

ORIGINAL

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1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA

2 PENNSYLVANIA DEPARTMENT OF)

3 GENERAL SERVICES, PENNSYLVANIA)

4 DEPARTMENT OF TRANSPORTATION,)

5 PENNSYLVANIA PUBLIC UTILITY)

6 COMMISSION, PENNSYLVANIA)

7 EMERGENCY MANAGEMENT AGENCY,)

8 AND PENNSYLVANIA DEPARTMENT OF)

9 STATE,)

10 Plaintiffs,)

11 vs.)

12 UNITED STATES MINERAL PRODUCTS)

13 COMPANY, CERTAINTIED CORPORATION,)

14 COURTAULDS AEROSPACE INC.;)

15 CHEMREX, INC.; PHILIPS)

16 ELECTRONICS, NORTH AMERICA)

17 CORPORATION, ADVANCE TRANSFORMER)

18 COMPANY and MONSANTO,)

19 Defendants.)

20 -----

21 DEPOSITION OF JAMES E. SPRINGGATE

22 ESQUIRE DEPOSITION SERVICES

23 1880 John F. Kennedy Boulevard

24 Philadelphia, Pennsylvania 19103

25 (215) 988-9191

THIS DEPOSITION IS TO BE
READ & SIGNED AND RETURNED
TO THE DEPOSING ATTORNEY:
SEE INSTRUCTIONS TO WITNESS
IN BACK OF TRANSCRIPT.

No. 284 M.D. 1990

ESQUIRE DEPOSITION SERVICES

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2

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13 Plaintiffs,)
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16 vs.) No. 284 M.D. 1990
17)
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19 UNITED STATES MINERAL PRODUCTS)
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24 CORPORATION, ADVANCE TRANSFORMER)
25 COMPANY and MONSANTO,)
26)
27)

28 Defendants.)
29)
30)

31

32

33 Deposition of JAMES E. SPRINGGATE, taken
34 on behalf of Plaintiffs, at The Westin Hotel,
35 One Old Bayshore Road, Millbrae, California,
36 beginning at 9:43 a.m. and ending at
37 11:28 a.m. on Friday, May 1, 1998, before
38 ELAINE A. DELLINGES, Certified Shorthand
39 Reporter No. 5049.

40

41

42

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8 EXHIBITS

9 SPRINGGATE PAGE

10 1 Aroclor Plasticizers, Technical 16
11 Bulletin No. PL-306, December 1960;
56 pages

12 2 Minutes of Meeting of the Corporate 33
13 Development Committee, November 17,
1969, and PCB Presentation to
14 Corporate Development Committee;
27 pages

15 3 Report of Aroclor "Ad Hoc" Committee, 40
October 2, 1969; 13 pages

16 4 Memo to E. Sheeler, March 6, 1969, 45
17 Subject: Aroclor Wildlife Accusations;
3 pages

18 5 Memo to J.R. Savage, April 30, 1970, 49
19 re Aroclor Labels; 5 pages

20 6 Memo to H.S. Bergen, J. Mason, H.L. 52
21 Minckler, C.J. Smith, T.K. Smith
22 and J.K. Springgate, April 7, 1970,
with attached Management Plan;
10 pages

23

24

25

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JAMES E. SPRINGGATE

1 Millbrae, California, Friday, May 1, 1998

2 9:43 a.m. - 11:28 a.m.

3

4

JAMES E. SPRINGGATE,

5 having been first duly sworn, was examined and

6 testified as follows:

7

8

EXAMINATION

9

BY MR. PHALEN:

10

Q Mr. Springgate, my name is Ralph Phalen.

11

I am one of the counsel for the plaintiffs in this

12

matter, and we are here today to take your deposition

13

to ask you some questions about your time of

14

employment with Monsanto Corporation.

15

First let me ask, have you ever been

16

deposed before?

17

A Yes, I have.

18

Q How many times?

19

A I think three previous occasions.

20

Q Can you tell me why you were deposed.

21

A Testimony in a situation similar to this.

22

Q Were all three depositions involving your

23

employment with Monsanto?

24

A Yes, they were.

25

Q Were they all involving PCBs?

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JAMES E. SPRINGGATE

1 A No, I believe two of them were, and one
2 was on a different Monsanto product.

3 Q Can you tell me when you were deposed for
4 the two PCB depositions.

5 A My estimate is 1992 and 1994, but that's
6 an estimate. I'm not sure.

7 Q Do you recall what the case involved or
8 cases of the two depositions?

9 A No, I can't.

10 Q Okay. Do you recall if they were
11 personal injury claims or property damage claims?

12 A They had to do with -- no, I need more
13 clarification of that question, I guess.

14 Q Okay. Do you recall if the issue in
15 these lawsuits were whether people had been injured or
16 made sick by PCBs or whether it involved contamination
17 of the environment by PCBs?

18 A It involved contamination of the
19 environment, possible contamination of the
20 environment.

21 Q Okay. Let's go over a couple of ground
22 rules just to refresh you. First, I will be asking
23 you questions, you will be answering. I would like
24 you to remember that you are under oath just like you
25 are in front of a judge and jury. If you will try to

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1 wait until I finish my question before you answer so
2 that the court reporter can take down both the
3 question and the answer. If I ask you a question that
4 you don't understand, please tell me so I can try to
5 rephrase it so that you do understand it. Do you
6 understand that?

7 A Yes, I will do that.

8 Q If you need a break at any time, just let
9 us know and we will take one.

10 Okay. Are you on any medication today
11 that would affect your ability to answer questions?

12 A No, I am not.

13 Q Is there any other reason that you would
14 not be able to answer or understand my questions?

15 A I believe I should tell you that a year
16 and a half ago I had an illness that affected my
17 memory short term, and I was supposedly supposed to
18 regain my memory longer term. The illness was
19 encephalitis, and I was hospitalized for a week and
20 then continued to recover at home for several weeks
21 after that. Now that was in November of 1996. At my
22 age I am not sure whether I have fully recovered my
23 memory or not. At my age I think you normally have a
24 loss of memory anyhow, so I am not sure of my status
25 in terms of memory.

JAMES E. SPRINGGATE

1 Q Okay. Would you state your name and
2 address for the record, please.

3 A My name is James E. Springgate. 13060
4 East Sunset Drive, Los Altos Hills, California.

5 Q And what is your date of birth?

6 A 1-3-27.

7 Q So you are now 71 years old?

8 A That is correct.

9 Q Can you give me a brief summary of your
10 education starting from high school.

11 A After high school I went to the
12 University of Missouri. I have a BS in chemical
13 engineering from the University of Missouri.

14 Q Do you recall what year that was?

15 A That was 1950. And then I have a
16 master's in chemical engineering from Washington
17 University in St. Louis, Missouri, which I believe is
18 1955. I was working when I did that.

19 Q Okay. Is that the end of your formal
20 education?

21 A The end of my degree education. I've had
22 other courses, some of which were as much as two
23 months long at Stanford University's business school
24 one summer, but that's the end of my education for
25 degrees.

JAMES E. SPRINGGATE

1 Q And I would assume that you've had
2 continuing education and seminars and that kind of
3 thing?

4 A That is true.

5 Q Okay. Can you give me a brief summary of
6 your work history starting with your first employment
7 out of college.

8 A I started to work for Monsanto Company in
9 the Queenie (phonetic) plant in St. Louis, Missouri.
10 I worked there as an engineer probably for the first
11 two years.

12 Q Do you know when you started?

13 A In September of 1950.

14 Q So right out of college?

15 A Correct.

16 Q Okay.

17 A After about two years, I was assigned to
18 a manufacturing unit as a manufacturing supervisor
19 where we made, I believe benzoic acid in that
20 particular facility. After several years of that,
21 probably two years, I transferred to a maintenance and
22 construction group where I worked as a maintenance
23 engineer for a couple of years. Then I became the
24 superintendent of the maintenance group and maintained
25 the job as maintenance superintendent for several

JAMES E. SPRINGGATE

1 years until 1962 at which time we transferred to the
2 plant in Nitro, West Virginia as a manufacturing
3 superintendent responsible for manufacturing a series
4 of products. In 1964 I became the plant manager of
5 the Nitro manufacturing plant and maintained that
6 position until, I believe it was September of 1968.

7 And in September of 1968 we transferred
8 back to St. Louis, Missouri to the corporate
9 headquarters, this was all Monsanto Company, where I
10 was a project director for a new manufacturing
11 facility that we were building in Monsanto's Texas
12 City, Texas plant. The product we were going to
13 produce in this new facility was a plasticizer, a
14 softening material for the plastics industry. And I
15 then became a business director of plasticizers about
16 1970, and I say about, plus or minus a year. I don't
17 remember that date. Shall I continue?

18 Q Yes.

19 A After that, I became the general manager
20 of plasticizers in general chemicals until --

21 Q Do you recall about when that was you
22 became general manager of plasticizers?

23 A Well, I have been responsible for
24 plasticizers since about 1970, but then became the
25 general manager of plasticizers 1972 plus or

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JAMES E. SPRINGGATE

1 minus. And then at a later date I became general
2 manager of plasticizers and general chemicals. Then
3 in 1974 I became general manager of detergents and
4 phosphates. And in 1975 I transferred to Palo Alto,
5 California as general manager of the electronic
6 materials division which is basically silicon for the
7 semiconductor industry. And I then -- at some later
8 date we changed responsibilities and titles, and I
9 became president of Monsanto's electronic materials
10 company until my retirement in 1989.

11 Q Okay. When did you first begin to work
12 with PCBs?

13 A Probably sometime in 1969. In 1968 I was
14 working on the new project in Texas City, and I
15 believe it was in 1969 that I became business director
16 of plasticizers, and some of the PCBs were in our
17 plasticizer business group.

18 Q So you didn't have any connection with
19 PCBs until you moved back to St. Louis and began as
20 project director for your Texas City plasticizer
21 plant?

22 A It was actually later than that. I had
23 no relationship with PCB before I came back to
24 St. Louis and became business director of the
25 plasticizer businesses, which would have been 1969 or

JAMES E. SPRINGGATE

1 early 1970.

2 Q Okay. Can you tell me what you did as
3 business director of plasticizers?

4 A As a business director you are
5 responsible for the research of that group of
6 chemicals, the manufacture of that group of chemicals
7 and the sale of that group of chemicals and the
8 profitability of that group of chemicals.

9 Q And you said PCBs were used in the
10 plasticizer products?

11 MS. O'NEILL: I object. That mischaracterizes
12 his earlier answer.

13 THE WITNESS: We had a group of plasticizer
14 products of which PCBs were one of the products that
15 we had, and my recollection is the PCBs were a very
16 small share of plasticizer products. My recollection
17 is they were probably 10 percent of the total
18 plasticizer products.

19 BY MR. PHALEN:

20 Q Okay. Bear with me if I ask questions
21 that show that I don't know what I am talking about,
22 because I don't know what Monsanto did at that period
23 of time. When you talk about plasticizers, now did
24 Monsanto sell PCBs to other companies to be used in
25 plasticizer products or did Monsanto sell plasticizer

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1 products containing PCBs? Maybe you can explain to me
2 the whole plasticizer business.

3 A The term plasticizer generally means
4 additives to the plastics for the use of the plastic
5 material. Most plasticizers, and my recollection
6 would be 80 to 90 percent of the plasticizers were
7 sold for use in polyvinylchloride, PVC, to soften the
8 plastic material or to provide additional aging
9 capability of the plastic material. And one of the
10 largest products that we had in the plasticizer
11 materials was called Sanisizer 711. Sanisizer 711 was
12 a material that you added to PVC to soften it and to
13 prevent its aging when it was in use. And a very
14 large customer was for seat covers of automobiles were
15 made of polyvinylchloride plastic with our Sanisizer
16 711 softening plasticizer. Now that was typical of
17 the plasticizer type of business.

18 Q What were some other uses for PCBs in the
19 plasticizer business?

20 MS. O'NEILL: I object to the question as
21 mischaracterizing the prior answer.

22 THE WITNESS: The PCBs that were used in the
23 plasticizer group of products were really a very small
24 share of the total plasticizer products we
25 manufactured and sold. My recollection is they were

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JAMES E. SPRINGGATE

1 probably down in the 10 percent of our total volume
2 were PCBs. The rest were other chemical products used
3 as plasticizers.

4 BY MR. PHALEN:

5 Q What other products contained PCBs?

6 Well, maybe I should rephrase that. What products did
7 contain PCBs?

8 A We had a series of products. I'd better
9 back off. My memory of that is not clear.

10 Q Okay. Did Monsanto sell products
11 containing PCBs or did they sell PCBs to other
12 companies for use in their products or both?

13 A My recollection is that we sold PCBs to
14 other companies for use in their products. I don't
15 remember a product that we manufactured that simply
16 contained PCBs. They were sold for other people to
17 use in their product.

18 Q Okay. Are you familiar with the products
19 that were produced using PCBs sold by Monsanto?

20 A My memory of what those products were
21 called is not clear, so I'd better not volunteer an
22 answer. My memory is not clear of that.

23 Q Okay. Do you recall which of the PCB
24 Aroclors were used in the plasticizer products?

25 A Again, that's not a, that's not a clear

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1 question. We had a whole series of plasticizer
2 products. I'd say 80 to 90 percent of our plasticizer
3 products contain zero PCBs, none at all. Then, we
4 sold some PCBs within our plasticizer group that
5 constituted something in the range of 10 percent of
6 our plasticizer business.

7 MR. PHALEN: Do you want to mark this as
8 Exhibit 1.

9 (Springgate Exhibit 1 marked.)

10 BY MR. PHALEN:

11 Q Mr. Springgate, I am handing you what's
12 been marked as Springgate Exhibit 1. It is a Monsanto
13 Technical Bulletin dated December 1960 entitled
14 Aroclor Plasticizers. I realize you said you didn't
15 start working with PCBs until 1968 or '69, but you've
16 been telling me that 90 percent of the plasticizers
17 didn't contain PCBs, and I'm, I just would like to
18 focus on what Monsanto calls Aroclor Plasticizers.
19 And if you would maybe look through that to see if
20 that refreshes your recollection of how Aroclor
21 Plasticizers were used and in what products they were
22 used. And I am assuming the term Aroclor Plasticizers
23 means they contained Aroclors. Is that correct?

24 A I would assume that this share of
25 plasticizers contained Aroclors, I would assume that

JAMES E. SPRINGGATE

1 also, but that was a small, a very small share of the
2 total plasticizers.

3 Q For purposes of today's deposition, let's
4 try to just focus on plasticizer or products
5 containing Aroclors.

6 And if you'd like, we can go to certain pages
7 and I could ask you about particular products, or you
8 can look at the entire document, it's up to you.

9 MR. PEELE: If I may, if you want him to read
10 it, he obviously can. If you have questions --

11 MR. PHALEN: Well, it would be quicker to go to
12 particular pages, but --

13 MR. PEELE: However you want to proceed.

14 BY MR. PHALEN:

15 Q If you would go to the page that on the
16 bottom there are some numbers, I guess it is page 13,
17 Bates No. PDT 011463 where it says In Epoxy Resins.
18 Do you see that?

19 A Yes.

20 Q Are you familiar with how Aroclors are
21 used in epoxy resins?

22 A No, I do not remember that.

23 Q Okay. So you don't know what products
24 then would contain epoxy resins with Aroclors?

25 A I do not recall that.

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1 Q Okay. If you would then turn to page
2 17. That's 011467. Do you see that, Fiberglas
3 Reinforced Polyester Resins in the middle of the page
4 there, the table?

5 MS. O'NEILL: Okay.

6 BY MR. PHALEN:

7 Q Are you familiar with products that would
8 contain fiberglass reinforced polyester resins with
9 Aroclors?

10 A I do not recall that.

11 Q Okay. Can you tell me what products you
12 do recall that contained Aroclors like caulking, like
13 duct work, like anything, any particular product that
14 would have contained Aroclors.

15 A Well, you are asking about someone else's
16 product, not --

17 Q I guess I am asking, do you know, do you
18 or did Monsanto know what their customers were doing
19 with the PCBs they purchased from Monsanto?

20 A I would -- in some cases we certainly did
21 know what the customer was doing with the product.
22 And in some cases we obviously did not. I believe in
23 the plasticizer business we had a large number of very
24 small users of Aroclors, and we did not know what all
25 those companies were doing. In some cases, with a few

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1 very large customers we did work with them, and we did
2 know what they were doing with the Aroclor.

3 Q Who would you have considered a large
4 customer?

5 A Well, the one that I remember most
6 clearly was National Cash Register because they were
7 using Aroclors in their carbonless carbon paper.

8 Q Any other large customers?

9 A No, I don't recall.

10 Q Okay. Do you recall any of the smaller
11 customers?

12 A No, I don't.

13 Q Okay. And I would assume since
14 apparently Monsanto created this document, and it
15 lists what appears to be a lot of different uses for
16 Aroclor Plasticizers, that Monsanto was familiar with
17 or I guess even advertising these products to be used
18 in the manner indicated in this document?

19 MS. O'NEILL: Objection. You are asking about
20 a document from December 1960, and he's already
21 indicated that he was not involved in the plasticizer
22 business at that time.

23 MR. PHALEN: I understand that, but --

24 THE WITNESS: I was not involved.

25 BY MR. PHALEN:

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1 Q Right.

2 A And quite frankly --

3 Q These kind of uses are not new to you,
4 though, are they?

5 A I haven't read this in great detail.
6 There are probably some that are new to me and there
7 are probably some in here that are not. I don't --
8 may I go forward?

9 Q Yes. Sorry.

10 A I don't remember seeing this document,
11 quite frankly.

12 Q Okay. Have you ever seen a document
13 similar to that produced by Monsanto that would have
14 provided basically an advertisement or a bulletin
15 concerning the use of Aroclor Plasticizers?

16 A I can't recall a specific document, but
17 we probably did because we used such things on most of
18 our product.

19 Q And you were in charge of sales, correct,
20 at one point in your plasticizer career in St. Louis?

21 A Sales among other things.

22 Q Okay. So in charge of sales you, I
23 assume, were familiar with how the Aroclor
24 Plasticizers would be used in order to market them to
25 particular industries?

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1 MS. O'NEILL: Objection. I think he has
2 already told you what he does and doesn't know about
3 his customers' uses.

4 THE WITNESS: And I do not remember what
5 information we provided to our customers.

6 BY MR. PHALEN:

7 Q Do you recall selling Aroclors to
8 companies that made caulking, sealant products?

9 A Yes, I know that they were used in
10 sealants.

11 Q Okay. Can you tell me what you know
12 about the use of Aroclors in sealants?

13 A I remember very little about it. I know
14 that we used Aroclors -- we sold some Aroclors to
15 people who made sealants for glass fixtures in
16 buildings because the Aroclors would increase the life
17 of the sealant around the glass, and that was the
18 advantage of the Aroclor, but that's about the limit
19 of what I remember about that subject.

20 Q Okay. You talked about you had many
21 small users. How would you define a small user?

22 A A user so small that they bought the
23 Aroclor from a chemical distribution company. And I
24 believe we had one or two or maybe more companies that
25 distributed small volumes of chemicals to small

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1 users. And my recollection is that when Monsanto
2 decided to leave the Arocloric business, we had to
3 notify these distribution companies of what we were
4 doing and why we were doing it and telling them that
5 they should notify their customers.

6 Q So you would define a small user as
7 somebody that bought Aroclors from one of your
8 distributors instead of directly from Monsanto?

9 A Well, they were obviously the smallest
10 users.

11 Q Okay. What if a company was buying
12 thousands and thousands of pounds directly from
13 Monsanto, would they be a small user?

14 A I don't remember the details of what a
15 thousand pound freight would be one way or the other.

16 Q Okay. You don't really recall one way or
17 the other any particular companies other than NCR that
18 were buying PCBs from Monsanto?

19 A No, I don't recall.

20 Q Okay. And you don't recall anything
21 about the use of PCBs in polyurethane caulk or
22 polysulfite caulk, one or the other or both?

23 A I do not recall.

24 Q Do you recall the use of the Aroclor
25 Plasticizers in any product other than the carbonless

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1 carbon paper that you indicated earlier?

2 MS. O'NEILL: Well, and the caulking sealant
3 that he told you about.

4 THE WITNESS: Well, I told you about the
5 caulking material, but I can't quote to you today
6 other uses, no.

7 BY MR. PHALEN:

8 Q Okay. And you don't recall any company
9 that you would have sold Aroclors to for use in
10 caulking or sealant material?

11 A I cannot recall specific companies, no.

12 Q And would it be fair to assume that you
13 are not familiar with the use of Aroclors as a dust
14 suppression material?

15 A I do not remember that particular use,
16 no, if there was such a use.

17 Q Okay. Can you tell me when you first
18 became aware of potential problems with the use of
19 PCBs during your employment at Monsanto?

20 A Yes, I can tell you generally. As I said
21 earlier, I transferred back to St. Louis in the fall
22 of 1968, and that was not on the list of things that I
23 heard discussed or worried about at that point in
24 time, so it had to be in 1969 or early 1970 before the
25 PCB was being found in the environment and the subject

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1 came to the forefront, so that had to be in 1969 or
2 1970.

3 Q Okay. Do you recall what you first
4 learned about PCB problems in the environment?

5 A What I first learned was there was a
6 scientist in Denmark or Sweden who had found what he
7 thought was a material similar to PCB in the
8 environment and either in fish or birds, I don't
9 remember which that was either, but he was a scientist
10 in Norway or Sweden who supposedly made this
11 discovery.

12 Q Can you tell me what he discovered.

13 A My recollection is that he thought he had
14 discovered a chlorinated biphenyl in these birds or
15 fish. He didn't know what the source was, and
16 Monsanto scientists read his reports and shortly
17 thereafter visited with him to understand what he
18 had. That's my recollection.

19 Q Do you recall being made aware of any
20 health problems PCBs could cause humans when you began
21 working with PCBs in the 1968-69 era?

22 A No, I do not know of any health problems
23 with humans, and to this point in time I still don't
24 know of any health problems with humans.

25 Q You were never made aware of something

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1 called chloracne that could be caused by exposure to
2 PCBs?

3 A I would believe chloracne can be caused
4 by any chlorinated compound, but I am not so sure it
5 can be caused by PCBs, because PCBs are very inactive
6 compounds.

7 Q So you were not shown anything by
8 Monsanto or told by anyone at Monsanto that there was
9 evidence that PCBs could cause chloracne at the time
10 that you began working with PCBs in the late 1960s?

11 A Not that I recall, but again, we are
12 talking about a point in time that's approaching 30
13 years ago.

14 Q Okay. Now just to digress for a moment
15 back to the small use definition of PCBs. Would you
16 consider like 24,000 pound purchases to be small use?
17 Or is there a number, twenty-four or a hundred or a
18 million pounds at which point you would say was no
19 longer a small use of PCBs?

20 A I don't see how I can comment on that and
21 make any sense. I don't remember the numbers of the
22 size of the accounts that we were working with at that
23 point in time.

24 Q Okay. And again, you don't remember any
25 particular account other than NCR?

JAMES E. SPRINGGATE

1 A No, I don't remember.

2 Q Okay. Who under you or in your group of
3 plasticizer manufacturers and sellers would have been
4 responsible for I guess marketing or knowing who was
5 buying the PCBs from Monsanto?

6 A Our sales and marketing people.

7 Q Do you have any names of somebody that if
8 we wanted to talk to somebody that knew about the
9 customers of Monsanto that were buying PCBs for use in
10 caulking, sealants, other plasticizer materials that
11 could tell us?

12 A Probably a man who I believe his name is
13 Mr. Schaok who was our sales director. And whether he
14 has, had or has any information today I would not
15 know. I haven't talked to him for ten years.

16 Q I believe he is dead now, so.

17 A I wouldn't know that either.

18 Q Is there anybody else who might know who
19 Monsanto was selling PCBs to for plasticizer use?

20 A Not that I can recall.

21 Q Okay. And so you are not aware or were
22 not made aware from anybody inside Monsanto of any
23 possible hazards or risks to PCBs other than the
24 environmental information you discussed earlier?

25 A Well, I was raised in the chemical

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1 industry, and we were taught at an early date to don't
2 go wade around or drink the chemical you are
3 manufacturing. There are very few compounds that you
4 can treat with utter disregard, so we treat everything
5 carefully. Now as to unusual hazards with PCBs, no,
6 to the human being, which I think is the question you
7 just asked. No, I don't remember any unusual hazards
8 to the human being.

9 Q So you were not made aware of any studies
10 showing possible increase in tumors in animal studies
11 or any other health effects, not even chloracne,
12 right?

13 A You are asking about a point in time
14 approaching 30 years ago. I cannot answer your
15 question. I do not recall.

16 Q Okay. So in 1969 or approximately then
17 when you became aware of the scientist in Sweden or
18 wherever, what happened next in Monsanto regarding
19 PCBs?

20 A Well, Monsanto is a scientifically-based
21 company. We sent scientists to visit and discuss the
22 problem with the scientist who had discovered what he
23 thought was a PCB. Then we thought at some point in
24 time it appeared that this was a PCB that was being
25 discovered, so Monsanto in its normal fashion put

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1 together a scientific group to determine what the
2 source was, and if it was a serious contaminant, to
3 take whatever steps were necessary to reduce it or
4 eliminate it. We are a scientific-based company
5 taking science-based steps to understand the problem
6 and then correct it.

7 Q Do you recall when Monsanto first
8 determined that the PCB contamination was a serious
9 problem?

10 A I'd say it had to be 1969 or '70 before
11 Monsanto's people were convinced that what was found
12 in the fish and shellfish was actually from PCB. It
13 was hard to understand. We were selling what we
14 thought were small and contained quantities, and we
15 could not understand how it could wind up in fish or
16 shellfish.

17 Q Okay. But at some point they recognized
18 that it was everywhere --

19 A Yes.

20 Q -- and it was a serious problem, correct?

21 A It was a serious enough problem that the
22 Monsanto Corporation discontinued the manufacture and
23 sale of PCBs.

24 Q Okay. Maybe you can give me kind of a
25 summary or a time line of how it progressed from the

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1 point when they recognized that it was a serious
2 problem, step by step what did Monsanto do.

3 A You are talking about a point in time in
4 the early 1970s. The business unit that I was
5 involved in, which was the plasticizer business,
6 Monsanto had decided that yes, PCBs were being spread
7 in the environment, and the Monsanto management
8 decided to discontinue the manufacture and sale of
9 PCBs. Now that was sometime in the early '70s, and I
10 don't remember whether that was 1970, '71, '72. But
11 we discontinued the manufacture and sale of PCBs.

12 Q Did they discontinue manufacture and sale
13 of all PCBs at the same time?

14 A From the plasticizer point of view, we
15 discontinued the manufacture and sale at one time.
16 Now PCBs were also sold by another business unit
17 called functional fluids, I believe, where some PCB
18 products were used in electrical equipment like
19 transformers and capacitors because they were not
20 flammable. And the manufacturers of those
21 transformers did not have an alternate nonflammable
22 product, so I believe Monsanto agreed to continue to
23 supply them for an additional year, one year or
24 something, until someone could discover and put into
25 use an alternate product. So they were used in some

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1 of those products longer than we were, than we used
2 them in the plasticizer business. The plasticizer
3 business was the one that discontinued the use of PCBs
4 first.

5 Q Do you recall the terms open versus
6 closed uses of PCBs?

7 A No, I don't.

8 Q Okay. Do you know why they discontinued
9 the use of PCBs in plasticizers?

10 A We discontinued because PCBs were being
11 distributed into the environment.

12 Q Okay. How did the PCBs get into the
13 environment from the plasticizer products?

14 A National Cash Register was one of our
15 plasticizer customers. They were using it to make
16 carbonless carbon paper. Carbonless carbon paper was
17 reprocessed into box board, and with National Cash
18 Register using the PCB and then reprocessing the used
19 paper and making cardboard and other containers, they
20 were distributing the PCB into the rivers of the Ohio,
21 the Mississippi and all the way down into the Gulf of
22 Mexico. And that was the first major discontinuance
23 of PCBs. We told National Cash Register we were
24 discontinuing the manufacture and sale of that
25 product.

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1 Q Do you know how PCBs got into the
2 environment from any other plasticizer product?

3 A I don't recall.

4 Q Do you think you knew at the time you
5 were head of the plasticizer department?

6 A I think that's included in my statement
7 no, I do not recall.

8 Q I know you don't recall now.

9 A Right.

10 Q Do you think you would have known at the
11 time that you were head of the plasticizer
12 department?

13 A I think it is still appropriate to say I
14 don't recall.

15 Q You don't know if you knew. Okay.
16 Do you know who made the decision to stop
17 selling PCBs for plasticizer uses?

18 A Well, the decision came from Monsanto's
19 corporate management counsel, but I -- that's the
20 source of information to our business group. But as
21 to whether the decision is made by that committee or
22 by an individual, I do not know.

23 Q Can you tell me what the corporate
24 development committee is?

25 A That's the committee I just called the

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1 corporate management committee. That was the
2 committee of top corporate people who met routinely
3 and handled major decisions for the corporation.

4 Q Were you a member of that committee?

5 A No, I was not.

6 Q Did you ever give a presentation to that
7 committee?

8 A Yes, many.

9 Q Can you tell me about -- I mean, what did
10 you tell the committee concerning the use of PCBs in
11 plasticizers?

12 MS. O'NEILL: If anything. Do you want to lay
13 a foundation for that one? I think the prior question
14 was, did you make a presentation to the committee?

15 BY MR. PHALEN:

16 Q Was your presentation concerning the use
17 of PCBs in plasticizers?

18 A I do not recall the specific
19 presentation, but I made many, many presentations to
20 that committee on many, many subjects.

21 Q Okay. What subjects would you have
22 talked to the committee about other than PCB use in
23 plasticizers? And let's limit it to like pre-1975 or
24 up to the time Monsanto stopped selling PCBs.

25 A We made presentations to that committee

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1 if we wanted capital expenditures for new operations.
2 We made presentations to that committee on our budget
3 plan for the following year. We made presentations on
4 the results of our profitability of the existing year,
5 of the current year. So we made many presentations to
6 that committee.

7 Q Do you recall being present at committee
8 meetings when they discussed possible alternatives or
9 options for handling the PCB problem that developed
10 with environmental contamination?

11 A I do not remember a specific meeting, but
12 it would be logical that such a thing occurred.

13 Q And how about in general, do you remember
14 general discussions with the committee or people from
15 the committee concerning options that Monsanto might
16 pursue in handling the PCB problem?

17 A I do not remember a specific
18 presentation, but it is logical that such a thing did
19 occur.

20 MR. PHALEN: We may be wasting our time here,
21 but let's mark this as Exhibit 2, I guess.

22 (Springgate Exhibit 2 marked.)

23 BY MR. PHALEN:

24 Q Mr. Springgate, I am handing you two
25 separate documents as Springgate Exhibit 2. Both of

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1 them say Minutes of Meeting of Corporate Development
2 Committee and they both have a November 17, 1969 date
3 on them.

4 MS. O'NEILL: Hold on a second. We have two
5 documents, the first one of which has an exhibit tag
6 that says Minutes of Meeting of the Corporate
7 Development Committee, November 17th, 1969.

8 MR. PHALEN: Yes.

9 MS. O'NEILL: The second one says PCB
10 Presentation to Corporate Development Committee.

11 MR. PHALEN: Yes.

12 MS. O'NEILL: Okay. It doesn't say minutes. I
13 just want to -- we have the same document?

14 MR. PHALEN: Yes.

15 MS. O'NEILL: Okay.

16 BY MR. PHALEN:

17 Q First I would ask you, on the first page
18 where it says Minutes of Meeting, down at the bottom
19 where it says Present, is that you, Mr. J.E.
20 Springgate?

21 A Yes, I would expect it is.

22 Q Okay. Now do you know if the second part
23 of this that's marked PCB Presentation to Corporate
24 Development Committee dated November 17, 1969 that has
25 Springgate at the top was a presentation that would

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1 have been made at the meeting of November 17, 1969?

2 A I don't remember this specific document,
3 but on the other hand, it is logical that that's
4 probably what it was, PCB Presentation to Corporate
5 Development Committee, so --

6 Q Okay. So you wouldn't remember your part
7 of this presentation?

8 A No, I don't.

9 Q Okay. Going back to this first little
10 section, the last page see at the top it starts and
11 lists apparently twelve items, I guess; do you see
12 those?

13 A Yes.

14 Q Okay. And the page before that it says
15 Plan of Action - H.S. Bergen and J.E. Springgate?

16 A Um-hm.

17 Q Do you recall being involved in deciding
18 what the plan of action would be concerning dealing
19 with PCBs?

20 A I remember making proposals to our
21 management as to what we would recommend as our plans
22 of action.

23 Q Do you recall what you recommended as
24 your plans of action?

25 A I do not recall.

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1 Q Okay. On the last page, No. 2, it says:
2 Notify all Aroclor customers of PCB problem. Do you
3 see that?

4 A Yes.

5 Q Did you have any part in notifying
6 Aroclor customers of PCB problems?

7 A I am sure I had a part because I was the
8 head of that business group, and I know that we did
9 notify all Aroclor customers of the PCB problem.

10 Q Who in your group would have been
11 responsible for notifying Aroclor customers?

12 A Probably our sales director who was
13 Mr. Schaok.

14 Q Was there anybody else that would have
15 been part of that notification process?

16 A Well, our legal department would have.

17 Q Do you know what you told Aroclor
18 customers about the PCB problem?

19 A I do not recall what we told them.

20 Q Okay. And that would have been
21 Mr. Schaok that would have been involved in that?

22 A Yes. But I am sure that we had a written
23 notice to our customers. This was not a casual
24 conversation. It would have been a written notice to
25 our customer. The notice would have been approved by

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1 our legal department, and we would have done it on a
2 very formal basis.

3 Q But you don't know or don't recall what
4 that warning or notification contained, correct?

5 A That is correct.

6 Q If you would go to the second part of
7 that document, the one that's got Springgate at the
8 top, PCB Presentation to Corporate Development
9 Committee, and turn to, it's Bates No. 37001. Do you
10 see that it says "Four alternative courses of action"?

11 A Yes.

12 Q Do you recall being involved in any
13 discussions at any time concerning these four
14 alternative courses of action?

15 A I do not recall specifically these
16 alternatives, no.

17 Q Do you recall generally being involved in
18 discussions of alternatives?

19 A My job would have been to discuss
20 alternatives and submit alternatives, but I don't
21 remember specific alternatives.

22 Q Okay. And if you would turn the page,
23 Alternative 1 says: "Do nothing - just react to
24 legislation and emotion." Again you don't remember
25 being involved in discussion of that alternative or

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1 any other alternative?

2 A I do not.

3 Q Okay.

4 A I can comment that when we put together
5 alternatives we always tried to list the extremes as
6 well as the recommendation, and that's apparently what
7 was done here.

8 Q If you would turn over to page 37014.
9 That page is captioned Recommended Action Plan. It
10 says: The joint action plan developed by the
11 functional fluids and plasticizer business groups.
12 That would be you, the plasticizer business group?

13 A That is correct.

14 Q So you would have had some input into
15 this recommended action plan?

16 A I would think so, yes.

17 Q But you don't recall what that was?

18 A No, I don't recall.

19 Q So you wouldn't recall if, like No. 2 it
20 says notify all Aroclor customers within 60 days and
21 relabel containers, whether that was done or not?

22 A I do not recall the details of that.

23 Q Okay. Do you recall Monsanto relabeling
24 their containers?

25 A I do not recall that.

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1 Q So it would be fair to say that you don't
2 recall what the labels contained, then?

3 A I do not recall.

4 Q Can you tell me what the Aroclor ad hoc
5 committee was?

6 A My recollection is that before we put
7 together a large committee to address the Aroclor
8 problem, we had a group of people who had an interest
9 in the Aroclor problem, met and discussed what the
10 problem was and what the status was, an informal
11 group.

12 Q Were you part of that committee?

13 A I would assume so, but I don't remember
14 specific meetings. I don't remember a specific
15 meeting.

16 Q Were you normally copied on minutes or
17 reports of committee meetings?

18 A I would expect that I was, yes.

19 Q Do you recall if when you issued these
20 warnings or notifications to the customers if you ever
21 told the customers to contact their customers to pass
22 on the warning of the possible problems of PCBs?

23 A I don't recall an answer to that
24 question.

25 Q Do you recall if any of your customers

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1 contacted you to ask whether they should pass on
2 warnings to their customers?

3 A I don't recall.

4 Q Okay. I am going to mark this as
5 Exhibit 3, I guess.

6 (Springgate Exhibit 3 marked.)

7 BY MR. PHALEN:

8 Q Mr. Springgate, I am handing you what has
9 been marked as Springgate Exhibit 3. It is a document
10 entitled Report of Aroclor "Ad Hoc" Committee, dated
11 October 2, 1969. It is stamped Confidential. Bates
12 numbers are MONS 036720 through MONS 036732, and on
13 the front it says To: Howard S. Bergen, Jr. and James
14 E. Springgate. That would be you?

15 A Yes, it would.

16 Q Do you recall ever having seen this
17 document before?

18 A I do not recall this specific document.

19 Q Do you recall any ad hoc committee
20 meetings that you attended?

21 A I don't recall specific meetings.

22 Q But you do recall the committee meeting?

23 A When we were first trying to understand
24 what the scale of our problem was, we had meetings
25 that could very logically be called ad hoc committee

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1 meetings, but I don't remember the details of that.

2 Q Do you recall ever seeing reports similar
3 to this of meetings of the Aroclor ad hoc committee?

4 A Well, I would have received -- I remember
5 receiving reports of various committees working the
6 problem, but I could not identify a specific report.

7 Q Could you turn to the third page of this,
8 it says page 1 at the top, where it says Objectives.
9 Do you recall ever discussing the objectives listed
10 here that the objective of the committee was to
11 recommend actions that will protect continued sales
12 and profits of Aroclors, permit continued development
13 of new uses and sales and protect the image of the
14 Organic Division and the Corporation as members of the
15 business community recognizing their responsibilities
16 to prevent and/or control contamination of the global
17 ecosystem?

18 A I do not remember that set of objectives.

19 Q Do you remember discussing any
20 objectives?

21 A No, I don't.

22 Q Okay. If you would turn, then, to page 3
23 where it says Recommendations. Do you remember ever
24 discussing any recommendations?

25 A I do not remember any specific discussion

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1 of recommendations, no.

2 Q Number one says: In view of legal and
3 moral considerations, notify all Aroclor 1254 and 1260
4 customers of environmental contamination problem. And
5 then handwritten it says, it looks like "and advising
6 customers." Do you see that?

7 A Yes.

8 Q Do you know why you would notify only
9 Aroclor 1254 and 1260 customers?

10 A I don't remember the details of this, but
11 I do remember that when this problem was developing,
12 at one point in time we thought the problem was
13 restricted to one or two of our Aroclor products
14 instead of all of our Aroclor products, so apparently
15 at this point in time we thought these were the
16 products that were leading to the environmental
17 pollution.

18 Q Do you have any idea what the handwritten
19 words there "and advising customers" would mean?

20 A No, I don't.

21 Q Okay. If you would turn to page 6. See
22 at the very bottom of the last paragraph it says:
23 Other customer applications or uses which could be
24 suspect include highway marking paints, any of the oil
25 and/or grease lubricant applications, and handwritten

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1 in it says caulking and sealants. Do you see that?

2 A Yes.

3 MS. O'NEILL: "Caulking compounds and
4 sealants."

5 BY MR. PHALEN:

6 Q Right, "caulking compounds and
7 sealants." Do you know why caulking compounds and
8 sealants would have been added as a use that could be
9 suspect?

10 A No, I do not recall that.

11 Q Okay. And I believe you said earlier you
12 don't recall how PCBs would get into the environment
13 from uses such as caulking compounds or sealants?

14 A I believe that was an early problem that
15 we had understanding, that we could not understand how
16 it would get into the environment.

17 Q Do you know if Monsanto ever figured out
18 how it got into the environment from products like
19 that?

20 A I don't recall the answer to your
21 question.

22 Q Would it be fair to assume that since
23 Monsanto stopped selling PCBs for use in those kinds
24 of products that they did at one point determine that
25 PCBs could get into the environment from those

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1 compounds?

2 A Well, logically, though, you have great
3 difficulty understanding how caulking around a
4 windowpane winds up being an environmental problem.
5 No, that's about all I can say about your question. I
6 don't remember the details of that.

7 Q So you don't remember details of things
8 like volatilization or vaporization or that kind of
9 problem?

10 A No, but I would remind you that these
11 products were not volatile and did not vaporize easily
12 which is the reason they stayed in position so long.

13 Q Okay. Do you know if they volatilized at
14 all?

15 A I would think the rate of volatility and
16 the rate of vaporization is extremely, extremely low,
17 which is the reason the products had such a long life.

18 Q You said you would think that. Is that
19 something you know or are you just --

20 A This is a matter of degree, right? On
21 one extreme its water vaporizes quickly. Coming on
22 down the scale, you can take lubricating oil out of
23 automobiles, it may vaporize, but it is extremely
24 slowly. The Aroclors are way down the scale in terms
25 of what -- that's what made them remain in the

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1 environment so long is that they didn't degenerate.
2 So the fact that they degenerated at such a slow rate
3 is what made them an environmental problem.

4 Q Isn't there a difference between, as you
5 said, degeneration or biodegradability and
6 volatilization?

7 A If I can look -- I would have to go back
8 and look up the definition of those three words to
9 answer your question.

10 Q Couldn't a product volatilize without
11 degrading?

12 A It could. Solid products normally don't
13 do that.

14 Q And was there a difference in
15 biodegradability between the different Aroclors?

16 A I don't recall the answer to that.

17 Q So you don't know if 1262 biodegraded
18 more or less rapidly than 1242?

19 A I don't recall.

20 (Springgate Exhibit 4 marked.)

21 BY MR. PHALEN:

22 Q Mr. Springgate, Exhibit 4 is a document
23 dated March 6, 1969, entitled Aroclor Wildlife
24 Accusations. If you look at the top, the cc says
25 J. Springgate. Would that be you?

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1 A I would think so.

2 Q Do you ever recall seeing this document
3 before?

4 A No, I don't.

5 Q Did you ever have -- do you have any
6 reason to believe you did not receive this document?

7 A No, I don't.

8 Q If you turn to the second page, I believe
9 it's like three paragraphs up from the bottom, the
10 paragraph that starts But, do you see that? But, we
11 can't easily control --

12 A Right.

13 Q -- hydraulic fluid losses in small
14 plants. It will be still more difficult to control
15 other end uses such as cutting oils, adhesives,
16 plastics and NCR paper. In these applications
17 exposure to consumers is greater and the disposal
18 problem becomes complex. If chlorinated biphenyl is
19 shown to have some long term enzyme or hormone
20 activity in the ppm range, the applications with
21 consumer exposure would cause difficulty?

22 Do you have any reason to disagree with
23 that statement?

24 MS. O'NEILL: Well, I object. That's a whole
25 paragraph worth of statements.

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1 MR. PHALEN: Okay. Do you disagree with the
2 paragraph, anything in the paragraph?

3 MS. O'NEILL: If you want to break it down and
4 ask him a specific question, do that, but that's
5 compound.

6 MR. PHALEN: I will ask him if he disagrees
7 with anything in that paragraph.

8 MS. O'NEILL: Do you want to --

9 BY MR. PHALEN:

10 Q Or do you have any reason to agree or
11 disagree or do you know enough to disagree or agree
12 with anything in that paragraph?

13 A I don't have enough information to either
14 agree or disagree with that. I can't comment.

15 Q Do you know why you would have received a
16 copy of this document?

17 A I was the head of one of the businesses
18 using Aroclors, and I am sure that is one of the
19 reasons I received a copy of it.

20 Q And as head of the plasticizer
21 department, would it have been your responsibility to
22 know whether the use of PCBs in the products handled
23 by your division could cause difficulty or problems
24 with consumer exposure?

25 A When PCBs were reported in the

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1 environment, Monsanto put together a force or a group
2 of scientific people to determine whether it was truly
3 PCBs; number two, what the effect was in the
4 environment; and number three, what could be done
5 about it. So we approached the entire problem with
6 scientific-based people and this is a typical Monsanto
7 approach to a problem. We tried to understand what is
8 the science involved and what can be done about it.

9 Q I understand that, I mean you've told me
10 that several times, but I mean that wasn't my
11 question. I am trying to find out what you knew here
12 as head of the plasticizer department, not what kind
13 of procedure Monsanto followed here.

14 A Okay. Then I am going to have to say
15 what I knew about this subject in March of 1969 is not
16 clear to me today.

17 Q Okay. Would it be fair to assume that as
18 head of the plasticizer department you would have been
19 kept apprised of all the developing knowledge obtained
20 by Monsanto concerning the PCB product, wouldn't it?

21 A That would be logical, yes.

22 Q You just don't recall today what that
23 was?

24 A That is correct.

25 Q Do you ever recall being involved in

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1 meetings with other companies, cities, any other
2 organization concerning PCBs or PCB problems?

3 A I'm sorry, the question again?

4 Q Do you ever recall being involved in
5 meetings with water commissions, other cities, other
6 companies, anybody outside Monsanto concerning PCB
7 problems?

8 A I do not remember doing that myself. We
9 had other people who held meetings of that type.

10 Q Would you have been kept informed or
11 apprised of those meetings?

12 A I would expect that I was, yes.

13 Q Would it be fair to assume that today you
14 don't recall that?

15 A I don't recall specific meetings, no.

16 MR. PHALEN: Let's mark this.

17 (Springgate Exhibit 5 marked.)

18 BY MR. PHALEN:

19 Q Mr. Springgate, Exhibit 5, on the front
20 page of that exhibit which is dated April 30, 1970 it
21 is entitled Aroclor Labels, and there is
22 J.E. Springgate listed, and would that be you?

23 A Yes.

24 Q Do you recall ever seeing this document
25 concerning Aroclor labels?

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1 A I do not recall this specific document,
2 no.

3 Q Did you have any input at all into what
4 went on the new labels that were apparently created
5 around this time?

6 A I do not recall that.

7 Q You don't recall if you had any input or
8 you don't recall what was on the labels?

9 A I don't recall having any input.

10 Q If you look at the second page, it is a
11 warning label for Aroclor 1254. Do you ever recall
12 having seen such a label?

13 A I don't recall that specific label, but I
14 probably did see it.

15 Q But you weren't involved in determining
16 what went on these labels, correct?

17 A I think that was true. We had both
18 scientific and legal people work on that subject.

19 Q Do you know if you had to approve these
20 labels before they went out on any of your
21 plasticizers or products?

22 A I don't recall specifically approving the
23 labels. Again, I would say our question was whether
24 they had been approved by our legal group and our
25 marketing group.

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1 Q Okay. Marketing had to approve the
2 labels as well as legal?

3 A Yes.

4 Q Do you know who the marketing person
5 might have been that would have been involved in that?

6 A Mr. Schaok we discussed earlier.

7 Q So he was marketing for the plasticizer
8 group?

9 A Yes.

10 Q If you look, I mean you will see that
11 this Aroclor 1254 label says: Avoid contact with eyes
12 or prolonged contact with skin. We discussed
13 chloracne a little bit earlier, and I believe you said
14 you didn't recall being told that chloracne was a
15 problem with PCBs, or is that not right?

16 A I do not recall chloracne being a problem
17 with PCBs. Now whether I had that same position in
18 1970 I don't recall.

19 Q Okay. When you started with PCBs when
20 you went back to corporate headquarters, you don't
21 recall somebody from Monsanto briefing you on PCBs and
22 what their problems could be and whether there are any
23 health risks, that kind of information?

24 A No, because we had other people who
25 worked that area.

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1 Q Okay.

2 (Springgate Exhibit 6 marked.)

3 BY MR. PHALEN:

4 Q Mr. Springgate, I am handing you what's
5 been marked Springgate Exhibit 6. It is a document
6 dated April 7, 1970, and there is a group of names
7 under the To category. One is J.E. Springgate; that
8 would be you?

9 A I would expect it was, yes.

10 Q Do you recall ever having seen this
11 document before?

12 A I do not recall it, no.

13 Q It says: Attached is a copy of a plan
14 for managing the PCB problem. Do you recall being
15 involved in creating what's attached here as a
16 Management Plan for the Polychlorinated Biphenyl
17 Environmental Problem?

18 A I do not recall that specific plan.

19 Q Do you recall discussing any plan for
20 handling the polychlorinated biphenyl environmental
21 problem?

22 A I do not recall discussing a specific
23 plan. I am not saying I didn't. I do not recall
24 discussing it.

25 Q Okay. If you would turn to the second

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1 page of the plan where it says Objectives. Do you see
2 that?

3 A Yes.

4 Q The second objective is: Inform
5 customers of the PCB problem and the importance of
6 preventing environmental pollution both at their
7 plants or by their products, and encourage them to
8 take responsible action by offering them assistance on
9 reclamation, substitute products and proper disposal.
10 You see that?

11 A Yes.

12 Q Do you know if that objective was ever
13 accomplished?

14 A I do not recall the details of that
15 objective or how we went about it.

16 Q Do you recall ever telling anybody in the
17 plasticizer group that they needed to inform their
18 customers of the PCB problem and encourage them to
19 take responsible action?

20 A I do not recall specifically what we did.

21 Q Okay. Do you recall generally? Do you
22 recall anything about what you did?

23 A I know that in the plasticizer group we
24 proceeded to discontinue the PCBs. And I am sure we
25 had to notify our customers as to why and what they

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1 should be doing as well as what we were doing. We
2 discontinued the product line. The details of how we
3 did it I don't recall.

4 Q You don't know if you told the customers
5 of the importance of preventing environmental
6 pollution or any of these other things listed in this
7 objective, right?

8 A I do not have specific knowledge of that,
9 no.

10 Q Do you know who at Monsanto would have
11 had that knowledge or would have had that
12 responsibility?

13 A Well, the notification of the customers
14 would have been our sales department again.

15 Q That would be Mr. Schaok?

16 A Mr. Schaok and his associates, and I am
17 sure we had some advice from the law department as to
18 how to do it, how to notify them and what to tell them
19 and everything else.

20 Q Do you remember the names of any of
21 Mr. Schaok's associates that might have worked with
22 him in the notification process?

23 A No, I can't recall any names off the top
24 of my head.

25 Q Do you recall the name of anybody in the

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1 plasticizer organization, other than Mr. Schaok, that
2 might have known about or might have been involved
3 in notification of customers?

4 A I can't remember names.

5 Q You don't remember anybody's name that
6 was involved in your group?

7 A No, I can't.

8 Q Do you remember if any of your customers
9 contacted you to find out about ways that they could
10 reclaim or ways they could dispose of their products?

11 A I cannot recall the details of that.

12 Q Who in your group would be responsible
13 for dealing with customers who might have questions
14 about disposal?

15 A Either our marketing group or our
16 technical people.

17 Q And Mr. Schaok is the only name that you
18 can recall of anybody that worked with you?

19 A No, he happened to be the head of the
20 marketing group which is the question we discussed
21 earlier. Martin Farrar was the head of our technology
22 group. I have to explain to you, this is 1970 you are
23 asking about. I have been in one, two, three, four
24 different Monsanto business units since that time. We
25 are talking about 28 years ago.

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1 Q Would Mr. Farrar have had any input or
2 any dealings with customers concerning the
3 notification or in handling any questions from
4 customers about the PCB problem?

5 A I don't recall.

6 Q Do you know what Mr. Farrar did besides
7 he headed the technical group?

8 A Do I know what he did?

9 Q Yes.

10 A He managed our technical group. I don't
11 know what you mean what did he do.

12 Q Well, what did he do as head of the
13 technical group?

14 A He managed the group of people who were
15 investigating different plasticizer products and
16 possible product.

17 Q Okay. But you don't know whether he
18 would have had any involvement in the notification to
19 customers or in dealing with questions from customers?

20 A No, I don't remember. I don't recall
21 that.

22 Q If you go to page 4, you will see No. 2
23 at the top, there is a category called Action. Do you
24 see that --

25 A Yes.

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1 Q -- where it says: Inform customers in
2 Canada, U.K. and Japan. Customers in Europe will not
3 be informed until consensus is reached by all PCB
4 producers in Europe.

5 A Yes, I see that.

6 Q Do you know why you wouldn't have
7 notified customers in Europe?

8 A I don't recall what the reasoning was
9 there.

10 Q If you go to page 6, do you see at the
11 top it says Objective: Develop methods for effective
12 disposal of wastes containing PCB without
13 contaminating the environment. Do you see that?

14 A Yes.

15 Q Do you know if Monsanto ever developed
16 ways to effectively dispose of waste without
17 contaminating the environment?

18 A Yes. I remember that we put together
19 incineration systems to dispose of PCBs.

20 Q Tell me what you remember about
21 incineration systems.

22 A Not a whole lot, but I remember running
23 tests on incineration of PCBs, and I have a vague
24 recollection that we built a disposal unit someplace.
25 I don't -- I couldn't tell you where.

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1 Q Do you know if Monsanto accepted PCB
2 products from any of its customers for disposal
3 purposes?

4 A I don't recall that.

5 Q Do you know if the incinerator ever
6 functioned to dispose of PCB wastes?

7 A I don't recall that either.

8 Q Do you ever recall Monsanto being aware
9 of concern of PCBs getting into animal food or human
10 food products?

11 A No, I don't, I don't recall that.

12 Q If I showed you a document with your name
13 on it, it wouldn't help you recall that?

14 A I wouldn't think so.

15 Q Do you know if Monsanto ever developed
16 substitutes for the Aroclor products that they sold
17 for plasticizer use?

18 A In some cases I know we did develop
19 alternate products. In the case of National Cash
20 Register, we developed an alternate product that they
21 could use in their carbonless carbon paper. Out of
22 many, many other uses of Aroclor, I do not remember
23 developing alternate products.

24 Q So you don't know if Monsanto ever did
25 develop alternate products?

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1 A Only in that one case I know that we
2 did.

3 Q Okay. And you don't remember exactly
4 when Monsanto stopped selling PCBs for plasticizer
5 products?

6 A I don't remember the date, no.

7 Q You just remember that they did stop
8 selling?

9 A They did.

10 Q And you don't remember any of the
11 customers that bought your PCB plasticizer products
12 other than NCR; is that right?

13 A That's right, I can't quote other
14 customers.

15 Q And you don't recall any particular uses
16 for those products other than the carbonless carbon
17 paper; is that right?

18 MS. O'NEILL: Well, and he mentioned another
19 one earlier. Other than what he's already testified
20 to?

21 BY MR. PHALEN:

22 Q Well --

23 A Well, we talked about --

24 Q Anything other than -- okay, go ahead and
25 just answer.

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1 A We talked about the window caulking.

2 Q Okay.

3 A I don't know that we've talked about
4 other customers today. I can't recall for you the
5 string of customers from that point in time.

6 Q I was just asking if you remember any
7 customers other than National Cash Register.

8 A No, I can't.

9 Q And you don't recall or weren't involved
10 in the notices or notification of, to any of the
11 customers concerning PCB problems; is that correct?

12 MS. O'NEILL: I object. I don't believe -- I
13 believe that mischaracterizes his prior testimony.

14 MR. PHALEN: I don't, but if it does you can --
15 well, go ahead.

16 THE WITNESS: Well, I remember that our
17 marketing and legal people wrote memos to our
18 customers telling them why we were discontinuing
19 PCBs.

20 BY MR. PHALEN:

21 Q Right. I understand that there were
22 notices that went out.

23 A Right, and I remember reading those
24 notices.

25 Q You don't remember what was in them?

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1 A No, I don't. I do remember reading and
2 approving those notices.

3 Q You remember approving them?

4 A I remember reviewing those notices that
5 were prepared by the legal and marketing department.

6 Q Okay. You didn't have any input as to
7 what was in them?

8 A Not that I recall.

9 Q Okay. So at some point notification was
10 drafted and was given to you, and you reviewed it and
11 then it was sent out to the customers?

12 A That would be my recollection, yes.

13 Q Okay. But you don't remember what it
14 said?

15 A No, I don't.

16 Q And you were not involved in the new
17 warning labels that went out around the '69-'70 time
18 period either; is that correct?

19 A That is correct.

20 Q So you don't remember what was in them?

21 A That is correct.

22 Q You weren't involved in determining what
23 went on them?

24 A No, we had legal and technical people who
25 did that.

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1 Q Okay. And you weren't involved in the
2 decision to stop selling PCBs?

3 A We made presentation to our corporate
4 management as to what the problems were in PCBs, and I
5 frankly do not recall whether we gave them a series of
6 options that included discontinuing PCBs or whether
7 our options, our business unit options did not include
8 discontinuing and the corporate management group did
9 that on their own. I don't remember that. I don't
10 remember distinctly what we submitted versus what they
11 did.

12 Q All right. We looked at a document
13 earlier that had four recommendations or alternatives,
14 and I believe you said you didn't remember discussing
15 those four alternatives.

16 A That's true.

17 Q Do you know when the notices to the
18 customers went out approximately?

19 A Approximately it would be 1969-70, or the
20 first half of '71, that's approximate enough, but I
21 don't remember it specifically.

22 Q Okay. Mr. Schaok was the guy who was
23 involved primarily in notifying your customers?

24 A Well, he was head of our marketing unit,
25 so it was his responsibility to see that the letters

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1 went out, and I think they went out over his
2 signature.

3 Q Okay. Mr. Springgate, did you meet with
4 your counsel prior to this deposition?

5 A Yes.

6 Q Okay. Can you tell me about how long?

7 A A couple of hours.

8 Q Did you review any documents, look at any
9 documents?

10 A We didn't go into details on any
11 documents. I might have looked at the cover sheet on
12 some.

13 Q Did you look at any of the documents we
14 discussed here today?

15 A There is one that looked familiar, but I
16 don't remember whether we did or not, to tell you the
17 truth.

18 Q Okay. Do you know why it would have
19 looked familiar to you if you hadn't reviewed it after
20 30 some years?

21 A Well, this is the third time I've been
22 through this issue, so some of these documents I've
23 seen from prior cases.

24 Q Okay. Do you remember the names of those
25 cases by any chance, who the plaintiffs were in those

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1 cases?

2 A No, I don't.

3 MR. PHALEN: Is there some way you can get us
4 the names of the cases he was deposed in?

5 MS. O'NEILL: Send me a letter.

6 MR. PHALEN: Mr. Springgate, I don't think I
7 have any more questions.

8 THE WITNESS: All right.

9 MS. O'NEILL: Mr. Dugan or Mr. Nichols, any
10 questions?

11 MR. NICHOLS: I have a few. This is Mr.
12 Nichols.

13 EXAMINATION

14 BY MR. NICHOLS:

15 Q Mr. Springgate, some areas I had a hard
16 time hearing you, so I may be repeating some
17 questions.

18 First of all, I represent ChemRex. I
19 wonder if you've ever heard of ChemRex?

20 A No, I don't think I have.

21 Q So you don't know if ChemRex has ever
22 purchased PCBs from Monsanto; is that right?

23 A Let me get a better definition of what's
24 the name of the company you are describing. What is
25 it?

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1 MS. O'NEILL: ChemRex.

2 MR. NICHOLS: How about Sonneborn?

3 MS. O'NEILL: Can you repeat that? I was
4 repeating the name ChemRex to Mr. Springgate when you
5 started that question.

6 BY MR. NICHOLS:

7 Q Sure. Have you ever heard of a company
8 called Sonneborn, S-o-n-n-e-b-o-r-n?

9 A Not that I recall.

10 Q Okay. Do you know anything about the
11 claims in this lawsuit about ChemRex?

12 A ChemRex.

13 MR. PHALEN: Here is how you spell the
14 Sonneborn company.

15 MS. O'NEILL: Sonneborn he's got. Oh, okay.

16 THE WITNESS: Sonneborn, I at least wrote it
17 down, but I am not acquainted with it. What is the
18 next name?

19 MR. PHALEN: ChemRex is the corporate successor
20 to Sonneborn. He is asking if you've ever heard of
21 ChemRex.

22 MS. O'NEILL: C-h-e-m-R-e-x.

23 THE WITNESS: No, I am not acquainted with that
24 one either.

25 BY MR. NICHOLS:

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1 Q Okay. Do you know anything about the
2 claims in this case, this lawsuit today against
3 ChemRex?

4 A Do I know anything about today's
5 lawsuit?

6 Q Right. Do you know what the allegations
7 are against ChemRex?

8 A No, I do not.

9 Q I thought I heard you say earlier that
10 Aroclor was used in sealants. Is that right?

11 A That is right.

12 Q When you said sealants, were you
13 referring to caulk?

14 A Yes, glass sealants, glass caulk.

15 Q All right. What companies were using an
16 Aroclor in their caulk, if you know?

17 A I couldn't answer that question. I don't
18 recall.

19 Q All right. So you -- when you were
20 referring to the caulk or the sealants, were you
21 referring to any specific type of sealant or caulk?

22 A No, I wasn't. If I can expand a little
23 bit.

24 Q Sure, go ahead.

25 A In prior conversations on the subject of

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1 Aroclors I used that illustration several times
2 because people always understand what a window sealant
3 is, and I do that to make the point that normally a
4 window sealant is put in place and left there for
5 many, many years. So it's -- I don't remember window
6 sealants being a big item of the Aroclor business, but
7 it is easy for me to describe to people who are not
8 well informed as to what Aroclors were used for,
9 that's all.

10 Q Okay. My understanding is you don't know
11 how PCBs that may be in caulk can get into the
12 environment. Is that right?

13 A That's true.

14 Q So you don't have an opinion as to
15 whether PCBs can migrate from wherever they are at or
16 in, is that true?

17 A I have an opinion --

18 Q What is your opinion?

19 A -- but it may not be science.

20 MS. O'NEILL: I object. He is here as a fact
21 witness and --

22 MR. NICHOLS: I didn't hear his answer.

23 MS. O'NEILL: Well, the answer is that I am
24 objecting to the question because he is a fact
25 witness, and a question asking for his personal

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1 opinion, which he just said is an opinion not based on
2 science, a personal opinion is an inappropriate area
3 of inquiry.

4 MR. NICHOLS: All right. I would just like to
5 hear what he said. Did he say it is not based on
6 science?

7 MR. PHALEN: He said he had an opinion but it
8 wasn't based on science.

9 MR. NICHOLS: Okay, that's all I needed to
10 know.

11 MR. PHALEN: He didn't give his opinion.

12 MR. NICHOLS: That's all the questions I have.
13 Thanks.

14 MR. DUGAN: I just have a couple. This is Mike
15 Dugan.

16 EXAMINATION

17 BY MR. DUGAN:

18 Q Sir, have you ever heard of a company
19 called United States Mineral Products Company?

20 A United States Mineral Products Company?

21 Q Yes.

22 A No, not that I know of. Not that I
23 recall.

24 Q Did you ever hear of a company called
25 Isola Tech International (phonetic)?

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1 A Not that I recall.

2 Q Do you know if Monsanto ever did any
3 business with either United States Mineral Products
4 Company or Isola Tech?

5 A Not that I know of or recall.

6 MR. DUGAN: That's all I have, sir. Thank you.

7 MS. O'NEILL: Thank you. We're adjourned.

8 While you gentlemen are still there, we
9 would like to read and sign the transcript.

10 MR. NICHOLS: That's fine.

11 Are the depositions for Tuesday and
12 Wednesday still on?

13 MR. PHALEN: Yes.

14 MS. O'NEILL: All right. We are adjourned.

15 MR. NICHOLS: Okay. Thank you.

16 (Whereupon, the deposition
17 concluded at 11:28 a.m.)

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I, JAMES E. SPRINGGATE, do hereby declare
under penalty of perjury that I have read the
foregoing transcript of my deposition; that I have
made such corrections as noted herein, in ink,
initialed by me, or attached hereto; that my testimony
as contained herein, as corrected, is true and
correct.

16

EXECUTED this 11th day of June,

17

1998, at Los Altos Hills, CA.
(City) (State)

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James E. Springgate
JAMES E. SPRINGGATE

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JAMES E. SPRINGGATE

1 STATE OF CALIFORNIA)
2 COUNTY OF SAN MATEO) : ss

3

4 I, the undersigned, a Certified Shorthand
5 Reporter of the State of California, do hereby
6 certify:

7 That the foregoing proceedings were taken
8 before me at the time and place herein set forth; that
9 any witnesses in the foregoing proceedings, prior to
10 testifying, were placed under oath; that a verbatim
11 record of the proceedings was made by me using machine
12 shorthand which was thereafter transcribed under my
13 direction; further, that the foregoing is an accurate
14 transcription thereof.

15 I further certify that I am neither
16 financially interested in the action nor a relative or
17 employee of any attorney of any of the parties.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20

21 Dated: _____

22

23

24

25

ELAINE A. DELLINGES
CSR No. 5049

JAMES E. SPRINGGATE

LAWYER'S NOTES

1			
2	PAGE	LINE	
3	10	9	Queenry (spelling)
4	14	11	Santicizer TII (spelling)
5	14	15	Santicizer TII (spelling)
6	26	13	Schalb (spelling)
7	31	19	council, not counsel
8	36	13	Schalb (spelling)
9	36	21	Schalb (spelling)
10	51	6	Schalb (spelling)
11	54	15	} Schalb (spelling)
12	"	16	
13	"	21	
14	51	1	} Schalb (spelling)
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16	62	22	Schalb (spelling)
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