

Exhibit 8

STATE OF NEW YORK
SUPREME COURT COUNTY OF RENSSELAER

-----:
JAY BURDICK, CONNIE PLOUFFE,
EDWARD PLOUFFE, FRANK SEYMOUR,
EMILY MARPE, as parent and natural
guardian of E.B., an infant, and
G.Y., an infant, JACQUELINE MONETTE,
WILLIAM SHARPE, EDWARD PERROTTI-SOUSIS,
MARK DENUE and MEGAN DUNN,
individually, and on behalf of all
similarly situated,

Plaintiffs,

- Against -

INDEX NO:
00253835

TONOGA, INC. (d/b/a TACONIC),
Defendant.
-----:

VIDEOTAPED DEPOSITION of: TAD HEWITT
(Non-Party Witness)

Wednesday, April 25, 2018
10:03 a.m. - 3:51 p.m.

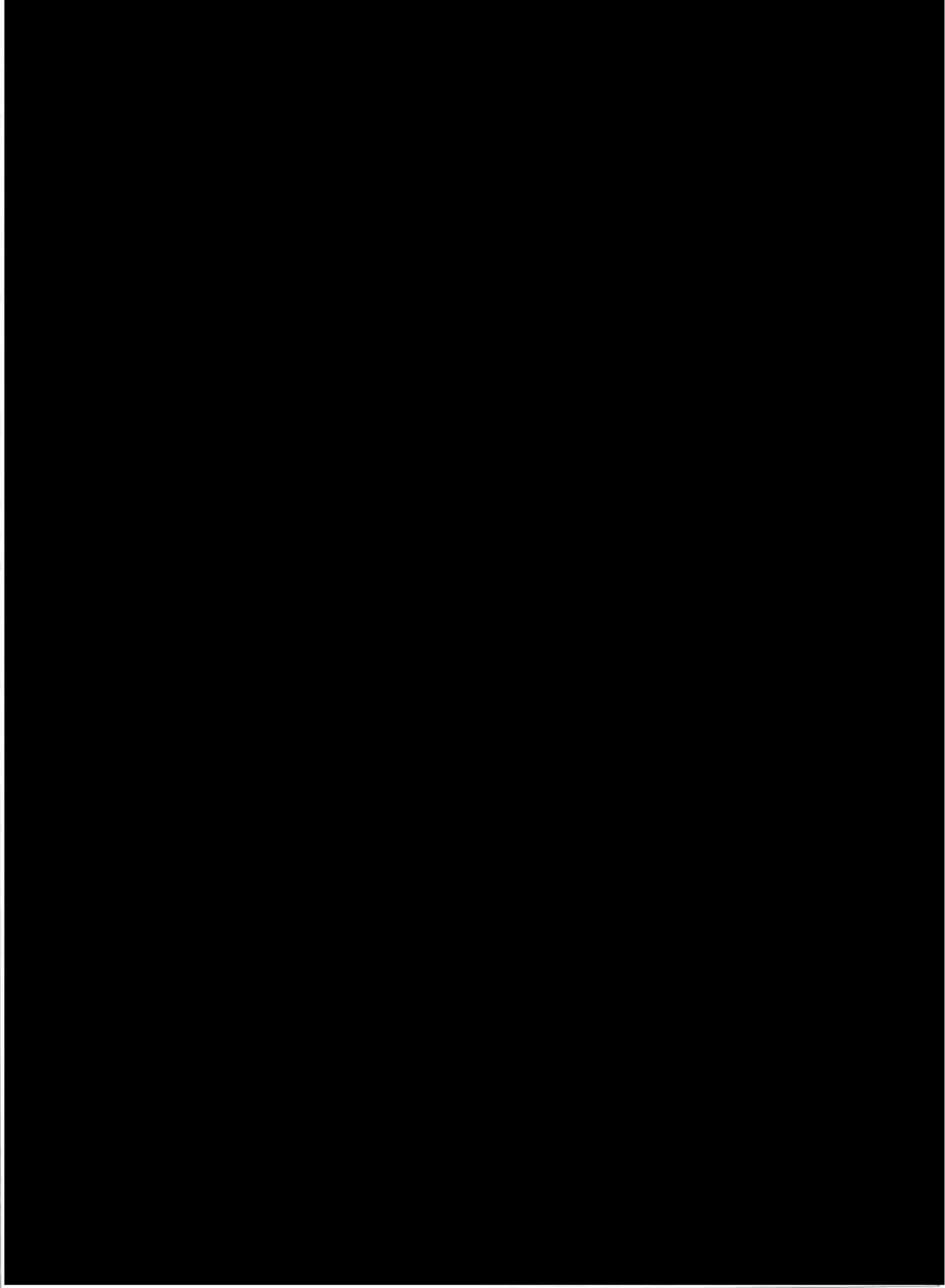
HELD: Bond, Schoeneck & King, PLLC
22 Corporate Woods Boulevard
Albany, New York 12866

Reported by: Deborah M. McByrne
Videotaped by: Corrine Gates

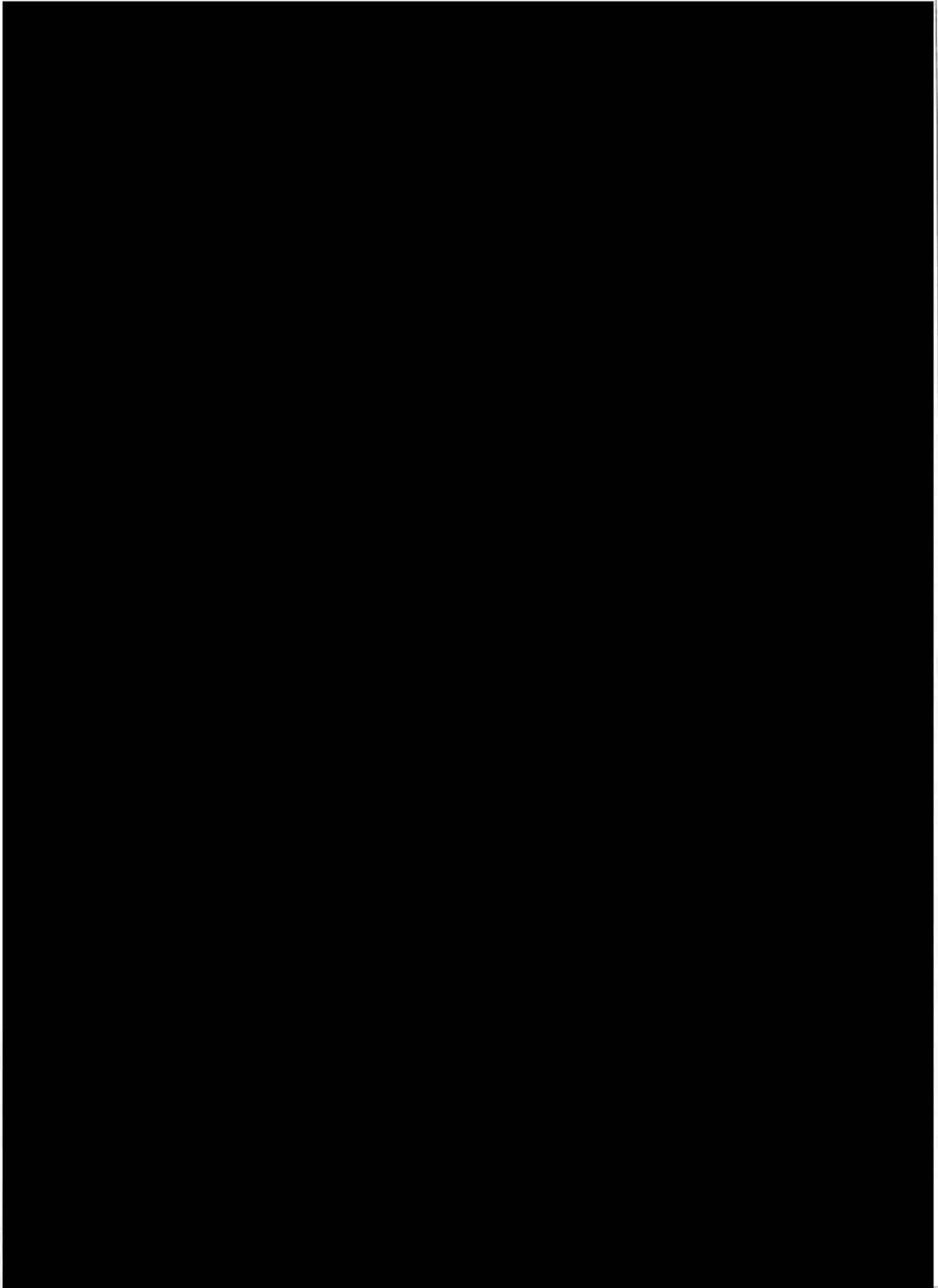
Job No. 2882803

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q. So the drain that you are referring to that went
2 into a holding tank, that was in building four or
3 five?

4 A. That's correct.

5 Q. But you can't recall when?

6 A. Building four definitely had it, five never did.
7 And we went back and filled -- filled in the, what
8 we called the ditch in the building four that ran
9 between the ovens for doing the washouts, because we
10 were collecting the water and taking that to a
11 wastewater treatment facility.

12 Q. So could you explain what you mean more by the
13 ditch?

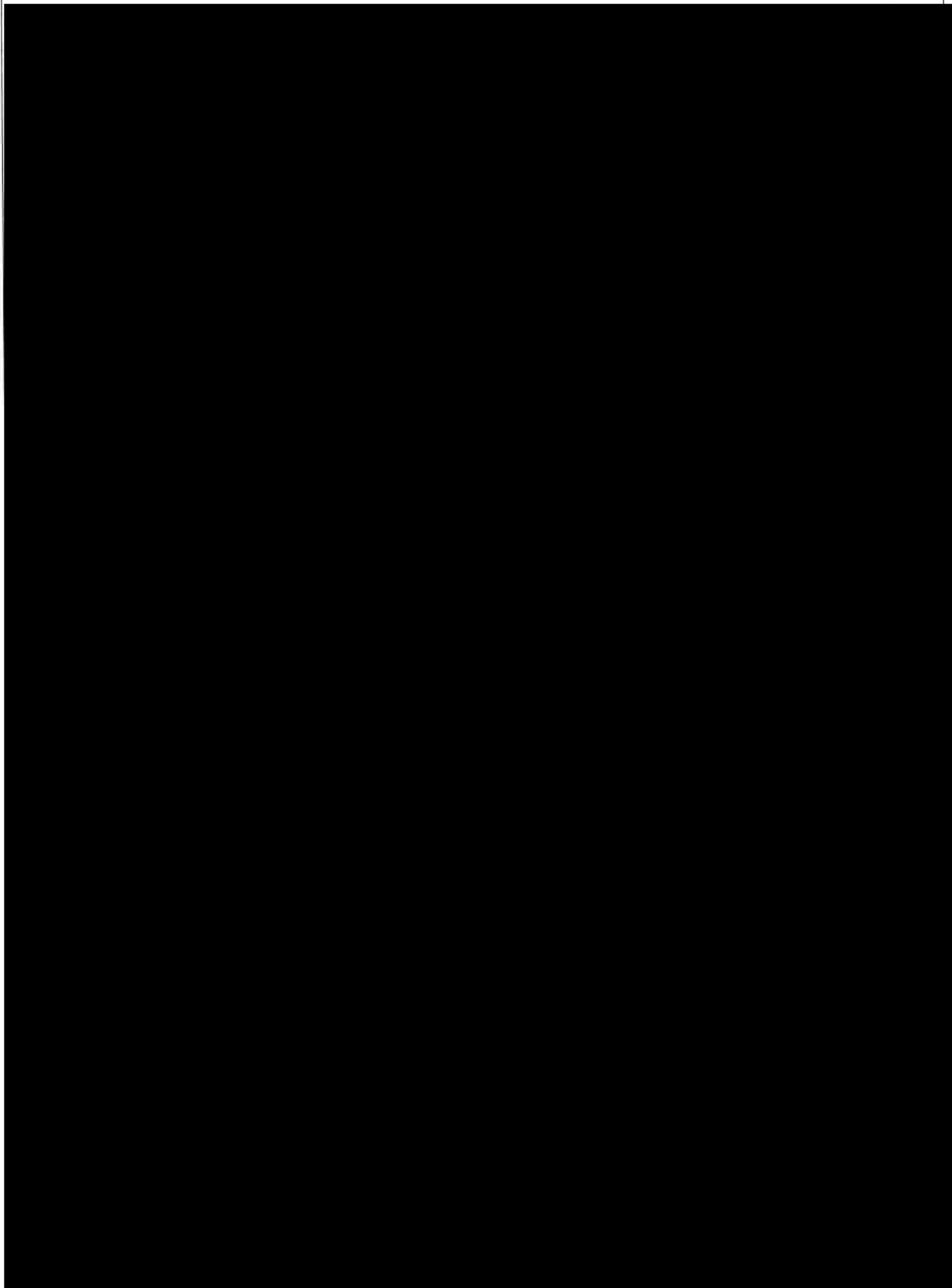
14 A. The ditch was -- is -- it was a trough, if you will,
15 that ran between the ovens. All the ovens were
16 opposed and ran down between them, and went to this
17 big septic tank, holding tank that we would pump
18 out, or have pumped out.

19 Q. So did PTFE dispersion, was that collected in the
20 ditch?

21 A. Not intentionally. I mean, it was wash water. So
22 there obviously was some PTFE in it.

23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



1 Q. What is a fume eliminator?

2 A. That is a piece of pollution control device that is,
3 basically, a scrubber. I don't know if you are
4 familiar with those, but it's a water curtain. The
5 smoke passes through the water curtain. And in this
6 particular case, some filters and...

7 Q. Did all of the smoke -- sorry. Strike that.

8 Did the smoke from all of the ovens in
9 building five funnel into the fume eliminator?

10 A. Yes.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 A. I remember one young lad that I fired.

2 Q. What was his name?

3 A. Dave Kwazneack.

4 Q. What did you fire Dave Kwazneack for?

5 A. For sleeping.

6 Q. Was this in the coating room?

7 A. Yes, it was.

8 Q. Do you remember approximately when that was during
9 your career?

10 A. Early. I don't know.

11 Q. Did you need to get approval from HR before firing
12 Mr. Kwazneack?

13 A. I don't know if -- if I did or didn't. I really
14 don't remember. I know we had some discussions, and
15 one of the fellas that -- I think it was Jerry Henry
16 was kind of running the show at one point. And him
17 and I had some discussions about it, and he wasn't
18 real happy that I wanted to do that, but I said I
19 can't have this happening, so.

20 Q. During your 30 years at Taconic, did anyone ever
21 threaten to fire you?

22 A. Not that I recall.

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 A. Sure, whatever. If that's what it is, PFOA type of
2 thing or --

3 Q. Well, do you know what ammonium perfluorooctanoate
4 is?

5 A. No, not -- I am not a chemist, so...

6 Q. Did you know that the PTFE dispersions fluids
7 contained that chemical?

8 A. Yes.

9 Q. But you don't know what it is?

10 A. No.

11 Q. How did you know that the PTFE dispersion fluids
12 contained ammonium perfluorooctanoate?

13 A. Well, I'm sure I read an MSDS somewhere along the
14 line.

15 Q. But you don't have any specific recollection?

16 A. No.

17 Q. As manager of oven room six, did you have any
18 understanding of what happened to ammonium
19 perfluorooctanoate when it was heated to the
20 temperatures typically used in that room?

21 A. To the best of my understanding is it comes off,
22 and, you know, like, just much like water would
23 evaporate off of something, this is evolved at a
24 temperature.

25 Q. When you say "it comes off", what exactly do you

1 mean?

2 A. It comes off the web.

3 Q. Did you have an understanding of what happens to the
4 chemical when it comes off?

5 A. It goes in through the fume eliminator and gets
6 trapped in the filters process.

7 Q. Is that the entirety of your understanding?

8 MR. SKALABAN: Objection to form.

9 A. Pretty much.

10 Q. So your understanding was that all of the ammonium
11 perfluorooctanoate, when it comes off, travels into
12 the fume eliminator and gets trapped; is that
13 accurate?

14 A. I would say.

15 Q. Did you have any understanding of whether
16 100 percent of the ammonium perfluorooctanoate would
17 come off?

18 A. I don't have a clue what percentage.

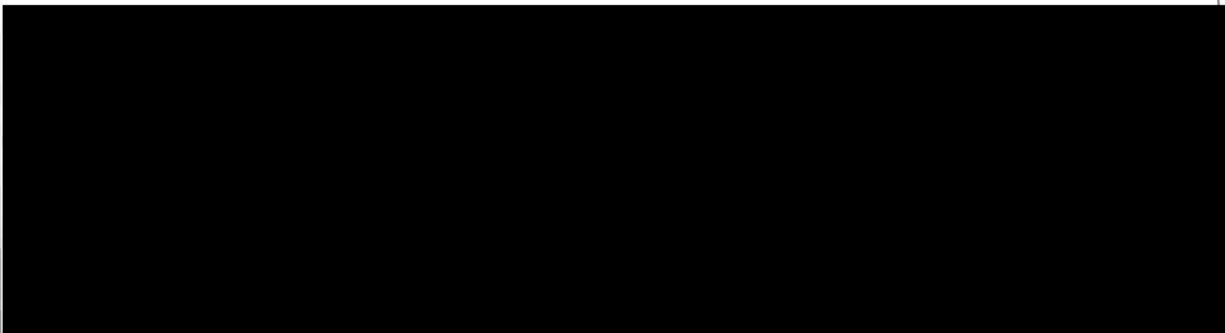
19 Q. Did you ever talk to any of your co-workers about
20 that?

21 A. No.

22 Q. How did you develop an understanding that ammonium
23 perfluorooctanoate comes off during -- during the
24 heating process?

25 A. Just because we would see it in -- if you left it on

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25



Q. Did you know if he was reading any such articles?

A. I don't know what he was doing.

Q. Do you know if Mr. Kosto was having conversations about the health effects PFOA could have on humans or animals with Andy Kawczak?

A. I have no way of knowing that.

Q. Did you and Andy Kawczak ever have any conversations about the effects of PFOA on humans or animals?

A. No.

Q. What about you and Andy Russell?

A. No.

Q. So your understanding is that -- do you have any recolle -- strike that.

Do you have any recollection of employees at Taconic becoming concerned about PFOA, the presence of PFOA in the water on-site?

A. No.

Q. Do you have any recollection of any employees at Taconic becoming concerned about workers being exposed to PFOA?

1 A. No.

2 Q. What about workers being exposed to ammonium
3 perfluorooctanoate?

4 A. No.

5 Q. Did you ever speak to anyone at DuPont about
6 precautions individuals should take to limit their
7 exposure to PFOA?

8 A. Not that I recall.

9 Q. Did you ever speak to anyone at DuPont about what
10 workers should do to limit their exposure to
11 ammonium perfluorooctanoate?

12 A. Not that I recall.

13
14
15
16
17
18
19
20
21
22
23
24
25

1 Q. Were you aware of -- were you personally aware of
2 any steps that Taconic had taken to reduce risks
3 associated with the presence of ammonium
4 perfluorooctanoate streams?

5 A. I may have been. I mean --

6 Q. Do you have any recollection, sitting here today,
7 whether you were aware of any such steps?

8 A. Basically, I do remember that we were trialing the
9 low PFOA dispersions.

10 Q. Do you remember why you were trialing the low PFOA
11 dispersions?

12 A. Well, I do remember Tim -- and it's mentioned in
13 here that meeting that he went to and they discussed
14 it. I mean, I wasn't at that meeting, but I was
15 aware of it --

16 Q. What -- oh, go ahead. Sorry.

17 A. And when he came back from that, you know, it was
18 then that we were starting to trial the low
19 PFO -- or PFOA, I believe.

20 Q. Did Tim -- are you referring to Tim Kosto?

21 A. Yes.

22 Q. Did Tim Kosto tell you why Taconic was going to
23 trial the low PFOA dispersions?

24 A. I -- I think he probably did at the time, but I'm
25 assuming that it was coming down the pike, you know,

1 it was gonna -- it was gonna be phased out anyway,
2 so you better get on board with it.

3 Q. Did you have any understanding why it was going to
4 get phased out, as you stated?

5 A. Well, just that, you know, worldwide it was becoming
6 a -- an issue, if you will.

7 Q. So it was your understanding, in or around July of
8 2005, that Taconic was switching to low PFOA
9 dispersion fluids, because PFOA was going to get
10 phased out worldwide?

11 A. Well, it was going to get phased out, and we wanted
12 to be on the front end of it. I mean, we always
13 were trying to do the right thing.

14 Q. Well, let me ask you about that. At the top of the
15 page, at the top of the document, it says potential
16 interested parties. Do you see that?

17 A. Yes, I do.

18 Q. And one of those interested parties is, it states
19 employees; right?

20 A. Yes.

21 Q. And in parentheses it says, "Have already expressed
22 concern"; correct?

23 A. Yes.

24 Q. Do you recall employees expressing concern about the
25 presence of PFOA on site at Taconic?

1 A. No, I don't.

2 Q. But we did review several documents today in which
3 changes were made to Taconic's practices --

4 A. Right.

5 Q. -- to reduce PFOA exposure. Do you agree with that?

6 A. Yeah.

7 Q. Now, if you look at other potential interested
8 parties, you see customers; correct?

9 A. Yes.

10 Q. And then in parentheses it says, "Have already
11 expressed concern"; correct?

12 A. That's what it says, yes.

13 Q. And, in or around July 2005, were you aware of
14 customers expressing concern about the PF -- about
15 PFOA in Taconic's products?

16 A. No.

17 Q. Now, under customers it says "general public"; is
18 that correct?

19 A. Yes.

20 Q. Do you agree that the general public was a potential
21 interested party?

22 A. I don't have any clue who wrote this, so I don't
23 know where the information came from.

24 Q. But do you agree that the general public would want
25 to know about the presence of PFOA at Taconic's

1 facility?

2 A. Well, if they were aware of it.

3 Q. Well, do you think they would like to be aware of
4 it?

5 MR. SKALABAN: Objection to form.

6 A. Oh, sure.

7 Q. Do you think the general public would have liked to
8 be aware of it in 2005?

9 A. If they knew what to ask for, sure. Yeah.

10 Q. Now, were you aware whether any non-Taconic
11 employees lived in close proximity to the Taconic
12 facility?

13 A. Non-Taconic employees?

14 Q. Were there individuals who lived nearby the
15 facility, who didn't work at Taconic?

16 A. Yes.

17 Q. Do you think that in July of 2005, those individuals
18 would have had an interest in knowing about the use
19 of PFOA at Taconic?

20 A. I'm sorry, but I can't help what they would think or
21 know. I have no way of knowing what they would do.

22 Q. But based on this document, you would agree that
23 someone at Taconic understood that the public would
24 be interested, at least potentially --

25 MR. SKALABAN: Objection.

1 in its wastewater streams in July of 2005?

2 A. I am not so sure they didn't. I don't know if they
3 did or didn't.

4 Q. Let's assume they didn't. Should they have?

5 MR. SKALABAN: Objection to form.

6 A. I'm not sure.

7 Q. You can't answer that?

8 A. No.

9 Q. Did you ever become aware, Mr. Hewitt, that Taconic
10 installed carbon filters on its wells on site?

11 A. I knew they had filters, but I am not sure what
12 specific filters they used.

13 Q. Do you know when they installed those filters?

14 A. No, I do not.

15 Q. Do you know why they installed those filters?

16 A. I think we did that for bacteria.

17 Q. Why do you think that?

18 A. Why? Because I think we had bacteria in the water
19 that we used to mix dispersions.

20 Q. Did anyone at Taconic ever tell you that those
21 filters were installed because PFOA was found in
22 Taconic's on-site wells?

23 A. I don't recall that.

24

25