

FILE NAME: Cassiar Asbestos Corp (CASS)

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Testimony of John D. Christian

From Barlieb v. Bell et al

E.D.Pa C.A.No. 78-1027

December 29-30, 1980

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1 excellent idea because it developed a good degree of
2 cooperation between the industry and the government.

3 Q Let me shift to another subject, Mr. Christian.

4 When did Cassiar first put warning
5 labels on its bags of fiber?

6 A I believe it was June, 1972, or early '72.

7 Q Do you remember what the label said, or where
8 you got the language for the label?

9 A The language for the label was taken from the
10 OSHA regulations.

11 Q And why didn't Cassiar put warning labels on
12 its bags prior to 1972?

13 A Well, we didn't put warnings on our bags prior
14 to '72 because it never crossed our minds that we had
15 to put them on.

16 We weren't selling to the public.
17 It was quite unlike Drano or Iodine, dangerous medicines
18 or aerosol cans, in which the public could inadvertently
19 innocently hurt themselves. We were selling to a
20 company who had their employees in their own building,
21 who had complete control of the flow of materials,
22 and complete control of their people, as we did, and
23 we expected that this was all that was necessary for
24 the protection, there would be no advertent or
25 unknown problems arising.

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1 Q Then I take it what you are saying, you
2 relied upon the employer to --

3 MR. RUBIN: Objection.

4 THE COURT: I will sustain the objection.

5 BY MR. BEERS:

6 Q Why didn't Cassiar take steps to advise Keasbey-
7 Mattison, or its employees, directly about the health
8 hazards, potential health hazards from asbestos
9 exposure?

10 A Well, Keasbey-Mattison, and Certain-Teed,
11 were, in my opinion, as knowledgeable --

12 MR. CHEYNEY: Objection, your Honor.
13 This is not responsive to the question.

14 THE COURT: I think that's correct. I
15 will sustain the objection.

16 BY MR. BEERS:

17 Q Let me rephrase it.

18 Why didn't you take -- why didn't
19 Cassiar take steps to inform Keasbey-Mattison and
20 Certain-Teed and their employees directly about the
21 potential health hazards of asbestos exposure?

22 A Because it was our opinion that they were as
23 knowledgeable about these matters as we were, if
24 not more so, and that it would be very much like taking
25 coals to Newcastle.

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1 Q Maybe you could explain to me more fully
2 why you relied upon Keasbey-Mattison and Certain-Teed?

3 A Well, as far as their employees are concerned,
4 I can't see any possible way how we, as Canadians,
5 could talk to all of their employees, unless they
6 requested us to do so, which never happened.

7 I can't, for example, visualize myself
8 going down into Certain-Teed, or K&M, and walking in
9 and saying, look, gather all of your employees together,
10 I want to give them a warning, and come in a week
11 later and say now fellows, advise me of everybody that
12 joined the company. This was impossible. I had to
13 rely on them to run their own affairs safely.

14 Q Were there any other reasons why Cassiar
15 relied on Keasbey-Mattison and Certain-Teed, that you
16 can think of?

17 A None that I can think of.

18 MR. CHEYNEY: Objection.

19 THE COURT: Overruled.

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1 into a room and I'm looking to see whether a man is
2 wearing it. One assumes when you are in the business,
3 if you get into a dusty area, or dusty job, you pull
4 it up over your nose, otherwise you're talking to some-
5 body and you pull it down and it hangs around your
6 neck, so I have been asked, in the past, whether I
7 remember seeing somebody wearing a respirator.

8 I hate to say yes, and I hate to say
9 no, because I am not too conscious of whether they are
10 or are not wearing respirators.

11 Q You said you assumed if someone was working
12 in this business, and it was dusty, that they would have
13 a respirator at hand?

14 A Right.

15 Q Did anyone ever take dust counts in the mine or
16 mill areas of Cassiar?

17 A Yes. They started the inpinger method at
18 Cassiar in 1953.

19 Q Who started that method?

20 A M.C. Workmen's Compensation Board.

21 Q How often did they take dust counts?

22 A Usually twice a year, sometimes three times a
23 year.

24 Q Has anyone else taken dust counts at the mill?

25 A Yes. We started in 1970 taking our dust counts

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1 with a midget impinger and sent to our own environmental
2 engineers over to the U.K., United Kingdom, to visit
3 Turner & Newall, to learn how to use the new membrane
4 filter.

5 Q Why did Cassiar install its own dust counting
6 program, in addition to that of the Government?

7 A Well, the Government was coming twice or three
8 times a year, as they say, twice or three times, but
9 we found that if we were going to improve things, if
10 we made changes ourselves, we couldn't wait that
11 long to find out whether the change was a success,
12 so we put in our own, and did our own counting as well.

13 Q What was Cassiar's attitude toward the
14 Government dust control program?

15 A We had nothing against it. We got along fine.
16 Every time they would come in they would find some
17 area that was not satisfactory, and would instruct us
18 to have this fixed, or do that, or do something else,
19 which we did.

20 Having our own machines, it gave us
21 an opportunity to foresee the problems, somewhat.

22 Q We will change the subject again.

23 When did Cassiar ever discuss with its
24 customers the particular or peculiar characteristics
25 of the Cassiar fiber?

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1 A Well, yes, in trying to encourage people to
2 buy our fiber, when I was out on the road, mind you,
3 Bell were our sales agents, but I would visit each
4 fall, the major customers, from Australia to India,
5 Switzerland, Germany, France, and then usually ended
6 up the trip with a visit to Turner & Newall, and I
7 would stress that our fibers were, I believe, comparative
8 low in dust content, which spinners liked, because it
9 gave them additional strength of their fiber.

10 Asbestos cement people liked it because
11 it gave them better filtering rates and stronger pipe.

12 I pointed out that our fiber was low
13 in iron for the spinners. The electrical properties
14 that you got from our fiber would meet the U.S.
15 Strategic stockpile standards.

16 Is that what you are after?
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