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TO: BARRY CASTLEMAN

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FROM: Ray L. Rhymes

SUBJECT: Our File No. # 6252

NUMBER OF PAGES: 11

MESSAGE:

DEPO EXCERPT of CHARLES MORGAN, MGR
OF NORTH AMERICAN Asbestos. pp 94-99/103;

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

SKALC

HERMAN YANDLE, et al.,

Plaintiffs,

-vs-

PPG INDUSTRIES, INC., et al.,

Defendants.

Civil Action
TX-74-3-NCA

LESTER KAY,

Plaintiff,

-vs-

PPG INDUSTRIES, INC., et al.,

Defendants.

Civil Action
TX-74-13-CA

The deposition of CHARLES C. MORGAN, taken in behalf of the Plaintiffs herein before Martin F. Betley, Certified Shorthand Reporter and Notary Public in and for the State of Illinois, at Suite 2400, 135 South LaSalle Street, Chicago, Illinois, on Tuesday, May 20, 1975, commencing at the hour of 9:00 o'clock a.m., pursuant to agreement of counsel.

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would have given warnings or instructions to, would there?

A I shouldn't think so.

Q Did they give you any instructions to be passed along to Pittsburgh Corning concerning asbestos?

A No, sir.

Q Were you ever around the packaging of the asbestos delivered by the government? Had you ever observed it?

A No, I did not.

Q Do you know of your own personal knowledge whether or not the packaging itself contained any type of warning that was delivered to Pittsburgh Corning?

A Not to my knowledge.

Q Were any safety items or safety discussions ever mentioned between you and Mr. Goodman or any other employee or agent of the United States Government?

A I can only recall one brief conversation with him by telephone regarding this.

Q When was this?

A It must have been some time in 1971.

Q What was said, do you remember?

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A Well, at this time the SAHA regulations were being written and we knew we would be required to put a "Caution" label on the bag and I asked Mr. Goodman if they would furnish a "Caution" label and he sort of laughed and said that he really wasn't too familiar with the regulations.

Q Did he ever furnish you with any warnings?

A No, sir.

Q Did he ever furnish you with any other type of instructions after that?

A None whatsoever.

Q Did he orally give you any instructions as to warning Pittsburgh Corning or anyone else?

A No, sir.

Q Did you understand Mr. Goodman to be one of the ultimate authorities on these sales between you and the U. S. government?

A I believe so, yes.

MR. BALDWIN: Finished?

MR. BAILEY: Not quite.

Q Now, one other thing. Who is the liability insurance carrier for North American Asbestos?

A We had two carriers. One was Centennial and one was St. Paul, I believe.

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Q The difference in time span, is that the reason you had two different carriers?

A No. One is a regular policy, I believe, and the other is an umbrella policy.

Q Can you tell me which is which?

A I believe Centennial is the carrier and St. Paul is the umbrella, but I am not sure I am correct. I am not that familiar with the policies.

Q Can you tell me what the policy limits were?

A Not without looking at the policies.

Q Could you supply me with the policies?

A They have been furnished to our attorneys.

MR. BERNAYS: We will let you look at them.

MR. BAILEY: Do you have them with you today?

MR. BERNAYS: Yes.

MR. BAILEY: Would it be permissible to have Xerox copies of them?

MR. BERNAYS: We will let you make notes of the limits, if you wish.

MR. BAILEY: I have no further questions.

FURTHER DIRECT EXAMINATION

BY MR. BALDWIN:

Q Mr. Morgan, when was this that the government required a label?

A The Act was promulgated in July of '72.

Q And you went to the government and asked them to furnish the label?

A I didn't specifically ask them to furnish a label, I asked them if it would be labeled.

Q Did you do the same thing as to Cape Asbestos Fibers?

A We advised them that a label would be necessary and when it was published in the Federal Register we took the exact wording from the Federal Register and forwarded it to EGNEP and advised them that all future shipments would have to carry this label.

Q Now, did you do that by letter or by cable or how did you do it?

A I believe it was by cable.

Q Would you furnish us with copies of that?

A If I can find it, yes, sir.

Q And this was when?

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A Well, it had to be when it came out in the Federal Register, and while I am a little hazy on the date I think it must have been in perhaps April or May of '72.

Q But you knew sometime before that that the government was going to require them to be labeled?

A Yes, sir.

Q How long before that did you know that?

A Approximately a year.

Q Did you inform Cape Asbestos Fibers then?

A Yes, sir.

Q A year before the Federal Register came out?

A Yes, sir.

Q You informed them at that time that the government was going to require a label?

A Yes, sir.

Q And that you desired one?

A Yes, sir.

Q Did they furnish a label at that time?

A No. They came back and asked me how should the label be printed and at that time we went back to the government and said, "What wording do you want on this label?" and they suggested that we wait until it was published as to the exact wording that

they wanted before we attached the label, because there was a question as to the exact wording on the label.

Q Was there any label attached before that time?

A Not to my knowledge.

Q Now, you had been talking to your lawyers here before this deposition, isn't that right?

A Yes.

Q And that would be Mr. Bernays and Mr. Milwid?

A Yes, sir.

MR. BALDWIN: Those are all the questions I have.

CROSS EXAMINATION

BY MR. O'CONNOR:

Q I am just a little confused on the dates. Did I understand you to say that in 1971 you talked to Mr. Goodman at GSA and asked him if GSA was going to put a warning on the product?

A No, I didn't. I think the first time I ever talked to him was in '71.

Q When was this time that you talked to him and asked him if GSA was going to put a warning on their product and he laughed and said he wasn't too familiar with that?

A I can't be exact on any dates, but I believe it was during this period when the hearings were being held in Washington, which I believe was some time in '71, where then it became obvious they were going to have to be labeled.

I'm sorry, but I can't give you a date on that.

Q But, to the best of your recollection, GSA never actually placed any warnings on their product?

A No, sir.

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Q That is, up to February of 1972?

A No, sir. And, to the best of my knowledge, they are still not placing labels on there.

Q At any time from 1962 through February of 1972 did North American or EGNEP ever place any warnings on their products?

A Not to my knowledge.

Q Did you supply products to Pittsburgh Corning from '62 through '72 periodically?

A North American Asbestos?

Q Yes.

And let me rephrase that and say, did you service the supply of asbestos products from '62 to '72 that went to Pittsburgh Corning?

A The records would indicate that we did.

Q At any time during that period did any of the products that you serviced ever have a warning on them?

A Not to my knowledge.

Q At any time during that period did any of the products that you obtained from CSA have any warnings on them?

A No, sir.

MR. O'CONNOR: All right.

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MR. BARON: Are you finished?

MR. O'CONNOR: Yes.

MR. BARON: Does anybody else have anything?

MR. BALDWIN: I have a couple of questions.

REDIRECT EXAMINATION

BY MR. BALDWIN:

Q Did EGNEP ever place a warning on the asbestos, to your knowledge, up to the present time?

A You mean up to this date?

Q Yes.

A They placed a warning, I believe, when shipment began in June of 1972. They started to. I am not sure about the exact date, but it was in that area.

Q Did they ever change the container it was shipped in from the time you came to work until June 70 of '72?

A Well, let's see. We were in the process of going to the metric ton, I think, about the time I came with them in early 1971 and they went to a new type of press-packed bag that was in a poly liner, in a poly-woven bag, and I think that varied

from what used to be a poly liner with the hessian bag.

Q What is the difference?

A The hessian bag as we know it I would call
5 a gunny sack, which is rather loosely woven fiber,
and the new bag is a poly liner on the inside and
the poly-woven bag was a much tighter bag that was
less prone to damage.

Q Isn't one common characteristic of all
O net bags that they leak?

A Especially if you run a forklift into them.

Q When did this change come about?

A It was right after I came with the company,
some time in '71, and I can't give you the exact
K date.

MR. BALDWIN: Thank you.