

FILE NAME: Mobil (MOB)

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DOCUMENT DESCRIPTION: Deposition of Arthur Pabst with BC Notes

Arthur Pabst 1980 depo (11/26)

1932-1970 worked for Mobil (chemist, then IH)

Harvard IH 1951-52

reported to Med. Dir., Saunders

11 Knew A was cause of A's is

12 Knew A used at refinery but
not thought to be serious

Rosenauer + Patty called A a nuisance dust

13 he was in A/H in 1952

16 5 MPPCF = terrific cloud of dust, no sampling
done

18 read I.H. Digest JAMA NEJM

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

---oOo---

DOMINIC NICK LA FINTA, et al.,
Plaintiffs,
vs.
MOBIL OIL CORPORATION, et al.,
Defendants.

No. C 270345

COPY

---oOo---

WEDNESDAY, NOVEMBER 26, 1980

---oOo---

DEPOSITION OF
ARTHUR G. PABST

---oOo---

COUNSEL:

For the Defendant:

MICHAEL L. SHANNON, Esq.
3435 Wilshire Boulevard, 30th Floor
Los Angeles, California

For the Plaintiff:

HALLORAN & DRAPKIN
By: ROBERT HALLORAN, Esq.
3455 Torrance Boulevard
Torrance, California

---oOo---

Katherine L. Dicks, CSR #4682

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
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DOMINIC NICK LA PINTA, et al., }
Plaintiffs, }
vs. } No. C 270345
MOBIL OIL CORPORATION, et al., }
Defendants. }

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BE IT REMEMBERED that pursuant to notice between
counsel for the respective parties, and on Wednesday the
26th day of November, 1980, commencing at the hour of
1:30 o'clock thereof, at the offices of Matheny & Poldmore,
350 University Avenue, #101, Sacramento, California,
before me, Katherine L. Dicks, a Certified Shorthand
Reporter and Notary Public in and for the County of
Sacramento, State of California, there personally appeared,

ARTHUR C. PABST.

called as a witness by the plaintiff, who, being by me
first duly sworn, was thereupon examined and interrogated
as hereinafter set forth.

---oOo---

Michael L. Shannon, Esq., 3435 Wilshire Boulevard,
30th Floor, Los Angeles, California, appeared as counsel
on behalf of the defendant.

Robert Halloran, Esq., of the law firm of Halloran &

1 Drapkin, 3455 Torrance Boulevard, Torrance, California,
2 appeared as counsel on behalf of the plaintiff.

3 ----oCo----

4 IT WAS STIPULATED between counsel for the respective
5 parties that this deposition shall be reported by Katherine
6 L. Dicks, a Certified Shorthand Reporter and Notary Public
7 in and for the County of Sacramento, State of California,
8 and a disinterested person, and thereafter transcribed
9 into typewriting, to be read to or by the said witness,
10 who, after making such corrections as may be necessary,
11 will subscribe the same.

12 IT WAS FURTHER STIPULATED that if the witness fails to
13 sign the deposition after having had a reasonable opportunity
14 to do so, it shall be deemed to have the same force and
15 effect as though signed.

16 IT WAS FURTHER STIPULATED that all objections to
17 questions propounded to the said witness shall be reserved
18 by each of the parties, save and except any objections as
19 to the form of the questions propounded.

20 IT WAS FURTHER STIPULATED that if the witness should
21 be instructed not to answer any questions propounded by
22 counsel, it shall be deemed that the Notary Public has
23 instructed the witness to answer but that the witness
24 refuses to do so.

25 IT WAS FURTHER STIPULATED that this deposition shall
26 be taken pursuant to the provisions of all applicable
27 sections of the Code of Civil Procedure of the State of
28 California.

DEPOSITION OF

ARTHUR C. PABST, called as a witness by the plaintiff,
being first duly sworn by the Notary Public to tell the
truth, the whole truth and nothing but the truth, testified
as follows:

EXAMINATION

By ROBERT HALLORAN, Esq., counsel on behalf of the plaintiff:

Q Mr. Pabst, would you please state your full name for
the record?

A Arthur C. Pabst.

Q Would you spell your last name?

A P-a-b-s-t.

Q What's your age, Mr. Pabst?

A Seventy-one.

Q Where do you reside?

A 4112 Coconut Terrace, Bradenton, Florida, 33507.

Q Have you ever had your deposition taken before,
Mr. Pabst?

A No.

Q Have you had an opportunity to discuss the nature of
a deposition with Mr. Shannon?

A Yes.

Q All right. I'm probably repeating what he's already
told you about a deposition, but I'm going to ask you
some questions concerning your employment with Mobil Oil,
and the court reporter will take down my questions and
your answers to my questions. She will later transcribe
your testimony into a written form. It will be such as

1 the booklet I have here, and you'll have an opportunity
2 to read over your testimony, and if you wish, change or
3 correct it. If you do change your testimony in some
4 important aspect, then any lawyer that might try this case
5 could comment that you changed sworn testimony.

6 A All right.

7 Q If I ask you a question and you don't understand it,
8 please tell me so, and I'll try and rephrase the question
9 so that you do understand it. If there's something you
10 can't remember, I don't want you to guess about your
11 answer. Tell us you don't remember. Will you do that?

12 A I will.

13 Q Mr. Pabst, were you employed by Mobil Oil?

14 A Yes.

15 Q When did you first go to work for Mobil Oil?

16 A 1932.

17 Q What was your position with them at that time?

18 A I was an analytical chemist.

19 Q And when did you retire from Mobil Oil?

20 A In 1970.

21 Q Was your employment constant with Mobil Oil from 1932
22 to 1970?

23 A Yes, it was.

24 Q Did you, at some point in your career with Mobil Oil,
25 have the responsibility as an industrial hygienist?

26 A Yes.

27 Q When did you become an industrial hygienist for Mobil
28 Oil?

1 A 1952.

2 Q Before becoming an industrial hygienist, what was

3 your position at Mobil Oil?

4 A I was a research chemist.

5 Q Have you had any formal training in industrial hygiene

6 before becoming a hygienist in 1952?

7 A Yes.

8 Q Would you tell me what training you've had?

9 A I got a Masters degree at the Harvard School of Public

10 Health, 1951 and '52.

11 Q Okay. Is there any other training besides the Masters

12 degree you received at Harvard School of Public Health?

13 A Well, I had a Masters in chemical engineering, too,

14 as well as a straight chemical engineering degree and

15 some extra courses in radiology at New York University,

16 1953.

17 Q And what was the length of your schooling in

18 industrial hygiene? How long did you have to go to school

19 at the Harvard School of Public Health to receive your

20 Masters degree?

21 A One year.

22 Q Had you had any experience in industrial hygiene

23 before 1952?

24 A In a related field, yes.

25 Q What was that related field?

26 A I was responsible for product labeling.

27 Q In 1952, when you became an industrial hygienist at

28 Mobil Oil, what was your geographic area of responsibility?

1 Were you in charge of all of the Mobil operations or
2 some of them or what?

3 A That's hard to say.

4 Q Can you give us any idea?

5 A I think at that time, it was directed primarily
6 towards the refineries.

7 Q Who was your immediate supervisor or the person to
8 whom you reported?

9 A A Dr. Saunders, who was the medical director of the
10 company.

11 Q Okay. Were there any other industrial hygienists
12 employed by Mobil in 1952 besides yourself?

13 A No, to the best of my knowledge.

14 Q Were you sort of in charge of industrial hygiene for
15 Mobil then? Would that be accurate?

16 A I guess you could infer that.

17 Q I don't want to infer anything. I need to know what
18 your relation was. Were you the advisory to the medical
19 department or were you in charge of industrial hygiene,
20 what?

21 MR. SHANNON: Could I hear the question just before
22 this one?

23 (Thereupon the record was read.)

24 MR. HALLORAN: O What we're trying to get at is what
25 you were doing in industrial hygiene for Mobil when you
26 assumed that position in 1952. Was it industrial hygiene
27 in the refining operation, primarily, that you were
28 concerned with?

1 A Yes.
2 Q Were you concerned with industrial hygiene as far as
3 any of the maritime transportation divisions were
4 - concerned?
5 A No.
6 Q Did you have occasion, in your training at the Harvard
7 School of Public Health, to utilize a textbook in industrial
8 hygiene?
9 A Yes.
10 Q What textbook did you use?
11 A There was one by Rosenaur, "Preventative Medicine."
12 Q Okay. Anything else?
13 A Another one I recall was -- I guess it was called,
14 "Industrial Hygiene Toxicology," by Frank Patty, who was
15 at General Motors at that time. There were certainly other
16 textbooks, but I don't recall any more.
17 Q All right. In 1952 when you became an industrial
18 hygienist for Mobil and were directing your attention
19 towards the refining operations, did you have responsibility
20 for industrial hygiene in all of Mobil's refining operations
21 in the United States?
22 A I don't know, really.
23 Q Well, can you tell me what you believe your
24 responsibilities were in 1952 when you assumed the position
25 of industrial hygienist?
26 A Can I say something off the record?
27 Q Sure. We can go off the record.
28 (Discussion off the record.)

1 MR. HALLORAN: Q Go ahead and tell us what you
2 want to tell us, Mr. Pabst.

3 MR. SHANNON: If you ever have a problem with a
4 question because it's worded in such a way that it makes
5 your answer difficult, let's try to work on that.

6 THE WITNESS: What was the question again?

7 MR. HALLORAN: Q I'm trying to find out what you
8 believe your responsibilities were when you assumed the
9 position of industrial hygienist in 1952. What was your
10 job? What were you supposed to do? Were you concerned
11 with industrial hazards that might be present in the
12 refining operation?

13 A That is correct, yes.

14 Q And can you tell me what you understood an industrial
15 hygienist's functions were as far as they relate to the
16 refining operation?

17 A It was to examine what materials the workmen were
18 handling, how they were using them, and what products they
19 were making, and the toxicology end of the product.

20 Q How would you go about determining the materials
21 that were being used by workmen in the refineries which
22 might have some industrial hygiene problems connected
23 with them?

24 A Usually by common materials, that would be in the
25 textbooks. If it was about other types of products, you'd
26 write to the manufacturer and ask for the toxicologic
27 information.

28 Q What I'm trying to find out is you've got to determine

1 what materials are being used in the refining operation,
2 number one, aren't you?

3 A That's right.

4 Q How did you go about that in 1952?

5 A We had stock records of all the raw materials that
6 went into the refinery, what formulas they were using and
7 what end products were manufactured.

8 Q Were the duties you had as an industrial hygienist
9 to determine potential hygiene hazards in the refining
10 operations?

11 A Yes.

12 Q And one of the ways you'd find out would be to
13 determine what materials were being used by the workmen,
14 correct?

15 A That is correct.

16 Q Okay. Were you aware in 1952 that any asbestos
17 products were being used in the refining operations at
18 Mobil?

19 A I don't know in 1952.

20 Q Were you aware in 1952 that exposure to asbestos
21 dust could pose a health problem? I'm not saying "did"
22 but "could."

23 A Yes.

24 Q And had you learned that in your training at Harvard?

25 A That is correct, yes.

26 Q And was it your understanding that inhalation of
27 asbestos dust could lead to the disease of asbestosis,
28 is that correct?

1 A That is correct, yes.
2 Q Did you believe there were any other hazards
3 connected with asbestosis dust in 1952?
4 A No.
5 Q At some point in time, while you were an industrial
6 hygienist for Mobil, did it come to your attention that
7 asbestos products were being used by the refinery workers?
8 A Yes.
9 Q When was the first time that came to your attention,
10 if you can recall?
11 A I don't recall a date.
12 Q Would it be sometime in the 1950's?
13 A Yes.
14 Q Did you investigate what types of materials were
15 being used by refinery workers at Mobil in the 1950's?
16 A I don't know what you mean by investigate.
17 Q You found that sometime in the fifties, Mobil refinery
18 workers were using asbestos products, correct?
19 A Yes.
20 Q Okay. And can you tell me how that came to your
21 attention?
22 A No, I don't know how that would have come to my
23 attention.
24 Q And when you found out that, during the 1950's that
25 asbestos products were being used by Mobil's refinery
26 workers, what did you do to determine whether or not there
27 was any health hazard from the use of these products?
28 A I don't recall that we did anything. It was not

1 thought to be serious.

2 Q ~~And when~~ did you first believe that the use of

3 asbestos products at Mobil's refineries did not pose any

4 serious health hazard for refinery workers?

5 MR. SHANNON: I'm going to object to that question.

6 I'm going to object to that question as to form.

7 MR. HALLORAN: All right.

8 Q You indicated that it came to your attention sometime

9 during the fifties, that refinery workers were using

10 asbestos products in the refinery operations, and you told

11 us at that time that you didn't do anything towards

12 determining whether or not there was any potential health

13 hazards, is that correct?

14 A That is correct.

15 Q And that was because you believed that the use of

16 those asbestos products posed no risk to the workers, is

17 that right?

18 A That is right.

19 Q What was that based on?

20 A It was based on textbooks at the time.

21 Q What textbooks?

22 A Well, you could take the Rosenaur's or the Patty's,

23 that I mentioned before, which they classified as a nuisance

24 dust.

25 Q Were there any other textbooks that you relied upon

26 in determining that the asbestos dust generated on

27 refinery workers, was not hazardous?

28 A I don't recall.

13

1 Q Did you conduct air sample testing to determine the
2 levels of dust to which refinery workers might be exposed
3 while using asbestos products?

4 A No.

5 Q Why not?

6 A We didn't think it was necessary.

7 Q Certainly, one of the ways to determine whether or
8 not it had a potential health hazard as a result of the
9 use, for example, of asbestos inhalation products in the
10 refinery operations, would be to take an air sample test,
11 would it not?

12 A It would be today, yes.

13 Q In 1952, did you belong to any professional hygiene
14 organization?

15 A Yes, The American Industrial Hygiene Association.

16 Q Anyone else?

17 A I think at that time I belonged to the American Public
18 Health Association, American Chemical Society.

19 Q In 1952, when you became an industrial hygienist for
20 Mobil Oil, were you aware that there were, at that time,
21 published, recommended threshold limit values for asbestos
22 dust exposure?

23 A Yes.

24 Q Did you know whether any of your employees in the
25 refining operations were being exposed to dust levels that
26 exceeded the then, recommended threshold limit value?

27 A No.

28 MR. SHANNON: Let me try and understand this. Is the

1 question -- let me hear the question and answer, please.
2 I don't think I understand it.

3 (Thereupon the record was read.)

4 MR. SHANNON: Is it your testimony that you don't
5 know whether or not they were being exposed --

6 THE WITNESS: I see what you mean, yes.

7 MR. SHANNON: Maybe you can clarify that point.
8 Did you -- well, isn't it true that you did not believe
9 any employees were being exposed to concentrations, in
10 essence of the applicable TLV?

11 THE WITNESS: Would you repeat that, please.

12 MR. SHANNON: Well, I don't want to interrupt
13 Mr. Halloran's examination unnecessarily.

14 MR. HALLORAN: Go ahead.

15 MR. SHANNON: Okay. Well, the ambiguity I see is
16 with the --

17 THE WITNESS: You don't know what the "no" means.

18 MR. SHANNON: "No, I don't know" or "No, they weren't
19 being excessively exposed"?

20 MR. HALLORAN: Let's take a break while we have our
21 lunch. Then, we'll get back to this thing.

22 MR. SHANNON: Why don't we answer that question, if
23 we can, while we're thinking about it.

24 MR. HALLORAN: I kind of lost the question.

25 MR. SHANNON: Let's start over. We'll start the
26 whole thing over again. Off the record.

27 (Short break taken.)

28 MR. HALLORAN: O Mr. Pabst, it's my understanding,

1 from your testimony, that you believed, in 1952, that
2 there was no hazard in the use of asbestos related
3 products by refinery workers at Mobil Oil, is that correct?

4 A Yes.

5 Q You told me you were familiar with the fact that there
6 were recommended threshold limit values for asbestos dust
7 exposures in 1952?

8 A That is correct.

9 Q One of the ways to find out whether or not the
10 refinery workers were exposed to dust levels above the
11 threshold limit values would be to do air sample testing,
12 correct?

13 A Right.

14 Q It is my understanding that there was no air sample
15 dust testing done by Mobil in 1952 of any of its refinery
16 workers to see whether or not the levels of asbestos dust,
17 that they might be exposed to, to determine those levels,
18 is that right?

19 A It's hard for me to answer that. I didn't make any
20 tests, but I don't know whether anybody else ever did.

21 Q Okay.

22 A I doubt it.

23 Q All right. Well, you didn't do any test?

24 A No.

25 Q Did you recommend to Mobil that any air sample
26 testing be done in 1952?

27 A Specifically for asbestos, no.

28 Q Did you at any time, while you were at Mobil in the

1 fifties, recommend air samples be done to determine the
2 levels of asbestos dust?

3 A No.

4 Q Did you assume that whatever levels of asbestos
5 dust the workers might be exposed to, the use of asbestos
6 products, would be less than the threshold limit value?

7 A Yes.

8 Q What did you base that assumption on?

9 A On a subjective judgment.

10 Q Okay. By "subjective judgment," you mean what?

11 A Well, I can't be -- I don't know how to answer that
12 really. Examining a place where they would use asbestos
13 and how they were using it, you could usually tell whether
14 the dust was excessive or not by the concentration in the
15 air. The five mill particles per cubic feet would be a
16 terrific cloud of dust.

17 Q So what you're saying is you would do it by looking at
18 the dust?

19 A That's right.

20 Q All right. And in the fifties, did you go out and
21 look at any of the dust concentrations when asbestos
22 insulation was going on, for example?

23 A I recall one particular refinery, yes.

24 Q Which refinery was that?

25 A Augusta, Kansas.

26 Q Was this during 1950 that you did that, went out and
27 took a look at the asbestos work?

28 MR. SHANNON: I think he said the 1950's. I don't

1 think he said in 1950.

2 MR. HALLORAN: Q The fifties, not 1950.

3 A Well, there again, it was not specifically for that
4 purpose. It was on a routine visit to the refinery for
5 some other purpose.

6 MR. HALLORAN: Now, let's take our break and eat our
7 sandwiches.

8 (Short break taken.)

9 MR. HALLORAN: Q Okay. Let's go back on the record.
10 Mr. Pabst, as an industrial hygienist, one of the things
11 your job would entail would be the determination of health
12 hazards to employees in the work place, correct?

13 A Yes.

14 Q Okay. And some of the things you dealt with were
15 toxic fumes, chemicals and things, that were present in
16 refineries, is that correct?

17 A Yes.

18 Q All right. Now, you were aware in 1952, when you
19 assumed the job of industrial hygienist, that asbestos
20 dust was a health hazard, correct, in a general sense?

21 A Yes, in a general sense.

22 Q Okay. Was it your understanding that if you were to
23 inhale asbestos dust over long periods of time, above
24 certain concentrations, that you might contract a disease
25 known as asbestosis?

26 A Yes.

27 Q Did it come to your attention, at any time during the
28 1950's, that asbestos dust was a carcinogen?

1 A No.

2 Q Did it come to your attention, at any time while
3 you were working for Mobil as an industrial hygienist,
4 that asbestos was a carcinogen?

5 A I don't remember.

6 Q As an industrial hygienist, one of the things you'd
7 have to do to be current with the field of industrial
8 hygiene, would be to read various industrial hygiene
9 publications, correct?

10 A Yes.

11 Q Okay. Could you tell me what you were doing, in 1952,
12 generally, to keep current in the field of industrial
13 hygienics?

14 A We were reading the industrial hygiene digest.

15 Q Okay.

16 A I also read the Journal of the American Medical
17 Association. Also there was the Journal of Industrial
18 Medical Association. There was the --

19 MR. SHANNON: Excuse me.

20 THE WITNESS: There was the New England Journal of
21 Medicine.

22 MR. SHANNON: If you hold your hand in front of your
23 face and your mouth, you're obscuring your lips, and it
24 might make it difficult for our reporter.

25 THE WITNESS: Okay.

26 MR. HALLORAN: Q We've got the New England Journal
27 of Medicine. Anything else?

28 A That's all I recall.

1 Q Okay. These were the things that you were reading
2 on some kind of a regular basis to keep current in the
3 field of industrial hygiene, is that correct?

4 A That is correct.

5 Q Now, am I correct in my understanding that you made a
6 subjective judgment that the amount of asbestos dust that
7 refinery workers were exposed to at Mobil did not represent
8 a potential health hazard sometime in the 1950's?

9 A Would you repeat that, please?

10 Q Well, you told me that you made a subjective judgment
11 that there was no potential health hazard for employees
12 at Mobil in the refining operation because of the use of
13 asbestos products, is that correct?

14 A Yes.

15 Q Okay. And that was a -- you used the term "subjective
16 judgment." correct?

17 A Yes.

18 Q Okay. You made that judgment sometime in the 1950's?

19 A Yes.

20 Q And as I understand, this was based on observations
21 you made at the refinery in Augusta?

22 A Augusta, Kansas.

23 Q Augusta, Kansas, okay. Did you go out specifically
24 with the intent of determining the levels of asbestos
25 during some particular operation?

26 A No, no.

27 Q Did you actually sit down and analyze whether or not
28 there were any potential health hazards because of the use

1 of asbestos products during the 1950's at the Mobil
2 refinery?

3 A No.

4 Q Did you ever even consider that problem in the 1950's?

5 A No.

6 Q You were dealing with, primarily with toxic fumes,
7 were you not?

8 A Yes, and liquids -- liquids.

9 Q So as far as you were concerned, as an industrial
10 hygienist for Mobil, you didn't really sit down and look
11 at any potential health hazards that may have been present
12 during the 1950's because of the use of asbestos products,
13 is that correct?

14 MR. SHANNON: I'm going to object. It misstates
15 the testimony, at least insofar as it appears to discount
16 or ignore the testimony about the conclusion that the
17 levels were below the TLV.

18 MR. HALLORAN: Q Well, let's start with that. You
19 made one observation at a refinery in Augusta, Kansas,
20 sometime in the 1950's that led you to think that the
21 asbestos dust levels would be below the recommended
22 threshold limit values, is that right?

23 A Yes.

24 Q Did you make any more than one observation?

25 A No.

26 Q And that was something -- that was an observation
27 made while you were doing some other thing, correct?

28 A That's right.

1 Q So based solely on that one observation, you
 2 determined that there was no potential health hazard
 3 with the use of asbestos products for refinery products
 4 of Mobil Oil in the 1950's?

5 A Yes.

6 Q Did it come to your attention that at any time after
 7 the 1950's, that there was a potential health hazard for
 8 the use of asbestos by the refinery workers at Mobil?

9 MR. SHANNON: May I have that question read back?
 10 Excuse me.

11 (Thereupon the record was read.)

12 MR. SHANNON: While he was working or at any time?

13 MR. HALLORAN: Q Any time.

14 A Any time during the sixties?

15 Q Any time, did it come to your attention?

16 A Oh, no.

17 Q Okay. When was the first time that you thought that
 18 there might be some potential health hazard while you
 19 were employed at Mobil as an industrial hygienist because
 20 of exposure to employees by asbestos?

21 A I don't think there was a time -- until I retired in
 22 1970.

23 Q Okay. Sometime during your employment by Mobil as
 24 an industrial hygienist, were you the supervisor of
 25 Mr. Daniels?

26 A Yes.

27 Q And can you tell me, roughly, the period of time when
 28 Mr. Daniels reported to you?

1 A I don't know the exact years. It was towards the
2 end of my retirement. Do you want me to estimate?

3 Q Just your estimation, as long as you have an
4 estimation. It's not just a guess, is it?

5 A I would judge the last five years of my employment in
6 1965 on.

7 Q Okay. Were you acquainted with Mr. Daniels at any
8 time during the fifties?

9 A Oh, yes.

10 Q Were you aware that he was working as an industrial
11 hygienist for Mobil, also?

12 A Yes.

13 Q And in the fifties, did Mr. Daniels report to you or --

14 A No.

15 Q Let's see. In 1952 when you became an industrial
16 hygienist, you reported to Mr. Saunders, correct?

17 A Dr. Saunders.

18 Q Okay. And at that time, we never did delineate
19 whether you had any geographic area of responsibility.
20 Let me ask you this: Did you at any time, during the
21 fifties, have any geographical area of responsibility,
22 as an industrial hygienist with Mobil -- for example,
23 the west coast, the east coast?

24 A It was never defined.

25 Q Okay. When you were instructed in industrial hygiene
26 at the Harvard School of Public Health, were you taught
27 any particular methods you should utilize for the
28 investigation of industrial health hazards?

- 1 A Yes.
- 2 Q Will you tell me what methods you were to use?
- 3 They taught you methodology for the investigation of
- 4 industrial health hazards?
- 5 A For what type of material?
- 6 Q For asbestos.
- 7 A Let's go to dust.
- 8 Q Did they teach you for dust?
- 9 A Certainly, dust.
- 10 Q Okay. And what method were you to use, for instance,
- 11 in the area of dust, as far as they related to industrial
- 12 hygiene?
- 13 A -- A midget impinger, m-i-d-g-e-t i-m-p-i-n-g-e-r.
- 14 Q That was a device for air sampling?
- 15 A That is correct.
- 16 Q Were you taught that any dust, if inhaled in sufficient
- 17 quantities, would represent a potential health hazard?
- 18 A Yes.
- 19 Q And were you taught that there was an area of diseases
- 20 known as pneumoconiosis? Don't ask me to spell it.
- 21 A Yes.
- 22 Q And part of your course in industrial health dealt
- 23 with the whole field of dust related diseases, is that
- 24 correct?
- 25 A Correct.
- 26 Q And then in one of these areas, you would have
- 27 asbestos dust, correct?
- 28 A Yes.

1 Q Up until your retirement, did you ever conduct
2 any investigation at Mobil of asbestos dust to determine
3 whether or not the levels, that any Mobil employee might
4 be exposed to, would exceed the then recommended
5 threshold limit values?
6 A No.
7 MR. SHANNON: You mean, of course, other than the
8 subjective judgment?
9 MR. HALLORAN: Yes, other than the subjective judgment.
10 Q Did you report to Mobil this observation you made at
11 the Augusta, Kansas refinery about the dust levels present
12 when work was going on with asbestos products?
13 A My boss was with me.
14 Q Who was your boss?
15 A Dr. Saunders.
16 Q Did you have a conversation with him about the
17 apparent dust levels?
18 A Yes.
19 Q Tell me what that conversation entailed? What did you
20 say, and what did he say?
21 A I don't remember that.
22 Q Okay. And you decided that by looking at it, that
23 the dust levels probably didn't exceed the threshold limit
24 value, is that right?
25 A That would have been a joint decision. We were both
26 there together. It was a joint decision of Dr. Saunders
27 and myself.
28 Q Do you know if that decision was ever put in writing?

1 A No.

2 Q Was any memoranda made of this observation at the
3 Augusta refinery?

4 A I don't know.

5 Q What operations were you aware of at the Mobil
6 refinery, in the fifties, where -- strike that. Let me
7 start over. Tell me, in the fifties, were you aware that
8 asbestos products were being used in the refineries?

9 A Yes.

10 Q Tell me what products were being used and for what
11 purpose?

12 A Insulation for pipes and stills, kettles.

13 Q Did the Augusta refinery have an insulation cutting
14 shop?

15 A Yes.

16 Q Did you make your observation of the dust levels at
17 the cutting shop?

18 A Yes.

19 Q And was that cutting shop equipped with any type of
20 dust suppression equipment?

21 A I don't recall at the time.

22 Q Methods were available in 1952 to protect workers
23 against asbestos dust exposure, were they not?

24 MR. SHANNON: Do you mean a method specifically for
25 asbestos dust?

26 MR. HALLORAN: Specifically for asbestos dust or
27 for that matter, any dust. It doesn't matter.

28 MR. SHANNON: Those are two questions.

1 MR. HALLORAN: O Let's start over. Generally,
2 were methods available to protect workers against the
3 inhalation of excessive amounts of dust?

4 A Yes.

5 Q These consisted of masks?

6 A Masks or ventilation.

7 Q How about any type of respiratory equipment?

8 MR. SHANNON: Other than masks?

9 MR. HALLORAN: Other than masks.

10 THE WITNESS: I don't understand the question.

11 MR. HALLORAN: O Didn't they have available certain
12 devices for workers, that they'd wear when they went into
13 tanks where there might be fumes?

14 MR. SHANNON: Well, your question was about dust.

15 MR. HALLORAN: But I'll get there in a minute.

16 THE WITNESS: An air-supplied respirator.

17 MR. HALLORAN: Q Those were available, also?

18 A Yes.

19 Q They could be used to protect the workmen against the
20 inhalation of excessive amounts of dust, right?

21 A Yes.

22 Q Do you know if, during the fifties, any of the devices
23 we've talked about were utilized in any of the refineries
24 under your general area of responsibility?

25 A I don't know.

26 Q Did you ever notice any of the workmen in the
27 asbestos -- in the cutting shops wearing masks?

28 A No.

1 Q Were the saws equipped with exhaust ventilation
2 equipment?
3 A I don't know.
4 Q At any time while you were employed at Mobil as an
5 industrial hygienist, did it come to your attention that
6 any worker had sustained any injury relating to the
7 inhalation of asbestos dust?
8 A No, I don't recall any.
9 Q In 1952, were you aware that Mobil employed seamen
10 to do insulation on board ship?
11 A No.
12 Q You didn't have anything to do with the maritime
13 division at all?
14 A No.
15 Q Do you know if there was any industrial hygienist
16 employed by Mobil during the 1950's that had -- that was
17 responsible for industrial hygiene on board ship?
18 A No.
19 Q No, you're not aware, or no, there wasn't any?
20 A I'm not aware.
21 Q Okay. Did the subjective judgment that you utilized
22 in determining that there was no potential dust hazard at
23 the Augusta, Kansas refinery, fit within the methodology
24 you were taught at Harvard School of Public Health for
25 the investigation of health hazards related to dust exposure?
26 A I don't understand that question.
27 Q Let me ask it this way. Did they teach you at the
28 Harvard School of Public Health that the way you determine

1 whether or not there was a health hazard to an
2 employee because of insulation of asbestos, was to go
3 out and look at it and decide based on what you saw in
4 the air?

5 A I couldn't answer that.

6 Q Weren't you taught that air sample testing should
7 be done to determine whether or not the levels of dust
8 were above the then believed threshold limit values?

9 A We were -- we were taught that.

10 Q Yes?

11 A Yes.

12 Q Were you taught that air sample testing should be
13 conducted over a period of time, rather than conducted
14 on the single air sampling in determining the levels of
15 asbestos dust, for example?

16 MR. SHANNON: Well, we need a foundation that he
17 was taught anything about air sampling with respect to
18 asbestos dust.

19 MR. HALLORAN: Q You were taught about the midget
20 impinger, which was a device used for air sampling?

21 A Yes.

22 Q You were taught about the methodology relating to
23 air samples as it related to dusts, were you not?

24 A Yes.

25 Q Were you taught that in order to have a valid air
26 sample, that it ought to be done over a period of time,
27 rather than be done at any single sampling to determine
28 whether or not there might be a hazard level of dust?

1 MR. SHANNON: I object to the form of the question.
2 As I understand, the impinger test by the very nature
3 requires a period of time. It takes a period of time.
4 It doesn't make sense.
5 MR. HALLORAN: O Let's ask it this way. When you
6 utilized the widget impinger, as you understood it in
7 1952, did that involve taking a sample of air over a
8 period of time?
9 A Yes.
10 Q Okay. For what period of time did you take and would
11 you take an air sample?
12 MR. SHANNON: Are you talking about the limit of the
13 machine or --
14 MR. HALLORAN: Whatever the practice was in 1952.
15 MR. SHANNON: If there was a practice, even.
16 MR. HALLORAN: Was there a practice in 1952 relating
17 to air sample testing as it concerned dust as far as time
18 when you would take the sample?
19 A I don't know that. They would have been.
20 Q Were you taught that it was good industrial hygiene
21 practice to go look at the dust levels and make a decision
22 whether there was a health hazard?
23 A I don't know.
24 Q Was that a good practice?
25 A In retrospect, maybe, no.
26 Q No, at the time, was it a good practice?
27 A Yes.
28 Q Were you taught that was good practice at the Harvard

1 School of Public Health?

2 A I don't remember.

3 Q Did you ever call Mobil at any time during your
4 employment until your retirement, that their workers
5 might be exposed to potential health hazards because
6 of asbestos dust inhalation?

7 A No.

8 Q Did you have a conversation with my partner,
9 Mr. Drapkin, on the telephone?

10 A Yes.

11 Q Did you tell Mr. Drapkin that you had warned Mobil
12 about asbestos dust hazards?

13 A I don't recall exactly what was said.

14 Q Do you recall saying anything about warning Mobil
15 that there were potential asbestos dust hazards in its
16 refining operations?

17 A No.

18 Q You didn't say that or you don't remember saying that?

19 A I don't remember.

20 Q At any time while you worked as an industrial
21 hygienist for Mobil, were there any work practices in
22 effect to reduce asbestos dust in the refining operations?

23 A I don't know.

24 Q Do you have any recollection of reading any literature
25 on the items that you read to keep current on asbestos --
26 or strike that. Do you have any recollection of reading
27 any articles of those publications you gave us earlier
28 relating to asbestos dust as a carcinogen?

1 A No.

2 Q Wasn't it industrial hygiene that you were taught
3 in 1952 that if you were not aware of the amount of dust
4 to which an employee might be exposed, that the safest
5 thing was to institute protective measures?

2 6 MR. SHANNON: Object to the form of that question as
7 internally inconsistent.

8 MR. HALLORAN: Q Let me repeat the question.

9 Mr. Pabst, were you taught at the Harvard School of Public
10 Health that if you couldn't determine the levels, for
11 example, of asbestos dust that a worker might be exposed
12 to during the course of his employment, that the industrial
13 hygiene practice was to institute protective measures
14 against dust inhalation?

15 MR. SHANNON: Objection. The problem I have is
16 whether or not you know the precise level is irrelevant,
17 if you know that it's below the applicable TLV.

18 MR. HALLORAN: Q Do you understand the question?

19 A No, I don't.

20 Q Mr. Pabst, were you taught that if you couldn't tell
21 what the dust levels would be as related to asbestos dust,
22 that you ought to take protective measures?

23 A Not specifically, no.

24 Q Did you understand that as a good industrial hygiene
25 practice in 1952?

26 A Yes.

27 Q Do you understand that good industrial hygiene
28 practice would be to take preventative measures to avoid

1 the exposure of employees to asbestos dust, if you
2 weren't able to determine the amount of dust that you
3 would be exposed?

4 MR. SHANNON: Objection. There has to be some
5 foundation that the risk exists --

6 MR. HALLORAN: Q Let me ask you this. If you were
7 to go out and do testing for asbestos dust levels, and
8 by your knowledge of the workmen's job, you knew that
9 any one particular test wouldn't tell you what the level
10 might be two weeks from that day or a month from that day,
11 that the safest thing to do was to protect it?

12 A No.

13 MR. SHANNON: The question is incomplete. It requires
14 some conclusion that there is a risk of exposure to
15 asbestos dust. It does not constitute a risk. It's only
16 exposure to levels..

17 MR. HALLORAN: Q Is that your understanding,
18 Mr. Pabst, that it's only exposure to excessive levels
19 that constitutes a risk as far as asbestos dust is
20 concerned?

21 MR. SHANNON: Are you asking if that's what his
22 view is now?

23 THE WITNESS: What is this now, again?

24 MR. HALLORAN: Q Is it your view now, Mr. Pabst,
25 that exposure to excessive levels of asbestos dust --
26 strike that. Is it your understanding now that in order
27 for there to be a health risk by virtue of the exposure
28 to asbestos dust, that the worker must be exposed to excessive

1 levels of dust?

2 A Will you define what you mean by "excessive levels"?

3 Q Okay. Let me ask you this: Was it your understanding
4 in 1952 that the only workers at risk, as far as asbestos
5 exposure, were those who were exposed to excessive levels
6 of dust, those being above the then accepted threshold
7 limit values?

8 A What was the first part of that question?

9 Q Was it your understanding in 1952 that the only workers
10 at risk, as far as asbestos dust was concerned, were those
11 workers who were exposed to excessive levels of dust? By
12 that, I mean dust levels above the threshold limit value.

13 A At risk for asbestosis, yes.

14 Q Would it be fair to say the only way to determine
15 from the industrial hygiene standards point of view,
16 whether or not a worker was at risk as far as asbestos
17 dust was concerned, would be to do air sample testing over
18 a period of time to find out what the levels of dust were?

19 MR. SHANNON: I object. There are many ways or at
20 least two ways to determine levels of asbestos dust.

21 MR. HALLORAN: Q Can you answer the question?

22 A I don't know what it was.

23 Q Okay. How would you go about in determining the levels
24 of asbestos dust in 1952 to determine whether or not it
25 exceeded the then recommended threshold limit value as
26 an industrial hygienist?

27 MR. SHANNON: Do you want him to list the ways?

28 MR. HALLORAN: Q List the ways how you would go about

1 it.
2 A You'd use the midget impinger to do an air sample
3 test.
4 Q Was there any other valid method in which an
5 industrial hygienist would determine whether or not the
6 asbestos dust levels exceeded the threshold limit value?
7 A Well, there's a high volume air sample, but I don't
8 know what date that came to be, whether it was in February
9 of '52 or not.
10 Q Anything else?
11 A Not that I know of.
12 MR. SHANNON: What about subjective methods? If you
13 go out there and look, and it's not dusty, it's not
14 excessive TLV?
15 THE WITNESS: There's no method to compare opaque
16 samples of the air.
17 MR. HALLORAN: Q Would it be fair to say that in
18 the 1950's, you couldn't go out and look at the asbestos
19 cutting shop and determine how many particles per cubic
20 foot there are in the breathing zone by looking?
21 A Yes, I guess that's true.
22 Q That's a true statement?
23 MR. SHANNON: It's equally true if it was not dusty.
24 THE WITNESS: That's true.
25 MR. SHANNON: That it was not in excess of the TLV,
26 isn't that true?
27 THE WITNESS: I don't understand that really.
28 MR. SHANNON: If the air is not dusty, it's not in

1 excess of the TLV. That's a matter of logic, isn't it?

2 THE WITNESS: Yes, if it's not heavily dusty.

3 MR. SHANNON: And you can tell?

4 THE WITNESS: This air is certainly not in excess of
5 the TLV.

6 MR. SHANNON: We don't need an impinger to do that,
7 do we?

8 THE WITNESS: Of course not.

9 MR. HALLORAN: Q So how do you determine when to use
10 the impinger, Mr. Pabst?

11 A When you want to determine if you have a problem.

12 Q In order to determine whether to do air sample
13 testing, would good industrial hygiene practice in 1952
14 be to go out and look at the work location, and if you
15 can't see dust in the air, then you don't bother with it?

16 A Yes, that was par for the course then.

17 Q So you wouldn't bother with air sample testing in the
18 asbestos cutting shop unless you could see the dust?

19 A Yes.

20 Q Okay. And when you looked at the Augusta refinery,
21 you didn't see any dust in the area, in the asbestos
22 cutting shop, correct?

23 A Yes, we saw dust.

24 Q And you decided at that time, based on your subjective
25 observations, that it didn't exceed the threshold limit
26 value?

27 A That it wasn't a problem, yes.

28 Q Could you tell how many particles per cubic foot of

1 air you had in the breeding zone?

2 A No.

3 Q Could you tell how many particles per cubic foot of
4 air you might have in the breeding zone the next day,
5 when the employees might be doing something else with
6 asbestos, than when you were watching?

7 A No.

8 Q So would it be fair to say that you didn't know what
9 the levels were at any other time other than that moment
10 when you made your subjective observation, correct?

11 A Yes.

12 Q And it's my understanding you weren't there looking
13 specifically for asbestos dust, correct?

14 A Yes.

15 Q Tell me what you were doing in the asbestos cutting
16 shop on this occasion you made your subjective observation?

17 A We were taking a tour of the refinery.

18 Q Tell me what was going on at the time you made your
19 observation of the cutting room in the Augusta, Kansas
20 refinery?

21 A I don't know what was going on. That was twenty-five
22 years ago.

23 Q You'd imagine they were sawing asbestos material at
24 the time, correct?

25 MR. SHANNON: If you can't remember the specific
26 operation, say you can't remember. Were the operations
27 going on, or was it at noon and things were shut down?

28 THE WITNESS: I don't remember that. I only remember

1 that there was one man in there, and I don't know what
2 he was doing at the time.

3 MR. SHANNON: Was he doing something?

4 THE WITNESS: I don't know.

5 MR. HALLORAN: Q Part of industrial hygiene practice,
6 Mr. Pabst, would be also to survey the particular work place
7 to determine the type of work the employees were engaged in,
8 right?

9 A Yes.

10 Q For example, if you want to know what work the employees
11 might be doing with asbestos products, you'd have to go out
12 and look or conduct some kind of survey to find out, correct?

13 A Yes.

14 Q Okay. Were any surveys conducted from 1952 until your
15 retirement of the work place at Mobil to determine the
16 kinds and types of work the employees were doing?

17 A Generally?

18 Q Yes, generally.

19 A Yes.

20 Q Were any of these done specifically from an industrial
21 hygiene standpoint?

22 A Yes.

23 Q And were any of these done as it related to dust
24 exposure?

25 MR. SHANNON: Do you mean limited to dust exposure
26 or do they include --

27 MR. HALLORAN: Q Did they include dust exposure?

28 A I can't think of anything specific.

1 Q Was there any industrial hygiene investigation
2 of asbestos dust exposure at Mobil while you were a
3 hygienist there?

4 A No, not that I recall.

5 Q One of the things you worked with as an industrial
6 hygienist would be the various safety orders for the
7 particular states in which you had refining operations,
8 correct?

9 MR. SHANNON: Could I hear that question again, please?

10 (Thereupon the record was read.)

11 MR. HALLORAN: Q Or am I incorrect?

12 MR. SHANNON: Do you know what safety orders are?

13 THE WITNESS: Vaguely.

14 MR. HALLORAN: Q Let me ask you --

15 A They're different states.

16 Q Did you have any industrial hygiene responsibilities
17 in the state of California at any time while you were
18 employed at Mobil from the time you became a hygienist
19 in 1952?

20 A No, Mr. Daniels is the one that was following that up.

21 Q Okay. So you wouldn't be familiar with the division
22 of industrial safety, general industrial safety orders
23 for California?

24 A No.

25 Q Okay.

26 MR. HALLORAN: Okay. I don't have any other questions.

27 MR. SHANNON: Let me take a brief recess. I'm going
28 to visit with Mr. Pabst for a minute or two.

(Short break taken.)

MR. SHANNON: I'm going to ask a few questions here.

EXAMINATION

By MICHAEL L. SHANNON, Esq., counsel on behalf of the defendant:

Q Mr. Halloran asked you a couple of questions about how you were taught to look into or investigate potential industrial hygiene problems when you were going to school at Harvard School of Public Health. Do you remember those questions and answers?

A Yes.

Q Now, I think your testimony was to the effect that the thing you were taught as the best way to go about that, was to use mechanical measuring devices, is that correct?

A (No response.)

Q Is that what you told Mr. Halloran before?

A I believe so.

Q But isn't there also -- weren't you also taught that the first thing industrial hygienists ought to do would be to visit the site and make what is called an "eyeball survey"?

A Sure.

Q What is an "eyeball survey"?

A Just a tour of the area with an idea of looking at what problems might be present.

Q Isn't that because at least in some kinds of things, the dust can be determined based on an eyeball survey whether or not further investigation is conducted?

1 MR. HALLORAN: Object as leading. You can
2 answer the question.

3 MR. SHANNON: Please answer.

4 THE WITNESS: What was that? What did you do?

5 MR. HALLORAN: I just objected to the question.

6 That's all right. If you understand the question that
7 Mr. Shannon stated as being accurate, you can answer the
8 question. The fact that I object, just ignore that.

9 THE WITNESS: Would you repeat that, please?

10 MR. SHANNON: I'm sure that was a little disjointed.
11 We better have it read back again.

12 (Thereupon the record was read.)

13 MR. SHANNON: What was the last question and answer
14 before the objection.

15 (Thereupon the record was read.)

16 MR. SHANNON: 'Q When you were at Harvard in Professor
17 Draper's program, they taught you the first thing that
18 hygienists should always do, and that is to perform an
19 eyeball survey, isn't that correct?

20 A Yes.

21 Q Isn't that because an eyeball survey will enable you
22 to decide whether further investigation is appropriate?

23 A Yes.

24 Q Now, there was another point in the examination where --
25 Mr. Halloran actually asked a couple of times about whether
26 there was ever a geographical limitation on the area of
27 your responsibility, and both times you testified that
28 you never defined it or you really weren't aware what it

1 was, is that correct?

2 A That is correct, yes.

3 Q Now, you worked for Mobil Oil Corporation at that
4 time, isn't that correct, beginning in 1952?

5 A I don't recall whether it was Mobil then or not.

6 Q Other affiliates of the company that you worked for
7 were General Petroleum and Magnolia, isn't that correct?

8 A They were affiliates of the company.

9 Q And they were generally involved in regions of their
10 own?

11 A They were more or less.

12 Q General Petroleum was on the west coast?

13 A That is correct.

14 Q And Magnolia was in the Gulf of --

15 A In Texas.

16 Q And you didn't have any responsibility for industrial
17 hygiene in those affiliates, did you?

18 A No direct responsibility.

19 Q So to that extent, there was a limitation on the
20 geographical area of responsibility?

21 A Yes.

22 Q And both Magnolia and General Petroleum, during the
23 fifties, had their own industrial hygiene stats, isn't that
24 correct?

25 A Yes.

26 Q Did you ever tell -- well, in the entire time you
27 worked for Mobil and the time since you've been retired,
28 have you ever believed that any employee of Mobil's was

1 subject to an unprotected risk of harm from breathing
2 asbestos fibers?

3 MR. HALLORAN: I'm going to object as being ambiguous
4 as to the use of the word "unprotected."

5 THE WITNESS: I don't know how to answer that. Since
6 I've been retired or --

7 MR. SHANNON: Q At any time in your life.

8 A (No response.)

9 Q It's true that you never thought there was an asbestos
10 disease problem at Mobil, did you?

11 A Again, you mean now or when I worked there?

12 Q When you worked there.

13 A No, I didn't.

14 Q Did you ever tell Mr. Drapkin anything different than
15 that?

16 MR. HALLORAN: I'll object to that as being ambiguous
17 and overbroad. He's already testified he couldn't remember.

18 THE WITNESS: I don't remember.

19 MR. SHANNON: Q Did you ever tell Mr. Drapkin anything
20 different than what you've already said today?

21 MR. HALLORAN: Again, I'll object as being overbroad.
22 He can't remember.

23 THE WITNESS: No, I don't remember. I don't remember
24 what the discussion was.

25 MR. SHANNON: Q Do you recall that you could have
26 told him anything differently than you've told us today?

27 A No.

28 MR. HALLORAN: Objection. Calling for speculation.

1 MR. SHANNON: Q What do you remember that you told
2 Mr. Drapkin during your conversation or conversations?

3 A I don't remember a single thing that I spoke to him
4 about, except the idea of coming out here and getting a
5 deposition taken at my son's house.

6 Q How many times did he talk to you?

7 A I think it was twice.

8 MR. SHANNON: I don't have any further questions.

9 EXAMINATION

10 By ROBERT HALLORAN, Esq., counsel on behalf of the plaintiff:

11 Q Mr. Pabst, did you have some conversation with
12 Mr. Shannon about the subject matter of this deposition?

13 A Yes.

14 Q Did Mr. Shannon have a conversation with you out in the
15 hallway before the deposition when we were present?

16 A Yes.

17 Q What did Mr. Shannon tell you about testifying today?

18 A You mean prior to this meeting?

19 Q Yes, prior to right now.

20 A Well, he sort of outlined what the case was about and
21 some of the questions I might be asked about.

22 Q Did you talk about this subjective judgment, that
23 there wasn't any asbestos dust hazard?

24 A I don't recall specifically.

25 Q Did you discuss with him, in the hallway out here,
26 the eyeball survey being the first thing that Professor
27 Draper said a hygienist ought to do in determining whether
28 there are health hazards?

1 A Yes.
2 Q That makes good sense, to go out and look first?
3 A Yes.
4 Q Okay. If you want to know a particular dust sample
5 or level, it's very difficult to go out and tell by
6 looking at it?
7 A No, I don't think so.
8 Q Could you tell me any given particle count by looking
9 at the dust in the air, just by looking at it?
10 A I believe an experienced person could.
11 Q How many times had you looked, before you looked in
12 Augusta, Kansas, at the asbestos dust levels in the cutting
13 shops?
14 A None.
15 Q Had you ever looked at any asbestos dust at the
16 location with asbestos dust?
17 A No.
18 Q Have you had any experience in determining how many
19 particles per cubic foot of area you had in breathing in
20 the zone at the time you made your observation in Augusta,
21 Kansas?
22 A No.
23 Q You were taught, as a hygienist, that you ought to
24 use scientific methods as much as possible?
25 A Yes.
26 Q And scientific methods in determining dust levels
27 was based upon taking air sample testing, isn't that right?
28 A That's part of it.

1 Q It certainly isn't based upon going out and looking
2 at it and deciding what the dust levels are?

3 A It's the same thing as when a doctor looks at you
4 and decides what's wrong with you without tests.

5 Q Okay. And you were taught that that was an acceptable
6 industrial hygiene practice as far as determining asbestos
7 dust levels to go look at the asbestos cutting shop?

8 A I can't answer that. An experienced man can go in
9 an area and by smelling can tell the approximate level of
10 SO2.

11 Q If you have no experience in evaluating asbestos
12 dust levels, how could you tell by looking at a given
13 location, as a hygienist, what the dust levels were?

14 A You couldn't tell what they were.

15 MR. HALLORAN: No further questions.

16 MR. SHANNON: No further questions.

17 MR. HALLORAN: I'll stipulate that the witness can
18 sign the deposition before any Notary or he can sign it
19 under penalty of perjury, and that the court reporter can
20 be relieved of her obligation of getting it signed and
21 filed. If it hasn't been read and signed by the time of
22 trial, I can use a copy as though it had been signed,
23 read and signed, at the time of trial.

24 MR. SHANNON: What are we going to do with the original
25 and all that jazz?

26 MR. HALLORAN: We can send the original to the witness,
27 if you'll read it, sign it, and return it, would you do
28 that?

1 THE WITNESS: (Witness nodding head.)

2 MR. HALLORAN: You have to answer out loud.

3 THE WITNESS: I beg your pardon?

4 MR. HALLORAN: If we mailed the original to your
5 home, would you sign it and return it within thirty days?

6 THE WITNESS: Yes -- well, yes.

7 MR. HALLORAN: It won't be out there for a week or
8 two anyway.

9 MR. SHANNON: Do you want to waive the signing of the
10 deposition?

11 MR. HALLORAN: As long as you can agree as though it
12 had been signed -- if I can use it as though it had been
13 signed.

14 MR. SHANNON: Well, why don't we do this: Why don't
15 we have the reporter send the original to me, and I'll
16 see about getting it down to him for review.

17 MR. HALLORAN: Okay. That's fair enough, as long
18 as you'll agree if he hasn't gotten it read and signed
19 at the time of trial, I can use it.

20 MR. SHANNON: Whether or not I agree, it doesn't make
21 any difference. I'll agree.

22

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25

ARTHUR C. PABST

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1 I certify that the said transcription was by the
2 said witness, Arthur C. Fbst, thereafter read over,
3 corrected and signed, and by the said witness declared to
4 be his deposition in said action.

5 IN WITNESS WHEREOF, I have hereunto set my hand and
6 affixed my official seal at my office in the County of
7 _____, State of California, this _____
8 day of _____, 19____.

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12 Notary Public in and for the County of
_____, State of California.

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14 My Commission Expires:
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STATE OF CALIFORNIA)
) ss.
COUNTY OF SACRAMENTO.)

I, Katherine L. Dicks, a Notary Public in and for the County of Sacramento, State of California, duly appointed and commissioned to administer oaths, do hereby certify:

That I am a disinterested person herein; that the witness, Arthur C. Pabst, named in the foregoing deposition was by me duly sworn to testify the truth, the whole truth and nothing but the truth; that the deposition was reported in shorthand by me, Katherine L. Dicks, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Sacramento, State of California, this _____ day of _____, 1980.

Notary Public in and for the County of Sacramento, State of California.