

1 lawyers talk all day, and you take two aspirin,
2 hopefully, your headache is going to go away.

3 If you take 10 aspirin, your headache is
4 going to go away, but you are going to have a
5 stomachache. If you take 100 aspirin, you are
6 probably going to kill yourself.

7 That is what we are talking about. The
8 threshold just doesn't apply to asbestos. It applies
9 to medications, dust, fumes, gases, liquids used in
10 the workplace.

11 And examples of it would include your
12 exposures to lead or arsenic or things like that. You
13 always try to keep the level of exposure of things
14 like that down to a minimum.

15 In 1946, there was an organization called
16 the American Conference of Governmental and Industrial
17 Hygienists, or the ACGIH for short. They published a
18 pamphlet that contained lots of TLVs in them.

19 Who comprised this organization? It was
20 comprised of governmental and industrial hygienists,
21 just like the name says, people who worked for the

1 government.

2 Those were the people who could belong to
3 the ACGIH, vote, belong to its committees and things
4 like that.

5 Now, Owens-Illinois, my client, employed an
6 industrial hygienist. And I will talk to you about
7 him a little more later in detail. His name was
8 Willis Hazard.

9 Mr. Hazard, during a period of time during
10 World War II, left our employ and served in the United
11 States Public Health Service.

12 At the time he was doing his service for our
13 country, he was a member of the ACGIH. Mr. Hazard was
14 aware of the TLVs, and he applied them in the work
15 that he did for Owens-Illinois.

16 Now, this ACGIH, this independent
17 organization, what they said about TLVs were that they
18 represented conditions under which they felt it was
19 safe for workers to be repeatedly exposed day after
20 day to a certain substance, without injury to their
21 health.

1 Now, the way this worked was that they
2 assumed everybody worked an eight-hour day, so you
3 could have peaks and valleys of exposure.

4 You might have high exposure when a product
5 is being sawed. You may virtually have no exposure
6 when it was simply being placed on a piece of
7 pipecovering or on a long run of pipe.

8 Like Mr. Shellenberger told you, you only
9 have to cut it and really manipulate it when you get
10 to the end and there is a bend.

11 So you are going to have, you know, time
12 periods when your exposure is going to be low and time
13 periods when they are higher.

14 What you do is take all of those and average
15 them out, and you determine what the exposure is eight
16 hours a day for a 40-hour work week.

17 The ACGIH published these for everyone to
18 use. They were adopted, as Mr. McGowan told you, by
19 lots of different public-health organizations,
20 including the ones here in Baltimore.

21 This five million particle per cubic foot of

1 air threshold stayed in effect throughout the entire
2 time period that my client manufactured Kaylo, up
3 through 1958, because that is when we got out of the
4 business.

5 In fact, the ACGIH did not publish its
6 intent to change the threshold limit value until 1968,
7 which is about 10 years after my client got out of the
8 business. And it took about two years to effectuate
9 that.

10 It is a little bit after that time that the
11 Federal Government, through OSHA, comes in and gets
12 involved in regulating exposure to asbestos-
13 containing products.

14 Prior to OSHA, the Federal Government did
15 have some involvement in jobs where government
16 contracts were used, and that was called the Walsh-
17 Healey Public Contracts Act.

18 So if you had a government contract, you had
19 to comply with this TLV on that jobsite.

20 Now, this is precisely the type of evidence
21 that is going to help you evaluate what was known and