

FILE NAME: BF Goodrich (BFG)

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DOCUMENT DESCRIPTION: Legal - Deposition of William McCormick

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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IN RE:) MASTER NO. 1417
ASBESTOS LITIGATION) ABS 812

- - -

Deposition of WILLIAM E. McCORMICK, a
Witness herein, called by the Plaintiffs for Examination
pursuant to the Federal Rules of Civil Procedure, taken
before me, the undersigned, William S. Bish, an RPR/CM
and Notary Public in and for the State of Ohio, at the
Director's Room - Cascade Holiday Inn, 5 Cascade Plaza,
Akron, Ohio, on Monday, the 25th day of September, 1989,
at 9:05 o'clock a.m.

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524 Society Building
Akron, Ohio 44308
(216) 762-0031

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1 A. Oh, I'm sure I did, but I -- I don't recall.

2 Q. What organizations, as best you can recall,
3 would you have been associated with through your work at
4 the State of Georgia? I mean by that time-period-wise.

5 A. Well, I -- I know there were activities with
6 the American Industrial Hygiene Association locally and
7 nationally. I may have attended some, I don't recall.

8 Q. Was the American Conference of American Metal
9 Hygienists formed in that time period?

10 A. Well, it was formed in 1938, so it existed,
11 certainly.

12 Q. Did you have any activity with that
13 organization while you were a Public Health Service
14 Officer?

15 A. No, I did not.

16 Q. Or while you were at the State of Georgia?

17 A. No, I did not.

18 Q. Did you receive publications of the National
19 Safety Council in the time period through your employment
20 at the State of Georgia?

21 MR. MILLER: Objection. Excuse me,
22 objection, vague. Which publications?

23 MR. HOBSON: Any. We can start there and
24 try to narrow it, but --

25 THE WITNESS: I don't recall that I did.

1 BY MR. HOBSON:

2 Q. I'll try to narrow it for the gentleman. A
3 publication of the National Safety Council called
4 National Safety News, do you recall seeing that?

5 A. I don't recall. I may have, I don't recall.

6 Q. Do you now know of that publication, National
7 Safety News by the National Safety Council?

8 A. I presume it still exists. I haven't seen it
9 for a long time.

10 Q. But you are aware that it did exist?

11 A. It did exist, yes.

12 Q. Was the B. F. Goodrich Company a member of
13 the National Safety Council, to your knowledge?

14 A. Yes.

15 Q. Were they a member when you joined in 1946,
16 to your knowledge?

17 A. I believe so.

18 Q. Would you have any information about when
19 B. F. Goodrich would have become a member of the National
20 Safety Council?

21 A. I do not.

22 Q. When you were working for the Public Health
23 Service, assigned to the North Carolina State Health
24 Department, did any of your activities take you into
25 shipyards?

1 A. I believe -- I believe so.

2 Q. Did any of your work in shipyards, as best
3 you can recall, involve asbestos?

4 A. I don't believe so.

5 Q. Through your -- the time period of your
6 employment with the State of Georgia can you ever recall
7 doing any kind of an evaluation of how much, if any,
8 particulate dust or asbestos in air was associated with
9 any insulating activities?

10 A. I don't believe so.

11 Q. Through the time period that involved your
12 work at the State of Georgia did any of your activities
13 involve evaluating airborne concentrations of talc, that
14 you can recall?

15 A. I don't recall any.

16 Q. Prior to joining the B. F. Goodrich
17 Corporation in 1946 did you ever have any contact with
18 Phil Drinker?

19 A. Yes.

20 Q. Who was that contact?

21 A. Oh, there were many contacts.

22 Q. Could you start with the earliest that you
23 can recall and tell me what those were?

24 A. Well, I can't recall -- I can't tell you
25 specifically, but Dr. Drinker was a consultant for

1 Willson Products in Reading, and I had many contacts with
2 him.

3 Q. I take it that Willson Products Company made
4 a line of respirators that could be used for asbestos; is
5 that correct?

6 A. Yes.

7 Q. Do you recall what the various filter
8 materials would have been for the Willson product line
9 for asbestos respirators?

10 A. Well, that would -- that would vary. There
11 were -- there were felt filters, there were also supplied
12 air respirators that might have been used depending upon
13 the circumstances.

14 Q. Let's talk about the air purifying
15 respirators. Was felt the only material that you can
16 recall Willson Products Corporation -- Company used for
17 filters, when you were employed by them, for asbestos?

18 A. Well, I'm sorry, that is not an air purifying
19 respirator, that's not the definition.

20 Q. All right, sir. What kinds of respirators
21 would felt have been used on?

22 A. The type that is worn, they're called half
23 masks, and they're intended to filter out dust. They're
24 commonly referred to as dust respirators.

25 Q. And they would employ felt as a filtering

1 media?

2 A. Basically, yes.

3 Q. Were there any other half masks filter media
4 being used by Willson for asbestos dust, to your
5 knowledge?

6 A. I don't believe so.

7 Q. Were these felts given electrostatic charge
8 to aid in the filtering of asbestos?

9 A. No.

10 MR. BABB: Just out of curiosity what has
11 this got to do with the tire worker litigation and how
12 he's been identified? You know, it's fine what he did
13 with Willson, but I don't see the relevancy to how this
14 man has been identified to testify in this case.

15 MR. HOBSON: That's fine.

16 MR. MILLER: Well, let -- let me say that
17 I believe, with great affection for Mr. Hobson, that what
18 he's doing is conducting a lot of discovery on a bunch of
19 his cases down in Texas, and I just don't think that's
20 the right use of our time here, although surely he might
21 or might not be entitled to examine the witness on those
22 subjects somewhere, but none of this has anything to do
23 with the Oklahoma tire workers.

24 And previously I asked for an affirmation
25 on the record from other counsel here whether or not it's

1 chrysotile. I think you said that they were the same to
2 you. What -- what increased risk are you --

3 A. No, I'm sorry, I didn't say that, I didn't
4 say that.

5 Q. Okay. Let me let you clarify your answer,
6 because see, what I want to know is --

7 A. You ask the question the way you want me to
8 answer it and I'll see --

9 Q. All right.

10 A. -- if I can.

11 Q. What health risks are you aware of, or were
12 you aware of when you were at B. F. Goodrich, that were
13 associated with tremolite?

14 A. Again, I answered that by saying that I
15 became aware of this in the mid-40's, before I came with
16 the company. It was published information.

17 MR. MILLER: Sir, counsel is asking you
18 what hazards you were aware of, not when, but what did
19 you know back then about the health hazards.

20 BY MR. HOBSON:

21 Q. Yes, sir.

22 A. The information was to the effect that there
23 is an increased risk of some pulmonary damage through the
24 use of the inhalation of tremolite talc. Now, I can't be
25 more specific than that because I -- I don't know that at

1 that point the risks were well-defined. But there was an
2 increased risk.

3 Q. Now, if you would, sir, would you answer me
4 the same question but for chrysotile?

5 MR. BABB: Are you talking about just
6 chrysotile asbestos or chrysotile asbestos containing
7 talc or talc containing chrysotile asbestos?

8 MR. HOBSON: Chrysotile.

9 MR. MILLER: Well, counsel, I --

10 THE WITNESS: Well, do you mean by this --

11 MR. MILLER: Excuse me, pardon me. The
12 precise question that you asked him doesn't have any
13 meaning until we throw in about eighteen prior questions
14 with it. I think it's confusing and I would ask that you
15 put a question to the witness that can be answered as a
16 question rather than as a part of a dialogue that's taken
17 about a half an hour.

18 BY MR. HOBSON:

19 Q. What are the potential health hazards that --
20 for exposure inhalation of chrysotile that you're aware
21 of, Mr. McCormick?

22 MR. MILLER: As he sits here today?

23 BY MR. HOBSON:

24 Q. Well, let's start with 1973 when you left the
25 B. F. Goodrich Company.

1 A. Yes, I would have wanted to know.

2 Q. Did you know Dr. Leroy Gardner?

3 A. Yes.

4 Q. Are you familiar with his work at Saranac?

5 A. Yes.

6 Q. Do you know if he did any work involving
7 asbestos necessarily?

8 A. Yes.

9 Q. When did you become aware of that?

10 A. When I was in North Carolina, let's say
11 approximately sometime in 1944 or 1945, somewhere in that
12 area.

13 Q. Did you know that Dr. Gardner did work on
14 talcs?

15 A. Yes.

16 Q. Tell me what you know about his work on
17 talcs.

18 A. Only that he did work. I don't have any
19 specific information.

20 Q. Tell me what you know of his work with
21 asbestos.

22 A. Well, again, I don't have any specific
23 information, but I -- Dr. Gardner came into North
24 Carolina when I was there and met with myself and several
25 other people, and I became quite aware of the work that

1 he was doing then with asbestos, but I -- I don't have
2 any further details on that.

3 Q. Do you -- are you aware that Dr. Gardner had
4 looked at the cancer causing potential of asbestos in
5 animals?

6 A. I'm not aware of that.

7 Q. That's not something that was discussed with
8 you?

9 A. No, it was not.

10 Q. Do you know today whether or not Dr. Gardner
11 ever looked at the cancer causing potential of asbestos?

12 A. I do not know. I have not seen published
13 information to that effect. I do not know.

14 Q. Have you ever seen any information conducted
15 at Saranac on talcs that's been published?

16 A. I can't recall. I'm sure there has been
17 some, but I can't recall what it is.

18 Q. Tell me if you would, sir, your best
19 recollection of when you met Dr. Gardner and who was
20 there with you.

21 A. I don't know who was there with me. A number
22 of other people. As I say, I've given you -- I've given
23 you an approximate time frame and that's all I can give
24 you.

25 Q. Would this have been closer to when you first

1 went to work in North Carolina or toward the end of your
2 tenure, do you remember?

3 A. I've given you an approximate time frame.
4 That's all I can tell you.

5 Q. Can you give me your best recollection of
6 what Dr. Gardner reported to you about his work at
7 Saranac in asbestos?

8 MR. BABB: That's assuming he reported to
9 him about this.

10 MR. HOBSON: He said he did.

11 THE WITNESS: Well, it was discussed
12 generally. It was without real detail, so I -- I don't
13 know. I can't define it any further.

14 BY MR. HOBSON:

15 Q. Did he tell you that he was doing
16 toxicological work?

17 A. Define what you mean by toxicological.

18 Q. Well, did he tell you that he was exposing
19 animals, by inhalation, to asbestos?

20 A. That's what Dr. Gardner did at Saranac. They
21 were all animal experiments.

22 Q. Would you call that a toxicological
23 evaluation?

24 A. Not necessarily.

25 Q. What would you call it?

1 A. That's an inhalation experiment.

2 Q. Can you recall any of the results of his
3 work?

4 A. No, I do not know what the results were.

5 Q. Do you know if Dr. Gardner ever obtained any
6 results from that work?

7 A. I do not know.

8 Q. If he did, and if they demonstrated the
9 potential for asbestos to cause cancer in animals, is
10 that something you would like to know about?

11 MR. MILLER: Objection.

12 MR. SHUNK: Objection.

13 MR. MILLER: Objection, improper
14 hypothetical.

15 MR. BABB: I join in the objection.
16 You're asking him not to make just one assumption but
17 two. If you can answer it.

18 THE WITNESS: I can't.

19 BY MR. HOBSON:

20 Q. Do you remember what brought Dr. Gardner to
21 North Carolina for these discussions?

22 A. I don't really. I don't -- I don't quite
23 know how the meeting came about, whether it -- it may
24 have been at his request, it may have been at the request
25 of the Health Department of North Carolina. I do not

1 know.

2 Q. Was it in a seminar type presentation or was
3 --

4 A. Yes, pretty much so, yes. Not formal,
5 informal.

6 Q. Do you recall if anyone accompanied Dr.
7 Gardner from Saranac?

8 A. I do not know.

9 Q. In looking at your -- your resume', Exhibit
10 2, I noticed that one of your early publications was
11 Harmful Industry Dusts and Protection From Them, a
12 bulletin that was written in 1941. Can you tell me what
13 that deals with, please?

14 A. No, I can't. My memory isn't that good.

15 Q. Was it published?

16 A. There's a citation there, isn't it?

17 Q. Well, it says the Virginia Polytechnic
18 Institute bulletin.

19 A. Well, then it was published.

20 Q. Would you happen to have a copy of it?

21 A. No.

22 Q. How is it that you were publishing in the
23 Virginia Polytechnic Institute's bulletin?

24 A. Well, as I recall the circumstances that was
25 when I was at Willson Products. I think I was invited to

1 go there perhaps for some sort of a seminar type of
2 presentation.

3 Q. Can you recall if any of your publications
4 dealt with asbestos?

5 MR. BABB: Would you let him take a look
6 at the document?

7 MR. HOBSON: Sure.

8 MR. BABB: That might help or be of some
9 benefit.

10 THE WITNESS: They may or may not. I
11 can't be sure. Some of those early publications may have
12 been just, you know, a general type of description. I
13 don't know.

14 BY MR. HOBSON:

15 Q. I see that your third publication was
16 actually published in National Safety News. That's the
17 National Safety Council publication?

18 A. Correct.

19 Q. You told me that you first visited the Miami
20 plant in the early 50's. Can you give me an idea of
21 about how many times you have visited the Miami plant?

22 A. I haven't the least idea.

23 Q. Would you say it was several times?

24 A. Several times, but beyond that I can't define
25 it.