

FILE NAME: Synkaloid (SYN)

DATE: June 17, 1987

DOC#: SYN032

DOCUMENT DESCRIPTION: 1987 Legal - Summary of deposition of Sidney J. Burgesons

J. Burgison Lepo 1987

He's 81, started w/Synkaloid as  
production manager in 1955 over 40-50  
not over 100 employees in 8 plants. people.

He required people exposed to ash dust  
to wear respirators in 1955, as dust.

Mr. Weck, owner & president, died in 1985

Ash ordered in rail car loads, ~\$1/mo.  
40 ton loads

Became VP/Gen Mgr. in 1963 or 1964

No education beyond high school, no  
safety training

OSHA visited Compton plant

Synkaloid made 15 ash prod. + 30 N-A prod.

Synkaloid bought by Baltimore Paint & Chemical  
~1967, some relation to Mirala, too.

Summary of Sidney J. Burgesons Deposition taken June 17, 1987

- 18 18-9 17 Subject is Mr. Sidney J. Burgeson. Subject grew up in Chicago and graduated from High School in Grovertown Indiana in 1924. Subject was 81 years old at the time of this deposition.
- 9 20-10 17 Subjects first job was with International Harvester in Chicago between 1924 and 1928. Subject was a general laborer and later an assistant electrician.
- 10 19-11 23 In 1928 subject went to California and worked for the Reardon Company, where his first job was as a weigh-man. Subject was responsible for weighing major chemicals. Subject did not work with any hazardous chemicals. Subject worked for the Reardon company until 1955 a total of 27 years. Subject left the company for personal reasons.
- 12 1-25 In 1955 subject went to work for the Synkoloid Company in East Los Angeles. At that point Synkoloid manufactured "sundry products" such as dry wall products, paints, spackling, and joint compounds. Subject believes that the Synkoloid Company was created in 1939 in Los Angeles California.
- 13 1-14 16 Subject states that by 1955 Synkoloid was manufacturing asbestos containing products. In 1955 subject was the General Production Manager for Synkoloid responsible for supervising all six of the Synkoloid plants. These plants were located in Los Angeles, Seattle, Chicago, Fort Wayne, Patterson and New Jersey. Subject had what he calls nominal safety duties. Subject defines these duties as ensuring that the company policies were being followed. These policies included the requirement that operators, mixers and fillers wore respirators.
- 14 19-15 24 Subject states that mixers and other people working with Synkoloid products were to some degree as early as 1955, exposed to asbestos dust. Subject states that Synkoloid manufactured products containing many powders such as calcium carbonate, plaster, cement both white and grey and silica. As a result Synkoloid personnel were exposed to the irritating effects of dust. And it was for this reason only that certain employees were required to wear respirators.
- 15 25-17 13 Subject states that in 1955 Synkoloid did not have any specialized training regarding the safety aspects of production. Subject states that in 1955 Synkoloid had no knowledge regarding the dangers related to asbestos. Subject states that Mr. Weck would have been the one most knowledgeable about the safety aspects regarding Synkoloid products in the 50s

and 60s. Mr. Weck who is deceased was at one time the President of Synkoloid.

17 15-20 2 Subject states that in 1955 Synkoloid was manufacturing asbestos products at all of their plants. Synkoloid would receive their asbestos in train carloads, each carload would contain 80 thousand pounds. The asbestos came packaged in either 50 or 100 pound paper bags. Subject is unsure as to the amount of asbestos Synkoloid was using at any one time, asbestos requirements varied from plant to plant. Synkoloid purchased its asbestos from a Johns-Manville facility located in Canada.

20 3-24 Subject does not know how many asbestos containing products Synkoloid was producing in the 50s.

21 1-13 Subject as production manager was not responsible for product safety. Subject contends that product safety was Mr. Weck's responsibility. In the 50s subject did not talk to anyone regarding the potential hazards associated with exposure to asbestos.

22 3-23 9 Subject was responsible for the individual safety of the 40 or so people he supervised as head of production. Subject again states that it was company policy to require individuals who worked around dust generating compounds to wear respirators.

23 10-25 17 Subject became Vice-president and General Manager of Synkoloid in 1963 or 1964. Subjects duties included safety indirectly. Subject states that questions regarding asbestos containing products and any possible associated health risks should indeed have come to him. Subject remained as Vice-president and General manager of Synkoloid until he retired in 1978.

25 19-26 3 Ten months after retirement subject went back to work as the Director of Special Project for the W.W. Henry Company.

26 7-18 Subject states that prior to joining Synkoloid in 1955 he had recieved no specialized training regarding safety. Subject does not remember receiving any specialized training regarding safety during his employment with Synkoloid.

27 1-32 4 Subject agrees that products should be tested to ensure that they are safe prior to being released to the public. Subject states that products were tested by the laboratory under Mr. Weck's supervision to ensure they were safe to use. Subject states that he had no knowledge of what types of tests were conducted on asbestos containing products to ensure that they were indeed safe. Mr. Weck never produced reports to or conducted discussions with subject regarding whether or not asbestos containing products were safe. Subject states that Synkoloid products were tested regarding performance, but to his knowledge

they were not tested to ensure that asbestos containing products were safe regarding use by the public.

32 8-33 2 Subject states that the closest medical library to the East L.A. plant was five or six miles away. Synkoloid did not hire either anyone from outside or from within the company to check the existing literature regarding the possible health aspects associated with asbestos.

33 19-25 Subject states that the first time he read anything about the possible dangers associated with asbestos was in 1974 or 75. It was a newspaper article regarding Johns-Manville.

34 1-38 1 Synkoloid was making asbestos containing products in 1955. Subject knows of no research being conducted regarding the then existing medical literature to determine wither or not asbestos containing products were safe. Again subject is not aware of the types of tests conducted by the laboratory on Synkoloid products.

38 22-40 5 Subject believes that if any research, testing or experimenting had been done by the Synkoloid company in order to determine whether or not asbestos containing products were safe, he would have known about it. Subject again states that Synkoloid did test their asbestos containing products for performance. Subject does not know why these products were not tested concerning possible health hazards.

40 7-42 15 Subject is not sure whether or not Synkoloid had a medical library in the 50s and 60s. Subject does not think Synkoloid could have afforded a medical library. Subject believes that most medical experts would not have been able to determine whether or not asbestos was dangerous as late as ten years ago, (1977).

43 1-25 Subject states that he was aware that asbestos was a dangerous material about 15 years ago (1972). Subject states that Synkoloid did nothing to determine whether or not asbestos was a dangerous material prior to 1974. Again subject states that to his knowledge no one at Synkoloid did a medical literature search conducted animal studies, or preformed any type of research or testing to determine whether or not their asbestos products were dangerous.

44 4-20 Subject states that the dangers associated with asbestos were kept a secret by the producers of asbestos until 1974 or thereabouts.

45 1-47 2 Subject states that there were a total of 40 or 50 people employed at the eight Synkoloid plants which subject had supervisory responsibility for. There were a total of about 50 Synkoloid employees.

47 3-48 17 During the entire time subject was employed with Synkoloid they did not have a medical department. Subject never saw any warning on the asbestos paper bags supplied by the asbestos manufactures. Synkoloid discontinued the use of asbestos in 1974 or 1975 because by then it was known to be a hazardous material.

48 19-50 2 Synkoloid did not warn or distribute information to their distributors indicating asbestos could be harmful to an individual's health. Synkoloid did not have a safety director. Subject agrees that under certain circumstances it is a violation of good safety practices not to test products prior to release to the general public to ensure they are safe.

52 6-54 11 Subject states to his knowledge, that during his employment Synkoloid did not have any documentation ie instructions or warnings regarding the use of asbestos containing products. Also no documentation regarding the health hazards associated with Synkoloid's asbestos products. As soon as Synkoloid removed the asbestos from their products they reprinted their packages to say "asbestos free". Subject states that to his knowledge during his employment with Synkoloid there were no interoffice communications discussing the potential hazards of asbestos. Subject states that as vice-president from 1965 on he would have seen any such memos.

54 4-55 11 Subject states that during his time with Synkoloid he did not see anything in the medical, scientific, engineering or industrial literature that mentioned that asbestos caused injury to humans or animals. Synkoloid did not advise the ultimate users of their products to protect themselves while using their asbestos containing products.

55 12-58 6 Synkoloid required their employees to wear masks and protection as a result of being exposed to high levels of dust concentration. No testing was conducted by Synkoloid to determine the amount of asbestos exposure the ultimate user would receive as a result of using Synkoloids asbestos products. Synkoloid did not put warnings on their asbestos products. Subject states that at the point Synkoloid became aware of the dangers associated with asbestos they eliminated it from their products. Subject did not see warnings on any of the other asbestos producers products.

58 8-60 14 Subject states that he learned about the dangers associated with asbestos from the news media and environmentalists. Subject agrees that to check products to ensure their safe constitutes good safety practice. Subject states that he learned of the correlation between asbestos exposure and cancer in early 1975. He discovered this correlation in an article written about Johns-Manville. Synkoloid used chrysotile asbestos in their products.

60 15-61 19 Subject has neither read nor conducted research to determine which asbestos fibers cause cancer. In retrospect

subject believes Synkoloid should have conducted this type of research prior to releasing their asbestos products to the public.

62 18-64 17      Synkoloids research department began looking in 1974 for ways to eliminate asbestos in their products. Synkoloid did not warn their distributors about the dangers associated with asbestos even after they themselves had found out. Synkoloid also did not issue a product recall of their asbestos containing products after determining they could possibly be dangerous. Subject states that no recall was issued because there was no proof that their asbestos products caused cancer.

62 18-66 1      Subject states that as of this deposition he has no knowledge that Synkoloids asbestos containing products cause cancer. He bases this conclusion on the fact that in his roughly 40 years in the business no one he knows in the manufacturing field has ever contracted cancer from asbestos. No studies were conducted by Synkoloid to determine whether or not their personnel who were being exposed to asbestos were contracting asbestos related disease.

66 2-67 14      Subject states that the Synkoloid medical records indicate that during subjects employment with the company no one quit the company due to illness asbestos related or otherwise. The Synkoloid medical records consisted of reports filed by visiting doctors, and new-hire medical checkups. Subject states that up until 1978 he had not seen any medical articles that indicated that asbestos could be harmful to an individual's health.

67 15-69 4      Subject contends that Synkoloid made little or no profit from their asbestos containing products during the 60s.

69 5-71 20      Synkoloid research department did not focus on the health aspects related to exposure to asbestos. Synkoloid did not conduct any in-house air counts to determine the levels of asbestos dust exposure. OSHA did however conduct air sampling tests at Synkoloid's Compton facility. Subject does not know where the OSHA report is. Subject has no idea how many lawsuits Synkoloid is involved in. Subject does not know how many claims have been filed against Synkoloid regarding damage caused by asbestos containing products.

71 22-73 6      OSHA conducted its test of the Compton facility sometime in the 70s, possible 78. Subject thinks the resulting report was good. Synkoloid did not use air pumps in their facilities but did use large dust collectors. Subject believes that the OSHA inspection had nothing to do with determining the amount of asbestos fibers in the air. The workers in the Compton facility during the time of the OSHA inspection were working with raw asbestos material.

73 8-74 25 Subject believes that the last year Synkoloid exposed any of their workers to raw asbestos fiber was in 1975. The people that were most likely to be exposed to asbestos in a Synkoloid facility were the mixer operators and the filler operators. Subject has no knowledge as to how many worker comp claims alleging asbestos disease have been filed against Synkoloid.

75 1-78 18 Robert Weck is the person who designed Synkoloids asbestos containing products. Subject acknowledges that Mr Weck's design of Synkoloids asbestos containing products was faulty. Synkoloid placed hoods on the mixers in order to reduce the amount of dust. Subject does not know whether or not asbestos can be present without being seen by the naked eye. Synkoloid did not conduct tests to determine whether or not unseen asbestos particles were present in their facilities. Subject states that tests were not conducted because Synkoloid did not have any evidence that asbestos was harmful. Subject believes that Synkoloid acted reasonably in relation to the distribution of its asbestos containing products.

78 19-79 7 Synkoloid did not use laboratory animals to test their asbestos products. Epidemiological studies were not conducted regarding Synkoloid facilities.

79 8-80 15 Subject believes that Mr. Weck probably began looking for an asbestos substitute prior to 1974 or 1975. Subject knows what a shelf life is. The shelf life for Synkoloids asbestos products is well over a year. Subject does not remember whether Synkoloid took any actions to discourage the use by its customers of any stored asbestos products after Synkoloid became aware of the dangers associated with asbestos in 1974 or 1975.

80 16-83 21 Subject understands that Mr. Decker was in the dry wall business and then latter he was a painter. Synkoloid manufactured 15 asbestos containing products and about 30 non-asbestos products in the 60s. The asbestos products were either powder or ready mix products. Synkoloid withdrew its asbestos products from the market in 1975. These products were discontinued as the result of a newspaper article discussing the health hazards associated with asbestos. During the 60s all eight Synkoloid facilities manufactured asbestos products. These asbestos products included a joint compound, a topping compound, a texture paint product, and a product called Triple Duty.

83 23-84 15 Subject does not know if Synkoloid conducted research to determine the number of workers comp claims filed against them alleging asbestos related diseases. Synkoloid did not employ or engage the services of an industrial hygienist.

84 16-86 6 Synkoloids research department was created in 1955 and was located in Los Angeles. The research department consisted of between 2 and 3 people. Subject does not know

whether or not anyone inside Synkoloid ever directed the research department to study their asbestos products. Subject does not believe that Synkoloid ever hired a medical professional to come in and determine whether or not their asbestos products were safe.

86 7-86 15 Subject is not sure whether any government agency other than OSHA, ever conducted air sample tests at any of the Synkoloid facilities to determine the amount of asbestos in the air.

86 16-90 7 Subject is not sure if Synkoloid upon learning of the dangers associated with asbestos ceased the production of asbestos containing products immediately. Subject states that as vice-president of Synkoloid once he learned that asbestos caused cancer, he did not order the company officials to stop producing asbestos containing products immediately. Subject states that when he left Synkoloid in 1978 he believes that they were no longer making asbestos containing products. No 35 asbestos is a blend of fibers including asbestos.

90 8-91 20 Subject does not know if Synkoloid ever produced brochures regarding its asbestos containing products. Subject does not know what Synkoloids record retention policy is or was during his tenure with the company.

90 21-97 16 Synkoloid was created in 1939. Its headquarters were in Los Angeles. Subject believes that the Muralo company was part of the same corporation that owned Synkoloid. Synkoloid was purchased by the Baltimore Paint and Chemical Company from Baltimore Maryland. In the early 60s they were bought by a Colorado company, subject does not remember the name of the company. The Colorado company owned Synkoloid for a very short period of time. Then Baltimore Paint bought them between 1961 and 1964. Synkoloid was still called Synkoloid while being owned by Baltimore Paint. Synkoloid was controlled by the Baltimore Paint Board of Directors. However the day to day decisions regarding Synkoloid were left to Synkoloid personnel. Muralo was owned by Norton & Son who purchased Synkoloid from Baltimore Paint in the 70s.

97 17-99 22 Subject had seen depositions from two gentlemen from Georgia Pacific in preparation for his deposition. Subject had given one previous deposition but it did not involve asbestos. Subject does not know any of the Plaintiffs' attorneys. Subject did study a Synkoloid products Brochure, but did not read Synkoloids answers to interrogatories.

100 1- 100 15 When subject learned about the dangers associated with asbestos from the newspaper article he did report this to the Synkoloid laboratory. Subject told the lab to take the asbestos out of the products. Subject does not remember writing any memos regarding the dangers associated with asbestos.

100 16-101 16        Mr. Shuger of Baltimore Paint was the president of Synkoloid while subject was the vice-president. Subject does not know how many documents such as scientific articles and engineering articles there are that discuss the hazards of asbestos. Synkoloids only warning placed on its products read asbestos free. Synkoloids spackling powder did not contain asbestos.

102 2-103 16        There are many ways a person might misuse a Synkoloid asbestos product. They might use too much or too little, they might eat it. Subject has no evidence that Mr. Decker ever ate any of Synkoloids asbestos containing products. Subject has never heard of a corporate risk director. Subject does know Mr. Dewitt Howse. Synkoloid products were marketed for use by painters and paint contractors.