

FILE NAME: ALCOA (ALC)

DATE: 2012 Apr 19

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DOCUMENT DESCRIPTION: Legal-Deposition of Jeffrey Shockey

Shockey Jeffrey (Rough Draft).txt

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* ROUGH DRAFT *

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Deposition of: Jeffrey A. Shockey

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Taken on: Thursday, April 19, 2012 at 9:16 a.m.

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Location: Omni William Penn Hotel
530 William Penn Place
Pittsburgh, PA 15219

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10 Party taking deposition: Plaintiffs
Devin McNulty, Esq.

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13 Also appearing, Attorneys: Bill D. Fountain
Angela S. Komisarz
14 Brian Armstrong
Cameron Carter
15 Thi T. Gillies
Wade Carpenter

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Reported by: Catherine C. Leverty
Court Reporter and Notary Public

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CAUSE NO. 2006-50286
BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE

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DARRELL POLK, et al.,) IN THE DISTRICT COURT OF

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Plaintiffs,) HARRIS COUNTY, TEXAS

4

v.) 11th JUDICIAL DISTRICT

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ALCOA, INC., et al.,)

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Defendants.)

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transferred from
CAUSE DC-06-06879-A
DARRELL POLK, et al.,) IN THE DISTRICT COURT OF
Plaintiffs,) DALLAS COUNTY, TEXAS
v.) A-14th JUDICIAL DISTRICT
ALCOA, INC., et al.,)
Defendants.) DEPOSITION TRANSCRIPT OF:
JEFFREY A. SHOCKEY

Shockey Jeffrey (Rough Draft).txt
VIDEOTAPE DEPOSITION DATE:
April 19, 2012
Thursday, 9:16 a.m.

PARTY TAKING DEPOSITION:
Plaintiffs

COUNSEL OF RECORD
FOR THIS PARTY:
Devin McNulty, Esq.
WILLIAMS KHERKHER HART
BOUNDAS, LLP
8441 Gulf Freeway
Suite 600
Houston, TX 77017

REPORTED BY:
Catherine C. Leverty
Notary Public

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1 CAUSE NO. 2007-00806
2 BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE
3 MARY ADAMS, et al.,) IN THE DISTRICT COURT OF
4 Plaintiffs,) HARRIS COUNTY, TEXAS
5 v.) 11th JUDICIAL DISTRICT
6 ALCOA, INC., et al.,)
7 Defendants.)

8 transferred from
9 CAUSE 56-11460
10 MARY ADAMS, et al.,) IN THE DISTRICT COURT OF
11 Plaintiffs,) DALLAS COUNTY, TEXAS
12 v.) H-160TH JUDICIAL DISTRICT
13 ALCOA, INC., et al.,)
14 Defendants.)

15 -----
16 CAUSE NO. 2008-46520
17 BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE
18 BETTY BARTLETT, et al.,) IN THE DISTRICT COURT OF
19 Plaintiffs,) HARRIS COUNTY, TEXAS
20 v.) 11th JUDICIAL DISTRICT
21 ALCOA, INC., et al.,)
22 Defendants.)

23 transferred from
24 CAUSE 08-05488-A
25 BETTY BARTLETT, et al.,) IN THE COUNTY COURT
26 Plaintiffs,) AT LAW NO. 1

23 v.
24 ALCOA, INC., et al.,
25 Defendants.

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CAUSE NO. 2011-60385
BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE

MARGARET J. MUCKLERoy,
et al.,
Plaintiffs,
v.
ALCOA, INC., et al.,
Defendants.

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
11th JUDICIAL DISTRICT

transferred from
CAUSE 08-05488-A

MARGARET J. MUCKLERoy,
et al.,
Plaintiffs,
v.
ALCOA, INC., et al.,
Defendants.

IN THE DISTRICT COURT
DALLAS COUNTY, TEXAS
14th JUDICIAL DISTRICT

CAUSE NO. 2007-36691
BEFORE THE ASBESTOS MDL PRE-TRIAL JUDGE
BOBBY G. PEPPER, et al.,
Plaintiffs,
v.
ALCOA, INC., et al.,
Defendants.

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
11th JUDICIAL DISTRICT

transferred from
CAUSE 07-04143

BOBBY G. PEPPER, et al.,
Plaintiffs,
v.
ALCOA, INC., et al.,

IN THE DISTRICT COURT OF
DALLAS COUNTY, TEXAS
298th JUDICIAL DISTRICT

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VIDEOTAPE DEPOSITION OF JEFFREY A. SHOCKEY,
a witness, called by the Plaintiffs for examination,
in accordance with the Texas Rules of Civil
Procedure, taken by and before Catherine C. Levery,
a Court Reporter and Notary Public in and for the
Commonwealth of Pennsylvania, at the Omni William
Penn Hotel, 530 William Penn Place, Pittsburgh,

Shockey Jeffrey (Rough Draft).txt
Pennsylvania, on Thursday, April 19, 2012, commencing
at 9:16 a.m.

APPEARANCES:

FOR THE PLAINTIFFS:

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APPEARANCES: (Continued)

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FOR THE DEFENDANT GUARDLINE (in the Adams,
Bartlett, Britton, Pepper and Polk cases):

Thi T. Gillies, Esq.: (via telephone)
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FOR THE DEFENDANT TRIPLEX:

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MEHAFFY WEBER
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ALSO PRESENT:
John Farren, Videotape Operator

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1
2 VIDEOTAPE OPERATOR: Counsel, will
3 you please now state your appearance and firm
4 affiliation for the record?
5 MR. MCNULTY: This is Devin McNulty,
6 for the plaintiffs, at Williams Kherkher Hart &
7 Boundas.
8 MR. FOUNTAIN: This is Bill Fountain,
9 her for Alcoa, Inc., I'm with Hawkins Parnell
10 Thackston & Young.
11 MS. KOMISARZ: Angela Komisarz, with
12 K&L Gates is here for Crane Co. in the Mary
13 Adams, et al. case only.
14 MR. CARPENTER: This is Wade
15 Carpenter of Mehaffy Weber here for Triplex in
16 the Muckleroy case only.
17 MS. GILLIES: This is Thi Gillies,

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from Dogan & Wilkinson, for Guardline, and I'm
in the Adams, Bartlett, Britton, Pepper and Polk
cases.

MR. CARTER: This is Cameron Carter,
with Marcus A. Carroll, P.C., I'm representing
LGS Technologies in the Margaret Muckleroy case
only.

MR. ARMSTRONG: This is Brian

Armstrong for General Electric in the Muckleroy
case.

(Witness sworn.)

MR. FOUNTAIN: Devin, before -- this
doesn't need to be on the record yet.

(There was a discussion off the record.)

JEFFREY A. SHOCKEY,
having been duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY MR. McNULTY:

Q. Good morning, Mr. Shockey.

A. Good morning.

Q. How are you?

A. Fine, thanks.

Q. Good. My name is Devin McNulty, and I represent
the plaintiffs, the families of the plaintiffs
in these cases; okay?

A. Okay.

Q. Have you reviewed all the documents no, sir give
your opinions and provide your testimony in
these cases today?

MR. FOUNTAIN: Objection, form.

A. All eye eye is a pretty broad category but I
would say I reviewed those documents that I
think my attorney and others have presented for
me for this case.

Q. As you sit here right now you're ready to
proceed with the deposition, we don't need to
come back another day?

A. That's correct.

Q. Okay. You are Alcoa's corporate representative
in this case; true?

A. True.

Q. You have been selected by Alcoa to testify on
their behalf in this case; true?

A. True.

Q. You are the voice of Alcoa for the jury; true?

A. That's correct.

Q. Your answers will bind Alcoa in court; true?

MR. FOUNTAIN: Objection, form.

A. I think that requires me to draw a legal
conclusion which I'm not qualified to do, but I
am sworn to tell the truth of what I know.

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- 1 Q. And you are speaking on behalf of Alcoa; true?
- 2 A. That's correct.
- 3 Q. Roughly how many employees does Alcoa have
- 4 today?
- 5 A. Roughly, about 60 thousand employees worldwide.
- 6 Q. Do you know how many living retirees Al key has
- 7 today?
- 8 A. I do not.
- 9 Q. Do you have any general estimate as to how many
- 10 living retirees Alcoa has today?
- 11 A. I don't.
- 12 Q. How were you selected by Alcoa to be its
- 13 corporate representative?
- 14 MR. FOUNTAIN: Objection, form.
- 15 A. I guess, frankly, I don't know why I was
- 16 selected over other individuals, and I wouldn't
- 17 want to presume or assume that, but, obviously,
- 18 I'm in that role here today.
- 19 Q. Okay. Do you not know how you were selected by
- 20 Alcoa to be its corporate representative; true?
- 21 A. True.
- 22 Q. Okay. Have you testified before for Alcoa as a
- 23 corporate representative?
- 24 A. Yes.
- 25 Q. On on how many occasions?

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- 1 A. I believe five.
- 2 Q. Have all five of those occasions been in
- 3 asbestos cases?
- 4 A. No.
- 5 Q. What other types of cases have you testified for
- 6 on behalf of Alcoa as a corporate
- 7 representative?
- 8 A. Cases before an administrative law judge, cases
- 9 involving accident liability-type issues.
- 10 Q. Of the five times you have been selected by
- 11 Alcoa to serve as a corporate representative is
- 12 this the third time you have given testimony in
- 13 an asbestos case?
- 14 A. To the best of my recollection, yes.
- 15 Q. So this is the sixth time, this deposition that
- 16 we're here for today is the sixth time that you
- 17 have testified as a corporate representative for
- 18 Alcoa; true?
- 19 A. On behalf of Alcoa, yes.
- 20 Q. Okay. Have you ever testified as a corporate
- 21 representative on behalf of any other
- 22 corporation?
- 23 A. No.
- 24 Q. Alcoa has medical libraries; true?
- 25 A. At some point we have, yes.

♀

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- 1 Q. Does Alcoa no longer have a medical library?
- 2 A. We certainly have medical information, whether
- 3 you'd call it a library or not, I don't think it
- 4 would be a library, it's bookshelves with files
- 5 and things like that, and historical medical
- 6 records, but not what I'd term a library in the
- 7 context of what the general population would
- 8 view as a library.

9 Q. Have you seen these bookshelves with medical
10 materials on them?

11 A. Yes, some of them.

12 Q. How big are the ones you've seen?

13 MR. FOUNTAIN: Objection, form.

14 A. The ones, the bookshelves that I've seen that
15 relate to occupational health in general,
16 probably, let's say six, maybe, of different
17 books, manuals, so forth.

18 Q. So you've seen a bookshelf or you've seen six
19 shelves? Just, I'm not certain, what did you
20 see six of?

21 A. They'd be textbooks, they would be reference
22 books on different subjects related to health,
23 safety, environmental control issues. They
24 might be copies of regulations, they may be
25 copies of programs and procedures that are

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1 current today and maybe historical programs and
2 procedures.

3 Q. So, if I'm clear, you've seen bookshelves that
4 Alcoa has, medical texts on, and that comprises
5 roughly six different texts, true?

6 MR. FOUNTAIN: Objection to form.

7 A. Medical texts would be a small proportion, or a
8 proportion of those six shelves, not exclusively
9 the medical alone, but would include
10 environmental, health, safety, and those six
11 bookshelves, or those six shelves, may be, you
12 know, four feet long each and span a can you
13 please many decades' worth of material, some of
14 which is outdated, some of which is current, so
15 forth.

16 Q. Where are those bookshelves located. In the
17 Alcoa corporate center?

18 Q. And where is that?

19 A. Pittsburgh.

20 Q. You are in Pittsburgh today?

21 A. That's correct.

22 Q. Alcoa was found indeed Pittsburgh; true?

23 A. That's correct.

24 Q. The six bookshelves that are roughly four feet
25 long, would that include Alcoa's industrial

♀
00015

1 hygiene library, as well?

2 A. I think would it include a portion of it. You
3 know, today we're an electronic world so when
4 you say library, there's thousands of reference
5 materials out there in the public domain, in the
6 government domain and other places, even within
7 our own facilities (plural {SPHFPLT}) (that
8 comprise the entire portfolio of knowledge
9 that's available.

10 Q. Okay. And the point I'm making is the entire
11 portfolio of knowledge that is available, has
12 any of that been placed offlimits to you?

13 A. Well, it depends. I mean, I certainly can't
14 look at individual personnel medical records or
15 personnel files, you know, those aren't
16 something that are generally distributed to the
17 broad audience, including non health

Shockey Jeffrey (Rough Draft).txt
18 professionals, and which I'm not, so there are
19 certain files that would obviously not typically
20 be accessible by somebody like myself.
21 Q. Okay. Excluding employee's personal medical
22 files is anything else offlimits to you?
23 MR. FOUNTAIN: Objection, form.
24 A. Not that I'm aware of but I mean there maybe
25 certain legal requirements that, you know,

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1 sequester some information or something from
2 past cases. I can't answer that because I just
3 don't know the context of everything that's out
4 there.
5 Q. In your preparation for this case have you been
6 denied access to any document?
7 A. To my knowledge, no.
8 Q. How did you prepare to testify in this case?
9 A. I met with Mr. Fountain for the last two days,
10 we reviewed some material, which I believe you
11 probably have, and, obviously, you know, have
12 some historical reference from the previous two
13 cases that we've already discussed.
14 Q. I don't want to know anything about your
15 conversations with Mr. Fountain, so with that in
16 mind did you have any conversations with anyone
17 else in preparation to testify in your
18 deposition?
19 A. In preparation for this specific deposition, --
20 Q. Yes, sir.
21 A. -- no.
22 Q. Yes, sir.
23 MR. FOUNTAIN: He said no, Devin.
24 BY MR. McNULTY:
25 Q. Sorry, because we're separated by so much

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1 distance and I'm on the phone, some of the
2 answers are cutting off at the beginning or end.
3 If I ask the same question again it's probably
4 because I didn't hear answer or because we're
5 talking over each other because we're not this
6 in the same room, so I want to apologize in
7 advance for any of that; okay?
8 A. Okay.
9 Q. Is it my understanding that your entire
10 preparation for this specific deposition was
11 meeting with your attorney approximately two
12 days ago?
13 MR. FOUNTAIN: Objection, form.
14 A. My entire preparation for this deposition? I
15 received documents to review prior to meeting
16 with Mr. Fountain, and, you know, there was
17 requests for information prior to this.
18 Q. How long have you known about this deposition?
19 A. I couldn't give an exact date, but I suspect
20 sometime first part of this year, you know,
21 there were some interrogatories that probably
22 passed through my desk to actually sign, those
23 sort of things, so you probably have those
24 dates.
25 Q. You've been aware of this deposition sometime

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1 January or February of 2012; true?
2 A. True.
3 Q. You were not at Alcoa Rockdale in the 1950s;
4 true?
5 A. True.
6 Q. You were not at Alcoa Rockdale in the 1960s
7 either?
8 A. True.
9 Q. You were not at Alcoa Rockdale in the 1970s;
10 true?
11 A. True.
12 Q. Alcoa, at all times, has been responsible for
13 the safety of its employees; true?
14 MR. FOUNTAIN: Objection, form.
15 A. All times is a broad category. Certainly Alcoa
16 has opinion responsible for the safety of its
17 employees during their working career and their
18 working tenure (quotes beginning)
19 Q. Alcoa did not delegate the safety of its
20 employees to anyone other than itself; true?
21 A. That would be correct 69 Bill, do you have the
22 depo notice with you?
23 MR. FOUNTAIN: I have five depo
24 notices with me.
25 MR. McNULTY: Okay, what I'm getting

♀

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1 at, the second page of any of the depo notices,
2 which is our request for the designation, I'd
3 like it if you could put that in front of him.
4 MR. FOUNTAIN: Hold on, I may have
5 misspoke. I've got it somewhere, I thought I
6 had it here handy but all I have hand ear our
7 objections to the deposition notice. Just a
8 minute.
9 MR. McNULTY: Sure.
10 - - - -
11 (There was a brief pause in the proceedings.)
12 - - - -
13 MR. McNULTY: Deposition of, I have
14 the one in the Polk case.
15 MR. McNULTY: Okay.
16 MR. FOUNTAIN: (Indicating).

17 BY MR. McNULTY:

18 Q. Mr. Shockey, if you could turn to the second,
19 third and fourth pages of that notice, do you
20 see on the top of the second page there's first
21 category A, it goes down through M, second page
22 is N through BB and then the third page ends
23 with FF, do you see what I'm referring to?
24 A. Yes.
25 Q. Can you take a moment and look over plaintiff's

♀

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1 requests for a corporate representative to
2 testify about categories A through FF and tell
3 me if there are any of these categories which
4 you are not prepared to testify about today, and
5 we can go off the record.
6 VIDEOTAPE OPERATOR: The time is now
7 9:34 a.m., we are going off the record.
8 - - - -

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(There was a brief pause in the proceedings.)

VIDEOTAPE OPERATOR: The time is now
9:39 a.m., we are back on the record, counsel,
you may proceed.

MR. McNULTY: Thanks.

BY MR. McNULTY:

Q. Mr. Shockey, you've had a chance to look at this
notice in the Polk case and I'll represent to
you that it should be the same notice as well
for the Pepper, Britton, Adams and Bartlett
cases, can you tell me what categories you are
not prepared to offer corporate representative
testimony on?

A. Yes. Certainly as written letter L, all studies
conducted by or on behalf of Alcoa to determine
the potential health hazards associated with

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asbestos whether or not they were ever completed
town including 1990, that would be very
difficult for me to be able to describe all
studies. (that was up ton including)

Q. What else besides L?

A. Letter P, all actions taken by Rockdale
something something facilities including 1990 to
protect workers on its premises from the health
hazard of toxic substances at work including the
inhalation of asbestos, I would have no way of
knowing all actions taken by Rockdale facility
(he can that)

Q. P, what else?

A. R,, trade journals or other publications or
subscriptions whether in the name of the (fill
in all these from document only, that's a very
broad category that would include potentially
consultants, people that I did not know,
magazines that I did not know existed and
people's personal professional references.

Q. Okay, what else?

A. Alcoa Rockdale's facility research and/or
medical libraries other its equivalent, we're
talking, I believe, in these five cases of a
time span from 1950 through 1990, there is

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virtually no way for me to know all those
research or medical library references. The
same is true for letter T, Alcoa's corporate
research or medical libraries or its equivalent.

Q. Okay. what else?

A. Letter V, historical and current contractors
employed upon the facilities of Alcoa's Rockdale
facility, with specific focus upon general
construction, maintenance, insulation,
demolition, and abatement.

Q. Okay.

A. Y, historical, pre-1990, work practices and
procedures used in dealing with contractors of
Alcoa's Rockdale facility, obviously I could
probably attest to some of those practices, but
again, we're talking a time frame from 1950 to
1990, obviously I wasn't even alive during those

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time frames and certainly there are thousands of
historical records over a 125-year history,
there's just no way I'm going to be able to
factually say that I have all the historical
work practice records dealing with contractors
at one of a hundred and some facilities that we
have operating around the globe.

AA, life insurance policies taken out

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on employees and workers of Alcoa's Rockdale
facility, those are bargaining unit-type
decisions in unionized locations, they're
decisions that were made over the course of 1950
to 1990, except active, all the variables and
all the details of that in my capacity (check).

BB, Alcoa's contention that it had no
duty or responsibility with regard to the
manner, method and means by which Thomas Polk
performed his work; to my knowledge this really
draws some kind of legal issue, I have no
knowledge that Alcoa is contending that at all.

Q. Okay.

A. CC, Alcoa's contention that Thomas Polk was
negligent, failed to exercise ordinary care,
misused asbestos-containing products, again, I'm
not aware that Alcoa is actually contending that
{STKPHAEUPBG} probably is something that really
draws for a legal conclusion that I'm not, you
know, able to offer an opinion on.

Q. Okay.

A. Let's see, DD, Alcoa's contention that Thomas
Polk was not exposed to asbestos at the Alcoa
Rockdale facility, I'm not aware that we're
making that contention, either, and I assume

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that is part of what we're trying to determine
in this case, so, you know, I don't know what's
being contended one way or the other there.

Q. Okay.

A. Death certificates, I do not have in my
possession, custody or control or have I seen
that I can, to the best of my ability, recall
any death certificates, certainly not in these
-- this case, or these five cases, and I'm not
sure I recall many in the past, if any.

workers' compensation claims pre-1990
for the diagnosis of asbestos or lung cancer, I
generally don't view the details of workers'
compensation claims, I do view trends, and
things like that, but I don't recall having
computer-type access to those kind of trends for
data pre-1990.

Q. Okay. Mr. Shockey, so if I can summarize --

MR. FOUNTAIN: Devin, can I interrupt
for a second?

MR. McNULTY: Yes, sir can go ahead,
Bill.

MR. FOUNTAIN: What I would like to
do, unless you -- you've already marked that as
an exhibit; I'd like to mark Alcoa's objections

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1 that have been filed in check check) as Exhibits
2 1 through 5; is that all right?
3 MR. MCNULTY: Okay. So we are going
4 to -- you have five individual objections and
5 only one notice? Can we stipulate that the
6 notice in Polk counts as the same notice for the
7 other four, as well?
8 MR. FOUNTAIN: Absolutely.
9 MR. MCNULTY: Okay.

10

11 (Exhibits Nos. 1 through 5 marked for
12 identification.)
13

14

BY MR. MCNULTY:

15

Q. Mr. Shockey, if I can summarize the deposition
16 notice in these five cases requests that Alcoa
17 designate and produce a person or persons most
18 knowledgeable on the following subjects, my
19 understanding of it is you are not prepared to
20 offer testimony regarding category L, P, R, S,
21 T, V, Y, BB, CC, DD, EE and FF; is that true?

22

A. You missed AA.

23

Q. And AA.

24

A. That's true.

25

Q. Okay. Thank you.

♀

00026

1 I'm going to ask you some questions
2 regarding the chronology of awareness of various
3 issues relating to {T} asbestos (check {SPHFPLT}
4 (and I'm not telling how to answer these
5 questions and you wouldn't listen to me even if
6 I was but it's okay if you don't know, that's
7 the only caveat I ask before I begin sort of
8 this chronology; okay?

9

A. Okay.

10

MR. FOUNTAIN: Objection, form.

11

MR. MCNULTY: Bill, what's the form

12

objection.

13

MR. FOUNTAIN: well, you kind of gave
14 a little history there, there was a speaking
15 question.

16

MR. MCNULTY: All right.

17

BY MR. MCNULTY:

18

Q. Alcoa began monitoring for dust levels in its
19 plants in the 1940s; true?

20

A. Alcoa may have been monitoring for dust levels
21 prior to the 1940s, so to say that they began
22 monitoring for dust levels in the 1940s, could I
23 not say that's a true statement.

24

Q. Okay. And that's because Alcoa may have gun
25 monitoring before the 1940s for dust levels in

♀

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1 its plants; true?

2

A. True.

3

Q. Alcoa was monitoring dust levels in its plants
4 in the 1940s; true?

5

A. To the best of my recollection I believe that is
6 correct.

7

Q. Alcoa monitored asbestos dust levels in its
8 plants in the 1940s; true?

- 9 A. Specific to asbestos, I don't recall.
10 Q. What type of defendant was Alcoa monitoring in
11 the 1940s (that was levels in)
12 A. My recollection on the absolute details of which
13 dusts (plural), I couldn't say, but I would
14 presume that at the time, that would typically
15 be nuisance dust, things like that.
16 Q. Was asbestos considered a nuisance dust in the
17 1940s?
18 A. To the best of my recollection it was either a
19 nuisance dust or a minute early dust.
20 Q. Would asbestos be one of the types of dust that
21 Alcoa was monitoring in the 1940s?
22 MR. FOUNTAIN: Objection, form.
23 A. Monitoring dust in the 1940s, if asbestos was
24 present and in a friable form, it could have
25 been one of the dusts that you would uncover in

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- 1 sampling, you know, it could have made up part
2 of the composite of a nuisance dust or a minute
3 early fiber sample.
4 Q. Why was Alcoa monitoring dust in its plants in
5 the 1940s?
6 MR. FOUNTAIN: Objection, form.
7 A. That would really cause me to, you know,
8 presuppose what their intent was for all the
9 sampling, but I would say that in general you're
10 sampling for dust, you're sampling for two
11 reasons: You're sampling either to control an
12 environmental control issue because there maybe
13 some regulations relative to air regulations
14 from the environmental standpoint, or health
15 concern with the excessive dust.
16 Q. By the 1940s excessive dust was a health concern
17 to Alcoa; true?
18 A. I'd say in general, true.
19 Q. Why was it a health concern to Alcoa in the
20 1940s?
21 A. xxx whole) I think as you, particularly as you
22 moved to the later 1940s, there were things that
23 the industrial hygiene profession was actually
24 evolving. If you look back at the war years and
25 the late 1930s, public service was active in the

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- 1 factories and the workplace, that acute injuries
2 like those associated with physical harm,
3 accidents, you know, amputation of a finger or
4 hand, so there generally became an awareness of
5 occupational health issues, and so I think
6 through the war years, and particularly after
7 the war years, in the later '40s, the whole
8 discipline and science around industrial hygiene
9 evolved, and Alcoa, obviously, was part of that
10 learning curve and part of the, you know, Lester
11 Cralley obviously came to Alcoa after his
12 service in the Public Health Service and really
13 started the industrial hygiene program in Alcoa
14 in followup with Dr. Irwin.
15 Q. Who was Lester Cralley?
16 A. Lester Cralley came to Alcoa from the U.S.
17 Public Health Service sometime right after world

18 war II. He'd actually met Dr. Dudley Irwin, who
19 was on the Alcoa corporate medical director at
20 the time as I recall. They had met during that
21 time frame. Dr. Irwin was impressed with Lester
22 Cralley, brought him into Alcoa to be really the
23 first industrial health professional, the
24 occupational health professional besides the
25 doctor, himself, and, you know, Lester Cralley

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1 was certainly a leader in the industrial hygiene
2 field in the late '40s.

3 Q. In the 1940s Alcoa knew that asbestos was a
4 toxic substance; true?

5 MR. FOUNTAIN: Objection, form.

6 A. In the 1940s I would say Alcoa knew that
7 asbestos could cause asbestosis, and it
8 certainly had the potential, based on things we
9 learned during world war II with asbestos
10 workers in ship building, that it had the
11 potential for adverse health effects. The
12 extent and the degree of what those health
13 effects were at that time and the exposures that
14 might trigger those health effects I think have
15 evolved since 1940 to what we know today.

16 Q. In the 1940s Alcoa knew that asbestos could be
17 hazardous to people's health; true?

18 A. In the 1940s I think that Alcoa would know was
19 what the, if I got my date right, the American
20 Conference of Governmental Industrial Hygienists
21 published, in 1947, a threshold limit value,
22 which is really defined as an exposure that's
23 acceptable to a large majority of the population
24 on a day-to-day routine basis over the life of
25 their work history, and as I recall that

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1 threshold limit value was 5 million particles
2 per cubic foot. Now, obviously as science has
3 evolved, that also has changed over time, but in
4 1947, if I have my dates in my head right, that
5 would be what Alcoa knew at the time.

6 Q. Alcoa knew in the 1940s that asbestos could
7 cause asbestosis; true?

8 A. Whether they knew it would cause asbestosis,
9 certainly by the late 1940s Alcoa should have
10 known, and for all that I can attest to based on
11 the American Conference of Governmental
12 Industrial Hygienists and some of the published
13 literature should or would have known that
14 asbestos can cause adverse health effects.
15 Those health effects were predominantly revealed
16 in the 30s in asbestos workers in the textile
17 industry who directly dealt with the material in
18 a friable form, and asbestos miners.

19 I would say that end users, like
20 Alcoa, probably didn't have the connection to
21 the full complement of the risk as we know it
22 today and as we knew it later on, you know,
23 several years later with some of the other
24 studies that came out involving end users.

25 Q. What adverse health effects was Alcoa aware, in

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00032

- 1 the 1940s that asbestos could cause?
2 A. At that point I think it would be viewed as the
3 pneumoconiosis, asbestosis certainly was showing
4 up in some of the literature as we know it today
5 described as a scarring of lung tissue, bodies
6 that were showing up in lungs, you could see it
7 on X-rays, silica at the same time had similar
8 issues with miners in coal mines, so I think
9 that's pretty much what they would have known at
10 the time. And certainly they knew there was
11 some potential for health risk.
12 Q. By 1948 Alcoa knew asbestos was a hazardous
13 substance; true?
14 A. You have to define hazardous substance, that's a
15 term that's used today. What I would say is
16 what he knew was that it was a material that had
17 the potential to cause adverse health effects
18 based on a dose response relationship, and based
19 on the nature and type of exposure. Asbestos,
20 the hazard of asbestos really is, in part,
21 determined by what you do, how you handle it,
22 what controls are in place, what type of
23 asbestos it is, what route of exposure, whether
24 it's inhalation or ingestion, and the duration
25 of that exposure and is the material friable or

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- 1 encapsulate, so there are lots of variables
2 there.
3 MR. McNULTY: Object to the
4 nonresponsive portion.
5 BY MR. McNULTY:
6 Q. In the 1940s Alcoa knew that asbestos-related
7 diseases had latency period of up to 30 years;
8 true?
9 MR. FOUNTAIN: Objection, form.
10 A. I think in the 1940s there was certainly, you
11 know, some indication that, yes, there were
12 health effects and yes, there were latent health
13 effects based on the published literature at the
14 time, that would be correct.
15 Q. And what was the latent health effect?
16 A. At the time the latent health effects that they
17 were seeing, I think were this chronic
18 obstructive pulmonary-type disorder which
19 really, as the scar tissue forms over the
20 asbestos fiber it reduces the surface area of
21 the lung, make the lung more rigid, reduces
22 oxygen exchange, which is really what chronic
23 obstructive pulmonary disease, in my layman's
24 terms, you can ask the medical experts to
25 explain that better, but it reduces the oxygen

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- 1 exchange so it gives you emphysema,
2 dyspnea-type, shortness-of-breath-type things,
3 and of course, today, we know all those things
4 can contribute to cardiovascular issues and
5 other potentials.
6 Q. Does Alcoa acknowledge that asbestos can cause
7 cancer?
8 A. Today Alcoa acknowledges that as can cause

- 9 cancer, and that really came out --
10 Q. when did Alcoa acknowledge that asbestos can
11 cause cancer?
12 MR. FOUNTAIN: Objection, form.
13 A. I can't really say when Alcoa acknowledged it.
14 I can tell you that, you know, there was
15 certainly scientific evidence, some of it
16 debated at the time in the late '50s, that said,
17 you know, asbestos had the potential to cause
18 cancer. Again, some of that evidence in the
19 late '50s was heavily vested in what I'll call
20 those industries that handled the material
21 directly in a friable form, textile, weaving.
22 Obviously mining, and certainly, you know, by
23 that time there was evidence that those
24 insulators and others who had worked in the ship
25 building industry during world war II to really

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- 1 fire retard the navy and it became a pretty
2 commonly-used building material had some
3 additional risk of cancer.
4 Q. If I understand your testimony, is it by the
5 late 1950s Alcoa knew that asbestos had the
6 potential to cause cancer?
7 A. I believe that would be accurate.
8 Q. Okay. In 1958 Alcoa's industrial hygiene
9 department circulated guidelines for TLVs for
10 work involving asbestos materials; true?
11 A. To the best of my knowledge that would be
12 correct.
13 Q. Why did Alcoa's industrial hygiene department
14 circulate guidelines for TLVs for work involving
15 asbestos anywhere else 1958?
16 A. Well, I can only assume it was because they had
17 a concern with the potential health effects of
18 the material.
19 Q. And at that time, 1958, what was the concern for
20 the health effects of asbestos?
21 A. In the late 1950s, early '60s the health concern
22 would have been asbestosis, it would have been
23 potential to cause lung cancer.
24 Q. In 1961 the State of California instructed Alcoa
25 to stop sawing an asbestos-containing board;

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- 1 true?
2 A. I don't know the exact date, but certainly there
3 was some -- this dialogue with the California
4 Department of Health in the '60s relative to
5 metal marinite, which does contain about five to
6 8 percent asbestos, as I recall (end of question
7 was board). I don't recall them instructing us
8 to stop sawing it, I recall them taking some
9 samples. I think I recall them actually, from
10 documents I've reviewed; recommending it be cut
11 outside or cut with local exhaust ventilation.
12 Q. What is your understanding of the, to use your
13 term, dialogue between the State of California
14 and Alcoa regarding sawing of marinite?
15 A. My understanding comes from a document that I am
16 assuming you have in your possession that
17 references a visit by the California Department

Shockey Jeffrey (Rough Draft).txt

18 of Health, it's actually, I think, the Vernon
19 public health department, and that letter
20 actually outlines the details of what was
21 discussed.

22 Q. Is it Alcoa's understanding that even with
23 exhaust systems in place and operating, dust
24 levels exceeded the TLV by two to six times?
25 MR. FOUNTAIN: Objection, form.

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1 A. The TLV based on what TLV?
2 Q. That is your understanding from reading the
3 documents, that even with exhaust systems in
4 place the TLV was exceeded by two to six times?
5 A. I don't have the good fortune of having the
6 document in front of me to review so you're
7 asking me to make a statement based on pure
8 memory, which I can't do.

9 Q. You don't have any testimony right now to offer
10 regarding TLVs being exceeded by any multiple
11 with exhaust systems in place without that
12 document in front of you; true?
13 A. Repeat the question?
14 Q. You can't offer any testimony about dust levels
15 being exceed by any multiple without that
16 document in front of you right now; true?
17 A. Any multiple at any location in the world? At
18 Vernon?
19 Q. No, we're just talking about the State of
20 California and its dialogue with Alcoa regarding
21 the sawing of marinite board.
22 A. I would not want to offer that testimony without
23 the ability to look at the document and review
24 the document for fear of misrepresenting the
25 answer to you or to the jury.

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1 Q. We don't want that at all.
2 Do you have that document handy? If
3 it's not we'll move on?
4 A. I'd have to refer to counsel.
5 MR. McNULTY: Bill, is that sitting
6 on the top of your stack?
7 MR. FOUNTAIN: I think it is, hold
8 on.
9 MR. McNULTY: Sure.
10 MR. FOUNTAIN: I have a couple
11 different letters, I'm just hang them all to him
12 (indicating).
13 MR. McNULTY: Okay.

14 BY MR. McNULTY:
15 Q. And Mr. Shockey, if you can review those
16 documents that Mr. Fountain handed to you and
17 refresh your recollection and just tell me when
18 you're ready to proceed and I'll ask you a
19 couple questions about those and we'll mark
20 those as exhibits. I think those will be 6
21 through whatever.
22 MR. FOUNTAIN: Can we go off the
23 record here?
24 MR. McNULTY: Yeah, no problem.
25 VIDEOTAPE OPERATOR: The time is now

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1 10:04 a.m., we are going off record.

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(There was a brief pause in the proceedings.)

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BY MR. MCNULTY:

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Q. Mr. Shockey, we are back on the record after a short break, you have some documents in front of you right now; can you read the title of the document that you're holding?

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A. Okay. They're really a couple documents stapled together so I'll read to you what I'm seeing. This is a memo from F.H. Regehr, R-e-g-e-h-r, Vernon Works, to Dr. Lester Cralley, February 16th, 1962. There is a letter from a C.E. N-e-m-e-t-h i, M.D., health officer, and a Louis S. Hauger, H-a-u-g-e-r, R.S. registered sanitarian, it looks like, director of sanitation from the Department of Public Health, Vernon, California, February 13th, 1962 to Frank Regehr again, R-e-g-e-h-r. There is another document, Thomas Bonney, February, it looks like 8th, 1962, to F.H. Regehr again, R-e-g-e-h-r at

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Vernon Works.

There is a followup letter, it looks like, from F.H. Regehr to Dr. Lester Cralley, January 29th, 1962.

There is a January 24th, 1962 letter from the Department of Public Health Vernon, California to Frank Regehr again, at Vernon.

From the same to individuals that I referenced earlier from the public health department at Vernon.

There are attachments that look like they come out of a reference book, perhaps principles of industrial ventilation book. They talk about -- no, it's the American Conference of Governmental Industrial Hygienists principles of duct design.

And then there's a letter from -- it's the same letter before I guess -- no, it's a letter from Cralley on January 24th, 1962, it's to Cralley from F.H. Regehr January 24th, 1962 (dashes needed), and it has attachments that include a copy of Vernon Works sampling for asbestos fiber during marinite sawing at the pattern shop dated May 3rd, 1961 with the results of that sampling being 1 orthopedic

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surgeon 8 million particles per cubic foot. There is a second sample of the same date, again in the pattern shop sawing marinite, with a 9.5 million particles per cubic foot. And there is one, a third one, that was taken July 19th, 1961, again for asbestos fibers in the pattern shop with molten metal marinite sawing with a result of two million particles per cubic foot.

Shockey Jeffrey (Rough Draft).txt
And there's a third document from
D.C. Harkins at Massena Works on December 21st,
1961 to R.H. Allen at Vernon Works. It says
whole saw for 20 three-quarter inch ID marinite
rings (indicating).

And that looks to be just a
description of how they actually used the saw
that cut the molds for casting, no --

MR. McNULTY: Madam Court Reporter,
can you mark this as Exhibit No. 6 to this
deposition?

-- -- --
(Exhibit No. 6 marked for identification.)
-- -- --

BY MR. McNULTY:

Q. Mr. Shockey, Alcoa was aware in the early 1960s
that even with exhaust systems in place, dust

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1 levels were being exceed in some activities
2 relating to asbestos inside Alcoa plants; true?
3 A. Some activities specific at this plants, yes,
4 with one of the three levels was above the 5
5 million particles per cubic foot, the 9.5.
6 Q. Even with exhaust systems in place; true?
7 A. With that exhaust system as designed at the time
8 in place, it's true.
9 Q. Okay. In the 1960s -- go ahead, do you have
10 something to add to that or -- I see you
11 flipping through, that's just the reason I
12 follow up with that question?
13 A. Right, yeah, one of the documents I gave says as
14 indicated herein before we are not now sawing
15 any marinite in the plant and do not intend to
16 again unless and until we have resolved problem
17 with your assistance, and that's from Vernon to
18 Lester Cralley, so, you know, it wasn't like
19 once they identified the issue that there isn't
20 some followup, so --
21 Q. Okay. And did Alcoa modify the exhaust systems
22 or just stop sawing marinite board altogether?
23 A. Based on what I'm able to see here in that
24 particular situation, I can't tell.
25 Q. Okay. You don't know whether or not Alcoa

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1 stopped sawing marinite altogether or it
2 modified the exhaust systems; true?
3 A. At the Vernon Works.
4 Q. Okay. Was the Alcoa Vernon works the only Alcoa
5 facility the 1960s whenever marinite was being
6 sawed?
7 A. No.
8 Q. Okay. Was marinite being sawed at Alcoa
9 Rockdale in the 1960s?
10 A. To the best of my recollection based on the
11 documents I've reviewed, yes.
12 Q. The California, State of California has no
13 jurisdiction over the Alcoa Rockdale facility;
14 true?
15 MR. FOUNTAIN: Objection, form.
16 A. To the best of my knowledge the state of
17 California's regulations do not apply to the

State of Texas.

Q. Does Alcoa follow internal safety guidelines or does it rely exclusively on the safety regulations of the states in which Alcoa facilities are located?

A. Alcoa is fiduciarly bound to follow the regulations of the state, the country or jurisdiction where the operation resides.

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Obviously if we believe that the risk of a situation is greater than what the state, the local state or federal regulations are, we have the right and will choose to set a more restrictive limit. So we would typically follow the most restrictive limit as it applies to either what the regulation requires or we believe is the right thing to do at the time.

Q. Alcoa views state or federal regulations as a minimum type of safety standard; true?

A. That would be correct.

Q. In the 1960s Alcoa's industrial hygiene department recognize that had asbestos was a significant industrial hazard; true?

MR. FOUNTAIN: Objection, form.

A. Significant eye eye, you know, you're asking me to make an assessment of what they knew compared to all the other hazards. What I can tell you is they recognized that it was a health hazard and they tried to respond based on the science at the time, including the government regulations which, by the way, in the State of Texas were 5 million particles per cubic foot, as well as the State of California.

Q. In the 1960s Alcoa's industrial hygiene

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department recognized that asbestos was a hazard associated with industry; true?

A. True, to a potential hazard associated with the material in the context of the exposure, the type of work you were doing, the duration of the exposure, and even, in some cases, the predisposition of the individual based on their health conditions, true.

MR. McNULTY: Object to the nonresponsive portion, everything after the word true.

BY MR. McNULTY:

Q. When did the State of Texas introduce a threshold for asbestos exposure?

A. I think it was 1958.

Q. Did Alcoa follow the State of Texas's limit for asbestos exposure at its Alcoa Rockdale facility?

A. I've seen evidence of sampling that was done during that time frame that would say yes. I believe there may be samples that would say that there were some exceedances to that requirement, but I don't have those documents in front of me, either.

Q. Do you know anything about the sampling

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- 1 protocols that were followed in the 1950s at
2 Alcoa Rockdale?
3 A. Not without looking at reference material, field
4 notes to look at the types of filters.
5 Certainly based on my experience later, some of
6 the flow rates of the pumps and so forth were
7 consistent, some of the methods, you know, the
8 comparing against a time weighted average, the
9 TLV, the regulation at the time or the Alcoa
10 standards were consistent but to speak
11 specifically to the sampling protocol, no.
12 Q. Okay. Your experience later, you're referring
13 to almost 30 years later in the 1980s when you
14 worked in Alcoa facilities in Texas; true (that
15 was specifically to)
16 A. Not quite 30 years later, in the '60s, it would
17 be more like 20 years later.
18 Q. Well, I'm talking about the '50s?
19 A. xxx Oh, the '60s. That would be 30 years later.
20 Q. Okay. In 1964 Alcoa's industrial hygiene
21 department became aware that light intermittent
22 exposure to asbestos created a higher risk for
23 mesothelioma, stomach, colon and rectal cancers;
24 true?
25

MR. FOUNTAIN: Objection, form.

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- 1 A. Based on the work that Selikoff did I think
2 Alcoa became aware that there was the potential
3 for, beyond lung cancer, there was the potential
4 for mesothelioma in end users that had
5 intermittent exposure to asbestos based on, you
6 know, what the job was, duration of the
7 exposure, that sort of thing, so yes, the
8 Selikoff study was out, it was available, and
9 they had access to that.
10 Q. Alcoa had access to the Selikoff study in 1964?
11 A. 64, 65, I mean, you're asking me a specific
12 date, but in that range.
13 Q. Okay. In 1964 or 1965 Alcoa's industrial
14 hygiene department were aware that asbestos was
15 linked to a higher restriction of cancers other
16 than lung cancer; true F that is linked to)
17 A. I would say they had -- they certainly should
18 have had some access to that information and in
19 good practice would have been aware of that.
20 Q. In 1965 Alcoa was concerned about the use of
21 asbestos in its pot lining operations; true?
22 A. True.
23 Q. In the mid 1960s Alcoa identified job duties
24 that may have heavy exposures to asbestos; true?
25

MR. FOUNTAIN: Objection, form.

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- 1 A. Heavy eye eye is an unquantifiable term here.
2 In the 1960s, repeat the question again.
3 Q. In the 1960s Alcoa identified job duties that
4 would have heavy exposure to asbestos?
5 A. Without looking at the sampling data I really
6 couldn't respond to the magnitude of exposure
7 burr certainly in the mid 1960s based on the
8 material I've reviewed Alcoa knew that there

9 were exposures to asbestos in the types of work
10 we were doing xxx check). As a matter of fact,
11 in 1961 Alcoa actually started to work on a
12 substitute for molten metal marinite with
13 John-Manville, the very subject we talked about
14 in the Vernon incident, so clearly they were
15 aware and concerned that there was some
16 potential health effects that were adverse.
17 Q. Alcoa went as far as identifying different job
18 duties that exposed specific workers or specific
19 types of workers to asbestos; true?
20 A. That would be correct, because the exposure is
21 based on the work and the specific task being
22 done at the time (that's that would be)
23 Q. Mentioned in 1961 Alcoa, working with
24 Johns-Manville to have a substitute for the
25 molten metal marinite; true?

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1 A. True.
2 Q. Is that the only time that Alcoa has worked with
3 Johns-Manville on a new product?
4 A. Not to my knowledge. I think --
5 Q. How many other times has Alcoa worked with
6 Johns-Manville, to Alcoa's knowledge, on a new
7 product?
8 A. xxx whole) we certainly, you know, have -- it's
9 been a kind of an evolving stream of events as
10 scientific data became available, look to
11 generate substitutes. Super X was, I think a
12 Johns-Manville material that is an example that
13 Alcoa worked with Johns-Manville and expressed a
14 need to find a nonasbestos substitute. You
15 know, and certainly you have to be careful when
16 you do that because sometimes no good deed goes
17 unpunished, you try to develop a substitute to
18 eliminate one hazard and if you're not careful
19 you can inadvertently introduce on the health
20 hazard and Super X is kind of that where you
21 walk through with Johns-Manville to try to
22 introduce substitutes. There were other
23 manufacturers, W.R. Grace, I'm try to think of
24 some of them but fiberboard or fireboard, I any,
25 you know, where Alcoa worked with those

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1 manufacturers to find substitutes, Carborundum
2 to find substitutes for asbestos-containing
3 materials in gaskets, ropes, other things.
4 Q. What is super X?
5 A. Super X is a material as I recall that you would
6 use to grout or fill in cracks. Some of that
7 may have been used in bake furnaces that may
8 have been used where the blocks in the furnaces,
9 or the pots, are grouted, you know, to hold 'em
10 together to seal 'em up. I think -- some of
11 these start to run together over the years but I
12 think that's an accurate description.
13 Q. Did Super X contain asbestos?
14 A. The original Super X contained asbestos. The
15 substitute, unfortunately, the good example of
16 where you try to work on a substitute, the first
17 substitute actually contained sill can in 1972

OSHA had five particular chemicals they were worried about when they came out, one of them being asbestos, another one being silica so here's a classic example where you work to get a substitute and the substitute turns out to also introduce a silica issue, but that would be the Super X in the early days prior to about 1972 or somewhere around there, I think is when Super X

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was no longer manufactured with asbestos by Johns-Manville but you probably have more details on that than I do (check that F (.
Q. why would you say that?
A. well, I'm assuming you have those kind of documents.
Q. Okay. Super X was used at Alcoa Rockdale?
A. I believe so.
Q. what's the basis for your belief that super X was used at Alcoa Rockdale?
A. well, I've reviewed some things with Mr. Fountain yesterday and to the best of my recollection, some of the information I may have reviewed included super X in the content of those documents.
Q. Her was super X used at Alcoa Rockdale?
A. I couldn't tell you specifically with any degree of confidence without looking at the actual document.
Q. Do you know what job trades at Alcoa Rockdale would have worked super X?
A. That would cause know perhaps speculate and I don't want to do that. I certainly know --
MR. FOUNTAIN: If you don't foe just tell him you don't know.

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THE WITNESS: I just don't know, yeah.
BY MR. McNULTY:
Q. Okay. And Mr. Shockey, that work for virtually any question I ask, okay?
A. Okay.
Q. In 1968 Alcoa responded to union complaints about dust levels in the pot rooms; true?
A. In the pot rooms at Rockdale? You're going to have to be more specific.
Q. Sure. In 1968 did can Alcoa respond to any union complaints about dust levels in any pot rooms?
A. I don't know if it was in 1968 but do I know there were union complaints, or individual complaints, who were members of the union at the time, I suspect, relative to asbestos in pot rooms, yes.
Q. Alcoa was aware in 1968 that there were complaints being made about dust levels in the pot rooms; true?
A. In the 1960s I'm at least aware of one or two individuals cases where that's true.
Q. And the individual cases you're aware of, where did they take place?

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- 1 A. One I'm sure of is the Jack Clark issue at
2 Rockdale.
3 Q. Was your understanding of the Jack Clark issue
4 at Rockdale?
5 A. That Jack Clark, I believe, I don't remember
6 Jack's actual job classification, he may have
7 been -- it was in the pot rooms, pot lining, and
8 the bake furnaces, lining the bake furnaces, and
9 I recall Jack had seen or read an article in the
10 paper, I think the Austin paper, and actually
11 raised the question about the health risks of
12 asbestos. He was concerned, you know, based on
13 what he read that, you know, the workforce there
14 was using asbestos-containing materials like
15 Johns-Manville 352, I believe it was, at the
16 time --
17 Q. My last question was what was Johns-Manville
18 352?
19 A. That is an asbestos-containing material, I think
20 it's -- a term that folks would use is asbestos
21 shorts, perhaps. It was generally mixed with
22 {A} {HRAOUP} national or molasses or some other
23 material to caulk the cracks or joints in the
24 flue linings of bake furnaces and some other
25 applications like that. That product was

♀

00054

- 1 discontinued by Johns-Manville to my knowledge
2 sometime around 1972, 73.
3 Q. Do you know when Johns-Manville 352 first began
4 being used at Alcoa Rockdale?
5 A. I do not.
6 Q. Do you know what job trades would have worked
7 Johns-Manville 352 at Alcoa Rockdale?
8 A. I don't, I won't be able to give everyone that
9 might have worked with it no..
10 Q. I'm not asking for everyone; do you know any?
11 A. Well certainly in the pot rooms the folks that
12 lined the flues in the backing furnaces and
13 others (and and in) there is pretty good
14 evidence those folks worked with Johns-Manville
15 352. 352, it was able to be handled wet, they
16 had a bag that had a (check check in. (a valve
17 or a connection that you could put a hose to and
18 handle it wet. Whether it was handled that way
19 at Rockdale I couldn't answer you.
20 Q. xxx You don't have any evidence to, that was
21 handled wet at any time at Rockdale; true?
22 A. I have no knowledge that it was or wasn't at
23 Rockdale.
24 Q. One way or the other?
25 A. One way or the other.

♀

00055

- 1 Q. When did Alcoa first begin doing surveys of
2 asbestos-containing materials in their
3 facilities?
4 A. In their facilities or at Rockdale?
5 Q. I'm going to start with in their facilities in
6 general, when did it become policy for Alcoa to
7 start doing (xxx check check) then I'm going
8 inform specifically ask you about Rockdale so my

question is when did Alcoa begin performing surveys of asbestos-containing materials in their plants?

MR. FOUNTAIN: Objection, form.

A. I'm not sure I can give you an absolute answer on that but I think there's some testified that even into the '40s we would have been sampling for mineral fibers and other dusts that may have included asbestos-containing materials. Obviously there's some pretty good evidence in the material that I've reviewed that says when you get into the '60s in particular, the level of sampling activity for asbestos-containing materials certainly increased.

Q. Okay. The evidence that you referred to in the 1940s, does Alcoa view that as credible evidence?

♀

00056

A. Credible evidence as an indicator of what? That we took samples that, we had a certain about industrial health, or credible evidence that we knew the absolute levels of exposure to asbestos in the plant?

Q. No, my question is entirely different. It is what year or decade did Alcoa begin doing surveys of asbestos-containing anywhere else its plants. Part of your answer was there's some evidence that they were doing that in the 1940s, so my question to you is the evidence that you're referring to, is that evidence that you rely on, or is it evidence that you discard?

A. I think it's testified that I rely on to say that we had an industrial health program that we were looking at those kind of dusts and whether it was specific to asbestos or not, I can't rely on that.

Q. So by the 1940s there was evidence that you can rely upon that Alcoa was conducting surveys of asbestos-containing materials in their plants; true?

MR. FOUNTAIN: Objection, form.

A. No, that's not what I said, I said I could state that Alcoa was doing sampling and was actively

♀

00057

concerned about the health exposures in its plants, some of which, by the nature of sampling for dusts and other materials, may have included sampling for asbestos-containing materials because it could be a component of nuisance or other mineral dusts, but not specific to asbestos. Specific to asbestos, the '60s.

Q. And I think you're answering a different question than the one I'm asking.

Let me ask you this question, when is the first year or decade where Alcoa identified or did a survey of asbestos-containing materials in its plants?

A. I think you and I are on a different connection when you say survey, because to me, a survey can be going to a latent building construction situation, let's say roofing tiles, and sampling

the contents of that construction material for the presence of asbestos, that is one type of survey.

A certainly sampling surveys where I attach a pump and a filter with the hopes of characterizing and classifying the personal respirable exposure to that individual for, you know, determination of the potential health

00058

hazards, so which one are you referring to?

Q. Okay. When did Al am begin cataloging or making a list of different type of products that contained asbestos that were being used at that -- at their facilities such as a list which would include gaskets, packing, thermal insulation systems, muds, et cetera?

A. I can't give the exact date but I'd say late '60s, predominantly, '70s. Certainly the execution of the OSHA act, you know, really drove a whole different level of science around asbestos, a whole different level of concern, and I think there's pretty good evidence, you say the evidence of the '70s at Vernon and others where, you know, now there's a trigger to really start saying hey, a lot more is known about end users, you know, at this point we're not really worried about things that are latent in building construction materials, we're worried about are we using it, are we handling it, are we disturbing it in the day to day manufacture of the product.

Q. So by the late '60s, early 1970s am Al began catalog different types of products that contained asbestos that were in use at its

00059

facilities; true?

A. To the best of my recollection that's true.

Q. Okay. Why was Alcoa cataloging various products that contained asbestos that were in use in its plants by the late 1960s offer early 1970s?

A. Well, what I can tell you is I think there are several things: First of all, you know, the science that evolved to her they said there was -- there is certainly, at this point, a potential health risk that's not only associated with the disease of asbestosis, but now you've got an increasing body of literature and perhaps scientific data that's start to be pretty well documented that there's a potential for lung cancer. You've also got the increased evidence or communication that there's a potential for, you know, being a key player in mesothelioma, so that's one aspect.

The other aspect is you've got government regulation that's now coming out that's changing the way the land escapes relative to what's permissible exposure and what's not so it goes from five mill particles per cubic foot to five fibers per cc around 1972 and you also have the OSHA act, so you're

00060

1 getting a lot more help from the government in
2 terms of really looking at the health and safety
3 issues in the workplace, you've got NIOSH who's
4 now formed as a scientific body to study health
5 and safety impacts in the workplace. So I
6 think, you know, you've got a good ground swell
7 of probably landmark legislation, scientific
8 literature that's now saying something
9 difficulty, and quite frankly at this point why
10 do you go after those things? If you look at
11 the hierarchy of controls of what health and
12 safety professionals try to do, if we can
13 eliminate the hazard, that is always our first
14 choice. When you can't eliminate it you try to
15 engineer or design it out, okay, or you try to
16 substitute a material which, in the case of, you
17 know, molten metal marinite or some of these
18 other materials we discussed is obviously one of
19 the option. You'll probably talk later about
20 molten metal marinite, but it was one of those
21 that was {TKOEUFLLT} at that period of time given
22 some of the other consequences of not having a
23 material that would stand up to the temperatures
24 we have in casting but all that said, you know,
25 it's kind of the perfect scenario where lots of

♀

00061

1 things coming to the finance you're going to be
2 a responsible company you're going to take some
3 action, which I think we did.

4 MR. McNULTY: Object to the
5 nonresponsive portion of the answer.

6 BY MR. McNULTY:

7 Q. I want to ask you now about 1972 and standards
8 created by OSHA; okay?

9 A. Okay.

10 MR. FOUNTAIN: Devin, perfect we do
11 that, this is a good time to take a break?

12 MR. McNULTY: Any time you guys want.

13 MR. FOUNTAIN: I just need to run to
14 the restroom.

15 MR. McNULTY: Let's go off the
16 record.

17 VIDEOTAPE OPERATOR: The time is now
18 10:44 a.m., we are going off the record.

19 - - - - -
20 (There was a recess in the proceedings.)

21 - - - - -
22 VIDEOTAPE OPERATOR: The time is now
23 10:50 a.m., we are back on the record. Counsel,
24 you may proceed.

25 BY MR. McNULTY:

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00062

1 Q. Mr. Shockey, we're back on the record after
2 another short break; are you ready to continue?

3 A. Yes.

4 Q. Okay. When we took a break I was just about to
5 ask you some questions about OSHA. Does Alcoa
6 regard the creation of OSHA as a good thing for
7 industry?

8 A. Yes.

9 Q. why?

10 A. Because, you know, OSHA brought with it, I
11 think, a change in the level of interest around
12 safety across, you know, multiple organizations,
13 not only, you know, our organization, but the
14 contractors we deal with, the suppliers we deal
15 with. I think the general support for good
16 science that comes out of NIOSH, many of the
17 rules and regulations that OSHA adopted were
18 written by, you know, groups like the American
19 National Standards Institute, American Society
20 of Safety Engineers, the American Industrial
21 Hygiene Association, and others, so I think, you
22 know, the xxx practice of the profession, the
23 folks in our organization who have been involved
24 in safety, I think, you know, at the National
25 Safety Council and other organizations, you

♀
00063

1 know, we've been involved, you know, since the
2 '20s, so certainly OSHA, I think, raised the bar
3 for all of the industry, and us included.

4 Q. In what regard did OSHA raise the bar for Alcoa?

5 A. You know, that is going to be hard for me to
6 say, you know, I wasn't here in the '70s, but
7 certainly I think there are places or there are
8 potential exposures, both physical hazards as
9 well as, you know, health hazards that we would
10 not know about today if it were not for OSHA and
11 the national institute for occupational safety
12 and health. I think it gave us a forum to focus
13 around and develop systems around that maybe
14 some of our previous efforts, although well
15 intend, may have been disjointed or may have,
16 you know, lacked the full depth that some of the
17 OSHA regulations gave to some of the issues.
18 You know, I think in a lot of cases OSHA helps
19 us keep our supply chain, the folks who supply
20 products to us, you know, on their toes. I
21 think it advanced the types of personal
22 protective equipment that are available to
23 industry, it created new markets and new needs
24 or desires that move the safety and health
25 technology forward. I mean, I look back on my

♀
00064

1 32-year career in technology relative to safety
2 and enhancements that have become available
3 tools to us are dramatically different than what
4 they were when I start N in and and), and some
5 of that is through regulation, in all honesty.

6 Q. In Alcoa's view, regulation in the form of OSHA
7 was a good thing; true?

8 A. True.

9 Q. Okay. Were any of Alcoa's previous efforts --
10 strike that. Were any of Alcoa's efforts with
11 respect to asbestos dust control, prior to the
12 advent of OSHA, disjointed?

13 MR. FOUNTAIN: Objection, form.

14 A. You know, I mean, it's hard for me to say
15 because you say any, eye eye and Alcoa is a
16 large company, so --

17 Q. Let me see if I can put a finer point on it.

18 when you were testifying earlier you were
19 talking about some previous efforts before OSHA
20 being disjointed, so what I'm trying to get a
21 distinction on is were you referring to any
22 efforts with respect to asbestos conducted by
23 Alcoa that were disjointed, or were you
24 referring to something else?

25 A. It was a general statement, it wasn't specific

♀

00065

1 to asbestos.

2 Q. Okay. So there is no Alcoa policy or procedure
3 with respect to asbestos that you believe was
4 disjointed before the advent of OSHA; true?

5 MR. FOUNTAIN: Objection, form.

6 A. Repeat the question in.

7 Q. Sure. (in was I question mark) was there any
8 policy or procedure that Alcoa had with respect
9 to asbestos prior to the advent of OSHA that you
10 believe was disjointed?

11 A. Not to my knowledge, but, you know, that really
12 is, you know, a hard question to answer because,
13 you know, policy or procedure, eye eye I don't
14 have knowledge of all the procedures at Alcoa
15 that existed prior to OSHA, that's what, you
16 know -- wow. If we just used the '40s or the
17 '50s time frame, that is a 20-year time frame, I
18 really don't have a way of answering that with
19 any good confidence level.

20 Q. Okay. You have access to all of Alcoa's
21 relevant records regarding an answer to that
22 question, true?

23 A. All of Alcoa's relevant records, absolutely not.

24 Q. Okay. Which records that are relevant do you
25 not have access to?

♀

00066

1 A. Well, we're talking 1950 to 1990 in a company
2 that has, today, 60,000 employees, and back then
3 somewhere between whatever and 60,000 employees;
4 I just don't have any way of knowing what I
5 don't know.

6 Q. Okay. So you don't know what you don't know
7 with respect to documentation about previous
8 efforts with respect to controlling asbestos at
9 Alcoa facilities before 1972; true?

10 A. All previous efforts, that would be true.

11 Q. What was the OSHA standard with respect to
12 asbestos fibers in the air in 1972?

13 A. Two fibers per -- no, '72 would have been five
14 fibers per cc, in 1972.

15 Q. And what does that mean, five fibers per cc?

16 A. You know what, you've probably got a good
17 industrial hygienist somewhere to give you a
18 something something but it's the count of the
19 number of asbestos fibers for a cubic centimeter
20 of air drawn over an eight-hour
21 time-weighted-average calculation, ask one of
22 your industrial hygiene experts, they'll
23 probably give you a much better explanation but
24 that's a layperson's explanation.

25 Q. You have some experience in taking asbestos

♀

00067

1 samples; true?

2 A. True.

3 Q. What is the proper way to take an asbestos
4 sample?

5 A. Let's put there in context of time. In the '80s
6 and at the time I would have taken an asbestos
7 sample, typically you would identify the task
8 that you're going to sample, at the time we
9 would have had an IHIA certified industrial
10 hygiene lab. I would have ordered the proper
11 cassettes, which would be, I think, mixed
12 cellulose ester cassette, 37 millimeter
13 {cow|company you}-type cassette. They'd send us
14 a number of cassettes that were pre weighed and
15 we would open a blank so that we got a
16 background. The other cassettes would reman
17 capped until we put them on the pumps or the
18 area samples. Flow rate for the pumps, you're
19 asking me to remember something that's 20 years
20 ago so, you know, recognize, this is pure memory
21 so there may be some inaccuracies here, but, you
22 know, flow rate of the pump, something like 1.5
23 to 2.0 liters per minute. You have -- then you
24 would obviously calibrate pump to those levels.
25 You would then take your pump, your sampling

♀

00068

1 cassette to the job site --

2 VIDEOTAPE OPERATOR: The time is
3 10:59 a.m., we are going off the record.

4 - - - -

5 (There was a brief pause in the proceedings.)

6 - - - -

7 VIDEOTAPE OPERATOR: The time now
8 11:07 a.m. after a brief technical difficulty we
9 are back on the record. Counsel, you may
10 proceed.

11 BY MR. MCNULTY:

12 Q. Mr. Shockey are we're back after a short break,
13 when we stopped I was asking about the proper
14 way to take asbestos samples. I'm going to ask
15 you just some general questions now to follow up
16 on your answer.

17 The proper way to take an asbestos
18 sample is to test the air on the front end of a
19 job; true?

20 A. It sounds to me like you're referring to an
21 asbestos abatement activity.

22 Q. If a worker is working with asbestos-containing
23 materials is the not the proper protocol to
24 establish background levels before you sample
25 the air?

♀

00069

1 A. When you say background levels, it's appropriate
2 to take a -- to open a blank to establish a
3 background level, on a personal air sample for a
4 task associated with work, perhaps, in a
5 facility where somebody is working with the
6 material or has the potential, if you're
7 referring to an asbestos abatement job where
8 we're removing latent material in a building,

9 there are regulations that specify you take pre
10 samples of the work area and then during the
11 abatement activities you take samples of the
12 employees who are involved in the abatement.
13 when I say abatement, eye eye that is the
14 intended, to remove and eliminate the asbestos
15 in a building or a structure. You then also
16 take post samples, which are basically clearance
17 samples that say it's safe to allow people to go
18 back into that work area because the asbestos
19 activity when you're removing the asbestos has a
20 totally different level of exposure than the
21 background and then the post removal sampling.
22 So we're kind of confusing different types of
23 sampling scenarios so if you could you could
24 help me, you know, by defining which you're are
25 one you're referring to, which type of activity,

♀

00070

1 I could give you a better answer.

2 Q. Yes, sir. And maybe this will help clear it up,
3 in the air sampling that Alcoa performed at
4 Alcoa Rockdale in the 1950s, it did not first
5 establish background levels of asbestos before
6 conducting that air sampling; true?

7 MR. FOUNTAIN: Objection, form.

8 A. I don't know that, I couldn't say one way or
9 other.

10 Q. Okay. Do you know who would know the answer to
11 that question?

12 A. No, I mean, the person who was recorded on the
13 sampling activity may know but I don't know even
14 know if they're alive.

15 Q. Okay. If you needed to find the answer to that
16 question who would you ask?

17 A. I wouldn't know who to ask back then.

18 Q. Okay. Well, that was different than now in who
19 you would ask now?

20 A. I'd ask the person who is taking the sample now.

21 Q. In order to find out whether or not Alcoa took,
22 or established background levels of asbestos
23 before doing sampling in the 1950s, you would
24 not know who to ask to find out that
25 information; true?

♀

00071

1 A. True.

2 MR. FOUNTAIN: Let me -- late
3 objection as to form. You're talking about the
4 '50s, or the '70s?

5 THE WITNESS: He said the '50s.

6 MR. FOUNTAIN: Okay.

7 BY MR. MCNULTY:

8 Q. I'm going to ask you now about molten metal
9 marinite and its use at Alcoa, okay?

10 A. Okay. Do I understand Alcoa's position to be
11 molten metal marinite was necessary for the
12 production of aluminum and it required having
13 asbestos in it until a commercially viable
14 substitute could be implemented.

15 A. That's correct.

16 Q. And what year was that, that a commercially
17 viable substitute was implemented?

18 A. A commercially viable substitute, there was work
19 that actually went on over a period of years to
20 try to find a commercially viable substitute.
21 What I would -- what I can tell you is that
22 there were certain casting applications, and
23 this is a generalization in some sense, that
24 required molten metal marinite, what we call HDC
25 casting, typically required molten metal

♀
00072

1 marinite, so as casting technology evolved, in
2 addition to the hunt for a substitute, the need
3 for molten metal marinite also disappeared based
4 on technology advances in how we cast, but I can
5 say with some reasonable level of confidence
6 that in the '60s and '70s, that there was some
7 vertical, or what we call vertical directional
8 castings that did, one or two that did have to
9 use molten metal marinite, but other than that
10 it was predominantly defined to billet casting
11 and HDC casting. HDC casting during the course
12 of time when we were looking to replace molten
13 metal marinite, also had technology advances
14 that we made that changed the need for that
15 material, as well, but in terms of when
16 Johns-Manville stopped making molten metal
17 marinite, generally somewhere in the early to
18 mid '70s, as I recall.

19 I do believe that there were one or
20 two applications even into the '80s where we had
21 not found a viable substitute, and at that point
22 in time we had not developed a different casting
23 technology that allowed us to eliminate the use
24 of molten metal marinite in HDC casting. We had
25 developed graphite, or similar type material, to

♀
00073

1 replace it in the billet casting operations.

2 Q. Alcoa was the sole judge of what was
3 commercially viable with respect to substitutes
4 for the molten metal marinite; true?

5 A. Certainly we had to consider several factors.
6 You know, we've got physical safety factor,
7 molten metal water explosions, which, this
8 material was used to -- is part of the mold
9 assembly, you know, so we had to consider that,
10 but yes, as far as I know we really were, you
11 know, limited by what's commercially available,
12 and so we had to make the decision based on our
13 technology at the time as to whether we, you
14 know, introduced a more significant safety risk
15 or whether we continued to use the material and
16 use it with, you know, more advanced controls
17 that fit the current understanding of the
18 hazards of asbestos at the time, so yeah,, I
19 think that would be my assessment.

20 MR. McNULTY: Object to the
21 nonresponsive section, everything before and
22 after the word yes.

23 MR. FOUNTAIN:

24 Q. What was the year that a commercially viable
25 substitute for molten metal marinite was used at

♀

00074

1 Alcoa Rockdale?
 2 A. I don't know.
 3 Q. Okay. Do you know the decade?
 4 A. Well, what I can say is that it was, you know,
 5 back to the casting technology, I think it's
 6 more about when the casting technology
 7 eliminated the need for that, but yeah, I can't
 8 give you the exact decade either.
 9 Q. Okay. In the 1 '50s was it permissible for
 10 Alcoa employees to disturb asbestos without any
 11 industrial hygiene monitoring?
 12 A. We certainly did not monitor every situation
 13 where there was a potential for generating dust.
 14 Whether it contained -- whether {A} dust was an
 15 asbestos-containing material or not and whether
 16 we sampled every scenario where dust was
 17 generated, I feel confident in saying that's
 18 pretty much impractical to do.
 19 Q. It was permissible for Alcoa employees to
 20 disturb asbestos-containing materials without
 21 industrial hygiene monitoring in the 1950s at
 22 Alcoa Rockdale; true?
 23 A. It may have been possible had the dust that they
 24 were involved with contained asbestos-containing
 25 materials.

♀

00075

1 Q. Okay. My question is a little different, it's
 2 not was it possible, it is was it permissible?
 3 Were Alcoa employees allowed to disturb
 4 asbestos-containing materials at Alcoa Rockdale
 5 without any industrial hygiene monitoring in the
 6 1950s?
 7 A. Without any, I would say no. Without always
 8 having industrial hygiene monitoring? I would
 9 say that would be correct.
 10 Q. What was the industrial hygiene monitoring that
 11 was always present when Alcoa Rockdale employees
 12 disturbed asbestos-containing materials in the
 13 1950s?
 14 MR. FOUNTAIN: Objection, form.
 15 A. You said always; before it was "any," so, you
 16 know, there was -- always, no, there was not
 17 always industrial hygiene monitoring.
 18 Any industrial hygiene monitoring, we
 19 clearly had industrial hygiene activities in the
 20 plant that included monitoring. We certainly
 21 had medical surveillance and programs like that,
 22 but, you know, again, it's all a matter of any
 23 and always.
 24 Q. I don't think I asked always in that previous
 25 question but let me ask it now without any or

♀

00076

1 without always a eye. Was it permissible for
 2 Alcoa employees to disturb asbestos-containing
 3 materials without industrial hygiene monitoring
 4 at Alcoa Rockdale in the 1950s?
 5 A. Based on what we knew of the potential hazards
 6 at the time and based on the activities, I would
 7 say that in the -- you asked 1950s, --
 8 Q. Yes.

- 9 A. -- or '70s?
10 1950s, that there would have been
11 situations where employees would have been able
12 to disturb asbestos-containing materials,
13 materials that potentially contained asbestos,
14 without industrial hygiene monitoring.
15 Q. Okay. Any time that asbestos is friable the
16 risk of exposure increases; true?
17 A. Any time asbestos is friable the risk of
18 exposure increases. In general, certainly, you
19 know, one of the hazards of asbestos is
20 inhalation, so friable asbestos, that which can
21 be crushed by your hand and reduced to a fiber
22 state that can be dispersed in the air under
23 those conditions and people are present has the
24 potential to cause health effects, harm to your
25 health.

♀

00077

- 1 Q. You said that one of the hazards of asbestos is
2 inhalation; what are the other hazards of
3 asbestos?
4 A. Certainly from an industrial hygiene standpoint,
5 you know, while it may seem, you know, pretty
6 unlikely in some cases, but in certain
7 situations you could also accidentally ingest
8 asbestos, if you applied cosmetics, if you ate
9 your lunch in an environment where there was
10 friable asbestos, you know, we've all heard of
11 the concerns around schools and, you know,
12 places like that, so, I mean, you know,
13 ingestion is not a very common route of exposure
14 for asbestos but it is a potential route of
15 exposure in addition to inhalation.
16 Q. Is it Alcoa's position that asbestos only
17 becomes friable if it can be crushed in
18 someone's hand?
19 A. No.
20 Q. Okay. What are the other ways in which asbestos
21 can become friable?
22 A. Well, asbestos can become friable if you strike
23 it with some object, whether it's a piece of
24 mobile equipment, whether you would take a
25 hammer to it and somehow, you know, destroy the

♀

00078

- 1 structural integrity of it. The example I gave
2 you is kind of what we call the test of, you
3 know, how we define friable to folks so they
4 understand the issue. Certainly you can
5 intentionally make it friable during removal in
6 an asbestos abatement in a school system or in a
7 structure removing it from a piece of
8 superstructure of the steel or roofing material,
9 so there are other ways, many other ways to make
10 something friable. You're destroying the
11 structural integrity of the material.
12 Q. Can jackhammering something that contains
13 asbestos make it friable?
14 A. Yes.
15 Q. I'm going to ask you a series of questions now
16 about the individual plaintiffs in these cases.
17 I predict that you don't know the answers to any

of these questions but I just need to ask them anyway to get them on the record and maybe you are going to surprise me with some different response, but because we are conducting five different depositions right now it's going to seem very repetitive and I'm going to ask probably the same ten questions for five different people totaling 50 questions, so I

♀

00079

1 don't want you to think that I'm just going over
2 the same point over and over, I just need to get
3 questions on the record and any answers; okay?

4 A. Okay.

5 Q. Okay. Did you ever witness William Pepper
6 violate any safety rules?

7 A. To the best of my knowledge, no.

8 Q. Did you ever see any records relating to William
9 Pepper receiving safety training?

10 A. To the best of my knowledge, no.

11 Q. Did you ever see any records relating to William
12 Pepper being disciplined for safety conduct at
13 Alcoa?

14 A. To the best of my knowledge, no.

15 Q. Do you have any facts or evidence that William
16 Pepper did not follow Alcoa's safety rules?

17 A. To the best of my knowledge, no.

18 Q. Did Alcoa view William Pepper as a good worker?

19 A. I don't know.

20 Q. Did Alcoa view William Pepper as an honest
21 worker?

22 A. I don't know.

23 Q. Alcoa's practice isn't to allow people to work
24 for them for parts of four decades if they think
25 the employee is dishonest; true?

♀

00080

1 A. I don't know.

2 Q. Can you think of a scenario in your head as
3 Alcoa's corporate representative and as a 32
4 year employee of Alcoa where Alcoa has allowed a
5 dishonest worker to remain employed by them for
6 decades?

7 A. No.

8 Q. Okay. Did you ever witness Mr. Polk violate any
9 safety rules?

10 A. Not that I know of.

11 Q. Did you ever see any records -- have you seen
12 any records relating to Mr. Polk receiving any
13 safety training?

14 A. Not that I can recall.

15 Q. Have you seen any records relating to Mr. Polk
16 being disciplined for violating safety rules at
17 Alcoa?

18 A. Not that I recall.

19 Q. Do you have any facts or evidence that indicate
20 that Mr. Polk did not follow any of Alcoa's
21 safety rules?

22 A. Not that I recall.

23 Q. Did Alcoa view Mr. Polk as a good worker?

24 A. I don't know.

25 Q. Did Alcoa view Mr. Polk as an honest worker?

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00081

- 1 A. I don't know.
2 Q. Again, it is not Alcoa's practice, that you know
3 of, to allow people to work for four decades if
4 they think the employee is dishonest, or you
5 don't know whether or not that's the case?
6 MR. FOUNTAIN: Objection to form.
7 A. Repeat it in a different manner, I guess.
8 Q. Sure. Is it Alcoa's practice to allow people to
9 work for them for parts of four decades if they
10 believe that employees dishonest?
11 A. Based on my experience during my tenure, no.
12 Q. And that is based on your experience and based
13 on your 32-year tenure, Alcoa would not allow an
14 employee that they believed was dishonest to
15 continue working for them; true?
16 A. True.
17 Q. Okay. Do any records exist showing that
18 Mr. Britton violated any safety rules?
19 A. Not that I'm aware of.
20 Q. Do any record exist that Mr. Britton received
21 any safety training?
22 A. Not that I'm aware of.
23 Q. xxx Do any records exist that reflect
24 Mr. Britton was disciplined for violating safety
25 rules at Alcoa?

♀

00082

- 1 A. Not that I'm aware of.
2 Q. Do you have any facts or any evidence that
3 Mr. Britton did not follow Alcoa's safety rules?
4 A. Not that I'm aware of.
5 Q. Did Alcoa view Mr. Britton as a good worker?
6 A. I don't know.
7 Q. Did Alcoa view Mr. Britton as an honest worker?
8 A. I don't know.
9 Q. Do any records exist which show Mr. Adams
10 violated any of Alcoa's safety rules?
11 A. Not that I'm aware of.
12 Q. Do any records exist that show Mr. Adams
13 received any safety training?
14 A. Not that I'm aware of.
15 Q. Do any records exist relating to Mr. Adams being
16 disciplined for any safety conduct at all?
17 A. Not that I'm aware of.
18 Q. Do you have any facts or any evidence that
19 Mr. Adams did not follow Alcoa's safety rules?
20 A. Not that I'm aware of.
21 Q. Did Alcoa view Mr. Adams as a good worker?
22 A. I don't know.
23 Q. Did Alcoa view Mr. Adams as an honest worker?
24 A. I don't know.
25 Q. Do any records exist that show Mr. Bartlett

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00083

- 1 violated any of Alcoa's safety rules?
2 A. Not that I'm aware of.
3 Q. Do any records exist that indicate Mr. Bartlett
4 received any safety training at Alcoa?
5 A. Not that I'm aware of.
6 Q. Do any records exist relating to Mr. Bartlett
7 being disciplined for violating any safety
8 conduct at Alcoa?

9 A. Not that I'm aware of.
 10 Q. Do you have any facts or any evidence that
 11 Mr. Bartlett did not follow Alcoa's safety
 12 rules?
 13 A. Not that I'm aware of.
 14 Q. Did Alcoa view Mr. Bartlett as a good worker?
 15 A. I don't know.
 16 Q. Did Alcoa view Mr. Bartlett as an honest worker?
 17 A. I don't know.
 18 Q. Okay.
 19 MR. McNULTY: Thank Mr. Shockey are
 20 we're done with that section (that was thank
 21 you)
 22 Q. Do you know somebody by the name of Howard spiel
 23 man?
 24 A. Howard spiel man? Not that I recall.
 25 Q. You've never heard of Howard spiel man before?

♀
 00084

1 A. Not that I'm aware of.
 2 Q. Okay. Do you have any idea what Howard spiel
 3 man does?
 4 A. No.
 5 Q. I'm going to ask you now some general questions
 6 about safety principles or functions or good
 7 thing to do, okay?
 8 A. Okay.
 9 Q. Can we agree that with respect to safety,
 10 actions speak louder than words?
 11 A. Generally, yes.
 12 Q. What are the exceptions that you can think of?
 13 A. Off the top of my head, none, really.
 14 Q. I'm sorry?
 15 A. xxx Off the top of my head right now I can't
 16 think of any that would be significant.
 17 Q. Can we agree that if a company has written
 18 documentation about a hazard to its employees
 19 but it doesn't convey that hazard to its
 20 employees, that is not a good thing?
 21 A. Certainly at the time that the company becomes
 22 aware of a hazard and the magnitude of that
 23 hazard and the level of exposure or risk, that
 24 should be communicated appropriately to the
 25 individuals involved, along with how to prevent

♀
 00085

1 the undesired consequences.
 2 Q. And in that answer that you gave it is the
 3 company's sole judgment as to the magnitude of
 4 the risk; true?
 5 MR. FOUNTAIN: Objection, form.
 6 A. Certainly not the company's sole judgment as to
 7 the magnitude of the risk. The company is
 8 represented by all employees, from the managers
 9 to the supervisors to the employee who's
 10 actually doing the it was: what the cock seek
 11 to do is create a climate, a culture or work
 12 environment that promotes safety, but in the
 13 end, there are certain activities, some more
 14 than others, particularly in the safety area,
 15 where the individual involved in the task knows
 16 the risk better than anyone else and is there at
 17 the time to evaluate the work situation and make

the appropriate choices based on what he or she knows and recognizes and understands of the conditions they're facing, and the company's role is to make sure that we give them the best opportunity to evaluate that risk, but certainly, you know, I need the people who are doing the task to own some of that evaluation of the risk, particularly in the safety area,

♀

00086

perhaps, you know, more directly than other areas.

Q. Let's apply that answer to asbestos in the 1950s and '60s, okay?

A. Okay.

Q. Is it Alcoa's belief that plant workers knew more about the hazards of asbestos than Alcoa as a corporation in the 1950s?

A. In the 1950s, given what we know and what they may have known, I would say the average employee had limited knowledge, much like Alcoa did but certainly less, of the risks and hazard of asbestos.

Q. In the 1950s plant workers at Alcoa had had less knowledge of the hazards and risks of asbestos than Alcoa did as a corporation; true?

A. True.

Q. Okay. Can we agree that if a company has written documentation about employee hazards, and it has procedures to address those hazards but it does not enforce those procedures, that is something that could lead to illness or injury?

MR. FOUNTAIN: Objection, form.

A. If a company has a clear understanding and

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00087

recognition of a hazard and has appropriate knowledge, procedures, has put the appropriate controls in place and the potential for misapplying those controls or not applying those controls xxx to address risk, then that would be a concern.

Q. Okay. Why would it be a concern?

A. Because I think it exposes the individual to the opportunity for injury and illness under, you know, certain circumstances, depending on what those circumstances are at the time.

Q. If safety policies and procedures are not enforced they are useless; true?

MR. FOUNTAIN: Objection, form.

A. I'm not sure they're useless in the sense that, you know, if you have safety policies and procedures and you communicate them and somebody in an isolated situation, this person at this place at this time, doesn't follow them, they certainly can introduce a margin of risk. Now, how you respond when you see those situations or when those situation become potentially normalized across a work group, really would determine, you know, what the level of risk is.

I can't tell you that there aren't

♀

00088

- 1 employees today who deviate from the rules, we
2 certainly have a responsibility to coach,
3 counsel and correct them when they do.
4 Q. Asbestos policies and procedures that relate to
5 safety, if they are not followed they are
6 ineffective; true?
7 A. They can be ineffective for that moment in time
8 if they're not followed, that's correct.
9 Q. Asbestos is not an acute hazard; right?
10 A. To the best of my knowledge that's correct.
11 Q. Since asbestos has been recognized as a disease
12 it has always been known as a latent disease;
13 true?
14 MR. FOUNTAIN: Objection, form (he
15 did say asbestos F (.
16 A. Always, latent, you know, always eye eye is a
17 broad word, but to the best of my knowledge
18 asbestos exposure and the results of asbestos
19 exposure, asbestosis, the lung cancer question,
20 the mesothelioma, are viewed as latent
21 conditions, or latent actors, latent diseases
22 that occur, you know, later in time.
23 Q. Asbestos causes latent diseases; true?
24 A. True.
25 Q. would it be okay for Alcoa to withhold from its

♀

00089

- 1 employees the hazards of asbestos?
2 MR. FOUNTAIN: Objection, form.
3 A. well, certainly what you knew about the
4 potential hazards at the time based on the
5 scientific literature, data, the recognized
6 acceptable exposure limits, what was acceptable,
7 what wasn't recognized by government agencies
8 and others, would factor into that equation, but
9 certainly if you withheld information, you know,
10 that would somehow have been beneficial in
11 warning or changing the way individuals
12 approached a task, that would be not something
13 we would certainly want to do.
14 Q. Has Alcoa withheld from its employees
15 information regarding the hazards of asbestos?
16 A. That's a pretty broad statement. Pertinent
17 information that relates to the routes of
18 exposure, the potential health effects, other
19 effect of asbestos? In general, I would say no.
20 Can I assure you that in some
21 specific instance at some location or some
22 individual over the 1950s to the 1990s, I mean,
23 in all honesty I can't make that statement.
24 Q. Let me see if you can agree this one, Alcoa
25 always told all of its workers all of the

♀

00090

- 1 hazards of asbestos at all times?
2 MR. FOUNTAIN: Objection, form.
3 A. I don't know. Always eye eye and eye eye all,
4 eye eye no, I have no way of knowing that.
5 MR. McNULTY: Okay. Object to the
6 nonresponsive portion, everything after I don't
7 know.
8 MR. FOUNTAIN: Hey, Devin.

Shockey Jeffrey (Rough Draft).txt

9 MR. McNULTY: Yes, sir.
10 MR. FOUNTAIN: The videographer needs
11 to change tapes in a couple minutes, so if you
12 get to a place that you want to stop for a
13 minute I suggest do you so.
14 MR. McNULTY: I'll ask two more
15 questions or -- okay.
16 BY MR. McNULTY:
17 Q. Asbestos diseases, because of their latency,
18 most often occur in the sixth and seventh
19 decades of life; true?
20 MR. FOUNTAIN: Objection, form.
21 A. Asbestos diseases occur later in life is my
22 understanding.
23 Q. You don't know whether or not they occur most
24 often in the sixth and seventh decades of life;
25 true?

♀

00091

1 A. True.
2 Q. Okay. Alcoa had doctors as employees; true?
3 A. True.
4 Q. When did Alcoa first have doctors as employees?
5 A. I don't know.
6 Q. Okay. Why did Alcoa have doctors as employees?
7 A. That would really require know speculate but,
8 you know, in general I would assume to protect
9 the health of the employees and the workforce,
10 whether it be personal health, wellness, or
11 occupational health.
12 Q. Can you think of any other reason why Alcoa
13 would have doctors at employees?
14 MR. FOUNTAIN: Objection, form.
15 A. Well, certainly emergency response, you know, in
16 a large plant, if you have April incident and
17 you can staff that plant with a doctor and
18 several nurses, let's say you have a particular
19 accident that results in injury, the faster and
20 more effective you can get medical help the more
21 likely of recovery, so I would assume that is
22 also one of the reasons you have medical
23 professionals.
24 Q. But you're not sure why Alcoa had doctors as
25 employees; true?

♀

00092

1 A. True.
2 MR. McNULTY: Okay. Why don't we
3 take a five-minute break and change the tapes
4 and then come back?
5 MR. FOUNTAIN: All right.
6 VIDEOTAPE OPERATOR: The time is
7 11:39 a.m., we are going off the record.
8 - - - -
9 (There was a brief pause in the proceedings.)
10 - - - -
11 VIDEOTAPE OPERATOR: The time is now
12 11:48 a.m., we are back on the record. Counsel,
13 you may proceed.
14 BY MR. McNULTY:
15 Q. Mr. shock shock, we're back after a short break;
16 are you treated continue?
17 A. Yes.

18 Q. When we left off I was asking you questions
19 about Alcoa having doctors on its payroll; do
20 you recall that line of questioning?
21 A. Yes, I do.
22 Q. Did Alcoa expect its doctors to keep current on
23 issues relating to the safety of its employees?
24 A. More so probably in relation to the health and
25 safety from an illness perspective than just

♀

00093

1 safety alone.
2 Q. Okay. So Alcoa expected its doctors to keep
3 counter issues related to the health and safety
4 of its employees; true?
5 MR. FOUNTAIN: Objection, form.
6 A. Health and safety, yes.
7 Q. Okay. Overtime occurred at Alcoa on a rebasis;
8 true?
9 A. I have no knowledge of the overtime activities
10 of the '50s through the '90s that you've
11 described, I mean -- yeah, --
12 Q. Okay.
13 A. -- the details of it.
14 Q. And I think you put the cart before the horse
15 because I'm going to ask you now about Alcoa
16 Rockdale but I understand you don't have any
17 knowledge regarding anything pertaining to
18 overtime at Alcoa Rockdale from the 1950s
19 through 1990s; true?
20 A. Not specific knowledge, that's true.
21 Q. What general details do you know about overtime
22 with respect to Alcoa Rockdale from the '50s
23 through the '90s?
24 A. That, you know, overtime was obviously something
25 that was in the steelworker contract, it was

♀

00094

1 something that was available to employees. The
2 frequency, duration and job tasks associated
3 with overtime, you know, I wouldn't have
4 specific details, just general knowledge that it
5 was available and it occurred from time to time.
6 Q. Was overtime a common or uncommon concerns are
7 occurrence at Alcoa Rockdale in the '50s through
8 the '90s?
9 A. I don't have any specific reference of
10 information that would give me an opinion one
11 way or the other.
12 Q. You don't know; true?
13 A. True, I don't know.
14 Q. Okay. You don't know if it was common for
15 workers to work overtime at Alcoa Rockdale in
16 the 1950s, '60s or '70s; true?
17 A. True.
18 Q. Do you know what a shutdown or turnaround is?
19 A. In a general sense, yes.
20 Q. Which term do you use, shut down or turnaround?
21 A. Both.
22 Q. Okay. What is a shutdown or turnaround?
23 A. Well, a shutdown could be where you actually
24 take an operation or a portion of an operation
25 completely down, actually, you know, turn the

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00095

- 1 equipment off, isolate the unit. It can be for
2 20 minutes, it could be for several years, it
3 could be permanently.
4 Q. Now, with respect to a turnaround, a turnaround
5 would not be permanent; true?
6 A. In general that's correct.
7 Q. Okay. Why would a turnaround be done?
8 A. Turn around would be done typically when you
9 might have a furnace that's -- it's exceed its
10 extended life relative to refractories or you
11 might take an opportunity if you're in an
12 automotive of manufacturing plant, when customer
13 orders traditionally are seasonal and go down,
14 you might choose to do a turnaround of a mill or
15 a piece of production equipment that, you know,
16 it's a great time to do prevent I have and
17 predictive maintenance because the customer
18 demand for the product is down, you can actually
19 build an inventory and then shut the equipment
20 down, do preventative maintenance, repairs,
21 things like that (after first automotive there's
22 no of)
23 Q. Was it common to work overtime during turn
24 around at Alcoa Rockdale in the '50s, '60s or
25 '70s?

♀

00096

- 1 A. I don't know.
2 Q. Generally speaking is it common for workers to
3 be working overtime during a turnaround?
4 A. It would be -- that would depend really on the
5 plant, you know, their specific staffing levels,
6 whether they were unionized or not and the
7 bidding process for overtime, things like that,
8 so I really, you know, I can't answer that for a
9 specific location without knowing the location.
10 Q. Generally speaking, is time of the essence in a
11 turnaround?
12 A. It can be, it depends, like I said, sometimes
13 you do it over a holiday season where folks have
14 inform the vacation, you may not always do a
15 turnaround with your own employees, you may use
16 a specialty contractor depending on what the
17 nature of the work is, so there are times with a
18 turnaround where time is of the essence, but not
19 always.
20 Q. Why, in the circumstances when it would, would
21 time be of the essence in a turnaround?
22 A. Well, that could be first and foremost probably
23 an unexpected turn around, in other words,
24 unplanned. You've got a piece of equipment that
25 perhaps is very critical to the overall

♀

00097

- 1 production flow path and if you have -- you
2 discover issues, maintenance, reliability issues
3 that need to be addressed, or safety,
4 environmental issues that need to be addressed,
5 you may have to take the unit downturn it around
6 rather quickly for either addressing a hazard,
7 meeting a compliance requirement, protecting
8 your customer, you know, addressing a quality

issue, a number of issues like that.

Q. In a planned turn around is time typically of the essence?

A. Well, good turn around are always planned, whether time is of the essence or not, but yes, certainly a turnaround that is -- where time is of the essence, it would be really appropriate to have a good plan for that turn around.

Q. Why?

A. Why? Because number one, if you don't have a good plan for a turnaround you can introduce risk there a safety perspective. You can miss critical components in a maintenance or repair opportunity, you can cause the turn around to extend beyond the time frame of which the plant's able to recover, you could be out of compliance for a longer period of time if you're

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00098

addressing a turnaround for -- addressing compliance issues, so it's a broad range of situations there.

Q. If the plant or a unit of the plant is not online, then production is not occurring; true?

A. Not necessarily, it depends on what the function and purpose of the unit that's not online is.

Q. If a part of the plant is I don't have line during a turnaround, that part cannot contribute to the bottom line of the plant; true?

A. That part's unavailable to the plant. Whether the contributes to the bottom line or not would depend on what the specific unit was and whether there was a duplicate, whether there was preplanned storage of inventory, a number of factors.

Q. Well, Alcoa didn't have a business practice of constructing, maintaining just extraneous units in its facilities; does it?

A. You're going to have to define extraneous units for me.

Q. Sure. I would assume from a common sense standpoint that every unit in an Alcoa facility has a purpose geared towards producing something; that is assumption totally offbase?

♀
00099

A. That's not a correct sums.

Q. Okay. Now, is it a correct assumption to assume that Alcoa's units that are in its facilities serve a purpose which furthers Alcoa's business goals?

A. That would be correct.

Q. Okay. If a unit is not furthering Alcoa's business goals by working, that is not contributing to Alcoa's bottom line; true?

A. That, again, would depend on whether you had a duplicate unit. For example, in a refinery generally have two pumps, so if one pump goes down, if you refer to that as a unit, that operation will still run with that one pump down. If a washer or thickener goes down that unit will still run with the other washers or thickeners that are present, so it's all in how

18 you define a unit in a very specific
19 circumstance.
20 Q. How do you define a unit? Is a unit, to you,
21 one pump?
22 A. It can be.
23 Q. Okay. So your definition of a unit includes one
24 pump; true?
25 A. True.

♀

00100

1 Q. Okay. And why does Alcoa have duplicative
2 units?
3 A. Because, you know, that particular scenario that
4 I just described, you know, you can lose a
5 digester, which is a production unit, if you
6 lose that pump, you're going to lose flow,
7 you're going to impact flow in the rest of the
8 plant, so in order to change over, maintain or
9 as you used the term, turn over, and repair,
10 maintain or address an issue with one pump,
11 there's a backup pump, and that pump, you can
12 switch from one pump to the other.
13 Q. Alcoa has duplicative units so if there's a
14 problem with one of the units the business
15 operations of the plant do not need to stop;
16 true?
17 A. That would be a true assessment, yes, in those
18 specific cases.
19 Q. Okay. Do you what the PEL, or TLV for asbestos
20 was in the 1950s in Texas?
21 A. As I recall it was 5 million particles per cubic
22 foot in the 1950s.
23 Q. Are you able to explain what 5 million particles
24 per cubic foot of asbestos would look like?
25 A. Not very well, I mean, I think you probably have

♀

00101

1 some industrial hygiene folks are other experts
2 who could give a better explanation to the jury
3 than that.
4 Q. Okay. As you sit here right now you cannot
5 explain to the jury what five million particles
6 per cubic foot of asbestos would look like to
7 the jury; true?
8 A. Would look like, true.
9 Q. Okay. Are 5 million particles per cubic foot of
10 asbestos generally visible?
11 A. You know, that, I'm not sure with that level, I
12 mean, I would say I don't know for sure.
13 Q. Okay. Do you know at which level asbestos
14 becomes visible 1 objection, form.
15 A. Yeah, I don't want to speculate on that, I'll
16 leave that to the experts.
17 Q. Okay. You do not know at which level asbestos
18 becomes visible; true?
19 A. True.
20 Q. Okay. Do you know how Texas' TLV on or PEL
21 worked in the 1950s, do you know, generally,
22 what it was based on or what it was intended to
23 do?
24 A. Generally, you know, it was, to my
25 understanding, based on the TLV that was

♀

00102

1 published by the American Conference of
2 Governmental Industrial Hygienists, I would say
3 that had the same TLV, you know, which was five
4 million particles per cubic centimeters, and at
5 least that was the reference they were using,
6 which, that is an assumption, I will tell you
7 that up front, by the certainly is the same
8 reference, the same threshold limit value, that,
9 you know, that value was for nuisance or mineral
10 dust and the TLV is generally what is believed,
11 based on the science at the time, the level of
12 exposure that nearly all people can be exposed,
13 you know, on a routine basis day in and day out
14 without adverse health effects.

15 Q. Did Alcoa follow the PEL in Texas in the 1950s?

16 MR. FOUNTAIN: Objection, form.

17 A. I don't know.

18 Q. Okay. Did Alcoa compensate for the PEL limit
19 when overtime work was taking place at Alcoa
20 Rockdale in the 1950s and '60s?

21 A. I don't know.

22 Q. We touched on this briefly earlier but I'm going
23 to revisit it real quickly, did Alcoa have one
24 PEL as it relates to asbestos for all of its
25 plants nationwide, or did it vary the PELs

♀

00103

1 depending on various states' requirements?

2 A. What time frame?

3 Q. In the 1950s and '60s.

4 A. I don't know.

5 Q. Okay. Did Alcoa in the 1950s and '60s only
6 follow the minimum standards set by
7 various states for its asbestos exposure or did
8 Alcoa follow its own internal standards which
9 were more restrictive?

10 A. In the '50s and '60s, I don't know.

11 Q. Okay. Did Alcoa have its own standards for
12 asbestos exposure in the 1950s and '60s?

13 A. In the 1950s and '60s, not that I'm aware of.

14 Q. The only standard that you're aware of that
15 Alcoa would have been subject to, internal or
16 external, would have been various states'
17 requirements; true?

18 A. States, or, in the case of Vernon, that's a
19 local public health department.

20 Q. Okay. With but that's it, true, either states
21 or local health departments?

22 A. Well, the American Conference of Governmental
23 Industrial Hygienists there's evidence that the
24 company was following those.

25 Q. And that's what I'm trying to understand. Did

♀

00104

1 the company choose one states' or one local
2 health agency's guidelines to follow, or did it
3 make up its own or did it use a hybrid of
4 various states in the 1950s and '60s?

5 MR. FOUNTAIN: Objection, form.

6 A. I don't know if the '50s, obviously there's some
7 evidence in the '60s that they were referring to
8 the TLV, which was the same in the State of

9 Texas in documents I've sign are seen and, to
10 the best of my knowledge, was the same as what
11 the public health department the at Vernon used.
12 As to other states where we did business, I
13 couldn't answer.

14 Q. Do you have any testimony to offer that Alcoa
15 utilized the Texas TLV and applied it to all of
16 its plants nationwide (semi needed in last
17 answer near beginning)

18 A. Texas TLV, referred to by Texas? No.

19 Q. 5 million particles per cubic foot.

20 A. 5 million particles per cubic foot, several I've
21 reviewed some documents into the '60s that refer
22 to that, not necessarily as the State of Texas
23 but as the AGIH TLV. '50s, it's unclear, you
24 know, I don't recall anything specific to the
25 '50s.

♀

00105

1 Q. In the 1960s, Alcoa's policy nationwide then was
2 an exposure limit of 5 million particles per
3 cubic foot?

4 MR. FOUNTAIN: Objection, form.

5 A. I don't know that Alcoa had a formal policy, the
6 documents I've reviewed would suggest that that
7 was the reference in those specific documents
8 (end of prior question was true)

9 Q. Do you have any evidence that the reference
10 included in those documents was mandatory?

11 A. Not that I recall.

12 Q. Do you have any evidence that the reference
13 included in those documents was discretionary?

14 A. Not that I recall.

15 Q. I want to move and now talk to but managers and
16 superintendents at Alcoa; okay?

17 A. Okay.

18 Q. Managers and superintendent at Alcoa Rockdale
19 were paid bonuses on production; true?

20 A. You're giving me a time frame of 40 years or --

21 Q. Do you know at all, and then we'll narrow it
22 down by year?

23 MR. FOUNTAIN: Objection to form.

24 A. I don't know.

25 Q. You have no testimony to offer the jury that

♀

00106

1 managers and superintendents at Alcoa Rockdale
2 were paid bonuses on production at any time;
3 true?

4 A. Not at any time.

5 Q. Okay. Can you deny that Alcoa Rockdale
6 superintendents and managers were paid bonuses
7 for production?

8 A. No.

9 Q. Now, generally speaking are managers and
10 superintendents at Alcoa facilities paid bonuses
11 on production?

12 MR. FOUNTAIN: Objection, form.

13 A. Again, I can only testify on what I know as the
14 current practices, and there are current
15 practices that include certain targets, both
16 financial, production, diversity, you know,
17 employee engagement, safety, quality, so there's

18 a matrix of performance indicators. How
19 sophisticated that was in the time frame that
20 we're talking about, I don't know. Certainly,
21 you know, when I joined the company I wasn't of
22 a level to actually know those things, don't
23 know those things to this day.

24 Q. Okay. If you learned that managers and
25 superintendents at Alcoa Rockdale were paid

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00107

1 bonuses for production in the 1950's, '60s and
2 '70s, would that information surprise you as
3 Alcoa's corporate representative?

4 A. Not necessarily.

5 Q. And what do you mean by not necessarily eye eye
6 (that was learned that)

7 A. Well, I think that's certainly a possibility,,
8 so you know, I don't know whether the is or
9 isn't but I wouldn't rule it out as a
10 possibility.

11 Q. Okay. Did Alcoa give safety bonuses to its
12 plant managers in the 1950s, '60s or '70s?

13 A. I don't know.

14 Q. Is it Alcoa's position in this case that its
15 employees liked working with asbestos?

16 MR. FOUNTAIN: Objection, form.

17 A. Yeah, repeat the question again?

18 Q. Sure. Is it Alcoa's position in this case that
19 its employees liked working with asbestos?

20 MR. FOUNTAIN: Same objection.

21 A. Yeah, I don't know what Alcoa's position is on
22 that, but I would assume no.

23 Q. Is it Alcoa's policy in this case that its
24 employees considered asbestos to be, quote, eye
25 eye friendly material eye eye?

♀

00108

1 MR. FOUNTAIN: Objection, form.

2 A. Again, we're talking a certain time frame under
3 certain conditions, and friendly, friendly from
4 the standpoint of it performed well in the
5 applications that they had trouble with from a
6 handling molten metal or protective value or in
7 the context of what they did or didn't know
8 about the potential health effects? I mean,
9 it's a really broad statement, I don't know how
10 to answer it.

11 Q. At trial are you going to testify to the jury
12 that Alcoa's employees liked working with
13 asbestos and that Alcoa's employees considered
14 can asbestos to be a friendly material?

15 A. No.

16 MR. McNULTY: Okay. I'm going to ask
17 you now some questions about your personal
18 history at Alcoa and then I think, Bill, that's
19 going to lead into ya'll's lunch; does that
20 work?

21 MR. FOUNTAIN: Yeah, that is fine.

22 MR. McNULTY: Okay.

23 BY MR. McNULTY:

24 Q. You started working for Alcoa in 1980s; true?

25 A. True.

♀

00109

- 1 Q. It was basically your first job out of college;
2 true?
3 A. False.
4 Q. Okay. You had another job but then you had kind
5 of changed your mind about than went back to
6 Alcoa which you had an internship at; true?
7 A. False.
8 Q. Okay. Tell me how you came to Alcoa in 1980?
9 A. In 1980 I was working for another organization
10 after graduating from college. I had met the
11 general manager of safety for Alcoa on a
12 previous interview that spring. They offered me
13 a position in May of 1980, which I had already
14 taken another job so ethically I didn't feel it
15 was appropriate to switch employers before
16 giving the original employer an opportunity to
17 have me work with them.
18 Later on I became aware of an opening
19 at Alcoa, applied for it, they called me up for
20 an interview in November of 1980 and I started
21 December 1st, 1980 (that was appropriate to)
22 Q. when did you graduate from college?
23 A. May 1980.
24 Q. Okay. So you graduated from college May 1980
25 and then for five months you work at another job

♀

00110

- 1 and then you start working at Alcoa; true?
2 A. True.
3 Q. Okay. You've been at Alcoa ever since; true?
4 A. True.
5 Q. 32 years?
6 A. This December 1st, yes.
7 Q. You live in the Pittsburgh area; true?
8 A. True.
9 Q. Alcoa was founded in Pittsburgh; true?
10 A. True.
11 Q. Alcoa has facilities in Pittsburgh today; true?
12 A. True.
13 Q. Alcoa is a family business four; true?
14 A. Describe family business.
15 Q. Your daughter works at Alcoa or did work at
16 Alcoa; true?
17 A. True.
18 Q. Does your daughter work at Alcoa right now?
19 A. Yes.
20 Q. Now, your son, has he graduated college?
21 A. No, he's still in college.
22 Q. Okay. Has he had any internships at Alcoa?
23 A. Presently, no.
24 Q. In the past had he had any internships at Alcoa?
25 A. No.

♀

00111

- 1 Q. Are you married?
2 A. Yes.
3 Q. Has your wife ever worked at Alcoa?
4 A. No.
5 Q. Does your son have any internships scheduled at
6 Alcoa?
7 A. Yes.
8 Q. Okay. when will your son working at Alcoa?

9 A. Probably around May 15th or 16th of this year,
10 summer employment.
11 Q. And that is between his junior and senior year
12 or is he in a master's program? Tell me more
13 about that?
14 A. It's between his junior and senior year.
15 Q. Okay. And is that internship one that typically
16 leads to full-time employment after graduation?
17 A. It can, yes.
18 Q. Would your son like to go work for Alcoa after
19 he graduates?
20 MR. FOUNTAIN: Objection to form.
21 A. I don't know.
22 Q. Would you like for your son to go work for Alcoa
23 after he graduates?
24 A. I'm going to let that decision up to him and he
25 knows that, he's had other offers.

♀

00112

1 Q. Okay. My question was a little bit different,
2 it wasn't are you going to force your son to
3 work for Alcoa, it's would you like your son to
4 come work for Alcoa after he graduates?
5 MR. FOUNTAIN: Objection, form.
6 A. I guess I don't have an opinion in the sense of
7 one way or the other. I certainly would be
8 happy for him to join the workforce with us but
9 I wouldn't be disappointed if he worked for
10 another reputable company.
11 Q. Okay. So if I can back up five questions, I
12 asked, I said Alcoa is a family business for
13 you; do you agree with that?
14 A. In the sense, family business -- two of my
15 children are going to potentially -- well one
16 does and one potentially work at Alcoa? From
17 that perspective I think you could say yes.
18 Q. Okay. Do you have any other children?
19 A. No.
20 Q. So you and both of your children have or will
21 work for Alcoa; true?
22 MR. FOUNTAIN: Objection.
23 A. My daughter and I both work for Alcoa; my son
24 will have a summer job but I don't know where
25 he'll permanently go to work for for whom.

♀

00113

1 Q. Sure but his summer job he will be working for
2 Alcoa; true?
3 A. That's correct.
4 Q. So summer of 2012 you, your son and your
5 daughter will all be employed by Alcoa; true?
6 A. True.
7 Q. Your base salary is over \$200,000 a year; true?
8 A. True.
9 Q. You receive incentive pay in addition to your
10 base salary; true?
11 A. True.
12 Q. You receive performance pay in addition to
13 incentive pay in addition to your base salary;
14 true?
15 A. True.
16 Q. What is your base salary?
17 A. You can do the math, but it's somewhere around

18 \$17,200 a month, give or take.
19 Q. Has it increased in the last two years?
20 A. Yes, --
21 Q. Okay.
22 A. -- once.
23 Q. The incentive pay that you receive, does it have
24 anything to do with the health of Alcoa
25 retirees?

♀

00114

1 A. No.
2 Q. The performance pay that you receive from Alcoa,
3 does that have anything to do with the health of
4 Alcoa retirees?
5 A. No.
6 Q. You also receive life insurance from Alcoa;
7 true?
8 A. True.
9 Q. You have over 13,000 Alcoa shares as stock
10 awards; true?
11 A. Over 13,000 shares as stock awards? That's
12 correct.
13 Q. What are stock awards?
14 A. Stock awards are shares of the company that are
15 issued to you that are given a window of which
16 they mature in the future. When they mature
17 they become yours to own. You can sell them at
18 any point going forward after that date.
19 They're used as a long term retention
20 incentive, keep me working for the company.
21 Q. Alcoa gives you stock awards as a financial
22 incentive for you to remain employed at Alcoa;
23 true?
24 A. True.
25 Q. I want to talk with you now about stock options.

♀

00115

1 You have over 30,000 Alcoa shares as stock
2 options; true?
3 A. True.
4 Q. How much over 30,000 shares do you have as stock
5 options?
6 A. Today, somewhere in the range, not over, this is
7 the total number, including the 30,000, like
8 47,000 options.
9 Q. What is a stock option?
10 A. A stock option a risk-taking incentive in the
11 sense that you have the choice of selecting
12 awards or you have the choice of selecting
13 options. So every year once a year you
14 determine whether you want to take options or
15 awards.
16 Your options are based on the price
17 of the Alcoa stock at the time when you elect
18 that as your choice. Then they have a maturity
19 party of which they mature just like the others,
20 and that maturity has an expiration date, so
21 unlike the awards it has an expiration date. If
22 the company's stock rises in value and you pass
23 a certain threshold of time that it's mature,
24 you can actually exercise that option. If it
25 doesn't pass a certain threshold it can expire

♀

00116

- 1 and it's worth less.
2 Q. Two years ago you only had 30,000 Alcoa stock
3 options; true?
4 A. True.
5 Q. Now you have 47,000 Alcoa stock options; true?
6 A. True.
7 Q. In the last two years, when given the choice
8 between stock awards and stock options, you have
9 selected stock options; true?
10 A. I selected stock options one of those years and
11 awards the other year (that was only had 30,000)
12 Q. How many stock awards over 13,000 do you have?
13 A. I want to say maybe 3 thousand more, so it would
14 be I think total, close to 16 thousand awards.
15 Q. So you have 16 thousand stock awards, which you
16 can sell at any point when they mature; true?
17 A. True.
18 Q. You have 47,000 stock options, Chuck sell once
19 they hit the strike price; true?
20 A. True.
21 Q. You are betting with your compensation in the
22 form stock options that Alcoa's stock price will
23 go up, not down; true?
24 MR. FOUNTAIN: Objection, form.
25 A. True (Chuck is which you can) 69 Bill, what was

♀

00117

- 1 the basis that objection?
2 MR. FOUNTAIN: Argumentative.
3 MR. McNULTY:
4 Q. You have given testimony under oath in Alcoa
5 cases relating to asbestos on two other
6 occasions; true?
7 A. True.
8 Q. We went over this at the very beginning of your
9 deposition, but you've also given sworn
10 testimony regarding personal protective
11 equipment at an Alcoa facility; true?
12 A. True.
13 Q. You have given sworn testimony regarding a
14 fatality that occurred at Alcoa Point Comfort;
15 true?
16 A. True.
17 Q. And you have given testimony relating to your
18 role as the health and safety manager at Alcoa
19 Point Comfort; true?
20 A. True.
21 Q. I would like a copy of that testimony from each
22 those three categories; where can I get it?
23 A. I would assume you'd have to talk to counsel.
24 Q. And by counsel, eye eye do you mean Alcoa's
25 general counsel, or do you mean Hawkins Parnell?

♀

00118

- 1 A. Well, I'd start with Hawkins Parnell and they
2 can refer it, I guess, to Alcoa's general
3 counsel if they need to.
4 Q. Do you have a copy of your previous testimony in
5 the personal protective equipment situation, or
6 case?
7 A. Not that I recall.
8 Q. Do you have a copy of your testimony from the

fatality that occurred at Alcoa Point Comfort?

A. No, no.

Q. Do you have a copy of your testimony relating to your role as the health and safety manager at Alcoa Point Comfort?

A. No.

Q. Have you reviewed any of that prior testimony in preparation for your testimony today any time in the last four months?

A. Those three documents that you just described?

Q. Yes, sir.

A. No.

Q. Do you know if Hawkins Parnell as a copy of those documents?

A. No.

Q. If you wanted to obtain a copy of those transcripts who would you ask?

♀

00119

A. I'd probably go to our legal counsel either through Mr. Fontaine [sic] or somebody in the Alcoa legal system.

MR. MCNULTY: Mr. Shockey, I think now is a good time for y'all to eat lunch if you're running up against it; is that accurate, Bill?

MR. FOUNTAIN: That would be fine.

MR. MCNULTY: All right. Take an hour for lunch?

MR. FOUNTAIN: Yeah.

MR. MCNULTY: All right.

VIDEOTAPE OPERATOR: The time is now 12:22 p.m. We are going off the record.

(Whereupon, at 12:22 p.m. a luncheon recess was taken, the proceedings to resume at 1:25 p.m.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

VIDEOTAPE OPERATOR: The time is now 1:25 p.m., we are back on the record. Counsel, you may proceed.

BY MR. MCNULTY:

Q. Good afternoon, Mr. Shockey.

♀

00120

A. Good afternoon.

Q. Did you have a good lunch?

A. Yes, I did. You?

Q. What did you eat?

A. Salad.

Q. I had breakfast for lunch.

When we left right before lunch I was asking you about copies of transcripts from testimony; do you recall that testimony?

A. In general, yes.

Q. Right before that I was asking you questions about your tenure at Alcoa and various family members that have worked for Alcoa?

A. That's correct.

Q. Does your wife work outside the house?

A. Currently, no. She plays organ for church, some things like that, but not full time employment.

18 Q. Okay. Do you have any brothers or sisters?
19 A. Yes.
20 Q. Do any of your brothers or sisters work for
21 Alcoa?
22 A. No.
23 Q. Have any of your brothers or sisters ever worked
24 for Alcoa?
25 A. No.

♀

00121

1 Q. Did your father, mother or grandfather work for
2 Alcoa?
3 A. No.
4 Q. Does anyone in your wife's family work for
5 Alcoa?
6 A. No.
7 Q. Do you have any aunts and uncles that work for
8 Alcoa?
9 A. No.
10 Q. Okay. What is the current Alcoa stock price,
11 generally?
12 A. Yesterday at the end of the day think it was
13 like \$9.95.
14 Q. Of the 47,000 options you have what are the
15 strike prices of those options?
16 A. When you use the term "strike price," the price
17 at which those options were given to me?
18 Q. The price at which those options become of value
19 to you.
20 A. And I'm going to give you a general answer as
21 best I know it, I think there are still some
22 limitations on when you can exercise, a minimum
23 dollar value, it may be two dollars or two
24 dollars and first cents where the stock price has
25 to go above that level versus the original issue

♀

00122

1 price, at least at one point in time. I haven't
2 looked to exercise 'em recently. So, you know,
3 there will be a level at which those shares
4 would have value depending on the price they
5 were issued to me and if there's a minimum price
6 to execute, and I don't recall the specific
7 price at this point but historically it's been I
8 think two, 2.50 cents it has to move before you
9 can execute.
10 Q. Is it fair to say that all 47,000 of your Alcoa
11 stock option shares are in the money?
12 A. No.
13 Q. Okay. What percentage of the 47,000 Alcoa
14 shares are not in the money yet?
15 A. As of yesterday the only ones that would be in
16 the money would be, potentially be in the money
17 depending on what the minimum increase value
18 would be to exercise, would be those that were
19 issued at 8.33, 15,400 options.
20 Q. Okay. So roughly a third of your options are
21 not in the money right now; true?
22 A. No, roughly a fourth of the options could
23 potentially be in the money; they were issued at
24 8.33.
25 Q. The rest of the operations not in the money,

♀

00123

1 then?
2 A. They're not in the money and they're not even
3 exercisable at this point.
4 Q. Okay. Bill, are you there?
5 MR. FOUNTAIN: I am.
6 MR. McNULTY: Okay, good, I didn't
7 see you and I just wanted to make sure we
8 weren't starting without you, I can't imagine
9 that we would.
10 BY MR. McNULTY:
11 Q. I'm going to talk with you now about cigarettes
12 and Alcoa facilities, okay?
13 A. Okay.
14 Q. Alcoa had cigarette machines in its break rooms
15 at Alcoa Rockdale; true?
16 A. I don't know.
17 Q. You cannot deny that Alcoa had cigarette
18 machines in its break rooms at Alcoa Rockdale;
19 true?
20 A. True.
21 Q. Okay. Did Alcoa have cigarette machines at
22 Alcoa Point Comfort?
23 A. To the best of my recollection and the time
24 period I was there, yes (Kate, he was the health
25 person there ({STHFPLT}).

♀
00124

1 Q. Did they have cigarettes in the break rooms at
2 Alcoa Point Comfort for the entire time you
3 worked at Alcoa Point Comfort?
4 A. Not that I -- I don't recall one way or the
5 other.
6 Q. Okay. Did Alcoa gift cigarettes away to its
7 employees or did the cigarettes cost money?
8 MR. FOUNTAIN: Objection, form.
9 A. I really don't know the details of the cigarette
10 machine but, you know -- I just don't know.
11 Q. Okay. You don't know one way or the other
12 whether or not the cigarettes were free for
13 Alcoa employees or the Alcoa employees had to
14 spend money to get them; true?
15 A. True.
16 Q. Alcoa was aware that its employees were smoke;
17 true?
18 MR. FOUNTAIN: Objection, form.
19 A. During the time that I was at Alcoa?
20 Q. Yes.
21 A. Yes, some of them, some employees.
22 Q. Was Alcoa aware that its employees were smoking
23 at Alcoa Point Comfort in the 1950s, '60s and
24 '70s?
25 A. I would assume that the general population

♀
00125

1 smoked in the 1950s, '60s and '70s, so there
2 could be some assumption that a portion of our
3 employee population smoked, yes.
4 Q. My question is a little bit different, it's just
5 as the corporate representative of Alcoa, was
6 Alcoa aware that its employees smoked at Alcoa
7 Rockdale in the 1950s, '60s and '70s?
8 A. I would tend to say yes.

- 9 Q. Okay. Is it a concern to you as a health and
10 safety person that asbestos-exposed workers
11 would also be smokers?
12 A. Based on what I know today and my ten year,
13 absolutely.
14 Q. Okay. Why would it be a concern to you?
15 A. Because the combination of smoking and exposure
16 to asbestos above a level that may be
17 predetermined to be harmful could have a
18 synergistic effect.
19 Q. How did you learn about a synergistic effect
20 between smoking and asbestos exposure?
21 A. Specifically when? I don't know, I can't give
22 you a specific year, but I can generally say,
23 you know, mid to late '70s, early '80s,
24 somewhere in my college career time frame first
25 starting with Alcoa.

♀

00126

- 1 Q. You first learned there was a synergistic effect
2 between cigarette smoking and asbestos exposure
3 when you were in college; true?
4 A. True (prior question was how)
5 Q. When did Alcoa learn, if ever, of a synergistic
6 effect between asbestos exposure and smoking?
7 A. Well, certainly there was scientific information
8 available, I would say in the '60s time frame,
9 that would have indicated that.
10 Q. Early '60s, mid '60s or late '60s?
11 A. I'm not sure, I mean, the safest, probably say
12 sometime in the '60s.
13 Q. Sometime in the '60s Alcoa learned that there
14 was a synergistic effect between asbestos
15 exposure and smoking; true?
16 A. I think that would be a reasonable conclusion,
17 yes.
18 Q. That is Alcoa's conclusion, or that is your
19 conclusion?
20 A. That's my conclusion of what I believe Alcoa
21 knew at the time.
22 Q. Okay. What is a synergistic effect?
23 A. A synergistic effect is when the sum effect of
24 two individual scenarios or factors is more
25 significant than the single effect of any one of

♀

00127

- 1 the two entities. Can you hear me?
2 Q. I missed the very end of that answer, but if
3 it's on the record it's okay.
4 Let me see, am I coming through
5 clearly right now?
6 A. Yes.
7 Q. Is a synergistic effect with respect to smoking
8 and asbestos would you generally agree that
9 asbestos exposure is bad, smoking is bad, but
10 when you combine smoking and asbestos exposure
11 it creates something super-bad?
12 MR. FOUNTAIN: Objection, form.
13 A. Yeah, I think what I would generally agree that
14 if you have exposure to asbestos above a level
15 that's been identified as being harmful to
16 health and you also smoke, the combination of
17 those two factors has the potential to make the

end result in terms of health effects more severe.

MR. MCNULTY: Object to the responsiveness, everything after the answer, yeah.

BY MR. MCNULTY:

Q. Do you know what a medical monitoring program is?

♀

00128

1 A. I do.

2 Q. What is a medical monitoring program?

3 A. A medical monitoring program can take several
4 forms. You have medical monitoring that starts
5 with fitness for duty that seeks to establish a
6 baseline of health for an individual prior to
7 entering the workforce or a specific job
8 classification within the workforce to determine
9 their physical and their physiological
10 capabilities to perform that work and to
11 establish a baseline health assessment.

12 You also have periodic medical
13 monitoring that looks at the types of tasks that
14 the individual does, the potential exposures
15 both physically and chemically that they might
16 be encountering in that particular job
17 classification, and trying to determine if there
18 are specific chemicals or physical attributes of
19 the job that you should be monitoring to
20 primarily as an early detection where those
21 opportunities exist to flag potential health
22 issues, or in some cases, when you're talking
23 strain and sprain, ergonomic stressors, et
24 cetera, that might be occurring in the
25 workplace.

♀

00129

1 Then you have certain periodic
2 medical monitoring that's required by government
3 regulations based on a standard for a specific
4 chemical or specific physical agent, most of us
5 would recognize a physical agent in the
6 workplace as something like noise, where you do
7 audiometric testing, you establish a baseline,
8 then you track it throughout an individual's
9 career.

10 The other type would be, in addition
11 to that required by regulatory requirements or
12 company standard to medically monitor somebody
13 for a specific physical or chemical agent, would
14 be typically at the end of a career, you know,
15 it would be appropriate to do some medical
16 assessment of the jobs the person had and tasks
17 and have an exit physical, an exit interview,
18 those sort of things, you know, pretty general,
19 pretty broad description but that's about the
20 best I can do in layman's terms.

21 Q. Okay. Does Alcoa conduct any medical monitoring
22 for any of its retirees?

23 A. Yes, I believe they do.

24 Q. What medical monitoring program does Alcoa have
25 for its retirees?

♀

00130

- 1 A. The one that I'm familiar with probably the most
2 recently would be coal tar pitch volatiles.
3 Q. Would a medical monitoring program be
4 appropriate for something like a latent disease
5 such as those that come from asbestos exposure?
6 A. Medical monitoring for a latent disease (that's
7 right) such as those associated with at as
8 exposure?
9 Q. Yes, sir.
10 A. Certainly medical monitoring throughout the
11 working career, if somebody had a potential for
12 asbestos related exposure, chest X-rays, things
13 like that would be appropriate. I'd defer to
14 the medical experts that you probably have that
15 would tell you about how effective or if what
16 I'll call predictive indicators exist for
17 detecting or being able to even respond to
18 asbestos exposure. Certainly there are
19 predictive indicators in the case of coal tar
20 pitch volatiles that if you monitor for them,
21 give an opportunity to, you know, remove
22 somebody from an exposure, to take some medical
23 course of action, and don't ask me what it is,
24 I'm not a medical expert by any means.
25 You know, there's certainly

♀

00131

- 1 predictive indicators when you monitor for noise
2 called threshold shifts that are predictive
3 indicators of cumulative hearing loss. You
4 know, blood led levels are another medical
5 monitoring protocol that's used a lot in the
6 construction industry, where you can remove
7 somebody from the exposure to led, so those have
8 pre particular difficult indicators.
9 To my knowledge exposure to asbestos
10 in terms of monitoring, like urinalysis or blood
11 tests or so forth, I'm not aware of any but
12 again, I'm not a medical expert and I defer that
13 to the experts.
14 Q. As Alcoa's corporate representative in this case
15 you are not aware of any medical monitoring
16 program conducted by Alcoa for its retirees;
17 that were exposed to asbestos; true?
18 A. That would be true.
19 Q. Is it Alcoa's position that it does not have a
20 medical monitoring program for its retirees that
21 were exposed to asbestos because the predictive
22 indicators would be useless with respect to any
23 type of cure for asbestos disease?
24 MR. FOUNTAIN: Objection, form.
25 A. Yeah, you're asking me somewhat of a technical

♀

00132

- 1 question intermingled with a question of why
2 they don't have a -- how the choice was made or
3 what was made relative to medical monitoring for
4 asbestos. I wasn't part of that decision, I
5 don't have any knowledge of the context of that
6 decision, and, you know, that's about the best I
7 can tell you.
8 Q. Okay. As Alcoa's corporate representative in

Shockey Jeffrey (Rough Draft).txt
this case you have no knowledge as to why Alcoa
does not have a medical monitoring program for
its retired employees who are exposed to
asbestos; true?

- MR. FOUNTAIN: Objection, form.
- A. In the sense I have no knowledge of the context
of how those decisions were made. I certainly
have some views based on what I've heard or have
learned over the years as to whether they're
predictive indicators or not but again, I defer
to the medical professionals.
- Q. Okay. And let me just see if I can put a fine
point that question, as Alcoa's corporate
representative here today you do not have any
testimony as to why Alcoa does not have a
medical monitoring program for its former
employees who were exposed to as is at Alcoa

♀
00133

- facilities; true?
- A. True.
- Q. If you were the CEO of Alcoa and you had
unlimited discretion to do whatever you wanted
with respect to health and safety, would Jeff
Shockey institute a medical monitoring program
for former Alcoa employees who were exposed to
asbestos?
- MR. FOUNTAIN: Objection, form.
- A. First of all, I'd have to have a lot more
information from the medical community what
value it would have and what we would do with
that information, but if it proved to be of
value, if it proved to have an effect that would
better protect the individuals, then I would say
yes.
- Q. As you sit here right now, if you were made CEO
and had the discretion and ability to do that,
you would not institute a medical monitoring
program for former Alcoa employees who were
exposed to asbestos because do you not have the
medical bases right now to justify that
decision; true?
- A. That would be true.
- Q. Okay. I want to talk with you now a little

♀
00134

- about warnings, okay?
- A. Okay.
- Q. Okay. why is it important to warn about
asbestos exposure?
- A. Well, it's important to warn because in order
for the company, the supervision, the individual
working with the materials, the health and
safety professionals that have to try to oversee
and facilitate occupational health and safety
programs, it's important to have warnings when a
material has the potential to cause harm.
- Q. And why is it particularly, if at all, important
to warn about a hazard as such asbestos?
- MR. FOUNTAIN: Objection, form.
- A. well, certainly I don't think the potential for
asbestos to cause harm is in debate, so to
speak, and therefore, you know, one of the ways

18 that you address risk is you first have to
19 recognize it, and that's whether you're a
20 company buying a product from a manufacturer,
21 whether you're a health and safety professional
22 trying to provide information and guidance to an
23 organization, whether you're a supervisor or
24 worker trying to assess the best way to handling
25 something or to conduct your work activities.

♀

00135

1 So you have to recognize that a hazard exists,
2 and to the extent the hazard exists a warning
3 provides you with an opportunity to be aware of
4 that potential.

5 In addition, once you're aware of the
6 potential it gives you an opportunity to assess
7 the different levels of exposure that may or may
8 not be acceptable based on the science at the
9 time, it gives you an opportunity to try to
10 apply best available technology to eliminate,
11 control or manage the risk, and it gives you the
12 opportunity to adjust, adapt work practice, work
13 conditions, to minimize the risk.

14 Q. Have you ever heard of something called ALARA,
15 A-L-A-R-A, in the context of industrial safety?

16 A. Yes.

17 Q. What is that, in the context of industrial
18 safety?

19 A. Most of my work in the ALARA area would probably
20 be related to time spent as a radiation safety
21 officer, but it's As Low As Reasonably
22 Achievable, A-L-A-R-A.

23 Q. And was A-L-A-R-A Alcoa's position with respect
24 to asbestos exposure in its plants in the 1950s
25 and '60s?

♀

00136

1 MR. FOUNTAIN: Objection, form.

2 A. Yeah, I mean, in the 1950s and '60s the context
3 of what Alcoa would have known about asbestos
4 exposure would be different than what we know
5 today, and certainly they would have based that
6 decision, in part, on the science and the
7 available information relative to what values or
8 exposure levels were expected to cause adverse
9 health effects. I think in the case of the '50s
10 and '60s we're really talking about five million
11 particles per cubic foot as the threshold limit
12 value at that time.

13 Q. Was ALARA or was 5 million particles per cubic
14 foot of asbestos the standard that Alcoa
15 followed in the 1950's and '60s with respect to
16 asbestos?

17 A. I don't know.

18 Q. Okay. Occupational illnesses are generally
19 preventable; true?

20 A. True.

21 Q. And asbestosis is generally preventable; true?

22 A. I would say yes, as long as you know the
23 potential for the exposure exists, you know the
24 exposure scenario, the exposure rates, and
25 again, you know, sometimes that science of

♀

00137

1 what's acceptable at the time changes, but I
2 would say yes, it's preventable.
3 MR. McNULTY: Object to the
4 nonresponsive portion, everything before or
5 after yes, it's preventable.
6 BY MR. McNULTY:
7 Q. Do you know someone by the name of Tom Bonney?
8 A. Yes, I do, I did.
9 Q. Who is Tom Bonney?
10 A. Tom, as I --
11 MR. McNULTY: Mr. Shockey, I'm going
12 to back up just so we have that exchange clear,
13 okay.
14 A. Okay.
15 Q. Who was Tom Bonney?
16 A. Tom Bonney was, to the best of my recollection,
17 the manager or the chief industrial hygienist at
18 Alcoa when I joined in 1980. xxx Check last
19 several)
20 Q. Did Tom Bonney have responsibility for the
21 safety of Alcoa employees?
22 A. Again, you're using the term safety as I'm
23 assuming the broader focus of safety and health,
24 Tom's -- they had a, check check was safety.
25 Q. Who was that?

♀

00138

1 A. At the time, Jim Archibald.
2 Q. Would Alcoa employees look to Tom Bonney to
3 protect their health?
4 MR. FOUNTAIN: Objection, form.
5 A. Alcoa employees, in a general sense, may not
6 have even known Tom Bonney but I think part of
7 Tom Bonney's role was certainly to look at the
8 occupational health issues in a manner that
9 would provide appropriate protection for the
10 employees and the exposures to which they may be
11 relevant.
12 Q. Was Tom Bonney an advocate for employee safety
13 and good health within Alcoa?
14 A. To the best of my knowledge, yes.
15 Q. xxx Do you have new reason to believe that Tom
16 Bonney was not an advocate for the good safety
17 and health of Alcoa employees?
18 A. No.
19 Q. Did Alcoa employees rely on Tom Bonney to give
20 them information relating to health and safety?
21 MR. FOUNTAIN: Objection, form.
22 A. Not exclusively, but yes, in part, I'm sure.
23 Q. Okay. And what part, in what part would Alcoa
24 employees rely on Tom Bonney to give them
25 information regarding their health and safety?

♀

00139

1 A. well, Tom certainly was an industrial hygiene
2 leader so he was involved in dialogue and
3 discussions relative to potential health hazard,
4 potential exposures that were consistent with
5 the types of operations we had. He certainly
6 was not the only person that had dialogue during
7 his tenure, and particularly, you said health
8 and safety, I believe; xxx Tom would probably

9 have had limited dialogue in the safety area, he
10 had not he is profession or practice, that would
11 have been Jim Archibald and his staff.

12 Q. How would Tom Bonney convey information to
13 employees regarding occupational health?

14 A. You know, I'm going to speak in general terms
15 based on experience, observation and some of the
16 information that I've reviewed, but certainly,
17 you know, and again, some of this spans, you
18 know, a period of time that's broader than just
19 the 1980s to the time frame I was here, but, you
20 know, there's written communications, there's
21 evidence of industrial hygiene newsletter,
22 interaction between xxx only the plant-level
23 industrial hygiene committees. Certainly there
24 were other individuals in the medical community
25 in Alcoa, other industrial hygienists that were

♀

00140

1 engaged in that communication process.

2 Direct communication between Tom and
3 individual employees was probably limited by
4 position and distance, but certainly cascaded,
5 what I call cascaded communication from his role
6 to plant-level industrial hygienists or, in some
7 cases, environmental control professionals,
8 health and safety managers, joint safety
9 committees, perhaps even international union
10 representatives, so forth.

11 Q. Is that something you are speculating on, this
12 cascade of information, or is there a fact
13 witness or document that you're relying on when
14 you testify that way?

15 A. Well, two ways. Number one, I worked during
16 part of the time that Tom Bonney was part of the
17 organization, so I personally experienced and
18 observed it, there are physical documents that
19 I've reviewed in preparation for this deposition
20 that I think would demonstrate that as fact.

21 The extent, or detail specific to an
22 individual location, you know, I can't really
23 attest to that on every-case-by-case basis or
24 every individual employee, obviously.

25 Q. Did Tom Bonney provide all relevant information

♀

00141

1 to employees through -- regarding asbestos
2 exposure through this cascading process that you
3 just testified to?

4 MR. FOUNTAIN: Objection, form.
5 A. Again, I'm going to reference the terms all and
6 eye eye relevant eye eye as terms that I really
7 can't define, so I don't know.

8 MR. McNULTY: Okay, object to the
9 nonresponsive portion, everything except I don't
10 know eye eye.

11 BY MR. McNULTY:

12 Q. Does Alcoa have any criticisms of the way Tom
13 Bonney conveyed asbestos hazards to employees of
14 Alcoa?

15 A. In a general sense I think Tom tried convey the
16 hazards consistent with what he knew at the
17 time. In hindsight, could he have perhaps done

Shockey Jeffrey (Rough Draft).txt
a better job of communicating? I think, you know, that's always a possibility. There are things that we know or don't know at certain times and -- you know, so I guess that is open for interpretation. I'm not sure I'm going to sit here and judge Tom, you know, and his style of communications 30 years later compared with what the expectations today would be.

♀

00142

1 Q. How could Tom Bonney have done a better job at
2 communicating hazards of asbestos to Alcoa
3 employees?

4 MR. FOUNTAIN: Objection, form.

5 A. Yeah, I guess I don't have specifics without
6 looking at a specific document or specific
7 example, but I think the standards of how we
8 communicate to employees, much like our
9 understanding of the risks of different things,
10 evolves over time. Certainly it has changed
11 from the time period of the '50s to what we know
12 today. For example, in 1986 we had the hazard
13 communication standard, which I think has
14 enhanced the communication between manufacturers
15 and employers and employers and their employees,
16 so forth (that's employers and? . (.

17 Q. And I don't mean to pick, I just -- I'm just not
18 clear in my head if Alcoa has a criticism of the
19 way Tom Bonney conveyed hazards of asbestos to
20 Alcoa employees, and is your answer no, they do
21 not have a criticism but, in hindsight, maybe
22 they could have done some things differently
23 with what we know today?

24 A. I think that would be a good statement, yes,
25 that no specific criticism but in hindsight,

♀

00143

1 there were probably some potential opportunities
2 to do better than what we, by today's standards,
3 than what we might are done then.

4 Q. Okay. And what are those opportunities?

5 MR. FOUNTAIN: Objection, form.

6 A. I guess I'd need a specific example to talk
7 about, if you can give me a specific.

8 Q. So, and I'm just trying to understand, when you
9 said that in hindsight and today we know that
10 there are some opportunities he could have
11 conveyed, do you have any specific examples in
12 your head of opportunities that Tom Bonney may
13 have missed in conveying hazards of asbestos to
14 Alcoa employees?

15 A. Not specific in my head. I think I've reviewed
16 some documents that, you know, my impression
17 would have been I might have worded that
18 differently, I might have taken somewhat of a
19 different approach, but again, that's based on
20 what I know today about, A, how we communicate,
21 perhaps better. I guarantee you we don't
22 communicate perfect evenly in today's world and,
23 you know, how manufacturers communicate with us,
24 so I guess I can't give you a specific example
25 but I know that in looking at some of the

♀

00144

1 examples using the standards of today, I think
2 there would have been opportunities to possibly
3 do a better job at times.

4 Q. Did Alcoa perform a cost/benefit analysis
5 regarding informing its workers of the hazards
6 of asbestos?

7 MR. FOUNTAIN: Objection, form.

8 A. To my knowledge -- I don't know, but to my
9 knowledge, no, so I don't know.

10 Q. Would it surprise you if Alcoa performed a
11 cost/benefit analysis with regard to informing
12 its workers of the hazards of asbestos?

13 MR. FOUNTAIN: Objection, form.

14 A. With regard to informing workers about the
15 hazards of asbestos, that would surprise me on a
16 cost/benefit analysis of informing. I mean,
17 there are certainly times when you do a
18 cost/benefit analysis for other reasons.

19 Q. Have you seen any cost/benefit analysis as
20 Alcoa's corporate representative or in your role
21 as an Alcoa employee with respect to Alcoa
22 performing a cost/benefit analysis with respect
23 to informing its workers regarding the hazards
24 of asbestos?

25 A. Informing its workers, certainly, you know, in

♀

00145

1 the mid '80s under the hazard communication
2 standard there was a period where we had to look
3 at do we try to label and identify pipelines,
4 vessels and other things for asbestos, or too we
5 take an approach of assuming that something
6 that's uncharacteristic or unknown, assuming it
7 is asbestos and treating it as such until we
8 sample or prove otherwise, so I think you could
9 stretch that into the kind of warning or
10 communication that you're talking about.

11 Certainly we looked at the
12 opportunity, I think, to assess is it even
13 practical and what's the potential cost of doing
14 what I'll call complete bulk sample analysis of
15 all latent asbestos-containing materials that
16 might be encapsulate or part of piping
17 insulation, boilers, structural steel fire
18 retardants, I think there have been some
19 cost/benefit assessments, that sort of thing,
20 not necessarily active, you know, active,
21 somebody working with the material, but in the
22 essence of do I leave it in place and manage it
23 accordingly or do I go to the expense of
24 stripping it and what's the cost, and also
25 what's the risk of exposure which we know to the

♀

00146

1 EPA has a position on that that you can manage
2 it in place.

3 Q. Have you seen Alcoa documentation discussing the
4 potential legal ramifications of informing its
5 workers regarding asbestos exposure?

6 MR. FOUNTAIN: Objection, form.

7 A. Not that I can specifically recall. I mean,
8 I've looked at a lot of documents and, you know,

9 legal ram fix? I mean, that's a pretty broad
10 statement. Are you talking legal ramifications
11 like, you know, we're going to get more, it's
12 going to create additional concern that may or
13 may not be warranted? I mean, there may be some
14 documents that include dialogue of that, I don't
15 specifically recall.

16 Q. You have seen documents that include dialogue
17 regarding whether or not Alcoa management should
18 inform Alcoa employees of the hazards of
19 asbestos; true?

20 MR. FOUNTAIN: Objection, form.

21 A. I've seen some documents that talk about
22 communication with employees and what to
23 communicate, or what was communicated to
24 individual employees, like in the Jack Clark
25 case, you know, some of that, so I have seen

♀

00147

1 some of those documents. I don't recall
2 specifically recall the details, quite frankly.

3 Q. Have you seen documents like the ones we're
4 talking about right now that come to the
5 conclusion that Alcoa should not warn its
6 employees regarding the hazards of asbestos?

7 A. Not that I recall.

8 Q. As Alcoa's corporate representative you have
9 never seen any documents that come to the
10 conclusion that Alcoa management should not warn
11 Alcoa employees about the dangers or hazards of
12 asbestos; true?

13 A. You said never, and I don't know. I said I
14 don't recall.

15 Q. Okay. And can you -- and I don't recall eye ice
16 giving yourself a lot of wiggle room so that's
17 why I want to find out what you're going to
18 testify about at trial.

19 So are you going to testify at trial
20 that Alcoa has documentation that comes to the
21 conclusion that Alcoa management should not warn
22 its workers about the hazards of asbestos?

23 MR. FOUNTAIN: Objection, form.

24 A. Repeat the question again?

25 Q. Okay. Are you going to testify at trial that no

♀

00148

1 document exists that Alcoa management came to
2 the conclusion that it should not warn its
3 workers about various health hazards related to
4 asbestos?

5 MR. FOUNTAIN: I'll object to form,
6 it's still unclear to me.

7 A. Yeah, I'm still struggling with -- repeat the
8 question?

9 Q. Sure, sure. I'm trying to understand what
10 universe of documents you're going to rely on
11 and I'm curious, is it your testimony as Alcoa's
12 corporate representative that no document exists
13 which comes to the conclusion that Alcoa
14 management should not warn its employees
15 regarding various health hazards of asbestos?

16 A. I don't know.

17 Q. Okay. You have not seen a document like that;

18 true?

19 A. A document like what?

20 Q. Like the one I just described, a document that
21 comes -- strike that. Jeff Shockey has never
22 seen a document which comes to the conclusion
23 from Alcoa management that it should not warn
24 Alcoa employees about the hazards of various
25 asbestos diseases; true?

♀

00149

1 A. To the best that I can recall, yes.

2 Q. Okay. Does Alcoa keep personnel files of its
3 employees?

4 A. Generally, yes.

5 Q. When did Alcoa begin keeping personnel files of
6 its employees?

7 A. I don't know.

8 Q. If an employee violated a safety rule, is that
9 something that would be found in that employee's
10 personnel file?

11 A. It might be.

12 Q. In what situations would it not be included in
13 an employee's personnel file?

14 A. In situations where the record of the discipline
15 may have been handled locally by the supervisor,
16 written warning, something like that, it may not
17 have made to it file. I mean, it's a paper
18 exchange that goes from the field to the
19 personnel organization. Files get lost,
20 records, over time, get destroyed accidentally
21 or as part of a record retention policy. We've
22 had weather conditions that have destroyed
23 documents in storms or roof leaks so, I mean,
24 there are a lot of scenarios where you could
25 lose a record, of any activity, not just

♀

00150

1 discipline?

2 Q. Okay. If I understand from your testimony,
3 there are many circumstances where something
4 might not be included in an employee's personnel
5 file; true?

6 A. True.

7 Q. Does Alcoa consider violations of its internal
8 asbestos exposure policies to be serious
9 safety violations?

10 A. That would be depend on the nature of the policy
11 or the rule or procedure that was violated.

12 Q. If an Alcoa employee violated Alcoa's standards
13 with respect to exposure to asbestos, is that
14 something that would typically go into an Alcoa
15 employee file for that individual?

16 A. Maybe.

17 Q. And in what circumstances would it and in what
18 circumstances would it not?

19 A. That's certainly an individual supervisor
20 decision in most cases but for example, if
21 somebody barricaded an area and there was a rule
22 to barricade the area 50 feet around the
23 activity and they barricade it 25 feet, half the
24 distance, they might get corrected by the
25 supervisor, by another member of the crew, by

♀

00151

1 the safety department, and I doubt very much if
2 that would end up in their personnel file or
3 result in disciplinary action, you know, if it
4 was observed it would be addressed, corrected
5 and probably would be the extent of it.
6 Q. I I want to ask you now about Alcoa informing
7 its employees about the hazards of asbestos, and
8 I'm going to ask you that same question with
9 three different time periods, 1970, 1973 and
10 1980; okay?
11 A. Okay.
12 Q. Okay. Tell the jury everything Alcoa employees
13 should have been told about the hazards of
14 asbestos by 1970?
15 MR. FOUNTAIN: Objection, form.
16 A. I don't think I can tell them everything they
17 should have known. I can offer an opinion of
18 some things they should have known.
19 Q. Okay. What is your opinion of what they should
20 have been told by 1970?
21 A. By 1970 I think it would have been important to
22 know that asbestos was being used in those
23 applications where we knew it was potentially
24 used, I'm sure we didn't know all the
25 applications, perhaps, because manufacturers

♀

00152

1 didn't have the extent of material safety data
2 sheet requirements that they do today.
3 They should have known some things
4 about the latency of the health effects, they
5 certainly should have known some things about
6 how to protect themselves given the
7 sophistication or level of science and
8 understanding at the time, and certainly some
9 information about the types of exposure of
10 concern, and to the extent that we, you know,
11 took sampling results and quantified that
12 exposure against exposure limits that were in
13 place at the time, that would also, by today's
14 standard, certainly somebody something that we
15 would expect them to communicate, as well
16 (that's them to)
17 Q. You just answered, and I believe that was Jeff
18 Shockey's opinion as to what Alcoa employees
19 should have been told by 1970; now I want to
20 know what Alcoa told its employees about the
21 dangers of Arizona in 1970?
22 MR. FOUNTAIN: Objection, form.
23 A. Yeah, I don't know that I can give you that kind
24 of specific detail. I think there is certainly
25 some documents that would reference the kinds of

♀

00153

1 things, but specifically what they were told? I
2 don't think I can answer that.
3 Q. Okay. Now I want to ask you about 1973; okay?
4 A. Okay.
5 Q. What did Alcoa tell its employees about the
6 dangers of asbestos exposure in 1973?
7 MR. FOUNTAIN: Objection, form.
8 A. Again, I can't speak specifically to what they

9 told their employees about asbestos exposure in
10 1973. Certainly by 1973 OSHA was in place.
11 Certainly the science around asbestos, from an
12 occupational health hazard standpoint, had
13 progressed beyond a nuisance dust, and a dust
14 that causes asbestos [sic] to a dust that
15 potentially, if it contained asbestos-related
16 materials and you had exposure above a certain
17 threshold limit, would have been something that
18 had the potential to cause lung cancer.

19 And even at that point there was, you
20 know, information that was available that
21 asbestos exposure could cause mesothelioma, so,
22 you know, certainly, again, all the things I
23 mentioned before relative to the potential
24 hazards, given what we knew at the time, would
25 have been useful information for folks at all

♀

00154

1 levels where there was potential for asbestos
2 exposure to be aware of. Certainly some
3 connection relative to ways to handle the
4 asbestos and some of the methods that you could
5 use, some of those would have been outlined in
6 the OSHA standards at the time.

7 There were five chemicals that OSHA
8 identified in 1972, as I recall, as the higher
9 priority chemicals, silica, carbon monoxide,
10 asbestos, so there was going to be some
11 additional literature, and I can't recall off
12 the top of my head all the details of that, but
13 there would have been some additional direction
14 based on the science at the time that they
15 should have, you know, had had at their
16 disposal.

17 Q. Okay. And my understanding of your testimony as
18 Alcoa's corporate representative is these are
19 things that should have or could have been told
20 to their employees; are you testifying that it
21 did happen and they did tell their employees all
22 the stuff you just mentioned?

23 A. I certainly have seen evidence where they did
24 communicate that, portions of that. All of
25 that? I can't say for sure, but certainly there

♀

00155

1 was an effort to communicate many of the right
2 things. Whether they communicated all of the
3 right things to all of the people, I really
4 can't give you an honest answer on that.

5 Q. Okay. You don't know as Alcoa's corporate
6 representative if Alcoa conveyed all of the
7 right things relating to the hazards of asbestos
8 to its employees by 1973; true?

9 A. True.

10 Q. Okay. Now I want to ask you the same question
11 but for 1980. What did Alcoa tell its employees
12 regarding the dangers of asbestos exposure by
13 1980?

14 MR. FOUNTAIN: Objection, form.
15 A. By 1980, I mean, you know, that's a time frame
16 when I was at Alcoa. There certainly were
17 communications involving the potential health

18 hazards associated with asbestos. Again, the
19 exposure levels of concern, the routes of
20 exposure, the types of jobs or tasks, the
21 materials that could cause, or had the potential
22 to contain asbestos-containing material. There
23 was training on handling and working in the
24 vicinity or with asbestos-containing material.
25 I can certainly point to documents that I'm

♀

00156

1 aware of relative to disposable clothing, taping
2 disposable clothing to prevent fibers or
3 potential asbestos-containing material from
4 getting on your regular work clothes that
5 mostly, in those days, Tyvek suits were used
6 when asbestos material or suspected asbestos
7 material was handled.

8 Obviously respiratory protection,
9 which also, in reality, certainly was evidence
10 of being in play in the '70s, as well. The
11 hazard communication standard obviously came in
12 in 1986, '85 time frame, which really raised the
13 bar around what manufacturers communicated to
14 us, which certainly enabled us to do, I think, a
15 better job of scrutinizing material that came in
16 through a purchasing scenario. Knowing what the
17 constituents included, being able to challenge
18 those from time to time. Certainly lots of
19 evidence of, you know, tools, needle guns with
20 vacuum systems being used, replacement materials
21 being implemented, you know, the whole gamut of
22 wetting agents, enclosed, encapsulated removal
23 zones with six mil plastic, a lot of those sorts
24 of things. You know, I can't cover 'em all but
25 that's the kind of stuff that we're talking

♀

00157

1 about.

2 Q. What is the earliest date Alcoa should have told
3 its workers that asbestos causes cancer?

4 A. I really can't tell you the earliest date but I
5 can, I think say with some confidence, that
6 there were indications that asbestos caused
7 cancer, at least based on some scientific
8 studies, they may have been disputed some at the
9 time, but I feel, you know, certainly by the mid
10 '60s there was a time frame that -- where
11 asbestos was recognized as a lung carcinogen and
12 then at some point thereafter, I may be a little
13 foggy on the dates, after lung cancer came
14 mesothelioma.

15 Q. Do I understand your testimony to be the
16 earliest date that Alcoa should have told its
17 workers that asbestos causes cancer would have
18 been the mid 1960s?

19 MR. FOUNTAIN: Objection, form.
20 A. Mid '60s to receive the, in that time frame.

21 Q. Sometime between 1965 and 1970 Alcoa should have
22 told its workers that asbestos causes cancer;
23 true?

24 A. In hindsight, yeah, I guess. Eye eye should
25 have, I don't know the full debate of scientific

♀

00158

- 1 literature but there was certainly evidence
2 during that time frame that asbestos, you know,
3 was tied to -- asbestos exposure was tied to
4 increased potential for cancer, either lung
5 cancer or mesothelioma.
6 MR. MCNULTY: Object to nonresponsive
7 portion, everything other than should have,
8 yeah.
9 BY MR. MCNULTY:
10 Q. Did Alcoa tell its employees sometime between
11 1965 and 1970, that asbestos causes cancer?
12 MR. FOUNTAIN: Objection, form.
13 A. I can't really answer that without looking at
14 documents or other material to to know one way
15 or the other.
16 Q. As you sit here right now you don't know; true?
17 A. True.
18 Q. What is the last year that Alcoa had its
19 employees jackhammering asbestos-containing
20 insulation at Alcoa Rockdale?
21 A. I don't know.
22 Q. Okay. Was marinite still in use in the mid
23 1990s at Alcoa facilities?
24 A. Mid 1990s?
25 Q. Yes, sir.

♀

00159

- 1 A. Not that I'm aware of.
2 Q. What is the last year that you are aware of that
3 marinite was still in use?
4 MR. FOUNTAIN: Objection, form.
5 A. What I know, at least based on what I know, is
6 that, you know, molten metal marinite at one
7 location was still used in, like, the mid '80s,
8 I think marinite was discontinued as a product
9 perhaps in the early '80s, but -- by
10 John-Mansville but there was one Alcoa location
11 that had had a particular HDC casting process
12 that we had been unable to convert to a
13 technology that would allow us to operate that
14 facility without molten metal marinite until
15 kind of the mid '80s, maybe, to 1990, that's my
16 best estimate. One facility that I'm aware of.
17 Q. What facility is that?
18 A. Warwick Indiana.
19 Q. Was marinite still in use in the 1990s at Alcoa
20 Rockdale?
21 A. To the best of my understanding it was not.
22 Q. xxx What is marinite used for at Rockdale?
23 A. I don't know.
24 Q. In 1998 asbestos was still being used in some
25 Alcoa facilities; true?

♀

00160

- 1 A. xxx When you say it was being used, was it
2 present in some Alcoa facilities?
3 Q. No, no, no, we'll get to that question later.
4 Alcoa was still actively using
5 asbestos-containing products in 1998; true?
6 MR. FOUNTAIN: Objection, form.
7 A. Using asbestos-containing products, having them
8 in service, like gaskets, and things like that?

9 Q. Yes, sir.
 10 A. Yes.
 11 Q. Now, do you know somebody by the name of Tommy
 12 low?
 13 A. Yes, I know Tommy.
 14 Q. Do you have any issues with Tommy lows {AE}
 15 credibility?
 16 A. No.
 17 Q. Tommy low is an honest guy; true?
 18 A. Based on my experience with Tommy, yes.
 19 Q. Have you ever known Tommy not to be an honest
 20 guy?
 21 A. Specific example, no. Obviously Tommy's a union
 22 president, so in some cases he may have been
 23 directed to represent things certain ways, but
 24 from my experience in my dealings with Tommy,
 25 no.

♀

00161

1 Q. Is that all Tommy lows {AE} function at Alcoa
 2 has been?
 3 A. No, Tommy was an I & E, instrument and
 4 electrical technician, he also was a union vice
 5 president, then became union president, sometime
 6 after that in later years he became a unit
 7 supervisor.
 8 Q. Okay. And is that it?
 9 A. As far as I know, yes.
 10 Q. You don't know how Tommy Lee ended his career at
 11 Alcoa; do you?
 12 A. Tommy Lee or Tommy low.
 13 Q. Tommy low, sorry.
 14 A. No, I don't.
 15 Q. The last you know of Tommy low he was still
 16 working for the union; true?
 17 A. No.
 18 Q. Okay. He was still active in the union working
 19 for Alcoa; true?
 20 A. No, he became a unit supervisor.
 21 Q. And what year was that?
 22 A. I don't know the specific year.
 23 Q. Okay. You don't know if Tommy low ever became
 24 an Alcoa manager; true?
 25 A. To the best of my knowledge he never became an

♀

00162

1 Alcoa manager.
 2 Q. Okay. What is an Alcoa manager in Jeff
 3 Shockey's opinion?
 4 A. A manager is somebody in our opinion that
 5 generally has a staff of a production unit, a
 6 resource unit, that has a budget control, has
 7 hiring and firing capabilities, sets the work
 8 plan for the functional unit, whether it's a
 9 production unit or resource units, which might
 10 be engineering, so forth. That would be my view
 11 of a manager. Reports generally to the senior
 12 most person at a plant level, at a resource unit
 13 level.
 14 Q. At a plant like Alcoa Rockdale how many managers
 15 are there?
 16 A. Today, in 1950? I mean, it's a hard question
 17 for me to answer, I don't know.

18 Q. Okay. Do you know at any time how many managers
19 there were at Alcoa Rockdale?
20 A. Specifically to give you a number, no.
21 Q. When you were working at Alcoa Point Comfort how
22 many managers were there?
23 A. I'd say 15 to 20.
24 Q. Was Alcoa Point Comfort a smaller or bigger
25 plant than Alcoa Rockdale?

♀

00163

1 A. That would depend on the time frame. There was
2 probably a time frame when it was a bigger
3 plant. At the time I was there they were
4 probably close to equivalent size in terms of
5 number of people.
6 Q. In the 1950s, '60s and '70s do you know which
7 was a bigger plant, Point Comfort or Rockdale?
8 A. I would suspect Point Comfort by the nature of
9 the number of operations they had there, you
10 know, Rockdale was exclusively smelting; Point
11 Comfort had smelting, refining, chlor alkali,
12 raw materials, Alcoa Steamship, Newman gas
13 plant. I would say Point Comfort was the bigger
14 plant.
15 Q. Do you believe that Point Comfort would have
16 more manager than Alcoa Rockdale?
17 MR. FOUNTAIN: Objection, form.
18 A. That is difficult to say but the possibility
19 exists that yes, Point Comfort may have had more
20 managers.
21 Q. It's just an issue where you don't know, true?
22 A. I don't know.
23 Q. Okay. Do you know who someone by the name of
24 Belk is, B-e-l-k?
25 A. Dr. Belk, yes.

♀

00164

1 Q. Who is Dr. Belk?
2 A. Dr. Belk was the corporate medical director in
3 1980 time frame when I joined the company, and
4 remained the corporate medical director for some
5 window of time period. I can't remember when he
6 left or retired.
7 Q. Do you know who someone by the name of Rumberger
8 is?
9 A. Earl Rumberger, yes.
10 Q. Who was Mr. Rumberger?
11 A. He was the director on of industrial hygiene, so
12 Tom Bonney, at least, when I worked in the
13 company, would have reported to Earl Rumberger.
14 There would have been a reporting relationship
15 there.
16 Q. Have you seen a memo from the early '80s from
17 Dr. Belk to Earl Rumberger regarding not putting
18 exposure, asbestos exposure information, into
19 individual employee's files?
20 A. I think, I seem to recall system document,
21 whether it's related to this case prep or
22 previous ones I believe I've seen a document
23 where Dr. Belk explained that, you know, his
24 concerns about how to handle that or something)
25 system was some)

♀

00165

- 1 Q. And Dr. Belk at that time was following Al
2 protocol; true?
3 MR. FOUNTAIN: Objection, form.
4 A. xxx I don't know what the protocol was at the
5 time, I was a pretty junior safety professional
6 back then.
7 Q. And now as Alcoa's hand picked corporate
8 representative you don't know what the protocol
9 for that was; correct?
10 A. True.
11 Q. I'm sorry, did you answer?
12 A. True.
13 Q. Do you know someone by the name of Cullen?
14 A. Dr. Mark Cullen, yes.
15 Q. Who is Dr. Mark Cullen, Dr. Mark Cullen is kind
16 of a senior consultant in occupational medicine
17 that we use as part of a Stanford/Yale agreement
18 Alcoa. He consults and provides us with
19 opinions relative to occupational health issues.
20 Also did you some work for me in the area of
21 injury trend, injury analysis, causal factors,
22 that sort of thing?
23 Q. Is he, Dr. Mark Cullen, a senior medical advisor
24 to Alcoa?
25 A. You're asking me a specific term, I think that's

♀

00166

- 1 kind of what it is, senior medical advisor under
2 contract or medical advisor under contract at
3 Alcoa through Stanford and Yale; there are other
4 individuals that are part of that contract.
5 Q. And if I understand Dr. Mark Cullen, he reports
6 to you; true?
7 A. No.
8 Q. Okay. Do you, when you were saying that you use
9 him, do you hire -- who is responsible for
10 Dr. Mark Cullen's contract with Alcoa, you or
11 someone else?
12 A. Today, someone else. There was a period of time
13 where I was the safety and health director
14 where, I think about a two-year period, where I
15 certainly administered that contract and, you
16 know, made the payments for Mark's services.
17 Today the director of health or the
18 environmental health and safety and
19 sustainability director, holds that contract,
20 not me.
21 Q. When you held the contract was eight two-year
22 contract?
23 A. I don't recall the length of the contract so, I
24 mean, the contract may be longer than two years,
25 but again, he reported to, you know, reported to

♀

00167

- 1 somebody in the Alcoa environmental health and
2 safety organization, so as my role changed the
3 functional reporting relationship also changed.
4 Q. When you oversaw the contract who gave Dr. Mark
5 Cullen assignments, you or someone else?
6 A. It really is a group sort of thing. We had --
7 we have an occupational and environmental health
8 advisory committee, which is, you know, we have

9 a sponsor's committee and an executive committee
10 or xxx a need committee, and the one committee I
11 sat on would include Alcoa personnel at my level
12 and in the health, representatives from business
13 units, from the medical group, my medical doctor
14 in Alcoa who reported to me at the time, and
15 then there was another -- and another group, a
16 more senior group, which would have included my
17 boss, executive vice president human resources,
18 my boss, who was the vice president of EHS. So,
19 you know, Mark would interact with us, we'd talk
20 about things that we would want them to look at,
21 we talked about the current state of
22 occupational health, injury prevention. We'd
23 make requests of Mark and the staff at Yale to
24 look at different subjects. Some of the
25 subjects are actually published relative to

♀

00168

1 safety, the things we've looked at like the
2 injury rate to employees new in job versus
3 people who have been in the job for an extend
4 the period of time, extend the hours, you know,
5 does the injury rate increase when people work
6 more than X number of hours in a day. So those
7 are kind of the examples from a safety side
8 where Mark would interact with me.

9 Obviously there are some issues
10 around health. I've been in and out of that
11 process so, you know, I can only speak to more
12 recently. The specifics of previous projects, I
13 know of some historical things back when I was
14 at a business unit that Mark certainly advised
15 us and gave us information on, suggestions how
16 to handle certain situations and what to do but
17 I, you know, wasn't involved in the
18 decision-making in that window, that would have
19 been Dr. Jaffe. Mark was brought into the
20 organization I think about 19, I'm going to say
21 sometime in the '90s by Dr. Jaffe, who was our
22 corporate medical director, and he was brought
23 in as a consultant. He had worked at Yale at
24 the time, so, I mean, my knowledge of that level
25 of details periphery, to be honest, but the time

♀

00169

1 frame I was his direct person managing the
2 contract would have better information on.

3 Q. When you were managing the contract with
4 Dr. Mark Cullen he reported to a committee that
5 included you; true?

6 A. True.

7 Q. Now I want to talk to you about onion properties
8 and asbestos; okay?

9 A. Okay.

10 Q. With respect to asbestos, do you know what I'm
11 talking about when I talk about onion
12 properties?

13 A. I do now.

14 Q. Okay. What are onion properties?

15 A. xxx I think based on previous questions along
16 that line on previous depositions that onion
17 properties as you're referring to them are the

18 ability of a material or substance to warn of
19 its presence based on a {KARBGTS} that would
20 olfactory response, I can smell it, there's also
21 some cases where you can taste it or it stings
22 my skin so I know it's there and it's present,
23 something that didn't have onion properties
24 would be carbon monoxide; you can't smell pit,
25 you can't taste it, you can't see it.

♀

00170

- 1 Q. Warning about carbon monoxide exposures is very
2 important because can't see it, smell it, taste
3 it or feel it; true?
4 A. True.
5 Q. That makes warning regarding carbon monoxide all
6 the more critical, because there is no, sir
7 natural signal in the body to alert the body
8 that it's being exposed to carbon monoxide;
9 true?
10 A. There are symptoms that can warn you, like
11 headache, dizziness, nausea, and certainly we
12 try to communicate those symptoms to people, but
13 if you miss those symptoms or you're asleep in
14 your home at night and you don't have a carbon
15 monoxide alarm, that would be true.
16 Q. Is asbestos analogous to carbon monoxide?
17 MR. FOUNTAIN: Objection, form.
18 A. You have to to explain to me what you mean by
19 analogous.
20 Q. With an asbestos exposure, say, less than five
21 million particles per cubic foot, or maybe even
22 more than five million particles per cubic foot
23 -- strike that. If you have an asbestos
24 exposure around five million particles per cubic
25 foot could you see that asbestos?

♀

00171

- 1 A. You know, could you see a single fiber of
2 asbestos? You might, but, you know, could you
3 differentiate whether a material had or did not
4 have asbestos in it? You'd need to note
5 content,, so you know, I think testified to you
6 earlier that I couldn't say for sure whether you
7 could visually see a five million particles per
8 cubic foot exposure of asbestos or not, I think
9 you probably have experts that could give a
10 better answer.
11 Q. Is it Jeff Shockey's testimony as Alcoa's
12 corporate representative that you cannot offer
13 any testimony regarding whether or not you can
14 see, smell, taste, feel or hear asbestos
15 exposure?
16 MR. FOUNTAIN: Objection, form.
17 A. You're going to have to repeat it, when you
18 added all the other stuff in.
19 Q. Sure. What I'm trying to make, or trying to
20 discuss is talking about asbestos and asbestos
21 does not have onion properties; do you agree or
22 disagree with that?
23 A. I agree that asbestos does not have onion
24 properties.
25 Q. Okay. Asbestos does not have onion properties;

♀

00172

- 1 true?
2 A. True.
3 Q. You cannot smell asbestos; true?
4 A. To the best of my knowledge, true.
5 Q. You cannot see asbestos; true?
6 A. Well, that is --
7 Q. If it's friable and floating in the air you
8 typically cannot see individual particles of
9 asbestos; true?
10 A. In certain concentrations you may be able to see
11 particles of, you know, dust or, you know,
12 again, the individual asbestos particles and
13 what percent that is, you couldn't see that.
14 Q. Does asbestos have a taste?
15 A. To my knowledge, no.
16 Q. Can you hear asbestos?
17 A. No.
18 Q. Can you feel asbestos if it's friable and
19 airborne?
20 A. Some fibers, like fiberglass and so forth, you
21 can feel, there's an itch, but I can't say for
22 sure on asbestos one way or the other.
23 Q. You don't know one way or the other whether or
24 not a person could feel asbestos; true?
25 A. True.

♀

00173

- 1 Q. Okay. Has Alcoa ever had a workers'
2 compensation claim for asbestosis?
3 A. I don't know for sure but I suspect we have.
4 Q. Do you know the first time Alcoa had a workers'
5 compensation claim for asbestosis?
6 A. I don't know.
7 Q. Has Alcoa ever had a workers' compensation claim
8 for lung cancer?
9 A. Yes.
10 Q. When was the first time Alcoa had a workers'
11 compensation claim for lung cancer?
12 A. I don't know.
13 Q. Has Alcoa ever had a workers' compensation claim
14 for mesothelioma?
15 A. Workers' compensation claim? I don't know.
16 Q. Have you ever tried to find that information
17 out?
18 A. Me, personally, no.
19 Q. Is there someone else that you know of who has
20 tried to find that information out?
21 A. I don't know that I can give you, you know, an
22 exact person. I'm certain that some of our
23 medical professionals may have, you know, done
24 that kind of research.
25 Q. Is that something you're guessing or speculating

♀

00174

- 1 about, or something you're testifying to as a
2 fact?
3 A. Repeat the question again so I hear it?
4 Q. Okay. I'm trying to find out if anyone has ever
5 tried to find out if Alcoa has had a workers'
6 compensation claim for asbestosis or
7 mesothelioma?

MR. FOUNTAIN: Objection, form.

9 A. Anyone?
10 Q. Yes.
11 A. If you say anyone I'm assuming that includes
12 you, Mr. Fountain, every Alcoa attorney, so I'd
13 say yes.
14 Q. Okay. Has any Alcoa employee ever catalogued or
15 documented the number of mesothelioma lung
16 cancer or asbestosis workers' compensation
17 claims?
18 A. To my knowledge -- well, I just don't know, I
19 don't know, yeah.
20 Q. Okay. And you don't know who would have; true?
21 A. True (comma before lung cancer two ago)
22 Q. Have you read coworker depositions in this case?
23 A. Coworker depositions in this case.
24 Q. Be by eye eye this case eye eye I'm referring to
25 Pepper, Polk, Adams, Bartlett and Britton. Have

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00175

1 you read any of the coworker depositions in any
2 of those five cases?
3 A. Any of -- Mr. Adams, Mr. Bartlett, Mr. Britton,
4 Mr. Polk and Mr. Pepper's depositions?
5 Q. Yes, sir.
6 A. No, I have not.
7 Q. Have you read any of the fact witness
8 depositions in any of those five cases, Pepper,
9 Polk, add amounts, Britton or Bartlett?
10 A. I'm not aware of who the fact witnesses are or
11 aren't but I don't recall reading any.
12 Q. Okay. Have you read any depositions relating to
13 the five cases in which you're testifying about
14 today?
15 A. Related specifically to those cases depositions?
16 Q. Yes, sir.
17 A. No.
18 Q. Okay.
19 MR. McNULTY: The problem is I'm
20 getting close to ending; can we take a
21 five-minute break?
22 VIDEOTAPE OPERATOR: The time is now
23 2:41 p.m., we are going off the record.
24 - - - -
25 (There was a recess in the proceedings.)

♀

00176

1 - - - -
2 VIDEOTAPE OPERATOR: The time is now
3 2:53 p.m. We are back on the record. Counsel,
4 you may proceed.
5 BY MR. McNULTY:
6 Q. Good afternoon, Mr. Shockey, we're back after a
7 short break. How are you?
8 A. Good, thanks.
9 Q. Good. Are you ready to continue?
10 A. Yes.
11 Q. I believe this will be our last hour and last
12 tape.
13 Does Alcoa disagree with the
14 description of the way any of the witnesses in
15 the Polk case have described working with
16 asbestos?
17 MR. FOUNTAIN: Objection, form.
Page 77

18 A. I guess I'm not aware of any of the descriptions
19 of the witnesses in the Polk case at this point,
20 so --
21 Q. Go ahead, sorry, I didn't mean to cut you off.
22 A. I'm not aware of the witness's statements that
23 you've taken in this case so I don't know
24 whether we agree or disagree, I don't have an
25 opinion at this point.

♀

00177

1 Q. As you sit here right now Alcoa does not
2 disagree with the description of the way any of
3 the witnesses in the Polk case have described
4 working with asbestos; true?
5 MR. FOUNTAIN: Objection, form.
6 A. I don't know.
7 Q. Okay. What portion of the description of the
8 way witnesses described working with asbestos in
9 the Polk case do you disagree with?
10 A. I don't know, I don't know what witnesses are
11 involved that you're talking about.
12 Q. Does Alcoa disagree with the description of the
13 way any of the witnesses described working with
14 asbestos in the Pepper case?
15 MR. FOUNTAIN: Objection, form.
16 A. I don't know.
17 Q. Okay. Does Alcoa disagree with the description
18 of the way any of the witnesses have described
19 working with asbestos in the Adam case?
20 A. I don't know.
21 MR. FOUNTAIN: Objection, form.
22 MR. McNULTY:
23 Q. Does Alcoa disagree with the description of the
24 way any of the witnesses have described working
25 with asbestos in the part let case?

♀

00178

1 MR. FOUNTAIN: Objection, form.
2 A. I don't know.
3 Q. Does Alcoa kiss agree with the description of
4 the way any of the witnesses have described work
5 with asbestos in the Britton case?
6 MR. FOUNTAIN: Objection, form.
7 A. I don't know.
8 Q. Why don't you know?
9 A. Because I don't know the witnesses that are to
10 be called in this particular case.
11 Q. At the time of trial do you intend on giving any
12 opinions that disagrees with the description of
13 the way any of the witnesses have described
14 working with asbestos in the Polk, Pepper,
15 Adams, Bartlett or Britton cases?
16 MR. FOUNTAIN: Objection, form.
17 A. Repeat the question?
18 Q. Yes. At the time of trial do you intend to
19 offer any testimony to the jury disagreeing with
20 the description of the way any of the witnesses
21 have described working with asbestos in the
22 Polk, Pepper, Adams, Bartlett or Britton cases?
23 MR. FOUNTAIN: Objection, form.
24 A. To the best of my knowledge I have not seen or
25 heard of any of those descriptions at this point

♀

00179

1 so I don't know.

2 Q. Okay. The reason I ask is because this is only
3 time I have a chance to talk to you before these
4 five trials, and I need to know if you are going
5 to offer testimony at trial that disagrees or
6 disputes or attempts to contradict the testimony
7 of any of the coworkers of the plaintiffs. Do
8 you understand the issue I have now?

9 A. I think so.

10 Q. Okay. If you intend to give any testimony, if
11 Alcoa intend to give any testimony disagreeing
12 with the description of the way any of the
13 witnesses have described working with asbestos
14 in the Polk, Pepper, Adams, Bartlett or Britton
15 trials we are going to ask to redepose you
16 before you take the stand at trial, okay?

17 A. Okay.

18 Q. Okay. Asbestos diseases can cause serious
19 bodily injuries; true?

20 MR. FOUNTAIN: Objection, form.

21 A. Asbestos diseases certainly can cause illness
22 and -- can cause illness, health impairment of
23 up to and including, you know, health
24 impairments that could contribute to death.

25 Q. Death is a serious bodily injury; true?

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00180

1 A. Yes, illness, not injury.

2 Q. Asbestos can cause death; true?

3 A. Overexposure to asbestos has the potential to
4 cause death, yes.

5 Q. Alcoa knew, in the 1960s, that asbestos exposure
6 could cause death; true?

7 MR. FOUNTAIN: Objection, form.

8 A. In the 1960s there was certainly evidence that
9 asbestos exposure or overexposure to
10 asbestos-containing materials, could lead to
11 lung cancer, could lead to chronic pulmonary
12 obstructive disease, and at some point in time
13 mesothelioma, all of which, to my knowledge, can
14 lead to death.

15 Q. Asbestosis can also be deadly; true?

16 A. The outcome of having asbestosis and the
17 associated chronic obstructive pulmonary disease
18 can lead to death, that's my understanding.

19 Q. Alcoa knew in the 1940s that asbestos could
20 cause death; true?

21 MR. FOUNTAIN: Objection, form.

22 A. I'm not sure I can say, you know, with a great
23 level of confidence exactly what Alcoa knew in
24 the 1940s relative to, you know, asbestos -- did
25 you say asbestos causing death?

♀

00181

1 Q. Yes, sir.

2 A. Certainly there were studies that linked
3 exposure to asbestos with a higher incident
4 rate, I think of death, in some of the published
5 literature among textile workers, folks who had
6 worked in mines who directly handled friable
7 material, yes.

8 Q. Alcoa knew in the 1950s that if its workers

Shockey Jeffrey (Rough Draft).txt
received exposures to asbestos, it could result
in death; true?

MR. FOUNTAIN: Objection, form.

A. I know there was scientific literature
available; to the extent Alcoa had access to it,
I can't speak specifically to that, but
certainly there was scientific literature
available that said that exposure to asbestos
could lead to death, yes.

Q. Okay. In the 1950s and '60s Alcoa knowingly
exposed its workers to asbestos; true?

MR. FOUNTAIN: Objection, form.

A. Well, certainly in the 1950s and '60s there is
evidence that there were asbestos-containing
materials in use at Alcoa facilities and you
could presume that that obviously represented
some opportunity for exposure, the levels of

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00182

1 which, you know, may vary based on the job, the
2 type of material, the condition it was in, so
3 forth.

Q. Alcoa knew its employees were being exposed
asbestos in the 1950s and '60s; true?

A. True.

Q. Who is Eddie Huffmaster?

A. Let's see, Eddie, I think was a general mechanic
at Point Comfort operations.

Q. You are familiar with Eddie Huffmaster's
personnel file, true?

A. In a general sense I may have seen it in the
past.

Q. And in a general sense you may have seen it in
the past, I'm referring to August of 1998 when
you handled Eddie Huffmaster's Alcoa file; true?

A. I don't know that I handled Eddie Huffmaster's
file, that would be in personnel. I may have
contributed something to his file.

Q. What did you contribute to Eddie Huffmaster's
personnel file in August of 1998?

A. As I remember Royce Lightfoot, who I believe at
the time was the union steward, had requested
that I document a preface as removal activity
associated with I want to say it's the cryolite

♀
00183

1 plant but again, I don't have the document in
2 front of me, relative to sampling results and
3 the removal activities that Eddie was involved
4 in at the time, previous, like May, or
5 something, of that year.

Q. Did you interview Eddie Huffmaster?

A. You know what, I don't recall, you know, the
details to that level, whether I interviewed
Eddie or not.

Q. You don't know one way or the other if you
interviewed Eddie Huffmaster or not; true?

A. True.

Q. Should we rely on Eddie Huffmaster's
recollection as to whether or not you, Jeff
Shockey, interviewed him?

MR. FOUNTAIN: Objection, form.

A. Yeah, I don't -- I mean, I'd have to look at the

Shockey Jeffrey (Rough Draft).txt
18 document that I wrote because I may have
19 interviewed him as part of preparing that
20 document but I honestly don't recall. We're
21 talking 25 years ago, and I don't know whether
22 Eddie Huffmaster accurately recalls the
23 situation or not so, you know, we'd have to take
24 it, I guess, at face value (that's I'd have)
25 Q. Is it Jeff Shockey's testimony that Eddie

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00184

1 Huffmaster is a liar?
2 A. No.
3 MR. FOUNTAIN: Objection, form.
4 BY MR. MCNULTY:
5 Q. Is it Jeff Shockey's testimony that Royce
6 Lightfoot is a liar?
7 MR. FOUNTAIN: Objection, form.
8 A. No.
9 Q. Okay. Do you have, does Alcoa have any
10 criticisms of the credibility of Eddie
11 Huffmaster?
12 MR. FOUNTAIN: Objection, form.
13 A. Not that I'm aware of.
14 Q. Does Alcoa have any criticisms of Royce
15 Lightfoot's credibility?
16 A. Not that I'm aware of.
17 Q. When health and safety supplements are being
18 placed in Alcoa employee's personnel files, what
19 is the protocol in doing so?
20 A. I guess, can you elaborate on the protocol at
21 Point Comfort, the protocol in this specific
22 incident? Are you referring to a document?
23 Q. Sure. Does Alcoa have a protocol regarding the
24 placement of health and safety information in
25 employee's personnel files?

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00185

1 MR. FOUNTAIN: Objection, form.
2 A. Yeah, I mean, that is a pretty broad statement.
3 I don't know that there's a specific protocol of
4 placing documentation in employee's personnel
5 files. I certainly know there are guidelines
6 that have been communicated in the past relative
7 to documenting record retention of exposure
8 sampling, allegations of certain types of
9 exposures. There's some legal requirements
10 under TSCA and other areas that specify those by
11 law, so -- and some of them are just general
12 practice.
13 In this particular case I don't
14 recall the specifics but, you know, I was asked
15 to document what we knew about the exposure at
16 the time that it occurred, you know, I
17 documented it to the best of my abilities xxx
18 (plural) as to what I knew or understood at the
19 time and, you know, that's pretty much what is
20 in there as far as I know.
21 Q. Jeff Shockey documented the exposure at the time
22 it occurred; true?
23 A. No, the exposure, I believe the potential
24 exposure, occurred in May of 1988, so the
25 request came from Royce later. You probably

♀

00186

1 have the document, I mean, it might be like
2 August or October time frame. I was kind of in
3 transition between jobs but I have still there
4 often on and so they asked that that exposure be
5 documented (he did say 88 there). So I went
6 back to the field sampling data and the records
7 that were there and, you know, followed up with
8 Leroy Wagner and others who had participated in
9 that activity, and it may have been, I don't
10 know if it was Leroy so it could have been care
11 {AOE}, but either one, and that's how I would
12 have put the information together, that would be
13 my customary practice. (Xxx don't know if it's
14 a male or female

15 Q. Based on the different items you recall
16 surrounding that event is it still true that you
17 don't recall whether or not you reviewed Eddie
18 Huffmaster?

19 MR. FOUNTAIN: Objection, form.

20 A. That would be true.

21 Q. Okay. It was Alcoa policy starting in the mid
22 1970s to treat all insulation as if it contained
23 asbestos; true?

24 A. All insulation as if it contained asbestos in
25 the 1970s? You know, I don't know about the

♀

00187

1 word all insulation. Certainly there was a
2 period of time where we instructed and others
3 were instructed to treat insulation as
4 containing asbestos unless otherwise,
5 manufacturer's literature.

6 A. Later on there were some tests that you could do
7 that would give you a reading, like a color code
8 test where you'd use a marker and it would
9 reveal whether it was asbestos or not. I don't
10 know if that answers your question or not, but
11 that's about the best I can do for you.

12 Q. Okay. And if I can summarize and agree or
13 disagree, comma needed), due in the know Alcoa's
14 policy -- strike that. You do not know if Alcoa
15 had the policy beginning in the mid 1970s, to
16 treat Al insulation as though it contained
17 asbestos; true?

18 MR. FOUNTAIN: Objection, form.

19 A. Yeah, not -- the best that I can recall, I can't
20 say that that's true.

21 Q. Okay. Can you say that it's false?

22 A. No.

23 Q. Okay. You don't know one way or the other;
24 true?

25 A. That's true.

♀

00188

1 Q. Okay. Do you know someone by the name of
2 Shelton Albrecht?

3 A. Yes, Shelton, I believe, worked at Point Comfort
4 but, you know, I can't say a hundred percent,
5 but the name's familiar (that's as in Giselle)

6 Q. Do you have any opinion on Shelton Albrecht's
7 credibility?

8 MR. FOUNTAIN: Objection, form.

9 A. No.
10 Q. As far as you know Shelton Albrecht is an honest
11 person; true?
12 A. I'm not even sure I know Shelton Albrecht.
13 Q. Alcoa has no opinion one way or another as to
14 whether or not Shelton Albrecht is an honest
15 person; true?
16 MR. FOUNTAIN: Objection, form.
17 A. I don't know.
18 Q. I'm going to withdraw that question.
19 Does Alcoa have, believe, that
20 Shelton Albrecht is a dishonest person?
21 A. I don't know.
22 Q. Okay. Does Alcoa have any reason to believe
23 that Shelton Albrecht is a dishonest person?
24 MR. FOUNTAIN: Objection, form.
25 A. I don't know.

♀

00189

1 Q. Okay. There's asbestos at Alcoa Rockdale today,
2 April 19th, 2012; true?
3 A. I believe so, yes.
4 Q. Can you quantify how much asbestos is at Alcoa
5 Rockdale today, April 19th, 2012?
6 A. Accurately quantify, me, personally, I cannot.
7 Q. Who you would ask if you wanted to find out how
8 much asbestos was at Alcoa Rockdale today, April
9 19th, 2012?
10 A. I might look to ask somebody at the location who
11 was aware of details of maybe a recent asbestos
12 survey with decommissioning of that operation,
13 something like that.
14 Q. Can you give me the name of anyone?
15 A. You know, certainly Jim {HAUG} {STOPB} is at the
16 facility, manages environmental control
17 activities, has been there for a period of time.
18 He might be somebody who would know that.
19 Q. How much would it cost to remove the asbestos at
20 Alcoa Rockdale?
21 A. I don't know.
22 Q. Okay. One estimate that is for a single unit it
23 could cost up to a hundred million dollars to
24 remove the asbestos from that unit at Alcoa
25 Rockdale; do you have any reason to dispute that

♀

00190

1 number?
2 MR. FOUNTAIN: Objection, form.
3 A. I don't know what you're describing as a unit so
4 I'm dealing with limited information but I don't
5 have any information to dispute that number,
6 either.
7 Q. I'm going to ask you now about some of the
8 defenses that have been filed in this case,
9 finance I'm understanding from your -- early on
10 in this deposition we went over your designation
11 and I think you don't have any testimony to
12 offer about that based on some of the items you
13 crossed off but I'm going to ask the questions
14 anyway, okay?
15 A. Can we take one minute? 69 sure. (.
16 - - - - -
17 (There was a discussion off the record.)

)

BY MR. MCNULTY:

Q. Alcoa has alleged that the plaintiff's injuries were caused by the negligence of others; who caused the plaintiff's injuries, if not Alcoa (no last comma)

MR. FOUNTAIN: Objection, form.

♀

00191

1 A. I don't know.

2 Q. Okay. Alcoa has alleged that the plaintiff knew
3 or should have known of the risk of injuries yet
4 assumed that risk freely and voluntarily; how
5 did the plaintiff assume the risk?

MR. FOUNTAIN: Objection, form.

6 (singular that time, plaintiff)

7 A. Yeah, I mean, I guess that would cause know
8 speculate, too, --

MR. FOUNTAIN: Don't speculate.

9 A. -- so I don't know.

10 Q. Okay. Alcoa has alleged that the plaintiff's
11 damages were caused, in whole or in the greater
12 part, by his own negligence; how so?

MR. FOUNTAIN: Objection, form.

13 A. I don't know.

14 Q. Alcoa has alleged that the injuries were caused
15 by other employers other than Alcoa; which other
16 employers?

MR. FOUNTAIN: Objection, form.

17 A. I don't know.

18 Q. Alcoa has alleged that the plaintiff's injuries
19 were preexisting; what injuries were preexisting
20 for the plaintiff?

MR. FOUNTAIN: Objection, form.

♀

00192

1 A. I don't know.

2 Q. Alcoa has alleged that the plaintiff filed
3 mitigate their damages or the injuries that made
4 the basis their claim; what did the plaintiff do
5 to fail to mitigate damages?

MR. FOUNTAIN: Objection, form.

6 A. I don't know.

7 Q. Is Alcoa sorry for how workers were exposed to
8 asbestos at their plants (plural)

MR. FOUNTAIN: Objection, form.

9 A. well, certainly to the extent of what we know
10 today and what we wished we would have known
11 about, you know, the hazards or the are risks of
12 asbestos-containing material by today's
13 standards, I think we would be insensitive not
14 to say, you know, that we wished we knew you
15 more, we wish the scientific data was better, we
16 wish the technology was better, and certainly,
17 urine it's always regrettable whether you have a
18 loss are of life of an employee, a retiree,
19 associated with work related exposures or
20 non-work related exposures, xxx so, yeah, as a
21 good, conscientious corporate citizen I would
22 say yeah, we're always sorry when we lose an
23 employee, whether they're a current employee or
24
25

♀

00193

- 1 retired employee, for whatever cause.
2 Q. What did Alcoa do wrong in exposing its workers
3 to asbestos?
4 MR. FOUNTAIN: Objection, form.
5 A. I think that requires me to draw a legal
6 conclusion which I'm not capable to really do.
7 Q. Okay. Are you going to do the opposite and say
8 that Alcoa did nothing wrong in exposing its
9 workers to asbestos at its plants?
10 A. I don't think I'd say that, either.
11 Q. Okay. Was Alcoa negligent in the manner in
12 which it exposed its workers to asbestos?
13 MR. FOUNTAIN: Objection, form.
14 A. That would require me to draw a legal
15 conclusion, which I'm not capable of doing.
16 Q. Was Alcoa grossly negligent in the manner in
17 which it exposed its employees to asbestos?
18 MR. FOUNTAIN: Objection, form.
19 A. That would require know draw eye legal
20 conclusion, which I'm not capable of doing.
21 Q. Okay. Fair enough.
22 Was Alcoa grossly negligent in the
23 manner in which it exposed the plaintiff to
24 asbestos in its plant?
25 MR. FOUNTAIN: Objection, form.

♀

00194

- 1 A. That would require me to draw a legal conclusion
2 which I'm not qualified to do.
3 Q. Okay. In this case is Alcoa being unfairly
4 accused?
5 MR. FOUNTAIN: Objection, form.
6 A. That would require know draw a legal conclusion
7 which I'm not capable of doing.
8 Q. You're not going to offer any testimony at trial
9 that Alcoa is being unfairly accused at trial;
10 true?
11 A. As far as I know, yes.
12 Q. And this is my only chance to discover your
13 opinions so that's why I'm asking, I'm trying to
14 know what it is you're going to say to a jury
15 and are you going to say to the jury that Alcoa
16 is being unfairly accused in this case?
17 MR. FOUNTAIN: Objection, form.
18 A. Yeah, again, accused of what and in what context
19 or time frame?
20 Q. Accused of gross negligence in the death of the
21 plaintiff.
22 MR. FOUNTAIN: Objection, form.
23 A. That would require me to draw a legal conclusion
24 which I'm not capable of doing.
25 Q. Okay. Right now or at trial; true?

♀

00195

- 1 A. True.
2 Q. And you're not going to offer that testimony at
3 trial; true?
4 A. What testimony?
5 Q. That Alcoa is being unfairly accused.
6 A. True.
7 Q. Okay. Do you intend to apologize to the
8 plaintiff's family at trial?

MR. FOUNTAIN: Objection, form.

A. I don't know.

Q. Okay. As you sit here right now are you planning on apologizing to the plaintiff's family at trial?

MR. FOUNTAIN: Objection, form.

A. I don't know.

Q. When will you know as to whether or not you intend on apologizing to the plaintiff's family at trial?

MR. FOUNTAIN: Objection, form.

A. I have no opinion at this point one way or the other.

Q. Okay. What information do you still need to obtain in order to analyze whether or not you intend to apologize to the plaintiff's family at trial?

♀

00196

MR. FOUNTAIN: Objection, form.

A. I don't know that, -- I don't know that I have all the information or the facts or the expert opinions, I haven't heard any of those, so I'd have to wait and see.

Q. If you intend to testify at trial where you make discover that your opinions before you're on the stand by taking your deposition on that matter, okay (check that {STPFPLT} (?)

A. Okay.

Q. And this is sort of along the same lines, do you intend to make any statement of remorse to the family of plaintiff at trial?

MR. FOUNTAIN: Objection, form.

A. I don't know.

Q. Is that the same answer?

A. Yes.

Q. Okay. Do you believe Alcoa could have done more to prevent its workers from being exposed asbestos in the 1950s?

MR. FOUNTAIN: Objection, form.

A. Do I believe, given today's situation and in hindsight compared with what we knew at the time, I think there are obviously cases that as the science and technology evolve and what we

♀

00197

know about certain situations that, in hindsight, you could look back say there were certainly potential opportunities for us to do more. I think you can always do more in many cases, but you're bound by the limits of science, technology, and what you know at the time.

Q. Okay. Alcoa could have done more to prevent its employees from being exposed to asbestos in the 1950s; true?

A. I think that's a possibility, yes.

Q. Okay.

MR. McNULTY: Object to the nonresponsive portion, everything before yes.

BY MR. McNULTY:

Q. Do you believe Alcoa could have done more to prevent its workers from being exposed to

asbestos in the 1960s?

A. It's possible.

Q. What could Alcoa have done in the 1960s to prevent its workers from being exposed to asbestos?

MR. FOUNTAIN: Objection, form.

A. Well, certainly I think we could have gone out of the casting business, which probably is a

♀
00198

true statement, but pretty unrealistic. We certainly, you know, had the opportunity to communicate the potential hazards to the extent that those hazards were communicate as part of the debate that we've had over the last couple hours, and so I think you could always have the at some point in time to communicate more.

Certainly there's always the opportunity to be aggressive at finding substitutes, which I think in most cases we were.

We certainly demonstrated that we worked on the technology aspects of our processes to try to eliminate some of the exposures that were potentially more of a concern around the redesign and elimination of the need to use molten metal marinite in headers. I think there's evidence that we tried to hire good industrial hygienists, I think we could have always said that you could hire more and, you know, staff more health resources. The practicalities of that in 1960 I don't know but that's always a potential. So I think there are things that you can say in hindsight that you too, and I'm sure, you know, 20 years from now

♀
00199

in hindsight somebody will be able to say there are more things we could have ton no in-2012 with some material, whether it's nanoparticles or something else.

Q. You've known about this deposition today, April 19th, 2012, for several months; true?

A. Since, like the first part of the year.

Q. Okay. Why didn't you read any of the plaintiff's depositions in this case?

MR. FOUNTAIN: Objection, form.

A. I don't know, I didn't have 'em.

Q. Okay. Alcoa has operations in Asia, true?

A. True.

Q. What countries in Asia does Alcoa have operations in?

A. China; Korea; (you can global that Korea). I don't know if you consider Japan Asia or not. Japan. Off the top of my head that's what I recall.

Q. When did Alcoa begin operations in China?

A. I'm not sure of the exact date but, you know, I think it was after, somewhere like after the year 2000, maybe.

Q. Sometime in the last ten or 12 years Alcoa has begun operations in China; true?

♀

00200

- 1 A. I believe that's correct, yes.
- 2 Q. When is the approximate date that Alcoa began
- 3 operations in Korea?
- 4 A. I don't know for sure on that one.
- 5 Q. Do you know the decade?
- 6 A. Yeah, I don't. I mean, certainly this decade.
- 7 Q. Okay. Sometime in the last ten years Alcoa
- 8 began operations in Korea; true?
- 9 A. True.
- 10 Q. When did Alcoa begin operations in Japan?
- 11 A. We've had operations in Japan, some of those
- 12 operations aren't active anymore, but, gee, in
- 13 Japan, probably even in the mid '90s.
- 14 Q. Alcoa began operations in Japan sometime around
- 15 the mid '90s; true?
- 16 A. Yeah. They might have been earlier, but that's
- 17 -- I know that I can recall operations in Japan
- 18 in the mid to early '90s, yeah.
- 19 Q. Does Alcoa consider Mr. Bart let's case to be a
- 20 frivolous case?
- 21 MR. FOUNTAIN: Objection, form.
- 22 A. I don't know.
- 23 Q. Does Alcoa consider Mr. Britton's case to be a
- 24 frivolous case?
- 25 MR. FOUNTAIN: Objection, form.

♀

00201

- 1 A. I don't know.
- 2 Q. Does Alcoa consider Mr. Adams' case to be a
- 3 frivolous case?
- 4 MR. FOUNTAIN: Objection, form.
- 5 A. I don't know.
- 6 Q. Does Alcoa consider Mr. Pepper's case to be a
- 7 frivolous case?
- 8 MR. FOUNTAIN: Objection, form.
- 9 A. I don't know.
- 10 Q. Does Alcoa consider Mr. Polk's case to be a
- 11 frivolous case?
- 12 MR. FOUNTAIN: Objection, form.
- 13 A. I don't know.
- 14 Q. Are you going to tell the jury in the
- 15 plaintiff's case that the case is frivolous?
- 16 A. Not to my knowledge.
- 17 Q. What information would you need learn or obtain
- 18 to make the analysis as to whether or not Alcoa
- 19 believes the plaintiff's case is frivolous?
- 20 MR. FOUNTAIN: Objection, form.
- 21 A. I don't know at this point.
- 22 Q. If you intend to argue to the jury that the
- 23 case -- strike that. If you intend to testify
- 24 to the jury that the case is frivolous, again,
- 25 that's another issue that we'll want to discover

♀

00202

- 1 your response on that issue prior to the time
- 2 you take the witness stand in front of the live
- 3 jury and we'll request your deposition on that
- 4 matter; okay?
- 5 MR. FOUNTAIN: Objection, form.
- 6 A. Okay.
- 7 Q. If the jury were to determine that Alcoa was
- 8 grossly negligent in this case what would you,

Jeff Shockey, say about the jury's decision?

MR. FOUNTAIN: Objection, form.

A. I would not be offering any opinion.

Q. Do you intend to respect the jury's judgment regardless of what it is?

MR. FOUNTAIN: Objection, form.

A. Are you asking that question relative to me, or Alcoa?

Q. Alcoa.

MR. FOUNTAIN: Same objection.

A. That would require me to make a legal decision for the corporation which I'm not authorized or competent to do.

Q. Okay. Did Alcoa do everything that it could to protect its workers from asbestos in the 1970s?

MR. FOUNTAIN: Objection, form.

A. Everything, I don't know.

♀
00203

Q. Okay. (put quotes around everything Kate) do you have any idea of how many people who have worked at Alcoa have been diagnosed with mesothelioma?

A. No.

Q. Mr. Shockey, have you understood all of my questions today?

A. You use that word again. To the best of my ability I think I've understood what you've asked, and I've responded to the best of my ability accordingly.

Q. If I asked you a question and you responded to it, can I assume that you understood my question?

A. You can assume that; I'm not sure it would be fact.

Q. Okay. What question did I ask you that you answered that you did not understand?

MR. FOUNTAIN: Objection, form.

A. You've probably asked me well over a hundred questions and at this point, none of them jump out as I question I may not have understood, but certainly I haven't had a chance to review the transcript and, you know, review my response to determine whether there may have been a

♀
00204

misunderstanding or something that needed clarification.

Q. Okay. And I'm not talking about clarification, I'm just -- are you in the habit of answering questions if you don't understand the question?

A. No.

Q. Okay. And did you answer any questions that you can think of right now that you didn't understand?

A. That I didn't understand? Not that I can think of. I know there are some questions where I'm not sure you understood what my response was, but, you know, you'd have to tell me if --

Q. Well, don't worry about me.

Is there any answer you wish to change?

A. I don't think so. I would call your attention

18 again, we had the discussion of what is
19 monitoring, and you and I think may have been on
20 a different wavelength on that one when you
21 referred to monitoring.
22 Q. Okay, let's make sure we're on the same
23 wavelength before this deposition ends.
24 what do we need to amend or
25 supplement or correct regarding our discussion

♀
00205

1 of medical monitoring?
2 A. When you say medical or health monitoring,
3 that's a pretty broad category to me. That can
4 involve actual physical exams, like we talked
5 about, it can involve various tests or
6 procedures or protocols for specific materials
7 or specific exposures. It can also involve
8 field audits by industrial hygiene professionals
9 that make qualitative assessments of the
10 workplace and what the potential health aspects
11 are. It can involve quantitative assessments,
12 which you would probably, in layman's terms,
13 refer to as sampling, for either personal
14 exposure (new paragraph) with a sampling pump on
15 an individual, or area exposure. It can also
16 involve surveys, so health monitoring can
17 involve surveys like a noise survey, like a
18 survey to identify asbestos-containing materials
19 in a material in the ceiling, in the floor tile,
20 things like that. So when you use the term
21 monitoring, you think I think of a much narrower
22 field of the definition of monitoring than what
23 I do.
24 Q. Okay. What goes into Alcoa's current-day
25 medical monitoring program for was it coal dust?

♀
00206

1 Coal tar pitch volatiles?
2 Q. Yes, sir. What's involved in that medical
3 monitoring program with Alcoa retirees?
4 A. Okay. Now you're talking about medical
5 monitoring of retirees, which narrows the field
6 to a very specific issue.
7 Q. Okay.
8 A. That is your question? Is that really what you
9 want me to respond to?
10 Q. That's the most recent question I've asked you.
11 What goes into that program?
12 A. Okay. And again, I'd refer you to one of the
13 medical professionals that you'll talk to, but
14 certainly you would identify, to the best of
15 your ability, where you have the potential for
16 coal tar pitch volatiles in the work
17 environment, what routes of entry are involved,
18 what jobs or tasks and job classification you
19 know, so that brings it down to the employee
20 level, what were the jobs or tasks that were
21 done and what were the exposure levels for those
22 specific jobs or tasks, how frequently they were
23 done, so you could characterize the exposure
24 accurately.

25 At some point you, based on her

♀

00207

1 employees worked over their work history, what
2 exposure levels they may or may not have had to
3 coal tar pitch volatiles. What their their
4 medical history on preemployment, during
5 employment, showed of the different, you know,
6 physiological exams, blood tests urine tests are
7 et cetera, et cetera, and then, you know, you
8 would track and monitor those exposures
9 medically going forward to see if they showed
10 any early signs other what I call indicators,
11 medical people may refer to 'em as markers, for
12 certain things that would flag you that they may
13 be predisposed to the potential for bladder
14 cancer or having some other, you know, marker
15 that would say they were potentially developing
16 symptoms that might alert you to an issue that
17 you could actually intervene and perhaps
18 counteract the progression of some, you know,
19 potential illness, that sort of thing.

20 But, I mean, there's a protocol for
21 it, you could certainly refer to it and I'm not
22 a medical profession and that's about the best
23 layman's description I could give you.

24 Q. Is it Alcoa's position that bladder cancer, the
25 progression of bladder cancer, can be blunted or

♀

00208

1 stopped if the intervention is done early
2 enough?

3 MR. FOUNTAIN: Objection, form.

4 A. The requires, you know, really a medical
5 professional to give you the best answer, but
6 it's my understanding that certainly that's why
7 we're monitoring retirees for that potential, is
8 there is some marker where there's an
9 opportunity to intervene. The success or the
10 ability, you know, the what do you want to call
11 it, the success rate of that, I don't know.
12 Again, I'd refer to the medical professionals,
13 I'm not qualified to answer it.

14 Q. Asbestos diseases have markers, as well; true?

15 MR. FOUNTAIN: Objection, form.

16 A. There are some indicators. Obviously, you know,
17 chest X-rays reveal some fibrosis of the lungs,
18 and so there are some indicators. I am not
19 aware of an intervention that would, you know,
20 stop the progression of an asbestos-related
21 illness, you know, certainly there are some
22 things that can accelerate the progression,
23 we've already talked about those. I'd refer
24 that to one of the medical professionals for a
25 more complete answer.

♀

00209

1 Q. Is there any other answer you wish to change?

2 A. At this time, not to my knowledge.

3 Q. Would you like to take a few minutes and step
4 outside the room and talk with your lawyer and
5 decide if you want to change any other answers?

6 A. I don't think so, I don't think that's
7 necessary.

8 Q. Okay. Have I been courteous to you at all times

9 today?
10 A. Yes, sir.
11 MR. McNULTY: Okay. Thank you very
12 much for your time, Mr. Shockey, this deposition
13 is over from my end.
14 Bill, are you reserving?
15 MR. FOUNTAIN: I've got a few
16 followups, I'll reserve the rest.
17 MR. McNULTY: Okay.

18 - - - -
19 CROSS-EXAMINATION
20 - - - -

21 BY MR. FOUNTAIN:
22 Q. Mr. Shockey, I wanted to ask you, you were
23 talking earlier in response to Mr. McNulty's
24 questions about air monitoring and sampling that
25 won't at Alcoa; do you recall that testimony?

♀
00210

1 A. I do.
2 Q. And with regards specifically to those questions
3 that had to do with what air monitoring or
4 sampling may have been done in the '50s and
5 '60s, do you recall that line of questions --
6 A. I do, I recall that.
7 Q. -- am I correct, sir, that to the extent that
8 there was monitoring or sampling done in the
9 '50s and '60s, that that would have been for
10 nuisance dust; is that correct?
11 A. Nuisance dust or what they called mineral fibers
12 at the time, that would be my understanding,
13 yes.
14 Q. All right. And are you aware at Rockdale, for
15 instance, or say at any other plant, where the
16 testing was done specific for asbestos fibers,
17 you know, in that connection?
18 A. During that time frame?
19 Q. Yes, sir.
20 A. Not that I can specifically recall.
21 Q. And then with regard to the air mop touring that
22 was specific for asbestos, have you seen
23 evidence of that having been done by Alcoa
24 follow OSHA?
25 A. Yes, following OSHA, you know, I have seen

♀
00211

1 evidence of that specific to asbestos as the
2 contaminant of concern or the material of
3 concern.
4 Q. And I know you've also testified that with
5 regard to the marinite at Vernon, that there
6 were some situations where asbestos was tested,
7 or sampled, prior to OSHA; correct?
8 A. That's correct.
9 Q. All right. But other than that, just as a
10 routine or as you understand a routine air
11 monitoring and sampling was done after OSHA came
12 out?
13 A. That's true.
14 Q. All right. And you're not aware of any routine
15 air monitoring or sampling that was done
16 specific for asbestos prior to OSHA; is that
17 right?

18 A. Not that I recall.
19 Q. All right. And with regard to asbestos surveys,
20 you were asked a few questions, I want to make
21 sure I understood what you were saying there.
22 with regard to the surveys as to where asbestos
23 was and where it might be used, are you
24 referring to the surveys that you looked at in
25 this case in the 1970s and on?

♀

00212

1 A. Specific to Rockdale in particular or --
2 Q. No, just specific to Alcoa plants.
3 A. Yes.
4 Q. You were also asked some questions about
5 Dr. Mark Cullen?
6 A. Yes.
7 Q. And you know Dr. Mark Cullen?
8 A. Do I know Dr. Mark Cullen.
9 Q. Is it your understanding that when he was
10 contracted to do some work for Alcoa that he was
11 an employee of Yale University?
12 A. Initially, yes, he was an employee of Yale
13 University.
14 Q. And who is he an employee now of?
15 A. To the best of my knowledge he's employed by
16 Stanford University.
17 Q. Okay.
18 Q. And as I another relationship, he was a
19 consultant, a medical consultant that Alcoa used
20 from time to time to do various projects; is
21 that right?
22 A. That's correct.
23 Q. And there was a period of time of about two
24 years where he reported to you, and then who did
25 you then report to in Alcoa?

♀

00213

1 A. The period of time that I was the director of
2 health and safety I reported to Bill O'Rourke,
3 who was the vice president of environmental
4 health and safety for Alcoa.
5 Q. And who did Mr. O'Rourke report to?
6 A. Mr. O'Rourke reported to, during that two-year
7 time frame, our CEO.
8 Q. And with regard to the other time periods when
9 Mr. -- or Dr. Cullen was not reporting to you,
10 do you recall who he did report to?
11 A. Yes, I'll give you my best recollection, my
12 first awareness of Dr. Cullen as a resource, a
13 consultant that was used, was in the tenure of
14 Dr. Jaffe. He actually introduced us to
15 Dr. Cullen. Dr. Jaffe was the corporate health
16 director, so he had medical and industrial
17 hygiene reporting to him.
18 Q. And how about after Dr. Jaffe?
19 A. Dr. Jaffe left the organization, I was no longer
20 in Pittsburgh at the time but my understanding
21 of that reporting relationship during that time
22 frame was that Dr. Cullen either reported to
23 Jose Terragano, who was the EHS director for the
24 company, environmental health and safety, or he
25 reported to Bob James, whoever the chief

♀

00214

1 toxicologist, occupational health manager for
2 the company, who reported to Mr. Terragano, who
3 reported to, I think it was the vice president
4 of EHS, or vice president of EHS audit and
5 compliance, who reported to the CEO, as I
6 recall.

7 Q. Dr. Cullen has testified in this case that he
8 was hired by Paul O'Neill; who is Paul O'Neill?

9 A. Paul O'Neill is a retired Alcoa CEO, so at the
10 time Paul O'Neill was our CEO from somewhere
11 from '87 time frame, I think, to around 2000,
12 not exact dates, rough dates.

13 Q. Dr. Cullen also testified that it was his
14 understanding as to the reason Paul O'Neill
15 hired him was -- he used the word scoundrel, but
16 it had to do with having opinions that might rub
17 edges of companies or corporations and that was
18 why he was retained, because Paul O'Neill was
19 such an advocate for safety; is that your
20 understanding of his xxx --

21 MR. McNULTY: Object to the form of
22 the question.

23 A. I don't know the details of any discussion
24 with -- between Paul O'Neill and Dr. Cullen and
25 how that came about, but I know that after

♀

00215

1 Dr. Jaffe left of the organization Dr. Cullen
2 remained as a consultant for the organization,
3 as I just described the previously reporting
4 relationships. Certainly during the O'Neill
5 tenure as CEO environmental health and safety
6 certainly was in a high and forefront position
7 in lots of dialogue. Paul was a very committed
8 CEO, intentionally interested in moving the
9 organization forward when it came to
10 environmental health and safety.

11 Paul's style was such that it would
12 not surprise me that he would select somebody
13 who is an independent thinker with independent
14 views that may not be the mirror views of the,
15 you know, the profession in our organization or
16 the historical aspects of the organization. I
17 think those are important views to have to keep
18 the organization balanced.

19 I certainly benchmark with other
20 companies, have discussions, participate in
21 panels with leading thought thinkers in the
22 safety area, many of which I don't agree with on
23 every aspect what have they say, but I think in
24 general, the sum of the parts makes for a better
25 whole when you have that kind of dialogue and

♀

00216

1 debate, especially on complex issues or
2 emerging-type issues, and it's always good to
3 get other perspectives. I enjoy the same sort
4 of frank dialogue with xxx steelworkers in the
5 safety areas and have exchange with those folks,
6 as well, periodically on views on different
7 issues. So I think Dr. Cullen {TPWHRAUT} from a
8 medical community perspective, somebody who had,

you know, reasonable respect from the profession that he's in. Had views that, at times, were, I think you used the word maybe contentious, or he did -- or difficult or challenging; I think those are healthy views to have in a debate on issues that sometimes are scientific knowledge are and don't have a clear black and white conclusion.

So I don't know if I answered your question very effectively or not.

Q. No, I appreciate that.

MR. MCNULTY: Object to the nonresponsiveness.

BY MR. FOUNTAIN:

Q. Has Dr. Cullen ever been a something something of Alcoa?

A. No.

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00217

Q. Of Alcoa? Check check)

A. No.

Q. Did Alcoa ever confide management of the whole of its organization or any department or division to Dr. Cullen?

A. Not to my knowledge, no.

Q. You mentioned unions; what has been your experience with regard to the union's involvement at the plant levels of Alcoa (check confide management)

A. You know, and I can speak to a couple different unions, obviously, if we talk about the -- some of the examples that we discussed here earlier, the united steelworkers, certainly represented the workforce at Point Comfort. Also represented the workforce at Rockdale. We have the aerospace and machinists workers, they may have different names now, early on we had the aluminum glass and brickworkers, they're now with the steelworkers. We have the IBEW in a number of our plants (check check (so I, I mean, labor is, you know, diversely represented by the facilities. Alcoa has in the U.S. also internationally (no period) Australia, Canada obviously have -- Europe, has union

♀

00218

representation, but not all of our facilities are unionized, either.

Q. All right.

MR. MCNULTY: Object to the nonresponsiveness.

BY MR. FOUNTAIN:

Q. Has it been your experience at Alcoa that at the plant level, that they have their own industrial hygiene or safety and health committees?

A. Yes. I mean, generally, let's take the steel work {E} plants, for example, you know, by contract, and for as long as I've worked at Alcoa, and at least based on what I know from locations that I've worked that were part of the steelworker contract, for a number of years, you know, predating when I joined the company in 1980, there was a pretty active joint safety and

health committee in those types of facilities, by contract, in many cases. Typically equal number of management representatives, an equal number of labor representatives, the union safety committee members, so forth, generally co- chaired by somebody appoint by the union generally the safety manager or you may, I like to rotate line managers into the co-chair so

00219

that, you know, they're sitting there as the management leader and I'm there as the consultant type of person for the entire group. But, you know, they would function on a plant level.

Hygiene would in some cases had separate committees, like an industry hygiene commit, they might call it an environmental control or a environmental health committee, and safety, safety dealing with the acute injury potential, physical hazards generally, health, hygiene environmental dealing with, you know, air issues, noise, chemical exposure, potentials, that sort of thing. And there's certainly evidence that those committees existed and were active, you know, in the early, in the '70s time frame, maybe even earlier, but certainly from my experience, you know, I've seen, you know, testified that they were active in the '70s.

Q. And did you see them --

MR. MCNULTY: Object to the responsiveness.

BY MR. FOUNTAIN:

Q. Were they also active at Point Comfort in the

00220

1980s when you were there?

A. Oh, they were absolutely after I at Point Comfort in the 1980s when I was there.

Q. Can you give me an -- how they would deal with them at the plant level (check check (12346789.

A. We'd meet monthly (check check). We would generally pick a department, the union co-chairman and myself would pick a department and by contract would tour the department, talk to individual employees about safety issues, safety concerns, in some cases, pretty good union co-chair, he would help on the front end by maybe making a trip or two to the departments, the various departments in the plant a week or two before the meeting, talk to the departmental safety representatives, see if they were having any issues that may or may not be getting resolved, any concerns.

If there were issues that, you know, let's say one particular department maybe was having at trouble moving the ball on something we might pick that department to go do our tour through. We generally tour the department safety rep and the area supervisor for that department. We'd walk around, we'd look for

00221

1 potential hazards. We'd talk to employees about
2 the safety program, safety processes.

3 We'd identify any potential
4 noncompliance with, in this case, typically MSHA
5 regulations, typically things like that, so it
6 was kind of a boots on floor exercise prior to
7 the meeting, then we'd come into the meeting, we
8 typically had old business, we'd check on that,
9 check on followup. We'd discuss then new
10 business and we might share some information,
11 you know, if something new came out, a new
12 requirement and we had a rules committee, so
13 when we developed in-plants rules that was a
14 joint effort, as well, so we'd have a subgroup
15 that would be part of the safety and health
16 rules committee that would kind of define the
17 safe work practices or we might have a project
18 where they'd look at a particular type of
19 situation we had in the plant that had potential
20 hazard and we might assign a time to problem
21 solve that, come back and give us a report or an
22 investigation, tell us what they recommend,
23 again, joint efforts.

24 If we had new personal protective
25 equipment we were going to trial in the plant

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00222

1 we'd probably raise that issue. If we had done
2 any industrial hygiene sampling between the time
3 of the previous meeting this and meeting we
4 generally reviewed the results. Generally, the
5 plant safety co-chair and I would review those
6 results first before I ever communicated the
7 results back to the department and to the
8 individual employees. We'd sit down and talk
9 about it and then we'd also talk about 'em in a
10 general sense of hey, we took X number of
11 samples in the bauxite raw materials area, we
12 took ten samples. We don't give 'em individual
13 sampling results unless the employee gives us
14 permission, so generally, we'd say we took ten
15 samples, we found one or two folks that we
16 certainly need to talk with them about the work
17 method they were using, they were wearing
18 respirators, et cetera, so we'd have those kind
19 of discussions on a general scale, on a specific
20 scale for sampling that we completed, that was
21 my practice there with the union co-chair when
22 we took the samples and, you know, then we'd
23 communicate to the supervisor, and also to the
24 individual employees who wore the pumps, noise
25 meters, whatever.

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00223

1 Q. And with regard to the --

2 MR. MCNULTY: Object to the
3 nonresponsive portion.

4 BY MR. FOUNTAIN:

5 Q. With regard to the United Steelworkers' union,
6 did those members take an active role in the
7 committee?

8 A. Absolutely.

BY MR. FOUNTAIN:

Q. And did you, from time to time, have federal or state regulators into the plants?

A. Yes.

Q. Can you tell us about that?

A. At Point Comfort, because of the wait plant was built and the different areas, a portion of the plant came under MSHA, a portion of the planned are plant came under United States Coast Guard, a portion of the plant came under the Texas Railroad Commission, another portion of the plant came under OSHA. And then we used what we called sealed-source -- sources, little pellets, sealed-source radiation to measure flow and density in pipelines, and so that triggered Texas Department of Health radiation safety

00224

inspectors, so I had, probably, more inspection health than a little bit back then {STHFPLT} check that)

Q. Do you know which of those agencies or regulators would have been in the Rockdale plant?

A. Rockdale plant well, for sure, during the ten year that we owned and operated the mine, MSHA. OSHA, for, you know, the time period from when OSHA came into effect and Rockdale was operating.

Texas Department of Health, I would assume, given the cafeteria service onsite, the probability that they probably used some of the same sealed-source meters like we did to detect flow in tanks or vessels, the Texas Department of Health.

Let's see, MSHA, OSHA, Texas Department of Health -- Texas Railroad Commission, because the Rockdale, {SAPB} daily and Southern Railroad also ran at Rockdale, Point Comfort we had Point Comfort more from an environmental standpoint but certainly had good, you know, air emissions would be another one.

Those are examples, I don't know that

00225

I've had it 'em all but --

Q. Okay. Let me ask you one last area, you've been asked a lot of questions today about asbestos in the plants and, you know, specifically to Rockdale; what other hazards, health hazards, safety hazards, were the plant officials and superintendents and whatnot, confronted with?

A. That could be, you know, it's kind of like we said, we talk about things evolve, it's a journey, but certainly at a smelter you're going to have a lot of high voltage because of the nature of the smelting process requires, you know, substantial amount of electricity.

Q. Electrical voltage?

A. Yeah, so when I say hi voltage we're talking like overhead power line high voltage potential like your utility companies deal w certainly a

significant potential. Of course we have a lot of mobile equipment at the mine, bulldozers, haul trucks that you can tip 'em over, you can roll 'em over, and certainly, you know, those have potential.

We had trucks that -- crews' trucks and things that would be hauling molten metal, cranes that would can handling large ladles of

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00226

molten metal. Then we had the casting process, which we talked about, you know, that involves direct chill casting aluminum with water and aluminum, you know, comes in a molten form when you cast, so you're putting it in a holding furnace or you bring it in the pot rooms in a molten form. You're using water to chill it, and direct chill, it's passed through a mold that gives it its shape and of course that mold is where we talked about the technology of cooling and chilling that mold such that it freezes the metal. If that doesn't happen, if you have problems with the header or the mold you can have a bleedout. Water expands at a rate of about 1600-, 1700-to-one, and you can have a molten metal water explosion that's going to shatter the metal out of the pit xxx check check) stepping in pots, which, you know, they're at 900 degrees, see the cryolite in those pots.

You've got -- I mentioned cranes. We've got combustion systems, large scale combustion, as well as natural gas in the combustion system, you know, that's firing the pot, firing the furnaces. So you've got all

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00227

kinds of safety issues with explosion potential from natural gas.

We also had an atomizer at that facility, it made powder that powers the Space Shuttle, and things like that, it's a propellant, it's an explosive dust, so we had that issue at Rockdale.

From a health standpoint, we also mentioned coal tar pitch volatiles, we've mentioned the potential application of asbestos-containing materials in some of those situations.

You have fluoride xxx emissions in the pot room that are both an environmental concern for vegetation, and so forth, outside the pot rooms, and HF gas or emissions from the pots that you have to control. HF gas can be irritant, can have some significant health effects if not properly controlled.

Q. What other chemicals that you can think of?

A. Other chemicals in a smelter? well, you certainly have, you know, carbon dust, it doesn't have a really huge health issue. You've got some silica, perhaps, in refractories. I mentioned coal tar pitch volatiles, HF. Yeah,

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00228

1 that's, I think -- I mean, you've got noise,
2 obviously, a lot of ergonomic strain/sprain
3 potential.
4 Q. I don't know if you were asked this question or
5 not, but what is your current position at Alcoa?
6 A. My current position at Alcoa is corporate
7 director of safety.
8 Q. And how long have you had that position?
9 A. I've had that position, in part, in 2006 I
10 actually was the North American safety director
11 and did double duty as the corporate safety
12 director in function but not in title or job
13 promotion.
14 In 2007 I actually became the
15 full-time corporate safety director until, I
16 think it's 2009. You know, we kind of had this
17 economic crunch in the world and it just
18 happened to coincide with the time when Bob
19 James, who was our corporate health director,
20 retired, and so they asked me to, you know, step
21 in as an interim person to, really, be the
22 director of safety and health until they found a
23 candidate.
24 I suspect they were looking, perhaps,
25 for a candidate from the outside, may not have

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00229

1 identified a candidate from the inside. We had
2 a candidate from the inside that I think is
3 certainly capable of that role but was in
4 another role and not available at the time that
5 -- I suspect they didn't have a ready-now
6 substitute for the role he was in.
7 So now in, let's see, like January or
8 February, I guess it's of 2011, somewhere in
9 that time frame -- I'm starting to lose track,
10 after 32 years, of exact dates -- we
11 reinstituted the full-time health director's
12 role as conditions improved, and that individual
13 now has the health director's role. We also
14 have an environmental director and now I have my
15 original role as safety director.
16 Q. And the new health director, who is that?
17 A. Haig Sakoian.
18 Q. And did you know Haig Sakoian prior to him
19 becoming the health director?
20 A. Yes.
21 Q. And how far does that relationship go back?
22 A. Well, Haig was here before I was, I can't tell
23 you the exact year Haig and I became acquainted
24 but I'm sure it was probably sometime in the
25 early '80s.

♀

00230

1 Q. Do you know where he started in Alcoa, or what
2 his position was?
3 A. Haig started, I think, in the corporate safety
4 staff as an industrial -- or health and safety
5 staff as an industrial hygienist.
6 Q. Is your position then parallel to his, you're
7 safety and he's health?
8 A. That's correct.

- 9 Q. And prior to that you had been health and
10 safety?
11 A. That's correct.
12 MR. FOUNTAIN: Okay. Mr. Shockey, I
13 believe that's all I have, thank you.
14 THE WITNESS: Okay.
15 MR. McNULTY: Mr. Shockey, I've got
16 maybe ten minutes just to add on to that. Are
17 you good to continue right now or do you want to
18 take a break or do you want to just keep going,
19 do you want me to just jump right in?
20 THE WITNESS: Yeah, just go ahead.

21 - - - -
22 REDIRECT EXAMINATION
23 - - - -

24 BY MR. McNULTY:

- 25 Q. Are you offering testimony that Alcoa followed

♀
00231

- 1 the proper air testing protocols after OSHA in
2 the 1970s?
3 A. Am I offering testimony that Alcoa follows the
4 proper air protocols?
5 Q. Yes, sir.
6 A. That would require me to be an expert in the air
7 protocols, which I'm not. I can offer testimony
8 that we followed the protocols that were given
9 to us by our industrial hygiene laboratory at
10 the Al key technical center.
11 Q. Okay. And what's the basis for that testimony?
12 A. Because I was here in 1980.
13 Q. Okay. Now, prior to 1980 when you were present
14 and have personal knowledge did you have any
15 personal knowledge that Alcoa followed proper
16 air testing protocols after OSHA in the 1970s
17 (may have been do you you have)
18 A. Personal knowledge, no.
19 Q. Do you have corporate knowledge that Alcoa
20 followed proper air testing protocols follow
21 OSHA in the 1970s?
22 A. Not that I can say without maybe having the
23 ability to review additional documentation one
24 way or the other.
25 Q. You don't have an opinion right now as to

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00232

- 1 whether or not Alcoa did or did not follow
2 proper air testing protocols following OSHA in
3 the 1970s; true?
4 A. True.
5 Q. Okay. You've asked some questions to suggest
6 Dr. Mark Cullen is independent (that's what he
7 said) and has a rogue streak; I'm going to ask
8 you some questions with with Paul O'Neill now,
9 okay?
10 A. Okay, but let me clarify, I didn't say Mark
11 Cullen had a rogue streak, think he said that.
12 MR. FOUNTAIN: I was describing how
13 Dr. Cullen described himself.
14 BY MR. McNULTY:
15 Q. Okay. Paul O'Neill was in the Bush
16 administration; true?
17 A. True -- let's see, which Bush. You know which

18 one; right?
19 Q. Yes.
20 He left Alcoa and became the
21 Secretary of the Treasury; true?
22 A. True.
23 Q. He was fired as the secretary of the treasury
24 after a year; true?
25 MR. FOUNTAIN: Objection, form.

♀
00233
1 A. I don't know if he was fired or re-he signed.
2 Q. Okay. Paul O'Neill was also chairman of the
3 Rand Corporation; true?
4 A. I don't know if Paul's been chairman, I know
5 he's a member of the board.
6 Q. Okay. What is the Rand Corporation?
7 A. Rand Corporation is, to my knowledge and, you
8 know, you can like the up on the Internet, but
9 it's an independent organization that conducts
10 public policy research in different areas, a lot
11 of broad different areas. You know, I'm a
12 member of their health and safety advisory board
13 with John Howard, who's the director of NIOSH,
14 and Mike Wright who's with the U.S. Steel
15 workers and constant baker, who's with the
16 California commission on workers' compensation
17 and safety, think it's called. Do you need
18 more? I mean --
19 Q. No, I was just asking what is your understanding
20 of what the Rand organization does or what it
21 is. It's a think tank; true?
22 A. That would be a good characterization.
23 Q. Okay. Paul O'Neill, after he was fired by the
24 Bush administration, characterized the Bush
25 administration as, quote, a blind man in a room

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00234
1 full of deaf people; true?
2 MR. FOUNTAIN: Objection, form.
3 A. I don't know how he characterized 'em.
4 Q. Did you -- do you have a copy of his book, the
5 Price of Loyalty?
6 A. Do I have a copy of his book, I haven't read the
7 book completely.
8 Q. Okay. How did you get a copy of his book?
9 A. I want to think one of our folks in the office
10 got a couple copies, went over, had Paul
11 autograph 'em and came back and gave 'em to a
12 couple of us, and I happened to be one that she
13 gave 'em to.
14 Q. You have an autographed copy of a book your
15 former boss wrote but you haven't right; true?
16 A. True. I have the audio version, too, so I've
17 listened to the audio version but I haven't
18 paged through the entire book.
19 Q. Okay. Have you listened to the entire audio
20 version?
21 A. I think so but I don't recall for sure.
22 Q. Okay. You have two copies of Paul O'Neill's
23 book, the Price of Loyalty, one is an audio
24 version which you listened to and the other is
25 an autographed copy; true?

♀

00235

- 1 A. True.
2 Q. Okay. Alcoa Rockdale has received OSHA
3 violations for excessive asbestos exposure to
4 its workers in the 1970s; true?
5 MR. FOUNTAIN: Objection, form.
6 A. I don't specifically recall if they were for
7 asbestos or not. I know there's some citations.
8 You'd have to show me the actual document
9 something something in other depositions --
10 A. Can you repeat it, we lost your voice.
11 Q. Sure. Have you been asked about Alcoa's --
12 Alcoa Rockdale's OSHA violations in other
13 depositions?
14 A. Alcoa Rockdale, specifically?
15 Q. Yes, sir.
16 A. Or Point Comfort?
17 Q. Rockdale.
18 A. Okay.
19 Q. Do you know what 29 CFR 1910.1000 subsection C
20 governs?
21 A. 1910.1000 subsection C, I'd have to look it up,
22 but I believe it's nuisance dust.
23 Q. That's correct.
24 Nuisance dust in excess of the eight
25 hour time-weighted average. Do you know if

♀

00236

- 1 Alcoa Rockdale has received OSHA violations
2 concerning nuisance dust in excess of the eight
3 hour time-weighted average?
4 MR. FOUNTAIN: Objection, form.
5 A. I seem to recall, and this may be the document
6 you're referring to, something around bath
7 crushing operations with a front-end loader, is
8 that --
9 Q. I'm not sure, but my point is you are familiar,
10 or at least it sounds familiar to you that Alcoa
11 Rockdale has received OSHA violations for
12 asbestos; true?
13 MR. FOUNTAIN: Objection, form.
14 A. Sounds familiar. Nuisance dust and asbestos,
15 you know, there are other nuisance dusts other
16 than asbestos; can you read the specific
17 citation?
18 Q. Sure. Nuisance dust can be lots of things,
19 including asbestos; true?
20 A. True.
21 Q. Alcoa has at least four plants in Texas, or had
22 at least four plants in Texas, one in Palestine,
23 one in Marshall, one in Rockdale and one in
24 Point Comfort; true?
25 A. True.

♀

00237

- 1 Q. Have I listed all of Alcoa's major facilities in
2 Texas?
3 A. In 1970?
4 Q. At any time. I mean, has Alcoa had more plants
5 than that that they shuttered.
6 A. No, we have more current plants in Texas that
7 aren't on the list you describe (check that)
8 Q. What is the highest number of Alcoa plants that

9 it's had in Texas?

10 A. At any one time?

11 Q. Yes, sir.

12 A. This is going test my geography, five, six? I'm
13 trying to think in if Texarkana is in Texas or
14 Arkansas, I can't remember which side of the
15 river the Texarkana plant is on but I think it's
16 five or six at any one time.

17 Q. At one time Alcoa has had five or six different
18 plants throughout Texas; true?

19 A. Approximately five or six, yes.

20 Q. You live outside of Pittsburgh; true?

21 A. True.

22 Q. Do you ever go eat at restaurants in Pittsburgh?

23 A. Yes.

24 Q. Does Pittsburgh or Pennsylvania have food safety
25 inspectors?

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00238

1 A. Yes.

2 Q. Because Pittsburgh or Pennsylvania has food
3 safety inspectors, did does that mean that every
4 restaurant kitchen in Pittsburgh is clean?

5 A. No 69 pass the witness.

6 MR. FOUNTAIN: I'll reserve the rest
7 of my questions, thank you.

8 MR. MCNULTY: Mr. Shockey, thank you
9 very much for your time. I need to talk -- this
10 deposition is over, we can go off the record.

11 VIDEOTAPE OPERATOR: The time is now
12 4:14 p.m., we are off the record.

13 - - - -
14 (There was a discussion off the record.)

15 - - - -
16 (The proceedings were concluded at 4:14 p.m.)
17 - - - -
18
19
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25

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00239

ROUGH DRAFT

1 The stenographic notes taken in the within
2 proceeding have been translated instantaneously into
3 their English equivalents through a computerized
4 process called translation.

5 A rough draft, in ASCII format, is available to
6 all counsel on a diskette or by e-mail. The text
7 produced of these proceedings, as well as the rough
8 draft ASCII transferred onto a diskette, is unedited
9 and uncertified, and may contain untranslated
10 stenotype, misspelled proper names and technical
11 words, occasional reporter's notes, and/or
12 nonsensical English word combinations. These will be
13 corrected on the final Certified transcript upon its
14 delivery to you in accordance with our standard
15 delivery terms, or on an expedited basis, as
16 requested.

Shockey Jeffrey (Rough Draft).txt

This rough draft is intended only for the
purpose of augmenting counsel's notes and is not
intended to be used or cited in any court proceeding
as representing a final edited and proofread
transcript.

April 20, 2012

Catherine C. Leverty
Court Reporter, Notary Public