

US EPA ARCHIVE DOCUMENT



UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

Civil #82-1672-S

Supreme Records Center  
Sgt. Wells GPH  
Date: 11.9  
Office: 466904

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

Continued Deposition of PAUL SHALLINE, 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 Monday, March 25, 1985, commencing at 2:00 p.m.

US EPA ARCHIVE DOCUMENT

## APPEARANCES:

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

HALE & DORR, by SUSAN WINKLER, 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,  
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.

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
Paul Shalline, Resumed	5	

Exhibits

<u>No.</u>		<u>Page</u>
21	MDC application	64

US EPA ARCHIVE DOCUMENT

1 MR. SCHLICTMANN: Same stipulations  
2 and the witness has already been sworn.

3 MR. CHEESEMAN: Let me say one thing  
4 on the record. My understanding is that the  
5 deposition has been resumed pursuant to Judge  
6 Skinner's order in chambers a week or two ago so  
7 that the witness may answer questions which are  
8 directed to the identification of all chemicals  
9 used at the Woburn facility to the extent of this  
10 witness' knowledge, including his knowledge of the  
11 chemicals or substances by trade name or however he  
12 knows them.

13 MR. SCHLICTMANN: All right. My  
14 understanding is I can ask him about waste disposal  
15 practices concerning those chemicals and substances  
16 and contacts he has had with people concerning  
17 those chemicals and waste disposal practices. All  
18 right?

19 MR. CHEESEMAN: We can take those  
20 questions one at a time.

21 MR. SCHLICTMANN: All right. One at  
22 a time.

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

PAUL SHALLINE,

having been previously sworn, continued to testify as follows in answer to direct interrogatories:

Q. (BY MR. SCHLICTMANN) Mr. Shalline, are you aware of the use of solvents at the Woburn plant during the 1960's?

A. I would say so.

Q. What solvents are you aware of were used at the Woburn plant during the 1960's?

A. There was a degreaser in the machine shop. I don't know what the material was for taking the oil off parts.

A solvent in the paint shop for taking shop soil off parts, probably alcohol or Linsol.

This is 1960 we're talking about?

Q. From 1960 to 1970.

A. '60 to '70.

I don't know if I could name any others.

Q. All right. You said that you used solvents to degrease the machine is that right?

A. To degrease parts.

1 Q. To degrease parts. What were the  
2 chemicals or the trade names of the chemicals that  
3 were used to degrease parts in the 1960's?

4 A. I don't know what the names were.

5 Q. Do you know what chemicals were in there?

6 A. No, I don't.

7 Q. Well, do you know if trichloroethylene was  
8 one of them?

9 A. I know we used trichloroethylene in the  
10 paint shop, whether it was the sixties or seventies  
11 I'm not sure.

12 Q. As for degreasing parts though, you  
13 believe another solvent other than  
14 trichloroethylene was used in the 1960's?

15 MR. CHEESEMAN: I think he said he  
16 didn't know what was used.

17 Q. That's what I'm trying to get at I guess.  
18 Was another solvent used to degrease metal parts in  
19 the 1960's to your knowledge?

20 A. I can't remember any.

21 Q. Well, what is your best memory as to what  
22 solvent was used to degrease metal parts in the  
23 1960's?

24 A. The one I can remember is the

1 trichloroethylene, and I don't know the exact time  
2 that that was used.

3 MR. CHEESEMAN: He was just asking  
4 about the degreaser. Is that right?

5 Q. Degreasing of metal parts.

6 A. In the machine shop?

7 Q. Yes.

8 MR. CHEESEMAN: Is that what your  
9 answer was referring to?

10 A. No, my answer then would be I believe it  
11 was a Magnus Chemical product.

12 Q. Magnus Chemical product. All right.  
13 Magnus Chemical Company, came from the Magnus  
14 Chemical Company?

15 A. Yes.

16 Q. And do you have any idea what the name of  
17 that product was or the constituents of that  
18 product?

19 A. No, I don't.

20 Q. How about the quantity that was used?

21 A. I really don't know.

22 Q. Can you estimate it at all?

23 A. I had nothing to do with the machine shop,  
24 so I don't know what they used over there at that

1 time.

2 Q. Well, at any time during the 1960's, did  
3 you become aware of how much solvent was used to  
4 degrease metal parts in the 1960's, how much was  
5 purchased at any one time, at any time during the  
6 1960's?

7 A. No, I don't think it was a concern.

8 Q. Well, you became pollution control officer  
9 in the 1960's, isn't that right?

10 A. I would say no. I don't know when I  
11 became pollution control officer.

12 Q. I believe that previous testimony in these  
13 depositions you said you were in the -- after 1967  
14 you were made pollution control officer. Is that  
15 right?

16 A. I don't know the date.

17 Q. Well, was it before 1970?

18 MR. CHEESEMAN: We're attempting to  
19 locate the letter by which he was given that  
20 position so we can determine the exact date.

21 Q. Okay. I have shown you Plaintiff's  
22 Exhibit No. 5 and that exhibit is dated March 22nd,  
23 1967, and in that document it states, and this is a  
24 document from Vince Forte, states that: We will so

1 advise the pollution control officer when appointed  
2 by Bill Baird.

3 A. That's right.

4 Q. Is that Baird?

5 A. Baird.

6 Q. Was Mr. Baird the one who appointed you?

7 A. No.

8 Q. Who appointed you?

9 A. Mr. Forte.

10 Q. Do you remember if -- this Exhibit No. 5,  
11 does that refresh your recollection as to when you  
12 may have been appointed pollution control officer?

13 A. No, it doesn't.

14 Q. Mr. Taylor, he is the one who is in South  
15 Carolina?

16 A. He has been at Woburn and he has been at  
17 South Carolina. Where he was at this time, I don't  
18 know.

19 Q. Do you know what his position was when he  
20 was in South Carolina?

21 A. No, I don't.

22 Q. What was his position at the Woburn plant?

23 A. I believe he was manager.

24 Q. But you don't know at this particular date,

1 1967, what his position was at the Woburn plant or  
2 whether he was outside the Woburn plant?

3 A. I don't know whether he was there or not.

4 Q. So that doesn't help you in determining  
5 when you were appointed pollution control officer?

6 A. No. We're trying to find out.

7 Q. What are you doing to find out?

8 MR. CHEESEMAN: Well, I don't think  
9 he needs to answer that. You can go through  
10 counsel.

11 MR. SCHLICTMANN: Are you checking  
12 records?

13 MR. CHEESEMAN: He is not doing it; I  
14 am.

15 MR. SCHLICTMANN: You are going to do  
16 it?

17 MR. CHEESEMAN: Yes.

18 MR. SCHLICTMANN: Can I depose you?

19 MR. CHEESEMAN: No.

20 Q. Nope. That answers that question. You  
21 were appointed pollution control officer at some  
22 time?

23 A. Yes, I was.

24 Q. And you were the first one to your

1 knowledge?

2 MR. CHEESEMAN: At Woburn?

3 Q. At Woburn.

4 A. I believe so.

5 Q. And it was Mr. Forte who appointed you?

6 A. Yes.

7 Q. When you became pollution control officer,  
8 did you make any determination as to what kind of  
9 solvent was used to degrease metal parts at the  
10 Woburn plant?

11 A. Not that I can remember.

12 Q. At any time?

13 A. I can't remember any.

14 Q. I show you Plaintiff's Exhibit No. 12 and  
15 ask that you examine that. This is a memo made by  
16 you?

17 A. --

18 Q. No, I have the wrong one. I'm sorry. I  
19 meant to give you Exhibit No. 14.

20 Exhibit No. 14, is that in a memo  
21 that was made by you?

22 A. I would say so.

23 Q. In that exhibit on page 6 it has a list,  
24 is it six or eight? Page eight, has a list of

1 chemicals. Did you understand this list to be a  
2 list of all the chemicals then in use at the Woburn  
3 plant in 1967?

4 A. I don't believe it is a hundred percent  
5 complete.

6 Q. Well, on page 8 it states: Below is a  
7 breakdown of chemicals presently in use or  
8 projected for use at the Woburn plant. Is that a  
9 true statement?

10 A. To the best of my knowledge it was.

11 Q. All right. So in this memo dated 1967,  
12 you were giving a complete list of the chemicals  
13 then in use at the plant?

14 MR. CHEESEMAN: Word complete does  
15 not appear in that passage.

16 Q. All right. Chemicals presently in use at  
17 the Woburn plant.

18 MR. CHEESEMAN: Or projected for use.

19 Q. Or projected for use.

20 MR. CHEESEMAN: I think I will object  
21 because the document speaks for itself.

22 Q. I want to know what his understanding was.  
23 Was it your understanding that in your memo of 1967  
24 you were providing a breakdown of chemicals

1 presently in use at the Woburn plant or projected  
2 for use at the Woburn plant?

3 A. I think I have a problem with the word  
4 chemical.

5 Q. All right. What is your problem with the  
6 word chemical?

7 A. Well, like I didn't list lubricating oils  
8 or cutting oils which are used at the plant. If  
9 you consider those chemicals, then it is not a  
10 hundred percent because they were not included.

11 Q. All right. Lubricating oils and cutting  
12 oils, if I don't consider them to be chemicals, is  
13 then the list completed as to the chemicals then in  
14 use at the Woburn plant or projected for use at the  
15 Woburn plant?

16 A. Well, I think they get into another area  
17 of the alcohol, linseed oil, turpentine. These  
18 were not listed.

19 Q. All right. Other than alcohol, linseed  
20 oil and turpentine were any other chemicals not  
21 included in this list?

22 A. I would think they might be.

23 Q. That what might be?

24 A. There would be other chemicals or other

1 substances.

2 Q. What other substances or chemicals were  
3 not listed in this to the best of your memory?

4 A. Stencil inks.

5 MR. CHEESEMAN: It is dated 1967.

6 MR. SCHLICTMANN: What did I say?

7 MR. CHEESEMAN: No, I am just  
8 pointing out to the witness.

9 A. I would say there was water softening  
10 chemicals used in the boiler.

11 Q. All right. That's not listed?

12 A. No.

13 Q. Any others?

14 A. Not that I can remember.

15 Q. Was it your understanding that you listed  
16 all solvents then in use at the plant or projected  
17 for use at the plant in your 1967 memo?

18 A. I can't remember that.

19 Q. Well, is it your understanding then that  
20 there may have been solvents that were used that  
21 were not on that list?

22 MR. CHEESEMAN: Bear in mind that  
23 water is a solvent.

24 A. I believe there probably were.

1 Q. Solvents not listed?

2 A. Uh-huh, that's right.

3 Q. Do you know which ones were not listed?

4 A. I have no idea.

5 Q. But there were others not listed?

6 A. I would think there would be.

7 Q. Why would you think that there would be  
8 ones that were not listed?

9 A. Because people have spray cans of  
10 different substances that have chemicals in them.  
11 I may not see them.

12 Q. Is it possible also that there were  
13 solvents then being used at the plant which you  
14 weren't aware of?

15 A. Minute quantities.

16 Q. Of anything that wasn't a minute quantity,  
17 would you have been aware of it in 1967?

18 MR. CHEESEMAN: Anywhere in the plant?

19 Q. Yes.

20 A. Not necessarily.

21 Q. Why not?

22 A. I didn't go around looking to see what  
23 chemicals were used.

24 Q. Well, in preparing this memo, did you look

1 around to see what chemicals were then being used?

2 A. I don't remember.

3 Q. Whether you did or not?

4 A. That's right.

5 Q. All right. So is it fair to say then, Mr.  
6 Shalline, that your understanding is that this was  
7 a list of chemicals then in use but as far as you  
8 were concerned it was not the complete list of  
9 chemicals then in use and it could have in fact  
10 excluded certain solvents which were used at the  
11 plant as well. Is that right?

12 A. Certain solvents of small, very small  
13 quantities I believe.

14 Q. But any quantities of more than a small  
15 quantity, you would have known whether they were  
16 being used at the plant, is that your understanding?

17 A. In most cases I would know, yes.

18 Q. Are there any cases where you would not  
19 know?

20 A. I can't think of any.

21 Q. All right. So it is your understanding  
22 then that this list should include all of the  
23 solvents then in use at the plant; is that right?

24 A. It should be quite complete.

1 Q. And would you please give me your best  
2 memory of the solvents which weren't on this list  
3 which were then used at the plant in 1967?

4 A. I had a zinc plating area. We had  
5 alkaline cleaner. We had dilute acid dip and there  
6 was a rinse tank, plain water, and then the plating  
7 bath and a rinse tank with plain water.

8 The phosphating line had a detergent  
9 cleaner, a water rinse tank, an acid, dilute acid  
10 tank, a rinse tank of water and another tank on the  
11 end of the line. I think that was a mild acid.

12 Passivating, I think they used a  
13 dilute acid material and a steam cleaner.

14 And the paint shop they would have  
15 paint, thinners, various kinds of thinners. They  
16 would have some solvent.

17 Machine shop would have cutting oils  
18 and a small degreasing tank with a degreasing  
19 solvent.

20 Q. Okay. What was the degreasing solvent?  
21 Did you list the degreasing solvent on this list?

22 A. That is I would say the Syn Electro  
23 Cleaner.

24 Q. Do you know what Syn Electro Cleaner was

1 made out of?

2 A. No idea.

3 Q. Do you know if it was trichloroethylene or  
4 tetrachloroethylene?

5 A. I have no idea.

6 MR. CHEESEMAN: I think that  
7 information is in our interrogatory answers.

8 Q. Other than the Syn Electro Cleaner there  
9 is another product there, but that's been blacked  
10 out on the memo.

11 A. Uh-huh.

12 Q. What was that product?

13 A. I can't tell what it was.

14 Q. Can you remember?

15 A. No.

16 Q. You said about cutting oils. Were cutting  
17 oils composed of solvents?

18 A. I don't know if they were or not.

19 Q. They could have been. You don't know?

20 A. I don't know.

21 Q. Paint shop solvents, what were those  
22 solvents?

23 A. I would say they had lacquer thinner,  
24 mineral spirits. They had -- I don't know what

1 other solvents they had.

2 Q. You don't know the other solvents that  
3 they might have had?

4 A. No, I can't think of any others.

5 Q. How much, when you made this memo, did you  
6 determine how much solvent was used at the Woburn  
7 plant of any category?

8 A. How much was used?

9 Q. Yes, at any one time?

10 A. I don't believe I did.

11 Q. Do you know how much solvent was used on a  
12 yearly basis in the 1960's?

13 A. I think that information is underneath the  
14 blacked out marks.

15 Q. Do you know how much that was?

16 A. No, I don't. I can't remember that.

17 Q. You can't remember that. So you don't  
18 have any memory of how many drums of any particular  
19 chemical were purchased at the Woburn plant in the  
20 1960's on a yearly basis?

21 A. No, I don't think I could answer that.

22 Q. You don't know how many drums of  
23 trichloroethylene were purchased on a yearly basis  
24 in the 1960's at the Woburn plant?

1           A.    Only from reading the information that's  
2           come up here.

3           Q.    When you say information that's come up  
4           here, you mean the exhibits that have been entered --

5           A.    That's right.

6           Q.    At your deposition?

7           A.    That's right.

8           Q.    You don't have any independent memory  
9           other than what the exhibits indicate?

10          A.    I would say that was true.

11          Q.    How much, do you know how many drums of  
12          solvent are purchased now at the Woburn plant on a  
13          yearly basis?

14          A.    No, I don't.

15          Q.    Would you say that the amount purchased  
16          now is the same amount that was purchased in the  
17          1960's on a yearly basis?

18                   MR. CHEESEMAN:  Well, I'll object.  
19          If he doesn't know how much is used now, then he  
20          can't give you a comparison.

21          Q.    He doesn't know the amount but it may be  
22          the same level.

23          A.    In the sixties I would say we probably  
24          bought more in the sixties than today.

1 Q. All right. How about the seventies?

2 A. Probably more in the seventies than the  
3 eighties or the same. I would say sixties and  
4 seventies probably the same.

5 Q. And that was more than the eighties?

6 A. No.

7 Q. How did the sixties and seventies compare  
8 to the eighties?

9 A. I would say we used more.

10 Q. In the sixties and seventies?

11 A. Yes.

12 Q. Than in the eighties?

13 A. That's right.

14 Q. Do you remember approximately how much  
15 more on a percentage basis?

16 A. I wouldn't dare to guess.

17 Q. But your understanding is it is more?  
18 More was purchased and more was used in the sixties  
19 and seventies than is used now at the plant?

20 A. Yes.

21 Q. Is that because the plant was more active  
22 in the sixties and seventies than it was in the  
23 1980's?

24 A. No.

1 Q. Why is that? What accounts for that  
2 difference?

3 A. Change in the product that we manufacture.

4 Q. When did the product change?

5 A. Through the years. It wasn't just  
6 overnight. Through the years.

7 Q. Essentially that product change was made  
8 in the late seventies into the early eighties?

9 A. It was probably gradual. I wouldn't dare  
10 pick a year.

11 Q. What was the product change?

12 A. We gradually decreased the amount of  
13 material that had to be painted or plated. We went  
14 all to stainless steel.

15 Q. And what is your best recollection, that  
16 was phased out over a gradual period?

17 A. I would say so.

18 Q. So that the gradual phasing out started in  
19 would you say the middle to late seventies; is that  
20 right?

21 A. I would say early to middle seventies  
22 would be an approximate time.

23 Q. All right. So your best memory is between --  
24 from the early to the mid seventies you were

1 phasing out a product line that didn't require you  
2 to use as much solvent as you had been using?

3 A. I don't think product line is the right  
4 word.

5 Q. I'm sorry. I didn't mean product line.  
6 Condition of product?

7 A. Equipment. Manufactured equipment.

8 Q. Manufactured equipment because what you  
9 had to do to the equipment was changing because of  
10 the nature of the equipment, it didn't need to be  
11 painted or plated as much as it did before, so from  
12 the early to the mid seventies you used less and  
13 less solvent. Is that about it?

14 MR. CHEESEMAN: Objection.

15 A. I think the reason we got out of the  
16 painting was government, more stringent rules in  
17 the government for equipment used in food plants.

18 Q. And that happened approximately in the  
19 early to middle seventies?

20 A. I think we started at that time.

21 Q. About the early to mid seventies?

22 A. I believe so.

23 Q. The things that you had to do to the  
24 product changed because of governmental regulations?

1 A. That influenced it.

2 Q. So you decided to get out of that products  
3 which had to be plated or painted and into products  
4 which were using stainless steel?

5 A. I think we were making the same thing  
6 except corrosion resistant materials.

7 Q. And the process would use less solvents  
8 than you had been using?

9 A. I would say so.

10 Q. All right. Now, you used metal cleaners  
11 at the plant in the sixties and seventies; is that  
12 right?

13 A. Degreasers, for degreasing.

14 Q. Metal cleaners are degreasers; is that  
15 right?

16 A. I would use it in that term.

17 Q. Is that how you use the term? Metal  
18 cleaners are degreasers?

19 A. I don't use metal cleaners.

20 Q. No, no, as you understand the word metal  
21 cleaners, that means solvents?

22 MR. CHEESEMAN: Objection. He said  
23 he doesn't use that term.

24 A. I don't use that term but it probably

1 could be interpreted to mean that.

2 Q. Well, your understanding of the term metal  
3 cleaner refers to, I mean metal cleaner, you use  
4 metal cleaners at the Woburn plant; is that right,  
5 things to clean the metal?

6 A. But they are not solvents.

7 Q. What are they?

8 A. They are an acid base detergent.

9 Q. Did you use solvents though to clean the  
10 metal?

11 A. We have used solvents to degrease parts.

12 Q. Those are metal parts?

13 A. Metal parts.

14 Q. Did you use solvents to clean the metal  
15 parts?

16 A. Some of them.

17 Q. So you did use metal -- is your  
18 understanding of the phrase "metal cleaners" to  
19 include solvents or not to include solvents?

20 MR. CHEESEMAN: Jan, you introduced  
21 the term metal cleaner if I'm not mistaken, and if  
22 you have some specific meaning that you want to  
23 ascribe to that word, then you should tell us what  
24 it is so the witness can answer the questions you

1 are asking. As it is, you put a word in his mouth  
2 and are now asking him to define it. I don't see  
3 where that is going to get us anywhere but in  
4 circles.

5 MR. SCHLICHTMANN: I agree with you.  
6 Very good point.

7 Q. Have you ever used the phrase metal cleaners  
8 in your work at the Woburn plant?

9 A. I would say so.

10 Q. How have you used it?

11 A. The alkaline cleaners that we use we would  
12 consider a metal cleaner.

13 Q. Well, did you consider solvents to be  
14 metal cleaners?

15 A. No.

16 Q. How about cutting oils?

17 MR. CHEESEMAN: What about them?

18 Q. Did you use the phrase cutting oils?

19 A. I would use that term.

20 Q. Did you understand cutting oils to contain  
21 solvents?

22 A. No.

23 Q. How about the phrase metal cutting fluids?

24 A. I would say no.

1 Q. Have you ever used the phrase metal  
2 cutting fluids?

3 A. Not one that I would use. I may have, but  
4 it is not a term that I would use.

5 Q. Well, at any time do you remember using  
6 the term metal cutting fluids to describe the  
7 activities at the Woburn plant, materials that you  
8 used?

9 A. I don't remember.

10 Q. Do you have any idea what metal cutting  
11 fluid means?

12 A. To me it would be cutting oils.

13 Q. Metal cutting fluids would be cutting oils?

14 A. My interpretation.

15 Q. Would cutting oil contain solvents?

16 A. I don't know.

17 Q. Well, do you know if it does?

18 A. The product I have now does.

19 Q. What solvent does the product have now?

20 A. 1,1,1-trichloroethane.

21 Q. That's contained in the cutting oils or I  
22 am sorry, in the material -- not my day today. Is  
23 that product contained in the cutting oils?

24 A. Yes.

1 Q. How long have you been using that product  
2 with trichloroethane?

3 A. I don't know how long.

4 Q. Did you use it in the sixties and  
5 seventies?

6 A. I don't believe so.

7 Q. What did you use prior to trichloroethane?

8 A. I don't know.

9 Q. In your cutting oils?

10 A. I don't know.

11 Q. Was it another solvent?

12 MR. CHEESEMAN: You asking him if he  
13 knows there was another solvent in the cutting oil  
14 he used previously?

15 Q. Right.

16 A. I don't know what was in the material.

17 Q. How about your use of cutting oils, the  
18 quantity used now? How does that compare to the  
19 sixties and seventies? Do you use less now than  
20 you did, same amount, more?

21 A. I would say we use less.

22 Q. Now?

23 A. Yes.

24 Q. Than you used before?

1 A. That's right.

2 Q. So you used more cutting oils in the 1960's  
3 than you used in the 1980's?

4 A. I would say so.

5 Q. You used more cutting oil in the 1970's  
6 than you used in the 1980's?

7 A. I would say so.

8 Q. Do you have any idea the percentage more  
9 that you used in the sixties and seventies than you  
10 use now?

11 A. No idea.

12 Q. Do you know the name of the cutting oil  
13 that you were using in the sixties and seventies?

14 A. No, I wouldn't dare say.

15 Q. How about paint thinners? What do you  
16 understand that term to encompass?

17 A. Paint thinner would be mineral spirits,  
18 turpentine, lacquer thinner, water. Toluol. I  
19 think that's about it.

20 Q. What's Toluol?

21 A. Solvent.

22 Q. Do you understand the phrase paint  
23 thinners then to include solvents?

24 A. I believe so.

1 Q. Paint strippers, what do you understand  
2 the phrase paint strippers to include?

3 A. Paint stripper would be a chemical. They  
4 are usually caustic in nature. I don't know the  
5 chemicals that are in it.

6 Q. Do you know if it contains solvents, the  
7 stripper?

8 MR. CHEESEMAN: Are you referring to  
9 a particular stripper?

10 Q. The strippers that the Woburn plant used  
11 or uses, did you understand them --

12 MR. CHEESEMAN: Has it been  
13 established that they did use strippers?

14 Q. Well, did you use paint strippers at the  
15 Woburn plant or do you use paint strippers at the  
16 Woburn plant?

17 A. Occasionally.

18 Q. All right. Do you understand them to  
19 contain solvents?

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

21 Q. Do you know approximately how much metal  
22 cutting fluid the Woburn plant used in the 1960's  
23 on a yearly basis?

24 A. I have no idea.

1 Q. Do you know how much it used in the 1970's  
2 on a yearly basis, metal cutting fluid?

3 A. No.

4 Q. Do you have an idea of how much metal  
5 cutting fluid the Woburn plant uses now in the 1980's?

6 A. No.

7 Q. Who do you cut get your metal cutting  
8 fluid from?

9 A. Monroe Chemical we buy a Cool Tool and  
10 there is another one Rust-Lick.

11 Q. Rust-Lick? How do you spell that?

12 A. R U S T, I think, hyphen, L I C K.

13 Q. What are those? What are the constituents  
14 of those chemicals?

15 A. Cool Tool is 33 percent,  
16 1,1,1-trichloroethane. I don't know what the other  
17 material is in it.

18 Q. Would the Cool Tool come in 55 gallon  
19 drums?

20 A. Yes, usually.

21 Q. Yes?

22 A. Yes.

23 Q. And that would have the trichloroethane in  
24 it?

1 A. As part of the mix.

2 Q. The Monroe Cool Tool, would that come from  
3 the Magnus Chemical Company?

4 A. I think it is Monroe.

5 Q. Monroe Chemical Company?

6 A. I believe so.

7 Q. How long have you been doing business with  
8 the Monroe Chemical Company?

9 A. I don't know.

10 Q. Well, do you remember doing business with  
11 them in the 1970's, 1960's?

12 A. No.

13 Q. Did you start doing business with them in  
14 the 1980's?

15 A. I never did any business with them.

16 Q. Well, are you aware of the Woburn plant  
17 doing business with them?

18 A. I have seen the drums.

19 Q. Isn't one of your jobs as pollution  
20 control officer to determine the chemicals that are  
21 being used at the plant?

22 A. I would say so.

23 Q. Didn't you from time to time in your  
24 capacity as pollution control officer make reports

1 to the company and to others about the chemicals  
2 that were in use at the plant?

3 A. I don't believe so.

4 Q. You don't believe so?

5 A. No, I don't.

6 Q. You don't remember ever making a report to  
7 any outside agency concerning the use of chemicals  
8 at the Woburn plant?

9 A. Just for disposal information.

10 Q. All right. What, from time to time you  
11 would tell people for disposal information the kind  
12 of chemicals used and the quantity?

13 A. I would send them a data sheet on it.

14 Q. Who would these people be you would send  
15 it to?

16 A. Send it to the company that did our  
17 disposal of waste.

18 Q. You would send it to the waste disposal  
19 company?

20 A. That's right.

21 Q. When did you start doing that?

22 A. I'd say around 1980.

23 Q. Now, in your capacity as pollution control  
24 officer, have you notified government agencies

1 about the quantities and types of chemicals that  
2 are in use at the Woburn plant?

3 A. I can remember responding to the, I think  
4 it was the EPA, on the inquiry on the disposal of  
5 the material in the back yard.

6 Q. Now, you're referring to the letter from  
7 the EPA which is Exhibit 17; is that right?

8 (Document handed to the witness).

9 A. I believe that's it.

10 Q. And in responding to that letter -- let me  
11 have those. In responding to that letter, you  
12 conducted an investigation about the use of  
13 chemicals or -- sorry, in responding to that letter  
14 you responded about the use of chemicals at the  
15 Woburn plant?

16 A. I helped.

17 Q. You helped Mr. Forte?

18 A. I helped Mr. Stewart.

19 Q. You helped Mr. Stewart. To your knowledge  
20 did anybody else at the plant provide Mr. Stewart  
21 with information about the use of chemicals to  
22 respond to that EPA letter other than yourself?

23 A. I have no idea.

24 Q. Did you understand you to be the person

1 most qualified to provide that information to Mr.  
2 Stewart?

3 A. I would say no.

4 Q. Who did you consider to be the most  
5 qualified to provide that information?

6 A. I think overall I probably had the most  
7 knowledge. The actual knowledge of the product use,  
8 the supervisor of that department would have more  
9 knowledge of how the material was used than I would.

10 Q. When you say overall, what information  
11 would you have overall?

12 A. I would have data sheets for the material  
13 that we had.

14 Q. So would you be the most qualified to be  
15 able to talk about the quantities of materials that  
16 were used at the Woburn plant?

17 A. I would say not.

18 Q. All right. Who would be more qualified  
19 than yourself?

20 A. Whatever department used the material  
21 would know how much they used. I don't know how  
22 much they used.

23 Q. All right. However, you approved  
24 purchases of those chemicals for the various

1 departments; is that right?

2 A. Most times I did.

3 Q. When you say most times, you mean  
4 sometimes you did not?

5 A. The order would go through without an  
6 approval.

7 Q. Without an approval. You mean sometimes  
8 there would be orders that you didn't approve?

9 A. That's right.

10 Q. It was supposed to go through your office.

11 MR. CHEESEMAN: When is this you are  
12 talking about now?

13 Q. Well, what period of time?

14 MR. CHEESEMAN: I have understood  
15 your questions to relate to the time of the EPA  
16 inquiry.

17 Q. All right. The time of the EPA. I  
18 haven't, but that's a good enough period to start  
19 with.

20 A. I would say I wouldn't see any orders from  
21 that time, during that time.

22 Q. What would be the period of time that it  
23 was necessary for purchase order to go through your  
24 office for chemicals to be used at the plant? What

1 period of time would that be?

2 A. I would say probably 1970 to '79 they  
3 should have come through.

4 Q. Should have come through your office.  
5 That would include all chemicals used at the plant?

6 A. Used for the areas that I was responsible  
7 for.

8 Q. All right.

9 A. I didn't have to see anything for the  
10 office.

11 Q. No, but for, let me put it that the  
12 chemicals, these would be industrial chemicals used  
13 at the plant. Those would all have to come through  
14 your office; is that right?

15 A. I would normally see them, yes.

16 Q. Anything that came, anything that was in a  
17 55 gallon drum would go through your office,  
18 purchase order would?

19 A. Not necessarily.

20 Q. When you say not necessarily, what do you  
21 mean by that?

22 A. Repeat items that we buy over again, they  
23 just order it.

24 Q. They would just order it and your office

1 wouldn't have a record of it?

2 A. No.

3 Q. And they wouldn't provide your office with  
4 a record of it?

5 A. No.

6 Q. So drums of chemicals could be purchased  
7 without your knowledge?

8 A. I would say so.

9 Q. And they could be purchased between 1970  
10 and 1979 without your knowledge?

11 A. Could be.

12 Q. Who was the person most knowledgeable  
13 concerning the use of chemicals at the Woburn plant  
14 between 1960 and 1970?

15 A. I don't know. I don't know any one person.  
16 Plant manager.

17 Q. Between 1960 and 1970?

18 (Witness nodded).

19 Q. Do you consider yourself to be the person  
20 most knowledgeable concerning the use of chemicals  
21 between 1960 and 1970 at the Woburn plant?

22 A. No.

23 Q. Do you consider yourself to have some  
24 knowledge?

1 A. In my area of responsibility.

2 Q. All right. And between 1960 and 1970 your  
3 area of responsibility was the paint shop?

4 A. Right.

5 Q. And what other department?

6 A. I would say the assembly department.

7 Q. All right. Now the paint shop and the  
8 assembly department, those two departments between  
9 1960 and 1970 used chemicals; is that right?

10 A. I would say so.

11 Q. Do you consider yourself to be the person  
12 most knowledgeable concerning the use of chemicals  
13 at the paint shop and the assembly department  
14 during 1960 to 1970?

15 A. I believe so.

16 Q. So between the period 1960 and 1970, could  
17 you tell me the solvents that were used in the  
18 paint shop between 1960 and 1970?

19 A. It would be the ones that I read off a few  
20 minutes ago.

21 Q. All right. Now, when you say you read off,  
22 what are you referring to?

23 A. The mineral spirits, the lacquer thinner,  
24 the turpentine, water -- umm, Toluol.

1 Q. All right. Was any trichloroethylene used  
2 at the paint shop in the 1960's?

3 A. I can't remember.

4 Q. Well, didn't trichloroethylene replace  
5 Toluol in the 1960's at the paint shop?

6 A. I can't remember those dates.

7 Q. Well, according to Plaintiff's Exhibit No.  
8 1, on the second page that's a memo signed by you;  
9 is that right?

10 A. Yes.

11 Q. And it states there under Section J, it  
12 says: "Tricloroethene," which I take it to be  
13 trichloroethylene, or is that another chemical?

14 A. I don't know.

15 Q. So that may not be referring to  
16 trichloroethylene?

17 A. I don't know if it is or not.

18 Q. All right. Well, the chemical referred  
19 there, "tricloroethene," states it is to be used  
20 for cleaning purposes other than Toluol and this  
21 will be available in the paint shop. Does that  
22 indicate another solvent other than Toluol was  
23 being used, other than Toluol at the paint shop?

24 MR. CHEESEMAN: Are you asking him to

1 interpret what he is reading or his personal memory?

2 Q. His personally memory based on reading  
3 this memo.

4 A. I would say the statement is true that we  
5 would use trichloroethene at this time.

6 Q. What is trichloroethene?

7 A. I don't know.

8 Q. So that trichloroethene replaced Toluol; is  
9 that right?

10 A. I would say so.

11 Q. And you don't know if that trichloroethene  
12 is referring to trichloroethylene or some other  
13 solvent; is that right?

14 A. No, I don't know.

15 Q. What it is referring to?

16 A. I don't know.

17 Q. Was trichloroethylene to your knowledge  
18 also used in the paint shop between 1960 and 1970?

19 MR. CHEESEMAN: When you say also,  
20 you're implying that there is something different  
21 from trichloroethylene.

22 Q. Yes. I don't know.

23 MR. CHEESEMAN: Those terms are  
24 generally understood to be synonymous for the same

1 substance, just as a matter of chemistry.

2 MR. SCHLICTMANN: Does Mr. Shalline  
3 know that?

4 MR. CHEESEMAN: He said he does not.  
5 I'm just telling you.

6 MR. SCHLICTMANN: We'll stipulate on  
7 the record, defendant's attorney has informed me  
8 that trichloroethene and trichloroethylene are  
9 synonymous terms.

10 MR. CHEESEMAN: In the understanding  
11 of a professional chemist.

12 MR. SCHLICTMANN: All right. In the  
13 understanding of a professional chemist, they are  
14 synonymous terms. Does the defendant admit they  
15 are synonymous terms for the purpose of this  
16 lawsuit?

17 MR. CHEESEMAN: I don't know how it  
18 was used in this particular lawsuit.

19 Q. Is that trichloroethene synonymous with  
20 trichloroethylene?

21 MR. CHEESEMAN: Save it for the jury.

22 Q. I don't know whether we have one chemical  
23 or two chemicals. I am trying to find out how many  
24 chemicals we have.

1                   Okay. How much Toluol was used in  
2 the paint shop between 1960 and 1970 on a yearly  
3 basis?

4           A. I don't know.

5           Q. You don't know how many drums a year would  
6 be used?

7           A. I don't know if we would use any drums.

8           Q. How did it come?

9           A. I can't remember. Sometimes it comes in  
10 five gallon pails.

11          Q. Does it also come in 55 gallon drums?

12          A. I believe so.

13          Q. Did sometimes you use 55 gallon drums?

14          A. I don't remember that.

15          Q. You could have?

16                   MR. CHEESEMAN: Objection.

17          A. Yeah, I think we could have.

18          Q. But you don't have any idea as to how many  
19 gallons of Toluol you used a year between the 1960's  
20 between 1960 and 1970; is that right?

21          A. No idea.

22          Q. Do you have any records about that use?

23          A. Pardon?

24          Q. Are you aware of any records concerning

1 that use?

2 A. No, I am not.

3 Q. Now, trichloroethylene, does that come in  
4 55 gallon drums?

5 A. Yes.

6 Q. And how much trichloroethylene do you  
7 remember using between 1960 and 1970 on a yearly  
8 basis?

9 A. I see the documents showing that we used  
10 three drums through the years.

11 Q. What is your memory?

12 A. My memory is that we used one drum.

13 Q. One drum for what period of time?

14 A. The period before we filled out the EPA  
15 information inquiry.

16 Q. The EPA inquiry was in January of 1982; is  
17 that right?

18 A. I don't know.

19 Q. Well, is that the one?

20 A. I didn't look at the date.

21 Q. Let me just show you. That's Plaintiff's  
22 Exhibit 17. That's January of '82.

23 A. All right.

24 Q. So your memory is that you only used one

1 drum of trichloroethylene from 1960 to 1982; is  
2 that right?

3 A. I believe so.

4 Q. Do you believe that that's true, that  
5 information that you only used one drum?

6 A. That was my understanding at the time.

7 Q. And when was that drum purchased?

8 A. I don't know.

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

10 A. I don't know.

11 Q. When you answered that letter in January  
12 of '82, did you actually see the drum?

13 A. No.

14 Q. Had it been disposed of?

15 A. I would say so.

16 Q. How was it disposed of?

17 A. I don't know.

18 Q. You don't know what happened to it?

19 A. No.

20 Q. Was it ever hauled off by a company?

21 A. I don't know. I don't believe so.

22 Q. Was it poured on the ground in the back of  
23 the plant?

24 A. I don't know.

1 Q. Was it poured into the trench in 1974?

2 A. I don't know.

3 Q. Well, when is your last memory of seeing  
4 it?

5 A. My last memory of seeing it was in the  
6 paint shop.

7 Q. What year?

8 A. I have no idea. I don't remember.

9 Q. Did you last see it in the 1960's?

10 A. I can't remember.

11 Q. Do you remember seeing it in the 1970's?

12 A. I can't remember.

13 Q. Do you remember seeing it in the 1980's?

14 A. I don't believe so.

15 Q. You don't believe you saw it in the 1980's?

16 A. I can't remember seeing it.

17 Q. Who purchased that one drum of  
18 trichloroethylene?

19 A. I believe I did.

20 MR. CHEESEMAN: Jan, it seems to me  
21 that you're concentrating on substances that we did  
22 not raise any objections to at the last part of the  
23 deposition. I understand that today's session is  
24 to permit you to ask questions about additional

1 chemicals that we did object to.

2 MR. SCHLICHTMANN: I am moving right  
3 along here. Prodding me. All right.

4 Q. Are you aware that the plant used tetra-  
5 chloroethylene at the Woburn plant?

6 A. No.

7 Q. You're not aware that they used  
8 tetrachloroethylene at the plant?

9 A. No.

10 Q. Do you have any memory of the plant ever  
11 using tetrachloroethylene at the Woburn plant?

12 A. No memory at all.

13 Q. Do you ever remember approving purchase  
14 orders of drums containing tetrachloroethylene?

15 A. No.

16 Q. You have no memory of that?

17 A. I don't know that material at all.

18 MR. CHEESEMAN: We answered  
19 interrogatories indicating that we did use  
20 tetrachloroethylene at the plant and that's one of  
21 the substances that we have not objected to your  
22 asking about, so I really don't think it is an  
23 appropriate subject for this resumption.

24 MR. SCHLICHTMANN: I am moving.

1 MR. CHEESEMAN: Move a little faster.

2 MR. SCHLICHTMANN: I'm moving; I'm  
3 moving.

4 Q. Can you tell me right now, can you list  
5 for me the types of solvents -- strike that. Can  
6 you list for me right now the solvents that you  
7 remember were used at any time at the Woburn plant?  
8 Can you make a list for me right now based on your  
9 memory?

10 A. It would be the same. Start at the  
11 machine shop with solvent degreasing material, one  
12 would be the Syn Electro Cleaner that was  
13 documented. We would use cutting oils and  
14 lubricants, hydraulic oil, lubricating oil.

15 Sheet metal department would use, I  
16 think they used alcohol, they used a Prussian blue  
17 that they would use to scribe the lines on. We  
18 used an alkaline detergent cleaner, used an acid  
19 dip bath, used two acid dip baths in the passivating  
20 area.

21 The paint shop we used the lacquer  
22 thinner, the mineral spirits, turpentine, Toluol.  
23 We used steam cleaner. I think we used an alkaline  
24 detergent.

1                   The assembly area would use  
2 lubricating oils.

3                   Did you have a timeframe on this?

4           Q.     I'm just asking for your memory for all  
5 chemicals used at any time.

6           A.     At any time right up to today?

7           Q.     Yes.

8           A.     We have used Miracle Glue, anaerobic  
9 adhesives, we have used epoxies, paints.

10                   We use a stainless steel polish for  
11 wiping the fingerprints off the material.

12                   Spray cans of graffiti remover, spray  
13 cans of layout fluid, spray cans of lacquer. We  
14 used floor sealer for sealing the concrete floors,  
15 like a clear acrylic material. We use ink in the  
16 shipping room to stencil cartons.

17                   Did I give you the degreaser in the  
18 machine shop? If I didn't, that's it.

19                   We had a zinc plating setup that had  
20 an acid tank, two acid tanks, a plating tank, two  
21 rinse tanks. Alkaline materials that are used in  
22 the boiler.

23                   We have a paste that we put on with a  
24 toothbrush to take discoloration away from the

1 welded area.

2 We use a paint stripper. We use, in  
3 the spray booth we have an alkaline material that's  
4 used to collect the paint overspray, keep the booth  
5 clean. We use a material we spray on the side of  
6 the booth that peels off so that you can -- to  
7 clean it you just peel it off. We use a material  
8 in the spray booth that keeps the paint floating so  
9 it can be skimmed off.

10 I can't think of anything else.

11 MR. CHEESEMAN: That will keep Doctor  
12 Levin busy.

13 Q. Yes, it certainly will.

14 Those things that you listed, I  
15 understand that each one of those contains solvents  
16 in them?

17 A. No.

18 Q. Some of them do and some of them don't?

19 A. Some of them might be an acid. I don't  
20 know if there are solvents in acids or not.

21 Q. And do you know what a chlorinated solvent  
22 is?

23 A. No.

24 Q. You don't know?

1 (Witness shook head).

2 Q. Do you understand trichloroethylene to be  
3 a chlorinated solvent?

4 A. No.

5 Q. You don't know or you didn't know?

6 A. I don't know.

7 Q. Did you think of trichloroethane, 1,1,1-  
8 trichloroethane as a chlorinated solvent?

9 A. No.

10 Q. You do consider trichloroethylene and  
11 1,1,1-trichloroethane as solvents?

12 A. Yes.

13 Q. And you understand when I use the word  
14 solvent to mean those chemicals like  
15 trichloroethylene or 1,1,1-trichloroethane?

16 A. Not limited to that.

17 Q. All right. What do you think solvent  
18 pertains to then?

19 A. I would think lacquer thinner would be a  
20 solvent.

21 Q. All right. As pollution control officer,  
22 have you ever made a list of the chlorinated  
23 solvents which have been used at the plant?

24 A. No.

1 Q. At no time?

2 A. Not to my knowledge.

3 Q. You don't know what a chlorinated solvent  
4 is?

5 A. No, I don't.

6 Q. You understood that the EPA in their  
7 letter of January of '82 were asking for the use of  
8 chlorinated solvents at the Woburn plant; is that  
9 right?

10 A. That's right.

11 Q. Well, did you ever determine what they  
12 meant by chlorinated solvent?

13 A. No.

14 Q. Was it ever explained to you by anybody?

15 A. I don't believe so.

16 Q. Has it ever been explained to you by  
17 anybody?

18 A. Not that I can remember.

19 Q. But you were the one who provided  
20 information to Mr. Stewart concerning the use of  
21 chlorinated solvents at the Woburn plant, didn't  
22 you?

23 A. I think I would answer his questions.

24 Q. You understood that you were providing

1 information to Mr. Stewart so he could answer the  
2 letter to the EPA concerning the use of chlorinated  
3 solvents at the Woburn plant; is that right?

4 A. I would say so.

5 Q. You understood that information was to  
6 come from you?

7 A. Not strictly. Any source.

8 Q. All right. Well, other than yourself, do  
9 you know any other sources that Mr. Stewart used?

10 A. I don't know.

11 Q. Did you ever, did Mr. Stewart ever discuss  
12 with you the use of chlorinated solvents at the  
13 Woburn plant?

14 A. I can't remember that happening.

15 Q. Well, did he discuss with you the use of  
16 solvents at the Woburn plant?

17 A. I believe he would have.

18 Q. And did you understand that you were  
19 providing information to Mr. Stewart about the use  
20 of solvent at the Woburn plant so that he could  
21 answer the EPA, their letter of January of '82?

22 A. That's right.

23 Q. Now, you made -- and to answer that, you  
24 made an investigation as to the use of all the

1 solvents at the Woburn plant that were ever used;  
2 is that right?

3 A. I believe so.

4 Q. What did you do to do that investigation  
5 about the use of solvents at the Woburn plant to  
6 answer the EPA's letter of January of 1982?

7 A. I don't remember.

8 Q. Did you look at records?

9 A. I don't remember that.

10 Q. Did you talk to people?

11 A. I would say so.

12 Q. Who did you talk to?

13 A. I would say we talked with the people in  
14 the machine shop, people in the sheet metal shop,  
15 the assembly shop, paint shop, four areas.

16 Q. You say we, now who are you referring to?

17 A. I would say Dick Stewart and Sam Knight.

18 Q. And yourself?

19 A. I believe I was there most of the time.

20 Q. When making inquiry of these people and  
21 the various departments about their use of solvents  
22 to find out what solvents were used?

23 A. What they used.

24 Q. What they used. Do you know if any

1 records were looked at by anybody to determine what  
2 solvents were used at the Woburn plant?

3 A. I don't know if anybody looked at any  
4 records or not.

5 Q. You didn't look at any records?

6 A. I don't believe so.

7 Q. And you don't know if Mr. Stewart looked  
8 at any records?

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

10 Q. Did Mr. Stewart ask you to look at any  
11 records for him?

12 A. I can't remember him asking.

13 Q. Did Mr. Stewart ask to look at any records  
14 that you had?

15 A. I don't remember him.

16 Q. Mr. Shalline, in your capacity as  
17 pollution control officer, aren't you the person  
18 responsible for answering questions to governmental  
19 agencies concerning their inquiries about the use  
20 of chemicals and the waste disposal practices at  
21 the Woburn plant?

22 A. I would say so. I would provide the  
23 information.

24 Q. You would be the person responsible at the

1 Woburn plant to answer inquiries from governmental  
2 agencies concerning the use of chemicals and the  
3 waste disposal of those chemicals at the Woburn  
4 plant; isn't that right, sir?

5 A. I believe it is.

6 Q. And that has been your responsibility for  
7 as long as you have been pollution control officer  
8 at the Woburn plant. Isn't that right?

9 A. I believe so.

10 Q. So that when Mr. Bornstein of, who you  
11 understood to be from a governmental agency or a  
12 private company on behalf of a governmental agency  
13 made an inquiry, that inquiry was given to you to  
14 answer, isn't that right?

15 A. That's right.

16 Q. And when the EPA sent a letter to the  
17 Woburn plant inquiring as to the use of chemicals  
18 and the disposal practices, it was your  
19 responsibility to provide information to answer the  
20 EPA; isn't that right?

21 A. I assisted in the gathering of the  
22 information.

23 Q. When the Metropolitan District Commission  
24 has made inquiries about the use of chemicals and

1 the waste disposal practices concerning those  
2 chemicals at the Woburn plant, you are the one who  
3 is responsible for answering those inquiries, isn't  
4 that right, sir?

5 MR. CHEESEMAN: When was that inquiry  
6 made?

7 Q. I'm asking during the time that he was  
8 pollution control officer if that fact is true.

9 A. I would.

10 Q. Because that was your responsibility?

11 A. Right.

12 Q. So you understood yourself to be the one  
13 most responsible at the Woburn plant to answer  
14 those governmental inquiries concerning the use of  
15 chemicals and the waste disposal practices  
16 regarding those chemicals at the Woburn plant  
17 during the time you were pollution control officer;  
18 isn't that right, sir?

19 A. I would say that's right.

20 Q. Now, when these governmental agencies made  
21 inquiries concerning the use of chemicals and the  
22 waste disposal practices at the Woburn plant, you  
23 would provide that information to them, isn't that  
24 right?

1           A.    I helped provide the information.

2           Q.    You didn't delegate that responsibility to  
3 somebody else, did you?

4           A.    No, I did not.

5           Q.    That responsibility was given to you?

6                   MR. CHEESEMAN:  You're asking if he  
7 was appointed pollution control officer or are you  
8 asking about a particular instance now?

9           Q.    No, during the time you were pollution  
10 control officer and governmental inquiries were  
11 made, you understood it to be your responsibility  
12 to provide that information to those governmental  
13 agencies, isn't that right?

14          A.    That's right.

15          Q.    Now, you didn't delegate that  
16 responsibility to someone else, did you?

17          A.    No.

18          Q.    And any responses made to the governmental  
19 agencies would be made by you orally or under your  
20 signature, isn't that right?

21                   MR. CHEESEMAN:  You're asking him if  
22 all responses to governmental inquiries were in  
23 fact made by him; is that right?

24          Q.    No, let me ask it.

1 MR. CHEESEMAN: You just asking about  
2 his job description still?

3 Q. Right.

4 MR. CHEESEMAN: Go ahead. I don't  
5 understand you implying that this witness had the  
6 duty and the responsibility to overrule his  
7 superiors in any particular instance.

8 Q. No, I agree with that. I don't want to  
9 unfairly characterize the question.

10 A. I would provide the information if I was  
11 asked for it. I think if an inquiry came to the  
12 plant, it would come to the plant manager and he  
13 would ask me for the information. I would give it  
14 to him and he would respond.

15 Q. All right. The plant manager in 1982 is  
16 Vince Forte; is that right?

17 A. Right.

18 Q. But other than Mr. Forte as plant manager,  
19 it was your understanding that nobody else was  
20 responsible for providing the information other  
21 than yourself, isn't that right?

22 MR. CHEESEMAN: Nobody else but him?

23 Q. Yes. Well, is that your understanding?

24 A. I believe that's true.

1 Q. For that reason, responses to governmental  
2 agencies would either be made orally by you or  
3 under your signature or by Mr. Forte as plant  
4 manager in 1982?

5 MR. CHEESEMAN: Again, are you just  
6 asking questions about his job description or are  
7 you asking him to describe whether there was ever  
8 any instance when someone else provided information?

9 Q. No, his understanding of his  
10 responsibilities.

11 A. You want to give me the question again?

12 Q. Certainly. In 1982, it was your  
13 understanding that responses to governmental  
14 inquiries concerning the use of chemicals and the  
15 waste disposal practices were either to be made by  
16 you orally or under your signature or by the plant  
17 manager Mr. Forte?

18 A. I don't think I ever gave anything orally  
19 to the government and I would say that Mr. Forte  
20 would be the one that would respond to any inquiry.

21 Q. But other than yourself or Mr. Forte,  
22 nobody else to your knowledge was authorized to  
23 make responses to governmental inquiries concerning  
24 the use of chemicals or the disposal practices of

1 those chemicals?

2 MR. CHEESEMAN: Ever?

3 Q. Of inquiries to governmental agencies?

4 MR. SCHLICTMANN: No, in 1982.

5 MR. CHEESEMAN: On any occasion in  
6 1982? You're asking so far as he knows there was  
7 never a situation where anyone else was authorized  
8 to give such information?

9 MR. SCHLICTMANN: Right.

10 MR. CHEESEMAN: Okay.

11 A. To my knowledge.

12 Q. It was either you or Mr. Forte in 1982?

13 A. As far as I know.

14 Q. Between 1970 and 1982, was it your  
15 understanding that all inquiries of governmental  
16 agencies concerning the use of chemicals and the  
17 waste disposal practices of those chemicals was to  
18 be made either by you or by the plant manager?

19 A. I didn't have an understanding like that.  
20 I'd have an understanding that the plant manager  
21 would respond.

22 Q. All right. And there were occasions  
23 though when the plant manager, when you responded  
24 instead of the plant manager to governmental

1 inquiries, isn't that right?

2 A. Not that I can remember.

3 Q. Well, the response to Mr. Bornstein who  
4 was --

5 A. That wasn't government as far as I was  
6 concerned.

7 Q. Didn't you understand that he was working  
8 on behalf of government?

9 A. That's what the note said.

10 Q. So you understand that Mr. Bornstein was  
11 working on behalf of the government?

12 A. Conducting a survey.

13 Q. And you understood you were the person  
14 responsible for answering his inquiry?

15 A. I called him back.

16 Q. Well, did you consider his inquiry to be  
17 important?

18 MR. CHEESEMAN: Objection.

19 A. I didn't know. I didn't know if it was or  
20 not.

21 Q. Did you make any investigation about the  
22 use of solvents at the plant to answer Mr.  
23 Bornstein's inquiry?

24 A. No, I did not.

1 Q. You just relied on your memory at that  
2 time?

3 A. No, I did not.

4 Q. You relied on the handwritten note of  
5 information that was given to you concerning the  
6 use of solvents?

7 A. That's right.

8 Q. Is that right?

9 A. That's right.

10 Q. And you don't know who provided that  
11 information?

12 A. No, I don't.

13 MR. CHEESEMAN: It is a little after  
14 3:30 now and I hope we're going to bring this to a  
15 conclusion this afternoon.

16 (Off the record discussion).

17 Q. Do you remember answering an inquiry from  
18 the Metropolitan District Commission in 1981  
19 concerning the use of chemicals and waste disposal  
20 practices of those chemicals in your capacity as  
21 pollution control officer?

22 A. I can't remember that.

23 Q. Let me show you that. Mark that as an  
24 exhibit.

1 (Witness and counsel looked at  
2 document).

3 (Off the record discussion).

4 (MDC application was marked Exhibit 21).

5 Q. Have you had a chance to look at that  
6 document?

7 MR. CHEESEMAN: I don't think he was  
8 able to get all the way through it.

9 Q. Why don't you look at it in there.

10 (Witness and counsel resumed  
11 examining document).

12 Q. We'll get the exhibit when it is copied,  
13 but are you familiar with that document?

14 A. Yes, I am.

15 Q. What is that?

16 A. That's an inquiry from the MDC on our  
17 water usage.

18 Q. And did you understand that in that  
19 document they were asking for your use of chemicals  
20 and how you dispose of those chemicals?

21 A. I'd rather see it.

22 Q. Sure.

23 (Copies of Exhibit 21 were  
24 distributed).

1 MR. CHEESEMAN: What was the question  
2 again?

3 Q. Did you understand the information  
4 requested of you concerned the use of chemicals at  
5 the plant and the disposal of those chemicals?

6 A. This was an application to our permit to  
7 discharge to the MDC sewer.

8 Q. Well, let me ask you this, on page 2,  
9 didn't you indicate to them -- It said: List raw  
10 materials. Did you understand that under Section 3  
11 that the MDC was requesting of you the list of all  
12 the raw materials that are used or stored in bulk  
13 or in containers which have a capacity of greater  
14 than five gallons at the plant?

15 A. I would say so.

16 Q. And were you providing them that  
17 information?

18 A. I believe so.

19 Q. All right. So under Section 3, it was  
20 your understanding that the government was  
21 requesting a list of all the raw materials which  
22 are used or stored in bulk or in containers which  
23 have a capacity of greater than five gallons at the  
24 Woburn plant.

1                   MR. CHEESEMAN: You're asking him for  
2 his understanding but every time you ask it you  
3 misphrase what the question itself requests. It  
4 refers to liquids which are used or stored in bulk  
5 or in containers having the capacity of greater  
6 than five gallons.

7                   MR. SCHLICTMANN: I think that's a  
8 proper criticism. Section 3, did you understand  
9 that you were, that the government, the MDC had  
10 requested of you to provide information to them  
11 concerning all the liquids which are used or stored  
12 in bulk or in containers which have a capacity of  
13 greater than five gallons at the Woburn plant?

14                 A. I believe so.

15                 Q. And did you provide that information in  
16 Section 3?

17                 A. I believe so.

18                 Q. And you have got down there metal cleaners,  
19 four hundred gallons a year?

20                 A. That's right.

21                 Q. How did you arrive at that figure?

22                 A. I can't remember.

23                 Q. Do you remember what you did to provide  
24 that information to the government?

1 A. Not exactly.

2 Q. Is that an accurate figure?

3 A. I believe it is.

4 Q. Why do you believe it is accurate?

5 A. Because I would try to be as accurate as I  
6 could.

7 Q. What did you do to determine what that  
8 figure would be?

9 A. I would go to the closed purchase order  
10 file and see how much we purchased.

11 Q. All right. So you remember then going to  
12 that file or you assume that you did go to the file?

13 A. I believe I went to the file for that.

14 Q. And so you took from the file the amount  
15 of cleaners that were shown to be on the purchase  
16 orders; is that right?

17 A. I believe so.

18 Q. Would the purchase orders indicated all  
19 the metal cleaners that were purchased that year?

20 A. I believe so.

21 Q. How about would it include, in other words  
22 any metal cleaner which was purchased at the Woburn  
23 plant would show up in that purchase order file?

24 A. I believe so.

1 Q. Is that the same for the other categories  
2 down there, metal cutting fluids for instance?

3 A. I believe so.

4 Q. That was determined by looking at the  
5 purchase orders?

6 A. I believe so.

7 Q. And that figure four hundred gallons metal  
8 cutting fluids, that would be that Cool Tool?

9 A. It may be Rust-Lick as well.

10 Q. And what was Rust-Lick made out of?

11 A. I don't know.

12 Q. Was that similar to Cool Tool?

13 MR. CHEESEMAN: If he doesn't know  
14 what it was made out of, he can't answer that  
15 question.

16 Q. Well, do you assume it was the same?

17 MR. CHEESEMAN: I object to that.

18 Q. All right. Well what? What did you know  
19 about Rust-Lick? Was it used for the same thing as  
20 Cool Tool?

21 A. It is used in the machine shop.

22 Q. For the same thing as Cool Tool?

23 A. I don't know if it is or not.

24 Q. Well, you knew Cool Tool had 33 percent

1 1,1,1-trichloroethane?

2 A. Right.

3 Q. Did Rust-Lick also contain --

4 A. I don't believe so.

5 Q. Did it contain a solvent?

6 A. I don't know.

7 Q. Well, how much of that figure is made up  
8 of Cool Tool?

9 A. I don't know.

10 Q. You have no idea of the percentage?

11 A. No.

12 Q. Paint thinner, how did you determine that  
13 figure, a hundred gallons?

14 A. I would say referring to purchase orders.

15 Q. Looking at the purchase orders?

16 A. That's right.

17 Q. But other than the purchase orders, you  
18 don't have any independent knowledge as to how many  
19 gallons a yaer the Woburn plant used in 1981 of  
20 metal cleaners, metal cutting fluids or paint  
21 thinners; is that right?

22 A. No, I believe this is a true figure.

23 MR. SCHLICTMANN: Bill, do you know  
24 what Rust-Lick is made out of?

1 MR. CHEESEMAN: I haven't the vaguest  
2 idea.

3 Q. That's a new one on me. What's Rust-Lick  
4 used for now, what exactly?

5 A. I think it is a grinding, used for grinding  
6 in the machine shop.

7 Q. And you consider Rust-Lick to be a cutting  
8 fluid?

9 A. I think it is.

10 Q. You do consider Cool Tool to have a  
11 solvent in it, right?

12 A. Yes.

13 Q. And what would you do, in 1981, what was  
14 your understanding about what was done with spent  
15 solvent?

16 A. It was accumulated in drums.

17 Q. And then what?

18 A. To be disposed of.

19 Q. How was it disposed of?

20 A. Through a hauler, licensed hauler.

21 Q. In 1981, did you understand that if, under  
22 Section H, page 6, that the government was asking  
23 about waste liquids or sludges removed from the  
24 facility site?

1 A. I believe so.

2 Q. And what did you indicate was the waste  
3 solvent that was removed from the facility site?

4 A. The nondischarged waste as listed.

5 Q. Well, under Section H it has a category  
6 waste solvent. It says, the question said: Are  
7 any waste liquids or sludges removed from the  
8 facility site? You answered that?

9 A. Yes, that's right.

10 Q. If yes, these may best be described and  
11 quantified as, and it has a category for waste  
12 solvent. What did you indicate to the Metropolitan  
13 District Commission was the amount of waste solvent  
14 which was removed from the facility site?

15 A. I didn't put anything down.

16 Q. Was that a true answer when you gave it to  
17 the government?

18 A. I would say not.

19 Q. It was not true?

20 A. No.

21 Q. Why didn't you provide that information?

22 A. I think it was an oversight.

23 Q. But you did provide it for thinner, acids,  
24 alkalies, boiler water and oil; is that right?

1           A.    Well, the thinner would be the waste  
2 solvents.

3           Q.    So you consider thinner to be waste  
4 solvent?

5           A.    Yes.

6           Q.    How about Cool Tool?  You consider that to  
7 be a thinner or a waste solvent?

8                   MR. CHEESEMAN:  It is a cutting oil.

9           A.    I would consider it I believe an oil.  No,  
10 I don't know.

11          Q.    Well you consider 1,1,1-trichloroethane to  
12 be a solvent; isn't that right?

13          A.    Yes.

14          Q.    And when Cool Tool was spent, you  
15 considered that to be a waste solvent?

16          A.    I can't remember.

17          Q.    Would you agree with me that the  
18 information that you provided the Metropolitan  
19 District Commission in answer to Section H was  
20 inaccurate?

21          A.    It appears to be incomplete.

22          Q.    Would you agree that the information that  
23 you provided in Section H is not true?

24          A.    It appears to be.

1 Q. Did you do any investigation to determine  
2 how to answer that question on Section H?

3 A. I probably referred to the Axton Cross  
4 purchase orders.

5 Q. Well, would the amount of waste solvent,  
6 gallons per year that were hauled away from the  
7 facility site, would that be in the purchase orders?

8 A. I believe it would.

9 Q. So to answer Section H, you looked at all  
10 the purchase orders; is that right?

11 A. I believe so.

12 Q. And you didn't see any purchase orders  
13 there to indicate how much waste solvent was  
14 removed from the facility site?

15 A. I can't remember that.

16 Q. In Section I, you talk about  
17 characteristics of discharges; is that right?

18 A. That's right.

19 Q. What did you do to determine, to answer  
20 the Metropolitan District Commission's request  
21 concerning the characteristics of discharges?

22 A. I can't remember.

23 Q. Did you understand that in Section H that  
24 the government was asking you about whether any of

1 the chemicals listed under Section I --

2 MR. CHEESEMAN: Wait a minute, are  
3 you asking about H or I?

4 Q. Talking about I. Is it your understanding  
5 that in Section I that the government was asking  
6 you to list, to indicate on the list that they  
7 provided you, what chemicals were suspected to be  
8 present or known to be present in your  
9 manufacturing or service activity or generated as a  
10 byproduct?

11 A. Yes, that is my understanding.

12 Q. Were you the one responsible for providing  
13 that information?

14 A. I believe so.

15 Q. What did you do to be able to answer the  
16 government's question under Section I?

17 A. I don't know.

18 Q. You don't remember doing anything?

19 A. Not for sure. I couldn't swear to it.

20 Q. Well, what can you swear to about what you  
21 did to answer the government's question in Section  
22 I?

23 A. I can't remember it.

24 Q. You were the one who provided the

1 information? You remember that?

2 A. On these preceding pages, yes.

3 Q. Well, you were the one responsible for  
4 providing the answer to Section I, weren't you?

5 A. I believe so.

6 Q. You believe that you were responsible?

7 A. I believe so.

8 Q. It has a stamp on there, "none suspected  
9 present". Who put that stamp on there?

10 A. I have no idea.

11 Q. Was that put there by you?

12 A. No, it was not.

13 Q. Do you remember indicating in any of that  
14 list of chemicals any of the chemicals on that list  
15 that you believed to be suspected to be present or  
16 known to be present in the manufacturing or service  
17 activity or generated by a byproduct at the Woburn  
18 plant?

19 A. I believe this is characteristic of  
20 discharges, and my feeling would be that none of  
21 these chemicals were discharged.

22 Q. Well, it states in Section I, does it not,  
23 Question 2: Please indicate by placing an X in the  
24 appropriate box by each listed chemical whether it

1 is suspected to be present or known to be present  
2 in your manufacturing or service activity or  
3 generated as a byproduct. Did you understand  
4 that's what the government was asking you?

5 A. My understanding would be whether it was,  
6 any of those things were present in the discharge.

7 Q. Well, did you do anything to determine  
8 whether any of these chemicals were present in the  
9 discharge?

10 A. I looked at the list.

11 Q. Well, how did you know, what did you know  
12 was the characteristics of the discharge at the  
13 plant?

14 A. I think by -- I could never see any of  
15 these chemicals on anything that I had out there  
16 that was discharged to the sewer.

17 Q. But the government didn't ask you in  
18 Section I, question 2, to talk about what was  
19 discharged to the sewer, did they?

20 MR. CHEESEMAN: Objection.

21 A. I believe they did.

22 Q. Well, where in section, in the question 2  
23 does it say to indicate what chemicals were  
24 discharged to the sewer?

1           A.    I would go by Section 1, characteristics  
2 of the discharges feeling that they wanted to know  
3 what was in the discharge from the plant going to  
4 the sewer.

5                   MR. CHEESEMAN:  Do you mean Section I?

6           A.    I, I guess.

7           Q.    Did you have the discharge analyzed?

8           A.    No.

9           Q.    You didn't have it analyzed?

10          A.    No.

11          Q.    So you don't know what was in the  
12 discharge, do you?

13          A.    No.

14          Q.    Which of the chemicals in this list did  
15 you understand to be used at the Woburn plant?

16          A.    We have used cyanide.  I don't know what  
17 the total means.

18          Q.    Okay.  So item number 3 says cyanide.  Did  
19 you indicate to the government that that was  
20 suspected to be present or known to be present at  
21 the Woburn plant?

22          A.    Not in 1982 or whatever date --

23          Q.    '81.

24          A.    Whatever the date of this is.

1 Q. 1981.

2 A. I don't believe we had it in 1981. Are  
3 you asking me if we ever had it or just as of  
4 whatever is on here?

5 Q. Both. So in 1981 you don't believe  
6 cyanide was present?

7 A. No.

8 Q. Cyanide was used previously in the plant?  
9 (Witness nodded).

10 Q. What years?

11 A. I can't remember the years.

12 Q. Was it used in the 1960's?

13 A. I can't remember.

14 Q. Was it used in the 1970's?

15 A. I can't remember that either.

16 Q. Was it used in the 1980's?

17 A. I don't believe so.

18 Q. But you do remember it being used?

19 A. It was used at one time.

20 Q. What was the quantity used?

21 A. I think we would buy about, I believe two  
22 pounds per year.

23 Q. What was it used for?

24 A. Plating operation that we have.

1 Q. How was the cyanide disposed of?

2 A. It was taken away by Axton Cross.

3 Q. By who?

4 A. Axton Cross, the hauler, our waste hauler.

5 Q. How long have you been using Axton Cross

6 to haul away waste material at the plant?

7 A. I don't know exactly.

8 Q. Well, how many years?

9 A. I guess five. I don't know.

10 Q. Well, you used Axton Cross when the  
11 government required you to have a certified waste  
12 hauler haul away your waste; is that right?

13 A. That's right.

14 Q. You didn't use him before the government  
15 required you to do that, did you?

16 A. I don't believe so.

17 Q. And the government required you to do that  
18 starting in 1980?

19 A. If that was the year. I don't remember  
20 the year. I believe that's the year.

21 Q. Now, prior to 1980, you remember that  
22 cyanide was used at the plant; is that right?

23 A. That's right.

24 Q. So how was it disposed of prior to your

1 using Axton and Cross?

2 A. I don't believe it was disposed of until  
3 they took it.

4 Q. So where was it, how was it kept at the  
5 plant?

6 A. In a tank.

7 Q. Where was the tank kept?

8 A. In the plating room.

9 Q. And it had been kept there throughout the  
10 time it was used?

11 A. That's right.

12 Q. It was never disposed of in any other  
13 means?

14 A. No, not to my knowledge.

15 Q. It was never poured on the ground?

16 A. Not to my knowledge.

17 Q. Could it have been?

18 A. I don't believe so.

19 MR. CHEESEMAN: Objection.

20 Q. Was it kept in its own container?

21 A. Its own tank.

22 Q. Its own tank. Was that labeled cyanide?

23 A. Yes, it was.

24 Q. Was that ever mixed with any other drums

1 of material?

2 A. Not to my knowledge.

3 Q. All right. Please go down the list.

4 A. We had zinc dust. I don't know if zinc in  
5 total is a dust or not.

6 Q. All right. You had zinc. What did you  
7 indicate to the government was the amount of zinc  
8 or did you indicate to the government in Section I  
9 that you had zinc present or known to be present at  
10 the plant?

11 MR. CHEESEMAN: He has already  
12 testified that he understood this question to be  
13 asking about discharges to the sewer.

14 Q. I'm now asking did you indicate in Section  
15 I that zinc was used in the manufacturing or  
16 service activity at the plant?

17 MR. CHEESEMAN: He didn't indicate  
18 that anything was used for that because he didn't  
19 understand the question to be used in that fashion.

20 Q. That's not what I'm asking.

21 MR. CHEESEMAN: Yes, it is.

22 Q. I am asking what he indicated to the  
23 government under Section I was the --

24 A. There was none in the plant at the time.

1 Q. Zinc was not?

2 A. No.

3 That's what I'm asking you whether  
4 you want from the word go or --

5 Q. From --

6 A. At the time of this.

7 Q. The word go and at the present time. So  
8 zinc wasn't present in 1981?

9 A. No.

10 Q. How long had zinc been used at the plant?

11 A. It was part of the plating bath. I don't  
12 know. Four, five years. I don't know how long we  
13 had that.

14 Q. Well, was that in 1960's or 1970's?

15 A. I don't know.

16 Q. How was zinc disposed of at the plant?

17 A. It was in solution with the cyanide. They  
18 all went together.

19 Q. Oh, the zinc and cyanide were kept in a  
20 drum?

21 A. A tank.

22 Q. In a tank. And to your knowledge it was  
23 kept in that drum -- in that tank?

24 A. Right.

1 Q. Until it was hauled away in 1980?

2 A. That's right.

3 Q. After it was hauled away, was any more  
4 zinc or cyanide used at the plant?

5 A. No, it was not.

6 Q. All right. How about item 17?

7 A. I don't know what it is.

8 Q. Item 18?

9 A. No.

10 Q. Item 19?

11 A. No.

12 Q. Item 20?

13 A. No.

14 Q. Item 21?

15 A. No.

16 Q. Item 22?

17 A. No.

18 Q. Item 23?

19 A. It may have been a constituent in some  
20 other solution. Not by itself I don't believe.

21 Q. What other solution was it a constituent  
22 of?

23 A. I don't know.

24 Q. Well, you just told me there was something.

1 MR. CHEESEMAN: He did not. He said  
2 it may have been. He apparently was speculating or  
3 guessing to something he had no knowledge of.

4 Q. What constituent or material was Benzene  
5 of?

6 MR. CHEESEMAN: If it was anything.

7 Q. To your knowledge?

8 A. I believe Benzene is in paint stripper but  
9 I'm not sure. I believe it is one of the paint  
10 strippers, part of a paint stripper.

11 Q. How do you know that?

12 A. I think I have some at home.

13 Q. That you use from the plant?

14 A. No. I bought.

15 Q. Was it the same kind that was used at the  
16 plant?

17 A. I don't believe so.

18 Q. Do you have any other reason to believe  
19 that Benzene is used at the plant?

20 MR. CHEESEMAN: Can we take a break?

21 Q. As soon as he answers my question.

22 A. I don't believe we used it.

23 Q. What's your best memory?

24 MR. CHEESEMAN: Let's take a break

1 now. Paul, come on out in the haul.

2 (Recess).

3 Q. 24?

4 A. No.

5 MR. CHEESEMAN: What's the question  
6 now?

7 Q. Whether the chemicals, the items listed  
8 under Section I were ever used at the plant to his  
9 knowledge.

10 MR. CHEESEMAN: Okay.

11 Q. Item 24?

12 A. No.

13 Q. Item 25?

14 A. No.

15 Q. Item 26?

16 A. No.

17 Q. Item 27?

18 A. No.

19 Q. Item 28?

20 A. No.

21 Q. Item 29?

22 A. No.

23 Q. Item 30?

24 A. No.

1 Q. Item 31?  
2 A. No.  
3 Q. Item 32?  
4 A. No.  
5 Q. Item 33?  
6 A. No.  
7 Q. Item 34?  
8 A. No.  
9 Q. Item 35?  
10 A. No.  
11 Q. Item 36?  
12 A. No.  
13 Q. Item 37?  
14 A. No.  
15 Q. Item 38?  
16 A. No.  
17 Q. Item 39?  
18 A. No.  
19 Q. Item 40?  
20 A. No.  
21 Q. 41?  
22 A. No.  
23 Q. Item 42?  
24 A. No.

1 Q. Item 43?

2 A. No.

3 Q. Item 44?

4 A. No.

5 Q. Mr. Shalline, didn't you testify  
6 previously that carbon tetrachloride was used at  
7 the plant in the early sixties?

8 A. I don't believe so.

9 Q. You don't remember carbon tetrachloride  
10 ever being used at the Woburn plant at any time?

11 A. I can't remember.

12 Q. Item 45?

13 A. No.

14 Q. Item 46?

15 A. No.

16 Q. Item 47?

17 A. No.

18 Q. Item 48?

19 A. No.

20 Q. Item 49?

21 A. No.

22 Q. Item 50?

23 A. No.

24 Q. Item 51?

1 A. No.

2 Q. Item 52?

3 A. No.

4 Q. Item 53?

5 A. No.

6 Q. Item 54?

7 A. No.

8 Q. Item 55?

9 A. No.

10 Q. Item 56?

11 A. No.

12 Q. Item 57?

13 A. No.

14 Q. Item 58?

15 A. No.

16 Q. Item 59?

17 A. No.

18 Q. Item 60?

19 A. No.

20 Q. Item 61?

21 A. No.

22 Q. Item 62?

23 A. No.

24 Q. Item 63?

1 A. No.

2 Q. Item 64?

3 A. No.

4 Q. Item 65?

5 A. No.

6 Q. Item 66?

7 A. No.

8 Q. Item 67?

9 A. No.

10 Q. Item 68?

11 A. No.

12 Q. Item 69?

13 A. No.

14 Q. Item 70?

15 A. No.

16 Q. Item 71?

17 A. No.

18 Q. Item 72?

19 A. No.

20 Q. Item 73?

21 A. No.

22 Q. Item 74?

23 A. No.

24 Q. Item 75?

1 A. No.

2 Q. Item 76?

3 A. No.

4 Q. Item 77?

5 A. No.

6 Q. Item 78?

7 A. No.

8 Q. Item 79?

9 A. No.

10 Q. Item 80?

11 A. No.

12 Q. Item 81?

13 A. No.

14 Q. Item 82?

15 A. No.

16 Q. Item 83?

17 A. No.

18 Q. item 84?

19 A. No.

20 Q. Item 85?

21 A. No.

22 Q. Item 86?

23 A. No.

24 Q. Item 87?

- 1 A. No.
- 2 Q. Item 88?
- 3 A. No.
- 4 Q. Item 89?
- 5 A. No.
- 6 Q. Item 90?
- 7 A. No.
- 8 Q. Item 91?
- 9 A. No.
- 10 Q. Item 92?
- 11 A. No.
- 12 Q. Item 93?
- 13 A. No.
- 14 Q. Item 94?
- 15 A. No.
- 16 Q. Item 95?
- 17 A. No.
- 18 Q. Item 96?
- 19 A. No.
- 20 Q. Item 97?
- 21 A. No.
- 22 Q. Item 98?
- 23 A. No.
- 24 Q. Item 99?

1 A. No.

2 Q. Item 100?

3 A. I have used that I believe.

4 Q. At the Woburn plant?

5 A. Yes.

6 Q. Was it being used in 1981?

7 A. Don't believe so.

8 Q. What years was methylene chloride used at  
9 the Woburn plant?

10 A. I'd say the last two or three years.

11 Q. It's been used in the last two or three  
12 years?

13 A. I believe so.

14 Q. What is it used for?

15 A. I believe it was an adhesive.

16 Q. Was it used prior to 1981?

17 A. No.

18 Q. What are the quantities that are used now?

19 A. Ounces.

20 Q. Item 101?

21 A. No.

22 Q. Item 102?

23 A. No.

24 Q. Item 103?

1 A. No.

2 Q. Item 104?

3 A. No.

4 Q. Item 105?

5 A. No.

6 Q. Item 106?

7 A. No.

8 Q. Item 107?

9 A. No.

10 Q. Item 108?

11 A. No.

12 Q. Item 109?

13 A. No.

14 Q. Item 110?

15 A. No.

16 Q. Item 111?

17 A. No.

18 Q. Item 112?

19 A. No.

20 Q. Item 113?

21 A. No.

22 Q. Item 114?

23 A. No.

24 Q. Item 115?

- 1 A. No.
- 2 Q. Item 116?
- 3 A. No.
- 4 Q. Item 117?
- 5 A. No.
- 6 Q. Item 118?
- 7 A. No.
- 8 Q. Item 119?
- 9 A. No.
- 10 Q. Item 120?
- 11 A. No.
- 12 Q. Item 120 was not used at the plant?
- 13 A. Not to my knowledge.
- 14 Q. Item 121?
- 15 A. I would say no.
- 16 Q. Item 122?
- 17 A. It has been used.
- 18 Q. Toluene?
- 19 A. I believe so.
- 20 Q. Was it used in 1981?
- 21 A. I don't know.
- 22 Q. You don't know?
- 23 A. No.
- 24 Q. It was used previously in the plant?

1 A. It was.

2 Q. What quantities?

3 A. Small quantities.

4 Q. How much on a yearly basis?

5 A. I believe it was purchased in five gallon  
6 containers.

7 Q. And how many five gallon containers would  
8 be used in a year?

9 A. I don't know.

10 Q. Item 123?

11 A. No.

12 Q. Item 124?

13 A. No.

14 Q. Item 125?

15 A. It is in a product that we purchase.

16 Q. That's in Cool Tool, isn't that right?

17 A. That's right.

18 Q. And you had Cool Tool in 1981; is that  
19 right?

20 A. I can't remember.

21 Q. Well, how long have you been using  
22 trichloroethane?

23 A. We don't use it.

24 Q. Well, you do use it or you did use it at

1 the Woburn plant, didn't you?

2 A. Trichloroethane?

3 Q. 1,1,1-trichloroethane?

4 A. It is in a product that we buy.

5 Q. So it is in a product that you use?

6 A. That's right.

7 Q. And in 1981 you had that product, didn't  
8 you?

9 A. I don't remember.

10 Q. Isn't that what you told the federal  
11 government a few months later in 1982, February of  
12 1982?

13 A. Is that in here?

14 MR. CHEESEMAN: He is referring to  
15 the other letter.

16 Q. Did you tell the government that you used  
17 1,1,1-trichloroethane in your letter a few months  
18 later?

19 MR. CHEESEMAN: You are asking about  
20 1981; is that right?

21 Q. Yeah.

22 MR. CHEESEMAN: I don't believe that  
23 the letter to the EPA, Exhibit 18, says anything  
24 about that period of time exactly.

1 Q. Well, what period of time did the letter  
2 refer to the EPA, to the response to the EPA?

3 MR. CHEESEMAN: Objection. It speaks  
4 for itself.

5 Q. According to you it is not speaking very  
6 well.

7 Mr. Shalline, on page 2 of W. R.  
8 Grace's response to the EPA letter dated February  
9 1982, they referred to 1,1,1-trichloroethane; is  
10 that right?

11 A. That's right.

12 Q. Now, you helped provide the information to  
13 answer the EPA's inquiry, didn't you?

14 A. Yes.

15 Q. You said there in the letter that it is  
16 received in 55 gallon drums and the average  
17 inventory of such material on hand at any time has  
18 historically been four or five drums. Is that  
19 right?

20 A. It is not -- it is in the compound. We  
21 don't buy the 1,1,1 as a pure product. It is in  
22 the drum.

23 Q. It is in the drum?

24 A. That's right.

1 Q. Right. It is in the drum and the drum  
2 contains 1,1,1-trichloroethane?

3 A. That's right.

4 Q. And the cutting fluids that you used, one  
5 of the cutting fluids that you used was Cool Tool?

6 A. That's right.

7 Q. And Cool Tool contained trichloroethane?

8 MR. CHEESEMAN: I don't think at this  
9 late hour of the day there is any point in asking  
10 these questions for the 12th or 13th time. The  
11 answer is still the same.

12 Q. I'm trying to say is that in 1981 --

13 MR. CHEESEMAN: The jury is not here.  
14 You can deal with that later.

15 MR. SCHLICTMANN: We have to get this  
16 in cement here.

17 Q. In 1981 W. R. Grace was using 1,1,1,  
18 materials containing 1,1,1-trichloroethane, isn't  
19 that right?

20 A. That's right.

21 MR. CHEESEMAN: In 1981?

22 Q. In 1981.

23 A. I would say so.

24 Q. You would say so. Now, did you indicate

1 in answer to Section I to the Metropolitan District  
2 Commission, did you indicate to them that materials  
3 at the plant, chemicals at the plant contained  
4 1,1,1-trichloroethane?

5 MR. CHEESEMAN: Objection. The  
6 document speaks for itself and he has already  
7 testified that he understood the question to be  
8 asking for a different kind of information.

9 Q. What I am asking him is whether he  
10 indicated in Section I that you indicated to the  
11 Metropolitan District Commission that you had  
12 chemicals containing 1,1,1-trichloroethane at the  
13 Woburn plant.

14 MR. CHEESEMAN: Objection. He didn't  
15 understand that the question was asked that way and  
16 therefore the answer is no as to every single one  
17 of these, if you want to phrase it that way.

18 Q. You understand what I'm asking you, Mr.  
19 Shalline?

20 MR. CHEESEMAN: The question was very  
21 clear.

22 Q. Let me ask it again. Mr. Shalline, did  
23 you indicate to the Metropolitan District  
24 Commission in your response of 1981 under Section I,

1 did you indicate to them that 1,1,1-trichloroethane  
2 was known to be present at the Woburn plant?

3 A. No.

4 Q. But according to your memory it was  
5 present at the Woburn plant in 1981; is that right?

6 MR. CHEESEMAN: It has been asked and  
7 answered a dozen times or more.

8 A. It was in the drum as a part of the  
9 material.

10 Q. Now, Item 126, I'm sorry, yes. Item 126,  
11 did the plant use that chemical?

12 A. I don't believe so.

13 Q. Item 127?

14 A. I believe we use that.

15 Q. And what were the years that you used item  
16 127 trichloroethene?

17 A. I would say 1973.

18 Q. Did you use it before 1973?

19 A. That's not the same item so I'd have to  
20 say no to that.

21 Q. I'm sorry?

22 A. 127 is not the same as trichloroethylene.

23 Q. Okay. You don't consider --

24 A. Wait a minute. Let me check the spelling.

1 I would say they are two different  
2 items. I did not use 127.

3 Q. Ever?

4 A. To my knowledge.

5 Q. All right. And in Exhibit No. 1 it states  
6 under J that trichloroethene is to be used instead  
7 of Toluol, isn't that right?

8 A. That's right.

9 Q. Well, did you in fact use that chemical  
10 listed in Exhibit 1?

11 A. I don't know.

12 Q. You don't know?

13 A. No.

14 Q. Okay. 128, Item 128?

15 A. No.

16 Q. Item 129?

17 A. No.

18 Q. Item 130?

19 A. No.

20 Q. Let me show you a series of exhibits and  
21 ask that you examine them. I am going to ask  
22 whether you remember what is indicated in the  
23 blacked out areas.

24 Item number 6, sorry Exhibit No. 6,

1 Shalline Exhibit No. 6, do you know what chemicals  
2 are indicated on that blacked out area?

3 A. No, I don't.

4 Q. No knowledge of what chemicals they are  
5 referring to in the blacked out area?

6 A. No.

7 Q. On the next page on page 2 of the item it  
8 talks about description, flash point location,  
9 quantity, how and where stored.

10 Do you have any knowledge about the  
11 chemicals which are blacked out in that exhibit?

12 A. No, I don't.

13 Q. Exhibit 7.

14 (Document shown to witness).

15 Q. Do you know what chemicals are referred to  
16 in that blacked out area?

17 A. No, I don't.

18 Q. Exhibit 8, do you remember what chemical  
19 is indicated in that Exhibit 8?

20 A. No.

21 Q. This is a memo from Mr. Stewart; is that  
22 right?

23 A. Yes.

24 Q. This is the memo in which Mr. Stewart

1 indicates that trichloroethylene is to be stopped,  
2 is not to be use any more at the plant; is that  
3 right?

4 A. Recommending that they stop using it.

5 Q. Okay. Isn't it your memory that Mr.  
6 Stewart informed you that in 1974 that the plant  
7 was to stop using two chemicals one of them being  
8 trichloroethylene?

9 A. I would say so.

10 Q. What was the other chemical he told you to  
11 stop using?

12 A. I can't remember for sure.

13 Q. Well, what do you think it was? What's  
14 your best memory?

15 A. My best memory would be that it was, I  
16 would say, Toluol.

17 Q. Your best memory is it was Toluol?

18 A. I'm not positive.

19 Q. Was there any other possibilities other  
20 than Toluol?

21 MR. CHEESEMAN: You're asking him for  
22 his best memory?

23 MR. SCHLICTMANN: Yes.

24 MR. CHEESEMAN: I think he has

1 already answered it.

2 MR. SCHLICTMANN: I'm asking for what  
3 other possibilities could it have been. What's  
4 your memory?

5 MR. CHEESEMAN: Asking him to guess  
6 as to what other chemicals might have been on this?

7 Q. Uh-huh.

8 A. I don't know what others might have been.

9 Q. Do you have any other idea what the other  
10 one might have been?

11 A. No.

12 Q. None at all?

13 A. No.

14 Q. All right. Look at Exhibit 9.

15 (Document shown to witness).

16 Q. Now, do you know what chemicals are  
17 referred to in that document on page 2?

18 A. No, I don't.

19 Q. On page 3, it is a cease order for  
20 trichloroethylene, stop use order?

21 A. Yes.

22 Q. Did you understand that there were two  
23 stop use orders issued by Mr. Stewart to you at  
24 that time, 1974 -- sorry, 1975?

1 A. No.

2 Q. Well, doesn't Exhibit 9 indicate that  
3 there were two chemicals that you were to stop  
4 using at the Woburn plant?

5 MR. CHEESEMAN: You are referring now  
6 just to this particular memo?

7 Q. Yes, Exhibit No. 9 says: One of the items  
8 to be sent to the subject file for action will be a  
9 stop use order, two of which will be attached.

10 Did you understand you would be given  
11 two stop use orders in 1975 from Mr. Stewart?

12 A. I believe so.

13 Q. One of them was trichloroethylene, is that  
14 right?

15 A. I believe so.

16 Q. What was the other stop use order  
17 referring to, what chemical?

18 A. I believe it was Toluol.

19 Q. Any other chemical?

20 A. Not that I know of.

21 Q. Exhibit 10. That's a memo to Mr. Stewart  
22 from a Mr. Gunnard?

23 A. Right.

24 Q. And it states by Mr. Gunnard that we now

1 do use these solvents in our plant as thinners and  
2 cleaners but we do intend to phase them out by the  
3 end of November. Do you remember what two  
4 chemicals Mr. Gunnard was referring to?

5 A. No, I don't.

6 Q. He is referring to trichloroethylene; is  
7 that right?

8 A. You have his letter of 8-24-73? I don't  
9 know what's on that letter of 8-24-73 -- one of  
10 them is trichloroethylene.

11 Q. All right.

12 8-24-73. It is blacked out.

13 It is blacked out. I can't read it.  
14 Do you remember what he is referring to?

15 A. No, I don't.

16 Q. So Exhibit 10 you don't know what the  
17 other chemical other than trichloroethylene that  
18 Mr. Gunnard was referring to; is that right?

19 A. No, I don't.

20 Q. Exhibit No. 11.

21 (Document handed to the witness).

22 Q. What are the chemicals referred to in  
23 Exhibit No. 11 that are all blacked out?

24 A. I don't know.

1 Q. Don't have any idea?

2 A. No. One is trichloroethylene on there.

3 Q. There is one 55 gallon drum of  
4 trichloroethylene. Is that one 55 gallon drum of  
5 trichloroethylene referred to in this exhibit in  
6 1966 that one drum you remember hanging around the  
7 shop?

8 Or could this be a new 55 gallon drum?

9 A. I think it is a new one.

10 Q. So you have no memory of any other  
11 chemical listed in Exhibit No. 11?

12 A. No.

13 Q. Exhibit 12. Several chemicals there are  
14 all blacked out; is that right?

15 A. That's right.

16 Q. Do you have any memory of what chemicals  
17 they are referring to in that memo, Exhibit 12?

18 A. I don't know what's covered up.

19 Q. You don't know what's covered up?

20 A. No.

21 Q. They do have Syn Electro Cleaner, that's  
22 not covered up; is that right?

23 A. That's right.

24 Q. And what are the chemicals in Syn Electro

1 Cleaner?

2 A. I don't know.

3 Q. Any idea if there was any solvents in  
4 there?

5 A. I believe there was.

6 Q. What was the one that you believe was in  
7 there?

8 A. It is a degreaser.

9 Q. So you assume it had a solvent in it?

10 A. I would assume it did.

11 Q. What chemicals was it, what solvent?

12 A. I have no idea.

13 Q. No idea?

14 A. No.

15 Q. Exhibit 13. Do you know what chemicals  
16 are referred to in that Exhibit No. 13 that are  
17 blacked out?

18 A. No, I don't.

19 Q. It says a large spray booth is also  
20 utilized for the spraying of enamel thinned with  
21 blank. What is it thinned with?

22 A. I don't know.

23 Q. Wasn't it thinned with xylene, Mr.  
24 Shalline?

1 A. I don't know what they thinned it with.

2 Q. You don't know if it was thinned with  
3 xylene or not?

4 A. No.

5 Q. Could it have been?

6 A. Could have been.

7 Q. You know what xylene is?

8 A. No.

9 Q. Did the plant ever use xylene to your  
10 knowledge?

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

12 Q. Mr. Shalline, that Exhibit 7, that's  
13 referring to mercury, isn't it, the blacked out  
14 portion?

15 A. I can't read it.

16 Q. Did you ever use mercury at the plant?

17 A. Not to my knowledge.

18 Q. Wasn't mercury contained in some of the  
19 paints?

20 A. Not to my knowledge.

21 Q. Didn't you give that, you gave this  
22 document to the painter, isn't that right?

23 A. That's right.

24 Q. You gave it to him because he was using

1 certain chemicals which he should know what their  
2 hazardous qualities were, isn't that right?

3 A. That's right.

4 Q. One of them was trichloroethylene?

5 A. That's right.

6 Q. Wasn't the other one mercury?

7 A. Not to my knowledge.

8 Q. But you don't know what it was?

9 A. I can't remember having any mercury.

10 Q. Was it xylene?

11 A. I don't know. I don't know what he used.

12 Q. Exhibit 14. Page 8 and continuing.

13 Your testimony is that you can't tell  
14 us what chemicals are referred to in those blacked  
15 out portions; is that correct?

16 A. I think I gave them to you.

17 Q. Who's got the original of this exhibit,  
18 Exhibit 1? Who has the original?

19 A. I don't know.

20 Q. Have you ever seen the original?

21 A. I evidently authored it.

22 Q. Do you have an unblacked out copy of that  
23 exhibit?

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

1 Q. You don't have one in your office?

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

3 Q. Have you ever seen an unblacked out copy  
4 of the exhibit after the time that you authored the  
5 memo in 1967?

6 A. I believe so.

7 Q. You believe so. Did you see an original  
8 copy in preparation for today's testimony?

9 A. No, I did not.

10 Q. At any time prior to today's testimony did  
11 you see an unblacked out copy?

12 MR. CHEESEMAN: You mean in terms of  
13 preparing for his deposition?

14 Q. Preparing for your deposition.

15 A. No.

16 Q. Do you ever remember seeing an unblacked  
17 out version of the memo prior to suit being filed  
18 in this case?

19 MR. CHEESEMAN: He said he wrote it.

20 Q. Other than the time that you wrote it?

21 A. I can't remember.

22 Q. Do you remember seeing an unblacked out  
23 version of the document after suit was filed in  
24 this case?

1 A. No.

2 Q. And you don't know where this unblacked  
3 out or the original of this document exists, you  
4 don't know where it is?

5 A. I don't know where it is.

6 Q. Or who has it?

7 A. I don't know.

8 Q. You don't have it in your office?

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

10 Q. You might have it in your office?

11 A. I might.

12 Q. Exhibit 15. What are the chemicals  
13 referred to in those blacked out portions?

14 A. I don't know what they are.

15 Q. Do you remember that you told Mr.  
16 Bornstein about chemicals other than  
17 trichloroethylene used at the plant?

18 A. I can't remember. I don't know what else  
19 was on here.

20 Q. You don't know what else you told Mr.  
21 Bornstein other than trichloroethylene?

22 A. No.

23 Q. I show you Exhibit 16. What chemicals are  
24 referred to in those blacked out portions of that

1 exhibit?

2 A. I don't know.

3 Q. Have no idea?

4 A. No.

5 Q. Have you ever seen any unblacked out  
6 portion of these exhibits in preparation for your  
7 testimony today?

8 MR. CHEESEMAN: You mean any of these  
9 exhibits that don't have the obscuring marks?

10 Q. Are these Exhibits which I have shown you  
11 Exhibit 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16,  
12 have you seen any of these exhibits in preparation  
13 for today's testimony which were not blacked out?

14 A. No.

15 Q. Do you remember seeing any of these  
16 Exhibits 6 through 16 which were not blacked out  
17 after suit was filed in this case?

18 A. I can't remember seeing them.

19 Q. These Exhibits 6 through 16, do you  
20 remember ever looking at these exhibits or  
21 reviewing these exhibits in giving your testimony --  
22 excuse me, in giving your information to Mr.  
23 Stewart so that he could make a response to the EPA?

24 A. I can't remember referring to these.

1 Q. You can't remember reviewing them or  
2 referring to them?

3 A. No.

4 Q. And providing your information so that you  
5 could respond to the EPA letter of January '82?

6 A. I don't remember that.

7 Q. Exhibit 20 B, what chemical is referred to  
8 in that exhibit that's blacked out?

9 A. I don't know.

10 Q. No idea?

11 A. The one that you can read says No. 9  
12 solvent.

13 Q. How about the one, the part that's blacked  
14 out, what's that referring to?

15 A. I don't know what that is.

16 Q. You don't know what that is?

17 A. No.

18 Q. And on page 2, the part that's blacked out  
19 there, do you know what that's referring to?

20 A. No.

21 Q. And page 3, the part that's blacked out on  
22 that Exhibit 20 B, do you know what that's  
23 referring to?

24 A. No.

1 Q. And page four of Exhibit 20 B, do you know  
2 what that's referring to?

3 A. No.

4 Q. Exhibit 20 E, what chemical, do you know  
5 what chemical is referred to in that exhibit that's  
6 blacked out?

7 A. No.

8 Q. Do you know what exhibit is referred to on  
9 page 2 of Exhibit 20 E that's blacked out, what  
10 chemical that's referring to?

11 A. No, I don't know what that is.

12 Q. Page 3 of Exhibit 20 E, the part that's  
13 blacked out, do you know what chemical is referred  
14 to under there?

15 A. No, I don't.

16 Q. On page Exhibit 20 E, do you know which  
17 chemical is referred to in that exhibit that's  
18 blacked out?

19 A. No, I don't.

20 Q. Exhibit 20 F, page 1 there is two blacked  
21 out portions. Do you know what chemicals are  
22 referred to in that exhibit, page one of 20 F?

23 A. No, I don't.

24 Q. Page 2, do you know what chemicals are

1 referred to in those blacked out portions of page 2  
2 of 20 F?

3 A. No, I don't.

4 Q. Page 3 of Exhibit 20 F, do you know what  
5 chemicals are referred to in that exhibit that are  
6 blacked out?

7 A. No, I don't.

8 Q. Exhibit 20 G, page 1, it's got a blacked  
9 out portion. Do you know what chemical is referred  
10 to in that exhibit that's blacked out on page 1 of  
11 20 G?

12 A. No, I don't.

13 Q. Page 2 of 20 G, do you know what chemical  
14 is referred to in that blacked out portion?

15 A. No.

16 Q. Exhibit 20 H, do you know what chemical is  
17 referred to on page 1 of Exhibit 20 H that's  
18 blacked out?

19 A. No, I don't.

20 Q. On page 2 of 20 H, do you know what  
21 chemical is referred to in that part that's blacked  
22 out?

23 A. No, I don't.

24 Q. And page 3, do you know what chemical is

1 referred to on page 3 that's blacked out, of 20 G?

2 A. No, I don't.

3 Q. On page 4 of Exhibit 20 G, do you know  
4 what chemical is referred to in that part that's  
5 blacked out?

6 A. No, I don't.

7 Q. Exhibit 20 I, do you know what chemical is  
8 referred to on page one that's blacked out?

9 A. No.

10 Q. On page 2 of 20 I, do you know what  
11 chemicals are referred to that's blacked out in  
12 that exhibit?

13 A. No.

14 Q. And page 3 of Exhibit 20 I, do you know  
15 what chemical is referred to in that exhibit?

16 A. No.

17 Q. On page 4 of Exhibit 20 I, do you know  
18 what chemical is referred to that's blacked out on  
19 that exhibit?

20 A. No.

21 Q. Exhibit 20 J, first page, do you know what  
22 chemical is referred to in that blacked out exhibit?

23 A. No.

24 Q. On page 2 of 20 J, do you know what

1 chemical is referred to in that part that's blacked  
2 out?

3 A. No, I don't.

4 Q. Page 3 of 20 J, do you know what chemical  
5 is referred to in that part that's blacked out?

6 A. No.

7 Q. And on page 4 of Exhibit 20 J, do you know  
8 what chemical is referred to in that part that's  
9 blacked out?

10 A. No, I don't.

11 Q. Exhibit 20 K, page 2, do you know what  
12 chemical is referred to in those two parts that are  
13 blacked out?

14 A. No, I don't.

15 Q. And on page 3 of 20 K, do you know what  
16 what chemical is referred to in that part that's  
17 blacked out?

18 A. No, I don't.

19 Q. Prior to your answering the request of the  
20 Metropolitan District Commission of October 19 --  
21 sorry -- okay. Do you remember that at the time  
22 that you answered the Metropolitan District  
23 Commission's request in August of 1981 that the MDC  
24 did testing?

1 MR. CHEESEMAN: What request are you  
2 talking about?

3 Q. The request from the Metropolitan District  
4 Commission in which you replied in August of 1981.

5 MR. CHEESEMAN: I think that's a  
6 permit application if you are referring to Exhibit  
7 21.

8 Q. All right. Mr. Shalline, who gave you --  
9 didn't the MDC give you the permit application?

10 A. I would say it came in the mail.

11 Q. Do you remember that the MDC came and  
12 visited your plant, the Woburn plant, and talked to  
13 you?

14 A. Yes.

15 Q. Was that before you made the permit  
16 application?

17 A. I believe so.

18 Q. And in fact on the day that they visited  
19 you, they left you a permit application to make,  
20 isn't that right?

21 A. I can't remember whether they did or not.

22 Q. Do you remember being interviewed by  
23 somebody from the Metropolitan District Commission?

24 A. I remember somebody being there.

1 Q. And do you remember at the end of their  
2 visit that they left a permit application for you  
3 to fill out?

4 A. I wouldn't remember that.

5 Q. Do you remember that during that visit the  
6 MDC took a sample of the water used in the spray  
7 booth?

8 A. I can't remember that. I think that one  
9 time they took a sample, now whether it was that  
10 time or not --

11 Q. What did they take a sample of?

12 A. I think they took a sample of the spray  
13 booth water.

14 Q. The spray booth water. What was your  
15 understanding of why they were taking a sample of  
16 the spray booth water?

17 A. I would say they were going to test it.

18 Q. Why were they going to test it?

19 A. To check it for, to meet their pH standard.

20 Q. For what?

21 A. For discharge to the sewer as I recall.

22 Q. Who initiated the visit of the MDC to the  
23 plant?

24 A. I don't know.

1 Q. Did they come on their own or had you  
2 requested them to come?

3 A. I did not request them.

4 Q. Prior to that time had you ever filed a  
5 permit application to the MDC to discharge to the  
6 sewer?

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

8 Q. Prior to the MDC coming, had you ever had  
9 the water in the spray booth tested?

10 A. I don't believe so.

11 Q. After that time had you had the water in  
12 the spray booth tested?

13 A. I believe we did.

14 Q. All right. When did you have the spray  
15 booth tested, spray booth water?

16 A. I would say after 1980 or around 1980.

17 Q. Well, this, the MDC visited you in 1981;  
18 is that right, in the summer of 1981?

19 A. I would say that we treated the spray  
20 booth water as a hazardous waste and didn't put it  
21 down the drain, so it was taken away by a licensed  
22 hauler.

23 Q. All right. And when did you start  
24 treating the spray booth water as a hazardous waste?

1           A.     I would guess 1980, whenever the law went  
2 into effect.

3           Q.     Prior to 1980, you didn't consider the  
4 spray booth water to be a hazardous waste?

5                     MR. CHEESEMAN:  Objection.

6           A.     I don't believe so.

7           Q.     All right.  How did you dispose of the  
8 spray booth water prior to having it hauled away?

9           A.     I can't remember.

10          Q.     Was it collected in 55 gallon drums?

11          A.     I don't know.

12          Q.     Could it have been?

13          A.     Could have been?

14          A.     I would think that it went down the drain.

15          Q.     The spray booth water, but it also could  
16 have been collected in 55 gallon drums?

17          A.     Could have been.

18          Q.     And once it was collected in 55 gallon  
19 drums, do you know what would have been done with  
20 it?

21          A.     No.

22                     MR. CHEESEMAN:  This is getting  
23 pretty speculative here.

24          Q.     I guess it is.  Do you know what was done

1 with it?

2 A. No.

3 Q. All right. Prior to the MDC coming, did  
4 you ever analyze the discharge water or the water  
5 that you discharged to the MDC sewer at any time?

6 A. I would say not.

7 Q. After the MDC visited you in August of  
8 1981, did you test the discharge to the sewer at  
9 the Woburn plant?

10 A. I don't believe so.

11 Q. The MDC did test the spray booth water; is  
12 that right?

13 A. I couldn't be positive whether they did or  
14 not.

15 Q. Do you have the results of the tests of  
16 the spray booth water?

17 A. I don't believe I do.

18 Q. Other than the MDC, did W. R. Grace ever  
19 test the spray booth water at any time?

20 A. Not to my knowledge.

21 Q. When was the decision made to consider the  
22 spray booth water hazardous waste?

23 A. I would say 1980.

24 Q. What was done to determine that the spray

1 booth water was hazardous waste?

2 A. I don't understand your question.

3 Q. How was it determined that the spray booth  
4 water was a hazard?

5 MR. CHEESEMAN: I don't believe he  
6 said he determined it was a hazard. He said he  
7 determined it was a hazardous waste.

8 Q. How did you determine it was a hazardous  
9 waste?

10 MR. CHEESEMAN: Hazardous waste is a  
11 defined term under the statute.

12 Q. How did you determine that it was a  
13 hazardous waste that comes under the purview of the  
14 federal law in 1980?

15 A. I think because it was, I believe,  
16 corrosive.

17 Q. How did you know it was corrosive?

18 A. I think it had a high pH.

19 Q. How did you know it had a high pH?

20 A. I could look at the data sheet and see  
21 what the pH was on the material.

22 Q. When you say the data sheet, the data  
23 sheet for the spray booth water?

24 A. For the material that went in the spray

1 booth water.

2 Q. All right. So you determined that it was  
3 a hazardous waste because you looked at the data  
4 sheets on the material that went into the spray  
5 booth water?

6 A. I believe so.

7 Q. What material went into the spray booth  
8 water?

9 A. I don't know what the material is.

10 Q. Did solvents go into the spray booth water?

11 A. No.

12 Q. You know material went into the spray  
13 booth water but you don't know what kind?

14 A. I believe it was a powder.

15 Q. Did that powder contain ethyl benzene?

16 A. I don't know.

17 Q. Did it contain benzopyrene?

18 A. I don't know.

19 Q. Did it contain naphthalene?

20 A. I don't believe so.

21 Q. Did it contain Bis two hyphen ethylhex --  
22 I'll spell it. B I S --

23 MR. CHEESEMAN: I'm going to  
24 terminate the deposition at 5.

1           A.    B I S (2-E T H Y L H E X Y L, P H T H A L  
2   A T E. Do you know if it contained that chemical?

3           A.    I don't know.

4           Q.    2,4-dinitrophenyl? Do you know if it  
5   contained that?

6           A.    I don't believe so.

7           Q.    Toluene, do you know if it contained  
8   Toluene?

9           A.    No, I don't.

10          Q.    Do you have records indicating when you  
11   started to list the spray booth water as hazardous  
12   waste?

13          A.    I believe so.

14          Q.    And you had it, it was then collected in  
15   drums and hauled away from the site?

16          A.    I believe so.

17          Q.    So in 1981, that spray booth water was not  
18   discharged to the MDC sewer; is that right?

19          A.    I would say it was not.

20          Q.    The permit application that you were  
21   making in 1981 was for the discharge of water to  
22   the MDC sewer?

23          A.    Domestic water and water from a metal  
24   cleaning area.

1 Q. The metal cleaning area. Did you do any  
2 testing of the metal, water from the metal cleaning  
3 area as to what constituents were in that water?

4 A. No.

5 Q. Have you ever?

6 A. I don't believe so.

7 Q. At any time did you ever know or make a  
8 determination as to what the constituents were of  
9 the metal cleaning water or the water in the metal  
10 cleaning area?

11 A. I don't believe so.

12 Q. To this day you don't know?

13 A. I'd say that's true.

14 Q. Prior to -- talk about arc -- what's the  
15 name of the company that hauls away the stuff?

16 A. Axton Cross.

17 Q. Axton and Cross?

18 A. I don't think there is an and.

19 Q. Axton Cross. Where are they located?

20 A. Holliston.

21 Q. Holliston. And do they still haul away  
22 the waste at the Woburn plant?

23 A. No, they don't.

24 Q. Prior to 1980, did any other company haul

1 away hazardous waste from the Woburn plant other  
2 than Axton Cross -- I'm sorry, prior to 1980, did  
3 any company haul away hazardous waste from the  
4 Woburn plant?

5 MR. CHEESEMAN: To your knowledge.

6 Q. To your knowledge prior to 1980?

7 A. I don't know.

8 Q. You hired Axton Cross?

9 A. I believe so.

10 Q. And at sometime did Axton Cross stop  
11 hauling waste at the Woburn plant?

12 A. Yes, they did.

13 Q. How long after you hired them?

14 A. 1984.

15 Q. And who took over after 1984?

16 A. SCA.

17 Q. Where are they located?

18 A. Braintree.

19 Q. Other than Axton Cross and SCA has any  
20 other company to your knowledge hauled away  
21 hazardous waste created at the Woburn plant?

22 A. I read a document here that Murphy Oil  
23 took some drums away.

24 Q. Other than Murphy Oil?

1 A. I'm not aware of anybody else.

2 Q. Who hired Murphy Oil?

3 A. I don't know.

4 Q. Do you know what was in the waste that  
5 Murphy Oil hauled away?

6 A. No, I don't.

7 Q. Do you know why they were hired that one  
8 time?

9 A. No.

10 Q. Were they ever hired again other than that  
11 one time?

12 A. I don't know.

13 Q. Had they ever been hired prior to that one  
14 time?

15 A. I can't answer that. I don't know.

16 Q. Well, do any records that you are aware of  
17 indicate whether they were ever hired other than  
18 that one time?

19 A. I don't have any records.

20 MR. CHEESEMAN: It is after five  
21 o'clock. Let's call this quits.

22 MR. SCHLICHTMANN: Almost there.  
23 Almost there.

24 MR. CHEESEMAN: No, you are already

1           there. I am terminating the deposition.

2                       MR. SCHLICTMANN: You are not  
3           terminating the deposition.

4                       MR. CHEESEMAN: I am terminating the  
5           deposition and I am not going to produce this  
6           witness again.

7                       MR. SCHLICTMANN: I think I have a  
8           right to ask him some questions.

9                       MR. CHEESEMAN: You had the right and  
10          the judge gave you that right.

11                      MR. SCHLICTMANN: I don't think the  
12          judge talked anything about time limitation and the  
13          witness has a bad memory unfortunately.

14                      MR. CHEESEMAN: Asking the question  
15          ten times isn't going to make him remember  
16          something. You wasted a lot of time this afternoon  
17          asking questions that went beyond what the judge  
18          told us to reconvene for, and I don't consider that  
19          as a fair use of my time and the witness' time. I  
20          let you go more than an hour past the normal  
21          deposition time, and I gave you clear warning as to  
22          my intentions and you have had plenty of  
23          opportunity to ask the questions that the judge  
24          said you could ask.

1 MR. SCHLICTMANN: All right. Give me  
2 this one question then, just for old time sake.

3 MR. CHEESEMAN: Go ahead. Ask one  
4 more question.

5 Q. Good, thanks. Mr. Shalline, other than  
6 your testimony today, do you recall whether the  
7 Woburn plant ever used any other chemical or  
8 material containing a chemical other than the ones  
9 you have testified to today?

10 MR. CHEESEMAN: It calls for a yes or  
11 no answer. Do you recall?

12 Q. Do you remember? Let me try it again.

13 MR. CHEESEMAN: No, you had one  
14 question.

15 Q. Do you remember the Woburn plant using any  
16 other chemical or any other material containing a  
17 chemical other than the ones you have testified to  
18 today?

19 A. I would say no.

20 MR. SCHLICTMANN: Good. Then you can  
21 go.

22 (Deposition adjourned at 5:03 PM).  
23  
24

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

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

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

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

16 IN WITNESS WHEREOF, I have hereunto  
17 subscribed my hand and affixed my seal of office  
18 this 26th day of March, 1985.

19   
20 -----  
21 Notary Public in and for the  
22 Commonwealth of Massachusetts.

22 My Commission expires  
23 January 6, 1989.  
24

US EPA ARCHIVE DOCUMENT

UNITED STATES DISTRICT COURT

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

Continued Deposition of PAUL SHALLINE,  
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 10:30 a.m.

APPEARANCES:

SCHLICTMANN, CONWAY & CROWLEY,  
by JAN SCHLICTMANN, 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.

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
Paul Shalline, Resumed	5	108 108

Exhibits

<u>No.</u>		<u>Page</u>
19	Receiving report	40
20A	Receiving report and related documents	42
20B	Receiving report and related documents	52
20C	Receiving report and related documents	55
20D	Receiving report and related documents	58
20E	Receiving report and related documents	60
20F	Receiving report and related documents	61
20G	Receiving report and related documents	75
20H	Receiving report and related documents	77
20I	Receiving report and related documents	79
20J	Receiving report and related documents	79
20K	Receiving report and related documents	80
20L	Receiving report and related documents	82
20M	Receiving report	88

1 MR. CHEESEMAN: After reviewing the  
2 proceedings before Judge Skinner, we have  
3 determined that we'll answer questions relating to  
4 the subject matter you described at the end of the  
5 session the day before yesterday relating to all  
6 occasions on which Mr. Shalline consulted with  
7 experts or consultants whether within W. R. Grace &  
8 Company or outside regarding environmental matters  
9 and safe disposal practices or waste disposal  
10 practices in general. We'll identify the experts  
11 or consultants and what information was exchanged.  
12 We just will not identify specifically the  
13 chemicals if any which were the subject matter of  
14 those inquiries or consultations, but we'll  
15 describe them in generic terms. We'll decline to  
16 identify specific chemicals that were used at the  
17 Cryovac facility or that were disposed of at the  
18 Cryovac facility, and we'll decline to identify  
19 those items with respect to the period after May of  
20 1979 as well.

21 Of course the assumption to that is  
22 we'll identify chemicals or incidents relating to  
23 chemicals that are among the six chemicals alleged  
24 in the complaint, what I have referred to as

1 complaint chemicals. We have prepared a motion for  
2 a protective order to that effect relating not just  
3 to this interrogation but interrogatories,  
4 documents and requests and discovery in general,  
5 including depositions of other witnesses, and I  
6 should have that brought down here by my office  
7 within the next 15 minutes.

8 (Off the record discussion).

9 MR. CHEESEMAN: Let me say just a  
10 little bit more. I am sure you can appreciate that  
11 our position on this has been carefully considered  
12 and is not being taken in disrespect for the Court  
13 or its procedures, but in fact is being taken out  
14 of respect for the Court and its procedures and  
15 rules. We don't think that the circumstances under  
16 which your motion to compel was filed and heard  
17 this week were appropriate to the importance of  
18 this issue. The Judge clearly did not have an  
19 opportunity to give it the consideration which we  
20 feel it deserves, and it is apparent that he did  
21 not even read the corrected transcript that was  
22 given to him nor my papers submitted in opposition  
23 to your motion to compel.

24 We feel that in order to have a fair

1 hearing that does justice to the importance of the  
2 issues we're presenting that we should have time to  
3 file a brief in support of our motion for  
4 protective order. We have asked for leave to  
5 submit such a brief within ten days. We have asked  
6 for oral argument and we'll object strenuously to  
7 the court's hearing and deciding these issues on  
8 short notice or as an emergency matter for reasons  
9 which we discussed at length the other day.  
10 Obviously, if after a full and fair hearing on the  
11 matter, the Judge rules against us, we'll provide  
12 the information required, but we do want to be  
13 heard on that.

14 MR. SCHLICTMANN: Go off the record  
15 here.

16 (Off the record discussion).

17 PAUL SHALLINE, Resumed

18 DIRECT EXAMINATION - Continued

19 Q. (BY MR. SCHLICTMANN) Mr. Shalline, in  
20 Plaintiff's Exhibit Shalline Exhibit No. 15, that  
21 contains information which you gave to Mr.  
22 Bornstein who you believe was associated with the  
23 Environmental Protection Agency?

24 MR. CHEESEMAN: Let me get that out.

1 (Document handed to the witness).

2 MR. CHEESEMAN: I think he is  
3 referring to the second page.

4 MR. SCHLICHTMANN: No, first page.

5 MR. CHEESEMAN: This is turned around.

6 A. No, he was not with the Environmental  
7 Protection Agency.

8 Q. Who did you believe he was working with?

9 A. With the G C A Company.

10 Q. The G C A Company. Did you understand  
11 that G C A Company was working for somebody, for a  
12 governmental agency?

13 A. It was my understanding.

14 Q. What was your understanding as to which  
15 agency?

16 A. As I recall, the Department of  
17 Environmental Health.

18 Q. State agency or a federal agency?

19 A. I don't know what it was.

20 Q. Did you know if it was associated with the  
21 Environmental Protection Agency?

22 A. No, I don't know.

23 Q. And you don't know if he was associated  
24 with the State of Massachusetts?

1 A. I believe he was associated with the G C A.

2 Q. And that your understanding was G C A was  
3 working for the State of Massachusetts?

4 MR. CHEESEMAN: I believe he said he  
5 didn't know.

6 Q. Well, I'm asking. What was your  
7 understanding as to who he was working for? Did  
8 you believe it was the State of Massachusetts or  
9 did you believe it was the federal government?

10 MR. CHEESEMAN: If you had a belief.

11 A. I wouldn't know for sure.

12 Q. Now, you provided Mr. Bornstein some  
13 information and that's indicated on Plaintiff's  
14 Exhibit Shalline No. 15 referring to  
15 trichloroethylene?

16 A. I believe I did.

17 Q. Now, who obtained that information as to  
18 trichloroethylene used? Did you obtain it?

19 A. No, I did not.

20 Q. Who obtained it?

21 A. I don't know.

22 Q. Were you in charge of the records  
23 concerning the use of chemicals at the plant at  
24 that time?

1           A.    I can't remember.

2           Q.    Well, you were a pollution control officer  
3 then, weren't you?

4           A.    I don't know if we had a pollution control  
5 officer then.

6           Q.    So now you're saying, sir, today, is today  
7 you were not the pollution control officer in the  
8 1970's?

9                   MR. CHEESEMAN:  I don't think he said  
10 that.  He said he didn't know.

11          Q.    I believe your testimony was you were  
12 appointed pollution control officer in the mid  
13 sixties; is that correct?

14          A.    I don't believe it is.

15          Q.    Well, were you not telling the truth then  
16 when you testified two days ago you were appointed  
17 as pollution control officer in the mid sixties?

18                   MR. CHEESEMAN:  Objection.

19          A.    As I recall now, I don't believe we had  
20 that title.

21          Q.    So you're now testifying that you were not  
22 pollution control officer at any time for the  
23 Woburn plant, you were never appointed pollution  
24 control officer at any time at the Woburn plant; is

1 that true?

2 A. I can't remember for sure in the sixties.

3 Q. At any time?

4 A. I was appointed.

5 Q. When were you appointed pollution control  
6 officer?

7 A. I think maybe around 1970.

8 Q. All right. And prior to your being  
9 appointed, had there been another pollution control  
10 officer at the plant?

11 A. I don't believe so.

12 Q. You were the first one?

13 A. Yes.

14 Q. And you have remained pollution control  
15 officer since 1970?

16 A. Yes.

17 Q. Now, who provided the information on this  
18 exhibit Shalline Exhibit 15 as to trichloroethylene?

19 A. I don't know.

20 Q. Do you have any idea?

21 A. I have no idea.

22 Q. You didn't?

23 A. No, I did not.

24 Q. And what was your, did you have records

1 concerning the use of trichloroethylene since 1960  
2 at the Woburn plant at that time in 1973?

3 A. I don't know if there were records  
4 available or not.

5 Q. Are the records available now?

6 A. I don't know.

7 Q. You don't know if there were records  
8 available then?

9 A. I don't know if they had any available  
10 then or not.

11 Q. Did you understand that Mr. Bornstein  
12 wanted to know how much trichloroethylene had been  
13 used at the plant up till 1973?

14 A. I don't remember whether it was limited to  
15 that or not.

16 Q. Well, what did you believe it was?

17 A. I believe it was solvents and hydrocarbons.

18 Q. So your understanding was that Mr.  
19 Bornstein wanted to know about all of the solvents  
20 used at the plant up until October of '73, is that  
21 true?

22 MR. CHEESEMAN: You're asking him if  
23 his understanding was Mr. Bornstein wanted  
24 information regarding the entire period?

1 MR. SCHLICTMANN: I asked the  
2 question. I think the question is very clear. Mr.  
3 Shalline doesn't understand the question, he can  
4 tell me he doesn't understand.

5 MR. CHEESEMAN: Object to the  
6 question.

7 MR. SCHLICTMANN: You can object to  
8 the question.

9 MR. CHEESEMAN: It is ambiguous and  
10 unclear. Would you clarify the question?

11 MR. SCHLICTMANN: No, I am going to  
12 ask the question. If he can't understand it, I'll  
13 ask it ten thousand other ways until he understands.

14 MR. CHEESEMAN: Ask him the easy way.

15 (Question reread).

16 A. I can't remember.

17 Q. Well, what was your understanding as to  
18 what information Mr. Bornstein wanted to know?

19 A. I believe he wanted to know what is  
20 described on this memo.

21 Q. And the memo you are referring to is?

22 A. The one on solvents and paints and  
23 degreasers.

24 Q. It states on that memo "amount of paint

1 and thinners used"; is that right?

2 A. That's right.

3 Q. Does that refer to amounts of solvents and  
4 hydrocarbons, paints used as well, degreasers?

5 MR. CHEESEMAN: You're asking him his  
6 understanding?

7 Q. I am asking his understanding.

8 A. That would be my understanding.

9 Q. Well, did you understand that he just  
10 wanted to know what was being used that year? Or  
11 used at that particular time in October of '73?

12 A. I can't remember the timeframe that would  
13 be specified.

14 Q. So it could have been that your  
15 understanding is that he may have been asking for  
16 use of chemicals, degreasers and solvents as of  
17 October, the use in October of '73; is that right?

18 MR. CHEESEMAN: Objection.

19 A. No, I would say not.

20 Q. All right. What did you think the period  
21 covered?

22 A. I'm not certain, but I would say for the  
23 year.

24 Q. For the year?

1 A. Or up to that point.

2 Q. Up to that point in the year of 1973?

3 A. Through the years to 1973.

4 Q. Through the year of 1973?

5 (Brief interruption).

6 MR. CHEESEMAN: Can we take a break?

7 MR. SCHLICTMANN: I'd like the answer  
8 to the question. Can we wait until we have the  
9 answer to that question?

10 MR. CHEESEMAN: If you understand the  
11 question, tell him what it is.

12 A. I can't remember whether it was for the  
13 year, the period, in relating to this.

14 Q. All right.

15 (There was a pause in the proceedings).

16 Q. Mr. Shalline, in 1973, for the year 1973  
17 up until October of 1973, do you know how much  
18 trichlorethylene was used at the Woburn plant?

19 A. Up until 1973?

20 Q. For the year 1973 until October of '73?

21 A. No, I don't.

22 Q. Do you have any idea?

23 A. No idea.

24 Q. And were you the one who kept records

1 concerning the use of trichloroethylene at the  
2 plant?

3 A. No.

4 MR. CHEESEMAN: Are you asking if he  
5 is the only one?

6 Q. I am asking if he kept records. Did you  
7 keep records?

8 A. No, I did not.

9 Q. Did anyone else keep records?

10 A. The only records that would be kept would  
11 be a copy of the purchase order.

12 Q. All right. And are such purchase orders  
13 available?

14 A. I don't know.

15 Q. Are such purchase orders available in the  
16 1960's?

17 A. I don't know.

18 Q. Did you keep copies of the purchase orders?

19 A. No, I did not.

20 Q. Did you ever consult anybody in the  
21 purchase department in answering Mr. Bornstein's  
22 questions about the use of trichloroethylene?

23 A. No, I did not.

24 Q. Did this information come from the

1 purchase department?

2 A. I don't know where it came from.

3 Q. What's your memory as to the use of  
4 trichloroethylene at the Woburn plant for 1973?

5 MR. CHEESEMAN: If you have a memory.

6 Q. If you have one.

7 A. I am not aware of what was used.

8 Q. And from 1960 to 1973, what's your memory  
9 of the amount of trichloroethylene used at the  
10 plant?

11 A. Small amounts, used in small amounts.

12 Q. Do you know what the amounts were?

13 A. No, I don't.

14 Q. Do you consider 150 gallons to be a small  
15 amount?

16 MR. CHEESEMAN: Objection. Go ahead.

17 A. In my opinion, yes.

18 Q. So you consider 150 gallons of  
19 trichloroethylene to be small?

20 MR. CHEESEMAN: Objection.

21 A. Yes.

22 Q. Are you aware of any records in existence  
23 today which would indicate how much trichloro-  
24 ethylene was used at the Woburn plant from 1960 to

1 1973?

2 A. Not aware of any other than what has been  
3 shown here.

4 Q. You mean what has been entered as an  
5 exhibit in your deposition?

6 A. That's right.

7 MR. CHEESEMAN: I don't know if there  
8 has been any in these exhibits.

9 Q. I'm asking the witness. He has seen all  
10 the exhibits that have been entered. Are there any  
11 others in addition to what has been entered?

12 MR. CHEESEMAN: Rather than have the  
13 witness guess what you marked as exhibits, why  
14 don't you go through them all.

15 (Documents handed to the witness).

16 MR. CHEESEMAN: If this is all of the  
17 exhibits, it confirms my memory that you have not  
18 marked the purchase orders and receiving slips  
19 relating to trichloroethylene.

20 MR. SCHLICTMANN: Other than purchase  
21 orders and receiving slips, shipping slips,  
22 whatever they are, are there any other documents?

23 A. Not to my knowledge.

24 Q. Why don't I make copies, and for the

1 record, I believe the only existence of those  
2 orders are in the 1970's. Do you have any others  
3 for the 1960's?

4 MR. CHEESEMAN: I'll have to look at  
5 what we have.

6 Q. We might as well do it all at once so we  
7 don't have to --

8 Are these all of the purchase orders  
9 that you are saying are in existence concerning the  
10 six chemicals; is that right?

11 MR. CHEESEMAN: This file that I am  
12 carrying around has been in use during the  
13 deposition. I can't be sure that it still has in  
14 it everything that we responded to. We produced  
15 the stuff to you at one point a couple of years ago  
16 I think.

17 MR. SCHLICTMANN: There is no way for  
18 me to know. I have what I have here. I can go  
19 over it with you.

20 MR. CHEESEMAN: Well, we produced to  
21 you a couple of years ago copies of all of the  
22 purchase orders, receiving slips and invoices that  
23 we were able to find as a result of an extensive  
24 search of company files in more than one location

1 that made any mention of any of the six complaint  
2 chemicals.

3 MR. SCHLICTMANN: And those are those.

4 MR. CHEESEMAN: You should have those,  
5 and we have found nothing since then as far as I  
6 know.

7 MR. SCHLICTMANN: You have got the  
8 pile right there.

9 MR. CHEESEMAN: As I say, I'm not  
10 sure that this pile is still complete.

11 MR. SCHLICTMANN: I can tell you what  
12 has been produced to us. I don't want to play  
13 games here. I want to know if I am missing  
14 anything or I have a complete set. How can I know  
15 unless this witness testifies to it on the record?

16 MR. CHEESEMAN: I can only rely on  
17 your office procedure. It was a complete list sent  
18 to you.

19 MR. SCHLICTMANN: I understand but it  
20 is now going on the record. I can tell you what I  
21 have and you can tell me if I'm missing anything  
22 based on your file.

23 Purchase orders that I received --

24 MR. CHEESEMAN: We won't be able to

1 do that here today.

2 MR. SCHLICTMANN: I think we can do  
3 it right now.

4 MR. CHEESEMAN: I think we can't because  
5 I don't remember what all we gave you.

6 MR. SCHLICTMANN: I'm telling you now,  
7 make a representation as to what my office has  
8 received. I have it here, laid out.

9 MR. CHEESEMAN: I don't see any point  
10 of your doing that because I can't answer any  
11 questions.

12 MR. SCHLICTMANN: You have the list.

13 MR. CHEESEMAN: I have said twice now  
14 that I don't know that this list is complete  
15 because this pile has been used by a lot of people  
16 in the last few days. I can tell you if something  
17 that you have in your file is not present in my  
18 file or vice versa if would you like to do that.

19 MR. SCHLICTMANN: I am now going to  
20 list for the record everything that I received from  
21 Mr. Cheeseman's office pursuant to a production of  
22 document requests. I am going to ask Mr. Cheeseman  
23 or the witness to indicate whether that was  
24 provided.

1 MR. CHEESEMAN: Why don't we do this  
2 through me since it was a function of counsel to  
3 produce those documents.

4 MR. SCHLICTMANN: All right. I  
5 received a document with the number 029272 on it  
6 from the Woburn Oil Company with a date 5-16-72  
7 which states eight drums of waste oil and solvents  
8 disposal.

9 MR. CHEESEMAN: Perhaps we ought to  
10 mark them if you are going to refer to them or it  
11 will get confusing otherwise. I know the one you  
12 are referring to and yes, I have a copy of that in  
13 my file as well. We produced it to you some time  
14 ago.

15 MR. SCHLICTMANN: Do you want to make  
16 a copy of that one or do you want me to make a copy  
17 of the ones I have?

18 MR. CHEESEMAN: You going to mark  
19 them?

20 MR. SCHLICTMANN: I will mark them as  
21 exhibits.

22 MR. CHEESEMAN: As I say, I think my  
23 file is incomplete. I'd rather not have that  
24 messed up with exhibit marks, so why don't you mark

1 yours.

2 (Recess).

3 Q. Mr. Shalline, are you familiar with the  
4 federal rules, use he excuse me, the federal  
5 statutes regarding solid waste disposal?

6 MR. CHEESEMAN: Which statutes are  
7 you referring to?

8 Q. Well, I am asking, are you familiar with  
9 any federal statutes regarding solid waste disposal  
10 or the disposal of hazardous waste?

11 MR. CHEESEMAN: Asking about statutes  
12 currently in force?

13 Q. Any statutes, whether in force now or in  
14 the past.

15 A. Yes, I am.

16 Q. What federal statutes are you familiar  
17 with?

18 MR. CHEESEMAN: Objection. Can you  
19 tell me what the purpose of this inquiry is?

20 MR. SCHLICTMANN: His state of  
21 knowledge, obviously. As pollution control officer  
22 I'd like to know what statutes he knew.

23 MR. CHEESEMAN: You are asking him  
24 now from memory to list every statute he has ever

1 heard about?

2 Q. Whatever he is familiar with based on his  
3 memory. What federal statutes at any time were you  
4 familiar with?

5 MR. CHEESEMAN: Objection. Go ahead.

6 A. I probably couldn't give you the titles of  
7 the documents, but I do have documents in my  
8 possession that covers the rules and regulations.

9 Q. So you have in your possession in your  
10 office a file of federal statutes?

11 A. Yes.

12 Q. And does your file indicate the dates that  
13 you received copies of these federal statutes?

14 A. I don't believe so.

15 Q. Do you remember when you opened the file  
16 up concerning statutes, file on federal statutes  
17 regarding solid waste disposal, hazardous waste?

18 A. No, I don't.

19 Q. Did you have a file in the 1960's?

20 A. I don't believe so.

21 Q. Did you have a file in the 1970's?

22 A. I don't know.

23 Q. Did you have a file in the 1980's?

24 A. Yes.

1 Q. And are you familiar with the contents of  
2 that file?

3 A. File would be the publication.

4 Q. Of the statutes?

5 A. Of whatever was published.

6 Q. And who did you receive those from?

7 A. I can't remember.

8 Q. Was it somebody from Cryovac Division?

9 A. I am not sure if it was or not.

10 (Brief interruption).

11 Q. Did you obtain them?

12 A. I can't remember.

13 Q. Are you familiar with the Comprehensive  
14 Environmental Response, Compensation and Liability  
15 Act of 1980?

16 MR. CHEESEMAN: Objection.

17 A. I would say not.

18 Q. Were you familiar with any  
19 responsibilities that the Woburn plant had  
20 concerning notifying federal authorities after 1980  
21 if they had disposed of toxic substances or stored  
22 toxic substances on their property?

23 MR. CHEESEMAN: Objection.

24 A. I don't believe I was familiar with that.

1 Q. Are you familiar with it now?

2 MR. CHEESEMAN: Objection.

3 A. I was familiar with the spill procedure.

4 Q. What's the spill procedure?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. On notifying I believe it is the Coast  
8 Guard on a hazardous waste spill.

9 Q. You would notify the Coast Guard of a  
10 hazardous waste spill at the Woburn plant?

11 MR. FREDERICO: Objection.

12 MR. CHEESEMAN: Objection. What are  
13 you asking? You're asking him if he ever did so?  
14 I don't understand your question.

15 MR. SCHLICTMANN: You're not  
16 answering the question. He is. If he doesn't  
17 understand. I understand you don't understand, but  
18 he is the one that has to understand. If he  
19 doesn't understand, he can tell me.

20 Q. Mr. Shalline, if there is any question I  
21 ask you which you do not understand, please tell me  
22 you don't understand and I will rephrase the  
23 question.

24 MR. CHEESEMAN: The witness doesn't

1 understand the question.

2 MR. SCHLICTMANN: I think the witness  
3 is able to testify for himself.

4 MR. CHEESEMAN: It is not capable of  
5 being understood.

6 (Brief interruption).

7 (Question read).

8 MR. CHEESEMAN: Would you ask the  
9 question in a little clearer fashion? I object to  
10 the question, but if you want to ask a question  
11 that is clear so he can understand what you are  
12 asking him, I'll let him answer it.

13 MR. SCHLICTMANN: I don't want to get  
14 into the habit of getting all of my questions  
15 approved or unapproved by you. We'll do it this  
16 time, but I want to ask the question. If he  
17 doesn't understand, he will tell me he doesn't  
18 understand. I will ask my questions without  
19 interference and you can stay here as long as you  
20 want and I won't interfere with any questions you  
21 want to ask. I will never correct you or say you  
22 can ask it another way.

23 MR. CHEESEMAN: Very generous but --

24 Q. Mr. Shalline --

1 MR. CHEESEMAN: Wait just a minute.  
2 I don't think I have been difficult in these  
3 proceedings. There is one issue of great substance  
4 in the case that has come up that we have had a  
5 dispute about. I let you ask questions related to  
6 events after May of '79 after the wells were shut  
7 down and could not have had any further impact on  
8 your clients' health, and I have let you inquire  
9 into a lot of other areas that have no bearing on  
10 this case; and if you want to ask him what was in  
11 his legal files or what his understanding of the  
12 case was, go right ahead, but this last question is  
13 not capable of being understood and I have the  
14 right and the obligation to protect my client's  
15 interests when questions are asked in that fashion.  
16 I think you can very easily rephrase that question  
17 without wasting our time to get whatever  
18 information --

19 MR. SCHLICHTMANN: As opposed to your  
20 wasting my time filling up this record with a bunch  
21 of nonsense. I'm going to ask the question another  
22 way. Let's go on.

23 MR. CHEESEMAN: Thank you.

24 Q. Mr. Shalline, what is your understanding

1 as to the responsibilities of the Woburn plant  
2 concerning hazardous waste spills at the site?

3 MR. FREDERICO: Objection.

4 MR. CHEESEMAN: Objection. And  
5 answer it with respect, identify what period of  
6 time you are answering with respect to if you have  
7 an answer.

8 A. Do you want to repeat that please?

9 Q. What is your understanding, your present  
10 understanding as to what the obligations are at the  
11 Woburn plant concerning hazardous waste spills?

12 MR. FREDERICO: Objection.

13 MR. CHEESEMAN: Objection.

14 A. If there was a hazard waste spill?

15 Q. Yes.

16 A. I would follow the procedure in the law.

17 Q. What is that procedure?

18 MR. FREDERICO: Object.

19 MR. CHEESEMAN: Objection.

20 A. I can't quote it. I would refer to it and  
21 follow it.

22 Q. Well, do you have any idea what that  
23 procedure is?

24 MR. CHEESEMAN: Objection.

1 MR. FREDERICO: Objection.

2 A. Authorities have to be notified. I know  
3 that.

4 Q. Do you know which authorities?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. I can't be sure of all the ones that are  
8 involved.

9 Q. Which ones are you aware of?

10 MR. CHEESEMAN: Objection.

11 MR. FREDERICO: Objection.

12 A. I have seen reference to the Coast Guard.

13 Q. Any others?

14 MR. FREDERICO: Objection.

15 MR. CHEESEMAN: Objection.

16 A. Not that I can remember.

17 Q. Do you have to notify the Environmental  
18 Protection Agency?

19 MR. FREDERICO: Objection.

20 MR. CHEESEMAN: Objection.

21 A. I don't know.

22 Q. What was your understanding of your reporting  
23 responsibilities concerning hazardous waste spills  
24 at the Woburn plant in the 1970's?

1 MR. FREDERICO: Objection.

2 MR. CHEESEMAN: Objection.

3 A. I can't remember.

4 Q. What was your responsibilities concerning  
5 hazardous waste, reporting to governmental  
6 authorities concerning hazardous waste spills at  
7 the Woburn plant in the 1960's?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. I don't know.

11 Q. Did you believe in the 1960's that there  
12 was an obligation if there was a hazardous waste  
13 spill at the Woburn plant for notification to be  
14 sent to federal authorities in the 1960's.

15 MR. FREDERICO: Objection.

16 MR. CHEESEMAN: Objection.

17 A. No.

18 Q. Did you have an understanding in the 1970's  
19 whether if there was a hazardous waste spill at the  
20 Woburn plant that there was an obligation to notify  
21 federal authorities?

22 MR. FREDERICO: Objection.

23 MR. CHEESEMAN: Objection.

24 A. I don't know.

1 Q. And in the 1980's, did you have an  
2 understanding that if there was a hazardous waste  
3 spill that you had reporting obligations to the  
4 federal authorities?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. I would.

8 Q. Do you remember when that obligation took  
9 effect?

10 MR. FREDERICO: Objection.

11 Q. What year?

12 MR. CHEESEMAN: Objection.

13 A. No, I don't.

14 Q. Do you know how many years ago it was from  
15 today?

16 MR. FREDERICO: Objection.

17 MR. CHEESEMAN: Objection.

18 A. No, I don't.

19 Q. Did you believe or was it your  
20 understanding, excuse me, was it your understanding  
21 in the 1960's that the Woburn plant had an  
22 obligation to notify state or local authorities  
23 concerning the spilling of hazardous waste at the  
24 Woburn plant?

1 MR. FREDERICO: Objection.

2 MR. CHEESEMAN: Objection.

3 A. No.

4 Q. No, you had no such understanding?

5 A. That's right.

6 Q. Did you have such an understanding in the  
7 1970's?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. I can't remember.

11 Q. You may have had an understanding or you  
12 may not have?

13 A. I don't know.

14 Q. And in the 1980's, do you have an under-  
15 standing whether you have an obligation to notify  
16 state and local authorities concerning hazardous  
17 waste spills?

18 MR. FREDERICO: Objection.

19 MR. CHEESEMAN: Objection.

20 A. I would.

21 Q. You would. What state or local  
22 authorities would you notify?

23 MR. FREDERICO: Objection.

24 MR. CHEESEMAN: Objection.

1 A. I would follow the regulation.

2 Q. Which regulation?

3 MR. FREDERICO: Objection.

4 MR. CHEESEMAN: Objection.

5 A. The one that would apply.

6 Q. What would apply, which regulation would  
7 apply?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. I don't know which one.

11 Q. Well, would any regulations of the state  
12 Department of Health apply to your knowledge?

13 MR. FREDERICO: Objection.

14 MR. CHEESEMAN: Objection.

15 A. I don't believe so.

16 Q. Would any regulation of the Department of  
17 Environmental Quality Engineering of the State of  
18 Massachusetts apply?

19 MR. FREDERICO: Objection.

20 MR. CHEESEMAN: Objection.

21 A. I'm not sure.

22 MR. CHEESEMAN: I had our next  
23 witness brought here this morning because I  
24 understood that you had completed inquiry of this

1 witness with the exception of those subject matters  
2 that you outlined at the end of our last session.  
3 We have taken up an hour or so of time so far.

4 MR. SCHLICTMANN: I am not going to  
5 get into how much time has been wasted in  
6 discussions with attorneys. I have a right to ask  
7 this witness questions and have a right to keep him  
8 here. I have been accommodating my brother since  
9 we have had a dispute and I lost time and I haven't  
10 gained anything for giving that accommodation.  
11 However, I have accommodated you and I don't wish  
12 you to waste any more of my time so I can get  
13 through with this witness's questions and go on  
14 with the next witness.

15 Q. Now, Mr. Shalline, Exhibit 11 --

16 MR. CHEESEMAN: What's the date on  
17 that?

18 MR. SCHLICTMANN: 1967. It states on  
19 page 8 --

20 MR. CHEESEMAN: I'm sorry, what was  
21 the date?

22 Q. 1967.

23 MR. CHEESEMAN: It doesn't have a  
24 month?

1 Q. November, 1967. Very long, Shalline  
2 Exhibit 11.

3 That's the one. It is many pages.

4 On page 8 it states in the first  
5 paragraph that -- now the memo was written by you;  
6 is that right?

7 A. I would say so.

8 Q. It states that we conform both to  
9 requirements and requests from the Massachusetts  
10 Department of Public Health. What were the  
11 requirements of the Massachusetts Department of  
12 Public Health that you were referring to?

13 MR. CHEESEMAN: Objection.

14 MR. FREDERICO: Objection.

15 A. I don't know.

16 Q. Were you referring to any?

17 MR. CHEESEMAN: Objection.

18 A. I don't know.

19 Q. It states here you conform, you are making  
20 a statement, right, to Mr. J. Watkins, he is your  
21 superior?

22 A. That's right.

23 MR. CHEESEMAN: I believe he is  
24 quoting statements made by another person in an

1 exhibit that's dated August 4, 1967.

2 Q. I believe that the exhibit stands for  
3 itself. This is a memo from you; is that right?

4 A. Yes, it is.

5 Q. To Mr. Watkins?

6 A. Right.

7 Q. You wrote this memo?

8 A. I believe so.

9 Q. On page 8 did you not write: Although not  
10 a chemical plant, we conform both to requirements  
11 and requests from the Massachusetts Department of  
12 Public Health and the Sanitation Department of the  
13 town of Woburn as regards disposal solutions and  
14 materials used in our hard goods manufacturing  
15 processes and also in the matter of the plant's  
16 exhaust through ventilation.

17 MR. CHEESEMAN: Are you asking him if  
18 he composed those words or are you asking if those  
19 are in the document?

20 Q. I am asking if those are in his memo  
21 written by him. I think my question --

22 MR. CHEESEMAN: You're asking him if  
23 those words appear in the memo. In that event I  
24 object on the best evidence ground. You may answer.

1 Q. Best evidence?

2 MR. CHEESEMAN: You may answer  
3 whether those words appear in the exhibit.

4 MR. SCHLICTMANN: Can we have a  
5 ruling from the Judge?

6 Q. Mr. Shalline, did you understand my  
7 question?

8 A. This is not something that I would write.

9 Q. You wouldn't write that?

10 A. I put it in but I obviously copied it from  
11 something else.

12 Q. All right. Why did you put it in?

13 A. I have no idea.

14 Q. Well, was that statement true to your  
15 knowledge?

16 A. I believe it was.

17 Q. So you believed that you conformed to the  
18 requirements and requests from the Massachusetts  
19 Department of Public Health regarding the disposal  
20 of solutions and materials that you used in your  
21 manufacturing processes; is that correct?

22 MR. FREDERICO: Objection.

23 MR. CHEESEMAN: Objection.

24 A. At the time.

1 Q. All right. What were they?

2 MR. FREDERICO: Objection.

3 Q. What were those requirements of the  
4 Massachusetts Department of Public Health?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. I don't know.

8 Q. You don't know?

9 A. No.

10 Q. Did you know at that time?

11 MR. CHEESEMAN: Objection.

12 A. I can't remember.

13 Q. And you don't know now?

14 MR. CHEESEMAN: Objection.

15 A. No, I don't.

16 Q. And as regards the Sanitation Department  
17 of the town of Woburn, what were their requirements?

18 MR. FREDERICO: Objection.

19 Q. As of that time?

20 MR. FREDERICO: Objection.

21 MR. CHEESEMAN: Objection.

22 A. I don't know what they were.

23 Q. Why did you put this information in your  
24 memo?

1 MR. CHEESEMAN: Objection.

2 A. I don't remember.

3 Q. But you believe the information to be true?

4 MR. CHEESEMAN: Objection.

5 MR. FREDERICO: Objection.

6 A. My opinion.

7 Q. What was your opinion based on that these  
8 statements were true?

9 MR. CHEESEMAN: Objection.

10 MR. FREDERICO: Objection.

11 A. Standard industry practice I believe.

12 Q. What was standard industry practice?

13 MR. FREDERICO: Objection.

14 MR. CHEESEMAN: Objection.

15 A. I can't remember.

16 Q. You can't remember?

17 A. No, I can't.

18 Q. You can't remember what standard industry  
19 practice was in the 1960's regarding the disposal  
20 of solutions and materials used in the  
21 manufacturing process?

22 MR. CHEESEMAN: Objection.

23 MR. FREDERICO: Objection.

24 A. No, not exactly.

1 Q. Do you know what the industry practice is  
2 now regarding the disposal of solutions and  
3 materials used in the manufacturing process?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A. I believe so.

7 Q. What is it?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. Any hazardous waste has to be segregated.

11 Q. Segregated and what?

12 A. Disposed of through proper facilities.

13 Q. That's industry practice now, is that  
14 right?

15 MR. FREDERICO: Objection.

16 MR. CHEESEMAN: Objection.

17 A. I believe so.

18 Q. Was that industry practice in the 1960's?

19 MR. FREDERICO: Objection.

20 MR. CHEESEMAN: Objection.

21 A. I don't believe so.

22 Q. Was it an industry practice in the 1970's?

23 MR. CHEESEMAN: Objection.

24 MR. FREDERICO: Objection.

1 A. I can't remember that.

2 Q. But do you know that it is now industry  
3 practice?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A. I believe so.

7 Q. Mark this as Shalline Exhibit 19.

8 (Receiving report was marked  
9 Exhibit 19).

10 Q. This has been marked as Shalline Exhibit  
11 19. Do you want to show him that one?

12 I assume you'll have the originals at  
13 the time of trial?

14 MR. CHEESEMAN: I don't know whether  
15 you will or not.

16 Q. You people are busy at the Woburn plant  
17 working overtime. Shalline Exhibit 19, are you  
18 familiar with this document?

19 A. My attorney showed it to me.

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

22 A. Not that I can remember.

23 Q. Do you know what that document is?

24 A. It is a Cryovac receiving report.

1 Q. What does it indicate?

2 MR. CHEESEMAN: If you know.

3 Q. If you know.

4 MR. CHEESEMAN: I do object of course.

5 Q. Of course.

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

8 A. I can't be sure other than what it says.

9 Q. Do you have any knowledge about what  
10 information is contained in this document?

11 A. No, I don't.

12 Q. You have no knowledge about it?

13 A. No.

14 Q. You have no knowledge about eight drums of  
15 waste oil and solvents being disposed of by the  
16 Woburn Oil Company?

17 A. I can't remember that occasion.

18 Q. Okay. Had you ever contracted with Woburn  
19 Oil Company to dispose of materials at the plant  
20 site?

21 MR. CHEESEMAN: If you know.

22 Q. Well, I assume only if he knew. Assume,  
23 Mr. Shalline, whatever I ask you, I only want you  
24 to answer if you know. Don't answer if you don't

1 know. Only answer if you do know.

2 A. I don't remember.

3 Q. Okay. Now, I think what we'll do is have  
4 marked as Plaintiff's Exhibit 20, purchase order  
5 and related documents, and we'll assign a letter to  
6 each purchase order and related documents, and they  
7 will be stapled together, if you will agree to that?

8 (Receiving report and related documents  
9 were marked Exhibit 20 A).

10 MR. CHEESEMAN: May I just indicate  
11 that this exhibit consists of four pages of forms?

12 MR. STOLER: What's the date?

13 MR. CHEESEMAN: July 11, 1975.

14 Q. Are you familiar with that document?

15 A. It is a Cryovac receiving report.

16 Q. Have you ever seen it before?

17 A. I believe my attorney showed it to me.

18 Q. Had you ever seen it before your attorney  
19 showed it to you?

20 A. Not that I can remember.

21 Q. Do you know what that exhibit indicates to  
22 you, to your knowledge?

23 MR. CHEESEMAN: Objection. Asking  
24 him to interpret it to you or if he has any

1 independent information?

2 MR. SCHLICTMANN: If he has any  
3 independent information about information that is  
4 contained in that document.

5 MR. CHEESEMAN: You are asking him if  
6 he remembers that material?

7 Q. Does he know anything about that document  
8 or the information contained in there?

9 A. Only what is said on the document.

10 Q. What is said on the document?

11 MR. CHEESEMAN: Objection. The  
12 document speaks for itself.

13 MR. FREDERICO: Object.

14 A. It's got the date.

15 Q. Yeah?

16 A. It's got the vendor, the order number,  
17 it's got the material.

18 Q. And do you have any independent knowledge  
19 about receiving one 55 gallon drum of solvent No. 9  
20 in July of 1975?

21 A. No knowledge.

22 Q. Do you know the Magnus Chemical Company?

23 A. Do I know them?

24 Q. Yes.

1 A. I know of them.

2 Q. Do they do business with the Woburn plant?

3 A. They did. I don't know.

4 Q. Do you know the company?

5 A. I don't know if they still do.

6 Q. Do you know what year -- you don't know if  
7 they still do business with the Woburn plant?

8 A. No, I don't.

9 Q. Do you know the years that Magnus Chemical  
10 Company did business with the Woburn plant?

11 A. No, I don't.

12 Q. Did you ever have any dealings with the  
13 Magnus Chemical Company?

14 A. I can't remember having any.

15 Q. Mr. Shalline, weren't you responsible for  
16 obtaining materials, chemicals used at the plant on  
17 occasions?

18 A. Yes.

19 Q. Do you ever remember dealing with the  
20 Magnus Chemical Company and obtaining chemicals  
21 from them?

22 A. No.

23 Q. Do you know what -- so you have had no  
24 dealings with the Magnus Chemical Company

1           whatsoever to your knowledge?

2           A.     That I can remember.

3           Q.     Never had any contacts with anybody from  
4           the Magnus Chemical Company?

5           A.     I probably talked with a salesman on  
6           occasion.

7                           MR. CHEESEMAN:   The question was  
8           whether you did or not.  Answer as to what you  
9           remember.

10          A.     I have talked with the salesman.

11          Q.     For the Magnus Chemical Company?

12          A.     That's right.

13          Q.     When have you talked to the salesman for  
14          the Magnus Chemical Company?

15          A.     I can't remember when.

16          Q.     Did you talk to him in the 1960's?

17          A.     I don't remember.

18          Q.     Did you talk to him in the 1970's?

19          A.     I can't remember that.

20          Q.     Did you talk to him in the 1980's?

21          A.     I don't believe so.

22          Q.     Mr. Shalline, who approved this order for  
23          one 55 gallon drum of solvent nine identified in  
24          Shalline Exhibit 20 A?

1 A. I did.

2 Q. But you have no independent knowledge of  
3 it other than the fact that you approved it as  
4 indicated on that document; is that right?

5 A. I believe so.

6 Q. You were in charge of approving purchases  
7 of chemicals in the Woburn plant, isn't that  
8 correct, sir?

9 A. For this department I was.

10 Q. Which department are you referring to?

11 A. Machine shop.

12 Q. But you can't remember any contacts that  
13 you have had with the Magnus Chemical Company?

14 A. Not other than the salesman.

15 Q. And you don't remember what you ever said  
16 to the salesman and what he ever said to you?

17 A. I can't be sure.

18 Q. It has a signature down there on Plaintiff's  
19 Shalline Exhibit 20 A. Do you know the receiving  
20 signature, what that signature is, do you recognize  
21 it?

22 A. Receiving signature?

23 Q. Yes.

24 A. Yes, I recognize that.

1 Q. Who is that?

2 A. That's Al Love.

3 Q. What was his position?

4 A. Receiver.

5 Q. Who did he work for?

6 A. I don't know.

7 Q. Was he working for you in 1975?

8 A. No.

9 Q. He working for the receiving department?

10 A. He was the receiver.

11 Q. On the second page of Plaintiff's Exhibit  
12 20, Shalline Exhibit 20 A, it has a name down there  
13 under requested by.

14 A. That's right.

15 Q. Who is that?

16 A. Stanley Bialach.

17 Q. What was his position?

18 A. B I A L A C H. Supervisor.

19 Q. What was he supervisor of?

20 A. Machine shop.

21 Q. Did he ever work under you?

22 A. I would say so.

23 Q. Now, on the third exhibit, excuse me,  
24 third page of Shalline Exhibit 20 A, it has a

1 salesman's name on it. Do you see that?

2 A. Yes.

3 Q. Do you know who that person is?

4 A. He is a salesman that came in from Magnus  
5 Chemical.

6 Q. From the Magnus Chemical Company?

7 A. That's right.

8 Q. Did you know him, Mr. Crane?

9 A. If I saw him, I'd know who he was.

10 Q. Did you ever have conversations with Mr.  
11 Crane?

12 A. I have had conversations with him.

13 Q. Isn't Mr. Crane the salesman who would  
14 sell this solvent to the Woburn plant? Isn't that  
15 how you knew him?

16 A. That's right.

17 Q. He was the person that you dealt with to  
18 get the Magnus solvent, wasn't he, sir?

19 MR. CHEESEMAN: If you know.

20 A. He would deal with the purchasing  
21 department. I would not place the order.

22 Q. Would you approve the order?

23 A. I would approve the order.

24 Q. But you have had conversations with Mr.

1 Crane who is a salesman for Magnus solvent, isn't  
2 that right?

3 A. That's right.

4 Q. Would you talk with Mr. Crane to determine  
5 whether to purchase solvents from his company or  
6 not; isn't that true?

7 A. I can't remember that.

8 Q. Do you remember what the nature of your  
9 conversations were with Mr. Crane?

10 A. No, I can't.

11 Q. All right. It says at the top corner here  
12 from E L, Economics Laboratories, and its  
13 divisional operations. Do you know who they are or  
14 what their relationship is to Magnus Solvent or  
15 Magnus Chemical Company?

16 A. No, I don't.

17 Q. Have you ever received any information  
18 from the Magnus Chemical Company concerning any  
19 chemicals which they sold you or sold to the Woburn  
20 plant?

21 A. I would have safety data sheets I believe.

22 Q. From the Magnus Chemical Company?

23 A. Yes.

24 Q. And did they give you safety data sheets

1 from the beginning when they started to deal with  
2 the Woburn plant?

3 A. I can't remember that.

4 Q. Do you know if it was sometime after they  
5 started dealing with you that they started  
6 providing you safety data sheets?

7 A. I can't remember when they started.

8 Q. And what chemicals did you receive from  
9 the Magnus Chemical Company? Which chemicals were  
10 they responsible for providing the Woburn plant?

11 MR. CHEESEMAN: I'll limit the answer  
12 to the six complaint chemicals.

13 MR. SCHLICTMANN: I'm asking the  
14 witness to answer all chemicals.

15 MR. CHEESEMAN: I know you are and I  
16 have told him that he should not do so. You know  
17 of course from our interrogatory answers that the  
18 Magnus solvent contains one of the complaint  
19 chemicals.

20 Q. What chemicals did you receive from the  
21 Magnus Chemical Company?

22 MR. CHEESEMAN: I would also permit  
23 him to answer if he knows as to general categories  
24 of chemicals like solvents, paints, thinners or

1           whatever.

2           Q.     What chemicals did you receive from the  
3           Magnus Chemical Company?

4           A.     We received cutting lubricants.

5           Q.     What were the constituents of the cutting  
6           lubricants?

7                         MR. CHEESEMAN:   I object.

8           A.     I don't know.

9           Q.     Do you know?

10          A.     No, I don't.

11          Q.     Do you know what kind of chemicals are in  
12          there?

13          A.     No, I don't.

14                         (Brief interruption).

15                         (Recess).

16          Q.     Now, Shalline Exhibit 20 A, page 3 has a  
17          name on it or a signature on it. Do you recognize  
18          that signature?

19                         MR. CHEESEMAN:   You talking about the  
20          initial scribbled near the large No. 2?

21                         MR. SCHLICTMANN:  Right. Is that a  
22          signature of anybody you recognize?

23          A.     Yes.

24          Q.     Or is that a signature of somebody?

1           A.    I believe that's the signature of the  
2 receiver.

3           Q.    And who would that be?

4           A.    Al Love.

5           Q.    That's the same person whose signature  
6 appears on the shipping form?

7           A.    That's right.

8           Q.    Now, is it your understanding that, if you  
9 know, that all four pages relate to the same 55  
10 gallon drum in Shalline Exhibit 20 A?

11          A.    I would say they all do.

12          Q.    And Mr. Crane's name is indicated on the  
13 fourth page of Shalline Exhibit 20 A, Gilbert Crane;  
14 is that Mr. Crane?

15          A.    That's right.

16          Q.    This will be Shalline Exhibit 20 B.

17                   (Receiving report and related  
18 documents were marked Exhibit 20 B).

19           MR. FREDERICO:  Could I see them  
20 before the witness sees them?  I saw A.  I'll just  
21 take a second.

22                   (Document handed to Mr. Frederico).

23           MR. CHEESEMAN:  They are all pretty  
24 similar.

1 (Document handed to the witness).

2 Q. Mr. Shalline, do you recognize this  
3 document Shalline Exhibit 20 B?

4 A. It is a Cryovac receiving report.

5 Q. For chemicals?

6 A. I would say so.

7 Q. Now, one of the chemicals is blacked out;  
8 is that right?

9 A. I don't know.

10 Q. Does it appear to be blacked out?

11 A. I don't know what's under it.

12 Q. All right. There is one showing and the  
13 other one seems to be blacked out; is that right,  
14 or you don't know?

15 MR. CHEESEMAN: I think he said he  
16 doesn't know what's under it.

17 Q. He doesn't know whether it is blacked out?

18 A. It is blacked out.

19 Q. Have you seen this document before?

20 A. I can't remember.

21 Q. Do you remember the first time you  
22 remember seeing this document?

23 MR. CHEESEMAN: He said he can't  
24 remember if he has seen it before.

1 Q. Do you remember the first time?

2 A. No.

3 Q. No. Now, 20 B, page 2 has got a signature  
4 for approved by. Whose initials are those?

5 A. Those are mine.

6 Q. And did you approve this order?

7 A. I believe so.

8 Q. And do you have any knowledge of this  
9 order other than what's stated in the document?

10 A. No, I don't.

11 Q. Do you have any memory of ordering this  
12 independently of these documents?

13 A. I wouldn't have ordered it. I just  
14 approved it.

15 Q. All right. Do you remember approving it  
16 or having anything to do with it other than what's  
17 indicated in the documents?

18 A. No, I don't.

19 Q. And it says requested by. Who is that  
20 person there?

21 A. Stanley Bialach.

22 Q. Who is Stanley Bialach?

23 A. The supervisor.

24 Q. And what department?

1 A. Machine shop.

2 Q. Did he work under you?

3 MR. CHEESEMAN: You have asked all  
4 these questions. I think it is the same individual.

5 A. Yes.

6 Q. Says ship to M S. Who is that?

7 A. Machine shop.

8 Q. And then on page 3 it's got another  
9 signature. Is that Al Love?

10 A. It is.

11 Q. It's got a 3 with a circle around it.  
12 Does that mean anything?

13 A. I don't know what that means.

14 Q. Do those documents all relate to the same  
15 solvent No. 9 identified in the purchase order, all  
16 the documents attached to 20 B?

17 A. I believe so.

18 (Document marked Shalline Exhibit 20C).

19 (Document handed to Mr. Frederico and  
20 then the witness).

21 Q. Now, Mr. Shalline, solvent No. 9 from the  
22 Magnus Chemical Company, do you know what the  
23 constituents of that are, of solvent No. 9?

24 A. No, I don't.

1 Q. 20 C, what's that?

2 MR. CHEESEMAN: Referring to the  
3 first page?

4 Q. Yes.

5 A. It is Cryovac receiving report.

6 Q. For solvent No. 9?

7 A. That's what it says.

8 MR. CHEESEMAN: Just mention for the  
9 record that Exhibit 20 B had four pages and Exhibit  
10 20 C has four pages.

11 Q. Those four pages for Exhibit 20 C, are  
12 those all related to this solvent No. 9 order on  
13 the purchase order?

14 MR. CHEESEMAN: When you are asking  
15 him if they are all related, you're asking him to  
16 interpret the documents.

17 Q. Well, does he know if they are all related  
18 to the same order?

19 MR. CHEESEMAN: I will let you figure  
20 that one out.

21 A. I will have to look at it and try to  
22 figure it out.

23 Q. Please do.

24 MR. CHEESEMAN: Can I look at your

1 binder of these documents for a moment?

2 (Off the record discussion).

3 MR. CHEESEMAN: Well, if you are able  
4 to figure out if they all relate to the same  
5 transaction, answer the question.

6 A. The numbers are different, so I don't know  
7 whether they are typographical errors in the order  
8 number. They are so close.

9 Q. What's so close?

10 A. 5053 and 5057. There may have been a  
11 mistake. Those numbers are so close I would say in  
12 my opinion that these all apply to the same order.

13 Q. All right. But the numbers are different,  
14 so it could apply to a different order?

15 A. It could.

16 Q. All right. Now, 20 B says approved by,  
17 that was approved by you?

18 A. Yes, it was.

19 MR. CHEESEMAN: You going back?

20 Q. Excuse me, 20 C, the one you are on,  
21 that's approved by you?

22 A. Yes.

23 Q. And Mr. Bialach, is that how you pronounce  
24 his name?

1 A. Right.

2 (Document marked Exhibit 20 D and  
3 shown to Mr. Frederico and then the witness).

4 Q. We're on D now.

5 MR. CHEESEMAN: 20 D consists of  
6 three pages.

7 Q. Do those three pages relate to No. 9  
8 solvent indicated on the first page of the exhibit?  
9 To your knowledge?

10 A. I would say so.

11 Q. And did you approve that order?

12 A. Yes, I did.

13 Q. And that was on Magnus Chemical Company?

14 A. That's right.

15 MR. CHEESEMAN: I just note the  
16 document uses the term Magnus Division.

17 Q. Is that still Magnus Chemical Company or  
18 is that a different company?

19 MR. CHEESEMAN: I don't think he  
20 would have any way of knowing what the legal name  
21 was.

22 Q. Does he know? Is it the same company to  
23 his understanding? Is that the same company?

24 A. I don't know if they are or not.

1 Q. Could be another company?

2 A. I don't know.

3 Q. Well, it says Mr. Crane again is the  
4 salesman. Isn't that a division of E. L.,  
5 Economics Laboratory?

6 MR. CHEESEMAN: Objection. I don't  
7 know how he knows that.

8 Q. It is on the order.

9 MR. CHEESEMAN: That's my point. You  
10 have been calling it Magnus Chemical Company and  
11 the documents indicate it is Magnus Division or  
12 Magnus Chemical Division of E. L., whatever it was.

13 Q. All right. How did you --

14 MR. CHEESEMAN: I just was bringing  
15 this to your attention.

16 Q. I appreciate that. How did you deal with  
17 these people? Were they called the Magnus Chemical  
18 Company, Magnus Division or did you refer to them  
19 as the E. L., Economics Laboratory, Inc.? How did  
20 you refer to them?

21 A. I referred to them as Magnus.

22 Q. Chemical Company or just Magnus?

23 A. Magnus Chemical I would say.

24 Q. Magnus Chemical, so when I use the phrase

1 Magnus Chemical, you know what I'm referring to?

2 A. Yes.

3 Q. I am referring to your dealings with  
4 Economics Laboratories which is the Magnus Chemical  
5 Division.

6 MR. CHEESEMAN: We're all assuming.

7 Q. Is that what you're assuming?

8 A. I was.

9 Q. Then I am going to assume it.

10 (Document marked Exhibit 20 E and  
11 handed to Mr. Frederico).

12 MR. SCHLICTMANN: Do you have a  
13 better copy?

14 MR. CHEESEMAN: You have to give us  
15 the purchase number. I don't think we have  
16 anything better than that.

17 MR. SCHLICTMANN: How about the  
18 original?

19 MR. STOLER: What's the date?

20 MR. FREDERICO: 10-21-74.

21 MR. CHEESEMAN: Exhibit 20 E consists  
22 of four sheets.

23 Q. Yes. And appears to be purchase order  
24 number C 1663. That much does show through on the

1 first page.

2 Q. Would you look at those, the attached  
3 documents, and see if all those papers relate to  
4 that purchase identified as 1663?

5 A. I would say they are all related.

6 Q. And who approved that order?

7 A. I did.

8 (Document Marked Exhibit 20 F and  
9 handed to Mr. Frederico and then the witness).

10 (Off the record discussion).

11 Q. 20 F, are all those documents related to  
12 the same order?

13 A. I would say they do.

14 Q. And who approved that order?

15 MR. CHEESEMAN: There doesn't seem to  
16 be a sheet on that.

17 A. I don't know.

18 Q. Do you know if you approved that order?

19 A. No, I don't.

20 Q. Are you aware of whether you were the one  
21 responsible for approving orders from the Magnus  
22 Chemical Company?

23 MR. CHEESEMAN: If you can answer  
24 that question. I think he has defined the area of

1 his authority already.

2 Q. Did you understand that you had  
3 responsibility for approving orders from the Magnus  
4 Chemical Company?

5 A. For certain areas.

6 Q. That would be the machine shop and the  
7 paint shop?

8 A. That's right.

9 Q. Did the Magnus Chemical Company to your  
10 knowledge supply chemicals for any other process or  
11 department in the Woburn plant?

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

13 Q. Well, would you have approved it or would  
14 it have come to your attention if they had?

15 A. No, it wouldn't.

16 Q. Could Magnus Chemical then have supplied  
17 other chemicals to the Woburn plant without your  
18 knowledge?

19 MR. CHEESEMAN: Objection. Asking  
20 the witness to speculate.

21 Q. Uh-huh.

22 A. They could have.

23 Q. To your knowledge did other departments at  
24 the Woburn plant purchase chemicals from the Magnus

1 Chemical Company to which you were not involved at  
2 all in any way?

3 A. I don't believe so.

4 Q. So it would have to go through you to your  
5 knowledge?

6 MR. CHEESEMAN: Objection. He didn't  
7 say any such thing.

8 A. I was authorized to approve the orders for  
9 the machine shop and the paint shop.

10 Q. Were there any other departments at the  
11 Woburn plant which used chemicals to your knowledge?

12 A. There are.

13 Q. Which departments?

14 A. Sheet metal.

15 Q. They use chemicals?

16 A. Yes, they do.

17 Q. And are you familiar with the chemicals  
18 that they use?

19 A. I would say so.

20 Q. What chemicals do they use?

21 MR. CHEESEMAN: Objection. You can  
22 answer in general terms.

23 A. They use a burnishing compound.

24 Q. Do you know what's in the burnishing

1 compound?

2 A. No, I don't.

3 Q. Do they purchase chemicals from a company  
4 for the burnishing compound or they purchase a  
5 burnishing compound from a company?

6 A. Yes, they do.

7 Q. Do you know what company they purchase it  
8 from?

9 A. I can't remember.

10 Q. Are you ever sent or were you ever sent or  
11 was an indication ever made to you as a regular  
12 course of your duties the chemicals purchased by --  
13 what's the shop?

14 MR. CHEESEMAN: Sheet metal.

15 Q. The sheet metal department? Did you  
16 understand my question?

17 A. No, I didn't.

18 Q. Maybe it was too long. Was it your  
19 understanding that as part of your duties and  
20 responsibilities that you were to be made aware in  
21 some form or fashion of the chemicals or products  
22 purchased by the sheet metal department?

23 A. I would approve their orders.

24 Q. So you would approve the orders for the

1 sheet metal?

2 A. That's right.

3 Q. As well as the machine shop and the paint  
4 shop?

5 A. That's right.

6 Q. Now, other than the sheet metal shop,  
7 sheet metal department. I am going to get in  
8 trouble here. Other than the sheet metal  
9 department, the paint shop and the machine shop,  
10 are you aware of any other department or shop or  
11 division of the Woburn plant which used chemicals?

12 A. Be the assembly department.

13 Q. What chemicals would the assembly  
14 department use?

15 MR. CHEESEMAN: Asking what they did  
16 use?

17 Q. What they did use.

18 MR. CHEESEMAN: You can answer in  
19 general terms if you know.

20 A. Used grease and lubricants.

21 Q. Now, was it your understanding that as  
22 part of your responsibilities that you were to be  
23 made aware in some form or fashion of the chemicals  
24 or products purchased by the assembly department?

1 A. I would approve their orders.

2 Q. Now, other than the sheet metal department,  
3 the assembly department, the machine shop or the  
4 paint shop, were there any other departments, shops  
5 or divisions at the Woburn plant which purchased or  
6 used chemicals?

7 A. Not to my knowledge.

8 Q. Is it fair to state then, Mr. Shalline,  
9 that as part of your understanding was that, as  
10 part of your duties and responsibilities that you  
11 were to be made aware of any chemicals or products  
12 containing chemicals which were purchased at the  
13 Woburn plant?

14 A. I don't believe that's true.

15 Q. What's untrue about it?

16 A. I think office supplies that may have  
17 chemicals in them I would not be aware of.

18 Q. All right. Other than office supplies?

19 A. I would say any shipping room supplies I  
20 would not be aware of.

21 Q. What kind of supplies did the shipping  
22 room have?

23 A. They may have some spray cans of paint and  
24 we have paint for labeling crates and things of

1 that nature. I don't know what else they might  
2 have that would be a chemical.

3 Q. All right. Other than the shipping  
4 department and office supplies, to your knowledge  
5 did any other department, division or shop at the  
6 Woburn plant purchase chemicals or use products  
7 containing chemicals other than the ones that you  
8 have identified: the sheet metal shop, the  
9 assembly department, the paint shop and the machine  
10 shop?

11 A. I don't believe so.

12 Q. Now, did the shipping department to your  
13 knowledge at any time or for whatever purpose ever  
14 purchase chemicals, drums of chemicals from any  
15 manufacturer or source?

16 A. Not that I'm aware of.

17 Q. Isn't it a fair statement, Mr. Shalline,  
18 that it was your understanding that as part of your  
19 duties and responsibilities that you were  
20 responsible to approve the purchase of any  
21 chemicals, hazardous chemicals, which were used at  
22 the Woburn plant? Isn't that true, sir?

23 MR. CHEESEMAN: You asking him at any  
24 particular point in time?

1 Q. I am asking him as to his understanding.

2 A. When I was responsible for those  
3 departments I was.

4 Q. And at what -- what were the years that  
5 you were responsible?

6 A. I would say approximately the late sixties  
7 to the late seventies.

8 Q. Are you still responsible? After the late  
9 seventies were you responsible for the purchasing  
10 or the approving of the purchasing of any hazardous  
11 substances at the Woburn plant?

12 MR. CHEESEMAN: Objection. You  
13 asking about hazardous substances now?

14 Q. Hazardous chemicals.

15 MR. CHEESEMAN: Might be easier if  
16 you just asked chemicals.

17 Q. I'm going to concede the point.  
18 Responsible for chemicals?

19 A. I would say so.

20 Q. Still?

21 A. Yes.

22 Q. All right. Now, between the 1960 and the  
23 late 1960's, did you have any responsibilities  
24 regarding the purchasing, the ordering or the

1       procuring of chemicals at the Woburn plant?

2                       MR. CHEESEMAN: You asking before the  
3       late 1960's?

4               Q.     Yes, from 1960 to the late 1960's,  
5       whatever that might be.

6               A.     I would have had, as I remember,  
7       responsibility for the assembly and the paint shop.

8               Q.     Would you have any responsibility for the  
9       paint shop? You said paint shop. Machine shop?

10              A.     No, I would not.

11              Q.     What was the position that you took over  
12       in the late 1960's that made you responsible for  
13       the purchasing of chemicals at the Woburn plant?

14              A.     I think I was shop foreman.

15              Q.     All right. So the shop foreman between  
16       1960 and the late 1960's would have been  
17       responsible for the procuring of chemicals for the  
18       machine shop and the sheet metal shop?

19                     MR. CHEESEMAN: You're asking from  
20       1960 to the late sixties?

21              Q.     Late sixties, right.

22                     MR. CHEESEMAN: You're asking him if  
23       there was some predecessor shop foreman that had  
24       responsibility?

1 Q. That's a good way. Was there a shop  
2 foreman before you took over the position?

3 A. No, there was not.

4 Q. You were the first shop foreman?

5 A. That's right.

6 Q. Thank you, Bill.

7 MR. CHEESEMAN: It was asked and  
8 answered earlier this week.

9 Q. Thank God you were listening. Well, Mr.  
10 Shalline, who was responsible for the procuring of  
11 chemicals for the machine shop and the sheet metal  
12 shop between the 1960's and the late 1960's -- 1960  
13 to the late 1960's?

14 A. The supervisor was in charge at that time.

15 Q. Who was the supervisor between those years?  
16 If there was more than one, who were they?

17 A. I can't be exactly sure of the names.

18 Q. The best of your knowledge?

19 A. Best of my knowledge would be E. Longo,  
20 L O N G O, and sheet metal --

21 Q. What years?

22 A. I would say during the time that we're  
23 talking about, up to late sixties.

24 Q. Anybody else and?

1           A.     In the machine shop it would be Andy  
2 Maroone, M A R O O N E.

3           Q.     Is that all?

4           A.     I would say so.

5           Q.     Mr. Shalline, in Shalline Exhibit 14 which  
6 is a memo dated November 22nd, 1967, you have a  
7 list in there of chemicals used at the plant, isn't  
8 that right?

9           A.     May I look at that?

10          Q.     Sure.

11                   MR. CHEESEMAN:   What page are you  
12 referring to?

13          Q.     Page 8 and continuing.

14                   (Witness looked at document).

15          Q.     Was that Shalline Exhibit No. 14 memo  
16 dated November 22nd, 1967, was that to your  
17 knowledge all of the chemicals then in use at the  
18 plant?

19          A.     To my knowledge.

20          Q.     And you gathered together that list in  
21 what capacity?

22                   MR. CHEESEMAN:   If you gathered it  
23 together.

24          Q.     Okay. Did you gather together this

1 information?

2 A. I believe so.

3 Q. What capacity did you gather this  
4 information together?

5 A. I don't know what my title would have been  
6 at that time.

7 Q. What do you believe it was, if you believe  
8 it was?

9 A. I believe it was probably shop foreman.

10 Q. When did you become shop foreman?

11 A. The late sixties I believe.

12 Q. Well, when you say late sixties, was it  
13 before 1967?

14 A. It would appear to be.

15 Q. Do you know how many years before 1967?

16 A. No, I don't.

17 Q. Prior to 1967, you were a member of the  
18 safety committee, isn't that right?

19 A. That's right.

20 Q. And in your capacity as a member of the  
21 safety committee, you were made aware of the  
22 chemicals that were used at the plant, isn't that  
23 true?

24 A. I was aware of them.

1 Q. And in your capacity as a member of the  
2 safety committee or in any other capacity from 1960  
3 to 1967 before you became shop foreman, you were  
4 made aware of what chemicals were being purchased  
5 or used at the Woburn plant, isn't that true?

6 A. In my department I was. I wasn't aware of  
7 what was being bought in the other departments.

8 Q. How about as your capacity as a member of  
9 the safety committee, weren't you made aware of  
10 what chemicals were being used at the plant?

11 A. I don't believe so.

12 Q. So you were unaware of what other  
13 chemicals were being used at the plant between 1960  
14 and 1967?

15 A. I would say that was true.

16 Q. Mr. Shalline, weren't you responsible for  
17 disposal of chemicals between 1960 or 1967?

18 A. I don't believe so.

19 Q. Did you have any responsibilities regarding  
20 the disposal of chemicals between 1960 and 1967?

21 A. I don't believe so.

22 Q. How about in your capacity with the paint  
23 shop or machine shop?

24 A. I can't remember how they disposed of any

1 of their waste.

2 Q. During the time that you were associated  
3 with them, between 1960 and 1967?

4 MR. CHEESEMAN: He is asking you if  
5 you were associated with the machine shop and the  
6 paint shop between 1960 and 1967.

7 Q. Right.

8 A. I wasn't associated with the machine shop  
9 until I was shop foreman.

10 Q. In 1967?

11 A. Approximately. What they did with their  
12 waste, I don't know.

13 Q. But you know what they did with the paint  
14 shop waste between 1960 and 1967?

15 A. They accumulated it.

16 Q. And what did they do with it after they  
17 accumulated it?

18 MR. CHEESEMAN: If you know?

19 Q. Only if you know.

20 A. I can't be sure of what was done with it.

21 Q. Do you have any idea what they did with it?

22 A. No.

23 Q. Let's go back to these exhibits here.

24 We're on July, just two pages.

1 (Documents marked Exhibit 20 G and  
2 shown to Mr. Frederico and then the witness).

3 Q. Are you familiar with these documents?

4 A. I can't say that I am.

5 Q. Did you approve this order or does it  
6 indicate this order on page 2 that you approved  
7 this order?

8 A. Somebody signed it. I don't know who.

9 Q. Aren't those your initials?

10 A. They are my initials. It is not my  
11 writing.

12 Q. Someone else signed for you?

13 A. It appears that way.

14 Q. But you don't remember ever authorizing  
15 this?

16 A. I can't remember that.

17 Q. So somebody used your signature without  
18 your authorization to your knowledge?

19 A. That's right.

20 Q. Now, these two pages relate to the same  
21 chemical?

22 A. I don't know if they do or not. I can't  
23 read it.

24 Q. So that these two documents could refer to

1 different chemicals then?

2 MR. CHEESEMAN: He doesn't know  
3 what's on the first page.

4 MR. SCHLICTMANN: Do you have a  
5 better copy?

6 MR. CHEESEMAN: No.

7 MR. SCHLICTMANN: Your copy is as bad  
8 as this?

9 MR. CHEESEMAN: Worse.

10 MR. SCHLICTMANN: Worse? How can it  
11 be worse? Where did you get it from? Are these  
12 things in museums or something, they don't allow  
13 you to bring them out or there is a Grand Jury that  
14 subpoenaed these or something? How come you don't  
15 have them?

16 MR. CHEESEMAN: I move to strike the  
17 record.

18 A. I can't read the first page to know.

19 Q. Well, either can I. That makes two of us.  
20 All right. Now, Mr. Shalline, to your knowledge  
21 did people without your authorization approve the  
22 purchase of chemicals on occasions?

23 A. I would say so.

24 Q. Do you know how many occasions it was done

1 without your authorization?

2 A. No, I don't.

3 Q. Was that a practice at the plant to  
4 approve chemicals without your authorization?

5 A. At the time.

6 Q. At what time are we talking about?

7 A. Almost from the time, from the beginning.

8 Q. What year is that?

9 A. 1960.

10 Q. The people would purchase chemicals  
11 without your approval or authorization on occasions?

12 A. It had been repeat things that we buy over  
13 and over again they usually do.

14 Q. All right. So things could be purchased  
15 without your knowledge?

16 A. That's right.

17 MR. CHEESEMAN: I would just point  
18 out that with respect to Exhibit 20 G, the witness  
19 originally said he did not remember whether he had  
20 authorized anyone to sign his name.

21 (Documents were marked Exhibit 20 H).

22 MR. SCHLICHTMANN: I think the record  
23 is very clear about what the witness said. I think  
24 he is very clear about what he said. It is not for

1 us to characterize.

2 MR. CHEESEMAN: I know. That's why I  
3 object to your putting words in his mouth.

4 MR. SCHLICTMANN: I don't think I put  
5 any words in his mouth. I think he has been doing  
6 very well all on his own.

7 (Counsel looked at document).

8 Q. Do you recognize this document?

9 MR. CHEESEMAN: Exhibit H has four  
10 pages.

11 A. I do.

12 Q. What is that that's Shalline Exhibit 20 H?

13 A. It is the documentation on buying No. 1219  
14 cleaning solvent.

15 Q. Do you know what the constituents of 1219  
16 cleaning solvent are?

17 A. No, I don't.

18 Q. Do you know what chemicals are in it?

19 A. No, I don't.

20 Q. Did you know at the time?

21 A. No.

22 Q. Was that order approved by you?

23 A. It was.

24 Q. And all those documents refer to the same

1 order?

2 A. Yes, they do.

3 (Documents were marked Exhibit 20 I).

4 (Documents were shown to counsel).

5 MR. CHEESEMAN: Exhibit 20 I consists  
6 of four pages.

7 Q. Would you please examine those documents?

8 MR. CHEESEMAN: With funny little  
9 holes in them.

10 Q. I'm sure the jury will spend a whole day  
11 trying to figure where those holes came from.

12 A. Okay.

13 Q. Do those documents refer to the same order  
14 to your knowledge?

15 A. Yes, they do.

16 Q. Was that order approved by you?

17 A. Yes, it was.

18 (Documents were marked Exhibit 20 J).

19 (Documents were shown to counsel).

20 Q. This is a real good one. Good luck to you.

21 MR. CHEESEMAN: Exhibit 20 J consists  
22 of four pages.

23 Q. Do you know if these documents relate to  
24 each other? 20 J?

1 A. Three of them do.

2 Q. That would be the pages two, three and  
3 four?

4 A. That's right.

5 Q. And the first page?

6 A. I don't know, I can't read the first page.

7 Q. Either can we. We don't have a better  
8 copy?

9 MR. CHEESEMAN: Not at the moment.

10 Q. But you believe that the other three pages  
11 of Plaintiff's Exhibit 20 J are related?

12 A. Right.

13 Q. And was that approved by you or was this  
14 approved by somebody using your signature?

15 A. That was approved by me.

16 Q. Do you have any independent knowledge  
17 about that order?

18 A. No, I don't.

19 Q. Other than what is in the document?

20 A. No.

21 (Documents were marked Exhibit 20 K).  
22 Documents were shown to counsel).

23 MR. CHEESEMAN: Exhibit 20 K has  
24 three pages.

1 Q. Those pages refer to each other, refer to  
2 the same chemical purchase?

3 A. I would say so.

4 Q. Did you approve that order?

5 A. Yes, I did.

6 Q. Is that your signature?

7 A. It is.

8 Q. And Stan B, who is that? Stan P, excuse  
9 me, or maybe it is Stan B. It says on the first  
10 page, looks like, what does that stand for? It has  
11 parentheses on there. What is that if you know?

12 A. I don't know.

13 Q. Are they referring to the department it is  
14 supposed to go to?

15 A. They could.

16 Q. On the second page it has ship to Stan B.  
17 Do you know what that refers to?

18 A. Stanley Bialach.

19 Q. He is in the machine shop?

20 A. That's right.

21 Q. I ask if these pages related to each other.  
22 Do these documents 20 K all relate to each other?

23 A. I would say so.

24 Q. Now, it says, this is solvent 1219, is

1 that right?

2 A. That's right.

3 Q. Do you know what the constituents of that  
4 solvent are?

5 A. No, I don't.

6 Q. Did you know then?

7 A. No, I didn't.

8 (Documents were marked Exhibit 20 L).

9 (Documents were shown to counsel).

10 MR. CHEESEMAN: 20 L consists of four  
11 pages.

12 Q. Shalline Exhibit 20 L, are you familiar  
13 with those documents?

14 A. Yes, I am.

15 Q. Those documents all refer to the same  
16 order to your knowledge?

17 A. Yes, they do.

18 Q. And what is that order?

19 A. For a drum of trichloroethylene.

20 Q. Who approved that order?

21 A. I approved it.

22 Q. Who requested it?

23 A. I requested it.

24 Q. To your knowledge were you the only

1 individual who requested or approved the order of  
2 trichloroethylene that was used at the plant  
3 between 1967 and 1979?

4 A. I don't know.

5 Q. Could there have been others?

6 MR. CHEESEMAN: Objection.

7 Q. To your knowledge?

8 A. Could be.

9 Q. But you have no knowledge of any others?

10 A. No, I don't.

11 Q. Do you have any independent knowledge of  
12 this order for trichlorethylene other than what's  
13 in the document?

14 A. No, I don't.

15 Q. Do you remember ordering it or approving  
16 it or requesting it?

17 A. No, I don't.

18 Q. Now, you bought this chemical  
19 trichloroethylene, drum of trichloroethylene from  
20 who?

21 A. Stephen Roger.

22 Q. Who is Stephen Roger?

23 A. That's who the purchasing department  
24 bought the material from.

1 Q. The purchasing department of who?

2 A. Of W. R. Grace.

3 Q. Well, let me understand, Stephen Rogers  
4 associated with W. R. Grace or the Cryovac Division  
5 or the Woburn plant?

6 A. I don't believe so.

7 Q. Who is he related to?

8 A. I don't understand the question.

9 Q. Is that the name of a person or a company,  
10 Stephen Roger?

11 A. I believe it is a company. It says  
12 Stephen Rogers, Inc. on the packing list.

13 Q. Stephen Rogers, Inc. in Hingham, Mass.?

14 A. That's right.

15 Q. You purchased this trichloroethylene from  
16 Stephen Rogers, Inc.?

17 MR. CHEESEMAN: What do you mean by  
18 you?

19 Q. You, Mr. Shalline?

20 A. Purchasing department.

21 Q. You requested and approved this purchase  
22 of the drum of trichlorethylene?

23 MR. CHEESEMAN: It doesn't show that  
24 he requested it.

1 Q. It doesn't?

2 A. I didn't put the vendor's name down.

3 Q. Did you know who the vendor was for  
4 trichlorethylene?

5 MR. CHEESEMAN: The vendor?

6 Q. Any vendors for trichloroethylene?

7 A. I can't remember.

8 Q. Well, did you ever have any contact with  
9 Stephen Rogers, Inc. company?

10 A. Not that I can remember.

11 Q. At any time?

12 A. Not that I remember.

13 Q. Did you ever have any contact with anybody  
14 from the Stephen Rogers, Inc. regarding  
15 trichloroethylene?

16 A. Not that I remember.

17 Q. Did you have any contact with people from  
18 the Dow Chemical Company with regard to  
19 trichloroethylene?

20 A. I don't believe so.

21 Q. Did you know that Stephen Rogers, Inc. was  
22 a vendor or a distributor of Dow Chemical products?

23 A. I don't believe so.

24 Q. All these documents, I think I asked you,

1 relate to the purchase of this trichloroethylene  
2 indicated in the purchase order?

3 A. I would say that they do.

4 Q. On the third page after the page with your  
5 approval on it, the third page of the document is  
6 on Stephen Rogers, Inc. stationery?

7 A. Yes.

8 Q. There is a name says Cryovac and there is  
9 a signature. What signature is that if you know?

10 A. I believe it is Frank Dickey.

11 Q. Who is Frank Dickey or who was Frank  
12 Dickey?

13 A. He was an inspector.

14 Q. For who?

15 A. Cryovac.

16 Q. And did he work at the Woburn plant?

17 A. Yes, he did.

18 Q. How long has Mr. Dickey been an inspector  
19 at the Woburn plant to your knowledge?

20 A. I don't know how many years he worked  
21 there.

22 Q. Was he there in the 1960's to your  
23 knowledge?

24 A. I can't remember.

1 Q. Was he there in the 1970's to your  
2 knowledge?

3 A. I would say he was.

4 Q. Now, what was Mr. Dickey's responsibility  
5 as inspector to your knowledge?

6 A. He would inspect finished goods, he would  
7 inspect in process parts produced and on occasions  
8 he would inspect purchased parts and materials,  
9 supplies.

10 Q. Do you have any knowledge as to why Mr.  
11 Dickey's signature appears on this --

12 A. I have no idea.

13 Q. Invoice?

14 A. I believe -- I don't know why.

15 Q. What is your best belief?

16 MR. CHEESEMAN: Objection.

17 A. It looks like that he may have signed for  
18 the material because the receiver was away from his  
19 desk.

20 Q. I see. He wasn't doing any inspecting  
21 concerning trichloroethylene to your knowledge?

22 A. Not to my knowledge.

23 Q. Concerning this order of trichloroethylene?

24 A. No, I believe he just signed the delivery

1 slip.

2 (Document was marked Exhibit 20 M).

3 (Document was shown the counsel).

4 MR. CHEESEMAN: Exhibit 20 M is one  
5 page.

6 Q. What is that document?

7 A. It is a copy of a Cryovac receiving report.

8 Q. For what chemical?

9 A. Trichloroethylene.

10 Q. Do you have any independent knowledge of  
11 that order other than what's indicated on this  
12 order?

13 A. No, I don't.

14 Q. Did you approve this order?

15 A. I don't know. This is not an order.

16 Q. What is it?

17 A. It is a receiving report.

18 Q. Receiving report. This is indicating what  
19 was received by the Woburn plant?

20 A. That's right.

21 Q. Do you know whether you approved the  
22 receivable of this drum of trichloroethylene on  
23 that date?

24 A. No, I don't.

1 MR. SCHLICTMANN: Those are all the  
2 documents which I received which we are going to  
3 refer to as purchase orders and related documents  
4 from the defendant W. R. Grace, and I would ask  
5 that the defendant's attorney inform me whether  
6 those are all the purchase orders that you believe  
7 you supplied us or that are in existence.

8 (Mr. Stoler and Mr. Cheeseman  
9 conferred).

10 MR. CHEESEMAN: I am not able to  
11 answer that from memory or from any materials that  
12 I have got with me.

13 MR. SCHLICTMANN: From the materials  
14 you have with you, you don't have anything in  
15 addition in the materials you have with you?

16 MR. CHEESEMAN: We don't have  
17 anything additional with us right now. We also  
18 don't have everything with us you had marked.

19 MR. SCHLICTMANN: You mean I had a  
20 couple of extra ones?

21 MR. CHEESEMAN: Right.

22 MR. SCHLICTMANN: Is that right? I'm  
23 not going to tell you where I got them.

24 MR. CHEESEMAN: They are probably

1       forged.

2           Q.     Mr. Shalline, there have been two  
3 documents which have been entered which concern the  
4 purchase, indicate the purchase of two 55 gallon  
5 drums of trichloroethylene in February of 1973 to  
6 the paint shop and in June of 1972 to the paint  
7 shop. Now, to your knowledge did the Woburn plant  
8 at any time purchase trichloroethylene other than  
9 those two dates indicated by those two documents  
10 Shalline Exhibit 20 L and M?

11           MR. CHEESEMAN: You asking for this  
12 witness's knowledge?

13           Q.     This witness's knowledge.

14           A.     I not aware of any others.

15           Q.     You are not aware of the purchases of any  
16 other trichloroethylene drums?

17           A.     No.

18           Q.     Is it your testimony, sir, based on your  
19 knowledge that the Woburn plant to your knowledge  
20 during the time that you have been associated with  
21 it from the beginning in 1960 until today that the  
22 Woburn plant to your knowledge has only purchased  
23 two 55 gallon drums of trichloroethylene, one on  
24 February 5th, 1973 and one on June 22nd, 1972?

1 MR. CHEESEMAN: I object. The  
2 witness has testified that he wasn't aware of  
3 everything that was purchased --

4 MR. SCHLICTMANN: I'm asking for his  
5 knowledge. That's all I want is his knowledge.

6 MR. CHEESEMAN: May I state my  
7 objection, please?

8 MR. SCHLICTMANN: No, because I don't  
9 want you to influence the witness's answer. I just  
10 want the questions answered.

11 MR. CHEESEMAN: If you won't permit  
12 me to make the objection, I won't permit the  
13 witness to answer.

14 MR. SCHLICTMANN: Checkmate. Make  
15 your objection, so I get my answer.

16 MR. CHEESEMAN: Thank you. I object  
17 on the grounds that the witness has already  
18 testified that he was not familiar with all  
19 purchasing activity in the plant. Therefore he is  
20 not capable of answering the question. Another way  
21 of saying that is you haven't laid a foundation.

22 Q. We are in a court --

23 MR. CHEESEMAN: Furthermore, I would  
24 point out to you that you are aware that other

1 exhibits already marked reflect other purchases.

2 Q. I see. Now that Mr. Shalline is aware of  
3 that information, let me ask the question again.  
4 Mr. Shalline, according to your knowledge, sir, do  
5 you know whether at any time from 1960 to the  
6 present that there were purchases of  
7 trichloroethylene other than the two purchases  
8 indicated in Plaintiff's Exhibit 20 L dated  
9 February 5th, 1973 of one 55 gallon drum of  
10 trichloroethylene and June 22nd of 1972 of one 55  
11 gallon drum of trichloroethylene, are you aware of  
12 any other purchases or procurements of  
13 trichloroethylene other than those two that I have  
14 just stated?

15 A. I can't remember approving any additional  
16 other than the two that are documented.

17 MR. CHEESEMAN: That was a good  
18 question, Jan. I knew you could do it if you tried.

19 Q. But I am asking not what you remember  
20 approving, or if you remember approving others I  
21 would like to know that, but what I'm asking is  
22 your knowledge, whether you approved or you didn't  
23 approve, whether you were involved with it or  
24 whether you were not involved with it. To your

1 knowledge were any other purchases or procurements  
2 made of trichloroethylene other than the two  
3 procurements indicated in Shalline Exhibit 20 L and  
4 Shalline Exhibit 20 M concerning trichloroethylene?

5 A. I can't remember, again, approving a third  
6 order, but I do remember the exhibit that said 150  
7 gallons.

8 Q. All right. Were other drums of  
9 trichloroethylene obtained at any time for use at  
10 the Woburn plant, to your knowledge, other than the  
11 two indicated on February 5th, 1973 and June 22nd,  
12 1972?

13 A. Based on the exhibits, there were.

14 Q. And do you know how many drums were  
15 purchased or procured?

16 A. No, I don't. It appears to be one.

17 Q. Could there be more than one?

18 MR. CHEESEMAN: Objection.

19 A. I don't know.

20 Q. Well, Mr. Shalline, what's your best  
21 memory as to whether there was more than one drum  
22 additional?

23 A. I don't believe there was anything  
24 additional.

1 Q. Could have been?

2 MR. CHEESEMAN: Objection.

3 A. There could have been that I wasn't aware  
4 of or I am not aware of.

5 MR. SCHLICTMANN: Take a short three  
6 minute break and see if we can wrap this up.

7 (Recess).

8 Q. Mr. Shalline, to your knowledge did the  
9 Woburn plant ever receive drums of chemicals --  
10 strike that. To your knowledge did the Woburn  
11 plant ever receive chemicals without purchasing  
12 them, in other words from another source without  
13 actually purchasing them from somebody?

14 A. I believe they have.

15 Q. All right. What chemicals are you  
16 familiar with that they received from another  
17 source without purchasing them?

18 MR. CHEESEMAN: You can answer if you  
19 remember in general terms. Except of course with  
20 respect to the six complaint chemicals.

21 A. Cutting oils, samples of cutting oils to  
22 be tried.

23 Q. Who would send you the samples of cutting  
24 oils?

1           A.     That would have -- that would have gone to  
2     the machine shop.

3                     I can't remember the name of the  
4     company that sent it in.

5           Q.     But do you know what was contained in the  
6     cutting oils?

7           A.     Johnson Wax was one of them. I don't know  
8     what was in it.

9           Q.     Do you know what solvents were in it or  
10    any other kind of chemical?

11          A.     No idea.

12          Q.     Other than being sent -- how would these  
13    samples come, in what kind of containers?

14          A.     Usually five gallon plastic pail.

15          Q.     Other than these five gallon plastic pails,  
16    did you ever receive chemicals from the Cryovac  
17    Division?

18          A.     Not to my knowledge.

19          Q.     Did any company or division of W. R. Grace  
20    ever send you from time to time chemicals?

21          A.     I bought a drum of floor sealer to be  
22    applied to seal concrete floors.

23          Q.     Where did you get that from?

24          A.     Duri -- no, I think I had to go to a

1 company in Watertown to buy it.

2 Q. Did you have, other than that, did you  
3 ever receive any chemicals or materials containing  
4 chemicals from any division or company of W. R.  
5 Grace other than from the Woburn plant itself?

6 A. I don't understand that question.

7 Q. Well, did any company or division or from  
8 whatever source in W. R. Grace other than the  
9 Woburn plant, did you ever receive chemicals or  
10 materials containing chemicals?

11 A. No, not to my knowledge.

12 Q. Did you ever receive any drums of  
13 chemicals -- strike that. Did you ever receive  
14 containers with chemicals or materials containing  
15 chemicals from any source at the Woburn plant other  
16 than ones that you purchased for use at the plant?

17 A. Just those samples that we talked about.

18 Q. Did you ever receive any containers with  
19 hazardous waste in it from any source which were  
20 stored at the Woburn plant?

21 MR. CHEESEMAN: I object.

22 MR. FREDERICO: Objection.

23 A. No.

24 Q. Are you familiar with the solid waste

1 disposal act or the act which is commonly referred  
2 to as the Resource Conservation Recovery Act?

3 A. I am familiar with it.

4 Q. What is that?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. I believe that's the law that governs the  
8 disposal of certain waste.

9 Q. Are you familiar with that law at all or  
10 what provisions of the law have been explained to  
11 you by any source or any person?

12 A. From reading it.

13 Q. You have read it?

14 A. I wouldn't say I have read it all. I am  
15 aware of it.

16 Q. Do you remember when you read it?

17 A. No, I don't.

18 Q. Do you remember if you read it at the time  
19 it was enacted or soon after it was enacted?

20 A. I probably read portions of it.

21 Q. Did you understand that the letter sent to  
22 you by -- letter sent to the Woburn plant dated  
23 January 1982 was sent pursuant to provisions of  
24 that law?

1 MR. FREDERICO: Objection.

2 Q. RCRA Act?

3 MR. CHEESEMAN: Objection.

4 Q. Was that your understanding?

5 A. I don't know.

6 Q. Was it your understanding that the reply  
7 that you were providing information for to this  
8 letter from the EPA of January 1982, was it your  
9 understanding that you had a legal obligation to  
10 provide information to answer that letter from the  
11 EPA dated January 1982?

12 MR. FREDERICO: Objection.

13 MR. CHEESEMAN: Objection.

14 A. I would say so.

15 Q. Did you understand that at the time that  
16 you provided information that you had a legal  
17 obligation to provide truthful information  
18 concerning the information requested by the EPA in  
19 their letter of January 1982?

20 MR. CHEESEMAN: Objection.

21 MR. FREDERICO: Objection.

22 A. Yes.

23 Q. At the time that you made, you provided  
24 information for the reply to that letter, did you

1 know that or had you learned in your investigation  
2 that drums may have been disposed of in that pit  
3 during the incident which you authorized in the mid  
4 seventies?

5 MR. CHEESEMAN: May I have that read  
6 back?

7 (Question reread).

8 A. I would say so.

9 Q. What did you know?

10 A. I knew that I had authorized disposal in  
11 the pit.

12 Q. Disposal of what?

13 A. Drums of material, waste material.

14 Q. All right. So you knew that drums had  
15 been put into the pit?

16 A. Had been drained into, I understood them  
17 to be drained.

18 Q. Did your investigation also show that some  
19 drums may also have been placed into the pit as  
20 well as being poured into the pit?

21 MR. CHEESEMAN: To his knowledge  
22 prior to the date of that letter?

23 Q. Yes, based on your investigation?

24 A. I don't believe so.

1 Q. Did you have discussions with Mr. Kelly,  
2 present during discussions with Mr. Kelly?

3 A. I can't remember.

4 Q. You testified two days ago that you were  
5 present in conversations with Mr. Kelly.

6 A. I had talked with him. Whether he was  
7 there when that information was gathered or whether  
8 I was elsewhere, I don't remember.

9 Q. But you remember having an investigation  
10 in order to answer the letter to the EPA, isn't  
11 that right?

12 A. That's right.

13 Q. And during your investigation, didn't you  
14 discuss with employees who were involved with this  
15 incident regarding the pit?

16 A. Yes, I did.

17 Q. Did you have conversations with them and  
18 did they give you information?

19 A. I would say they did.

20 Q. All right. Did any of them indicate that  
21 drums may also have been placed in the pit as well  
22 as being poured into the pit?

23 A. I don't remember whether they stated that  
24 or not.

1 Q. Well, could they have?

2 MR. CHEESEMAN: Objection.

3 A. They could have.

4 Q. Which employees did you talk to?

5 A. Talked to Frank Kelly, Tom Barbas, I  
6 believe Ed Orazine, O R A Z I N E.

7 I think that's all at that time.

8 Q. To your knowledge was it your  
9 understanding that all of those gentlemen were  
10 involved in the incident regarding the pit?

11 A. It was my thought that they had maybe some  
12 information.

13 Q. Do you know if they were involved in it?  
14 Did they indicate they were involved in it?

15 A. I know Kelly was involved with it. Who  
16 else, I don't know.

17 Q. Do you now understand how many people were  
18 involved in it?

19 A. No, I don't.

20 Q. Did Mr. Kelly indicate how many people  
21 were involved in it?

22 A. Not that I can remember.

23 Q. And it is your memory that during this  
24 investigation, it could have come to your attention

1 that drums also were placed at the pit as well as  
2 being poured in the pit?

3 MR. CHEESEMAN: Objection.

4 A. I don't remember that coming up, but it is  
5 possible.

6 Q. That it came up?

7 MR. CHEESEMAN: Objection.

8 Q. You have to indicate for the record. It  
9 is possible it came up?

10 A. It is possible. I don't remember it.

11 Q. And who was it possible to have come up  
12 from or what source of information you think it was  
13 possible to have come from?

14 MR. CHEESEMAN: Objection.

15 A. It would have come from Frank Kelly.

16 Q. So it is possible that Mr. Kelly  
17 indicating what had happened during that incident  
18 indicated that drums were also placed in the pit as  
19 well as being poured in the pit?

20 MR. CHEESEMAN: Objection.

21 A. That's true.

22 Q. Now, Mr. Shalline, it was your  
23 understanding that the EPA in their letter of  
24 January '82 was requesting from the Woburn plant

1 any and all chlorinated solvents ever generated,  
2 used or otherwise kept by them at the Woburn plant,  
3 isn't that right?

4 MR. CHEESEMAN: I think they were  
5 asking information about it.

6 Q. I believe they requested lists of any and  
7 all chlorinated solvents; is that true?

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

10 Q. Is that what your understanding is?

11 MR. CHEESEMAN: Why don't you put the  
12 exhibit in front of him?

13 Q. Absolutely.

14 (Document handed to the witness).

15 Q. That would be first page there, number 2.

16 MR. CHEESEMAN: Did you have a lot  
17 more questions? It is after one o'clock. Do you  
18 want to take a lunch break?

19 MR. SCHLICTMANN: I am going to wrap  
20 up very shortly.

21 (Exhibits 17 and 18 were handed to  
22 the witness).

23 MR. CHEESEMAN: What portion of that?

24 Q. Question number 2 says list any and all

1 chlorinated solvents ever generated, used or  
2 otherwise kept. Was it your understanding that the  
3 EPA was requesting of the Woburn plant to list any  
4 and all chlorinated solvents that they had ever  
5 used or generated or otherwise kept at the Woburn  
6 plant?

7 A. Yes, it would be.

8 Q. And you helped provide that information,  
9 isn't that right?

10 A. That's right.

11 Q. Now, in the response of February 1982 --

12 MR. CHEESEMAN: Exhibit 18?

13 Q. Yes, Exhibit 18. Four chemicals were  
14 listed; is that right?

15 MR. CHEESEMAN: Your referring to  
16 page two?

17 Q. Yes.

18 A. Four on page two.

19 Q. To your knowledge, sir, in January and in  
20 February of 1982, did the Woburn plant use other  
21 solvents other than the ones listed here?

22 MR. CHEESEMAN: Objection. You may  
23 answer.

24 MR. FREDERICO: I object to the form.

1 A. We would have used other solvents.

2 Q. Could you list those solvents for me or  
3 are you going to object?

4 MR. CHEESEMAN: I will object.

5 Q. Did you know that in February of 1982?

6 MR. CHEESEMAN: Did he know what?

7 Q. What he just answered to.

8 A. That we used other solvents?

9 Q. Yes.

10 A. Other chemicals I would say so.

11 Q. Other solvents?

12 A. I would say so.

13 MR. SCHLICTMANN: And if I ask him to  
14 list those, you are going to object on the same  
15 grounds as you objected before; is that right?

16 MR. CHEESEMAN: That's correct.

17 MR. SCHLICTMANN: Okay. I won't ask  
18 him then.

19 MR. CHEESEMAN: All right.

20 MR. SCHLICTMANN: We are going to  
21 suspend on the condition that there is outstanding  
22 whether this witness is still -- will be compelled  
23 to answer questions that I have posed to him and so  
24 on this basis I am going to suspend, reserving my

1 right to question this witness on any areas that  
2 come up at his next deposition and I'll stop at  
3 this point.

4 MR. CHEESEMAN: I won't agree to that.  
5 My understanding is that you may complete the  
6 deposition now as to those areas where I have  
7 permitted inquiry and that should the Court order  
8 us to answer the questions that we have declined to  
9 answer, then I have told you that we'll bring the  
10 witness back to answer those questions or those  
11 areas where we have declined to provide discovery,  
12 but I am not willing to bring the witness back to  
13 go through additional discovery of things you could  
14 inquire about now.

15 MR. SCHLICTMANN: I may agree to that.  
16 Give me one minute.

17 MR. CHEESEMAN: I assume that's what  
18 you meant.

19 MR. SCHLICTMANN: That's probably  
20 what I meant, and let me be sure that's what I  
21 meant. I often say things I don't mean. Sometimes  
22 I mean things I don't say.

23 (Recess).

24 MR. SCHLICTMANN: This is my

1 understanding. We have the right to bring this  
2 witness back to answer any and all questions  
3 related to the areas that our motion to compel is  
4 concerned with which would be as spelled out in our  
5 latest motion before the Court for an order to  
6 comply, and those are the general topic headings of  
7 the areas we wish to go into. Obviously we have  
8 been prevented from going into them.

9 MR. CHEESEMAN: Well, I don't want to  
10 read through the whole motion right now.

11 MR. SCHLICTMANN: It is at the end.

12 MR. CHEESEMAN: To the extent you are  
13 moving to compel answers in areas where I have  
14 directed the witness not to answer, then obviously  
15 if the Court rules in your favor on the motions,  
16 we'll bring the witness back to inquire into those  
17 areas, whatever areas may be opened by that inquiry.

18 MR. SCHLICTMANN: Or any areas opened  
19 by cross-examination of other attorneys.

20 MR. CHEESEMAN: At such a resumption  
21 of the deposition?

22 MR. SCHLICTMANN: Or today I guess.  
23 But at a resumption I guess would be more  
24 convenient to everybody. So that's our

1 understanding.

2 MR. CHEESEMAN: We have a little bit  
3 of cross here we'd like to get out of the way.

4 MR. FREDERICO: It will be very quick.

5 MR. CHEESEMAN: And then you can be  
6 excused.

7 CROSS-EXAMINATION

8 Q. (BY MR. CHEESEMAN) Mr. Shalline, do you  
9 recall testifying earlier this week that you had  
10 read somewhere that trichloroethylene was  
11 carcinogenic?

12 A. Yes, I do.

13 Q. Let me show you Exhibit 9, the third page.  
14 Is that the document you were referring to?

15 A. It is.

16 MR. CHEESEMAN: I have nothing  
17 further.

18 MR. FREDERICO: I have a very few  
19 questions.

20 CROSS-EXAMINATION

21 Q. (BY MR. FREDERICO) Mr. Shalline, do you  
22 consider yourself to be an expert in determining  
23 the causes of ground water contamination?

24 A. No.

1 Q. Do you have any experience in determining  
2 the causes of ground water contamination?

3 A. None.

4 Q. Have you ever received any training or  
5 education in determination the causes of ground  
6 water contamination?

7 A. No.

8 Q. Do you consider yourself to be an expert  
9 in tannery operations?

10 A. No.

11 Q. Do you have any experience in tannery  
12 operations?

13 A. No, I don't.

14 Q. Have you ever received any training or  
15 education in tannery operation?

16 A. No, I have not.

17 Q. Have you ever worked in a tannery?

18 A. No.

19 Q. Do you have any first-hand knowledge of  
20 the chemicals tanneries use?

21 A. No, I don't.

22 Q. On Wednesday you expressed an opinion  
23 concerning the causes of the alleged groundwater  
24 contamination in Woburn. Do you remember that?

1 A. Yes, I do.

2 MR. CHEESEMAN: Just note that that  
3 was a question to which objections were taken.

4 Q. Was that opinion based --

5 MR. SCHLICTMANN: In case we forget.

6 Q. And objections were taken, was that  
7 opinion based on any expertise you have in the area  
8 of groundwater contamination?

9 A. No, it was not.

10 Q. Was that based on any experience you have  
11 had in determining the cause of groundwater  
12 contamination?

13 A. No.

14 Q. Was that based on any training or  
15 education that you have received on determining the  
16 causes of groundwater contamination?

17 A. No, it wasn't.

18 Q. Was that opinion based on any expertise  
19 you have in tannery operations?

20 A. No, it is not.

21 Q. Was that opinion based on any expertise  
22 you have in tannery operations?

23 A. No.

24 Q. Was that opinion based on any training or

1 education you have received in tannery operations?

2 A. No.

3 Q. Was that opinion based on any first-hand  
4 knowledge you have of chemicals used in tannery  
5 operations?

6 A. No.

7 Q. Was that opinion based on any expertise  
8 you have in any other field?

9 A. I would say no.

10 MR. FREDERICO: I have no further  
11 questions.

12 MR. CHEESEMAN: Any redirect?

13 MR. SCHLICTMANN: Miss Schnoor?

14 MS. SCHNOOR: I have no questions.

15 MR. SCHLICTMANN: No. Based on our  
16 agreement that this witness has to come back,  
17 hopefully, and we resume his deposition in those  
18 areas we have been prevented from inquiring into  
19 and all areas related to, we'll end it.

20 MR. CHEESEMAN: Let's go off the  
21 record.

22 (Deposition recessed at 1:20 PM).  
23  
24

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

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

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

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

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

19   
20 -----  
21 Notary Public in and for the  
22 Commonwealth of Massachusetts.

21 My Commission expires  
22 January 6, 1989.

US EPA ARCHIVE DOCUMENT

24