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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

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

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

Continued deposition of THOMAS BARBAS, 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 2:05 o'clock P.M. on Friday, April 19, 1985.

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Appearances:

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

William J. Cheeseman, Esq.
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for the Defendant W. R. Grace & Co.

Donald R. Frederico, Esq.
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60 State Street
Boston, Massachusetts
for the Defendant Beatrice Foods Co.

Roberta K. Schnoor, Esq.
Goodwin, Procter & Hoar
28 State Street
Boston, Massachusetts
for the Defendant Unifirst Corporation.

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I N D E X

<u>Deposition of:</u>	<u>Direct</u>	<u>Cross</u>
Thomas Barbas	2-4	--

EXHIBITS

<u>Number:</u>		<u>Page:</u>
1	Diagram.	2-21

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2
3 MR. SCHLICHTMANN: This is the continued
4 deposition of Mr. Thomas Barbas. Same stipulations
5 and the witness is still under oath.

6
7 THOMAS BARBAS,

8 a witness called by the Plaintiffs, first having
9 been duly sworn, on oath deposes and says as
10 follows:

11 Direct Examination (Resumed)

12 Q (By Mr. Schlichtmann) Mr. Barbas, during the time
13 you worked at the Woburn plant you became familiar
14 with some of the chemicals that were used at the
15 plant?

16 A Yes.

17 Q In my last deposition, or the last deposition which
18 you attended, you said there were solvents which you
19 knew were used at the plant which you could
20 identify, but you did not identify them at that time?

21 A Right.

22 Q You remember that?

23 A Yes.

24 Q Are you able to identify those today?

25 A Yes.

- 1
- 2 Q Would you identify those solvents you used at the
- 3 Woburn plant?
- 4 A One of them was lacquer thinner.
- 5 Q What was contained in that?
- 6 A I don't know.
- 7 Q Do you know the product name?
- 8 A Let me think.
- 9 Sherwin-Williams.
- 10 Q What kind of container is that in?
- 11 A One-gallon containers.
- 12 Q Other than lacquer thinners, what else do you
- 13 remember using?
- 14 A Could have been toluene. I think we brought that
- 15 one up before, toluene or toluol.
- 16 Q What container was that in?
- 17 A One-gallon containers.
- 18 Q Did it indicate the type of toluol it was?
- 19 A All I remember is toluol, the spelling toluol.
- 20 Q Do you remember if it said 90/120 grade?
- 21 A No.
- 22 Q Or industrial grade?
- 23 A No.
- 24 Q Do you remember any other names on there other than
- 25 just toluol?

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A Just toluol.

2

3

Q That came in one-gallon containers?

4

A Yes.

5

Q What was the company that produced that?

6

A I can remember Sherwin-Williams. I am not specific

7

on the brand name.

8

Q You remember seeing toluol or toluene?

9

A Toluol.

10

Q You think it might be Sherwin-Williams but you are

11

not sure?

12

A Yes.

13

Q What were the characteristics of the liquid?

14

A Clear.

15

Q Smell?

16

A It had a smell.

17

Q Can you describe the smell?

18

A A very strong smell. It is hard to describe the

19

smell of toluene.

20

Q How long did you use toluol or toluene during the

21

time you were associated with the Woburn plant?

22

A I don't remember that.

23

Q Was it for years?

24

A Could have been for years.

25

Q Throughout the 1960s?

1

2 A Yes.

3 Q And the 1970s?

4 A I don't remember about the '70s. The '60s, yes.

5 Q Toluene was used for what purpose?

6 A Thinning paint and on occasion cleaning the spray
7 gun.

8 Q Was toluol used as a degreasing agent to degrease
9 metal parts?

10 A On occasion.

11 Q Did you use it to degrease metal parts?

12 A I could have. I don't remember.

13 Q Did you use it in a degreasing tank?

14 A I never had a degreasing tank.

15 Q You know there was a degreasing tank in the plant?

16 A Yes.

17 Q There was one in the machine shop?

18 A Yes.

19 Q And one in the sheet metal shop?

20 A I am not sure about the sheet metal shop.

21 Q You think there was one in the sheet metal shop?

22 A I am not sure about the sheet metal shop. I know
23 the machine shop.

24 Q The machine shop definitely had one?

25 A Right.

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Q The dimensions of the degreasing tank were four feet by four feet by three feet deep?

A Yes.

Q Is that about right?

A Approximately.

Q Was it bigger than that?

A I would say it is about that size.

Q And the degreasing tank was filled with solvent up to about eight inches from the top of the tank?

MR. CHEESEMAN: I object. Do you want to specify a day or --

MR. SCHLICHTMANN: When it was used.

A I don't know that. All I know is there was a tank there. I am not sure of the level or --

Q You are aware solvent was poured into the tank?

MR. CHEESEMAN: It was poured in?

A There must have been something poured in there. It was a degreasing tank.

Q It was a degreasing tank which used solvent to degrease metal parts?

A It used something. I don't know if it was solvent or whatever.

Q It used a liquid?

A Yes.

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Q The purpose of the liquid was to degrease metal parts?

A To clean metal parts.

Q And the stuff that was poured into the degreasing tanks would be in 55-gallon drums?

MR. CHEESEMAN: If you know.

A I don't know that.

Q Did you ever see liquid from 55-gallon drums put in the degreasing tank?

A No.

Q Do you know how liquid got in the degreasing tank?

A No.

Q You never put any in there?

A No.

Q Did you ever use the degreasing tank?

A In the machine shop?

Q At any time, yes.

A I can't remember.

Q You might have on occasion?

A I might have. I don't remember ever using it.

Q When you degreased metal parts in the paint shop, did you ever use a degreasing tank?

A A degreasing tank?

Q Yes.

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A No. I would use -- I would not use a degreasing tank.

Q What would you use?

A A rag with some solvent and clean it down.

Q You would never dip metal parts into a container with solvent in it?

A If they were small -- There is nothing big. I did not have a degreasing tank.

Q What would be the largest container you used to dip metal parts?

A Maybe a 55-gallon pail; that would be the largest. It would have the top off with some solvent in it.

Q Did you ever see any liquid being removed from the degreasing tank at any time?

MR. CHEESEMAN: The machine shop?

Q Or any degreasing tank ever at the Woburn plant at any time.

MR. CHEESEMAN: I think he only testified to a machine shop tank.

Q Other than the machine shop, do you remember there being a degreasing tank in any other part of the plant?

A I don't remember. I can't remember there ever being another one.

- 1
- 2 Q You do remember that one?
- 3 A The machine shop?
- 4 Q Yes.
- 5 A Yes.
- 6 Q Now, at anytime did you ever see liquid being taken
7 out of that tank at anytime?
- 8 A No. It was far away from me. I was not watching
9 it all the time.
- 10 Q Did you ever see them removing any kind of scum or
11 material from the bottom of the tank?
- 12 A No.
- 13 Q Are you aware of how often that degreasing tank was
14 cleaned?
- 15 A No.
- 16 Q Are you aware what was done with the contents in
17 the degreasing tank after it was cleaned?
- 18 A No.
- 19 Q Do you know whether it was put in 55-gallon drums or
20 not?
- 21 A Could have been. I am not aware of it.
- 22 Q It could have been?
- 23 A Yes.
- 24 Q Do you know whether the 55-gallon drum containing
25 material or liquid from the degreasing tank was

1

placed to the rear of the plant?

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3

A Say that one again.

4

Q Are you aware of whether any drums containing liquid

5

or material from the degreasing tank were ever

6

placed to the rear of the plant?

7

A I'm not aware of that.

8

Q Are you aware of 55-gallon drums containing liquid

9

or material being placed to the rear of the plant?

10

A Yes.

11

Q Did you ever place any drums to the rear of the

12

plant?

13

A Yes.

14

Q Is that throughout the time you were associated with

15

the Woburn plant?

16

A Yes.

17

Q Would you do that by yourself or with others?

18

A By myself.

19

Q Did you ever place liquid into drums in the paint

20

shop and then put them to the rear of the plant?

21

A Yes.

22

Q What liquid would you put in the 55-gallon drums?

23

A Whatever liquid was -- that I was using to thin

24

the paint, clean the spray guns; that is it.

25

Q You would use solvents to clean the spray guns?

- 1
- 2 A Yes.
- 3 Q You would use solvents to thin the paint?
- 4 A Yes.
- 5 Q What were the type of solvents that you would use,
6 that you remember using, to clean spray guns or to
7 thin paint?
- 8 A Toluol, lacquer thinner, mineral spirits. I can't
9 think of any others.
- 10 Q Did you ever use paint strippers?
- 11 A Paint strippers?
- 12 Q Yes.
- 13 A Yes.
- 14 Q Do you know the contents of those paint strippers?
- 15 A No.
- 16 Q Do you know whether those paint strippers contained
17 benzene?
- 18 A No.
- 19 Q Did you ever read benzene on any of the labels?
- 20 A No.
- 21 Q Did you ever read the labels?
- 22 A No.
- 23 Q Were you ever informed as to the contents of the
24 paint stripper?
- 25 A No.

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Q Did you ever have conversation with Mr. Shalline at anytime concerning what was contained in the paint strippers?

A No.

Q Did you --

A Any conversation was they were dangerous; wear safety glasses, gloves, apron, boots.

Q These conversations --

A If you get any on you, be sure you wash it out with a lot of water.

Q Who told you this?

A Paul Shalline.

Q When did he tell you this?

A Before we would use them.

Q Would he tell you individually or did he tell you as a group with others present?

A He told me.

Q Individually?

A Right.

Q Did he tell you what the chemicals were you were being exposed to?

A No.

Q Did he indicate they were solvents?

A He didn't say they were solvents. He just said they

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were dangerous and not to splash any on you.

Q Did he indicate to you they could cause rashes or headaches or nausea?

A Yes.

Q Did you ever get rashes, headaches or nausea using solvents?

A No.

I had some splashed on me and it burned. I put a lot of water on it and it kept burning. It finally went away. It made a red mark.

Q What kind of solvent was that?

A Paint stripper.

Q Paint stripper?

A Yes.

Q It was in liquid form?

A Yes.

Q Who was the manufacturer?

A Epsco.

Q How do you spell it?

A E-P-S-C-O.

Q What kind of a container is that in?

A Five-gallon container.

Q Was the container clear?

A It was a clear plastic. You could see through it.

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Q Was the liquid clear?

A It was the color of gasoline. It was like a reddish liquid.

Q Did it smell like gasoline?

A No.

Q What did it smell like?

A Smelled very, very strong.

Q Of what?

A It was strong.

Q Did you go to a hospital because of the splashing of the stuff on the skin?

A No.

Q Did you ever go to the emergency room of a hospital?

A Did I ever go?

Q While you were working at the Woburn plant.

A Yes.

Q Because of the activities at the Woburn plant?

A Yes. I had an industrial -- a couple of industrial accidents, not because of the paint stripper.

Q What were the industrial accidents?

A I cut my wrist on a sharp piece of metal. They were mostly cuts that needed to be stitched. I also hurt my back, had an industrial accident where I hurt my back.

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Q How did you move 55-gallon drums from the paint shop to outside the building?

A With a barrel lifter. It is like a two-wheeler that is specially made to lift drums.

Q You would use it yourself?

A I would use it myself.

Q How often did you place drums to the rear of the plant?

A Whenever it needed to be done.

Q Would it be done on a daily basis, weekly basis, monthly?

A Maybe monthly.

Q How many drums a month would you be placing out in the rear?

A I would say when the need arose.

Q Approximately how many drums?

A Maybe two, two to three drums a year. I can't be specific.

Q You say you did it on a monthly basis?

A I said I put them out there when it was needed, when the drums were full.

Q Was that done on a monthly basis?

A No. It was only when needed. I can't say it was a monthly basis.

1
2 Q On some occasions you took containers with chemical
3 waste from the paint shop and you poured it on the
4 ground to the rear of the plant; is that right?

5 A No.

6 Q Didn't you do that when you first got to work?

7 A When I first got there.

8 Q Did you do it over a several-month period?

9 A Yeah.

10 Q And the maintenance man -- What was the maintenance
11 man's name?

12 A I can't remember.

13 Q You can't remember?

14 A No.

15 MR. SCHLICHTMANN: I will have to search
16 for it.

17 MR. CHEESEMAN: You don't mean Paul
18 Shalline?

19 MR. SCHLICHTMANN: Off the record.

20 (Discussion off the record)

21 Q Joe Meola, did he ever pour containers with
22 chemical waste onto the ground to the rear of the
23 plant?

24 A I don't remember that. I don't know if he did.

25 Q Where was the place you would pour the contents of

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these containers to the rear of the plant?

A It was like a gully that was -- like a dug-out gully.

Q What would be the kind of containers you would use?

A Five-gallon container.

Q Did you ever use a container larger than five gallons?

A No.

Q What was the material you poured into the drainage ditch?

A Whatever solvent we were using to thin the paint and to clean the spray guns.

Q How would that have been collected?

A In a five-gallon pail.

Q At the end of the work day? What time would you empty this into the ditch?

A The end of the work day.

Q Did you ever do it in the mornings?

A No.

Q Did you ever do it during coffee breaks?

A No.

Q Would it be in the evenings?

A Just before the end of the day.

Q Approximately what time?

- 1
- 2 A Four o'clock.
- 3 Q Now, on occasions when you did this, did you ever
- 4 happen to meet Mr. Love outside the rear of the
- 5 plant?
- 6 A To the rear of the plant?
- 7 Q Yes.
- 8 A I could have.
- 9 Q Do you remember ever having --
- 10 A I work right next to the guy. I see him all day.
- 11 I could have seen him outside. I don't remember
- 12 anything specific.
- 13 Q Do you ever remember seeing him?
- 14 A To the rear of the plant?
- 15 Q During the times you were dumping stuff from the
- 16 containers into the ditch.
- 17 A I don't remember.
- 18 Q Do you ever remember anyone ever seeing you pour
- 19 the contents from the containers into the ditch?
- 20 A I don't remember anyone ever seeing me.
- 21 Q Would you be able to draw a diagram of the building
- 22 and indicate where you poured this material into
- 23 the ditch? You can indicate Washington Street and
- 24 the main building.
- 25 A (Witness complies).

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MR. SCHLICHTMANN: We will mark this

Barbas 1.

(Diagram, marked Exhibit No. 1.)

Q You have drawn a diagram indicating Washington Street and the main building?

A Uh-huh.

Q You have drawn the warehouse?

A Uh-huh.

Q ^{etc} Is this the way it looked during the time you poured in material?

A There was no warehouse there.

Q Other than the warehouse, the area looks essentially as have you drawn it?

A Yes.

Q You have drawn the warehouse to indicate where the gully is in relationship to the warehouse as it is now?

A Yes.

Q There wasn't a warehouse then?

A No.

Q Would you indicate with an X where you would pour this material into the gully?

A (Witness complies).

Q How would you pour it into the gully?

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A (Indication).

Q You have to testify.

A I would lift the container and pour it along the side with -- where the dirt was.

Q And it would go down to the bottom of the gully?

A Sometimes.

Q What color was the liquid?

A Dirty.

Q What color?

A Say grey.

Q Did it have solid material in it as well?

A Sometimes.

Q Some paint sludge would be there?

A Yes.

Q It was mostly liquid?

A Yes.

Q These would be five-gallon containers you would pour into the gully?

A Well, every day I -- I wouldn't leave the solvent in the building. Whatever was in the container, and they weren't always full five-gallon containers, whatever I used to clean the paint guns that day would get poured out.

Q Approximately how many gallons?

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A Maybe a gallon. If I did a lot of painting, it would be more. I would say approximately a gallon, though.

3

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5

Q How much could it go up to?

6

A Maybe two gallons.

7

Q Did it ever fill five gallons?

8

A No. It was too hard to carry, dangerous to carry.

9

Q How many times a day would you empty into the gully?

10

A The end of the work day.

11

Q Now, this practice of emptying into the gully, you brought this to Mr. Shalline's attention?

12

13

A Yes.

14

Q Was it Mr. Shalline who told you to do that at the beginning or did you do it on your own?

15

16

A I don't know if Mr. Shalline told me to do it. But the person that showed me the job, that broke me in on the job, that is what he said he used to do.

17

18

19

Q Was he someone who worked there, from your knowledge, from the beginning of the Woburn plant?

20

21

A I don't know that.

22

Q Other than yourself, do you know of anyone else who poured stuff into the gully?

23

24

A I don't know that.

25

Q You don't know anyone from the machine shop who

1
2 ever poured solvent into the gully?

3 A I don't know that.

4 Q Do you have any reason to believe anyone else poured
5 solvent into the gully?

6 MR. CHEESEMAN: Objection.

7 A Someone could have. I don't know. I never saw
8 anyone.

9 Q Did you ever see any evidence about someone else
10 also pouring material into the gully?

11 A I don't remember that.

12 Q Do you remember seeing the gully containing other
13 liquid which you don't think you put there?

14 A I don't remember that.

15 Q Was that gully ever filled in, to your knowledge?

16 A I don't know. To this day, I don't know. I hardly
17 ever go back there.

18 Q During the times you would go back to empty these
19 containers into the gully, did you ever notice
20 55-gallon drums to the rear of the plant?

21 A When I was doing that?

22 Q Yes.

23 A No.

24 Q Did you notice 55-gallon drums to the rear of the
25 plant later on?

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A Yes.

Q On occasion, Mr. Barbas, approximately how many drums would you notice when you were out there to the rear of the plant?

A Three or four.

Q And these drums would then disappear and they would be replaced with other drums?

A It is hard to say. You said the word "disappear".

Q These drums would no longer be seen by you and there would be other drums out there?

A No. They would always be out there.

Q The same three or four drums?

A Yes.

Q Do you know where those drums came from?

A Is this when I was --

Q After you stopped pouring into the gully.

A I always remember seeing some barrels out there. I am not sure of the exact number.

Q During the time you poured stuff into the gully, on some occasions you did see three or four drums to the rear of the plant?

A Yes.

Q How long did you pour waste material into that gully, what period of time?

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A When I first started?

Q Yes.

A I would say when -- I would say a couple of months.

Q Now, after you stopped pouring into the gully, did you ever go to the rear of the plant?

A Yes.

Q Did you happen to notice whether there were drums in the rear of the plant?

A Yes.

Q What was the number of drums you noticed?

A All I remember is three or four drums.

Q Would that number change?

A It could have. I mean, I didn't go out there every day and count the drums.

Q Sometimes you saw drums and sometimes you didn't see drums?

A No. Most of the time the drums were there.

Q Would the number of drums change?

A No. I would say they were always the same.

Q Were they the same drums or you don't know?

A I don't know that.

We used to practice archery in the back;
you know what I mean?

MR. CHEESEMAN: Off the record.

(Discussion off the record)

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Q Did you ever determine these drums had anything in them, any liquid?

A I knew they had liquid in them.

Q Why did you know that?

A Because I put them out there.

Q You put those drums out there?

A Yes.

Q So the drums you saw on occasion would be the drums you saw out there yourself?

A Yes.

Q Would there be other drums you didn't put out there?

A Could have been. I don't remember.

Q Do you know if the machine shop ever put any drums out there?

A I don't know that.

Q Or the sheet metal shop?

A I don't know that either.

Q You know you brought them out there?

A Yes.

Q And these drums contained waste solvent?

A Waste solvent.

Q And other waste chemicals you used in the paint shop, whatever they happened to be?

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2 A There is one thing I want to be more specific about.
3 Q Okay.
4 A You say chemicals?
5 Q Yes.
6 A I was a painter. I am not a chemist. When you say
7 chemicals, you will have to be more specific.
8 Q Well, the liquid you would use in your job as a
9 painter, they would end up in that drum that you
10 put out in the rear of the plant?
11 A Yes.
12 Q And that would include the paint thinners and
13 degreasers?
14 A Yeah.
15 Q Now, did you ever notice the drums were stacking up
16 that you were putting out there, or did the drums
17 seem to go away and you would put out more drums?
18 A What do you mean by stacking up?
19 Q Did they seem to be collecting?
20 A They were collecting out there.
21 Q And how many drums were collecting out there?
22 A I would say about 10. I can remember when I first
23 started there were about four. After a while there
24 were a lot of drums out there, maybe about 10.
25 Q Did you ever get more than 10?

- 1
- 2 A I couldn't say. I remember around 10.
- 3 Q Did you ever notice the chain-link fence to the rear
- 4 of the plant?
- 5 A Yes.
- 6 Q Did it ever have any drums by it?
- 7 A Yes.
- 8 Q How were these drums arranged by the chain-link
- 9 fence?
- 10 A I think they were aside the chain-link fence.
- 11 Q How many yards would they cover?
- 12 A How many --
- 13 Q How much surface area of the chain-link fence did
- 14 they cover?
- 15 A Maybe 30 feet, about 30 feet.
- 16 Q Were they two deep?
- 17 A No; one deep.
- 18 Q Just one deep?
- 19 A Yes.
- 20 Q For about 30 feet?
- 21 A I would say about 30 feet.
- 22 Q They were placed closely together?
- 23 A Yes.
- 24 Q How long did you see the drums arranged that way?
- 25 A A long time.

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Q Would you indicate on the drawing, Barbas 1, where the chain-link fence was and where those drums were?

A (Witness complies).

Q You have written something there?

A Fence.

Q You have indicated drums by what?

A X, X.

Q Why don't you put circles around the Xs?

A (Witness complies).

Q Why don't you write the word "drums"?

A (Witness complies).

Q Now, the drums you placed out there, where were those drums placed?

A Right there (Indication).

Q You placed them at the chain-link fence?

A Yes.

Q Do you know if anyone else placed drums at the chain-link fence?

A I don't know if anyone else placed them there.

Q Did you recognize these drums as being placed there by you?

A Yes.

Q Did you ever recognize any drums you did not place

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there?

A I never recognized any others. I didn't go looking at them. They all looked the same.

Q What color were they?

A Black drums.

Q Did they have a cover?

A Yes.

Q What kind of cover?

A A regular barrel cover with two covers, you know, screw off. One is large and one is small, you know, opposite each other.

Q Were these how you received liquid in the paint shop, or did you obtain empty drums?

A I obtained empty drums.

Q You never brought these drums to the paint shop to remove liquid out of them?

A (Pause).

Q Were drums ever delivered to the paint shop for your use in the paint shop that contained liquid?

A Yes.

Q Would these drums ever have the name Dow Chemical on them?

A I don't remember that.

Q Do you know if they were from the Dow Chemical

1
2 Company?

3 A They could have been. I don't remember.

4 Q Do you remember ever seeing any names on these drums?

5 A Some of the names on the drums were like Mobil.

6 They were lubricating oils. They were empty. I
7 remember Mobil.

8 Q As an empty drum?

9 A Yes.

10 Q How many drums were filled?

11 A I don't remember.

12 Q Were they also black?

13 A Yes.

14 Q What kind of cover did they have?

15 A Same. Some of them were white on the top, black on
16 the side.

17 Q To remove liquid, did you have to remove the lid or
18 did you have to remove --

19 A Just the covers.

20 Q The covers?

21 A They would unscrew. It is a small cover.

22 Q Would you put a hose in there?

23 A No. I had a pump, a liquid pump that works on the
24 idea of the old gasoline station pumps.

25 Q Other than Mobil Oil on empty drums, did you ever

1
2 notice any other names on the filled drums?

3 A No.

4 Q Did you ever notice any writings on them?

5 A No.

6 Q And you didn't know what was contained in these
7 drums?

8 A Yes.

9 Q You do know what was contained in them or you didn't
10 know what was contained in them?

11 A The ones that were outside?

12 Q The ones you used in the paint shop to --

13 A Solvent, whatever. It could have been mineral
14 spirits, whatever solvent we were using.

15 Q Could be trichloroethylene?

16 A Could be.

17 Q Did you ever see the name "trichloroethylene" on any
18 of the drums?

19 A I don't remember that.

20 Q Did anyone ever refer to the drums as containing
21 trichloroethylene?

22 A We have people refer to it; yes.

23 Q Who referred to it as containing trichloroethylene?

24 A I think Paul Shalline.

25 Q He referred to these drums as containing --

1

A Not these drums. You said drums.

2

3

Q How many drums did someone refer to as containing trichloroethylene that you noticed?

4

5

A I remember just one.

6

Q Just one drum?

7

A Yes.

8

Q When did you first see that drum?

9

A I can't be specific on the date. I remember seeing it.

10

11

Q How soon after you started working for Grace did you see the drum you refer to as containing trichloroethylene?

12

13

14

A A long time.

15

Q How many years?

16

A Four or five, six.

17

Q Prior to that drum of trichloroethylene, did that replace other chemicals you were using?

18

19

A Yes.

20

Q What did it replace?

21

A Could have replaced toluol, maybe some lacquer thinner.

22

23

Q How often did you go to that drum referred to by Mr. Shalline as containing trichloroethylene?

24

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MR. CHEESEMAN: I don't think that was

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his testimony.

Q Did Mr. Shalline refer to that drum as containing trichloroethylene?

A Did he refer to it?

Q Did he indicate to you that drum contained trichloroethylene?

A Yes.

Q Did anyone else indicate that to you?

A I can't remember anyone else.

Q You remember Mr. Shalline telling you that?

A Yes.

Q Do you remember the color of the drum?

A No.

Q You don't know the name on that drum?

A No.

Q You know that drum was in the paint shop?

A Yes.

Q How long was it in the paint shop?

A It was there a long time. I didn't use it much. I didn't like the smell.

Q How long was it there?

A Could have been there a couple of years.

Q And then --

A They used it for cleaning other parts of the plant.

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Q Then what happened to it?

A I don't know. I don't remember that specific barrel.

Q You never took it away?

A I could have put it in back. I am not sure.

Q Did it contain trichloroethylene or was it empty?

A If it was empty we would have put other solvents in it; that is what we used.

Q Did the --

A I imagine it would have.

Q Gotten empty?

A Yes.

Q How long did it take to get empty?

A I am not sure about that.

Q Approximately.

A A couple of years.

Q Was that replaced with another drum?

A Could have been.

Q Do you know if it was?

A No.

Q Did another drum come in which you had to put a pump on that was referred to as containing trichloroethylene?

A No. I don't remember that.

Q Did another drum come to replace the drum?

1
2
3 ~~A~~ Yes.

4 Q What was in that?

5 A Mineral spirits.

6 Q How did you know it was mineral spirits?

7 A We started using mineral spirits. I think we got
8 the wrong kind. This was not strong enough for
9 cleaning.

10 Q What name was on this drum of mineral spirits?

11 A I don't remember the name.

12 There is two kinds of mineral spirits,
13 the odorless and just regular mineral spirits. The
14 one we had was not strong enough for the job.

15 Q How did you know it was mineral spirits?

16 A I use it all the time. I know what it smells like.

17 Q What is the color?

18 A Clear.

19 Q What did it smell like?

20 A A solvent smell, maybe a little fishy.

21 Q You don't know what was inside, what chemicals made
22 it up?

23 A No.

24 Q How many drums of mineral spirits, 55-gallon drums
25 of mineral spirits, do you remember going in the
paint shop?

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A Maybe two or three a year. It would depend on the work load.

Q Would you use the mineral spirits the way you used the trichloroethylene?

A I used the mineral spirits to thin paint and clean up, wash down greasy parts. I didn't use trichloroethylene that much; it had a bad smell to it.

Q How about degreasing metal parts, what did you use to do that?

A Mineral spirits.

Q You would use two or three 55-gallon drums a year to do that?

A Yes.

Q When you would use the mineral spirits, were you engaged in the same activity as when you used the trichloroethylene?

A No. I thought I told you I didn't use the trichloroethylene that much.

Q When you didn't use trichloroethylene, Mr. Barbas, what did you use?

A Solvents.

Q What kind?

A Toluol, lacquer thinner, mineral spirits.

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2

Q To degrease metal parts?

3

A Yes.

4

5

We also had the chemical baths that I had described at the last session.

6

Q Those came in later?

7

A I think so.

8

9

Q I am going to ask you to look at Love Exhibit 1, ask you to examine that, which is a drawing by Mr. Love.

10

A Okay.

11

12

Q On that drawing he has indicated a ditch area and put an X. Do you see that on the drawing?

13

A Yes.

14

15

Q Is that a fair and accurate representation of where the ditch was?

16

A Yes. It is the same that -- pretty close to mine.

17

18

Q Is the X that Mr. Love has drawn a fair and accurate representation of sometimes where you would pour your chemical waste?

19

20

A Yeah.

21

22

Q Now, on this drawing Mr. Love drew a pit 20 feet by 40 feet. Do you see that?

23

A Yes.

24

25

Q At anytime during the time you were associated with the Woburn plant did you ever see any pit to the

1
2 rear of the plant?

3 A I can't remember. I can't remember the pits. I
4 have heard people talking about it, but I can't
5 remember it.

6 Q You never remember seeing it?

7 A No.

8 Q During anytime that you were to the rear of the
9 plant, Mr. Barbas, do you ever remember seeing
10 drums stacked two deep for 90 yards along the chain-
11 link fence?

12 A You're talking --

13 Q Two alongside each other.

14 A No. I don't remember that.

15 Q What is the most amount of drums you ever remember
16 seeing?

17 A I would say 10.

18 Q No more than 10?

19 A No.

20 Q You never saw more than 10 outside the Woburn
21 plant?

22 A I can't remember more than 10.

23 Q Is your memory very clear on that?

24 A I don't know if my memory is clear. I just don't
25 remember it ever being more than 10; it could have

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been.

Q You don't remember ever seeing more than 10?

A Right.

Q At anytime?

A I don't remember.

Q When do you remember seeing 10, during what period of time?

A I was -- I would say in the '70s.

Q Not in the '60s?

A Could have been in the '60s.

Q How about the '80s?

A In the '80s?

Q Yes.

A No.

Q When did the drums disappear?

A I would say in the '70s.

Q When in the '70s?

A I am not sure about that.

Q Do you know if it was the beginning of the '70s, mid '70s, end of --

A Could have been in -- I would say it may be the middle of the '70s.

Q Was it during the time there was construction going on to build a new addition to the Woburn plant or

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100-39

2

after that time?

3

A I think it could have been after the construction,
around that time.

4

5

Q Around that time you no longer saw those drums?

6

A Yeah.

7

Q After that you never saw anymore drums?

8

A Right.

9

Q Did you ever see any drum containing material
identified to you or referred to you as tetrachloro-
ethylene or perchloroethylene?

10

11

12

A Say those again.

13

Q Did you ever see a drum containing liquid which was
referred to or identified or indicated to you that
it was tetrachloroethylene or perchloroethylene?

14

15

16

A No.

17

Q Have you ever heard those words?

18

A Not until this moment.

19

Q How about 1,1,1-trichloroethane?

20

A What about it?

21

Q Have you ever heard of any drum or has any drum ever
been referred to you as containing 1,1,1-
trichloroethane?

22

23

24

A No.

25

Q Did you ever use cutting oil or cutting fluid?

1

A Me?

2

Q Yes.

3

A No.

4

5

Q Did you ever use acetone?

6

A Yes.

7

Q Did you use it at the Woburn plant?

8

A Yes.

9

Q What kind of drums did that come in?

10

A One-gallon containers.

11

Q Did it ever come in any larger container?

12

A Not to my knowledge.

13

Q To your knowledge, was the toluol you used ever

14

replaced by trichloroethylene or was toluol

15

available to you throughout the time you were

16

associated with the plant in the 1960s and the

17

1970s?

18

MR. CHEESEMAN: I will object to the form

19

of the question.

20

MR. FREDERICO: Objection.

21

A I am mixed up with the way you asked it.

22

Q I will ask it again.

23

Is it your understanding that trichloro-

24

ethylene was to substitute the use of toluol or was

25

toluol available to you throughout the time you

1
2 were associated with the plant in the 1960s and the
3 1970s?

4 MR. CHEESEMAN: Same objection.

5 MR. FREDERICO: Objection.

6 A I can't be sure of that.

7 Q Did anyone ever indicate to you trichloroethylene
8 is to be used as a substitute for toluol or toluene?

9 A No.

10 Q No one ever did?

11 A No.

12 Q Did you ever see any notice to that effect?

13 A I don't remember any notice.

14 Q Were you present at the safety committee meeting
15 where trichloroethylene should replace the use of
16 toluol was discussed?

17 A I know what you're getting at; yes.

18 Q What am I getting at?

19 A They started to use trichloroethylene. Wasn't it
20 brought up at a safety committee meeting?

21 Q Where you were present?

22 A Yes.

23 Q You remember that?

24 A Yes.

25 Q So you remember it being discussed, that

- 1
- 2 trichloroethylene would be used instead of toluol?
- 3 A Yes.
- 4 Q And that solvent would be available in the paint
- 5 shop area?
- 6 A Yes.
- 7 Q Was that true?
- 8 A Yes.
- 9 Q Was the trichloroethylene available in the paint shop
- 10 area?
- 11 A Yes.
- 12 Q And was used as a substitute for toluol?
- 13 A I would say it was; yes.
- 14 Q You didn't use it as a substitute for toluol?
- 15 A No.
- 16 Q You continued to use toluol?
- 17 A I continued to use solvents. I didn't like
- 18 trichloroethylene; it had a bad smell.
- 19 Q Did you tell Mr. Shalline you were not going to use
- 20 trichloroethylene anymore?
- 21 A Yes.
- 22 Q What did he say?
- 23 A He said to let the other people use it.
- 24 Q Did other people use it?
- 25 A Yes.

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Q Who used it?

A Other departments.

Q What other departments?

A Sheet metal, assembly department, machine shop.

Q To your knowledge, did the machine shop or sheet metal shop have their own supply of trichloroethylene?

A No. I think I had the only one. I don't know that for a fact.

Q And the degreasing tank, that was not in your department?

A No.

Q Was the trichloroethylene ever put in the degreasing tank to your knowledge?

A I don't know that.

Q You don't know what was put in the degreasing tank?

A No.

Q During the time you were associated with the plant, did it ever come to your attention, was it ever indicated to you that the plant was using chemicals containing 1,2-transdichloroethylene?

A No.

Q At anytime you were associated with the plant, did it ever come to your attention or was it ever

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indicated to you the plant was using trichloro-ethylene?

A Trichloroethylene?

Q Yes.

A Yes.

Q At anytime you were associated with the plant, was it ever indicated to you or did it ever come to your attention that the plant was using chemicals containing tetrachloroethylene?

A No.

Q At anytime while you were associated with the plant, did it ever come to your attention or was it ever indicated to you that you were using chemicals which contained toluene?

A Yes.

Q During the time you were associated with the plant, did it ever come to your attention or was it ever indicated to you you were using chemicals which contained chloroform?

A No.

Q During the time you were associated with the plant, did it ever come to your attention or was it ever indicated to you that you were using -- that chemicals in use at the plant contained

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1,1,1-trichloroethane?

A No.

Q During the time you were associated with the plant, did it ever come to your attention or was it ever indicated to you that the plant was using material which contained methylene chloride?

A No.

Q During the time you were associated with the plant, did it ever come to your attention or was it ever indicated to you that the plant was using chemicals which contained 1,1,1-trisdichloroethylene?

A No.

Q At anytime while you were associated with the plant, did it ever come to your attention or was it ever indicated to you the plant was using chemicals which contained acetone?

A Yes.

Q That came to your attention?

A Yes.

Q That would be throughout the period you were associated with the plant?

A No. The acetone just started to come up recently. We didn't always use acetone. I would say within

1

the last couple of years.

2

3

Q You don't remember using it before that?

4

A No.

5

Q Did it ever come to your attention during the time

6

you were associated with the Woburn plant, or did

7

anyone ever indicate to you, the plant was using

8

chemicals which contained methyl isobutyl ketone?

9

A No.

10

Q That is not familiar to you?

11

A No.

12

Q During the time you were associated with the plant,

13

did anyone ever indicate to you or did it ever come

14

to your attention the plant was using chemicals

15

which contained benzene?

16

A I don't think we ever had it there. We searched for

17

some to see if we had any in the building. I don't

18

think we found any.

19

Q When did you do the search?

20

A I would say in the late '70s.

21

Q Who conducted this search?

22

A Paul Shalline, myself and other people. I was just

23

mainly with Paul Shalline on it.

24

Q Did Paul Shalline conduct a search in the late '70s

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to determine if the plant was using benzene or

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material containing benzene?

A Yes.

Q What did he do to your knowledge?

A Probably a physical search, also looking at labels on paint products, paint solvent.

Q Paint thinners?

A Yes.

Q Strippers?

A I don't know about paint strippers.

Q Do you know if Mr. Shalline did look at labels on various paints?

A Yes.

Q And paint materials you used?

A Yes.

Q And this was in the late '70s?

A Approximately. I am not sure.

Q Do you know why this investigation was taking place?

A I have an idea.

Q What was the idea?

A There was some kind of --

MR. CHEESEMAN: Objection.

MR. FREDERICO: Objection.

MR. CHEESEMAN: Go ahead.

THE WITNESS: There was some kind of an

1
2 order from South Carolina to remove any benzene from
3 the work area or work place.

4 Q During this time was it also Mr. Shalline
5 investigating trichloroethylene use?

6 A I am not sure about that. I am sure about the
7 benzene.

8 Q Why are you sure about the benzene?

9 A He had brought up that word.

10 Q Mr. Shalline did?

11 A Yes.

12 Q Brought it to your attention?

13 A Yes.

14 Q How did he bring it to your attention?

15 A He said something like "Do you know if we have
16 anything here with benzene in it?" I think I
17 responded to him that I don't remember ever seeing
18 it, but I had heard something about benzene that
19 was used in blow torches, if I am not mistaken.

20 Q What else did Mr. Shalline look at, to your
21 knowledge, to determine if there was benzene in any
22 of the materials in the plant?

23 A He made a physical search of the plant. We checked
24 the labels on paint solvents, paints, barrels.

25 Q 55-gallon drums?

1
2 A Yeah.

3 Q There was other chemicals Mr. Shalline was looking
4 for other than benzene?

5 A I don't know that.

6 Q Did you ever see any document from South Carolina
7 that indicated you were to stop using various
8 chemicals?

9 A Yes.

10 Q You saw them?

11 A Yes.

12 Q I ask you examine those documents.

13 MR. CHEESEMAN: Shalline Exhibit 9?

14 MR. SCHLICHTMANN: Yes.

15 Q Are those the documents you remember seeing about
16 the stop use of benzene?

17 MR. CHEESEMAN: As to the last page, I
18 will object on the ground the document speaks for
19 itself.

20 MR. FREDERICO: Objection.

21 MR. CHEESEMAN: As to trichloroethylene.

22 MR. SCHLICHTMANN: Is that what I am going
23 to see when you take out the black mark?

24 MR. CHEESEMAN: No.

25 MR. SCHLICHTMANN: I won't see that?

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There is a stop-use order I haven't seen?

2

3

MR. CHEESEMAN: I believe it is toluene.

4

I don't remember. You will have it shortly.

5

Q Mr. Barbas, was the stop-use order you saw similar to the third page of Shalline Exhibit 9?

6

7

A Yes; something similar. This might even be it; I am not sure.

8

9

Q Do you remember if this was the late '70s or early '70s?

10

11

A I told you the late '70s, but I can see down here it is mid '70s.

12

13

MR. CHEESEMAN: This is not necessarily the same document.

14

15

Q But it was a stop-use order similar to this one on the third page concerning trichloroethylene?

16

17

A Yeah. It could have been.

18

Q What was your understanding why there should be a stop-use order regarding this chemical at the plant?

19

20

MR. FREDERICO: Objection.

21

MR. CHEESEMAN: Which chemical are you talking about?

22

23

MR. SCHLICHTMANN: Benzene.

24

A Benzene?

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Q What was your understanding as to why the plant was to stop using material containing benzene?

MR. FREDERICO: Objection.

MR. CHEESEMAN: I will object. There is no testimony the order related to this particular plant.

Q What was your understanding why the plant should stop using this material -- should stop using any material containing benzene?

MR. FREDERICO: Objection.

A You're speaking to me?

Q Yes.

A I thought there was an objection.

Q You can answer.

MR. CHEESEMAN: He is not asking about this document now. You won't find the answer in there.

Q What was your understanding as to why?

A It was dangerous.

Q Was it carcinogenic?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A I don't know if that word was brought up.

Q Did they say how it was dangerous?

1
2 MR. FREDERICO: Objection.

3 A I just figured it was a dangerous substance to use.

4 Q Did any --

5 A We're talking about benzene?

6 Q Yes.

7 A I don't ever remember seeing anything with benzene
8 in it.

9 Q Did anyone ever explain you should stop using this
10 chemical because it can cause health hazards?

11 MR. FREDERICO: Objection.

12 MR. CHEESEMAN: Objection.

13 A I think Paul Shalline might have.

14 Q What did he tell you about benzene?

15 A He said it was a dangerous substance, that we wanted
16 to make sure we had none in the plant.

17 Q Did he say how it was dangerous?

18 A He might have. I don't remember. He just said it
19 was dangerous.

20 Q He didn't say how?

21 A He might have. I don't remember.

22 Q Do you remember if he said it was carcinogenic?

23 A He could have.

24 Q Do you ever remember at any other time being
25 informed by anyone that there were other chemicals

1
2 in use at the plant which posed a health hazard?

3 MR. FREDERICO: Objection.

4 A I don't remember specifically. There could have
5 been. I don't remember specifically.

6 Q Do you ever remember a time where you were informed
7 by any person or document that you should stop using
8 any substance containing trichloroethylene because
9 it was carcinogenic?

10 A There was a document that came out from South
11 Carolina, stop use. I don't know if it is that one
12 there (Indication).

13 Q Similar to this one (Indication)?

14 A Yes.

15 Q Do you remember when that was?

16 A I would say mid '70s, roughly.

17 Q Did you ever have any conversation with Mr. Shalline
18 about trichloroethylene and its carcinogenicity?

19 MR. FREDERICO: Objection.

20 MR. CHEESEMAN: Objection.

21 A We could have talked about it. I am not sure.

22 Q Do you have a vague recollection of talking about
23 it with Mr. Shalline?

24 A Not the trichloroethylene; the benzene, yes.

25 Q You remember talking to him about benzene?

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A Yes.

Q Did you ever work with Mr. Shalline to find out how many materials contained trichloroethylene?

A No. I don't remember that.

Q Did you ever discuss with Mr. Shalline the results of his investigation?

A I think we talked about it; yes.

Q What did he say?

A I think he said we didn't find any benzene in the plant.

Q You don't remember that or you do remember that?

A It is kind of vague. I was curious myself about the benzene.

Q Why?

A Because they said it was hazardous and we looked through the plant.

Q They didn't say how it was hazardous?

A Could have. I don't remember that.

Q Other than yourself and Mr. Shalline, who else participated in this investigation?

A I don't remember anyone else.

Q Did you ever at anytime discuss with Mr. Forte the chemicals you were using?

A I could have. I don't remember specifically.

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Q Do you ever remember at anytime Mr. Forte being present when you used various chemicals in the paint shop?

A If I was painting something they would be present.

Q Do you know if Mr. Forte knew you were using trichloroethylene in the paint shop?

A I am not sure about that.

Q Do you know if Mr. Forte took any part in the investigation?

A I don't know that. All I know is Paul Shalline and myself. I don't know about anyone else.

Q Do you ever remember receiving a stop-use order for toluene?

A I think it came up along the same time as the stop orders for the trichloroethylene; I am not sure about that.

Q To the best of your memory, did the stop order for benzene come at the same time as trichloroethylene or toluene?

A I think they were different times.

Q Was benzene first or did it come after trichloroethylene and toluene?

A I am not too sure.

Q What is your best memory?

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A I would say after.

Q How many years after?

A Maybe a year, maybe two.

Q Now, other than the stop-use order for trichloro-ethylene and toluene and benzene, do you ever remember being informed you were to stop using other chemicals because they were hazardous?

MR. FREDERICO: Objection.

MR. CHEESEMAN: Objection.

A I don't remember.

Q Those are the three you remember?

A Yes.

Q YOU remember seeing documents regarding all three?

A (Witness nods in the affirmative).

Q This document was given to you to read?

A Yes.

Q Was it distributed to other employees?

A I am not sure about that.

Q Do you remember being given a copy?

A Yes.

Q Mr. Shalline gave you a copy?

A I think it was Mr. Shalline.

MR. SCHLICHTMANN: Let's take a one-minute break so I can consult with my guru.

(Recess)

MR. SCHLICHTMANN: That's it.

Q Before we go, do you want to indicate on the diagram the Xs are where you dumped?

MR. CHEESEMAN: I will object.

MR. SCHLICHTMANN: Why?

MR. CHEESEMAN: Why don't you leave it that way. He has identified it for the record.

Q Why don't you put T.B. in?

MR. CHEESEMAN: Tom Barbas?

MR. SCHLICHTMANN: Yes.

MR. CHEESEMAN: That is marked.

MR. SCHLICHTMANN: I would like to have identified the Xs. Let him just put his initials in.

MR. CHEESEMAN: I think it is sufficiently identified for the record. The deposition is terminated.

MR. SCHLICHTMANN: Over-abundance of caution.

MR. CHEESEMAN: I will instruct him not to do it.

Q The Xs indicate that is where you dumped the material in the gully?

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A Yes. That is what I wrote.

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MR. SCHLICHTMANN: Very good.

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MR. CHEESEMAN: You got the last word.

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(Whereupon the deposition was
adjourned at 3:05.)

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J U R A T

I, THOMAS BARBAS, have read the foregoing record of testimony and the same contains a true and accurate recording of my answers given to the questions therein set forth.

THOMAS BARBAS

Sworn and subscribed before me

this _____ day of

1985.

NOTARY PUBLIC

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF NORFOLK)

I, Valerie T. Wong, Notary Public within
and for the Commonwealth of Massachusetts, do hereby
certify:

That THOMAS BARBAS, 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 24th day of
April, 1985.

Valerie T. Wong

NOTARY PUBLIC

My Commission Expires:
November 5, 1987.

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