

ORIGINAL
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
HUNTINGTON DIVISION

CHESTER RONEY, INDIVIDUALLY AS
EXECUTOR FOR THE ESTATE OF HENRY
CLAY RONEY, JR.,
PLAINTIFFS,

VS.

CIVIL ACTION NO: 3:05-0788 RCC-MGT

GENCORP INC., et al.,
DEFENDANTS.

DEPOSITION OF

RUSS CARSON

THURSDAY, FEBRUARY 15, 2007
1:00 PM

HOLIDAY INN
577 STATE ROUTE 7 NORTH
GALLIPOLIS, OHIO 45631

Denys Renee Snodgrass
Certified Court Reporter
Notary Public

A P P E A R A N C E S

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MICHAEL HULKA, DOW CHEMICAL (BY TELEPHONE)
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JOHN HEINRICH, HONYWELL INTERNATIONAL

I N D E X

WITNESS:

RUSS CARSON

MR. GORENC

4, 136

MR. LIPTON

130

MS. DALOIA

109, 136

MR. HULKA

126

EXHIBITS:

EXHIBIT 25

EXHIBIT 26

MARKED:

7

50

REPORTER'S CERTIFICATE:

140

WITNESS CERTIFICATION AND ADDENDUM A:

141 - 142

P R O C E E D I N G S

(Whereupon,

RUSS CARSON

was called as a witness, duly sworn and testified as follows:)

DIRECT EXAMINATION BY MR. GORENC:

Q. Would you please state your name for the record?

A. Russ Carson.

Q. Mr. Carson, my name is Bill Gorenc. I represent GenCorp. Inc, formerly known as the General Tire and Rubber Company. When I'm referring to my client, I'll try and refer to them as General Tire, however, occasionally I may refer to them as GenCorp. Just so you know, it's the same company. Okay?

A. Yes, sir.

Q. Have you ever been deposed before?

A. No, sir.

Q. Okay. Well, let me explain how this works. I'll ask you questions, and then you'll respond to me verbally. Everything that I say and everything that you say will be transcribed by the court reporter next to us, which means that you have to respond verbally to my questions. You can't shake your head, okay, shake your head one way or the other.

What I will ask you to do is allow me to finish my question before you start answering, and the reason for that is the court reporter cannot take down the transcript when both of us are talking at the same time.

If I ask you a question you don't understand, ask me to restate it or explain it and I'll do so. If you answer my question, I'll assume that you understood.

MR. GORENC: Again, objections except as to form are reserved for trial.

BY MR. GORENC.

Q. All right, sir, could you give us your current address?

A. 747 Broadway Street, Middleport, Ohio.

Q. All right. Where is Middleport?

A. Sixteen miles north of here, right on Route 7.

Q. How long have you lived there, sir?

A. Since '65, 1965.

Q. And where were you born?

A. Hocking County, Ohio.

Q. When were you born?

A. 10/13/37.

Q. Are you married, sir?

A. Yes, sir.

Q. What's your spouse's name?

A. Pat, Patti.

Q. When were you married?

A. December.

Q. Year is good enough?

A. 1961. I hope she isn't listening.

Q. We won't tell her. Is that your only marriage, sir?

A. Yes, sir.

Q. Do you have any children?

A. Two, two boys.

Q. What are their names?

A. Roger Allen and Steven Keith.

Q. And how old are they?

A. Roger is 46. Steven is 44.

Q. Do they live nearby?

A. Roger lives in Minot, North Dakota and Steven lives near Racine. That's about 25 miles.

Q. Are you currently taking any type of medications?

A. No, sir.

Q. So you're not aware of anything that would affect your ability to testify truthfully here today?

A. That's right.

(DEPOSITION EXHIBIT NO. 25 WAS MARKED.)

BY MR. GORENC:

Q. I'm handing you what has been marked as Deposition Exhibit 24. The stack of papers next to you are also deposition exhibits from prior depositions. We may refer to some of those.

MR. LIPTON: Let me interrupt, I believe the plot plan was Exhibit 24. Should this be 25?

MR. GORENC: You're correct, if that's correct. The plot plan is 24, you're right.

BY MR. GORENC:

Q. All right, sir, I'm handing you what has been marked as Deposition Exhibit 25. This is a subpoena duces tecum that was issued to you in this case.

Do you recognize that document, sir?

A. Yes, sir.

Q. Okay. And turning to the fifth page or so in that document, you'll see an Exhibit A. Those are documents that we have requested, if you have them, to bring them. Do you see that?

A. Yes, sir.

Q. Okay. I'm just going to ask you about some of those documents. Sir, do you have any employment documents relating to your employment with Pantasote?

A. Yes, sir.

Q. Do you have those in your possession?

A. They're in my possession.

Q. And what do they relate to?

A. Well, just cancelled checks, check stubs. I was treasurer for the union there, the URCLPWA 797.

Q. Anything else besides cancelled check stubs and information? Now, the cancelled check stubs are payroll checks?

A. They were payroll checks.

Q. Okay. And they were issued to you?

A. Yeah. They're payroll checks.

Q. All right. They were payroll checks issued to you from Pantasote?

A. Correct.

Q. And then you have other checks or information relating to your work as union treasurer?

A. I have a union card. Is that what you're referring to?

Q. No. You said you had some documents when you were treasurer of the union. Do you have documents relating to your work as treasurer for the union?

A. I had the seniority list like I gave you.

Q. Okay. We'll get to that. What I was wondering, I guess, is when you said checks, I didn't know if

they were checks from the union members or cancelled checks, I didn't know if they were --

A. No. We never had any paid union members.

Q. Okay. So the union documents you have, you've got cancelled checks that are your own personal payroll checks, and then you have union documents as the treasurer. You've got your own union card. And what else do you have, this seniority list?

A. Seniority list.

Q. And what else?

A. I've got medical records where I had to go for hand and chest x-rays.

Q. Anything else?

A. I've got a dozen things trying to jump out at once there, I believe, sir.

Q. Take your time. Anything relating to your employment at Pantasote? Just take your time.

A. I have a certificate where I went to a couple seminars. I have certificates for that.

Q. For Pantasote?

A. Yeah.

Q. Okay. Anything else?

A. Sir, I probably do, but I can't recall. I can't name them.

Q. Well, if you think of what those might be as we go through this, I'm going to ask you to let me know. Okay?

A. (Affirmative gesture.)

Q. Did you understand you were supposed to bring that stuff with you today? Probably not since you didn't bring them.

A. No. No, sir. Some of it I know I have, but then I may have trouble locating it.

Q. Okay. All right. Do you have any building or plot plans of the facility?

A. No, sir.

Q. Any photographs of the facility?

A. No, sir, just the one that was in the newspaper when the plant closed.

Q. Do you have any area or personnel monitoring records?

A. I don't think I do at the present time. I may have had at one time, but that's been a long time ago.

Q. I understand. All right. Do you have any medical monitoring records? You indicated you had some hand and chest x-rays or medical reports. Anything else besides those, blood test reports or records, results?

A. We went every six months for hand and chest

x-rays at one time there.

Q. What about blood tests?

A. They took blood tests, also.

Q. Do you have any of those records relating to that?

A. You mean the blood tests?

Q. Yes, sir, the results.

A. I'm not -- I can't say for sure right now, sir.

Q. Do you have any documents relating to the supply of vinyl chloride monomer to the facility?

A. No, sir.

Q. Do you have any documents from the General Tire and Rubber Company?

A. I have payroll stubs because we were employed by them. They purchased the plant.

Q. Are the checks from Pantasote or are they from General Tire? And we're going to ask you to bring those in, but I'm just asking your recollection right now.

A. There was a difference in the checks. The General Tire checks were different than the Pantasote checks.

Q. Okay. Did they say General Tire on them or did they say Pantasote on them?

A. I can't recall, sir.

Q. Okay. Well, we're going to ask you to bring those anyway, so --

Do you have any videos or photos of Mr. Roney?

A. No, sir.

Q. Let's go off the record for just a minute.

(Whereupon, a brief discussion was held off the record.)

BY MR. GORENC:

Q. Okay. If you can find them, I'd like to see them. All right. And it may be that I'd take a look at it and that's the end of it and it may be that I have to ask you a few more questions. I'm not trying to be difficult here. I'd just like to see what you have. Okay?

A. Yes, sir.

Q. Sir, let's talk a little bit about your education. Before we get to that, what did you do to prepare for this deposition today?

A. Nothing unusual. I just -- I believe I told Mr. Lipton here, I just feel like I'm going to a dentist. It was all new to me and I'm not familiar with anything that was going on, you know, and I didn't know what to expect.

Q. It's not nearly that painful. And it's -- all we're trying to do is we're trying to learn what you know about this case?

A. I understand.

Q. Which, by the way, if at any time you need a break in these proceedings, just let me know, and as long as there's not a question put forward to you, you can take a break. If there's a question put forward to you, I'll ask that you answer the question before you take a break. Okay?

A. I see.

Q. And if you need water or you need time, that's fine.

All right. So back to the question. What did you do to prepare for this deposition today? Did you review any documents?

A. I met Mr. Lipton last night.

Q. What did you talk about with Mr. Lipton?

A. Mostly it was to introduce Doug Edwards and Roger Fink.

Q. Had you met with Mr. Lipton before last night?

A. Yes, sir.

Q. When did you meet with Mr. Lipton before last night?

A. I believe -- I'm not positive, I believe it was in April. I'm not for sure.

Q. Of 2006?

A. 2006.

Q. And how did you happen to meet with Mr. Lipton

in April of 2006?

A. He called me.

Q. Okay. And then what happened, he asked to meet you at your house?

A. We met at my house.

Q. And how long did you meet?

A. An hour and a half.

Q. Is that the first time you had ever met with Mr. Lipton?

A. Yes, sir.

Q. And what did you talk about for that hour and a half?

A. What I can recall about working at Pantasote.

Q. What do you recall about that time or did you tell him about working at Pantasote? What did you tell him?

A. I worked in the lab at Pantasote.

Q. Anything else?

A. Clay worked as a reactor cleaner, but before that, he worked as a reactor operator.

Q. Okay. Anything else?

A. I believe he asked me about if there were other persons working at Pantasote during that time?

Q. Anything else?

A. I can't recall.

Q. Did you provide him any documents?

A. Yes, sir.

Q. What did you provide him, if you remember?

A. Safety manual.

Q. We'll get to that. I think it's a safety manual.

A. The job classification, the job list, what different --

Q. We'll get to that. Shift sheet, I call it or shift roster.

A. Yes, sir.

Q. Anything else?

A. I'm sure you have those papers, but I can't.

Q. I probably do. And if that's all you remember, we'll get to some of those.

A. I might recollect it when I saw them, but I can't --

Q. That's all you remember at this time?

A. At this time.

Q. All right, sir, I want to ask you a few questions about your education. What's the highest level of education you've completed?

A. High school grad.

Q. When did you graduate from high school?

A. 1955.

Q. Have you had any formal vocational training?

A. No, sir. I just went to seminars there at the plant there.

Q. On-the-job training?

A. On-the-job training.

Q. Any college courses?

A. No, sir.

Q. These seminars that you went to, I take it they were while you were employed by Pantasote?

A. Right.

Q. And they paid for this training?

A. Right.

Q. What types of classes or seminars did you attend?

A. I went to Rochester, New York regarding respiratory, plant respiratory equipment.

Q. When was that? Do you remember?

A. Probably early '80s. It had to be early '80s. It was '80, '81.

Q. And you indicated that you may have some type of certificates from when you were employed at Pantasote. Are these the kind of certificates?

A. That's the kind I'm talking about, yes, sir.

Q. Anything else besides the seminar on respiratory protection?

A. I went to a seminar in Atlanta, Georgia regarding the, I can't remember, the equipment used it to monitor vinyl chloride.

Q. This would have been area monitoring?

A. Yes, sir. It's a portable unit.

Q. This was not the EOCOM system?

A. (No response.)

Q. Do you know what the EOCOM system was, the 36-point fixed monitoring system?

A. No, sir. This was one --

Q. You carried it with you?

A. -- where I strapped it on my shoulder. I carried it with me.

Q. The Sentry?

A. That's right. The Sentry, yes, sir.

Q. When was that?

A. I don't recall exactly. It was probably around '78.

Q. Anything else, seminars attended?

A. I went to one in Pittsburgh.

Q. What was that?

A. I can't recall. I went with my supervisor at

that time, John Yankuns.

Q. Do you remember when it was?

A. Probably right around 1980.

Q. But you don't recall the subject matter of that seminar?

A. I believe it was a trade seminar, like PPG or someone. I'm not sure about that. Maybe I misspoke there when I called it a seminar.

Q. Meeting?

A. It was a meeting, yes.

Q. Anything else that you remember, meetings or seminars?

A. Not at this time, sir.

Q. Okay. Let me ask you a little bit about the jobs that you've held since you graduated from high school in 1955.

What was the first job you got after graduating high school?

A. I wanted to go to OU, Ohio University and I didn't have money. I was 17 years old and I went to Columbus and the folks didn't have money. At 17, I got a job at APT Company up there and that barely paid the expenses, so I joined the Air Force after about, I think I worked there about nine months and I joined the Air Force, spent four

years in the Air Force.

Q. What did you do in the Air Force?

A. I worked in the water supply, sanitation.

Q. What did you do?

A. I mostly operated water plants here in the US, but I was on Guam for 15 months and I operated the wells and provided water for the base.

Q. Water treatment plants?

A. That's right.

Q. All right. And then you got out of the Air Force in about 1960?

A. Yes, sir.

Q. And then what did you do?

A. I worked for probably six months for Kroger's, and then I got a job at Meigs Water Company.

Q. What did you do at Meigs Water Company?
That's M-E-I-G-S, I assume.

A. Yes, but they were privately owned. They're privately owned.

Q. So it wasn't the county water system?

A. It was a privately-owned water system that provided water from Middleport, Pomeroy to the municipalities up there, but it was privately owned.

Q. Okay. What did you do for them?

A. I started out in the field reading meters and fixing leaks and stuff, and then I worked at the water treatment plant. And I went to get my license and right after that, I got called for an interview at Pantasote, so I never followed up on that.

Q. So you were at Meigs for approximately about three years '62 to '65?

A. That's about right, yes, sir.

Q. When did you start at Pantasote?

A. October '65. That was the startup.

Q. So you were one of the first employees hired in, also?

A. Yes, sir.

Q. Before we get to your employment at Pantasote. I want to ask you a few questions about Mr. Roney. Okay?

A. Yes, sir.

Q. How long did you know Mr. Roney?

A. I met when he hired in at Pantasote. That was the first time I met him.

Q. Okay. Were you social friends?

A. We bowled on a bowling team together one time.

Q. Okay. Did you fish together?

A. No, sir.

Q. Watch sports together?

A. No, sir.

Q. I understand those were his two favorite hobbies. Did your families socialize or visit one another at your homes?

A. No. I met his wife and I know her, but we never socialized.

Q. So mostly you were work acquaintances?

A. That's correct.

Q. Did Mr. Roney ever smoke?

A. Not to my knowledge.

Q. Did Mr. Roney drink alcohol?

A. Not to my knowledge.

Q. Were you aware of any of Mr. Roney's medical problems, specifically diabetes?

A. Yes, sir.

Q. How did you know about his diabetes?

A. When he got in the insurance business, he said it may be hard for him to find another job.

Q. And why was that?

A. Because of his diabetes.

Q. Did you see him after and socialize with him after you both left Pantasote when the plant had shut down?

A. I saw him a couple times at Wal-Mart and that's all.

Q. Did he sell you insurance?

A. No, sir.

Q. Was he your insurance man?

A. No, sir.

Q. So the fact that you happened to see him while he was in the insurance business and he told you about his diabetes, that was a coincidence. That wasn't something that you socialized with him on a routine basis?

A. That's correct.

Q. Did he ever discuss with you the fact that he had sarcoidosis of the liver, spleen and bone marrow?

A. No, sir.

Q. Were you aware that he had filed a Workers' Compensation claim for pneumoconiosis?

A. No, sir.

Q. What job did Mr. Roney hold?

A. When he hired in, I believe he worked as a reactor operator.

Q. Okay.

A. And then he worked as a reactor cleaner.

Q. How long was he a reactor operator, do you know?

A. I think he hired in down there in '66 and I believe probably until '76, probably ten years.

Q. He was a reactor operator and cleaner?

A. Yeah, both at that time.

Q. Okay. So approximately -- he came in as a reactor operator. At some point he became a reactor cleaner. Did he hold any other jobs that you're aware of at the facility?

A. He may have, but I can't recall, sir.

Q. So the only jobs you really ever remember him doing is reactor cleaner, whether it was in the reactor operator classification or reactor cleaner classification?

A. Yes, sir.

Q. And understanding the reactor operator had other functions and duties?

A. That's right.

Q. What else did they do besides clean reactors, do you know?

A. The reactor operator.

Q. Yes.

A. Okay. They charged the reactor and produced, that was the production end of it.

Q. And they were under the supervision of an "A" operator; is that right? They would actually monitor the production. That's my understanding.

A. True.

Q. And the reactor operators primarily charged and primarily dumped the slurry is my understanding.

A. That's true. The "A" operator, we had a foreman that was in charge. The "A" operator monitored the reactors and determined when to dump.

Q. Better term for that?

A. Right.

Q. Did you ever observe Mr. Roney cleaning reactors?

A. Yes, sir.

Q. When did you observe him cleaning reactors?

A. I would go down to monitor the air with the Sentry unit sometimes, and also, personnel monitoring with the Sippen pumps, the charcoal filters.

Q. Understood. We'll get to those. So during that period, you would see him cleaning reactors when you were there doing either area monitoring with the Sentry meter or when you were monitoring or observing him when he had on a personnel monitor like a Sippen pump?

A. That's correct, sir.

Q. Do you remember when that began, when you would have actually observed him in those two job functions you were performing?

A. I believe I -- we started out monitoring him

in '75, '75 I believe. I'm not positive, sir.

Q. That's fair. Did he ever work in a lab?

A. You know, now that you've mentioned, I believe he did.

Q. It was actually somebody else that did?

A. Yeah.

Q. Do you know anybody else that did?

A. No, sir, I can't recall.

Q. What kind of worker was Mr. Roney?

A. He was a good worker. He was conscientious.

Q. Did he follow safety rules?

A. Yes, sir.

Q. Do you know if he was ever disciplined for not following safety rules?

A. No, sir.

Q. Do you know if he was ever disciplined for anything?

A. No, sir. Like I say, he was a conscientious person.

Q. Now, you were a union treasurer. Was he on any union committees that you remember?

A. Yes, sir. He was on the grievance committee.

Q. How long was he on the grievance committee?

A. Probably two negotiations, I think.

Q. Do you remember which two, understanding we're probably on every three-year cycles, right?

A. At least the last two.

Q. Would it be fair then to say from about '76 to '79 and '79 to '82?

A. That sounds right.

Q. And as a grievance committeeman, what was his function on that committee? What did he do?

A. If someone filed a grievance, he would go to him first and we would kind of --

Q. You would investigate?

A. No.

Q. Try to resolve in step one?

A. Yeah, but he would go as a mediator.

Q. Okay.

A. Maybe I misspoke there, too. He was on the -- I said grievance. He was on the negotiating committee.

Q. Okay. Was he also on the grievance committee or just the negotiating committee?

A. I believe he was on the grievance committee early on and the negotiating committee --

Q. The last two?

A. The last two.

Q. Do you know how long he was on the grievance

committee?

A. No, sir.

Q. Sometimes they're --

A. A lot of times they would do both.

Q. But you think he was on the grievance committee even before he was on the negotiating committee?

A. Yes. I think he was a steward.

Q. Do you remember when he became steward?

A. No, sir, but he was a bright individual and he kind of -- you know, there was a few you could go to --

Q. And I think you kind of indicated he was conscientious, which I think is one of the things you would want as the union steward, wouldn't you?

A. Right.

Q. It's my understanding the grievance committee also handles safety grievances; is that true?

A. Right.

Q. So he would also be involved with investigation and resolution of safety grievances?

A. Right.

Q. Did you ever file any safety grievances?

A. No, sir.

Q. Do you know if he ever filed any safety grievances?

A. I don't recall.

Q. We'll get to your union involvement in a couple minutes here. So then other than reactor operator and reactor cleaner and some period of time he may have been in the lab, it probably wasn't a lab, but you just can't remember when, were there any other jobs that he had?

A. We worked when there was overtime and there was a lot of overtime in that plant. If someone in that department refused overtime and that went out of and used the overtime, then they went out of the department and I've cleaned reactors even though I worked in the lab because I agreed to go down and work because they couldn't find persons.

Same thing with the shipping, I worked in shipping and Clay did the same thing. There was a lot of overtime in shipping and receiving. And Clay worked a lot of overtime.

Q. How many employees were at the Pantasote facility when they got up to full production in, let's say, about 1967?

A. Between 60 and 80. I am talking about union employees. There were probably 25 company employees.

Q. So you had 60 or 80 hourly employees, and then another 20 salaried employees?

A. That's correct.

Q. Did that number fluctuate much from beginning to end?

A. No, sir, but we would have some extended layoffs at the plant.

Q. I understand that. I'm looking for, and not so much with the salary employees, but with the hourly employees, did you have any major ramping up during that period of time or did that number stay pretty much consistent, between 60 and 80 hourly employees?

A. Fairly consistent.

Q. All right, sir, you had indicated that you started in October of 1965. Do you recall who hired you?

A. A gentleman by the name of Dr. Danzick. He was over the lab at that time. He's who I interviewed with first, and then Calvin Smith was the plant manager.

Q. Have you spoken with Dr. Danzick recently?

A. No.

Q. When's the last time you spoke with Dr. Danzick?

A. He left there maybe a year or two years after. He just seemed like he was there to get the --

Q. For startup?

A. -- startup. Yeah.

Q. Was he out of Passaic or do you know?

A. There was several out of Passaic down there and I don't know for sure because we never -- he wasn't a very personal individual, but I feel he may have been out of Passaic. I don't know.

MR. GORENC: Let me just clarify something here for the people on the phone. Passaic was where the Pantasote or the corporate headquarters was located in New Jersey.

THE WITNESS: New Jersey, right.

BY MR. GORENC:

Q. When's the last time you spoke with Calvin Smith?

A. Just before he left employment there.

Q. When did he leave?

A. Probably '72 or something like that. I'm not positive.

Q. Calvin Smith just -- just testify to the best of your recollection. That's all we're asking. Calvin Smith was the plant manager, right?

A. Yes, sir.

Q. And then he was replaced by Henry Rzempoluch?

A. Right.

Q. When is the last time you spoke with Henry

Rzempoluch?

A. We shook hands the last day the plant was open.

Q. And that was it?

A. That was it. I think he probably went back to New Jersey.

Q. What's your opinion of Henry Rzempoluch as a plant manager?

A. I liked the man. I didn't quite understand him, but I liked him.

Q. How do you mean you didn't quite understand him?

A. Well, he treated me fairly. I believe he was a good manager, but I don't think he came clean with us about all he knew regarding plant operations.

Q. Such as?

A. Such as the vinyl chloride, right.

Q. And as you --

A. Sometimes, sir, I think, I believe Passaic operated that plant. I believe he took an awful lot of instructions from the Passaic plant.

Q. He did?

A. Yes, sir. I believe Calvin Smith did, also.

Q. Okay. So when you say "they," you're talking

primarily about Calvin Smith and Henry Rzempoluch. Anyone else that took instruction primarily from Passaic?

A. I can't say --

Q. Something you surmised?

A. That's exactly what I'm trying to say.

Q. I guess the next question then is were you ever told or instructed by someone from Passaic in the performance of your job in the lab?

A. Yes, sir, I was.

Q. Who was that?

A. I can't recall, but when I started this monitoring, they came down and told me how to do it.

Q. Was this the area monitoring or the personnel or both?

A. Both.

Q. Do you have --

A. And the man from the EPA in Charleston came down and he gave me all kind of heck because I was doing it like they told me. I can't recall his name now, but he became head of West Virginia EPA. I think it was the EPA.

Q. The person from Passaic, do you recall who that was?

A. The one I worked with directly was Jimmy someone and I can't recall his last name.

Q. Did it relate to the EOCOM system or the installation of the EOCOM system?

A. I don't know, sir.

Q. Do you know what the EOCOM system is?

A. That's the permanent system.

Q. That's the 36-point?

A. Yes, sir.

Q. Was it Joe Copolla? Was that the person's name out of Passaic?

A. I don't recall for sure, sir.

Q. Now, looking back in hindsight, I take it you do not believe that Henry Rzempoluch told you everything about the hazards of vinyl chloride. What did he not tell you --

MR. LIPTON: Objection.

BY MR. GORENC:

Q. -- to the extent you know or believe?

A. We first learned of the hazards through the Goodrich Louisville facility.

Q. We'll get to that, but go ahead.

A. Personally, I think they were aware of the hazards prior to telling us.

Q. Other than your personal belief, do you have any personal information or evidence of what they actually

knew before they told you?

MR. LIPTON: Objection.

BY MR. GORENC:

Q. You can answer.

MR. LIPTON: You can answer. I'm objecting.

BY MR. GORENC:

Q. He's objecting for the record. He doesn't like my question.

A. Well, when they tell you, you know, if you smell it, get out of the area and you read prior to that how hazardous it is, then I felt that -- that we was being deceived a little bit.

Q. Anything else besides if you smell it, you need to get out of the area? Anything else?

A. Regarding the hazards of vinyl chloride?

Q. The hazards of vinyl chloride that you think Mr. Rzempoluch knew and didn't tell you?

A. We implemented the -- according to OSHA and the EPA rules, you know, the government --

Q. Regulations?

A. -- regulations.

Q. We'll get to that. Anything else?

A. That's it.

Q. And when I say anything else, anything else

that you think Mr. Rzempoluch did not tell you, that you believe he did not tell you about the hazards of vinyl chloride?

A. I don't recall, sir.

Q. Okay. You were hired in initially into the lab. Did you hold any other job classifications?

A. I worked in the lab. It was just a lab or quality control lab until '75, I believe it was and I did environmental work, like environmental lab work.

Q. What did you specifically do? What kind of lab work did you do?

A. Early on?

Q. Yeah, early on. Oh, I'm sorry, let me clarify. You were in the QC lab from '65 to '75?

A. Approximately, yes.

Q. And then in the QC lab -- then after that, you went to the environmental. All right. Let's start at the beginning.

A. Okay. QC lab --

Q. '65 to '75, you were in the QC lab. What did you do?

A. We took samples, the reactor operators would bring samples down and we would run tests on them. The specific gravity, a test they called fisheye where you

milled, bulk density, we had heat stabilities, melt points.

Q. And these all related to the quality of the PVC that Pantasote was producing?

A. The material we produced after it was -- what is the word I'm searching for there?

Q. It was either the slurry or the finished product?

A. Slurry.

Q. So you tested the slurry?

A. The slurry.

Q. And the finished product?

A. Yes, sir.

Q. And Pantasote made more than one type of PVC?

A. Right.

Q. How many different formulations did they have? Do you know?

A. Probably -- we produced -- our biggest consumer was Columbia Records at the time when they made the big --

Q. Albums?

A. -- albums.

Q. Yeah. I remember those.

A. And Dodge bought different types of spark plug wires, another type of refrigerator gaskets.

Q. Each type of PVC had a different end product formulation. Some types would work better for some types of products and some types would work better for other types of products. Is that what you're saying?

A. They said a small plant like ours gained a little edge if we would make the material that that consumer wanted, if we would adapt to it.

Q. More like a custom shop --

A. Custom. Yes, sir.

Q. -- versus a commodity?

A. Yes, sir.

Q. Did that also include the vinyl acetate?

A. Yes, sir. The materials like the photograph there.

Q. Right. That was the vinyl acetate?

A. Yes, sir.

Q. Okay. Then in 1975, I understand, you took a different job or at least your duties changed; is that right, or duties were added? Tell me what happened.

A. They were added first.

Q. And what happened in '75?

A. That's when they started monitoring.

Q. The OSHA regulations come into effect and you started doing area personnel monitoring?

A. Right.

Q. And how did your duties change in 1975?

A. I was -- they moved us to another little lab and we got a Hewlett Packard chromatograph.

Q. Gas chromatograph?

A. Yes, sir.

Q. Okay. And then what happens?

A. I worked there until the plant closed.

Q. So were you the primary person involved with doing the analytical work on the personnel monitoring? Did you do the monitoring, the analytical monitoring?

A. At the end. Earlier, we shipped -- packed it in --

Q. Packed them in tubes?

A. -- it in the tubes and send them out, packed them in dry ice and shipped them.

Q. But you were responsible for taking the samples --

A. Yes, sir.

Q. -- including taking the samples on the personnel, making sure the pumps were calibrated?

A. Yes, sir.

Q. Taking the samples once they had been completed, packing them and sending them off to a lab?

A. Yes, sir.

Q. What lab did you send the samples to, do you know?

A. At first we sent it to Passaic and I can't recall the other labs. It was at the same one, that the plant down the river from us. I've got a brain trap. I can't think of the name at that plant either right now.

Q. Now, the HP chromatograph was used for area monitoring, wasn't it?

A. No, sir. It was used for both.

Q. It was for both?

A. Yes, sir. Charcoal monitoring, Tedlar bags we used.

Q. Were you responsible for maintaining that equipment, and by "that equipment," I mean gas chromatograph?

A. Yes, sir.

Q. How about the Sippin pumps, were you responsible for that?

A. Yes, sir.

Q. How about the carbon tubes, did you pack the tubes or did you make the carbon tubes?

A. No. We purchased the carbon tubes.

Q. They were prepacked?

A. Yes. Now, I was under supervision.

Q. I understand. I'm just asking about your specific job. What did you do? I understand there may be somebody supervising. What did you do? Anything else?

A. No, sir.

Q. Were you responsible for maintaining the EOCOM system?

A. No, sir.

Q. Who was?

A. I believe that -- Larry Eshenaur was the instrument man and I believe that was -- I'm not positive, but I think that fell under his duties.

Q. Now, when the samples were sent out to the labs, would you get the reports back or did they go to somebody else?

A. They went to the supervisor first.

Q. Did the supervisor or supervisors provide those results to employees being monitored?

A. Yes, sir.

Q. Now, when personnel samples were taken, it's my understanding, you put the carbon tube on the person's collar close to the breathing; is that correct?

A. Correct.

Q. And the sample would be taken even though that person may be wearing a respirator? Do you understand my

question?

A. Yes, sir.

Q. So the sample would be without regard to any respiratory protection that that person may have been using at the time; is that correct?

A. They donned a respirator and the monitoring lights came on.

Q. Correct. But if they also had a pump on at the same time, that pump would not reflect what he was actually breathing because he's got a respirator on that would reflect what the ambient air reading would be?

A. Later on. Now earlier on, they didn't. We monitored before the respirator became mandatory.

Q. When you first went to work there, were you issued a respirator?

A. No, sir.

Q. When you first went to work there, were you provided coveralls in the lab?

A. No, sir.

Q. How about gloves?

A. We wore gloves in the lab. Yes, sir.

Q. Did you have to wear a hardhat up there?

A. Yes, sir.

Q. In the stack of documents you have there, I'm

going to ask you to turn to Exhibit 24. It's going to be near the bottom of the pile. And I'm going to just pull some of these documents out because I'm not going to ask you about them and people sometimes get a little bit confused going through this stuff.

Exhibit 24 is a plat map. Where was the lab located? And I think the orientation is at the top of the page, I believe.

A. Right in the left side of the warehouse, extreme left.

Q. Okay. All right. Do you see where it says "Former Drum Staging Area" by the warehouse?

A. Yes, sir.

Q. How close to that would the lab have been? There was a locker room back there in that area.

A. No, sir. The locker room was in the northern part.

Q. Of the warehouse?

A. Correct.

Q. Where was the lab at?

A. Right on the extreme left, right toward the dryer building. This area where there's two indentations here.

Q. Could you please put an "X" on there with that

pen to indicate on the bottom there "lab", just put an "X" on the bottom there and put "lab" as a legend.

A. (Witness complies.)

Q. Very good. And is that the area that you performed most of your duties throughout your employment at Pantasote, other than this time you worked overtime?

A. Yes, sir.

Q. How often did you get out into the plant, into the facility?

A. Between '65 and '75, seldom, unless we went to -- we would go get samples.

Q. The samples weren't brought to you?

A. Most were, but some weren't.

Q. So occasionally you'd go out into the plant and you would get samples. How often would you do that? And these would be product samples to do quality control tests, right?

A. Yes.

Q. About how often, once a week?

A. Daily.

Q. Well, how often did they bring the samples to you?

A. They brought the samples every -- we was getting samples every hour on the hour.

Q. Okay.

A. And an expected turnaround on some samples of 15 minutes or so.

Q. Did you do more than one test on a batch?

A. Yes, sir, the fisheye and --

Q. Let me rephrase that. While a batch is being run, did you test that batch more than once?

A. No, sir. It wasn't continuously, a continuous reaction, no, sir. It was charged and dumped.

Q. So when you would do your testing, however, on that particular batch, they would expect a turnaround sometimes in a short period of time?

A. Knowing where to route the batch to, whether it was a good material or what.

Q. Before they sent it to the dryers or the centrifuge, they wanted to know whether it was quality goods?

A. Yes, sir.

Q. But nonetheless, you would still have to go out to the reactor building and take samples once a day, twice a day, how often?

A. We took samples of the -- we sampled vinyl acetate, too, after a shipment. We would have to go down there to take a jar of samples.

Q. Of the vinyl acetate?

A. Yes, sir. We would sample the -- I believe we took the pH, we run samples of the pH on the cooling towers and several like that.

Q. Did you do any raw material sampling of the vinyl chloride monomer?

A. Yes, sir.

Q. And did you do that or did somebody else do that?

A. That was part of the -- at the start of it, that was part of the quality control.

Q. After startup, did you continue to monitor throughout your employment at Pantasote?

A. Well, up to -- yes, one of the tests for vinyl acetate was.

Q. Not the vinyl acetate, I'm asking about the monomer, vinyl chloride monomer?

A. I'm trying to recall. Because we was carrying it in beakers and I recall somebody, a new employee, you'd have to watch, they'd want to put a stopper on it instead of just carrying it and the beaker had to vaporize and you would check it for contamination.

Q. Okay. Go ahead.

A. We checked for contamination. And I can't recall all of that.

Q. Did you do that or did someone else do that?

A. Anyone employed in the lab could do that.

Q. But you specifically recall you have done that, tested the vinyl chloride?

A. I have tested it.

Q. Okay. And, again, other than overtime, all of your work was in the lab?

A. Yes, except plant shutdowns.

Q. I understand. I'm going to say those are like overtime, extraordinary situations?

A. Sure.

Q. Now, you stated that you had cleaned reactors. How many times had you cleaned reactors?

A. Not very many. It wasn't a good job.

Q. Why not?

A. When I did it, it was right after startup. The reactors were ceramic and they didn't want a scratch on them and you used Micarta board and you would peel that off and it was a bad job.

Q. Did you wear a respirator while you did that?

A. Not then because that was early. They would put fresh air in and you would hate that in the winter because you about froze.

Q. When is the last time you recall cleaning a

reactor?

A. Probably no later than '67 or '66. I didn't like that job.

Q. You didn't like that job?

A. No, sir.

Q. Do you remember how many times you actually did it?

A. Less than ten.

Q. Now, sir, you indicated that you were a union member and you were union treasurer. How long were you the union treasurer?

A. Fourteen years, I believe it was 14.

Q. Did you sit on any union committees?

A. No, sir, I did not.

Q. Did you regularly attend union meetings?

A. Yes, sir.

Q. Did the union hold safety meetings? As opposed to the company, did the union hold safety meetings?

A. No special safety meetings.

Q. Do you know who Mr. Lou Beliczky is?

A. Not unless I saw the handwriting, but no, I don't.

Q. I'm going to ask you to turn to Exhibit 6, which is an article, mostly two pages of photos, out of "The

United Rubber Workers" magazine in September of 1974. Have you ever seen that document before?

A. I don't recall if I have.

Q. Did you typically get the URW newspaper, do you recall?

A. No, sir, I don't recall.

Q. So you have never seen this document before either?

A. I won't say that, but I don't recall.

Q. You do recall a Mr. Lou Beliczky coming into the plant sometime in the summer of 1974 and having photos taken?

A. No, sir, I don't.

Q. Now, can you describe what type of safety programs Pantasote had in place at the facility when you first got there?

A. You mean on startup?

Q. When you were first hired, yes, or within two years of startup?

A. They gave us a training manual and we would have short meetings at times, but they were primarily concerned with a spark, not the -- blowing the place up during transfer of resins because that happened on several occasions at other plants, you know.

Q. At other companies?

A. Yes, sir.

Q. You were not issued a respirator, I think you testified to, when you were first hired, correct?

A. Correct.

Q. What did you understand about the safety of vinyl chloride when you hired in? What did you know about it other than it could explode and cause fires, what else?

A. There was a gentleman Henry Rachwel, R-A-C-H-W-E-L, he came down there and he actually brought a container of vinyl chloride into the lab and stuck his hand down in it and pulled it up and it was frosted and went to put it under the sink and he said, "This is short-term frostbite," and he said, "It's perfectly safe. Regardless of what people say, there's no long-term exposure. It will not hurt you."

Now, this was Mr. Rachwel.

Q. When's the last time you talked to Henry Rachwel?

A. He came to the plant occasionally. There was eight of us that went to Passaic for two weeks and trained up there.

Q. When was that?

A. That was in October of '65.

Q. Okay. Do you recall who besides yourself were the eight people?

A. Yes, sir.

Q. Who were they?

A. Merle Strait, Gerald Johnson, I believe Larry Eshenaur. I'm not sure about that now because he may have been gone, Jack Harbor. I know there was a man by the name of Davis, Davis and Jack Harbor left there probably within six years after startup. If I seen that list there, I could tell you who's on it.

Q. I'll tell you what we'll do. We're going to mark this right now as Deposition Exhibit 26.

(DEPOSITION EXHIBIT NO. 26 WAS MARKED.)

BY MR. GORENC:

Q. It purports to be a seniority list. It looks to me like it's dated somewhere around November 12th or 17th of 1980, but I'll ask you what that means.

Now, this is a document that you produced today and this was in your personal possession --

A. Yes, sir.

Q. -- correct?

A. Yes, sir.

Q. Okay. And this seniority list was a seniority list that was developed by the union so that you knew who had

seniority in a particular job, plantwide, so if there would be any bumpings during layoffs, you knew who was first to go and who was first to come back, correct?

A. They usually posted this before layoff.

Q. And in every union shop, this is a very important document.

A. Yes.

Q. What does it mean on the upper right-hand corner when it says, "up and down," meaning when it's posted up and taken down?

A. That's right. The day it was posted and the day it come down, five days there.

Q. Okay. Now, as you look at this document, does it refresh your recollection as to who some of the other folks may have been that went to the meeting at Passaic in October of 1965?

A. Most of them left by this time, were gone, but myself, Gerald Johnson, Norman Scarberry was working the boilerhouse, so he -- I can't recall. I don't remember.

Q. That's fair enough. I understand we're talking 40 years ago. Okay.

All right. What was this meeting about?

A. It was a hands-on experience regarding --

Q. A one-week training program?

A. Well, yes.

Q. Kinda?

A. You observed, and then they got you involved.

Q. Okay. So you were at the Passaic plant and what did you do at the Passaic plant?

A. I worked in the lab up there.

Q. And who did you work for? Perhaps better, who did you work with?

A. (No response.)

Q. Was Henry Rachwel one of the people?

A. He was one of the people. I remember he gave me heck because I wasn't carrying the sample bucket one time and the fellow I was working with up there from Passaic was carrying it and he wanted to know why I wasn't carrying it.

Q. What else did you -- what did you learn?

A. Well, we stayed at the YMCA.

Q. Nothing but the best.

A. It was kind of -- I was overwhelmed at first.

Q. A lot to learn?

A. A lot to learn. Yes, sir.

Q. Did you find it beneficial?

A. Yes, sir, I did.

Q. And did you think it was a good thing to have been invited to it as opposed to being left out?

A. Yes, sir.

Q. Were you expected to go them back to the Point Pleasant facility and train coworkers of the things you had learned?

A. I did.

Q. And it was approximately one week in duration in Passaic?

A. Two weeks.

Q. Two weeks. And did you spend the entire time doing lab-type work, analytical-type work or did you actually do other functions?

A. Just lab work.

MR. GORENC: Does anybody need a break? Would you like a break?

THE WITNESS: I'd like a drink of water.

MR. GORENC: Let's take five minutes.

(WHEREUPON, a brief recess was taken.)

BY MR. GORENC:

Q. All right, sir, before we started talking about the training meeting in October of '65, I was asking you some questions about what you knew and understood about the health and safety hazards of vinyl chloride when you came to the plant and you indicated that it was explosive and you knew that.

Did you learn anything when you were up there in Passaic about the health and safety hazards? And I know Henry Rachwel told you it causes short-term frostbite.

Anything else?

A. I learned about proper handling of it.

Q. And what was the proper handling.

A. I told you about sampling, as far as sampling was concerned.

Q. You don't put a stopper on the top of the beaker?

A. Right.

Q. Anything else?

A. You placed it under the hood in the lab, you know, put it underneath the --

Q. Why would you place the samples under a hood?

A. That was to keep it from evaporating. They told us that. I mean it was --

Q. The vapors, did they tell you that the vapors were not good to breathe?

A. Explosive end was what they hit on, but I don't know, sir. I don't recall.

Q. You don't recall someone telling you it's not good to breathe the vapors coming off vinyl chloride?

A. I don't recall, but I don't think anyone would

do it.

Q. Well, why not?

A. It had an odor to it and it was kinda sickening, really.

Q. How would you describe the odor of vinyl chloride?

A. Fruity, sweet. They actually had a test for vinyl acetate where we'd -- for contamination you would see if you could smell the vinyl in the acetate part to see if it was contaminated.

Q. Were you aware of anyone that intentionally sniffed vinyl chloride monomer?

A. I don't know for sure.

Q. Had you heard of that, people doing that?

A. Yes, sir.

Q. Why would they do that?

A. They.

Q. It may not make sense to you, but why --

A. They got high from it.

Q. Did you ever smell vinyl chloride and get dizzy from inhaling the vapors, you personally?

A. No, sir, but -- not dizzy, but I knew that I wanted to get out of the area.

Q. Were you told that you could get dizzy from

breathing vinyl chloride monomer?

A. Yes, sir, when they was cleaning the reactors.

Q. When were you told that?

A. I believe it passed down through the reactor operators, but they were told if you smell it, it was time to leave out of the area.

Q. Did anyone tell you when you hired in that the standard for vinyl chloride was 500 ppm?

A. I don't recall, sir.

Q. Whether it was a threshold limit value? Do you know what a threshold limit value is?

A. Yes.

Q. What is that?

A. Are you talking about the explosive threshold or breathing threshold.

Q. What is your understanding of threshold limit value?

A. The limit, the safe limit.

Q. Did anyone tell you it was 500 ppm?

A. I don't recall.

Q. You also mentioned something about explosive, the lower limit explosive level. Do you know what that is, LEL, sometimes?

A. LEL.

Q. What is that?

A. That's not the ignition, is it.

Q. What is your understanding of the LEL of vinyl chloride, do you know?

A. (No response.)

Q. Do you think you were told what the level was and don't remember at this time?

A. Yes, sir.

Q. Were you ever told about a syndrome called acroosteolysis, A0 for short?

A. I don't recollect.

Q. Did you ever have your hands x-rayed?

A. Yes, sir. That's what the bone deterioration --

Q. Did anyone ever tell you that that was called acroosteolysis or A0?

A. Now, it hit me.

Q. When did you have your hand x-rayed, do you remember?

A. No, sir. It was after Mr. Rzempoluch was there.

Q. And he started in approximately 1972, to your recollection?

A. I think so, yes, sir.

Q. It could've been before '72, 1970?

A. Possibly.

Q. And you believe that you had your hands x-rayed sometime after Henry Rzempoluch started at the facility?

A. We had our hand x-rays and chest x-rays and I believe after they terminated hand x-rays we would still give blood samples. Now, I'm not positive.

Q. Let's take it a step at a time. You don't specifically recall when you had hand x-rays, but you think it was after Henry Rzempoluch started?

A. Right.

Q. What about the chest x-rays, when were those started?

A. Same time. At first, it was 36-plus.

Q. And you also said that you were given blood tests. When did the blood tests begin?

A. I don't believe they started right at first. I'm not positive.

Q. That's fine. Now, let's go back to the hand x-rays, when you had your hands x-rayed, did they give you the actual x-rays to take to your family doctor or did they give you a report to take to your family doctor or did they not provide you anything?

A. They --

Q. I assume they gave them to you because you said you had them in your possession, you thought?

A. They gave us the report and if you wanted, at your own request, they would send it to your family doctor, if you requested it.

Q. Did you ever request that?

A. No, sir.

Q. How did you happen to come by your hand x-rays?

A. They --

Q. Do you understand my question? How did you get them? Did you ask for them?

A. No, sir. It was mandatory. Everyone in the plant that handled the --

Q. I understand everyone in the plant had their hands x-rayed. My question is how did you get your x-rays as opposed to them putting them in some files, if you remember?

A. You -- the doctor, I believe, we got individual reports and the lab work, I believe, with your name on it, I believe. I don't recall, sir.

Q. Okay. That's fine. At some point, though, you were given your own hand x-rays or at least reports on the x-rays?

A. Reports, yes, sir.

Q. And you could take that to your family doctor, if you chose to?

A. Yes, sir.

Q. Did you take your hand x-rays or your reports to your family doctor?

A. No, sir.

Q. Did you ever have any hand problems?

A. I haven't.

Q. And you don't have any hand problems as we sit here today?

A. No, sir.

Q. Were you told that hand problems could be caused by exposure to vinyl chloride?

A. Yes, sir.

Q. With regard to the hand problems, do you believe that Pantasote told you everything they knew about the hand problems and acroosteolysis?

MR. LIPTON: Objection.

BY MR. GORENC:

Q. You can answer.

A. I don't -- I believe there's more involved than what they told us there, sir.

Q. What do you think was involved?

A. Well, personally, I wondered why our hands and other parts of our body, you know, the chest x-rays and they talked about absorption through the skin at that time along with breathing. There was a lot of questions there. This was before the computer age. We was in the dark is what I would say.

Q. Did you ask your family doctor any of these questions relating to the hands, hand conditions, chest x-rays, absorption? Did you ask him?

A. Truthfully, sir, I never have had a doctor.

Q. But Pantasote gave you these reports to take to your family doctor if you chose to do that, correct?

A. Yes.

Q. Did you ever discuss the hand problems or the chest x-rays or the skin absorption with anyone from the URW?

A. Not personally.

Q. Did others discuss those issues and when I say "others," I mean other hourly employees?

A. I can't recollect, sir.

Q. Are you aware of any grievances filed with regard to the hand x-rays?

A. I'm not aware.

Q. Or the chest x-rays?

A. I don't know who, there was a mention that it

was doing more harm than good, the frequency of the x-rays.

Q. Because of the exposure to radiation?

A. Yes, sir.

Q. Are you aware of any employees that had any problems associated with their work at the Pantasote facility?

A. I believe there was some employees that had to go back and get retested. Whether that was a false reading they got or what, I don't recall.

Q. Do you know if Mr. Roney experienced any hand problems?

A. I don't recall, sir.

Q. Do you know who a Dr. Viola is, ever hear that name before?

A. No, I don't think so.

Q. Were you ever told that vinyl chloride had been linked to cancer in rodents?

A. Yes, sir.

Q. When were you told that.

A. It all came to the front when we first heard of the Louisville Goodrich plant. That's when I believe we first learned a lot.

Q. And that would've been in January 1974?

A. Yes, sir.

Q. We'll get to that. Did anyone from the union ever mention to you a Dr. Viola?

A. I can't recall.

Q. It was reported in November of 1971 that Dr. Viola found cancer in the zymbal glands of rodents based on exposure to vinyl chloride in the 5,000 parts per million. Had you ever heard that before?

A. When you mention it, it sounds familiar, but I can't say for sure, sir.

Q. Do you know when you would've heard that?

A. It was all evolved around the Goodrich thing.

Q. Did you have any exposure levels in the plant at 5,000 parts per million?

MR. LIPTON: Objection.

BY MR. GORENC:

Q. You can answer.

A. Possibly if a seal blew or something.

Q. Did you ever have any readings that high?

A. No, sir.

Q. You had a deluge system in the plant, didn't you?

A. Yes, sir.

Q. How did the deluge system work?

A. I don't recall, sir.

Q. It was -- do you know what level set off the deluge system?

MR. LIPTON: I'm going to object as to timeframe.

BY MR. GORENC:

Q. Do you know when the deluge system was put into place?

A. No, sir, I can't recall.

Q. A deluge system is basically a massive amount of water to put out any kind of fire or a dangerous condition, right?

A. Yes, sir.

Q. And it would come on automatically, right?

A. Yes, sir.

Q. Do you remember the deluge system ever firing at the Pantasote facility in Point Pleasant?

A. I believe so, but I'm not certain. I'm not certain.

Q. And you don't know what level the deluge system was set at, like how many parts per million before it went off, do you?

A. No, sir. That wasn't my area.

Q. Okay. That's fine. If you had been told in November of 1971 that vinyl chloride caused cancer in the

zymbal glands of rodents at 5,000 ppm's, would you have continued to work at Pantasote?

MR. LIPTON: Objection.

THE WITNESS: Yes, sir.

BY MR. GORENC:

Q. Did anyone ever mention to you a Dr. Maltoni?

A. I don't recall the name, sir.

Q. And you don't recall the union ever mentioning a Dr. Maltoni, do you?

A. I can't recall.

Q. I will represent to you that sometime in April of 1973, Dr. Maltoni reported that he found angiosarcoma of the liver in rodents at 250 ppm. Had you ever heard that?

A. No, sir.

Q. If you had been told in April of 1973 that vinyl chloride caused angiosarcoma of the liver in rodents at 250 ppm, would you have continued to work at Pantasote?

MR. LIPTON: Objection.

BY MR. GORENC:

Q. You can answer.

A. Yes, sir. It was a good job.

Q. Now, you said a couple times here that you were aware that angiosarcoma was found in the Louisville workers at B.F. Goodrich. When did you first learn that?

And I'll represent to you, it was approximately January of 1974 when that was first announced.

A. I believe through the union.

Q. You heard it through the union?

A. I think so, sir.

Q. How quickly did you hear it through the union, do you remember, January or sometime later in 1974?

A. I don't recall.

Q. What did the union tell you about those findings?

A. They wanted us made aware. Awareness, I believe is what they were trying to convey to us, be aware of what was going on.

Q. Did you have any meetings at the union to discuss that?

A. I don't recall any special meetings.

Q. All right, sir, I'm going to ask you to look at Exhibit 7 right there next to you, that big thick packet. Do you recall receiving that letter, sir, Exhibit 3?

A. Yes, sir.

Q. And that's a letter from Henry Rzempoluch dated?

A. March 7th, 1974.

Q. I'm still turning to it, sir. Did you

personally receive that letter?

A. I believe it was posted.

Q. It was not sent to peoples' houses?

A. I think it was posted.

Q. Was this one of the documents that you provided to Mr. Lipton?

A. Yes, sir.

Q. So this is one of the documents that you saved as well as the shift report, and then we'll get to a few others?

A. Yes, sir.

Q. Okay. Good. When you first received this letter, and I understand that it was posted, did you have a meeting with the union regarding the contents of this letter?

A. I don't recall, sir.

Q. Did you have a meeting with management regarding the contents of this letter?

A. Mr. Rzempoluch had a meeting.

Q. Was it an all-hands, meaning everybody?

A. Each shift, yes.

Q. What did he tell you?

A. I said it was posted. It may have been given out to us at that meeting.

Q. Okay. That's fair enough.

A. He just basically said we're learning more and more.

Q. Did you feel he was taking this issue seriously?

A. Yes. I believe he had to.

Q. Do you feel the company, overall, was taking the issue seriously?

A. It seemed like everything opened up right then. Yes, sir.

Q. It indicates in here that they were purchasing an instrument capable of monitoring extremely low concentrations of vinyl chloride vapor and parts per million, do you see that? I'm looking at the second sentence in the first paragraph.

A. Yes, sir.

Q. At this period in time, was this when you began doing testing with the Sentry meter?

A. Yes.

Q. That's the equipment he's talking about?

A. Yes, sir.

Q. This was sometime in 1974, early '74 that they purchased the Sentry meter?

A. Yes, sir.

Q. And you were responsible for taking the

readings?

A. Yes, sir.

Q. Where did you take the readings?

A. Walked through, did a walkthrough in the reactor building, possible leaks in the valves or the manway gaskets or reactors and so forth. It was for safety, but it was also to prevent downtime.

Q. Prior to the purchase of the Sentry meter, had they ever had any other type of equipment that Pantasote used to discover things like leaks in the equipment?

A. Passaic came down with a -- I can't put a finger on it, an old chromatograph of some sort and they used Tedlar bags to get samples and they ran samples. I think this was more EPA.

Q. Okay. But did you ever recall prior to this time monitoring the reactor building for possible --

A. We had no reason to do that.

Q. Just whatever Passaic brought down and it wasn't for this purpose?

A. That's correct.

Q. The Tedlar bags were for emissions?

A. Right.

Q. Besides the reactor buildings, did you test any other buildings?

A. Yes, sir. We walked through the dryer buildings, the slurry tanks where they dumped the reactor. We checked the sphere.

Q. You had a lot of problems with that?

A. Yes, you did, but they wanted us to stay on top of it.

Q. Anywhere else? Did you test the lab?

A. They installed -- prior to this, the mills were not vented and they installed vents overtop of the mills, but prior to that, you were breathing this up until they installed the vents and two hoods.

Q. Those were in the lab?

A. Those were in the lab.

Q. Okay. I understand what you're talking about, so then they put hoods over those?

A. Yes. Prior to that, we did have two sample tables with the glass doors.

Q. So you also sampled within the lab. Okay. Anywhere else? Did you sample within the boiler room?

A. That was pretty much, it was almost like the office, the boiler room was. It was far enough away that I don't recall ever getting a reading over there, but we did monitor the utility operator.

Q. So is it fair to say when you got the Sentry

meter, you tested the entire plant? Whether you found a reading or not, you tested the entire plant just to see?

A. We once got a railroad car that turned, rolled over down in Point Pleasant.

Q. So you used that also as a safety device?

A. That's right.

Q. Do you recall what any of the readings were?

A. Yeah. They were five to about -- you'd get an alarm.

Q. How many leaks and how many exposures did you find with these samples?

A. The first finding where it was -- oh, we really improved. That instrument was a great instrument.

Q. It was worthwhile?

A. Absolutely.

Q. Now, also, within this letter they talk about the hand x-rays that we've talked about, the cold tests. And does this reference of the hand x-rays and cold tests help you to identify when this program began or not? This letter is dated in '74, was it sometime prior to this letter or consistent with this letter?

A. The hand x-rays?

Q. Yeah.

A. I can't recall whether it was before. I can't

recall, sir.

Q. It also indicates here that there were urine tests and 22 various blood tests pertaining to liver and bodily functions. Do you remember if that program had been begun before or after or consistent, contemporaneous with this letter?

A. I can't recall.

Q. And it says, "The results are returned to us. They are available to employees who wish to discuss them with their doctor."

Do you remember you were told this or at least were told in this letter?

A. Yes, sir.

Q. They talk about 50 parts per million. Do you remember a discussion regarding that?

A. Yes, sir. Mr. Rzempoluch discussed that with us.

Q. Do you remember if Mr. Rzempoluch believed that 50 parts per million was a reasonably obtainable standard in the Pantasote facility?

A. As I recall, he said that was the table, that we would have to work at it.

Q. Did he say how far above 50 parts per million he thought you were at the facility, understanding that

different areas are obviously going to be different?

A. No, sir. I don't remember.

Q. Okay. And he talks about they're in contact with four manufacturers capable of making equipment which could continuously monitor the atmosphere and sense the atmosphere for the monomer concentrations. I guess that was the EOCOM system that was ultimately installed?

A. That could be or possibly the Sippin pumps.

Q. So this may also be not just talks about continuous monitoring of the atmosphere, but you also think, maybe, that includes the Sippin pumps?

A. I think that was included.

Q. Is there anything in this letter that you do not believe is accurate?

MR. LIPTON: Objection.

BY MR. GORENC:

Q. You can answer.

A. Well, the part there, the example there where you worked one at zero and one at 100 parts and it equaled out to 50 parts, that didn't make sense to me right from the start.

Q. Do you know what time-weighted average is?

A. Yes, sir.

Q. How do you determine time-weighted average?

A. Parts per million times the hours or minutes over and eight-hour period.

Q. So are you saying that, medically, this didn't make sense to you or that you believe --

A. It just -- if you were overwhelmed with 500 parts and you didn't breathe it, just because you walked through the area in five minutes, it didn't make sense to me that that didn't hurt you.

Q. Was it Pantasote that came up with the time-weighted average or was that the standard that was set by the government?

A. I believe that was OSHA. I'm not positive.

Q. I want to ask you next to turn about four or five pages in there to turn to what we have called the training manual.

Okay, sir, is this the document you provided to Mr. Lipton?

A. Yes, sir.

Q. When did you get this document?

A. I believe this was -- I want to say at startup, but I'm not for sure, sir.

Q. I'll tell you why I have a little bit of confusion. Do you see that handwritten --

A. Seventy-five up at the top?

Q. Yeah. Is that your writing?

A. No, sir. I think that's where somebody gave that copy to me, a supervisor or someone?

Q. And was there a cover page to this? I mean, obviously, the cover page is not part of the exhibit.

A. There was a green cover, a hard binder on it.

Q. And you think this may have been around at startup?

A. If this one wasn't, it was one like it.

Q. May have been an earlier edition?

A. It covers grounding. See, if you notice here, sir, that's what it covers mostly.

Q. And there's also some paper and pencil tests in here where they ask you questions. Do you specifically recall them giving you paper and pencil tests?

A. I think this was not a class, but it was a meeting.

Q. How often did you go to these kind of training classes?

A. I don't recall having anything other than this. This is the most extensive one I recall.

Q. And that was when you hired in?

A. I think so, sir.

Q. Did you have any follow-up-type safety

meetings later on similar to this when you would sit down and have an actual safety meeting?

A. We had update meetings.

Q. How often did you have the update meetings?

A. I believe we tried to have a safety meeting once a month. From what I remember, we would either come in early or stay late.

Q. Now was that true for the entire time you worked at Pantasote?

A. I think. I raised my right hand there. I don't want to say something I --

Q. I understand. I asked you to the best of your recollection.

A. Okay.

Q. All right. Now, we talked a little bit about personnel monitoring and you were --

A. Well, I wasn't in charge.

Q. I understand. I misspoke. You were involved with the Sippin pumps and you thought someone else was actually involved with the EOCOM system. And I'm sorry his name was?

A. I believe Larry Eshenaur.

Q. How do you spell his name?

A. I believe it's on the sheet there.

Q. I see, it's with an "E"?

A. Yes.

Q. When's the last time you spoke with him?

A. You know, I haven't seen him since the plant closure.

Q. His father was one of the people that worked in the lab with you?

A. His father was a prominent doctor here that died in a plane crash in the '70s, I'd say.

Q. So he was the one that would've kinda been more responsible for the area monitoring. You were more responsible for the personnel.

A. He was responsible for the calibration --

Q. Of the EOCOM?

A. -- and upkeep of the EOCOM. I believe so. Now, sir, I'm not positive.

Q. You did testify about doing the Sentry meter, you did that?

A. Yes, sir.

Q. How often did they do personnel monitoring?

A. I believe the reactor people had to have it once a month, I think. If they got a high result, they had to go back within a day or two and do it again.

Q. You indicated this started in about 1974?

A. I believe so.

Q. And they would go about once a month?

A. Yes, sir.

Q. But if they had a high result -- what was a high result?

A. I believe a ten over an eight-hour period.

Q. A time-weighted average, a TWA over ten?

A. Yes, sir.

Q. Do you believe the personnel monitoring program was an effective program, it did what it was designed to do?

MR. LIPTON: Objection.

THE WITNESS: In conjunction with the Sentry, together, I think it was.

BY MR. GORENC:

Q. And it improved the safety of the plant?

A. With everything mixed together, I believe it did.

Q. And reduced the exposure levels of vinyl chloride to the workers?

MR. LIPTON: Objection.

THE WITNESS: I think so, sir.

BY MR. GORENC:

Q. Were you aware that Pantasote got an

accommodation from OSHA for the EOCOM system? Have you ever been told that?

MR. LIPTON: Objection.

THE WITNESS: I don't recall.

BY MR. GORENC:

Q. And I think you previously testified to the light system? I think. Maybe I'm confused. Was the EOCOM system linked to a series of warning lights?

A. Yeah. It had a blue light --

Q. Blue, yellow, red?

A. Yes, sir.

Q. Where were the lights located?

A. Overhead.

Q. In what buildings?

A. In the reactor building.

Q. Anywhere else?

A. I don't think so, sir. I think it was just the reactor building.

Q. Okay. The reactor building then would be considered a restricted area?

A. Yes, sir.

Q. Do you remember any signs posted in the restricted area that said, caution, cancer suspect agent, vinyl chloride or restricted cancer suspect agent,

respiratory equipment required?

A. I don't recall that. I want to say yes, but I can't recall it.

Q. In the reactor building, what type of ventilation did they have?

A. Forced air.

Q. It's my understanding they had forced air unit.

A. Large fans.

Q. On the wall?

A. On the wall, and then they had it covering a large --

Q. Were those fans to exhaust air into the building or to exhaust air out or both?

A. We had -- like I said, later, I think they had that -- at first it was forced air that I believe was vented through the roof.

Q. Ventilation was not your area of responsibility?

A. No, sir.

Q. I think we also talked about medical monitoring from the standpoint of blood testing and so forth and you thought those started when? I think I asked you that, but I don't know what your answer was. Was it after

'74 or before '74?

A. About that time.

Q. How often did you have the blood test?

A. It depended on where you worked. The reactor operators and cleaners would be tested more frequently than personnel in the warehouse or lab.

Q. And they were how often, do you know?

A. No, sir.

Q. How often were you tested?

A. Every six months at first.

Q. Now, who was -- you indicated you were hired by a Mr. Danzick, and then at some point, you had other supervisors, I would take it, in the lab.

Who was your supervisor after Mr. or Dr. Danzick? And I think it was Doctor.

A. I can't recall the first one we had there. We had -- I had John Yankuns was the -- we came in at about the same time.

Q. Early, late '60s?

A. Probably.

Q. Was he your supervisor through most of your time there?

A. He was the supervisor of the lab.

Q. Right, of the lab. He was your direct

supervisor?

A. Yes, sir.

Q. How long was he your supervisor?

A. I don't recall, eight, ten years.

Q. When's the last time you spoke with him?

A. About a week after plant closure.

Q. And you haven't spoken with him since. Is he still living, do you know?

A. He moved to Florida. I think he owns a bar. Yeah, I think he has a son in this area.

Q. Other than you and Larry Eshenaur, who else worked in the lab?

A. Larry didn't work in the lab. Larry was a --

Q. You said he was an instrument --

A. Maintenance supervisor.

Q. I understand. Who else worked in the lab with you?

A. Well, Clarence Shinn, and then he went to the warehouse, Bob Newell, Wade Randolph worked in the lab.

Q. And he was the union president?

A. Yes, sir.

Q. Was he an effective union president --

MR. LIPTON: Objection.

BY MR. GORENC:

Q. -- in your estimation?

A. I think so.

Q. When's the last time you spoke to Mr.

Randolph?

A. He relocated when the plant closed, so I haven't seen him since the plant closed.

Q. When's the last time you spoke with Mr.

Newell?

A. A year ago.

Q. What did you talk about?

A. Well, we grew up in the same area.

Q. But you didn't talk --

A. We talked about what he was doing, just I've seen him in Wal-Mart, too, several times. There was several others there that worked in the lab. There was a lot of moving around. The guys would bid on a job and if they didn't like it, they would re-bid.

Q. Anyone else work in the lab?

A. Oh, yes. We had two per shift, so -- plus, Bob Newell and I were day operators, daytime operators called the "A" operators, so there were ten lab operators, ten lab personnel.

Q. Two for each shift?

A. Two per shift.

Q. So did you rotate with the production shift?
Were you on the same schedule as the production shift?

A. When I first -- until I got -- they didn't have this day lab job until probably I think Henry Rzempoluch initiated that. Prior to that, we just had the shift lab personnel.

Q. All right, sir, I'm going to ask you about closure of the plant. When did the plant close?

A. I think it was march or April.

Q. In 1982.

A. Yes, sir, I believe there was eight of us that worked up to, that shut the plant down.

Q. So you were one of the last ones to go?

A. Yes, sir.

Q. Did you receive any unemployment benefits?

A. Yes, sir.

Q. Did you receive any type of severance benefits other than unemployment?

A. Yes, sir.

Q. Did you receive a lump-sum pension or did you opt to take it?

A. I received it. Basically, I didn't take it until later and I cashed it because they changed SS.

Q. Did you receive medical benefit continuation?

A. Yes, sir.

MR. GORENC: Let's take a break at this point in time.

(WHEREUPON, a brief recess was taken.)

BY MR. GORENC:

Q. All right, sir, I'm going to ask you a few questions about my client General Tire, but before we get to that, you had indicated that your supervisor in the lab was Mr. John Yankuns.

A. Yankuns.

Q. Was he your only supervisor that you had in the lab?

A. When I was doing the environmental work, Montez Beer.

Q. Montez Beer was the plant engineer?

A. Right.

Q. Sp with regard to environmental matters, you had reported to Montez Beer. With regard to analytical sampling of personnel monitoring, you would report to Mr. Yankuns?

A. Or parameter sampling or something like that.

Q. Okay. All right, sir, did you ever speak with anyone from General Tire regarding the safety or health hazards of vinyl chloride?

A. Yes, sir.

Q. Who did you speak with?

A. Jim Sapak.

Q. What did Mr. Sapak tell you?

A. Nothing different than a general line of thought. I don't recall anything specifically that he said.

Q. When did you speak with him?

A. He came down and stayed there the last, oh, '78, '77, maybe, clear up through the plant closure.

Q. So by this time, you had already been subject to the OSHA regulations and you had already been subject to the area monitoring was in place and the personnel monitoring was in place and everything else that is required under OSHA standards?

A. Yes.

Q. And you had not spoken to anyone prior to Mr. Sapak in around '77?

A. As I recall, he's the only one I ever spoke to.

Q. Did you ever speak with any representative from any other company relating to the safety of vinyl chloride other than the Pantasote employees or Mr. Sapak?

A. I went to a meeting there, it seemed like in Pittsburgh for PPG. It was a trade thing, but I don't

recall, sir.

Q. When was that, you said it was 1980 or so?

A. John Yankuns and I went.

Q. I think you testified it was about 1980?

A. I think right in there.

Q. But nobody else, no other companies that you're aware of?

A. I can't recall that.

Q. Okay. Did you ever receive any documents from General Tire relating to the safety or health hazards of vinyl chloride?

A. I don't believe so.

Q. Did you ever receive any documents from any other company relating to the health hazards of vinyl chloride other than what you may have received from Pantasote?

A. Are you talking direct correspondence.

Q. Did you receive -- yes.

A. Nothing direct, not that I recall.

Q. What do you mean direct. Either you received it or you don't.

A. I read what other companies were saying, but I didn't received it directly from that company or I just read the newspaper, maybe. I don't know.

Q. I understand. But you never received any direct communication in a documentary form from any other company regarding the health and safety of vinyl chloride other than what you may have read in newspapers?

A. I don't recall.

Q. Sir, I'm going to briefly ask you to turn to be Chemical Safety Data Sheet SD 56, 1954 edition.

Have you ever seen that document before, sir?
Actually, back it up.

A. Oh, this is eight here.

Q. No. It's the wrong eight.

A. This one here. Okay.

Q. Had you ever seen that document before, sir?

A. Yes, sir.

Q. Where had you seen that document?

A. In a book we had at the plant.

Q. You're saying that document was in a book at the plant?

A. It was in a safety manual or book. It was a huge book.

Q. When do you recall seeing that document? Look at it carefully.

A. I don't recall. It was there, but I don't recall using it.

Q. Do you ever recall reading it?

A. Yeah. I looked at it back then.

Q. When you say "back then," when would that have been?

A. It was after '74.

Q. So you believe you saw this document after 1974?

A. Yes, sir. It was in a --

Q. A large book.

A. -- a large book.

Q. Have you ever seen a Material Safety Data Sheet?

A. Yes, sir.

Q. Can you describe for me what a Material Safety Data Sheet is?

A. It's like a -- it tells you the hazards and the components of the material. Is that what you're referring to, sir?

Q. The Material Safety Data Sheet, it's kept in a large book?

A. I believe so, yes, sir.

Q. Is that the same book that you're talking about as seeing the document before you that's been marked Deposition Exhibit 8?

A. I'm not positive, but I think it's the same thing.

Q. So you believe there was another book that contained documents such as Deposition Exhibit 8 that was available besides the book on Material Safety Data Sheets.

A. We had a book on material handling.

Q. Is that the book that contained Deposition Exhibit 8?

A. No, sir, I don't think so.

Q. What was the title of the book that contained Deposition Exhibit Number 8?

A. It was a big ol' blue binder on it. It was a big ol' book. I think they had two in the plant.

Q. What else was in that book?

A. You had access to it, but it wasn't -- I believe there was one in the foreman's office and I believe there was one in the front office, but I'm not sure unless you were going to specifically look up something, which I don't think any of us were using it that much. You know, I don't recall.

Q. Do you recall what else was in the book besides Deposition Exhibit 8?

A. Yeah. The other chemicals like vinyl acetate.

Q. Used in the facility?

A. Yeah. Now, the other question you asked me about material handling, they were different. That was a more updated version or something.

Q. This particular document was published by the Manufacturing Chemists' Association, do you see that?

A. Yes, sir.

Q. Were the other documents in the materials book also published by the Manufacturing Chemists' Association?

MR. LIPTON: I'm going to object. Are you referring to the blue binder or the materials safety handling book?

MR. GORENC: I was asking about the material binder.

BY MR. GORENC:

Q. Let me restate this. You've got two books. One is a material binder that contains updated versions of information relating to the materials in the plant?

A. Shipping and handling.

Q. Were those documents in that blue binder, let's call it the materials binder, were those documents published by the Manufacturing Chemists' Association and there was also a blue binder?

A. Well, that's what I'm referring to, the big book.

Q. And it was a blue binder?

A. It had a blue --

Q. Cover on it.

A. Right.

Q. Were all the documents in that blue binder then published by The Manufacturing Chemists' Association?

A. I think so. It contained much more information than what we needed. It covered, it seemed like, a lot of chemicals that weren't even in the plant.

Q. And that document was kept in the foreman's office?

A. I think there was a copy in the foreman's office and one in -- there were two copies, sir.

Q. And you recall at least looking at that book. How often did you look at that book?

A. Not often, sir.

Q. Did you specifically read that document that's marked as Deposition Exhibit 8?

A. After I became aware of vinyl chloride, I did.

Q. After 1974. Now, there was another book that was kept in the facility that was called something else. And what was that book?

A. I want to say material handling or something like that. I don't recall for sure, sir.

Q. And that book was in the shipping and receiving office?

A. There was a copy in the foreman's office. It's smaller. It was like hazardous material.

Q. And what did that book contain?

A. Handling of vinyl chloride, vinyl acetate and the catalysts we used to initiate the reactors.

Q. And who was the author of the documents in that smaller binder?

A. I don't know, sir.

Q. Was it the Manufacturing Chemists' Association?

A. I don't know, sir.

Q. I'm going to ask you to look at Deposition Exhibit 9. Was that document, which is Chemical Safety Data Sheet SD 56 revised 1972, was that document in the large binder or have you ever seen that document before?

A. They all look so much alike, I can't separate them. I can't do it.

Q. I want you to look at the next document, which is Deposition Exhibit 10, Chemical Safety Data Sheet SD 56. It's got a sticker on it. Do you see that on the front?

A. Yes, sir.

Q. Do you recall seeing that document before?

A. I believe so, sir.

Q. Were you ever told that the American Conference of Governmental Industrial Hygienists evaluated the most recent available industrial experience toxicity data for vinyl chloride and revised the TLV from 500 ppm to 200 ppm, were you ever told that?

A. I was made aware of that, but I don't know how.

Q. Did you specifically read this document and learn from reading this document?

A. Perhaps, but there's info from various places and I can't --

Q. Do you remember when you saw this document?

A. After.

Q. After 1974?

A. Yes, sir.

Q. Were you also told that Dow Chemical Company has an allowable time-weighted average for industrial exposure to vinyl chloride of 50 ppm, were you told that?

A. I was aware of that.

Q. You were aware of that through reading this document sometime after 1974?

A. I don't know how I became aware of it, but I was aware of it.

Q. Were those documents, Exhibits 8, 9 and 10 ever produced for training?

A. I can't remember.

Q. Were they ever posted?

A. I think they were available if people wanted to learn, but I'm not sure if they were posted.

Q. Do you know if Mr. Roney ever saw those documents?

A. I don't know for sure, but it's very possible he did.

Q. You don't know for sure. Did you ever see him actually look at the documents?

A. I don't know, sir.

Q. You said that they were available and they would've been available sometime after 1974.

MR. LIPTON: Objection. That's not the testimony.

BY MR. GORENC:

Q. When were they available?

A. After OSHA become active in it.

Q. Do you have any information that General Tire ever supplied vinyl chloride to the Point Pleasant facility?

A. Not for certain.

Q. Do you have any information about any supplier

of vinyl chloride to the Point Pleasant facility?

A. Through observing.

Q. Who did you observe that provided vinyl chloride monomer to the Point Pleasant facility?

A. PPG.

Q. Anyone else?

A. I know we had other suppliers, but PPG was a major one. They had the barge and railcars, but occasionally we'd get a truck shipment if we were running low on monomer, but I don't recall the supplier.

Q. You were not hired by General Tire, were you?

A. No, sir.

Q. And General Tire did not pay your wages, did they?

A. They bought the plant there at the end.

Q. I understand that. Did you receive checks from the General Tire and Rubber Company?

A. I believe I received checks from Pantasote, but the checks looked different after General Tire. They were a different size and everything.

Q. Did they have the General Tire name on them?

A. I don't recall, sir.

Q. Were they drawn on a General Tire checking account, if you know?

A. Not to my knowledge.

Q. Did General Tire withhold taxes from you?

A. They were checked off. The checks I received, that goes back to your previous question. I don't know, sir.

Q. Did General tire issue you a W-2 form?

A. I believe it was Pantasote. General Tire bought a controlling interest, isn't that right, sir?

Q. I can't answer your questions. It's based on your understanding. The simple question is did General Tire issue you a W-2?

A. I don't know, sir.

Q. Did you ever receive a pension from General Tire?

A. At the plant closure, I believe the pension was Pantasote.

Q. Did you ever receive medical benefits from General Tire?

A. Not unless they were all united, I guess, when Pantasote and General Tire became one there.

Q. Did General Tire execute your collective bargaining agreement?

A. They had representatives.

Q. Did General Tire execute your collective bargaining agreement?

A. I don't know, sir, for sure.

Q. Did General Tire participate in grievance committee meetings?

A. Only through their representative Mr. James Sapak.

Q. Did he participate and sit on grievance committee meetings?

A. None that I was involved.

Q. Did he sit in collective bargaining negotiations?

A. Not to my knowledge.

Q. And he did not supervise you, did he?

A. Although he had a lot more authority, he treated me more as a peer.

Q. He did not supervise you, did he?

A. (No response.)

Q. I mean these are relatively simple questions. I'm not trying to trick you. It's a simple question.

A. He would ask for certain test results, but he never -- I mean I was expected to provide them to him. That's as far as I can go.

Q. And if you didn't, you'd be disciplined?

A. I never thought about that.

Q. Would he have been the person disciplining you

or would it have been Pantasote?

A. Probably the plant manager.

Q. The plant manager would have come to talk to you?

A. More than likely.

Q. He did not have the authority to fire you, did he?

A. No. He maintained an office there, but I don't --

Q. The question was he did not have the authority to fire you? If you'd answer the question, it's easier and it'll go a little quicker.

A. Not to my knowledge.

Q. The document you provided to us marked as Exhibit 4, the training manual, do you see that?

A. Yes, sir.

Q. That is not a General Tire document, is it?

A. This is prior to General Tire.

Q. I want you to turn to page 31. Do you remember being told the information on page 31?

A. This was as I told you earlier, Mr. Rachwel said with short-term exposure, there was no long-term consequences, but he did make a statement, sir, "It's not a question of what you've been told, it's what you may hear."

He told us that.

Q. Did he also tell you that detectable odor vinyl chloride exposure should be limited to a very short period of time?

A. Yes, sir.

Q. Did he also tell you for moderate exposure use face gas mask and compressed air cylinder -- I'm sorry, for moderate exposure use full-face gas mask with a compressed air cylinder?

A. We didn't use those.

Q. But you were told that?

A. We were told that if you could smell vinyl chloride, it wasn't good for you. That's about as far as --

Q. Did he tell you that concentrations higher could kill animals in a very short period of time?

A. Yes, sir. They were worried about you getting dizzy and falling and hurting yourself.

Q. Did they tell you it could also kill animals in a very short period of time?

A. I believe so. I'm not for certain, sir.

Q. Did General Tire provide you any tools in the performance of your job?

A. Not directly, sir.

Q. Were you aware of an incident involving a

cloud of vinyl chloride covering the valley?

A. At that train wreck there was vinyl chloride and it closed Route 62 going to Point Pleasant, but that wasn't on Pantasote property. I was there because of the monitoring.

Q. When did that occur?

A. Probably '76, somewhere in there.

Q. There was a train derailment in 1976?

A. I --

Q. Could it have been earlier than that?

A. Could go either way.

Q. And it was much publicized?

A. It was in the newspaper.

Q. Were you aware of anybody in the facility getting dizzy or passing out?

A. Yes.

Q. Who?

A. Robert Holley.

Q. Tell me about Robert Holley?

A. His daughter killed him.

Q. Other than that. I'm more interested in -- we heard it was his wife, by the way, but that's okay. Other than that.

A. I'm sorry.

Q. That's okay.

A. He was cleaning a reactor and he passed out in the reactor and I believe it was Jerry Myers that went down the ladder into the reactor and carried him out.

Q. Was Mr. Roney involved in that?

A. I don't think so.

Q. Did you ever hear Mr. Roney was involved in that, got dizzy and fell down a flight of steps?

A. I don't remember, sir.

Q. When did that occur?

A. The incident with Holley?

Q. Yes, sir.

A. That was prior to -- it was probably around 1970.

Q. Was General Tire involved with any personnel monitoring in the facility?

A. The only contact -- not to my knowledge. You wanted a shortened answer there. Mr. Sapak is the only one I worked with from General Tire.

Q. He's the only person at General Tire you have any knowledge of, correct?

A. They had personnel come down there, but I didn't --

Q. You don't know them?

A. I never met them.

Q. Are you aware of the nature of the claim being asserted in this case by Mr. Roney and his family against General Tire?

A. I'm aware that it's regarding the angiosarcoma because of the vinyl chloride.

Q. Have you ever heard of a deliberate intent claim in West Virginia?

A. I have no idea.

Q. Let me ask you this. Who at General Tire consciously, subjectively and deliberately intended that Mr. Roney die of angiosarcoma of the liver?

MR. LIPTON: Objection.

THE WITNESS: I don't know, sir.

BY MR. GORENC:

Q. Who at Pantasote consciously, subjectively and deliberately intended that Mr. Roney die of angiosarcoma of the liver?

MR. LIPTON: Objection.

THE WITNESS: I believe management was negligent in informing us -- this is my personal opinion -- of the hazards as they knew them.

BY MR. GORENC:

Q. What specific unsafe working condition at the

facility presented a high degree of risk or probability that Mr. Roney would die of angiosarcoma of the liver?

MR. LIPTON: Objection.

THE WITNESS: His duties in the reactor building.

BY MR. GORENC:

Q. There were others also doing those same reactor cleaning duties, weren't there?

A. Yes, sir.

Q. In fact you yourself were exposed to vinyl chloride in the performance of your duties, weren't you?

A. Yes, sir.

Q. Are you had cleaned reactors in the past, hadn't you?

A. Yes, sir.

Q. Are you aware of anyone other than Mr. Roney who has died of angiosarcoma of the liver?

A. I have questioned the death of one of the employees.

Q. Are you aware of any person who has died from angiosarcoma of the liver?

A. He was never diagnosed with angiosarcoma of the liver.

Q. So the answer would be no, you do not know of

anyone else who was diagnosed with angiosarcoma of the liver?

A. Not for certain.

MR. LIPTON: I'm going to object here because he's indicated that the diagnosis wasn't angiosarcoma and there's a difference between the diagnosis and what the actual cause of death is.

MR. GORENC: I'm almost done sparring here and as soon as we're done, you can ask him that.

MR. LIPTON: Spar on.

BY MR. GORENC:

Q. The answer is you do not know of anyone else who has been diagnosed with angiosarcoma of the liver?

A. As far as diagnosed, no.

Q. And, of course, you're not a doctor, so you wouldn't know any way, right?

A. Right.

Q. Are you aware of Pantasote receiving any OSHA citations. Do you understand my question, not an inspection, a citation?

A. My memory fails me here.

Q. Now, the last area of inquiry that I have for you relates to a meeting at the Roney house, but before I get there, had you talked to Mr. Roney before he passed?

MR. LIPTON: Any time?

BY MR. GORENC:

Q. No. Let me rephrase that. Did you know Mr. Roney was sick?

A. No, sir.

Q. You did not visit him in the hospital and you did not know he was sick until you either read it in the paper or attended his funeral?

A. When I was notified that he passed away, I didn't know he was ill.

Q. Did you attend his funeral?

A. Yes, sir.

Q. But you did not visit him in the hospital?

A. That's correct.

Q. Prior to his funeral, when was the last time you had spoken to Mr. Roney?

A. Six months prior to at Wal-Mart.

Q. And what did you talk about at the time?

A. Just trivia.

Q. Now, at some point after he passed, there was a meeting at the Roney house with a Harold Roddy. Do you recall that?

A. Yes, sir.

Q. What do you recall about that meeting?

A. He asked questions about the plant operations,

something like that.

Q. "He" being Mr. Roddy?

A. Yes, sir. He told us he was an investigator.

Q. And what did you say at the meeting?

A. Just basically answered questions like you're asking me now.

Q. Do you specifically remember any of the questions?

A. He referred to the hand tests.

Q. Anything else?

A. His wife, Clay Roney's wife, said that every one of you should get a liver scan, and that was broached to Mr. Roddy and it was deemed too expensive and they suggested that -- the talk went back to the hand testing.

Q. When was the last time you had a liver function test?

A. Just the blood work is all I've had.

Q. What type of liver function test?

A. They were talking about, I believe the one where it costs \$1,200 or more or something like that.

Q. I'm not familiar with that. Did anyone at that meeting mention General Tire?

A. Only the fact that Pantasote no longer existed.

Q. And that's it?

A. That's it.

Q. Any documents that you provided at that meeting?

A. Yeah, I gave Mr. Roddy, basically, the same stuff you see here.

Q. Anything in addition --

A. I didn't give Mr. Roddy that manual.

Q. Okay. Anything in addition that you didn't see here that you gave to Mr. Roddy?

A. I can't remember. Not to my knowledge.

MR. GORENC: Let's go off the record.

(Whereupon, a brief recess was taken.)

BY MR. GORENC:

Q. I just have a couple very short questions. When's the last time you spoke with Carlos Wood?

A. Probably ten years ago.

Q. You haven't spoken to him recently and you haven't spoken to him about this case?

A. No, sir.

Q. How about Otis Young?

A. No, sir. I haven't spoken to him. I wrote that down --

Q. Just people who would have knowledge?

A. Absolutely.

Q. Had you spoken to any of those people recently?

A. No. Mr. Fellure is active in Masons with my son.

Q. What was his job?

A. Originally, I think he came in as a reactor operator.

Q. Is he still in the area?

A. Yes.

Q. And when's the last time you spoke with him?

A. Six or eight years ago.

Q. All right, sir, I have nothing further. I thank you for your time.

DIRECT EXAMINATION BY MS. DALOIA:

Q. Good afternoon, Mr. Carson. My name is Andrea Daloia and I represent a number of defendants in this lawsuit. I represent Goodrich Corporation, PPG Industries, Shell Company, Uniroyal Inc., PolyOne Corporation and the American Chemistry Council.

A few follow-up questions for you. I will try to be as quick as possible. Have you ever given a deposition before?

A. No.

Q. Are you currently working now?

A. I am retired.

Q. What job did you hold after the Pantasote plant closed?

A. I went to work for GE Plastics in Parkersburg, West Virginia.

Q. And what did you do at GE Plastics?

A. Worked in the quality control lab.

Q. How long were you at GE Plastics?

A. '83 to '99, I retired in October '99.

Q. So you retired from GE Plastics?

A. Yes. It was '62.

Q. I want to briefly go back to the first time that you met with Mr. Lipton. I believe you said it was in approximately April 2006. Do you recall that?

A. I think that's the approximate time.

Q. Okay. Who else was present for that meeting besides yourself and Mr. Lipton?

A. My wife.

Q. Anyone else?

A. No.

Q. Was that conversation tape recorded at all, to your knowledge?

A. Not to my knowledge.

Q. Did you take any notes of that conversation?

A. I never took notes.

Q. Did your wife take any notes?

A. No.

Q. Were you either asked at that meeting or even prior to that meeting to sign any type of written statement or affidavit?

A. No, I wasn't.

Q. Have the attorneys in this case for Mr. Roney's family ever asked you to sign any type of written statement or affidavit?

A. No.

Q. Have they ever given you any draft of such a statement to review?

A. No.

Q. Have you been asked to testify if this case goes to trial?

A. No.

Q. The second time that you met with Mr. Lipton was last night, correct?

A. Right.

Q. And Mr. Fink and Mr. Edwards were also present; is that correct?

A. Right.

Q. And how long did that conversation last or that meeting?

A. Forty-five minutes.

Q. And what did you discuss during that meeting?

A. Well, I think Mr. Fink and Mr. Edwards and myself were all concerned of what would be happening.

Q. You discussed the process of what was going to happen?

A. Yes. That's what it was. Mr. Lipton enlightened us as to what to expect.

Q. Anything else that you can recall that was discussed?

A. No. Other than -- that's about it.

Q. Do you keep in touch or socialize with any former employees of the plant?

A. I really don't socialize with anyone.

Q. Do you see any former employees on a regular basis?

A. Wal-Mart, that's all.

Q. Have you talked to any former employees about this lawsuit?

A. I discussed it with Doug Edwards and Roger Fink last night.

Q. Correct. Other than that?

A. That's it.

Q. When was the last time that you spoke to Mrs. Roney?

A. At the meeting with Mr. Roddy.

Q. That was the meeting that Mr. Gorenc just asked you about recently?

A. Yeah.

Q. What about Mr. Roddy's children, have you spoken to them?

A. I don't know them. No, I do not know them.

Q. Were they at the meeting with Mr. Roddy?

A. You mean Mr. Roddy?

Q. At the Roneys' house?

A. I don't recall seeing him. If they did, they were in the background.

Q. You mentioned a meeting or a trade meeting that you attended in approximately 1980 with Mr. Yankuns. Do you recall that question being asked?

A. I recall that question being asked. I think it was a trade -- it wasn't a seminar and I think he asked me just to get away.

Q. Was the meeting held at PPG?

A. No. It was at a -- I believe it was at an airport hotel or something like that.

Q. You mentioned PPG. What did PPG have to do with the meeting. Was there someone from PPG there?

A. I may have contradicted myself. I'm not positive it was PPG. It was a company like that. And I'm not saying it wasn't PPG, but I can't say for sure it was.

Q. When you say "a company like that," do you mean the company that was giving the seminar or giving the meeting?

A. It was like the suppliers. It wasn't a seminar at all. It wasn't much of anything, as I recall, just a -- I don't know.

Q. Did it have to do with vinyl chloride at all?

A. I can't recall.

Q. When you worked at the Pantasote plant, did you have responsibility for hiring anyone?

A. No.

Q. You testified earlier about safety meetings that were held at Pantasote. Do you recall that?

A. Yes.

Q. Through these meetings, were the employees in attendance free to ask questions and express concerns that they may have regarding the work at the plant?

A. As I recollect.

Q. Did the plant have an actual safety

department?

A. The last couple years they had a -- they did have someone that was working with safety.

Q. They had someone that was assigned to the safety of the plant?

A. Yeah. It was just -- I think it was -- I don't recall too much about it, but she had an office there. That was part of her duties.

Q. And you said this was towards the latter part?

A. Yes.

Q. Do you recall the person's name?

A. It was at one of the plants.

Q. What about prior to that, was there someone that was responsible for the safety of the plant, a safety manager or a safety director or something like that?

A. It was pretty much the foreman's responsibilities.

Q. Who led the safety meetings that you attended?

A. Usually one of the foremen.

Q. Would the plant manager sometimes lead the meeting?

A. Yes.

Q. Now, you mentioned that you cleaned reactors for a short period of time during overtime work.

A. Yes.

Q. I believe that that occurred sometime in '67 and prior?

A. Right.

Q. How did you know how to clean the reactors?

A. The reactor operator down there went down there and said, the polymer on this reactor has to be removed. You went down with a bucket and a hammer and a piece of Micarta board and took it off.

Q. So someone basically told you what to do?

A. Yeah. I didn't know before that.

Q. Was there any type of written procedure or checklist that you were given on how to clean the reactors?

A. Back then they would put fresh air that blows into the reactor. Anyways, then they would put a hose in the reactor, and then you went in and there was an observer at the top that watched you and you kinda took turns.

Q. But were there any type of written document or pamphlet or anything like that that you can recall that existed during that time period?

A. I don't recall.

Q. You mentioned that a hose would be put in to air out the reactor?

A. Right.

Q. How long was the reactor aired out before you could enter the reactor?

A. I don't recall.

Q. Do you know if there was a set time limit that you were told to air the reactors out?

A. You would smell the reactor is what you would do and if it had an odor to it, you would leave the hose in there.

Q. And the odor?

A. Until you --

Q. I'm sorry.

A. Until you eliminated the odor.

Q. And the odor you're talking about would be vinyl chloride?

A. Yes.

Q. You mentioned that there was an observer up above. Does that mean that someone would go into the reactor to clean it and someone would stand up above to make sure that that person was okay?

A. Right. And take a bucket with the residue that you're cleaning out.

Q. And you don't recall being issued or using a respirator during that timeframe?

A. Not that timeframe.

Q. When do you recall being issued a respirator?

A. The first respirator I used was a dust respirator. That was probably working overtime in the warehouse.

Q. Do you recall being issued a fresh-air respirator or an air-line respirator?

A. Yes. I maintained them.

Q. You maintained them. When do you first recall those type of respirators being present at the plant?

A. When OSHA become active.

Q. Were you ever reprimanded or disciplined for violating a safety rule?

A. No.

Q. Did Mr. Roney ever express to you any type of safety concern or complaint that he had about his work at the plant?

A. No.

Q. Did you ever have any safety concerns or complaints about your job that you talked to someone about?

A. Going back to the previous question, at union meetings, we did discuss hazards. It was like informing among the members present.

Q. Do you ever recall Mr. Roney speaking out at one of those meetings about a safety concern that he had?

A. No more than anyone else, no.

Q. Nothing specific?

A. Nothing specific.

Q. What about you, do you recall ever expressing a concern over safety during one of these union meetings?

A. The Goodrich plant employees there and the angiosarcoma created a lot of concern among our employees.

Q. So that was discussed during these meetings?

A. That was probably the pivoting point.

Q. When you were first hired at the Pantasote plant, were you told specifically that vinyl chloride could cause you to pass out if you inhaled the fumes?

A. Yes. If you inhaled the fumes continuously, you could pass out.

Q. We talked a little bit about Mr. Roney's job or jobs at the Pantasote plant and I know he was a reactor operator, and then later reactor cleaner. You indicated that he did work in the lab at some point. Do you recall that? And I know you said you weren't sure of the timeframe. Would his work have come between the reactor operator and reactor cleaner job?

A. Prior to the reactor cleaner job.

Q. Mr. Gorenc also asked you some questions about acroosteolysis or a problem dealing with hands?

A. That's correct.

Q. When do you first recall learning about a problem with acroosteolysis?

A. When they told us to get our hands x-rayed.

Q. And you're not exactly sure what year that was?

A. No.

Q. But you do possibly have some of your x-rays or x-ray reports at home that may be able to give us an indication of when those x-rays occurred, right?

A. Possibly.

Q. Do you remember when you first heard about acroosteolysis?

A. No, I don't.

Q. Do you remember how you found out about acroosteolysis, who told you or if it was in a safety meeting of some sort?

A. It was very possibly a safety meeting. I'm not certain.

Q. Do you recall a specific person that may have told you?

A. No, I don't.

Q. After you learned about the B.F. Goodrich workers and the angiosarcoma of the liver, Mr. Gorenc asked

you about some things that were being done at the plant to minimize the exposure to vinyl chloride and I believe you talked pretty extensively about the personnel monitoring and the area monitoring? Do you remember that? Do you recall that testimony?

A. Yes.

Q. Do you recall any additional changes that were implemented at the Pantasote plant after the Goodrich announcement?

A. The monitoring system in the reactor building, the yellow light came on and they were supposed to put their mask on, the fresh-air mask on.

Q. Any other changes at the Pantasote plant that you can recall?

A. Changes in ventilation.

Q. What changes were those?

A. Improvements in ventilations.

Q. They added additional ventilation?

A. They first opened it up more, removed part of the siding and so forth.

Q. After the Goodrich announcement, do you recall attending annual training regarding vinyl chloride where you might watch a video or a slide presentation and learn about different ways to minimize exposure of vinyl chloride?

A. We had those safety meetings monthly and I'm sure they were incorporated, but I can't remember specifics.

Q. You testified earlier that you believed or that you observed PPG supplying vinyl chloride monomer to the Pantasote plant. Do you recall that testimony?

A. Right.

Q. And you said that was from personal observance. What did you personally observe?

A. I would take the Sentry monitor down to check the release when they hooked up the barge to the sphere during transfer.

Q. And you knew it was PPG monomer?

A. Yes.

Q. How, on the barge?

A. It said PPG on the barge, yeah.

Q. And you said you took the Sentry meter to check for leaks.

A. During the hookup to check the seals. It used to be if they frosted up bad, you knew there was a leak. This was to minimize the leaks.

Q. What timeframe was this?

A. It was after OSHA. Again, all this seemed like it transpired after OSHA in '74.

Q. So sometime in '74 or after is when you

observed PPG?

A. Yes.

Q. Do you have any knowledge about vinyl chloride supplied to the Pantasote plant before 1974?

A. Our first shipments were on the railcar. As far as I know, PPG -- we must've had other suppliers, but I can't recall.

Q. Do you know how much polyvinyl chloride Pantasote made each year?

A. We were trying to get -- I knew, but I -- I did know. It seemed like we were striving to get 100,000 pounds per shift or something like that.

Q. Do you have any knowledge or do you know how much vinyl chloride the Pantasote plant used each year?

A. No.

Q. Did you personally wear a monitor to monitor the levels of vinyl chloride?

A. Yes.

Q. Do you ever recall the results of that monitoring being high?

A. Yes.

Q. What do you recall about that?

A. During a leak, basically checking for leaks. Sometimes -- once in a while we would get a high reading,

just like everything else. That's all I recall.

Q. Did the plant -- did the Pantasote plant have a medical department?

A. We never had a plant nurse or anything.

Q. You don't remember any --

A. I don't recall a plant nurse.

Q. What about a plant doctor?

A. We had the same doctor that Pleasant Valley at Point Pleasant that the plant contracted.

Q. Was that Dr. Jomura? Does that sound familiar?

A. I believe that's him.

Q. Would he personally come to the Pantasote plant?

A. I don't remember.

Q. You mentioned that you did not know of any other Pantasote employees that were diagnosed with angiosarcoma of the liver but that you questioned someone's death.

What was the name of the person whose death you questioned?

A. Merle Strait.

Q. And why did you question?

A. The symptoms he had. At the time, I didn't

question it as much as I did later because I learned more about it. I think he died in '76.

Q. He died in 1976?

A. I believe that's correct.

Q. Mr. Gorenc asked you some questions about the meeting at the Roney house after Mr. Roney passed away. Do you recall that?

A. Yes.

Q. Other than Mrs. Roney and Mr. Harold Roddy, who else do you recall being in attendance at that meeting?

A. There were approximately ten or 12 former employees.

Q. Do you specifically recall any of the names of those employees?

A. Yes.

Q. Who?

A. Doug Edwards, Roger Starcher, Dean Knight. I recall Larry Lathey couldn't come and his wife came in place of him. I believe Phil King was there and Jerry Morgan. I'm not certain, but I think they were both there.

Q. What about Mr. Fink?

A. I believe he was there, but I can't say for sure. There was a living room full.

Q. Do you have any specific recollection of what

any of these people that we've just listed said at the meeting? Does anything stick out in your mind?

A. Mostly concern over Clay Roney's death.

Q. Who do you recall specifically expressing concern?

A. Doug Edwards.

Q. Anyone else?

A. Dean Knight. It was just a -- I don't know if anyone contributed more than any other. It was just a general conversation.

Q. That's all I have. Thank you.

MS. JOHNSON: No questions.

MR. LIPTON: Anybody on the phone?

DIRECT EXAMINATION BY MR. HULKA:

Q. This is Mr. Hulka. I represent DOW Chemical Company. Mr. Carson, can you hear me okay?

A. Yes, I can.

Q. Okay. Great. I have just a few questions here. I wanted to go over your testimony on supply to make sure I understand your testimony. You testified that it was your understanding that PPG was the primary supplier to the plant; is that correct?

MS. DALOIA: Objection.

THE WITNESS: That's what I stated, yes.

BY MR. HULKA:

Q. I believe you testified that the primary way the plant received the supply was, one, by rail and, one, by barge; is that correct?

A. Correct. Also by tractor-trailer.

Q. Okay. I want to talk about the first two. Am I correct that it was your testimony that when the plant first started receiving vinyl chloride, the means by which you would receive those shipments was railcar?

A. That's what I said. I believe maybe the first couple shipments may have been by tanker or by tractor-trailer.

Q. Barge and tractor-trailer were the first couple shipments to the plant?

A. I believe. I think so, sir.

Q. And then at some point, it transitioned to primarily railcar or barge shipments; is that correct?

A. Correct.

Q. And then when shipments were being received by the railcar or barge, which was the primary means of shipment?

A. Barge.

Q. Would that be after -- this transition after these couple tractor-trailer shipments, did it transition

immediately to primarily barges or was there a period of time when railcars was primarily in between?

A. Railcars were the primary means for several years until the barge facilities were built.

Q. Okay. When about were the barge facilities built?

A. In the '70s, early, mid-'70s. I can't recall, sir.

Q. So you don't recall whether it was before '74 or after, but to the best of your recollection, it was sometime in the '70s?

A. That's right.

Q. Okay. Then after the barge facility was built, barges became the primary means by which shipments were received?

A. Right.

Q. Okay. Now, with respect to these railcar shipments, do you know about how soon after the VCM started being received at the plant that railcars became the primary shipment?

A. I don't recall the date, but it was soon.

Q. It was soon. So it was a couple truck shipments to get up and running, then it switched to railcars?

MR. LIPTON: Objection.

THE WITNESS: I'm not positive, sir.

BY MR. HULKA:

Q. Was it your testimony that there were periodic truck shipments that continued beyond the time that primary shipments were received by railcars?

A. Yes, sir. There was a shortage at times of vinyl chloride.

Q. Do you have any understanding when that period was?

A. No, sir, but we had plant shutdowns because of it.

Q. Do you know when those shutdowns may have occurred?

A. Late '60s, early '70s. I'm not sure, sir. I can't recall.

Q. About how many times do you recall it happening?

A. There were some short happenings and a couple of long durations.

Q. Several short happenings and a couple of long durations?

A. In that area.

Q. Okay. And so the shortage would occur, and

then it's your understanding to get the plant running again, a temporary shipment would've been received by truck?

A. Correct.

Q. But you don't know as you sit here today from where those trucks came?

A. That's correct.

Q. So this would be some temporary period that got you up and running until your primary supply kicked back in?

A. Correct.

Q. And sitting here today, the truck shipments would be smaller in size than railcar shipments or barge shipments, correct?

A. Right.

Q. They were less frequent, right?

A. Right.

Q. And the total amount of those trucking shipments didn't closely approximate the total amount of railcar or barge shipments, right?

A. That's correct.

Q. I have no further questions.

MR. LIPTON: Anybody else on the phone? Phone going once, twice, three times, you're out.

DIRECT EXAMINATION BY MR. LIPTON:

Q. I've got some questions. Mr. Carson, prior to 1974 when the Sentry monitor was obtained, what was done to monitor vinyl chloride levels in the plant?

A. Basically nothing that I can recall.

Q. Prior to obtaining the Sentry monitor sometime in 1974, what was done to detect vinyl chloride leaks in the equipment that you monitored?

A. Frosted lines.

Q. You indicated during your testimony that at the times that you would have to clean reactors, you would know when to go into the reactor because that's when the smell of vinyl chloride would go away, correct?

A. Correct.

Q. Once you got into the reactor to do the cleaning of it, were there ever occasions when you could smell the vinyl chloride inside the reactor?

A. Yes, sir. As you peeled the polymer off the side of the reactor vessel. Sometimes you'd hit the polymer and it had a smell to it and you'd have to exit the reactor.

Q. And at times would people get dizzy from the smell while working inside the reactors?

A. Yes, sir.

Q. Is that one of the reasons there was an observer placed at the top outside the manhole?

A. That, and to help remove the polymer.

Q. Prior to learning sometime in early 1974 about the B.F. Goodrich Louisville angiosarcoma cases, had you ever been told that vinyl chloride could cause liver damage?

MR. GORENC: Objection.

THE WITNESS: It was a source out of Italy is the first source I recall. I can't remember the name, but that's where they were doing the testing that I recall.

BY MR. LIPTON:

Q. Was that the cancer testing?

A. Yes, sir.

Q. Prior to learning about this cancer, had you ever been told that vinyl chloride could cause liver damage in workers?

A. No, I don't recall.

Q. There had been some discussion about the hand problem, also called acroosteolysis. Were you ever told that the University of Michigan had conducted a study about this hand problem or acroosteolysis?

A. If I was, I can't recall that.

Q. Were you told that the University of Michigan after conducting a study had done a report in which they had recommended that the exposure limit for cleaning reactors should be 50 parts per million?

MR. GORENC: Objection.

THE WITNESS: I don't recall right offhand.

BY MR. LIPTON:

Q. Were you ever told in approximately 1959, Dow had suggested a 50 parts per million exposure limit vinyl chloride?

A. Restate that.

Q. Were you ever told that as early as 1959, Dow Chemical had suggested a 50 parts per million exposure limit for vinyl chloride?

A. I can't recall, sir.

Q. If you had been told that vinyl chloride could cause liver damage or cancer, would you expect those who were running the Pantasote plant where you worked to ensure that exposures were kept at a safe level?

MR. GORENC: Objection.

THE WITNESS: I trusted them.

BY MR. LIPTON:

Q. Earlier we looked at Exhibit 7 at the training manual that you had provided, and in that training manual, it indicated that vinyl chloride had anesthetic properties and could cause dizziness and disorientation, correct?

A. Correct.

Q. And it talked about vinyl chloride being a

fire and explosion hazard, correct?

A. Correct.

Q. And it talked about burns to the skin upon contact, right?

A. That's right.

Q. What other information did you have about the dangers of vinyl chloride, aside from what was in that training manual up until 1974?

A. It was all short term, no long-term problems.

Q. Earlier you testified and it was fairly recently about the air-line respirators and you said that they were provided and the language was "when OSHA became active". Do you mean by that in 1974 after the angiosarcoma announcement?

A. OSHA became -- they started monitoring our plant. OSHA would come into the plant and inspect our plant and we had regulations to meet.

Q. So this would be after 1974?

A. I believe so.

Q. Now, you testified recently that at some of the union meetings, folks would get up and discuss safety issues; is that correct?

A. Yeah, after the Louisville incident. That made a big impression on all of us.

Q. So if a supplier such as PPG provided the union with information about the dangers of vinyl chloride, it would've been discussed at the union meeting; is that correct?

MS. DALOIA: Objection.

THE WITNESS: I think so, yeah.

BY MR. LIPTON:

Q. Did PPG ever tell the union that Dow had recommended a 50 parts per million exposure limit in 1959?

MS. DALOIA: Objection.

THE WITNESS: I don't recollect it.

BY MR. LIPTON:

Q. Did Dow ever provide any information to your union that you're aware of? Excuse me, did PPG ever provide any information about vinyl chloride hazards to your union that you're aware of?

MS. DALOIA: Objection.

THE WITNESS: They had the handling procedures.

BY MR. LIPTON:

Q. This is from PPG?

A. I'm not sure. It was -- I don't recollect, sir.

Q. Prior to 1974, did you see any documentation

from PPG about the hazards of vinyl chloride?

A. I don't remember.

Q. Nothing further.

REDIRECT EXAMINATION BY MS. DALOIA:

Q. Mr. Carson, who did you rely on to manage the plant and keep the Pantasote plant safe?

A. I expected the plant manager to ensure the plant was safe.

Q. Did you rely on outside companies such as PPG to keep your plant safe?

A. I thought management was supposed to keep it safe.

Q. Management meaning Pantasote management?

A. That's true.

MR. LIPTON: Objection.

MS. DALOIA: Thank you.

REDIRECT EXAMINATION BY MR. GORENC:

Q. I have two quick questions that should be relatively short. You talked about an R.W. Fellure. What is Mr. Fellure's first name?

A. It's Bob.

Q. Do you know where he lives?

A. It's in -- he has the list, unless Bob has moved.

MR. GORENC: Is that the original list that was attached to the answer?

MR. LIPTON: I believe it is.

MR. GORENC: So that's like 1982?

MR. LIPTON: 1982 list is what it is.

THE WITNESS: I think he's in the same locale. I'm not positive, though.

BY MR. GORENC:

Q. Okay. I asked you if you knew Mr. Lou Beliczky and you said you did not know Mr. Beliczky?

A. The name, I can't recall. If you say it's something, I might say yes.

Q. Were you aware that Mr. Lou Beliczky was employed by the Industrial Rubber Workers?

A. Yes.

Q. Had you ever visited the Rubber Workers' offices in Akron?

A. No, sir.

Q. Were you aware that the Rubber Worker offices in Akron had industrial hygiene documents available?

A. Yes, sir.

Q. Did the URW offices or Mr. Beliczky ever come down to Pantasote and advise you of the risks of vinyl chloride based on the documents they had on their premises?

A. I don't recall, but when you mentioned his title, it -- the name did come back to me there.

Q. But you would expect your union to come down and advise you of the hazards of chemicals in your facility, wouldn't you?

A. (Affirmative gesture.)

Q. You've got to answer out loud.

A. Yes.

Q. Okay. That's all I have.

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA, COUNTY OF KANAWHA, to wit:

I, Denys Renee Snodgrass, Notary Public in and for the State of West Virginia, duly commissioned and qualified, do hereby certify that the foregoing deposition was taken by and before me, under the West Virginia Rules of Civil Procedure at the time and place and for the purpose specified in the caption thereof; the said witness having been duly sworn by me to testify the whole truth and nothing but the truth concerning the matter in controversy.

I do certify that the said deposition was correctly taken by me by means of the Stenomask, that the same was transcribed by me and that the said transcript is a true record of the testimony given by said witness.

I further certify that I am not connected by blood or marriage with any of the parties to this action, am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel or financially interested in the action or interested, directly or indirectly, in the matter in controversy.

Given under my hand this 15th day of February 2007.

DENYS RENEE SNODGRASS, CCR

Notary Public

My commission expires October 15. 2011.

RUSS CARSON

WITNESS CERTIFICATION

I, Russ Carson, hereby certify:

That I have read and examined the contents of the foregoing testimony as given by me at the time and place hereon indicated, and;

That to the best of my knowledge and belief, the foregoing pages are a complete and accurate record of all the testimony given by me at said time, except as noted on the Attachment A hereto.

I have _____ have not _____ made changes/ corrections

_____.

RUSS CARSON

I, _____, notary Public for the County of

_____, State of _____, hereby certify:

That the herein-above named appeared before me this the _____ day of _____ 2007 and;

That I personally witnessed the execution of this document for the intents and purposes as herein above described.

Notary Public

My Commission Expires:

(SEAL)

RUSS CARSON

ADDENDUM A

Upon reading and examining my testimony as herein transcribed, I make the following additions, changes and/or corrections, with the accompanying and corresponding reason(s) for same:

Page	Line	Is Amended to Read
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RUSS CARSON