

FILE NAME: Colonial Sugar Refinery (CSR)

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CSR file

IN RE: BALTIMORE CITY
ASBESTOS LITIGATION

* OCTOBER 10, 2005 MESOTHELIOMA
TRIAL CLUSTER

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* CONSOLIDATION CASE NO.
* 24X04000269

ALFRED SMITH, et al.

* IN THE

Plaintiffs

* CIRCUIT COURT

v.

* FOR

ACandS, INC., et al.

* BALTIMORE CITY

Defendants

* LEAD CASE NO. 24X02001804

CASES AFFECTED:

*

ALFRED SMITH
JOSEPH ANZULIS
JOHN JOSEPH KROKOS

* CASE NO. 24X02001804
* CASE NO. 24X02000584
* CASE NO. 24X00000623

AFFIDAVIT

I, Barry Castleman, Sc.D., swear and affirm that I am competent to testify and have personal knowledge of the facts herein stated:

1. I am over the age of 18 and my business office is located at 4406 Oxford Street, Garrett Park, Maryland 20896.

2. I am an Environmental Consultant with expertise regarding the history of the asbestos industry and the development of knowledge on asbestos disease and worker health. I am the author of a book, "Asbestos: Medical and Legal Aspects", 5th ed. 2005. A copy of my curriculum vitae is attached as Exhibit A and incorporated by reference herein.

3. I have testified in asbestos litigation many times throughout the United States

concerning my review of the available medical and scientific literature on asbestos disease and exposure. I have also reviewed documents obtained from the asbestos industry, from various parties in asbestos litigation and from other sources, including trade journals, e.g., Asbestos magazine, and other published and unpublished sources.

4. I have been retained by the Law Offices of Peter G. Angelos to offer opinions on CSR, Ltd. (Colonial Sugar Refining Company) and its connection to the State of Maryland, if any.

5. I have reviewed documents produced by CSR in asbestos litigation outside of the State of Maryland, some of which are referenced in my book at pages 625-627, attached hereto as Exhibit B. Counsel for the Angelos Plaintiffs has also provided me with additional documents, including excerpts of the Asbestos magazine containing CSR articles and advertisements copied from the Enoch Pratt Library in Baltimore, Maryland. (Exhibit C).

6. Based upon my experience, knowledge of CSR and its crocidolite asbestos fiber and the documents available to me, I can offer the following opinions to a reasonable degree of scientific certainty:

- a. CSR purchased a crocidolite asbestos mine in Wittenoom, Western Australia and created a wholly owned subsidiary, Australian Blue Asbestos, to operate the mine and mill from 1943 to 1966.
- b. CSR was the sole distributor of Australian Blue Asbestos in the United States throughout this time period.
- c. The crocidolite asbestos fiber was bagged in the mill in jute or burlap bags then shipped to buyers around the world, including in the USA and the State of Maryland. As a result of such shipments, CSR would have known that the bags of its asbestos fiber were handled and unloaded by longshoremen at various ports. CSR would have also known that the bags containing its asbestos fiber would often break, tear, or be punctured thereby exposing longshoremen and others in the area to airborne asbestos.

7. From approximately 1942 through 1966, CSR regularly advertised the sale of Australian Blue Asbestos in the trade magazine of the United States asbestos industry, "Asbestos", published in Philadelphia, Pennsylvania and sent to Maryland subscribers. The Enoch Pratt Library in Baltimore, Maryland, for example, regularly received copies of the Asbestos magazine. Id. As a result of the placement of its advertisements and articles in the Asbestos magazine, including advertisements in issues every other month from 1954 to 1966, CSR would have known that its marketing of Australian Blue Asbestos would reach Maryland consumers. It would have been aware, for example, that such local Baltimore insulation contractors as Porter Hayden and Wallace & Gale, were recipients of the Asbestos magazine as reflected in the numerous references and advertisements to each of them throughout this time period. Through the use of its advertisements, CSR was soliciting business in Maryland for potential purchasers of its crocidolite fiber.

8. CSR was aware of the potential health hazards of its crocidolite asbestos dust in the 1940s, and by the early 1960s, CSR was informed by an Australian government health official, Dr. James McNulty, that one of its asbestos mill workers had developed mesothelioma. Dr. McNulty reported this case in the published literature, Medical Journal of Australia, 2:953-954, 1962 (Exhibit D); see also McNulty, J.C., "Asbestos Mining-Wittenoom, Western Australia", Proceedings of the First Australian Pneumoconiosis Conference, 447-466, 1968. (Exhibit E). By the end of 2001, some 254 cases of mesothelioma from the Wittenoom mine had been reported in the scientific literature. Leigh, J. and T. Driscoll, "Malignant Mesothelioma in Australia, 1945 - 2002", International Journal Occupational Environmental Health, 9:206-217, 2003.