

1 Sayers

2 Q. Sir, you separated out mesothelioma
3 because it is, as you called it, the most
4 disturbing of three diseases; right?

5 A. Uh-huh.

6 Q. Is that a "yes" answer?

7 A. Yes.

8 Q. I don't mean to be rude, but she types
9 it up and "uh-huhs" and "huh-uhs" read a lot alike.

10 A. I understand.

11 Q. Don't you think your company had an
12 obligation to mention what you knew about
13 mesothelioma in its toxicology reports by October
14 of 1968?

15 A. The impression I had at the time that I
16 wrote the report that mesothelioma was badly
17 understood, and it doesn't surprise me that that
18 was naturally referred to in that document.

19 Q. Sir, would you look at Exhibit Number 6
20 that the lawyer asked you about. You should have
21 it in front of you.

22 A. That's the second Demehl report.

23 Q. Yes, sir.

24 A. Yes.

25 Q. Exhibit Number 6, you were explaining to

1 Sayers

2 Q. And it specifically says, "It is
3 probable that 5 million particles...will not be
4 acceptable for the prevention of mesothelioma."

5 A. Yes.

6 Q. "I have no idea what concentration might
7 be effective in preventing this disease." That's
8 what it says, isn't it?

9 A. Yes.

10 Q. So the medical doctor himself in 1967 is
11 writing to other Union Carbide people in reference
12 to your report --

13 A. Yes.

14 Q. -- confirming what you said, isn't he?

15 A. Yes. But you don't know that the author
16 of that document actually had that information; I
17 don't.

18 Q. Well, sir, wouldn't you hope that before
19 Union Carbide sells Kelly-Moore asbestos to put in
20 their tape joint compound and wouldn't you hope
21 before Union Carbide gives Kelly-Moore a brochure
22 that says here are the toxicological properties,
23 wouldn't you hope that Union Carbide would run that
24 by their medical director?

25 MR. WILL: Objection to the form of the

1 Sayers

2 the jury, is a great document because it contains
3 your information about mesothelioma down on the
4 bottom; do you remember that?

5 MR. WILL: Objection to the form of the
6 question, argumentative, misstates his prior
7 testimony.

8 A. Union Carbide would have had the right
9 to have decided not to put it into the later
10 document if they had had a readout about what they
11 said; I have no idea whether they did or didn't.

12 Q. Sir, in Exhibit Number 6 you
13 specifically said, this is a good recitation -- I
14 think your quote was the comments are identical to
15 what you had written about in 1967.

16 A. Yes. But I was a layman; I was not a
17 qualified medical practitioner.

18 Q. Sir, but didn't you see what the
19 qualified medical practitioner said about your
20 layman's view? That's the Hall letter right here,
21 Exhibit Number 7. Do you remember that?

22 A. Yes.

23 Q. And if you look on the back, it contains
24 information about the TLV, doesn't it?

25 A. It does.

1 Sayers

2 question.

3 A. I can't answer that question, because
4 I just wasn't party to this at all.

5 Q. I tell you what I would like to do,
6 then. Let's take a highlighter, and I would like
7 to highlight a portion of this toxicological report
8 and ask you how accurate do you think it was.

9 MR. WILL: Counsel, for the record, are
10 you using the sales brochure, Exhibit 11?

11 MR. LANIER: I appreciate that. I'm
12 doing Exhibit Number 11, the toxicological
13 properties of the sales brochure for tape
14 joint compound.

15 Q. I'd like you to look at what I'm
16 highlighting here and read it with me. It says,
17 "It is generally accepted a man can work for a
18 40-hour week for a lifetime without developing
19 asbestosis if the asbestos dust particle count is
20 kept at or below 5 million particles per cubic foot
21 of air."

22 Did I read that right?

23 A. You did.

24 Q. Sir, you have that same language in your
25 report, don't you?