

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

THE CORPORATION OF
MERCER UNIVERSITY,

Plaintiff

v.

NATIONAL GYPSUM COMPANY,
et al,

Defendants

Case No.

85-126-3-MAC

Deposition of RICHARD LEVINE, taken on behalf of the
Plaintiff, pursuant to the Federal Rules of Civil Procedure,
before Germaine V. Letoile, a Shorthand Reporter and Notary
Public within and for the Commonwealth of Massachusetts, at
the Offices of the Division of Occupational Hygiene,
Commonwealth of Massachusetts, Department of Labor and
Industries, 1001 Watertown Street, West Newton,
Massachusetts, commencing at 2:30 p.m. on Friday,
January 17, 1986.



Irene M. Arabian

Certified/Registered Professional Reporter

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Boston, Massachusetts 02110

(617) 367-8888

1 APPEARANCES:

2 MARY CAROLINE PARKER, ESQ.,
3 [BRACEWELL & PATTERSON],
4 1825 Eye Street, N.W.,
5 Washington, D.C. 20006,
6 for the Plaintiff.

7 JOHN J. WILES, ESQ.,
8 [MITCHELL, LOGGINS, CAMPBELL & ELSBERRY, P.C.],
9 Suite 400, 990 Hammond Drive,
10 Atlanta, Georgia 30328,
11 for the Defendant Owens-Illinois.

12 JAMES P. DELPHEY, ESQ.,
13 [HERRICK & SMITH],
14 100 Federal Street,
15 Boston, Massachusetts 02110,
16 for the Defendant W. R. Grace Company.

I N D E X

Deposition of:	Direct	Cross	Redirect
RICHARD LEVINE	7	26	38
- - -			

E X H I B I T SNumberFor
Ident

- 1 - Bulletin No. 492 dated February, 1949, of Mass.
Department of Labor & Industries,
Division of Occupational Hygiene, entitled
"Recommended Safe Practices - Mineral Data
Sheet No. 2 - Asbestos" 4
- 2 - Letter dated October 31, 1934, from Manfred Bowditch,
Director of Division of Occupational
Hygiene, to Bradley Dewey, President of
Dewey and Almy Chemical Company 4
- 3 - Letter dated November 8, 1934, from Bradley Dewey
to Manfred Bowditch 4
- 4 - Letter dated November 9, 1934, from
Manfred Bowditch to Bradley Dewey 4
- 5 - Handwritten memo entitled "Dewey & Almy Chemical
Co.," dated 12/11/34 4
- 6 - Notes by H. B. Elkins in re visit to Dewey & Almy
Chemical Company on November 27, 1934,
and December 11, 1934, and to Multibestos
Company on November 28, 1934 4
- 7 - Letter dated December 10, 1937, from
Manfred Bowditch to Anthony J. Lanza, M.D.,
Assistant Medical Director of Metropolitan
Life Insurance Company 4
- 8 - Letter dated December 13, 1937, from A. J. Lanza,
M.D., to Manfred Bowditch 5
- 9 - Letter dated December 14, 1937, from
Manfred Bowditch to Anthony J. Lanza, M.D. 5

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I N D E X
(continued)
E X H I B I T S

<u>Number</u>	<u>For</u> <u>Ident.</u>
22 - Letter dated March 28, 1938, from Bradley Dewey to Manfred Bowditch	6
23 - Letter dated March 30, 1938, from Manfred Bowditch to Bradley Dewey	6
24 - Handwritten memo dated 12/12/38, entitled "Dewey & Almy 1383"	6
25 - Letter dated November 8, 1939, from Bradley Dewey to Manfred Bowditch	6

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- 1 [Letter dated December 13, 1937,
2 from A. J. Lanza, M.D., to
3 Manfred Bowditch, marked Exhibit
4 No. 8 for Identification.]
- 5 [Letter dated December 14, 1937,
6 from Manfred Bowditch to Anthony J.
7 Lanza, M.D., marked Exhibit No. 9
8 for Identification.]
- 9 [Letter dated December 14, 1937, from
10 Leroy U. Gardner, M.D., Director of
11 The Saranac Laboratory for the Study
12 of Tuberculosis of The Edward L.
13 Trudeau Foundation; letter dated
14 December 14, 1937, from Leroy U.
15 Gardner, M.D., to Dr. Anthony J.
16 Lanza; marked Exhibit No. 10 for
17 Identification.]
- 18 [Letter dated February 17, 1938,
19 from Manfred Bowditch to Leroy U.
20 Gardner, M.D., marked Exhibit No. 11
21 for Identification.]
- 22 [Letter dated February 19, 1938,
23 from Manfred Bowditch to Bradley
24 Dewey, marked Exhibit No. 12 for
Identification.]
- [Letter dated February 23, 1938, from
Bradley Dewey to Manfred Bowditch,
marked Exhibit No. 13 for Identifi-
cation.]
- [Letter dated March 4, 1938, from
Manfred Bowditch to Bradley Dewey,
marked Exhibit No. 14 for Identifi-
cation.]
- [Letter dated March 4, 1938, from
Manfred Bowditch to Anthony J. Lanza,
M.D., marked Exhibit No. 15 for
Identification.]
- [Letter dated March 4, 1938, from
Manfred Bowditch to Leroy U. Gardner,
M.D., marked Exhibit No. 16 for
Identification.]

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- 1 [Letter dated March 7, 1938, from
2 C. M. Cummings, Secretary to
3 Dr. Gardner, to Manfred Bowditch,
4 marked Exhibit No. 17 for Identifi-
5 cation.]
- 6 [Letter dated March 8, 1938, from
7 A. J. Lanza, M.D., to Manfred
8 Bowditch, marked Exhibit No. 18
9 for Identification.]
- 10 [Letter dated March 10, 1938, from
11 Manfred Bowditch to Bradley Dewey,
12 marked Exhibit No. 19 for Identifi-
13 cation.]
- 14 [Letter dated March 22, 1938, from
15 Leroy U. Gardner, M.D., to
16 Manfred Bowditch, marked Exhibit
17 No. 20 for Identification.]
- 18 [Letter dated March 24, 1938, from
19 Manfred Bowditch to Bradley Dewey,
20 marked Exhibit No. 21 for Identifi-
21 cation.]
- 22 [Letter dated March 28, 1938, from
23 Bradley Dewey to Manfred Bowditch,
24 marked Exhibit No. 22 for Identifi-
cation.]
- [Letter dated March 30, 1938, from
Manfred Bowditch to Bradley Dewey,
marked Exhibit No. 23 for Identifi-
cation.]
- [Handwritten memo dated 12/12/38,
entitled "Dewey & Almy 1383," marked
Exhibit No. 24 for Identification.]
- [Letter dated November 8, 1939, from
Bradley Dewey to Manfred Bowditch,
marked Exhibit No. 25 for Identifi-
cation.]

1 MS. PARKER: This will be the deposition of
2 Mr. Richard Levine, and I propose that the deposition
3 be taken according to the Rules of Civil Procedure and
4 that we agree to reserve all objections except as to
5 the form of the question and responsiveness of the
6 answer until the time of trial, if that's agreeable
7 with you gentlemen.

8 MR. DELPHEY: I would also like to reserve
9 motions to strike until the time of trial as well.

10 MR. WILES: I would just like to make a state-
11 ment on the record, if I could. Owens-Illinois -- I am
12 John Wiles, and I represent them -- is objecting to
13 this deposition for the fact that the Notice was very
14 short notice. We have had no opportunity to prepare.

15 Additionally, the Notice of Deposition does not
16 have a filled-out Certificate of Service showing when
17 the papers were served, and we received this Notice on
18 Monday afternoon and thus have been unable to prepare
19 for this deposition.

20 MS. PARKER: Okay. Would you please swear the
21 witness.

22 RICHARD LEVINE

23 a witness called on behalf of the Plaintiff, first
24 having been duly sworn, on oath deposes and says as

1 follows:

2 Direct Examination
3 by Ms. Parker

4 Q Mr. Levine, would you state your full name and address
5 for the record?

6 A Richard Levine, 30 Doppling Brook Road, Sherborn,
7 Mass. Did you say occupation?

8 Q I didn't, but you may state that, also.

9 Q I am the Acting Director of the Division of Occupational
10 Hygiene, Department of Labor and Industries,
11 Commonwealth of Massachusetts.

12 Q My name is Mary Caroline Parker, and I represent
13 Mercer University in a suit which involves the removal
14 of some construction products that contained asbestos.
15 Mr. Levine, have you had your deposition taken before?

16 A On this case?

17 Q On any case. Have you ever had a deposition taken?

18 A Yes, I have.

19 Q So then you are aware that in a deposition you are
20 under oath just as if you were before a judge and a
21 jury and that your testimony possibly could be used at
22 trial?

23 A Correct, yes.

24 [Discussion off the record.]

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- 1 Q Mr. Levine, you stated that you are the Acting
2 Director of the Division of Occupational Hygiene.
3 How long have you held that title?
- 4 A Since November 6, 1985.
- 5 Q And I assume that you --
- 6 A I'm sorry. October 6, 1985.
- 7 Q And I assume that you worked for the Division of
8 Occupational Hygiene before that, also.
- 9 A Correct.
- 10 Q How long have you been with the Division of Occupational
11 Hygiene?
- 12 A Since February 1st, 1981.
- 13 Q Could you just briefly tell us the function of your
14 office? What is the purpose of this agency?
- 15 A This agency's function is to insure that the workplace
16 is a safe environment for workers.
- 17 Q And when was this Division founded?
- 18 A This Division was founded approximately 51 years ago,
19 1934 or '5. I am not quite sure which year. I think
20 it's 51 years.
- 21 Q And it had the same purpose then as it has now?
- 22 A Correct.
- 23 Q Now, would one of the activities of your Division be
24 to issue Bulletins that would describe recommended

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1 safe practices for dealing with hazardous substances?

2 A Correct.

3 Q And this is something that the agency would do in the
4 regular course of its business?

5 A Yes.

6 Q Would the Division keep a record of those Bulletins or
7 keep them in a file in the regular course of its
8 business?

9 A Yes.

10 Q And, if you wanted to go look one up, then where would
11 you go?

12 A We have a notebook, hopefully, of all Bulletins, and
13 as we revise them and make a new one on the same one
14 we would enter it into that notebook.

15 Q Let me show you what has previously been marked as
16 Exhibit 1, and I would ask you to just take a look at
17 it. For the record, I will identify it as a one-page
18 Bulletin, Bulletin No. 492, dated February, 1949, and
19 it is entitled "Recommended Safe Practices Mineral
20 Data Sheet No. 2 Asbestos." Mr. Levine, have you had
21 an occasion to see this document in the notebook that
22 you referred to earlier?

23 A Yes, I have seen this one.

24 Q So do you have any reason to suspect that this document

1 which is marked as Exhibit No. 1 is not a true and
2 correct copy of that document which is in your note-
3 book?

4 A I have no reason to believe that it is not correct.

5 Q So then this is a copy of a Bulletin that was issued
6 by your Division in 1949?

7 A Yes.

8 Q Mr. Levine, could you just briefly describe the duties
9 of the Director of the Division?

10 A Okay. It would be to administer various programs that
11 we are mandated by the Legislature to do, such as our
12 regular occupational health program one would be to
13 insure that there is a safe and healthy work environ-
14 ment. We have an asbestos section that we have been
15 mandated to survey and recommend in all public build-
16 ings in Massachusetts. We also have a right-to-know
17 section here which has to do with the different people
18 in education in the workplace of hazardous materials.
19 We also have an OSHA consultation program here. And
20 the Director is responsible for those four programs
21 here.

22 Q Would the Director normally write letters in the course
23 of his activities to representatives of industry con-
24 cerning safety in the workplace and concerning health

1 problems?

2 A It could be that in the past the Director could have
3 sent out letters when there were particular problems
4 in a particular industry.

5 Q And I assume, then, that you would have also received
6 letters from those companies back.

7 A Correct.

8 Q Would those letters and copies of those letters normally
9 be preserved in the course of the business of this
10 agency in some file or record-keeping system?

11 A Yes. We generally save all our correspondence all the
12 way back in our files.

13 Q Could you describe briefly how your files are set up?
14 Are they set up chronologically, or are they set up
15 by subject matter, or are they set up by company?

16 A Generally, the way we -- we operate, first of all, by
17 answering in the regular program employee complaints.
18 It would be a main function of it. And then we would
19 keep our files by company name generally, and one file
20 would have all the complaints, whether they are
21 related or not to each other, in that company file,
22 and they would generally be in the file chronologically
23 but one file per se.

24 But in the case of a major company like, say,

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1 General Electric, where they have various plants in
2 Massachusetts, there might be sub-files on various
3 locations. It might be in a separate file but still
4 filed under, say, General Electric. But there may be
5 four or five different locations with four or five
6 different files.

7 Q Well, I notice that you have a file on the table before
8 you. Now, is this one of the files that you were
9 describing?

10 A Yes. As you can see, this one was 235 Harvey Street,
11 Cambridge. I am not sure --

12 Q And it's entitled "Dewey and Almy"?

13 A "Dewey and Almy Chemical Company."

14 Q Mr. Levine, I am going to show you some documents that
15 have been copied from the documents that are in that
16 file here in your office, and basically I am going to
17 ask you the same questions about each and every docu-
18 ment. I would like to show you the document that has
19 been marked as Exhibit 2, and for the record Exhibit 2
20 is a one-page letter to Mr. Bradley Dewey, President
21 of the Dewey and Almy Chemical Company, from
22 Manfred Bowditch, Director of the Division of Occupa-
23 tional Hygiene; and it's dated October 31, 1934.
24 Mr. Levine, is this a true and correct copy of a

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1 document that is in your file?

2 A Yes.

3 Q Do you have any reason to suspect that this document
4 is not authentic? And by that I mean that it is not
5 what it purports to be.

6 A I have no reason to suspect that.

7 Q And was this document found where you would be likely
8 to find it if it were a true and correct document?

9 A Yes.

10 Q Let me show you what has been marked as Exhibit 3,
11 and after you have had a chance to review it would you
12 please tell me if this appears to be a true and correct
13 copy of a document from your file?

14 A Yes.

15 Q Do you have any reason to suspect that this document
16 is not authentic?

17 A No.

18 Q And is your file a place where this document is most
19 likely to be?

20 A Yes.

21 MS. PARKER: Let me identify that. That is a
22 one-page letter to Manfred Bowditch from Bradley Dewey
23 dated November 8, 1934.

24 Q Exhibit No. 4 is a one-page letter to Bradley Dewey from

1 Manfred Bowditch dated November 9, 1934. Mr. Levine,
2 is this a true and correct copy of a document from your
3 file?

4 A Yes.

5 Q Do you have any reason to suspect that the document is
6 not authentic?

7 A No.

8 Q And did you find this where it would be likely to be
9 found?

10 A Yes.

11 Q Mr. Levine, I show you Exhibit No. 5, which is a one-
12 page handwritten note. Does this appear to be a true
13 and correct copy of a document from your file?

14 A Yes.

15 Q Do you have any reason to suspect that the document is
16 not authentic?

17 A No.

18 Q Was it found where it would be likely to be found if
19 it were authentic?

20 A Yes.

21 Q Mr. Levine, I show you Exhibit No. 6. It's a seven-
22 page typewritten Report entitled "Notes on visit to
23 Dewey & Almy Chemical Company, Cambridge, on
24 November 27, 1934, and December 11, 1934, and to the

1 Multibestos Company, Walpole, on November 28, 1934.
2 By: H. B. Elkins." Is this document a true and correct
3 copy of a document from your file?
4 A Yes.
5 Q Do you have any reason to suspect that the document
6 is not authentic?
7 A No.
8 Q Was it found where it would be likely to be found if
9 it were authentic?
10 A Yes.
11 Q Let's look at Exhibit No. 7. This is a one-page
12 letter to Anthony J. Lanza, M.D., from
13 Manfred Bowditch, dated December 10, 1937. Mr. Levine,
14 is this a true and correct copy of a document from your
15 file?
16 A Yes.
17 Q Do you have any reason to suspect that it is not
18 authentic?
19 A No.
20 Q Was it found where you would be likely to find it if
21 it were authentic?
22 A Yes.
23 Q Exhibit 8 is a one-page letter to Manfred Bowditch
24 from A. J. Lanza, M.D., dated December 13, 1937.

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- 1 Mr. Levine, is this a true and correct copy of a docu-
2 ment from your file?
- 3 A Yes.
- 4 Q Do you have any reason to suspect that it is not
5 authentic?
- 6 A No.
- 7 Q Was it found where it would be likely to be found if
8 it were authentic?
- 9 A Yes.
- 10 Q I have passed you Exhibit 9. This is a one-page letter
11 to Anthony J. Lanza, M.D., from Manfred Bowditch,
12 dated December 14, 1937. Is this a true and correct
13 copy of a document from your file?
- 14 A Yes.
- 15 Q Do you have any reason to suspect that the document
16 is not authentic?
- 17 A No.
- 18 Q Was the document found where it would be likely to be
19 found if it were authentic?
- 20 A Yes.
- 21 Q I have now passed you Exhibit 10. This is two pages,
22 and the first page is a letter to Manfred Bowditch from
23 Leroy U. Gardner, M.D., dated December 14, 1937, with
24 enclosure. The second page is a portion of a letter

1 to Dr. Anthony J. Lanza from Leroy U. Gardner, M.D.

2 Is this a copy of a document from your file?

3 A Yes.

4 Q Do you have any reason to suspect that this document
5 is not authentic?

6 A No.

7 Q Was this document found where it would be likely to be
8 found if it were authentic?

9 A Yes.

10 Q I show you what has been marked as Exhibit 11. This
11 is a one-page letter to Leroy U. Gardner, M.D., from
12 Manfred Bowditch, dated February 17, 1938. Mr. Levine,
13 is this a true and correct copy of a document from
14 your file?

15 A Yes.

16 Q Do you have any reason to suspect that the document is
17 not authentic?

18 A No.

19 Q Was this document found where it would be likely to be
20 found if it were authentic?

21 A Yes.

22 Q If you would please look at Exhibit 12, which is a
23 one-page letter to Mr. Bradley Dewey from Manfred
24 Bowditch, dated February 19, 1938, is this a true and

1 correct copy of a document from your file?

2 A Yes.

3 Q Do you have any reason to suspect that this document
4 is not authentic?

5 A No.

6 Q Was it found where it would be likely to be found if
7 authentic?

8 A Yes.

9 Q I have now passed to you Exhibit 13. This is a two-
10 page letter to Manfred Bowditch from Bradley Dewey,
11 dated February 23, 1938. Is this a copy of a document
12 from your file?

13 A Yes.

14 Q Do you have any reason to suspect that the document
15 is not authentic?

16 A No.

17 Q Was it found where it would be likely to be found?

18 A Yes.

19 Q Exhibit No. 14 is a one-page letter to Mr. Bradley Dewey
20 from Manfred Bowditch, dated March 4, 1938. Is this a
21 true and correct copy of a document from your file?

22 A Yes.

23 Q Do you have any reason to suspect that the document
24 is not authentic?

- 1 A No.
- 2 Q Was it found where it would be likely to be found if
3 it were authentic?
- 4 A Yes.
- 5 Q I show you Exhibit 15. It is a one-page letter to
6 Anthony J. Lanza, M.D., from Manfred Fowditch, dated
7 March 4, 1938. Is this a true and correct copy of a
8 document from your file?
- 9 A Yes.
- 10 Q Do you have any reason to suspect that the document is
11 not authentic?
- 12 A No.
- 13 Q Was it found where it would be likely to be found if
14 it were authentic?
- 15 A Yes.
- 16 Q Exhibit 16 is a one-page letter to Leroy U. Gardner,
17 M.D., from Manfred Bowditch, dated March 4, 1938. Is
18 this a true and correct copy of a document from your
19 file?
- 20 A Yes.
- 21 Q Do you have any reason to suspect that this document
22 is not authentic?
- 23 A No.
- 24 Q Was it found where it would be likely to be found if

1 it were authentic?

2 A Yes.

3 Q Mr. Levine, Exhibit 17 is a one-page letter to
4 Manfred Bowditch from, it looks like, C. M. Cummings,
5 in any event, Secretary to Dr. Gardner, dated March 7,
6 1938. Is this a true and correct copy of a document
7 from your file?

8 A Yes.

9 Q Do you have any reason to suspect that it is not
10 authentic?

11 A No.

12 Q Was it found where it would be likely to be found if
13 it were authentic?

14 A Yes.

15 Q Exhibit No. 18 is a one-page letter to Manfred Bowditch
16 from A. J. Lanza, M.D., dated March 8, 1938. Is this
17 a true and correct copy of a document from your file?

18 A Yes.

19 Q Do you have any reason to suspect that this document is
20 not authentic?

21 A No.

22 Q Was the document found where it would be likely to be
23 found if it were authentic?

24 A Yes.

1 Q I have passed you Exhibit 19. This is a one-page
2 letter to Mr. Bradley Dewey from Manfred Bowditch,
3 dated March 10, 1938. Is this a copy of a document
4 from your file?

5 A Yes.

6 Q Do you have any reason to suspect that the document
7 is not authentic?

8 A No.

9 Q Was it found where it would be likely to be found?

10 A Yes.

11 Q Please look at Exhibit 20. It is a one-page letter to
12 Manfred Bowditch from Leroy U. Gardner, M.D., dated
13 March 22, 1938. Is this a true and correct copy of a
14 document from your file?

15 A Yes.

16 Q Do you have any reason to suspect that it is not
17 authentic?

18 A No.

19 Q Was it found where it would be likely to be found if
20 it were authentic?

21 A Yes.

22 Q Please look at Plaintiff's Exhibit No. 21. It is a
23 one-page letter to Mr. Bradley Dewey from
24 Manfred Bowditch, dated March 24, 1938. Is this a

1 true and correct copy of a document from your file?

2 A Yes.

3 Q Do you have any reason to suspect that it is not
4 authentic?

5 A No.

6 Q Was the document found where it would be likely to be
7 found if it were authentic?

8 A Yes.

9 Q Please look at Exhibit No. 22. This is a one-page
10 letter to Manfred Bowditch from Bradley Dewey, dated
11 March 28, 1938. Is this a true and correct copy of
12 a document from your file?

13 A Yes.

14 Q Do you have any reason to suspect that the document
15 is not authentic?

16 A No.

17 Q Was it found where it would be likely to be found if
18 it were authentic?

19 A Yes.

20 Q I have now passed you Exhibit No. 23. It is a one-
21 page letter to Mr. Bradley Dewey from Manfred Bowditch,
22 dated March 30, 1938. Is this a true and correct
23 copy of a document from your file?

24 A Yes.

- 1 Q Do you have any reason to suspect that this document
2 is not authentic?
- 3 A No.
- 4 Q Was it found where it would be likely to be found if
5 it were authentic?
- 6 A Yes.
- 7 Q I pass you Exhibit No. 24. It is a one-page handwritten
8 document entitled "Dewey & Almy" and dated 12/12/38.
9 Is this a true and correct copy of a document from your
10 file?
- 11 A Yes.
- 12 Q Do you have any reason to suspect that the document is
13 not authentic?
- 14 A No.
- 15 Q Was it found where it would be likely to be found if
16 it were authentic?
- 17 A Yes.
- 18 Q This is the last exhibit. It is Exhibit No. 25. It
19 is a one-page letter to Manfred Bowditch from
20 Bradley Dewey, dated November 8, 1939. Is this a true
21 and correct copy of a document from your file?
- 22 A Yes.
- 23 Q Do you have any reason to suspect that this document
24 is not authentic?

1 A No.

2 Q Was it found where it would be likely to be found if
3 it were authentic?

4 A Yes.

5 Q Mr. Levine, I believe you testified earlier -- and I
6 don't want to put words in your mouth -- that letters
7 such as this are kept in the regularly conducted course
8 of your business.

9 A Correct.

10 Q And that letters that would have been written by your
11 Division would be kept in the regularly conducted
12 course of your business?

13 A Correct.

14 Q Would it be fair to say that everything that goes into
15 your file is prepared and maintained in the regularly
16 conducted course of your business?

17 A I am not quite sure what you mean.

18 Q Well, would it be fair to say that the documents that
19 I have shown you today have all been prepared in the
20 regularly conducted course of business of the Division
21 of Occupational Hygiene, or they have been maintained
22 as part of your regular practice to maintain these
23 documents?

24 A Yes. I have not read each individual one to know if it

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1 would be normal, but we normally keep all correspondence
2 pertaining to a particular company in the file.

3 Q And all of the documents that I have showed you marked
4 as exhibits came from this file on the table before
5 you?

6 A Yes.

7 Q Or they are copies of the documents that you have in
8 the file before you?

9 A Yes.

10 Q The documents that I have showed you are dated from,
11 I believe, 1934 to 1938 or '39. Do you have any
12 reason to suspect that the documents were not written
13 on or about the dates that appear on the documents?

14 A I have no reason to believe that they were not written
15 in that period of time.

16 MS. PARKER: I have no further questions. Do
17 either of you gentlemen have any questions?

18 MR. DELPHEY: I have some examination.

19 Cross Examination
20 by Mr. Delphey

21 Q Mr. Levine, my name is James Delphey, and I am one of
22 the attorneys representing W. R. Grace Company in this
23 litigation. Referring to the documents which we have
24 marked and which you have examined, documents numbered

1 2 through 25, do you have any knowledge whether
2 W. R. Grace Company ever received these documents
3 prior to July of 1985?

4 A Would I have any knowledge?

5 Q Yes.

6 A No, I would have no specific knowledge that they have
7 received them except for -- all I am aware of is what's
8 in the file.

9 Q You have no knowledge, then, that W. R. Grace ever
10 received these documents at any time, do you?

11 A I have no specific knowledge of that.

12 Q You don't have any knowledge at all of that, do you?

13 A No.

14 Q And you have no knowledge at all that anyone at
15 W. R. Grace ever read those documents at least prior
16 to July of 1985, is that right?

17 A I would have no knowledge of that.

18 Q And you would have no knowledge that anyone at
19 W. R. GRace ever knew of the existence of these docu-
20 ments prior to July of 1985, isn't that right?

21 A Correct.

22 MS. PARKER: You know, I am going to object to
23 this whole line of questioning of Mr. Levine. It's
24 really outside the scope of direct examination. He has

1 only testified they are in his files, and he hasn't
2 testified to anything else.

3 MR. DELPHEY: I don't believe that the Notice
4 of Deposition was limited to any particular subject
5 matter. Looking at your Notice, I believe it states
6 that Mr. Levine is being deposed simply for the pur-
7 poses of discovery. I see no limitation on the scope
8 of the examination.

9 MS. PARKER: Well, just possibly to shorten the
10 deposition, I would represent that, if he knows any-
11 thing else about the litigation, you are perfectly
12 free to ask him about it. I doubt that he does.

13 Q Mr. Levine, are you aware of the subject matter of the
14 pending litigation which has been brought by Mercer
15 University?

16 A I became aware of it today in a casual conversation.

17 Q What is your understanding of the nature of the claim
18 made by Mercer University in this lawsuit?

19 A I think it's that Mercer University is suing, -- and I
20 don't know how Grace got involved -- I assume, Owens-
21 Illinois about some removal of asbestos from their
22 buildings for, I imagine, the price of the removal of
23 the asbestos in the buildings. That's about all. I
24 don't know any more details, but that there is a suit

1 involved for damages against some companies. I am not
2 sure which companies. In fact, I don't know any of
3 the companites. I only know -- I mentioned Owens
4 because one of the attorneys is here, and you are from
5 Grace, so I would assume that there are two. I have
6 no knowledge of what companies are involved except the
7 two; I would assume, since you are here, that your two
8 companies are involved.

9 Q So would it be fair to say that you are at least
10 generally aware that Mercer has brought a suit con-
11 cerning the removal of asbestos-containing products
12 from various buildings at Mercer? Is that your under-
13 standing?

14 A Correct. That's about all I know about it.

15 Q The documents which we have marked Exhibits 2 through
16 25, had you read those documents before today?

17 A I haven't read them. I have seen them before today,
18 yes. I have looked at the file but have not read the
19 documents for content.

20 Q How did these documents first come to your attention?

21 A These documents?

22 Q The documents which we marked Exhibits 2 through 25.

23 A Okay. This goes back a few months or so. It came to
24 my -- I think some of the conversation has been with a

1 Miss Kelly, who has retired, a phone call between
2 Mary Caroline Parker and both Miss Kelly and myself.
3 I think there have been conversations back and forth
4 about some records in our file.

5 Q Who is or was Miss Kelly?

6 A Miss Kelly was a former Head Clerk who retired at the
7 end of December, 1985.

8 Q You are the Acting Head of this Division, is that
9 correct?

10 A Correct.

11 Q And you weren't even aware of documents 2 through 25
12 yourself until several months ago, is that correct?

13 A I want to put it back more than several months ago.
14 It might be four months ago.

15 Q But they first came to your attention --

16 A Yes, correct.

17 Q -- less than half a year ago?

18 A Correct. I didn't look at this particular file prior
19 to being notified by Miss Parker.

20 Q And it was a call from Miss Parker or her office --

21 A From her office.

22 Q -- that called these documents to your attention?

23 A Correct. We also, I think, received them in the mail,
24 copies of documents to verify whether those copies were

1 copies of material in our file, which we verified
2 before Miss Parker came here. I had Miss Kelly check
3 the file.

4 Q How long has the Division of Occupational Hygiene
5 occupied its present offices here on 1001 Watertown
6 Street in West Newton?

7 A We have been here since February of 1984.

8 Q Has the file on Dewey and Almy been maintained in these
9 premises since about the time that your Division moved
10 in here?

11 A I am not sure what you mean. Were they here when we
12 moved?

13 Q Yes.

14 A Yes. They were moved at that time. I think it was
15 February 24th.

16 Q Where physically within this building in which we are
17 sitting today is this file normally maintained?

18 A In the office, in the secretarial office or administra-
19 tive office.

20 Q Prior to the Division's move to these quarters, where
21 was the file maintained?

22 A They were maintained in the same relative space of the
23 Head Clerk and Clerks at 39 Boylston Street, Boston,
24 Mass.

Irene M. Arabian

1 Q And do you have any personal knowledge as to how long
2 the file was at 39 Boylston Street?

3 A The whole period of time that the Division was at
4 39 Boylston Street.

5 Q And do you know for how long the Division was at that
6 location?

7 A I would assume approximately 10 years.

8 Q Do you know where the Division was located in the year
9 1938?

10 A I believe the Division was on Joy Street in Boston.

11 Q Do you know where the Division moved after they moved
12 from Joy Street?

13 A No, I am not completely sure of all the locations. I
14 think there might have been three or four locations
15 for various periods of time, but always in the down-
16 town Boston area.

17 Q Do you know how many locations there were between
18 Joy Street and Boylston Street?

19 A I can only guess. I think there were two -- two other
20 locations prior to Boylston Street from Joy Street.

21 Q Who had responsibility for maintaining the files of the
22 Division when the Division was at its Boylston Street
23 location?

24 A Our Administrative Assistant, a Miss Linde, who is

Irene M. Arabian

1 still with us, would have had that responsibility. In
2 fact, she goes back 45 years with the Division --
3 approximately 45 years.

4 Q Do you know who had responsibility for maintaining the
5 files at the Joy Street location back in 1938?

6 A I know that Miss Linde would have been involved with it.
7 I would assume -- I can't say for sure, but I know that
8 she had some responsibility for the files.

9 Q Is she still employed by the Division?

10 A Yes, she is still employed. She is not here today,
11 though.

12 Q Are files such as the Dewey and Almy file, such as you
13 have in front of you today, made available to the
14 public by the Division?

15 A Yes, they are, on request. They can look at them.

16 Q If a person wants to come in and look at a file on a
17 company, would that person have to sign a ledger of
18 some kind indicating that the person had had the file?

19 A Generally, we would ask for a request, and I am not
20 sure if in the past all of them have been by written
21 request or just a telephone call with some identifica-
22 tion of who they were and their purpose.

23 Q Is a record maintained of persons who request to see
24 various Division files?

Irene M. Arabian

1 A I doubt it. I don't think so.

2 Q When Miss Parker or her office requested to see the
3 Dewey and Almy file, what reason did they provide for
4 that request?

5 A They only looked at the file today. Okay? They had
6 copies of the file prior to having seen the file. They
7 mentioned that they were a law firm involved in an
8 asbestos case.

9 Q How would it be possible to obtain copies of documents
10 in that file without having seen the file at some
11 previous time?

12 A Somebody else probably somewhere down the line had
13 come here and made copies of it.

14 Q It's your testimony that the Division would not have a
15 record of people who came and made copies in the past?

16 A As far as I know, there is no record of that.

17 MS. PARKER: Just for the record, although I
18 don't mean to testify, I would like to clarify that I
19 have never had a copy of the entire file. I have only
20 had a copy of the documents that we have marked as
21 exhibits, and those documents were sent to me through
22 the mail by W. R. Grace and Company.

23 And I would also like to clarify that the
24 documents which have been marked as exhibits and which

1 we have discussed today are copies that have been made
2 directly from Mr. Levine's file, and they are not copies
3 of the documents that W. R. Grace and Company sent me.

4 Q Mr. Levine, I believe you testified that you did not
5 read any of the documents which we have had marked as
6 exhibits for content, is that correct?

7 A Not until today. I glanced at them. As I was looking
8 at them, I looked at part of the content of some.

9 Q Mr. Levine, did you have a chance to at least glance
10 at Exhibits 13 for Identification and 6 for Identifica-
11 tion as to their content? And I hand you now copies
12 of the exhibits which have been so marked.

13 A Do you want me to look at them for content?

14 Q I am just asking you if you prior to this deposition
15 had a chance to review them for their content.

16 A No, I have not.

17 Q Could you take just a moment or so to do so now?

18 MS. PARKER: Now, I am not making an objection
19 because I know we are reserving our objections, but I
20 would just like to point out that Mr. Levine has
21 given us a lot of his time already today, and I don't
22 mean to suggest that you don't intend to make a valid
23 point, but I would remind you that he has testified
24 only to the fact that they are true and accurate

1 copies of the documents in the file.

2 MR. DELPHEY: Mr. Levine is the Head of his
3 Division, and I just want to ask him a few questions
4 about the documents he has testified on that the
5 Division has maintained.

6 MS. PARKER: I might also just point out that,
7 if the purpose is to establish that he doesn't know
8 anything about the events described in the documents,
9 I think you have already established that he hasn't
10 already read the documents, and he doesn't understand
11 the subject of this lawsuit or the subject matter con-
12 tained in the documents.

13 MR. DELPHEY: I don't think that's a fair
14 characterization of his testimony. He has now had a
15 chance to read some of the documents. I want to ask
16 him some questions about them.

17 Q Mr. Levine, referring to Exhibit No. 13 for Identifica-
18 tion, which you have had a chance to read; if not
19 read word for word, you have had a chance to examine
20 Exhibit 13.

21 A Let me just take a look at that. I just looked over
22 that other one.

23 Q Okay. Why don't you just take a look at the document
24 marked as Exhibit No. 13?

1 A [Witness complies.]

2 Q Have you had a chance to review Exhibit No. 13?

3 A Yes.

4 Q Would you agree with me, Mr. Levine, that the subject
5 matter of this document is occupational exposures to
6 asbestos by workers in plants which manufacture
7 asbestos products?

8 A Yes.

9 Q Would you also agree with me, sir, that there is
10 nothing in this document speaking to the subject of
11 exposures of persons to fabricated in-place products
12 which may contain asbestos?

13 A I would assume. I think so from this one here, yes.
14 It has to do with fibers in particular, manufacturing.

15 Q So Exhibit 13 has to do with occupational exposure
16 by workers in the asbestos industry, is that not
17 correct?

18 A Correct.

19 Q And did you also have a chance just now to review at
20 least briefly the exhibit we have marked as Exhibit 6
21 for Identification?

22 A Okay. There seem to be two sections to this one: one
23 speaking on solvents, the other speaking on Multibestos
24 Company. There seem to be two.

1 Q Insofar as the document speaks to asbestos at all,
2 sir, would you agree with me that it's concerned with
3 occupational exposures of workers in asbestos plants
4 to asbestos fibers?

5 A It seems that way.

6 Q Yes?

7 A Yes.

8 MR. DELPHEY: I have no further questions at
9 this time. Maybe Mr. Wiles has some questions.

10 MR. WILES: No questions.

11 Redirect Examination
12 by Ms. Parker

13 Q For the record, just let me finish up with a couple of
14 questions. You did testify, Mr. Levine, that you have
15 no reason to suspect that the documents are not
16 authentic?

17 A Correct.

18 Q And you did testify that they are true and correct
19 copies of documents found in the files of the Division
20 of Occupational Hygiene?

21 A Yes.

22 Q Thank you. Now, Mr. Levine, as you are aware, you have
23 the right to read and sign the deposition. I don't
24 know that you will feel the need to change any of your

1 testimony, but would you like to waive that right?

2 A Yes, I would waive my right.

3 MS. PARKER: In that case, I would like to
4 thank you very much for your time this afternoon. I
5 appreciate it very much, and we will close the deposi-
6 tion.

7 MR. DELPHEY: Before we conclude I would just
8 like to make a very short statement on the record. It
9 appears at this deposition we have marked various docu-
10 ments, and neither Mr. Levine nor I have had a chance
11 to review them, but I have not seen any relevance of
12 any documents to the subject matter of the pending law-
13 suit by Mercer University, which is, as I understand
14 it, any alleged dangers to occupants of buildings from
15 asbestos-containing products which are in place.

16 In view of the fact that I believe from what I
17 have seen this deposition has not uncovered any rele-
18 vant evidence, nor has it uncovered anything reasonably
19 calculated to lead to admissible evidence, W. R. Grace
20 Company will reserve its right to move for costs with
21 regard to the taking and attendance at this deposition.

22 MS. PARKER: Well, in response to that, I would
23 just suggest that relevance, like beauty, is in the
24 eyes of the beholder. With that we will close the

1 deposition.

2 [The deposition was concluded
3 at 2:30 p.m.]
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Irene M. Arabian

C E R T I F I C A T E

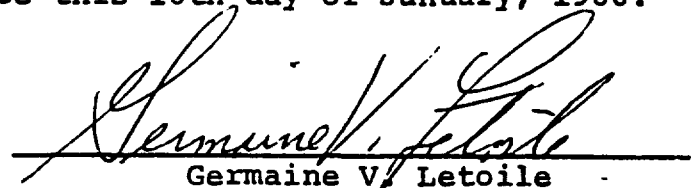
COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF MIDDLESEX)

I, Germaine V. Letoile, a Shorthand Reporter and Notary Public within and for the Commonwealth of Massachusetts, do hereby certify:

That RICHARD LEVINE, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 18th day of January, 1986.



Germaine V. Letoile

My Commission expires:
January 4, 1991.



RECOMMENDED SAFE PRACTICES

MINERAL DATA SHEET NO. 2

ASBESTOS

HAZARD CLASSIFICATION DUST - VERY HARMFUL - May cause asbestosis.

GENERAL Asbestos is a fibrous mixture of various silicates, mainly the hydrated silicate of magnesium with additional quantities of iron, aluminum, sodium, potassium and calcium. The fibrous characteristic, rather than the chemical composition, is responsible for the harmful tissue changes in the lungs. Industrial asbestos is chiefly derived from Canada, Italy and the Transvaal.

Asbestos is used in a variety of products. The long fibres are used in the textile industry for the manufacture of cloth, braid, rope, theatre curtains, etc. The shorter fibres together with an agglomerating agent are used in the manufacture of felt, paper, cardboard, varnishes, covering agents, cements, and rubber tires.

HARMFUL EFFECTS May cause asbestosis, a disease of the lungs in which the affected lung tissue becomes partially collapsed and fibrotic. The unaffected lung tissue tends to become dilated and emphysematous. The signs and symptoms are cough, expectoration, shortness of breath, weight loss, and easy fatigability. Occasionally, asbestos corns may occur in the skin of the hands caused by penetration of asbestos fibers into the layers of the skin. It takes five to ten years for asbestosis to develop. Death, in these cases, is usually the result of infection of the lungs, such as tuberculosis, or from congestive heart disease.

MAXIMUM ALLOWABLE CONCENTRATION For continuous exposure to respirable dust the maximum allowable concentration is 5 million particles of asbestos dust per cubic foot of air.

PROTECTIVE MEASURES The asbestos dust should be controlled at the point of origin by use of local exhaust systems or wet methods. The operation dispersing the dust should be isolated or enclosed, or the operation so changed as to eliminate the dispersion of the dust. Approved dust type respirators are recommended only as a last resort.

MEDICAL CONTROL Pre-employment physical examination including an X-ray of the chest should be required of all employees where exposure to excessive dust will be encountered.

Individuals with a history of tuberculosis should not be placed in a dusty atmosphere. Periodic physical examinations including chest X-rays should be required at least annually of all persons employed in dusty asbestos operations.

MASS. DEPT. OF LABOR & INDUSTRIES
DIVISION OF OCCUPATIONAL HYGIENE

Bulletin Number 492

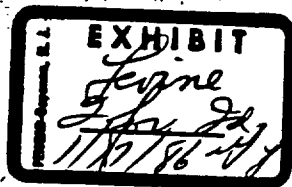
Febr 17, 1949

NOTICE: If the film image is less clear than this notice, it is due to the quality of the document being filmed.

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FACTORIES 1947/48:ASB M
MSC BOX 5

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EXHIBIT 7



October 31, 1934.

Mr. Bradley Dewey, President,
Dewey and Almy Chemical Company,
235 Harvey Street,
Cambridge, Massachusetts.

Dear Bradleys:

We are establishing in this department a Division of Occupational Hygiene, one of the main purposes of which will be to give advice and help to employers in the control of unhealthy conditions caused by injurious substances used in industry. We are starting off in a very small way and intend to operate in as economical a manner as is consistent with rendering real service. We are setting up a small chemical laboratory for the analysis of the materials with which we come in contact in industry and will employ one chemist.

Our chemist, Dr. Hervey B. Elkins, is a young man who comes to us with very high recommendations from the Harvard Department of Chemistry and the Harvard School of Public Health. His actual industrial experience has, however, been limited to a summer as technical assistant for the Atlantic Refining Company. Because it is my firm belief that the value of a laboratory man doing such work is greatly enhanced through first-hand acquaintance with actual conditions in industry, I want to have Dr. Elkins make a few visits to manufacturing plants in this state. Would you be willing to let me send Dr. Elkins to your plant, to meet some of your men and devote such time to the processes involving the more toxic chemicals as he feels will be profitable to him? A day or so spent in this way would, I am sure, be well worth his while.

I can promise you that Dr. Elkins is not the sort who would make himself in any way a nuisance in the plant. He is a highly intelligent young man and will be quite as appreciative as will I of any courtesies shown him.

Sincerely yours,

Manfred Bowditch
Director
Division of Occupational Hygiene

MS:GM

Levine
3
11/7/88

JOSEPH DEWEY, PRESIDENT

CHARLES ALMY, JR., VICE PRESIDENT

DEWEY AND ALMY CHEMICAL COMPANY

FACTORIES
CAMBRIDGE, MASSACHUSETTS
OAKLAND, CALIFORNIA
FARNHAM, QUE., CANADA
LONDON N. 15, ENGLAND
NAPLES, ITALY

MULTIBESTOS COMPANY
WALPOLE, MASSACHUSETTS

INCORPORATED IN MASSACHUSETTS
MANUFACTURERS OF
DEWALCO AND GOLD SEAL PRODUCTS

CAMBRIDGE B, MASSACHUSETTS

CABLE ADDRESS
"DEWALCO" BOSTON

November 8, 1934.

Mr. Manfred Bowditch, Director,
Division of Occupational Hygiene,
The Commonwealth of Massachusetts
Department of Labor and Industries,
State House, Boston, Massachusetts.

Dear Manfred:

Sorry to have been so tardy in answering
your letter of October 31st, in regard to sending
Dr. Elkins to study our operations.

Of course, we shall be delighted to
have Dr. Elkins with us and to have him spend just
as much time as he wants to in the two places
where we may be said to have industrial hazards;
to wit: in our Solvent Room in Cambridge and at the
plant of the Multibestos Company at Walpole.

As soon as he is ready to visit us, tell
him to get in touch with our Chief Chemist, Mr.
Charles H. Egan, who will take care of all the
arrangements.

The next time you have a job of this
kind, don't think you have to write us so long
and arduous a letter. Just call up on the
telephone and tell us what you want us to do.

Very sincerely yours,

Brady Dewey

BD:EB



November 9, 1934.

Truhitt
Pr 1400

Mr. 27

Mr. Bradley Dewey, President,
Dewey and Almy Chemical Company,
Cambridge, Massachusetts.

Dear Bradley:

Thank you for your cordial reply to my letter of October 31st. As you suggest, Dr. Elkins will get in touch with Mr. Egan as to a time convenient for his visit to your plant. As he has quite a bit ahead of him, this may not be for a couple of weeks.

I will admit that my letter was a trifle long, but it was not as "arduous" as it may have appeared. I am sending Dr. Elkins to quite a number and variety of plants and, since some employers are a bit less liberal in such matters than our good friends the Dewey and Almy Chemical Company, it seemed best to compose a letter telling pretty much the whole story. This letter, with minor variations, has been or will be sent to the Dewey and Almy Chemical Company, General Electric Company, Cambridge Rubber Company, Graton and Knight Company, Statton Shoe Company, Norton Company, Wampan Manufacturing Company, Uxbridge Worsted Company, Hampton Company, Bird and Son, Lever Brothers Company, DuPont Viscoid Company, Merrimac Chemical Company, Merrimac Hat Company, Cities Service Refining Company and the American Optical Company. I think you will agree that I am doing my best to give Dr. Elkins a liberal, even though somewhat compressed, industrial chemical education.

Sincerely yours,

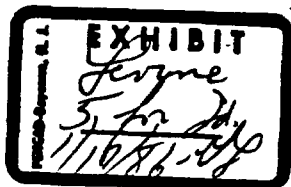
Manfred Boxwirth
Director
Division of Occupational Hygiene

MB:GM

Frederic & Almy Chemical Co.

2

2/11/34 Experience visit by Dr. Elkins



Notes on visit to Dewey & Almy Chemical Company, Cambridge, on November 27, 1934 and December 11, 1934 and to the Multibestos Company, Walpole, on November 28, 1934.

By: H. B. Elkins

Officials met:

Mr. Egan (chief chemist)
Mr. Ferguson (plant manager)
Mr. Leach
Mr. Edwards
Mr. Ross
Mr. Jensen
Mr. Taggart

Mr. McMordie (engineer)
Mr. Bateson (superintendent, Multibestos)
Mr. Slagle
Mr. Martin
Mr. Mears
Mr. Stowe

The more important contacts are underlined.

Note: Due to the nature of its business many of the processes of this company are unique. Items which it is believed may not be general practice are marked with an asterisk and should be treated as confidential until passed upon by an official of the company.

The Dewey and Almy Chemical Company manufactures primarily latex cements and allied products, such as solvent rubber cements, rubberized fabrics, and rubber-bonded brake linings. It was because of their developments in this last field that they acquired the Multibestos Company, which manufactures brake linings and clutch facings of all types.

Dewey and Almy Company

Mr. Egan showed me about the plant in Cambridge.

Latex cements:

Rubber latex is obtained in solutions containing 55, 60 or 75 per cent solids. In the dilute solutions there is about three fourths of a per cent of ammonia, which keeps the solution at a pH of 11, and so prevents fermentation and spoilage. In the most concentrated solutions the alkalinity is maintained by a mixture of caustic potash and a potassium coconut oil soap. Ammonia is preferable for most purposes because it evaporates off. Its concentration is so low that it is no problem except when the cement or compound is used in very large quantities.

*Various materials such as pigments and fillers are added to the latex solution in making the compound. One such material is a modifying soap made from beeswax and ammonia under high pressure. Sulfur is added whenever it is desirable and possible to cure the rubber in the cement or other product. In the linings for tin cans sulfur can not be used but fortunately an uncured material is more satisfactory.

For many purposes a latex cement is inferior to an artificial rubber emulsion, made by masticating vigorously coagulated rubber and then dispersing it with protective colloids and other suitable chemicals. A cement of this type seemed much finer and more homogeneous than corresponding latex cements, and its cost was said to be the same.

Latex cements are of interest to us because they compete with solvent rubber cements. One of the chief uses of benzol is as a solvent for the latter. For some purposes non-toxic non-inflammable latex cements are better substitutes for toxic, inflammable benzol cements than the slightly toxic but inflammable naphtha cements.

Mr. Ferguson said that there had been a swing away from latex sealing compounds toward solvent compounds, but that he felt that its peak had passed and the immediate future would see an increased use of the latex products.

Solvent room:

This company makes both benzol and naphtha solvent cements and compounds. The latter constitute about two thirds of the total, and it was said that probably next year three quarters of the solvent compounds would be made from naphtha. The so-called solvent room is the second floor of an isolated building. It is about 35' x 12' x 8', and contains two mixers, for naphtha and benzol products, respectively. Each mixer holds about a hundred gallons.

Exposure to the solvent may occur chiefly in three places; the pump room, the solvent room, and muddler room, in which the finished cement is loaded into drums for shipment. In the pump room there is some leakage of vapor, or seemed to be, but the pumps are operated from outside, and the room is rarely entered. In filling the drums there is undoubtedly some exposure, but the greatest hazard is certainly in the solvent room.

The solvent is ordinarily pumped through a meter into the mixer. The stirrers are heavy spiral shaped knives which twist and tear the small pieces of rubber which are introduced. Some heat is evolved in this operation, so that the temperature of the mixture is raised, the outside of the mixer being above body temperature when the process was observed. The mixers are closed except for an opening in the top about 12" x 10" which is covered loosely except when materials are being added, when the batch is being inspected, and when it is being emptied. The addition of rubber (cut in small pieces) takes some time, as the several layers are torn apart by hand or they are fed into the machine. Some other materials, such as wax, are usually added. In the operation observed inspections of the batch as it was being mixed were frequent. As the top of the mixer is about five feet from the floor the tendency is for the workman to put his face close to the opening in looking in at the batch.

After two to eight hours, depending chiefly on the kind of rubber used, the mixer is tipped on its side and the batch of finished product is dumped through an opening in the floor into the muddler. The dumping operation observed took four minutes, including the time required to rake out the residual compound. The opening in the mixer through which the substance is poured is about three feet from the floor, and the operator stands three to four feet away except when he is cleaning out the residue. The extremely viscous and elastic mass was said to contain only thirty per cent of solids. Its vapor pressure would presumably be appreciably more than 70 per cent of that of pure benzol, but the viscosity of the mixture should cut down its rate of evaporation considerably.

A blower was operating in the wall opposite the mixer, near the floor, and above it the window was opened. The operator was between the window and the mixer, but a little to one side most of the time. The efficiency of this system of ventilation seems somewhat questionable. Tests on the air in this room (made by the insurance company) showed satisfactory conditions, however, it was said.

The men working on this job are given blood counts every three months and as a rule are transferred after six to nine months. No real cases of benzol poisoning have been encountered.

AR dope:

This impregnating material is a mixture of about five parts coal tar pitch and one part toluol. The components are heated in mixing, and ventilating equipment has been ordered for the process. The fumes did not seem bad at the time a finished batch was observed in the open mixer.

*Rubber bonded brake lining material:

Certain brake linings, especially those for heavy work, are made from asbestos to which carbon black and other substances may be added, and rubber latex. The various materials are mixed in a paper beating machine, spread on a wire screen and the water sucked out, then pressed in a hydraulic press, cured and brought to the proper thickness with a sanding machine. The last operation is well ventilated, but the method of feeding the paper beater was said to be dusty and needs improvement. Probably some such method as was worked out at Walpole will be applied here. None of these processes were in operation.

*Artificial leather:

A soft absorbent paper is passed through a latex solution containing sulfur, coloring matter, etc., and then over a series of heated rolls where the water and ammonia are given off and the rubber is cured. An exhaust system provides for the removal of the ammonia given off (estimated at three pounds, or about sixty cubic feet, per hour).

It is necessary to stop the machine for brief periods in order to attach new rolls of paper. If the stop is for too long the paper in contact with the hot rolls tends to disintegrate. Even the short stops unavoidably made may cause variations in quality in the finished material.

The rubberized sheet is passed through a calender to bring it to the proper thickness. Two or more sheets are often cemented together, sometimes two or three rolls being combined on a machine similar to the impregnating machine, but smaller. No provision for the removal of ammonia is made in this case, but there was no appreciable odor of ammonia around the machine.

If still thicker sheets are to be made, pieces about five feet square are cemented together by hand. In the operation observed a naphtha solvent cement was used.

Other products:

Soda lime, used in gas masks for absorbing phosgene, chlorine and acid gases, is made in some quantity. Zinc chloride solutions and zinc ammonium chloride crystals are also made. Some dermatitis has been caused by these materials.

Chloroform and toluene are used as preservatives. Carbon tetrachloride is also used for some purposes. Apparently these are used in relatively small amounts. Another small use of benzol is in cleaning out drums.

The Multibestos Company

Mr. McMordie, who designed a large part of the ventilating equipment used at the plant, showed me about.

There have been numerous cases of asbestosis developed here, and as a result the methods of manufacture have been greatly modified. The carding process has been dropped, the yarn being bought already spun, and a wet weave substituted for a dry weave process. Mr. Bateson said that more cases of asbestosis were developed in the weave room where the dust count was about seven and a half-million particles per cubic foot, than in the carding room, where the dust count was much higher. The most recent counts ran from half a million to two million, except at a carboloy saw, where it was 6.7 million, and at the paper beater during its feeding (31 million). A new process has been developed for feeding the paper beater the use of the carboloy saw is discouraged pending its removal, and the general ventilation has been greatly improved since these counts were made.

Woven fabrics are used chiefly for brake linings, but for some clutch facings as well. Most of the latter and some brake linings, especially for heavy brakes, are moulded, or made originally as an asbestos paper. For impregnating materials asphalt, chinawood oil, and bakelite resins are used. Rubber bonded linings are not impregnated; the rubber bonding is done in Cambridge, but all cutting, shaping and finishing is done in Welpole.

Weave room:

The yarn consists of cotton and asbestos fibre wound around a small wire. The yarn is dry as it leaves the spools but passes over a wet roll before going through the guide so that the dust given off by the vigorous agitation of the dry warp in the weaving process is largely eliminated, since the yarn is wet at this stage. The spindles of weaving yarn are soaked in water before use. The loom spools of dry yarn are shaken somewhat but undoubtedly by far the largest part of the potential dust is prevented from coming off.

*On some of the looms a process of impregnating the yarn as it is woven is being tried. The roll wet with water is replaced with one wet with impregnating solution, in most cases asphalt in kerosene. This is supposed to give a more thorough impregnation and eliminates a process. It has the disadvantage of dirtying up the loom, however, and the fumes of the solution contaminate the air of the weave room. A solution of resin was also being applied in this way: they have succeeded in eliminating toluol from the solvent for these mixtures. On one section of a loom a water emulsion of a resin impregnant was being tried, it being both non-toxic and non-inflammable.

The fumes of kerosene near the looms using the asphaltic impregnant were somewhat obnoxious.

Impregnating room:

The method still used for most of the woven linings is that of impregnating the fabric after it is woven. A long strip is run through a bath of solution, before and after which are placed drying ovens. Conditions in this room seemed satisfactory.

Grinding room:

Here the clutch facings and brake linings are ground down to the proper size, the required holes are drilled, etc., and in this room the most strenuous efforts in ventilation have been made. The removal of visible dust seemed almost perfect in the case of all the grinding operations observed. The chief source of dust seemed to lie in the handling of piles of articles in loading or unloading a machine. In some cases ventilation was even provided for these operations.

One of the men operating an inside grinder (for the inside of clutch facings) wore a respirator, however.

Clutch department:

In the process of making moulded brake linings and especially clutch facings, asbestos is fed into a paper beating machine, where it is mixed with water, pigments, fillers and a little red lead, which helps the impregnant to harden. From here it is pumped to the paper machine where a layer of the mixture is spread continuously on an endless belt, the water drained off, and the resulting sheet of asbestos paper is removed, pressed, and cut up.

Formerly the act of feeding asbestos into this machine was very dusty. Now the bags of asbestos are emptied into a chute (in an enclosed room on the second floor) and the water for the mixture is sprayed in simultaneously, wetting down the asbestos so that it is soaked with water when it enters the beater, and little or no dust is given off. The man handling the bags of asbestos wears a respirator, the operation taking but a few minutes. The room where this was done seemed surprisingly free from visible dust.

This seemed to me a very satisfactory, common sense and economical solution of this particular problem.

Twenty pounds of red lead are sprinkled with a hand scoop into each batch mixed up in the paper beater. This is heavier than many lead compounds and none of it seemed to be dissipated in the form of dust. I understood the workman to say that the maximum output of the machine was five batches a day.

Clutch impregnating room:

Most of the clutch facings are impregnated with AR dope, a solution of a coal tar pitch in toluol, which is made in the Cambridge plant. A rack about 4' x 5' x 6' is filled with clutch facings and then submerged in one of the tanks of dope, of which there are three or four in a room about 28' x 12' x 6'. The solution is kept at 30 degrees F. or higher, and the tanks are covered except when the solution or solvent is being added, when the rack of clutch facings is being introduced, and when the clutch facings have just been removed and the excess solution is allowed to drain back into the tanks.

There is no ventilation in this room and the fumes are said to be bad at times. The foreman said he wouldn't enter the place on a damp day, and that the men often got jags from the fumes. One of the men said he was often made dizzy by the toluol vapor, and that he and his colleague suffered considerable discomfort generally.

It seemed to me that unless these men were exaggerating greatly the conditions should by all means be improved. A determination of the toluol concentration in the air might be worth while. Two or three window blowers, to be operated when the tanks were open, might improve the situation sufficiently for practical purposes.

While the insurance company was said to have investigated these conditions and to be satisfied, and while it is true that toluol is not as insidious a poison as benzol, or asbestos dust, and while there is some doubt about its ever causing chronic poisoning, it is still classified with benzol in Bulletin 582 of the U. S. Dept. of Labor. Certainly conditions such as apparently exist here should not be tolerated if they can be easily remedied.

Drums containing toluol were in some cases labelled as containing alcohol.

General:

Mr. McIlfordie said that some dermatitis was caused by the formaldehyde used with tar acid in the manufacture of bakelite resins.

Respirators were worn on many odd jobs, such as sweeping the floor, using the carboloy saw, etc.

In general the firm has been admirably thorough, ingenious, and, I believe, effective in the steps taken to eliminate dusty conditions.



858

December 10, 1937

Anthony J. Lanza, M.D.
Assistant Medical Director
Metropolitan Life Insurance Company
1 Madison Avenue
New York, New York

Dear Tony:

Thank you for your note of December 8th. I find that we also have a copy of "Solvents" by Durrans and, judging from its well thumbbed appearance, it is a useful tome.

You will recall that we have a Dust and Fume Code Committee which is engaged in setting up maximum allowable concentrations for dusts and fumes. As to silica dust, we are planning to follow the recommendations of your Medical Committee of the National Silicosis Conference and our figures on the various industrial fumes are those which I showed you the other day. While asbestos is at present no very important factor in Massachusetts industry, I feel that we should nevertheless set up some sort of a figure for it and I would be very grateful if you would be willing to give me your advice on this. You will no doubt feel that this is just what you don't want to do, but I hope that you will be a good guy nevertheless and give me at least what you regard as a "best guess".

I had quite a talk today with Bradley Dewey, president of the Dewey & Alay Chemical Company, who formerly owned the Multibestos Company, the concern about whose former employees Dr. Hawes has recently so eloquently written. I mentioned to him Roy Gardner's opinion that asbestosis is definitely not progressive and was quite surprised to have him take pretty definite issue with this. He gave it as his opinion that the four principal types of asbestos, Canadian, Russian, Rhodesian and African, varied markedly in their pulmonary effect and he thought that the results of experiments with one type would not hold for another. Dewey is a highly intelligent chap and definitely one of the leaders in industrial chemistry in this country; also, incidentally, an ex-colonel in the Chemical Warfare Service. If you have any dope which would be interesting in reply to his theory about the different types of asbestos, I would be more than glad to be able to transmit it to him.

Sincerely,

Manfred Bowditch
Director

MB EB

METROPOLITAN LIFE INSURANCE COMPANY

FREDERICK H. ECKER, *Chairman of the Board*

LEROY A. LINCOLN, *President*

ANTHONY J. LANZA, M.D.
Assistant Medical Director



NEW YORK CITY

December 13, 1937

Mr. Manfred Bowditch, Director,
Division of Occupational Hygiene,
23 Joy Street,
Boston, Mass.

Dear Manfred:

A recent number of the Public Health Reports had a survey of an asbestos plant made by Bloomfield and one of his staff. They state that everything considered they think five million particles is a pretty fair threshold limit for the asbestos industry and I agree with them.

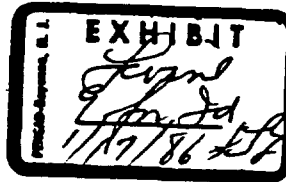
I do not know what to say about Mr. Dewey's opinion and I cannot imagine upon what the opinion is based. Of course, the asbestos people in Canada have advanced that idea for some time as an explanation of why asbestos seems to be more clinically severe in England than in this country but I have always had the feeling that their argument was motivated by self-interest rather than to make a scientific contribution. I have had the feeling for some time that asbestosis is pretty much of a mare's nest anyway. I do not doubt that asbestos dust in sufficient quantity will cause a pulmonary fibrosis. I am not sure that asbestosis alone will produce disability or death. I think that in the reported cases of fatal asbestosis they have put the cart before the horse - that is to say, these individuals have died of heart disease and because they worked in an asbestos plant and had some pulmonary fibrosis, their deaths were charged to asbestosis. In the complicated cases, death was due to tuberculosis. Tuberculosis and heart disease are the two leading causes of death among industrial workers and it is to be expected that the asbestos workers would have their quota. However, this is just an opinion of mine.

I am engaged now in running down all our death claims from asbestosis. Some time in January or February, I want to go up to Boston because in this series which we have, the only post-mortems were those done in Boston by Dr. Timothy Leary and, incidentally, I may use your good offices to get an introduction to Dr. Leary as I want to discuss these cases with him.

Best regards.

Sincerely yours,

Lanza
A. J. Lanza, M.D.
Assistant Medical Director



December 14, 1957

Anthony J. Lanza, M.D.
Assistant Medical Director
Metropolitan Life Insurance Company
1 Madison Avenue
New York, New York

*This letter not sent.
Shown to ANL 2/10/58*

Dear Tony:

Further referring to the subject matter of my letter to you of December 10th, I have just noted in the current issue of the Archiv für Gewerbepathologie und Gewerbehygiene (8 Band, 2 Heft) an article by W. di Biasi "Zur pathologischen Anatomie der Lungenasbestose" in which, if my German has not failed me too badly, he indicates at least mild enthusiasm for mechanical causation, combined with chemical. This fits in with Bradley Dewey's theory, about which I wrote you, he being of the opinion that Canadian asbestos is pretty harmless mechanically and Russian, the converse. As a layman wandering around in comparatively Stygian outer darkness, I listen to all these bright ideas and find that they give me more or less mental indigestion. If Old Doc Lanza has a pink pill specific to the situation, I hope he will prescribe it.

In the light of some of your remarks when we last met, I have read the editorial in the December 11th J.A.M.A. on the Council on Industrial Health with just a bit of amusement. The boys are certainly good at patting themselves on the back for little or no reason.

Sincerely,

Manfred Bowditch
Director

MB EB

P. S. Please don't feel obliged to inform me that Rhodesia is in Africa. I am given to understand that there is one variety of asbestos known as Rhodesian and another variety, hailing from elsewhere in the same continent, known as African. Perhaps this is just another instance of my abysmal ignorance.

858

THE SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS
OF
THE EDWARD L. TRUDEAU FOUNDATION

POST OFFICE BOX 551
7 CHURCH STREET
SARANAC LAKE, N.Y.



December 14, 1937

Mr. Manfred Bowditch, Director
Division of Occupational Hygiene
Department of Labor and Industries
23 Joy Street
Boston, Mass

Dear Manfred:

Tony sent me a copy of a letter which he received from you on the subject of asbestosis. I replied and am enclosing a copy of that portion of my letter for your reference. I do not think the subject is closed but I would be surprised if we found evidence of a difference in the irritating properties of the various kinds of asbestos. As to progression of the disease, I am inclined to believe that the factor of infection is the one largely responsible for the cases that appear to have progressed.

With best regards,

Sincerely yours,


Leroy U. Gardner, M.D.
Director

LUG:CC
Enclosure

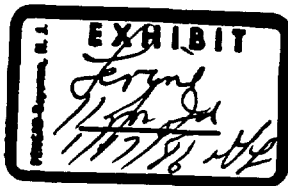
C
O
P
Y
December 14, 1937

Dr. Anthony J. Lanza
Metropolitan Life Insurance Co.
New York City

I was interested in the enclosure from Manfred Bowditch. I wish I knew where Mr. Bradley Dewey got his information about the biologic reaction to different types of asbestos. Our own experiments with these substances would indicate that by injection, at least, they are all equally inert. Cases of human asbestosis produced by these different substances have been reported in the literature and it was my feeling that most people were convinced that there was little difference in their capacity to produce pulmonary reaction. We are now experimenting with five different types of asbestos. The work at present involves only injection. We have not been able to undertake inhalation with any but Canadian crysotile. We hope to do so sooner or later. I am sending Manfred a copy of this portion of the letter.

Sincerely yours,

Leroy U. Gardner, M.D.



858

February 17, 1958

Leroy U. Gardner, M.D., Director
Saranac Laboratory for the Study of Tuberculosis
of The Edward L. Trudeau Foundation
7 Church Street
Saranac Lake, New York

Dear Roy:

If you have bothered to think about it at all, you must have thought me most discourteous in having failed to reply before this to your letter of December 14th about the Bradley Dewey asbestosis matter which I communicated to Tony Lanza. My only excuse, frankly a pretty flimsy one, is that a letter received from Tony left me temporarily in somewhat deeper water than I expected and it was only last week, when he turned up here, that I had the opportunity to wade ashore.

My principal reason for taking the interest which I did in Mr. Dewey's opinion was his unusual and rather unemployerlike attitude about the whole business. I have passed along to him the opinions which you and Tony have expressed and believe that the matter is probably now closed.

Had you heard that Dr. Timothy Leary has been quite sick with pneumonia? He seems to be recovering and will probably be back at his office in the very near future. I learned of it only when Tony and I tried to communicate with him by telephone last week in connection with the latter's effort to track down asbestosis cases.

I hope that all goes well with you in the snowy north.

Sincerely yours,

Manfred Bowditch
Director

MB EB



858

February 19, 1938

Mr. Bradley Dewey, President
Dewey and Almy Chemical Company
235 Harvey Street
Cambridge, Massachusetts

Dear Bradley:

Referring to our conversation on December 10th as to possible differences in the effects of various types of asbestos in causing asbestosis, you may think me mildly crazy in following up a matter which you indicated over the telephone the other day to be closed as far as you are concerned. While that is quite naturally the case, my interest in asbestosis and its causes is such that I am risking being put down as a pest by sending you herewith copies of two letters and an enclosure received some time ago from Drs. A. J. Lanza of the Metropolitan Life and L. U. Gardner of Saranac as an indirect result of my talk with you.

You will note that Dr. Gardner has experimented with five different types of asbestos, which I presume are about all there are. While his experiments have thus far been by injection, the best opinion seems to be that the results of injection are indicative of those to be expected from inhalation. If this is so, the fact that the five types give similar results by the former method may be taken to indicate that the inhalation effects would also be much alike.

Sincerely yours,

Manfred Bowditch
Director

MB MB
LEB

Encl-3

Ferry
13 Feb 38
11/17/36

CHARLES ALMY, JR., VICE PRESIDENT

858

DEWEY AND ALMY CHEMICAL COMPANY

INCORPORATED IN MASSACHUSETTS

DAREX

DEWALCO AND GOLD SEAL PRODUCTS

CAMBRIDGE B, MASSACHUSETTS

CABLE ADDRESS
"DEWALCO" BOSTON

CAMBRIDGE, MASSACHUSETTS
OAKLAND, CALIFORNIA

MONTREAL
MELBOURNE

LONDON
MILAN

February 23, 1938.

Mr. Manfred Bowditch, Director,
Division of Occupational Hygiene,
Department of Labor and Industries,
The Commonwealth of Massachusetts,
23 Joy Street, Boston, Mass.

Dear Manfred:

I am sorry if I sounded as though I suddenly turned into a black sheep with no further interest in asbestosis. That isn't what I meant to convey.

I have no evidence that would impress Lanza. However, despite the fact that I love positive proof as well as the next fellow, I know that it will take a lot more than injection experiments to remove the hunch that I have.

Your answer to the above is -- what is your hunch due to? It is due in a large measure to the following circumstances. (You will note that I do not dignify them with the term of proven facts.)

1. As I understand it, Multibestos ran for years without much trouble. It then switched to Russian and Rhodesian crudes and suffered an enormous amount of trouble.
2. I have been through plants of competitors (for various reasons, I do not want to name them in a letter but will be perfectly glad to discuss them) where conditions have been so bad that vision from one end of the shop to the other was actually impaired by asbestos dust in the air. In some of these, long streamers of asbestos fiber hung from every beam, sprinkler pipe and shaft hanger. Where these plants reported no trouble, I could not help but be impressed by the fact that they had seemed to have a long history back of them of having used only Canadian fiber.

Mr. Manfred Bowditch,
The Commonwealth of Mass.
Page 2.

Feb. 23, 1938.

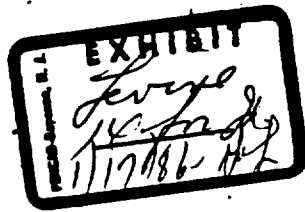
3. It seemed to me that in many of the cases where I had heard that plants had suffered trouble, they were the ones that had used goodly quantities of foreign fibers.
4. I personally cannot study the disease record of the Walpole plant and not believe that asbestosis is a very serious and sometimes fatal disease. I think it is one that should not be belittled and it is one which should be objectively studied until reliable facts are known and out in the open.

All this is simply so that you may know my own personal feeling. Far be it from me to get embroiled in somebody's else troubles.

Sincerely yours,

Brooklyn Sewer

BD:EB



March 4, 1938

Mr. Bradley Dewey, President
Dewey and Alay Chemical Company
235 Harvey Street
Cambridge, Massachusetts

Dear Bradley:

Thank you very much for the interesting statement of your views on asbestosis contained in your letter of February 23rd. I had no thought whatsoever that you were anything approaching a "black sheep" in this connection but am very glad to have this statement. I am sure that you will have no objection to my passing it along to my friends, Lanza and Gardner.

Sincerely yours,

Manfred Bowditch
Director

MB EB



March 4, 1938

Anthony J. Lanza, M.D.
Assistant Medical Director
Metropolitan Life Insurance Company
1 Madison Avenue
New York, New York

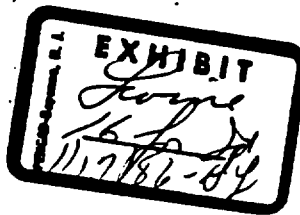
Dear Tony:

I had thought that the Bradley Dewey asbestosis matter was ended, but last week I received the letter from him of which a copy is enclosed. While it contains nothing startling, it is perhaps worthwhile to pass it along to you. I am also sending a copy to Roy Gardner.

Sincerely yours,

Manfred Bowditch
Director

MB EB
Encl.



85-8

Dewey's alimony

March 4, 1938

Leroy U. Gardner, M.D., Director
Saranac Laboratory for the Study of Tuberculosis
of the Edward L. Trudeau Foundation
7 Church Street
Saranac Lake, New York

Dear Roy:

I had thought that the Bradley Dewey asbestosis matter was ended, but last week I received the letter from him of which a copy is enclosed. While it contains nothing startling, it is perhaps worthwhile to pass it along to you. I am also sending a copy to Tony Lanza.

Sincerely yours,

Maxfred Bowditch
Director

MB EB
Encl.

THE SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS
OF
THE EDWARD L. TRUDEAU FOUNDATION



POST OFFICE BOX 151
7 CHURCH STREET
SARANAC LAKE, N.Y.

March 7, 1938

Mr. Manfred Bowditch
Department of Labor and Industries
23 Joy Street
Boston, Mass.

Dear Mr. Bowditch:

Dr. Gardner is out of town for a few weeks. When he returns your letter of March 4th will be brought to his attention.

Very truly yours,

McCumings
Secretary to Dr. Gardner

METROPOLITAN LIFE INSURANCE COMPANY

FREDERICK H. ECKER, *Chairman of the Board*

LEROY A. LINCOLN, *President*

NEW YORK CITY

ANTHONY J. LANZA, M.D.
Assistant Medical Director

March 8, 1938



Mr. Manfred Bowditch, Director,
Division of Occupational Hygiene,
23 Joy Street,
Boston, Mass.

Dear Manfred:

Many thanks for your letter of March 4. However, I do not see that it really tells us much. Mr. Dewey points out that Multibestos ran for years without much trouble. Of course, the reason was that nobody knew anything about asbestosis. I am not quite sure what he means when he says "trouble" but I suspect he means "lawyer trouble" which, of course, has nothing to do with the issue. The same comment holds good for the plants of his competitors. They did not have any trouble either, *and* the shysters got busy.

I am pretty certain that his third point is not valid. I have no quarrel with his statement in his fourth point. I believe that his statement is accurate and correct. The point that I wish to make is that in running down many of these so-called cases of asbestosis or cases in which asbestosis was given as a complicating factor with other disease, close investigation showed no worth while basis for such a diagnosis. In other words, it is a situation that we have seen over and over again. A man works in an asbestos plant, he has this, that or the other, so he has asbestosis.

In other words, most of the articles on asbestosis, in which anywhere from two or three to fifty cases as listed as occurring within the personal experience of the writer, are mostly so much tripe. There is no real argument between any of us on this subject but it is clear that much of the so-called diagnosis in this type of case will not stand up under careful analysis. I am quite sure, however, from what information that I have that several of those Boston cases of Timothy Leary's were very genuine.

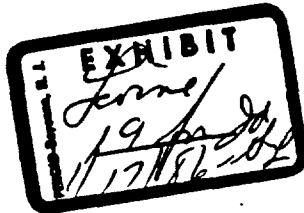
With best regards and hoping to see you soon,

Sincerely yours,

A handwritten signature in cursive script, which appears to be "Tony" or "Anthony".

A. J. Lanza, M.D.

Assistant Medical Director



. March 10, 1938

Mr. Bradley Dewey, President
Dewey & Almy Chemical Company
62 Whittemore Avenue
Cambridge, Massachusetts

Dear Bradley:

Since I seem to have become a sort of self-appointed liaison officer between my friends Dewey and Lanza, I send you the enclosed copy of a letter received Tuesday from the latter.

Please do not bother to reply unless you feel so disposed.

Sincerely yours,

Manfred Bowditch
Director

MB EB
Encl.

858

THE SARANAC LABORATORY FOR THE STUDY OF TUBERCULOSIS
OF
THE EDWARD L. TRUDEAU FOUNDATION



POST OFFICE BOX 551
7 CHURCH STREET
SARANAC LAKE, N.Y.

March 22, 1938

Mr. Manfred Bowditch
Department of Labor
23 Joy Street
Boston, Mass.

Dear Manfred:

On my return from Guatemala I found your letter of the 4th with its enclosure from Mr. Bradley Dewey. I do not think that his explanation that Russian and Rhodesian asbestos might be the cause of asbestosis is the proper one. I cannot help but feel that the length of the fibre has more to do with it. However, one must admit that there have apparently been more cases of this disease in your state than Tony was able to detect up at Mannheim and other places.

I talked with Tony not so long ago and promised to send him autopsy reports on all the cases I have seen. His experience with x-rays tends to make him minimize the condition, but certainly it is a real thing and cannot be ~~sloughed~~ off too easily. On the other hand I do not believe that we are seeing the extreme cases that have been reported from England.

Thanking you most kindly for keeping me informed, I am, with very best wishes,

Sincerely yours,

A handwritten signature in cursive script, appearing to read "L. U. Gardner".

Leroy U. Gardner, M.D.
Director

LUG:CC



858

March 24, 1938

Mr. Bradley Dewey, President
Dewey & Alay Chemical Company
62 Whittamore Avenue
Cambridge, Massachusetts

Dear Bradley:

Ring down the curtain on the asbestosis matter, herewith is a copy of a letter received today from Dr. L. U. Gardner who has been away from his office for a number of weeks.

Sincerely yours,

Manfred Bowditch
Director

MB EB
Encl.

DEWEY AND ALMY CHEMICAL COMPANY

INCORPORATED IN MASSACHUSETTS

DAREX

DEWALCO AND GOLD SEAL PRODUCTS

CAMBRIDGE, MASSACHUSETTS
OAKLAND, CALIFORNIAMONTREAL
MELBOURNELONDON
HAPLES

CAMBRIDGE B, MASSACHUSETTS

CABLE ADDRESS
"DEWALCO" BOSTON

March 28, 1938.



Mr. Manfred Bowditch, Director,
The Commonwealth of Mass.
Department of Labor, Division of
Occupational Hygiene,
23 Joy Street, Boston, Mass.

Dear Manfred:

As a postscript to the final curtain,
I call your attention to the second paragraph of Dr.
Gardner's letter about the conditions in England.

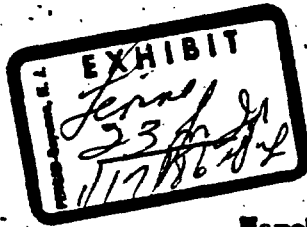
As I understand it, Rhodesian as-
bestos is used in considerable quantity in England.
Perhaps I am wrong on this point.

Why not have the biological departments
of some of the universities that you are in touch
with make some microscopic and X-ray studies to see
if they can't find differences in various types of
asbestos?

Sincerely yours,

ED:EB

A handwritten signature in cursive script, appearing to read "Bradley Dewey".



March 30, 1938

Mr. Bradley Dewey, President
Dewey and Almy Chemical Company
62 Whittamore Avenue
Cambridge, Massachusetts

Dear Bradleys:

Thank you for your letter of March 28th,
raising the asbestos curtain for an encore.

Dr. Lanza will be up in the course of the
next couple of weeks and I am setting aside your
suggestions for discussion with him at that time.

Sincerely yours,

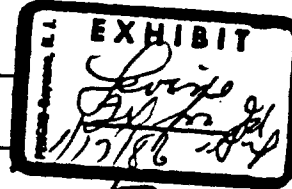
Manfred Bowditch
Director

MB EB

4/16 LUS 3/24 RD 3/24 letter submitted to AL. agreed with.

Dewey & Allen

1383



of 12/22 Dequison

Wanted by an ins. carrier to arrest before
w. comp. ins. comin (Chap 62) against
severe cos.

Asbestos is a racket

Have found substitutes for 19/20 being
formerly used -

Issued by Hartford Acc. & Ind. Co.

WADLEY DEWEY, PRESIDENT

1813
CHARLES ALMY, VICE PRESIDENT
(2175-1066)

DEWEY AND ALMY CHEMICAL COMPANY

INCORPORATED IN MASSACHUSETTS

DAREX

DEWALCO AND GOLD SEAL PRODUCTS

CAMBRIDGE B, MASSACHUSETTS

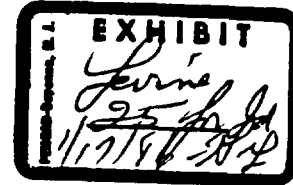
CAMBRIDGE, MASSACHUSETTS
OAKLAND, CALIFORNIA

MONTREAL
MELBOURNE LONDON
HAPLES

CABLE ADDRESS
"DEWALCO" BOSTON

November 8, 1939.

Mr. Manfred Bowditch, Director,
Division of Occupational Hygiene,
The Commonwealth of Massachusetts,
23 Joy Street,
Boston, Massachusetts.



Dear Manfred:

A thousand thanks for the paper
by Dr. George and Dr. Leonard on the asbestos
situation. It is a scholarly work and I have
read it with a lot of interest.

I am still aware of the fact that
I ought to be getting together with you but,
on the otherhand, the problems incident to
the present upset conditions of the world
seem to be multiplying rather than lessening,
and I am pretty nearly frantic.

Sincerely yours,

Wadley Dewey

BD:EB

Depo

Exhibit 2 : 10/31/34 Dewey from Bowditch
letter of introduction for
Division inspector Dr. Elkins

4. 11/9/34 Dewey from Bowditch
letter confirming Elkins'
arrival

5. 12/11/34 note: "Experience visit by
Dr. Elkins"

6. 12/11/34 notes from Elkins' visit to
Dewey plants

7. 12/10/37 Lanza from Bowditch
letter concerning Dewey's estimation
of asbestos testing

8. 12/13/37 Bowditch from Lanza
letter that asbestosis is a "mare's
nest"

9. 12/14/37 Lanza from Bowditch (not sent
but shown to Lanza) talking about
Dewey's Theory

10. 12/14/37 Bowditch from Gardner
talking about Dewey's Theory
(w/enclosure)

11. 2/17/38 Gardner from Bowditch
surprised Dewey at Dewey's
attitude toward asbestosis

15. 3/14/38 Gardner from Bowditch
thought they had calmed Dewey
about the asbestosis situation

19 3/10/38

Dewey from Bowditch
passing along Lanza's views

20 3/22/38

Bowditch from Gardner
downplaying Dewey's theory
but also minimizing Lanza's
views

admissible under: TRCV Rule (16) hearsay exception
and 901(b)(8) authentication