

FILE NAME: General Motors (GM)

DATE: 1996 Apr 2

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DOCUMENT DESCRIPTION: Legal - Deposition of Dr. Merle Gibson with BC
Handwritten Notes

Dr. M. Gibson deposition. April 2, 1996

84-88 discussion of facts w/ BC

86 GM brake warning discussions were sometime in the 1960's, warning about compressed air.
"I concurred, it would be best not to use " " "
because I simply didn't know what was there."

87-89 Thinks warning was to garage owners, generally, not just to GM dealers, but not sure.

91 lists I.H.'s he was in charge of, at GM: Thomas Velenik, Stanley Wright, James Bell

95-96 single fiber theory means "a single fiber (inhalation) is capable of producing cancer." Still his opinion.

97 during 1969 mtg. "I pressed very hard that extremely low levels could be hazardous."

103 now is "fairly convinced" chrysotile doesn't cause cancer

110 GM warnings on brakes date from 1975; 1989 warning spoke of cancer, warned against grinding + compressed air.

122 Gibson wanted to fund IJS for end product ash. studies

131 GM declined to fund IJS

137 GM workers grinding brake linings had resp. prot. and industrial ventilation equipment.

MERLE GIBSON, M.D.

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Charlie Hovell vs. Keene Corp.

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(1) IN THE DISTRICT COURT (2) DALLAS COUNTY, TEXAS
 (3) *** (4) CHARLIE GRAY HOVELL, SR., (5) et al., (6) Plaintiffs, (7) vs. CASE NO. 93-09658-E (8) KEENE CORPORATION, et al., (9) Defendants.
 (10) ***
 (11) Deposition of MERLE GIBSON, M.D., Witness (12) herein, called by the Plaintiffs for (13) cross-examination pursuant to the Rules of Civil (14) Procedure, taken before me, Mary Jo Stevens, a (15) Notary Public in and for the State of Ohio, at the (16) offices of Merle Gibson, M.D., 254 James E. Bohanan (17) Memorial Drive, Vandalia, Ohio, on Tuesday, April (18) 2nd, 1996, at 1:13 o'clock p.m.
 (19) ***

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(1) APPEARANCES:
 (2) On behalf of the Plaintiffs:
 (3) Baron & Budd (4) By: Peter A. Kraus and (5) Damon J. Chargois Attorneys at Law (6) 3102 Oak Lawn Avenue, Suite 1100 Dallas, Texas 75219
 and
 Law Offices of Peter G. Angelos
 By: Steven W. Smith (10) and Gary J. Ignatowski (11) Attorneys at Law 5905 Harford Road (12) Baltimore, Maryland 21214 (13) On behalf of the Defendant

General Motors:

(14) Lavin, Coleman, Finarelli & Gray
 (15) By: Mary Grace Maley Attorney at Law (16) Penn Mutual Tower Suite 1000 (17) 510 Walnut Street Philadelphia, Pennsylvania 19106
 and
 Roetzel & Andress
 By: Elizabeth Nocera Davis (21) Attorney at Law 75 East Market Street (22) Akron, Ohio 44308

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(1) On behalf of the Defendant Chrysler:
 (2) Strasburger & Price (3) By: J. Gregory Whitten Attorney at Law (4) Suite 4300 901 Main Street (5) Dallas, Texas 75202 (6) On behalf of the Defendant Borg Warner Corporation:
 McCue & Lee
 By: Elizabeth L. Phifer (9) Attorney at Law 5430 LBJ Freeway (10) 3 Lincoln Center Suite 1050 (11) Dallas, Texas 75240 (12) On behalf of the Defendant John Crane, Incorporated:
 Law Office of William M. Koziol
 By: Eileen M. Maloney (15) Attorney at Law 1 Kemper Drive (16) Long Grove, Illinois 60049
 (18) ***
 (19) THE VIDEOGRAPHER: We're on the record.

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(1) MERLE GIBSON, M.D. (2) of lawful age, Witness herein, having been first (3) duly cautioned and sworn, as hereinafter certified, (4) was examined and said as follows:
 (5) CROSS-EXAMINATION
 (6) BY MR. KRAUS:
 (7) Q. Good afternoon, Dr. Gibson.
 (8) A. Good afternoon.
 (9) Q. My name is Peter Kraus and I represent (10) the plaintiffs in an asbestos case pending in Texas, (11) and we have noticed your deposition here today. Do (12) you understand that?
 (13) A. Yes.
 (14) Q. Have you given depositions before?
 (15) A. I have given depositions before, yes.
 (16) Q. Okay. Have you ever given a deposition (17) before in an asbestos case?
 (18) A. To the best of my knowledge, in the (19) Sixth District Court in Cincinnati there was some (20) asbestos litigation but I'm not familiar with the (21) details of that. It was connected with OSHA (22) inspections and violations, but I'm not sure of the (23) date or time of that deposition.
 (24) Q. Okay.
 (25) MS. PHIFER: Peter, before we go any

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(1) further, I assume we're taking this portion of it (2) pursuant to the Texas rules of civil procedure.
 (3) MR. KRAUS: Okay.
 (4) MS. PHIFER: An objection by one (5) defendant present is good for all present?
 (6) MR. KRAUS: I'll give that agreement. I (7) have no problem with that. Other than that, (8) pursuant to the Texas rules.
 (9) Q. Dr. Gibson, you understand this (10) procedure though, that you're under oath here and (11) the court reporter is transcribing your answers here (12) and you're to give your answers to the best of your (13) knowledge and ability?
 (14) A. Yes, sir.
 (15) Q. Okay. If you don't understand any of (16) my questions, and sometimes I'm not always the best (17) at phrasing them, please let me know and I'll (18) attempt to rephrase. Will you do that?
 (19) A. I will.
 (20) Q. Thanks. And if I don't hear that from (21) you, I'll just assume that you understand the (22) question.
 (23) A. All right.
 (24) Q. Dr. Gibson, let me talk a little bit (25) about what's happened since we asked you to give a

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(1) deposition here. I see there's a lawyer here who (2) represents you, is that correct?
 (3) A. That's correct.
 (4) Q. Was that lawyer provided to you by (5) General Motors?
 (6) MS. MALEY: I'm going to object Go off (7) the record.
 (8) THE VIDEOGRAPHER: We're off the (9) record.
 (10) MR. KRAUS: Wait a minute, I've got a (11) problem with going off the record. We're on video (12) and let's roll. If you have objections to make, (13) let's make them on the tape and we will cut them out (14) later.
 (15) THE VIDEOGRAPHER: We're on the record.
 (16) MS. MALEY: Okay. The matters dealing (17) with the retention - my retention for Mr. Gibson (18) are part of the attorney/client privilege. I will (19) let him ask - answer certain questions but will not (20) let you delve deeply into questions concerning that (21) retention because obviously that's attorney/client (22) privilege.
 (23) Q. I'm not going to ask you for any of the (24) communications you had back and forth with your (25)

attorney. I just want to ask you if you understand,

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(1) **did GM provide this lawyer to you?**

(2) A. I don't know in answer to that. She (3) made herself available for me should I desire to (4) have her, and I asked her credentials and she said (5) she did do a lot of work in this area and I said I (6) would be pleased if she would represent me.

(7) **Q. And how did she – well, strike that. (8) Did you look for a lawyer in the phone book when you (9) got this notice of deposition?**

(10) A. No. She called voluntarily and I took (11) her up on it.

(12) **Q. Okay. And do you understand that (13) General Motors provided her services to you? Is (14) that your understanding?**

(15) MS. DAVIS: Objection.

(16) MS. MALEY: Yeah, objection. Asked and (17) answered.

(18) **Q. Okay. Lawyers, as you know, will make (19) objections for the record and then you answer and (20) the judge rules on them later.**

(21) A. It's my understanding that General (22) Motors did make her available to me, but I do (23) remember her asking specifically that if I wanted (24) her to represent me or whether I would decline and I (25) eagerly asked her to do so.

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(1) **Q. Do you know if she has represented (2) General Motors in asbestos cases in the past?**

(3) A. I don't know that.

(4) **Q. Do you know if you're going to receive (5) a bill for her services for this deposition?**

(6) A. I don't know that.

(7) **Q. Okay. Do you know if General Motors is (8) going to pay her bill for this deposition?**

(9) A. I don't know that.

(10) **Q. Is that your understanding?**

(11) A. I would assume that to be true but I (12) don't – I really don't know.

(13) **Q. Okay. But it is your belief then that (14) you're not going to receive a bill for her services, (15) that General Motors is going to pay it?**

(16) MS. DAVIS: Objection.

(17) MS. MALEY: Objection. You know, what (18) does his beliefs have to do with anything here?

(19) MR. KRAUS: I'm sorry, are you (20) finished?

(21) MS. MALEY: Yes.

(22) **Q. Okay. You can answer the question.**

(23) A. I really don't know. She made herself (24) available to me and I accepted her services. And I (25) want to stress that she didn't force herself upon

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(1) me. She made it strictly voluntarily, if I wanted (2) her to represent me or whether I didn't, and I said (3) yes.

(4) **Q. Okay. Let me ask you about contacts (5) you've had with lawyers representing General (6) Motors.**

Can you tell me what lawyers representing (7) General Motors you have spoken to since you got the (8) notice of deposition or since you first heard from (9) us about this deposition?

(10) A. None, other than what we've discussed.

(11) **Q. Okay. Other than Miss Maley, she's the (12) only one you have spoken to, is that correct?**

(13) A. Yes, sir.

(14) **Q. Was anyone else present at any of those (15) meetings you had with Miss Maley?**

(16) A. No.

(17) MS. MALEY: Objection to the fact that (18) there were meetings. And I just object to the (19) question.

(20) MR. KRAUS: Okay.

(21) MS. MALEY: No basis, no foundation.

(22) THE WITNESS: Well –

(23) **Q. Were they meetings or telephone (24) conversations?**

(25) A. They were informal conversations where

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(1) I was simply asked to state my position. For the (2) record, she did not coach me or instruct me on how (3) to answer any questions. I was amazed at that.

(4) **Q. Great.**

(5) A. Just asked my position on certain (6) subjects.

(7) **Q. Great. Was anyone else besides you and (8) Miss Maley present or a party to these (9) conversations?**

(10) A. No, not that I know of.

(11) **Q. All right. Let me talk a little bit (12) about your background, sir. What's your present (13) profession?**

(14) A. I'm a physician practicing family (15) practice, and I do consulting work for the Ohio (16) Bureau of Workers' Compensation.

(17) **Q. How old a gentleman are you?**

(18) A. I am sixty-one. Well, sixty. I'll be (19) sixty-one in April.

(20) **Q. Do you have – if you would, sir – (21) strike that. If you would, sir,**

would you please (22) start for me with college and walk through your (23) educational background?

(24) A. Um-hum.

(25) **Q. Your professional certifications and**

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(1) **any postgraduate training you've had, any board (2) certifications you've had and all your professional (3) work experience you have had from college to the (4) present.**

(5) A. Yes. I graduated from the University (6) of Dayton in 1958 with a bachelor of science (7) degree. Went to St. Louis University School of (8) Medicine where I obtained an M.D. degree. Served a (9) residency at St. Elizabeth Hospital, Dayton, Ohio, (10) 1963 to 1964, and at that time went to work for (11) General Motors Corporation as director of health and (12) safety and at the same time had a near full-time (13) practice. I worked probably seventy hours a week (14) until I retired from General Motors in 1990 after (15) some twenty-eight and a half years of service. I am (16) not certified in pulmonary medicine or other medical (17) disciplines. I simply have an M.D. degree for (18) family practice.

(19) **Q. You went to work for General Motors in (20) 1963 or '64?**

(21) A. 1963. Late 1963.

(22) **Q. Were you still working on your (23) residency when you went to work for General Motors?**

(24) A. No, I just finished with the residency (25) and immediately started with GM at that time.

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(1) **Q. And you mentioned that during the (2) entire time you worked with General Motors you (3) maintained nearly a full-time practice, is that (4) correct?**

(5) A. Yes. I termed it a near full-time. I (6) worked for General Motors from 8:00 in the morning (7) until 5:00, and then I worked in my private practice (8) from 5:00 until midnight, five to six days a week (9) for the twenty-eight and a half years. That's why (10) even though I maintained my full-time relationship (11) with General Motors Corporation, was still able to (12) have a practice of medicine.

(13) **Q. Was your practice of medicine during (14) that time family practice?**

(15) A. Yes, sir.

(16) **Q. And has there been a change in your (17) practice at some point in time?**

(18) A. In 1994 I, quote, semi-retired, (19) reducing my private practice a

good deal to devote (20) more time to my work as a consultant to the Bureau (21) of Workers' Compensation, State of Ohio. So it is (22) not the full-time practice as it was.

(23) **Q. Is the majority of your time now spent (24) as a consultant for the Bureau of Workers' (25) Compensation?**

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(1) A. Yes, exactly fifty/fifty percent.

(2) **Q. Fifty/fifty on that and your practice?**

(3) A. Yes, sir.

(4) **Q. Would you explain for me what your role (5) is as a consultant for the Bureau of Workers' (6) Compensation?**

(7) A. I primarily do medical reviews, which (8) consists of making decisions on behalf of the bureau (9) on requests by physicians to do special testing and (10) allowances of claims and other requested items that (11) physicians would like in connection with Workers' (12) Compensation cases.

(13) In addition to that, I do examinations (14) for the Bureau of Workers' Compensation, so-called (15) C-92 examinations, which judge permanent partial (16) disability percentages. I've done approximately (17) five thousand of those since 1990. And I also am a (18) consultant for the Industrial Commission, State of (19) Ohio, and do largely administrative work for the (20) Industrial Commission.

(21) **Q. Have you ever been retained by a (22) claimant in a Workers' Compensation case to offer (23) opinions on his level of disability?**

(24) A. Yes.

(25) **Q. How often has that occurred?**

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(1) A. Rarely. Through a law firm, Gallon & (2) Associates, occasionally we will examine claimants (3) for their degree of permanent partial disability.

(4) It averages perhaps two to three per week.

(5) **Q. Do you ever do evaluations in the (6) Workers' Compensation context for occupational lung (7) disease?**

(8) A. Yes. I was hired by the Industrial (9) Commission mainly to do pulmonary reviews and (10) pulmonary examinations because of my past experience (11) with pulmonary disease. Although I'm not certified (12) in pulmonary medicine, I might hasten to add.

(13) **Q. Have you done evaluations for the (14) presence or absence of asbestos disease in (15) claimants?**

(16) A. Yes, sir, I have.

(17) **Q. Can you estimate approximately how many (18) occasions that's occurred on?**

(19) A. I would guess three or four times.

(20) **Q. Do you remember approximately what the (21) first time that sort of evaluation took place or (22) when that evaluation took place?**

(23) A. Probably in 1991.

(24) **Q. Do you recall where that worker was (25) exposed to asbestos?**

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(1) A. No, sir, I don't. I honestly don't.

(2) If you will give me just a moment. No, I cannot (3) remember the source of the asbestos exposure. I'm (4) going to speculate. My speculation, it was a – (5) many years ago working with asbestos material. I (6) believe it was insulation, but I'm not positive of (7) that answer.

(8) **Q. Okay. You don't remember who his (9) employer was then?**

(10) A. Oh, no, sir.

(11) **Q. How about on any of the other occasions (12) when you've done evaluations for the presence or (13) absence of asbestos disease, do you remember what (14) those exposures involved?**

(15) A. No, I honestly don't. In the five year (16) period since 1990 to the present, I think I've (17) probably done three, and I frankly can't remember (18) the employer or the source of exposure. Although I (19) am interested in that subject, I fail to remember (20) the source of exposure.

(21) **Q. What sort of evaluations do you conduct (22) in these instances? Would you describe the tests (23) you do?**

(24) A. Well, let me make it clear that I was (25) doing on behalf of the Industrial Commission what is

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(1) called a total and permanent evaluation using the (2) record as an instrument for decision, not examining (3) the claimant. So my job basically was to review the (4) records of the claimant and determine whether in (5) fact they were totally and permanently disabled, and (6) that's what I meant by evaluations and not (7) examinations.

(8) **Q. What parts of the record do you review (9) to make this determination?**

(10) A. Well, all parts made available to me by (11) the Bureau of Workers' Compensation, which would be (12) the total Workers' Compensation file relevant to (13) that case, which would include all the medical (14) documents

in particular – actually all the (15) documents in the file. I have privilege to the (16) entire file when I do a review.

(17) **Q. Does that include chest x-rays?**

(18) A. Yes, sir.

(19) **Q. And do you feel confident – competent (20) to read chest x-rays for the presence or absence of (21) asbestos diseases?**

(22) A. The actual reading or interpreting the (23) interpretation?

(24) **Q. Well, I'm talking now about reading an (25) x-ray. Do you feel that is something you are**

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(1) **qualified as a physician to do?**

(2) A. No.

(3) **Q. Looking at an x-ray?**

(4) A. No. I'm not qualified. I'm not a (5) so-called B reader, which in my opinion is required (6) to authentically read an x-ray of any type of (7) pneumoconiosis.

(8) **Q. Have you done that on occasion, that is (9) looked at the x-rays of people with pneumoconiosis?**

(10) A. Yes, I have.

(11) **Q. And do you understand what you're (12) looking at? Do you understand generally what (13) asbestosis looks like on an x-ray?**

(14) A. Yes, sir, I do.

(15) **Q. And while I understand that you don't (16) feel confident to grade the severity of that disease (17) like a B reader, do you feel generally as a (18) physician that you're competent to evaluate those (19) x-rays for the presence or absence of an asbestos (20) related disease?**

(21) A. Yes. In combination with the (22) historical findings, yes. I must say that looking (23) at an x-ray without the history, I don't think (24) anyone, even the B readers, could narrow it to (25) asbestos as the offending pathogen without the

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(1) history there with it.

(2) **Q. What is necessary for you to diagnose (3) the disease asbestosis? What are the findings you (4) need to see, Dr. Gibson?**

(5) A. Are you talking about an x-ray?

(6) **Q. Well, just all the findings that you (7) would require to make the diagnosis.**

(8) A. Well, first I would require a bona fide (9) history of asbestos exposure – a bona fide history (10) of asbestos exposure and probably higher levels of (11) exposure than the average person might encounter. (12) Secondly, sputum studies that would include

asbestos (13) bodies or ferruginous bodies. Thirdly, a chest (14) x-ray that showed pleural thickening and/or (15) fibrosis, and a pulmonary function test with (16) findings similar to that of emphysema or chronic (17) obstructive pulmonary disease. All those factors (18) put together, plus a history of exposure, could lead (19) to the possibility of the diagnosis of asbestosis.

(20) Q. Okay. Going through those requirements (21) that you listed, I assume a history of exposure is (22) an absolute requirement, is that correct?

(23) A. That's correct.

(24) Q. What about sputum studies with (25) ferruginous bodies, is that a helpful finding or a

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(1) necessary finding in your opinion?

(2) A. It's a helpful finding.

(3) Q. It's not absolutely necessary in your (4) mind to make the diagnosis?

(5) A. No, sir.

(6) Q. Okay. How about the chest x-ray with (7) either pleural thickening and/or fibrosis, is that a (8) required finding in your view?

(9) A. Yes.

(10) Q. And the pulmonary function studies with (11) findings similar to emphysema and COPD that you (12) mentioned, is that a required or a helpful finding (13) in your view?

(14) A. I believe required.

(15) Q. Is it possible in your mind to make the (16) diagnosis of asbestosis where there is not (17) functional impairment, that is decreased pulmonary (18) function performance? That is, based on the chest (19) x-ray and history of exposure, could you diagnose (20) it?

(21) A. Yes, I believe I could. I could

(22) postulate a situation where there were very few (23) symptoms but a positive diagnosis made on the basis (24) of the testing.

(25) Q. Okay.

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(1) A. I might add, we rely very heavily on (2) the history of exposure to high levels.

(3) Q. All right. I want to shift gears and (4) go back, if we could, to your career at General (5) Motors and talk a little bit about that. I believe (6) you mentioned earlier that your position was as a (7) director of health and safety at General Motors, is (8) that correct?

(9) A. Yes. My first position was

termed (10) medical director, but I was soon promoted to a (11) position called director of health and safety. That (12) entailed industrial hygiene, Workers' Compensation, (13) the benefit section, medical departments and - I (14) guess I've hit them all.

(15) Q. Okay. Let me ask you a little bit (16) about some of those things.

When you said you were (17) the medical director, what was your jurisdiction, (18) was it for the entire General Motors Corporation or (19) was it for locally here or what exactly were you (20) medical director of at General Motors?

(21) A. I was medical director of one division (22) of General Motors, at that time known as Inland (23) Division of General Motors. Through the passage of (24) time Inland acquired additional plants and expanded (25) to include plants in Michigan and Mexico and

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(1) Portugal and eventually grew to a division of (2) approximately twenty-one thousand. And at that time (3) is when I was director of health and safety which (4) included the industrial hygiene and monitoring of (5) the workplace and the sickness and accident program (6) benefits and the like. Safety.

(7) Q. When you were - okay. Starting with (8) the medical director of Inland Division, do you (9) recall what years it was that you - how long you (10) were the medical director before your first (11) promotion?

(12) A. I cannot remember what year my (13) responsibilities changed from medical director to (14) director of health and safety. It was likely in the (15) sixties but I can't remember when that occurred.

(16) Q. Okay. And when you were promoted to (17) director of health and safety, again, was that for (18) the entire Inland Division of General Motors?

(19) A. Yes, sir.

(20) Q. Okay. Did you have any other changes (21) in your title or responsibilities for the remainder (22) of your career with General Motors? (23) A. No, except perhaps the last year where (24) General Motors instituted changes connected with (25) consolidation. Again, I don't recall whether that

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(1) was '88 or '89, in through there. But the very last (2) year or two I was not director of health and safety (3) for the division in the same capacity. It was a (4) curious arrangement. I worked for

the region as a (5) physician but at the same time still responsible for (6) Inland Division maintenance of the health and safety (7) program in the last two years. (8) Q. Okay. So in terms of health and (9) safety, you still had responsibilities at Inland but (10) not for all GM plants in the region, is that

(11) A. That's correct.

(12) Q. Is that correct?

(13) A. Yeah.

(14) Q. Before that did you have (15) responsibilities, regional responsibilities as the (16) director of health and safety for General Motors

-

(17) A. No, sir.

(18) Q. - outside the division?

(19) A. No. Strictly - it was Inland Division (20) only.

(21) Q. Okay. But at some point in the sixties (22) when you received your promotion to director of (23) health and safety until around the late eighties, (24) you were the director of health and safety for the (25) entire Inland Division, correct?

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(1) A. Correct.

(2) Q. And did that include all of the plants (3) of Inland Division all over the world?

(4) A. Yes, sir, it did.

(5) Q. How many plants was that?

(6) A. I believe there were eleven plants. (7) There were two in the Dayton vicinity and Michigan (8) and Mexico and Portugal. It was either nine or (9) eleven. I've frankly forgotten the number of (10) plants. And I think the total employee content (11) approached twenty-one thousand.

(12) Q. Who did you report to?

(13) A. Well, it depends on which segment of (14) time. During the sixties when the work on asbestos (15) and health care was delivered, I reported to the (16) personnel director whose name was Erwin Stines, (17) S T I N E S.

(18) Q. Where was Mr. Stines located?

(19) A. In Dayton, Ohio.

(20) Q. And after that when there was a change, (21) what was that changed to?

(22) A. It was changed to another personnel (23) director who came at Inland, Carl Anderson, again, (24) in Dayton, Ohio.

(25) Q. Did you continue to report to Mr.

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(1) Anderson until you retired from General Motors?

(2) A. Yes, until very briefly at the end

(3) where we were regionalized. At that point I (4) reported to Dr. Evelyn Mobley because the area was (5) regionalized and with a so-called dotted line (6) reporting to the personnel director at Inland (7) Division.

(8) **Q. Did you know any of the senior (9) management of Inland Division or have reason to be (10) in touch with them?**

(11) A. You mean then?

(12) Q. Yes.

(13) A. Oh, yes, practically daily activity (14) with senior management.

(15) **Q. Did you attend –**

(16) A. I was a member of the administration (17) committee of Inland Division.

(18) **Q. And was that throughout the sixties (19) when you were promoted through the seventies into (20) the eighties?**

(21) A. Yes, sir.

(22) **Q. I'm sorry, the senior – the management (23) committee, is that what –**

(24) A. The administration committee. General (25) Motors plants are composed primarily of executive

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(1) committee and reporting to it is the administration (2) committee, and that committee I was a member of.

(3) **Q. Who else, what positions that is, were (4) on the administration committee with you?**

(5) A. Well, every discipline within the plant (6) of supervisory nature, the manufacturing and (7) inspection and personnel, the gamut of every (8) discipline in a manufacturing plant had one member (9) represented at the administration committee level.

(10) **Q. If I understood you correctly, the (11) administration committee reported to the executive (12) committee of Inland Division, is that correct?**

(13) A. Yes, sir.

(14) **Q. How did you report to the executive (15) committee?**

(16) A. Just our minutes and – were reported (17) to the executive committee and we made (18) recommendations to the executive committee. That's (19) about it.

(20) **Q. How often did the administration (21) committee meet?**

(22) A. Once a month.

(23) **Q. And there were written minutes of these (24) meetings?**

(25) A. Yes, I believe there were. I'm not

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(1) entirely positive if all the meetings had formal (2) minutes. As a matter of

fact, I don't think they (3) did have formal minutes. The purpose of the (4) administration committee was to make decisions and (5) then recommendations to the executive committee.

(6) **Q. Did you discuss the topic of asbestos (7) at any administration committee meetings?**

(8) A. Yes, sir.

(9) **Q. Are there written reports reflecting (10) those discussions that were created after the (11) meetings or during the meetings?**

(12) A. I know of none. I frankly can't (13) remember positively but I don't recall secretaries (14) or any formal minutes kept at administration (15) committee meetings.

(16) **Q. That was going to be my next question. (17) When there was a written record of those meetings, (18) do you know who generated it at the meeting?**

(19) A. It would be the chairman of the (20) administration committee, which rotated and would be (21) various individuals, and then I believe his (22) responsibility was to then report our (23) recommendations to the executive committee.

(24) **Q. Did you ever serve a stint as the (25) chairman of the administration committee?**

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(1) A. No, sir.

(2) **Q. Was that through chance or were you not (3) in a position where it would have been appropriate?**

(4) A. I was not in a position where it was (5) appropriate. I represented the health and safety of (6) the employees which, of course, was an important (7) item but that did not allow me to chair the meeting (8) where subject matter varied greatly.

(9) (Thereupon, Eileen Maloney entered the (10) deposition.)

(11) **Q. Was it usually someone in the (12) manufacturing end of things who was chairman?**

(13) A. Yes, or financial.

(14) **Q. Did you ever have occasion to report (15) directly to the executive committee of Inland (16) Division on any health related matters?**

(17) A. We conducted once a month meetings to (18) the combination of the executive committee and the (19) administration committee, a one hour meeting devoted (20) exclusively to health and safety items. And I was (21) chairman of that presentation monthly. I might add (22) that I was pleased that the general manager and the (23) executive committee took time each

month to devote (24) one hour to safety related items, health and safety (25) in the workplace

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(1) **Q. Was a written record kept of those (2) meetings, Dr. Gibson?**

(3) A. None other than my own personal (4) writeups of those meetings which were handwritten (5) and just filed away.

(6) **Q. What happened to your handwritten (7) writeups of the monthly health and safety meetings (8) when you left General Motors?**

(9) A. I actually have no idea. The records (10) kept in my office as director of health and safety (11) were appropriately transferred to those who would (12) normally take over at my retirement, and frankly, I (13) do not know how that was distributed. I really (14) don't know the disposition of those records.

(15) **Q. Did those meetings on health and safety (16) include discussions of potential health hazards (17) associated with asbestos?**

(18) A. Yes, they did. The meetings primarily (19) were to discuss injuries that occurred in the (20) workplace and their prevention, plus industrial (21) hygiene problems, and asbestos naturally came up as (22) one of the subjects from time to time. I don't (23) believe each month asbestos was discussed but (24) certainly it was discussed.

(25) **Q. Did your written notes reflect those**

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(1) discussions about asbestos as a potential industrial (2) hygiene problem?

(3) A. Yes, they would have. Again, I don't (4) remember what I wrote or what became of those notes, (5) but I did keep notes on the discussions that was (6) held by the once a month safety meeting conducted by (7) the general manager.

(8) **Q. As director of health and safety, did (9) you have power to create and enforce policy at (10) General Motors Inland Division about asbestos and (11) how it would be handled and treated?**

(12) A. I had the power to suggest to the (13) administration committee and the executive committee (14) methods of handling all hazardous materials, subject (15) to their approval.

(16) **Q. Do you recall if they always accepted (17) your recommendation about the handling of asbestos?**

(18) A. Well, always is – is a strong term. I (19) would have to answer no to

that, but I would quickly (20) add that General Motors management was always (21) receptive to first meeting with me and not only in (22) the monthly meetings but at any time I had a (23) concern, and nearly always acted on my requests for (24) changes in the workplace to improve the health and (25) safety of individuals. I say nearly always because

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(1) I possibly could recollect something impossible for (2) them to enact. But by and large, everything that I (3) requested was approved.

(4) **Q. Do you recall any of those instances (5) when General Motors did not accept your (6) recommendations with respect to asbestos?**

(7) MS. DAVIS: Objection.

(8) THE WITNESS: No, I don't. All I (9) recall – and you have to remember, this was in the (10) sixties so I'm trying to recall from thirty years (11) ago, and I just have a good recollection of General (12) Motors being receptive, not only to seeing me, but (13) acting on my recommendations for the plant.

(14) **Q. Okay. But you can't recall any (15) specific instance? You mentioned that there were (16) instances where they didn't always accept your (17) recommendations, but there's no specific instance (18) you can recall?**

(19) A. Well, not with regard to asbestos. (20) I – for example, one of the handicapped entrances (21) installed at one of our plants that was rejected (22) and – due to the cost factors. That was what I was (23) referring to when sometimes I would ask for things (24) that were not acted upon. With regard to asbestos, (25) I cannot think of anything that I asked that was not

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(1) acted upon.

(2) **Q. Did you travel around to the various (3) plants in the Inland Division and inspect what was (4) going on there from a health and hygiene standpoint?**

(5) A. Yes, sir, I did.

(6) **Q. Do you recall which of those plants (7) made asbestos containing products?**

(8) A. Yes. There was just one plant, the (9) Vandalia plant, making brake linings.

(10) **Q. Do you recall if the – was there (11) another plant – now, strike that. Did the Vandalia (12) plant open about the time you came to General (13) Motors?**

(14) A. Yes. I'm not sure of the exact dates (15) but the Day – the original brake lining was made in (16) Dayton at the Dayton plants, and it was moved to the (17) Vandalia facility, which in my opinion gave a great (18) window of opportunity to install very good (19) ventilation and industrial hygiene principles (20) because we were setting up a new brake lining (21) manufacturing area.

(22) **Q. Did the move of the brake lining (23) manufacturing operation occur before or after you (24) got to General Motors?**

(25) A. It was about at the same time.

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(1) Frankly, I can't remember when that was moved. If (2) it was not in the process of being moved when I (3) arrived, it was close to it.

(4) **Q. Do you know if the manufacture of (5) asbestos containing brake linings at the Dayton (6) plant stopped when the Vandalia plant opened?**

(7) A. I think it did. Again, that would have (8) probably been in the sixties and I think they moved (9) the operation to Vandalia, to the best of my (10) knowledge.

(11) **Q. Did you have any contact with the (12) plants in Dayton for the Delco Moraine Division?**

(13) A. No, I did not. For – back in those (14) days the General Motors plants were very independent (15) of each other and almost competitive, and I did not (16) participate in Delco Moraine's activities on (17) asbestos control whatsoever.

(18) **Q. Did they have their own health and (19) safety director in the Moraine Division?**

(20) A. I don't think they did. They had a (21) medical director and a safety director, so if you (22) put them together you might have that sort of (23) person, yes.

(24) **Q. Did you know those gentlemen?**

(25) A. I knew the medical director but I

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(1) didn't know the safety – well, I might say I knew (2) of them and could talk to them at common meetings (3) that General Motors would have, but we didn't (4) collaborate or compare notes. I guess I just want (5) to say we were totally independent of Delco Moraine.

(6) **Q. What were their names?**

(7) A. Dr. Richard Whitmer was the original (8) physician there when I came on in the sixties, and (9) eventually Dr. Evelyn Mobley came on as the medical (10) director. Now, their participation in

industrial (11) hygiene and safety was not similar to mine. I (12) had – I had been appointed to head up a wider area (13) of function than what the other medical directors (14) had. As a matter of fact, as far as I know, I'm the (15) only medical director at General Motors who had the (16) additional responsibility of health and safety and (17) industrial hygiene and so on in the plants.

(18) **Q. How did that come about that you (19) received such broad authority over health, safety (20) and industrial hygiene?**

(21) A. I think it was my interest in the (22) subject and aggressiveness in seeing to it that the (23) health and safety of the workplace was ensured, and (24) went to management with ideas and suggestions to the (25) point where they thought I might represent them in

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(1) that area very well, so I was promoted to that. I (2) was very aggressive, in not only the medical (3) department, but in safety and industrial hygiene, (4) and my interest in that, I think, prompted them to (5) do that.

(6) **Q. Okay. Let me ask you again about the (7) plants that manufactured asbestos products. Do you (8) know how long the Inland Division had been making (9) brakes or any General Motors entity that preceded (10) Inland had been making brakes at the Dayton plant (11) before you got there?**

(12) A. I don't know. Sometime after the (13) Second World War, and frankly, I'm not even sure if (14) during the war they didn't make brake lining. I (15) just don't know when it all began. I do recall in (16) the early sixties the transfer to Vandalia and (17) that's when I became very interested because I (18) thought I could make an impact on setting up a new (19) system because of what the literature was portraying (20) as a possible hazard with regard to asbestos.

(21) **Q. Okay. I'm going to get into the (22) literature and your knowledge of it in a moment, but (23) let me just ask you about that Dayton facility. Did (24) it continue in operation after the production of (25) asbestos brakes was transferred to the Vandalia**

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(1) facility?

(2) A. The plant did, yes. It manufactured a (3) number of other items, weather strips and ball (4) joints, as I recall, and other products there, yes.

(5) **Q. Were you responsible for monitoring the (6) health of those Dayton workers as well?**

(7) **A.** I must answer that by saying that once (8) I arrived, I was, yes, indeed. The Dayton employees (9) wound up at the Vandalia plant, of course, because (10) the operation was transferred, but that had no (11) impact on my responsibility. I was still (12) responsible for their health and safety, either at (13) the Dayton or Vandalia plant. I'm just not sure of (14) the timing of when that actually took place.

(15) **Q. Okay. But basically you answered my (16) question or what I was getting at. In terms of (17) following up with those employees, did the work (18) force that had been manufacturing asbestos brakes at (19) Dayton move over to the new plant at Vandalia?**

(20) **A.** Yes, sir, they did.

(21) **Q. Okay. And did that plant and those - (22) that general work force continue to manufacture (23) asbestos brakes the entire time you were at General (24) Motors?**

(25) **A.** Yes, basically. There was normal

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(1) transition, of course, with retirements and new (2) hires and other requested transfers out, but (3) generally the same people were there all along.

(4) **Q. So other than perhaps the Dayton plant (5) in the first year or so, maybe, and the Vandalia (6) plant the rest of the time, it's your recollection (7) that none of the other Inland Division facilities (8) that you had responsibility for monitoring made (9) asbestos containing products?**

(10) **A.** That's correct.

(11) **Q. All right. Let's - let me just ask (12) you about your - the end of your relationship with (13) General Motors. Why did you leave?**

(14) **A.** I had served twenty-eight and a half (15) years with General Motors and I decided to retire. (16) I had some health problems that contributed to it (17) but General Motors had excellent retirement programs (18) for those who were fifty-five and I took advantage (19) of that.

(20) **Q. And do you continue to get a pension (21) from General Motors?**

(22) **A.** Yes, sir, I do.

(23) **Q. Do you own stock in General Motors?**

(24) **A.** No. I own stock - well, I don't (25) know. I own stock in EDS, which is a division of

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(1) General Motors, so I guess I must say yes.

(2) **Q. Well, let me just ask you this. Did (3) you receive stock in General Motors or any of its (4) divisions as part of your compensation or retirement (5) package?**

(6) **A.** Yes, sir, I did.

(7) **Q. Okay. And so you continue to receive a (8) pension from General Motors to this day?**

(9) **A.** Yes, sir.

(10) **Q. And do you consider yourself loyal to (11) General Motors?**

(12) **A.** Yes. General Motors treated me very (13) well and I'm particularly pleased at the response my (14) particular management gave to my responsibilities (15) which were health and safety.

(16) **Q. You think they are a good company (17) generally?**

(18) **A.** Yes.

(19) **Q. Okay. Are you aware of any complaints (20) about your work or performance while you were at (21) General Motors?**

(22) **A.** No. I got all either outstanding or (23) superior ratings when I was there.

(24) **Q. Okay, Dr. Gibson, let's shift gears a (25) little bit and talk about your knowledge of asbestos**

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(1) and what you remember. Did you have an interest in (2) asbestos and disease before you got to General (3) Motors?

(4) **A.** Yes. I've always been interested in (5) the mineral asbestos and when I went to work for (6) General Motors had a keen interest in asbestos.

(7) **Q. How did that come about that you (8) developed this interest in asbestos, the mineral and (9) its uses and its pathogenic properties?**

(10) **A.** Well, early literature had shown a (11) possible link between asbestos and cancer, and at (12) that time all inquiring minds in the medical field (13) were searching for a cause of cancer, particularly (14) of the lung, and there was some scattered reports in (15) the literature during my training, of asbestos (16) perhaps being implicated in cancer of the lung, and (17) that interested me.

(18) **Q. During your training, are you talking (19) about medical school and residency?**

(20) **A.** Yes, um-hum.

(21) **Q. And what time frame would that be in (22) terms of years?**

(23) **A.** Oh, '58, '59, when the seriousness of (24) airborne products were not understood or seriously (25)

considered, I began to be interested in it then.

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(1) **Q. Do you recall becoming aware of a (2) cancer called mesothelioma at some point in the (3) 1960's?**

(4) **A.** Yes.

(5) **Q. Do you think you were aware of that (6) disease before you got to General Motors?**

(7) **A.** Yes.

(8) **Q. Do you recall when you first heard of (9) or became aware of mesothelioma?**

(10) **A.** In medical school I'm sure it was (11) covered.

(12) **Q. So that would be 1958, '59?**

(13) **A.** Yes. '60, '61.

(14) **Q. Dr. Gibson, do you recall if during (15) that time frame when you were learning of this (16) disease, mesothelioma, if the literature had drawn (17) the connection between asbestos and mesothelioma?**

(18) **A.** Yes. I'm not sure whether that link (19) had been as far back as 1958, but certainly by the (20) early sixties the link was established between (21) asbestos and malignant mesothelioma.

(22) **Q. Would you agree with me, Dr. Gibson, (23) that by the early 1960's it was established that (24) asbestos caused asbestosis and lung cancer and (25) mesothelioma?**

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(1) **A.** Would you repeat that, please?

(2) **Q. Yes, sir. Would you agree that by the (3) early 1960's it had been established in the medical (4) community that asbestos caused asbestosis, lung (5) cancer and mesothelioma?**

(6) **A.** I'm not sure the wording of that (7) sentence is correct. I would say that in the early (8) sixties we had recognized a causal connection (9) between asbestos exposure and mesothelioma and (10) cancer of the lung, given other environmental (11) circumstances as well. I think the answer to your (12) question is probably yes, but there are so many (13) variables that one must consider.

(14) **Q. Okay. Now, sir, do you recall a (15) gentleman by the name of Dr. Irving Selikoff?**

(16) **A.** Yes.

(17) **Q. Did you meet Dr. Selikoff?**

(18) **A.** Yes.

(19) **Q. Did you know him personally?**

(20) **A.** I knew him well enough to go to dinner, (21) but I did not know him other than through that - (22) the courses he had for inquiring physicians about (23) asbestos.

(24) Q. When did you first meet Dr. Selikoff (25) personally?

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- (1) A. I would have to guess 1969 or 1970, in (2) through there somewhere.
- (3) Q. Were you already the director – had (4) you already received the promotion that you spoke (5) about to director of health and safety at Inland (6) when you met him?
- (7) A. Yes, I think so.
- (8) Q. Did you become aware of his work before (9) you met him personally?
- (10) A. Yes.
- (11) Q. Did you become aware of his work before (12) you got to General Motors or after?
- (13) A. No, I really don't believe I had. I (14) actually learned of his work through the New Yorker (15) magazine, which then drove me to collect Dr. (16) Selikoff's personal literature. I hate to admit (17) that, but that started it all, the New Yorker (18) magazine article. And because of that, I did a lot (19) of research on Dr. Selikoff's work.
- (20) Q. Okay. So are you referring to the (21) series in the New Yorker, and you probably don't (22) recall, but it was by a guy named Brodeur on (23) asbestos?
- (24) A. That's it.
- (25) Q. And do you recall what year that was?

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- (1) A. Oh, heavens, no. And I'm worried that (2) the timing of this – I want to say that the New (3) Yorker came out just prior to me going and meeting (4) with Dr. Selikoff, but I'm not positive of the (5) timing of any of this.
- (6) Q. I think that's right, but –
- (7) A. Okay.
- (8) Q. – the record will be whenever it was. (9) Did you attend at any time in the 1960's any (10) conferences regarding the subject of asbestos and (11) disease?
- (12) A. You mean out of the plant sort –
- (13) Q. Right. I'm talking about medical type (14) conferences or industry type conferences.
- (15) A. Yeah. We met with representatives from (16) Johns-Manville, I believe Lake Asbestos and other (17) producers of asbestos I think, even including the (18) mining people and I had a chance to go to Canada and (19) see it mined.
- (20) Q. Did you travel to South Africa and (21) visit the asbestos mines as well?
- (22) A. No. The South Africans were mining (23) amosite, to the best of my knowledge, and we were (24) not using

amosite and were trying to avoid any type (25) of blue asbestos, and as I recall the Quebec mining

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- (1) for chrysotile was our really only interest because (2) that's what we used.
- (3) Q. Why did you go visit the asbestos mines (4) in Quebec, Dr. Gibson?
- (5) A. It was just part of an educational (6) system that I had convinced General Motors to make (7) me as knowledgeable as possible about this mineral (8) for the sake of safety in the workplace. That (9) included a visit to Johns-Manville, a meeting in (10) Cleveland and a trip to Quebec to look at the mining (11) facilities. I think an example of how management at (12) GM wanted to know as much as possible and make the (13) best decisions regarding ventilation. And I thought (14) we were ahead of our time in doing all that (15) groundwork.
- (16) Q. Okay. You have mentioned a visit to (17) Manville. Where was that facility, that Manville (18) facility you visited?
- (19) A. I believe New Jersey. Yes, New Jersey.
- (20) Q. What kind of Johns-Manville facility (21) was that? Was it a plant?
- (22) A. Yes. We visited the administration (23) buildings but was taken a tour of Johns-Manville (24) plant and some of their manufacturing processing.
- (25) Q. Do you recall what they were making at

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- (1) that Manville plant you visited?
- (2) A. No, I really don't. I've forgotten.
- (3) Q. Do you know approximately when that (4) visit took place?
- (5) A. I would guess 1969 or '70. Perhaps (6) before. I'm not sure.
- (7) Q. You mentioned the meeting in (8) Cleveland. Would that have been approximately the (9) same time frame?
- (10) A. Yes. Yes.
- (11) Q. How about the visit to the mines in (12) Quebec, also approximately the same time frame?
- (13) A. Yes. Yes.
- (14) Q. Other than those three meetings, did (15) you go to any other meetings or conferences (16) specifically about asbestos and its health effects?
- (17) A. I went to Washington, D.C., where our (18) general manager was testifying to a Senate (19) subcommittee hearing regarding asbestos, as an (20) advisor to him.

(21) Q. Who was the general manager that was (22) testifying?

(23) A. Thomas O. Mathues. O period Mathues, (24) M A T H U E S.

(25) Q. Do you recall what subcommittee he was

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- (1) testifying to?
- (2) A. No, sir, I don't.
- (3) Q. Do you recall approximately when that (4) was?
- (5) A. Oh, I – no, sir, I don't – a wild (6) guess might be 1970 or '71. I don't know. I cannot (7) remember when that took place.
- (8) Q. Okay. But was it before the 1980's?
- (9) A. Yes.
- (10) Q. Okay. Would your best recollection be (11) late sixties, early seventies, somewhere in that (12) range?
- (13) A. Yes.
- (14) Q. Do you recall if it was before or after (15) your three visits to Manville, Cleveland and Quebec (16) you've told us about?
- (17) A. I think it was after, because the (18) general manager drew upon my expertise I gathered (19) from those visits.
- (20) Q. Where were you when you met Irving (21) Selikoff?
- (22) A. New York. Mt. Sinai Hospital.
- (23) Q. Did you travel to Mt. Sinai (24) specifically to meet with Dr. Selikoff?
- (25) A. Yes.

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- (1) Q. Was that approximately the same time as (2) the Manville, Cleveland and Quebec visits?
- (3) A. Yes.
- (4) Q. Do you recall if you met with anyone (5) else when you went to see Dr. Selikoff?
- (6) A. Well, I took a course there (7) approximately a week long and met a lot of his (8) staff, but I could not – I couldn't recall any of (9) the names.
- (10) Q. Was the course on asbestos and disease?
- (11) A. Yes, sir.
- (12) Q. Any other meetings or conferences (13) specifically on asbestos that you can recall?
- (14) A. No. No.
- (15) Q. Did you maintain a library or a (16) collection of books or articles specifically on (17) asbestos and disease?
- (18) A. Yes, sir, I did.
- (19) Q. What did you do with that library when (20) you left General Motors?
- (21) A. I left it in my office. I did box the (22) materials and I called the personnel

director's (23) office that the materials were there. I considered (24) that the property of General Motors, not my own (25) personal property. And I don't know the disposition

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- (1) of what happened to it.
 (2) **Q. Do you recall who the personnel (3) director was you told about it when you boxed it up?**
 (4) **A. Well, I talked to the secretary, (5) frankly, not the personnel director, and I don't (6) even recall her name, no.**
 (7) **Q. Who was she secretary to?**
 (8) **A. I just wanted to notify someone in (9) personnel that my records had been left in my office (10) for disposition.**
 (11) **Q. Who was she secretary to?**
 (12) **A. The personnel director.**
 (13) **Q. And who was that person?**
 (14) **A. I'm sorry, I can't remember who it was (15) at that time. And that was only 1990. I should (16) know, but I've forgotten.**
 (17) **Q. That was the personnel director of the (18) Inland Division?**
 (19) **A. Yes, sir.**
 (20) **Q. I forgot to ask you, the individuals at (21) the Dayton plant responsible for health and safety, (22) Richard Whitmer and Evelyn Mobley - is that (23) correct, were those the people you named earlier?**
 (24) **A. For the divisions outside of Inland -**
 (25) **Q. Right.**

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- (1) **A. - yes.**
 (2) **Q. For the Moraine Division?**
 (3) **A. Right.**
 (4) **Q. Do you know if those people are still (5) living?**
 (6) **A. Yes, I believe they are.**
 (7) **Q. Are they still here in the Dayton area?**
 (8) **A. Yes.**
 (9) **Q. Have you seen them recently?**
 (10) **A. No.**
 (11) **Q. Do you have any kind of personal (12) relationship or friendship with those individuals?**
 (13) **A. Not really, no.**
 (14) **Q. Do you know when the last time you saw (15) either of those people was?**
 (16) **A. Five, six years ago.**
 (17) **Q. When you were still a GM employee?**
 (18) **A. Yes.**
 (19) **Q. Were there General Motors meetings or (20) functions which caused you to see those individuals?**
 (21) **A. Yes.**
 (22) **Q. What kind of meetings would cause you (23) to see people from**

other divisions?

(24) **A. Well, early on there were none. That (25) is in the sixties and seventies. When I meant**

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- (1) meetings would be there during the last two years (2) before I retired, the real recent past, let's say (3) 1988 to '90, but prior to that there was very (4) little. Might be hard to understand, but there were (5) very little contact between divisions at that time.
 (6) **Q. To your knowledge did they make (7) asbestos containing products at the Moraine Division (8) plant in Dayton?**
 (9) **A. They made the disc brake, and I'm not (10) at all familiar with their processes down there, no.**
 (11) **Q. So you don't know whether or not -**
 (12) **A. I think they did have asbestos in their (13) product, yes, but I don't know anything more than (14) that.**
 (15) **Q. Did you ever discuss the health aspects (16) of asbestos with anyone from Moraine Division that (17) you recall?**
 (18) **A. No.**
 (19) **Q. Did you leave behind all of your files, (20) records, notes, library materials and articles with (21) any mention or reference to asbestos when you left (22) General Motors?**
 (23) **A. Yes, sir, I did.**
 (24) **Q. Do you have any idea what became of any (25) of those materials related to asbestos after you**

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- (1) left General Motors?
 (2) **A. No. Normally when you retire you box (3) your records that you feel are important, and I do (4) remember throwing some records away that I did not (5) feel were important in the context that they needed (6) to be kept. I do recall wanting to save the (7) asbestos related materials.**
 (8) **Q. Why?**
 (9) **A. Well, I frankly was proud of our record (10) with asbestos exposure and the records reflected an (11) outstanding health pattern of asbestos workers (12) during the twenty-eight years that I supervised (13) their health. I thought that would be of value some (14) day.**
 (15) **Q. Were you aware of whether General (16) Motors was involved in any litigation related to the (17) sale or use of asbestos at the time you left General (18) Motors?**
 (19) **MS. DAVIS: Objection.**
 (20) **THE WITNESS: No. I had nothing to do (21) with the end product and product liability. I (22) wouldn't have**

been aware.

(23) **Q. Did anyone at General Motors ever (24) indicate to you that your files on asbestos may be (25) important in any way related to asbestos and**

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- (1) litigation or lawsuits?
 (2) **MS. DAVIS: Objection**
 (3) **THE WITNESS: Not really. It weren't (4) like they were to be - am I to answer this (5) question?**
 (6) **Q. Yes. Let me just tell you, lawyers (7) will make objections from time to time and the judge (8) will rule on them later, and unless your lawyer (9) specifically instructs you not to answer a question, (10) you should go ahead and answer it to the best of (11) your ability and then the judge rules later.**
 (12) **A. Okay. Meanwhile, I've forgotten the (13) question. I'm sorry.**
 (14) **Q. Did anyone at General Motors ever tell (15) you that any of your files on asbestos may be (16) important in any litigation related to asbestos?**
 (17) **A. No.**
 (18) **MS. DAVIS: Objection.**
 (19) **Q. Was anyone at Inland specifically aware (20) that you had files related to asbestos?**
 (21) **A. Well, I presume the personnel director (22) knew that I kept a file on virtually every chemical (23) we used, so in that context I suppose higher (24) management knew I kept records. I don't think they (25) knew the extent of the record keeping, how**

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- (1) meticulous the records were kept
 (2) **Q. Were they meticulous records?**
 (3) **A. No, not really. We kept monitoring (4) records. With regard to the literature and books (5) and so on that I have, it was a scattered library of (6) amorphous literature about asbestos, but the health (7) records of the employees were meticulously guarded (8) because we were studying asbestos workers for some (9) twenty-eight years and I did many studies on those (10) people with regard to possible ill effects of (11) exposure to asbestos.**
 (12) **Q. Were you aware of any General Motors (13) employee at either the Dayton or Vandalia plants (14) ever developing any asbestos related disease?**
 (15) **A. No, I'm not. I can't say that for sure (16) no one ever developed asbestos disease, but to my (17) knowledge, I don't know of a proven asbestos case. (18) I may have**

forgotten if one did pop up, but I must (19) say I was extremely impressed that – of how few, if (20) any, asbestos related illnesses actually appeared. (21) I might expand that. We created the world's finest (22) ventilation system, partially at my insistence, and (23) had employees exposed to very, very low levels and (24) followed those people for twenty-five to (25) twenty-eight years and found no real evidence or

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- (1) trends of disease, which I'm very pleased to report.
 (2) **Q. Okay. And as far as that ventilation (3) system went, that was something that you were (4) instrumental in implementing in the Vandalia plant, (5) is that correct?**
 (6) A. Yes.
 (7) **Q. And did you understand that those sort (8) of controls were not present in the Dayton plant (9) before you got there?**
 (10) A. Some of them were, but most were not.
 (11) **Q. Was the level of hygiene related to (12) asbestos satisfactory in your opinion in the Dayton (13) plant when you got there?**
 (14) A. No, it was not.
 (15) **Q. And had a number of those workers at (16) that Dayton plant worked there for many years when (17) they transferred over to Vandalia?**
 (18) A. Yes.
 (19) **Q. And did those individuals have (20) exposures to higher levels of asbestos?**
 (21) A. Yes, I think they did.
 (22) **Q. And some of those individuals had those (23) exposures for a number of years, is that correct?**
 (24) A. Yes.
 (25) **Q. If somebody at General Motors in the**

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- (1) **Inland Division developed an asbestos related (2) disease, would you know that?**
 (3) A. Well, yes and no. Number one, I (4) studied death records. We kept track of every death (5) that occurred between 1965 and 19 – and this is not (6) exact – but approximately 1965 and 1985, death (7) certificates, and we monitored the Workers' (8) Compensation activity for any asbestos related cases (9) and to the best of our ability tracked the health of (10) the individuals. I think the annual physical (11) examination performed by myself would have – (12) through the history, would have shown if anyone had (13)

asbestos related illness in that prior year, so I (14) can't say that we monitored each and every (15) individual that worked in the plant with asbestos, (16) but we did a pretty good job of catching perhaps (17) ninety-five percent of the possible asbestos related (18) illnesses.

(19) **Q. How many Workers' Compensation claims (20) related to asbestos do you recall?**

(21) MS. DAVIS: Objection. Irrelevant.
 (22) THE WITNESS: I – I would say less than (23) a half a dozen.

(24) **Q. Do you recall approximately when the (25) first asbestos related Workers' Compensation claim**

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- (1) **came to your attention?**
 (2) MS. DAVIS: Objection. Relevancy.
 (3) THE WITNESS: No. No. Frankly, I can't (4) even remember one having come to my attention, (5) particularly in the sixties and seventies. I really (6) don't remember a single case of any asbestos related (7) problems. That isn't to say there wasn't any, but (8) our records did not reflect any and I feel very (9) pleased that we had virtually no asbestos related (10) illnesses.
 (11) **Q. Dr. Gibson, I hate to be difficult (12) here, but you say virtually no and less than half a (13) dozen. Do you recall at some point there were some?**
 (14) A. Well, I think later on, and, see, I (15) tend to separate the early days when the asbestos (16) exposure may have been higher and what occurred (17) then, and for the first twenty years of me working (18) there, I really don't recall any asbestos related (19) cases, and frankly, I don't – I don't remember but (20) maybe one or two or three. That's why I said less (21) than six. I just – I don't know. You're testing (22) my memory and they would have stuck out in my mind (23) and I don't recall.
 (24) **Q. I'm just asking for your best (25) recollection.**

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- (1) A. I could not come up with a single name (2) of an asbestos related case that we had.
 (3) **Q. Were the Workers' Compensation – you (4) say you monitored the Workers' Compensation (5) activity. What did you mean by you monitored the (6) Workers' Compensation activity?**
 (7) A. Well, all I was doing was collecting (8) data from Workers' Comp that may have relation to (9) asbestos so that we could judge if there were any (10) trends or increased disease processes coming from (11) people

having worked in asbestos in the past.

- (12) **Q. How –**
 (13) A. That's –
 (14) **Q. I'm sorry.**
 (15) A. No. That's – and one way of doing (16) that is to monitor the Workers' Compensation claims (17) to see if anyone has filed for a claim against the (18) company for exposure related disease.
 (19) **Q. How did that information about Workers' (20) Compensation claims come to your attention?**
 (21) A. Well, I was in charge of Workers' (22) Compensation and all claims came to my attention.
 (23) **Q. What sort of files did you maintain on (24) Workers' Compensation claims?**
 (25) A. Well, we maintained the minimum

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- (1) requirements of the corporation which is, of course, (2) to log and keep track of every single Workers' (3) Compensation case and report that to Detroit. And (4) in addition, since I was in charge of Workers' (5) Compensation, I monitored each claim for a number of (6) things. I was interested in many chemicals that (7) were in use and just wanted to make sure there was (8) no increased incidence of any single problem that (9) might be related to the workplace. I felt that was (10) my job.
 (11) **Q. So you, if I understand you correctly, (12) you logged and kept track of every single Workers' (13) Compensation case in the Inland Division during the (14) time you were health and safety director, is that (15) correct?**
 (16) A. Right.
 (17) **Q. And that would include every plant and (18) worker who had made asbestos brakes in the Inland (19) Division and continued in GM's employ, is that (20) correct?**
 (21) A. Yes, to the best of our ability. We (22) could lose track of patients occasionally.
 (23) **Q. Tell me about the death certificate (24) monitoring that you mentioned, explain what that was (25) about.**

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- (1) A. We monitored the death certificates' (2) cause of death and compared that to the national (3) averages across the country in order to determine if (4) there was a trend of one sort or another of asbestos (5) or any other kind of exposure in the plant, and the (6) results of that were that we found our death records (7) closely correlated

with that which you would (8) expect. In other words, I didn't find any unusual (9) trends or deaths out of line with what the national (10) averages on mortality are, heart attacks, strokes, (11) cancer of the lung, cancer of the kidney and so on (12) down the line. We matched almost identically to the (13) national average.

(14) Q. Do you recall any mesotheliomas among (15) those death certificates?

(16) A. No, I don't. No, I don't recall one.

(17) Q. Did you produce a written study or (18) comparison of the death certificate activity out of (19) your plants where asbestos was used and the national (20) average?

(21) A. I presented that to the administration (22) committee formally, but I don't recall written (23) communication being sent out about it. It was -

(24) Q. I'm sorry, who was involved in who you (25) presented it to?

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(1) A. The administration committee of Inland (2) and the executive committee during a safety meeting, (3) we presented the death records and how they compared (4) to the national averages.

(5) Q. Do you remember when that presentation (6) took place?

(7) A. No, I don't, sir. I would guess in the (8) mid eighties is when that took place. Because we (9) had, I think between twelve and fifteen years of (10) data.

(11) Q. With respect to the records you kept on (12) Workers' Compensation cases, did you turn those (13) records over to General Motors in 1990 when you (14) retired?

(15) A. They were in my files, yes.

(16) Q. And you maintained those files until (17) you left General Motors in 1990, is that correct?

(18) A. Yes. We did - I did destroy some of (19) the records that I had that were piling up from (20) monitoring of the workplace, particularly for (21) toluene diisocyanate, just thousands of pages of (22) monitoring information, and we did dispose of a lot (23) of monitoring information that I felt was not (24) important.

(25) Q. Okay. Did you maintain monitoring

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(1) information from the plants producing asbestos (2) containing brakes on the levels of asbestos found in (3) the plants?

(4) A. Yes.

(5) Q. Did you turn those records over to (6) General Motors in 1990 when you left?

(7) A. Yes.

(8) Q. Let's talk a little bit more about the (9) annual physical program that you had with the (10) workers. To the best of General Motors' ability, (11) did all the workers who made asbestos containing (12) brakes undergo an annual physical?

(13) A. At Inland Division, yes.

(14) Q. And tell me what was involved in that (15) annual physical. Did they get a chest x-ray?

(16) A. Yes, sir.

(17) Q. Did they have pulmonary function (18) studies?

(19) A. Yes.

(20) Q. Did those studies include both (21) spirometry and total lung capacity?

(22) A. Yes.

(23) Q. Did it involve an actual hands-on (24) examination of the worker?

(25) A. Yes.

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(1) Q. Did you conduct that?

(2) A. Yes.

(3) Q. Did you take an exposure history to (4) asbestos?

(5) A. Yes.

(6) Q. Did you specifically question these (7) workers about how close their contact with asbestos (8) was and for what period of time that contact took (9) place?

(10) A. Yes.

(11) Q. Did you put all that in the reports (12) that you did?

(13) A. Well, yes, there was - I can't (14) remember the format of the report, but it included (15) the past history, that would be remote history from (16) years ago plus current history, so to the best of (17) our ability, yes.

(18) Q. Who read the chest x-rays?

(19) A. I read the chest x-rays, but any (20) whisper of abnormality, the x-rays were forwarded to (21) a B reader in downtown Dayton, I believe Dr. (22) Kircher, Konrad Kircher. I'm not certain of that (23) name, but I think that's who it was. And so I (24) thought I had been trained well enough to screen the (25) x-rays, but I would send perhaps twenty-five percent

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(1) of the x-rays to Medical Radiologists, Incorporated (2) for a B reader interpretation. And those were on (3) ones where either I was not smart enough to figure (4) out what was going on or just was unsure of (5) something.

(6) Q. What did they do with their (7) interpretations after they read the x-rays?

(8) A. Sent them to me.

(9) Q. Do you know if they maintained files of (10) these interpretations as well?

(11) A. I - I don't know to be honest with (12) you. No, I don't know.

(13) Q. Do you know if Medical Radiologists, (14) Incorporated is still in business?

(15) A. Yes, they are. 111 Building, Dayton, (16) Ohio.

(17) Q. Is Dr. Konrad Kircher still in (18) practice?

(19) A. He retired.

(20) Q. Do you know if he still lives in the (21) Dayton area?

(22) A. I don't know. I don't know

(23) Q. When was the last time you had any (24) contact with Dr. Kircher?

(25) A. Ask my nurse. Probably about a year

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(1) ago, he was still calling me on private patient (2) cases where we would use that facility.

(3) Q. So has he retired very recently then?

(4) A. Yes, I think in the last six months.

(5) Q. Was he with Medical Radiologists, (6) Incorporated until he retired?

(7) A. Yes.

(8) Q. Did you include the B reader (9) interpretations in the files for each of the workers (10) that you were maintaining?

(11) A. Yes, sir.

(12) Q. Let me back up. Did you maintain a (13) health file on these yearly physicals for each of (14) the workers?

(15) A. Absolutely.

(16) Q. Did you maintain those files for all (17) the workers you reviewed until you retired for (18) General Motors?

(19) A. Yes

(20) Q. Did you turn those files over to (21) General Motors?

(22) A. Yes.

(23) Q. Do you know where they are now?

(24) A. Well, some are in the medical (25) department as part of the worker's medical file

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(1) which is in the medical department, so you would (2) pull the medical file and in there you would find (3) his annual physicals, one at a time.

(4) Q. Were any of these B reader (5) interpretations positive for

pneumoconiosis (6) consistent with asbestos related disease?

(7) A. Not that I recall, no. I never (8) transferred a single employee out of asbestos (9) because of an x-ray interpretation suspicious for (10) asbestosis or cancer.

(11) **Q. Did you see pleural plaques on some of (12) them?**

(13) A. I would see pleural plaques. One of us (14) in this room has pleural plaques. It's very common, (15) yes.

(16) **Q. Who has pleural plaques?**

(17) A. I don't know which one of us, but one (18) of us does.

(19) **Q. Related to asbestos?**

(20) A. No. They are just very common. And (21) pleurisy in childhood or other childhood pulmonary (22) disease can produce pleural plaques. They are not (23) diagnostic of asbestosis.

(24) **Q. Can asbestos cause pleural plaques and (25) pleural thickening?**

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(1) A. Yes, sir.

(2) **Q. Are pleural plaques and pleural (3) thickening an injury to the lung?**

(4) A. Yes, I think it's an insult to the (5) lung. Yes.

(6) **Q. And asbestos can cause that insult or (7) injury to the lung, is that correct?**

(8) A. It can.

(9) **Q. And in those instances where you read (10) chest x-rays of Inland Division workers exposed to (11) asbestos as positive for pleural plaques or pleural (12) thickening, in your opinion did asbestos cause the (13) pleural plaques and pleural thickening?**

(14) MS. DAVIS: Objection. Irrelevant.

(15) THE WITNESS: That's a tough question. (16) I doubt it, no. I would have to answer no to that. (17) The very few plaque formations or pleural thickening (18) that we saw, usually could be traceable to a past (19) history of tuberculosis or pleurisy in the patient's (20) past and not to asbestos exposure.

(21) **Q. If you excluded other causes for a (22) pleural plaque or pleural thickening, such as (23) tuberculosis or pleurisy or trauma to the chest, was (24) asbestos the presumed cause in those instances?**

(25) A. Well, if you're asking me if you

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(1) excluded all other causes, yes.

That's very (2) hypothetical. You would have to say excluding every (3) single disease that could cause pleural thickening, (4) would asbestos be it, and you would have to answer (5) that

yes.

(6) **Q. Did you create any summaries of your (7) findings from these yearly physicals with respect to (8) the presence or absence of asbestos disease in these (9) workers?**

(10) A. I, at every six month intervals, would (11) present our findings to the administration and (12) executive committees, the health of the workers, and (13) so inasmuch as presentation was made to the (14) administration committee and executive committee, (15) yes, a report in that sense was given.

(16) **Q. Was it written?**

(17) A. No, it wasn't. It was slide (18) formation – or slide presentation most of the time.

(19) **Q. Is there any record whatsoever of the (20) summaries – of the summary presentation of that (21) data to the executive committee or the (22) administrative committee?**
(23) A. No, not that I know of. I might add, (24) they were all good. I don't remember in twenty (25) years giving a bad report to the administration

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(1) committee.

(2) **Q. Was the Vandalia plant already (3) producing asbestos brakes when you arrived?**

(4) A. Well, you know, we kind of went through (5) that. I believe it was in the process of being (6) transferred when I arrived, yes. And now whether it (7) had been completed or not, I can't remember.

(8) **Q. Were you satisfied with the level of (9) hygiene in that plant when you arrived?**

(10) A. The Vandalia plant?

(11) **Q. Yes, with respect to asbestos.**

(12) A. That really was when – well, I've got (13) to hesitate here because in my memory I remember the (14) opportunity we had to install very good ventilation, (15) and we did, and I can't remember the timing of (16) whether it was at the time of the move or shortly (17) thereafter. I can't answer that because I can't (18) remember thirty years ago.

(19) **Q. Okay. Fair enough. Were there dust (20) level studies from either the Vandalia plant before (21) you arrived or the Dayton plant related to the (22) asbestos levels in the air before you installed the (23) hygiene controls you mentioned earlier?**

(24) A. I really don't know. At that time the (25) Detroit industrial hygiene people were monitoring

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(1) plants, and I frankly don't know the – I can't (2) remember what their findings were prior to the (3) installation of the ventilation. I would like to (4) tell a great story. I went from a thousand fibers (5) down to one fiber per cc, but I don't know the (6) before numbers.

(7) **Q. You don't recall if you ever had access (8) to any tests of the before numbers, as you call (9) them?**

(10) A. I don't recall it, no. I may have had (11) access to that through Detroit industrial hygiene, (12) but I don't recall looking at those numbers.

(13) **Q. Do you recall who was in charge of (14) Detroit industrial hygiene when you got there?**

(15) A. William Krebs, Bill Krebs, K R E B S, (16) but I don't know, I don't remember when he started (17) with the corporation so I can't tell you he was (18) there when I arrived.

(19) **Q. Do you recall a gentleman by the name (20) of V.J. Castrop?**

(21) A. Yes, I do. You're right. You've done (22) your homework.

(23) **Q. Well, actually I'm referring to General (24) Motors' sworn answers to interrogatories and his (25) name appears there as the director of GM industrial**

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(1) hygiene department from '60 to '75. Does that (2) refresh your recollection?

(3) A. Yes.

(4) **Q. Did you deal with him on dust controls (5) in these plants when you arrived?**

(6) A. I talked to him many times, yes.

(7) **Q. Until you received your promotion to (8) director of health and safety, was Castrop in charge (9) of industrial hygiene in your Inland Division plants (10) producing asbestos products?**

(11) A. Yes, in an advisory capacity. Putting (12) it in context, there was really no government (13) control at that time and it wasn't a matter of (14) compliance with federal controls. It was just a (15) matter of hygiene. So as an advisor to the plant, (16) Mr. Castrop would make counts and advise management.

(17) **Q. Advise the management of Inland?**

(18) A. Yes.

(19) **Q. About whether they had an industrial (20) hygiene problem with asbestos or not?**

(21) A. Well, I'm not sure whether they even (22) knew there was such a thing as an asbestos problem (23) at that time. So he would advise them of what

the (24) counts were, but I don't know how much he advised (25) them of the hazards of the mineral.

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(1) **Q. But somebody was obviously counting it (2) for some reason, is that correct?**

(3) **A.** I think so. I think initial monitoring (4) was done by the Detroit industrial hygiene folks way (5) early on.

(6) **Q. Did – well, certainly you made (7) management aware of the potential hygiene problem (8) with asbestos when you arrived, is that correct?**

(9) **A.** Yes, sir.

(10) **Q. Did you do that pretty quickly after (11) you got there?**

(12) **A.** Yes, I did. I remember the first (13) safety meeting we had and I had private (14) conversations with the general manager and personnel (15) director about gaining more knowledge in this field (16) so that I could help with determining what kind of (17) work atmosphere should be present.

(18) **Q. What sort of relationship, if any, did (19) you have with the corporate medical directors at (20) General Motors?**

(21) **A.** I – well, I must be honest. I didn't (22) have a very good solid relationship. We had a (23) working relationship. But I was considered perhaps (24) a little radical by some members of the GM medical (25) in Detroit because of my interest in industrial

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(1) hygiene and environmental control in the workplace. (2) And there were some conversations between central (3) office medical and myself.

(4) **Q. Who in particular at corporate medical (5) did you have a bad relationship with or have – (6) well, I don't want to characterize it – did you (7) have problems with?**

(8) **A.** I don't think I really would want to go (9) down this road. We had a good working (10) relationship. We had differences of opinion (11) regarding how to approach management with what I (12) considered to be important issues versus what they (13) did, and Dr. Robert Weincek was the medical director (14) at the time and – in Detroit, and we had some (15) differences regarding how to approach management on (16) advice about safety in the workplace.

(17) **Q. Would that include asbestos?**

(18) **A.** Yes.

(19) **Q. And did Weincek – was it Weincek or (20) Weincek?**

(21) **A.** Weincek, W E I N C E K, I think.

(22) **Q. Did Weincek consider you, I think you (23) used the word radical, in your approach to asbestos?**

(24) **MS. DAVIS:** Objection. I think he said (25) in his approach to industrial hygiene.

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(1) **Q. Now I'm asking you about asbestos.**

(2) **A.** Well, yes, he was correct, inasmuch I (3) was not in the industrial hygiene arena as yet but (4) had rather forced myself into it, and I think our (5) disagreements basically were about that. I was (6) concerned about exposure to asbestos and wanted to (7) minimize it and we had the opportunity to do it and (8) we did it, and I was very pleased with that. I (9) don't want to convey that there was a major (10) difference with the doctors in Detroit. There (11) really was not. What I was alluding to was my (12) aggressiveness of which I attacked Inland Division (13) management and I might add they were very receptive (14) to my aggressiveness.

(15) **Q. Was the difference in opinion in the (16) level of asbestos dust control which should be (17) maintained in the plants?**

(18) **A.** No, it wasn't. It was just the zeal (19) and forcefulness to go about getting the changes (20) that I wanted made.

(21) **Q. Was a gentleman named S.D. Steiner (22) corporate medical director for any of your time?**

(23) **A.** Yes. He was there before – as a (24) matter of fact, he probably was there when I started (25) in '63. Dr. Steiner, yes.

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(1) **Q. Did you have any discussions with Dr. (2) Steiner about asbestos or the level of asbestos dust (3) control?**

(4) **A.** Yes.

(5) **Q. Did you have any sort of differences of (6) opinion or philosophy with Dr. Steiner?**

(7) **A.** No, not really. It was so early and so (8) little known about it, he encouraged me to move (9) ahead with investigations.

(10) **Q. Did Steiner or Weincek have the ability (11) to veto you or override your suggestions to the (12) Inland Division management regarding industrial (13) hygiene?**

(14) **A.** Not really. They were really outside (15) advisors, but I think the Inland management could (16) act on my recommendations even over and above that (17) of Dr. Weincek or Steiner.

(18) **Q. Other than the reports and**

documents (19) we've discussed, what other reports did you write (20) that dealt with asbestos specifically?

(21) **A.** Well, frankly, I don't remember any. I (22) may have written the personnel director or the (23) general manager early on of my concerns and asked (24) them to get me educated, but I can't recall any (25) specific instances of that

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(1) **Q. Okay. Were there any periodic reports (2) we haven't discussed related to asbestos that you (3) generated?**

(4) **A.** No. Just the monitoring results, the (5) physical examinations and our attempt to follow (6) along employees even after they retired or after (7) they left the department.

(8) **Q. And did your yearly monitoring of (9) employees continue after retirement?**

(10) **A.** We invited all retirees to come back (11) for follow-up physicals, some of which declined, (12) moved to Florida and so on. Some of them did come (13) back, yes.

(14) **Q. Do you recall any asbestos disease in (15) any of the retirees?**

(16) **A.** No.

(17) **Q. How many – when you say us, were you (18) supervising a staff in this area of industrial (19) hygiene and medicine for the Inland Division?**

(20) **A.** Yes. We had myself and secretarial (21) help and industrial hygienists.

(22) **Q. How many?**

(23) **A.** One industrial hygienist and four (24) safety experts, safety engineers who worked on (25) that. I would say a staff of five and if you threw

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(1) the nursing staff in, it would be more than that.

(2) **Q. How many nurses worked for you in the (3) industrial hygiene staff?**

(4) **A.** Well, none in that sense. The nurses (5) performed the pulmonary function tests and helped (6) with the histories and that sort of thing. In that (7) sense, we're working with industrial hygiene, but (8) they didn't do monitoring and the like.

(9) **Q. Okay. Was the asbestos monitoring done (10) in Inland plants on a regular basis?**

(11) **A.** Yes.

(12) **Q. How regularly?**

(13) **A.** Well, it would depend on the trends and (14) movement of machinery and so on. We tried to get (15) monitoring results on individual people every two to (16) three months, and at various stations all the time, (17) a

continuous monitoring set-up, and then when there (18) was a major shift in machinery, it set up new (19) circumstances. It's hard to answer that, but we did (20) a lot of monitoring.

(21) **Q. And did your department maintain all (22) the records for asbestos monitoring done at your (23) plants?**

(24) A. Yes, sir.

(25) **Q. Did you maintain those records until**

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(1) you left?

(2) A. Yes. They were really in the (3) industrial hygiene section. Although under my (4) jurisdiction, they were not in my desk and here in (5) my office.

(6) **Q. What responsibility or input did you (7) have in evaluating the potential health hazard from (8) the use of the finished product at these plants?**

(9) A. None actually. I really had nothing to (10) do with the brake lining in the field. We did do (11) one brief study in downtown Dayton. I was going to (12) try to show that it was safer to work in the (13) asbestos department at the factory than it was to (14) stand at Third and Main in downtown Dayton, so we (15) monitored Third and Main for forty-eight hours (16) thinking we might find some asbestos to show our (17) employees it's just as hazardous there as it might (18) be in the asbestos department, but we found no (19) asbestos at Third and Main, not a single fiber, so (20) it was an interesting, very unscientific experiment.

(21) **Q. Do you recall when that was?**

(22) A. In the mid eighties, I believe.

(23) **Q. Did anyone in the Inland Division (24) consult you, even informally, about the potential (25) health hazard from the use of the product?**

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(1) A. I received a call from Detroit, and I (2) believe it was Bill Krebs, but I cannot be sure, to (3) help with the wording of a health hazard warning to (4) garage owners across the country for potential (5) hazard. First of all, I didn't feel there was any (6) hazard there.

(7) **Q. Why is that?**

(8) A. I had done no studies to back this up, (9) but I felt that in changing brake linings, use of (10) compressed air was really not that – was not (11) harmful or hazardous in any way. The amorphous (12) material coming off that brake lining subject to (13) five hundred degrees was an inert material and (14) harmless. Nonetheless, the central

office wanted to (15) caution garage owners to not use compressed air to (16) clean out the brake lining area when changing the (17) brakes. And I was asked to participate in some (18) language connected with that, as I recall.

(19) **Q. Was that in the early 1960's?**

(20) A. No. I think it was later than that.

(21) I'm guessing, but I would say closer to 1970.

(22) **Q. Was that a notification to GM dealers (23) or – well, who was that notification to that you (24) worked on the wording of?**

(25) A. Well, first of all, I don't know

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(1) whether it was ever sent. All I know is I was (2) called and – by Detroit, saying we were going to (3) notify garage owners to be cautious with this (4) material and not use compressed air. I disagreed (5) with that because I thought it might be an alarmist (6) attitude and further didn't think anything was (7) coming off that brake lining at the time of change (8) of the brake lining at the garage, nonetheless, I (9) did offer some suggestions as to how to word a (10) communique to them.

(11) **Q. You knew that the products that Inland (12) was producing, the asbestos brake products, (13) contained a significant asbestos percentage, didn't (14) you?**

(15) A. Yes, I did.

(16) **Q. Around fifty or sixty percent, is that (17) correct?**

(18) A. Um-hum. Um-hum.

(19) **Q. Why did you feel at that point in time, (20) the sixties to around 1970, that there was no hazard (21) from brake drum dust?**

(22) A. Well, first of all, I didn't know. I (23) never studied brake drum dust, and although I had (24) read some scattered literature, I simply did not (25) know.

My personal feeling, not from a scientific

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(1) point of view, was that temperatures of five hundred (2) degrees which – Fahrenheit, which a brake drum (3) generates, produces an amorphous material, no longer (4) asbestos, so I didn't feel that asbestos was spewed (5) about in the workshop at that time, and despite the (6) brake lining being sixty percent asbestos, it's (7) combined with resins and is trapped. And that (8) trapping is only released during a brake stop with (9) extremely high temperatures, so I frankly didn't (10) feel there was that much hazard connected with it. (11) No harm in telling garage owners to not use (12)

compressed air. I think that's a precaution that (13) probably was warranted, but I just wasn't on board (14) as much as the others perhaps.

(15) **Q. And so that I understand you, at that (16) point you hadn't done any studies on whether or not (17) brake drum dust contained asbestos or not, had you?**

(18) A. Other than the forty-eight hour study (19) at Third and Main showing no asbestos in the air, (20) no.

(21) **Q. And to your knowledge, no one at Third (22) and Main did a brake job and blew out brake drums (23) during those forty-eight hours, did they?**

(24) A. No. We were interested in brake stops (25) only.

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(1) **Q. At that point in time, the 1960's to (2) around 1970, do you know if General Motors had done (3) any brake stop testing or monitoring of the changing (4) of brakes?**

(5) A. Well, I don't know specifically, no. (6) I'm sure they did. I just – I'm positive they did (7) but I don't know it for a fact nor did I read the (8) results of any work that General Motors did.

(9) MR. KRAUS: Let's take a break, Dr. (10) Gibson.

(11) THE VIDEOGRAPHER: We're off the (12) record.

(13) (Pause in proceedings.)

(14) THE VIDEOGRAPHER: We're on the record.

(15) **Q. Doctor, before the break I was asking (16) you about some language you participated in or (17) consulted in with respect to advising some user or (18) changer of GM Inland Division asbestos brakes of (19) potential hazards associated with the use of those (20) brakes, is that correct?**

(21) A. That's correct.

(22) **Q. And I think you told me that your best (23) recollection is that it was consultation with (24) William Krebs in the late 1960's or around 1970, (25) correct?**

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(1) A. Correct.

(2) **Q. And you're not sure to whom that (3) advisory was ever disseminated, or if it was (4) disseminated, is that correct?**

(5) A. That's correct.

(6) **Q. And you're not sure that there was any (7) asbestos that GM needed to warn about, in any event, (8) is that correct?**

(9) A. That's correct. I didn't know anything (10) about the end product, the product and its liability (11) out in

the field. That was not my expertise and (12) really had nothing to do with that, so I didn't know (13) other than from my own reading about the subject. (14) MR. KRAUS: Off the record for a second.

(15) THE VIDEOGRAPHER: We're off the (16) record.

(17) (Pause in proceedings.)

(18) THE VIDEOGRAPHER: We're on the record.

(19) Q. Doctor, are you aware that brake (20) mechanics occasionally grill and sand and grind (21) brake shoes to make them fit during installation?

(22) A. Just from everyone else's knowledge, I (23) would imagine they do. Yeah, I guess I'm aware of (24) that.

(25) Q. Do you have any idea what dust levels

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(1) are produced by grilling or drilling or grinding an (2) asbestos containing GM brake shoe?

(3) A. No, I would have no idea.

(4) Q. Would you anticipate that a product (5) containing sixty percent asbestos, when ground on a (6) sander, would produce airborne asbestos?

(7) MS. MALEY: Objection. You know, his (8) anticipation is sort of beside the fact.

(9) THE WITNESS: My answer is I don't (10) know. I do know that it's compounded with the (11) resins and - I don't know.

(12) Q. Do you have any idea whether airborne (13) asbestos is produced when you grind or drill an (14) asbestos brake shoe manufactured by General Motors?

(15) A. I can't - I don't know. I don't know.

(16) Q. With respect to this language that (17) we've been talking about that you consulted with - (18) with Mr. Krebs or somebody else from General Motors (19) on, have you in the last several weeks had (20) discussions with a gentleman named Barry Castleman?

(21) A. Yes.

(22) Q. And is that gentleman someone who (23) contacted you because he's writing a book on (24) asbestos?

(25) A. Yes.

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(1) Q. Actually he's writing a new edition of (2) a book that he's already written, is that correct?

(3) A. Correct. Right.

(4) Q. And did he ask you some questions about (5) these topics?

(6) A. Yes, he did.

(7) Q. And did he generate a draft of some (8) language that he showed you that he said he was (9) going to put in his book?

(10) A. Yes. He quoted some minutes of a (11) meeting that I attended, and to the best of my (12) recollection, the quotes of the meeting were correct (13) and I really didn't feel any solid objection to that (14) being said in the book.

(15) Q. And did you say that the draft of that (16) language he prepared about your discussions was okay (17) and return it to him?

(18) A. Yes.

(19) Q. And did that draft include some (20) discussion of the warning language or advisory that (21) we've just been discussing?

(22) A. Yes, I believe at the very end it said (23) that we participated in helping with - I can't (24) remember how it went, but we participated in the (25) language of such a warning.

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(1) Q. In fact, did he say Dr. Gibson, who had (2) persuaded General Motors management to install (3) extensive dust controls at its brake products plant (4) and warn GM dealers against blowing out brakes with (5) compressed air hoses in the early 1960's, remained (6) opposed to even the slightest asbestos contamination (7) of the atmosphere as from brake lining wear? Was (8) that language you okayed as being correct?

(9) A. Yes, sir, it is.

(10) Q. Okay. So at least when you spoke with (11) Dr. Castleman, it was your belief that you (12) participated in the early 1960's in preparing (13) language for General Motors dealers about not (14) blowing out brake drums with asbestos dust, is that (15) correct?

(16) A. Yes.

(17) Q. Have you changed your testimony here (18) today?

(19) A. Not that I know of. Maybe to (20) clarify -

(21) MS. MALEY: I'm just going to make an (22) objection on the record to the extent that there was (23) any difference. That's exactly what he stated on (24) the record is that he participated in preparing a (25) warning. I'm not quite sure what you're getting at,

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(1) but the language quoted was exactly what he (2) testified to as far as his discussion with Dr. (3) Krebs.

(4) Q. Okay. Was that in the early 1960's (5) rather than 1970 or around 1970, like you testified (6) today?

(7) A. Well, I don't know. If you're (8) challenging me on the dates, I'm going to have to (9) say I don't know, because honestly, that communique (10) from GM that they were going to prepare, if they (11) ever prepared it, I do not know whether that (12) occurred in the early sixties, mid or late sixties. (13) I do remember talking with someone in Detroit about (14) some language that's going to be prepared about it. (15) And I might add, that in light of what I approved (16) there, I really was opposed to any airborne (17) asbestos, if possible. And you have to take this in (18) the context of 1969 or whenever that was, that we (19) didn't know, and certainly I didn't know and had no (20) studies or I was not involved in any way, brake (21) stops or in point use of the product, I wasn't (22) involved in that field at all, but to make the (23) general statement would it be best to not use (24) compressed air around brake linings, I concurred, it (25) would be best not to use compressed air because I

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(1) simply didn't know what was there

(2) Q. And you knew that if there was asbestos (3) present made airborne by the compressed air, it was (4) a potential health hazard, correct?

(5) A. That's correct. I would admit that.

(6) Q. And do you now recall after I have (7) quoted you this language from Dr. Castleman that the (8) warning that you participated in preparing with (9) somebody from Detroit was intended for General (10) Motors dealers?

(11) A. Frankly, I thought it was for garage (12) owners. Again, my memory from thirty years ago (13) fails me, but I actually thought it was garage (14) dealers and I don't know whether he said dealers or (15) whether he said garage owners, but there was some (16) technical differences in those two terms. I may (17) have on the phone thought he was talking about (18) General Motors - or not General Motors, but garage (19) owners in general, which I thought the communique (20) was for, and I think he may have put dealers there. (21) But I don't know of any communique that General (22) Motors was putting together for its dealers per se. (23) As I recall - and again, my memory is not good on (24) this. As I recall, it was to

garage owners, and I (25) don't even know how they would deliver that to all

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(1) garage owners across the country and I don't think (2) it was directed at dealers.
 (3) **Q. Okay. But the language you approved (4) that Dr. Castleman wrote after your conversation was (5) that it was a warning to warn GM dealers against (6) blowing out brakes with compressed air, is that (7) correct?**
 (8) A. Well, that's what it says, yes, and I (9) have to admit, I probably didn't read it that (10) carefully. And if you're asking me today whether (11) that language is correct, I would have to say if I (12) had to do it again I would put to garage owners who (13) repair brakes rather than dealers, because I don't (14) think it was the dealers.
 (15) **Q. Would you explain to the jury what the (16) difference is between an advisory to garage owners (17) generally or to GM dealers?**
 (18) A. Well, GM dealers, Cadillac, Oldsmobile, (19) Chevrolet and Buick and so on, would be a dealership (20) which, of course, would work on General Motors cars, (21) and there are periodic messages sent to dealerships (22) regarding a lot of subjects. That, opposed to (23) garage owners who perhaps are just in the business (24) of changing brakes, is a different matter. And I (25) have to be honest, I don't exactly remember whether

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(1) it was dealers or garage owners or both, but as I (2) sit here today, I think it was the garage owners (3) that we were discussing on the phone. I got to be (4) honest with you, I just can't remember whether it (5) was to be directed at garage owners or dealers.
 (6) **Q. Okay. But for the benefit of the jury, (7) General Motors Inland Division distributed their (8) asbestos containing brakes for use in GM cars to GM (9) dealers, but also to independent purchasers, garage (10) owners or part stores who serviced or, you know, who (11) sold products for General Motors cars, correct?**
 (12) A. Correct.
 (13) **Q. So there were people, dealerships, that (14) were part of the GM umbrella that used asbestos (15) containing brakes, and then there were independent (16) purchasers not associated with General Motors who (17) also bought that program - product, correct?**
 (18) A. That's correct.
 (19) **Q. And the dealers, there was**

back and (20) forth communication between General Motors and the (21) dealers about the products that General Motors (22) dealer sold, correct?

(23) A. That's correct.

(24) **Q. And there was a line of communication (25) that existed there that didn't exist with**

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(1) independent parts purchasers, correct?
 (2) A. That's correct. Um-hum.
 (3) **Q. To your knowledge, sir, would the best (4) way to reach independent purchasers of GM asbestos (5) brakes be a warning on the product?**
 (6) MS. PHIFER: Object to the form of the (7) question. It exceeds the scope of this witness' (8) expertise.
 (9) MS. MALEY: Objection.
 (10) MS. DAVIS: Objection.
 (11) THE WITNESS: I don't know is the (12) answer.
 (13) **Q. But as you sit here today, sir, you're (14) unaware of any line of communication between General (15) Motors and independent purchasers of its products or (16) parts other than the product or its packaging, isn't (17) that true?**
 (18) A. That's true. Um-hum. Yes.
 (19) **Q. Do you know who at General Motors (20) performed the early brake stop tests to determine (21) what dust levels of asbestos were produced through (22) braking?**
 (23) A. No.
 (24) **Q. Do you know when those tests were done?**
 (25) A. No. I participated only in employee

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(1) exposure and really know nothing or knew nothing (2) about the field application of the product.
 (3) **Q. Do you know if the discussion you had (4) with that person from Detroit about the warning was (5) spurred by any testing that had been done on dust (6) levels produced through blowing out brake drums or (7) brake stops?**
 (8) A. No. Only thing I remember about it is (9) I didn't feel it was - it should be - I didn't (10) feel it should be an inflammatory scare tactic, (11) that's all.
 (12) **Q. Do you remember the names of the (13) industrial hygienists or the safety engineers who (14) worked under you?**
 (15) A. Yes. Thomas Jelenik, J E L E N I K.
 (16) **Q. Is he still a General Motors**

employee?

(17) A. I believe so.
 (18) **Q. Was he the industrial hygienist?**
 (19) A. Yes, he was.
 (20) **Q. How about the safety engineers you (21) mentioned, do you remember their names?**
 (22) A. Yes. Stanley Wright worked for me and (23) was present at the Cleveland meeting. After him (24) there was an engineer by the name of James Bell, (25) B E L L, and I think that's it.

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(1) **Q. Did you have any relationship at any (2) time with a doctor for General Motors named Dr. (3) Carey McCord?**
 (4) A. Not to my knowledge. The name doesn't (5) even ring a bell.
 (6) **Q. C.P. McCord?**
 (7) A. No.
 (8) **Q. How about Dr. Earl Lutz?**
 (9) A. Yes. Dr. Lutz was Dr. Steiner's (10) assistant back, I would guess 1960 to '65, in (11) through there.
 (12) **Q. Do you recall any discussions with Dr. (13) Lutz about asbestos?**
 (14) A. No.
 (15) **Q. How about Dr. Clarence Selby? Did you (16) ever know a Dr. Clarence Selby at General Motors?**
 (17) A. No. Those may have been men there (18) years and years ago.
 (19) **Q. How about Dr. Frank Patty or Frank (20) Patty? I'm not sure if he's a doctor.**
 (21) A. No, I don't recognize that name.
 (22) **Q. You mentioned the Cleveland meeting, (23) Dr. Gibson, I would like to show you a memorandum I (24) have that I'll have the court reporter mark as (25) Plaintiffs' Exhibit No. 1. It's also premarked**

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(1) GM-51.
 (2) (Thereupon, Plaintiffs' Exhibit 1 was (3) marked for purposes of identification.)
 (4) MS. DAVIS: Before you question the (5) witness about it, can we take a look at it, please?
 (6) MS. MALEY: Yes.
 (7) MR. KRAUS: Why don't you mark this (8) number 2 while you're at it.
 (9) (Thereupon, Plaintiffs' Exhibit 2 was (10) marked for purposes of identification.)
 (11) (Pause in proceedings.)
 (12) MS. DAVIS: I just want to place an (13) objection on the record to questions with respect to (14) Exhibit No. 1 as to relevancy in this litigation.
 (15) MS. MALEY: Has this been marked as 2
 (16) (indicating)?

(17) MR. KRAUS: Yes.

(18) Q. Dr. Gibson, let me ask you about (19) Exhibit No. 1. This document reflects that it's the (20) minutes of a meeting on asbestos and health, General (21) Motors Corporation, Inland Manufacturing Division, (22) St. Luke's Hospital, Cleveland, Ohio, January 28th, (23) 1969. Are these minutes of the Cleveland meeting (24) that you earlier mentioned?

(25) A. Yes.

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(1) Q. Does this document correctly reflect (2) that representatives of the Inland Manufacturing (3) Division of GM, Lake Asbestos, Asbestos Corp. (4) Limited, Thetford Mines Industrial Clinic, (5) Johns-Manville and St. Luke's Hospital were all (6) present at this meeting?

(7) A. Yes, it does.

(8) Q. And do you recall all these individuals (9) being at the meeting?

(10) A. Well, no. I remember the meeting but I (11) don't recall all the individuals.

(12) Q. Okay. Do you recall Dr. Paul Cartier (13) from the Thetford Mines?

(14) A. No. I'm sure he was there if his name (15) is here. It was such a long time ago, I just don't (16) recall his face.

(17) Q. This document reflects that that (18) meeting took place on January 28th, 1969. Does that (19) sound correct? And I understand you testified (20) earlier you don't remember exactly when that was, (21) but –

(22) A. Yes, that sounds right. Um-hum.

(23) Q. Okay. Directing your attention to page (24) two of that document, the last paragraph, the notes (25) by Mr. Fenner – and who was Mr. Fenner?

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(1) A. Well –

(2) Q. It reflects here he's listed as one of (3) the Johns-Manville guys.

(4) A. Yes.

(5) Q. Do you recall Mr. Fenner?

(6) A. Yes, I do.

(7) Q. Why do you laugh when you think of Mr. (8) Fenner?

(9) A. I just – of the group, he's the one I (10) remember the most.

(11) Q. Why?

(12) A. Well, because we had some spirited (13) conversation.

(14) Q. Okay. He wrote that – in paragraph (15) two, that Dr. Gibson apparently was not completely (16) satisfied with Dr. Wright's explanation of the (17) time-dose

relationship, instead leaning towards the (18) Dr. Selikoff one fiber theory. Can you tell us what (19) the one fiber theory was?

(20) A. Well, yes. The one fiber theory simply (21) meant that if a fiber – a single fiber has the (22) capability of reaching a certain portion of the (23) lung, the alveoli, that it in itself was capable of (24) producing cancer.

(25) Q. And was that your opinion in February

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(1) or January of 1969, that Selikoff one fiber theory?

(2) A. Yes, but I must explain a little bit of (3) why. If you're breathing asbestos fibers, only one (4) will eventually connect with the microphage and form (5) the asbestos body and then perhaps go on to cause (6) the cancer, so in that sense, that one fiber theory (7) is correct and was correct then, as opposed to (8) simply walking outdoors and breathing one fiber from (9) the air and catching cancer. That is not what is (10) meant by the one fiber theory. It's perhaps a (11) technical explanation, but in my opinion, if you (12) just follow it through, one fiber does the damage. (13) Regardless of whether you breathe ten thousand in or (14) one, the one carries the process through to form (15) cancer in my opinion.

(16) Q. And is that still your opinion?

(17) A. Yes, it is.

(18) Q. He went on to write that Dr. Gibson (19) left a favorable – an unfavorable impression with (20) some of us because of his attitude. Do you know (21) what Mr. Fenner was talking about there?

(22) A. Yes, I do. I remember my ultimate goal (23) of this meeting was to persuade General Motors to (24) have the lowest possible exposure limits in the work (25) site as possible. And as I recall, the meeting was

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(1) flowing as if asbestos was a rather safe material (2) and we need not approach it with too much (3) seriousness. To counter that, I began to take issue (4) with some of the rather relaxed feelings put forth, (5) particularly by Johns-Manville, on its safety, and (6) my goal was to produce a workplace with the fewest (7) fibers per cc as possible within the engineering (8) limits, and to do that I had to persuade my (9) committee, which is listed there, to go along with (10) me on spending a lot of money. (11) So during the meeting I pressed very (12) hard that extremely low levels

could be hazardous, (13) mainly to convince my own people to go back to (14) Inland Division and put in the finest and most (15) expensive dust collection safety equipment in the (16) country. I don't know whether that adequately (17) explains it or not, but in that light I just felt (18) that low was not good enough. we needed extremely (19) low levels in our factory to protect our workers. (20) And the whole context of this letter making me look (21) like I was a maverick of sorts, it was simply by (22) design on my part to convince the committee I was on (23) to institute the finest dust collection possible at (24) the factory.

(25) Q. And is that still your opinion today,

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(1) that very low levels of asbestos can potentially be (2) dangerous?

(3) MS. DAVIS: Objection.

(4) THE WITNESS: That term very low is too (5) ambiguous to work with. On that subject I would say (6) that asbestos is a safe material to work with, if (7) managed properly, and that was my goal there. I was (8) convinced then and am today that asbestos can be (9) worked with quite safely, and again, my references (10) here are to employee contact who are making the (11) product. The product can be made quite safely with (12) proper ventilatory systems installed. So, yes, (13) very, very low levels are preferable and frankly (14) very needed.

(15) Now, if you want to turn the question (16) around, can low levels cause cancer, I say no, if (17) you have got environmental controls there, which I (18) think we had and we installed. If you're saying (19) that something less than low could cause cancer, my (20) answer to that is yes.

(21) Q. Well, and to turn it around again, you (22) say very, very low levels were needed. If you (23) exceed very, very low levels, at least in your (24) opinion, you have a potential health hazard, (25) correct?

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(1) MS. DAVIS: Objection.

(2) MS. MALEY: Objection. (3) Mischaracterization. Sorry.

(4) THE WITNESS: Well, no, the very, very (5) low levels there plus respiratory equipment to – (6) let's say you had it to one fiber per cc, which is (7) very low, and that single fiber was caught by your (8) respiratory equipment, that would mean there's no (9) potential danger there at all. Now, if you were not (10) able to accomplish that, then there would be.

(11) Q. Okay. That's I guess what I was (12) getting at. In your opinion, sir, if you don't have (13) adequate safeguards to avoid breathing asbestos, (14) even relatively low levels are potentially (15) dangerous, correct?

(16) MS. DAVIS: Objection. That was not his (17) testimony.

(18) MS. MALEY: Again, I agree, (19) mischaracterization.

(20) MR. CHARGOIS: One objection, Counselor, (21) counts for all.

(22) THE WITNESS: Relatively low levels to (23) me mean acceptable levels that one has created (24) through environmental protection equipment, so I (25) would disagree, I think it is very safe to work in

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(1) that environment and is not a health hazard.

(2) Q. Okay. And what I'm talking about now (3) is an environment without respiratory protection, (4) without a breathing apparatus or protective clothing (5) or exhaust ventilation, Dr. Gibson. Is that a safe (6) environment to work with asbestos?

(7) A. I don't know. If you're talking about (8) walking outside and what you breathe, I have (9) absolutely no idea whether that's going to be (10) harmful or not.

(11) Q. I'm not talking about that. I'm (12) talking about occupational asbestos exposure without (13) respiratory protection or environmental safeguards. (14) Is that safe?

(15) A. That is not safe.

(16) Q. In any occupational context where (17) airborne asbestos dust is produced, would you agree (18) that kind of exposure without protection is not (19) safe?

(20) MS. MALEY: I'm going to object – go (21) ahead.

(22) MR. WHITTEN: Beyond his expertise.

(23) MS. MALEY: Yes. You're talking about (24) any occupation.

(25) THE WITNESS: I don't know. I don't

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(1) know.

(2) Q. Dr. Gibson, you're under oath here. I (3) need your opinion. Simply because they object (4) doesn't mean that you have to say you don't know. (5) My question is do you think it's safe?

(6) MS. MALEY: First of all, I object to (7) your stating to him that my objection or anyone (8) else's here might be an

indication for him to say (9) something. He is here, he is giving truthful (10) statements today, and I don't appreciate those (11) comments to him. The objection is that it was (12) outside the scope of his testimony or outside the (13) scope of his expertise. He doesn't know about all (14) occupations. You know that. He's not here to (15) testify to that.

(16) MR. KRAUS: Well, how do you know what (17) he knows? I want to ask him what he knows. You're (18) not testifying here, Counsel.

(19) Q. Doctor, let's talk. I'm asking you (20) about your opinions about occupational exposures to (21) asbestos without environmental controls. That's all (22) I want to ask you.

(23) MS. MALEY: Objection as far as it's (24) outside his knowledge of occupations.

(25) MS. PHIFER: Calls for speculation on

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(1) the part of the witness.

(2) Q. Did you spend twenty-eight years (3) monitoring a work force of thousands of people (4) exposed to asbestos occupationally, Doctor?

(5) A. Yes, I did.

(6) Q. Do you feel like you have some (7) expertise in that field, Doctor?

(8) A. I can answer it this way. We did (9) monitor and examine year after year those (10) individuals exposed to higher levels and could find (11) no evidence of disease in them. I'm not prepared to (12) say that a high dose exposure to asbestos is not a (13) harmful thing to your health. I don't know that. I (14) do know that on the studies we did on employees that (15) were exposed in the early days, we didn't find what (16) I frankly thought we would find, and that is a lot (17) of disease, asbestosis, fibrosis and mesothelioma (18) and bronchogenic carcinoma. Those were not found (19) among those high dose workers. I do admit that (20) unprotected workers in high dose asbestos areas are (21) subject to disease.

(22) Q. Do you feel like it is necessary for (23) asbestosis to be present to link a lung cancer to (24) asbestos exposure in an occupationally exposed (25) worker?

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(1) A. No. In the early days it was thought (2) that you had to go from normal lungs to asbestosis (3) to cancer, and then it was discovered without doubt (4) that you did not have

to go through the asbestosis (5) phase to acquire cancer.

(6) Q. Dr. Gibson, in your opinion, do all (7) types of asbestos fiber cause cancer?

(8) A. I don't think so. This is my opinion (9) and not from a scientific investigation. I cannot (10) say this with certainty, but I believe that (11) amosite – that blue asbestos is very dangerous. I (12) do not believe that chrysotile has that associated (13) danger and honestly, I didn't find it with people (14) exposed to chrysotile. I was amazed. So I began to (15) think that perhaps chrysotile really was not a (16) cancer producing agent and I now am fairly convinced (17) that that may very well be the truth. Now, I don't (18) know. And I hate to keep saying that, but you're (19) asking me for my opinion. Compared to the other (20) types of asbestos, chrysotile is the least offensive (21) in my view.

(22) I literally waited for an explosion of (23) cancers and mesotheliomas and asbestosis from (24) employees working in high dose chrysotile, and it (25) didn't happen. We were literally amazed in the

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(1) eighties and nineties when nothing happened. So (2) from that I gathered perhaps that type of asbestos (3) might be safer. That's my opinion and I don't – I (4) can't back that up with scientific data.

(5) Q. You're aware, are you not, Doctor, that (6) there are studies showing chrysotile exposed workers (7) developed cancer?

(8) A. Yes.

(9) Q. Now, understanding that in your (10) personal experience you haven't seen it, you would (11) agree that reasonable doctors can differ about (12) whether chrysotile causes cancer, would you not?

(13) A. Yes, that's my point. I don't doubt (14) that the cancer was there. The etiological factors (15) is what is questionable in my mind, what combination (16) of factors does it take, chrysotile and smoking or (17) chrysotile and a bad mother-in-law. I don't know.

(18) Q. Do you agree that asbestos diseases (19) such as asbestosis are progressive diseases, meaning (20) they get worse?

(21) A. Yes, sir, as a rule they are.

(22) Q. That's your opinion, as a rule they get (23) worse, correct?

(24) A. Yes. There are a few that plateau, (25) meaning they reach a certain degree of severity and

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- (1) then don't worsen beyond that, but as a rule they (2) continue to progress.
- (3) **Q. Would you agree generally with the (4) statement that occupational exposure to asbestos (5) leads to an increased risk of developing asbestos (6) related cancers?**
- (7) **MS. PHIFER:** I'm going to object to the (8) form of the question as it fails to define the term (9) occupational exposure.
- (10) **Q. You can answer the question, Doctor.**
- (11) **MS. MALEY:** I think this has already (12) been asked and answered, but go ahead.
- (13) **THE WITNESS:** Well, I would just insert (14) excessive occupational exposure.
- (15) **Q. But you would agree that excessive (16) occupational exposure to asbestos is associated with (17) an increased risk of developing asbestos related (18) cancers?**
- (19) **MR. WHITTEN:** Same objection to form and (20) calls for testimony beyond his expertise.
- (21) **THE WITNESS:** Yes.
- (22) **Q. Do you believe that all fibers can (23) cause the cancer mesothelioma?**
- (24) **A.** That all fibers.
- (25) **Q. All asbestos fibers?**

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- (1) **A.** Oh. Yes, I do.
- (2) **Q. Have you read or are you familiar with (3) reports in the scientific literature of asbestos (4) disease in the past of asbestos exposed workers?**
- (5) **A.** I have no - no.
- (6) **Q. Have you read or are you familiar with (7) reports of mesotheliomas in people with only (8) environmental exposure, that is in the household of (9) an asbestos worker?**
- (10) **A.** Well, I'm familiar with the studies in (11) South Africa where the wives of the workers were (12) coming down with cancers and mesotheliomas from (13) shaking out the clothing, but again, I believe that (14) was amosite. I haven't seen similar literature (15) of - similar to that in this country from (16) chrysotile.
- (17) **Q. Are you - well, let me just ask you (18) about Dr. Selikoff. You mentioned him earlier. Do (19) you consider him as an expert in the field of (20) occupational asbestos diseases?**
- (21) **A.** Yes, sir.
- (22) **Q. You have great respect for his**

work, is (23) that correct?

- (24) **A.** That's correct.
- (25) **Q. And for the research he's done on**

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- (1) **asbestos disease in exposed populations, correct?**
- (2) **A.** Yes. Yes.
- (3) **Q. You would consider him and his work (4) authoritative in that field, correct?**
- (5) **A.** Yes. I differed with him in several (6) areas, but generally that's correct.
- (7) **Q. Do you have any personal knowledge (8) about what Selikoff told corporations like General (9) Motors about what they should do to control asbestos (10) disease in their workers?**
- (11) **A.** Well, only what he told me as a (12) representative of General Motors when I was there, (13) and that was to reduce the exposure. I think the (14) thrust of Dr. Selikoff was to eliminate the mineral (15) entirely from production, if possible, in the (16) future, and - but beyond that, to limit the (17) exposure to as low levels as possible.
- (18) **Q. Do you know what Dr. Selikoff told GM (19) about safeguards that were appropriate for the use (20) of asbestos containing brakes out in the field?**
- (21) **A.** No. No. Huh-uh.
- (22) **Q. Are you familiar with the Selikoff (23) Hammond data which showed a fifty to ninety times (24) increase in lung cancers in asbestos exposed (25) workers?**

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- (1) **A.** No. I was thinking it was more like (2) ten percent, and if you smoke forty percent, but I'm (3) not that familiar with Dr. Selikoff's work to quote (4) him.
- (5) **Q. Okay. Did you read or follow or review (6) the mortality experience that Dr. Selikoff had when (7) he studied the insulators?**
- (8) **A.** Yes, I did. I cannot recall it now, (9) but we had a very intense course given by Dr. (10) Selikoff himself and that was brought up, and then (11) he did work after that on insulation workers and his (12) statistics spoke for themselves.
- (13) **Q. And are you aware he found up to fifty (14) percent of those people died of various asbestos (15) related diseases?**
- (16) **A.** I'm not aware of that number.
- (17) **MS. DAVIS:** I'm going to object to the (18) continuing questions of what Dr. Selikoff found. If (19) you want to call Dr. Selikoff to testify, you can (20)

ask him those questions.

- (21) **Q. That would be pretty hard right now, (22) wouldn't it, Dr. Gibson?**

- (23) **A.** Afraid so.
- (24) **Q. Why?**
- (25) **MS. DAVIS:** My point exactly

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- (1) **THE WITNESS:** He's dead.
- (2) **Q. And talking about his research now, I'm (3) not asking you to repeat his hearsay. The research (4) you said was authoritative - she cut off your (5) answer. Do you in fact recall death rates as high (6) as fifty percent in those populations?**
- (7) **MS. DAVIS:** Continuing objection.
- (8) **THE WITNESS:** I don't recall the figure (9) fifty percent. I know it was quite high. Thirty to (10) forty I thought, but nonetheless it was quite high (11) in insulation workers no doubt
- (12) **Q. On this issue of how dangerous asbestos (13) is, Doctor, would you be worried about your health (14) if you had occupational asbestos exposure for thirty (15) years which you term as excessive?**
- (16) **MS. DAVIS:** Objection. Irrelevant
- (17) **THE WITNESS:** If I termed it excessive, (18) meaning no protection practically whatsoever, (19) working in clouds of asbestos, yes.
- (20) **Q. Today, sir, do you have an opinion as (21) to whether or not people can get cancer from (22) breathing asbestos containing brake dust?**
- (23) **A.** I don't know anything about that. I (24) could guess and give you my opinion, which is I (25) don't think so.

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- (1) **Q. But that's a guess?**
- (2) **A.** That's a guess.
- (3) **Q. Are you aware that General Motors (4) includes a warning on their asbestos containing (5) brakes today?**
- (6) **A.** No, I'm not aware of that.
- (7) **Q. Are you aware that in 1975 they began (8) warning people to avoid breathing the dust when (9) using asbestos containing brakes?**
- (10) **A.** No, I'm not aware of that. I was so (11) far removed from the end product.
- (12) **Q. At least since 1989 the warning on (13) these brakes, according to their sworn answers to (14) interrogatories, is danger, contains asbestos (15) fibers, avoid creating dust. Cancer and lung (16) disease hazard. Do not grind. Do not clean with (17) compressed air. See service manual instructions. (18)**

Is that an appropriate instruction to an individual (19) who is potentially going to be exposed to an (20) asbestos containing product?

(21) MS. PHIFER: I'm going to object to the (22) form of the question as it exceeds the scope of this (23) witness' expertise. I don't believe he's been (24) offered as a warnings expert.

(25) MS. MALEY: I'm going to object to the

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(1) fact that he said he was not aware warnings were on (2) packaging. He's not aware of the warnings. And (3) it's outside the scope of this dep.

(4) Q. You can answer the question.

(5) A. Well, I don't know. My answer would be (6) if you wore protection, I guess you could drill it (7) and so on. Again, it all surrounds just similar - (8) very similar to the employee. If you wear proper (9) protection, you could grind and drill and anything (10) you wanted without any troubles. I could see, (11) however, them generalizing on those who do not wear (12) protection.

(13) Q. Protection of the worker was obviously (14) very important to you in controlling the industrial (15) hygiene of the workers exposed to asbestos in your (16) plant, correct?

(17) A. Yes, sir.

(18) Q. And that included educating the workers (19) about the potential hazards of asbestos, correct?

(20) A. Absolutely.

(21) Q. You needed to tell the workers what (22) could possibly happen if they didn't use proper (23) protections around asbestos?

(24) A. And we did that, regular meetings with (25) all employees, plus the time we examined them we

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(1) spoke with them for long periods of time.

(2) Q. And you employed exhaust ventilation, (3) vacuum ventilation to suck dust out of the air as (4) well, correct?

(5) A. Correct.

(6) Q. State of the art systems, correct?

(7) A. Correct.

(8) Q. And you told your workers to keep that (9) exhaust ventilation on, correct?

(10) A. Yes.

(11) Q. And did you tell them to wet the (12) materials down when working with asbestos, dusty (13) asbestos products, to keep the dust from flying in (14) the air?

(15) A. Yes. We had systems that - and spill (16) teams and all kinds of

methods of cleaning and not (17) allowing any airborne asbestos to be present, yes.

(18) Q. And what kind of respiratory (19) protections did your workers in your plants wear (20) around asbestos?

(21) A. They wear - we wore the OSHA approved (22) respirators. I can't recall the number of them now (23) but it was all OSHA approved, and even before (24) that - before the inception of OSHA we wore (25) respirators that met the qualification of what OSHA

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(1) later promulgated.

(2) Q. Describe for the jury what kind of (3) respirators you felt was appropriate for workers (4) working around airborne asbestos.

(5) A. Well, a respirator that had the ability (6) to filter out particles of dimensions, and that was (7) worked out by the industrial hygiene department in (8) association with OSHA. I don't know as I can (9) explain it any further than that.

(10) Q. Actually I was looking more for a (11) laymen's description of what that kind of equipment (12) looks like. Is it just a little paper mask or what (13) does it look like?

(14) A. Well, in certain applications where the (15) work environment has already been shown to be very (16) low, and we had many that had one fiber per cc, mask (17) protection was used. But in areas where there was (18) the potential for higher exposure, a more (19) complicated system, charcoal and the works for (20) protection had to be used. Scott Air Packs, for (21) example, had -

(22) Q. What's a Scott Air Pack?

(23) A. It's just a device you wear where you (24) can breathe without breathing ambient air.

(25) Q. It supplies the air to the person who's

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(1) wearing it so you're not even breathing it through (2) any kind of filtering system, it's different air (3) than what has asbestos in it, correct?

(4) A. Correct.

(5) Q. And some applications in your plants (6) required Scott Air Pack respirators with supplied (7) air, correct?

(8) A. Yes, sir.

(9) Q. And in addition to that, these workers (10) wore protective suits or protective clothing, (11) correct?

(12) A. Yes, sir.

(13) Q. Now, did you see workers

making (14) asbestos containing brakes up until when you (15) retired? (16) A. Yes.

(17) Q. In the later years, did that protective (18) clothing look pretty much like a space suit?

(19) A. Yes, pretty much. It was, you know, (20) covered your feet and hands and head and everything (21) and it - kind of spacey, yes.

(22) Q. So in your opinion, Dr.

Gibson, if I (23) can summarize, these protective suits that looked (24) like space suits, supplied air respirators, wetting (25) of material, exhaust ventilation and education of

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(1) the workers were all necessary for people regularly (2) exposed to excessive levels of asbestos dust, (3) correct?

(4) A. That's a true statement, but I'm very (5) quick to add that the average employee did not walk (6) around in a space suit. That was a very, very few (7) number of people who had to work with spills and (8) unusual circumstances.

(9) Q. Does GM still make asbestos brakes in (10) the Inland Division plant?

(11) A. As far as I know.

(12) Q. Do you know where they get that (13) asbestos today?

(14) A. I don't know firsthand where they get (15) it. In the old days it was Johns-Manville.

(16) Q. Have you ever seen a person with the (17) disease mesothelioma?

(18) A. Yes.

(19) Q. It's a pretty bad disease, isn't it?

(20) A. I've never known anyone to survive it.

(21) Q. And it's a painful disease, correct?

(22) A. Correct.

(23) Q. Have you ever seen anyone with end (24) stage asbestosis?

(25) A. Yes.

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(1) Q. Is that a bad disease?

(2) A. Yes, it is. It suffocates you.

(3) Q. It can be fatal, correct?

(4) A. Correct.

(5) Q. And lung cancer is usually fatal, (6) correct?

(7) A. Well, I don't know whether I would use (8) the word usual now. It often is fatal.

(9) Q. And those are all asbestos related (10) diseases, correct?

(11) A. It can be. They are not all asbestos (12) related diseases. There are other causes.

(13) Q. What other diseases can be

asbestos (14) related diseases, Dr. Gibson?

(15) A. I only know of asbestosis, bronchogenic (16) carcinoma, malignant mesothelioma. And the (17) asbestosis leads to emphysema. And there have been (18) reports of ovarian cancer as well as stomach cancer (19) that has been thought to be due to asbestos (20) exposure. That comes from my personal knowledge as (21) a physician. I did not experience that at the (22) plant.

(23) Q. You mentioned earlier that your workers (24) wore OSHA or OSHA approved respirators, is that (25) correct?

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(1) A. Um-hum. Yes, sir.

(2) Q. Did you believe that OSHA was a (3) reliable source for information regarding asbestos (4) hazards?

(5) A. Yes. As a matter of fact, they asked (6) me if they could use Inland as a model for other (7) asbestos manufacturing concerns because they not (8) only had inspected the plant but thought it was the (9) best in the world. I can remember the district (10) officer in Cincinnati from the department of labor (11) saying this was the model asbestos protection system (12) in the country, if not the world, and asked if we (13) would allow other asbestos manufacturers or users to (14) come in and look at our technology, it was so good. (15) And it more than satisfied OSHA's requirements.

(16) Q. And you know that OSHA is a division of (17) the department of labor of the U.S. Government, (18) correct?

(19) A. Yes, I do.

(20) Q. And let me show you a statement from (21) the Federal Register that OSHA published, sir, and (22) ask you if you agree with it. Let's let your lawyer (23) look at it first here.

(24) (Pause in proceedings.)

(25) Q. Dr. Gibson, for the benefit of the jury

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(1) I'm going to read along with you here. We're in the (2) Federal Register, the department of labor, from (3) 1986, where it states that OSHA is aware of no (4) instance in which exposure to a toxic substance has (5) more clearly demonstrated detrimental health effects (6) on humans than has asbestos exposure. Do you agree (7) with that statement?

(8) A. No, I don't. Betanaphthylamine causes (9) cancer of the bladder.

We've known that since 1950, (10) and so I can think of something that violates that (11) first sentence right off. I think I agree with the (12) philosophy of what they are saying, but -

(13) Q. Do you agree - I'm sorry.

(14) A. No, I think they are trying to portray (15) that it's one of the first substances directly (16) linked to cancer, but single exposure to (17) betanaphthylamine will cause cancer of the bladder (18) and that was known long before asbestos. And that (19) says OSHA is aware in no instance which exposure to (20) toxic substance has more clearly demonstrated (21) detrimental effects on humans than has asbestos. I (22) disagree with that.

(23) Q. Do you agree with this statement, that (24) the diseases caused by asbestos exposure are (25) life-threatening or disabling?

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(1) A. Yes.

(2) Q. How about among these diseases are lung (3) cancer, cancer of the mesothelial lining of the (4) pleura and peritoneum, asbestosis and (5) gastrointestinal cancer, do you agree with OSHA (6) there?

(7) A. Yes, sir.

(8) Q. Of all the diseases caused by asbestos, (9) lung cancer constitutes the greatest health risk for (10) American asbestos workers. Lung cancer has been (11) responsible for more than half of the excess (12) mortality from asbestos exposure in some (13) occupational cohorts. Do you agree with that?

(14) A. Yes. Yes.

(15) MS. DAVIS: I think it needs to be (16) placed on the record, that is from 1986, correct, (17) Federal Register? This is 1996. Is that right?

(18) MR. KRAUS: Yes, Counsel, that's (19) correct.

(20) THE WITNESS: 1986.

(21) Q. I meant to ask you about this earlier. (22) This is what was marked as Plaintiffs' Exhibit No. (23) 2, and it refers to a visit to the Inland Division (24) of General Motors, August 31st, 1970. It's a memo (25) dated September 8th, 1970. Memo for the file by S.

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(1) Speil. Do you know who that person is?

(2) MS. DAVIS: I'm going to place an (3) objection on the record as to that in-house (4) memorandum as - and the objection is based on (5) hearsay. There's no foundation for examining the (6) witness with respect to that document and it is (7) irrelevant to this

litigation.

(8) Q. Can you tell the jury who S. Speil is, (9) Dr. Gibson?

(10) A. No, I can't. I've forgotten. I don't (11) know. Was he one of the Johns-Manville people? I (12) don't know.

(13) Q. Yeah, I guess he's listed as the (14) director of corporate research and development from (15) Exhibit 1.

(16) A. Okay. So that would be the (17) Johns-Manville.

(18) Q. Okay. And he writes that Dr. Gibson (19) still believes asbestos to be the main cause of lung (20) cancer and objects to any additional input to the (21) atmosphere, no matter how slight. Is that input of (22) asbestos that he's referring to?

(23) A. Yes, it is.

(24) Q. And that was your opinion, correct, you (25) object to that?

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(1) A. That was my opinion, correct

(2) Q. I doubt if he can be convinced (3) otherwise. Did he convince you otherwise?

(4) A. No

(5) Q. Who was Dr. Rappaport?

(6) A. He was my associate at Inland who was a (7) scientific engineer. I've forgotten his (8) discipline. But we bought an electron microscope (9) together, thanks to General Motors, to study (10) asbestos. And helped me a great deal in working (11) with ventilation and other aspects of asbestos and (12) was one of the decision-makers in our committee on (13) ventilation.

(14) Q. What was Rappaport's training or (15) discipline?

(16) A. Again, I've forgotten. He is a Ph.D. (17) That's why he's referred as doctor. And I honestly (18) have forgotten whether it's scientific (19) engineering - I forget where his - it might be (20) chemical engineering Ph.D., if I had to guess.

(21) Q. Do you know if Rappaport was engaged in (22) the studying the products of brake lining (23) decomposition from brake drums or brake stop tests?

(24) A. I don't know. Not to my knowledge.

(25) Q. Okay. Speil wrote that Inland has done

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(1) no significant work on capturing and analyzing (2) reaction products from brake wear in this 1970 (3) memo. Do you know if that was correct -

(4) MS. DAVIS: Objection.

- (5) Q. – as of September 8th, 1970?
- (6) MS. DAVIS: Objection.
- (7) THE WITNESS: I don't know.
- (8) MS. DAVIS: Hearsay, no foundation and (9) irrelevant to this litigation.
- (10) THE WITNESS: I don't know whether (11) Inland did or not. I know I didn't.
- (12) Q. He wrote that General Motors, through (13) Dr. Gibson, is seriously considering funding work at (14) Mt. Sinai, but no specific program has apparently (15) been defined. Is that correct, were you – was GM, (16) through you, considering that?
- (17) A. Yes. We were considering a grant to (18) Dr. Selikoff to study in-house or within the factory (19) improvements we could make. To my knowledge there (20) was nothing there about the end use of the product (21) that he was to study. I remember that because I (22) wanted to give Dr. Selikoff a million dollars to (23) conduct research on employees exposed to asbestos, (24) and I don't recall any outside – we still on?
- (25) MS. MALEY: Yes.

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- (1) THE WITNESS: I don't recall any (2) requests, through me at least, to give Dr. Selikoff (3) any money for end product, I call it studies, such (4) as brake stops and things of that. It was not my (5) expertise and I used my influence as best I could to (6) give Dr. Selikoff a grant to help us in protecting (7) our workers within the plant, and I don't think it (8) was directed towards the public.
- (9) Q. Did you – do you recall if Rappaport (10) was with you when you met with this man Speil at (11) your plant?
- (12) A. I don't even remember meeting with him (13) at the plant, to be honest with you. I've never (14) seen that letter. You're quoting out of it and I (15) don't know the context of –
- (16) Q. He wrote on the last page that Dr. (17) Gibson is still a firm believer that asbestos is the (18) major positive cause for lung cancer. Was that your (19) belief in 1970?
- (20) A. Well, it was. It was really – aside (21) from betanaphthylamine and other – a few other (22) carcinogens known to us, it was really the only one (23) that we knew possibly could cause lung cancer. And (24) even smoking at that time was not what it is today (25) and – as far as the recognized hazard. And

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- (1) frankly, it was my feeling that asbestos might – (2) just might turn out

- to be the sole cause of cancer. (3) Now, you have to put yourself in 1963 to understand (4) that and we've come a long way since and we now know (5) that is not true. I think it is one of the causes (6) of cancer but is not the, quote, cause of cancer. (7) inclusive.
- (8) Q. Do you have any idea what tonnage of (9) asbestos was used by the Inland Division each year?
- (10) A. No, I don't. No. I knew that at one (11) time, but I've forgotten.
- (12) Q. Do you know if that usage went up (13) throughout the time that you were health and safety (14) director at Inland?
- (15) A. I think it went down because they began (16) to go to a semi-met lining which had a combination (17) of metal and asbestos, therefore reducing the amount (18) of asbestos in the lining, and hopefully some day (19) get to an all metallic lining.
- (20) Q. And do you know if General Motors has (21) gotten to an all metallic lining for some of its (22) models now?
- (23) A. I don't know.
- (24) Q. They are trying, at least, to remove (25) asbestos from brakes, correct?

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- (1) A. They were when I left, yes.
- (2) Q. And why is that?
- (3) A. Well, asbestos is a wonderful material (4) for stopping an automobile, and frankly, never been (5) beaten, and if it could be used with safety, I think (6) it should continue to be used. But by the same (7) token, if the safety of stopping an automobile could (8) be accomplished without asbestos with just as much (9) safety, why take the chance. And it's just a matter (10) of common sense to me that if you can stop the car (11) safely with a substitute, it would be best.
- (12) Q. When you first got to GM and wanted to (13) institute stricter controls in the plant, do you (14) recall anyone who was specifically very helpful or (15) receptive to your suggestions in management at (16) Inland or Detroit?
- (17) A. Oh, yes.
- (18) Q. Who?
- (19) A. Well, the general manager, Thomas (20) Mathues, was very, very receptive to my ideas and my (21) presentations, and Inland at that time had marginal (22) profits and we had to eat into these to accomplish (23) this, but did it anyway. And I feel very good about (24) the performance of Inland Division in those days in (25) creating a safe workplace. As a matter of fact, I

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- (1) would give Thomas Mathues the full credit because I (2) alone could not get five or six million dollars (3) approved by the central office and he could.
- (4) Q. Do you know if he's still living?
- (5) A. I think so. I have lost contact. I (6) don't know.
- (7) Q. Did he retire from General Motors?
- (8) A. Oh, yes, a long time ago. I think he's (9) been retired for ten years maybe. Yeah.
- (10) Q. About how old would he be today, if (11) he's still living?
- (12) A. Perhaps seventy, seventy-five maybe.
- (13) Q. Did he live here in Dayton?
- (14) A. Yes. Um-hum. And then he became a (15) vice-president of General Motors and moved to (16) Detroit.
- (17) Q. Do you know where he went after he (18) retired?
- (19) A. No. No, I don't.
- (20) Q. You don't know if he returned to Dayton (21) then?
- (22) A. No. No. I have to scratch my head on (23) that. It's just where I've heard, that he has a (24) place in Florida, but I don't know for sure.
- (25) Q. Do you know where in Florida?

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- (1) A. No. No.
- (2) MR. KRAUS: Let's go off for just a (3) minute. I may be done.
- (4) THE VIDEOGRAPHER: We're off the (5) record.
- (6) (Pause in proceedings.)
- (7) THE VIDEOGRAPHER: We're on the record.
- (8) Q. Dr. Gibson, just a few more questions. (9) Do you know if General Motors was a member of any (10) organizations that had to do with hygiene, health (11) and safety when you worked there?
- (12) A. I'm sure they were. The industrial (13) hygienists that worked for me, Mr. Jelenik was a (14) member of associations and groups. Now, whether the (15) corporation itself sponsored a group, I'm not aware (16) of that.
- (17) Q. Have you ever heard of an organization (18) called The Industrial Hygiene Foundation?
- (19) A. No, I haven't.
- (20) Q. So you don't recall if their digests (21) were materials that General Motors made available to (22) you at any time?
- (23) A. I'm pretty sure we did get those. We (24) tried to get every periodical and minutes and that (25) sort of thing of

meetings in industrial hygiene as

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(1) possible and we had quite a library, so I'm quite (2) sure that's there.
 (3) **Q. And was that in the library that you (4) controlled as part –**
 (5) **A. Yes.**
 (6) **Q. – of your materials?**
 (7) **A. Yes.**
 (8) **Q. And was that in the library you turned (9) over to General Motors when you retired in 1990?**
 (10) **A. Yes, it was. Again, to that specific (11) paper of paper you're having, I can't tell you (12) absolutely, but I know we subscribed to many (13) industrial hygiene journals and the like, and Mr. (14) Jelenik was in several organizations along those (15) lines.**
 (16) **Q. And do you have any specific (17) recollection of a publication called The Industrial (18) Hygiene Digest while you were there?**
 (19) **A. Well, again, I'm sure we had it, but I (20) don't recall its specific name.**
 (21) **MR. KRAUS: That's all I have. I'll (22) pass the witness.**
 (23) **THE VIDEOGRAPHER: We're off the (24) record.**
 (25) (Thereupon, an off-the-record discussion

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(1) was held.)
 (2) (Thereupon, Plaintiffs' Exhibits 3 and (3) 4 were marked for purposes of identification.)
 (4) **MR. KRAUS: Just for record purposes I'm (5) attaching as Exhibit 3 the subpoena – a copy of the (6) subpoena duces tecum sent to Dr. Gibson, and as (7) Exhibit 4 a copy of the amended notice of deposition (8) for Dr. Gibson's deposition. And let me just ask, (9) Dr. Gibson, did you receive – were you served with (10) a copy of this subpoena?**
 (11) **THE WITNESS: Yes.**
 (12) **MR. KRAUS: Okay. Thank you.**
 (13) **THE VIDEOGRAPHER: We're on the record.**
 (14) **CROSS-EXAMINATION**
 (15) **BY MR. SMITH:**
 (16) **Q. Good afternoon, Dr. Gibson.**
 (17) **A. Good afternoon.**
 (18) **Q. My name is Steven Smith and I represent (19) a plaintiff in Baltimore, Maryland who has died from (20) mesothelioma. He was an automobile mechanic for (21) thirty-five years. And I have a few questions for (22) you, if I may. I appreciate your patience today and (23) I'll try and be quick. During the course of your (24) discussion earlier you mentioned that you had seen (25) some individuals afflicted with**

mesothelioma. Where

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(1) **was that?**
 (2) **A. That was in my private practice here in (3) Vandalia, Ohio.**
 (4) **Q. Do you know, sir, if any – well, (5) strike that. How many individuals have you seen (6) with malignant mesothelioma?**
 (7) **A. I think it's been three in my (8) lifetime. I've practiced thirty-two years. I think (9) I've seen three.**
 (10) **Q. Were any of those individuals ever (11) exposed at the General Motors facility, to your (12) knowledge?**
 (13) **A. No. To my knowledge there was no (14) asbestos exposure in those. Through careful history (15) taking we could not correlate, the ones I had at (16) least, with asbestos exposure.**
 (17) **Q. Do you recall what occupation they (18) worked in?**
 (19) **A. One, I believe was a school teacher. I (20) frankly can't remember the others, but I'm pretty (21) familiar with the occupations that deal with (22) asbestos and we questioned them pretty carefully (23) about that, that connection.**
 (24) **Q. Sure. You also had discussion (25) regarding Dr. Selikoff, and I understood you to say**

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(1) **that you had recommended to General Motors officials (2) that they contribute a million dollars to Dr. (3) Selikoff to study the plant conditions at – here in (4) Dayton and Vandalia?**
 (5) **A. Well, no, we recommended to General (6) Motors that they give a stipend or grant to Dr. (7) Selikoff to study the effects of asbestos on (8) employees, but not specifically at a GM plant. Just (9) furthering his research in general.**
 (10) **Q. And do you know if General Motors (11) approved that request?**
 (12) **A. They did not.**
 (13) **Q. You had also mentioned that you (14) differed – you had a difference of opinion with Dr. (15) Selikoff in some areas, and I was wondering what (16) areas those might be, if you recall.**
 (17) **A. Well, one was the actual definition of (18) the one fiber theory. His – as I recall, his (19) explanation of one fiber theory was that a single (20) fiber, sort of random fiber in the air could cause (21) mesothelioma and bronchogenic carcinoma, where my (22) interpretation of the one fiber theory was simply (23) that one of the many fibers one inhaled was the (24)**

flow-through that eventually caused the disease. A (25) very technical point, but I think very important.

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(1) because if his theory was correct, walking down the (2) street would be hazardous.
 (3) **Q. In response to some earlier questions, (4) Doctor, you had indicated that there were regular (5) safety meetings with plant employees where the (6) dangers of asbestos were discussed, among other (7) things. My question to you is were there any (8) minutes or notes taken at those meetings?**
 (9) **A. There were presentations given, and (10) those minutes, so to speak, were a matter of (11) record. I even persuaded the general manager at (12) that time, Thomas Mathues himself, to go to the (13) factory and address the employees. We gathered them (14) from all shifts and the general manager himself went (15) through really a text that I had prepared cautioning (16) the employees of the potential hazards, and through (17) me offered to transfer anyone out of the asbestos (18) departments that was worried or concerned in any (19) way. In those days you couldn't just transfer to (20) another department, a lot of seniority rules and (21) everything else. But we offered free transfers to (22) another equally paying job if you had so much as a (23) concern or worry about working in the asbestos. And (24) we were gratified, not a single employee requested (25) to be transferred out, but – that may not sound**

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(1) like much, but in a factory where the very top (2) manager addresses the employees on the subject of (3) health, that is quite unusual.
 (4) And the fact that no one wanted a (5) transfer was unusual and as a matter of fact, when I (6) had employees that had marginal health, I wanted (7) them to go into that department because by far it (8) was the cleanest and best ventilated and least (9) offensive department at the whole division so in a (10) sense it's an irony that the people with illnesses (11) of chronic nature, I was tempted to transfer them (12) into that area because it was so clean. (13) Nonetheless, I just wanted to make the point that (14) the general manager himself addressed the employees, (15) all of them that worked in asbestos, and so did I on (16) a regular basis.
 (17) **Q. And is it your recollection that the (18) presentations and whatever notes there were (19) regarding these**

safety meetings were kept in your (20) files?

(21) A. Yes. Again, it was a slide (22) presentation and he spoke from that, and the slides (23) from that presentation were part of my file. That (24) became a very famous speech that the general manager (25) of Inland Division gave to employees over the

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(1) years. Everyone remembers it.

(2) Q. And copies of these slides were also (3) retained in your file?

(4) A. Yes. Far as I know they were still (5) there.

(6) Q. Do you recall, sir, if General Motors (7) ever showed the employees any videos about safe (8) handling procedures with respect to asbestos?

(9) A. I think we did. Now, I cannot sit here (10) with certainty and say that we had standard videos, (11) but we had monthly meetings with the employees and I (12) remember going at 6:00 a.m. to catch the third shift (13) as well as the first shift and then going back to (14) catch the second shift, and I remember showing them (15) a brief – frankly, I can't remember if it was a (16) slide – continuing slide presentation or a short (17) movie, but it was honest and very forthright about (18) the possible hazards of this mineral, and I was (19) impressed that the general manager would engage in (20) that and that the union was a party to this and very (21) helpful in this. So in concert with the general (22) manager and the union and myself, we were able to (23) keep the employees very well informed.

(24) With regard to the type of slides and (25) movie presentations, I can't remember. I think it

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(1) was slide presentations of the hazards, mostly (2) statistics that Dr. Selikoff himself had promulgated (3) in his studies and we laid it right on the line, the (4) potential risks of working with the material, (5) particularly in light of spills and accidents that (6) might occur.

(7) Q. And it's true, is it not, that you (8) believe that the low number of asbestos cases from (9) the General Motors plant was due because of the (10) state of the art ventilation that you encouraged?

(11) A. Yes, I truly believe that.

(12) Q. Do you know – or strike that. Do you (13) recall ever asking anybody at General Motors about (14) field exposures during the application of brake (15) linings?

(16) A. No. I remember Dr. Rappaport

and (17) myself discussing it and agreeing that magnesium and (18) silicone oxide, along with amorphous material, was (19) the end product, and at temperatures approaching (20) five hundred degrees Fahrenheit, posed little (21) threat, but that was not a study. It was just Dr. (22) Rappaport and myself making some conclusions that (23) the brake stop was probably not hazardous to the (24) public in general.

(25) Q. Well, let me ask you about that,

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(1) Doctor. Are you aware of how high the asbestos (2) content ever was in a pair of General Motors brake (3) shoes?

(4) A. The highest –

(5) Q. Asbestos content. Do you know if it (6) went up to seventy-five percent, for example?

(7) A. No. I would have guessed sixty percent (8) maximum, but I don't remember the exact amount.

(9) Q. Do you recall that there was (10) approximately a third of a pound of asbestos in each (11) brake shoe?

(12) MS. PHIFER: I'm going to object to the (13) form of the question with regard to the use of the (14) phrase brake shoe as it's not defined.

(15) Q. Excuse me, Doctor, let me rephrase the (16) question. Do you recall, sir, if the brake linings, (17) not – as distinguished from a brake pad, contained (18) approximately a third of a pound of asbestos – or a (19) sixth of a pound of asbestos? I'm sorry.

(20) A. Yes, I think that's correct, or close (21) to it. I know they were bound with resins and as (22) such you can't think of it as a pile of asbestos (23) laying there. They were very compressed resinated (24) asbestos which is certainly different than a third (25) of a pound of asbestos laying there.

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(1) Q. Well, my question, Doctor, is do you (2) know if it was a sixth of a pound or a third of a (3) pound?

(4) A. I don't know what weight was involved (5) in each lining, no. I knew at one time but I don't (6) now.

(7) Q. Did you personally ever see any (8) grinding of brake linings at the plant on a grinding (9) machine?

(10) A. Yes.

(11) Q. And were those workers equipped with (12) respiratory protection?

(13) A. Yes, sir.

(14) Q. Was there ventilation

equipment as (15) well?

(16) A. Yes, sir.

(17) Q. And do you have any personal knowledge (18) of General Motors telling garage owners that they (19) should use ventilation or respiratory protection (20) during ventilation – I mean during grinding?

(21) Excuse me.

(22) A. No, I don't. Other than what was read (23) to me today, I don't know of any. That was not my (24) field of expertise.

(25) Q. Well, were you aware, sir, that auto

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(1) mechanics would grind brake linings as a matter of (2) course during a brake repair job?

(3) A. No, I guess I wasn't. I did not (4) realize they took them off and ground them. I never (5) really thought about it. Frankly, I was so far (6) removed from the end product, I really didn't (7) realize what was happening at the other end. The (8) product liability people and the scientists were (9) handling that side. My side was to ensure the (10) safety of the employee.

(11) Q. To whom are you referring when you say (12) product liability people?

(13) A. Well, I don't know. I just meant those (14) folks at General Motors whose job it is to ensure (15) public safety of General Motors products, and I have (16) absolutely nothing to do with that, nor ever, and (17) therefore can't speak to it intelligently.

(18) Q. You had mentioned a moment ago that you (19) participated in the safety meeting where the slides (20) were shown. Was that just one meeting that you were (21) recounting?

(22) A. With the general manager, it was. Busy (23) man as he was agreed to talk to the employees and (24) union. That was just one time. We had many other (25) meetings where I did it myself and some where the

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(1) safety director who worked for me did it and others (2) where the industrial hygienists would speak to (3) groups, and then we would talk to the employees (4) individually as they came in for their annual (5) physicals.

(6) Q. And I take it from what you said (7) earlier, you did this for every shift. Was there (8) three shifts, twenty-four –

(9) A. Yes, twenty-four hour operation.

(10) Q. The brake plant made brakes twenty-four (11) hours a day?

(12) A. Yes.

(13) **Q. Did the plant capacity increase, make (14) more brakes during your time there?**
 (15) **A.** I can't answer that. I would only (16) judge it by the number of employees there which (17) stayed relatively stable and with some automation (18) perhaps reduced the number of employees slightly, (19) but I have no idea how many brake linings were made, (20) no.
 (21) **Q. You mentioned earlier that you believe (22) that high doses of asbestos exposure may be (23) necessary to cause disease. I'm wondering if you (24) can quantify that for us or do you just mean if (25) there were visible clouds of dust, that would mean**

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(1) **high doses?**
 (2) **A.** I simply don't know the answer to (3) that. I wish I did. The acceptable levels of (4) exposure to asbestos, as far as I'm concerned, no (5) one knows. I've always had it in my mind that I (6) would like to see no more than one fiber per cubic (7) centimeter of air, a goal that we all strive (8) towards. On the other hand, what really is a safe (9) amount, no one knows that. The old ANSI standards (10) and the OSHA standards made a guess at what might be (11) a safe exposure, and again, I think what kind of (12) asbestos you're using is important. And one of the (13) mistakes we make is we just use the term asbestos (14) all inclusive, which probably is a mistake.
 (15) **Q. And I take it that OSHA standard, (16) you're referring to the Occupational Safety and (17) Health Administration?**
 (18) **A.** Yes, sir.
 (19) **Q. And is it to your knowledge that (20) followed the threshold limit values pronounced - (21) enacted by the ACGIH?**
 (22) **A.** Yes.
 (23) **Q. When was your first awareness of the (24) threshold limit value for asbestos?**
 (25) **A.** Well, I would guess the mid sixties,

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(1) late sixties when the hygienists begin to set what (2) they thought were acceptable levels. OSHA, of (3) course, didn't come along until later, but we used (4) ANSI standards early on, and frankly, I can't (5) remember what they were. I had my own idea of what (6) I thought would be safe, but no one knew then, and I (7) might add, no one knows now what the true safe (8) amount in the air would be, particularly

for long (9) term exposure.
 (10) **Q. Well, if I may ask you about the (11) different fiber types, I think you said it was your (12) opinion that crocidolite asbestos was the most (13) dangerous form of asbestos - or the amosite? I (14) apologize.**
 (15) **A.** Well, the amosite, I thought, was the (16) worst. That was the South African, and I believe (17) Finland asbestos, and the one where the literature (18) from Dr. Selikoff came from of the wives getting (19) cancer from their husbands' exposure in the mines. (20) To my knowledge that was amosite. And I've always (21) felt that that was the worst - worst type. Now, we (22) seem to lump all of it together and assume that (23) chrysotile and crocidolite, amosite, all of them are (24) similar in nature with regard to their physical (25) properties and what they do in the body. I don't

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(1) know whether that's correct or not, whether there's (2) actually a difference. It does seem to me that the (3) amosite and the European's and African exposure were (4) the worst, caused near epidemic proportions of (5) disease.
 (6) **Q. Are you aware of crocidolite blue (7) asbestos?**
 (8) **A.** Not - I've never worked with it, no.
 (9) **Q. Are you aware that General Motors used (10) crocidolite products in their clutch - in their (11) automatic transmission?**
 (12) **A.** I knew that General Motors -
 (13) **MS. DAVIS:** Objection. Outside the (14) scope of his knowledge.
 (15) **THE WITNESS:** I knew that clutch facings (16) and at one time firewalls had some asbestos, but I (17) wasn't aware what type it was.
 (18) **Q. Do they manufacture the clutch facings (19) or did they ever manufacture it here?**
 (20) **A.** No.
 (21) **Q. Do you know what facility manufactured (22) those products?**
 (23) **A.** No, I don't. I - no.
 (24) **Q. Do you know if General Motors ever (25) conducted any employee screenings, similar to what**

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(1) **you did here in this area, with respect to their (2) clutch employees?**
 (3) **A.** I don't know. Not to my knowledge is (4) the way I would answer that.
 (5) **Q. You had mentioned, Doctor, that you (6) went to Washington, D.C. to help Mr. Mathues, the (7) general**

manager of the plant, testify regarding (8) asbestos?

(9) **A.** Yes, sir.
 (10) **Q. Do you recall roughly when that was?**
 (11) **A.** I believe I was asked that before, and (12) I really don't. I guessed at around 1980 or '85. (13) I'm not at all certain. I really wouldn't want to (14) guess.
 (15) **Q. Do you - I'm sorry.**
 (16) **A.** That's a matter of public record. I (17) presume in Washington.
 (18) **Q. Well, do you recall what agency of the (19) government it was?**
 (20) **A.** No. All I recall, it was the Senate (21) subcommittee looking into health in the workplace, (22) and now whether it was a specific inquiry about (23) asbestos or just general carcinogens. I don't know.
 (24) **Q. Do you recall if you ever saw a copy of (25) that testimony at General Motors? Did you keep that**

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(1) **in your files, for example?**
 (2) **A.** No, I didn't have that.
 (3) **Q. You had mentioned the Paul Brodeur (4) article in the New Yorker magazine of which you (5) became aware. Was that article shared with other (6) General Motors officials, to your knowledge?**
 (7) **A.** Not to my knowledge. I used it (8) personally to spur me on because it sort of (9) summarized Dr. Selikoff's concerns and it was really (10) the first public awareness sort of country-wide real (11) hazards faced here. I think physicians had an idea (12) of the hazards of asbestos early on but it didn't (13) seem to crystallize until the New Yorker magazine (14) brought it to a head. Again, I'm not even certain (15) of the date of that but it certainly got my (16) attention and I wanted to be at the forefront of (17) protection of our workers so I began to work (18) immediately on it.
 (19) **Q. You don't recall sharing that article (20) with anybody else?**
 (21) **A.** No. I recall discussing it with a (22) number of people, but again, it was locally, Dr. (23) Rappaport and local officials at Inland Division (24) because I convinced them that we could have a (25) potential problem and we needed to start work

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(1) immediately. I don't recall sharing that with (2) Detroit officials or other brake lining - or other (3) brake facilities.
 (4) **Q. Did representatives from any of the (5) outside suppliers of brakes**

ever come to General (6) Motors and talk to you, and I'm referring to a (7) representative from Bendix, for example, or Abex?

(8) A. Yes. I remember Bendix being there and (9) I remember Johns-Manville being there. When I (10) visited the mines in Canada, I remember – no, I (11) invited them to come down but I don't think they (12) did, so I do remember Johns-Manville being there and (13) Bendix.

(14) Q. Do you recall what person from Bendix (15) you spoke with?

(16) A. No. This was a general meeting that I (17) was invited to in which there were many (18) participants, and as I recall I was more of an (19) observer than a participant.

(20) Q. To what meeting are you referring to?

(21) A. When Bendix and Johns-Manville came in (22) and were discussing things such as handling and (23) delivering and the thickness of the plastic of the (24) bags and that sort of thing. I had some input to (25) that but that's why they were there, to discuss

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(1) mostly shipping problems, as I recall.

(2) Q. And these discussions were related to (3) the potential health hazards of asbestos?

(4) A. Yes.

(5) Q. Was this around the same time as the (6) meeting you talked about earlier with the (7) Johns-Manville people?

(8) A. Yes. Um-hum. Um-hum. We had had some (9) minor problems with breakage of plastic and – (10) excuse me – I wanted the thickness of the plastic (11) bags to be increased to ensure that there wasn't any (12) breakage in transportation, and sitting on loading (13) docks and the like.

(14) MS. MALEY: For clarification, are you (15) talking about the asbestos from Johns-Manville?

(16) THE WITNESS: Yes. I'm sorry.

(17) Q. That's all right. I understood what (18) you were referring to. Do you recall if there were (19) any minutes or notations from that meeting when the (20) Bendix and Johns-Manville people were there?

(21) A. Not that I know of.

(22) Q. With respect to your visit to the (23) Canadian mines, do you recall which mines you (24) visited?

(25) A. I wrote that down last night and I

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(1) think it's in one of these documents laying on the (2) table here. I've forgotten the name of the city. (3) Well,

forgive me, but it was a Canadian.

(4) Q. Well, was it one mine or several?

(5) A. It was just one mine. I think it was (6) Lake Asbestos owned it. Not positive on that point (7) either.

(8) Q. And how long were you in Canada? How (9) long did you visit the mine?

(10) A. I think I was there two days, one (11) mostly of meetings and the next was for actually (12) going into the mines and watching them mine the (13) asbestos.

(14) Q. And during your meetings with the mine (15) officials, I assume the dangers of asbestos were (16) discussed?

(17) A. Yes, they were. I really can't speak (18) to that too much because I frankly don't remember. (19) It was once removed because they, of course, would (20) ship to Johns-Manville, who would package, and then (21) it would come to us, so we didn't get direct (22) shipments from the mines. I was there just to (23) gather information and become more knowledgeable (24) about the mineral.

(25) Q. Who else came with you to the mines

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(1) from General Motors?

(2) A. I honestly can't remember. I think Dr. (3) Rappaport was with us and then – and – well, I (4) don't want to say because I don't know. I can't (5) remember. It probably was twenty-five years ago. I (6) don't remember who was with me.

(7) Q. When you returned did you write a (8) report or a memo to your superior explaining what (9) happened at the mines?

(10) A. Yes. I wrote a letter, as I always do (11) on my trips, especially out of the country, to the (12) personnel director, Erwin Stines, of my experience (13) in Canada, yes.

(14) Q. And would a copy of that letter have (15) been included in your files that you left at General (16) Motors upon your retirement?

(17) A. Likely, yes.

(18) Q. Did you visit any of the manufacturing (19) plants where brakes were manufactured of any (20) competitors?

(21) A. No.

(22) Q. Again, Bendix being an example?

(23) A. No.

(24) Q. When you went to this conference at Mt. (25) Sinai, did any other General Motors officials go

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(1) with you?

(2) A. No. I was there alone as a (3) representative of GM.

(4) Q. And after the conclusion of that (5) conference, would you again have written a report or (6) memorandum to your superior explaining what you had (7) learned at the conference?

(8) A. Yes, indeed. I did that on all such (9) meetings that they were good enough to send me to, (10) and I would have written a report.

(11) Q. Again, would that have been included in (12) your files, to your –

(13) A. Yes, it would.

(14) Q. Can you identify for us who was on the (15) administrative committee that you were a part of?

(16) A. Well, it really was for a twenty-five (17) year period or thereabouts and it was rather a (18) moving target, men coming and going. But it simply (19) was the top executives at Inland Division of General (20) Motors. The best I can describe it is probably (21) twenty-five men and women representing the top (22) management of Inland Division. The committee (23) reported to the executive committee. But the (24) administration committee was a working committee (25) making recommendations to the executive committee.

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(1) Now, I probably can produce a list of people on the (2) administration committee, but to sit here now and (3) name them off, I don't think I could do it.

(4) Q. That's fine, Doctor. How about the (5) executive committee, where – or who composed – not (6) by name, but what type of people composed the (7) executive committee?

(8) A. That would be the general manager and (9) the chief financial officer and the chief engineer (10) and the chief salesman and the personnel director.

(11) Q. Of the – I'm sorry.

(12) A. Of the division.

(13) Q. Of the Inland Division?

(14) A. Yes. About four or five – five or six (15) man committee that made the real decisions.

(16) Q. Earlier you had also mentioned that you (17) recalled testifying in the Sixth District Court in (18) Cincinnati regarding an OSHA inspection?

(19) A. Yes.

(20) Q. Can you tell us what that was about?

(21) MS. DAVIS: Objection.
 (22) THE WITNESS: I'm not sure. I testified (23) there several times about OSHA violations and - (24) because I presided over some seventy closing (25) conferences with the federal government. That was

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(1) my job to handle OSHA and union complaints, and in (2) doing so I sat in over seventy closing conferences (3) with the federal government on potential OSHA (4) violations through the years. And on occasion would (5) have to go to the Sixth District Court, and I cannot (6) recall the framework or instance for which that was (7) necessary. Our problems at that time were (8) isocyanates and other chemicals and I'm not entirely (9) positive as regarding asbestos and I would not want (10) to say I testified in the Sixth District Court (11) regarding an asbestos case. I do not know that. I (12) have testified there on behalf of Inland Division (13) over some subjects for which I cannot remember.
 (14) Q. Well, is it your recollection that (15) General Motors plant here ever violated any OSHA (16) regulations with respect to asbestos exposure?

(17) MS. DAVIS: Objection. Irrelevant.
 (18) THE WITNESS: To answer your question, I (19) don't think so. We did have violations, like every (20) plant does, but amazingly they used our division as (21) a model, even asking us to show it to other (22) manufacturing companies because OSHA was so (23) impressed with it. I could be wrong, but I don't (24) think we had a single violation ever in asbestos, we (25) were so careful.

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(1) Q. Do you recall if you ever kept copies (2) or if you ever received copies of the testimony you (3) gave?
 (4) A. I don't recall that, no. The attorney (5) representing me for General Motors was Russell (6) Thomas and I worked through Mr. Thomas and that's (7) really all I know. I didn't receive any transcripts (8) or anything.
 (9) Q. The authority to get the ventilation (10) that you described that was used at the plant, was (11) the money authorized up in Detroit by General Motors (12) officials?
 (13) A. Ultimately, yes, although the way the (14) system worked was a small committee composed of (15) those members on the - one of the items submitted (16) here, a small committee at Inland would recommend (17) and we would present that to the administration

(18) committee for approval and then it would go to the (19) executive committee for approval. Now, what (20) approvals beyond that were necessary. I don't know. (21) I would imagine it would be how much money before it (22) had to be approved by Detroit, but I don't know how (23) that system works. All I know is we did get the (24) approvals from our executive committee that we (25) needed. Now, whether they needed approval from

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(1) Detroit, I don't know.
 (2) Q. Well, did the plant have a fund (3) available for excess money to use for ventilation, (4) or did they have to ask the corporate office for (5) expenditures above and beyond the normal maintenance (6) of the plant?
 (7) A. I think the way it works, a budget is (8) set up, in my case a safety budget, and I had to (9) include that in there and then the budget approved (10) and it would have to come out of funds ultimately (11) from the profit of the division, not from General (12) Motors.
 (13) Q. Well, with respect to the initial (14) ventilation that was put in the Vandalia plant in (15) the mid sixties roughly, was that - how much was (16) that going to cost?
 (17) A. I don't know, except to say that it was (18) in the millions, and I wouldn't want to speculate on (19) an exact number. Our job was to present the case (20) and get it approved. The finance people would then (21) put the numbers together, and frankly, I don't (22) remember the ultimate cost of it. I can say this. (23) It was quite expensive and so easy for GM to turn to (24) other suppliers but decided to stay with it because (25) we thought we could control the environment.

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(1) Q. Well, an expenditure of several million (2) dollars was above and beyond the operating budget, (3) am I correct?
 (4) A. You're correct.
 (5) Q. And is it your understanding that an (6) expenditure of that size would have had to have been (7) approved by the board of directors, for example, of (8) the corporation?
 (9) A. Oh, I doubt it. That's a relatively (10) small amount of money General Motors-wise, but (11) again, I don't know the procedure for approval of (12) funds. My guess is our own executive committee (13) could budget for that.
 (14) Q. Well, do you have any knowledge that (15) ventilation used

for asbestos exposures was (16) discussed at board of directors meetings?

(17) A. I don't have personal knowledge of (18) that, no.
 (19) Q. Have you ever heard of that happening?
 (20) MS. DAVIS: Objection. Hearsay
 (21) THE WITNESS: To try to answer you (22) properly, in my field is putting together a (23) presentation for the appropriate committee and (24) having enough rationalization and common sense in (25) there that it would get approved. And I did my very

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(1) best in that area and I think I won because we did (2) get approvals for expenditures of large amounts of (3) money to make sure the employees had a safe (4) environment.
 (5) Q. Do you recall if the General Motors (6) corporate wide president or any of the directors of (7) the corporation came to the plant here and toured (8) it?
 (9) A. I know that the vice-presidents would (10) make periodic visits to the plant. I don't think (11) specifically to look at asbestos and its operations, (12) but rather a general inspection, and we all prepared (13) for that.
 (14) Q. Did you clean up the plant before they (15) came, for example?
 (16) A. Yes.
 (17) Q. And would you have accompanied them on (18) their tours, their inspection tours?
 (19) A. Depended on the levels of the person. (20) The vice-presidents, no, I would not, because I was (21) not of sufficient rank to accompany those people, (22) but lower level people at the Detroit level, I would (23) be with
 (24) Q. Is it your understanding that these (25) vice-presidents would have been aware of the dangers

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(1) of asbestos because of what they saw at the plant?
 (2) A. I don't think because of what they saw (3) at the plant. They might be aware through (4) correspondence from the - General Motors or from (5) the general manager, explanation of why expenditures (6) were made. They would be aware of it through that (7) route.
 (8) Q. Well, they would have seen the (9) ventilation, for example?
 (10) A. Oh, yes indeed.
 (11) Q. They would have seen the workers wear (12) respiratory protection?
 (13) A. That's right. And they would have been (14) informed because I was

always part of presentations (15) to vice-presidents when they come to visit, what was (16) happening in my field, and so just from that point (17) of view they would know as well.

(18) **Q. And what vice-presidents were these, (19) what areas of the company were they responsible for?**

(20) A. They were the group vice-president (21) for – in those days the component divisions they (22) were called, so it would be a group vice-president (23) component divisions.

(24) **Q. Do you recall how many roughly?**

(25) A. Well, we only had one and – over our

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(1) division, one vice-president over the component (2) divisions. Frankly, I've forgotten who that was at (3) the time.

(4) **Q. Were there occasions, Doctor, when you (5) inspected the plant that you personally would wear (6) respiratory protection?**

(7) A. I don't remember that ever happening (8) once. I would – when I would go out, I would put (9) on what we had our employees wear, depending on what (10) their job was, and what – where they were, and if I (11) had to go speak to a grinder, which I would do, I (12) would wear appropriate apparatus. So I would try to (13) form – to be an example and not just wander in (14) there. As a matter of fact, we didn't allow anyone (15) in there without proper protection. We had big (16) signs and no one was allowed in without the proper (17) protection. And of all people, I respected that.

(18) **Q. Have you yourself ever been screened (19) for asbestos disease?**

(20) A. I've had chest x-rays which have been (21) normal so –

(22) **Q. Good.**

(23) A. – I feel good.

(24) **Q. You had mentioned the Inland Division (25) had some manufacturing facilities in Portugal and**

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(1) **Mexico. Do you recall if they made asbestos (2) containing brakes there?**

(3) A. No, they did not. The Mexican (4) operation was for instrument pads and other soft (5) side materials, and same with Mexico. Or same with (6) Portugal. I'm sorry.

(7) **Q. With respect to the documents and (8) records that you kept as part of your work, was (9) there any record retention policy in effect at (10) General Motors to**

discard or keep documents for a (11) certain length of time, or was it your own decision?

(12) A. It was my own decision just to – as (13) any executive would do, keep his files. And I did (14) it with respect to the various chemicals that we (15) used there and for years just kept my library going (16) on and on. There was no policy I know of that (17) required me to turn it over to a given individual or (18) dispose of it or whatever. The policy was to box (19) your materials and notify personnel that you're (20) retiring, which I did.

(21) **Q. Has the General Motors attorneys ever (22) told you any reason why they have not produced your (23) records during the course of asbestos litigation?**

(24) A. No. I didn't know they did or didn't.

(25) **MR. SMITH: Need to go off the record**

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(1) for a minute, Doctor.

(2) **THE VIDEOGRAPHER: We're off the (3) record.**

(4) (Thereupon, an off-the-record discussion (5) was held.)

(6) **THE VIDEOGRAPHER: We're on the record.**

(7) **Q. Earlier, Doctor, you had mentioned that (8) you had a discussion, possibly with Mr. Krebs (9) concerning the wording in something. I take it that (10) was for service manuals or some kind of (11) notification. Do you know if it was – specifically (12) what document it intended to be in?**

(13) A. I don't know. I was under the (14) impression it was a communication to garage owners (15) who would be blowing with compressed air as they (16) take the lining off, and some sort of cautionary (17) note was being prepared. They called me just for my (18) input and I really wasn't privileged to know where (19) they were sending it or even why, for that matter. (20) So I can't tell you any more than that. And my (21) input at first was I really didn't think there was (22) much hazard there, and they said well, on the off (23) chance that I suppose drilling and other things may (24) take place, there should be some cautionary – some (25) precautionary words put together, but again, I have

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(1) nothing to do with the product end stage and I only (2) mention that because it was in the correspondence (3) here and I think it was mostly advice they wanted on (4) what choice of

words to use.

(5) **Q. And I understand you made some (6) suggestions regarding the wording. Do you recall if (7) that was to tone down the wording or to increase the (8) statements regarding the potential hazards of (9) asbestos exposure?**

(10) A. I don't recall. If anything, it would (11) have been to tone it down. I do remember one fact (12) about it that as read to me seemed to be a rather (13) alarming type of communication and it really didn't (14) need to be, so my guess is that I suggested words (15) like may cause respiratory trouble instead of will (16) cause or something of that sort. But frankly, I've (17) forgotten the gist of the conversation.

(18) **Q. Do you recall that General Motors in (19) fact did publish service manuals for brake work?**

(20) A. I'm sure they did. I haven't read them (21) or I didn't participate in their production.

(22) **Q. So you wouldn't know if there was ever (23) any warnings included in those manuals?**

(24) A. No.

(25) **Q. With respect to the replacement brake**

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(1) **parts that were manufactured by General Motors, (2) would those have been made for foreign cars as well (3) such as the General Motors foreign affiliates like (4) Opel?**

(5) A. I don't know the answer to that. I (6) frankly don't know where they were shipped except to (7) our normal receivers, Oldsmobile, Buick and the (8) like. I'm not sure about overseas operations.

(9) **Q. And you would agree, would you not, (10) that smoking cigarettes is unrelated to (11) mesothelioma?**

(12) A. I don't think I would agree –

(13) **MR. WHITTEN: Objection. (14) Mischaracterizes prior testimony.**

(15) **THE WITNESS: First of all, I don't (16) know. And secondly, I would guess that there is a (17) relationship between smoking and mesothelioma and (18) the asbestos connection. May or may not be a (19) prerequisite. The cases I've dealt with personally (20) with mesothelioma have all been smokers, but I don't (21) know the current literature on smoking and (22) mesothelioma and asbestos, the triangle of the (23) three.**

(24) **Q. You're not aware of the literature that (25) says smoking is not related to the development of**

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(1) **malignant mesothelioma?**

(2) A. I'm not aware of that, no.
 (3) Q. With respect to the publications that (4) General Motors subscribed to, I would like to ask (5) you about a few of those, if I might. If I can find (6) it. Did General Motors subscribe to The Journal of (7) Industrial Hygiene and Toxicology?
 (8) A. I believe we did, yes.
 (9) Q. And I'll name a few publications and if (10) you recall, just tell me. The British Journal of (11) Industrial Medicine?
 (12) A. I don't remember that one, no.
 (13) Q. The Journal of Occupational Medicine?
 (14) A. Yes.
 (15) Q. Cancer?
 (16) A. No.
 (17) Q. Lancet?
 (18) A. I get Lancet here, but GM didn't. I (19) had knowledge of Lancet, yes.
 (20) Q. While you were employed with GM?
 (21) A. Um-hum. Um-hum.
 (22) Q. The Annals of Occupational Hygiene?
 (23) A. I don't recall the title.
 (24) Q. The Journal of the American Medical (25) Association?

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(1) A. Yes.
 (2) Q. And would these subscriptions have been (3) throughout the time you were at General Motors?
 (4) A. Yes, indeed.
 (5) Q. And do you recall if they subscribed to (6) those periodicals prior to the time you were there?
 (7) MS. DAVIS: Objection. How would he (8) know that?
 (9) Q. Well, was there a library? Did you (10) ever see them?
 (11) A. I don't think they did. I didn't see (12) any laying around. My predecessor is unlikely to (13) have subscribed.
 (14) Q. And why is that?
 (15) A. He was an older physician and really (16) not full-time and just came in for two or three (17) hours each day. Didn't devote the time to the (18) things that I did.
 (19) Q. You're not aware, are you, of any dust (20) samplings that Mr. Krebs might have done in the mid (21) seventies at an automobile garage shop?
 (22) A. No.
 (23) Q. Were you aware of the conference on (24) exposure to asbestos during brake and clutch (25) maintenance held at the Ford central office in

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(1) England in 1969?
 (2) A. No, sir.
 (3) Q. Do you know who R.G. Perry was, (4) P E R R Y, administrator of the safety and (5) suggestion plan of the Chevrolet Division?
 (6) A. No, I did not know him.
 (7) Q. Have you ever heard of PSI Composite (8) Group of Southfield, Michigan?
 (9) A. No.
 (10) Q. J.M. Martin?
 (11) A. No.
 (12) Q. B.W. Lutenberger, Jr.?
 (13) A. No.
 (14) Q. Mr. D.L. Davidson?
 (15) A. No.
 (16) Q. Okay. Fair enough. Are you aware of a (17) Dr. William Nicholson at Mt. Sinai?
 (18) A. No. The only person I really remember (19) is Dr. Selikoff, and he may have been there but I (20) don't recall him. There was a staff of Dr. Selikoff (21) that worked with us closely with microscopic work (22) and a lot of other things. He may have been among (23) those. I don't know.
 (24) Q. Well, have you – do you believe that (25) the estimates by those people at Mt. Sinai of ten

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(1) thousand deaths a year from asbestos cancers is too (2) low?
 (3) MS. PHIFER: I would object to the form (4) of the question as you're not showing him the (5) article from which you're citing or quoting and I (6) think he would be better able to answer the question (7) if he had it in front of him.
 (8) THE WITNESS: I think that's too low.
 (9) Q. Do you have an estimate yourself?
 (10) A. No. Frankly, I don't know. I –
 (11) Q. I take it that's based on your years of (12) experience?
 (13) A. Oh, I beg your pardon. Can I ask the (14) Court to back up and ask me that question again (15) about the low, high? Could you ask me that again?
 (16) Q. Sure, I would be happy to.
 (17) A. Sorry. My mind just –
 (18) Q. Do you believe that an estimate of ten (19) thousand deaths a year from asbestos exposure is too (20) low?
 (21) MS. PHIFER: Same objection.
 (22) THE WITNESS: I believe that it is too (23) low – I'm sorry. What I'm trying to get at, (24) there's a double negative here. I think that's too (25) high a number. I don't think there's that many

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(1) deaths from asbestos exposure per

year.

(2) Q. When did General Motors first begin (3) using asbestos free brake linings or disc pads?
 (4) A. I don't know the answer to that. It's (5) my understanding, if I understand your question (6) correctly it was sometime after World War II that (7) they began production of brake lining, but I don't (8) know when.
 (9) Q. My question was asbestos free brake (10) linings.
 (11) A. Oh, I beg your pardon. I can't answer (12) that. I know they – when I was there they were (13) working on an all metallic lining, but when it got (14) in production or if it got in production, I don't (15) know.
 (16) Q. Do you know if they were made at the (17) plant here?
 (18) A. No. They weren't made, as far as I (19) know, at the plant here. They made a semi met where (20) partial metallic and partial asbestos – but total (21) metallics, to my knowledge were not made at the (22) division.
 (23) Q. Are you aware of any symposiums (24) sponsored by General Motors in the mid 1980's where (25) Dr. J.C. Wagner spoke?

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(1) A. Well, we had annual meetings of all (2) General Motors physicians, and in the mid eighties (3) there would have been one every year. Now, I'm not (4) aware of a specific one that you mentioned there. I (5) think I would have remembered it had it been devoted (6) to asbestos, and I don't recall that, no.
 (7) Q. Do you know what other companies (8) General Motors might have bought brakes from for use (9) as original equipment in their cars?
 (10) A. Huh-uh.
 (11) Q. And who was Mr. J.F. Hale?
 (12) A. James Hale. His title – I believe he (13) was the chief of sales at the time. I've forgotten (14) his title. He was with us at the Cleveland (15) meeting. I do remember that.
 (16) Q. And I would like to – well, let me (17) show your attorney first. I apologize, Doctor.
 (18) (Pause in proceedings.)
 (19) MS. DAVIS: I just want to place an (20) objection on the record as to any questions with (21) respect to that document. It is clearly hearsay and (22) there's been no foundation established for (23) questioning the witness on that and it is irrelevant (24) to this litigation.
 (25) Q. Doctor, we will mark this as the next

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(1) deposition exhibit. I'm not sure

what number we're (2) on. Excuse me. That will be marked as deposition (3) Exhibit No. 5. We will do that in a moment. My (4) question to you is does that letterhead appear to be (5) the letterhead of the Inland Manufacturing Division (6) of General Motors?

(7) A. Yes, it does.

(8) Q. You're familiar with that?

(9) A. Yes.

(10) Q. And you're familiar with Mr. Hale's (11) signature?

(12) A. Yes, and his title of purchasing (13) manager.

(14) Q. That refreshes your recollection?

(15) A. Yes, it does.

(16) Q. And am I correct that document confirms (17) that a group of you met with Johns-Manville (18) officials at roughly the –

(19) A. Right.

(20) Q. That we were talking about earlier (21) anyway today?

(22) A. Right.

(23) MS. DAVIS: Objection. Same objections.

(24) MR. SMITH: If you can hand that to the (25) court reporter and she can put a number on it for

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(1) us.

(2) (Thereupon, Plaintiffs' Exhibit 5 was (3) marked for purposes of identification.)

(4) Q. Did you ever see the packaging for the (5) brake lining materials at the plant?

(6) A. You mean the incoming or outgoing?

(7) Q. Outgoing.

(8) A. Yes. It was basically pallets wrapped (9) in thick plastic materials and boxed and put in (10) boxcars and shipped by rail. I don't remember it (11) being shipped by truck, to be honest. It may have (12) on occasion but the primary mode was by rail.

(13) Q. Did you actually see the packaging line (14) where the packaging was made and the products (15) inserted into it?

(16) A. Yes.

(17) Q. And you don't recall ever seeing any (18) warnings about the dangers of asbestos on those (19) packages?

(20) A. No, I guess – they probably were there (21) but I don't recall reading – quoting them, no.

(22) Q. Are you familiar, Doctor, with any (23) corporate decisions by General Motors to remove (24) asbestos that was in place at the plant here?

(25) A. No. That did not fall in my domain. I

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(1) wasn't aware of any. I had heard that they were (2) going to try to produce some semi-metallic and (3) reduce the amount of asbestos, but I think that was (4) mostly hearsay. I was not in on the engineering (5) development of the future and what was going to (6) happen.

(7) Q. I'm sorry, maybe I didn't make my (8) question clear. Are you aware if General Motors (9) ever removed in place asbestos at the plant because (10) of a potential health hazard?

(11) A. Again, I'm sorry.

(12) MS. MALEY: You referring to insulation (13) or are you referring to – (14) Q. Either like insulation on steam pipes (15) at the plant or walls containing –

(16) A. Yes.

(17) Q. – asbestos or machinery that had (18) asbestos on it?

(19) A. I'm aware that we've made repairs to (20) steam lines and the like that formerly had asbestos (21) on and there were proper precautions taken, um-hum.

(22) Q. Well, was the asbestos removed because (23) it was a potential health hazard, to your knowledge?

(24) A. I don't recall any areas where we went (25) in and deliberately removed asbestos. I considered

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(1) it rather foolhardy when it is well contained and (2) perfectly safe.

(3) Q. Have you yourself, Doctor, ever written (4) any studies or anything in the literature?

(5) A. No, sir.

(6) Q. And would you be so kind as to give us (7) a copy of your resume –

(8) A. Certainly.

(9) Q. – through your counsel, of course, (10) after the deposition?

(11) A. Of course.

(12) Q. We would appreciate that. Prior to the (13) deposition and after the time you got the notice to (14) take this deposition, did you talk to any General (15) Motors employees or officials, not including the (16) attorneys?

(17) A. No.

(18) Q. Mr. Krebs didn't call you, for example, (19) or anybody else?

(20) A. No, not a soul.

(21) Q. Did any General Motors attorneys call (22) you?

(23) A. I'm not sure the relationship of my (24) counsel to General Motors, but

she did call.

(25) Q. Other than the lady you're referring to

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(1) here, and I apologize, I don't remember your name, (2) but any other attorneys from General Motors call (3) you?

(4) A. No, sir, none.

(5) Q. The Dr. Rappaport that you spoke about (6) before, is he still living in this area, do you (7) know?

(8) A. He's retired. I don't know where he (9) lives.

(10) Q. Do you recall roughly when he would (11) have retired?

(12) A. Before I did, and my guess would be (13) 1985. He was a good fifteen years older than me so (14) that would make him about seventy-five years old (15) now.

(16) Q. And as part of the deposition notice (17) that we've had marked here, we've requested that you (18) bring any documents that you may have regarding –

(19) A. Yes.

(20) Q. – the dangers of asbestos and several (21) other categories. Did you get a chance to review (22) those requests for documents?

(23) A. Yes, I did. I really didn't have (24) anything in my possession that I thought – well, I (25) didn't have anything in my possession to bring.

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(1) Even in my home library I do not have the textbooks (2) and things I referred to while working for General (3) Motors, mainly because they were General Motors (4) property which I left behind. I would have loved to (5) take that library home, but I didn't.

(6) Q. You, by chance, don't recall what (7) specific medical textbooks you would have used while (8) at General Motors?

(9) A. Well, I did buy a lot of medical (10) textbooks, pulmonary medicines, particularly used in (11) medical schools and so on. But again, I left them (12) at the plant because they were not my personal (13) property. They were bought with General Motors (14) funds and so on. The only thing I took from General (15) Motors was a plaque.

(16) MR. SMITH: That's all the questions I (17) have now, Doctor. Thank you very much. I (18) appreciate your patience.

(19) THE VIDEOGRAPHER: We're off the (20) record.

(21) (Thereupon, Plaintiffs' Exhibit 6 was (22) marked for purposes of identification.)

(23) MR. SMITH: We are now marking – this (24) is not on the video but we are now marking as (25) Exhibit No. 6 the notice to take deposition that was

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(1) filed in the Baltimore case of Keith Grewe, (2) G R E W E. Thank you.
(3) THE VIDEOGRAPHER: We're on the record.
(4) CROSS-EXAMINATION
(5) BY MS. PHIFER:
(6) Q. Doctor, my name is Elizabeth Phifer and (7) I have a very limited number of questions to ask (8) you. Did you have an opportunity to review all of (9) the published literature regarding asbestos prior to (10) your deposition today?
(11) A. Well, I suppose I had the opportunity, (12) but I didn't.
(13) Q. Okay. And would you be better able to (14) answer questions about specific articles if you were (15) allowed the opportunity to review them?
(16) MR. KRAUS: Object to the form of the (17) question. Asks the witness to speculate.
(18) THE WITNESS: Oh, yes. As a matter of (19) fact, I have not kept up with this. I am not an (20) expert witness on this subject and the only thing (21) I'm an expert in is following a group of employees (22) that were exposed to asbestos for a long period of (23) time and doing repeated physical examinations and (24) perhaps coming up with some statistics regarding (25) their health pattern.

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(1) Q. Doctor, with regard to the Vandalia (2) plant, did GM manufacture drum brake linings, disc (3) brake pads or both?
(4) A. Just drum only.
(5) Q. Have you ever had any conversations (6) with a counterpart of yours at Borg Warner (7) Corporation or Borg Warner Automotive?
(8) A. No, ma'am.
(9) Q. Have you, as far as you recall, ever (10) had any conversations with employees, agents or (11) representatives of Borg Warner Corporation?
(12) A. Who?
(13) Q. Borg Warner.
(14) A. No.
(15) MS. PHIFER: Thank you, sir. I don't (16) have any more questions.
(17) CROSS-EXAMINATION
(18) BY MS. DAVIS:
(19) Q. Dr. Gibson, I just have a couple of (20) questions to ask you. We've been going at this now (21)

since a little after 1:00. It's a little after 6:00 (22) in the evening. Is it fair to say that you're a (23) little tired, Doctor –

(24) A. Yes.

(25) Q. – after about five hours? Okay.

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(1) Doctor, I believe you testified previously that you (2) were the medical director and then the director of (3) health and safety for the Inland Division of General (4) Motors only, correct?
(5) A. That's correct.
(6) Q. And I believe you also testified that (7) the Inland Division had – and I believe you weren't (8) sure – nine or eleven locations, correct?
(9) A. Correct.
(10) Q. And you testified that two of them were (11) in Dayton, correct?
(12) A. Right.
(13) Q. One was in – or there was a plant in (14) Michigan?
(15) A. Yes. Actually two in Dayton, one in (16) Vandalia. Grand Rapids, Michigan, Livonia, (17) Michigan, Matamoros, Mexico and Lisbon, Portugal.
(18) Q. Okay. And is it correct, Doctor, that (19) the only location where brakes were manufactured (20) were first in Dayton, correct?
(21) A. Right.
(22) Q. And then the plant was moved to (23) Vandalia, correct?
(24) A. That's correct.
(25) Q. So that the jury understand, where is

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(1) Vandalia, Doctor?
(2) A. It's a small community just north of (3) Dayton approximately ten miles, where the Dayton (4) International Airport is located.
(5) Q. That's in Ohio, correct, Doctor?
(6) A. In Ohio.
(7) MS. DAVIS: Thank you, Doctor. I don't (8) have any other questions.
(9) (Pause in proceedings.)
(10) CROSS-EXAMINATION
(11) BY MR. WHITTEN:
(12) Q. Doctor, my name is Greg Whitten. You (13) have – what's been referred to today the term (14) occupational exposure and you have studied or you (15) may be familiar with occupational exposure to (16) asbestos. I just want to clear up and make sure I (17) understand your testimony, but the only occupational (18) exposure to asbestos which you have personal (19) knowledge of is

that which may have occurred in the (20) Vandalia brake plant or in the Dayton brake plant, (21) is that correct?

(22) A. That's correct.

(23) Q. You have not studied occupational (24) exposure to asbestos in end user type applications (25) of brake products, correct?

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(1) A. That's correct.
(2) Q. You haven't studied occupational (3) exposure in dealerships, for example?
(4) A. That's right.
(5) Q. You haven't studied occupational (6) exposure to brake or brake dust in independent (7) automotive garages, correct?
(8) A. That's correct.
(9) MR. WHITTEN: Thank you, Doctor
(10) FURTHER CROSS-EXAMINATION
(11) BY MR. KRAUS:
(12) Q. Doctor, Peter Kraus again. Just one (13) thing I wanted to clarify based on the General (14) Motors lawyer's questioning for the jury. The (15) Inland Division made asbestos containing brakes only (16) in Dayton and Vandalia, correct?
(17) A. That's correct.
(18) Q. But other divisions of General Motors (19) made asbestos containing products at other plants (20) located around the country, correct?
(21) MS. DAVIS: Objection. Irrelevant
(22) THE WITNESS: That's correct
(23) MR. KRAUS: That's all I have
(24) Thank (25) you.
(25) FURTHER CROSS-EXAMINATION

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(1) BY MR. SMITH:
(2) Q. Doctor, do you recall at the time that (3) you left and retired from General Motors whether (4) they had an inventory of asbestos containing brake (5) linings at the plant in Vandalia?
(6) A. I don't have firsthand knowledge of (7) that, but I presume there would be the normal (8) inventory – end of the day inventory getting ready (9) to be shipped. I really don't get the gist of your (10) question. They were making brake linings when I (11) retired, and I presume an inventory was there at (12) that moment ready to be shipped.
(13) Q. Well, I apologize. My question wasn't (14) too clear. Would they have asbestos containing (15) brake linings stored that would fit older cars?
(16) A. Oh, the aftermarket?
(17) Q. Correct. If somebody wanted

a pair of (18) brake shoes for a '55 - well, maybe a '65 Chevy (19) Nova because they were reconditioning a car, could (20) they get that from General Motors?

(21) A. I don't know. All I know is we made (22) them, and the aftermarket, whether they got them (23) from Inland or other sources, I don't know. I (24) didn't hear of any stories of being in the (25) aftermarket with regard to brake linings, but I

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(1) guess I don't know the answer to your question.

(2) Q. That's fair. And the last question I (3) have, Doctor, do you know if the asbestos content of (4) the brake linings diminished in more recent times (5) prior to your retirement?

(6) A. Yes. It was my understanding that the (7) amount of asbestos in the lining was able to be (8) reduced through various methods, one, of course, (9) being a semi-metallic brake lining, but I don't know (10) the percentages.

(11) MR. SMITH: Thank you very much,

(12) Doctor. Appreciate your time.

(13) I have just one statement I would like (14) to make on the record if everybody is done with (15) questions.

We request from General Motors counsel (16) the immediate production of all records from Dr. (17) Gibson's files. We have requested this information (18) since last October in general through our discovery (19) in the Baltimore case and to date it has not been (20) produced.

(21) MR. KRAUS: Baron & Budd joins that (22) request on behalf of their plaintiffs and have (23) requested these documents in pending document (24) productions and have never received them.

(25) THE VIDEOGRAPHER: Doctor, you have the

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(1) right to review the videotape at this time or do you (2) wish to waive that right?

(3) THE WITNESS: I wish to waive that (4) right.

(5) (Thereupon, the deposition was (6) concluded at 6:04 o'clock p.m.)

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(1) STATE OF OHIO) (2) COUNTY OF MONTGOMERY) SS: CERTIFICATE (3) I, Mary Jo Stevens, a Notary Public within (4) and for the State of Ohio, duly commissioned and (5) qualified, (6) DO HEREBY CERTIFY that the above-named (7) MERLE GIBSON, M.D., was by me first duly sworn to (8)

testify the truth, the whole truth and nothing but (9) the truth; that said testimony was reduced to (10) writing by me stenographically in the presence of (11) the witness and thereafter reduced to typewriting.

(12) I FURTHER CERTIFY that I am not a relative or (13) Attorney of either party nor in any manner (14) interested in the event of this action.

(15) IN WITNESS WHEREOF, I have hereunto set my (16) hand and seal of office at Dayton, Ohio, on this (17) day of , 1996.

(19) MARY JO STEVENS (20) NOTARY PUBLIC, STATE OF OHIO My commission expires 9-10-96

**Look-See
Concordance Report**

UNIQUE WORDS: 2,449
TOTAL OCCURRENCES:
10,409
NOISE WORDS: 385
TOTAL WORDS IN FILE:
31,082

SINGLE FILE
CONCORDANCE

CASE SENSITIVE

PHRASE WORD LIST(S):

NOISE WORD LIST(S):
NOISE.NOI

INCLUDES ONLY TEXT
OF:

QUESTIONS
ANSWERS
COLLOQUY
PARENTHETICALS
EXHIBITS

DATES OFF

IGNORES PURE
NUMBERS

POSSESSIVE FORMS
OFF

MAXIMUM TRACKED
OCCURRENCE
THRESHOLD: 50

NUMBER OF WORDS
SURPASSING
OCCURRENCE
THRESHOLD: 16

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