

Page 114

1 A. It would be the amount of exposure over
2 a period of time that an employee would be exposed to
3 asbestos dust.
4 Q. Who made you aware of those OSHA requirements?
5 A. It would have been the general manager.
6 Q. Did you have a meeting when you got there or
7 just developed that knowledge over time?
8 A. Just developed that knowledge over time.
9 Q. At any point in time during your employment
10 with Genuine Parts, have you ever attended a meeting in
11 which there was a discussion regarding compliance with
12 the OSHA regulations?
13 A. No.
14 Q. In Response to Interrogatories in this case,
15 Mr. LeCour, Answer to Interrogatory No. 74, which I'll
16 read part of to you, talks about the reason that there
17 was not a warning on particular boxes of products. I'm
18 going to read this to you and ask you a question about
19 it.
20 The response is: "With respect to aftermarket
21 brake shoes sold by GPC/Automotive, OSHA exempted such
22 products from its warning label requirement promulgated
23 in 1972 for asbestos-containing products because the
24 asbestos contained in the friction material was
25 encapsulated in binders and resins and thus not

Page 116

1 any appreciable amounts.
2 Q. Okay. That's my question, sir. Did you go
3 through that process and say -- and ask the question, do
4 we have to warn and come to the conclusion, no, that you
5 did not; or did you simply not even know about OSHA's
6 warning requirements to third parties?
7 A. Right. I was not aware about -- when you say
8 "third parties," that being the end-user?
9 Q. Correct.
10 A. No, we were not -- I was not aware of that.
11 We were concerned internally in our plant.
12 Q. All right. So the fact that there were no
13 warnings on the boxes that you sold to jobbers didn't
14 have anything to do with any OSHA exemption?
15 A. I'm not aware of that.
16 Q. Okay. Now, you indicated that your thinking
17 was that the end-user or the mechanic would not be
18 exposed to any dust.
19 When is the first time you remember having
20 that actual conscious thought about whether your boxes
21 should contain a warning or not?
22 A. It was in 1988.
23 Q. Prior to 1988, did you give any thought
24 whatsoever to whether or not your product should contain
25 a warning related to asbestos?

Page 115

1 generally respirable."
2 Okay. Are you familiar with that response?
3 A. I'm familiar with what you just said, yes.
4 Q. At any point in time while you were employed
5 by Genuine Parts, did you ever have any discussions with
6 anybody, other than your counsel, about whether or not
7 you were required to have a warning on your products in
8 compliance with the OSHA regulations?
9 A. No.
10 Q. So with respect to the fact that there were no
11 warnings on your boxes, it wasn't a conscious decision
12 that, we've read OSHA, and we are exempted, correct?
13 A. I wasn't involved in that. I would not know.
14 I'd say no to that.
15 Q. Can you tell me, if you weren't involved, who
16 would have been involved in that conscious decision?
17 A. General manager.
18 Q. Are you aware, as the corporate designee, of
19 any conscious analysis that was done about whether or
20 not a label needed to be done in compliance with OSHA?
21 A. Yes. Our thinking and our testing internally
22 in the plants met all requirements. And as stated there
23 (indicating), because of the way in which the product
24 was presented to the end-user and no modification
25 necessary to install, that they would not be exposed to

Page 117

1 A. No, because we didn't feel it applied to the
2 way our product was presented to our customer.
3 Q. That's my question, sir.
4 MR. RILEY: Yes. He's answering. And try
5 and straighten it out.
6 MR. DUMLER: I'm trying.
7 MR. RILEY: Okay.
8 Q. (By Mr. Dumler) At some point in time, sir,
9 did you make a conscious decision that, I'm aware of the
10 dangers of asbestos, but there's no need for us to warn,
11 because people, mechanics, aren't going to grind our
12 brake shoes?
13 A. Yes.
14 Q. What year are we talking about?
15 A. 1988.
16 Q. All right. So prior to 1988, you made no
17 conscious analysis as to whether or not you should put
18 a warning on your boxes?
19 A. We didn't feel it was applicable to do so.
20 Q. All right. From what date did you feel that
21 it was not required that you put a warning on your
22 boxes?
23 A. Not until 1988 did we feel that it was
24 necessary to put a warning on our finished product going
25 to our customer.