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## UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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ANNE ANDERSON, for herself, and as parent and next friend of CHARLES ANDERSON, and as Administratrix of the estate of JAMES ANDERSON; CHRISTINE ANDERSON; RICHARD AUFIERO, for himself, and as parent and next friend of ERIC AUFIERO, and as Administrator of the estate of JARROD AUFIERO; LAUREN AUFIERO; DJANE AUFIERO, for herself, and as parent and next friend of JESSICA AUFIERO; ROBERT AUFIERO; KATHRYN GAMACHE, for herself, and as parent and next friend of AMY GAMACHE; TODD L. GAMACHE; ROLAND GAMACHE; PATRICIA KANE, for herself, and as parent and next friend of MARGARET KANE; KATHLEEN KANE; TIMOTHY KANE and KEVIN KANE, JR.; KEVIN KANE; DONNA L. ROBBINS, for herself, and as parent and next friend of KEVIN ROBBINS, and as Administratrix of the estate of CARL L. ROBBINS, III; MARY J. TOOMEY, for herself, and as next friend of MARY EILEEN TOOMEY, and as Administratrix of the estate of PATRICK TOOMEY; RICHARD J. TOOMEY; JOAN ZONA, for herself, and as Administratrix of the estate of MICHAEL ZONA; RONALD ZONA; ANN ZONA; JOHN ZONA; and PAT ZONA

vs

CRYOVAC, Division of W. R. GRACE & CO.; W. R. GRACE & CO.; JOHN J. RILEY COMPANY, Division of BEATRICE FOODS CO.; BEATRICE FOODS CO.; and XYZ Company(ies)

CIVIL ACTION  
No. 82-1672-S

Deposition of PAUL SHALLINE, taken on behalf of the Plaintiffs, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Valerie T. Wong, Notary Public within and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, commencing at 10:10 o'clock A.M. on Tuesday, March 5, 1985.

Appearances:

Jan Richard Schlichtmann, Esq.  
Kevin P. Conway, Esq.  
Schlichtmann, Conway & Crowley  
171 Milk Street  
Boston, Massachusetts  
for the Plaintiffs.

William J. Cheeseman, Esq.  
Foley, Hoag & Eliot  
One Post Office Square  
Boston, Massachusetts  
for the Defendant W. R. Grace & Co.

Mark Stoler, Esq.  
Industrial Chemicals Group  
W. R. Grace & Co.  
62 Whittemore Avenue  
Cambridge, Massachusetts  
for the Defendant W. R. Grace & Co.

Donald R. Frederico, Esq.  
Hale & Dorr  
Sixty State Street  
Boston, Massachusetts  
for the Defendant Beatrice Foods Co.

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Paul Shalline	4	--

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2 MR. FREDERICO: We have been reserving  
3 all objections, except as to form, and motions  
4 to strike to the time of trial.

5 MR. CHEESEMAN: I do want the witness  
6 to read and sign the transcript. We can waive  
7 filing.

8 MR. SCHLICHTMANN: Okay. That is  
9 fine.

10  
11 PAUL SHALLINE,

12 a witness called by the Plaintiffs, first having  
13 been duly sworn, on oath deposes and says as  
14 follows:

15  
16 Direct Examination

17 Q (By Mr. Schlichtmann) Would you state your name  
18 for the record?

19 A Paul Shalline, S-H-A-L-L-I-N-E.

20 Q What is your address?

21 A 13 Sylvan Way in Wayland, 01778.

22 Q Who do you presently work for?

23 A Cryovac, Division of W. R. Grace.

24 Q What is your position?

25 A Safety and Assembly Coordinator.

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Q What is a Safety and Assembly Coordinator?

A Safety is administering the safety program at the plant, and Assembly Coordinator is supervising the assembly function of packaging machinery.

Q What is the safety program at the plant? What does that concern?

A It is an effort to reduce industrial accidents by advising new employees as they're hired to the safety practices; investigating accidents; conducting monthly meetings with supervisors and representatives from the different departments; and handling any other inspections at the state or OSHA or insurance company level.

Q Is it also concerned with safety concerns regarding the community posed by the operation of the plant?

A Only in that I would be the fire chief if there was a fire there; I would be responsible for security and I -- and as far as the community, I don't have any relationship with them other than that way.

Q Is there anyone in the plant, to your

1  
2 knowledge, who is responsible for safety  
3 concerns of the community regarding plant  
4 operations?

5 A (Pause).

6 Q Other than yourself.

7 A I would say none.

8 Q How long have you been working for Cryovac  
9 Division?

10 A They were formed about 1955. They were an  
11 offshoot of Dewey & Almy Chemical Company,  
12 who is --

13 Q Which company?

14 A Dewey & Almy.

15 I started with them in 1946. W. R.  
16 Grace bought them out about nine years later  
17 and formed Cryovac into a separate company.  
18 I have been with them ever since.

19 Q Would you spell the name of that company?

20 A C-R-Y-O-V-A-C.

21 Q I'm sorry; Dewey & Almy.

22 A D-E-W-E-Y and A-L-M-Y.

23 Q Would you --

24 MR. CHEESEMAN: May I interject? I  
25 am not sure by the time that was done that we

1  
2 actually got on the record how long he had  
3 been with Cryovac, which was the question.

4 MR. SCHLICHTMANN: I think we got a  
5 history of Cryovac. I was going to come back  
6 over it again.

7 Q Why don't we do this: Why don't you review  
8 for us your education?

9 A I graduated from Somerville Trade School in  
10 1943. I went in the Navy for three years, got  
11 out in 1946. I went to work for Dewey & Almy  
12 Chemical.

13 My only education would be some  
14 night courses at Franklin Institute, the  
15 university extension of M.I.T. and the Metal  
16 Trade Association for supervisory type courses;  
17 and that is about it.

18 Q Did you have any training in the Navy?

19 A I was a machinist, diesel mechanic,  
20 machinist mate.

21 Q What did you learn in the Navy?

22 A I learned mostly diesel repair and maintenance,  
23 mechanical, pumps, compressors, things of that  
24 nature.

25 Q What was the position you began with at

1  
2 Dewey & Almy?

3 A I was general factory help.

4 Q What kind of jobs did you have?

5 A They were entry level: mixing chemicals,  
6 packaging, weighing, things like that.

7 Q What kind of chemicals did you mix?

8 A They were -- The one I remember was soda lime,  
9 which was used in the metal fields. There  
10 was air and draining agents for concrete; I  
11 don't know what was in them. They also made  
12 weather balloons and rubber products, football  
13 platters, basketball platters. They made all  
14 compounds for tin cans.

15 Q How long did you work for Dewey & Almy?

16 A I would say nine years.

17 Q What were your positions that you held with  
18 Dewey & Almy?

19 A I was general factory help and I was a time  
20 keeper and engineer assistant.

21 Q What is an engineer assistant?

22 A I worked for a fellow in the engineering  
23 department that was in charge of the  
24 building and construction. I would assist  
25 him in the surveying of anything related to

1  
2 the buildings at Cambridge.

3 Q What kind of duties did you have as his  
4 assistant?

5 A I would have to read the water meters every  
6 month. I would be responsible for the yearly  
7 recharge of fire extinguishers. I would  
8 review what they call shop orders or  
9 appropriations to follow up to see if they  
10 were overrun or if there was money left. I  
11 would do whatever he wanted me to do.

12 Q Did you have any engineering training at all  
13 during your time at Dewey & Almy other than  
14 on-the-job?

15 A I took blueprint reading and things of that  
16 nature at night.

17 Q Where did you take these courses?

18 A M.I.T., Franklin Institute or the Metal Trade  
19 Association.

20 Q What courses did you take at M.I.T.?

21 A I took some courses in traffic, house  
22 construction, blueprint reading.

23 Did I say traffic?

24 Q Yes.

25 A I would say that is about it.

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2

Q During what period of time did you attend those courses?

3

4

A They were evening courses. I think they were two hours a night. I may have gone for two or three months.

5

6

7

Q Do you remember what years?

8

A I would say in the late '40s.

9

10

Q You mentioned the Franklin Institute. What courses did you take at the Franklin Institute?

11

12

A I took some basic algebra, math courses, blueprint reading and engineering drafting.

13

14

Q Do you remember the period of time you took those courses?

15

16

A That would be the early '50s.

17

Q You mentioned the Medical Fabric Workers Association?

18

19

A Metal Fabricating.

20

Q What courses did you take with the Metal Fabricating Association?

21

22

A It was the Metal Trade Association. I believe it is probably the American Association of Industrial Management now.

23

24

25

The courses I took there were

1  
2 supervisory, human relations. They were things  
3 that would help me in my job.

4 Q Could you be more specific as to what courses  
5 you took with them?

6 A Basic human relations, some production control,  
7 general supervision; those are the ones that I  
8 can remember. There were more.

9 Q I'm sorry?

10 A There were more.

11 Q There were more?

12 A I took probably ten.

13 Q Ten courses?

14 A I can't remember them.

15 Q Do you remember the areas?

16 A I would say it was all related to my work.

17 Q Your work at Dewey & Almy?

18 A Cryovac.

19 Q Well, when you say related to your work, what  
20 aspect of your work?

21 A Supervisory.

22 Q To be more specific, when you say supervisory,  
23 you mean supervising personnel?

24 A Yes.

25 Q And supervising personnel over what type of

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activities?

A The assembly function was where I spent most of my time.

Q Anything other than assembly functions?

MR. CHEESEMAN: You're asking him now what work he was performing at Dewey & Almy?

MR. SCHLICHTMANN: I am restricting it to the Metal Trade Association and the courses he took there.

Q Let me ask you this: When did you become a member of the Metal Trade Association?

A The company joined, let't say, around the early '50s. I never belonged, but the company had a membership.

Q As part of their membership you went to certain courses or seminars they held?

A Yes.

Q You started to go to those from the early '50s; is that true?

A I would say to the best of my knowledge.

Q Are you still a member of the Metal Trade Association?

A The company is.

Q When you say the company, you mean Cryovac?

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A Yes.

Q Now, from time to time during that period they would hold seminars and courses; is that right?

A That is right.

Q Can you tell me to the best of your knowledge what seminars and courses you went to?

A Not other than the ones I mentioned.

Q You talked about production control?

A Yes.

Q And supervision over personnel?

A Right.

Q Could you detail as best you can what supervisory function over personnel courses or seminars were concerned with?

A I think dealing with people. As I remember, it was to -- it was how to handle people.

Q Did any of the courses or seminars have to deal with waste disposal or the use of chemicals?

A Not in those days.

Q When you say not in those days, has there been a change?

A Well, there was a course or seminar on the

1  
2 Right-to-Know law recently.

3 Q Is that the first time you recall going to a  
4 seminar or course sponsored by the Metal  
5 Trade Association in which there was a  
6 discussion of waste disposal or use of  
7 chemicals?

8 MR. CHEESEMAN: I would just note  
9 you're assuming that Right-to-Know course was  
10 given by the Metal Trade Association. I am  
11 not sure he said that.

12 Q I think I was just interested in the Metal  
13 Trade Association. You mentioned you went to  
14 a seminar about Right-to-Know?

15 A It was not -- It didn't cover -- They  
16 presented the training and they were trying  
17 to sell us the training that goes along with  
18 the Right-to-Know.

19 Q Does the Metal Trade Association --

20 A It is now the American Association of  
21 Industrial Management.

22 Q Do you remember when it became the American  
23 Association of Industrial Management?

24 A No.

25 Q In reference to a question, you talked about

1  
2 a seminar you attended about Right-to-Know  
3 sponsored by the American Association of  
4 Industrial Management, which used to be the  
5 Metal Trade Association?

6 A Right.

7 Q My question is: Do you recall ever going to  
8 a seminar or course sponsored by that  
9 organization which concerned waste disposal  
10 or the use of chemicals other than this  
11 Right-to-Know seminar that you recently  
12 attended?

13 A I can't remember going to one.

14 Q Are you a member of the Association of  
15 Industrial Managers?

16 A No.

17 Q Other than courses sponsored by the Metal  
18 Trade Association, which later became the  
19 American Association of Industrial Management,  
20 and the courses you took at Franklin  
21 Institute, the courses you took at M.I.T.,  
22 have you taken any other courses or attended  
23 any other seminars sponsored by any other  
24 organization?

25 A I have attended seminars that Cryovac had

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presented.

Q Other than Cryovac, have you attended any other seminars?

A I don't believe so.

Q The seminars sponsored by Cryovac, what were those?

A I had Advanced Management Program, other supervisory programs, energy conservation programs, safety programs.

Q All of these seminars that you just listed were sponsored by Cryovac?

A That is right.

Q Do you recall attending any other seminars sponsored by any other association other than the ones you listed for Cryovac?

MR. CHEESEMAN: Other than the ones he testified to?

MR. SCHLICHTMANN: Other than the ones he testified to.

Q I am talking about any time during your professional career.

A I would say that was it.

Q These seminars sponsored by Cryovac, during what period of time were these seminars

1  
2 sponsored?

3 A (Pause).

4 Q Throughout the time you were with Cryovac?

5 A Right.

6 Q Tell me about this program. Is it an on-going  
7 program? Could you describe the seminars  
8 sponsored by Cryovac, when they took place,  
9 where they were held?

10 A Most of them were held in South Carolina at  
11 our headquarters. They usually lasted two  
12 and half days. I haven't been to one in a  
13 couple of years. They would have them  
14 probably every two or three years, depending  
15 on the need.

16 Q Now, you mentioned -- You said the seminars  
17 are held in South Carolina at the head-  
18 quarters. Would the headquarters be of  
19 Cryovac or W. R. Grace?

20 A Cryovac Division.

21 Q Cryovac Division in South Carolina?

22 A Yes.

23 Q Where are the headquarters?

24 A Duncan, D-U-N-C-A-N.

25 Q Now, Cryovac is owned by W. R. Grace, to your

1  
2 knowledge?

3 MR. CHEESEMAN: I think it is a  
4 division of W. R. Grace.

5 A A division of.

6 Q What type of activities is the Cryovac  
7 Division concerned with?

8 A You mean just Woburn?

9 Q Cryovac Division.

10 A Cryovac Division is in the packaging business  
11 of many products: food products, games, toys,  
12 things that are used in shrinkable film.  
13 Our other plants make the bags and film that  
14 are used by the meat packers, the people that  
15 produce games and records, things of that  
16 nature. We make the machinery in Woburn that  
17 utilizes this plastic film.

18 Q What is this film, exactly?

19 A It is a chemical compound -- chemical  
20 composition of something that I don't know.

21 Q Is it a plastic film?

22 A Yes.

23 Q So the Woburn plant of the Cryovac Division  
24 makes equipment which utilizes this film?

25 A That is right.

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Q They have always done that throughout the time you have been associated with them?

A Yes.

Q Now, you worked for Dewey & Almy. Your next job was with Cryovac?

A Yes.

Q With what plant of the Cryovac Division?

A We were still in Cambridge.

Q What was the Cambridge office concerned with?

A They had a sales office and we had a very small assembly function.

Q What year did you come to work for Cryovac Division?

A I would guess 1960.

Q You came to --

A I would say 1956.

Q What was the position you held, your initial position?

A I think I was doing inspecting work.

Q Inspecting?

A Yes.

Q Was your title inspector?

A I don't know if I had a title in those days.

My function was to do some checking.

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A We relocated from Cambridge to another part of Cambridge.

Q Where did you relocate to?

A Central Square.

Q What were your duties at the Central Square office?

A I think I was shipping supervisor.

Q What year was that, approximately?

A Must have been in the '50s or '60s.

Q Late '50s?

A I think so.

Q What were your duties at the Central Square office?

A That was to ship all the replacement parts and finished machinery to the customers.

Q Was that all your duties at that time?

A I believe so.

Q When did your job change?

A I think I was still there when I took over the assembly department.

Q When you say you took over the assembly department, what were your duties when you took over the assembly department?

A That would be seeing the parts were

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Q What were your duties? Could you describe them as best you can?

A In those days we used a metal clip that would seal the ends of the bags after it had been vacuumized. The tolerance of the clips are held to the thousandths. I had a gauge and I would have to take random samples of these clips that were inventoried to be sure that they were within tolerances.

Q Did you have any other duties other than that?

A It expanded into assembly work over there.

Q How long were you an inspector?

A Maybe two years.

Q Somewhere around the '50s your duties expanded?

A Took in assembly work.

Q What were your duties as an assembly worker?

A It was to schedule the work and see that it was done in the order that they wanted it done.

Q Did you have any other duties at that time?

A I think that was pretty much it.

Q Now, did your duties expand at some point or did your job change from assembly worker?

1  
2 assembled into finished machines.

3 Q Any other duties other than that?

4 A I don't believe so.

5 Q In that particular function were chemicals  
6 used?

7 A I would say not.

8 Q Did your job change at some point after you  
9 took over the assembly department?

10 A I think it stayed the same.

11 We moved to Woburn in 1960 and I had  
12 the assembly function there, as well as the  
13 maintenance facility.

14 Q Now, in 1960, Cryovac's office was moved from  
15 Central Square to its present location in  
16 Woburn off of Washington Street?

17 A Washington Street.

18 Q Your job changed during that move?

19 A I had added responsibilities.

20 Q You had added responsibilities?

21 A Yes.

22 Q What were your added responsibilities? What  
23 kind of things were you responsible for?

24 A To the maintenance of the building and the  
25 grounds.

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Q You say maintenance?

A And equipment.

Q What exactly was your responsibility regarding maintenance?

A It would be cutting grass, snow removal, putting in receptacles or moving equipment, whatever else had to be done.

Q That was in 1960. Did your job change or were you given added responsibilities after 1960?

A I would say around 1965 I was general shop foreman.

Q What is general shop foreman?

A That would be supervising the foremen and the three production departments that we had.

Q When you say supervising them, what were you responsible for in supervising them?

A Their work and their people.

Q What did their work entail?

A Manufacturing parts that production control wanted in order to make the finished machines.

Q How long did you hold the general shop foreman position?

A I would say 15 years.

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Q Until 1980?

A I believe '79.

Q What happened in 1979? Did your job change in '79?

A It did.

Q What did it change to?

A My title was Materials Manager.

Q What did those responsibilities include?

A I was to be responsible for the purchasing department and those functions.

Q Purchasing department?

A Uh-huh.

Q What would the purchasing department be responsible for?

A The procurement of everything that we had to use.

Q So in 1979, you became the Materials Manager and your responsibilities were to purchase whatever materials that --

A Raw materials.

Q -- the Cryovac plant in Woburn needed?

A Right.

Q Is that your present position?

A No.

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Q When did it change from Materials Manager?

A November of last year.

Q What was it changed to at -- November of 1984?

A That's right.

Q What was it changed to?

A Safety and Assembly Supervisor.

Q That is your present position?

A Right.

Q And you explained your duties earlier in the deposition?

A That is right.

Q Reduce industrial accidents, conduct monthly meetings?

A Yes.

Q Concerning plant safety?

A That is right.

Q Now, could you describe the organization of the Cryovac Division at the Woburn plant, what was its administrative organization as of 1960?

MR. CHEESEMAN: You're talking about management structure?

MR. SCHLICHTMANN: Yes. That is a better way of putting it.

1  
2 MR. CHEESEMAN: As of what time?

3 MR. SCHLICHTMANN: Why don't I

4 rephrase the question.

5 Q What was your knowledge of the management  
6 structure of the Woburn plant of the Cryovac  
7 Division in 1960?

8 A We would have a plant manager and a controller,  
9 a manufacturing engineering department. We  
10 had a production control department. We had a  
11 customer service department, a personnel  
12 department. We had the machine shop depart-  
13 ment. We had a sheet metal department. We had  
14 the assembly department. We had the shipping  
15 department. We had the inspection department.  
16 I believe at that time we had someone who did  
17 work on the brochures, a maintenance manual  
18 that went along with the equipment.

19 Q Of those departments, you were involved with  
20 the assembly department?

21 A That is right.

22 Q In 1960?

23 A Yes.

24 Q Did the Woburn plant have any committees that  
25 you're aware of?

1  
2 MR. CHEESEMAN: 1960?

3 MR. SCHLICHTMANN: Yes.

4 A I can't think of any other than the Safety  
5 Committee.

6 Q When was the Safety Committee established at  
7 the Woburn plant?

8 A I would say when we moved there.

9 Q Were you involved with a safety committee  
10 prior to 1960 in any of your duties or  
11 responsibilities with Cryovac?

12 A I can't remember that I was.

13 Q So for the first time you became a member of  
14 the Safety Committee. This is the first time  
15 you became a member of the Safety Committee in  
16 any operation of Cryovac, in 1960 at the  
17 Woburn plant?

18 A I believe so.

19 Q Now, what were your duties and responsibilities  
20 as a member of the Safety Committee?

21 A At that time I was responsible, I believe, to  
22 see that the suggestions were acted upon.

23 Q What type of suggestions?

24 A The departmental representatives would make a  
25 suggestion about hose reel, for example,

1  
2 retractable hose reel, rather than a hose line  
3 on the floor because someone might trip over  
4 it. Well, I would look into that and see how  
5 many feet we needed, what size, and I would  
6 order it and have it installed.

7 Q Now, who was on the Safety Committee as of  
8 1960? I don't mean people; I am talking about  
9 the positions, who comprised the Safety  
10 Committee.

11 A It rotated every two months. A departmental  
12 representative would be there, which was an  
13 hourly worker, and he would represent his  
14 department and serve for two months. The  
15 supervisor of that department would normally  
16 be there. I would be there. I think at that  
17 time there was a member of the personnel  
18 department or -- I don't know what his  
19 department was called.

20 Q Any other people on that committee other than  
21 what you just described?

22 A I would say not.

23 Q Let me see if I understand you. As of 1960,  
24 the organization of the Safety Committee  
25 would include a worker from a department who

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would be rotated every two months?

A Right.

Q It would be a worker related to that department?

A That is right.

Q And there would be the supervisor of that particular department of the worker?

A That is right.

Q There would be the head of the personnel department?

A That is right.

Q And yourself?

A Right.

Q You were a permanent member of the committee?

A Yes.

Q The personnel member was a permanent member of the committee?

A Yes.

Q The two rotating members would be the department worker, who rotated every two months, and the supervisor of that particular department?

A The supervisor would be a permanent member as well.

Q The supervisor of what particular department

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or all departments?

A Of each one.

There was really three departments that were represented at the meetings.

Q What were those three departments?

A Machine shop, sheet metal and assembly department.

Q So on the Safety Committee, just so I understand you, there would be yourself as a permanent member?

A Right.

Q And you were in charge of the assembly department?

A The organization I gave here was when I was a general foreman. I can't be sure, but I would say before that I would represent the assembly department.

Q Beginning in 1960, you represented the assembly department on the Safety Committee?

A Yes.

Q You began your work on the Safety Committee as soon as the Cryovac Division was moved to the Woburn site?

A I believe that is true.

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Q Also on that committee would be three supervisors from the other departments?

A At that time there would be two others and myself.

Q What were those two departments?

A Machine shop and sheet metal.

Q And there would be a departmental worker from one of the departments which would be rotated?

A Each department.

Q Okay. There would be a worker from each department?

A Yes.

Q At least two workers?

A Supervisor and one worker.

Q At some point they added another department to the Safety Committee?

A That is right.

Q That is approximately when, if you have an idea?

A I would say approximately '65.

Q What department was added?

A It was the assembly department.

When I made general foreman, they

1  
2 made another supervisor take my job.

3 Q Would you then, starting in 1965, remain on  
4 the Safety Committee --

5 A Yes.

6 Q -- as general foreman?

7 A Yes.

8 Q Was anyone else added to the Safety Committee  
9 in 1965 other than what you indicated?

10 A I don't believe so.

11 Q Beginning in 1960, did the Safety Committee  
12 meet at a certain time on a regular basis?

13 A They met monthly, not on a fixed time.

14 Q They would meet every month once a month?

15 A Once a month.

16 Q Would they meet at the Cryovac plant in Woburn?

17 A Yes.

18 Q Was that in a conference room where you would  
19 usually meet?

20 A Yes.

21 Q Was there a particular time that the meeting  
22 would be held?

23 A No.

24 Q Would it be during the day?

25 A During the day.

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Q And approximately --

A During the working day.

Q Approximately how long would the meetings last if there was a usual time?

A Approximately an hour.

Q Could you tell me as best you can what was the purpose of the Safety Committee as you understood it in the 1960s or when it began?

A It was to get the production workers involved in safety, to communicate to supervisors and Safety Committee members any suggestions and what happened to the suggestions.

Q So the concern of the Safety Committee would be safety at the Woburn plant?

A Yes.

Q All aspects of safety?

A Yes.

Q All aspects of worker safety?

A I would say so.

Q Would it concern aspects of safety regarding the general public or people who would come to the plant other than workers?

A It would be -- If we had visitors we would want them to not get hurt while visiting the

1  
2 plant. If there were visitors coming through  
3 to see the plant, they would not be doing  
4 grinding or anything that would -- anything  
5 that might lead to things flying through the  
6 air and injuring someone. They would be made  
7 aware of that.

8 Q Was there also concern vis-a-vis the  
9 community, such as fires at the plant or  
10 disaster preparation?

11 A I don't believe we had disaster plans back in  
12 those days. They would be concerned with the  
13 facility.

14 Q So any safety concerns regarding the facility  
15 or the Woburn plant would be under the  
16 auspices of the Safety Committee? That is  
17 what the Safety Committee would be concerned  
18 with?

19 A Mostly related to industrial work, the work  
20 that they do and their own environment where  
21 they're working.

22 Q Now, the Cryovac plant at Woburn from time to  
23 time did use chemicals; is that right?

24 A Yes.

25 Q One of the things the Safety Committee was

1  
2 concerned with was the safe and proper use of  
3 these chemicals; is that true?

4 A If they were involved with it or exposed to  
5 it. People in the assembly area would not be  
6 exposed to chemicals.

7 Q Is that your answer?

8 A The people that were exposed would be made  
9 aware of the use of gloves, goggles and  
10 protective equipment.

11 Q My question is: Was it one of the concerns  
12 of the Safety Committee how the chemicals  
13 would be used by workers?

14 A I am sure it was discussed. Back in 1960, I  
15 don't think we had that many chemicals there  
16 that other people would be involved in, as I  
17 recall.

18 Q What I am saying is it would be under the  
19 auspices of the Safety Committee how workers  
20 are to use chemicals?

21 A Yes; I would say so.

22 Q Would it be under the auspices of the Safety  
23 Committee how workers were to use and dispose  
24 of chemicals?

25 A Back in 1960, I can't remember discussing

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disposal. Today, yes, it would be.

Q It changed sometime after 1960?

A Yes.

Q The committee did become concerned with disposal as well as use of chemicals?

A Correct.

Q When did they become concerned with disposal of chemicals?

A I couldn't pinpoint the year.

Q Approximately.

A Maybe ten years ago.

Q Approximately 1974?

A I am guessing.

Q 1975?

A I really don't know.

Q Approximately ten years ago?

A I think.

Q Did anything in particular happen that made the company, that made the Safety Committee concerned about the disposal of chemicals?

A None that I can remember.

Q But approximately ten years ago the Safety Committee became concerned with the disposal of chemicals?

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A I couldn't say for sure.

Q What exactly is it you can't say for sure?

A I can't say when concern for disposal was ever brought up.

Q You can't say for sure when concern for disposal was ever brought up; is that right?

A I can't remember.

Q All right. At some point the Safety Committee became concerned, to your knowledge, with how chemicals should be disposed of?

A It was never, that I can recall, a subject of a meeting. I can't give you an answer on that one.

Q To the best of your knowledge then, you can't give me an answer as to when the Safety Committee, during the time you have been a member of the Safety Committee, when they became concerned with the disposal of chemicals?

A It was not ever brought up about the disposal until, I would say, we got into the accumulation and disposal through the manifest system. We would have talked about it, brought it up, or everyone would have

1  
2 been advised to bring their cutting oils and  
3 whatever to the accumulation area.

4 Q Approximately when was that period?

5 A Five or ten years ago, I would guess.

6 Q Five or ten years ago?

7 A Within that range, I believe.

8 Q Well, five years would have been 1980.

9 A I really can't remember.

10 Q So it could have been about five years ago?

11 A Could be.

12 Q What associations are you a member of?

13 MR. CHEESEMAN: You're asking about  
14 him personally?

15 MR. SCHLICHTMANN: Yes.

16 Q If any.

17 A I would say none.

18 Q You talked about seminars sponsored by the  
19 Cryovac Division?

20 A Correct.

21 Q Approximately how many seminars have you  
22 attended during the time you have worked for  
23 the Cryovac Division of the Woburn plant?

24 A I would say less than ten.

25 Q Did you attend any seminars prior to your

1  
2 going to the Woburn plant which were sponsored  
3 by the Cryovac Division?

4 A None that I can remember.

5 Q Now, these approximately ten seminars you  
6 attended, they were all held at the head-  
7 quarters of Cryovac in South Carolina?

8 A And one was held in North Carolina; all except  
9 one.

10 Q All except one were held in North Carolina?

11 A All except one were held in South Carolina.  
12 One was held in North Carolina.

13 Q So one was held in North Carolina?

14 A Yes.

15 Q Where was that held?

16 A I don't remember the name of the resort.

17 Q It was a resort?

18 A Uh-huh.

19 Q Was it Hilton Head?

20 A No.

21 Q All the other seminars were held in South  
22 Carolina at the headquarters of Cryovac?

23 A Yes.

24 Q These seminars were approximately two and  
25 half days?

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A Yes.

Q They would be held every two or three years?

A That is right.

Q During any of those seminars, do you recall ever receiving any materials or attending any meetings or lectures where the use of chemicals or the disposal of chemicals at the plant was discussed?

A No.

Q Not in any of those seminars?

A No.

Q You talked about attending seminars concerning energy conservation?

A Right.

Q In any of the seminars concerning energy conservation, did you ever receive any materials or ever attend any lectures or meetings at which it was discussed the use of chemicals or the disposal of chemicals at the plant?

A Not in South Carolina. I attended one in Belmont, which just triggered my mind, that was given by W. R. Grace concerning disposal and treatment and handling of

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hazardous materials.

Q This is a seminar sponsored by W. R. Grace in Belmont?

A Yes.

Q What year was that held?

A I would say three or four years ago.

Q Would that be after 1980?

A Yes.

Q Approximately 1981 or 1982?

A I would say '82.

Q Is that the only seminar which you remember attending sponsored by W. R. Grace at which it was discussed the use of chemicals and the disposal of chemicals?

A That is right.

Q How long a seminar was this at Belmont?

A One day.

Q One day?

A Uh-huh.

Q Where in Belmont was this held?

A Belmont Country Club.

Q Who attended that seminar?

A I believe they were representatives from Cambridge, Lexington, other Grace plants.

1  
2 MR. SCHLICHTMANN: I think I can guess  
3 who some of the lecturers were. I don't know if  
4 that privileges the whole seminar.

5 Q Were materials given out at that seminar?

6 A I believe so.

7 Q Do you have those materials?

8 A I believe so.

9 Q What do those materials concern?

10 A I believe there was some illustrations in  
11 there about some hazardous waste sites.

12 Q What else?

13 A I don't remember what else was in it.

14 Q How was the seminar set up?

15 A They had the Grace corporate vice president,  
16 I guess, in charge of pollution. I think he  
17 had some health people, some chemists and  
18 toxicologists and other people of Grace.

19 Q You said the Grace corporate vice president  
20 in charge of pollution?

21 A Uh-huh.

22 Q There were toxicologists?

23 A Yes.

24 Q Did you say environmental engineers; is that  
25 how you described them?

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A I would say that is it.

Q Did they give lectures?

A They made comments.

Q Do you know if these were transcribed or taped?

A I have no idea.

Q Were there any different lectures during the day or was it just one?

A It was just one.

Q Approximately how long did it last?

A Almost all day.

Q Was it like a panel discussion?

A I think they probably had a question-and-answer period afterward.

Q Did several people make presentations?

A That is right.

Q And there was a question-and-answer period?

A Yes.

Q Who attended, to the best of your knowledge, the seminar?

A I didn't know everyone there. I don't know what their positions were. I am sure that they were from other Grace plants, like Lexington, Cambridge and Acton.

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Q Was it a regional meeting of people involved with Grace operations during --

A I don't know.

Q Were you the only person from Cryovac?

A Yes.

Q Were there other people associated with Cryovac there to your knowledge?

A No.

Q Did you meet any people there at the seminar?

A Uh-huh.

Q Did you talk to anyone?

A Uh-huh.

Q The people you talked with, where were they from?

A They were from -- One was from Acton. I talked to one from Cambridge.

Q Do you know what their positions were in Cambridge and Acton?

A No.

Q Was there anyone else you talked to other than someone from Cambridge or Acton?

A I just made really small talk with them. I didn't talk about the problem.

Q I mean other than the people from the Acton

1  
2 plant or the Cambridge plant, did you meet  
3 anyone else?

4 A No.

5 Q Can you remember what the Grace corporate  
6 vice president for pollution said in his  
7 lecture to the best of your knowledge?

8 A I think he was there to emphasize the  
9 importance of proper handling of waste.

10 Q What did he say about the proper handling of  
11 waste to the best of your memory?

12 A I think he just outlined the procedures that  
13 are published procedures, to be sure that we  
14 followed them.

15 Q You say published procedures, who published  
16 these procedures?

17 A State or federal.

18 Q He talked about procedures published by both  
19 the federal and state government?

20 A That is true.

21 Q Were those handed out at the seminar?

22 A I don't remember. They may have been in a  
23 booklet they gave us.

24 Q Did he talk about any procedure that W. R.  
25 Grace had concerning the use or handling of

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chemicals?

A No.

Q Did he say W. R. Grace had procedures concerning the use of chemicals or the disposal of chemicals?

A No.

Q To your knowledge, he discussed the procedures that various governmental agencies had concerning the use and disposal of chemicals?

A I would say so.

Q What did he say were those governmental agencies' procedures, to the best of your knowledge, concerning the use and disposal of chemicals?

A He emphasized to follow the letter of the law as it is written.

Q As it is written down?

A Yes; and as it is published in the register or whatever.

Q At that seminar were you given publications from the government concerning the use of chemicals and disposal of chemicals?

A I don't believe so.

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Q From time to time did the Cryovac Division receive various publications or documents from various governmental agencies concerning the use and disposal of chemicals?

A We would get whatever was published in the register.

Q Did you take it from the vice president to mean you should follow those procedures you received from time to time from the governmental agencies?

A I would think so.

Q No one went over any of those procedures with you at the seminar?

A Not with me. I don't remember.

Q For the group at the seminar, no one went over the procedures?

A I don't remember.

Q Other than the vice president for pollution indicating to you that you should follow the procedures of the governmental agencies concerning the use and disposal of chemicals, did he indicate anything else to you or the group?

MR. CHEESEMAN: Jan, the seminar

1  
2 you're asking about, that took place in 1982,  
3 which was three or four years after the time  
4 period that is relevant in this case. I  
5 don't mind you asking him questions about the  
6 seminar, but I do hope that you won't ask him  
7 to reconstruct everything that took place  
8 during that day-long seminar.

9 MR. SCHLICHTMANN: Can you  
10 reconstruct it for me? Was it a good seminar?

11 MR. CHEESEMAN: I didn't sit through  
12 it.

13 MR. SCHLICHTMANN: I don't think I  
14 will be spending too much time on it.

15 A I think it was everything related to the law.  
16 It was a review of the law.

17 Q You said you heard from different people. As  
18 best you remember, what were their positions?

19 A We would -- I would get communications from  
20 headquarters on --

21 Q No, no. At the seminar who else spoke other  
22 than the vice president?

23 A Toxicologists, other health people involved  
24 with health.

25 Q What other people involved with health?

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A I think some chemists.

It was mostly geared toward the other plants. The other plants are chemical. I was not a chemical plant. I really wasn't geared -- It wasn't really geared for me as a chemical producer the way it was for the others, the larger plants.

Q Was your plant discussed at the seminar at all, the problems you had at your plant?

A I don't believe so.

Q Now, what did the toxicologists say? Did they concern themselves with the health hazards of certain chemicals?

A They would go into that.

Q What did the toxicologists tell you about the health hazards?

A I can't remember specifically what he would cover.

Q You said there were other health people that talked about these hazards of these chemicals; is that true?

A I don't know who they were. But other people would ask questions of other people and they would respond.

1  
2 Q Other than toxicologists, you said there were  
3 other health related people who spoke to the  
4 group. Did they talk about the hazards of  
5 these chemicals to you? Do you remember them  
6 saying anything about these chemicals, what  
7 the hazards are?

8 A I don't remember anyone specifying any  
9 particular chemical at that meeting.

10 Q Did you ask any questions at the meeting?

11 A I don't believe so.

12 Q Did other people ask questions?

13 A I would say so.

14 Q What questions do you remember them asking?

15 A I can't think of any.

16 Q Do you still have those materials that were  
17 given out at that meeting?

18 A I believe I do.

19 Q Are they in your office at the Cryovac  
20 plant?

21 A Yes; I believe so.

22 Q Now, prior to that meeting in Belmont in  
23 1982, did you ever attend, do you remember  
24 ever attending any meeting, any seminar  
25 sponsored by W. R. Grace concerning, or at

1  
2 which it was discussed the use of chemicals  
3 or disposal of chemicals?

4 A Not that I can recall.

5 Q Prior to that meeting in 1982 at Belmont, do  
6 you remember attending any seminar or any  
7 meeting sponsored by the Cryovac Division at  
8 which it was discussed the use of chemicals  
9 or the disposal of chemicals?

10 A I don't remember.

11 Q Now, prior to the meeting in Belmont in 1982,  
12 do you remember attending any seminar or  
13 meeting sponsored by any governmental agency  
14 or private organization or association at  
15 which it was discussed the use of chemicals  
16 or the disposal of chemicals?

17 A I can't remember attending any.

18 Q And to be more specific, at any of the  
19 meetings you attended for Cryovac concerning  
20 energy conservation, supervisory programs,  
21 advanced management or safety programs, at  
22 none of those meetings do you remember it  
23 being discussed the use of chemicals or the  
24 disposal of chemicals?

25 A I can't recall any.

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Q Now, as to the Safety Committee, you said they would have monthly meetings?

A Uh-huh.

Q Were minutes kept of these meetings?

A Yes.

Q Do you still have the minutes of those meetings?

A I have some. I don't know how far back they go.

Q You do have minutes of the Safety Committee meetings?

A I have some.

Q Do you know how far back they go?

A No.

Q Are there still meetings of the Safety Committee?

A Yes.

Q Would you like to take a break or get some water?

A I would like a glass of water.

(Brief recess)

Q At any time while you were working for Dewey & Almy, did you ever attend seminars or meetings sponsored by Dewey & Almy or any

1  
2 organization or association at which the use  
3 of chemicals or disposal of chemicals was  
4 discussed?

5 A No. I would say I never did.

6 Q Do you know the Defendant W. R. Grace  
7 answered some interrogatories?

8 A Uh-huh.

9 Q You're aware of that?

10 A Yes.

11 Q Were you one of the people who provided  
12 information concerning those interrogatories?

13 A I would say yes.

14 Q Did you, at the request of your counsel,  
15 collect information or go through the files of  
16 the Cryovac plant at Woburn concerning this  
17 case?

18 A I probably made my files available. I don't  
19 believe I went through any. I didn't go  
20 through any of the files.

21 Q So you have --

22 A I --

23 Q So you haven't inspected or gathered informa-  
24 tion from your files; you made your files  
25 available?

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A True.

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Q Now, who was responsible for keeping any materials concerning the Safety Committee? Was that your responsibility?

4

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6

A I keep a copy and I believe the personnel department keeps a copy.

7

8

Q Those are the two places where safety material having to do with the Safety Committee are kept?

9

10

11

A I believe so.

12

13

Q To your knowledge, does the personnel department have a complete set of the minutes of the Safety Committee?

14

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A I don't know if they do or not.

16

17

Q You do have some, but you don't believe you have all the Safety Committee minutes?

18

19

A No. I don't know if I have them all or not.

20

21

Q Was it one of your responsibilities to collect the minutes of the Safety Committee or any material having to do with the Safety Committee and keeping them?

22

23

A No.

24

Q Whose responsibility was that, if anyone?

25

A I don't know if anyone had it. I don't think

1  
2 the minutes, in my opinion, of the Safety  
3 Committee were considered that important that  
4 they would keep them for ten, 20 years.

5 Q When you say they weren't considered that  
6 important, who are you referring to?

7 A In my opinion.

8 Q In your opinion they weren't that important?

9 A If someone else is keeping them, I don't know.

10 Q Wasn't your understanding that one of the  
11 duties and responsibilities that you had as a  
12 member of the Safety Committee was to keep  
13 the minutes of the Safety Committee or  
14 materials of the Safety Committee?

15 A No.

16 Q It was not your responsibility?

17 A I was never told it was.

18 Q Are you aware of anyone else, whether it was  
19 the responsibility of anyone else?

20 A No.

21 Q Someone else's responsibility to keep such  
22 minutes or keep such material?

23 A No.

24 Q Are you aware of any procedure or directive  
25 from any of your supervisors or supervisors

1  
2 over the Safety Committee concerning whether  
3 those minutes should be kept or the material  
4 should be kept?

5 A I have no information on that.

6 Q Who was your immediate supervisor at Cryovac  
7 during the time you were associated with  
8 Cryovac or would you --

9 A I think I reported to Vin Forte, F-O-R-T-E.

10 Q Starting when?

11 A I would say from my start I worked for him,  
12 and continued working for him probably up  
13 until 1965. I think I then worked for Jim  
14 Watkins.

15 Q What was Jim Watkins' position?

16 A I think he was manufacturing manager.

17 Q And Vince Forte's position between 1960 and  
18 1965?

19 A I think he was production control supervisor  
20 and production manager.

21 Q Now, you said in 1965 you started to work  
22 for Jim Watkins?

23 A I believe so.

24 Q At some point did you work for someone else  
25 at some later point?

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A I think Jim Watkins left and I went back to  
Vin Forte.

3

4

Q When do you think that was?

5

A I am guessing about '70. I really don't know.

6

Q In 1970, you started to work again for Vince  
Forte?

7

8

A Yes.

9

Q What was his position then?

10

A I would say production manager.

11

MR. CHEESEMAN: It's Vin, V-I-N.

12

MR. SCHLICHTMANN: I thought it was

13

Vince.

14

MR. CHEESEMAN: It's Vincent.

15

MR. SCHLICHTMANN: I will call him

16

Mr. Forte.

17

Q How long did you work for Mr. Forte after  
1970?

18

19

A I would say I continued right up until the  
end of '84.

20

21

Q And in 1984 Mr. Forte was transferred?

22

A Yes.

23

Q To the South Carolina office?

24

A Yes.

25

Q Do you know to what position?

1  
2 A I think he is engineering manager. I really  
3 don't know what his official title is.

4 Q Who do you work for now?

5 A I work for -- I think the title is plant  
6 manager.

7 Q Was there a chairman of the Safety Committee  
8 during the times that it met?

9 A Years ago.

10 Q Were you ever the chairman of the Safety  
11 Committee?

12 A We don't have that title now. I never was it.  
13 I don't know if we had a title of chairman.

14 Q Was there someone who was in charge of the  
15 Safety Committee, or was everyone essentially  
16 on an equal footing?

17 A Years ago there was somebody who conducted  
18 the meeting.

19 Q Who would that be?

20 A I think Eric Myers conducted back in the '60s.  
21 After that I can't say who conducted -- I  
22 would say I conducted it and Vin.

23 Q What was Eric Myers' position?

24 A He was office manager.

25 Q Office manager?

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A Yes.

Q Do you remember when you started conducting the meetings, as best you can recall?

A I can't remember.

Q Was it in the mid '60s?

A He transferred down to South Carolina probably in the late '60s. I really don't know.

Q You began to hold the Safety Committee meetings approximately --

A I can't remember when exactly.

Q -- the late '60s?

A Probably.

Q Now, when you say you would conduct the meetings, what were your responsibilities in conducting those meetings?

A To conduct the meeting, to introduce the first time members of the hourly people that were there for the first time on the procedures that we had to follow and what their job was, try to instill in them their responsibilities that they had.

Q Was it one of your responsibilities to determine what topics the Safety Committee would deal with?

1  
2 A We would deal with any and all -- whatever  
3 they wanted to bring up.

4 Q When you say they, you mean anyone at the  
5 Safety Committee?

6 A Anyone at the meeting.

7 Q Is it your understanding from the beginning  
8 then, that the Safety Committee, that the  
9 topics discussed or issues dealt with were  
10 those brought up by the members of the  
11 Safety Committee?

12 A It would be whatever was brought up at the  
13 previous meeting would be resolved or  
14 discussed. We would also ask for comments  
15 from everyone that attended for any  
16 suggestions. I would take the minutes of the  
17 meetings and have them typed and posted.

18 Q You say posted?

19 A Bulletin board.

20 Q For all the other employees?

21 A For everyone to read.

22 Q Now, what topics or issues -- Strike that.

23 Were topics or issues for the  
24 Safety Committee ever proposed by your  
25 supervisor or anyone who is not a member of

1  
2 the Safety Committee?

3 A Yes.

4 Q That would happen from time to time?

5 A Yes.

6 Q So your supervisor could have topics for the  
7 Safety Committee to discuss?

8 A Yes.

9 Q At any time did anyone, other than your  
10 supervisor, give the Safety Committee topics  
11 to discuss?

12 A Yes.

13 Q Would topics come from anyone in management  
14 positions for the Safety Committee to  
15 discuss?

16 A I can't remember an instance.

17 Q At any time did W. R. Grace or anyone  
18 associated with W. R. Grace submit anything  
19 or give any issues to the Safety Committee to  
20 discuss?

21 A Not that I can remember.

22 Q All right. Let me show you a --

23 MR. CHEESEMAN: Off the record.

24 (Discussion off the record)

25 Q Did you consider it one of your responsibilities

1  
2 as a member of the Safety Committee to be  
3 concerned with how employees use chemicals  
4 and how they dispose of the chemicals they  
5 use?

6 MR. CHEESEMAN: I will object on the  
7 ground it is a double question.

8 MR. SCHLICHTMANN: Let me strike that  
9 question.

10 Q Did you consider it as part of your  
11 responsibilities as a member of the Safety  
12 Committee to be concerned with how employees  
13 use the chemicals at the plant and how they  
14 dispose of those chemicals?

15 MR. CHEESEMAN: I think it would be  
16 more useful if you ask about use and then ask  
17 about disposal.

18 MR. SCHLICHTMANN: Good point.

19 Q Did you consider it one of your responsibili-  
20 ties as a member of the Safety Committee to  
21 be concerned with how employees use  
22 chemicals at the plant?

23 A Definitely.

24 Q As a member of the Safety Committee, did you  
25 consider it one of your responsibilities as

1  
2 to how employees dispose of chemicals that they  
3 used?

4 A I would say so.

5 Q Did you consider it one of your responsibilities  
6 as a member of the Safety Committee to  
7 determine what would be the safe disposal --  
8 what would constitute safe disposal of  
9 chemicals used at the plant?

10 A I would say so.

11 Q Did you consider it one of your responsibili-  
12 ties as a member of the Safety Committee to  
13 determine what were safe practices concerning  
14 the use of chemicals at the plant?

15 A I would say so.

16 Q Did you consider it one of your responsibili-  
17 ties as a member of the Safety Committee to  
18 determine how chemicals were disposed of so as  
19 not to endanger the community?

20 A I would.

21 Q Did you consider it one of your responsibili-  
22 ties as a member of the Safety Committee to  
23 determine how chemicals should be used at the  
24 plant so it will not constitute a danger to  
25 the community?

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A I would.

Q Is that true for the entire period that you were associated with the Safety Committee at the Cryovac plant in Woburn?

A I think the use of materials in the plant, that is something I was concerned with. I don't believe back in 1960 there was a concern for disposal of waste.

Q Starting in 1960 then, you don't believe there was a concern for how waste was disposed of at the plant?

MR. CHEESEMAN: You changed the question, Jan. You were asking him whether it was a concern of the committee, meaning a subject matter of the committee's discussion. You're changing the question a little now.

MR. SCHLICHTMANN: I am glad you brought it up.

Q It was not your understanding that the Safety Committee was concerned in 1960 with the proper disposal of waste at the Cryovac plant in Woburn?

A That is true.

Q At some point did the Safety Committee, to

1  
2 your knowledge, become concerned with the safe  
3 waste disposal of chemicals at the Woburn  
4 plant?

5 A At some point I would say they did.

6 Q When, to the best of your knowledge, did they  
7 become concerned with the safe waste disposal  
8 of chemicals at the Woburn plant?

9 A I can't remember the year.

10 Q As best you can.

11 A I would have to guess. I would guess around  
12 the mid '60s. I really don't know.

13 Q Your best guess is in the mid '60s the Safety  
14 Committee became concerned with the safe  
15 disposal of waste at the Woburn plant?

16 A The Safety Committee was really not involved  
17 in waste disposal, other than they would be  
18 involved in the proper use of whatever chemi-  
19 cals we had.

20 Q So the Safety Committee would not be concerned  
21 with waste disposal?

22 A Not as part of their function on the  
23 committee.

24 Q At any time had the Safety Committee become  
25 concerned with the safe disposal of chemicals

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at the plant?

A I would say that it had been discussed as a subject.

Q When?

A On occasion.

Q Can you remember on what occasions they were concerned with the safe disposal of chemicals at the plant?

A I couldn't pick a time.

Q Was it any time during the 1960s?

A I couldn't say.

Q Was it any time during the 1970s?

A I don't remember.

Q Was it any time during the 1980s?

A I can't remember that.

Q To your knowledge, did any department or any person at the Cryovac plant in Woburn have as their responsibility determining the safe disposal of chemicals at the plant?

A I think that would be my function.

Q Your function?

A Yes.

MR. CHEESEMAN: Perhaps part of the problem when you use the term "safe disposal",

1  
2 you're mixing into one bag worker safety on the  
3 premises and safety from an environmental  
4 point of view. If you could clarify what  
5 you're asking.

6 MR. SCHLICHTMANN: Well, I don't  
7 think we misunderstood each other. I know the  
8 point you're making.

9 Q Let me put it as to disposal. You are the  
10 person or you were the person, to your  
11 knowledge, during the time you were associated  
12 with Cryovac plant in Woburn responsible for  
13 determining how chemicals should be disposed  
14 of at the plant?

15 A I would say so.

16 Q Did you consider it as one of your  
17 responsibilities, one of your concerns, how  
18 the chemicals were disposed?

19 A Yes.

20 Q At any time was one of your concerns whether  
21 that disposal would pose a hazard to the  
22 community?

23 A I don't believe so.

24 Q At any time during which that was your  
25 responsibility, did you have that as one of

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your concerns?

A I don't think so.

Q Is that true for the entire time you have been responsible for that function?

A No.

Q Did it change at some point?

A As a result of this case.

Q It then became a concern of yours because of this case, how chemicals are disposed of at the plant regarding how that disposal could pose a hazard to the community?

A And the law as well, adhering to the law.

Q One of the factors in your determining that, how chemicals are disposed of so they don't pose a hazard to the community, was because of this lawsuit?

A And the environment as well. I don't like to pollute the environment.

Q When you say you don't like to pollute the environment, that is a concern you had since this case was filed?

A Probably.

MR. SCHLICHTMANN: We will start with February, 1964. Do you have that

1  
2 document?

3 MR. CHEESEMAN: We do.

4 MR. SCHLICHTMANN: We will have that  
5 marked.

6 (February, 1964 minutes,  
7 marked Exhibit No. 1.)

8 Q Could you describe this document?

9 A These are the minutes of the Safety Committee  
10 meeting that was held in February of 1964.

11 Q Are you familiar with that document?

12 A My initials are on it.

13 Q Does that mean you read and reviewed that  
14 document at the time?

15 A I would say so.

16 Q Do you have any independent knowledge  
17 concerning the information contained in that  
18 document other than what is contained in  
19 that document?

20 A I don't understand the question.

21 Q It was probably a bad question.

22 Are you familiar with the  
23 information discussed in that particular  
24 document?

25 A You mean Section J?

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Q Any part of the document.

A I am familiar with the layout of the top.

Q Now, it says under Section 1 you were a permanent committee member?

A Yes.

Q They are referring to you there?

A Yes.

Q The temporary department representatives, they are the heads of those various departments indicated on there?

A No. Those are the production workers.

Q Those are the workers?

A Yes.

Q The names of the people under "permanent committee members", at that time those were the various heads of the departments?

A The ones to the right were supervisors of the departments.

Q That would be Joe Parisi?

A Egidio Longo and Ed Orazine.

Q And the ones to the left?

A My supervisor, Jim Watkins; and Eric Myers, the personnel representative.

Q Under "actions taken since previous meeting",

1  
2 Section 3, it is all blacked out. Did you  
3 black out that document?

4 A No, I didn't.

5 Q That was done by somebody else?

6 MR. CHEESEMAN: Done by counsel.

7 MR. SCHLICHTMANN: It has to be  
8 because all the lines are straight.

9 Q Well, do you have any knowledge of the  
10 information contained in there that is blacked  
11 out?

12 A No.

13 Q On Section 4 it says "new suggestions"?

14 A Uh-huh.

15 Q And that is all blacked out?

16 A Yes.

17 Q Do you have any independent knowledge or any  
18 knowledge what that information is?

19 A No.

20 Q Under J there is information that is blacked  
21 out. Do you have any knowledge what that  
22 refers to?

23 A No, I don't.

24 Q Could you read for the record what is under  
25 Section J?

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A Trichloroethylene is to be used for cleaning purposes instead of toluol, which is much more inflammable. This solvent will be available in the paint shop area.

Q That paragraph refers to toluol, right?

A Yes.

Q What is toluol?

A Toluol was a solvent used in the paint shop for wiping off parts of any oil and grease that may be on the shop.

Q Are you familiar with the chemical composition of toluol, what some of the ingredients were?

A No.

Q Were you familiar with whether it was a hazardous chemical or not, whether it posed any hazard to employees?

A Other than it was flammable.

Q You don't know anything else about that chemical?

A No.

Q Were you responsible for purchasing toluol at that time?

A I would say so.

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Q Were you responsible for purchasing the chemicals at the Woburn plant starting in 1960?

A Not starting in '60.

Q When did you become responsible for purchasing chemicals in the plant?

A I would say '65.

Q Starting in 1965 you were responsible for purchasing chemicals used in the plant?

A I would approve the order that the supervisor would submit for their lubricants and whatever they had to buy.

Q Were you responsible starting in 1965 with determining who to purchase the chemicals from or who to obtain the chemicals from?

A No.

Q Who was responsible for that?

A Must be the purchasing department.

Q At any time were you responsible for determining where the chemicals should be purchased from or where they should be obtained?

A When I was working in purchasing.

Q When would that be, what year?

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A In '79.

Q Prior to 1979 you were not responsible for determining where to purchase the chemicals or where to obtain them from?

A No.

Q That was the purchasing department?

A Right.

Q Who, to your knowledge, was responsible for purchasing chemicals or obtaining chemicals to be used in the plant in 1960?

A Purchasing manager.

Q Do you remember who the purchasing manager was in 1960?

A I can't.

Q Well, of any of the permanent committee members, were they a member of the purchasing department?

A No.

Q At any time did you ever have a discussion or seek information from any manufacturer or manufacturer's representative concerning chemicals that were being purchased from that manufacturer?

A Only in the brochure or safety data sheets.

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Q What are the safety data sheets?

A It is OSHA form 20 that each manufacturer has for his product. It contains the hazardous substances.

Q When did you start to obtain safety data sheets from the manufacturer?

A I can't remember the year.

Q Approximately.

A Probably when they started or when they were available.

Q And approximately --

A Five years.

Q About five years ago?

A I really don't know.

Q Was it more than five years ago?

A I don't know.

Q Was it more than ten years ago?

A I think it was more than five. I couldn't tell you.

Q You would obtain safety data sheets when they were required by OSHA, when they became required?

A You asked if I had contact with manufacturers.

Q Yes.

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A That would be my contact.

Q The safety data sheets?

A Yes.

Q Prior to your having to obtain safety data sheets as a requirement of OSHA, did you have any occasion to have contact with manufacturers or their representatives concerning the chemicals or their products that were used at the plant?

A I don't believe so.

Q Was it during the time you were associated with the Cryovac Division, was it your responsibility if information had to be obtained about products at the plant and what the constituents were, was that your responsibility? Did you understand that to be your responsibility?

A I believe so.

Q But you can't remember ever discussing with a manufacturer or its representative the type of chemicals used at the plant or what their characteristics were, other than obtaining safety data sheets under the OSHA requirement?

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A To my knowledge, that is true.

Q Now, do you have any recollection as to when trichloroethylene or a product containing trichloroethylene was first used at the Cryovac plant in Woburn?

A My only recollection would be this document (Indication).

Q You don't have any other recollection?

A (Witness nods in the negative).

MR. CHEESEMAN: You shook your head no. You have to answer out loud.

THE WITNESS: No.

Q Do you have any knowledge as to whether the plant was using trichloroethylene from 1960 to 1964 in any product that it had?

A No knowledge.

Q Could it have been, to your knowledge?

A I don't know.

Q You were using the -- Strike that.

The plant was using chemicals or products containing various chemicals at the plant starting in 1960; is that true?

A Yes.

Q And it was your responsibility, you understood

1  
2 it to be your responsibility to determine what  
3 the properties of that product were?

4 A After, say, '65.

5 Q Prior to 1965 whose responsibility was it, to  
6 your knowledge, to determine what the chemical  
7 composition of various products was at the  
8 plant?

9 A I would say my supervisor.

10 Q That would be Mr. Watkins or Mr. Myers?

11 A I think Mr. Forte.

12 I didn't have any in my department.

13 I don't know what the other departments, how  
14 they handled their requisitions.

15 Q At any time between 1960 and 1964, was the  
16 Safety Committee ever concerned with the  
17 chemical composition of products used at the  
18 Woburn plant?

19 A I don't believe so.

20 Q In 1964, you signed this document as  
21 permanent safety foreman?

22 A That is right.

23 Q When did you become permanent safety foreman?

24 A I would say about that time.

25 Q About '64?

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A Maybe '63.

Q Now, between 1960 and 1964, the plant was using chemicals to your knowledge; is that right?

A Yes.

Q Do you know what kind of chemicals they were using between 1960 and 1964?

A No.

Q Between 1960 and 1964, are you aware of how chemicals were disposed of at the plant?

A No.

Q Do you know whether they were disposed of?

A I would say they had to be. They were probably discharged to a sewer; I don't know for sure.

Q You don't know if they were hauled away?

A I don't believe they were.

Q Do you know whether they were disposed of in the back of the building in the land?

A I don't know that.

Q You don't know that?

A No.

Q You don't know whether it was disposed of down the drain to the sewer system?

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A I don't know that.

Q Shalline Exhibit 1, is that essentially the format that minutes would be of safety meetings?

A Yes.

Q This is the standard format?

A Yes.

Q You said you were safety foreman. What were the duties of safety foreman?

A It would be accident investigation, conduct the meetings, write up the minutes, follow through that they were completed.

Q So you wrote up the minutes of this safety meeting of February 11, 1964?

A I don't know if I did or not.

MR. SCHLICHTMANN: Mark this letter of September 30, 1964.

(Letter dated September 30, 1964 from Watkins to Hampton, marked Exhibit No. 2.)

Q Would you identify Shalline Exhibit 2, please?

A That is a letter by Jim Watkins to our, to Maryland Casualty Insurance Company, our

1  
2 workmen's comp. carrier.

3 Q You were CC'ed on that letter?

4 A Yes.

5 Q Do you remember receiving that letter at the  
6 time?

7 A No.

8 Q What does the letter concern?

9 A Evidently, a worker brought up the question  
10 of trichloroethylene fumes and the reaction  
11 with arc welding.

12 Q Do you remember that being brought up at a  
13 Safety Committee meeting?

14 A No.

15 Q Do you have any independent knowledge about  
16 the information contained in this letter?

17 A I can remember somebody telling me a welder  
18 had -- I don't know who it was. But somebody  
19 was telling me about some reaction that he  
20 blamed on the fumes and the arc.

21 Q What kind of reaction?

22 A I can't be sure. I think it was a sweetness  
23 in his mouth.

24 Q Do you remember an employee coming to you and  
25 complaining there was a, there could have

1  
2 been some reaction between his arc welding and  
3 the fumes from the trichloroethylene, causing  
4 a sweetness in his mouth?

5 A As I remember it.

6 Q Do you remember anything else about that?

7 A No.

8 Q Do you know Mr. Tom Hampton?

9 A I met him.

10 Q What was his position with Maryland Casualty  
11 Insurance Company?

12 A He was the investigator that would come in if  
13 we had an industrial accident and go over it  
14 with the employee, himself and me.

15 Q What was his purpose in going over that  
16 information with you?

17 A It was to get information and recommend some  
18 preventive action so it doesn't happen again.

19 Q Did you consider Mr. Hampton to be somebody  
20 who you could obtain information from  
21 concerning various safety aspects at the  
22 plant?

23 A Yes.

24 Q He visited the plant from time to time?

25 A Yes.

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Q You knew him personally?

A I knew him once or twice a year. I wouldn't spend time with him.

Q Now, this is a letter from Mr. Watkins to Mr. Hampton, to your knowledge, asking the question concerning trichloroethylene?

MR. CHEESEMAN: Objection. The letter speaks for itself.

MR. SCHLICHTMANN: I guess it does. It doesn't need me to comment on it.

Q You understood this particular letter was a request of Mr. Tom Hampton to provide information about trichloroethylene?

A Yes.

Q From time to time were requests made of Mr. Hampton concerning chemicals used at the plant?

A I have no knowledge of it.

Q This is the only one you remember?

A Uh-huh.

MR. CHEESEMAN: You have to answer out loud.

THE WITNESS: Yes.

Q To your knowledge you're not aware of any

1  
2 other requests being made of Mr. Hampton to  
3 obtain information about chemicals used at  
4 the plant?

5 A No.

6 Q Other than this particular letter concerning  
7 the use of trichloroethylene, do you recall,  
8 to your knowledge, was Mr. Hampton asked to  
9 give any additional information concerning  
10 the use of trichloroethylene at the plant?

11 A Not to my knowledge.

12 Q This letter was reviewed by you at the time  
13 it was sent?

14 A Not that I remember.

15 Q It does have a carbon copy to P. Shalline?

16 A Yes.

17 Q And that would refer to you?

18 A Yes.

19 Q Does it indicate it was brought to your  
20 attention when it was mailed?

21 A That I got a copy.

22 Q Did you talk to Mr. Watkins concerning this  
23 employee's complaint about the taste in his  
24 mouth when using his arc welding near the  
25 trichloroethylene?

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A I don't remember.

Q Do you remember discussing it with anyone else?

A I don't believe I did.

Q Do you remember that being discussed at a Safety Committee meeting?

A No.

Q Did Mr. Watkins, to your knowledge, just send this letter on his own without contact with you?

A I think he probably did.

Q You were safety foreman at the time, weren't you?

A I believe so.

Q Wasn't one of your responsibilities as safety foreman to transmit to your supervisors complaints you had from employees concerning problems that they had in the use of chemicals?

A I probably did.

Q Do you have any recollection at all as to informing any other supervisor concerning this complaint of the employee?

A No.

Q Do you believe you might have?

1  
2 MR. CHEESEMAN: Objection.

3 A I believe I might have brought it to  
4 Mr. Watkins' attention when I was told about  
5 it.

6 Q This letter could have been in response to  
7 your transmitting this information to  
8 Mr. Watkins or you just don't know?

9 A I don't know.

10 (Letter dated October 30,  
11 1964, eight pages,  
12 marked Exhibit No. 3.)

13 Q Where it says CC, would you --

14 MR. CHEESEMAN: Which exhibit are  
15 you referring to?

16 MR. SCHLICHTMANN: Shalline 2.

17 Q Would you identify the people who this  
18 indicates were given a carbon copy of this  
19 letter, who they are and what their positions  
20 were?

21 A Eric Myers was the office manager. Domenic  
22 Vatalero was the sheet metal leadman. E.  
23 Longo was the sheet metal foreman. Vin  
24 Forte may have been production manager at  
25 the time.

Q Thank you.

1  
2 Now, do you recognize Shalline 37

3 A I have seen it before.

4 Q What is this document?

5 A It is the response from Maryland Casualty to  
6 Jim Watkins.

7 Q This is the response to Mr. Watkins which is  
8 contained in Shalline 2?

9 A True.

10 Q At the top of the exhibit are names. Are you  
11 familiar with those names?

12 A Most of them.

13 Q Would you please go down the line and indicate  
14 what those names are?

15 A Marsh & McClennan is our insurance carrier, I  
16 believe.

17 Q What kind --

18 A In New York.

19 Q What kind of insurance?

20 A I don't know.

21 I don't know who the next person is.

22 Q All right.

23 A Mr. Vin Forte would be the manager. George  
24 McElhiney was Cryovac's chief engineer; he  
25 was located in South Carolina. I don't know

1  
2 who Carkman is.

3 Q Loss prevention engineer?

4 A He is not -- I don't believe he is a Cryovac  
5 employee.

6 Q Could he have been associated with Cryovac  
7 Division outside the Woburn plant?

8 A I don't know.

9 Q Now, do you recall this document was -- that  
10 you reviewed this document at the time it  
11 was received by the Woburn plant in October  
12 of 1964?

13 A I can't remember that I did.

14 Q You can't remember reviewing this document?

15 A Not on October 30th.

16 Q Well, do you remember reviewing this document  
17 in the fall of 1964?

18 A Probably.

19 Q Was the subject of this document ever  
20 discussed in a Safety Committee meeting, the  
21 information contained in this document?

22 A I don't know.

23 Q You don't remember at any time this document  
24 being a point of discussion at the Safety  
25 Committee meeting?

1

2

A No.

3

Q You do recall reviewing the document during  
the fall of 1964?

4

5

A I would say that I did.

6

7

MR. CHEESEMAN: Perhaps you should  
ask the witness whether he presently  
remembers.

8

9

Q Do you remember now you reviewed it in the  
fall of 1964?

10

11

A I couldn't say that I did.

12

13

Q At the present time you can't remember  
whether or not you reviewed this document in  
the fall of 1964?

14

15

A No.

16

Q At some point did you review this document?

17

A I would say so.

18

Q When did you first review this document that  
you can remember?

19

20

A I couldn't say.

21

Q Well --

22

A I have seen this before.

23

Q What is your best recollection of when you  
remember reviewing this document described  
in Shalline Exhibit 3?

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A I would say approximately the time that it was received.

Q Now, it states in this document under the first page "hazards". Do you see that?

A Yeah.

Q Under that title it discusses the hazards concerning trichloroethylene use?

A Yes.

Q One of the hazards is trichloroethylene may be harmful by inhalation, by prolonged or repeated contact with the skin or mucous membranes or when taken by mouth.

Were you aware of that fact at the time that you remember reviewing this document, or was that new information to you?

MR. CHEESEMAN: Objection to the question. You have just now turned that statement into a fact.

MR. SCHLICHTMANN: I don't want to do that.

MR. CHEESEMAN: I object for that reason.

MR. SCHLICHTMANN: It is a good objection.

1  
2 Q In the fall of 1964, was that one of your  
3 understandings concerning trichloroethylene  
4 as one of the hazards?

5 A I can't remember that. I can't remember  
6 that.

7 Q Prior to 1964 did you have any understanding  
8 as to what the hazards of trichloroethylene  
9 were?

10 MR. CHEESEMAN: If any.

11 Q If any.

12 A The understanding I had that I recall was  
13 that it was advertised as a safety solvent.  
14 I can't say that I knew about inhalation or  
15 repeated contact or anything like that; I  
16 don't remember that.

17 Q You say it was advertised as a safety  
18 solvent. How do you remember it being  
19 advertised as a safety solvent?

20 A Because of looking for something that was not  
21 flammable to be used in that area.

22 Q Who was looking?

23 A I was.

24 Q You were responsible for locating something  
25 that was not flammable and which would have

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been used as a solvent?

A That would do the job.

Q In your search for that, do you remember when you had to search for that solvent?

A No.

Q Was it approximately 1964 or previously?

A I don't remember.

Q Well, in your search for trichloroethylene, in your search for a solvent which was not flammable, you decided to purchase trichloroethylene; is that right?

A Yes.

Q You said that you saw advertising relating to trichloroethylene?

A Yes.

Q Do you recall where you saw that advertising?

A No.

Q Do you remember seeing it in a trade journal?

A Probably.

Q You remember what trade journal?

A No.

Q Did the Cryovac Division subscribe to journals or periodicals?

A I am sure they do now.

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Q Did they during the '60s?

A I don't know.

Q Do you recall whether the periodicals or journals were subscribed to by the Woburn plant during the '60s?

A Most periodicals I received were free by filling out a card. I don't know about others. I can only speak for the ones that I received.

Q Which were the ones you received?

A I think I received Plant Engineering.

Q Plant Engineering?

A Yes.

There have been many through the years.

Q Can you give me your best recollection of what are the periodicals or journals you recall receiving at the Cryovac plant in Woburn?

A It was Health and Safety.

Q Health and Safety?

A Yes.

Q Do you know who published that?

A No, I don't.

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Q That was a journal?

A It is a magazine that comes out once a month or so.

Q Do you remember when you started to receive that?

A No.

Q What other journals do you remember?

A I think there was another one called Metal Finishing. Another one was Equipment Digest. We also received Purchasing.

Q A magazine called Purchasing?

A Purchasing.

There were many that came that would just be disposed of, that were not reviewed.

Q Do you remember what they were?

A I couldn't think of them.

Q Were these --

A Iron and Steel may have been one of them.

Q Iron and Steel?

A Yes.

Q Any others?

A There was another one.

Q What was that?

A IMP, Industrial Maintenance Products.

I think that is about it.

1  
2  
3 Q Do you remember receiving any engineering  
4 journals?

5 A No.

6 Q Any chemical journals?

7 A No.

8 Q Any journals having to do with civil  
9 engineering?

10 A No.

11 Q Any journals having to do with waste manage-  
12 ment?

13 A I just subscribed to a waste management  
14 publication.

15 Q You just started?

16 A Yes.

17 Q What is the name of that one?

18 A I think Waste Management.

19 Q When did you start subscribing to that?

20 A A month or so ago.

21 Q Were you responsible during your time you were  
22 with Cryovac, were you responsible for  
23 subscribing to journals or periodicals?

24 A If I wanted to.

25 Q Was that your responsibility?

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A I would say so.

MR. CHEESEMAN: You mean for the  
company?

MR. SCHLICHTMANN: For Cryovac in  
Woburn.

THE WITNESS: I could order any  
periodical I wanted.

Q That was your responsibility?

A It would be my responsibility.

Q During the time you were with Cryovac plant in  
Woburn?

A Right.

Q So that was periodicals or journals you could  
subscribe to?

A Uh-huh.

Q That was your decision?

A Yes.

Q That decision was for you to make?

A Yes.

Q Now, you stated that your understanding in  
purchasing trichloroethylene was that it was  
a safe chemical?

A Yes.

Q It was advertised as a safe chemical?

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A That is right.

Q What do you mean by a safe chemical?

A It was --

MR. CHEESEMAN: I think the term is "safety solvent" that he used.

MR. SCHLICHTMANN: Excuse me.

Q You understood it to be a safety solvent?

A Yes.

Q What was your understanding as to why it was a safety solvent?

A As I recall at the time, I think they were using it in place of carbon tetrachloride, which was also a non-flammable substance. I think that is how they related it, that people didn't want to use carbon tetrachloride and this would take its place.

Q When you say people wouldn't like to use tetrachloride, why wouldn't they like to use it?

A I don't know. I think it probably gives off a lot of vapors.

Q Was the Cryovac plant, to your knowledge, using tetrachloride?

MR. CHEESEMAN: Carbon

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tetrachloride.

Q Carbon tetrachloride.

A To my knowledge we didn't use it.

Q Your understanding was trichloroethylene was replacing the use of carbon tetrachloride?

A As I recall, one of the features -- that was one of the features that occurred.

Q Did you ever receive any materials concerning trichloroethylene from any source, its properties?

MR. CHEESEMAN: You mean other than the documents produced?

MR. SCHLICHTMANN: Other than Shalline 3.

A I can't remember any.

MR. CHEESEMAN: I just want to point out to you, Jan, there are some other documents that fit that description in the pile of materials that we produced to you.

MR. SCHLICHTMANN: Okay. I understand that.

Q As to your purchasing trichloroethylene, in making the decision to purchase trichloroethylene, you didn't receive any materials

1  
2 concerning trichloroethylene or its  
3 properties? You don't recall having received  
4 such materials?

5 A No.

6 Q Your purchase of trichloroethylene was in  
7 response to advertising which indicated to  
8 you it was a safe solvent?

9 A I believe that is true.

10 Q The safety aspect of it was it was less  
11 flammable than other solvents, like carbon  
12 tetrachloride?

13 A No. Neither one of those are flammable.

14 Q Was your understanding the fact it was called  
15 a safe solvent because it was less flammable  
16 than others available?

17 A Yes.

18 Q Were there any other properties about it  
19 which had safe characteristics other than  
20 its flammability?

21 A They advertised it would leave coating on  
22 the metal that would -- it was a phosphate  
23 coating on the metal that would be desirable  
24 if you were painting.

25 Q Other than that, any other safe

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characteristics of the solvent?

A Not that I remember.

Q When you read in this document that trichloroethylene may be harmful by inhalation, by prolonged or repeated contact with the skin or mucous membranes, that was new information to you concerning the hazards posed by the use of trichloroethylene?

A I don't know if it was or not.

Q Had you heard anything or received anything about trichloroethylene concerning its hazards from any other source other than this document?

A I don't know. There may have been something on the drum; I don't know.

Q Do you recall ever seeing it on the drum?

A No.

Q Do you recall whether you ever received any information from a manufacturer concerning the properties of trichloroethylene?

A No.

Q Or material containing trichloroethylene?

A No.

Q It also states in the next sentence:

1  
2 However, if proper precautions are consistently  
3 observed, this compound can be handled with  
4 safety.

5 Is that your understanding as to the  
6 use of trichloroethylene at that time?

7 A I would say so.

8 Q It also states in Page 2, second paragraph:  
9 In animal experiments, the most important  
10 effect following single exposure was a  
11 depressant action on the central nervous  
12 system.

13 Was that new information to you  
14 concerning the hazards of trichloroethylene,  
15 the health hazards?

16 A I don't know.

17 Q Prior to reading this document, do you recall  
18 ever receiving information concerning what  
19 animal experiments had shown about  
20 trichloroethylene and its effects on the  
21 central nervous system?

22 A I had never received anything like that.

23 Q To the best of your knowledge, this was new  
24 information when you read this particular  
25 document?

1  
2 A I would say so.

3 Q The next sentence reads: Neurologic changes  
4 and liver injury may result from prolonged  
5 exposure, but the liver effect is likely to  
6 be minor.

7 Is that new information to you  
8 concerning the effects of trichloroethylene  
9 on the liver and neurological system?

10 A I would say so.

11 Q As with other chlorinated hydrocarbons,  
12 trichloroethylene can cause alteration of the  
13 heart rhythm and death from this cause,  
14 although none has been reported.

15 Was that new information to you  
16 concerning the effects?

17 A It was.

18 Q Some cases of voluntary addiction to  
19 trichloroethylene have been found in  
20 industry. This is the individual who likes  
21 the odor or who likes the effect of  
22 breathing the vapors. Proper selection of  
23 employees and proper training of employees  
24 is most essential to avoid this exposure.

25 Was that new information to you?

1  
2 A I would say so.

3 Q Now, this letter indicates what are the safe  
4 practices for the use of trichloroethylene;  
5 is that right?

6 MR. CHEESEMAN: The letter speaks  
7 for itself.

8 MR. SCHLICHTMANN: Strike that.

9 Q When you reviewed this letter, to your  
10 knowledge was this letter indicating to you  
11 what the safe practices concerning the use of  
12 trichloroethylene were?

13 MR. CHEESEMAN: It speaks for itself.  
14 That is an objection.

15 MR. SCHLICHTMANN: It is a good  
16 objection.

17 Q But was that your understanding about the  
18 document, that it was telling you what the  
19 safe practices were in handling trichloro-  
20 ethylene?

21 A I would say so.

22 Q Now, it states under Engineering Controls,  
23 Page 2, that equipment should be designed so  
24 that operators are not exposed to harmful  
25 vapor concentration of trichloroethylene or

1  
2 contact with the liquid.

3 Was that new information to you  
4 concerning the use of trichloroethylene, that  
5 equipment had to be designed so that  
6 operators are not exposed to harmful vapor  
7 concentration or contact with the liquid?

8 A I would say not.

9 Q That was not new information to you?

10 A No. We knew that we -- We knew that it  
11 should be used with adequate ventilation.

12 Q Were you aware equipment should be designed  
13 so the operators are not exposed to harmful  
14 vapor concentration or contact with the  
15 liquid?

16 A I knew they should wear gloves and goggles  
17 and have adequate ventilation.

18 Q You knew that before you read the letter?

19 A It was a standard practice to do that.

20 Q Why was it standard practice?

21 A Because of the fumes.

22 Q Did you --

23 A You don't want to breathe the fumes.

24 Q Was it your knowledge at that time the fumes  
25 could be hazardous to health?

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A I think we would realize that.

Q So it was your understanding the fumes in some fashion could be harmful if inhaled by employees or someone else?

A I would say so.

Q It also states that trichloroethylene should never be used with other solvents without first checking with the manufacturer and obtaining its recommendation, of securing its recommendation.

Was it your understanding that trichloroethylene should not be used with any other solvents at that time?

A I don't believe so.

Q That was new information to you, that it shouldn't be used in conjunction with other solvents?

MR. CHEESEMAN: I think that if you're reading the material in parentheses there, it says trichloroethylene degreasing tanks should never be used with any other solvents.

MR. SCHLICHTMANN: Right.

MR. CHEESEMAN: Without first

1  
2 checking with the tank manufacturer and  
3 securing his recommendations.

4 MR. SCHLICHTMANN: Okay.

5 MR. CHEESEMAN: I am not clear that  
6 sentence is dealing with the property in the  
7 tank or whether it is dealing with mixing  
8 solvents.

9 Q Was it your understanding that trichloroethy-  
10 lene should not be used in conjunction with  
11 other solvents, that it should not come in  
12 contact with other solvents because of  
13 various reactions that could take place or  
14 health hazards?

15 A I don't think that -- I think that was new  
16 information.

17 Q That was new information?

18 A Yes.

19 Q It states that many facilities have --

20 MR. CHEESEMAN: Fatalities.

21 MR. SCHLICHTMANN: Strike that.

22 Q It states: Many fatalities have occurred due  
23 to the use of other solvents, such as carbon  
24 tetrachloride and trichloroethylene  
25 degreasers.

1  
2 Is that new information to you?

3 A I would say so.

4 Q So the fact that solvents acting together  
5 could become hazardous was new information to  
6 you?

7 A Yes.

8 Q Page 3, first paragraph: Manufacturers of  
9 trichloroethylene, and of the equipment in  
10 which it is to be used, are always prepared to  
11 help with these problems, and to assist in  
12 maintaining safe working conditions. If you  
13 have not already done so, it is strongly  
14 recommended that you get a manufacturer's  
15 representative to go over your equipment and  
16 your operating procedures to ascertain their  
17 recommendations for safe operations.

18 Do you agree with that statement as  
19 a matter of practice, safe practice, to  
20 obtain information from the manufacturers of  
21 trichloroethylene as to what would be the  
22 best practice in its use?

23 MR. CHEESEMAN: Objection.

24 A I think if we had a problem we would have a  
25 representative come in.

1  
2 Q But to your knowledge, you don't recall ever  
3 inviting a representative to come to talk to  
4 you about trichloroethylene?

5 A Not that I can remember.

6 Q Do you remember inviting a representative of  
7 any chemical compound you used to come and  
8 talk to you about the chemical properties and  
9 what safe practices would be in its use?

10 A I never had anyone come in.

11 Q You're not aware of anyone coming in?

12 A No.

13 Q No?

14 A No.

15 Q So you never obtained manufacturer's  
16 representative's recommendations concerning  
17 the safe use of trichloroethylene?

18 A No.

19 Q You never obtained the recommendations of any  
20 manufacturer of any chemical compound used at  
21 the plant at any time you were there at the  
22 plant concerning what would be the safe use  
23 of that chemical?

24 MR. CHEESEMAN: When you say "you",  
25 you mean Mr. Shalline personally?

1  
2 MR. SCHLICHTMANN: Personally.

3 A Not that I can remember.

4 Q Are you aware of anyone at the plant, to your  
5 knowledge, requesting information from  
6 manufacturers of chemical compounds used in  
7 chemicals used at the plant concerning the  
8 manufacturers' recommendations as to the safe  
9 use of those chemicals?

10 MR. CHEESEMAN: Anyone at the plant?

11 MR. SCHLICHTMANN: Anyone.

12 MR. CHEESEMAN: You're asking with  
13 the exception of this?

14 MR. SCHLICHTMANN: With the exception  
15 of this document.

16 A None that I can remember.

17 Q At the time did you have the open type  
18 degreaser at the plant?

19 A A piece of equipment?

20 Q Yes.

21 A We did not have a degreaser.

22 Q All right.

23 A Not in the terms it is described here. We  
24 had a tray that we would put a quart of  
25 trichloroethylene in. You can call that a

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tank. I mean --

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Q You tell me.

4

A It is not a piece of equipment. They're talking about a vapor degreaser as a sophisticated piece of equipment.

5

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Q You had a tray to put the trichloroethylene in?

8

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A Yes.

10

Q That tray was open?

11

A Yes.

12

Q Page 3 at the bottom states ventilation?

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A Uh-huh.

14

Q Now, the second paragraph reads: Intakes so exhaust --

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MR. CHEESEMAN: I think that is

17

"intakes to".

18

Q Intakes to exhaust ventilating systems should be as close as possible to the point where the vapor escapes or to the source of contamination and designed to draw the vapor away from the operator but not across his face.

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Had you understood that it was

25

important in the use of trichloroethylene

1  
2 that ventilating systems be used so that the  
3 vapor is not drawn into contact with the  
4 operator?

5 A Yes.

6 Q You understood that as a safe operating  
7 practice?

8 A Yes.

9 Q And the reason that it should not be drawn  
10 into the face of the operator is because the  
11 fumes could be hazardous to the operator?

12 A True.

13 Q And I am talking about the fumes of the  
14 trichloroethylene?

15 A Yes.

16 Q Under maximum allowable concentration of  
17 vapors on Page 4, it states: The threshold  
18 limit value (the believed safe average  
19 concentration as established by the  
20 American Conference of governmental  
21 industrial hygienists for continuous  
22 exposure during a normal work day) has been  
23 set at 100 parts per million for trichloro-  
24 ethylene.

25 Was that new information to you?

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A I would say it was.

Q Samples of air should be taken wherever exposure to trichloroethylene is known or suspected.

Did you consider that to be a safe operating practice?

A It would be.

Q It states: Advice and assistance for these tests may be obtained from your local industrial hygiene division of the state health department.

Were you aware at that time you could obtain advice and assistance from the state health department concerning taking tests about vapor concentrations of trichloroethylene? Was that new information to you or had you known that?

A I don't remember whether the state did that at the time or not.

Q During the time you were associated with the Cryovac Division in Woburn, had you ever contacted the state health department concerning any assistance or information they could give you about the use of chemicals at

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the Cryovac Division in Woburn?

3

A I can't remember ever doing that.

4

Q To your knowledge, do you know of anyone at the Cryovac Division during the time you were associated with it who at any time contacted or communicated with the state health department concerning the safe use of the chemicals at the plant?

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A I am not aware of anyone.

11

Q It states in the second paragraph there: Continuous recording instruments, arranged to give audible and visible signals when a predetermined concentration of trichloroethylene vapor in air is reached, are available.

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Were you aware such machines were

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available?

19

A No.

20

Q So that was new information to you?

21

A Uh-huh.

22

Q Did you at any time purchase any such machine to determine the vapor concentration?

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A No.

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Q Are you aware of anyone at Cryovac purchasing

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such a machine?

A I'm not aware of anyone.

Q Had such a machine ever been purchased or used?

A Not to my knowledge.

Q It states under warning signs that is a warning sign is recommended to be placed on the equipment or in the vicinity of the equipment containing the following information: Warning, vapor harmful; use only with adequate ventilation; avoid prolonged or repeated breathing of vapor; avoid prolonged or repeated contact with skin; do not take internally; authorized personnel only permitted in this area.

Were you aware or did you believe at the time you read this letter that safe practices concerning the use of trichloroethylene required the use of warning signs containing information similar to what I just read?

A That was new information.

Q Did you consider, after having read this, that safe practices would dictate such warning signs should be posted at the plant

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in Woburn?

A I didn't post a sign.

Q You didn't post a sign?

A No.

Q Did you consider it at the time to be a safe practice?

A These are all good, safe practices.

Q But this --

A In working with the material.

Q You consider posting such a sign is good, safe practice?

A Yes.

Q No warning signs were posted at the Cryovac plant?

A No.

MR. CHEESEMAN: I assume you mean warning signs similar to these?

MR. SCHLICHTMANN: Warning signs containing information similar to the information contained here.

Q Were warning signs posted in the plant, to your knowledge, concerning trichloroethylene or its hazards?

A I don't believe so.

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Q At any time?

A I don't believe so.

Q It states: Trichloroethylene, though considerably less toxic than carbon tetrachloride, is strongly narcotic.

Did you know that?

A I believe so.

Q A person showing evidence of intoxication from the inhalation of trichloroethylene vapors should be moved promptly to fresh air. If breathing has stopped, artificial respiration should be started at once (mouth-to-mouth method) and continued until a physician arrives.

Was that new information to you or had you known that someone showing such intoxication be handled that way

A I would say it was new information.

Q It states: In case of skin contact, the contaminated clothing should be removed immediately and the affected areas washed thoroughly with warm water and soap.

Was that new information to you or did you consider that to be a safe practice

1  
2 prior to reading this?

3 MR. CHEESEMAN: Objection to the form  
4 of the question.

5 MR. SCHLICHTMANN: I don't like the  
6 form either.

7 Q Was that new information to you?

8 A I think that would be standard procedure if  
9 anyone got solvent on them. If they are  
10 covered with it, they would remove their  
11 clothing.

12 Q In case of skin contact, the contaminated  
13 clothing should be removed immediately and  
14 the affected areas washed thoroughly with  
15 warm water and soap.

16 Did you consider it a safe practice  
17 at that time that if an individual's skin  
18 came in contact with trichloroethylene, that  
19 he should follow these safety steps: remove  
20 clothing and wash affected areas thoroughly  
21 with warm water and soap?

22 A I would say so.

23 Q If trichloroethylene should get into the  
24 eyes, they should be gently irrigated for at  
25 least 15 minutes with large quantities of

1  
2 water. Irrigation should be started  
3 immediately. In all such cases, medical  
4 attention should be obtained without delay.

5 Was that new information to you?

6 A Probably new regarding the product, but not  
7 new regarding standard procedure.

8 Q When you say standard procedure, what standard  
9 procedure are you referring to?

10 A Well, we have an eye wash fountain there in  
11 that area. If anyone gets splashed in the  
12 eyes or on their skin, there is a shower and  
13 an eye wash fountain or bubbler right in the  
14 area for them to use, no matter what material  
15 they may be exposed to.

16 Q Was this new information to you, that  
17 trichloroethylene was the type of substance  
18 which should be treated in that way, should  
19 be washed and irrigated?

20 A I would say so.

21 Q It states: Since concentrations of 160  
22 parts per million are just detectable by  
23 their odor, the very recognition of the odor  
24 in the atmosphere should warn that drafts,  
25 faulty operations, et cetera are causing

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vapors to escape which should be controlled.

Was that new information to you?

A I think so.

(Discussion off the record)

(Recess)

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AFTERNOON SESSION

1  
2  
3 Q Did you consider that safe practice dictated  
4 that the information contained on Page 5,  
5 Paragraphs 1, 2, 3, 4 and 5 under the warning  
6 sign section, was information which should  
7 have been posted in a warning sign for people  
8 at the plant?

9 MR. CHEESEMAN: I only see four  
10 paragraphs. I think you were counting the  
11 very top line, which is part of the  
12 recommended warning sign.

13 MR. SCHLICHTMANN: I am asking if  
14 he believes that all the paragraphs are  
15 information which should be contained in the  
16 warning.

17 MR. CHEESEMAN: My objection is I  
18 can't tell from your question which para-  
19 graphs you're asking him to --

20 MR. SCHLICHTMANN: Let me try it  
21 another way.

22 Q Did you consider at that time that safe  
23 practice dictated that the information  
24 contained in Paragraph 2 on Page 5 -  
25 trichloroethylene, though considerably less

1  
2 toxic than carbon tetrachloride, is strongly  
3 narcotic - should be contained in a warning  
4 or information similar to that should be  
5 contained in a warning to the people at the  
6 plant?

7 A At the time I didn't.

8 Q Do you now?

9 A I did not post a sign.

10 Q But at the time you read this memo, did you  
11 consider that safe practice dictated that  
12 information like that should be contained in  
13 a warning sign for the people at the plant?

14 A It should be conveyed to them; yes.

15 Q The information should be conveyed to them?

16 A Yes.

17 Q Whether in a warning sign or otherwise?

18 A Right.

19 Q Did you consider the information contained  
20 in the third paragraph concerning persons  
21 showing evidence of intoxication from the  
22 inhalation of trichloroethylene, did you  
23 consider whether that information should be  
24 conveyed to people at the plant through a  
25 warning sign or otherwise?

1  
2 MR. CHEESEMAN: I will make a  
3 remark. I do not understand the paragraph  
4 you're reading from to be a paragraph that  
5 this letter recommended should be included in  
6 a warning sign.

7 MR. SCHLICHTMANN: It is under --

8 MR. CHEESEMAN: All I can say is the  
9 letter speaks for itself.

10 MR. SCHLICHTMANN: Rather than get  
11 into that problem, I am asking whether he  
12 considered the information should be  
13 conveyed on a warning sign or otherwise.

14 MR. CHEESEMAN: All right.

15 A It should be conveyed to the people using it,  
16 working with it.

17 Q Does that also go for the fourth paragraph  
18 about what precautions should be taken when  
19 there is contact with trichloroethylene on  
20 the skin?

21 A Yes.

22 Q Does that also apply to the last paragraph,  
23 which talks about the concentrations of  
24 trichloroethylene and the fact that  
25 concentrations are detectable by the odor?

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A Yes.

Q That should be conveyed to the employees?

A Yes.

Q This information should be conveyed either through a warning sign or other means?

A Yes.

Q You considered that to be a safe practice at that time?

A Yes.

Q Now, as to employee education, it states:  
Safety in handling trichloroethylene depends, to a great extent, upon the effectiveness of employee education, proper safety instructions, intelligent supervision and the use of safety equipment.

Did you consider at that time that safe practices depended upon effective employee education, proper safety instructions and intelligent supervision concerning the use of trichloroethylene?

A Yes.

Q It states in the second paragraph: The education and training of employees to work safely and to use the personal protective

1  
2 equipment or other safeguards provided for them  
3 is the responsibility of supervision.

4                   Would you agree with that statement  
5 at that time?

6           A        I would.

7           Q        Training classes for both new and old  
8 employees should be conducted periodically to  
9 maintain a high degree of safety handling  
10 procedures.

11                   Did you agree with that?

12           A        Yes.

13           Q        Workers should be thoroughly informed of the  
14 hazards that may result from improper  
15 handling of trichloroethylene.

16                   Would you agree with that statement  
17 at that time?

18           A        I would agree with that.

19           Q        That is a safe practice?

20           A        Yes.

21           Q        They should be cautioned to prevent spills  
22 and thoroughly instructed regarding proper  
23 action to trim --

24                   MR. CHEESEMAN: To take in case  
25 they occur.

1  
2                   Would you agree with that statement  
3                   at that time?

4           A        Should be.

5           Q        Each employee should know what to do in an  
6                   emergency and should be fully informed as to  
7                   first aid measures.

8                   Would you agree with that statement  
9                   at that time?

10          A        I would.

11          Q        Safety showers, eye baths, bubbler drinking  
12                   fountains or other close source of water  
13                   should be designated for emergency use of  
14                   workers who may be exposed to the solvent.

15                   Would you agree with that as a safe  
16                   practice?

17          A        Yes.

18          Q        Specific instructions should be issued to  
19                   avoid all unnecessary inhalation of vapors  
20                   and all direct contact with the liquid.

21                   Would you agree that is a safe  
22                   practice concerning the use of trichloroethy-  
23                   lene at that time?

24          A        Yes.

25          Q        Instructions should be issued to report to

1  
2 the proper authority all equipment failures  
3 and/or signs of illness.

4 Would you agree that is a safe  
5 practice at that time?

6 A I would.

7 Q It says: While personal protective equipment  
8 is not an adequate substitute for good, safe  
9 working conditions, adequate ventilation and  
10 intelligent conduct on the part of the  
11 employees working with trichloroethylene,  
12 it is, in many instances, the only practical  
13 means of protecting the worker, particularly  
14 in emergency situations.

15 Would you agree with that statement  
16 at that time?

17 A Yes.

18 Q In this respect, maintenance of equipment  
19 which requires workers to enter the tank or  
20 the pit is considered emergency.

21 Did you agree that workers  
22 working with the machine had any contact --  
23 Forget that. I don't like the question.

24 Personal protective equipment  
25 protects only the worker wearing it, and

1  
2 other unprotected workers in the area may be  
3 exposed to danger.

4 Did you agree that unprotected  
5 workers in the area where trichloroethylene  
6 is used could be exposed to the dangers?

7 A Yes, I would.

8 Q It states: Chemical safety type goggles  
9 should be worn whenever there is danger of  
10 solvent coming in contact with the eyes.

11 Would you agree that is a proper  
12 safety --

13 A Yes.

14 Q -- practice?

15 A Yes.

16 Q It states: Respiratory protection, such as  
17 self-contained breathing --

18 MR. CHEESEMAN: Apparatus.

19 Q -- apparatus, positive pressure --

20 A Hose masks --

21 Q -- air lines --

22 A -- air line masks.

23 Q -- should be provided from -- for men cleaning  
24 equipment, making repairs in the tank or pit,  
25 when decontaminating areas following spills or

1  
2 other failure of the equipment which would  
3 expose workers to concentrations of solvent.

4 Would you agree respiratory equip-  
5 ment such as they described should be used  
6 under those circumstances?

7 MR. CHEESEMAN: I object to the  
8 question because there is no indication that  
9 any tank or pit was used here.

10 Q Would you agree that is a safe practice?

11 A Yes, I would.

12 Q It states: Safety shoes are recommended and  
13 if boots are preferred, they should be made  
14 of neoprene or similar synthetic which is  
15 resistant to the solvent. Trichloroethylene  
16 attacks natural rubber.

17 Were you aware of that in 1964?

18 A I would say so.

19 Q Were you aware trichloroethylene attacks  
20 natural rubber?

21 A I would say so.

22 Q And therefore, safety shoes should not be  
23 made out of rubber for people who will be  
24 exposed to the solvent?

25 A True.

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Q That was a safety practice?

A Yes.

Q As a general hygienic measure, facilities for personal cleanliness should be provided and washing before lunch and at the end of the work day required.

Would you agree that is a safe practice for people exposed to trichloroethylene?

A I would.

Q Clothing made out of neoprene or other impervious material may be worn to protect the body against splashes. These garments should be cleaned inside and out each time they are used.

Would you agree that is a proper safety practice, to protect the workers exposed to trichloroethylene by having clothes made out of impervious material?

A Yes, I would.

Q Under solvent control, it states: Conservation of solvent can be obtained by efficient operations.

Would you agree conservation could

1  
2 be obtained by efficient operations at the  
3 plant?

4 MR. CHEESEMAN: I object on the  
5 ground of relevancy. It seems we're getting  
6 trivial here.

7 MR. SCHLICHTMANN: It may seem  
8 trivial to you. Safety is never trivial.

9 MR. CHEESEMAN: Ask questions about  
10 safety then.

11 MR. SCHLICHTMANN: All right.

12 Q Did you believe that measures should be  
13 taken to conserve the use of solvent as a  
14 safety measure?

15 A Yes, I would.

16 Q Under waste disposal, it states: Sludge and  
17 solvent removed from the degreaser, if to be  
18 refined or redistilled, may be an  
19 additional amount -- may be an additional  
20 conservation measure; otherwise, the most  
21 desirable treatment of the waste should be  
22 determined.

23 Did you agree with that statement  
24 in 1964?

25 MR. CHEESEMAN: Objection.

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A I would.

Q Did you agree at that period of time that the most desirable treatment of waste disposal of material containing trichloroethylene should be determined?

MR. CHEESEMAN: Objection.

A Would you repeat the question?

Q At that time, meaning 1964, did you agree that it was necessary for safe practice to determine the most desirable treatment of the waste containing trichloroethylene?

MR. CHEESEMAN: Objection. Go ahead.

A No.

Q You did not agree at that time that safe practice dictated determining the most desirable waste containing trichloroethylene?

A No.

Q What was your opinion at that time concerning what should be done with waste containing trichloroethylene?

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

A That it should be allowed to evaporate to

1  
2 the atmosphere.

3 Q Your opinion was material containing trichloro-  
4 ethylene be allowed to evaporate into the  
5 atmosphere?

6 MR. CHEESEMAN: Objection.

7 MR. FREDERICO: Objection.

8 A Yes.

9 Q What was that based on?

10 MR. CHEESEMAN: Objection.

11 A A way to dispose of the waste.

12 Q It was your opinion at that time a way to  
13 dispose of the waste was to allow waste  
14 containing trichloroethylene to evaporate  
15 into the atmosphere?

16 MR. CHEESEMAN: Objection.

17 MR. FREDERICO: Objection.

18 A Yes.

19 Q Was this based on information that you had  
20 obtained from any source?

21 MR. CHEESEMAN: Objection.

22 A I don't believe so.

23 Q This was an opinion you had come to on your  
24 own?

25 MR. CHEESEMAN: Objection.

1  
2 A I believe so.

3 Q To your knowledge, was it the practice of the  
4 plant at that time that waste material  
5 containing trichloroethylene should be  
6 allowed to evaporate into the atmosphere?

7 A I don't know.

8 Q That was your opinion?

9 MR. CHEESEMAN: Objection.

10 MR. FREDERICO: Objection.

11 A That was one way of disposal.

12 Q What were the other ways of disposal?

13 A Be stored in a drum.

14 Q What other ways of disposal of waste  
15 containing trichloroethylene? You said you  
16 would allow it to evaporate into the  
17 atmosphere?

18 A Correct.

19 Q That is one way?

20 A Uh-huh.

21 Q The other way was to store it in a drum?

22 A Yes.

23 Q Any other ways to deal with waste containing  
24 trichloroethylene?

25 MR. CHEESEMAN: I don't understand

1  
2  
3 the question. Are you asking him now to --

4 MR. SCHLICHTMANN: To give me his  
5 opinion as of 1964.

6 MR. CHEESEMAN: For an opinion as to  
7 ways in which it is possible to dispose of --

8 MR. SCHLICHTMANN: What was his  
9 opinion in 1964 as to how waste containing  
10 trichloroethylene should be disposed of.

11 MR. CHEESEMAN: I object.

12 MR. FREDERICO: I would also object.

13 MR. CHEESEMAN: Go ahead.

14 A Other than evaporation and accumulation in  
15 drums, I wouldn't know how to dispose of it.

16 Q From time to time, to your knowledge, was  
17 waste containing trichloroethylene disposed  
18 of by allowing it to evaporate into the  
19 atmosphere?

20 A I believe so.

21 Q When I say "allowed to evaporate", does that  
22 mean it was disposed of on the ground so that  
23 it could evaporate into the atmosphere?

24 A No.

25 Q How was it disposed of so it would be allowed

1  
2 to evaporate into the atmosphere?

3 A Evaporate from the tray it was used in.

4 Q Is it your opinion that all the trichloroethy-  
5 lene would vaporize into the air during its  
6 use?

7 MR. FREDERICO: Objection.

8 MR. CHEESEMAN: Objection.

9 A I believe it would.

10 Q So it is your opinion at that time in 1964  
11 that trichloroethylene vaporized during use  
12 and none of the chemical would have remained  
13 in sludge or waste during processes using the  
14 chemical; is that your opinion?

15 MR. CHEESEMAN: Objection.

16 MR. FREDERICO: Objection.

17 A I would say that is my opinion.

18 Q It states on the bottom of Page 7: A properly  
19 designed and operated still used to recover  
20 the trichloroethylene can essentially  
21 eliminate any waste disposal problem.

22 Would you agree in 1964 with that  
23 statement?

24 MR. CHEESEMAN: Objection.

25 A I would say the statement is true.

1  
2 Q Did you agree with that statement?

3 A Yes.

4 Q Did the Cryovac plant ever use or design a  
5 still to recover trichloroethylene from any  
6 waste material containing trichloroethylene?

7 A Not to my knowledge.

8 Q From time to time were waste materials used  
9 at the Cryovac plant disposed of by spilling  
10 them on the ground in the back of the plant?

11 MR. CHEESEMAN: If you know.

12 Q If you know.

13 A I don't know.

14 Q What was the procedure, as you understood it,  
15 at the Cryovac plant concerning the disposal  
16 of waste at the plant?

17 MR. CHEESEMAN: You're asking now  
18 any and all waste?

19 MR. SCHLICHTMANN: Any and all  
20 waste.

21 MR. CHEESEMAN: Any and all  
22 procedures?

23 MR. SCHLICHTMANN: Any and all  
24 procedures.

25 A There was a daily pickup of trash and that

1  
2 would -- that might include papers and coffee  
3 cups, lumber, things of that nature; that was  
4 the daily pickup.

5 Q Any other method for disposing waste at the  
6 plant that you were aware of at any time you  
7 worked at the plant?

8 A I believe that some waste were discharged to  
9 the sewer.

10 Q Are you familiar with what was contained in  
11 that waste?

12 A No.

13 Q Are you aware at any time whether material  
14 from the degreaser in the machine shop was  
15 disposed of on a few occasions by spreading  
16 it on the ground in the area of the back of  
17 the plant?

18 A I'm not aware of that.

19 Q You're aware of no occasions where materials  
20 were spread on the ground, material  
21 containing waste materials used at the plant,  
22 at any time that you worked for the Cryovac  
23 Division?

24 A I'm aware of the situation of the drums  
25 being buried in the backyard.

1

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Q In a trench?

3

A In a hole.

4

Q But other than that incident, you're not aware of any other times at which waste material was spread on the ground at the back of the plant as a means of disposal of that waste?

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A I saw an employee spreading some motor oil when he changed the oil in his car. I saw him spread that on the ground.

10

11

12

Q Would you agree that it was an improper practice for an employee of the Cryovac plant to have disposed of waste material produced by the plant by spreading it on the ground to the rear of the plant?

13

14

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16

17

MR. CHEESEMAN: Objection.

18

MR. FREDERICO: Objection.

19

MR. CHEESEMAN: Go ahead.

20

A I would say no.

21

Q That is not improper?

22

A At the time? Today it would be. Twenty, 25 years ago, I don't believe it was considered improper.

23

24

25

Q So 20, 25 years ago, you didn't consider it

1  
2 improper to dispose of waste material by  
3 spreading it on the ground to the rear of  
4 the plant?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A My opinion?

8 Q In your opinion, sir, it was not improper?

9 MR. CHEESEMAN: Objection.

10 MR. FREDERICO: Objection.

11 A No.

12 Q Your opinion today is that it would be  
13 improper?

14 MR. FREDERICO: Objection.

15 MR. CHEESEMAN: Objection.

16 A Yes.

17 Q What is the basis of your opinion that it  
18 would be improper to do so today?

19 MR. CHEESEMAN: Objection.

20 MR. FREDERICO: Objection.

21 A Rules and regulations governing the disposal  
22 of almost anything.

23 Q Rules and regulations promulgated by who?

24 A State, federal.

25 Q Are you aware as to -- in your opinion,

1  
2 what point did it become improper to dispose  
3 of waste material by spreading it on the  
4 ground?

5 MR. CHEESEMAN: Objection.

6 MR. FREDERICO: Objection.

7 A I don't know. I can't remember.

8 Q Are you aware of what the practices or  
9 procedures of the Cryovac plant were concern-  
10 ing the disposal of waste in the 1960s?

11 A I believe so.

12 Q Was it part of the practice of the Cryovac  
13 Division in the 1960s to dispose of waste  
14 material by spreading it on the ground to the  
15 rear of the plant?

16 MR. CHEESEMAN: If you know.

17 A I don't know. I don't know if it was an  
18 authorized procedure.

19 Q Could it have been an unauthorized  
20 procedure?

21 MR. CHEESEMAN: Objection.

22 MR. FREDERICO: Objection.

23 A It could have been. I am not -- Somebody  
24 could have done it without my seeing it.

25 Q But as far as you're concerned, that would

1  
2 not have been improper, or would it have been  
3 improper?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A I think it would be, in my opinion, would be  
7 proper.

8 Q And that would have applied for the period  
9 throughout the 1960s?

10 MR. CHEESEMAN: Objection.

11 A I don't know. I don't know how long it would  
12 apply.

13 Q In the 1970s, are you familiar with the  
14 practice of the Cryovac Division concerning  
15 the disposal of waste material?

16 A Yes.

17 Q Was it part of the practice of the Cryovac  
18 Division in Woburn to dispose of waste  
19 material by spreading it on the ground to the  
20 rear of the plant?

21 A I don't believe so.

22 Q In your opinion, would that have been an  
23 improper practice in the 1970s?

24 MR. FREDERICO: Objection.

25 MR. CHEESEMAN: Objection.

1

A I would say so.

2

Q It would have been improper in the 1970s?

3

A Yes.

4

Q Why would it be improper?

5

A Against the law.

6

Q So the difference between the 1960s and the 1970s as to whether it was proper or not is whether it was against the law or not?

7

8

9

MR. CHEESEMAN: Objection.

10

MR. FREDERICO: Objection.

11

A I think that and other factors.

12

Q What other factors?

13

MR. CHEESEMAN: Objection.

14

A Ecological.

15

Q Ecological?

16

A Yes; damage.

17

Q One of the factors that would make it improper is the damage done to the environment by spreading waste to the rear of the plant?

18

19

20

MR. CHEESEMAN: Objection.

21

MR. FREDERICO: Objection.

22

Q Is that right?

23

A I would say so.

24

Q Now, on Page 3 of this document,

25

1  
2 October 30, 1964, which is identified as  
3 Shalline Exhibit 3, it has a summary and  
4 recommendations?

5 A Uh-huh.

6 Q Do you see that in the document?

7 A I do.

8 Q Did you consider that these recommendations,  
9 1 through 6, were constituting proper safety  
10 practices as of that time?

11 MR. CHEESEMAN: Read them all to  
12 yourself.

13 I would object to the question.

14 MR. FREDERICO: I would also object  
15 to the question.

16 A I would say they were good safety practices.

17 Q Now, in response to this letter, did you  
18 institute any safety practices that were  
19 identified in this letter?

20 A I think Mr. Watkins put out a letter that  
21 answered that section.

22 Q To your knowledge, was this document, which  
23 is identified as Shalline 3, ever distributed  
24 to employees?

25 A Not to my knowledge.

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Q In response to this letter, Mr. Watkins issued a notice; is that right?

A I believe he did.

Q Other than the notice that Mr. Watkins issued, were any other steps, to your knowledge, taken to institute recommendations made in this letter?

A None that I know of.

Q Going to November 17, 1964, could you identify what that is?

A I would say this is a condensation of all the recommendations that the insurance company gave Mr. Watkins.

(Notice dated November 17, 1964, marked Exhibit No. 4.)

Q Was this a notice that was published to the employees?

A I don't know.

Q This was the response of Mr. Watkins to that letter from the insurance company?

A I believe it was.

Q It states in that notice that the plant Safety Committee, when it does not feel fully qualified to decide upon matters requiring a

1  
2 specialist's analysis, adheres to the  
3 practice of having qualified technical  
4 consultants work out the particular problem.

5 To your knowledge, was that the  
6 practice of the plant Safety Committee?

7 A It was in this case.

8 Q Was it your understanding that the plant  
9 Safety Committee, when it did not feel fully  
10 qualified to decide a matter of safety which  
11 required the expertise of another individual,  
12 would you agree that it was the plant  
13 Safety Committee's ability, that they had  
14 the ability to seek out that expert opinion?

15 MR. CHEESEMAN: Objection.

16 A I would say yes.

17 Q That is true?

18 A Uh-huh.

19 Q From time to time did the plant Safety  
20 Committee seek out the opinions of experts  
21 about matters of safety?

22 A The committee may not have. The safety  
23 supervisor would have.

24 Q Who is the safety supervisor?

25 A Probably me.

1  
2 Q Did you understand that one of the things you  
3 were authorized to do was to seek out  
4 opinions from experts on matters concerning  
5 safety to which you believed you needed  
6 additional information?

7 A I would say so; that is true.

8 Q From time to time did you consult experts  
9 concerning matters of safety?

10 A I have.

11 Q What experts have you consulted?

12 A I consulted toxicologists that -- during my  
13 time with Dewey & Almy.

14 Q What other experts have you consulted?

15 A None outside the company.

16 Q When you say "the company", which company  
17 are you referring to?

18 A W. R. Grace.

19 Q You said you have consulted toxicologists?

20 A Yes.

21 Q When you worked with Dewey & Almy or from  
22 Dewey & Almy?

23 A From them.

24 Q You consulted with them when you worked for  
25 Cryovac?

1  
2 A Yes.

3 Q At what times did you consult these toxicolo-  
4 gists at Dewey & Almy?

5 A About two years ago.

6 Q Why did you consult with toxicologists at  
7 Dewey & Almy two years ago?

8 MR. CHEESEMAN: Objection. The  
9 wells were shut down in 1979. I don't think  
10 it is relevant.

11 MR. SCHLICHTMANN: It may be  
12 relevant as to what is feasible to be done.

13 MR. CHEESEMAN: Well, I haven't  
14 been objecting to --

15 MR. SCHLICHTMANN: You have been  
16 very nice.

17 MR. CHEESEMAN: -- or stopping you  
18 from conducting this line of inquiry. I  
19 have a feeling you're trying a workmen's  
20 compensation case here instead of a case  
21 that has to do with groundwater contamination.  
22 To get into areas now that occurred after  
23 1979, that seems awfully remote from the suit  
24 to me.

25 MR. SCHLICHTMANN: He did say he

1  
2 consulted a toxicologist. I would like to know  
3 what it was about. It goes to feasibility.

4 MR. CHEESEMAN: You hardly need  
5 testimony on that point.

6 Q Other than consulting toxicologists from  
7 Dewey & Almy two years ago, have you ever  
8 consulted a toxicologist concerning any  
9 matter of safety at the plant?

10 A I can't remember for sure.

11 Q Other than consulting a toxicologist two  
12 years ago, have you consulted any other  
13 expert at any time while you were at Cryovac  
14 plant in Woburn concerning any matters?

15 A I can't remember.

16 Q You can't remember doing that with any  
17 expert?

18 A No.

19 Q You said you have consulted experts with  
20 W. R. Grace?

21 A That is right.

22 Q What experts have you consulted with W. R.  
23 Grace?

24 A Just the toxicologists.

25 Q And that was two years ago?

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A That is right.

Q Prior to two years ago, did you ever consult with an expert associated with W. R. Grace concerning any matter?

MR. CHEESEMAN: You're talking about any --

MR. SCHLICHTMANN: Ever.

MR. CHEESEMAN: Concerning any matter?

MR. SCHLICHTMANN: Any expert.

MR. CHEESEMAN: Construction expert?

MR. SCHLICHTMANN: Any expert concerning any matter.

MR. CHEESEMAN: I object.

MR. SCHLICHTMANN: All right.

A I probably did.

Q You say you probably did. What expert do you remember consulting?

A Might be someone in maintenance concerning the maintenance of the building.

Q All right.

A Sprinkler system, that type of thing.

Q Any other experts you may have consulted?

A I don't believe so.

1  
2 Q To your knowledge, did W. R. Grace have people  
3 trained in various areas of expertise?

4 MR. CHEESEMAN: It is a pretty  
5 general question, Jan.

6 MR. SCHLICHTMANN: It was meant to  
7 be.

8 MR. CHEESEMAN: One of them is  
9 sitting right here (Indication).

10 MR. SCHLICHTMANN: He is a terrific  
11 expert.

12 A Yes.

13 Q What areas of expertise?

14 MR. CHEESEMAN: Objection.

15 A Electrical engineers, mechanical engineers,  
16 construction, safety, environmental.

17 Q All right. At any time did you ever consult  
18 with engineers in W. R. Grace concerning  
19 safety?

20 A I can't remember.

21 Q At any time did you ever consult with any  
22 engineers concerning environmental engineer-  
23 ing?

24 MR. CHEESEMAN: You're talking about  
25 engineers outside of the Woburn facility?

1  
2 MR. SCHLICHTMANN: With W. R. Grace.  
3 He identified them as working for W. R. Grace.  
4 I am assuming he is talking about outside the  
5 plant.

6 MR. CHEESEMAN: The plant is part  
7 of W. R. Grace. I understand you're asking  
8 him questions about experts in other parts  
9 of W. R. Grace.

10 MR. SCHLICHTMANN: Exactly.

11 Q Let me see if I can get the question: Did  
12 you at any time, do you remember consulting  
13 with an expert in environmental matters  
14 associated with W. R. Grace?

15 A I believe I have.

16 Q On what occasions have you consulted with an  
17 expert on environmental matters associated  
18 with W. R. Grace?

19 A I think I have questioned them on the use of  
20 certain materials.

21 Q What materials?

22 MR. CHEESEMAN: We have a standing  
23 objection to questions about specific  
24 substances other than the six, I believe,  
25 that were found in G & H wells. I will ask

1  
2 the witness to confine his answer to  
3 incidents that involve chemicals --

4 MR. SCHLICHTMANN: I think I will  
5 pose --

6 MR. CHEESEMAN: -- any specific  
7 chemicals involved in the complaint, which  
8 are: trichloroethylene, tetrachloroethylene,  
9 1,1,1-trichloroethane, 1,2-transdichloroethy-  
10 lene, benzene and chloroform.

11 MR. SCHLICHTMANN: Our understanding  
12 is the complaint is not restricted to those  
13 particular chemicals; it is any and all toxic  
14 waste that was disposed of by any and all  
15 defendants.

16 MR. CHEESEMAN: I will instruct the  
17 witness to answer as to the six chemicals.

18 MR. SCHLICHTMANN: This is an issue  
19 that has to be resolved. I think what we  
20 should do -- Why don't you call over to the --  
21 You're objecting and instructing him not to  
22 answer?

23 MR. CHEESEMAN: That's right.

24 MR. FREDERICO: Why don't we  
25 complete the deposition?

1  
2 MR. SCHLICHTMANN: We will complete  
3 it. But we will arrange to have an emergency  
4 judge hear this. Maybe he will see us at  
5 4:00, 4:30.

6 MR. CHEESEMAN: The witness will be  
7 available, and will be made available to you  
8 at a subsequent time that is convenient.

9 You understand that this is the same  
10 issue that was raised in conjunction with the  
11 Rule 11 motion. We expect to have a full  
12 opportunity to brief this issue. It is not  
13 a sort of garden-variety type question that  
14 comes up. It is fundamental to the core of  
15 the entire lawsuit.

16 MR. SCHLICHTMANN: It is a garden-  
17 variety core issue.

18 MR. CHEESEMAN: I think not.

19 MR. SCHLICHTMANN: I think we have  
20 a right to resolve it by a judge during the  
21 deposition. I don't want to engage in a lot  
22 of delaying tactics where the witness is  
23 pushed off. I would like to --

24 MR. CHEESEMAN: I want to remind  
25 you the question, for example, whether

1  
2 you're alleging we are responsible for any  
3 benzene contamination in G & H wells is a  
4 subject of standing disagreement between us;  
5 that you're looking into the question of  
6 whether you're pressing the claim or not -  
7 and you haven't responded yet, and I agree  
8 you don't have to respond on that - but that  
9 was part of our discussion over the entire  
10 time this lawsuit has been pending of  
11 whether you have adequate basis to prosecute  
12 a civil action against W. R. Grace and  
13 Company for any chemicals which would comply  
14 with Judge Skinner's ruling on the Rule 11  
15 motion. As you know, I have taken the  
16 position that you do not have the basis for  
17 prosecuting this action against Grace with  
18 respect to benzene, because benzene has  
19 never been found in any of its test wells  
20 between the Cryovac facility in Woburn and  
21 wells G & H. My understanding of Judge  
22 Skinner's ruling is you are not entitled to  
23 press this action with respect to benzene.

24 That would equally be true of some  
25 of the other chemicals, certainly as to any

1  
2 and all chemicals that might ever have been  
3 used at the Cryovac facility first of all.  
4 It is obviously not relevant with respect to  
5 chemicals that never have been found in any  
6 wells in the ground in the area of wells  
7 G & H, the Cryovac facility and even to some  
8 of these chemicals if they were not found  
9 somewhere in between, you should not pursue  
10 it.

11 MR. SCHLICHTMANN: Obviously, we  
12 have a dispute on this. I want it resolved.  
13 I want to depose this witness. I have other  
14 witnesses to depose. You guys have been  
15 putting pressure on me for witnesses for  
16 you to depose. We have a deadline for  
17 discovery. I want the issue resolved. Let's  
18 go to the judge.

19 Can he answer the question or not?

20 MR. CHEESEMAN: I am just telling  
21 you it is not an issue that can be resolved  
22 by an emergency judge while we suspend the  
23 deposition for half an hour. It is the  
24 subject of an interrogatory objection and  
25 the subject of a document objection which

1  
2 you had before you in writing for more than  
3 two years; and you have not chosen to press  
4 it yet in the form of a motion. It is going  
5 to be the subject of other discovery  
6 objections by the parties in this case. It  
7 is something that we insist of having a  
8 reasonable period of time, which would be a  
9 matter of weeks, for us to brief; and  
10 particularly where I have told you that I am  
11 prepared to bring this witness back at a later  
12 date, at your convenience, if the question  
13 should be resolved against us. I don't think  
14 it is appropriate to suspend the deposition  
15 now to run up and see an emergency judge.

16 I am perfectly happy to consider,  
17 when you finish with the part of the  
18 deposition we don't object to, to treat it  
19 as being suspended rather than terminated  
20 for purposes of resolving this issue. But I  
21 think it would be wasting everyone's time to  
22 go up and try to have it resolved on oral  
23 argument in the middle of the deposition.

24 MR. FREDERICO: I agree. The scope  
25 of this litigation has been a subject raised

1  
2 before both Judge Skinner and Magistrate  
3 Cohen. I think it is a matter that should  
4 only be resolved by one of the two of them  
5 rather than spring it on an emergency judge  
6 who is unfamiliar with the case. It is going  
7 to be an issue that affects Beatrice, and we  
8 would also have an interest in briefing the  
9 issue.

10 MR. SCHLICHTMANN: Whatever you  
11 people want to do, I have my rights. We will  
12 continue the deposition and I will call up  
13 the emergency judge to see if we can get a  
14 hearing before him. I want the issue resolved.

15 MR. FREDERICO: We would suggest to  
16 the emergency judge it be decided by someone  
17 who is familiar with the case.

18 MR. SCHLICHTMANN: Off the record.

19 (Discussion off the record)

20 MR. CHEESEMAN: As to the pending  
21 question, I will permit the witness to answer  
22 as to any incidents that he recalls or is  
23 aware of that may have involved one of the  
24 six chemicals I listed.

25 Q The question is this: Have you ever

1  
2 consulted with an expert with W. R. Grace  
3 concerning any environmental matters?

4 MR. CHEESEMAN: That is not quite  
5 the question you asked before. But for the  
6 sake of consistency, I will state the same  
7 objection and will permit him to answer as to  
8 any environmental matters he is familiar with  
9 that involve any of those six chemicals or  
10 might have involved any of those six  
11 chemicals.

12 Q Let me ask you this: Have you ever consulted  
13 with an expert for W. R. Grace concerning  
14 environmental matters regarding chemicals  
15 used at the Cryovac plant in Woburn?

16 MR. CHEESEMAN: I will object on  
17 the same basis, but I will permit him to  
18 answer as to any such incident that he is  
19 aware of that involved any of these six.

20 MR. SCHLICHTMANN: You're telling  
21 me the witness is refusing to answer whether  
22 he consulted with an expert as to any  
23 chemicals, whether he ever consulted any  
24 expert concerning chemicals - not what the  
25 chemicals are but whether he ever consulted

1  
2 anyone concerning --

3 MR. CHEESEMAN: I am stating the  
4 same objection and restricting his answer in  
5 that fashion.

6 MR. SCHLICHTMANN: The witness is  
7 refusing to answer whether he consulted with  
8 experts at W. R. Grace concerning environ-  
9 mental matters and chemicals used at the  
10 Woburn plant?

11 MR. CHEESEMAN: You have asked a  
12 question. I have stated my objection and  
13 instruction to the witness.

14 Q Have you ever consulted an expert with W. R.  
15 Grace concerning the use of trichloroethylene  
16 at the Woburn plant?

17 A I don't believe so.

18 Q Have you ever consulted an expert on the use  
19 of any other chemical at the Woburn plant?

20 MR. CHEESEMAN: I will state the  
21 same objection and we also instruct the  
22 witness not to answer except as I will  
23 permit him to answer with respect to any  
24 incidents that he is familiar with that may  
25 involve one of the six chemicals.

1  
2 Q It states in this notice, Shalline Exhibit 4,  
3 third paragraph, that the use of trichloro-  
4 ethylene in manufacturing plants which use  
5 such standard, normal precautions as we do is  
6 approved by Underwriters Laboratories.

7 Are you familiar with the Under-  
8 writers Laboratories?

9 A I know of them.

10 Q Is that statement true?

11 A I don't know if it is or not.

12 Q Was it true in 1964 to your knowledge?

13 A I don't know.

14 Q Have you ever had any contact or received  
15 material from Underwriters Laboratories  
16 concerning the use of trichloroethylene?

17 A No.

18 Q Have you ever received material or obtained  
19 information from Underwriters Laboratories  
20 concerning any chemical?

21 A No.

22 Q It states in this notice: Just don't drink  
23 it or deliberately breathe it heavily for  
24 long periods of time, or subject it directly  
25 to an intense flame; and avoid prolonged

1  
2 contact with the skin (Use rubber gloves).

3 Also, avoid getting it in your eyes; but if  
4 you should, wash your eyes freely with clean,  
5 cold water immediately.

6 Did you agree with those statements  
7 at that time?

8 A I would agree with it.

9 Q It states at the bottom: Everyone should feel  
10 very free to raise sensible questions regard-  
11 ing safety practices. If we don't have the  
12 answers, we will be sure to get them from  
13 certified authorities.

14 Is that a proper statement of the  
15 Safety Committee's policy?

16 A I would say that is true.

17 Q What does certified authorities mean to you?

18 A I don't know.

19 Q Would that mean experts in various fields of  
20 concern to the Safety Committee?

21 MR. CHEESMAN: You're asking him  
22 what Mr. Watkins meant when he wrote that  
23 notice?

24 MR. SCHLICHTMANN: What he understood  
25 that sentence to mean at the time.

1  
2 MR. CHEESEMAN: If you have any  
3 understanding.

4 A If we don't have the answers, we would get them  
5 from someone who felt qualified to give the  
6 answers.

7 Q At any time did you consult an expert from any  
8 source as to what safe waste disposal  
9 practices should be in the disposal of waste  
10 which may contain chemicals used at the  
11 plant?

12 MR. CHEESEMAN: I will state the  
13 same objection as I did before, and the same  
14 limiting instruction to the witness.

15 A Would you repeat that question?

16 Q Okay. Did you at any time consult an expert  
17 from whatever source concerning what would  
18 constitute safe waste disposal practices of  
19 waste which may contain chemicals used at the  
20 plant?

21 MR. CHEESEMAN: I would object and  
22 give the same limiting instruction as I did  
23 before.

24 A I would say yes.

25 Q You have?

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A Yes.

Q And who did you consult and when did you consult him?

MR. CHEESEMAN: So the witness understands, I am instructing him to answer only as to such instances which involve or may have involved any of the six chemicals that I listed earlier.

A My answer would be no.

Q No as to the chemicals which Mr. Cheeseman has listed, but yes as to other chemicals?

A Yes.

Q What other chemicals did you consult experts concerning?

MR. CHEESEMAN: I object and instruct the witness not to answer.

Q As part of your duties in the 1960s, did you issue purchase orders for chemicals used at the plant?

A I believe so.

MR. SCHLICHTMANN: And you provided me purchase orders, Bill?

MR. CHEESEMAN: I probably have the bottom of the pile. I saw them over in your

1  
2 stack.

3 MR. SCHLICHTMANN: Are you --

4 MR. CHEESEMAN: Let me make a  
5 suggestion. I think some of your interroga-  
6 tories and written document requests provide  
7 an appropriate general vehicle to test the  
8 question of whether discovery should be  
9 limited to what I call the complaint chemicals,  
10 and if you choose to bring a motion to compel  
11 further answers to some of those  
12 interrogatories, for example, as a vehicle  
13 for testing, our objection -- we will comply  
14 with whatever ruling the Court makes on that  
15 point, not only with respect to the  
16 particular interrogatories that are the subject  
17 of the motion but also with respect to any  
18 other discovery that raises the same issue,  
19 including the questions you placed to the  
20 witness at this deposition.

21 MR. SCHLICHTMANN: Well, I  
22 appreciate it.

23 MR. CHEESEMAN: But that may be a  
24 preferable --

25 MR. SCHLICHTMANN: My preference

1  
2 is -- The issue has come up. The issue has  
3 come at us during the deposition. I think  
4 this is the appropriate time to answer it.

5 MR. CHEESEMAN: You had our  
6 objection for two years without moving. I  
7 think it is unfair to bring it up now. You  
8 can hardly claim surprise.

9 MR. SCHLICHTMANN: I am not  
10 surprised. This is the issue where it will  
11 be resolved over. I fully expect during the  
12 deposition it will be resolved.

13 MR. CHEESEMAN: It is your feeling  
14 it is appropriate to pull an emergency judge  
15 away from his or her duties to hear it now,  
16 rather than having presented it sometime in  
17 the last two years or sometime in the next  
18 few months to Judge Skinner whose case this  
19 is?

20 MR. SCHLICHTMANN: I think --

21 MR. FREDERICO: Let's go off the  
22 record.

23 (Discussion off the record)

24 MR. CHEESEMAN: If you choose to  
25 press this motion before an emergency judge

1  
2 under these circumstances, I will ask for  
3 attorney fees from you if your motion is  
4 denied. I think it is outrageous to keep us  
5 all hanging around for something like that  
6 under these circumstances.

7 MR. SCHLICHTMANN: I will continue  
8 with the deposition. You have indicated the  
9 witness will refuse to answer in certain  
10 areas of examination. I wish to complete the  
11 deposition of this witness before I go on to  
12 other witnesses. I intend to file this  
13 afternoon any motion with Judge Skinner  
14 asking him to compel the witness to answer  
15 those questions in that line of examination.  
16 I will have it filed this afternoon, and it  
17 will be up to Judge Skinner to deal with this  
18 particular motion as to what he thinks is  
19 most appropriate.

20 (Discussion off the record)

21 Q Are you aware of any purchase orders for  
22 chemicals which are presently in existence  
23 regarding the purchasing of chemicals in the  
24 1960s by the Cryovac plant?

25 MR. CHEESEMAN: Yes or no.

1

A I don't think I understand the question.

2

3

Q Are you aware of whether any purchase orders exist concerning the purchase of chemicals by the Cryovac plant in the 1960s?

4

5

6

A No.

7

8

Q Are you aware of whether those were destroyed or not?

9

A No, I'm not.

10

11

Q Do you have any knowledge at one time such purchase orders existed?

12

13

A I have seen copies. My attorney has shown me a copy of the purchase orders.

14

15

Q Of the copies of the purchase orders you have seen, have you ever seen any purchase orders for chemicals purchased in the 1960s by the Cryovac Division?

16

17

18

A I believe the ones you showed me is in the '60s.

19

20

MR. SCHLICHTMANN: Do you have that with you?

21

22

MR. CHEESEMAN: I think you have that before you. It was included in the package of materials we produced.

23

24

25

MR. SCHLICHTMANN: I don't think we

1  
2 had any for the '60s.

3 MR. CHEESEMAN: I'm not paying  
4 attention to the date right now; I'm sorry.

5 MR. SCHLICHTMANN: I have purchase  
6 orders for the '70s.

7 MR. CHEESEMAN: I am confusing the  
8 ones from the '70s.

9 THE WITNESS: I am assuming it is  
10 the one in the '70s. I am not aware of any  
11 in the '60s.

12 Q You're not aware of any purchase orders in  
13 existence concerning the purchase of chemicals  
14 in the '60s?

15 A No.

16 Q Were chemicals, to your knowledge, purchased  
17 by the Cryovac plant in Woburn during the  
18 1960s?

19 A I would say they were.

20 Q Are you aware of any documents which  
21 presently exist concerning the purchase of  
22 chemicals at the Cryovac plant in Woburn in  
23 the '60s?

24 A No.

25 Q Are you aware of any documents that now

1  
2 exist concerning the use of chemicals at the  
3 Cryovac plant in the 1960s other than the  
4 documents which your attorney has provided me?

5 MR. SCHLICHTMANN: Bill, I assume he  
6 is familiar with those?

7 MR. CHEESEMAN: We reviewed those  
8 with the witness.

9 Before you answer, the documents that  
10 we produced for you were produced in  
11 accordance with the same limiting objection  
12 that we have been talking about. Your question  
13 is now referring him generally?

14 MR. SCHLICHTMANN: Right.

15 MR. CHEESEMAN: So I guess to be  
16 consistent, I will object to the question to  
17 the extent it does not conform to the  
18 limiting instruction I have given the witness.

19 If you were to ask the witness if he  
20 is aware of any documents, other than those  
21 which have been produced here which relate to  
22 the six chemicals I listed, I would permit  
23 him to answer that generally. For present  
24 purposes, I will object to your question and  
25 instruct him to answer as if it had been

1  
2 asked only with respect to the six chemicals.

3 MR. SCHLICHTMANN: We will have the  
4 documents marked. It is the stipulation of  
5 Mr. Cheeseman that the documents we will have  
6 marked are all the documents which are  
7 presently, which presently exist at W. R.  
8 Grace, Cryovac Division, that he is aware of  
9 concerning the use of chemicals at the Cryovac  
10 plant for any time period concerning those  
11 chemicals which you listed.

12 MR. CHEESEMAN: And up to 1979.

13 MR. SCHLICHTMANN: May of 1979?

14 MR. CHEESEMAN: I think we just said  
15 through May of '79; I've forgotten. We would  
16 have to look at the documents response we  
17 submitted and the interrogatories that were  
18 submitted to define it exactly.

19 But we do state objections there  
20 which, and again working from memory,  
21 involved limiting the response to what I call  
22 the complaint chemicals and to the time  
23 period up to the closing of wells G & H.

24 MR. SCHLICHTMANN: Okay.

25 MR. CHEESEMAN: And documents

1  
2 we produced to you previously were all such  
3 documents that were at that time in the  
4 possession, custody or control of W. R. Grace  
5 and Company relating to those chemicals at  
6 the Cryovac facility in Woburn.

7 MR. SCHLICHTMANN: Okay.

8 MR. CHEESEMAN: Based upon our  
9 diligent and good faith search for documents,  
10 including South Carolina, I think that is all  
11 there are.

12 Q Are you aware of whether there are in  
13 existence other documents, other than the  
14 ones that have been produced to us, which  
15 relate to the use of chemicals at the Cryovac  
16 plant from the period 1960 to 1979?

17 MR. CHEESEMAN: You're asking as to  
18 any --

19 MR. SCHLICHTMANN: Any documents.

20 MR. CHEESEMAN: I object.

21 MR. SCHLICHTMANN: I am asking as to  
22 the existence of documents. I think I have a  
23 right.

24 MR. CHEESEMAN: It is a simple  
25 question. You know there are other documents.

1  
2 MR. SCHLICHTMANN: I want him to say  
3 so.

4 MR. CHEESEMAN: Without waiving the  
5 objection, give him a yes or no.

6 A I don't know if there are other documents  
7 available.

8 Q You're not aware of any?

9 A No.

10 MR. SCHLICHTMANN: Let's mark this  
11 Exhibit 5.

12 (Letter dated March 22,  
13 1967, marked Exhibit  
14 No. 5.)

15 Q Are you familiar with this document marked  
16 Shalline 5?

17 A I have seen it before.

18 Q What is it?

19 A It is a letter from Vin Forte to Mr. Taylor  
20 answering an inquiry about pollution.

21 Q Do you know what that inquiry is about?

22 A No. I would say it is probably -- I would say  
23 it was related to the sewer.

24 Q What was the problem related to the sewer?

25 A The --

MR. CHEESEMAN: If there was a

1  
2 problem.

3 Q You described it as a problem relating to the  
4 sewer. Was there a problem relating to the  
5 sewer?

6 A I think he is just stating that the material  
7 is neutralized before it is disposed of.

8 Q Had there been a problem of disposal of acids  
9 and chemicals into the sewer prior to 1967?

10 A Not to my knowledge.

11 Q Are you aware of any problems related to the  
12 sewer and disposal of chemicals?

13 A I am aware of one problem.

14 Q What is that problem?

15 A The ph of the water going down the drain is  
16 regulated by the MDC. We had to adhere to  
17 that regulation.

18 Q Had there been any problem with the ph level  
19 in the water going down the drain?

20 A Yes.

21 Q Do you remember on what occasions?

22 A We had an alkaline cleaner used. When that  
23 was used, the alkaline was above their set  
24 point.

25 Q When was this?

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A The last year or two.

Q The last year or two?

A Uh-huh.

Q This letter is relating to 1967. There wasn't any problem you were aware of then?

A Not in that time.

Q It states in the first sentence: We don't have any pollution control problems in the Woburn plant.

As of 1967, did you agree with that statement to your knowledge?

A It is my understanding we didn't have any.

Q It states: We will so advise the pollution control officer when appointed by Bill Baird.

Did Mr. Baird appoint a pollution control officer to your knowledge?

A I don't know if he did or not.

Q To your knowledge, is a pollution control officer at the Cryovac plant in Woburn?

A I was appointed pollution control officer at Cryovac in Woburn.

Q When were you appointed pollution control officer at that plant?

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A I don't remember.

Q Other than you, has anyone else ever been appointed pollution control officer?

A I don't believe so.

Q What were your duties as pollution control officer?

A I would oversee disposal and discharge to the drains, be sure that we weren't polluting the air, and anything else related to that field.

Q Do you remember when you were appointed pollution control officer at the Cryovac plant in Woburn, approximately?

A Not exactly.

Q Was it in the 1960s?

A It might be.

Q To your knowledge, did anyone hold that position prior to your becoming pollution control officer?

A Not at Woburn.

Q Now, as pollution control officer, did you receive any special training?

A No.

Q Is your responsibility as pollution control officer to deal with all aspects of pollution

1  
2 at the plant in Woburn?

3 A I would say so.

4 Q And that would be pollution of the air?

5 A Yes.

6 Q Pollution of the sewer?

7 A Yes.

8 Q Pollution of the ground?

9 A Yes.

10 Q Did you ever attend any seminars or meetings  
11 at which you received information concerning  
12 how to control pollution at the Woburn plant?

13 A I don't believe so.

14 Q Did you consider you had any qualifications  
15 to assume the duties of pollution control  
16 officer at the Woburn plant at the time you  
17 assumed your position?

18 MR. CHEESEMAN: Objection. Go  
19 ahead.

20 A I couldn't -- I don't know what qualifications  
21 you would have to have at the time to be  
22 qualified.

23 Q You are not aware of what qualifications a  
24 pollution control officer would have to have  
25 to execute the responsibilities of pollution

1  
2 control officer?

3 A No.

4 Q Have you received any training in the law  
5 concerning Cryovac Division plant's  
6 responsibilities concerning preventing  
7 pollution?

8 A I would say yes.

9 Q Where did you receive that training?

10 A The Belmont meeting was one. I am not positive  
11 of the others.

12 Q You're not aware of any others?

13 A There may have been. I can't remember  
14 exactly.

15 Q What is your best memory?

16 A I would say there were others. I can't pin-  
17 point them for you.

18 Q When you say others, you mean other times you  
19 received training?

20 A Attended meetings on waste.

21 Q Did any of these meetings ever take place in  
22 the 1960s to your knowledge?

23 A I don't know.

24 Q Did any of these meetings take place in the  
25 1970s to your knowledge?

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A I don't know.

Q Did any of these meetings take place in the 1980s, other than the one you previously referred to as taking place in Belmont conducted by W. R. Grace in 1982?

A There were others. I can't remember exactly when they were.

Q You say there were others?

A Uh-huh.

Q Other meetings?

A Other meetings where it was discussed.

Q Where were these meetings held, do you know?

A I would say it would have been in South Carolina.

Q In South Carolina?

A Yes.

Q Are these meetings separate and apart from the meetings you testified to, the approximately ten meetings that took place for two days or so?

A I would say they are the same.

Q They're the same?

A Part of.

Q You can't remember which meeting you attended

1  
2 in South Carolina which dealt with pollution?

3 A No, I can't.

4 Q Can you remember what was discussed at any of  
5 these meetings?

6 A Not exactly.

7 Q Did you ever receive any material at these  
8 meetings concerning pollution control?

9 A I believe I did.

10 Q Did any of these materials have to do with  
11 preventing pollution of the ground?

12 A I don't believe so.

13 Q Did any of these materials have to do with  
14 preventing pollution of the air?

15 A I don't believe so.

16 Q Did any of these materials have to do with  
17 dealing with pollution of the sewer system?

18 A I don't believe so.

19 Q What did these materials deal with?

20 A I think it was proper handling.

21 Q Of materials?

22 A And disposal through authorized disposal  
23 contractors.

24 Q So you did receive materials as to proper  
25 practices for the disposal of materials?

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A Right.

Q And would these concern the disposal of materials containing chemicals or toxic substances?

A Yes.

Q What was your understanding as to the proper procedure for the disposal of waste containing toxic chemicals or toxic substances?

MR. CHEESEMAN: That is far too broad to be answered under these circumstances. I think you will have to try to narrow the question.

Q Did you understand the question?

A I would answer that by following the procedures.

Q When you say follow the procedures, what procedures?

A The rules and regulations.

Q The rules and regulations of what?

A Of the disposal contractor, the proper labeling, the proper storage, the proper identification.

Q Are you saying the disposal contractor?

A Yes.

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Q You're saying there are certain procedures that the disposal contractor would issue concerning the handling and disposal of chemicals?

A Before he would pick it up.

Q Did you ever receive such procedures from the disposal contractor?

A Yes, I have.

Q Did you receive those in 1960?

A No.

Q Did you receive those -- I'm sorry; I meant to ask about the 1960s.

A I don't believe so.

Q Did you receive them in the 1970s?

A I believe I did.

Q When did you receive them from the disposal contractor in the 1970s?

A I can't remember the date.

Q Do you have an idea whether it was the beginning of the '70s, the mid '70s, the end of the '70s?

A I would say in the middle.

Q Was it after the burial of materials in 1974 or was it before the burial of materials in

1  
2  
3 1974?

4 A I would say after.

5 Q Do you remember how long after?

6 A No.

7 Q Was it before the closing of the wells in May  
8 of 1979 or after the closing of the wells in  
9 May of 1979?

10 A I can't remember.

11 Q Could it have been after?

12 MR. CHEESEMAN: Objection.

13 A I can't -- I don't know.

14 Q As pollution control officer in the 1960s at  
15 the Cryovac plant in Woburn, was it your  
16 opinion in the 1960s that there was no  
17 pollution control problem at the plant?

18 A I believe so.

19 Q As pollution control officer in the 1970s, was  
20 it your opinion that there was no pollution  
21 control problem at the Woburn plant?

22 A I would say so.

23 Q As pollution control officer after the wells  
24 were closed down in May of 1979, was it  
25 your opinion that there was no pollution  
control problem at the Woburn plant?

1  
2 MR. CHEESEMAN: Objection.

3 A I would say that is true.

4 Q There was no problem?

5 A Yes.

6 Q As pollution control officer when the EPA  
7 mandated the digging up of the trench or the  
8 hole where the drums were deposited in 1974,  
9 was it your opinion that there was a pollution  
10 control problem at the Woburn plant?

11 MR. CHEESEMAN: I object. I am not  
12 sure it is fair to say that the EPA mandated  
13 it since Grace proposed it, or I should say  
14 since Cryovac proposed to do it.

15 MR. SCHLICHTMANN: I will change the  
16 question so you like it. I don't want to  
17 argue over those things.

18 Q As pollution control officer, was it your  
19 opinion that there was not a pollution  
20 control problem at the Woburn plant at the  
21 time W. R. Grace excavated the hole where the  
22 drums had been deposited in May -- in 1974,  
23 and that excavation took place in 1984?

24 MR. CHEESEMAN: Objection.

25 Q Or 1983.

MR. CHEESEMAN: I will still object.

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3 Q Was it your opinion as pollution control  
4 officer at that time in 1983, which is when  
5 the drums were excavated from the hole, that  
6 there was no pollution control problem at the  
7 Woburn plant?

8 A That is true; no problem.

9 Q Are you still pollution control officer at the  
10 Woburn plant?

11 A Yes.

12 Q Do you consider now there is a pollution  
13 control problem at the Woburn plant?

14 A I don't consider there is a problem.

15 Q Shalline Exhibit 5 refers to D. H. Taylor.  
16 Who is D. H. Taylor?

17 A He was plant manager at the time.

18 Q And Vincent Forte's position at that time in  
19 1967?

20 A I would say Vin's position was probably  
21 production manager. I really don't know  
22 exactly.

23 Q Who was Bill Baird?

24 A Bill Baird was an engineer in South Carolina.

25 Q What was his responsibility?

1  
2 A I don't know how it would be related to this  
3 memorandum. I believe he was electrical  
4 engineer and had transferred down there. I  
5 couldn't answer that.

6 Q Well, Bill Baird was an electrical engineer?

7 A Yes.

8 Q Did you ever contact Mr. Baird?

9 A He has been retired for many years.

10 Q During the time he was working did you have  
11 contact with him?

12 A No.

13 Q From time to time, as pollution control  
14 officer, did you have contact with any  
15 engineers who worked for the Cryovac  
16 Division?

17 A Yes, I would.

18 Q What kind of engineers?

19 A I don't know what they, what kind they were.  
20 But they're responsible for pollution  
21 programs at all plants.

22 Q Do you know what kind of engineers they  
23 were?

24 A No idea.

25 Q Had you ever dealt with them?

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A I talked with them on the phone.

Q Why would you talk to them on the phone, concerning what kind of information?

A If I had a question on something that I couldn't answer myself.

Q Concerning pollution?

A No.

Q As pollution control officer in the 1960s at the Cryovac plant, did you ever issue or make known to the people working at the plant that it was not a proper practice to dispose of waste material containing chemicals by disposing them in the back of the plant in the ground?

A I can't remember.

Q Did you ever communicate to any individual or any group at the Cryovac plant that disposing of waste material containing chemicals in the rear of the plant was not a proper practice?

A I would say I have done that.

Q When have you done that?

A I can't remember.

Q Did you ever do it in the '60s?

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A I can't remember that.

Q You could have?

MR. CHEESEMAN: Objection.

A I would say so.

Q But you weren't aware of any particular instances where someone was disposing of waste material containing chemicals in the rear of the plant?

A No.

Q Did you at any time communicate to any individual or any group at the Cryovac plant in the 1970s that it is improper practice to dispose of waste material containing chemicals by disposing of them into the rear of the plant?

A I believe I did.

Q When did you do that?

A I can't remember.

Q Did you do it on one occasion or more than one occasion?

A I would say more than one occasion.

Q Do you remember how many occasions?

A No.

Q What do you remember about these occasions?

1  
2 A I would advise them that nothing was to be  
3 disposed of in the backyard.

4 Q Who did you tell this to?

5 A I believe I told it to the maintenance man.

6 Q Had he disposed of anything in particular in  
7 the backyard, the maintenance man?

8 A I don't know if he did or not.

9 Q You do remember talking to him, but you can't  
10 remember about what or when?

11 MR. CHEESEMAN: Objection.

12 A I remember talking to him.

13 Q Other than the maintenance man, do you  
14 remember talking to anyone else about  
15 disposing of waste material containing  
16 chemicals in the rear of the plant?

17 A No.

18 (Memorandum dated May 20,  
19 1974, three pages,  
20 marked Exhibit No. 6.)

21 MR. SCHLICHTMANN: Do you have three  
22 pages to that exhibit?

23 MR. CHEESEMAN: Yes.

24 MR. SCHLICHTMANN: For the record,  
25 what has been marked Exhibit 6 is dated  
May 20, 1974.

1

Q What is this?

2

A What is it?

3

4

Q Yes.

5

A Something that Mr. Gunnard wrote.

6

Q Who is Mr. Gunnard?

7

A He was the production manager.

8

Q Mr. Gunnard wrote this memo to you; is that right?

9

10

A That is right.

11

Q What was your understanding as to why he wrote this memo?

12

13

A I had not done the project.

14

Q What project are you referring to?

15

A He wanted a list of all the flammables used.

16

Q Did you understand why he wanted a list of all the flammables?

17

18

A I can't say that I did.

19

Q Mr. Gunnard had asked you to make a list of all flammables used at the plant?

20

21

A Yes.

22

Q Is that because you kept a list of all the flammables at the plant?

23

24

A No.

25

Q In what capacity did he ask you to make a list

1  
2 of the flammables? What was your job  
3 responsibility that he asked you to make a  
4 list of all the flammables?

5 A I don't know.

6 Q Do you know what is contained under those  
7 blacked-out portions in the middle of the  
8 first page?

9 MR. CHEESEMAN: Answer yes or no.

10 A No.

11 Q On the unblacked-out portion it states:  
12 Trichloroethylene is disposed of as promised  
13 last year.

14 What does that refer to?

15 MR. CHEESEMAN: You're asking what  
16 his understanding was?

17 Q What is your understanding as to what that  
18 refers to?

19 A I think that we discontinued the use of  
20 trichloroethylene, and even though we  
21 discontinued it we had not physically moved  
22 it out of the building.

23 Q When did you discontinue use of  
24 trichloroethylene?

25 A I don't know. From this, looks like '73.

1  
2 Q You believe you stopped using trichloroethy-  
3 lene in 1973?

4 MR. CHEESEMAN: If you know.

5 A I don't know.

6 Q What is your understanding as to why you  
7 discontinued the use of trichloroethylene?

8 A I think we received information from South  
9 Carolina that it was not to be used.

10 Q What was the information that you received  
11 from South Carolina that it was not to be  
12 used?

13 A I think we have a document.

14 Q That is one of the documents produced by your  
15 attorney?

16 A Yes.

17 Q And that you reviewed?

18 A Yes.

19 Q It states here: Trichloroethylene was -- is  
20 disposed of as promised last year.

21 Was that a promise you made  
22 concerning the disposal of trichloroethylene  
23 to Mr. Gunnard?

24 A I believe so.

25 Q Did you promise Mr. Gunnard you would dispose

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of the trichloroethylene?

A I believe so.

Q What form was the trichloroethylene?

A It was in a drum.

Q What did the drum contain?

A Trichloroethylene.

Q Was that the only thing in the drum?

A Yes.

Q Was it an unopened drum of trichloroethylene?

A No.

Q It was an open drum of trichloroethylene?

A Yes.

Q Was it the original drum the trichloroethylene  
came in?

A Yes.

Q Had the drum been partially used?

A Yes.

Q Do you remember approximately how much  
trichloroethylene was left in the drum?

A No, I don't.

Q You don't know if it was half full or three-  
quarters full?

A No idea.

Q Other than that one drum of trichloroethylene,

1  
2 was there any other drum containing  
3 trichloroethylene?

4 A Not to my knowledge.

5 MR. CHEESEMAN: At that point in  
6 time?

7 MR. SCHLICHTMANN: At that point in  
8 time.

9 Q Your promise regarding the disposal of the  
10 trichloroethylene made to Mr. Gunnard  
11 approximately a year before this memo, which  
12 is Shalline Exhibit 6, was to dispose of one  
13 drum partially filled with trichloroethylene?

14 A I believe it was either to dispose of or  
15 discontinue the use; I forget how it was  
16 worded.

17 Q He said, "disposed of as promised." Was it  
18 your understanding you had promised to dispose  
19 of it?

20 A I told him it would be no longer used. I  
21 didn't know how to dispose of it.

22 Q Were you in charge of the disposal of that  
23 drum?

24 A I would have been.

25 Q But you didn't know how to dispose of it?

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A No.

Q Were you given any instructions from anyone as to how to dispose of it?

A No.

Q Did Mr. Gunnard explain to you how you should dispose of it?

A No.

Q Were you left to your own devices as to how to dispose of it?

A I didn't do anything about it.

Q But you were left to figure out how to dispose of it?

A Yes.

Q Did you have it carted away?

A No.

Q Did you call a waste disposal company to come and take it away?

A I don't believe so.

Q Had you ever contracted with a waste disposal company to haul away toxic waste produced by the Cryovac plant during the time that you were associated with the Cryovac plant?

A During this period?

Q During this period.

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A No.

Q During any period?

A I have them now.

Q When did you start using them?

A I would say four years ago.

Q Four years ago?

A I believe so.

Q Prior to that you didn't use them?

A Not that I remember.

Q Did you, in fact, dispose of this trichloro-  
ethylene referred to in this memorandum dated  
May 20, 1974?

A No.

Q You never did?

A I didn't.

Q Did someone else?

A I don't know.

Q To your knowledge, was it disposed of?

A I believe it was.

Q Do you know who disposed of it?

A No, I don't.

Q Do you know when it was disposed of?

A Not positive.

Q He states in the memorandum: I assigned this

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project to you ten months and 26 reminders ago. It took you no longer than -- It took no longer than two and one-half hours to complete. Why couldn't you handle it?

What is he referring to there, what project?

MR. CHEESEMAN: You're asking for his understanding?

Q What was your understanding as to the project he was referring to?

A A list of the flammables in the plant.

Q Is it your understanding as part of the project you were to determine how to dispose of toxic waste at the plant?

A I believe so.

Q That was also part of the project?

A I think that is other than obtaining the list of flammables.

Q You were also to devise a program of disposing of toxic waste at the plant?

A No.

Q You were not to devise a program?

A No.

Q So the only project referred to is making

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a list of the flammables?

A I believe so.

Q Did you ever reply to Mr. Gunnard's memo concerning the disposal of that drum of trichloroethylene?

A Not that I can remember.

Q At some point did you ever participate in a disposal of waste material to the rear of the plant?

A No.

Q Do you have any knowledge concerning the disposal of waste material to the rear of the plant?

A I am aware of the pit.

Q What pit are you referring to?

A Where they excavated the drums two years ago.

Q In 1983, the pit was excavated?

A Yeah.

Q What is your best recollection concerning how material was disposed of in that pit?

MR. CHEESEMAN: First of all, are you asking him what he observed personally?

MR. SCHLICHTMANN: What he knows about it, what his knowledge is.

1  
2 MR. CHEESEMAN: You're asking for  
3 hearsay as well.

4 MR. SCHLICHTMANN: Whatever his  
5 knowledge is.

6 MR. CHEESEMAN: You may answer.

7 A The pit was there. I don't know exactly why.  
8 Somebody came up to me and asked if they could  
9 dump the paint sludge in the pit. I said you  
10 could as long as you left it open so that it  
11 could all dry. I believe they took whatever  
12 drums they had there and dumped it into the  
13 pit.

14 Q When was this?

15 A The same time they had the plant expansion,  
16 which was about -- I can't remember the date  
17 exactly.

18 Q Do you remember what year it was?

19 A I think when they put the last expansion on  
20 the building.

21 Q What year would you say that was?

22 A '79.

23 Q Well, looking at this memo dated 1974, do you  
24 know how long it was in relationship to this  
25 memo?

1  
2 MR. CHEESEMAN: This memo does not  
3 necessarily have anything to do with it.

4 MR. SCHLICHTMANN: That is true. I  
5 am asking if that helps his memory.

6 MR. CHEESEMAN: Why don't you ask  
7 him if this memo has anything to do with the  
8 incident in question? I object to your tying  
9 the pit incident in with this memo, unless you  
10 lay some foundation.

11 A The pit was tied in with the last expansion,  
12 which I think was '79.

13 Q Was there an expansion in 1979?

14 A I am guessing at the date. I don't remember  
15 the date.

16 MR. CHEESEMAN: I think we gave the  
17 answer in interrogatories.

18 Q To your knowledge, how long had the pit been  
19 there before this individual came and asked  
20 if he could dispose of sludge there?

21 A I have no idea.

22 Q Could it have been there a long time?

23 A I never saw it. I don't know. I don't know  
24 when it was put in there.

25 Q You don't know how long the pit had been out

1  
2 there prior to the person asking if he could  
3 dump sludge in there?

4 A No, I don't.

5 Q Do you know how the pit got there?

6 A No, I don't.

7 Q Do you know what happened to the pit?

8 A No.

9 Q Well, did you ever see the pit?

10 A I never did.

11 Q You never saw it before?

12 A No.

13 Q Did you ever see it afterward, after it was  
14 covered over?

15 A No, I didn't.

16 Q Did you ever go to the rear of the property  
17 at any time?

18 A I didn't know where it was. When they did  
19 the excavation, I had no idea where it was.

20 Q Did you consider it one of your responsibili-  
21 ties as pollution control officer to be  
22 aware of the disposal of waste generated by  
23 the plant?

24 A Yes.

25 Q Did you consider paint sludge to be waste

1  
2 material which you were responsible for  
3 disposing?

4 A Yes.

5 Q Had you at any time issued any regulations or  
6 made known to people what the procedures were  
7 concerning the disposal of waste, of paint  
8 sludge?

9 A Not in writing.

10 Q Did you ever tell them orally?

11 A I can't remember.

12 Q You can't remember an occasion where you told  
13 someone orally what they're suppose to do  
14 with paint sludge?

15 MR. CHEESEMAN: You mean other than  
16 this one conversation?

17 MR. SCHLICHTMANN: Other than this  
18 one conversation.

19 A I think we just accumulated it in drums.

20 Q Do you ever remember disposing of paint  
21 sludge in any other manner other than dumping  
22 in the pit?

23 A No.

24 MR. SCHLICHTMANN: Let's go off the  
25 record.

(Discussion off the record)

(Whereupon the deposition  
was suspended at 4:00.)

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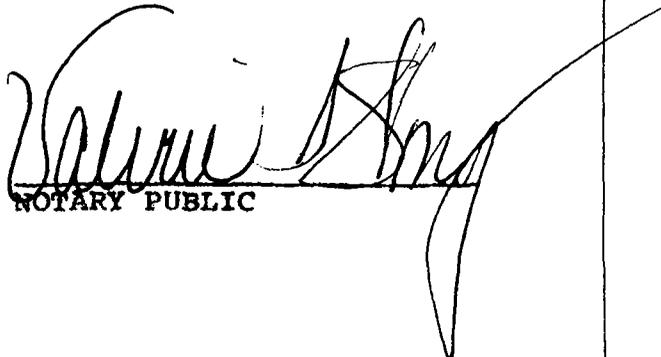
COMMONWEALTH OF MASSACHUSETTS )  
 ) ss.  
COUNTY OF NORFOLK )

I, Valerie T. Wong, Notary Public  
within and for the Commonwealth of Massachusetts,  
do hereby certify:

That PAUL SHALLINE, the witness  
whose deposition is hereinbefore set forth, was duly  
sworn by me and that such deposition is a true  
record of the testimony given.

I further certify that I am not  
related to any of the parties to this action by  
blood or marriage, and that I am in no way  
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto  
set my hand and affixed my seal of office this  
9th day of March, 1985.

  
NOTARY PUBLIC

My Commission Expires:  
November 5, 1987.

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