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1 Q. Is there a third category?
2 A. As above and beyond the question
3 of publicly available information and judgments
4 about who would have known that; those are the
5 two areas that I have any claim to expertise as
6 opposed to some views about.

7 Q. You're not going to present your
8 views in this case; you're only going to
9 present your expert opinions?

10 A. That's correct.

11 Q. Give me your expert machines,
12 please, sir. When I say expert opinions, let
13 me be real clear; please give me your expert
14 opinions in a nutshell, and we'll flush them
15 out if we need to, regarding what was publicly
16 available regarding the dangers of asbestos and
17 then who knew what, when. Is that fair?

18 A. I think it is fair. I can look
19 at my counsel and see, but I think it is fair.
20 I am being asked my opinion, and I will tell it
21 to you.

22 Q. Please. Let me ask you a
23 question.

24 Why do you keep calling her your
25 counsel; does she represent you here today?

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1 industrial hygiene journals, it's a fair
2 judgment that most American physicians would
3 have some knowledge about this being a
4 pulmonary disease that is associated with
5 asbestos, but not necessarily great detail
6 knowledge. The great detail knowledge would
7 likely be in the specialist community.

8 Medical scientific understanding
9 is people knew a long time before that about
10 pulmonary disease, but the naming of asbestosis
11 and the association that with asbestos was I
12 think publicly available in the 19 -- by the
13 end of 1920s.

14 That, of course, continues the
15 medical knowledge, but the new element in the
16 1930s was that public health, and particularly
17 Worker's Compensation, questions were raising
18 the issue of asbestos in connection with harms
19 to workers, and as Worker's Compensation issues
20 came up it states whether or not Worker's
21 Compensation would supplant, replace litigation
22 about negligence, asbestos increasingly became
23 identified as either an occupational disease or
24 a scheduled disease under Worker's
25 Compensation.

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1 A. No, no, I'm just joking.
2 MS. ROSENBERG: Note for the
3 record that I represent Union Carbide
4 and I'm here for the witness today as
5 well. I'm clearly defending this
6 deposition.

7 Q. I just want to know if she
8 represents you today.

9 A. I never thought of that. I was
10 joking when I looked at her that way. The
11 humor didn't get across apparently. It was a
12 failed gesture of humor.

13 The two topics you raised in a
14 nutshell are these. Number one, that by the
15 end of the 1920s in the medical scientific
16 literature, there was a good deal of publicly
17 available information that asbestos was
18 associated with asbestosis, that particular
19 disease. It was particularly prominent as a
20 matter in Britain, in the United States, and
21 findings of that sort were published in both in
22 the most prominent medical journals of the
23 United States and Great Britain; Lancet, BMJ,
24 JAMA, and because those journals are general
25 medical journals rather than specialist

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1 So, because it was either
2 mentioned specifically or cited as an
3 occupational disease, it's fair to say that
4 participants in public health departments and
5 participants in Worker's Compensation cases
6 would have known -- would have been likely to
7 know about the dangers of asbestos.
8 Increasingly, the dangers of asbestos beyond
9 Worker's Compensation, compensation for
10 asbestosis, but to lung cancer, to cancer, less
11 well-known than a possibility then, but growing
12 attention to that.

13 The third group that I would
14 think about here and publicly available
15 information from these sources would be the
16 labor unions. We found evidence that in the
17 1930s, labor unions in connection with Worker's
18 Compensation, which they were pushing for, were
19 concerned about worker's safety generally, were
20 concerned about industrial diseases as opposed
21 to injury alone, and pressed for the expansion
22 of that kind, and asbestos was one of the
23 examples they used of why it was that you
24 needed to expand Worker's Compensation beyond
25 the conception of injury. In there --