

FILE NAME: GATX (GX)

DATE: 1998

DOC#: GX005

DOCUMENT DESCRIPTION: Legal - Affidavits of Richard Schuller & Clarence Austin Jr.

**IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO**

LOIS J. MISSIK, Executrix, <i>etc.</i>	)	
	)	
<i>Plaintiff,</i>	)	
v.	)	Case No. 97-CV-303
	)	
OWENS-CORNING FIBERGLAS CORP.,	)	Judge Peter J. Kontos
<i>et al.</i>	)	
	)	
<i>Defendants.</i>	)	AFFIDAVIT
	)	

I, Richard M. Schuller, do hereby swear that the facts stated below are true and accurate, and are based on my own personal knowledge and observation:

1. I was an employee at the General American railroad tank car manufacturing facility at Masury, Ohio from 1963 to 1983. I worked primarily as a welder in Plant No. 1.
2. I knew Mike Missik during my employment at General American, as he also a worked in Plant No. 1 for much of the time that I was there. I recall that Mike worked in the "medium weld shop" within Plant No. 1 as a grinder, insulator and inspector.
3. Asbestos dust was common in Plant No. 1 because asbestos was extensively used in the building of railroad tank cars. These uses included:
 - a. An asbestos paste was used around metal seams that were to be welded. This paste was mixed in buckets using a dry asbestos powder and water. The asbestos powder came in large paper sacks similar to those in which you would buy cement mix at a hardware store. The mixing of the paste from this asbestos powder naturally caused asbestos dust to escape. After welding was

finished, the paste was ground off by the grinders as they smoothed the welded seams.

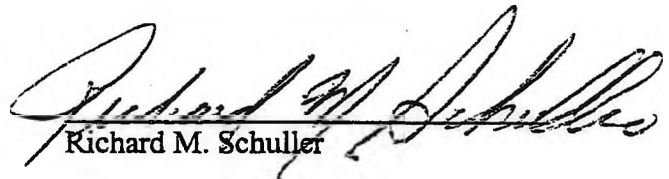
- b. A type of rolled asbestos "paper" (like tarpaper) was used on cork cars to protect the cork insulation from being burned when the outer metal shell was welded. This asbestos paper sometimes stuck out at the metal seams being welded, and the welders commonly welded right through the asbestos, cutting it into scraps that fell to the floor. While this rolled asbestos was used only on cork-insulated cars, we built a large number of them (often four or five cars per shift each day) and so this was a relatively common practice.
 - c. Asbestos "bolster" pads were placed under the tanks at the points where the tanks rested on the undercarriage. The workers who put these pads in place often shaped or trimmed them using pocketknives.
 - d. These activities created substantial amounts of asbestos dust. Asbestos dust could readily be seen on the floor, on flat surfaces, and on workers' clothing.
4. Windows near the roof provided the only ventilation inside the plant. The plant had no mechanical system to limit, control or remove the asbestos dust. The asbestos dust was periodically swept up by shop laborers.
5. In the 1960's, workers who were working around the heaviest concentrations of asbestos dust either wore no respiratory protection at all or else only gauze masks. Some workers eventually received cartridge respirators, but these were worn only by certain people.
6. Even when individuals working directly in an especially dusty area were wearing respiratory protection, the workers doing other tasks only a short distance

away did not. All the workers in Plant No. 1, including Mike Missik, were exposed to asbestos dust whenever asbestos materials were being used.

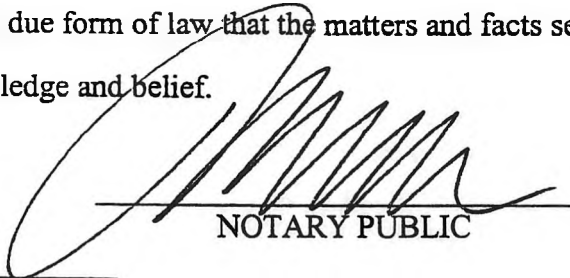
7. I do not recall that General American ever provided us any warnings, safety training, or instruction about the health hazards stemming from exposure to asbestos dust.

8. My co-workers and I frequently complained about the asbestos dust in Plant No. 1 to the senior foremen. I also specifically recall voicing such complaints myself on more than one occasion to General American managers in the early 1970's. Despite our complaints, nothing ever seemed to be done to reduce the asbestos dust in Plant No. 1.

STARR 2 CHAS
COUNTY of Lawrence
~~CITY OF HERMITAGE~~
~~STATE OF PENNSYLVANIA~~


Richard M. Schuller

I HEREBY CERTIFY THAT on this 6th day of December 1998, before me, a Notary Public, in and for the State of Pennsylvania, Richard M. Schuller personally appeared before me and made oath in due form of law that the matters and facts set forth above are true to the best of his knowledge and belief.


NOTARY PUBLIC

My commission expires: _____

RONALD A. MARKS
Attorney At Law
My Commission Has
No Expiration Date

**IN THE COURT OF COMMON PLEAS
TRUMBULL COUNTY, OHIO**

LOIS J. MISSIK, Executrix, *etc.*

Plaintiff,

v.

OWENS-CORNING FIBERGLAS CORP.,

et al.

Defendants.

Case No. 97-CV-303

Judge Peter J. Kontos

AFFIDAVIT

I, Clarence Austin Jr., do hereby swear that the facts stated below are true and accurate, and are based on my own personal knowledge and observation:

1. I was an employee at the General American railroad tank car manufacturing facility at Masury, Ohio from 1962 to 1983.
2. I personally knew Mike Missik during the period of my employment at General American.
3. During the period from approximately 1962 until the late 1960's, Mike Missik and I worked together in the "medium weld shop" in Plant No. 1 at General American's Masury, Ohio facility.
4. During the period that Mike Missik and I worked together in the medium weld shop, we (along with the other employees in that shop) were repeatedly and extensively exposed to asbestos dust in the following ways:
 - a. For certain types of tank cars, small asbestos pads were placed at the points where the tanks rested against the underlying cradle. These asbestos pads were cut to size from larger asbestos sheets on a table saw in the open shop. Workers also sometimes used knives to cut or trim these

7. The medium weld shop in Plant No. 1 was neither heated nor air conditioned. Limited ventilation came from windows up near the ceiling, and through the doors to the outside. These were mostly kept closed during winter because of the cold.
8. All workers (including Mike Missik) who worked in the medium weld shop were extensively and repeatedly exposed to the asbestos dust there.
9. I do not recall General American ever giving the workers in the medium weld shop any warnings, safety training, or instruction about the health hazards stemming from their exposure to asbestos dust.
10. When I first began working in the medium weld shop, workers who were working around the heaviest concentrations of asbestos dust either wore no protection at all or else only flimsy, hospital-type cloth masks. Later, respirators were made available, although workers often did not use them because they were hot and uncomfortable.

MASURY
~~CITY OF FARRELL~~
~~STATE OF PENNSYLVANIA~~

Clarence Austin, Jr.
Clarence Austin, Jr.

I HEREBY CERTIFY THAT on this 11th day of November 1998, before me, a Notary Public, in and for the State of ~~Pennsylvania~~ *Ohio*, Clarence Austin, Jr., personally appeared before me and made oath in due form of law that the matters and facts set forth above are true to the best of his knowledge and belief.

[Signature]
NOTARY PUBLIC

My commission expires: _____

RONALD A. MARKS
Attorney At Law
My Commission Has
No Expiration Date