

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
11th JUDICIAL DISTRICT

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Robert B. Hille, Executor :

and as Representative of the :

Estate of Mecom McGlothlin, :

Plaintiff, :

v. : No. 2007-18457

Owens-Illinois, Inc., et :

al., :

Defendants. :

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Washington, D.C.

Thursday, August 13, 2009

Videotaped telephonic deposition of Judith C. Stadler, Ph.D., a witness herein, called for examination by counsel for Plaintiff in the above-entitled matter, pursuant to notice, the witness being duly sworn by DENNIS A. DINKEL, a Notary Public in and for the District of Columbia, taken at the offices of Crowell & Moring, LLP, 1001 Pennsylvania Avenue, N.W., Washington, D.C. at 10:15 a.m., Thursday, August 13, 2009, and the proceedings being taken down by Stenotype by DENNIS A. DINKEL, FAPR, CRR, and transcribed under his direction.

2 1 APPEARANCES: 2 3 On behalf of the Plaintiff: 4 CHRISTOPHER L. MADEKSHO, ESQ. 5 The Madeksho Law Firm, PLLC 6 8866 Gulf Freeway, No. 440 7 Houston, TX 77017 8 713-910-8000 9 10 On behalf of Dupont: 11 LARRY E. COTTEN, ESQ. 12 Cotten Schmidt 13 420 Throckmorton Street, Suite 500 14 Ft. Worth, TX 76102 15 817-338-4500 16 and 17 KAREN A. ROSENTHAL, ESQ. 18 Crowell & Moring, LLP 19 1001 Pennsylvania Avenue, N.W. 20 Washington, DC 20004 21 202-624-2500 22 23 24 25	4 1 APPEARANCES - continued: 2 3 On behalf of Cleaver Brooks: 4 H. BRANDON DEL CASTILLO, ESQ. 5 White Shaver 6 11200 Westheimer, Suite 200 7 Houston, TX 77042 8 713-953-0860 9 10 On behalf of Trane U.S. Inc. f/k/a American Standard, 11 Inc.: 12 STEPHEN K. GUIDRY, ESQ. 13 Germer Gertz, L.L.P. 14 P.O. Box 4915 15 Beaumont, TX 77704 16 409-654-6700 17 18 On behalf of Foster Wheeler: 19 DAVID L. RED, ESQ. 20 Mehaffy Weber, PC 21 2615 Calder, Suite 800 22 Beaumont, TX 77702 23 409-835-5011 24 25
3 1 APPEARANCES - continued: 2 3 On behalf of ExxonMobil Oil Corporation, Ametek, and 4 Riley Stoker Corporation: 5 HILLARY KRAMER, ESQ. 6 DeHay & Elliston, L.L.P. 7 3500 Bank of America Plaza 8 901 Main Street 9 Dallas, TX 75202 10 214-210-2461 11 12 On behalf of Ingersoll Rand: 13 MATTHEW E. LIEBNICK, ESQ. 14 Forman Perry Watkins Krutz & Tardy LLP 15 2001 Bryan Street, Suite 1300 16 Dallas, TX 75201 17 214-905-2924 18 19 On behalf of Crane Co.: 20 BO KALABUS, ESQ. 21 K&L Gates 22 1717 Main Street 23 Dallas, TX 75201 24 214-939-4968 25	5 1 APPEARANCES - continued: 2 3 On behalf of Mine Safety Appliances Company: 4 DIANE HUYNH, ESQ. 5 Johnson, Spalding, Doyle, West & Trent, L.L.P. 6 919 Milam, Suite 1700 7 Houston, TX 77002 8 713-222-2323 9 10 On behalf of Triplex: 11 BARBARA BARRON, ESQ. 12 Mehaffy Weber 13 2615 Calder Avenue 14 Beaumont, TX 77702 15 409-835-5011 16 17 On behalf of Zurn Industries, Inc.: 18 BOBBIE STRATTON, ESQ. 19 Spain Chambers 20 3900 Two Houston Center 21 909 Fannin Street 22 Houston, TX 77010 23 713-650-9700 24 25

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2 WITNESS PAGE	2 THE VIDEOGRAPHER: Good morning. Here
3 JUDITH C. STADLER, Ph.D.	3 begins tape 1, volume I, in the videotape deposition
4	4 of Dr. Judith Stadler taken in the matter of Robert
5 EXAMINATION BY COUNSEL FOR PLAINTIFF 10	5 B. Hill, Executor and As Representative of the Estate
6 EXAMINATION BY COUNSEL FOR DuPONT 125	6 of Mecom McGlothlin versus Owens-Illinois,
7 EXAMINATION BY COUNSEL FOR MINE SAFETY 161	7 Incorporated, et al., in the 11th Judicial District
8 APPLIANCES COMPANY	8 Court of Harris County, Texas, cause number
9 EXAMINATION BY COUNSEL FOR PLAINTIFF 167	9 2007-18457.
10 EXAMINATION BY COUNSEL FOR DuPONT 190	10 Today's date is August 13, 2009. The time
11	11 on the video screen is 10:15 and 34 seconds. This
12 AFTERNOON SESSION 84	12 deposition is being held in the law offices of
13	13 Crowell & Moring at 1001 Pennsylvania Avenue,
14 EXHIBITS	14 Northwest, Washington, D.C. 20004.
15 EXHIBIT NO. DESCRIPTION PAGE	15 It was noticed by counsel for the
16 1 To: R.D. Nelson from K.N. Yarbrough, 3-17-76 42	16 plaintiffs.
17 2 FYI: Toxic Substances Control Act 44	17 The court reporter today is Dennis Dinkel.
18 3 To John Zapp from Edward Radford, 9-19-55 54	18 The video camera operator is Mia Marbury, both on
19 4 DuPont's Experience in Toxicity Hazard 61	19 behalf of Stratos Legal Services.
20 Control	20 Will the court reporter please swear in
21 5 National Safety News, September 1935 95	21 the witness, after which we can begin?
22 6 Modern Occupational Medicine 107	22 Whereupon,
23 7 Sabine River Works, Technical Department 112	23 JUDITH C. STADLER, Ph.D.,
24 Process Laboratory	24 was called as a witness by counsel for PLAINTIFF, and
25 9 S2T standard 132	25 having been duly sworn by the Notary Public, was

9 1 examined and testified as follows: 2 MR. MADEKSHO: Thank you. 3 Larry, could we get some agreements on the 4 record, first of all? This is to be done pursuant to 5 the Texas rules? 6 MR. COTTEN: Yes. 7 MR. MADEKSHO: I'm sorry. Did I drown 8 your answer out? 9 MR. COTTEN: No, that's all right. Yes. 10 MR. MADEKSHO: And this deposition should 11 allow for an objection by one defendant that stands 12 for all defendants. That way the court reporter does 13 not have to look back -- 14 (Telephonic interruption.) 15 MR. MADEKSHO: What's all that? 16 MR. COTTEN: Sounds like somebody must 17 have put their call on hold and then hung up. 18 (Telephonic interruption.) 19 MR. MADEKSHO: Ma'am, I'm afraid that 20 we're on a telephonic deposition and somebody must 21 have dialed that number by mistake. 22 Can we also agree, secondly, that one 23 objection is good for all defendants so the court 24 reporter doesn't have to go back and ask who asked 25 the objection?	11 1 deposition notice in front of you? 2 A. Not in front of me, no. 3 Q. Okay. Dennis, do you have a copy of the 4 deposition notice in front of you? 5 THE REPORTER: I do not. 6 MR. MADEKSHO: That's fine. You have seen 7 the deposition notice, have you not, Dr. Stadler? 8 THE WITNESS: Yes, I have. 9 BY MR. MADEKSHO: 10 Q. It is my understanding -- and please 11 correct me if I'm wrong -- that you are here to speak 12 on behalf of DuPont as the person most knowledgeable 13 as to three areas in my deposition notice; does that 14 ring a bell? 15 MR. COTTEN: Objection. Form. 16 THE WITNESS: I don't think I'm the most 17 knowledgeable, but I am the corporate representative; 18 and there are three areas that I have been asked to 19 speak to. 20 BY MR. MADEKSHO: 21 Q. All right. Well, we may need to deal with 22 that later; but I think as of right now, you're kind 23 of trying to answer what I'm trying to ask. 24 You're here to talk about the knowledge of 25 asbestos-containing products used on DuPont's
10 1 MR. COTTEN: That's agreeable to me. 2 MR. MADEKSHO: And how long do you all 3 want to read and sign? Doesn't matter me. 4 MR. COTTEN: 30 days is fine. 5 MR. MADEKSHO: That's fine. 6 EXAMINATION BY COUNSEL FOR PLAINTIFF 7 BY MR. MADEKSHO: 8 Q. Dr. Stadler? 9 A. Yes. 10 Q. How do you do this morning? 11 A. Good morning. 12 Q. Well, I want to clarify something before 13 we begin our questioning. You're not the person 14 who's talking specifically about exposure to asbestos 15 or anything else for that matter at the Texas plants, 16 correct? 17 A. Correct. 18 Q. And do we know who that person may be? 19 A. I do not. 20 Q. You do not? Okay. 21 MR. MADEKSHO: And Larry, I guess you and 22 I can talk about that off the record. That's fine. 23 MR. COTTEN: Yes. 24 BY MR. MADEKSHO: 25 Q. Ms. Stadler, do you have a copy of the	12 1 premises in question during the relevant time period, 2 and that was number two, if that refreshes your 3 recollection? 4 A. Yes. 5 Q. DuPont's knowledge of asbestos hazards 6 prior to 1970, that was number 4? 7 A. Yes. 8 Q. And measures taken by DuPont to make safe 9 their premises in question up to 1970? 10 A. That's correct. 11 Q. Okay. Now we can begin. Ms. Stadler, 12 have you given a deposition before? 13 A. Yes. 14 Q. On how many occasions? 15 A. I would say it's been maybe five or six 16 occasions. 17 Q. Okay. What was the subject of those 18 lawsuits in which you gave deposition testimony? 19 A. There were pesticide cases when I was 20 actively working for DuPont. I also was deposed in 21 carpet toxicity cases. 22 Q. Okay. When you say pesticide cases, can 23 you -- what was -- I mean, what was the -- what was 24 the matter? Who was suing whom? 25 A. DuPont was being sued, but it was

13 1 different defendants. Specifically, the pesticide 2 Benlate. 3 Q. Okay. What were the -- what was the cause 4 of action? Was it dealing with personal injury? Was 5 it dealing with breach of contract? What exactly was 6 the matter in those? 7 A. No. It was health effects. 8 Q. Okay. What were the alleged substances at 9 interest in the health effects? 10 A. The substances of interest? 11 Q. Yes, ma'am. 12 A. The substance in the health effects cases 13 in the Benlate case was the pesticide Benlate. 14 Q. Can you spell that for me? 15 A. B-e-n-l-a-t-e. It is a fungicide. 16 Q. Where was this Benlate produced? 17 A. The Benlate -- the specific manufacturing 18 site was West Virginia. 19 Q. Okay. So these weren't out of east Texas 20 plants? 21 A. No. 22 Q. Okay. What exactly in the Benlate was 23 alleged to have caused health effects? 24 A. Well, I think just Benlate itself. 25 Q. Okay.	15 1 Q. And what was the alleged disease in that 2 case or injury? 3 A. I do not recall specifically. I think it 4 was general respiratory disease and asthma. 5 Q. Okay. Anything to do with asbestos? 6 A. No. 7 Q. Okay. That's fine. 8 Now, how did you gain the position of 9 corporate representative at DuPont? 10 A. Well, I was employed by DuPont for more 11 than 20 years as a toxicologist; and I was asked if I 12 would be willing to be the corporate representative 13 on the asbestos cases. 14 Q. Okay. 15 A. And in part, that was because I had had 16 some experience doing depositions. 17 Q. Okay. And earlier, you made reference 18 that you may not be the person most knowledgeable as 19 to asbestos. 20 Why do you believe that? 21 A. Well, when I say I may not be most 22 knowledgeable, I was not directly related to these 23 things at the -- in the timeframe that we were 24 talking about. 25 I did not work with these things; and I
14 1 A. Is a fungicide. 2 Q. Did it have to do with asbestos? 3 A. No. 4 Q. Okay. Have you ever given testimony in an 5 asbestos case? 6 A. Just one case. 7 Q. Okay. Do you recall the name of that 8 case? 9 A. No, I do not. 10 Q. All right. Do you recall if the disease 11 at -- the disease in question was -- strike all that. 12 Do you recall what the disease was? 13 A. No, I do not. 14 Q. Okay. And other than the pesticide cases 15 and the asbestos case, any other toxic cases? 16 A. There were carpet toxicity cases. 17 Q. Okay. And what were the alleged harmful 18 substances in the carpet toxicity case? 19 A. Oh, it was a mixture of chemicals alleged 20 to have been in offgassing of carpets. 21 Q. Now, was this between DuPont and one or 22 more of its business colleagues? Or was it between 23 DuPont and a personal injury victim? 24 A. It was DuPont and a personal injury 25 victim.	16 1 think those people most knowledgeable would be those 2 people who perhaps had direct knowledge at the time. 3 Q. Right. And to be perfectly fair, 4 Dr. Stadler, I understand that there may not be that 5 many folks in that position. And I do notice on your 6 curriculum vitae that your employment began after the 7 end of the exposure period in question; is that 8 correct? 9 A. That's correct. 10 Q. All right. So I guess here's what we'll 11 do. I'll ask you questions -- you know -- based on 12 your experience, because the witness has to have 13 personal knowledge; you understand that, correct? 14 MR. COTTEN: Objection. Form. 15 MR. MADEKSHO: I'm going to try to make 16 this work. 17 BY MR. MADEKSHO: 18 Q. But you understand that a witness must 19 testify as to personal knowledge, correct, 20 Dr. Stadler? 21 MR. COTTEN: Objection. Form. 22 THE WITNESS: I can testify as to those 23 things that I have read documents about and am 24 familiar with. 25 BY MR. MADEKSHO:

17	19
1 Q. Okay. And how about we do this then: 2 I'll just ask you about, you know, what you know and 3 how it relates to this case; and I think that may 4 work; is that fair? 5 A. Okay. 6 Q. Or what you've experienced rather and how 7 it may relate to -- now, can you please give us the 8 benefit of your educational background? 9 A. My educational background, I have a 10 bachelor's degree in biology. I have a master's 11 degree in industrial hygiene from the University of 12 Pittsburgh, and a Ph.D. in toxicology from the 13 University of Pittsburgh. 14 Q. And your background in industrial hygiene 15 at the University of Pittsburgh, what did you study 16 in your courses to obtain that master's? 17 A. I studied such things as analytical 18 methods, sampling methods, various things about 19 occupational diseases, courses in doing these things 20 in the laboratory, calibration of equipment; that 21 kind of thing. 22 Q. When you say doing these things, what do 23 you mean "doing these things"? 24 A. In the laboratory, actually setting up 25 equipment, doing microscopic examinations, getting	1 A. I believe -- I did not personally count 2 any asbestos samples. I believe that people who did 3 that type of work were also using a phase contrast 4 microscope. 5 Q. And what was the power of those phase 6 contrast microscopes? 7 A. I do not have any idea. 8 Q. Okay. Who is the person or people who did 9 this type of work at DuPont when you got to Haskell 10 Labs? 11 A. I do not know the names of people. I know 12 there were people who worked on counting samples. 13 There was still a very large sample 14 counting program at that time. There were industrial 15 hygienists that kind of moved in and out of the 16 laboratories. So I can't really give you specific 17 names. I was only aware -- because that was not part 18 of my job or my department, I was only aware that it 19 was going on. 20 Q. Let's kind of back up for a second. 21 I haven't really gotten through your 22 academic background yet. 23 What about your studies in toxicology? 24 What type of studies or research or whatever did you 25 have to undertake in order to obtain a Ph.D. in
18	20
1 experience in actually the points around doing 2 sampling. 3 Q. Okay. Sampling of what? 4 A. It could have been chemical sampling, 5 particulate sampling. We certainly learned how to 6 count asbestos samples as part of the program. 7 Q. All right. And how does one count 8 asbestos samples? 9 A. You look for an aspect ratio in a fiber of 10 three to one. You count the samples by taking a 11 small portion of a membrane and embedding it in 12 material for a microscope; and these are generally 13 gridded and you count the fibers in a particular 14 grid; and then you know how big the overall filter is 15 and can determine how many filters are represented on 16 that filter. 17 And then you have to take other pieces of 18 information, like how long the sample was taken, what 19 the flow rate is, that kind of thing to come up with 20 an ultimate concentration of the fibers in a sample. 21 Q. And what type of microscope did you use? 22 A. It was a phase contrast microscope at the 23 time I was doing it at the University. 24 Q. And what type of microscope was used at 25 DuPont?	1 toxicology at the University of Pittsburgh? 2 A. I was focused on respiratory sensitivity. 3 I worked with developing models, animal models to 4 look at chemicals that may cause sensitivity or 5 allergy; and that is my area of research. 6 Q. What original research did you conduct as 7 a researcher looking to obtain a Ph.D.? 8 A. When I was working on my Ph.D. at the 9 University of Pittsburgh, I developed a model with 10 using guinea pigs to look for delayed 11 hypersensitivity; in other words, a reaction that 12 might come on not immediately but 12 hours later. 13 Those were generally protein materials; 14 and then we also used models -- specifically the 15 Ph.D. that I was working with when I was a student 16 had a grant looking at isocyanates; and those were 17 the models for trying to develop ways to look at 18 hypersensitivity from chemicals. 19 Q. Do you believe that animal studies are 20 helpful in determining the metabolic processes of 21 toxicants to which humans are exposed? 22 A. Absolutely. They are very helpful. It 23 just depends what animal you need to use for what 24 process you are looking at. 25 Q. And did these analyses and animal studies

21 1 continue after you got to DuPont while at DuPont in 2 1984? 3 A. Yes. DuPont had a laboratory and did 4 animal studies. 5 Q. Okay. Now, did it do -- what types of 6 animal studies did it do? 7 A. I can speak to the experience I had 8 specifically, when I first went to DuPont, I worked 9 in their long-term studies. That would be 10 carcinogenicity studies. 11 Later, I worked in their inhalation group; 12 and we did inhalation studies with various chemicals 13 to determine if they were toxic to the lungs and to 14 animals. 15 And those were the major areas that I 16 worked in; and eventually then, I managed the general 17 toxicology group. 18 Q. And did DuPont do any teratogenic toxicity 19 studies? 20 A. Yes. That was one of the types of studies 21 that we did, though I did not personally do those 22 studies. 23 Q. What about say neural tube defect type 24 studies? 25 A. We did neurotoxicity studies. I'm not	23 1 necessarily did we ever refer to them; but they would 2 have -- maybe, a big long name of what the active 3 ingredient might be. 4 Q. Was it a CAS number? Or was it an 5 internal number? 6 A. Generally, there was not yet a CAS number 7 assigned, when you're looking at things a company has 8 just recently invented. They have not yet applied 9 for a CAS number. If there was a CAS number 10 involved, it might have been a chemical that had been 11 around for a while. 12 Q. Anything about asbestos in any of them? 13 A. No. Because DuPont was not a producer of 14 asbestos. It was not typical for the company to look 15 into products that we bought from someone else. 16 Q. Okay. The active carriers -- the active 17 components of the pesticide would have been solvents 18 and not fibers, correct? 19 A. I don't think you would call them 20 solvents. They were much more complex organic types 21 of chemicals. 22 Q. Like what? 23 A. Well, I've used the -- I can give you 24 something like Benlate, but it had a really long 25 active ingredient name; and I can't remember these
22 1 sure that we ever did anything with neural tube 2 defects other than if you were to see that kind of 3 outcome from a teratology study. 4 Q. And what types of toxicants were studied 5 in those respects? 6 A. Well, I would say most of the work that 7 DuPont did at the laboratory was actually for 8 pesticides, because the studies were required to 9 register the pesticides. But then DuPont did other 10 studies that were done on their products, 11 specifically that was the charge of the laboratory to 12 ensure that DuPont's products that they sold were 13 safe; and so those were the kind of things we worked 14 on. 15 Q. And you understand that pesticide is a 16 generic product name, correct? 17 A. Pesticides, in general, I mean, DuPont 18 made quite a few different pesticides. 19 Q. What was the specific chemical toxicants 20 that were the subject of the study, or the research? 21 A. In each case, they were pesticides. 22 Pesticides would be an active -- there would be an 23 active ingredient in the pesticide; and I'm not quite 24 sure how you want me to answer that. I mean, when we 25 did them, they were coded by certain names, not	24 1 long names. We're talking, you know, 30 or 40 2 letters and beta this and whatever, methyl that. 3 Q. I'm trying to kind of determine the -- 4 the -- just the depth of your expertise. It seems 5 like am I correct in saying that you have intimate 6 knowledge of the types of research that was conducted 7 there at DuPont? 8 A. I have knowledge in general -- the 9 knowledge of what we did at Haskell Laboratory in the 10 toxicology group. 11 Q. Okay. Well, now we can get back to, I 12 guess, talking about your employment for the first 13 time. 14 In 1984, when you got to DuPont, what part 15 of DuPont did you go to work for? 16 A. I went to work at Haskell Laboratories, as 17 a toxicologist. 18 Q. And what was your understanding as to your 19 job duties when you were employed in '84? 20 A. I started out as a study director, which 21 is a term used for someone who actually oversees a 22 study; and I was working in the chronic studies 23 group, which was primarily long-term, what is 24 required by the government is a two-year rat study or 25 an 18-month mouse study to determine whether a

25 1 particular chemical will cause cancer. 2 Q. Okay. And again, animal studies -- okay. 3 Those are -- some of the animal studies we 4 were referring to earlier in this deposition, right? 5 A. That's correct. 6 Q. And how many people were at Haskell Labs 7 for DuPont in '84 when you got there? 8 A. Oh, I can't remember exactly. It could be 9 somewhere in the neighborhood of 150, 180 people 10 total. 11 Q. What about in 2007 when you left? 12 A. Probably closer to 120, 130, something 13 like that. 14 Q. When you got to Haskell in 2000 -- strike 15 that. When you got to Haskell in 1984, what did your 16 office or work space look like? 17 A. Well, I had an office. We were initially 18 located in what we would call the main building. 19 They actually opened a chronic studies building. 20 Then I had an office there. In that building, we had 21 the animal areas isolated. That was to protect the 22 animals from disease so that the studies were 23 conducted under very clean conditions. 24 Q. Understood. 25 When you -- did you have an office or a	27 1 was conducting. Study reports. Once I was writing 2 study reports, things pertaining to the studies, if 3 there was literature. 4 I took a lot of my books and information 5 that I had from when I was in school to the office 6 with me, where it might be helpful to me. 7 Q. Okay. So when you say prior studies, 8 you're talking about the literature already in the 9 body of published literature? 10 A. Well -- 11 Q. Or are you talking about internal prior 12 studies? 13 A. There might have been prior studies. 14 Let's say I was doing a long-term, two-year study on 15 a particular chemical. I might have had copies of 16 some of the shorter term studies to help me 17 understand the toxicity of the chemical that would 18 then help set dose levels. So I might have some of 19 those prior reports for the chemical in my office. 20 When I talk about publications, mostly 21 initially when I went there, I just took publications 22 with me that I had used as references when I was in 23 school. 24 Q. And those prior studies you're talking 25 about as opposed to publications, are they prior
26 1 cubicle or what in 1984? 2 A. I had an office. 3 Q. Okay. And when you walked into your 4 office, about how big was it? 5 A. Oh, maybe 12 by 12. 6 Q. And what all was in your office in 1984? 7 A. When I first walked in before I brought 8 all of my books and everything, there was a desk -- 9 Q. Yes, ma'am. Yes, ma'am. 10 A. -- there was a desk. There were file 11 cabinets, and bookshelves. 12 Q. Was there a computer in 1984? 13 A. I'm trying to remember if there was 14 actually a computer when I walked in; but we did 15 ultimately have computers. 16 Q. And what were in those file cabinets in 17 your office when you got there in '84? 18 A. Well, when I first got there, I was 19 sharing an office with someone who was leaving; so 20 many of his things were there; but when he left, he 21 cleared out everything. 22 Q. Okay. Typically, what was in the file 23 cabinets of the office of someone such as yourself 24 conducting research at DuPont in '84? 25 A. Well, I would have protocols for studies I	28 1 DuPont studies? 2 A. That's correct. 3 Q. And so how does a researcher such as 4 yourself new to DuPont know not to restudy something 5 that's already been studied sufficiently? 6 A. Well, you know that if the company has 7 invented a brand-new chemical, we would have the 8 reports there because the company did the studies 9 right there. 10 We also had a library and a very large 11 information group who maintained extensive -- I would 12 say shelves or extensive records. We knew what all 13 the previous studies were that DuPont had done; and 14 so you could go to the information group and find out 15 what was available; maybe the studies were right 16 there on the property in the vault or they may have 17 been in the hall of records. 18 Q. Okay. What was the name of the 19 information group? 20 A. The information section. 21 Q. And was that a department of DuPont as 22 well? 23 A. No. I'm referring to the department that 24 we had right at Haskell Laboratory. 25 Q. That's the information group you're

29 1 talking about? 2 A. Yes. 3 Q. So Haskell Labs had a division that was an 4 information section? 5 A. That's correct. They had oversight of all 6 of DuPont information; and then we had a library of 7 published documents and books. 8 Q. And the library of published documents and 9 books, what did that comprise? 10 A. Well, it was a rather large collection of 11 medical literature, chemical literature, just a 12 variety of things; and you know, back then, an old 13 card catalog where you could look in the catalog and 14 see what was there. 15 Much later, of course, that all became 16 computerized. 17 Q. When you say that all became computerized, 18 you are talking about nowadays you can do a MedLine 19 search, among other searches? 20 A. Correct. 21 Q. And so DuPont had that ability back in 22 '84? 23 A. No. I don't recall -- 24 Q. Not MedLine, but the card catalog system? 25 A. The card catalog system for the library	31 1 Okay. When was the first year that you 2 recall having a computer in your office at Haskell 3 Labs? 4 A. I would say that it was during the first 5 year that I started. I just do not remember 6 specifically having one the first day I walked in the 7 door. 8 Q. Okay. So around 1985 or so? 9 A. That's a good determination. Probably in 10 1984 when I started, but later. 11 Q. And what did you use that computer for? 12 A. Primarily it was e-mail and internal 13 communications back then. There was not the kind of 14 availability to the Internet or anything like that. 15 Q. Okay. And at what point were you able to 16 search databases on your computer? 17 A. I do not remember. I think we could 18 search internal -- in some internal information on 19 the computer initially; but by today's standard, it 20 was a very kind of backward system. 21 Q. Right. And there's no question that the 22 speed and power of databases has developed 23 significantly in the last 25 years. 24 Okay. What's the first year you recall -- 25 you, right now -- as you sit here -- recall having a
30 1 just as you would walk in almost any type of library, 2 they had a card catalog system for the library, 3 published literature. 4 They also had a system for cataloging all 5 the DuPont studies, and people who worked in the 6 information group could help you research a chemical 7 if you wanted. 8 Q. And how far back did those DuPont studies 9 go? 10 A. Well, Haskell Laboratory originated in 11 1935; and they started doing studies then; and DuPont 12 kept all the studies they did from that time forward. 13 Q. Okay. And when Haskell Labs was formed in 14 1935, what prior existing library did Haskell Labs 15 take up? What did that have in it? 16 A. Before 1935, there was no Haskell 17 Laboratory, but there was a medical department at 18 DuPont. DuPont established a medical department back 19 in 1915; and I don't know that much about what they 20 had, but I know there was some sort of medical 21 literature, whether any medical doctors that worked 22 for DuPont had their own little library in their 23 office or there was a bigger library, I do not have 24 knowledge of that. 25 Q. That's fine.	32 1 database where you could search articles for the 2 purposes of understanding the prior art and prior 3 studies relevant to your subject of research? 4 A. Let me clarify something here. 5 I don't know exactly when we moved into 6 having things like easy Internet access; but I would 7 say it was in the 1970s, but I think that a 8 researcher at Haskell -- the system was much more 9 work through your librarian or your information 10 assistant and go to them and they had some sort of 11 databases where they could look for things rather 12 than the individual researcher having access to that. 13 Q. Rather than trying to reconstruct 14 evolution, why don't I -- I think I have a better 15 line of questioning. How about when you left in 16 2007? What was your computer capable of doing in 17 your office? Strike all that. 18 What did your office look like in 2007 19 when you left? 20 A. Much like it did initially only there was 21 a lot more literature there. There was a lot more in 22 the way of information documents. And I had a 23 modern, up to date computer by which I could then -- 24 I could search for things at the laboratory as well 25 as on-line for publications, that kind of thing.

33 1 Q. And when you say search for things at the 2 laboratory on your computer, are you talking about 3 prior internal studies as well as published 4 literature? 5 A. Yes. 6 Q. Okay. And so when -- strike all that. 7 DuPont's Haskell Lab studied the products 8 before -- the products that DuPont made -- strike all 9 that. 10 Haskell Labs studied the products that it 11 made before it sold them, at Haskell Labs, correct? 12 A. Yes. That was listed as the purpose of 13 the laboratory, to study the materials. And 14 specifically Haskell Laboratory was charged with 15 determining the safety of the products they made and 16 also waste streams. 17 Q. All right. And so if Haskell Labs got 18 some kind of complaints under TSCA, for example, how 19 did Haskell Labs go about addressing that? 20 A. I'm not sure what you mean by complaint 21 under TSCA? 22 Q. Right. 23 A. If it were a product that we made, we 24 would certainly look into it. We would look at the 25 studies that we already had. We might actually do	35 1 So you really went back to the originator 2 of the product to try to find out what they knew 3 about it. 4 Q. And if DuPont was the originator of the 5 product, then it would refer to its own studies, 6 correct? 7 A. That's correct. And we would get 8 inquiries about our studies and provide our studies 9 and in many instances publish the work from DuPont. 10 Q. Publish the work at DuPont? Is that what 11 you said? 12 A. Yes. In many instances, we did -- 13 scientists at DuPont wrote publications on the work 14 we did there for the -- 15 Q. It sounds to me like Haskell Labs was the 16 keeper of the keys to the kingdom of knowledge, so to 17 speak, as far as hazards were concerned? 18 A. Well, it was sort of a central place. 19 People in the company, no matter where they were, 20 would call the information section or the information 21 group at Haskell, and they would be able to find it 22 either in Haskell, in the library, in the company 23 records, or if that was not possible, we had other 24 libraries that we could access to find the 25 information.
34 1 more studies if that were necessary to determine 2 whether or not, you know, there was an issue with a 3 product. 4 Q. And so say somebody had a complaint about 5 asbestos and they went to -- you know, they went to 6 their foreman, their supervisor, and their supervisor 7 kicked the complaint up to Haskell Labs, what would 8 Haskell Labs do? Would it go into a computer and 9 type in asbestos and here are all the prior art got 10 spit out? Or what exactly happened? 11 A. I think if it was a product that we 12 brought on to site and we were using, and someone who 13 was using it had issues with it -- and I'm talking 14 generically here -- one of the first things you do is 15 go back to the producer of that product; and you ask 16 the producer nowadays, of course, a producer of any 17 kind of product has to supply you with the material 18 safety data sheet which should include whatever they 19 know about a product; and you would check that. 20 Many times, I called toxicologists at the 21 company, where a product -- who made the product. 22 They may have additional information. There are many 23 old studies in -- even in the Haskell records from 24 companies who provided us with their own reports for 25 products that we used.	36 1 Q. And again, you can go and search in a 2 computer today and have access to studies conducted 3 by DuPont in 1935 and later, correct? 4 A. The people at Haskell can get to the 5 DuPont studies. They are not necessarily all 6 available -- in other words, you can't read the 7 report of the study; but you can get access to 8 knowing whether the studies were done and what the 9 results were. 10 Q. And how long does it take to punch the 11 name of a toxicant into the computer and get the 12 prior art about that? 13 A. Well, sometimes it depends, but it does 14 not take long to find a chemical. 15 Q. Like less than a minute? Two minutes? 16 A. Possibly. 17 Q. What is, say, the top five most studied 18 toxicants at Haskell Labs? 19 A. Oh, I can't even answer that. I have no 20 idea. 21 Q. Would you say that asbestos is one of the 22 most studied toxicants at Haskell Labs? 23 A. Haskell did not study asbestos per se. It 24 was not a product of DuPont. 25 Q. Well, okay. Here's what we'll do. I will

37 1 forward you a list of products by DuPont that were 2 produced to me in your document production, and we 3 can just talk about those specific products later on; 4 is that fair? 5 A. I'm not sure -- what kinds of chemicals 6 are you referring to? 7 Q. Yeah. I just want to kind of move on. 8 But all right. 9 So what stands out in your mind as the 10 most studied toxicants at Haskell Labs for DuPont? 11 A. I think it depends on the timeframe. The 12 things that were most studied while I was there were 13 generally the pesticides; however, I would say that 14 many of the older chemicals that DuPont made -- were 15 certainly if DuPont was producing them, they had a 16 large database on those things. 17 DuPont goes way back in terms of its 18 chemicals; so it would have a rather large database 19 on things like -- I mean, I can just start naming 20 things like aniline, because they made aniline; maybe 21 cyanide, because they made cyanide. 22 Q. How about lanate? Does that ring a bell? 23 A. Lanate was one of them. 24 Q. Okay. 25 A. I wouldn't say that was one of the biggest	39 1 arise in DuPont plants outside the United States. 2 Q. How about like Argentina, for example? 3 A. That would certainly be possible if there 4 was an issue that they wanted to have addressed. 5 Q. Right. So if there was a complaint, no 6 matter where it was, even if it was say like 7 Argentina, for example, or France I think you said 8 earlier, it would conduct the research as if it were 9 coming from a U.S. plant? 10 A. Well, it may or may not be conducting 11 research. If there was a complaint or a question and 12 it was on a product of DuPont's, then we might go 13 back to our own records to determine what kind of 14 data we had. 15 If a plant somewhere else was starting to 16 produce a chemical, we probably, long before you ever 17 start chemical production on a large scale, would 18 have done the toxicology studies on it. 19 Q. Because no matter where -- first, are 20 there any other labs other than Haskell Labs that 21 studied the health effects of its products for the 22 DuPont Company? 23 A. Not for DuPont. Other companies have had 24 their own toxicology laboratories, and do the studies 25 for their products; and there are many laboratories
38 1 things. It might have been in a particular 2 timeframe. 3 Q. What was the active component in lanate? 4 A. I do not know. 5 Q. So have you ever visited any of the 6 plants? 7 A. Any of DuPont's plants? 8 Q. The DuPont plants in Texas? 9 A. No, I've not been to any in Texas. 10 Q. Okay. Have you visited any DuPont plants 11 anywhere? 12 A. Yes. 13 Q. Which ones? 14 A. Well, I've been to the Chambers Works 15 facility in New Jersey; I've been to the Spruance 16 plant in Richmond, Virginia; I've been to a plant 17 site that we purchased in France. I've been to a 18 plant site that we purchased that's down in 19 Mississippi. 20 Q. Okay. And these plants you're talking 21 about, is it standard DuPont procedure to field 22 complaints about chemicals from all the plants no 23 matter where they are at Haskell Labs? Or just the 24 ones inside the United States? 25 A. Oh, we also dealt with issues that might	40 1 around the world, really, that do toxicology studies 2 for other companies and for -- even for 3 pharmaceutical companies. 4 Q. Okay. And so before DuPont launches its 5 plants in Texas or outside of the United States, it 6 studies the chemicals that are used in the 7 processing? 8 A. If the chemicals are the DuPont products; 9 in other words, if we're going to make chemical X and 10 someone invents chemical X, and they think it's going 11 to be good for something, the laboratory would start 12 to do some studies. 13 If the laboratory found that chemical X 14 was highly toxic and maybe would not be a good fit 15 for what they thought they were going to use it for, 16 then it never got any further than a few short 17 studies. If -- 18 Q. So -- 19 A. -- if the product looked good, we did more 20 studies before they ever would build the plant to 21 make the product. 22 Q. And so was the Haskell Labs that had the 23 last say? Or somebody else in DuPont that had the 24 last say as to whether something was to hazardous to 25 be produced or put into operation?

41 1 A. I'm not sure who I would say had the last 2 say; but Haskell could be very influential. And I 3 certainly saw that happen that a chemical got dropped 4 because of the -- what we were seeing in the studies. 5 Q. Okay. So I'm trying to -- you -- hold on 6 a second. 7 MR. MADEKSHO: Okay. Actually, Larry? 8 MR. COTTEN: Yes. 9 MR. MADEKSHO: Hey, listen, I'm not sure 10 how many more questions I have. Do you mind if we 11 take a quick recess, and let me look at my notes and 12 see what all I have left? 13 MR. COTTEN: Sure. 14 MR. MADEKSHO: Okay. Let's take 10 15 minutes, let everybody stretch. 16 THE VIDEOGRAPHER: Going off the record. 17 The time on the video screen is 11:03 and 8 seconds. 18 You're clear. 19 (Recess.) 20 MR. COTTEN: What we would like is a copy 21 and an E-tran. 22 THE VIDEOGRAPHER: Going back on the 23 record. The time on the video screen is 11:25 and 43 24 seconds. 25 Please continue.	43 1 Q. And is that the policy of DuPont 2 throughout the DuPont Company, no matter where they 3 may be? 4 MR. COTTEN: Objection. Form. 5 THE WITNESS: I think that it's good 6 advice. It obviously puts a qualifier on there to 7 say "where possible." 8 BY MR. MADEKSHO: 9 Q. Now, Dr. Stadler, I appreciate your 10 attempt to answer my questions; but to be fair to me, 11 you're DuPont's representative today; you understand 12 that, correct? 13 A. Yes. 14 Q. I would like an answer yes or no. 15 Is it DuPont's company-wide policy to use 16 alternates to carcinogens, where possible? 17 A. That would be correct. 18 Q. And that goes for all DuPont companies, no 19 matter where they are, correct? 20 A. There's only one DuPont Company. I think 21 there are many sites. 22 Q. I'm sorry. All of those -- all of those 23 plants under DuPont, no matter where they may be, 24 correct? 25 A. Yes.
42 1 MR. MADEKSHO: Okay. 2 BY MR. MADEKSHO: 3 Q. Dr. Stadler, we're back after a short 4 break. I would like to draw your attention to number 5 29 in the documents that I have forwarded to the 6 court reporting service, please. Let me know when 7 you have that in front of you. 8 (A document was marked for 9 identification as 10 Exhibit No. 1.) 11 MR. MADEKSHO: Doctor, would you please 12 turn to -- I think the pages may be backwards, but 13 would you turn to the page Bates stamped DuPont 14 0397786. 15 THE WITNESS: Okay. I am at that page. 16 BY MR. MADEKSHO: 17 Q. And the first sentence of the second to 18 the last paragraph reads -- correctly -- in addition, 19 Haskell advises that we should use alternates to 20 carcinogens, where possible; is that a correct 21 reading? 22 A. That's what it says, yes. 23 Q. And this is indeed a statement made by 24 DuPont on DuPont letterhead, correct? 25 A. That's correct.	44 1 Q. And I would like to now refer to what is 2 number 5 in the materials that I forwarded to the 3 court reporter. Please let me know when you have 4 that in front of you. 5 (A document was marked for 6 identification as 7 Exhibit No. 2.) 8 BY MR. MADEKSHO: 9 Q. Dr. Stadler, do you see in front of you a 10 document entitled Toxic Substances Control Act dated 11 November 11, 1983. 12 A. Yes. 13 Q. And it is Bates-stamped DuPont at the 14 bottom. Is this a DuPont document? 15 A. I don't really know. It does have an 16 employee relations department, Sabine River Works; so 17 I would assume that it is a DuPont document, though 18 DuPont's name does not appear on it. 19 Q. Well, it does say DuPont supports the 20 philosophy embodied in this regulation, and the 21 company believes it will provide industry a means of 22 identifying previously unknown chemical hazards, does 23 it not? 24 A. Where are you reading that? 25 Q. It's the last sentence in the first

45 1 paragraph. 2 A. Okay. 3 Q. And then it also states on November 21, 4 1983, DuPont will implement a company-wide system to 5 record and retain allegations that chemical 6 substances, products, or processes cause significant 7 adverse health or environmental effects; is that 8 correct? 9 A. Yes. 10 Q. And DuPont has produced this to the 11 plaintiffs in this case. 12 Now, is that enough for you to agree with 13 me that this is a DuPont document? 14 A. Yes. 15 Q. Thank you. I wasn't trying to be trick 16 you or anything. 17 A. No. I was just really looking for DuPont 18 at the top of the page. 19 Q. Right. Right. 20 Now, this document that is sent to the 21 employee relations department by DuPont does indeed 22 state, does it not, DuPont's program required by new 23 EPA regulations amounts to a formalization and 24 extension of the company's existing practice of 25 carefully evaluating any complaints; is that correct?	47 1 employees were treated differently. 2 Q. Did Haskell Labs field research matters 3 involving complaints from DuPont's companies all over 4 the world? 5 A. Sometimes Haskell dealt with parts of the 6 company in different parts of the world. I would say 7 that -- certainly at the time I left the company, 8 there were toxicologists in Europe, for instance, 9 that might deal with the information; but generally, 10 if someone had a question, it wasn't usually 11 determined where the question was coming from; 12 someone just called the laboratory and tried to get 13 the information. 14 Q. Thank you. And did Haskell or DuPont have 15 toxicologists in Latin America as well? 16 A. No specific person located in Latin 17 America, no. 18 Q. Why not? 19 A. In general, it was easier to deal with 20 centralizing the toxicology laboratory. Now, there 21 were safety people, and there were people perhaps 22 centralized in a particular country where DuPont 23 might have offices who would be the person who would 24 probably contact the laboratory. 25 Q. Okay. So when you mean centralizing, you
46 1 A. That's correct. 2 Q. Now, when it says that TSCA implementation 3 program just amounts to a formalization, what do they 4 mean by that? 5 A. That in general DuPont was already doing 6 this, and the TSCA regulation now mandates that they 7 do this. 8 Q. So in other words, any complaint brought 9 to DuPont's attention anywhere in the DuPont Company, 10 wherever they may be, was forwarded up to Haskell 11 Labs? 12 A. I don't think that Haskell necessarily got 13 involved in all complaints. 14 Q. When would Haskell get involved? 15 A. If there was a question about a complaint, 16 for instance, if someone were to say, I think that 17 breathing this chemical, the offgasing may be giving 18 me a rash or be causing some other health effect, the 19 person to whom that individual would have complained 20 might call Haskell to find out whether we had 21 information that would say, yes, that is a symptom 22 that could be associated with that chemical. 23 Q. So did DuPont treat its employees 24 different in different parts of the world? 25 A. I really can't speak to whether or not	48 1 mean, listen, it is better -- instead of setting up 2 an independent lab over there in Latin America, use 3 Haskell, somebody from that place in Latin America 4 will contact us, and we'll take care of it? 5 A. That's right. 6 Q. I just don't want it to appear, if it is 7 not true, that DuPont ignores safety concerns in 8 other parts of the world simply because they're not 9 in America. 10 That's not the case, is it? 11 A. That is not the case. 12 Q. Now, did DuPont have the policy before 13 TSCA to report complaints involving substantial risks 14 to health or environment to the EPA? 15 A. Well, the EPA was never really started 16 before 1970. 17 Q. Right. So that's about 13 or 14 years 18 we're talking about? 19 A. 13 or 14 years from? 20 Q. Prior to TSCA? 21 A. Yes. 22 Q. So did DuPont before -- because TSCA was 23 federal law saying, listen, if you have a complaint 24 involving a substantial risk to health or 25 environment, you've got to look into it and you've

49 1 got to report to the EPA; do you understand that? 2 A. Yes. 3 Q. In fact, within 15 working days, you got 4 to report it to the EPA, right? 5 A. That's correct. 6 Q. So this formalization of TSCA, did that 7 exist -- did DuPont report substantial risk to health 8 or the environment to the EPA prior to TSCA? 9 A. Nothing quite like they do now under the 10 AD notification process, it was not reported to EPA 11 specifically. 12 Q. Now, at what point did -- first of all, 13 did Haskell Labs have a hand in monitoring safety at 14 the plants? 15 A. Not generally. Haskell was much more of a 16 health effects research organization and laboratory. 17 Each plant had their own safety group, 18 safety people, who were in charge of issues; and then 19 we at Haskell sort of were a resource for those 20 safety individuals. 21 Q. Now, when we talk about monitoring safety 22 at the plant level, would you agree with me that 23 there are certain tasks that can be handled by 24 non-specialists who can be trained; and then there 25 are other health monitoring tasks that require a	51 1 employees; and I know that by the middle of that 2 century, there was a medical doctor providing health 3 care to the employees of DuPont; so in the mid-1840s, 4 1850s. 5 And then there was a medical department 6 formally established at DuPont in 1915; and after 7 that time, they began to hire occupational health 8 physicians for plants that had really large numbers 9 of employees. Not every plant site had their own 10 physician; but some of them did. 11 Q. We're talking about now well over 200 12 years that DuPont has had doctors on site at their 13 plants; correct? 14 A. Yes. I'm not sure that in the early 1800s 15 the doctor was right there on site, but was certainly 16 available to the employees. 17 Q. Right. We understand each other, Doctor. 18 Now, where do the doctors on site today at 19 these plants around the world come from? How are 20 they selected or chosen? 21 A. Well, I think that today there are not 22 that many that are actually on site. I think that 23 most of the time, the medical doctors that serve the 24 plant sites are in private practice, and they will do 25 some work with DuPont.
50 1 trained specialist such as what would be found at 2 Haskell Labs? 3 MR. COTTEN: Objection. Form. 4 THE WITNESS: I think you might have -- 5 certainly we know there were plants who had 6 industrial hygiene people. They were specially 7 trained people. 8 There were plants for periods of time in 9 the DuPont history, many of the plants, actually had 10 medical doctors on site. They had -- they did 11 examinations, that kind of thing, right at the plant 12 site. 13 In certain instances, there were safety 14 people, though the safety people, many of them, were 15 folks who were trained in a career at DuPont on 16 safety matters without a formal education of some 17 kind that they brought to DuPont. 18 BY MR. MADEKSHO: 19 Q. All right. I think that pretty much -- 20 that's a pretty fair answer. 21 What about these doctors on site? When 22 did DuPont start having doctors on site at their 23 plants? 24 A. Well, I think that even back in 1802, 25 E.I. du Pont had his own physician treat the	52 1 Back years ago, when they had MDs at the 2 plant sites, they were primarily occupational health 3 physicians. In other words, people with special 4 training in occupational diseases. 5 Q. And did they receive that training at 6 Haskell Labs or elsewhere? 7 A. No. They would have received that 8 training in medical schools or at other graduate 9 schools around the country. 10 Q. And what is the relationship that these 11 doctors have with Haskell Labs and DuPont as an 12 organization today? 13 A. As an organization today, there is no 14 direct relationship. There was a time when medical 15 doctors came and served at Haskell Laboratory for a 16 period of time and then went back out to plant sites. 17 I know when I first worked at Haskell, we 18 had probably three or four medical doctors who 19 actually answered the hot lines, talked to people who 20 were concerned; and these were primarily people from 21 the general public who had access to the phone number 22 to call if they were worried about a particular 23 product of DuPont's. They could call and get 24 information. 25 So these medical doctors were working at

53 1 Haskell for some period of time. 2 Q. Fielding questions from not only the 3 plants but the public as well, apparently? 4 A. That's right. 5 Q. Wow, pretty cool. 6 Now, at what point did DuPont begin 7 conducting asbestos-related testing, lung testing of 8 its employees? 9 MR. COTTEN: Objection. Form. 10 THE WITNESS: Well, I think you may be 11 talking about the medical kinds of testing; is this 12 what you are referring to? 13 BY MR. MADEKSHO: 14 Q. Yes, ma'am. 15 A. I think that, for one thing, DuPont was 16 conducting annual physicals on all of its employees 17 from, you know, maybe the mid 1920s onward. I'm not 18 sure the exact date. They had this annual physical; 19 and they were doing chest x-rays on people who were 20 working with hazardous chemicals; so it was not tied 21 to asbestos in any way. 22 But DuPont was providing this annual 23 physical for its employees and also the annual chest 24 x-ray. 25 Q. In the 1920s?	55 1 BY MR. MADEKSHO: 2 Q. This is indeed a memorandum from Dr. John 3 Zapp to Edward Radford, Junior, dated December 19, 4 1955; correct? 5 A. I think it is the other way around. It 6 was from Edward Radford to Dr. Zapp. 7 Q. Did I get confused? I'm sorry. Thank you 8 for correcting me, Dr. Stadler. 9 Now, and this is indeed a DuPont document. 10 You do not dispute that, correct? 11 A. Well, I know that Dr. Zapp was the 12 director of Haskell Laboratory. I'm not really sure 13 who Edward Radford is. 14 Q. Now, this pertains to pulmonary function 15 testing, correct? 16 A. Yes. 17 Q. And it's -- to be fair, it states 18 pulmonary function tests for possible in-plant use, 19 correct? 20 A. That's correct. 21 Q. And will you be so kind, Doctor, as to 22 turn to page 3 of this document, the last paragraph, 23 starting, briefly summarizing? 24 Let me know when you're there. 25 A. Yes, I'm there.
54 1 A. I'm not sure the exact starting date, but 2 it went back to somewhere around that time when they 3 started the annual physical. 4 As I said, they started the medical 5 department at DuPont in 1915; and I'm not sure when 6 they formalized the annual physical, but I know it 7 was sometime in that early timeframe, because DuPont 8 was handling some very toxic chemicals; and they 9 wanted to follow the health of the workers way back 10 then. 11 MR. MADEKSHO: Dennis, could we please put 12 number 12 in the view of the witness? 13 (A document was marked for 14 identification as 15 Exhibit No. 3.) 16 MR. COTTEN: What I was going to say, 17 Chris, is I haven't seen the documents you are 18 presenting to the witness. So if you don't mind, I 19 would like to take just a moment before she sees the 20 document to familiarize myself with them? 21 MR. MADEKSHO: Larry, I don't mind that at 22 all. 23 MR. COTTEN: Thank you. 24 THE WITNESS: Okay. I have the document 25 in front of me.	56 1 Q. It does correctly read, briefly 2 summarizing, the tests are of two main types. Those 3 requiring a minimal amount of training for the 4 supervisor and those carried out by trained Haskell 5 personnel? 6 A. Yes. 7 Q. Later on, it states, but it should be 8 emphasized that those tests are much more sensitive 9 and can be interpreted more directly in terms of lung 10 changes. 11 Did I correctly read that? 12 A. That's correct. 13 Q. Now, to be fair, Dr. Stadler, this may be 14 the first time you've seen this document, correct? 15 A. Yes. This is not familiar to me. I may 16 have seen it, but certainly not recently. 17 Q. This -- is this new information to you 18 that the Haskell personnel were actually involved in 19 the more sensitive testing of in-plant employees, or 20 these trained Haskell personnel, if not directly at 21 Haskell Labs? 22 MR. COTTEN: Objection. Form. 23 THE WITNESS: I'm not really sure at this 24 point that they were in any way testing the general 25 population of DuPont employees. I think they were

57 1 really working on trying to determine whether or not 2 this pulmonary function test would be something you 3 could use on employees. 4 I'm somewhat familiar with kind of the old 5 pulmonary function testing systems; and they were 6 very cumbersome and very difficult to make available 7 at any place other than, say, a research laboratory. 8 BY MR. MADEKSHO: 9 Q. And I appreciate that response, Doctor. 10 Perhaps it was a poorly phrased question; 11 but it was more to the effect of, is it new 12 information that Haskell Labs is involved in the more 13 sensitive aspects of its in-plant employees medical 14 monitoring? 15 MR. COTTEN: Objection. Form. 16 THE WITNESS: I think Haskell would have 17 been in the position of giving advice to the plants 18 as to what might be good kind of testing to use. 19 I know certainly they hired Dr. Stopps, 20 who was a physiologist and who was an expert in that 21 area later. I'm not sure when he started working 22 there. But he was working there in the mid-'60s. 23 And this memo is 1955. And I'm not sure I know who 24 Mr. Radford is. 25 BY MR. MADEKSHO:	59 1 to find out from various experts what might be good 2 equipment to use for that purpose. 3 Q. So in 1965, it began looking at equipment 4 that could be used at their plants in Texas, for 5 example? 6 A. At their plants anywhere that could become 7 part of the normal yearly medical exam, that's 8 correct. 9 Q. Anywhere in the world, in fact? 10 A. I would imagine anywhere in the world, 11 because I know that they gave physicals to their 12 employees all around the world. 13 Q. And the physicals given to their 14 employees, what role did Haskell play in those 15 physicals? 16 A. Haskell did not play a role other than the 17 people who worked at Haskell had physicals also; but 18 that was much more of a medical department -- it fell 19 under their control. 20 MR. COTTEN: Chris? 21 MR. MADEKSHO: Yes. 22 MR. COTTEN: We're needing to change the 23 tape. 24 MR. MADEKSHO: Sure, Larry. How long do 25 need? Five minutes?
58 1 Q. As far as that position of counseling and 2 advising, is that for DuPont plants wherever they may 3 be? 4 MR. COTTEN: Objection. Form. 5 THE WITNESS: Yes. In other words, if 6 someone had a question about a methodology that they 7 might use in a medical testing like a pulmonary 8 function apparatus, they might call Haskell and say, 9 would you test this out and see whether you think 10 it's useful and helpful; or you know, does it really 11 do what the manufacturers tells you that it is doing 12 and that kind of thing. 13 BY MR. MADEKSHO: 14 Q. Now, when did pulmonary function testing 15 of DuPont's employees become mandatory in the Texas 16 plant, if ever? 17 A. I do not know when it became mandatory in 18 any of the plants. I do -- I am aware that even in 19 1965, they were still trying to find a piece of 20 equipment or apparatus that would be something they 21 could use on site that they could find ways to 22 calibrate, and then they could be -- pulmonary 23 function equipment could be used at individual plant 24 sites. 25 I know even in 1965, Dr. Stopps was trying	60 1 MR. COTTEN: 3 minutes. 2 MR. MADEKSHO: Got it. I'm here. 3 THE VIDEOGRAPHER: Here marks the end of 4 videotape number 1, taken in the deposition of 5 Dr. Judith Stadler. Going off the record. The time 6 on the video screen is 11:54 and 9 seconds. 7 You're clear. 8 (Recess.) 9 THE VIDEOGRAPHER: Here begins videotape 10 number 2, taken in the deposition of Dr. Judith 11 Stadler. Going back on the record. The time on the 12 video screen is 11:57 and 4 seconds. 13 Please continue. 14 BY MR. MADEKSHO: 15 Q. Dr. Stadler? 16 A. Yes. 17 Q. Do you recall my last question or should 18 we have the court reporter read the question and 19 answer back? 20 A. I would appreciate having it read back. 21 Thank you. 22 THE REPORTER: "Question: And the 23 physicals given to their employees, what role did 24 Haskell play in those physicals?" 25 BY MR. MADEKSHO:

61 1 Q. Dr. Stadler, continuing from your 2 response, is it true that Haskell Labs did not impart 3 their medical knowledge of potential causes of 4 diseases and health effects that may arise under the 5 physicals to those doctors who would be conducting 6 the physicals on employees potentially exposed to 7 hazardous chemicals? 8 MR. COTTEN: Object to form. 9 THE WITNESS: I think I followed that. 10 Certainly the individuals at Haskell who 11 may have had special knowledge of disease could be 12 consulted by the medical doctors if they had 13 knowledge that would help. 14 BY MR. MADEKSHO: 15 Q. And that goes for them -- the medical 16 doctors wherever they may be in the world? 17 A. That's right. 18 Q. Dennis, would you please be so kind as to 19 mark as next in order plaintiff's number 24. Dr. 20 Stadler, let me know when you have that in front of 21 you. 22 (A document was marked for 23 identification as 24 Exhibit No. 4.) 25 THE WITNESS: I have the document now.	63 1 A. Well, it wasn't just pursuant to 2 complaints. It was products prior to marketing and, 3 if for some reason, there was some other product out 4 there that people at Haskell found might be important 5 for testing, but typically it would still have been 6 either a DuPont product or a waste stream product, 7 because those were the two things that Haskell was 8 charged with doing, was ensuring the safety of 9 products DuPont made and the waste stream products. 10 Q. I apologize. I may be a little slow. I'm 11 not sure I understood that. 12 A. Well, when you say, in response to a 13 complaint, Haskell didn't just take up studying 14 materials that someone may have had a complaint 15 about. The first order for Haskell would have been 16 if there was a complaint about a product that arose, 17 and it was not a DuPont product, then they would have 18 consulted with the company that made the product. 19 If there was a complaint that came from a 20 DuPont product -- for instance, as I said, the 21 medical doctors fielded the hot line, let's say 22 someone came in and said, I'm having this reaction, 23 I'm using this product, if it was a kind of testing 24 that perhaps had not been done on the product that 25 might better clarify if that product could cause that
62 1 BY MR. MADEKSHO: 2 Q. Doctor, this first page pertains to 3 DuPont's experience in toxicity hazard control 4 especially at Haskell Labs, correct? 5 A. Yes. That's what it says. 6 Q. Would you please turn to the second page 7 of this exhibit, also marked as 17 up at the top? 8 The first sentence of the second paragraph 9 reads, in some cases, Haskell findings can keep a 10 product from being marketed by DuPont; is that a 11 correct reading? 12 A. That's correct. 13 Q. Is that, in fact, true, that Haskell Labs 14 can tell DuPont, hey, listen this product is going to 15 hurt people, don't sell it? 16 A. Yes. And as I think I said before, I saw 17 that happen. 18 Q. Doctor, I don't mean to dispute your prior 19 testimony. Please don't take it as an imprecation 20 that I am. I just don't have it in front of me. I 21 want it to be clear. 22 Now, Haskell -- you already stated that it 23 performed studies on chemicals either pursuant to 24 some complaints prior to marketing, but can it also 25 do so on its own initiative?	64 1 particular problem, then Haskell could have made the 2 determination to initiate testing on that DuPont 3 product and the kind of testing that someone might be 4 concerned about. 5 Q. You mean on that non-DuPont product? 6 A. No. No. I'm talking about -- let's say 7 someone called the hot line. Said I'm getting a rash 8 and I'm using product Z. And it was a DuPont 9 product. Then Haskell may have initiated testing on 10 DuPont's product Z because someone had called and 11 complained. 12 Or -- and in certain instances, it might 13 have been workers actually getting splashed with a 14 chemical that caused a rash, for instance; or you 15 know, that kind of thing and maybe investigating that 16 from complaints, particularly at the plant site. 17 Those kinds of things could occur. If it 18 was not a DuPont product, then Haskell would have 19 been the tester of last resort. 20 In other words, there may have been some 21 things Haskell might have done like calling the 22 company, trying to find out from the producer whether 23 there were problems with the product, and had they 24 ever tested it; and that was also why we had the 25 library because you could go out and find if there

65 1 was published literature about something. 2 Q. All right. So there are instances in 3 which DuPont may test a non-DuPont product, correct? 4 A. There are a few instances. Usually, 5 however, it might have been if it happened, it was 6 done in conjunction with the producer of a product. 7 We certainly did that in certain cases 8 where we had the facilities or the capability to test 9 something and the producer didn't; and then maybe we 10 worked with that producer. They maybe paid for the 11 testing but had it done at Haskell, something like 12 that. 13 Q. Was there -- I think that you've answered 14 my question, Doctor. Let me just clarify. 15 Was there ever an instance in which upon 16 receiving a complaint or knowledge of some sort of 17 potentially toxic product used by DuPont's employees 18 or somebody of the public who contacted via the hot 19 line, was there ever an instance in which DuPont 20 contacted a manufacturer, the manufacturer was unable 21 to give information as to the hazards, had no history 22 of testing, and there was no history of testing in 23 the public literature in which DuPont did absolutely 24 nothing after that, just let the product continue 25 being used at the work site without any further	67 1 individuals and, you know, ultimately, first of all, 2 try to find a supplier of the kind of product that 3 they're looking for who does have the toxicology 4 information. 5 At least in my experience when I worked 6 there, that's what would happen. If a company had no 7 information, we tried to encourage the people using 8 products to do business with companies who did have 9 information. 10 Q. And -- 11 A. And tried -- the other thing is we tried 12 to push them even from a toxicology standpoint as 13 to -- to try to encourage the company that was 14 supplying something to us that had no information, we 15 tried to encourage them to get that information. 16 Q. DuPont has been a member of the Industrial 17 Hygiene Foundation since approximately 1936, correct? 18 A. I'm not sure. I think it was around that 19 timeframe, yes. 20 Q. And pursuant to that membership, and 21 also -- strike that. 22 When -- how long has DuPont been 23 participating or providing input to the American 24 Conference of Governmental Industrial Hygienists? 25 A. Well, I think that's -- I would say
66 1 inquiries? 2 MR. COTTEN: Objection. Form. 3 THE WITNESS: I'm not really sure whether 4 there was any instance specifically like that. 5 BY MR. MADEKSHO: 6 Q. But that would certainly not be common? 7 A. Well, I think that for Haskell to take up 8 testing of another company's product, they would not 9 have done it without the knowledge of that other 10 company. That other company would have probably 11 agreed to the testing and participated in development 12 of protocols and that kind of thing. 13 If the other company refused to have any 14 part in any kind of testing, I think that would have 15 presented some problems for Haskell to go forward 16 with testing someone else's product without their 17 permission. 18 Q. And so if DuPont is made aware that its 19 workers are suffering injury from a chemical product 20 and the chemical product manufacturer refuses to give 21 DuPont knowledge and refuses to test, what does 22 DuPont do? 23 A. I think the most likely thing that DuPont 24 did was stop buying that product from someone and/or 25 try to determine whether there was exposure of the	68 1 probably mid-1940s. Because DuPont had its own 2 toxicology laboratories, back when the ACGIH -- if I 3 can use the acronym or the initials -- when they 4 started setting threshold limit values for chemicals, 5 DuPont and other chemical company laboratories 6 provided them with data upon which they -- that they 7 could use for setting up these threshold limit 8 values. 9 So that goes back at least to the 1940s; 10 and, of course, Haskell Laboratory had data back to 11 the mid-1930s. 12 Q. So is that information available to 13 DuPont; DuPont made available in turn to ACGIH and 14 IHF? 15 A. They made it available when requested, 16 yes. 17 Q. And were DuPont's exposure level limits -- 18 I will use that term because I don't know if DuPont 19 has any term different from PEL or TLV; you certainly 20 know what those mean, correct? 21 A. Yes, I know what they mean. 22 Q. Were DuPont's exposure levels internally 23 ever different from the ACGIH or IHF proposed limits 24 on exposure to certain chemicals, or fibers? 25 A. There were some. Initially when ACGIH

69 1 began to set up the threshold limit values, DuPont 2 basically accepted all of their limit values. 3 Quite a few years later, I would say in 4 the early '70s, DuPont had an internal committee that 5 did essentially the same kind of thing, I think 6 because DuPont had a lot of chemicals that ACGIH 7 never dealt with; and they wanted to set their own 8 levels; and in some instances, DuPont actually set 9 internally levels that were lower than TLVs. 10 Q. For what substances or toxicants did it 11 have internally lower levels than the ACGIH levels? 12 A. I can't really remember at this point in 13 time. 14 Q. Fine, Doctor. 15 A. I know that -- well, for instance, I think 16 because we're talking about asbestos, DuPont set some 17 internal limits lower than the TLVs in the 1960s, as 18 it began to get information about asbestos. 19 It was not satisfied with the five million 20 particles per cubic foot level and set its own level 21 within the construction division at a lower level. 22 That's just one example because there were others, 23 and I just can't list them. 24 Q. And how did DuPont monitor to assure 25 compliance with those internal or external exposure	71 1 business of making asbestos; and even though they 2 knew, our people, certainly scientists within the 3 company had heard of things like asbestosis, it had 4 always been associated with dusty trades, the 5 asbestos industry, people who were asbestos miners or 6 millers or asbestos textile workers. 7 All of the research about asbestosis and 8 diseases related to it, all was coming out of the 9 asbestos industry. 10 So people knew about this, but it was 11 certainly not until 1964 when Dr. Stopps attended a 12 meeting given by Dr. Selikoff in New York, and 13 Dr. Selikoff had done some work on insulators and 14 found that these insulators had asbestos-related 15 diseases. And at that point, Dr. Stopps came back 16 and reported on his trip and the research that was 17 presented at that conference, and DuPont began to 18 look at the potential for people within their own 19 plants having been exposed to asbestos, because 20 certainly it was used to insulate pipes and furnaces 21 and things like that within the chemical plants. 22 Q. When you say the asbestos industry, what 23 do you mean by that? 24 A. Well, I think in general, the diseases of 25 asbestos were associated with the asbestos industry:
70 1 levels? 2 A. Initially some of the monitoring was not 3 done by the company. Monitoring and industrial 4 hygiene practices kind of developed over time. Some 5 of the first monitoring was actually done by the 6 governmental industrial hygienists as ACGIH would 7 tend to tell you that that was an organization of 8 people who were really government people; and it 9 wasn't until probably -- oh, I would say the 1960s 10 that industry began to have it own industrial 11 hygienists and began to try to develop means of 12 monitoring. 13 So a lot of the monitoring that was done 14 were people coming in from government and doing some 15 of this monitoring. 16 And then I think the companies began to 17 say maybe we could get some of these people and hire 18 them ourselves. 19 Q. And again, you just stated that DuPont 20 began to get information about asbestos hazards in 21 the 1960s? 22 A. That was really when DuPont became most 23 aware that there could be some health-related issues 24 from asbestos within their own plants because DuPont 25 was a chemical industry; they were not in the	72 1 The people that mined asbestos in the very dusty 2 mines, that kind of situation, the people who milled 3 it or ground it up; and then the people who used this 4 raw asbestos to make it into products like insulation 5 or other types of products that contained the 6 asbestos. 7 So that was considered the place where 8 people were likely to have any -- enough high 9 exposures to actually have gotten disease from 10 asbestos. 11 Q. Okay. So am I correct that you considered 12 the asbestos -- strike that. 13 Am I correct that DuPont considers a 14 member of the asbestos industry to be either a miner 15 of asbestos or a product manufacturer? 16 A. Or someone actually in the business of 17 mining asbestos from the ground. 18 Q. All right. And people who use asbestos 19 everywhere in their plants and refineries, they are 20 not members of the asbestos industry? 21 A. They were not considered, in general, 22 members of the asbestos industry. That's correct. 23 And I think one of the reasons for that in 24 the overall was all the research that was being done 25 on textile -- asbestos textile mills, on the miners

73 1 and the millers. This is where you were seeing the 2 results that there was some kind of asbestos disease. 3 People who -- in fact, one of the biggest 4 studies that was done on people who were insulators 5 was a study by Drinker in 1945 where they looked at 6 people in the Navy who were -- who were working on 7 ships; and they found that out of over a thousand 8 workers who were insulators there, that only three 9 had evidence of asbestosis. 10 And so at that point, even though there 11 were papers being written about asbestos textile 12 workers, the evidence seemed to be that people who 13 were doing other jobs like insulating were not at 14 risk for any kind of disease. 15 MR. MADEKSHO: Objection to the 16 non-responsive portion. 17 BY MR. MADEKSHO: 18 Q. Now, you know what a "chem-crew air suit" 19 is? 20 A. No. 21 Q. Well -- 22 A. Just from the description, I have an idea 23 what that might mean. 24 Q. Are you familiar with the suits that are 25 air-fed and completely dependent upon oxygen supplied	75 1 THE WITNESS: I would not say there's no 2 safe level of exposure. Certainly, even OSHA has 3 come out with a level of exposure of -- today it 4 stands at .1 milligrams per cubic centimeter. 5 BY MR. MADEKSHO: 6 Q. Are you aware, Doctor, that that is not a 7 level of exposure that is safe, that people will 8 still die if they're exposed at that level? 9 MR. COTTEN: Objection. Form. 10 THE WITNESS: I think you could probably 11 be exposed at even much higher levels and not die, 12 except everyone dies eventually. 13 BY MR. MADEKSHO: 14 Q. Everyone dies eventually, Doctor? 15 A. I'm trying to say that I think that the 16 level of disease from asbestos, they have shown is in 17 most instances highly dependent on the duration of 18 exposure, the level of exposure; and when they set up 19 something like a permissible exposure level, they're 20 talking about something that they believe will be 21 protective of everyone if exposed eight hours a day 22 every day during their working life. 23 Q. Have you been involved in any lobbying 24 concerning exposure limits in chemicals to the 25 federal government?
74 1 through the air in the tubes that seal off a person 2 from any contact with outside air? 3 A. Yes. 4 Q. And what is your name for that apparatus? 5 A. I would just call it some kind of 6 self-contained breathing apparatus, and then the suit 7 itself would be somewhat different. 8 Q. And how long has DuPont used this suit? 9 A. I really don't have any idea. 10 Q. You are obviously aware of its existence? 11 A. Pardon? 12 Q. You are obviously aware of its existence? 13 A. Yes. 14 Q. And given your knowledge, what is the 15 earliest instance of its use according to you? 16 A. I have no idea. 17 Q. Okay. This would certainly be helpful in 18 preventing any exposure to asbestos, correct? 19 A. I think that is the kind of thing that is 20 now required for people who remove asbestos from 21 buildings and that kind of thing. So certainly it is 22 very protective. 23 Q. It is required because we know there is no 24 safe level of exposure, correct? 25 MR. COTTEN: Objection. Form.	76 1 A. No. 2 Q. Are you aware that exposure levels exist 3 not to protect people from disease and death, but as 4 a balance between the existence of an economy 5 dependent upon those chemicals and the few human 6 beings who will die as a result of exposure at those 7 levels? 8 MR. COTTEN: Objection. Form. 9 THE WITNESS: I'm not exactly sure what 10 the question is here. I believe that levels that are 11 set up are considered to be protective of health. I 12 would say that I certainly know that many have tried 13 to keep levels from going so low that they cannot 14 meet them or they find it difficult to do that. 15 But I think that levels ultimately are set 16 based on the health effects information. 17 BY MR. MADEKSHO: 18 Q. And what is your opinion, given your 19 knowledge of what you just told me, that is a level 20 that will prevent mesothelioma? 21 MR. COTTEN: Objection. Form. 22 THE WITNESS: I really do not know. As 23 far as I can tell from the literature, the level that 24 they have set now should be protective. I think that 25 in toxicology, we always talk about what they call

77	79
1 the one-hit model that you can never say that someone 2 exposed to almost anything that's a carcinogen maybe 3 one time at some level might not develop cancer. 4 It is one of those things that you just 5 perhaps cannot definitively say never. 6 BY MR. MADEKSHO: 7 Q. And what literature do you depend on when 8 you say that the literature supports the current EPA 9 PEL that will -- strike that. What literature do you 10 refer to when you say that the current level set by 11 the EPA and OSHA are permissible exposure levels of 12 asbestos will prevent disease in humans? 13 A. I think the basic philosophy here is we're 14 setting -- of these organizations is that they are 15 setting levels that will be protective. 16 Q. Well -- 17 A. And there's a lot of literature -- excuse 18 me -- but I think that each of these levels, OSHA 19 documentation, whatever organization is putting out a 20 level has to support it with literature surveys; and 21 they always publish these surveys. 22 They publish documents that review the 23 appropriate studies that they used in setting levels; 24 and they try to use as much information as they have. 25 They may have things like, in this industry, we have	1 jobs? 2 MR. COTTEN: Objection. Form. 3 THE WITNESS: I'm not aware of the 4 specifics of that. I think there probably are a few 5 instances in which this material is deemed to be the 6 only way and the only product that can be used for 7 certain things, but I do not know enough specifics. 8 I have been told, for instance, certain 9 high-temperature gaskets cannot be made of other 10 materials; things like that. 11 But beyond that, I am not knowledgeable 12 about the specifics of products that would be 13 considered something that you could not find a 14 substitute. 15 MR. MADEKSHO: Objection to the 16 non-responsive portion. 17 BY MR. MADEKSHO: 18 Q. Dr. Stadler, would it surprise you to know 19 that in the last few go rounds with the asbestos 20 industry in the U.S., they no longer assert the 21 defense that it's safe at certain levels when they 22 lobby the U.S. government? 23 MR. COTTEN: Objection. Form. 24 THE WITNESS: No. I'm not aware of that. 25 BY MR. MADEKSHO:
78	80
1 used this, at this, and there's been enough sampling 2 data, and no one has gotten sick in 25 years of use. 3 That kind of thing, where they have 4 information on what people have been exposed to and 5 other places where maybe people have gotten sick and 6 they know what kinds of levels they were exposed to; 7 so all of these things are done based on extensive 8 literature surveys and knowledge. They're not just 9 pulled out of the air. 10 MR. MADEKSHO: Objection. Non-responsive. 11 BY MR. MADEKSHO: 12 Q. Dr. Stadler, are you aware that many, many 13 countries, in fact, the majority of countries with 14 whom we have trade treaties have completely banned 15 asbestos from being used or imported, are you not? 16 MR. COTTEN: Objection. Form. 17 THE WITNESS: I am aware that there are 18 many places that have banned the use of asbestos, 19 yes. 20 BY MR. MADEKSHO: 21 Q. And are you also aware that the only 22 reason it's not banned in the U.S. is because time 23 after time when we try to ban it, industry comes to 24 the U.S. government, pays lobbyists to say to the 25 American people, oh, we need it in order to keep	1 Q. Would it surprise you and change your 2 opinion that you have given in your testimony that 3 you've given here today? 4 MR. COTTEN: Objection. Form. 5 THE WITNESS: No. It wouldn't change what 6 I said. 7 BY MR. MADEKSHO: 8 Q. Even if the asbestos industry -- as you 9 call them -- no longer believes that there is a safe 10 level below which mesothelioma -- the disease in 11 question in this case -- will not occur, that would 12 not change your opinion as DuPont's spokesperson? 13 MR. COTTEN: Objection. Form. 14 THE WITNESS: I think what I was referring 15 to is that there are levels set out there by the 16 government, and the government used data to set those 17 levels, that they believe are the best levels to be 18 set. 19 I also know that one of the best ways to 20 keep people from being exposed to it at all is to 21 stop using it. 22 And in many instances, it's easier to find 23 substitutes and not use it than it is to control 24 something to levels like .1 milligram per cubic 25 meter.

81 1 MR. MADEKSHO: Objection to the 2 non-responsive portion. Okay. 3 BY MR. MADEKSHO: 4 Q. Are you aware that DuPont has been a 5 member of the National Safety Council since at least 6 1934? 7 A. I'm aware that DuPont is a member. I do 8 not know the date they first became a member. 9 Q. You have no documents or any reason to 10 dispute the documents that do indicate that DuPont 11 has been a member of the National Safety Council 12 since 1934? 13 A. I have no reason to dispute that. 14 Q. And you are aware that the asbestos 15 industry is tied into the members of the National 16 Safety Council, the Industrial Hygiene Foundation, 17 and the ACGIH that we've been talking about here this 18 morning, correct? 19 MR. COTTEN: Objection. Form. 20 THE WITNESS: I'm not sure what you mean 21 by "tied in to." I think that probably there were 22 industrial hygienists that would have worked for some 23 of the companies in the asbestos industry; some of 24 those companies may have been part of that safety 25 council. I do not know.	83 1 MR. MADEKSHO: Okay. All right. Thank 2 you. 3 MR. COTTEN: Thank you. 4 THE VIDEOGRAPHER: Going off the record. 5 The time on the video screen is 12:32 and 36 seconds. 6 (Whereupon, at 12:31 p.m., the deposition 7 in the above-entitled matter was recessed, to 8 reconvene at 1:30 p.m., this same day.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
82 1 BY MR. MADEKSHO: 2 Q. And those are the same companies who have 3 time and again opposed the ban of asbestos in the 4 United States, in the United States governmental 5 lobbying efforts against the American people? 6 MR. COTTEN: Objection. Form. 7 THE WITNESS: Was that a question? 8 BY MR. MADEKSHO: 9 Q. Yes, ma'am. Are you aware? 10 A. I do not know. 11 Q. You don't know? Okay. If you don't know, 12 you don't know. That's fine. 13 MR. MADEKSHO: Larry, do you mind if we 14 take a quick break? I'd like to sneak off to the 15 men's room. 16 MR. COTTEN: It would be fine to take a 17 break. 18 MR. MADEKSHO: By the way, you all are at 19 12:30 over there? 20 MR. COTTEN: Yes, we are. 21 MR. MADEKSHO: Let's do this. Let's take 22 a quick lunch break and come back in -- I don't 23 know -- 45 to an hour? 24 MR. COTTEN: That would be fine. 45 25 minutes.	84 1 AFTERNOON SESSION 2 (1:38 p.m.) 3 Whereupon, 4 JUDITH C. STADLER, Ph.D., 5 the witness testifying at the time of recess, having 6 been previously duly sworn, was further examined and 7 testified further as follows: 8 EXAMINATION BY COUNSEL 9 FOR PLAINTIFF (RESUMED) 10 THE VIDEOGRAPHER: Going back on the 11 record. The time on the video screen is 13:39 and 15 12 seconds. Please continue. 13 BY MR. MADEKSHO: 14 Q. Dr. Stadler? 15 A. Yes. 16 Q. We're back from a short break, I hope you 17 enjoyed your lunch. 18 A. I certainly did. 19 Q. Thank you. Now, who was it who advised -- 20 who advised the DuPont plant people at DuPont of 21 preventative measures designed to protect workers 22 from asbestos exposure? 23 A. That would most likely be engineering or 24 industrial hygiene personnel. 25 Q. Okay. And obviously you're -- we are not

85 1 getting into an argument about who is most 2 knowledgeable, because I believe -- and I don't want 3 to get into that side issue. I need to know an 4 answer. And so if you are DuPont's representative 5 today, if that is what you understand, then that is 6 what it is; do you understand my statement? 7 A. I think so. 8 Q. Okay. So could you please restate those 9 two entities within DuPont responsible for forwarding 10 dust preventive measures designed to protect workers 11 from asbestos exposures? 12 A. I believe that engineering, because they 13 would have the information on engineering controls, 14 and industrial hygienists who may have information on 15 other ways to control exposure. 16 Q. Okay. And did engineering -- first of 17 all -- strike that. 18 Who is engineering? Is there an 19 engineering department within DuPont? Or is that a 20 subset of Haskell Labs? Or could you please explain 21 that? 22 A. DuPont does have an engineering 23 department. At one time, it was very, very large. 24 It was part of the construction division within 25 DuPont. And they do have a whole department of	87 1 at plant sites. 2 Q. And is this like the case of what we were 3 talking about earlier, how there'd be folks who would 4 forward information and interact and work with the 5 central location of the department that was in 6 Wilmington; is that correct? 7 A. That's correct. A lot of times, the 8 engineers, in particular centrally located engineers, 9 would have been associated with construction of large 10 plants and drawing up plans, all those kinds of 11 things. 12 You have much more in the way of sort of 13 maintenance engineers at the plants, dealing with 14 day-to-day operations. 15 Q. All right. So then it was either an 16 engineer at the plant where asbestos is present 17 working with the engineering department centralized 18 in Wilmington, or Wilmington themselves being 19 involved; is that fair to say? 20 A. Yes. 21 Q. Okay. I think I understand. And these go 22 for -- strike that. 23 This goes for all of DuPont's plants, 24 wherever they may be in the world, right? 25 A. As far as I know, yes.
86 1 engineers who deal with engineering -- new facilities 2 and building processes and plants. 3 Q. All right. This engineering department, 4 did it forward asbestos hazard knowledge to only some 5 plants where asbestos was used? Or all plants where 6 asbestos was used? 7 A. I'm not sure what you mean by that. I 8 would say that engineering worked with all of the 9 plants, and the plants and the engineering department 10 together would have determined whether they were 11 trying -- if part of the issue of what they were 12 trying to engineer into the plant was protection from 13 certain toxicants, asbestos being one. 14 Q. I'm sorry. I did not mean to cut you off, 15 Doctor. I thought you finished your answer. Do you 16 want to go ahead and finish? 17 A. Asbestos being one of many, because the 18 overall engineering of a plant had to do with many 19 things. 20 Q. Where is this engineering department 21 located, physically? 22 A. The engineering department per se is 23 centrally located at -- in Wilmington. However, 24 members of the engineering department might have been 25 located at each plant site. And there were engineers	88 1 Q. Now, what about this industrial hygiene 2 department? Where is that located? 3 A. There were people who were professionally 4 trained industrial hygienists located on plant 5 sites -- at least when I started with DuPont in the 6 1980s. I think back in the 1960s and when DuPont 7 really became aware of the potential hazard from 8 asbestos, I only know of one industrial hygienist 9 that was actually working for DuPont at that time. 10 It was a man by the name of Adrian Linch; 11 but industrial hygiene kind of grew over time, and 12 more and more plant sites had industrial hygienists 13 located there. Just the overall profession of 14 industrial hygiene was very limited; and then it 15 grew. 16 Q. And is it centrally located also in 17 Wilmington? 18 A. Well, there is an aspect, I think, of the 19 medical group that has some industrial hygienists 20 employed centrally. When I first started at Haskell, 21 the industrial hygiene, kind of the corporate entity 22 of industrial hygiene, was at Haskell and they 23 brought industrial hygienists in, they got some 24 training there around DuPont-specific issues, and 25 then they went out to plant sites and worked at plant

89 1 sites. 2 Q. And I appreciate that very full response. 3 I don't want to get confused or confuse you either. 4 So if you don't mind, we'll just take this one at a 5 time. 6 So talking about just the IH department, 7 outside of its contact at Haskell, first, I'm trying 8 to figure out if it's the same as the engineering? 9 Does that work the same way, like there's a central 10 location and they work with the IH folks at the 11 plants, or it is more of the central without the 12 folks at the plants? Or how does that work? 13 A. I'm sorry if I confused you, but I think 14 it's changed so much over time that it was different 15 when I retired from when I first started, and 16 different back in the 1960s. 17 Q. Right. Because of the growth of the 18 company? 19 A. That's correct. And the growth of 20 industrial hygiene as an actual job description. 21 Q. Okay. I understand. And so what was it 22 like then in 1984 when you joined Haskell Labs -- 23 strike that. Strike that question. 24 You know where I'm going, but I can ask it 25 a better way, Doctor, so as not to confuse you.	91 1 A. At this point in time, I really can't say 2 for sure. I just remember having conversations with 3 people who said they were at such and such a plant in 4 Europe, I can remember. But I can't really list 5 other places. 6 Q. That's fine. Then I won't go any further 7 with that. Suffice to say, though, that Haskell was 8 still for all locations in question the place where 9 the industrial hygienists either originated or later 10 on the department consulted with the -- strike all 11 that. 12 Is it safe to say, though, that the 13 industrial hygienists originated out of Haskell, like 14 when you got there, or they communicated with Haskell 15 as it became more of a separate entity later on? 16 A. Yes. 17 Q. Okay. For all locations, right? 18 A. That's correct. And after a while, it 19 became located within the medical department and was 20 removed from Haskell. 21 Q. Okay. You anticipated my question. 22 What -- how did it -- strike that. 23 How did the industrial hygiene department 24 look and operate in 2007 when you left? 25 A. It was part of the -- it was kind of a
90 1 When you got to Haskell Labs in 1984, can 2 you please describe the industrial hygiene centrally 3 and/or as local representatives? 4 A. Yes. The industrial hygiene department, 5 central location, was at Haskell. We actually had an 6 industrial hygiene group there; and then there were 7 industrial hygienists at many of the various plant 8 sites. 9 Q. Okay. 10 A. If the plant site was large, they were 11 likely to have one or more industrial hygienists. If 12 it was a small plant, then they usually called 13 Haskell and asked for the services of an industrial 14 hygienist; and that's how Haskell got involved. 15 In other words, they were sort of the 16 group of hygienists that dealt with a lot of 17 different plants around the country that were perhaps 18 not big enough to really have someone full time. 19 Q. What about the plants outside the country? 20 A. I'm not really aware of whether they had 21 industrial hygienists on site in plants in other 22 places. I do know that some of our industrial 23 hygienists in Haskell did travel to plants outside 24 the country. 25 Q. Like which countries?	92 1 division called occupational health within the 2 medical division; and there were industrial 3 hygienists part of that. 4 Q. And where was that located? 5 A. In downtown Wilmington. 6 Q. Downtown Wilmington? And how did they 7 communicate with the various plants all over the 8 world? 9 A. They communicated, I guess, by e-mail and 10 by telephone, and certainly I knew of one individual 11 who was a friend of mine who traveled perhaps three 12 out of four weeks each month to various locations 13 around the world. 14 Q. Okay. And so it continued -- strike that. 15 So the IH department continued its 16 advisory role as to the different DuPont plants all 17 over the world? 18 A. That's correct. 19 Q. Now, when the IH department kind of split 20 off from Haskell, what was the continuing 21 relationship with Haskell? 22 A. Well, there was still interaction with 23 Haskell relative to knowledge about health effects 24 and that kind of thing. 25 Q. Okay.

93 1 A. It was not any kind of formal 2 relationship, but rather Haskell being a source of 3 information for them. 4 Q. Kind of like a chain of command, like if 5 the folks in the field have a question, they ask 6 engineering or IH; and if IH needed to consult just 7 like their folks in the field did, they would come to 8 you all? 9 A. Yes. 10 Q. I think I understand. I think it's 11 actually pretty clear now. I appreciate that. 12 Now, I would like to go over the 13 historical knowledge of DuPont relating to asbestos 14 hazards. You understand what I mean by that, 15 Dr. Stadler? 16 A. I have a general idea, yes. 17 Q. All right. So basically, my questions are 18 going to be about, you know, how far back did DuPont 19 know asbestos is harmful, et cetera. 20 You understand? 21 A. Okay. 22 Q. And you know, before I begin that line of 23 questioning, though, what is your understanding as to 24 when DuPont was first made aware that asbestos dust 25 was harmful to workers exposed to it, regardless of	95 1 Q. But you're familiar then obviously with 2 Merriweather Price. I don't need to talk to you 3 about that? 4 A. Correct. 5 Q. You are familiar with the Queen's 6 Inspectorate of Factories and Textile Mills? 7 A. In Great Britain? 8 Q. Yes, ma'am. 9 A. Okay. 10 Q. Is that fair to say? 11 A. Yes. 12 Q. Okay. All right. And you're familiar 13 with the articles of and relating to industrial dust 14 hazards in the National Safety Council's transactions 15 for the 1930s? 16 A. I'm not familiar with that one. 17 Q. You're not? Okay. Well, then, I guess 18 those are something that we can talk about. 19 MR. MADEKSHO: Dennis, would you please 20 for me publish to the witness my number 21. 21 (A document was marked for 22 identification as 23 Exhibit No. 5.) 24 MR. MADEKSHO: Larry, did you want to take 25 a look at that first?
94 1 whether they were actual members of what DuPont 2 believes is the asbestos industry or otherwise? 3 MR. COTTEN: Objection. Form. 4 THE WITNESS: It's very difficult for me 5 to pinpoint a time. I think that it's very important 6 to say that certainly many individuals within the 7 scientific community at Haskell who had been trained 8 in either medical schools or graduate schools knew 9 about health hazards of asbestos and knew that there 10 were studies in the literature about this. 11 Some of the literature probably going back 12 to the 1930s, or even prior to that. 13 BY MR. MADEKSHO: 14 Q. All right. Okay. Then it's fair to say 15 that the time period would be approximately the 16 1930s? 17 MR. COTTEN: Objection. Form. 18 THE WITNESS: I would say that probably 19 the first really good study that came out looking at 20 textile -- asbestos textile workers was in 1930. 21 Before that, there were spotty reports in 22 the literature, that kind of thing. 23 Then after that, there were studies here 24 and there, some better than others. 25 BY MR. MADEKSHO:	96 1 MR. COTTEN: Yeah. I'm going to look at 2 it. I just wanted to mention to you that the 3 witness's last name is Stadler. 4 MR. MADEKSHO: Oh, my gosh, Doctor, I 5 apologize. I've been mispronouncing your name almost 6 the entire deposition. I apologize. 7 THE WITNESS: That's all right. 8 MR. MADEKSHO: You wouldn't imagine how 9 many folks mispronounce my name. 10 Do you want to give my last name a shot, 11 Dr. Stadler? 12 (Laughter.) 13 THE WITNESS: No. I think I'll pass. 14 MR. MADEKSHO: Right. 15 THE WITNESS: Okay. I have the document. 16 BY MR. MADEKSHO: 17 Q. Okay. Larry has had a chance to look at 18 that? 19 MR. COTTEN: Yes. 20 THE WITNESS: Yes. 21 BY MR. MADEKSHO: 22 Q. Obviously, you know, what I'm going to be 23 referring to is DuPont's membership, the executive 24 committee of the National Safety Council, right? 25 A. Okay.

97 1 Q. You see that on the first chapter pages, 2 down the right-hand side, Harold Miner, 3 E.I. du Pont de Nemours under executive committee? 4 A. I see executive committee. It is very 5 wavy. I'm trying to see. 6 Q. Third to the last -- 7 A. I see it. I see it. Yes. 8 Q. Do you know who Mr. Harold Miner was? 9 A. No. I have no idea. 10 Q. Okay. And to be fair, where have you 11 acquired your information -- which is admittedly very 12 vast -- about DuPont's knowledge of asbestos hazards? 13 Where have you acquired that information? 14 A. I've acquired the information from a lot 15 of selected documents that came from DuPont. I've 16 concentrated in the area of the -- between 1965 and 17 '70 as requested in the -- I think for today, for 18 this deposition. And I looked at these documents 19 that DuPont has on record related to asbestos and 20 asbestos issues. 21 Q. All right. And did you look yourself or 22 did somebody look for you? 23 A. Oh, I reviewed documents myself. I was 24 presented with some. And then the documents were 25 pretty much opened up to me, and I could have access	99 1 of vacuums and wet-down procedures as a means of 2 protecting workers in its plants from asbestos 3 exposures all over the world. 4 Do you know when they started using those 5 methods? 6 A. I do not know the specifics in time of 7 when they would have used those kinds of methods for 8 asbestos. I know they were using a lot of procedures 9 to control for dust in general in DuPont's plants all 10 over the world for a long, long time. Wet-down 11 methods were very common to control dust. 12 DuPont's dust control programs went way, 13 way back into the early days of DuPont. 14 Q. Such as what year are we talking? What 15 decade? 16 A. Well, during the 1800s, DuPont started out 17 as a maker of black powder, which was explosive. 18 Q. I'm aware of that. Sure. 19 A. And very fine dust particles in the air 20 could be very, very hazardous and cause explosions; 21 and so for the company, it did not take them very 22 long to realize they were going to have to put 23 procedures in place to make sure there was not a lot 24 of dust in the atmosphere when making such things as 25 dynamite or black powder.
98 1 to others or request others as I went through 2 documents. 3 Q. Where is this place at which the documents 4 were made available? 5 A. The documents are housed in downtown 6 Wilmington. Some were brought to me or sent to me. 7 And I'm not sure where they were housed; but they 8 were copied and sent. 9 Q. And those documents that are housed in 10 downtown Wilmington, are they in a library somewhere 11 or is there a computer terminal? 12 A. I'm sure there's some storage place. When 13 I was presented with the opportunity to go through 14 documents, they were put into a conference room of 15 boxes and I went through them. 16 Q. Okay. And this document is, however, new 17 to you today? 18 A. Yes. It's not one that I have reviewed. 19 Q. All right. Well, I'll tell you, Doctor, 20 that it's not inconsistent with your testimony that, 21 you know, you knew of -- or that DuPont knew of the 22 hazards in the '30s. Okay. That's not the purposes 23 of me presenting this document. 24 I do, however, want to visit with you 25 about when DuPont started actually employing the use	100 1 And controlling dust was one of the 2 biggest safety things they did early on to prevent 3 explosions. 4 And then as time went on, the whole 5 concept of controlling dust in the atmosphere 6 continued for DuPont, even when they kind of made the 7 switch from explosives into chemicals, because 8 chemicals could not only become contaminated with 9 dust and you didn't want that in any of your chemical 10 processes, but you also, I mean, knew that breathing 11 the dust could be hazardous. 12 So DuPont was very big on dust control; 13 and if I -- I can't give you a specific date, but I 14 can say that it definitely went back to the years of 15 the explosives business. 16 Q. So I'll object to the non-responsive 17 portion. 18 I think at the end, there was an attempt 19 to answer. 20 How about if I ask it this way: When did 21 DuPont start using dust preventative measures, like 22 wetting down processes and using vacuums to protect 23 from asbestos dust? 24 A. I do not know specifically. I know they 25 were definitely doing it in the 1960s. And I know

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1 that I have looked at safety manuals going way back 2 like to 1956. They were using dust control measures 3 back then. I think that it's important to note that 4 they were trying to keep down dust long before 5 asbestos became an issue for them. 6 Q. In order to protect from the harm, you 7 have to know the harm; DuPont is aware of that; 8 correct? 9 MR. COTTEN: Objection. Form. 10 THE WITNESS: I think you can indirectly 11 be preventing harm by controlling for a lot of other 12 reasons and accomplishing that, yes. 13 BY MR. MADEKSHO: 14 Q. I don't dispute that, Doctor. 15 I am simply stating something that has 16 been -- that is kind of a staple of IH, which 17 basically, you know, in what art you exercise your 18 craft, you have to know what the harm is before you 19 can be fully preventative of harms resulting from the 20 craft. 21 Are you aware of that principle? 22 MR. COTTEN: Objection. Form. 23 THE WITNESS: Yes. And I think what I'm 24 trying to get at is the measures were for dust in 25 general; and, in fact, asbestos levels that were set	1 things they found very quickly was the impinger 2 method for counting total dust wasn't telling them 3 very much about the actual presence of asbestos; and 4 during the late '60s, DuPont started to work with 5 Jeremiah Lynch from the Health Service who had 6 published articles about sampling for asbestos; and 7 they began to adopt methods that I think they were 8 using in Europe and that Jeremiah Lynch had published 9 articles and said this is the best sampling method to 10 use. 11 It was sort of brand-new, but it was a new 12 filter cassette methodology where you could do 13 personal sampling of individuals. 14 So it was in -- oh, maybe about 1967, '68, 15 DuPont started using this method to determine whether 16 there was asbestos in the breathing zone of workers 17 at their plant sites. 18 And they started out with insulators and 19 pipe cutters to determine whether or not they had 20 exposure. 21 And they did a side-by-side, let's compare 22 the old method with a new method; and actually were 23 kind of ahead of the curve even before the TLV 24 committee adopted this new method. 25 MR. MADEKSHO: I object to the
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1 for many years, the safe levels of exposure, were 2 really under the more general dusts in general; so 3 you would have been controlling for dust which 4 would -- one aspect of that dust would have been 5 asbestos, even though you weren't specifically 6 targeting asbestos and not some other dust. 7 You were trying to control all dust. 8 MR. MADEKSHO: Object as non-responsive. 9 BY MR. MADEKSHO: 10 Q. When did DuPont start employing dust 11 counters, asbestos dust counters in their plants 12 around the world? 13 A. I'm not sure what kind of dust counters 14 you mean. Are you talking about sampling 15 specifically for asbestos fibers? 16 Q. Yes, ma'am. 17 A. Okay. I think that was really in the late 18 '60s after they became aware that workers who were 19 insulators, as reported in Dr. Seilikoff's meeting, 20 were actually getting asbestos-associated diseases. 21 And so DuPont started looking into trying to sample 22 within their own plants to determine whether they had 23 airborne asbestos exposures within their plants. 24 And DuPont started with the methods that 25 were kind of used at the time; and this is one of the	1 non-responsive portion. 2 BY MR. MADEKSHO: 3 Q. And this document that I have in front of 4 you, I would like for you to turn, please, to page -- 5 what is in the upper left-hand corner as page 48 6 under the section, equipment for dust count? 7 A. Okay. 8 Q. And now, the first sentence under 9 equipment for dust counts reads, does it not, our 10 problem now is to suppress the dust to a safe limit? 11 A. That's correct. 12 Q. Then the very last two sentences of the 13 paragraph reads, thus, Conometers -- and I don't know 14 even know if I'm pronouncing that right, probably 15 not -- thus Conometers is a satisfactory instrument 16 in the hands of the man who's had some training. The 17 instrument imported is rather difficult to obtain and 18 not too expensive, under \$200, I believe. 19 Is that an accurate reading? 20 A. Yes. 21 Q. Now I would like to turn to page 50 of the 22 same document, please, Dr. Stadler. 23 And the last two sentences of the first 24 paragraph at the top, correctly read -- do they 25 not -- this can be gotten rid of by a thoroughly

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1 practical means such as vacuum cleaning or blowing 2 down with a jet of wet air or stream. Respirators 3 are satisfactory for the protection of the men doing 4 the cleaning. 5 A. Okay. 6 Q. Is that a correct reading? 7 A. Yes. 8 Q. And DuPont, again, was an executive member 9 of the committee that put out this document in 10 1934-1935, correct? 11 MR. COTTEN: Objection. Form. 12 THE WITNESS: Yes. 13 BY MR. MADEKSHO: 14 Q. We've already talked about Merriweather 15 Price. 16 Actually, I think we talked about most of 17 this stuff. Let me just ask a quick question: 18 DuPont did not dispute at this time, in the 19 mid-1930s, it was aware that asbestos caused severe 20 diseases? 21 A. No. It doesn't dispute the knowledge that 22 diseases were occurring in the asbestos industry. 23 Q. Okay. 24 A. Particularly in the asbestos textile 25 workers because they're the ones that were studied by	1 A. Yes. 2 Q. And it also states in the 1960 article 3 that, to paraphrase, cancer is -- strike that. 4 You also are aware that the article 5 states -- to paraphrase -- basically, the causal 6 relationship between cancer and asbestos has been 7 accepted by most authorities? 8 A. Yes. 9 Q. And are you also aware of the -- what I'll 10 call low dose section of the article, where he states 11 a single month of exposure to asbestos dust is what's 12 sufficient to result in fatal asbestosis? 13 A. I'm not sure I know where that exists in 14 the article. 15 Q. Here's what we'll do. Dennis, would you 16 please get my number 13, and place it in front of 17 Dr. Stadler, open to page 470. 18 (A document was marked for 19 identification as 20 Exhibit No. 6.) 21 THE WITNESS: Okay. I have that page. 22 BY MR. MADEKSHO: 23 Q. First, this is indeed Dr. Schepers' 24 chapter in the 1960 book Modern Occupational 25 Medicine, correct?
106	108
1 Merriweather and Price. 2 Q. Well, that's -- I think we've saved a lot 3 of time. 4 Do you know who Garrett Schepers is? 5 A. Yes. 6 Q. Who was Dr. Schepers? 7 A. Dr. Schepers was a pathologist who worked 8 at Haskell Laboratory. 9 Q. When did he work at Haskell Laboratory? 10 A. I'm not really sure. I know he was there 11 in the '60s, but I'm not sure the total length of 12 time he was employed at Haskell. 13 Q. Are you familiar with Dr. Schepers' 14 article in the Modern Occupational Medicine book 15 published in 1960? 16 A. Yes, I am. 17 Q. Throughout the 1950s? 18 A. Yes, I am. 19 Q. The first edition was actually 1954. Are 20 you aware of that? 21 A. No. I did not know that. 22 Q. Well -- 23 A. I'm familiar with the 1960 edition. 24 Q. Okay. And you are aware that mesothelioma 25 is referenced in Dr. Schepers' 1960 article, correct?	1 A. Yes. It is the chapter called 2 Occupational Chest Diseases. 3 Q. And I would like to refer you to the 4 second paragraph on page 470, the third sentence, 5 that properly reads, does it not, thus in one 6 verified case, a single month of exposure to asbestos 7 dust in a textile plant in one country was followed 8 30 years later in another country by fulminating 9 fatal asbestosis; is that correct? 10 A. That's the sentence, yes. 11 Q. On that same page, there is a reference to 12 tremolite talc, causing asbestos-related diseases, 13 correct? 14 A. I'm sorry. I don't see that. There's 15 another section on talcosis in that section. 16 Q. Yes, Doctor. For time's sake, I'll read 17 the second sentence into the record and you tell me 18 if I misread. 19 Talcosis. The second sentence. The first 20 is caused by tremolite talc and the disease is 21 essentially asbestosis with the same range of severe 22 lesions found after chrysotile, amosite, or 23 crocidolite exposures? 24 A. That's correct. 25 Q. The talc bodies similar to asbestos bodies

109 1 also occur; is that a correct read? 2 A. That's correct. 3 Q. Further, on page 443, if you want to turn 4 to that page -- 5 A. Did you say 443? 6 Q. That's what it should be. Or am I -- am I 7 not remembering correctly? I may not be remembering 8 correctly, Doctor. It's been a while since I 9 reviewed this document myself. 10 In any event -- I'm sorry, it is 465, 11 Doctor. 12 A. 465? 13 Q. Yes. 14 A. The one that has the slide of asbestos; is 15 that -- 16 Q. Yes, Doctor. 17 A. Okay. 18 Q. On page 465, there's indeed a slide of a 19 pathological asbestosis, correct? 20 A. That's correct. 21 Q. And under that asbestosis slide is listed 22 talcosis, correct? 23 A. Correct. 24 Q. Did you respond, Doctor? 25 A. Yes, I did. That's correct.	111 1 BY MR. MADEKSHO: 2 Q. Well, here's where I'm going, Doctor: As 3 you're aware, Mr. McGlothlin worked at the DuPont 4 facility between '65 and '70 for some period, 5 correct? 6 A. That's my understanding, yes. 7 Q. And is it DuPont's position that the 8 talc -- the tremolite talc-containing product did not 9 contribute to his mesothelioma? 10 MR. COTTEN: Objection. Form. 11 THE WITNESS: I do not know. I have no 12 idea. 13 BY MR. MADEKSHO: 14 Q. Is DuPont contending that its talc 15 products on Mr. McGlothlin's DuPont work site were 16 not asbestos? 17 MR. COTTEN: Objection. Form. 18 THE WITNESS: I'm not sure I understand 19 that question. I am not aware specifically of 20 tremolite talc products at DuPont. I am not aware of 21 whether or not Mr. McGlothlin was specifically 22 exposed to tremolite talc. I don't have that 23 knowledge. 24 BY MR. MADEKSHO: 25 Q. Why don't we do this. Dennis, would you
110 1 Q. Sorry. And DuPont does not dispute that 2 tremolite talc causes asbestos-related diseases, does 3 it? 4 MR. COTTEN: Objection. Form. 5 THE WITNESS: I'm not sure that it's the 6 talc or there may be asbestos contained within the 7 talc; so I can't confirm specifically that statement. 8 BY MR. MADEKSHO: 9 Q. Do you have any basis for disagreeing with 10 Dr. Garrett Schepers' article in 1960 that does state 11 that? 12 MR. COTTEN: Objection. Form. 13 THE WITNESS: I have no problem with him 14 indicating that talcosis is similar to asbestosis. 15 BY MR. MADEKSHO: 16 Q. Or that tremolite talc is actually 17 asbestos? 18 MR. COTTEN: Objection. Form. 19 THE WITNESS: I'm not sure that he says 20 that. I know he's talking about the lesions looking 21 just like asbestosis; and I honestly can't tell you 22 whether there's asbestos within the talc. I know the 23 talc comes from the ground and there could be 24 asbestos in it, or is the talc itself causing the 25 same kind of disease process.	112 1 please place in front of the witness my document that 2 I forwarded to you at the outset of the deposition 3 that is not included in the numbers? 4 A. I have a copy of that. 5 Q. You do? Okay. 6 A. Excuse me. Are we finished with this 7 other one? Can I move it out? 8 Q. Yes, Doctor. 9 MR. COTTEN: We have two minutes remaining 10 on the tape. 11 MR. MADEKSHO: Why don't we switch them 12 out. And Larry, if you want to take a look at this 13 document while we switch out, go ahead. 14 THE VIDEOGRAPHER: Here marks the end of 15 video number 2, taken in the deposition of Dr. Judith 16 Stadler. Going off the record. The time on the 17 video screen is 14:21 and 15 seconds. 18 (Recess.) 19 (A document was marked for 20 identification as 21 Exhibit No. 7.) 22 THE VIDEOGRAPHER: Here begins videotape 23 number 3, taken in the deposition of Dr. Judith 24 Stadler. Going back on the record. The time on the 25 video screen is 14:24 and 15 seconds.

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1 Please continue. 2 BY MR. MADEKSHO: 3 Q. Dr. Stadler? 4 A. Yes. 5 Q. Do you see the document in front of you 6 entitled Sabine River Works, Technical Department 7 Process Laboratory? 8 A. Yes. 9 Q. And it is the position of DuPont that it 10 ceased installing new asbestos products on its 11 Sabine, and actually all its Texas plants in 12 approximately 1972, 1973? 13 A. Yes. 14 Q. Therefore, the asbestos products, at least 15 as DuPont alleges, any asbestos products present on 16 those work sites in Texas were either installed prior 17 to 1972, 1973, or DuPont was not aware they had 18 asbestos; is that safe to say? 19 MR. COTTEN: Objection. Form. 20 THE WITNESS: I know I would say that 21 DuPont expected that there would be asbestos there 22 from previous applications, yes. 23 BY MR. MADEKSHO: 24 Q. And indeed, this is a list of different 25 asbestos-containing products on one such DuPont	1 necessarily correct to say that. It looks like a 2 list with trade names, a very far-reaching list. I 3 can't imagine that it would have been everything -- 4 or all of these things would have been present at 5 DuPont; but it certainly is a very all-inclusive list 6 of various products that contain asbestos. 7 BY MR. MADEKSHO: 8 Q. Thank you, Doctor. We'll just go ahead 9 and move forward. And I object to the non-responsive 10 portion. 11 Let's talk about the list. Now indeed on 12 this list are certain paint products, correct? 13 I'll name them out to you to make it 14 quick: On page 5, we have K-361, likely the other 15 two, but I'm not -- I cannot -- well, all the K 16 products, K-92, K-326, K-361, and K-682. 17 A. Okay. 18 Q. And then again on page 6, we have OEM 19 aluminum roof coating and on page 7 -- actually, skip 20 page 7. 21 And then on page 9, we have 165-100 DuPont 22 CK coating, white based. 23 And those are all paints that are stated 24 by DuPont to have asbestos in them, correct? 25 MR. COTTEN: Objection. Form.
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1 facility here in Texas, correct? 2 MR. COTTEN: Objection. Form. 3 THE WITNESS: I see nothing -- this -- the 4 memo itself seems to be from Sabine River. I'm not 5 sure that this list of trade names with carcinogenic 6 hazards, the hazard being asbestos, I'm not sure what 7 the source of that is. It appears to be something 8 maybe copied from elsewhere. 9 It looks like a very generic list, not 10 necessarily a list of things that are -- or were at a 11 particular plant site. 12 BY MR. MADEKSHO: 13 Q. Well, I mean, to be fair, it was produced 14 to me by DuPont, so... 15 MR. COTTEN: Objection. Objection to this 16 document. 17 BY MR. MADEKSHO: 18 Q. So given that it is Sabine River Works 19 Technical Department Process Laboratories, I mean, I 20 think it was produced to me because it was relevant 21 in this case, and it mentions Sabine employees, don't 22 you think it's fair to say that this is actually 23 asbestos products at the Sabine plant? 24 MR. COTTEN: Objection. Form. 25 THE WITNESS: I don't think it's	1 THE WITNESS: Well, they're on this list 2 as containing some part asbestos. 3 BY MR. MADEKSHO: 4 Q. And if you go to the first page, it also 5 lists Asbestine as having asbestos, right? 6 A. Yes. 7 Q. Sensibly it would follow from the trade 8 name? 9 A. That one is easy to tell, yes. 10 Q. Now, these products have asbestos in them 11 and they are paints; that is what this DuPont 12 indicates, correct? 13 MR. COTTEN: Objection. Form. 14 THE WITNESS: I'm not sure I see anything 15 about paint. 16 BY MR. MADEKSHO: 17 Q. Well, I'll refer you to -- I'll refer you 18 to the product manufacturer of the K products; that 19 is 0197510. Correct? 20 Is that correct, Doctor? 21 A. Yes. I see the product manufacturer. 22 Okay. 23 Q. Okay. And that's for all the K products, 24 correct? 25 A. Yes.

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1 Q. And then on page 6, the OEM aluminum roof 2 coating, the product manufacturer is 0447624; is that 3 not correct? 4 A. It's taking me a while to get there. I'm 5 sorry. 6 Q. That's fine, Doctor. 7 A. Okay. 8 Q. And that -- if you go through the pages, 9 to page 15, that takes us to Electric Paint and 10 Varnish Company, right? 11 A. I'm sorry. What page are you on now? Did 12 you say 16? 13 Q. 15. Excuse me. 15? 14 A. 15. Are we looking at the 0197510? 15 Q. Doctor, that would be on page 13. That's 16 Kalman Paint and Chemical Company? 17 A. Okay. That's the K products, correct? 18 Q. Right. After Kalman. That's how they 19 named their paint products? 20 A. Okay. 21 Q. Another is Electric Paint and Varnish, 22 that right there is the one that's on page 15. 23 A. Okay. 24 Q. Is that correct? 25 A. Electric Paint and Varnish Company.	1 THE WITNESS: I'm not aware of DuPont 2 manufacturing paint with asbestos. 3 BY MR. MADEKSHO: 4 Q. Are you aware of DuPont manufacturing 5 paint with talc in it. 6 MR. COTTEN: Objection. Form. 7 THE WITNESS: I do not know about any 8 paint with talc in it. 9 BY MR. MADEKSHO: 10 Q. If we wanted to find out about that, we 11 could go to Haskell Labs and type that in, right? In 12 that little computer? 13 A. I do not know whether they would have all 14 the components of a paint product in them. 15 Q. Well, I thought that we established 16 earlier that anything that had a potentially 17 hazardous component was studied before it was sold? 18 A. A paint per se may have been studied. The 19 details of what all the components are in a paint may 20 not be available, maybe just the paint itself would 21 have been provided to the laboratory as this is paint 22 X, Y, Z, and the laboratory may have studied paint X, 23 Y, Z without knowing all of the individual components 24 of that paint. 25 Q. So the answer is yes, Haskell Labs may
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1 Q. Right. 2 A. Okay. 3 Q. And then on page 9, that 165-100 product, 4 that's -- that product manufacturer number connects 5 it to Standard Paint and Varnish on page 16; correct? 6 A. Yes. I'm beginning to follow this key 7 now. I understand. 8 Q. If I did not make that connection clear 9 earlier, I apologize. That's my fault. 10 But these are paint products, right? 11 MR. COTTEN: Objection. Form. 12 THE WITNESS: They're made by paint 13 companies. I have no idea what the product is 14 specifically. I would only make an assumption there. 15 BY MR. MADEKSHO: 16 Q. Well, that's fine. We can do that or not. 17 But it can be verified, you know, through independent 18 research on the Internet. I would like to, however, 19 continue on and not get mired down. 20 DuPont is aware that there are certain 21 paints that have asbestos in them, correct? 22 A. I suppose they are. 23 Q. In fact, DuPont manufactures certain 24 paints with asbestos in them, correct? 25 MR. COTTEN: Objection. Form.	1 have studied the paints? 2 MR. COTTEN: Objection. Form. 3 THE WITNESS: Haskell Laboratory would 4 have studied paints that DuPont made. I'm not aware 5 of any with asbestos. 6 BY MR. MADEKSHO: 7 Q. Well, it would have to because even if -- 8 even if DuPont did not admit there was asbestos in 9 their paints, it would certainly have to admit that 10 there are solvents in their paint, correct? 11 A. There are certainly solvents in paints. 12 Q. And those solvents can have an aromatic 13 component or constituent, correct? Indeed do? 14 A. That's correct. 15 Q. And, therefore, in order to market and 16 sell the paints, first it would have to study at 17 least those portions of its paints and that is done 18 at Haskell Labs, correct? 19 A. If a solvent is used to produce a paint 20 and DuPont buys a solvent to put in its paint, DuPont 21 would not necessarily do toxicology testing on that 22 solvent; they would expect the supplier to provide 23 that piece of information. 24 But DuPont may do testing on the paint as 25 a final product and do that work, so that, for

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1 instance, many times we did inhalation testing on 2 paints, but did not necessarily test each component 3 of the paint. The issue was, does this mixture of 4 components cause toxicity. The issue was not, are 5 there individual things in this material that could 6 cause toxicity; and in many instances, you can have 7 lots of components that are not toxic by themselves 8 but could be by mixing them all together. So it was 9 the product that was tested. 10 Q. Well, Doctor, that last part -- I'll 11 object to the non-responsive portion. That last part 12 I'll agree with. I'm aware there are non-toxic and 13 toxic constituents that are combined together to make 14 a finished product. 15 That we agree on, correct? 16 A. Yes. 17 Q. And, however, DuPont must test the product 18 as it would be sold to consumers, either industrial 19 or non-industrial consumers before it is sold to 20 determine whether it is safe, correct? 21 A. That is the policy, yes. 22 Q. All right. And so why would that be 23 different if it were not solvents, but asbestos or 24 talc, which are known to cause human disease? 25 MR. COTTEN: Objection. Form.	1 The people at Haskell did not -- you know, 2 they're -- there are many things that DuPont makes. 3 And if it's mixtures of components, what the actual 4 proprietary mix is for that particular thing you're 5 testing, Haskell may not have been aware of 6 everything in any one product. 7 Haskell was aware of this is the product. 8 Would you test it for us? 9 BY MR. MADEKSHO: 10 Q. Right. 11 A. Okay? You understand where I'm coming 12 from? 13 Q. Actually, Doctor, I don't think that we 14 disagree at all. 15 A. Okay. 16 Q. I think we understand each other. 17 A. Just trying to clarify. 18 Q. I appreciate your candor. 19 Again, in order to find out specifically 20 about products such as those on the lists, I'm going 21 to need to talk to some other individual, Doctor? 22 A. In terms of -- 23 Q. In terms of Mr. McGlothlin. 24 A. I don't think that I can speak to the idea 25 of whether he was exposed to any of the things on
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1 THE WITNESS: I'm not sure that it is 2 different; but what you're asking me was whether or 3 not we tested paints made by DuPont with those 4 materials in them. I'm saying I do not know if 5 DuPont made any paints with those materials in them. 6 I'm not aware of it. 7 BY MR. MADEKSHO: 8 Q. Doctor, that's fair. I don't think that 9 we disagree. Okay? 10 A. Okay. I'm just trying to clarify. 11 Q. If you don't know, you don't know. And 12 that's fine. I'm just trying to establish the 13 testing methods. Do you understand? 14 A. Uh-huh. 15 Q. Okay. I think we understand each other 16 and we don't necessarily disagree then. 17 So but in order to do what I'm proposing 18 to do, that is find out, you know, if there's testing 19 and what the testing says, for that we go to Haskell 20 Labs and type it in, type it in the computer? 21 MR. COTTEN: Objection. Form. 22 THE WITNESS: That's right. But you would 23 probably putting in, you know, whatever the name of 24 the paint is. You would not put in components in the 25 paint. Does that make sense?	1 this list. I'm not sure what his exposures might 2 have been. 3 Q. Right. In fact, those areas on my depo 4 notice are not areas for which you've been produced. 5 correct? 6 A. Correct. 7 MR. MADEKSHO: I think, Larry, I'm pretty 8 good. I mean -- one thing, Doctor, before I tie it 9 up. 10 BY MR. MADEKSHO: 11 Q. Have you done any IH testing on the 12 release of asbestos fibers from any products? 13 MR. COTTEN: Are you talking about her 14 individually? 15 MR. MADEKSHO: Yes. 16 THE WITNESS: No, I have not. 17 BY MR. MADEKSHO: 18 Q. Okay. I didn't think so looking at your 19 CV. In fact, I've had to use your CV kind of as a 20 guide, so that we can understand each other about 21 talking about these other things. But it was 22 helpful. And I think those are all the questions 23 that I have today, Larry. 24 MR. COTTEN: All right. Does anyone else 25 on the phone have any questions?

125 1 (No response.) 2 MR. COTTEN: Not hearing anyone, we have a 3 few questions ourselves; and so let's take just a 4 short break so I can get organized for that; is that 5 all right? 6 MR. MADEKSHO: Absolutely. 7 MR. COTTEN: Okay. 8 THE VIDEOGRAPHER: Going off the record. 9 The time on the video screen is 14:40 and 53 seconds. 10 (Recess.) 11 THE VIDEOGRAPHER: Going back on the 12 record. The time on the video screen is 14:52 and 11 13 seconds. 14 Please continue. 15 EXAMINATION BY COUNSEL FOR DuPONT 16 BY MR. COTTEN: 17 Q. Dr. Stadler, this is Larry Cotten. I 18 wanted to visit with you about several different 19 areas having to do with DuPont and then with respect 20 to the DuPont's response to hazard information 21 concerning uses of asbestos on its premises. 22 Are you prepared to go forward? 23 A. Yes. 24 Q. When did DuPont as a company first come 25 into existence?	127 1 A. It did over a period of time, yes. There 2 was a tremendous interest in chemistry; and 3 eventually, the company worked its way into 4 chemicals. It developed through its own research new 5 chemicals, and it bought a lot of chemical companies, 6 particularly in the early 1900s. 7 Q. Is the DuPont Company still in the 8 chemical business? 9 A. Yes, it is. 10 Q. Has it branched out into other forms of 11 business? 12 A. It's getting into the biotechnology fields 13 very extensively. 14 Q. Could you list for the judge and jury some 15 of the different products that DuPont invented during 16 the course of its existence? 17 A. Well, I think some things that the 18 consumer would probably be most familiar with, of 19 course, is something like Nylon. DuPont is famous 20 for Nylon. They've also invented things like Tyvek 21 and Kevlar, other fibers in use; but I would say that 22 DuPont is primarily a company that produces things 23 that you're not necessarily familiar with, trademark 24 names. It makes them for other companies to make 25 their products.
126 1 A. In 1802. 2 Q. And what was the nature of the company at 3 that time? 4 A. The company started manufacturing black 5 powder, an explosive. It was used primarily 6 initially for military applications; and the company 7 expanded into other explosives. 8 They were used, like dynamiting operations 9 for building the railroad, that kind of thing. 10 Q. Right. And when it was manufacturing 11 black powder, who was among its customers? 12 MR. MADEKSHO: Larry, may I impose upon 13 the witness to please speak up a little more? I'm 14 having a very difficult time hearing. 15 THE WITNESS: I'm sorry. 16 MR. MADEKSHO: That's okay. You're a very 17 soft-spoken lady. That's fine. 18 BY MR. COTTEN: 19 Q. When it manufactured this black powder, 20 originally, when the company came into existence, do 21 you know who a primary customer of the company was? 22 A. The United States government. 23 Q. Following its manufacture of black powder 24 and dynamite, did the nature of the company's 25 business change?	128 1 Q. I would like to visit with you concerning 2 DuPont's approach to safety. Do you know when DuPont 3 began to formulate its approach to safety? 4 A. I think from the very, very start, DuPont 5 began to realize that the products that it was 6 making, explosives, could have disastrous effects if 7 not handled appropriately; and, in fact, there were 8 accidents right there on the site where they were 9 making the explosives. 10 So DuPont decided early on that they 11 needed to put in some very stringent safety rules, so 12 that people would not get hurt and that deaths would 13 not occur due to unsafe work practices. 14 Q. In the cross-examination by Mr. Madeksho, 15 he visited with you some about DuPont's medical and 16 safety departments. When did DuPont first set up an 17 occupational health program? 18 A. Well, DuPont had an occupational health 19 program relative to providing medical care for its 20 own people in the 1800s. It actually set up a formal 21 medical department in 1915; and then later, it set 22 up -- around 1926, I think it was -- a fire and 23 safety division which was specifically charged with 24 trying to prevent fire and set up good safety 25 practices at various plant sites.

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1 Q. You also visited with Mr. Madeksho a good 2 bit about the Haskell Laboratories. 3 What is Haskell Labs? 4 A. Haskell Laboratory has changed a little 5 over time, but it is primarily what we call a 6 toxicology laboratory. It had the name toxicology 7 and industrial medicine for quite some time. 8 It's adapted to environmental sciences 9 more lately, so it includes toxicology and 10 environmental sciences. 11 But it is primarily a research laboratory 12 used to ensure the safety of DuPont's products and 13 its wastes. 14 Q. Was there a particular set of 15 circumstances that led to the origin of Haskell Labs? 16 A. Yes. Actually, Haskell Laboratories 17 started in 1935. What happened was that they began 18 to notice bladder tumors in their workers; and the 19 Haskell Laboratory, one of their initial charges, was 20 to try to determine just what chemical exposure might 21 be causing these bladder tumors; and they eventually 22 narrowed it down to naphthylamine which was being 23 used in the aniline dyes. 24 There were also other worker health issues 25 that Haskell addressed there in the 1930s; and they	1 the floor, et cetera. So they have policies for 2 cleaning at the end of the day. 3 Safety inspections have been conducted on 4 a periodic basis, and housekeeping, including the 5 presence of dust, has been one of those things that 6 they have used in their safety inspections. 7 They've also -- as time goes on -- have 8 become much more aware of the use of engineering 9 controls using hooded areas; in other words, where 10 the air is blown over a process and sucked out of the 11 room or out of the building to prevent any kind of 12 dust collection in a dust -- let's say a saw or some 13 kind of dust-generating piece of equipment. 14 They've used that. And then they, very 15 early on, had respiratory protection procedures for 16 dusty workplaces; and so they used those. They used 17 vacuums for pulling up dust and anything that they 18 could find as a means of keeping down dust exposures. 19 Q. Are you familiar with point of origin dust 20 vacuums? 21 A. Yes. That was really pretty much a vacuum 22 kind of hood thing which would go over, say, a saw 23 where they were creating the dust and it would get 24 sucked away right away. 25 Q. I think you made mention also of the 1964
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1 published papers and made people aware of the 2 toxicity of these chemicals and the kinds of effects 3 that could be expected. 4 Q. All right. Thank you. 5 You also addressed in Mr. Madeksho's 6 cross-examination of you, some aspects of the DuPont 7 dust policy. I think you told us about the origins 8 of that policy. 9 What was the purpose of having a dust 10 policy in the early days for the company? 11 A. Well, initially, it was for health 12 purposes. They did not want people breathing the 13 dust. But it was also very much a safety purpose in 14 terms of the potential for explosion. If there's 15 very, very fine dusts of these explosives, it could 16 ignite very quickly. 17 Q. Are you aware of the different methods 18 that DuPont has used over time to control dust? 19 A. Yes. I'm aware of at least some of them. 20 Q. Would you illustrate those for the jury, 21 please? 22 A. Well, they've definitely used -- we talked 23 before about wet-down procedures. DuPont has 24 required a cleanup after a day's work to make sure 25 there was not dust sitting on any of the equipment or	1 conference in New York that's become known generally 2 as the Selikoff conference? 3 A. Yes. 4 Q. Did DuPont have any of these measures with 5 respect to dust control prior to the Selikoff 6 conference? 7 A. Oh, yes. These measures, they'd been 8 using in their dust control program for quite a while 9 prior to that time. 10 Q. What sorts of dust would DuPont's policy 11 cover with respect to avoidance? 12 A. I think that it would cover any kind of 13 dust; anything -- in construction, for instance, 14 whether they were talking about wood dust, where 15 they -- you know, where they're talking about metal 16 shavings, any kind of dust that would be created, 17 depending upon the process; and that would, of 18 course, have included the asbestos. 19 Q. I'd like you to refer to what's been 20 marked as Exhibit 9 to your deposition; and please, 21 if you would, identify for the record what that 22 document is? 23 (A document was marked for 24 identification as 25 Exhibit No. 9.)

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1 THE WITNESS: This was referred to as the 2 S2T standard. This particular document you are 3 showing me is -- was issued in May 1963, or it was 4 revised; but it sets out the levels that -- of 5 exposure that would be acceptable, and it is called 6 maximum acceptable concentrations of air 7 contaminants. 8 BY MR. COTTEN: 9 Q. Go ahead. 10 A. It was essentially DuPont accepting the 11 TLVs and then publishing them and sending them out 12 throughout the company to let people know what the 13 levels permissible were for all kinds of chemicals. 14 Q. What was the source of the values and the 15 substances that became a part of S2T? 16 A. Well, these were generally substances used 17 in the chemical industry throughout the company -- 18 the country, and it was not necessarily 19 DuPont-specific; but the values were from ACGIH and 20 these were typically called their max and later 21 called their TLVs. 22 Q. Is S2T an engineering standard at DuPont? 23 A. Yes. It was the engineering department 24 that put out this, and the engineering department had 25 a lot of standards, this being one of them.	1 Do you recall that? 2 A. Yes. 3 Q. Is that type of respirator among the 4 different respirators listed on page -- I think it is 5 page 113, beginning on page 113 of Exhibit 10? 6 A. Yes, it is. It is under the atmosphere 7 supplying respirators. 8 Q. Now, this standard was issued in January 9 of 1964 according to the document. 10 Do you know if DuPont employed these type 11 of respiratory protection equipment prior to the 12 issuance of the standard? 13 A. I do not know specifically what they -- 14 what they were doing. My understanding is they did 15 have respiratory protective equipment available. I 16 don't know if they had this large a scope of 17 respirator or what type they may have had before that 18 time. 19 Q. Is asbestos dust a particulate type of 20 contaminant? 21 A. Yes. It is a fiber, but a fiber is 22 considered one type of particulate. 23 Q. If you would, please turn to Exhibit 24 No. 11. Do you find that? 25 A. Yes.
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1 Q. If you would turn to Exhibit 10, please? 2 A. Uh-huh. 3 Q. And would you describe for the jury what 4 this document consists of? 5 (A document was marked for 6 identification as 7 Exhibit No. 10.) 8 THE WITNESS: This document is called the 9 Respiratory Protective Equipment document. It is 10 also put out by the safety and engineering group. It 11 is called S2H. All the S2H standards had to do with 12 equipment; and in this particular case, it was 13 respiratory protective equipment. 14 This one was issued in January 1964. It 15 is an example of the kind of thing that went out 16 throughout the company to talk about the acceptable 17 things about respiratory protection; and it talks 18 about the different kinds of respiratory protection 19 that are available, you know, what they're like, what 20 kind of filters they might have in them, et cetera. 21 BY MR. COTTEN: 22 Q. Earlier in the deposition, you were asked 23 about the type of respiratory protection that 24 included fresh air respiratory protection provided 25 through a hose.	1 (A document was marked for 2 identification as 3 Exhibit No. 11.) 4 BY MR. COTTEN: 5 Q. What is Exhibit 11? 6 A. This is a letter to Dr. D'Alonzo who was 7 actually head of the medical department, and it was a 8 letter from Dr. Stopps who was a physiologist at 9 Haskell Laboratory. 10 Q. What is the date of the letter? 11 A. November 2, 1964. 12 Q. And are you familiar with this letter? 13 A. Yes. It's the cover letter that he used 14 to include his trip report from his attendance at the 15 Selikoff conference in New York. 16 Q. Would you, for the record, read the first 17 two sentences of the second paragraph, please? 18 A. "This meeting underlined the fact that 19 diseases due to asbestos are no longer chiefly found 20 in workers in asbestos mines and textile mills where 21 the risks have been recognized and guarded against. 22 The risks now are among the secondary users, such as 23 the manufacturers and installers of insulation, but 24 the risks are highest where the environmental 25 conditions are most difficult to control."

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1 Q. Now, if you would turn, please, to Exhibit 2 12 and describe that to the jury, please. 3 (A document was marked for 4 identification as 5 Exhibit No. 12.) 6 THE WITNESS: Exhibit 12 is a memorandum 7 to Dr. Zapp, the director of Haskell Laboratory from 8 Dr. Stopps. It is specifically his report -- his 9 trip report of the conference that was held in New 10 York that is typically called the Selikoff 11 conference. 12 BY MR. COTTEN: 13 Q. And who was this trip report addressed to? 14 A. The report was directly addressed to 15 Dr. Zapp, the director of Haskell Laboratory. 16 Q. And who was it copied to? 17 A. And then he put a cover letter on this 18 trip report, and that was the previous document that 19 went to Dr. D'Alonzo who was the medical director of 20 the company. 21 Q. Do you know what was done with the trip 22 report following it being disseminated to Dr. Zapp, 23 Dr. D'Alonzo, and J.W. Clayton, Junior? 24 A. Dr. D'Alonzo, within about a month, 25 probably less, of having received it sent it out to	1 Exhibit No. 13.) 2 THE WITNESS: Okay. 3 BY MR. COTTEN: 4 Q. What do you recognize that as being? 5 A. This would be the memo that went out to 6 all plant physicians from Dr. D'Alonzo. 7 Q. And what's the date of that? 8 A. November 9, 1964. 9 Q. If you compare that to the date of the 10 trip report, what does that indicate to you? 11 A. That indicates that he sent this letter 12 out within a week from November 2nd to the 9th. 13 Q. And who was it addressed to? 14 A. All plant physicians. 15 Q. Did DuPont conduct medical examinations of 16 its employees at the plant level? 17 A. Yes. It did. 18 Q. And how often? 19 A. It was in -- it was at that time in a 20 cycle of once a year examinations. 21 Q. And did that include chest examinations? 22 A. Yes, it did. It included chest x-rays. 23 Q. If you would please turn to Exhibit 14? 24 Do you recognize Exhibit 14? 25 A. Yes.
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1 all of the medical departments throughout the company 2 at various plant sites. And he asked that people 3 read this report, take a look at it; and they agreed 4 that one of the foremost things they needed to do was 5 determine -- certainly we knew that DuPont had 6 asbestos insulation on many of its processes. And 7 the question really became who or what workers may be 8 exposed to asbestos, and do we have any groups of 9 workers who -- exposed to asbestos seem to be 10 suffering from some sort of asbestos-related disease. 11 So he was almost immediately trying to do 12 a survey of the company. It being a big company, 13 people working in Wilmington not being aware of 14 exactly where these exposures might occur, the first 15 thing was to try to find out the extent of exposure 16 through the company. 17 Q. From your knowledge of the company's 18 medical program, who would be the persons most likely 19 to be in a position to observe a health effect from a 20 DuPont employee during this time? 21 A. It would be probably, in this case, the 22 medical personnel at the plant sites. 23 Q. If you would, take a look at Exhibit 13? 24 (A document was marked for 25 identification as	1 (A document was marked for 2 identification as 3 Exhibit No. 14.) 4 BY MR. COTTEN: 5 Q. Would you tell the jury what this 6 memorandum is, please? 7 A. This is a summary of a meeting that was 8 held -- was actually held at Haskell Laboratory; and 9 it was a meeting on the use of asbestos within the 10 DuPont Company. This was a follow-up certainly to 11 the survey that was put out, and it was a meeting 12 that the people listed here that were present were 13 medical people, Haskell Laboratory people, and they 14 were talking about the asbestos problem, and also how 15 they might begin to get a handle on potential 16 exposures and what they needed to do. 17 Q. Let's talk a little bit about some of the 18 specifics in Exhibit 14. 19 You recognize any of the names of the 20 persons shown to be present at that meeting? 21 A. Well, the medical director, Dr. D'Alonzo, 22 his assistant, Dr. Zahn, the director of the Haskell 23 Laboratory, Dr. Zapp, and his assistant director, 24 Dr. Clayton. 25 The medical doctor at Chambers Works,

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1 which was a large chemical plant of the DuPont 2 Company. Adrian Linch, who was an industrial 3 hygienist was there. Sid Pell, a biostatistician in 4 the medical division was there. Dr. Stopps was 5 there. Dr. Reinhardt, another MD, a physiologist at 6 Haskell Laboratory. And the representative from the 7 engineering department, Mr. Zane. 8 Q. Now, with respect to page 2 of Exhibit 14, 9 would you indicate what this document shows was the 10 objective of the -- or objectives of the study? 11 A. The objective of the study they were going 12 to do was to assess the risks to the health of 13 employees from asbestos within the company, and 14 examine the handling procedures for asbestos from an 15 industrial hygiene viewpoint and prescribe safer 16 procedures. 17 Q. And does the document indicate how they 18 were going to go about doing that? 19 A. Yes. They were -- they had what they 20 called a plan of attack. And it defines what they 21 were going to do about the exposure parameters, 22 define dust levels, determine what materials contain 23 asbestos, define what operations might be going on 24 where exposure could occur. 25 I say that with respect to the idea that	1 Q. I'd like for you now to turn to Exhibit 2 15, please. 3 (A document was marked for 4 identification as 5 Exhibit No. 15.) 6 BY MR. COTTEN: 7 Q. Do you recognize Exhibit 15? 8 A. Yes. That's another memo to the plant 9 physicians from Dr. D'Alonzo. 10 Q. What's the date of that memo? 11 A. November 8, 1966. 12 Q. Can you tell the jury from your 13 familiarity with the document what it addresses? 14 A. Let me see. 15 It addresses really the asbestos issues, 16 defining what employees may be at risk. Asking if 17 they are in any way spraying insulating materials. 18 It talks about pulmonary function testing. It 19 includes some articles on asbestos. 20 Q. Was this document a request by 21 Dr. D'Alonzo for information concerning specifics 22 surrounding asbestos at the different plants? 23 A. Yes. He very specifically asked for them 24 to reply on four questions, how many full-time 25 insulators do you have; how many part-time people do
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1 it's not just -- does this material contain asbestos, 2 but the health risk here is whether or not it's 3 becoming airborne; so some operations would be 4 perhaps more likely to cause airborne exposure. 5 Then they wanted to define the adequate 6 respiratory protective procedures, and also then 7 consider looking and finding substitutes for the 8 asbestos that was present. 9 Q. Do you know if indeed these measures were 10 taken? 11 A. Yes, they were. This was quite a bit, but 12 each one these was pursued in different ways. 13 Q. On page 3, there is a heading entitled 14 implementation. 15 I'd like to ask you if you see persons 16 there that you recognize their names that were 17 suggested as being part of the working party? 18 A. Yes. The names, most of them are familiar 19 to me. Dr. Stopps and Mr. Pell; and the engineering 20 department, I think one of the individuals listed 21 here, Mr. Keuper, certainly became very prominent 22 within the construction division, became -- was 23 director of safety and took a very prominent role in 24 looking at the asbestos issues. And then the 25 industrial hygienist, Mr. Linch.	1 you have; list the prevalent types of insulating 2 material; and are they doing any spraying of 3 insulation. 4 And then more specifically, give the 5 number of each the following diseases and talks 6 about, you know, how many people have had asbestosis, 7 mesothelioma, carcinoma, among the insulators; and 8 then list any preventive measures or safety equipment 9 required in your location. 10 Q. If you would turn to Exhibit 16, and 11 please advise what Exhibit 16 is? 12 (A document was marked for 13 identification as 14 Exhibit No. 16.) 15 THE WITNESS: This is a letter from 16 Dr. Stopps to Dr. Harriet Hardy, who was assistant 17 director of occupational medical services at MIT in 18 Massachusetts. 19 BY MR. COTTEN: 20 Q. Who directed the letter to her? 21 A. It was from Dr. Stopps and he said he had 22 a conversation with Dr. Dixon from England. And he 23 is wanting to know about the potential that there are 24 real differences between the different types of 25 asbestos. And he is wondering about how this applies

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1 to the tumor types and other diseases associated with 2 asbestos. 3 Q. Was there a particular emphasis upon any 4 particular type of asbestos-related disease? 5 A. It is specifically asking about tumors of 6 the lung, tumorigenicity; so it is talking about lung 7 cancer. 8 Q. Do you see at about midway in the 9 document, the word "mesotheliomata"? 10 A. Yes. And he's asking about the different 11 types in terms of their ability to cause 12 mesothelioma. 13 Q. The next document that we've asked the 14 court reporter to mark is Exhibit No. 17. 15 (A document was marked for 16 identification as 17 Exhibit No. 17.) 18 BY MR. COTTEN: 19 Q. What is Exhibit 17, please? 20 A. This is a memo about dust control. It 21 went out to project managers and that -- it came from 22 the engineering department at DuPont; and it was 23 written by Mr. Keuper, the division safety 24 superintendent. 25 Q. And what was the date of the memo?	1 Q. What is this document that was formulated 2 by Mr. Keuper and distributed to all these persons? 3 A. The title on it is dust control; and it is 4 about controlling dust within the construction 5 division, which is where most, of course, the 6 construction and use of asbestos occurred. It has 7 sort of several phases to it. 8 One being air monitoring, and it talks 9 about the fact that the company has set a threshold 10 limit value of .5 million particles per cubic feet of 11 air which is lower than the TLV. 12 Personnel monitoring was to be conducted 13 in the insulation shops, and training site safety 14 personnel to be responsible for this. 15 The people were to solicit people to be 16 monitored. It talks about what kind of equipment 17 should be used and how that equipment -- those 18 samples should be handled and what to do with them. 19 It also had a section on atmospheric dust 20 control and it laid out a lot of parameters for 21 controlling dust in the workplace. This included the 22 fact that no one was to be purchasing crocidolite, 23 which was at that time primarily a primary asbestos 24 type that was thought to cause mesothelioma from the 25 literature; so they determined that they would not
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1 A. April 5, 1968. 2 Q. And do you know who the field project 3 managers were? 4 A. These were your safety supervisors at all 5 these various plants, and it was quite a list here. 6 Q. Does it include from your reading any of 7 the Texas facilities? 8 A. Yes, it does. It includes Beaumont, and 9 it includes Sabine River. 10 Q. Do you see where it shows Houston and 11 Victoria, as well? 12 A. Yes. 13 Q. Up in the CC section, what other persons 14 within the company in addition to field project 15 managers was this memorandum directed to? 16 A. It was directed to people in employee 17 relations and also Dr. Stopps, Haskell; it was 18 directed to people in the engineering and 19 construction division at Louviers, which was the main 20 site for the engineering department. 21 Q. And what's the last -- on the CC, what's 22 the last indicated type of person to receive this 23 document? 24 A. Any of the site safety supervisors in the 25 construction division.	1 purchase it. 2 They eliminated the pressure spray 3 application of materials containing asbestos. 4 They isolated power tool equipment and 5 those operations when fabricating asbestos. 6 They needed to have the power equipment 7 have exhaust ventilation. 8 They had to have a shop cleanliness 9 program and had to have a controlled materials 10 handling program to make sure that there was no dust 11 eliminated; for instance, when you would open a bag 12 of asbestos materials, they were to maintain 13 procedures that would not allow the material to 14 become airborne. 15 Q. And in that last section, what does it 16 address? 17 A. The last section then is that ultimately, 18 if it is dusty, things are -- there are work 19 processes that people are to wear respiratory 20 protection, and that outlines what kind of respirator 21 was acceptable to use. 22 Q. Go back on page 2 to under air monitoring, 23 where the threshold limit value was set at 500,000 24 particles per cubic foot of air. 25 Do you see that?

149 1 A. Yes. 2 Q. What was the standard TLV as published by 3 the ACGIH at that time? 4 A. At that time, it was still the 5 million 5 particles. 6 Q. So by this document, it indicates that 7 DuPont was reducing its own limit from 5 million down 8 to 500,000? 9 A. That's correct. At least within the 10 construction division. 11 Q. Now, does the document indicate when this 12 program was to be effected? 13 A. It says June 1st. And this was issued 14 April 5. So almost immediately thereafter. 15 Q. Do you know from the work that you've done 16 in preparing yourself to serve in the capacity as a 17 corporate representative for DuPont whether this 18 program actually was implemented? 19 A. It was implemented. And if I can add that 20 it was a very effective program. Dr. Selikoff even 21 heard about it and invited Mr. Keuper to come and 22 talk at the next conference that they had. He 23 invited Mr. Keuper to come and talk about DuPont's 24 program. 25 Q. If you would turn to the next exhibit,	151 1 and how safe their products really were. 2 Q. What do you recall Mr. Keuper's response 3 to those advances to be? 4 A. It was not very positive. 5 Q. The next document is marked as Exhibit 19. 6 What is Exhibit 19? 7 (A document was marked for 8 identification as 9 Exhibit No. 19.) 10 THE WITNESS: This is a memo to Jeremiah 11 Lynch, who was at the U.S. Public Health Service and 12 it came from a Mr. Thatcher, safety engineer at 13 DuPont. 14 BY MR. COTTEN: 15 Q. And do you know who Jeremiah Lynch was? 16 A. He was an industrial hygienist who worked 17 at the Public Health Service, and he had published 18 some papers on sampling and really advocated the use 19 of the filter cassette type of sampling, and 20 indicated that it would be best to replace the 21 impingers by that type of sampling device. And 22 DuPont was actually contacting him a number of times 23 to work out their dust counting and air sampling 24 methodology during this period of time. 25 Q. If you would now turn to Exhibit 20,
150 1 Exhibit 18, and could you tell the jury what Exhibit 2 18 is? 3 (A document was marked for 4 identification as 5 Exhibit No. 18.) 6 THE WITNESS: This is a memo from 7 Pittsburgh Corning Corporation to Mr. Keuper; and 8 they're talking about Unibestos, the insulation 9 material that was manufactured by Pittsburgh Corning. 10 They're telling him that there is no chrysotile or 11 crocidolite fibers in the Unibestos and they're 12 giving him a run down on the components within the 13 Unibestos. 14 Then they also included a report from the 15 Industrial Hygiene Foundation on asbestos. 16 Q. Were you familiar with testimony 17 previously given by Mr. Keuper? 18 A. Yes. 19 Q. And as part of that familiarity, are you 20 familiar with a circumstance where manufacturers of 21 asbestos-containing materials were attempting to get 22 DuPont to continue to buy them? 23 A. Yes. He says that he was pretty much 24 bombarded by manufacturers of asbestos products at 25 that time. They were telling him about the safety	152 1 please, and would you describe for the jury what 2 Exhibit 20 is? 3 (A document was marked for 4 identification as 5 Exhibit No. 20.) 6 THE WITNESS: This is a letter to Herb 7 Stockinger, who was chairman of the TLV committee at 8 the American Conference of Governmental and 9 Industrial Hygienists, and it was from Adrian Linch 10 of the DuPont Company. 11 BY MR. COTTEN: 12 Q. What was the date of the letter? 13 A. April 1, 1968. 14 Q. And what -- from your reading of the 15 document can you tell what Adrian Linch was seeking? 16 A. He was actually requesting that the TLV 17 committee change their methodology in terms of 18 setting a TLV based on the new cassette sampling type 19 of methodology instead of the older impinger sampling 20 method. He says that we're convinced that the filter 21 membrane is a much better way to go, and we would 22 really like to see you change the TLV to comply with 23 the newer methodology. 24 Q. If you would look at Exhibit 21, please? 25 (A document was marked for

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1 identification as 2 Exhibit No. 21.) 3 BY MR. COTTEN: 4 Q. Tell us what the date of Exhibit 21 is? 5 A. I'm sorry. Looks like a 3, but I think it 6 is an 8. July 11, 1968. 7 Q. And who was it authored by? 8 A. It was authored by Kent Keuper. 9 Q. Who is it directed to? 10 A. To Adrian Linch. 11 Q. And what did this memo to Adrian Linch 12 together with its enclosures have to do with? 13 A. This had to do with the dust control 14 program, and they were actually sending him results 15 from the dust sample at the construction division 16 site locations that they had taken during the month 17 of June. 18 Q. And if you will turn to what appear to be 19 the enclosures, what is the first enclosure with 20 Exhibit 21? 21 A. Looks like a summary of particle and fiber 22 counts for June 1968. 23 Q. And can you tell how many different 24 locations were sampled? 25 A. I'd say about 15 or -- there were several	1 asbestos fibers. 2 If they were less than five microns, 3 between five and 10 microns or greater than 10 4 microns. 5 Q. What do these sampling results indicate 6 with respect -- these specific samples taken on June 7 7, 1968 in Beaumont in comparison with the 5 million 8 particles per cubic foot threshold limit value as 9 published by the ACGIH? 10 A. They were definitely well below the 5 11 million particles per cubic foot for the total number 12 of particles, and certainly way below, if you were to 13 convert them to the newer numbers that were put into 14 place, they were way below levels for asbestos fibers 15 per se. 16 Q. If you would go back to Exhibit 17, just 17 for one moment? And that's the dust control program 18 for Mr. Keuper? 19 A. Okay. 20 Q. Turn to the second page down to number 4. 21 Would you read that and then indicate to 22 the jury how asbestos dust creating operations would 23 be selected for air monitoring? 24 A. What it says is when soliciting 25 participation in the air monitoring program, craft
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1 samples taken. 2 Q. Were any samples taken from any of the 3 Texas plants? 4 A. Here's one from Houston. Victoria, 5 Beaumont. 6 Q. Can you look at the values from the 7 sampling that were taken in June of 1968 and can you 8 interpret what those particle counts indicate. 9 Let's go for Beaumont. 10 A. Okay. Beaumont particle count, total 11 particles under the old style of reporting in million 12 particles per cubic foot, the particle count was .63. 13 Q. And -- 14 A. Plus or minus zero -- 15 Q. .63 of what? 16 A. That would be million particles per cubic 17 foot. 18 Q. So that would be less than one particle 19 per 5 million particles per cubic foot? 20 A. No. That would be less than -- it would 21 be .6 million particles per cubic foot. 22 Q. And is it compared with using the newer 23 sampling technology? 24 A. Yes, it also includes asbestos fibers; and 25 it gives various counts for different sizes of	1 supervision and safety engineers should be anticipate 2 who will be involved in work which will produce the 3 greatest dust exposure for what day of that month; 4 and that -- 5 Q. What does that mean to you? 6 A. That means to me that they were following 7 what is typical industrial hygiene practice. You 8 take your first samples at the places where you 9 believe the exposure is going to be greatest; and if 10 you are not over limits at that particular site, you 11 can assume that those further away or not handling 12 asbestos would not be exposed to levels above TLV. 13 It's taking the worst first is kind of the 14 phrase that's been coined; and you do that first to 15 determine what the situation might be. 16 Q. If you would, now, turn to Exhibit 22. 17 (A document was marked for 18 identification as 19 Exhibit No. 22.) 20 BY MR. COTTEN: 21 Q. Could you indicate for the jury what 22 Exhibit 22 is? 23 A. This is a safety -- a copy of a safety 24 manual for contractors. And it's specific for those 25 entering into any contracts with DuPont.

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1 Q. Now, would you turn to page -- one moment 2 Let me find it. 3 18 in that manual, please? 4 A. Okay. 5 Q. What is this -- beginning on page 18, what 6 does this section address itself to? 7 A. This is a section on safety standards. 8 Q. And what does that include? 9 A. It includes -- first of all, talks about 10 the tool box meetings. It talks about assignment, 11 safety task assignments; it talks about a proctor 12 system. 13 It talks about various pieces of equipment 14 such as goggles, safety shoes, and has a whole 15 section on scaffolding and the use of scaffolding, 16 excavations, ladders, all sorts of pieces of 17 equipment, safety. 18 Q. What was the purpose of the tool box 19 meetings? 20 A. The tool box meetings were very 21 specific -- my understanding is they generally 22 occurred every Monday morning at the beginning of a 23 work shift, about a 15-minute meeting to talk about 24 any safety issues that might have come up during the 25 past week; what people might expect; what hazards	1 A. I would say it may have been the other way 2 around. 3 Q. The construction division is within the 4 engineering department? 5 A. Yes. 6 Q. Had that backwards. 7 Do you see on page 2 of that manual, it is 8 marked as page 2, a section there on respiratory? 9 A. Yes. 10 Q. Would you read that for the jury, please? 11 A. It says, "Ventilators, fans, air movers, 12 dust masks, or a combination of these should be used 13 in dusty atmospheres. Respirators must be worn 14 around hazardous or toxic fumes. Air-supply masks 15 are required when working in a hazardous fume 16 atmosphere." 17 Q. I want to ask you one more question, and 18 that is, we see in what appear to be good results in 19 1968 when DuPont monitored some of its plant sites 20 for asbestos exposure, correct? 21 A. That's correct. 22 Q. And those results were well within the 23 present day -- at that time -- TLVs, correct? 24 A. That's correct. 25 Q. Did the DuPont Company determine at that
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1 they might be working with; just a general 2 communication on safety meeting. 3 Q. If you would turn back under Exhibit 22 to 4 what's indicated as the page 7 of the manual itself? 5 A. Page 7? Okay. 6 Q. And under the first paragraph of 7 Respiratory, Nose and Lungs, where it says required, 8 would you please read that sentence? 9 A. "Required: Dust mask, respirator when in 10 extremely dusty atmosphere, sweeping, breaking 11 concrete, and all prolonged or continuous exposures 12 to any dusts." 13 Q. Is the word "any" italicized? 14 A. Yes, it is. 15 Q. If you would then turn to Exhibit 23? 16 (A document was marked for 17 identification as 18 Exhibit No. 23.) 19 BY MR. COTTEN: 20 Q. Would you tell the jury what this is? 21 A. This is a Safety Handbook For Contractors 22 put out by the construction division. 23 Q. And is the -- as we discussed before, the 24 engineering department within the construction 25 division?	1 point in time that it didn't have a problem and stop 2 its response to the information that it had about 3 asbestos hazards? 4 A. No. It continued. It continued to work 5 on trying to reduce dusts, trying to control hazards, 6 making sure that they had the right respirators, that 7 was one thing that became very clear in changing 8 science. It became clear that perhaps the 9 respirators that they had previously been using were 10 not as protective as the newer ones being developed, 11 so they kept up their respiratory protection program 12 and continued to change to the latest and best model 13 that they could find for people to use. 14 They ultimately developed many more things 15 around their medical surveillance program and 16 continued to work on other items like labeling what 17 places might contain asbestos so workers knew that if 18 they were to go into a particular area, maybe cut 19 into pines, that asbestos might be there. 20 Just a lot of things that they did to make 21 the program even better. 22 Q. During this time period that this activity 23 directed toward evaluating and controlling asbestos 24 hazards on its sites, including the period of 1965 25 through 1970, do you know if any time during that

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1 timeframe or before that timeframe, whether even one 2 person had made a claim that they had developed an 3 asbestos-related disease from working at a DuPont 4 facility? 5 A. I am not aware of any during that period 6 of time. 7 MR. COTTEN: Thank you very much, Doctor. 8 I'll pass the witness. 9 MR. MADEKSHO: Do any of the other 10 defendants have any questions? 11 MS. HUYNH: I have a few. 12 MR. MADEKSHO: Oh, you do? Okay, well, go 13 ahead. 14 MS. KRAMER: Were you planning to ask some 15 more after that? I just wanted to ask Chris if he 16 was planning to ask after that. 17 MR. MADEKSHO: I am. 18 MS. HUYNH: My name is Diane Huynh. I 19 only have a few quick questions for Dr. Stadler. 20 EXAMINATION BY COUNSEL FOR 21 MINE SAFETY APPLIANCES COMPANY 22 BY MS. HUYNH: 23 Q. Dr. Stadler, can you hear me? 24 A. Yes, I can. 25 Q. Okay. If you can't, make sure you let me	1 what he did. 2 Q. Okay. 3 A. He was a carpenter is all I really know. 4 Q. So what were you told was his employment? 5 A. I was told that he was a carpenter. 6 Q. Do you know what he did when he worked at 7 the DuPont plant in Texas? 8 A. No. 9 Q. Do you know -- and you did say just now 10 that you don't know exactly what he did in his 11 employment, right? 12 A. Correct. Because carpenter is so very 13 general, it's hard to say. 14 Q. So you don't know what he did? 15 A. No. 16 Q. Do you know exactly which area at DuPont 17 he would have worked at? 18 A. I do not know. 19 Q. Don't know exactly who he was working with 20 or around at DuPont? 21 A. I am not aware of who or what he was doing 22 as a DuPont employee, the specific jobs he conducted. 23 Q. And you don't know exactly who he was 24 working with or around; is that right? 25 A. That's correct.
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1 know so I can speak up, okay? 2 A. Okay. 3 Q. Now, based on your earlier testimony, you 4 indicated that you didn't start working for DuPont at 5 Haskell Labs until 1984; is that correct? 6 A. That's correct. 7 Q. And this is about 14 years after Decedent 8 McGlothlin last worked at DuPont? 9 A. Yes. 10 Q. And you testified earlier -- you never 11 visited any of the DuPont plants in Texas? 12 A. That's correct. 13 Q. All right. So you never visited the plant 14 where Decedent McGlothlin worked; is that correct? 15 A. That's correct. 16 Q. And you never personally met him; is that 17 right? 18 A. That's correct. 19 Q. So you don't know him personally? 20 A. I do not know him and did not know him 21 personally. 22 Q. Do you know what he did throughout his 23 employment career? 24 A. I have seen and been told about his 25 employment, but I do not know the specifics around	1 Q. You don't know exactly what he was exposed 2 to, if anything? 3 A. I have no knowledge of any exposures he 4 may have had. 5 Q. Fine. And you know -- you know exactly 6 what equipment he would have used to perform his job 7 duties? 8 A. I can only assume normal carpenter type 9 tools. 10 Q. All right. But you don't know exactly 11 what type of equipment he would have used to perform 12 his duties, right? 13 A. No, I don't. 14 Q. Do you know exactly what equipment was 15 used by other workers working around him at DuPont? 16 A. I don't know specifics. I certainly know 17 that carpenters would have been doing sawing, 18 hammering, any of those kinds of things. 19 Q. But you're assuming. You don't know that 20 personally because you never was there witnessing 21 what he did; is that right? 22 A. Not witnessing specifically this 23 individual. 24 Q. Okay. But you wouldn't know who worked 25 around him and exactly what equipment they would have

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1 used when they were working around him; is that 2 correct? 3 A. That's correct. 4 Q. And do you know if any of his job duties 5 at DuPont required him to wear any form of 6 respiratory protective equipment? 7 A. I do not know. 8 Q. Do you know if he was provided with any 9 respiratory protective equipment while performing his 10 job duties at the DuPont plant where he worked? 11 A. I can only speak to what the general 12 requirements were. 13 Q. I understand that. But I'm asking 14 something very specific, Dr. Stadler. 15 And that is if you have any personal 16 knowledge if he has provided with any respiratory 17 equipment while performing his job duties at the 18 DuPont plant where he worked? 19 A. No. I have no specifics on this 20 individual. 21 Q. Thank you. Do you know if he actually 22 ever wore any type of respiratory protective 23 equipment while performing any job duties at the 24 DuPont plant where he worked in Texas? 25 A. I do not know specifically. I can only	1 Stadler. Going back on the record. The time on the 2 video screen is 15:57 and 43 seconds. 3 Please continue. 4 MR. COTTEN: Chris, are you there? 5 MR. MADEKSHO: I'm here. Is the witness 6 back? 7 MR. COTTEN: The witness is back. We are 8 back on the record. 9 MR. MADEKSHO: Okay. Very good. 10 EXAMINATION BY COUNSEL FOR PLAINTIFF 11 BY MR. MADEKSHO: 12 Q. Dr. Stadler? 13 A. Yes. 14 Q. Okay. This may sound a little silly, but 15 I kind of have to ask for some technical reasons. 16 You obviously came to work at Haskell and DuPont for 17 the first in '84, right? 18 A. That's correct. 19 Q. Therefore, you were not present at or 20 around the time that these documents that you and 21 Mr. Cotten, DuPont's lawyer, were talking about over 22 the past several minutes, correct? 23 A. That's correct. 24 Q. And your only familiarity with these 25 documents is the ability to read these documents as
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1 say that if it was a requirement of his job, he would 2 not have been employed at DuPont very long if he 3 wasn't wearing appropriate equipment. 4 Q. I understand that. But my question is 5 very specific and -- 6 A. I understand that. And I do not know this 7 individual and would not have ever observed him not 8 wearing respiratory protection. 9 Q. Fine. You don't know if he ever wore any 10 type of respiratory protective equipment while 11 performing any job duties at the DuPont plant in 12 Texas; is that right? 13 A. That's correct. 14 MS. HUYNH: That's all I have. Thank you 15 very much. 16 MR. MADEKSHO: Anybody else? 17 MR. COTTEN: Chris, we have two minutes on 18 the tape. 19 THE VIDEOGRAPHER: Here marks the end of 20 videotape number 3, taken in the deposition of 21 Dr. Judith Stadler. Going off the record. The time 22 on the video screen is 15:52 and 55 seconds. 23 (Recess.) 24 THE VIDEOGRAPHER: Here begins videotape 25 number 4, taken in the deposition of Dr. Judith	1 would any other person? 2 A. That's correct. 3 Q. And is your ability to rely on these 4 documents the result of any conversations you might 5 have had with anybody else? 6 A. I can only comment on that fact that I 7 have also read some depositions of people who worked 8 at the plant sites; and so I have some familiarity 9 with how they went about doing some of these 10 procedures. 11 Q. But none of those testimonies relates to 12 the specific production of these documents which were 13 addressed in your direct testimony with Mr. Cotten, 14 correct? 15 MR. COTTEN: Objection. Form. 16 THE WITNESS: Correct. 17 BY MR. MADEKSHO: 18 Q. Therefore, your understanding of them is 19 reading them, like anybody else would be able to do, 20 right? 21 A. Reading them and having worked at DuPont 22 and knowing some of the things that were procedures, 23 being familiar with them, even when I began to work 24 there. Some of these things had not changed. 25 Q. Okay. Now I'm not sure what exhibit it

169 1 is, but there is a -- there is a July 11, 1963 letter 2 that was referenced in your direct testimony, 3 relating to exposure levels at DuPont, correct? 4 Do we know what exhibit that is? 5 MR. COTTEN: I think you're referring to 6 S2T? 7 MR. MADEKSHO: What exhibit is it? 8 MR. COTTEN: It is going to be Exhibit 9, 9 I believe. 10 MR. MADEKSHO: The July 11 -- from Adrian 11 Linch, medical section, Chambers Works. 12 MR. COTTEN: That's different. 13 MR. MADEKSHO: All right. It is from 14 Keuper to them, actually. July 11, 1963 or '68. I'm 15 not really sure. 16 THE WITNESS: That's the one on the dust 17 control program that was being outlined by Mr. Keuper 18 from the construction division. 19 BY MR. MADEKSHO: 20 Q. Yes. What exhibit is that? 21 A. 21. 22 Q. Okay. Your reference to Exhibit 21 during 23 Mr. Cotten's examination, that related to certain 24 numbers on the second page that looks like it says 25 June 1968 samples?	171 1 became the first to step to the plate, do the 2 sampling, and try out these methods of comparing the 3 old impinger sampling to the newer cassette filter 4 sampling and try to determine whether or not there 5 were levels that were above TLVs in those sites. 6 And those sites were at a range of 7 different plant sites across the country. 8 So that's why you see various plant sites 9 listed here, because the construction division had 10 major projects going on at those places. 11 Q. So was it mandatory or was it not 12 mandatory? 13 A. Mandatory in what way? 14 Q. Well, was -- did DuPont require air 15 monitoring concerning asbestos in 1968? 16 A. I think that the construction division 17 said -- and Mr. Keuper said -- we will do this. 18 Q. So no, it was not required, it was just, 19 we'll do it if we want? 20 A. No. I think Mr. Keuper said we as a 21 construction division are going to do this. Step up. 22 And this is the way we're going to go about doing it. 23 I don't think it was, you have the choice if you're 24 in the construction division to opt in or out. 25 Q. Okay.
170 1 A. Yes. 2 Q. Are there other samples for this -- for 3 these premises that you know about? 4 A. I'm sure there are. Somewhere I have seen 5 other samples that were taken that would be more 6 specific. This appears to be some of the earliest 7 sampling that was done, and I think I have seen more 8 detailed sampling that would have come. 9 Q. Was this a mandatory program that DuPont 10 had, or do you know? 11 A. The initial program by the construction 12 division was sort of their first round of sampling, 13 let's give this a try. And they were actually making 14 this sort of the first round of sampling; and then 15 they went from construction division to a much wider 16 group of plants; and other divisions within DuPont 17 for their sampling program. 18 Q. Okay. So is that like a yes, a no, or -- 19 A. Well, the construction division had 20 construction going on; and it was kind of determined 21 that in places where construction was going on, and 22 insulation was being installed, those kind of places 23 would have been some of the worst case scenarios 24 under an industrial hygiene survey. 25 So the construction division kind of	172 1 A. It was -- he was telling people, you're 2 going to participate in this dust control program. 3 One aspect of it being sampling. 4 Q. All right. And so from '68 on, it was 5 mandatory that in the construction division, DuPont 6 monitor asbestos exposure for employees, correct? 7 A. The dust control program as outlined in 8 this thing by Mr. Keuper was mandatory for the 9 construction division. And I would add that some of 10 the other divisions of DuPont were starting to do 11 some sampling, but I think they were all waiting to 12 see how the sampling process worked, does it seem 13 like a good way to go about doing things. And 14 everybody was looking then to adopt -- the whole 15 concept being who has the best method, and what 16 procedure are we going to adopt company-wide and 17 that's why they started out with one group of sites 18 to try. 19 Q. So where are the air monitoring data from 20 '68 to '70? Where are those documents? 21 A. I don't know if some of them were included 22 in what you received or not. 23 This, I think, is much more a summary 24 document. Certainly DuPont has this data. I've seen 25 it. I can't tell you, well, it is in a certain memo

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1 or certain location of what has been provided to you. 2 Q. I'll represent to you that I've gone 3 through the documents and the only air monitoring 4 data I have are for the '80s. And so I would make a 5 formal request at this time for all that data from 6 1968 up through 1970 at this time. 7 Now, this reference to Beaumont on page 2 8 of the June 1968 sample, do you have that in front of 9 you? 10 A. Yes. 11 Q. Okay. Would it be important to know that 12 perhaps this air monitoring was going on inside the 13 office and not -- not where workers worked? 14 A. No. I think that because of the 15 description of where they were to do this monitoring, 16 that it would not have been office samples. It would 17 have been as outlined in the documents, the dust 18 control program document that said, you take these 19 samples in the places where the greatest and most 20 likely exposure would be. And that would not be the 21 office. 22 Q. Well, where would this be? 23 A. Well, I think -- 24 Q. At Beaumont? 25 A. At Beaumont? I do not know where they	1 Q. You don't -- that answer doesn't relate to 2 this situation where we don't know where this 3 exposure data was taken, correct? 4 A. Correct. I told you that this is an 5 average. So I would have to assume this is not just 6 one sample, but probably several samples that would 7 have been taken. And these are representative of 8 what was being taken at the time; and without the 9 individual data, I can't tell you how many samples 10 were taken or where. 11 Q. Or how long, over what time, weighted 12 average? 13 A. Correct. 14 Q. And so we don't know if this is over 30 15 minutes or if it is over 10 hours? 16 A. I think most -- the indications in 17 guidelines were these people were wearing these while 18 they were doing this job or if they worked at this 19 particular job all day long. 20 I saw indications, you know, that they 21 worked for a period of time in the morning; and then 22 it was stopped; and they took a lunch break and then 23 it was started again, that kind of thing. 24 MR. MADEKSHO: Objection. Non-responsive. 25 BY MR. MADEKSHO:
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1 took the samples. Many instances they were taking 2 them in a place set aside for cutting up insulation, 3 things like that. They would have been taking them 4 in the dustiest conditions; but I cannot specifically 5 speak to that site location around Beaumont as to 6 where they were taking samples without a document 7 that might have outlined it. 8 And I will say I have seen many documents, 9 usually what you get is a piece of paper that the 10 industrial hygienist maybe identified who the person 11 was, who was wearing the sampler, how long they had 12 it on, what kind of job they were doing; that kind of 13 thing. 14 And then generally, you will see a piece 15 of paper that indicates how many particles were on 16 the filter that that person was wearing, and then the 17 calculations for how much that is per milliliter or 18 cubic centimeter of air, that kind of thing. 19 So generally, the data from the industrial 20 hygienist, whoever put the pump on the individual 21 indicated what that person was doing; and then you 22 would get that from whoever did the particle counting 23 the information or data from the sampling. 24 MR. MADEKSHO: Objection. Non-responsive. 25 BY MR. MADEKSHO:	1 Q. To answer my question, we don't know who 2 was wearing anything if it was even somebody wearing 3 something, where they worked, what time, what else 4 was going on around them, or what the time weighted 5 average was, correct? 6 A. Well, this is the time weighted average. 7 What you see here is -- 8 Q. For how many hours? 9 A. -- particle count per cubic foot or fiber 10 count. That is what is reported here. You don't 11 know whether the sample -- 12 Q. What period of time? Time weighted 13 average over what? 14 (Discussion off the record.) 15 MR. MADEKSHO: Dennis, I certainly do 16 apologize. It is not my intention to interrupt 17 anybody. If I speak, it is because I don't hear 18 anybody else speaking. Does that help you? 19 THE REPORTER: That would help a lot. 20 THE WITNESS: Time weighted average is 21 just that. It is an average over time. 22 No, we do not have the total duration of 23 sampling. 24 BY MR. MADEKSHO: 25 Q. But we don't know over what period of time

177 1 it was, correct? 2 A. We do not know the duration the sample was 3 taken. Was it taken for 15 minutes, or eight hours, 4 or whatever. 5 But it is an average over the period of 6 time of the sampling period; in other words, if I 7 could tell you a little bit more, time weighted 8 average, if a person wears a sampler for eight hours, 9 and you collect fibers or dust particles over that 10 eight hours, that says the average number of fibers 11 during that period of time to which a person was 12 exposed was X; but that could have meant that that 13 was the number for every hour of exposure or it could 14 mean the person was exposed to lots of particles the 15 first hour and nothing for the other seven hours. 16 But you have no way of knowing that if you 17 have one filter collected over eight hours. What you 18 get is a time weighted average. 19 MR. MADEKSHO: Objection. Non-responsive. 20 BY MR. MADEKSHO: 21 Q. With all due respect, Dr. Stadler, I 22 understand what a time weighted average is. And I 23 would appreciate an answer to the question rather 24 than an explanation of something else. 25 MR. COTTEN: Objection to the side-bar.	179 1 THE WITNESS: From what is on this piece 2 of paper, we cannot tell. I can only tell you I have 3 seen data that exists on individual samples taken 4 that gives you a lot more information. 5 BY MR. MADEKSHO: 6 Q. And that data has not been produced to us 7 and is not here at this deposition, correct? 8 MR. COTTEN: Objection. Form. 9 THE WITNESS: I'm not aware that that data 10 is in this collection or isn't in this collection. 11 BY MR. MADEKSHO: 12 Q. And earlier, do you recall being asked a 13 question by DuPont's lawyer about other 14 asbestos-related diseases coming out of workers who 15 worked at these DuPont facilities during that time 16 period. 17 Do you recall that question? 18 MR. COTTEN: Objection. Form. 19 THE WITNESS: I think it was that there 20 were no complaints of asbestos-related diseases filed 21 during that period of time. 22 BY MR. MADEKSHO: 23 Q. And why is that important? 24 A. I think that at that particular point in 25 time, no one filed a complaint saying I have
178 1 BY MR. MADEKSHO: 2 Q. I think it could make it much easier and 3 much quicker if we were to do that. 4 MR. COTTEN: Objection to the side-bar. 5 MR. MADEKSHO: Do you understand? 6 THE WITNESS: I think I answered duration 7 as being the appropriate term for what you were 8 asking. 9 MR. MADEKSHO: All right. 10 BY MR. MADEKSHO: 11 Q. And you don't know where this sample was 12 taken in the Beaumont facility. We've established 13 that, right? 14 A. Correct. 15 Q. And you don't know over what period of 16 time this sample was taken, correct? 17 A. Correct. 18 Q. And you don't know who conducted the 19 sampling, correct? 20 A. Correct. 21 Q. And, in fact, we don't really even know 22 that there was any other ventilation in addition -- 23 we don't know what the circumstances were during 24 which this sampling was taken, correct? 25 MR. COTTEN: Objection. Form.	180 1 asbestosis, and it came from my exposure at DuPont. 2 Q. But that's important because if there 3 aren't any complaints filed, then there probably 4 wasn't a problem, right? 5 MR. COTTEN: Objection. Form. 6 THE WITNESS: I'm not really sure. I 7 can't really say. 8 BY MR. MADEKSHO: 9 Q. Well, I mean, if there are no 10 asbestos-related illnesses filed at these premises 11 during this time period, isn't that what that that 12 question was meant to aver, that there's not an 13 asbestos problem if there are no people getting sick? 14 A. I would say that the issue is really that 15 it's not like DuPont had this massive influx of 16 people with asbestosis when they began to look to see 17 if they had an issue around asbestos, when they 18 became aware that insulation workers that were 19 studied by Dr. Selikoff were reporting diseases, one 20 of the initial questions was, do we have on record 21 people who have gotten asbestosis or diseases related 22 to asbestos within the DuPont Company. 23 And I think -- I mean, there was really no 24 problem initially asking that question because you 25 might, if you asked that question and you had a

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1 problem, you might have a cluster of people at plant 2 X, Y, Z who have all filed complaints, and that would 3 tell you right away, yes, there is an issue at this 4 particular plant. 5 But that did not occur during that 6 timeframe when they were trying to determine whether 7 there were issues for the company. 8 Q. And likewise, the clustering of people 9 getting sick, would it be important to you to know 10 that there has been to date at least five other 11 DuPont workers or people at these DuPont plants 12 during this five-year time period who have died of 13 mesothelioma? 14 MR. COTTEN: Objection. Form. 15 THE WITNESS: I don't think that anybody 16 is saying that no one was exposed to levels of 17 asbestos that could not have made them sick. We know 18 that mesothelioma is -- has got a pretty long latency 19 period; and it's one of those things that when people 20 work with the material, it may be 20 to 40 years 21 later that they actually have disease. 22 So in a sense, it is not surprising. 23 BY MR. MADEKSHO: 24 Q. So DuPont does not deny that exposure 25 necessary to cause mesothelioma during this time	1 trying to do at that time to figure out if there was 2 an issue. 3 BY MR. MADEKSHO: 4 Q. In fact, we've already established that 5 DuPont could have implemented dust control methods in 6 the 1930s, but it did not do that, correct? 7 MR. COTTEN: Objection. Form. 8 THE WITNESS: I think DuPont had quite a 9 few dust control measures in place even longer ago 10 than 1930. 11 BY MR. MADEKSHO: 12 Q. We'll let the record speak for itself. 13 Would you agree -- 14 MR. COTTEN: Objection to the side-bar. 15 BY MR. MADEKSHO: 16 Q. Would you agree that it is a rule that the 17 employer warn employees working at their premises of 18 the hazards of their work? 19 MR. COTTEN: Objection. Form. 20 THE WITNESS: I think that -- 21 MR. COTTEN: Excuse me. Objection, calls 22 for a legal conclusion, too. 23 THE WITNESS: Certainly in this day and 24 age, with OSHA, there is a right to know law that 25 says people need to know what they're working with.
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1 period occurred? 2 MR. COTTEN: Objection. Form. 3 THE WITNESS: I don't really know anything 4 about exposures and when exposures would have 5 occurred that would have resulted in mesothelioma or 6 any other disease within the DuPont Company. 7 All I can say is during this period of 8 time, between 1965 and '70, DuPont had no evidence 9 that people were getting sick from the handling of 10 asbestos on its plant sites. 11 BY MR. MADEKSHO: 12 Q. And it's not important that there are at 13 least five other men who worked at DuPont, at DuPont 14 Sabine River who are dead of mesothelioma that worked 15 there between '65 and '70? 16 MR. COTTEN: Objection. Form. 17 THE WITNESS: I don't think I said that's 18 not important. I think the issue right now is what 19 they were trying to do to determine whether or not 20 people were being exposed to unsafe levels during 21 that period of time right after they learned about 22 these insulation workers in New York. 23 It really has nothing to do with the 24 overall of what we know today about asbestos 25 illnesses; but it has to do with what they were	1 I think when you go back earlier than 2 that, certainly the concepts way back when really 3 were the company will protect people and will take 4 care and make sure that they are safe. 5 How much they told them about details is 6 really quite a bit different than the way we look at 7 things today. 8 BY MR. MADEKSHO: 9 Q. So back before OSHA, it is not necessary 10 to warn workers of the dangers of their work? 11 MR. COTTEN: Objection. Form. 12 THE WITNESS: I think that the company 13 certainly tried to protect workers and indicate to 14 people, look, if you breathe dust it can be hazardous 15 to your health, that kind of thing. And they 16 certainly did everything they could to try to keep 17 down dust levels within the company. I think that 18 getting into details about, well, this particular 19 metal or this particular fume or these things could 20 be hazardous, these are the details around them, were 21 not part of the way to handle things. 22 BY MR. MADEKSHO: 23 Q. And that statement is based on something 24 other than personal knowledge, correct? 25 A. Personal knowledge around what they were

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1 doing back in 1930, I have no idea. All I can do is 2 read the documents that are available. 3 Q. Such as what we have done today, correct? 4 A. That's right. 5 Q. How long has it been a rule that employers 6 must warn employees of the hazards of its work? 7 MR. COTTEN: Objection. Form. 8 THE WITNESS: I'm not sure how long the 9 right to know laws have been in effect. 10 BY MR. MADEKSHO: 11 Q. How long -- 12 A. Certainly OSHA had a lot to do with that 13 kind of warnings to people. 14 Q. So before OSHA, really no rule? 15 A. There may have been individual state 16 rules, that kind of thing; and I'm not that familiar 17 with the various regulations to know. 18 Q. But would you agree this is an important 19 rule? 20 MR. COTTEN: Objection. Form. 21 THE WITNESS: I think it is very important 22 that workers know about the potential hazards in the 23 workplace. We've certainly developed many methods, 24 material safety data sheets, all that kind of thing 25 that makes it easier for people to know and	1 BY MR. MADEKSHO: 2 Q. Do you believe it would be reckless if 3 DuPont chose to ignore this rule? 4 MR. COTTEN: Objection. Form. 5 THE WITNESS: Well, I just can't concede 6 because DuPont long before rules were in place was 7 doing its best to protect its workers. And I think 8 they realized back when some of the black powder 9 mills had explosions that they needed to do 10 everything possible to protect our people. 11 BY MR. MADEKSHO: 12 Q. So the answer to that question is yes, it 13 would be reckless if a company chose to ignore this 14 rule? 15 MR. COTTEN: Objection. Form. 16 THE WITNESS: Yes. 17 BY MR. MADEKSHO: 18 Q. And it would be unreasonable for DuPont to 19 not warn of the hazards of the products at its 20 workplace; correct? 21 MR. COTTEN: Objection. Form. Over -- 22 THE WITNESS: I think. 23 MR. COTTEN: Excuse me. I think that's an 24 unfair question, it is so broad. I'm going to 25 instruct the witness not to answer that question
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1 understand hazards that are associated with what they 2 work with. 3 BY MR. MADEKSHO: 4 Q. And would you agree that this rule applies 5 to your company? 6 MR. COTTEN: Objection. Form. 7 THE WITNESS: Well, the right to know laws 8 apply everywhere within the United States. 9 BY MR. MADEKSHO: 10 Q. I'm actually not talking about law. I'm 11 talking about an obligation of DuPont to protect its 12 workers. 13 Do you agree that that's very important? 14 MR. COTTEN: Objection. Form. 15 THE WITNESS: I think DuPont felt an 16 obligation to protect its workers, yes. 17 BY MR. MADEKSHO: 18 Q. Do you believe it would be dangerous if a 19 company chose to ignore this rule? 20 MR. COTTEN: Objection. Form. 21 THE WITNESS: I think it would be 22 unethical for a company to not want to protect its 23 workers. I think the way they handled that in terms 24 of protection may have varied from one company to 25 another.	1 unless you can narrow it and be more specific. 2 MR. MADEKSHO: Really? 3 MR. COTTEN: Yes. 4 MR. MADEKSHO: Are we going to get Judge 5 Davidson on the phone? 6 MR. COTTEN: I don't know. 7 MR. MADEKSHO: I'm entitled to an answer 8 to that question. 9 MR. COTTEN: Restate the question. 10 BY MR. MADEKSHO: 11 Q. Do you agree it would be unreasonable for 12 DuPont not to warn its workers of the hazards of its 13 workplace? 14 MR. COTTEN: Objection. Form. 15 THE WITNESS: I think that it would be 16 unreasonable not to warn people that there are 17 dangers and give them advice on how to protect 18 themselves. 19 BY MR. MADEKSHO: 20 Q. Would you agree that if DuPont chose not 21 to warn workers of the hazards of its workplace, 22 DuPont should be responsible for the harm that it 23 caused a worker? 24 MR. COTTEN: Objection. Form. 25 THE WITNESS: I'm not sure what you mean

189 1 by that. 2 BY MR. MADEKSHO: 3 Q. That if DuPont killed Mr. McGlothlin or 4 contributed to his dying of mesothelioma, that it 5 should be responsible for that? 6 MR. COTTEN: Objection. Form. 7 THE WITNESS: I think if it is shown that 8 somehow DuPont did something to harm Mr. McGlothlin, 9 then there are ways to deal with that. 10 BY MR. MADEKSHO: 11 Q. By exposing him to asbestos? 12 MR. COTTEN: Objection. Form. 13 THE WITNESS: Exposure would have to be 14 proved to be in some way harmful to him to be a risk 15 and the kind of exposure would have to be shown to 16 have caused his disease. 17 BY MR. MADEKSHO: 18 Q. You agree that the risk of severe injury 19 or death is always unreasonable or unacceptable if it 20 can be prevented? 21 MR. COTTEN: Objection. Form. 22 THE WITNESS: If that is truly an exposure 23 to something that causes a health problem, that is 24 not acceptable. 25 BY MR. MADEKSHO:	191 1 used as exhibits to this deposition, correct? 2 A. Correct. 3 Q. You recall him testifying about the 4 circumstances surrounding the actions and activities 5 as indicated in the documents? 6 A. Yes. 7 Q. Have you also read the testimony of others 8 including Ron Wetzig concerning implementing the 9 program as indicated in the -- the dust control 10 program as indicated in the documents? 11 A. Yes. 12 MR. COTTEN: Chris, there's one thing that 13 I need to do to clarify the record; and with your 14 permission, I'd ask that the witness leave the room 15 so that I can do it without in any way prejudicing 16 any further testimony that she might have as a result 17 of my comments. 18 Is that all right with you? 19 MR. MADEKSHO: Sure. 20 MR. COTTEN: If you would, please? Take 21 the microphone off? 22 (The witness left the room.) 23 MR. COTTEN: Let the record reflect the 24 witness has left the room. Chris, I don't know why 25 we have a little bit of disconnect about what
190 1 Q. If a manufacturer knew that there is no 2 safe level of exposure to a toxicant, is that 3 important to tell a user? 4 A. I think that from my position, it is 5 possible to protect anyone from exposure. And saying 6 there is no safe level of exposure is not something 7 that I would agree with. There are levels that can 8 be deemed safe and there are levels that can be 9 deemed harmful. 10 MR. MADEKSHO: I have no further 11 questions. 12 I'll pass the witness and reserve the 13 remainder of the questions that I have for the time 14 of trial and after the production of the documents 15 that I have requested at this deposition today. 16 MR. COTTEN: Just a couple of redirect 17 questions. 18 EXAMINATION BY COUNSEL FOR DuPONT 19 BY MR. COTTEN: 20 Q. Dr. Stadler, I think you indicated that 21 you had read Ken Keuper's testimony previously, 22 correct? 23 A. Yes. 24 Q. And he was an author of several of the 25 documents that have come into -- have been marked and	192 1 materials have been provided to you. 2 You made a request -- a formal request on 3 the record for the production of air monitoring data 4 from Beaumont and Sabine, and made a representation 5 on the record you have not been supplied that data. 6 MR. MADEKSHO: All right. I mean, I 7 haven't seen it. I mean, if you all can point me to 8 the Bates numbers, perhaps I'm wrong. But believe 9 me, I spent many, many hours. Many hours poring over 10 all these documents that I got. And I have not seen 11 those. 12 MR. COTTEN: Let me bring your attention 13 to several different items. 14 First of all, you were provided with 15 materials that had been reviewed by Dr. Stadler 16 specifically for this deposition. Among those 17 documents prefix DUP 0387677-7678, and 0387692-7692. 18 That includes Sabine River Works air 19 monitoring data. 20 MR. MADEKSHO: Okay. Thanks. That's for 21 '68 to '70? 22 MR. COTTEN: I think it includes at least 23 1970. 24 And then if you would -- 25 MR. MADEKSHO: If you all sent it to me,

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1 you sent it to me. 2 MR. COTTEN: Yes, sir, I just want to make 3 it clear for the record since you made a formal 4 request for it. I want to be clear. 5 MR. MADEKSHO: I appreciate that. Larry, 6 listen, if I have it, I have it. If I just happened 7 to miss it, I don't remember it, then shame on me. 8 MR. COTTEN: I'm not trying to shame you. 9 I'm just trying to point out specifically where it 10 is. You asked for the DUP numbers. 11 You were also provided with DUP number 12 0503545 through 3576 which are Beaumont Works air 13 monitoring data. 14 In addition to that, a document that you 15 introduced into the record starting with DUP 0428492 16 and thereafter, which is the April 12, 1978 document 17 concerning asbestos that included a list of different 18 asbestos-containing materials by trade name, the last 19 two pages of that exhibit of yours includes Sabine 20 River Works asbestos sampling data, although -- 21 MR. MADEKSHO: There's -- I've seen some 22 of that. But I'm talking about what we got here at 23 the deposition, what we've -- what was put in front 24 of Dr. Stadler during her direct. 25 MR. COTTEN: Okay. I just wanted to be	1 (Whereupon, at 4:34 p.m., the taking of 2 the instant deposition ceased.) 3 4 5 _____ 6 Signature of the Witness 7 SUBSCRIBED AND SWORN to before me this _____ day of 8 _____, 20____. 9 10 _____ 11 Notary Public 12 My Commission Expires: _____ 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 sure that -- 2 MR. MADEKSHO: No. I've seen some of 3 that. But I have not seen such as what was subject 4 to direct examination today. 5 MR. COTTEN: Actually, it was part of the 6 documents that were sent to you. I'm sorry that you 7 missed them. 8 And with that, I'll pass the witness; and 9 if anybody else has any more questions, I'll ask her 10 to come back in the room. 11 MR. MADEKSHO: Anybody? 12 I mean, I'm good. 13 MR. COTTEN: Okay. 14 MR. MADEKSHO: All right. Well, tell the 15 Doctor to have a safe trip home. Larry, you have a 16 safe trip home. Anyone else who is not attending 17 telephonically like me, you all have a safe trip 18 home. 19 MR. COTTEN: Thank you very much. 20 THE VIDEOGRAPHER: Here marks the end of 21 videotape number 4, also marks the end of today's 22 proceeding in the deposition of Dr. Judith Stadler. 23 Going off the record. 24 The time on the video screen is 16:34 and 25 53 seconds.	