

STATE OF COLORADO
BEFORE THE DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF LABOR
WORKMEN'S COMPENSATION SECTION

IN THE MATTER OF THE DEATH OF)
JOHN W. COLCORD,) W.C. NO. 3-037-648
Claimant,)
vs.)
UNION CARBIDE CORPORATION,)
Employer,)
and) DEPOSITION OF
STATE COMPENSATION INSURANCE FUND) HARRISON RHODES
AMERICAN MOTORISTS INSURANCE CO.,)
Insurance Carriers,)
Respondents.)

APPEARANCES:

The claimant appeared by CHRISTOPHER SEIDMAN, Attorney at Law, Post Office Box 2703, Grand Junction, Colorado 81502.

The respondent insurer, State Compensation Insurance Fund, appeared by PAUL TOCHTROP, Attorney at Law, 950 Broadway, Denver, Colorado 80203.

The respondent insurer, American Motorists Insurance Company, appeared by WALTER J. PHILLIPS, Attorney at Law, 562 White Avenue, Grand Junction, Colorado 81502.

Beulah Colcord, the claimant herein, was also in attendance at the deposition.

The deposition of HARRISON RHODES, taken before Thomas C. Rooklidge, Certified Shorthand Reporter and Notary Public within and for the State of Colorado, at the hour of 8:30 a.m., on the 16th day of March, 1984, at the offices of Walter J. Phillips, Attorney at Law, 562 White Avenue, Grand Junction, Colorado, pursuant to notice.

The following deposition is taken pursuant to the Rules of Civil Procedure of the State of Colorado.



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HARRISON RHODES

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1 HARRISON RHODES,
2 the deponent herein, first having been duly sworn, was interrogated
3 and on oath testified as follows:

4 CROSS-EXAMINATION

5 BY MR. TOCHTROP:

6 Q. Would you state your name and spell your last name for
7 the court reporter?

8 A. Harrison Rhodes. R-h-o-d-e-s.

9 Q. By whom are you employed?

10 A. Union Carbide.

11 Q. And your title and occupation?

12 A. Manager, occupational health and product safety.

13 Q. How long have you held that position with Union
14 Carbide?

15 A. Occupational health since June, 1981, and product
16 safety since about April of last year.

17 Q. In that job, would you know of or have you become aware
18 of any claims of employees by Union Carbide resulting from
19 mesothelioma?

20 A. I would become aware of them in the time frame that I
21 have been in the job.

22 Q. What are your job duties where you would become
23 involved with that?

24 A. Any case where we have an occupational illness, alleged
25 occupational illness, I provide coordinating assistance and



3
1 guidance. Actually, I assist with the corporate carrier and with
2 our own law department in the handling of the case.

3 Q. Are you aware of any ailment by employees who work in
4 the Uravan plant-----

5 A. No.

6 Q. -----with regard to mesothelioma?

7 A. I have checked the corporate records going back to
8 1957. There is not a single one that shows any asbestos-related
9 disease of any kind.

10 MR. TOCHTROP: Okay. I have nothing further.

11 CROSS-EXAMINATION

12 BY MR. PHILLIPS:

13 Q. What was the date on that?

14 A. The earliest records I looked at were 1957.

15 MR. PHILLIPS: That's all I have.

16 CROSS-EXAMINATION

17 BY MR. SEIDMAN:

18 Q. Mr. Rhodes, did you look only for records reflecting
19 the filing of a claim?

20 A. Yes. I have also, I might add, checked with people who
21 go back to about the middle '60's and they have no recollection of
22 any claims or otherwise on asbestos-related diseases.

23 Q. Well, who are these people?

24 A. Company people. The employee relations, managers who
25 would be involved with that sort of thing. Also the director of



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1 safety, who is the primary person who follows all of our accident
2 cases, any cases of that nature.

3 Q. Are you familiar with the products that have been
4 identified as containing asbestos and used at the Union Carbide
5 Uravan facility today?

6 A. In general, yes. I can't give you the compositions of
7 all of them or that sort of thing.

8 Q. Are you familiar with a product called Eagle Pitchler
9 Super One-Coat?

10 A. That's probably Eagle Pitcher.

11 Q. Could you spell that; Pitcher?

12 A. I think it's spelled just like a pitcher that you pour
13 things out of. The answer is, No, I'm not familiar with the
14 ingredients of that Eagle Pitcher manufacturer. They're a
15 manufacturer.

16 Q. How about Ceilcote, C-e-i-l-c-o-t-e?

17 A. I was aware of it. I don't know what particular -- I
18 suspect that one also does not have asbestos in it anymore.

19 Q. And Super Powerhouse, by Keene, K-e-e-n-e?

20 A. Keene is a manufacturer also.

21 Q. Now, we have seen from Exhibit 13 that that is a
22 nonasbestos product. My question to you is: Do you know if its
23 predecessor contained asbestos?

24 A. I don't know.

25 Q. Do you have manufacturers' information that would



1 enable you to----

2 A. I do not have it in hand, manufacturers' information.

3 MR. SEIDMAN: That's all I have.

4 RECROSS-EXAMINATION

5 BY MR. PHILLIPS:

6 Q. Just for purposes of identification, what is your
7 formal education?

8 A. I have a bachelor's, master's, doctor of science in
9 chemical engineering from Columbia University.

10 Q. And how long have you been employed by Union Carbide?

11 A. Twenty-six years.

12 Q. And has this generally been in the health field and
13 product field?

14 A. No. I started in the health field in about 19 -- let me
15 think a moment, please -- the late '60's, '68, '69, something like
16 that. And I was involved with asbestos product development and
17 regulatory activities.

18 Q. On what date?

19 A. I'm sorry?

20 Q. In 1960..?

21 A. Starting in the late '60's.

22 MR. PHILLIPS: I have no further questions.

23 MR. SEIDMAN: I have a follow-up on that.

24 RECROSS-EXAMINATION

25 BY MR. SEIDMAN:



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1 Q. Has your work included studies at other Union Carbide
2 facilities where the same products that have been identified today
3 are in use?

4 A. Basically, no.

5 Q. There is a plant in Rifle, for example?

6 A. Yes.

7 Q. Do they use any of these products?

8 A. Not to my knowledge.

9 Q. And there are plants back East, I think Pennsylvania
10 and maybe New Jersey. Are you familiar----

11 A. I'm very familiar to some reasonable extent. Let me
12 comment that asbestos was banned as insulation in the early '60's
13 by the E.P.A., so that is the only place that you run into it these
14 days, is in these old removals.

15 Q. Old what?

16 A. Removals of old material.

17 Q. Well, is it your testimony that it's not possible to
18 buy asbestos because of that ban?

19 A. I said insulation.

20 Q. For consumer, including industrial, uses?

21 A. Consumers are regulated by the Consumer Product Safety
22 Commission. I know they banned it in tape-joint compounds. I don't
23 believe you can go into a store now and buy raw asbestos as a
24 consumer.

25 Q. But----



7.

1 A. I don't know.

2 Q. But as far as industrial use is concerned, it's still
3 possible to purchase asbestos packing, pump packing, the gasket
4 sheets, for industrial uses; rope packing?

5 A. You are regulated in the amount of exposure people can
6 have industrially to those. Your exposure is from your pump packing
7 and you can see it is going to be minimal to nonexistent.

8 MR. SEIDMAN: That's all I have.

9 MR. PHILLIPS: I have nothing further.

10 MR. TOCHTROP: Nothing. Thank you.

11 (Whereupon, the deposition terminated.)
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I have read the preceding deposition and do declare that it constitutes a true and accurate transcript of my testimony given with such amendments, if any, as are set forth on the amendment sheet following this page.

HARRISON RHODES

Subscribed and sworn before me this ____ day of April, 1984.

My commission expires _____

NOTARY PUBLIC



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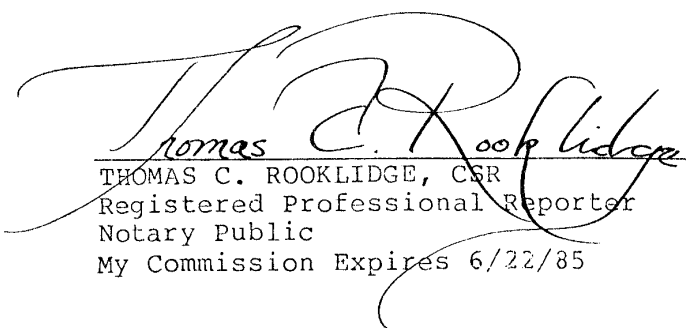
C E R T I F I C A T E

STATE OF COLORADO)
)
COUNTY OF MESA) ss.

I, THOMAS C. ROOKLIDGE, Certified Shorthand Reporter and Notary Public in and for the State of Colorado, duly commissioned to administer oaths, certify that there appeared before me the deponent, who was by me duly sworn to tell the truth, the whole truth and nothing but the truth, and was thereupon interrogated as set forth in the foregoing deposition.

I further certify that the foregoing testimony of the said witness was taken by me in shorthand and thereafter extended into typewritten form under my personal supervision and direction and is a full, true and correct record of the deposition of the said witness.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 27th day of April, 1984.


THOMAS C. ROOKLIDGE, CSR
Registered Professional Reporter
Notary Public
My Commission Expires 6/22/85



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