

1 thought about asbestos 40 and 50 years ago.
 2 Now, this case isn't about mines or mills.
 3 None of the gentlemen whose cases we are trying here
 4 today worked as a miner or worked as a miller.

5 Two of the gentlemen worked with or around
 6 brake linings. And Mr. Vandergucht worked as a
 7 plasterer using certain asbestos-containing products
 8 in working on industrial jobsites where other products
 9 were also in use.

10 So what we are really talking about here is
 11 finished products. So the next question that we have
 12 to ask is, when did doctors and scientists start
 13 studying the people who used these finished products,
 14 these finished insulation products.

15 Now, the thermal insulation product that my
 16 client made, Kaylo, that you heard about this morning
 17 is known as a hydrous calcium-silicate product. And
 18 it contained asbestos as a binder to hold it together
 19 and to withstand high temperatures.

20 We are talking about pipes that have liquids
 21 and gases in them that can be 1,000 degrees or 1,800

1 degrees.

2 Just to put that in perspective, when water
 3 boils, which we all know is pretty hot and we don't
 4 want to put our hands over it, that is 212 degrees
 5 Fahrenheit.

6 So we are talking about really high
 7 temperatures and specialized products here. That is
 8 what we have to look at is the finished products.

9 Well, the first large-scale study that was
 10 done in the United States by people who are working
 11 for the government was published in 1946. And it was
 12 done by these two gentlemen, Fleischer and Drinker.
 13 And they did the study during World War II in
 14 shipyards. There is a lot of active shipyards because
 15 of the war effort back there.

16 What they did is, they went to four
 17 shipyards. Two of them were naval shipyards, and two
 18 of them were government contract yards. And they
 19 studied the insulators that worked there, and they set
 20 minimum safety standards that applied in shipyards
 21 where asbestos-containing products were used.

1 It was published for all of the world to see
 2 in 1946. And it was entitled, A Health Survey of
 3 Pipecovering Operations in Constructing Naval
 4 Vessels.

5 What they did was, they studied these over
 6 1,000 insulators, the hands-on guys, the guys who
 7 actually took the pipe and the block and mixed the
 8 cement and applied it onboard ships.

9 The first thing they found was, you know,
 10 gosh, these guys don't work with this stuff eight
 11 hours a day, five days a week. Their use of the
 12 product is intermittent.

13 And that is where we get into the peaks and
 14 valleys that I talked about earlier.

15 What they did to study this question was,
 16 they took dust counts in shipyards; they said, what
 17 are the levels of asbestos that people are being
 18 exposed to.

19 And they found that, generally, these dust
 20 counts were below the then accepted TLV of five
 21 million particles per cubic foot of air.

1 They also went out and X-rayed all of these
 2 workers, all 1,000 of them, to see if the people that
 3 were actually using these products were getting sick.

4 What they found was that three out of the
 5 1,076 people had asbestosis.

6 So what they concluded and published, in
 7 1946, was that .29 percent of the people got
 8 asbestosis. And they found that, based on this,
 9 pipecovering was not a dangerous occupation.

10 By the way, what we are talking about here
 11 are cancer cases, mesothelioma cases. You won't find
 12 anything in the Fleischer-Drinker study that anyone
 13 was getting cancer, and that is what was published.

14 Now, Fleischer-Drinker was the only
 15 large-scale study of people who used these insulation
 16 products that was published in the United States
 17 during the time period that Owens-Illinois
 18 manufactured Kaylo.

19 Now, I suspect that the plaintiffs' experts
 20 will come into this courtroom, sit in the witness
 21 stand and criticize and challenge the Fleischer-