

FILE NAME: Welding (WELD)

DATE: 1995

DOC#: WELD021

DOCUMENT DESCRIPTION: Legal - Affidavit of William Nicholson

JACOBS & CRUMPLAR, P. A.
ATTORNEYS AT LAW
2 EAST 7TH STREET
P. O. BOX 1271
WILMINGTON, DELAWARE 19899
(302) 656-5445

FAX (302) 656-5875

ROBERT JACOBS *
THOMAS C. CRUMPLAR +
MARLA ROSOFF ESKIN °
ELIZABETH BARNES LEWIS +°
VINCENT J.X. HEDRICK, II

* ALSO ADMITTED U. S. PATENT OFFICE
DISTRICT OF COLUMBIA BAR
+ ALSO ADMITTED NEW JERSEY
° ALSO ADMITTED PENNSYLVANIA BAR

April 7, 1997

Barry Castleman, Sc.D.
2412 Pickwick Road
Baltimore, MD 21207-6631

Re: Welding Rod Defendants

Dear Dr. Castleman:

Pursuant to our telephone conversation of this morning, I am enclosing copies of Dr. Nicholson's and Dr. Dement's affidavits and deposition testimony regarding welding rod exposure, as well as Dr. Dement's study dated March 14, 1995 regarding welding rods.

If you have any questions please feel free to contact me.

Sincerely,



Vincent J. X. Hedrick, II

VJH\pra

Enclosure

Welder studios

AFFIDAVIT OF DR. WILLIAM J. NICHOLSON

STATE OF NEW YORK :
 : SS.
COUNTY OF NEW YORK :

APPEARED BEFORE ME, a Notary Public for the state and county aforesaid, William J. Nicholson, Ph.D., who being duly sworn on the *26th* day of *September*, 1995, did depose and, based on his personal knowledge, state as follows:

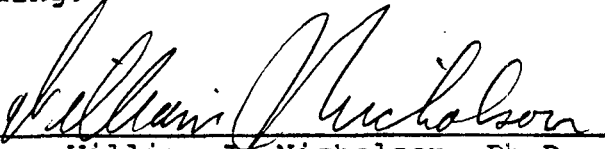
1. He is currently employed by Mount Siani Medical School in New York City where he is Professor of Community Medicine and is involved with epidemiologic and industrial hygiene research.

2. During the course of his academic career and professional training he has conducted, studied and evaluated air sampling studies performed at asbestos manufacturing plants and upon various asbestos products. In particular, he has studied the release of asbestos fibers during normal use and handling, and during application, removal and replacement of asbestos-containing products.

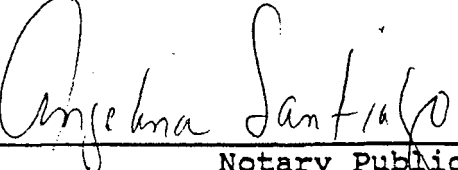
3. The welding process does decompose the asbestos at the point of arc. However, this is not true for the flux coating below the arc area. According to the literature, unless the entire welding rod is consumed during the process, the flux on the used rods is more friable and results in release of fine asbestos-containing dust when the rods are handled. He has also read the deposition of Jack Peterson, Ph.D. and Dr. Thomas Eagar and believes that when the rods are handled, there is a release of particles containing asbestos which would be inhaled. It is

his opinion, based on reasonable scientific probability, the handling of new and used welding rods does create respirable asbestos dust.

4. He is familiar with the scientific literature on the risk of welding. There are early reports in the 1940s showing that welders were at risk for asbestos-related disease. Asbestos bodies have been found in the affected organs of cancer patients who have been involved with welding.


William J. Nicholson, Ph.D.

SWORN TO AND SUBSCRIBED before me, a Notary Public, on the date and year aforesaid.


Notary Public

