

1 SUPREME COURT OF THE STATE OF NEW YORK	1 APPEARANCES:
2 COUNTY OF NIAGARA	2
3	3 LIPSITZ & PONTERIO, LLC
4	4 135 Delaware Avenue, Suite 210
5 IN RE: NEW YORK CITY	5 Buffalo, New York 14202
6 ASBESTOS LITIGATION	6 BY: KATHLEEN A. BURR, ESQ.
7	7 Attorneys for Plaintiff
8	8
9 DEPOSITION	9 McCARTER & ENGLISH, LLP
10 UNDER ORAL	10 CityPlace I
11 EXAMINATION	11 185 Asylum Street
12 OF	12 Hartford, Connecticut 06103-3495
13 RICHARD BARKER	13 BY: CATHERINE A. MOHAN, ESQ.
14	14 Attorneys for Defendant,
15	15 General Electric Company
16 This Document Applies To:	16
17 TERRANCE HILL	17 Also present: Marilyn M. McCloskey,
18	18 Certified Court Videographer
19	19
20 PRIORITY-ONE COURT REPORTING SERVICES, INC.	20
21 899 Manor Road	21
22 Staten Island, New York 10314	22
23 (718) 983-1234	23
24	24
25	25
Page 1	Page 2
1 Transcript of the deposition of the witness,	1 INDEX
2 called for Oral Examination in the	2 WITNESS NAME PAGE NO.
3 above-captioned matter, said deposition being	3 RICHARD BARKER
4 taken pursuant to Federal Rules of Civil	4
5 Procedure by and before DEBRA deHAAS, a	5 Direct Examination by Ms. Burr 9
6 Notary Public, at the Radisson Inn, 12635	6 Cross-Examination by Mr. Mohan 204
7 South Cleveland Avenue, Fort Myers, Florida,	7 Redirect Examination by Ms. Burr 210
8 on Thursday, April 15, 2004, commencing at	8 Cross-Examination by Ms. Mohan 216
9 approximately 9:53 in the forenoon.	9
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1 (Pages 1 to 4)

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1 EXHIBITS 2 EXHIBIT NO PAGE NO. 3 4 5 1 Copy of resume of Richard Barker 16 6 2 Copy of contract between GE & 22 7 PLENCO dated 11/8/82 8 3 Copy of answers to interrogatories 22 9 4 Copy of GE Promotion Manual 152 10 5 Copy of two-page GE catalog 157 11 6 Copy of four-page GE catalog 158 12 7 Copy of Modern Plastics 1938 160 13 Excerpt (14 pages) 14 8 Copy of One-page GE catalog, 161 15 Re: Molding (Modern Plastics Encyclopedia) 16 9 Copy of GE Plant Photograph 163 17 (Modern Plastics Encyclopedia) 18 10 Copy of one-page GE catalog 166 19 (Photograph) "GE Takes Complete Responsibility" 20 11 Copy of one-page GE catalog - 186 21 Fabricated pieces, "Small Lots of by the Carton" 22 12 Copy of one-page GE catalog - 167 23 Modern Plastics Encyclopedia 24 13 Copy of one-page GE product chart 173 25 14 Copy of one-page GE product chart 172 "Molded Plastics Corp." 15 Copy of one-page article titled, "Cut Cycle Time 25% with the Fastest Curing Phenolics in the Plastics Industry" 174 Page 5	1 EXHIBITS (Cont'd.) 2 29 Copy of list of attendees representing 192 3 GE of 1/12/73 meeting with personnel from Johns-Manville Corp. 4 30 Copy of Transcript of proceedings 194 5 dated 1/12/73 of GE & Johns-Manville Corp. meeting 6 31 Copy of Asbestos Worker Magazine 195 7 excerpt titled "Johnson-Humphrey Elected." 8 32 Copy of article titled, "Eight out 143 9 of 10 Distributor Cnps in the USA are made of GE Phenolics" 10 33 Copy of article titled, "Who Decorated These Phenolic Handles?" 148 11 34 Copy of article titled, "Who Burned 149 12 this Phenolic?" 13 35 Copy of Progress Report of 1963 197 14 titled, "Joint Health Research Effort Starts for Insulation Men." 15 (All exhibits were retained by Ms. Burr) 16 17 18 19 20 21 22 23 24 25 Page 7
1 EXHIBITS (Cont'd.) 2 16 Copy of one-page GE document titled, 175 3 "Who Strengthened this Phenolic?" 4 17 Copy of one-page article titled, 176 5 "Loran Sheet & Film Now Direct from General Electric" 6 18 Copy of one-page GE sheet titled, 177 7 "Who Wrote Out this Phenolic Auto Part?" 8 19 Copy of one-page GE document titled, 178 9 "Who Cracked this Phenolic?" 10 20 Copy of 12-page document titled, 179 11 "Union Carbide Corp." (dated 6/24/71) 12 21 Excerpt of GE answers to 186 13 interrogatories in Miller v. GAF Corp. (8 pages) 14 22 Copy of 1935 National Safety News 187 15 monthly publication, Volume 20, No. 3 16 23 Copy of "Southern Power & Industry" 187 17 publication (8 pages) 18 24 Copy of Seventh Symposium - 1962 188 19 (four pages) 20 25 Copy of document titled, "Foundation 189 21 Field - July 1952" (2 pages) 22 26 Copy of document titled "1942 190 23 Instructions - 31st National Safety Congress" (20 pages) 24 27 Copy of GE letter dated 8/29/50 190 25 from Edward Kline, M.D., In Dr. Arthur J. Vorwirth - Trafton Sanitation 26 28 Copy of 1969 Fellowship Report #60, 191 27 Asbestos Toxicity Institute, dated 1/25/63 28 Page 6	1 THE VIDEOGRAPHER: Today is 2 April the 15th, 2004. The time 3 is approximately 9:53 a.m. We 4 are at 12635 South Cleveland 5 Avenue, Fort Myers, Florida to 6 take the deposition of Richard 7 Henry. Index number -- 8 MS. MOHAN: No. Excuse me. 9 Richard Henry Barker. 10 THE VIDEOGRAPHER: To take 11 the deposition of Richard Henry 12 Barker. Index number 115895, in 13 the case of Terrance Hill and 14 Mary Lou Hill versus General 15 Electric and other asbestos 16 defendants. 17 My name is Marilyn 18 McCloskey. I am the videographer 19 with Sun Ray Legal Video. 20 The court reporter is Debbie 21 deHaas with Priority One. 22 Will counsel please introduce 23 themselves? 24 MS. BURR: My name is 25 Kathleen Burr. B-u-r-r. I am Page 8

2 (Pages 5 to 8)

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1 the attorney for the plaintiffs, 2 Mr. and Mrs. Hill. The late Mr. 3 Hill. 4 MS. MOHAN: Catherine Mohan 5 from McCarter & English. I 6 represent General Electric. 7 THE VIDEOGRAPHER: Will the 8 court reporter please swear the 9 witness? 10 11 12 13 RICHARD BARKER, 14 15 19 Luana Court 16 Fort Myers, Florida 17 called as a witness, having 18 been first duly sworn 19 according to law, testifies 20 as follows: 21 22 DIRECT EXAMINATION BY MS. BURR: 23 Q Good morning, Mr. Barker. Could 24 you state your full name and address for the 25 record, please?	1 MS. MOHAN: Just because you 2 started on this. Mr. Barker is 3 being produced to testify about 4 phenolic molding compound 5 business in Pittsfield, 6 Massachusetts. He is -- GE sold 7 the business, the phenolic 8 molding compound business in 9 1982. He will only be talking 10 about that. 11 Any issues regarding 12 industrial hygiene, as I told Mr. 13 Comerford, somebody else from GE 14 will be able to testify to those 15 issues. So he will not be 16 testifying to any industrial 17 hygiene issues. 18 The second thing is we'd like 19 to place an objection on the 20 record for the videotaped 21 deposition. I don't believe it 22 was adequately noticed. And the 23 other stipulations would be any 24 of the general stipulations we 25 usually have at these
1 A Richard Henry Barker. 118 Wilshire 2 Drive, Cheshire, Massachusetts 01225. 3 Q Could you spell Cheshire for us? 4 A C-h-e-s-h-i-r-e. 5 Q All right. Good morning, Mr. 6 Barker. How are you feeling today? 7 A Fine. 8 Q That's good. I'm glad to hear 9 that. As you know, my name is Kathy Burr, 10 and I'm the attorney from Lipsitz Pontario. 11 We represent the plaintiffs in this case. I 12 have questions for you today. 13 You've been produced by the 14 General Electric Company as a former employee 15 of that company as the person perhaps the 16 most knowledgeable about the subject matter 17 we're discussing today. Have you ever been 18 deposed before, sir? 19 A No, I haven't. 20 MS. MOHAN: We should put 21 some stipulations on the record. 22 I didn't know when you wanted to 23 do that. 24 MS. BURR: Surely. We can do 25 that now.	1 depositions. 2 MS. BURR: Okay. Could you 3 review those for me? I'm a New 4 York litigator, so I'm assuming 5 that we're going to waive 6 generally objections to the 7 question except as to a stated 8 form. 9 MS. MOHAN: Form. That's 10 correct. 11 MS. BURR: Is he going to 12 read and sign this transcript? 13 MS. MOHAN: Yes. He will 14 read and sign this transcript. 15 And I think that's -- I think 16 those are the only two that I 17 care about. So unless you have 18 others, I think that's -- and the 19 several times on the -- what 20 we've done on these other 21 videotaped depositions, for the 22 objections we've actually gone 23 off the videotape for the 24 objections to discuss the 25 objections, and just had them,
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Page 10	Page 12

3 (Pages 9 to 12)

1 you know, reported by the court
2 reporter. I don't know if you
3 have a -- I think they thought
4 that would save on -- on the
5 tape. So for the objections you
6 can stop, and we can try to --
7 MS. BURR: Okay. We'll try
8 and clue you to stop.
9 BY MS. BURR:
10 Q Okay. I'm going to go over the
11 basic ground rules now, Mr. Barker, for a
12 deposition. And I'm sure your attorney has
13 discussed those with you. I'll ask you to
14 speak up, first and foremost, so that the
15 court reporter can hear you, and try and
16 speak reasonably slowly so that she can take
17 down the words.
18 If you know in your mind you're
19 going to mention a technical word that only
20 you know how to spell, you can go ahead and
21 say the word and then spell it for the court
22 reporter, because otherwise, it will turn out
23 to be something unreadable in the transcript.
24 If you don't understand the
25 question as I've phrased it, just tell me,

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1 you know, "I don't understand what you mean,"
2 something along those lines, "Can you reask
3 that question?" And I'll be happy to try and
4 rephrase it or reask it so that you do
5 understand it. And to the extent that I ask
6 a question and you give me an answer, I'll
7 assume, then, that you understood the
8 question because you are answering it. Okay?
9 A Very good.
10 Q Okay. The other thing that I need
11 for you to do in all instances is to respond
12 to me with some kind of a verbal response, a
13 "yes," "no," "very good," anything like that
14 because if you nod or shake your head, the
15 court reporter's not able to take down a
16 gesture.
17 A I understand.
18 Q The only other thing is we'll try,
19 both of us, hard not to step on each other.
20 In other words, I'm asking you to wait for me
21 to ask my complete question, as fumbled as it
22 may be, before, then, you answer. And I'll
23 do my best, then, not to interrupt your
24 answer by starting another question.
25 A Very good.

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1 Q Because the problem is the court
2 reporter cannot take down two speakers at
3 once. And we'll both get in big trouble with
4 her if we persist in some kind of behavior
5 like that. Okay?

6 I think that's the basic ground
7 rules, and we should be able to sail through
8 this, my guesstimate is, you know, by
9 midafternoon we should be done. Okay.

10 A Okay.

11 Q As you know, this case involves
12 Terrance Hill, and he is deceased. He had
13 an asbestos-related disease. And you
14 probably heard from Ms. Mohan that Terrance
15 Hill once worked with the Die Molding company
16 plant in Canastota, New York.

17 A I have.

18 Q Okay. Do you have any familiarity
19 yourself with the Die Molding company?

20 A I visited the plant a couple of times
21 in the 1980s. I never got into the actual
22 molding room. It was more in conference
23 rooms.

24 Q Okay. Without going into great
25 detail, what was the purpose of your visit to

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1 the plant in the 1980s at Die Molding?

2 A At that time, I was working for
3 PLENCO, Plastics Engineering Company, and we
4 were getting involved in statistical process
5 control which I was going to be in charge of
6 for PLENCO.

7 Q During your time at GE, did you
8 ever visit the Die Molding facility?

9 A No, I did not.

10 Q Mr. Hill did tell us that he
11 worked at Die Molding between the years of
12 1961 and 1966. Is it fair to say that you
13 were employed by the General Electric Company
14 during those same years?

15 A I was.

16 (Exhibit No. 1 was marked for
17 identification.)

18 BY MS. BURR:

19 Q Your attorney's been kind enough
20 to supply me with a copy of your resume which
21 we have marked as Plaintiffs' Exhibit 1, and
22 I'll give that to you now for your reference.

23 Before we start, though, have you
24 ever viewed any documents for this
25 deposition, other than the ones you've looked

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4 (Pages 13 to 16)

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1 at here this morning?
 2 A I have with Ms. Mohan and Mr.
 3 Marshall.
 4 Q Okay. And who's Mr. Marshall?
 5 A He's a lawyer for a firm in Chicago
 6 that's also working on this case. And
 7 Spazzioli. Mr. Spazzioli.
 8 Q And Mrs. Spazzioli? I'm sorry.
 9 MS. MOHAN: Mr. Speziali,
 10 I'll spell it. S-p-e-z-a-l-i.
 11 A I just met him myself last week.
 12 BY MS. BURR:
 13 Q Okay. Is Mr. Speziak an attorney?
 14 A Yes.
 15 Q Okay. Is he with Ms. Mohan's
 16 firm?
 17 A No.
 18 Q No? Is he a GE in-house counsel
 19 person?
 20 A Pretty much works for himself.
 21 Q Okay. What's his first name?
 22 MS. MOHAN: David.
 23 BY MS. BURR:
 24 Q Do you know why it was Mr. Speziak
 25 came into the mix here for a meeting with

Page 17

1 you?
 2 A Not really. I know he's working on
 3 the case. That's all.
 4 MS. MOHAN: David Speziali is
 5 going to try the case with me.
 6 BY MS. BURR:
 7 Q Okay. Do you know where Mr.
 8 Speziak is from?
 9 A Pardon?
 10 Q Do you know where he practices?
 11 A Williamstown, New Jersey is where his
 12 -- the address he gave me.
 13 Q Do you know what -- is he a sole
 14 practitioner or does he have a firm?
 15 A From what I understood, his wife is
 16 also an attorney, and they work together.
 17 Q Okay. Now, did you have one
 18 meeting with Mr. Marshall, Mr. Speziak, Ms.
 19 Mohan prior to today, or more than one
 20 meeting?
 21 A More.
 22 Q How many more?
 23 A I first met Ms. Mohan last August.
 24 I'm going to say about five or six meetings
 25 with her.

Page 18

1 Q Okay. Most of these meetings, I
 2 take it, were up in Massachusetts?
 3 A Yes.
 4 Q I gather you're some kind of snow
 5 bird because you gave me a Massachusetts
 6 address.
 7 A Correct.
 8 Q You don't live in Florida year
 9 round?
 10 A Pardon?
 11 Q You do not live in Florida year
 12 round?
 13 A No. I come down in January and stay
 14 until the end of April.
 15 Q What's your local address here?
 16 A 19 Luana, L-u-a-n-a Court, Fort Myers,
 17 Florida 33912.
 18 Q I understand that you're a
 19 widower, sir?
 20 A Widower, correct.
 21 Q Yes. And I'm sorry to hear that
 22 your wife has passed away. When did that
 23 happen?
 24 A Pardon?
 25 Q When did your wife pass away?

Page 19

1 A June 22nd, 1999.
 2 Q And you have children?
 3 A Three.
 4 Q And are they living up in the
 5 Massachusetts area, all of them?
 6 A I have one in Washington, D.C., one in
 7 Tolland, Connecticut, and one in Chicopee,
 8 Mass. C-h-i-c-o-p-e-e.
 9 Q And they're all out of the house
 10 and on their own. Correct?
 11 A Yes.
 12 Q The documents that you've reviewed
 13 for this deposition, have you seen any of
 14 those documents today, or are they entirely
 15 different documents?
 16 A Other than the resume, most of what I
 17 saw today were new.
 18 Q Okay. Did you review a large
 19 number of documents with your attorneys?
 20 A We reviewed Mr. Hill's deposition, Mr.
 21 Donald Dew's deposition. I had an old record
 22 from GE that when I was asked by Ms. Mohan to
 23 come into the -- I reviewed some of those
 24 just to refresh my memory.
 25 Q Do we have those?

Page 20

5 (Pages 17 to 20)

1 A Formulations, property sheets, data
2 books.

3 THE WITNESS: You have those.

4 MS. MOHAN: Right.

5 BY MS. BURR:

6 Q Probably all Greek to us. Right?

7 MS. MOHAN: Greek to me.

8 MS. BURR: All right. I'm
9 going to -- for the record, I'll
10 just reserve our rights to review
11 those documents at some later
12 point.

13 MS. MOHAN: Right. I know
14 you have the answers to
15 interrogatories here, but because
16 Mr. Hill's case is primarily
17 between the years 1961 and
18 1966 --

19 THE WITNESS: That's correct.

20 MS. MOHAN: -- that the vast
21 majority of the documents are
22 well beyond 1966, so they're
23 really not relevant to this
24 case. But we can talk about
25 that later.

Page 21

1 involved in the plastics business operation.
2 Okay?

3 A All right. You want to start from the
4 beginning, go to the last page and work
5 forward?

6 Q I would like to -- we'll just
7 generally review your work history. Okay?
8 And I'll ask the leading question. I don't
9 think the attorney will have any objection.
10 We'll just sort of march through this.

11 MS. MOHAN: That's fine.

12 BY MS. BURR:

13 Q You retired in what year, sir?

14 A I retired from PLENCO in 1990.

15 Q Okay. And it's true that from
16 approximately 1983 to your retirement in 1990
17 you were employed by the Plastics Engineering
18 Company, also known as PLENCO, P-L-E-N-C-O,
19 as a manager for quality assurance.

20 A That's correct.

21 Q And you came to PLENCO, in part or
22 in whole, because the line of business
23 involving molding compounds was sold to
24 PLENCO in 1982. Correct?

25 A That's correct.

Page 21

1 A Plus, the formulation sheets, for
2 instance, were all issued -- or in use, I
3 should say -- when we sold the business to
4 PLENCO.

5 BY MS. BURR:

6 Q Okay. In 1982.

7 A In 1982.

8 (Exhibit Nos. 2 & 3 were marked for
9 identification.)

10 BY MS. BURR:

11 Q We've marked, and you've seen,
12 Barker 3. We're going to talk about this
13 document at greater length. But the question
14 I had for you was: Were you involved
15 personally in the preparation of any of the
16 answers to that document?

17 A Involved in what?

18 Q Were you -- were you contacted to
19 help the attorneys prepare that document?

20 A No, I was not.

21 Q I'll take that back, Mr. Barker.

22 Okay. You've got your resume in front of
23 you. And you know, as we've indicated, we're
24 going to confine most all the questions here
25 to your time at the General Electric Company

Page 22

1 Q Okay. Now, your resume states
2 that you were employed by the General
3 Electric Company from 1954 to 1983.

4 A That's correct.

5 Q And that, by my calculation, is 29
6 years. Correct?

7 A Twenty-nine years and eight months, to
8 be exact.

9 Q Did you get a watch at the end, or
10 what did you get?

11 A They shook my hand and said good-bye.

12 Q All right. I thought a watch
13 would at least be appropriate. All right.
14 From the end of your time from the last two
15 years, from '81 to '83, you worked as a
16 manager for quality assurance. Correct?

17 A That's correct.

18 Q Okay. And that, indeed, is the
19 same title you assumed when you went from GE
20 to PLENCO. Correct?

21 A That's right.

22 Q From 1970 to 1981 your resume
23 indicates that you were a manager of the
24 GENEL product development?

25 A GENEL product development.

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6 (Pages 21 to 24)

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1 Q GENEL. Okay. And I gather that
2 the GENEL product, at least from -- well,
3 strike that.

4 Was the GENEL product something
5 that was created in the 1970s, or did the
6 product line preexist?

7 A It's GE phenolic molding compound
8 section.

9 Q That's what it stands for. Okay.
10 Now, under the years 1970 to '81, your resume
11 indicates that you were -- that you were
12 involved and had received a joint patent for
13 an asbestos-free, medium heat resistant
14 phenolic molding compound. Correct?

15 A That's right.

16 Q And when did that patent issue?

17 A It was issued in 1974.

18 Q Who was the co-patent recipient
19 with you?

20 A Dr. Frank Florentine.

21 F-l-o-r-e-n-t-i-n-e.

22 Q Okay. Doctor, is that M.D., or
23 Ph.D.?

24 A Ph.D.

25 Q And what was his specialty?

Page 25

1 A Well, his degree was in organic
2 chemistry. And he was probably Mr. Phenolic
3 in General Electric.

4 Q Is Dr. Florentine still alive?

5 A No.

6 Q Do you know when he passed away?

7 A I'm going to say sometime towards the
8 end of the 1980s.

9 Q Was he a fairly young man when he
10 died, or was he older than you?

11 A No. He was retired. In his late
12 sixties.

13 Q Do you know whether or not Dr.
14 Florentine suffered from any asbestos-related
15 disease?

16 A He died of a liver problem.

17 Q Prior to the issuance of your
18 patent, was the asbestos-free medium heat
19 resistant compound on the market?

20 A Yes.

21 Q Okay. What year did that come on
22 the market?

23 A As of November of 1972, GE
24 discontinued the use of asbestos straight
25 across the board.

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1 Q I'm sorry. I missed the last
2 part. GE --

3 A They discontinued the use of asbestos
4 right across the board.

5 Q Right across the board. Okay.
6 And when you say "right across the board,"
7 you're limiting that to molding compounds.
8 Correct?

9 A We didn't use asbestos any longer in
10 molding compounds.

11 Q Okay. I just want to make clear,
12 you're not making that representation for
13 other divisions, other plants, other products
14 in GE?

15 A I can't speak for them at all.

16 Q Okay. Now, can you tell me how it
17 was you were called on to develop this new
18 asbestos-free product?

19 A We got the word -- I say "we," I mean
20 me, GENEL R&D section where I worked, had a
21 staff meeting one day when we were told a
22 decision had been made to discontinue the use
23 of asbestos due to the fact that asbestos had
24 been identified as a hazardous material.

25 Now, our employees were working

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1 with raw asbestos on a daily basis, and it
2 was felt that it -- for the health and safety
3 of our employees, we should discontinue it
4 and just stop using it.

5 Q Okay. You have any idea when that
6 meeting occurred? What year you heard that?

7 A I want to say in early 1971.

8 Q Now, prior to early 1971, had
9 there been any research and development for
10 an asbestos-free heat resistant compound?

11 A No.

12 Q Would you have been in a position
13 to know in 1970 what everybody was doing that
14 was also employed in the phenol compound
15 product line, research and development, at
16 Pittsfield?

17 A Like across the board, what were we
18 doing?

19 Q Yeah.

20 A I was working in product development,
21 so just about every formulation that was
22 developed pretty much went through my office.

23 Q As of 1970, you were the manager
24 of research & development. Correct?

25 A Development. Just the development

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7 (Pages 25 to 28)

1 part. 2 Q I think we're going to have to 3 probably go through a little bit about the 4 structure of the plant there in terms of your 5 division. But we'll do that in a couple of 6 minutes. Moving backwards in time, you spent 7 a year, from '69 to '70, as manager for 8 manufacturing support? 9 A That's correct. I was on a special 10 assignment in the manufacturing area to help 11 them increase their productivity. 12 Q Can you tell me, refreshing your 13 recollection to the extent needed by your 14 resume, can you tell me what was involved in 15 that year's project in terms of reaching the 16 goal of increasing productivity? 17 A Prior to when? 18 Q That year. 1969 to '70. What 19 were you doing? 20 A I was assigned to the manufacturing 21 area. Had an office in the factory area. I 22 had a couple of technicians working for me. 23 And we were taking each formulation we 24 manufactured, following the production of 25 factory equipment, to see what we could do to Page 29	1 they - I guess I was selected only because I 2 had more experience working close with the 3 factory. 4 Q Okay. And would you say that you 5 were successful after a year in boosting 6 productivity? 7 A None of those plants were able - one 8 of those systems we were able to bring from a 9 production rate of approximately 2,500 pounds 10 an hour up to 3,500. The other one we didn't 11 do as well, but we did improve it somewhat. 12 Q Okay. How - in the sixties, tell 13 me about the Pittsfield plant. Besides the 14 - how do you say this - the phenol molding 15 compound, what else was made there? Were 16 there other things? 17 A You mean in the entire Pittsfield 18 facilities? 19 Q Yes. 20 A That was the headquarters of the GE 21 transformer division. That was a major 22 employer. They had both power transformers 23 and distribution transformers being 24 manufactured in Pittsfield. 25 Q Any idea how many employees GE had Page 31
1 help them increase their productivity. 2 Q Okay. And this was - you spent 3 some time observing the workers actually 4 making the compounds. Correct? 5 A Right. 6 Q And you spent some time examining 7 the equipment that they were using? 8 A More or less trying to find ways to 9 utilize the existing equipment to increase 10 the productivity of the plant. In other 11 words, if a system was making compound at a 12 rate of, say, a thousand - 3,000 pounds an 13 hour, what could we do to get that up to 14 around 3,500 pounds an hour? We had a couple 15 of units in that plant that were really 16 operating well below their rated capacity. 17 Q And what was the problem? Did you 18 come to some determination as to why they 19 were below capacity? 20 A What was the determination for me to 21 go down there and do that? 22 Q Yeah. 23 A Oh, it was a case of the management of 24 the GENEL section thought the plant should be 25 running at a higher rate of efficiency, so Page 30	1 assigned to that division? 2 A In that period, I'm going to say in 3 the neighborhood of 10,000. 4 Q Your product division, the phenol 5 line - 6 A The GENEL products section employed 7 about 400. 8 Q Well, was the GENEL product line 9 manufacturing section housed separately in 10 its own building? 11 A Yes. We started in 1960, we were in 12 one building, Building 36. During the 1960s, 13 we acquired from the transformer division 14 another building, 32, and expanded our 15 facilities in there. 16 Q Okay. And when you assign numbers 17 to buildings, I presume it's because there 18 are 36 buildings, at least. 19 A That's just a building number. You 20 mean in - 21 Q In this whole complex. 22 A The whole complex they had over 80 23 buildings. 24 Q So it's fair to say prior to 1960, 25 the phenol unit was housed within some part Page 32

8 (Pages 29 to 32)

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1 of the transformer unit?
 2 A Yes, it was.
 3 Q Okay. And during the sixties, you
 4 acquired your own space from the transformer
 5 unit?
 6 A Correct. Well, extra space.
 7 Q Extra space. Was --
 8 A Building 32.
 9 Q Okay. So during the 1960s, after
 10 you acquired Building 32, was the entire
 11 phenol unit in Building 32, or was part of it
 12 still in 36?
 13 A No. We operated both buildings.
 14 Q Okay. Were these buildings
 15 together, in close proximity?
 16 A Across the alley from each other.
 17 Q Okay. Was there a way to
 18 distinguish what activities went on in each
 19 building?
 20 A Similar. Both buildings had similar
 21 type equipment in them.
 22 Q Okay. And where was the research
 23 and development offices held?
 24 A Research and development was about a
 25 mile and a half away.

Page 33

1 Q Okay. Still within the greater
 2 complex known as the Pittsfield plant?
 3 A Yes, it was. It was located in
 4 Building 105.
 5 Q So it was not a matter of you just
 6 strolling over to look at the production
 7 equipment. You'd have to drive there.
 8 A Yeah. We'd have to drive down.
 9 Q Under this resume, in the year '69
 10 to '70, you indicated that you issued
 11 operating instructions for every grade of
 12 material being produced in the factory. The
 13 first time in 40 years such documentation
 14 existed. What did you mean by that?
 15 A Well, every material we manufactured,
 16 they weren't all made on the same type of
 17 equipment. And to manufacture it, the
 18 operator was pretty much on his own as to how
 19 he would run that equipment. And we just
 20 felt that if there was a set of operating
 21 instructions, everybody made it the same way,
 22 doing it the same way each and every time,
 23 you're going to get a better product.
 24 So we decided to write operating
 25 instructions for every material for every

Page 34

1 system it was made on.
 2 Q Okay. Now, were there different
 3 -- was the equipment different in the
 4 production of the three types of molding
 5 compound that I understand there to be, that
 6 being general purpose, heat resistant, and
 7 impact resistant?
 8 A They were all made -- they were all
 9 made on the same types of equipment.
 10 Q Were those molding compounds all
 11 made in the same building, either 32 or 36?
 12 A That's the only two manufacturing
 13 facilities we had. Those two buildings.
 14 Q Right. So, is it fair to say that
 15 you made both -- all of those products in
 16 both of those buildings?
 17 A Correct.
 18 Q And within the GENEL product line,
 19 is that what we're talking about, strictly
 20 molding compound. Correct?
 21 A Exactly.
 22 Q Three types of molding compound?
 23 A Well, there was a fourth, low-volume
 24 material called Rubber Phenolics.
 25 Q Okay. Is there a -- strike that.

Page 35

1 I understand that Die Molding
 2 generally used some kind of an extrusion
 3 process in order to make their molds.
 4 Correct?
 5 A They use a what?
 6 Q An extrusion process? Is that
 7 fair to say?
 8 A Die Molding?
 9 Q Yeah.
 10 A As I say, I was never in the operating
 11 plant, but I was quite familiar with our
 12 technical service engineer that called on
 13 that plant. And he described it to me as
 14 pretty much compression molding or transfer
 15 molding. That would not involve extrusion.
 16 Q Okay. I apologize. Because I
 17 don't have the greatest understanding of
 18 this. And it's very hard when you don't see
 19 equipment in operation to understand all
 20 this.
 21 A Extrusion is pretty much a
 22 manufacturing process to make compound.
 23 Q Oh, to make compound. Okay. I
 24 guess that's what I need an understanding of,
 25 the phenol product division, because in

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9 (Pages 33 to 36)

1 looking at the GE documents that we have, a 2 lot of which predate your time there, the 3 thirties and the forties, it's pretty clear 4 to me that GE was both making the molding 5 compound and making molds. 6 A GE, up until sometime in the late 7 fifties, was also a molder. And along 1928, 8 at that time, they were strictly a molding, 9 but they decided to go into the manufacturing 10 of phenolic molding compound for their own 11 molding shop only. They did not sell on the 12 open market. 13 Q Okay. And sometime in the 14 thirties they began to sell on the open 15 market? 16 A 1948. 17 Q 1948? After World War II? 18 A During the war years, that molding 19 shop was strictly defense type work. Now, at 20 that time, it was the largest molding shop in 21 the world. 22 Q So is it your testimony that after 23 the late fifties, there was no more molding 24 operation out of Pittsfield? 25 A Sometime in the 1950s, they moved that Page 37	1 position? 2 A Sometime in '69 or '70, they changed 3 the name from chemical material department to 4 the plastics department, and the phenolic 5 molding compound section was renamed GENEL. 6 So my title changed from manager, compound 7 development to manager, GENEL product 8 development. 9 Q Okay. During this time period, 10 it's indicated in your resume that you 11 discovered a liquid coating system that was 12 used to lay dust in phenolic compounds. 13 A That's correct. 14 Q Can you explain this for us? 15 A Sometime about prior to 1967, one of 16 our competitors introduced what they call a 17 dust-free compound. And it became highly 18 desirable in the molding shop because it made 19 for a much -- much cleaner housecleaning. So 20 all -- everybody in the business was -- 21 demanded to develop a similar material. 22 Of course, we didn't know what our 23 competitor was using, so we all had to go out 24 and find our own system. And we found a 25 liquid that would be blended on the powder Page 39
1 operation to Taunton, Massachusetts. 2 Q Okay. And do you know in the 3 sixties whether GE was still actually molding 4 at that time? 5 A It was in the fifties they moved it. 6 Sometime in the late fifties, early sixties, 7 they sold it to a company called Hercules. 8 Q Okay. And, then, what they sold 9 was the operation that was then -- that had 10 then been moved to Taunton, Massachusetts. 11 A That's right. 12 Q Which was a molding facility. 13 A Strictly a molding operation. 14 Q All right. Was a reason why GE, 15 that you know of, decided to get out of the 16 molding business, as opposed to -- 17 A They just felt selling the molding 18 compound was a more profitable business with 19 more growth potential. 20 Q Back to your resume, between 1967 21 and 1969, which is a two-year period, you 22 listed your title as manager for compound 23 development. 24 A That's correct. 25 Q What were your duties in that Page 38	1 that would lay the dust so it wouldn't rise 2 when the bags were opened and dumped. 3 Q I'm sorry. So it blended into the 4 powder so the dust wouldn't rise when the bag 5 was dumped? 6 A Yeah. Usually, if you opened the bag 7 and dumped it, there would be a dust cloud 8 that would rise up. And this coating system 9 just made the dust heavy enough that it 10 wouldn't rise. 11 Q Who were GE's big competitors for 12 phenol molding compound? 13 A In the 1961 to 1966 era I'm going to 14 say Union Carbide, Durez, PLENCO. Those were 15 the big ones. 16 Q Okay. 17 A There were a few small ones like 18 Dalight. Then, of course, the 19 highly-specialized phenolic producers like 20 Rogers, Fiber-Rite, Rezonoid. We competed 21 with them in some areas. 22 Q Some of the ones you've just 23 mentioned, you don't know who it was who 24 first came out with this -- 25 A Dust free? Page 40

10 (Pages 37 to 40)

1 Q -- dust-free or dust-reducing
2 compound.
3 A Union Carbide.
4 Q Had there been complaints that you
5 were made aware of by GE's customers
6 concerning the dust levels encountered with
7 the product that was sent?
8 A Once Union Carbide introduced a
9 dust-free material, all of our customers
10 started saying, "When are you guys going to
11 do it?"
12 Q Okay. But prior to that, what had
13 you heard?
14 A Prior to that, no. It was just an
15 accepted fact of life, I guess.
16 Q Okay. Do you know whether or not
17 Union Carbide's development of this was
18 related in any way to concerns over the
19 inclusion of asbestos as an ingredient in --
20 A Not at that time.
21 Q -- compounds?
22 A I'm sorry. I shouldn't have butted in
23 so soon. Not at that time. At that time, it
24 was strictly a housekeeping matter.
25 Q Is it fair to say from your first

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1 ten years you were working your way up
2 through the ranks at GE? Correct?
3 A Yes. That would be a good way of
4 putting it.
5 Q And you were initially hired as a
6 lab technician?
7 A Yes, I was.
8 Q Okay. Can you tell me what was
9 involved in that particular job?
10 A I would be assigned to a product
11 development engineer. He would do the ideas
12 on what he wanted to do to a compound to
13 improve a given property. Then it would be
14 my job to make the material on a laboratory
15 scale and do the testing required.
16 Q During this time period when you
17 were working as a lab technician, did you
18 routinely use any kind of respiratory safety
19 device?
20 A Depending on what we were working
21 with. And usually we used those little paper
22 dust masks. And that was usually done if we
23 were working with a real dusty material.
24 Q And other personal safety
25 precautions?

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1 A It was a requirement working either in
2 the factory or the pilot plant, that you had
3 to wear safety glasses and safety shoes, both
4 of which were provided by the company.
5 Q Is it fair to say you had access
6 to the paper dust masks from the beginning,
7 from 1954, as you started as a lab
8 technician?
9 A Access to?
10 Q As to the availability of the
11 paper dust masks?
12 A Yes.
13 Q Okay. They weren't something
14 introduced during your time there?
15 A No. It was there when I arrived. In
16 the factory, the production people were all
17 provided with a clean set of coveralls and a
18 clean set of long johns every day. And they
19 were also provided with towels and soap to
20 shower before they left.
21 Q Okay. We'll get to it when we
22 look at the answers to the interrogatories.
23 But at some point, GE did introduce into the
24 production facilities the availability of
25 respiratory equipment. Are you aware of

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1 that?
2 A Once the asbestos issue started
3 arising, they did come up with the
4 canister-type respirators.
5 Q Okay. When was this?
6 A 1971. '70, '71.
7 Q I'm going to refer you to the
8 document we marked right here, Plaintiffs' 3,
9 have you turn to Page 26, sir. At the very
10 top, I'll read the response for you, and then
11 you can wait for my question.
12 At the top of Page 26, which is an
13 answer to interrogatory number 27 on page 25,
14 it says, "GE states that respirators and
15 masks were made available to workers in GE's
16 phenolic molding compound factory in
17 Pittsfield, Massachusetts beginning in the
18 late 1950s or early 1960s. It is believed at
19 some point in time masks and respirators may
20 have become mandatory for those employees
21 involved in portions of GE's phenolic molding
22 compound operations in Pittsfield,
23 Massachusetts. GE provided all employees
24 with overalls which GE also laundered.
25 Employees were provided showers and changing

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11 (Pages 41 to 44)

1 facilities and were required to change out of
2 their overalls before leaving the factory
3 each day."

4 In looking at what I've just read,
5 which was GE's response to Interrogatory
6 Number 27, is your memory refreshed in any
7 respect with regard to the masks and
8 respirators?

9 A Well, when I talked about my wearing
10 them the first ten years of my employment, I
11 was in the laboratory. And we weren't
12 required to wear them. They were just made
13 available to us. And they were the paper
14 dust mask at that time.

15 Now, in the factory, I never saw
16 anybody wear them, even after they became
17 mandatory. Very few people.

18 Q Okay. Do you think they became
19 mandatory in or about the 1970s when OSHA
20 changed its regulations? You think that's
21 when it became mandatory?

22 A Yeah. But even then, they wouldn't
23 wear them. See, it was a -- especially in
24 the summer months. It was a dirty job. Guys
25 sweat a lot. Put those respirators on, it

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1 just made them sweat even more. And it was
2 just too uncomfortable for them.

3 Q Okay. As far as you know, in the
4 1950s -- strike that.

5 When you started working as a lab
6 technician, did you -- you regularly employed
7 the use of the dust mask. Correct?

8 A When I was working with real dusty
9 equipment, yes.

10 Q Okay. Do you know whether, in
11 fact, GE issued any kind of bulletins or
12 notices to its employees strongly or not so
13 strongly recommending that they use masks on
14 the assembly line?

15 A We would have occasional group
16 meetings, and safety would always come up.
17 And the safety engineer would always tell us,
18 "The dust masks are provided. You guys
19 should wear them. It's mandatory. You guys
20 should wear them." It just went unheeded.

21 Q Were you a member of a union, sir?

22 A I was not.

23 Q Was there a union involved for any
24 of the workers in the research product
25 development?

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1 A The production people were all members
2 of IUE 255.

3 Q Okay.

4 A It's a national union of electrical
5 workers.

6 Q But your division, research and
7 development, there was no union?

8 A The salaried employees were not
9 represented. No.

10 Q Okay. And you were salaried the
11 entire time you were at GE?

12 A Except for the first six months when I
13 worked in the transformer division.

14 Q Okay. When you worked in the
15 transfer division, were you working as a
16 production worker?

17 A Yes. I was a welder.

18 Q What years was that?

19 A 1953.

20 Q On the transformer side in 1953,
21 were any of the production workers wearing
22 respiratory equipment or masks?

23 A At that time, no, because we were not
24 working with anything that would require it.

25 Q Okay. Asbestos is a component of

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1 the transformers, isn't it?

2 A Yeah. But not in the part I worked
3 in. I worked in what they call the tank
4 shop, and manufactured the big tanks that the
5 transformers would be mounted in.

6 Q Okay.

7 A That was all steel work.

8 Q Those tanks weren't --

9 A Steel.

10 Q Did you have an -- strike that.

11 Do you have a recollection of the
12 greater aspects of the transformer production
13 business?

14 A Not really. So long ago, and I was
15 just involved in that one part of production.

16 Q Do you know whether or not at some
17 point those tanks were insulated either
18 inside or outside with asbestos?

19 A They were filled with oil.

20 Q So the answer's no?

21 A Yeah. Yes.

22 Q What was the first -- when was the
23 first time that you can say you were
24 personally aware that asbestos was known to
25 be hazardous to human health and could cause

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12 (Pages 45 to 48)

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1 cancer? 2 A There was an article, I believe it was 3 the Wall Street Journal, about some air 4 samples that had been taken at Times Square 5 showing that the air in Times Square exceeded 6 the threshold limits for asbestos. And I can 7 remember, I believe it was my boss, Frank 8 Florentine, saying, "This may be bad news for 9 us." 10 Q Do you know when that was? What 11 decade? 12 A '69 or '70. It wasn't long after that 13 we began to get the word that we were going 14 to stop using asbestos. 15 Q Did you have an awareness that 16 there were regulations that came out from the 17 federal government in or about 1972 that 18 established threshold values for asbestos? 19 A I was never made aware of them until 20 this Times Square study showed up. 21 Q Were you a member during your time 22 at GE of any industry union? 23 A I wasn't. No. 24 Q Who was your superior in the 1954 25 to 1959 time frame when you were working as a Page 49	1 A Z-o-l-k-o-w-s-k-i. Richard Bedel. 2 Harold Oles. 3 Q O-l-d-s? 4 A O-l-e-s. 5 Q O-l-e-s. Okay. 6 A Ferris Smith. Jennie Spayczek. 7 Q That was a female? 8 A S-p-a-y-c - I can't remember. I 9 think it was a z-x. 10 Q S-p-a-y - could it be c-z-e-k? 11 A Yeah. 12 Q Something like that. Jennie? 13 A Louie Plass. 14 Q Dewey? 15 A Louie. Or Louis. Plass. P-l-a-s-s. 16 That's about the only ones I can remember. 17 Q That's a pretty good recall. 18 That's a real good recall. Do you happen to 19 know if any of these people are still living? 20 A I know Dick Bedel is still alive. 21 Dick Zolkowski moved to California. I lost 22 track of him. Jennie is still alive. She's 23 got to be in her eighties today. Louie Plass 24 and Ferris Smith are both gone. Harry Oles 25 is still alive. Page 51
1 lab technician? 2 A Dr. Florentine hired me in 1954. I 3 worked for him until he retired with the 4 short exception I was in the plant as a 5 process control technician. 6 Q Okay. And Dr. Florentine's actual 7 position was what? 8 A He was manager, phenolic research and 9 development or GENEL research and 10 development. 11 Q And when you were a lab 12 technician, how big was that department? 13 A When I was first hired, the R&D 14 section had about 34 employees. 15 Q Okay. And this ranged from the 16 research chemists to the lab technicians to 17 the secretaries? That would be everybody? 18 A Yes. 19 Q How many lab technicians besides 20 yourself? 21 A Nine. 22 Q You remember the names of any of 23 those coworkers? 24 A Richard Zolkowski. 25 Q Could you spell his last name? Page 50	1 Q Do you think Jennie and Mr. Bedel 2 and Mr. Oles live in Massachusetts still? 3 A They all live in the Pittsfield area. 4 Q Of the ones that are alive, were 5 they all with you for all 29 years? 6 A No. 7 Q Who was there the longest? 8 A The only one that lasted - stayed as 9 long as I did was Harry Oles. 10 Q What was Mr. Oles' position at the 11 time you were talking? 12 A He worked pretty much in the metharon 13 area, which is independent of the phenolic 14 molding compound. It was a liquid-coated 15 resin. 16 Q Did Zolkowski and Bedel and Jennie 17 work in the phenol molding? 18 A Bedel did. Jennie worked in the 19 physical test lab. I don't know what 20 happened to Dick Bedel. I just happen to 21 know he's in Pittsfield because his father 22 recently died, and I read his name in the 23 obituaries. 24 Q Okay. During your time as a lab 25 technician and in the tests that you ran to Page 52

13 (Pages 49 to 52)

1 try out the formulations, did you ever 2 personally work with raw asbestos? 3 A I also worked in making laboratory 4 batches of phenolic molding compounds. 5 Q That's what I mean. 6 A Yes, I did use raw asbestos. 7 Q You handled that material 8 yourself? 9 A I did. 10 Q Do you know where it came from? 11 A At that time, in the sixties, I was 12 working as a lab technician, I should say. 13 Q That was the fifties. Late 14 fifties. 15 A It all came from -- at that time, it 16 was called Ruberoid. Later GAF. The fields 17 were located in Vermont. 18 Q Do you recall whether or not GE 19 purchased asbestos for the molding compound 20 formulations from Johns-Manville at any 21 point? 22 A We did start using Kelly asbestos. We 23 never used Johns-Manville. No. 24 Q Do you have any knowledge as to 25 whether or not GE was a customer of Page 53	1 going off the record. The time 2 is approximately 10:54 a.m. 3 (Short recess taken.) 4 THE VIDEOGRAPHER: We are 5 back on the record. The time is 6 approximately 11:03 a.m. 7 BY MS. BURR: 8 Q Okay. Mr. Barker, we're resuming. 9 We were talking about your time as a process 10 control technician. 11 A Right. 12 Q Okay. I think the last question I 13 asked you was whether or not during that time 14 frame, '59 to '62, you personally employed 15 the use of dust masks or other respiratory 16 protective devices when you were out in the 17 plant. 18 A No, I did not. 19 Q Okay. Do you recall, and can we 20 agree that at least on a voluntary basis, 21 such devices were available to both yourself 22 and the plant workers? 23 A They were. 24 Q Okay. And this was the time 25 frame, '59 to '62. I think at this point, it Page 55
1 Johns-Manville in any of its other divisions? 2 A No. 3 Q Okay. From '59 to '62 -- that's a 4 three-year period -- you were listed as 5 a process control technician. And I think 6 you indicated that put you back out into the 7 plant? 8 A Yes. I worked in the manufacturing 9 engineering area during that period. And the 10 job was kind of a varied job. There were 11 certain inspections that had to be made on 12 the manufacturing equipment on a weekly basis 13 which was my job to do those inspections, 14 like checking temperatures of bearings and 15 packings on the various mixers, grinders. 16 Q Okay. During that time frame, did 17 you personally employ the use of respiratory 18 equipment when you were in the manufacturing 19 end? 20 A No, I didn't. No, I did not. 21 Q Okay. We're going to take a break 22 now, Mr. Barker, so the videographer can 23 change her tape. 24 A Okay. 25 THE VIDEOGRAPHER: We are Page 54	1 would be good for you to tell us -- and I 2 don't want you to get too technical, but if 3 you can sort of give us the broad overview as 4 to how a phenolic molding compound is made. 5 And we'll define the discussions to the types 6 of phenolic molding compounds that contained 7 asbestos. All right? 8 How were they put together, and 9 how would the operator get the materials 10 mixed to come out with the end product? 11 A Well, we'll start with the mixing 12 floor in the compound plant. Phenolic molding 13 compound was roughly -- these are just rough 14 numbers -- roughly 50 percent resin, 50 15 percent fillers. 16 Q Okay. This would be true of the 17 high impact type that contained asbestos. 18 A For any phenolic compound. And the 19 resin content, when you get into a mineral 20 fill compound, which would be the heat 21 resistant grades or asbestos-containing at 22 that time, would require a less resin. In 23 the neighborhood of 40 percent. Depending on 24 what the material is going to be used for 25 determined what other fillers went in besides Page 56

14 (Pages 53 to 56)

1 asbestos.

2 At that period of time, our most
3 common heat resistant materials were
4 materials known as 12980 and 12981. One
5 being classified as high heat. That would be
6 12980. The other being 12981, medium heat.

7 The high heat would be, say, 40
8 percent resin, 30 percent asbestos, powdered
9 coal, wax, and dye would make up the
10 formulation.

11 Q When you say dye, you mean --

12 A D-y-e.

13 Q To color it?

14 A Color it.

15 Q What about the medium?

16 A Hmm?

17 Q What about the formulation --

18 A The medium? The coal would be
19 replaced with wood filler. It would be a
20 good heat resistant material, but wouldn't
21 take temperatures as high as the other one.

22 Q Okay. Wood filler instead of
23 coal. Would the percent of the asbestos
24 still be about 40 percent?

25 A Probably a little less. Maybe down

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1 around 30.

2 Q When you talk about percent,
3 you're talking about the overall weight of
4 the product?

5 A Correct. Say you've got a 3,000 pound
6 batch of raw material. Thirty percent of
7 that would be 900 pounds. All these
8 materials would be dumped into a mixer, which
9 is nothing but a blender that would blend the
10 material together physically.

11 Q You say it's a mixer. How big
12 would this thing be for a typical batch?

13 A Three thousand pounds.

14 Q So it would hold 3,000 pounds?

15 A Yes. It would be.

16 Q I'm envisioning a mixer bowl.

17 A No. Picture something a U-shaped
18 blender, and you would have a shaft going
19 down the center of that blender, and it would
20 have a big blade going around the outer side
21 of it.

22 It would be moving the material
23 constantly towards the one end of the back
24 row. And on that same shaft lower down would
25 be another blade moving it back this way.

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1 The material is constantly going back and
2 forth.

3 Q Okay. So nobody had to stand
4 there with a big shovel and stir the stuff?

5 A We had a guy lose two of his legs in
6 one of those once. That was enough. This
7 blending process, mixing process would go on
8 until the mixer was empty. The mixer was
9 constantly being emptied and being fed to a
10 compounding system, usually what we refer to
11 as a double roll system.

12 The rolls would be two rolls about
13 two foot in diameter, five foot long, turning
14 against each other at a speed of
15 differential, the front roll going slightly
16 faster than the rear roll. Then there would
17 be a heat differential on the two rolls.

18 The rear roll and the upper roll
19 being in the temperature range of around 240,
20 250 degrees, front roll about 120. This
21 tends to make the sheets as it was formed
22 adhere to the front roll. And every fifteen
23 seconds or whatever time was determined to be
24 the process time, a knife would come in and
25 peel off about a third of the sheet that was

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1 on that roll, and it would drop it onto
2 another set of rolls down below.

3 Here the back roll would be cold,
4 cold water going through it. The front roll
5 would be about 120, 130, whatever. It would
6 stay on there for about 20 seconds, the
7 material constantly falling down from up
8 above to keep a full sheet on that roll, and
9 every 15, 20 seconds a knife would come in
10 and peel off about a third of that, drop it
11 onto a belt conveyor which would transfer
12 that cut sheet to what we would refer to as a
13 cracking roll, which would take the sheet and
14 break it up into chips about like this.

15 Q Would those chips be what would be
16 known by molding people as pellets?

17 A This is just the beginning of the
18 grinding process.

19 Q Okay.

20 A These chips would then be fed into a
21 hammer mill, which would break them down even
22 finer. So coming out of that hammer mill
23 nothing would be over, say, half inch in
24 diameter. Then it would be packed over a
25 sifter or classify the coarse material, and

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15 (Pages 57 to 60)

1 the top screen of that sifter would be, say, 2 a ten mesh of U.S. standard sieve series of ten 3 mesh. Anything coarser than that would be 4 sent back to the grinder to be broken down 5 even farther. 6 What passed through would go over 7 another screen beneath it, which would be a 8 50 mesh screen. That would remove the finer 9 particles. So everything between 10 and 50 10 would then be transferred to another, bigger 11 mixer like the one we just talked about, but 12 they take five or six batches from those 13 premixers, of the smaller mixers, would end 14 up in that big back row, called the product 15 back row. 16 When we finished, that product 17 blender would have about 15,000 pounds of 18 material, all finer than ten mesh, coarser 19 than 50 mesh. 20 Q Okay. This material was hard 21 formed at this point? 22 A Yes. 23 Q Hard to the touch? 24 A Yes. It would be hard. I mean, you 25 could put it between your finger nails. With Page 61	1 Q Did you know Die Molding to be a 2 customer of GE in the fifties and sixties? 3 A I heard them mentioned as a customer, 4 yes. We were a very small supplier to them. 5 Q Do you know what they made? 6 MS. MOHAN: Objection. Who made? 7 MS. BURR: Die Molding. 8 MS. MOHAN: In the time period -- 9 BY MS. BURR: 10 Q In the time period when -- when 11 you were a process control technician. 12 A That would be, again, the pot handle 13 business. You know, sauce pans, fry pans, 14 that kind of thing. 15 Q As you sit here today, do you know 16 how -- how the product was packaged to Die 17 Molding? 18 A I don't know. 19 Q Okay. When you talk about bags 20 and drums, you're talking about the high 21 impact -- I'm sorry -- the heat resistant 22 asbestos-containing products? 23 A Correct. 24 Q Okay. Do you know why it was from 25 GE's standpoint that there was a use of both Page 63
1 a mineral filler, you couldn't even break 2 it. You could try to squeeze it between your 3 finger nails. You couldn't even break it. 4 Q Okay. The high heat, you're 5 talking about? 6 A Yeah. Or even a GP, you couldn't 7 break it. 8 Q Okay. You could not break it by 9 just snapping it with your fingers? 10 A It would be too small to get a hold of 11 it. 12 Q Okay. 13 A But that would be the product that we 14 would ship to our customers. 15 Q Okay. All right. Now, this 16 product, then, would go into bags or boxes. 17 Right? 18 A I'd say about 60 percent of what we 19 made went into Kraft paper bags. And that's 20 Kraft with a K. 21 Q Okay. 22 A And I'm going to say about another 20, 23 25 percent of it would be sold in fibered 24 drums. The balance of it, a lot of customers 25 had their own containers. Page 62	1 bags and drums? 2 A The customer determination. They 3 would tell us how they wanted it shipped. 4 Q Now, this is the product that when 5 it was dumped, then, would create a dust 6 cloud. Correct? 7 A It would create a dust cloud. 8 Correct. 9 Q Okay. During the '59 to '62 10 period when you were a process control 11 technician, did you see the end product in 12 its bags or drums? 13 A Did I see it? I watched them package 14 it. 15 Q Do you know whether or not there 16 was any kind of warning labels on any of 17 those drums or bags -- 18 A No. 19 MS. MOHAN: During the period 20 of time -- 21 MS. BURR: That he worked as 22 a process control technician. 23 A During that period of time, no. 24 BY MS. BURR: 25 Q Let me finish the question. Page 64

16 (Pages 61 to 64)

1 A I'm sorry.
 2 Q From 1959 to '62, when you worked
 3 as a process control technician and had more
 4 of a day-to-day observance of the production
 5 process, did you ever notice any labeling on
 6 the bags or drums of the high heat-resistant
 7 compounding material warning of its contents
 8 of asbestos?
 9 A I did not.
 10 Q Okay. Do you know whether there
 11 was any labeling on the product at all other
 12 than a batch number?
 13 A No.
 14 MS. MOHAN: During this time?
 15 BY MS. BURR:
 16 Q During that time period.
 17 A Not at that time.
 18 Q Would there be a batch number on
 19 the product?
 20 A There would be a product number and a
 21 batch number.
 22 Q And a product number signified
 23 what?
 24 A Well, we talked about 12980, 12981.
 25 And there would be what we call a blend

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1 number, and then the container weight.
 2 Q A blend number? Okay. And
 3 container weight?
 4 A Yeah.
 5 Q Okay. So, for the record, 12980
 6 and 12981 are the product numbers for
 7 asbestos-containing compounds?
 8 A Correct.
 9 Q Any other product numbers for
 10 asbestos-containing compounds that you can
 11 recall?
 12 A In that time frame, 12916.
 13 Q What kind of compound was that?
 14 A That was a material GE used as a pot
 15 handle material. If Die Molding were buying
 16 from us, that would most likely be the
 17 product.
 18 Q Okay. If I told you Die Molding
 19 -- and I don't know that they did -- but
 20 if I told you they bought product from GE in
 21 the sixties for automotive molded parts, like
 22 distributor caps or things like that, would
 23 there be a different product number or line
 24 for that material?
 25 A I'm not aware of selling them anything

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1 for the automotive during that time frame.
 2 Later on we did.
 3 Q Okay. So, I take it with regard
 4 to Die Molding you have a pretty good idea
 5 what was sold?
 6 A Yes.
 7 Q Is that from your own
 8 recollection, or is that from the meetings
 9 with the attorneys?
 10 A No. That's my own recollection. See,
 11 working in the plant and the system, there
 12 would be an inspection card hanging on a
 13 clipboard right by a back row.
 14 Q Okay.
 15 A And the quality control people would
 16 sample that blender every hour and put their
 17 test results. On the top it would say what
 18 the material was, what the blend number was,
 19 who the customer was.
 20 Q Okay. What were they testing for
 21 every hour?
 22 A Properties that had to be tested --
 23 Q The composition had to be right,
 24 the percentages of --
 25 A Well, they wanted to check the throw

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1 or the plasticity of material on an hourly
 2 basis to see if we're in specification, the
 3 apparent density of the powder, the rigidity
 4 of a molded part.
 5 Q Okay.
 6 A Moisture analysis.
 7 Q Okay. So it's fair to say that
 8 during this molding compound making process
 9 there's a point, at least in the premix
 10 stage, where you're dealing with a powder and
 11 later a mold?
 12 A Well, you deal with a powder to make
 13 compound.
 14 Q Okay. But this compound product,
 15 when it comes out, is this hard stuff.
 16 Right?
 17 A Yes.
 18 Q Ultimately, that has to be at the
 19 molding end liquefied again. Right? In --
 20 in the process of making a mold?
 21 A Well, when you put it in a mold, the
 22 material melts into a substance that's about
 23 like clay. And it flows out and fills the
 24 mold. Then it cures.
 25 Q Right.

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17 (Pages 65 to 68)

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1 A Like cures. That means the material
2 - just forms into a solid part.
3 Q Right. And, then, ultimately,
4 that solid part then goes and is into a
5 finishing process. Correct?
6 A That's correct.
7 Q Now, at the time -- well, with
8 regard to Die Molding, we'll agree that it's
9 a -- for lack of a better word, a custom
10 molding house. Right?
11 A Right.
12 Q They made certain molded product
13 for certain applications. Correct?
14 A Yes.
15 Q At the time you were employed as a
16 process control technician, '59 to '62, was
17 GE itself already out of the molding
18 business?
19 A At that time, we were.
20 Q So none of the molding compound
21 was being used in house at that time?
22 A That's true.
23 Q It was all going out to customers?
24 A A lot of our customers would be other
25 GE accounts.

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1 Q Okay. Like who?
2 A GE housewares. Circuit breakers.
3 Meter bases. Wiring devices. Lap bases.
4 Q Okay. So those were -- those
5 shipments to those other GE divisions, were
6 they all outside of Pittsfield?
7 A Yes. That would be referred to as a
8 captive molding operation. In other words,
9 every part they molded they were going to use
10 themselves.
11 Q Okay. I'd like an understanding,
12 if you could give me one, in the context of
13 the manufacturing of, you know, every 3,000
14 pound batch of this molding compound
15 containing asbestos, at what point and how
16 was the asbestos introduced into the mix?
17 A In the mixing stage, I would dump the
18 asbestos, any of the other fillers that were
19 going in there, like wood filler or coal, the
20 wax, the dye, the resin, would all be dumped
21 into this mixture, and then just dry mixed
22 together.
23 Q So all these materials, including
24 the resin, were dry at the start?
25 A That's correct. It's all powdered

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1 form.
2 Q Was the asbestos pretreated in any
3 way before it was added into the mix process?
4 A No.
5 Q Okay. So it would be dumped in
6 the containers it arrived in?
7 A Correct.
8 Q Do you know what kinds of asbestos
9 was used by GE?
10 A We bought a product from GAF at that
11 time frame called 7TF.
12 Q ??
13 A T.
14 Q As in Tom?
15 A Right.
16 Q F. Okay. The GE interrogatories
17 indicate that that asbestos was a type of
18 what they call chrysotile.
19 A It was.
20 Q You're familiar with that term?
21 A Yes, I am.
22 Q And there are other types of
23 asbestos as well. Do you know what they are?
24 A I've heard the name, but I can't
25 recall them.

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1 Q Does crocidolite ring a bell?
2 A Yes. That's one of them.
3 Q Do you know whether or not any of
4 the phenol molding compounds made by GE
5 during your time there ever contained
6 crocidolite?
7 A The only asbestos I'm aware of using
8 was chrysotile.
9 Q Okay. And this either came from
10 GAF, Ruberoid, or Carey Canada. Correct?
11 A That's correct.
12 Q There weren't any formulations
13 that come to mind that used any other type of
14 asbestos?
15 A No.
16 Q Was there any reason why there
17 were no formulations employing use of
18 chrysotile?
19 A Not that I'm aware of.
20 Q Okay. If I told you that one of
21 GE's competitors in the specialty field,
22 Rogers, used crocidolite in some of its
23 compounds, would you know why that was?
24 A No, I wouldn't.
25 Q Okay.

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18 (Pages 69 to 72)

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1 A Rogers was a highly specialized
2 company.
3 Q Okay. But does the use of
4 crocidolite impact -- strike that.
5 Does the use of crocidolite
6 increase the heat resistance in any respect?
7 A I wouldn't know.
8 Q In other words, you found the use
9 of chrysotile sufficient to meet the needs of
10 the product that GE was trying to
11 manufacture?
12 A That's right.
13 Q Now, from '62 to '64, you were a
14 compound technologist. Correct?
15 A That's right.
16 Q What's the difference between a
17 compound technologist and a laboratory
18 technician?
19 A It's an -- when I took that title, I
20 took that job, the man I relieved was a
21 product engineer. But because I had no
22 degree, they wouldn't give me the engineer's
23 title. That created the compound
24 technologist title.
25 Q Do you know who your predecessor

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1 was, the engineer?
2 A A man by the name of Tom Custer.
3 Q Do you know whether Mr. Custer is
4 with us or not with us anymore?
5 A I don't know for sure. I've lost
6 track of him. The last I heard -- and this
7 was about ten years ago -- he was somewhere
8 out in Illinois.
9 Q Do you know how long he worked for
10 GE?
11 A I don't.
12 Q Did he depart at the time that
13 you --
14 A He was there when I came.
15 Q Okay. Was he there when you took
16 that job as compound technologist?
17 A No. He left, and I took his place.
18 Q Okay. He actually left --
19 A He left the company, yes.
20 Q As opposed to going anywhere else
21 within the GE family?
22 A He left GE and went to another
23 company.
24 Q Do you know where he went?
25 A I don't know. I can't recall.

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1 Q Would it likely have been one of
2 these companies that was GE's competitors?
3 A It was not a competitor. It was not a
4 competitor.
5 Q Did you ever have to sign a
6 noncompete agreement during the time you
7 worked at GE? In other words, you couldn't
8 go to one of these competitors for phenolic
9 molding compounds?
10 A I was not -- the only time I was ever
11 told that was when I left GE in 1983 or told
12 I couldn't go to any of our competitors, and
13 I questioned why because they weren't our
14 competitors any longer.
15 Q Okay. In fact, you did go to a
16 one-time competitor.
17 A They said that was okay because PLENCO
18 bought our technology. I was part of the
19 package.
20 Q Okay. What were the job duties,
21 then, of the engineer you took and then was
22 retrained as a compound technologist?
23 A Well, it was kind of a varied job.
24 One would be someone shows up to get a raw
25 material he wants to sell us. It would be

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1 our job to check it out and see if there was
2 any advantage to using that material or if it
3 was just a competitive type of material, is
4 there any advantage to using that versus what
5 we were using.
6 A need would come along for a
7 special property needed in a compound to
8 develop such a compound.
9 Q Okay. In this time frame, '62 to
10 '64, did you ever meet with any of the
11 asbestos manufacturers' representatives in
12 the context of that job?
13 A No. I didn't.
14 Q Okay. There was no -- no
15 competition among them for GE's business?
16 A I just had -- in my position, I
17 didn't actually talk directly to salesmen.
18 Those would be about the only asbestos people
19 that would come in.
20 Q Okay. I thought you just told me,
21 though, you did deal with the suppliers of
22 the raw material.
23 A Yeah. But the purchasing people would
24 bring the samples in. They talked to the
25 purchasing people, the purchasing people

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(9 (Pages 73 to 76)

1 would ask R&D are we interested, we would
 2 request a sample, purchasing would get it.
 3 Q In this time frame, do you know
 4 whether or not any of the packaged material
 5 that came in from the asbestos manufacturers
 6 contained any kind of warning labels?
 7 A Not to my knowledge. I never saw
 8 one.
 9 Q And, again, during this time
 10 period, did GE put warning labels on any of
 11 its compound product, high heat-resistant
 12 compound product?
 13 MS. MOHAN: I'm sorry. What
 14 time frame are we talking about
 15 now?
 16 MS. BURR: When he was a
 17 compound technologist. '62 to
 18 '64.
 19 A No, they didn't.
 20 BY MS. BURR:
 21 Q Okay. Was there ever any
 22 discussion up to 1964 concerning whether or
 23 not there should be any kind of a warning
 24 label put on the compound product that
 25 contained asbestos?

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1 A No, there weren't. We had -- we had
 2 no idea at all asbestos was going to be --
 3 the company used for what it did.
 4 Q Was there any kind of a research
 5 library at that Pittsfield plant facility?
 6 A Yes, they did. Had a pretty extensive
 7 library in the headquarters building.
 8 Q Where was the headquarters
 9 building?
 10 A On Plastics Avenue. That was that
 11 building 105.
 12 Q Is that the same building that
 13 research and development was in?
 14 A Yes.
 15 Q Where was that library in relation
 16 to your group of work space or offices?
 17 A It was on the second floor of the
 18 building, which would be up above us. It was
 19 a U-shaped building, and we were on the south
 20 wing of the building, and they would be on
 21 the west wing.
 22 Q Okay. It's a place that people in
 23 your department could readily access and walk
 24 to?
 25 A Oh, yeah. It was just a matter of

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1 climbing up a flight of stairs.
 2 Q Were you ever in the library?
 3 A Yes. A few times. Yes.
 4 Q What kind of things were collected
 5 there?
 6 A For instance, one time I went through
 7 an operation where we were trying to work, I
 8 was limited to my physical things I could
 9 do. And there was a patent challenge being
 10 filed against us by Union Carbide, and I was
 11 given the task of patents research.
 12 Q Did you actually do patent
 13 research in the library there?
 14 A Yeah. They give me -- give me a list
 15 of patent numbers that I had to look up and
 16 find out patent dates, whether or not they
 17 actually contained patents filed on what we
 18 were doing.
 19 Q Was there a -- strike that.
 20 Did you have books, then, that you
 21 could look up patents in? Or was there some
 22 kind of an on-line rudimentary computer
 23 search?
 24 A As I recall, there was a big set of
 25 books by patent numbers. And you'd get that

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1 patent number and then go get the copy of the
 2 patents.
 3 Q Okay. Do you know whether or not
 4 they collected industry pamphlets,
 5 newsletters, brochures, other types of
 6 information?
 7 A That we put out?
 8 Q Well, not we, meaning your -- not
 9 the phenol division of GE. But within the
 10 industry plastics, okay, One Plastics Avenue
 11 and this Pittsfield facility did turbine
 12 work. Right?
 13 A Right.
 14 Q Did phenol molding compounds.
 15 Right?
 16 A Well, that was one thing that was in
 17 that building.
 18 Q Right. What else?
 19 A Well, there was corporate
 20 headquarters.
 21 Q But what other production
 22 facilities?
 23 A There were no other production
 24 facilities in that building. Actually, ours
 25 was not production. It was a pilot plant.

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20 (Pages 77 to 80)

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1 Q I don't mean the building. I mean
2 the plant.

3 MS. MOHAN: Are you talking
4 about the complex?

5 MS. BURR: Yes. The
6 complex. The whole complex up
7 there in Pittsfield.

8 A The entire GE complex?

9 BY MS. BURR:

10 Q Yes. I realize GE had plants all
11 over the U.S. Correct? Okay. But in
12 Pittsfield they made turbines?

13 A Transformers.

14 Q Transformers, I mean, rather.

15 A Transformers was the biggest part of
16 it by far.

17 Q Okay. Then the phenol molding
18 compound. What else?

19 A After transformers would be the Naval
20 ordnance systems. Defense systems.

21 Q Anything else?

22 A Then we had the phenolic plant.

23 Q Now, you told us earlier this
24 morning that when GE did molding, and was in
25 the commercial market as a molder, that was

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1 A Right.

2 Q Okay.

3 A Plastics probably employed about 500.
4 The rest would be Naval ordnance.

5 Q Okay. When you say plastics, I
6 mean, the operation at Pittsfield was pretty
7 much limited to phenolic molding compounds.
8 Correct?

9 A The production part. In the
10 laboratories -- well, for instance, the Lexan
11 development process would be in -- done in
12 building 105, also.

13 Q Okay. So the research and
14 development of the laminated -- lamination
15 side of the plastics business was --

16 A The Lexan part. Not laminate.

17 Q Okay. The Lexan part was in
18 Pittsfield?

19 A It was in Pittsfield. Correct.

20 Q But the production was elsewhere?

21 A At that point, there was no production
22 of Lexan. It was still in the development
23 stage. They had not built facilities for
24 production.

25 Q Okay. For the record, what's

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1 done at Pittsfield. Correct? And then it
2 was moved to --

3 A Taunton.

4 Q Taunton? Right? The space it
5 took up at GE Pittsfield, was that filled
6 with some other kind of manufacturing
7 facility?

8 A Transformer division took it over.

9 Q Was there asbestos used in the
10 transformer production process?

11 A I don't know.

12 Q On a hundred percent scale, how
13 much of the business was transformer, how
14 much was Naval ordnance, how much was
15 phenolic at GE Pittsfield in the 1960s?

16 A Space, in percentage of space?

17 Q Percent of business.

18 MS. MOHAN: Employees?

19 BY MS. BURR:

20 Q Well, yes. Employees.

21 A 1960s, I'd say GE employed maybe
22 10,000 people. I'd dare say about 8,000 of
23 those would have been transformer.

24 Q Okay. We're talking the
25 Pittsfield complex?

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1 Lexan?

2 A Lexan is the resin known as
3 polycarbonate. It's used -- well, glazing,
4 for instance. Window glazing. But it's used
5 in so many applications today.

6 Q Okay. This is a product that's
7 still being used?

8 A Oh, yes. It's the biggest part of GE
9 plastics.

10 Q When did the Lexan product come
11 onto the market?

12 A Commercially?

13 Q Yes.

14 A In the 1960s sometime. Late sixties.

15 Q And, so, all the research and
16 development for this product went on at
17 building 105 in Pittsfield?

18 A Building 105, yes.

19 Q Okay. Now, from '64 to '67, your
20 title was specialist, compound development?

21 A That was a promotion from compound
22 technologist.

23 Q Okay. We're talking about a
24 monetary promotion?

25 A Yes.

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21 (Pages 81 to 84)

1 Q Okay. Was there any significant
2 difference in your job duties?
3 A Not really. Just an expansion of
4 them.
5 Q Okay. You said as a compound
6 technologist you were involved what, in the
7 development, in the refinement of the
8 formulations? Would that be fair to say?
9 A Development. Refinement. Raw
10 material evaluations.
11 Q During this time frame, '62 to '67
12 when you worked as the compound technologist
13 and specialist, do you recall doing any
14 testing with the asbestos, the raw asbestos
15 products?
16 A Was I involved in doing what with
17 them?
18 Q Any kind of testing with the raw
19 asbestos products.
20 A We looked at different sources of
21 asbestos.
22 Q What do you mean sources?
23 A Other vendors, for instance. Like you
24 mentioned Johns-Manville. We did investigate
25 Johns-Manville.

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1 Q Was there something about the
2 product that was different or something about
3 the price?
4 A Well, the vendor would give a good
5 sales job to the purchasing people about why
6 we should use his product versus what we were
7 using. Sometimes it would sound plausible,
8 so we said, "Let's take a look at it."
9 Q Well, if we're talking about
10 chrysotile asbestos, what were you being told
11 that would make one product better than
12 another?
13 A Well, let's take the two that we did
14 use, GAF and Carey. At one time towards the
15 end we were using both. Carey asbestos is
16 pure asbestos. The GAF asbestos was about 45
17 percent contamination.
18 Q Okay. Contamination of what?
19 A Carey turned out to be a more pure
20 form of asbestos, and at that time a better
21 asbestos. These vendors would come in and
22 tell us, "Well, we have a more pure form of
23 asbestos in GAF." And most times we'd find
24 out that wasn't true or it wasn't that much
25 more pure, and there really was no advantages

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1 of switching from GAF to them.
2 Q Okay. What was the actual
3 function of asbestos in terms of its use in
4 certain types of molding compounds?
5 A You mean the percentage?
6 Q No. Why was it -- why was it
7 used as opposed to some other kind of filler?
8 A Asbestos was a very unique mineral.
9 It offered great heat resistance, which not
10 many minerals will. But also, the very thing
11 that made asbestos hazardous was the fact
12 that it was fibrous. It offered strength to
13 the material that other minerals couldn't
14 match.
15 Q When you started working in the
16 seventies to perfect a formula that was
17 asbestos free and yet heat resistant, what
18 did you find to take its place?
19 A Well, at first we thought we were just
20 going to be able to substitute another
21 mineral. And we found out it wasn't going to
22 be that easy because of the fact that other
23 minerals didn't offer the heat resistance
24 asbestos did, or those that did offer it had
25 other bad features to them.

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1 We found that platy talc offered
2 the heat resistance we were looking for.
3 Q I'm sorry?
4 A Platy talc --
5 Q You might spell that.
6 A -- offered the heat resistance.
7 Q Can you spell that term?
8 A Platy? P-l-a-t-y.
9 Q Okay. That's a mineral?
10 A Yeah. Talc.
11 Q T-a-l-c?
12 A Pardon?
13 MS. MOHAN: T-a-l-c.
14 A T-a-l-c.
15 BY MS. BURR:
16 Q T-a-l-c. Oh, talc.
17 A Like talcum powder. That's what
18 talcum powder is, talc. But it didn't have
19 the fibers. So, naturally, the strength
20 wasn't there. So we figured that's going to
21 be simple to fix. We just put a fibrous
22 cellulose -- a little bit of cellulose into
23 the mix, and we thought we had it, never
24 giving a thought to the fact that talc is the
25 softest mineral known to man.

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22 (Pages 85 to 88)

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1 And during finishing operations in
2 the Moses plant, the surface was broken.
3 Instead of a nice, shiny black part, you had
4 kind of a chalky gray part. So we had to put
5 a harder mineral in there in addition to the
6 talc. So it turned out to be a combination
7 of things we had to do in order to replace
8 asbestos.

9 Q So it was a combination of things
10 and an arduous process. Is that fair to say?

11 A That's right.

12 Q Okay. In that later time frame,
13 '64 to '67, had you noticed in connection
14 with your work in -- at the plant and in the
15 production side of it whether or not there
16 was a greater use of masks or respiratory
17 devices in the making of the compounds?

18 A I never noticed it. No. There were a
19 few people, I mean, that wore a mask all the
20 time. I mean, it wasn't because of the
21 asbestos. They used to use them anyway.

22 Q Do you remember the names of those
23 people?

24 A No, I don't.

25 Q Was there anybody that you were

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1 particularly close to on the production side
2 whose name you can recall?

3 A You mean production workers?

4 Q Yeah. Or their supervisors or
5 foremen?

6 A Oh, yes. A foreman, Herbie Dalton.
7 Skip Cyr.

8 Q Wait a minute. Herbie Dalton?

9 A Skip Cyr. C-y-r.

10 Q Skip.

11 A Ed Meacham.

12 Q M-e-e --

13 A M-e-a-c-h-a-m.

14 Q C-h-a-m. Okay.

15 A Bud Colvin.

16 Q Bud Colvin?

17 A Colvin. C-o-l-v-i-n.

18 Q It's that Massachusetts accent.

19 A Paul Winnard.

20 Q Can you spell his last name?

21 A W-i-n-n-a-r-d.

22 Q Winnard. Okay.

23 A What was the other one? Skip Keegan.

24 Q Skip -- Skip was a popular nick-
25 name in those days. Was it always a nickname

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1 for some other formal name that you can
2 remember?

3 A You're not old enough to remember the
4 comic strip Skippy. That was a very popular
5 comic strip back in the thirties and forties.

6 Q You don't know what these guys --
7 their given names were?

8 A Let's see.

9 Q Skip -- Ed. Skip Cyr.

10 A Oh, Skip Cyr.

11 Q Edward Keegan. Okay.

12 A Adrian was Skip Cyr's name. Every one
13 of those guys with the exception of Arden,
14 every one of them are dead.

15 Q They're all dead, right? Any of
16 them die from asbestos-related disease that
17 you know of?

18 A Ed Meacham had some sort of a nerve
19 disease.

20 Q These guys die from old age?

21 A Herbie Dalton with a heart attack.

22 Yes. They were all retired when they died.

23 Ed Meacham was the only one that wasn't
24 retired.

25 Q Now, you think Paul Winnard might

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1 still be alive?

2 A Who?

3 Q Paul Winnard?

4 A Paul Winnard is still alive. Yes.

5 Q Where is he located?

6 A Pittsfield.

7 Q What was his job?

8 A He was a foreman.

9 Q How old a guy would he be now, you
10 think? How old a guy would he be now?

11 A Paul? Pushing 80.

12 Q So he was older than you?

13 A Yes. He's older than I am.

14 Q Okay. I think what we're going to
15 do is go back to the interrogatories at this
16 point. I'm going to ask a couple of
17 questions. I'll refer you to the pages, but
18 there may not be as many questions now. One
19 question I have, though, to the extent that
20 GE made what was known as general purpose
21 molding compound -- there's no page.

22 To the extent that GE made general
23 purpose molding compound --

24 A Yes.

25 Q -- did any of that contain

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23 (Pages 89 to 92)

1 asbestos?
 2 A Some of it contained a very small
 3 amount. Like two, three percent.
 4 Q Do you remember the lot numbers
 5 for any of those or the production numbers?
 6 A One that comes to mind is 12402.
 7 Q 12402?
 8 A Yes. 12977. That's the only two that
 9 I can recall that I can definitely say had
 10 it.
 11 Q Was there a particular reason why
 12 the formulas for these numbers contained any
 13 asbestos?
 14 A Cathy and I discussed this one time.
 15 Q Cathy Mohan, you mean?
 16 A She asked that same question. Pretty
 17 much there were three minerals that we used
 18 pretty much across the board in our general
 19 purpose compound. And the reason for a
 20 mineral in a GP compound is to give the
 21 material some body. Or without it, the
 22 material is considered friable.
 23 By friable, that means it breaks
 24 up very easily when they rub against each
 25 other. Minerals tend to make the material

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1 harder so that wouldn't happen. Every guy
 2 that developed molding compounds had his
 3 favorite mineral. And the guy that developed
 4 those two compounds, obviously asbestos was
 5 his mineral.
 6 I think had I developed that same
 7 compound, it might have been aluminum
 8 silicate or calcium carbonate rather than
 9 asbestos. Depending on which one was his
 10 favorite.
 11 Q But why do you say that? Because,
 12 you know, when we were talking about asbestos
 13 earlier, you said it was, for all intents and
 14 purposes, it was a fairly virtuous product.
 15 A They made a fill compound where it was
 16 a principal filler. That was true. But in a
 17 GP compound, when you're only putting it in
 18 for one small reason, any mineral would do
 19 the job.
 20 Q Yeah. But was asbestos more or
 21 less expensive than the other -
 22 A No. They're all about the same
 23 price. Fairly inexpensive. All of them.
 24 Fairly inexpensive. Less than two cents a
 25 pound.

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1 Q So there was no reason, at least
 2 up until the time its hazards were known,
 3 right, not to use asbestos?
 4 A That's right. I mean, asbestos was a
 5 mineral. That's all it was considered.
 6 Q Do you know when 12402 and 12977
 7 came into being and when they were sold?
 8 A 12402 sometime in the mid fifties.
 9 Early fifties, I'm going to say.
 10 Q 12977?
 11 A It had to be ready for the 1955 model
 12 year, automobile model year. 12977, sometime
 13 in the 19 - early seventies.
 14 Q I'm sorry. In the -
 15 A Sometime in the early seventies.
 16 Q Okay. But I thought - I thought
 17 you said that as of the early seventies, GE
 18 made a determination they weren't going to
 19 put asbestos in any of their products.
 20 A That's true. Maybe 977 preceded
 21 that.
 22 MS. MOHAN: Don't guess if
 23 you're not sure.
 24 MS. BURR: Yeah. Right.
 25 A It had asbestos. It had two percent

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1 asbestos.
 2 BY MS. BURR:
 3 Q Okay. I don't know if I asked
 4 this question. If I did, I apologize. But
 5 do you have a recollection in terms of
 6 product numbers and sales to Die Molding?
 7 A No, I don't.
 8 Q Okay. If we agree that they were
 9 in the pot and pan handle business in large
 10 measure, would their purchases have been the
 11 high heat-resistant compounds?
 12 A It would have been for that particular
 13 application.
 14 Q And we talked about impact
 15 resistant moldings. Correct?
 16 A Impact -
 17 Q Impact resistant moldings?
 18 Meaning that they were - there's four types
 19 of moldings we talked about earlier today.
 20 The heat resistance, the impact resistance,
 21 the general purpose, and the specialized -
 22 A Rubber filled.
 23 Q Rubber molding. Okay. With
 24 regard to the last, the rubber molding --
 25 A Yes.

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24 (Pages 93 to 96)

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1 Q -- do you know whether or not GE
2 sold any of that to Die Molding for any
3 reason?
4 A Mr. Dew's deposition, which I did
5 read, said that they did use a rubber --
6 rubber filled compound from GE. Because GE
7 was the only one that made that compound.
8 Q And I recall that testimony
9 myself. What would they have been using it
10 for? Do you know?
11 A According to Mr. Dew, it was a knife
12 handle.
13 Q Did the rubber compound contain
14 any asbestos?
15 A No.
16 Q Now, the impact resistant
17 compound, that type of compound was promoted
18 as being strong but not necessarily
19 heat-resistant. Right?
20 A It was not a heat-resistant series at
21 all.
22 Q Would you say it was a stronger
23 compound than a general purpose compound?
24 A Yes, it was.
25 Q So it's safe to say that it would

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1 A I can think of soldering guns, for
2 instance.
3 Q Solder guns?
4 A Guns.
5 Q G-u-n-s?
6 A S-o-l-d-e-r, g-u-n-s.
7 Q Yes.
8 A Their cases are molded without an
9 impact rate. That's only because a guy's
10 liable to drop it. That's the type of
11 application -- underneath a dashboard in a
12 car it's likely to get kicked. Anyplace
13 where it's liable to take some kind of a
14 sudden shock.
15 Q Okay. Now, with regard to the
16 impact resistant molding compounds, did those
17 contain asbestos?
18 A No. Not even small amounts.
19 Q Okay. It would just seem -- and I
20 don't mean to argue with you -- it would just
21 seem to me that it would, if you take on the
22 mineral asbestos because of its fiber nature,
23 fibrous nature, tended to make it stronger.
24 MS. MOHAN: Is there a
25 question in there, because it

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1 have some specialized uses in terms of a
2 molded product. Right?
3 A Yeah. If people needed something that
4 was going to be impact resistant. In other
5 words, it had to be stronger.
6 Q Okay. Can you give me some types
7 of products?
8 A Some of the numbers?
9 MS. MOHAN: Are you talking
10 about examples?
11 MS. BURR: Examples of
12 products that would have employed
13 impact resistant molding.
14 A Electrical -- automotive electrical
15 switch cases, for instance.
16 BY MS. BURR:
17 Q What's a switch case?
18 A Any kind of a switch underneath your
19 dashboard. Headlight switch. Dimmer
20 switches. Whatever. There's a casing on
21 that switch.
22 Q What about general household use?
23 A Like what?
24 Q Products for general household
25 use. Anything like that?

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1 just sounded like a statement to
2 me?
3 MS. BURR: I know.
4 MS. MOHAN: There is no
5 question pending.
6 BY MS. BURR:
7 Q There's no question. But you're
8 saying GE never used asbestos in its high
9 impact --
10 A The cellulose fibers we used were very
11 strong.
12 Q -- cellulose fibers?
13 A Yeah.
14 Q Okay. Let's turn to page nine.
15 Okay?
16 A Page nine? This would be on page 8.
17 Q Okay. And I'm looking at the last
18 -- when he gets there.
19 A Got to be here somehow. I got it.
20 Q Okay. The last full paragraph
21 that starts out, "GE produced several grades
22 of GE's phenolic molding compounds."
23 A Mmm-hmm.
24 Q Just read that to yourself.
25 A Pardon?

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25 (Pages 97 to 100)

1 Q Just read that paragraph to
2 yourself, and then I'll ask you a question.
3 A Yes. "GE produced several grades of
4 GE's phenolic molding compounds."
5 Q Okay. The statements made in this
6 interrogatory, which is in response to
7 question seven, interrogatory number seven,
8 the statements made at the end of that
9 paragraph that the majority of phenolic
10 molding compounds produced by GE did not
11 contain asbestos. Okay?
12 A That's true.
13 Q Okay. And we know -- you've told
14 us that none of the impact-resistant compound
15 contained asbestos, that most of the general
16 purpose compound did not contain asbestos,
17 and all of the heat-resistant compound did
18 contain asbestos. Okay?
19 A Correct.
20 Q And, then, there was the side
21 specialty, the rubber compound, for lack of a
22 better word.
23 A Yes.
24 Q Of those four groupings of
25 compound, on a scale of 100 percent of GE's

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1 phenolic molding compounds business in the
2 1960s, can you tell me what percentage of
3 sales was of the heat-resistant molding
4 compounds?
5 A Phenolics I'd say would represent
6 probably less than one percent. It was very
7 small. The others I'm going to say were
8 about equally divided in size.
9 Q Okay. And we're talking about
10 GE's total business to all customers.
11 Correct?
12 A Correct.
13 Q Okay. And with regard to Die
14 Molding, okay --
15 We'll ask you more specifically
16 with regard to Die Molding in a second.
17 We're due to take another break. Okay?
18 A Okay.
19 THE VIDEOGRAPHER: We are
20 going off the record. The time
21 is approximately 12:01 p.m.
22 (Short recess taken.)
23 THE VIDEOGRAPHER: We're back
24 on the record. This is tape
25 two. The time is approximately

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1 12:18 p.m.
2 BY MS. BURR:
3 Q Mr. Barker, before we start with
4 another question, I just want to make a note
5 for the record that we put every other named
6 defendant on notice of this deposition, and
7 nobody has deemed it necessary to show up
8 today. But for the record, we want to state
9 that they were all properly noticed of this
10 event on this date, time, and location, and
11 that GE would be producing you as a witness.
12 Okay?
13 A Very good.
14 Q I think when we left off, we were
15 going to talk about your knowledge of Die
16 Molding in terms of how much product it
17 bought from GE.
18 A Yes.
19 Q Okay. Do you have any knowledge
20 in terms of thousands of pounds per week,
21 month, or year, how much product was
22 purchased?
23 A I don't have the slightest idea. At
24 that point in my career, I really wasn't that
25 close to the volumes of materials.

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1 Q Okay. Overall, on an annual basis
2 when I talk about all of the phenol molding
3 compound produced at Pittsfield, can you
4 state that in terms of millions of pounds or
5 billions of pounds?
6 MS. MOHAN: I'm going to --
7 can you put a time frame on that?
8 BY MS. BURR:
9 Q In the 1960s.
10 A I'll give it to you in three
11 breakdowns.
12 MS. MOHAN: She's talking
13 about the 1960s.
14 A In the 1960s, I'm going to say about
15 40 million pounds.
16 BY MS. BURR:
17 Q Okay. Per month, per week, per
18 year?
19 A Year. Annual.
20 Q Okay. Correct me if I'm wrong,
21 but I think you indicated that with regard to
22 the heat resistant molding compound, that was
23 but a small percentage of the 40 million
24 pounds on an annual basis that was produced?
25 A Heat resistant represented about a

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26 (Pages 101 to 104)

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1 third of that.
 2 Q I'm sorry. I did misunderstand.
 3 Okay. So 33 percent or a third of 40 million
 4 pounds would be --
 5 A Approximately 30.
 6 Q Right. Would be the heat
 7 resistant molding compounds?
 8 A Correct.
 9 Q Okay. We were talking before that
 10 the raw material that went to Die Molding
 11 from GE, the actual --
 12 A Finished product.
 13 Q -- finished products of your
 14 molding compound, that when that was dumped
 15 out of its container, it would create a cloud
 16 of dust. I think that's --
 17 A Correct.
 18 Q -- the words you used.
 19 A Correct.
 20 Q Was this something you would have
 21 actually witnessed or only heard about?
 22 A You couldn't avoid not seeing it.
 23 Q Okay.
 24 A I mean, it wasn't going to blot out
 25 the air, but it was thick enough so that you

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1 could see it.
 2 Q Okay. But you weren't at Die
 3 Molding when these things occurred or any of
 4 these other places, were you?
 5 A I'd be in other plants. I never saw
 6 it at Die Molding.
 7 Q Okay. Did you do some tests --
 8 test runs yourself to see at any point how
 9 bad the dust was that was generated in that
 10 operation of emptying the container?
 11 MS. MOHAN: I'm going to
 12 object to that question.
 13 BY MS. BURR:
 14 Q Well, he can answer. You can
 15 answer it if you understand what I mean.
 16 A Well, we mentioned earlier about Union
 17 Carbide introducing a dust free, and how I
 18 developed the method of allaying dust in our
 19 compound. Yes. We did develop a testing.
 20 After that point, we did develop a test to
 21 determine what level of dust was actually
 22 visible.
 23 Q Okay.
 24 A It was done on a scale of one to five.
 25 Q Okay. So this was all -- this was

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1 after you had produced --
 2 A After the fact. After 1966.
 3 Q I'm sorry?
 4 A After 1966.
 5 Q Okay. So prior to 1966, there was
 6 no -- no effort that you know of or no
 7 testing that you know of within your lab to
 8 control the dust that was generated from this
 9 operation of dumping your finished products
 10 from its shipping container into someplace
 11 else?
 12 A That would be kind of a technical
 13 answer, but yes, we did, in that we used to
 14 control what we used to refer to as fines in
 15 the finished product. And we put that at a
 16 level to keep the dust to a minimum.
 17 Q What caused the dust?
 18 A The grinding operation. I talked
 19 about friability. The grinding process where
 20 that ribbon blender grinding these particles
 21 against each other and it would just break
 22 off fine particles.
 23 Q Do you know like if you -- well,
 24 do you know the size of the bags or drums
 25 that your products normally shipped in?

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1 A We shipped in fifty pound bags. That
 2 was the standard bag weight. The drums, we
 3 and all of our competitors used three sizes.
 4 A 55-gallon drum, a 59-gallon drum, and a
 5 61-gallon drum.
 6 They could hold anywhere from 250
 7 to 300 pounds of material.
 8 Q Okay. Now, if you dumped one of
 9 the smaller fifty-pound bags out onto the
 10 floor, right, for instance, do you know how
 11 much -- how high the dust would rise in the
 12 air?
 13 A Ten, twelve inches.
 14 MS. MOHAN: Don't guess if
 15 you don't know.
 16 BY MS. BURR:
 17 Q Yeah. Don't guess. Do you know?
 18 A I'm just guessing. I don't know -- I
 19 can't really give you an answer.
 20 Q Okay. Is this response, would
 21 that be the same for the larger drums, that
 22 you don't really have a --
 23 A The trouble with drums -- I can't
 24 speak for Die Molding. But just about every
 25 molding shop I'd ever been to that was using

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27 (Pages 105 to 108)

1 material shipped in drums used a vacuum
2 system to unload them. And the vacuum system
3 would go into a -- what they call a cyclone,
4 where they collected material before it went
5 into the hopper they were eventually going to
6 dump it into. And on the bottom of that,
7 they had a canvas stocking hanging. It
8 would rest on top of the pile of material in
9 the hopper.

10 And there would be no dust there,
11 because the material would just fall in the
12 closed container. And in the cyclone where
13 the dust was being generated, it would just
14 be sucked off to a dust-collecting system.

15 Q Okay. But, then, if that was
16 true, what was the source of the need for a
17 system of reducing the dust that was first
18 developed by Union Carbide, then you guys?

19 A Well, like I said, about 60 percent of
20 it was in paper bags. They were dumped. You
21 know, manually dumped.

22 Q Fair enough. On page 14 -- by
23 page 14, I'm referencing page 14 of the
24 interrogatories for General Electric in
25 response to question 12. About midway in

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1 block was going to be, how many connections
2 -- I've seen them no bigger than a pack of
3 cigarettes. I've seen them as big as 12
4 inches high, 8 inches wide, three inches
5 thick.

6 Q Okay. But with regard to the type
7 that Die Molding was making, do you know what
8 they were making?

9 A I don't know. I never saw what they
10 were, what they were for.

11 Q Do you have any personal knowledge
12 as to when it was that Die Molding was
13 purchasing GE product for its terminal block
14 molds?

15 A As I said, I wasn't familiar what Die
16 Molding was using or --

17 Q Okay. Well, you said you knew
18 they were in the handles for pots and pans?

19 A Yeah. I knew they were that. That's
20 why I say, they had to be using 12916 from
21 GE. Because that was our offering.

22 Q Do you know what -- would there
23 have been a different product number from GE
24 associated with molding compounds for
25 terminal blocks?

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1 that first paragraph it says, "In addition,
2 GE's phenolic molding compounds were sold to
3 Die Molding Corp. for use and manufacture of
4 terminal blocks for electrical components.
5 The terminal blocks contained approximately
6 30 percent chrysotile asbestos."

7 Can you tell me what -- what a
8 terminal block for an electrical component
9 is?

10 A A terminal block is a -- It's a
11 connection for a number of different wires
12 coming into a -- you look at it, you see the
13 little metal screw. You'd hook a wire.
14 Underneath there would be another one. There
15 would be a set of these. Depending on the
16 size of the blocks, there could be as many as
17 36 terminals in there.

18 Q Okay. I'm thinking like a battery
19 terminal in a car?

20 A No. I'm thinking more a connection of
21 a number of wiring systems all coming into a
22 central point.

23 Q Okay. How big is a typical
24 terminal?

25 A Depending on how big the terminal

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1 A I don't know what Die Molding used for
2 terminal blocks. Most of the terminal blocks
3 other companies -- they used an impact
4 crate.

5 Q Okay. This interrogatory response
6 says that it used -- the terminal blocks
7 contained approximately 30 percent chrysotile
8 asbestos. So from what you told us, they had
9 to be buying a heat-resistant grade.

10 A If it contained 30 percent asbestos,
11 it had to be a heat resistant.

12 Q Looking back at your -- was there
13 any period -- strike that.

14 Did there ever come a point where
15 GE put any kind of warning label on any of
16 its compound product that contained asbestos?

17 A Not to my knowledge.

18 Q Okay. That would be right up to
19 and including --

20 MS. MOHAN: You're just
21 talking about the 1960s. Right?

22 MS. BURR: No. I'm moving
23 now -- now I'm moving right up to
24 the point where I said that he
25 first started working on the

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28 (Pages 109 to 112)

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1 asbestos-free heat-resistant
2 compound, which was in the early
3 part of '71.
4 A Right.
5 BY MS. BURR:
6 Q Right? And I think you told us
7 that that compound came on the market in '73?
8 A Well, the decision was made in 1971 to
9 discontinue the use of asbestos. We just
10 said anything that contained less than ten
11 percent, and ten percent was just an
12 arbitrary number. But less than ten percent
13 asbestos, take it out.
14 Q Take it off the market
15 immediately?
16 A Immediately. No work of any kind
17 being done. Just replace it with either
18 aluminum silicate or calcium carbonate. The
19 materials containing more than ten percent
20 asbestos were considered heat-resistant
21 compounds. They required some work.
22 Q Yes. And you told us what all you
23 had to do to try to find a resolution.
24 A Yes.
25 Q Or a replacement mineral for

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1 asbestos.
2 A I'm just saying how -- less than ten
3 percent was discontinued.
4 Q Okay. So with regard to the --
5 those small amounts of general purpose
6 compound formulas that had lesser amounts of
7 asbestos, two or three percent I think you
8 said, those would have been pulled
9 immediately?
10 A Immediately.
11 Q When the decision was made.
12 Okay. The heat-resistant compounds had to be
13 sold until there was a replacement product.
14 Correct?
15 A That's correct.
16 Q That's the product I'm talking
17 about. After you knew that asbestos was
18 hazardous, did GE put labels on any of the
19 packaging of that heat-resistant molding that
20 still contained --
21 A I can't recall ever doing it.
22 Q You don't recall any discussions
23 about whether or not they would do it?
24 A No.
25 Q Okay. If there had been

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1 discussions, would you have been involved in
2 that level of discussion?
3 A Not really. It would just be passed
4 down to me.
5 Q Okay. I know you're not here to
6 testify about the safety hygiene issues or
7 specialties because you're not a safety
8 hygienist. Correct? But I was going to ask
9 you -- do you recall a guy named Larry
10 Derringer, working at the Pittsfield plant as
11 the industrial hygienist in 1962?
12 A I'm not familiar with the name.
13 Q Okay. Do you remember a guy
14 called Fred Toca? T-o-c-a.
15 A No.
16 Q Towards the end of your time in
17 the seventies?
18 A I'm not familiar with him.
19 Q Do you know, as you sit here
20 today, who any of the industrial hygienists
21 were that might have interacted with the
22 phenol division?
23 A Not industrial hygienist, no. I just
24 never -- the industrial hygienist would have
25 been involved more in the manufacturing. In

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1 the time period when they were around, I was
2 over in the R&D building.
3 Q Okay. There was that period of
4 time in the sixties when you were more in the
5 plant?
6 A Yes.
7 Q Right?
8 A Well, that's where the asbestos was.
9 I mean, that's where we used most of it.
10 Q You have a recollection of any
11 industrial hygienists employed over there at
12 that division at that time?
13 A I don't know.
14 Q Was there one? Would there have
15 been one?
16 A I can't say. I really can't.
17 Q Was there social interaction
18 amongst the --
19 A A what?
20 Q Was there social interaction
21 amongst the people working in building 105?
22 A On a management level, yes.
23 Q Okay. Was the industrial
24 hygienist department such as it was, or if
25 there was, would it have been located in

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29 (Pages 113 to 116)

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1 building 105? 2 A I'm going -- no. I can't. That's 3 guessing. 4 Q You don't know? 5 A I don't know. 6 Q Okay. I'm moving ahead in the 7 interrogatories just clearing out things. On 8 page 15, the answer to interrogatory number 9 12 -- 10 MS. MOHAN: This is the 11 question, Dick. See, there is 12 the question, and then that's the 13 answer. 14 BY MS. BURR: 15 Q Yeah. Where it says answer. It 16 says in there GE has no business records 17 demonstrating manufacture, design, supply, 18 sale, and distribution of any phenolic 19 molding compounds to be molded into flat 20 irons, pots, pans, or handles for covers of 21 pots and pans to Die Molding between '60 and 22 '66. That's been the representation of the 23 company. 24 They don't have any sales 25 documents or anything like that. I just want Page 117	1 A Transformers is a separate entity 2 altogether. 3 Q They had their own sales staff. 4 That's what I'm driving at. Right? 5 A Different management system entirely. 6 Q Okay. So, in the sixties, do you 7 know who the sales manager was for GE? 8 A Al Bzulda. Spell that one. 9 Q Al Bzulda? 10 A B-z-u-l-d-a. 11 Q Okay. And it's fair to call him 12 the sales manager for phenol products in the 13 sixties? 14 A Sales manager for the chemical 15 material department. 16 Q Okay. Which later became the -- 17 A Plastics department. 18 Q -- plastics department. How long 19 did he serve as sales manager? 20 A He was there when I got there. And 21 I'm going to say he served until about 1969 22 or '70. I know he served until '69 or '70. 23 Q He's a fellow that would be older 24 than you then, right? 25 A He what? Page 118
1 to make sure, you know, in things that you 2 may have retained in your personal 3 collection, you don't have any documents that 4 would indicate the amounts of sales or the 5 types of sales to this company. 6 A I would not have them, no. 7 Q Okay. Where was the sales staff 8 located at Pittsfield? 9 A Well, the sales manager's headquarters 10 were in building 105. 11 Q I presume there was a sales manager 12 for the phenolic molding compounds? 13 A In the 1961-'66 period, phenolics were 14 about the only thing we were actually 15 selling. Lexan hadn't come into the market 16 yet. 17 Q Okay. When you say we, we're 18 talking about that plastics -- 19 A Yes. 20 Q -- side of GE's business up there? 21 A Yes. 22 Q So that's all you were selling -- 23 well, you were selling transformers, I 24 presume. That other side of the Pittsfield 25 business. Page 118	1 Q He would have been older than 2 you. Right? 3 A Yes. Well, not much. Because his 4 wife graduated from high school with me. He 5 married a Pittsfield girl. 6 Q Do you know if Mr. Bzulda is still 7 alive? 8 A I don't know. The last I'd heard, he 9 was out in California. 10 Q What's his wife's name? 11 A Her maiden name was Overbaugh. 12 O-v-e-r-b-a-u-g-h. Martha. 13 Q Would he have been somebody you 14 would have socialized with because of the 15 connection you knowing his wife? 16 A In work I talked to him frequently. 17 On a social status, no. Not really. 18 Q No. You didn't do movies or 19 dinner parties? 20 A Company type parties we'd meet. 21 That's about all. But as for going to each 22 other's house, no. 23 Q How big was his staff? Do you 24 know? In the sixties? 25 A He had eight salesmen working for Page 120

30 (Pages 117 to 120)

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1 him.
 2 Q Okay. Was that pretty much true
 3 through the fifties and sixties, or was there
 4 an expansion?
 5 A That was true up until 1969, '70.
 6 Then they expanded the sales staff.
 7 Q They expanded it after that?
 8 A Yeah. When Lexan came into the
 9 market. They needed a bigger sales force.
 10 Q In the fifties there were about
 11 eight salesmen, and in the sixties there were
 12 about eight salesmen?
 13 A Correct.
 14 Q You remember a guy, I think his
 15 name was -- let me look. I had that on the
 16 tip of my -- Glenn Eberhart?
 17 A I heard it in Mr. Dew's reporting. I
 18 never heard of him in my life.
 19 MS. BURR: Can we go off for
 20 a second?
 21 THE VIDEOGRAPHER: We are
 22 going off the record. The time
 23 is approximately 12:41 p.m.
 24 (Off the record.)
 25 THE VIDEOGRAPHER: We're back

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1 on the record. The time is
 2 approximately 12:42 p.m.
 3 BY MS. BURR:
 4 Q Okay. I think you were saying,
 5 Mr. Barker, that you saw the reference to a
 6 Glenn Eberhart in Mr. Dew's deposition, and
 7 you don't recall that name at all?
 8 A I don't recall that name at all.
 9 Q Do you honestly think Mr. Dew was
 10 mistaken in his recollection?
 11 A Very possible.
 12 Q Can you tell me, because your
 13 memory's been so good, I bet you can tell me
 14 who the sales force was in the fifties and
 15 sixties besides Mr. Bzulda.
 16 A Mr. Bzulda. Was Harry Akerman. Al
 17 Wymore.
 18 Q Wait a minute. Akerman. Wymore,
 19 how do you spell that?
 20 A W-y-m-o-r-e.
 21 Q First name? What's his first
 22 name?
 23 A Al.
 24 Q Al.
 25 A Len Eber.

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1 Q L-y-n-n?
 2 A L-e-n. Short for Leonard.
 3 MS. MOHAN: Leonard.
 4 BY MS. BURR:
 5 Q Ebert?
 6 MS. MOHAN: Ebert or Eber?
 7 A E-b-e-r.
 8 MS. MOHAN: Eber.
 9 A Don Smith. Frank Strobino.
 10 BY MS. BURR:
 11 Q French?
 12 A Stro - S-t-r-o-b-i-n-o.
 13 Q What's his first name?
 14 A Frank.
 15 Q Oh, Frank.
 16 A We had one out in California. But I
 17 can't think of his name to save me.
 18 Q Okay. But the guys you mentioned,
 19 these ones were all based in Pittsfield.
 20 Correct?
 21 A They weren't based in Pittsfield.
 22 They lived pretty much in the territory they
 23 were covering.
 24 Q Okay. That's interesting. How
 25 would you even know who they were?

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1 A Every time they made a report or a
 2 call on a customer anywhere, that were
 3 required to write sales call reports. When
 4 the sales call reports came back to
 5 Pittsfield, they were circulated to
 6 everybody. Everybody in our group.
 7 Q Why would that be?
 8 A So we would know what was going on in
 9 the field.
 10 Q What would be in those sales
 11 reports typically?
 12 A Pardon?
 13 Q What kind of information would be
 14 contained in those sales reports?
 15 A Oh, any problems the customer may be
 16 experiencing with what material. Any changes
 17 in his order. Many times it was just stop in
 18 and see you type.
 19 Q Okay. So to the extent that you
 20 at some point heard that Union Carbide had
 21 fixed the dust problem with its product, you
 22 probably heard that on some field report?
 23 A Oh, yes. Those would all be included
 24 in the call reports.
 25 Q Okay. Any salesmen --

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31 (Pages 121 to 124)

1 A Any competitive activity would be of
2 interest.
3 Q Do you know offhand who was in the
4 territory that would have served Die Molding,
5 that part of New York?
6 A I'm not sure.
7 Q Can't even hazard a guess?
8 A I'm going to say Len Eber.
9 Q Okay. That's pretty close to
10 Eberhart. Right?
11 A Yeah.
12 Q Do you know where Len Eber lived?
13 A North Jersey area somewhere. Eight
14 people trying to cover the United States,
15 they must have some pretty wide territories.
16 Q I guess. Did he -- strike that.
17 Is he still living? Do you have
18 any idea?
19 A I have no idea. I lost track of him
20 when I left GE.
21 Q Do you recall while we're talking
22 names here, do you remember a Mr. L.D.
23 Burkinshaw?
24 A Last name again?
25 Q Burkinshaw. B-u-r-k-i-n-s-h-a-w.

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1 from the wage hour laws.
2 Q Okay. So that means you did take
3 a physical or you did not take a physical?
4 A We all -- I had to take it.
5 Q So you think you might know Dr.
6 Paff from your days of taking a physical?
7 A He must have given me a couple of
8 physicals.
9 Q Do you recall reading anything he
10 wrote? Do you recall reading anything he
11 wrote?
12 A No, I don't. No, I don't.
13 Q Any other doctors who worked for
14 the company that you recall during your time
15 there?
16 A The one I recall most vividly would be
17 Dr. Stein. S-t-e-i-n. He was the medical
18 director for most of my employment period at
19 GE.
20 Q Okay. Do you remember a doctor
21 Kline? K-l-i-n-e.
22 A No.
23 Q Do you know Dr. Stein's first
24 name?
25 A I don't really. I know it, but I

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1 A No, I don't.
2 Q At the time when the division was
3 still known as the chemical materials
4 department. So that would be the fifties
5 probably.
6 A I can't recall that name.
7 Q Okay. Do you recall a guy named
8 David Guilbault? G-u-i-l-b-a-u-l-t.
9 A No, I don't.
10 Q Do you recall a doctor who may
11 have been a medical director or an associate
12 medical director of the Pittsfield complex
13 named David Paff? P-a-f-f.
14 A I heard the name. I didn't know him.
15 Q Do you know the context in which
16 you would have heard of Dr. Paff's name?
17 A GE Pittsfield had a fairly good sized
18 medical center. And all the salary exempt
19 employees had to take an annual physical,
20 done at that center.
21 Q Okay. And all employees would
22 include the salaried people like yourself?
23 A Salary exempt people. There are two
24 types of salary. Salary nonexempt and salary
25 exempt. That merely means we were exempt

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1 can't recall it.
2 Q Do you recall any instance where
3 any of the medical staff of the Pittsfield
4 plant sent any kind of memorandums into
5 research and development regarding asbestos
6 exposure?
7 A I don't. I can't recall anybody ever.
8 Q During your time at GE, did you
9 ever hear that any of your employees, meaning
10 the production people involved in the molding
11 compound making process, any of them come
12 down with an asbestos-related disease?
13 A Not to my knowledge.
14 Q Were there any during your time at
15 GE, any suspicious deaths of GE employees
16 that people thought might have been related
17 to asbestos?
18 A Not that I know of.
19 Q Who has a watch?
20 THE WITNESS: It's five of
21 1.
22 MS. BURR: I think we should
23 take a lunch break.
24 THE VIDEOGRAPHER: We're
25 going off the record. The time

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32 (Pages 125 to 128)

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1 is approximately 12:50 p.m.
 2 (Lunch recess taken.)
 3 THE VIDEOGRAPHER: We are
 4 back on the record. The time is
 5 approximately 2:02 p.m.
 6 BY MS. BURR:
 7 Q Okay. Mr. Barker, when we took
 8 the lunch break, I was asking whether or not
 9 you'd recalled any documents ever coming into
 10 research and development from the medical
 11 director or his staff concerning asbestos.
 12 And you said that you didn't recall any.
 13 Correct?
 14 A Right.
 15 Q Okay. Prior to 1970, did you ever
 16 see any Internal GE documents directed to
 17 employees or to GE's customers in your
 18 division for phenol molding compound warning
 19 of exposure to asbestos fibers or dust?
 20 A No.
 21 Q Prior to 1970, did you ever see or
 22 hear about any studies or warnings presented
 23 to GE by the producers of the asbestos
 24 products that they purchased?
 25 A Not to my knowledge.

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1 Q Prior to 1970, did you or anybody
 2 you worked with that you know about in that
 3 research and development side of things at
 4 Pittsburgh -- or Pittsfield, rather -- did you
 5 ever attend any industry seminars on the
 6 subject of asbestos?
 7 A No.
 8 Q I think you told us earlier, you
 9 yourself did not belong to any professional
 10 organizations.
 11 A I what?
 12 Q You didn't belong to any
 13 professional organizations?
 14 A Not while I was at GE.
 15 Q What was the organization that you
 16 belonged to later?
 17 A With PLENCO?
 18 Q Yeah.
 19 A Society of Plastics Engineers, or
 20 SPE. And the Society of Plastics Industry.
 21 SPI.
 22 Q Do you know whether anybody you
 23 worked with belonged to either of these
 24 organizations in the sixties?
 25 A At GE, they had a group of people that

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1 represented like the entire department. I
 2 may have known people, but I can't recall
 3 their names.
 4 Q Okay. You're saying they
 5 represented the entire research and
 6 development department?
 7 A They would represent at that time the
 8 chemical and materials department.
 9 Q Okay. So you think it's possible
 10 that there were people --
 11 A Oh, there were people that belonged to
 12 it.
 13 Q -- that belonged to those
 14 organizations at earlier points than you ever
 15 did?
 16 A Correct.
 17 Q Is it Pittsford or Pittsfield?
 18 MS. MOHAN: Pittsfield.
 19 Q We've been told that GE has no
 20 records concerning any industrial hygiene
 21 studies about asbestos that might have been
 22 conducted at the Pittsfield plant in the
 23 sixties. So I'm going to pose the question
 24 to you.
 25 Were you ever aware of any studies

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1 done internally by industrial hygiene
 2 concerning the use of asbestos?
 3 A I am not. No.
 4 Q What about studies in general
 5 concerning other of the materials that the
 6 production workers were exposed to on the
 7 plastics side?
 8 A I can't recall any.
 9 Q If there were such studies
 10 performed, would they have found their way to
 11 research and development?
 12 A They might have got to the research
 13 and development manager. He wouldn't have
 14 passed it down to us unless it really
 15 concerned us.
 16 Q I forget. During the sixties you
 17 told me who the manager was.
 18 A Research and development? Frank
 19 Fiorentine.
 20 Q Right. Did he have an underling?
 21 Somebody directly underneath him that might
 22 still be living?
 23 A Frank?
 24 Q Yeah.
 25 A The only one I can think of is a man

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33 (Pages 129 to 132)

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1 by the name of John Nelson. If John is
2 alive, he's got to be in the his mid-
3 eighties.

4 Q John Nelson?

5 A Right.

6 Q N-e-l-s-o-n?

7 A N-e-l-s-o-n. Right.

8 Q Was John Nelson still employed at
9 GE at the point you left?

10 A No. He retired before I did. Or
11 before I left GE.

12 Q Okay. Before '82. And you don't
13 know whether he's alive or not alive?

14 A I don't.

15 Q Anybody else up in higher rank
16 than you and just beneath Dr. Florentine
17 whose name you can recall?

18 A Directly involved with R&D, no.

19 Q Do you know whether GE ever
20 employed a toxicologist at --

21 A Not to my knowledge.

22 Q Apart from your annual physical,
23 were you aware of whether or not your health
24 was being monitored for any reason during
25 your time at General Electric?

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1 A Not to my knowledge, I wasn't.

2 Q Were you aware, for instance, that
3 GE had a medical surveillance program for its
4 employees at Schenectady for their exposure
5 to silica dust?

6 A I wouldn't know.

7 Q Why wouldn't you know that? It
8 just wouldn't be information --

9 A Different department. Different city.
10 You know, we wouldn't be associated with
11 them.

12 Q Okay. Do you know whether or not
13 a medical surveillance program for the
14 production employees was ever started at GE
15 Pittsfield during your time there?

16 A Not while I was there.

17 Q When you developed operating
18 instructions for in that 1969 to '70 period,
19 did you -- did those operating instructions
20 contain any policy or procedure regarding the
21 use of asbestos in the products that they
22 were used in?

23 A No. They were basically what kind of
24 temperatures you would use on the equipment,
25 processing times, how to run the machines,

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1 basically.

2 Q Okay. And, so, you're telling me
3 that there wasn't any reference in writing
4 that you made to the handling of the asbestos
5 material components of the certain products?

6 A No, there wasn't. Well, caution to
7 people to make sure the weight were correct
8 going in. That was on all raw materials.

9 Q Okay. The weight of the raw
10 material, all raw materials. Okay. As far
11 as you know, with regard to the phenol
12 products division at Pittsfield, were any
13 measures taken prior to 1972 to protect the
14 GE employees from asbestos exposure
15 specifically?

16 A Nothing special.

17 Q Okay. You've testified -- you've
18 testified that there --

19 A I mean, respirators were available.

20 Q But not commonly employed. Right?

21 A Yeah.

22 Q And then of course, around '72,
23 you stopped making the general purpose
24 compound that had asbestos. Correct?

25 A November of '72 we stopped using

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1 asbestos entirely.

2 Q Is that when your new product came
3 on the market then, or was that later?

4 A Actually, they started phasing those
5 products in the early part of '72. There
6 were some customers that insisted on the old
7 asbestos filled compound. Until sometime in
8 October or so a decision was made we're going
9 to put a cutoff date, at which time there
10 will be no more asbestos.

11 Q Were you supplying the people who
12 still wanted it from stock on hand as opposed
13 to, you know, beyond a point that you had
14 actually stopped producing it?

15 A By the time we actually stopped using
16 it, we had pretty much depleted our inventory
17 of asbestos-containing -- and just
18 manufacturing from order.

19 Q Did you ever hear of Dr. Irving
20 Sax. S-a-x?

21 A No.

22 Q Do you know whether his book,
23 Handbook of Dangerous Materials, was in the
24 library at 105, building 105?

25 A I can't say definitely.

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34 (Pages 133 to 136)

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1 Q Was there a collection of regular
2 books as opposed to the patent materials we
3 were talking about?
4 A Oh, yes. There was all kinds of
5 technical magazines and books.
6 Q Okay. Trade publications and
7 things like that?
8 A Yeah. Like Modern Plastics Magazine.
9 And also books that raw materials suppliers
10 may put out about their product. Might have
11 that in the library.
12 Q Was the actual GE headquarters in
13 Pittsfield?
14 A No. GE headquarters, when I first
15 started with GE, was Lexington Avenue in New
16 York City. Later they moved it to Fairfield,
17 Connecticut.
18 Q Were you ever in that Fairfield,
19 Connecticut headquarters?
20 A No, I haven't. That was way above
21 my management level.
22 Q Pardon me?
23 A That was far above my management
24 level.
25 Q So you don't know what was part of

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1 the headquarters building in Fairfield, as in
2 terms of what they had there, other than
3 executive offices?
4 A I wouldn't have the foggiest idea
5 really.
6 Q Okay. I mean, do you have a
7 notion that the library in building 105 was
8 broader than needed for the operations that
9 occurred up in Pittsfield?
10 A I don't think it was broader than
11 needed. It was pretty thorough. They had a
12 woman in charge of that library who kept
13 abreast of the types of things that should be
14 there.
15 Q Do you remember her name?
16 A No, I don't. Dorothy. I can remember
17 her first name.
18 Q Was she a younger woman or older
19 woman than you?
20 A She was an older woman.
21 Q Was she retired before you left?
22 A Oh, yes.
23 Q Did they replace her?
24 A I'm not sure. I really -- you know,
25 outside of that one time I was in that

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1 library on that patent research, I didn't
2 spend an awful lot of time there.
3 Q The room the library is in, is it
4 bigger or smaller than this conference room
5 that we're in in this hotel?
6 A I would say it would probably be about
7 as big as this room.
8 MS. MOHAN: Just so the
9 record reflects -- and I'm not
10 very good at this, would you say
11 this is 12 by 8?
12 MS. BURR: 12 by 8?
13 THE WITNESS: The tiles are
14 two foot square.
15 MS. MOHAN: How much?
16 THE WITNESS: Count the
17 tiles. They're two foot square.
18 MS. BURR: It's got to be at
19 least --
20 MS. MOHAN: 14, 16, 18, 20.
21 MS. BURR: Yes. It's at
22 least 20 feet long and probably
23 about 16 feet wide.
24 A I count about 20 wide.
25 BY MS. BURR:

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1 Q It's 20 wide and 20 something
2 long. Maybe 30.
3 A Twenty-six feet.
4 Q Twenty by twenty-six. Lined with
5 shelves, or filing cabinets, or what?
6 A Pardon me? Shelves mostly, and there
7 was an open space in the center with tables.
8 Q Okay. If you needed an edition of
9 Plastics Magazine from 1966 and it was 1968,
10 would you just ask Dorothy to produce it, or
11 was there a mechanism for finding --
12 A I don't know what the retention time
13 was. Magazines probably tossed out once a
14 year. May have had a cutoff, say a year.
15 The new magazine come out, she threw the one
16 that was a year old out.
17 Q Okay. But the question was if you
18 were looking for a magazine that was a year
19 old, say, would you go find it yourself, or
20 did you have to use her to find it for you?
21 A Either way. If you could find it
22 yourself. If not, ask her.
23 Q Did you bring Dr. Sax's book?
24 MS. MOHAN: I don't have it.
25 MS. BURR: I sent you an

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35 (Pages 137 to 140)

1 e-mail. 2 BY MS. BURR: 3 Q So you never heard of this Dr. 4 Sax? 5 A No. 6 Q If I told you he wrote a book 7 about asbestos, dangers of asbestos exposure 8 to the workers in Schenectady – 9 MS. MOHAN: Excuse me. 10 What's the name of the title of 11 the book? You have the book? 12 MS. BURR: I don't have the 13 book. Handbook of Dangerous 14 Materials. And I'll rephrase the 15 question. You can strike that 16 BY MS. BURR: 17 Q Okay. But suffice to say, you 18 don't recall the book? 19 A I don't. 20 Q Did you ever hear the term 21 threshold limit values any time before 1971 22 or so when you were told that they were going 23 to phase out use of asbestos? 24 A No. 25 Q Okay. Wasn't a term employed in Page 141	1 Q -- you don't recall whether or not 2 you saw anything about asbestos in those 3 documents, those publications in the sixties? 4 A I never recall reading it. 5 Q Are you aware of an organization 6 called the Industrial Hygiene Foundation? 7 A No. 8 Q Did you ever hear of Sedgwick 9 Claims Management, Incorporated? Sedgwick 10 Claims Management? 11 A No. 12 Q Doesn't mean anything to you? 13 A No. 14 Q If I told you that was a company 15 that administered workers' comp claims for GE 16 for a period of time, does that refresh your 17 recollection? 18 A No, it wouldn't. 19 Q Did you ever have a workers' 20 compensation claim of any type yourself while 21 you were -- worked at GE? 22 A No, I didn't. 23 (Exhibit No. 32 was marked for 24 identification.) 25 BY MS. BURR: Page 143
1 the sixties with regard to asbestos? 2 A No. 3 Q Do you know whether or not there 4 were any medical journals in the library in 5 building 105, like the American Journal of 6 Medicine? 7 A I don't know. I don't know. 8 Q Okay. You don't recall looking at 9 anything that you would consider a medical 10 journal? 11 A No. 12 Q Can you think of any other 13 periodicals, or journals, or publications 14 that you recall seeing in the library there? 15 A Modern Plastics, Plastics World. I 16 can't. 17 Q There's a -- you probably have 18 seen it today. There's some kind of a volume 19 called the Plastics Encyclopedia. 20 A Oh, yes. That would be in there. 21 Anybody that was a member of SPE would get a 22 copy of that every year, too. 23 Q I take it to say -- 24 MS. MOHAN: Keep your voice up. 25 BY MS. BURR: Page 142	1 Q Moving on, I'm going to show you 2 what we marked as Plaintiffs' 32 today. And 3 it was marked in another deposition. The 4 deposition of Mitchell. It was known as 5 Mitchell 2 in that deposition. Have you take 6 a look at that document. 7 A That's a General Motors distributor 8 cap. 9 Q Hang on. Have you ever seen the 10 document before today? 11 A This document? 12 Q Yeah. 13 A No. 14 Q Do you know where it appears to 15 have come from? What kind of a publication? 16 A Could be a technical magazine. Modern 17 Plastics. 18 Q Okay. That's -- those are 19 distributor caps? 20 A Eight out of ten distributor caps in 21 the U.S. are made of GE phenolics. That was 22 true. 23 Q Was that true during the entire 24 sixties, when you worked there? 25 A That was true from about 1955 until Page 144

36 (Pages 141 in 144)

1 sometime in the mid seventies.
 2 Q Okay. All those distributor caps
 3 were made out of the heat-resistant molding
 4 compound.
 5 A They were all made out of -- with the
 6 exception of the Chrysler cap, they were all
 7 made out of a GP compound.
 8 Q General purpose.
 9 A Right.
 10 Q And Chrysler --
 11 A Chrysler used a heat-resistant
 12 compound.
 13 Q Do you know why Chrysler opted for
 14 heat-resistant compounds?
 15 A It's a fairly technical but
 16 nontechnical answer.
 17 Q Give me the nontechnical answer.
 18 A In the period we're talking about,
 19 Chrysler had a terrible reputation in the
 20 automotive industry of having hard-starting
 21 automobiles in the winter time. In an
 22 attempt to solve the problem, they felt if
 23 they went to a higher specific gravity
 24 material, that would solve the problem.
 25 They eventually did solve the

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1 problem by making something like 58 changes
 2 in their ignition system. They didn't know
 3 which one, or which group of changes may have
 4 solved their problem. And they weren't about
 5 to change anything.
 6 Q So they just continued to use the
 7 heat-resistant --
 8 A They continued to use it right up
 9 until they switched to thermoplastics.
 10 Q Do you have an idea from looking
 11 at this document as to when, whether this is
 12 a fifties document, a sixties document, or a
 13 seventies document?
 14 A It could be any one of those, that
 15 case.
 16 Q Any later than that?
 17 A Sometime in mid seventies the
 18 automotive industry changed their entire
 19 ignition system, went to the electronic
 20 system. At that time, they went to a
 21 thermoplastic distributor cap.
 22 Q So these distributor caps were
 23 made by -- strike that.
 24 These distributor caps, as you
 25 look at them, were these created by GE's own

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1 molding department?
 2 A No. Each automotive company had their
 3 own molding department. And -- well,
 4 actually, I said --
 5 Q What's the head line? What is
 6 that head line?
 7 A Eight out of ten distributor caps in
 8 the U.S.A. are made out of GE phenolics.
 9 Q As distinct from made by GE?
 10 A Right. General Motors used one
 11 compound. Ford used another one. Chrysler
 12 used another one. And some of the caps like
 13 American Motors.
 14 Q Is the Chrysler cap there?
 15 A I wish I had the cap in my hand. I
 16 recognize this as being a General Motors cap.
 17 Because they had a little vent that goes into
 18 the side of the cap. They're the only ones
 19 that had it.
 20 Q You're -- in reference to Exhibit 32,
 21 you're pointing to the middle picture in the
 22 top row?
 23 A The middle picture in the top would be
 24 a General Motors cap. It's a six-cylinder
 25 cap. Somewhere in there they've got to have

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1 an eight cylinder.
 2 Q Do you know if these caps, the
 3 ones made with the general purpose were made
 4 with the general purpose compound that had a
 5 little asbestos or not at all?
 6 A General Motors cap, yes. The Ford
 7 motor cap, no. They used different
 8 materials.
 9 Q Okay. Now, when you say motor
 10 cap, you mean distributor cap? It's the same
 11 thing?
 12 A Yes.
 13 Q I'm nonautomotive here. What
 14 about that Chrysler cap? You see it?
 15 A The Chrysler cap was the high gravity
 16 mineral filled material.
 17 Q Right. You don't see it there?
 18 A I can't identify a Chrysler cap. No.
 19 (Exhibit No. 33 was marked for
 20 identification.)
 21 BY MS. BURR:
 22 Q Okay. Thank you. I'm going to
 23 show you what we marked as Barker 33 today.
 24 Previously marked as Mitchell 3. Have you
 25 take a look at that document.

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37 (Pages 145 to 148)

1 A Yeah. That was, I believe, Echo. The 2 company that made those. The handles were 3 molded at a company in Watertown, Connecticut 4 called Watertown Manufacturers. That was 5 molded out of GE 12902. A single stage wood 6 flour fill compound. No asbestos. 7 Q Do you know what decade that 8 document -- 9 A Pardon? 10 Q Do you know what decade that 11 document represents? 12 A 1960s. 13 (Exhibit No. 34 was marked for 14 identification.) 15 BY MS. BURR: 16 Q Okay. Mitchell 4, which is Barker 17 34 marked today looks to be a distributor 18 cap. Correct? Is that what it is? 19 A That looks like a GM cap. 20 Q Okay. I'll take that back. The 21 headline on this ad -- I guess it's safe to 22 call it an ad. 23 A Mmm-hmm. 24 Q Right? You think it appeared in 25 some kind of an industry magazine? Page 149	1 system works. In the winter months in the 2 northern climates, you get a salt buildup 3 inside of these towers. 4 The material would start arcing 5 over and coming down the outside of these 6 towers and burn the tower. And once it burnt 7 enough of it, that tower would short out. So 8 one of our tests was to develop some way of 9 preventing that from happening. 10 So we'd run that test and 11 deliberately burn those towers. 12 Q Okay. Did the use of asbestos in 13 the GM product -- 14 A It was two percent in there. 15 Q Right. Was it there to help avoid 16 this arcing problem? 17 A It was there, as I said earlier, to 18 improve the friability of the compound. 19 Q Okay. We're going to have to take 20 a little break to change the tape, Mr. 21 Barker. Thank you. 22 THE VIDEOGRAPHER: We are 23 going off the record. The time 24 is approximately 2:30 p.m. 25 (Off the record.) Page 151
1 A Possibly. 2 Q Did GE have their own internal 3 catalogs for marketing purposes? 4 A Not with pictures like this. No. 5 Q The head line is, "Who Burned This 6 Phenolic?" Right? What's the whole point of 7 that? 8 A Well, they were to test -- yes, it was 9 General Motors that ran this test. This cap 10 as mounted in an engine would have a cable 11 going in the center. It came directly from 12 the engine coil. And that provided the 13 electrical power into that cap. 14 Then, there would be another cable 15 coming out of each one of these towers going 16 to the individual spark plugs in an engine. 17 Underneath this cap was a rotor spinning 18 around at a high rate of speed, and each time 19 it passed one of those towers it was making 20 metal contact with a metal contact in the 21 tower, passing the electrical charge from the 22 distributor cap to the spark plug. 23 The spark plug fired, causing an 24 explosion in the cylinder to fire the 25 engine. Basically, that's how an ignition Page 150	1 THE VIDEOGRAPHER: Back on 2 the record at 2:34. 3 (Exhibit No. 4 was marked for 4 identification.) 5 BY MS. BURR: 6 Q I'm going to show you what we 7 marked as Barker 4. 8 MS. MOHAN: Let me just say 9 for the record, I have an 10 objection to that document. 11 There's no date on the actual 12 document. I know there's a date 13 handwritten in on the front page 14 cover. But I couldn't find the 15 date 1946 anywhere on the actual 16 document. 17 MS. BURR: Right. 18 BY MS. BURR: 19 Q If you flip through this document, 20 Mr. Barker, do you have an idea what it is 21 and where it came from? 22 A I don't have the foggiest idea what 23 they're talking about. 24 Q It seems to be a history of the 25 plastics. Page 152

38 (Pages 149 to 152)

1 A January 1945. That would be prior to
2 my time.

3 Q Okay. I mean, it seems to be some
4 -- I'm asking if you ever saw a book, you
5 know, is there some kind of a history book,
6 the history of GE plastics, that you've seen
7 before?

8 A No, I haven't.

9 Q Just flip to the page that I've
10 marked with a yellow tab. I'm directing your
11 attention to the picture of the --

12 A Oh, this page.

13 Q Yes. The compression type molding
14 press using preformed phenolic compound for
15 loading. Okay?

16 A Preformed phenolic molding compound.
17 That's a typical molding -- typical
18 compression molding press.

19 Q That's what I wanted to know. So
20 when GE had a molding operation, there were
21 presses like this in Pittsfield. Right?

22 A Yes, there were.

23 Q If you were to go to Die Molding
24 in the time that you worked for GE in the
25 sixties, you would expect to see machines

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1 that looked a lot like that there. Correct?

2 A Yes, I would.

3 Q Because you told me that you
4 thought they did compression molding as one
5 of the types of molding that they did.

6 A At that time, all they were doing was
7 compression or transfer. This is a
8 compression press.

9 Q Does the machine look entirely
10 different for transfer?

11 A Yes. Because they're taking the
12 material, this middle platen, there would be
13 a chamber there -- it might be round, it
14 might be rectangular -- where you would lay
15 the pills. One end of it or right in the
16 center. There would be a paper spool.

17 You'd lay the piece of preforms in
18 that chamber, close the mold, the cavities
19 would all be on the bottom, and that upper
20 plunger would come down and force the
21 material through the spool, into a runner
22 system, and into the mold cavities.

23 Q Okay. And this -- well, you read
24 Mr. Do's deposition. Correct?

25 A Yes.

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1 Q He described the process that they
2 were using in his deposition. Was he talking
3 about compression molding or transfer
4 molding?

5 A I couldn't figure out when I read his
6 deposition.

7 Q Okay. He was not a molder
8 himself?

9 A He was a molder. But he used terms I
10 never heard of.

11 MS. MOHAN: You're talking
12 about Mr. Donald Do?

13 MS. BURR: Yeah.

14 MS. MOHAN: Mr. Dew's
15 deposition.

16 THE WITNESS: I'm sorry. I
17 thought she said Mr. Hill.

18 A Repeat the question, please.

19 BY MS. BURR:

20 Q Okay. Donald Do, I guess was
21 the --

22 MS. MOHAN: The president of
23 the company.

24 BY MS. BURR:

25 Q -- the president of Die Molding.

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1 I think he was asked to explain the system
2 for molding that was in use at Die Molding.
3 And I'm asking you if you recall whether he
4 was describing the compression molding or the
5 transfer molding?

6 A He was describing the compression
7 molding.

8 Q Okay. If you were talking about,
9 based on your knowledge, their business of
10 running a lot of handles for cookware and
11 things like that, and lids, knobs for the
12 cookware lids with the heat-resistant
13 compound, were they using the compression
14 molding for that?

15 A What Mr. Dew said was compression
16 molding. But at some point, it was also
17 transfer molded. Whether he was doing it or
18 others, I don't know. I know there was a lot
19 of transfer molding done on that application.

20 Q Okay. But, just for the record,
21 this picture, in case we ever need to use it,
22 we could present this picture and say this
23 looks like a typical compression molding
24 machine that was in use in the 1960s.
25 Correct?

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39 (Pages 153 to 156)

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1 A That's correct. 2 Q Even though this document may have 3 come from the forties, things hadn't changed 4 much from then to the sixties? 5 A Compression molding is pretty much the 6 same today as it was in the forties. 7 Q That's what I wanted to know. 8 Thank you very much. 9 (Exhibit No. 5 was marked for 10 identification.) 11 BY MS. BURR: 12 Q I'm going to show you what we 13 marked as Barker 5 and ask you to take a look 14 at that document quickly. 15 A Okay. They're talking about a 16 single -- 17 MS. MOHAN: There's no 18 question. Got to wait for a 19 question. 20 BY MS. BURR: 21 Q Just look at both pages. The 22 question I have is -- 23 MS. MOHAN: I have the same 24 objection to this document 25 because I don't recall seeing a Page 157	1 A I recognize that guy's picture. 2 BY MS. BURR: 3 Q It's a walk through history here. 4 We're not going to spend any time on this. 5 But you can take a quick look at the document 6 we marked as Barker 6, which is about four 7 pages. 8 MS. MOHAN: Continuing 9 objection to the documents with 10 no dates. 11 A Nothing to do with us. That's all 12 part of laminated products. 13 BY MS. BURR: 14 Q Okay. But research and 15 development for the laminated products was 16 still at Pittsfield, was it not? 17 A Some of it was. But the largest part, 18 percentage was in the plant at Shockton, 19 Ohion. 20 Q Shockton, Ohio? 21 A Right. 22 Q If I told you these documents were 23 the late forties before you even started at 24 GE, do you know at the time you started 25 whether there was any plant at Shockton? Page 159
1 date on this one either. 2 MS. BURR: Okay. I'm going 3 to ask him. 4 BY MS. BURR: 5 Q We think this document is from 6 about 1955. I want to know what you think. 7 A I would tend to agree. 8 Q You would tend to agree? Okay. 9 Looking at this document, we tried to get it 10 in color for you. Do you know where this 11 document came from? Were they pages out of 12 some other kind of manual, or -- 13 A Both of them look to me to be an 14 advertisement in some kind of a technical 15 magazine. 16 Q Okay. Fair enough. And this 17 fast-cure, general-purpose molding compound 18 that's on page one, 12900 black, 12901 brown, 19 did that product at that time contain 20 asbestos, do you know? 21 A No. That was a general purpose 22 compound. 23 Q That's it. 24 (Exhibit No. 6 was marked for 25 identification.) Page 158	1 A The plants were there when I started. 2 And as far as R&D was concerned, the only 3 thing, we had one guy working on decorative 4 laminates. This would not fall in that 5 category. 6 Q Just generally -- I don't know. 7 Was there asbestos used in the laminates? 8 A I can't say with any degree of 9 certainty. 10 Q You were never involved in any of 11 the formulations for those products? 12 A No, I wasn't. 13 Q Okay. Thank you. 14 (Exhibit No. 7 was marked for 15 identification.) 16 BY MS. BURR: 17 Q I'm going to show you what we 18 marked as Barker 7, have you take a look at 19 that. 20 THE WITNESS: Recognize that 21 building? That's the one you and 22 I met in the first time. 23 A Yeah. That's the old molding shop. 24 BY MS. BURR: 25 Q Okay. In reference to Barker 7, Page 160

40 (Pages 157 to 160)

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1 you're looking at the picture on the first
2 page of that -- the second page of that
3 document, which appears to be a magazine
4 article. Right? From Modern Plastics?

5 A Yes. He was before my time. I didn't
6 know him.

7 Q But the picture you said is a
8 photograph of the molding shop?

9 A That would be on page one.

10 Q Right. At Pittsfield. Right?
11 Did it look the same when you got there in
12 the fifties?

13 A Hasn't changed much.

14 Q Okay. Thank you.

15 (Exhibit No. 8 was marked for
16 identification.)

17 BY MS. BURR:

18 Q This is a document we marked as
19 Barker 8, appears to be some other kind of
20 trade thing for GE. And I don't have a
21 duplicate copy.

22 MS. MOHAN: Same continuing
23 objection. I don't see a date on
24 that document either.

25 A That's the old tool room.

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1 BY MS. BURR:

2 Q The old?

3 A Tool room.

4 Q Tool room?

5 A Yes. That was before my time, too.

6 Q That's a photograph of somebody
7 working?

8 A Looks like he's making a mold.

9 Q Yeah. It says mold maker at a
10 Gorton duplicator. What is --

11 A He's making a mold.

12 Q Okay. He's making a mold?

13 A He's cutting steel.

14 Q In order to make molds with the
15 plastic, you've got to have a mold to work
16 in, with. Right?

17 A That's correct. Need a steel mold,
18 chrome plated.

19 Q Did GE do that, the actually steel
20 cutting for the molds there in Pittsfield?

21 A When they had the molding operation
22 they did.

23 Q You said they were out of the
24 molding operation by about 1950 something?

25 A Yeah. By 1960s they had sold it.

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1 Q If I told you we think this

2 document was from about 1947 --

3 A Could be. Any time in that period.

4 Anywhere from 1928.

5 Q Okay. But I think you told us at
6 least during World War II GE's whole facility
7 up there was pretty much geared to the war
8 effort.

9 A Yes, it was.

10 Q It wasn't until after the war that
11 GE marketed itself as a mold maker. Right?

12 A Well, they did before the war, too.

13 Q Okay. Okay.

14 (Exhibit No. 9 was marked for
15 identification.)

16 BY MS. BURR:

17 Q Barker 9, this is out of Modern
18 Plastics Encyclopedia, again, undated. Well,
19 it says GE 1947, but who knows. Take a look
20 at the picture and the caption underneath.
21 And then I'll take that back because I don't
22 have another copy.

23 A Yeah. That's some kind of a finishing
24 operation.

25 Q Okay. Looking at Barker 9, you've

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1 indicated that the photograph depicted
2 indicates a woman employed in a finishing
3 operation with a mold. Correct?

4 A With a molded part.

5 Q With a molded part. Okay. As
6 distinct from the actual process of making
7 the mold?

8 A Correct.

9 Q The reference to -- at the top,
10 when they're talking about when jig drilling
11 large holes and thermo setting parts, air
12 blasts directed at cutting edges prolong
13 drill life?

14 A A lot of the molded parts, after they
15 were molded, required some type of machining
16 operation in order to put the part, usually
17 drilling and tapping. Machine life,
18 phenolics are mildly abrasive. And they do
19 wear out drills.

20 We're constantly seeking a way to
21 improve that and improve the drill life of
22 the machine like a machining tool.

23 Q Would the process of air
24 blasting --

25 A That was -- when they drill a

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41 (Pages 161 to 164)

1 machine, a part, these chips that come out,
2 you use the air blast to blow it away.

3 Q Okay. When you're saying little
4 chips, you're talking about little chips of
5 the molded piece. Correct?

6 A That's correct. After it was drilled
7 away.

8 Q Do you know if that air blast
9 would create any kind of a dust in the
10 immediate area of the operator?

11 A Usually, a fair good sized chip, they
12 weren't likely to become air borne. They
13 would just blow away and drop.

14 Q I think Mr. Hill testified as to
15 an air blasting process used in the mold
16 making component?

17 A He wasn't talking mold making. He was
18 talking in cleaning the mold after the mold's
19 open.

20 Q Cleaning out the mold after you
21 remove the mold. Right?

22 A When the mold opens and ejects the
23 molded part, there is some leftover material
24 that stays on what they called the mold lance.
25 They were referred to as flash. It kind of

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1 stuck a little bit.

2 They would take an air hose with a
3 brass extension nozzle on it, kind of poke at
4 it, and hit it with a blast of air and blow
5 it away. The flash is very thin material.
6 Depending on the size of the lance, it could
7 be a half an inch, an inch and a half wide.
8 Depending on the size of the mold determined
9 how long it would be.

10 But this is cured phenolic
11 material. Not something that would generate
12 dust.

13 (Exhibit No. 10 was marked for
14 identification.)

15 BY MS. BURR:

16 Q Okay. Barker 10, you can just
17 take a quick glance. But all those
18 photographs in that document pertain to the
19 laminating process?

20 A Yes.

21 Q And there's no machinery depicted
22 that was in use in the molding process?

23 A No.

24 (Exhibit No. 11 was marked for
25 identification.)

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1 BY MS. BURR:

2 Q Thank you. Same question for
3 Barker 11.

4 A Again, that's all laminated parts.

5 Q Those are all laminated parts?

6 A Yes.

7 Q None of them were made at
8 Pittsfield. Right?

9 A No.

10 Q For the record, you don't know
11 whether or not, or you do know if any of
12 these depicted parts contained asbestos as a
13 component?

14 A I don't know. Like I said, it was a
15 laminated product. It looks to me something
16 that was machined out of a laminate. But
17 what the formulations were, I don't have the
18 slightest idea.

19 (Exhibit No. 12 was marked for
20 identification.)

21 BY MS. BURR:

22 Q Okay. I'm going to show you what
23 we marked as Barker 12. Direct your
24 attention, I think there's an arrow.

25 MS. MOHAN: I have a

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1 continuing objection. That one
2 doesn't have a date either.

3 BY MS. BURR:

4 Q Okay. In the second column it
5 starts out, "A new, high impact asbestos
6 fabric filled molding material has been made
7 in two impact grades." Do you see that?

8 A Boy, that would be -- that would be
9 more than asbestos to get that kind of impact
10 strength.

11 Q It says these materials prima --

12 A CFI 20. That's two foot pounds per
13 inch of notch. That's strong.

14 Q It says they were developed for
15 ship board insulation. And of interest in
16 industrial switchboard applications.

17 A I'd have to bet --

18 MS. MOHAN: Don't guess.

19 Don't guess.

20 BY MS. BURR:

21 Q Firstly, do you know when this
22 text was written? What decade?

23 MS. MOHAN: Just for the
24 record, I'm going to object. We
25 don't even know where the

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42 (Pages 165 to 168)

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1 document came from. It doesn't
2 appear to me to be a GE document,
3 a GE advertisement, or anything
4 in regard to anything that has to
5 do with GE.
6 A I can say this much. It refers to
7 Textalite 12303 and 1423. Those were not
8 even numbers for the phenolic molding
9 compound. Those were laminate product
10 numbers.
11 BY MS. BURR:
12 Q Okay. Is Textalite a laminate
13 product?
14 A Yes.
15 Q This is, for the record, it's page
16 64 of Modern Plastics Encyclopedia.
17 A It could still be Textalite.
18 Q Okay. So there's some indication
19 at least --
20 A Of course, if you said 64, definitely,
21 those numbers were not phenolic molding
22 compound numbers.
23 Q Okay. They were not phenolic
24 compound numbers. I guess the question is it
25 appears, at least from this writing in Modern

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1 Plastics Encyclopedia, that there was some
2 use of asbestos in some type of laminated
3 product. Correct?
4 A I'd have to agree.
5 Q In the foot note the reference is
6 to GE's Textalite 12203 and 1423. Correct?
7 A Correct. That's in here, too. Those
8 are not compound numbers.
9 Q They're not compound numbers.
10 A No.
11 Q Okay.
12 A Compound numbers would either be a
13 12-4000 series, 12-899 series, 12-900 series,
14 a 14,000 series. Those are the only compound
15 designations.
16 Q We spoke about Union Carbide being
17 a competitor of GE's. Correct?
18 A (Witness nods head.)
19 Q And that was true the entire time
20 you worked at GE. Right?
21 A Right up until they went out of
22 business. Yes.
23 Q Okay. Before they were Union
24 Carbide, I think they used to be called the
25 Bakelite Corporation.

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1 A That's correct.
2 Q Were they known as Bakelite when
3 you were employed at GE?
4 A When I first came to GE, they were.
5 That became a trade name. It became
6 synonymous with phenolics. To this day many
7 people can't tell them apart.
8 Q Do you know when the name went to
9 Union Carbide?
10 A When Union Carbide purchased the
11 Bakelite Corporation. I don't know when that
12 was.
13 Q Do you think it was sixties or do
14 you think it was the fifties?
15 MS. MOHAN: Don't guess if
16 you don't know.
17 A I'm not going to guess. I'd have to
18 say it's between those two dates.
19 BY MS. BURR:
20 Q Do you know what decade GE
21 developed the Textalite product?
22 A That was there when I came.
23 Q Okay. You started, for the
24 record, in 1953?
25 A 4.

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1 Q 4.
2 A (Witness nods head.)
3 Q 1954. Okay. Thank you very
4 much.
5 (Exhibit No. 14 was marked for
6 identification.)
7 BY MS. BURR:
8 Q Barker 14 I'll give you a look at.
9 This one you might find -- take a look at
10 that.
11 MS. MOHAN: That document --
12 objection. That document also
13 has no date.
14 A It was long before my time. Or else
15 they were Textalite numbers.
16 BY MS. BURR:
17 Q All right. The heading on the
18 document calls it a molded plastics
19 comparator. Correct?
20 A A what?
21 Q Molded plastics comparator?
22 A Yeah.
23 Q You think this document predates
24 your time at General Electric?
25 A Definitely.

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43 (Pages 169 to 172)

1 Q Why?
 2 A Just looking at those GE numbers, they
 3 weren't even in use when I came in.
 4 Q Okay. You're talking about the
 5 fourth column, just to the left of the
 6 column -
 7 A Where it says GE number.
 8 Q Yeah. Where it says GE number.
 9 So, 105, 1408, 12200, 12204 you don't think
 10 were in use when you were there?
 11 A Those numbers are all Greek.
 12 (Exhibit No. 13 was marked for
 13 identification.)
 14 BY MS. BURR:
 15 Q Okay. I'm going to show you what
 16 we marked as Baker 13, which seems to be a
 17 phenol product.
 18 A I'm going to give you the same
 19 answer. Those numbers are not -
 20 Q To the extent that there are GE
 21 numbers listed, you don't recognize them.
 22 Correct?
 23 A Yes. They're numbers before my time.
 24 Q Okay. So under the column filler,
 25 when you get down to asbestos fiber, asbestos

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1 fabric, product number 70109, 12209, 1423,
 2 and 12203, you don't know when those numbers
 3 were employed?
 4 A I do not. If they were molding
 5 compounds, they had to be prior to 1948.
 6 Q Why do you say that?
 7 A Because in 1948 they went commercial.
 8 They renumbered all the compounds.
 9 Q Okay. So you think this document
 10 predates 1948?
 11 A Yes.
 12 Q Thank you.
 13 (Exhibit No. 15 was marked for
 14 identification.)
 15 BY MS. BURR:
 16 Q Okay. I'm going to ask you about
 17 Barker 15. This looks like one of the trade
 18 magazine ads.
 19 A Yeah. That was a compound we made
 20 with our introduction into so-called
 21 fast-cured general purpose line.
 22 Q Okay. Did that product contain
 23 asbestos?
 24 A No.
 25 Q There's a product number there?

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1 A 12956.
 2 Q I'm sorry?
 3 A 12956. That was a general purpose,
 4 fast cure material.
 5 Q Is this the fifties or the
 6 sixties?
 7 A Sixties.
 8 (Exhibit No. 16 was marked for
 9 identification.)
 10 BY MS. BURR:
 11 Q Same question, Barker 16. I need
 12 the decade, and I want to know if this
 13 phenolic product was made with an
 14 asbestos-containing compound.
 15 A That's what we called a dog bone.
 16 Looked like a dog bone. It was a test piece
 17 to test tensile strength. It could be molded
 18 out of any of our materials.
 19 Q It could be molded out of any of
 20 your materials?
 21 A Yes. It was just a test piece in the
 22 laboratory. We put it into a testing machine
 23 with a clamp on it, grab ahold of each end,
 24 how much pressure to pull it apart.
 25 Q So that's - what's the number on

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1 that? Barker?
 2 A Barker 16.
 3 Q That's not a picture of a product
 4 at all?
 5 A No. It's just a test specimen.
 6 Q A test specimen.
 7 (Exhibit No. 17 was marked for
 8 identification.)
 9 BY MS. BURR:
 10 Q Barker 17, I'm going to show you,
 11 just ask you if you know this guy whose name
 12 I've highlighted and whether he's still
 13 alive?
 14 A No. I don't know him. You mentioned
 15 his name before.
 16 Q Looks like he -
 17 A That's Lexan anyway.
 18 Q He worked on the laminate side of
 19 things. Right? This was the reference was
 20 to Mr. L.D. Birkinshaw.
 21 A I didn't know him.
 22 Q Don't remember him? Don't know
 23 him?
 24 A He was in the Lexan department.
 25 Q Does that mean he didn't work at

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44 (Pages 173 to 176)

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1 Pittsfield?
 2 A He may have, but not in the same group
 3 I was in.
 4 (Exhibit No. 18 was marked for
 5 identification.)
 6 BY MS. BURR:
 7 Q Okay. Barker 18 looks to be
 8 another distributor cap?
 9 MS. MOHAN: Objection. No
 10 date to that one, too.
 11 THE WITNESS: Hmm?
 12 MS. MOHAN: There's no date
 13 on that one either.
 14 A I can tell you that was in the 1960s.
 15 BY MS. BURR:
 16 Q Okay. Mid sixties, late sixties,
 17 early sixties?
 18 A All I can say is in the sixties.
 19 Q Is that a GM distributor cap?
 20 A It's not a distributor cap. It's a
 21 fan spacer.
 22 Q It's a what?
 23 A A fan spacer.
 24 Q A fan spacer. For the fan blades,
 25 you mean?

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1 A Yeah. The fan blades on an engine,
 2 between the engine and the -- on the shaft.
 3 This was a spacer behind the fan up against
 4 the drive pulley.
 5 Q Got you. Okay. This fan spacer
 6 product, would it have been made with an
 7 asbestos-containing compound, or no?
 8 A I don't know what material they used.
 9 I'd guess -- again, I can't.
 10 MS. MOHAN: Don't guess.
 11 BY MS. BURR:
 12 Q Do you know if Die Molding made
 13 this product?
 14 A No. I don't. That one we talked
 15 about earlier.
 16 Q Yeah. We did talk about this
 17 earlier.
 18 A When I was complimenting the
 19 photographer. That again is a test
 20 specimen.
 21 (Exhibit No. 19 was marked for
 22 identification.)
 23 BY MS. BURR:
 24 Q Barker 19 is a test specimen.
 25 A Yeah.

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1 Q You can't tell by looking at it
 2 what kind of molding compound was used.
 3 Right?
 4 A It could have been anything. Every
 5 material we made went through that. It was
 6 an impact test.
 7 Q Fair enough.
 8 (Exhibit No. 20 was marked for
 9 identification.)
 10 BY MS. BURR:
 11 Q Barker 20. Here.
 12 A This was a --
 13 MS. MOHAN: There's no
 14 question pending.
 15 THE WITNESS: Hmm?
 16 MS. MOHAN: No question pending.
 17 THE WITNESS: I was going to
 18 say, it wouldn't pertain to me
 19 anyway.
 20 MS. BURR: Well, give it
 21 back to him. I've got a
 22 question.
 23 BY MS. BURR:
 24 Q In fact, that one is pretty much
 25 the same document. Well, I've got the copy.

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1 At the very bottom there's a paragraph that
 2 says, "Through the efforts of Mr. Kenneth
 3 Bar, manager, phenolics products section,
 4 General Electric Company."
 5 A Manager of GENEL products section.
 6 That's what he was.
 7 Q I'm sorry.
 8 A He was the manager of the GENEL
 9 products section.
 10 Q Mr. Barr. Right?
 11 A Yes.
 12 Q And the GENEL products is what you
 13 worked --
 14 A That's correct.
 15 Q -- with. Okay.
 16 A He was Frank Florentine's boss.
 17 Q He was the boss to Frank
 18 Florentine? Do you know if Mr. Barr is still
 19 alive?
 20 A I believe he is.
 21 Q Where do you think he lives?
 22 A Hancock, Massachusetts.
 23 Q Do you have any contact with Mr.
 24 Barr?
 25 A Pardon?

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45 (Pages 177 to 180)

1 Q Do you have contact with Mr. Barr?

2 A No.

3 Q Okay. He would have been more
4 senior to you than Dr. Florentine?

5 A He was. Yes.

6 Q How long was he the products
7 section manager?

8 A From 1969 to 1972.

9 Q Who was his predecessor?

10 A There was none. They created the
11 GENEL products section. He was the first
12 business section manager.

13 Q I thought you were calling these
14 the GENEL products in the early sixties.

15 A The GENEL products section was created
16 in 1969. Prior to that, we were just known
17 as the chemical materials department.

18 Q If you turn to the second page --

19 MS. MOHAN: Just let the
20 record reflect that this is some
21 document from Union Carbide
22 Corporation. And it is -- looks
23 as though it may have been
24 produced somewhere in some
25 production by Union Carbide.

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1 products. Correct?

2 A That's right.

3 Q Did you hear that directly from
4 Mr. Barr or who?

5 A Well, that's where Frank Florentine
6 would have gotten it from.

7 Q Okay. Did you not have day-to-day
8 contact with Mr. Barr?

9 A Oh, I'd see him in the hall, say "Hi,"
10 to him.

11 Q Did Mr. Barr have any kind of an
12 assistant?

13 A Assistant?

14 Q Yes.

15 A Well, he had what he would call a
16 staff that reported to him. Like a finance
17 manager, an R&D manager, a manufacturing
18 manager a marketing manager.

19 Q So Frank Florentine was his R&D
20 manager. Right?

21 A Right.

22 Q On page three of this document,
23 I'd like you to look at two, three, and
24 four. Okay. Have you looked at those?

25 A Pardon?

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1 It's not a GE document.

2 THE WITNESS: No, it isn't.

3 MS. BURR: No.

4 MS. MOHAN: Page two. You
5 want him to look at page two?

6 MS. BURR: Yes. Where it
7 says, "The intent of the
8 meeting."

9 MS. MOHAN: Let the record
10 reflect, you've never seen this
11 document before.

12 THE WITNESS: No.

13 BY MS. BURR:

14 Q It references a meeting that was
15 held in June of 1971. I just wondered
16 whether you heard about that meeting.

17 A No.

18 Q Okay. On the second page, you see
19 the reference to David Guilbault and David
20 Paff, M.D.? That's where I got their names
21 from.

22 A Yeah.

23 Q I think you did tell me it was
24 sometime in '71 where you began to hear that
25 they wanted to take asbestos out of the GE

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1 Q You've looked at that part of the
2 document?

3 A I have.

4 Q Okay. Firstly, number three,
5 there's a reference to a conversion factor to
6 measure asbestos particles in the air.
7 Correct?

8 A Correct.

9 Q Okay. Prior to 1971, were you
10 aware of any -- any standard for measurement
11 of asbestos particles in the air?

12 A I was not.

13 Q At number four, it says, "Hooker
14 Chemical Corporation reports they use mine
15 safety appliance company dust foam number 66
16 respirator, and General Electric Company
17 stated they also use this unit."

18 Do you know what that unit was?

19 A When was that? 1971? That would
20 have had to have been the canister type
21 respirators that were available.

22 Q That's what you call that was
23 available in the GE plant? Canister type
24 respirators.

25 A It was.

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46 (Pages 181 to 184)

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1 Q By 1971, had you noticed if any
2 more of the production workers in the phenol
3 production division were using respirators?
4 A I never noticed an increase.
5 Q At number 8, there's a discussion
6 -- there's an indication that they discussed
7 this issue of asbestos dust in the handling
8 of empty product bags. Correct?
9 A Yes.
10 Q And that's the same issue that
11 caused you to work on developing a product
12 that reduced the dust?
13 A No. That was after that one. That's
14 the kind of thing that made us decide to go
15 out of the asbestos business.
16 Q Okay, I forget. When -- it was
17 '69 to '70? Is that when you introduced
18 that product to lay down the dust?
19 MS. MOHAN: Are you talking
20 about the dedusting?
21 MS. BURR: Yes. I'm talking
22 about the product that he worked
23 on to --
24 A That was back in the early sixties --
25 late sixties.

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1 BY MS. BURR:
2 Q I think it was '69 to '70. But I
3 don't know why I think that.
4 A '67 to '69.
5 Q Okay.
6 A But that's a different type of dust
7 than we're talking here. There they're
8 talking about the raw asbestos dust.
9 Q Okay. Fair enough. There was
10 a circumstance where the raw -- you recall the
11 problem for the GE workers was raw asbestos
12 dust?
13 A Correct.
14 (Exhibit No. 21 was marked for
15 identification.)
16 MS. BURR: Barker 21 I think
17 we're going to skip over because
18 we've already addressed the
19 issue. It's the interrogatories
20 from the other action, Miller
21 versus GAF. I wanted to ask him
22 about Dr. Sax. Okay.
23 BY MS. BURR:
24 Q But you've already told us that
25 you don't -- you never heard of Dr. Sax.

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1 A That's correct.
2 (Exhibit No. 22 was marked for
3 identification.)
4 BY MS. BURR:
5 Q Okay. I'm going to show you what
6 we marked as Barker 22 and have you take a
7 look at that document. And the question is
8 whether that's a document you ever saw in a
9 library in building 105.
10 A Not that I recall.
11 Q Okay. This is a publication of
12 the National Safety Council from the 1930s.
13 But I guess the question for you is: Were you
14 -- did you ever in the fifties and sixties,
15 was the library in the building where you
16 worked receiving this publication?
17 A What was the date on that?
18 Q This publication is dated 1930s.
19 But I'm wondering whether there was a
20 publication in the fifties or sixties called
21 the National Safety News that you saw?
22 A I can't recall.
23 (Exhibit No. 23 was marked for
24 identification.)
25 BY MS. BURR:

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1 Q Barker 23 is an edition of
2 Southern Power & Industry News magazine of
3 unknown date. Let me ask you if you've ever
4 seen editions of a newsletter or a magazine
5 from Southern Power & Industry?
6 A I have not.
7 Q Turning to the second page,
8 there's a photograph of a guy with some kind
9 of a machine used for collecting atmospheric
10 dust samples. You see that?
11 A Yes.
12 Q Okay. Did you ever -- well, did
13 research and development own a machine for
14 that purpose?
15 A No.
16 Q Were you ever aware of a machine
17 like that being used to collect air samples
18 in the production department for the --
19 A Not to my knowledge.
20 (Exhibit No. 24 was marked for
21 identification.)
22 BY MS. BURR:
23 Q Barker 24 references some kind of
24 symposium from 1952. And the only reason I
25 present this to you is for names. On page

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47 (Pages 185 to 188)

1 two, about midway down under Kline, Mr. 2 Edward M. Kline, from Cleveland. You don't 3 know him? 4 A Sounds like he would have been with 5 the lamp department. 6 Q Okay. 7 A Cleveland. 8 Q Moving forward to the Bs, a couple 9 pages in, it says page 16 at the bottom. In 10 the middle of the page there's a B. Vosberg, 11 M.D., General Electric Company, Schenectady, 12 New York. 13 A Don't know him. 14 Q Don't know him. Okay. Thank 15 you. 16 (Exhibit No. 25 was marked for 17 identification.) 18 BY MS. BURR: 19 Q Barker 25 is a newsletter from the 20 industrial hygiene foundation called 21 "Foundation Facts." This one's dated July 22 '52. The question for you is whether or not 23 you have any recollection of seeing 24 "Foundation Facts" as a publication in the 25 library in building 105? Page 189	1 But I'm wondering whether you -- have you 2 ever heard of a place called the Trudeau 3 Sanatorium, in Saranac Lake, New York? 4 A No, I haven't. 5 Q Barker 27 is a letter referencing 6 -- from 1950 referencing a study that was 7 being carried out at Saranac Lake. 8 (Exhibit No. 28 was marked for 9 identification.) 10 BY MS. BURR: 11 Barker 28 is titled, "Fellowship 12 Report, Number 60," of a group known as -- 13 apparently, from -- generated from something 14 called the Asbestos Textile Institute. 15 MS. MOHAN: I'm going to 16 object to this document. I don't 17 see anywhere in this document 18 that indicates that GE was a 19 member of the American Textile 20 Institute. 21 MS. BURR: Or the Asbestos 22 Textile Institute. Right. I'm 23 just asking him, do you think -- 24 do you have a recollection of 25 seeing any document like this in Page 191
1 A '51, '52, I wasn't there. 2 Q I mean afterwards. 3 A Oh, no. No. I don't recall. 4 (Exhibit No. 26 was marked for 5 identification.) 6 BY MS. BURR: 7 Q Barker 26 is a 1942 publication of 8 the National Safety Council. Is there 9 anything in there that looks familiar to you 10 from an earlier time? 11 A What? 12 Q Does that document look familiar 13 to you? 14 A No. Not at all. 15 Q As you sit here, do you recollect 16 whether or not there were any documents from 17 the National Safety Council in the library at 18 building 105 at Pittsfield? 19 A I can't say with any degree of 20 certainty. No. 21 Q Okay. Thank you. 22 (Exhibit No. 27 was marked for 23 identification.) 24 BY MS. BURR: 25 Q I'm going to skip over Barker 27. Page 190	1 the library of GE? 2 A No, I didn't. 3 (Exhibit No. 29 was marked for 4 identification.) 5 BY MS. BURR: 6 Q Okay. Barker 29 pertains to a 7 symposium or meeting that was held between 8 Johns-Manville and GE in 1973. And there's a 9 list of attendees from General Electric 10 Company. And I was just going to have you 11 scan that list and see if you knew any of 12 those people. 13 A I knew Ed Deck. 14 Q How did you know Mr. Deck? 15 A He was a safety engineer for the 16 chemical and metallurgical divisions. He was 17 headquartered in Schenectady, New York. The 18 chemical materials department fell under the 19 chemical and metallurgical division. And he 20 used to visit our plant on occasion. 21 Q He would be the one, I suppose, 22 that might have called for monitoring of the 23 employees if there was any air quality 24 testing if there was any. Correct? 25 A I would guess so. Page 192

48 (Pages 189 to 192)

1 Q As far as you know, he never did
2 that?
3 A He talked more just generally overall
4 plant safety.
5 Q You don't recall any conversations
6 with him concerning asbestos?
7 A No. I don't.
8 Q Do you know when you knew him?
9 Was it in the sixties, in the seventies?
10 A While I was working as the process
11 control engineer back in the late fifties,
12 early sixties.
13 Q Okay. And at least as of 1973,
14 when this document was generated, he was
15 still employed by GE, it appears?
16 A It seems so. Yes.
17 Q Okay. You don't know whether Mr.
18 Deck is alive or dead, do you?
19 A I would have no idea.
20 Q Is he a younger guy than you or
21 older?
22 A He was older than I was.
23 Q So how old would he be today, do
24 you think?
25 A I would say in 1959 I would have been

Page 193

1 in my early thirties. I would say he was
2 probably about seven, eight years older than
3 I.
4 Q Is he the only one whose name you
5 recognize?
6 A The only one I recognize. He's the
7 only one.
8 Q There's a few people on the second
9 page.
10 A Two of those guys were in industrial
11 heating, and two of them in power
12 transformer.
13 Q Okay. You know that because you
14 know them?
15 A Fort Wayne, Indiana was headquarters
16 for industrial heating, and Rome, Georgia was
17 small power transformers.
18 Q Okay. Your remark is tailored to
19 the fact that you recognize where they work?
20 A Right. I don't know the names.
21 Q Or location. Okay.
22 (Exhibit No. 30 was marked for
23 identification.)
24 BY MS. BURR:
25 Q Barker 30. These are the remarks

Page 194

1 of a guy from Johns-Manville who spoke at
2 this 1973 conference. I'm directing your
3 attention to the second paragraph where it
4 says, "Jack's been with JM since 1961."
5 Actually, I believe it's the remarks of Bill
6 Bartlett, who's a JM guy. But he's speaking
7 to General Electric.

8 He said, "Jack's been with JM
9 since 1961 and involved in the environmental
10 health field since '64, when the first
11 meeting on the biological effect of asbestos
12 was held in New York just a hop and a skip
13 from here in the Waldorf Astoria." You see
14 that?

15 A Yes.

16 Q Okay. Did you ever hear of a
17 meeting between GE and Johns-Manville in 1964
18 concerning asbestos?

19 A No, I haven't.

20 Q Thank you.

21 (Exhibit No. 31 was marked for
22 identification.)

23 BY MS. BURR:

24 Q Barker 31, have you take a quick
25 look at that?

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1 MS. MOHAN: I'm going to
2 object to that document. It's
3 Asbestos Worker Magazine. It
4 says nothing about GE. Doesn't
5 look as though --
6 MS. BURR: I know. I just
7 have a general question.
8 MS. MOHAN: Okay.
9 A What was the question?
10 BY MS. BURR:
11 Q Flip -- just look through it
12 briefly. Okay. That appears to be a copy or
13 an excerpt of parts of a copy of Asbestos
14 Worker Magazine. And do you know -- do you
15 have any recollection of seeing Asbestos
16 Worker Magazine in the library materials in
17 building 105?
18 A No.
19 Q We're going to take a break now
20 because she's got to change the tape.
21 THE VIDEOGRAPHER: We're
22 going off the record. The time
23 is approximately 3:25 p.m.
24 (Off the record.)
25 THE VIDEOGRAPHER: We're back

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49 (Pages 193 to 196)

1 on the record. The time is
2 approximately 3:30 p.m.
3 BY MS. BURR:
4 Q Okay, Mr. Barker. We're nearing
5 the end here. But we were looking at
6 Asbestos Worker Magazine before the break.
7 Within this magazine -- this magazine happens
8 to be dated 1964. And I think we can concede
9 that because it said -- the headline is,
10 "Johnson-Humphrey Elected."
11 There's an article there by Dr.
12 Selikoff concerning asbestos. The date on
13 that article is 1964. The question I have
14 for you is: Had you ever seen that article
15 before today?
16 A No, I haven't.
17 Q Had you ever heard of Dr.
18 Selikoff?
19 A No, I haven't.
20 Q Thank you.
21 (Exhibit No. 35 was marked for
22 identification.)
23 BY MS. BURR:
24 Q We're going to jump now to Barker
25 35 because we've already looked at the other

Page 197

1 ones. And this is just another document.
2 It's called, "The Industrial Hygiene Progress
3 Reports." I believe it is a publication of
4 the Industrial Hygiene Foundation.
5 A Sounds like it.
6 Q Okay. Within that document there
7 happens to be another reference to Dr.
8 Selikoff. But your testimony is you've never
9 heard of the guy.
10 A That's right.
11 Q And I take it -- there's a
12 photograph here indicating that there was a
13 panel composed of Dr. Selikoff and other
14 persons in 1964 representing the nation's
15 first cooperative effort by an International
16 Labor Union, Industry & Science consulting
17 with Government to undertake a health
18 research program for industrial workers. Are
19 you aware that there was such a program
20 undertaken?
21 A I am not.
22 Q Okay. Now we're going to
23 backtrack just to Barker 2. I had a couple
24 of questions. Probably not the one you
25 wanted. This document was supplied to me by

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1 your attorney. And it appears to be in part
2 some of the contract documents involving the
3 sale of the GENEL products division to PLENCO
4 in '82.

5 The first letter on the first page
6 there, the signature is E.F. Barrier, Jr.

7 A I did not know him.

8 Q You do not know him?

9 A I know everybody else on the list, but
10 did not know him.

11 Q With regard to the people on the
12 list, can you tell me just briefly who they
13 all were?

14 A I spoke too soon. A couple of them I
15 don't know. Blickenburger, he took Frank
16 Florentine's place. So he was my immediate
17 manager.

18 Q So he was the successor to Frank
19 Florentine?

20 A Actually, he was the second successor.

21 Q Second successor. What was his
22 first name?

23 A First man's name was Mike.

24 Q No. J.R.

25 A Oh, J.R. John. I don't know what the

Page 199

1 R. stood for.

2 Q Do you think he's still alive?

3 A Yes. I understand he just left GE not
4 too long ago.

5 Q When did he start? Or when did he
6 -- was he there in the seventies?

7 A No. He started sometime in the 19 --
8 I'm going to say the late 1980s. Late
9 1970s.

10 Q Late 1970s. Okay. After asbestos
11 was already out of the phenol products?

12 A Yes.

13 Q Do you remember who was between
14 him and Frank Florentine?

15 A A guy by the name of Mike Bertolucci.
16 B-e-r-t-l-u-c-c-i.

17 Q Now, is Mr. Bertolucci, was he an
18 organic chemist like Dr. Florentine?

19 A He was a BAT chemist.

20 Q Do you know where he got his
21 degree, his Ph.D?

22 A I don't.

23 Q You think he's still alive?

24 A I last talked to him sometime in
25 2000.

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50 (Pages 197 to 200)

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1 Q It's B-e-r-t?
 2 A Bert - B-e-r-t-o-l-u-c-c-l.
 3 Q Where was he living in 2000? Do
 4 you know?
 5 A Well, he left -- he left GENEL, and he
 6 went to the GE plant in Mount Vernon, Indiana
 7 as R&D manager. And he left GE. I don't
 8 know where he is now.
 9 Q Okay. Was he still working at GE
 10 when you left in '82?
 11 A No. He had already left GE.
 12 Q Okay. Was he the -- I forgot what
 13 you told me. But Dr. Florentine, when did he
 14 retire?
 15 A Sometime in the 1970s. Mid seventies.
 16 Q Okay. So Dr. Florentine was at
 17 the helm right up until the point that
 18 asbestos was removed from the product?
 19 A Yes, he was.
 20 Q And beyond. Okay. There's an
 21 Appendix B in this document. Let me find it
 22 for you. Appendix B is entitled, "Invention
 23 Disclosures." And there are -- there's a
 24 numbers column. 8CG138. 8CG140.
 25 A Phenolic material.

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1 Q Right. Is that a patent number?
 2 A It might be. A man by the name of
 3 Paul Barker held a patent on pelletizing.
 4 Q Was he a GE guy?
 5 A Yes, he was.
 6 Q Did he work with you in research
 7 and development?
 8 A No. He was in the manufacturing
 9 area. His title was shop operations
 10 manager.
 11 Q Was this in the sixties or
 12 earlier?
 13 A It would be in the 1970s.
 14 Q I thought that it was -- well,
 15 strike that.
 16 Was this pelletizing phenolic
 17 material, did that pertain to the molding
 18 compound making process or the molding
 19 process?
 20 A It was -- Pelletizing is manufacturing
 21 material or making the compound.
 22 Q Okay.
 23 A There are a number of ways of doing
 24 it. Paul just happened to do that, the way
 25 we used. There are other ways of doing it.

Page 202

1 Q So, the use of the words
 2 "pelletizing" refers to how the material
 3 looked in its finished form. Right?
 4 A That's right.
 5 Q I already asked you --
 6 A I'm going to take back what I just
 7 said about Paul's patent. Go down to
 8 pelletizing phenolics with a calender roll.
 9 Go back to this Appendix B.
 10 Q Okay. Well, Appendix B, what?
 11 A Pelletizing phenolics with a calender
 12 roll. Five or six items down from what you
 13 have highlighted. That was the patent that
 14 Paul had. This other method, I don't know
 15 what it refers to.
 16 Q Okay. That's all I wanted to
 17 know. I think that's all the questions I
 18 have. Let me take a look at my notes.
 19 MS. BURR: Can we go off for
 20 a minute?
 21 THE VIDEOGRAPHER: We are
 22 going off the record. The time
 23 is approximately 3:40 p.m.
 24 (Off the record.)
 25 THE VIDEOGRAPHER: We're back

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1 on the record. The time is
 2 approximately 3:45 p.m.
 3 MS. BURR: Mr. Barker, I've
 4 asked you questions all day long.
 5 I just want to state for the
 6 record now, at this point, I've
 7 finished my questioning.
 8 CROSS-EXAMINATION BY MS. MOHAN:
 9 Q Mr. Barker, good afternoon. Cathy
 10 Mohan. I just have a few questions for you,
 11 and then we'll let you go. You're here today
 12 being deposed in the Terrance Hill matter.
 13 That's correct?
 14 A Yes.
 15 Q And as part of your preparation, I
 16 asked you to read Mr. Hill's deposition. Is
 17 that correct?
 18 A That's true.
 19 Q And you read Mr. Hill's
 20 deposition?
 21 A I did.
 22 Q And are you familiar with the job
 23 duties of Mr. Hill?
 24 A He was a molder.
 25 Q And did Mr. Hill work in a

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51 (Pages 201 to 204)

1 department called the premolding department
2 at Die Molding?

3 A From his deposition he worked in the
4 molding department.

5 Q And did he work -- I should say
6 did he work with premolded material?

7 A He worked with premolded -- preformed
8 material.

9 Q Preformed material. Could you
10 explain to us what preformed material is?

11 A Die Molding would receive the
12 material, it would be in powder form.

13 Preforming merely means to take the powder,
14 automatically fed into a cavity. The cavity
15 could be rectangular, it could be square, it
16 could be round. In Die Molding's case they
17 used a round preform.

18 The cavity had a bottom plunger
19 that comes up, has a top plunger that comes
20 down. They come together, and they compress
21 the material into a hard shape. Whatever
22 shape that that cavity is, that's the shape
23 of the preformed. It's ejected. Kicked
24 out. Just keeps repeating itself over and
25 over.

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1 Q In what stage did Mr. Hill in the
2 molding department receive the material?

3 A It would be in a preform shape.

4 Q Describe what that material was,
5 the thickness of it, the hardness of it.

6 A The hardness would be measured by an
7 instrument called a durometer. And usually
8 around 6,500 durometer scale. The size of
9 it, that depends on the molder. It could be
10 anywhere from an inch in diameter up to four,
11 five inches in diameter.

12 Q What did Mr. Hill describe the
13 size -- what did he describe the size as
14 being?

15 A He said it was like a cupcake.

16 Q When he received it, was it hard,
17 hard to break? He couldn't break it with his
18 hand?

19 A No.

20 Q So when -- by the time Mr. Hill
21 received the product to work with it, it was
22 already made in this preformed hard
23 material. Is that correct?

24 A That's correct.

25 Q And there wouldn't have been any

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1 dust with these preformed materials.

2 A Not at that stage. No.

3 Q Did Die Molding ever make flat
4 iron handles for GE?

5 A No.

6 Q And why would Die Molding have not
7 made flat iron handles for GE?

8 A General Electric flat iron division
9 was under the GE housewares. They had a
10 plant in Ontario, California. It was totally
11 captive. They made everything for the flat
12 irons themselves.

13 Q So GE would not have hired out or
14 subcontracted out a small company like Die
15 Molding to make their flat iron handles if
16 they had this big company, big division in
17 California making it for themselves.
18 Correct?

19 MS. BURR: Object to form.

20 A That's correct.

21 BY MS. MOHAN:

22 Q As part of your preparation for
23 this deposition today, did I also have you
24 read Mr. Donald Dew's deposition?

25 A You did.

Page 207

1 Q And Mr. Donald Dew was the
2 president of the Die Molding Corporation
3 between the 1960s and 1970s. Is that
4 correct?

5 A That's right.

6 Q And I'm going to refer you -- I
7 don't know.

8 MS. MOHAN: Do you have Donald
9 Dew's deposition?

10 MS. BURR: I actually do.

11 Yes.

12 BY MS. MOHAN:

13 Q I'm going to refer you to the last
14 page of Donald Dew's deposition. Page 164.
15 And it goes over to page 165, where Mr. Dew is
16 being asked about the number of pounds per
17 day a molder might be working with.

18 A Correct.

19 Q And I want you to just read that,
20 and I'm going to ask you some questions for
21 it.

22 A Okay.

23 Q And onto the next page, too, Mr.
24 Barker. Right there on the top.

25 A Yes.

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52 (Pages 205 to 208)

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1 Q Now, Mr. Donald Dew does say that
2 this was a great approximation, but he
3 answers yes to a question that says that
4 approximately 2,000 pounds of phenolic
5 molding compound was used in an average day
6 from 1960 to 1966, per person, which would
7 have equaled 120,000 pounds of material on
8 any given day.

9 Do you think that could possibly
10 be accurate? 120,000 pounds on any given day
11 for the size of Die Molding?

12 MS. BURR: Object to form.

13 A I'd say it's an unusually high
14 number. In the 1960s, that would represent
15 about 60 percent of GE's total production.
16 That calculates to about 30 million pounds of
17 material a year, based on an eight hour day,
18 three shifts, 12,000 pounds - 120,000 pounds
19 turns into 600,000 pounds a week or 30
20 million pounds a year.

21 I don't know of any phenolic
22 customer that even came close to that
23 number.

24 BY MS. MOHAN:

25 Q And that's based on your

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1 experience of being in the business for more
2 than 40 years and having even visited the Die
3 Molding plant. Is that correct?

4 A That's correct.

5 Q In the 1960s, was there a
6 particular company that was the major
7 supplier of phenolic molding compounds for
8 pot handles and lids?

9 A It was either PLENCO or Durex. They
10 were both big in that business.

11 Q Did they have a reputation for
12 having the right phenolic molding compound to
13 make pot handles and pot lids?

14 A They did.

15 Q Was GE have a small market share
16 of the phenolic molding compound for pot
17 handles and lids?

18 MS. BURR: Object to form.

19 Go ahead.

20 A Yes, we did.

21 BY MS. MOHAN:

22 Q I have no more questions. Thank
23 you, Mr. Barker.

24 REDIRECT EXAMINATION BY MS. BURR:

25 Q Now, just for the record, I think

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1 you told us your visit to Die Molding
2 occurred in the 1980s. Correct?

3 A That's correct.

4 Q Not the 1960s. Okay. Would it be
5 fair to suggest that perhaps a plant like Die
6 Molding, which I believe had several hundred
7 employees, could have used 15 million pounds
8 on an annual basis of molding compound
9 material?

10 A I'd be very surprised because a
11 customer that big -- put it in perspective.
12 Our largest customer at GE was Delco Remy
13 division of General Motors. They used eight
14 and a half million pounds of compound a year.
15 That was an account just about every
16 manufacturer of phenolic material wanted very
17 bad.

18 I wouldn't say it was the biggest,
19 but it was one of the biggest.

20 Q Okay. But that account could have
21 been buying from other providers as well.
22 Correct?

23 MS. MOHAN: What account?

24 MS. BURR: The one he mentioned?

25 A Delco Remy?

Page 211

1 Q Delco Remy. Or did they buy
2 strictly from GE?

3 A No. They bought from others. We only
4 had the distributor cap business and what
5 they called the rotor business. PLENCO sold
6 them compounds for other applications. Union
7 Carbide sold them some compound.

8 We weren't the sole supplier. But
9 we had the major share of the business.
10 BY MS. BURR:

11 Q Okay. But the fact is, you
12 haven't seen any documents of Die Molding, so
13 you really don't know how big their business
14 was?

15 A This is based on what Mr. Do said.

16 Q Okay. And so you think Mr. Dow
17 overestimated somewhat?

18 A I do. I think he probably added an
19 extra zero on that 120,000 pounds. Even that
20 would be a lot of compound.

21 Q You spoke earlier about the cloud
22 of dust that generated in the sixties when
23 people dumped the 50-pound bags, one or more
24 of them, out into a bin, onto a floor,
25 whatever. Correct?

Page 212

53 (Pages 209 to 212)

1 A Yeah. When they get up to the hopper,
2 take a bag, take a knife, cut it open and
3 just tip the bag down.

4 Q Right.

5 A The first bag, if the hopper is empty,
6 the first bag is going to generate a sizable
7 dust cloud. The second bag, not as much
8 because the material is not going to fall as
9 far.

10 Q You've indicated to us you're not
11 a student of asbestos exposure in any
12 respect. Correct?

13 A No.

14 Q In fact, your testimony has been
15 you didn't know a thing about it in terms of
16 it being hazardous to humans until the early
17 1970s. Correct?

18 A That's right. In those days, it was
19 considered a nuisance dust.

20 Q Okay. So I'm correct in assuming
21 that you have no idea that asbestos fibers,
22 once airborne, could travel distances?

23 MS. MOHAN: I'm going to
24 object to the question. Object
25 to the form of the question. You

Page 213

1 MS. BURR: I don't have the
2 article itself. Right. It's
3 reprinted in this magazine.

4 BY MS. BURR:

5 Q Did you know in the 1960s that
6 those who were interested in asbestos
7 exposure were saying that the traveling
8 nature of the floating fibers endangered not
9 only the workers intimately contacted with
10 the asbestos, but for all the other people
11 working in the plant?

12 MS. MOHAN: I'm going to
13 object to the form of the
14 question. Can I see that?

15 Yeah. Just for the record,
16 this is talking about insulation
17 work. This is talking about
18 insulation. It's not talking
19 about phenolic molding
20 compounds.

21 MS. BURR: Right. But with
22 regard to asbestos in general.

23 MS. MOHAN: It doesn't
24 specifically say asbestos in
25 general. In fact, it

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1 can answer if you know the
2 answer, Dick.

3 A No, I don't.

4 BY MS. BURR:

5 Q Where's that "Asbestos Worker"
6 magazine?

7 MS. MOHAN: It was one of the
8 last ones.

9 BY MS. BURR:

10 Q Okay. In this "Asbestos Worker"
11 magazine we looked at from 1964, there is an
12 article that was published in the American --
13 the Journal of the American Medical
14 Association, April 6th, 1964. And in that
15 article the --

16 MS. MOHAN: Just so the
17 record is clear, you actually
18 don't have the article. You're
19 reading from something that's
20 paraphrasing the article?

21 MS. BURR: No. The article
22 is here. It's in the Asbestos
23 Worker magazine.

24 MS. MOHAN: That's what I'm
25 saying. You actually don't --

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1 specifically says insulation.

2 BY MS. BURR:

3 Q Regardless. But with regard to
4 phenol molding compound, the product that was
5 dumped -- well, strike that.

6 The raw product or the final
7 product that left GE and was the raw product
8 to Die Molding was asbestos-containing in the
9 context of the heat-resistant compound
10 material. Correct?

11 A True.

12 Q And in the cloud of dust that
13 generated when that type of product was
14 dumped could well include asbestos fibers,
15 could it not?

16 A It could. But at that point, it would
17 probably be a very low concentration.

18 Q And you don't know, as you sit
19 here today, how much of a concentration
20 anybody would have to breathe in order to
21 contract mesothelioma?

22 A No, I don't.

23 Q That's all I have. Thank you very
24 much.

25 CROSS-EXAMINATION BY MS. MOHAN:

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54 (Pages 213 to 216)

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1 Q I just have one more question. 2 Mr. Hill didn't work in the area or in the 3 department that actually got the phenolic 4 molding compound bags in. Is that correct? 5 A No. That's correct. 6 Q Okay. 7 MS. BURR: We're finished. 8 THE VIDEOGRAPHER: This is 9 the end of the deposition. There 10 are three tapes total. The time 11 is approximately 4:01 p.m. 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 217	1 CERTIFICATION OF WITNESS 2 I have read the foregoing transcript of my 3 deposition and find it to be true and 4 accurate to the best of my knowledge and 5 belief. 6 7 8 9 RICHARD BARKER 10 11 12 Sworn and subscribed to before me on 13 this day 14 of , 2004 15 16 17 Notary 18 My Commission Expires 19 20 21 22 23 24 25 Page 219
1 CERTIFICATE 2 I, DEBRA deHAAS, a Notary Public, do hereby 3 certify that prior to the commencement of the 4 examination 5 RICHARD BARKER 6 was sworn by me to testify to the truth, the 7 whole truth and nothing but the truth. 8 I DO FURTHER CERTIFY that the 9 foregoing is a true and accurate transcript 10 of the testimony as taken stenographically by 11 and before me at the time, place and on the 12 date hereinbefore set forth. 13 I DO FURTHER CERTIFY that I am 14 neither a relative of nor employee nor 15 attorney nor counsel for any of the parties 16 to the action, and that I am neither a 17 relative nor employee of such attorney or 18 counsel, and that I am not financially 19 interested in the action. 20 21 22 23 Notary Public 24 25 Page 218	

55 (Pages 217 to 219)

06/29/2004 15:09 FAX

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