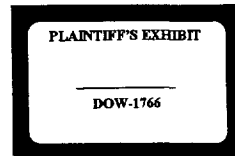


HAROLD HOTTE
(Top Dow Corporate Industrial Hygienist from 1948-1975)

1944 Safety Engineer ; ↗
1948 Became Dow's first full time Industrial Hygienist ;
1960s Research Manager ;
Late 1960s Lab Director ; ↗
1970 Director of the Industrial Hygiene in Health and Environmental Research ;
1975 Technical Expert ; ↗



Deposition of September 14, 1999
p.54/l.12 - l.23

"Q. ...Do you have a recollection of your first knowledge about there being a concern about workers being exposed to asbestos in any form whatsoever?

A. From day one.

Q. So from the time that you --

A. Our concern was for avoiding asbestosis.

Q. So from the time you started in 1948, there was knowledge of a link between exposure to asbestos fibers and asbestosis?

A. That is true."

p.118/l.19 - ~~p.119/l.3~~

Q. Would it be fair to say that the purpose of the Industrial Hygiene Department, when you boil it down to its essence, was to assure that health hazards were properly controlled?

A. No. The job of controlling health hazards belongs to line management. The job of providing information and service, and advice, belongs to industrial hygiene, in the Dow concept."

p.121/l.19 - ~~p.122/l.7~~

"Q. Would it be a fair summarization of the facts, when you were at Dow, that Dow's analytical laboratories had state-of-the-art capabilities to analyze materials?

A. I think that is the truth.

Q. And by state-of-the-art, you are referring to equipment and knowledge. Correct?

A. Both.

Q. And that was true during the entire time that you were employed by the Dow Chemical Company. Correct?

A. Yes."

p.133/l.6 - l.15

"Q. And that information that was in the public domain as of 1944, indicated a causative link between exposure to asbestos and asbestosis. Correct?

A. That is probably true. I wasn't involved until 1948, but I expect that is --

Q. Or in '48. When you started work there, there was a --

A. Asbestos was known to be one of the dusts in the so-called toxic dust area."

Q. Okay. Are you aware of the kind of medical monitoring, if any, that was done for employees at Dow Chemical?

A. I'm acquainted with the Medical Surveillance Program, as it existed, yes.

Q. And who -- what employees were included in the Medical Surveillance Program at any given time?

A. Well, the -- an annual physical examination was available to any -- to any employee who asked for it. And special medical surveillance was designed by the Medical Department and related to the -- to the jobs that the people had.

Q. Okay. Did the employees use the medical facilities for their personal health, or was this purely a job-related surveillance program?

A. No, it was job-related.

p.514/~~1.10~~-1.24

Q. Mr. Hoyle -- when a Dow document is marked "Dow Confidential," as some of these documents that are attached to your deposition have been marked, what does that mean?

A. That means that they are freely distributed within the Dow Chemical Company.

Q. And by "within the Dow Chemical Company," does that include entities such as Dow Smith and Dow Corning?

A. I don't think so. I think it just includes the Dow Chemical Company. That's my recollection.

Q. And that would not include, for example, any contractors, outside contractors that did, say, construction work for Dow?

p.515/~~1.5~~9; 1.12-25

A. Well, I've described my recollection of what "Dow Confidential" means, and I'd better stop at that point, because that's what I remember. It means that it could freely circulate within the Dow Chemical Company.

Q. Does that then mean that Dow -- if a document was marked "Dow Confidential," it would not be distributed to any outside contractors doing construction work for Dow?

A. Well, not -- not on a routine basis. It doesn't mean that it couldn't be offered to people outside. There was a procedure for taking care of that.

Q. All right. Do you know whether any information that you gathered and reported on, as an industrial hygienist, regarding asbestos in the air, or asbestos with regard to any occupations at Dow Chemical, was ever shared with any contractors doing construction work for Dow?

p.516/~~1.1~~1-21

A. I don't have personal knowledge of whether it was or wasn't. I was not connected with the contractor safety group, except as a source person, source of information.

Q. And were you ever asked, with regard to the Contractors' Safety Program, to ever present any information with respect to asbestos?

A. I can't remember.

Q. Okay. And I think you stated that the Contractor Safety Program came in in later decades during the course of your employment?

A. I said it was -- it was probably -- probably, I said early '60's or '60's, or something like that. I can't put it definitely in time, but it was around '60, perhaps.

Q. And prior to that, do you ever recall sharing any information that you gathered regarding asbestos with any outside contractors doing construction work for Dow?

A. I don't remember ever talking about asbestos with any contractor at any time.

p.548/1.23-p.550/1.14

p.150/1.17-1.24

"Q. Other than the data sheets that we talked about, was there any other method by which information that was learned by the Industrial Hygiene Department, was disseminated to the lowliest of workers?"

A. Well, it would have gone to the lowliest of workers by the same route, through the safety set-up."

~~1991 Allen/depo~~
~~vol. II~~
~~p.328/1.22-p.329/1.3~~

"Q. Would it be accurate to say that you feel certain that Dow's physicians were aware that people who were exposed to asbestos could develop asbestosis?"

A. I'm sure that's true."

Q. And that would have been from the time you began these meetings in '48 or so?"

~~p.329/1.7-10~~

A. I had every reason to believe that the Medical Department would have known about it as soon I knew about it, and I've already testified to when I learned about it.

~~Vol. XII~~
~~P.376/1.12-p.377/1.21~~

Q. Earlier in the deposition, I wrote down here that you said that Dow, in the '60's, became more aggressive with contractors. I may not have written it down exactly as you said it, but can you tell me the gist of what you were saying?"

A. Sometime in the '60's, Dow in Midland commenced what was known as a Contractor Safety Program. And prior to that time, I think that testimony indicated that, as I recall, that contractors pretty much ran their own affairs on Dow property, from the standpoint of the trades, what they did.

Of course, they had to do it well enough to pass inspection by Dow people, according to the contract they had. And it was during that time that I indicated that -- that we were -- felt responsible for and would have told them -- would -- would have given them safety instructions as they related to the work environment in the presence of chemicals. And beyond that, there wasn't a whole lot of involvement that I remember with contractors.

But sometime in the '60's, there did develop a safe -- a Contractor Safety Program. I think that's what I was talking about.

Q. Can you recall, prior to the '60's, ever attempting to do any air sampling, industrial hygiene monitoring of contract employees?"

A. No. I might have been involved in being certain that the work environment was clear of chemicals from the industrial hygiene point of view, but never, that I can recall, doing what I would call an industrial hygiene study or survey of contractor employees during that time. I'm talking about Midland, Michigan, now.

~~p.477/1.8-13; 1.21-25~~

Q. To your knowledge, prior to 1976, when you left Dow Chemical, did Dow Chemical ever produce a -- any manuals for safe handling of asbestos, any safety manuals?"

A. I don't believe that there were any such manuals.

Q. To your knowledge, did Dow ever, prior to 1976, when you left the company, have meetings, safety meetings with employees of contractors regarding asbestos?"

A. Not that I know about.

~~p.478/1.3-25~~

Q. Do you know whether Dow Chemical ever posted any warnings, prior to 1976, regarding asbestos for their employees?"

A. I don't remember any signs on the wall, or whatever.

Q. In answering questions asked by other parties through the Court procedures, Dow Chemical Company has said the following, and I just want to ask you if this is consistent with your own knowledge and experience.

In interrogatory answers -- these are Responses to Requests to Admit by -- by Dow, and they are dated July the 7th, 1990. And in response to question No. 4, the following is said: "Dow admits that it now knows that potential health hazards posed by respirable airborne asbestos was being researched and reported in scientific and medical literature prior to 1935, but until the late 1960's, it was generally accepted that the health hazards of respirable airborne asbestos was restricted to persons who worked in asbestos mines and textile factories handling large quantities of raw asbestos."

Is that response consistent with your own knowledge and experience as an industrial hygienist for 35 years?

A. I wouldn't have any problem with that answer.

Q. Okay. Meaning you agree with it, you do not disagree with it?

A. I don't disagree with it.

Q. All right, sir. Looking at Dow's Response to Interrogatories dated July the 3rd, 1990, Question No. 8 is -- the response is: "Dow has required employees and contractor employees to protect themselves from heavy vapors and/or respirable dust since the 1940's. After Dow learned of the potential hazards of respirable asbestos, it required contractor employers to provide proper respiratory equipment to contractor employees on Dow premises, if they had not been doing so previously, and that Dow employees follow more rigorous rules regarding use of respiratory protection."

Is that consistent with your experience while employed at -- by Dow?

~~p.552~~/1.1-7

A. I was -- I wasn't closely connected with the Contractor Safety Program and, therefore, I don't -- I don't feel adequate to make comment about what was done in that safety program with the contractors. And I find nothing inconsistent in -- in that statement with what I know to have been the case inside the company.

ALDO PARADISO
(Dow Employee from 1955-1986)

969-1973 Safety Supervisor in Louisiana

~~Deposition of September 15, 1999~~

~~1.40/1.18 - p.42/1.2~~

'Q. Mr. Paradiso, what role, if any, did you, as safety supervisor, have with respect to providing information to persons on Dow's premises in Plaquemine about asbestos?

1. I recall absolutely no specific activity related to asbestos.

2. Was it part of your department's responsibility to -- well, first of all, do you recall receiving, during the three or so years that you were safety supervisor or safety manager, information from Dow corporate headquarters here in Michigan, through the Industrial Hygiene Department, information concerning asbestos?

1. Not specifically asbestos, but we had a relationship with the corporate industrial hygiene, or environmental -- what did we call it?

2. I don't think anybody really remembers exactly.

1. Harold Hoyle was our main contact. Whenever there was any kind of a problem, he would contact Bob Vaughn. They had a relationship where if there was a specific problem, he would notify Vaughn, and then Vaughn would get this out to the environmental -- the people who had the environmental industrial hygiene control of that part. It was a whole separate function from the safety department, but we were involved in, initially, in the transmissions, and then within a very short while, I believe that it went to the environmental guy in the Louisiana division.

~~1.49/1.3 - 1.19~~

2. Are you reasonably certain that you monitored for asbestos?

1. No. Not specifically, but it wouldn't -- if it was a problem at that time, if there was something that needed to be looked at, we probably would have looked at it or analyzed it.

2. Do you recall during the time that you were safety manager, to use your terminology, asbestos being a problem at Dow Plaquemine?

1. It seems to me like I told you initially, that somewhere between '65 and the middle '70s, I was aware that asbestos was something that ought to be looked at. I didn't say that I considered it to be a problem. If I did, I didn't mean that.

~~1.52/1.6 - p.53/1.5~~

1. Would it surprise you to know that, after you saying that you found out that asbestos was a potential health hazard in the mid to late '60s, that Mr. Hoyle knew that in the mid '40s?

1. That it was a health problem?

1. Yes.

1. Would it surprise me to know that? I guess I would be surprised.

1. Would you have expected that information to be transmitted to Dow employees like yourself around the same time that someone like Mr. Hoyle would know?

1. I was in high school in the '40s, I don't have any feeling one way or the other.

1. I am not talking about that specific time, but as a Dow employee, a person who started out doing something here in Midland, promoted up to one of the highest jobs you can have, that is, as a plant manager, would you have expected that the Industrial Hygiene Department within Dow would give you information, as it was known to the Industrial Hygiene Department? "

~~53/1.10-11; 1.16-18~~

2. Is that an expectation as a manager within Dow?

A. As a manager within Dow, I would expect to be made aware of anything that would cause a health hazard to my employees.

~~p.53/l.20~~ p.55/l.6

Q. The question is, when?

A. When it was determined that situation actually existed, when it was determined that at this level of whatever would do it, then we ought to know about it. Especially if I had it in my plant.

Q. And especially if you are responsible for safety at that plant too?

A. Absolutely.

Q. So you would have expected that as soon as the Industrial Hygiene Department knew, that you would know?

A. Well, I don't know about that. When the Industrial Hygiene Department knows something, they go there - I am sure the Dow medical, Dow management, the Dow everybody, folks in Washington, D.C., and they all make a decision. Assuming that decision is made, that's when I would expect to hear about it.

Q. Would you expect as a manager at Dow for that to take 20 years?

A. Would I expect it to take 20 years?

Q. From the time that IH knows, until the time you would know, for it to take 20 years for that information to stream through the process you are talking about.

A. It doesn't seem like it is a reasonable length of time to notify somebody, 20 years.

Q. It seems as though it is an unreasonably long period of time, doesn't it?

A. It seems to be. Whether or not it is, I don't know. But it seems to be. You are right."

~~p.65/l.13-20~~

Q. Did you have any understanding whatsoever that under Louisiana law, that Dow would have a duty or responsibility to provide its workers with a safe place to work?

A. Its workers, the Dow workers?

Q. Right.

A. Yes. But I do that without any law telling me that.

~~p.66/l.16~~ p.67/l.4

Q. You said yes with respect to Dow employees, and it's the same question with regard to contractor employees.

A. With respect to providing a safe workplace for contractors, we will do this, this and this, so their management will know that, so that the law would be -- we would run it the way, ostensibly, some law says we should.

Q. My question is the same: Is it your understanding that Dow had that responsibility to provide, on its premises, people who were non-Dow employees with a safe working environment?

~~p.67/l.15~~ l.19

A. I have no idea what the law says, I told you that before. But I am telling you that Dow Chemical management understands that providing a safe work environment for anybody inside that gate, is our job."

JOE BRISTOL
(Dow Employee from 1961-1991)

1972-1975 Safety Manager in Louisiana; generally administered the safety program

Deposition of ~~X~~ July 29, 1999
p.49/L19 - p.51/L5

- "Q. So you would have become aware of the hazards associated with asbestos sometime between 1972 and 1975. Is that correct?
- A. My best estimate now.
- Q. When did you become aware of any specific hazard associated with or posed by asbestos related exposure to the disease known as asbestosis? Around that same time?
- A. I don't know.
- Q. What about relating exposure to asbestos to lung cancer? When did you become aware of that?
- A. I'm sorry, I just can't remember.
- Q. What about the risks associated with exposure to asbestos to the disease mesothelioma?
- A. I have no knowledge.
- Q. You have no knowledge of that?
- A. No.
- Q. Would it surprise you to know that Dow has admitted in other litigation, that it had knowledge of a causal connection between respiratory airborne asbestos and mesothelioma in the late 1960s?
- A. What is the question?
- Q. Would that surprise you to know that?
- A. Would it surprise me? Yes. I guess it would.
- Q. Wouldn't that be something that would be important for you to know, if the company itself knew, and you were trying to implement their safety program in Plaquemine?
- A. Well, that part of the safety program wasn't under our responsibility."

ALDO PARADISO
(Dow Employee from 1955-1986)

1969-1973 Safety Supervisor in Louisiana

Deposition of September 15, 1999
p.40/1.18 - p.42/1.2

"Q. Mr. Paradiso, what role, if any, did you, as safety supervisor, have with respect to providing information to persons on Dow's premises in Plaquemine about asbestos?

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p.49/1.5 - 1.19

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A. It seems to me like I told you initially, that somewhere between '65 and the middle '70s, I was aware that asbestos was something that ought to be looked at. I didn't say that I considered it to be a problem. If I did, I didn't mean that.

p.52/1.1 - p.53/1.5

Q. Would it surprise you to know that, after you saying that you found out that asbestos was a potential health hazard in the mid to late '60s, that Mr. Hoyle knew that in the mid '40s?

A. That it was a health problem?

Q. Yes.

A. Would it surprise me to know that? I guess I would be surprised.

Q. Would you have expected that information to be transmitted to Dow employees like yourself around the same time that someone like Mr. Hoyle would know?

A. I was in high school in the '40s, I don't have any feeling one way or the other.

Q. I am not talking about that specific time, but as a Dow employee, a person who started out doing something here in Midland, promoted up to one of the highest jobs you can have, that is, as a plant manager, would you have expected that the Industrial Hygiene Department within Dow would give you information, as it was known to the Industrial Hygiene Department? "

P.53/1.10-11; 1.16-18

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~~p.53/1.2~~ p.55/1.6

Q. The question is, when?

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Q. And especially if you are responsible for safety at that plant too?

A. Absolutely.

Q. So you would have expected that as soon as the Industrial Hygiene Department knew, that you would know?

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~~p.65/1.13-20~~

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A. Yes. But I do that without any law telling me that.

~~p.66/1.16~~ p.67/1.4

Q. You said yes with respect to Dow employees, and it's the same question with regard to contractor employees.

A. With respect to providing a safe workplace for contractors, we will do this, this and this, so their management will know that, so that the law would be -- we would run it the way, ostensibly, some law says we should.

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~~p.67/1.15-1.19~~

A. I have no idea what the law says, I told you that before. But I am telling you that Dow Chemical management understands that providing a safe work environment for anybody inside that gate, is our job."

GERARD DAIGRE
(Dow Employee in 1962 and from 1965-1997)

1973-1986 Environmental Manager for Louisiana

~~Deposition of August 24, 1999~~
~~p.17/1.25 p.18/1.2~~

"Q. When is the first time you learned about potential hazards of asbestos to humans?

~~p.18/1.8-9~~

A. I knew about the hazards of asbestos in the sixties probably.

~~p.18/1.11-p.19/1.7~~

Q. Do you recall was that mid sixties, late sixties?

A. I don't recall. I just knew from an insulation of a pipe standpoint that you had to be careful in handling asbestos because it was friable to a certain extent and it would cause a health problem.

Q. What types of health problems?

A. I didn't know specifically. I knew it was respiratory and lung functioning.

Q. Have you ever heard of the word "mesothelioma"?

A. Yes.

Q. When did you first hear that word?

A. Probably through Dr. Currier, who was the plant physician.

Q. When would that have been?

A. I have no idea.

Q. Would that have been after you became environmental manager?

A. I would imagine, yes.

~~P.19/1.28 p.20/1.12~~

"Q. Did you ever learn that asbestos could potentially cause lung cancer?

A. I did learn that eventually. I knew that it had an effect on the lungs, but that was just passing knowledge. I was in charge of the medical department for some time period between '80 and '85.

Q. Would that have been when you learned that asbestos could potentially cause lung cancer?

A. Yes.

Q. How about asbestosis?

A. I don't remember specifically. I just got more details when I got in charge of the medical department and learned more about it at that point.

~~P.20/1.8-18~~

Q. Did you ever receive any training specifically relating to asbestos on taking precautions when working with or around asbestos?

A. No.

Q. Did you ever see any other Dow employees conducting any safety meetings or telling the workers to take training in precautionary measures when working in or around asbestos?

A. No.

JOHN CALMES
(Dow Employee from 1951-1982)

1968-1974 Superintendent of Maintenance; responsible for maintenance operations and contractors

Deposition of October 8, 1999
p.58/1.15 - 1.25

"Q. Tell me whether, when you became superintendent of maintenance, whether you had heard at that time that there had been some health concern about exposure to asbestos?

A. I had not heard.

Q. What do you think would have been the earliest time that you would have known that?

A. Couldn't have been prior to the early '70s.

p.59/1.3 - 1.6

Q. Where do you think you would have heard it?

A. Probably from the contractors. I can't recall getting any publications.

p.60/1.5 - p.61/1.3

Q. Do you recall a point in time when you were superintendent of maintenance that maintenance and construction employees began being monitored for asbestos?

A. No.

Q. That didn't happen during that period of time that you were over maintenance?

A. Not that I'm aware of.

Q. Okay. What about medical surveillance or monitoring of employees who had been potentially exposed to asbestos, were you aware of that happening while you were over the Maintenance Department?

A. No.

P.105/1.7 - p.106/1.7

"Q. While you were still at Dow, and dealing with the maintenance craft people, was there ever a general requirement of wearing respiratory protection for those people in non-emergency situations?

A. Yeah. I believe so. Certainly, if you're doing a certain type of grinding or sandblasting and painting, sandblasting generally was an air-supplied hood. But we went into certain projects where -- certain jobs where people had to wear generally different respiratory equipment, of course, than escape respiratory equipment.

Q. Was that because of the process of the plant in which they were working, or because of the construction materials they were working with?

A. Mostly the material they were working with and the dust they were creating by what they were doing and so on.

Q. Was there ever that type of requirement with respect to asbestos?

A. Not that I'm aware of. Again, I just didn't have that much sensitivity back in those days to asbestos. There may have been some people at Dow who did.

DR. BENJAMIN HOLDER

1953 Staff Physician
Mid 1960's Associate Medical Director
1976-1977 Director of Biomedical Research
1979 U.S. Area Medical Director
1981-1985 Corporate Medical Director

Deposition of September 16, 1999
p.50/1.8 - p.51/1.6

"Q. When did you first become aware that there was a causative link between asbestos exposure and the disease process known as mesothelioma?

A. I think I answered that question previously.

Q. That would have been the same time, in the mid to early '50s?

A. Yes. Early '50s.

Q. What about the causative relationship between asbestos exposure and lung cancer?

A. Associated with or without smoking?

Q. Either or both?

A. Either or both, at the same time.

Q. So the early '50s?

A. The early '50s, it was lung cancer, then it became more and more evident that smokers had a much, much, much higher incidence of lung cancer if they were associated. So that was maybe in the '60s when we got into that. But the initial information was in the early '50s."

p.54/1.7 - 21

Q. Within Dow, how was the information concerning asbestos-related diseases that you learned in the early '50s, how would have information have been disseminated through the organization, I guess?

A. I don't think there was any specific program of dissemination. This was common occupational health information. It was in every book, journal, and so on. Like another 20,000 chemicals. We did not have a specific education program to teach them about that, any more than we did about vinyl chloride, or whatever you want to talk about.

p.55/1.3-22

"Q. ... Even though that information was, to use your term, generally available in the scientific literature, how would it be disseminated to those who didn't necessarily have a scientific background, or the ability to obtain it other than by working at Dow?

A. Okay. I mentioned this before. Safety meetings. Tailgate meetings, if you will. And you would have an hour lecture about whatever it was, and what were some of the prime problems in their work area. The people out in the chlorinated phenols, we would stress safety aspects of this. Working with pipe coverers, we would stress some of the safety aspects.

So the safety lectures were directed to their work environment. And they were given the entire package of data that we had."

p.57/1.25 - p. 58/1.4

"Q. How was that same information disseminated to non-Dow employees who would find themselves on Dow's premises?

JAMES CAMPBELL
(Dow Employee from 1956-1991)

Became Administrator of Safety (Manager of Industrial Relations) in Louisiana in 1974

Deposition of July 30, 1999

~~1.51/1.9~~ 1.12

'Q. When is the first time that you learned that there was any kind of health hazard associated with asbestos, exposure to asbestos?

~~1.17~~ 1.23

A. Sometime during the, oh, late '70s, or mid to late '70s, I think I became aware of the fact that there was some concern about asbestos as a breathing hazard. Probably in the 1976-77 period of time. Something like that. Well after I had left that capacity."

~~1.58/1.21~~ 1.24

'Q. Did you have an understanding or knowledge, or have you developed since that time, an understanding or knowledge that exposure to asbestos may cause lung cancer?

~~1.59/1.4~~ 1.6

A. I did not have that understanding, nor did I develop it since, until this lawsuit came along."

~~1.59/1.11~~ 1.13

'Q. What about the same issue with respect to a disease process known as mesothelioma?

~~1.17~~ 1.18

A. I have no idea in the world what that means.

~~1.20~~ 1.21

Q. What about a disease known as asbestosis?

~~1.25~~

A. I don't know what that is.

JOE BRISTOL
(Dow Employee from 1961-1991)

1972-1975 Safety Manager in Louisiana; generally administered the safety program

Deposition of July 29, 1999
1.49/1.19 - p.51/1.5

- 'Q. So you would have become aware of the hazards associated with asbestos sometime between 1972 and 1975. Is that correct?**
- A. My best estimate now.**
- Q. When did you become aware of any specific hazard associated with or posed by asbestos related exposure to the disease known as asbestosis? Around that same time?**
- A. I don't know.**
- Q. What about relating exposure to asbestos to lung cancer? When did you become aware of that?**
- A. I'm sorry, I just can't remember.**
- Q. What about the risks associated with exposure to asbestos to the disease mesothelioma?**
- A. I have no knowledge.**
- Q. You have no knowledge of that?**
- A. No.**
- Q. Would it surprise you to know that Dow has admitted in other litigation, that it had knowledge of a causal connection between respiratory airborne asbestos and mesothelioma in the late 1960s?**
- A. What is the question?**
- Q. Would that surprise you to know that?**
- A. Would it surprise me? Yes. I guess it would.**
- Q. Wouldn't that be something that would be important for you to know, if the company itself knew, and you were trying to implement their safety program in Plaquemine?**
- A. Well, that part of the safety program wasn't under our responsibility."**

A. I believe they would be at the safety meetings."

p.58/1.16-~~p.59-1.4~~

"Q. I would suspect that Dow safety meetings are conducted by Dow people?

A. Yes. That is a foregone conclusion, I think.

Q. So that I understand, Dr. Holder, it is your appreciation that the potential causative effects from asbestos exposure were widely known by Dow personnel from the time that you knew them, or shortly thereafter?

A. If those people who were working with, around or associated with asbestos, I believe very firmly that they were properly informed. "

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"Q. What is your appreciation of what they (contract employees) would have been told, the same thing as Dow employees?

A. I think they would be informed just as well as a Dow employee would be."

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"Q. ... Would you not think that Dow is just as concerned about the health and safety of its workers who work in Louisiana, as it is about the health and safety of its workers who work in Michigan?

A. Your question answers itself. It is a God and country question I don't know. I can't speak for Louisiana.

Q. As the corporate medical director of the Dow Chemical Company, would you expect workers in Louisiana to have been, with respect to health and safety, treated the same as workers in Michigan, or even workers overseas?

A. I would hope they would be. And that's all I have, is a hope."

JOHN CALMES
(Dow Employee from 1951-1982)

1968-1974 Superintendent of Maintenance; responsible for maintenance operations and contractors

Deposition of October 8, 1999
p.58/l.15-1.25

"Q. Tell me whether, when you became superintendent of maintenance, whether you had heard at that time that there had been some health concern about exposure to asbestos?

A. I had not heard.

Q. What do you think would have been the earliest time that you would have known that?

A. Couldn't have been prior to the early '70s.

p.59/l.3-1.6

Q. Where do you think you would have heard it?

A. Probably from the contractors. I can't recall getting any publications.

p.60/l.15-p.61/l.3

Q. Do you recall a point in time when you were superintendent of maintenance that maintenance and construction employees began being monitored for asbestos?

A. No.

Q. That didn't happen during that period of time that you were over maintenance?

A. Not that I'm aware of.

Q. Okay. What about medical surveillance or monitoring of employees who had been potentially exposed to asbestos, were you aware of that happening while you were over the Maintenance Department?

A. No.

P.105/l.7-p.106/l.7

"Q. While you were still at Dow, and dealing with the maintenance craft people, was there ever a general requirement of wearing respiratory protection for those people in non-emergency situations?

A. Yeah. I believe so. Certainly, if you're doing a certain type of grinding or sandblasting and painting, sandblasting generally was an air-supplied hood. But we went into certain projects where -- certain jobs where people had to wear generally different respiratory equipment, of course, than escape respiratory equipment.

Q. Was that because of the process of the plant in which they were working, or because of the construction materials they were working with?

A. Mostly the material they were working with and the dust they were creating by what they were doing and so on.

Q. Was there ever that type of requirement with respect to asbestos?

A. Not that I'm aware of. Again, I just didn't have that much sensitivity back in those days to asbestos. There may have been some people at Dow who did.