

NO. 95-04-1728-D

MANUEL P. GONZALES,	)	IN THE DISTRICT COURT OF
ET AL	)	
	)	
VS.	)	CAMERON COUNTY, TEXAS
	)	
OWENS-CORNING FIBERGLAS	)	
CORPORATION, ET AL	)	103RD JUDICIAL DISTRICT

ORAL/VIDEO DEPOSITION
OF
GLEN "PETE" JOHNSON

COPY

ANSWERS AND ORAL/VIDEO DEPOSITION OF GLEN "PETE"

JOHNSON, a witness produced at the instance of the
Plaintiffs, taken in the above styled and numbered
cause on the 26th day of September, 1997, at
9:51 a.m., before LISA A. BERRY, a Certified Shorthand
Reporter in and for the State of Texas, at the offices
of Meredith, Donnell & Abernethy, located at 6850
Texas Commerce Tower, 600 Travis Street, in the City
of Houston, County of Harris, State of Texas, in
accordance with the Texas Rules of Civil Procedure,
the stipulations hereinafter set forth and pursuant to
Notice.



deposed. B. R.

Page 2

1 A P P E A R A N C E S

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16 PITTSBURGH CORNING CORPORATION

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ARMCO

ALSO PRESENT:
MR. DANIEL PARIS, VIDEOGRAPHER

Page 3

1 I N D E X

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4 WITNESS: GLEN "PETE" JOHNSON

5

6 Examination by Mr. Waters Page 7

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1 A G R E E M E N T S

2

3 AS PER RULE 11, the following agreements were

4 agreed to by and between the parties thereto, through

5 their respective attorneys appearing herein:

6 IT IS HEREBY agreed by and between the parties

7 hereto, through their attorneys appearing herein, that

8 any and all objections to any question, except as to

9 form, or answer, except as to responsiveness,

10 contained herein may be made upon the offering of this

11 deposition in evidence upon the trial of this cause

12 with the same force and effect as though the witness

13 were present in person and testifying from the witness

14 stand.

15 IT IS FURTHER agreed by and between the parties

16 hereto, that an objection made by one counsel for the

17 respective parties shall be considered good for all

18 other counsel present.

19 IT IS FURTHER agreed by and between the parties

20 hereto, through their attorneys appearing herein, that

21 this deposition may be signed before any Notary Public

22 and thereafter returned into Court and used upon the

23 trial of this cause with the same force and effect as

24 though all requirements of the Rules and Statutes with

25 reference to signature and return had been fully

Page 5

1 complied with.

2 IT IS FURTHER agreed by and between the parties

3 hereto, through their attorneys appearing herein, that

4 if the deposition is not signed and filed prior to any

5 hearing in this cause, that said deposition or a

6 certified copy thereof may be used on the trial of

7 this cause with the same force and effect as though

8 the same had been read and signed by the said witness.

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1 P R O C E E D I N G S

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3 THE VIDEOGRAPHER: We are on record

4 at 9:51 am. This is the videotaped

5 deposition of Pete Johnson in the matter

6 of Manuel P. Gonzales, et al. versus

7 Owens-Corning Fiberglas Corporation, et

8 al. Today's date is September 26th, 1997.

9 This deposition is being taken at

10 Meredith, Donnell & Abernethy, 600 Travis,

11 Suite 6850. The videographer is Daniel

12 Paris of Diana Henjum Reporting Services.

13 Would counsel please announce their

14 appearances for the record?

15 MR. WATERS: Andy Waters for the

16 plaintiffs.

17 MR. ERWIN: Harding Erwin for

18 Armco.

19 MR. HEWITT: Jim Hewitt for

20 Brown & Root U.S.A., Inc.

21 MS. KELLY: Trish Kelly for W.R.

22 Grace & Company, and Pittsburgh Corning

23 Corporation.

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1 GLEN "PETE" JOHNSON,

2 called as a witness, having been first duly sworn, was

3 examined and testified upon his oath as follows:

4 * * *

5 E X A M I N A T I O N

6 * * *

7 BY MR. WATERS:

8 Q. Can you state your full name for the

9 record, sir?

10 A. Glen P. Johnson.

11 Q. Is it Glen, G-l-e-n-n?

12 A. G-l-e-n.

13 Q. E-n. How old a man are you, sir?

14 A. 48.

15 Q. How are you presently employed?

16 A. I own an environmental equipment rental

17 company.

18 Q. What's the name of that company?

19 A. Houston Remediation Resources.

20 Q. And what type of equipment do they

21 represent?

22 A. Decontamination trailers, vacuums,

23 negative pressure machines, instrumentations;

24 equipment used in hazardous waste cleanup.

25 Q. Does that include equipment for use for

Page 8 1 the removal of asbestos, asbestos insulation? 2 A Yes. 3 Q. What percentage or what -- in just a 4 range, if you can, of your work relates to equipment 5 for asbestos? 6 A. 50 percent. 7 Q. Do you provide any services other than the 8 rental of the equipment? 9 A. No. 10 Q. And typically, what kind of company is it 11 that rents from you? 12 A. Asbestos abatement contractors. 13 Q. For example, have you ever rented asbestos 14 removal equipment to Brown & Root? 15 A. Yes. 16 Q. So, you are aware that Brown & Root had 17 a -- a division or a branch or whatever that was 18 involved with the removal or abatement of asbestos? 19 A. Would you ask that again? 20 Q. Yeah, I'm going to get her read that one 21 back. I'm just kind of -- and please stop me if -- if 22 you want to hear my question again, and I'll be glad 23 to give it to you. 24 (The requested material was read by 25 the court reporter.)	Page 11 1 the United States. 2 Q. How -- how long did you do that? 3 A. Five years. 4 Q. So, about '83 to '88? 5 A. Something like that. 6 Q. Did you live in Pakistan? 7 A. I visited. 8 Q. Visited. I lived for two years in 9 Islamabad when I was a kid. So I have some 10 recollection of that. What was the name of the 11 company? 12 A. Shalimar Texas. 13 Q. Shalimar? 14 A. S-h-a-l-i-m-a-r. 15 Q. All right. And before that? 16 A. Lone Star Industrial Safety. 17 Q. What was Lone Star Industrial Safety? 18 A. An industrial safety supply house. 19 Q. How many years -- what years there? 20 A. Probably '70 -- '78 on. 21 Q. To '83? 22 A. Until -- about, yes. 23 Q. All right. We'll come back to that. What 24 before '78? 25 A. Brown & Root.
Page 9 1 A. Brown & Root had -- I don't know if it was 2 a division or a branch; but they had employees 3 removing asbestos -- 4 Q. (BY MR. WATERS) Okay. 5 A. -- on certain job sites. 6 Q. How long have you been involved in this 7 business? 8 A. The asbestos business? 9 Q. Well, the -- I'm sorry, the particular 10 company that you're employed with now. 11 A. The company is eight years old. 12 Q. Okay. And have you been involved with it 13 the entire eight years? 14 A. Yes. 15 Q. Are you an owner, or do you have ownership 16 interest in the company? 17 A. Owner. 18 Q. Are you the sole owner or -- 19 A. Yes. 20 Q. Wholly owned? 21 And I apologize, tell me the name of the 22 company again, the full name. 23 A. Houston Remediation Resources 24 Incorporated. 25 Q. On how many occasions would you estimate	Page 12 1 Q. And what were those years? 2 A. '72 to '78. 3 Q. What was the nature of that work? 4 A. I was a safety supervisor. 5 Q. Did you know Mr. ...ges? 6 A. Very well. 7 Q. Okay. And before that? 8 A. Military. 9 Q. Which branch? 10 A. Army. 11 Q. All right. And how many years, 12 what years? 13 A. '70 -- well, '69 to '72, three years. 14 Q. '69 to '72. And before that? 15 A. High school. 16 Q. So you graduated from high school in '69? 17 A. '68, I reckon. 18 Q. '68. And where was that? 19 A. Mississippi. 20 Q. Okay. In your work, '78 to '83, Lone Star 21 Industrial Safety, were you involved with the supply 22 of safety equipment? 23 A. Yes. 24 Q. Okay. Was -- was Brown & Root a customer? 25 A. Yes.
Page 10 1 that you have leased asbestos removal equipment to 2 Brown & Root or for use by Brown & Root employees? 3 A. Many. 4 Q. Is that hundreds, is it thousands, over 5 the years? 6 A. Less than 100. 7 Q. Okay. Somewhere between 75 and 100, 8 perhaps? 9 A. Probably. 10 Q. Okay. Have you also made other rentals to 11 Brown & Root, not asbestos-related, but for other 12 types of equipment? 13 A. None. 14 Q. When -- when you lease that equipment to 15 Brown & Root or for use by Brown & Root employees, do 16 you know where they were going to use it, typically? 17 A. Usually I knew which facility it went 18 into, yes. 19 Q. Okay. And this has been since, oh, let's 20 see, '88 or so, 1988 or so? 21 A. That's correct. 22 Q. What were you doing before that? 23 A. I was in the -- I worked for a company 24 that had a tannery in Pakistan, and they tanned 25 leather. They made jackets and gloves for import into	Page 13 1 Q. Were you a principal in that company; that 2 is to say, did you have some kind of ownership 3 interest? 4 A. Yes. 5 Q. What was your interest there? 6 A. 100 percent. 7 Q. Okay. And give me a sense, if you can, of 8 how significant a customer Brown & Root may have been 9 for that Lone Star Industrial Safety outfit. 10 A. I did a lot of business with them. 11 I can't give you a dollar value. 12 Q. No, I appreciate that. 13 A. They were -- they were a good customer. 14 Q. Were they your -- were they your single 15 largest customer? 16 A. Yes, probably. 17 Q. Did you sell any materials or distribute 18 or deliver any materials to the Armco facility? 19 A. No. 20 Q. Can you tell me what facilities you do 21 recall delivering materials to for Brown & Root? 22 A. Shell Oil, Little Diamond, Lubrizol, Union 23 Carbide, Exxon. 24 Q. That's a pretty good list. And we're -- 25 is it your understanding that you were delivering

Page 14

1 safety supplies for use by Brown & Root employees
2 working at those facilities?
3 A. Yes.
4 Q. Did you ever deliver safety supplies to
5 those facilities that were not ordered or purchased by
6 Brown & Root?
7 A. No.
8 Q. Did those safety supplies in the '78 to
9 '83 time frame include dust masks and other
10 respiratory protection?
11 A. Yes.
12 Q. Do you remember something called the
13 3M 8710 mask?
14 A. Yes.
15 Q. Was that the type of dust mask that you
16 would have delivered in that time -- approximate time
17 frame for use by Brown & Root employees?
18 A. That would be one respirator that was
19 sold, yes.
20 Q. Okay. Did you understand that the
21 respiratory protection that you were providing to the
22 Brown & Root employees was -- was spec'd for work in
23 or around asbestos dust?
24 A. Brown & Root never told me, as a vendor,
25 the specific application of anything I sold them.

Page 15

1 Q. Okay. Did you have any understanding as
2 to whether or not Brown & Root employees, at those --
3 these various facilities, needed protection from
4 asbestos dust?
5 MR. HEWITT: Object to the
6 speculative form of the question.
7 Q. (BY MR. WATERS) You can answer.
8 A. Again, they never informed me, as a
9 vendor, what their application was for. I -- I never
10 knew.
11 Q. Okay. That --
12 A. We were a supply house.
13 Q. All right. So you didn't hear from
14 anybody else and --
15 A. No -- nobody called me and said, "We are
16 going to do this and we need this." That was not the
17 case.
18 Q. Okay. At -- at that time, did you have an
19 understanding of what respiratory protection was
20 appropriate for asbestos dust, as opposed to what
21 protection may have been appropriate for some other
22 contaminant or toxic substance?
23 A. Yes.
24 Q. Do you understand and recall that the
25 respiratory protection, at least some of the

Page 16

1 respiratory protection that Brown & Root had you
2 deliver at these various sites was protection that was
3 sufficient to -- to eliminate or reduce exposure or
4 breathing of asbestos fibers?
5 A. Yes.
6 Q. So, while you didn't have a specific
7 knowledge of the actual uses of these types of
8 respiratory protection, you were aware that the
9 protection that Brown & Root was purchasing would
10 extend to or would cover potential hazards of
11 asbestos?
12 A. Yes.
13 Q. What -- let's see. With respect to your
14 asbestos equipment rental business right now, and just
15 with respect to the asbestos portion of it, can you
16 give me an idea of how big a customer Brown & Root is
17 for that type of equipment?
18 A. In -- insignificant.
19 Q. Okay. Now, and when you say that, am
20 I correct that you testified earlier, probably 75 to
21 100 times that they had rented asbestos equipment from
22 you in the past eight years? Do you recall that
23 testimony?
24 A. Yes.
25 Q. Okay. That would be about, oh, 10 or so

Page 17

1 orders a year. Is that insignificant or is that -- ?
2 A. It's less than that now.
3 Q. Okay. So, it was more earlier on; it's
4 dropped off a little bit, is that what you are saying?
5 A. Yes.
6 Q. Okay. But on average, over the course of
7 the eight years, they've been somewhat significant,
8 haven't they?
9 A. They've been a good customer.
10 Q. Fair enough. Did you ever
11 have -- participate in any meetings with Brown & Root
12 employees or supervisors to discuss how to use
13 respiratory protection or when it was appropriate to
14 use respiratory protection?
15 A. As a Brown & Root employee --
16 Q. No, sir, I'm sorry.
17 A. -- or as a vendor?
18 Q. As a vendor, I'm sorry.
19 A. Yes.
20 Q. Okay. And did you ever have occasion to
21 do that specifically with respect to asbestos
22 precautions, if you can recall?
23 A. Yes.
24 Q. Okay. Where was that?
25 A. Shell.

Page 18

1 Q. At Shell. And what was the nature of the
2 meeting, or how did that go?
3 A. They were looking for a respirator to use
4 for an application of asbestos removal on this one
5 particular instance. I was the safety supervisor at
6 Shell --
7 Q. Oh, this is when you --
8 A. -- during that construction.
9 Q. Oh, I see.
10 A. But as a vendor, I went back out there and
11 had a meeting with the -- the safety supervisor,
12 basically to show him a respiratory product that
13 I sold.
14 Q. That -- that would -- that he needed for a
15 particular situation?
16 A. That he could use in an asbestos abatement
17 project.
18 Q. Okay. Was it a -- was it the
19 self-enclosed respiratory system with air provided?
20 A. Powered air purifying respirator.
21 Q. Okay. And did he actually -- did he
22 ultimately purchase that product that you were --
23 A. Not from me.
24 Q. Not from you. Okay. Do you recall the
25 nature of the project, whether it involved removing

Page 19

1 asbestos pipe insulation or something of that nature?
2 A. I have no idea.
3 Q. Okay. And that was some time in the '78
4 to '83 time frame. Can you give it a -- would it have
5 been closer to when you had been the safety supervisor
6 and you had recently been at Shell?
7 A. That instance was in the '88 or '80 -- the
8 dates are mixed up. It's when I was -- it was after
9 coming back from Pakistan, the Pakistan venture, that
10 conversation and that sale.
11 Q. So, it's since you've started Houston
12 Remediation Resources?
13 A. Correct.
14 Q. Okay. I apologize.
15 A. And to add something, there was another
16 supply company that I sold to another outfit, okay,
17 that's a 12-year-old company. It gets kind of
18 confusing. But Houston Remediation was a rental
19 company that I've owned through this whole period.
20 Q. Okay. Well, how -- let's -- let's get
21 this straight. How many companies you got right now?
22 A. Two.
23 Q. And those are Houston Remediation
24 Resources, Inc.?
25 A. And Envirorent.

Page 20

1 Q. And Envirorent. All right. And is
2 that -- what's the difference between what they
3 provide?
4 A. Envirorent rents one product, a certified
5 personnel basket. Houston Remediation Resources rents
6 hazardous waste removal equipment.
7 Q. Okay.
8 A. That's the distinction.
9 Q. What -- what is the one Envirorent product
10 again, I'm sorry?
11 A. Certified personnel baskets.
12 Q. For put --
13 A. Lifting cranes.
14 Q. Is Brown & Root a customer for that
15 business?
16 A. They have been.
17 Q. Okay. All right. And how long have you
18 owned Envirorent?
19 A. A year and six months.
20 Q. Okay. And what happened to Lone Star
21 Industrial Safety?
22 A. We closed it down during the oil bust.
23 Q. Okay. And it's been dead since then?
24 A. Yes.
25 Q. Now, you -- you've relayed an instance you

Page 21

1 recall discussing with a supervisor at Shell about
2 appropriate respiratory protection for a removal
3 project; do you remember that?
4 A. Yes.
5 Q. And it was, I take it, your recommendation
6 that -- what do you call it when you have -- the
7 airflow, there's some name for that. What's that
8 system called?
9 A. Powered air purifying respirator.
10 Q. Powered air purifying respirator. Okay.
11 That's a mouthful. Can you describe that to us, just
12 in terms of what it looks like and how it works?
13 A. It has a full face piece with a hose going
14 down to a blower motor. On the blower motor is a high
15 efficiency particular cartridge filter which is
16 designed to filter out asbestos fibers and dust
17 fibers, and it is hooked to a battery that runs a
18 4-CFM motor; and it blows air into the face piece.
19 Q. Okay. So that the air is purified when
20 it's brought through the filter, is that the --
21 A. The air is purified going to the mask, or
22 filtered, not purified.
23 Q. All right. But the -- the total phrase is
24 power air purifying respirator?
25 A. Correct.

Page 22

1 Q. And did you recommend to the Brown & Root
2 supervisor that that was the appropriate type of
3 respiratory protection to be used in an asbestos
4 demolition or removal situation?
5 A. Correct.
6 Q. Okay. Any other specific instances you
7 can recall, any discussions with Brown & Root
8 employees or supervisors about the hazards of
9 asbestos?
10 A. As an employee or vendor?
11 Q. Let's stay with the vendor for the --
12 A. I don't recall.
13 Q. So, in particular going back to the Lone
14 Star time, '78 to '83, you don't have any specific
15 recollection of a conversation with Brown & Root folks
16 about asbestos?
17 A. None, that I recall.
18 Q. All right. In the '78 to '83 time frame,
19 were you also -- were you at that time also providing
20 something like a power air purifying respirator for
21 work around asbestos, asbestos demolition or removal?
22 A. I don't even know if that piece of
23 equipment was invented at that time.
24 Q. Okay.
25 A. I don't believe it was.

Page 23

1 Q. All right. So, were you still, at that
2 point in time, mainly marketing the cloth or paper
3 masks for use around asbestos?
4 A. Cloth, half-face with dual cartridges, and
5 full-face with dual cartridges.
6 Q. Okay. Well, in -- at -- in that time
7 frame, '78 to '83, if there's asbestos dust being
8 created in the workplace, which -- which one is more
9 appropriate, the cloth or paper-type disposable, or
10 the cartridge-type respiratory protection you just
11 discussed?
12 A. At the time, the 3M 8710 was the
13 respirator of choice, and recommended by most of the
14 people in the industry that dealt with it.
15 Q. Okay. Okay. The '72 to '78 time frame,
16 if we could talk about that a little bit. How was it
17 you came to first be employed by Brown & Root?
18 A. I was working for them -- well, I -- I got
19 a job as an electrician helper in '72.
20 Q. All right. Let's see, you would have been
21 about 22, 20 years old, something like that?
22 A. 22, 23.
23 Q. That goes back a way, doesn't it?
24 All right. And how did you get that job,
25 or do you -- did you have some background or training

Page 24

1 in electrical work?
2 A. I was a political hire.
3 Q. Political hire. I didn't know they
4 did --
5 A. My uncle got me the job.
6 Q. Did he? Okay. What had you done in the
7 military?
8 A. I was a first lieutenant in the field
9 artillery.
10 Q. How did you get a commission to be a first
11 lieutenant?
12 A. You go to officer candidate school.
13 Q. So, you went to, like a ROTC program?
14 A. Officer candidate school, not ROTC,
15 officer candidate school.
16 Q. You did all that in three years, the
17 whole --
18 A. 90-day wonder is what they called us.
19 Q. So you didn't have any electrical-type
20 background?
21 A. None.
22 Q. All right. And for how long were you an
23 electrician's helper?
24 A. Probably three months.
25 Q. What was your uncle's position at

Page 25

1 Brown & Root?
2 A. My uncle didn't work for Brown & Root.
3 Q. I see.
4 A. He was a vendor.
5 Q. Oh, okay. He was somebody who had a
6 business relationship with Brown & Root?
7 A. Correct.
8 Q. Did he also sell safety-type equipment?
9 A. No, sir.
10 Q. Okay. He had a different type of
11 business?
12 A. Yes.
13 Q. Did he help you get your business
14 organized back when you started up Lone Star
15 Industrial Safety?
16 A. No.
17 Q. What did you do after that three months as
18 an electrician's helper?
19 A. Brown & Root was going to hire three
20 safety trainees, and I applied and was hired as one.
21 Q. Who were the other two?
22 A. John Hodges and --
23 Q. Right.
24 A. -- and Mike Hunt.
25 Q. Where did you work during that three

Page 26

1 months you were an electrician's helper?

2 A. I was at Shell in Deer Park. I was on the

3 Tomball football stadium, and I forget -- I think

4 Goodyear in -- on Bayport.

5 Q. Had you been at the Shell facility before

6 that -- that work?

7 A. Never.

8 Q. Did you become familiar with the fact at

9 Shell that there was a lot of steam pipe -- steam

10 piping in the refinery?

11 A. Yes.

12 Q. And do you recall that much of that was

13 insulated with pipe covering or pipe insulation?

14 A. Yes.

15 Q. In that three months as an electrician's

16 helper, did you have any exposure to dust created from

17 working on or around or other folks who were working

18 around those pipes?

19 A. No.

20 Q. Did you observe, at any time in that three

21 months, insulation work going on; that is to say,

22 cutting or sawing of new insulation, tearout or

23 pulldown of old insulation?

24 A. I don't recall.

25 Q. Let's broaden that out a little bit. In

Page 27

1 your entire career, have you ever observed asbestos

2 insulation removal work?

3 A. Yes.

4 Q. On how many occasions?

5 A. Many.

6 Q. Okay. And were those in the nature of

7 abatement products -- projects where you were

8 delivering supplies, something of that nature?

9 A. Yes.

10 Q. Were some of those Brown & Root abatement

11 projects?

12 A. No.

13 Q. What was the first time that you ever

14 observed an abatement project, removal of asbestos?

15 A. 1985.

16 Q. While you were working for the tannery, or

17 was this --

18 A. I-- I don't know if that date works, but

19 it was -- when I got out of the leather business,

20 I got into supplying asbestos abatement contractors.

21 I don't know if that date works, but it was the next

22 venture.

23 Q. Well, let's see. You said that you had

24 done the Houston Remediation Resources thing for about

25 eight years?

Page 28

1 A. Correct.

2 Q. That takes us about back to '88 or so?

3 A. But I had a supply company that I sold

4 that was four years old. So, basically, 12 years --

5 Q. All right.

6 A. -- supply and rent into the abatement

7 industry.

8 Q. Okay. Have you ever observed -- okay.

9 From your earlier discussion, I take it that you don't

10 recall ever seeing asbestos removal or tearout when

11 they weren't taking precautions such as barricades and

12 full respiratory protection and all that sort of

13 thing?

14 A. Ask that again now.

15 Q. Okay. Is it a fair statement that you

16 don't recall seeing the tearout or rip-out of asbestos

17 material without the enclosures and all of the other

18 precautions?

19 A. No.

20 Q. I'm sorry, you have or have not seen it

21 other ways?

22 A. I have not seen it any other way than

23 what you described.

24 Q. All right. And the times you have seen it

25 would have been some -- first, like in '85 or '88,

Page 29

1 some time in that time range?

2 A. Correct.

3 Q. Have you ever at any time observed

4 the -- the cutting or sawing of asbestos-containing

5 insulation materials?

6 A. Yes.

7 Q. When was that?

8 A. About the same time.

9 Q. That is to say, in the '83 to '85 --

10 A. No, excuse me. Probably at Shell, which

11 would have been from '75 through '78.

12 Q. Okay.

13 A. '76 to '78, something like that.

14 Q. On what occasions did you observe someone

15 cutting -- let me ask you it this way: How many times

16 did you observe someone cutting or sawing asbestos

17 insulation?

18 A. I thought the question was insulation, not

19 asbestos insulation. I --

20 Q. Okay.

21 A. If the question is insulation at the Shell

22 project, many times. We had an insulation shop on

23 site. But to my knowledge and my recollection, the

24 insulation they were putting into the new OP3

25 construction was nonasbestos insulation materials.

Page 30

1 Q. Okay.

2 A. And they cut it by the boatload.

3 Q. Okay. So, you -- you can recall

4 insulation being cut, but you cannot -- you don't have

5 any recollection of anybody cutting asbestos

6 insulation?

7 A. No.

8 Q. Fair enough. In that time frame, you had

9 already become aware that asbestos was hazardous?

10 A. Yes.

11 Q. That asbestos could cause cancer and was

12 toxic?

13 A. Yes.

14 Q. And you had learned that, I guess, going

15 back to '72, when you started your training to be in

16 the safety department?

17 A. Right.

18 Q. Or did you know that before?

19 A. I did not know that before.

20 Q. And presumably, one of the reasons people

21 like Shell were using nonasbestos material in the '76

22 to '78 time frame was because they recognized that it

23 would be hazardous to continue that type of work with

24 asbestos materials?

25 MR. ERWIN: Objection; calls for

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1 speculation, also vague and overbroad as

2 to hazardous and the types of asbestos

3 materials.

4 A. I don't know the reason for not using

5 asbestos or nonasbestos insulation.

6 Q. (BY MR. WATERS) Okay.

7 A. I'm sure it had something to do with the

8 engineers that knew what was fixing to happen.

9 Q. Have you ever, at any time, to your

10 knowledge, been exposed to asbestos dust or asbestos

11 fibers?

12 A. I don't know.

13 Q. You've -- we've talked about several

14 different companies. At any time, did any of your

15 companies deliver to the Armco Steel facility?

16 A. No.

17 Q. When you say you don't know whether or not

18 you've been exposed to asbestos, is one of the reasons

19 for that that the asbestos fibers are invisible?

20 A. I'm saying that because when you touch

21 your brakes on your car, if you got your window down,

22 there's a chance of being exposed to asbestos. If you

23 walk into a federal courthouse, you can be exposed to

24 asbestos. I probably have --

25 Q. Right.

Page 32 1 A. -- but I don't know specifics of when it 2 happened. 3 Q. You'll agree that you are a lot more 4 likely to be exposed to asbestos in an industrial 5 facility that has literally tons and tons of asbestos 6 in and on and around it than you are in this room, for 7 example? 8 MR. HEWITT: Objection; overbroad 9 and vague. 10 MR. ERWIN: Calls for speculation. 11 A. Until the country began the removal of 12 asbestos, I would say that you were just as likely to 13 come into friable insulation in government buildings 14 and public housing as you were in insulating -- in an 15 industrial setting. 16 MR. WATERS: Objection; 17 nonresponsive. 18 And I have to do that from time to 19 time. 20 Q. (BY MR. WATERS) My question specifically 21 had to do with whether you believe, as someone who has 22 been involved with the safety profession, that there's 23 more risk of exposure to asbestos in a room like this 24 than there is in an industrial facility that has 25 literally tons of asbestos insulation in it?	Page 35 1 A. If the asbestos is nonfriable, in place, 2 you are just -- you are -- the hazards are the same at 3 either location. If there's asbestos present in this 4 office and it is friable, and there's asbestos in 5 industrial and it's friable, you are sitting in the 6 same type of hazard. 7 Q. (BY MR. WATERS) All right. Well, let me 8 ask you this: If -- knowing what you know about the 9 Shell facility and knowing whatever you know about 10 this room, would you agree with me that there's a 11 greater potential hazard at the Shell facility? 12 MR. HEWITT: Same objections. 13 Overbroad, vague, ambiguous, speculative. 14 A. If there's no asbestos in this room, the 15 answer is yes. 16 Q. (BY MR. WATERS) So, you -- well, let's 17 get into some of your -- a little background and 18 training stuff. You learned about the hazards of 19 asbestos and the fact that asbestos was dangerous 20 starting in '72 or so? 21 A. Correct. 22 Q. And did that result from training received 23 within the Brown & Root organization? 24 A. Correct. 25 Q. Who was your immediate supervisor?
Page 33 1 MR. HEWITT: Object to the 2 overbroad, vague, speculative form of the 3 question. 4 A. Is that asbestos? If -- if that ceiling 5 tile is asbestos, you are just as likely to get it in 6 this room here as you are in -- in Shell Oil. 7 MR. WATERS: Let me object again as 8 nonresponsive. 9 Can you read the question back to 10 him? 11 (The requested material was read by 12 the reporter.) 13 MR. HEWITT: Objection; 14 repetitious. 15 A. I don't know how to answer that. My 16 feelings are that you are just as likely to get 17 exposed to asbestos in a building like this as you are 18 in an industrial facility. 19 MR. ERWIN: And I'm not sure if we 20 stated on the record today, and I know 21 we've been in a lot of depositions before; 22 but do we have one objection as to all -- 23 all defendants? 24 MS. KELLY: Yes. 25 MR. ERWIN: Thank you. Sorry.	Page 36 1 A. Brown Wallace. 2 Q. What was his position or title? 3 A. He was the -- an area safety manager, 4 I believe. 5 Q. And where were -- where was your physical 6 location? 7 A. I was at Armco Steel. 8 Q. What years? 9 A. Late '72 through '70 -- I was there three 10 and a half years. 11 Q. So, late '72 through -- let's see. You 12 told us you went to Shell in '76. Would it be '72 to 13 '75? 14 A. Well, I -- I went to Shell right from 15 Armco. So, yeah, that would be right. I went to -- 16 It's '76. 17 Q. '76? 18 A. Yeah. 19 Q. So late '72 until early '76? 20 A. '76, right. 21 Q. About three and a half years? 22 A. Correct. 23 Q. And what was your title at Armco? 24 A. Safety supervisor. 25 Q. Were you the senior -- senior Brown & Root
Page 34 1 Q. (BY MR. WATERS) So, from your 2 perspective, someone who works in a refinery or a 3 large industrial facility where there's lots and lots 4 of asbestos insulation, they are at no more risk than 5 if they spend their time in an office every day? 6 MR. HEWITT: Objection; overbroad, 7 vague, speculative, and repetitious. 8 A. If the asbestos in either location is 9 undisturbed and nonfriable, you are not going to get 10 any more in an office problem than you are in an 11 industrial setting. 12 MR. WATERS: All right. Let me 13 object as nonresponsive. 14 Would you read the question back to 15 him? 16 (The requested material was read by 17 the reporter.) 18 MR. HEWITT: Objection; 19 repetitious, and asked and answered. The 20 witness has answered that question. 21 MR. WATERS: It calls for a "yes" 22 or "no" answer. I don't believe he's 23 answered it. 24 MR. HEWITT: You don't have to 25 answer "yes" or "no" to a question.	Page 37 1 employee on the job site responsible for safety? 2 A. No. 3 Q. Who was? 4 A. Project manager. 5 Q. Is that who you reported to? 6 A. Daily. 7 Q. Was there anyone more senior than you who 8 had responsibility for safety only? 9 A. No. 10 Q. And let's see. You started in -- what 11 time of the year in '72 did you start with 12 Brown & Root? 13 A. I think around August/September. 14 Q. Okay. Late '72? 15 A. Yes. 16 Q. And then you did three months as an 17 electrician's helper? 18 A. Correct. 19 Q. So, it would have been early '73 that you 20 began with the safety department? 21 A. No. I started with Brown & Root in May of 22 '72. 23 Q. Oh, I'm sorry. 24 A. I went to Armco in August or September. 25 Q. Of '72?

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1 A. Right.
2 Q. Okay. I'm sorry. You started in May, you
3 did three months as an electrician's helper. So, in
4 August or so, you became a safety man?
5 A. Right.
6 Q. And then you went off to Armco in what
7 month? Shortly thereafter?
8 A. Well, now I would say September --
9 October.
10 Q. Okay. So you had about -- somewhere in
11 the neighborhood of one to two months of training on
12 the job before you went off to Armco to be -- to do
13 the safety thing up there?
14 A. Yes.
15 Q. Had you had any safety training before
16 that, other than, you know --
17 A. Yes.
18 Q. What had you had?
19 A. I was a safety officer on a artillery
20 firing line.
21 Q. Okay.
22 A. One of my duties.
23 Q. So, you received some general safety
24 training in the military?
25 A. Yes.

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1 Q. Now, did you replace somebody who had been
2 the prior safety supervisor at the Armco facility, or
3 were you the first one?
4 A. I was not the first one. There had been
5 others before me, but there was -- I think there was
6 just a time when they were down to a small enough
7 crew, they didn't have a safety supervisor assigned to
8 the site.
9 Q. Okay.
10 A. There was a guy before me.
11 Q. But there --
12 A. We didn't swap, he left Friday, and I went
13 Monday. It wasn't that way.
14 Q. Okay. There was a time period between him
15 and you when there was not a safety -- safety
16 supervisor?
17 A. Right.
18 Q. And in that one- to two-month time frame
19 with respect to training you received, give us a sense
20 of what that involved. Was that -- how did you spend
21 that time frame, that four -- four weeks or six weeks
22 or whatever it was?
23 A. A lot of vendor classes on particular
24 safety products available to be used in the
25 marketplace; many, many countless job site visits with

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1 senior safety people; time spent on different types of
2 projects with the safety supervisor on those projects,
3 OJT.
4 Q. All right. And where were you physically
5 stationed during that time frame?
6 A. 4100 Clinton Drive.
7 Q. And were you undergoing the training at
8 the same time as Mr. Hodges and Mr. Hunt were?
9 A. Yes.
10 Q. In that time frame, again, the training
11 period, can you give me a sense of what percentage of
12 your time was spent at that address on Clinton Drive
13 as opposed to out in the field?
14 A. 70/30; 30 in the office, 70 in the field.
15 Q. Did you receive instruction in that time
16 frame -- well, let's see. Did you receive any -- did
17 you have any classwork or instruction during that time
18 frame that was -- that related to the OSHA regulations
19 generally?
20 A. Yes.
21 Q. And the OSHA regulations are very broad
22 and cover very -- very many work practices, don't
23 they?
24 A. Yes.
25 Q. Not just asbestos, but a whole bunch of

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1 other hazards or potential hazards in the workplace?
2 A. Yes.
3 Q. Of the various hazards that you've studied
4 in that training time frame, can you -- do -- do any
5 stick out more than others as having particular
6 emphasis or that the safety program had a particular
7 concern about?
8 A. No.
9 Q. One of the -- one of the -- one of the
10 hazardous substances you do recall being discussed
11 though, was asbestos; is that right?
12 A. Yes.
13 Q. Was it at that time that you learned that
14 asbestos exposure could cause different types of
15 diseases?
16 A. I believe at this time there was suspicion
17 and documentation from people saying -- stating that,
18 yes.
19 Q. Well, was -- was that what you learned at
20 Brown & Root, that there was a suspicion that asbestos
21 could cause disease?
22 A. The Occupational Safety and Health Act,
23 the scientists involved, I think, had confirmed; and
24 yes, Brown & Root believed that it would cause
25 problems.

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1 Q. Okay. So, it was more than just a
2 suspicion, wasn't it?
3 A. The suspicion was on the scientist side,
4 I think. I don't think they had confirmed yet.
5 Q. Okay. But Brown & Root knew, at least by
6 '72 when you arrived, that asbestos could cause these
7 different types of diseases?
8 A. Yes.
9 MR. HEWITT: Objection to the
10 overbroad form, vague form of that last
11 question.
12 Q. (BY MR. WATERS) All right. Let's --
13 let's break it down. In the '72 time frame, did you
14 learn that Brown & Root had known and understood that
15 asbestos exposure could cause a disease called
16 asbestosis?
17 MR. HEWITT: Objection; speculative
18 and overbroad. It's not limited to a
19 specific time frame and, as phrased, is
20 speculative.
21 MR. ERWIN: Objection.
22 MR. WATERS: I said when he started
23 in '72.
24 Q. (BY MR. WATERS) You can answer.
25 MR. ERWIN: It's also vague.

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1 A. Brown & Root knew that asbestos had health
2 problems.
3 Q. (BY MR. WATERS) Okay.
4 A. Specifically asbestosis, I don't know.
5 Q. Okay. Well, did Brown & Root instruct you
6 in your safety training that asbestos could cause lung
7 cancer, asbestos exposure?
8 A. Yes.
9 Q. Okay. And you do remember that specific
10 disease as being something you learned about in your
11 training?
12 A. Yes.
13 Q. Do you recall discussion of a disease
14 called mesothelioma?
15 A. Not during that time frame.
16 Q. Okay. What else can you recall learning
17 about the hazards of asbestos in this one- to
18 two-month training time frame before you went to
19 Armco, other than the fact that it could cause lung
20 cancer?
21 A. Not a great deal ex -- they -- they gave
22 us guidelines on how to address it if we encountered
23 it on the job site.
24 Q. Okay. And you knew that there were
25 regulations that governed how you needed to address it

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1 if you encountered it on the job site?
2 A. We -- we knew that there were guidelines.
3 I don't know that there were regulations at the time,
4 in '72, as far as being a law as to how you handled
5 it; but there were recommendations as to proper
6 procedure for handling it.
7 Q. All right. So, by the time you go to
8 Armco in late 1972, looking back at that, was it your
9 understanding that there were or were not legal
10 requirements, regulations in place concerning the
11 hazards of asbestos?
12 MR. HEWITT: Objection;
13 repetitious.
14 A. I don't know.
15 Q. (BY MR. WATERS) You -- you just can't
16 recall?
17 A. I -- I don't know the timing on it.
18 Q. Okay. I'm just asking what you recall at
19 that time.
20 A. Yeah. I -- I -- I don't know the timing
21 on exactly the specific of the regulations. I know
22 there were recommendations in place early on for the
23 safety of people. I don't know when it became an
24 actual regulation under the law.
25 Q. Okay. So, as you sit here today, looking

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1 back to the time when you arrived at the Armco
2 facility, you're unable to tell us whether or not
3 there was -- there were legal requirements concerning
4 asbestos or if they were still just recommendations.
5 MR. HEWITT: Objection; repetitious.
6 A. I -- I can't recall if they were legal
7 requirements. I know that there were company policies
8 that were requirements of the employees --
9 Q. (BY MR. WATERS) Okay.
10 A. -- on site.
11 Q. And you knew, for example, that there was
12 a requirement that asbestos work, work that created
13 asbestos dust needed to be monitored to determine the
14 level of the hazard?
15 A. Yes.
16 Q. Okay. And you knew that if there was dust
17 created, it was necessary to use methods to reduce the
18 dust, such as a wetting method?
19 A. Yes.
20 Q. And you knew it was required to have some
21 type of localized ventilation to suck away the dust
22 from the workers?
23 A. Yes.
24 Q. And you knew that respiratory protection
25 was also a requirement?

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1 A. Yes.
2 Q. You knew that it was necessary for signs
3 to be posted warning workers that asbestos was in the
4 vicinity and could be a hazard?
5 A. Yes.
6 Q. And you knew that it was necessary to have
7 a program to educate and advise the workers about the
8 hazards of asbestos?
9 A. Yes.
10 Q. And that would include, specifically, the
11 potential that asbestos exposure could cause lung
12 cancer?
13 A. Yes, I believe that was the terminology.
14 Q. So, while you may not recall if those were
15 recommendations or requirements in late 1972, you were
16 fully aware from your training that all of those
17 things needed to be done, either as a matter of
18 corporate policy or a matter of legal requirement --
19 MR. HEWITT: Object to the over --
20 Q. (BY MR. WATERS) -- at -- at Armco when
21 you were there?
22 A. Yes.
23 MR. HEWITT: That last question,
24 I object to the form of question on the
25 grounds it's overbroad, and also to the

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1 extent it calls for a legal conclusion on
2 the part of the witness.
3 Q. (BY MR. WATERS) Is it your understanding
4 that at some point in time, what you've discussed as
5 being recommendations became actual legal
6 requirements?
7 A. Yes.
8 Q. Now, in your work at Armco, did you have
9 an office?
10 A. Yes.
11 Q. Where was that located?
12 A. Specifically at the direct reduction
13 plant.
14 Q. And is that because there was an ongoing
15 project in that area, Brown & Root project?
16 A. I don't know. That's just where they set
17 up the different craft shops in the plant.
18 Q. Okay. And did you share your office with
19 anyone?
20 A. No.
21 Q. Was the office air-conditioned?
22 A. Yes.
23 Q. Give me a sense, if you will, in your time
24 frame there, how much time you spent in the office as
25 opposed to out in the facility.

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1 A. 10 in, 90 percent out.
2 Q. Okay. When was it that you, let's see.
3 Where did you go after Armco, where was your next --
4 A. Shell.
5 Q. Oh, that's right. And when was that, and
6 what time of the year in '76?
7 A. I have no idea. I think it was late
8 spring.
9 Q. Okay. Can you give me a sense, in the
10 time frame '72 to '76, the three and a half years you
11 were at Armco, how many Brown & Root employees there
12 were out there? Can you give me a range?
13 A. 50 to 150.
14 Q. And you were responsible for all aspects
15 of their safety?
16 A. Yes.
17 Q. Tell me what -- what types of crafts were
18 out there at that time?
19 A. We had pipe --
20 Q. Is that pipefitters?
21 A. Pipefitters.
22 Q. Okay.
23 A. We had labor, laborers. We had
24 carpenters.
25 Q. Carpenters.

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1 A. Riggers.
2 Q. Riggers.
3 A. Electricians.
4 Q. Electricians.
5 A. Millwrights.
6 Q. Millwrights. All right. And the
7 pipefitters would work typically on the pipe, the
8 steam piping and other piping in the facilities?
9 A. Yes, they worked on pipe.
10 Q. Did -- and I've always been confused by
11 this, did millwrights work on pipe as well?
12 A. No.
13 Q. If it was necessary to do
14 insulation-related work, would that be something that
15 the pipefitters would do?
16 A. No.
17 MR. HEWITT: Objection to the form
18 of the question, to the extent it assumes
19 facts not in evidence.
20 Q. (BY MR. WATERS) All right. Who would do
21 the piping work, pipe insulation work?
22 MR. HEWITT: Object to the
23 overbroad, vague, ambiguous form of the
24 question. It assumes facts not in
25 evidence as phrased.

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1 A. Outside contractors for Armco.
2 Q. (BY MR. WATERS) Armco, you're saying
3 Armco would hire outside contractors to do insulation
4 work?
5 A. That -- that's my recollection.
6 Q. What is that recollection based on?
7 I mean, how do you recall that?
8 A. The name Triple B, and remembering them
9 out on site doing work.
10 Q. Okay. Now, if -- if one of your
11 pipefitters needed to access a steam pipe to do some
12 work on it, and it was necessary to remove the
13 insulation to do that work, would that pipefitter do
14 that work; or would he have a laborer do it, or who
15 would -- who would remove that material?
16 MR. HEWITT: Object to the
17 speculative form of that question. It's
18 an inaccurate hypothetical.
19 A. Conceivably, the pipe -- the -- the actual
20 craft that was going to work on the different line
21 would probably remove it.
22 Q. (BY MR. WATERS) Which would be the
23 pipefitter?
24 A. If it were a pipefitter involved, yes.
25 Q. Okay. If it was a small amount of removal

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1 and replacement or repair or whatever, would the Brown
2 & Root employees put insulation back on; or would
3 they -- they call Armco and have them do that work?
4 MR. HEWITT: Object to the form of
5 the question. It assumes facts not in
6 evidence and is speculative as phrased.
7 A. I do not recall a single Brown & Root
8 employee installing any insulation in my entire time
9 at Armco Steel.
10 MR. WATERS: Okay. Let me object
11 as nonresponsive.
12 Can you read my -- well, let me
13 rephrase it.
14 Q. (BY MR. WATERS) Can you give me a sense
15 of how many -- these different crafts you've talked
16 about, for example, how many pipefitters would you all
17 have had?
18 A. I --
19 Q. 10, 15?
20 A. Well --
21 Q. 20?
22 A. When we had 50 people, we may have had 4.
23 When we had 150, we may have had 30. It --
24 Q. It varied?
25 A. -- it's very hard to say.

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1 Q. All right. Do you recall any of the
2 pipefitters who worked for Brown & Root at the Armco
3 facility in that time frame?
4 A. Yes.
5 Q. What are their names?
6 A. Pete Petty.
7 Q. How do you spell Petty?
8 A. P-e-t-t-y, I believe.
9 Q. And is -- okay. Is he still employed with
10 Brown & Root; do you know?
11 A. I -- I don't know.
12 Q. Who else?
13 A. Hoot Gibson.
14 Q. How about him, is he still with
15 Brown & Root?
16 A. I have no idea.
17 Q. Okay. Any other pipefitters you recall
18 out there?
19 A. Those two stand out, but --
20 Q. For some reason or another?
21 A. I don't recall any other.
22 Q. Were they more senior fellows, is that
23 why --
24 A. They were more senior, and they had unique
25 names and personalities.

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1 Q. Okay. Did you have occasion to see them
2 on the job site from time to time?
3 A. Yes.
4 Q. As you made your rounds and toured the
5 plant?
6 A. Yes.
7 Q. Okay. I take it from your earlier
8 testimony that you don't have a specific
9 recollection -- or -- or maybe you do. Do you have a
10 recollection of watching them work on steam pipes?
11 A. No.
12 Q. But surely you don't doubt that, in fact,
13 they did work on steam pipes, given the nature of
14 their employment?
15 MR. HEWITT: Objection; speculative
16 and repetitious.
17 A. I can't even recall steam lines at Armco
18 Steel. I mean, I'm sure they were there.
19 Q. (BY MR. WATERS) Right. Okay. Well, have
20 you been told that there's evidence in this case that
21 there were over 100,000 linear feet of asbestos pipe
22 covering insulation at that plant?
23 MR. ERWIN: Objection; misstates
24 the evidence, mischaracterizes the
25 evidence, calls for speculation.

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1 A. I have never been told that.
2 Q. (BY MR. WATERS) Okay. That's more than
3 20 miles of steam piping, isn't it?
4 MR. HEWITT: Same objections.
5 A. If it's on steam piping, yeah.
6 Q. (BY MR. WATERS) All right. So, as you
7 sit here today, you are unable to recall in your
8 mind's eye, whether or not there was, in fact, steam
9 pipe there, correct?
10 A. Yes.
11 MR. HEWITT: Objection;
12 repetitious.
13 Q. (BY MR. WATERS) And so you are not able
14 to tell us if you recall having ever seen Mr. Petty or
15 Mr. Gibson or any of the other pipefitters working on
16 steam pipe at the Armco facility?
17 MR. HEWITT: Objection;
18 repetitious.
19 A. I've seen them work on miles of pipe.
20 I -- I don't know if it was steam or -- or what it
21 was.
22 Q. (BY MR. WATERS) All right.
23 A. It could have been a -- a fire line, but
24 they worked on a lot of pipe out there, yes.
25 Q. All right. And much of the pipe on which

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1 they worked was insulated, was it not?
2 MR. HEWITT: Object to the vague
3 form of the question.
4 A. I don't recall that it was more or less
5 insulated or noninsulated.
6 Q. (BY MR. WATERS) Do you -- let me just put
7 it to you this way: Do you recall that there was a
8 significant amount of insulated pipe in that facility?
9 A. There was insulated pipe, yes.
10 Q. And would it surprise you if there was
11 evidence in this case that there was over -- over 20
12 miles of pipe insulated with asbestos?
13 MR. HEWITT: Objection.
14 MR. ERWIN: Objection; vague,
15 ambiguous, misstates the evidence,
16 mischaracterizes the evidence, and
17 misleading.
18 MR. HEWITT: Assumes facts not in
19 evidence.
20 A. It's a big plant. There could have been a
21 lot of footage of pipe.
22 Q. (BY MR. WATERS) Have you ever observed,
23 at any time, the process of a pipefitter removing
24 insulation in order to perform repairs or work on a
25 particular piece of pipe?

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1 A. I don't recall.
2 Q. In your training with Brown & Root, did
3 you understand -- did you come to understand that the
4 removal of asbestos insulation could be a potentially
5 hazardous process?
6 A. Yes.
7 Q. And that's why it was necessary to have a
8 bunch of these safety mechanisms if you were going to
9 get involved with that kind of work?
10 A. Yes.
11 Q. Did you give any -- any safety discussions
12 or safety instruction at the plant?
13 A. Yes.
14 Q. Did you -- were you -- did you hold safety
15 meetings, for example?
16 A. Yes.
17 Q. Do you have a -- a specific recollection
18 as you sit here today of ever holding a safety meeting
19 specifically for asbestos?
20 A. Not specifically for asbestos.
21 Q. All right. And I imagine you held safety
22 meetings on a wide variety of subjects?
23 A. Yes.
24 Q. Were the safety meetings that you held for
25 the supervisors, or did you hold them for the -- the

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1 hourly employees?
2 A. Both.
3 Q. Did you ever have any safety discussion or
4 back and forth with the Armco Steel safety folks?
5 A. Yes.
6 Q. Did you know Mr. Hubert, for example?
7 A. Yes.
8 Q. Mr. Schmidt?
9 A. Yes.
10 Q. Now, back in your training at -- well, let
11 me put it this way: At any time, had you had training
12 and had to do monitoring; that is to say, monitoring
13 for asbestos in the air or other substances in the
14 air?
15 A. No.
16 Q. In the '72 to '76 time frame, am I correct
17 that there was -- there were not any Brown & Root
18 employees at Armco who were qualified to do air
19 monitoring?
20 MR. HEWITT: Object to the
21 overbroad, speculative form of the
22 question.
23 A. I don't think so.
24 Q. (BY MR. WATERS) Okay. Do you know if
25 there were any Armco employees in that time frame who

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1 were qualified to do air monitoring? Do you know that
2 one way or the other?
3 A. Yes.
4 Q. Okay. Who do you believe would have been
5 qualified?
6 A. I think Schmidt.
7 Q. Okay. Did you ever ask Schmidt to do
8 monitoring of Brown & Root operations at any time?
9 A. I don't recall.
10 MR. HEWITT: Objection; overbroad.
11 Q. (BY MR. WATERS) You don't recall?
12 A. I don't recall.
13 Q. Do you have -- recall having any
14 discussions with the Armco folks about the hazards of
15 asbestos or the potential hazards of the asbestos at
16 the plant?
17 A. I don't -- I don't recall.
18 Q. Did you ever take the time to look at the
19 insulation in place to determine if it had become
20 friable at the Armco facility?
21 A. I don't recall specifically looking for
22 that.
23 Q. Okay. Did you ever get involved, or do
24 you recall any effort to catalogue or map the
25 locations or the presence of asbestos materials at the

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1 Armco facility?
2 A. Yes.
3 Q. Okay. What do you recall about that?
4 A. Transite siding situation.
5 Q. And did that involve the actual
6 monitoring, air monitoring?
7 A. No.
8 Q. Okay. Was it an effort to determine
9 whether a particular material did, in fact, contain
10 asbestos?
11 A. No.
12 Q. Was it known to be asbestos?
13 A. They said it was.
14 Q. Who said it was?
15 A. An Armco employee.
16 Q. Okay. And what -- was any determination
17 made as to whether or not it was asbestos?
18 A. It was transite, and transite was
19 asbestos.
20 Q. Okay. Was that material friable in any
21 way, create dust in any way?
22 A. Well, it can; but under this particular
23 circumstance, we took the steps to make it
24 nonfriable.
25 Q. Okay. You did the various protective

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1 mechanisms --
2 A. Correct.
3 Q. -- we talked about earl
4 A. Correct.
5 Q. So that when it created dust, that dust
6 was safely removed from being a potential hazard?
7 A. It -- we had to take some screws out and
8 move some panels. We wetted it, and we didn't create
9 any dust.
10 Q. Okay. Was that -- was that a concern
11 expressed by an Armco employee about -- about a
12 potential hazard with the material?
13 A. No, no. Brown & Root concern.
14 Q. Okay. Armco not involved?
15 A. No. Well -- well, it was their plant and
16 their job, and we had to do it for them, so they were
17 involved; but --
18 Q. But you didn't have any discussion with
19 them about it?
20 A. Transite is asbestos, and here is what we
21 are going to do; and we did it the correct way.
22 Q. In the time frame '72 to '76 at Armco, is
23 it a fair statement that you don't recall any air
24 monitoring being -- being done specifically for
25 asbestos?

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1 A. I -- I can't recall any in my time frame
2 out there.
3 Q. Well, I -- I haven't seen any -- have you
4 seen any records that would indicate that one way or
5 another?
6 A. No.
7 Q. Have you given a deposition previously,
8 ever given a deposition before?
9 A. Yes.
10 Q. In what kind of case?
11 A. Business dispute.
12 Q. Okay. Any -- any cases involving
13 asbestos?
14 A. No.
15 Q. Did -- did you spend some time with the
16 Brown & Root lawyer before the deposition in order to
17 prepare?
18 A. I had a meeting with Mr. Hewitt.
19 Q. That's right. And how long a meeting was
20 that today?
21 A. Today was 10 minutes, 15 minutes.
22 Q. And had you met with him previously?
23 A. Yes.
24 Q. On how many occasions had you met with him
25 previously?

Page 62 1 A. Twice. 2 Q. So, twice before today; and then a brief 3 meeting today? 4 A. Correct. 5 Q. Did he show you any documents? 6 A. Yes. 7 Q. What did he show you documents of? 8 A. Old Brown & Root office memos. 9 Q. Okay. Did you have any interaction with 10 Carl Richardson? 11 A. Yes. 12 Q. And I don't really know when you got 13 there, but did you know him, for example, before you 14 went to Armco? 15 A. He wasn't there then. 16 Q. That's right. That's what I thought. So, 17 did he come to Brown & Root some time between '72 and 18 '76? 19 A. I have no idea. It was before the '80s, 20 I think he got there. I couldn't tell you. 21 Q. I take it you don't have any recollection 22 of communicating with him in the '72 to '76 time frame 23 about asbestos? 24 A. I don't have a recollection of talking to 25 Carl Richardson specifically. He -- he was --	Page 65 1 MR. HEWITT: Objection; overbroad, 2 vague, and assumes facts not in evidence. 3 A. I -- I don't recall Brown & Root employees 4 -- specifically seeing a Brown & Root employee move a 5 piece of insulation off a pipe. 6 MR. WATERS: Okay. Objection; 7 nonresponsive. Can you read that one back 8 to him? 9 (The requested material was read by 10 the reporter.) 11 A. No. 12 MR. HEWITT: I would object to the 13 readback of that question on the grounds 14 it's repetitious. The witness has asked 15 -- the question has been asked and the 16 witness correctly answered the question 17 that was asked. 18 Q. (BY MR. WATERS) All right. In the time 19 frame where you had your one- to two-month training 20 period, I take it, then, you were not told at that 21 point in time that one of the hazards having to do 22 with asbestos in place was that from time to time, for 23 maintenance work, it might be necessary to remove it. 24 You were not told that or instructed that? 25 A. We knew that, yes.
Page 63 1 I believe he was hired on as an industrial hygienist. 2 Q. Right. 3 A. And I could have talked to him. I -- I 4 don't recall, but usually most of my business went 5 through my area manager. 6 Q. Did you understand in the '72 to '76 time 7 frame that there was a substantial amount of asbestos 8 material at the Armco facility? 9 MR. ERWIN: Objection; vague, 10 ambiguous. 11 MR. HEWITT: Assumes facts not in 12 evidence, is overbroad. 13 A. The amount of asbestos in -- in that 14 facility was never discussed or never told to me, the 15 amount of asbestos in that building, in the -- in the 16 plant. 17 Q. (BY MR. WATERS) Okay. And I understand 18 nobody ever told you about it. But did you 19 understand, by virtue of your training and experience 20 and your observations, that there was a significant 21 amount of asbestos insulation at the facility? 22 A. We assumed that there was asbestos in the 23 facility, yes. 24 Q. Okay. And the reason -- one of the 25 reasons for that is because if you don't know whether	Page 66 1 Q. From your training? 2 A. Yes. 3 Q. Okay. And that is to say, you knew from 4 your training that it was necessary from time to time 5 to remove the insulation in order to work on pipes or 6 piping systems? 7 MR. HEWITT: Objection; overbroad, 8 vague and ambiguous. It's not related to 9 any geographic location or time period or 10 specifically the circumstances in issue in 11 this lawsuit. 12 A. Yes. There are applications where working 13 on pipe, asbestos -- I mean, insulation needs to be 14 removed. 15 Q. (BY MR. WATERS) All right. 16 A. Yes. 17 MR. WATERS: Okay. Let's take a 18 5-minute break, bathroom break; is that 19 all right? 20 THE WITNESS: Yes. 21 THE VIDEOGRAPHER: It's 11:03 a.m. 22 We are off record. 23 (Short recess.) 24 THE VIDEOGRAPHER: It is 11:13 a.m. 25 We are back on record.
Page 64 1 or not something is nonasbestos, you're required to 2 assume, for the sake of safety, that it is asbestos, 3 right? 4 A. Correct. 5 Q. So, in the '72 to '76 time frame, you knew 6 that there was a lot of steam pipe in the facility, 7 right? 8 MR. HEWITT: Objection; overbroad 9 and repetitious. 10 A. There was a lot of pipe. I -- I can't 11 tell you if it was steam or what, or what it was. A 12 lot of pipe. 13 Q. (BY MR. WATERS) And you -- and you knew 14 that a large amount of the pipe was insulated? 15 MR. HEWITT: Objection; 16 repetitious. 17 MR. ERWIN: And misleading. 18 A. We ran across insulated pipe. 19 Q. (BY MR. WATERS) Okay. And you knew that 20 the pipe covering was asbestos unless you could test 21 it and show that it wasn't, right? 22 A. We assumed that it was asbestos. 23 Q. Okay. Did you recognize that from time to 24 time it would be necessary to remove the asbestos in 25 order to work on pipes?	Page 67 1 Q. (BY MR. WATERS) Mr. Johnson, as you sit 2 here today, in looking back to the '72 to '76 time 3 frame, can you think of any particular instance where 4 you recall observing work done by the pipefitters or 5 by a number of pipefitters, where you can visualize 6 what they are doing in your mind's eye? 7 A. Yes. 8 Q. How many -- how many occasions can you 9 recall in that fashion? 10 MR. ERWIN: I'm sorry, are we 11 talking about Armco site in -- 12 MR. WATERS: Yes, from '72 to '76, 13 right. 14 A. Daily occurrences. 15 Q. (BY MR. WATERS) Okay. You have -- I'm 16 asking if you have a specific recollection of any 17 particular day or event where you observed what the 18 pipefitters were doing. 19 A. Yes, I do. 20 Q. What is that? What was the event? What 21 was the circumstance? 22 A. The event was putting a big spool on a 23 piece of pipe in the pipe shop. 24 Q. Okay. And when did that take place, 25 approximately?

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1 A. Year? What year?
2 Q. Yes, sir.
3 A. '74.
4 Q. Okay. And why is it you recall that
5 particular event so well?
6 A. Because the well was so big and the spool
7 was so big.
8 Q. Okay. It was a big -- big operation?
9 A. Well, a big piece of pipe.
10 Q. Okay. Any other specific recollections
11 that you can have of observing pipefitters doing their
12 work in a particular instance, a particular situation?
13 A. Yes.
14 Q. Tell me about that.
15 A. Hoot was running a piece of drain pipe in
16 a bottom of a ditch with a -- a young helper that
17 didn't want to get his hands wet, and Hoot reached
18 over and stuck his hands down in the dirty water. I
19 -- I remember that incident.
20 Q. Okay. Any others besides the two --
21 A. No. No, not specifically.
22 Q. And you'll agree with me that over the
23 course of your four years, three and a half years
24 there, you did not make a habit of trying to catalogue
25 or observe the work that the particular crafts or

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1 trades were doing?
2 A. No.
3 Q. And you'll agree that there would be a
4 significant number of operations performed by
5 Mr. Gibson or Mr. Petty or the other pipefitters of
6 which you might not be aware?
7 MR. HEWITT: Object to the
8 overbroad, speculative form of the
9 question as phrased.
10 A. I'm sure there was.
11 Q. (BY MR. WATERS) Did you ever have any
12 discussions with Mr. Petty or Mr. Gibson about the
13 potential hazards of the asbestos insulation that you
14 can recall?
15 A. Not specifically to them.
16 Q. Okay. Do you recall any specific
17 conversations about asbestos with any of the various
18 crafts that worked out there, specific conversations?
19 A. Yes.
20 Q. And who would that be?
21 A. It was -- well, it was a toolbox safety
22 meeting --
23 Q. Okay.
24 A. -- at this time began to transform, but it
25 was a part of that toolbox safety meeting talk, not

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1 specifically, not the total meeting, but --
2 Q. It was brought up?
3 A. -- a part of it, sure.
4 Q. Okay. So what you can recall is that at a
5 toolbox meeting, the subject of asbestos was brought
6 up in the general sense?
7 A. Certainly.
8 Q. Okay. And these toolbox meetings, were
9 they at a particular time; do you recall?
10 A. Yes.
11 Q. Morning, afternoon --
12 A. Morning.
13 Q. Morning. Okay. Were they a weekly
14 occurrence?
15 A. Weekly.
16 Q. And can you tell us approximately what
17 year it was that you recall this one instance where
18 you included the topic of asbestos?
19 MR. HEWITT: Objection; that's a
20 mischaracterization of his testimony.
21 It's a misleading question.
22 Q. (BY MR. WATERS) You can answer.
23 A. I -- I don't have a clue.
24 Q. Do you recall which crafts were at the
25 meeting?

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1 A. Yes.
2 Q. Which were they?
3 A. All -- all of them.
4 Q. Oh, all of them. So it would have been
5 all of the workers employed at that time by
6 Brown & Root at the facility?
7 A. Correct.
8 Q. Okay. That would include -- would have
9 included pipefitters, laborers, all of them?
10 A. Correct.
11 Q. All right. And the information that
12 asbestos was hazardous, did you -- did you include in
13 that information that it could cause cancer?
14 A. I'm sure I did, but I don't recall
15 specifically saying that.
16 Q. Okay. And that was information that you
17 felt it was important to relay to the workers?
18 A. Yes.
19 Q. Because you wanted them to be able to, if
20 it was necessary, appropriate, to take precautions for
21 their own safety if they had to work with or around
22 asbestos?
23 A. That's correct.
24 Q. And it was important enough -- oh -- well,
25 strike that.

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1 That information, that is to say, that
2 asbestos was hazardous and could cause -- could cause
3 cancer, you wanted to make sure that information went
4 to all of these different crafts, including the
5 carpenters and the electricians and the millwrights,
6 the whole -- all the different trades?
7 A. Certainly.
8 Q. Because you recognized that they all had
9 the potential to work with or around asbestos
10 materials at the facility?
11 MR. HEWITT: Object to the
12 overbroad, vague form of the question.
13 A. I don't think that specifically they would
14 all have an opportunity to be around asbestos, but if
15 they saw -- part of -- part of their job was to report
16 unsafe --
17 Q. (BY MR. WATERS) Conditions?
18 A. -- conditions also. And in order to have
19 people that can do that, you need to let them know
20 about all of the hazards.
21 Q. Okay. How long did these -- these toolbox
22 safety meetings generally take?
23 A. 15 to 30 minutes, generally.
24 Q. Okay. And in the occasion where you
25 recall discussing the hazards of asbestos, can you

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1 give us a sense if you spent 5 minutes on it, or how
2 much time you spent on it?
3 MR. HEWITT: Object to the form of
4 the question. It's a mischaracterization
5 of his earlier testimony, regarding the
6 general recollection he has regarding
7 safety meetings where asbestos was a
8 topic.
9 Q. (BY MR. WATERS) You can answer.
10 A. About 5 minutes maybe. I don't -- I don't
11 recall, really.
12 Q. Did you tell the Brown & Root employees
13 that they were to assume that insulation material was
14 asbestos unless there was a specific confirmation that
15 it was nonasbestos, what we talked about?
16 A. I -- I don't recall. I'm sure I did,
17 but --
18 Q. Okay.
19 A. That was the general rule of thumb.
20 Q. Did you tell them that if they had any
21 reason to be involved with pulling out or tearing out
22 asbestos insulation, that they should come and see
23 you, for example; or what did you tell them about
24 what?
25 A. That's correct. They should report it to

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1 the safety supervisor and/or their immediate
2 supervisor as a -- as a hazard.
3 Q. Okay. So that any -- so that you made
4 them understand that any time they were going to be
5 involved with work that might create asbestos dust,
6 they were to immediately inform their superiors?
7 MR. HEWITT: Object to the form of
8 the question on the grounds it assumes
9 facts not in evidence and it's
10 speculative. It's a mischaracterization
11 of what this witness has testified to
12 relative to work he recalls Brown & Root
13 doing out there relative to insulation.
14 Q. (BY MR. WATERS) You can answer.
15 A. Along with many, many other things, yes.
16 Q. Okay.
17 A. Reporting of unsafe conditions is of
18 utmost importance.
19 Q. All right. And based on what you told
20 these folks to do, if they did have occasion to be
21 involved with friable or loose asbestos, then it was
22 their job and their duty to come and tell either their
23 superior or someone like you?
24 A. Right.
25 MR. HEWITT: Objection; spec --

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1 speculative, assumes facts not in
2 evidence.
3 A. Right.
4 Q. (BY MR. WATERS) Okay. And if, in fact
5 Brown & Root employees did not come to tell you or to
6 tell their superior that they were in the process that
7 might create dust, you would agree with me that they
8 were not doing their job the way they were supposed
9 to?
10 MR. HEWITT: Objection;
11 speculative, assumes facts not in
12 evidence.
13 A. I would say that that employee had not
14 lived up to his obligation to the company and his
15 fellow employees, yes.
16 Q. (BY MR. WATERS) And you would agree with
17 me that that employee or those employees would be,
18 under those circumstances, considered to be either
19 careless or negligent?
20 MR. HEWITT: Objection; assumes
21 facts not in evidence, is speculative,
22 calls for a legal conclusion, and fails to
23 state the proper standard, legal standard.
24 A. I think under those circumstances,
25 "negligent" may be harsh; but, yes, they are not doing

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1 their job properly.
2 Q. (BY MR. WATERS) Okay. And again in this
3 time frame, '72 to '76 -- or I'll put it to you this
4 way: After OSHA became the law, if asbestos materials
5 were removed or disturbed or dust was created without
6 these additional precautions and without the air
7 monitoring, you'd agree that that would be in
8 violation of the regulations?
9 MR. ERWIN: Objection; vague
10 ambiguous, overbroad.
11 MR. HEWITT: Also calls for a legal
12 conclusion on the part of the witness.
13 A. Ask that again.
14 Q. (BY MR. WATERS) I'll get her to read that
15 one back.
16 A. Okay.
17 (The requested material was read by
18 the reporter.)
19 A. Yes.
20 Q. (BY MR. WATERS) Do you consider yourself,
21 or do you have a pretty good recall about the plant
22 and the various structures and whatnot, where they
23 were located?
24 A. I think so.
25 Q. Okay. And did the Brown & Root lawyer

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1 show you a chart or a diagram that helped refresh your
2 recollection about where things were located?
3 A. I just went into his office during the
4 break and I said, "That's a map of Armco Steel?"
5 And he said, "Yeah." And he said, "Where
6 was your office at?"
7 And I said, "Show me the direct
8 reduction." And he did. And I just saw it 15 minutes
9 ago.
10 Q. Okay. All right.
11 Do you recall in the '72 to '76 time
12 frame, one way or the other, whether Brown & Root
13 employees did work in the powerhouse? Do you recall
14 work --
15 A. I don't recall the powerhouse.
16 Q. Okay. Do you recall one way or the other
17 whether Brown & Root employees did work in that time
18 frame at the blast furnace?
19 A. It -- we did some minimal work in the
20 blast furnace --
21 Q. Okay.
22 A. -- in my time -- during my stay there.
23 Q. Do you recall during your stay there
24 whether Brown & Root did any work at the coke plant?
25 A. Yes, we did work at the coke plant.

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1 Q. Did you do a significant amount of work at
2 the coke plant?
3 A. No.
4 Q. Of those three facilities, did you do
5 significantly more work at the coke plant than you did
6 at the powerhouse?
7 A. Not knowing anything about the powerhouse,
8 I would say we did more at the coke; but if it's
9 the -- the blast furnace or the coke, I think we did
10 more work at the coke ovens.
11 MR. HEWITT: I believe he said he
12 didn't recall anything at the powerhouse.
13 MR. WATERS: I think that's right.
14 Q. (BY MR. WATERS) What is the area of the
15 facility where you recall doing the most work?
16 A. No. 2 electric furnace.
17 Q. And what -- where -- what -- was that a
18 part of a larger area?
19 A. No. It was an area in itself.
20 Q. In itself. What type of work was
21 Brown & Root doing there?
22 A. They installed a air vacuum system on top
23 of the No. 2 electric furnace.
24 Q. So, there was an existing structure and
25 existing equipment and they added to it?

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1 A. Correct.
2 Q. Did that work involve any demolition in
3 order to prepare for that or to combine that -- those
4 buildings?
5 A. It had to have been some minimum
6 demolition.
7 Q. What about the open hearth furnace, do you
8 recall whether or not Brown & Root did work in the
9 time frame you were there?
10 A. Which -- which one?
11 Q. How many were there?
12 A. They had many furnaces out there.
13 Q. Well, was there one in particular you
14 remember as the open hearth furnace?
15 A. There was several called open hearth
16 furnaces.
17 Q. Oh, is that right?
18 A. In fact, I went out there, they tore
19 down -- they tore down an open hearth furnace, which
20 is the reason I went out there in the first place.
21 Q. Okay. Brown & Root was involved with the
22 demolition of an open hearth furnace?
23 A. Yes.
24 Q. Okay. And was that, again, in the '72 to
25 '76 time frame?

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1 A. Yes -- well, they finished just about the
2 time I got out there. So it was really pre-'72 or
3 '73.
4 Q. And how large was the -- the open hearth
5 furnace that they demolished?
6 A. Well, it was several. Probably 300 foot,
7 but there was several furnaces in there.
8 Q. Several structures that were 300-foot?
9 A. Brick ovens that were tore down.
10 Q. Okay. And there were boilers at
11 those -- associated with those furnaces or in the
12 vicinity of those furnaces?
13 A. I don't know how they were fired. I don't
14 recall. When I got there, it was basically all torn
15 down.
16 Q. It was done?
17 A. I don't know what was --
18 Q. Okay.
19 A. -- there.
20 Q. The demolition of the open hearth furnaces
21 would have resulted in some asbestos insulation being
22 removed as part of the demolition process?
23 MR. HEWITT: Object to the
24 speculative form of the question and
25 assumes facts not in evidence. He said

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1 this occurred before he was there.
2 A. I can't say that specifically.
3 Q. (BY MR. WATERS) The open hearth furnaces
4 that were still in operation after you arrived, those
5 contained steam piping, did they not?
6 A. Probably.
7 Q. Were you aware that the powerhouse blast
8 furnace and coke oven were eventually demolished?
9 MR. HEWITT: Objection; assumes
10 facts not in evidence.
11 A. I didn't know that.
12 Q. (BY MR. WATERS) How about the wide flange
13 mill?
14 A. Yes.
15 Q. Did -- did Brown & Root do a significant
16 amount of work at the wide flange mill?
17 A. It was minimum, when I was out there.
18 Q. '72 to '76?
19 A. It was minimum.
20 Q. Okay. How about the No. 1 electric
21 furnace shop, did Brown & Root do some work out there
22 in that time frame?
23 A. I don't recall, specifically, that
24 structure.
25 Q. So, you --

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1 A. I -- I remember hearing the number,
2 No. 1; but I can't -- I can't place where it was at
3 out there.
4 Q. So your answer would be you don't know?
5 A. I don't know.
6 Q. Fair enough. Do you recall the -- the
7 time that you talked about the toolbox safety meeting
8 where asbestos was discussed, do you remember that
9 earlier testimony?
10 A. Yes.
11 Q. Was that the result of -- did the
12 discussion come up as a result of some questions by an
13 employee; or was that part of your -- on your schedule
14 to be discussed on that given day?
15 MR. HEWITT: Object to the form of
16 that question on the grounds it's a
17 mischaracterization of his earlier
18 testimony, it's misleading.
19 A. It's -- it was -- it was based on my
20 decision to talk about it because of the information
21 that was being gathered at corporate and passed down
22 to us in the field concerning the -- what was going on
23 in the asbestos world.
24 Q. (BY MR. WATERS) How about the walking
25 beam furnace?

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1 A. We did some work in there.
2 Q. And you did some work generally in the
3 mill area, you told us?
4 A. Uh-huh.
5 Q. The wide flange mill?
6 A. No. No. We -- we did minimal work in the
7 wide flange mill.
8 Q. What's minimal?
9 A. I -- I can only recall -- we -- it was
10 basically electrical-type projects on the big -- I
11 reckon they are generators out there.
12 Q. Right. Okay.
13 A. We did some work on those.
14 Q. Right. The -- the work, whatever work you
15 can recall at the wide flange mill, it was your
16 recollection it would have been electrical in nature,
17 in this time frame?
18 A. Yes.
19 Q. Do you have any specific recollection of
20 observing that work or any portion -- specific portion
21 of that work?
22 A. Yes, I do.
23 Q. What do you recall?
24 A. We had a crew -- we had a rigging crew
25 there with the millwright crew removing -- we had --

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1 and I think they called them gener -- it's been a long
2 time. But it was a generator that was -- was taken
3 out, loaded on the truck and hauled off for repair.
4 Q. Okay.
5 A. Is what the nature of the work was.
6 Q. Do you recall if the generator was
7 insulated?
8 A. It was not.
9 Q. Was it in conjunction with a turbine?
10 A. Yes.
11 Q. Was the turbine insulated?
12 A. I don't recall.
13 Q. Was -- were there any steam piping systems
14 or other piping -- piping systems in the vicinity of
15 the generator?
16 A. Yes, there was.
17 Q. Okay. And how long did it take, this job,
18 to go in there and disconnect everything and get that
19 generator out of there?
20 A. We did it in three days.
21 Q. Other than that particular job, do you
22 have a specific recollection of work ongoing at the
23 wide flange mill during this time frame?
24 A. No.
25 Q. And why was it that you -- if -- if you

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1 can recall why, you particularly observed that one
2 job?
3 A. Well, we had a crew -- the crew had been
4 out there many, many hours; and the management told
5 them to stay there with them.
6 Q. Okay.
7 A. And I was basically, I babysat that one
8 project because of the nature of the -- the work.
9 Q. Do you recall whether it was necessary to
10 remove any asbestos insulation as part of that work?
11 A. I -- I do not recall any insulation at
12 all.
13 Q. But you do recall there being insulated
14 pipe in the vicinity?
15 A. I recall piping. I -- I can't
16 specifically say it was insulated.
17 Q. Did Brown & Root do any work in the boiler
18 house?
19 A. Is that the powerhouse?
20 Q. Yeah -- well, maybe it is.
21 A. I don't know. I don't recall.
22 Q. Now, you're not in a position to sit here
23 and tell us all of the different projects that
24 Brown & Root did at the different buildings or
25 different areas of the plant from 1972 to '76, are

Page 86 1 you? 2 A. No. 3 Q. And that would be, what, dozens or 4 hundreds of projects over the course of three to 5 four years? 6 A. Many. 7 Q. You're not in a position to tell us 8 whether or not an Armco employee at -- at the facility 9 may or may not have had exposure to asbestos in that 10 time frame? 11 A. No. 12 Q. Did Brown & Root ever do any work in the 13 metallurgy building? 14 A. Yes. 15 Q. Do you recall any specifics about that 16 work in the '72 to '76 time frame? 17 A. No specifics. 18 Q. Will you agree with me, sir, that friable 19 asbestos is a hazardous condition? 20 A. Yes. 21 Q. How about the electrical substation, did 22 we already talk about that? 23 A. No. 24 Q. No, you don't recall any work; or no, we 25 didn't already talk about it?	Page 87 1 Q. (BY MR. WATERS) Okay. Let me ask you 2 about, let's see, the bag house, any work in the bag 3 house in the time that you recall? 4 A. Which one? 5 Q. How many bag houses were there? 6 A. I know of two. 7 Q. Okay. Well, let's take those two. Either 8 of those? 9 A. We built the bag house. 10 Q. In that time frame? 11 A. Yes. 12 Q. Built one of them -- the newer one? 13 A. We built the bag house No. 2 electric 14 furnace. 15 Q. What was the bag house No. 2 electric 16 furnace? 17 A. It was a filter, a big filter. 18 Q. And what was the purpose of the filtering 19 system, if you recall? 20 A. Well, the -- the entire deal was a dust 21 collection system to prevent the dust from the No. 2 22 electric furnace escaping into the atmosphere. 23 Q. And what kind of dust was that? 24 A. Steel dust. 25 Q. Steel dust. And was asbestos used as part
Page 87 1 A. We didn't talk about it. 2 Q. Okay. Do you recall doing any work, 3 Brown & Root doing any work at the electrical 4 substation during this time frame? 5 A. Which one? 6 Q. Do they have different sequences or 7 numbers, do you recall? 8 A. There were many electrical substations and 9 switch gears in that plant. 10 Q. Okay. How about the No. 2 electric 11 furnace shop? 12 A. Yes. 13 Q. Did Brown & Root do work in that facility 14 '72 to '76? 15 A. Yes. 16 Q. What about in any of the operations areas? 17 A. Be specific. I mean, we -- we were in a 18 lot of the buildings out there. 19 Q. Were you often -- was Brown & Root often 20 doing work in the vicinity of or adjacent to where 21 Armco workers were doing their work? 22 A. No. 23 Q. Okay. Why was that? I mean, was there 24 some policy, was there some -- 25 A. Armco was union. Brown & Root was open	Page 90 1 of the filtration system for the bag house device? 2 A. I don't -- I don't know. 3 Q. You don't know? 4 A. I don't know what the filter media was. 5 Q. Let's talk about the No. 1 electric 6 furnace shop. Did Brown & Root do work in that 7 facility? 8 A. I -- I can't recall. I remember the 9 No. 1. I can't recall where it was or what would have 10 went on there. 11 Q. How about any work at the hot top 12 building, No. 1 electric furnace shop, can you 13 recall -- 14 A. I remember that -- that. But again, 15 I can't recall specifically any -- any -- any work 16 there. 17 Q. You are not saying it didn't happen, you 18 are just saying you don't have a specific recollection 19 of a specific project? 20 A. No. 21 Q. Did you become familiar with an asbestos 22 product called Johns-Manville Thermobestos? 23 A. Never heard of it. 24 Q. Did you have an understanding that there 25 were substitute materials available for asbestos
Page 88 1 shop. There wasn't a lot of love loss there to begin 2 with. But Brown & Root had specific contracts and 3 specific jobs that were performed. 4 Q. Right. 5 A. I'm not saying they didn't work beside 6 each other, or an Armco employee wasn't within sight. 7 But -- 8 Q. They didn't work together? 9 A. No. We could have been working on a -- a 10 unit, and they could have been making plate 5 feet 11 away, but there was no correlation between the two 12 groups at all. 13 Q. Okay. Brown & Root employees and the 14 Armco employees did not work together on given 15 projects; is that a fair statement? 16 A. I do not recall an instance of a 17 Brown & Root employee and a Armco employee working 18 together on anything. 19 Q. But what did happen from time to time, 20 given the nature of the plant, was Armco and 21 Brown & Root workers might well be working in the 22 vicinity with one another? 23 MR. HEWITT: Object to the 24 overbroad, vague form of that question. 25 A. Yes.	Page 91 1 insulation by '72 or '73? 2 A. Yes. 3 Q. Did Brown & Root use the substitute 4 materials when it needed to use insulation as opposed 5 to the asbestos material? 6 MR. HEWITT: Object to the 7 overbroad, vague form of the question. 8 A. To the best of my recollection, 9 Brown & Root did no insulation work at Armco Steel the 10 time I was out there. 11 MR. WATERS: Okay. Let me object 12 as nonresponsive. 13 Q. (BY MR. WATERS) I'm just talking about in 14 a -- in a general sense, Brown & Root, corporate 15 Brown & Root? 16 A. Yes. I can't specifically -- but, yes, 17 there were conversations about asbestos sub -- 18 substitutes 19 Q. Okay. Did Brown & Root use Triple B as a 20 subcontractor for insulation work; or do you know? 21 A. Yes. 22 Q. And that -- I should have asked the 23 question, with respect to Armco, if that would have 24 been true? 25 A. I don't know if Armco hired them or

Page 92 1 Brown & Root hired them. 2 Q. Okay. But the Triple B insulation folks 3 would do insulation work, if necessary, on the 4 Brown & Root projects? 5 A. Yes. 6 Q. And when you say insulation work done by 7 Triple B, is that new insulation work, that is to 8 stay, installation; or does that include, in your 9 mind, removal of insulation and replacement? 10 A. That would depend on the scope of the 11 work, obviously; but predominantly, new installation. 12 Q. Do you know -- do you know whether or not 13 Triple B was using asbestos-free insulation at Armco 14 in the '72 to '76 time frame? Do you know one way or 15 the other? 16 A. No. 17 Q. Did you recognize in 1972 that the removal 18 of insulation could potentially cause hazardous dust? 19 A. Yes. 20 Q. Did you recognize in 1972 that the cutting 21 or sawing of new asbestos insulation could create a 22 potential hazard? 23 A. Yes. 24 Q. And did you recognize that either the 25 tearout of old asbestos insulation or the cutting of	Page 95 1 A. I remember doing work in the combination 2 mill. 3 Q. Anything more specific than that? 4 A. No. 5 Q. And the pipe mill, I think you've told us 6 you recall doing work -- Brown & Root doing work at 7 the pipe mill? 8 A. Yes. 9 Q. Any Brown & Root work at the roundhouse? 10 A. I don't recall. 11 Q. Any work done at the mill office? 12 A. I don't recall. 13 Q. Machine shop maintenance area? 14 A. I don't recall. 15 Q. Any work done at the main office building? 16 A. I don't recall. 17 Q. How about the blast furnace, did we talk 18 about that? 19 A. Yeah, I -- I think I said we had -- there 20 was some work done there. 21 Q. Okay. And specifically, the blast furnace 22 maintenance shop, do you remember some work in that 23 vicinity? 24 A. No. 25 Q. Would you agree with me, sir, that it's
Page 93 1 new insulation both could -- could result in an 2 employee or other persons' exposures to asbestos? 3 MR. ERWIN: Objection; ambiguous. 4 MR. HEWITT: Objection to the 5 overbroad form of that question. 6 A. Yes. 7 Q. (BY MR. WATERS) What about the blooming 8 mill, any -- do you have a recollection one way or 9 another? 10 A. No. 11 Q. What about the structural mill, do you 12 have a recollection that Brown & Root did work in '72 13 to '76 at the structural mill? 14 A. They did do work there. I don't know the 15 specifics of it. 16 Q. Okay. What about the heat-treat building, 17 did Brown & Root do work at the heat-treat building in 18 this time -- 19 A. Yes. 20 Q. -- fair amount of work at that facility? 21 A. Average. 22 Q. Okay. How about the rod mill? 23 A. Yes. 24 Q. The coil storage building? 25 A. Don't recall that name.	Page 96 1 possible that in the time frame you were at Armco, 2 that there were occasions where Brown & Root employees 3 may have been involved with the removal of some amount 4 of asbestos material of which you are not aware? 5 MR. HEWITT: Objection -- 6 MR. ERWIN: Calls for speculation. 7 MR. HEWITT: Object to the 8 speculative form of the question, and also 9 assumes facts not in evidence. 10 A. It's possible. 11 Q. (BY MR. WATERS) Okay. Because obviously, 12 you are -- were not in a position to observe the 13 operations of all of the various Armco employees on a 14 daily or regular basis, correct? 15 A. Yes. 16 Q. And there would be certain days where 17 there were a large number of Armco employees that you 18 may not even have seen or observed what they were 19 doing in the field? 20 A. Armco employees weren't my responsibility. 21 Q. Bad question. Thank you -- thank you for 22 catching that. 23 A. Brown & Root employees, are -- yes -- not 24 large numbers, but there could have been crews that 25 disappeared out of sight that I didn't get to during
Page 94 1 Q. The wire mill building? 2 A. Don't recall doing work there. 3 Q. The bar storage buildings? 4 A. Yes. 5 Q. The mill spares building? 6 A. No recollection. 7 Q. And the wire mill warehouse? 8 A. No recollection. 9 Q. Any work around the open hearth main steam 10 header, if you can recall? 11 A. I don't recall. 12 Q. How about the plate mill area? 13 A. Yes. 14 Q. How about at the combination mill? 15 A. Yes. 16 Q. Fair amount of work at -- there at the 17 combination mill? 18 A. Pretty average, just -- 19 Q. Okay. And within that, the 160-degree 20 mill building, did you all do work in that? 21 A. I don't recall that, no. 22 Q. Okay. Do you recall, as far as the 23 combination mill is concerned, which buildings you 24 actually worked at; or do you just generally recall 25 the --	Page 97 1 the daily situation. 2 Q. Okay. And you wouldn't -- you wouldn't 3 have any present recollection of what that type of 4 work entailed, would you? 5 A. No. 6 Q. Did you ever have any discussions with 7 Triple B employees concerning the hazards of asbestos 8 or potential asbestos exposure? 9 A. I -- I don't ever remember Triple B being 10 in the facilities while I was a safety man. 11 Q. Okay. How is it that you recall that they 12 did work out there, generally? 13 A. I knew that they were a subcontractor on 14 projects out there. 15 Q. Okay. 16 A. Triple -- 17 Q. Just generally, you knew -- 18 A. Generally, I knew that they were a -- a 19 contractor that had worked out there. 20 Q. Okay. And that if Brown & Root was going 21 to use a contractor for insulation work, Triple B 22 would have been who it was? 23 A. I -- I -- I did -- 24 Q. To the best of your recollection. 25 A. Triple B had done work for Brown & Root

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1 Q. Okay. Are you aware of anybody else doing
2 that type of work out there, insulation work?
3 A. At Armco?
4 Q. Yes, sir.
5 A. No.
6 Q. Did Armco have its own crafts at the
7 facility?
8 A. Yes.
9 Q. All right. And some of those were similar
10 designations or names to what you-all had?
11 A. Yes.
12 Q. So, were you aware, for example, that
13 Armco had pipefitters who worked out there?
14 A. Yes.
15 Q. Insulators?
16 A. Yes.
17 Q. Electricians?
18 A. Yes.
19 Q. Laborers?
20 A. Yes.
21 Q. And incidentally, laborers, are they
22 typically the lower end of the totem pole with respect
23 to the work out there? Start -- the younger guys or
24 the guys with less experience?
25 A. I -- I can't speak for Armco; but for

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1 Brown & Root, they were --
2 Q. They were the guys --
3 A. They weren't skilled craftsmen.
4 Q. All right. Now, a laborer could become,
5 over time, he could learn how to become a craftsman at
6 some point in time, right?
7 A. Sure.
8 MR. ERWIN: Especially if they were
9 working for Mr. Gibson, right?
10 THE WITNESS: Yeah.
11 MR. ERWIN: Sorry.
12 MR. WATERS: Okay.
13 THE VIDEOGRAPHER: It is 11:51 a.m.
14 We are off record.
15 (Discussion off the record.)
16 THE VIDEOGRAPHER: It is 11:52 a.m.
17 We are back on record.
18 Q. (BY MR. WATERS) Talking about the
19 laborers, was it -- does it generally fall to those
20 guys to do cleanup-type work?
21 A. Yes.
22 Q. All right. And if you did have a
23 situation where there was dirt or debris or dust
24 remaining from any kind of operation, would it
25 typically be their job to -- to clean that up as a

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1 final instance?
2 MR. HEWITT: Objection; overbroad,
3 vague.
4 A. Yes.
5 Q. (BY MR. WATERS) And was Brown & Root
6 generally required to, from a housekeeping standpoint,
7 to clean up whatever mess they may have made in the
8 course of their operations and leave it clean for the
9 Armco folks?
10 A. Yes.
11 Q. Did you recognize that there might be
12 Brown & Root work that under certain circumstances
13 could be potentially hazardous to Armco employees?
14 MR. HEWITT: Object to the
15 overbroad --
16 Q. (BY MR. WATERS) I mean, I'm not talking
17 about --
18 MR. HEWITT: Go ahead.
19 Q. (BY MR. WATERS) -- anything specific, but
20 just in the general sense, did you recognize that that
21 was a possibility?
22 A. Yes.
23 Q. Okay. And certainly, Brown & Root wanted
24 to take precautions, not only for the safety of its
25 own employees, but for the safety of others who might

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1 be in the vicinity?
2 A. Yes.
3 Q. Have you been asked to come testify at
4 trial in this case?
5 A. No.
6 Q. Okay. If Brown & Root asks you to come
7 testify at trial in this case, would you come for
8 that?
9 A. Yes.
10 MR. WATERS: Pass the witness.
11 MS. KELLY: I have no questions at
12 this time.
13 ***
14 EXAMINATION
15 ***
16 BY MR. ERWIN:
17 Q. Mr. Johnson, I have a few questions.
18 I want to make sure the record is clear about a -- a
19 few things, and it may just be my -- my note taking
20 ability and nothing that you have said today; but
21 I just want to make sure about a couple of areas.
22 First of all, regarding your discussions
23 with Mr. Waters concerning Triple B and whether or not
24 you ever observed them out at the Armco facility, I
25 want to make sure I understand what your testimony is.

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1 Did you, sir, ever observe Triple B out there
2 performing any activities pertaining to insulation of
3 piping while you were at the Armco facility?
4 A. I don't recall.
5 MR. WATERS: Objection; calls for
6 speculation on the part of the witness,
7 given his prior testimony, lack of
8 foundation.
9 A. I don't recall Triple B being on a
10 Brown & Root project during the time I was out there.
11 Q. (BY MR. ERWIN) Okay. So, you did not see
12 Triple B at the Armco facility, correct?
13 A. I do not recall seeing Triple B on site
14 during my time out there.
15 Q. All right, sir. Am I correct that the
16 only particular concern about exposure to
17 asbestos-containing products at the Armco facility
18 which you can recall concerned perhaps insulation
19 products on piping, although you assume that that
20 insulation was asbestos and didn't know it was
21 asbestos for sure; is that correct?
22 A. I -- I can't recall an instance where
23 I was involved, of Brown & Root disturbing any
24 insulation. The -- the only product at the Armco
25 facility plant that we were told was asbestos that I

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1 was specifically involved in was transite siding --
2 Q. Okay.
3 A. -- on an operation.
4 Q. And that was that one operation you
5 mentioned earlier?
6 A. One operation, right.
7 Q. And just so the record is clear, your
8 discussions with Mr. Waters concerning whether or not
9 there were asbestos -- there was asbestos insulation
10 at the Houston Works Armco facility has been based on
11 an assumption that you made that it might have been
12 asbestos-containing, but you performed no tests or
13 made any determination about whether or not it was
14 asbestos; is that correct?
15 A. Yes.
16 Q. I want you to ask you to recall your
17 discussion with Mr. Waters concerning the -- what you
18 understood to be requirements that came into place
19 concerning the need for wetting, respiratory
20 protection, use of signs, ventilation, and a program
21 to advise employees of the hazards of asbestos. As we
22 sit here today, sir, can you remember the year in
23 which those came into play?
24 MR. WATERS: This is as regulations
25 or as --

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1 MR. ERWIN: Well, the same
2 testimony he -- he gave to you,
3 Mr. Waters, concerning when he understood
4 their requirements.
5 A. The first recollection I recall of -- of
6 recommendations -- and -- and I don't even remember
7 ventilation, to be specific, as a requirement; but
8 I do recall wetting, signs, and notification of the
9 employee, that -- that my benchmark is 1977 for
10 asbestos. And that was the year that 3M developed the
11 8710 dust respirator. I believe that was the year
12 that it came out. And this was going to be the
13 solve-all of all problems concerning asbestos in -- in
14 the workplace.
15 I -- I don't know when the actual law was
16 passed or -- or any of that stuff. But 1977 is pretty
17 much my benchmark on specific, real, true requirements
18 that were being presented to safety people.
19 Q. (BY MR. ERWIN) Okay. And I wanted to be
20 clear because I thought I had heard you testify
21 earlier today that in 1972 you had an awareness of
22 those things?
23 A. We had recommendations at that time that
24 Brown & Root enforced.
25 Q. Okay.

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1 A. And -- and that was my job, to enforce
2 those recommendations. Again, I don't believe it was
3 law. I believe it was a recommendation. And
4 Brown & Root -- Brown & Root was a pioneer in safety
5 when this Occupational Safety and Health Act was
6 passed. And we, the people in the field, took the --
7 took the corporate safety's recommendations and -- and
8 they were law to us. They weren't law to the rest of
9 the world.
10 MR. WATERS: Objection to the
11 nonresponsive portion.
12 MR. ERWIN: I join in that.
13 THE WITNESS: Sorry.
14 Q. (BY MR. ERWIN) While you were out at the
15 Armco facility, sir, do I understand that you did
16 daily walk-throughs to observe the operations, the
17 Brown & Root folks under your watch --
18 A. Yes.
19 Q. -- performing?
20 A. Yes.
21 Q. And while you probably can't testify today
22 that you made it to every crew every day, that was
23 certainly what you tried to do; is that correct?
24 A. That was my job.
25 Q. And you tried to do that?

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1 A. Yes.
2 Q. Before you-all started an operation at the
3 Houston Works Armco facility, sir; did you have
4 discussions with the Armco safety personnel about what
5 products and protocols would be followed on the jobs
6 that Brown & Root folks would undertake?
7 A. Not all jobs.
8 Q. Okay.
9 A. Some.
10 Q. Kind of depended on the size and scope?
11 A. Certainly.
12 Q. But ordinarily, you would have those types
13 of discussions?
14 A. It -- it depended on the size and scope of
15 the work.
16 Q. Okay.
17 MR. ERWIN: I believe that's all
18 the questions I have at this time.
19 Reserve the rest of them until after
20 trial. Thank you for your time, sir.
21 ***
22 EXAMINATION
23 ***
24 BY MR. HEWITT:
25 Q. (BY MR. HEWITT) Mr. Johnson, do you

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1 recall, generally, asbestos being a topic at the
2 safety meetings that you would have had occasion to
3 give over the period of time you were at the Armco
4 Houston steel mill, both safety meetings with
5 supervisors and the hourly employees?
6 A. Yes.
7 MR. WATERS: Let me object as
8 calling for speculation.
9 MR. HEWITT: No further questions
10 at this time.
11 ***
12 RE - EXAMINATION
13 ***
14 BY MR. WATERS:
15 Q. With respect to the safety meetings at
16 Armco, are you telling this jury at this point in time
17 that you recall discussions about asbestos on more
18 than one occasion in a safety meeting context?
19 A. I don't recall more than one time,
20 but I --
21 Q. All right.
22 A. -- I've got to believe there was.
23 Q. Well, do you recall our earlier discussion
24 where you had a specific recollection of a time when
25 there was a toolbox safety meeting and you spent

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1 somewhere in the neighborhood of 5 minutes discussing
2 asbestos?
3 A. Right.
4 Q. Other than that one instance, am I correct
5 that you don't have a specific recollection --
6 recollection of that issue being raised and discussed
7 at any other specific meeting; isn't that what you
8 told us earlier?
9 A. That's not what I meant, if I told you
10 that earlier. We -- I -- I can't pinpoint every time
11 that I mentioned asbestos at Armco Steel. It was
12 discussed.
13 Q. Okay.
14 A. It was the discussed at -- at the
15 supervisory level and at worker level.
16 Q. All right. But you don't have any
17 recollection of discussing it, for example, with the
18 Armco folks?
19 A. No, I can't recall that.
20 Q. Okay. In your work at the plant and your
21 walk-throughs in the various areas of the plant, sir,
22 did you observe from time to time that there was dust
23 in the air, visible dust from whatever operations were
24 going on?
25 A. Yes.

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1 Q. Okay. And the atmosphere generally, in --
2 in some of those facilities, you would consider to be
3 dusty?
4 MR. ERWIN: Objection; vague,
5 overbroad, lacks specificity.
6 A. Extremely.
7 Q. (BY MR. WATERS) Okay. From time to time,
8 did you observe your Brown & -- Brown & Root workers
9 who were working in an extremely dusty environment?
10 A. Yes.
11 Q. And when they were doing that, sir, do you
12 recall -- have a specific recollection as to whether
13 or not they were wearing some type of cloth mask or
14 other respiratory protection?
15 A. They were wearing respirators.
16 Q. Okay. And is it's your recall, sir, that
17 on each and every instance -- well, let me ask it this
18 way: The conditions were extremely dusty at different
19 times, correct, sir?
20 A. Right.
21 Q. And over the course of your five years
22 there, you would have observed Brown & Root workers in
23 extremely dusty environments on a number of occasions,
24 is that a -- fair enough?
25 A. Yes.

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1 Q. Okay. You're not telling us that on each
2 and every one of those occasions you recall that
3 respiratory protection was being used, are you?
4 MR. HEWITT: Objection;
5 argumentative and repetitious.
6 A. Respiratory was -- protection was required
7 in dusty areas.
8 Q. (BY MR. WATERS) All right. And did you
9 typically require respiratory protection if there was
10 visible dust in the air?
11 A. Yes.
12 Q. And that was as a matter of a safety
13 policy?
14 A. Yes.
15 Q. Because you recognized that if there was
16 visible dust in the air, there may well have been a
17 potential hazard?
18 A. Yes.
19 Q. And even though you-all didn't -- do air
20 monitoring to determine the constituents of the dust,
21 you ordered your men to wear masks in that situation?
22 MR. HEWITT: Object to the form of
23 the question, assumes facts not in
24 evidence and is overbroad and ambiguous.
25 A. Yes.

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1 Q. (BY MR. WATERS) Do you have any opinion
2 about the Brown & Root safety program and how it
3 compared with the safety program of the Armco workers?
4 Do you have any observations based on your experience
5 there?
6 A. I think Brown & Root employees got by with
7 less leeway on violations of safety than Armco
8 employees did, from that standpoint.
9 Q. In other words, you-all kept a tighter
10 reign on your employees?
11 A. I -- I'm saying that Brown & Root had more
12 flexibility in correcting a situation than Armco
13 safety personnel did, based on the way the two
14 companies were operated.
15 Q. So that you, as a safety man for
16 Brown & Root, got more respect or more response from
17 the Brown & Root employees in the Brown & Root
18 structure than perhaps the Armco safety folks did?
19 A. I could fire an employee a lot quicker and
20 easier than a Brown & Root -- than an Armco safety man
21 could.
22 Q. Did -- did the -- with respect to the
23 extremely dusty conditions that you generally have in
24 these types of facilities, is that something that you
25 would have observed on many occasions over the

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1 five years -- the three and a half years you were
2 there?
3 A. Yes.
4 Q. Do you have a recollection one way or
5 another as to whether or not Armco employees were
6 always wearing respiratory protection while working in
7 dusty areas; do you know -- do you recall one way or
8 the other?
9 A. I think Armco was pretty good about
10 wearing their personal protective equipment --
11 Q. Okay.
12 A. -- in -- in areas of high concentrations
13 of dust.
14 MR. WATERS: Let me object as
15 nonresponsive.
16 Q. (BY MR. WATERS) Do you have a specific
17 recollection of observing Armco employees in dusty
18 conditions wearing respiratory protection?
19 MR. HEWITT: Objection;
20 repetitious.
21 A. Yes.
22 Q. (BY MR. WATERS) Okay. Do you have -- do
23 you recall circumstances where the conditions were
24 dusty and Armco employees were not wearing respiratory
25 protection?

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1 A. Not specifically.
2 Q. Okay. Did you carry respiratory
3 protection with you as you traveled throughout the
4 plant?
5 A. Yes.
6 Q. In your pocket or in your pouch, or how
7 did you carry it?
8 A. In my car.
9 Q. Okay. And you would get it out of your
10 car if you felt that the conditions warranted it?
11 A. Or send them to the toolroom, yes.
12 Q. Or send who to the toolroom?
13 A. The -- the employees that needed the
14 respirators.
15 Q. Oh, I'm sorry. Were you speaking of
16 carrying respiratory protection for your men or for
17 yourself?
18 A. For me.
19 Q. Okay, right. Did you ever have occasion
20 to enter a building or enter a job site and observe
21 that the conditions were extremely dusty where your
22 respiratory protection was still sitting in the car?
23 A. Yes.
24 Q. And on occasion, did you -- did you go out
25 and get your protection from the car?

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1 A. Yes.
2 Q. And on other occasions, did you determine
3 that you weren't going to be there very long or
4 whatever and not wear protection under those
5 circumstances?
6 A. Probably.
7 Q. Okay. Do you have any knowledge about
8 where Armco maintained respiratory protection for
9 workers or anything about its program?
10 A. Yes.
11 Q. What do you know about that?
12 A. I believe it was maintained in the first
13 aid department, maybe in some of the shops around,
14 too. They had people that would clean it. But
15 I think the majority of it came out of the first aid
16 department.
17 Q. You indicated that 1977, to your
18 recollection, was sort of a benchmark year for
19 enforcing the regulations?
20 A. That was a benchmark -- mark year for me
21 personally because of the 3M 8710 dust mask. It's
22 just -- I've been in the -- I've been around, in, and
23 through the asbestos program; and that -- that one
24 incident on that one respirator just sticks out as
25 a -- a benchmark for me personally.

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1 Q. And I'm sorry, which incident was that?
2 A. The 8710 respirator --
3 Q. Oh, coming on the market?
4 A. -- coming on the market.
5 Q. Okay. Did you understand, as of 1977,
6 that there were, in fact, particular federal
7 regulatory requirements with respect to asbestos?
8 A. Yes.
9 Q. And from '77 onward, did you seek to
10 enforce all the applicable regulations of which you
11 were aware?
12 A. Yes.
13 Q. Will you agree with me that a company is
14 more likely to follow regulations than it is
15 recommendations or guidelines?
16 A. Yes.
17 MR. HEWITT: Objection to the
18 speculative form of that last question.
19 A. Yes.
20 MR. WATERS: Pass the witness.
21 ***
22 R E - E X A M I N A T I O N
23 ***
24 BY MR. ERWIN:
25 Q. One follow-up. Mr. Waters asked you to

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1 compare the Armco and Brown & Root safety programs; do
2 you recall that line of questioning --
3 A. Yes.
4 Q. -- Mr. Johnson?
5 A. Yes.
6 Q. And I believe your testimony was that the
7 thing that came to your mind was that Brown & Root had
8 greater flexibility in discharging employees for
9 safety violations; is that correct?
10 A. Yes.
11 Q. And do you understand, based on being out
12 there at Armco, that that distinction came into play
13 because Armco was a union corporation?
14 A. Yes.
15 Q. Okay. And the union contract would have
16 prevented summary -- summary discharge just for safety
17 violations?
18 A. Yes.
19 Q. Is that your understanding?
20 A. Yes, yes.
21 MR. ERWIN: Thank you, sir. No
22 further questions at this time. Reserve
23 the rest of them until the time of trial.
24 MR. WATERS: Thank you, sir.
25 THE WITNESS: Thank you. I enjoyed

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1 it.
2 MR. WATERS: Did you really?
3 THE WITNESS: Yeah. I liked it.
4 (Deposition concluded.)
5 -o0o-

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1 STATE OF TEXAS _____
2 COUNTY OF HARRIS _____
3 I, GLEN "PETE" JOHNSON, HEREBY CERTIFY that
4 I have read the foregoing deposition, and that this
5 deposition, together with my corrections, is a true
6 and correct record of my testimony given at this
7 deposition.
8
9
10 _____
11 GLEN "PETE" JOHNSON
12
13 SUBSCRIBED AND SWORN TO BEFORE ME by GLEN "PETE"
14 JOHNSON, on this, the _____ day of _____,
15 A.D., 1997.
16
17 _____
18 Notary Public in and for the
19 State of _____
20
21
22
23
24
25 My Commission Expires: _____

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1 CORRIGENDUM
2
3 I, GLEN "PETE" JOHNSON, wish to make the
4 following changes or corrections in the testimony as
5 originally given:
6
7 PAGE LINE CHANGE
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____
14 _____
15 _____
16
17 GLEN "PETE" JOHNSON
18
19 STATE OF _____
20 COUNTY OF _____
21 SUBSCRIBED AND SWORN TO BEFORE ME, the
22 undersigned authority, by GLEN "PETE" JOHNSON, the
23 witness hereinbefore named, on this the _____ day of
24 _____, A.D., 1997.
25 My Commission Expires: _____

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1 STATE OF TEXAS *
2 COUNTY OF HARRIS *
3
4 I, LISA A. BERRY, a Certified Shorthand Reporter
5 in and for the State of Texas, do hereby certify that
6 the foregoing answers in response to the questions
7 propounded were made before me by GLEN "PETE" JOHNSON,
8 the witness hereinbefore named, after said witness had
9 been first duly cautioned and sworn to testify to the
10 truth, the whole truth and nothing but the truth.
11 Further certification requirements pursuant to
12 Rules 205 and 206 will be certified to after they have
13 occurred.
14 I further certify the above and foregoing
15 deposition is a full, true, correct and complete
16 transcript of the proceedings had at the time of
17 taking of this deposition.
18 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
19 the 1st day of October, 1997.
20
21
22 LISA A. BERRY, CSR #3104
23 DIANA HENJUM REPORTING SERVICES, P.C.
24 5830 San Felipe, Suite 405
25 Houston, Texas 77057
(713) 952-6625 FAX (713) 952-6776
My Commission Expires: 12/31/98

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1 NO. 95-04-1728-D
2 MANUEL P. GONZALES, IN THE DISTRICT COURT OF
3 ET AL CAMERON COUNTY, TEXAS
4 VS. 103RD JUDICIAL DISTRICT
5 OWENS-CORNING FIBERGLAS CORPORATION, ET AL
6
7 ORAL/VIDEO DEPOSITION OF GLEN "PETE" JOHNSON
8 TAKEN ON SEPTEMBER 26, 1997
9 I, LISA A. BERRY, Certified Shorthand Reporter,
10 CSR #3104, hereby certify that:
11 1. This deposition transcript is a true
12 record of the testimony given by the witness named
13 herein, after said witness was duly sworn by me.
14 2. I am the charge for the
15 preparation of the completed deposition transcript and
16 any copies of exhibits attached thereto, charged to
17 Defendants Pro Rata as noted:
18 3. The deposition transcript was submitted on
19 _____ to _____ for the
20 REPORTING SERVICES, P.C., by _____
21 4. a. The deposition transcript was
22 returned, properly executed by the witness, to the
23 deposition officer ().
24 b. The deposition transcript was returned
25 unsigned because of illness; no reason given.
26 c. The deposition was not returned
27 signed. absence of witness; no reason given.
28 d. The deposition was retained by
29 _____ by agreement of the Parties.
30 I further certify that the attached
31 change/correction sheet contains any changes, and the
32 reasons therefor, made by the witness.
33 The original executed transcript, or a
34 certified copy thereof, if applicable, together with
35 all exhibits, was delivered to the
36 Custodial Attorney, MR. C. ANDREW WATERS, LAW OFFICES
37 OF C. ANDREW WATERS, 400 South Zang, Suite 1330,
38 Dallas, Texas 75208 on _____, 1997.
39 Pursuant to information made a part of the
40 record at the time said testimony was taken, the
41 following includes all parties of record.

MR. C. ANDREW WATERS
LAW OFFICES OF C. ANDREW WATERS
400 South Zang, Suite 1420
Dallas, Texas 75208

APPEARING FOR THE PLAINTIFFS
Taxable Cost: _____

MS. PATRICIA KELLY
ADAMS & GRAHAM, L.L.P.
222 E. Van Buren, West Tower
P.O. Drawer 1429
Harlingen, Texas 78551

APPEARING FOR DEFENDANTS
W.R. GRACE COMPANY AND
PITTSBURGH CORNING CORPORATION
Taxable Cost: _____

MR. JAMES V. HEWITT
HEREDITH, DONNELL & ABERNETHY
6850 Texas Commerce Tower
600 Travis
Houston, Texas 77002

APPEARING FOR DEFENDANT
BROWN & ROOT USA, INC.
Taxable Cost: _____

MR. R. HARDING ERWIN, JR.
MATTHESEN & CHASE, L.L.P.
3003 Eleven Greenway Plaza
Houston, Texas 77016

APPEARING FOR DEFENDANT
ARMCO
Taxable Cost: _____

8. A copy of this certificate was served on
all parties shown herein.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
the _____ day of _____, 1997.

LISA A. BERRY, CSR #3101
CSR EXPIRATION DATE: 12/31/98

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