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Union Carbide
Asbestos
mines

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MS-1047 • P. O. Box 58170 • Houston, Texas 77258 • (713) 280-0015

September 8, 1986

Mr. Arthur Stamm
Baker & Botts
3000 One Shell Plaza
Houston, Texas 77002

Re: Civil Action No. G-82-325
B.R. Sanford vs. Johns-Manville Sales
Deposition of: John L. Myers (86-634)

Dear Mr. Stamm:

Enclosed herewith please find the original deposition of the witness named above. Please have the witness review and sign the deposition before any Notary Public before returning to our office.

Should the witness find it necessary to make any changes or additions to the deposition, please use the amendment sheets enclosed.

Thanking you for your assistance in this matter, I remain

Sincerely yours,

Alina C. Sullivan

ACS/ch
Enclosure
cc: Mr. Lawrence Madeksho
Mr. R. Paul Yetter
Mr. Jeff McClure

COPY

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86-634

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

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|---|---|---|
| BOBBY R. SANFORD | X | |
| | X | |
| VS. | X | Civil Action |
| | X | No. G-82-325 |
| JOHNS-MANVILLE SALES | X | |
| CORPORATION, ET AL | X | |

DEPOSITION OF:

JOHN L. MYERS

WORLDWIDE COURT REPORTERS, INC.

MS-1047 • P.O. Box 58170 • Houston, Texas 77258 • (713) 280-0015

DEPOSITION AND ANSWERS of JOHN L. MYERS, called as a witness by the Plaintiff, taken before Susan R. Goldstein, Certified Shorthand Reporter in and for the State of Texas, at the offices of Baker & Botts, 3300 One Shell Plaza, Houston, Texas, on the 4th day of September, 1986, beginning at 2:10 p.m., pursuant to Notice and the following stipulations and waiver of counsel:

A P P E A R A N C E S

Mr. Lawrence Madeksho, Attorney at Law, 8320 Gulf Freeway, Suite 218, Houston, Texas, 77087, and Mr. Robert E. Ballard, of the law firm of Abraham, Watkins, Nichols, Ballard, Onstad & Friend, 800 Commerce Street, Houston, Texas, 77002, appearing for the Plaintiff.

Mr. Arthur Stamm, of the law firm of Messrs. Baker & Botts, One Shell Plaza, Houston, Texas, 77002, appearing for The Asbestos Claims Facility.

Mr. R. Paul Yetter, of the law firm of Messrs. Baker & Botts, One Shell Plaza, Houston, Texas, 77002, appearing for Ruberoid Company.

Mr. Jeff McClure, of the law firm of Messrs. Butler & Binion, 1600 Allied Bank Plaza, Houston, Texas, 77002, appearing for Raymark Industries.

IT IS STIPULATED AND AGREED by and between counsel for the respective parties hereto:

That this deposition is being taken pursuant to the Federal Rules of Civil Procedure.

That the original of this deposition shall be presented to the attorney for The Asbestos Claims Facility who shall in turn submit it to the witness for his examination and signing before any notary public, and thereafter said attorney for The Asbestos Claims Facility shall return same to the officer taking this deposition.

JOHN L. MYERS,

having been first duly sworn, testified upon his oath as follows:

EXAMINATION

QUESTIONS BY MR. MADEKSHO:

Q. Would you state your full name for the record, please, sir.

A. John L. Myers.

Q. And how old a gentleman are you?

A. Fifty-eight.

Q. And who are you employed by?

A. KCAC Incorporated.

Q. You'll have to explain that for us.

A. That's the name of the company. It's just letters.

Q. Is this a subsidiary or does it have some affiliation with Union Carbide?

A. No, it doesn't.

MR. STAMM: The witness --

MR. MADEKSHO: Let's go off the record a minute.

(Discussion off the record.)

Q. (By Mr. Madeksho) Mr. Myers, you are familiar with Union Carbide. And, as I understand it from talking with your lawyer Mr. Stamm, you have been under some type of contract with them for some period of time; is that correct?

A. Not a contract, no. I've been employed by them.

Q. You have been employed by them. When were you employed by them, sir?

A. In 1951.

Q. And in what capacity did you first go with the corporation?

A. An hourly employee.

Q. With what division?

A. The Nuclear Division.

Q. Let's back up, if we could for a minute, and try to get an understanding as to the organization of Union Carbide at the time that you were employed with them in 1951. Could you give us some explanation in regard to the organization concerning its divisions and functions?

A. No, I couldn't -- you mean of the whole corporation?

Q. Yes, sir, if you could.

A. No, I couldn't at that time. I was employed by the Nuclear Division and had little -- had no contact with other parts of the corporation.

Q. Were you familiar with the fact as to whether or not Union Carbide actually had other divisions?

A. Yes, I probably was.

Q. At that time in 1951 or at this time?

A. At this time I am for sure.

Q. Okay. What we're trying to do, Mr. Myers, obviously is just find out information about Union Carbide in regard to some specific items. And I'm sure you've had the opportunity to discuss these items with Mr. Stamm, have you not?

A. Yes.

Q. And you've had an opportunity to see this list of these approximately nine items?

A. I've had the list read to me. I have not seen it.

Q. Okay.

MR. BALLARD: Excuse me. I'd like to get a copy of this Notice made and attached to the deposition.

(Exhibit No. 1 marked for identification.)

Q. (By Mr. Madeksho) Mr. Myers, when did you first leave Union Carbide?

A. As an employee?

Q. Yes, sir.

A. On June 30th of 1985.

Q. When you were first employed in 1951 with Union Carbide with the Nuclear Division, what were your duties at that time, sir?

A. The first employment was primarily a waiting period to become acclimated to some of the operations that were going on. I was actually in a bull pen, as they call us. All new hires were -- I guess just an educational period for some months until I took over, was actually given some duty.

Q. What was your educational background prior to being hired by Union Carbide?

A. I have a B.S.Ch.E. from Purdue University.

Q. Did you have any studies in furtherance of any graduate degrees after hiring on with Union Carbide?

A. No.

Q. The Nuclear Division of Union Carbide, basically what function did they serve for the corporation?

A. They operated facilities for the Atomic Energy Commission.

Q. And so engaged in that particular type of activity, what types of materials did they handle or process?

A. I can only speak to the locations where I was. It was primarily uranium.

Q. And what location was that, sir?

A. This was Oak Ridge, Tennessee.

Q. During your tenure with the Nuclear Division, and, by the way, were you with the Nuclear Division up until the time that you left Union Carbide in June of 1985?

A. No.

Q. What other divisions were you with other than the Nuclear Division? And if you could give me some type of time reference, I'd appreciate that.

A. I was with the Nuclear Division in Paducah -- in Oak Ridge, Tennessee and then Paducah, Kentucky from '51 until 1966, at which

time I transferred to the Metals Division in Niagra Falls, New York.

In 1967, I went into the Chemicals and Plastics Division and transferred to the asbestos mining and milling operation in King City, California.

In 1970, I transferred back to Niagra Falls in the Metals Division as Marketing Manager for Asbestos.

In 1981, I transferred back to King City, California as Product and Production Manager for the Asbestos Operations.

Q. Mr. Myers, when did you first become familiar with the fact that Union Carbide was either buying, processing or selling materials containing asbestos?

A. Probably when I was approached in 1966 about transferring from the Nuclear Division to the asbestos operation.

Q. And this was in King City, California, was it not?

A. No, first Niagra Falls.

Q. Niagra Falls, I'm sorry.

At what point in time were you transferred to the King City asbestos mine in

California?

A. In 1967.

Q. 1967. What phase of the operation was that particular mine in? Was it first beginning or had the mine been in operation for a number of years?

A. The mine and mill were started in 1963.

Q. Okay.

A. I'm sorry. The production was started in 1963.

Q. While you were also with the Nuclear Division, weren't you also involved with processing of asbestos fibers and asbestos ore as well?

A. In the Nuclear Division?

Q. Yes, sir.

A. No.

Q. Who was the president of the Nuclear Division at that time with Union Carbide?

A. I don't remember.

Q. Was it Mr. Lyman Bliss? Does that name sound familiar?

A. I know the name, I don't know that he was president.

Q. At the time that you went to work in 1967 with, I believe it was, the Metals and Mining Division?

A. Mining and Metals.

Q. That was the proper title?

A. Yes. I'm sorry, it was changed later to the Metals Division sometime. That was '66.

Q. Are you familiar with a gentleman by the name of B. R. Buck, Burton Buck?

A. I think I remember that name, yes.

Q. And who was he?

A. He might have been, I think, personnel perhaps.

Q. Was he not the president of that division? Does that help refresh your recollection?

A. Not that I know of.

Q. What is your understanding as to how long the asbestos mine at King City had been in operation?

A. It was started in 1963.

Q. From whom was Union Carbide purchasing their asbestos fibers prior to 1963?

A. I have no idea.

Q. Who were they purchasing the asbestos

fibers from in 1963 during the time that you were involved with the Metals and Mining Division or the Mining and Metals Division?

A. Which location? I don't --

Q. At any location, sir.

A. I'm not familiar with that. That's not in my -- I'm not familiar with that.

Q. Are you familiar with the fact that Union Carbide purchased asbestos fibers from other companies?

A. I became familiar through the years. I don't know when I gained that knowledge.

Q. With whom did you become familiar with as to the source of supply of asbestos fibers to Union Carbide?

A. I was not involved with supplying asbestos fibers.

Q. No, sir, I'm --

A. You mean from other sources?

Q. Yes, sir. In regard to from whom Union Carbide was purchasing their asbestos.

A. No, I'm not familiar with that.

Q. You were aware of the fact that Union Carbide did purchase large quantities of asbestos fibers from other suppliers, other manufacturers?

A. At what time frame?

Q. At any time frame.

A. Yes.

Q. And what time frame are we talking about, let's take it that way?

A. And again, it depends on what your definition of large quantity is.

Q. Well, let's use --

A. Probably in 1970 when I became Marketing Manager.

Q. Let's say a million pounds a year.

A. A million pounds. What is that, 500 tons?

Q. Yes, sir.

A. Yes, I --

Q. Would that sound --

A. I assume so. I'm not sure of quantities.

Q. Or would that be a little bit low?

A. I have no idea really. I was not involved with purchasing asbestos.

Q. Are you familiar with any other sites, other than the King City Mine, as to where asbestos ore was processed by Union Carbide?

A. It was not processed anyplace else.

Q. Other than King City?

A. That's the only facility, yes, the only operation.

Q. Did Union Carbide have any other asbestos mines other than the King City Mine? I'm not limiting that to the United States. I'm talking about Canada and South Africa as well.

A. I have heard or been not directly involved in an asbestos operation in Zimbabwe. I don't think it has operated or been operated for sometime.

Q. Is that Ucar Minerals, mineral fibers?

A. I don't know.

Q. When did you first become aware that they had an asbestos mine in Zimbabwe as well?

A. I can't remember that.

Q. Approximately, sir, what decade?

A. What decade?

Q. Yes, sir.

A. The seventies.

Q. Early, mid, late seventies, if you can?

A. I couldn't tell you.

Q. Did Union Carbide also sell asbestos fibers to other consumers?

A. Other than themselves?

Q. Yes, sir.

A. Yes.

Q. And to whom did they also sell the asbestos fibers?

A. You mean a list of customers?

Q. Yes, sir.

A. I couldn't remember all of our customer names.

Q. Well, let's go back and try to remember the ones that you can.

A. Oh, well, Kentile Floors, GAF Corporation, Uvalde, Armstrong.

MR. BALLARD: Armstrong Cork Company?

THE WITNESS: I don't know whether it was called cork. Armstrong Building Products I think it was.

MR. BALLARD: Thank you. I just wanted to clarify that.

A. Celotex.

Q. (By Mr. Madeksho) Fibreboard?

A. Not that I recall.

Q. You were familiar with the fact that Fibreboard had a large number of plants in the

State of California, were you not?

A. No, I'm not familiar that they had a large number of plants.

Q. Well, you're familiar with the fact that they had a number of plants in the State of California, are you not, sir?

A. I'm familiar with one.

Q. Which one is that? Emeryville?

A. Somewhere in the Bay Area.

Q. Emeryville is in the Bay Area, is it not?

A. Yes.

Q. And how did you become familiar with the fact that Fibreboard had a plant at Emeryville?

A. I can't remember that.

Q. Do you recall the extent of any sales that were made to Fibreboard during the period of time that you were with the Mining and Metals Division?

A. To my knowledge, there were none.

Q. In regard to the general knowledge that you had at the time that the asbestos fibers were being mined and sold by Union Carbide, what was your understanding as to the use of the fibers

by the purchasers?

A. What do you mean what was my understanding?

Q. Your understanding as to what the asbestos fibers were to be used for.

A. Well, in a wide range of industrial products, vinyl asbestos floor tile.

Q. Is that like the floor tile that we have in our homes?

A. If you have vinyl asbestos floor tile, yes. There are --

Q. I'm sorry, I don't mean to cut you off, but the vinyl asbestos is a type of product that's commonly used in homes and offices and hospitals and schools and things of that nature?

A. Yes, yes.

Asphalt roofing compounds.

Q. Let me just ask you something about the asphalt roofing compounds. Would the asphalt compounds that had the asbestos also be used for roads and parking lots and things of that nature?

A. No.

Q. Go ahead. I'm sorry.

A. The pulp and paper industry. Various resin applications, tape joint compounds.

Acoustical ceiling tile. Let's see. Some plastic reinforcement.

I can't recall -- I'm sure there are others, but I can't recall any.

Q. Let's back up now, if we could, in regard to the vinyl asbestos floors that the asbestos fibers were being used for and being sold to other manufacturers of these products. To whom do you recall the asbestos being sold to that would use that in the manufacturing and production and sale of vinyl asbestos floor products?

A. That would be Kentile, GAF, Armstrong. Another customer I didn't mention, American Biltrite. Uvalde. That should be about all of the --

Q. What about Celotex?

A. They didn't manufacture floor tile, to my knowledge. If they did, we didn't sell to them.

Q. At the same time was Union Carbide also using asbestos fibers to manufacture and produce and sell vinyl asbestos floor tiles themselves?

A. No.

Q. Let's go to the next area that you had

mentioned to us in regard to the asphalt roofing. The same question with regard to the manufacturers that you recall that Union Carbide sold their asbestos fibers to for the manufacture and production and sale of various asphalt roofing products.

A. Monsey Products. Those are mainly small -- let's see -- I think there's one called World Asphalt.

Q. Now, when I'm asking this, sir, I don't mean for you to limit your enunciation of these various manufacturers to the ones that we've discussed previously. I want you to go ahead and include those in each one of these areas of products that you mentioned to us earlier.

A. I'm trying. I think Celotex used our product in a roofing material, but I don't think it was asphalt. I can't remember.

Q. What about GAF in regard to the roofing materials?

A. No, not to my recall. I can't recall any of the other roofing manufacturers.

Q. In regard to the names that you had mentioned earlier as to the manufacturers of these asbestos-containing products to whom Union Carbide

was selling their materials, we had discussed a number of them here and I just want to ask you about some of the others. You had indicated that you didn't recall as to whether or not Union Carbide sold their asbestos fibers to Fibreboard. What about Owens-Corning, sir?

A. We have sold asbestos to Owens-Corning, yes.

Q. And this was during what period of time, to the best of your recollection?

A. Oh, in the -- probably in the mid to late seventies, perhaps early eighties. I'm not sure when they stopped purchasing.

Q. And as to your recollection and your knowledge, for what was Owens-Corning using the asbestos fibers that youall were selling them during that period of time?

A. It was used in polyester resin.

Q. And the polyester resins are used in a large variety of products, are they not?

A. Yes, I assume they are.

Q. Could you tell us some of the more common products that we know of that consist of the polyester resins?

A. Boat hulls is one and shower

enclosures, automobile bodies. That's all I can think of.

Q. Okay, we'll come back and I'll discuss some other of these plastics and products with you a little bit later, but I want to move on to another area.

You had indicated that youall were also selling it to the manufacturers in the paper and pulp industry. Which ones, to which of the manufacturers in the paper and pulp industry do you recall that Union Carbide was selling their asbestos fibers?

A. Boise Cascade. That was really -- the market was essentially out when I became Marketing Manager and as -- I'm trying to remember.

Q. Did youall also sell some to Champion?

A. I think I remember that name. Most of the major companies ran trials. Unfortunately, little sales developed and no continuing sales. That's the reason I have a hard time remembering the names.

Q. Do you recall also selling the asbestos fibers to Owens-Illinois in regard to their wood and paper pulp operations?

A. No.

Q. Do you remember in what connection Union Carbide was selling asbestos fibers to Owens-Illinois during your tenure with them?

A. To my knowledge, we did not sell to Owens-Illinois.

Q. Have you since learned from whom Owens-Illinois was purchasing their asbestos fibers?

A. Do I know?

Q. Yes, sir.

A. No, I don't.

Q. By the way, Mr. Myers, in regard to your King City Mine, what type of asbestos fibers did that mine consist of?

A. It would be short fiber chrysotile asbestos.

Q. Just the chrysotile, the short fiber chrysotile?

A. Short fiber.

Q. How many different grades did you have out there, sir?

A. One.

Q. And what grade was that?

A. We don't classify it by -- if you're talking about Canadian grades, it would all be

similar to a Grade 7, Grade 7-RF, which is the shortest Canadian grade.

Q. And, also, in regard to your Zimbabwe mine, what type of asbestos fibers did that mine produce, sir?

A. Well, you say produce. I'm not sure that it ever produced.

Q. Right. I understand. Some of it might be a little fuzzy to you, but I'm simply just trying to get your best understanding.

A. You said produce. I have no knowledge that it did produce anything --

Q. They just simply were mining the asbestos ore?

A. I'm not sure it's ever been a producing mine. The grades were, as I understand it, 4, 5 and 6.

Q. Okay, from the Zimbabwe?

A. Yes. Rhodesia at that time. That was primarily from U. S. Bureau of Mines reports that I read.

Q. When did you read these U. S. Bureau of Mines reports?

A. I told you earlier I cannot remember.

Q. I didn't recall us discussing --

A. You asked me when I found out about the Rhodesia or about the mines there.

Q. But I didn't ask about reading any U. S. Bureau of Mines reports.

A. I can't remember.

Q. Where did you read these U. S. Bureau of Mines reports?

A. Probably in Niagra Falls, New York.

Q. Didn't Union Carbide also have a research and development laboratory somewhere there in New York, Tuxedo, New York or somewhere close to there, sir?

A. Yes, they have several research laboratories. There is one in Tuxedo, yes.

Q. And is this the largest one for Union Carbide?

A. I don't know.

Q. Where is the other one located there in New York?

A. I think there's one in Sterling Forest. Metals research was in Niagra Falls. I think there was some in Tarrytown, New York, and probably other locations with which I'm not familiar.

Q. Sir, in regard to some of the

responsibilities and duties of the laboratory and research department there at Tuxedo and Sterling Forest, isn't it true that they were also involved with the use of or trying to find new uses for asbestos fiber?

A. Not to my knowledge. Although, that was before my involvement.

Q. Before your involvement at what period of time? I know it gets a little confusing in regard to these years, but we need to try to keep the record just as straight as we can.

A. I became involved in 1966.

Q. If we could, I need to go back and touch on some of these other materials that you had mentioned earlier about the tape joint compounds and as to whom Union Carbide was selling their asbestos fibers during the period of time that you're most familiar with. And who would some of those other manufacturers be?

A. The tape joint customers?

Q. Yes, sir.

A. U. S. Gypsum, National Gypsum, several small companies in Texas. I can't -- those are the major names that I can remember.

Q. Let's move on to the acoustical

ceiling tiles, if we could, in regard to the names of manufacturers who were purchasing and using and producing products containing the asbestos that you can recall, sir.

A. Conwed Corporation. Perhaps Celotex. I'm not sure if we ever sold to Celotex.

Q. Let me just ask you something for a second in regard to Celotex. Were you generally familiar with the business that Celotex was in during this period of time, in the late sixties?

A. I know they manufactured a lot of -- oh, in the late sixties I was not familiar with it. I became familiar when I became Marketing Manager. I know they made a wide range of building products. I'm not any more familiar than that with them.

Q. In regard to the acoustical ceiling tiles, Armstrong was also a manufacturer of those products. Do you recall Union Carbide selling asbestos fibers to Armstrong during this period of time as well?

A. Not to my knowledge.

Q. I recall that Owens-Corning was also -- well, you've already told us about Owens-Corning. I'm sorry.

Have there been any other manufacturers that we have not discussed that have come to mind, sir?

A. Of ceiling tile?

Q. Yes, sir.

A. I can't remember another name. I know there was at least one other. Wood Conversion, I don't know whether that was -- I'm sorry, I can't remember any others.

Q. Do you know whether or not Union Carbide was selling asbestos fibers to any paint manufacturers?

A. Yes.

Q. And who would those be, sir?

A. Standard Brands, Kelly-Moore. Fuller O'Brien was a paint manufacturer, but I don't think they were using the product in paint. I can't recall any others.

Q. Were you familiar with any of the other mines in California at this time period of, say, from '66 up into the seventies?

MR. STAMM: You mean asbestos mines?

MR. MADEKSHO: Right, the asbestos mines. I'm sorry.

A. Yes.

Q. (By Mr. Madeksho) And which mines would those be?

A. The Atlas Asbestos Company and Johns-Manville.

Q. And was the Johns-Manville mine the one at Coalinga?

A. Yes.

Q. And they were the majority owners of that mine?

A. I don't know.

Q. Do you know the type of asbestos that they mined at that location, sir?

A. The same type as our mine.

Q. The reason I need to ask you about that is because I have read some of the Johns-Manville mining reports indicating that they were mining crocidolite at the Coalinga Mine.

A. That's complete news to me. I'm not aware of any depository in the State of California other than the chrysotile.

Q. What was the monthly production of the asbestos from the King City Mine?

A. At what period?

Q. At the period of time that you're most

familiar with, starting in the '66-'67 year.

A. Probably would range from 25 to 30 thousand tons per year.

Q. And of that particular production, what percentage of that would be used by Union Carbide?

A. Essentially zero.

Q. You're familiar with the various operations in which Union Carbide did use the asbestos fibers, though, are you not?

A. Not very familiar, but with some I am, yes.

Q. Which divisions are you most familiar with in regard to the purchase and use of asbestos fibers in either the manufacturing, the processing r the production of materials or products?

MR. STAMM: To the extent you know

A. Which divisions?

Q. y Mr. Madeksho) Yes, sir.

A. Th Chemicals and Plastics Division.

Q. And et's talk about the chemical end first. What woul the asbestos fibers be used for in regard to the Chemical Division?

A. That's all one division, Chemicals and

Plastics.

Q. Right. I understand that. I know that. I understand that. But I want to talk about first in regard to the chemicals end. Maybe it's a situation that I have trouble understanding a distinction between chemicals and plastics, but I'm just talking about it in the generic sense.

A. Asbestos was used for a short period of time in a -- well, that wasn't in the Chemicals Division, but in the chemical called Prestone.

Q. This is the antifreeze?

A. Yes. Well, I'm not sure if it was antifreeze or a stop-leak formulation.

Q. And what other chemicals was Union Carbide using the asbestos for that they were selling?

A. None to my knowledge.

Q. Other than the Prestone?

A. Yes.

Q. What period of time were they using the asbestos fibers?

A. I can't recall.

Q. Are they still using the asbestos fibers in the Prestone at this time, to your knowledge?

A. Not to my knowledge.

Q. Let's talk now about the plastics, if we could. You had mentioned earlier polyester resins and I'll admit to you that I am familiar with the fact that Union Carbide was involved extensively with that, but I don't know all of the particular products that they were making using this particular compound and that's what I need to ask you about. So, if you could simply tell me which products you're most familiar with in regard to the compounds containing asbestos that Union Carbide was using and manufacturing?

A. I'm not aware that they ever used or they ever produced polyester resin.

Q. You're not familiar with that?

A. I don't believe Union Carbide has ever produced polyester resin.

Q. How did they use the asbestos fibers in the production of their plastics materials?

A. How did they use it? It was blended in with the resin.

Q. What type of resin?

A. The one I'm most familiar with is phenolic resin.

Q. And what would the phenolic resin be

used for, sir?

A. Various industrial applications.

Q. Let's go ahead and talk about them.

A. Well, I can't -- I'm not -- you need somebody from that division.

Q. Well, sir, we don't have anybody else from the other divisions here today and that's the reason we've got to ask you.

A. Coffeepot handles. I think some electrical parts like switch boxes. Products where electrical insulation was is the way I understand it.

Q. Well, they used that in regard to electrical cable insulation, did they not?

A. I don't know. Not to my knowledge.

Q. Did Union Carbide ever produce any high temperature refractory products?

A. I don't know.

Q. Who with Union Carbide would know that, sir?

A. I don't know. I suppose somebody from the graphite. Is that what you're referring to is that type of refractory, carbon products?

Q. Well, a combination from the carbon division, also.

A. I would think that would be who you'd want to talk to, if they even have a carbon division anymore. I don't know.

Q. There has been a change in regard to the organization of the corporation over the years in regard to the reduction in the number of the divisions or the groupings that the corporation presently exists under?

A. Yes.

Q. Okay. If you could, go ahead and tell us about the various groupings that you understand Union Carbide is organized under at this time.

A. I really couldn't tell you with any intelligence.

Q. How long did you work with them?

A. Thirty-four years.

Q. And you don't know anything about that?

A. You said at this time and I --

Q. Well, let's go back to the time that you were with them at the end of June last year, in '85.

A. There was a Umetco Minerals which encompassed part of the old Metals Division. There was -- well, really beyond that I am not

familiar with corporate structure. I'm sure there was a Battery Division and a Consumer Products Division. I don't remember if carbon was included with the Unotco. Carbon I think was separate, but I don't know whether it was a division. There was a -- they call it I think a Technology Division where they were promoting and selling their technology.

Q. Mr. Myers, let me ask you something right quick while it's on --

A. Ag Products Division.

Q. In regard to the Metals Division, did that also include the processing of magnesia?

A. Not to my knowledge. Magnesia?

Q. Yes, sir.

A. Not to my knowledge.

Q. When you left Union Carbide in '85, what was the use of asbestos, as far as your knowledge, as to any process for the corporation?

A. I am not really familiar or I'm not aware that they were using it in any products other than perhaps acetylene cylinders, which is one I failed to mention earlier.

Q. I forgot about it myself.

A. I'm not sure if they're still using it

there.

Q. There was another item too in regard to the sale of the fibers. Do you recall Union Carbide selling any of their fibers to any of the tobacco companies?

A. No.

Q. Are you familiar with the fact that the tobacco industry was using asbestos in their cigarettes?

A. No.

MR. STAMM: In their cigarettes or their filters?

MR. MADEKSHO: Both.

Q. (By Mr. Madeksho) Union Carbide also had a Canadian Division or at least what was called Union Carbide Canada Limited?

A. Yes.

Q. And what is the extent of your knowledge concerning the mining operations in Canada, sir?

A. Essentially nil.

Q. How would you become familiar with what the other parts of Union Carbide was doing? When I say parts, I'm talking about the other divisions as far as the operations.

A. By reading newsletters, I suppose, stockholders reports, annual reports.

Q. Did Union Carbide have any particular newsletters that would be circulated between their particular divisions on a regular basis?

A. Not that I recall.

Q. What type of information did you --

A. Let me modify that a little bit. We received newsletters like from the Benefit Plans Group telling us about benefit plans.

Q. Okay, I'm not interested in that, sir.

Did the Mining and Metals Division from time to time have any type of educational gatherings as far as discussing the operations of that particular division either on a yearly basis or on a semi-yearly or once a month, anything of that nature?

A. Yes.

Q. And how often would those meetings be held?

A. As I recall, they were every once a quarter, something like that.

Q. And what would be the topics of conversation during these meetings?

A. Well, I was not at very many, but usually it would involve production -- well, usually every session of that started off with a safety topic, safety program, reviewing the accident experience, the injury experience. And then descriptions of each group, each operation within the division would discuss their production. There would be a sales report, a report from the research or the technology department. That's about it.

Q. In regard to the safety discussions, did the subject of dust controls or dust hazards ever come up?

A. I'm sure it did, yes.

Q. Do you recall as to whether or not the subject of dust controls or dust hazards was ever a subject of conversation concerning the King City Mine?

A. I'm sure that it had been discussed at some time, yes.

Q. Was that an open pit mine that you had there in King City, sir?

A. It is an open pit mine, yes.

Q. And how do you go about mining an open pit mine in regard to the asbestos ore?

A. Using rippers and bulldozers and what's called scraper wagons. It's scooped up, that's about it, and loaded into trucks.

Q. And at the time that you were with the King City Mine, did Union Carbide ever require the use of respirators as far as the open mine operations, the open pit mines?

A. No, they're not required.

Q. I would assume from that that Union Carbide did not view that as a dangerous or hazardous procedure as far as the open pit mining?

A. It could have been, except for the dust control measures which were evident in air monitoring reports that the dust levels were so low that a respirator was not required. Respirators were made available and many employees wear them, but it's not a respirator-required area.

Q. How did the company go about monitoring the dust levels there at the King City Mine?

A. I think in the beginning they used the impinger method and then converted to the membrane filter.

Q. Do you know why they converted from

the impinger to the membrane?

A. I think because everybody else did. It was a recommended change.

Q. What was your understanding in regard to the impinger method of measuring dust samples?

A. I can't -- I'm not qualified to comment on it. I don't know anything about it.

Q. And what was your position there at the King City Asbestos Mine?

A. In what period?

Q. 1966-1967.

A. 1967?

Q. Yes, sir.

A. I was Technical Superintendent.

Q. And as a Technical Superintendent, what were your duties?

A. To -- primarily to start up a new part of the plant and also I had the quality control laboratory was under my supervision.

Q. There were some pretty good expansion programs going on around '67-'68 with the King City Mine, were there not?

A. No. We added this new facility, this new system, but it was not a very major addition.

Q. What was the increase in the sale of

the asbestos fibers during the period of time that you were involved with the King City Asbestos Mine?

A. It really varied between 25 and 30 thousand tons. I didn't include the last four years where we're down now to about 15 thousand tons per year, at the time when I left.

Q. And that was in 1985?

A. Yes.

Q. Have you heard as to whether or not Union Carbide's asbestos mine at King City has changed in their production since 1985? Has it increased or decreased?

A. Maybe I should clarify that. KCAC now operates that mine and mill.

Q. I see.

A. I'm sorry.

Q. I see. When did KCAC take over that mine --

A. July 1st of 1985. I'm sorry. I thought you gathered that.

Q. I'm a little bit slow, Mr. Myers, and you're going to have to take that into consideration.

A. I thought that came from the original

explanation.

If you're asking about the current production, it is about 10 thousand tons.

Q. At this time?

A. Uh-huh.

Q. Why did Union Carbide sell its asbestos mine in 1985?

A. I think mainly due to corporate restructuring of the type of products they were involved with. The entire Metals Division line of products was up for sale. There was someone who purchased the asbestos part of that.

Q. This KC -- you're going to have to give me those letters again.

A. KCAC. That's not a radio station.

Q. KCAC. And what does the KCAC stand for?

A. That's just the way it's incorporated.

Q. How long has this KCAC Corporation been in existence?

A. Since 1985.

Q. And how did it come into existence?

A. To operate the asbestos business purchased from Union Carbide.

Q. And who was instrumental in forming KCAC? Was it Union Carbide, I assume?

A. No, it was the investors who purchased the business.

Q. And who were these investors?

MR. STAMM: I don't think that's relevant to any inquiry in this lawsuit and --

MR. BALLARD: Put it this way, do they have any relationship to Union Carbide?

THE WITNESS: No.

Q. (By Mr. Madeksho) Do they have any relationship to the GAF Corporation?

A. No.

Q. When did you become familiar with GAF's interest in acquiring Union Carbide?

MR. STAMM: Do you understand that question?

THE WITNESS: No, I don't.

Q. (By Mr. Madeksho) As far as the buy-out and purchase of Union Carbide's facilities, et cetera.

A. Were they the ones that just recently tried to --

MR. STAMM: Just answer to the best of your knowledge, if you have any knowledge.

A. I couldn't tell you when. Whenever it was in the newspapers, I guess.

Q. (By Mr. Madeksho) Who was the individual in charge of the King City Mine for Union Carbide back in June of 1985?

A. I was the Product and Production Manager in June of 1985.

Q. I see. Did Union Carbide make any products on site of the King City Mine?

A. Other than asbestos fibers?

Q. Yes, sir.

A. No.

Q. They didn't have a manufacturing facility there other than the mine or the mill?

A. No, no.

Q. Does KCAC own interest in any other asbestos mines at this time?

A. No.

Q. Mr. Myers, there was another item of inquiry that was listed concerning this deposition and that was the membership in the AIA/NA. And we would like to ask you when Union Carbide became a member of AIA/NA?

A. In 1972.

Q. Do you know why Union Carbide joined

AIA?

A. No.

Q. Do you know whether or not Union Carbide was still a member of AIA when you left Union Carbide in June of 1985?

A. Yes. Oh, when I left?

Q. Yes, sir.

A. They were members until June 30th.

Q. Of 1985?

A. Yes.

Q. What is your understanding as to the purpose of the AIA?

A. Primarily to disseminate information concerning the health aspects of asbestos and the work practices which would accomplish the safe use of asbestos.

Q. Who were the other members of AIA during this period of time, from 1972 to 1985?

A. I couldn't answer. I'm sure there have been 50 to 100 members.

Q. Well, let me just ask you about particular ones. Are you familiar with the fact that GAF was a member of AIA during the period of --

A. No, I don't think I am familiar with

that. Are they a member now? I don't know.

Q. Were you familiar with the fact that Raybestos-Manhattan, now called Raymark, was a member of AIA?

A. Yes, yes.

Q. Were you familiar with the fact that Celotex was a member of AIA?

A. No.

Q. Well, it might be easier if you'll just tell me the ones that you are familiar with that were members of AIA.

A. Oh, Carey Canadian, Johns-Manville, Certain-Teed, Lake Asbestos. SNA, which is the Quebec government asbestos companies. I can't remember what that stands for. Monsey Products, Supradur.

Q. What about Nicolet?

A. Nicolet. I think Kentile was at one time. American Biltrite.

That's not very good, but that's all I can remember.

Q. If that's exhausted your recollection, that's fine.

Mr. Myers, would you give us the definition of AIA/NA for the record, please, sir?

A. Asbestos Information Association of North America.

Q. Do you know whether or not AIA/NA was affiliated with any other similar organizations in Europe?

A. What do you mean affiliated with?

Q. Was there like a sister organization for manufacturers and companies in Europe?

A. No. There is an international association --

Q. That's it.

A. -- which is made up of associations. It's an association of associations.

Q. And could you please give us the proper title for that international organization?

A. Asbestos International Association.

Q. And was Union Carbide also a member of that organization?

A. That is a group of associations. There are no individual members.

Q. So, if you're a member of a smaller organization, that is part of the whole?

A. The association is part of the association, yes.

Q. Did you ever have the opportunity to

attend any of the AIA meetings?

A. Yes.

Q. And which meetings did you attend during what years, sir?

A. In May of 1986. That's all.

Q. Who was the representative from Union Carbide or did Union Carbide have a representative designated to attend the AIA meetings?

A. Now, as I said before, that's an association of associations. There are no company members.

Q. Okay, I'm talking now not about the international. I'm talking about the Asbestos Information Association of North America. I'm sorry.

A. Then I need to have the question again.

Q. Who was, or, if you know, the representative from Union Carbide that attended the AIA/NA meetings?

A. I have attended several. Mr. Thurber, who was my boss. Dr. Rhodes. That's about all I can recall.

Q. Were youall designated by Union Carbide to be representatives for the corporation

at these meetings?

A. I don't think the corporation designated people. It was primarily who was in charge of the asbestos business or who had some management position in the asbestos business.

Q. How would youall find out as to when the meetings were going to be held?

A. By letter.

Q. From whom?

A. From the AIA/NA.

Q. Were you on their mailing list?

A. Yes. Well, I am on their mailing list. I have been on their mailing list.

Q. And Dr. Rhodes, tell us who Dr. Rhodes is.

A. He is a former Union Carbide employee.

Q. He was with Union Carbide at the time that you went to work for them, was he not?

A. I don't know. I don't think so. I don't know when he was hired. He was hired after I was, I think.

Q. What was his position with Union Carbide? What did he do for Union Carbide?

A. I can only speak for the period from

probably 1970 or early 1970's, he became a part of the asbestos marketing group.

Q. Now, in regard to the marketing group that was involved with marketing Union Carbide's asbestos products, where was that particular division headquartered?

A. It was not a division, but the marketing group was located in Niagra Falls.

Q. And what would be the function of this particular group?

A. To market asbestos products and do product and applications research, in quotation marks.

Q. And the research would be done where?

A. In Niagra Falls.

Q. At one of the two -- at Niagra Falls itself?

A. Yes.

Q. What type of research did this particular group do at Niagra Falls?

A. The looking at new products, new applications, quality control, air monitoring. That's about it.

Q. How long had they been doing this particular type of work at Niagra Falls?

A. It began in 1970.

I'm sorry. You mean the marketing group or the research?

Q. The research, sir. I'm sorry.

A. I was involved only -- starting in 1966 is when I'm familiar with that there was product application work being done at Niagra Falls.

Q. And then you became the manager of the marketing group in 1971?

A. '70, 1970.

Q. 1970? And as the manager of the marketing group, what were your activities on a day to day and week to week, month to month basis?

A. Primarily, as I said, trying to increase sales, develop literature and supervise the work of the applications, new products and new applications.

Q. As the manager of the marketing group, were you familiar with the various plant locations where Union Carbide was using asbestos fiber in their products?

A. Nothing more than I've already answered earlier.

Q. Well, what were the locations of the

plastics that Union Carbide was manufacturing that they were using the asbestos with during the time that you were with them?

A. Bound Brook, New Jersey.

Q. Any others?

A. Perhaps Marietta, Ohio.

Q. Go ahead.

A. That's the only ones I'm familiar with.

Q. You're not familiar with the fact that they were making these same substances in Texas City, the plant here?

A. I didn't know they were. I don't -- to my knowledge, there is no asbestos -- no plastics production in Texas City that involves asbestos.

Q. I'm not talking necessarily about at this time or the last time that you left. At any time during this period from 1970 forward till you left Union Carbide, not necessarily at the exact time that you left Union Carbide.

A. No. As I say, I am not aware that they make any asbestos-containing products in Texas City. I have never been aware of that, if that's a better way to cover the time frame.

Q. What about at Seadrift?

A. Not to my knowledge.

Q. Who would you report to as the manager of the marketing group?

A. During the ten years, it was various people. J. W. Rawlings, F. J. Shortsleeve.

MR. STAMM: Shortsleeve?

THE WITNESS: Yes.

MR. McCLURE: What did the F. J. stand for?

THE WITNESS: Frances something. Irish to the core.

A. J. F. Collins, G. R. Adams, W. C. Thurber.

Q. (By Mr. Madeksho) Mr. Thurber is the same Mr. Thurber that we mentioned earlier that was also a representative for Union Carbide at the AIA/NA meetings?

A. Yes.

I think that is all.

Q. What was Mr. Thurber's position with Union Carbide?

A. At what time? When I reported to him?

Q. Well, during the period of time that you were the manager of the marketing group.

A. He was called Product General Manager/Asbestos and Tungsten, I think.

MR. MADEKSHO: Let's go off the record for just a minute, if we could.

(Discussion off the record.)

Q. (By Mr. Madeksho) Mr. Myers, also, if you need to take a break, get coffee or stretch your legs or whatever, say the word and you've got it. You're in control here.

A. All right.

Q. Mr. Myers, did you ever become familiar with a gentleman by the name of John Marsh from Raybestos-Manhattan?

A. Yes, I know John.

Q. When did you first meet Mr. Marsh?

A. I can't recall.

Q. Approximately --

A. Probably late seventies.

Q. And who was Mr. Marsh, to your knowledge?

A. He was an employee of Raybestos--Manhattan probably in something involved with environment, environmental concerns. I'm not

sure.

Q. What was the extent of your meetings with Mr. Marsh?

A. I've never -- you mean on a one-to-one basis?

Q. Well, either a one-to-one or small group meetings between Union Carbide and Raybestos-Manhattan or general meetings with the AIA/NA?

A. It would only be general meetings with the AIA/NA.

Q. On how many different occasions did you have the opportunity to meet Mr. Marsh?

A. At these meetings, probably fifteen or twenty.

Q. On fifteen or twenty different occasions at the meetings?

A. At meetings, yes.

Q. What would be the total number of meetings that you personally attended with the AIA/NA?

A. Oh, probably thirty.

Q. And I think you indicated that you had even had the opportunity to attend maybe one or two of the international organization's meetings?

A. One meeting.

Q. And which one was this?

A. In May of '86.

Q. Dr. Rhodes, was that Dr. Harrison B. Rhodes?

A. Yes.

Q. And was he a Ph.D. type doctor or was he a medical doctor?

A. Ph.D.

Q. And do you know in what particular field that he had received his doctorate?

A. I think chemical engineering.

Q. Mr. Myers, when did you first become familiar with discussions of the formation of The Wellington Group or the Asbestos Claims Facility?

A. I've never become very familiar. Probably two years ago.

Q. And how did you become familiar with this?

A. Only by hearing about it from Union Carbide attorneys.

Q. So, this would have been somewhere September in 1984, somewhere in that area?

A. I couldn't pin it down to that, but I would say sometime in '84 about.

Q. How did you come to hear about it from the Union Carbide attorneys?

MR. STAMM: I'm going to object to that. Privileged.

Q. (By Mr. Madeksho) What were the circumstances that this word got to you?

A. Just conversation.

Q. I don't want to know what was discussed, but just the general nature of the conversation, what topics?

MR. STAMM: Same objection. It's privileged.

I'm also going to interpose and object at this time to any questions concerning the formation of the Asbestos Claims Facility. I'm going to instruct the witness not to answer in that it's not relevant to the litigation that this Notice is given under, nor can it be reasonably calculated to lead to discovery of admissible evidence.

MR. BALLARD: Well, let's ask the questions and we'll get them certified and hassle it out with Judge Gibson and meet back down here again.

MR. STAMM: Or San Francisco.

Q. (By Mr. Madeksho) Have you since learned as to when Union Carbide was approached by the Asbestos Claims Facility or The Wellington group?

A. No.

MR. STAMM: Same instruction.

Q. (By Mr. Madeksho) Mr. Myers, are you refusing to answer the question on the advice of your attorney Mr. Art Stamm?

MR. STAMM: He is.

A. Yes.

MR. MADEKSHO: Certify that question, please.

Q. (By Mr. Madeksho) Mr. Myers, I assume that you are going to refuse to answer any and all questions dealing with Union Carbide's involvement as to time and circumstances in regard to their involvement with The Wellington Group and the Asbestos Claims Facility?

A. Yes.

Q. And you're doing that on the instruction of your attorney Mr. Art Stamm, is that correct --

A. Yes.

Q. -- who is present here and

representing the Asbestos Claims Facility?

A. Yes.

MR. MADEKSHO: Why don't we take a short break, if we could.

MR. STAMM: Fine with me.

(Brief recess taken.)

Q. (By Mr. Madeksho) Mr. Myers, are you familiar with a gentleman by the name of J. C. Stephensen?

A. Yes.

Q. And who is Mr. Stephensen?

A. Who is he?

Q. Yes, sir. Or was he?

A. He was President of the Metals Division.

Q. Okay, the Mining and Metals Division?

A. Yes.

Q. And this was during the period of time that you were the Marketing Manager?

A. Yes. Not during the whole time, I don't think, but --

Q. And the Mining and Metals Division, it's my understanding that it was worldwide

exploration and mining; is that correct?

A. Yes.

Q. And they were concerned with high purity asbestos?

A. Who?

Q. The Mining and Metals Division of Union Carbide during this period of time.

A. They were concerned with the asbestos operation in King City, yes.

Q. Didn't Union Carbide also use and sell asbestos fibers for rubber products as well?

A. Well, use or sell?

Q. Use and sell.

A. No, Union Carbide doesn't manufacture any rubber products.

Q. Who did they sell the asbestos fibers to for the the production, manufacturing and sale of rubber products?

A. To my knowledge, there was only one company and it's in Ohio.

Q. Would it be somebody we're familiar with their name?

A. I think U. S. Rubber was the name.

Q. Are they the only rubber company that you can recall?

A. Yes.

Q. Are you familiar with Union Carbide's membership with the Industrial Hygiene Foundation?

A. Not firsthand. From seeing interrogatory answers only, I know that they were a member.

Q. You mentioned seeing interrogatory answers. Have you been involved with some of Union Carbide's litigation over the years?

A. Yes.

Q. And this would be, I assume, in regard to their asbestos litigation?

A. Yes.

Q. When did you first become involved with Union Carbide's asbestos litigation?

A. I can't remember an exact date, but I would assume in the mid to late 1970's.

Q. What was the nature of the litigation at that time, Mr. Myers?

A. What do you mean by nature?

Q. Of the litigation that you were involved with concerning the asbestos. What type of claims were being made against Union Carbide concerning asbestos?

A. I don't know. Whatever claims would

be associated with a company who is a supplier of asbestos.

Q. Let's see if we can get it pared down a little bit. Do you recall any personal injury claims being made against Union Carbide concerning their asbestos materials?

A. Would this be you mean someone that developed a disease?

Q. Yes, sir.

A. Yes.

Q. And do you remember the style of the case or cases that you were involved with?

A. Again, I don't know the term perhaps style.

Q. Okay. In other words, it would be a situation of John Jones versus Union Carbide.

A. Yes, along with --

Q. The name of the case.

A. Along with many other defendants, yes.

Q. And do you remember the styles or the names of some of those cases?

A. Well, Lundy, Cirvello.

Q. What was that? I'm not familiar with that second one.

A. Cirvello.

Q. How do you spell that? C E R V E L-L O?

A. I'm not sure if it's S or C I R V E-L L O, I think.

Q. I see. I am familiar with that one.

A. DeWard, Rice. I can't recall the specific names.

Q. And when were these lawsuits filed against Union Carbide, sir?

A. I don't know.

Q. Approximately?

A. I could only say in the -- to the best of my knowledge, in the mid to late seventies and early eighties.

Q. Do you know where these lawsuits were filed?

A. In various parts of the country.

Q. You know I'm going to ask you where.

A. I can probably only answer for those -- you mean for those names that I can remember?

Q. These specific ones, yes, sir.

A. Rice was in South Carolina. Lundy was in Oregon. Cirvello was in Houston. What was

another name I --

Q. DeWard.

A. DeWard, Los Angeles. There's a Bradley in Los Angeles. That's all the names I think I -- did I fill in the locations for the names that I gave you?

Q. Yes, sir, you did. Thank you.

What was the extent of your involvement with these lawsuits on behalf of Union Carbide?

A. Let me go back first, there is one that was in Arkansas. I can't remember the name of the case, but it was Arkansas. And why I'm adding that one, I remember I did testify in that case.

Q. I was going to ask you that in just a minute.

A. The others have been responding to interrogatory answers or helping to respond, signing affidavits concerning delivery of products.

Q. Have you completed your answer, sir?

A. Yes. And depositions.

Q. How many depositions have you given on behalf of Union Carbide, Mr. Myers?

A. Two.

Q. And when were those depositions given?

A. Oh, I think the first one was 1981 and the second one was 1984.

Q. Where were those depositions given?

A. The first one was South Carolina.

Q. In the Rice case?

A. Yes.

Q. And what was your testimony concerning in the Rice case?

A. What was my testimony?

Q. What did it concern? In other words, what was your testimony about in that deposition in the Rice case?

A. Very much the same type of questions that you're asking, my background and supply to customers.

Q. Where was that deposition taken in the Rice case?

A. In Columbia, South Carolina.

Q. Do you recall the plaintiff's lawyer in that case, sir?

A. No.

Q. Have you had an opportunity to review that deposition prior to today?

A. Yes.

Q. And when did you review that deposition?

A. Yesterday.

Q. Did somebody ask you to review that?

A. No.

Q. Do you have a copy of that deposition?

A. Yes, I do have or my lawyer does, I should say.

Q. Did he provide it to you and ask you to review it?

A. No.

Q. Did you ask him for a copy of it?

A. No.

Q. The other deposition that you had given in 1984, in what case was that associated with?

A. DeWard.

Q. Do you recall the plaintiff's counsel in that case, sir?

A. No, I don't.

Q. Did you also have an opportunity to review that deposition before today?

A. Yes, I did.

Q. And could you get that information

before we leave here today and provide that to us?

MR. STAMM: We'll take it under advisement.

MR. BALLARD: He has a copy he indicated. Why don't we just leave a couple blanks for the name and style of the case and when he signs it, he can fill that in.

MR. STAMM: If his counsel agrees, we'll do it.

Q. (By Mr. Madeksho) I'm also making a request, Mr. Myers, that you provide us with the names and address of the plaintiff's counsel involved in the Rice and DeWard cases.

MR. STAMM: Same response.

Q. (By Mr. Madeksho) And counsel has responded on your behalf.

A. Yes.

Q. You indicated that you had provided live testimony in court on behalf of Union Carbide before; is that correct?

A. Yes.

Q. On how many occasions was that?

A. One.

Q. What case was that in?

A. I can't remember the name of the

plaintiff.

Q. What year was that, sir?

A. Either 1985 or 1984.

Q. Where was that?

A. In Little Rock, Arkansas.

Q. How long have you been involved in regard to answering interrogatories and signing affidavits for Union Carbide concerning asbestos litigation where personal injuries are concerned?

A. The same answer as before, from the mid to late seventies and early eighties.

Q. Do you know as to whether or not Union Carbide had ever made any purchases of asbestos fiber from Cassiar, a Canadian mine?

A. I'm not aware of any. But again, I'm not familiar with asbestos purchases.

Q. Who in Union Carbide would be most familiar with the purchases made on behalf of Union Carbide for their own processing and manufacture of products?

A. I don't know.

Q. Is there anybody in the corporation that would know that information?

A. I don't know.

Q. Would the legal department know that?

A. Perhaps. I don't know.

Q. Based on your knowledge and understanding, what are asbestos fibers used for in paper products?

A. It depends on which paper you're talking about.

Q. Well, let's talk about all of them.

A. Okay. There are insulation papers wherein the asbestos is used for, I think, primarily for insulation, electrical and/or heat insulation. And the application which we applied asbestos for a short period of time was to remove pitch and other impurities from the paper pulp during its production. Those are the only ones that I'm familiar with.

Q. Union Carbide also had what is known as the African Middle East Division?

A. I'm familiar with a Union Carbide South Africa Limited. I'm not familiar with the other one.

Q. You're not sure as to whether or not that particular company, the South Africa Limited, would fall under the African Middle East Division, though?

A. No, I'm not.

Q. How many mines does Union Carbide have in South Africa?

A. I don't know.

Q. How many did they have at the time that you left Union Carbide?

A. I don't know.

Q. Would it be more than one?

A. I don't know. I assume it would be more than one, yes.

Q. What would the asbestos fiber be used for in regard to various types of rubber products?

A. I'm not really very familiar with that application. I assume it would be for a processing advantage and perhaps reinforcement.

Q. Was there anything unique about the asbestos deposit and mine that Union Carbide had at King City?

A. Yes.

Q. And what was unique about it?

A. It was all short fiber and it's a massive deposit.

Q. How large is that deposit?

A. It's generally described as several cubic miles.

Q. When we talk about cubic miles, are we

talking about square miles on the surface going down a couple miles? Is that how you're describing cubic miles?

A. Yes.

Q. What is the estimated tonnage of the reserves of the asbestos mine at this time?

A. We have never evaluated that. I would say in excess of one hundred million tons.

Q. And how many years is that mine anticipated to be in place?

A. As far as the reserves or --

Q. Yes, sir.

A. -- other reasons?

Q. The reserves.

A. Indefinitely.

Q. Calidria Asbestos, what was their association with Union Carbide? Where did they fit into the scheme of things?

A. Calidria --

Q. Calidria, I'm sorry.

A. -- Asbestos is a trade name for the Union Carbide and now KCAC asbestos products.

Q. And during the seventies, how many different asbestos products was Union Carbide making under the trade name Calidria?

A. Well, you would have to define a product. We sell basically four different versions of the short fiber asbestos. Again, you cannot relate a grade to the Canadian system.

Q. Calidria, did they also have any systematic examination of employees to determine as to whether or not they might have any health effects from exposure to asbestos?

A. Yes.

Q. And what is your knowledge as to the extent of those examinations? As to when --

A. The type of -- okay, what specific --

Q. As to when they began and also the extensiveness of each examination.

A. They began in 1963. And as far as extensiveness, you mean the type of tests that are performed?

Q. Yes, sir. Like just x-rays or some breathing tests or if they did any invasive procedures from time to time on some of the employees.

A. Okay, what --

Q. When I say invasive procedures, I'm talking about biopsies and things of that nature.

A. No invasive procedures. X-rays, chest

x-rays, pulmonary function, sputum cytology, occult blood. And then conventional for other tests to determine a person's physical condition, such as blood work, urine tests.

Q. When is the first time that Union Carbide had worker's compensation claims filed against the company alleging either respiratory or health problems from exposure to asbestos?

A. In what location?

Q. Any location, sir.

A. I don't know.

Q. Let's talk about the King City Mine then, that's --

A. Never.

Q. Well, what other locations then?

A. I don't know other locations. I know that we've never had any in King City.

Q. And that mine began in operation when?

A. 1963.

Q. Do you have an understanding --

A. Let me make sure I understood the last question. You did say asbestos-related?

Q. Respiratory or asbestos-related worker's compensation claims. I'm not talking about a broken arm or a broken leg or a pulled

back.

A. We've never had any asbestos-related or respiratory compensation claims.

Q. Were there any claims that you're familiar with that at least made an allegation of an asbestos-related injury or problem?

A. At King City?

Q. Or any other location against Union Carbide?

A. I'm not familiar with any.

Q. Was Dr. Rhodes the head of the Calidria Asbestos Division or was that a division or was that just a trade name?

A. Calidria was not involved -- it was just an asbestos group was the way it was termed.

Q. What did this asbestos group consist of?

A. Are you talking about the marketing group?

Q. Was Calidria Asbestos the marketing group?

A. Calidria was the trade name. Under Mr. Thurber there would be marketing and production.

Q. Now, Calidria was the trade name for

the asbestos products from Union Carbide?

A. The asbestos fiber products, yes, from King City.

Q. When did Union Carbide or did Union Carbide ever start placing a warning on any of the shipments of asbestos fibers?

A. In 1968.

Q. What type of containers were the asbestos fibers shipped in?

A. Multi-ply paper bags.

Q. What would these bags have on them, everything that you can recall?

A. The name of the product.

Q. What would that ordinarily be?

A. Calidria Asbestos. It could read SG-100 or high purity asbestos, any of our various number terminologies. The corporate name and at one time it was the corporate headquarters location and it later became the plant location name. And the warning, the warning statement.

Q. What were the sizes of these containers, Mr. Myers, the bags?

A. In dimension or weight?

Q. Yes, sir, let's talk about weight.

A. It would range from ten pounds to one

hundred pounds.

Q. And was it always in paper bags or sometimes in some cloth bags?

A. Are we referring to '68 or --

Q. Or before, as far as your knowledge, even going back to 1963.

A. You mean after '68 or --

Q. Well, I assume in 1968 and forward it was in paper bags. Am I wrong in that assumption?

A. We also have used plastic bags.

Q. Well, paper bags --

A. And hopper -- if you're talking about packages, if you want to consider that, a hopper car was used as a shipping package.

Q. Now, a hopper car, are we talking about a railroad car?

A. Yes.

Q. Approximately how many tons could you get in a railroad car?

A. About 90 tons.

Q. And who would you ship the railroad cars to? Who would those customers be?

A. To Kentile Floors and Uvalde.

Q. Anybody else?

A. I think that's all we had. Perhaps

one or two to American Biltrite.

In response to one part of your earlier question, we have never used cloth bags.

Q. When did you start using the plastic bags?

A. I can't remember for sure. I would say in the early to mid seventies.

Q. You had mentioned that there was some type of warning that youall began placing on these bags. Where did youall place the warning on the bags?

A. On the face of the bag.

Q. At the top or the bottom or in the middle?

A. Toward the lower part.

Q. What were the dimensions of the warning?

A. Approximately the width of the front panel. Probably ten to twelve inches wide and six to eight inches high.

Q. And what did this warning say?

A. I can't recall verbatim. Something like "Caution: Contains asbestos fibers. Do not breathe dust." Something similar to that.

Q. What else? Is that all?

A. That's all I can recall.

Q. So, it was a caution, not a warning?

A. Yes.

Q. There's a difference in regard to the labels in regard to a caution, warning or danger; is that correct?

A. Yes.

Q. The degree of significance?

A. Uh-huh.

Q. And you're familiar with this in view of the chemical manufacturers' labeling books?

A. I'm not familiar with it other than seeing references to it. I think there are ANSI standards which define those terms.

Q. In regard to this caution label, do not breathe dust or what?

A. I don't -- I didn't catch that question.

Q. What type of message was this supposed to send to somebody, that Union Carbide was supposed to be trying to send to someone?

A. One similar to what you see in a service station where it says "do not smoke" or in a hotel where it says "do not use the elevator in case of fire." A very succinct warning.

Q. Well, I have a little problem with the association of those two or three examples as being identical. How much dust was it that you weren't supposed to breathe?

A. I don't know.

Q. Well, you were familiar with the dust monitoring procedures at the mine, were you not, sir?

A. Yes.

Q. How much dust does it take before an individual can even see it in regard to million particles per cubic foot?

A. I don't know. I don't know what the visible -- it would depend on the lighting, I suppose.

Q. But you're familiar with the fact that five million particles per cubic foot is not visible to the naked eye?

MR. STAMM: Of what dust? What color dust? What size dust?

MR. MADEKSHO: Asbestos dust, short fiber asbestos dust.

MR. STAMM: In what conditions?

MR. MADEKSHO: We'll talk about every one of them, if we need to.

MR. STAMM: Well, then, ask the question in those terms.

Q. (By Mr. Madeksho) Let's talk about in the dead of night. Five million particles per cubic foot of asbestos dust in the nighttime, could you see that?

MR. STAMM: If you know.

A. I doubt it.

Q. (By Mr. Madeksho) Let's talk about five million particles per cubic short fibered asbestos dust at sunrise.

A. I don't know. You're asking a question for which I have no technical knowledge of how much dust you can see of any -- whether it's asbestos or silica or what.

Q. I'm talking about asbestos dust now.

A. I know you are, but I couldn't answer for any product what the visible concentrations are.

Q. Was it common knowledge to people working on the railroads that would be handling these bags that breathing asbestos dust could cause cancer back in 1968?

A. I have no knowledge as to that.

Q. Did youall ever do a survey to find

out about it?

A. I don't know of any railway workers who were handling asbestos bags.

Q. What was the name of the railway that was shipping out the hoppers of the asbestos fibers?

A. Southern Pacific.

Q. Did youall ever use any other railway besides Southern Pacific?

A. As a pick-up railway?

Q. Well, or just for the shipping of the asbestos fibers from the hoppers.

A. I'm sure to get from one part of the country to the other there were different lines. The Southern Pacific doesn't run across country.

Q. But Southern Pacific was the one you're most familiar with on the West Coast?

A. We're on their lines.

Q. How were the smaller bags of the asbestos fibers transported?

A. By truck, container, boxcar.

Q. And would these trucks or containers, would they belong to Union Carbide or would an outside trucking firm be used to haul these?

A. Yes.

Q. Yes what? It was Union Carbide or an outside trucking firm?

A. It was an outside trucking firm.

Q. What were some of the trucking firms that were involved with the hauling of the asbestos fibers, the bags?

A. Oh, I can't recall. Probably several of the commercial carriers in California. There's one called Lou-Jack. I can't recall truck names.

Q. Are you familiar with the research and development facilities of Union Carbide, as to how long that Union Carbide has had such facilities?

A. No.

Q. Are you familiar as to whether or not Union Carbide was a member of the National Safety Council?

A. Not personally familiar. I can only assume that they were.

Q. Have you ever answered interrogatories in regard to enumerating the various health and safety and research organizations to which Union Carbide had been a member in various years?

A. I haven't answered those questions on interrogatories.

Q. Have you seen them answered on behalf

of Union Carbide, sir?

A. I can't recall that particular question.

Q. We were discussing the Industrial Hygiene Foundation a while ago. Did you ever have an opportunity yourself to attend any of the meetings of the Industrial Hygiene Foundation?

A. No.

Q. Did Dr. Rhodes attend those on behalf of Union Carbide?

A. Not to my knowledge.

Q. Did Mr. Thurber attend those on behalf of Union Carbide?

A. Not to my knowledge.

Q. Did the Industrial Hygiene Foundation ever perform any tests or services or research on behalf of Union Carbide?

A. Not to my knowledge, but I am not familiar with the Industrial Health Foundation or membership.

Q. Do you know the extent of any research and scientific studies that were done by the Saranac Laboratories on behalf of Union Carbide concerning any of their products?

A. No.

Q. Have you seen some of that documentation in the past where it was done?

A. No. I have never heard of Saranac -- what was it?

Q. Saranac Laboratories. It's in New York up there.

A. Never heard of it.

Q. Right there not far from Niagra Falls. The Trudeau Institute?

A. No.

Q. Does the name the Joe 5 Mine sound familiar to you, sir?

A. Yes.

Q. Tell us about the Joe 5 Mine, if you would.

A. That's our asbestos mine name under -- it's the name of the claim or at least one of the claims under which we are mining.

Q. That Union Carbide was mining?

A. Yes.

Q. That was one of the claims? How many other claims were they mining under?

A. I don't know the total number.

Q. What would be your closest approximation?

A. Probably between ten and thirty.
Q. And where all would these be located?
A. In California.
Q. Northern California?
A. No, Central California.
Q. Were there some in Northern California, too?
A. No. Again, you define Northern California north --
Q. It's a matter of geography.
A. Where would you call north?
Q. Well, I call anything north of Frisco --
A. No.
Q. Mr. Myers, when did you first become familiar with the term mesothelioma?
A. I can't recall.
Q. Was it in the early to mid sixties?
A. No.
Q. Late sixties?
A. No.
Q. Early seventies?
A. Probably in the seventies. I can't recall a year.
Q. Mid seventies?

Were you also familiar with the fact that the insulators had the highest incidence of mesothelioma?

A. When?

Q. In the mid seventies when you found out about mesothelioma.

A. I didn't say I found out about it in the mid seventies. It was in the seventies. I don't know what part of the seventies.

Q. Okay. Dr. Rhodes, when he would attend these various international conferences, from time to time he would come back and circulate memorandums to --

A. Which conferences?

Q. Well, the International Congress on Occupational Health, that type of conference.

A. I'm not familiar with him attending a conference by that name.

Q. Would Dr. Rhodes from time to time circulate memorandums to other employees under his supervision?

A. Yes.

Q. And he would circulate such memorandums to you?

A. Yes.

Q. And he would also discuss the health aspects of asbestos exposure in some of those memorandums?

A. Yes.

Q. Was Union Carbide familiar with the fact in the mid 1970's that people who live in cities or around shipyards where asbestos fibers are handled are subject to developing mesothelioma?

A. I don't know.

MR. STAMM: Just a minute. Are you asking this witness whether he's familiar with it or are you asking him to speak for Union Carbide's corporation knowledge, whatever that is?

MR. MADEKSHO: Well, I'm going to ask Mr. Myers first as to his own personal knowledge.

A. Would you repeat it, please?

Q. (By Mr. Madeksho) When did you first become aware of the fact that people who were living in cities and around shipyards where asbestos fibers were being handled and were released into the environment were developing mesothelioma?

A. I've never become familiar with that.

Q. Did you ever become familiar with the fact that people who worked around large asbestos plants or mines who did not actually work in the plants or the mines were developing mesothelioma?

A. In this country?

Q. Yes, sir.

A. No.

Q. Would there on occasions be confidential memorandums circulated by Dr. Rhodes to employees of Union Carbide such as yourself?

A. Not that I recall. There could be if it was related to an employee or a salary discussion or performance discussion.

Q. Or perhaps a discussion of exposure to some of the products of Union Carbide?

A. Not to my knowledge. Not that I recall.

Q. Are you familiar with any doctors from Canada by the name of McDonald?

A. By reading his reports, by his reputation, yes.

Q. Are you talking about Corbitt McDonald?

A. J. Corbitt, yes.

Q. What about Allison?

A. I think she co-authored some of his papers.

Q. When did you become familiar with the works of the two Drs. McDonald?

A. Probably in the early to mid seventies.

Q. Did you ever attend any conferences where they were giving any lectures or talks on the hazards and dangers of asbestos exposure?

A. Not that I recall.

Q. How did you become familiar with their works then, sir?

A. As I said, by reading their papers.

Q. Were these papers that you went to the library to check out or were they some memoranda, some information that was provided to you by Union Carbide?

A. I don't know who it was provided -- I don't remember who it was provided by. I would be sent copies of such reports.

Q. Are you familiar with a Dr. Steve Holmes?

A. No.

Q. Are you familiar with a Dr. Richard Doll?

A. Yes.

Q. And how did you --

A. Again, the name by hearing of him.

Q. Are you familiar with a Dr. Lewinsohn?

A. Yes.

Q. And who is Dr. Lewinsohn?

A. He, as far as I know, is in the Corporate Medical Department of Union Carbide.

Q. When did he come into the Corporate Medical Department of Union Carbide?

A. I don't know.

Q. Was it sometime in the seventies or --

A. I really don't know.

Q. Well, just pin it down to a decade. Was it the seventies or the eighties?

A. It was seventies or eighties, yes.

Q. Are you familiar with some of the studies and the works done by Dr. Lewinsohn?

A. Not very familiar, no.

Q. Did you become somewhat familiar with some of his work while you were with Union Carbide, though?

A. Very limited.

Q. Did you read any of his memorandums to Union Carbide or their employees?

A. I think so, yes.

Q. Do you recall as to how frequently Dr. Lewinsohn would provide memorandums to the employees of Union Carbide?

A. No.

Q. Would they provide, during the regular course of business, more memorandums to the Calidria group than other portions of the corporation?

A. I wouldn't think so.

Q. Were you familiar with any personnel from the Johns-Manville Company?

A. Yes.

Q. And who were you familiar with from the Johns-Manville Company?

A. Jim Reis.

Q. And who else?

A. Dihedro Putiatine.

MR. BALLARD: You have to spell that.

A. The first one is R E I S.

Q. (By Mr. Madeksho) Do you know if -- go ahead. I'm sorry.

A. Do you want me to spell it or try to?

MR. STAMM: I think she would.

A. P U T I A T I N E, to the best of my knowledge.

Q. (By Mr. Madeksho) Are you familiar with any investments that Union Carbide had in asbestos mines owned by somebody other than Union Carbide?

A. No.

Q. Are you familiar with any studies that Union Carbide had done concerning the use of asbestos-containing materials?

A. No.

Q. Are you familiar with --

A. Wait a minute. Excuse me there. I'm not very familiar, but I know there was one -- there were some studies done in South Carolina.

Q. In what location was that in South Carolina, Mr. Myers?

A. I don't know the name of it.

Q. Was that at one of the plants there?

A. Yes. It could have been West Virginia. It's one of West Virginia or South Carolina, but I don't know which.

Q. What was the nature of these studies that were being conducted?

A. I have little knowledge other than

evaluating, as you say, some asbestos-containing materials.

Q. And what type of asbestos-containing materials were evaluated?

A. To the best of my knowledge, it was insulation products.

Q. Was it asbestos-containing cement insulation materials or pipe covering or blocks of materials?

A. I don't know.

Q. Did Union Carbide ever become involved with any studies as to the use of asbestos-containing cloth materials?

A. Not to my knowledge.

Q. When did Calidria Asbestos first begin putting any type of caution label on bags of asbestos fibers that were sent to the Eastern European countries?

A. To my knowledge, there were no shipments to the Eastern European countries. We did not ship direct. And if some were shipped there from another location, I am not aware of it. They would receive the same warnings that -- we used the same bags for any customer or any location.

Q. The Calidria Asbestos Division of Union Carbide, they did ship to other countries, though?

A. It's not a division, but, yes, we did ship to other countries.

Q. Which countries did Union Carbide ship to, to the best of your recollection, Mr. Myers?

A. Japan, Taiwan, Korea, Canada, Mexico, Belgium, England, France, Italy, Brazil, Argentina, Columbia --

Q. Worldwide, basically?

A. Yes.

Q. Did Union Carbide ever draw distinction as to the governmental regulations affecting labeling of asbestos products as to making a decision about labeling of those products?

A. You have to clarify that or repeat it. I don't follow.

Q. Did Union Carbide ever make a distinction as to the labeling of asbestos products based upon government regulations?

A. No.

Let me try to clarify it. Do you mean did we put a different label on it depending which

country it was going to?

Q. That is correct.

A. No.

Q. Or no label at all?

A. We did not label until 1968. Following 1968, the labeling would go on all packages.

Q. When you would send out these boxcars of the asbestos fiber, how did youall label those boxcars of asbestos fiber as to any caution?

A. On the exterior.

Q. Interior or exterior?

A. The bags were all labeled.

Q. No, sir, I'm talking about just in these hoppers. You were talking about that youall sent it out by the boxcar or hopper cars.

A. Well, they had a Department of Transportation mark on them that said ORMC Asbestos.

Q. What does that mean?

A. That's a distinction developed by the Department of Transportation. It means otherwise regulated material, Class C, asbestos.

Could I have thirty seconds?

(Discussion off the record.)

Q. (By Mr. Madeksho) Was there anything that prevented Union Carbide from putting a warning about cancer-causing agent on their bags or on these railroad car hoppers that the asbestos was being shipped in?

A. No.

Q. Are you familiar with the name Turner-Newall?

A. Yes.

Q. What does Turner-Newall mean to you?

A. I don't know. They're a major -- have been a major factor in the asbestos world. I don't know whether they mine or manufacture.

Q. Did you ever have an opportunity to visit England on business for Union Carbide?

A. Yes.

Q. And what business was that that you attended for Union Carbide in England?

A. Sales.

Q. When was this, Mr. Myers?

A. I can't recall. While I was Marketing Manager, between 1970 and 1981.

Q. When you became Marketing Manager in

1970?

A. Yes.

Q. Did Union Carbide ever provide any education, training or schooling about the hazards of asbestos to you?

A. Well, Union Carbide didn't, per se. What do you mean by Union Carbide?

Q. Well, you were working for Union Carbide at the time.

A. Yes.

Q. Did they ever have any training program for you as the Marketing Manager to advise you about the dangers or hazards of asbestos, as far as the marketing of it?

A. That was primarily a function of the marketing group to develop that training, education literature for customers, yes.

Q. As I recall, you found out about mesothelioma in what year, now, sir?

A. I didn't say. It was in the seventies.

Q. Well, would that have been by 1970 since you were the manager of the marketing group?

A. No. I don't recall that I knew about it before 1970.

Q. Nobody brought that to your attention?

MR. STAMM: He didn't say that. He said he didn't recall.

A. I don't recall that they did, no.

Q. (By Mr. Madeksho) In regard to Union Carbide's purchase of asbestos fiber to use in its own business concerning the processing of materials and the manufacturing of various products, what are all of the plants and locations that asbestos fibers were used?

A. I don't know.

Q. You don't know any?

A. You said all of them.

Q. As many as you know of.

A. Bound Brook, New Jersey. Mainly the ones that we've talked about earlier.

MR. STAMM: I think this is repetitious.

A. Indianapolis, Indiana. I don't know where -- Prestone was either -- or the stop-leak probably was made in West Virginia or -- probably in West Virginia.

Q. Wasn't Prestone also made in Texas City?

A. I don't know whether the stop-leak or

the asbestos-containing --

Q. The Prestone antifreeze?

A. -- material. I don't know.

Q. You wouldn't quarrel if other documents reflected that it was made there, would you?

A. Not if they're -- no, I wouldn't quarrel with them because I have no knowledge of it.

Q. Would you quarrel with any other documents showing that the Texas City Plant of Union Carbide was using asbestos fiber in the processing of some of their resins in the plastics?

MR. STAMM: I object to the form of the question.

Q. (By Mr. Madeksho) You can go ahead and answer.

A. I have no knowledge of any such use; therefore, I could not quarrel with such documents.

Q. Are you familiar with Robert Peele?

A. Yes.

Q. And who is Robert Peele?

A. I'm familiar with -- I think he was or

is, I don't know, an industrial hygienist or environmental type employee of Union Carbide.

Q. And are you familiar with how long Mr. Peele has been employed by Union Carbide?

A. No.

Q. Are you familiar with Dr. R. J. Sexton?

A. No.

Q. What about a Mr. S. C. Giambruno?

A. No.

Q. Are you familiar with meetings that Union Carbide used to attend with other manufacturers of asbestos-containing materials? I'll give you an example. In regard to meetings with Owens-Corning that Union Carbide --

A. No.

Q. Were there any joint meetings between other manufacturers of asbestos-containing materials and you as an employee of Union Carbide, other than AIA/NA?

A. Well, as a customer of ours, I would call on customers, if you mean that kind of a meeting.

Q. Yes, sir, that's part of what I'm getting at. In regard to you --

A. You know, you said asbestos-using companies?

Q. Right. The purchasers of the asbestos from Union Carbide. In other words, Union Carbide's customers.

A. Obviously, being Marketing Manager, I would call on customers, yes.

Q. And these would be the same people that you had mentioned earlier, Armstrong and Owens-Corning, Celotex and GAF and Kentile and those people; is that what you're referring to?

A. I can't recall that I called on or have seen all of those companies, but, in general, yes.

Q. Well, let's talk about specifically, then. Did you call on GAF?

A. Yes.

Q. Did GAF also call on youall?

A. For what purpose?

Q. In regard to selling you their asbestos fibers?

A. No.

Q. Are you familiar that GAF had an asbestos mine at Hyde Park, Vermont?

A. Yes.

Q. Was youall's mine bigger than their mine?

A. The mine -- the deposit is bigger, I don't know about the mine.

Q. Youall's deposit is bigger than GAF's deposit?

A. The deposit, yes.

Q. Did you call on people from Armstrong?

A. Yes.

Q. Did they also have people call on youall?

A. No.

Q. Did you also call on people from Celotex?

A. Yes.

Q. Did you call on Owens-Corning?

A. I can't recall calling on them, no.

Q. Did Owens-Corning have people call on youall?

A. Not on -- the asbestos group?

Q. Yes, sir.

A. Not that I can remember.

Q. Did Raybestos-Manhattan have people call on you as the manager of the marketing group?

A. No.

Q. Did you call on them?

A. No.

Q. What was that big shipping facility youall had down on the East Coast where youall used to bring the ore into? Is it Newport?

A. I don't know. What ore are you talking about?

Q. Somewhere in Virginia.

A. I don't know.

Q. I'm talking about asbestos ore.

A. We have, to my knowledge, never imported any asbestos ore.

Q. Would that be in another division?

A. To my knowledge, Union Carbide has never imported any asbestos ore.

Q. You, as the --

A. So, it might be in another division, I don't --

Q. Mr. Myers, you, as being the Marketing Manager for Union Carbide --

A. No, for Union Carbide's asbestos products.

Q. Right. Would you have known of any and all purchases of asbestos fibers from other manufacturers?

A. No, we've already been through that, that I don't know anything about the purchases at other locations.

Q. So, somebody else with Union Carbide would have that information?

A. I assume they would, yes.

Q. While you were with the King City Mine, did you ever have anybody from the U. S. Bureau of Mines call on you in any capacity?

A. I don't recall that there were any visitors -- no, I don't recall any visitors from the U. S. Bureau of Mines.

Q. Did you have anybody or did you ever call on the U. S. Bureau of Mines for any assistance that you're aware of, as far as information, et cetera?

A. By telephone or by calling on or visiting?

Q. Either way, phone or correspondence or in person.

A. I have called, yes.

Q. And do you recall the --

A. And I've had conversations with them.

Q. Do you remember the nature of those conversations and the reason for the inquiry?

A. Oh, I've talked to Mr. Clifton about the -- that's where I asked for information about the deposit in Zimbabwe, what it consisted of.

Q. Is this the same Mr. Clifton that went to work with Johns-Manville?

A. If he did, I'm not aware of it. He just retired last year, I think.

Q. What about anybody from OSHA, did they ever call on you as far as any inspections?

A. Not that I recall. You mean federal OSHA?

Q. That's correct, yes.

A. Not that I recall.

Q. Did you ever have any other representative dealing with health aspects of environmental exposures call on you or the mine at King City during the period of time that you were located there?

A. Yes.

Q. And who would that have been?

A. Cal-OSHA, MSHA, Air Resources Board, the Monterey Bay Unified Air Pollution Control District, the Monterey County Health Department, the Coastal Regional Water Quality Control Board, to name a few. I think that would cover them

pretty generally.

Q. When you were calling on some of the customers of Union Carbide, did you have a pretty good relationship with them?

A. In what way or define relationship?

Q. Well, just a working business relationship with them.

A. In my opinion, we did. The customer may not have thought the same.

Q. Who were the representatives that you recall from Armstrong that you visited with?

A. I don't remember any names. I can give you a first name in South Gate, California. Earl, I think. I can't remember a last name.

Q. At the South Gate Plant?

A. Yes.

Q. And what was his position with Armstrong at the South Gate Plant?

A. I think he was Technical Director.

Q. At the South Gate Plant of Armstrong, that's where they were manufacturing the asbestos vinyl floor tiles?

A. Yes.

Q. And did they also expand that facility to include the acoustical tiles there?

A. Not to my knowledge.

Q. They had several locations in California, did they not, in regard to the asbestos vinyl floor tiles?

A. Not to my knowledge.

Q. This was the only plant that you were familiar with where Armstrong was manufacturing the asbestos or the vinyl asbestos floor tiles during the 1970's?

A. Yes.

Q. Did they also continue to manufacture them up into the 1980's?

A. I don't know.

Q. Did you continue to call on them in the 1980's?

A. No.

Q. Did you call on their acoustical tile plants as well, Mr. Myers?

A. Not that I recall.

Q. Which of the asphalt roofing plants for Celotex did you call on?

A. As I said before, I don't recall that Celotex had asphalt roofing. It was some kind of a roofing compound. And, no, I have not called on any of their plants that I can remember.

Q. Which of the GAF facilities did you call on?

A. Long Beach.

Q. That's where they were making also the vinyl asbestos floor tiles, in the Long Beach --

A. Yes.

Q. Did they also make the asbestos siding there, too?

A. I don't know that they make asbestos siding.

Q. GAF also made asbestos-containing roofing materials, did they not?

A. I don't know.

Q. Were you still calling on GAF in the 1980's?

A. No, I don't think so.

Q. Late seventies?

A. I don't know when was the last time I visited GAF.

Q. Your best estimate.

A. I can't pin it down to anymore than the seventies.

Q. Late seventies, early seventies?

A. Late.

Q. Was that their facility right outside

of L.A., Orange County?

A. Long Beach.

Q. Yes, Long Beach, that's right.

MR. MADEKSHO: Off the record for a minute.

(Discussion off the record.)

MR. MADEKSHO: Let us take a little short break here.

(Brief recess taken.)

Q. (By Mr. Ballard) Mr. Myers, let me clear up some things that are questions in my mind. It may be clear in the record, but I need to get this straight in my my mind.

You mentioned Uvalde as one of the customers of Union Carbide's asbestos and that struck a bell with me because we've got a Uvalde here in Texas. Is there some connection?

A. Yes.

Q. So, Union Carbide shipped asbestos to Uvalde what? Uvalde Rock Company or Uvalde --

A. I think it was Uvalde Rock Asphalt

Company, the As-Rock Division.

Q. And, as I understand from your testimony, at some point in time a managerial decision was made to put cautions on your bags of asbestos that were shipped from your mine?

A. Yes.

Q. And that once that decision was made, the cautions of some sort were put on all bags thereafter?

A. Yes. To the best of my knowledge, yes.

Q. And that would be true whether the bags were shipped nationally in the U. S. or internationally to foreign countries?

A. Yes.

Q. And from the time that managerial decision was made, did Union Carbide ever stop placing those cautions on the bags for any period of time?

A. Not to my knowledge.

Let me clarify whether it was the same on all bags because we did, and this is without my necessarily personal direct knowledge, we did package in bags for shipment to Europe that were to the distributor's design and not to our

design. So, I cannot positively say that we had the English warning on those bags.

Q. Well, I may have assumed that if you shipped to France, you would put it in French.

A. No.

Q. That's incorrect?

A. Yes.

Q. But the point I wanted to be sure in my mind about is once the decision was made to put cautions on the bags, every bag that you know about that went out of your facility had a caution on it after that point in time?

A. With that one exception of the distributor to whom we shipped in Europe in bags designed to his specifications.

Q. Did his bags have any cautions on them?

A. I can't recall.

Q. So, as we stand now on your recollection, the bags to that one special customer may or may not have had a caution on them?

A. Yes.

Q. And who was that customer?

A. Degussa.

Q. Degussa?

A. Yes.

Q. Do you have any financial connection with Union Carbide at this time?

A. No.

Q. Either through a retirement plan, a stock-funded plan or anything of that nature? And I don't care about the amount, but I need to know if you have any connection financially with them?

A. I have a vested pension with Union Carbide.

Q. And would any of that pension be funded by Union Carbide stock? I know some companies fund their retirement plans by the company's stock.

A. I don't think so.

Q. But you are vested?

A. Yes.

Q. Your background, as I recall, is a Bachelor of Science in Chemical Engineering?

A. Yes.

Q. I've got to ask you this question. KCAC, Inc., would that be from King City Asbestos Company?

A. By golly. It sounds like it, but it

is incorporated as only the initials.

Q. You needed a name, so you picked --

A. It could be King City Athletic Club.

Q. Or various other combinations of those letters.

MR. STAMM: You used that line before, I bet.

Q. (By Mr. Ballard) And again, so as to straighten up in my mind, Union Carbide is now and has been for some period of time a member of the Wellington Asbestos Claims Facility?

MR. STAMM: We'll stipulate that Union Carbide has been a member since June 19th, 1985.

MR. BALLARD: Would you stipulate before that?

MR. STAMM: No, because that's when the agreement was signed.

Q. (By Mr. Ballard) Is that your recollection that's when the agreement was signed?

A. I would have no idea other than --

Q. That would be the Wellington Agreement?

MR. STAMM: Yes.

A. I assume that my counsel is accurate.

MR. STAMM: Let me check. That's right, June 19, 1985.

Q. (By Mr. Ballard) Do you know if Union Carbide was a disclosed or undisclosed member of Wellington?

MR. STAMM: If you know.

A. I'm not sure of that term. I have heard that they were a -- it was called a confidential member or --

Q. (By Mr. Ballard) Same difference.

A. I forget the terms.

MR. MADEKSHO: Confidential signatory?

THE WITNESS: I don't know.

Q. (By Mr. Ballard) Did you play any part in negotiating the entry of Union Carbide into The Facility?

A. No.

Q. Do you know who did?

A. No. Other than the Union Carbide Law Department I'm sure had some hand in it.

Q. One other name, Mr. W. H. Winans, W I N A N S, was he still with Union Carbide when you came with the company?

A. I don't know the name.

Q. Being a chemical engineer, you're familiar with the volume put out by Sax on dangerous properties of materials?

A. Put out by who?

Q. Sax, S A X. You're not familiar with that?

A. No.

(Discussion off the record.)

Q. (By Mr. Ballard) You've indicated that you're not familiar with dust counting or dust counting techniques. Do you know if Robert Peele is --

A. Oh, are you making an assumption that I'm not familiar with dust counting?

Q. Yes.

A. Yes, I am.

Q. You are familiar with dust counting?

A. I'm not unfamiliar with it.

Q. Well, what is your familiarity with dust counting?

A. The air monitoring for our customers was done by people under my supervision.

Q. Would those be industrial hygienists

that monitored --

A. No, prior to my time, the air monitoring was done at the King City Mine and Mill by an industrial hygienist of the corporation, but we do not hire one now.

Q. And did Union Carbide have any industrial hygienists who belonged to the ACGIH?

A. I would assume so, but I don't know that as a fact.

Q. And did Union Carbide subscribe to the recommendations of the ACGIH insofar as the dust counting techniques were concerned?

A. I don't know whether they published any techniques on dust counting.

Q. I may be getting on dangerous ground making assumptions, but may I make the assumption that you don't know anything about the ACGIH and their publications about dust counting techniques?

A. That's a correct assumption.

Q. The next series of questions, Mr. Myers. When did Union Carbide first begin negotiating with The Wellington Facility?

MR. STAMM: The same objection as I had before and the same instructions to the witness.

MR. BALLARD: Could you state the basis of the objection?

MR. STAMM: Irrelevant.

Q. (By Mr. Ballard) Would Union Carbide have been negotiating with The Wellington Facility as of September 1984?

MR. STAMM: Same instruction.

MR. BALLARD: Certify those two questions, please.

Q. (By Mr. Ballard) First, let me ask, do you know when Union Carbide began negotiating with The Wellington Facility?

A. No.

Q. Do you know who would know?

A. No.

MR. BALLARD: We've wasted a lot of time with that.

MR. MADEKSHO: Your only recollection is that the attorneys had talked to you about two years ago in regard to The Wellington Group or the Asbestos Claims Facility?

THE WITNESS: Yes. I wouldn't term it talked to me. I mean, this wasn't a --

MR. MADEKSHO: It came to your knowledge at that time?

THE WITNESS: That there was something going on, yes.

MR. BALLARD: That's all I've got.

MR. STAMM: Anyone else?

MR. McCLURE: I don't have any questions at this time.

(Deposition recessed at 4:55 p.m.)

_____

JOHN L. MYERS

THE STATE OF TEXAS :

COUNTY OF _____:

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority, by the witness, JOHN L. MYERS, on this the _____ day of _____, 1986.

_____

Notary Public in and for _____County, T e x a s
My Commission Expires:

THE STATE OF TEXAS

I, Susan R. Goldstein, a Certified Shorthand Reporter in and for the State of Texas, do hereby certify that at the time and place stated herein, the witness, JOHN L. MYERS, personally appeared before me and after being by me first duly sworn to tell the truth, was examined by counsel for the respective parties hereto; that the testimony of said witness was taken in shorthand by me, later reduced to typewriting under my direction, and the foregoing 118 pages is a true and correct transcript of said testimony.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of September, 1986.

_____

Susan R. Goldstein
Certified Shorthand Reporter
in and for the State of Texas
Texas CSR No. 704
Expiration Date: 12/31/86

STATE OF TEXAS

I, Susan R. Goldstein, the Certified Shorthand Reporter before whom the above and foregoing deposition was taken, do hereby certify that at the time of the taking of said deposition, certain oral questions were propounded and certain answers given, as shown in the transcript of the deposition of JOHN L. MYERS, filed in the above captioned cause, and certain questions were propounded and were not answered, as shown in the transcript of said deposition, as follows:

Beginning at page 58, line 1.

Beginning at page 116, line 20.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this the _____ day of September, 1986.

_____

Susan R. Goldstein
Certified Shorthand Reporter
CSR No. 704, State of Texas

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

| | | |
|---|---|---|
| BOBBY R. SANFORD | ) | |
| | ) | |
| VS. | ) | |
| | ) | CA: G-82-325 |
| | ) | |
| JOHNS-MANVILLE SALES CORPORATION, ET. AL. | ) | |

NOTICE OF INTENTION TO TAKE ORAL DEPOSITION

TO: Mr. John Sullivan, BAKER & BOTTS, One Shell Plaza, Houston, Texas, attorney of record for the Asbestos Claims Facility;

Mr. Witcher McCullough, III, BAKER & BOTTS, One Shell Plaza, Houston, Texas, attorney of record for G.A.F.;

Ms. Elizabeth Thompson, BUTLER & BINION, 1600 Allied Bank Plaza, Houston, Texas, attorney of record for Raymark, Industries;

Mr. Lawrence Madeksho, attorney at law, 8320 Gulf Freeway, Suite 218 Houston, Texas, attorney of record for Plaintiff.

Please take notice that pursuant to the Federal Rules of Civil Procedure, the deposition of UNION CARBIDE CORPORATION, by and through its corporate representative, will be taken on the 4th day of September 1986 commencing at 1:30 p.m. and continuing from day to day thereafter until completed. The deposition will be conducted at the Law Offices of Robert Ballard, ABRAHAM, WATKINS, NICHOLS, BALLARD, ONSTAD & FRIEND, 800 Commerce Street, Houston, Texas, before a court reporter from Worldwide Court Reporters, Inc., P.O. Box 58170, Houston, Texas 77258.

EX. #1
9-4-86
Myers Dep.

The corporate defendant shall designate one or more of its officers, directors, managing agents or other persons who consent to testify on its behalf. The persons designated by the corporate defendant shall testify on behalf of said corporate defendant with respect to the following matters:

1. Asbestos mines;
2. Membership in the AIA (Asbestos Information Association);
3. Insurance Department negotiations with Asbestos Claims Facility;
4. Beginning period of negotiations between Asbestos Claims Facility and date of signing with Wellington Facility;
5. Produce all correspondence between Raybestos Manhattan, (Raymark Industries) including all correspondence with the AIA;
6. Manufacturers of any products containing asbestos;
7. Sources of supply of asbestos;
8. Years of using or processing asbestos or asbestos products;
9. Any and all asbestos claims litigation involved prior to this time.

Respectfully submitted,

ABRAHAM, WATKINS, NICHOLS
BALLARD, ONSTAD & FRIEND

By: Robert C. Ballard /dlr

Robert E. Ballard
Texas Bar #1651000
800 Commerce Street
Houston, Texas 77002
(713) 222-7211

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice has been forwarded to all interested counsel of record by hand delivery on this the 22nd day of August 1986.

Robert C. Ballard /dlr
Robert E. Ballard

WORLDWIDE COURT REPORTERS, INC.

1560 W. Bay Area Boulevard, Suite 280 • Houston, Texas 77546 • (713) 280-0015

August 22, 1986

Mr. Hugh Bartlett
District Clerk's Office
United States Federal Courthouse
601 Rosenberg
Galveston, Texas

In Re: C.A. No. G-82-325; Notice of Intention to Take Oral Deposition of Union Carbide Corp.

Dear Mr. Bartlett:

Enclosed please find the original Notice of Intention to Take Oral Deposition of Union Carbide Corporation in the above-referenced cause. I would appreciate your filing this Notice among the official records in this case.

By copy of this letter we are informing all interested counsel of the filing of this Notice.

Thanking you for your assistance in this matter, I remain

Sincerely yours,

Dorothy J. Riehl

Dorothy J. Riehl

Enclosure
cc: Mr. Robert E. Ballard
Mr. Lawrence Madeksho
Mr. John Sullivan
Mr. Witcher McCullough, III
Ms. Elizabeth Thompson