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DISTRICT OF MASSACHUSETTS

Civil #82-1672-S

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; DIANE 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, Plaintiffs

v.

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), Defendants

Deposition of THOMAS G. BARBAS, taken on behalf of the Plaintiffs pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Nancy L. Eaton, Notary Public in and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, on Friday, March 8, 1985, commencing at 2:40 p.m.

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APPEARANCES:

SCHLICHTMANN, CONWAY & CROWLEY,
by JAN SCHLICHTMANN, Esquire, and
KEVIN CONWAY, Esquire, 171 Milk Street,
Boston, MA 02109, for the Plaintiffs.

HALE & DORR, by DONALD R. FREDERICO, Esquire
60 State Street, Boston, MA 02109,
For Beatrice Foods.

FOLEY, HOAG & ELIOT,
by WILLIAM J. CHEESEMAN, Esquire,
One Post Office Square, Boston, MA 02109,
and MARK STOLER, Assistant Counsel,
W. R. Grace & Co., 62 Whittemore Avenue,
Cambridge, MA 02140, for W. R. Grace & Co.
and Cryovac, Division of W. R. Grace & Co.

GOODWIN, PROCTER & HOAR,
by ROBERTA K. SCHNOOR, Esquire,
28 State Street, Boston, MA 02109,
For UniFirst Corporation.

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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
Thomas G. Barbas	3	

Exhibits

<u>No.</u>	<u>Page</u>
(None)	

1 MR. SCHLICTMANN: Usual stipulations?

2 MR. CHEESEMAN: Yes.

3 THE REPORTER: I wasn't here for the
4 other depositions. What stipulations are your
5 usual?

6 MR. FREDERICO: We're reserving all
7 objections except as to the form of the question
8 until the time of trial and reserving motions to
9 strike.

10 MR. CHEESEMAN: The witness will read
11 and sign the transcript. We didn't say so, but I
12 assume before notary or under the penalties of
13 perjury.

14 MR. SCHLICTMANN: Under the pains and
15 penalties.

16 MR. CHEESEMAN: We'll waive the
17 filing.

18 THOMAS G. BARBAS,
19 having been duly sworn, testified as follows
20 in answer to direct interrogatories:

21 Q. (BY MR. SCHLICTMANN) Would you please
22 state your name?

23 A. Thomas G. Barbas.

24 Q. And how old are you?

1 A. Forty-one.

2 Q. What's your occupation?

3 A. Buyer.

4 Q. You're a buyer. Who do you buy for?

5 A. Cryovac, W. R. Grace Company.

6 Q. Where are you located?

7 A. 369 Washington Street, Woburn.

8 Q. And how long have you been a buyer?

9 A. Since the beginning of the year.

10 Q. Beginning of 1985? And prior to January
11 of 1985, what was your occupation?

12 A. Painter.

13 Q. Who were you employed by?

14 A. Cryovac, W. R. Grace Company.

15 Q. And how long had you been a painter for
16 W. R. Grace?

17 A. Approximately 22 years.

18 Q. You were a painter at the Woburn plant for
19 22 years previous to 1985?

20 A. Yes.

21 Q. Do you remember approximately what year
22 you began as painter at the Woburn plant?

23 A. 1961.

24 Q. And prior to 1961, what was your

1 occupation?

2 A. Student.

3 Q. Where were you a student?

4 A. Woburn high school.

5 Q. Where do you live?

6 A. Woburn, Mass.

7 Q. Where in Woburn?

8 A. 8 Millyan Road, M I L L Y A N, Road.

9 Q. How long have you lived at 8 Millyan Road?

10 A. Eight years.

11 Q. Prior to your address at 8 Millyan Road,
12 where did you live?

13 A. 67 High Street, Woburn, Mass.

14 Q. How long did you live there?

15 A. Approximately one year.

16 Q. And prior to your residence at 67 High
17 Street, where did you live?

18 A. 7 School Street, Woburn, Mass.

19 Q. How long did you live there?

20 A. Approximately a year.

21 Q. And prior to 7 School Street, where did
22 you live?

23 A. 42 Houghton Street, H O U G H T O N,
24 Street.

1 Q. In Woburn? How long did you live there?

2 A. Twenty-eight years.

3 Q. That was your original address where you
4 lived with your parents?

5 A. Yes.

6 Q. And prior to that time did you have
7 another address, prior to 8 Houghton Street?

8 A. 42.

9 Q. Sorry, 42 Houghton Street?

10 A. No, I lived there with my parents.

11 Q. From birth?

12 (Witness nodded).

13 Q. Now, when you say a buyer, what exactly
14 are your duties and responsibilities?

15 A. I assist the purchasing agent in buying
16 products for the company.

17 Q. What kind of products?

18 A. Sheet metal products, electronic products,
19 plastic products. Everything that's used in the
20 manufacturing business.

21 Q. Do you also purchase chemicals?

22 A. No.

23 Q. Who do you work for?

24 A. I work for Al Restighini.

1 Q. Restighini. Could you spell that for us?

2 A. R E S T I G H I N I.

3 Q. Was there a reason why you changed your
4 occupation from painter to buyer?

5 A. There was a job opening and I put in for
6 it and I got the job.

7 Q. Now, when you became a painter for W. R.
8 Grace, do you remember what month in 1961 or what
9 time of year?

10 A. September 1961.

11 Q. Who was your superior when you first came
12 to work? Who did you report to?

13 A. I think it was Paul Shalline.

14 Q. What was Mr. Shalline's position if you
15 know?

16 A. Foreman of the assembly department.

17 Q. What were your duties when you first came
18 to work for the Woburn plant in September of 1961?

19 A. Painter and plater, zinc plater.

20 Q. What did you do as a painter?

21 A. Painted parts and machinery.

22 Q. And did you assist somebody or were you in
23 charge of the whole operation?

24 A. I was in charge of it.

1 Q. You were?

2 (Witness nodded).

3 Q. Could you describe for us with as much
4 detail as you can what you did in painting, how you
5 did your job?

6 MR. CHEESEMAN: You're asking now as
7 to when he first started?

8 Q. September of 1961.

9 Q. What was the process?

10 A. Clean metal parts, prime them and paint
11 them.

12 Q. What did you clean them with?

13 A. Solvents.

14 Q. That was beginning in September of 1961?

15 (Witness nodded).

16 Q. How did you clean them in the solvents?

17 A. Wet a rag with some solvent, wipe it
18 across the part and then wipe it dry with another
19 rag.

20 Q. What kind of parts were these?

21 A. Mostly metal parts and also fabricated
22 metal parts such as conveyors and things of that
23 nature. Anything that's used in manufacturing the
24 machine that had to be painted.

1 Q. Can you describe the size of these parts?

2 A. They varied from small parts to large
3 parts.

4 Q. What were some of the larger parts, what
5 were their dimensions?

6 A. Approximately four feet by six feet.

7 Q. All right. You said you had solvents that
8 you would put a rag into and wipe down the parts?

9 A. Right.

10 Q. What was the solvent, what was it
11 contained in?

12 A. Toluol.

13 MR. CHEESEMAN: No, he asked you what
14 it was contained in.

15 A. Contained in?

16 Q. Yes.

17 A. Metal container, approximately one gallon
18 size.

19 Q. One gallon metal size container?

20 A. Yes.

21 Q. Now, you would place the solvent into the
22 one gallon metal container and then you would use
23 that with your rag?

24 A. Right.

1 Q. And would that metal one gallon container
2 be open, open container like a bucket?

3 A. I don't understand question. Are you
4 talking about when I -- what the material came out
5 of and what did I placed it in?

6 Q. In other words you said you dipped your
7 rag into the one gallon container.

8 A. Okay. That container was open.

9 Q. Is that just like a paint bucket, an
10 ordinary bucket?

11 A. It was nothing elaborate, just a bucket.

12 Q. Just an open bucket?

13 A. A bucket or a can, coffee can, whatever
14 was handy, depending on the side of the job. If it
15 was a small job, use something small.

16 Q. If it was a big job, what would you be
17 using?

18 A. Probably a paint bucket, gallon paint
19 bucket.

20 Q. And would you use gloves or you wouldn't
21 have gloves?

22 A. I'd use gloves.

23 Q. Would you always use gloves?

24 A. Not all the time.

1 Q. Sometimes you used gloves and sometimes
2 you didn't?

3 A. Right.

4 Q. What kind of gloves did you use during the
5 times that you did?

6 A. There were two types. One was a black
7 rubber and the other one was green rubber that came
8 up to here and up to here (indicated).

9 Q. Both gloves were made out of rubber, both
10 kinds, black or green?

11 A. Yes.

12 Q. And sometimes would you use the solvent
13 without using rubber gloves?

14 (Witness nodded).

15 Q. Now, where would you get the solvent to
16 put into the container that you were going to use
17 to wipe down the metal parts?

18 A. I'd have it in the paint shop.

19 Q. And what kind of a container would it be
20 in?

21 A. Sometimes one gallon containers, sometimes
22 five gallon containers.

23 Q. Any containers any larger than that?

24 A. Yes, but not at that time.

1 Q. So at this time when you began to work in
2 September of 1961, you had one gallon or five
3 gallon containers from which you would pour the
4 solvent into smaller containers, usually a gallon
5 or even smaller coffee can?

6 A. That's correct.

7 Q. Now, this material was known to you as
8 Toluol?

9 Sorry?

10 A. Toluol.

11 Q. That's T O L U O L?

12 A. Something like that.

13 Q. Do you know what Toluol was made out of?

14 A. No.

15 Q. Do you know what it is made out of now?

16 A. No.

17 Q. Were you ever told by anybody what it was
18 made out of?

19 A. I don't remember.

20 Q. Did the --

21 MR. CHEESEMAN: Silence should not be
22 taken as a waiver of our objection that Toluol had
23 been disclosed previously.

24 Q. Toluol you understood to be a solvent but

1 you didn't know what kind. Is that right?

2 A. Right.

3 Q. Now, would these cans the Toluol came in,
4 would these be how they were received from the
5 manufacturer? In other words were these the
6 original cans to your knowledge?

7 A. Yes.

8 Q. And it would be brought to your department,
9 to the paint shop, in these original cans?

10 A. Right.

11 Q. And then you would open the cans?

12 A. Right.

13 Q. And they were either one gallon or five
14 gallon?

15 A. Right.

16 Q. What would you do in September of 1961,
17 after you would wipe down the metal part with the
18 rag, what did you do then with the metal part?

19 A. After the part was cleaned, it would be
20 primed, the metal primer, and then after it dried,
21 you'd paint it with the color that they specified.

22 Q. Now, the metal primer, would you know what
23 that was?

24 A. Zinc chromate.

1 Q. Zinc chromate. How did that come?

2 A. That came in five gallon pails.

3 Q. Regular paint cans?

4 A. Yes.

5 Q. How did you know it was zinc chromate?

6 A. Because it said zinc chromate right on the
7 box.

8 Q. On the box?

9 A. On the box or the container.

10 Q. Now, after you, would you paint this on
11 with a brush?

12 A. Spray it on.

13 Q. Did you have a sprayer?

14 A. Had a spray gun.

15 Q. A spray gun you would use, and how did you
16 pour the zinc chromate, how did you use the zinc
17 chromate in the spray gun? How did you get the
18 material out of the can and into the spray gun?

19 A. Take the material from the zinc chromate
20 container, put it into another container, put some
21 thinner in, thin it to a consistency.

22 Q. And from there it would be put into the
23 spray gun?

24 A. It would be filtered through a paint filter.

1 Q. Was there a little, some sort of a bucket
2 or something that you could pour this metal primer
3 with thinner into for the spray gun? In other
4 words was there another kind of container that you
5 would be able to use the spray gun with? You
6 follow what I'm saying?

7 A. No.

8 Q. Okay. Neither did I. You have the metal
9 primer, you'd put that into another container and
10 put thinner in there.

11 A. Right.

12 Q. Mix it up and then you'd pour that mixture
13 into --

14 A. Right.

15 Q. What would you pour that into?

16 A. That's the bottom part of a spray gun. It
17 is called a cup.

18 Q. How big is that?

19 A. Quart. Quart container size.

20 Q. Would that be held underneath the gun?

21 A. Screwed in.

22 Q. Screwed into the gun. That would be held
23 by your hand, the gun, the spray gun?

24 A. Right.

1 Q. Now the thinner, what kind of thinner did
2 you use?

3 MR. CHEESEMAN: Let's get in the
4 habit now of confining descriptions of chemicals in
5 general terms rather than naming specific chemicals
6 or products.

7 MR. SCHLICHTMANN: I don't want to get
8 into that habit at all.

9 MR. CHEESEMAN: I am telling the
10 witness I want to confine answers relating to
11 chemicals to general descriptions like solvent or
12 thinner or paint rather than identifying specific
13 chemicals or trade names except of course that you
14 may, if you know, identify specific chemicals if
15 they are one of the following six: trichloro-
16 ethylene, 1,1,1 trichloroethane, 1,2, transdichloro-
17 ethylene, chloroform, benzene or tetrachloroethylene.

18 Q. You said that you used a thinner. Do you
19 know what kind of thinner you used?

20 MR. CHEESEMAN: Answer yes or no.

21 A. Yes.

22 Q. Did you know the product name?

23 A. I don't remember.

24 Q. Did you know the chemical that the thinner

1 was made out of? Did you know what it was?

2 MR. CHEESEMAN: Answer yes or no.

3 A. Yes.

4 Q. How did you know? Had you read it on the
5 can?

6 A. Yes.

7 Q. And was that, what was that chemical?

8 MR. CHEESEMAN: I am going to ask him
9 not to answer that question and I will state my
10 objection unless he knows that one of these six
11 chemicals was included in that substance.

12 (Witness looked at list).

13 A. No.

14 Q. Did you know that to be a solvent?

15 A. Yes.

16 Q. Was that solvent trichloroethylene?

17 A. No.

18 Q. Was that solvent toluene?

19 A. No.

20 Q. Was that solvent acetone?

21 A. No.

22 Q. Was that solvent 1,1,1 trichloroethane?

23 A. No.

24 Q. It was some other kind of solvent?

1 A. Yes.

2 Q. And you refuse to tell me the identity of
3 that solvent?

4 MR. CHEESEMAN: I have instructed him
5 not to.

6 Q. Is that true?

7 MR. CHEESEMAN: I have instructed him
8 not to.

9 Q. Now, the thinner that you used, what kind
10 of a size container was that?

11 A. That it came in?

12 Q. Yes.

13 A. Either one gallon or five gallon size.

14 Q. And is that how it originally came from
15 the manufacturer or was it taken from another?

16 A. From the manufacturer.

17 Q. And you would open it up, it would be
18 original cans?

19 A. Yes.

20 Q. Original cans? Yes?

21 A. Yes.

22 Q. Now, you said that you would spray the
23 primer onto the metal part?

24 A. Yes.

1 Q. Where would you do the spraying?

2 A. In a spray booth.

3 Q. And would the spray actually go on the
4 booth itself? Would it also go on the part but
5 also go on the booth; is that right?

6 A. Yes.

7 Q. What was the spray booth? Describe that
8 to us.

9 A. The spray booth is, it is similar to a
10 room except it has an opening at one end where you
11 walk in or bring your part, has walls and a ceiling.

12 Q. About what are the dimensions
13 approximately?

14 A. The one I use is approximately, I'd say
15 eight by eight by eight. That's approximate.

16 Q. Now, would running water be in the room,
17 be any running water at all?

18 A. Yes.

19 Q. Where would the running water be?

20 A. In the back. The back of the booth.

21 Q. And would you spray the part so that it
22 was, the water was behind it?

23 A. Yes.

24 Q. And then the running water would capture

1 any spray that didn't go on the metal part?

2 A. Yes.

3 Q. And would that then be collected?

4 A. Yes.

5 Q. What was it collected in?

6 A. Container.

7 Q. What kind of a container?

8 A. Tote tray.

9 Q. Could you spell that?

10 A. A tote tray, T O T E, tray, T R A Y.

11 Q. And how big was the tote tray?

12 A. (Indicated) say two and a half feet by one
13 foot by one foot wide.

14 Q. And all of the accumulation from the spray
15 booth would accumulate there into that container,
16 the tote tray?

17 A. It didn't happen in that process. It
18 didn't go into the tote tray.

19 Q. I see. What would it do?

20 A. It would collect on the water.

21 Q. Collect on the water?

22 (Witness nodded).

23 Q. And then where would it go from there when
24 it collected on the water?

1 A. At the end of the work night, scoop it up.

2 Q. You'd scoop it up?

3 A. I'd scoop it up. I had a special scoop.

4 Q. I'm sorry. You were saying?

5 A. I'd scoop it up and I'd put it in the tote
6 tray.

7 Q. And where was the tote tray in
8 relationship to the spray booth?

9 A. Outside.

10 Q. Is a tote tray something you just had that
11 you could bring with you?

12 A. Yes.

13 Q. You could carry around?

14 A. Yes.

15 Q. And it was just a container, a metal
16 container?

17 A. It was made out of a green plastic or
18 fiberglas. I don't know the composition but it
19 wasn't metal.

20 Q. All right. So it was a green tray?

21 A. Yes, something like that.

22 Q. Did it have, was it covered all over or
23 was it --

24 A. It was open on the top.

1 Q. On the top, so just a tray. You already
2 gave us the dimensions of that tray. So at the end
3 of the work day, you would scoop up the
4 accumulation on the water. Would it be on top of
5 the water or would it be on the bottom of the spray
6 bath? Exactly where did it all accumulate?

7 A. Top of the water.

8 Q. And what were the dimensions of where the
9 water was? How was it contained? Was it on the
10 floor? Was it in a special booth?

11 A. It was attached to the rear of the spray
12 booth. The dimensions are approximately three feet
13 wide, three feet deep and about eight feet across.

14 Q. How would you, when you would go in with
15 the scoop, would you go in with boots?

16 A. No.

17 Q. Go in with regular shoes?

18 A. Yes.

19 Q. Did you actually step into the water?

20 A. No.

21 Q. Were you able to use the scoop standing
22 next to the water?

23 A. Yes.

24 Q. And what kind of a scoop is this, a metal

1 scoop?

2 A. Metal scoop. Perforated metal scoop. The
3 paint would stay on the top and the water would go
4 through.

5 Q. Now, after you used the metal primer, what
6 did you do with the part?

7 A. Let the part dry.

8 Q. Where would it dry?

9 A. Depending upon the amount of work, you
10 could either let it dry in the spray booth if there
11 wasn't that much work or we'd take it and put it on
12 the rack in the back and let it air dry.

13 Q. Okay. Now, after it dried, what did you
14 do with it?

15 A. If we were going to paint it, we'd put it
16 back in the spray booth and paint it the color it
17 was supposed to be painted.

18 Q. What kind of paint would you use?

19 MR. CHEESEMAN: I will object to
20 identifying any specific paint. You can describe
21 it in general terms.

22 Q. You used a paint?

23 A. Yes.

24 Q. Would these be the original containers for

1 the paint?

2 A. Yes.

3 Q. Would these be in five gallon or one
4 gallon?

5 A. Five and one gallon containers.

6 Q. And did you know the trade name of the
7 paints?

8 MR. CHEESEMAN: Calls for a yes or no
9 answer.

10 A. Yes.

11 Q. What's the trade name of the paint?

12 A. Maas and Walstein. M A A S and Walstein.

13 Q. And do you know what the chemical
14 constituency of that paint was?

15 A. No.

16 Q. Do you know what chemicals were in that
17 paint if any?

18 A. No.

19 Q. Would you use, would you pour the paint
20 into a different kind of a glass container for the
21 spray gun or the same glass container?

22 A. I'd use another spray gun, one for primer
23 and one for finish.

24 Q. And the spray gun for the paint, would

1 that be the same kind as the one for the primer?

2 A. Yes.

3 Q. Would it be a glass?

4 A. Metal.

5 Q. Metal, just like the metal primer spray
6 one?

7 A. Yes.

8 Q. Be a metal container and that's what you
9 would pour the paint in?

10 A. Right.

11 Q. And you would paint the metal part in the
12 same room?

13 A. Yes.

14 Q. And at the end of the day you would scoop
15 out that accumulation as well; is that right, from
16 the paint?

17 A. I would only scoop it out when it had to
18 be done. It didn't have to be done all the time.
19 There wasn't that much of an accumulation.

20 Q. Okay. But when there was, would you do it
21 at the end of the day?

22 A. Yes.

23 Q. And so that paint would mix with the metal
24 primer paint; is that right?

1 A. No.

2 Q. Was it done at different times?

3 A. Well, yes.

4 Q. Tell me how it was done. In other words
5 how would you do one and how would do you the other?
6 At what times of the day or what times of the week?

7 A. Usually in the morning you'd do your
8 priming, cleaning your parts and priming, and in
9 the afternoon you'd do your painting.

10 Q. You use the same spray booth though, right?

11 A. Yes.

12 Q. And it would be the same water, wouldn't
13 it?

14 A. Yes.

15 Q. So if you used, if did you the metal
16 priming in the morning, you'd also do the painting
17 in the afternoon, wouldn't the accumulation be mixing
18 with the metal primer that you put in there that
19 morning?

20 A. Yes.

21 Q. So the accumulation in the water in the
22 spray booth would include not only the painting
23 material but also the metal primer material as well?

24 A. Yes.

1 Q. And about how often did you have to scoop
2 out the accumulation in the spray booth and put it
3 in the tote tray?

4 A. Whenever it needed to be done.

5 Q. Approximately when was that needed, every
6 couple of days, once a week?

7 A. I'd say once a week. It depends on the
8 workload.

9 Q. Approximately once a week?

10 A. Yes.

11 Q. Now, the tote tray, would that essentially
12 be filled with one week's accumulation?

13 A. No.

14 Q. How much would fill it, one week's
15 accumulation?

16 A. About an inch on the bottom. It depends
17 on the workload.

18 Q. Sometimes it was more?

19 A. Be about an inch on the bottom.

20 Q. What was the range? What could it be on a
21 week's basis?

22 A. From a half inch to an inch.

23 Q. Of accumulation in a tray?

24 A. Yes.

1 Q. And would you keep putting the
2 accumulation into the tote tray?

3 A. Yes.

4 Q. Until you filled the tray?

5 A. Yes.

6 Q. Do you know approximately how long it
7 would take to fill the tray?

8 A. Yes.

9 Q. About how long?

10 A. Well, it depends on the workload. It
11 could take months. Could take a year.

12 Q. What's the shortest it took?

13 A. That I don't remember that.

14 Q. So it could be a very short period of time
15 or it could be a long period of time depending on
16 the workload?

17 MR. CHEESEMAN: Objection. Go ahead.

18 A. Umm, it depends on the workload.

19 Q. But you can't tell me how long it would
20 take or what the range was; is that right?

21 You have to answer for the record.

22 A. I can't tell you exactly.

23 Q. Can you tell me approximately?

24 A. It could take a year, year and a half of

1 course maybe longer to fill the tray.

2 Q. Okay. What was the shortest it could take?

3 A. Say a couple of years.

4 Q. I think the longest you said was a year.
5 The shortest is a couple of years? I mean the
6 shortest period of time?

7 A. It takes a long time to fill it. I can't
8 be more specific than that. I don't keep a daily
9 record of how long it takes.

10 Q. So you don't know how long it would take
11 to fill the tote tray?

12 A. That's right.

13 Q. After you -- where would the tote tray be
14 kept during the day?

15 A. Next to the spray booth.

16 Q. And would it be unsealed?

17 A. Yes.

18 Q. And it would be left next to the spray
19 booth until it was filled?

20 A. Yes.

21 Q. What would you do with it once it was
22 filled?

23 A. Put it in the trash.

24 Q. What kind of trash?

1 A. The trash that was going out.

2 Q. What kind of container did you put it in?

3 A. Like a container that a janitor would use
4 to take some trash out to have it picked up by --
5 umm, like salvage company or somebody that picks up
6 trash.

7 Q. You would take the tote tray and you would
8 put it into what you have described as a container
9 used by a janitor, a metal drum?

10 A. No, it could be a -- something like a
11 carryall that a janitor picks up trash and brings
12 it out to someone that would pick up the trash,
13 like a salvage or a rubbish removal service.

14 Q. Was this in the shop, this container?

15 A. Yes.

16 Q. And were you instructed that that's where
17 the paint sludge should be disposed of once the
18 tote tray was filled?

19 Or did you do that on your own?

20 A. ~~I don't remember that.~~ *I was told by Paul Shalline and Jim Govestes, the man who broke me in
sludge. If we had a lot of it and it was wet, we would put it on the ground and let it dry, and
then clean it up and throw it out into the trash container for the rubbish man to remove. If there wasn't*

21 Q. You don't know if you did it yourself or *a lot of paint
somebody told you to do it? sludge, we would
put it directly in
the trash*

22 A. ~~I don't know.~~

23 *Paul Shalline and Jim Govestes*

24 Q. You started doing that in September of

1 1961?

2 A. About that time.

3 Q. Now, when you would empty this tote tray
4 into this container, were there other materials in
5 this container as well?

6 A. Any kind of trash that was going out.

7 Q. Could you describe it? What kind of trash?

8 A. Cardboard boxes, small pieces of metal,
9 anything that was waste that was going to be thrown
10 out.

11 Q. Now, you said that you would pour solvent
12 for cleaning of metal parts, is that right, into
13 smaller containers?

14 A. Yes.

15 Q. What did you do with the solvent after you
16 were done using it?

17 A. Place them in empty 55 gallon ~~buckets or~~
18 drums.

19 Q. Now, what did you place in the empty 55
20 gallon drums?

21 A. Waste thinner and waste paint. *Sometimes if there were*
22 *small amounts of paint sludge, they would also be put in 55-gallon drums.*

23 Q. Which drums would these be? Would these
24 be the drums that they used to come in?

24 A. No.

1 Q. Where did you get these drums?

2 A. These drums were drums that lubricating
3 oils came in and they were empty. We used them to
4 keep our used solvent and excess paint.

5 Q. Excess paint?

6 A. Excess paint.

7 Q. And thinner?

8 A. And thinner.

9 Q. Thinner as well?

10 A. Yes.

11 Q. And when would you dispose of solvents
12 that you have been using on a daily basis into the
13 drum?

14 A. When the need arose.

15 Q. Was that from time to time, day to day?

16 A. Time to time, day-to-day. About that.

17 Q. Was this 55 gallon drum sealed or did it
18 have a cover on it?

19 A. Yes. It was covered.

20 Q. It was always covered?

21 (Witness nodded).

22 Q. Would you pour -- you said that you used
23 either a coffee can or sometimes a larger one
24 gallon metal bucket. Would you just pour the used

1 solvent into the 55 gallon drum?

2 A. Umm. We try to use as much as we could.

3 Q. Well, the stuff that you didn't use?

4 A. Yeah.

5 Q. You would put that into the 55 gallon drum?

6 A. Right.

7 Q. Is that true?

8 A. Yes.

9 Q. Now, when the 55 gallon drum was filled,
10 what did you do with that?

11 A. We would seal it. They have little bung
12 covers, tighten it, put it outside.

13 Q. When you say outside, would you put it in
14 the rear of the plant?

15 A. Yes.

16 Q. And you'd put the drums in the rear of the
17 plant?

18 A. Yes.

19 Q. What happened to those drums?

20 A. What happened?

21 Q. Yes.

22 A. They'd stay there.

23 Q. All right. Do you know if they were ever
24 taken away?

1 A. Umm. Yes.

2 Q. When were they taken away?

3 A. I don't remember. That I don't remember.

4 Q. You don't remember them being taken away?

5 A. I remember them taken away. You asked
6 when, but I don't remember exactly when they were
7 taken away.

8 Q. But you remember them being taken away?

9 A. No, I don't remember them taken away. I
10 just remember not seeing them.

11 Q. So they would be placed in the rear of the
12 plant?

13 A. Right.

14 Q. And then you wouldn't see them any more
15 after a while?

16 A. Yes.

17 Q. Do you have any idea as to when you
18 wouldn't see them any more, would it be on a daily
19 basis, a weekly basis, from time to time?

20 A. I'd say they were there for a long time
21 and then I didn't see them any more.

22 Q. But you can't tell us how long?

23 A. I can't, no, I can't.

24 Q. How many drums on occasion would be to the

1 rear of the plant?

2 MR. CHEESEMAN: At any one time?

3 Q. Any one time?

4 A. ~~I'd say three or four.~~ 10-20 at most

5 Q. Now, Mr. Barbas, did you ever empty any of
6 those drums to the rear of the plant on the ground?

7 A. No, but I now remember once emptying drums into a pit.

8 Q. Did you ever see anybody empty any of
9 those drums to the rear of the plant on the ground?

10 A. No, except the men who assisted me in emptying the drums
11 into the pit that one time

12 Q. Had you ever heard of -- did anybody ever
13 indicate to you and by any means or in any way that
14 the drums had been disposed of by pouring their
15 contents on the ground to the rear of the plant?

16 A. No. Other than what I just described, no.

17 Q. Now, Mr. Shalline was your boss since you
18 started there in November of 1961?

19 A. Yes.

20 Q. And he remained your supervisor throughout
21 the period that you were associated with the plant
22 until --

23 A. No.

24 Q. No? But Mr. Shalline -- is that because
his authority increased or his responsibility

1 increased?

2 A. Yes.

3 Q. Now, did Mr. Shalline ever talk to you at
4 any time about any practices or procedures that you
5 should follow in the use of chemicals that you were
6 using?

7 A. Yes.

8 Q. When do you remember him first coming to
9 you and telling you about any practices or
10 procedures you should use? Was that from the
11 beginning?

12 A. That I don't remember.

13 Q. Do you remember was it sometime after you
14 started?

15 A. Yes.

16 Q. And what do you remember about his coming
17 to you and talking to you?

18 A. Wear safety glasses, gloves.

19 Q. Did he say what kind of gloves?

20 A. Safety gloves, rubber, that these solvents
21 would not go through.

22 Q. These were rubber gloves?

23 A. Rubber.

24 Q. What else?

1 A. No smoking in the area. Good hygiene,
2 washing your hands and face. In case of an
3 accidental spill, get some help, try to wash the
4 area down. If you got it in your eyes or on your
5 hands, get ventilation.

6 Q. What did he say about skin contact with
7 any of the materials that you were using? Did he
8 say anything to you about cautioning you not to
9 have your skin contact with it?

10 A. Right.

11 Q. What did he tell you?

12 A. To try not to get the solvent on your
13 hands, try to have something between it, gloves or
14 extra rags.

15 Q. Did he tell you what to do in case you did
16 get skin contact?

17 A. Wash your hands.

18 Q. Did he tell you anything about -- what did
19 he tell you about ventilation?

20 A. You should have a lot of ventilation when
21 you are working with solvents.

22 Q. Did he say whether you should breathe them
23 or not?

24 A. He said you shouldn't breathe the vapors.

1 Q. Did he say anything about whether you
2 could smell the solvent or not?

3 A. Don't smell the solvent.

4 Q. What did he say, what would that indicate
5 if you smelled the solvent?

6 A. It could make you nauseous, give you a
7 headache, could get you sick.

8 Q. Did he explain to you what health hazards
9 were associated with the use of solvents?

10 A. I -- yes.

11 Q. What did he tell you?

12 A. Could get dermatitis or things like that.

13 Q. Well, things like what?

14 A. Dermatitis, could get an infection.

15 Q. Skin infection of course?

16 A. Rash.

17 Q. Rashes?

18 A. Yeah, things like that.

19 Q. Said it could also make you nauseous?

20 A. Yes.

21 Q. Give you headaches?

22 A. Dizzy, headaches.

23 Q. Dizzy, headaches. What else did he say it
24 could do to you?

1 A. That's about all that I remember.

2 Q. You don't remember him telling you
3 anything else about the use of solvents?

4 A. Just make you sick.

5 Q. Did he say how?

6 A. All those things I said before, headaches,
7 dizziness, that it was very flammable, could cause
8 an explosion, things of that nature.

9 Q. All right. Did he tell you anything else
10 regarding how it could affect your health by
11 contacting the solvent?

12 A. Just that you could get a skin rash and
13 dermatitis, things like that.

14 Q. Now, did he ever talk to you at any time,
15 Mr. Shalline, did he ever have any conversations
16 with you concerning any particular solvents or the
17 dangers associated with any particular solvents or
18 was this just general information he gave you about
19 solvents?

20 A. General information.

21 Q. Do you ever remember him coming to you and
22 talking to you specifically about a solvent?

23 A. Yes.

24 Q. What do you remember?

1 A. That some of the solvents were very
2 dangerous, we had to stop using them.

3 Q. When did he have this conversation?

4 A. I can't remember that.

5 Q. Was it in the 1960's or the 1970's?

6 A. I'd say the sixties.

7 Q. Do you remember if it was in the beginning
8 or the middle or the end of the sixties?

9 A. I'd say in the beginning of the sixties he
10 just told me to use caution working with the solvents.

11 Q. Right and then what? Then you remember
12 him telling you something more later?

13 A. Yes.

14 Q. Was this at a time when you were told to
15 stop using the solvents?

16 A. Yes.

17 Q. And what did he tell you about why they
18 were dangerous?

19 A. All I remember is that he said they could
20 be hazardous to your health and that the company,
21 the corporate headquarters, requested that we stop
22 using some solvents.

23 Q. Did he identify which solvents he wanted
24 to stop using?

1 A. Yes.

2 Q. Which ones?

3 MR. CHEESEMAN: I will permit the
4 witness to answer as to any of these six chemicals
5 that I have mentioned to him before.

6 A. Trichloroethylene.

7 Q. You remember him specifically telling you
8 to stop using trichloroethylene because the company
9 determined they were hazardous to your health?

10 A. The company determined that we should stop
11 using them. At that point I didn't know if there
12 was a connection but he just said stop using
13 trichloroethylene.

14 Q. In connection with what?

15 A. With what you just said.

16 Q. With being a health hazard?

17 A. Yes.

18 Q. Did Mr. Shalline tell you the reason that
19 you had to stop using trichloroethylene because the
20 company determined it to be a health hazard?

21 A. Yes.

22 Q. Did he tell you what type of hazard the
23 company had determined it to be?

24 A. Yes.

1 Q. What kind of hazard did the company
2 determine it to be?

3 MR. CHEESEMAN: That he told you.

4 A. What?

5 Q. That he told you.

6 MR. CHEESEMAN: What did he tell you?

7 A. Breathing of the fumes were dangerous and
8 you could get that like dermatitis or rashes,
9 things of that nature.

10 Q. But did he tell you that at the beginning
11 when you started using solvents or did he tell you
12 this at the point you were supposed to stop using
13 trichloroethylene?

14 A. At the point to stop using
15 trichloroethylene.

16 Q. Did Mr. Shalline indicate the reason or
17 what in fact the company, what particular hazard
18 the trichloroethylene had and that was why he had
19 to stop using it? Do you remember specifically
20 what he told you about trichloroethylene if
21 anything?

22 A. I don't remember specifically. He just
23 said we had to stop using it.

24 Q. Do you remember if he gave you any

1 material about trichloroethylene?

2 A. Yes, he did.

3 Q. What did he give you?

4 A. He gave me a sheet of paper.

5 Q. Other than the piece of paper you remember,
6 do you remember him giving you any other material
7 about trichloroethylene?

8 A. No.

9 Q. No.

10 I show you a document marked Shalline
11 Exhibit 7 and ask that you examine that.

12 Is that the document you remember him
13 giving you?

14 A. I think so.

15 (Witness looked at document).

16 Q. Is that the document?

17 A. Yes.

18 Q. All right. The document that the witness
19 is referring to is Shalline Exhibit No. 7. Now,
20 was the document given to you with these black
21 marks on it or was it given to you without these
22 black marks?

23 A. Without the black marks.

24 Q. And do you know what the information that

1 has been marked out, do you know what that refers
2 to?

3 MR. CHEESEMAN: You can answer yes or
4 no.

5 A. No.

6 Q. You don't remember?

7 A. I don't remember what it was.

8 Q. Do you know if it referred to another
9 chemical you were using?

10 A. I don't remember what it refers to. I
11 didn't read it all.

12 Q. But you do remember that part of the
13 document referred to trichloroethylene?

14 A. Right.

15 Q. Did Mr. Shalline ever tell you that the
16 reason that the W. R. Grace had instructed the
17 Woburn plant to stop using trichloroethylene was
18 because trichloroethylene had been cited as a
19 carcinogenic substance as having potential
20 carcinogenic hazards or having other serious
21 potential health hazards?

22 A. Yes.

23 Q. Did he tell you that?

24 (Witness nodded).

1 Q. Now, other than Mr. Shalline talking to
2 you about solvents in general in the beginning when
3 you started to work for the Woburn plant and Mr.
4 Shalline's conversation where he gave you this
5 piece of paper and talked to you about why the
6 company had ceased using trichloroethylene, the
7 health hazard that it posed, do you remember Mr.
8 Shalline ever coming to you and talking to you
9 about any chemicals at use at the plant or ever
10 provide any information about chemicals at the
11 plant?

12 A. Yes.

13 Q. What do you remember?

14 A. Just to use caution and safety equipment,
15 use ventilation, things of general safety material.

16 Q. Other than, when would he give that
17 information to you? Was that just from time to
18 time?

19 A. From time to time.

20 Q. Was there any employee meetings at which
21 this information was given?

22 A. There were safety meetings and employee
23 meetings.

24 Q. All right. How often would there be

1 safety meetings?

2 A. Say once a month.

3 Q. All right. Where would these safety
4 meetings be held?

5 A. In our conference room.

6 Q. The conference room. Who would be present
7 at these safety meetings?

8 A. A representative of each department that
9 would be a safety committee member and then also
10 the foreman of that department. They were
11 permanent safety meeting members, safety committee
12 member.

13 Q. Now, you wouldn't attend each of these
14 monthly meetings?

15 A. No.

16 Q. It would be on a rotating basis?

17 A. Yes.

18 Q. So that every, how long would it be before
19 you would attend a meeting? Once a year, once
20 every couple of years?

21 A. I think I have been on the committee only
22 a couple of times of all the years that I have been
23 there. Two or three times at the most.

24 Q. And during the two or three times that you

1 were at the safety committee meeting, what do you
2 remember being discussed?

3 A. Recommendations that workers had seen to
4 improve safety.

5 Q. What were those?

6 A. Different things throughout the shop.
7 Just whatever somebody saw that they thought was
8 hazardous or unsafe, they would bring it to the
9 attention of the safety committee and they would
10 make a decision as to do something about it or --
11 it would be up to the safety committee. Like if
12 the floor was wet after a storm, throw some speedy
13 dry down or something so you wouldn't slip. Things
14 like that.

15 Q. And any of these safety committee meetings
16 which you attended the two or three times, do you
17 ever remember it ever being discussed the types of
18 chemicals that were being used or how they should
19 be used?

20 A. One. One meeting.

21 Q. What meeting was that?

22 A. One of the safety committee meetings. It
23 wasn't brought to my attention until yesterday. I
24 saw the piece of paper.

1 Q. What was that?

2 A. About trichloroethylene.

3 Q. All right.

4 A. The vapors.

5 Q. What do you remember about that? Do you
6 remember anything independent of the document that
7 you saw?

8 A. No, I don't remember anything independent.

9 Q. And the document that you saw yesterday,
10 would that be Shalline Exhibit No. 4?

11 MR. CHEESEMAN: Can I show him
12 Exhibit 1?

13 A. I never saw that.

14 Q. All right. Your testimony is that you
15 have never seen Shalline Exhibit No. 4.

16 A. I have never seen that. I have never seen
17 it.

18 Q. That's Shalline Exhibit No. 4?

19 A. Yes.

20 Q. You have never seen this?

21 A. Right.

22 Q. Have you had a chance to examine it?

23 A. No.

24 Q. Why don't you examine it.

1 (Witness looked at document).

2 Q. Do you remember seeing that?

3 A. I don't remember seeing that.

4 Q. And you have had a chance to read it over
5 and examine it?

6 A. Yes.

7 Q. I show you Shalline Exhibit No. 1. What's
8 that?

9 A. What is this?

10 Q. Yes.

11 A. This is like a summary of a safety meeting.

12 Q. You remember that safety committee meeting?

13 A. I don't remember the meeting.

14 Q. But you did look at this document
15 yesterday?

16 A. Yes.

17 Q. That your attorney showed you the document?

18 A. Yes.

19 Q. Had you seen it prior to your attorney
20 showing it to you?

21 Of course if you remember.

22 A. I must have seen it but I don't remember
23 it. I was on the committee.

24 Q. But you were on the committee and it

1 indicates you were on the committee at that
2 particular meeting?

3 A. Yes.

4 Q. And in that document it talks about
5 trichloroethylene. Do you remember being at a
6 meeting at which that was discussed?

7 A. Yes.

8 Q. What do you remember what was being
9 discussed about it?

10 A. Just that we were going to use it as a
11 cleaning solvent.

12 Q. Now, do you have any independent
13 recollection of that meeting other than this
14 document?

15 A. No.

16 Q. Can you remember anything about that
17 meeting?

18 A. It was a long time ago. I don't remember.

19 Q. Well, prior to your being shown this
20 document, did you have a memory of being at a
21 safety committee meeting?

22 A. I have memories of being at safety
23 committee meetings but not that one particularly.

24 Q. Did you have a memory of being at a

1 meeting at which trichloroethylene was discussed?

2 A. I don't have a memory of it, just until I
3 saw the document.

4 Q. But did it refresh your recollection?

5 A. Yeah, when I saw the document.

6 Q. And what did it refresh your recollection
7 about?

8 A. We were going to use it as a cleaning
9 solvent.

10 Q. Do you remember it being discussed at the
11 meeting though, do you remember what was discussed
12 about trichloroethylene?

13 A. No.

14 Q. Now, other than that meeting, do you have
15 any other recollection of ever being at a safety
16 committee meeting at which chemicals or the use of
17 chemicals at the plant was discussed?

18 A. I don't remember.

19 Q. Now, did you know whether the safety
20 committee ever made reports to employees on a
21 regular basis or how they made reports to employees.

22 A. Just like that and it would be posted on
23 the bulletin board.

24 Q. Minutes of the safety committee meetings

1 would be posted on the bulletin board for the
2 employees to read?

3 A. Every month.

4 Q. And do you ever remember seeing any safety
5 committee meeting reports at which the use of
6 chemicals was discussed at the plant?

7 A. I don't remember.

8 Q. You don't remember any. Now, were you at
9 any safety committee meetings at which the disposal
10 of chemicals, how they should be disposed of was
11 discussed?

12 A. I don't remember.

13 I don't remember any.

14 Q. Do you remember seeing any safety
15 committee reports at which it was discussed how
16 chemicals should be disposed of?

17 A. I don't remember that.

18 Q. You don't remember reading anything like
19 that?

20 A. No.

21 Q. Now, do you remember at any time any
22 person associated with the Woburn plant, W. R.
23 Grace or the Cryovac Division, ever discussing with
24 you how chemicals should be disposed of at the

1 plant?

2 A. Not as a committee.

3 Q. No?

4 A. I just remember I would say chemicals,
5 used chemicals should be put in barrels.

6 Q. Who told you that?

7 A. Paul Shalline.

8 Q. He told you used chemicals should be put
9 in barrels. Other than that did he ever tell you
10 anything else about what you should do with
11 chemicals or what you should do with the barrels?

12 A. Well, all I can remember is that whatever
13 we did, we did like what we were supposed to do.

14 Q. How do you know you were supposed to do it?

15 A. Because the boss told me to.

16 Q. Who was the boss?

17 A. Paul Shalline.

18 Q. What do you remember Mr. Shalline telling
19 you to do about the drums of used chemicals?

20 A. Put them out back.

21 Q. Did he tell you anything else?

22 A. That's right.

23 Q. Did he tell you anything else?

24 A. No, just leave them out back. *On one occasion,
he asked me to pour the contents of the barrels into a pit*

1 Q. Just leave them out back. Did he ever
2 indicate to you what happened to them after they
3 were left out back?

4 A. No.

5 Q. That was from the beginning when you
6 started to work for the Woburn plant, September of
7 1961?

8 A. That wasn't always the way. It was my
9 idea originally to put the used solvent and paint
10 sludge in barrels and have them taken out legally.
11 That was my recommendation.

12 Q. When did you make that recommendation?

13 A. About two months after I started working
14 there.

15 Q. What exactly was your recommendation?

16 A. That the wastes be put in 55 gallon drums,
17 when they are full, put them out back and then wait
18 the disposition to have them removed.

19 Q. Okay. Now, why did you make that
20 recommendation?

21 A. Why?

22 Q. Yes.

23 A. Because up until the point before, at the
24 end of the work day, take the solvent out and dump

1 it on the ground.

2 Q. To the rear of the plant?

3 A. Yes.

4 Q. And how long had you been doing that?

5 A. I'd say maybe a couple of months.

6 Q. When you worked there?

7 A. Yeah.

8 Q. And it was -- did you bring this to the
9 attention of Mr. Shalline?

10 A. I told him that we shouldn't do that. We
11 should be -- cause I had found out that there was
12 other ways of, you know, disposing it, disposal.

13 Q. How did you find this out?

14 A. I think somebody had told me.

15 Q. Who was that?

16 A. That I don't remember.

17 Q. Somebody at the plant?

18 A. Yes, somebody at the plant.

19 Q. What did they -- how did it come up? How
20 did you have a discussion?

21 A. I don't remember. All I remember is
22 somebody saying: Why don't you put them in barrels
23 and have the salvage companies take them away?

24 Q. And prior to that time, your understanding

1 was that the stuff was accumulated and poured out
2 on the ground to the rear of the plant?

3 A. Right.

4 Q. And it was you who brought it -- you went
5 to Mr. Shalline and you told him you didn't think
6 that was a good idea?

7 A. Right.

8 Q. Did you tell him why it was a bad idea?

9 A. I think I told him that there were people
10 in the business that would remove it. That's all I
11 said.

12 Q. Did you tell him it was -- did you think
13 it was a bad idea? Why did you think it was a bad
14 idea?

15 A. Somebody told me that you shouldn't be
16 doing that, that you should have it done.
17 Professionals would come and take it away.

18 Q. But did you think that it could cause
19 problems if you did it that way, cause problems to
20 the environment? Did you know that?

21 MR. CHEESEMAN: Objection.

22 Q. If you knew?

23 A. At that time?

24 Q. Yes.

1 A. I didn't think it was hazardous. I didn't
2 think it was a bad idea.

3 Q. To pour it out on the ground?

4 A. Yeah.

5 Q. Why did you make a recommendation then to
6 have it hauled away if you didn't think it was a
7 bad idea?

8 A. I think somebody brought it to my
9 attention. I brought it up to Paul Shalline. I
10 said: Start putting these in -- we had empty
11 barrels.

12 Q. Right.

13 A. Said: Let's start putting the stuff in
14 empty barrels and have them take it away.

15 Q. But you thought it was a bad idea to pour
16 it on the ground or you thought it was a good idea
17 to pour it on the round?

18 MR. CHEESEMAN: Objection.

19 A. After a while I thought it was a bad idea.

20 Q. Why did you think it was a bad idea?

21 MR. FREDERICO: Objection.

22 MR. CHEESEMAN: Objection.

23 A. That would be similar as taking gasoline
24 and throwing it on the ground. It is not a good

1 idea.

2 Q. Why?

3 MR. FREDERICO: Objection.

4 MR. CHEESEMAN: Objection.

5 A. Just don't do it.

6 Q. Did you think it could cause harm in some
7 fashion?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. I figured maybe it could cause some harm.
11 That's why I brought it to his attention, plus
12 somebody else had said: Why don't you get that
13 done?

14 Q. Was that another employee do you think?

15 A. Yes.

16 Q. What did Mr. Shalline tell you or respond
17 to your suggestion?

18 A. He thought it was a good idea.

19 Q. And did Mr. Shalline indicate to you
20 whether he hired a hauling company to haul away the
21 waste?

22 A. No.

23 Q. He never did?

24 A. Not at that point. We do now.

1 Q. You do now?

2 A. Yes.

3 Q. When did you start doing that?

4 MR. CHEESEMAN: If you know.

5 Q. If you know.

6 MR. CHEESEMAN: If you know when you
7 started having someone haul it away.

8 A. I'd say in the seventies. When exactly, I
9 don't remember.

10 Q. Was it before the wells were closed down
11 or after?

12 MR. CHEESEMAN: You may have to help
13 him.

14 Q. In May of '79.

15 A. What's that again?

16 Q. Do you remember the wells were closed down
17 in May of 1979?

18 A. What's that?

19 Q. The wells in the town of Woburn were
20 closed down in May of '79, you're aware of that,
21 aren't you?

22 A. Yes.

23 Q. Was it before they closed down the wells
24 in May of '79 or after they closed the wells in May

1 of '79?

2 A. Wait a minute. Did you say May?

3 Q. May.

4 A. Of '79?

5 Q. Right.

6 A. I'd say it was probably before.

7 Q. Do you remember when? A year before?

8 A. Could be.

9 Q. Two years?

10 A. Could be.

11 Q. Could be two years?

12 A. I can't be specific.

13 Q. Sometime in the middle seventies or late
14 seventies?

15 MR. CHEESEMAN: Objection.

16 A. I don't remember.

17 Q. You know it wasn't done in the sixties?

18 A. I don't remember.

19 Q. Now the process of painting that you have
20 described and the use of solvents, did that change
21 any from September of 1961 throughout the time that
22 you worked at the paint shop?

23 A. Yes.

24 Q. When did it change?

1 A. I can't remember that either but it did
2 change. We went to a baked enamel system. Before
3 it used to be an air dried system. Then we went to
4 a baked application that we had a baking oven that
5 would dry the paint.

6 Q. That was an added process?

7 A. Yes

8 Q. Rather than dry in the air, you'd have it
9 baked?

10 A. Yes.

11 Q. But the process you described about
12 priming or wiping down the metal with solvents,
13 painting it with metal primer, then having it dry
14 and then instead of spray painted, it was baked
15 enamel or it was spray painted and then baked?

16 A. Spray painted and then baked.

17 Q. But the other process didn't bake it, did
18 it?

19 A. Yeah. We didn't always use a metal, a
20 solvent degreaser. We went into a mechanical tanks
21 filled with chemicals would clean the part,
22 decrease the part, rinse the part, edge the part,
23 like they did with a can. It is all mechanical.
24 It is all done.

1 Q. It is done in a vat?

2 A. Yeah.

3 Q. When did that start?

4 That done in the 1960's or 1970's?

5 A. Sixties. I'd say the sixties. I am not
6 sure.

7 Q. Middle sixties or late sixties?

8 MR. CHEESEMAN: If you know.

9 Q. As best you can.

10 A. I'd guess the middle sixties.

11 Q. Now, tell me about that process. What
12 happened with the vat? What exactly did you do?
13 Describe the process for me. Go through the same
14 way you did before. Start with the metal part and
15 what did you do with it until it was finished?

16 A. The metal part would be attached to, if
17 there were a lot of small parts, they were put into
18 a container with holes in it and it would be placed
19 in the first container was a cleaner.

20 Q. And what was in that?

21 A. Some sort of a metal cleaner.

22 Q. Do you know what kind?

23 A. It was like a degreaser.

24 Q. Was it a solvent?

1 A. No.

2 Q. Do you know what kind of degreaser?

3 A. It was a chemical. It was not -- it was a
4 powder added to a liquid to make some sort of
5 chemical.

6 Q. Do you know what the chemical name was,
7 yes or no?

8 MR. CHEESEMAN: Yes or no.

9 A. Yes.

10 Q. What was the chemical?

11 MR. CHEESEMAN: I'll tell him not to
12 answer that unless it is one of the six.

13 A. It is not on there.

14 Q. But you don't know whether it was a
15 solvent or not?

16 A. It was not a solvent.

17 Q. But you consider it to be a degreaser?

18 A. Yes.

19 Q. Do you know the product name?

20 MR. CHEESEMAN: Yes or no.

21 A. Yes.

22 Q. What's the product name?

23 MR. CHEESEMAN: I'll tell him not to
24 answer that unless he knows it involves one of

1 those chemicals.

2 A. It is not on there.

3 Q. And after you put it in the vat, it would
4 be --

5 A. It would be, if you could visualize a
6 giant tub, because I think that would be in the lay
7 term, be about five of them, but they were square.

8 Q. How high?

9 A. Like rectangular. They wouldn't be square.
10 They would be rectangular. They would be
11 approximately four feet high, maybe three and a
12 half feet deep. There would be a little lip, you
13 know, there would be a distance from the top that
14 didn't have liquid in case it came up it wouldn't
15 overflow, and it would be approximately ten feet
16 long. There was about five of them.

17 Q. Each one of them had a different batch of
18 chemicals in it?

19 A. Yeah. Some had water in it, some were
20 like a rinse, to rinse the chemical off.

21 Q. What else did the others have?

22 A. The others had a metal -- some sort of an
23 additive that would get the material ready to
24 receive the paint like primer, just like a car, car

1 body.

2 Q. What was that product, the chemical?

3 MR. CHEESEMAN: You can answer that
4 if it involves one of the six chemicals on the list.

5 A. It is not on there.

6 Q. Does it involve another chemical?

7 A. Yes.

8 Q. Do you know if any of them was a solvent?

9 A. No.

10 Q. But it was another chemical?

11 A. No.

12 Q. You know the name of that chemical?

13 A. I don't remember it. I don't remember it.

14 Q. Do you remember what kind of chemical it
15 was?

16 A. Again, it was a powdered substance that
17 was added to water to --

18 Q. Do you remember the name of the company
19 that produced it or the product name?

20 MR. CHEESEMAN: If you remember, say
21 yes. If you don't remember, say no.

22 A. No, I don't remember. All I remember is
23 that you added powder and water and it made it.

24 Q. Okay. What else?

1 A. Then the next one would be a rinse,
2 rinsing bath, just plain water. There was two like
3 that, the second and fourth one and then the fifth
4 one was like a phosphating solution. That prepared
5 the metal for -- that would bond the primer to the
6 metal just like in a phosphate coating for a car.

7 Q. Right. What chemical was that?

8 MR. CHEESEMAN: You may answer if it
9 was one of the six there.

10 A. It is not on there.

11 Q. Do you know if it was a solvent?

12 A. No, it was not a solvent.

13 Q. But do you know the name of the chemical?

14 A. I know what it is, but I don't know the
15 name of it. I can't think of it.

16 Q. You mean product name? You don't know the
17 product name but do you know what kind of a
18 chemical it is?

19 A. It is like a phosphate.

20 Q. Any other vats?

21 A. No, that's it.

22 Q. Did you use solvents in that process at
23 all?

24 A. You'd use solvents if all the tanks didn't

1 do a good job. If it was heavy oiled and all those
2 chemicals didn't take it off, if there was one
3 spot, uses all the solvent.

4 Q. What solvent did you use?

5 A. Whatever was on hand.

6 Q. What was the solvent on hand?

7 MR. CHEESEMAN: You can answer if you
8 know that and any of those six.

9 A. It is not on the list.

10 MR. CHEESEMAN: Can you read it?

11 A. It might have been trichloroethylene.

12 Q. It may have been something else?

13 A. Yes.

14 Q. Were you pointing to the top one or the
15 second one?

16 A. Does that say trichloroethylene?

17 MR. CHEESEMAN: The top does and the
18 second was trichloroethane. You were referring to
19 this one?

20 A. Yes.

21 Q. Well, were there other solvents to your
22 knowledge used other than trichloroethylene on
23 occasions?

24 A. Mineral spirits. That's like a paint

1 thinner.

2 Q. Yes.

3 MR. CHEESEMAN: He just asked if
4 others were, so it is yes or no.

5 A. Yes.

6 Q. How many other solvents were used, do you
7 know, and the numbers?

8 A. Three more.

9 Q. Three others. Do you know the names of
10 them?

11 MR. CHEESEMAN: Yes or no.

12 A. Yes.

13 Q. Is any of them toluene?

14 A. Yes.

15 Q. Is any of them acetone?

16 A. Not at that time.

17 Q. 1,1,1 trichloroethane?

18 A. No.

19 Q. Was one of the solvents -- was not
20 trichloroethylene.

21 Let me see if I understand, Mr.
22 Barbas. You say there were solvents that were used
23 from time to time, right?

24 A. Right.

1 Q. And you know what those solvents are,
2 right? You know their names?

3 (Witness nodded).

4 Q. Okay.

5 A. Yeah.

6 Q. All right. So one of them was
7 trichloroethylene, you remember that?

8 A. Yes.

9 Q. One of them was toluene, you remember
10 that?

11 (Witness nodded).

12 Q. How about acetone? Was any of them
13 acetone?

14 A. Not at that time.

15 Q. At some time, later?

16 A. Yeah, later.

17 Q. In the seventies; is that right?

18 A. Yeah.

19 Q. And was one of them 1,1,1 trichloroethane?

20 A. No, that doesn't ring a bell.

21 Q. Other than trichloroethylene, toluene,
22 acetone or 1,1,1 trichloroethane, there were other
23 solvents?

24 A. Yes.

1 Q. How many others?

2 A. I'd say maybe one or two more.

3 Q. One or two others?

4 A. Yeah.

5 Q. That don't appear on that list?

6 A. Right.

7 Q. And don't appear on the list I just gave
8 you?

9 A. Yes.

10 Q. How long did you use those others? Did
11 you use those in the 1960's?

12 A. Those others, no.

13 Q. Did you use them in the 1970's?

14 A. Yes.

15 Q. Do you know when you started using those
16 others?

17 A. Early seventies.

18 Q. And did you use it to replace
19 trichloroethylene or as a supplement to
20 trichloroethylene?

21 A. Yes.

22 Q. As a supplement?

23 A. As a substitute.

24 Q. Substitute for.

1 A. We stopped using it.

2 Q. When you stopped using trichloroethylene,
3 you used these other solvents that you haven't
4 named, right?

5 A. Yeah.

6 Q. But which do not appear on that list?

7 A. Right.

8 Q. And are none of the four I just named?

9 A. Right.

10 Q. And how long did you use those, in the
11 1970's?

12 A. The ones that I didn't name?

13 Q. The ones you didn't name.

14 A. Yes.

15 Q. Did you use them in the 1980's?

16 A. Yes.

17 Q. Do you use them now?

18 A. I don't use them now. I'm a buyer.

19 Q. Does the -- that's right, you are. Does
20 the Woburn plant use them now to your knowledge?

21 A. They could. I don't know.

22 Q. Well, did they use them up until the time
23 you stopped being a painter?

24 A. Yes.

1 Q. That was December of 1984?

2 A. Yes.

3 Q. Mr. Barbas, did you at any time
4 participate in the disposing of drums of material
5 into a pit to the rear of the plant?

6 A. No, I never put any drums into a pit. As I have already
7 said, once I did empty material from drums into a pit.
8 Q. Never did?

9 A. No, not drums, but once I did empty material from
10 drums into a pit
11 Q. Did you witness it?

12 A. No, not drums, just pouring material into a pit

13 Q. Do you have any information or knowledge
14 that such an incident took place?

15 A. Do I have information?

16 Q. Yes.

17 A. Yeah, they just dug them up, didn't they?

18 Q. Well, is that the information that you
19 have?

20 A. Yeah.

21 Q. Is that the only information you have?

22 A. I do not think I heard anything about drums being
23 ~~I might have heard about something before~~
24 ~~launched before they were dug up.~~
25 but I'm not sure.

26 Q. All right. Well, did you hear from other
27 employees about it?

28 A. Yeah.

1 Q. Who did you hear about it from?

2 A. I don't remember.

3 Q. You don't remember at all?

4 (Witness shook head).

5 Q. Did you ever have any conversations with
6 Mr. Kelly?

7 MR. CHEESEMAN: About this?

8 Q. About this incident where drums were
9 poured into the pit?

10 A. No.

11 Q. Never did?

12 A. Mr. Kelly?

13 Q. Yes.

14 A. Are you talking about the guy that's
15 passed away?

16 Q. The guy who died of cancer.

17 A. I don't have any recollection of talking
18 to him about it.

19 Q. Who do you have a recollection of talking
20 to about this incident?

21 A. I don't know who I talked to about it.

22 Q. Were you working for W. R. Grace at the
23 Woburn plant in 1974?

24 A. '74?

1 Q. Yes.

2 A. Yes.

3 Q. Do you ever remember at any time that you
4 were working for W. R. Grace at the Woburn plant,
5 do you ever remember any indication that employees
6 were pouring drums of material into a pit in the
7 rear of the plant?

8 A. No, other than the one time I have already described

9 Q. You have no indication whatsoever?

10 (Witness shook head).

11 *Not about burying drums until then, no.*
12 A. ~~Not until then, no.~~ I know about it now
13 because they dug up some drums.

14 Q. But you didn't know about it before?

15 A. No, not about burying drums

16 Q. So if it was happening during the time
17 that you were working, you have no indication that
18 that was happening?

19 A. Right.

20 Q. And what is your understanding as to what
21 happened during that incident if you have one?

22 MR. CHEESEMAN: Well, now, I object.
23 He has indicated he didn't see it, didn't hear
24 about it, you're asking him to describe it?

25 Q. Uh-huh. What does he know about it? What

1 do you know about the incident?

2 MR. CHEESEMAN: I object.

3 If you know anything.

4 Q. What do you know?

5 A. Just what I've heard.

6 Q. What have you heard?

7 A. Just the things that we've heard about and
8 read about in the paper, some barrels were buried.

9 Q. In the pit?

10 A. In the pit.

11 Q. And you read about that in the newspaper?

12 A. Yeah and I also saw it when they were digging
13 up in the back.

14 Q. And did you see how many barrels were
15 pulled out of the pit?

16 A. No.

17 Q. You saw barrels being pulled out of the
18 pit?

19 A. Yes.

20 Q. But all your information about the
21 incident has come from what you read in the
22 newspapers?

23 A. Yeah, and what I have seen and heard.

24 Q. What have you seen?

1 A. I have seen some barrels taken out when
2 they excavated, you call it the pit.

3 Q. That was what, a couple of years ago?

4 A. I'd say a couple of years ago.

5 Q. And what have you heard?

6 A. That they buried some barrels in the back.

7 Q. When did you hear that?

8 A. When all the media attention was brought
9 on the suit.

10 Q. On this lawsuit?

11 A. Yeah.

12 Q. Were you ever at a meeting where any
13 employee or, well, any individual associated with
14 the Woburn plant ever tried to find out information
15 about this incident involving the pouring of drums
16 in the rear of the plant in the pit?

17 A. What kind of a meeting would that be?

18 Q. Well, let me ask you, at any time did
19 anybody ever interview you or were you present at a
20 meeting when others interviewed you?

21 MR. CHEESEMAN: He is not asking
22 about any interviews with us.

23 Q. Not interviews with attorneys on this
24 lawsuit but people asking, any time you have been

1 interviewed or been present at meetings where
2 others have been interviewed or asked questions
3 about this incident regarding the pouring of drums
4 in the pit?

5 A. ~~No.~~ Yes.

6 Q. You have never been interviewed?

7 A. Other than --

8 Q. Other than Mr. Cheeseman talking to you?

9 MR. CHEESEMAN: And Mr. Stoler.

10 Q. Or Mr. Stoler in regards to this lawsuit.

11 MR. CHEESEMAN: He doesn't want to
12 ask you about those things. He wants to know
13 independently of that.

14 A. I have been at meetings where it has been
15 discussed.

16 Q. All right. What meetings have you been to
17 where it has been discussed?

18 A. It just has to do with the lawsuit. *I was also*
19 *interviewed by Mr. Stewart in 1982.*

19 Q. Just with the lawsuit?

20 A. Yes.

21 Q. I don't want to know about those meetings.
22 That's when your attorneys, an attorney for W. R.
23 Grace was present?

24 A. Meetings like that Vinnie had.

1 Q. Mr. Stoler was present.

2 MR. CHEESEMAN: There might be
3 meetings that we weren't present but were
4 undertaken in connection with with our work.

5 Q. Did Mr. Shalline ever ask you questions
6 about the incident involving the pouring of drums
7 in the pit at any time?

8 A. Yes.

9 Q. He did. When did he ask you questions
10 about it?

11 A. About the time of the lawsuit.

12 Q. At the time of the lawsuit, this lawsuit?

13 A. Yes.

14 Q. Did he ever do it before this lawsuit?

15 A. That I don't have any recollection of.

16 Q. All right. Well now, this lawsuit was
17 filed in May of 1982. Do you know if it was before
18 May of 1982?

19 A. Yes, I'd say it was.

20 Q. All right. When was it? Was it a couple
21 of months before May of 1982?

22 A. It could have been. I can't be precise on
23 my dates.

24 Q. A few months before?

1 A. It could have been.

2 Q. And what do you remember Mr. Shalline
3 talking to you about?

4 A. He asked me if I knew anything about it.

5 Q. What did you say?

6 A. I told him I didn't know anything about it.
7 I told him that my job was to put the waste in
8 barrels and it was the company's responsibility to
9 get rid of them legally and that was it. That's
10 all I said to him.

11 Q. All right. Did you tell him any
12 information that you had other than that?

13 A. No.

14 Q. Did Mr. Shalline tell you anything?

15 A. No, he just asked me if I knew anything
16 about it.

17 Q. Were you present when Mr. Shalline asked
18 anybody else about the incident?

19 A. I don't think so.

20 Q. Do you know who Mr. Dick Stewart is?

21 A. Dick Stewart?

22 It rings a bell. I think he is
23 corporate.

24 Q. From South Carolina?

1 A. Yeah, okay.

2 Q. Do you remember him?

3 A. Yeah.

4 Q. Do you remember him coming up and asking
5 questions about the incident?

6 A. Yeah.

7 Q. Did he ask you questions separately from
8 Mr. Shalline?

9 A. Yeah, I think he did, yeah.

10 Q. What did he say to you?

11 A. He wanted --

12 MR. CHEESEMAN: If this was before
13 the May --

14 Q. This is approximately the same time Mr.
15 Shalline was asking you questions about the
16 incident?

17 A. Yes.

18 Q. What did Mr. Stewart ask you?

19 A. He asked me what I knew about it. He said he was
20 fact finding. He mentioned my good safety record. He asked me questions about the additions

20 Q. What did you tell him? He asked if I was responsible for
pouring the drums, and he asked me
21 if I knew anything about dumping from
1968-1970.

21 A. I told them that -- he asked me if I was
I told him I was in the Army from 1963 to 1970. He asked
22 where I served, and I told him I was an M.P. in Vietnam. I can't remember
responsible for pouring the drums and I said no. any other
23 questions

23 Q. Did he ask you about drums being dropped
24 into the pit?

1 A. He just wanted to know if I knew anything
2 about it and I told them the same thing I told
3 Shalline.

4 Q. What was that?

5 A. My job as to put the solvent and the waste
6 in the barrels and it is the company's
7 responsibility to remove them.

8 Q. Now, what did he tell you about any
9 information that he had about the incident?

10 A. He didn't give me any information. He was
11 just like a fact finding.

12 Q. Fact finding?

13 A. He didn't tell me anything.

14 Q. Were you present when he interviewed
15 anybody else?

16 A. No.

17 Q. How about Mr. Sam Knight from South
18 Carolina? Does that ring a bell?

19 MR. CHEESEMAN: Do you know of him?

20 A. Sam Knight?

21 Maybe I do but it doesn't ring a bell.

22 Q. Doesn't ring a bell. Okay.

23 A. Is he, he is from Duncan, you said Duncan?

24 Q. South Carolina. Works with Mr. Stewart.

1 A. Maybe I have Mr. Stewart and Mr. Knight
2 mixed up.

3 Q. Could be Mr. Stewart or Mr. Knight. One
4 of them you remember being from South Carolina?

5 A. Right.

6 Q. They weren't both together? There was one
7 individual that you talked to?

8 A. Right. I am not too sure on that. I
9 might be getting these two guys mixed up.

10 Q. You remember --

11 A. But I did talk to someone from South
12 Carolina.

13 Q. About this incident?

14 A. Right.

15 Q. Could have been somebody who identified
16 himself as Mr. Stewart or Mr. Knight or maybe
17 somebody else?

18 A. Right.

19 Q. You don't know what the name was?

20 A. I forget. I am lousy on names as you can
21 tell.

22 Q. Mr. Frank Kelly, do you know who he was?

23 A. Yes.

24 Q. What was his job at the plant?

1 A. He was the shipper.

2 Q. And how long has he been there?

3 A. How long was he there?

4 Q. Was he there?

5 A. About thirty some odd years. I don't know
6 exactly.

7 Q. He was there before you were there?

8 A. Yes.

9 Q. And you never had any conversation with
10 Mr. Kelly or ever hear Mr. Kelly say anything to
11 anybody about the pouring of the drums in the pit?

12 A. No.

13 Q. Ed Orazine, do you remember him?

14 A. He is my foreman.

15 Q. He is your foreman?

16 A. Was my foreman. He is retired now.

17 Q. He is retired. When did he retire?

18 A. I think last year. The beginning -- maybe
19 the end of last year.

20 Q. Did you have any conversations with Mr.
21 Orazine about the incident involving the drums in
22 the pit?

23 A. That was like a personal conversation.

24 Q. You did. What was your personal

1 conversation about?

2 A. He made a comment to me.

3 Q. What did he say to you?

4 A. He said that the company should have never
5 buried the barrels.

6 Q. And when did he say that to you?

7 A. About the time they were, you know,
8 digging up the back.

9 Q. Did you have a conversation with Mr.
10 Orazine during the time you were being interviewed
11 by the people from South Carolina?

12 A. It could have been.

13 Q. The conversation could have been then?

14 A. ~~Yes.~~ No

15 Q. Where Mr. Orazine said the company should
16 never had buried the barrels?

17 A. ~~Right.~~ No. I had such a conversation shortly after
18 the drums were excavated.

19 Q. Buried the barrels. Is that right?

20 A. Say that again.

21 Q. That was around that time he could have
22 told you that the company should never have buried
23 the barrels?

24 A. Right. Shortly after the drums were excavated

Q. Did he tell you that he was involved in

1 that incident?

2 A. No.

3 Q. Did you know him to have been involved in
4 the incident from any source?

5 A. No.

6 Q. What did he say? Did he say anything else
7 about the burial of the barrels in the pit?

8 A. Just say barrel. You are getting me
9 confused now. No, he never did.

10 Q. But he did indicate to you the company
11 should never have buried those barrels in the pit
12 and you remember it taking place during this time
13 that you were being interviewed about the incident
14 from the people from South Carolina?

15 A. ~~It is about that time.~~ No

16 Q. Do you know if Mr. Orazine ever said that
17 to Mr. Shalline?

18 A. I don't know that.

19 Q. Do you know if he ever told Mr. Stewart?

20 A. I don't know that.

21 Q. Do you know if Mr. Orazine was interviewed
22 by Mr. Stewart and Mr. Shalline?

23 A. I don't know that.

24 Q. Did you have any indication that he did

1 talk to them?

2 A. I don't know.

3 Q. Other than that conversation, did you have
4 any other conversations with Mr. Orazine?

5 A. Just on a day-to-day basis. He was my
6 foreman.

7 Q. Did he ever have any discussions with you
8 or at any other times indicate to you what had
9 happened during that time?

10 A. No.

11 Q. Whether he participated in it or not?

12 A. No.

13 Q. I am going to show you Shalline Exhibit
14 No. 3 and ask that you examine that.

15 A. It is hard to read this.

16 Q. Let me see it for a minute. Let me ask
17 you this. Did Mr. Shalline ever tell you that
18 exposure to trichloroethylene could have a
19 depressant action on the central nervous system?

20 A. I think he might have said something like
21 that.

22 Q. Did he ever tell you -- do you remember
23 when he told you that?

24 A. Whenever.

1 Q. Is it the time you ceased using
2 trichloroethylene?

3 A. Yeah, there was a cease order from Duncan.

4 Q. Is that the time in your mind, the time
5 that you were told by Mr. Shalline to stop using
6 trichloroethylene, that's the time he told you that
7 trichloroethylene had health hazards associated
8 with it? Is that right?

9 A. I don't know whether he told me there were
10 health hazards, just the company in Duncan said to
11 stop using it, not to order any more and I think it
12 was use up whatever we had.

13 Q. All right.

14 But at that time, that's the time
15 that you remember him discussing the problems with
16 your health caused by exposure to trichloroethylene?

17 A. Yeah.

18 Q. You don't remember him discussing that,
19 you remember him talking to you about solvents in
20 general back in the sixties?

21 A. Yes.

22 Q. But you don't recall him talking to you
23 specifically about trichloroethylene in the sixties?

24 A. Not specifically. He might have but it

1 doesn't ring a bell.

2 Q. Doesn't ring a bell that he did that?

3 A. Yes.

4 Q. And you don't remember him ever giving you
5 material concerning trichloroethylene except that
6 document you identified previously?

7 A. That's the only one I can remember unless
8 there is others.

9 Q. But you don't remember any?

10 A. I don't remember.

11 Q. Do you ever remember the company posting
12 any information concerning any chemicals used at
13 the plant at any time?

14 A. I remember some sort of a document on the
15 bulletin board about solvents and to use safety
16 glasses, gloves, aprons if you had to, ventilation.
17 That's all I remember.

18 Q. That was a one-page notice?

19 A. I'd say so.

20 Q. Other than that one-page notice, do you
21 remember receiving any other information from the
22 company about any chemical used at the plant?

23 A. I can't remember.

24 Q. Shalline Exhibit No. 3, I ask that you

1 look at that.

2 A. I can't see that.

3 Q. Do we have a better copy?

4 MR. CHEESEMAN: No.

5 A. I can't read that.

6 Q. You can't read that. Do you ever remember
7 seeing a document like that?

8 A. I seen something like that but I can't
9 read that.

10 Q. When do you remember seeing this?

11 A. Well, if it was around the time it was
12 dated.

13 What's that say, '64?

14 Q. Well, do you remember seeing it then in
15 1964?

16 A. I only remember seeing it yesterday. I
17 might have seen it before, but I mean it just
18 doesn't stick in my mind.

19 Q. You think the first time you saw it was
20 yesterday when your attorney showed it to you?

21 A. No, I probably saw it when it first came
22 out but I have forgotten about it.

23 Q. Do you have any memory of seeing it in
24 1964?

1 A. No.

2 Q. You don't have any memory of seeing it.

3 A. It doesn't mean I didn't see it. I just
4 don't have a memory of it.

5 Q. That's what I want to know. Do you have
6 any memory of seeing it?

7 A. No.

8 Q. Were you ever told that trichloroethylene
9 would cause alterations of the heart rhythm and
10 death from this cause? Anybody ever told you that?

11 A. From trichloroethylene?

12 Q. Yes.

13 A. I don't remember.

14 Q. Other than that change that you talked
15 about with the use of the several vats, was there
16 any other change in the use, in your procedure for
17 painting materials at the plant?

18 A. After a while that mechanical procedure
19 was dropped.

20 Q. What was it replaced with?

21 A. Washing it with solvents or steam cleaning.
22 We had a steam cleaning.

23 Q. When did that take place?

24 A. They call it a steam jenny.

1 Q. When did that take place?

2 A. Umm. Say in the middle seventies.

3 Q. In the middle seventies you went back to
4 using solvents?

5 A. Well, whenever we stopped using the
6 chemical baths, you know, the chemical treatments.
7 We would either steam clean it or wipe it down with
8 solvent.

9 Q. How did the procedure change when you
10 stopped using the vats and this was in the mid
11 seventies?

12 A. Well, the workload had decreased painting
13 wise.

14 Q. Yes.

15 How did the operation change?

16 A. It was more of a hand done instead of
17 mechanically.

18 Q. In the vats?

19 A. Right.

20 Q. And you would use solvents?

21 A. Yes.

22 Q. What solvents would you use?

23 A. Like cleaning solvents.

24 Q. Do you know the names of the chemicals?

1 A. Yes.

2 Q. What were they?

3 A. They are not on that list.

4 Q. So you used solvents in the mid seventies --

5 MR. CHEESEMAN: Thank you.

6 Q. Which are not on that list?

7 A. Pardon?

8 Q. Not on that list?

9 A. Yeah.

10 Q. If your attorney would please read the
11 list of chemicals into the record?

12 MR. CHEESEMAN: The six, you want me
13 to read these again?

14 MR. SCHLICHTMANN: Yes.

15 MR. CHEESEMAN: I am getting tired of
16 them. Trichloroethylene, 1,1,1 trichloroethane,
17 1,2 transdichloroethylene, chloroform, benzene and
18 tetrachloroethylene.

19 MS. SCHNOOR: I had like to add one
20 thing here if I may. Tetrachloroethylene is also
21 perchloroethylene.

22 MR. CHEESEMAN: This is the another
23 name that's used to refer to tetrochloroethylene.

24 MS. SCHNOOR: Did you know that?

1 A. No.

2 Q. You started using solvents in the mid
3 seventies to clean the parts and they are not on
4 that list --

5 A. Right.

6 Q. That was just read into the record?

7 A. Yes.

8 Q. Were those solvents trichloroethylene --
9 that was on that list.

10 MR. CHEESEMAN: It certainly was.

11 Q. Toluene, was one of them Toluene?

12 A. It could have been. It could have been
13 Toluene.

14 Q. And there were still other solvents as
15 well other than Toluene?

16 A. Yes.

17 Q. And other than are on that list?

18 A. Yes.

19 Q. Acetone?

20 A. That came later on.

21 Q. Later on. When?

22 A. I didn't do much with acetone. That's for
23 cleaning plastic.

24 Q. That was plastic?

1 A. I don't use ~~that~~. much of that

2 Q. What department was doing that?

3 A. Whenever there was some plastic to be
4 cleaned. Acetone was used by someone else mostly to clean
5 logic boards.

6 Q. That wasn't your department?

7 A. Didn't have nothing to do with me. Solvents like ace-
8 tone were usually kept in the paint shop in special lockers, which were kept
9 locked, and I had a key for the lockers. Also, there was another key kept for safe-keeping
10 in the office.
11 Q. 1,1,1 trichloroethylene, was that the

12 other solvent?

13 MR. CHEESEMAN: Say that again. You
14 have just introduced a new chemical.

15 Q. I don't think -- 1,1,1 trichloroethane.
16 What did I say?

17 Excuse me, 1,1,1 trichloroethane.

18 A. No.

19 Q. It was another solvent?

20 A. Yes.

21 Q. You had started using in the mid seventies?

22 (Witness nodded).

23 Q. You know what the identify of that is?.

24 A. Yes. I remember that Paul Shalline or someone in the office had
the test was that the water was okay. I believe that there was a notice posted
on the bulletin board informing everyone the water was okay.
Q. But your attorney won't let you tell me

what it is?

A. Yes.

Q. Right?

1 MR. CHEESEMAN: Keep checking those
2 off there.

3 Q. Almost done. One minute, be right back.

4 (Recess).

5 Q. Mr. Barbas, did you ever use the water at
6 the plant for drinking purposes --

7 A. Yes.

8 Q. At Woburn? How was it in the 1960's? How
9 would you describe the water at the plant?

10 MR. CHEESEMAN: This is tap water
11 you're talking about?

12 A. Say the water in the bubbler?

13 Q. Yes.

14 A. Funny looking and funny smelling.

15 Q. How about the taste?

16 A. Didn't taste too good, but when you're
17 thirsty, you drink it.

18 Q. How about in the seventies?

19 A. There was one point there, I don't know
20 when you are talking about, it changed. It wasn't
21 as bad.

22 Q. Well, did it change when they closed the
23 wells down in May of '79?

24 A. I don't know that.

1 Q. Do you think it was after that, after they
2 closed the wells down?

3 A. I think when the city started getting MDC
4 water it started tasting a little bitter.

5 Q. It did?

6 A. There was a little improvement.

7 Q. It was. Did it gradually get better after
8 the city started using MDC water?

9 A. Yes.

10 Q. It wasn't immediate though?

11 A. No.

12 Q. It took a while?

13 (Witness nodded).

14 Q. And do you use the water now?

15 A. Yeah, when I'm thirsty or make a cup of
16 coffee or tea I use it.

17 Q. How is it now?

18 A. It's okay.

19 Q. And did it take a few years for the water
20 to get much better to the point where it is now?

21 A. I'd say so, yes.

22 Q. And how does it taste now?

23 A. It tastes pretty good.

24 Q. Better than it did before?

1 A. Yes

2 Q. How about the smell?

3 A. It doesn't seem to have a smell.

4 Q. How about the look of it?

5 A. It looks clean.

6 Q. Did you ever complain about the water to
7 Mr. Shalline?

8 A. I think everybody did. It wasn't up to
9 him.

10 Q. But you --

11 A. Everybody complains.

12 Q. You didn't like it?

13 A. Yeah.

14 Q. A lot of employees didn't like it. Do you
15 know if you or any of the employees were concerned
16 when the wells were closed down because of the
17 contaminants that were found in the wells G and H?

18 MR. CHEESEMAN: Objection.

19 Q. You can answer.

20 MR. FREDERICO: Objection.

21 A. I don't think they were concerned.

22 Q. Were you ever concerned?

23 A. No.

24 MR. CHEESEMAN: Objection.

1 Q. Do you ever remember Mr. Shalline sampling
2 the water because some employees were concerned
3 about the quality of the water?

4 MR. CHEESEMAN: Objection.

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Asking why Mr.
7 Shalline --

8 Q. I'm asking if he knows.

9 MR. CHEESEMAN: I object to the
10 question.

11 Q. Are you aware of it?

12 A. That's a question. He could have gone and
13 drank some of the water whether somebody objected
14 to it or not, whether he was testing it, he might
15 have been thirsty.

16 Q. You know that people complained about it?

17 A. Yeah.

18 Q. My question is are you aware that Mr.
19 Shalline tested the water? You're not aware?

20 A. No, I'm not aware that he did.

21 Q. You're not aware that he did. You don't
22 remember having a notice published for the
23 employees about the water being tested?

24 A. It rings a bell but -- sounds like

1 something. If they had the water tested?

2 Q. Yes. That sound familiar?

3 A. Jesus, that sounds familiar, but I don't
4 remember. It rang a bell when you said that.

5 Q. It did ring a bell?

6 A. Yes.

7 Q. You don't remember why it was tested?

8 A. To see if it was okay I imagine.

9 Q. Is that what you remember?

10 A. Yeah, sounds -- sounds like something.

11 Q. Sounds like something that happened?

12 A. Umm.

13 MR. FREDERICO: For the record I am
14 objecting to the line of questioning because of the
15 lack of foundation.

16 MR. SCHLICTMANN: That's a hell of an
17 objection. Anybody else want to object for lack of
18 foundation?

19 MR. CHEESEMAN: I'll reserve my
20 objection to the time of trial.

21 MR. SCHLICTMANN: You're going to
22 surprise me.

23 Q. Now, in the city of Woburn that you lived,
24 how is your water?

1 A. It's okay.

2 Q. Was it like the water was at the plant?

3 A. No.

4 Q. So the water at your place was different
5 than it was at the plant?

6 A. Yeah.

7 Q. Did you live in the west part of Woburn?

8 A. Yes.

9 MR. SCHLICTMANN: Very good. Thank
10 you.

11 MR. CHEESEMAN: Questions?

12 MR. SCHLICTMANN: You may examine the
13 witness.

14 MR. CHEESEMAN: No thank you.

15 MR. FREDERICO: No questions.

16 MS. SCHNOOR: No questions.

17 (Deposition closed at 4:28 PM).

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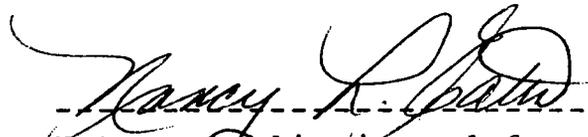
1 COMMONWEALTH OF MASSACHUSETTS)
) ss.
 2 COUNTY OF SUFFOLK)
 3
 4

5 I, Nancy L. Eaton, a Notary Public
 within and for the Commonwealth of Massachusetts,
 6 duly commissioned, qualified and authorized to
 administer oaths and to take and certify
 depositions, do hereby certify that heretofore,
 7 on the date cited above, the witness personally
 appeared before me at the above location and
 8 testified in the above captioned case; that the
 said witness was by me duly sworn to testify to the
 9 truth, the whole truth and nothing but the truth,
 that thereupon and while said witness was under
 10 oath, the deposition was taken down by me
 in machine shorthand at the time and place therein
 11 named and was reduced to typewriting thereafter.

12 I further certify that the said
 deposition constitutes a true record of the
 13 testimony given by the said witness.

14 I further certify that I am not
 interested in the event of this action.
 15

16 IN WITNESS WHEREOF, I have hereunto
 subscribed my hand and affixed my seal of office
 this 11th day of March, 1985.
 17
 18

19 

 20 Notary Public in and for the
 Commonwealth of Massachusetts.
 21

22 My Commission expires
 January 6, 1989.
 23
 24