PLAINTIFF'S EXHIBIT

UC-4103

A F F I D A V I T

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this date personally appeared ORBEY EDGE, JR., known to me and after first being duly sworn did upon his oath state, swear and affirm as follows, and stated that he was making the following sworn statement upon personal knowledge of the facts therein contained, to-wit:

My name is ORBEY EDGE, JR. I am 55 years of age and reside at 116 Holman, LaMarque, Texas. I knew JOSEPH GALICIA, SR. for many years prior to his death. I met him when I began working with him in 1945. At that time we were both working together for Marine Maintenance, who had an office at 16th and Strand in Galveston, Texas. We were doing painting work for Marine Maintenance. We were hand cleaning and spraying hulls of ships. We worked together at that job for approximately 8 to 10 years. After that, Mr. Galicia and I worked together on a number of jobs as employees for Sline Industrial Painters. As employees of Sline Industrial Painters one of the jobs we worked on was at the Union Carbide plant in Texas City, Texas. Mr. Galicia and I worked together at that plant for about 8 years. We started working there in the late 1950's. Our job at Union Carbide was to hand clean, sandblast and spray paint tanks, pipe racks and vessels for Union Carbide. When we did the sandblasting and cleaning of the vessels and tanks we had to remove a lot of asbestos. Normally the insulators would remove as much of the asbestos insulation as they could, but in almost every instance approximately 20% or more of the insulation could not be removed by the insulators and was still on the vessels or tanks when we began to do out sandblasting. We would then sandblast the vessels or tanks which would include sandblasting off the remaining asbestos. We would sandblast the vessels or tanks until they were absolutely clean of all asbestos,

rust and other matters. The sandblasting dust would have the asbestos dust mixed in with it and at the time we were doing the sandblasting of this asbestos on the vessels and tanks we were only given a desert hood to wear. We were not provided with any air fed hoods to do this sandblasting work with. At no time during the time we were doing this sandblasting for the approximate 8 years at Union Carbide did anyone from Sline, Union Carbide or any of the manufacturers or distributors of protective equipment and/or asbestos insulation or asbestos and/or sandblasting sand, or any one from any other company or entity, ever warn us that exposure to asbestos might cause a serious lung disease such as asbestosis or exposure to sandblasting sand might cause a serious lung disease such as silicosis. In other words, neither myself nor Mr. Galicia were ever given any warning whatsoever that the sandblasting which we were doing on the vessels and tanks at Union Carbide, with the asbestos on it at the time we did the sandblasting, might cause us to suffer and sustain a lung disease of any kind or might endanger our health in any way. I also swear and affirm that during this approximate 8 year period at Union Carbide, Joe Galicia and I worked together at all times and that Mr. Galicia did most of the sandblasting on the tanks and vessels and I did most of the spraying, putting on the primer and finished coat on the tanks and vessels. Therefore, Mr. Galicia inhaled a lot more of the sandblasting dust, including the asbestos dust, than I did over the 8 year period.

After we finished our work at Union Carbide, sometime in the middle to late 1960's, Mr. Galicia and I worked together at Monsanto where again we did the same type of work and were exposed to asbestos while the insulators were putting asbestos on pipe and pipe racks. We worked right below the insulators. Mr. Galicia and I worked at Monsanto together for about 3-5 years. At the time we were working at Monsanto, as we worked at Union Carbide, we were employees

O. A. 25564

of Sline Industrial Painters. As with our work at Union Carbide, nobody at Monsanto or with Sline or with the manufacturers or distributors of protective equipment or asbestos and/or sandblasting sand or any one else ever warned us of the dangers of being around asbestos and/or asbestos dust and/or sandblasting sand. After the Monsanto job, Mr. Galicia and I also worked for a short period of time, about 9 months, at Texas City Refinery. At that time we were employed by Courtney & Company and we did much the same kind of work we did at Union Carbide and Monsanto and were again exposed to asbestos dust and sandblasting dust as we were at Union Carbide and Monsanto. Again, while we were working at Texas City Refinery nobody from Texas City Refinery or from Courtney & Company or from the manufacturers and/or distributors of the protective equipment and asbestos and/or sandblasting sand ever warned us of the dangers of inhaling sandblasting dust and/or asbestos dust. Following that job, Mr. Galicia and I worked together at Amoco refinery in Texas City, Texas and then at GAF (General Analine) for a period of about 6 - 9 months each. At such time Mr. Galicia and I were employees of Courtney & Company, working on behalf of Courtney & Company at Amoco and GAF. Again, we were doing the same type of work we were doing at Union Carbide and Monsanto and were generally exposed to sandblasting dust and asbestos dust at those places. However, I must say that during the Amoco job we were given air-fed hoods by Courtney & Company for the first time in our work career. We wore those air-fed hoods from then on while doing sandblasting involving asbestos or sandblasting of any kind. I will say that the air-fed hoods did not completely protect you from the dust because they did not always fit too well and somehow or other the dust kept getting in to the hoods. Again, at Amoco and GAF nobody from Amoco or GAF, or the manufacturers of protective equipment or manufacturers or distributors of asbestos or sandblasting sand ever warned us of the dangers of being exposed to sand blasting dust and asbestos dust.

I swear and affirm that Mr. Galicia was in good health as far as I could tell until about the late 1960's or early 1970's, when he started coughing a lot on the job. He would start coughing and couldn't stop and at some point in time in the early 1970's he told me he was going in the hospital to be checked out and when he came out of the hospital that he had a serious lung disease. He was told that he had some kind of poisoning from zinc in the paint. He did not mention anything about asbestosis or any disease from asbestos. He told me they took a piece of his lung out and sent it off out of state and he got the report that the zinc in the paint or something to do with the paint, caused him to have the lung disease. From the way he described the lung disease and the way he said it to me, I could tell that he believed that his lung problems were caused by the paint that had been applied at those various jobs. I did not fully understand exactly what was wrong with him but from what he said I know he did not have any idea and did not mention in any way that he might have a lung disease caused by asbestos. Since Joe and I were good friends I know if he had been aware of any disease involving asbestos he would have told me for my own protection, that is so that I could protect myself from the asbestos. After he got out of the hospital I never saw Joe work again and as a matter of fact he died about January, 1976 which was a few months after he had initially been in the hospital.

As to warnings, I will say that the manufacturers and distributors of the sandblasting sand put some kind of warning on their sacks between 1972 and 1974 but the warning did not state how serious a disease you could get from exposure to sandblasting dust and/or asbestos dust that was created by the sandblasting process. As I recall all those warnings at that time (between 1972 and 1974) merely stated that sandblasting could be dangerous to health. That was the only kind of warning we ever had until about the late 1970's,

A05560 O. C

UCC 018105

of warning we ever had until about the late 1970's, after Joe Galicia had died, and that's when they first made it clear to us that exposure to sandblasting dust and asbestos dust could cause serious and possibly fatal lung diseases. I worked with Joe Galicia, off and on, from 1945 until he finally became unable to work. I can state without any question, that until he went in the hospital he never knew, or had any indication, and was never told in my presence and never mentioned to me, that he knew or was aware of the fact that sandblasting dust and/or asbestos dust could cause serious and even fatal lung disease. At the Union Carbide, Monsanto, Texas City Refinery, Amoco or GAF plants, each of these companies, even though we were not employed by them, would send safety inspectors and/or other supervisory personnel around to check our jobs and I can say without question that they were aware by and through these safety inspectors and other supervisory personnel of what Joe Galicia and I were doing, that is that we were breathing sandblasting sand dust and asbestos dust from the sandblasting process and from being around the asbestos insulators while they were doing their work. I can state further that the asbestos residue on the vessels and tanks that we sandblasted was on there when we began our work and that apparently the asbestos insulation that was on the tanks and vessels had been placed there by Union Carbide or Monsanto or Amoco or GAF or Texas City Refinery. On some of the jobs we worked on, the sand that we used came from Specialty Sand Company, Lone Star Sand and Clemtex. I do not know where the asbestos that was on the tanks or vessels or that was being installed on the pipes by the insulators came from.

I swear further that Mr. Galicia was a good, careful, competent and dependable worker until he got sick with his lung problems. I have read the foregoing statement and I swear that it is true and correct.

Orbey Edge Jr.
ORBEY EDGE, JR.

A05507 -5- O. C

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 27th day of December, 1982.

Barbara Wilmeth
Notary Public in and for
Harris County, Texas

BARBARA WILMETH
Notary Public in and for Harris County, Texas
My Commission Expires 7-3-84

D. C

A05568