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STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

Barbara C.
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
98-CBS-9670

GARY ROBERT ALBRIGHT, et al.)
)
 Plaintiffs,)
)
v.)
)
HNA HOLDINGS, INC., also)
known as TREVIRA, INC.,)
formerly HOECHST CELANESE, INC.)
and FIBER INDUSTRIES, INC.,)
)
 Defendants.)

VIDEOTAPE DEPOSITION OF CHARLES LAUBLY

JUNE 15, 1999

TUCSON, ARIZONA

VOLUME II

CelaneSE

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I N D E XWITNESSPAGECHARLES LAUBLY

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E X H I B I T S

#1	Celanese File (Retained)	VOL I 169
#2	"Industrial Carcinogenesis and Toxicology," by M.W. Goldblatt	VOL I 183
#3	"Research in Industrial Health in the Chemical Industry," by M.W. Goldblatt	VOL I 192
#4	"Occupational Carcinogenesis," by M.W. Goldblatt	VOL I 192
#5	"Lectures on Scientific Medicine," University of London, 1957	VOL I 193
#6	"Occupational Carcinogenesis," by M.W. Goldblatt	VOL I 193
#7	"Occupational Cancer," by M.W. Goldblatt	VOL I 193
#8	"Turner and Newell, Ltd. Board Meeting," May 25, 1967	VOL I 195
#9	Celanese Answers to Interrogatories	VOL II 255

1 BE IT REMEMBERED that Pursuant to Notice
2 for Taking Depositions in the above-styled and numbered
3 cause, the videotape deposition of CHARLES LAUBLY,
4 Volume II, was taken upon oral examination at the
5 University Marriott, in the City of Tucson, State of
6 Arizona, before me, Ronald L. Lunsford, a Notary Public
7 in and for the County of Pima, on the 15th day of June,
8 1999, commencing at the hour of 10:18 a.m., in a
9 certain cause now pending in the General Court of
10 Justice, Superior Court Division of the State of North
11 Carolina, County of Mecklenburg.

12 * * * * *

13
14 THE VIDEOGRAPHER: This is the beginning of
15 the second day of the video deposition of Charles
16 Laubly. The date is June 15, 1999. The time is 10:18
17 a.m. and we're back on the record.

18 MR. HUTCHINS: Mr. Laubly, you have been
19 previously sworn and I remind you, you are still under
20 oath.

21
22 E X A M I N A T I O N (Cont'd)

23
24 BY MR. MAURIELLO:

25 Q. Good morning, sir.

1 A. Good morning.

2 Q. Welcome back.

3 We'll try and pick up where we left off
4 yesterday, and I think we were talking generally about
5 the point in time in 1966 when you came down to the
6 plant after being hired as a corporate industrial
7 hygienist.

8 I'm just going to return to that time frame
9 for a moment and we'll move on from there.

10 At that point in time you told me that you
11 did pay a visit to the Salisbury plant, you recall; is
12 that correct?

13 A. After I came aboard, yes.

14 Q. Yes, sir. You believe that was sometime in
15 1966, you said. It could have been the summer or it
16 could have been the fall; is that a fair statement?

17 A. Yes. It sounds right.

18 Q. All right. And, Mr. Laubly, from that
19 point forward -- I know you gave us a little bit of a
20 background yesterday in terms of your visits.

21 Do you remember I ran down with you the
22 list of subsidiary companies?

23 A. Yes.

24 Q. Okay. And I asked you how many of those
25 companies were kind of under your control versus

1 someone else, and you mentioned a couple of those
2 companies.

3 Can you give me an idea of how often you
4 would have visited the fiber group, and by that I'm
5 talking about Fiber, FII, Fiber Industries plants, from
6 1966 until you left in 1979?

7 Was there a set schedule, or can you give
8 me a general idea of how often you would have visited
9 that area?

10 A. There was never any set schedule to the
11 plants.

12 Q. Okay. Well, let's talk specifically about
13 the plants near Charlotte, the Rock Hill plant in
14 Salisbury. Do you recall offhand the general number of
15 times that you visited the Salisbury fiber plant after
16 1966?

17 A. As much as a couple of times a year.

18 Q. All right. And did that pattern or that
19 frequency remain until you left in '79?

20 A. It's really hard to say, but I --

21 Q. I don't want you to guess. If you know,
22 tell me. If you don't, then --

23 A. I was down in the area frequently.

24 Q. All right. When you went down in the area,
25 did you have the habit of trying to visit all the

1 plants in that location when you went there?

2 A. Yes.

3 Q. In other words, you'd fly into Charlotte or
4 something and visit the Charlotte area plants?

5 A. Yes. That's the I operated.

6 Q. And you told me occasionally you went with
7 Dr. Dixon; is that correct?

8 A. Very rarely.

9 Q. Well, that was my next question.
10 Can you give me a little bit more of
11 quantitatively how often Dr. Dixon would have
12 accompanied you on any of those trips?

13 A. Once or twice, total.

14 Q. In the total time you were there?

15 A. Yes. We didn't travel together very much.

16 Q. All right. Do you know if Dr. Dixon had
17 accompanied you to the Salisbury fiber plant
18 specifically on any occasion?

19 A. No, I don't.

20 Q. We mentioned the name of Herbert Kolander.

21 A. Yes.

22 Q. And my understanding is, correct me if I'm
23 wrong, Mr. Kolander was superintendent of safety?

24 A. Safety director, yes. Director of safety.

25 Q. Director of safety. And do you know the

1 years he was the director of safety for Celanese?

2 A. Not -- well, not exactly. I think he came
3 on board in 1970.

4 Q. Okay. So he came on board after you had
5 already been there for some time?

6 A. Oh, yes.

7 Q. All right. Was there a predecessor,
8 someone before him in that position?

9 A. Well, Glenn Fleming.

10 Q. And you told me Mr. Fleming's office was
11 out of Charlotte?

12 A. True.

13 Q. When Mr. Kolander -- withdrawn.

14 Did Mr. Kolander take over Mr. Fleming's
15 job?

16 A. Yes.

17 Q. What happened to Mr. Fleming at that point?

18 A. He retired.

19 Q. He retired around 1970?

20 A. Yes.

21 Q. Is that your understanding?

22 And when Mr. Kolander took over as the
23 director of safety in 1970, how long did he remain in
24 that position?

25 A. Well, he was there when I left. I don't

1 know how long.

2 Q. Okay. Had you ever met with Glenn Fleming
3 at the Salisbury plant on any occasion before he
4 retired or left in 1970?

5 A. The only time I could recall would be when
6 we attended the annual safety contest function.

7 Q. Can you elaborate on that? Safety contest
8 function, what's that?

9 A. Well, the Blancke Safety Award is given
10 annually to the best plant, and that was in -- the
11 award was given in 1972, the spring, picnic day, time.

12 Q. When you say the award was given, does
13 that mean the first time an award had been given or is
14 that --

15 A. No. I mean, it's an annual award given to
16 the best --

17 Q. Plant in the Celanese group?

18 A. All of Celanese.

19 Q. And had that award process been underway
20 since you began in 1966? Is that something that was in
21 place when you --

22 A. Yes. Yes.

23 Q. Do you know offhand which plants received
24 awards on any year?

25 A. I was looking at some of the things I had.

1 1969, the Clear Lake Chemical Company,
2 Chemical Plant got it.

3 Q. That was in '69?

4 A. '69. And then in '72, I know that
5 Salisbury got it.

6 Q. Salisbury got the award in 1972?

7 A. Yes.

8 Q. And that's the safety award, it's a company
9 award?

10 A. A company award.

11 Q. Who is that award bestowed on? Is it given
12 to the plant manager or the company --

13 A. To the plant. Just to the plant, to the
14 employees.

15 Q. And who issues the awards? I know it's
16 Celanese, but who does that award come from? Who makes
17 the determination as to who receives the award?

18 A. Well, Glenn Fleming's office. The safety
19 director's office.

20 Q. And do you know the criterion for the
21 award, what type of things they look at or looked at?

22 A. Man hours of accident-free working.

23 Q. And I don't mean to pick on the definition.
24 I'm trying to understand how they worked it back in
25 '72.

1 When you're talking about accident-free,
2 are you talking about like traumatic injuries?

3 A. Total.

4 Q. Right. But when you say accident-free, any
5 accidents?

6 A. Yes. That's true.

7 Q. Accidents involving an injury to a worker?

8 A. True.

9 Q. Okay. Any other criterion that goes into
10 the annual award?

11 A. I don't recall.

12 Q. Did you participate in the process at all,
13 either by reviewing plants for the award or giving
14 input as the industrial hygienist?

15 A. No.

16 Q. Okay. That was purely out of the safety
17 department?

18 A. Yes.

19 Q. And you told me yesterday that when you
20 went to various plants, you first told me when I asked
21 you what you did when you went to various plants, you
22 told me that when you started with Celanese in 1966,
23 you were told to go out and take samples. Do you
24 recall that testimony?

25 I'll rephrase it if that's an unclear

1 statement.

2 You told me that when you started in early
3 1966, you received about a one-day training.

4 A. No. No. No. I received a one-day
5 training when I went with Kemper.

6 Q. All right. I thought you indicated that
7 when you were in New York, you also received
8 approximately one day of training in New York.

9 A. No. No. That's not true.

10 Q. All right. Then correct me. What type of
11 training did you receive in New York?

12 A. No industrial hygiene training.

13 Q. All right.

14 A. Because I was hired to do the industrial
15 hygiene job.

16 Q. All right. You didn't receive any training
17 at that point?

18 A. That's true.

19 Q. All right. And when you were told to go
20 out and visit these various plants, I think you told me
21 that you went in there to perform some functions.

22 A. I --

23 Q. I'll rephrase the question.

24 What were you doing when you went to the
25 various plants in 1966 and thereafter? What type of

1 things did you do when you entered a plant?

2 A. Well, in most instances, making contact
3 with a safety person and industrial relations manager
4 to tell them that I was available for industrial
5 hygiene matters.

6 Q. And after that process was completed, what,
7 if anything, did you do?

8 A. At any specific plant?

9 Q. Well, did you have a particular routine
10 when you went to a plant, besides making contact with
11 them? Did you do --

12 A. Making an on-site inspection.

13 Q. All right. That's what I'm getting at.
14 Did you actually perform those type of functions?

15 A. Yes.

16 Q. Did you walk around the plants when you
17 were in there?

18 A. Yes.

19 Q. And is it your testimony that you performed
20 that function not only for plants in the fiber group
21 but for other subsidiaries of Celanese?

22 A. Yes.

23 Q. Okay. And, again, why don't you tell me
24 this morning how many, and I'm not going to hold you to
25 the exact number, approximately how many plants are we

1 talking about?

2 A. Forty to fifty.

3 Q. And, Mr. Laubly, when you went to these
4 plants to do an inspection of the plant, did you keep
5 any records?

6 A. No.

7 MR. HUTCHINS: Just so I'm clear, you're
8 asking has he kept records today that would relate back
9 to those visits, or did he make records at the time of
10 the visits?

11 MR. MAURIELLO: Either.

12 BY MR. MAURIELLO:

13 Q. Any records that you have today or records
14 that you made back then that you turned into the
15 company, any written record of your inspection?

16 A. No. Most of my reporting was done word of
17 mouth to Ernie Dixon.

18 Q. Okay. And, again, when you say most, did
19 you keep some records?

20 A. If I saw some conditions I thought that
21 they might beef up a little bit, I would write a memo.

22 Q. All right. And was that memo turned into
23 the plant safety superintendent?

24 A. Yes.

25 Q. And was it turned into Dr. Dixon? Was a

1 copy sent to Dr. Dixon?

2 A. Yes.

3 Q. Did you cc your copy to anyone else of that
4 memo, besides the plant and the medical department in
5 New York?

6 A. No.

7 Q. Did you keep copies of those memos?

8 A. I did.

9 Q. You don't have them any longer?

10 A. No.

11 Q. Okay. Which brings me to a little bit of
12 an aside question.

13 Do you have any records from your work in
14 that plant whatsoever?

15 A. No.

16 Q. Do you have any of the reference materials,
17 if any, you would have consulted with when you were an
18 industrial hygienist for Celanese?

19 A. I don't get what you mean on reference
20 materials.

21 Q. Well, let me ask you: Did you have any
22 types of books that you consulted with that you had in
23 your office in New York for industrial hygiene, either
24 anything that you brought with you from Kemper or
25 anything that you may have acquired over the years, to

1 assist you with performing your job as an industrial
2 hygienist?

3 A. We had an extensive library at Celanese,
4 with a librarian.

5 Q. Was the library in New York?

6 A. In New York.

7 Q. Was it within the medical department?

8 A. Yes.

9 Q. Did it have medical texts and journals?

10 A. Yes.

11 Q. Did it have occupational and industrial
12 hygiene texts?

13 A. Yes.

14 Q. And you had a librarian; is that correct?

15 A. Yes.

16 Q. What was his or her name?

17 A. Her name was Linda Weisman.

18 Q. Was Linda the librarian your entire time
19 when you were in New York?

20 A. When I started there, we had some file
21 cabinets and a couple of bookcases, and then it
22 gradually grew.

23 Q. Can you give me a general idea of the size
24 of the resource materials that you kept up there in New
25 York? Was it a room, a building, an office? What type

1 of --

2 A. It was a room such as this. Not as large
3 as this.

4 Q. A regular conference room sized room; is
5 that a fair statement?

6 A. Yes.

7 Q. Did that room contain any other type of
8 resource materials besides for the medical department,
9 or was it exclusively for the medical department?

10 A. The medical department.

11 Q. And you told me earlier, when you started
12 in '66, it was just you and Dr. Dixon and a nurse; is
13 that correct?

14 A. Yes.

15 Q. The nurse's name you didn't recall?

16 A. No.

17 Q. From 1966 until you left in '79, who else
18 was in the medical department besides the three people
19 you just named?

20 A. Judy Tinns. She preceded Linda Weisman,
21 but then Judy took over in product safety.

22 Q. So she preceded the librarian, so to speak?

23 A. Yes.

24 Q. Did Linda Weisman hold any other position
25 besides librarian?

1 A. No.

2 Q. She wasn't a product safety individual?

3 A. No.

4 Q. What was Judy Tinns' background? Was she
5 also an industrial hygienist?

6 A. No. She was a chemist by training.

7 Q. And what years did she hold the position
8 within the medical department?

9 A. Well, she came after I was there and left
10 before I left. She went with Sherwin-Williams.

11 Q. Do you know where Judy Tinns is today?

12 A. No, I don't. I know she has left
13 Sherwin-Williams.

14 Q. Do you know where she resides?

15 A. No.

16 Q. How about Linda Weisman, do you know where
17 she is today?

18 A. No, I don't. Every once in a while I ask
19 about Linda, but I don't know where she lives.

20 Q. Do you know if she is still employed with
21 the company?

22 A. She is not.

23 Q. Did she retire or move on to another job?

24 A. I think she moved on.

25 Q. And the last you knew of her, where was she

1 residing?

2 A. Well, she was working out of Bridgewater, I
3 think.

4 Q. Connecticut?

5 A. No, the Bridgewater plant, our office in
6 New Jersey.

7 Q. New Jersey. But as best you recall, she
8 doesn't work there anymore?

9 A. No.

10 Q. Have we covered all the individuals that
11 were in the medical department --

12 A. Well, John Clary, Dr. John Clary, who was a
13 toxicologist.

14 Q. And when did Dr. Clary come on board?

15 A. In the mid '70s.

16 Q. Was he an actual employee of Celanese?

17 A. Yes.

18 Q. And he worked in the medical department?

19 A. Yes.

20 Q. How long did he stay?

21 A. I don't know. He was there when I left.

22 Q. What is your understanding of his
23 background before he worked for Celanese? Do you know
24 where he had worked prior?

25 A. I can't recall where he came from.

1 Q. Do you know of any other jobs he worked
2 before Celanese?

3 A. No, I don't. I did at the time, but I
4 don't.

5 Q. Do you know if he is still working with the
6 company?

7 A. I don't know.

8 Q. Anyone else within the medical department
9 that we haven't spoken of?

10 A. Well, Larry Birkner.

11 Q. B-E-R-K-N-E-R?

12 A. B-I-R-K-N-E-R.

13 Q. And what was Larry's position or title?

14 A. Industrial hygienist.

15 Q. When did he come on board?

16 A. In the late '70s, just prior to my leaving.

17 Q. All right. Were you his boss -- withdrawn.

18 You were the corporate industrial
19 hygienist.

20 A. Yes.

21 Q. What position did he hold?

22 A. Industrial hygienist.

23 Q. Did he report to you or did he report to
24 Dr. Dixon?

25 A. Well, yes, he was supposed to.

1 Q. Did Mr. Birkner assist you in performing
2 any of your inspections in the plants?

3 A. No. What they did was divide it up, and he
4 took over the chemical part and I took over the fibers.

5 Q. Understood. Do you know if Mr. Birkner had
6 inspected, for lack of a better term, gone through any
7 of the fiber plants during the times he was there in
8 the late '70s, or when he started in the late '70s?

9 A. No.

10 Q. Do you know if he had any responsibility,
11 so to speak, for the fiber division, versus the
12 chemical side?

13 A. No.

14 Q. That's, no, he didn't, or you don't know?

15 A. I don't believe he did.

16 Q. Okay. Now, when you went to the Salisbury
17 fiber plant on any of the occasions that you spoke of,
18 had you ever seen any of the insulators installing
19 insulation?

20 A. No.

21 Q. Had you ever seen any of the Fleur Daniel
22 workers doing any of the construction of the plant, the
23 original plant construction?

24 A. No.

25 Q. By that, I mean anything, tanks, vessels,

1 boilers, pipes?

2 A. I can't recall.

3 Q. Okay. Did you ever -- withdrawn.

4 Do you know as you sit here today how many
5 plants Fleur Daniel had contracts with in the fiber
6 division for Celanese?

7 A. No, I don't know the exact number.

8 Q. Before you started in 1966 with Celanese,
9 had you heard of either Daniel Construction Company or
10 Fleur Corporation?

11 A. Fleur, I did, yes.

12 Q. How did you know of Fleur at that time?

13 A. They were an insured of Kemper.

14 Q. Did you do any type of work within a Fleur
15 plant or for Fleur workers while you were with Kemper
16 or Lumberman's?

17 A. Yes.

18 Q. Do you recall which plants?

19 A. It was Cape Canaveral. They were doing
20 some welding out there and I had to inspect them, on
21 one of the towers.

22 Q. In Florida?

23 A. Yes.

24 Q. So your jurisdiction went all the way down
25 to Florida at that point?

1 A. Oh, yes.

2 Q. Okay. Now, Fleur people were doing welding
3 work?

4 A. Yes.

5 Q. All right. After you became the industrial
6 hygienist for Celanese in '66, did you ever meet with
7 any representatives from Fleur Daniel regarding any
8 work that they were doing within any of the fiber
9 plants?

10 A. No.

11 Q. Do you a gentleman named Ty Annis?

12 A. No, I don't.

13 Q. My understanding is that Mr. Annis was the
14 original supervisor of the insulators for Salisbury,
15 and I'm just giving you that information. He was
16 probably there in 1965 and '66.

17 Do you recall meeting him at any point?

18 A. No.

19 Q. Do you recall meeting with anyone out of
20 the Fleur Daniel office in Greenville, South Carolina,
21 which was their regional office at that point?

22 A. No.

23 Q. Did you ever receive any type of materials
24 from Celanese regarding their contracts or their
25 relationship with Fleur in any of the plants?

1 A. No.

2 Q. Did you ever send Fleur Daniel any
3 information about materials within the plants that
4 their workers may be exposed to?

5 A. No.

6 Q. I guess what I'm getting at, did you ever
7 have any type of communication, either by meetings,
8 telephone conversations, correspondence, between your
9 department, the medical department of Celanese and
10 anyone in Fleur or Fleur Daniel?

11 A. No.

12 Q. Okay. When you were walking through the
13 plant on these occasions, was there any way for you to
14 discern or tell the difference between who was a Fleur
15 worker in the plant and who was a Celanese worker?

16 A. Offhand, I can't remember exactly, but they
17 would have a different type of safety hat.

18 Q. Okay. Did they have a different color hat
19 than the Celanese people did?

20 A. Yes.

21 Q. Do you recall as you sit here today the
22 difference in what colors they --

23 A. No, I assume -- here, I'm just assuming,
24 because I have one. It's white. Celanese was white.

25 Q. All right. And getting back to some of the

1 questions I was asking you about yesterday, when you
2 were doing your function as a industrial hygienist, you
3 were looking for overall potential hazardous conditions
4 in the plant. Is that a fair statement?

5 A. That's fair.

6 Q. And that would have been a hazardous
7 condition to any of the workers in the plant?

8 A. Yes.

9 Q. If you had seen a hazardous condition that
10 might have affected a Fleur worker wearing a white hat,
11 would you have done something about it?

12 A. I would have reported to the, in this case,
13 Sam Swearingin.

14 Q. You would have reported that to
15 Hurk-Celanese management of the plant?

16 A. Yes.

17 Q. And really what I'm getting at is, you
18 weren't distinguishing between health related --
19 withdrawn. Let me rephrase the question.

20 You weren't distinguishing between hazards
21 that might have affected Fleur workers versus hazards
22 that might have affected Celanese workers, you were
23 just looking for hazards?

24 A. Just looking for hazards.

25 Q. All right. Do you know how much asbestos

1 insulation was installed in the plant in 1966?

2 A. I have no idea.

3 Q. Do you know asbestos was brought into the
4 plant, how it was delivered to the plant in 1966
5 through 1972?

6 A. No.

7 Q. Do you know for how long asbestos had been
8 used for installation of new construction at that
9 plant?

10 A. No.

11 Q. Now, yesterday you told me that, and,
12 again, correct me if I'm wrong, the first time you made
13 the actual connection between asbestos hazards and
14 cancer was after the National Register came out in '71.
15 Is that a fair statement?

16 A. Yes.

17 Q. And I think you told me that in 1971 you
18 sent a copy of that Register to Sam Swearingin or to
19 the plant?

20 A. Yes.

21 Q. And you also told me you did that in a
22 general sense; in other words, you weren't sending it
23 for asbestos purposes, you were just sending him a copy
24 of the Register.

25 A. True.

1 Q. And you read that?

2 A. Yes.

3 Q. And that 1971 Federal Register dealt with
4 the new act of OSHA in 1970?

5 A. Yes.

6 Q. And it dealt with a number of different
7 potential hazards in addition to asbestos; is that
8 correct?

9 A. Yes.

10 Q. And after you sent that Federal Register to
11 Mr. Swearingin, did you give him any type of directive
12 about using asbestos in the plant from that point
13 forward?

14 A. No.

15 Q. Is it true that into 1973 plant workers
16 were still installing asbestos in the plant?

17 A. I can't recall.

18 Q. Had you ever given any directives about
19 using any particular form of asbestos products, such as
20 asbestos gaskets, asbestos mastics, insulation or
21 anything of that nature?

22 A. No.

23 Q. The plants -- withdrawn.

24 You indicated yesterday that in addition to
25 some of the plants in the United States, the

1 subsidiaries listed for Celanese that you visited, I
2 think you told me you visited some in Canada?

3 A. Yes.

4 Q. And some in Canada were under your
5 responsibility; is that a fair statement?

6 I'll withdraw it.

7 Did you have -- did Dr. Dixon ask that you
8 visit certain plants in Canada also?

9 A. Yes.

10 Q. Can you give me the names of either --
11 withdrawn.

12 Can you give me the names of the plant
13 locations?

14 A. Drummondville.

15 Q. What type of plant. Just give me --

16 A. Fibers.

17 Q. These are all in the fiber group?

18 A. Yes.

19 Q. What other plants, Mr. Laubly?

20 A. Edmonton. There was smaller plants in the
21 eastern townships, St. John and --

22 Q. You said the eastern provinces?

23 A. Well, the townships outside of Montreal.

24 Q. Were they in the province of Quebec?

25 A. Yes.

1 Q. How many plants were in that area?

2 A. Three or four. They were very, very small
3 plants.

4 Q. Were they also in the fiber group?

5 A. I believe so.

6 Q. Did any other industrial hygienist for the
7 company, being Celanese, have responsibility for any of
8 the plants in the United States besides yourself?

9 A. No.

10 Q. You were it?

11 A. I was it.

12 Q. And the plants in Canada?

13 A. Yes.

14 Q. Did any other industrial hygienist have
15 responsibility for the Canada plants?

16 A. No.

17 Q. How about the plants in Mexico? Did you
18 have any responsibility for those plants?

19 A. Well, I visited them every year.

20 Q. You did?

21 A. Yes.

22 Q. Did anyone else for the company visit them
23 for the medical department or for industrial hygiene?

24 A. No.

25 Q. Those were also ones that you inspected

1 periodically?

2 A. On an annual basis.

3 Q. Any other countries besides Canada, the
4 United States and Mexico that were under your control,
5 so to speak, from '66 to '79?

6 A. One in Barankia, Columbia.

7 Q. Would you get down there annually?

8 A. No. I got down there once on a special
9 problem.

10 Q. What type of plant was that?

11 A. Pardon?

12 Q. What type of plant?

13 A. They manufactured carbon disulfide, a
14 chemical operation.

15 Q. A chemical plant?

16 A. Yes.

17 Q. All right. I read to you, and we don't
18 have to go back through that list, but I read to you
19 Celanese Euro and there's Celanese U.K. and some
20 Celanese subsidiaries in Europe. Do you recall that?

21 A. Yes.

22 Q. Did you have any responsibility for those
23 plants?

24 A. Well, I visited a couple of them, that's
25 all.

1 Q. You did.

2 A. The one in Lanachen.

3 Q. Okay. And I guess what I'm getting at, did
4 the medical department in New York, to the best of your
5 knowledge, was that department responsible for the
6 entire Celanese operation or was there any other
7 medical department or industrial hygienist employed by
8 the company who worked the other plants?

9 A. We were it.

10 Q. Okay. Everything came through New York?

11 A. Yes.

12 Q. Would you be visiting those other plants,
13 and by those, I'm talking about Celanese Euro and
14 Celanese U.K., would you visit those plants as often as
15 you visited the ones here?

16 A. I visited them once.

17 Q. One time?

18 A. One time.

19 Q. All right. I think I asked you this
20 yesterday, but I just want to make sure.

21 Did you ever attend any type of joint
22 meeting between the joint owners of Fiber Industries,
23 being Imperial Chemical and Celanese?

24 A. No.

25 Q. Did the medical department at Celanese ever

1 call for any type of coordinated meeting between any
2 subcontractors that worked within the fiber group, such
3 as Fleur Daniel or any of the other subcontractors?

4 A. Not to my knowledge.

5 Q. Was there -- and I understand your
6 testimony earlier that you didn't contact Fleur Daniel
7 directly.

8 Was there any type of system in place
9 whereby the medical department would either cc memos to
10 the subcontractors or call for an annual meeting or
11 have any type of communication?

12 A. I never saw any such.

13 Q. Okay. Were the contracts, with the
14 understanding you were in industrial hygiene, did your
15 department review any of the particular contracts
16 between the owners of the plant, Celanese, and the
17 subcontractors, for any reason?

18 A. No.

19 Q. For safety reasons or anything like that,
20 legal/safety reasons?

21 A. Not that I know of.

22 Q. Now, when you started in 1966, you told me
23 that prior, back when you were working for American Can
24 Company, you had for a short stint worked as an
25 insulator.

1 A. Yes.

2 Q. You told me about a bag that had asbestos
3 on it, correct?

4 A. Right.

5 Q. All right. And then you told me about the
6 two impinger samples that you did when you were with
7 Kemper.

8 Aside from that, had you had any --
9 withdrawn. Bad question.

10 Had you had any type of training in terms
11 of the types of asbestos products that were
12 manufactured up until that point in time, either from
13 Kemper or Lumberman's?

14 A. No.

15 Q. Okay. Did you know the names of any
16 manufacturers in 1966 when you became corporate
17 industrial hygienist of asbestos products?

18 A. I only knew of Johns-Manville.

19 Q. Did you know the names of any of the
20 Manville products?

21 A. No.

22 Q. Were you ever sent any type of --
23 withdrawn.

24 You told me about the library that you had
25 up there in New York.

1 A. Yes.

2 Q. Did that library contain any type of
3 information about asbestos products?

4 A. I'm sure it did.

5 Q. Do you recall reviewing that at any point
6 in time, to look at the manufacturers of gaskets or
7 insulation or any other type of --

8 A. I don't recall.

9 Q. And what I'm getting at is, when you were
10 walking through these plants in '66 and thereabouts,
11 did you have any type of working knowledge about what
12 type of materials in the plant may have contained
13 asbestos?

14 A. No.

15 Q. Could you tell the difference between an
16 asbestos thermal insulation and a non-asbestos thermal
17 insulation by looking at it?

18 A. No.

19 Q. Could you tell the difference by touching
20 it or feeling it?

21 A. No.

22 Q. Do you know what type of materials the
23 Salisbury plant was using that may have contained
24 asbestos?

25 A. No, I don't.

1 Q. All right. With the understanding that you
2 left in 1979, have you had the opportunity to review
3 any of the abatement records of any asbestos materials
4 that were taken out of the plant?

5 A. No.

6 Q. Have you heard of a company called
7 Contaminant Control?

8 A. No.

9 Q. Have you heard of a company called
10 Strategic Organization Systems, otherwise known as SOS?

11 A. No.

12 Q. Do you know the types of mineral asbestos,
13 the various forms?

14 A. Well, I've seen it in there, and I did --

15 Q. This isn't a test. I'm just trying to find
16 out your general working knowledge.

17 Did you know that back in 1966?

18 A. Yes.

19 Q. Okay. Did you ever read any type of
20 literature about the hazards of one form over another?

21 A. Oh, I'm sure I did read about it.

22 Q. Okay. Do you recall, as you sit here
23 today, about which was considered more hazardous for
24 certain reasons?

25 A. No, I don't.

1 Q. Now, Were you ever told that the Salisbury
2 plant had what was called -- withdrawn. Withdraw the
3 question.

4 Were you ever told that the Salisbury plant
5 was cited by OSHA for housekeeping problems associated
6 with asbestos?

7 A. No.

8 Q. Did Sam Swearingin ever contact you for any
9 reason regarding OSHA inspections or OSHA citations
10 within the plant?

11 A. Yes.

12 Q. On what occasion?

13 A. When OSHA showed up to make a general
14 inspection of the plant.

15 Q. Every time?

16 A. No. The initial time.

17 Q. Do you know how many OSHA inspections there
18 were at the plant during your stint there?

19 A. No. No, I don't.

20 Q. When was that initial time that you recall?

21 A. Probably early '71, sometime in that time
22 frame. Right after the directive came out and OSHA
23 then started going through the area.

24 Q. All right. Was there an OSHA visit because
25 the -- withdrawn.

1 A. Yes.

2 Q. Was that a one-day visit?

3 A. Yes.

4 Q. All right. Now, this document, being from
5 Dave Smith's deposition, Number 33, references a
6 citation in 1978.

7 I'm going to show you a document marked
8 Exhibit 30 from Mr. Smith's deposition and ask you if
9 you've ever seen that before?

10 A. (Reviewing documents.)

11 I've never seen this.

12 Q. This appears to be a copy of a citation
13 from the North Carolina Department of Labor, and it
14 states: Employer failed to maintain external surfaces
15 in place of employment free of accumulations of
16 asbestos fibers, which, with dispersion, would cause an
17 excessive concentration, such as in K-4 west area,
18 second floor.

19 Do you see that language?

20 A. I see that, yes.

21 Q. I'm going to ask you some questions.

22 MR. HUTCHINS: I just want to object
23 generally to the use of the document to the extent
24 there's inquiry into what it otherwise purports to say
25 on its face.

1 MR. MAURIELLO: Fair enough.

2 BY MR. MAURIELLO:

3 Q. Do you recall if Mr. Swearingin ever spoke
4 to you about this particular citation?

5 A. No. I don't recall.

6 Q. The K-4 west area, second floor, had you
7 ever been to that area on occasion during your visits
8 or inspections?

9 A. I went through the plant, but I don't
10 recall them by area numbers anymore.

11 Q. All right. And going back to Mr. Smith's
12 deposition, Exhibit 33, again, this is dated in August
13 of 1970 -- well, it says right there, two years after
14 the citation was issued, correct?

15 A. 1980, you mean?

16 Q. Correct. Yes. 1980 at the top.

17 A. Yes.

18 Q. And it references a 1978 citation?

19 A. Yes.

20 Q. And it also references labor expenditures,
21 \$44,482.00. Do you see that?

22 A. I see that.

23 MR. HUTCHINS: I object to the form of the
24 question.

25 BY MR. MAURIELLO:

1 Q. Well, I'm going to ask you some questions
2 about that. And material costs of \$5,742.00?

3 A. That's here.

4 Q. Do you recall if those facts, namely what
5 labor costs were and what the material costs were for
6 the clean up were reported to your office?

7 A. I don't recall that.

8 Q. And that document, Number 33, lists the
9 various areas that were cleaned, correct?

10 A. I see that.

11 Q. All right. And I'm going to show you what
12 was marked at Mr. Smith's deposition as Number 31, and
13 just to speed things up, I'm just going to reference
14 the top.

15 The document that we marked earlier, or
16 that I spoke to you earlier about, Number 33,
17 references two citations, and this document that I just
18 handed you, Number 31, is listed as Citation Number 2?

19 A. Yes.

20 Q. All right. Now, do you know why it took
21 until August 27th of 1980 for the clean up to be
22 completed?

23 MR. HUTCHINS: I object to the form of the
24 question.

25 THE WITNESS: I don't know.

1 BY MR. MAURIELLO:

2 Q. Okay. Do you know if there was ever any
3 correspondence between -- withdrawn.

4 Do you know if Fleur Daniels was also given
5 the same citation?

6 A. No, I don't.

7 Q. Have you ever seen any documentation
8 between the management of Fleur Daniel and Celanese
9 about the responsibility for asbestos clean up in the
10 plant?

11 A. No, I haven't.

12 Q. I'm going to show you what we marked in an
13 earlier deposition of Mr. Smith as Plaintiff's 37, and
14 just ask you to take a look at that. And just let me
15 know when you're ready.

16 A. (Witness complies.)

17 Okay. Ask your question.

18 Q. Have you ever seen that document before?

19 A. That's after my time.

20 Q. Okay. Well, you left in '79, correct?

21 A. Yes.

22 Q. All right. So the answer is no?

23 A. No.

24 Q. Which, by the way, I don't think I asked
25 you this: Specifically, when in 1979 did you leave the

1 plant?

2 MR. HUTCHINS: Leave Celanese, you mean?

3 MR. MAURIELLO: Correct. I'm sorry.

4 THE WITNESS: August 3rd.

5 BY MR. MAURIELLO:

6 Q. Did you leave before Dal Perry took over
7 responsibilities for Mr. Swearingin, which occurred in
8 1979, if you know?

9 MR. HUTCHINS: I object to the form of the
10 question.

11 THE WITNESS: I don't remember Dal Perry.

12 BY MR. MAURIELLO:

13 Q. You don't remember him?

14 A. No.

15 Q. Okay. Were you aware of any studies
16 regarding types of trades that may be considered under
17 OSHA regulations -- withdrawn.

18 Were you aware of the actual OSHA
19 regulations that designated certain trades to be at
20 higher risk for asbestos exposure?

21 MR. HUTCHINS: I object to the form of the
22 question.

23 THE WITNESS: I can't recall.

24 BY MR. MAURIELLO:

25 Q. Were you aware of any of the OSHA acts t

1 had classified workers, and depending on class level,
2 for their exposure to asbestos?

3 A. No.

4 Q. Were you ever made aware of any of the laws
5 in North Carolina concerning what trades were
6 considered, quote, dusty trades, under North Carolina
7 law?

8 A. I only knew that workers had to -- in
9 certain dusty trades had to have a miner's card.

10 Q. A what card?

11 A. They called it a miner's card.

12 Q. The workers in a dusty trade did?

13 A. Yes.

14 Q. And do you recall for how long that was in
15 effect?

16 A. No, I don't.

17 Q. Do you know if and when Daniel Construction
18 Company itself had been designated by North Carolina as
19 a dusty trade industry?

20 A. No.

21 Q. Have you ever received any type of
22 information about subcontractors being designated as a
23 dusty trade in North Carolina?

24 A. No.

25 Q. Do you know for how long asbestosis has

1 been a compensable disease under North Carolina's
2 Worker's Compensation Act.

3 A. No.

4 MR. HUTCHINS: Object to the form of the
5 question.

6 THE WITNESS: I don't, no.

7 (Reviewing documents.)

8 BY MR. MAURIELLO:

9 Q. Do you have any type of materials in your
10 possession from your employment as an industrial
11 hygienist with the corporation such as any type of logs
12 or schedules or records or anything of that nature?

13 A. No.

14 Q. Did you ever take any photographs or video
15 logs or videotapes of any of the plants?

16 A. No.

17 Q. Did anybody that was with you or within
18 your department on occasion take any such photographs
19 for any purposes?

20 A. No. They weren't allowed.

21 Q. They weren't allowed to?

22 A. That's right.

23 Q. Okay. While you were employed as the
24 industrial hygienist for Celanese, did you attend any
25 type of seminars or symposiums for your trade?

1 A. Seminars or symposiums?

2 Q. Yeah. Did you go to any trade shows or
3 trade meetings or meetings of industrial hygienists?

4 MR. HUTCHINS: Are you talking about while
5 he was at Celanese?

6 BY MR. MAURIELLO:

7 Q. Yeah, that was my question. While you were
8 employed --

9 A. Well, the Industrial Hygiene Association's
10 annual meetings.

11 Q. That you told me about yesterday?

12 A. Right.

13 Q. Anything else?

14 A. And local section meetings of both New York
15 and New Jersey.

16 Q. Now, you told me yesterday that, again, the
17 first time that you recognized the relationship between
18 asbestos and cancer was in 1971?

19 A. Yes.

20 Q. Is that the same answer for mesothelioma?

21 A. No, I can't say that.

22 Q. Okay. What can you tell me about when you
23 first learned about the relationship between asbestos
24 exposure and mesothelioma?

25 A. When I did?

1 Q. Yes. Was it before you learned about the
2 lung cancer relationship or after?

3 A. It's after.

4 Q. After 1971?

5 A. Yes.

6 Q. When you -- withdrawn.

7 Did you learn about that relationship
8 between what you read in the OSHA regulations?

9 A. No.

10 Q. From what source did you learn about the
11 lung cancer/asbestos relationship?

12 A. I don't recall.

13 Q. You do recall, though, that it was around
14 1971?

15 A. Yes.

16 Q. What information, if any, did you impart to
17 plant safety regarding that?

18 A. What do you mean by "that"?

19 Q. That relationship. Did you give Sam
20 Swearingin or any safety supervisor any type of
21 information about what you had discovered?

22 A. No.

23 Q. Had you ever sent to Sam or any other plant
24 manager information about asbestos hazards or potential
25 hazards?

1 A. Just those that were in the Federal
2 Register.

3 Q. All right. And when did you do that?

4 A. Well, right after it came out.

5 Q. By sending the Register itself; is that
6 what you are telling me?

7 A. Well, the copy, the photocopy.

8 Q. Do you know what information was given to
9 plant workers about the hazards of asbestos at the
10 Salisbury plant from 1966, when you came on board,
11 until 1970?

12 A. No.

13 Q. Did you instruct the plant supervisor or
14 safety superintendent to impart any information to
15 those workers about potential hazards of asbestos?

16 A. No, I did not.

17 Q. If -- withdrawn.

18 Do you know what information was given to
19 Fleur Daniel workers from Hurk-Celanese and/or its
20 management regarding the hazards of asbestos at any
21 time before you left in 1979?

22 A. No.

23 Q. Was there any directive from the medical
24 department at Hurk-Celanese -- excuse me -- at
25 Celanese, to Fleur Daniel or any subcontractors to

1 provide them with information about asbestos?

2 A. I don't know of any.

3 Q. I'm sorry if I asked this question, but I
4 need to -- did you know that asbestos was being
5 installed in the Salisbury plant in 1966?

6 A. No.

7 Q. Did you know at any point in time
8 thereafter -- withdrawn.

9 When for the first time were you made aware
10 of the fact that asbestos may have been installed in
11 the Salisbury plant?

12 A. I can't recall.

13 Q. Did you know before the -- withdrawn.

14 You told me earlier you did not recall
15 seeing those citations that I just showed you, the
16 specific one I just showed you; is that correct?

17 A. Yes.

18 Q. On asbestos?

19 A. Yes.

20 Q. To the best of your knowledge, you haven't
21 seen that before?

22 A. Yes.

23 Q. Have you seen any type of in-house
24 inspection by the plant that talked about asbestos?

25 A. No.

1 Q. Did you know when you left in 1979 that the
2 Salisbury plant had asbestos in it?

3 A. No.

4 Q. Had you ever seen any of the workers in the
5 plant working with gaskets?

6 A. No.

7 Q. Had you ever seen any workers in the plants
8 removing insulation?

9 A. No.

10 Q. And you told me earlier you didn't recall
11 seeing new construction insulation, correct?

12 A. Correct.

13 Q. Do you ever recall -- withdrawn.

14 Had you ever seen workers moving equipment
15 throughout the plant using a chainfall?

16 A. I can't recall.

17 Q. Do you know what I'm talking about?

18 A. Yes, I know.

19 Q. Do you know what drifting refers to? Have
20 you ever heard that term before?

21 A. No.

22 Q. Had you ever seen workers fixing cables to
23 any portion of the ceiling joist or the beams within
24 the plant?

25 A. No.

1 Q. Had you ever seen any heavy vessels or
2 equipment being moved from one room to another or
3 within a room, or the process by which they did that?

4 A. No.

5 Q. Had you ever seen any of the workers mixing
6 any materials in which to perform the insulation work?

7 A. No.

8 Q. Had you ever seen any of the workers
9 cutting any of insulation?

10 A. No.

11 Q. Sawing insulation?

12 A. No.

13 Q. Had you ever been in the insulation saw
14 room within the plant?

15 A. No.

16 Q. Okay. Had you ever seen the type of
17 equipment that the insulators use in which to cut
18 insulation?

19 MR. HUTCHINS: Are you talking about at any
20 time or at the Salisbury plant?

21 THE WITNESS: Any time or at the Salisbury
22 plant?

23 BY MR. MAURIELLO:

24 Q. Any time at the Salisbury plant.

25 A. No.

1 Q. I'm just referring to Salisbury now.

2 A. No. No.

3 Q. Okay. Do you know as you sit here today
4 which plants within the fiber group that were plants
5 you visited from '66 to '79 contained asbestos?

6 A. The Greenville plant.

7 Q. You know that that did?

8 A. Yes.

9 Q. How do you know that?

10 A. I was told that they were going to be
11 replacing asbestos type insulation with non-asbestos,
12 if possible.

13 Q. And do you recall the general time frame
14 when that communication to you? They were going to
15 abate or remove the asbestos, is that what you are
16 telling me?

17 A. Yes.

18 Q. Do you recall generally when that took
19 place or when they told you about it?

20 A. Well, again, in the '70s. That's all I can
21 say.

22 Q. Any other location besides Greenville?

23 A. No. I don't recall.

24 I think I'm going to take a little break.

25 MR. HUTCHINS: Would you like to take a

1 break?

2 THE WITNESS: Sure.

3 MR. MAURIELLO: Absolutely.

4 THE VIDEOGRAPHER: The time is 11:17 and
5 we're going off record.

6 (Recess taken.)

7 THE VIDEOGRAPHER: The time is 11:41 and we
8 are back on record.

9 BY MR. MAURIELLO:

10 Q. Thank you. Mr. Laubly, I just want to ask
11 you what I believe is a few more questions, and I'll
12 finish up.

13 Getting back to your knowledge of asbestos
14 issues and asbestos hazards, had you ever learned of
15 the detrimental relationship between cigarette smoking
16 and asbestos exposure, what's sometimes known as the
17 cinergistic effect between a person who smokes
18 cigarettes and is also exposed to asbestos?

19 A. I heard about it, yes.

20 Q. What's generally your understanding? I
21 know you're not a medical doctor, but, generally, what
22 information do you recall as to that issue, cigarette
23 smoking and asbestos?

24 MR. HUTCHINS: I object to the form of the
25 question, but you may answer, Mr. Laubly.

1 BY MR. MAURIELLO:

2 Q. I'll rephrase the question. Let me
3 rephrase it because I want to make sure we can avoid as
4 many objections as possible.

5 While you were an industrial hygienist with
6 Celanese, did you receive any information relating to
7 the issue of cigarette smoking and asbestos?

8 A. I'm sure I did, but I can't recall it.

9 Q. Do you recall if you received such
10 information before you worked for Celanese in 1966?

11 A. No.

12 Q. That's, no, you don't recall, or, no, you
13 didn't?

14 A. I didn't.

15 Q. After you received any information about
16 asbestos and cigarette smoking, did you formulate any
17 type of policy?

18 A. At Celanese?

19 Q. Yes, sir.

20 A. No.

21 Q. Did the medical department at Celanese ever
22 initiate any type of policy about smoking in general,
23 along any lines within the plants?

24 A. I can't recall.

25 Q. I'll rephrase the question, if it's

1 unclear.

2 MR. HUTCHINS: Okay.

3 BY MR. MAURIELLO:

4 Q. I'd like to know if the medical department
5 at Celanese -- let me break it down.

6 Did you issue any type of directive out of
7 the medical department relating to where any plant
8 workers can smoke, how often they can smoke within the
9 plants?

10 A. No, I did not.

11 Q. Did you pass along any information to
12 either plant management or plant workers about the
13 issue of asbestos and smoking in any form?

14 A. No.

15 Q. Do you know if anyone else did that, out of
16 the medical department, either Dr. Dixon or any of the
17 other --

18 A. I don't recall that.

19 Q. Okay. Do you know how the workers in the
20 Salisbury knew or should have known of the effects of
21 exposure to asbestos fibers?

22 MR. HUTCHINS: I object to the form of the
23 question.

24 THE WITNESS: I don't understand.

25 BY MR. MAURIELLO:

1 Q. Sure. Then let me show you what we marked
2 as Plaintiff's Exhibit 9, and this is an answer that
3 was filed in this lawsuit by Celanese, and I'm going to
4 direct your attention to -- this is the answer.

5 I think you've got a copy of that, don't
6 you?

7 MR. HUTCHINS: Well, I don't have it with
8 me. Can I just take a glance at that for a moment?

9 (Reviewing documents.)

10 BY MR. MAURIELLO:

11 Q. Mr. Laubly, I'm going to direct your
12 attention to what's listed as a fourth defense on Page
13 7 of the answer to your deposition marked Plaintiff's
14 Exhibit 9, and I'm going to read what the attorneys for
15 Celanese have filed in this case in that answer:

16 "The worker plaintiffs knew or should have
17 known about the effects of exposure to
18 asbestos fibers and knew or should have
19 known to treat any insulating material as
20 if it contained asbestos, unless they were
21 certain it did not contain asbestos."

22 Question number one, regarding that
23 statement: What information did you pass on from 1966
24 to 1979 to inform workers of that hazard?

25 MR. HUTCHINS: I object to the question on

1 several grounds. First of all, it deals with the
2 answer and legal defense is asserted there to the
3 extent it seeks to draw a legal conclusion from Mr.
4 Laubly, and I object. I object generally on foundation
5 and other grounds.

6 MR. MAURIELLO: Well, this is a defense
7 that is set up by the defendant in this case, and I'm
8 going to ask this particular witness: If you have any
9 information about what knowledge the insulators in this
10 case had regarding the effects of asbestos.

11 THE WITNESS: No.

12 BY MR. MAURIELLO:

13 Q. Do you have any information about what type
14 of communication or information was communicated to any
15 of the plaintiff insulators or workers in this lawsuit
16 about asbestos?

17 A. No.

18 Q. And, just so I'm clear, you did not impart
19 any information to their, to Fleur Daniel about the
20 effects of asbestos exposure, did you?

21 A. No.

22 Q. Did you draft any directive that workers
23 within the Salisbury plant should assume insulating
24 materials contained asbestos?

25 A. No, I did not.

1 Q. Are you aware of anyone that communicated
2 to any of the insulators in the Salisbury plant at any
3 point in time that they should assume insulation in the
4 plant contained asbestos?

5 A. No.

6 Q. Now, the next subsection to that defense
7 states:

8 "The worker plaintiffs failed to exercise
9 reasonable care for their own protection
10 and safety."

11 Do you see that statement?

12 A. I see the statement, yes.

13 Q. Okay. In what way are you aware of workers
14 failing to exercise reasonable care for their own
15 safety and protection?

16 MR. HUTCHINS: I'll object to the question
17 on the same grounds stated previously.

18 THE WITNESS: I'm not aware of that.

19 BY MR. MAURIELLO:

20 Q. All right. Section C says:

21 "The worker plaintiffs voluntarily exposed
22 themselves to the risks of working around
23 insulating materials without taking
24 precautions to protect themselves from
25 potential asbestos exposure."

1 First question regarding that part: Do you
2 know, again, when any of the workers knew they were
3 working around asbestos materials?

4 MR. HUTCHINS: I want to interpose the same
5 objection to the earlier question involving the answer,
6 and I object to the use of these legal documents with
7 this witness, generally.

8 MR. MAURIELLO: That's fine.

9 MR. HUTCHINS: He may answer the question.

10 MR. MAURIELLO: That's fine, and for the
11 record, just so I can confront the witness with these
12 questions, we'll note a standing objection to the
13 answer; is that fair?

14 MR. HUTCHINS: A standing objection to the
15 questions.

16 MR. MAURIELLO: To the questions based on
17 this answer.

18 MR. HUTCHINS: That's right.

19 MR. MAURIELLO: Fair enough.

20 MR. HUTCHINS: Any questions you might ask
21 dealing with this particular document.

22 MR. MAURIELLO: Fair enough.

23 THE WITNESS: Okay. Now, ask me the
24 question.

25 BY MR. MAURIELLO:

1 Q. Sure. This statement says:
2 "The workers plaintiffs voluntarily exposed
3 themselves to the risk of working around
4 insulating materials without taking
5 precautions to protect themselves from
6 potential asbestos exposure."

7 First of all, when are you aware of any of
8 the insulators being aware of the fact that they were
9 working around asbestos?

10 MR. HUTCHINS: I object to the form.

11 THE WITNESS: I can't recall.

12 BY MR. MAURIELLO:

13 Q. What facts do you have that indicate when
14 any of the workers were aware of the hazards of
15 asbestos and what time frame?

16 A. I have no facts.

17 MR. HUTCHINS: I object to the form of the
18 question.

19 BY MR. MAURIELLO:

20 Q. Okay. Now you can answer.

21 A. I have no facts.

22 Q. Thank you. What precautions are you aware
23 of that the plaintiffs in this lawsuit failed to take
24 that amounts to unreasonable care?

25 MR. HUTCHINS: I object to the form.

1 THE WITNESS: I have no knowledge.

2 BY MR. MAURIELLO:

3 Q. And the last subsection to that defense
4 indicates:

5 "The worker plaintiffs failed to adhere to
6 warnings and instructions concerning
7 precautions to be taken and avoid asbestos
8 exposure."

9 Do you know which warnings that statement
10 is referring to?

11 A. No.

12 Q. Do you know which instructions?

13 A. No.

14 MR. HUTCHINS: Are we done with the
15 documents?

16 MR. MAURIELLO: Yes.

17 BY MR. MAURIELLO:

18 Q. Mr. Laubly, back in 1966, was it your
19 understanding that certain precautions should have been
20 taken for any worker working around asbestos?

21 Let me be more specific. Were you aware of
22 any precautions that should have been taken for any
23 workers working with asbestos, such as asbestos
24 insulation?

25 MR. HUTCHINS: Object to the form of the

1 question.

2 THE WITNESS: The only thing I knew was the
3 receipt of the Federal Register.

4 BY MR. MAURIELLO:

5 Q. Okay. You knew back in 1966 that asbestos
6 exposure could potentially lead to asbestosis, correct?

7 A. Correct.

8 Q. Would you agree with me that certain
9 precautions should have been taken back at that time?

10 MR. HUTCHINS: I object to the form of the
11 question. Should have been taken with respect to what?

12 BY MR. MAURIELLO:

13 Q. Any worker working around asbestos
14 insulation.

15 A. Working to -- as significant exposures,
16 yes.

17 Q. All right. And so you have -- you used the
18 term "significant exposure."

19 Assuming that an individual was around a
20 significant exposure, by your definition, should
21 certain precautions be taken?

22 A. Yes.

23 Q. Is asbestos such a substance that
24 precautions need to be taken in order to prevent harm,
25 given a substantial exposure?

1 A. Well, it's listed in the Federal Register
2 as one.

3 Q. It's also listed as a known carcinogen at
4 this point?

5 A. Yes.

6 MR. HUTCHINS: You mean at the time the
7 Federal Register came out?

8 MR. MAURIELLO: Correct.

9 BY MR. MAURIELLO:

10 Q. Which is back in 1971, it was listed as a
11 carcinogen; is that correct?

12 A. Yes.

13 Q. Would you agree, then, that work around
14 asbestos products, by its very nature, can cause
15 serious harm unless certain precautions are taken?

16 MR. HUTCHINS: Object to the form.

17 THE WITNESS: Give that again.

18 BY MR. MAURIELLO:

19 Q. Would you believe that working around
20 asbestos can potentially be harmful unless certain
21 precautions are taken?

22 A. Yes.

23 Q. Okay. Would you agree that asbestos
24 itself, as a known carcinogen, is inherently dangerous?

25 A. Well, yes.

1 Q. Under the definition we just talked about?

2 A. Yes.

3 Q. Would you agree that work around asbestos
4 is an inherently dangerous activity?

5 MR. HUTCHINS: I object to the form of the
6 question. Always? All the time? Everywhere?

7 MR. MAURIELLO: Potentially.

8 MR. HUTCHINS: Any dose?

9 THE WITNESS: Potentially, yes.

10 BY MR. MAURIELLO:

11 Q. Well, that's a fair objection.

12 Let's talk about specific insulators. I'm
13 not talking about a bystander or someone with minimal
14 exposure. I'm talking about insulators or millwrights
15 or individuals that may come in contact with asbestos
16 material.

17 Would you agree with me that that may be
18 potentially an inherently dangerous activity?

19 MR. HUTCHINS: Well, it's the same
20 objection. All the time? Everywhere? All exposures?

21 MR. MAURIELLO: Well, that's why I used the
22 word "potential." We can't be there all the time, so
23 I'm talking about --

24 THE WITNESS: That's true, yes.

25 BY MR. MAURIELLO:

1 Q. Did your medical department issue any
2 directives about record keeping within any of the
3 plants?

4 A. No.

5 Q. Did any department within Celanese issue
6 directives or bylaws or rules about what type of
7 records were to be kept?

8 A. I can't recall.

9 Q. I'm assuming the answer to this next
10 question is no.

11 You haven't reviewed the purchase records
12 for the Salisbury fiber plant?

13 A. That's true.

14 Q. All right. And you don't know which
15 engineering records are in existence and which are not?

16 A. No, I do not.

17 Q. Okay. Do you know a gentleman named Arnold
18 Runyon? I will represent to you, he's been listed as
19 the supervisor for Daniel out of Greenville in the late
20 '60s. Do you know Mr. Runyon?

21 A. No. I just saw the name recently in one of
22 those memos you showed me.

23 Q. On the dusty trades document?

24 A. Yes.

25 Q. Had you ever heard about him before?

1 A. No.

2 Q. While you were the industrial hygienist
3 from '66 to '79, were any portions of any plants
4 labeled for asbestos content?

5 A. Not to my knowledge.

6 Q. And you mentioned earlier, the Greenville
7 plant, you were aware that there was an abatement that
8 was about to be undertaken, correct?

9 A. Correct.

10 Q. And you told me earlier you weren't aware
11 of the fact that the Salisbury plant had asbestos; is
12 that correct?

13 A. Correct.

14 Q. In any of the other plants, Canada, U.K.,
15 Mexico, did Celanese request, to the best of your
16 knowledge, that any portions of the plant be labeled
17 for workers --

18 A. No.

19 Q. -- for asbestos content?

20 A. Not to my knowledge.

21 Q. Okay. I assume -- you retired in 1979?

22 A. Yes.

23 Q. Had you been back to the company to perform
24 any type of activity since your retirement in '79?
25 Aside from any legal proceeding, have you been actively

1 involved in anything, any of the operations within the
2 company?

3 A. No.

4 Q. Have you been back to any of the plants for
5 any reason?

6 A. No.

7 Q. All right. Is it a fair statement on my
8 part, then, regards to the Salisbury fiber plant, you
9 don't have any direct knowledge of the operations of
10 the plant after you left in 1979?

11 A. That's true.

12 Q. Have you reviewed any documentation, either
13 in preparation for this deposition or in any other
14 proceedings for Celanese that imparted any information
15 to you about what happened in the Salisbury plant in
16 the 1980s or 1990s?

17 A. No.

18 Q. I assume that you do not know personally
19 any of the plaintiffs to this lawsuit?

20 A. I do not.

21 Q. You don't -- withdrawn.

22 Have you seen their names on any of the
23 legal documents before you testified today?

24 A. No, I haven't.

25 Q. And I think it's pretty clear that when you

1 were in the plant in the '60s and '70s you weren't, you
2 don't recall the names of any of the Fleur Daniel
3 workers that may have been in the plant?

4 A. No, I do not.

5 MR. MAURIELLO: All right, Mr. Laubly. I
6 appreciate it. That's all the questions I have for
7 you. Thank you for your time.

8 THE WITNESS: Thank you.

9 MR. HUTCHINS: I have a few questions.
10

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

12

13 BY MR. HUTCHINS:

14 Q. As you know, my name is Mike Hutchins and I
15 represent Celanese in this case.

16 Would you please tell our jury what year
17 you were born in, sir?

18 A. 1916.

19 Q. How old are you today, sir?

20 A. Just about 83.

21 Q. And you'll be 84 --

22 A. No, 83 in October.

23 Q. You'll be 83 in October of this year.

24 You were asked some questions earlier by
25 Mr. Mauriello regarding your employment by American Can

1 Company both before and after World War 2. Do you
2 remember those questions?

3 A. Yes.

4 Q. Were asbestos-containing products, to your
5 knowledge, present in the facilities owned and operated
6 by American Can where you worked?

7 A. Yes.

8 Q. In fact, I believe you told us about
9 installing some of those products?

10 A. Yes.

11 Q. Did American Can give you any training
12 regarding how to handle asbestos-containing products
13 when you worked there?

14 A. No.

15 Q. Did anybody at American Can give you any
16 education or convey any information regarding potential
17 health risks associated with asbestos of any kind?

18 A. No.

19 Q. Let me talk a little bit about your
20 education at Georgia Tech. And I believe you said you
21 graduated there in 1949; is that right?

22 A. True.

23 Q. You mentioned earlier some difficulty you
24 had in certain mathematics and science courses while
25 you studied at Georgia Tech?

1 A. Yes.

2 Q. Did you receive any training in your high
3 school education or preparation for college-level
4 mathematics or science courses?

5 A. No.

6 Q. When you received your degree from Georgia
7 Tech, had you completed all requirements for your
8 Bachelor of Science degree?

9 A. Yes.

10 Q. They didn't let you pass or slide on any of
11 those requirements?

12 A. No. I had more hours credit than was
13 needed.

14 Q. You ultimately passed the mathematics and
15 science requirements that Georgia Tech had?

16 A. At last, yeah.

17 Q. In your studies at Georgia Tech, did you
18 receive any education or information regarding asbestos
19 health risks of any kind?

20 A. No.

21 Q. Was asbestos a subject of study at Georgia
22 Tech in any way that you remember, sir?

23 A. I can't recall.

24 Q. Now, your studies at Georgia Tech were
25 interrupted by service in the United States Army; is

1 that right?

2 A. True.

3 Q. Could you briefly in summary tell our jury
4 a little bit about what you did while you were in the
5 service?

6 MR. MAURIELLO: Object to the form. You
7 can answer.

8 THE WITNESS: I worked in a clinical
9 laboratory. I was also engaged in parasitological
10 work and entomological work when I was overseas. It
11 was all geared towards occupational health for the
12 service men.

13 BY MR. HUTCHINS:

14 Q. What sort of occupational health concerns
15 did you deal with while you were in the U.S. Army?

16 A. Well, exposure to parasites and just
17 general sanitation.

18 Q. You indicated, I think, that you worked at
19 a laboratory.

20 A. Yes.

21 Q. What sort of training or techniques did you
22 learn about while you worked at that laboratory?

23 A. In the Army medical laboratory?

24 Q. That's right.

25 A. Blood work. Blood chemistry. And

1 hematology. A lot of microscopy. Venereal disease.

2 Q. All of the various exposures of one kind or
3 another that soldiers in that day and age might have?

4 A. True.

5 Q. Insect borne or otherwise, right?

6 A. That's right.

7 Q. You indicated that you took some training
8 in the use of microscopes?

9 A. Yes.

10 Q. Was that training that you used later in
11 your occupational career as an industrial hygienist?

12 A. Yes. In the Army it was blood counting,
13 and in the career, it was dust counting.

14 Q. But the same general techniques?

15 A. Same general technique, yes.

16 Q. You stated earlier that you served overseas
17 while you were in the U.S. Army. Can you tell us where
18 you served overseas?

19 MR. MAURIELLO: Object to the form. You
20 can answer.

21 THE WITNESS: New Guinea and the
22 Philippines.

23 BY MR. HUTCHINS:

24 Q. How long did you serve overseas, sir?

25 A. About two years.

1 Q. And you left active duty, then, in 1945 or
2 '46?

3 A. December 30, 1945.

4 Q. You remember that date well, don't you?

5 A. I remember. There are certain dates I
6 remember.

7 Q. Now, you've testified earlier that you've
8 worked as an industrial hygienist for Lumberman's
9 Insurance Company, a division of Kemper, between 1949
10 and 1966; is that correct?

11 A. Correct.

12 Q. During the period that you were employed by
13 Lumberman's, were there many schools, as you understood
14 it, that taught courses or offered degrees in
15 industrial hygiene?

16 A. I only knew of two, really, Johns-Hopkins
17 and Harvard.

18 Q. During the period that you worked for
19 Lumberman's, again, from 1949 to 1966, were there many
20 industrial hygienists involved in your field or
21 employed in your field?

22 A. No.

23 Q. To the extent that there were industrial
24 hygienists active during that period, and, again, I'm
25 talking about 1949 to 1966, where were they employed,

1 in the main?

2 MR. MAURIELLO: Object to the form.

3 THE WITNESS: Most of them were employed by
4 the insurance companies. A few of the larger
5 corporations like DuPont and Exxon and Bell Labs had
6 their own industrial hygienists.

7 BY MR. HUTCHINS:

8 Q. During the period of 1949 to 1966, based on
9 your experience and involvement in the field, was it
10 common for companies in American industry to have their
11 own on-staff industrial hygienists?

12 A. No.

13 Q. How did companies in American industry
14 between 1949 and 1966 typically get industrial hygiene
15 support or advice if they wanted it?

16 A. They got it from --

17 MR. MAURIELLO: Object to the form.

18 THE WITNESS: -- the insurance company.

19 BY MR. HUTCHINS:

20 Q. An insurance company such as Kemper?

21 A. Yes.

22 Q. Did Celanese, in your experience, while
23 working for the Lumberman's division of Kemper, seek
24 industrial hygiene advice from their carriers?

25 A. Yes.

1 Q. Did you visit Celanese plants and perform
2 industrial hygiene duties while an industrial hygienist
3 for Kemper?

4 A. Yes.

5 Q. Did that include any plants in Fiber
6 Industries?

7 A. Yes.

8 Q. Did that include any plants with Celanese
9 Fibers Company?

10 A. Yes.

11 Q. Did that include plants owned or operated
12 by those companies in North and South Carolina?

13 A. Yes.

14 Q. Generally speaking, from your experience
15 and your recollection of industrial hygiene in the
16 1940s and the 1950s, how did an industrial hygienist
17 such as yourself get training in their field?

18 A. Well, it was training in the field. I
19 mean, that's how we did it. It was a do-it-yourself
20 type of training.

21 Q. Sort of on-the-job training?

22 A. On-the-job training.

23 Q. During the time that you were at
24 Lumberman's, again, between 1949 and 1966, did you
25 maintain contacts or have contacts with other

1 industrial hygienists or occupational health people at
2 that time?

3 A. Yes.

4 Q. Can you tell our jury how you had those
5 contacts and what they entailed?

6 A. A lot of the contacts were made through the
7 local sections of the American Industrial Hygiene
8 Association.

9 Q. And that's been referred to here as the
10 AIHA.

11 A. The AIHA, yes.

12 Q. Do you recall when the AIHA was founded?

13 A. 1939.

14 Q. The AIHA Exists today?

15 A. Pardon?

16 Q. The AIHA still exists today?

17 A. Yes.

18 Q. What sort of contacts or other
19 opportunities would you have with industrial hygienists
20 through the American Industrial Hygiene Association.
21 And, again, we're talking about the 1940s and the
22 1950s.

23 A. I don't exactly know what your question is.

24 Q. Sure. You indicated that you had contact
25 with other industrial hygienist from the 1940s and the

1 1950s through the AIHA.

2 Can you tell us how those contacts would
3 work, what the nature of those contacts would be?

4 A. If I had a specific problem that I was
5 working on, I would call an industrial hygienist who I
6 thought had experience with that, and then go from
7 there.

8 We, all of our contacts were by telephone.
9 We didn't have the computers to go to, so it was by
10 telephone. It was, our network was by phone.

11 Q. Now, you mentioned something called
12 chapters earlier.

13 A. The chapters, or they're called local
14 sections. These were comprised of safety engineers,
15 industrial nurses, other industrial hygienists,
16 instrument manufacturers, so if we had problems there,
17 we could contact at our annual -- I mean our monthly
18 meetings.

19 Q. Where did you belong to chapters of the
20 American Industrial Hygiene Association?

21 A. In Chicago, I started out there and I was
22 elected to the board of directors. And left when I was
23 transferred.

24 Then I became a member of the New Jersey
25 section and then the New York section, and eventually

1 became chairman of the latter two. And then now, I'm a
2 member of the Arizona section.

3 Q. During the period that you worked for
4 Lumberman's between 1949 and 1966, were you a member of
5 any other professional organizations or groups?

6 A. The American Chemical Society. And I think
7 I was a member of the Health Physics Society in
8 Arizona.

9 Q. Okay.

10 A. They met so infrequently, that's why I say.

11 Q. Well, again, now, I'm talking about back in
12 the period when you worked for Lumberman's.

13 A. Right.

14 Q. Through the AIHA or the local chapters or
15 any of the other organizations that you belonged to or
16 had contacts with between 1949 and 1966, did you
17 receive any training or information regarding the
18 handling of asbestos-containing products?

19 A. No.

20 Q. Did you receive any special information or
21 guidance of any kind regarding potential health risks
22 associated with asbestos exposure?

23 A. No.

24 Q. Now, you've been asked a lot of questions
25 earlier regarding asbestos and hazard. During the time

1 you were employed at Lumberman's, Mr. Laubly, what was
2 the recognized potential hazard of asbestos exposure as
3 you understood it to be?

4 A. Long-term exposure to asbestos could cause
5 asbestosis.

6 Q. Was there a particular concentration or
7 amount of exposure understood by you to be related to
8 the potential for that disease, asbestosis?

9 A. On the time-weighted average, it was five
10 particles per cubic foot of air.

11 Q. As an eight-hour time-weighted?

12 A. At an eight-hour time-weighted average.

13 Q. Is that what was known as the threshold
14 limit value?

15 A. Well, first it was the MAC.

16 Q. Which stood for what?

17 A. Maximum allowable concentration. Then they
18 changed it to the TLV.

19 Q. Was that a high threshold limit value for
20 asbestos?

21 MR. MAURIELLO: Object to the form.

22 THE WITNESS: Yes.

23 BY MR. HUTCHINS:

24 Q. During this time period, and, again, 1949
25 to 1966, was it your understanding and that of people

1 whom you had contact with, that any exposure to
2 asbestos could be harmful?

3 A. I don't believe so.

4 Q. So as you understood it at that time,
5 asbestosis was a disease of high-dose exposure over a
6 lengthy period of time.

7 MR. MAURIELLO: Object to the form.

8 THE WITNESS: Yes, that's true.

9 BY MR. HUTCHINS:

10 Q. And just so I'm clear, based on your
11 experience and your contacts while you were at
12 Lumberman's in the field of industrial hygiene, do you
13 remember hearing anybody opine or suggest that lesser,
14 brief exposures to asbestos put anybody at potential
15 risk for disease?

16 A. No.

17 Q. While you worked at Lumberman's, did you
18 have any training or experience that would lead you to
19 appreciate that there were potential hazards associated
20 with dust concentrations?

21 A. Again?

22 Q. Certainly. While you were at Lumberman's,
23 did you have any training or information that would
24 lead you to appreciate or understand that there could
25 be hazards associated with dust concentrations?

1 A. Yes.

2 Q. Was that limited to asbestos?

3 A. No.

4 Q. What were some of the other dust
5 concentrations or dusty substances that were important
6 to the field of industrial hygiene while you were
7 employed by Lumberman's?

8 MR. MAURIELLO: Object to the form.
9 Relevance. You can answer.

10 THE WITNESS: Primarily it was silica.

11 BY MR. HUTCHINS:

12 Q. Were there other dusty substances that were
13 of concern to the field of industrial hygiene as you
14 understood it while you were employed by Lumberman's?

15 A. Yes. Coal dust was another one. Cotton
16 dust. Beryllium. Any, most any dust that could --
17 that you would work with.

18 Q. Was asbestos one of the dusts, though, that
19 you were trained to have an appreciation of?

20 A. Yes.

21 Q. Now, I believe you testified earlier, while
22 you with Lumberman's, you may have made visits to a
23 couple of hundred plants a year?

24 A. Yes.

25 Q. Did you ever see insulators working with

1 insulation products in the course of any of those
2 visits?

3 A. I never saw any actual workers.

4 Q. Okay. Did you ever see what you considered
5 to be dust conditions caused by the use of
6 asbestos-containing products, insulation products, in
7 any of those plants that you visited with Lumberman's?

8 A. Not insulation products.

9 Q. Did you see asbestos dust concentrations
10 anywhere?

11 MR. MAURIELLO: Object to the form.

12 THE WITNESS: Yes. As I mentioned, at
13 Mastic Tile.

14 BY MR. HUTCHINS:

15 Q. I believe you testified that some time in
16 the 1950s you did a survey of a mastic tile plant in
17 New York?

18 A. Yes.

19 Q. I believe you testified as well that you
20 also visited a facility in Chicago where they
21 manufactured asbestos-containing brake linings?

22 A. Correct.

23 Q. Did you do asbestos-related dust sampling
24 in those two plants?

25 A. Yes.

1 Q. Why did you sample for asbestos in those
2 two locations but not elsewhere?

3 A. Because they were actual manufacturing
4 operations and involved the raw materials.

5 Q. You say the raw materials. How was
6 asbestos being used in those plants?

7 A. Well, they were incorporated into the
8 product. Mastic Tile was a manufacturer of floor tile.
9 And the brake lining, of course, then had asbestos in
10 it.

11 Q. And this was raw fiber being used in those
12 facilities?

13 A. Raw fibers.

14 Q. Okay. I'll let you choose the word in a
15 panorama of exposures, would the potential exposures in
16 those facilities be high, low or something else?

17 MR. MAURIELLO: Object to the form. You
18 may answer.

19 THE WITNESS: At the mastic tile, it was
20 high. At the brake lining, it was low.

21 BY MR. HUTCHINS:

22 Q. During your period of employment with
23 Lumberman's, did you see potentials to exposure in
24 other facilities that was similar to those potential
25 exposures you examined at the mastic tile plant and the

1 brake lining plant?

2 A. Again?

3 Q. Sure. During your employment by
4 Lumberman's, did you ever see in any other facility
5 that you visited potential exposures to asbestos that
6 were similar to the potentials you saw at the mastic
7 tile plant and the brake lining plant?

8 A. No.

9 Q. While you were with Lumberman's, did you
10 ever see reports or statistics on occupation disease
11 compensation claims submitted to the insurance company?

12 A. No.

13 Q. Was that something that was submitted to
14 the division that you worked with, headed by Mr.
15 Walworth?

16 A. Yes.

17 Q. Would the nature of the claims submitted to
18 Lumberman's from its various insureds be something that
19 you were generally aware of while you were employed by
20 the company?

21 A. Yes.

22 Q. Between 1949 and 1966, while you were
23 employed with Lumberman's, are you aware of any claim
24 being submitted to that insurance carrier for any type
25 of asbestos-related disease?

1 MR. MAURIELLO: Object to the form.

2 THE WITNESS: No.

3 BY MR. HUTCHINS:

4 Q. While you were employed with Lumberman's,
5 were you aware from any other source, conversations
6 with other industrial hygienists, other people in the
7 field of occupational health, of anybody claiming to
8 have any disease related to asbestos exposure?

9 MR. MAURIELLO: Object to the form.

10 THE WITNESS: I can't recall any.

11 BY MR. HUTCHINS:

12 Q. You mentioned earlier something called a
13 threshold limit value or a TLV; is that right?

14 MR. MAURIELLO: Object to the form.

15 THE WITNESS: Correct.

16 BY MR. HUTCHINS:

17 Q. You mentioned it. There was a TLV for
18 asbestos, was there not?

19 MR. MAURIELLO: Object to the form.

20 THE WITNESS: Yes.

21 BY MR. HUTCHINS:

22 Q. Who promulgated the TLV or threshold limit
23 value for asbestos that existed while you were employed
24 by Lumberman's?

25 A. The American Conference of Governmental

1 Industrial Hygienists.

2 Q. What, generally speaking, was the American
3 Conference of Governmental Industrial Hygienists?

4 A. It consisted of the people from academia
5 and from government agencies, local -- state, mostly
6 state agencies.

7 Q. Could an industrial hygienist such as
8 yourself belong to the American Conference of
9 Governmental Industrial Hygienists?

10 A. No.

11 Q. What did the American Conference of
12 Governmental Industrial Hygienists, or ACGIH, do?

13 MR. MAURIELLO: Object to the form.

14 THE WITNESS: They inspected plants for the
15 Department of Labor.

16 BY MR. HUTCHINS:

17 Q. If you know, what did the American
18 Conference of Governmental Industrial Hygienists
19 promulgate TLVS for?

20 MR. MAURIELLO: Object to the form.

21 THE WITNESS: What --

22 BY MR. HUTCHINS:

23 Q. What was their purpose in promulgating
24 TLVS?

25 A. To --

1 MR. MAURIELLO: Object to the form.

2 THE WITNESS: They were used as guidelines
3 for the control of exposures, workroom contaminants.

4 BY MR. HUTCHINS:

5 Q. Were there ACGIH threshold limit values for
6 substances other than asbestos?

7 A. Yes.

8 Q. Can you recall how many other substances?

9 A. It grew every year. Probably about 100 in
10 a little pamphlet that we used to carry around with us.

11 Q. In your experience as an industrial
12 hygienist in the 1940s and 1950s, were threshold limit
13 values relied upon by you and industrial hygienists in
14 the field as a guideline for exposure?

15 A. A guideline, yes.

16 Q. We've talked some in the course of your
17 deposition, Mr. Laubly, about doing dust measurements
18 in various plants for various different substances.

19 Could you tell me, sort of starting at the
20 beginning, if you wanted to go to a plant to do a dust
21 survey, how you would go about performing that
22 assignment and what equipment or what technology you'd
23 be using in that process?

24 MR. MAURIELLO: What point in time are we
25 talking about now?

1 BY MR. HUTCHINS:

2 Q. Just so it's clear, this is while you were
3 employed by Lumberman's as an industrial hygienist.

4 A. Yes. In most instances, my first source
5 would be the safety engineer who regularly serviced a
6 plant, and he would express some concern that there was
7 a dust exposure.

8 Then I would accompany that person and go
9 to the insured and explain what had to be done.

10 Q. Let me stop you for moment. You say you
11 went to the insured.

12 A. Went to the insured.

13 Q. You were based in New York City?

14 A. I was based in, well, New Jersey.

15 Q. In the New York area?

16 A. In the New York area.

17 Q. Did you take a plane and go visit the
18 plant?

19 A. No. I took a six-cylinder Chevy.

20 Q. What was your area of responsibility while
21 you were employed with Lumberman's?

22 A. Basically everything, mostly everything
23 east of the Mississippi. Once or twice I got west of
24 it, but all of the states based east of the
25 Mississippi.

1 Q. And how did you visit the plants that you
2 were expected to visit in your area of responsibility?

3 A. What would -- by motor vehicle.

4 Q. Did you use equipment in the course of your
5 work?

6 A. Yes. I carried all the equipment that was
7 assigned to me in the trunk of the car so that when I
8 arrived at the plant, I then could be able to use it.

9 Q. If you would, tell me how you would do a
10 dust study once you got to the plant.

11 A. Well, there would be a general walk-through
12 of the plant where I would then determine the areas
13 that I thought needed evaluation. And then I would
14 make my evaluation by taking a midget impinger dust
15 sample.

16 Q. Let me stop here for a moment.
17 We've heard reference before to an
18 impinger.

19 A. Yes.

20 Q. What exactly is an impinger and how does it
21 work, Mr. Laubly?

22 A. It's actually a flask attached to a vacuum
23 pump, and this draws the air sample in through a liquid
24 and deposits, impinges the dust at the bottom of the
25 flask.

- 1 Q. And what kind of liquid would be in the
2 flask?
- 3 A. Distilled water. Usually distilled water.
- 4 Q. Now, you indicated you draw air through a
5 vacuum --
- 6 A. Yes.
- 7 Q. -- into this flask. How would you draw air
8 into the flask?
- 9 A. Well, the flask was so constructed that it
10 had an open port that it would draw it.
- 11 Q. Was this an electrical device? Did you
12 plug it in and press a button?
- 13 A. No. It was a hand-operated pump.
- 14 Q. Hand-operated? How?
- 15 A. A crank. It's a crank. Operated the pump
16 with a crank handle.
- 17 Q. I'm trying to imagine this. Like an ice
18 cream maker?
- 19 A. No, like an organ grinder. In fact, that's
20 -- they used to kid us about that. Where was the
21 monkey.
- 22 Q. So you would operate the crank and that
23 would draw air into the --
- 24 A. For about 10 to 15 minutes.
- 25 Q. Once you'd undergone that process, what

1 would you do to analyze or evaluate the data that you
2 had collected?

3 A. Well, then the material, a portion of the
4 material, the liquid material, would be put on a
5 microscope slide with a grid that had a grid, a
6 counting grid, and place it on a microscope, stage and
7 proceed to count it.

8 Q. What type of microscope was used?

9 A. A simple monocular microscope.

10 Q. What is sometimes described as a light
11 microscope?

12 A. Light field.

13 Q. And did you send this off for counting? I
14 mean, how was that done?

15 A. The counting was done in the motel after
16 hours by myself.

17 Q. With a light microscope, having done a dust
18 sample, what could you count by light optical
19 examination?

20 A. Total dust.

21 Q. And at that level of magnification, could
22 you discern or differentiate one particle of substance
23 from another?

24 A. It would be very difficult.

25 Q. Was there some technique available to you

1 where you would try to isolate the amount of a specific
2 substance you might find in a given environment?

3 A. Well, the procedure would be to take a
4 settled dust sample and then that sample would be sent
5 to a laboratory to determine the percentage of either
6 silica or asbestos. And then they would send us that
7 and we would determine the percentage of that in the
8 total dust sample and extrapolate the result to get a
9 time-weighted average.

10 Q. By the techniques available when you
11 retired in 1979, was this a fairly precise methodology?

12 A. It was more precise, because collection was
13 done on a millipore filter.

14 Q. In '79?

15 A. In '79, and then sent to a laboratory for
16 the counting.

17 Q. With the technology that you've described,
18 say, in the 1950s, were the results that you obtained
19 precise or more in terms of an estimate?

20 MR. MAURIELLO: Object to the form.

21 THE WITNESS: Well, it was a good estimate.

22 BY MR. HUTCHINS:

23 Q. Was there better technology later in your
24 career to do dust sampling of all types?

25 A. Yes.

1 Q. And what was that called?

2 A. I believe it was called phase contrast
3 microscopy.

4 Q. In terms of collection techniques, was
5 there different equipment available later in your
6 career?

7 A. Well, yes. They had battery-operated
8 pumps, and as I say, they collected them then on a
9 millipore filter.

10 Q. What's a millipore filter?

11 A. It's a fine plastic filter that's contained
12 in a cassette and it's usually, in most instances it's
13 pre-weighed because you're going to make a
14 determination of the weight of the material.

15 Can you ask anything more on that now?

16 MR. MAURIELLO: Can we take a short break
17 for a minute?

18 MR. HUTCHINS: Sure.

19 THE VIDEOGRAPHER: The time is 12:31. We
20 are going off record.

21 (Recess taken.)

22 THE VIDEOGRAPHER: The time is 12:40 and we
23 are back on the record.

24 BY MR. HUTCHINS:

25 Q. Mr. Laubly, before we took our break, we

1 were talking about certain technology available
2 associated with dust sampling. And you indicated that
3 there eventually came to be different microscopic
4 techniques available for analysis and you mentioned
5 something called a millipore filter.

6 Were these techniques an advancement over
7 what you described earlier in using impingers?

8 A. They were more versatile. We still used
9 the midget impinger with the new miniaturized battery
10 equipment, vacuum pump, in other words.

11 Q. If you recall, when did the millipore
12 technology come into general availability?

13 A. After OSHA started.

14 Q. So prior to OSHA, to the extent there was
15 any sampling being done, it would have been the
16 impinger techniques you've testified to?

17 A. Yes.

18 Q. As an industrial hygienist, are you
19 acquainted with the term "area sampling"?

20 A. Yes.

21 Q. Are you acquainted with the term "personal
22 sampling"?

23 A. Yes.

24 Q. Could you tell us briefly what the two are?

25 A. An area sample would be a sample taken

1 around this room. A personal sample would be done at
2 the breathing zone of the worker.

3 Q. How would you do a sample of the breathing
4 zone of the worker? What sort of equipment would you
5 use?

6 MR. MAURIELLO: Object to the form as to
7 time frame.

8 THE WITNESS: You would use, you could the
9 midget impinger, and then fasten the pump to the
10 worker's belt. You'd have to have the extreme
11 cooperation of the worker.

12 With the millipore filter, it also could be
13 put up there close to the breathing zone, but you would
14 have to watch the worker all the while it was being
15 done.

16 BY MR. HUTCHINS:

17 Q. Was the cassette filter put on the collar
18 an improvement over the belt model that you were
19 talking about earlier?

20 A. It was -- well, actually it was the same.
21 It was still connected to the pump. It was an airline
22 from the pump to the cassette.

23 Q. Was it lighter?

24 A. Much lighter.

25 Q. In your experience as an industrial

1 hygienist, was there much personal sampling done in the
2 1950s?

3 MR. MAURIELLO: Object to the form. You
4 can answer.

5 THE WITNESS: We tried -- it was called
6 that. We tried to do it as much as we could, as much
7 as we could.

8 BY MR. HUTCHINS:

9 Q. Did techniques for personal sampling
10 improve or get more refined as you went forward in your
11 career?

12 A. Yes.

13 Q. Did the millipore technology make that any
14 easier to do?

15 A. Much easier.

16 Q. Was the quality of the personal sample that
17 you could obtain through the millipore technology, did
18 it have the potential to be more precise than through
19 the impinger technology?

20 A. Yes.

21 Q. Now, you testified earlier that you were
22 hired by Celanese Corporation in 1966; is that right?

23 A. Yes.

24 Q. When you were hired by Celanese, how long
25 had you worked in the field of industrial hygiene?

1 A. Seventeen years.

2 Q. When you were hired by Celanese, did you
3 feel that you needed to receive any industrial hygiene
4 training from Celanese or anybody else to perform your
5 industrial hygiene duties with the company?

6 A. No.

7 Q. In 1966 when you hired on with Celanese,
8 were there some companies in American industry other
9 than Celanese that had on-staff industrial hygienists?

10 MR. MAURIELLO: Object to the form.

11 THE WITNESS: Yes.

12 BY MR. HUTCHINS:

13 Q. Based on your knowledge and experience in
14 the field at that time in 1966, was it common for
15 companies in American industry to have industrial
16 hygienists on staff?

17 A. It was not common.

18 Q. In response to questions from counsel, you
19 indicated that shortly after you were hired you went
20 with Dr. Dixon to a meeting in Williamsburg.

21 A. Yes.

22 Q. What was that a meeting of?

23 A. The Society of Toxicology.

24 Q. Were there other industrial hygienists
25 present at that meeting?

1 A. I can't recall any other than myself.

2 Q. Were there more industrial hygienists
3 employed, based on your knowledge and experience, in
4 1966 than there were, say, in 1949 in this country?

5 A. Yes.

6 Q. Having said that, were there many people
7 practicing in the field of industrial hygiene in 1966?

8 MR. MAURIELLO: Object to the form.

9 THE WITNESS: The membership was growing.
10 That's all I could say.

11 BY MR. HUTCHINS:

12 Q. If you recall, did the numbers of
13 industrial hygienists increase by a large percentage at
14 some particular time?

15 A. Yes. After OSHA.

16 Q. You began to see a lot more people
17 practicing in the field after OSHA than before?

18 A. True.

19 Q. I believe you testified earlier that you
20 had responsibility for industrial hygiene support to
21 many plants within Celanese Corporation; is that right?

22 A. Correct.

23 Q. And I think you gave you a number of
24 between 40 or 50 plants.

25 A. Yes.

1 Q. Did you provide that industrial hygiene
2 support from your desk in New York City?

3 A. Sixty percent of the time it was on-site.

4 Q. Sixty percent in a given year?

5 A. Yes.

6 Q. Did that involve a lot of travel, Mr.
7 Laubly?

8 A. About 60 percent of my time.

9 Q. When you were with Lumberman's, did you
10 enter industrial facilities where asbestos-containing
11 insulation was present?

12 A. Oh, certainly.

13 Q. I'll let you pick the characterization.

14 Would you say that most industrial plants
15 that you went into with Lumberman's had
16 asbestos-containing insulation in them, some of them?
17 How would you characterize them?

18 MR. MAURIELLO: Object to the form.
19 Relevancy.

20 THE WITNESS: I would say most of them had
21 some form of insulation.

22 BY MR. HUTCHINS:

23 Q. When you came to Celanese Corporation, did
24 the facilities owned and operated by Celanese have
25 asbestos-containing insulation present in them as well?

1 A. I'm certain they did.

2 Q. You were asked some questions earlier by
3 counsel regarding particular asbestos-containing
4 products that may have present at the Salisbury plant
5 for operations that may have gone on there.

6 First of all, would you agree with me that
7 you would have a better or a more specific recall of
8 what went on in the plants in 1979 when you left the
9 company than you would today?

10 A. Yes.

11 Q. Do you believe that there was
12 asbestos-containing insulation present in the Salisbury
13 plant?

14 A. I believe that, yes.

15 Q. Did you believe that was true when you
16 worked for Celanese Corporation?

17 MR. MAURIELLO: Object to the form.

18 THE WITNESS: When I worked for Celanese?

19 BY MR. HUTCHINS:

20 Q. Yes, sir.

21 A. Yes.

22 Q. Was that a presumption that you made?

23 A. Well, I assumed that industry used covering
24 for -- as an insulation product.

25 Q. Did you apply that presumption when you

1 went in to do a survey at any plant operated by
2 Celanese?

3 A. Yes.

4 Q. What was the basis for you presuming that a
5 Celanese plant would have asbestos-containing
6 insulation in it, sir?

7 A. Well, it was necessary on certain
8 pipelines, as my experience with other industrial
9 operations. It was a common sight overhead.

10 Q. Now, I believe you testified that you made
11 industrial hygiene surveys of the Salisbury plant?

12 A. Yes.

13 Q. And if I remember correctly, you thought
14 you might have been in the plant perhaps twice a year
15 during your period of employment at Celanese?

16 A. Perhaps.

17 Q. While you did industrial hygiene surveys at
18 Celanese, whether at the Salisbury plant or any other
19 plant owned by the company, would you be looking for
20 dusty conditions of any kind or was that something that
21 was not a part of your responsibility?

22 A. No. I would be looking for dust.

23 Q. Would that be limited to asbestos or would
24 those be dust conditions of any kind?

25 A. Any kind.

1 Q. During the visits that you made to the
2 Salisbury plant, did you see dusty conditions of any
3 kind inside the facility?

4 A. Oh, I may have seen some of the TA dust in
5 certain areas. I can't say exactly where it is now. I
6 can't recall that, but generally, that would be the
7 most apparent.

8 Q. You say TA dust. What is TA dust?

9 A. Well, that's your raw material.

10 Q. Terathalic acid?

11 A. Terathalic acid.

12 Q. That's a raw material used in the
13 manufacture of polyester?

14 A. Yes.

15 Q. Do you recall seeing dusty conditions at
16 the Salisbury plant generated by the use of insulation
17 products?

18 MR. MAURIELLO: Object to the form.

19 THE WITNESS: I don't recall that.

20 BY MR. HUTCHINS:

21 Q. What would the procedure be that you would
22 follow, if any, if you had seen dusty conditions at the
23 Salisbury plant or any other Celanese plant associated
24 with the use of insulation material?

25 A. We would conduct a survey.

1 Q. Would you have taken any steps to raise
2 that issue to the management of the plant?

3 A. Through the safety supervisor and the
4 industrial relations manager, yes.

5 Q. Would the same be true if you saw dusty
6 conditions caused by any other source at Salisbury or a
7 plant owned by Celanese?

8 A. Yes.

9 Q. So if you had a concern about dust
10 concentrations, it wouldn't be limited solely to
11 asbestos?

12 A. That's true.

13 Q. Now, I believe you testified earlier that
14 while you were at Lumberman's, you believed that
15 asbestosis was a potential risk of asbestos exposure
16 associated with very high dust concentrations over a
17 long period of time?

18 A. True.

19 Q. Did you hold that belief as well while you
20 were employed as a corporate industrial hygienist by
21 Celanese?

22 A. Yes.

23 Q. Do you hold that belief today, sir?

24 A. Oh, yes.

25 Q. Did you see during any of your plant visits

1 or surveys while employed by Celanese asbestos-related
2 dust conditions of that nature, very high
3 concentrations?

4 MR. MAURIELLO: Object to form.

5 THE WITNESS: I never encountered that.

6 BY MR. HUTCHINS:

7 Q. Based on your plant surveys and visits
8 while employed by Celanese, did you believe that any
9 worker was at risk of any asbestos-related disease at
10 Salisbury or any other plant operated by Celanese?

11 A. No, I did not.

12 Q. Based on your training, experience and
13 observation, was asbestos exposure deemed by you while
14 at Celanese to be a significant health hazard at
15 Salisbury or any other plant operated by the company?

16 A. No.

17 Q. Based on your education, experience and
18 observations, would the mere presence of
19 asbestos-containing insulation in a manufacturing
20 facility have caused you concern in 1955?

21 A. No.

22 Q. Would it have caused you any particular
23 concern in 1966?

24 A. No.

25 Q. Would it have caused you any particular

1 concern in 1979 when you retired?

2 A. No.

3 Q. While you were employed by Celanese, were
4 claims of occupational illness or disease from any of
5 the plants reported to the corporate medical
6 department?

7 A. I never saw any.

8 Q. If those reports were made, they would be
9 made to Dr. Dixon?

10 A. True.

11 Q. While you were employed by Celanese, did
12 you ever hear in any form that any worker at a Celanese
13 plant was claiming that they had any asbestos-related
14 illness?

15 A. While I was there, no.

16 Q. Until you obtained such information through
17 the Federal Register in 1971, had you obtained any
18 previous information, whether from Celanese or any
19 other source, that asbestos could be a potential
20 carcinogen?

21 A. I can't recall receiving any.

22 Q. When you were employed by Celanese, did you
23 continue to be a member of the American Industrial
24 Hygiene Association?

25 A. Yes.

1 Q. Were you a member of the national
2 organization?

3 A. Yes.

4 Q. Did you continue to be a member of local
5 chapters such as you described to us earlier?

6 A. Yes.

7 Q. Can you recall while you were at Celanese
8 any other professional organizations that you either
9 belonged to or whose meetings you may have attended?

10 A. The American Chemical Society. And
11 basically, that's it.

12 Q. While you were employed by Celanese, do you
13 recall obtaining any information from any of those
14 organizations regarding potential cancer risks from
15 asbestos exposure?

16 A. No, I do not.

17 Q. I believe you testified earlier that when
18 the OSHA standard came out in the Federal Register in
19 1971, you sent those regulations to the various plants
20 operated by Celanese; is that right?

21 A. That's true.

22 Q. Would that include the Salisbury plant?

23 A. Yes.

24 Q. Would that include the other plants
25 operated by Fiber Industries, Inc. and Celanese Fiber

1 Company?

2 A. All, all of those.

3 Q. Did the OSHA standards evolve over time
4 during the period you were employed by Celanese?

5 A. Yes.

6 Q. If you remember, did the asbestos standard
7 change while you were employed by Celanese?

8 A. Yes.

9 Q. If there were changes to the OSHA
10 regulations while you were employed by Celanese, did
11 you send those changes or updates to each of the plants
12 as well?

13 A. Yes.

14 Q. Do you recall something called the BNA
15 Occupational Health Reporter?

16 A. That's Bureau of National Affairs?

17 Q. Yes, sir.

18 A. I recall the paper.

19 Q. Do you recall ever sending any information
20 regarding occupational health issue from that report to
21 the people at the plant level?

22 A. No.

23 Q. Once you forwarded the OSHA regulations to
24 the various Celanese plants, to include, for example,
25 Salisbury, who would be responsible for implementing

1 those regulations at the plant level?

2 A. The safety supervisor and the industrial
3 relations manager.

4 Q. If they had any questions regarding
5 occupational health issues, would that be something
6 that they would refer to you or would that be to
7 somebody else in the company?

8 A. Well, either me or Dr. Dixon.

9 Q. So if there were questions regarding the
10 implementation of OSHA regulations as they pertain to
11 occupational health, they could raise those issues with
12 you or Dr. Dixon?

13 A. Yes.

14 Q. Not specific to asbestos, necessarily, do
15 you remember plants after OSHA seeking consultations
16 with you or Dr. Dixon on occupational health issues?

17 A. I don't remember.

18 Q. You don't remember specifics?

19 A. No specifics.

20 Q. Mr. Laubly, you were asked some questions
21 earlier regarding whether or not you consider asbestos
22 to be an inherently dangerous substance or whether or
23 not you deemed asbestos work to be inherently
24 dangerous.

25 Do you remember those questions?

1 A. Yes.

2 Q. Let me ask you some questions and follow-on
3 to that.

4 Based on your education, experience,
5 training and observations, do you believe that asbestos
6 work is always dangerous?

7 A. No.

8 Q. Do you believe that asbestos exposure is
9 always dangerous?

10 MR. MAURIELLO: Object to the form.

11 THE WITNESS: No.

12 BY MR. HUTCHINS:

13 Q. Based on your education, training and
14 experience, do you believe that asbestos work or
15 asbestos exposure is usually or typically dangerous?

16 A. No.

17 Q. Would you agree that asbestos work or
18 asbestos exposure could sometimes be dangerous?

19 A. Sometimes.

20 Q. What would be the factors that would go
21 into how asbestos exposure potentially could be
22 sometimes dangerous?

23 A. Well, the level of exposure and over a long
24 period of time.

25 Q. Any other factors that would go into that

1 analysis?

2 A. The conditions of the workplace.

3 Q. So the amount of the dose, the duration of
4 exposure, and the working environment, generally?

5 A. Yes.

6 Q. And I believe you testified earlier that
7 based on your training and experience the dose and the
8 duration associated with an asbestos-related disease
9 would be very high on both scores; is that right?

10 A. That's true.

11 Q. You were asked some questions earlier
12 regarding Celanese's policies on the use of respiratory
13 protection.

14 Do you remember those questions, Mr.
15 Laubly?

16 A. Yes.

17 Q. Based on what you can recall in your
18 experience, did Celanese policy make the use of
19 respiratory protection mandatory for any purpose?

20 A. No.

21 Q. What were the factors that would go into
22 the usage of respiratory protection in a working
23 environment?

24 A. Where you would find a very high
25 concentration by dust counting, a survey, for one

1 thing.

2 Q. Would that be true of, say, vapor exposures
3 as well?

4 A. Vapors as well.

5 Q. In your experiences as an industrial
6 hygienist, are there any hard and fast rules, at least
7 while you were employed at Celanese, for when and where
8 respiratory protection would be employed?

9 A. No.

10 Q. That would be based on the circumstances
11 and the situation?

12 A. Yes.

13 Q. At the plant level, in your experience at
14 Celanese, who would be required or expected to make
15 that appreciation and make the determination on when
16 respiratory protection would be needed?

17 A. The safety supervisor.

18 Q. In the course of your 30-year career in
19 industrial hygiene, you visited many plants, many
20 facilities operated by many companies, didn't you?

21 MR. MAURIELLO: Object to the form.

22 THE WITNESS: Yes.

23 BY MR. HUTCHINS:

24 Q. Based on the totality of your experience as
25 an industrial hygienist, would you say that the

1 Celanese facilities for which you had responsibility
2 were in general clean plants?

3 MR. MAURIELLO: Object to the form.

4 THE WITNESS: Very clean plants.

5 BY MR. HUTCHINS:

6 Q. Would you say that about the Salisbury
7 plant as well?

8 A. I think it was one of the cleaner ones.

9 Q. Would you say that the Celanese facilities
10 for which you had responsibility generally observed
11 good housekeeping practices?

12 A. Generally.

13 Q. Would you say that of the Salisbury plant
14 as well?

15 A. Yes.

16 Q. Based on your experience and knowledge
17 gained over the course of your career, would you say
18 that the Celanese facilities for which you had
19 responsibility were safe plants?

20 MR. MAURIELLO: Object to the form.

21 THE WITNESS: Yes.

22 BY MR. HUTCHINS:

23 Q. Would you say that of the Salisbury plant
24 as well?

25 MR. MAURIELLO: Object to the form.

1 THE WITNESS: Yes.

2 BY MR. HUTCHINS:

3 Q. If you compared all of the facilities in
4 which you performed industrial hygiene work and did
5 industrial hygiene surveys with the plants for which
6 you had responsibility at Celanese, how would you rate
7 the Celanese plants?

8 MR. MAURIELLO: Object to the form.

9 THE WITNESS: Very good.

10 BY MR. HUTCHINS:

11 Q. Would that statement be true of the
12 Salisbury plant as well?

13 A. Oh, yes.

14 MR. HUTCHINS: Mr. Laubly, I think those
15 are the questions I have for you at this time. I want
16 to thank you for taking the time to come and talk with
17 us these last few days.

18 THE WITNESS: Thank you.

19 MR. MAURIELLO: I have a few follow-up
20 questions for you, Mr. Laubly, now that we've gotten
21 into some areas. Sorry.

22

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FURTHER EXAMINATION

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BY MR. MAURIELLO:

Q. Where are the dust counts for the Salisbury plant?

A. Where are they?

Q. Yes, sir.

MR. HUTCHINS: I object to the form of the question.

THE WITNESS: Do you mean the results of them or?

BY MR. MAURIELLO:

Q. Yes, sir.

A. I do not know.

Q. What dust counts did you do for the Salisbury plant?

A. I don't recall.

Q. Well, correct me if I'm wrong. You just testified that you knew of the standard of the American Conference of Governmental Hygienists before you worked at Salisbury. Is that correct?

A. That's true.

Q. So you knew of a threshold limit value that was established prior to your work in 1966 at Salisbury?

1 A. Yes.

2 Q. For asbestos?

3 A. Yes.

4 Q. Is that correct?

5 And you knew that asbestos in a certain
6 concentration could be hazardous; is that correct?

7 A. Correct.

8 Q. And then you came on board in '66 and you
9 testified about opinions on concentrations of dust in
10 Salisbury.

11 Where are the test results for the
12 concentrations of dust in Salisbury?

13 A. I don't recall on that. Where was that?

14 Q. That's what I'd like to know.

15 A. No, I mean --

16 Q. What concentrations of dust, what sampling
17 did you do at the Salisbury plant for asbestos or
18 general bulk sampling for dust?

19 A. I didn't do them.

20 Q. Who did them?

21 A. I don't know.

22 Q. Did anybody do them?

23 A. I don't know.

24 Q. You testified you had opinions about
25 exposure in the Salisbury plant, but you told me on

1 direct examination you never saw anybody install
2 insulation; is that correct?

3 A. Yes.

4 Q. You never saw anybody constructing the
5 plant; is that correct?

6 A. That's true.

7 Q. You never saw anybody remove insulation
8 from the plant?

9 A. That's true.

10 Q. You never saw anybody removing or dealing
11 with gaskets in the plant?

12 A. That's true.

13 Q. You don't even know where the saw room is
14 located for insulation; is that correct?

15 A. I can't recall where it is.

16 Q. You don't know what type of equipment the
17 insulators used to cut insulation; is that correct?

18 A. I don't recall that.

19 Q. Did you do any sampling of any of the
20 insulators, personal air sampling or area air sampling
21 as you testified to a minute ago for the insulators
22 when they were installing asbestos?

23 A. No, I did not.

24 Q. Did you do any area sampling for any of the
25 millwrights who are parties to this lawsuit?

1 A. No.

2 Q. Did you do any air sampling for any of the
3 maintenance workers that worked any of the hydrolators
4 on any of the pipes in this lawsuit?

5 A. No.

6 Q. You didn't do any air sampling, period?

7 A. Period. Not any dust samples.

8 Q. You told us you hadn't heard about anybody
9 making a claim for asbestos in the plant. You left in
10 1979, didn't you?

11 A. Yes.

12 Q. You've heard the term "latency"?

13 A. Yes.

14 Q. What does latency refer to when we deal
15 with asbestos disease, sir?

16 MR. HUTCHINS: Object to the form of the
17 question.

18 BY MR. MAURIELLO:

19 Q. What do you understand the term "latency"
20 to mean?

21 A. Something that happens later on.

22 Q. It takes time for the individual's body to
23 react to an inhalation of asbestos fibers, does it not?

24 MR. HUTCHINS: I object to the form of the
25 question.

1 BY MR. MAURIELLO:

2 Q. Sir, in the literature you have reviewed as
3 an industrial hygienist, is there a latency period from
4 time of exposure to the development of the disease?

5 MR. HUTCHINS: Object to the form of the
6 question.

7 THE WITNESS: I can't remember
8 specifically.

9 BY MR. MAURIELLO:

10 Q. Well, in your review of the literature, can
11 someone develop an asbestos disease from exposure
12 within five years?

13 MR. HUTCHINS: I object to the form of the
14 question.

15 THE WITNESS: I do not know.

16 BY MR. MAURIELLO:

17 Q. You don't know the answer to that?

18 A. I don't know the answer.

19 Q. Do you know what is the generally
20 acceptable latency period from time of exposure to the
21 development of the signs of asbestos exposure?

22 MR. HUTCHINS: Object to the form of the
23 question.

24 THE WITNESS: No, I don't.

25 BY MR. MAURIELLO:

1 Q. Do you know what pleura plaques are?

2 A. No.

3 Q. Do you know what interstitial fibrosis is?

4 A. No.

5 Q. Do you know what pleura thickening is?

6 A. No.

7 Q. You're not a medical doctor, are you, sir?

8 A. No.

9 MR. HUTCHINS: Make the point.

10 BY MR. MAURIELLO:

11 Q. Well, the point, I'm making the point.

12 You testified on direct -- a minute ago
13 that you hadn't heard of any claim from the plant; is
14 that correct?

15 A. That's true.

16 Q. And, again, you left in 1979; is that
17 correct?

18 A. Yes.

19 MR. HUTCHINS: I think in fairness to the
20 record, not just from the plant. He said he hadn't
21 heard of any claim of asbestos-related illness anywhere
22 in Celanese Corporation.

23 BY MR. HUTCHINS:

24 Q. So you hadn't heard of any of the claims
25 made out of the Salisbury plant until this lawsuit?

1 A. That is true.

2 Q. You hadn't heard of any claims made, any
3 worker's compensation claims out of this plant in the
4 '70s; is that correct?

5 MR. HUTCHINS: I object to the form of the
6 question.

7 MR. MAURIELLO: What's the objection?

8 MR. HUTCHINS: Lack of foundation, for
9 starters.

10 MR. MAURIELLO: Thank you.

11 MR. HUTCHINS: Assumes facts not in
12 evidence.

13 MR. MAURIELLO: Well, that's the point of
14 being here, counselor.

15 BY MR. MAURIELLO:

16 Q. Sir, have you heard of any worker's
17 compensation claims that were made out of this plant in
18 the 1970s, claims made in the 1970s on asbestos
19 exposure?

20 MR. HUTCHINS: That's a different question.

21 MR. MAURIELLO: Is that an objection?

22 MR. HUTCHINS: That's a different question.

23 MR. MAURIELLO: Thank you.

24 BY MR. MAURIELLO:

25 Q. Have you heard of that, sir?

1 A. No.

2 Q. You were asked questions about the
3 dangerousness, your opinion on the dangerousness of
4 asbestos.

5 Would you recommend that an insulator
6 install asbestos-containing insulation without
7 respiratory protection?

8 MR. HUTCHINS: I object to the form of the
9 question. Where? When? Under what circumstances?

10 BY MR. MAURIELLO:

11 Q. You can answer. I note your objection.

12 Would you recommend that, sir?

13 I'll be more specific. Counsel wants me to
14 be more specific.

15 Would you recommend that an individual on a
16 daily basis who's installing asbestos and cutting
17 asbestos insulation not wear respiratory protection
18 over a five-year period?

19 MR. HUTCHINS: Same objection. Where?
20 When? Under what circumstances?

21 THE WITNESS: I don't understand that
22 question. It's too fast for me.

23 BY MR. MAURIELLO:

24 Q. All right. Would you recommend that an
25 insulator at the Salisbury plant in North Carolina in

1 the United States who works at the plant on an average
2 of 40 to 60 hours a week, who spends 80 percent of his
3 time installing new insulation, cutting insulation
4 during the daily work that he performs, not wear
5 respiratory protection if that insulation contains
6 asbestos?

7 Is there any more information you need?

8 MR. HUTCHINS: I object to the form of the
9 question. When, under what circumstances?

10 BY MR. MAURIELLO:

11 Q. Between 1966 and 1972.

12 A. If the dust concentrations were measured,
13 indicated a significant exposure to asbestos, then I
14 would recommend respiratory protection until suitable
15 engineering controls can be installed.

16 Q. All right. And in the Salisbury plant, we
17 don't know what the dust concentrations are because
18 there weren't any taking; is that correct?

19 A. That's true.

20 Q. Did you request any personal sampling taken
21 by the cassette and airline process that you just
22 described earlier at the Salisbury plant?

23 A. No.

24 Q. Did you request area sampling be taken?

25 A. No.

1 Q. And that's because, one of the reasons is
2 you didn't know asbestos was being used in the plant,
3 as you testified to earlier, correct?

4 MR. HUTCHINS: I object to the form of the
5 question. Argumentative and contrary to his testimony.
6 BY MR. MAURIELLO:

7 Q. Well, you testified earlier, sir, you were
8 unaware of the fact when you left in 1979 that asbestos
9 was used in the Salisbury plant. Do you recall that
10 testimony?

11 MR. HUTCHINS: I object. That's not what
12 he said.

13 MR. MAURIELLO: Well, then, somebody's not
14 listening.

15 BY MR. HUTCHINS:

16 Q. Do you recall that testimony, sir?

17 MR. HUTCHINS: Or somebody's hearing what
18 they want. That's an unfair characterization of his
19 testimony and I object.

20 THE WITNESS: I later said that generally
21 asbestos was used in many industrial plants, and that
22 was it.

23 BY MR. MAURIELLO:

24 Q. And that was after you had a break and you
25 spoke to counsel; is that right?

1 A. No, no, no, no, no.

2 Q. You testified that when you were with
3 Lumberman's and you were analyzing for dust
4 concentrations, you would walk through the plant, take
5 dust samples, evaluate the data and look at the
6 microscopic slides. Is that correct?

7 A. Correct.

8 Q. Okay. Did you do that at the Salisbury
9 plant?

10 A. No.

11 Q. Why not?

12 A. I didn't conduct the study there.

13 Q. You testified that the first time, again,
14 you had learned about this asbestos cancer relationship
15 was in 1971; is that correct?

16 A. Yes.

17 Q. And you also testified as to the various
18 memberships and organizations you were a member of when
19 you worked for both Lumberman's and when you worked for
20 Celanese, correct?

21 A. Yes.

22 Q. It's not your testimony, is it, that those
23 organizations did not publish material regarding that
24 correlation, is it?

25 MR. HUTCHINS: I object to the form.

1 BY MR. MAURIELLO:

2 Q. I'll be more specific.

3 Is it your opinion that prior to 1966,
4 there were no publications relating asbestos to lung
5 cancer?

6 MR. HUTCHINS: I object to the form of the
7 question.

8 THE WITNESS: No.

9 BY MR. MAURIELLO:

10 Q. Your testimony today is you just didn't see
11 those materials, correct?

12 A. I didn't see them.

13 Q. You also testified that very few plants had
14 industrial hygienists, correct?

15 A. Correct.

16 Q. And that was, I think the question was from
17 counsel, was back in the 1950s, primarily insurance
18 companies had industrial hygienists?

19 A. Yes.

20 Q. Well, Imperial Chemical Industries had one;
21 is that correct?

22 A. I don't know.

23 Q. Well, let me show you, again, Exhibit 3, by
24 M.W. Goldblatt. And listed on Page 1, from the
25 Imperial Chemical Industries Industrial Hygiene

1 Research Lab in Wymingherts, England, by M.W.
2 Goldblatt.

3 Do you see that?

4 A. Yes.

5 Q. Is it your understanding now that Imperial
6 Chemical Industries had an industrial hygienist in --

7 MR. HUTCHINS: Object to the form of the
8 question. He can't say that from looking at the
9 document.

10 THE WITNESS: I can't say it, but it's
11 there, it says it.

12 BY MR. MAURIELLO:

13 Q. Do you dispute what's written in that
14 document?

15 MR. HUTCHINS: I object to the form of the
16 question.

17 THE WITNESS: Pardon?

18 BY MR. MAURIELLO:

19 Q. Do you dispute what's written in that
20 document?

21 MR. HUTCHINS: You're calling for the
22 witness to speculate on that. I object.

23 THE WITNESS: I don't know.

24 BY MR. MAURIELLO:

25 Q. And Celanese had an industrial hygienist,

1 which was you, when you worked in their plants through
2 Lumberman's Insurance, correct?

3 A. Yes.

4 Q. So these two corporations had an industrial
5 hygienist prior to 1965 when this plant was built in
6 one form or another, both Imperial Chemical and
7 Celanese?

8 MR. HUTCHINS: Object to the form of the
9 question. Argumentative.

10 THE WITNESS: For use where?

11 BY MR. MAURIELLO:

12 Q. In their plants?

13 A. Which plant?

14 Q. The Salisbury plant.

15 A. No.

16 Q. How about the fibers plants?

17 A. Yes.

18 Q. The Salisbury plant because it wasn't
19 constructed until '65?

20 A. That's true.

21 Q. But when it came -- the other fiber group
22 plants had an industrial hygienist?

23 A. No.

24 Q. They didn't?

25 A. They had me.

1 Q. Through Lumberman's?

2 A. Yes.

3 Q. Now, you testified that in your opinion the
4 Salisbury fiber plant was a clean plant; is that
5 correct?

6 A. Yes.

7 Q. Have you seen any of the surveys that were
8 performed by Celanese itself after you left the plant
9 in 1979 of the Salisbury plant?

10 A. No.

11 Q. Have you seen any comments by Celanese
12 about the housekeeping procedures at that plant after
13 you left in 1979?

14 A. Nothing. Until your exhibits here.

15 Q. Had you seen any of the exhibits from Sam
16 Swearingin's office prior to 1979 regarding mock OSHA
17 inspections?

18 A. I can't recall that.

19 Q. You haven't seen any of the comments out of
20 the safety department about housekeeping, generally,
21 from 1966 to 1979?

22 A. No.

23 MR. MAURIELLO: All right, sir. That's all
24 I have for you.

25 MR. HUTCHINS: Mr. Laubly, just a couple of

1 follow-ups.

2

3 FURTHER EXAMINATION

4

5 BY MR. HUTCHINS:

6 Q. You've testified that you did not dust
7 sampling at the Salisbury plant while you were employed
8 at Celanese; is that right?

9 A. Yes.

10 Q. Do you know one way or another whether
11 anybody else ever did dust sampling at any time at the
12 Salisbury plant?

13 A. I think through the exhibits that they did
14 some work. That's all I can recall.

15 Q. But from personal knowledge, you don't know
16 whether others were doing dust sampling there or not,
17 do you?

18 A. No.

19 Q. In your various surveys of the Salisbury
20 plant, did you ever see dust concentrations from any
21 source, from any cause, that led you to believe that
22 dust studies were something that you needed to do
23 there?

24 A. No.

25 Q. Do you know personally if any publications

1 existed before you saw the Federal Register in 1971
2 that linked asbestos exposure to potential cancer?

3 A. No.

4 MR. HUTCHINS: That's all I have, sir.

5 Thank you.

6 THE WITNESS: Thank you.

7 MR. MAURIELLO: Thank you, Mr. Laubly.

8 THE VIDEOGRAPHER: The time is 1:20 and
9 this is the end of the videotape deposition.

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CHARLES LAUBLY

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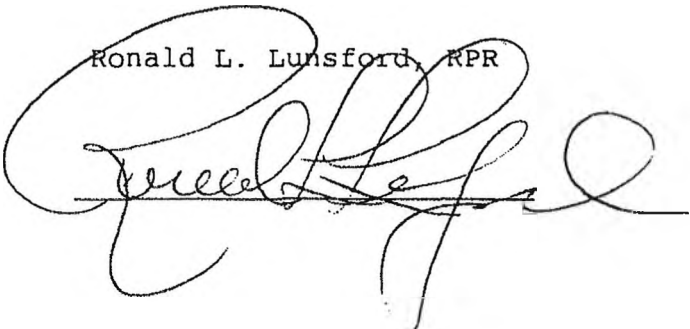
C E R T I F I C A T E

STATE OF ARIZONA)
) ss.
COUNTY OF PIMA)

BE IT KNOWN that I took the foregoing deposition pursuant to Notice; that I was then and there a Notary Public in and for the County of Pima, State of Arizona; that by virtue thereof I was authorized to administer an oath; that the witness, CHARLES LAUBLY, before testifying, was duly sworn according to law, and that the testimony of the witness was reduced to writing under my direction, all done to the best of my skill and ability.

I DO FURTHER CERTIFY that I am not a relative or attorney of either party, or otherwise interested in the events of this action.

Ronald L. Lunsford, RPR



My Commission Expires:
January 1, 2000