FILE NAME: Owens Illinois (OWILL)

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DOCUMENT DESCRIPTION: Legal - Testimony of Edward Ames

O-I, P. 11

Castleman

EDWARD AMES,

having been previously duly sworn to tell the truth, the whole truth and nothing but the truth, was examined and testified as follows, to wit:

EXAMINATION BY MR. CARLSON

Q. Mr. Ames, my name is Ken Carlson, and I will be taking your deposition.

A. Mr. Ken Carlson?

Q. Mr. Ken Carlson, yes. This deposition is being taken pursuant to subpoenaes and notice filed in the various cases in both state and Federal Court in Northern California, the notices were made exhibits in the depositions of Glosser taken earlier this week on October 5, 1981. As you have stated Mr. Ames, your deposition has been taken on numerous occasions before, and I assume that you have a thorough understanding of the process of a deposition, that is correct?

A. (Nodding) That is correct.

Q. Okay. Where do you presently reside Mr. Ames?

MR. BONDONNO: Before we go any further, I would like the record to reflect that I have discussed with Mr. Ken Carlson the possibility of a stipulation offering that either your prior deposition in the St. Jacque case in Los Angeles, or your prior deposition in the Massachusettes case--Federal District Court of Massachusettes--be agreed upon as your testimony or stipulate that we simply not take your deposition today and we would agree to use one

or both or possibly all of your prior depositions. Mr. Ken Carlson has not been agreeable to this stipulation and I want the record to reflect that. Thank you.

MR. CARLSON: I believe I asked you where you presently reside, Mr. Ames?

A. I reside at 4315 North Moore Road, in Ottowa Hills, Post Office address is Toledo, Ohio. Zip is 43615.

Q. What's your date of birth?

A. 6/6/06.

Q. Could you give me a brief synopsis of your educational background, Mr. Ames?

A. I am a graduate of the University of Chicago, Ph.D. 1926, and of Harvard University, Master's Degree 1928. I also have two Honorary Doctors Degrees, one from Salem University in Salem, West Virginia, and the other an L.L.D. from the University of Toledo.

Q. After you finished your schooling at Harvard, in 1928, briefly trace your employment career from 1929 through 1939?

A. '29 through '39?

Q. Yes, sir.

A. Got out of Harvard in 27, and from '27 to '29 I was an instructor at Ohio Westley University in Delaware, Ohio, and from 1930 until 1935, I was on the staff of the TOLEDO MORNING TIMES, TOLEDO TIMES. I was reporter, editorial writer, feature writer, night editor and so forth. During that same period, I moonlighted part time as a newscaster for radio station WSPD here to Toledo. In 1935, I went to

the University of Toledo as associate professor, was there until 1934, when I went to the University of Toledo, was there until 1938, when I left to become the first director of the Hospital Service Association of Toledo, known as the Blue Cross Plan in these parts, and founded and managed the Blue Cross Plan in Toledo from 1938 to 1940, that takes me up beyond your '39.

Q. Thank you. And then starting in 1940, who was your next employer?

A. Owens Corning Fiberglas Corporation.

Q. Okay. What was your position when you started with Owens Corning Fiberglas?

A. The first assignment that I had when I started with Owens Corning Fiberglas was manager of the fiberglas exhibits at the New York World's Fair.

Q. Was that in 1940?

A. '40.

Q. Okay. After you finished your assignment as the manager of that exhibit, what job did you hold?

A. I returned to Toledo and became assistant to the president.

Q. And who was the president of Owens Corning at the time?

A. Harold Boeschenstein.

Q. B-o-e-s-c-h-e-n-s-t-e-i-n?

A. Correct.

Q. How long did you serve as assistant to the president?

A. I served, let's see -- I served until I left Owens Corning in 1953. But I served in other capacities also.

Q. Could you enumerate which of those capacities--
A. I was public relations manager and then became public relations director, and I have forgotten which years were which. So that when I left, I was public relations director of Owens Corning.
Q. And you left, as you stated, in 1952?
A. Correct.
Q. After 1953, could you give me a brief synopsis of the jobs that you had held until you retired?
A. Yes. When I left Owens Corning I went to Calumet and Hecla Inc, located in Chicago, as director of public relations, and then I came back to to Toledo in 1954, and became public relations director of Owens Illinois Glass Company as it was known then.
Q. Okay. Did you remain with Owens Illinois Glass Company until you retired?
A. I did.
Q. Okay. And you retired in approximately 1971, is that correct?
A. Correct.
Q. Do you know, Mr. Ames, when Owens Corning Fiberglas Corporation was incorporated?
A. Yes.
Q. When was that?
A. It was, as I recall, in either late October or early November, 1938.
Q. Okay. What was the origin of Owens Corning Fiberglas?
A. Owens Corning Fiberglas had two parent companies, on the

one hand Corning Glass Works located in Corning, New York, and on the other Owens Illinois Glass Company as it was known then, its general office in Toledo. During the middle 30s, experimental work was conducted by both Corning an Owens Illinois, in the formation and processing of glass and fiberform filaments, slivers as they were called, not slivers but shavers, and so you had the wool form of glass fibers and you had the textile form. And I guess I am get getting off the subject here.

Q. Well, that's fine. You are really just enumerating for me the origin of how these companies turned into Owens Corning Fiberglas eventually.

MR. JUBILIERER: I would appreciate it, Mr. Carlson, if you would ask a question so that the record reads question and answer, not commentary testimony.

MR. CARLSON: Mr. Ames, basically you can go ahead. I again would like you to finish, if you can, how the origin of those two companies you just mentioned consumated in formation of the Owens Corning Fiberglas.

A. Owens Corning was called the fabulous infant of the glass industry and stands in order to develop application for glass in fiber form and promote their commercial application.

MR. BONDURANT: Thank you, Mr. Ames.

MR. CARLSON: Did Harold Boeschenstein, that you previously mentioned, president of the corporation when you or shortly after you joined it, work for Owens Illinois Glass Company before he worked for Owens Corning

MR. CARLSON: So basically you were aware of at least the Lanza report made some connection regarding lung conditions from asbestos exposure.

A. Yes.

Q. Okay. Were you aware of any difference between exposures to individuals within a plant environment versus any other environment as to the potential health effects from exposure to asbestos?

MR. BONDONNO: Objection.

THE WITNESS: No.

MR. BONDONNO: My objection for the sake of the record is that it calls for expert opinion on the part of the witness. No foundation.

MR. CALLAHAN: This may be a good place to break.

(Recess.)

MR. CARLSON: Mr. Ames, when you were dealing with Cal Bartley, were you not in fact dealing with a population of people known as insulators?

MR. CALLAHAN: If you know?

THE WITNESS: Was I in fact dealing with what?

MR. CARLSON: A population of workmen known as inslators?

A. When the members of the Asbestos Workers Union were called insulators? He was the general counsel of the Asbestos Workers Union, does that answer your question?

Q. Yes. Isn't it true Mr. Ames, that you did not draw any distinction between one individual or another individual

in differing work places as to their susceptibility to get asbestosis?

MR. BONDONNO: Objection, misstates testimony, vague and ambiguous, calls for expertise on the part of the Witness which he testified he didn't have--expertise in industrial hygiene and medicine.

MR. JUBILIEKER: And it is argumentative.

THE WITNESS: The answer is no. If I understand your question.

MR. CARLSON: I almost don't understand what you are referring to on that.

MR. CALLAHAN: Did you make a distinction--was there a distinction--was the operative word--

MR. CARLSON: And my last exhibit, I am going to show you, we will mark as Plaintiff's Exhibit Twelve, and ask if you recognize that?

(Thereupon, the aforementioned document, being article by W. G. Hazard Proceedings of Rhode Island Health Institute, was marked Deposition Exhibit Twelve.)

A. Yes, I remember this well. (Handing document back).

Q. I will identify it on the record. This is excerpt from the Proceedings of the Rhode Island Industrial Health Institute by W. G. Hazard, dated May 19, 1943. Is the author of this report, Mr. Ames, the same Mr. Hazard that you referred to earlier in the deposition today?

A. Yes.

Q. Okay. Did Mr. Hazard send you a copy of that?

Q. Sir, is it true as of 1943, you were not aware of any studies that indicated that insulators--and by that I mean field applicators of asbestos containing insulation materials and products--were at any risk because of exposure to asbestos dust?

MR. CARLSON: Objection, leading.

THE WITNESS: Well, am I to answer?

MR. BONDONNO: Yes.

THE WITNESS: Please restate the question.

MR. BONDONNO: I am sorry, let me try again. As of 1943, did you know of any studies that indicated that insulators using asbestos containing thermal insulation material were at health risk?

MR. CARLSON: Vague and ambiguous as to what you mean by "studies".

MR. BONDONNO: A Public Health document, medical studies.

A. I forgot the date on that U. S. Public Health publication.

Q. Let me restate.

MR. CARLSON: January 4, 1935.

THE WITNESS: Well, I have seen that.

MR. BONDONNO: All right. And that is referred to as Exhibit 10? Your knowledge would be limited to the information you got from Exhibit 10, would that be fair?

MR. CARLSON: Knowledge as to what subject.

MR. BONDONNO: Your knowledge as to any potential risk to insulators or, strike that. I will rephrase the question. Mr. Ames, Is it true that your

knowledge relating to any inhalation of asbestos health hazards would be limited to what information you could glean from the United States Public Health bulletins marked as Plaintiff's Number 10?

MR. CALLAHAN: Your information.

MR. BONDONNO: Your source of information.

MR. CARLSON: And you said his only source, right.

THE WITNESS: Well I can't say it was my only source, but it was a source, right.

MR. BONDONNO: That is the only source you can remember as you are sitting here today.

A. The only authoritative source.

Q. And now, Mr. Ames, let me ask you this, isn't it true as of 1943, you were not aware of any studies that indicated insulators and people putting on insulation that contained asbestos, were at risk?

MR. CARLSON: Objection, leading.

MR. BONDONNO: Go ahead, you can answer the question.

A. I was not aware of the existance of any such study beyond that.

Q. When you say beyond this, you are referring to Exhibit 10? You didn't know anything beyond Exhibit Ten, is that fair?

A. I think so.

MR. BONDONNO: One more minute, and I think I am done. (Pause). Thank you, Mr. Ames.

the Lungs of Asbestos Workers. Do you know, sir, what kinds of plants were the subject of this article, Exhibit 10?

A. I don't know without reading it again.

Q. If you could look at page 4 of Exhibit 10, under the the heading ;Conditions in the Plants, you will see there is a description of kinds of work that is done in the plants?

A. Yes.

Q. Does reading that description of the kind of work done in the plant refresh your recollection that the subject matter of this article are asbestos textile mills?

A. Exactly.

A. It refers to vertical openings similar to those used in textile mills.

Q. So, the information you gleened from this article had to do with the experience of workers in asbestos textile mills, is that correct?

A. I think that's correct.

Q. You told Mr. Bondonno and Mr. Ken Carlson that since you had know training as industrial nygienist or occupational physician, and I take it from that we can all conclude that you never worked as an industrial hygienist, too?

A. Right.

Q. Or as a physician?

A. Right.

Q. Did you have any experience in interpreting articles dealing with industrial hygiene as an industrial hygenist?

A. You mean, the technical difficulty in the way of

Doctor Gardner about that.

MR. CARLSON: Does that refresh your memory as to the conclusion of Doctor Lanza's report?

MR. BONDONNO: Objection if I may, I will have a running objection to this whole line of questions because conclusions are written down--

MR. CARLSON: You can keep making them.

MR. BONDONNO: All right.

(Witness examining.)

MR. JUBILIERER: Are you asking is this what the document says, is that the question.

MR. CARLSON: Same question you asked Mr. Jubilierer, what the document said.

MR. BONDONNO: The document speaks for itself. I would agree it speaks for itself.

MR. CARLSON: Did you, at the time you worked with Owens Corning Fiberglas, have any difficulty understanding the conclusion there?

MR. BONDONNO: Same objection, also it is ambiguous.

MR. CARLSON: I don't think you have to be a technician or technologist to understand that. I think any college graduate who has a course in Freshman English could understand it even without the help of a dictionary.

THE WITNESS: Prolonged exposure to asbestos dust, caused a pulmonary fibrosis, of a type different from silicosis, and demonstratable on X-ray film. Clinically, from this study, it appears to be of a type

milder than silicosis.

THE WITNESS: No further questions?

MR. LYMAN: I have a few.

EXAMINATION BY MR. LYMAN

Q. You understood when you read that document, that the study was of plant workers, is that correct?

MR. CARLSON: Objection, calls for speculation. Document speaks for itself.

MR. BONDONNO: It is a study of plant workers.

MR. CARLSON: Objection to that comment.

MR. LYMAN: I am asking for his understanding.

MR. CARLSON: I am objecting to Mr. Bondonno's statement.

THE WITNESS: Yes, plant workers.

MR. LYMAN: Your understanding when you first read it, and your understanding now is that the word "shipyard" does not appear in that report, is that correct?

MR. CARLSON: Objection, leading and suggestive.

THE WITNESS: I don't find any reference to "shipboard".

MR. LYMAN: And no reference to insulators in it?

A. No, sir.

MR. LYMAN: No further questions.

MR. BONDONNO: Anyone else?

FURTHER EXAMINATION BY MR. JUBILIERER

Q. Mr. Ames, can you read X-rays--chest X-rays?