

FILE NAME: BF Goodrich (BFG)

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IN THE COURT OF COMMON PLEAS

CUYAHOGA COUNTY, OHIO

ASBESTOS LITIGATION DOCKET

IN RE:
NORTHERN OHIO TIREWORKER CASES
BEVAN GROUP 2

DONNA GRAMLEY, Executrix,

CASE NO. 291275

Plaintiff.

JUDGE HANNA

- - - -

Continued videotaped deposition of WILLIAM
McCORMICK, taken as if upon cross-examination
before Jodi L. Bragg, a Notary Public within and
for the State of Ohio, at Bevan & Economus,
10360 Northfield Road, Northfield Ohio, at 10:00
a.m. on Thursday, February 26, 1998, pursuant to
notice and/or stipulations of counsel, on behalf
of the Defendants in this cause.

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1 regarding asbestos in that particular
2 department?

3 A. I'm looking for results that he -- apparently
4 they aren't here, so I don't know what the
5 results were.

6 Q. Well, I'm not asking you that. I'm asking you
7 what the memo says.

8 A. Well, the memo says there were, but I, again, I
9 don't know what, what he sampled or found.

10 Q. Okay. Well, I mean, he did work for you, didn't
11 he?

12 A. Yes.

13 Q. Do you have any reason to believe that the work
14 that he did in this case was inaccurate?

15 A. No, except I would want to know specifically
16 what the findings were.

17 Q. Uh-huh.

18 A. I don't see that in the memo.

19 Q. Well, let's assume that the findings were
20 consistent with his conclusions, can we, or, or
21 is that a problem for you?

22 A. Well, I don't know that you can.

23 Q. Okay.

24 MR. SCHUSTER: Object.

25 Q. Well, I'm going to do that because it's on the

1 face of this memo.

2 MR. SCHUSTER: Object.

3 Q. To your knowledge, did your department directly
4 inform the employees in that department that
5 they were or may have been exposed to serious
6 violations of asbestos in the ambient air?

7 A. No, that was not done.

8 Q. Thank you.

9 To your knowledge, does tremolite form
10 asbestos-like particles?

11 A. I, I do not know that.

12 Q. Okay. Are you aware of any undisputed medical
13 evidence of the quantitative differences in
14 potency in fiber type or size as it, as it
15 relates to the health effects of asbestos on
16 human beings?

17 A. Repeat the question.

18 Q. Are you aware of any medical evidence of the
19 quantitative differences in potency in fiber
20 type or size as it relates to the health effects
21 of asbestos on human beings -- fiber type or
22 size?

23 A. Only to the extent that whether or not the
24 fibers are inhaled. Larger fibers don't get
25 into the lungs.

1 A. Again, I'm not sure. I'm not sure how to answer
2 that.

3 Q. Okay. Do you know whether or not the release of
4 asbestos fibers occur in the use and maintenance
5 of asbestos products such as pipe insulation,
6 gaskets, sheet asbestos, and platen insulators?

7 MR. SCHUSTER: Objection, compound
8 question.

9 Q. Well, I'll take one at a time. Do you know
10 whether or not the release of asbestos fibers
11 occur in the use and maintenance of
12 asbestos-containing pipe insulation?

13 A. Only if it's present in the insulation.

14 Q. Okay. And to your knowledge there was no
15 asbestos-containing pipe insulation at Goodrich
16 while you were there, correct?

17 A. My knowledge, there -- let me answer it this
18 way: To my knowledge, I'm not aware that it was
19 present.

20 Q. Okay. And I think you indicated that you had
21 never done a test to determine whether or not it
22 was present?

23 A. That's correct.

24 Q. Okay. Now the same question I have depose to
25 you regarding gaskets that were used at

1 there until the time you left?

2 A. Only in the reclaim plant.

3 Q. Only in the reclaim?

4 A. Yes.

5 Q. Okay. Did your department at any time while you
6 were there provide any warnings to the workers
7 concerning the, the use of or exposure to pipe
8 insulation?

9 A. No.

10 Q. Was pipe insula -- insulation used throughout
11 the Akron plants?

12 A. If necessary wherever hot, wherever hot lines
13 were carried.

14 Q. And were hot lines carried almost everywhere in
15 the plant?

16 MR. SCHUSTER: Objection.

17 A. Well, I wouldn't say -- not everywhere. There
18 were specific areas, specific departments, where
19 heat was required.

20 Q. Uh-huh. Which were?

21 A. I don't know.

22 Q. Okay. Have you ever done a study or read any
23 studies concerning the release of asbestos
24 fibers into the air during different stages of
25 the commercial life of asbestos-containing

1 products?

2 A. Repeat it.

3 Q. Have you --

4 A. You lost me.

5 Q. Have you ever read or been involved in studies
6 having to do with the release of asbestos fibers
7 into the ambient air during different stages of
8 the commercial life of asbestos-containing
9 products?

10 A. I can't answer that.

11 Q. Well, did you ever read anything about that?

12 A. I don't know.

13 Q. Okay.

14 A. That question is so broad I, I can't answer it.

15 Q. In, in your travels through the plants in Akron
16 during the time that you were there, did you
17 ever have occasion to see pipe insulation that
18 you considered to be in poor condition, damaged,
19 or disrupted?

20 A. Only temporarily and then the repairs were made
21 rapidly.

22 Q. Who made those repairs?

23 A. I can only answer generally. I guess pipe
24 fitters who were assigned to that job.

25 Q. Okay. When you saw that occur, were you

1 for one thing.

2 Q. Okay. Did you ever involve yourself or your
3 department in the education of employees at
4 Goodrich in the use and handling of asbestos
5 materials?

6 A. I don't believe so.

7 Q. Did you ever involve, or your department ever
8 involve itself in the education of employees in
9 the disposal of any containers containing
10 asbestos or asbestos-containing materials?

11 A. No, I don't believe so.

12 Q. And the same question as it relates to the
13 transportation, storage, or handling of asbestos
14 fiber in the plant.

15 A. Same answer.

16 Q. And the same question as it relates to the
17 removal of asbestos fibers from the clothing of
18 persons who were exposed to and used asbestos in
19 their jobs.

20 A. Same answer.

21 Q. Okay. Did you have anything to do or your
22 department have anything to do with the
23 discontinuance of the use of talc containing
24 asbestos at Goodrich?

25 A. I think I answered that earlier.

1 for asbestos-free talc, or any other
2 specifications, were generally followed by the
3 purchasing department?

4 A. To the best of my knowledge, they were.

5 Q. Okay. Can I see -- thank you very much.

6 I meant to ask you this question regarding
7 Plaintiff's Exhibit 20: At the top left corner
8 it says, "Company confidential." Do you see
9 that?

10 A. Yes.

11 Q. What does that mean?

12 A. I think just what it says.

13 Q. I don't understand it.

14 A. Well, that's all I can tell you.

15 Q. Well, does it mean that it's only for company
16 people to read?

17 A. I assume so, and only those receiving copies.

18 Q. And does it mean that, for example, employees
19 who were referred to in that memo are not to
20 receive copies of that?

21 A. That's correct.

22 Q. Okay. Who is John Codrea, C-o-d-r-e-a?

23 A. I believe he was a foreman in one of the
24 departments and I don't recall where.

25 Q. He never worked in your department?

1 recall, did that discharge dust fumes?

2 A. It may have.

3 Q. Okay.

4 A. Yes.

5 Q. All right. And do you recall any circumstances
6 where, because of the use of steam heat and
7 pressure, certain parts of the building may have
8 shaken or equipment shook or piping shook or
9 anything like that?

10 A. No, I don't.

11 Q. Okay. If you know, was soapstone used
12 extensively in Department 7517?

13 A. I don't know.

14 Q. Do you know about, anything about 7517 --

15 A. I don't.

16 Q. -- while you worked there?

17 A. I don't.

18 Q. Okay. Did Goodrich have a written policy while
19 you were there concerning such subjects of, as
20 protective clothing, respirator use? I think
21 you talked about respirator use.

22 A. Yes.

23 Q. Okay. But was there a written policy on
24 respirator use?

25 A. No.

1 during the time you were there?

2 A. I don't know.

3 Q. In what departments at Goodrich were there known
4 heavy talc dust environments?

5 A. Again, I don't know.

6 Q. And I ask this question again because I want to
7 make sure I know that, what your position is.

8 Did any of the talcs used at Goodrich
9 during the time that you worked there contain
10 asbestos or tremolite?

11 A. To the best of my knowledge, no.

12 Q. Okay. What do you base that on?

13 A. General information, my knowledge of this, the
14 requirement that we established for purchase of
15 talcs.

16 Q. But, Mr. McCormick, with all due respect, I
17 could not find in any of the documents I
18 reviewed a specification earlier than 1978 that
19 indicated zero percent asbestos in talc.

20 A. Well, it may not have been written into these
21 specifications, but it existed.

22 Q. But if it existed, wouldn't a prudent industrial
23 hygienist have made sure that the specifications
24 indicated that the talc would be asbestos-free
25 so that the purchasing department would know

1 that?

2 A. Well, not necessarily.

3 Q. Would you have relied on, on word of mouth to
4 the purchasing department so they wouldn't
5 purchase asb -- asbestos-containing talcs
6 without having made sure that there was a
7 written spec about that?

8 A. Because I know these were evaluated from time to
9 time.

10 Q. Well, then how do you explain that the first
11 indication of a zero percent asbestos-containing
12 talc shows in 1978 by those records?

13 A. I don't know. I, I can only explain it that for
14 some reason it was not made a part of these
15 specifications. I don't know the reason for it.

16 Q. Okay. But that's why I showed you those two
17 exhibits and asked you to put them side by
18 side --

19 A. Uh-huh, uh-huh.

20 Q. -- to indicate that the very same product in
21 June of 1978 did not have an asbestos-free spec,
22 but in November of '78 it did. And I'd like to
23 know from you how you can explain that to me.

24 MR. SCHUSTER: Objection. You know,
25 this is years after he left the plant. You

1 are asking him to speculate at what other
2 people did? If you can --

3 THE WITNESS: No.

4 MR. SCHUSTER: -- speculate as
5 to --

6 THE WITNESS: No.

7 MR. SCHUSTER: -- why those people
8 did that, you can answer --

9 THE WITNESS: I can't.

10 MR. SCHUSTER: -- otherwise,
11 don't.

12 THE WITNESS: I can't.

13 Q. You can't what? You can't tell me?

14 A. No.

15 Q. All right. But you also can't show me a written
16 specification that you say you generated that
17 indicates that talc should have no asbestos.

18 A. True.

19 Q. Okay. Do you agree that inha, inhalation of
20 talc dust by definition means inhalation of
21 asbestos?

22 A. No.

23 Q. Do you agree that -- strike that.

24 Why don't you agree with that?

25 A. Because it doesn't contain asbestos, normally.

1 A. I don't know.

2 Q. And I think it was your testimony that you did
3 not know whether or not anybody in your
4 department ever monitored for asbestos in the
5 ambient air at Goodrich in the '40s and '50s; is
6 that correct?

7 A. Well, I'm not sure when the usage in the reclaim
8 unit came into being, so I don't know whether it
9 could have been in the '50s. I'm not sure.

10 Q. And again, just so we're, we're square on this,
11 your testimony is now and has been throughout
12 this deposition that the only place at Goodrich
13 that used asbestos was in the reclaim unit?

14 A. That's correct.

15 Q. Okay.

16 A. In manufacture.

17 Q. In manufacture. And we're talking now about
18 either asbestos-containing insulation material
19 or asbestos, raw asbestos fiber.

20 A. Well, I haven't admitted that I knew there was
21 any asbestos in the insulation of material.

22 Q. Right. Then it's still your position that, as
23 far as you know, there was not?

24 A. That's correct.

25 Q. Okay. And that's throughout the plant?

1 Q. Can you date that for me?

2 A. I can't.

3 Q. Okay. That's all I wanted to know.

4 Who was R.G. Jeter, J-e-t-e-r?

5 A. He was head of the law department.

6 Q. While, while you were there?

7 A. Yes.

8 Q. Okay.

9 - - - -

10 (Thereupon; Plaintiff's Exhibit 45
11 was marked for purposes of identification.)

12 - - - -

13 Q. 45? What you have in your hand is a letter or
14 memo from Mr. R. Jeter dated 1963, correct?

15 A. Yes.

16 Q. And that talks about a manual, does it not?

17 A. Yes.

18 Q. What is that? What type of manual is that?

19 A. This was a medical policies and procedures
20 manual that went only to the plant physicians.

21 Q. Okay. You didn't get a copy of it?

22 A. Oh, I probably did. I may have helped write
23 it. I don't know.

24 Q. Okay. Do you know whether or not in that
25 particular document there was any reference to

1 asbestos or asbestos inhalation or exposure to
2 the workers at the plant during --

3 A. I don't, I don't know that.

4 Q. Okay. Was that document available for review to
5 the ordinary union plant worker working at the
6 plant at the time?

7 A. No, it would not have been.

8 Q. Why not?

9 A. It was, it was intended, as I said, for the
10 plant physician.

11 Q. Was that another company confidential-type
12 document?

13 A. Well, essentially, yes.

14 Q. Okay. And while I was on the subject of, of
15 distributors of asbestos-containing products to
16 B.F. Goodrich Company during the time that you
17 worked there, do you recognize the name Carey,
18 Canada as being a supplier?

19 A. I don't.

20 Q. C-a-r-e-y, Canada?

21 A. I don't.

22 Q. What about Cincinnati Gasket?

23 A. I don't.

24 Q. American Cyanamid, C-y-a-n-a-m-i-d?

25 A. American Cyanamid supplied numerous chemicals --

1 fine.

2 Q. Do you have any knowledge as to the asbestos
3 content, if any, of the materials which were
4 abated from the Goodyear plants?

5 A. No, I do not.

6 Q. Okay. Did you return to the B.F. Goodrich Akron
7 plants after April 1973?

8 A. Official?

9 Q. Either way.

10 A. I don't recall that I did, but I can't say
11 categorically that I did not because I just
12 don't know. I don't believe I did.

13 Q. Okay. To your knowledge when you were working
14 at Goodrich and before you left the company, was
15 there any policy in existence concerning
16 asbestos-containing insulation material in place
17 either on pipe equipment or on operating
18 equipment and how to deal with it?

19 A. No.

20 Q. All right. What were the Hills buildings,
21 H-i-l-l-s? Was there such a thing as the Hills
22 buildings?

23 A. Not, not to my knowledge.

24 Q. Not to your knowledge.

25 - - - -

1 insulation was used in the hycar operation while
2 you were there at Goodrich?

3 A. I do not know.

4 Q. I may have asked this question in a little
5 different way before, but I want to ask it now.

6 Did your department ever take samples of
7 insulation materials and send them to
8 Brecksville to be analyzed for asbestos
9 content --

10 A. No.

11 Q. -- while you were there?

12 A. No.

13 Q. No, okay. I thought that was the answer. I
14 wanted to make sure.

15 And, and its, you also had, you had a lab
16 in indus -- in your department, but the same
17 answer applies, correct?

18 A. Correct.

19 Q. Okay. Did, while you were at Goodrich, did the
20 company use asbestos fiber as a pigment as a
21 reinforcing agent for anything, that you know
22 of?

23 A. So far as I know, not.

24 Q. Okay.

25 - - - -

1 A. No, I have no interest in those specifications.

5 A. I have no knowledge.

7 A. I don't know.

12 A. We didn't.

14 A. None.

16 : A. None.

18 | A. None.

22 A. It means ability to remain in the air.

1 tremolitic talc?

2 A. I think I testified earlier that I was well
3 aware before I came to B.F. Goodrich of the
4 hazards of tremolite talc.

5 Q. You also testified that when Mr. Modrell came to
6 the company he had no specific training,
7 education, or experience in industrial hygiene?

8 A. That's, that's true.

9 Q. Okay. Did you inform him of, of the health
10 hazards and risks to employees using tremolitic
11 talc?

12 A. I'm sure I did.

13 Q. Did you inform Mr. Willson?

14 A. I'm sure I did.

15 Q. And what about Mr. Katzenmeyer?

16 A. I would think Mr. Willson already had that
17 knowledge.

18 Q. Okay. How about Mr. Katzenmeyer?

19 A. He was so informed.

20 Q. Okay. Who is Mrs. Jordan?

21 A. She's my wife now.

22 Q. Mrs. Jordan is your wife now?

23 A. Yes.

24 Q. She wasn't the last time I took your
25 deposition.