipment.
11 Q. Was there any particular place that would
12 deteriorate or corrode more than other
13 places?
14 A. No. Of course, that was in the first step of
15 the material. It was probably more the raw
16 material than anything else that it was made
17 out of.
18 Q. And my understanding is that that corrosion
19 caused leaks at flanges and corners and
20 things like that?
21 A. No, I don't think it was flanges. Sometimes
22 there would be a pinhole in the vessel.
23 Q. The reactor vessel?

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FOSHEE & TURNER COURT REPORTERS

1 A. And you'd plug that up.
2 Q. How would you know when it was leaking?
3 A. Lose vacuum.
4 Q. And then you would have to go search around

5 for the hole?

6 A. Hole.

7 Q. How would you patch the holes?

8 A. Well, sometimes you patch it with tape and

9 sometimes with putty. As long as you had a

10 vacuum on it, you had no problems until you

11 could take it down and probably weld it.

12 I don't remember much about the

13 repairs on it.

14 Q. Who was in charge of repairing the holes in

15 the process?

16 A. Well, it would be the maintenance department.

17 Q. Did you have to get a background clearance to

18 work on that process?

19 A. They did one.

20 Q. They did a --

21 A. I signed papers.

22 Q. For a background --

23 A. -- check.

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1 Q. -- clearance on you. Okay. As far as you

2 know, did everybody have to get a secret

3 clearance?

4 A. I don't know, but I'm sure they did. But I

5 wouldn't know.

6 Q. How many of these barrels would you put on a

7 truckload?

8 A. I don't know.

9 Q. Would it go out one truckload at a time, or

10 would you load up several trucks?

11 A. No. To the best of my knowledge, one truck

12 at a time.

13 Q. And how often would you get a truckload? Was

14 it everybody day?

15 A. No, no, no. No, if you made fifty thousand

16 pounds of materials, you didn't get many

17 trucks in to haul that way.

18 Q. Could you explain what you mean by that

19 because I didn't understand?

20 A. Well, today a load on a truck is close to

21 fifty thousand pounds, one load.

22 Q. Right.

23 A. Back then, the load limit was less. So if

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1 you manufactured fifty thousand pounds and

2 you haul it out on trucks, then it didn't

3 take -- if you loaded them full capacity, it

4 wouldn't take over three trucks to move -- or

5 four trucks to move fifty thousand pounds.

6 So we loaded it probably whatever

7 they wanted or whenever we got so much. I

8 don't remember.

9 Q. Do you remember how much of this nerve agent

10 y'all made?

11 A. Fifty thousand pounds, around that about.

12 That's what we was shooting for. Now, where

13 we made that much, I'm not sure. We didn't

14 make over that.

15 Q. That's what the Chemical Core wanted from

16 Monsanto was fifty thousand pounds of this

17 agent?

18 A. Yes.

19 Q. And once you made the fifty thousand pounds,

20 what happened?

21 A. Well, they closed it down.

22 Q. They closed the pilot plant down?

23 A. Yes, sir.

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1 Q. Did you go to Muscle Shoals and help them set
2 up the --

3 A. No, sir.

4 Q. -- big plant?

5 A. No, sir.

6 Q. Do you know anybody that did?

7 A. No.

8 Q. Did you know a man named Webber?

9 A. I don't recall.

10 Q. Now, from time to time, they would bring
11 people in to tour your pilot plant so they
12 could go set up the big plant?

13 A. I don't remember anybody visiting under those
14 conditions.

15 Q. You don't remember?

16 A. (Witness shakes head.)

17 Q. Do you remember -- well, you remember the
18 military people visiting from time to time?

19 A. Well, it was a lieutenant came in there.

20 Q. Lieutenant?

21 A. I believe he was a lieutenant. But how much
22 he was around there, I don't remember.

23 Q. You don't remember how much time he spent?

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1 A. I didn't see him very often or very many
2 times. Of course, I worked shift work, and I
3 worked day shift only every eight weeks, two
4 weeks out of eight.

5 Q. I got you. So if he was there during the day

6 while you were working nights, you wouldn't
7 have known about it?
8 A. No, sir.
9 Q. Who all do you remember visiting and viewing
10 the process other than the lieutenant you
11 mentioned?
12 A. That's all.
13 Q. You don't remember the colonel coming?
14 A. No, sir.
15 Q. How long did you work on the Chemical Core
16 project?
17 A. Approximately a year.
18 Q. That was '51?
19 A. And '52.
20 Q. What happened to the pilot plant and the
21 equipment after y'all finished the project?
22 A. They tore it down.
23 Q. Was it taken to the landfill?

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1 A. I don't know.
2 Q. Who tore it down?
3 A. I don't know that.
4 Q. Where were you when that plant was being torn
5 down?
6 A. I don't know when it was torn down, so
7 therefore, I couldn't tell you where I was.
8 Q. Do you remember how long it stood after the
9 project was over?
10 A. No.
11 Q. Did y'all ever work out the corrosion
12 problems in the process?
13 A. No, they just changed out the reactor.
14 Q. Do you remember how many times they changed

15 out the reactor?
16 A. Just one time.
17 Q. I can't remember if I asked you this or not.
18 Did you ever go to Muscle Shoals for the main
19 plant?
20 A. The CC plant?
21 Q. Yes.
22 A. No.
23 MR. KELLY: Larry, when you say,

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1 "the main plant," are you talking about a
2 Monsanto plant or another plant.
3 MR. WRIGHT: No.
4 Q. Well, let me ask you that: Did Monsanto have
5 a facility in Muscle Shoals?
6 A. The only facility I know of, they started up
7 a chlorine plant up there for the Government.
8 Q. For the Chemical Core project?
9 A. Well, I don't know where it was for Chemical
10 Core or what, but I know they started it up
11 and ran it and then closed it down.
12 Q. Do you know how long they ran the chlorine
13 plant for the Government project in Muscle
14 Shoals?
15 A. They just started it up, ran it, I think
16 brought it up on full production and then
17 closed it down. Then Diamond Alkali took
18 over the plant.
19 Q. Just out of curiosity, is it the same kind of
20 chlorine plant y'all had in Anniston?
21 A. Yes.
22 Q. Were you involved in any other Chemical Core
23 or military projects at Anniston other than

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1 this nerve agent?

2 A. Not as I know of.

3 Q. And by the way, eventually, you came to
4 understand that it was a nerve agent for use
5 in warfare or potential use in warfare?

6 MR. KELLY: Object to the form.

7 THE WITNESS: When they
8 declassified it at Muscle Shoals, it came out
9 in the paper, "Birmingham News." I read it.

10 Q. (By Mr. Wright) Okay. And you realized that
11 that was the project that you'd been working
12 on?

13 A. Yes.

14 Q. When did it come out in the Birmingham paper
15 that it was a nerve gas process?

16 MR. KELLY: Object to the form. I
17 don't believe he said the Birmingham paper.

18 THE WITNESS: Yes.

19 MR. KELLY: Was it the Birmingham
20 paper?

21 THE WITNESS: Yes. Probably '54,
22 '55. Somewhere in that range. I moved
23 from Anniston to Munford in '53, so it was a

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1 later date than that.

2 Q. (By Mr. Wright) You're talking about where
3 you lived?

4 A. Yes. So it was a later date than that that
5 it came out in the paper.

6 Q. Do you remember anything else about the

7 article?
8 A. No. It just stated where it was, and it was
9 declassified.
10 Q. And I just want to make sure I'm clear. And
11 so is it your testimony that you didn't know
12 you were working on a military -- well, you
13 knew you were working on a military project,
14 obviously?
15 A. Yes. Chemical Core tells you. It was Army.
16 Q. It was an Army project?
17 A. Yes.
18 Q. Are you saying you didn't have any idea that
19 it was a nerve gas agent until it came out in
20 the paper?
21 A. No.
22 Q. What did you think you were working on for
23 that year?

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1 A. Had no idea.
2 Q. You just knew it was a top secret Army
3 project?
4 A. Yes.
5 Q. Was the process similar to the one for
6 compound 1080?
7 A. No.
8 Q. How did it differ?
9 A. All together different. All together
10 different ingredients.
11 Q. What were the ingredients for 1080?
12 A. I do not know.
13 Q. What were the ingredients for the nerve
14 agent?
15 A. I do not know. They came in with numbers,

16 not product.
17 Q. So all you knew was: This is substance
18 number such and such?
19 A. Well, one was BX.
20 Q. BX or VX?
21 A. "B".
22 Q. Do you remember the others?
23 A. No.

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1 Q. You don't remember any of what you called the
2 other stuff?
3 A. No. Of course, I think I know what BX was by
4 the smell, but I do not know.
5 Q. What did you think it was?
6 A. I wouldn't even bring that out because that
7 would be misleading.
8 Q. But it wouldn't be misleading if you tell me
9 that you don't know whether it is or not.
10 A. Well, I don't know what it was.
11 Q. What did it smell like? Let me ask it that
12 way.
13 A. It was one of the ingredients we used in
14 another chemical, but I don't remember what
15 the other name -- I remember the formula on
16 the other, but I don't remember all of it.
17 Q. You remember what?
18 A. I don't remember all the formula on the other
19 product I had used that I thought it was.
20 Q. What was the other product?
21 A. I don't remember what that was.
22 Q. Was it insecticide or rodenticide?
23 A. I don't remember.

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1 Q. Was it in production in Anniston, or was
2 it --

3 A. I think they used it in experimental or
4 something probably over at the research.

5 Q. Do you know what the experiment was for?

6 A. No.

7 Q. But this is something that you had worked
8 with at Anniston before you worked on the
9 military project?

10 A. Well, it was something I'd smelled probably
11 before. I'm not sure.

12 Q. Okay. The BX product -- just so we're clear
13 -- the BX product that was one of the
14 ingredients in the nerve agent --

15 A. Yes.

16 Q. -- smelled like to you something that you had
17 worked with at Anniston before you started
18 working on that project?

19 A. Yeah, small bottle of it or drum of it or
20 something. A lot of the research was
21 probably a can or small container and --

22 Q. But you honestly don't remember what the
23 product was where you had smelled an

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1 ingredient that smelled like that before?

2 A. No.

3 Q. And you don't even remember what kind of a
4 product it was?

5 A. No.

6 Q. Whether it was a soap or an insecticide or
7 rodenticide?

8 A. No.

9 Q. How many other ingredients were there in the

10 nerve agent other than the BX?

11 A. Probably two more. May have been three.

12 Again, I'm not sure. That's been a long time

13 ago.

14 Q. I understand. How did you seal the special

15 nickel drums for transport?

16 A. Put the bungs back in them. And I don't

17 remember whether we safety wired them or not.

18 Q. What kind of precautions did you take working

19 with that agent?

20 A. Filling the drum?

21 Q. Well, through the whole process.

22 A. Well, you carried a gas mask at all times and

23 -- that's one of the things you carried. I

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1 think we just used regular leather gloves.

2 You just didn't get it on you.

3 Q. I guess the gas mask was required by the book

4 you were talking about?

5 A. Well, yes, whether it was required by the

6 book, it was required by the supervision.

7 Q. Anybody that was working in that project?

8 A. Yes, because raw material wasn't nice

9 material to be around.

10 Q. So the raw material itself was bad, and then

11 when it all got mixed together, you had to be

12 extremely careful with it?

13 A. Well, we were. We were with the raw

14 material.

15 Q. Was there water used in that process?

16 A. No. Restate that, how you use the water.

17 Q. Well, I'm just wondering, for example, was
18 there a cooling tower, or was there a
19 scrubber or anything like that that
20 generated, processed water?

21 A. We used a refrigeration unit to cool the
22 condenser.

23 Q. And there was water that was used in that

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1 process?

2 A. There was probably water on the refrigeration
3 pressure to cool the compressor.

4 Q. Where was the Chemical Core plant in relation
5 to the aroclor plant?

6 A. Other side of the plant, west.

7 Q. The Chemical Core plant was west of the
8 aroclor plant?

9 A. Yes.

10 Q. And was the -- was the Chemical Core plant in
11 a building?

12 A. Yes.

13 Q. What kind of building was it in?

14 A. It had been a production facility.

15 Q. For what?

16 A. For different chemicals, soap products, food
17 products, tripolyphosphates.

18 Q. Okay. Were there vents in that building?

19 A. Yes.

20 Q. Do you remember how many vents?

21 A. Well, the building was shaped like this
22 (indicating) and then came up, and you had
23 vent area under that part of the roof.

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1 Q. So it was open sided?

2 A. The top part had openings in it for cooling.

3 Back in those days, you didn't have air

4 conditioning; you had fans.

5 Q. So it was all open to the atmosphere?

6 A. The top was open. But on that side, I don't

7 think it was because that part of the roof --

8 Q. On which side?

9 A. On the side that the Chemical Core project

10 was in. It was just in one small side or

11 section of the room of the building. And

12 that same building was used for --

13 Q. So there was other things going on in that

14 building?

15 A. Not at that time. Well, part of what they

16 called special products, those products that

17 had come out of research that had got larger,

18 and they put them out and called them special

19 products because they were larger production

20 units.

21 They was on one end, but the

22 building had been what they called a

23 tripolyphosphate building. They moved all

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1 that out, Monsanto did, after they purchased
2 it.

3 So the building was largely used
4 for warehousing or if somebody come up with a
5 special product and needed room.

6 Q. Okay. So it was open so that the air could
7 flow through the building though?

8 A. It could flow through the top.
9 Q. All right.
10 A. You had air down at the bottom.
11 Q. Okay.
12 A. Doors -- or windows on one side.
13 Q. And the doors and windows -- well, maybe the
14 doors not, but the windows were open just
15 like any other windows back in those days?
16 A. Yeah, closed them to keep warm or opened them
17 to get cool.
18 Q. All right. You went to the aroclor
19 department as a foreman?
20 A. Yes.
21 Q. How long were you at -- in the aroclor
22 department?
23 A. From '65 to '72, and intermittently, I was
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1 transferred out to different jobs during that
2 time.
3 Q. Whenever during that time you were working in
4 aroclor, were you a foreman?
5 A. Yes.
6 Q. Did you work a particular shift, or did it
7 rotate?
8 A. No, I worked day shift.
9 Q. Day shift?
10 A. On call all the time. You had all of them.
11 Q. So you had supervisory responsibility over
12 all of the shifts?
13 A. Yes, sir.
14 Q. And did you supervise the operators?
15 A. Yes. Well, the chief operator was the man
16 top of the shift. So I was over the chief,
17 and, of course, they was over the others, but

18 the chief did the --
19 Q. Okay. So the chief was over the individual
20 operators?
21 A. Yes.
22 Q. And you were over the chief?
23 A. Yes.

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1 Q. And you were actually over all of the chiefs?
2 A. Yes.
3 Q. For each shift?
4 A. Yes.
5 Q. Would you get called in if there was a
6 problem?
7 A. Yes.
8 Q. How far away from the plant did you live?
9 A. Fourteen miles.
10 Q. About how often would you have -- would you
11 get called in after your normal working
12 hours?
13 A. I'd get calls periodically, problems that
14 they had.
15 Q. And I assume you tried to deal with it over
16 the phone?
17 A. Yes, maintenance problems. If they had
18 breakdowns, that came to me, and I had to
19 contact maintenance to get -- where I wanted
20 it to stay down the rest of the night or get
21 maintenance out there to get the unit back on
22 line.
23 Q. Did you sometimes have to come in yourself?

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1 A. Sometimes I came out if the problem was large
2 enough.
3 Q. About how often, if you can estimate, would
4 you have to do that?
5 A. I don't have no idea.
6 Q. I mean, once a month? Once a week? On the
7 average?
8 A. I don't know.
9 MR. WRIGHT: Okay. He's got to
10 change the tape. Why don't we take a quick
11 break?
12 (Short recess.)
13 Q. (By Mr. Wright) What were some of the
14 sources of leaks of aroclor that you would
15 call during your period at the aroclor plant?
16 A. Pumps.
17 Q. Was that the biggest source of the leaks?
18 A. Yes.
19 Q. What others besides the pumps do you recall?
20 A. That's about all. I don't remember a valve
21 leaking.
22 Q. When there were spills, what did the spills
23 result from?

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1 A. Probably pumps, but they had drip pans under
2 the pumps.
3 Q. Well, you wouldn't get fifteen hundred
4 gallons from a pump, would you?
5 A. No. I don't know where you would get a
6 fifteen-hundred-gallon spill.
7 Q. You don't remember a spill in about 1970
8 where they lost fifteen hundred gallons?
9 A. I don't believe it was no fifteen hundred

10 gallons.

11 Q. Well, let me show you a memo. For the

12 record, this is MONS096886, and we can mark

13 it as Mr. Lackey Exhibit Number 1. Well, no.

14 (Discussion off the record.)

15 Q. All right. Let me hand you what we're

16 calling Exhibit A. And she's going to change

17 it to --

18 A. -- whatever.

19

20 (Plaintiffs' Exhibit Number 31 was

21 marked for identification and

22 copy of same is attached

23 hereto.)

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1 Q. Yeah, a different number because we kind of

2 got confused on that. But for the record,

3 it's MONS096886, and it's a memo from Bunkey

4 -- from E. G. Wright to W. B. Papageorge.

5 And your referenced up there in the

6 right-hand corner as a recipient. Do you see

7 that?

8 A. That wasn't a leak; that was a spill.

9 Q. Okay. Yeah. Let me ask you a fresh

10 question.

11 Have you had a chance to review

12 this November 14th, 1969 memo?

13 A. Yes.

14 Q. Having reviewed it, does that refresh your

15 recollection about that spill?

16 A. Yeah, yes.

17 Q. Do you recall what that spill came from?

18 A. The receiver, still receiver.

19 Q. Do you remember other spills from the still
20 receiver?
21 A. No.
22 Q. You're not saying there weren't any; you're
23 just saying you don't remember them --

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1 A. No.
2 Q. -- at this late date?
3 A. I don't remember them. But that one, we
4 caught most of it down at the -- in the
5 sewer.
6 Q. Well, let me show you what I'm going to mark
7 as Exhibit Number 32, which is a follow-up
8 memo six days later.
9 This is MONS096885, and it's a
10 memo, again, from E. G. Wright to W. B.
11 Papageorge discussing the aroclor spill that
12 we were just referring to.

13
14 (Plaintiffs' Exhibit Number 32 was
15 marked for identification and
16 copy of same is attached
17 hereto.)

18 Q. And by the way, this exhibit that you looked
19 at, the November 14th memo, refers to a spill
20 on March 6, 1969. I think he meant to say
21 November 6th, 1969.
22 A. I don't know.
23 Q. That one refers to the correct date, November

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1 6th, 1969.

2 You see there where he said that
3 y'all recovered about six hundred gallons,
4 leaving nine hundred gallons still in the
5 sewer and the limestone pit?

6 A. Yes.

7 Q. In this memo that we looked at earlier, the
8 November 14th, 1969 memo, he recommended
9 "that that plant begin to look into
10 installing a catch basin or some other device
11 located between the aroclor department and
12 the acid neutralization pit, which would
13 prevent a recurrence of this type incident."
14 Was that done?

15 A. Yes.

16 Q. When was that done?

17 A. One was just following that memo. I don't
18 remember just when, but I know it was done,
19 and we used it.

20 Q. What specifically was done?

21 A. Well, they checked it for buildup of aroclor
22 in it, turned all your effluent through
23 there, and that was at the edge of the

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1 department.

2 Of course, that fifteen hundred
3 gallons is just an estimate. There's no way
4 to know how much was in that receiver at the
5 time.

6 Of course, we lost vacuum there is
7 the reason we couldn't do nothing with it.

8 Q. And --

9 A. Power was off.

10 Q. Is that the biggest spill you remember?

11 A. Yes, sir. And that product, you didn't have
12 spills much because you wasted your money.
13 Q. One quick question while I'm thinking about
14 it. How long did your deposition in Delaware
15 last?
16 A. All day.
17 Q. Just one day though?
18 A. No, two.
19 Q. Two full days?
20 A. They came here one day.
21 Q. So they took your deposition twice?
22 A. Yes.
23 Q. Okay. How long was there between -- well,

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1 did you go to Delaware first?
2 A. Yes.
3 Q. And took a full day up there?
4 A. Yes.
5 Q. How long after that until they came back and
6 took you another day down here?
7 A. I guess it was probably May. They didn't
8 finish up there, but I had a plane to catch.
9 Q. Right.
10 A. Just like I've got a date to leave you.
11 Q. I understand. And they took you a whole
12 other day down here?
13 A. They spent a day.
14 Q. And when was it that you went to Delaware?
15 A. I don't remember what year. It was in March.
16 On March the 10th.
17 And I went up there and came back,
18 and we had a large snow the next day. But it
19 was spitting snow the day I was up there, and
20 that's the reason I was anxious to get out.

21 I wasn't spending the night up there and
22 getting snowed in.
23 Q. I understand.

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1 A. And we had about a ten-inch snow here.
2 Q. Okay. And then they came in May and finished
3 up?
4 A. Yes.
5 Q. Did they show you documents in that
6 deposition?
7 A. I don't remember.
8 Q. Did you talk with them about the chemical
9 warfare project? Did they ask you anything
10 about it?
11 A. They just mentioned it. I don't remember how
12 much details they asked or anything.
13 Q. Did they ask more or less than I'm asking
14 today or than I asked you today?
15 A. I don't know.
16 Q. You don't remember. Okay. The --
17 A. Probably not near as much.
18 Q. All right. The -- let me ask you about
19 another document that you were copied on.
20 Do you remember Bunkey Wright
21 working on ways to lower the amount of
22 aroclor that was leaving the plant in the
23 effluent?

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1 A. He was working on that, but I don't know what
2 capacity. He was working with William
3 Taffee, I believe, or was working under

4 William Taffee.

5 Q. Did you ever go to the landfill?

6 A. Yes.

7 Q. Did you ever have any job duties at the
8 landfill?

9 A. No.

10 Q. When or why did you go to the landfill?

11 A. Well, my people hauled the waste from the
12 plant up there, so I'd check that
13 periodically, just check and see what they
14 were doing.

15 Q. When was that?

16 A. Well, from '72 until probably '84 or '85. I
17 retired in '85.

18 But somewhere about that time they
19 started to get an outside contractor, I
20 believe, to start picking up some of the
21 material in the plant, and the other -- they
22 were sending the hazard material to a mill.

23 Q. So until about --

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1 A. -- sometime in the '80s.

2 Q. Is when they stopped taking everything to the
3 dump?

4 A. I'm not sure where they'd stopped when I
5 retired completely or not, but I know that
6 each department was making out a work sheet
7 on their containers long before I retired.
8 And if they didn't have that sheet signed, my
9 men didn't pick it up.

10 Q. What was your job from '72 to '85?

11 A. Material handling foreman.

12 Q. What did that job entail?

13 A. Shipping, moving materials, the waste, out of

14 the plant, picking up the mail, receiving the
15 empty containers, warehousing, finished
16 products, and packaging, part of the
17 packaging. I did part of the packaging.

18 And, of course, labeling and
19 stenciling of the drums to be shipped.

20 Q. How did you find out the aroclor department
21 was going to shut down?

22 A. Superintendent walked in and just said as of
23 such and such date, we won't sell anymore.

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1 And customers got to get all they want
2 between this date, and we'll run to here, and
3 then we close it down.

4 And they ordered raw materials that
5 fit that production run, and when that ran
6 out, you pulled the switch.

7 Q. How long was it from when the superintendent
8 walked in to when y'all were finished with
9 the --

10 A. I believe it was November or December.
11 Somewhere in that range.

12 Q. Now, was that for the solid?

13 A. That was for the solid. They'd already
14 closed the liquid down.

15 Q. Let me ask you, then, about that. How did
16 you find out about them shutting down the
17 liquid part?

18 A. I guess that came gradual. They started
19 transferring the business to the St. Louis
20 plant, and, of course, when we transferred
21 the tank cars out that we shipped materials
22 to GE and they didn't return -- when they

23 left the plant, they were scheduled to go to
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1 the St. Louis plant -- then you knew you was
2 out pretty soon.

3 Q. Was there a -- I mean, did anybody ever tell
4 you we're shutting down the liquid aroclors,
5 or did you just find out because the tank
6 cars didn't come back?

7 A. Well, I don't really know whether they told
8 me or we just sat and figured it out among
9 ourselves, or the fact was known that GE took
10 their product from Anniston. They wouldn't
11 accept it from --

12 Q. -- Krumrich?

13 A. -- Krumrich. So they transferred a
14 supervisor from Anniston to Krumrich.

15 Q. Who was that?

16 A. Jack Malloy. And, of course, they
17 transferred one prior to him, Jim Savage.

18 Which they were making the same
19 quality material there as we're making here,
20 but GE hadn't accepted that fact.

21 Q. GE didn't trust their material; they trusted
22 your material?

23 A. Yes. And then they went on strike here, and,
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1 of course, the first time they went on strike
2 -- or one time it was coming up -- and my
3 supervisor, which was Jack Malloy, he said if
4 they ever force GE to take the material from
5 Krumrich, Anniston's back will be broken.

6 And, of course, when they went on

7 strike, I had to ready the tank cars to go to
8 Krumrich to fill a car for GE, and as soon as
9 they accepted that, checked it out and
10 everything, then the car would leave Anniston
11 and return to Krumrich.

12 Q. Do you remember when that was?

13 A. Well, it was after '68 period. Between '68
14 and '72, I guess.

15 Q. I see --

16 A. Probably --

17 Q. I've seen documents that indicate it was '71.

18 A. Of course, that's when they told us the solid
19 was going down. We probably made some of the
20 liquid up in '71, the heavy ones, I believe.

21 I believe they got the light one,
22 1242, which went to GE and Westinghouse.

23 Q. So y'all kept making the 1254 and 1260?

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1 A. Well, the 1254 -- yeah, probably. 1260 and
2 the 1262. But there wasn't much of that to
3 be made, and it was a lot harder to make.

4 Q. Okay.

5 A. And it was heavier. It didn't go anywhere.
6 If you had a spill there, it stayed where you
7 spilled it.

8 Q. This fifteen hundred gallons, would you think
9 that was -- oh, it says it was 1242. That's
10 right.

11 A. It was 1242. I know what that was.

12 Q. Okay. I'm not sure -- I think you probably
13 answered this, but I'm not sure I got it.

14 Let me just ask it again.

15 Did they ever tell you or did

16 anybody from Monsanto tell you they were
17 shutting down the liquid aroclor part of the
18 plant, or did you just figure it out not
19 getting anymore orders for it?
20 A. Well, orders started dwindling and started
21 shipping to Krumrich. That's the handwriting
22 on the wall. Been around there long enough
23 to know when products started being produced

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1 somewhere else, that's not long.
2 Q. Did anybody from Monsanto tell you why they
3 were shipping it from Krumrich and not
4 shipping it from Anniston anymore?
5 A. No. Just the fact I saw one project where a
6 fellow says Anniston and Krumrich plant is
7 approximately equal, therefore, I recommend
8 the project to go to Krumrich, and that tells
9 you right there. And too, our cost got
10 higher. That's one thing.

11 They shut the chlorine plant down,
12 and we had to get the chlorine from a Texas
13 plant that they had agreed contract out
14 there. So Krumrich got it for nearly eight
15 hundred dollars freight on tank car.

16 Same tank car coming to Anniston
17 was somewhere around twenty-six hundred
18 dollars. So you got to have a lot of profit
19 otherwise to overcome that raw material.
20 That's on a ninety-ton chlorine car.

21 And then they got switching
22 shipping them to St. Louis and then back
23 shipping them, and got it down to eighteen

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1 hundred dollars or somewhere in that
2 neighborhood, in my understanding freight.

3 But still, that didn't give us no
4 operating advantage at all. The cost
5 reduction was up there. They were getting
6 their freight on tank car, raw material,
7 probably three times, a third, two thirds,
8 less than we were.

9 And you can't overcome that, the
10 people with the same knowledge, technology,
11 and same equipment.

12 Q. Okay. Let me object nonresponsive for the
13 record.

14 The -- I'm trying to figure out --
15 did you say you -- you said you saw a
16 project. You mean a written document of some
17 kind?

18 A. It was a -- some addition that they was going
19 to put in in the aroclor and probably up
20 production or made better production.

21 Q. So there was a proposal to expand the liquid
22 part of the plant?

23 A. Probably not expand it, but to --

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1 Q. -- increase production?

2 A. Increase the quality.

3 Q. Okay.

4 A. See, you was up against it for quality. GE
5 was putting the pressure on you to keep the
6 -- GE wouldn't have it unless it was top
7 quality.

8 Q. Okay. What I'm trying to figure out is --

9 A. I don't remember what it was, but I'm just
10 stating that this project -- it may not been
11 pertaining to aroclor, but that's what he was
12 saying is the project -- the cost is equal,
13 approximately equal, therefore, I recommend
14 this go to Krumrich.
15 Q. But this is something you saw in writing is
16 what I'm trying to ask?
17 A. Seemed like it was.
18 Q. Okay. And did it come from somebody in
19 Anniston, or did it come from somebody at the
20 headquarters?
21 A. I think it was this fellow's recommendation.
22 Q. Do you remember --
23 A. It may have been a letter that he was sending
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1 someone that that was his recommendation.
2 Well, it was the recommendation, but he may
3 not have been the man with the authority --
4 Q. Right.
5 A. -- to make the decision.
6 Q. Do you remember who it was that wrote the
7 document that you're remembering?
8 A. Jim Savage.
9 Q. Do you remember when that was?
10 A. No.
11 Q. Was that while Jim Savage was still in
12 Anniston?
13 A. St. Louis.
14 Q. After he moved to St. Louis?
15 A. But he was over aroclor, I believe.
16 Q. But you would have seen the document in
17 Anniston?
18 A. Not necessarily.

19 Q. Did you go to St. Louis some?
20 A. No. I don't remember just where I saw that.
21 Q. Well, I mean, wouldn't it have had to be in
22 Anniston if you -- where else could you have
23 seen it?

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1 A. Well, it may not have been a regular
2 document. It would have probably been a
3 write-up.
4 Q. What do you mean by --
5 A. Well, a document that went to everybody or --
6 Q. You're saying it may not have been an
7 official --
8 A. Yeah, capacity.
9 Q. Okay. It may have been just his rough draft
10 or something?
11 A. Well, they indicated to me that we were
12 losing.
13 Q. Were you and Mr. Savage friends?
14 A. Well, probably one time. He was my boss.
15 Q. But, I mean, the impression I get is that he
16 may have shared something with you that he
17 said look, this is what I'm going to be
18 sending out, and I wanted you to know about
19 it.
20 A. Well, let's drop that part. You're getting
21 too far out.
22 Q. Well --
23 A. I know what you're doing, and I know what --

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1 I can't say it's a document, and I can't say

2 it's facts really.

3 I'm just stating why -- how I come
4 up with the idea that some of the stuff going
5 to Krumrich that we wasn't going to be able
6 to maintain at Anniston.

7 Q. Well, here's -- all I'm trying to do -- I'm
8 not -- this isn't a trick or anything. All
9 I'm trying to do is I'm trying to --

10 A. -- find the document that states --

11 Q. I'm trying to see if there is a document that
12 talks -- that goes through this analysis that
13 talks about: Should we keep it in Anniston?
14 Should we move it to Krumrich? Why should we
15 keep it in Anniston? Why should we move it
16 to Krumrich?

17 The impression I get is that you
18 saw something like that, but you don't
19 remember specifically what it was.

20 A. Well, we put in some equipment to upgrade the
21 resistivity. That's probably where that came
22 in.

23 Q. Well, there was a million-dollar expansion in
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1 1969. I know that.

2 A. That went to the tank farm and the solid
3 aroclor.

4 Q. You're not talking about that. You're
5 talking about something else?

6 A. Yeah. This was something that you filtered
7 your aroclor through, and the resistivity is
8 resistance of electric current is my
9 understanding.

10 And that's what they put that
11 through these columns. And that may have

12 been where that came in. I just don't really
13 remember.

14 But they put that in, and we
15 filtered aroclor through there, and it came
16 out purer than it was before.

17 Q. Was that a test process that y'all did in
18 Anniston?

19 A. It was started out as a test, and then we
20 started doing it.

21 Q. So what you're thinking is -- the best
22 recollection you have is that there was a
23 question about whether to increase that

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1 ability, using that equipment, and Mr. Savage
2 was --

3 A. Well, probably more so upgrade their's up
4 there.

5 Q. Okay.

6 A. That's all that was for. It didn't increase
7 your production any whatsoever. It just may
8 have increased your cost a little bit because
9 you was going through more equipment.

10 Q. And increased the quality?

11 A. It increased the quality tremendous as far as
12 electrical companies were concerned.

13 But that was right on the tail end
14 of the liquid aroclor.

15 Q. I think I asked you this, but I can't
16 remember. Is Mr. Savage still alive?

17 A. I'm sure he is. He's not as old as I am.

18 Q. You think you'd have heard if he'd have
19 passed on?

20 A. No, probably wouldn't have.

21 Q. Last you knew of him, he was in the St. Louis
22 area?
23 A. He was in the general office.

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1 Q. If you wanted to get hold of him, can you
2 think of anything you would do?
3 A. Unless you could get corporate headquarters
4 to find him, I don't -- he's been gone a good
5 many years.
6 Well, he went to work '61 or prior
7 to that, but he became my boss in '61. And
8 then he left the Anniston plant probably in
9 '63, probably '63. Somewhere in that time
10 span. May have been '64.
11 He had to leave in '63 because Jack
12 Malloy became supervisor of chlorine in '63.
13 Q. Did you ever hear anything about a lawsuit by
14 Bass, B-a-s-s against Monsanto in the late
15 '60s?

16 A. What was it pertaining to?

17 Q. Pollution of Choccolocco Creek, I guess.

18 MR. KELLY: Object to the form.

19 THE WITNESS: No, I don't recall
20 that name.

21 Q. (By Mr. Wright) Let me ask it more generally
22 then. Do you remember hearing about -- from
23 Monsanto people there at work -- about any

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1 lawsuit against Monsanto for pollution of
2 creeks downstream of the Anniston plant?

3 MR. KELLY: Object to the form. No
4 foundation.

5 THE WITNESS: I don't know if there
6 was a lawsuit. There was a complaint, but I
7 don't know where it ever -- best of my
8 knowledge where it was a --

9 Q. (By Mr. Wright) Where the did complaint come
10 up to the best of your recollection?

11 A. I don't remember that year.

12 Q. In relation to the shutdown of the plant, how
13 close in time was it?

14 MR. KELLY: Are you referring to
15 the shutdown of aroclor?

16 MR. WRIGHT: Yes, that's what I
17 mean, shutdown of aroclor.

18 THE WITNESS: I don't know.

19 Q. (By Mr. Wright) What did you hear about that
20 complaint?

21 A. Some of them complained of fish killed, I
22 think, which wouldn't have been aroclor.

23 Q. Who complained?

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1 A. State or some individuals. I don't know who.

2 Q. How did you hear about it?

3 A. Probably was in the paper.

4 Q. Have you ever had your blood tested for PCBs?

5 A. No.

6 Q. Did you have an office in the aroclor plant?

7 A. Yes.

8 Q. And that was where you were located
9 primarily?

10 A. Yes. They had one down in the department and
11 then moved across the road and built six
12 offices. That's when they did the expanding
13 down there.

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1 recollection. You're entitled to it.

2 A. And it's done got old. Old people don't
3 remember.

4 Q. You remember pretty good.

5 A. I ain't got old yet.

6 Q. Do you remember air sampling for -- to
7 determine the amount of aroclor in the air?

8 A. I'm not sure. If it was air sampling going
9 on, that mostly came through the lab, and
10 what they did most of the time didn't bother
11 me too much until they got me in hot water.

12 Q. Okay. So you don't specifically remember air
13 sampling?

14 A. No.

15 Q. For aroclors, I mean.

16 A. I don't think so. But they were doing all
17 kind of things to curtail the -- any loss of
18 aroclor pollutants.

19 Q. I need to object nonresponsive, but let me
20 ask you aside from the things you mentioned,
21 can you think of any other things?

22 You mentioned phasing out the old
23 pumps; you mentioned the sump we talked

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1 about, and you mentioned stressing cleanup.
2 Can you think of anything else that was done
3 to try to minimize PCB losses?

4 A. Not right now. That was a constant push,
5 housekeeping, cleanup.

6 Q. When you had responsibilities regarding the

7 landfill, did -- was there just one -- was
8 there one hole at the beginning, is the
9 easiest way to ask it, I guess?

10 A. No, there was several places. You had Niran
11 you put in, and you had aroclor, and then
12 other waste.

13 Q. Do you remember that as of '72?

14 A. Yes. They had different places you dumped
15 different material. If my men dumped them in
16 the wrong area --

17 Q. You heard about it?

18 A. -- I heard about it.

19 Q. Okay.

20 A. It didn't take long.

21 Q. Now, were you still dumping any aroclor as of
22 '72?

23 A. I'm sure there was dumping up there. I

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1 didn't go to shipping until after '72, which
2 aroclor had closed down.

3 Q. Right. I guess what I'm asking --

4 A. But I didn't have the transportation part of
5 it until I moved to shipping.

6 Q. Right. That's what I'm asking is after you
7 moved over there --

8 A. No, we got -- if we hauled any, I don't
9 recall it, but we still had some solids in
10 the plant that we moved out.

11 I went over there, I think, in May,
12 and we had to have it all out by the 30th of
13 June. So production and cleanup when I went
14 to aroclor was completed.

15 I think it liked just a little, and
16 when they moved me out to shipping, I was

17 doing cleanup. And so they moved another
18 foreman in to finish that up and moved me on
19 to shipping.

20 Q. When did they tear the aroclor plant down?

21 A. I don't recall. Didn't tear it all down at
22 one time, I don't think.

23 Q. Was that -- or was that placed in the

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1 landfill?

2 A. No, I think that was hauled to a mill, best
3 of my knowledge. It was not put in our
4 landfill.

5 Q. Was none of it put in your landfill, none of
6 the old aroclor plant?

7 A. After we closed it down, I don't think so,
8 not to my knowledge.

9 Q. I didn't think they started hauling to a mill
10 until the '80s. Do you think it sat around
11 there for ten years?

12 A. Well, I don't know. The old building there
13 was a good long while.

14 Now, whether it was gutted, I don't
15 remember. The material that was gutted out
16 after they closed it down may have gone to
17 the landfill. I do not know.

18 But I think the steel structure,
19 best of my knowledge, it went to a landfill
20 out of the plant. Now, where it went to a
21 mill or to another one, that, I couldn't say.

22 Q. Okay. So what you're saying, the interior
23 stuff and the equipment may have gone to the

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1 Monsanto landfill?

2 A. May have and may not have.

3 Q. But your best recollection is the actual

4 steel building structure itself went to a

5 mill?

6 A. Yeah, it did not go to the landfill up there.

7 Q. Okay. Were y'all involved with hauling any

8 of the waste from the tear down of the

9 building?

10 A. No.

11 Q. Did you hear about the -- when they bought

12 all the hogs in that area down there next to

13 the plant?

14 A. I heard they bought some.

15 Q. Do you remember who you heard that from?

16 A. No.

17 Q. What did you hear about it?

18 A. That they just bought some hogs. That's all

19 I know. I thought they was going to give us

20 a barbecue.

21 Q. Did you hear about them finding the dead hog

22 on the landfill?

23 A. No. I don't know of finding a dead hog on a

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1 landfill.

2 Q. Okay. What were you told about why they were

3 buying all those hogs?

4 A. They were just checking them, I think

5 somebody said. I don't know.

6 Q. Checking them for PCBs?

7 A. Seeing if there was any got out there. I'm

8 not sure.

9 Q. Who was it that told you about it, or did I
10 ask you that already?
11 A. You already asked me that. I don't know.
12 Q. Okay. Did you ever go out in that
13 neighborhood over there and talk to the
14 people that lived over there?
15 A. No, sir.
16 Q. Do you know of anybody that did?
17 A. No.
18 Q. I've got some other areas I'd like to talk to
19 you about. I'm kind of hesitant to start a
20 new area with you having to leave. We --
21 MR. WRIGHT: Well, let's go off the
22 record for a second.
23 (Discussion off the record.)

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1 (Deposition concluded at 10:57 a.m.)
2 FURTHER THE DEPONENT SAITH NOT.
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1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 CALHOUN COUNTY)

5

6 I HEREBY CERTIFY that the above and
7 foregoing transcript was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness.

13 I FURTHER CERTIFY that I am neither
14 of counsel, nor of any relation to the parties to
15 the action, nor am I anyway interested in the
16 result of said cause.

17

18

19

20

21 TAMMY R. JENNINGS GREGORY
22 Notary Public, State of Alabama
MY COMMISSION EXPIRES: 9-12-2001

23