

CAUSE NO. 2005-52097

BILLIE ONEY, INDIVIDUALLY) IN THE DISTRICT COURT
AND AS REPRESENTATIVE OF THE)
HEIRS AND ESTATE OF FLOYD)
ONEY; VICKI NEW,)
INDIVIDUALLY; AND JANET)
SVRCEK, INDIVIDUALLY,)
PLAINTIFFS)
VS.) OF HARRIS COUNTY, TEXAS
ALCOA, INC., ET AL,)
DEFENDANTS) 11TH JUDICIAL DISTRICT

TRANSFERRED FROM

CAUSE NO. 05-CV-147

FLOYD ONEY AND) IN THE COUNTY COURT
BILLIE ONEY,)
PLAINTIFFS)
VS.) AT LAW NO. 1 OF
ABLE SUPPLY CO., ET AL,)
DEFENDANTS) CALHOUN COUNTY, TEXAS

ORAL DEPOSITION OF BRUCE ALLEN LARSON

VOLUME 1 OF 1

DECEMBER 18, 2006

ORAL DEPOSITION OF BRUCE ALLEN LARSON, produced as a

1 witness duly sworn by me at the instance of the Plaintiffs,
2 Billie Oney, Individually and as Representative of the Heirs
3 and Estate of Floyd Oney; Vicki New, Individually; and Janet
4 Svrcek, Individually, taken in the above styled and numbered
5 cause on the 18th day of December, 2006, from 9:43 a.m. to 4:57
6 p.m., before Misty Fondren Clements, Certified Shorthand
7 Reporter in and for the State of Texas, at the Law Offices of
8 DeHay & Elliston, 36 South Charles Street, Suite 1300,
9 Baltimore, Maryland 21201, pursuant to the Texas Rules of Civil
10 Procedure (and the provisions stated on the record or attached
11 herein).

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INDEX

PAGE

Appearances.....	3
Stipulations.....	12
BRUCE ALLEN LARSON	
Examination by Mr. Cappolino.....	13
Examination by Mr. LaBoon.....	259
Examination by Mr. Lynch.....	262
Examination by Mr. Cosmich.....	267
Examination by Ms. Massey.....	275
Examination by Ms. Watson.....	276
Examination by Mr. Aleman.....	277
Examination by Mr. Manning.....	278
Further Examination by Mr. Cappolino.....	279
Further Examination by Mr. LaBoon.....	298
Further Examination by Mr. Cappolino.....	299
Signature and Changes.....	300
Reporter's Certificate.....	302
TRCP Certificate.....	306

EXHIBITS

NO.	DESCRIPTION	PAGE
1	Notice of Deposition.....	13
2	Exxon Skills Training Workbook, Identify Gaskets and Their Use, Module 5.15, Dated February 1973.....	13

EXHIBITS (Continued)

1		
2	3	Article from AIHAJ Entitled, "The History of OSHA's Asbestos Rulemakings..." by Martonik, et al.....13
3		
4	4	General and Special Laws of The State of Texas on Workmen's Compensation - Occupational Diseases, 1947
5	5	Article from Houston Chronicle, "Work Exposure Blamed for 20% Cancer Deaths".....13
6		
7	6	Report on Summary of Tee Plant Industrial Hygiene Problems, Standard Oil Co., 1949.....13
8	7	Insulation Materials Used in 1965 by Humble Oil & Refining Company - Baytown Refinery.....13
9	8	"Dust-Producing Operations in the Production of Petroleum Products and Associated Activities," by Roy Bonsib, July 1937.....13
10		
11	9	Article Entitled "Asbestosis" by A.J. Lanza.....13
12	10	Industrial Hygiene Survey of the Baton Rouge Refinery, Louisiana Division, ESSO Standard Oil Company, February-April, 1949.....13
13		
14	11	Letter from N.V. Hendricks to F.S. Venable dated 12-14-51 with Attached Information on Asbestos Dust....13
15		
16	12	Letter from W.T. Foster to F.S. Venable dated 10-29-51.....13
17	13	Production Department Safety Manual of Humble Oil & Refining Company, May 1953.....13
18		
19	14	Letter from Union Asbestos & Rubber Company to ESSO Standard Oil Company Regarding Unibestos Insulation....13
20	15	Methods and Materials for Insulation of Steam Traced Lines, ESSO Standard Oil Company, Baton Rouge Refinery.....13
21		
22	16	Insulation Study, ESSO Standard Oil Company, Baton Rouge Refinery.....13
23		
24	17	Article from Esso News Entitled "Special Insulation Goes on Pipes at Aldox Unit".....13
25	18	List of Potentially Hazardous Materials, June 6, 1961, and Other Documents.....13

EXHIBITS (Continued)

1			
2	19	Memorandum to Neill K. Weaver from Fred Venable dated	
3		5-13-64.....	13
4	20	Letter from McCarty-Branton to Humble Oil Refining	
5		dated 11-23-64.....	13
6	21	Summary of the Conference on "Biological Effects of	
7		Asbestos," Medical Research Division of ESSO dated	
8		October 19-21, 1964.....	13
9	22	Letter from R.S. Brief to N.V. Hendricks Regarding	
10		Asbestos Content of Insulating Materials dated	
11		5-10-66.....	13
12	23	Occupational Health Regulations, Maximum Permissible	
13		Concentrations of Atmospheric Contaminants in Places of	
14		Employment Effective July 1, 1958.....	13
15	24	Occupational Safety and Health Standards, Standard for	
16		Exposure to Asbestos Dust dated 1972.....	13
17	25	Handwritten Audit of Operations With Respect to Use of	
18		Asbestos, Dated 12-28-71.....	13
19	26	Memorandum to "Ray" from SCP dated 1-7-72.....	13
20	27	Memorandum to J.W. Hammond from F.S. Venable dated	
21		3-9-72.....	13
22	28	Memorandum to Felton and Brock from F.S. Venable dated	
23		7-20-72.....	13
24	29	Memorandum to A.C. Worsley from F.S. Venable dated	
25		7-20-72.....	13
	30	Letter to Mr. Jones from F.S. Venable Regarding	
		Asbestos Exposures.....	13
	31	Union Carbide Corp. Report of Call on Exxon, Houston,	
		Texas dated 3-4-74.....	13
	32	Metals Division - Customer Call Report, Customer Exxon,	
		Houston, Texas Regarding Zinc-rich Coatings	
		dated 10-19-76.....	13
	33	NIOSH Health Hazard Evaluation Report on Exxon Corp.	
		Bayway Refinery and Chemical Plant, Linden, NJ dated	
		September 1986.....	13

EXHIBITS (Continued)

1			
2	34	Summary of Safe Practices for Contractors at Baton Rouge Refinery, ESSO Standard Oil Company, Louisiana Division.....	13
3			
4	35	Cover Letter dated 8-17-06 to Mr. Larson from Kyle Kneese, Re: Transmittal of Legal Documents.....	13
5			
6	36	Cover Letter dated 12-8-06 to Mr. Larson from Meredith Spratt, Re: Transmittal of Deposition Transcripts.....	13
7	37	Oral Deposition of Jesse Stovall taken in the Altimore Case on 2-27-04.....	55
8			
9	38	Oral Deposition of Jesse Franklin Stovall taken in the Marshall and Wilkerson Cases on 6-27-96.....	55
10	39	Oral Deposition of Jesse Franklin Stovall taken in the Stovall Case on 6-2-94.....	55
11			
12	40	Defendant Exxon Mobil Corporation's Objections to Plaintiff's Subpoena Duces Tecum.....	299
13	41	Report Entitled "State-of-the-Art Knowledge - Asbestos Exposure in Petrochemical Plants" by William Dyson....	299
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

STIPULATIONS

The parties in the above entitled and numbered cause agree that the Deposition shall be taken pursuant to the Texas Rules of Civil Procedure.

The parties agree that all objections as to the form of the question and the responsiveness of the answer are to be made at the time of the taking of said deposition; but that all other objections are reserved and may be made at the time this deposition, or any part thereof, is offered on the trial.

The parties further agree when said deposition has been transcribed, it will be forwarded to the witness or attorney for the witness for examination, notarization and signature and is to be returned to the reporter. If the deposition is not returned to the reporter, an unsigned copy can be used at the time of trial with the same force and effect as though the original had been read and signed.

1 (Exhibit Nos. 1 through 36 marked.)

2 BRUCE ALLEN LARSON,

3 having been first duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. CAPPOLINO:

6 Q. Would you state your name for the record, please,
7 sir?

8 A. My name is Bruce Allen, A-L-L-E-N, Larson,
9 L-A-R-S-O-N.

10 Q. Mr. Larson, my name is Tim Cappolino. I represent
11 the plaintiffs in this case, Billie Oney, Individually, and as
12 Representative of the Heirs and Estate of Floyd Oney, Vicki New
13 and Janet Svrcek, and you understand that Exxon is one of the
14 defendants in this case?

15 A. I do.

16 Q. You've had your deposition taken before on previous
17 occasions; have you not?

18 A. Yes, I have.

19 Q. You understand the court reporter has sworn you to
20 tell the truth, the same as if you were sitting in front of the
21 judge and the jury?

22 A. I do.

23 Q. And that in the event that you tell a lie, that is
24 perjury and you can go to jail for that. Do you understand
25 that?

1 MR. MANNING: Objection, form.

2 A. Yes.

3 Q. (By Mr. Cappolino) About how many times have you
4 testified before in depositions involving asbestos cases?

5 A. I'd estimate somewhere between -- somewhere between
6 15 and 25.

7 Q. Yes, sir. Are you currently employed by Exxon?

8 A. No.

9 Q. Were you ever employed by Exxon?

10 A. Yes, at one time.

11 Q. And when were you employed by Exxon?

12 A. Now, when you say, "Exxon," are you talking about
13 Exxon only or Exxon and Mobil or --

14 Q. Exxon and Mobil.

15 A. Okay. I began employment with Exxon in 1976 and
16 worked for Exxon as an entity for like three years, and then
17 from then until my retirement in 2000 I worked for Mobil.

18 Q. Okay. You're currently retired; are you not?

19 A. That's correct.

20 Q. Do you do any consulting work for Exxon or Mobil --

21 A. I do.

22 Q. -- as of today?

23 A. I do.

24 Q. One thing, Mr. Larson, I know you've taken
25 depositions and appeared in trial. Let me finish my question

1 before you answer so the court reporter can take that down.

2 A. Sure.

3 Q. Is that fair?

4 A. Sure.

5 Q. Okay. Do you provide consulting work for Exxon or
6 Mobil today?

7 A. I do.

8 Q. What type of work do you do?

9 A. It's essentially providing expert testimony in acting
10 as a corporate representative.

11 Q. So you're both -- have been designated as an expert
12 by Exxon-Mobil and also you were an employee of Exxon-Mobil
13 appearing as a corporate rep; is that correct?

14 A. I believe so.

15 Q. Has that always been the situation where you've
16 testified in cases on behalf of Exxon or Mobil?

17 A. Correct.

18 Q. Have you discussed this case, this Oney case, with
19 counsel for Exxon and Mobil before today?

20 A. Yes.

21 Q. What did you discuss?

22 A. Just generally what my role was going to be in terms
23 of providing testimony on Exxon and Mobil's working practices,
24 procedures and policy regarding employee protection from
25 asbestos and asbestos-containing materials.

1 Q. How many times did you meet with counsel for
2 Exxon-Mobil before today to discuss this case?

3 A. Once.

4 Q. And when was that, sir?

5 A. It was last night.

6 Q. How long did y'all meet?

7 A. We had dinner, so it was probably about an hour and a
8 half.

9 Q. And who did you meet with?

10 A. Chris Manning.

11 Q. Did Mr. Manning show you any documents to help you
12 prepare for this deposition?

13 A. I -- well, I have materials -- well, the deposition
14 testimony of -- but nothing -- nothing other than what
15 basically you see in that box.

16 Q. Yes, sir.

17 Well, Mr. Larson, I had issued a subpoena duces
18 tecum for you to provide documents responsive to some requests.
19 Do you recall receiving that?

20 A. Yes.

21 Q. And did you already have documents that you had in
22 this box that you've given me today, before you met
23 Mr. Manning, that were responsive to that request?

24 A. Yes.

25 Q. Did Mr. Manning, when he met with you last night,

1 give you any other documents that you didn't already have to
2 review?

3 A. No.

4 Q. And the subpoena duces tecum was forwarded to you by
5 the lawyers for Exxon-Mobil; is that correct?

6 A. I believe it was from Chris Manning's office.

7 Q. I noticed -- and, again, I'm going to get to the
8 duces tecum. I noticed in the box of documents that you have
9 that you've got a number of depositions?

10 A. Correct.

11 Q. But I do notice in the box that you have that you
12 don't have certain depositions, and let me name some of them
13 for you. You don't have any depositions of a gentleman by the
14 name of Jesse Franklin Stovall, do you?

15 A. No.

16 Q. Do you know who that individual was?

17 A. No.

18 Q. Do you know whether or not he testified in the same
19 case you testified in, in Galveston County, I believe, the
20 Altimore case?

21 A. I don't know if he did or not.

22 Q. Have you ever heard of that name before?

23 A. It's vaguely familiar.

24 Q. Has any lawyer for Exxon-Mobil ever provided you a
25 copy of any of the depositions of Mr. Stovall?

1 A. No.

2 Q. Were you ever made aware that Mr. Stovall worked at
3 the Baytown refinery, the Exxon Baytown refinery?

4 A. No.

5 Q. That he worked there for about 35 years?

6 A. I don't know that.

7 Q. Did he work there when Mr. Oney worked there?

8 A. I don't know that.

9 Q. So you don't know any of what -- any of his testimony
10 regarding the Baytown refinery?

11 A. No.

12 Q. I did notice in your box of documents that you've
13 provided me today you had some deposition testimony of a
14 gentleman by the name of Randy Trembly; is that correct?

15 A. Yes.

16 Q. When were you provided with his deposition?

17 A. I think it was a week or so ago.

18 Q. Did you read it?

19 A. Yes.

20 Q. And you understand he was a corporate representative
21 for Crown Central Petroleum?

22 A. Yes.

23 Q. My understanding is, from your past deposition and
24 trial testimony, you used to work for OSHA; is that correct?

25 A. Correct.

1 Q. And when did you work for OSHA?

2 A. From 1973 to 1976.

3 Q. And what did you do for OSHA in that time period?

4 A. I was a compliance officer in their Houston area
5 office and I specialized in industrial hygiene.

6 Q. Did you ever go out and do OSHA inspections during
7 that period of time?

8 A. Yes.

9 Q. Did any of those inspections involve compliance with
10 any asbestos regulations?

11 A. Some did. I think my estimate is probably about 15
12 out of about 300.

13 Q. Yes, sir. How many OSHA inspectors did they have
14 from the period of 1973 through 1976 in that area where you
15 worked?

16 A. It changed. I think initially when I joined in '73
17 they had approximately 8, and by 1976 that had risen to
18 approximately 14.

19 Q. What area did the OSHA inspectors that you worked
20 with cover at that time?

21 A. Initially, they covered about 25 percent of the
22 state. It ranged from Houston, south to Corpus Christi, west
23 to Austin, and east to Beaumont-Port Arthur. By '76, that area
24 had been reduced because they'd opened offices in Corpus
25 Christi, Austin and Beaumont-Port Arthur. So it was probably

1 half the area by the time I left.

2 Q. In the time from '73 through '76 did the OSHA
3 inspectors that you worked with cover the Pasadena refineries,
4 Pasadena, Texas?

5 A. Geographically, yes.

6 Q. All right. And, of course, they covered the Exxon
7 Baytown refinery; is that correct?

8 A. Correct.

9 Q. Did you ever go to the Crown Central Petroleum
10 refinery to do any type of OSHA inspections?

11 A. No.

12 Q. Do you know who in your office, if you could identify
13 by name, would have been the inspector that would have gone to
14 Crown Central to inspect those premises?

15 A. I really don't know that.

16 Q. Have you seen any documents showing any type of OSHA
17 inspections from Crown during that period of time?

18 A. I think in one of the depositions, either
19 Mr. Trembly's or Mr. Bradley, it referred to an OSHA
20 inspection.

21 Q. Do you recall the name of the -- I believe it was a
22 woman -- the name of the woman who was the inspector?

23 A. I don't recall that. I may have read that, but I
24 don't recall who it was.

25 Q. And I think I have that document here and I'll show

1 it to you later.

2 Did you read all of Mr. Trembly's deposition?

3 A. I read two.

4 Q. Do you think he was shy on the details?

5 A. I think as a person that didn't really have a health
6 and safety background, he probably wasn't aware of some of the
7 more specifics as it related to the health and safety
8 practices. That was my impression.

9 Q. What do you mean didn't have the health and safety
10 background?

11 A. I thought he was more from the business area,
12 administration.

13 Q. Do you know why Crown Central would put him up as a
14 corporate representative to talk about safety issues if he
15 didn't have a health and safety background?

16 MR. LYNCH: Objection, form.

17 A. I have no opinion on that.

18 Q. (By Mr. Cappolino) You were also -- in that box that
19 you've brought to me today, you had a deposition of Mr. Howard
20 Bradley from Crown Central, didn't you?

21 A. Correct.

22 Q. When did you receive that deposition?

23 A. That would have been the same time that I received
24 Mr. Trembly's. I believe that was about a week ago.

25 Q. Do you know why you received depositions of Crown

1 representatives?

2 A. I -- I don't know specifically why. I -- it's
3 related to the case, I guess. It's one of the areas that
4 Mr. Oney worked for a good portion of his working career where
5 potentially he could have had asbestos exposure so I assume
6 that's the reason I was asked to review those.

7 Q. You said that at Crown he could have potentially had
8 asbestos exposure. What do you mean by that?

9 A. I suppose that the evidence shows that, you know,
10 there was insulation at the refinery, gaskets, that type of
11 thing, that could very well have contained asbestos.

12 Q. Do you know what type of materials or products he
13 could have been exposed to that had asbestos at Crown?

14 A. Again, it could have been insulation, gaskets. You
15 know, there's quite a few different materials potentially in
16 any refinery that could have contained asbestos back in that
17 period.

18 Q. Is it also your belief and your testimony that he
19 could have been exposed to asbestos-containing materials, that
20 is, Mr. Oney, at the Exxon refinery in Baytown when he worked
21 there?

22 A. When he was -- when -- you say potentially?

23 Q. Or let me ask it another way.

24 A. Okay.

25 Q. Is it your opinion that he was exposed to

1 asbestos-containing materials at the Exxon refinery in Baytown
2 when he worked there on two occasions in the '60s.

3 A. Based on the programs that were in place at that
4 time, I would say no.

5 Q. What programs were in place at that time at the
6 Baytown refinery with regard to asbestos exposure and reducing
7 asbestos exposures to workers and contract employees?

8 A. I think you can see from the information provided by
9 James Hammond in various documents that I've included and, of
10 course, the fact that he refers to the work that began actually
11 back in the 1930s within Exxon that there were formal programs
12 in place to basically eliminate potential exposure.

13 Q. Do you know how long a period of time Mr. Hammond
14 spent at the Baytown refinery?

15 A. I don't know exactly, but I know he spent a good
16 portion of his time at that facility because he was located in
17 Houston, and Baytown was the largest refinery in Humble's
18 refining network. I would estimate he probably spent probably
19 about 25 percent of his time at that refinery.

20 Q. How long would that be?

21 A. Well, it would be between 1947 and 1978 when he
22 retired.

23 Q. Okay. So can you calculate how many years that would
24 be he spent at the Baytown refinery?

25 A. Well, let's see, let's do the math here.

1 Approximately 31 years.

2 Q. He spent 31 years at the Baytown refinery?

3 A. Not full time.

4 Q. Well, how long? What do you mean, full time? Part
5 time?

6 A. Well, as I said, possibly up to 25 percent of his
7 time he would have spent at the refinery.

8 Q. All right. How long did you spend at the Baytown
9 refinery?

10 A. I was at Baytown initially when I joined Exxon for a
11 three-week period for orientation, and I returned to that
12 refinery, as well as several other Exxon refineries,
13 approximately once a month for a two-day period.

14 Q. All right. So you spent three weeks there initially.
15 When was that?

16 A. That would have been in 1976.

17 Q. All right. And then you spent -- you said each month
18 you went to the Baytown refinery?

19 A. Right. We'd have meetings there.

20 Q. What kind of meetings would you have there?

21 A. Industrial hygiene.

22 Q. In what period of time did that span when you did
23 these meetings at the Baytown refinery?

24 A. It would have been from '76 to the end of '78.

25 Q. As a industrial hygienist and as a corporate

1 representative for Exxon, wouldn't you like to have testimony
2 from an employee, a supervisor or supervisors at the Baytown
3 refinery plant for 35 years from approximately 1947 through the
4 '80s to see what he said about the programs, asbestos programs
5 that were in place at the refinery?

6 MR. MANNING: Objection, form.

7 A. I would see that as being helpful.

8 Q. (By Mr. Cappolino) But you weren't provided with
9 that information from Mr. Stovall?

10 A. No.

11 Q. Would you like to see it?

12 A. Sure.

13 Q. Okay. And we'll go over some of that testimony a
14 little bit later. I want to get back to Mr. Bradley.

15 Were you ever provided another copy, another
16 deposition from Mr. Bradley that he gave in his asbestos
17 lawsuit case?

18 A. No.

19 Q. All right. Do you know whether that even existed?

20 A. No.

21 Q. I'm going to show you what the reporter has marked as
22 Larson Exhibit No. 1, Mr. Larson, hand this to you, sir, ask if
23 you can identify that for the record.

24 A. It's, I guess, a deposition notice for this
25 deposition.

1 Q. Is that the same and if you can -- you can look
2 through it if you need to. Is that the same notice of your
3 deposition with documents for you to produce if you had them in
4 your actual or constructive possession, the same one you
5 received before?

6 A. Yes. I believe it is.

7 Q. Did you have an opportunity to go through that
8 exhibit to see if you had any documents responsive?

9 A. Yes.

10 Q. And the documents that you have said were responsive,
11 have you provided them to me in this white box?

12 A. Correct.

13 Q. All right. In that white box, are there any type of
14 internal memos from Exxon during the relevant time period that
15 Mr. Oney worked there that talked about asbestos control
16 measures at the Baytown refinery?

17 A. There's a memo from James Hammond concerning the
18 asbestos program that was in effect at the time he would have
19 been working at Baytown.

20 Q. Okay. Do you have any documents that you provided to
21 me that show whether or not any air sampling was done for
22 asbestos dust at the Baytown refinery in the 1960s?

23 A. Again, that's reflected in the Hammond memo.

24 Q. Okay. What does it -- what does he talk about -- and
25 we can pull that out later. What does he talk about as far as

1 whether or not any air sampling was done for asbestos at the
2 Baytown refinery in the '60s?

3 A. He said that a baseline had been established even
4 prior to the '60s and that follow-up routine air sampling was
5 conducted and that was part of the -- part of the program.

6 Q. When you were with OSHA, did you ever go to other
7 plants in the area to see if they were doing any air sampling
8 for asbestos exposure?

9 A. I -- I would say yes.

10 Q. All right. And when would this air sampling -- when
11 should it have started in the refineries that covered your
12 geographical area? When should that have started based on the
13 regulations in the OSHA regulations?

14 A. That would have been 19 -- late 1971 and early
15 1972 -- well, actually, it would have been mid 1972.

16 Q. Okay. Do you know whether or not Exxon ever had any
17 type of documents with regard to skill training that they
18 provided to other refineries or other companies, say, in the
19 Texas Gulf Coast area?

20 MR. MANNING: Objection, form.

21 A. I don't know that for a fact, but I wouldn't be
22 surprised if they did.

23 Q. (By Mr. Cappolino) I'm going to show you what the
24 reporter has marked as Larson Exhibit No. 2 and have you look
25 at that and ask you whether or not you've ever seen a copy of

1 that document before?

2 A. I don't believe so.

3 Q. And can you identify what that document is?

4 A. It's titled, "Identify Gaskets and Their Use."

5 Q. And it's called -- it says, "Workbook, Module 5.15,
6 Skills Training, Exxon"; is that correct?

7 A. Correct.

8 Q. Does this appear to be a document that was prepared
9 by Exxon in February of 1973 as you see on the second page?

10 A. Yes.

11 Q. All right. Do you recall whether or not this
12 document was discussed in the Trembly or the Bradley
13 depositions that you reviewed from Crown?

14 A. I don't believe it was.

15 Q. Do you -- and, again, I got this from Crown. Do you
16 know why Crown would have a copy of this document in their
17 files?

18 MR. LYNCH: Objection, form.

19 A. No.

20 Q. (By Mr. Cappolino) On the second page, it's called,
21 "Identify Gaskets and Their Use," February of 1973. It says
22 it's prepared by E.R. Gould, G-O-U-L-D; is that correct?

23 A. Correct.

24 Q. Do you know who Mr. Gould is?

25 A. No.

1 Q. You've never heard of him?

2 A. No.

3 Q. If you go to the third page, this talks -- has a
4 table of contents and then it has a Roman numeral II,
5 "Workbook," and then it has certain sections under it,
6 A through G; and B through G talk about gaskets, compressed
7 asbestos gaskets, double-jacketed asbestos gaskets,
8 spiral-wound gaskets, metal-ring joint gaskets. Do you see
9 that?

10 A. Yes.

11 Q. Was Exxon still using asbestos gaskets in 1973 at the
12 Baytown refinery?

13 A. I would say where asbestos-free substitutes were not
14 available, they would be, yes.

15 Q. What asbestos-free substitutes were available for
16 gaskets at that time instead of having asbestos gaskets?

17 A. Well, for example, under "F," it's metal-ring joint
18 gaskets. I'd say any of -- any of these gaskets that don't
19 mention asbestos would have been asbestos free.

20 Q. All right. If you go further into this document --
21 and I just want to cover it real briefly here and let's just go
22 to, say, Page 11 of the document. This is called, "Segment
23 No. 2," and it says, "Compressed Asbestos Gaskets." Do you see
24 that?

25 A. Yes -- wait, let's see.

1 Q. Page 11?

2 A. Page 11. Which item?

3 Q. You don't have what I have?

4 A. What -- oh, okay. Got you. That's the title.

5 Q. Yeah. And then it says, "Compressed asbestos is the
6 most widely used type of material in industry today." Do you
7 see that?

8 A. Yes.

9 Q. Do you agree with that or do you agree with that as
10 of that time?

11 A. That was the period -- that was a transition period,
12 I believe. Asbestos-free gaskets were being developed, but
13 they hadn't been actually commercialized at that time, so I --
14 I would agree with you.

15 Q. All right. Go to the second -- or that Page No. 12,
16 Segment No. 2.

17 A. Okay.

18 Q. It says -- No. 4, it says, "The included charts were
19 giving information to assist in selection of compressed
20 asbestos gaskets." And then as you see under "A," there's a
21 service, it says, "Gas," then has a flange rating and a
22 temperature range. Do you know what that means?

23 A. I know what the temperature range is. I'm not
24 familiar with that flange rating.

25 Q. Okay. But then it has "Gasket Selection" by that and

1 it has -- appears to be either the names or model numbers of
2 certain gaskets. Do you see that?

3 A. Correct.

4 Q. And what does it say?

5 A. I believe it says, "JM-60, RM-670 and Garlock-800" --
6 or "900."

7 Q. Do you know what Garlock 900 asbestos gaskets were at
8 that time?

9 A. No.

10 Q. Do you know whether or not they were used at the
11 Baytown refinery in the 1960s?

12 A. I don't know, but I'm -- I'm certainly not going to
13 say they weren't.

14 Q. Do you know whether or not the Garlock 900 asbestos
15 gaskets were used at the Baytown refinery in the 1970s?

16 A. I don't know that.

17 Q. Do you know whether or not Exxon at any time in the
18 '60s, '70s at any of their plants or refineries ever used
19 Garlock gaskets, asbestos gaskets?

20 A. I'm sure that at some point they probably did, but I
21 don't know the exact time period.

22 Q. Do you know where they used them in the refineries?

23 A. Not specifically, no.

24 Q. And J.M., does that mean Johns-Manville?

25 A. I would assume so.

1 Q. All right. If you go to the next page, Mr. Larson,
2 Segment No. 2, compressed gaskets?

3 A. Yes.

4 Q. Again, it has some information under there,
5 "Service," "Flange Rating," "Temperature Range" and "Gasket
6 Selection." Do you see that?

7 A. Yes.

8 Q. And under "Gasket Selection," it has, "Compressed
9 asbestos equal to JM-60, RM-670, Garlock 900 and Bestolite."
10 Did I read that correctly?

11 A. Yes.

12 Q. Further down under "Gasket Selection," again, it
13 says, "Compressed asbestos, durable, equal to JM-70, RM-650,
14 Garlock 7021, RM-10," and it looks like "000"; correct?

15 A. Correct.

16 Q. Do you know what Garlock 7021 is?

17 A. Not specifically, no.

18 Q. And do you know whether or not Garlock 7021 asbestos
19 gaskets was used at the Baytown refinery in the '60s,
20 specifically from '65 through '69?

21 A. I don't know.

22 Q. As you go to Page -- it looks like Page -- I'm
23 sorry -- 18 and 19, does this document continue to talk about
24 asbestos gaskets and where they're used at Exxon?

25 A. Yes.

1 Q. And on Page -- sorry. Let me go to Page 17. And I'm
2 sorry for skipping around here. These look like questions that
3 are asked to employees or contractors to fill out. Do you see
4 that? It's like a test?

5 MR. MANNING: Objection, form.

6 Q. (By Mr. Cappolino) Like Page 17, Segment No. 3,
7 double-jacketed asbestos gaskets, and it has -- it appears to
8 be some typewritten information where blanks are to be filled
9 in. Do you see that?

10 A. Yes, I see that.

11 Q. Do you know what that's for?

12 A. I -- I -- I'm not sure. It could be something where
13 people are being asked to respond, you know, a test or
14 whatever, but I -- I don't know for certain.

15 Q. As an industrial hygiene person there at Exxon or
16 Mobil back in the '70s, you never saw these documents?

17 A. I haven't seen this document, no.

18 Q. Is this a document you probably should have seen as
19 an industrial hygienist?

20 MR. MANNING: Objection, form.

21 A. I don't really think so. I don't see any reason to.

22 Q. (By Mr. Cappolino) All right.

23 A. I mean, certainly it would be of interest, but I
24 don't see where it would be something that is essential.

25 Q. All right. Further on and going to Page 21, it talks

1 about spiral-wound gaskets. Were those asbestos-containing
2 gaskets at that time or do you know?

3 A. It appears they -- they refer to an asbestos paper
4 filler, so there might have been at least some asbestos.

5 Q. Okay. I'm through with that document, Mr. Larson. I
6 appreciate it.

7 A. Okay.

8 Q. I'm going to show you what the reporter has marked as
9 Exhibit No. 3, hand this to you.

10 A. Okay.

11 Q. This was also attached as an exhibit, I believe, to
12 either Mr. Bradley's depo or Mr. Trembly's depo. Can you
13 identify what that document is for the record?

14 A. The title is, "The History of OSHA's Asbestos
15 Rulemakings and Some Distinctive Approaches That They
16 Introduced for Regulating Occupational Exposure to Toxic
17 Substances."

18 Q. Mr. Larson, can you tell us who the author is?

19 A. The authors are John Martonik, Edith Nash and
20 Elizabeth Grossman.

21 Q. What publication was that in and what year or volume?

22 A. It was in the March and April edition of the American
23 Industrial Hygiene Association Journal and that was in 2001.

24 Q. Did you ever subscribe to that journal as an
25 industrial hygienist?

1 A. Yes.

2 Q. And have you ever seen that document before?

3 A. I have.

4 Q. And when did you see that document?

5 A. I think I read it when it was initially published.

6 Q. And that was 2000?

7 A. 2001, uh-huh.

8 Q. And did you note in there where they talk about the
9 history of the regulations and the changes with regard to
10 asbestos?

11 A. Correct.

12 Q. And is it your testimony, according to Mr. Hammond's
13 information in that box, that Exxon-Mobil complied with all
14 those changes?

15 A. Absolutely.

16 Q. All right. Other than Mr. Hammond's information that
17 you have in that box, do you have any other sources to draw on
18 to tell us that Exxon-Mobil complied with all the asbestos
19 regulations in that document and all the changes?

20 A. Well, yes, just from discussions I've had with Exxon
21 employees, other industrial hygienists with Exxon, even some of
22 the people I worked with at Exxon Chemical's plants,
23 supervisors, I've been able to -- I've been able to learn the
24 history of what Exxon's approach to asbestos programs was.

25 Q. In, let's say, 1970 through 1975 at -- and I want to

1 talk about the Baytown refinery.

2 A. Okay.

3 Q. Did they have a safety department?

4 A. Yes.

5 Q. And do you know in that safety department if part of
6 its role was dealing with asbestos exposures?

7 A. At the Baytown refinery, they had an industrial
8 hygiene department, and at that time I think they had at least
9 one full-time industrial hygienist, Eric Lebrocq, and he had
10 several technicians that worked with him.

11 Q. When is the first time that Exxon had an industrial
12 hygienist on site at the Baytown refinery?

13 A. I believe that would have been shortly after Jim
14 Hammond joined Humble. I would say probably about 1950.

15 Q. Okay. And do you know who that person would have
16 been?

17 A. I -- I don't recall.

18 Q. All right. Would you agree with me that a supervisor
19 of a safety department at Baytown, the Exxon Baytown refinery,
20 say, in 1970 should know what the potential hazards of asbestos
21 exposure are?

22 A. Yes.

23 Q. And why is that? Why should they know that at that
24 time?

25 A. I would say certainly by 1965 and 1966, after Irving

1 Selikoff published his work regarding asbestos-containing
2 insulation, that there was an awareness, I think, within the
3 industry of the potential hazards of asbestos.

4 Q. Now, you said there would have been an awareness
5 within the industry. Would that be the petrochemical industry?

6 A. Correct.

7 Q. How would the petrochemical industry -- and I'm
8 talking about the petrochemical plants, refineries throughout
9 the United States -- be aware of that information, from what
10 sources?

11 A. From various scientific journals. The New York
12 Academy of Sciences initially published the information from
13 Dr. Selikoff's work, so through professional journals and
14 professional societies.

15 Q. Would that information or should that information be
16 disseminated to all the plants in the United States so they
17 would have an awareness at that time?

18 DEFENSE COUNSEL: Objection, form.

19 MR. CAPPOLINO: Off the record for a second.

20 I'm sorry.

21 (Discussion off the record.)

22 MR. CAPPOLINO: Could you read back that
23 question?

24 (Requested portion read back.)

25 MR. MANNING: Objection to form.

1 A. I would say yes, if it was felt to be relevant to
2 their operations.

3 Q. (By Mr. Cappolino) Let me ask you about Crown
4 Central Petroleum. You've read some of the deposition
5 testimony, as you've told us, from Mr. Trembly and Mr. Bradley;
6 correct?

7 A. Correct.

8 Q. Other than reading their deposition testimony, did
9 you know anything about the operations of Crown in Pasadena,
10 either as an OSHA inspector or any other time in your career?

11 A. No.

12 Q. Based on your review of the deposition testimony of
13 Mr. Trembly and Mr. Bradley, do you agree or not agree that
14 their safety department should be aware of the hazards of
15 asbestos by 1970?

16 A. I -- I would say yes.

17 Q. Why do you agree with that?

18 A. By that time, as I said earlier, Dr. Selikoff's
19 findings had been published and legislation to enact OSHA was
20 either under development or coming to, you know, conclusion;
21 and I think the agency had already indicated that asbestos was
22 going to be one of its first priorities from a standard-setting
23 standpoint.

24 Q. All right. Have you ever seen or reviewed a document
25 called "The General and Special Laws of the State of Texas"

1 which came out in 1947 involving the Workers' Compensation
2 regulations on asbestos?

3 A. Yes.

4 Q. I've had the reporter go ahead and mark Larson
5 Exhibit No. 4. I'm going to hand that to you, Mr. Larson, ask
6 you if you can identify what that is for the record.

7 A. It's titled, "General and Special Laws of the State
8 of Texas," and then it just says, "Passed by the Regular
9 Session of the" -- "the 50th Legislature." That's -- that's
10 essentially it.

11 Q. Is that the document that you've seen before
12 regarding the workers' comp laws in Texas as of 1947 listing
13 asbestosis as a compensable disease?

14 A. I believe so.

15 Q. All right. Were you aware of that law when you
16 worked with OSHA?

17 A. I don't think I was.

18 Q. Do you know why not?

19 A. I was primarily concerned with the Federal rules and
20 regulations and not the State.

21 Q. All right. Were you familiar with the Walsh-Healey
22 Act when you were with OSHA?

23 A. Yes.

24 Q. When did you first become aware of that workers' comp
25 law?

1 A. It would have been after I joined Exxon.

2 Q. And that would have been approximately when?

3 A. About 1976.

4 Q. Okay. I'm going to hand you what's been marked as
5 Larson Exhibit No. 5 which appears to be -- and, again, this
6 was attached, I believe, to Mr. Trembly's deposition -- some
7 articles or an article out of the Houston Chronicle, ask you if
8 you can look at that and tell me whether or not you've ever
9 seen that particular article excerpt before.

10 A. I don't know if I've seen this before, but I think it
11 was referred to in Mr. Trembly's deposition.

12 Q. Okay. Were you provided the exhibits to the Trembly
13 deposition?

14 A. No.

15 Q. Do you know why not?

16 A. I don't know.

17 Q. Did you ever ask for a copy of them?

18 A. No.

19 Q. All right. And you weren't provided any of the
20 exhibits to Mr. Bradley's deposition either, were you?

21 A. No.

22 Q. Were you ever -- other than seeing that in
23 Mr. Trembly's deposition or noticing that referred to in his
24 deposition, have you ever seen that document before?

25 A. Let's see. I probably did because I was living in

1 Houston at the time.

2 Q. Okay.

3 A. I probably read this when it was published.

4 Q. And I know you hadn't had a chance to really look at
5 it in depth, and certainly during a break I'd be happy for you
6 to look at it. Do you know what that article talks about?

7 A. It's information regarding the occurrence of
8 work-related cancer deaths throughout the -- I guess, the
9 nation's working population.

10 Q. From what substance?

11 A. This is talking about basically all cancers, but I
12 think it specifically mentions cancers also caused by asbestos.

13 Q. All right. I'm through with that one, sir. Thank
14 you.

15 A. Okay.

16 Q. I'm going to show you what's been marked as Larson
17 Exhibit -- and I'm kind of skipping here. I've got other
18 documents I'm going to show you that are in between those, but
19 I want to show you Larson Exhibit No. 35, and this appears to
20 be out of your white box dated August 17th, 2006. I believe
21 it's addressed to you from Mr. Kyle Kneese. I'll hand that to
22 you. Can you identify what that Exhibit No. 35 is?

23 A. It's a cover letter transmitting some of the legal
24 documents in depositions related to this case.

25 Q. And Kyle Kneese, did you ever talk to Mr. Kneese

1 about the Oney case?

2 A. No.

3 Q. Other than the counsel who's with you today, did you
4 talk to anybody else from Exxon -- or, I mean, from any other
5 lawyers representing Exxon about this case?

6 A. Just Chris Manning.

7 Q. I'm going to show you Larson Exhibit No. 36 and ask
8 you if you can identify what that is, sir?

9 A. Okay. That's another letter from DeHay and Elliston
10 transmitting the depositions of Mr. Trembly and Mr. Bradley.

11 Q. All right. Put those over here. Thank you.

12 I had referred you and asked you a little bit
13 about depositions of Jesse Stovall, and I'm just going to show
14 these to you and just make sure if you've never seen these
15 before. It appears that Mr. Stovall had a deposition taken on
16 June 27th, 1996. He also had a deposition taken of him on June
17 2nd, 1994, which was his own asbestos deposition. And he had a
18 deposition taken of him of February 27th, 2004. I want to hand
19 you these three depositions.

20 A. Okay.

21 Q. I want you just to look at them and ask you, have you
22 ever seen those deposition before?

23 A. No.

24 Q. All right. Thanks.

25 I want to ask you a little bit about your

1 payment, Mr. Stovall -- Mr. Stovall -- I mean Mr. Larson.

2 A. Okay.

3 Q. How much are you paid by the hour for your consulting
4 doing work for Exxon-Mobil?

5 A. 375 per hour.

6 Q. And does that -- is that just your standard fee in
7 doing depositions or through trial?

8 A. Correct.

9 Q. All right. And how long have you had that rate?

10 A. I think that I've had that rate for about a year.

11 Q. Yeah, because I think in a case in which you
12 testified in Galveston County, March 23rd, 2004, your rate at
13 that time was \$300 per hour.

14 A. Correct.

15 Q. All right. Do you receive any other compensation
16 other than that \$375 per hour?

17 A. No.

18 Q. Do you know how much you have charged Exxon-Mobil for
19 your time in this case from the time you started working on
20 this case up until today?

21 A. I estimate that I have spent probably 8 to 10 hours.

22 Q. All right. What is industrial hygiene?

23 A. Industrial hygiene?

24 Q. Yeah.

25 A. It's the art and science of anticipating,

1 recognizing, evaluating and controlling occupational health
2 hazards.

3 Q. When you say, "controlling occupational health
4 hazards," would that also involve asbestos exposure?

5 A. Correct.

6 Q. And would control also mean, from an industrial
7 hygiene standpoint for an industrial hygienist or somebody in
8 charge of safety at a refinery such as Baytown refinery, to
9 notify employees about the hazards of asbestos exposure?

10 A. I'd agree with that.

11 Q. Is it your testimony today that in the 1960s the
12 employees at the Exxon Baytown refinery were advised of the
13 hazards of asbestos exposure?

14 A. It's my understanding that the medical department had
15 that primary responsibility, in addition to conducting medical
16 surveillance for people that -- for any person that was
17 potentially exposed.

18 Q. Other than that, is there any other evidence that you
19 know of in the 1960s or testimony that Exxon notified its
20 employees in the 1960s about the hazards of asbestos?

21 A. Well, again, I would also refer to the James Hammond
22 depositions and his memos.

23 Q. All right. Now, you say, "the medical department."
24 In the 1960s did the Exxon Baytown refinery have a medical
25 department?

1 A. Yes.

2 Q. Did they have a hospital on site?

3 A. Yes, a clinic.

4 Q. A clinic.

5 And did they have doctors on site?

6 A. Correct.

7 Q. And in the 1960s did they conduct periodic exams or
8 annual exams to screen for asbestos disease?

9 A. Yes.

10 Q. Do you know when that started at Exxon Baytown
11 refinery?

12 A. It's my understanding that it was in place when James
13 Hammond joined Humble Oil in 1947.

14 Q. And did it continue from 1947 up until when?

15 A. To the present.

16 Q. And when you mentioned medical surveillance, what
17 does that mean with regard to control and advising workers
18 about the hazards of asbestos exposure?

19 A. Well, it would have began with a pre-employment
20 physical examination to make sure the person is suited for the
21 work that he's being employed to do, and then it would consist
22 of periodic follow-up exams typically conducted on a one to
23 three-year interval. In the case of asbestos, it would be
24 chest x-ray and pulmonary function.

25 Q. Do you know if chest x-rays and pulmonary function

1 studies were done on Exxon employee from 1947 up until the '70s
2 or '80s?

3 A. I don't know when the pulmonary function began, but I
4 know x-rays have always been given, like I said, since '47.
5 Pulmonary function may or may not have been provided at that
6 time. I'm not sure when that started.

7 Q. Do you know whether or not OSHA ever went to the
8 Exxon Baytown refinery in the 1960 -- or 1970s to do any type
9 of testing or to do any type of examination of the plant?

10 A. Regarding?

11 Q. Asbestos exposure.

12 A. I'm not aware of any.

13 Q. Do you know if in the 1960s and 1970s Exxon refinery
14 at Baytown required its employees to wear respirators?

15 A. Yes.

16 Q. It's your testimony they required it?

17 A. Yes.

18 Q. And where did you get that information from?

19 A. It's just my overall impression from working at
20 Exxon, talking to people at Exxon, also, again, the James
21 Hammond depositions, the James Hammond's memo, that that was a
22 standard operating practice within Exxon from very early on
23 since at least the 1930s.

24 Q. So was it your understanding that all the employees
25 at Exxon wore respirators or just some of them at the Baytown

1 refinery?

2 A. Some, depending on the potential hazards of their
3 job.

4 Q. Which Exxon employees would wear respirators
5 depending on their jobs?

6 A. Specific to?

7 Q. Baytown refinery in the '60s and the '70s.

8 A. To asbestos?

9 Q. Yes.

10 A. Oh, okay. Certainly anyone who was installing or
11 removing insulation, and that could be obviously insulators as
12 well as people in the labor pool that may have been doing
13 clean-up work.

14 From time to time, it could also include other
15 crafts if they were working near or with insulators, for
16 example, but it depended on the exposure. That was closely
17 monitored by Exxon's safety inspectors that were assigned to
18 each unit to enforce the safety rules.

19 Q. Okay. Do you know who these Exxon safety inspectors
20 were, say, from -- at the Exxon refinery from 1965 through
21 1973?

22 A. By name I don't, but I think in reviewing Mr. Oney's
23 2001 deposition --

24 Q. Uh-huh.

25 A. -- he referred to the man at Exxon who wore the gold

1 hat who was the safety -- the head safety guy who would fire
2 you in a second if you broke a rule.

3 Q. Yeah. So what you gathered from Mr. Oney's
4 deposition, the Exxon safety person, if he caught somebody like
5 Mr. Oney who was a -- working for Brown & Root, the contractor
6 at the Exxon refinery, and he wasn't wearing a hard hat, the
7 Exxon safety person would fire Mr. Oney?

8 A. Well, he wouldn't fire. He would go to their
9 supervisor.

10 Q. Whose supervisor?

11 A. Brown & Root.

12 Q. And would it be your testimony that Brown & Root's
13 supervisor would fire Mr. Oney?

14 A. That -- that would be my belief, yes.

15 Q. But the Exxon safety guy would get with the
16 supervisor for Brown & Root and give him that information?

17 A. Yes.

18 Q. And would recommend or tell him that he -- Mr. Oney
19 needs to be fired?

20 A. Well, it would depend on the situation. I mean,
21 he -- if it was a minor infraction of a safety rule, I'm
22 certain that he wouldn't recommend that he be fired. He'd just
23 tell him to make sure that the situation was corrected. And in
24 a very severe situation, for example, somebody is smoking a
25 cigarette in the cat cracker, that might very well be the

1 result.

2 Q. You had said that you had gotten some information
3 from certain employees with regard to control measures. Were
4 some of these employees at the Baytown refinery?

5 A. Yes.

6 Q. Can you identify who they were by name?

7 A. Yes. Eric Lebrocq.

8 Q. Do you know how to spell his last name?

9 A. L-E-B-R-O-C-Q.

10 Q. C-Q?

11 And he was the industrial hygienist?

12 A. Correct.

13 Q. Is he certified?

14 A. I believe so.

15 Q. Do you know if he ever worked for OSHA?

16 A. No.

17 Q. Who else?

18 A. He worked for the Air Force at one time.

19 Bruce Simpson, S-I-M-P-S-O-N.

20 Q. And what was his job there?

21 A. He was also an industrial hygienist.

22 Q. When was he there?

23 A. He was there beginning in about 1975.

24 Q. Do you know how long he was there?

25 A. Approximately 20 years. And he did work for OSHA at

1 one time.

2 Q. Are these two people still alive?

3 A. I would think so.

4 Q. Do you know where they are?

5 A. Probably somewhere in the Baytown area.

6 Q. Who else, if you know, Mr. Larson, that you talked to
7 at the Baytown refinery?

8 A. Let's see. That's all that I can recall.

9 Q. All right. Did you ever go out in the field and talk
10 to any of the supervisors about whether or not asbestos control
11 measures were being instituted at the Baytown refinery?

12 A. I personally did not.

13 Q. Do you know if anybody ever did?

14 A. Oh, absolutely.

15 Q. And I'm talking --

16 A. For example, people like Eric Lebrocq and Bruce
17 Simpson and the other staff people in Houston that worked for
18 James Hammond would be there periodically.

19 Q. Okay. You had said in a prior deposition that you
20 spent two weeks at Baytown learning about their programs.

21 A. Correct.

22 Q. What programs was that?

23 A. Just their general approach to the industrial hygiene
24 programs that were in effect, things like hearing conservation,
25 hydrocarbon exposure, respiratory protection, asbestos, and a

1 whole -- whole range of topics related to industrial hygiene at
2 Baytown.

3 Q. You also testified -- and, again, I know this was in
4 the Altimore case, but I want to ask you -- that your only
5 hands-on, out-in-the-field experience at the Exxon Baytown
6 facility was limited to the two weeks you spent getting your
7 industrial hygiene training at that facility. Is that still a
8 correct statement?

9 A. Correct.

10 Q. You had discussed previously about a accident
11 prevention manual at the Baytown refinery dated October 1st,
12 1949. Do you recall that?

13 A. I believe so, yes.

14 Q. Is that in that box of documents you brought me
15 today?

16 A. I don't think so.

17 Q. Do you know whether or not that manual talked about
18 asbestos hazards, asbestos exposure?

19 A. I don't believe so, no.

20 Q. Do you know why it didn't?

21 A. At that time, dating back to 1937 with the Bonsib
22 report, asbestos was addressed in its, I guess, its own
23 separate program, according to the recommendations in the
24 Bonsib report. So that, in essence, was the asbestos program.

25 Q. The Bonsib report?

1 A. Yes.

2 Q. You've testified about that several times?

3 A. Yes.

4 Q. In fact, I think that was brought up in the Trembly
5 and Bradley depositions. Do you recall that?

6 A. I recall reference to that, that report, yes.

7 Q. And what was that Bonsib report called? I've had it
8 marked as an exhibit in this case, but do you recall what the
9 name of it was?

10 A. I believe it was called Dust-Producing Operations in
11 the Refining or Petrochemical Industry.

12 Q. Okay. Do you know if that document was circulated to
13 petrochemical refineries in the United States?

14 A. I don't know that for a fact. I do know that James
15 Hammond testified to that -- to that fact.

16 Q. What did he testify to with regard to that fact?

17 A. He said that it was made available to other
18 companies.

19 Q. Did he talk about how it was made available to other
20 companies?

21 A. I don't recall.

22 Q. All right. And certainly that made available to
23 other companies would include companies doing petrochemical
24 refining in the Texas Gulf Coast area?

25 A. I would think so.

1 Q. Did the Exxon employees ever get separate copies of
2 any of the accident prevention manuals or any other type of
3 safety manuals at the Exxon Baytown plant and refinery?

4 A. It's my understanding that each employee received a
5 copy and also each contractor received a copy.

6 Q. All right. Now, let me ask you about what copies
7 each employee received. What documents are you talking about?

8 A. Would have been the safety procedures manual for the
9 refinery.

10 Q. And when was that compiled?

11 A. I don't know -- or when it was originally, but
12 certainly by 1949 we referenced the manual that was in effect,
13 so at least by then.

14 Q. But that didn't talk about asbestos?

15 A. No, not specifically in that book.

16 Q. Well, did it talk about it generally in that book?

17 A. Just general safety rules that applied refinery wide
18 to every employee. Now, if there are other classes of
19 employees that had special hazards, then there would be a
20 separate document that addressed those.

21 Q. We've talked about the 1949 document. What other
22 manuals were provided to each Exxon employee or contract
23 employee at the Exxon Baytown refinery from '49 on specifically
24 with regard to the hazards of asbestos exposure?

25 A. It's my understanding that each craft also had

1 specific safety procedures that they were provided, things that
2 specifically related to their craft.

3 Q. Okay. And that was at the -- that also was at the
4 Baytown refinery?

5 A. Correct.

6 Q. Was that a document?

7 A. I believe so.

8 Q. Do you know the name of it?

9 A. I -- I've heard reference to shop manuals. I don't
10 know if that was the formal title of those, but I've heard
11 reference to shop manuals.

12 Q. Okay. Anything else?

13 A. No.

14 Q. Do these shop manuals talk about the hazards of
15 asbestos exposure with regard to a particular craft?

16 A. I don't know. I have been told that the medical
17 department briefed employees that were in the medical
18 surveillance program on the hazards of asbestos and why the
19 exams were being conducted.

20 Q. When did that start?

21 A. I believe Hammond referenced that was in place when
22 he joined the company in 1947.

23 Q. And that continued until when?

24 A. Until the present day.

25 Q. And what doctors at the Exxon Baytown refinery

1 specifically advised employees about the hazards of asbestos
2 exposure by name?

3 A. I don't recall their names.

4 Q. All right. Do you -- are these shop manuals still in
5 existence? Do you have copies of them?

6 A. I don't. I don't know if they are or not.

7 Q. Have you tried to look for them?

8 A. No.

9 Q. Have the lawyers for Exxon-Mobil given you copies of
10 the shop manuals?

11 A. No.

12 Q. We've talked about the shop manuals. We've talked
13 about this 1949 safety procedure. Any other documents that you
14 know of from 1940s on that were given to Exxon employees or
15 employees of contractors with regard to the hazards of asbestos
16 exposures and the potential diseases they would cause?

17 A. Not that I'm aware of.

18 THE WITNESS: Is there any way to cool off this
19 room? It's kind of warm in here.

20 MR. CAPPOLINO: Do you want to take a break?

21 MR. MANNING: Yeah. Let's take a break.

22 (Recess from 10:35 to 10:47.)

23 (Exhibit Nos. 37 through 39 marked.)

24 Q. (By Mr. Cappolino) Mr. Larson, we're back on the
25 record. I had mentioned to you in the depositions of Jesse

1 Stovall and the dates that they were taken, and I just went
2 ahead and for the record -- plus, I think we'll also give you
3 an opportunity to read them if you wanted to. I went ahead and
4 marked Larson Exhibit 37, 38 and 39 as exhibits to your
5 deposition. And just for the record, 37 is the oral deposition
6 of Jesse Stovall taken on February 27th, 2004 in the Altimore
7 case. And does that appear what that exhibit is?

8 A. Yes.

9 Q. Exhibit No. 38 is the deposition of Jesse Franklin
10 Stovall in the Marshall and Wilkerson cases in Harris County,
11 and that was taken on June 27th, 1996. That's Larson Exhibit
12 No. 38. Is that what it appears to be, Mr. Larson?

13 A. Yes.

14 Q. And then, finally, the deposition of Mr. Stovall in
15 the Stovall versus Fibreboard case in Harris County taken on
16 June 2nd, 1994, Larson Exhibit No. 39. Does that appear to be
17 what it is?

18 A. Yes.

19 Q. All right. And I want to talk about those a little
20 bit later, but let me ask you some questions now about
21 Mr. Oney. You said you read his deposition; correct?

22 A. I did.

23 Q. And it was your understanding from the deposition
24 that he worked at the refinery, the Baytown refinery twice in
25 '65 or '66 and 1969 as a welder?

1 A. Correct.

2 Q. And that he worked with and around
3 asbestos-containing blocks during one of those times?

4 A. I don't believe that he indicated that it was
5 asbestos-containing. I think he mentioned block and -- and
6 pipe insulation.

7 Q. Could you tell from his testimony whether or not
8 those block and pipe insulation would have contained asbestos,
9 just from your reading of his deposition and your knowledge of
10 the plant?

11 A. No, I couldn't.

12 Q. All right. Do you know whether or not welders at the
13 Exxon refinery in '65 to '69 ever worked around
14 asbestos-containing materials at that plant or with
15 asbestos-containing materials at that plant?

16 A. I would say generally no. I'm not saying there's not
17 a possibility that at some point in time they could be near a
18 material that contained asbestos, but generally a welder does
19 welding; an insulator does insulating. And unless they were
20 working on top of each other, I don't see a potential for
21 exposure to a asbestos-containing material.

22 Q. So there would be no time in, say, '65 through '69
23 where a welder, say, a welder working -- employed by a
24 contractor like Brown & Root would be working around any
25 asbestos-containing insulation at that plant?

1 A. Again, I'd say for the most part no, but from time to
2 time they could be near material like that; but if they were,
3 they'd be required to follow Exxon's asbestos-handling
4 procedures and they would have been required if there was
5 potential exposure to wear respiratory protection.

6 Q. And the contract employees would be required to
7 follow those policies also?

8 A. Absolutely.

9 Q. And were they given a copy of those policies?

10 A. The contractor himself or herself was, yes.

11 Q. And then do you know whether the contractor would
12 give it to their contract employees to review?

13 A. I don't know if they were given physically to each
14 and every contract employee, but they would certainly have been
15 trained into the requirements and the fact that they were to
16 follow those.

17 Q. Do you have any knowledge as to who Mr. Oney's
18 supervisor from Brown & Root was during the times he worked at
19 Exxon Baytown refinery?

20 A. I do know it was Brown & Root, but I don't know
21 specifically who his supervisor would have been.

22 Q. Did you ever visit with Brown & Root contract
23 supervisors, the contractor's supervisors at the Exxon refinery
24 at any time?

25 A. I have at the Exxon chemical plant on the ship

1 channel.

2 Q. All right. But not at the refinery?

3 A. Not specifically at the refinery, no.

4 Q. All right. Mr. Oney also said -- and just for
5 reference, I believe it was on Page 59 through Page 61 of his
6 deposition -- that he worked with sprags, which you said were a
7 stainless steel piece of metal that you weld on a skin of a
8 boiler or a heater and you push that insulation onto that and
9 there's a covering put over it. Do you remember him stating
10 that?

11 A. Yes.

12 Q. Do you know what that process involves from an
13 industrial hygiene standpoint or your experience with
14 Exxon-Mobil?

15 A. Well, it would have involved the fitters and
16 boilermakers actually installing the structure itself, and then
17 at that point the welders would come in to install the sprag,
18 which essentially is the metal component that holds the
19 insulation on the boiler itself. Once the sprags were welded
20 on, then the insulators would physically come in and insulate
21 the boiler, but that would be after the welding was complete.

22 Q. Okay. And so you're saying that when Mr. Oney said
23 the insulation is pushed onto that -- talking about the
24 sprag -- it's your testimony that an insulator would do that?

25 A. Correct.

1 Q. Would that insulator be an employee of Exxon or would
2 that be a contractor employee?

3 A. It could be either, but if it was a large project, it
4 was probably a contractor. It was probably a Brown & Root
5 employee.

6 Q. And so it's your testimony that Mr. Oney would never
7 have put the insulation on the sprag himself?

8 A. No.

9 Q. And how do you know that?

10 A. Essentially, craft lines are fairly strict. Again,
11 you know, a welder does welding, an insulator does insulating,
12 pipefitter does pipefitting, so on and so forth.

13 Q. And Mr. Oney would not even be around the insulator
14 when he put the covering on it after he put the sprag on?

15 A. I wouldn't think so. The order of work, as I said,
16 the boilermakers complete their job, the welders come in and
17 complete their job and then the insulators come in and complete
18 their job.

19 Q. And just to be fair to you, Mr. Larson, we all know
20 you weren't there during that time watching Mr. Oney doing his
21 work?

22 A. No.

23 Q. You were never there at any time when Mr. Oney was
24 doing his work?

25 A. Correct.

1 Q. Then he said a covering was put over it. Do you know
2 what that covering means?

3 A. Excuse me. Typically, they'll put metal flashing
4 over the insulation to protect it from the weather and from
5 contact.

6 Q. He also said in his deposition that his job at the
7 cracking unit at Exxon in 1969 for about two months was to weld
8 on those sprags and there was thousands of them, and then
9 they'd put the block on that. And then he said, "they or we or
10 whoever." Do you recall reading that testimony?

11 A. Yes.

12 Q. So did he indicate in his deposition that he could
13 have put that on there?

14 A. No. I thought he was referring to Brown & Root as
15 "we" --

16 Q. But he didn't say --

17 A. -- as the company.

18 Q. I'm sorry for interrupting you.

19 But he didn't say Brown & Root in his testimony,
20 did he?

21 A. Not specifically.

22 Q. Well, did he say it generally?

23 A. By referring to they or we, it could have referred to
24 either Exxon personnel or Brown & Root personnel. That's --
25 that's the way I read that.

1 Q. Did you ever make any attempt to talk to any people
2 that worked with Mr. Oney at the Exxon refinery during those
3 periods of time?

4 A. No.

5 Q. Then he said that was a fluid cracker, a cracking
6 unit. Did the cracking unit, the fluid cracker where he
7 worked, that he refers to, have asbestos-containing materials
8 in that part of the refinery?

9 A. I don't specifically know that it did, but it very
10 well could have.

11 Q. And what kind of products could it have had?

12 A. At that time period, it could have been block or pipe
13 insulation.

14 Q. Have you ever read any type of industrial hygiene
15 survey of that plant during that period of time that lists the
16 types of asbestos-containing materials that Exxon refinery had
17 in the cracking unit?

18 A. I don't recall, no.

19 Q. Do you know if any one of those surveys exist?

20 A. I have no idea.

21 Q. Have you tried to look for one?

22 A. No.

23 Q. He also said in his deposition that the blocks were
24 off-white and vary in sizes and most of them were cut to fit.
25 Is that the way these blocks, as you know them, were usually --

1 usually looked like or how they were cut?

2 A. I believe that's a reasonable explanation.

3 Q. All right. He said on the first time he worked
4 there -- and I'm referring to Page 70, Line 19 through Page 76,
5 Line 1 of his deposition. He said in '65 or '66 for a month he
6 worked on another shutdown, worked on a platformer. Do you
7 recall that testimony?

8 A. Yes, I do.

9 Q. What does a shutdown mean?

10 A. It's basically when -- it's periodic maintenance done
11 on the units in a refinery or a petrochemical plant where they
12 come in and refurbish the equipment and do preventative
13 maintenance.

14 Q. You've never been out in the field on a shutdown,
15 have you?

16 A. No.

17 Q. You've never been out in the field on a turnaround?

18 A. No.

19 Q. What is a turnaround?

20 A. A shutdown and a turnaround are basically the same.
21 They're essentially identical.

22 Q. What is a platformer?

23 A. A platformer is used to crack incoming naphtha
24 streams into the basic fractions that make up gasoline.

25 Q. On these shutdowns or these turnarounds, would both

1 Exxon employees and contractor employees, like Brown & Root
2 contractors, be working on the same jobs together?

3 A. For the most part, it would be contractors, although
4 Exxon would have provided supervision.

5 Q. So it's your testimony today that no Exxon employees
6 would have actually been out in the field doing the type of
7 work Mr. Oney talked about or working with insulation at the
8 same time as the contractor employees during shutdowns?

9 MR. MANNING: Object to the form.

10 A. I think that would be -- from what I know and from
11 what I've gathered from people I've talked to and reading
12 things, that it was -- it was primarily contractors. They
13 may -- there may have been some Exxon employees, inspectors,
14 safety-type people that would be in the vicinity, but for the
15 most part, the work was conducted by contract employees.

16 Q. (By Mr. Cappolino) And what source did you get that
17 information from?

18 A. It's just general practice in the refining industry
19 that contractors are normally brought in to do the shutdowns
20 and turnarounds. It's just -- otherwise, I mean, shutdowns and
21 turnarounds require a peak workload of -- of hands-on work that
22 generally is not staffed by the company for each refinery. So
23 they would bring in people like Brown & Root who have the
24 background and experience in doing shutdowns and turnarounds to
25 provide that temporary manpower during that short period of

1 time, the two to three-week period that typically these take.

2 Q. Well, what I'm asking you specifically -- and I want
3 to confine myself to the Exxon Baytown refinery plant during
4 the shutdowns and turnarounds --

5 A. Okay.

6 Q. -- that Mr. Oney worked on.

7 What specific information, whether it be
8 documents or talking to employees, other than these general
9 practices do you know of that indicates that the contract
10 employees were not working alongside or side by side with any
11 Exxon employees?

12 A. I don't have anything specific.

13 Q. Have you made any attempt to try to find any specific
14 information to help you with that matter?

15 A. No.

16 Q. He said also in that section that he was a pipefitter
17 and for the month on a daily basis he worked in transport lines
18 replacing gaskets and putting in tees where they could add on
19 to the existing pipe. Some of it was in pipe racks. And then
20 he said it was outside, above ground work. Do you recall that
21 testimony?

22 A. Yes.

23 Q. I want to ask you a little bit about transport lines.
24 What were those?

25 A. A transport line would be moving a product from a --

1 a processing unit to storage, primarily, or to another
2 processing unit.

3 Q. Do you know whether or not there was any
4 asbestos-containing materials on or around transport lines
5 during the time Mr. Oney worked there?

6 A. There could have been in -- in any very high
7 temperature piping system. And when I say, "high temperature,"
8 generally above 800 degrees Fahrenheit. Back in those periods,
9 there was -- asbestos was the only practical binder to use in
10 that type insulation. Typically, it would be 15 percent
11 asbestos as a binder and 85 percent magnesia or calcium
12 silicate, so depending on the temperature of the line.

13 Q. And that type of insulation was talked about in the
14 Bonsib report, wasn't it?

15 A. Yes.

16 Q. All right. And they talked in the Bonsib report
17 about if it's disturbed or if that insulation is taken out,
18 what type of concentrations of asbestos dust are released. Do
19 you recall that?

20 A. They did measurements for total dust basically --

21 Q. And do you recall --

22 A. -- in the Bonsib --

23 Q. -- those measurements in the Bonsib report?

24 A. Yes, I do.

25 Q. What were some of the measurements you recall?

1 A. Well, let's see. I remember they did measurements
2 when insulators were insulating a 12-inch steam line. I recall
3 that, and there were probably measurements for 8 to 10 other
4 operations.

5 Q. Do you recall what the range of the measurements were
6 or do you need to look at the report?

7 A. In millions of particles per cubic foot, I think they
8 ranged anywhere from 8 to 20 some odd.

9 Q. Okay. I want to ask you about the gaskets. He said
10 he replaced gaskets also in that testimony. Do you have any
11 knowledge as to whether or not any of those gaskets he said he
12 replaced could have been asbestos-containing gaskets?

13 A. I don't have specific knowledge, but I would think
14 that there's at least a -- a possibility or that they -- that
15 they would have, yes.

16 Q. Do you know the manufacturers, who the manufacturers
17 of any of those gaskets would have been that he said he
18 replaced?

19 A. Not specifically.

20 Q. Do you know what type of gaskets they would have
21 been? Spiral wound? Whatever?

22 A. I have no idea.

23 Q. And do you know how gaskets are removed and replaced?

24 A. Yes.

25 Q. How do you know?

1 A. Well, I know it from observing people in the field
2 and also from reading a number of depositions that described
3 that process.

4 Q. And what is described, based on what you've learned,
5 how it's done?

6 A. Typically, once a flange -- once the bolts from a
7 flange are removed and it's pried open, a person would normally
8 use like a putty knife or a -- like a hacksaw blade to
9 scrape -- well, sometimes the gaskets will actually just fall
10 out intact. Sometimes they have to be scraped out.

11 Q. And when they're scraped out, have you read any type
12 of studies which indicates whether or not asbestos dust is
13 released when they are scraped out?

14 DEFENSE COUNSEL: Objection, form.

15 A. Well, first of all, if it's an asbestos-containing
16 gasket, there have been studies done, both -- both
17 reconstructive studies as well as in the field type studies and
18 measurements taken.

19 Q. (By Mr. Cappolino) All right. Have you read any of
20 Dr. Longo's work, Mr. Longo's work?

21 A. I'm familiar with it. I don't remember specifically
22 reading it though.

23 Q. Mr. Oney also talked about putting in tees, T-E-E-S.
24 Do you know what tees are?

25 A. Yes.

1 Q. What are they?

2 A. It's when one pipe joins another forming a T.

3 Q. These tees contained asbestos, didn't they?

4 MR. MANNING: Objection to form.

5 A. No. He's talking about pipe. Pipe is metal.

6 Q. (By Mr. Cappolino) All right.

7 A. The only way, I guess, like fire water lines that
8 used products like Certainteed could have, but he's talking
9 about metal pipe.

10 Q. Let me just ask you something here and this is --

11 DEFENSE COUNSEL: Objection, nonresponsive.

12 Q. (By Mr. Cappolino) I'm kind of jumping ahead of
13 myself. In fact, this is marked as Exhibit 7, and we'll talk
14 about it later, which is in this binder.

15 This is Exhibit No. 7. I'm going to hand this
16 to you. Have you ever seen that document before?

17 A. I don't believe so.

18 Q. Does that appear to be a document from Exxon?

19 A. From Humble, yes.

20 Q. From Humble.

21 And Humble was a predecessor to Exxon?

22 A. Correct.

23 Q. And can you identify or tell us what that document is
24 from what you can see?

25 A. Let's see. It's "Humble Oil and Refining Company,

1 Baytown Refinery, Insulation Materials Used in 1965," and it
2 lists the material class, manufacturer and then quantity.

3 Q. Does it mention tees there?

4 A. Yes, but that's referring to insulation, not piping.

5 Q. Okay. And I wanted to ask you that because I saw
6 that in there. Can you tell us what that means?

7 A. It means that it's a preformed piece of insulation
8 that would be used to insulate tees.

9 Q. Okay. Are the tees put on insulation or how does
10 insulation work with tees? How does that work?

11 A. I'm not --

12 Q. Let me back up again. Again, he said he put in tees
13 where they could add onto the existing pipe. What does that
14 mean?

15 A. Well, as a pipefitter, that means that he was
16 constructing -- it was essentially new construction where he
17 was adding pipe to an existing piping system, which means he
18 would have cut the existing pipe and then added another pipe to
19 the -- the "T" that's formed by the original pipe and the new
20 pipe. That would not have involved either removing or
21 installing insulation though.

22 Q. And that pipe would not have been insulated with any
23 asbestos-containing pipe insulation?

24 A. I can't say that for a fact, but if it had been --
25 let's just --

1 Q. Okay.

2 A. -- make the assumption that it had been. It would
3 not have been the pipefitter's job to remove that insulation.
4 It would have been the insulator's job to do that. So it would
5 have been removed prior to him even starting his work.

6 Q. Well, how do you know Mr. Oney never removed any
7 insulation, just based on the general procedure that an
8 insulator does that?

9 A. It's the craft rules.

10 Q. And what craft rules are those?

11 A. It's the craft rules that have been in effect
12 throughout the refining industry since the very early days.

13 Q. And it's your testimony those craft lines have always
14 been strict, strict craft lines?

15 A. I'd say for the most part. I'm not saying that it --
16 that it would be impossible for -- if there was a small bit of
17 insulation on a pipe that the boilermaker might break the
18 rules -- or I'm sorry, the pipefitter might break the rules and
19 take that off, but as general rule, he would not.

20 Q. Do you -- he also talked about pipe racks. What were
21 pipe racks?

22 A. Pipe racks are suspended racks that carry product,
23 again, from one processing area to another or to storage, say,
24 in a tank farm.

25 Q. All right.

1 A. They're usually 10 to 14 feet high suspended by
2 concrete pillars.

3 Q. Was there any asbestos-containing pipe insulation on
4 any of the pipes on the pipe racks during that time?

5 A. Again, it would depend on the operating temperature.
6 If it exceeded 800 degrees Fahrenheit, there's at least a very
7 good chance that it did.

8 Q. I want to ask you about some issues with regard to
9 contractors and employees. At the Exxon Baytown refinery, did
10 Exxon employees and contractor employees both attend safety
11 meetings at the same time?

12 A. At the same time?

13 Q. Yeah.

14 A. I -- I don't think so.

15 Q. It's not your testimony and you wouldn't agree that
16 it was a common practice for all trades at the Exxon refinery
17 in Baytown to work side by side where asbestos-containing
18 insulation was being applied or removed?

19 A. Well, I'm not -- I don't think it was common. I
20 think occasionally it could occur during a shutdown or
21 turnaround; but for, you know, day in and day out, I would say,
22 no, that would not occur.

23 Q. Would you agree that during turnarounds at the Exxon
24 Baytown refinery many crafts would work together side by side
25 to get the unit up?

1 A. That could occur.

2 Q. Would you agree that the contractors furnished
3 workers who would work under the conditions that Exxon
4 specified?

5 A. Could you repeat that, please?

6 Q. The contractor furnished workers, contract employees,
7 who worked under the conditions Exxon specified?

8 A. I don't believe that Exxon specified. I think the
9 individual contractors supervised their own employees and they
10 would have specified their work practices.

11 Q. All right. So it's your testimony that no Exxon
12 supervisor, a supervisor employed at Exxon, would ever instruct
13 a contractor employee on what to do or how the work was to be
14 done?

15 A. No. I wouldn't think so.

16 Q. Would you agree that contractors and their employees
17 and Exxon employees worked side by side quite often in the '60s
18 and '70s?

19 A. I would say infrequently.

20 Q. Would you agree that Exxon assumed the responsibility
21 for the contractor workers' safety?

22 MR. MANNING: Objection to form.

23 A. No. The contractor was responsible for his own
24 employees.

25 Q. (By Mr. Cappolino) Would you agree that Exxon

1 assumed the responsibility for the safety of the contractors at
2 the plant?

3 MR. MANNING: Objection to form.

4 A. No.

5 Q. (By Mr. Cappolino) All right. I'm going to show you
6 the deposition of Mr. Stovall from the Altimore case, and I
7 want to ask you some questions from that. Here's his
8 deposition. Now, unfortunately, I don't have a page and line,
9 and you may have to bear with me on that, but could you turn to
10 Page 31 of Mr. Stovall's deposition?

11 A. Okay.

12 MR. MANNING: Excuse me. And this is the
13 Deposition Exhibit No. 37 dated February 27th of '04?

14 MR. CAPPOLINO: I'm sorry. That's correct.

15 A. Okay.

16 Q. (By Mr. Cappolino) Now, I don't have the line number
17 and -- I'm sorry -- you may have to look through there, but
18 doesn't Mr. Stovall state on Page 31 that Exxon employees and
19 contractor employees were at safety meetings and that they
20 worked for him?

21 MR. MANNING: Excuse me, Counsel. Are you
22 talking about the actual Page 31 of the deposition or Page 31?

23 MR. CAPPOLINO: No. I'm talking about Page 31.
24 I said I didn't have the line number. I don't have another
25 copy, but I can try to find it.

1 MR. MANNING: But there's two page numbers on
2 each page, is what I'm saying. Do you see what I'm saying?

3 MR. CAPPOLINO: Yeah.

4 MR. MANNING: So, I mean, I just wanted to
5 figure out which one it is.

6 MR. CAPPOLINO: That's okay.

7 MR. MANNING: Is it this 31?

8 MR. CAPPOLINO: No.

9 MR. MANNING: It's this 31, isn't it?

10 MR. CAPPOLINO: No.

11 MR. MANNING: It's this 31 then?

12 MR. CAPPOLINO: Yeah, I'm sorry.

13 MR. MANNING: Okay. All right.

14 MR. CAPPOLINO: I'm sorry.

15 MR. MANNING: Then it's not page -- we need to
16 figure out what page here because that's the page of the
17 deposition.

18 MR. CAPPOLINO: Okay. Why don't we just agree
19 that the page at the bottom is what we're talking about; is
20 that okay?

21 MR. MANNING: Well, then you are going to have
22 two line --

23 MR. CAPPOLINO: Well, that's fine.

24 MR. MANNING: You're going to have three Line
25 4's on the same page.

1 MR. CAPPOLINO: Fine. Then we'll go to what you
2 want to do. We'll start at Page 68 and go to the lines. Is
3 that fair?

4 MR. MANNING: Yep, that's fair.

5 Q. (By Mr. Cappolino) All right. Let's go to Page 68
6 and that starts at, I believe, Line 6. See that, Mr. Larson?
7 Do you see where I'm pointing to --

8 A. Yes, yes.

9 Q. -- for Mr. Stovall?

10 He said, "At the safety meetings that you held,
11 who was there?"

12 He said, "People primarily that worked for me."

13 "The Exxon employees?"

14 "Yeah."

15 "Were there any contractor employees present?"

16 He said, "Yes, there were, if they worked for
17 me."

18 "So contractors that worked for you took part in
19 the safety meetings?"

20 His answer was, "Right."

21 Did I read that correctly?

22 A. Yes.

23 Q. Then starting again on Page 68, Line 16, he said,
24 "Can you give us the names of some of the contractors that
25 worked for you at any time that you remember?"

1 His answer was, "Diamond, Incorporated; Brown &
2 Root; S.I.P., Incorporated."

3 Did I read that part correctly?

4 A. Yes.

5 Q. All right. I want to turn to page -- let's go to
6 this and see if I can do this here.

7 A. I just want to clarify. He doesn't -- he said the
8 contractors there. He didn't say whether it was the contract
9 employees or their supervisors. He didn't make a distinction.

10 MR. CAPPOLINO: Object, nonresponsive.

11 A. Okay.

12 Q. (By Mr. Cappolino) I want to go to -- and this would
13 be page, I believe, Page 74 and starting on Line 19.

14 A. Okay.

15 Q. I believe this is a question by Troy Chandler in the
16 Altimore case. And he says there, "Okay. And was it common
17 practice for all trades at the Exxon refinery to work side by
18 side while asbestos-containing insulation is either being
19 applied or removed? Is that a common practice."

20 His answer was, "Yes, that's -- we tried to form
21 teams, you know. We mentioned football awhile ago. We had
22 guards and we had tackles and we had tight ends and like that.
23 And we might not know what the tight end was doing, but we knew
24 that he was always there or the play wouldn't work. That's the
25 way it kind of -- with our operation out there, we had to have

1 the team players to finish the job."

2 Did I read that correctly?

3 A. Yes.

4 Q. All right. Do you know whether or not machinists
5 ever took asbestos insulation off turbines or would that be
6 insulators?

7 A. It would be insulators.

8 Q. I want to show you Page 47, Line -- I'm sorry,
9 Page 106, Line 1 of that deposition where Mr. Chandler asked a
10 question.

11 He said, "And there were turbines that
12 machinists worked on at Exxon; isn't that fair?"

13 He said, "That's right."

14 "And the turbines were also insulated, weren't
15 they?"

16 His answer was, "That's right."

17 "And if a machinist needs to work on a turbine,
18 how would he get the asbestos off?"

19 "ANSWER: He would take it off himself in most
20 cases."

21 Did I read that correctly?

22 A. Yes.

23 Q. And that's contrary to what you just said?

24 A. Yes.

25 Q. And so you don't agree with what Mr. Stovall is

1 saying?

2 A. I would say that would be an exception.

3 Q. All right. And further he said -- and I guess this
4 is starting at Page 106, Line 14 -- "Is it a fair statement
5 that it was very important, if a unit was down, for a
6 turnaround to get it back online as soon as you possibly
7 could?"

8 His answer was, "That's right."

9 And the question was, "And because it was very
10 important to get a unit back online as soon as you possibly
11 could, is it also fair to say that many, many men representing
12 many, many crafts would work together side by side in order to
13 get the unit up?"

14 His answer was, "That's right."

15 Did I right that correctly?

16 A. Yes.

17 Q. He further said, "You could have machinists and
18 insulators and pipefitters all working side by side to get that
19 unit up; isn't that fair?"

20 The answer was, "That's a reasonable statement,
21 yes."

22 Did I read that correctly?

23 A. Yes.

24 Q. Do you agree with that? Do you agree that's how it
25 was done there?

1 A. Again, I would say that that's certainly possible,
2 but I don't think it happened that often.

3 Q. Mr. Stovall -- do you know Mr. Stovall was out in the
4 field supervising people for 30 years at least?

5 A. I'll -- you know, I'll accept that.

6 Q. Wouldn't you agree that if a field supervisor like
7 Mr. Stovall was out there for 30, 35 years supervising
8 employees and watching them do this kind of work, he'd be in a
9 better position to know what was going out in the field than
10 you would at the Exxon refinery?

11 MR. MANNING: Objection, form.

12 A. Well, I -- I accept his testimony as given, but
13 that's one supervisor probably out of hundreds. He may not
14 have been representative of most of the supervisors.

15 Q. (By Mr. Cappolino) Have you ever heard of the term
16 "supervisor of supervisors"?

17 A. I'm sorry?

18 Q. Have you ever heard of the term -- of a position out
19 at the Exxon refinery, somebody who was calling himself or who
20 is known as a supervisor of supervisors?

21 A. Yes.

22 Q. What is that?

23 A. It's someone who essentially is directing the work of
24 other supervisors.

25 Q. All right. And do you know how many supervisors or

1 employees they would have under them?

2 A. I wouldn't know for sure.

3 Q. Do you know there was certain parts of his
4 deposition -- well, you don't know -- where there was at least
5 75 people under him?

6 A. I'm sure that's -- that very well could be.

7 Q. Let me turn to Page 57 of his deposition -- not 57.
8 Actually, Page 129 of his deposition -- excuse me, Mr. Larson.
9 I'm just trying to backtrack here. Page 128 of his deposition,
10 starting at Line 17, and let me just ask you about this. The
11 question was asked, "Do you remember Mundy being a contractor
12 out at the Exxon plant?"

13 He said, "They furnished labor for us, yes,
14 sir."

15 Do you recall who Mundy was? Do you know who
16 they were?

17 A. Yes.

18 Q. Who were they?

19 A. They're a general contractor. They do work similar
20 to Brown & Root.

21 Q. And continuing the question, "And do you remember
22 about when they may have started?"

23 He said, "It had to have been sometime in the
24 '60s, late '60s."

25 "And they primarily just furnished workers?"

1 His answer was, "That's right."

2 And his question, "Working under the supervision
3 of Exxon?"

4 "ANSWER: That's right. They had their own
5 foreman:

6 "QUESTION: Right. But they basically worked
7 under conditions that Exxon specified?"

8 His answer was, "That's right."

9 Do you agree with that?

10 A. It depends on what he meant by working under
11 conditions that Exxon specified. To me, that means that Exxon
12 assigned the work to be done, but they had their own foreman
13 and they were responsible for their own workmanship.

14 Q. Is that what he said there?

15 A. Well, again, "worked under conditions that Exxon
16 specified," I'm not quite sure what that --

17 Q. Okay.

18 A. -- means.

19 Q. Starting on Page -- this would be Page 143, Line 3.
20 And that starts up here (indicating), Mr. Larson, the question.

21 The question was, "When you talk about
22 contractors, contractors and Exxon employees working side by
23 side" -- "worked side by side quite often. Isn't that fair?"

24 "ANSWER: In the later years, yes. They started
25 in the '60s."

1 And then he said, "QUESTION: If it was
2 employees for the Mundy Company or the Brown & Root Company or
3 any other company, who was in charge of those workers' safety?"

4 The answer was, "Exxon assumed the
5 responsibility for them, but we hoped that they would have the
6 same type of safety programs, and that was a part of our
7 negotiations at the bidding of the contracts."

8 Then the question was, "Exxon assumed
9 responsibility for the safety of their contractors on their
10 plant?"

11 His answer was, "That's right."

12 Did I read that correctly?

13 A. You read that correctly, but it's historically been a
14 practice that the contractors are responsible for their own
15 employees. I -- I wouldn't agree with that statement.

16 Q. So you don't agree with what Mr. Stovall said?

17 A. No.

18 Q. I'm sorry I had to kind of get over your shoulder,
19 Mr. Larson. It's just the logistics of the thing.

20 A. That's all right.

21 Q. This Larson Exhibit 39 -- and we got the right pages
22 on this one, thank goodness. I want to turn to Page 21 of this
23 deposition starting on Page 21, Line 7, and I'm going to go
24 ahead and read this and ask you a question.

25 It said, "QUESTION: During this time that you

1 were a laborer foreman, were you again working in close
2 proximity to any insulators?"

3 His answer was, "Yes, sometimes."

4 Then the question, "The insulators that you
5 would be working around, were they Exxon employees or were they
6 outside contractors?"

7 His answer was, "Both."

8 Do you agree with that?

9 A. Yes.

10 Q. And I want to go to Page 27 of Mr. Stovall's
11 deposition again on Line 2.

12 He said, "And then in 1969 you became a
13 supervisor?"

14 His answer was, "I became a supervisor of
15 supervisors, yes."

16 And, again, did you tell us what your
17 understanding of what that meant was?

18 A. Yes.

19 Q. A "supervisor of supervisors"?

20 A. Yes.

21 Q. Where -- as far as hierarchy in the plant out in the
22 field, where is that, if you know? I mean, where does that
23 rank in the hierarchy?

24 A. Well, it would depend. Each craft has supervisors
25 and then a supervisor of supervisors is what is typically

1 termed a superintendent. So pipefitters would have a
2 supervisor of supervisors. Laborers would have a supervisor of
3 supervisors and so forth for each craft.

4 Q. So evidently Mr. Stovall was promoted to that
5 position?

6 A. Yes, apparently.

7 Q. And then they continue -- and this is on Page 27,
8 Line 7, still with the question.

9 "At this time were you in an office or were you
10 out in the plant?"

11 "ANSWER: I was out in the plant with the
12 supervisors and the men."

13 And it says, "Tell me what you'd do on an
14 average day as the supervisor of supervisors."

15 "From the 1969 time frame through -- through --
16 up to the '70 time frame, I did primarily turnaround
17 construction work which consisted of taking down units for
18 maintenance turnarounds."

19 "QUESTION: You weren't doing -- you weren't
20 actually doing this work yourself though, were you?"

21 "No. I was in the field though with them."

22 "QUESTION: Were the people you were
23 supervising, they were all Exxon employees?"

24 "ANSWER: Exxon and contractors at that time.

25 "QUESTION: Can you tell us the contractors

1 that you were supervising during that time period?

2 "ANSWER: It would be some of the same, S.I.P.,
3 Incorporated; Diamond."

4 "Are there any others?"

5 "Brown & Root."

6 Did I read that correctly?

7 A. Yes.

8 Q. Do you agree with his testimony that he was
9 supervising both Exxon employees and contractor employees at
10 the same time?

11 A. Well, I think he -- what he meant by supervising, he
12 was directing the project and the contractor was performing the
13 work.

14 Q. Is that what he said?

15 A. I think that's what he said.

16 Q. All right. Page 64 of his deposition, starting at
17 Line 3, "QUESTION: All right. Now, when your insulators --
18 are those Exxon employees?"

19 "ANSWER: In some cases Exxon employees, some
20 cases contractors."

21 "QUESTION: Are there times when Exxon
22 insulators are working in close proximity to contractors?"

23 "Yes."

24 "QUESTION: In your opinion, would the dust that
25 was generated from insulating work by Exxon insulators

1 potentially be around the contracted employees, based on what
2 you saw when you were out there?"

3 His answer was, "It could, yes."

4 Did I read that correctly?

5 A. Yes, but he's referring to insulators. He's not
6 talking about insulators and welders.

7 MR. CAPPOLINO: Object, nonresponsive.

8 Q. (By Mr. Cappolino) Do you agree with his statement?

9 A. Yes.

10 Q. I want to go to Page 65, starting at Line 20. And I
11 think we talked about this earlier, Mr. Larson. Let me just
12 ask you this. He said on the question, "Do they have a medical
13 department there?"

14 He said, "Yes, they did."

15 "QUESTION: While you were there?

16 "ANSWER: Uh-huh.

17 "QUESTION: Is that a yes?

18 "ANSWER: That's a yes.

19 "QUESTION: Did they have engineers working
20 there?"

21 His answer was, "Yes."

22 "QUESTION: Did they have industrial hygienists
23 working there?"

24 His answer was, "Later in my career they did. I
25 don't think in the early part of the career they had industrial

1 hygienists."

2 Now, again, he started out in 1947. Did they
3 have industrial hygienists from 1947 through, say, 1956 at the
4 Baytown refinery?

5 A. As I said earlier, I think that started at the
6 refinery in about 1950.

7 Q. Going further down on Page 66, Line 19, with the
8 question he said -- or he was asked, "Did you as a supervisor
9 of insulators at Exxon ever warn the contractors that came out
10 there about the potential dangers of being exposed to
11 asbestos?"

12 His answer was, "No. I don't think I knew that
13 there was any danger to asbestos."

14 "QUESTION: When you say you -- you at the time
15 were a second line supervisor for Exxon; correct?

16 "ANSWER: Right."

17 Did he indicate that he didn't warn the
18 contractors about asbestos hazards and that he didn't know
19 about the danger to asbestos when he was a second line
20 supervisor for Exxon?

21 A. Well, just reading it, it says, "I don't think I
22 knew..." He doesn't say the time frame, and he could have been
23 saying I don't recall. I -- you know, I just don't understand
24 what he meant by that -- that phrase.

25 MR. CAPPOLINO: All right. Take a quick break

1 so I can figure out --

2 MR. MANNING: Sure.

3 (Recess from 11:25 to 11:29.)

4 Q. (By Mr. Cappolino) Mr. Larson, we were talking about
5 that deposition of Mr. Stovall in the Altimore case, but let me
6 just ask you some general questions here.

7 We've talked about respirators. And it's your
8 opinion that the Baytown refinery required their employees to
9 wear respirators, say, in the period 1960s/1970s?

10 A. Yes. It would depend on the exposure. Certainly not
11 every employee was wearing a respirator all the time, but in
12 the case where they were being exposed to a hazardous material,
13 it would be a requirement to wear respiratory protection.

14 Q. If Mr. Stovall said in the Altimore deposition that
15 he took -- or his testimony, that it was by choice if the
16 employees were going to wear respirators, would you disagree
17 with that?

18 A. Well, when you say, "by choice," I don't think
19 anybody was going to force somebody to wear a respirator.
20 Obviously, though, if it was a requirement for the job, they
21 wouldn't have been permitted to do the job if they weren't
22 wearing the required safety equipment. I mean, that's just a
23 fundamental safety policy. So, I mean, you could interpret
24 what he says, I think, to mean that if it was required, then
25 they would wear it.

1 Q. Were you ever out at the refinery, Baytown refinery
2 or talked to any pot people out at the Baytown refinery that
3 actually saw the process where insulation was removed, cut or
4 sawed?

5 A. I've talked to industrial hygiene personnel there
6 that observed that, yes.

7 Q. And when you talked to him and you talked to him
8 about what he observed, what did he observe? And I'm talking
9 about whether or not any dust was created from that process.

10 A. Well, no, specifically there wouldn't have been
11 because they would have been required to wet the insulation --
12 and this is either asbestos-containing or otherwise -- prior to
13 it being removed; and by wetting it, it would create
14 suppression of the dust.

15 Q. Okay. If you don't mind, I think I'm going to have
16 to go over your shoulder again and I apologize --

17 A. That's fine.

18 Q. -- unless I have another copy of that --

19 A. That's fine.

20 Q. -- deposition.

21 Is that okay, Mr. Larson?

22 A. Sure.

23 Q. I'm sorry.

24 Again, I'm sorry. I'm getting these page
25 numbers here, trying to figure that out. Okay. I'm sorry. I

1 want to ask you -- and I just asked you about whether or not
2 dust was created at certain times. And I want to point you to
3 the Altimore testimony of Mr. Stovall, Page 19, starting at
4 Line 2, and this is a question by Ms. Kyle, an attorney.

5 And it says, "QUESTION: Didn't the company or
6 didn't the safety man or your supervisor say something to the
7 effect that, "This is a dust mask. You should wear it when
8 it's dusty,' or when doing a certain activity in the plant?"

9 "ANSWER: They said that they were available.
10 They never did say -- except whenever you were unloading
11 catalyst, and then you were supposed to wear them because that
12 was -- you know, that was extremely dusty. The insulation was
13 dusty and it looked like snow, but they didn't require you to
14 wear them."

15 Did I read that correctly?

16 A. Yes.

17 Q. Do you agree with that testimony?

18 A. No, I wouldn't.

19 Q. Why don't you agree with that, sir?

20 A. Because it's basically in opposition to all the other
21 testimony that I've read and the discussions I've had with
22 safety and industrial hygiene personnel at Exxon.

23 Q. Do you know that Mr. Stovall's father was a Humble
24 man? I mean, he worked for the Humble company, too, or Exxon
25 and that it ran in his family?

1 A. No.

2 Q. Okay. And, again, I told you that Mr. Stovall worked
3 at the Exxon refinery for 35 years?

4 A. Correct.

5 Q. Okay. Was there a 1959 safety manual that Humble
6 refinery put out, an accident prevention manual?

7 A. I believe that's true.

8 Q. All right. And do you know if that was shown to the
9 employees, Exxon employees or contractor at the Exxon refinery
10 in Baytown?

11 A. It should have been.

12 Q. Did they talk about the hazards of asbestos in that
13 particular manual?

14 A. I don't know if they did or not.

15 Q. Okay.

16 A. Probably not though.

17 Q. Why wouldn't they talk about asbestos dust in the
18 1959 manual?

19 A. Because that would have been addressed separately as
20 a procedure for minimizing dust exposure.

21 Q. All right. And, again, I hate to be talking over
22 your shoulder, but in that manual I'm just going to quote a
23 certain section of it where it says: "Dust respirators must be
24 used for all operations when there is an excessive amount of
25 dust in the air."

1 Do you recall that being in that manual?

2 A. That sounds like typical language.

3 Q. All right. How does a worker or a contract employee
4 know when there's an excessive amount of dust in the air?

5 A. When he's told by his supervisor or the safety
6 person.

7 Q. If you have 5 million particles per cubic foot of
8 dust in the air, can you see that?

9 A. When it comes to insulation, yes, you very well can.

10 Q. Can you see it all the time on other products?

11 A. If it was 100 percent asbestos, you probably
12 couldn't, but if it's part of an 85 percent/15 percent mixed
13 exposure of insulation, you very well could see it.

14 Q. Would it be an excessive amount of dust?

15 A. Yes.

16 Q. All right. It wouldn't be a haze. It would be --
17 what would it look like?

18 A. It would be dusty.

19 Q. And when you say, "dusty," what do you mean?

20 A. Well, if you saw visible dust there, that would
21 certainly be an indication that you should be wearing a
22 respirator.

23 Q. What is a Type A dust? What is that, Type A dust?

24 A. I don't know what you are referring to there.

25 Q. Well, that was in the Humble refinery accident

1 prevention manual in 1959 --

2 A. Okay. So they had classifications for dust.

3 Q. Let me finish my question.

4 A. Okay.

5 Q. That was in the 1959 safety manual, Humble Refinery
6 Accident Prevention Manual, where it mentions Type A dust. Do
7 you know what Type A dusts are?

8 A. No.

9 Q. It mentions Type A dusts being silica, asbestos, coke
10 and cement. Does that help you any?

11 A. It would tell me that that would be considered to be
12 a fairly high hazard potential, those particular materials.

13 Q. But it says further in that accident prevention -- or
14 that safety manual, it says: "The filters" -- talking about
15 respirators -- "provided are approved for all dusts, both toxic
16 dusts such as lead, cadmium, arsenic, et cetera, as well as
17 Type A dusts, silica, asbestos, coke, cement."

18 A. Okay.

19 Q. Why didn't they include asbestos as a toxic dust in
20 that manual?

21 A. I think they just -- they did.

22 Q. With the Type A?

23 A. Type A, correct.

24 Q. And that means toxic now?

25 A. Well, silica, yeah, right, in the same category, I

1 would say that is a toxic dust.

2 Q. So back in 1959 when this manual was put out, Exxon
3 knew that asbestos was a toxic dust?

4 A. Correct.

5 Q. And, in fact, during that time should all
6 petrochemical refineries in the United States have known that
7 asbestos was a toxic dust?

8 MR. LYNCH: Objection, form.

9 A. I would say that asbestos, to the extent that it was
10 being handled as a neater -- 100 percent material, yes, they
11 should have known.

12 Q. (By Mr. Cappolino) Should Crown Petroleum in 1959,
13 which was out in Pasadena, have known at that time that
14 asbestos was a toxic dust?

15 DEFENSE COUNSEL: Objection, form.

16 A. Again, you need to make the distinction between
17 asbestos versus an asbestos-containing insulation because
18 you're talking in one case about 100 percent of a material and
19 in the other about a 15 percent material.

20 Q. (By Mr. Cappolino) All right.

21 A. So what -- and -- if I can finish, and it was in '65
22 when Selikoff came out and found that there were actually
23 hazardous exposures to people handling asbestos-containing
24 insulation, so by '65 -- and I think I've testified to that
25 earlier -- that would have been a key date.

1 Q. Well, let me -- I'll put it in reference for you.

2 A. Okay.

3 Q. The Bonsib report which came out in the '30s --

4 A. Right.

5 Q. -- the asbestos-containing materials that it talks
6 about in the Bonsib report, those would have been toxic
7 asbestos products?

8 A. Well, actually, in the Bonsib report, he's referring
9 to asbestos because asbestos itself was being handled and, yes,
10 he recognizes asbestos as being toxic.

11 Q. Okay. Do you recall stating in a 1996 deposition
12 when the question was asked to you, if the concentration of
13 asbestos fibers were 5 fibers per cc, you wouldn't be able to
14 see that in the air? Do you recall giving that testimony?

15 A. Yes, I do.

16 Q. Do you agree with that?

17 A. Yes.

18 Q. Okay.

19 A. As asbestos though. Okay. You said -- you didn't
20 say 15 percent asbestos in insulation.

21 Q. Would you agree there's lots of pipe covering out at
22 the Baytown plant?

23 A. Yes.

24 Q. Do you know how much, say, in the '60s?

25 A. Oh, I'd say hundreds of miles.

1 Q. Mr. Stovall in his testimony in that case, the
2 Altimore case, said that he read that there was about 600,000
3 miles of pipe at that plant.

4 A. I think that's possible.

5 Q. He said asbestos was used in heat situations; one was
6 magnesium and the other was Superex. Do you recall those
7 products? I think you talked about magnesium.

8 A. Magnesium. I'm not familiar with Superex.

9 Q. He also said the multi-craft system started in the
10 '56 time frame. Before that, insulators did the insulation.
11 Do you agree with that statement?

12 A. It's my recollection that insulators have
13 traditionally done the insulation.

14 Q. All right. Do you know what the multi-craft system
15 was?

16 A. I think that came along later where people were
17 trained to perform multiple types of crafts. It gave the
18 refinery some flexibility.

19 Q. Okay.

20 A. But when they did a craft, it was a distinct craft.
21 It's not like they would be as a pipefitter removing
22 insulation. They would still just do pipefitting and another
23 craft would do the insulation. So it was in terms of general
24 training, not the specific work. And by the way, that didn't
25 apply to contractors.

1 MR. CAPPOLINO: Object, nonresponsive.

2 Q. (By Mr. Cappolino) I want to turn you again to
3 Mr. Stovall's testimony in Altimore. It's on Page 50 and
4 starting at Line 2 or Line 3. The question was put to him, "Do
5 you recall when you first became aware of any potential health
6 hazard associated with asbestos?"

7 His answer was, "It was in the latter part,
8 middle to latter part of the '70s."

9 Did I read that correctly?

10 A. Yes.

11 Q. If that's true and he didn't know about the potential
12 health hazards associated with asbestos until the middle to
13 late part of the '70s and he had started there in the '40s,
14 wouldn't that lead you to believe that Exxon did not tell him
15 about the hazards of asbestos during that period of time?

16 MR. MANNING: Objection, form.

17 A. No. I wouldn't think so. I think it's probably the
18 fact that -- that that was a long time ago and he may not have
19 gotten his dates accurate.

20 Q. (By Mr. Cappolino) Okay. Would you like to sit down
21 and talk with Mr. Stovall about what he testified to?

22 MR. MANNING: Objection, form.

23 A. I don't know. Well, I suppose I -- I would. I don't
24 know. I mean, I -- I'm not saying that I'm disagreeing with
25 what he said. I think he may have gotten some -- some of his

1 information not totally accurate. It would be interesting to
2 talk to some other people with a similar work history to see if
3 they agree or disagree.

4 Q. (By Mr. Cappolino) And so if you have a copy of
5 these depositions that you can now read that I've attached to
6 this deposition, do you think what you may do before you
7 testify at trial, if you're called in this case, is try to talk
8 to some of those people that worked with Mr. Stovall to see if
9 what he's saying is true or not?

10 A. I'd have to see who was available.

11 Q. Would you try to do that?

12 A. I may.

13 Q. If you do that, will you let counsel for Exxon know
14 so I will know?

15 A. Certainly.

16 Q. All right. I want to ask you further -- and going to
17 that line of questions about when he talked about being aware
18 of asbestos hazards, they asked him another question. And
19 this, again, is on Page 51, Line 5, with the question, "All
20 right. Were you aware earlier that you should avoid exposures,
21 excessive exposure to asbestos?"

22 His answer was, "Yes. I'm sure that I was
23 aware, but I thought, you know, that if I didn't choose to wear
24 the safety equipment -- and I think that's what my people
25 thought, too -- I'd just blow it out of my nose and -- when I'd

1 get through in the afternoon and that everything would be all
2 right, you know, and take a good shower and wash it off. I
3 didn't think that there was going to be any lasting effects
4 from it."

5 Did I read that correctly?

6 A. Yes, but I'm not quite sure what he's saying.

7 Q. Did they have -- do you know whether or not there
8 were Goulds pumps, G-O-U-L-D, pumps out at the Baytown
9 refinery?

10 A. I'm not certain about that, but I'm sure that there
11 very well could have been.

12 Q. Why do you think there very well may could have been?

13 A. They were in very widespread use within the refining
14 and petrochemical industry. So, you know, I'm certainly not
15 going to say they weren't in use.

16 Q. There's also discussion here on Page 27 about a
17 safety manual that was shown to him at the deposition, and let
18 me just read this to you and ask you about this. It's on
19 Page 59, starting at Line 9.

20 It says, "QUESTION: I want to talk to you about
21 Exhibit 1 that's been attached to your deposition, the safety
22 manual that you were shown by one of the lawyers in this case."

23 "ANSWER: Okay."

24 And the question was, "Have you ever seen that
25 manual prior to today, sir?"

1 He said, "In this form, certainly not."

2 Now, again, I didn't recall what you said. Were
3 the employees, like the supervisors, given copies of any of the
4 safety manuals that were put out by Exxon?

5 A. Yes.

6 Q. All right. We talked a little bit earlier about how
7 many people he might have been responsible for, that is,
8 Mr. Stovall, when he worked there. And I want to direct you to
9 Page 60, Line 25, going to Page 61 with the question.

10 The question was, "At the highest point in your
11 career with Exxon, how many employees would be under your
12 supervision on any job?"

13 He said, "ANSWER: On catalytic cracking units
14 where I was an overall, there would be some 6 or 700, plus a
15 few contractors."

16 "QUESTION: So you would be directly responsible
17 for supervising jobs with 6 to 700 workers, plus contractors?"

18 "Yeah, but I just supervised the supervisors. I
19 didn't supervise the employees."

20 "Okay. As a supervisor of supervisors then, the
21 total number of employees that were under your control, your
22 direct chain of command, it is fair to say there would be 6 to
23 700 people?"

24 "There has on occasion, on a big fluid catalytic
25 cracker turnaround, yeah."

1 So it appears that he was taking care of a lot
2 of people; is that correct?

3 A. Well, during the period that he was responsible for
4 turnaround, that number would be accurate.

5 Q. All right. We've talked earlier about the section
6 where he learned about asbestos or when he said in the mid-'70s
7 or latter part of the '70s, and I want to direct you to Page 64
8 of the Altimore testimony, starting at Line 16.

9 The question was, "When did you learn -- how did
10 you learn that asbestos could cause cancer? Was it somebody
11 from Exxon's medical department that came out and told you?"

12 He said, "No. I actually heard about it on the
13 media."

14 "QUESTION: When you say you finally heard about
15 asbestos causing cancer on the media, do you mean on the T.V.
16 or radio?

17 "ANSWER: I read it in the paper. I think it
18 was some trial, but I don't really -- I don't remember how I
19 got word of it, that there was a danger of cancer from
20 asbestos."

21 And then further on Page 64, the question is
22 asked to him, "When did you first learn that asbestos could
23 cause a disease that could kill? No matter what the disease
24 was, whether it was cancer or something else, when did you
25 learn that asbestos caused diseases that could kill people?"

1 "ANSWER: The latter part of the '80s."

2 Did I read that correctly?

3 A. Yes, but I disagree with it. Also, it's inconsistent
4 with what he said prior to this.

5 Q. And what did he say prior to this?

6 A. And prior to this he said in the '70s.

7 Q. But I thought the question about the '70s was when he
8 learned about the hazards of asbestos. Is that the same thing
9 in your opinion?

10 A. I would think so.

11 Q. All right. So whether it be the '70s, middle, latter
12 part of the '70s, or learning about it in the '80s, did he
13 state that he learned about some of this information from the
14 media?

15 A. He did.

16 Q. Did he ever say he learned any of that from Exxon
17 prior to the '70s or '80s?

18 A. He didn't, but it's -- that's -- doesn't agree with
19 anything I've heard from any other person I've talked to.

20 Q. All right. Why would he make these statements if he
21 was supervising 600 people at the Baytown refinery?

22 MR. MANNING: Objection, form.

23 A. First of all, that was only on turnaround and that
24 only occurred, I think he said, for a period of a year or two.
25 I have no idea what his motives are. I have no idea

1 whatsoever. I don't know if he has a lawsuit pending or if
2 there's some other reason, but it doesn't agree with anything
3 I've ever -- I've ever learned about or -- or discussed with
4 other people.

5 Q. (By Mr. Cappolino) Okay. I want to ask you about
6 the medical information. You told me about doctors being at
7 the plant, Exxon, about them doing physicals or pulmonary
8 function or chest x-rays for asbestos. Do you recall that
9 testimony?

10 A. Yes.

11 Q. Did you ever learn whether or not the doctors at the
12 Exxon refinery in Baytown ever told their employees about the
13 asbestos hazards or the hazards of asbestos?

14 A. Yes. That was part of their job.

15 Q. And when did they start telling the workers about the
16 hazards of asbestos?

17 A. It's my understanding, according to Jim Hammond's
18 testimony and his memos, that that was in place when he joined
19 the company in 1947.

20 Q. All right. I want to direct you back to
21 Mr. Stovall's testimony on that matter where he talks about
22 being -- x-rays being taken. And he says -- and this is on
23 Page 67, Line 6, beginning the question, "At any time you had
24 either a chest x-ray done or a pulmonary function test done by
25 a company doctor at any time, did any of those doctors tell

1 you, "We're concerned about asbestos exposure at the plant and
2 that's why we're doing this"?

3 His answer was, "No."

4 Did I read that correctly?

5 A. Yes, but I disagree with that.

6 Q. That's not consistent with what you just told me
7 about doctors informing employees; is that correct?

8 A. I would say for every Mr. Stovall's testimony, you'd
9 probably find 1,000 other employees that would state exactly
10 the opposite.

11 Q. Name those 1,000 employees for me.

12 A. Well, I'd say you could pick some at random.

13 Q. Well, who are they at random that you can tell me
14 about that I can talk to or take their deposition?

15 A. Well, I can name myself, but I'm sure there's others.

16 Q. Other than yourself, can you identify anybody else by
17 name?

18 A. Not -- not as I sit here today.

19 Q. All right. And did you ever have a chest x-ray or
20 pulmonary function study test done?

21 A. Yes.

22 Q. And when did you have that done?

23 A. Let's see. From '76 through '78.

24 Q. And was that at Exxon?

25 A. Yes.

1 Q. And what location?

2 A. The Houston chemical plant.

3 Q. Where was that? Was that Baytown or where was that?

4 A. It's on the ship channel or was on the ship channel.

5 Q. Why did you have that done?

6 A. It was part of standard medical surveillance.

7 Q. Did you have any asbestos disease?

8 A. No.

9 Q. Who was your doctor that did that; do you know?

10 A. It would have been -- they sent us to the
11 headquarter's office in Houston for that. It would have been
12 Dr. Lione, L-I-O-N-E.

13 Q. Going back to that same information about knowledge
14 of asbestos or when he was informed about it -- and this was on
15 Page 70, starting at Line 17 of his deposition -- the question
16 was, "Well, let me ask you this. At any time while you were
17 working for Exxon, not now, but while you were working for
18 them, did anybody ever inform you that asbestos diseases, like
19 asbestosis or lung cancer or mesothelioma -- did anybody ever
20 inform you that those diseases were what's called latent
21 diseases that took many, many years to develop?"

22 His answer was, "No, never."

23 Is that inconsistent with what you know?

24 A. Absolutely.

25 Q. What did the doctors, as far as you know, tell

1 employees about latent disease, if you know?

2 A. Well, I'm -- I'm sure they talked about asbestos
3 specifically and asbestos was a latent disease. And I'm sure
4 they informed them of the fibrosis, the asbestosis, and at
5 least beginning in some of the latter years, the fact that it
6 could cause cancer.

7 Q. Going further down to his deposition -- and, again,
8 this is on Page 71, Line 23 -- the question was, "Let me ask
9 you about specific precautions taken around asbestos-containing
10 pipe covering and asbestos-containing block. Did there ever
11 come a time when there were specific precautions taken with
12 asbestos-containing pipe covering or block to reduce the dust
13 that was created when it was cut?"

14 His answer was, "Not really. They just
15 encouraged you to wear dust respirators."

16 "QUESTION: Would that have been later in the
17 '70s?"

18 "ANSWER: Uh-huh."

19 "Is that a yes?"

20 "ANSWER: That's a yes."

21 Is that inconsistent with your knowledge?

22 A. Absolutely. When I was working for Exxon, we had
23 specific procedures in place.

24 Q. Further on Page -- on this same page, Mr. Larson, 72,
25 Line 11, the question was, "Well, let me ask you about prior to

1 the time when you became aware that asbestos was hazardous. Do
2 you ever recall, let's say, prior to the late '70s anybody
3 wetting down pipe covering before they would cut it to reduce
4 the dust?"

5 His answer was, "No."

6 "QUESTION: Do you ever recall anybody wetting
7 down pipe covering when it was removed to try to reduce the
8 dust when it was removed?"

9 His answer was, "No."

10 Did I read that correctly?

11 A. Yes. And, again, it's inconsistent with everything
12 that I've learned over time.

13 Q. You testified earlier that it was your understanding
14 the procedures were to wet down the insulation?

15 A. Correct.

16 Q. How would they wet down the insulation?

17 A. Using fire hoses from the fire monitors in the
18 refinery. I think -- let me clarify that. In some cases where
19 you had hot equipment, that was not practiced because you'd
20 create steam, which would be a safety hazard.

21 Q. Did you ever see them doing that out there at
22 Baytown?

23 A. At Baytown specifically, I don't recall. I may have,
24 but I can't -- I don't have a specific recollection.

25 Q. Okay. Do you recall whether or not at the Baytown

1 refinery any -- at any time or learning from anybody that
2 craftsmen would take off insulation with sledge hammers?

3 A. No. They typically would use a hacksaw blade to cut
4 it with.

5 Q. Mr. Stovall's deposition testimony, again, this is
6 Page 72, starting at Line 21. The question was put to him,
7 "Did pipe covering or block insulation that had to be removed
8 off a pipe or a flange or a boiler or anything -- did you ever
9 see that removed in a way that created dust?"

10 "ANSWER: That's what I think I said awhile ago.
11 I might not have said it, but we really wanted to choose
12 insulators to do stuff where we were going to take off any
13 great amount of insulation. Our craftsmen would take it off
14 with sledgehammers or anything they could get their hands on to
15 get it out of the way and it did create dust. Yes, it did.

16 "QUESTION: Well, when a craftsman had to remove
17 insulation with a sledgehammer, explain to the ladies and
18 gentlemen of the jury what that would do to their clothes, for
19 example.

20 "ANSWER: Well, there would be visible signs of
21 dust on them at times, yes."

22 Did I read that correctly?

23 A. Yes, but I -- again, I think that's pretty much over
24 the top.

25 Q. And when you say, "over the top," what do you mean?

1 A. It sounds like he's almost saying that they
2 intentionally tried to create dust rather than suppress it.
3 That's my opinion.

4 Q. All right. And so do you think that was his
5 intention, Mr. Stovall's intention when removing insulation, to
6 create dust as a supervisor rather than reduce dust?

7 A. Well, from reading his testimony, it almost appears
8 to be, but I -- I can't speak for him.

9 Q. All right. Do you know if anybody, any employees
10 that were working in that time frame, Exxon employees at the
11 Baytown refinery in the '60s and '70s, ever had an
12 asbestos-related disease? Do you know any information about
13 that?

14 A. According to Jim Hammond's testimony up through 1978
15 when he retired, there were no reported instances of any
16 asbestos-related disease.

17 Q. Do you know that Mr. Stovall was diagnosed with
18 asbestosis?

19 A. I didn't know that.

20 Q. In his testimony on Page -- and we'll go to this --
21 he said that his friends who worked with him had
22 asbestos-related diseases, some of them. Do you know that?

23 A. No.

24 Q. I'm going to turn your attention to Page 78, Line 3
25 of Mr. Stovall's deposition. This is a question by

1 Mr. Chandler. The question was, "Mr. Stovall, other than
2 Louise Altimore, who had mesothelioma in this case, do you know
3 anybody else from the Exxon refinery that came down with
4 mesothelioma?"

5 "ANSWER: Not from the Exxon refinery, no."

6 "QUESTION: Okay. How many of the people that
7 you used to work with, if you can give us a ballpark, do you
8 have personal knowledge of that came down with asbestosis or
9 lung cancer?"

10 His answer, "Probably somewhere around 40 or
11 50."

12 "Okay. Were any of those other men, men like
13 you who were supervisors for most of their career?"

14 "ANSWER: Right. One of them was my boss."

15 Did I read that correctly?

16 A. Yes. But, I mean, is this something that's been
17 medically, you know, certified or is it just his supposition?
18 I mean, I'd have to have more information to really understand
19 the significance of -- of these numbers.

20 MR. CAPPOLINO: Object, nonresponsive.

21 Q. (By Mr. Cappolino) Did I read that correctly?

22 A. Yes.

23 Q. And that doesn't comport with your knowledge about
24 Mr. Hammond not knowing of any asbestos-related diseases out of
25 that plant?

1 A. No, it doesn't. And I believe Exxon has done some
2 fairly extensive epidemiology work regarding their workforce,
3 and it's my understanding that the incidence of
4 asbestos-related disease is less than the general population.

5 MR. CAPPOLINO: Object, nonresponsive.

6 Q. (By Mr. Cappolino) You had mentioned earlier that
7 there was air sampling done out at the refinery, at Exxon, at
8 Baytown refinery?

9 A. Yes.

10 Q. Do you know whether or not they actually -- people
11 came out there and put devices on employees to see what they
12 were exposed to?

13 A. It depends on the time frame because the sampling
14 methodology changed in the late '60s and early '70s. Prior to
15 1970, they generally did what was called area sampling with
16 like the midget impinger method; and beginning in about 1970,
17 they started actually doing fiber counts with the membrane
18 filter method.

19 Q. I want to ask you a couple more -- a few more from
20 the Altimore Stovall deposition. Page 79, Line 15, another
21 question to Mr. Stovall, "Did you ever at any safety meeting
22 ever tell -- ever either tell anybody or hear from anybody at
23 Exxon that asbestos was something that could kill you?"

24 The answer was, "No."

25 Do you agree with that testimony?

1 A. No. And the fact that he is consistently giving the
2 testimony that he is that Exxon did absolutely nothing about
3 asbestos tells me that he's got his own agenda.

4 Q. But you don't know what that agenda is?

5 A. No.

6 Q. Okay. Are you going to try to find out what his
7 agenda was?

8 A. I suppose, if I'm asked to.

9 Q. And if you are asked to do that and you find out what
10 you think his agenda was, will you let the Exxon lawyer know so
11 I can know?

12 A. Certainly.

13 Q. All right. Further on Page 79, Line 20 it says,
14 "When you say the immediate danger, I want to know what you
15 mean to imply to the jury. Was it that asbestos was just like
16 any other dust, that you just had to not breathe in a whole lot
17 because you would get sick that day? Characterize that for
18 us."

19 "ANSWER: It fell in the mashed finger, stumped
20 toe, you know."

21 Did I read that correctly?

22 A. Yes.

23 Q. And was that Exxon's policy that asbestos fell in the
24 mashed finger, stumped toe area?

25 A. No. And it's inconsistent with everything I've --

1 I've learned over time.

2 Q. All right. Going down to Page 81 -- and this was
3 Line 9 of his deposition or testimony, and I think this goes
4 back to the monitoring I asked you about earlier. The question
5 says, "Did you ever, let's say, prior to the late '70s, '77
6 specifically, since that's when Mr. Altimore left Exxon, did
7 you ever witness anybody from the industrial hygiene or safety
8 department come up to an employee and put a device on their
9 lapel when they were working with insulation to try to measure
10 the air for asbestos?"

11 His answer was, "No."

12 Did I read that correctly?

13 A. Yes, and that's incorrect because I -- Eric Lebrocq
14 had a complete dossier of asbestos measurements when I was
15 there in the '70s.

16 Q. Where are those?

17 A. I assume they're at the refinery.

18 Q. Baytown refinery?

19 A. I would suppose.

20 Q. Do you know if Exxon has a retention policy on its
21 documents?

22 A. I'm fairly sure they do.

23 Q. Do you know how long they keep documents, say, like
24 these documents you've just told me about?

25 A. I think probably 20 years.

1 Q. All right. So do you know if they're still around,
2 those documents?

3 A. I don't know.

4 Q. Further on -- and this is going to Line 17 of Page 81
5 with the question, "In the 30 years, then, you were at Exxon
6 from 1947 to 1977, when Mr. Altimore quit working for Exxon, is
7 it a fair statement that you had never witnessed a single time
8 anybody put a personal air sampling device on any employee
9 while they were working around asbestos?"

10 His answer was, "No."

11 Did I read that correctly?

12 A. Right. And, again, that's over the top.

13 Q. And "over the top" meaning what in your parlance?

14 A. It's completely out of the realm of probability or
15 possibility.

16 Q. Other than the insulators, Mr. Larson, do you know
17 whether or not Exxon ever conducted classes to other trades
18 about how to reduce dust when it came to asbestos insulation?

19 A. Could you read that again, please?

20 Q. Yeah. Let me ask you this first. Do you know
21 whether or not Exxon at the Baytown refinery or any other
22 refinery ever conducted classes to insulators to teach them how
23 to reduce dust when removing or applying insulation?

24 A. For their own employees, I know they did. For
25 contractors, that would have been the responsibility of the

1 contractor.

2 Q. All right. Do you know if any other crafts were
3 given that same type of instruction with regard to asbestos
4 insulation?

5 A. I'm sure laborers would have been included with the
6 insulators, and I'm not positive, but they could have included
7 other crafts. But at a minimum, I know they would have
8 provided it to insulators and laborers.

9 Q. How about welders?

10 A. They could have. I don't know that for a fact
11 though.

12 Q. How about pipefitters?

13 A. Again, they could have other crafts.

14 Q. How about boilermakers?

15 A. Correct.

16 Q. All right. Were the -- do you know if the
17 supervisors at Baytown refinery or the employees out there were
18 ever told about T.L.V.'s or P.E.L.'s for asbestos exposure?

19 A. Yes. That would have been covered in safety
20 training.

21 Q. Tell us how that would have been covered in safety
22 training.

23 A. Well, in the early days, again, I mentioned the
24 medical department would have reviewed the hazards of asbestos
25 and the fact that there were exposure limits and if you

1 exceeded those exposure limits you could incur an
2 asbestos-related disease.

3 Later on when OSHA came in, you had specific
4 training requirements under the asbestos regulations.

5 Q. Okay.

6 A. After that, you had the hazard communication
7 standard, so there were formalized procedures that got more
8 sophisticated over time.

9 Q. Do you know whether or not any of the employees at
10 Exxon -- and, again, I'm talking about employees now -- were
11 ever told about the Texas 1958 regulations, the threshold limit
12 values for asbestos? And I'm talking about the specific
13 regulation. Do you know if they were taught -- they told them
14 about the Texas regulation?

15 A. Well, the Texas regulation established a threshold
16 limit value that specified the 5 million particles per cubic
17 foot standard. It didn't get into training requirements. It
18 required companies to maintain levels below 5 million particles
19 per cubic foot. So that combined with, as I mentioned, the
20 shop procedures that would have addressed installing and
21 removing insulation would have provided that -- the employees
22 with training on how to minimize exposure to keep it within
23 that threshold limit value. So the Texas standard itself was
24 just a limit. The Exxon procedures for removing and installing
25 insulation would have been such to keep their exposure below

1 that threshold limit value.

2 Q. Was the Bonsib report -- and I may have asked you
3 this and I apologize -- was that ever circulated to the Exxon
4 employees, contractors, supervisors at the Baytown refinery?

5 A. I -- I -- I don't know.

6 Q. All right. Page 30 -- I'm sorry. Page -- Page 85,
7 Line 3 of Mr. Stovall's deposition, I want to ask you this, and
8 I think this goes back to the T.L.V.'s or P.E.L.'s with the
9 question starting on Line 3.

10 "To this very day" -- and the question is, "To
11 this very day, Mr. Stovall, have you ever heard -- well, let me
12 ask you this because you had asked about it in your 1996
13 deposition. Prior to your deposition given in 1996, the whole
14 time you were working for Exxon had you ever heard the term
15 "threshold limit value?"

16 His answer was, "No."

17 Did I read that correctly?

18 A. Yes. And, again, it's inconsistent with my
19 knowledge.

20 Q. All right. It says, "The whole time" -- continuing,
21 "The whole time you were working for Exxon, had you ever heard
22 the term 'permissible exposure limit'?"

23 His answer was, "No."

24 Did I read that correctly?

25 A. Yes. And, again, it's inconsistent with my

1 knowledge.

2 Q. And going down to Page -- that same page, starting on
3 Line 15 or Line 16, the question was, "During the entire time
4 you worked for Exxon, did you ever hear that there was a
5 threshold limit value for exposure to asbestos?"

6 His answer was, "No."

7 Did I read that correctly?

8 A. Yes, and my response is the same.

9 Q. And then further, "QUESTION: During the whole time
10 you worked for Exxon, did you ever hear there was a permissible
11 exposure limit that related to asbestos?"

12 His answer was, "No."

13 Did I read that correctly?

14 A. Ditto.

15 Q. And, again, that doesn't comport with your
16 understanding?

17 A. Correct.

18 Q. All right. Do you know whether or not employees or
19 contractors at the Exxon refinery were ever told about the term
20 "pneumoconiosis"?

21 A. Do I?

22 Q. Yeah.

23 A. Yes.

24 Q. When were they told about that?

25 A. That would have been beginning, again, in 1947, at

1 least, when they would have been given medical surveillance.

2 Q. Okay. On Page 87 of his deposition, again I want to
3 ask you about respirators. And starting -- I believe this
4 would be on Line 19, Page 87.

5 "Now, what Mr. Bonsib writes in his report, is
6 that the kind of information that was shared with you in the
7 safety meetings, sir?"

8 His answer was, "We were concerned about them
9 working in dusty places without respirators, but it was at
10 their option as to whether they wore the respirators or not."

11 "QUESTION: There was never a rule or
12 requirement or mandate that employees wear a dust respirator?"

13 "Oh, yeah. It was in the safety manual that you
14 showed us awhile ago, you know."

15 "QUESTION: Well, what do you mean, it was at
16 their option, sir?"

17 And then he goes down to the answer here and
18 then he starts again on Line 20 with a question:

19 "Well, was the reason fellows would put on a
20 dust mask more of a comfort issue than anything else?"

21 His answer was, "At their option, I guess it
22 would be, yes."

23 Do you agree or disagree with that statement?

24 A. I disagree. I think, again, this is over the top and
25 it's just totally inconsistent with my knowledge.

1 Q. All right. At the Exxon refinery, Mr. Larson, was
2 there any insulation of 12-inch steam lines occurring there at
3 any time in the '60s and '70s?

4 A. I don't know that for a fact, but I think there was a
5 good possibility that there was.

6 Q. If Mr. Stovall said that that process was going on
7 during the '60s and '70s, would you have any reason to disagree
8 with him?

9 A. No.

10 Q. Do you know whether or not insulating 750-pound
11 cracking coil accumulators was occurring out at the Exxon
12 Baytown refinery in the '60s and '70s?

13 A. I have no knowledge of that.

14 Q. If Mr. Stovall --

15 A. I think what you're talking about is examples from
16 the Bonsib report.

17 Q. That's correct.

18 A. Right. Well, the technology certainly had changed
19 from the 1930s to the 1970s. I think you'd really have to ask
20 a process engineer whether that technology was still in place
21 40 years after Bonsib did his report.

22 Q. Well, if Mr. Stovall said he personally saw those
23 operations going on when he was there, would you tend to not
24 agree with him because of your disagreements with other parts
25 of his testimony?

1 A. It would certainly raise a question in my mind.

2 Q. But as a person that was in industrial hygiene and
3 worked for Exxon, you don't know whether or not there was
4 750-pound cracking insulation going on at coil accumulators in
5 the '60s and '70s at the refinery?

6 A. I'd say there's certainly a possibility, but I have
7 no knowledge that there was.

8 Q. Do you know whether or not there was any insulating
9 treating plant acid suction lines at the Exxon refinery in the
10 '60s and '70s?

11 A. Same answer. Possibility, but I have no direct
12 knowledge.

13 Q. Do you know whether or not there was any insulating
14 cracking coil hot oil lines going on at Exxon Baytown refinery
15 in the '60s and '70s?

16 A. Same answer.

17 Q. You do know that there was dismantling and removing
18 of old insulation that occurred at the Exxon Baytown refinery
19 in the '60s and '70s. Would that be a correct statement?

20 A. I'd agree with that.

21 MR. CAPPOLINO: Go off the record for a second.

22 (Recess from 12:11 to 12:23.)

23 Q. (By Mr. Cappolino) Mr. Larson, we've been talking
24 about Mr. Stovall, and obviously, you know, throughout the
25 deposition I've read you parts of his testimony and you've

1 disagreed with him and said he's over the top and things like
2 that, but I wanted to show you this.

3 In this Altimore case, this oral deposition --
4 and actually it was on Page 6 of that deposition before the
5 deposition began, but after he was sworn in, it indicates here
6 that he had his personal attorney with him and it also
7 indicates on this page that Mr. Stovall is not appearing here
8 voluntarily. He's appearing here in response to a subpoena.

9 Did I read that correctly?

10 MR. MANNING: Objection, form.

11 A. I believe.

12 MR. CAPPOLINO: Basis for the objection?

13 MR. MANNING: The introductory paragraph before
14 your question.

15 Q. (By Mr. Cappolino) All right. And after he's been
16 sworn in, does he say, "This is" -- well, this is his attorney:
17 "This is Mr. Patronella with the Williams Bailey Law Firm. I'm
18 Mr. Stovall's personal attorney. And Mr. Stovall is not
19 appearing here voluntarily. He's appearing here in response to
20 a subpoena."

21 Did I read that correctly?

22 A. Yes.

23 Q. Do you know what a subpoena is?

24 A. Yes.

25 Q. And do you know -- I know you're not a lawyer. Have

1 you ever been subpoenaed?

2 A. No.

3 Q. Do you know whether or not a subpoena would mean
4 they're appearing somewhere voluntarily for trial testimony?

5 A. I don't think so.

6 Q. It also indicates here that he's -- has prostate
7 cancer. Do you see that?

8 A. Yes.

9 Q. Mr. Patronella, his lawyer, asked Mr. Stovall, he
10 says -- and this is on Line 17, Page 6 -- "Do you have anything
11 you want to say, Mr. Stovall?" And then the witness responds
12 to that. Do you see that?

13 A. Yes.

14 Q. And let me just go ahead and read this and just ask
15 you a question. He says, the witness, "No, other than Mike and
16 I both hate that it has come to this, to have to give
17 testimony. I'm an Exxon employee. My dad was an Exxon
18 employee. I was born in an Exxon home in Hearne, Texas and
19 started my career there with them in 1947 after I came back
20 from the Marine Corps and transferred to the refinery.

21 "I'm caught between two desires. You know, I
22 want to be loyal to my company, but I also have known the
23 person that's name has been mentioned here. He and I graduated
24 from the same high school, 10 years apart, but from the same
25 high school. He graduated probably in the '33-'34 time frame

1 and I graduated in the '44 time frame."

2 Did I read that correctly?

3 A. Yes.

4 Q. Further he says, "So all of these things were taken
5 into consideration before I ever signed the deposition. And as
6 I told Troy, you know, when I agreed to the truthful statements
7 in that deposition, that more than likely it would call for a
8 subpoena. And I was hoping that something that they could do
9 would not cause that to happen, but situations or conditions
10 above their control did cause it to happen. That's it."

11 Did I read that correctly?

12 A. Yes, I believe so. I'm not quite sure that I
13 understand what he's saying, though.

14 Q. Well, I guess, I want to really focus on the fact
15 that he says, as I told you before, he's an Exxon employee.
16 His dad was an Exxon employee and he was born in an Exxon home
17 in Hearne, Texas and that he has loyalty to the company. Did
18 he say that?

19 A. Yes.

20 Q. Mr. Larson, do you know if at the Exxon refinery in
21 the '60s or '70s there were showers provided for employees?

22 A. Yes, there were.

23 Q. Do you know what the showers were for?

24 A. They were to give the employee an opportunity to
25 clean up before he left the work site.

1 Q. And why to clean up before they left the work site?

2 A. It was -- made sense from a hygiene standpoint.
3 Obviously, a refinery is not a bakery or an ice cream plant.
4 You do tend to get dirty and grimy if you're doing hands-on
5 work. So the company offered that as a means for people to
6 clean up before they left work.

7 Q. Do you know when the showers were provided to
8 employees out at the refinery in Baytown, what year?

9 A. The specific date, I don't know.

10 Q. Do you know if it was in the '60s?

11 A. I believe it was prior to that, probably in the
12 1950s, if not before.

13 Q. Do you know if any reason that Exxon provided those
14 was to prevent household exposure to asbestos from the work
15 clothing of its employees?

16 MR. MANNING: Objection, form.

17 A. I don't think they had knowledge at that time
18 specific to household exposure.

19 Q. (By Mr. Cappolino) If Mr. Stovall said in the
20 Altimore case that the showers were provided more for
21 convenience and cleaning and not from a safety standpoint,
22 would you agree or disagree with that?

23 A. I'd disagree with that. Certainly by the -- at least
24 by the '60s there was some concern about aromatic oils, and
25 they wanted to emphasize hygiene in the workers.

1 Q. Was that in a policy or procedure that you're aware
2 of that was available at the Exxon Baytown refinery in the
3 '60s?

4 A. Yes.

5 Q. What policy was that?

6 A. Well, just the fact that they were provided. I don't
7 know if you want to call that a policy, but they -- they were
8 there. I mean, that's what I'm saying. I don't think you'll
9 find that in some formal policy.

10 Q. Well, I'm just going to ask you about a written
11 document. Is that in any written document that you're aware
12 of, that showers were provided for hygiene reasons at the Exxon
13 Baytown refinery in the '60s or '70s?

14 A. I've seen it in documents somewhere.

15 Q. Where are those documents?

16 A. I don't know.

17 Q. Have you provided those to me today?

18 A. I don't think so, but somewhere in past reading, I
19 think I've come across a statement to that effect.

20 Q. And what was that statement in?

21 A. That showers were provided to promote good health
22 practices in the employees.

23 Q. Who wrote it?

24 A. I think it was the medical department.

25 Q. Who in the medical department wrote it?

1 A. I don't know specifically.

2 Q. What medical department wrote it?

3 A. Exxon or Humble.

4 Q. What year was that written?

5 A. Like I say, I think it was in the 1950s, if not
6 before.

7 Q. But, again, you don't have --

8 A. I think I've seen some -- in fact, I think even in
9 Jim Hammond's deposition he refers to that.

10 Q. All right. Did you ever participate yourself in any
11 safety meetings at the Exxon refinery?

12 A. In terms of personnel safety, I think not, though I
13 mentioned I -- I attended meetings at the refinery to discuss
14 industrial hygiene issues, but that would have been on a staff
15 level rather than participating in employee meetings.

16 Q. Do you know how much it would cost Exxon-Mobil to --
17 each day on a turnaround to try to get the unit up, how much it
18 would cost them per day to -- in a turnaround or shutdown?

19 MR. MANNING: Objection, form.

20 A. It would certainly depend on the unit, but it could
21 be certainly in the millions.

22 Q. (By Mr. Cappolino) All right. I want to ask you
23 some questions about another expert that was designated, I
24 believe, by ALCOA and also by Exxon, a Dr. Craighead. Do you
25 know him?

1 A. That name is vaguely familiar, but I don't know him.

2 Q. Have you read his report?

3 A. No.

4 Q. Do you know in his report that he says that if
5 Mr. Oney has malignant mesothelioma that, in his opinion,
6 employment at the refineries, shipyards and steel mills after
7 leaving the Navy resulted in amphibole asbestos that could have
8 caused his mesothelioma?

9 A. I'm not familiar with that statement.

10 Q. Have you ever been provided a copy of his report in
11 this case?

12 A. No.

13 Q. Did Exxon ever conduct -- and, again, I talked about
14 Exxon -- but its predecessors and the Baytown refinery when
15 Mr. Oney was there, did they ever conduct any mortality studies
16 or surveys of their workers related to exposures to any
17 hazardous substances at the refinery in Baytown?

18 A. Yes.

19 Q. And when were those done?

20 A. I think some studies were conducted in the '60s on up
21 through the present day.

22 Q. And where are those studies?

23 A. I'm sure copies are at the refinery. As far as I
24 know, some of those studies were published in the scientific
25 literature, so they should be publicly available.

1 Q. So I should be able to get a copy if I make a request
2 for those from Exxon, the ones that are at the refinery?

3 A. I would think so.

4 Q. I want to ask you about the American Petroleum
5 Institute now.

6 A. Okay.

7 Q. Standard, ESSO, Exxon, they were members of the
8 American Petroleum Institute; correct?

9 A. Correct.

10 Q. And do you know how long they had been a member or
11 when they started being a member of that organization?

12 A. Probably at least from the 1930s.

13 Q. And did they -- any Exxon employees ever participate
14 on any of the A.P.I. medical advisory committees?

15 A. Yes.

16 Q. And do you know how long they did that, from what
17 time periods?

18 A. From at least the 1950s to the present.

19 Q. And in those medical advisory committee meetings that
20 Exxon or its predecessors participated on, do you have
21 knowledge of whether asbestos hazards and diseases from
22 asbestos were discussed at those meetings?

23 A. I think from time to time they were.

24 Q. Does Exxon and its predecessors ever get the
25 information from the A.P.I. medical advisory committee

1 meetings, like safety minutes or any of the publications?

2 A. Yes.

3 Q. And when did they start getting those?

4 A. I would estimate beginning in the 1940s or 1950s.

5 Q. Did you ever receive copies of any of those
6 publications when you worked for Mobil or Exxon?

7 A. Yes.

8 Q. Was Exxon and its predecessors a member of the
9 National Safety Council?

10 A. Yes.

11 Q. Do you know for how long?

12 A. I think since at least the 1940s.

13 Q. And did they receive publications from the National
14 Safety Council?

15 A. Yes.

16 Q. Did Exxon or its predecessors ever attend meetings of
17 the National Safety Council?

18 A. Yes.

19 Q. Do you know if Exxon ever received the publication --
20 and its predecessors -- the publication Oil and Gas Journal?

21 A. I believe so.

22 Q. Do you know what kind of publication that was?

23 A. It's an industry trade publication.

24 Q. Do you know how long they received it?

25 A. I would say probably at least from the 1950s.

1 Q. Do you know whether or not that publication ever
2 talked about mineral wool insulation being used on pipes in
3 plants?

4 A. It probably did.

5 Q. Do you know of any reason why mineral wool insulation
6 was used -- not used on all the piping and asbestos was? Is
7 there a reason for that because of the properties in mineral
8 wool insulation?

9 A. I think that's the primary reason.

10 Q. Did Exxon or its predecessors ever get the Journal of
11 the American Industrial Hygiene Association publication?

12 A. Yes.

13 Q. For how long?

14 A. Probably at least since the 1950s.

15 Q. And did you get that?

16 A. Yes.

17 Q. Did they get the Archives of Environmental Health?

18 A. Yes.

19 Q. From when to when?

20 A. Probably from the late 1950s until now.

21 Q. Did they get the Journal of Occupational Medicine?

22 A. Yes, from the 1940s until the present.

23 Q. And, again, I don't want to try to make you tell me
24 all the journals you got, but do you know of any other journals
25 that Exxon or its predecessors received, other than the ones I

1 told you, where they would discuss hazards of asbestos and
2 potential disease processes?

3 A. Probably the Industrial Health Foundation. There
4 could be others, but I can't think of any off the top of my
5 head.

6 Q. I was going to ask you about that. You said the
7 Industrial Health Foundation. Isn't that the Industrial
8 Hygiene Foundation?

9 A. It changed its name over time.

10 Q. When did they start -- when did Exxon and its
11 predecessors start getting those publications?

12 A. I would say probably the late 1940s.

13 Q. And do you know continuing into when?

14 A. Until the organization dissolved. I think that
15 happened in the late 1970s.

16 Q. And the Industrial Hygiene Foundation publication,
17 would that go to Crown -- I mean, not Crown -- would it go to
18 Exxon and its predecessors?

19 A. To at least someone in the company, yes.

20 Q. Do you know who that would have been?

21 A. It would have been the Research Environmental Health
22 Division in Linden, New Jersey.

23 Q. Do you know if that was ever disseminated throughout
24 the Exxon plants in the United States?

25 A. It was upon request.

1 Q. Do you know whether or not those publications ever
2 talked about asbestos exposure and disease from asbestos?

3 A. I believe they did.

4 Q. Does Exxon and its predecessors have any documents
5 that identify its deceased employees?

6 A. Yes.

7 Q. Do you know where they are kept?

8 A. I'm not exactly sure. I would -- I believe they're
9 probably kept either in Houston or in Clinton, New Jersey.

10 Q. Do you know if they're still available?

11 A. I don't know. They probably are.

12 Q. Do you know if Exxon ever attended the Occupational
13 Cancer Now 1971 Symposium on Fundamental Cancer Research at
14 M.D. Anderson in Houston?

15 A. I don't know that.

16 Q. You worked at M.D. Anderson at one time, didn't you?

17 A. At one time I did.

18 Q. What did you do there?

19 A. I was an assistant biochemist. It was basically my
20 first job out of college.

21 Q. And you didn't have anything to do with asbestos
22 disease processes?

23 A. No. This was like fundamental research on DNA and
24 RNA.

25 Q. Okay. Were there any safety manuals put out by Exxon

1 and its predecessors for the years 1960 to 1974?

2 A. I'm sure there were.

3 Q. Do you know where they are?

4 A. No.

5 Q. Do you know whether or not they discussed the hazards
6 of asbestos exposure?

7 A. Again, the safety manuals were meant to be general
8 safety and health rules that applied to every employee in the
9 refinery. Different crafts and trades had hazards that were
10 specific to their jobs. And when that occurred, you'd have
11 ancillary documents that addressed those hazards. It would not
12 be part of the refinery's safety manual.

13 Q. Have you ever sat down in a room and looked at a
14 bunch of Exxon documents, such as like in this box
15 (indicating), with any attorneys to see what documents are
16 relevant to asbestos? Have you ever done that?

17 A. I don't recall doing that.

18 Q. All right. I want to ask you about contractor --
19 information on contractors such as Brown & Root --

20 A. Okay.

21 Q. -- S.I.P., Foster Wheeler, some of the people that
22 may have been out at the Exxon Baytown refinery.

23 A. Okay.

24 Q. I had asked or we had requested any documents,
25 contractor documents, such as bid information or procedures

1 applicable to contractors or contract negotiation information
2 with regard to contractors. Do you know if any of that
3 information is available?

4 A. I don't know, but I think that it probably is.

5 Q. Do you know where it would be located?

6 A. Probably Houston.

7 Q. And the reason I'm asking you that is, we have asked
8 for the information and have not been provided with that
9 information. Do you know why we hadn't been provided with it?

10 MR. MANNING: Objection to form.

11 A. No.

12 MR. CAPPOLINO: Are you going to provide it to
13 us? We asked for it.

14 MR. MANNING: I'm sorry?

15 MR. CAPPOLINO: We asked for it in formal
16 discovery and we have not received it yet.

17 MR. MANNING: I haven't seen your request, Tim.
18 I'm happy to look at that and take a look at it and work with
19 you on that.

20 MR. CAPPOLINO: And, again, I think it was in a
21 supplemental response that y'all sent us and we were asking for
22 the information, but I haven't received it, so I guess --

23 MR. MANNING: I haven't seen those responses. I
24 haven't seen your requests. I'm happy to go back and look at
25 it and we can discuss it.

1 MR. CAPPOLINO: All right.

2 Q. (By Mr. Cappolino) But does that information still
3 exist, as far as you know, the contractor information?

4 A. I would -- I would think so in some form, yes.

5 Q. Let me ask you about the Exxon refinery. When they
6 would -- I guess if they'd build a new unit or put in a
7 specification for the building of a new unit, would they use
8 like outside contractors to build those units, like Brown &
9 Root or Foster Wheeler?

10 A. To actually do the construction, yes. Obviously,
11 Exxon would do some of the fundamental engineering but then
12 turn it over to an engineering construction company like Brown
13 & Root, McDermott, you know, Fluor.

14 Q. Who would write the specifications for that type of
15 addition or construction? In other words, what type of
16 materials were to be used? What was to be built?

17 A. The initial engineering design basis would be done by
18 Exxon's central engineering and, of course, they would be using
19 A.S.T.M. standards and A.P.I. standards as part of that
20 process, but the initial design basis would come from Exxon and
21 then the engineering would be fleshed out by the contractor.

22 Q. Was there a period of time, again at Exxon Baytown
23 refinery with regard to these specifications, when Exxon did
24 not want the use of asbestos-containing materials that had a
25 substitute? Was there a period of time --

1 A. Yes.

2 Q. -- when they specified that?

3 A. Yes.

4 Q. And when did that period begin?

5 A. Began? I would say in the early 1970s.

6 Q. Can you tell me what type, say, in the early 1970s,
7 what type of asbestos-containing materials were discouraged to
8 be used in new additions by Exxon, that had substitutes, in
9 other words, where they could use substitutes instead?

10 A. Well, essentially, any material that had a
11 commercially viable substitute that met the performance
12 requirements, and that primarily had to do with things such as
13 pipe and vessel insulation. I'm trying to remember the
14 manufacturer that came out with a asbestos-free calcium
15 silicate insulation in about '73. So as -- the central
16 engineering did a study to see what viable substitutes were
17 available, and as they did that, they changed their
18 specifications --

19 Q. Okay.

20 A. -- to require the use of those materials as opposed
21 to an asbestos-containing material.

22 Q. So would I be correct or would this be a fair
23 statement, that by the early 1970s there was sufficient
24 substitute materials for asbestos-containing products that
25 could be used at a refinery?

1 MR. LABOON: Objection, form.

2 A. In some applications, not all applications.

3 Q. (By Mr. Cappolino) In what applications would there
4 not be substitutes for the asbestos material?

5 A. Well, I think we looked at that '73 document where we
6 were still specifying asbestos-containing gaskets, for example.
7 That took some more time. Some of the really high -- high
8 temperature vessel and pipe insulation initially did not have a
9 viable substitute, but that gradually was phased in over time.
10 So if I had to put a rough number on it, I would say by the mid
11 '70s we probably had asbestos-free substitutes for about
12 50 percent of the products that originally contained asbestos.

13 Q. Okay. In the early '70s -- again, I'm going back to
14 the specifications in the substitute materials --

15 A. Right.

16 Q. -- was Exxon -- starting in the early '70s, was Exxon
17 still specifying that insulating finishing cement or sprayed
18 asbestos could be used in the plants?

19 A. Well, that was a transition period, so part of the
20 time they probably were, but I would say by the mid '70s they
21 were not.

22 Q. And why weren't they -- why were they not -- by the
23 mid '70s, why weren't they specifying those products to be
24 used?

25 A. It would have been because there was not a

1 commercially viable substitute available.

2 Q. But in the mid '70s there was a commercially viable
3 substitute available?

4 A. I believe that's true.

5 Q. Do you know what that product was or what it was made
6 of?

7 A. I don't know what specific product it was.

8 Q. How about blanket asbestos; do you know what that is?
9 Have you ever --

10 A. Are you talking about fire blankets or --

11 Q. Yeah, yeah.

12 A. Yeah. By the early to mid '70s, to my knowledge all
13 the asbestos-containing blankets had been phased out and they
14 were either using fiberglass, canvas or ceramic fiber blankets.

15 Q. The early to mid '70s, I want to talk about
16 insulation and, again, with the specifications of molding, pipe
17 covering and block. Were there substitutes that came in, in
18 the early '70s, mid '70s, where another substitute could be
19 used for asbestos-containing molding, pipe covering and block?

20 A. I believe that's true. I base that on Jim Hammond's
21 testimony.

22 Q. Do you know what that product would have been?

23 A. There was a material made -- I think it was by Carey,
24 and it had a pink tone to it, to identify that it was asbestos
25 free. I don't know specifically the name of the product,

1 but...

2 Q. How would refineries -- and I'm not just talking
3 about Exxon. How would refineries, say, in the Texas Gulf
4 Coast area know about these substitute products in the early to
5 mid '70s?

6 A. I would say they were being aggressively marketed by
7 the manufacturers.

8 Q. Would these manufacturers go to the plants and market
9 it or would they just send out fliers or what would they do?

10 A. I'd say probably both.

11 Q. Do you know that, in fact, did happen?

12 A. I believe it did.

13 Q. Okay. And, again, I mentioned sprayed asbestos. Was
14 sprayed asbestos being phased out in the early to mid '70s to
15 be used in plants?

16 A. When you talk about sprayed asbestos, I assume you're
17 referring to like gunite materials --

18 Q. Yes.

19 A. -- things of that nature?

20 Q. Yes, sir.

21 A. Well, first of all, gunite -- not all gunite ever
22 contained asbestos, so it would depend on the type that was
23 specified, but I believe by the mid 1970s that all gunite
24 materials was asbestos free.

25 Q. Do you know what asbestos cement fire water line is?

1 A. Yes.

2 Q. What is that?

3 A. It's basically the type of underground piping that
4 would typically be used for fire water lines. I think I do
5 know one brand name. I'm sure somebody here represents them,
6 but like Certainteed --

7 Q. Okay.

8 A. -- for example, that type of thing.

9 Q. How do you know about Certainteed?

10 A. I've just seen it, seen the trade name appear in
11 various depositions.

12 Q. Do you know whether or not that Certainteed was in
13 existence or in place at the Exxon refinery in the '60s or
14 '70s?

15 A. I do not know.

16 Q. Do you know if there was a substitute material or a
17 substitute product for that asbestos cement fire water line in
18 the early to mid '70s?

19 A. I don't know the answer to that. I know I installed
20 it on a summer job.

21 Q. When was that?

22 A. It would have been the summer of -- I guess that
23 would have been 1968.

24 Q. Okay. Let me ask you about some other things, and I
25 know we had touched on them, Mr. Larson. And, again, I'm

1 talking about specifications and whether there was substitute
2 material.

3 How about the 85 percent magnesia product that
4 we talked about; do you know if there was substitutes for that
5 in the early to mid '70s to be used in refineries?

6 A. Yes. By the mid '70s, there were.

7 Q. And what were those substitutes that were available?

8 A. Well, they actually changed it from magnesia to
9 calcium silicate and they used -- I'm trying to recall the --
10 the binder that they used in place of asbestos. There was a
11 material -- I think it was ceramic fiber that they substituted
12 for asbestos.

13 Q. And you think that came in, in the mid '70s, that
14 substitute?

15 A. Approximately.

16 Q. When did Exxon start using that instead of the
17 85 percent magnesia?

18 A. It would have been the mid '70s.

19 Q. Do you know if that would have been '75? '76? Have
20 any knowledge?

21 A. Somewhere between '73 and '76.

22 Q. And why did they substitute that product?

23 A. Because it became available and met the
24 specifications for its intended use.

25 Q. Well, did they substitute it because it had anything

1 to do with reducing the exposure for asbestos?

2 A. That was -- yes.

3 Q. I want to ask you about asbestos sponge felt, and I
4 know that was talked about in the Bonsib report; correct?

5 A. Right.

6 Q. What is that product?

7 A. You know, I'm really not quite sure. I don't think
8 it -- it was used -- it's being -- it was used or is being used
9 today.

10 Q. Do you know when they stopped using that, the
11 refinery?

12 A. I don't know. It's probably in the '40s or '50s.

13 Q. Was there a substitute for the asbestos sponge felt
14 in the '50s that could be used at a refinery?

15 A. I'm sure there was. It was probably -- I'm just
16 thinking it was probably asbestos cloth --

17 Q. Okay.

18 A. -- or fiberglass. I -- I really don't know.

19 Q. That's okay.

20 Refractory clay, do you know what refractory
21 clay in asbestos is?

22 A. In general terms.

23 Q. What is that, sir?

24 A. Refractory clay is used to line like furnaces and in
25 some cases boilers, and it may or may not contain asbestos.

1 Some does; some doesn't.

2 Q. Did Exxon start phasing that product out in the early
3 to mid '70s at the Exxon Baytown plant?

4 A. I believe they did. I don't know that for a fact,
5 but I'm -- I'm fairly sure they did.

6 Q. Do you know if there was a substitute for it at that
7 time?

8 A. Again, I think there was, but I don't know that for a
9 fact.

10 Q. Have you ever heard of something called Perlite,
11 P-E-R-L-I-T-E, and asbestos?

12 A. In asbestos?

13 Q. And asbestos.

14 A. I think I've seen that.

15 Q. Do you know if that was at Exxon in the '60s or '70s,
16 that particular --

17 A. I don't know.

18 Q. Do you know if there was a substitute for that
19 product in the early to mid '70s?

20 A. I don't know that.

21 Q. Were there any boilers out at the Exxon Baytown
22 refinery in the '60s and '70s?

23 A. Certainly.

24 Q. Where were they located? Were they all over or
25 certain parts?

1 A. It's my recollection there were probably two or three
2 boiler house -- houses on site --

3 Q. Do you know --

4 A. -- that would have contained probably three to four
5 boilers each.

6 Q. Do you know if any of those boilers had any
7 asbestos-containing material on them in the '60s and '70s?

8 A. They probably did.

9 Q. Do you know what that material would have been or
10 what it would have been used for?

11 A. It would have been primarily block insulation.

12 Q. Okay. Do you know who manufactured any of those
13 boilers, who the manufacturers were in the '60s and '70s?

14 A. Not offhand, not offhand.

15 Q. Do you know who was in charge of purchasing out at
16 the Exxon Baytown refinery in the '60s and '70s?

17 A. I don't, but I'm sure that could be determined.

18 Q. Have you reviewed any deposition testimony or
19 documents, exhibits to Neill Weaver, from Neill Weaver at
20 Exxon?

21 A. I've read a prior deposition that he gave. I don't
22 recall any exhibits though.

23 Q. I want to ask you about another organization, the
24 N.P.R.A. Do you know what that is?

25 A. Yes.

1 Q. What is that?

2 A. National Petroleum Refining Association.

3 Q. Was Exxon a member of that?

4 A. I believe so.

5 Q. Do you know when they started becoming a member of
6 that organization?

7 A. Probably the 1940s.

8 Q. And what was the purpose of that organization?

9 A. It was to share information among refine -- well,
10 refiners on operating practices, safety and engineering
11 standards.

12 Q. And do you know if that organization ever
13 disseminated information that talked about the hazards of
14 asbestos and disease processes from asbestos?

15 A. I believe they did.

16 Q. And do you know if Exxon got any of that information?

17 A. I believe they did.

18 Q. When you worked with Exxon or Mobil, did you ever
19 share any information with other refineries, in other words,
20 call people, say, up at ARCO or Charter to see what type of
21 procedures they had for reducing asbestos exposure?

22 A. I'm sure that at some time if someone called me and
23 asked me about that -- I don't specifically recall that, but
24 I'm sure that probably occurred at some point.

25 MR. CAPPOLINO: Can we go off the record?

1 (Discussion off the record.)

2 (Recess from 12:54 to 1:27.)

3 Q. (By Mr. Cappolino) Mr. Larson, earlier I had asked
4 you about OSHA when you worked for them, and I wanted to ask
5 you about somebody -- an industrial hygienist with OSHA and see
6 if you know who that person is, a Mrs. Linda Boehmer,
7 B-O-E-H-M-E-R?

8 A. I'm not familiar with her. She must -- if she was in
9 Houston, she was there after '76.

10 Q. Okay. Do you know what a -- and I guess in OSHA
11 parlance, do you know what a closing conference is concerning
12 an employee complaining of exposure to asbestos? Do you know
13 what that is?

14 A. Yes, generally.

15 Q. What is that?

16 A. When OSHA does an inspection, they have like three
17 phases of an inspection: One is the opening conference when
18 they arrive at the facility. They present their credentials,
19 tell them why they're there, whether it's a complaint, whether
20 it's a general inspection, whether it's in response to a
21 fatality, so on and so forth.

22 Once that's completed, they generally do what
23 they call a walkthrough in which they actually go on site,
24 inspect the facility, make a notation of any alleged violations
25 and then at the conclusion of the walkthrough, they do a

1 closing conference to review their findings and whether or not
2 there may be any, quote, potential citations issued.

3 So the closing conference, I guess, in regards
4 to an asbestos complaint would be sitting down with management
5 and any union representative, if the facility's, you know,
6 organized, and discussing the findings of the inspection.

7 Q. Okay. In Mr. Trembly's deposition and maybe in
8 Mr. Bradley's, do you recall when there was a reference to an
9 OSHA inspection probably sometime in '83 at the Crown plant?

10 A. I think that sounds right.

11 Q. Could you tell from reading the deposition testimony
12 what type of inspection was made?

13 A. No, not really.

14 Q. Are there different types of inspections, some not as
15 complete as others, that OSHA inspectors did in '83 when they
16 went out to a plant?

17 A. Well, yeah. Typically if it was a complaint, they'd
18 come in specifically and follow up on the very narrow area of
19 the complaint --

20 Q. Okay.

21 A. -- as opposed to doing what they call a generally
22 scheduled inspection where you do basically a wall-to-wall
23 survey.

24 Q. But you couldn't tell from the deposition testimony
25 what -- exactly what type of inspection OSHA did at the Crown

1 plant?

2 A. No, I can't.

3 Q. I wanted to ask you -- and I went through the box of
4 documents real briefly, and I was just going to ask you about a
5 few things. One of them was this letter by James Hammond who
6 you've referenced before dated August 17th, 1994 to Mr. Hans
7 Siegel at Exxon --

8 A. Correct.

9 Q. -- this document. And I'm probably not going to
10 attach it, but I just wanted to ask you, what is this document?

11 A. I think that was toward the end of his career. And
12 Siegel, I believe, was in the Exxon medical department. And I
13 guess they wanted him to basically, I guess, memorialize
14 what -- what his approach had been in Exxon to the industrial
15 hygiene in general and to asbestos controls specifically.

16 Q. Do you know whether or not this document was prepared
17 because of any asbestos litigation that was going on at that
18 time against Exxon?

19 A. I have no idea.

20 Q. Then I had a document, "Chronology of Asbestos
21 Regulation in United States Workplaces." What is this document
22 about?

23 A. It traces the history of governmental and
24 nongovernmental recommendations and regulations regarding
25 asbestos exposure.

1 Q. Have you relied at all, let me ask you, on either one
2 of those two documents in giving your testimony today?

3 A. Well, yes.

4 Q. In what --

5 A. Particularly the Hammond document.

6 Q. Okay. In what way? Why did you rely -- or just
7 basically because what Mr. Hammond said as far as the practices
8 at Exxon with regard to asbestos exposure and other exposure?

9 A. In that memo as well as in his deposition from 1990.

10 Q. I've got the -- this is the Trembly deposition that
11 you had to review, Volumes 1 and 2. And I just wanted to ask
12 you, you had marked a couple pages in here.

13 A. Okay.

14 Q. Let me just hand you the Trembly Volume 1 where
15 you marked a page, and the question I wanted to ask you,
16 Mr. Larson, is why did you mark that page in that deposition?

17 A. Let's see. That's a good question. I normally
18 highlight anything of interest in yellow, but I see I didn't do
19 that here. Huh. Quite frankly, I really don't know why I
20 would have tabbed that page because I don't really see anything
21 in here that really catches my eye in terms of
22 asbestos-handling procedures or safety procedures.

23 Like I said, I usually -- I usually highlight
24 passages that are of interest with yellow and I see -- this
25 sticky may have gotten on here by accident. I don't know.

1 Q. Why do you usually highlight depositions that you
2 review?

3 A. Just to basically save time in indexing what I think
4 is important.

5 Q. Did lawyers for Exxon tell you not to highlight any
6 of the deposition testimony in this case?

7 A. No.

8 Q. Let me show you a Volume No. 2 of Trembly.

9 A. Okay.

10 Q. You also -- did this sticker on that Volume 2 get
11 there by mistake, too?

12 A. I hope not. I'm not in the practice of doing that.
13 Well, basically on this page it identifies the various types of
14 asbestos-containing materials that were present at the site and
15 it also refers to Mr. Bradley, the safety supervisor. And that
16 was the first reference I recall seeing about a
17 Mr. Bradley.

18 And then, of course, there was also then the
19 subsequent deposition by Mr. Bradley. I used this, I guess, to
20 highlight the fact that Mr. Bradley was in charge of safety and
21 would have been responsible for any procedures related to the
22 asbestos-containing products that were in use at Crown.

23 Q. Okay. I'm through with that, sir. Thank you. I'll
24 put that back in the box.

25 A. Okay.

1 Q. I also have a document that I got out of the box
2 called, "State-of-the-Art Knowledge, Asbestos Exposure in
3 Petrochemical Plants," which is written by William Dyson, who
4 is an industrial hygienist expert, I believe, who was called to
5 testify several times for the defendants.

6 A. Right.

7 Q. And how did you rely on this, if at all?

8 A. Well, he talks about the historical regulation of
9 asbestos and state-of-the-art in terms of knowledge about when
10 certain health effects went out about asbestos. He also
11 goes -- and there's some fairly good, I think, exposure data
12 found for monitoring certain types of operations.

13 Q. Okay. I've got the document that, I think, I
14 reference, and then I've marked it as an exhibit, the
15 Occupational Health Regulations from the State of Texas 1958.

16 A. Correct.

17 Q. And this is the one that has, you know, the asbestos
18 in it. And the information, I believe it's on Page --

19 A. It's toward the end.

20 Q. Yeah. On mineral dust, where it has asbestos,
21 5 millions of particles per cubic foot of air.

22 A. Correct.

23 Q. I got something from the C.F.R. section.

24 A. I believe that's the 1987 OSHA asbestos regulations.

25 Q. Okay. And I wanted to ask you, have you ever -- have

1 you read some kind of a report from a Wesley Charles Hewitt
2 from a -- retired United States Navy on the Oney case?

3 A. No.

4 Q. Have you seen a copy of that?

5 A. I have not.

6 Q. I want to ask you about your designation as an expert
7 in this case. Have you read the Exxon-Mobil Corporation's
8 Supplemental Designation of Fact and Expert Witnesses where
9 you're listed as an expert?

10 A. I don't know if I have or not.

11 Q. Do you know whether or not you provided any of the
12 information that's in here to Exxon-Mobil about what you're
13 going to testify about?

14 A. Could I take a look at that?

15 Q. Yeah.

16 A. Yeah, I've seen this. It's probably been a couple of
17 years.

18 Q. Is the information accurate in there with regard to
19 your expected areas of testimony in this case?

20 A. I would say so.

21 Q. Okay. One of the things that was mentioned in here
22 is that "Mr. Larson may testify regarding matters in response
23 to testimony of Plaintiff's experts." Have you reviewed any of
24 the experts' testimony that's been taken in this case on behalf
25 of Plaintiffs in the Oney case?

1 A. Not to date.

2 Q. At any time?

3 A. No. I would assume that if -- I may be asked to in
4 the future.

5 Q. For instance, you haven't seen Dr. Roggli's
6 deposition?

7 A. No.

8 Q. I believe you testified back in 2004 in a case out of
9 Travis County, Texas. I just wanted to ask you about this,
10 where you stated, "In the contract for contractors, Mobil makes
11 it clear that you will do things Mobil's way or you're not
12 going to do it period." Do you recall stating that?

13 A. I don't recall that specific language; but, I mean,
14 I -- I'm not surprised to hear a quote like that.

15 Q. And would you -- is that accurate? Do you agree with
16 that?

17 A. That -- okay. Yes. I do in general, yes.

18 Q. All right. You also said in that testimony that
19 "Upon contractors being hired, they attended an orientation by
20 Mobil safety and health personnel and would review the safety
21 and health procedures in effect for the plant as well as any
22 specific health hazards that might be present."

23 A. Correct.

24 Q. Do you recall stating that?

25 A. Correct.

1 Q. And is that true?

2 A. Correct.

3 Q. And then I believe you also stated that, "After
4 orientation, a Mobil person was assigned to that contractor to
5 periodically review their work practice, work safety, and make
6 sure they were meeting Mobil's requirements. Workers should be
7 informed of health hazards they are exposed to." Do you recall
8 stating that?

9 A. Yes.

10 Q. And is that an accurate statement?

11 A. Yes.

12 Q. I want to ask you -- and there was something I was
13 trying to find earlier in one of the Stovall depositions. This
14 was marked as Larson 38, and I believe this was a deposition in
15 June of 1996. And, again, I'm probably going to have to come
16 over and look over your shoulder and I apologize, but let me
17 just come over here real quick.

18 And was there a period of time at the Exxon
19 Baytown refinery where all crafts tore off insulation?

20 A. I don't believe so.

21 Q. All right. In Mr. Stovall's deposition testimony
22 here, there's a question asked and it's on Page 10, Line 3.
23 The question was, "What does an insulator do?"

24 And the answer was, "He tore off insulation if
25 it was a smaller job, you know. All crafts tore off insulation

1 as far as that would go. Then he reapplied the insulation
2 after repairs."

3 And do you disagree with that statement? You
4 don't think that's accurate?

5 A. That's not the way it's supposed to happen. No, I
6 don't agree.

7 Q. All right.

8 A. I mean, again, you know, work is typically craft
9 specific. Welders weld. Insulators insulate. And insulators
10 don't do pipefitting, just like a pipefitter doesn't do
11 insulation.

12 Q. He also described -- and let me ask you this. During
13 the turnarounds and the shutdowns, do you know what the
14 condition of the air was or what the air environment was during
15 those periods of time?

16 A. Do I know?

17 Q. Yeah.

18 A. Specific -- I don't have any personal knowledge.

19 Q. All right. They asked him on Page 14, Line 5, "Okay.
20 Can you describe the air environment during these turnarounds
21 and shutdowns?"

22 His answer was, "Dirty, nasty, dusty."

23 Did I read that correctly?

24 A. You did, but I don't think it reflects procedure.

25 But, yes, you did.

1 Q. What do you mean, it doesn't reflect procedure?

2 A. Well, I think beginning with the Bonsib report in
3 1937 on up through James Hammond's depositions and his memos,
4 it says that it was standard operating procedure to wet down
5 any insulation prior to its removal.

6 Q. Okay. Going back further on that, just to kind of
7 put that in context, I'm going to start on Page 13, Line 7 with
8 regard to his observation of the air environment. And the
9 question was, "I believe in your previous deposition you said
10 that about anywhere from 30 to 45 minutes a day you might be in
11 the office doing some paperwork. Does that sound about right?"

12 The answer was, "Yeah, making out time sheets,
13 right."

14 "QUESTION: What would you be doing the other
15 part of the time, the other 7 or 8 hours a day?"

16 And his answer was, "Coordinating the work of
17 the men in the field."

18 "QUESTION: Would you basically be called a
19 field supervisor?"

20 "ANSWER: That's right."

21 "QUESTION: Would you be outside where the work
22 was being done?"

23 "ANSWER: Right. We were really called a first
24 line supervisor."

25 And his question was, "First line supervisor, if

1 you can, describe to the ladies and gentlemen of the jury in
2 your own words."

3 His answer was, "They were the people that the
4 craftsmen answered to for their direction."

5 And then the question was, "Fair enough. Would
6 they track you down in the office to ask you or would they find
7 you on the job site?"

8 "ANSWER: They would just turn around there. I
9 would be standing there pretty close."

10 And that was before the section we talked about
11 the air environment during the turnarounds.

12 Did I read that testimony correctly?

13 A. Yes.

14 Q. Do you have any reason to dispute that he was out
15 there with these workers when they were doing work?

16 A. No.

17 Q. Then the lawyer, who is Mr. Patronella, on Page 14,
18 Line 15 asked him a question: "I don't want you to guess or
19 speculate. I just want you to describe what you saw with your
20 own two eyeballs."

21 And then going down to Page 14, Line 22, he
22 said, "A lot of the dust was caused from tearing off
23 insulation."

24 Did I read that correctly?

25 A. Yes.

1 Q. Do you have any reason to dispute that?

2 A. Well, yes. Going back to standard operating
3 procedure, wetting the insulation before it was removed, that
4 would have prevented dust from being generated by the removal.

5 Q. But, again, you recall in another deposition, I think
6 the Altimore, where he stated this wetting down didn't occur.
7 Do you recall that?

8 A. I suppose I do.

9 Q. All right. But, again, you said that just couldn't
10 happen?

11 A. It's not consistent with my knowledge.

12 Q. All right. Another question was asked to him on Page
13 14, Line 24: "What about new insulation when it was applied;
14 did that ever create any dust?"

15 His answer was, on Page 15, Line 4, "Yes, it
16 did."

17 And then they said, "Did you see that dust with
18 your own eyes?"

19 He said, "I sure did, whenever they were cutting
20 or sawing, cutting and fitting."

21 Did I read that correctly?

22 A. Yes.

23 Q. Do you have any reason to dispute that testimony?

24 A. It doesn't talk about what procedures were also in
25 place at that time because, again, standard operating procedure

1 when installing insulation would be the requirement for
2 respiratory protection. Did -- was there a potential to create
3 dust when they caught it, say, with a saw blade? I'd agree
4 with that, but I don't -- wouldn't agree that there would be
5 exposure, per se, because of the protective measures.

6 Q. But, again, this was a gentleman that was out there
7 eyeballing these people doing this work, according to his
8 testimony?

9 A. Right.

10 Q. And you weren't there?

11 A. I wasn't there, but there were safety inspectors on
12 every unit or for every turnaround that enforced the
13 requirements. So that's not consistent with my knowledge.

14 MR. CAPPOLINO: Object, nonresponsive.

15 Q. (By Mr. Cappolino) The insulation he's talking
16 about, he talked about pipe and block insulation. Was that
17 insulation at times at the Exxon refinery being applied and
18 removed?

19 A. From time to time, yes.

20 Q. All right. And, again, how would it usually be
21 removed, as far as what you know?

22 A. The area would be isolated typically with yellow
23 tape. The insulation to be removed would be thoroughly wet
24 with water and also an emulsifying agent. And then essentially
25 the insulation would be -- the wire holding the insulation

1 would be cut and the pieces would be taken down and put in bags
2 for disposal.

3 Q. Are you familiar with any of the type of pipe
4 insulation, asbestos-containing pipe insulation that was out at
5 the Exxon Baytown refinery in the '50s and '60s as far as brand
6 names?

7 A. I've seen reference to a number of brand names from
8 time to time.

9 Q. And what were those names, as far as you recall,
10 Mr. Larson?

11 A. Let's see. I think I've seen reference to
12 Johns-Manville, Carey. Let's see. What other ones? Corning.
13 And I believe that's the three principle manufacturers that I
14 recall.

15 Q. How about Pabco, P-A-B-C-O; do you know if that was
16 out there at that time?

17 A. I -- I can't tell you that one way or the other.

18 Q. What about Kaylo?

19 A. Kaylo? I -- I have seen reference to Kaylo, yes.

20 Q. And have you seen reference to the Kaylo insulation
21 being out at the Exxon refinery in the '60s and '70s?

22 A. I think at some point I have seen a reference to
23 that, yes.

24 Q. Have you seen any references to Kaylo pipe covering
25 insulation being out at the Exxon Baytown refinery in the '50s?

1 A. I don't recall that, no.

2 Q. How about the product Unibestos?

3 A. I don't recall that.

4 Q. All right. I'm going to go to his deposition
5 testimony real quick concerning that. They asked him on Page
6 15, Line 21, and they said, "Speaking about the pipe
7 insulation, are you familiar with any of the brand names or
8 manufacturer names of any of the pipe insulation that was used
9 between the years 1958 through the 1969 time period?"

10 And one of them he mentioned in the answer is
11 Johns-Manville; correct?

12 A. Uh-huh.

13 Q. And then on Page 16, Line 2 he mentions Carey, Pabco,
14 Kaylo and Unibestos. And did I read that correctly?

15 A. Yes. I think the only one I didn't identify was the
16 Unibestos.

17 Q. Okay.

18 MR. LABOON: Which depo were you referring to?
19 The plaintiff's or --

20 THE WITNESS: Stovall.

21 MR. LABOON: Stovall.

22 Q. (By Mr. Cappolino) He also states on Page 17, Line 4
23 that he saw insulators taking these materials out of the box.
24 Do you see that?

25 A. Yes.

1 Q. He also says with regard to Kaylo -- when they asked
2 him on Page 17, Line 10, "Could you describe what the Kaylo box
3 looks like?" he described it. And then they asked him, "Did
4 you just see one box between 1958 to 1969?"

5 He said, "No. I saw several boxes."

6 Did I read that correctly?

7 A. Yes.

8 Q. They also asked him on Page 18, Line 7, "What time
9 periods or decades was Kaylo pipe covering used that you
10 recall?"

11 And he said, "We used it in the '50s, '60s and
12 early '70s."

13 Then the question, "Where was Kaylo pipe
14 covering used?"

15 He said, "All over the refinery on pipe."

16 And is that what he stated?

17 MR. COSMICH: Object to the form.

18 A. That's what he said, yes.

19 Q. (By Mr. Cappolino) You don't agree with that?

20 A. I don't agree completely because he says all over the
21 refinery. Again, Kaylo-containing asbestos would only have
22 been used on the high temperature application, so it couldn't
23 have been, quote, all over the refinery. It -- it would have
24 been used in certain areas.

25 Q. What areas would it have been used in, as far as you

1 know?

2 A. Again, where operating temperatures exceeded
3 800 degrees.

4 Q. It says, again, on Page 18, Line 23, "What decades or
5 time periods was Kaylo block used?"

6 He said, "'50s, '60s and '70s"; correct?

7 A. Yes.

8 Q. And then he said, "How do you know that?"

9 His answer was he saw it taken out of the boxes
10 and applied.

11 Did I read that correctly?

12 A. Yes.

13 Q. And then on Page 19, Line 2, he says, "Was Kaylo pipe
14 covering a product that was only used on rare occasions?"

15 His answer was, "No, many occasions."

16 Correct?

17 A. Again, I -- that's what he says. I'll agree with
18 that. But, again, it would have been used in limited
19 applications on high temperature processes.

20 Q. Okay. On Page 22 -- I'm going to Unibestos now --
21 Page 22, Line 17, the question was, "Do you recall seeing
22 Unibestos throughout the entire time period of the '60s?"

23 His answer on Line 22 was, "Yes."

24 Correct?

25 A. Yes, but that's -- that doesn't fit with what I've

1 read and seen from even some of the bulk sampling work that's
2 been done on insulation that apparently Unibestos was used
3 very, very infrequently, if at all.

4 Q. And what information did you look at to give us this
5 information?

6 A. I've seen bulk sampling results from various
7 refineries, and very rarely do these bulk samples contain any
8 type of amosite asbestos.

9 Q. Do you know if any of the samples or any of the
10 insulation in Exxon Baytown refinery in the '50s, '60s and '70s
11 contained amosite asbestos?

12 A. It's possible, but I would say a very small
13 proportion of the insulation that was in use would have
14 contained amosite.

15 Q. And, again, I asked you this question before. You
16 never saw an industrial hygiene survey from the Exxon Baytown
17 refinery; correct?

18 A. Oh, I have.

19 Q. Oh, you have?

20 When did you see that?

21 A. When I spent my two-week orientation at Baytown.

22 Q. And what years did that cover, that survey?

23 A. That would have covered -- as I recall, it was some
24 work that was done in 1972 and 1973.

25 Q. Okay. I want to turn to Page 27 of that same

1 deposition -- or Page 25. I'm sorry. He's talking about an
2 individual by the name of Luther Wilkerson who worked out at
3 Exxon refinery in Baytown. Do you know that person?

4 A. No, I don't.

5 Q. Never heard of his name?

6 A. No.

7 Q. It said on Page 25, Line 11, "When Luther Wilkerson
8 cut the Kaylo pipe covering, what would happen?"

9 His answer was, "It created dust."

10 "QUESTION: Did you see that dust with your own
11 eyes?"

12 His answer was, "Sure did."

13 Do you have any reason to dispute that
14 testimony?

15 A. No.

16 Q. Because dust can be created when you cut it, this
17 pipe insulation?

18 A. Some amount.

19 Q. All right. Further on Page 27, it asks again in a
20 question, Page 27, Line 6, "Fair enough. From 1958 to 1967,
21 did you see it with your own eyes, Luther Wilkerson cut and saw
22 Kaylo pipe insulation?"

23 Answer was, "Yes, I did."

24 And "QUESTION: When he cut and sawed Kaylo pipe
25 insulation, did that create dust?"

1 The answer was, "Yes, it did."

2 And the question was, "And would that dust be in
3 the areas where you and other men would be working?"

4 His answer was, "Just like snow."

5 A. I wouldn't agree with that.

6 Q. Why not?

7 A. Because it just doesn't happen.

8 Q. That it's just like snow getting on other people?

9 A. Not -- not in my experience or from my knowledge.

10 Q. Have you ever cut asbestos insulation?

11 A. No, but I've seen other people do it.

12 Q. All right. And when did you see them do it?

13 A. Let's see. I think on one of my OSHA inspections, I
14 saw some maintenance people cutting asbestos. I think once or
15 twice when I was at the Houston chemical plant for Exxon
16 chemical, I saw people cut insulation. And that's probably
17 about it.

18 Q. All right. Then he says on Page 27, Line 22,
19 "QUESTION: Would others that were working in the area -- would
20 they be exposed to Kaylo pipe insulation?"

21 And his answer was, "Everybody."

22 A. Again, I think that's --

23 Q. Do you disagree with that?

24 A. -- that's over the top.

25 Q. All right. Let me just ask you if you've ever heard

1 of these individuals, and I think he referenced them in the
2 deposition, but I'm not going to go over each one of them.

3 Walter Koepke, K-O-E-P-K-E, a boilermaker?

4 A. No.

5 Q. Do you know who that person is?

6 A. No.

7 Q. Maxey, M-A-X-E-Y, Ward?

8 A. No.

9 Q. Alfred Wotipka? I think it's W-O-T-I-P-K-A.

10 A. No.

11 Q. Walter Hillhouse?

12 A. No.

13 Q. All right. When you saw people cutting pipe
14 insulation, did the dust from the cutting ever get on their
15 clothes?

16 A. I don't believe it did. They weren't using power
17 equipment. This is hand sawing.

18 Q. Yeah.

19 A. Created very little dust. I don't believe it did.

20 Q. And --

21 A. At least not any visible dust.

22 Q. What years did you see that? When did you observe
23 that? When you said you were with OSHA?

24 A. It would have been -- let's see, in the early '70s.

25 Q. Any other time other than the early '70s?

1 A. I don't believe so.

2 Q. They asked him a question here on Page 46, Line 23,
3 "Would Mr. Koepke go home with Kaylo pipe covering dust on his
4 clothes?"

5 His answer was, "Oh, yes, we all did."

6 MR. COSMICH: Object to the form.

7 MR. CAPPOLINO: Basis?

8 MR. COSMICH: Speculation within the deposition
9 itself.

10 Q. (By Mr. Cappolino) You can answer the question. Let
11 me ask you this. Did I read that correctly?

12 A. Yes. But we've already covered it, first of all,
13 that Exxon provided change rooms and showers and laundering of
14 clothing, so if there was any dust on the clothes -- which
15 unless you're an insulator, you probably wouldn't have any --
16 it would have been removed by the time you went home.

17 MR. CAPPOLINO: Object, nonresponsive.

18 Q. (By Mr. Cappolino) Let me just back up a little bit.
19 On Page 46, Line 9 the question was asked, "Do you know if
20 Walter Koepke got the dust from Kaylo pipe covering on his
21 clothing?"

22 And the answer was, "Yes, he did."

23 And the question was, "I don't want you to guess
24 or speculate, but how do you know that?"

25 His answer was, "All of it, it was so prevalent

1 that it was on everybody."

2 Did I read that correctly?

3 A. Yes. But, again, I -- it's not consistent with my
4 experience or knowledge.

5 Q. Okay. Do you know an individual by the name of John
6 Turner who was a carpenter out at Baytown refinery?

7 A. No.

8 Q. Do you know an individual by the name of Stanley
9 Cernoch, C-E-R-N-O-C-H, who was a pipefitter and mechanical
10 craftsman out at the Baytown refinery.

11 A. No.

12 Q. How about a James Hall, who was a first line welder?

13 A. No.

14 Q. On Page 59 of the deposition on Line 4, they asked
15 him a question about James Hall who I just mentioned. It says,
16 "James Hall, do you know James Hall?"

17 His answer on Line 10 was, "I know James Hall."

18 And the question on Line 17, "How do you know
19 James Hall?"

20 "ANSWER: He was a friend of mine. He was a
21 first line welder and then a first line supervisor."

22 Did I read that correctly?

23 A. Yes.

24 Q. And then I'm picking up on Page 61, Line 14. They
25 ask him, "We were talking about James Hall."

1 "ANSWER: James Hall."

2 The question, "James Hall is a supervisor. Was
3 he ever in areas where insulators were working with the Kaylo
4 pipe covering product? You can answer it."

5 And the answer was, "Yes, he was."

6 And then the question was, "Between the years
7 1958 through 1969, was James Hall exposed to Kaylo pipe
8 covering dust?"

9 His answer was, "Yes, he was."

10 Did I read that correctly?

11 A. Yes.

12 Q. Do you have any reason to dispute that testimony?

13 A. I would just say that, again, if they were using
14 asbestos-containing insulation, he may have been working with
15 it and handling it, but according to safety procedures, he
16 would have been wearing respiratory protection.

17 Q. And then on Page 62, picking up on Line 7, again the
18 lawyer asked, "I don't want you to speculate. How do you know
19 that James Hall was exposed to Kaylo pipe covering?"

20 And his answer on 62, Line 14 was, "I saw his
21 insulators taking it out of the box."

22 And they asked him, "Who were some of the
23 insulators?"

24 And he said, "Morris Johnson, Maxey Ward, Luther
25 Wilkerson."

1 Did I read that correctly?

2 A. Yes.

3 Q. Further on Page 63, the question on Line 17, starting
4 from that lawyer again, "Are you able to testify that James
5 Hall was exposed to the Kaylo pipe covering dust throughout
6 that time period, '58 through '69?"

7 His answer was, "Yes, I am."

8 Did I read that correctly?

9 A. Yes, but there's a difference between handling and --
10 and being exposed.

11 MR. CAPPOLINO: Objection to everything after
12 "Yes," as far as being nonresponsive.

13 Q. (By Mr. Cappolino) On Page 64, Line 1 the question
14 was, "Did you see that with your own eyes?"

15 He said, "I did."

16 And then they asked him about Unibestos pipe
17 covering. "And how do you know that James Hall was around
18 Unibestos pipe covering?"

19 And then he says in his answer, "I saw the
20 insulators and his insulators take it out of the box, put it on
21 the pipe, cut it, fit it."

22 And then they asked him, "Between the years '62
23 to '69, was James Hall exposed to Unibestos pipe covering?"

24 His answer was, "Yes."

25 Did I read that correctly?

1 A. Yes. But, again, I think very little, if any,
2 Unibestos was actually used. If they were using Unibestos, it
3 would be the exception and not the rule. And, again, he'd be
4 wearing respiratory protection.

5 Q. Do you know an individual or ever talk to an
6 individual at the Baytown refinery named Jim Albis, A-L-B-I-S?

7 A. No.

8 Q. Have you ever heard of a laborer, Alfred Anderson?

9 A. No.

10 Q. A welder, Charles Amyett, A-M-Y-E-T-T?

11 A. In what period was this?

12 Q. That would have been in the '58 to '69 period.

13 A. No. I wasn't employed then.

14 Q. Wilburn Ashwood, a pipefitter, ever hear of him?

15 A. If they were there prior to '76, I would not have
16 known them.

17 Q. Robert Bennett, a laborer, tube cleaner, boilermaker,
18 did --

19 A. No.

20 Q. -- you ever hear of him?

21 A. No.

22 Q. On Page 82 the lawyer's asking questions about
23 whether a person by the name of Robert Bennett was exposed to
24 Unibestos pipe covering in there.

25 And then going to the next page, Page 83, the

1 lawyer asked, starting on Line 15, his question with regard to
2 Mr. Bennett was, "Those aren't the only products he was exposed
3 to?"

4 The answer was, "There was -- "

5 And the question, "Several products?"

6 His answer was, " -- Pabco, Carey."

7 And he says, "Those are just the pipe
8 insulation?" -- the question.

9 The answer was, "Johns-Manville, yes, Garlock
10 packing, mud."

11 Did I read that correctly?

12 A. Yes.

13 Q. Do you know what Garlock packing mud was?

14 A. Garlock packing, then comma, mud. I don't know -- I
15 don't think -- I don't believe Garlock made mud.

16 Q. As far as you know, Garlock mostly made the gaskets
17 and the packing?

18 A. That's my understanding.

19 Q. And, again, do you know whether or not those
20 materials were out at the Exxon refinery in the '50s or '60s?

21 A. I think there's a very good possibility they were.

22 Q. Do you have any reason to dispute that this
23 Mr. Bennett was exposed to asbestos from Garlock packing?

24 MR. LABOON: Objection, form.

25 A. Yes. If -- again, there was a requirement that was

1 in force by the safety inspectors that any employee handling an
2 asbestos-containing material wear respiratory protection.

3 Q. (By Mr. Cappolino) Okay. Mr. Larson, I went ahead
4 and had -- before we started -- some exhibits marked, and these
5 probably fill in the holes. And actually, they're Exhibit
6 Numbers 6 through 34, and I have them in a binder here.

7 A. Okay.

8 Q. And I'm going to try to get through them as quickly
9 as I can, but I wanted to --

10 A. Okay.

11 Q. -- hand you this binder that has them in there --

12 A. All right.

13 Q. -- and then go over them with you. And just tell me,
14 first of all, if you've ever seen the documents, and I'll visit
15 with you a little bit about what each one is.

16 A. Okay. All right. The --

17 MR. MANNING: Well, he'll ask you a question.

18 THE WITNESS: Okay.

19 MR. MANNING: These are -- Tim, just -- these
20 are 6 through 34?

21 MR. CAPPOLINO: Yeah.

22 MR. MANNING: For this deposition?

23 MR. CAPPOLINO: Yes.

24 MR. MANNING: Okay.

25 Q. (By Mr. Cappolino) All right. I want to ask you

1 about Exhibit No. 6 --

2 A. Okay.

3 Q. -- the first one, which is called, "Company
4 Confidential, Not for Publication in Present Form: A Report on
5 Summary of the Plant Industrial Hygiene Problems," with some of
6 the authors that you've mentioned, Hammond, Bonsib, Hendricks
7 and Berry, April 12th, 1949. Have you ever seen a copy of this
8 document before?

9 A. Yes.

10 Q. And do you -- and, again, you may not have had a
11 chance to review it. Do you know what this document talks
12 about?

13 A. I think it was like a critical assessment of the
14 occupational health programs. I'm not sure if it's
15 specifically one location or whether it's directed at a -- more
16 than one facility, but I -- it was a internal evaluation of the
17 occupational health and industrial hygiene programs in various
18 ESSO subsidiaries.

19 Q. Does this document anywhere talk about asbestos?

20 A. I think it does. Let's see.

21 Q. And if you could turn us to that location?

22 Maybe I can speed this up a little bit.

23 A. Okay.

24 Q. Actually, I think it may be talking about it on the
25 section that begins, "Industrial Hygiene Problems Observed in

1 the Baytown Refinery," J.W. Hammond who wrote that. Do you see
2 that part where it starts?

3 A. Yes.

4 Q. And I think we're going to go -- and, again, if I'm
5 not saying something right, let me know -- Page 4 of that at
6 the bottom.

7 A. Okay.

8 Q. And where it says, "The exposure to asbestos under
9 normal operating conditions," do you see that paragraph?

10 A. Yes.

11 Q. It says, "The exposure to asbestos under normal
12 operating conditions in the Refinery is not extensive, but
13 frequently it is necessary for an insulator to do work inside
14 of a closed space with limited ventilation, making it possible
15 that a high concentration of asbestos dust may be engendered."

16 And did I read that correctly?

17 A. Yes.

18 Q. And do you agree with that statement by Mr. Hammond
19 or Dr. Hammond?

20 A. Yes, but he -- he doesn't really address protective
21 equipment, but certainly being in a closed area, you could
22 certainly generate a high concentration.

23 Q. Yes, sir. And when you say, "high concentration,"
24 what do you mean? Something that would exceed the threshold
25 limit values?

1 A. That's not stated. It could mean that.

2 Q. But -- all right.

3 A. It could mean that.

4 Q. And then it says, "Also, the asbestos insulations are
5 sawed by power saws which give off rather heavy clouds of dust.
6 This problem should be studied."

7 Did I read that correctly?

8 A. Yes.

9 Q. Do you dispute that?

10 A. No. It's -- but it's my understanding that there was
11 a practice to install local exhaust ventilation on any power
12 equipment. I don't know if that had been done by this time or
13 if this was basically a recommendation to look into that.

14 Q. Okay. Did you review this document for today's
15 deposition?

16 A. Not for today.

17 Q. All right. Going further, a little bit further into
18 that document under the appendix section, Mr. Larson, where I
19 believe we talked earlier about industrial hygiene surveys, do
20 you see an appendix attached called, "Summary of Preliminary
21 Industrial Hygiene Survey At Baytown"?

22 A. Yes.

23 Q. The second page of that lists materials or
24 conditions, and the last one has, "Silica and Asbestos." Do
25 you see that?

1 A. Yes.

2 Q. And then it says, "Potential Diseases: Silicosis
3 fibrosis, erythema and cancer of the lungs."

4 A. Yes.

5 Q. And the departments and crafts affected by
6 recommendation, it says, "Brick masons and helpers, insulators,
7 laborers and pipe benders."

8 A. Correct.

9 Q. Do you agree with that?

10 A. Yes. Some of these jobs, that would be referring
11 primarily to silica exposure rather than asbestos.

12 Q. Well, how do you differentiate some would be silica
13 versus asbestos?

14 A. For example, brick masons, a brick contains a high
15 percentage of silica, so that was -- that was probably a job
16 that was related specifically to silica.

17 Q. All right.

18 A. Insulators obviously would be related to potential
19 asbestos exposure, and laborers, and possibly also pipe
20 benders.

21 Q. All right. When they say "helpers" --

22 A. Yes.

23 Q. -- do you know if that means helpers to brick masons
24 or some other type of helpers?

25 A. I -- I think it's referring to brick masons.

1 Q. All right. If it wasn't referring to brick masons --

2 A. It would say that at the end of all these.

3 Q. Was there a craft out there just called a helper?

4 A. No. Each craft typically had helpers.

5 Q. Okay.

6 A. But for some reason they -- I guess they suppose that
7 helpers of the brick masons would have -- also have exposure to
8 silica.

9 Q. Out at the Exxon Baytown refinery, was there a craft
10 called a stillman?

11 A. That's not a craft. That's -- that's a job
12 assignment.

13 Q. What is that? Do you know what that involves?

14 A. They typically work on the crude unit where you break
15 down crude into its components.

16 Q. Was there a type of job description called a general
17 mechanical helper at the Exxon refinery in the --

18 A. I think there was.

19 Q. Do you know what type of duties they had out there at
20 the refinery in the '60s and '70s?

21 A. They would help the mechanics do their specific job,
22 whether it be overhauling a pump or working on instrumentation.

23 Q. Overhauling a pump. What did that involve?

24 A. It could involve changing out a seal in a pump.

25 Typically, that was the most common type of maintenance that

1 was done on pumps.

2 Q. Do you know if any of those seals contained asbestos
3 back in the '60s -- '50s, '60s?

4 A. Some -- some of the gaskets did and some of the
5 packing material did.

6 Q. Okay. Also attached to that document is a document
7 called, "Summary of Industrial Hygiene Problems in Connection
8 with Some Standard Oil Development Company's ESSO Laboratory
9 Research Projects at Baton Rouge Refinery." Do you see that?

10 A. Yes.

11 Q. And have you seen that document before?

12 A. I believe I have.

13 Q. Do you know if asbestos is discussed in that
14 document?

15 A. I think probably it is.

16 Q. Do you know where?

17 A. I haven't found it yet. I haven't found it.

18 Q. Okay. Let me go to another part of that, "Summary of
19 Plant Industrial Hygiene Problems, Standard Oil Company, (New
20 Jersey), N.V. Hendricks, M.S." Do you know who N.V. Hendricks
21 was?

22 A. Yes.

23 Q. Who is he?

24 A. He was the industrial hygienist for Standard Oil. I
25 believe it was still Standard Oil of New Jersey at that time.

1 Q. Yes, sir. Is there any discussion of asbestos
2 exposure in this section of this exhibit that you can see?

3 A. By the way, I would like to make one comment on the
4 report for the Baton Rouge refinery. The author of that was
5 Roy Bonsib who wrote the article on dust.

6 Q. Okay.

7 A. It's kind of ironic that he doesn't mention asbestos
8 in that particular report. Anyway...

9 Q. I asked you about the Hendricks section --

10 A. Right.

11 Q. Does that discuss asbestos?

12 A. Let me check. I don't see it, but that doesn't mean
13 it's not here.

14 Q. All right. Well, if for some reason you look through
15 the deposition later and you find it in that exhibit, will you
16 let your lawyer for Exxon know and let me know?

17 A. Certainly.

18 Q. Let's go to Exhibit No. 7. I think we've talked
19 about this already. It's called, "Humble Oil and Refining
20 Company, Baytown Refinery, Insulation Materials Used in 1965."
21 Do you see that?

22 A. Yes.

23 Q. And I -- I asked you this before, and I apologize and
24 I forgot your answer. Have you seen this document before?

25 A. This document?

1 Q. Yeah.

2 A. I believe I have.

3 Q. All right. And does this indicate the insulation
4 materials used there in 1965?

5 A. I -- I believe it does.

6 Q. And is this a document put out by Humble or the
7 predecessor at Exxon at that time?

8 A. I would think it would be Humble.

9 Q. It mentions material. Let's start with No. 1,
10 "Calcium Silicate (block), Manufacturer Johns-Manville,
11 'Thermobestos.'"

12 A. Okay.

13 Q. Was that an asbestos-containing material?

14 A. I think it was.

15 Q. And it says, Quantity, 13,485 board feet of blocks
16 from 1 inch to 3 inches thick.

17 A. Okay.

18 (Discussion off the record.)

19 Q. (By Mr. Cappolino) Do you have any reason to dispute
20 the amount of Thermobestos that was in the Baytown refinery in
21 '65?

22 A. No.

23 Q. And then it mentions, under that, "Amosite Asbestos."
24 Of course, we just talked about that a little while ago;
25 correct?

1 A. Right.

2 Q. It mentions, "Amosite Asbestos (pipe covering),
3 Manufacturer Pittsburgh-Corning, Unibestos."

4 A. Okay.

5 Q. And then it says, "Quantity, 31,375 feet of 1-inch
6 thick by 1/2-inch pipe size through 2-inch thick times 20-inch
7 pipe size."

8 A. Okay.

9 Q. Is that a small amount?

10 A. Well, we mentioned earlier that at the refinery there
11 was over 600,000 miles of piping.

12 Q. Uh-huh.

13 A. So in terms of the overall length of piping in the
14 refinery, this would be a minor amount.

15 Q. We already talked about -- I don't know if -- the
16 next section says, "Ditto." Do you know what that means when
17 it says "Ditto" on the next section? Any idea?

18 A. Not really.

19 Q. And then it says "Ditto" on tees, and we already
20 talked about that. And then it mentions insulating cement,
21 Johns-Manville No. 450, 250 bags, 50-pound bags; correct?

22 A. Yes.

23 Q. Do you know what kind of material that was?

24 A. I'm not familiar with that specific product, no. I'd
25 say there was a -- there's at least a very good possibility

1 that it would contain some asbestos.

2 Q. Do you know what type of fibers, asbestos fibers it
3 would contain?

4 A. I think typically what we have found in J.M. products
5 was that it was primarily chrysotile.

6 Q. Do you know if any crocidolite asbestos fibers were
7 at the Baytown refinery in any product in the '60s?

8 MR. MANNING: Objection, form.

9 A. From the bulk sampling work that I'm familiar with, I
10 don't think they have found any.

11 Q. (By Mr. Cappolino) Do you know if there was any
12 Certainteed pipe -- and I may have asked you this before and
13 I'm sorry -- if there was any Certainteed pipe out at the Exxon
14 refinery in the '60s?

15 A. I do not know that.

16 Q. All right. I want to turn to Exhibit No. 8, and
17 we've talked about this at length already, and can you turn to
18 Exhibit 8 and tell us what that is?

19 A. That's the Roy Bonsib report that we've mentioned
20 several times from 1937.

21 Q. Yes, sir. And that was the July 1937 document?

22 A. Correct:

23 Q. The "Dust-Producing Operations in the Production of
24 Petroleum Products and Associated Activities, a Medico-Safety
25 Survey," by Mr. Bonsib, who was with Standard Oil?

1 A. Correct.

2 Q. I want to ask you about certain sections of that
3 document. Obviously, we're not going over the whole thing
4 because it's pretty thick. You've, again, testified about this
5 before in other depositions and other trial testimony; correct?

6 A. Right.

7 Q. I want to go to Page 27 of that document. But before
8 I get there -- and I jumped the gun and I apologize again --
9 there's a forward that's written by Willard J. Denno, M.D., who
10 was the general medical director of Standard Oil at that
11 time --

12 A. Yes.

13 Q. -- on Page 2. Do you --

14 A. Right, right.

15 Q. What was his role; do you know, back at that time?

16 A. I think he was the medical director for Standard Oil
17 of New Jersey.

18 Q. Okay. He states at the top, and kind of
19 paraphrasing, it's the duty of the industry to protect its
20 employees. Would you agree with that?

21 A. Yes.

22 Q. And on the last paragraph of that forward, it says,
23 "The study confirms an opinion that dusty occupations
24 thoroughly understood and intelligently handled should result
25 in no serious disability."

1 Did I read that correctly?

2 A. Yes.

3 Q. And do you agree with that?

4 A. Yes.

5 Q. I want to go to Page 27 of that document. Hopefully,
6 our documents coincide with each other. And we had touched on
7 this earlier and I'd asked you some questions without really
8 looking at this, but Page 27 talks about insulating operations
9 in the refineries; correct?

10 A. Yes.

11 Q. And it talks about the different type of insulations
12 used and it says, "Insulation plays an important part in the
13 processing of petroleum products." You would agree with that;
14 correct?

15 A. I would.

16 Q. It says the two types of insulating materials most
17 frequently used are the sponge felt and the 85 percent magnesia
18 and 15 percent asbestos; is that a correct --

19 A. Yes.

20 Q. And it says the sponge felt is asbestos with ground
21 sponge to give dead air space and thus it creates the
22 effectiveness of the insulation. Is that what they
23 talk about --

24 A. Yes.

25 Q. -- as its composition?

1 A. Yes.

2 Q. Then it says generally speaking, about 85 percent of
3 insulator's work is with sponge felt and 15 percent with
4 85 percent magnesia insulation?

5 A. I believe that -- where did you see that?

6 Q. Yeah.

7 A. What part of that paragraph? Is that in the middle
8 or --

9 Q. Yeah. It's actually at the last sentence on the
10 paragraph of insulating operations --

11 A. Okay. I see it, yes. Okay.

12 Q. Would you agree with that or have any reason to
13 dispute that?

14 A. I think at that time that was correct. I think -- I
15 think the proportion of products has changed dramatically since
16 then.

17 Q. Then it mentioned on that same sentence -- or the
18 last sentence, it says, "At one of the larger southern
19 refineries, about 300,000 square feet of sponge felt and 50,000
20 square feet of 85 percent magnesia are used."

21 Do you see that, where it talks about that, At
22 one of the" --

23 A. What part of the page is that?

24 Q. It's Page 27, the last sentence of "Insulating
25 Operations," Section III, where it says, "At one of the larger

1 southern refineries, about 300,000 square feet of sponge felt
2 and 50,000 square feet of 85 percent magnesia are handled a
3 year." Do you see that?

4 A. Huh.

5 Q. The last sentence under "Insulating Operations,"
6 first paragraph.

7 A. Oh, okay.

8 Q. Do you see that?

9 A. Yes.

10 Q. All right. And do you have any reason to dispute
11 that?

12 A. No.

13 Q. Do you know what southern refinery they were talking
14 about?

15 A. I have no idea.

16 Q. And then going further down on Section B -- you know,
17 it has an A and a B under "Insulating Operations." Again, they
18 talk about what are the principle insulating operations and how
19 much dust is produced during those operations. Do you see that
20 section?

21 A. Yes.

22 Q. And they talk about the common insulation operations
23 at the refineries and the dust counts.

24 A. Okay.

25 Q. And they talk about certain operations which, I

1 think, we've already referenced --

2 A. Right.

3 Q. -- some of them and what the dust counts were. And
4 you gave me some information just from your personal
5 recollection. Do you recall that?

6 A. Right.

7 Q. And on Page 27 through Page 28 --

8 A. Right.

9 Q. -- they talk about some of these -- these dust
10 counts.

11 A. Right.

12 Q. And do you have any reason to dispute their results
13 as far as what these dust counts were in these particular
14 operations?

15 A. Well, you have to put it in perspective because they
16 were measuring total dust and not asbestos. So these total
17 numbers are not for asbestos. It's for the mixed exposure,
18 the -- the filler and the binder. So when you take into
19 account the fact that asbestos is maybe, what, 15 percent of
20 the total particulate, you'd have to take 15 percent of these
21 numbers to equate it to an asbestos exposure.

22 MR. CAPPOLINO: Object, nonresponsive.

23 Q. (By Mr. Cappolino) Let me just ask you about the
24 operations when they talked about total dust counts, and
25 they're talking about, on 27, 28, dust counts, particles per

1 cubic foot, 10 microns or less in size; correct?

2 A. I'm sorry. Where -- what are you referring to?

3 Q. Page 27 through 28.

4 A. Okay.

5 Q. Talking about the particular operations under
6 Section B, "Insulation Operations" --

7 A. Okay.

8 Q. -- and what the total dust counts are.

9 A. Okay.

10 Q. Do you see that section?

11 A. Yes.

12 Q. And they mentioned certain things that were tested.

13 A. Right.

14 Q. For instance, Page 28, insulating a 750-pound
15 cracking coil accumulator --

16 A. Right.

17 Q. -- and they found at peak, particles per cubic foot,
18 4,502,880?

19 A. Right.

20 Q. Treating a plant acid suction line, average 821,820?

21 A. Right.

22 Q. Insulating cracking coil hot oil lines with pipe
23 covering peak --

24 A. Do you want to talk about the significance of those
25 numbers?

1 Q. No. I don't want to talk about the significance of
2 the numbers. What I'm asking you is what the report found
3 first; okay?

4 A. Okay.

5 Q. Insulating cracking coil hot oil lines with pipe
6 covering, 7,788,000 peak sawing.

7 Did I read that correctly?

8 A. Yes.

9 Q. Crushing scrap asbestos insulation, 85 percent
10 magnesia, at peak 27,527,040?

11 A. Right.

12 Q. Is that correct?

13 A. Right.

14 Q. Page 29, crushing old cork asbestos insulation,
15 20,016,178 dust count average?

16 A. Right.

17 Q. And then finally -- well, going to Page 51, and let
18 me just -- and we can go to that later, but it says dumping
19 pure asbestos floats in the mixing kettle --

20 MR. MANNING: He's not there yet.

21 A. Okay.

22 Q. (By Mr. Cappolino) Are you there? I'm sorry,
23 Mr. Larson.

24 A. Yeah.

25 Q. Page 51?

1 A. Okay.

2 Q. Dumping pure asbestos floats into mixing kettle,
3 8,269,440 average --

4 A. Okay.

5 Q. -- dust count; is that correct?

6 A. Yes.

7 Q. And, again, I asked you a question earlier. Do you
8 know if all of these operations or any of them were going on at
9 the Exxon refinery when Mr. Oney was there?

10 A. I think probably very few.

11 Q. Which ones do you think were going on there at that
12 time when he was there?

13 A. Possibly old cork insulation. That's -- that's --
14 was no longer in use. Crushing scrap asbestos would not be
15 done. And as far as the other operations in terms of
16 insulation, something comparable to insulating a 12-inch steam
17 line would have been done. The other operations on 28 may have
18 been done at the time when Mr. Oney was there.

19 Q. Okay. Anything else?

20 A. No.

21 Q. What information do you have that some of those were
22 done during the time that he was there and some were not done?
23 What information are you drawing from?

24 A. Well, based on the fact that crushing old cork
25 insulation, for example, it's my -- it's my understanding

1 that that -- that type of insulation was phased out in the
2 '50s, so that wouldn't have been done. And as far as crushing
3 scrap asbestos, that was no longer done after about the '50s.
4 Those are two operations that are listed on Page 29.

5 Some of these other ones very well -- something
6 similar to that could have been done at the time Mr. Oney was
7 there in 1960. I can't say one way or another if they were or
8 were not.

9 Q. Okay.

10 A. But it's possible that they were.

11 Q. All right. Thanks.

12 I'm going to go to Page 52, and it's actually
13 the first complete paragraph where it starts with, "Recent
14 investigations." Do you see that paragraph?

15 A. Yes.

16 Q. And it says, "Recent investigations have indicated
17 that the inhalation of asbestos particles 10 microns or less in
18 size is even more hazardous than was originally believed, and
19 that in order to prevent harmful effects, the concentration
20 should be kept below 5 million particles (10 microns or less)
21 per cubic foot. The physiological effects have already been
22 discussed under 'ASBESTOSIS' so need not be given any further
23 consideration. Men handling asbestos floats should be required
24 to wear approved respirator."

25 Did I read that correctly?

1 A. Correct.

2 Q. And do you agree with that?

3 A. Yes.

4 Q. Was Exxon aware in 1937, Mr. Larson, that medical
5 monitoring and examinations should be done on employees in
6 order to ensure protection from asbestos exposure?

7 A. Yes.

8 MR. MANNING: Objection, form.

9 MR. CAPPOLINO: Basis?

10 MR. MANNING: Calls for speculation.

11 Q. (By Mr. Cappolino) Do you know the answer to that
12 question?

13 A. All I know is that historically Exxon has provided
14 medical surveillance for people that handle asbestos-containing
15 materials.

16 Q. And when did that start again?

17 A. I believe it was in the '30s or '40s.

18 Q. Do you know if -- if during that period of time other
19 refining petroleum companies did the same thing?

20 A. I don't know the answer to that.

21 Q. On Page 49, just flipping back a few pages, sir, I
22 noticed the Bonsib report. And this is on the first complete
23 paragraph on Page 49. It cites a Dr. Irving Clark. Do you see
24 that?

25 A. Yes.

1 Q. Do you know or have any idea who that gentleman was?

2 A. I do not.

3 Q. And they cite his work, Dr. Clark's, "Dust Hazards
4 and the Prevention of Injury from the Same," which was read at
5 a meeting of government officials in the industry at Boston
6 Massachusetts, May 21st, 1931; is that right?

7 A. Yes.

8 Q. And then I think it says here, that quoted paragraph,
9 part of it, it says, "No matter how well a workman is
10 protected, he should be kept under medical supervision and have
11 a periodic examination of the heart and lungs. In addition,
12 the x-ray should be employed freely in order to detect early
13 signs of fibrosis in the lungs."

14 Did I read that correctly?

15 A. Yes.

16 Q. Is it your testimony, based on your knowledge, that
17 Exxon did this type of medical surveillance from 1931 on?

18 A. I can't give you the specific year, but it was in the
19 '30s or '40s.

20 Q. And do you agree that's something that should be
21 done?

22 A. I think it's a -- a very good practice.

23 Q. Why would it be a very good practice?

24 A. To detect any disease prior to it becoming -- prior
25 to showing any symptoms.

1 Q. Okay. This -- this report, this Bonsib report, do
2 you know if it also talked about welding operations?

3 A. I think it did.

4 Q. And I'm going to try to turn to that section. Do you
5 recall -- and while I turn to it or if you can find it -- what
6 they discussed with regard to welding? I believe that's on
7 Page 30. I'm sorry. Are you at Page 30?

8 MR. MANNING: Getting there.

9 A. Not quite. Okay.

10 Q. (By Mr. Cappolino) It talks about welding and
11 cutting operations?

12 A. Right.

13 Q. It says here, "Welding has never been considered a
14 dust-producing operation. However, our studies and those of
15 others indicate that the use of the modern coated electrodes or
16 rods produces a large amount of dust in addition to the fumes
17 which are involved. An electric arc is used for most of the
18 welding around refineries."

19 Do you have any reason to dispute that or
20 disagree with that?

21 A. No.

22 Q. Going to Page -- well, actually, it would be Page 35.
23 I don't think there was a page number at the top. If you could
24 turn to that page -- it was 35, but it's cut off -- where it
25 says, "Fume or Dust Produced by Arc Welding." Do you see that

1 section?

2 A. Yes.

3 Q. All right. And then going under that table, and it's
4 a quoted section, it says, "It is apparent that considerable
5 quantities of dust are found in any arc welding operation."

6 Did I read that correctly?

7 A. Yes.

8 Q. Going further down in that paragraph or the last
9 paragraph on that page, the quoted paragraph, do you see the
10 last two words of that paragraph, "Again, the" --

11 A. Yes.

12 Q. And going to the next page, it says, "Again, the
13 coverings of a certain type of electrode contain asbestos." Do
14 you see that?

15 A. Yes.

16 Q. Okay. Do you know whether or not Exxon, other than
17 this discussion of welding operations, did any type of study on
18 welders and whether or not they were exposed to any asbestos
19 dust from welding operations?

20 A. I'm not aware of any that were done internally to
21 Exxon or Humble, but I'm aware of some studies that Lincoln has
22 done more recently about that.

23 Q. Going to Page 38 of that particular Bonsib report, if
24 you'll turn there real quickly, the last paragraph on that
25 page --

1 A. Okay.

2 Q. -- it says, "It is becoming more and more recognized
3 that persons engaged in cutting and welding operations either
4 by arc or flame should have respiratory protection in all work
5 where there is a possibility of the workmen breathing fumes and
6 dust created."

7 Did I read that correctly?

8 A. Yes.

9 Q. From an industrial hygiene standpoint, do you agree
10 with that?

11 A. I think it would depend if they were at or above the
12 threshold limit value for the various components.

13 Q. Okay. I want to turn to Page 74 of the Bonsib
14 report.

15 A. Okay.

16 Q. Mr. Larson, this talks a little bit about control
17 measures or recommendations for reducing dust hazards, doesn't
18 it?

19 A. Okay. Yes.

20 Q. Is that correct?

21 A. Yes.

22 Q. And, for instance, it talks about suppression of dust
23 at its source, provision of proper ventilation and the use of
24 masks being recommended?

25 A. Yes.

1 Q. And then it talks about the different measures, such
2 as design plant for dust control; provide building ventilation;
3 store dusty materials in dust-type bins; enclose material
4 handling equipment; isolate dusty processes; provide wet
5 methods of operation; design equipment to control dust; provide
6 exhaust systems; establish maintenance and good housekeeping
7 procedures; provide respirators; and does it mention those
8 control measures?

9 A. Yes.

10 Q. For what purpose are those control measures
11 recommended in this report?

12 A. To minimize the dust exposure.

13 Q. And would that include dust exposure from asbestos?

14 A. Yes. Although you have to recognize here, this
15 would -- well, okay. That's -- I'll just leave it at that.

16 Q. Okay. Going to the last -- I want to just ask you
17 about Page 81 under the "Conclusion" section of the report.

18 A. Okay.

19 Q. It mentions in the first paragraph a gentleman by the
20 name of Mr. Dan Harrington, who was the chief at the Health and
21 Safety Branch, United States Bureau of Mines, who came to a
22 conclusion in the report that he wrote in "Engineering" and it
23 looks like "Min. Journal." I don't know what that is. Do you
24 see that?

25 A. Yes.

1 Q. And he says, "In the maze of uncertainties connected
2 with almost all phases of the causation and diagnosis of dust
3 disease, about the only really well-determined fact available
4 is that breathing large quantities of dust or possibly of
5 certain dusts over extended periods is likely under some
6 conditions to be harmful to health and that subsequent
7 alleviation or cure is difficult or impossible."

8 Did I read that correctly?

9 A. Yes.

10 Q. Do you agree with that?

11 A. Yes.

12 Q. And then the last paragraph of that page where he
13 continues to talk, it quotes him as saying, "One common-sense
14 answer is that any atmosphere in which dust is visible to the
15 naked eye is certainly too dusty to be breathed with safety by
16 human beings, and the wise, farsighted human employer will
17 immediately start to decrease the dust content in any
18 atmosphere where dust is visible."

19 Did I read that correctly?

20 A. Yes.

21 Q. And do you agree with that?

22 A. Yes.

23 Q. And the last page it mentions some folks who helped,
24 I guess, or were involved in the study. Dr. A.J. Lanza, do you
25 see his name?

1 A. Yes.

2 Q. Do you know who he was?

3 A. Yes.

4 Q. Who was he?

5 A. He was with Metropolitan Life. I think they actually
6 have that affiliation listed under his name.

7 Q. And Exxon or its predecessors were aware that
8 Dr. Lanza had written publications in peer-reviewed journals
9 and in other publications on asbestos and the diseases it
10 caused?

11 A. I believe that's true.

12 Q. And then this Mr. H.N. Blakeslee, Department of
13 Accident Prevention, American Petroleum Institute, do you know
14 who that fellow was?

15 A. I would -- I don't know specifically, but I -- I
16 would assume that he had something to do with occupational
17 health coordination within the A.P.I.

18 Q. Okay. The next exhibit -- and I know we just
19 mentioned this -- this is an article, Exhibit 9, a publication
20 called, "Asbestosis," by Dr. Lanza.

21 A. All right.

22 Q. And have you seen that document before?

23 A. I don't know. I may have, but I can't say for sure.

24 Q. Do you know whether or not Exxon had this particular
25 publication in any of its files --

1 A. Do you know -- can you give me the date for this?

2 Q. Yeah. This was called, "Asbestosis," A.J. Lanza,
3 M.D., and it was read before the Section on Preventative and
4 Industrial Medicine and Public Health at the '86 Annual Session
5 of the American Medical Association in Atlantic City, New
6 Jersey, June 13th, 1935. Do you know whether or not Exxon ever
7 had that publication in its possession at any time?

8 A. I can't say for certain, but there's a very good
9 possibility that they did.

10 Q. When you say, "a very good possibility that they
11 did," what do you mean by that?

12 A. In that, I think, from what I've known and have
13 learned over the years, that they tried to keep track of
14 developments in the medical field that pertain to the company.

15 Q. Okay. There's no doubt in your mind, based on
16 everything you reviewed and your knowledge of Exxon-Mobil and
17 its predecessors, that that company knew about the hazards of
18 asbestos dust going back to the '30s?

19 A. I think that's a reasonable statement.

20 Q. Exhibit No. 10, do you have that there, Mr. Larson?

21 A. Yes, I do.

22 Q. Exhibit No. 10 is called, "Industrial Hygiene
23 Foundation of America, Inc., Industrial Hygiene Survey of the
24 Baton Rouge Refinery, Louisiana Division, ESSO Standard Oil
25 Company" in 1949; correct?

1 A. Correct.

2 Q. Have you seen that document before?

3 A. I think I have.

4 Q. And in what context did you see that?

5 A. Let me look at it. I'm not sure if I have or not.
6 This has to do with Baton Rouge.

7 Q. Yes, sir.

8 A. I haven't really been involved in -- I don't think
9 I've been involved in any cases involving Baton Rouge, so I
10 probably have not seen this.

11 Q. Okay. Does this appear to be a document that the
12 Industrial Hygiene Foundation of America did a survey at the
13 Baton Rouge refinery?

14 A. That's what it appears to be, yes.

15 Q. And did you -- have you ever been to the Baton Rouge
16 refinery?

17 A. Yes.

18 Q. Do you know whether or not any of the operations or
19 procedures at the Baton Rouge facility were similar to those in
20 place at the Baytown facility where Mr. Oney worked during the
21 time Mr. Oney worked --

22 A. Somewhere on the refinery side, although Baton Rouge
23 is a large chemical complex which Baytown -- which was
24 different from Baytown.

25 Q. Just bear with me here real quick. Could you turn

1 to -- and, again, this is kind of an appendix. It's Table 4.
2 It's Roman numeral xii and it's called Table 4, if you could
3 turn to that.

4 A. Table 4?

5 Q. Yeah. Do you see that?

6 A. Yes. I see Table 4.

7 Q. And Table 4, does it indicate that asbestos was
8 listed as a substance that welders, masons and laborers would
9 likely be exposed to during turnarounds?

10 A. Is that a different Table 4?

11 Q. Do you have the section where it says, "Operation or
12 Location, Catalytic Cracking Unit, Substance or Conditions,
13 Asbestos, Employee Group Affected"? Is that on --

14 A. The title of my Table 4 is, "Exposures of Low
15 Intensity to Materials of a Low Order of Toxicity."

16 Q. All right. I'm going to hand you what I have. Tell
17 me whether or not you can spot this document in yours.

18 A. Oh, it's continued. Okay. It's the second page of
19 Table 4.

20 Q. I'm sorry.

21 A. Yes, I see -- I see asbestos listed.

22 Q. Have you ever seen this particular document before?

23 A. I don't think so.

24 Q. Okay. Do you know whether or not that information --
25 or would you have any reason to dispute that information?

1 A. No. I think it's correct.

2 Q. Okay. I want to turn to pages -- I believe it would
3 be Page 76 through 77 of that particular exhibit. Can you turn
4 further on?

5 A. Oh, let's see. Okay.

6 Q. And this is called, "Mason Division."

7 A. Okay.

8 Q. And the brick masons, what was their job?

9 A. Brick masons? Well, they can do a variety of things,
10 but they worked on furnaces, they worked on building
11 construction, on various tasks involving brick work.

12 Q. Okay. And it has, "This division includes 63 brick
13 masons, 56 concrete and sandblast workers and 72 insulators."
14 Why would insulators be in the mason division?

15 A. I'm not quite sure.

16 Q. The last paragraph on Page 76, I want to ask you
17 about that where it says, "The replacement of brick in the
18 catalyst regenerators in fluid catalytic cracking units is
19 known as a dusty job." Do you agree with that?

20 A. I'd agree.

21 Q. "The greatest source of dust is the disturbance of
22 residual catalyst in the chamber. Of secondary importance is
23 asbestos dust which is present to an unknown extent."

24 Did I read that correctly?

25 A. Yes.

1 Q. All right. And do you have any reason to dispute
2 that?

3 A. I guess the only question I would have, if they're
4 saying asbestos dust is present to an unknown extent, it seems
5 to me that there's an uncertainty if they even know that there
6 is asbestos. So that's my only comment about that, but it's
7 certainly possible.

8 Q. Could you --

9 A. But also, it goes on to say it's probably minor.

10 MR. CAPPOLINO: Object, nonresponsive.

11 Q. (By Mr. Cappolino) Could you turn to the next
12 exhibit, Exhibit No. 11?

13 A. Okay. Okay.

14 Q. Can you identify for us what Exhibit No. 11 is?

15 A. What -- what it is?

16 Q. Yes, sir.

17 A. It appears to be a transmittal letter from Fred
18 Venable to Van Hendricks.

19 Q. And have you seen that document before?

20 A. I don't think so.

21 Q. This document -- and, again, I want to give you a
22 chance to look at it. This is a '51 letter that notes the
23 transmittal of information on collection and counting of
24 asbestos dusts and was it from ESSO's New Jersey headquarters
25 to Fred Venable of ESSO's Baton Rouge facility?

1 A. It was actually from Fred Venable of Baton Rouge to
2 Van Hendricks of the medical research division.

3 MR. MANNING: You are saying that backwards, I
4 think.

5 A. No. It's from Van Hendricks of the medical research
6 division to Fred Venable of Baton Rouge.

7 Q. (By Mr. Cappolino) Does this discuss asbestos?

8 A. Yes.

9 Q. What does it say about asbestos?

10 A. Let's see. "Frank Church has prepared some material
11 on this subject and we have obtained a copy of Public Health
12 Services Bulletin No. 241, 'A Study of Asbestosis in the
13 Asbestos Textile Industry.' This material is attached for your
14 information."

15 Q. All right. Could you turn to Exhibit No. 12,
16 Mr. Larson? And you can -- yeah, those tabs kind of give you
17 an idea.

18 A. Okay.

19 Q. Can you identify what Exhibit No. 12 is, sir?

20 A. Let's see. It appears to be a letter from William
21 Foster of the Department of Labor and Industry, State of
22 Pennsylvania, to Fred Venable with ESSO in Baton Rouge.

23 Q. And it's regarding transmittal of information on
24 asbestos -- asbestosis?

25 A. Correct.

1 Q. All right. What year is that? Does it have a year?

2 A. That's '51.

3 Q. And does that discuss asbestos?

4 A. It appears to.

5 Q. What does it say?

6 A. It says, "In reply to your request of October 17th,
7 we are mailing, under separate cover, Special Bulletins
8 Nos. 37 and 42 entitled 'Asbestosis.'"

9 Q. All right. Let's turn to Exhibit No. 13.

10 A. Okay.

11 Q. And have you seen Exhibit No. 13 before?

12 A. I think I have.

13 Q. What is Exhibit No. 13?

14 A. It's the Safety Manual for the Production Department
15 of Humble Oil.

16 Q. All right. And have you read through that document
17 before you saw it today?

18 A. I think I've -- I've skimmed through it, yes.

19 Q. All right. And does this apply to all plants in the
20 Humble Oil and Refining Company in May of 1953?

21 A. No. It's strictly limited to their production
22 department.

23 Q. What was the production department?

24 A. Exploration and producing. It's drilling and
25 producing oil.

1 Q. Does this safety manual anywhere make any reference
2 to either asbestos dust specifically or pneumoconiosis in
3 general?

4 A. I wouldn't expect it to because you wouldn't have
5 that exposure in drilling.

6 MR. CAPPOLINO: Object, nonresponsive.

7 Q. (By Mr. Cappolino) My question again to you was,
8 does this 1953 safety manual make any reference to either
9 asbestos dust specifically or pneumoconiosis in general?

10 MR. MANNING: Bruce, just -- you can read the
11 whole document and then respond.

12 MR. CAPPOLINO: Well, we'll do that during a
13 break because I'm not going to waste my time having him read
14 through the document when it's been in the Exxon documents
15 forever and he's had a chance to review it. And I'm not going
16 to run that route again.

17 A. I guess my answer is no, but it's not relevant to
18 refining.

19 Q. (By Mr. Cappolino) All right. Have you read that
20 document before to see whether or not it refers to asbestosis
21 or asbestos dust or pneumoconiosis?

22 A. This particular document?

23 Q. Yes.

24 A. Yes, but it doesn't.

25 Q. All right. Could you turn to Exhibit No. 14?

1 MR. MANNING: After this exhibit, could we take
2 a break?

3 MR. CAPPOLINO: Yeah. Thanks.

4 A. Okay.

5 Q. (By Mr. Cappolino) Can you identify what Exhibit
6 No. 14 is?

7 A. Let's see. It is a document from a national accounts
8 representative with Union Asbestos & Rubber Company to -- to a
9 Mr. George Wilkening with ESSO Standard in Linden, New Jersey,
10 and it -- it involves Unibestos insulation.

11 Q. Is that what the company was called back then?
12 Exxon, was it called ESSO?

13 A. I think so.

14 Q. And in this particular document -- have you seen this
15 document before?

16 A. I don't believe so.

17 Q. Was this document ever provided to you by the lawyers
18 for Exxon-Mobil?

19 A. I don't think so.

20 Q. And in this document doesn't it state -- or in 1956
21 one of the insulation suppliers, Union Asbestos & Rubber
22 Company, gave information to ESSO showing that Unibestos
23 composition included 63 to 70 percent amosite asbestos?

24 A. Right.

25 Q. And do you have any reason to dispute that?

1 A. No.

2 Q. Do you know the carcinogenic ability of amosite
3 asbestos versus the other asbestos fibers, as far as your
4 industrial hygiene knowledge?

5 A. I do.

6 Q. And what is that?

7 A. It's quite a bit substantially higher as we know it
8 today.

9 Q. Okay. Could you turn to Exhibit No. 15?

10 MR. MANNING: Can we take a break?

11 MR. CAPPOLINO: I'm sorry. Yeah. Thanks.

12 (Recess from 2:51 to 3:02.)

13 Q. (By Mr. Cappolino) Mr. Larson, are we ready to
14 begin?

15 A. (No audible response.)

16 Q. Mr. Larson, I want to go to Exhibit No. 15.

17 A. Okay.

18 Q. And have you seen a copy of this document before?

19 A. I don't think so.

20 Q. And this was not provided to you by lawyers for
21 Exxon-Mobil; correct?

22 A. Correct.

23 Q. This is called, "ESSO Standard Oil Company, Baton
24 Rouge Refinery, Mechanical Technical Service Department" --

25 A. Okay.

1 Q. -- "Methods and Materials for Insulation of Steam
2 Traced Lines"?

3 A. Yes.

4 Q. Did I read that correctly?

5 A. Yes.

6 Q. Does that involve steam lines? Is that what that is?

7 A. A steam trace line would be a product line, a very
8 viscous product that you would apply a small steam line to, to
9 keep it viscous and flowing.

10 Q. All right.

11 A. So it's used in not a very large portion of the
12 refinery.

13 Q. And does this appear to be a document -- an ESSO
14 Standard Oil Company document?

15 A. Right. I don't see a date though.

16 Q. Okay. It mentions under "Recommendations," it says,
17 "Expand the stock of rigid insulation to include the sizes
18 required to insulate steam trace lines. Calcium silicate or
19 Unibestos are equally satisfactory."

20 A. Okay.

21 Q. Did I read that correctly?

22 A. Yes.

23 Q. And then further down it mentions Unibestos and
24 calcium silicate and talks about them.

25 A. Okay.

1 Q. And does this indicate that ESSO was wanting to
2 continue to use Unibestos?

3 A. I believe it does. It's -- I don't -- do we have any
4 idea when this was?

5 Q. No, sir. I don't have a date on it and I'm sorry
6 about that.

7 A. Well, clearly it was prior to 1970.

8 Q. All right. Say, if it was in 1958, sometime around
9 there, would that sound more likely?

10 MR. COSMICH: Object to the form.

11 Q. (By Mr. Cappolino) Or do you know?

12 A. I couldn't disagree with that.

13 Q. Okay.

14 A. But let's clarify that this is Baton Rouge and not
15 Baytown.

16 Q. I understand.

17 Now, if it was -- let me ask you this. Do you
18 know whether or not there were asbestos-free alternatives to
19 the Unibestos and the calcium silicate insulation, such as spun
20 mineral wool or fiberglass?

21 MR. COSMICH: Object to the form.

22 A. I'm looking at this memo. Apparently, they
23 considered those two, but from a performance standpoint, they
24 recommended the Unibestos and calcium silicate.

25 Q. (By Mr. Cappolino) And you see that on this memo

1 under "Discussion," where it talks about "sponge felt, a
2 laminated asbestos paper"? And then it says, "During the
3 investigation, four other types of insulation were evaluated,"
4 and it mentioned the spun mineral wool, fiberglass and, of
5 course, the Unibestos and calcium silicate; correct?

6 A. Right.

7 Q. But despite -- and, I guess, despite the previous
8 document, Exhibit No. 14, where it shows the composition of
9 Unibestos pipe insulation to be 60 up to 70 percent amosite
10 asbestos, ESSO continued to want to use Unibestos; is that
11 correct, based on these documents?

12 A. Again, we don't -- we don't have a date here.

13 Q. All right. Could you turn to the next exhibit, which
14 is Exhibit No. 16?

15 A. Okay.

16 Q. And have you ever seen a copy of that document
17 before?

18 A. I don't think so.

19 Q. This is also called, "ESSO Standard Oil Company,
20 Baton Rouge Refinery, Insulation Study," and is there a date on
21 here or not?

22 A. I don't see one.

23 Q. All right. Did it also in this document indicate
24 that ESSO Standard Oil refinery still wanted to continue to use
25 Unibestos and Thermobestos as standard pipe insulation?

1 A. Let's see. I think, yes, among others.

2 Q. All right. Let's turn to Exhibit No. 17. And it
3 appears to be a news article out of the ESSO News, and it looks
4 to me like that was dated May 5th, 1961 at the top. Do you see
5 that?

6 A. I think -- yeah, I can.

7 Q. Have you ever seen this particular article before or
8 a copy of this?

9 A. Again, this is a Baton Rouge document. I'm not
10 really that well versed on Baton Rouge issues.

11 Q. Do you know what the ESSO News was?

12 A. No.

13 Q. Do you know if that was a publication put out by ESSO
14 that went to plants or workers or contractors?

15 A. It very well could have.

16 Q. In this article that you can see, does it indicate
17 that the Baton Rouge refinery was using a metal-jacketed
18 version of Thermobestos, which was an asbestos-containing
19 calcium silicate insulation?

20 A. I think that's the gist of it, yes.

21 Q. Does it further indicate in this article that
22 unjacketed Thermobestos was in wide use at that facility? If
23 you want to look at it, that's fine.

24 A. Let's see. I won't -- I don't -- it doesn't jump off
25 the page at me, but I won't -- I won't dispute that.

1 Q. Do you know what Thermobestos was?

2 A. It's pipe insulation.

3 Q. Do you know if that was used at the Baytown refinery?

4 And I know we referenced something to that earlier, but do you
5 know?

6 A. I think that probably it was.

7 Q. Could you turn to Exhibit No. 18?

8 A. (Witness complies.)

9 Q. And this, again, is a document called, "List of
10 Potentially Hazardous Materials," dated June 6th, 1961.

11 A. Okay.

12 Q. And have you ever seen this document before?

13 A. I think I have.

14 Q. And when did you see this document, sir? I'm sorry.

15 A. Just in reviewing some exhibits to, like,
16 depositions.

17 Q. All right. Does this particular document -- and does
18 this appear to be a document that was generated by ESSO or
19 Exxon-Mobil's predecessors?

20 A. From the initials, it looks like it was generated by
21 Fred Venable.

22 Q. And, again, he was -- what position did he have with
23 Exxon?

24 A. He was the industrial hygienist at Baton Rouge.

25 Q. Can you tell us whether or not it lists asbestos as a

1 potentially hazardous material?

2 A. It does.

3 Q. And does it talk about what particular plants it
4 listed as a hazardous material or does it just talk about it
5 generally?

6 A. I don't see any reference to plants. I just see a
7 list here.

8 Q. All right. Could you turn to Exhibit No. 19?

9 A. Okay.

10 Q. And have you seen this exhibit before?

11 A. I don't think -- again, this is a Baton Rouge
12 document. I don't believe I've seen it.

13 Q. All right. Does this appear to be a memorandum to
14 Dr. Neill K. Weaver from Fred Venable with the subject,
15 "Insulators' Exposures to Asbestos," dated 5-13-64 out of the
16 Baton Rouge, Louisiana facility?

17 A. Yes.

18 Q. And in this document does it discuss on the second
19 paragraph the types of insulation or asbestos-containing
20 products that were used in the 1940s and early 1950s with
21 regard to insulation for high-temperature lines?

22 A. Yes.

23 Q. It lists 302 cement; correct?

24 A. Correct.

25 Q. Which is Johns-Manville?

1 A. Yes.

2 Q. It mentions Unibestos?

3 A. Yes.

4 Q. Thermobestos?

5 A. Yes.

6 Q. Calsite?

7 A. Yes.

8 Q. And Careytemp as materials used during that time?

9 A. Right.

10 Q. All right. It mentions also in this document that
11 "Asbestos felt paper and asbestos sponge felted insulation was
12 also used to wrap cork insulated lines on cold piping"?

13 A. Yes.

14 Q. It mentions loose asbestos cement was received in
15 bags and dumped into mixing troughs and stirred with water and
16 applied wet, and that some asbestos dust would likely be
17 released in the first stage of this mixing?

18 A. Right.

19 Q. And do you have any reason to dispute that?

20 A. If -- if you review Hammond's depositions and his
21 memo, he talks about the fact that in the past, in the early
22 years, there was potential dust exposure from mixing the
23 asbestos cement, but he also goes into the procedures that were
24 implemented to prevent that dusting from occurring.

25 So I would say, yes, in the early days, as he

1 says, in the '40s and early '50s there probably was some dust
2 exposure; but beginning -- well, in the latter years, that
3 would have been minimized.

4 Q. Does this also talk about asbestos --

5 MR. CAPPOLINO: Let me object as nonresponsive.
6 I'm sorry.

7 Q. (By Mr. Cappolino) This also talks about asbestos
8 magnesia insulation continued to be cut and fitted using hand
9 saws?

10 A. Correct.

11 Q. Does it talk about power saws in here? And I believe
12 it's the paragraph under, "The loose asbestos cement." Do you
13 see that? "The loose asbestos cement was received in bags,"
14 the fourth paragraph, do you see that paragraph?

15 A. I don't see that.

16 Q. All right. Do you see the paragraph under the
17 sentence that says, "Asbestos felt papers and asbestos sponge"?

18 A. Yes.

19 Q. Where it starts with, "The loose asbestos cement"?

20 A. Right.

21 Q. And then the last sentence of that paragraph says,
22 "These are sometimes cut" -- talking about preformed asbestos
23 magnesia insulation.

24 A. Right.

25 Q. "These are sometimes cut and fitted by hand using

1 hand saws (formerly power sawing was done about 10 years ago)."

2 A. Right.

3 Q. And do you have any reason to dispute that?

4 A. No.

5 Q. Under the -- a little further down, I think it's the
6 paragraph -- the second paragraph from the bottom, where it
7 says, "In recent years," do you see that?

8 A. Yes.

9 Q. It says, "Some asbestos - calcium silicate insulation
10 (Owens-Corning Kaylo) is used today."

11 Did I read that correctly?

12 A. Yes.

13 Q. And it says, "Johns-Manville 450 asbestos cement is
14 used by insulators." Do you also see that section in that same
15 paragraph?

16 A. Yes.

17 Q. And do you have any reason to dispute that?

18 A. No.

19 Q. Finally, the last paragraph says, "In addition to the
20 work with the insulator in applying asbestos materials, it
21 should be remembered that their work of removing old insulation
22 is likely to produce dry dust exposures also."

23 Did I read that correctly?

24 A. Yes.

25 Q. And do you agree or disagree with that or dispute

1 that?

2 A. It's -- it doesn't -- it's not consistent with what
3 I've read in Jim Hammond's testimony.

4 Q. All right. Could you turn to Exhibit No. 20?

5 A. Okay.

6 Q. And can you identify what Exhibit No. 20 is?

7 A. Let's see. It's a letter from McCarty-Branton to
8 Fred Venable with Humble.

9 Q. Okay.

10 A. And it lists the percentage of fibers in specific
11 products.

12 Q. All right. And it's dated November 23rd, 1964?

13 A. Correct.

14 Q. "Thermobestos," it said, "10 percent Grade 4
15 Chrysotile Asbestos Fiber"?

16 A. Correct.

17 Q. "450 Cement - 17 percent Grade 6 Chrysotile Asbestos
18 Fiber"; is that correct?

19 A. Correct.

20 Q. All right. Could you turn to Exhibit No. 21?

21 A. Okay.

22 Q. Do you have that in front of you, Mr. Larson?

23 A. Yes.

24 Q. And can you identify what Exhibit No. 21 is?

25 A. It's an ESSO Research and Engineering publication

1 titled, "Summary of the Conference on Biological Effects of
2 Asbestos," dated October 19th through the 21st, 1964.

3 Q. And who is the author?

4 A. Probably Dr. Eckhardt.

5 Q. Who was Dr. Eckhardt?

6 A. Eckhardt was the director of ESSO's medical research
7 division.

8 Q. Do you have any knowledge whether or not anybody at
9 Exxon or its predecessors tried to prevent Dr. Eckhardt from
10 publishing any of his materials on hazardous materials?

11 A. No.

12 Q. Have you seen a copy of this document before?

13 A. Yes.

14 Q. And does this document show or reveal anything about
15 the company trying to stay abreast of the state of asbestos
16 knowledge?

17 A. Yes, it does.

18 Q. And does this paper talk about animal experiments on
19 asbestos toxicity, talk about a paper that found extensive
20 fibrotic changes in the lungs of guinea pigs exposed to
21 chrysotile, crocidolite, amosite and other asbestos fibers?

22 A. I believe it does.

23 Q. Do you know whether or not this study reported that
24 it was difficult to contain the dissemination of airborne
25 asbestos fibers; even guinea pigs, in a controlled group not

1 intended to breathe the asbestos showed lungs laden with fibers
2 upon postmortem examination? Do you know if it discussed that?

3 A. I believe it does.

4 Q. Did this article discuss the results of the
5 epidemiological study by Dr. Selikoff, Churg and Hammond, "The
6 Asbestosis Among Insulation Workers in the United States"?

7 A. Yes.

8 Q. Did this document discuss any type of household
9 exposure and any type of asbestos-related disease caused by
10 fibers being brought home on the clothing of workers?

11 A. Let's see.

12 Q. And I believe that would probably be at Pages 2
13 through 4.

14 A. Well, it's talking about Wagner's work out of South
15 Africa. And I know that work did make reference to a household
16 case, but I don't -- I don't see it yet. It's probably in here
17 somewhere.

18 Q. That's okay. Let me ask you, on Page 5 of that
19 document --

20 A. All right.

21 Q. -- does it talk about a Texas physician indicating
22 that he had seen 10 cases of lung cancer in asbestos workers,
23 all of whom worked in the petroleum refining industry?

24 A. On Page 5?

25 Q. Yeah. Is that on Page 5?

1 A. Huh. I can't find it, at least offhand. Oh, wait a
2 minute. Yes.

3 Q. All right. I'm sorry. Let me just go back a little
4 bit here. On Page 5 of that article also, does it talk about
5 Dr. Eckhardt's evaluation of a presentation by a Johns-Manville
6 representative whose paper in the estimation of ESSO's employee
7 was defensive in apparently trying to protect the asbestos
8 industry in the United States from the accusation of having
9 produced pulmonary or mesothelioma tumors?

10 A. Yes.

11 Q. Does it further state on that page that the Exxon
12 physician further concluded that the very poor paper was
13 primarily intended to confuse people?

14 A. Yes.

15 Q. On Page 6 of that paper, I wanted to ask you
16 something about that. Is there an indication there of the
17 reaction of defendant's employee to the totality -- or of
18 Exxon's employee to the totality of the conference where it
19 says, "All in all, I would say that this three-day conference
20 clearly suggests that exposure to asbestos is a most serious
21 situation, and I would certainly agree with Dr. Gilson when he
22 says that it is very important to eliminate all unnecessary
23 exposure to asbestos dust in the future"?

24 A. Yes.

25 Q. And that "It would seem important for us in the

1 petroleum industry to do epidemiological studies on the
2 insulators who work in the petroleum industry and, in addition,
3 to institute additional dust control measures"?

4 A. Right.

5 Q. And then it says, "Certainly this appears to be a
6 problem that cannot be taken lightly, and certainly it would
7 seem that very careful control of exposures to asbestos
8 throughout refinery operations should be instituted"?

9 A. Correct.

10 Q. And, "This would include not only the insulators
11 themselves but also those who are tearing down older units
12 where insulation may be present around pipes and asbestos dust
13 exposure may develop."

14 Did I read that correctly?

15 A. Yes.

16 Q. Do you agree with those recommendations?

17 A. Yes.

18 Q. All right. And then finally on that page, on Page 6,
19 does the author state, "Again, in my mind there is no question,
20 nor was there at this conference" -- "nor was there at this
21 conference about the elimination of asbestos from the
22 industry"?

23 A. Correct.

24 Q. And do you agree with that?

25 A. Yes.

1 Q. I want to turn to Page -- or Exhibit No. 22. And,
2 Mr. Larson, can you identify what Exhibit No. 22 is?

3 A. It's a letter from Dick Brief to Van Hendricks dated
4 1966 --

5 Q. Okay. Did --

6 A. -- regarding the asbestos content of certain
7 insulating materials.

8 Q. That was May 10th, 1966?

9 A. Correct.

10 Q. And you said Dick Brief, Richard Brief. Did you know
11 him?

12 A. Yes.

13 Q. How do you know Mr. Brief?

14 A. He was basically Van Hendrick's successor as the
15 director of industrial hygiene for ESSO Research and
16 Engineering.

17 Q. Have you seen this document before?

18 A. I believe I have.

19 Q. Okay. And did this document, this report from ESSO's
20 Medical Research Division of the Standard Oil headquarters,
21 show that Thermobestos and 85 percent magnesia insulation still
22 contained asbestos?

23 A. Correct.

24 Q. And that it was in place at certain parts or certain
25 of the Exxon refineries?

1 A. Right.

2 Q. Can you identify Exhibit No. 23? And I think we've
3 talked about this one already, but we haven't attached it
4 formally. What is Exhibit No. 23?

5 A. It's the Texas Department of Health Regulation for
6 asbestos and other -- other hazardous materials.

7 Q. And on Page 5 of the 1958 regulations, does it
8 state -- let me ask you this. The scope of this rule includes
9 all places of employment in the State of Texas; is that
10 correct?

11 A. Yes, as it pertains to the threshold limit values.
12 And questions have come up from time to time regarding
13 asbestos, but I'll just leave it at that.

14 Q. And it says, "The limit for asbestos dust particles
15 is set at 5 million particles per cubic foot"?

16 A. Correct.

17 Q. And the Texas State Department of Health issued a
18 1971 threshold limit value of 5 million particles per cubic
19 foot. Are you aware of that?

20 A. I'm sorry. What date?

21 Q. 1971. Did you know that?

22 A. Yes, but that was superceded by the OSHA P.E.L.

23 Q. Again, that 5 million particles per cubic foot by the
24 Texas State Department of Health in 1971, that was on Page, I
25 think, 17 of that document --

1 A. Okay.

2 Q. -- is that correct?

3 A. I believe so. Wait a minute. Hang on a second.

4 Okay.

5 Q. That's all right. If you can't find it, let me ask
6 you this. And it's your testimony Exxon was aware of these
7 occupational health regulations from Texas back in '58?

8 A. Correct.

9 Q. And how would these regulations have been
10 disseminated to petrochemical plants in Texas at that time?
11 How would they have gotten that information, if you know?

12 A. Well, I would believe that each company would have
13 been responsible for their dissemination within their
14 operations.

15 Q. Turn to the next Exhibit, No. 24. What is exhibit --
16 I'm sorry. Are you there?

17 A. Okay.

18 Q. What is Exhibit No. 24?

19 A. This looks like the original emergency temporary
20 standard for asbestos that was published by OSHA in -- or is
21 it -- which one is this? Oh, no. This is the first permanent
22 asbestos regulations published June 7th, 1972.

23 Q. And what threshold limit was set for asbestos
24 exposure in those regulations?

25 A. As a time-weighted average, it would have been

1 5 fibers per cc for an 8-hour work.

2 Q. And certainly Exxon or its predecessors would have
3 known of those regulations?

4 A. Correct.

5 Q. And in working with OSHA during the time you worked
6 with them, how would Exxon have received these regulations and
7 notice of these regulations?

8 A. They would have monitored the Federal Register and
9 extracted anything that they felt was pertinent to their
10 operation.

11 Q. Could you identify what Exhibit No. 25 is?

12 A. Let's see, 25. Let's see. It looks like -- looks
13 like they're making notations, looks like an audit of their
14 operations with respect to the use of asbestos. That's what I
15 would think. I don't know who it's to or from, but -- or even
16 if it's an Exxon document, but it's -- it looks like it's
17 pertaining to someone critiquing, I guess, their compliance
18 with the OSHA regulation.

19 Q. Do you have any knowledge -- have you ever seen this
20 before?

21 A. I don't believe so.

22 Q. And do you have any knowledge one way or the other
23 whether this was written by an Exxon employee?

24 A. I have no idea.

25 Q. Okay. There was a date at the bottom though. It

1 looks like 12-28-71.

2 A. Correct.

3 Q. And that would have been after the OSHA regulations
4 came out?

5 A. No. This is prior to that.

6 Q. Okay. Does it talk in this document about Exxon not
7 complying with the regulations regarding the mixing of asbestos
8 in closed bags?

9 A. If they talk about compliance, it would be comparing
10 what the current practice would have been compared to what the
11 OSHA requirement would require because the OSHA regulation
12 wasn't in effect yet.

13 Q. Does it talk about the bagging of asbestos waste?

14 A. It says, "We don't bag waste as called for." So that
15 tells me it's either not using the same type of bag or the
16 labelling on the bag. This doesn't -- this is not -- really
17 not a clear statement in terms of what they do or don't do.

18 Q. Does it talk about vacuuming?

19 A. It says, "We dust vacuum as called for and I'm sure
20 we dry sweep which is taboo."

21 Q. "Dry sweep which is taboo," what does that mean, if
22 you know?

23 A. I believe the regulations in '72 prescribed wet
24 sweeping as opposed to dry sweeping.

25 Q. Do you know if any dry sweeping was done at the Exxon

1 Baytown refinery in the '60s and '70s?

2 A. It's certainly possible. I think that was a
3 procedure that was not called for, but I'm not saying that it
4 couldn't have happened at some point in time.

5 Q. And dry sweeping would not be called for because it
6 could kick up dust?

7 A. Right.

8 Q. There was another section on this Exhibit 25, the
9 first where it says, "Let us assume our contractors are
10 reviewing these standards, and some day we will officially
11 inform them they must comply." Do you see that?

12 A. Yes. That's the first point.

13 Q. Do you know what that means?

14 A. It seems to me that they're saying, well, people are
15 reviewing the proposed regulations and that we -- as we are
16 doing, and that we're assuming the contractors are doing
17 likewise, but at some point -- and I assume prior to the
18 effective date of the regulation -- they're going to inform
19 them that they must be in compliance when the regulation
20 becomes effective.

21 Q. This doesn't indicate to you any type of lack of
22 concern on Exxon's part for the contractor?

23 MR. MANNING: Objection, form.

24 A. No. I don't think so.

25 Q. (By Mr. Cappolino) All right. Does this also --

1 this document talk about the use of high dust asbestos
2 insulation and noting that use should be discontinued only
3 because the product was no longer available, specifically
4 referring to Unibestos, on the second part of that particular
5 document?

6 A. Yes, it seems to.

7 Q. It says, "We've been using Unibestos, the worst from
8 dust angle, but it is going off the market. Then I believe we
9 will be using Johns-Manville and Kaylo which is somewhat
10 better"?

11 A. Right. Correct.

12 Q. All right. On the fourth section it mentions
13 something about hand or power tools and it says, "This new
14 standard says hand or power tools should be provided with local
15 exhaust ventilation and dust collectors. I don't see how you
16 provide these on a hand saw and I don't see the need in the
17 field."

18 Did I read that correctly?

19 A. Right.

20 Q. And do you know what that means?

21 A. Well, it's -- it's my recollection that the standard
22 requires ventilation on power tools, so apparently this person
23 misinterpreted that it would be required on hand tools. That
24 would be my takeaway.

25 Q. Could you turn to Exhibit No. 26?

1 A. Okay.

2 Q. Have you ever seen Exhibit No. 26 before? Have you
3 ever seen that?

4 A. No, I haven't.

5 Q. Has that ever been provided to you by the lawyers for
6 Exxon-Mobil?

7 A. I haven't seen it before, no.

8 Q. Does this document, which I believe indicates was
9 written on January 7th, 1972, indicate that, "Although
10 respirators were available for use during the application and
11 demolition of insulation, employees were not wearing the
12 protective equipment and Exxon personnel had not been requiring
13 use of respirators"?

14 A. That's what it says. This appears to be -- this is
15 not a document relating to Baytown, however.

16 Q. Do you know what it relates to?

17 A. The only indication to me is if -- by the initials at
18 the top, F.S.V. It says, "You may want" -- I can't read it
19 all. But anyway, F.S.V. would be Fred Venable, so that would
20 indicate that it's a document somehow related to Baton Rouge.

21 Q. One of the priority items on this document was the
22 elimination of all --

23 MR. CAPPOLINO: I'm sorry. Strike that. I
24 apologize.

25 Q. (By Mr. Cappolino) Could you turn to Exhibit No. 27.

1 A. Okay.

2 Q. Can you identify for us what Exhibit No. 27 is?

3 A. It's a memo from Fred Venable to Jim Hammond titled
4 "Asbestos Hazard Control Program," and it's dated March 9th of
5 '72.

6 Q. Have you ever seen that document before?

7 A. I think I have.

8 Q. Do you know when Humble Oil -- Humble Oil, do you
9 know when they began to institute a company-wide asbestos
10 hazard control program?

11 A. Well, they implemented one as early as '37 with the
12 Bonsib report. It was modified over time, and certainly when
13 OSHA issued its final asbestos regulations, it was modified at
14 least from a technical standpoint to comply with it.

15 Q. Does this document that we're looking at, Exhibit
16 No. 27, indicate that Humble only began to institute a
17 company-wide asbestos hazard program in mid 1972?

18 A. I wouldn't think so, no, unless -- unless it's being
19 misinterpreted.

20 Q. I want to go to Page 3 of that document and the last
21 paragraph where it says, "We should not overlook the fact that
22 employees must be informed of the asbestos health problem,
23 their responsibilities for good work practices and the need for
24 their cooperation in every operation involving asbestos dust
25 exposure."

1 A. Right.

2 Q. Did I read that correctly?

3 A. Yes.

4 Q. Is it your testimony that the employees were informed
5 of the asbestos health problem prior to the date of this
6 document?

7 A. Absolutely.

8 Q. Well, why would they put that wording in this
9 document?

10 A. Because it was a specific compliance requirement in
11 the OSHA regulations. This is basically just going down a list
12 of compliance requirements. It's just reiterating the fact
13 that employees must be trained and educated.

14 MR. CAPPOLINO: Object, nonresponsive.

15 Q. (By Mr. Cappolino) Could you turn to the next
16 exhibit, Exhibit No. 28?

17 A. Okay.

18 Q. And can you identify Exhibit No. 28 for the record?

19 A. Let's see. It's a memo from Fred Venable to a
20 Mr. E.R. Felton and an M.H. Brock and its subject is "Asbestos
21 Regulations," July 20th --

22 Q. All right.

23 A. -- 1972.

24 Q. It says here, "I'm interested in making sure that all
25 employees, not just supervisors, become familiar with the

1 recent asbestos regulations."

2 Did I read that correctly?

3 A. Yes.

4 Q. And then it says, "Since the issuance of the Steering
5 Committee's No. 2 Bulletin on this subject, there has been a
6 thundering silence. Does this indicate a lack of concern or a
7 lack of knowledge?"

8 Did I read that correctly?

9 A. Yes.

10 Q. Do you know what that means?

11 A. No.

12 Q. Have you seen this document before?

13 A. I believe I have.

14 Q. Did you ever wonder what that meant?

15 A. Yes.

16 Q. And did you ever find the answer to that question?

17 A. I don't believe so.

18 Q. Why didn't you?

19 A. As far as I know, I need to see what -- I don't see
20 what Bulletin No. 2 is. I assume that it would be basically a
21 asbestos procedure to comply with the OSHA asbestos
22 regulations.

23 Q. Okay.

24 A. It says, "Does this indicate a lack of concern or a
25 lack of knowledge?" I think it would probably indicate that

1 it's, again, a document that modifies asbestos-handling
2 procedures to meet OSHA regulatory requirements. So I guess
3 he's wondering why they haven't had more feedback on that.

4 MR. CAPPOLINO: Object --

5 A. That's my interpretation.

6 MR. CAPPOLINO: Object, nonresponsive.

7 Q. (By Mr. Cappolino) Mr. Venable, is he still around?

8 A. No.

9 Q. When did he pass away?

10 A. He had a heart attack. It's been probably 20 years
11 ago.

12 Q. Could you turn to Exhibit No. 29?

13 A. 29?

14 Q. Yes, sir.

15 A. Okay.

16 Q. And can you identify what Exhibit No. 29 is?

17 A. Let's see. It's a memo from Fred Venable to an A.C.
18 Worsley in purchasing.

19 Q. And, again, that's dated July 20th, 1972?

20 A. Correct.

21 Q. Called "Contractors Compliance with OSHA Regulations
22 on Asbestos"?

23 A. Correct.

24 Q. And the first sentence says or paragraph says, "In
25 the removal of scrap piping by scrap metal contractors, have we

1 made sure that possible exposures to asbestos materials
2 (insulation) are controlled?"

3 Did I read that correctly?

4 A. Correct.

5 Q. Then it says, "What about cleaning up the area and
6 disposal of scrap asbestos resulting from handling of piping?"

7 Did I read that correctly?

8 A. Correct.

9 Q. Then it says, "Is the contractor aware of the
10 requirements of Paragraph (c)(2)(iii) concerning clothing and
11 respirators?"

12 A. Correct.

13 Q. Have you seen this document before?

14 A. I believe so.

15 Q. The next exhibit is Exhibit No. 30. Could you
16 identify that for the record, Mr. Larson?

17 A. It looks like another memo from Fred Venable to a
18 Mr. Jones regarding asbestos exposure. And let's see. I don't
19 see a date. I don't see a date.

20 Q. All right. A two-page document. Have you seen this
21 before?

22 A. Let's see. I think I probably have.

23 Q. Okay. Do you know when you saw that?

24 A. It was probably -- I don't know, probably within the
25 last three years.

1 Q. Does this document show and memorialize that Exxon
2 had knowledge of both Exxon employees and contractor employees
3 at the Baton Rouge plant that were being exposed to levels far
4 in excess of the 5 fibers per cubic centimeter standard
5 initially set by OSHA?

6 A. No, it doesn't.

7 Q. Why doesn't it?

8 A. Because these are instantaneous samples. They're not
9 time-weighted averages.

10 Q. The instantaneous samples, did that show that these
11 workers were being exposed and the contractors were exposed to
12 levels far in excess of the 5 fibers per cubic centimeter?

13 A. No, because that's a 8-hour time weighted average
14 over a period of 480 minutes.

15 Q. Were these excessive peak exposures?

16 A. I don't believe so.

17 Q. Does it talk about samples being taken from an Exxon
18 insulator involved in the removal of asbestos-covered lines
19 revealing asbestos concentrations of up to
20 78 fibers per cubic centimeter?

21 A. Just a second. Let me see this.

22 The other comment is that this would be without
23 regard to the use of respiratory protection.

24 MR. CAPPOLINO: Object, nonresponsive.

25 Q. (By Mr. Cappolino) My question to you, again, was,

1 does this document show samples taken from an Exxon insulator
2 involved in the removal of asbestos-covered lines revealing
3 asbestos concentrations of up to 78 fibers per cubic
4 centimeter?

5 A. The actual concentration, yes. I'll -- I'll agree
6 with that.

7 Q. Does the document show a contractor's employee
8 involved in the removal of insulating material from the
9 interior of a reactor vessel was exposed to concentrations of
10 asbestos reaching 255 fibers per cubic centimeter?

11 A. Yes, but for a three-minute period and without regard
12 to the use of respiratory protection.

13 MR. CAPPOLINO: Object to nonresponsive after
14 "Yes."

15 Q. (By Mr. Cappolino) Does this report talk about
16 failure to post warning signs in asbestos work areas?

17 A. Let's see. Let's see. I believe it does, yes.

18 Q. Does it talk about the failure to restrict
19 unprotected personnel from work areas?

20 A. Can you help me find that area? That would speed
21 things up.

22 Q. All right. And, again, let me just ask you -- and I
23 apologize -- have you seen this document before?

24 A. I -- I say I think I have. I'm not positive.

25 Q. All right.

1 A. As I said earlier, I've been primarily concerned with
2 documentation for the Baytown refinery and I haven't focused on
3 Baton Rouge.

4 Q. But, again, you told me earlier that some of the
5 operations at Baytown and Baton Rouge would be the same as at
6 the Baytown refinery?

7 A. Some would.

8 Q. Let me go to that second page, Page 2, and let me
9 just ask you about some other things here. And I think it's
10 the third paragraph where it says, "There are a number of items
11 concerning these jobs that I feel deserve comment."

12 A. Okay.

13 Q. It says, "The first concern is the clothing
14 contamination by asbestos dust which is almost unavoidable in
15 this scope of removal operations."

16 Did I read that correctly?

17 A. Yes.

18 Q. And do you agree with that?

19 A. I suppose.

20 Q. It says, "Not only are we violating the existing
21 regulations concerning clothing by not providing such clothing
22 and laundering it, but we are also failing to protect our
23 employees and the families of our employees from asbestos
24 exposure. The matter of protection of the contractors'
25 employees is also worthy of consideration by our management."

1 Did I read that correctly?

2 A. Yes.

3 Q. And then it says further in the next paragraph,
4 "While we issued refinery-wide guidelines on asbestos handling
5 soon after the effective date of the standard in 1972, there
6 are still deficiencies in our compliance with these guidelines,
7 specifically the failure to restrict unprotected employees from
8 these areas and the failure to post warning signs in the
9 asbestos work area."

10 Did I read that right?

11 A. Yes.

12 Q. Were you ever made aware of these deficiencies before
13 today at that plant?

14 A. I'm sorry?

15 Q. Were you ever made aware of these deficiencies at the
16 Baton Rouge facility before today, before I showed you this
17 document?

18 A. Like I say, I don't recall specifically if I have
19 read this memo before or not, but I will go -- I will say that
20 this is apparently an example of them doing an audit to find
21 out what the weaknesses were in the program at Baton Rouge and
22 taking corrective action now.

23 So I'm not saying that this didn't occur, but
24 I'm -- the fact that they, you know, reviewed the operations,
25 noted deficiencies and reported these, I think, is an example

1 of a -- at least a form of oversight of the program.

2 MR. CAPPOLINO: Object, nonresponsive.

3 Q. (By Mr. Cappolino) Let me ask you about the next
4 paragraph. It says, "While we initially embarked upon the
5 asbestos control program with some reservations concerning its
6 real significance to the problem of asbestos caused disease and
7 some degree of complacency regarding the health of our
8 employees, there has been considerable change in thinking, at
9 least on the part of this writer, because of the appearance of
10 two cases of mesothelioma in recent months among Exxon company
11 employees."

12 Did I read that correctly?

13 A. Yes.

14 Q. And this would indicate, this document written by, I
15 guess, Mr. Venable, that there was some degree of complacency
16 regarding the health of the Exxon employees. Would you agree
17 with that?

18 A. Let's see. How does he say that? I wouldn't agree
19 with that.

20 Q. You wouldn't agree with it, but you weren't at the
21 Baton Rouge facility at any time during the time this was
22 written?

23 A. Let's see. I was actually there -- let's see. I was
24 there actually after this was written.

25 Q. So you disagree with Mr. Venable?

1 A. I don't think that it's been my experience that Exxon
2 has been complacent regarding the health of employees. I think
3 it's been just the opposite. I think they've been very
4 proactive.

5 MR. CAPPOLINO: Object, nonresponsive.

6 Q. (By Mr. Cappolino) I want to turn to the next
7 exhibit, Exhibit No. 31. We're getting pretty close to the end
8 on these, but let me ask you about Exhibit No. 31.

9 Can you identify what Exhibit No. 31 is?

10 A. It appears to be a memo. Let's see. I don't know
11 who it's from -- from J.E. Walsh of Union Carbide to several
12 people, I assume, also from Union Carbide regarding protective
13 coatings in the oil industry.

14 Q. It has a section there:

15 "Full Name: Exxon."

16 "Address: Houston, Texas."

17 "Protective Coatings of the Oil Industry."

18 Then it has, "Interviewed: Ron Beers -
19 Development Engineer," and then, "Bill Potsavich, Purchasing
20 Manager." Do you see that?

21 A. Yes.

22 Q. Do you know any of those folks?

23 A. No.

24 Q. This is a March -- is this a March -- appear to be a
25 March 1974 sales call memo?

1 A. It appears to be.

2 Q. From a supplier of asbestos-containing materials
3 noting that the Exxon's Houston facility was a growing user of
4 Calidria brand RG-244 asbestos with projected use for 1974 of
5 some 8 million pounds?

6 A. Let's see. Let me read this. First of all, where
7 does -- where does it refer to asbestos?

8 Q. Do you see the part about 244?

9 A. Yes.

10 Q. Do you know whether or not that is RG-244 asbestos or
11 can you tell?

12 A. I have absolutely no idea.

13 Q. That's fine. We can go on to the next exhibit.

14 A. But it sounds like it's a coating. It's not -- it's
15 not asbestos.

16 Q. All right.

17 A. I don't think this has anything to do with asbestos.

18 MR. CAPPOLINO: Object, nonresponsive.

19 Q. (By Mr. Cappolino) Let's go to Exhibit No. 32.

20 A. Okay.

21 Q. Have you seen Exhibit No. 32 before?

22 A. Don't believe so.

23 Q. Do you know if this is an Exxon document or Exxon
24 predecessor document or do you know?

25 A. It looks -- it looks like a document that is

1 discussing Exxon policy not to use asbestos if any equally
2 not-regulated material can be used.

3 Q. It has, "Metals Division, Customer Call Report," and
4 it has, "Customer & Location: Exxon, Houston, Texas," with
5 "Industry Classification: Zinc-rich coatings"?

6 A. Right.

7 Q. Do you know who J.E. Walsh is, the salesman?

8 A. I have no idea. That would be a, what, a -- an
9 employee of the, I guess, the supplier.

10 Q. Okay. It has "Persons Interviewed" again, Ron Beers
11 and H. Harman, a development engineer and a purchasing agent.
12 Could you tell from this document if they were Exxon employees?

13 A. I couldn't tell, and they're talking about coatings
14 and the refinery would not make any type of coating.

15 Q. It says, "Call made on moderate 244 user," and I just
16 want to ask you about the results of the call and what it says
17 here. It says, "Usage of 244 will not grow here and would
18 probably not exist at all if they could find a better
19 replacement for it in their Zinc-rich coating. Exxon policy is
20 not to use asbestos if any equal, not-regulated material can be
21 used. Each call is a toxicology discussion as they seem to be
22 literally shaking in their boots that someone (OSHA or their
23 people) are going to find out" --

24 A. "(OSHA or their own people.)"

25 Q. (Continuing) -- "...or their own people) are going

1 to find out that they used asbestos and bring the roof down on
2 them. Attempts to discuss evaluating 244 versus the Bentone,
3 they also use, worked out to be an exercise in frustration
4 because of this. So 244 usage will live or die with the sales
5 of their Zinc-rich coating."

6 Did I read that correctly?

7 A. I believe you did.

8 Q. Have you ever seen this before?

9 A. No, but clearly it doesn't relate to the refinery,
10 and it also implies that it's their own internal procedure not
11 to use asbestos.

12 MR. CAPPOLINO: Object, nonresponsive.

13 A. So I don't see that as being a real issue.

14 MR. CAPPOLINO: Object, nonresponsive.

15 Q. (By Mr. Cappolino) Turn to Exhibit No. 33.

16 A. Okay.

17 Q. Can you identify what Exhibit No. 33 is?

18 A. It looks like a NIOSH Health Hazard Evaluation Report
19 for the Exxon Bayway refinery in Linden, New Jersey.

20 Q. And, again, I know that's not Exxon down in
21 Baytown -- it's Bayway, not Baytown. But do you know at that
22 time whether or not the Bayway plant or refinery had some
23 similar operations to the Exxon Baytown refinery at that time?

24 A. First of all, do you know the date on this?

25 Q. I believe this was in June of 1981 approximately.

1 Well, actually, no. I'm sorry. It appears it's September of
2 1986 on the page there, third page.

3 Let me ask you this. Have you ever seen this
4 before?

5 A. No.

6 Q. What is NIOSH?

7 A. It's the National Institute for Occupational Safety
8 and Health.

9 Q. And I want to ask you some questions from it and I
10 know you hadn't seen it. Does this appear to be a response to
11 a request by the National Institute for Occupational Safety and
12 Health to workers at that Exxon Bayway refinery to evaluate the
13 level and extent of asbestos exposure at that plant?

14 A. It appears to be.

15 Q. Does it indicate on -- and let me just turn to those
16 pages, if I can. If we could turn to Page -- I guess it would
17 be Page 18.

18 A. Okay.

19 MR. CAPPOLINO: All right. Strike that. Sorry.
20 I'd like to come back to that in a minute. I'm sorry, sir.
21 Let me just go on to the next exhibit.

22 Q. (By Mr. Cappolino) Exhibit No. 34, can you identify
23 what that is?

24 A. This is another document related to the Baton Rouge
25 refinery titled, "Summary of Safe Practices for Contractors."

1 Q. Have you ever seen a copy of that document before?

2 A. I don't -- I don't think I have.

3 Q. All right. And, again, that -- does that apply to
4 the Baton Rouge facility?

5 A. I would -- I would believe so.

6 Q. All right. And do you know whether or not that's an
7 Exxon document?

8 A. I would believe it is.

9 Q. This document -- and I want to ask you about Page 1
10 of that document --

11 A. Okay.

12 Q. -- under "General Information" --

13 A. Okay.

14 Q. -- where it says, "On each job in the refinery a
15 company representative is assigned to serve as a liaison
16 between the contractor and the company. The contractor should
17 consult the designated representative for information on any
18 special safety precautions for the work being performed."

19 Did I read that correctly?

20 A. Correct.

21 Q. And would you agree that that's something that did
22 happen at the Exxon refinery?

23 A. It's a standard practice, yes.

24 Q. Okay. And was that a standard practice at the Exxon
25 Baytown refinery also?

1 A. Correct. Basically, any plant within the Exxon
2 system.

3 Q. All right. I want to talk about the section on that
4 first page again, "Safe Practices on the Job." No. 1, it says,
5 "Employees of the contractor will have an assigned gate to
6 enter and leave the refinery and a definite route will be
7 assigned for them to follow in getting to and from the job
8 site."

9 Did I read that correctly?

10 A. Correct.

11 Q. And was that standard practice?

12 A. Typically.

13 Q. All right.

14 MR. MANNING: Tim, can we go off the record just
15 for a second?

16 MR. CAPPOLINO: Yeah.

17 (Discussion off the record.)

18 (Recess from 3:57 to 4:04.)

19 Q. (By Mr. Cappolino) We were talking about Exhibit
20 No. 34, Mr. Larson. That's where we are. I just wanted to ask
21 you some more things about that.

22 A. Okay.

23 Q. This document 34, I know it applies at the Baton
24 Rouge refinery, the Summary of Safe Practices For Contractors.
25 Do you know if the Baytown Exxon refinery had similar

1 documents?

2 A. I'm certain they did.

3 Q. And would they have talked about a lot of the same
4 issues? And I know we haven't been through all of them on this
5 one, but a lot of the safety issues as far as the contractor
6 employees?

7 A. Sure.

8 Q. Under No. 4 of that particular document on the first
9 page, it talks about hot work. What is hot work?

10 A. Hot work is where you're using equipment that creates
11 heat that could potentially cause a fire explosion.

12 Q. And it mentions things such as welding -- just for
13 example, welding, burning, soldering, power tool riveting,
14 things of that nature?

15 A. Right.

16 Q. And it says, "Hot work can be done in the refinery
17 only upon written authorization. The authorization can only be
18 granted by a designated company management representative"?

19 A. Correct.

20 Q. All right. On Page 2 of that document, does it state
21 somewhere that ESSO at that time, the predecessor, also
22 retained the power to authorize contractor employees to operate
23 company equipment?

24 A. Let's see. Can you point that out?

25 Q. Yeah. "Contractors' employees must not ride in

1 company-owned vehicles or transport company employees in
2 contractors' vehicles unless specifically authorized by the
3 company representative"?

4 A. Correct.

5 Q. Does it say any use of cranes of contractors would
6 also be controlled by ESSO personnel? Do you see that
7 anywhere?

8 A. Can you point that out?

9 Q. No. I can't point it out right now -- well, yeah, I
10 do. It says, No. 9, "A Company representative will review any
11 use of cranes by contractors in the refinery and will prohibit
12 the use of live boom equipment in locations where the safety of
13 refinery personnel or equipment may be jeopardized."

14 Did I read that correctly?

15 A. Correct.

16 Q. And do you know whether or not that kind of policy
17 would have been effective at Exxon Baytown during the '60s?

18 A. I believe so.

19 Q. Then on No. 10 it says, "Contractors' work areas that
20 can be fenced out or otherwise isolated from the refinery may
21 be handled differently than previously outlined. In these
22 cases, the Company representative will advise of variations
23 permitted."

24 And did I read that correctly?

25 A. You did. And I'm not -- I really -- I don't actually

1 know what they're referring to there.

2 Q. All right. Do you -- did you ever read a deposition
3 of an individual by the name of Bonetti? Have you ever heard
4 of that name?

5 A. I don't believe so.

6 Q. And specifically, it would have been an
7 M.W. Bonetti.

8 A. I don't believe so.

9 Q. Do you know if that person even worked for Exxon or
10 any of its predecessors?

11 A. I have no idea.

12 Q. Okay. I had shown you this document, "Identify
13 Gaskets and Their Use" from Exxon, the Skills Training. Do you
14 know if any other documents like this exist at Exxon, workbooks
15 or skill training documents?

16 A. I don't quite understand the question.

17 Q. In other words --

18 A. Exactly like that or similar or --

19 Q. What I'm saying is, if there's any other documents
20 like this. I'm not talking about gaskets, but other type of
21 skill training in other areas.

22 A. I would imagine there are. I can't say with
23 certainty that there are, but I would assume that that's part
24 of a overall training program for craft employees.

25 Q. Okay. Did Exxon ever manufacture any

1 asbestos-containing material?

2 A. The only -- I don't -- I don't believe so, that I'm
3 aware of. Not that I'm aware of.

4 Q. Have you ever been provided any documents which show
5 that one way or the other?

6 A. Well, the one you were referring -- some -- some
7 coating number 244?

8 Q. Yeah.

9 A. To the extent that that was a asbestos-containing
10 product, then, I guess, yes. But if it had been, it sounds
11 like it would have been part of a -- like a paint or something
12 of that nature which would not have been -- I don't believe it
13 would have been friable in that sense.

14 Q. Okay.

15 A. But I was not aware that they even produced that.

16 Q. What is a special emphasis inspection promotion?

17 A. In the early and mid 1970s, OSHA had what they called
18 the target health hazards program where they identified five
19 substances or agents of concern to occupational health. And
20 they did target inspections of industries that handled those
21 particular agents. They included asbestos, lead, silica,
22 cotton dust and noise.

23 Q. All right. Do you know whether or not any special
24 emphasis inspections were done at the Baytown Exxon refinery by
25 OSHA in the '70s?

1 A. I'm not aware of any.

2 Q. Do you know if any of those inspections were done at
3 the Crown Central Petroleum refinery in the '70s?

4 A. I'm not aware of any.

5 Q. Have you ever heard of a company called Stanco
6 Industries?

7 A. Yes.

8 Q. Did you do any OSHA inspections over there?

9 A. I did.

10 Q. And what were the results?

11 A. It was a textile weaving operation, actually. They
12 made brake blocks for drilling rigs, and I did a special
13 emphasis inspection for asbestos there. Spent about a week,
14 did quite a bit of air sampling. And fortunately for them,
15 they had just installed local exhaust ventilation on all of
16 their weaving equipment and they did come in below the 5 fiber
17 per cc time-weighted average for asbestos.

18 Q. You had mentioned that there had been apparatuses for
19 measuring, doing measurements, air sampling measurements for
20 asbestos, like midget impingers?

21 A. Right.

22 Q. When did those come into existence?

23 A. When did they come into existence?

24 Q. Yeah.

25 A. I would say the -- probably the mid 1930s.

1 Q. Okay. And certainly a refinery, if they wanted to
2 have some air sampling done, would have had access to get the
3 midget impingers to do it as early as that time?

4 A. It's entirely possible, but there were limitations
5 with that method because it did not measure asbestos fibers
6 per se. It measured total dust. So it would be a general
7 indicator of exposure, but it wouldn't tell you the specific
8 asbestos that you were being exposed to.

9 Q. All right. And did the technology improve over the
10 years where you could obtain better samples?

11 A. Absolutely.

12 Q. And what technology, in other words, what other type
13 of tools or equipment came into existence, and when, that a
14 refinery could use to do air samples for asbestos dust?

15 A. Well, the portable sampling pump was developed which
16 could be worn by the employee for asbestos. They used a
17 membrane filter that was attached to the employee's breathing
18 zone. It collected dust and fibers which could then be counted
19 microscopically, and you could identify the specific fibers
20 which met the definition for, quote, asbestos fiber. So you
21 were measuring apples and apples and not apples and oranges.

22 Q. When did that come into existence? When was that
23 technology --

24 A. The very late 1960s, and it was a method specified in
25 OSHA's first asbestos regulation.

1 Q. Again, I want to make sure I've covered this. Your
2 hands-on, out-in-the-field experience at the Exxon Baytown
3 facility was limited to the two weeks you spent there getting
4 your industrial hygiene training at that facility. Is that a
5 correct statement?

6 A. Specific to Baytown, but I went to each of the Exxon
7 refineries.

8 Q. I want to ask you some questions about Brown & Root,
9 if you have any knowledge of this.

10 A. Okay.

11 Q. Do you know if they had a safety or industrial
12 hygiene department in the '60s?

13 A. I believe they did.

14 Q. Do you know who headed that?

15 A. I don't know the specific person, no.

16 MR. CAPPOLINO: I believe I'm going to pass you
17 at this time, Mr. Larson, let some of these other lawyers ask
18 questions. I may have some after them, but I'd like to pass
19 you.

20 THE WITNESS: Fine. Thank you.

21 EXAMINATION

22 BY MR. LABOON:

23 Q. Mr. Larson, are you ready to proceed?

24 A. Sure.

25 Q. My name is John LaBoon. I'm just going to have a few

1 questions for you today. First of all, you are a certified
2 industrial hygienist; correct?

3 A. Correct.

4 Q. And you are a certified industrial hygienist as of
5 when?

6 A. Let's see. That would have been 1976.

7 Q. During your time with the -- that you worked with
8 OSHA between '73 and '76, did you ever consider gaskets --
9 asbestos-containing gaskets to be a hazard?

10 A. No, not a significant hazard, no.

11 Q. You have read and you brought, I think, with you or
12 produced Bill Dyson's report; is that correct?

13 A. Correct.

14 Q. Do you know Dr. Dyson?

15 A. Yes, we've met.

16 Q. Have you -- I want you to look at Page 17 -- or
17 starting with Page 17 of that report. And that's the section
18 that starts concerning, "Knowledge Regarding Gaskets and
19 Packing"; correct?

20 A. Let's see. I believe so. What's the -- which
21 paragraph?

22 Q. Well, it's the paragraph that starts -- it says,
23 "Knowledge Regarding Gaskets and Packing," Page 17.

24 A. Oh, I'm looking at the wrong designation for page.
25 Okay. Yes.

1 MR. CAPPOLINO: John, let me just -- if you can
2 give me a running objection to this exhibit. It's assuming
3 facts not in evidence. And I know we reserve our hearsay
4 objections, and I'd like to do that at this time, if you'll
5 allow me, so I don't have to keep interrupting.

6 MR. LABOON: That's fine.

7 Q. (By Mr. LaBoon) And you've read this report;
8 correct?

9 A. Yes. I haven't read it recently, but I have, yes.

10 Q. Okay. In terms of his conclusions -- or let's turn
11 to Page 18 now. I'm talking about 18 in the top right-hand
12 corner.

13 A. Right. Got you.

14 Q. And one thing he quotes is on Page -- the IARC
15 Conference from 1972 and it says, "There is no conceivable
16 health risk in the use of asbestos-based gasket materials." Do
17 you see that sentence?

18 A. Where on the page is that?

19 Q. It says, "One presenter wrote" -- and it says
20 footnote 66.

21 A. Oh, okay. Fine.

22 Q. And that's from -- you can see footnote 66 is the
23 IARC Conference from '72; correct?

24 A. Correct.

25 Q. And then you see the sentence, "There is no

1 conceivable health risk in the use of asbestos-based gasket
2 materials"?

3 A. Correct.

4 Q. And then you see Dr. Dyson's impression is that, "The
5 last sentence in this statement reflected state-of-the-art
6 knowledge regarding gaskets as of 1972"; correct?

7 A. Correct.

8 Q. Are you of the same opinion?

9 A. Yes.

10 Q. I believe the next page, Page 19, he goes on for
11 several pages and discusses a lot of different gasket studies;
12 correct?

13 A. Correct.

14 Q. And finally on Page 20 -- it's the second full
15 paragraph.

16 A. All right.

17 Q. Do you agree with Dr. Dyson's conclusions that there
18 is no significant health effects of working with the gaskets?

19 MR. CAPPOLINO: Object to form.

20 A. I agree.

21 MR. LABOON: That's all the questions I have.

22 EXAMINATION

23 BY MR. LYNCH:

24 Q. Mr. Larson, my name is Walter Lynch. I represent
25 Crown Central Petroleum. I've got a few questions.

1 A. Okay.

2 Q. You ready? Generally speaking, a welder at a
3 refinery in that Gulf Coast area of Texas in the 1960s and
4 1970s would not have been exposed to asbestos dust?

5 MR. CAPPOLINO: Object, form.

6 A. You're saying generally speaking?

7 Q. (By Mr. Lynch) Generally speaking.

8 MR. CAPPOLINO: Same objection.

9 A. Generally speaking, I'd say that's true.

10 Q. (By Mr. Lynch) I believe you even testified to that
11 earlier when talking about specifically Mr. Oney?

12 A. Right.

13 Q. That there might be some spot chances where a welder
14 might be exposed, but generally very little chance of exposure?

15 MR. CAPPOLINO: Object, form and leading.

16 A. That's correct.

17 Q. (By Mr. Lynch) Through 1974, do you think welders at
18 refineries in the Texas Gulf Coast region were generally at
19 risk for exposure to asbestos above the OSHA standards?

20 MR. CAPPOLINO: Object, form.

21 A. No.

22 Q. (By Mr. Lynch) Why not?

23 A. Because of the brief and intermittent nature of
24 working around anything that might contain asbestos. Even if a
25 person had been, say, 20, 30 feet from an asbestos-containing

1 product, the exposure would have been very low, and chances are
2 the exposure duration would be very short. Therefore, in
3 determining the actual dose, in other words, what the person
4 would be exposed to over a full shift, a full week, a full
5 month or even a full working career, the actual numbers would
6 be extraordinarily low as compared to, say, some other craft
7 like an insulator.

8 Q. Besides reading the depositions that you've been
9 given in this case, you have no personal knowledge of any of
10 the work practices of the Crown Central refinery in Pasadena,
11 Texas?

12 A. No.

13 Q. Previously, you were talking about the Bonsib report
14 and you quoted or you agreed with the statement that it was
15 made available to other companies at some point in time?

16 A. That's what I -- that's the impression I gathered
17 from reading Jim Hammond's deposition.

18 Q. But you don't know that Crown Central ever actually
19 received that report?

20 A. I don't know that as a personal fact, no. I don't
21 have personal awareness of that.

22 Q. And you're not specifically aware of any other
23 company that received that report?

24 A. That's correct.

25 Q. And you're not specifically aware that anyone at

1 Crown ever reviewed the Bonsib report?

2 MR. CAPPOLINO: Object, form.

3 A. Correct.

4 Q. You're probably not specifically aware of any other
5 company reviewing that report?

6 A. Correct.

7 Q. And a little earlier you testified about different
8 studies that were available to companies in the 1965-1966 time
9 frame concerning insulators, particularly the Dr. Selikoff
10 study?

11 A. Correct.

12 Q. But you don't know if Crown before 1970 ever received
13 any study or article that discussed the hazards of asbestos?

14 MR. CAPPOLINO: Object, form.

15 A. Right.

16 Q. (By Mr. Lynch) You also testified earlier that you
17 thought that Crown should have been aware that the hazards of
18 asbestos by 1970?

19 A. Correct.

20 Q. But when you talk about the hazards of asbestos in
21 terms of 1970 knowledge, you're talking about overexposure to
22 asbestos; right?

23 MR. CAPPOLINO: Object, leading and form.

24 A. I'd agree with you. I'd also just say and the
25 potential inherent hazard of asbestos, if you are overexposed.

1 Q. (By Mr. Lynch) And, in fact, in 1970 and through
2 1974, there was no regulation that said workers could not be
3 exposed to asbestos whatsoever?

4 A. That's exactly right. Correct.

5 Q. The regulations concerned the total amount of
6 exposure and the risk for overexposure?

7 A. Right.

8 Q. Do you know how many barrels a day the Exxon Baytown
9 refinery had capacity for in the early 1970s?

10 A. I'd say on the order of about half a million a day.

11 Q. And what about the Baton Rouge refinery in the same
12 time period?

13 A. Very similar.

14 Q. And what about the Bayway refinery?

15 A. It was somewhat smaller, probably close to 300,000
16 barrels per day.

17 Q. Well, by reviewing the deposition of Mr. Trembly, are
18 you aware that Crown refinery in the early 1970s had a capacity
19 of just under 100,000 barrels a day?

20 A. I think I recall reading that, yes.

21 Q. So it's fair to say that in comparing the size of the
22 companies, Exxon and Crown Central Petroleum, there's really
23 not much of a comparison there?

24 MR. CAPPOLINO: Object, form and leading.

25 A. I'd agree with that.

1 MR. LYNCH: I'll pass the witness.

2 EXAMINATION

3 BY MR. COSMICH:

4 Q. Mr. Larson, good afternoon. My name is John Cosmich.
5 I represent Owens-Illinois. I just have a few questions for
6 you.

7 A. Okay.

8 Q. You were shown multiple excerpts from a deposition of
9 a Mr. Stovall. Do you recall that?

10 A. Yes.

11 Q. And there was some mention about his personal lawyer
12 showed up with him?

13 A. Correct.

14 Q. And it was mentioned that his personal lawyer was a
15 lawyer from the Williams-Bailey Law Firm. Do you recall that?

16 A. I think that's right, uh-huh.

17 Q. You had also said you didn't really know what his
18 agenda was, did you?

19 A. No, but there did appear to be something in the
20 background.

21 Q. Okay. If I were to tell you Mr. Stovall had his own
22 asbestos lawsuit, would that help tell you what his agenda was?

23 MR. CAPPOLINO: Object, form and leading.

24 A. It certainly would explain, I think, his general tone
25 and...

1 Q. (By Mr Cosmich) And if I were to tell you that the
2 Williams-Bailey Law Firm handles lots of plaintiff lawsuits in
3 asbestos litigation, would that be another indication of what
4 his agenda was?

5 MR. CAPPOLINO: Object, form and leading.

6 A. Yes, it would.

7 Q. (By Mr Cosmich) Would you agree with me that if
8 Mr. Stovall had his own lawsuit and the Williams-Bailey lawyers
9 were his attorneys, that he would have had an interest in
10 identifying as many asbestos-containing products as he could
11 out at Exxon Baytown?

12 MR. CAPPOLINO: Object, form and leading.

13 A. I would think so.

14 Q. (By Mr Cosmich) Now, with respect to what was read,
15 there were multiple references to Kaylo from the years 1958 to
16 1969. Do you recall that time frame?

17 A. I believe so.

18 Q. Okay. Now, you never heard any testimony read from
19 Mr. Stovall's deposition as to when he first saw Kaylo within
20 that period, did you?

21 A. I don't recall any.

22 Q. Okay. And you didn't recall any mention of the name
23 Owens-Illinois, did you?

24 A. No.

25 Q. Okay. Now, with respect to whether or not Owens --

1 whether or not Kaylo was heavily used at the Baytown refinery,
2 would you agree with me that that would be inconsistent with
3 the multiple documents that Mr. Cappolino showed you from Exxon
4 or -- or its predecessors that talked about what products were
5 used?

6 MR. CAPPOLINO: Object, form and leading.

7 A. I'd agree with that.

8 Q. (By Mr Cosmich) In fact, most of the documents refer
9 to Thermobestos or 85 percent mag; correct?

10 A. Right.

11 MR. CAPPOLINO: Object, form and leading.

12 Q. (By Mr Cosmich) And there were others that referred
13 to Unibestos, but there seemed to be some question as to when
14 and how it was used; right?

15 A. I'd agree with that.

16 Q. And at what facility?

17 A. Correct.

18 Q. Also Kaylo, of course, was not mentioned in the
19 Bonsib report; correct?

20 A. No.

21 Q. The types of materials that they were studying then
22 were felts and 85 percent magnesia?

23 A. And mag, correct.

24 Q. And if I were to tell you that Kaylo was not an
25 85 percent mag, would you agree with me that it wasn't

1 mentioned in the Bonsib report?

2 MR. CAPPOLINO: Object, form.

3 A. Yes.

4 Q. (By Mr Cosmich) Would you agree with me that you
5 haven't seen any evidence that any of the -- that Mr. Stovall
6 ever worked with or around Mr. Oney at an Exxon facility?

7 A. I haven't seen any evidence to that effect.

8 Q. And you also weren't shown any evidence that he
9 worked with or around any of the other multiple gentlemen's
10 names that were read to you by Mr. Cappolino?

11 MR. CAPPOLINO: Object, form.

12 A. Correct.

13 Q. (By Mr Cosmich) Now, with respect to a piece of
14 equipment, say, if it were insulated at some time in the 1940s
15 or 1950s and Mr. Oney came in contact with some piece of that
16 equipment in the 1960s, Exxon did not -- or the Baytown
17 refinery, to your knowledge, did not have records that would
18 say, okay, we know that this particular type of pipe covering
19 or block was put on this equipment in the '40s and '50s and we
20 know it lasted X number of years?

21 A. No.

22 Q. Okay. A piece of equipment or -- or a boiler or a
23 turbine or anything that would be insulated at the refinery
24 would be subject to turnarounds every one to two years at the
25 facility; correct?

1 A. That's approximately correct, right.

2 Q. Okay. And one of the things that is done in a
3 turnaround, as you've testified to and been shown documents of,
4 is any of the old or worn insulation would be replaced?

5 A. Correct.

6 Q. The object being to get rid of anything friable;
7 correct?

8 A. Correct, or damaged.

9 Q. And there would also be -- in addition to these
10 multiple turnarounds that would occur every year, there would
11 be minor repairs from time to time by either a contractor or
12 in-house insulators; correct?

13 A. Right, to a smaller extent.

14 Q. Okay. And the goal of the refinery was to keep the
15 things in good condition?

16 A. Correct.

17 Q. Would you agree with me that if there's testimony
18 that Mr. Oney removed or was around any old insulation at -- at
19 the Baytown refinery in the mid 1960s, it would be pure
20 speculation as to when and how that insulation was first put
21 on?

22 MR. CAPPOLINO: Object, form.

23 A. I'd agree with that, unless it was -- there was a new
24 construction going on.

25 Q. (By Mr Cosmich) But as far as the old stuff --

1 A. Right.

2 Q. -- didn't have records --

3 A. Existing, no.

4 Q. Wouldn't know how many turnarounds it was subject to
5 in the previous years; correct?

6 A. Probably not.

7 Q. Wouldn't know how many minor repairs it was subject
8 to in the previous years; correct?

9 A. Correct.

10 Q. And I believe it was your testimony that based upon
11 your knowledge of the procedures that had been in place at --
12 in the company for years, you would not have expected Mr. Oney
13 as a welder to have participated in any tear-out of old
14 insulation; correct?

15 A. Correct.

16 MR. CAPPOLINO: Object, form and leading.

17 A. Correct.

18 Q. (By Mr Cosmich) You also would not have expected him
19 to be around it; correct?

20 MR. CAPPOLINO: Object, form and leading.

21 A. Correct.

22 Q. (By Mr Cosmich) And even if he were and there were
23 any type of dusts, you would have expected him to have been
24 wearing a respirator; correct?

25 MR. CAPPOLINO: Object, form and leading.

1 A. Correct.

2 Q. (By Mr Cosmich) And this is based upon policies and
3 procedures that Exxon had that were passed on to Mr. Oney's
4 employer, Brown & Root; correct?

5 MR. CAPPOLINO: Object, form and leading.

6 A. Correct.

7 Q. (By Mr Cosmich) Now, it's clear that Exxon knew
8 since 1937, using the date of the Bonsib report, that when
9 working with or around asbestos-containing pipe covering and
10 block that there were certain industrial hygiene and
11 engineering controls that could be used to keep dust down;
12 correct?

13 A. Correct.

14 Q. Now, you were asked some questions about the exposure
15 levels in the Bonsib report, and you started to say something
16 about peak exposures but were cut off?

17 A. Right.

18 Q. Can you tell me what you mean by peak exposures and
19 how that relates to the numbers that are in the Bonsib report?

20 MR. CAPPOLINO: Object, form and side-bar.

21 A. Right. Due to the nature of the technology then in
22 terms of air sampling, the impinger samples were collected over
23 a short duration. So the measurements that were indicated in
24 the report were for periods of from 5 to 15, to a maximum of
25 about 20 minutes; whereas, the threshold limit value, the

1 5 million particles per cubic foot is a 8-hour time-weighted
2 average standard. So you have to factor in the dose for the
3 entire shift.

4 Also, when you talk about asbestos-containing
5 insulation, only a fairly minor proportion of the total dust
6 that would be generated would be asbestos. In the case of
7 magnesia, only 15 percent. So you'd have to factor in the
8 lower concentration of the asbestos and the short duration of
9 the sample to really come up with a comparison to the 5 million
10 particles per cubic foot standard.

11 Q. (By Mr Cosmich) And is that something that
12 Dr. Hammond did when he interpreted the Bonsib report?

13 A. He did.

14 Q. Would it be fair to say that Dr. Hammond, based upon
15 your reading of his testimony and -- and the documents at
16 issue, that Dr. Hammond had an understanding that if certain
17 precautions were used when working with asbestos-containing
18 pipe covering and block, you would not get dust levels that
19 exceeded the 5 million particles per cubic -- per cubic foot
20 time-weighted average?

21 MR. CAPPOLINO: Object, form and leading.

22 A. Yes.

23 MR. COSMICH: Those are all the questions I have
24 for you. Thank you, Mr. Larson.

25 THE WITNESS: Okay. Thank you.

1 MR. MANNING: Does anybody on the phone have any
2 questions?

3 MR. SZOCKA: This is Andrew Szocka. I do not
4 have any questions.

5 MR. MANNING: Anybody else?

6 MS. MASSEY: This is Lisa Massey for
7 Certainteed. I have just a few questions.

8 MR. MANNING: Okay.

9 EXAMINATION

10 BY MS. MASSEY:

11 Q. Sir, is there any reason why a welder like Mr. Oney
12 would have worked on the cement pipe?

13 MR. CAPPOLINO: Object, form.

14 A. No. It would -- his work would strictly be limited
15 to metallic piping and vessels.

16 Q. (By Ms. Massey) And the cement fire water line would
17 have been out in a trench; right?

18 A. Typically that's the way it's done.

19 Q. And so a welder wouldn't have even been working
20 around that type of pipe; correct?

21 MR. CAPPOLINO: Object, leading and form.

22 A. That -- that's my understanding.

23 MS. MASSEY: Okay. Thank you. Those are all
24 the questions I have for you.

25 THE WITNESS: Thank you.

1 MR. MANNING: Anybody else on the phone?

2 MS. WATSON: Courtney Watson for Lincoln, Hobart
3 and B.O.C.

4 EXAMINATION

5 BY MS. WATSON:

6 Q. Good afternoon. Earlier, the plaintiff attorney had
7 asked you questions about coated electrodes and the welding
8 processes.

9 A. Yes.

10 Q. Okay. And I recall that there was a page being shown
11 to you showing that these produced dust?

12 A. Right.

13 Q. Now, in your experience, do these -- do these welding
14 rods create any sort of danger for the welders?

15 MR. CAPPOLINO: Object, form.

16 A. In my experience, they do not. And I -- I believe,
17 if I'm not mistaken, that Lincoln Electric has done some
18 studies that recreated exposure and this was specific to
19 asbestos. And I believe their findings was that there was
20 either no or almost -- well, essentially none detected.

21 MR. CAPPOLINO: Object, nonresponsive.

22 Q. (By Ms. Watson) Okay. And so your understandings of
23 the Lincoln study is that there was no -- no real exposure to
24 the -- to the welders?

25 MR. CAPPOLINO: Object, form and leading.

1 Q. (By Ms. Watson) From asbestos; correct?

2 A. That's correct, either in their handling or their
3 use.

4 Q. (By Ms. Watson) And you also said that there were no
5 welding studies conducted by Exxon; correct?

6 A. Not that I'm aware of.

7 MS. WATSON: Okay. I have no more questions.
8 Thank you.

9 EXAMINATION

10 BY MR. ALEMAN:

11 Q. Mr. Larson, can you hear me okay?

12 A. Yes.

13 Q. This is Jeremy Aleman on behalf of Zurn Industries.

14 A. On behalf of who?

15 Q. Zurn?

16 A. Zurn. Okay.

17 Q. Sir, you were previously asked about boilers out at
18 the Exxon Baytown facility?

19 A. Correct.

20 Q. And you felt that some of the boilers may have had
21 some asbestos products that were used in conjunction with them?

22 A. Yes.

23 Q. Do you have any direct knowledge that any of those
24 boilers did, in fact, have asbestos products used in
25 conjunction with them?

1 A. I do not have any direct knowledge, no.

2 MR. ALEMAN: Okay. Sir, that's all the
3 questions I have. Thank you.

4 MR. MANNING: Anybody else on the phone?

5 MR. CAPPOLINO: I've got some follow-up.

6 MR. MANNING: I've got a few.

7 MR. CAPPOLINO: I'm sorry.

8 MR. MANNING: That's okay.

9 MR. CAPPOLINO: Go ahead.

10 EXAMINATION

11 BY MR. MANNING:

12 Q. Mr. Larson, from your reading of the materials in
13 this case, did Mr. Oney serve in the Navy?

14 A. Yes.

15 Q. And for how many years did he serve in the Navy?

16 A. I believe it was either four or five.

17 Q. And he was a machinist's mate in the Navy?

18 A. Correct.

19 Q. And would he have been exposed to asbestos as a
20 machinist's mate in the Navy?

21 MR. CAPPOLINO: Object, leading and form.

22 A. Based on the literature that I've reviewed, he would
23 be, yes.

24 Q. (By Mr. Manning) And then how many years did
25 Mr. Oney spend as a welder?

1 A. How many total years?

2 Q. Yes, sir.

3 A. I would say probably 30 plus.

4 Q. And out of those 30-plus years as a welder, how much
5 time, based upon his testimony, did he spend at the Exxon
6 Baytown refinery?

7 A. According to his testimony, the total cumulative time
8 would have been three months.

9 MR. MANNING: Thank you, sir. I pass the
10 witness.

11 FURTHER EXAMINATION

12 BY MR. CAPPOLINO:

13 Q. Mr. Larson, I've got some follow-up questions. Let
14 me just ask you this. With regard to some other products that
15 may have been out at the Baytown refinery, we had mentioned --
16 or I'd asked you about some of them. Have you ever heard of
17 the company John Crane?

18 A. Yes.

19 Q. And do you know what John Crane manufactured back in
20 the '60s?

21 A. I believe they manufactured valves.

22 Q. Do you know if John Crane manufactured any
23 asbestos-containing materials?

24 A. I've seen that referenced in some other depositions
25 that it did.

1 Q. Do you know whether or not the Exxon Baytown refinery
2 in the 1960s had any John Crane asbestos-containing materials
3 at that plant?

4 A. I have no knowledge one way or the other.

5 Q. Who would be the person that I would talk to from
6 Exxon that would have the most knowledge of that, the Exxon
7 personnel who would have the most knowledge of what
8 asbestos-containing products were at that plant in the '60s
9 when Mr. Oney was there?

10 MR. MANNING: Objection, form.

11 MR. SZOCKA: This Andrew Szocka. Objection,
12 lack of foundation.

13 A. Off the top of my head, I really don't know who that
14 would be.

15 Q. (By Mr. Cappolino) All right. People that actually
16 saw -- that were at the Exxon Baytown refinery and saw boxes
17 opened up with the names of manufacturers on it that contained
18 asbestos would be in a better position than you to say whether
19 that material was there or not, wouldn't they?

20 A. I suppose.

21 Q. Okay. Do you know how materials were purchased or
22 requisitioned at the Baytown refinery in the '60s?

23 A. When you say "how," do you mean the process involved?

24 Q. Purchase orders? Requisitions?

25 A. Sure. Through the purchasing department, a central

1 purchasing department, correct.

2 Q. Do you know who manned that purchasing department in
3 the '60s at the Baytown refinery?

4 A. Not the specific person, no.

5 Q. Let me ask you about Westinghouse. Do you know
6 whether or not there was any products manufactured by
7 Westinghouse that were out at the Baytown refinery in the '60s
8 when Mr. Oney was there?

9 A. I have no personal knowledge, but it's certainly
10 possible.

11 Q. Why is it certainly possible?

12 A. Westinghouse, I know, was a major manufacturer of
13 turbines and compressors, so there was at least a pretty good
14 possibility or probability even that they were there.

15 Q. So now you're saying there was a probability that
16 they were --

17 A. Well, I don't know if I'd go --

18 Q. Let me finish my question.

19 A. Sure.

20 Q. Now you're saying there is a probability that there
21 were Westinghouse turbines or compressors out at the Baytown
22 refineries in the '60s; is that correct?

23 MR. MANNING: Objection, form.

24 A. Quite frankly, I'd say it's somewhere between a
25 possibility and a probability, whatever that might be.

1 Q. (By Mr. Cappolino) Where does that lie, percentage
2 wise?

3 A. I don't know.

4 Q. Do you know whether or not these Westinghouse
5 turbines and compressors would have any type of asbestos
6 insulation on them in the '60s?

7 A. I don't know.

8 Q. Do you know whether or not the Exxon Baytown refinery
9 had Erie boilers, E-R-I-E, boilers back in the 1960s?

10 A. I have no knowledge of that.

11 Q. You had been asked a question whether or not you had
12 any knowledge as to whether or not boilers had any
13 asbestos-containing materials on them in the '60s when Mr. Oney
14 was there. Do you recall that?

15 A. Yes.

16 Q. You don't have any knowledge of that one way or the
17 other, do you?

18 A. I know just from --

19 DEFENSE COUNSEL: Objection, form.

20 A. -- reviewing prior testimony that frequently that --
21 that did, in fact, occur, but I have no personal knowledge
22 directly.

23 Q. (By Mr. Cappolino) What testimony did you read in
24 the past that that would frequently occur, where there would be
25 asbestos-containing materials on boilers?

1 A. I can't name a specific deposition, but I think I've
2 seen that referred to in several, but I don't recall
3 specifically which one.

4 Q. Well, did that involve cases involving the Exxon
5 refineries and claims of them having asbestos-containing
6 materials at their plants?

7 A. It was other companies that were named in lawsuits.
8 And I don't recall any related to Exxon, but there were some
9 with Mobil as one of the parties; that there were some power
10 plants in the greater Chicago areas where they were alleging
11 that boilers in the power plants contained some asbestos
12 materials.

13 Q. Okay. And did you learn from that prior testimony
14 what type of asbestos-containing materials could have been on
15 boilers?

16 A. What kind?

17 Q. Yeah. In other words, what type? Pipe insulation?
18 Block insulation?

19 A. Pipe and block, I would say.

20 Q. And that it contained asbestos?

21 A. Some, some apparently did.

22 Q. And did you learn from that deposition testimony what
23 that asbestos insulation was used for on boilers?

24 A. Yes.

25 Q. What was it used for?

1 A. Thermal insulation.

2 Q. Did it ever have to be removed at any time?

3 A. I believe it did.

4 Q. Why did it have to be removed?

5 DEFENSE COUNSEL: Objection, form.

6 A. As I recall, it would be removed when tubes were
7 being replaced in the boiler.

8 Q. (By Mr. Cappolino) Do you have -- do you have any
9 knowledge from reading any prior testimony or outside knowledge
10 that asbestos-containing insulation had to be removed from
11 boilers?

12 A. I'm sorry. Could you repeat that, please?

13 Q. Yeah. What knowledge do you have that
14 asbestos-containing insulation had to be removed from boilers?

15 A. Again, just from reading depositions related to cases
16 involving Mobil.

17 Q. All right. Was it ever discussed in those cases how
18 it was removed?

19 A. How it was removed? I can't recall specifically.

20 Q. Or who would be the craft that would remove it?

21 A. To my knowledge, it would be insulators.

22 Q. Or whether or not dust was created when it was
23 removed?

24 A. I think it's been alleged that it could have been
25 dusty. I can't recall specifically what was said.

1 Q. Well, do you have any knowledge if asbestos
2 insulation is removed from boilers whether or not any dust is
3 created in the air from that removal?

4 A. I'd say it's certainly possible, from what I've read.

5 Q. And from what you've read -- you're an industrial
6 hygienist. Wouldn't it be part of your job as an industrial
7 hygienist to determine from your own knowledge, not reading
8 other things, whether or not asbestos insulation creates dust
9 when it's removed from boilers in a refinery?

10 A. If I had been assigned to a refinery as an industrial
11 hygienist, I'm sure that would have been one of my -- one of my
12 areas of concern and responsibility.

13 Q. And you've never been assigned to a refinery as an
14 industrial hygienist; is that correct?

15 A. Not full time, but as I advanced through Mobil, I was
16 involved in numerous industrial hygiene audits of refineries
17 where we went in and took a look at, for example, asbestos
18 control programs and we actually reviewed the practices that
19 were in effect.

20 Q. Did you actually see asbestos insulation removed from
21 boilers when you went to the plants on this industrial
22 hygiene --

23 A. Audit?

24 I've seen it removed from piping systems but not
25 boilers.

1 Q. When did Exxon, the Baytown refinery -- and let me
2 ask you this. Did the Exxon Baytown refinery ever establish an
3 asbestos abatement program?

4 A. In terms of asbestos abatement program, that's an
5 ongoing program. Whenever a unit goes into a turnaround
6 situation, any asbestos-containing insulation is replaced with
7 non-asbestos-containing insulation. So it's an ongoing
8 process.

9 Q. Okay. And that's what you were talking about earlier
10 when the substitute materials would come into effect --

11 A. Right.

12 Q. -- the regulations came into effect --

13 A. Exactly, exactly.

14 Q. -- and that Exxon periodically would remove the
15 asbestos at different times?

16 A. Correct.

17 Q. In other words, there wasn't one program that
18 established a certain time called an asbestos abatement
19 program?

20 A. No. It's an ongoing program.

21 Q. Do you know anything about aluminum smelting plants?

22 A. Somewhat.

23 Q. You had had some documents or some depositions in
24 there from some coworkers of Mr. Oney at the ALCOA Rockdale
25 plant. Do you recall seeing those depositions?

1 A. Yes, I do.

2 Q. You put on those depositions, "Not Relevant"?

3 A. Right.

4 Q. Why did you do that?

5 A. As being not relevant to Exxon. I didn't mean that
6 they're not relevant to his lawsuit, but to Exxon.

7 Q. Do you know whether or not ALCOA Rockdale ever
8 established an asbestos abatement program?

9 MS. GREEN: Objection, form.

10 A. I have no knowledge of that.

11 Q. (By Mr. Cappolino) Do you know it wasn't until 1996
12 that they did that?

13 MS. GREEN: Objection, form.

14 A. I didn't know that.

15 Q. (By Mr. Cappolino) If it was in 1996 when they
16 established that program, would that have been way past the
17 time the OSHA regulations came out?

18 MS. GREEN: Objection, form.

19 A. Yes, but to further clarify that, OSHA did not
20 require abatement programs per se. They regulated occupational
21 exposure.

22 MR. CAPPOLINO: Object, nonresponsive.

23 Q. (By Mr. Cappolino) I wanted to ask you about -- you
24 had been posed some questions about Mr. Stovall's deposition
25 testimony, some questions by his lawyer from Williams and

1 Bailey. And they had asked you questions whether or not you
2 think he had his own agenda in the deposition testimony he gave
3 because he had an asbestos lawsuit. Do you recall that?

4 A. Yes.

5 Q. Do you think everybody that has an asbestos lawsuit,
6 say, who worked for a company like Exxon or Mobil or ALCOA in a
7 supervisory capacity has an agenda?

8 A. No, not necessarily, no.

9 Q. When you say, "not necessarily," what do you mean?

10 A. Well, I'm -- people are different. I mean, I'm sure
11 some people might have one and some people might not. I don't
12 know. It just appeared to me from his deposition testimony
13 that he had an agenda.

14 MR. CAPPOLINO: Object, nonresponsive.

15 Q. (By Mr. Cappolino) Well, Howard Bradley who was the
16 safety supervisor at Crown Central Petroleum, as I told you,
17 had his own asbestos lawsuit. Do you remember me telling you
18 that?

19 A. Yes.

20 Q. And he had his deposition taken in his asbestos
21 lawsuit, but you hadn't seen a copy of that yet, have you?

22 A. No.

23 Q. Do you think Mr. Bradley has his own agenda?

24 A. I don't know.

25 Q. You'd have to read his deposition to see if he did?

1 A. Well, there's -- it doesn't mean even by -- after
2 reading his deposition I'll come to some conclusion that he
3 either did or didn't have an agenda.

4 Q. I want to ask you about some gaskets. Mr. LaBoon had
5 asked you some questions about Dr. Dyson's report. Have you
6 met Dr. Dyson?

7 MR. MANNING: Objection, form.

8 A. Yes, I think I did.

9 MR. CAPPOLINO: What's the basis of that
10 objection?

11 MR. MANNING: That's repetitious. You've
12 already asked it.

13 MR. CAPPOLINO: I didn't ask that question.

14 MR. MANNING: Yeah. He's already answered it.

15 Q. (By Mr. Cappolino) Have you met him?

16 A. Yes. I believe so at the industrial hygiene
17 conference.

18 Q. How many times?

19 A. I think once or twice.

20 Q. Have you ever read any of his deposition or trial
21 testimony in cases?

22 A. No.

23 Q. All right. And do you know on whose behalf he
24 testifies for in asbestos litigation?

25 A. I think it's primarily defendants.

1 Q. All right. So if he testifies primarily for
2 defendants in asbestos litigation, he has his own agenda,
3 doesn't he?

4 DEFENSE COUNSEL: Objection, form.

5 A. I have no way of knowing that.

6 Q. (By Mr. Cappolino) Do you know if he's ever
7 testified for a plaintiff?

8 A. I don't know that. I don't know that he's been
9 asked.

10 Q. Have you ever testified for a plaintiff in asbestos
11 litigation?

12 A. No. I haven't been asked to.

13 Q. Do you have an agenda because you haven't testified
14 for a plaintiff?

15 A. No.

16 Q. All right. Have you ever done any studies on dust
17 released from asbestos when they were removed?

18 A. When they -- I'm sorry. When they --

19 Q. Have you ever done your own studies on gaskets, the
20 dust, asbestos dust that's from gaskets when they're removed
21 from a pipe flange?

22 A. Specifically for gaskets? I don't recall any.

23 Q. Do you know whether or not there was any type of
24 proposed ban on asbestos gaskets at any time?

25 MR. LABOON: Objection, form.

1 A. I don't have any knowledge of that, no.

2 Q. (By Mr. Cappolino) All right. In this document that
3 I've showed you identifying gaskets and their use, and that was
4 exhibit -- I don't even know if I can find it here.

5 MR. LABOON: 2.

6 MR. CAPPOLINO: 2? Thanks. Oh, here it is.

7 Q. (By Mr. Cappolino) Let me just show it to you.
8 We've talked about this already, but -- and, again, this was an
9 Exxon Skills Workbook. Does it say anything in this whole
10 document about dust released from gasket removal?

11 A. I did not see anything, no.

12 Q. Does it say anything in this document about the
13 potential hazard of exposure from asbestos dust from the
14 removal of gaskets?

15 A. I don't believe so.

16 Q. Do you know why it's not in there?

17 A. I believe this was intended to be a document to help
18 people -- well, just based on the title of it, to identify
19 gaskets and their use.

20 Q. Okay. Does it ever talk in here about any kind of
21 dust being released when asbestos gaskets are removed?

22 A. I didn't see that, no.

23 Q. Okay. I want to ask you about the welders.

24 A. All right.

25 Q. Have you ever been a welder?

1 A. I've been a welder's helper.

2 Q. Okay. When would you do that?

3 A. Summer. Let's see --

4 Q. When?

5 A. 1967.

6 Q. And was that a summer job?

7 A. Yeah.

8 Q. How long did you do that?

9 A. Three months.

10 Q. What did you do as a helper?

11 A. Primarily I grinded welds and picked up materials,
12 welding rods for the welder.

13 Q. All right. And I grinded welds, too.

14 Do you recall when you grinded, you'd get a lot
15 of dust on you and sometimes you'd sweat it out?

16 A. You certainly can. I also got my shirt caught in the
17 grinder once.

18 Q. All right. Other than that experience, have you had
19 any other experience as either a welder or a welder's helper?

20 A. Well, just from time to time walking through welding
21 shops at the various locations, seeing what they were doing.

22 Q. I wanted to ask you about the size of the refineries.
23 Mr. Lynch had asked you the size between Crown and Exxon, as
24 far as how much they produced?

25 A. Right.

1 Q. Do you recall that?

2 A. Yes.

3 Q. Does that make any difference as to whether or not a
4 refinery should observe the regulations with regard to asbestos
5 dust exposure, as far as the size of their facilities?

6 A. I wouldn't think so. The only -- I would say that,
7 you know, obviously resources available to a small company may
8 not be as great as they would be for a larger company.

9 Q. Do you know how big that company was? Crown?

10 A. I don't.

11 Q. Do you know where their headquarters were?

12 A. I believe, from reading the depositions, Baltimore.

13 Q. Where we are right now?

14 A. Correct.

15 Q. Have you ever had any dealings with Crown whatsoever
16 in your lifetime?

17 A. I don't think I ever have, no.

18 Q. Do you know when Crown started operation?

19 A. I believe I recall reading in one of the depositions
20 that it was, I believe, the 1930s or thereabouts.

21 Q. You didn't read anything about 1919?

22 A. That -- it could have been. Very well could have
23 been.

24 Q. So Crown would have had the benefit of all of this
25 knowledge about asbestos from the 19 -- at least the 1930s on,

1 about the hazards or potential hazards of asbestos?

2 MR. LYNCH: Objection to form.

3 A. I can't speak to that.

4 Q. (By Mr. Cappolino) I wanted to ask you about the
5 Bonsib report. There was a question asked to you whether or
6 not those dusts reports were the 8-hour weighted average. Do
7 you recall that?

8 A. Right, right.

9 Q. And that they were just like peak exposures,
10 instantaneous?

11 A. Right.

12 Q. Why would Mr. Bonsib only do peak exposures?

13 A. At that time that was the only technology or
14 methodology they had for taking samples. He could have -- I --
15 well, first of all, he goes on to say -- he gives the frequency
16 of the time that insulators even work with insulation.

17 Q. Uh-huh.

18 A. And it was much less than a full shift. So first of
19 all, there would be no reason to sample for an 8-hour day
20 because persons weren't exposed for a full 8-hour day and,
21 again, the technology only allowed short-term samples.

22 Q. Well, why would Mr. Bonsib report that? Why would it
23 be important for him to report that if it was in his report?

24 A. Because it shows relative exposure from one operation
25 to the next.

1 Q. So basically because it was a peak instantaneous
2 exposure, you say we're not supposed to cast any --

3 A. No, no. That's not what I'm saying.

4 Q. Let me finish my question.

5 A. Okay. Sure.

6 Q. We're not supposed to give it any type of
7 materiality, any importance?

8 A. No, absolutely -- the intent was to minimize exposure
9 to the lowest extent feasible. Whether that, you know, was
10 half the exposure limit or 1/100th, that was the goal.

11 Q. I had asked you for air-monitoring samples, results
12 of those at the Exxon Baytown refinery, in the subpoena duces
13 tecum. Do you recall me asking for some of that information?

14 A. I don't remember that specifically. I guess that
15 could be part of the umbrella of the information that you had
16 requested, but I don't specifically remember air-sampling
17 results.

18 Q. You didn't provide any of those air-sampling results
19 for me today, did you?

20 A. I don't believe so.

21 Q. Why not?

22 A. I guess I'm not -- I'm not quite sure. I don't -- I
23 haven't had access to that.

24 Q. If the lawyers for Exxon-Mobil ask you to come to
25 trial to testify in this case, will you do so?

1 A. Yes.

2 Q. And if the lawyers for Exxon-Mobil give you any of
3 those air-sampling results that you've talked about that were
4 in existence and that were in place at the Baytown refinery in
5 the '60s, will you get that information to me through the
6 lawyers?

7 A. Certainly to the extent it's available, yes.

8 Q. Do you know whether or not any of that stuff was
9 destroyed?

10 A. I don't believe so, no.

11 Q. Do you know if Bonsib did any subsequent studies or
12 reports with regard to 8-hour time-weighted averages?

13 A. Not that I'm aware of.

14 Q. Why didn't he?

15 A. I assume that at some point he probably retired and
16 left the company.

17 Q. Well, Exxon had a lot of employees and a lot of
18 people that had supposed expertise in industrial hygiene like
19 Mr. Bonsib. Did they ever do that?

20 A. Oh, certainly, but you were -- you were talking about
21 Mr. Bonsib.

22 Q. And where were those reported?

23 A. Each refinery would have records from air sampling.

24 Q. And that's what we've just talked about, whether or
25 not I have those today, which I don't?

1 A. Right.

2 Q. I wanted to ask you about the Lincoln -- a lawyer
3 from the Lincoln question and -- or the Lincoln lawyer had
4 asked you the question. The question was, "Did Lincoln do
5 studies on dust released from welding rods?" Do you recall
6 that?

7 A. Yes.

8 Q. So Lincoln did those studies?

9 A. Apparently.

10 Q. So Lincoln, would they have an agenda in doing those
11 studies?

12 A. I can't speak for them.

13 Q. But you can speak for Mr. Stovall, saying he had an
14 agenda?

15 A. Well, based on my knowledge and experience, it
16 appeared that he did.

17 Q. Do you know whether or not at Exxon Baytown refinery
18 there was any type of monitoring for benzene exposure in the
19 '60s?

20 A. I believe there was.

21 MR. CAPPOLINO: I believe that's all I have,
22 Mr. Larson. I appreciate your time.

23 THE WITNESS: Thank you.

24

25

FURTHER EXAMINATION

BY MR. LABOON:

Q. Mr. Larson, on Exhibit 2, the gasket article, the silence of discussing any -- any potential hazards of working with gaskets, the fact that the document is silent, is that consistent, in your opinion, with the fact that there was no such regulations as to gaskets during that time period, February of '73?

MR. CAPPOLINO: Object, form and leading.

A. Yes, that's correct.

Q. (By Mr. LaBoon) And is that also consistent with your opinion, as an OSHA employee at the time, that there was no substantial risk of working around gaskets?

MR. CAPPOLINO: Object, form and leading.

A. I agree.

MR. LABOON: No more questions.

MR. MANNING: Anybody else?

MR. CAPPOLINO: Do you have any more?

MR. MANNING: No. I was going to check on the phone. Anybody on the phone have any more questions?

MR. SZOCKA: This is Andrew Szocka, no.

MR. MANNING: I don't have any more.

MR. CAPPOLINO: Just a few more, Mr. Larson.

FURTHER EXAMINATION

BY MR. CAPPOLINO:

Q. When you went out to the refineries with OSHA --

A. Correct.

Q. -- did you ever go out and look to see the process of asbestos gasket removal from pipe flanges?

A. I'm trying to remember. When we did our inspections, we got a snapshot, basically, of what was going on at the refinery at that particular time. I don't recall if I ever seen -- saw gaskets removed during an OSHA inspection. I know that at some time in my career I have observed it. I just don't know if it was during -- while I was with OSHA or while I was with Exxon or Mobil.

Q. You stated in a prior deposition that at the Baytown refinery there was over 100 potentially toxic substances in a refinery and in a chemical plant like Baytown, and you included asbestos as one of those; correct?

A. Correct.

MR. CAPPOLINO: That's all I have, Mr. Larson.

Thank you.

THE WITNESS: Thank you.

(Exhibit Nos. 40 and 41 marked.)

1 CHANGES AND SIGNATURE

2 WITNESS NAME: BRUCE LARSON DATE: DECEMBER 18, 2006

3 PAGE/LINE CHANGE REASON

4 _____

5 _____

6 _____

7 _____

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24 _____

25 _____

1 I, BRUCE LARSON, have read the foregoing deposition
2 and hereby affix my signature that same is true and correct,
3 except as noted above.

4
5 _____
6 BRUCE LARSON

7 THE STATE OF _____)
8 COUNTY OF _____)

9 Before me, _____, on this day
10 personally appeared BRUCE LARSON, known to me (or proved to me
11 under oath or through _____) (description
12 of identity card or other document) to be the person whose name
13 is subscribed to the foregoing instrument and acknowledged to
14 me that they executed the same for the purposes and
15 consideration therein expressed.

16 Given under my hand and seal of office this _____ day
17 of _____, _____.

18
19 _____
20 NOTARY PUBLIC IN AND FOR
21 THE STATE OF _____
22 COMMISSION EXPIRES: _____
23
24
25

CAUSE NO. 2005-52097

1
2 BILLIE ONEY, INDIVIDUALLY) IN THE DISTRICT COURT
AND AS REPRESENTATIVE OF THE)
3 HEIRS AND ESTATE OF FLOYD)
ONEY; VICKI NEW,)
4 INDIVIDUALLY; AND JANET)
SVRCEK, INDIVIDUALLY,)
5)
PLAINTIFFS)
6)
VS.) OF HARRIS COUNTY, TEXAS
7)
8 ALCOA, INC., ET AL,)
9 DEFENDANTS) 11TH JUDICIAL DISTRICT

TRANSFERRED FROM

CAUSE NO. 05-CV-147

12 FLOYD ONEY AND) IN THE COUNTY COURT
13 BILLIE ONEY,)
14 PLAINTIFFS)
15 VS.) AT LAW NO. 1 OF
16)
17 ABLE SUPPLY CO., ET AL,)
DEFENDANTS) CALHOUN COUNTY, TEXAS

19 REPORTER'S CERTIFICATION
20 DEPOSITION OF BRUCE LARSON
21 DECEMBER 18, 2006

22 I, Misty Fondren Clements, Certified Shorthand Reporter in
23 and for the State of Texas, hereby certify to the following:

24 That the witness, BRUCE LARSON, was duly sworn by the
25 officer and that the transcript of the oral deposition is a

1 true record of the testimony given by the witness;

2 That the deposition transcript was submitted on
3 _____ to the witness or to the attorney for the
4 witness for examination, signature and return to me by
5 _____;

6 That the amount of time used by each party at the
7 deposition is as follows:

8

9 MR. CAPPOLINO.....05:33

10 MR. LABOON.....00:04

11 MR. LYNCH.....00:06

12 MR. COSMICH.....00:09

13 MS. MASSEY.....00:01

14 MS. WATSON.....00:02

15 MR. ALEMAN.....00:01

16 MR. MANNING.....00:01

17

18 That pursuant to information given to the deposition
19 officer at the time said testimony was taken, the following
20 includes counsel for all parties of record:

21

22 Mr. Timothy R. Cappolino, Attorney for Plaintiffs;

23 Mr. Christopher Manning, Attorney for Defendant,

24 Exxon-Mobil Corporation;

25 Mr. Walter Lynch, Attorney for Defendant, Crown Central;

1 Mr. John LaBoon, Attorney for Defendants, Garlock Sealing
2 Technologies, Inc. and Greene Tweed;

3 Ms. L. Amy Green, Attorney for Defendant, ALCOA, Inc.;

4 Ms. Laura M. Higgs, Attorney for Defendant, Goulds Pumps,
5 Inc.;

6 Mr. Keith Truffer, Attorney for Defendant, A.W.
7 Chesterton;

8 Mr. John Cosmich, Attorney for Defendant, Owens-Illinois;

9 Mr. J. Keith Stanley, Attorney for Defendant, Fluor
10 Enterprises, Inc.;

11 Mr. Xaverie L. Picciurro, Attorney for Defendants,
12 Cleaver-Brooks, Inc. and Hercules Chemical Company;

13 Mr. Stephen K. Guidry, Attorney for Defendant, American
14 Standard, Inc.;

15 Ms. Lisa Massey, Attorney for Defendants, Dana
16 Corporation, Certainteed Corporation and Buffalo Pumps, Inc.;

17 Mr. Marcus A. Carroll, Attorney for Defendant, Longhorn
18 Gasket & Supply;

19 Ms. Courtney P. Watson, Attorney for Defendants, Hobart
20 Brothers, Inc., Lincoln Electric and CBS Corporation;

21 Mr. Andrew Szocka, Attorney for Defendant, John Crane,
22 Inc.;

23 Ms. Lauren A. Syler, Attorney for Defendant, Crane
24 Co.;

25

1 Mr. Jeremy Aleman, Attorney For Defendant, Zurn
2 Industries;

3 Ms. Kimberly Steele, Attorney for Defendant,
4 Georgia-Pacific Corporation;

5 Mr. Matthew Lott, Attorney for Defendant, Guard-Line,
6 Inc.;

7
8 I further certify that I am neither counsel for, related
9 to, nor employed by any of the parties or attorneys in the
10 action in which this proceeding was taken, and further that I
11 am not financially or otherwise interested in the outcome of
12 the action.

13 Further certification requirements pursuant to Rule 203 of
14 TRCP will be certified to after they have occurred.

15 Certified to by me this ____ of _____, 2007.

16
17
18 _____
19 Misty Fondren Clements
20 Texas CSR No. 4026
Expiration Date: 12-31-07

21 LegalPartners, L.P.
22 9219 Katy Freeway, Suite 111
Houston, Texas 77024
Phone: (713) 935-1600
Fax: (713) 935-1610

23 Firm Registration No. 375
24
25

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP

2
3 The original deposition was/was not returned to the
4 deposition officer on _____;

5 If returned, the attached Changes and Signature page
6 contains any changes and the reasons therefor;

7 If returned, the original deposition was delivered to
8 _____, Custodial Attorney;

9 That \$_____ is the deposition officer's charges to
10 the Plaintiff for preparing the original deposition transcript
11 and any copies of exhibits;

12 That the deposition was delivered in accordance with Rule
13 203.3, and that a copy of this certificate was served on all
14 parties shown herein on and filed with the Clerk.

15 Certified to by me this _____ day of
16 _____, 2007.

17
18
19 _____
Misty Fondren Clements
20 Texas CSR No. 4026
Expiration Date: 12-31-07

21 LegalPartners, L.P.
22 9219 Katy Freeway, Suite 111
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A				
abatement 286:3,4,18 287:8,20 ability 213:2 able 1:16 35:23,23 96:13 130:1 173:4 302:16 abreast 224:15 absolutely 35:15 50:14 58:8 106:24 107:22 113:2 237:7 247:12 258:11 295:8 Academy 37:12 accept 80:5,12 access 258:2 295:23 accident 51:10 53:2 92:6 93:25 94:6,13 151:25 203:13 account 191:19 accounts 212:7 accumulator 192:15 accumulators 121:11 122:4 accurate 98:19 99:1 102:4 154:18 155:15 156:10 157:4 accusation 226:8 acid 122:9 192:20 acknowledged 301:10 Act 39:22 acting 15:9 action 244:22 305:10 305:12 Activities 9:9 186:24 activity 91:8 actual 26:4 74:22 242:5 264:3,5 ADAMS 5:2 add 65:18 70:13 added 70:18 adding 70:17 addition 44:15 137:15 197:11 198:16 222:19 227:2 271:9 additional 227:3 additions 138:8 address 178:20 246:16 addressed 41:21 51:22 53:20 92:19 117:20 135:11 administration 21:12 advanced 285:15 advise 254:22 advised 44:12 55:1 advising 45:17 advisory 130:14,19,25	affiliation 203:6 affix 301:1 Africa 225:15 afternoon 100:1 267:4 276:6 agency 38:21 agenda 113:3,4,7,10 267:18,22 268:4 288:2,7,13,23 289:3 290:2,13 297:10,14 agent 161:24 248:11 agents 256:19,21 aggressively 141:6 ago 18:17 21:24 77:21 98:18 109:10 120:14 184:24 222:1 239:11 agree 12:3,5,10 30:9,9 30:14 36:18 38:13,13 38:17 44:10 72:15,23 73:2,16,20,25 75:18 78:25 79:24,24 80:6 82:9 83:15,16 84:8 86:8 87:8 91:17,19 96:16,21 97:11 99:3 103:18 104:2 112:25 120:23 121:24 122:20 126:22 155:15 157:6 161:3,4 164:19,20 165:17 168:5 178:18 180:9 187:20 188:3,13 189:12 196:2 197:20 200:9 202:10,21 207:19,20 222:25 226:21 227:16,24 242:5 243:18 245:16 245:18,20 251:21 262:17,20 265:24 266:25 268:7 269:2,7 269:15,25 270:4 271:17,23 298:15 agreed 125:6 264:14 agree@hunton.com 4:5 ahead 39:4 56:2,3 69:12 83:24 124:14 176:3 278:9 AIHAJ 9:2 air 26:21 27:1,4,7,10 49:18 92:25 93:4,8 96:14 112:7 114:10 115:8 153:21 157:14 157:14,20 158:8 159:11 188:21 257:14,19 258:2,14 273:22 285:3 296:23	airborne 224:24 air-monitoring 295:11 air-sampling 295:16,18 296:3 al 1:8,16 9:2 302:8,16 Albis 174:6 ALCOA 1:8 4:1 128:24 286:24 287:7 288:6 302:8 304:3 Aldox 9:24 Aleman 7:2 8:12 277:10,13 278:2 303:15 305:1 alemanjd@fpwk.com 7:5 Alfred 169:9 174:8 alive 50:2 alleged 148:24 284:24 alleging 283:10 Allen 1:20,25 8:5 13:2 13:8 alleviation 202:7 allow 261:5 allowed 294:21 alongside 65:10 alternatives 215:18 Altimore 11:7 17:20 51:4 56:6 74:6 77:16 89:5,14 91:3 97:2 98:3 102:8 111:2 112:20 114:6 115:6 123:3 126:20 160:6 aluminum 286:21 America 3:10 204:23 205:12 American 5:11 34:22 130:4,8 132:11 203:13 204:5 304:13 amosite 166:8,11,14 184:23 185:2 212:23 213:2 216:9 224:21 amount 92:24 93:4,14 109:13 167:18 184:20 185:9,14 198:16 266:5 303:6 amphibole 129:7 Amy 4:2 304:3 Amyett 174:10 ancillary 135:11 Anderson 134:14,16 174:8 Andrew 6:14 275:3 280:11 298:21 304:21 angle 234:8 animal 224:18	annual 45:8 204:4 answer 12:6 15:1 76:20 77:1,20 78:16,19 79:8,14,20 82:1,4,8 82:24 83:4,11 84:3,7 84:14 85:11,24 86:2 86:19 87:3,16,18,21 87:24 88:12,16 91:9 98:7 99:22 100:23 101:13 102:17 103:1 105:3 106:22 107:14 107:18,20 108:5,9 109:10,20 111:5,10 111:14 112:24 113:19 114:11 115:10 118:16,23 119:6,12 120:8,17,21 122:11,16 142:19 156:24 157:22 158:12,16,20,23 159:3,8 160:15 163:10 165:9,15,23 167:9,12,23 168:1,4 168:21 170:5,10,22 170:25 171:17,20 172:1,4,5,9,20 173:7 173:19,24 175:4,6,9 183:24 196:11,20 202:14 211:17 238:16 answered 159:4 289:14 anticipating 43:25 anybody 42:4 50:13 89:19 105:16 106:18 106:19 108:2,6 109:1 110:9 111:3 112:22 112:22 114:7 115:8 224:8 275:1,5 276:1 278:4 298:17,20 anyway 183:8 235:19 apart 124:24 apologize 90:16 118:3 156:16 183:23 187:8 235:24 242:23 apparatuses 257:18 apparent 199:4 apparently 85:6 166:2 215:22 226:7 234:22 244:20 283:21 297:9 appear 28:8 56:7,16 69:18 142:10 205:11 214:13 218:18 219:13 246:24 250:10 267:19 appearance 245:9 Appearances 8:3	appeared 14:25 288:12 297:16 301:9 appearing 15:13 123:7 123:8,19,19 124:4 appears 31:1 33:7 34:3 40:5 41:19 42:15 56:12 102:1 110:7 205:14 208:17 209:20 210:4 217:3 227:5 235:14 246:10 247:1 250:1,14 appendix 179:18,20 206:1 apples 258:21,21,21 applicable 136:1 application 164:22 235:10 applications 139:2,2,3 165:19 applied 53:17 72:18 77:19 135:8 160:13 161:17 165:10 220:16 applies 252:23 apply 97:25 210:19 214:8 251:3 applying 115:23 222:20 appreciate 34:6 297:22 approach 35:24 50:23 150:14 Approaches 34:15 approved 94:15 195:24 approximately 19:17 19:18 24:1,13 25:3 40:2 49:25 143:15 249:25 271:1 April 34:22 177:7 arc 198:17,25 199:5 200:4 Archives 132:17 ARCO 147:20 area 19:4,14,19,23 20:1 21:11 27:7,12,19 50:5 52:24 71:23 112:15 113:24 141:4 149:18 161:22 168:19 178:21 240:5 242:20 244:9 263:3 areas 22:3 154:19 164:24,25 168:3 172:3 242:16,19 244:8 254:19 255:21 283:10 285:12 ARNOLD 7:8 aromatic 126:24

arrive 148:18 arsenic 94:16 art 43:25 Arthur 19:23,25 article 9:2,5,11,23 40:7 40:9 41:6 183:5 203:19 217:3,7,16,21 225:4 226:4 265:13 298:3 articles 40:7 asbestos 9:2,14,18 10:5 10:7,11,13,20 11:13 14:4 15:25 19:10 22:5,8,11,13,16 23:6 23:7 25:4,16 26:15 26:18,22 27:1,8 29:7 29:7,11,16,19,19,23 30:5,20 31:7,14,19 32:9,13,18,24 33:7 34:3,4,14 35:10,18 35:24 36:6,20 37:3 38:15,21 39:2 41:12 42:17 44:4,9,13,20 45:8,18,23 46:11 47:8 50:10,25 51:18 51:18,22,24 53:14,24 54:15,18 55:1,15 57:8,18 66:9,11,18 68:12 69:3 78:5,18 88:11,13,18,19 92:12 92:17 93:11 94:9,17 94:19 95:3,7,9,14,17 96:7,9,9,10,13,19,20 97:5 98:6,12,15 99:18,21 102:6,10,15 102:20,22,25 103:8 104:8,13,13,16 105:1 106:7,14,18 107:2,3 108:1 112:23 113:3 113:15,23 114:10,14 115:9,18 116:3,18,24 117:4,12 119:5,11 126:14 129:7 130:21 130:22 132:6 133:1 134:2,2,21 135:6,16 139:4,12,18 140:8,24 141:13,14,16,22,24 141:25 142:17 143:10,12 144:1,3,13 144:16,21,25 145:11 145:12,13 147:14,14 147:21 148:12 149:4 150:15,17,20,25 151:8 153:2,9,10,17 153:20,24 164:21 166:8,11 168:10,14	175:23 177:19 178:8 178:11,15 179:4,24 180:11,13,19 182:2 182:13 183:1,7,11 184:23 185:2 186:1,2 186:6 188:18,20 191:16,17,19,21 193:9,14,19 194:2,14 195:3,17,23 196:6 199:13,18 201:13 203:9 204:18 206:7 206:13,21 207:23 208:4,6,24 209:7,9 209:13,24 210:3 211:2,9,21 212:8,21 212:23 213:3,3 216:2 216:10 218:25 219:15 220:11,11,14 220:16,23 221:4,7,12 221:13,17,17,19,22 222:9,13,20 223:15 223:17 224:2,15,19 224:21,25 225:1,22 226:7,20,23 227:7,12 227:21 228:6,22 229:6,13,14 230:20 230:22,23 231:14 232:7,13 234:1 236:4 236:9,13,17,22,24 237:5,20 238:1,21,21 239:22 240:1,6,18 241:19 242:3,10,16 243:14,23 244:4,9 245:5,6 247:4,7,10 247:15,17 248:1,20 249:1,11 250:13 256:21 257:13,17,20 258:5,8,14,16,20,25 263:4,19,24 265:13 265:18,20,22,25 266:3 267:22 268:3 274:6,8 276:19 277:1 277:21,24 278:19 280:18 282:5 283:11 283:20,23 285:1,8,17 285:20 286:3,4,15,18 287:8 288:3,5,17,20 289:24 290:2,10,17 290:20,24 291:13,21 293:4,25 294:1 299:6 299:17 asbestosis 9:11 39:13 106:19 107:4 110:18 111:8 195:22 203:20 204:2 209:12,24 210:8 211:20 225:6	asbestos-based 261:16 262:1 asbestos-containing 15:25 22:19 23:1 34:1 37:1 57:3,5,14 57:15,21,25 62:7,16 66:4 67:12 68:15 70:23 72:3,17 77:18 90:12 95:17,23 96:5 107:9,10,12 137:24 138:7,21,24 139:6 140:13,19 146:7 152:14,22 162:4 172:14 176:2 184:13 196:14 217:18 219:19 247:2 256:1,9 260:9 263:25 268:10 273:9 274:4,17 279:23 280:2,8 282:13,25 283:5,14 284:10,14 286:6 asbestos-covered 241:18 242:2 asbestos-free 29:13,15 30:12 138:14 139:11 215:18 asbestos-handling 58:3 151:22 239:1 asbestos-related 110:12,16,22 111:24 112:4 117:2 225:9 Ashwood 174:14 asked 22:6 33:3,13 42:12 78:9 81:11 88:8 91:1 96:12 99:18 102:22 113:8,9 114:4 118:2,12 124:9 135:24 136:7,13,15 147:23 148:3 155:3 156:22 157:19 159:18 160:12 163:5 164:1,3,8 166:15 170:2,19 171:14 172:18,22 173:16,22 175:1 183:9,23 186:12 188:7 194:7 273:14 276:7 277:17 279:16 282:11 288:1 289:5,12 290:9,12 292:23 294:5 295:11 297:4 asking 65:2 136:7,21 174:22 193:2 295:13 asks 167:19 assessment 177:13 assigned 47:17 82:12	156:4 251:15 252:5,7 285:10,13 assignment 181:12 assist 30:19 assistant 134:19 associated 9:9 98:6,12 186:24 Association 34:23 132:11 147:2 204:5 assume 22:5 31:25 114:17 141:16 155:3 203:16 233:9,17 238:20 246:12 255:23 296:15 assumed 73:20 74:1 83:4,8 assuming 233:16 261:2 assumption 71:2 aszoeka@djoalaw.com 6:17 Atlantic 204:5 atmosphere 202:14,18 Atmospheric 10:9 attach 150:10 attached 2:10 9:14 34:11 40:6 99:5 100:21 179:20 182:6 209:13 229:3 258:17 306:5 attack 239:10 attempt 62:1 65:13 Attempts 249:2 attend 72:10 131:16 attended 128:13 134:12 155:19 attention 110:24 attorney 12:12 91:4 123:6,16,18 276:6 303:3,22,23,25 304:1 304:3,4,6,8,9,11,13 304:15,17,19,21,23 305:1,3,5 306:8 attorneys 135:15 268:9 305:9 audible 213:15 audit 10:12 231:13 244:20 285:23 audits 285:16 August 41:20 150:6 Austin 3:16 19:23,25 author 34:18 183:4 224:3 227:19 authorization 253:17 253:17 authorize 253:22 authorized 254:2	authors 34:19 177:6 available 29:14,15 52:17,19,22 91:9 99:10 127:2 129:25 134:10 136:3 138:17 140:1,3 143:7,23 202:3 234:3 235:10 264:15 265:8 293:7 296:7 Avenue 3:5,16 4:14 7:14 average 85:14 192:20 193:15 194:3 230:25 241:13 257:17 274:2 274:20 294:6 averages 241:9 296:12 avoid 99:20 aware 18:2 21:6 37:9 38:14 39:15,24 46:12 55:17 98:5 99:17,20 99:23 108:1 127:1,11 196:4 199:20,21 203:7 229:19 230:6 240:9 244:12,15 256:3,3,15 257:1,4 264:22,25 265:4,17 266:18 277:6 296:13 awareness 37:2,4,17 264:21 awhile 77:21 109:10 120:14 A-L-B-I-S 174:6 A-L-L-E-N 13:8 A-M-Y-E-T-T 174:10 A.C 10:18 239:17 A.J 9:11 202:24 204:2 a.m 2:5 A.P.I 130:14,25 137:19 203:17 A.S.T.M 137:19 A.W 4:12 304:6
--	---	--	---	--

background 21:6,10,15 64:24 267:20 backtrack 81:9 backwards 209:3 bag 232:14,15,16 bagging 232:13 bags 162:1 185:21,21 220:15 221:13 232:8 Bailey 123:17 288:1 BAKER 3:20 bakery 126:3 ballpark 111:7 Baltimore 2:9 4:9 293:12 ban 290:24 Bank 3:10 barrels 266:8,16,19 base 140:20 based 23:3 27:12 38:12 68:4 71:7 87:1 194:24 197:16 204:15 216:11 272:10 273:2 274:14 278:22 279:5 291:18 297:15 baseline 27:3 basic 63:24 basically 16:15 23:12 41:11 63:10,20 66:20 82:6 91:20 134:19 142:3 149:22 150:13 151:7 152:3,13 158:18 179:13 228:14 237:11 238:20 252:1 295:1 299:8 basis 65:17 123:12 137:17,20 170:7 196:9 289:9 Baton 9:12,20,22 11:2 182:9 183:4 204:24 205:6,9,13,15,19,22 208:25 209:1,6,22 213:23 215:14 216:20 217:9,10,17 218:24 219:11,16 235:20 241:3 243:3,5 244:16,21 245:21 250:24 251:4 252:23 266:11 Baytown 9:8 18:3,3,10 20:7 22:20 23:1,6,14 23:17,24 24:2,8,10 24:18,23 25:2 26:16 26:19,22 27:2 29:12 31:11,15 32:19 36:1	36:7,12,19,19 44:8 44:12,24 45:10 46:8 46:14,25 47:7 49:4 50:5,7,11,20 51:2,5 51:11 53:3,23 54:4 54:25 56:24 58:19 65:3 70:1 72:9,17,24 88:4 89:8 90:1,2 92:10 96:22 100:8 103:21 104:12 106:3 108:22,23,25 110:11 112:8 114:18 115:21 116:17 118:4 121:12 122:14,18 126:8 127:2,13 129:14,17 135:22 137:22 145:3 145:21 146:16 156:19 162:5,25 166:10,16,21 167:3 171:6,10 174:6 178:1 179:21 181:9 183:20 184:20 186:7 205:20 205:23,24 215:15 218:3 233:1 235:15 243:2,5,6 249:21,21 249:23 251:25 252:25 254:17 256:24 259:2,6 266:8 268:11 269:1 270:16 271:19 277:18 279:6 279:15 280:1,16,22 281:3,7,21 282:8 286:1,2 295:12 296:4 297:17 299:14,16 Bayway 10:25 249:19 249:21,22 250:12 266:14 bear 74:9 205:25 Beaumont 5:14 Beaumont-Port 19:23 19:25 becoming 147:5 197:24 200:2 Beers 246:18 248:10 began 14:15 23:10 45:19 46:3 123:5 138:5 236:9,16 beginning 49:23 104:23 107:5 112:16 119:25 131:4 158:2 221:2 begins 177:25 behalf 15:16 154:24 277:13,14 289:23 beings 202:16 belief 22:18 48:14	believe 15:14 17:6,19 20:21 21:24 26:6 28:2,14 30:12 31:5 34:11 36:13 39:14 40:6 41:20 49:14 51:13,19 52:10 54:7 54:21 57:4 59:5 63:2 69:17 73:8 76:6 77:13,15 92:7 98:14 112:1 120:3 123:11 125:12 126:11 128:24 131:21 134:3 134:8 140:4,20 141:12,23 145:4 147:4,15,17 150:12 153:4,18,24 155:8 156:3,14,20 158:9 162:13 169:16,19 170:1 175:15 179:19 182:12,25 184:2,5 189:5 196:17 198:6 203:11 207:2 212:16 215:3 219:12 221:11 224:22 225:3,12 228:18 230:3,12 231:21 232:23 234:8 235:8 238:13,17 240:14 241:16 242:17 247:22 249:7 249:25 251:5,8 254:18 255:5,8 256:2 256:12 259:13,16 260:20 262:10 263:10 268:17 272:10 276:16,19 278:16 279:21 284:3 289:16 291:15,17 293:12,19,20 295:20 296:10 297:20,21 believed 195:18 benders 180:7,20 benefit 293:24 Bennett 174:17,23 175:2,23 Bentone 249:2 benzene 297:18 Berry 177:7 Bestolite 32:9 better 80:9 234:10 248:18 258:10 280:18 bid 135:25 bidding 83:7 big 101:24 293:9 Bill 246:19 260:12 Billie 1:2,13 2:2 13:11	302:2,13 binder 66:9,11 69:14 143:10 176:6,11 191:18 bins 201:3 biochemist 134:19 Biological 10:5 224:1 BISSELL 6:8 bit 25:14 42:12,25 56:20 65:23 71:16 101:6 170:18 176:15 177:22 179:17 200:16 213:7 226:4 257:14 blade 68:8 109:3 161:3 Blakeslee 203:12 Blamed 9:5 blanket 140:8 blankets 140:10,13,14 blanks 33:8 block 57:5,8 61:9 62:12 107:10,12 109:7 140:17,19 146:11 161:16 165:5 184:10 270:19 273:10 274:18 283:18,19 blocks 57:3 62:23,25 184:15 257:12 blow 99:25 board 184:15 BOC 6:7 Boehmer 148:6 boiler 59:8,19,21 109:8 146:2 270:22 284:7 boilermaker 71:17 169:3 174:17 boilermakers 59:16 60:16 116:14 boilers 144:25 145:21 146:5,6,13 277:17,20 277:24 282:9,9,12,25 283:11,15,23 284:11 284:14 285:2,9,21,25 bolts 68:6 Bonetti 255:3,7 Bonsib 9:9 51:21,24,25 52:7 66:14,16,22,23 96:3,6,8 118:2 120:5 121:16,21 144:4 158:2 177:6 183:5 186:19,25 196:22 198:1 199:23 200:13 236:12 264:13 265:1 269:19 270:1 273:8 273:15,19 274:12 294:5,12,22 296:11	296:19,21 book 53:15,16 boom 254:12 boots 248:22 born 124:18 125:16 boss 111:14 Boston 197:5 BOSWELL 5:2 bottom 75:19 178:6 222:6 231:25 BOTTS 3:20 box 4:20 16:15,22 17:8 17:11 18:12 21:18 26:11,13 35:13,17 41:20 51:14 135:14 150:3 152:24 153:1 163:23 164:2,4 172:21 173:20 boxes 164:5 165:9 280:16 Bradley 20:19 21:20 25:14,16 28:12 38:5 38:13 42:10 52:5 152:15,17,19,20 288:15,23 Bradley's 34:12 40:20 149:8 brake 257:12 Branch 201:21 brand 142:5 162:5,7 163:7 247:4 break 41:5 55:20,21 71:17,18 88:25 181:14 211:13 212:2 213:10 breathe 113:16 225:1 breathed 202:15 breathing 200:5 202:4 258:17 brick 180:6,14,14,23 180:25 181:1,7 207:8 207:9,11,12,17 brief 10:7 228:3,10,10 228:13 263:23 briefed 54:17 briefly 29:21 150:4 bring 64:23 249:1 Brock 10:16 237:20 broke 48:2 Brothers 6:6 304:20 brought 21:19 51:14 52:4 64:19 225:10 260:11 Brown 48:5,11,12,16 57:24 58:18,20,22 60:4 61:14,19,24
---	---	---	--	---

64:1,23 77:1 81:20 83:2 86:5 135:19 137:8,12 259:8 273:4 Bruce 1:20,25 8:5 13:2 13:8 49:19 50:16 211:10 300:2 301:1,5 301:9 302:19,24 Bryan 4:3 7:3 Buffalo 5:17 304:16 build 137:6,8 building 137:7 201:2 207:10 built 137:16 bulk 166:1,6,7 186:9 Bulletin 209:12 238:5 238:20 Bulletins 210:7 bunch 135:14 Bureau 201:21 burning 253:13 BURNS 6:14 business 21:11 B-O-E-H-M-E-R 148:7 B.O.C 276:3	Calls 196:10 Calsite 220:6 Cameron 3:5 cancer 9:5 41:8 102:10 102:15,19,24 106:19 107:6 111:9 124:7 134:13,13 180:3 225:22 cancers 41:11,12 canvas 140:14 capacity 266:9,18 288:7 Cappolino 3:4,4 8:6,14 8:16 13:5,10 14:3 21:18 25:8 27:23 28:20 33:6,22 37:19 37:22 38:3 55:20,24 64:16 68:19 69:6,12 73:25 74:5,14,16,23 75:3,6,8,10,12,14,18 75:23 76:1,5 77:10 77:12 80:15 87:7,8 88:25 89:4 95:12,20 98:1,2,20 99:4 104:5 111:20,21 112:5,6 122:21,23 123:12,15 126:19 128:22 136:12,15,20 137:1,2 139:3 147:25 148:3 161:14,15 163:22 164:19 170:7,10,17 170:18 173:11,13 176:3,21,23,25 184:19 186:11 191:22,23 193:22 196:9,11 198:10 208:10,11 209:7 211:6,7,12,19 212:3 212:5 213:11,13 215:11,25 221:5,7 233:25 235:23,25 237:14,15 239:4,6,7 241:24,25 242:13,15 245:2,3 246:5,6 247:18,19 249:12,14 249:15 250:19,22 252:16,19 259:16 261:1 262:19 263:5,8 263:15,20 265:2,14 265:23 266:24 267:23 268:5,12 269:3,6,11 270:2,10 270:11 271:22 272:16,20,25 273:5 273:20 274:21 275:13,21 276:15,21	276:25 278:5,7,9,21 279:12 280:15 282:1 282:23 284:8 287:11 287:15,22,23 288:14 288:15 289:9,13,15 290:6 291:2,6,7 294:4 297:21 298:9 298:14,18,23 299:2 299:19 303:9,22 Carbide 10:21 246:11 246:12 carcinogenic 213:2 card 301:10 care 102:1 career 22:4 38:10 87:24,25 101:11 111:13 124:19 150:11 264:5 299:11 careful 227:7 Carey 140:23 162:12 163:13 175:6 Careytemp 220:8 carpenter 171:6 Carroll 6:2,2 304:17 carry 71:22 case 11:7,10 13:11,14 15:18,18 16:2 17:19 17:20 22:3 25:17 41:24 42:1,5 43:11 43:19,20 45:23 51:4 52:8 56:7,15 74:6 77:16 89:5,12 95:18 97:1,2 99:7 100:22 111:2 123:3 126:20 129:11 152:6 154:2,7 154:19,24,25 155:8 225:16 264:9 274:6 278:13 295:25 cases 11:9 14:4 15:16 56:10 78:20 86:19,20 108:18 144:25 205:9 225:22 245:10 254:22 283:4 284:15 284:17 289:21 cast 295:2 cat 48:25 catalyst 91:11 207:18 207:22 catalytic 101:13,24 206:12 207:18 catches 151:21 category 94:25 caught 48:4 124:21 161:3 292:16 causation 202:2 cause 1:1,11 2:5 12:2	55:16 102:10,23 107:6 125:9,10 253:11 302:1,11 caused 41:12 102:25 129:8 159:22 203:10 225:9 245:6 causing 102:15 CBS 304:20 cc 96:13 231:1 257:17 cement 94:10,17 139:17 141:25 142:17 185:20 219:23 220:14,23 221:12,13,19 222:13 223:17 275:12,16 Center 5:19 centimeter 241:4,12,20 242:4,10 central 3:19 18:21 20:9 20:14 21:13,20 38:4 137:18 138:15 257:3 262:25 264:10,18 266:22 280:25 288:16 303:25 ceramic 140:14 143:11 Cernoch 171:9 certain 17:12 29:5 31:2 33:14 48:22 49:3 81:3 91:2,8 92:23 100:10 145:25 153:10,12 164:24 187:2 190:25 192:12 199:13 202:5 204:8 228:6,24,24 253:2 273:10 274:16 286:18 certainly 31:12 33:23 36:25 41:5 47:10 52:22 53:12 58:14 80:1 89:10 93:21 99:15 100:14 101:1 113:12 121:18 122:1 122:6 126:23 128:20 128:21 145:23 178:21,22 183:17 202:15 208:7 226:21 227:5,6 231:2 233:2 236:12 258:1 267:24 281:9,11 285:4 292:16 296:7,20 Certainteed 5:17 69:8 142:6,9,12 186:12,13 275:7 304:16 certainty 255:23 certificate 8:19,20 306:13	certification 302:19 305:13 306:1 certified 2:6 49:13 111:17 260:1,4 302:22 305:14,15 306:15 certify 302:23 305:8 cetera 94:16 chain 101:22 chamber 207:22 chance 41:4 72:7 177:11 208:22 211:15 263:14 chances 263:13 264:1 Chandler 77:15 78:9 111:1 change 170:13 245:8 300:3 changed 19:16 112:14 121:18 133:9 138:17 143:8 189:15 changes 8:18 35:9,14 35:19 224:20 300:1 306:5,6 changing 181:24 channel 59:1 106:4,4 Characterize 113:17 charge 44:8 83:3 146:15 152:20 charged 43:18 charges 306:9 Charles 2:8 4:8 154:1 174:10 Charter 147:20 charts 30:18 check 183:12 298:19 chemical 5:6 10:25 58:25 106:2 168:15 168:16 205:23 299:16 304:12 Chemical's 35:22 chest 45:24,25 104:8,24 105:19 Chesterton 4:12 304:7 Chicago 283:10 chief 201:20 choice 89:15,18 choose 99:23 109:11 Chris 16:10 17:6 42:6 Christi 19:22,25 christian@industrial... 3:6 Christopher 3:9 303:23 Chronicle 9:5 40:7 Chronology 150:20
--	---	---	--	---

chrysotile 186:5 223:15 223:17 224:21 Church 209:10 Churg 225:5 cigarette 48:25 circulated 52:12 118:3 citations 149:2 cite 197:3 cites 196:23 City 204:5 Civil 2:9 12:4 claims 283:5 clarify 77:7 108:18 215:14 287:19 Clark 196:23 Clark's 197:3 class 70:2 classes 53:18 115:17,22 Classification 248:5 classifications 94:2 clay 144:20,21,24 clean 125:25 126:1,6 cleaner 174:17 cleaning 126:21 240:5 clean-up 47:13 clear 155:11 232:17 273:7 clearly 215:7 226:20 249:9 Cleaver-Brooks 5:6 304:12 Clements 2:6 302:22 305:18 306:19 Clerk 306:14 clinic 45:3,4 Clinton 134:9 close 84:1 86:22 159:9 246:7 266:15 closed 178:14,21 232:8 closely 47:16 closing 148:11 149:1,3 cloth 144:16 clothes 109:18 169:15 170:4,14 clothing 126:15 170:14 170:21 225:10 240:10 243:13,21,21 clouds 179:5 cmanning@dehay.com 3:12 Coast 27:19 52:24 141:4 263:3,18 coated 198:15 276:7 coating 247:14 248:14 248:19 249:5 256:7 coatings 10:23 246:13	246:17 248:5,13 coil 121:11 122:4,14 192:15,22 193:5 coincide 188:6 coke 94:9,17 cold 220:12 collected 258:18 273:22 collection 208:23 collectors 234:15 college 134:20 combined 117:19 come 59:17,20 60:16 60:17 63:12 107:11 114:8 124:16 127:19 137:20 149:18 156:15,17 229:12 250:20 257:16,22,23 258:22 274:9 286:10 289:2 295:24 comes 93:9 comfort 120:20 coming 38:20 comma 175:14 command 101:22 comment 183:3 208:6 241:22 243:11 commercialized 30:13 commercially 138:11 140:1,2 COMMISSION 301:16 committee 130:19,25 committees 130:14 Committee's 238:5 common 72:16,19 77:16,19 181:25 190:22 common-sense 202:13 communication 117:6 comp 39:12,24 companies 27:18 52:18 52:20,23,23 117:18 196:19 264:15 265:8 266:22 283:7 company 4:12 5:6 6:7 9:8,12,17,18,19,20 9:22 11:2 54:22 61:17 64:22 69:25 83:2,2,3 91:5,24 104:19,25 124:22 125:17 126:5 133:19 137:12 177:3 182:19 183:20 204:14,17,25 210:20 212:8,11,22 213:23 214:14	216:19 224:15 230:12 245:10 251:15,16 253:18,23 254:1,3,10,22 257:5 264:23 265:5 272:12 279:17 288:6 293:7,8 293:9 296:16 304:12 Company's 182:8 company-owned 254:1 company-wide 236:9 236:17 comparable 194:16 compared 232:10 264:6 comparing 232:9 266:21 comparison 266:23 274:9 compensable 39:13 compensation 9:4 39:1 43:15 compiled 53:10 complacency 245:7,15 complacent 246:2 complaining 148:12 complaint 148:19 149:4,17,19 complete 59:21 60:16 60:17,17 114:14 149:15 195:13 196:22 completed 148:22 completely 115:14 164:20 complex 205:23 compliance 19:4,9 231:17 232:9 233:19 237:10,12 239:21 244:6 complied 35:13,18 complies 218:8 comply 233:11 236:14 238:21 complying 232:7 component 59:18 components 181:15 200:12 comport 111:23 119:15 composition 188:25 212:23 216:8 compressed 29:6,23 30:5,19 32:2,8,13 compressors 281:13,21 282:5 conceivable 261:15 262:1	concentration 96:12 178:15,22,23 195:19 242:5 274:8 concentrations 10:9 66:18 241:19 242:3,9 concern 126:24 233:22 238:6,24 243:13 256:19 285:12 concerned 39:19 105:1 120:8 243:1 266:5 concerning 26:17 148:11 163:5 240:10 243:11,21 245:5 260:18 265:9 concluded 226:12 conclusion 38:20 148:25 201:17,22 289:2 conclusions 261:10 262:17 concrete 72:2 207:13 condition 157:14 271:15 conditions 73:3,7 82:7 82:11,15 125:9 178:9 178:12 179:24 202:6 206:12 conduct 45:7 129:13,15 conducted 27:5 45:22 54:19 64:15 115:17 115:22 129:20 277:5 conducting 44:15 conference 10:5 148:11 148:17 149:1,3 224:1 226:18,19 227:20,21 261:15,23 289:17 Confidential 177:4 confine 65:3 confirms 187:23 confuse 226:13 Congress 3:16 conjunction 277:21,25 connected 202:1 Connection 182:7 conservation 50:24 consider 260:8 considerable 199:4 245:8 consideration 125:5 195:23 243:25 301:11 considered 94:11 198:13 215:23 consist 45:21 consisted 85:17 consistent 105:6	160:11 161:13 171:3 223:2 298:6,11 consistently 113:1 constructing 70:16 construction 70:16 85:17 137:10,12,15 207:11 271:24 constructive 26:4 consult 251:17 consulting 14:20 15:5 43:3 contact 61:5 270:15 contain 144:25 166:7 186:1,3 199:13 224:24 263:24 contained 22:11,16 57:8,18 69:3 139:12 141:22 146:4 166:11 166:14 182:2 228:22 280:17 283:11,20 contains 180:14 306:6 Contaminants 10:9 contamination 243:14 content 10:7 202:17 228:6 contents 29:4 context 158:7 205:4 continue 32:23 45:14 85:7 215:2 216:24 continued 9:1 10:1 11:1 54:23 206:18 216:10 221:8 continues 202:13 continuing 81:21 118:20 133:13 248:25 contract 23:7 53:22 58:6,12,14,22 64:15 65:9 73:6 77:8 93:3 136:1 155:10 contracted 87:1 contractor 48:5 53:5 57:24 58:10,11 60:2 60:4 64:1,8 72:10 73:6,13,21,23 74:19 76:15 81:11,19 86:9 86:12 92:9 116:1 135:18,25 137:3,21 156:4 233:22 240:9 241:2 251:16,16 252:5 253:5,22 271:11 contractors 11:2 33:3 55:15 64:2,3,12,19 72:9 73:2,9,16 74:1 76:18,24 77:8 82:22
--	---	---	--	---

82:22 83:9,14 84:6 85:24,25 86:20,22 88:9,18 97:25 101:15 101:17 115:25 118:4 119:19 135:19 136:1 136:2 137:8 155:10 155:19 217:14 233:9 233:16 239:21,25 241:11 243:24 250:25 252:24 253:25 254:2,5,11,19 contractor's 58:23 242:7 contracts 83:7 contrary 78:23 control 26:15 44:6 45:17 49:3 50:10 101:21 125:10 200:16 201:2,5,8,10 227:3,7 236:4,10 245:5 285:18 controlled 224:25 240:2 254:6 controlling 44:1,3 controls 150:15 273:11 convenience 126:21 cool 55:18 cooperation 236:24 Coordinating 158:16 coordination 203:17 copies 53:1,6 55:5,9 101:3 129:23 131:5 306:11 copy 12:14 17:25 25:15 27:25 28:16 40:17 53:5,5 58:9 74:25 90:18 99:4 129:10 130:1 154:4 177:7 209:11 213:18 216:16 217:8 224:12 251:1 288:21 306:13 cork 193:14 194:13,24 220:12 corner 261:12 Corning 162:12 Corp 10:21,24 corporate 15:10,13 18:20 21:14 24:25 Corporation 3:8 5:17 5:17 7:6 303:24 304:16,16,20 305:4 Corporation's 11:11 154:7 Corps 124:20 Corpus 19:22,24 correct 14:19 15:13,17	17:5,10 18:14,24,25 20:7,8 21:21 26:12 28:6,7,22,23 31:3 32:14,15 35:11 37:6 38:6,7 43:8,14 44:5 45:6 49:12 50:21 51:8,9 54:5 56:21 57:1 59:25 60:25 69:22 74:14 88:15 92:4 94:23 95:4 102:2 105:7 108:15 116:15 119:17 121:17 122:19 130:8 130:9 138:22 144:4 150:8 153:16,22 155:23,25 156:2 163:11 165:6,16,24 166:17 180:8 184:25 185:21 186:22 187:1 187:5 188:9,14,18 189:14 192:1 193:12 194:5 196:1 200:20 204:25 205:1 207:1 209:25 213:21,22 216:5,11 219:23,24 221:10 223:13,16,18 223:19 227:9,23 228:9,23 229:10,16 230:2,8 231:4 232:2 234:11 239:20,23 240:4,8,12 251:20 252:1,10 253:19 254:4,15 259:5 260:2 260:3,12,13,19 261:8 261:23,24 262:3,6,7 262:12,13 263:16 264:24 265:3,6,11,19 266:4 267:13 269:9 269:17,19,23 270:12 270:25 271:1,5,7,8 271:12,16 272:5,8,9 272:14,15,17,19,21 272:24 273:1,4,6,12 273:13 275:20 277:1 277:2,5,19 278:18 281:1,22 285:14 286:16 293:14 298:10 299:4,17,18 301:1 corrected 48:23 corrective 244:22 correctly 32:10 76:21 77:3 78:2,21 79:15 79:22 83:12,13 86:6 87:4 91:15 98:9 100:5 103:2 105:4	108:10 109:22 111:15,21 113:21 114:12 115:11 118:17,24 119:7,13 123:9,21 125:2,11 157:23 159:12,24 160:21 163:14 164:6 165:11 170:11 171:2 171:22 172:10 173:1 173:8,25 175:11 178:16 179:7 188:1 193:7 195:25 197:14 199:6 200:7 202:8,19 207:24 214:4,21 222:11,23 227:14 234:18 237:2 238:2,8 240:3,7 243:16 244:1 245:12 249:6 251:19 252:9 254:14,24 Cosmich 4:18,19 8:9 164:17 170:6,8 215:10,21 267:3,4 268:1,7,14 269:8,12 270:4,13 271:25 272:18,22 273:2,7 274:11,23 303:12 304:8 cost 128:16,18 cos@cs-law.com 4:21 cotton 256:22 Council 131:9,14,17 counsel 15:19 16:1 37:18 42:3 68:14 69:11 74:21 95:15 99:13 282:19 284:5 290:4 303:20 305:8 count 193:15 194:5 counted 258:18 counting 208:23 counts 112:17 190:23 191:3,10,13,24,25 192:8 County 1:6,12,17 17:19 43:12 56:10,15 155:9 301:7 302:6,12,17 couple 112:19 151:12 154:16 course 20:6 23:10 137:18 152:18 184:24 216:5 269:18 court 1:2,12 13:19 15:1 302:2,12 Courtney 6:8 276:2 304:19 cover 11:4,5 19:20 20:3 29:21 41:23 166:22	210:7 covered 19:21 20:6 27:11 116:19,21 166:23 170:12 259:1 covering 59:9 60:14 61:1,2 96:21 107:10 107:12 108:3,7 109:7 140:17,19 162:24 164:9,14 165:14 167:8 170:3,20 172:4 172:8,19 173:5,17,18 173:23 174:24 185:2 192:23 193:6 270:18 273:9 274:18 coverings 199:13 coworkers 286:24 crack 63:23 cracker 48:25 62:5,6 101:25 cracking 61:7 62:5,6 62:17 101:13 121:11 122:4,14 192:15,22 193:5 206:12 207:18 craft 53:25 54:2,15 60:10 71:9,10,11,13 71:14 84:24 85:3 97:20,20,23 157:8 181:3,4,9,11 255:24 264:6 284:20 crafts 47:15 72:24 79:12 97:17 116:2,7 116:13 135:9 156:19 156:25 180:5 craftsman 109:16 171:10 craftsmen 109:2,13 159:4 Craighead 128:24 Crane 6:13,18 279:17 279:19,22 280:2 304:21,23 cranes 254:5,11 cream 126:3 create 90:13 108:20 109:15 110:2,6 160:14 161:2 167:25 276:14 created 90:9 91:2 107:13 109:9 167:9 167:16 169:19 200:6 284:22 285:3 creates 188:21 253:10 285:8 credentials 148:18 critical 177:13 critiquing 231:17	crocidolite 186:6 224:21 Crown 3:19 18:21 20:9 20:14,17 21:13,20,25 22:7,13 28:13,15,16 38:3,9 95:12 133:17 133:17 149:9,25 152:22 257:3 262:25 264:10,18 265:1,12 265:17 266:18,22 288:16 292:23 293:9 293:15,18,24 303:25 crude 181:14,15 crushing 193:9,14 194:14,24 195:2 CSR 305:19 306:19 cubic 67:7 93:7 117:16 117:19 153:21 192:1 192:17 195:21 229:15,18,23 241:4 241:12,20 242:3,10 274:1,10,19,19 cumulative 279:7 cure 202:7 current 232:10 currently 14:7,18 Custodial 306:8 Customer 10:22,22 248:3,4 cut 62:24 63:1 70:18 90:3 107:13 108:3 109:3 162:1 167:8,16 167:21,24 168:10,16 173:21 198:24 221:8 221:22,25 273:16 cutting 160:19,20 168:14 169:13,14 198:11 200:3 cwatson@strongpip... 6:10,11 C-E-R-N-O-C-H 171:9 C-Q 49:10 C.F.R 153:23
--	--	--	---	---

D

dad 124:17 125:16
daily 65:17
Dallas 3:11 4:4 6:21
7:4,9
damaged 271:8
Dan 201:20
Dana 5:17 304:15
danger 88:13,19
102:19 113:14
276:14
dangers 88:10

data 153:11 date 95:25 126:9 155:1 204:1 214:15 215:5 216:12,20 229:20 231:25 233:18 237:5 240:19,19 244:5 249:24 273:8 300:2 305:19 306:20 dated 8:25 9:14,15 10:2 10:4,5,7,11,13,14,15 10:16,18,21,23,25 11:4,5 41:20 51:11 74:13 150:6 217:4 218:10 219:15 223:12 224:2 228:3 236:4 239:19 dates 56:1 98:19 dating 51:21 day 2:5 54:24 72:21,21 85:14 113:17 118:10 118:11 128:17,18 129:21 158:10,15 233:10 266:8,10,16 266:19 294:19,20 301:8,12 306:15 days 71:12 116:23 220:25 dead 188:21 dealing 36:6 dealings 293:15 deaths 9:5 41:8 decades 164:9 165:4 deceased 134:5 December 1:22 2:5 300:2 302:20 decrease 202:17 Defendant 3:8,19 4:1,6 4:12,17 5:1,11 6:1,13 6:18 7:1,6,12 11:11 303:23,25 304:3,4,6 304:8,9,13,17,21,23 305:1,3,5 defendants 1:9,17 3:13 5:6,17 6:6 13:14 153:5 289:25 290:2 302:9,17 304:1,11,15 304:19 defendant's 226:17 DEFENSE 37:18 68:14 69:11 95:15 282:19 284:5 290:4 defensive 226:7 deficiencies 244:6,12 244:15,25 definite 252:6 definition 258:20	degree 245:7,15 degrees 66:8 72:6 165:3 DeHay 2:8 3:9 4:8 42:9 delivered 306:7,12 Delmas 7:14 demolition 235:11 Denno 187:9 department 9:17 36:3 36:5,8,19 38:14 44:14,23,25 54:17 87:13 102:11 114:8 116:24 127:24,25 128:2 150:12 203:12 209:21 210:14,22,23 213:24 229:5,17,24 259:12 280:25 281:1 281:2 departments 180:5 depend 48:20 72:5 84:24 89:10 128:20 141:22 200:11 depended 47:16 depending 47:2,5 66:12 depends 82:10 112:13 depo 34:12,12 163:18 deposition 1:20,25 8:23 11:6,7,8,10 12:3,7,9 12:10,14 13:16 16:12 16:13 18:13,16,23 21:2,19,22 25:16,24 25:25 26:3 38:4,8,12 40:6,11,13,20,23,24 42:15,16,17,18,22 47:23 48:4 50:19 56:5,5,9,14,21,23 57:9 59:6 61:6,12 62:23 63:5 74:6,8,10 74:13,22 75:17 78:9 81:4,7,8,9 83:23 84:11 86:16 89:5,14 90:20 96:11 99:6 100:17,21 105:14 106:15 107:7 109:5 110:25 112:20 114:3 118:7,13,13 120:2 122:25 123:3,4,5 125:5,7 128:9 146:18 146:21 149:7,11,24 151:9,10,16 152:6,19 155:6 156:14,21 158:9 160:5 163:4 167:1 169:2 170:8 171:14 176:22 179:15 183:15 255:2 264:17 266:17 267:8	268:19 283:1,22 287:24 288:2,12,20 288:25 289:2,20 299:14 301:1 302:19 302:25 303:2,7,18 306:3,4,7,9,10,12 depositions 14:4,25 17:9,12,13,25 20:18 21:25 28:13 41:24 42:10,13,19 43:7 44:22 46:21 52:5 55:25 68:2 99:5 142:11 152:1 156:13 158:3 187:5 218:16 220:20 264:8 279:24 284:15 286:23,25 287:2 293:12,19 depos@dehay.com 3:12 4:10 depth 41:5 describe 157:20 159:1 159:19 164:2 described 68:2,4 157:12 164:3 description 8:22 181:16 301:9 deserve 243:11 design 137:17,20 201:2 201:5 designated 15:11 128:23 251:17 253:18 designation 154:6,8 260:24 desires 124:21 despite 216:7,7 destroyed 296:9 details 21:4 detect 197:12,24 detected 276:20 determine 285:7 determined 146:17 determining 264:3 DETERT 7:8 develop 106:21 227:13 developed 30:12 258:15 development 38:20 182:8 246:19 248:11 developments 204:14 device 114:8 115:8 devices 112:11 diagnosed 110:17 diagnosis 202:2 Diamond 77:1 86:3 Dick 228:3,10	die 249:4 difference 173:9 293:3 different 22:15 135:9 149:14 188:11 201:1 205:24 206:10 262:11 265:7 286:15 288:10 differentiate 180:12 differently 254:21 difficult 202:7 224:24 dinner 16:7 direct 101:8,22 102:7 104:20 122:11 277:23 278:1 directed 177:15 directing 80:23 86:12 direction 159:4 directly 101:16 282:22 director 187:10,16 224:6 228:15 dirty 126:4 157:22 disability 187:25 disagree 89:16 99:3 103:3 105:5 120:23 120:24 121:7 126:22 126:23 157:3 168:23 198:20 215:12 222:25 245:25 disagreed 123:1 disagreeing 98:24 disagreements 121:24 discontinued 234:2 discouraged 138:7 discovery 136:16 discuss 15:21 16:2 128:13 133:1 136:25 183:11 209:7 210:3 219:18 225:4,8 249:2 discussed 15:18 28:12 51:10 104:3 130:22 135:5 182:13 195:22 198:6 225:2 265:13 284:17 discusses 262:11 discussing 149:6 248:1 298:4 discussion 37:21 100:16 148:1 183:1 184:18 199:17 216:1 248:21 252:17 discussions 35:20 91:21 disease 39:13 45:8 102:23,23 106:7 107:1,3 110:12,16 112:4 117:2 133:2	134:2,22 147:14 197:24 202:3 225:9 245:6 diseases 9:4 55:16 102:25 106:18,20,21 110:22 111:24 130:21 180:2 203:9 dismantling 122:17 disposal 162:2 240:6 dispute 159:14 160:1 160:23 167:13 172:12 175:22 179:9 184:19 189:13 190:10 191:12 198:19 206:25 208:1 212:25 217:25 220:19 222:3,17,25 disseminated 37:16 133:23 147:13 230:10 dissemination 224:24 230:13 dissolved 133:14 distinct 97:20 distinction 77:9 95:16 Distinctive 34:15 DISTRICT 1:2,9 302:2 302:9 disturbance 207:21 disturbed 66:17 Ditto 119:14 185:16,17 185:19 division 9:12 10:5,22 11:3 133:22 204:24 207:6,12,14 209:2,6 224:7 228:20 248:3 DNA 134:23 doctor 104:25 106:9 doctors 45:5 54:25 104:6,11,25 105:7 106:25 document 20:25 28:1,3 28:8,12,16 29:20,22 32:23 33:17,18 34:5 34:13 35:2,4,19 38:24 39:11 40:24 52:12 53:20,21 54:6 69:16,18,23 127:11 127:11 139:5 150:9 150:10,16,20,21 151:5 153:1,13 177:8 177:11,19 179:14,18 182:6,6,11,14 183:24 183:25 184:6 186:21 187:3,7 188:5 203:22 205:2,11 206:17,22
---	---	--	--	--

208:19,21 210:16 211:11,14,20,22 212:7,14,15,17,20 213:18 214:13,14 216:8,16,23 217:9 218:9,12,14,17,18 219:12,18 220:10 224:12,14 225:8,19 228:17,19 229:25 231:16 232:6 234:1,5 235:8,15,20,21 236:6 236:15,20 237:6,9 238:12 239:1 240:13 240:20 241:1 242:1,7 242:23 244:17 245:14 247:23,24,25 248:12 250:24 251:1 251:7,9,10 252:23 253:8,20 255:12 291:2,10,12,17 298:5 301:10 documentation 243:2 documents 9:25 11:4 16:11,18,21 17:1,8 18:12 20:16 23:9 26:3,8,10,20 27:17 33:16 41:18,24 51:14 53:7 55:13 65:8 114:21,23,24 115:2 127:14,15 134:4 135:11,14,15,24,25 146:19 150:4 151:2 176:14 188:6 211:14 216:11 253:1 255:14 255:15,19 256:4 269:3,8 271:3 274:15 286:23 DODD 3:4 DOGAN 7:13 doing 27:7 43:4,7 47:12 52:23 60:20,24 64:6 64:24 77:23 85:19,20 91:8 104:7 105:2 108:21 112:17 126:4 135:17 149:21 152:12 158:11,14 159:15 161:7 233:16 233:16 244:20 257:19 292:21 297:10 dose 264:3 274:2 dossier 114:14 double-jacketed 29:7 33:7 doubt 204:15 Dr 37:13 38:18 68:20	106:12 128:24 155:5 178:19 196:23 197:3 202:24 203:8,20 219:14 224:4,5,9 225:5 226:5,21 260:14 262:4,17 265:9 274:12,14,16 289:5,6 dramatically 189:15 draw 35:17 drawing 194:23 drilling 210:24 211:5 257:12 dry 222:22 232:20,21 232:24,25 233:5 duces 11:12 16:17 17:4 17:8 295:12 Due 273:21 duly 2:1 13:3 302:24 dumped 220:15 dumping 193:18 194:2 durable 32:13 duration 264:2 273:23 274:8 dust 9:14 10:11 26:22 66:18,20 68:12 86:24 90:9,14 91:2,7 92:17 92:20,23,25 93:4,8 93:14,20,23,23 94:2 94:6,19 95:1,3,7,14 107:12,15 108:4,8 109:9,15,21 110:2,6 110:6 113:16 115:18 115:23 120:12,20 153:20 159:22 160:4 160:14,17 161:3 167:9,10,16,25 168:2 169:14,19,21 170:3 170:14,20 172:8 173:5 178:15 179:5 183:5 190:19,23 191:3,9,13,16,24,25 192:8 193:15 194:5 197:3 198:16,25 199:5,19 200:6,17,22 201:2,5,12,13 202:2 202:4,14,17,18 204:18 207:21,23 208:4 211:2,9,21 220:16,22 221:1 222:22 226:23 227:3 227:12 229:14 232:19 233:6 234:1,8 234:15 236:24 243:14 256:22 258:6 258:14,18 263:4	273:11 274:5,18 276:11 284:22 285:2 285:8 290:16,20,20 291:10,13,21 292:15 293:5 297:5 dusting 220:24 dusts 94:7,9,15,16,17 202:5 208:24 272:23 294:6 dusty 91:8,12,13 93:18 93:19 120:9 157:22 187:23 201:3,4 202:15 207:19 284:25 dust-producing 9:9 52:10 186:23 198:14 dust-type 201:3 duties 181:19 duty 187:19 Dyson 11:13 153:3 260:14 289:6 Dyson's 260:12 262:4 262:17 289:5 E E 3:1,1 earlier 38:18 87:11 88:5 95:25 99:20 101:6 102:5 108:13 112:6 114:4 148:3 156:13 179:19 185:10 188:7 194:7 218:4 243:1,4 263:11 265:7,16 276:6 286:9 early 27:14 46:22 71:12 87:25 112:14 116:23 138:5,6,23 139:13,16 140:12,15 140:18 141:4,14 142:18 143:5 145:2 145:19 164:12 169:24,25 197:12 219:20 220:21,25 221:1 236:11 256:17 258:3 266:9,18 east 19:23 Eckhardt 224:4,5,6,9 Eckhardt's 226:5 Edith 34:19 edition 34:22 educated 237:13 effect 12:15 26:18 50:24 53:12 71:11 91:7 127:19 155:21 232:12 270:7 285:19 286:10,12	effective 10:10 233:18 233:20 244:5 254:17 effectiveness 188:22 effects 10:5 100:3 153:10 195:19,21 224:1 262:18 either 20:18 31:1 34:12 38:10,20 40:20 60:3 61:24 70:20 77:18 90:12 104:24 112:22 134:9 140:14 151:1 200:3 211:2,8 232:15 271:11 276:20 277:2 278:16 289:3 292:19 electric 6:6 198:17 276:17 304:20 electrode 199:13 electrodes 198:15 276:7 Elgin 6:16 eliminate 23:12 226:22 elimination 227:21 235:22 Elizabeth 34:20 Elliston 2:8 3:9 4:8 42:9 embarked 245:4 emergency 230:19 emphasis 256:16,24 257:13 emphasize 126:25 employed 14:7,9,11 45:21 57:23 73:12 174:13 197:12 305:9 employee 15:12,24 25:2 46:1 53:4,7,18 53:22,23 58:14 60:1 60:2,5 73:13 89:11 93:3 114:8 115:8 124:17,18 125:15,16 125:24 128:15 135:8 148:12 176:1 206:13 226:6,17,18 231:23 242:7 248:9 258:16 298:12 employees 23:7 33:3 35:21 44:9,12,20 46:14,24 47:4 49:3,4 53:1,19 54:17 55:1 55:14,15 58:6,12 64:1,1,5,8,13,15 65:8 65:10,11 72:9,10,10 73:6,9,16,17,24 74:18,19 76:13,15 77:9 80:8 81:1 82:22 83:2,15 84:5 85:23	86:9,9,18,19 87:1 89:8,16 92:9,9 101:3 101:11,19,21 104:12 105:7,9,11 107:1 110:9,10 112:11 115:24 116:17 117:9 117:10,21 118:4 119:18 120:12 125:21 126:8,15 127:22 130:13 134:5 187:20 196:5 235:11 236:22 237:4,13,25 241:2,2 243:23,23,25 244:7 245:8,11,16 246:2 248:12 252:5 253:6,22,25 254:1 255:24 296:17 employee's 258:17 employer 202:16 273:4 employment 10:10 14:15 129:6 229:9 emulsifying 161:24 enact 38:19 enclose 201:3 encouraged 107:15 ends 77:22 Energy 4:3 enforce 47:18 enforced 161:12 engaged 200:3 engendered 178:15 engineer 121:20 246:19 248:11 engineering 137:11,12 137:17,18,21 138:16 147:10 201:22 223:25 228:16 273:11 engineers 87:19 ensure 196:6 enter 252:6 Enterprises 5:1 304:10 entire 119:3 165:22 274:3 entirely 258:4 entitled 9:2,11,23 11:13 12:2 210:8 entity 14:16 environment 157:14,20 158:8 159:11 Environmental 132:17 133:21 epidemiological 225:5 227:1 epidemiology 112:2 equal 32:9,13 248:20
--	--	---	---	--

equally 214:19 248:1 equate 191:21 equipment 63:12 89:22 99:24 108:19 169:17 178:21 179:12 201:4 201:5 235:12 253:10 253:23 254:12,13 257:16 258:13 270:14,16,19,22 Eric 36:9 49:7 50:16 114:13 Erie 282:9 erythema 180:3 ESE 6:3 essence 51:24 essential 33:24 essentially 15:9 39:10 59:18 60:10 63:21 70:16 80:23 138:10 161:24 276:20 Esso 9:12,18,20,22,23 10:5 11:2 130:7 177:18 182:8 204:24 209:22 212:9,12,22 213:23 214:13 215:1 216:10,19,24 217:3 217:11,13 218:18 223:25 228:15 253:21 254:6 ESSO's 208:24,25 224:6 226:6 228:19 establish 201:6 286:2 established 27:3 117:15 286:18 287:8 287:16 Estate 1:3 2:3 13:12 302:3 estimate 14:5 19:11 23:18 43:21 131:4 estimation 226:6 et 1:8,16 9:2 94:16 302:8,16 evaluate 250:12 evaluated 216:3 evaluating 44:1 249:2 evaluation 10:24 177:16 226:5 249:18 event 13:23 everybody 168:21 171:1 288:5 evidence 22:9 44:18 261:3 270:5,7,8 evidently 85:4 exact 31:21 exactly 23:15 105:9 134:8 149:25 255:18	266:4 286:13,13 examination 8:6,7,8,9 8:10,11,12,13,14,15 8:16 12:12 13:4 45:20 46:9 197:11 225:2 259:21 262:22 267:2 275:9 276:4 277:9 278:10 279:11 298:1 299:1 303:4 examinations 196:5 example 29:17 47:16 48:24 50:16 109:19 139:6 142:8 180:14 194:25 244:20,25 253:13 285:17 examples 121:15 exams 45:7,8,22 54:19 exceed 178:24 exceeded 72:6 117:1 165:2 274:19 exception 79:2 174:3 excerpt 40:9 excerpts 267:8 excess 241:4,12 excessive 92:24 93:4,14 99:21 241:15 excuse 61:3 74:12,21 81:8 executed 301:11 exercise 249:3 exhaust 179:11 201:6 234:15 257:15 exhibit 13:1 25:22 26:8 27:24 34:9,11 39:5 40:5 41:17,19,22 42:7 52:8 55:23 56:4 56:7,9,11,16 69:13 69:15 74:13 83:21 100:21 153:14 176:5 177:1 183:2,15,18 186:16,18 203:18,19 204:20,22 207:3 208:12,12,14 209:15 209:19 210:9,11,13 211:25 212:1,5 213:9 213:16 216:8,13,14 217:2 218:7 219:8,10 223:4,6,20,24 228:1 228:2 229:2,4 230:15 230:15,18 231:11 233:8 234:25 235:2 235:25 236:2,15 237:16,16,18 239:12 239:16 240:15,15 246:7,7,8,9 247:13 247:19,21 249:15,17	250:21,22 252:19 261:2 291:4 298:3 299:22 exhibits 8:21 9:1 10:1 11:1 40:12,20 56:4 146:19,22 176:4 218:15 306:11 exist 62:19 137:3 248:18 255:14 existed 25:19 existence 55:5 142:13 257:22,23 258:13,22 296:4 existing 65:19 70:13,17 70:18 243:20 272:3 Expand 214:17 expect 211:4 expected 154:19 272:12,18,23 experience 51:5 59:13 64:24 168:9 171:4 246:1 259:2 276:13 276:16 292:18,19 297:15 experiments 224:18 expert 15:9,11 128:23 153:4 154:6,8,9 expertise 296:18 experts 154:23,24 Expiration 305:19 306:20 EXPIRES 301:16 explain 109:17 267:24 explanation 63:2 Exploration 210:24 explosion 253:11 exposed 22:13,19,25 44:17 88:10 89:12 112:12 156:7 168:20 172:7,19 173:5,10,23 174:23 175:2,23 199:18 206:9 224:20 241:3,11,11 242:9 258:8 263:4,14 264:4 266:3 278:19 294:20 exposure 9:5 10:11 11:13 22:5,8 23:6,12 27:8 34:16 36:21 44:4,9,13 45:18 46:11 47:16 50:25 51:18 53:24 54:15 55:2 57:21 58:5 89:10 92:20 93:13 99:21 105:1 116:18 116:25 117:1,22,25 118:22 119:5,11	126:14,18 134:2 135:6 144:1 147:21 148:12 150:25 151:8 151:8 153:2,11 161:5 178:8,11 180:11,19 181:7 183:2 191:17 191:21 196:6 201:12 201:13 211:5 220:22 221:2 225:9 226:20 226:23 227:13 230:24 236:25 240:18 243:24 250:13 258:7 263:14 263:19 264:1,2 266:6 273:14 276:18,23 287:21 291:13 293:5 294:24 295:2,8,10 297:18 exposures 10:20 23:7 36:6 55:16 95:23 99:20 129:16 206:14 219:15 222:22 227:7 240:1 241:15 273:16 273:18 294:9,12 expressed 301:11 extended 202:5 extensive 112:2 178:12 224:19 extent 95:9 207:23 208:4 250:13 256:9 271:13 295:9 296:7 extracted 231:9 extraordinarily 264:6 extremely 91:12 Exxon 8:24 10:21,22 10:24 11:11 13:13 14:7,9,11,12,13,13 14:14,15,16,20 15:5 15:16,19,23 18:3 20:6 22:20 23:1,11 24:10,12 25:1 26:14 27:16 28:6,9 29:11 31:17 32:24 33:15 35:20,21,22 36:11,19 40:1 42:4,5 44:12,19 44:24 45:10 46:1,8 46:13,20,20,22,25 47:4,19,20,25 48:4,6 48:7,15 51:5 53:1,3 53:22,23 54:25 55:14 57:13 58:19,23,25 60:1 61:7,24 62:2,16 64:1,4,5,13 65:3,11 69:18,21 72:9,10,16 72:23 73:3,7,8,11,12 73:17,20,25 74:18	76:13 77:17 78:12 80:10,19 81:12 82:3 82:7,11,11,15,22 83:4,8 84:5 85:23,24 86:9,18,19,21,25 88:9,15,20 91:22,24 92:3,9,9 95:2 98:14 99:13 101:4,11 103:16 104:7,12 105:24 106:17 107:22 110:10 111:3 111:5 112:1,7,23 113:2,10 114:6,20 115:5,6,17,21 117:10 117:24 118:3,14,21 119:4,10,19 121:1,11 122:3,9,14,18 124:17 124:17,18 125:15,16 125:16,20 126:13 127:2,12 128:3,11,24 129:13,14 130:2,7,13 130:20,24 131:6,8,16 131:19 132:10,25 133:10,18,24 134:4 134:12,25 135:14,22 137:5,11,20,22,23 138:8 139:16,16 141:3 142:13 143:16 145:2,3,15,21 146:16 146:20 147:3,16,18 150:7,12,14,18 151:8 152:5 156:18 161:17 162:5,21,25 166:10 166:16 167:3 168:15 170:13 175:20 181:9 181:17 183:16 184:7 186:13 194:9 196:4 196:13 197:17 199:16,21 203:7,24 204:6 211:14 212:12 218:23 224:9 226:11 228:25 230:6 231:2,6 231:16,23 232:6,25 235:12 241:1,2,17 242:1 245:10,16 246:1,15 247:23,23 248:1,4,12,19 249:19 249:20,23 250:12 251:7,22,24 252:1,25 254:17 255:9,13,14 255:25 256:24 259:2 259:6 266:8,22 268:11 269:3 270:6 270:16 273:3,7 277:5 277:18 279:5 280:1,6 280:6,16 282:8 283:4
---	--	--	--	--

283:8 286:1,2,14 287:5,6 288:6 291:9 292:23 295:12 296:17 297:17 299:13 Exxon's 35:24 47:17 58:3 102:11 113:23 137:18 226:18 233:22 247:3 Exxon-Mobil 3:8 15:12 15:12 16:2 17:5,24 35:13,18 43:4,18 55:9 59:14 128:16 154:7,12 204:16 212:18 213:21 235:6 295:24 296:2 303:24 Exxon-Mobil's 218:19 eye 151:21 202:15 eyeballing 161:7 eyeballs 159:20 eyes 160:18 167:11,21 173:14 E-mail 3:6,12,17,23 4:5 4:10,16,21 5:4,10,15 5:21 6:5,10,11,17,22 7:5,10,15 E-R-I-E 282:9 E.R 28:22 237:20	failing 243:22 failure 242:16,18 244:7 244:8 fair 15:3 60:19 76:3,4 78:12 79:4,11,19 82:23 101:22 115:7 138:22 159:5 167:20 266:21 274:14 fairly 60:10 94:12 112:2 114:22 145:5 153:11 274:5 fall 68:9 familiar 17:23 30:24 39:21 68:21 97:8 129:1,9 148:8 162:3 163:7 185:24 186:9 237:25 families 243:23 family 91:25 Fannin 5:13 far 26:25 84:21 106:25 129:23 137:3 151:7 157:1 161:21 162:5,9 164:25 173:12 175:16 191:13 194:15 195:2 213:3 238:19 241:3,12 253:5 271:25 292:24 293:5 farm 71:24 farsighted 202:16 fatality 148:21 father 91:23 Fax 3:6,11,17,22 4:4,10 4:15,21 5:4,9,15,21 6:4,11,16,22 7:4,10 7:15 305:22 306:23 feasible 295:9 February 8:25 28:9,21 42:18 56:6 74:13 298:8 February-April 9:13 Federal 39:19 231:8 fee 43:6 feedback 239:3 feel 243:11 feet 72:1 184:15 185:5 189:19,20 190:1,2 263:25 fell 113:19,23 fellow 203:14 fellows 120:19 felt 38:1 144:3,13 188:17,20 189:3,19 190:1 216:1 220:11 221:17 231:9 277:20	felted 220:11 Felton 10:16 237:20 felts 269:22 fenced 254:20 fiber 112:17 140:14 143:11 223:15,18 257:16 258:20 fiberglass 140:14 144:18 215:20 216:4 fibers 96:13,13 186:2,2 186:6 213:3 223:10 224:21,25 225:1,10 231:1 241:4,12,20 242:3,10 258:5,18,19 Fibreboard 56:15 fibrosis 107:4 180:3 197:13 fibrotic 224:20 field 50:9 63:14,17 64:6 68:1,17 80:4,6,9 84:22 85:21 158:17 158:19 204:14 234:17 figure 75:5,16 89:1 90:25 filed 306:14 files 28:17 203:25 fill 33:3 176:5 filled 33:8 filler 34:4 191:18 filter 112:18 258:17 filters 94:14 final 236:13 finally 56:14 102:14 193:17 222:19 227:18 262:14 financially 305:11 find 65:13 74:25 105:9 113:6,9 127:9 156:13 159:6 183:15 198:5 226:1 230:5 238:16 242:20 244:20 248:18,23 249:1 291:4 findings 38:19 149:1,6 276:19 fine 75:23 76:1 90:17 90:19 217:23 247:13 259:20 261:6,21 finger 113:19,24 finish 14:25 78:1 94:3 95:21 281:18 295:4 finishing 139:17 fire 48:1,7,8,13 69:7 108:17,17 140:10 141:25 142:4,17	253:11 275:16 fired 48:19,22 Firm 123:17 267:15 268:2 305:23 306:24 first 13:3 36:11 38:22 39:24 63:3 68:15 98:5 102:22 103:23 115:20 134:20 141:21 152:16 158:23,25 170:12 171:12,21,21 176:14 177:3 190:6 193:3 195:13 196:22 201:19 220:17 230:21 233:9,12 239:24 243:13 247:6 249:24 252:4 253:8 258:25 260:1 268:19 271:20 294:15,18 fit 62:24 165:25 173:21 fitted 221:8,25 fitters 59:15 fitting 160:20 five 256:18 278:16 flame 200:4 flange 30:21,24 32:5 68:6,7 109:8 290:21 flanges 299:6 flashing 61:3 fleshed 137:21 flexibility 97:18 fliers 141:9 flipping 196:21 floats 193:19 194:2 195:23 Floor 4:3 flowing 214:9 Floyd 1:3,12 2:3 13:12 302:3,12 fluid 62:5,6 101:24 207:18 Fluor 5:1 137:13 304:9 focus 125:14 focused 243:2 folks 202:23 246:22 follow 58:3,7,16 149:18 252:7 following 302:23 303:19 follows 13:3 303:7 follow-up 27:4 45:22 278:5 279:13 Fondren 2:6 302:22 305:18 306:19 foot 67:7 93:7 117:17 117:19 153:21 192:1	192:17 195:21 229:15,19,23 274:1 274:10,19 football 77:21 footnote 261:20,22 force 12:15 49:18 89:19 176:1 foregoing 301:1,10 foreman 82:5,12 84:1 forever 211:15 forgot 183:24 form 12:5 14:1 21:16 25:6 27:20 28:18 33:5,20 37:18,25 64:9 68:14 69:4 73:22 74:3 77:20 80:11 95:8,15 98:16 98:22 101:1 103:22 123:10 126:16 128:19 136:10 137:4 139:1 164:17 170:6 175:24 177:4 186:8 196:8 215:10,21 233:23 245:1 262:19 263:5,15,20 265:2,14 265:23 266:24 267:23 268:5,12 269:6,11 270:2,11 271:22 272:16,20,25 273:5,20 274:21 275:13,21 276:15,25 278:21 280:10 281:23 282:19 284:5 287:9,13,18 289:7 290:4,25 294:2 298:9 298:14 formal 23:11 54:10 127:9 136:15 formalized 117:7 formally 229:4 FORMAN 7:2 formed 70:19 formerly 222:1 forming 69:2 forth 60:12 85:3 148:21 fortunately 257:14 forward 187:9,22 forwarded 12:11 17:4 Foster 9:15 135:21 137:9 209:21 found 95:22 153:12 182:17,17 186:4,10 192:17 193:2 199:5 224:19 foundation 133:3,7,8
--	---	---	--	--

133:16 204:23 205:12 280:12 four 146:4 216:3 278:16 fourth 221:14 234:12 fractions 63:24 frame 85:15,16 88:22 97:10 110:10 112:13 124:25 125:1 265:9 268:16 Frank 209:10 Franklin 11:8,10 17:14 56:9 frankly 151:19 281:24 Fred 10:2 208:17,25 209:1,6,22 218:21 219:14 223:8 235:19 236:3 237:19 239:17 240:17 free 29:19 140:25 141:24 freely 197:12 Freeway 305:21 306:21 frequency 294:15 frequently 178:13 188:17 282:20,24 friable 256:13 271:6 friar 171:20 friends 110:21 front 13:20 223:22 FROST 5:19 frustration 249:3 full 24:3,4 246:15 262:14 264:4,4,5 285:15 294:18,20 full-time 36:9 Fume 198:25 fumes 198:16 200:5 function 45:24,25 46:3 46:5 104:8,24 105:20 fundamental 89:23 134:13,23 137:11 furnaces 144:24 207:10 furnished 73:2,6 81:13 81:25 further 8:14,15,16 12:10 29:20 32:12 33:25 79:3,17 88:7 94:13 99:16 102:21 107:7,24 113:13 115:4 119:9 125:4 158:6 167:19 173:3 179:17,17 190:16 195:22 199:8 207:4 214:23 217:21 222:5	226:11,12 244:3 279:11 287:19 298:1 299:1 305:8,10,13 306:1 future 155:4 226:23 F.S 9:14,15 10:15,16 10:18,19 F.S.V 235:18,19 G G 29:6,6 Galveston 17:19 43:12 Garlock 3:13 31:7,14 31:19 32:9,14,16,18 175:9,13,14,15,16,23 304:1 Garlock-800 31:5 Gas 30:21 131:20 gasket 6:1 30:25 32:5,8 32:12 68:16 261:16 262:1,11 291:10 298:3 299:6 304:18 gaskets 8:24 22:10,14 28:4,21 29:6,7,7,8,8 29:11,16,16,18,18,23 30:12,20 31:2,7,15 31:19,19 32:2,19,24 33:7 34:1,2 65:18 67:9,10,11,12,17,20 67:23 68:9 139:6 175:16 182:4 255:13 255:20 260:8,9,18,23 262:6,18 289:4 290:19,20,22,24 291:3,14,19,21 298:5 298:7,13 299:10 gasoline 63:24 gate 252:5 gathered 48:3 64:11 264:16 general 9:3 38:25 39:7 50:23 53:17 64:18 65:8 71:7,19 81:19 89:6 97:23 112:4 135:7 144:22 148:20 150:15 155:17 181:16 187:10 211:3 211:9 251:12 258:6 267:24 generally 15:22 53:16 57:16,18 61:22 64:22 66:8 112:15 148:14 148:22 149:21 189:2 219:5 263:2,6,7,9,14 263:18 generate 178:22	generated 86:25 160:4 218:18,20 274:6 gentleman 17:13 18:14 161:6 197:1 201:19 gentlemen 109:18 159:1 gentlemen's 270:9 geographical 27:12 Geographically 20:5 George 212:9 Georgia-Pacific 7:6 305:4 GERMER 5:13 GERTZ 5:13 getting 51:6 90:24 131:3 133:11 168:8 198:8 246:7 252:7 259:3 Gilson 226:21 gist 217:20 give 17:1 48:16 56:2 58:12 76:24 111:7 124:16 125:24 166:4 179:5 188:21 197:18 204:1 208:21 209:16 261:2 295:6 296:2 given 16:22 46:4 55:9 55:14 58:9,13 80:12 101:3 116:3 118:13 120:1 195:22 264:9 301:12 303:1,18 gives 294:15 giving 30:19 96:14 113:1 151:2 go 13:24 19:6 20:9 25:13 26:7 27:6 29:3 29:20,21 30:15 32:1 32:22 33:1 39:4 48:8 50:9 76:1,2,5 77:5,12 83:23 84:10 87:10 90:16 110:20 122:21 124:14 133:17,17 136:24 141:8 147:25 148:23 157:1 163:4 169:2 170:3 176:13 178:4 182:18 183:18 187:7 188:5 193:18 195:12 213:16 226:3 236:20 243:8 244:19 247:13,19 250:21 252:14 278:9 281:17 299:5 goal 271:14 295:10 goes 9:24 114:3 118:8 120:17 153:11 208:9 220:23 262:10 286:5	294:15 going 15:22 17:7 25:21 27:23 31:12 33:25 34:8 38:22 39:5 40:4 41:16,18 42:7,13 69:15 74:5 75:21,24 80:9 83:23 88:7 89:16,19 90:15 92:22 99:16 100:3,15 101:9 106:13 107:7 109:12 110:24 113:6 114:2 115:4 119:2 121:6,23 122:4,14 127:10 133:6 136:12 139:13 150:4,9,17 154:13 155:12 156:15 158:6 158:7 159:21 160:2 163:4 165:20 169:2 174:25 176:8 178:4 179:17 187:3 190:16 193:17 194:8,11 195:12 198:4,22 199:3,8,12,23 201:16 204:18 206:16 211:13,15 233:18 234:8 237:11 248:23 248:25 259:16,25 271:24 298:19 299:8 gold 47:25 good 22:4 23:15 72:7 100:2 121:5 127:21 151:17 153:11 175:21 185:25 197:22,23 201:6 204:8,10 236:23 267:4 271:15 276:6 281:13 goodness 83:22 gotten 49:2 98:19,25 151:25 230:11 Gould 28:22,24 Goulds 4:6 100:8 304:4 government 197:5 governmental 150:23 Grade 223:14,17 gradually 139:9 graduated 124:23,25 125:1 GRAHAM 6:20 granted 253:18 great 109:13 293:8 greater 283:10 greatest 207:21 Green 4:2 287:9,13,18 304:3 Greene 3:13 304:2	grimy 126:4 grinded 292:11,13,14 grinder 292:17 Grossman 34:20 ground 65:20 188:20 group 6:7 206:13 224:25 grow 248:17 growing 247:3 guards 77:22 Guard-Line 7:12 305:5 guess 22:3 25:24 41:8 51:22 69:7 79:3 120:21 125:14 136:22 137:6 142:22 148:10 149:3 150:13 150:13 152:19 159:18 170:23 181:6 202:24 208:3 211:17 216:7 231:17 239:2 245:15 248:9 250:16 256:10 295:14,22 guidelines 244:4,6 Guidry 5:12 304:13 guinea 224:20,25 Gulf 27:19 52:24 141:3 263:3,18 gun 187:8 gunite 141:17,21,21,23 guy 48:1,15 G-O-U-L-D 28:22 100:8 H H 248:11 hacksaw 68:8 109:3 half 16:8 20:1 266:10 295:10 Hall 171:12,15,16,16 171:17,19,25 172:1,2 172:7,19 173:5,17,23 hammers 109:2 Hammond 10:15 23:9 23:13 26:17,23 36:14 44:21 45:13 46:21 50:18 52:15 54:21 111:24 150:5 151:5,7 177:6 178:1,18,19 225:5 236:3 274:12 274:14,16 Hammond's 35:12,16 46:21 104:17 110:14 128:9 140:20 158:3 220:20 223:3 264:17 hand 25:22 34:9 39:5 40:4 41:21 42:18
--	--	---	--	---

69:15 151:14 169:17 176:11 206:16 221:8 221:25 222:1 234:13 234:14,16,23 301:12 handle 196:14 handled 95:10 96:9 187:24 190:2 254:21 256:20 handles 268:2 handling 95:23 172:15 173:9 176:1 195:23 201:4 240:6 244:4 277:2 hands 109:14 hands-on 51:5 64:21 126:4 259:2 Handwritten 10:12 Hang 230:3 Hans 150:6 happen 125:9,10 141:11 157:5 160:10 167:8 168:7 251:22 happened 80:2 133:15 233:4 happy 41:5 136:18,24 hard 48:6 Harman 248:11 harmful 195:19 202:6 Harrington 201:20 Harris 1:6 56:10,15 302:6 Harwood 6:20 hat 48:1,6 hate 92:21 124:16 hazard 10:24 94:12 98:6 108:20 117:6 236:4,10,17 249:18 260:9,10 265:25 291:13 hazardous 9:25 89:12 95:23 108:1 129:17 195:18 218:10 219:1 219:4 224:10 229:6 hazards 36:20 37:3 38:14 44:2,4,9,13,20 45:18 47:2 51:18 53:19,24 54:14,18 55:1,15 88:18 92:12 98:12,15 99:18 103:8 104:13,13,16 116:24 130:21 133:1 135:5,9 135:11 147:13 155:22 156:7 197:3 200:17 204:17 256:18 265:13,17,20 294:1,1 298:4	haze 93:16 head 48:1 133:5 280:13 headed 259:14 headquarters 208:24 228:20 293:11 headquarter's 106:11 health 10:9,11,24 21:5 21:7,9,15 44:1,3 98:5 98:12 127:21 132:17 133:3,7,21 135:8 153:10,15 155:20,21 155:22 156:7 177:14 177:17 201:20 202:6 203:17 204:4 209:11 229:5,17,24 230:7 236:22 237:5 245:7 245:16 246:2 249:18 250:8,12 256:18,19 261:16 262:1,18 hear 112:22 119:4,10 155:14 174:14,20 277:11 heard 17:22 29:1 54:9 54:10 80:15,18 102:12,14 103:19 118:11,14,21 145:10 167:5 168:25 174:8 255:3 257:5 268:18 279:16 hearing 50:24 Hearne 124:18 125:17 hearsay 261:3 heart 197:11 239:10 heat 97:5 253:11 heater 59:8 heavily 269:1 heavy 179:5 Heirs 1:3 2:2 13:12 302:3 held 76:10 help 16:11 65:14 94:10 181:21 242:20 267:22 291:17 helped 202:23 helper 181:3,17 292:1 292:10,19 helpers 180:6,21,23,24 181:4,7 helpful 25:7 Hendricks 9:14 10:7 177:6 182:20,20 183:9 208:18 209:2,5 228:3 Hendrick's 228:14 Hercules 5:6 304:12 Hewitt 154:1	he'll 176:17 hierarchy 84:21,23 Higgs 4:7 304:4 high 66:6,7 72:1 94:12 124:24,25 139:7,7 164:22 165:19 178:15,22,23 180:14 234:1 higher 213:7 highest 101:10 highlight 151:18,23 152:1,5,20 high-temperature 219:21 Hillhouse 169:11 hired 155:19 historical 153:8 historically 83:13 196:13 history 9:2 34:14 35:9 35:24 99:2 150:23 Hobart 6:6 276:2 304:19 holding 161:25 holds 59:18 holes 176:5 home 124:18 125:16 170:3,16 225:10 hope 152:12 hoped 83:5 Hopefully 188:5 hoping 125:8 hoses 108:17 hospital 45:2 hot 108:19 122:14 192:22 193:5 253:9,9 253:10,16 hour 16:7 43:3,5,13,16 hours 43:21 158:15 house 146:2 household 126:14,18 225:8,15 housekeeping 201:6 houses 146:2 Houston 3:5,22 5:3,9 5:19,20 6:10 9:5 10:21,23 19:4,22 23:17 40:7 41:1 50:17 106:2,11 134:9 134:14 136:6 148:9 168:15 246:16 247:3 248:4 305:21 306:22 Howard 21:19 288:15 Huh 151:19 190:4 226:1 human 202:16,16	Humble 9:7,17 10:3 36:14 45:13 69:19,20 69:21,25 91:23,24 92:5 93:25 94:5 128:3 183:19 184:6,8 199:21 210:15,20 223:8 236:8,8,16 Humble's 23:17 hundreds 80:13 96:25 HUNTON 4:2 hydrocarbon 50:25 hygiene 9:6,12 19:5 24:21 33:15 34:23 36:8 43:22,23 44:7 50:23 51:1,7 59:13 62:14 90:5 91:22 114:7 122:2 126:2,25 127:12 128:14 132:11 133:8,16 150:15 166:16 177:5 177:17,25 179:19,21 182:7,19 200:9 204:22,23 205:12 213:4 228:15 259:4 259:12 273:10 285:16,22 289:16 296:18 hygienist 24:25 33:19 34:25 36:9,12 44:7 49:11,21 148:5 153:4 182:24 218:24 260:2 260:4 285:6,7,11,14 hygienists 35:21 87:22 88:1,3 H.N 203:12 I IARC 261:14,23 ice 126:3 idea 62:20 67:22 103:25,25 150:19 185:17 190:15 197:1 209:17 215:4 231:24 247:12 248:8 255:11 identical 63:21 identified 256:18 identifies 152:13 identify 8:24 20:12 25:23 28:3,4,21 34:13 39:6 41:22 42:8 49:6 69:23 105:16 134:5 140:24 163:15 208:14 209:19 212:5 223:6 223:24 228:2 229:2 231:11 236:2 237:18	239:16 240:16 246:9 249:17 250:22 255:12 258:19 291:18 identifying 268:10 291:3 identity 301:10 II 29:4 iii 189:25 240:10 Illinois 6:16 imagine 255:22 immediate 113:14 immediately 202:17 impinger 112:16 273:22 impingers 257:20 258:3 implemented 220:24 236:11 implies 249:10 imply 113:15 importance 207:22 295:7 important 79:5,10 152:4 188:12 226:22 226:25 294:23 impossible 71:16 202:7 impression 21:8 46:19 262:4 264:16 improve 258:9 inch 184:16 inches 184:16 incidence 112:3 include 47:14 52:23 94:19 201:13 214:17 227:10 included 23:9 30:18 116:5,6 212:23 256:21 299:16 includes 207:12 229:8 303:20 incoming 63:23 inconsistent 103:3 106:23 107:21 108:11 113:25 118:18,25 120:25 269:2 Incorporated 77:1,2 86:3 incorrect 114:13 incur 117:1 INDEX 8:1 indexing 152:3 indicate 61:12 88:17 184:3 198:15 206:7 215:1 216:23 217:16
---	--	--	---	--

217:21 233:21 235:9 235:20 236:16 238:6 238:24,25 245:14 250:15 indicated 38:21 57:4 195:16 273:23 indicates 65:9 68:12 123:5,7 124:6 235:8 indicating 82:20 135:15 225:21 indication 93:21 226:16 235:17 268:3 indicator 258:7 individual 17:16 73:9 167:2 171:5,8 174:5 174:6 255:3 Individually 1:2,4,4 2:2,3,4 13:11 302:2,4 302:4 individuals 169:1 industrial 9:6,12 19:5 24:21,25 33:15,19 34:23,25 35:21 36:7 36:9,11 43:22,23 44:6,7 49:11,21 50:23 51:1,7 59:13 62:14 87:22,25 88:3 90:5 91:22 114:7 122:2 128:14 132:11 133:3,7,7,16 148:5 150:14 153:4 166:16 177:5,17,25 179:19 179:21 182:7,19,24 200:9 204:4,22,23 205:12 213:4 218:24 228:15 259:4,11 260:2,4 273:10 285:5 285:6,10,14,16,21 289:16 296:18 industries 7:1 256:20 257:6 277:13 305:2 industry 30:6 37:3,5,5 37:7 52:11 64:18 71:12 100:14 131:23 187:19 197:5 209:13 209:21 225:23 226:8 227:1,2,22 246:13,17 248:5 inform 106:18,20 233:11,18 information 9:14 23:8 25:9 30:19 32:4 33:8 35:13,16 37:9,12,15 37:15 41:7 46:18 48:16 49:2 64:17 65:7,14 99:1 103:13	104:6 106:13 110:12 111:18 120:6 130:25 135:19,25 136:1,3,8 136:9,22 137:2,3 147:9,13,16,19 153:18 154:12,18 166:4,5 191:4 194:21 194:23 206:24,25 208:23 209:14,23 212:22 230:11 251:12,17 295:13,15 296:5 303:18 informed 106:14 107:4 156:7 236:22 237:4 informing 105:7 infraction 48:21 infrequently 73:19 166:3 inhalation 195:17 inherent 265:25 initial 137:17,20 initially 19:16,21 24:10 24:14 35:5 37:12 139:8 241:5 245:4 initials 218:20 235:17 Injury 197:4 inside 178:13 inspect 20:14 148:24 inspection 20:20 148:16,17,20 149:6,9 149:12,22,25 256:16 257:13 299:10 inspections 19:6,9 20:10,17 149:14 168:13 256:20,24 257:2,8 299:7 inspector 20:13,22 38:10 inspectors 19:13,19 20:3 47:17,19 64:13 149:15 161:11 176:1 install 59:17 179:11 installed 142:19 257:15 installing 47:10 59:16 70:21 117:20,24 161:1 instance 2:1 155:5 192:14 200:22 instances 110:15 instantaneous 241:8,10 294:10 295:1 institute 130:5,8 203:13 227:3 236:9 236:16 250:7,11 instituted 50:11 227:8 instruct 73:12	instruction 116:3 instrument 301:10 instrumentation 181:22 insulate 59:20 70:8 157:9 214:18 insulated 70:22 78:14 220:12 270:14,23 insulating 10:7 57:19 60:11 67:2 86:25 121:10 122:8,13 139:17 185:20 188:8 188:16 189:10,24 190:5,17,18 192:14 192:22 193:5 194:16 228:7 242:8 insulation 9:7,19,20,22 9:23 22:10,14 37:2 47:11 57:6,8,25 59:8 59:19,23 60:7 61:4 62:13 64:7 66:10,13 66:17 70:1,4,7,9,10 70:21,23 71:3,7,17 72:3,18 77:18 78:5 90:3,11 91:12 93:9 93:13 95:17,24 96:20 97:10,13,22,23 108:14,16 109:2,7,13 109:17 110:5 114:9 115:18,23 116:4 117:21,25 121:2 122:4,18 132:2,5,8 138:13,15 139:8 140:16 146:11 156:19,24,25 157:1 157:11 158:5 159:23 160:3,13 161:1,15,16 161:17,23,25,25 162:4,4,20,25 163:7 163:8 166:2,10,13 167:17,22,25 168:10 168:16,20 169:14 172:14 175:8 183:20 184:3 188:12,22 189:4 190:22 192:6 193:9,14 194:13,16 194:25 195:1 212:10 212:21 214:1,17 215:19 216:3,9,20,25 217:19 218:2 219:19 219:21 220:11 221:8 221:23 222:9,21 225:6 227:12 228:21 234:2 235:11 240:2 271:4,18,20 272:14 274:5 282:6 283:17	283:18,23 284:1,10 284:14 285:2,8,20 286:6,7 294:16 insulations 179:4 188:11 insulator 57:19 59:24 60:1,11,13 71:8 156:23 170:15 178:13 222:20 241:18 242:1 264:7 insulators 47:11,15 59:20 60:17 67:2 78:6,7 79:18 84:2,4 86:17,22,25 87:5,6 88:9 97:10,12 109:12 115:16,22 116:6,8 157:9,9 163:23 172:3 172:21,23 173:20,20 180:6,18 207:13,14 219:15 222:14 227:2 227:10 265:9 271:12 284:21 294:16 insulator's 71:4 189:3 intact 68:10 intelligently 187:24 intended 143:24 225:1 226:13 291:17 Intensity 206:15 intent 295:8 intention 110:5,5 intentionally 110:2 interest 33:23 151:18 151:24 268:9 interested 237:24 305:11 interesting 99:1 interior 242:9 intermittent 263:23 internal 26:14 177:16 249:10 internally 199:20 interpret 89:23 interpretation 239:5 interpreted 274:12 interrupting 61:18 261:5 interval 45:23 Interviewed 246:18 248:10 Introduced 34:16 introductory 123:13 investigation 216:3 investigations 195:14 195:16 involve 19:9 44:4 181:23,24 214:6	283:4 involved 59:15 70:20 198:17 202:24 205:8 205:9 241:18 242:2,8 280:23 285:16 involves 59:12 181:13 212:10 involving 14:4 39:1 205:9 207:11 236:24 283:4 284:16 in-house 271:12 ironic 183:7 Irving 36:25 196:23 isolate 201:4 isolated 161:22 254:20 issuance 238:4 issue 120:20 249:13 274:16 issued 16:17 149:2 229:17 236:13 244:4 issues 21:14 72:8 128:14 217:10 253:4 253:5 item 30:2 items 235:21 243:10 J J 5:2 187:9 304:9 Jackson 4:20 jail 13:24 James 23:9 26:17 44:21 45:12 46:20,21 50:18 52:14 150:5 158:3 171:12,15,16,16,17 171:19,25 172:1,2,7 172:19 173:4,17,23 Janet 1:4 2:3 13:13 302:4 January 235:9 jeopardized 254:13 Jeremy 7:2 277:13 305:1 Jersey 133:22 134:9 182:20,25 187:17 204:6 208:24 212:9 249:19 Jesse 11:7,8,10 17:14 42:13 55:25 56:6,9 Jim 36:13 104:17 110:14 128:9 140:20 174:6 223:3 236:3 264:17 jlaboos@smsm.com 3:17 JM-60 31:5 32:9 JM-70 32:13
--	--	---	--	---

job 47:3 49:20 60:16 60:17,18 61:6 71:3,4 78:1 89:20,21 101:12 104:14 134:20 142:20 156:25 159:7 180:15 181:11,16,21 207:8,19 251:14 252:4,7 285:6 292:6 jobs 47:5 64:2 101:17 135:10 180:10 243:11 John 3:15 4:18 6:13 34:19 171:5 259:25 261:1 267:4 279:17 279:19,22 280:2 304:1,8,21 Johnson 172:24 Johns-Manville 31:24 162:12 163:11 175:9 184:10 185:21 219:25 222:13 226:5 234:9 joined 19:16 24:10 36:14 40:1 45:13 54:22 104:18 joins 69:2 joint 29:8,17 Jones 10:19 240:18 journal 34:23,24 131:20 132:10,21 201:23 journals 37:11,13 132:24,24 203:8 judge 13:21 JUDICIAL 1:9 302:9 July 9:10 10:10 186:21 237:21 239:19 jump 217:24 jumped 187:8 jumping 69:12 June 9:25 42:16,16 56:11,16 156:15 204:6 218:10 230:22 249:25 jury 13:21 109:18 113:15 159:1 J.E 246:11 248:7 J.M 31:24 186:4 J.W 10:15 178:1 K K 5:12 10:2 219:14 304:13 Katy 305:21 306:21 Kaylo 162:18,19,19,20 162:24 163:14 164:1	164:2,9,13 165:5,13 167:8,22,24 168:20 170:3,20 172:3,7,19 173:5 222:10 234:9 268:15,19 269:1,18 269:24 Kaylo-containing 164:21 keep 114:23 117:22,25 204:13 214:9 261:5 271:14 273:11 Keith 4:13 5:2 304:6,9 keithstanley@adams... 5:4 kept 134:7,9 195:20 197:10 kettle 193:19 194:2 key 95:25 kick 233:6 kill 102:23,25 112:23 Kimberly 7:7 305:3 kimberly.steele@sd... 7:10 kind 24:20 41:17 55:19 62:11 69:12 77:25 80:8 83:18 120:6 131:22 154:1 158:6 183:7 185:23 187:18 206:1 209:16 254:16 283:16 291:20 KIRKPATRICK 6:20 Kneese 11:4 41:21,25 41:25 knew 77:23 88:12,22 95:3 204:17 273:7 knife 68:8 know 14:24 17:16,18 17:21 18:6,8,9 20:12 20:15 21:13,25 22:2 22:9,12,15 23:13,15 23:15 25:19 27:16,21 28:16,24 30:22,23 31:7,10,12,14,16,17 31:21,22 32:16,18,21 33:11,13,14 34:2 36:5,15,20,23 38:9 38:20 39:18 40:10,15 40:16 41:4,6 43:18 44:19 45:10,25 46:3 46:4,7,13 47:19 49:8 49:15,24 50:4,6,13 51:3,17,20 52:12,14 52:14 53:11 54:8,10 54:16 55:6,14 57:12 58:11,13,20,20 59:12 60:9,11,19 61:1 62:9	62:19,25 64:10 65:9 66:3 67:16,20,23,25 68:1,24 71:6 72:21 77:21,23 78:4 80:3,5 80:9,25 81:2,3,4,15 84:22 88:18,23 91:12 91:23 92:8,14 93:4 93:24 94:7 96:24 97:14 98:11,23,24 99:13,14,23 100:2,7 100:14 104:1 106:9 106:23,25 107:1 110:9,12,17,19,22 111:2,17 112:10 113:4,10,11,14,20 114:20,23 115:1,3,16 115:20,24 116:2,7,10 116:16 117:9,13 118:5 119:18 120:14 121:4,10 122:3,8,13 122:17,24 123:23,25 123:25 124:3,21 125:6,20,23 126:7,9 126:10,13 127:7,16 128:1,16,25 129:1,4 129:24 130:10,16 131:11,19,22,24 132:1,5,24 133:13,20 133:23 134:1,7,10,11 134:12,15 135:3,5 136:2,4,5,9 137:3,13 140:5,7,8,22,25 141:4,11,25 142:5,9 142:12,15,16,19,19 142:25 143:4,19 144:4,7,10,12,18,20 145:4,6,8,15,17,18 145:20 146:3,6,9,12 146:15,24 147:5,12 147:16 148:6,10,11 148:12 149:5 150:16 151:19,25 153:17 154:10,11 156:25 157:8,13,16 161:21 162:15 165:1,8 166:9 167:3 169:5 170:19 170:24 171:5,8,16,17 171:18 172:18 173:17 174:5 175:13 175:14,16,19 177:11 178:5 179:12 180:23 181:13,19 182:2,13 182:16,20 183:16,16 185:15,16,23 186:2,6 186:11,15 187:15 190:13,16 194:8	196:11,13,18,20 197:1 198:2 199:16 201:23 203:2,13,15 203:18,23,24 204:1,6 205:18 206:24 208:5 213:2,7 215:11,18 217:11,13 218:1,3,4 218:5 224:23 225:2 225:15 228:10,13 229:21 230:11 231:15 232:22,25 233:13 234:20 235:16 236:8,9 238:10,19 240:23,24 244:24 246:10,22 247:10,23,24 248:7 249:20,21,24 250:10 251:6 252:23,25 253:4 254:16 255:1,9 255:14 256:23 257:2 259:11,14,15 260:14 261:3 264:18,20 265:12 266:8 267:17 270:18,20 272:4,7 279:19,22 280:1,13 280:21 281:2,5,12,17 282:3,4,7,8,18 286:21 287:7,11,14 288:12,24 289:23 290:6,8,8,23 291:4 291:16 293:7,9,11,18 295:9 296:8,11 297:17 299:10,12 knowing 111:24 290:5 knowledge 11:13 57:9 58:17 67:11,13 106:13 107:21 111:8 111:23 118:19 119:1 120:25 121:13 122:7 122:12 126:17 130:21 140:12 143:20 153:2,9 157:18 160:11 161:13 168:9 171:4 197:16 204:16 213:4 224:8,16 231:19,22 238:7,25 241:2 259:9 260:18,23 262:6 264:9 265:21 270:17 272:11 277:23 278:1 280:4,6,7 281:9 282:10,12,16,21 284:9,9,13,21 285:1 285:7 287:10 291:1 293:25 297:15 known 80:20 95:6,11	95:13 124:22 174:16 204:12 207:19 231:3 301:9 Koepke 169:3 170:3,20 KREBS 3:4 KRUTZ 7:2 ktruffer@rmmr.com 4:16 Kyle 11:4 41:21,25 91:4 K-O-E-P-K-E 169:3 L L 4:2 5:7 304:3,11 labelling 232:16 LaBoon 3:15 8:7,15 139:1 163:18,21 175:24 259:22,25 261:6,7 262:21 289:4 290:25 291:5 298:2 298:11,16 303:10 304:1 labor 47:12 81:13 209:21 Laboratory 182:8 laborer 84:1 174:8,17 laborers 85:2 116:5,8 180:7,19 206:8 lack 233:21 238:6,7,24 238:25 280:12 laden 225:1 ladies 109:17 159:1 Lamar 5:3 laminated 216:2 language 93:2 155:13 Lanza 9:11 202:24 203:8,20 204:2 lapel 114:9 large 60:3 198:16 202:4 205:23 214:11 larger 189:18,25 293:8 largest 23:17 Larson 1:20,25 8:5 11:4,5 13:2,8,10 14:24 16:17 25:22,22 27:24 32:1 34:5,18 39:4,5 40:5 41:16,19 42:7 43:1 50:6 55:24 56:4,11,12,16 60:19 76:6 81:8 82:20 83:19,21 87:11 89:4 90:21 107:24 115:16 121:1 122:23 125:20 142:25 148:3 151:16 154:22 156:14 162:10 176:3 179:18
--	--	--	--	--

193:23 196:4 200:16 204:20 209:16 213:13,16 223:22 228:2 240:16 252:20 259:17,23 262:24 267:4 274:24 277:11 278:12 279:13 297:22 298:3,23 299:19 300:2 301:1,5 301:9 302:19,24 lasted 270:20 lasting 100:3 late 27:14 81:24 98:13 108:2 112:14 114:5 132:20 133:12,15 258:24 latent 106:20 107:1,3 laundering 170:13 243:22 Laura 4:7 304:4 Lauren 6:19 304:23 law 1:15 2:7 39:15,25 123:17 267:15 268:2 302:15 laws 9:3 38:25 39:7,12 lawsuit 25:17 104:1 267:22 268:8 287:6 288:3,5,17,21 lawsuits 268:2 283:7 lawyer 17:24 113:10 123:25 124:9 159:17 172:18 173:4 175:1 183:16 267:11,14,15 287:25 297:2,3 lawyers 17:5 42:5 55:9 100:22 152:5 212:17 213:20 235:5 259:17 268:8 295:24 296:2,6 lawyer's 174:22 lead 94:16 98:14 256:21 leading 263:15 265:23 266:24 267:23 268:5 268:12 269:6,11 272:16,20,25 273:5 274:21 275:21 276:25 278:21 298:9 298:14 learn 35:23 102:9,10 102:22,25 104:11 283:13,22 learned 68:4 102:6 103:8,13,16 104:3 108:12 114:1 204:13 learning 50:20 103:12 109:1	leave 201:15 229:13 252:6 leaving 129:7 Lebrocq 36:9 49:7 50:16 114:13 LEDYARD 6:8 left 20:1 114:6 125:25 126:1,6 296:16 legal 11:4 41:23 LegalPartners 305:20 306:21 legislation 38:19 Legislature 39:9 length 185:13 186:17 letter 9:14,15,18 10:3,7 10:19 11:4,5 41:23 42:9 150:5 208:17,22 209:20 223:7 228:3 let's 23:25,25 29:21,25 35:25 40:25 50:8 55:21 67:1 69:25 70:25 76:5 77:5 105:23 108:2 114:5 151:17 162:11,12 168:13 169:24 177:20 183:18 184:9 207:5 209:10,20 210:9 212:7 215:14 217:1,2,24 223:7 225:11 231:12,12 237:19 239:17 240:18,22 242:17,17 245:18,23,23 246:10 247:6,19 253:24 260:6,20 261:10 292:3 level 128:15 250:13 levels 117:18 241:3,12 273:15 274:18 lhiggs@dehay.com 4:10 liaison 251:15 lie 13:23 282:1 Life 203:5 lifetime 293:16 lightly 227:6 likewise 233:17 limit 117:11,16,23,24 118:1,15,22 119:5,11 178:25 200:12 229:11,14,18 230:23 273:25 295:10 limitations 258:4 limited 51:6 165:18 178:14 210:21 259:3 275:14	limits 116:25 117:1 Lincoln 6:6 199:21 276:2,17,23 297:2,3 297:3,4,8,10 304:20 Linda 148:6 Linden 10:25 133:22 212:9 249:19 line 63:4,5 65:25 66:12 67:2 74:8,16,24 75:22,24 76:6,23 77:13 78:8,9 79:4 81:10 82:19 83:23 84:11 85:8 86:17 87:10 88:7,15,19 91:4 98:4,4 99:17,19 100:19 101:9 102:8 104:23 106:15 107:8 107:25 109:6 110:24 112:20 113:13 114:3 115:4 118:7,9 119:3 119:3 120:4,18 124:10 141:25 142:17 144:24 156:22 157:19 158:7 158:24,25 159:18,21 160:13,15 163:6,13 163:22 164:2,8 165:4 165:13,21,23 167:7 167:20 168:18 170:2 170:19 171:12,14,17 171:18,21,21,24 172:17,20 173:3,13 175:1 192:20 194:17 214:7,7,8 275:16 lines 9:20 60:10 65:17 65:23 66:4 69:7 71:13,14 76:2 121:2 122:9,14 142:4 192:22 193:5 214:2,6 214:18 219:21 220:12 241:18 242:2 Lione 106:12 Lisa 5:18 275:6 304:15 list 9:25 218:9 219:7 237:11 listed 154:9 195:4 203:6 206:8,21 219:4 listing 39:12 lists 62:15 70:2 179:23 218:25 219:23 223:10 literally 248:22 literature 129:25 278:22 litigation 150:17 268:3 289:24 290:2,11	little 25:14 42:12,25 56:19 65:23 101:6 169:19 170:18 174:1 176:15 177:22 179:17 184:24 200:16 222:5 226:3 263:14 265:7 live 249:4 254:12 living 40:25 lmassey@powersfros... 5:21 local 179:11 234:14 257:15 located 23:16 136:5 145:24 location 106:1 177:15 177:21 206:12 248:4 locations 254:12 292:21 LOCKHART 6:20 logistics 83:19 long 16:6 23:13,20 24:4 24:8 43:9 49:24 98:18 114:23 130:10 130:16 131:11,24 132:13 292:8 longer 194:14 195:3 234:3 Longhorn 6:1 304:17 Longo's 68:20,20 look 26:1 27:24 33:2 40:8 41:4,6 42:21 55:7 62:21 67:6 74:17 93:17 136:18 136:18,24 154:14 156:16 166:4 179:13 183:14 205:5 208:22 217:23 260:16 285:17 299:5 looked 63:1 91:13 135:13 139:5 looking 188:8 215:22 236:15 260:24 looks 32:14,22 164:3 201:23 217:3 218:20 230:19 231:12,12,13 231:16 232:1 240:17 247:25,25 249:18 Loop 6:3 loose 220:14 221:12,13 221:19 lot 102:1 113:16 159:22 253:3,5 262:11 292:14 296:17,17 lots 96:21 268:2 Lott 7:13 305:5	Louise 111:2 Louisiana 3:21 9:12 11:2 204:24 219:16 low 206:14,15 264:1,6 lower 274:8 lowest 295:9 loyal 124:22 loyalty 125:17 lsyler@king.com 6:22 lung 106:19 111:9 225:22 lungs 180:3 197:11,13 224:20 225:1 Luther 167:2,7,21 172:24 Lynch 3:20 8:8 21:16 28:18 95:8 262:23,24 263:7,10,17,22 265:16 266:1 267:1 292:23 294:2 303:11 303:25 L-A-R-S-O-N 13:9 L-E-B-R-O-C-Q 49:9 L-I-O-N-E 106:12 L.L.C 5:13 6:14 L.L.P 3:9,20 4:2,13 5:19 6:8,20 7:2,8 L.P 305:20 306:21 M M 4:7 304:4 macarroll@cox-inter... 6:5 machinist 78:17 machinists 78:4,12 79:17 machinist's 278:17,20 mag 269:9,23,25 magnesia 66:11 143:3 143:8,17 188:17 189:4,20 190:2 193:10 221:8,23 228:21 269:22 274:7 magnesium 97:6,7,8 MAHONEY 3:15 mailing 210:7 Main 3:10 7:8 maintain 117:18 maintenance 63:10,13 85:18 168:14 181:25 201:6 major 281:12 making 158:12 178:14 231:13 237:24 malignant 129:5 man 47:25 91:6,24
---	--	---	--	--

management 149:4 243:25 253:18 Manager 246:20 mandate 120:12 manned 281:2 Manning 3:9 8:13 14:1 16:10,11,23,25 25:6 27:20 33:5,20 37:25 42:6 55:21 64:9 69:4 73:22 74:3,12,21 75:1,4,7,9,11,13,15 75:21,24 76:4 80:11 89:2 98:16,22 103:22 123:10,13 126:16 128:19 136:10,14,17 136:23 176:17,19,22 176:24 186:8 193:20 196:8,10 198:8 209:3 211:10 212:1 213:10 233:23 252:14 275:1 275:5,8 276:1 278:4 278:6,8,11,24 279:9 280:10 281:23 289:7 289:11,14 298:17,19 298:22 303:16,23 Manning's 17:6 manpower 64:25 manual 9:17 51:11,17 53:8,12 92:5,6,13,18 92:22 93:1 94:1,5,6 94:14,20 95:2 100:17 100:22,25 120:13 135:12 210:14 211:1 211:8 manuals 53:2,3,22 54:9 54:11,14 55:4,10,12 101:4 134:25 135:7 manufacture 255:25 manufactured 146:12 279:19,21,22 281:6 manufacturer 70:2 138:14 163:8 184:10 185:3 281:12 manufacturers 67:16 67:16 141:7,8 146:13 162:13 280:17 March 34:22 43:12 236:4 246:24,24,25 Marcus 6:2,2 304:17 Marine 124:20 mark 39:4 151:16 marked 13:1 25:21 27:24 34:8 40:4 41:16 52:8 55:23 56:4 69:13 151:12,15 153:14 156:14 176:4	299:22 market 141:8 234:8 marketed 141:6 Marshall 11:9 56:10 Martonik 9:2 34:19 Maryland 2:9 4:9,15 mashed 113:19,24 mask 91:7 120:20 masks 200:24 mason 207:6,14 masons 180:6,14,23,25 181:1,7 206:8 207:8 207:9,13 Massachusetts 197:6 Massey 5:18 8:10 275:6,6,10,16,23 303:13 304:15 mate 278:17,20 material 30:6 57:18,21 58:2 70:2 89:12 95:10,18,19 138:10 138:21 139:4 140:23 142:16 143:2,11 146:7,9 176:2 182:5 184:9,13 185:23 201:3 209:10,13 219:1,4 242:8 248:2 248:20 256:1 280:19 materiality 295:7 materials 9:7,20,25 10:7 15:25 16:13 22:12,15,19 23:1 57:14,15 62:7,16 66:4 70:1 94:12 96:5 137:16,24 138:7,20 138:24 139:14 141:17,24 152:14 163:23 175:20 179:23 183:20 184:4 188:16 196:15 201:3 206:15 214:1 218:10 220:8 222:20 224:10 224:10 228:7 229:6 240:1 247:2 261:16 262:2 269:21 278:12 279:23 280:2,21 282:13,25 283:6,12 283:14 286:10 292:11 math 23:25 matter 65:14 102:23 104:21 197:9 243:24 matters 154:22 Matthew 7:13 305:5 Maxey 169:7 172:24 maximum 10:9 273:24	maze 202:1 MCCAMBRIDGE 3:15 McCarty-Branton 10:3 223:7 McDermott 137:13 McKinney 5:20 6:9 MCLEAN 4:13 mean 21:9 22:8 24:4 31:24 33:23 42:4 43:1 44:6 45:17 48:20 63:9 64:20 70:14 75:4 84:22 89:22,23,24 91:24 93:19 98:24 102:15 109:25 111:16,18 113:15 120:15 124:3 127:8 133:17 155:13 157:8 158:1 178:24 179:1,3 183:12 204:11 232:21 273:18 280:23 287:5 288:9,10 289:1 meaning 115:13 means 30:22 61:2 70:6 70:7,15,17 82:11,18 94:24 126:5 180:23 185:16 233:13 234:20 238:10 meant 82:10 84:17 86:11 88:24 135:7 238:14 measure 114:9 258:5 measured 258:6 measurements 66:20 66:23,25 67:1,3,5 68:18 114:14 257:19 257:19 273:23 measures 26:16 49:3 50:11 161:5 200:17 201:1,8,10 227:3 measuring 191:16 257:19 258:21 mechanical 171:9 181:17 213:24 mechanics 181:21 media 102:13,15 103:14 medical 10:5 44:14,15 44:23,24 45:16 54:16 54:17 87:12 102:11 104:6 106:6 116:24 120:1 127:24,25 128:2 130:14,19,25 150:12 187:10,16 196:4,14 197:10,17	204:5,14 209:2,5 224:6 228:20 medically 111:17 Medicine 132:21 204:4 Medico-Safety 186:24 meet 16:1,6,9 239:2 meeting 112:21 156:6 197:5 meetings 24:19,20,23 72:11 74:19 76:10,19 120:7 128:11,13,15 130:19,22 131:1,16 member 130:10,11 131:8 147:3,5 members 130:7 membrane 112:17 258:17 memo 26:17,23 46:21 151:9 215:22,25 220:21 236:3 237:19 239:17 240:17 244:19 246:10,25 memorandum 10:2,14 10:15,16,18 219:13 memorialize 150:13 241:1 memos 26:14 44:22 104:18 158:3 men 79:11 85:12 111:12,12 158:17 168:3 195:23 mention 29:19 70:3 183:7 201:7 267:11 268:22 mentioned 45:16 55:25 57:5 77:21 112:6 116:23 117:19 124:23 128:13 141:13 154:21 163:10 171:15 177:6 185:10 186:19 189:17 192:12 203:19 216:4 257:18 267:14 269:18 270:1 279:15 mentions 41:12 94:6,9 163:13 184:9,23 185:2,20 201:19 202:23 214:16,23 220:2,10,14 234:12 253:12 Meredith 11:5 mesothelioma 106:19 111:2,4 129:5,8 226:9 245:10 met 16:22,25 138:11	143:23 258:20 260:15 289:6,15 metal 59:7,18 61:3 69:5 69:9 239:25 metallic 275:15 Metals 10:22 248:3 metal-jacketed 217:17 metal-ring 29:8,17 method 112:16,18 258:5,24 methodology 112:14 294:14 methods 9:20 201:5 214:1 Metropolitan 203:5 microns 192:1 195:17 195:20 microscopically 258:19 mid 27:15 102:6 139:10 139:20,23 140:2,12 140:15,18 141:5,14 141:23 142:18 143:5 143:6,13,18 145:3,19 236:17 256:17 257:25 271:19 middle 98:8,12 103:11 189:7 midjet 112:16 257:20 258:3 Mike 124:15 miles 96:25 97:3 185:11 MILLER 6:14 million 93:7 117:16,18 195:20 229:15,18,23 247:5 266:10 274:1,9 274:19 millions 67:7 128:21 153:21 mills 129:6 Min 201:23 mind 90:15 122:1 204:15 227:19 mine 171:20 mineral 132:2,5,7 153:20 215:20 216:4 Mines 201:21 minimize 117:22 201:12 295:8 minimized 221:3 minimizing 92:20 minimum 116:7 minor 48:21 185:14 208:9 271:11 272:7 274:5 minute 226:2 230:3
--	--	--	---	--

250:20 minutes 131:1 158:10 241:14 273:25 misinterpreted 234:23 236:19 Mississippi 4:20 7:14 mistake 152:11 mistaken 276:17 Misty 2:6 302:22 305:18 306:19 mixed 93:12 191:17 mixing 193:19 194:2 220:15,17,22 232:7 mlott@doganwilkins... 7:15 Mobil 11:11 14:13,14 14:17,20 15:6,16,19 33:16 131:6 147:18 155:10,20 156:4 283:9 284:16 285:15 288:6 299:13 Mobil's 15:23 155:11 156:6 model 31:1 moderate 248:15 modern 198:15 modified 236:12,13 modifies 239:1 Module 8:25 28:5 molding 140:16,19 monitored 47:17 231:8 monitoring 114:4 153:12 196:5 297:18 monitors 108:17 month 24:13,17 63:5 65:17 264:5 months 61:7 245:10 279:8 292:9 MORAN 7:8 Morris 172:24 mortality 129:15 motives 103:25 moving 65:25 mud 175:10,13,14,15 MUELLER 4:13 multiple 97:17 267:8 268:15 269:3 270:9 271:10 multi-craft 97:9,14 Mundy 81:11,15 83:2 M-A-X-E-Y 169:7 M.D 134:14,16 187:9 204:3 M.H 237:20 M.S 182:20 M.W 255:7	N N 3:1 naked 202:15 name 13:6,8,10 17:12 17:14,22 18:14 20:13 20:21,22 47:22 49:6 49:8 52:9 54:8 55:2 105:11,15,17 124:23 129:1 133:9 140:25 142:5,10 167:2,5 171:5,8 174:23 201:20 202:25 203:6 246:15 255:3,4 259:25 262:24 267:4 268:22 283:1 300:2 301:10 named 174:6 283:7 names 31:1 55:3 76:24 162:6,7,9 163:7,8 270:10 280:17 naphtha 63:23 narrow 149:18 Nash 34:19 nasty 157:22 national 131:9,13,17 147:2 212:7 250:7,11 nation's 41:9 nature 141:19 253:14 256:12 263:23 273:21 Navy 129:7 154:2 278:13,15,17,20 near 47:15 57:17 58:2 neater 95:10 necessarily 288:8,9 necessary 178:13 need 26:2 67:6 75:15 95:16 195:22 234:16 236:23 238:19 needs 48:19 78:17 negotiation 136:1 negotiations 83:7 Neill 10:2 146:19,19 219:14 neither 305:8 network 23:18 never 29:1 33:16 42:14 60:6,23 63:14,17 71:6 91:10 106:22 115:7 120:11 166:16 167:5 198:13 268:18 285:13 new 1:3 2:3 13:12 37:11 70:16,19 133:22 134:9 137:6,7 138:8 160:13 182:19	182:25 187:17 204:5 208:24 212:9 234:13 249:19 271:23 302:3 news 9:23 217:3,3,11 NICHOLSON 6:20 night 16:5,25 NIOSH 10:24 249:18 250:6 NJ 10:25 noise 256:22 nongovernmental 150:24 nonresponsive 69:11 77:10 87:7 98:1 111:20 112:5 161:14 170:17 173:12 191:22 208:10 211:6 221:5 237:14 239:6 241:24 242:13 245:2 246:5 247:18 249:12 249:14 276:21 287:22 288:14 non-asbestos-contain... 286:7 normal 178:9,11 normally 64:19 68:7 151:17 North 4:19 6:20 Nos 13:1 55:23 210:8 299:22 nose 99:25 notarization 12:12 NOTARY 301:15 notation 148:24 notations 231:13 note 35:8 noted 244:25 301:2 notes 208:22 notice 8:23 17:11 18:12 25:24 26:2 231:7 noticed 17:7,8 196:22 noticing 40:23 notified 44:19 notify 44:9 noting 234:2 247:3 not-regulated 248:2,20 November 223:12 number 17:9 68:2 74:16,24 101:21 102:4 139:10 162:7 198:23 243:10 256:7 270:20 numbered 2:4 12:2 numbers 31:1 75:1 90:25 111:19 176:6 191:17,21 192:25	193:2 264:5 273:19 numeral 29:4 206:2 numerous 285:16 N.P.R.A 146:24 N.V 9:14 10:7 182:20 182:20 O oath 301:9 object 64:9 77:10 87:7 98:1 111:20 112:5 161:14 164:17 170:6 170:17 191:22 208:10 211:6 215:10 215:21 221:5 237:14 239:4,6 241:24 242:13 245:2 246:5 247:18 249:12,14 262:19 263:5,15,20 265:2,14,23 266:24 267:23 268:5,12 269:6,11 270:2,11 271:6,22 272:16,20 272:25 273:5,20 274:21 275:13,21 276:15,21,25 278:21 287:22 288:14 298:9 298:14 objection 14:1 21:16 25:6 27:20 28:18 33:5,20 37:18,25 68:14 69:4,11 73:22 74:3 80:11 95:8,15 98:16,22 103:22 123:10,12 126:16 128:19 136:10 139:1 173:11 175:24 186:8 196:8 233:23 261:2 263:8 280:10,11 281:23 282:19 284:5 287:9,13,18 289:7,10 290:4,25 294:2 objections 11:11 12:5,8 261:4 observation 158:8 observe 90:8 169:22 293:4 observed 90:6,8 177:25 299:11 observing 68:1 obtain 258:10 obtained 209:11 obviously 47:11 89:20 122:24 126:3 137:10 180:18 187:3 293:7 occasion 101:24	occasionally 72:20 occasions 13:17 23:2 165:14,15 occupational 9:4 10:9 10:11 34:16 44:1,3 132:21 134:12 153:15 177:14,17 203:16 230:7 250:7 250:11 256:19 287:20 occupations 187:23 occur 72:20,22 73:1 160:6 244:23 271:10 282:21,24 occurred 103:24 122:18 135:10 147:24 305:14 occurrence 41:7 occurring 121:2,11 220:24 October 10:6 51:11 210:6 224:2 odd 67:8 offered 12:9 126:5 offhand 146:14,14 226:1 office 4:20 17:6 19:5 20:12 85:9 106:11 158:11 159:6 301:12 officer 19:4 302:25 303:19 306:4 officer's 306:9 offices 2:7 19:24 officially 233:10 officials 197:5 off-white 62:24 oh 30:4 47:10 50:14 96:25 120:13 166:18 166:19 170:5 190:7 206:18 207:5 226:1 230:21 260:24 261:21 291:6 296:20 oil 9:7,7,12,17,19,20,22 10:3 11:2 45:13 69:25 122:14 131:20 182:8,19,24,25 183:19 186:25 187:10,16 192:22 193:5 204:24 210:15 210:20,25 213:23 214:14 216:19,24 228:20 236:8,8 246:13,17 oils 126:24 okay 14:15,18 15:5 22:24 23:23 25:13
---	--	---	--	---

26:20,24 27:16 30:4 30:17,25 34:5,7,10 36:2,15 40:4,12 41:2 41:15 42:9,20 43:2 47:10,19 50:19 52:12 54:3,12 59:22 65:5 67:9 70:5,9 71:1 74:11,15 75:6,13,18 75:20 77:11,14,16 82:17 90:15,21,25 92:2,5,15 94:2,4,18 96:2,11,18,19 97:19 98:20 100:23 101:20 104:5 108:25 111:6 111:12 113:6 117:5 120:2 130:6 134:25 135:20,23 138:19 139:13 141:13 142:7 142:24 144:17,19 146:12 148:10 149:7 149:20 151:6,13 152:9,23,25 153:13 153:25 154:21 155:17 157:19 158:6 163:17 165:20 166:25 171:5 176:3,7 176:10,16,18,24 177:2,23 178:7 179:14 181:5 182:6 182:18 183:6 184:12 184:17 185:4,8 187:18 189:11,11 190:7,24 192:4,7,9 193:3,4,21 194:1,4 194:19 195:9 198:1,9 199:16 200:1,13,15 200:19 201:15,16,18 203:18 204:15 205:11 206:18,24 207:2,5,7,12 208:13 208:13 209:18 210:10 212:4 213:9 213:17,25 214:16,20 214:25 215:13 216:15 218:11 219:9 223:5,9,21 225:18 228:5,19 230:1,4,17 231:25 232:6 235:1 236:1 237:17 238:23 239:15 240:23 243:12 247:20 248:10 249:16 250:18 251:11,13,24 252:22 255:12,25 256:14 258:1 259:10 260:25 261:10,21	263:1 267:7,21 268:18,22,25 270:18 270:22 271:2,14 274:25 275:8,23 276:10,22 277:7,11 277:16 278:2,8 280:21 283:13 286:9 291:20,23 292:2 295:5 old 122:18 193:14 194:13,24 222:21 271:4,18,25 272:13 older 227:11 once 16:3 24:13 59:19 68:6,6 148:22 168:14 289:19 292:17 ones 130:2 132:25 162:12 194:11 195:5 Oney 1:2,3,12,13 2:2,3 13:11,12 15:18 18:7 22:4,20 26:15 42:1 48:5,7,13,18 56:21 59:4,22 60:6,13,20 60:23 62:2 64:7 65:6 66:5 68:23 71:6 129:5,15 154:2,25 194:9,18 195:6 205:20,21 263:11 270:6,15 271:18 272:12 275:11 278:13,25 280:9 281:8 282:13 286:24 302:2,3,12,13 Oney's 47:22 48:3 58:17 273:3 ongoing 286:5,7,20 online 79:6,10 open 68:7 opened 19:24 280:17 opening 148:17 operate 253:22 operating 46:22 72:5 147:10 158:4 160:2 160:25 165:2 178:9 178:12 operation 77:25 198:14 199:5 201:5 206:11 231:10 236:24 257:11 293:18 294:24 operations 9:9 10:12 38:2,9 52:10 67:4 92:24 121:23 153:12 186:23 188:8 189:10 189:25 190:5,17,18 190:19,22,25 191:14	191:24 192:5,6 194:8 194:15,17 195:4 198:2,11 199:17,19 200:3 205:18 227:8 230:14 231:14 243:5 243:15 244:24 249:23 opinion 21:17 22:25 86:24 89:8 103:9 110:3 129:5 187:23 262:8 298:6,12 opportunity 26:7 56:3 125:24 opposed 138:20 149:21 232:24 opposite 105:10 246:3 opposition 91:20 option 120:10,16,21 oral 1:20,25 11:7,8,10 56:5 123:3 302:25 oranges 258:21 order 60:15 79:12 195:19 196:6 197:12 206:15 266:10 orders 280:24 organization 130:11 133:14 146:23 147:6 147:8,12 organized 149:6 orientation 24:11 155:19 156:4 166:21 original 12:16 70:19 230:19 306:3,7,10 originally 53:11 139:12 195:18 OSHA 18:24 19:1,3,6 19:13,19 20:2,10,16 20:19 27:6,13 38:10 38:19 39:16,22 46:7 49:15,25 117:3 148:4 148:5,10,16 149:9,15 149:25 153:24 168:13 169:23 229:22 230:20 231:5 231:18 232:3,11,11 236:13 237:11 238:21 239:2,21 241:5 248:22,24 256:17,25 257:8 260:8 263:19 287:17 287:19 298:12 299:3 299:10,12 OSHA's 9:2 34:14 258:25 outcome 305:11 outlined 254:21	outside 65:20 84:6 137:8 158:21 284:9 out-in-the-field 51:5 259:2 overall 46:19 101:14 185:13 255:24 overexposed 265:25 overexposure 265:21 266:6 overhauling 181:22,23 overlook 236:21 oversight 245:1 Owens 268:25 Owens-Corning 222:10 Owens-Illinois 4:17 267:5 268:23 304:8 O'CONNELL 6:14 P P 3:1,1 6:8 304:19 Pabco 162:15 163:13 175:6 packing 175:10,13,14 175:17,23 182:5 260:19,23 page 8:2,22 28:9,20 29:3,22 30:1,2,15 32:1,22,22 33:1,1,6 33:25 59:5,5 63:4,4 74:8,10,18,22,22,23 75:1,2,15,16,16,19 75:25 76:2,5,23 77:5 77:13,13 78:8,9 79:4 81:7,8,9 82:19,19 83:22,23 84:10 85:7 86:16 87:10 88:7 90:24 91:3 98:3 99:19 100:16,19 101:9,9 102:7,21 104:23 106:15 107:8 107:24,24 109:6 110:20,24 112:20 113:13 114:2 115:4 118:6,6,6 119:2,2 120:2,4 123:4,7 124:10 151:15,16,20 152:13 153:18 156:22 157:19 158:7 159:17,21 160:12,15 163:5,13,22 164:2,8 165:4,13,20,21 166:25 167:1,7,19,20 168:18 170:2,19 171:14,24 172:17 173:3,13 174:22,25	174:25 178:5 179:23 187:7,13 188:5,8 189:23,24 191:7,7 192:3,14 193:14,17 193:25 195:4,12 196:21,23 198:7,7,22 198:22,23,24 199:9 199:12,23,25 200:13 201:17 202:12,23 206:18 207:3,16 217:25 225:18,24,25 226:4,11,15 227:18 227:18 228:1 229:7 229:24 236:20 243:8 243:8 250:2,2,16,17 251:9 252:4 253:9,20 260:16,17,23,24 261:11,14,18 262:10 262:10,14 276:10 306:5 pages 83:21 151:12 196:21 207:2 225:12 250:16 262:11 PAGE/LINE 300:3 paid 43:3 paint 256:11 paper 34:3 102:17 216:2 220:11 224:18 224:19 226:6,12,15 papers 221:17 paperwork 158:11 paragraph 123:13 178:9 187:22 189:7 189:10 190:6 195:13 195:14 196:23 197:8 199:8,9,9,10,24 201:19 202:12 207:16 219:19 221:12,14,14,16,21 222:6,6,15,19 236:21 239:24 240:10 243:10 244:3 245:4 260:21,22 262:15 paraphrasing 187:19 parlance 115:13 148:11 part 12:9 24:4 27:5,5 36:5 58:1 62:8 64:3 64:15 71:15 76:18 77:3 83:6 87:25 93:12 98:7,8,13 102:7 103:1,12 104:14 106:6 135:12 137:19 139:19 158:15 178:2 182:18 188:12 189:7,23
--	--	--	---	--

197:9 233:22 234:4 245:9 247:8 255:23 256:11 285:6 295:15 participate 128:10 130:13 participated 130:20 272:13 participating 128:15 particles 67:7 93:7 117:16,18 153:21 191:25 192:17 195:17,20 229:14,15 229:18,23 274:1,10 274:19 particular 40:9 54:15 92:13 94:12 145:16 183:8 191:13 192:5 199:23 203:24 206:22 207:3 211:22 212:14 217:7 218:17 219:3 234:4 253:8 256:21 270:18 299:9 particularly 151:5 265:9 particulate 191:20 parties 12:2,5,10 283:9 303:20 305:9 306:14 parts 81:3 121:24 122:25 145:25 228:24 party 303:6 Pasadena 20:3,4 38:9 95:13 264:10 Pascagoula 7:14 pass 239:9 259:16,18 267:1 279:9 passages 151:24 passed 39:8 273:3 Patronella 123:17 124:9 159:17 payment 43:1 peak 64:21 192:17,23 193:6,10 241:15 273:16,18 294:9,12 295:1 peer-reviewed 203:8 pending 104:1 Pennsylvania 4:14 209:22 people 33:13 35:22 44:16 46:20 47:12 50:2,16,17 62:1 64:11,14,23 68:1 76:12 80:4 81:5 85:22 90:2 95:23 97:16 99:2,8,24	101:7,23 102:2,25 103:21 104:4 111:6 112:10 126:5 135:21 147:20 159:3 161:7 168:8,11,14,16 169:13 196:14 226:13 233:14 246:12 248:23,24,25 280:15 288:10,11,11 291:18 296:18 percent 19:21 23:19 24:6 66:10,11 93:11 93:12 95:10,18,19 96:20 139:12 143:3 143:17 188:17,18 189:2,3,4,20 190:2 191:19,20 193:9 212:23 216:9 223:14 223:17 228:21 269:9 269:22,25 274:7 percentage 180:15 223:10 282:1 percent/15 93:12 perform 97:17 performance 138:11 215:23 performed 251:18 performing 86:12 period 19:3,7,14 20:17 22:17 23:13 24:11,13 24:22 26:14 30:11,11 31:21 62:12,15 64:25 65:1 86:1 89:9 98:15 102:3 103:24 137:22 137:25 138:4 139:19 155:12 156:18 163:9 165:22 173:6 174:11 174:12 196:18 241:14 242:11 266:12 268:20 298:7 periodic 45:7,22 63:10 197:11 periodically 50:18 156:5 286:14 periods 62:3 66:8 130:17 157:15 164:9 165:5 202:5 273:24 perjury 13:24 Perlite 145:10 permanent 230:21 permissible 10:9 118:22 119:10 permitted 89:21 254:23 PERRY 7:2 person 21:5 33:15	36:15 44:16 45:20 48:4,7 68:7 93:6 103:19 122:2 124:23 148:6 156:4 167:3 169:5 174:23 234:22 255:9 259:15 263:25 264:3 280:5 281:4 301:10 personal 111:8 115:8 123:6,18 157:18 191:4 264:9,20,21 267:11,14 281:9 282:21 personally 50:12 121:22 301:9 personnel 61:24,24 90:5 91:22 128:12 155:20 235:12 242:19 254:6,13 280:7 persons 200:3 248:10 294:20 perspective 191:15 pertain 204:14 pertaining 231:17 pertains 229:11 pertinent 231:9 petrochemical 11:13 37:5,7,8 52:11,13,23 63:11 95:6 100:14 153:3 230:10 petroleum 9:9 18:21 20:9 38:4 95:12 130:4,8 147:2 186:24 188:13 196:19 203:13 225:23 227:1 227:2 257:3 262:25 266:22 288:16 Ph 3:6,11,17,22 4:4,10 4:15,21 5:4,9,15,21 6:4,11,16,22 7:4,10 7:15 phased 139:9 140:13 141:14 195:1 phases 148:17 202:2 phasing 145:2 phone 275:1 276:1 278:4 298:20,20 305:22 306:22 phrase 88:24 physical 45:20 physically 58:13 59:20 physicals 104:7 physician 225:21 226:12 physiological 195:21	Picciurro 5:7 304:11 pick 105:12 picked 292:11 picking 171:24 172:17 piece 59:7 70:7 270:13 270:15,22 pieces 162:1 pigs 224:20,25 pillars 72:2 pink 140:24 pipe 57:6,8 62:12 65:19 65:19 69:2,5,5,9 70:13,17,18,18,19,20 70:22,23 71:17,20,21 71:22 72:3,4 96:21 97:3 107:10,12 108:3 108:7 109:7,8 138:13 139:8 140:16,19 161:16 162:3,4,24 163:6,8 164:9,13,15 165:13 167:8,17,22 167:24 168:20 169:13 170:3,20 172:4,7,19 173:5,16 173:18,21,23 174:24 175:7 180:7,19 185:2 185:6,7 186:12,13 192:22 193:5 216:9 216:25 218:2 270:18 273:9 274:18 275:12 275:20 283:17,19 290:21 299:6 pipefitter 60:12 65:16 70:15 71:18 97:21 157:10 171:9 174:14 pipefitters 79:18 85:1 116:12 pipefitter's 71:3 pipefitting 60:12 97:22 157:10 pipes 9:24 72:4 132:2 227:12 pipng 66:7 70:4,17 132:6 142:3 185:11 185:13 220:12 239:25 240:6 275:15 285:24 PIPKIN 6:8 Pittsburgh-Corning 185:3 place 23:3,5,12 25:5 45:12 54:21 104:18 107:23 121:20 142:13 143:10 160:25 205:20 228:24 272:11 296:4	places 10:9 120:9 229:9 plaintiff 268:2 276:6 290:7,10,14 306:10 plaintiffs 1:5,14 2:1 3:3 13:11 154:25 302:5 302:14 303:22 plaintiff's 11:12 154:23 163:19 plant 9:6 10:25 25:3 46:9 53:3 57:10,14 57:15,25 58:25 62:15 63:11 65:3 74:2 81:12 83:10 84:21 85:10,11 91:8 96:22 97:3 104:7 105:1 106:2 111:25 122:9 126:3 145:3 149:9,16 150:1 155:21 168:15 177:5 182:19 192:20 201:2 241:3 244:13 249:22 250:13 252:1 280:3,8 286:25 299:16 plants 11:13 27:7 31:18 35:22 37:8,16 132:3 133:24 139:18 141:8 141:15 153:3 210:19 217:14 219:3,6 230:10 283:6,10,11 285:21 286:21 platformer 63:6,22,23 play 77:24 players 78:1 plays 188:12 Plaza 3:10,21 4:3 please 13:6 73:5 115:19 284:12 plus 56:2 101:14,17 279:3 pneumoconiosis 119:20 211:2,9,21 point 31:20 57:17 59:17 91:2 101:10 147:24 162:22 233:4 233:12,17 253:24 254:8,9 264:15 296:15 pointing 76:7 policies 58:7,9 273:2 policy 15:24 89:23 113:23 114:20 127:1 127:5,7,9 248:1,19 254:16 pool 47:12 poor 226:12 population 41:9 112:4
---	--	--	---	--

portable 258:15 portion 22:4 23:16 37:24 214:11 posed 287:24 position 80:9,18 85:5 218:22 280:18 positive 116:6 242:24 possession 26:4 204:7 possibility 57:17 67:14 115:15 121:5 122:6 122:11 175:21 185:25 200:5 204:9 204:10 281:14,25 possible 80:1 97:4 166:12 178:14 195:10 208:7 233:2 240:1 258:4 281:10 281:11 285:4 possibly 24:6 79:6,10 180:19 194:13 202:4 post 4:20 242:16 244:8 postmortem 225:2 pot 90:2 potential 23:12 36:20 37:3 47:2 55:16 57:20 58:5 88:10 94:12 98:5,11 133:2 149:2 161:2 180:2,18 220:22 265:25 291:13 294:1 298:4 potentially 9:25 22:5,7 22:15,22 44:17 87:1 218:10 219:1 253:11 299:15 Potsavich 246:19 pounds 247:5 power 169:16 179:5,11 221:11 222:1 234:13 234:14,22 253:13,22 283:9,11 POWERS 5:19 practical 66:9 practice 46:22 64:18 72:16 77:17,19 83:14 152:12 156:5 179:11 197:22,23 232:10 251:23,24 252:11 practiced 108:19 practices 11:2 15:23 21:8 65:9 73:10 127:22 147:10 151:7 236:23 250:25 252:4 252:24 264:10 285:18 precautions 107:9,11 251:18 274:17	predecessor 69:21 184:7 247:24 253:21 predecessors 129:14 130:20,24 131:8,16 131:20 132:10,25 133:11,18 134:4 135:1 203:7 204:17 218:19 224:9 231:2 255:10 269:4 preformed 70:7 221:22 Preliminary 179:20 premises 20:14 prepare 16:12 prepared 28:8,22 150:16 209:10 preparing 306:10 prescribed 232:23 present 45:15 54:24 76:15 129:21 130:18 132:22 148:18 152:14 155:22 177:4 207:23 208:4 227:12 presentation 226:5 presenter 261:19 pretty 109:23 159:9 187:4 246:7 281:13 prevalent 170:25 prevent 126:14 195:19 220:24 224:9 preventative 63:12 204:3 prevented 160:4 prevention 51:11 53:2 92:6 94:1,6,13 197:4 203:13 previous 13:16 158:9 216:7 272:5,8 previously 51:10 254:21 264:13 277:17 pre-employment 45:19 pried 68:7 primarily 39:19 64:12 66:1 76:12 81:25 85:16 138:12 146:11 180:11 186:5 226:13 243:1 289:25 290:1 292:11 primary 44:15 132:9 principle 162:13 190:18 prior 27:4 50:19 71:5 90:12 100:25 103:4,5 103:6,17 107:25 108:2 112:14 114:5 118:13 126:11	146:21 158:5 174:15 197:24,24 215:7 232:5 233:17 237:5 282:20 283:13 284:9 299:14 priorities 38:22 priority 235:21 proactive 246:4 probability 115:14 281:14,15,20,25 probably 16:7 19:11,25 21:6 23:18,18 31:20 33:18 36:14 40:25 41:3 43:21 50:5 60:4 60:4 67:3 80:13 92:16 93:11 98:17 105:9 111:10 114:25 124:25 126:11 130:12 131:25 132:4 132:14,20 133:3,12 134:9,11 136:4,6 139:11,20 141:10 144:12,15,16 146:1,4 146:8 147:7,24 149:9 150:9 154:16 156:15 168:16 170:15 176:5 180:15 182:15 194:10 205:10 208:9 218:6 221:1 224:4 225:12,16 238:25 239:10 240:22,24,24 248:18 257:25 265:4 266:15 272:6 279:3 296:15 problem 179:6 227:6 236:22 237:5 245:6 Problems 9:7 177:5,25 182:7,19 procedure 2:10 12:4 55:13 71:7 92:20 127:1 157:24 158:1,4 160:3,25 233:3 238:21 249:10 procedures 15:24 53:8 54:1 58:4 107:23 108:14 117:7,20,24 135:25 147:21 151:22,22 152:21 155:21 160:24 172:15 201:7 205:19 220:23 239:2 272:11 273:3 proceed 259:23 proceeding 305:10 process 59:12 68:3 90:3,9 121:6,20	137:20 280:23 286:8 299:5 processes 133:2 134:22 147:14 165:19 201:4 276:8 processing 66:1,2 71:23 188:13 produce 26:3 222:22 produced 1:25 190:19 198:25 226:9 256:15 260:12 276:11 292:24 produces 198:16 producing 210:24,25 product 65:25 71:22 140:5,7,22,25 142:17 143:3,22 144:6 145:2 145:19 163:2 165:14 172:4 185:24 186:7 214:7,8 234:3 256:10 264:1 production 9:9,17 186:23 210:14,21,23 products 9:9 22:12 62:11 69:8 93:10 96:7 97:7 138:24 139:12,23 141:4 152:22 175:2,5 186:4 186:24 188:13 189:15 219:20 223:11 268:10 269:4 277:21,24 279:14 280:8 281:6 professional 37:13,14 program 26:18 27:5 51:23,24 54:18 236:4 236:10,17 244:21 245:1,5 255:24 256:18 286:3,4,5,17 286:19,20 287:8,16 programs 23:3,5,11 25:4,4 35:24 50:20 50:22,24 83:6 177:14 177:17 285:18 287:20 prohibit 254:11 project 60:3 86:12 projected 247:4 Projects 182:9 promote 127:21 promoted 85:4 promotion 256:16 proper 200:23 properties 132:7 proportion 166:13 189:15 274:5	proposed 233:15 290:24 prostate 124:6 protect 61:4 187:19 226:7 243:22 protected 197:10 protection 15:24 50:25 58:5 89:13 161:2 172:16 174:4 176:2 196:6 200:4 241:23 242:12 243:24 protective 161:5 178:20 235:12 246:12,17 proved 301:9 provide 15:5 16:18 64:25 136:12 201:2,4 201:5,7 234:16 295:18 provided 17:24 18:13 18:16 23:8 25:8,15 26:11,20 27:18 40:12 40:19 46:5 53:22 54:1 64:4 94:15 116:8 117:21 125:21 126:7,13,20 127:6,12 127:17,21 129:10 136:8,9 154:11 170:13 196:13 212:17 213:20 234:14 235:5 256:4 providing 15:9,23 243:21 provision 200:23 provisions 2:10 proximity 84:2 86:22 Public 204:4 209:11 301:15 publication 34:21 131:19,20,22,23 132:1,11 133:16 177:4 203:19,25 204:7 217:13 223:25 publications 131:1,6,13 133:11 134:1 203:8,9 publicly 129:25 published 35:5 37:1,12 38:19 41:3 129:24 230:20,22 publishing 224:10 pull 26:25 pulmonary 45:24,25 46:3,5 104:7,24 105:20 226:9 pump 181:22,23,24 258:15
--	--	--	--	---

pumps 4:6 5:17 100:8,8 182:1 304:4,16 Purchase 280:24 purchased 280:21 purchasing 146:15 239:18 246:19 248:11 280:25 281:1 281:2 pure 193:19 194:2 271:19 purpose 147:8 201:10 purposes 301:11 pursuant 2:9 12:3 303:18 305:13 push 59:8 pushed 59:23 put 21:13 42:11 59:9 60:7,14,14 61:1,3,9 61:13 70:9,12 92:6 95:2 96:1 98:4 101:4 109:6 112:11 114:8 115:8 120:19 134:25 137:6 139:10 152:24 158:7 162:1 173:20 184:6 191:15 217:13 237:8 270:19 271:20 287:2 putting 65:18 68:23 putty 68:8 P-A-B-C-O 162:15 P-E-R-L-I-T-E 145:11 P.C 5:2,8 6:2 P.E.L 116:18 118:8 229:22 P.L.L.C 4:19 7:13 p.m 2:6 Q quantities 199:5 202:4 quantity 70:2 184:15 185:5 question 12:6 14:25 37:23 77:15 78:10 79:9 81:11,21 82:2,6 82:20,21 83:1,8,24 83:25 84:4 85:8,19 85:22,25 86:17,21,24 87:12,15,17,19,22 88:8,14 91:4,5 94:3 96:12 98:4 99:18,19 100:20,24 101:9,10 101:16 102:9,14,21 103:7 104:23 106:15 107:8,16,25 108:6 109:6,16 110:25 111:1,6 112:21 114:4	115:5 118:9,10 119:3 119:9 120:11,15,18 122:1 123:14 124:15 151:15,17 156:22,23 158:9,14,18,21,25 159:5,18 160:12 164:13 165:21 166:15 167:10,20,24 168:2,19 170:2,10,19 170:23 171:15,18 172:2,6 173:3,13 175:1,5,8 176:17 194:7 196:12 208:3 211:7 227:19 238:16 241:25 255:16 269:13 281:18 282:11 289:13 294:5 295:4 297:3,4,4 questions 33:2 56:20 74:7 89:6 99:17 128:23 174:22 188:7 229:12 250:9 259:8 259:18 260:1 262:21 262:25 267:5 273:14 274:23 275:2,4,7,24 276:7 277:7 278:3 279:13 287:24,25 288:1 289:5 298:16 298:20 quick 88:25 156:17 163:5 205:25 quickly 176:8 199:24 quit 115:6 quite 22:15 73:17 82:16,23 100:6 125:12 144:7 151:19 198:9 207:15 213:7 255:16 257:14 281:24 295:22 quote 92:22 149:2 155:14 164:23 258:20 quoted 197:8 199:4,9 264:14 quotes 202:13 261:14 R R 3:1,4 303:22 racks 65:19 71:20,21 71:22,22 72:4 radio 102:16 raise 122:1 ran 91:25 random 105:12,13 Randy 18:14 range 30:22,23 32:5	51:1 67:5 ranged 19:22 67:8 rank 84:23 rare 165:14 rarely 166:7 rate 43:9,10,12 rating 30:21,24 32:5 Ray 10:14 reaching 242:10 reaction 226:17 reactor 242:9 read 12:16 18:18 20:23 21:2,3 32:10 35:5 37:22,24 38:4 41:3 56:3,21 61:25 62:14 68:11,19 76:21 77:3 78:2,21 79:22 83:12 83:13,24 86:6 87:4 91:15,21 97:2 98:9 99:5 100:5,18 102:17 103:2 105:4 108:10 109:22 111:15,21 113:21 114:12 115:11,19 118:17,24 119:7,13 122:25 123:9,21 124:14 125:2,11 129:2 146:21 154:1,7 157:23 159:12,24 160:21 163:14 164:6 165:11 166:1 170:11 171:2,22 172:10 173:1,8,25 175:11 178:16 179:7 188:1 193:7 195:25 197:4 197:14 199:6 200:7 202:8,19 204:3 207:24 210:16 211:10,13,19 214:4 214:21 222:11,23 223:3 227:14 234:18 235:18 237:2 238:2,8 240:3,7 243:16 244:1 244:10,19 245:12 247:6 249:6 251:19 252:9 254:14,24 255:2 260:11 261:7,9 268:14,18 270:10 282:23 285:4,5 288:25 289:20 293:21 301:1 reading 38:8 57:9 61:10 64:11 68:2,22 88:21 110:7 127:18 149:11 264:8,17 266:20 274:15	278:12 284:9,15 285:7 289:2 293:12 293:19 ready 213:13 259:23 263:2 real 29:21 150:4 156:17 163:5 199:24 205:25 245:6 249:13 276:23 really 20:15 21:5 33:21 41:4 102:18 107:14 109:11 111:18 121:19 125:14 139:7 144:7,18 149:13 151:19,20,21 158:23 178:20 185:18 188:7 202:3 205:8 217:10 232:16 254:25 266:22 267:17 274:9 280:13 realm 115:14 reapplied 157:1 reason 22:6 33:21 104:2 120:19 121:7 126:13 132:5,7,9 136:7 159:14 160:1 160:23 167:13 172:12 175:22 181:6 183:14 184:19 189:12 190:10 191:12 198:19 206:25 208:1 212:25 220:19 222:3,17 275:11 294:19 300:3 reasonable 63:2 79:20 204:19 reasons 127:12 306:6 recall 16:19 20:21,23 20:24 28:11 36:17 50:8 51:12 52:5,6,8 52:21 55:3 61:10 62:18 63:7 65:20 66:19,21,25 67:2,5 81:15 88:23 93:1 96:11,14 97:6 98:5 101:2 104:8 108:2,6 108:23,25 135:17 143:9 146:22 147:23 149:8 152:16 155:12 155:13,24 156:7 160:5,7 162:9,14 163:1,3 164:10 165:21 166:23 191:5 198:5 244:18 266:20 267:9,15 268:16,21 268:22 276:10	282:14 283:2,8 284:6 284:19,25 286:25 288:3 290:22 292:14 293:1,19 294:7 295:13 297:5 299:9 receive 21:22 43:15 131:5,13 received 21:23,25 26:5 53:4,5,7 131:19,24 132:25 136:16,22 220:14 221:13 231:6 264:19,23 265:12 receiving 16:19 Recess 55:22 89:3 122:22 148:2 213:12 252:18 recognize 201:14 recognized 200:2 recognizes 96:10 recognizing 44:1 recollection 97:12 108:24 146:1 191:5 234:21 recommend 48:18,22 recommendation 179:13 180:6 recommendations 51:23 150:24 200:17 214:16 227:16 recommended 200:24 201:11 215:24 reconstructive 68:17 record 2:10 13:6 25:23 34:13 37:19,21 39:6 55:25 56:2,5 122:21 147:25 148:1 184:18 237:18 240:16 252:14,17 303:1,20 records 270:17 272:2 296:23 recreated 276:18 reduce 107:12 108:3,7 110:6 115:18,23 reduced 19:24 reducing 23:6 144:1 147:21 200:17 refer 34:3 44:21 247:7 269:8 reference 52:6 54:9,11 59:5 96:1 149:8 152:16 153:14 162:7 162:11,19,20,22 211:1,8 219:6 225:15 referenced 53:12 54:21 150:6 169:1 191:1 218:4 279:24
--	---	--	---	---

references 162:24 268:15 referred 20:19 40:11 40:23 42:12 47:25 61:23 269:12 283:2 referring 61:14,23 63:4 70:4 87:5 93:24 96:8 141:17 163:18 180:10,25 181:1 192:2 234:4 255:1 256:6 refers 23:10 62:7 128:9 152:15 211:20 refine 147:9 refineries 20:3 24:12 27:11,18 31:18,22 37:8 52:13 95:6 129:6 141:2,3 143:5 147:19 166:7 188:9 189:19 190:1,23 198:18 228:25 259:7 263:18 281:22 283:5 285:16 292:22 299:3 refiners 147:10 refinery 9:8,12,21,22 10:25 11:2 18:3,3,10 20:7,10 22:10,16,20 23:1,6,14,17,19,24 24:2,7,9,12,18,23 25:3,5 26:16,22 27:2 29:12 31:11,15 32:19 36:1,7,12,19 44:8,8 44:12,24 45:11 46:8 46:13 47:1,7,20 48:6 49:4 50:7,11 51:11 53:3,9,17,23 54:4,25 56:24,24 57:13 58:19 58:23 59:2,3 62:2,8 62:16 63:11 64:22 65:3 70:1 72:9,16,24 77:17 80:10,19 88:4 88:6 89:8 90:1,1,2 92:3,6,9 93:25 94:5 97:18 100:9 103:21 104:12 108:18 109:1 110:11 111:3,5 112:7 112:8 114:17,18 115:21,22 116:17 118:4 119:19 121:1 121:12 122:5,9,14,18 124:20 125:20 126:3 126:8 127:2,13 128:11,13 129:14,17 129:23 130:2 135:9 135:22 137:5,23 138:25 142:13	144:11,14 145:22 146:16 156:19 161:17 162:5,21,25 164:15,21,23 166:10 166:17 167:3 171:6 171:10 174:6 175:20 178:1,12 181:9,17,20 182:9 183:4,20 184:20 185:10,14 186:7,14 190:13 194:9 204:24 205:13 205:16,22 213:24 214:12 216:20,24 217:17 218:3 227:8 233:1 243:2,6 248:14 249:9,19,22,23 250:12,25 251:14,22 251:25 252:6,24,25 253:16 254:11,13,20 256:24 257:3 258:1 258:14 263:3 264:10 266:9,11,14,18 269:1 270:17,23 271:14,19 279:6,15 280:1,16,22 281:3,7 282:8 285:9 285:10,13 286:1,2 293:4 295:12 296:4 296:23 297:17 299:9 299:15,16 refinery's 135:12 refinery-wide 244:4 refining 9:8,17 10:3 23:18 52:11,24 64:18 69:25 71:12 100:13 147:2 183:19 196:19 210:20 211:18 225:23 reflect 158:1 reflected 26:23 262:5 reflects 157:24 refractory 144:20,20 144:24 refurbish 63:12 regard 23:6 27:17 35:9 45:17 49:3 52:16 53:24 54:15 55:15 72:8 116:3 136:2 137:23 151:8 154:18 158:8 164:1 175:1 198:6 219:21 241:23 242:11 279:14 293:4 296:12 regarding 9:19 10:7,19 10:23 15:24 18:10 37:1 39:12 41:7 46:10 112:2 150:24	154:22 209:23 228:6 229:12 232:7 240:18 245:7,16 246:2,12 260:18,23 262:6 regards 149:3 regenerators 207:18 region 263:18 Register 231:8 Registration 305:23 306:24 Regular 39:8 regulated 287:20 Regulating 34:16 regulation 117:13,14 117:15 150:21 153:8 229:5 231:18 232:11 233:18,19 258:25 266:2 regulations 10:9 19:10 27:13,13 35:9,19 39:2,20 117:4,11 150:24 153:15,24 229:7 230:7,9,22,24 231:3,6,7 232:3,7,23 233:15 236:13 237:11,21 238:1,22 239:21 243:21 266:5 286:12 287:17 293:4 298:7 regulatory 239:2 REID 4:13 reiterating 237:12 relate 249:9 related 21:7 22:3 41:24 51:1 54:2 119:11 129:16 152:21 180:16,18 235:20 250:24 283:8 284:15 305:8 relates 235:16 273:19 relating 235:15 relative 294:24 released 66:18 68:13 220:17 290:17 291:10,21 297:5 relevant 26:14 38:1 135:16 211:17 287:2 287:5,6 relied 151:1 rely 151:6 153:7 remember 59:9 67:1 68:21 76:25 81:11,21 102:18 138:13 288:17 295:14,16 299:7 remembered 222:21	removal 158:5 160:4 239:25 241:18 242:2 242:8 243:15 285:3 291:10,14 299:6 remove 71:3 109:16 284:20 286:14 removed 67:23 68:7 71:5,6 72:18 77:19 90:3,13 108:7,8 109:7,9 160:3 161:18 161:21,23 170:16 271:18 284:2,4,6,10 284:14,18,19,23 285:2,9,20,24 290:17 290:20 291:21 299:10 removing 47:11 70:20 97:21 110:5 115:23 117:21,24 122:17 222:21 rep 15:13 repairs 157:2 271:11 272:7 repeat 73:5 284:12 repetitious 289:11 replaced 67:10,12,18 67:23 271:4 284:7 286:6 replacement 207:17 248:19 replacing 65:18 reply 210:6 report 9:6 10:21,22,24 11:13 51:22,24,25 52:6,7 66:14,16,23 67:6 96:3,6,8 118:2 120:5 121:16,21 129:2,4,10 144:4 154:1 158:2 177:4 183:4,8 186:19 193:2 196:22 198:1,1 199:23 200:14 201:11,17,22 228:19 236:12 242:15 248:3 249:18 260:12,17 261:7 264:13,19,23 265:1,5 269:19 270:1 273:8,15,19,24 274:12 289:5 294:5 294:22,23,23 reported 110:15 224:23 244:25 296:22 reporter 2:7 12:13,14 13:19 15:1 25:21 27:24 34:8 39:4	302:22 Reporter's 8:19 302:19 reports 294:6 296:12 represent 13:10 262:24 267:5 representative 1:2 2:2 13:12 15:10 18:20 21:14 25:1 80:14 149:5 212:8 226:6 251:15,17 253:18 254:3,10,22 302:2 representatives 22:1 representing 42:5 79:11 represents 142:5 request 16:23 130:1 133:25 136:17 210:6 250:11 requested 37:24 135:24 295:16 requests 16:18 136:24 require 64:21 91:13 138:20 232:11 287:20 required 46:14,16 58:3 58:4,6 89:8,22,24 90:11 117:18 195:23 214:18 234:23 requirement 89:13,20 120:12 161:1 175:25 232:11 237:10 requirements 58:15 117:4,17 138:12 156:6 161:13 237:12 239:2 240:10 305:13 requires 234:22 requiring 235:12 requisitioned 280:22 Requisitions 280:24 research 10:5 133:21 134:13,23 182:9 209:2,5 223:25 224:6 228:15,20 reservations 245:5 reserve 261:3 reserved 12:8 residual 207:22 resources 293:7 respect 10:12 231:14 268:14,25 270:13 respirator 89:11,19 93:22 120:12 195:24 272:24 respirators 46:14,25 47:4 89:7,9,16 92:23 94:15 107:15 120:3,9
---	--	--	--	--

120:10 201:7 235:10 235:13 240:11 respiratory 50:25 58:5 89:13 161:2 172:16 174:4 176:2 200:4 241:23 242:12 respond 33:13 211:11 responds 124:11 response 119:8 123:8 123:19 136:21 148:20 154:22 213:15 250:10 responses 136:23 responsibilities 236:23 responsibility 44:15 73:20 74:1 83:5,9 115:25 285:12 responsible 73:23 82:13 83:14 101:7,16 102:3 152:21 230:13 responsive 16:18,23 26:8,10 responsiveness 12:6 restrict 242:18 244:7 result 49:1 187:24 resulted 129:7 resulting 240:6 results 166:6 191:12 225:4 248:16 257:10 295:11,17,18 296:3 retained 253:22 retention 114:20 retired 14:18 23:22 110:15 154:2 296:15 retirement 14:17 return 303:4 returned 12:13,14 24:11 306:3,5,7 reveal 224:14 revealing 241:19 242:2 review 17:2 22:6 38:12 58:12 149:1 151:11 152:2 155:20 156:5 177:11 179:14 211:15 220:20 254:10 reviewed 28:13 38:24 116:24 146:18 154:23 204:16 244:24 265:1 278:22 285:18 reviewing 47:22 218:15 233:10,15 265:5 266:17 282:20 RG-244 247:4,10 Richard 228:10	rid 271:6 ride 253:25 right 20:6 24:8,14,17 24:19 25:19 26:13 27:10 28:11 29:20 30:15 32:1 33:22,25 35:16 36:18 38:24 39:15,21 40:19 41:13 42:11,24 43:9,15,22 44:23 50:9 52:22 53:6 55:4 56:19 57:12 59:2,4 63:3 66:16 68:19 69:6 71:25 73:11 74:5 75:13 76:5,20 77:5 78:4,13,16 79:3,8,14 79:15 80:25 82:1,4,6 82:8 83:11,20,21 86:16,17 88:16,25 92:8,21 93:3,16 94:25 95:20 96:4 97:14 99:16,20 100:2 101:6 102:5 103:11 103:20 104:20 105:19 110:4,9 111:14 113:13 114:2 115:1,12 116:2,16 118:6,20 119:18 121:1,18 123:15 128:10,22 135:18 137:1 139:15 144:5 149:10 153:6 155:18 156:21 157:7,19 158:11,13,20,23 160:9,12 161:9,20 163:4 167:19 168:12 168:18,25 169:13 176:12,16,25 178:5 179:2,17 180:17,21 181:1 183:10,14 184:3 185:1 186:16 187:6,14,14 190:10 191:2,6,8,11 192:13 192:16,19,21 193:11 193:13,16 195:11 197:6 198:12 199:3 203:21 206:16 208:1 209:15 210:1,9,16,19 211:19,25 212:24 214:10,15 215:8 216:6,13,23 217:2 218:17 219:8,13 220:9,10,18 221:16 221:20,24 222:2 223:4,12,20 225:20 226:3 227:4,18 229:1	230:5 233:7,25 234:11,12,19 237:1 237:22 240:20 242:22,25 244:10 247:16 248:6 250:19 251:3,6 252:3,13 253:15,20 254:9 255:2 256:23 257:21 258:9 261:13 262:16 263:12 265:15,22 266:4,7 267:16 269:10,14 271:1,13 272:1 273:17,21 275:17 276:12 280:15 284:17 286:11 287:3 289:23 290:1,16 291:2,24 292:13,18,25 293:13 294:8,8,11 297:1 right-hand 261:11 rigid 214:17 rigs 257:12 risen 19:17 risk 261:16 262:1 263:19 266:6 298:13 riveting 253:13 RM-10 32:14 RM-650 32:13 RM-670 31:5 32:9 RNA 134:24 Road 6:15 Robert 174:17,23 Rockdale 286:24 287:7 rods 198:16 276:14 292:12 297:5 Roggli's 155:5 role 15:22 36:6 187:15 Roman 29:4 206:2 Ron 246:18 248:10 roof 249:1 room 55:19 135:13 rooms 170:13 Root 48:5,11,16 57:24 58:18,20,22 60:4 61:14,19,24 64:1,23 77:2 81:20 83:2 86:5 135:19 137:9,13 259:8 273:4 Root's 48:12 Rouge 9:12,20,22 11:2 182:9 183:4 204:24 205:6,9,13,15,19,22 208:25 209:1,6,22 213:24 215:14 216:20 217:9,10,17 218:24 219:11,16	235:20 241:3 243:3,5 244:16,21 245:21 250:24 251:4 252:24 266:11 rough 139:10 route 211:16 252:6 routine 27:4 Roy 9:9 183:5 186:19 ROYSTON 4:13 Rubber 9:18 212:8,21 rule 48:2,21 71:19 120:11 174:3 229:8 305:13 306:1,12 Rulemakings 9:2 34:15 rules 2:9 12:4 39:19 47:18 53:17 71:9,10 71:11,18,18 135:8 run 211:16 running 261:2 R.S 10:7 S s 3:1 116:18,18 118:8,8 Safe 11:2 250:25 252:4 252:24 safety 9:17 10:11 21:6 21:7,9,14,15 36:3,5 36:19 38:14 44:8 47:17,18,19 48:1,1,4 48:7,15,21 53:3,8,17 54:1 55:13 72:10 73:21 74:1,19 76:10 76:19 83:3,6,9 89:22 89:23 91:6,22 92:5 93:5 94:5,14 99:24 100:17,21 101:4 108:20 112:21 114:7 116:19,21 120:7,13 126:21 128:11,12 131:1,9,14,17 134:25 135:7,8,12 147:10 151:22 152:15,20 155:20,20 156:5 161:11 172:15 176:1 201:21 202:15 210:14 211:1,8 250:7 250:11 251:18 253:5 254:12 259:11 288:16 safety-type 64:14 sales 246:25 249:4 salesman 248:7 sample 274:9 294:19 samples 166:7,9 241:8 241:10,17 242:1 258:10,14 273:22	294:14,21 295:11 sampling 26:21 27:1,4 27:7,10 112:7,13,15 115:8 166:1,6 186:9 257:14,19 258:2,15 273:22 296:23 sandblast 207:13 sat 135:13 satisfactory 214:19 save 152:3 saw 33:16 70:5 87:2 90:3 93:20 121:22 159:19 161:3 163:23 164:5 165:9 166:16 167:21 168:14,16 169:13 172:20 173:19 210:17 234:16 240:23 268:19 280:16,16 299:10 sawed 90:4 167:24 179:5 sawing 160:20 169:17 193:6 222:1 saws 179:5 221:9,11 222:1 saying 57:16 59:22 71:15 75:2,2 79:1 88:23 98:24 99:9 100:6 110:1 125:13 127:8 178:5 202:13 208:4 209:3 233:3,14 244:23 255:19 263:6 281:15,20 295:3 297:13 says 28:5,21 29:23 30:5 30:18,18,21 31:5 32:13 39:8 77:16 85:13 88:21 89:24 91:5 92:23 94:13,14 100:20 104:22 113:13 114:5 118:20 124:10,15 125:4,15 129:4 158:4 164:1,20 165:4,13,17 168:18 171:15 173:19 175:7 178:8,11 179:4 180:2 180:6 184:15 185:5 185:16,17,19 187:22 188:12,16,20 189:2 189:18,25 193:18 195:16 197:8,9 198:13,25 199:4,12 200:2 202:1 206:11 207:17 210:6 214:16 216:2 221:1,17,21
---	---	--	---	---

222:7,9,13,19 226:19 226:22 227:5 229:14 232:14,19 233:9 234:7,13,14 235:14 235:18 236:21 237:24 238:4,24 239:24,24 240:5,9 243:10,13,20 244:3 245:4 248:15,16,17 251:14 252:4 253:16 254:10,19 260:22 261:15,19,19 scheduled 149:22 school 124:24,25 science 43:25 Sciences 37:12 scientific 37:11 129:24 scope 229:8 243:15 SCP 10:14 scrap 193:9 194:14 195:3 239:25,25 240:6 scrape 68:9 scraped 68:10,11,13 screen 45:8 se 161:5 258:6 287:20 seal 181:24 301:12 Sealing 3:13 304:1 seals 182:2 second 28:9,20 30:15 37:19 48:2 88:15,19 122:21 179:23 206:18 219:18 222:6 230:3 234:4 241:21 243:8 252:15 262:14 secondary 207:22 section 65:16 92:23 102:5 153:23 159:10 177:25 179:18 183:2 183:9 185:16,17 189:25 190:16,20 192:6,10 198:4 199:1 199:4 201:17 204:3 206:11 222:14 233:8 234:12 246:14 252:3 260:17 sections 29:5 187:2 SEDGWICK 7:8 see 16:15 23:8,25 25:4 25:7,11 26:8 27:7 28:9 29:8,23,25 30:7 30:20 31:2 32:6 33:3 33:9,10,21,24 35:4 40:25 50:8 57:20 67:1 69:24,25 75:2 76:6,7 77:6 93:8,10	93:13 96:14 99:2,8 99:10 105:23 108:21 109:9 112:11 124:7 124:12 135:15 138:16 147:20 148:5 151:17,18,20,24 160:17 162:11,12 163:24 164:4 166:20 167:10,21 168:12,13 169:22,24 173:14 177:20 178:1,9 179:20,25 182:9 183:2,12,21 189:5,11 189:21 190:3,8,19 192:10 195:14 196:23 198:25 199:9 199:14 201:24 202:25 205:4 206:5,6 206:21,21 207:5 209:10,20 211:20 212:7 214:15 215:25 216:22 217:1,4,16,24 218:14 219:6,6 221:13,14,15,16 222:7,14 223:7 225:11,16 231:12,12 233:11 234:15,16 237:19 238:19,19 239:17 240:18,19,19 240:22 241:21 242:17,17 245:18,23 245:23 246:10,20 247:6,8 249:13 253:24 254:6 260:6 260:20 261:17,22,25 262:4 285:20 288:25 291:11,22 292:3 299:5 seeing 40:22 152:16 165:21 286:25 292:21 seen 20:16 27:25 33:17 33:18 35:2 38:24 39:11 40:9,10,24 42:14,22 69:16 100:24 127:14 128:8 136:17,23,24 142:10 142:10 145:14 154:4 154:16 155:5 162:7 162:11,19,20,22,24 166:1,6 168:11 176:14 177:7 182:11 183:24 203:22 205:2 205:10 206:22 208:19 210:11 212:14 213:18	216:16 217:7 218:12 219:10,12 224:12 225:22 228:17 231:19 235:2,3,7 236:6 238:12 240:13 240:20 242:23 247:21 249:8 250:3 250:10 251:1 270:5,7 279:24 283:2 285:24 288:21 299:10 SEGAL 3:15 Segment 29:22 30:16 32:2 33:6 selection 30:19,25 32:6 32:8,12 Selikoff 37:1 95:22 225:5 265:9 Selikoff's 37:13 38:18 send 141:9 sense 126:2 256:13 sent 106:10 136:21 sentence 189:9,17,18 189:24 190:5 221:17 221:21 239:24 261:17,25 262:5 separate 51:23 53:1,20 210:7 separately 92:19 September 10:25 250:1 serious 187:25 226:20 serve 251:15 278:13,15 served 306:13 service 30:21 32:5 213:24 Services 209:12 Session 39:9 204:4 set 229:15 230:23 241:5 severe 48:24 shaking 248:22 share 147:9,19 shared 120:6 SHAYER 5:8 sheets 158:12 Shell 3:21 shift 264:4 274:3 294:18 ship 58:25 106:4,4 shipyards 129:6 shirt 292:16 shop 54:9,11,14 55:4 55:10,12 117:20 shops 292:21 short 64:25 264:2 273:23 274:8 Shorthand 2:6 302:22	shortly 36:13 short-term 294:21 shoulder 83:18 90:16 92:22 156:16 show 16:11 20:25 25:21 26:21 27:23 34:8 41:16,18,19 42:7,13 74:5 78:8 123:2 152:8 224:14 228:21 241:1,10 242:1,7 256:4 291:7 showed 120:14 225:1 244:16 267:12 269:3 291:3 shower 100:2 showers 125:21,23 126:7,20 127:12,21 170:13 showing 20:16 197:25 212:22 276:11 shown 92:8 100:17,22 255:12 267:8 270:8 271:3 276:10 306:14 shows 22:9 216:8 294:24 shutdown 63:6,9,14,20 72:20 128:18 shutdowns 63:25 64:8 64:19,20,24 65:4 157:13,21 shy 21:4 sick 113:17 side 65:10,10 72:17,17 72:24,24 73:17,17 77:17,18 79:12,12,18 79:18 82:22,23,23,23 205:22 side-bar 273:20 Siegel 150:7,12 signature 8:18 12:13 300:1 301:1 303:4 306:5 signed 12:16 125:5 significance 111:19 192:24 193:1 245:6 significant 260:10 262:18 signs 109:20 197:13 242:16 244:8 silence 238:6 298:4 silent 298:5 silica 94:9,17,25 179:24 180:11,12,15,16 181:8 256:21 silicate 66:12 138:15 143:9 184:10 214:18	214:24 215:19,24 216:5 217:19 222:9 Silicosis 180:2 similar 81:19 99:2 195:6 205:19 249:23 252:25 255:18 266:13 SIMMONS 4:19 Simpson 49:19 50:17 SINGER 3:15 single 115:7 sir 13:7 14:7 16:4,16 19:13 25:22 41:13 42:8 81:14 91:19 100:25 120:7,16 141:20 144:23 152:23 178:23 183:1 186:21 196:21 205:7 208:16 209:19 215:5 218:14 239:14 250:20 275:11 277:17 278:2 279:2,9 sit 98:20 105:18 site 36:12 45:2,5 125:25 126:1 146:2 148:23 152:14 159:7 252:8 sitting 13:20 149:4 situation 15:15 48:20 48:23,24 226:21 286:6 situations 97:5 125:9 size 185:6,7 192:1 195:18 266:21 292:22,23 293:5 sizes 62:24 214:17 skguidry@germer.co... 5:15 skill 27:17 255:15,21 Skills 8:24 28:6 255:13 291:9 skimmed 210:18 skin 59:7 skipping 33:2 41:17 sledge 109:2 sledgehammer 109:17 sledgehammers 109:14 small 71:16 166:12 185:9 214:8 293:7 smaller 156:25 266:15 271:13 smelting 286:21 smoking 48:24 snapshot 299:8 snow 91:13 168:4,8 societies 37:14
--	--	---	--	--

soldering 253:13 somebody 44:7 48:4,24 80:19 89:19 102:10 142:5 148:5 somewhat 234:9 266:15 286:22 soon 79:6,10 244:5 sophisticated 117:8 sorry 32:23 33:1,2 37:20 61:18 71:18 74:14,17 75:12,14 78:8 80:17 83:18 90:23,24,25 118:6 136:14 167:1 186:13 192:2 193:22 198:7 206:20 213:11 215:5 218:14 221:6 226:3 229:20 230:16 235:23 244:14 250:1 250:19,20 278:7 284:12 290:18 sort 276:14 sound 158:11 215:9 sounds 93:2 110:1 149:10 247:14 256:10 source 64:16 200:23 207:21 sources 35:17 37:10 south 2:8 3:5 4:8 19:22 225:14 southern 189:18 190:1 190:13 space 178:14 188:21 span 24:22 speak 110:8 294:3 297:12,13 speaking 163:6 189:2 263:2,6,7,9 special 9:3,23 38:25 39:7 53:19 210:7 251:18 256:16,23 257:12 specialized 19:5 specific 47:6 54:1 65:7 65:12,13 67:13 97:24 107:9,11,23 108:24 117:3,12 126:9,18 135:10 140:7 155:13 155:22 157:9,18 181:21 185:24 197:18 223:10 237:10 258:7,19 259:6,15 276:18 281:4 283:1 specifically 22:2 31:23	32:17,20 41:12 53:15 53:23 54:2 55:1 58:21 59:3 61:21 62:9 65:2 67:19 68:21 90:10 107:3 108:23 114:6 128:1 140:25 147:23 149:18 150:15 177:15 180:16 203:15 211:2,9 234:3 244:7,18 254:2 255:6 263:11 264:22,25 265:4 283:3 284:19 284:25 290:22 295:14,16 specification 137:7 specifications 137:14 137:23 138:18 139:14 140:16 143:1 143:24 specifics 21:7 specified 73:4,7,8,10 82:7,11,16 117:16 138:2 141:23 258:24 specifying 139:6,17,23 speculate 159:19 170:24 172:18 speculation 170:8 196:10 271:20 speed 177:22 242:20 spell 49:8 spend 24:8 278:25 279:5 spent 23:14,15,18,24 24:2,7,14,17 43:21 50:20 51:6 166:21 257:13 259:3 Spiral 67:21 spiral-wound 29:8 34:1 sponge 144:3,13 188:17,20,21 189:3 189:19 190:1 216:1 220:11 221:17 spot 206:17 263:13 sprag 59:17,24 60:7,14 sprags 59:6,19 61:8 Spratt 11:6 sprayed 139:17 141:13 141:14,16 spun 215:19 216:4 square 189:19,20 190:1 190:2 St 5:20 staff 50:17 128:14 staffed 64:22 stage 220:17	stainless 59:7 Stanco 257:5 standard 5:11 9:7,12 9:19,20,22 10:11 11:2 43:6 46:22 106:6 117:7,17,23 130:7 158:4 160:2,25 182:8,19,24,25 186:25 187:10,16 204:24 212:9 213:23 214:14 216:19,24,25 228:20 230:20 234:14,21 241:4 244:5 251:23,24 252:11 274:2,10 304:14 standards 10:11 137:19,19 147:11 233:10 263:19 standard-setting 38:22 standing 159:9 standpoint 38:23 44:7 59:13 126:2,21 200:9 215:23 236:14 Stanley 5:2 171:8 304:9 start 54:20 76:2 104:15 131:3 133:10,11 143:16 145:2 158:7 184:9 196:16 202:17 started 27:11,12 43:19 45:10 46:6 81:22 82:24 88:2,5 97:9 98:13 112:17 124:19 130:11 147:5 176:4 273:15 293:18 starting 71:5 76:23 77:13 79:4 81:10 82:19 83:23 86:16 87:10 91:3 98:4 100:19 102:8 106:15 109:6 118:9 119:2 120:3 139:16 173:3 175:1 260:17 starts 76:6 82:20 120:18 178:2 195:13 221:19 260:18,22 state 2:7 4:19 9:3 13:6 19:22 38:25 39:7,20 74:18 103:13 105:9 153:15 209:21 212:20 224:15 226:11 227:19 229:8 229:9,17,24 253:20 301:7,16 302:23 stated 2:10 155:10	156:3 160:6 164:16 179:1 299:14 statement 51:8 79:4,20 83:15 87:8 97:11 115:7 120:23 122:19 127:19,20 129:9 138:23 156:10 157:3 178:18 204:19 232:17 259:5 262:5 264:14 statements 103:20 125:6 states 37:9,16 52:13 95:6 133:24 150:21 154:2 163:22 187:18 201:21 225:6 226:8 state-of-the-art 11:13 153:2,9 262:5 stating 59:9 96:11 155:12,24 156:8 stay 224:15 steam 9:20 67:2 108:20 121:2 194:16 214:1,6 214:7,8,18 steel 59:7 129:6 Steele 7:7 305:3 Steering 238:4 Stephen 5:12 304:13 sticker 152:10 sticky 151:25 stillman 181:10 Stipulations 8:4 12:1 stirred 220:15 stock 214:17 stopped 144:10 storage 66:1 71:23 store 201:3 Stovall 11:7,8,10,10 17:14,25 18:2 25:9 42:13,15 43:1,1 56:1 56:6,10,14,15 74:6 74:18 76:9 78:25 80:3,3,7 83:16 85:4 89:5,14 91:3 92:2 97:1 98:21 99:8 101:8 110:17 111:1 112:20,21 118:11 121:6,14,22 122:24 123:7,18 124:9,11 126:19 156:13 163:20,21 267:9,21 268:8 270:5 297:13 Stovall's 74:10 84:10 91:23 98:3 104:21 105:8 109:5 110:5,25 118:7 123:18 156:21	268:19 287:24 streams 63:24 Street 2:8 3:10 4:3,8,19 6:9,20 7:3,8 strict 60:10 71:14,14 strictly 210:21 275:14 Strike 235:23 250:19 STRONG 6:8 structure 59:16 studied 179:6 studies 46:1 68:12,16 68:17,17 129:15,20 129:22,24 198:14 199:21 227:1 262:11 265:8 276:18 277:5 290:16,19 296:11 297:5,8,11 study 9:22 105:20 138:16 187:23 199:17 202:24 209:12 216:20 224:23 225:5 265:10 265:13 276:23 studying 269:21 stuff 109:12 271:25 296:8 stumped 113:19,24 styled 2:4 subject 209:11 219:14 237:20 238:5 270:24 272:4,7 submitted 303:2 subpoena 11:12 16:17 17:4 123:8,20,23 124:3 125:8 295:12 subpoenaed 124:1 subscribe 34:24 subscribed 301:10 subsequent 152:19 202:6 296:11 subsidiaries 177:18 substance 41:10 206:8 206:12 substances 34:17 129:17 256:19 299:15 substantial 298:13 substantially 213:7 substitute 137:25 138:11,24 139:9,14 140:1,3,18 141:4 142:16,17 143:1,14 143:22,25 144:13 145:6,18 286:10 substituted 143:11 substitutes 29:13,15
---	---	---	---	---

138:8,9,16 139:4,11 140:17 143:4,7 successor 228:14 suction 122:9 192:20 sufficient 138:23 suggests 226:20 Suite 2:8 3:16 4:9,14 5:3,8,14 6:3,9,15,21 7:3,9 305:21 306:21 suited 45:20 Summary 9:6 10:5 11:2 177:5 179:20 182:7,18 224:1 250:25 252:24 summer 142:20,22 292:3,6 superceded 229:22 Superex 97:6,8 superintendent 85:1 supervise 101:19 supervised 73:9 101:18 supervising 80:4,7 85:23 86:1,9,11 101:17 103:21 supervision 64:4 82:2 101:12 197:10 supervisor 25:2 36:18 48:9,10,13,16 58:18 58:21 73:12,12 80:6 80:13,16,20 84:13,14 84:19,25 85:2,2,14 88:8,15,20 91:6 93:5 101:20 110:6 152:15 158:19,24,25 171:21 172:2 288:16 supervisors 25:2 35:23 50:10 58:23,23 77:9 80:14,16,20,24,25 84:15,19,24,25 85:2 85:3,12,14 101:3,18 101:20 111:13 116:17 118:4 237:25 supervisory 288:7 supplemental 136:21 154:8 supplier 247:2 248:9 suppliers 212:21 Supply 1:16 6:1 302:16 304:18 suppose 22:9 98:23 113:8 114:19 160:8 181:6 243:19 280:20 supposed 91:11 157:5 295:2,6 296:18 supposition 111:17 suppress 110:2	suppression 90:14 200:22 sure 15:2,4 25:12 31:20 33:12 42:14 45:20 46:6 48:23 81:2,6 82:16 89:2 90:22 99:22 100:6,10 105:15 107:2,3 114:22 116:5 125:12 129:23 134:8 135:2 142:5 144:7,15 145:5 146:17 147:22,24 156:6 160:19 167:12 177:14 203:23 205:5 207:15 232:19 237:24 240:1 253:7 259:1,24 280:25 281:19 285:11 288:10 295:5,22 surprised 27:22 155:14 surveillance 44:16 45:16 54:18 106:6 120:1 196:14 197:17 survey 9:12 62:15 149:23 166:16,22 179:21 186:25 204:23 205:12 surveys 62:19 129:16 179:19 suspended 71:22 72:1 Svrcek 1:4 2:4 13:13 302:4 sweat 292:15 sweep 232:20,21 sweeping 232:24,24,25 233:5 sworn 2:1 13:3,19 123:5,16 302:24 Syler 6:19 304:23 Symposium 134:13 symptoms 197:25 system 66:7 70:17 97:9 97:14 252:2 systems 201:6 285:24 Szocka 6:14 275:3,3 280:11,11 298:21,21 304:21 S-I-M-P-S-O-N 49:19 S.I.P 77:2 86:2 135:21	tabs 209:16 tackles 77:22 take 15:1 55:20,21 65:1 71:19 78:19 88:25 100:2 105:14 109:2 109:12,13 136:18 154:14 173:20 191:18,20 212:1 213:10 takeaway 234:24 taken 2:4 11:7,8,10 12:3 13:16 14:24 42:15,16,18 56:1,6 56:11,15 66:17 68:18 104:22 107:9,11 125:4 154:24 162:1 165:9 227:6 241:17 242:1 288:20 303:19 305:10 talk 21:14 26:24,25 29:6 32:23 35:8 36:1 41:25 42:4 50:9 52:19 53:14,16 54:14 56:19 62:1 69:13 82:21 92:12,17 98:21 99:2,7 100:20 105:14 140:15 141:16 160:24 174:5 177:19 188:23 190:18,22,25 191:9 192:24 193:1 202:13 219:3,4 221:4 221:11 224:18,19 225:21 226:4 232:6,9 232:13,18 234:1 241:17 242:15,18 252:3 265:20 274:4 280:5 291:20 talked 26:15 50:6 51:17 53:21 55:12,12 64:7,11 66:13,16 68:23 71:20 87:11 89:7 90:2,5,7,7 97:7 99:17 101:6 102:5 103:19 107:2 129:13 132:2 134:2 143:4 144:4 147:13 159:10 161:16 179:19 183:18 184:24 185:15,20 186:17 191:24 198:2 229:3 253:3 269:4 291:8 296:3,24 talking 14:12 37:8 41:11 46:20 50:15 53:7 59:23 65:8 69:5 69:8 74:22,23 75:19	87:6 89:4 90:8 92:21 94:14 95:18 117:10 117:12 121:15 122:23 140:10 141:2 143:1 161:15 167:1 171:25 177:24 190:13 191:25 192:5 221:22 225:14 248:13 252:19 255:20 261:11 263:11 264:13 265:21 286:9 296:20 talks 29:3 33:25 41:6 96:5 104:21 153:8 177:11 188:8,11 189:21 198:10 200:16,22 201:1 214:24 216:1 220:21 221:7 253:9 tank 71:24 tape 161:23 TARDY 7:2 target 256:18,20 tasks 207:11 taught 117:13 teach 115:22 team 78:1 teams 77:21 tearing 159:22 227:11 tear-out 272:13 technical 213:24 236:14 technicians 36:10 Technologies 3:14 304:2 technology 121:18,20 258:9,12,23 273:21 294:13,21 tecum 11:12 16:18 17:4 17:8 295:13 Tee 9:6 tees 65:18 68:23,24 69:3 70:3,8,9,10,12 185:19 Teleconference 5:2,7 5:12,18 6:2,8,14,19 7:2,7,13 tell 13:20,23 34:18 35:18 40:8 48:18,23 57:7 69:23 70:6 84:16 85:13,25 94:11 98:14 104:25 105:13 106:25 112:22,22 116:21 132:23 138:6 148:19 149:11,24 152:5 162:17 176:13	186:18 206:16 218:25 247:11 248:12,13 258:7 267:21,22 268:1 269:24 273:18 telling 104:15 288:17 tells 113:3 232:15 temperature 30:22,23 32:5 66:7,7,12 72:5 139:8 164:22 165:19 temperatures 165:2 temporary 64:25 230:19 tend 121:23 126:4 term 80:15,18 118:14 118:22 119:19 termed 85:1 terms 15:22 97:23 128:12 144:22 151:21 153:9 185:13 194:15 232:17 261:10 265:21 273:22 286:4 test 33:4,13 104:24 105:20 tested 192:12 testified 13:3 14:4 15:16 17:18,19 43:12 51:3 52:2,15 95:24 98:21 108:13 155:8 187:4 263:10 265:7 265:16 271:3 290:7 290:10,13 testifies 289:24 290:1 testify 52:16 99:7 153:5 154:13,22 173:4 295:25 testimony 15:9,23 16:14 18:9,13,24 22:18 25:1,13 35:12 38:5,8,12 44:11,19 46:16 48:12 57:7 59:24 60:6 61:10,19 63:7 64:5 65:21 67:10 71:13 72:15 73:11 80:12 86:8 89:15 91:3,17,21 96:14 97:1 98:3 102:8 104:9,18,21 105:8 109:5 110:7,14 110:20 112:25 113:2 114:3 121:25 122:25 124:4,17 140:21 146:18 149:11,24 151:2 152:6 154:19 154:23,24 155:18
---	--	---	---	---

156:21 159:12 160:23 161:8 163:5 167:14 172:12 187:5 197:16 223:3 230:6 237:4 268:18 271:17 272:10 274:15 279:5 279:7 282:20,23 283:13,22 284:9 287:25 288:2,12 289:21 303:1,19 testing 46:9 Texas 1:6,17 2:7,9 3:5 3:11,16,22 4:4 5:3,9 5:14,20 6:4,10,21 7:4 7:9 9:3 10:21,23 12:3 20:4 27:19 38:25 39:8,12 52:24 117:11 117:14,15,23 124:18 125:17 141:3 153:15 155:9 225:21 229:5,9 229:17,24 230:7,10 246:16 248:4 263:3 263:18 264:11 302:6 302:17,23 305:19,21 306:19,22 textile 209:13 257:11 thank 41:13 42:11 83:22 152:23 259:20 274:24,25 275:23,25 277:8 278:3 279:9 297:23 299:20,21 Thanks 42:24 195:11 212:3 213:11 291:6 thereabouts 293:20 therefor 306:6 thereof 12:9 Thermal 284:1 Thermobestos 184:11 184:20 216:25 217:18,22 218:1 220:4 223:14 228:21 269:9 they'd 19:24 58:3 61:9 137:6 149:17 thick 184:16 185:6,6 187:4 thing 14:24 22:11 83:19 103:8 142:8 187:3 196:19 261:14 things 50:24 54:1 64:12 123:1 125:4 138:12 141:19 142:24 150:5 154:21 155:11 192:12 207:9 242:21 243:9 252:21 253:12 253:14 271:2,15	285:8 think 18:17 19:11,16 20:18,25 21:4,5 23:8 33:21 35:5 36:8 37:2 38:21 39:17 40:10 41:12 43:10,11 47:22 50:3 51:16 52:4,25 56:2 57:5 60:15 64:10 67:7,13 72:14 72:19,20 73:8,15 80:2 86:11,15 87:11 87:25 88:5,12,21 89:18,24 90:15 94:21 95:24 97:4,7,16 98:17,17,25 99:6,24 100:3,12 102:17 103:10,24 108:18 109:10,23 110:4 113:10 114:3,25 118:8 120:24 121:4 121:15,19 124:5 126:17 127:8,18,19 127:24 128:5,8,12 129:20 130:3,23 131:12 132:9 133:4 133:14 136:4,20 137:4 139:5 140:23 142:4 143:11,13 144:7 145:8,14 149:10 150:11 152:3 153:11,13 157:4,24 158:2 160:5 162:11 162:22 163:15 168:13,14,22 169:1,9 174:1 175:15,21 177:13,20,24 178:4 180:25 181:18 182:15 183:18 184:8 184:14 186:4,10 187:16 189:14,14,15 191:1 194:10,11 197:8,22 198:3,23 200:11 203:5 204:12 204:19 205:3,8 206:23 207:1 208:20 209:4 210:12,18 212:13,19 213:19 216:18 217:1,6,20 218:6,13 219:11 222:5 229:2,25 231:15 233:2,24 236:7,18 238:25 240:22 242:24 243:9 244:25 246:1,2,3 247:17 251:2 260:11 263:17 266:20	267:16,24 268:13 283:1 284:24 288:2,5 288:23 289:8,19,25 293:6,17 thinking 144:16 245:8 third 29:3 243:10 250:2 thoroughly 161:23 187:24 thought 21:11 61:14 99:23,25 103:7 265:17 thousands 61:8 three 14:16 24:14 42:19 75:24 146:1,4 148:16 162:13 240:25 279:8 292:9 three-day 226:19 three-minute 242:11 three-week 24:11 65:1 three-year 45:23 threshold 117:11,15,23 118:1,15 119:5 178:24 200:12 229:11,18 230:23 273:25 thundering 238:6 tight 77:22,23 Tim 13:10 136:17 176:19 252:14 time 12:7,8,15 14:10 19:3,7,20 20:1,2,17 21:23 23:4,5,13,16 23:19 24:3,4,5,7,22 26:14,18 29:16 30:10 30:13 31:8,17,21 34:2 36:8,11,24 37:17 38:10,18 41:1 43:13,19,19 46:6 47:14,14 49:18 50:1 51:21 57:17,22 58:1 58:2,24 60:20,23 62:3,12,15 63:3 64:8 65:1 66:5 72:4,11,12 76:25 83:25 85:9,15 85:16,24 86:1,10 88:14,22 89:11 93:10 95:5,13 97:10 98:15 98:18 104:23,25 106:16 107:11 108:1 108:12 109:1 110:10 112:13 114:1 115:7 117:8 118:14,20,21 119:3,9 121:3 124:25 125:1 126:17 130:17 130:23,23 133:9	134:16,17 137:22,25 139:7,9,20 145:7 147:22 150:18 152:3 155:2 156:18 157:15 158:12,15 160:25 161:19,19 162:8,8,16 163:9 164:8 165:5,22 169:25 170:16 173:6 179:12 182:25 184:7 187:11,15 189:14 194:12,18,22 195:6 196:18 204:7 205:21 211:13 220:8 229:12 229:12 230:10 231:5 233:4 236:12 241:13 245:21,21 249:22,23 253:21 258:3 259:17 260:7 261:4 264:15 265:8 266:12 268:16 270:14 271:11,11 279:5,7 284:2 285:15 286:18 287:17 290:24 292:20,20 294:13,16 297:22 298:7,12 299:9,11 303:6,19 times 14:3 16:1 52:2 57:3 58:18 86:21 91:2 109:21 153:5 161:17 185:6 186:20 286:15 289:18 time-weighted 230:25 241:9 257:17 274:1 274:20 296:12 Timothy 3:4 303:22 tim@doddfirm.com 3:6 title 30:4 34:14 54:10 206:14 291:18 titled 28:4 39:7 224:1 236:3 250:25 TIVIN 6:14 today 14:22 15:6,19 16:2,22 18:13 21:19 30:6 42:3 43:20 44:11 51:15 64:5 100:25 105:18 127:17 144:9 151:2 179:16 210:17 213:8 222:10 244:13,16 260:1 295:19 296:25 today's 179:14 toe 113:20,24 told 38:5 54:16 92:2 93:5 102:11 104:6,12 105:6 114:24 116:18	117:11,13 119:19,24 125:6,15 133:1 243:4 288:16 Tollgate 6:15 tone 140:24 267:24 tool 253:13 tools 234:13,14,22,23 258:13 top 57:20 109:24,25 115:12,13 120:24 123:1 133:4 168:24 187:18 198:23 217:4 235:18 261:11 280:13 topics 51:1 tore 156:19,24,25 total 66:20 101:21 191:16,16,20,24 192:8 258:6 266:5 274:5 279:1,7 totality 226:17,18 totally 99:1 120:25 touched 142:25 188:6 Towson 4:15 toxic 34:16 94:15,19,24 95:1,3,7,14 96:6,10 299:15 toxicity 206:15 224:19 toxicology 248:21 trace 214:7,18 Traced 9:20 214:2 traces 150:23 track 159:6 204:13 trade 131:23 142:10 trades 72:16 77:17 115:17 135:9 traditionally 97:13 trained 58:15 97:17 237:13 training 8:24 27:17 28:6 51:7 97:24 116:20,22 117:4,17 117:22 255:13,15,21 255:24 259:4 transcribed 12:11 transcript 302:25 303:2 306:10 Transcripts 11:6 transferred 1:10 124:20 302:10 transition 30:11 139:19 transmittal 11:4,6 208:17,23 209:23 transmitting 41:23 42:10 transport 65:17,23,25
---	---	--	---	---

66:4 254:1 Travis 155:9 TRCP 8:20 305:14 306:1 treating 122:9 192:20 Trembly 18:14 28:12 38:5,13 40:12 42:10 52:4 151:10,14 152:8 266:17 Trembly's 20:19 21:2 21:24 34:12 40:6,11 40:23 149:7 trench 275:17 trial 12:9,15 14:25 18:24 43:7 99:7 102:18 124:4 187:5 289:20 295:25 tried 55:7 62:21 77:20 110:2 204:13 224:9 troughs 220:15 Troy 77:15 125:6 true 92:7 98:11 99:9 140:4,20 156:1 203:11 263:9 301:1 303:1 Truffer 4:13 304:6 truth 13:20 truthful 125:6 try 65:13 74:25 99:7,11 108:7 113:6 114:9 128:17 132:23 176:8 198:4 trying 81:9 90:25 138:13 143:9 156:13 224:15 226:7 299:7 tube 174:17 tubes 284:6 tumors 226:9 turbine 78:17 270:23 turbines 78:5,11,14 281:13,21 282:5 turn 74:9 77:5 81:7 83:22 98:2 110:24 137:12 159:8 166:25 177:21 186:16,17 198:4,5,24 199:24 200:13 205:25 206:3 207:2,3 208:11 209:15 210:9 211:25 213:9 216:13 217:2 218:7 219:8 223:4,20 228:1 230:15 234:25 235:25 237:15 239:12 246:6 249:15 250:15,16 261:10 turnaround 63:17,19	63:20 72:21 79:6 85:16 101:25 102:4 103:23 128:17,18 161:12 271:3 286:5 turnarounds 63:25 64:20,21,24 65:4 72:23 85:18 157:13 157:20 159:11 206:9 270:24 271:10 272:4 Turner 171:6 Tweed 3:13 304:2 twice 56:24 168:15 289:19 two 21:3 23:2 50:2,20 51:6 61:7 65:1 75:1 75:22 103:24 124:21 146:1 151:2 159:20 188:16 195:4 199:10 215:23 245:10 259:3 270:24 two-day 24:13 two-page 240:20 two-week 166:21 Tyler 6:4 type 15:8 20:10,16 22:10,12 26:13 27:17 30:6 46:8,9 53:2 62:14 64:6 66:10,13 66:18 67:20 68:11,17 83:6 93:23,23 94:6,7 94:9,17,22,23 116:3 137:14,15 138:6,7 141:22 142:3,8 147:20 149:12,25 162:3 166:8 180:24 181:16,19,25 186:2 188:11 195:1 197:17 199:13,17 225:8,9 232:15 233:21 248:14 255:20 258:12 270:18 272:23 275:20 282:5 283:14,17 290:23 295:6 297:18 types 62:16 97:17 149:14 152:13 153:12 188:16 216:3 219:19 269:21 typewritten 33:8 typical 93:2 typically 45:22 61:3 65:1 66:10 68:6 84:25 109:3 142:4 149:17 157:8 161:22 181:4,14,25 186:4 252:12 275:18	T-E-E-S 68:23 T.L.V 116:18 118:8 T.V 102:15 U uh-huh 35:7 47:24 87:16 107:18 163:12 185:12 267:16 294:17 umbrella 295:15 unavoidable 243:14 uncertainties 202:1 uncertainty 208:5 underground 142:3 understand 13:13,19 13:24 18:20 88:23 111:18 125:13 215:16 255:16 understanding 18:23 44:14 45:12 46:24 53:4,25 56:23 84:17 104:17 108:13 112:3 119:16 175:18 179:10 194:25 274:16 275:22 understandings 276:22 understood 187:24 unfortunately 74:8 Unibestos 9:19 163:2 163:14,16 165:20,22 166:2 173:16,18,23 174:2,2,24 185:3 212:10,22 214:19,23 215:2,19,24 216:5,9 216:10,25 220:2 234:4,7 269:13 union 9:18 10:21 149:5 212:8,21 246:11,12 unit 9:24 47:18 61:7 62:6,6,17 66:1,2 72:25 79:5,10,13,19 128:17,20 137:6,7 161:12 181:14 206:12 286:5 United 37:9,16 52:13 95:6 133:24 150:21 154:2 201:21 225:6 226:8 units 63:11 85:17 101:13 137:8 207:18 227:11 unjacketed 217:22 unknown 207:23 208:4 unloading 91:10 unnecessary 226:22 unprotected 242:19	244:7 unsigned 12:14 usage 248:17 249:4 use 8:25 10:12 28:4,21 66:9 68:8 100:13,15 109:3 137:7,24 138:9 138:20 143:24 152:22 166:13 194:14 198:15 200:23 215:2 216:10 216:24 217:22 231:14 234:1,2 235:10,13 241:23 242:12 247:4 248:1 248:20 249:3,11 254:5,11,12 255:13 258:14 261:16 262:1 277:3 291:3,19 user 247:3 248:15 usually 62:25 63:1 72:1 151:23,23 152:1 161:20 V vacuum 232:19 vacuuming 232:18 vaguely 17:23 129:1 value 117:16,23 118:1 118:15 119:5 200:12 229:18 273:25 values 117:12 178:25 229:11 valves 279:21 Van 208:18 209:2,5 228:3,14 variations 254:22 variety 207:9 various 23:9 37:11 142:11 152:13 166:6 177:17 200:12 207:11 292:21 vary 62:24 vehicles 254:1,2 Venable 9:14,15 10:2 10:15,16,18,19 208:18,25 209:1,6,22 218:21 219:14 223:8 235:19 236:3 237:19 239:7,17 240:17 245:15,25 ventilation 178:14 179:11 200:23 201:2 234:15,22 257:15 versed 217:10 version 217:18 versus 56:15 95:17	180:13 213:3 249:2 vessel 138:13 139:8 242:9 vessels 275:15 viable 138:11,16 139:9 140:1,2 vicinity 64:14 Vicki 1:3 2:3 13:12 302:3 violating 243:20 violations 148:24 viscous 214:8,9 visible 93:20 109:20 169:21 202:14,18 visit 58:22 176:14 volume 1:21 34:21 151:14 152:8,10 Volumes 151:11 voluntarily 123:8,19 124:4 VS 1:6,15 302:6,15 W Wagner's 225:14 wait 29:25 226:1 230:3 walking 292:20 walkthrough 148:23 148:25 wall-to-wall 149:22 Walsh 246:11 248:7 Walsh-Healey 39:21 Walter 3:20 169:3,11 170:20 262:24 303:25 walter.lynn@baker... 3:23 want 25:14 29:21 35:25 41:19 42:18,21,25 51:4 55:20 56:19 65:2,23 67:9 72:8 74:7 76:2 77:5,7,12 78:8 83:22 84:10 87:10 91:1,2 98:2 99:16 100:20 101:8 102:7 104:5,20 112:19 113:14 118:7 120:2 124:11,22 125:14 127:7 128:22 130:4 132:23 135:18 137:24 140:15 144:3 146:23 154:6 156:12 159:18,19 166:25 170:23 172:18 176:25 186:16 187:2 187:7 188:5 192:24 193:1 200:13 201:16
---	--	---	---	--

207:2,16 208:21 213:16 216:10 217:23 228:1 235:18 236:20 246:6 248:16 250:9 251:9 252:3 259:1,8 260:16 289:4 291:23 wanted 56:3 70:5 75:4 109:11 123:2 126:25 148:4 150:3,10,13 151:11,15 153:25 155:9 176:9 216:24 226:15 252:20 258:1 287:23 292:22 294:4 297:2 wanting 215:1 Ward 169:7 172:24 warm 55:19 warn 88:9,17 warning 242:16 244:8 wash 100:2 wasn't 21:6 48:6 66:14 161:11 174:13 181:1 232:12 269:25 286:17 287:11 waste 211:13 232:13,14 was/was 306:3 watching 60:20 80:8 water 69:7 141:25 142:4,17 161:24 220:15 275:16 WATKINS 7:2 Watson 6:8 8:11 276:2 276:2,5,22 277:1,4,7 303:14 304:19 way 22:23 55:18 61:25 62:25 69:7 77:25 97:24 109:9,15 151:6 155:11 157:5 162:17 183:3 195:7 231:22 256:5 275:18 280:4 282:16 287:16 290:5 weaknesses 244:21 wear 46:14 47:4 58:5 89:9,13,16,19,25 91:7,11,14 99:23 107:15 120:12 176:2 195:24 wearing 48:6 89:11,22 93:21 172:16 174:4 235:11 272:24 weather 61:4 Weaver 10:2 146:19,19 219:14 weaving 257:11,16 week 18:17 21:24	257:13 264:4 weeks 24:14 50:20 51:6 259:3 weighted 241:13 294:6 weld 59:7 61:7 157:9 welded 59:19 welder 56:25 57:18,23 57:23 60:11 171:12 171:21 174:10 263:2 263:13 272:13 275:11,19 278:25 279:4 291:25 292:12 292:19 welders 57:12 59:17 60:16 87:6 116:9 157:9 199:18 206:8 263:17 276:14,24 291:23 welder's 292:1,19 welding 57:19 59:21 60:11 198:2,6,10,13 198:18,25 199:5,17 199:19 200:3 253:12 253:13 276:7,13 277:5 292:12,20 297:5 welds 292:11,13 well-determined 202:3 went 24:18 46:7 56:1,3 149:16 150:3 153:10 170:16 176:3 217:14 259:6 285:17,21 299:3 weren't 25:8 31:13 40:19 60:20 78:14 85:19,19 89:21 100:15 139:22,23 161:10 169:16 245:20 270:8 294:20 Wesley 154:1 west 4:14 19:22 Westheimer 5:8 Westinghouse 281:5,7 281:12,21 282:4 wet 90:11 108:14,16 158:4 161:23 201:4 220:16 232:23 wetting 90:13 108:3,6 160:3,6 we'll 25:13 56:2 69:13 76:1,2 110:20 211:12 we're 55:24 75:19 105:1,2 178:4 187:3 233:16 236:15 246:7 295:2,6 we've 53:21 55:12,12	89:7 102:5 122:23 170:12 183:18 186:17,19 191:1 229:2 234:7 260:15 291:8 296:24 whatsoever 104:1 266:3 293:15 Wheeler 135:21 137:9 white 5:8 26:11,13 41:20 wide 53:17 217:22 widely 30:6 widespread 100:13 Wilburn 174:14 Wilkening 212:9 Wilkerson 11:9 56:10 167:2,7,21 172:25 WILKINSON 7:13 Willard 187:9 William 11:13 153:3 209:20 Williams 4:2 123:17 287:25 Williams-Bailey 267:15 268:2,8 wire 161:25 wise 202:16 282:2 witness 2:1 12:11,12 55:18 114:7 124:11 124:15 163:20 176:18 218:8 259:20 267:1 274:25 275:25 279:10 297:23 299:21 300:2 302:24 303:1,3,4 witnessed 115:7 Witnesses 154:8 woman 20:22,22 wonder 238:14 wondering 239:3 wool 132:2,5,8 215:20 216:4 word 102:19 wording 237:8 words 137:15 138:9 147:19 159:2 199:10 255:17 258:12 264:3 283:17 286:17 wore 46:25 47:25 120:10 work 9:5 14:20 15:5,8 18:7,24 19:1 23:10 37:1,13 43:4 45:21 47:13 49:25 60:15,21 60:24 64:7,15,21 65:20 68:20,20 70:10	70:10 71:5 72:17,24 73:3,10,13 77:17,24 78:17 79:12 80:8,23 81:19 82:12 85:17,20 86:13,25 97:24 99:2 111:7 112:2 125:25 126:1,5,6,14 136:18 156:5,5 157:8 158:16 158:21 159:15 161:7 166:1,24 178:13 181:14 186:9 189:3 197:3 200:4 207:11 222:20,21 225:14,15 227:2 231:1 236:23 242:16,19 244:9 251:18 253:9,9,10,16 254:19 264:10 275:14 294:16 Workbook 8:24 28:5 29:5 291:9 workbooks 255:14 worked 14:16,17 18:2 18:5,7 19:15,19 20:3 22:4,20 23:2 26:15 35:22 36:10 39:16 49:15,18 50:17 56:24 57:2,13 58:18 59:6 62:2,7 63:3,6,6 65:6 65:17 66:5 73:7,17 74:20 76:12,16,18,25 78:12 82:6,15,23 91:24 92:2 99:8 101:8 110:21 119:4 119:10 122:3 131:6 134:16 147:18 148:4 167:2 205:20,21 207:10,10 225:23 231:5 249:3 255:9 260:7 270:6,9 275:12 288:6 worker 93:3 workers 23:7 39:1,12 39:24 45:17 73:3,6 73:21 81:25 83:3 101:17 104:15 126:25 129:16 156:6 159:15 207:13 217:14 225:6,10,22 241:11 250:12 266:2 workforce 112:2 working 15:23 22:4 26:19 41:9 43:19 46:19 47:15 48:5 57:20,23,24 64:2,7 65:10 79:18 82:2,10 82:22 84:1,5 86:22	87:19,23 106:17,17 107:22 110:10 114:9 115:6,9 118:14,21 120:9 168:3,19 172:3 172:14 181:22 231:5 262:18 263:24 264:5 273:9 274:17 275:19 298:4,13 workload 64:21 workman 197:9 workmanship 82:13 workmen 200:5 Workmen's 9:4 Workplaces 150:21 work-related 41:8 worn 258:16 271:4 Worsley 10:18 239:18 worst 234:7 worthy 243:25 Wotipka 169:9 wouldn't 25:1 27:21 48:8,22 60:15 72:15 73:15 77:24 80:6 81:2 83:15 89:21 90:10 91:18 92:17 93:16 96:13 98:14,17 161:4 168:5 170:15 195:2 211:4,4 236:18 245:18,20 258:7 272:4,7 275:19 280:19 285:6 293:6 wound 67:21 wrap 220:12 write 137:14 writer 245:9 writes 120:5 written 127:10,11 128:4 153:3 187:9 203:8 231:23 235:9 245:14,22,24 253:17 wrong 260:24 wrote 127:23,25 128:2 178:1 183:5 201:22 261:19 W-O-T-I-P-K-A 169:9 W.T 9:15 X X 270:20 Xaverie 5:7 304:11 xii 206:2 xpicciurro@whitesh... 5:10 x-ray 45:24 104:24 105:19 197:12 x-rays 45:25 46:4
---	--	---	---	--

104:8,22	00:09 303:12	12:23 122:22	1931 197:6,17	229:18,21,24
Y	000 32:14	12:54 148:2	1935 204:6	1972 10:11 27:15,15
yeah 30:5 43:11,24	04 74:13	1221 5:20	1937 9:10 51:21 158:3	166:24 230:22 235:9
48:3 55:21 72:13	05-CV-147 1:11 302:11	128 81:9	186:20,21 196:4	236:17 237:23
75:3,12 76:14 94:25	05:33 303:9	129 81:8	273:8	239:19 244:5 261:15
101:18,25 115:20	1	13 8:6,23,25 9:2,5,7,8	1940s 55:14 131:4,12	262:6
119:22 120:13	1 1:15,21,21 8:23 10:10	9:10,11,13,14,16,17	132:22 133:12 147:7	1973 8:25 19:2,14 28:9
140:11,11,12 149:17	13:1 25:22 63:5 78:9	9:17,19,21,22,24,25	219:20 270:14	28:21 29:11 47:21
153:20 154:15,16	100:21 151:11,14	10:2,4,6,8,10,11,13	1947 9:4 23:21 25:3	166:24
157:17 158:12	173:13 184:9,16	10:14,15,17,18,20,21	39:1,12 45:13,14	1974 135:1 246:25
169:18 176:21 184:1	251:9 252:4 302:15	10:23,25 11:3,4,6	46:1 54:22 88:2,3	247:4 263:17 266:2
189:6,9 193:24 204:2	1st 51:11	158:7 210:9,11,13	104:19 115:6 119:25	1975 35:25 49:23
206:5 209:16 212:3	1,000 105:9,11	13th 204:6	124:19	1976 14:15 19:2,14,17
213:11 217:6 225:25	1-inch 185:5	13,485 184:15	1949 9:7,13 51:12	24:16 40:3 260:6
252:16 253:25 254:9	1-7-72 10:14	1300 2:8 4:9 7:3	53:12,21 55:13 177:7	1977 115:6
256:8 257:24 283:17	1/100th 295:10	1301 6:9	204:25	1978 23:21 110:14
284:13 289:14 292:7	1/2-inch 185:6	14 9:18 19:18 72:1 79:4	1950 36:14 88:6	1981 249:25
year 34:21 43:10	1:27 148:2	157:19 159:17,21	1950s 126:12 128:5	1986 10:25 250:2
103:24 126:8 128:4	10 9:12 43:21 67:3 72:1	160:13 171:24	130:18 131:4,25	1987 153:24
190:3 197:18 210:1,1	124:24 156:22 164:2	172:20 211:25 212:6	132:14,20 219:20	1990 151:9
271:10	171:17 192:1 195:17	216:8	270:15	1994 42:17 56:16 150:6
years 14:16 18:5 23:23	195:20 204:20,22	143 82:19	1953 9:17 210:20 211:8	1996 42:16 56:11 96:11
24:1,2 25:3 49:25	222:1 223:14 225:22	15 9:20 14:6 19:11	1956 88:3 212:20	118:12,13 156:15
80:4,7 82:24 92:3	254:19	66:10 95:19 96:20	1958 10:10 117:11	287:11,15
106:21 107:5 114:25	10th 228:8	112:20 119:3 159:18	153:15 163:9 164:4	2
115:5 121:21 124:24	10-19-76 10:23	160:15 163:6 175:1	167:20 172:7 215:8	2 8:24 27:24 29:23
135:1 154:17 163:9	10-29-51 9:16	188:18 189:3 191:19	229:7 268:15	30:16 32:2 84:11
166:22 169:22 172:6	10:35 55:22	191:20 213:9,16	1959 92:5,18 94:1,5	91:4 98:4 151:11
173:22 204:13	10:47 55:22	273:24 274:7	95:2,12	152:8,10 163:13
220:22 221:2 222:1,7	100 3:16 93:11 95:10	16 9:22 76:23 102:8	1960 46:8 135:1 195:7	165:13 187:13
239:10 240:25	95:18 299:15	119:3 163:13 216:14	1960s 26:22 31:11	225:12 238:5,20
258:10 268:15	100,000 266:19	1601 4:3	44:11,19,20,24 45:7	240:10 243:8 253:20
270:20,24 272:5,8,12	1010 5:3	17 9:23 33:1,6 81:10	46:13 258:24 263:3	291:5,6 298:3
278:15,24 279:1,4	102 4:14	106:15 115:4 124:10	270:16 271:19 280:2	2nd 42:17 56:16
yellow 151:18,24	106 78:9 79:4	163:22 164:2 165:21	282:9	2-inch 185:6
161:22	11 9:14 29:22 30:1,2	171:18 173:3 217:2	1960s/1970s 89:9	2-27-04 11:7
Yep 76:4	107:25 167:7 208:12	223:17 229:25	1961 9:25 217:4 218:10	2:51 213:12
York 37:11	208:14	260:16,17,23	1964 10:6 223:12 224:2	20 10:3 49:25 67:8
y'all 16:6 136:21	11TH 1:9 302:9	17th 41:20 150:6 210:6	1965 9:7 36:25 47:20	87:10 113:13 114:25
Z	11-23-64 10:4	1717 7:8	70:1 183:20 184:4	120:18 223:4,6
Zinc-rich 10:23 248:5	11:25 89:3	18 1:22 9:25 32:23	1965-1966 265:8	239:10 262:14
248:19 249:5	11:29 89:3	164:8 165:4 218:7	1966 36:25 228:4,8	263:25 273:25
zone 258:18	111 305:21 306:21	250:17 261:11,11	1967 167:20 292:5	20th 237:21 239:19
Zurn 7:1 277:13,15,16	11200 5:8	300:2 302:20	1968 142:23	20% 9:5
305:1	12 8:4 9:15 30:15	18th 2:5	1969 56:25 61:7 84:12	20,016,178 193:15
\$	209:15,19	1800 5:3 6:21	85:15 163:9 164:4	20-inch 185:6
\$300 43:13	12th 177:7	19 10:2 27:14 32:23	172:7 268:16	200 5:8
\$375 43:16	12-inch 67:2 121:2	63:4 77:13 88:7 91:3	1970 35:25 36:20 38:15	2000 14:17 35:6
0	194:16	120:4 165:13 219:8	112:15,16 215:7	2001 7:3 34:23 35:7
00:01 303:13,15,16	12-14-51 9:14	262:10 293:25	265:12,18,21 266:1	47:23
00:02 303:14	12-28-71 10:13 232:1	19th 224:2	1970s 31:15 46:8,13	2004 42:18 43:12 56:6
00:04 303:10	12-31-07 305:19	19-21 10:6	121:19 133:15 138:5	155:8
00:06 303:11	306:20	1919 293:21	138:6,23 141:23	2005-52097 1:1 302:1
	12-8-06 11:5	1930s 23:11 46:23	256:17 263:4 266:9	2006 1:22 2:5 41:20
	12:11 122:22	121:19 130:12	266:18	300:2 302:20
		257:25 293:20,25	1971 27:14 134:13	

2007 305:15 306:16 203 305:13 306:1 203.3 306:13 21 10:5 33:25 83:22,23 109:6 163:6 223:20 223:24 21st 197:6 224:2 210-2400 3:11 210-2500 3:11 210-5014 6:11 2100 6:9 21201 2:9 4:9 21204-4575 4:15 214 3:11,11 4:4,4 6:22 6:22 7:4,4 215 6:3 22 10:7 159:21 165:20 165:21,23 168:18 228:1,2 220 6:15 22626 4:20 227-8004 7:10 227-8200 7:10 228 7:15,15 229-2020 3:22 229-7720 3:22 23 10:9 107:8 165:4 170:2 229:2,4 23rd 43:12 223:12 24 10:11 160:13 230:15 230:18 2400 5:19 241 209:12 244 247:8 248:15,17 249:2,4 256:7 25 10:12 14:6 19:21 23:19 24:6 101:9 167:1,7 231:11,12 233:8 250 185:21 254 3:6,6 255 242:10 259 8:7 26 10:14 234:25 235:2 262 8:8 267 8:9 27 10:15 84:10 85:7 100:16 166:25 167:19,20 168:18 187:7 188:5,8 189:24 191:7,25 192:3 235:25 236:2,16 27th 42:16,18 56:6,11 74:13 27,527,040 193:10 275 8:10	276 8:11 277 8:12 278 8:13 279 8:14 28 10:16 191:7,25 192:3,14 194:17 237:16,18 2828 6:20 29 10:18 193:14 195:4 239:12,13,16 298 8:15 299 8:16 11:12,13 3 3 8:3 9:2 33:6 34:9 82:19 86:17 98:4 110:24 118:7,9 156:22 184:16 236:20 3-4-74 10:21 3-9-72 10:15 3:02 213:12 3:57 252:18 30 10:19 80:4,7 115:5 118:6 158:10 198:7,7 240:15 263:25 279:3 30s 96:3 196:17 197:19 204:18 30th 4:3 30-plus 279:4 300 8:18 19:12 300,000 189:19 190:1 266:15 302 8:19 219:23 306 8:20 31 10:21 24:1,2 74:10 74:18,22,22,23 75:7 75:9,11 246:7,8,9 31,375 185:5 312 3:5 32 10:22 247:19,21 323 6:3 33 10:24 124:25 249:15 249:17 34 11:2 124:25 176:6 176:20 250:22 252:20,23 35 11:4 18:5 25:3 41:19 41:22 80:7 92:3 198:22,24 3500 3:10 36 2:8 4:8 11:5 13:1 42:7 37 11:7 55:23 56:4,5 74:13 210:8 236:11 375 43:5 305:23 306:24	38 11:8 56:4,9,12 156:14 199:23 39 11:10 55:23 56:4,16 83:21 39202 4:20 39225-2626 4:20 39567 7:14 4 4 9:3 30:18 39:5 160:15 163:22 171:14 178:5 206:1,2,4,6,7,10,14 206:19 223:14 225:13 253:8 4's 75:25 4,502,880 192:18 4:04 252:18 4:57 2:5 40 11:11 111:10 121:21 299:22 40s 98:13 144:12 196:17 197:19 221:1 270:19 4026 305:19 306:19 409 5:4,4,15,15 41 11:13 299:22 410 4:10,10,15,15 42 210:8 44 125:1 45 158:10 450 185:21 222:13 223:17 46 170:2,19 469 7:10,10 47 46:4 78:8 476-7832 3:17 476-7834 3:17 480 241:14 49 53:23 196:21,23 5 5 9:5 40:5 93:7 96:13 99:19 117:16,18 153:21 157:19 195:20 225:18,24,25 226:4 229:7,15,18,23 231:1 241:4,12 257:16 273:24 274:1 274:9,19 5th 217:4 5-10-66 10:8 5-13-64 10:2 219:15 5.15 8:25 28:5 50 98:3 111:11 139:12 50s 144:12,14 162:5,25 164:11 165:6 166:10	175:20 182:3 195:2,3 221:1 270:19 50th 39:9 50,000 189:19 190:2 50-pound 185:21 500 5:14 51 99:19 193:17,25 208:22 210:2 512 3:17,17 52 195:12 5400 7:9 55 11:7,9,10 550 5:13 56 97:10 207:13 561-9700 6:4 561-9715 6:4 57 81:7,7 58 173:6 174:12 230:7 59 59:5 100:19 171:14 6 6 9:6,25 76:6 101:14,17 101:22 104:23 123:4 124:10 167:20 176:6 176:20 177:1 223:17 226:15 227:18 6th 218:10 6-2-94 11:10 6-27-96 11:9 60 101:9 216:9 60s 23:2 27:2,4 31:18 32:19 47:7 73:17 81:24,24 82:25 96:24 110:11 112:14 121:3 121:7,12 122:5,10,15 122:19 125:21 126:10,24 127:3,13 129:20 142:13 145:15,22 146:7,13 146:16 162:5,21 164:11 165:6,22 166:10 175:20 181:20 182:3,3 186:7 186:14 233:1 254:17 259:12 279:20 280:8 280:22 281:3,7,22 282:6,13 296:5 297:19 600 4:14 103:21 600,000 97:2 185:11 601 4:21,21 60123 6:16 61 59:5 101:9 171:24 62 172:17,20 173:22 63 173:3 207:12 212:23 64 86:16 102:7,21	173:13 645 6:15 65 32:20 56:25 57:13 57:22 63:5 87:10 95:21,24 184:21 651-1920 6:11 654-6700 5:15 66 56:25 63:5 88:7 261:20,22 67 104:23 68 76:2,5,23 69 32:20 57:13,22 173:6,23 174:12 697-4965 3:6 697-4969 3:6 7 7 9:7 69:13,15 83:23 85:8 158:7,15 164:8 172:17 183:18 7th 230:22 235:9 7,788,000 193:6 7-20-72 10:17,18 70 63:4 85:16 106:15 212:23 216:9 70s 31:18 33:16 46:1 47:7 73:18 98:8,13 102:6,7 103:6,7,11 103:12,17 107:17 108:2 110:11 112:14 114:5,15 121:3,7,12 122:5,10,15,19 125:21 127:13 139:11,13,16,20,23 140:2,12,15,18,18 141:5,14 142:14,18 143:5,6,13,18 145:3 145:15,19,22 146:7 146:13,16 162:21 164:12 165:6 166:10 169:24,25 181:20 233:1 256:25 257:3 700 3:16 101:14,17,23 7021 32:14,16,18 71 107:8 713 3:22,22 5:9,9,21,21 6:11,11 305:22,22 306:22,23 72 107:24 109:6 207:13 232:23 236:5 261:23 73 19:16 20:2 138:15 139:5 143:21 260:8 298:8 733 4:19 734 7:14 74 77:13 200:13
--	---	---	---	--

741-4603 6:16 741-4692 6:16 75 81:5 143:19 750-pound 121:10 122:4 192:14 75201 6:21 7:9 75201-3008 7:4 75201-3402 4:4 75202 3:11 75701 6:4 76 19:23 20:2 24:24 63:4 105:23 143:19 143:21 148:9 174:15 207:3,16 260:8 762-2272 7:15 762-3223 7:15 76520 3:5 767-1555 5:21 767-1799 5:21 77 114:5 207:3 77002 5:3 77002-4995 3:22 77010 5:20 6:10 77024 305:21 306:22 77042 5:9 77701 5:14 78 24:24 105:23 110:24 241:20 242:3 783-7221 4:10 783-7225 4:10 78701 3:16 79 112:20 113:13 8 8 9:9 19:17 43:21 67:3 67:8 158:15 186:16 186:18 247:5 8,269,440 194:3 8-hour 231:1 241:13 274:1 294:6,19,20 296:12 8-17-06 11:4 80s 25:4 46:2 103:1,12 103:17 800 66:8 72:6 165:3 81 114:2 115:4 201:17 82 174:22 821,820 192:20 823-1800 4:15 828-7859 4:15 83 149:9,15 174:25 835-2115 5:15 838-6767 5:4 838-6950 5:4 847 6:16,16 85 66:11 93:12 118:6	143:3,17 188:17 189:2,4,20 190:2 193:9 228:21 269:9 269:22,25 86 204:4 863-0078 4:21 863-2100 4:21 87 120:2,4 880-0011 4:4 9 9 9:11 100:19 114:3 170:19 203:19 254:10 9th 236:4 9:43 2:5 900 31:6,7,14 32:9 901 3:10 903 6:4,4 905-2924 7:4 905-3976 7:4 909 6:3 910 3:21 9219 305:21 306:21 935-1600 305:22 306:22 935-1610 305:22 306:23 939-4949 6:22 939-4998 6:22 953-0860 5:9 953-0917 5:9 979-3000 4:4			
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