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DOCUMENT DESCRIPTION: Legal - Deposition of Jerry Siedlicki

1		NO. B-126,986	
2	RUSSELL ALLEN, ET AL	* IN THE DISTRICT COURT OF	
		*	
3	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
4	AMERICAN PETROFINA,	*	
5	INC., ET AL	* 60TH JUDICIAL DISTRICT	
6		CONSOLIDATED	
		NO. A-144,426-A	
7	GINGER BROUSSARD	* IN THE DISTRICT COURT OF	
		*	
8	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
9	AC&S, INC., ET AL	* 60TH JUDICIAL DISTRICT	
10			
		NO. A-142,945	
11	LOYICE EBANKS	* IN THE DISTRICT COURT OF	
		*	
12	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
13	AC&S, INC., ET AL	* 58TH JUDICIAL DISTRICT	
14			
		NO. A-144,426	
15	GLADYS FORRESTIER, ET AL	* IN THE DISTRICT COURT OF	
		*	
16	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
17	AC&S, INC., ET AL	* 60TH JUDICIAL DISTRICT	
18			
		NO. A-134,614	
19	FRENCH HICKS, ET AL	* IN THE DISTRICT COURT OF	
		*	
20	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
21	AC&S, INC., ET AL	* 60TH JUDICIAL DISTRICT	
22			
		NO. B-132,431	
23	LEO MIRE	* IN THE DISTRICT COURT OF	
		*	
24	VS.	* JEFFERSON COUNTY, TEXAS	
		*	
25	MOBIL OIL CORPORATION	* 60TH JUDICIAL DISTRICT	

1	CONSOLIDATED		
2	NO. E-150,405		
2	DONALD RAY SCHMIDT, ET AL*	IN THE DISTRICT COURT OF	
3	VS.		* JEFFERSON COUNTY, TEXAS
4	AETNA CASUALTY &	*	
5	SURETY, ET AL		* 58TH JUDICIAL DISTRICT
6	NO. B-142,345		
7	LEROY CELESTINE	* IN THE DISTRICT COURT OF	
8	VS.		* JEFFERSON COUNTY, TEXAS
9	CLEMCO INDUSTRIES, INC., *		
10	ET AL		* 60TH JUDICIAL DISTRICT
11	NO. A-141,797		
12	JAMES EUGLON	* IN THE DISTRICT COURT OF	
13	VS.		* JEFFERSON COUNTY, TEXAS
14	AMERICAN OPTICAL, ET AL		* 58TH JUDICIAL DISTRICT
15	NO. E-153,066		
16	BOYCE A. GILBERT	* IN THE DISTRICT COURT OF	
17	VS.		* JEFFERSON COUNTY, TEXAS
18	AMERICAN OPTICAL, ET AL		* 172ND JUDICIAL DISTRICT
19	NO. E-153,066		
20	JOHNNY LEE POWERS	* IN THE DISTRICT COURT OF	
21	VS.		* JEFFERSON COUNTY, TEXAS
22	AMERICAN OPTICAL, ET AL		* 60TH JUDICIAL DISTRICT
23	NO. B-141,242		
24	ROOSEVELT SCOTT	* IN THE DISTRICT COURT OF	
25	VS.		* JEFFERSON COUNTY, TEXAS
	AMERICAN OPTICAL, ET AL		* 60TH JUDICIAL DISTRICT

1 NO. A-153,063
2 ROBERT WASHINGTON * IN THE DISTRICT COURT OF
3 VS. * JEFFERSON COUNTY, TEXAS
4 AMERICAN CAST IRON PIPE *
5 CO., ET AL * 58TH JUDICIAL DISTRICT

6 NO. B-150,802
7 LENA BROUSSARD ET, AL * IN THE DISTRICT COURT OF
8 VS. * JEFFERSON COUNTY, TEXAS
9 GULF STATES UTILITIES *
10 CO., ET AL * 60TH JUDICIAL DISTRICT

11 NO. B-148,523
12 WINIFRED WILLBANKS ET AL* IN THE DISTRICT COURT OF
13 VS. * JEFFERSON COUNTY, TEXAS
14 AC&S, INC., ET AL * 60TH JUDICIAL DISTRICT

15 NO. E-149,835
16 JUDY BLACKBURN, ET AL * IN THE DISTRICT COURT OF
17 VS. * JEFFERSON COUNTY, TEXAS
18 AC&S, INC., ET AL * 172ND JUDICIAL DISTRICT

19 NO. E-141,216
20 BARNARD, ET UX * IN THE DISTRICT COURT OF
21 VS. * JEFFERSON COUNTY, TEXAS
22 ALLIED-SIGNAL, INC., *
23 ET AL * 58TH JUDICIAL DISTRICT

24 NO. E-144,963
25 JUANITA FRALICK, ET AL * IN THE DISTRICT COURT OF
VS. * JEFFERSON COUNTY, TEXAS
CONOCO, ET AL * 172ND JUDICIAL DISTRICT

1 NO. A-152,338

2 MARGARET PALERMO, ET AL * IN THE DISTRICT COURT OF
 3 VS. * JEFFERSON COUNTY, TEXAS
 4 ARCO CHEMICAL COMPANY *
 5 ET AL * 58TH JUDICIAL DISTRICT

 6 NO. E-144,117
 7 ALBERT PALMER, ET AL * IN THE DISTRICT COURT OF
 8 VS. * JEFFERSON COUNTY, TEXAS
 9 SHELL OIL COMPANY * 172ND JUDICIAL DISTRICT

 10 NO. E-146,212
 11 BARBARA BOYD WINNINGKOFF, * IN THE DISTRICT COURT OF
 12 ET AL *
 13 VS. * JEFFERSON COUNTY, TEXAS
 14 CHEVRON USA, INC., ET AL * 172ND JUDICIAL DISTRICT

 15 NO. 96-3348-E
 16 DENKELER, ET AL * IN THE DISTRICT COURT OF
 17 VS. * NUECES COUNTY, TEXAS
 18 AC&C, INC., ET AL * 148TH JUDICIAL DISTRICT

 19 NO. B-138,645
 20 DAVIS, ET AL * IN THE DISTRICT COURT OF
 21 VS. * JEFFERSON COUNTY, TEXAS
 22 AC&S, INC., ET AL * 60TH JUDICIAL DISTRICT

 23 NO. B-149,788
 24 FOSTER, ET AL * IN THE DISTRICT COURT OF
 25 VS. * JEFFERSON COUNTY, TEXAS
 AMF, INC., ET AL * 60TH JUDICIAL DISTRICT

1 NO. A-155,544
2 HARRY GILBERT, JR., ET AL * IN THE DISTRICT COURT OF
3 VS. * JEFFERSON COUNTY, TEXAS
4 AMOCO CORP., ET AL * 58TH JUDICIAL DISTRICT
5 NO. A-151,231
6 JONES, ET AL * IN THE DISTRICT COURT OF
7 VS. * JEFFERSON COUNTY, TEXAS
8 AC&S, INC., ET AL * 58TH JUDICIAL DISTRICT
9 NO. D-143,616
10 DIDDLE, ET AL * IN THE DISTRICT COURT OF
11 VS. * JEFFERSON COUNTY, TEXAS
12 TEXACO INC., ET AL * 136TH JUDICIAL DISTRICT
13 NO. D-128,522
14 LOBUE * IN THE DISTRICT COURT OF
15 VS. * JEFFERSON COUNTY, TEXAS
16 AMERICAN PETROFINA, INC., *
17 ET AL * 60TH JUDICIAL DISTRICT
18 NO. A-140,498
19 BORNE, ET AL * IN THE DISTRICT COURT OF
20 VS. * JEFFERSON COUNTY, TEXAS
21 ALLIED-SIGNAL, INC., *
22 ET AL * 58TH JUDICIAL DISTRICT
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* * * * *

2 JERRY SIEDLICKI

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On December 17, 1996, the oral deposition of JERRY SIEDLICKI, a witness in the above-styled cause, was taken at the instance of the Plaintiff at the Prudential Building, 130 East Randolph Street, Chicago, Illinois, pursuant to Stipulation attached hereto.

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VIDEOTAPE OPERATOR/TECHNICIAN:

7

Warriene M. Flatt

8

Legal Images

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Lumberton, Texas, 77657

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THE REPORTER: Please state the

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stipulations on the record.

3

MR. HOBSON: Texas Rules of

4 Civil Procedure. One objection by
5 one defendant is good for all.

6 MR. TAYLOR: Agreed.

7 MR. HOBSON: And I take it that
8 Mr. Siedlicki would like to read and
9 sign.

10 MR. TAYLOR: Yes.

11 THE VIDEOGRAPHER: We are on the
12 record at 8:41.

13

14 JERRY SIEDLICKI,

15 having been duly sworn, testified as follows,

16 to-wit:

17

18 EXAMINATION BY MR. HOBSON:

19 Q Would you introduce yourself, please,
20 sir.

21 A My name is Jerry Siedlicki.

22 Q And, Mr. Siedlicki, we have known each
23 other many years. I'm Herschel Hobson. We are here
24 today to take your deposition. And just so it's
25 clear, you understand that I represent the people

14

1 who have brought the lawsuit; and I'm on the
2 opposite side from your old employer.

3 A Yes.

4 Q If at any time during the deposition you
5 need to take a break, would like to take a break,

6 just speak up; and we are at your command on that
7 issue.

8 A Okay. Thank you.

9 Q I'd like to begin, if we could, by getting
10 some background information on you. Would you be
11 kind enough to give me your date of birth.

12 A March 6th, 1920.

13 Q And where were you born, sir?

14 A Chicago.

15 Q Could you tell me where you went to school
16 after high school, please?

17 A I graduated with a bachelor's degree from
18 Northwestern University in chemistry; and DePaul
19 University I received a Master's of Science.

20 Q Your bachelor's degree from Northwestern,
21 you said was in chemistry?

22 A Right.

23 Q Was it organic, inorganic or just a
24 chemistry degree?

25 A Just general chemistry.

15

1 Q And may I ask what year that was?

2 A It was 1947.

3 Q And you went to DePaul and graduated in
4 what year, sir?

5 A '49.

6 just speak up; and we are at your command on that
7 issue.

8 A Okay. Thank you.

9 Q I'd like to begin, if we could, by getting
10 some background information on you. Would you be
11 kind enough to give me your date of birth.

12 A March 6th, 1920.

13 Q And where were you born, sir?

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16 after high school, please?

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18 Northwestern University in chemistry; and DePaul
19 University I received a Master's of Science.

20 Q Your bachelor's degree from Northwestern,
21 you said was in chemistry?

22 A Right.

23 Q Was it organic, inorganic or just a
24 chemistry degree?

25 A Just general chemistry.

15

1 Q And may I ask what year that was?

2 A It was 1947.

3 Q And you went to DePaul and graduated in
4 what year, sir?

5 A '49.

6 Q And your degree from DePaul?
7 A Was organic chemistry.
8 Q Can you give me your first professional
9 work assignment, please?
10 A My first work assignment as far as
11 industrial hygiene was concerned was at Zurich
12 American Insurance Company.
13 Q Had you worked in the area of chemistry
14 before going to Zurich Insurance?
15 A Oh, yes.
16 Q What had you done as a chemist?
17 A Well, I worked for Universal Oil Products
18 in their analytical laboratory. I worked for Swift
19 Meat Packing in their analytical laboratory.
20 Q And at UOP, can you tell me about when you
21 went to work there, please, sir?
22 A Oh, that was '46, '47.
23 Q That's while you were still an
24 undergraduate?
25 A Yes.

16

1 Q And what kind of work were you doing for
2 UOP?
3 A I was working in the analytical laboratory
4 as a chemist.
5 Q Was this developmental work or regular

6 routine processing of samples?

7 A It was routine processing, yes.

8 Q Do you remember what kind of products or
9 tests that you were running at UOP?

10 A Well, UOP at that time was doing research
11 development work for small oil companies; and, so, I
12 was in the analytical laboratory running tests on
13 the products of - the Ph.Ds got through.

14 Q I'm sorry. The what?

15 A The Ph.D. research people managed to send
16 to us.

17 Q So, you were basically the hands of the
18 research chemists there at UOP running procedures
19 that they would tell you to run.

20 A That's correct.

21 Q And about how long did you stay at UOP,
22 sir?

23 A About a year and a half.

24 Q And did you go from UOP to Swift Meats
25 then?

17

1 A Well, after I got my bachelor's, I went to
2 Swift's and worked there for about a year.

3 Q And what kinds of things did you do at
4 Swift?

5 A Well, that was, again, in the analytical
6 laboratory in running fat samples, blood samples.

7 Q And did you leave Swift to go to Zurich?
8 A No. I went - I went full-time to DePaul
9 to get my master's in chemistry.
10 Q And then after DePaul?
11 A I went to -- Zurich was my first
12 industrial hygiene position.
13 Q What got you interested in industrial
14 hygiene?
15 A Well, like everybody else, you get in by
16 accident. It's an interesting story that I went to
17 the American Chemical Society employment office.
18 And there was Mr. Cook talking to the person in
19 charge of this employment office describing the type
20 of person he wanted. And I thought, "Gee whiz, I am
21 that person."
22 So, when he left the room, I asked her to
23 introduce me to Mr. Cook - Warren Cook; and that's
24 how I got hired.
25 Q So, you bypassed their employment service

18

1 after all, did you?
2 A Well, I went through the doors.
3 Q Now, you got to Zurich, then, in about
4 what year?
5 A This was in 1949.
6 Q Had you heard of industrial hygiene before

7 you met Warren Cook?

8 A I had heard of industrial hygiene. I

9 didn't know much about industrial hygiene.

10 Q I take it that UOP did not have an

11 industrial hygienist at that time, or at least that

12 you knew of?

13 A They did not have an industrial

14 hygienist. They had a safety person.

15 Q And Swift, I guess, would not have had an

16 industrial hygienist either, that you knew of?

17 A Not that I knew of, no.

18 Q You got to Zurich in 1949, and what was

19 your title, sir?

20 A It was Industrial Hygienist.

21 Q What did they have you doing?

22 A Well, in those days you did surveys, you

23 did the analytical work, and you wrote the reports.

24 So, I was doing surveys for the insured either at

25 the request of the insured or initiated by us.

19

1 Q Can you -- This was here in Chicago, was

2 it?

3 A Yes.

4 Q And can you describe for us what the

5 Zurich Insurance Company's industrial hygiene effort

6 was in 1949 when you joined? In other words, who

7 was already there?

8 A Well, it was Warren Cook was the Director
9 of Industrial Hygiene and Research and there was one
10 other person there and I was there. There was three
11 of us.

12 Q Do you recall the name of the other
13 person?

14 A Lloyd Gordon.

15 Q Lloyd Gordon?

16 A Yes.

17 Q Would you know if Mr. Gordon is still
18 living?

19 A No. He passed away many years ago.

20 Q Did you work for Mr. Cook?

21 A Yes.

22 Q And had Mr. Gordon preceded you by many
23 years, or would you recall?

24 A Many years.

25 Q About how long did Mr. Gordon continue to

20

1 work for Zurich after you got there?

2 A Until he retired.

3 Q Do you remember about when that was?

4 A I don't recall.

5 Q And when was it that you left Zurich,
6 please?

7 A It was 1955.

8 Q Was Mr. Gordon still there when you left
9 in '55?
10 A Yes, he was.
11 Q Tell me who some of the insureds of Zurich
12 were at the time that you recall visiting.
13 A Well, some of them - The Chicago Tribune.
14 There was a newspaper in Milwaukee. I'm not sure.
15 I forget the name. There were quite a number of
16 foundries. I don't remember all the names. They
17 insured quite a number of facilities all over the
18 United States.
19 Q What was your territory?
20 A I traveled wherever they sent me.
21 Q So, anywhere in the Country?
22 A Yes.
23 Q And did your job require a lot of travel
24 then?
25 A Oh, about 30 percent.

21

1 Q And if you were on the road 30 percent, I
2 take it, then, you were able to do some surveys
3 without travel here in the Chicago area.
4 A Quite a number of surveys.
5 Q And how much of your time would you have
6 actually been spending in the field as an industrial
7 hygienist in general?
8 A In the field?

9 Q Yes, sir.
10 A About 30 percent.
11 Q What would you be doing the other
12 70 percent of your time that you weren't doing field
13 industrial hygiene work?
14 A Well, we had a laboratory; and I was doing
15 analytical work for Lloyd Gordon and Warren Cook.
16 Q Can you tell us generally what your
17 laboratory capabilities were in the '49 to '55 time
18 period?
19 A Well, we did quite a bit of lead analysis
20 from lead exposures. And there was a lot of foundry
21 work done; so, a lot of dust counts were done. And
22 there were all types of analyses - fluorides.
23 Q Now, the work that Mr. Cook was doing, was
24 he doing field industrial hygiene work, as well?
25 A Some.

22

1 Q What did you perceive his job to be
2 primarily?
3 A His job?
4 Q Yes, sir.
5 A Well, he was the Director of Industrial
6 Hygiene and Engineering, the research. That was his
7 title. So, he had a lot of contacts within the

8 company, and people would come to him and ask him
9 for advice regarding the insureds.

10 Q Can you give me any feel for what kinds of
11 questions would have been put to Mr. Cook that you
12 had knowledge of from the company people about the
13 insureds?

14 A Well, anything. There could be any
15 problem regarding the risks and also anything
16 regarding claims.

17 Q Can you give me some examples of what you
18 mean by risks in this context?

19 A Well, the risks were the insureds that we
20 had - the people that we insured.

21 Q And can you give me a little more detail
22 than that about what kind of questions Mr. Cook
23 would have been presented concerning risks?

24 A Well, I wasn't aware of all the
25 discussions he had. I mean ...

23

1 Q Well, I can appreciate you wouldn't know
2 them all. You had your work to do. But I was
3 curious if you could tell me about some of the ones
4 that you became aware of.

5 A Well, any claims that came across -- I
6 mean, we would be questioned regarding these claims,

7 if we could be of any assistance.

8 Q Could you give me any examples of the
9 claims?

10 A Well, one example I can give in which I
11 was deeply involved in, it was not in industrial
12 hygiene. But there was an ice cream company, and
13 somebody claimed that the ice cream was off-taste.
14 So, the claim was put in; and, of course, a lot of
15 ice cream was destroyed because of that.

16 So, we made up a taste panel; and they
17 submitted the ice cream to us. And that's as far as
18 they took the results of this taste panel.

19 Q So, you designed, in essence, the taste
20 panel.

21 And this was to serve what purpose? I
22 mean, I understand about the taste panel; but why
23 would the company have been interested in ---

24 A Well, because a lot of ice cream was
25 destroyed because the claimant claimed it was

24

1 off-taste, that something was wrong with the ice
2 cream.

3 Q And Zurich would have been writing
4 insurance that covered off-taste ice cream?

5 A Not the off-taste ice cream. They covered

6 the company that made the ice cream and the ice
7 cream cartons.

8 Q That's the part I'm having trouble
9 comprehending is how does the insurance coverage get
10 into the ice cream being off-taste?

11 MR. BLANKS: The cartons were
12 defective and they disflavored the
13 ice cream and there was a claim.

14 THE WITNESS: That's correct.
15 You got it.

16 MR. HOBSON: You were there.

17 MR. BLANKS: I used to be Warren
18 Cook.

19 MR. HOBSON: As you can tell
20 from looking at him, he eats a lot of
21 ice cream, too.

22 (By Mr. Hobson)

23 Q Can you give me any industrial hygiene
24 examples where you were involved or know that
25 Mr. Cook was involved in claims and risks?

25

1 A Well, we had we insured the quarries and
2 all types of foundries; and, so, we did industrial
3 hygiene surveys of the quarries and the foundries
4 and took samples, made dust counts, made

5 recommendations for corrections.

6 Q Did you ever get involved while you were
7 at Zurich in knowing how - or any part of how Zurich
8 was utilizing your industrial hygiene surveys?

9 A Well, we make corrections and prevented
10 industrial hygiene claims. That's how they utilized
11 them. That was the whole purpose of keeping us on
12 staff.

13 Q So, your job was to go out and look at
14 Zurich's insureds premises and their operations,
15 make recommendations for corrections ---

16 A That's true.

17 Q --- and try to keep people from getting
18 hurt.

19 A That's right, sir.

20 Q And your area was primarily occupational
21 diseases?

22 A That's correct.

23 Q And I guess by definition, occupational
24 diseases are preventable diseases.

25 A That's correct.

26

1 Q And your job was prevention?

2 A That's right.

3 Q When you would visit the premises of an

4 insured, would you always write an industrial
5 hygiene survey report of your work?
6 A Always.
7 Q And would you include any recommendations
8 you felt were necessary in the industrial hygiene
9 survey report?
10 A Yes.
11 Q Would those industrial hygiene survey
12 reports made for Zurich have been kept at your
13 offices?
14 A They were, yes.
15 Q Did you maintain those by insured? Did
16 you have a file for each insured that you visited so
17 that you would file a copy of the industrial hygiene
18 report by insured?
19 A Yes.
20 Q Would you before you went out to see an
21 insured's facilities, go to your files to see if any
22 previous industrial hygiene surveys had been made?
23 A Yes.
24 Q And then if there were recommendations
25 from a previous survey, you could follow up on

1 those?

2 A Yes.

3 Q And, of course, if any new recommendations
4 needed to be made, you could add those to the new
5 survey report?

6 A Correct.

7 Q Now, would you in the Industrial Hygiene
8 Group have been made aware of claims being made for
9 that insured's facilities?

10 A Yes, we were sometimes, yes.

11 Q I mean, it seems to me that if you're
12 going out to an insured's facilities to do an
13 industrial hygiene survey, one of the things that
14 would surely help you in your work to know what to
15 look for when you got there was a claims history.
16 Would that not be so?

17 A Well, not necessarily. Generally when an
18 occupational disease claim comes in, it's long after
19 the fact. A case of silicosis may have taken
20 30 years to develop. Things have changed during
21 that time. It would not have been of any help to me
22 to know that there was one case of silicosis where
23 the worker was retired for a number of years and his
24 silicosis or his exposure covered 30 years previous.

25 Q Unless it was continuing. If the same

1 exposure conditions continued to exist for 30 years,

2 that certainly would have been of interest to you,
3 wouldn't it?

4 A Yes, it would; but the job situation would
5 have changed by that time.

6 Q How far back in time as you appreciate it
7 did Zurich's industrial hygiene program go?

8 A I don't recall. I don't know.

9 Q Do you have any appreciation for how long
10 Mr. Cook had been there?

11 A Quite a number of years before I was
12 hired.

13 Q At least back into the early 1930s?

14 A No, he wasn't there that long.

15 Q Would you know if anyone had been at
16 Zurich before Mr. Cook, or did he begin the program?

17 A I was not aware of anyone being there
18 before he was there.

19 Q Your appreciation was he began the
20 program?

21 A Yes.

22 Q Now, of course, not all occupational
23 diseases take 30 years to develop, correct?

24 A Not all, that's correct.

25 Q Was there some way that you distinguished

1 claims that took 30 years and 20 years to develop
2 that were so far back in time they wouldn't interest
3 you from claims that would be from more recently
4 occurring diseases?

5 A Well, the more recently occurring diseases
6 would be dermatitis or problems that somebody might
7 have some sensitivity to some chemical. We would be
8 notified of that by the Claims Department of those
9 cases.

10 Q So, the Claims Department knew to notify
11 you of certain occupational diseases if you thought
12 they could be - the latency period could be shorter
13 than a few years?

14 A Well, Warren Cook probably was far more
15 familiar with the claims than I was. He was the
16 director; so, everything went through him, sir.

17 Q Of course, even a disease like silicosis
18 can develop after just a few years, can it not, if
19 the exposures are high enough and severe enough?

20 A It would have to be pretty severe.

21 Q Well, the Gauley tunnel incident, you had
22 silicosis cases in six months; is that correct?

23 A I don't recall that.

24 Q You mentioned that one of your jobs was to
25 do some laboratory work at Zurich?

1 A Right.

2 Q Did you do laboratory work for the other
3 two industrial hygienists, Mr. Cook and Mr. Gordon?

4 A Yes.

5 Q Who had been doing their work before you
6 came, or would you know?

7 A They were doing it themselves.

8 Q So, you were taking laboratory work off
9 their hands so that they could spend more time in
10 the field?

11 A That's correct.

12 Q Is that because you were the junior man or
13 because you happened to have a chemistry background
14 and worked in laboratories?

15 A Well, that's what they were looking for.
16 That's why I was hired because of the background I
17 had.

18 Q So, when they picked you up from the
19 American Chemical Society, they were looking for a
20 laboratory chemist?

21 A And somebody they could train into being
22 an industrial hygienist.

23 Q I take it soon after you got to Zurich,
24 perhaps even a few days, you began your training
25 program?

1 A Well, it was immediate.

2 Q How did they train you? What did they do?

3 A Well, Warren Cook, as you know, later
4 became professor of industrial hygiene, started the
5 program at the University of Michigan. And he was
6 just a wonderful person and disseminated a lot of
7 information to me.

8 Q How did he disseminate it to you?

9 A Discussions, directed me to the proper
10 literature to read and ---

11 Q What was the -- I'm sorry.

12 A --- I went out together with them in the
13 field.

14 Q So, you had on-the-job training and
15 experience, as well as lectures and literature that
16 was provided to you or made available to you to
17 study.

18 A Correct.

19 Q What kind of literature was available in
20 the 1949 time period for an industrial hygienist to
21 look at to learn the profession?

22 A Well, there was the "American Industrial
23 Hygiene Quarterly." And there was the "Journal of
24 Industrial Hygiene and Toxicology." There was
25 "Industrial Medicine and Surgery" in which

1 initially before the quarterly started, there were
2 industrial hygiene articles. It had a section on
3 industrial hygiene in that journal and during -
4 medical journals that were available.

5 Q These journals, these periodicals that you
6 have just mentioned, were these difficult to find
7 here in the Chicago area?

8 A No. Warren Cook had an excellent
9 library. Rather, we had a good library of our own.

10 Q Were there other things in his library
11 besides these periodicals?

12 A Oh, yes.

13 Q Can you recall what some of the other
14 items were?

15 A Well, I don't recall, no.

16 Q Do you remember if he had textbooks?

17 A He had a lot of textbooks, yeah, all the
18 industrial hygiene textbooks that were available at
19 that time.

20 Q You say that pretty convincingly that he
21 had all the textbooks that were available. Why do
22 you say that that would be so, sir?

23 A Well, you know, Warren Cook is one of the
24 leading authorities on industrial hygiene; so, he,
25 over the years, he developed a very good library.

1 Q And at least good enough that he convinced
2 you in your mind that he would have had any text on
3 the subject at his fingertips.

4 A Or knew where to get it.

5 Q Was there a medical doctor associated with
6 Zurich concerned about occupational diseases that
7 you know of, Mr. Siedlicki?

8 A Not in the employ.

9 Q I'm sorry?

10 A Not in the employ of Zurich, no.

11 Q Were there any consultants that Zurich
12 would have called upon in the area of occupational
13 diseases that were medical doctors?

14 A Yes, there were. There were consultants.

15 Q Do you recall who some of those people
16 might have been, sir?

17 A One was Dr. Sappington. And then there
18 was one radiologist - I don't recall their names -
19 that we took our X rays to.

20 Q And would you recall where Dr. Sappington
21 was at the time?

22 A He was in the Chicago area.

23 Q And what his area of interest was?

24 A Occupational disease.

25 Q And he was published, was he not, in the

34

1 area of occupational disease?

2 A Yes.

3 Q And then you say there was a radiologist?

4 A Yes.

5 Q And did you actually know the radiologist
6 and have discussions with him, or is this someone
7 that you knew of through other people?

8 A No. I used to take X rays to him and he
9 would look at them and we would have discussions
10 about some of the X rays.

11 Q If you think of his name during the
12 deposition, I would appreciate you letting me know.
13 Or if between now and the time when you get your
14 transcript if you could make a note of his name on
15 the errata, I would appreciate it.

16 A It's been many, many years ago. I mean we
17 are talking about the Fifties.

18 Q Right. And I realize you may not
19 remember.

20 A Yeah.

21 Q But if you do I'd appreciate his name.

22 Was it your appreciation that the
23 radiologist was experienced in looking for

24 pneumoconioses ---

25 A Yes, he was.

35

1 Q --- or dust diseases?

2 A Yes, he was.

3 Q And was that primarily why you would take
4 chest X rays to him?

5 A Yes.

6 Q Now, you mentioned that you yourself did
7 the dust counts at the laboratory?

8 A Generally dust counts at that time were
9 made in the field. Some were done in the lab,
10 but ...

11 Q What sorts of instruments did you have at
12 Zurich for doing dust counts in the field?

13 A Well, we had the midget impinger and
14 Greenberg-Smith impinger.

15 Q And were you using light microscope?

16 A Yes.

17 Q Did you have either the Bausch & Lomb dust
18 counter or konimeter?

19 A We had the konimeter, but we never used
20 it.

21 Q Why was that, sir?

22 A Well, that was used prior to the midget

23 impinger method and the light-field method of
24 counting.

25 Q Would you recall, Mr. Siedlicki, if

36

1 Dr. Sappington also had a Doctor of Public Health,
2 as well as a medical degree?

3 A I don't recall.

4 Q Where was he working at the time?

5 A Well, he was in the Chicago area. He had
6 a small laboratory of his own, and he was doing
7 industrial hygiene and at the same time occupational
8 diseases.

9 Q And when you say "he had a small
10 laboratory," what kind of laboratory work do you
11 recall him doing?

12 A I don't know I never saw the lab.

13 Q Did you appreciate Dr. Sappington having
14 industrial hygiene capabilities?

15 A Yes.

16 Q And the dust counts that you were doing,
17 were these using the midget impinger or the
18 Greenberg-Smith impinger?

19 A Yes.

20 Q And you were doing light-field dust
21 counting?

22 A Right.
23 Q Did you ever do dark field?
24 A No.
25 Q Did you ever do any phase-contrast at

37

1 Zurich?
2 A Not at Zurich. Phase-contrast didn't come
3 in until much later.
4 Q You mean phase-contrast wasn't used in
5 industrial hygiene until much later?
6 A Yes.
7 Q Phase-contrast microscopy had been in use
8 since at least the Thirties, had it not?
9 A Well, it might have been used, but not in
10 industrial hygiene.
11 Q Did you ever do any projection microscopy
12 counting?
13 A I did not do it at Zurich. I did it
14 somewhere else.
15 Q Where was that?
16 A American Brake Shoe.
17 Q I'm sorry?
18 A American Brake Shoe. American Brake Shoe.
19 Q That one is totally unfamiliar to me.
20 It's M-e-r-k?

21 A American Brake Shoe.
22 Q American Brake Shoe. I beg your pardon.
23 I don't know why I couldn't hear that.
24 Do you recall ever visiting any facilities
25 where asbestos was in use while you were with

38

1 Zurich?
2 A I don't recall, no.
3 Q And I know that it's going to be difficult
4 for you to recall back to something that took place
5 so long ago, some 40-odd-years years ago, and know
6 every detail. And, so, what I'd really like to have
7 is just your best recollection, if I can have it.
8 And if you don't remember something precisely, if
9 you will just say whatever your best recollection is
10 and qualify it anyway you need to, I would
11 appreciate it.

12 MR. MARON: With the
13 understanding Herschel doesn't want
14 you to guess, either, Mr. Siedlicki.

15 MR. HOBSON: Right.

16 (By Mr. Hobson)

17 Q Of course, just so it's clear, any
18 question that you don't know the answer to, all you
19 have to say is, "I don't know," if it's so. Or if

20 you don't remember something, just tell me you don't
21 remember; and that's okay. It's just I would like
22 to have your best recollection even though it may
23 not be perfect.

24 Can you recall some of the kinds of places
25 where you would have gone to collect samples of dust

39

1 while you were working for Zurich?

2 A Well, there were foundries and then there
3 were quarries and there were smelting plants,
4 numerous different types of operations.

5 Q Do you remember any samples that either
6 you collected or perhaps Mr. Cook or Mr. Gordon
7 would have collected where asbestos was of interest?

8 A I just don't recall. I just don't.

9 Q Do you recall Mr. Cook teaching you how to
10 evaluate exposures to asbestos using dust counters?

11 A Yes.

12 Q How did -- Did you actually look through
13 the microscope and see asbestos while you were with
14 Zurich?

15 A Well, I just saw fibers and counted
16 fibers.

17 Q Your experience was that you could see
18 asbestos fibers with a light microscope?

19 A You could see particles that looked like
20 fibers, and you would try to count the ones that
21 were longer than 5 microns. So ...
22 Q And this is back when you were using the
23 light microscope?
24 A Uh-huh. Right.
25 Q Were you counting total dust then?

40

1 A Counting total dust.
2 Q Including the fibers?
3 A We counted total dust.
4 Q But, I mean, that would include fibers ---
5 A Yes.
6 Q --- because they would be part of the dust
7 makeup.
8 A Right.
9 Q And in the '49 to '55 time period while
10 you were at Zurich either the maximum allowable
11 concentration or threshold limit value for asbestos
12 would have been 5 million particles per cubic foot.
13 Do you recall that?
14 A Right.
15 Q That was total dust, was it not?
16 A At that time the TLV for total dust was
17 20 million particles per cubic foot, and asbestos

18 was 5 million particles per cubic foot.
19 Q Yes, sir. But if the suspected exposure
20 was to asbestos, then you would have a standard of
21 5 million particles per cubic foot of all the
22 particles you could see in the field, correct?
23 A Right. If there was some question, one
24 would send that out for X ray diffraction.
25 Q And if you found any asbestos by X ray

41

1 diffraction, then you would use the total dust count
2 comparing to the TLV or MAC.
3 A Now, you try to get an estimate of the
4 amount of asbestos there or the percentage of
5 asbestos in that dust sampling, then you could
6 determine your - what the permissible limit would
7 be.
8 Q Well, certainly that would be the way you
9 would do it for silica.
10 A Yes.
11 Q But can you show me this written procedure
12 where the same approach would be done for asbestos?
13 A I don't recall, no.
14 Q I am going to tell you, Mr. Siedlicki, my
15 appreciation is that it was done for silicosis and
16 silica, but not for asbestos. And I want to make

17 sure we are not confusing two things here.

18 Can you recall in the '49 to '55 time
19 period if you were making adjustments for asbestos?

20 A Well, I don't recall because as I
21 mentioned, I don't recall doing any asbestos in
22 those years.

23 Q And, so, it may or may not have been this
24 procedure that you are telling me about?

25 A Well, if I didn't do it, I didn't do it;

42

1 so ...

2 Q While you were with Zurich, do you recall
3 any of your insureds being in the insulation
4 business?

5 A No, I don't.

6 Q Did Zurich have as insureds people who
7 were doing building construction?

8 A Well, I never did a survey on any
9 construction site while I was at Zurich.

10 Q Would you recall if Dow Chemical Company
11 was one of Zurich's insured?

12 A Yes, it was.

13 Q Did you do any surveys of any Dow
14 facilities?

15 A No, I did not.

16 Q Would you recall which of the industrial
17 hygienists at Zurich would have been inspecting Dow
18 facilities, if any?
19 A I don't know.
20 Q Would you know if it was Zurich's practice
21 not to survey Dow's facilities for industrial
22 hygiene purposes?
23 A Well, Dow had their own industrial hygiene
24 staff at that time.
25 Q I appreciate they did. Was Dow then

43

1 sending you copies of their industrial hygiene
2 reports at Zurich?
3 A I did not see any.
4 Q Did you ever have any communications with
5 the people at Dow?
6 MR. MARON: While at Zurich?
7 MR. HOBSON: Yes, while at
8 Zurich.
9 A No. Warren Cook did. I did not.
10 (By Mr. Hobson)
11 Q Was there a local AIHA section in Chicago
12 when you joined Zurich in '49?
13 A Yes, there was.
14 Q Did you begin to attend that?

15 A Yes.

16 Q Can you give me some feel for
17 approximately how large the section was in 1949?

18 A In 1949, well, I don't remember exactly;
19 but we always had about 30 people in attendance.

20 Q And in general what other industrial
21 hygienists would come to the AIHA local section
22 meetings in Chicago in this '49, '50 time period?

23 A Well, Herb Walworth, Herb Weber,
24 Dr. Hamlin, Fred Cook. I don't remember all their
25 names.

44

1 Q Would Dr. Sappington be coming to the
2 meetings?

3 A Yes.

4 Q Mr. Walworth - where was he working? Do
5 you recall?

6 A Yes. He was with Lumbermen's Insurance
7 Company.

8 Q Lumbermen's?

9 A Lumbermen's.

10 Q And Mr. Weber?

11 A He was with -- At the time he was with
12 American Brake Shoe.

13 Q And Dr. Hamilton? I'm sorry.

14 Dr. Hamlin.
15 A He was medical director of American Brake
16 Shoe.
17 Q And Fred Cook?
18 A He was with -- He was with an insurance
19 company. I don't remember which one now.
20 Q Were he and Warren Cook related? Would
21 you know?
22 A No.
23 Q We have information that Dr. Hamlin's
24 initials are A. E. Would you recall what his name
25 was - his first name? A. E. are his initials.

45

1 A No, not A. E.
2 Q Not E.?
3 A Let's see. His first name was Lloyd, I
4 think, Lloyd Hamlin. Lloyd Hamlin.
5 Q Was Zurich sending you to the American
6 Industrial Hygiene Conferences while you were an
7 employee there?
8 A Yes.
9 Q Do you recall about when it was that you
10 left Zurich in '55 - what time of the year it was?
11 A September.
12 Q So, you made the '55 Buffalo AIHA meeting?

13 A Yes, I was in Buffalo.
14 Q Would Mr. Cook make those meetings, as
15 well?
16 A He never missed a meeting. He probably
17 had the longest attendance up until the time he
18 died.
19 Q And would Mr. Gordon have been going, as
20 well?
21 A Yes.
22 Q Did anyone else join the Industrial
23 Hygiene Group at Zurich while you were there besides
24 Mr. Cook and Mr. Gordon and yourself?
25 A No.

46

1 Q When you left Zurich, may I ask what job
2 you took next, please?
3 A I was employed by American Brake Shoe
4 Company.
5 Q That was here in Chicago?
6 A Yes.
7 Q And your title there?
8 A Industrial Hygienist.
9 Q And I take it Mr. Weber was already
10 working there?
11 A He was not working there anymore.

12 Q Oh, he had left the company?
13 A Yes.
14 Q Were you the only industrial hygienist for
15 American Brake Shoe then?
16 A No. There were three of us.
17 Q Who else was there with you, sir?
18 A I can't recall their names now.
19 Q Did you work for them, or did they work
20 for you?
21 A No. Well, I reported to another
22 industrial hygienist; and we worked in the Medical
23 Department.
24 Q And you just don't recall the gentleman's
25 name you reported to now?

47

1 A I can't recall, no.
2 Q And was Dr. Hamlin then your main
3 supervisor?
4 A Correct. He was the medical director.
5 Q What sorts of activities would you have
6 been doing as an industrial hygienist at American
7 Brake Shoe?
8 A Well, we did surveys of all the
9 facilities. It was primarily foundry work.
10 Q Was American Brake Shoe an insured of

11 Zurich?

12 A No.

13 Q Would you recall who their Workers'

14 Compensation carrier would have been - American

15 Brake Shoe?

16 A I don't know. I don't remember the

17 original insured. Later on it was with Liberty

18 Mutual.

19 Q Did the Liberty Mutual industrial

20 hygienists survey American Brake Shoe facilities?

21 A Yes. They insured about the last year I

22 was employed there, but they did.

23 Q Do you recall Mr. Houghton at Liberty

24 Mutual?

25 A Houghton?

48

1 Q Houghton.

2 A Yes.

3 Q Was he one of their industrial hygienists

4 that surveyed your facilities at American Brake?

5 A I don't remember who did the surveys. I

6 don't remember.

7 Q I may have mispronounced his name.

8 H-o-u-g-h ---

9 A t-o-n.

10 Q --- t-o-n.
11 And I take it from the name that American
12 Brake Shoe was in the business of manufacturing
13 brake shoes?
14 A Well, brake shoes and railroad tracks;
15 locomotives, the base of the locomotive; and
16 chemical vessels of all types, they made.
17 Q Did American Brake's products involve
18 asbestos?
19 A Well, the brake shoes did, yes.
20 Q Did you survey those facilities?
21 A Yes.
22 Q How many such facilities did American
23 Brake have, sir, approximately?
2 A I can't tell you. I don't remember.
25 Q I mean, are we talking 20 or 30 or a few?

49

1 A I don't know how many facilities they made
2 brake shoes at.
3 Q How large a company was American Brake in
4 1955 or so?
5 A Well, at that time there were 60 plants
6 throughout the Country and Canada.
7 Q And about how many employees?
8 A I don't remember.

9 Q I take it, it was at least tens of
10 thousands?
11 A (No response.)
12 Q More than ten thousand?
13 A I don't remember the number at all.
14 Q And as industrial hygienist for American
15 Brake Shoe, did you have a regional territory that
16 you were responsible for?
17 A No. I traveled all over.
18 Q So, you're still on the road?
19 A Oh, yes.
20 Q How did you get the job over at American
21 Brake?
22 A Well, Zurich was reducing their staff and
23 American Brake Shoe needed somebody and I applied.
24 Q Any reason that you knew of that Zurich
25 would be reducing their staff in 1955?

50

1 A Companies do that ever so often.
2 Q "Right sizing," they call it today. I
3 guess they called it "reduction in force" in those
4 days, huh?
5 A Yes.
6 Q You happened to be the force that was
7 reduced at Zurich, or did you just see the

8 handwriting on the wall?

9 A Well, I had very good relations with
10 Gordon - Lloyd Gordon, and we discussed this
11 together. And there was a question of raises.
12 Raises weren't coming in for me nor for him; so, it
13 was decided that I'd leave.

14 Q And you knew Dr. Hamlin from the local
15 section meetings?

16 A Yes.

17 Q And I take it they were recruiting?

18 A Yes.

19 Q And you were fortunate enough to be at the
20 right spot at the right time.

21 A That's correct.

22 Q I take it that the reduction in force, at
23 least from your vantage point over at Zurich, didn't
24 occur because you had solved all the occupational
25 disease problems.

51

1 A No. By all means, no.

2 Q It was from your perspective, at least,
3 some business decision Zurich made independent of
4 the actual work that you were doing in the field for
5 your insureds?

6 A Yes.

7 Q Now, at American Brake, from your earlier
8 answer, I take it you did do air sampling for
9 asbestos?
10 A Yes.
11 Q And you got to American Brake in '55?
12 A Right.
13 Q And would have stayed about how long, sir?
14 A I left in 1960.
15 Q '60?
16 A (Witness nods head affirmatively.)
17 Q And can you tell me what analytical method
18 you would have been using at American Brake for
19 monitoring for asbestos?
20 A Well, we did dust counts with the midget
21 impinger.
22 Q And still the light microscope?
23 A Yes.
24 Q And did you do your own dust counting?
25 A Yes.

52

1 Q And did you get with one of the industrial
2 hygienists to go over your counting techniques for
3 asbestos since you had done almost none of this, if
4 any, at Zurich?
5 A Yes, I discussed it with the other

6 industrial hygienists, yes.

7 Q And you obviously did dust counts for
8 about the first ten years of your professional life
9 as an industrial hygienist.

10 A Yes.

11 Q How easy is it to be consistent in doing
12 dust counts with a light microscope?

13 A It's not easy. It's very tedious,
14 especially if you are doing this in the field.

15 Q And if you are doing dust counts in the
16 field, what kind of variability can a good dust
17 counter expect to have in his own counts?

18 MR. MARON: Are we talking about
19 the period of time at American Brake
20 Shoe, now?

21 Q Well, does it matter? The variability
22 would be about the same using the same techniques.
23 Wouldn't it be so?

24 A Yes.

25 MR. MARON: Using the same

53

1 techniques?

2 A Well, there could be considerable amounts
3 of variability even doing the same counts over and
4 over again.

5 Q As a matter of fact, it wouldn't be
6 terribly surprising to find out that you are
7 counting the same dust sample and being off by an
8 order of magnitude, a factor of 10, correct?

9 A Well, yes. And that's the reason you
10 count many fields.

11 Q And you hope that by counting many fields,
12 you reduce the variability in what you see; but it's
13 still widely variable.

14 A That's correct.

15 Q And then if you throw in counts between
16 individuals, you can expect to have even a greater
17 variability, can you not?

18 A Yes. If the individuals are not
19 accustomed to counting, that's true. If they have a
20 lot of experience in counting, then two experienced
21 individuals come closer.

22 Q But even two experienced individuals doing
23 dust counts with an impinger and light microscope
24 can be off by factors of 5 to 10 and still be
25 acceptable, correct?

54

1 A Well, I don't know. I don't recall
2 exactly what the variability might be; so, I don't
3 know whether you are correct or not.

4 Q And, certainly, the industrial hygienists
5 of the time such as yourself realized that dust
6 counting was nowhere close to being an exact
7 science.

8 A Well, this is correct. This is correct.

9 Q I've actually heard one gentleman who did
10 dust counts in that era say it was about equivalent
11 to putting your finger in the air - a moist finger
12 in the air.

13 A Well, not quite so; not quite so. I mean,
14 you could -- You counted many fields, and you take
15 quite a number of samples.

16 Q Now, the comparison that you were making
17 at the time, this would be the American Conference
18 of Governmental Industrial Hygienists comparison.
19 Would that be right, sir - either MAC or TLV ---

20 A Yes.

21 Q --- depending on the era?

22 A (Witness nods head affirmatively.)

23 Q Were you able to do personnel monitoring
24 for asbestos at American Brake?

25 A With the midjet impinger, it's very -- You

55

1 get as close as possible to the operator. So, it's
2 not exactly at his breathing zone as you would with

3 a millipore filter type sample; but you try to do
4 the best you can.

5 Q Now, the 5-million particle per cubic foot
6 MAC or TLV, that was supposed to be for personnel
7 monitoring, was it not?

8 A Yes, as close as possible to the breathing
9 zone.

10 Q Did you have -- Well, did you feel that
11 the midget impinger technique that you had available
12 in the 1950s was acceptable for evaluating exposures
13 and comparing to the TLV?

14 A That was the best method available at the
15 time.

16 Q And you found it to be acceptable?

17 A Yes.

18 Q The method, that is.

19 A Yes.

20 Q Now, you couldn't take an eight-hour
21 sample on an individual with a midget impinger,
22 could you?

23 A No, you could not.

24 Q Well, how is it, sir, that you could go
25 about evaluating an eight-hour exposure using a

1 midget impinger?

2 A You observed the work practice of the
3 worker and tried to estimate the amount of time of
4 his exposure; and, if necessary, you sample at
5 different periods of the day.

6 Q Sort of a time and motion type of
7 evaluation?

8 A That's correct. And it was very important
9 to observe the operation.

10 Q Why is that?

11 A Because things change within an operation,
12 and you had to know exactly what the worker was
13 doing and observe his work practice.

14 Q When you say that, are you talking about
15 watching a man do his job for a day?

16 A Well, you wouldn't watch all day, but
17 quite an amount of time while you were taking the
18 sample and coming back and observing what he is
19 doing.

20 Q Did you ever encounter that a man doing
21 his job might do it one way while you are watching
22 and then when he thinks you are unaware, do it a
23 different way?

24 MR. MARON: Ever?

25 MR. HOBSON: Yeah.

1 A Well, there are times when the worker
2 thought we were making a time study; so, yes, that
3 is true. Sometimes that did happen, and you had to
4 come back and check whether that job was being done
5 the same way.
6 (By Mr. Hobson)
7 Q And how would you do that?
8 A By coming back and checking again. You
9 had to do a lot of observation.
10 Q Basically when you came back, you would
11 want to observe sort of from afar if you could so
12 that you wouldn't influence the man's work?
13 A Well, this is exactly what we did.
14 Q And that way, you knew or had some
15 appreciation that you were more likely to know that
16 the way you sampled the job being done was the way
17 the man was actually doing it every day.
18 A Yes.
19 Q Now, if you would have gone out in this
20 1950 time period and taken a series of air samples
21 and observed the jobs and found out how long a
22 person spent doing each one of these tasks and found
23 out that when you did your calculations for an
24 eight-hour time-weighted average that you got
25 4.9 million particles per cubic foot and the TLV at

1 the time is 5 million, does that mean there is no
2 problem?

3 A Not necessarily. You would have to go
4 back and recheck.

5 Q And if you went back and rechecked and
6 found 4.9 again, what would that mean to you?

7 A It would mean that after you did it
8 repeatedly, that it was within permissible limits.

9 Q So, you would say, "No recommendations"?

10 A No. I would say you would have to repeat,
11 come back again some time and check that operation
12 again.

13 Q 4.9?

14 A I don't know why you stick to 4.9.

15 Q Well, would it be, Mr. Siedlicki, that
16 with the variability and your counting technique and
17 just the problems inherent to time and motion
18 studies and not knowing for sure the man is going to
19 do the job the same way all the time, that you would
20 want to reduce the exposure significantly below the
21 TLV?

22 A It all depends what he was exposed to.

23 Q Asbestos.

24 A If it was asbestos, you could recheck that
25 operation to make sure that what the exposure

1 actually was and observe whether you could reduce --
2 You very likely could reduce his exposure by work
3 practice alone.

4 Q And would that be advisable?

5 A Well, it certainly would be advisable.

6 Q And why is that?

7 A Well, it's always advisable to try to get
8 the exposure as low as possible if it's possible to
9 do so. And quite often with work practices, it is.

10 Q Even if you are below the threshold limit
11 value already?

12 A Even if you are below the threshold limit
13 value, yes.

14 Q Why is that?

15 A Why not? Why not reduce it as low as
16 possible - his exposure.

17 Q Are you saying that that's the
18 professional way to approach exposures to
19 potentially hazardous material in the workplace?

20 A That's correct.

21 MR. MARON: Herschel, could we
22 take a short break here?

23 MR. HOBSON: Sure, anytime.

24 And, again, Mr. Siedlicki,
25 anytime you need to take a break, I

1 don't mean to be keeping you here.
2 If you need to take a break, just
3 speak up, okay.

4 THE WITNESS: We will do so.

5 MR. HOBSON: No problem.

6 THE VIDEOGRAPHER: We are off
7 the record at 9:45.

8

9 (A BRIEF RECESS WAS TAKEN.)

10

11 THE VIDEOGRAPHER: Back on the
12 record at 10:04.

13 (By Mr. Hobson)

14 Q Mr. Siedlicki, I'd like to return for a
15 few moments, if we could, to some of your Zurich
16 days.

17 A Okay.

18 Q Some of the things that you might have had
19 there in Warren Cook's library, do you remember any
20 information from the Industrial Hygiene Foundation?

21 A Well, we did get their "Digest," a monthly
22 digest.

23 Q And the "Digest" was their publication of
24 abstracts of the world's literature on occupational
25 diseases?

1 A Industrial hygiene engineering controls.

2 Q Would you recall if Mr. Cook had a

3 collection of those that went back to its beginning?

4 A I don't recall.

5 Q I take it that Mr. Cook and Zurich were

6 subscribers to the "Industrial Hygiene Foundation

7 Digest," then. They received those regularly?

8 A They received them, yes.

9 Q Would you recall, of course, having a copy

10 of Patty's Industrial Hygiene and Toxicology by '49?

11 A Well, that was published in '49; and it

12 didn't come out until about 1950, see. Yes, we had

13 that.

14 Q Is Mr. Cook a contributor to Patty's

15 text? Would you recall?

16 A Well, I don't recall whether he wrote a

17 chapter or not. I don't recall about that.

18 Q Would you have had at Mr. Cook's library

19 copies of Ethel Browning's early works?

20 A I don't know if her works on solvents were

21 there.

22 Q Do you recall having copies of the Public

23 Health Service Bulletins?

24 A I don't recall.

25 Q Were you aware that the Public Health

1 Service had a publication called "The Bulletin" that
2 came out periodically?

3 A "The Bulletins"? I don't recall that.

4 Q The "Public Health Bulletins," they called
5 them?

6 A I don't recall.

7 Q Do you remember having the text by
8 Johnstone on occupational medicine?

9 A Read Johnstone, yes.

10 Q And do you recall having Rosenau's
11 publications on public health?

12 A What, whose?

13 Q Rosenau?

14 A No.

15 Q I tried to spell it. R-o-s-e-n-e-a-u, I
16 believe.

17 A I don't recall it.

18 Q a-u. My spelling is not very good, as you
19 now have observed.

20 Did you have any involvement while you
21 were at Zurich with the Industrial Hygiene
22 Foundation?

23 A Well, I attended some of their meetings
24 while I was at Zurich while -- You said when?

25 Q While you were Zurich.

63

1 A At Zurich? I don't recall whether I went
2 to the meetings while I was at Zurich or not.

3 Q You recall you did go to their meetings
4 while you were with American Brake?

5 A Yeah, a few times.

6 Q Those would be in Pittsburgh?

7 A In Pittsburgh, yeah.

8 Q Did American Brake to your knowledge
9 utilize services of the Industrial Hygiene
10 Foundation in their facilities?

11 A I don't know.

12 Q When you were with Zurich, do you recall
13 visiting any locations in the Texas/Louisiana area?

14 A I don't think I ever was - or did any
15 surveys in that area.

16 Q Did Zurich have as insureds any oil or
17 chemical companies that you would recall?

18 A The only oil company that I knew they had
19 was Globe Oil, which was in Lemont, Illinois.

20 Q Did you visit that facility?

21 A I did.

22 Q And can you tell us what kind of facility
23 Globe had in Lemont, Illinois?

24 A It was a small refinery, and the only work
25 I did there was a noise survey.

64

1 Q Did you go there just to do a noise
2 survey, or did you go there to do a general
3 industrial survey?

4 A No, just to do a noise survey.

5 Q So, you were sent with specific
6 instructions to limit your activities to noise?

7 A Well, I went there to do a noise survey.
8 There weren't any specific instructions to limit my
9 survey to noise, but I did a noise.

10 Q By that, I take it you did not do a
11 general industrial hygiene survey of the refinery.

12 A That's correct.

13 Q Do you know if anyone else on the Zurich
14 staff had ever done an industrial hygiene survey of
15 the Globe Refinery in Lemont?

16 A I don't remember.

17 Q Would you recall what led to there being a
18 noise survey being done at the refinery?

19 A I don't remember.

20 Q Back at American Brake, if I could, sir,
21 you stayed with them until 1960?

22 A Right.

23 Q And did you do essentially the same kind
24 of work for about the five years that you were with
25 them?

65

1 A Yes.

2 Q When you left their employment, do you
3 remember what became of American Brake Shoe? Are
4 they still in business?

5 A Later on, they became Abex Corporation and
6 IC bought out Abex and some other company bought
7 that out, bought Abex again and there are still some
8 plants in existence. But that's all I know.

9 Q Are they still generally referred to as
10 Abex as far as you know - the plants?

11 A They have another name attached, too.

12 Q You say IC. Can you ---

13 A Illinois Central bought them out.

14 Q Now, you mentioned some other products
15 that American Brake made besides brake shoes. Did
16 you say they made locomotives?

17 A Yes, they made the base, the engine base.
18 They made grade roll tracks, switchers, switch
19 tracks. They did work for the aviation industry,
20 too; and they made chemical vessels of all types.

21 Q Were the chemical vessels for railroad

22 cars or just chemical vessels in general?
23 A Just chemical vessels in general.
24 Q Tanks?
25 A Tanks of all types.

66

1 Q Did any of your work for American Brake
2 take you down into the Texas/Louisiana area?
3 A No. I don't think there was any plants in
4 that area.
5 Q Would you recall approximately how many of
6 American Brake's 60 plants or so would have been
7 involved in manufacturing brake shoes?
8 A No, I don't recall.
9 Q Would you remember it was more than one?
10 A Yes, there was more than one.
11 Q Would you recall if there were any
12 products that American Brake made besides brake
13 shoes that utilized asbestos as a component of the
14 product?
15 A No.
16 Q Could you give me some feel for how much
17 of your work at American Brake was actually done
18 that dealt with asbestos?
19 A Very little. Not very much.
20 Q Would it be fair to say that asbestos

21 occupied your time only a few times each year that
22 you were there?
23 A Probably not even a few times. Not very
24 often.
25 Q Dr. Hamlin was the medical director. Were

67

1 there any other physicians working for American
2 Brake that you knew of in this era when you were
3 there?
4 A There probably was, but I cannot tell you
5 who. I've never met them, and they were not
6 full-time. They would be part-time.
7 Q Would the various American Brake
8 facilities around the United States and Canada have
9 had physicians employed at the plants, or would you
10 recall?
11 A They did not have any employed at the
12 plants because I would have visited that physician
13 if there was one. They had nurses.
14 Q Was it your perception, then, that there
15 were contract physicians associated with the plants?
16 A Contract physicians, yes.
17 Q Was a chest X ray one of the medical
18 procedures that was utilized by American Brake for
19 its employees in the '55 to '60 time period?

20 A They had a bus with X ray equipment that
21 went around the Country x-raying every single
22 employee in the United States and Canada.
23 Q That was even in 1955?
24 A In 1955 throughout the years that I worked
25 there, that existed there. A man who drove that bus

68

1 around, that's all he did. It's the only time he
2 went home was Christmas, Easter, and vacation.
3 Q My goodness. And in this bus was just an
4 X ray facility?
5 A Yes. They would hook up to a plant and
6 x-ray all the employees. All these X rays were sent
7 down to the Medical Department; and they had a man
8 working full-time looking at these X rays - a
9 trained person, his full-time employment.
10 Q And was it your perception they were
11 looking for occupational lung diseases, as well as
12 other things?
13 A Well, it was any diseases of the chest.
14 Dr. Hamlin was an expert in diagnosing silicosis,
15 asbestosis, and siderosis. He was probably the
16 expert in the field on siderosis.
17 Q And siderosis is a condition that comes
18 from breathing iron particles into the lung?

19 A Right.
20 Q Can you give me your best perception of
21 how long before you got to American Brake this bus
22 went around the Country taking X rays?
23 A I don't know how long it was.
24 Q I mean, was it your perception it had been
25 there before you got there?

69

1 A Oh, yes, many years before I got there.
2 Q Did the bus do X rays of other companies'
3 employees, too; or was it limited to American Brake?
4 A Limited to American Brake Shoe employees.
5 Q Can you give me some idea of how often
6 each of the American Brake people could have been
7 x-rayed, then? Was it once a year?
8 A Once a year, annually.
9 Q And was it your perception that these
10 chest X ray films were kept there at the corporate
11 offices where Dr. Hamlin was?
12 A Right.
13 Q And the physician would have those
14 available to compare from year to year to look for
15 any changes?
16 A Correct.
17 Q Did you learn at any time of a laboratory

18 here in Chicago named Industrial Biotest?
19 A Yes.
20 Q How far back in time did you learn of
21 Industrial Biotest?
22 A Well, I can't recall the exact. I knew of
23 them for quite a while.
24 Q Would it have been while you were at
25 Zurich?

70

1 A No, not while I was with Zurich. No, not
2 while I was at Zurich.
3 Q I was curious when you went to
4 Northwestern, and I understood that Dr. Calandra was
5 associated with the faculty at Northwestern. Did
6 you know him at Northwestern, by chance?
7 A Let me think back. Maybe that's where I
8 met him. Well, it could have been. I don't recall
9 whether he was working when I met him or working
10 toward his Ph.D. I'm not sure.
11 Q Did you generally learn about toxicology
12 in your beginning years as an industrial hygienist
13 as part of your training?
14 A Generally, that's correct.
15 Q And this is something that Warren Cook
16 also gave you instruction on, did he?

17 A Yes.
18 Q Would -- You mentioned research that
19 Zurich was doing that Dr. Cook was -- I'm sorry.
20 A That was Warren Cook's title.
21 Q Was Director of Research?
22 A Director of Industrial Hygiene and
23 Engineering Research.
24 Q Engineering Research. Can you tell me
25 some of the engineering research that Zurich would

71

1 have been involved with while you were an employee
2 there or earlier?
3 A Well, this is where the claims people
4 would come to him and discuss the claims. And he
5 was the technically trained person to discuss them
6 with. I mean, there was no engineering research, as
7 such, conducted.
8 Q I see. There were no physical
9 experiments ---
10 A No.
11 Q --- and research in that standpoint, just
12 that Mr. Cook was a consultant in the area of
13 engineering?
14 A That's correct.
15 Q Do you recall if Mr. Cook was trained in

16 engineering?

17 A No. His degree was chemistry.

18 Q There were safety people involved at

19 Zurich doing inspections of Zurich's insureds, as

20 well as industrial hygienists. Would that be right?

21 A Right. Right.

22 Q Did you have a name for the safety people

23 who would be doing the safety inspection for the

24 insureds?

25 A The name of the people, you mean?

72

1 Q A title.

2 A The title, Safety Engineers.

3 Q Were the safety engineers at Zurich indeed

4 engineers?

5 A I do not know what their backgrounds were.

6 Q Did you have any connection with the

7 safety engineers at Zurich as far as having them

8 look out for industrial hygiene activities and them

9 having you look out for safety activities?

10 A Well, very often we went out together.

11 Q And would the safety engineers be looking,

12 then, for industrial hygiene concerns that you could

13 educate them about to be on the lookout for?

14 A Yes. If they saw something, they would

15 report it to us.

16 Q Would the safety engineer write industrial
17 hygiene concerns in their safety engineers' reports,
18 or would they merely pass that onto you and ask you
19 in industrial hygiene to go out and take a look?

20 A They would pass information to us. As far
21 as their safety reports, I never saw their safety
22 reports.

23 Q You didn't get to see the safety
24 engineers' reports of the insureds?

25 A No.

73

1 Q Those would not have been in your insureds
2 files that you kept in Industrial Hygiene?

3 A No. If I needed some information, I would
4 go directly to the person who was at that facility,
5 who visited that facility, and ask him personally.
6 We were in the same department.

7 Q I've got an appreciation - and I'd like
8 for you to tell me if it's wrong or not - that your
9 first ten years of industrial hygiene practice
10 involved quite a bit of work in foundries.

11 A Oh, yes. Yes, particularly at American
12 Brake Shoe.

13 Q Would you say in your first ten years of

14 professional practice, you did more work in
15 foundries than any other class of business?
16 A As far as class of business, yes.
17 Q Well, category of business.
18 A Yes.
19 Q The dust exposures that are associated
20 with foundries, I think you told me that's where you
21 did most of your dust counts at Zurich. Would that
22 be so?
23 A Well, I also did them at American Brake
24 Shoe.
25 Q That was going to be my next follow-up.

74

1 Were most of your dust surveys that you did at
2 American Brake in the foundry operations?
3 A Foundry operations. That's right, sir.
4 Q And what was the primary exposure that you
5 were looking for to evaluate in foundries while you
6 were with American Brake?
7 A Well, we were looking for dust that
8 contained free silica. And, of course, the other
9 thing, they had a lot of bearing plants. We looked
10 for lead exposures; and, in fact, that was one of
11 the principal exposures that they had.
12 Q The technique that you would be using to

13 evaluate lead exposures in a bearing plant, how
14 would that sample be collected?
15 A With an electrostatic precipitator.
16 Q And would you be doing dust counts with
17 electrostatic precipitator samples?
18 A Let's see. Did we do any dust counts?
19 Well, the lead was analyzed chemically, not by
20 count.
21 Q So, the lead exposure evaluation, it was
22 lead dust in the air, lead fume in the air; but you
23 were actually doing an analytical procedure that was
24 a chemical procedure, not dust counting with a
25 microscope, correct?

75

1 A That's correct, yes.
2 Q So, if you're talking about collecting
3 dust samples and doing counting at American Brake,
4 that was foundry work primarily?
5 A Yes, primarily; although there were other
6 lead operations there, too.
7 Q What can you tell us about any efforts at
8 American Brake to coordinate what the medical
9 doctors were seeing on X ray with the air sampling
10 results that you were getting in industrial hygiene?
11 A We were in the same -- We reported to the

12 medical director; so, he saw all our survey
13 reports.

14 Q Did you have any involvement with
15 Dr. Hamlin or the Medical Department in coordinating
16 findings on chest X ray with what you were finding
17 from an exposure standpoint in industrial hygiene?

18 A I don't understand your question. I mean,
19 we were in the same department. He saw all our
20 reports. We would have discussions, but ---

21 Q Dr. Hamlin was looking for evidence of
22 occupational diseases and other things in workers.

23 A That's correct.

24 Q You were out doing industrial hygiene
25 samples for exposures trying to reduce exposures as

76

1 low as you could for prevention of disease?

2 A Right.

3 Q And what I'm trying to find out is did you
4 find out if there was still any disease in the
5 American Brake work force that would tell you, "I
6 need to push exposures even lower" or "Everything is
7 fine" or ---

8 A Well, there were still employees that had
9 some silicosis. The reason American Brake Shoe
10 started a Medical Department because in 1939 they

11 had a slew of claims - silicosis claims. And at
12 that point they decided to do something about it,
13 and they started the Medical Department. So, that's
14 when the Medical Department was started.

15 And probably for the time they had one of
16 the better Medical and Industrial Hygiene
17 Departments in the Country.

18 Q So, once American Brake made a commitment
19 to an occupational health program, they created what
20 you thought was one of the better programs in the
21 Country.

22 A That's correct.

23 Q And that included the medical monitoring
24 of their employees for lung diseases.

25 A Uh-huh.

77

1 Q It included an industrial hygiene work
2 force to go out and do periodic sampling of the
3 various workplaces.

4 A Right.

5 Q And your job as the industrial hygienist
6 was to drive exposures as low as you could
7 reasonably make them.

8 A Our job was to make sure that the worker
9 was protected.

10 Q And to protect a worker from an
11 occupational disease, the way to do that is to
12 control his exposure.
13 A That's correct.
14 Q And the way to minimize his risk is to
15 minimize his exposure.
16 A That's correct.
17 Q And the lower the exposure, the better.
18 A As long as the exposures were within
19 permissible limits that were available at the time.
20 Q Now, wait a minute, Mr. Siedlicki. Before
21 we took our last break you told me that it was a
22 professional thing to reduce exposures even though
23 you were below the permissible level or the
24 threshold limit value. Do you remember that?
25 A Yes.

78

1 Q Is that not still true, sir, that the
2 professional way to approach a workers' exposure is
3 to minimize their exposure even if you have
4 exposures below the threshold limit value?
5 A There are certain limits as far as
6 reducing exposure. You want to control the exposure
7 so that the workers will not - will not be exposed
8 to the extent that he will become ill.

9 Q Yes, sir. And threshold limit values are
10 guidelines.

11 A They were guidelines, and we followed
12 those guidelines.

13 Q Yes, sir. And because you knew they were
14 guidelines and not fine lines between safe and
15 dangerous, you had the professional view that you
16 should reduce exposures even though you will have
17 exposures below the threshold limit value. Isn't
18 that so?

19 A We wanted to reduce exposures so that the
20 worker would not get an occupational disease.

21 Q Yes, sir.

22 A I mean, we did everything possible to
23 control that exposure.

24 Q Yes, sir. And you would do so even though
25 the exposure was below the threshold limit value

79

1 because threshold limit values were not fine lines
2 between safe and dangerous, correct?

3 A Yeah, they were guidelines to use for
4 developing engineering controls.

5 Q And, so, the professional thing to do, as
6 you told us before the break, was to ---

7 A You would want to get the exposures as low

8 as possible, as possible.

9 Q Now, control techniques that were
10 available to you in the 1950s - and I will take it
11 as taught to you by Mr. Cook at Zurich - you have
12 mentioned engineering controls. Can you give us
13 some example of general engineering control
14 principles that you were taught in that era?

15 A Well, as far as engineering controls, if
16 there was overexposure, if there was a possibility
17 of changing the process, we would recommend the
18 shops' ventilation as the principal engineering
19 control.

20 Q Isolation?

21 A Isolation was used. Change of work
22 practice was very frequently used.

23 Q If dusts were involved, you would use wet
24 methods?

25 A Wet methods. That's a work practice more

80

1 or less generally where dust was on the floor.

2 Q I'm sorry?

3 A Where there was an extensive amount of
4 dust on the floor, you would recommend wet sweeping,
5 rather than dry.

6 Q Or use of vacuum systems as opposed to

7 sweeping?

8 A Vacuums.

9 Q Or using hoses to wash down areas as

10 opposed to sweeping with a broom.

11 A Right.

12 Q Would you recommend against using

13 compressed air to blow dust off of surfaces and off

14 of workers' clothes ---

15 A Oh, definitely, yeah.

16 Q --- as a dust control method?

17 A Besides, it's hazardous at times, besides

18 the dust that's spread.

19 Q I'm sorry?

20 A Besides the dust that is spread.

21 Q And would you not recommend that workers

22 take showers and have clean clothing to wear home so

23 that they don't take dust to their homes?

24 A That's correct. That was recommended.

25 Q I take it that an area of recommendation,

81

1 then, that you would make to your insureds at Zurich

2 and to your plants at American Brake would be that

3 they have adequate wash facilities for the workmen?

4 A Yes.

5 Q That they be given locker space so that

6 they have a place to store their clean clothes and
7 to change into their dirty clothes for work at the
8 plant?

9 A Yes, that's right.

10 Q And those were industrial hygiene
11 principles and practices that Mr. Cook would have
12 been teaching you back at Zurich starting as early
13 as 1949, I take it?

14 A That's correct, yes.

15 Q And, of course, Mr. Cook had been involved
16 in industrial hygiene activities for some ten years
17 or so even before you came on the scene doing
18 essentially the same kind of work, had he not?

19 A Yeah. He worked for Hartford Insurance
20 Company.

21 Q Doing industrial hygiene?

22 A Let's see. He worked for -- Yeah, he was
23 in the field very early.

24 Q And the principles and practices of
25 industrial hygiene that we have just gone through

82

1 starting with engineering controls all the way down
2 to general sanitation for workers, those principles
3 have been a part of the profession since at least
4 the 1930s, have they not?

5 A That's correct.
6 Q And are still so today.
7 A That's right.
8 Q When you left American Brake in 1960,
9 where did you go next, sir?
10 A National Safety Council.
11 Q And your title at the National Safety
12 Council?
13 A Director of Industrial Hygiene.
14 Q Was that a new position at the National
15 Safety Council?
16 A No.
17 Q And who held that position before you,
18 sir?
19 A Let's see. Just before, what was his
20 name? I just can't recall his name, now; but Floyd
21 Van Atta had it for many years. I just can't recall
22 the name of the person.
23 Q That's all right. If it comes to you ...
24 A Yeah.
25 Q Industrial hygiene had been a part of the

83

1 National Safety Council's activities at least back
2 into the 1940s, had it not?
3 A Yes.

4 Q And I recall seeing publications of the
5 National Safety Council that went back into the
6 1920s concerning exposures to hazardous materials.
7 Do you recall those, as well?
8 A I've seen articles, yeah.
9 Q The National Safety Council had a
10 publication called "National Safety News"?
11 A Right.
12 Q And that went to all the members of the
13 National Safety Council?
14 A And to whoever subscribed to it.
15 Q Such as the public libraries around the
16 Country. Would that be right?
17 A Right.
18 Q And you were the editor of one of the
19 industrial hygiene books for the National Safety
20 Council, were you not?
21 A Not the books, no.
22 Q Not the books. I'm sorry. I thought you
23 were.
24 A No.
25 Q Tell me about the National Safety

1 Council's publications or books on industrial
2 hygiene.

3 A Well, the first one on industrial hygiene,
4 it was Julian Olishifski. He followed me.
5 Q That's right. Olishifski.
6 And when did that first book just on the
7 subject of industrial hygiene from the National
8 Safety Council appear? Would you recall about when?
9 A Let's see. Probably about '66 somewhere.
10 Q Now, would you tell us -- First of all,
11 when did you leave the National Safety Council?
12 A I left in '62 - '62 or '63, yeah.
13 Q You were there about two or three years,
14 then?
15 A Yeah.
16 Q What did you do at the National Safety
17 Council as an industrial hygienist?
18 A I staffed the Chemical Section and
19 answered inquiries that came in that pertained to
20 industrial hygiene, ran some courses in industrial
21 hygiene and a course in radiation.
22 Q And these courses were for what purpose,
23 sir?
24 A These courses were directed toward the
25 safety engineer who needed some background

1 information on industrial hygiene and in radiation

2 safety.

3 Q So, these were basically overview courses
4 to orient someone about the practice of industrial
5 hygiene who was really a safety professional.

6 A That's correct.

7 Q Can you give me some idea of how far back
8 in time the National Safety Council offered such
9 courses for safety individuals?

10 A I don't recall whether Floyd Van Atta
11 conducted any courses there.

12 Q When Mr. Van Atta was at the National
13 Safety Council, was he, too, available to answer
14 questions about members' concern for industrial
15 hygiene?

16 A Yes.

17 Q Was that your major purpose and his was to
18 work with the members of the National Safety Council
19 on concerns of industrial hygiene?

20 A Yes. And not only members, but anybody
21 that might be concerned with industrial hygiene.

22 Q So, if I were down in Texas or Louisiana
23 in the 1940s and I had a question about industrial
24 hygiene and I didn't even belong to the National
25 Safety Council, I could call?

1 A Well, I don't know about 1940; but when I
2 was there, you could call and I would supply you
3 with information that you wanted. I wouldn't even
4 ask if you were a member.

5 Q Was there a charge for that?

6 A No.

7 Q What kinds of resources would you have had
8 at the National Safety Council to send someone who
9 called in with an inquiry?

10 A Well, we had a library - an extensive
11 library.

12 Q And the kinds of things in your library
13 would be what that you could send to someone like me
14 if I called you from Texas or Oklahoma?

15 A Well, there was the industrial hygiene
16 publications and, of course, a lot of safety
17 publications of all types. It was pretty extensive,
18 and you had the help of the staff librarians to
19 search something out.

20 I recall seeing health pamphlets that the
21 National Safety Council prepared even back in the
22 1920s. Is that the sort of thing that you would
23 have had available to send out to people making the
24 inquiries?

25 A Yes. The Chemical Section had quite a

1 number of data sheets that they prepared.

2 Q What about the American Conference of

3 Governmental Industrial Hygienists TLV list or

4 MACs? Would the National Safety Council reprint

5 those in its publications?

6 A I don't -- What? You mean the entire

7 list?

8 Q List or the discussions about different

9 aspects of the list.

10 A I don't recall seeing it - the list

11 reprinted in the "National Safety News." It may

12 have been.

13 Q Can you recall about how many members the

14 National Safety Council would have had in 1960 when

15 you joined?

16 A I have no idea.

17 Q Tens of thousands, at least?

18 A I don't know.

19 Q It was a big organization?

20 A It was a big organization, yes.

21 Q Even back in the 1940s when you first

22 began industrial hygiene, would you say it was well

23 known as a safety organization?

24 A It was well known, yes.

25 Q The National Safety Council had annual

1 meetings?

2 A Yes, they had an annual Congress, yes.

3 Q And I take it you participated in the
4 Congress while you were the Director of Industrial
5 Hygiene?

6 A Right.

7 Q Had you been in any of those earlier
8 Congresses before you joined the National Safety
9 Council?

10 A I don't recall. I may have. I don't
11 recall.

12 Q Were they generally held here in Chicago -
13 the Congresses?

14 A At that time they were held in Chicago.

15 Q Tell us what a Congress was for the
16 National Safety Council as you knew it.

17 A Well, the Congress - the different
18 sections of the National Safety Council had
19 presentations. These lasted several days. They
20 were organized programs. And then there was the
21 exhibit. There was a very large exhibit that they
22 had with several hundred exhibitors on safety
23 products.

24 Q Would the safety products exhibitors
25 include such things as respirators and other

1 personal protective equipment that workers could use
2 to limit exposures?

3 A Yes.

4 Q So, a person coming to a National Safety
5 Congress could get quite an overview of the
6 practices that were ongoing in safety and health in
7 this Country?

8 A A very good overview of safety, yeah.

9 Q Well, as an industrial hygienist, would
10 you not make any presentations at the Congress?

11 A Oh, yes, I did.

12 Q And I take it you weren't the only one
13 making presentations at the Congress that covered
14 the occupational medicine area industrial hygiene?

15 A Well, there were many people that would
16 make presentations depending on what the program was
17 on each individual section. There was quite a
18 number of sections, and many people participated in
19 quite a number of sections.

20 Q Depending on what their interest or what
21 their industry was.

22 A Depending on what their industry was, yes.

23 Q And you mentioned the Chemical Section
24 already?

25 A I staffed that section, yes.

1 Q And the Chemical Section dealt generally
2 with chemical manufacturing and the chemical
3 industry?

4 A That's correct, yes.

5 Q And then the Congress, when it would meet
6 and people would make technical presentations such
7 as the ones you would make, would those have been
8 published after the Congress?

9 A Well, they had -- Excuse me. The
10 transactions were published, yes.

11 Q So, the various presentations that would
12 be made at a National Safety Congress, even if you
13 couldn't get to the Congress in Chicago, you could
14 get the transactions, which was a reprint of what
15 was said there in the technical presentations ---

16 A Right.

17 Q --- and read that. Now, the transactions
18 of the National Safety Congress, were they only
19 available here in Chicago?

20 A Well, the National Safety Council was in
21 Chicago.

22 Q Yes, sir.

23 A So, one could obtain them from the
24 National Safety Council.

25 Q Did not the National Safety Council

91

1 distribute the transactions to various libraries
2 around the Country, too?

3 A I don't know.

4 Q If I were down in Texas and I went to the
5 Beaumont Public Library and asked for the 1950
6 National Safety Congress transactions, would you
7 expect I could get them?

8 A I don't know. Libraries are very
9 peculiar. Sometimes they collect a lot of
10 information in a certain field, and other times they
11 discard everything.

12 Q And, of course, if they discarded it, they
13 could obtain it from another library, could they
14 not?

15 A They could.

16 Q And if my library in Beaumont has
17 something called interlibrary loans?

18 A They would be able to get them.

19 Q Was there a physician at the National
20 Safety Council?

21 A No.

22 Q So, when it came to health-related
23 matters, the industrial hygienist was the first

24 place people would be sent?

25 A Yes.

92

1 Q Would that be so also if you had a concern
2 about an occupational disease or an exposure to
3 something that could lead to an occupational
4 disease?

5 A That would be sent to the industrial
6 hygienist.

7 I take it back. There was a physician for
8 one or two years that I worked there, but he was not
9 an occupational physician.

10 MR. HOBSON: Do you want to take
11 a break at this point?

12 MR. MARON: Sure.

13 THE VIDEOGRAPHER: We are off
14 the record at 10:51.

15

16 (A BRIEF RECESS WAS TAKEN.)

17

18 THE VIDEOGRAPHER: We are back
19 on the record at 11:14.

20 (By Mr. Hobson)

21 Q Mr. Siedlicki, during the break we were
22 looking through our computer documents here. We

23 have reference to an article called "Industrial
24 Dusts" that appeared in the National Safety Council
25 publication edited by Floyd Van Atta in 1935.

93

1 Could it be that Mr. Van Atta was back
2 there that long ago at the National Safety Council
3 to answer questions for people around the Country?

4 A I don't know whether he was there that
5 long or not. I have no idea. I don't know what
6 Van Atta's employment was prior to the National
7 Safety Council.

8 Q This shows him being at the National
9 Safety Council.

10 A Then I bet he was.

11 Q It was called "Health Practices Pamphlet
12 No. 4."

13 Do you remember "Health Practices Pamphlet
14 No. 4" from 1935?

15 MR. MARON: Do you want to show
16 it to him?

17 MR. HOBSON: I don't have it
18 with me, or I would. But I do have
19 it.

20 A No, I don't recall it

21 (By Mr. Hobson)

22 Q Was the National Safety Council a
23 not-for-profit organization?
24 A Yes.
25 Q So, they were there to serve the public

94

1 good, as you appreciated it?
2 A Yes.
3 Q And that is what led to you answering
4 questions for whoever would call in that you had any
5 information to help them with their particular
6 problems they might face.
7 A Right.
8 Q After you left the National Safety
9 Council, where did you go, Mr. Siedlicki?
10 A I went to the American Medical
11 Association.
12 Q And you were there starting in '62 or '63?
13 A Yeah.
14 Q And about how long did you stay at the
15 A.M.A.?
16 A It was nine and a half years.
17 Q So, that puts you to 1971 or '2?
18 A To '72.
19 Q What was your title at the American
20 Medical Association?

21 A The title was Assistant Director of
22 Occupational Medicine. Let's see. What was it?
23 Occupational Health? The Department of Occupational
24 Health.
25 Q And would you recall to whom you reported

95

1 there in the Department of Occupational Health?
2 A A Dr. Henry Howe.
3 Q Could you spell his last name, please?
4 A H-o-w-e.
5 Q Can you give me your appreciation of
6 Dr. Howe's background?
7 A Well, Dr. Howe was in occupational
8 medicine. He practiced -- He had a practice before
9 he came to the A.M.A., in Massachusetts.
10 Q And this job with the A.M.A., was located
11 where, here in Chicago?
12 A In Chicago.
13 Q Is the American Medical Association's
14 headquarters in Chicago?
15 A Yes.
16 Q The Department of Occupational Health at
17 the American Medical Association, would you have any
18 appreciation for how far back in time that goes?
19 A I don't know. I don't.

20 Q Could you say if it was even decades?
21 A No, I don't know. I really don't know.
22 Q What was the purpose of the Department of
23 Occupational Health at the A.M.A. when you were
24 there?
25 A It is to provide information to the

96

1 physician - general practitioner who has had no
2 training in occupational medicine. So, there was a
3 Council on Occupational Health, of which I was the
4 assistant secretary and they ran a Congress annually
5 directed toward the general practitioner and the
6 sessions were on occupational medicine and some
7 industrial hygiene.

8 Q And these councils, you say they ran a
9 Congress?

10 A A Congress on occupational health.

11 Q Was there a record made of the Congress of
12 the A.M.A. similar to what the National Safety
13 Council had done in publishing a transaction or
14 something of that sort?

15 A No, that was not the procedure there.
16 There was no record made as such. Some of the
17 papers may be published in the "Archives of
18 Environmental Health" or in some other journal.

19 Q The "Archives of Environmental Health" was
20 an A.M.A. publication?
21 A That was an A.M.A. publication.
22 Q And then you had the "Journal of the
23 American Medical Association," as well?
24 A Right.
25 Q And I think numerous other publications of

97

1 the A.M.A.
2 A Oh, yeah. There are quite a number, at
3 least ten.
4 Q So any of these papers may have been
5 published in any of the A.M.A. journals or someone
6 else's journal.
7 A Right.
8 Q Now, did you have an appreciation for the
9 medical population of this Country and how many of
10 them actually had what you would consider good
11 training in occupational health?
12 A There weren't that many physicians that
13 had that much training in occupational health.
14 Occupational health was not taught in the medical
15 schools - or occupational medicine. And this was
16 the reason - the purpose of the Department of
17 Occupational Health was to encourage medical schools

18 to provide training to the general practitioner in
19 occupational medicine.

20 Q In fact, the A.M.A. had done surveys of
21 medical school courses for decades and had
22 recognized the apposite, the lack of training in
23 occupational health that medical schools had been
24 giving for decade after decade, correct?

25 A Correct, yeah.

98

1 Q And if you're not trained in occupational
2 diseases, it's difficult for the average
3 practitioner to recognize them and take appropriate
4 action. Am I correct?

5 A That's correct. Unfortunately, a lot of
6 physicians were not familiar with the phrase that
7 Ramazzini wrote back in 1700. What do you do?

8 Q Ramazzini?

9 A What occupational ---

10 Q Ramazzini is considered the Father of
11 Occupational Medicine?

12 A Right.

13 Q And he is considered so because he learned
14 to ask his patients, "What do you do for a living?"

15 A Uh-huh.

16 Q And that is what led him to find many

17 occupational diseases that had been unrecognized by
18 generations of physicians earlier, correct?
19 A Right.
20 Q And, in fact, having the general
21 population of physicians in this Country not trained
22 in medical school about occupational diseases has
23 probably led to the misdiagnosis of what really was
24 an occupational disease for decades, correct?
25 A Yes, that's a good possibility.

99

1 Q Even a probability.
2 A Yes.
3 Q Well, if a physician was out there in 1962
4 and recognized he may not have some knowledge in
5 occupational health that he would like to have, what
6 were his options as far as you could tell him at the
7 A.M.A.?
8 A Well, he can write to the A.M.A. and such
9 correspondence would be sent to the Department of
10 Occupational Health and we would reply to it.
11 Q And what kinds of inquiries would you get
12 from physicians around the Country?
13 A All types of inquiries - toxicity of
14 certain chemicals and protective equipment that
15 should be used.

16 Q And your job was to respond to these
17 inquiries if they were in your area?
18 A Yes, I did. Of course, we could also send
19 the letter to a specialist in a certain field so
20 that he would reply.
21 Q And would this specialist be in the
22 A.M.A.'s organization?
23 A He might be a member of the A.M.A.
24 Q Now, by 1962 did the A.M.A. have a section
25 of physicians that were dedicated to occupational

100

1 health?
2 A Well, it wouldn't be a section of
3 physicians, no.
4 Q A smaller group?
5 A The A.M.A. wasn't divided that way so ---
6 I mean, that one would list a physician
7 who had a specialty of occupational medicine. He
8 would list that's what his specialty is.
9 Q I see in earlier years the term
10 "industrial medicine" from the Twenties and
11 Thirties. Would industrial medicine have been the
12 earlier title for occupational health that the
13 A.M.A. used?
14 A Yes.

15 Q If I could go back just a little bit,
16 Mr. Siedlicki, you left American Brake in 1960; and
17 how did you get the job over at the National Safety
18 Council?
19 A Well, they had an opening there.
20 Q And you were interested in changing jobs,
21 were you?
22 A Yes, at the time.
23 Q How did you get the job at the A.M.A.?
24 A They had an opening there.
25 Q Had you known Dr. Howe before you took the

101

1 job there?
2 A No, not before.
3 Q Is this an advertized job that you found
4 out about at the A.M.A.?
5 A No, it was not advertized. I just --
6 Howard Schulz worked at the A.M.A. As a matter of
7 fact, he had the position that I had prior to that
8 time; and he let me know about it.
9 Q Howard Schulz. And was Mr. Schulz
10 retiring?
11 A No. He transferred to the Department of
12 Environmental Health, but there in the A.M.A.
13 Q So, they had another department at the

14 A.M.A. that concerned environmental health separate
15 from occupational health?
16 A Yes.
17 Q And what was Mr. Schultz's background as
18 you appreciated it?
19 A Prior to his work at the A.M.A., he was an
20 industrial hygienist for Abbott Laboratories.
21 Q So, he was an industrial hygienist for
22 Abbott, was he?
23 A Yes, Abbott Laboratories.
24 Q Could you spell Mr. Schulz's last name for
25 us, please?

102

1 A S-c-h-u-l-z.
2 Q Would you know if Mr. Schulz is still
3 living?
4 A I don't know.
5 Q Was he still in the Chicago area the last
6 you knew?
7 A He was still living in Gurnee, Illinois.
8 Q I'd like to go back, if I could, in your
9 work history. While you were at Zurich, you told us
10 about attending the American Industrial Hygiene
11 Association conferences; so, I take it that you were
12 a member of the organization at that time.

13 A I became a member in 1950.

14 Q Were there any other professional

15 organizations - you mentioned the local council,

16 too - but any other professional organizations that

17 you would have belonged to in the 1949 and later

18 era?

19 A And later?

20 Q At Zurich.

21 A While I was at Zurich?

22 Q Yes, sir.

23 A Well, the American Chemical Society.

24 Q Any others that come to mind?

25 A Well, while I was at Zurich, I think those

103

1 were the only two then.

2 Q Did you participate in any industry trade

3 activities while you were at Zurich? I understand

4 the insurance industry had several trade

5 organizations, and I wondered if you met with your

6 counterparts from other insurance companies in any

7 trade organization activities.

8 A No, I did not participate in any.

9 Q Would you know one way or the other if

10 Mr. Cook did?

11 A No, I don't know. These trade

12 organizations, I don't know whether they had
13 occupational health sections.

14 Q Did you while you were at Zurich work with
15 any organizations such as the American Standards
16 Association?

17 A Not while I was at Zurich, no.

18 Q Now, moving onto American Brake, the same
19 line of questions. I'd like to know your
20 professional associations that you would have been
21 involved with and then any of the trade
22 associations.

23 A Well, the same two professional
24 organizations that I mentioned previously. And as
25 far as trade organizations, no, I didn't - wasn't

104

1 involved in any of the other trade organizations.

2 Q Then after you moved to the National
3 Safety Council, the same question. Did you change
4 your affiliation with any or add to your
5 affiliations of any professional organizations?

6 A I don't recall when I became a member of
7 the Health Physics Society.

8 Q But at some point in your career, you
9 joined the Health Physics Society?

10 A Yes, and at some time later, the American

11 Public Health Association.

12 Q Would you say that you joined the APHA,
13 the American Public Health Association in the 1960s?

14 A Yeah, that would be in the 1960s when I
15 was with the A.M.A.

16 Q What were your activities with the APHA?

17 A I attended the meetings of the
18 Occupational Health Section that they had.

19 Q The Occupational Health Section of the
20 A.M.A. - I'm sorry. The Occupational Health Section
21 of the APHA, it and its predecessors dated back into
22 at least the 1940s, did they not?

23 A I don't know.

24 Q I thought maybe when you joined the
25 organization, you might have learned about their

105

1 history of activities.

2 A I probably did, but I don't remember.

3 Q Fair enough. Tell me about the
4 Occupational Health Section of the APHA, what it was
5 and what you did there.

6 A I served on some of the committees, but I
7 can't recall.

8 Q Can you recall the general nature of the
9 committees that they would have had?

10 A No, I don't recall.
11 Q And while you were at the National Safety
12 Council, were you able to provide field services to
13 anybody?
14 A No. That was not our function.
15 Q You were merely a resource to give
16 information to people in the area of industrial
17 hygiene?
18 A That's correct.
19 Q Did you maintain a list of consultants at
20 the National Safety Council that you could give to
21 people so that they could find help in the field?
22 A I would give them names of consultants. I
23 didn't maintain any of those, but depending on what
24 area they were from.
25 Q What section of the Country?

106

1 A What section of the Country.
2 Q So ---
3 A I would look up who the consultants were
4 in that area.
5 Q Where would you go to look for consultants
6 in 1960?
7 A Well, I knew a lot of industrial
8 hygienists all over the Country at that time. In

9 fact, in those years you got to meet almost
10 everyone. So, you pick up the phone and get
11 information.

12 Q As I recall, there were a couple of
13 thousand members of the American Industrial Hygiene
14 Association in the Fifties and Sixties, give or take
15 a few. Would that be about right?

16 A When I was president of the association in
17 1973-74, there were 1,627. That's all.

18 Q And you knew pretty much all of them.

19 A Well, a great number of them. I wouldn't
20 say "all."

21 Q In the 1960s, were there consultants out
22 there that one could hire if you had a field problem
23 that needed to be evaluated?

24 A Oh, yes.

25 Q How about even back in 1949 when you

107

1 joined Zurich ---

2 A Well, Dr. Sappington was a consultant.

3 Q Now, he was here in Chicago?

4 A In Chicago, yeah.

5 Q If I were down in Texas and I needed an
6 industrial hygienist, any idea what I would do down
7 there?

8 A Well, I would have called somebody in that
9 area and asked who was doing consulting work. There
10 weren't too many people doing consulting work in
11 those areas in those years.
12 Q But they were there?
13 A They were there.
14 Q And the American Industrial Hygiene
15 Foundation did consulting work, did they not?
16 A I think they did some for their members.
17 Q How about Professor Drinker up at Harvard?
18 A Right. He did consulting work.
19 Q And he did it pretty much nationwide from
20 what I've seen, correct?
21 A Right.
22 Q I wanted to ask you about some of the
23 general texts that you might be familiar with.
24 Drinker and Hatch's text on industrial dust ---
25 A Industrial dust, yes.

108

1 Q --- would you recognize that as being an a
2 authoritative text for its time?
3 A For its time, yes.
4 Q And, of course, Professor Drinker was up
5 at Harvard School of Public Health; and Professor
6 Hatch was at the University of Pittsburgh?

7 A University of Pittsburgh.
8 Q And both of these institutions had
9 programs in industrial hygiene going back into the
10 1930s and Forties?
11 A I don't know when they started.
12 Q The first textbook on industrial dust by
13 Drinker and Hatch was published in the Thirties ---
14 A Uh-huh.
15 Q --- correct?
16 A I don't know when it was published.
17 Q Certainly you had access to the first
18 edition of Industrial Dust by Drinker and Hatch.
19 A Yes.
20 Q Would you know if Dr. Cook was familiar
21 with the industrial text -- I'm sorry. Start over.
22 Would you know if Mr. Cook at Zurich was
23 aware of the existence of Industrial Dust by Drinker
24 and Hatch?
25 A There was a copy in the library - in his

109

1 library.
2 Q Did he tend to refer you to that book or
3 disfavor it or can you tell me anything about it?
4 A Oh, I can't tell you anything like that.
5 I knew he had the book.

6 Q Would you know of any relationship between
7 Mr. Cook and Professor Drinker?
8 A Well, they were very friendly.
9 Q They were not adversaries?
10 A No. Why?
11 Q I beg your pardon?
12 A Why?
13 Q I don't know.
14 A No, they were good friends.
15 Q Did you ever overhear them having any
16 disagreements?
17 A No, I did not.
18 Q Did Dr. Cook -- I'm sorry. Did Mr. Cook
19 ever let you know that he was displeased with any of
20 Professor Drinker's views?
21 A No.
22 Q Did you ever participate in any of the
23 A.S.A., American Standard Association, activities in
24 your career?
25 A Yes, I was on one of the committees.

110

1 Q Do you recall who your employer was at the
2 time?
3 A It was the A.M.A.
4 Q So, that would have been the '62 to '72

5 time period?

6 A Yeah.

7 Q But you don't recall what committee it was

8 or the topic?

9 A Well, there was a committee on personal

10 protective clothing. And there was some other

11 committee, but I don't recall it.

12 Q The American Chemical Society that you

13 were a member of from your early days, I guess --

14 Did you join the A.C.S. while you were still in

15 college as a chemistry major?

16 A Yes.

17 Q Student Section?

18 A Yes.

19 Q Did you learn that they had quite an

20 extensive publication list, as well?

21 A Well, I knew they produced publications;

22 but ---

23 Q Chemical abstracts?

24 A Chemical, yes.

25 Q Chemical abstracts was ---

111

1 A They had a lot of journals.

2 Q And they had different sections of the

3 American Chemical Society and each section typically

4 had a journal?

5 A Yes.

6 MR. MARON: Are you talking
7 about generally anytime?

8 MR. HOBSON: Yeah, anytime that
9 he would know about.

10 (By Mr. Hobson)

11 Q Am I right, Mr. Siedlicki, the American
12 Chemical Society, as far as you know, had general
13 sections; and each section each had generally their
14 own publication in its area of interest?

15 A Well, they had many more sections than
16 publications.

17 Q The rubber industry had -- There was an
18 American Chemical Society section for the rubber
19 industry, was there not?

20 A I don't know whether -- I don't know.

21 Q Chemical abstracts - there was, again, an
22 abstracting service that covered periodicals and any
23 publication that concerned chemicals in general?

24 A That's correct.

25 Q So, you could go and find a small

1 paragraph on different papers that had been
2 published around the world that were of interest to

3 chemists in general?

4 A Right.

5 Q And that would include articles on

6 toxicology, would it not, involving chemicals and

7 materials of that kind?

8 A Yes.

9 Q And were you not as part of your training

10 shown how to use chemical abstracts and be able to

11 research through the medical and scientific

12 literature chemical abstracts to find articles on

13 toxicology, as well as other subjects?

14 A Oh, I probably did that.

15 Q And that would have been so back in your

16 college days at Northwestern and DePaul?

17 A Yes. I had to go to chemical abstracts as

18 far as the research work that I was doing at DePaul.

19 Q Was your education at the time when

20 foreign languages were required?

21 A Yes.

22 Q And which language were you able to study?

23 A Well, I studied German in school; but I

24 didn't take the examination in German. I took it in

25 Polish.

1 Q Polish?

2 A That's correct, because my advisors argued
3 that you have to take it in a modern language - any
4 exam in any modern language. I asked them if Polish
5 was a modern language and it was and they did teach
6 it at Northwestern and also taught it at DePaul.
7 So, I won the argument.

8 Q Very good.

9 A And the reason I didn't take it in German
10 was because many years had passed since I studied
11 German, and there was a war in between.

12 Q Would it be so that you were able to read
13 and understand scientific German with the aid of a
14 dictionary?

15 A With the aid of a dictionary, yes. When I
16 did my research work at DePaul, I read German
17 articles.

18 Q And it really wasn't that unusual for
19 chemists in the 1940s being educated in American
20 universities to be trained in German because that
21 was one of the major scientific languages of the
22 world, was it not?

23 A It was, yes.

24 Q And the Germans were known for their
25 scientific advances in the industrial age; and part

1 of what you were expected to do as a professional
2 chemist was to be able to keep up with the world's
3 literature, including the German literature,
4 correct?

5 A Well, in the field that you were in, yes.

6 Q Yes, sir. Do you recall, Mr. Siedlicki,
7 if any of your work at the National Safety Council
8 involved asbestos?

9 A Well, some of the articles I reviewed that
10 were published were on asbestos.

11 Q Would you recall any of those any more
12 specifically?

13 A Well, one time I abstracted an article and
14 I think it was published in the archives on
15 environmental health on cases of cancer from
16 asbestos - from a worker having asbestosis and
17 developing cancer.

18 The question was whether it was caused by
19 smoking or by his asbestos exposure.

20 Q Did you know Dr. Anthony Lanza?

21 A I did not know him personally.

22 Q You knew of him, I take it, though?

23 A I knew of him.

24 Q Were you familiar with his textbook on
25 silicosis and asbestosis from the late 1930s?

1 A I don't recall.

2 Q You're, I guess though, generally aware
3 that reports in the medical and scientific
4 literature of asbestos and lung cancer go back to
5 the 1930s; is that so, sir?

6 A I'm not sure. I wasn't aware of that.

7 Q You don't recall seeing in the "Industrial
8 Hygiene Foundation Digest" abstracts of literature
9 even in the late Forties and early Fifties
10 concerning cancer and asbestos workers?

11 MR. MARON: Mr. Hobson, if you
12 have something to show him, I'm sure
13 Mr. Siedlicki would love to review it
14 and answer your questions.

15 MR. HOBSON: Sure.

16 A I haven't researched it. I looked at the
17 Industrial Hygiene Digest many, many times. I don't
18 recall all of what I read.

19 (By Mr. Hobson)

20 Q Do you recall Mr. Cook giving you any
21 instruction concerning cancer in asbestos workers at
22 any time?

23 A No, I don't recall.

24 Q Do you have any impression one way or the
25 other if Mr. Cook was keeping up with the medical

1 and scientific literature in this area of asbestos
2 and cancer?

3 A Well, he kept up with the entire field of
4 industrial hygiene.

5 Q But you can't recall Mr. Cook ever having
6 a discussion with you concerning cancer in asbestos
7 workers?

8 A No. We did not discuss cancer and
9 asbestos in those years. It was much later that
10 cancer became associated with asbestos considerably.

11 Q When do you put in your mind your first
12 discussion or beginning recognition of some
13 association between cancer and asbestos?

14 A Somewhere around in the early Sixties.

15 Q Was it your appreciation, then, that this
16 article that you summarized for the American Medical
17 Association was the first time that any association
18 had come to your attention between cancer and
19 asbestos?

20 A I don't recall.

21 Q And you were working for American Brake
22 Shoe in 1955 ---

23 A Right.

24 Q --- at least the later part of '55. Do
25 you remember Dr. Hamlin there ever discussing with

1 you or you with he of Sir Richard Doll's work on
2 asbestos workers and lung cancers in England?

3 A I don't recall any discussion like that.

4 Q Are you today aware of Sir Richard Doll's
5 publication from 1955 on lung cancers in asbestos
6 workers?

7 A No.

8 Q Did you know of Dr. Hueper?

9 A Yes, I know Dr. Hueper.

10 Q How far back in time did you know
11 Dr. Hueper?

12 A Well, I once heard him talk at the Chicago
13 Medical College in Chicago.

14 Q Can you put a time on that?

15 A Probably -- A time?

16 Q Yes, sir, an approximate date.

17 A About '52.

18 Q Was he with the National Cancer Institute
19 by that time?

20 A He was well known at that time for his
21 publications on cancer.

22 Q I'm sorry. I didn't hear you.

23 A He was well known at that time for his
24 publications on cancer. He published a book, and I
25 don't recall what year that was published. But I

1 did refer to the book many times - to his book.

2 Q Occupational Tumors and Allied Diseases?

3 A Is that what the title was?

4 Q 1942?

5 A Yes.

6 Q You say you did refer to that book many

7 times?

8 A Uh-huh.

9 Q Well, where would you have had that book

10 to refer to?

11 A Well, we had it at Zurich Insurance.

12 Q Do you recall referring to Dr. Hueper's

13 book on Occupational Tumors and Allied Diseases

14 concerning asbestos?

15 A No, I didn't look up asbestos at that

16 time. It was something else.

17 Q Do you know if ---

18 A I don't remember exactly what. It

19 probably was bladder tumors.

20 Q And did you know that Dr. Hueper had

21 worked for Du Pont in the late 1930s?

22 A I don't know. I didn't know.

23 Q I think that's where he got his experience

24 with bladder tumors.

25 A Uh-huh.

1 Q Do you recall the topic of Dr. Hueper's
2 presentation in 1952, was it?

3 A Yes. No, I don't recall the topic.

4 Q Let's see. In '52 you would have been
5 working for Zurich?

6 A For Zurich, yeah.

7 Q What took you to the University of Chicago
8 to hear this presentation?

9 A Well, it was not the University of
10 Chicago. It was the Chicago Medical School.

11 Q Oh, I beg your pardon. What took you over
12 to the medical college to hear Dr. Hueper's
13 presentation?

14 A I went with Warren Cook. Warren Cook
15 wanted to attend, and he wanted me to meet
16 Dr. Hueper. I don't recall exactly what the subject
17 was, but the fact that Dr. Hueper was speaking was
18 of interest enough to attend.

19 Q And Mr. Cook, was he an antagonist of
20 Dr. Hueper's?

21 A No.

22 Q Did you know if Mr. Cook -- Was he taking
23 you there, then, to meet a colleague in the field
24 and hear someone in the field who was well known on

25 the subject to speak? Was that your impression?

120

1 A That wasn't the only purpose he went
2 there. He went there because he himself was
3 interested in what was going to be said.

4 Q Are you talking about what Dr. Hueper had
5 to say in the way of occupational disease and
6 occupational cancers?

7 A I don't recall what the subject was at the
8 present - at that time. We are going back -- That's
9 over 40 years.

10 Q Yes, sir.

11 A I wish my memory was that good that I
12 could recall everything.

13 Q I wish you could, too. I'd like the
14 details.

15 Can you give me your recollection of what
16 part you still do have of Dr. Cook coming to you to
17 take you to hear Dr. Hueper?

18 A I can't give you the details. I don't
19 know the details. I don't recall. I don't recall.

20 Q But basically Mr. Cook came and got you
21 there at your work and said, "Dr. Hueper is going to
22 be at the Chicago Medical College giving a lecture.
23 I want you to come with me and meet him. I'm

24 interested in what Dr. Hueper has to say"?

25 A That's essentially what happened.

121

1 Q That's about all you recall?

2 A Yes.

3 Q After Mr. Cook heard Dr. Hueper speak, did
4 Mr. Cook seem to be upset with what Dr. Hueper had
5 to say?

6 A No.

7 Q Did you ever hear Mr. Cook to offer
8 criticisms of Dr. Hueper?

9 A No.

10 Q As far as you knew from Mr. Cook,
11 Dr. Hueper was just a person who was well known in
12 this area of interest of Dr. Hueper's, and he wanted
13 you to meet him?

14 A Well, Dr. Hueper was a controversial
15 figure; but that's about all I can say about that.

16 Q Of course, Dr. Hueper's main interest, as
17 you said, was occupational cancer.

18 A It was cancer in general, not just
19 occupational.

20 Q Including environmental cancer and others?

21 A Yes.

22 Q Do you recall in the 1950s anyone ever

23 telling you that they believed that the threshold
24 limit value for asbestos was too high?

25 A In the 1950s?

122

1 Q Yes, sir.

2 A I don't recall.

3 Q Did you ever become a member of the ACGIH?

4 A No, I could not become a member.

5 Q You were never an ex-officio member from
6 industry, either?

7 A No.

8 Q Did you know that there were ex-officio
9 members of the ACGIH TLV committees?

10 A There were consultants. I know they were
11 not members of the committee.

12 Q Right.

13 A They were consultants, and these are
14 limited as consultants in the TLV book.

15 Q And you were never one of those?

16 A No.

17 Q Do you remember any of the consultants to
18 the ACGIH TLV committees?

19 A Mitch Zavon was a consultant for a long
20 period of time. Torkelson from Dow was a
21 consultant. Oh, there were a number; but I don't

22 recall their names.

23 Q If you as a practicing industrial
24 hygienist, professional in the field, had gained
25 information in your work that led you to believe

123

1 that a threshold limit value was too high, was not
2 protective, would you have felt an obligation to
3 pass that information onto the ACGIH?

4 A If I had the data to show it, yes.

5 Q And would that be because people around
6 the Country were relying on ACGIH TLVs to be as
7 accurate as possible?

8 A Yes. The ACGIH Committee, it depended a
9 great deal on industry to provide information to
10 them because that information was not available
11 anywhere else. That's where they got their -- The
12 companies like Du Pont and Dow that did a tremendous
13 amount of research work had such information; and if
14 I had such information, I would have provided it.

15 Q And would you expect and rely on other
16 health professionals if they had such information,
17 to also pass it on to the ACGIH?

18 A If they had good data, yes.

19 Q And, in fact, to have good data that a TLV
20 was not protective would be to sacrifice the lives

21 of people who were exposed to this material,
22 correct?
23 A Now, what was that, again?
24 Q Yes, sir. If you had information that a
25 threshold limit value was not protective and, in

124

1 fact, people were getting disease at exposures below
2 the threshold limit value, if you didn't pass that
3 onto the ACGIH for consideration, you could be
4 allowing others to contract occupational diseases.
5 Isn't that so?
6 A Well, that's correct, yes.
7 Q Was it your impression that professional
8 industrial hygienists viewed this as a duty, as part
9 of their profession in protecting the health of
10 workers to be on the lookout and to pass on
11 information to the ACGIH if they believed and had
12 good data that a TLV was not protective?

13 MR. MARON: Objection.

14 Herschel, are you asking this
15 Witness his opinion as a practicing
16 industrial hygienist himself or as a
17 an opinion on an industrial hygienist
18 as a profession?

19 MR. HOBSON: I'm asking him his

20 opinion of the profession.
21 A I would expect the professional industrial
22 hygienist if he is doing professional work to pass
23 such information if he had very good data.
24 (By Mr. Hobson)
25 Q And whether it was a practicing industrial

125

1 hygienist or an occupational health physician,
2 medical people with such information in your view
3 would have an obligation to pass this onto to the
4 ACGIH to protect the health of other workers,
5 correct?
6 A Well, I don't know about the word
7 "obligation." Nobody required them to do it, but
8 they should do it.
9 Q You would view it as a professional
10 obligation, if not a legal obligation?
11 A That's correct, yeah.
12 Q We have come across a trade association
13 for the insurance industry, and I don't know if you
14 will recognize it or not.
15 A I don't know.
16 Q The Association of Casualty and Surety
17 Companies?
18 A That was the stock company organization.

19 Q Which category would Zurich have fallen
20 into?

21 A The stock. They were not a mutual.

22 Q So, would Zurich to your knowledge have
23 participated in this Association of Casualty and
24 Surety Companies?

25 A Well, Zurich did. They were members of

126

1 that. To what extent Warren Cook did, I don't
2 know. I did not participate in it.

3 Q Would you know one way or the other,
4 Mr. Siedlicki, if American Brake Shoe ever had any
5 cases of asbestosis?

6 A I don't know.

7 Q Would Dr. Hamlin just not have shared that
8 kind of information with you if it existed?

9 A If it was important for me to know, he
10 would have shared it. If somebody had asbestosis
11 way back when and the operation was already
12 controlled, there was no reason for him to give
13 confidential information to me - medical
14 information. This is a very tricky area.

15 Q Would it be, then, that you in industrial
16 hygiene at American Brake did not even see summaries
17 of either reported cases of asbestosis and other

18 pneumoconioses that the company found?

19 A Well, as I mentioned before, in 1939 they
20 had a tremendous number of cases. These were
21 silicosis cases primarily.

22 Q Yes, sir, you said that.

23 A And they still -- When I worked there,
24 they still had some of those employees; but there
25 was no need for me to see these employees' records.

127

1 Q I understand that.

2 A Yes.

3 Q That would be his confidential medical
4 records.

5 A That's correct.

6 Q And, so, I was trying to find out if you
7 were given summaries perhaps by Dr. Hamlin or
8 someone else in Medical that would say that this
9 year we have had this many new cases of these
10 occupational diseases reported at the various
11 facilities?

12 A I don't recall such summaries.

13 Q When you were at American Brake, did you
14 feel that you in industrial hygiene had enough data
15 so that you could say that you had determined the
16 exposures of your employees who were potentially

17 exposed to asbestos?

18 A When I got there, the asbestos was all
19 very well controlled and exhaust ventilation on all
20 their hoppers. They had problems at one time, but
21 these were controlled.

22 Q So, people who came before you had already
23 addressed that issue; and as far as you could tell,
24 had resolved whatever problems there might have
25 been?

128

1 A Yes. There were -- We did not have any
2 elevated exposures to asbestos when I was there.

3 Q And was it so that you employed your
4 engineering controls and your other work practices
5 to continue to minimize the exposures to those
6 people potentially exposed to asbestos in the
7 American Brake operations?

8 A As I said, they were very well
9 controlled. Yeah, we had good mechanical
10 ventilation; and it controlled the exposures.

11 Q And then I take it from time to time, you
12 would monitor those employees working in these
13 controlled exposures to make certain that the
14 controls were still being effective and that the
15 exposures were still as low as they could possibly

16 be.

17 MR. MARON: Objection to the
18 form of your question. He already
19 testified earlier there is a
20 difference in monitoring the
21 employees and the use of the midget
22 impinger.

23 You can go ahead and answer it,
24 Mr. Siedlicki.

25 A We monitored them - the employees - to see

129

1 if the employee was exposed and whether the exhaust
2 ventilation was effective.

3 Q I thought that's what I asked you. I
4 apologize if it was not clear.

5 Now, when you walked up to the asbestos
6 operations there at American Brake, were you able to
7 see visible dust in the air?

8 A No.

9 Q After you took an air sample, would you
10 find that, in fact, there had been some dust in the
11 air?

12 A Yes, there was some.

13 Q In fact, if you have exposures to asbestos
14 of 5 million particles per cubic foot, that's not

15 visible with the naked eye, is it not?
16 A It's only visible if you shine a light
17 through it. You get the Tyndall effect.
18 Q And the Tyndall effect still only has an
19 effect on particles that are above a certain size,
20 correct?
21 A Right.
22 Q And that's generally larger than the
23 particles that are breathed deep into the lung,
24 correct?
25 A Yeah, that's right.

130

1 Q And, so, if you're talking about particles
2 in the air that are a health hazards even at
3 5 million particles per cubic foot, those are not
4 visible to the naked eye.

5 MR. MARON: I object to this
6 whole line. It depends on what type
7 of exposures you are talking about,
8 under what type or kind of
9 conditions, what type of job
10 settings.

11 So, if you can narrow it down
12 for the Witness, I think that would
13 be helpful, Herschel.

14 Q Do you need more information,
15 Mr. Siedlicki?
16 I mean, it doesn't matter what
17 conditions. 5 million particles per cubic foot of
18 any dust that's of respirable size is impossible to
19 see with the naked eye under any conditions; is it
20 not, sir?
21 A This is right. This is right.
22 MR. HOBSON: I was just
23 instructed that it's lunchtime if
24 this is a convenient time for you,
25 Mr. Siedlicki?

131

1 THE WITNESS: It's fine.
2 MR. HOBSON: Let's do it.
3 THE WITNESS: I never miss
4 lunch.
5 THE VIDEOGRAPHER: We are off
6 the record at 12:10.
7
8 (AT 12:18 P.M. THE DEPOSITION
9 WAS RECESSED FOR LUNCH. AT
10 1:48 P.M. PROCEEDINGS RESUMED AS
11 FOLLOWS:)
12

13 (A BRIEF RECESS WAS TAKEN.)

14

15 THE VIDEOGRAPHER: We are back
16 on the record at 1:48.

17

18 (AN OFF-THE-RECORD DISCUSSION WAS
19 HELD)

20

21 (By Mr. Hobson)

22 Q We were talking about some of your earlier
23 work; and I wanted to move on with that, if I could,
24 sir.

25 A Can I mention that you asked me who

132

1 preceded me at the National Safety Council?

2 Q Yes, sir.

3 A It was Ed Alpaugh.

4 Q Ed Alpaugh?

5 A Ed Alpaugh.

6 Q Alpaugh, A-l-p-a-u-g-h?

7 A Correct.

8 Q And is it your understanding that Mr. Van
9 Atta was there earlier than Mr. Alpaugh?

10 A Yes, he preceded Ed Alpaugh.

11 Q Where did you go to work after the A.M.A.?

12 A Amoco.
13 Q And, so, you were gone to Amoco sometime
14 in about '72?
15 A April of '72.
16 Q And for how long did you work for Amoco?
17 A 13 1/2 years.
18 Q So, that would put you to about 1985?
19 A Well, I retired the first of January,
20 1986.
21 Q And when you went to work at Amoco, there
22 was already an existing industrial hygiene program?
23 A Yes.
24 Q How many industrial hygienists were there
25 at Amoco when you came in '72?

133

1 A Three.
2 Q There was Mr. Halley ---
3 A Paul Halley.
4 Q --- yourself, and who else?
5 A Well, there were two more.
6 Q Oh, I'm sorry.
7 A Bill Brown and John Brower.
8 Q And Brower is B-r-o-w-e-r?
9 A Yes.
10 Q And Bill Brown went on to Phillips, did

11 he?
12 A Phillips Petroleum.
13 Q And Mr. Brower?
14 A He retired and passed away.
15 Q I see. I don't know Mr. Brower's
16 background. Can you tell me anything about
17 Mr. Brower?
18 A Well, he came from the Michigan Department
19 of Health.
20 Q And would you have some appreciation for
21 when he joined Amoco?
22 A I don't know.
23 Q Was Mr. Brower an industrial hygienist
24 with the Michigan Department of Health?
25 A Yes.

134

1 Q Had you met Mr. Brower before he joined
2 Amoco?
3 A Not before he joined Amoco, no.
4 Q I take it when Mr. Brower moved from the
5 Michigan Department of Health to Amoco, he would
6 have joined the local section; and you would have
7 met him at the meetings?
8 A I don't know whether he attended the local
9 section meetings.

10 Q Did Mr. Halley?
11 A Yes, Mr. Halley did.
12 Q And do you recall about when Mr. Halley
13 joined Amoco?
14 A 1953.
15 Q And, of course, Mr. Halley was an
16 experienced industrial hygienist when he joined
17 Amoco having done industrial hygiene work during the
18 war.
19 A He was with the Virginia Department of
20 Health.
21 Q And before that, worked at the Public
22 Health Service during the war years?
23 A That, I don't know. I'm not aware of
24 that.
25 Q Okay. And Mr. Halley came to Amoco from

135

1 the West Virginia Department of Health just before
2 joining the company, correct?
3 A That's correct.
4 Q If I remember correctly, I think I saw
5 Mr. Halley's name in either the "Journal" or the
6 "Synergist," where he is one of those few
7 individuals who's been a member of the AIHA for more
8 than 50 years.

9 A That was mentioned, yeah, in the last
10 "Synergist."
11 Q He's been an industrial hygiene
12 professional for some 50 years or more?
13 A That's correct.
14 Q When you joined Amoco in 1972, what were
15 your duties?
16 A I was Director of Industrial Hygiene.
17 Q And did Mr. Brower and Mr. Brown report to
18 you?
19 A Yes.
20 Q And what was Mr. Halley's title at that
21 time? Would you recall?
22 A He was Director of Industrial Hygiene,
23 Toxicology, and Safety.
24 Q And was -- Do you recall who Mr. Halley
25 was reporting to in '72?

136

1 A Dr. Wolkonsky.
2 Q And Dr. Wolkonsky had been with Amoco for
3 about how long, sir? Would you know?
4 A Well, I don't know how long. It was
5 several years before I came to Amoco.
6 Q Do you recall who the medical director
7 would have been when Mr. Halley joined the company?

8 A I don't recall.
9 Q Was it your appreciation that Mr. Halley
10 had been hired into the Medical Department, though,
11 of Amoco?
12 A When he started, I don't know to whom he
13 reported.
14 Q Do you know what has become of
15 Dr. Wolkonsky?
16 A He retired.
17 Q Is he still living in this area, or would
18 you know?
19 A He's still living. I don't know where he
20 is living.
21 Q What's his first name - Peter?
22 A Peter. His name was not Wolkonsky when he
23 joined Amoco.
24 Q What was his name when he joined?
25 A It was John Peter Malia.

137

1 Q Could you spell that, please?
2 A M-a-l-i-a.
3 Q M-a-l-i-a?
4 A (Witness nods head affirmatively.)
5 Q I guess I'm fascinated. I must ask: Do
6 you know why he changed his name? You taught him

7 Polish?
8 A No. That's Russian.
9 Q I'm sorry.
10 A I don't know. I only have to speculate.
11 Q Never mind.
12 How did you get the job with Amoco?
13 A Paul Halley gave me an offer.
14 Q He had an opening come up; and he knew you
15 through the local section activities here in
16 Chicago, I take it?
17 A No. We were active in national
18 organization. He was president at the time, and I
19 was the incoming president.
20 Q Of the American Industrial Hygiene
21 Association?
22 A Right.
23 Q So, not only did you work on the local
24 level. You worked on a national level as
25 professionals in a professional organization.

138

1 A Right.
2 Q Would you regard Mr. Halley as a
3 professional industrial hygienist in every way?
4 A Yes.
5 Q Someone that certainly was knowledgeable

6 of the medical and scientific literature and one who
7 kept up in his profession?

8 A Yes.

9 Q Would you put him up there at the top in
10 the field of industrial hygiene as far as abilities?

11 A Yes.

12 Q When you joined Amoco in 1972, can you
13 give me some idea of the scope of the company or the
14 part of it that you were responsible for?

15 A Well, I was - being Director of Industrial
16 Hygiene, I was responsible for all the industrial
17 hygiene activities.

18 Q Would that have been international, as
19 well as domestic?

20 A At that time we did not make international
21 visits.

22 Q Did that come later?

23 A They came later, yeah.

24 Q About when did international visits become
25 part of your duties?

139

1 A Well, I wouldn't say it was part of my
2 duties. We had facilities internationally. We
3 became -- It never became part of my duties.

4 Q Just so I'm clear, in '72 when you joined

5 Amoco, are you saying that Amoco only had U.S.
6 operations or they had international operations; but
7 your job did not include providing services to
8 international operations?

9 A That's correct. That one.

10 Q The latter?

11 A Yes.

12 Q So, it was an international company; but
13 your job focused on domestic activities here in the
14 United States.

15 A That's right.

16 Q Can you recall approximately how many
17 refinery operations you were responsible for in the
18 United States when you joined Amoco?

19 A There were ten United States refineries.

20 Q And can you recall where those might have
21 been or at least most of them?

22 A Well, they were all over. The two largest
23 ones, one was in Texas City and the other large one
24 was in Whiting.

25 Q That's Whiting, Indiana?

140

1 A Whiting, Indiana.

2 Q That's here in the Chicago area?

3 A That's right.

4 Q And did you have any other refinery
5 operations in the south or southwestern part of the
6 United States?
7 A No. Texas City was the only one in the
8 southwest.
9 Q Nothing in California?
10 A No, we didn't have anything in California.
11 Q And nothing in Louisiana?
12 A No.
13 Q Did you have petrochemical operations, as
14 well as refining?
15 A Yes.
16 Q And can you give me some scope of what the
17 petrochemical operations were, please?
18 A Well, there were five chemical - large
19 chemical plants.
20 Q And can you recall where those were,
21 please?
22 A Well, one was in Texas City. Another was
23 in Chocolate Bayou; Decatur, Alabama; and North
24 Carolina. There was four. I missed one.
25 Q The Texas City operations - can you recall

141

1 the principal product lines that were being made
2 there?

3 A In the chemical plant?

4 Q Yes, sir.

5 A Well, they had a styrene plant. Offhand,

6 I don't remember all the chemicals they

7 manufactured.

8 Q That's okay. We are still talking

9 25 years ago.

10 A Yeah.

11 Q So, I can understand, Chocolate Bayou - is

12 that an ethylene plant?

13 A Yeah. It was polyethylene there, yeah.

14 Q Did they make the polymer as well as the

15 monomer at Chocolate Bayou?

16 A The polymer.

17 Q Was there an ethylene plant somewhere?

18 A I don't think so.

19 Q I take it you also had - your duties

20 included production operations?

21 A Production operations, yes.

22 Q Exploration?

23 A Yes.

24 Q Marketing?

25 A Marketing.

1 Q Pipeline?

2 A Right.

3 Q Transportation?

4 A Right.

5 Q So, you had responsibility for an

6 integrated oil company, as well as its related

7 chemical operations nationwide.

8 A Yes.

9 Q And about how many employees would we be

10 talking about in that era, sir?

11 A At this time there were 56,000 employees.

12 This is worldwide.

13 Q That was what?

14 A Worldwide.

15 Q Would you remember about how many of those

16 people were U.S.?

17 A No, I don't recall.

18 MR. MARON: Just so the record

19 is clear, are we talking about 56,000

20 people in operations or corporate

21 wide?

22 THE WITNESS: Corporate wide.

23 MR. HOBSON: That's what I

24 understood.

25 (By Mr. Hobson)

1 Q Did your jobs include field industrial
2 hygiene at this point being the Director of
3 Industrial Hygiene for Amoco?

4 A I beg your pardon?

5 Q Did you actually do field survey work as
6 the director of Industrial Hygiene or was yours
7 mostly administrative?

8 A No. I did field surveys.

9 Q Did you do any field surveys of the Texas
10 operations?

11 A Yes.

12 Q Did that include the Texas City refinery?

13 A Yes.

14 Q And the Chocolate Bayou?

15 A I did not do any field studies at
16 Chocolate Bayou. Texas City Chemical Plant, yes.

17 Q So, your Texas activities were primarily
18 restricted to the Texas City activities.

19 MR. TAYLOR: When you say "you,"
20 Herschel, do you mean him personally;
21 or do you mean the department?

22 MR. HOBSON: Yeah.

23

24 (By Mr. Hobson)

25 Q Let me go back. You individually, were

1 your field surveys that you did as an Amoco employee
2 limited to the operations in Texas City at the
3 refinery and the chemical plant?

4 A Well, it depends on the time of the year
5 you are talking about, the time that I was with
6 Amoco. We had a person that was eventually
7 assigned to that area and covered the refinery and
8 the two chemical plants there.

9 Q And can you recall who that person first
10 was?

11 A Well, in 1975, we hired Chris Cullen.

12 Q And what were -- Is it Mr. Cullen?

13 A Yes.

14 Q What was Mr. Cullen's territory or area of
15 responsibility?

16 A Well, the refinery and the chemical plant
17 in Texas City and Chocolate Bayou.

18 Q So, he had those three facilities.

19 A Those three facilities.

20 Q I take it Mr. Halley was mostly doing
21 administrative duties by the time you joined Amoco
22 in '72?

23 A By the time I joined Amoco, yes, primarily
24 administrative duties.

25 Q Did you have an occasion to review the

1 industrial hygiene files at Amoco prior to doing
2 your fieldwork much like you had done back at Zurich
3 reviewing previous activities there?

4 A Well, before any of us went to a facility,
5 we reviewed the files.

6 Q And did you find at Amoco that there would
7 be a file for each of the Amoco facilities that
8 would reflect what industrial hygiene activities had
9 gone on before?

10 A Yes.

11 Q And did you find evidence that indeed
12 Mr. Halley was working back in the early Fifties
13 doing field industrial hygiene surveys and writing
14 reports?

15 A He was working throughout those years.

16 Q And you found his reports in the files?

17 A Yes.

18 Q Did you find based on your observations
19 that Mr. Halley had a practice of writing industrial
20 hygiene survey reports when he did do a field visit?

21 A It depends on his visit. If it was a
22 survey, he wrote a survey report. If it was just to
23 visit and a discussion, then there was some
24 statement indicating that in the files.

25 Q Pardon me?

1 A There was a statement indicating what the
2 discussion was all about.

3 Q So, if he made a trip to talk about
4 something, it would be more like a trip report.

5 A That's correct, yes.

6 Q And if he did an industrial hygiene
7 survey, he would write up a formal industrial
8 hygiene survey report.

9 A Right.

10 Q And did you find based on your reviews of
11 the files that Mr. Halley had been out there in the
12 field taking air samples and doing field industrial
13 hygiene surveys in the 1950s?

14 A Yes.

15 Q I take it as part of his industrial
16 hygiene survey reports, you would find the results
17 of any testing that he would have done at the
18 various places he visited?

19 A Yes.

20 Q Could you tell if Mr. Halley had a
21 practice of visiting the major Amoco facilities such
22 as refineries and chemical plants with any
23 regularity in the Fifties?

24 A Well, I don't recall how many facilities
25 they had in the Fifties. I don't know.

1 Q I'm just trying to find out did it seem to
2 you from reviewing the survey reports or perhaps
3 even with your discussions with Mr. Halley that he
4 tried to make the major facilities once a year or
5 once every two years or something like that.

6 A I don't know how often. I cannot tell
7 you. Facilities have changed from time to time; so,
8 it was ...

9 Q You say Texas City was the largest Amoco
10 refinery in '72?

11 A In '72 I think Whiting was the largest,
12 but eventually Texas City became the largest.

13 Q So, Texas City and Whiting were at least
14 one and two as far as size in Amoco's refineries?

15 A Yes.

16 Q Did you find that Mr. Halley had done
17 industrial hygiene surveys of the Texas City
18 refinery in the past?

19 A Well, there were two other industrial
20 hygienists here before I came; so they were doing
21 surveys, too.

22 Q So, Mr. Brown and Mr. Brower had already
23 done surveys of the Texas City refinery when you
24 came to Amoco.

25 A Yes.

148

1 Q And do you remember seeing any survey
2 reports that Mr. Halley did since he preceded
3 Mr. Brown and Mr. Brower?

4 A I have seen reports, yes.

5 Q Of Texas City industrial hygiene survey
6 reports?

7 A Well, I can't tell you whether definitely
8 it was a Texas City. There were reports in the
9 files.

10 Q Now, Whiting, of course, was lots closer;
11 and I take it more easy to get to than Texas City?

12 A Yes.

13 Q And being a large refinery, did it tend to
14 be that Whiting seemed to get more field industrial
15 hygiene work done there than perhaps the other
16 refineries did?

17 A During my time, I would say, no, it
18 didn't. We treated -- I mean, Texas City we did a
19 lot of work in Texas City and probably as often
20 there as at Whiting.

21 Q Do you remember approximately when
22 Mr. Brown joined Amoco?

23 A Mr. Brown?

24 Q Yes, sir.

25 A No.

149

1 Q As a matter of fact, I think I've
2 misspoken. It is Dr. Brown; is it not?

3 A No, it's Mr. Brown.

4 Q It is Mr. Brown.

5 Now, we have come across the name here,
6 Mr. Siedlicki, A. A. Marozas, if I have it right?

7 A Marozas.

8 Q And was he one of your industrial
9 hygienists?

10 A Yes, he was.

11 Q And is that a person that you hired after
12 you came to Amoco?

13 A Yes. Well, I didn't hire him to Amoco.
14 He already was employed by Amoco. He just
15 transferred into Industrial Hygiene.

16 Q I take it that you implemented the
17 transfer, then, after '72?

18 A Yes.

19 Q And what was Mr. Marozas' background?

20 A Well, he was -- He had a degree in
21 chemistry and a degree in chemical engineering, and
22 he worked in various facilities of Amoco -

23 refineries and chemical plants.

24 Q So, he knew his way around the units.

25 A Yes, he did.

150

1 Q Did you proceed to train Mr. Marozas to be
2 a professional industrial hygienist?

3 A Yes. He previously had done some air
4 pollution work in the facilities.

5 Q And was he at the headquarters office, or
6 was he at one of the plants?

7 A Well, he was when we -- He was at
8 headquarters when he transferred to us. Previously
9 he was at one of the plants.

10 Q And do you recall which plant he came
11 from?

12 A He came from the Joliet plant. That's the
13 one I didn't mention - chemical plant.

14 Q Joliet Chemical Plant?

15 A Yes.

16 Q And that's in Joliet, Illinois?

17 A Right.

18 Q When you joined Amoco in 1972, this was
19 about the time of the implementation of the
20 Occupational Safety and Health Act?

21 A Right.

22 Q Did you need to do additional staffing,
23 then, to continue to prepare for the impact of the
24 Occupational Safety and Health Act at Amoco?
25 A Well, we were hiring and adding staff; and

151

1 in addition, we hired the consultants to do a lot of
2 our work.

3 Q Do you recall which consultants you
4 utilized?

5 A Primarily Clayton's.

6 Q Would you know if George Clayton &
7 Associates, whatever it was previously known as, did
8 any work earlier for Amoco before you came on board?

9 A I don't recall that.

10 Q Do you recall any consultants' reports
11 being in the files at Amoco or learning from other
12 employees of Amoco that consultants had been used
13 for industrial hygiene work at Amoco?

14 A Yes, there were reports of consultants.

15 Q Do you recall who any of those were?

16 A I don't recall offhand.

17 Q Do you recall if the consultants had done
18 any work at Texas City?

19 A That I cannot recall.

20 MR. MARON: Prior to 1972, you

21 are talking about?

22 MR. HOBSON: Yes.

23 A I don't recall.

24 (By Mr. Hobson)

25 Q Or Chocolate Bayou?

152

1 A I don't recall.

2 Q Did you learn of any other industrial

3 hygienists working in a professional capacity being

4 employed by Amoco before you joined the company

5 besides Mr. Halley, Mr. Brown, and Mr. Brower?

6 A In the Sixties, it was L. Salazar.

7 Q Salazar?

8 A Yes.

9 Q And did Mr. Salazar leave Amoco's

10 employment?

11 A Yes.

12 Q Did he go somewhere else or retire? Would

13 you recall?

14 A Well, he was -- He went somewhere in

15 California.

16 Q Would you know who his employer was there?

17 A Who?

18 Q Who Mr. Salazar's employer was in

19 California.

20 A In California? No, I don't know.
21 Q And you say this was in the Sixties?
22 A In the Sixties that he was hired by Amoco.
23 Q And do you know Mr. Salazar's background
24 before his employment with Amoco at all?
25 A All I know is he was a chemist.

153

1 Q Did Amoco have an industrial hygiene
2 laboratory where Mr. Halley, Mr. Brown, and
3 Mr. Brower were having their samples analyzed when
4 you joined the company?
5 A Yes, they were analyzed at the Research
6 Center. And that's -- Let's see. Bob -- Oh, I
7 can't think of his name offhand. He was an
8 industrial hygiene chemist at the Research Center.
9 And he coordinated the analysis of all the samples
10 that went in the Research Center, and he did all the
11 asbestos counts - all the other dust counts. And he
12 was trained to do that.
13 Bob Stoffer.
14 Q Bob Stoffer?
15 A Yes. He was a Ph.D. chemist.
16 Q Where was the research laboratory where
17 Dr. Stoffer worked?
18 A Naperville.

19 Q Naperville?
20 A Yes.
21 Q That's in Illinois?
22 A Illinois, yes.
23 Q That's just outside of Chicago here?
24 A Yes.
25 Q Was Mr. - I'm sorry - Dr. Stoffer working

154

1 for Mr. Halley and Mr. Brown and Mr. Brower before
2 you joined Amoco?
3 A Yes. Then he reported to me after - when
4 I joined Amoco.
5 Q Do you recall about when Dr. Stoffer would
6 have began doing industrial hygiene laboratory
7 analysis?
8 A I don't recall exactly. It was several
9 years before I got here.
10 Q Was it your appreciation that Mr. Halley
11 had trained Dr. Stoffer in the analysis of
12 industrial hygiene samples?
13 A Well, he took several training courses;
14 and he was a trained chemist. At that time he had
15 about almost three years of employment experience
16 with Amoco at the Research Center.
17 Q Are you familiar with an organization

18 called McCrone's?
19 A Yes. Well, I know of them.
20 Q Are they here in Chicago?
21 A They are in Chicago, yes. In fact, Bob
22 Stoffer got training at McCrone & Associates.
23 Q That's what I was going to ask you.
24 McCrone & Associates published the McCrone's
25 Particle Atlas. Are you familiar with that?

155

1 A I've heard of it. I'm not familiar with
2 it.
3 Q McCrone's was known for their fine
4 particle microscopy, were they not?
5 A Yes.
6 Q And they could do identification of
7 materials based on microscopic samples.
8 A (Witness nods head affirmatively.)
9 Q And had been here in Chicago for many
10 decades, correct?
11 A Right.
12 Q Do you remember working with McCrone's
13 back when you were with Zurich, even?
14 A When I was at Zurich, no, we never worked
15 with McCrone.
16 Q Do you think you knew about McCrone's in

17 that time period?
18 A I don't recall.
19 Q Did you ever take any training from
20 McCrone & Associates?
21 A No.
22 Q Do you know if Warren Cook ever had any
23 connection with McCrone & Associates?
24 A We talked about them when I was at
25 Zurich. I don't recall any - that we sent any

156

1 samples down to them. We may have. I don't know.
2 I can't recall.
3 Q Once you became the Director of Industrial
4 Hygiene for Amoco, I take it it was your
5 responsibility to maintain the industrial hygiene
6 files?
7 A The files were in existence at that time.
8 Q And it was part of your responsibility to
9 keep those up and add to them as additional
10 industrial hygiene work was done?
11 A Well, every industrial hygiene survey was
12 filed under the facility.
13 Q You say every one was?
14 A Yes.
15 Q And as far as you knew every industrial

16 hygiene survey had been filed in the past, whether
17 Mr. Halley did it or some consultant did it?
18 A That's correct.
19 Q While you were the -- Well, I should ask
20 first: Was your title when you retired Director of
21 Industrial Hygiene?
22 A Right.
23 Q So, you held that position throughout your
24 tenure with Amoco?
25 A Right. Yes.

157

1 Q During that tenure with Amoco, did you
2 ever destroy any industrial hygiene survey reports?
3 A Never.
4 Q Would you have been offended if someone
5 suggested that you do so?
6 A I would be offended, yes. I never
7 destroyed it, the report.
8 Q Why are industrial hygiene survey reports
9 important?
10 A They are important in order that we know
11 what the person's employment experience was over the
12 period of a worker's lifetime.
13 Q In fact, one of the ways for setting
14 guidelines and health standards is in part to look

15 back at workers' exposures in the past and look for
16 any associated disease to know if your levels are
17 too high or too low or okay, correct?

18 A That's right, yeah.

19 Q And this is information that as health
20 professionals ought to be kept indefinitely. Would
21 you agree with that?

22 A Yes. And this was our recommendations
23 that they be kept indefinitely.

24 Q And I take it when you left in January of
25 1986, your recommendations had been implemented to

158

1 keep these files indefinitely.

2 A At the time when I left, the files were
3 there.

4 Q And your offices were here in Chicago?

5 A Yes.

6 Q Is there a physical address where you
7 stayed where the offices were?

8 A It's right next door to this building.

9 Q And does the building have a name?

10 A The Amoco Building.

11 Q The Amoco Building. That's appropriate.

12 So, when you left Amoco's employment

13 January, 1986, all the industrial hygiene survey

14 reports for the company as best as you know were
15 maintained intact at the Amoco Building within a
16 block of where we sit?

17 A There were some files that were stored,
18 but they were to be kept indefinitely.

19 Q And was there a group within Amoco that
20 was responsible for storing the archived reports?

21 A Yes, at the time there was.

22 Q Do you remember which group within Amoco
23 that would have been?

24 A No, I don't.

25 Q But this was their job was to store

159

1 archived reports?

2 A Yes.

3 Q And was it your understanding that those
4 archived reports could not be destroyed without your
5 permission?

6 A That's what they were told.

7 Q I believe you told me that Mr. Halley, as
8 part of his title when you joined Amoco, included
9 toxicology?

10 A Right.

11 Q Was there a toxicologist or someone with
12 that responsibility at Amoco when you joined in

13 1972?

14 A Yeah. He was just hired about a month
15 before I joined.

16 Q A week before you?

17 A About a month.

18 Q A month. And who was that, sir?

19 A I cannot remember his name now offhand.

20 Q Do you know who had any responsibility for
21 toxicology that there was at Amoco before this
22 gentleman was hired about a month before you?

23 A Well, Paul Halley had the responsibility.

24 Q Did you find information in the reports or
25 learn from Mr. Halley or others that there had been

160

1 toxicity testing done by Amoco in the past?

2 A Well, I knew there were studies done.

3 Q Can you tell me who it was that was doing
4 those studies?

5 A Well, at one time, it was Industrial
6 Biotest. Joe Calandra's group.

7 Q And is it your appreciation that the
8 earliest contract laboratory was Industrial Biotest?

9 A I don't know.

10 Q I mean to the extent that you do know,
11 Industrial Biotest would be the older one, the

12 oldest one?

13 A The oldest one that I know?

14 Q Yes, sir.

15 A Yeah.

16 Q Now, Dr. Calandra at Industrial Biotest

17 had the capability of doing both acute or short-term

18 and chronic or long-term toxicity testing, did he

19 not?

20 A That was my understanding, yes.

21 Q And they were a full-service consulting

22 laboratory. They could test gases, vapors, and

23 particulates, could they not?

24 A I don't know.

25 Q Did you ever visit Industrial Biotest?

161

1 A No. I knew Dr. Calandra very well, but I

2 didn't visit.

3 Q You just never talked to him about the

4 capabilities of the laboratory?

5 A No.

6 Q Would you know if Dr. Calandra ever acted

7 as a consultant to Amoco?

8 A Well, he did our work, and I suppose you

9 would consider him as a consultant.

10 Q I meant in addition to the laboratory

11 testing that Amoco had done, do you know if he
12 served just as a direct consultant to the Amoco
13 Company to provide toxicity consulting information?

14 A I don't know.

15 Q Would you know of anyone else who might
16 have provided toxicity consultation to Amoco?

17 A There were other toxicologists that Paul
18 Halley had contact with, but I can't tell you the
19 names.

20 Q If you think of those names, I would
21 appreciate knowing who they were, sir.

22 A Okay.

23 Q Perhaps, again, when you get the errata
24 sheet if you think of them, if you could make a note
25 of them for me.

162

1 A (Witness nods head affirmatively.)

2 Q Were there any Workers' Compensation
3 carriers providing industrial hygiene services to
4 Amoco that you became aware of?

5 A To the best of my knowledge, I have always
6 thought that Amoco was self-insured.

7 Q And, so, you never would have expected to
8 have found any industrial hygiene surveys done by
9 insurance carriers.

10 A When I was at Amoco no insurance carrier
11 ever did an industrial hygiene survey.
12 Q And you found no survey reports in the
13 files from carriers?
14 A No.
15 Q I would be remiss, and I apologize for not
16 having done it. But you're a certified industrial
17 hygienist, as I appreciate it.
18 A Yes.
19 Q And may I ask your certification number?
20 A 176.
21 Q Which makes you fairly early on having
22 your certification, perhaps in the 1960s?
23 A Yes, in the 1960s.
24 Q And your other professional credentials?
25 A I'm a Certified Safety Professional.

163

1 Q And are you a Certified Health Physicist,
2 as well?
3 A No.
4 Q You mentioned you were a member of the
5 Health Physics Society. I thought I would ask
6 that.
7 In any of your work, do you recall having
8 done any industrial hygiene surveys for Amoco of -

9 some people call it "turnarounds" or some say "test
10 and inspections"? We are talking about a periodic
11 maintenance of a major unit.

12 A There were turnarounds during the years
13 that I worked at Amoco, yes.

14 Q Did you yourself ever do any field
15 industrial hygiene work during turnarounds that you
16 can recall?

17 A I myself did not do it.

18 Q Do you recall seeing any ---

19 A I was on a unit when it was being turned
20 around, but I didn't do a survey at the time. I was
21 observing what was going on.

22 Q Do you recall where that was?

23 A I don't recall where it was, what
24 refinery.

25 Q Do you remember about when it was?

164

1 A No.

2 Q More likely to be the Seventies than the
3 Eighties?

4 A More likely in the Seventies.

5 Q Do you remember seeing any industrial
6 hygiene survey reports in the files of Amoco for air
7 sampling that was done during turnarounds before you

8 joined Amoco?

9 A I don't recall.

10 Q Can you recall any discussions of

11 exposures occurring during turnarounds before you

12 joined Amoco?

13 A No, I don't recall.

14 Q I take it once you joined Amoco as the

15 Director of Industrial Hygiene, you began

16 implementing the requirements of the Occupational

17 Safety and Health Administration. Would that be so?

18 A Yes, we did.

19 Q And that would include all the

20 requirements for the handling of asbestos-containing

21 materials?

22 A Yes.

23 Q Was there a time while you were with Amoco

24 that Amoco started the policy of not using

25 asbestos-containing insulation materials?

165

1 A Yes.

2 Q Did that happen on your watch?

3 A Yes.

4 Q And about when did that happen, sir?

5 A Oh, '73 - '73, '74.

6 Q What led you to make that decision or to

7 recommend a decision be made?

8 A Well, to eliminate -- Because of the lower
9 permissible limit, we recommended they eliminate all
10 asbestos being used.

11 Q So, you applied the traditional industrial
12 hygiene practice of substitution of a product
13 without asbestos for an asbestos-containing product?

14 A Yes. And there were more insulation
15 products being produced at that time which could be
16 substituted.

17 Q I take it that by the time you joined
18 Amoco, you were aware that insulation materials
19 could contain asbestos.

20 A Oh, yes.

21 Q Can you recall where back in your
22 industrial hygiene practice you learned that thermal
23 insulation materials could contain asbestos?

24 A I can't recall it.

25 Q Do you ever recall yourself doing any air

166

1 sampling during your industrial hygiene career when
2 insulation material was being applied that contained
3 asbestos?

4 A Yes.

5 Q Who were you working for at the time?

6 A Amoco.

7 Q So, that would have been after '72, after
8 April of '72.

9 A Shortly after.

10 Q And what was the occasion that you had to
11 do air sampling for application of thermal
12 insulation material that contained asbestos?

13 A I went down to Texas City to find out
14 exactly what the exposure would be when they are
15 installing and removing insulation.

16 Q Did you actually do air sampling for
17 removal, as well?

18 A Yes.

19 Q Did you write a report of that visit?

20 A Yes.

21 Q Would you recall what you found?

22 A The results were low.

23 Q When is the last time you saw that survey
24 report?

25 A That survey report?

167

1 Q (Counsel nods head affirmatively.)

2 A It's been a long time ago. I don't know.

3 Q It wasn't something that you reviewed in
4 preparation for the deposition?

5 A No, not that survey report.

6 Q Have you been given anything to review to
7 prepare for the deposition today?

8 A Oh, we looked over a few reports.

9 Q But not that one?

10 A Not that one.

11 Q Do you remember which ones you looked over
12 or what they dealt with?

13 A No. They were miscellaneous reports.

14 Q Any of them earlier than when you joined
15 Amoco?

16 A No.

17 Q Do you remember seeing any industrial
18 hygiene survey reports earlier than when you joined
19 Amoco where asbestos was the material being
20 evaluated?

21 A I don't recall.

22 Q It might have been. You just don't
23 remember one way or the other?

24 A I don't remember, yeah.

25 Q Now, the analytical method that you would

168

1 have been using in '72-'73 whenever you did this
2 asbestos sampling you just told me about would have
3 been millipore filter and using phase-contrast

4 microscopy, wouldn't it?

5 A Yes.

6 Q Do you agree that there is no way to

7 compare fiber counts with phase-contrast microscopy

8 and millipore filters with an impinger sampling and

9 light microscopy?

10 A Oh, I would agree very much.

11 Q And I take it, just so I can wrap up this

12 area, you don't remember seeing any impinger air

13 sampling for asbestos done at any Amoco facility in

14 any of the file reports you might have reviewed?

15 A No, I don't remember.

16 Q I take it that the air samples that you

17 took at Texas City, the Occupational Safety and

18 Health regulations were already in effect and were

19 being followed by the employees at Texas City?

20 A They were proposed at that time, but they

21 were not in effect.

22 Q Do you recall, for instance, if in removal

23 of thermal insulation materials containing asbestos,

24 the materials were wetted before removal?

25 A They wetted them, yes.

169

1 Q So, would it be accurate to say that you

2 have never taken an air sample for asbestos when

3 thermal insulation materials containing asbestos
4 were removed dry?

5 A Me personally, no; but we had studies done
6 to find out what concentration you get when you
7 remove it dry.

8 Q Does it matter?

9 A What? Does it matter? Sure, it matters.

10 Q The exposures are higher when it's dry?

11 A Yes.

12 Q Can you quantify that for me at all - how
13 much effect wetting has if wetting is done properly?

14 MR. MARON: For any type of
15 insulation; or are you talking about
16 a specific product, Herschel?

17 MR. HOBSON: Whatever he is
18 familiar with. I will be happy to
19 have Mr. Siedlicki clarify that if he
20 needs to.

21 A Well, I can't recall offhand. I don't
22 recall exactly what the concentration was.

23 (By Mr. Hobson)

24 Q Would you expect based on your experience
25 that you can get at least a tenfold reduction in

1 dust by doing an operation wet as opposed to doing

2 it dry?

3 A I think you got that turned around a
4 little bit. Tenfold when doing it dry rather than
5 doing it wet.

6 Q It can be at least ten times higher if you
7 do it wet?

8 A I don't know whether it was ten times
9 higher. I can't tell you.

10 Q Okay. Would you know one way or the
11 other, Mr. Siedlicki, when it was that the Amoco --
12 Well, I need to ask you a predicated question
13 first, if I may, sir.

14 Did Amoco at Texas City have people
15 working as insulators?

16 A Yes.

17 Q So, these were Amoco employees that were
18 doing the work that you measured?

19 A That I measured, they were Amoco
20 employees.

21 Q And these other studies that you mentioned
22 were people looked at the dry removal of asbestos,
23 were they monitoring Amoco employees, as well?

24 A Yes.

25 Q Would you know, sir, when the Amoco

1 employees were doing insulating work would have
2 implemented using wet methods for the removal of
3 thermal insulation materials containing asbestos?

4 A I don't know before I came whether that
5 was the practice.

6 Q You say you don't know whether it was one
7 way or the other?

8 A Yeah, I don't know whether wetting was the
9 practice. But at the time when I was doing the
10 study, that was the practice.

11 Q And certainly the concept of wetting a
12 material that could dust before you tear it out is
13 one you understood back when you were at Zurich as a
14 method of dust control.

15 A That's correct, yeah.

16 Q Did you ever watch insulators mix mud?

17 A Are you talking a mud for petroleum
18 drilling or ---

19 Q No, I'm sorry. Insulators mixing
20 insulating muds to put on the outside of ---

21 A No, I never watched them do it.

22 Q Do you recall seeing any industrial
23 hygiene survey reports at Amoco of air sampling done
24 during the mixing of insulating muds in refineries
25 or chemical plants?

1 A I don't recall.

2 Q Back as far as your Zurich days, did you
3 appreciate that if you had a dry material in a bag
4 that needed to be wetted, that you could make a
5 small hole in the bag and put a hose in the bag and
6 put water directly in the bag and sort of premix it
7 in the bag before you tear it open and thereby
8 reduce dust exposures?

9 A I don't recall whether -- I never ever saw
10 that operation done that way.

11 Q Does it sound logical?

12 A Well, that's logical, sure.

13 Q Do you recall ever making recommendations
14 even back as far as your Zurich days that if a
15 worker needs to apply a material in a wet form, that
16 it's better to buy it from the manufacturer already
17 wetted than it is to mix it dry on the premises and
18 have dust exposure potential?

19 MR. TAYLOR: What material are
20 we talking about?

21 MR. HOBSON: Any material. Any
22 dry material.

23 MR. TAYLOR: Concrete,
24 anything?

25 MR. HOBSON: Sure. Plaster.

1 MR. BLANKS: Concrete, by
2 definition, has already got the water
3 in it.

4 MR. HOBSON: That's true.
5 Cement, you are talking about.

6 MR. BLANKS: Flour, cornmeal.

7 A I don't recall.

8

9 (By Mr. Hobson)

10 Q A recommendation that you would be capable
11 of making, though, in the Zurich days?

12 A Well, if I needed to make it, I would have
13 made it.

14 Q I mean, it's a pretty basic principle of
15 dust control that if you don't have to make the dust
16 in the first place, if you can buy the material
17 already wetted, that's the way to go, isn't it?

18 A Right.

19 Q As a matter of fact, you mentioned you had
20 quite a bit of experience with lead in your earlier
21 years.

22 A Yes.

23 Q Did you ever try that with lead and the
24 concern with lead dust? Were you ever able to buy
25 the lead in a paste compound as opposed to a dust in

1 order to not have to deal with lead dust?

2 A No, I didn't. Most of the operations that
3 I got involved with in foundries was molten lead.
4 So, it came safe. It was when they melted it, the
5 problem got.

6 Q Are you familiar with what I'm saying?

7 A Yeah.

8 Q That you can buy things as a paste that
9 can be used that ordinarily would be dry and create
10 a dust hazard?

11 A Yes. And the other is that most of the
12 operations I'm familiar with were grinding
13 operations.

14 Q You are talking about lead operations?

15 A Or machining operations, yes.

16 Q Was there a time when Amoco did any
17 epidemiology that you became aware of?

18 A Yes.

19 Q When did that start to your knowledge,
20 sir?

21 A Well, they hired an -- The Medical
22 Department hired an epidemiologist in the Eighties.

23 Q Do you recall who that might have been?

24 A I can't think of his name now.

25 Q Were you ever made aware of an

1 epidemiology study that was begun by the American
2 Petroleum Institute in 1950?

3 MR. MARON: Do you have a
4 specific one?

5 MR. HOBSON: Yes.

6 (By Mr. Hobson)

7 Q Done by Kettering.

8 A By Kettering? I don't recall.

9 Q Do you recall seeing the report of any
10 epidemiology study that was begun by Kettering in
11 1958?

12 A In '58, this was on petroleum?

13 Q It would have been a cancer registry
14 program for refinery workers. It would have been a
15 report issued by Kettering in 1958.

16 A Well, I just don't recall.

17 Q Were you aware or made aware when you
18 joined Amoco in 1972 of efforts by the Medical
19 Department to gather together health information
20 from the various plants looking for occupational
21 illnesses?

22 A Well, they had medical people on their
23 staff that always were looking for occupational in
24 the various facilities.

25 Q Were you given summary information of the

1 incidence of occupational diseases in any of the
2 refineries or chemical plants?

3 A I was not, and I assume that there weren't
4 any incidences occurring.

5 Q Did you have occasion to see claims being
6 made by Amoco employees for occupational diseases?

7 MR. MARON: At any time, any
8 occupational disease?

9 MR. HOBSON: Yes.

10 A Well, I did.

11 (By Mr. Hobson)

12 Q How is it that you would get those reports
13 of claims, Mr. Siedlicki?

14 A I did not see the reports. I just knew
15 that there were claims.

16 Q Would you see summary forms to tell you
17 how many and what kind of claims were being made?

18 A No, I did not see that, no.

19 Q So, you would just hear more or less word
20 of mouth that someone made a claim for something, as
21 opposed to a routine ---

22 A Well, I heard of the claims, yes.

23 Q But there was no regular reporting to
24 Industrial Hygiene of occupational disease claims by

25 Amoco. Would that be correct?

177

1 A I did not see them.

2 MR. HOBSON: We need to change
3 our tape?

4 THE VIDEOGRAPHER: Please.

5 MR. MARON: Can we go off the
6 record?

7 MR. HOBSON: Sure. Take a short
8 break.

9
10 (A BRIEF RECESS WAS TAKEN.)

11
12 THE VIDEOGRAPHER: We are back
13 on the record at 2:55.

14 MR. HOBSON: Mr. Siedlicki, here
15 at the break we have decided that we
16 have concluded our questions for you
17 on the topic of asbestos. And as we
18 lawyers say, we will pass the Witness
19 on asbestos.

20 If we need to trouble you on
21 other subjects, perhaps we can do
22 that at another time that is also
23 mutually convenient for you.

24 If anyone else has any questions
25 on the topic of asbestos, ask them

178

1 now; or we will be concluded.

2 Having heard none, this
3 concludes the asbestos portion of the
4 deposition.

5 We will adjourn; and if there is
6 a later deposition of Mr. Siedlicki
7 on other topics, we will notify
8 everybody with a new notice if that's
9 agreeable.

10 MR. TAYLOR: Very good.

11 MR. HOBSON: Thank you, sir. I
12 appreciate your patience.

13 MR. MARON: Thank you.

14 THE VIDEOGRAPHER: We are off
15 the record at 2:56.

16

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18

19 (WHEREUPON THE DEPOSITION WAS ADJOURNED)

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179

1 THE STATE OF :

2 COUNTY OF :

3

4 I, JERRY SIEDLICKI, hereby certify that I
5 have read the foregoing transcript of my testimony
6 given in the foregoing numbered and styled case, and
7 that same is true and correct to the best of my
8 knowledge and belief.

9 I further certify that any and all
10 corrections have been made on a separate page and
11 initialed by me.

12

13 This day of , 1997.

14

15

16 JERRY SIEDLICKI

17

18

19 SWORN TO AND SUBSCRIBED BEFORE ME this

20

21 day of , 1997.

22
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24
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NOTARY PUBLIC

180

1 THE STATE OF TEXAS:
2 COUNTY OF JEFFERSON:

3
4

5 I, STARLA FOUST, a Certified Shorthand
6 Reporter for the State of Texas, hereby certify
7 pursuant to the Texas Rules of Civil Procedure
8 and/or agreement of the parties present to the
9 following:

10 That this deposition transcript is a true
11 record of the testimony given by JERRY SIEDLICKI,
12 the Witness named herein, on December 17, 1996,
13 after said witness was duly sworn by me.

14 SWORN TO AND SUBSCRIBED by me in Beaumont,
15 Texas, on this the day of , 1997.

16
17
18

19 STARLA FOUST, CSR
20 Certification No. 5946
Expiration Date of Current

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25

Certification: 12/31/97
Charlotte Smith Reporting, Inc.
235 Orleans Street
The Kyle Building
Beaumont, Texas 77701-2399
(409) 839-4407

- 1 DEPOSITION STIPULATIONS
- 2 NO. B-126,986 Deposition of: JERRY SIEDLICKI
- 3 Please complete this Stipulation or state your
4 agreed Stipulations on the record.
- 5 The Attorneys for all parties present stipulate
6 and agree to the checked items as follows:
- 7 1. Deposition is being videoed. Yes X No
8 Video Operator: WARRIENE FLATT
- 9 2. Deposition is taken pursuant to:
10 X a. Texas Rules of Civil Procedure
11 X b. Federal Rules of Civil Procedure
12 X c. Notice
13 X d. Subpoena
14 e. Agreement
15 f. Court Order
- 16 3. Objections:
17 X a. Reserve all objections, except as
18 to form and responsiveness
19 b. Reserve all objections to time of
trial
c. Make all objections at the time
of deposition
X d. An objection by one defendant
shall be considered an objection
by all defendants
4. Signature:
a. Signature of Witness is waived
X b. Witness to read and sign
deposition
X c. If deposition not signed by time
of trial, unsigned copy may be

20 used as though signed and timely
 filed

- 21 5. Custodial Attorney:
 The deposition original will be sent
22 to HERSCHEL HOBSON for
 safekeeping and use at the time of trial.
23 6. Foreign jurisdiction:
 Reporter may swear the Witness in a
24 foreign jurisdiction. Yes No
25 7. Original deposition cost:
 Shall be paid by the Attorney asking
 the first question.

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