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STATE OF CALIFORNIA

IN THE SUPERIOR COURT FOR THE COUNTY OF LOS ANGELES

FREDRICK C. KENNEY and
SHERRAL KENNEY,

Plaintiffs, Civil Action
vs. No. BC468065

ALFA LAVAL, INC., et al,

Defendants.

The videotaped deposition of ROGER L. WABEKE, a witness in the above-entitled cause, taken before Leslie A. Williams, Certified Shorthand Reporter, Registered Professional Reporter and Notary in and for Oakland County, Michigan at 151 S. Old Woodward Avenue, Suite 200, Birmingham, Michigan, on the 29th day of March, 2012 commencing at 1:27 o'clock p.m. pursuant to the applicable court rules.

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25	25

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1 APPEARANCES: (Continued)	1 Birmingham, Michigan
2	2 March 29, 2012
3 TIMOTHY C. PIEPER	3 About 1:27 o'clock p.m.
4 Pond North, LLP	4 - - -
5 350 S. Grand Avenue	5 MR. JONES The parties stipulate that an
6 Suite 3300	6 objection by any defense Counsel present is good for
7 Los Angeles, CA 90071	7 all including motions to strike. Counsel need not opt
8 (213) 617-6170	8 out of an objection or a motion. Should they choose to
9	9 do so, they can make that election at trial
10 Appearing on behalf of the Defendant	10 The parties have also stipulated appearances
11 Genuine Parts Company.	11 and the stipulation could go on the written record and
12	12 not the video record. So stipulated?
13 TRINA CLAYTON	13 MR. KRAUSE: Yes
14 Howard, Rome, Martin & Ridley, LLP	14 MR. JONES Thank you. Hearing nothing from
15 1775 Woodside Road	15 anyone else, I'm sure we're all fine. Let's go on the
16 Suite 200	16 video record.
17 Redwood City, CA 94061	17 VIDEO TECHNICIAN We are now going on the
18 (650) 365-7715	18 video record. Today is Thursday, March 29th, 2012
19	19 The time is approximately 1:27 p.m.
20 Appearing on behalf of the Defendant	20 The location is 151 Old Woodward, Birmingham.
21 IMO Industries, Inc. (sued individually and	21 Michigan. My name is Mark Cecchini, video specialist
22 as successor-in-interest to Delaval Turbine,	22 representing HG Litigation Services. The civil action
23 Inc.	23 number is BC468065 in the matter of Fredrick and
24	24 Sherral Kenney versus Alfa Laval, Incorporated, and
25	25 the deponent is Roger Wabeke. The deponent may be

18	20
1 sworn in 2 - - - 3 ROGER L WABEKE, 4 having first been duly sworn, was examined and 5 testified on his oath as follows 6 EXAMINATION BY MR JONES 7 Q What is your name? 8 A My name is Roger Lee Wabeke It's W-A-B-E-K-E 9 Q And where do you live, Mr Wabeke? 10 A I live in Dearborn, Michigan 11 Q And is it true that you are the former director of 12 industrial hygiene at the Ford Motor Company? 13 A My exact title was supervisor of the industrial hygiene 14 section in the Employee Health Services Department of 15 Ford 16 Q Thank you 17 A You're welcome 18 Q What do you do for a living today? 19 A I'm an industrial hygienist I'm a chemical risk 20 safety engineer I teach I publish I consult for 21 industry I -- half of my time is with an employer 22 called Antea Group, A-N-F-E-A, Group I began working 23 for them about two months ago I provide consultation 24 for attorneys Am I speaking loudly enough by the 25 way?	1 might affect workers and people in the environment, the 2 general community 3 Q What's your educational background? 4 A. Military training, Medical Corps School in the United 5 States Navy followed by Fleet Marine B School, after 6 that a Bachelor of science degree in biology, a 7 Bachelor of science degree in chemistry, a Master of 8 science in industrial hygiene, a Master of Science in 9 chemical engineering, a postgraduate certificate in 10 hazardous materials management, and over the years 11 I've taken many dozens of professional development 12 courses, and I also have about 19 postgrad courses 13 that I would take on an as-needed basis to fill in the 14 chinks 15 Q When -- give me an idea of when you had the different 16 undergraduate and graduate degrees as far as what 17 year 18 A This is a stretch 1965 or 6 for biology, 1969 I 19 believe for chemistry. I believe 1972 for my Master of 20 Science degree in industrial hygiene and occupational 21 health, 1992 for my graduate certificate in hazardous 22 materials management, and I believe it was 1993 for my 23 Master's degree in chemical engineering with a focus on 24 hazardous materials engineering 25 Q Do you have any certifications?
19	21
1 Q Go ahead. I'm sorry 2 A I provide services as a witness in matters such as this 3 as an expert in various issues on toxic tort What 4 else do I do? 5 Pro bono work is about five percent of my 6 practice. I work out of clinics at Wayne State 7 University and the Detroit Medical Center, and 8 physicians now and then might have questions 9 regarding residential and/or occupational relatedness 10 of their patient's clinical presentation, and I might 11 be asked to inspect a home or a workplace in that 12 regard. 13 Q It sounds like you're a busy man. 14 A I sure am 15 Q What is an industrial hygienist? 16 A In the simplest terms, an industrial hygienist is one 17 who studies conditions in workplaces with an idea of 18 preventing adverse health conditions in workers with 19 respect to chemical exposures, physical agents, 20 biological factors and ergonomic risk factors 21 The focus is prevention. The textbook 22 definition of industrial hygiene to which my students 23 must commit to memory is that industrial hygiene is 24 that art and science dedicated to the recognition, the 25 evaluation and control of workplace stressors that	1 A I do 2 Q. Can you describe those? 3 A I'm board certified in the comprehensive practice of 4 industrial hygiene and have been since 1973 I'm board 5 certified at the Master's level as a hazardous 6 materials manager, and I'm licensed by the state of 7 Illinois as -- by the State of Illinois EPA as an 8 industrial hygienist in comprehensive practice. I 9 might mention Illinois, to my knowledge, is the only 10 state that requires licensure 11 Q You mentioned that you teach? 12 A I do 13 Q For how long have you taught? 14 A Well, I taught courses on a part-time basis many, many 15 years ago at Henry Ford Community College regarding 16 what I do for a living, and then actual graduate school 17 courses that I teach since starting in 1987 or 1988 18 occupational medicine one, a few years later risk 19 management, and I can't give you the specific dates 20 They're on my CV, and I believe I forwarded it to your 21 office 22 Q You did 23 A You received that, okay So the specific dates are 24 there. Principles of Environmental Health, a course 25 that I'm teaching as we speak, and what's the fourth

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1 course, Systems in Process Safety Engineering Those 2 are actually graduate school credit course 3 Along with that, I give numerous lectures to 4 various professional societies I've offered 5 professional development courses over the years on a 6 variety of subjects at annual conferences 7 Q Where do you teach today? 8 A Wayne State University School of Medicine and in the 9 School of Pharmacy and Allied Health Sciences 10 Q Can you give me just a brief description of some of the 11 different places you've worked over your career? 12 A It's extremely -- 13 MR BERG Other than for Ford Motor Company? 14 Q (BY MR JONES) Well, you can put that in the mix, but 15 you don't need to tell me everything you did there, but 16 just give me an idea, or is that going to take up a 17 couple hours of our time? 18 A It could I believe within my CV that you have is a 19 shopping list of the sites that I've personally 20 inspected, and it goes into three or four pages of 21 small font 22 Q And I remember that Can you give me an idea of some 23 of your employers over your career? 24 A By name, name of the employer? Well, that would be a 25 bit privileged I don't think my employers for whom I	1 correct? 2 Q (BY MR JONES) Yeah, the people that wrote you a 3 paycheck 4 A Well, again that's divulging my clients, and I don't 5 think my clients would appreciate that 6 Q I'm sorry I'm not communicating this artfully I 7 don't mean the particular clients, but the entity that 8 you -- that you are 9 A I thought I was getting to it when I mentioned steel 10 manufacturing and so forth I mean that's an entity 11 That's what they do 12 Q Okay But when you did that work, were you your own 13 consultant, or did you work -- were you a regular 14 employee of the different steel mills? That's what I 15 mean 16 A Well, both I've consulted -- as an employee of Ford 17 Motor Company, we had a steel division that later 18 became Rouge Steel, and it's now Severstal 19 My department and I personally provided 20 services for them as a Ford Motor Company employee, 21 but since then I have consulted for several steel 22 manufacturing companies around the country, pretty much 23 the midwest 24 Q When did you begin working as an independent 25 consultant?
23	25
1 consulted -- 2 Q No, I don't mean that I'm sorry 3 A Okay 4 Q If you worked for Ford, Ford '72 to '87 5 A I see 6 Q If you worked for your own consulting business, Roger 7 Wabeke Consulting, 1980, that's what I mean 8 A Back to your previous question -- 9 Q Let me ask it one more time so we are clear I don't 10 want to know everywhere you went 11 A But I want to clarify a previous question I also 12 have my own consulting firm The name of it is 13 Chemical Risk Management registered in Wayne County, 14 Michigan 15 Q Okay 16 A So I wanted to fill that in 17 Q Mr Wabeke, can you give me just a brief description of 18 your career, some of the places you've worked over your 19 career? 20 A All right Outside of Ford Motor Company and BASF 21 Corporation, two major employers that I worked for 22 early in my career, steel manufacturing, petroleum 23 refineries, food processing 24 MR BERG I think he's looking for names of 25 people for whom you worked as an employee, is that not	1 A 1987 2 Q And have you worked as an independent consultant ever 3 since? 4 A Yes 5 Q '87 is when you left the Ford Motor Company? 6 A Correct 7 Q At any time after 1987, did you have another nine to 8 five, Monday through Friday job beyond your consulting 9 work and your teaching responsibilities? 10 A No I chose not to do that 11 Q It sounds like you did a good job of filling your plate 12 without one 13 A I did 14 Q Okay Thank you very much So in your career you've 15 worked at BASF When did you work there? 16 A '65 to '71 17 Q And you were an industrial hygienist there? 18 A I was 19 Q Then you went to Ford? 20 A Correct 21 Q And ever since you left Ford, you've been an 22 independent consultant in industrial hygiene? 23 A Correct 24 MR. JONES Let's go off the record 25 VIDEO TECHNICIAN We are going off the record

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1 at 1 38 p m 2 (Off the record) 3 VIDEO TECHNICIAN We are back on the record 4 The time is 1 54 p m 5 Q (BY MR JONES) Mr Wabeke, are you familiar with 6 asbestos? 7 MR BERG Objection, form 8 A Well, there are many aspects of asbestos Yes, in some 9 aspects 10 Q (BY MR JONES) You know what it is? 11 A I do 12 Q Okay When did you first become familiar with 13 asbestos? 14 MR BERG Objection, form 15 A I'm going to say about 1959 or '60 when I was in the 16 Navy serving on an aircraft carrier 17 Q (BY MR JONES) Have you learned about asbestos 18 through your education? 19 A I have 20 Q And training as an industrial hygienist? 21 A Correct 22 Q Are you familiar with the diseases that asbestos 23 causes? 24 MR BERG Objection, form 25 A I know the labels of the diseases I'm not a	1 about your -- well, not a little bit I'd like to talk 2 to you a lot about your career at Ford 3 A Certainly 4 Q You started at Ford in 1972? 5 A January of 1972 6 Q What was your position when you started at Ford? 7 A Industrial -- my title is industrial hygienist 8 Q And that title changed a couple times, is that true? 9 A Twice 10 Q And how did your title change, and when did it change? 11 A About nine months after I began at Ford, my title 12 changed, and I believe it was nine months I'm not 13 exactly certain on the time to senior industrial 14 hygienist, and then in about 1976 I was promoted to 15 supervisor of the industrial hygiene section 16 We were a division of Ford Motor Company's 17 Employee Health Services Department, and that was my 18 final position at Ford 19 Q What was the purpose of the Ford Industrial Hygiene 20 Section when you joined Ford? 21 MR BERG Objection, form 22 A Our duties were to insure as reasonably we could 23 conservation of the health Ford employees at 24 manufacturing and other sites at Ford Motor Company 25 throughout the world
27	29
1 physician I'm not a pulmonary physiologist or 2 pulmonologist, but I know the adverse health outcomes 3 that can originate in sufficient dose and certain 4 chronicities 5 MR IRVIN I move to strike to the extent 6 that is beyond the scope of this deposition and calls 7 for expert testimony 8 Q (BY MR JONES) And based on your training, what are 9 the health consequences of exposure to asbestos? 10 MR IRVIN Same objection 11 MR BERG Form and foundation 12 A Shall I proceed in answering? 13 MR BERG Yes 14 A One is asbestosis which is a pneumoconiosis, a dust 15 disease of the lungs that results from inhalation of 16 respirable asbestos fibers of a certain length with 17 ratio We call it the aspect ratio 18 Another is lung cancer, supported 19 synergistically by tobacco smoking The third is 20 pleural mesothelioma The fourth is peritoneal 21 mesothelioma 22 There is some debate by some about other 23 tissue sites in the human body I'm not up to speed on 24 that 25 Q (BY MR JONES) I'd like to talk to you a little bit	1 We looked at what we considered the five D's, 2 prevention of significant discomfort in workers, 3 prevention of reversible health disorders, prevention 4 of irreversible disease and prevention of deaths, and 5 as a corollary to that, as safety engineers, the 6 prevention of significant property damages I think 7 that's five D's, sort of a slogan that we had 8 Q Did preventing asbestos related injuries in Ford 9 employees fall within the five D's you mentioned? 10 A It did 11 Q And was that a goal of yourself when you joined -- that 12 sounded terrible 13 Was prevention of asbestos diseases one of 14 your jobs when you joined Ford in 1972? 15 MR BERG Objection, form, foundation 16 A It was one of numerous, yes 17 Q (BY MR JONES) It wasn't the only thing, but it's one 18 of the things? 19 A It is -- it was, yes 20 Q How many people were in the Ford Industrial Hygiene 21 Department when you joined that department? 22 A It's a stretch Six I believe 23 Q Did it grow over time? 24 A It did 25 Q Can you describe -- let me ask it this way

30	32
1 When you left in 1987, how many people were in	1 physicians and nurses at the various Ford facilities
2 the Industrial Hygiene Section?	2 around the country
3 A I'm sorry I don't have a recall. It was less than	3 Q Ford had a corporate medical department?
4 when we were at the apex, the zenith of employment.	4 A It did
5 My best call was when I left Ford in '87 there	5 Q And was industrial hygiene a section of Ford's Medical
6 were about seven or eight industrial hygienists, five	6 Department?
7 chemists -- well, three chemists and two technicians	7 A Yes
8 and two administrative assistants	8 Q Okay How many medical doctors did Ford when you
9 Q That's within the Industrial Hygiene Section?	9 started in 1972?
10 A Correct Oh, I'm sorry There were industrial	10 A It's very difficult to answer your question We had
11 hygienists in a few of the larger divisions as well	11 some at the corporate level, perhaps two, maybe three
12 In other words, they worked in a segment of the	12 MR BERG He doesn't want you to guess If
13 corporation -- of the company	13 you know
14 Q Meaning there were industrial hygienists that were part	14 A Well, I don't know the exact number We are going
15 of the Industrial Hygiene Section where you worked?	15 back --
16 A Yes.	16 Q (BY MR JONES) I don't want you to guess, but I want
17 Q And then there were industrial hygienists assigned to	17 you to give me your best recollection, your best
18 particular departments at Ford?	18 estimate based on your recollection
19 A Two or three, yes	19 A Well, conservatively at least one We had a corporate
20 Q For example?	20 medical director when I hired in, and I'm not sure if
21 A Automotive Assembly Division	21 he had assistant medical directors at that time He
22 Q We need you all to mute on the phone please Can you	22 did later, but then at our larger manufacturing plants
23 give me an example?	23 we had a plant physician with a nursing staff
24 A Of what?	24 Q At each large manufacturing plant?
25 Q I'm going back in time like that interruption that we	25 A Correct
31	33
1 are having I'll let you know	1 Q There would be a M D , medical doctor, with nurses that
2 Can you give me an example of industrial	2 worked under that doctor?
3 hygienists that worked at Ford that weren't in your	3 A Correct
4 section?	4 Q Okay Did the corporate medical department grow over
5 A As I recall, there were three facilities within Ford	5 time?
6 Motor Company, and the largest was our automotive	6 A It did
7 assembly division We had at that time, as I recall,	7 Q Can you describe that for me?
8 about 17 or 18 car, truck and tractor assembly plants	8 A The corporate department hired an epidemiologist
9 throughout the United States and Canada	9 Shortly after I began working for Ford Motor Company,
10 There was an industrial hygienist for --	10 there was a need to have at least one toxicologist on
11 again it's a stretch, and I apologize -- for our paint	11 staff, and about two or three years after I began
12 and vinyl division We manufactured fabrics and paints	12 working for Ford, that person was added to my manager's
13 for Ford vehicles, and another one was assigned I	13 department So the corporate department grew in that
14 believe to our casting division These were our	14 sense
15 foundries	15 Beyond that, I don't believe there were any
16 Q Did you work with other sections or departments within	16 others Oh, pardon me Over time there were two
17 Ford in the prevention of injuries and disease of Ford	17 assistant medical directors or associate medical
18 employees?	18 directors reporting to the medical director
19 A Yes	19 Q And the assistant medical directors were medical
20 Q What other sections or departments did you work with?	20 doctors also?
21 A Human relations at our various facilities, plant	21 A They were
22 engineering departments Those are the two major	22 Q While you were at Ford, were you active in any
23 Of course, the corporate medical department,	23 industrial hygiene societies?
24 we interface because at a corporate level they were a	24 A Yes
25 part of my department, and then we would interface with	25 Q Tell me about those

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1 A Two, the American Industrial Hygiene Association and 2 the Michigan chapter, the Michigan Industrial Hygiene 3 Society of the first one I mentioned 4 Q The national and the Michigan chapters? 5 A Correct 6 Q Were other members of Ford's industrial hygiene team 7 members of the American Industrial Hygiene Association? 8 A. To my knowledge, all were I should also mention I was 9 a member of the American Academy of Industrial Hygiene 10 as a board certified industrial hygienist 11 Q Your recollection is all Ford's industrial hygienists 12 were members of the American Industrial Hygiene 13 Association? 14 A Again this is a dynamic situation People would 15 leave We'd hire People would resign They would 16 transfer I can't speak to all of those people over 17 the years The lion's share of them were, not all 18 Q Thank you for that clarification 19 A You're welcome 20 Q Did Ford's Industrial Hygiene Section or the Division 21 of Employee Health Services do anything to keep 22 informed about occupational hazards? 23 MR BERG Objection, form 24 A Well, it's very broad Speaking to my department we 25 did We subscribed to journals We had a library We	1 Q (BY MR JONES) Do you know if they got things like 2 the Journal of the American Medical Association or the 3 New England Journal of Medicine? 4 MR KRAUSE Objection, foundation 5 MR BERG Asked and answered 6 A It was asked and answered I would see copies of those 7 journals on the desks of the doctors when I went to 8 meet with them That doesn't mean they had a 9 subscription 10 Q (BY MR JONES) Fair enough When you met with 11 doctors, you would see other journals like the 12 Journal of the American Medical Association, 13 New England Journal of Medicine, those things on 14 their desk? 15 A Yes 16 Q You don't know if they delivered them monthly or 17 went to the book store and got them or how they got 18 them? 19 A I have no idea 20 Q Okay Thank you The industrial hygiene section had a 21 library? 22 A Yes 23 Q Did the medical division also have a library? 24 A A library is a broad term It was almost Helter 25 Skelter for both departments It wasn't stocked the
35	37
1 attended conferences, short courses in various 2 activities just to try to stay abreast of the latest 3 developments in the field. 4 Q. (BY MR JONES). What journals did the division 5 subscribe to? 6 A The American Industrial Hygiene Association Journal, 7 the Journal of Occupational and Environmental Health. 8 Those are the two journals that circulated -- that my 9 budget allowed for 10 Now and then other journals within the 11 company, say from the medical department, would be 12 passed through our department for a need to know based 13 on the medical director, but it wasn't systematic. 14 If there was a need that might be relevant to 15 what we were doing, corporate medical would share 16 either the journal or an article from the journal for 17 our edification 18 Q Did the corporate medical department receive 19 periodicals also, journals? 20 MR BERG: Objection, form, foundation 21 MR KRAUSE. Objection, form, foundation 22 A I can only presume I don't know I know they had the 23 Journal of Occupational Environmental Medicine. In 24 fact, I know they subscribed to that. That's the only 25 one I can speak to	1 way we would have liked to have seen it. Yes, we had 2 books. We had a library. 3 Q. And what sorts of books did you keep in the industrial 4 hygiene library? 5 A Well, these would be books on chemical toxicity, 6 physical agents such as noise, heat strain, radiation 7 and so forth 8 We had some classic textbooks on ergonomics. 9 biological risk factors We had some generic 10 industrial hygiene books that perhaps were used for an 11 introductory graduate school course in industrial 12 hygiene. We had regulations, of course. 13 Q. I want to talk to you a little bit about the 14 relationship between the industrial hygiene division 15 and some of the other departments you mentioned, the 16 nonmedical departments like the plant engineering and 17 HR Okay? 18 A Correct 19 Q My understanding -- and correct me if I'm wrong -- the 20 job of the industrial hygiene section was to identify 21 hazards in the workplace at Ford manufacturing 22 facilities, is that correct? 23 MR. BERG. Objection, form 24 MR. KRAUSE. Objection, relevance. 25 A In part, yes, we had manufacturing facilities We had

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1 parts warehousing, distribution facilities, those sorts	1 comply with our recommendations or come up with a
2 of things, research and development	2 feasible alternative that accomplished the same
3 Q (BY MR JONES) Your focus was on protecting Ford	3 objective
4 employees, is that right?	4 Q (BY MR JONES) And thank you for that What I meant
5 A Exclusively, yes	5 was it wasn't like you showed up at a plant, saw a
6 Q When you identified hazards, you would recommend work	6 hazard and then you could declare martial law and
7 practices to eliminate those hazards?	7 change everybody's work practices?
8 MR BERG Objection, form, foundation	8 MR KRAUSE Relevance
9 A In the broadest sense, that's correct We had to	9 MR BERG Objection, form
10 consider cost benefit ratios, those sorts of things,	10 A Was that a statement or a question?
11 frequency of occurrence, all sorts of things	11 Q (BY MR JONES) Well, I guess I'm trying to -- I'll
12 It would be silly to spend a lot of money on	12 withdraw the question
13 an one time occurrence So we had to balance many,	13 One of the things you also wanted to do as an
14 many factors in arriving at a reasonable decision that	14 industrial hygienist was make sure that workers were
15 would benefit not just the employees but Ford Motor	15 informed of hazards?
16 Company as well because we walked a tight line between	16 A Yes
17 Ford and their employees We had to consider that in	17 Q Why is it important to inform workers of occupational
18 our decision making process	18 hazards?
19 Q (BY MR JONES) It sounds like the industrial hygiene	19 A The worker in many cases is in a good position to
20 department didn't make decisions on changing work	20 recognize signs and symptoms, assuming they had been
21 practices on their own?	21 trained in hazard communication, that they in turn
22 MR BERG Objection, form	22 might be able to share with their primary care
23 MR KRAUSE Objection, foundation	23 physician on the question that maybe, doctor, I'm over
24 A My department made recommendations and suggestions	24 exposed, I work with this chemical, do you see a nexus
25 Whether those were implicated or installed in the	25 between my exposure and what you're finding
39	41
1 plants, sometimes they were Sometimes they	1 clinically
2 weren't The best we could do is give our best	2 Also the workers are often the first line
3 professional advice to our facilities on what we	3 along with their supervisor to recognize when
4 observed	4 situations are out of control, and either through a
5 Q (BY MR JONES) So your department, the Industrial	5 chain of command or deliberately, directly depending on
6 Hygiene Department, would make recommendations and	6 the urgency of the situation take matters in hand to
7 suggestions to, say, a plant manager about safe work	7 abate the problem. I hope that was responsive
8 practices?	8 Q It was It was Would you agree with me that when a
9 A Precisely	9 worker knows the consequences of not following safe
10 Q And they might follow the recommendations and	10 practices, meaning what harm can come to them, they're
11 suggestions They might not?	11 more likely to follow those practices?
12 A Correct, or in some cases they might have a better	12 MR KRAUSE Objection, relevance
13 alternative because they were close to the issue at	13 MR BERG Form, foundation
14 hand Through dialogue we'd arrive at a solution	14 A Could you rephrase that please? It sounds like a, with
15 Q You could work with the plant manager, and between the	15 all due respect, a double negative
16 two of you come to a solution?	16 Q (BY MR JONES) I've done that before, and I probably
17 A Yes	17 did it right here
18 Q But ultimately it was management that had to implement	18 Would you agree with me that it is important
19 the suggestions or recommendations?	19 that workers understand the consequences of not
20 MR BERG Objection, form	20 following safe work practices?
21 A No Again we were advisory Arguably there could have	21 A Yes, I would agree
22 been somebody at the plant facility that knew about	22 Q Why?
23 industrial hygiene than we ever knew, and based on	23 A Well, if they don't understand the gravity of the
24 that, not implement it So I want to give the benefit	24 hazard and how it might impact their health or those
25 of the doubt, but it was the suggestion that they	25 working around them or the physical plant, they're not

	42		44
1	in a position to intervene as needed	1	MR. KRAUSE: I'm going to put an objection
2	I'm not suggesting for a minute that the	2	on the record to any questions about this document
3	ultimate responsibility is the worker. It should be a	3	There is no evidence in this case that I'm aware of
4	team approach through supervision, corporate guidance	4	that your client ever entered the plant referred to in
5	as an overall culture to arrive at what you're just	5	this exhibit, and this is not going to be a free
6	describing	6	wheeling questioning about all Ford Motor Company
7	Q: You mentioned that there were instances where	7	plants. Your client was never in one.
8	management did not follow recommendations from the	8	MR. BERG: Is that a fair statement, Trey, he
9	industrial hygiene section?	9	was never in Dearborn Glass?
10	MR. BERG: Objection. That's not what he	10	MR. JONES: Yes.
11	said	11	MR. BERG: So why are we talking about this?
12	MR. JONES: I'll finish it, and he can correct	12	MR. JONES: I'm going to do my examination
13	it if it needs correcting	13	MR. KRAUSE: Well, if you're going to keep
14	Q: (BY MR. JONES) Any time you need to correct something	14	this up, I'm going to terminate it because this is not
15	I say, you feel free, and you don't seem shy about it,	15	a fishing expedition about what might or might not have
16	so I don't think it's going to be a problem	16	gone on at the Dearborn Glass Plant. Your client never
17	Correct me if I'm wrong, but you mentioned	17	got near it, and there is no allegation in this case
18	before that there were occasions where management did	18	that he worked there.
19	not follow the recommendations or suggestions of the	19	MR. JONES: Okay.
20	Industrial Hygiene Department, is that true?	20	MR. KRAUSE: I'm just warning you.
21	A: In some cases, correct	21	MR. JONES: Listen, if you need to terminate
22	Q: And do you recall if that happened in areas related to	22	the deposition, that's what you need to do. If you do
23	asbestos hazards?	23	that and we find out you don't have proper grounds to
24	A: Ultimately I would say no. Ultimately we got	24	do it, I'll seek sanctions. If I have to fly back to
25	compliance. Sometimes there was for lack of a better	25	Detroit, you'll pay for the flight. So you make your
	43		45
1	term dragging of their feet because others had better	1	decisions about terminating the deposition. That's
2	ideas, but eventually we prevailed	2	your decision. I'm happy to appear before a court in
3	Q: I'm going to show you what I'm going to mark as	3	California and defend myself. I'm happy to appear
4	Exhibit 1 to the deposition	4	before a court in Michigan and defend myself.
5	(Deposition Exhibit Number 1	5	I believe this is relevant to issues in my
6	was marked for identification)	6	case. I'm going to examine the witness on it. You can
7	(Off the record)	7	have a running objection on the basis you've just
8	Q: (BY MR. JONES) I'm showing you what I've marked as	8	described to this particular exhibit. You can object
9	Exhibit 1 to the deposition	9	to the individual questions, but the way this happens
10	MR. KRAUSE: Do you have another copy of that,	10	is we get the discovery. There is no judge here, and
11	Counsel?	11	then a judge determines if it's relevant or not. We
12	MR. JONES: I don't, but I could show it to	12	don't decide that here. So I'm going to continue my
13	you briefly	13	examination respectfully.
14	A: Would you like me to read this?	14	MR. BERG: Hold on for a second. Can I add
15	Q: (BY MR. JONES) Yes	15	something, Trey?
16	A: Well, it's not dated. This would be helpful for me	16	MR. JONES: Sure.
17	Usually I date my --	17	MR. BERG: Here's the issue that I have,
18	MR. BERG: There is really not a question	18	okay. The issue that I have is that witness has been
19	pending	19	called as a percipient witness, not an expert witness,
20	A: I'm sorry	20	and you know in California and in Michigan that you
21	MR. BERG: Read the document and then --	21	can't compel him to give expert testimony, right?
22	Q: (BY MR. JONES) Let me know when you're ready	22	MR. JONES: Right.
23	A: I've read it	23	MR. BERG: So I presume the predicate for your
24	Q: Is this a note from you?	24	examination is that your client would have been
25	A: It is	25	similarly exposed.

46	48
1 MR JONES I don't have to explain to you -- 2 MR BERG I'm not asking you to 3 MR JONES -- why I'm doing the examination 4 I'm going to do my examination, but I agree with you 5 he's been called as a percipient witness, and I'm 6 asking him about a letter that he -- you authored this 7 note, is that true? 8 A I did, but my note says attached concerning studies 9 The studies are not attached So this is out of 10 context for me Without those studies, I'm hamstrung 11 Q (BY MR JONES) Fair enough Fair enough But this 12 is your handwriting? 13 A It is 14 Q Okay And you wrote this while you were employed at 15 the Ford Motor Company? 16 A I did 17 Q Okay And there are studies attached that aren't here, 18 true? 19 A Well, I don't have them Perhaps you do 20 Q I don't, and I don't mean to -- I'm not hiding them 21 back here 22 A It would be helpful if you knew the legacy of the 23 studies this memo generated -- that led to the 24 generation of this memo 25 Q Fair enough You did author this memo, true?	1 Q (BY MR JONES) It appears that whenever you wrote 2 this note, you were under the impression that a plant 3 manager wasn't following your recommendations about 4 asbestos hazards, is that true? 5 A Yes 6 MR BERG Objection, form, foundation 7 Q (BY MR JONES) What was your answer? 8 A Res ipsa loquitur It speaks for itself 9 Q And your answer was yes? 10 A Yes 11 MR JONES Thank you I didn't think that 12 one was going to be that contentious Calm down a 13 little bit, huh I didn't know that guy had that much 14 fire I like it 15 MR KRAUSE It's early 16 MR JONES I know We're just getting warmed 17 up 18 Q (BY MR JONES) It wasn't your decision to put 19 warnings on products that Ford sold, is that true? 20 A Not directly, no Now and then the Ford Parts and 21 Services Division would ask for input from our 22 toxicology department and my department preceding 23 toxicology on the quality of the warnings that had been 24 proposed by our marketing group for aftermarket 25 products
47	49
1 A I did 2 Q And you authored the memo while you were an employee at 3 Ford, true? 4 A True 5 Q And you authored the memo while you were working at 6 Ford's Industrial Hygiene Section, true? 7 A Correct 8 Q We don't know how this ended up? 9 A How what? 10 MR BERG Whoa, whoa, whoa 11 A How what ended up? 12 Q (BY MR JONES) There is nothing nefarious about my 13 question When I'm done with my question -- 14 MR BERG You were done with your question 15 MR JONES I wasn't 16 MR BERG Okay I'm sorry Go ahead 17 Q (BY MR JONES) I was not I don't have any memos or 18 anything that happened after this 19 A Or before 20 Q Or before 21 MR KRAUSE We don't know what the date is 22 MR JONES I'm going to explain all that 23 Now, if you want to ask him questions when I'm done, 24 knock yourself out, but let me do my examination 25 please	1 Q You could make recommendations and suggestions to the 2 people responsible for warnings? 3 A Yes 4 Q And you said the warnings were determined by what 5 group? You mentioned marketing Who was in charge of 6 warnings? 7 A I can't give names, but our sales and marketing for 8 aftermarket products such as paint sprays and vinyl 9 redressing compounds and windshield washer fluids, 10 those sorts of things 11 Q So for aftermarket products the sales and marketing 12 department decided whether or not a warning should be 13 applied to a product? 14 A Not all products, chemical products 15 Q Asbestos products? 16 A No 17 Q Who decided whether or not an asbestos warning went on 18 an asbestos aftermarket product? 19 A I have no idea We relied on our manufacturers for 20 quality warnings, but we didn't do that We didn't 21 manufacture asbestos We didn't supply asbestos in 22 bulk form to retail customers It was not our 23 responsibility 24 Q But the Ford Motor Company bought, for example, 25 asbestos brakes, true?

50	52
1 A They did	1 studying the air flow ventilation characteristics
2 Q They bought them in bulk, true?	2 inside and outside the vehicle
3 A True	3 Now and then there would be -- in fact,
4 Q They then packaged them in Ford Motor Company boxes.	4 Mr Krause about 1986 I believe I was in his office in
5 true?	5 downtown Detroit as the last time I was a fact witness
6 A No We installed them on vehicles	6 regarding some Ford employee's exposure to something
7 Q Also sold them as aftermarket parts, true?	7 I don't remember the details
8 A I don't know what the working relationship was, if we	8 Q Was Ford's legal department involved in decisions about
9 sold them directly or if they were sold directly by the	9 whether or not to include a warning on a product sold
10 wholesaler to the dealers, for example	10 to consumers?
11 Q You're not aware of that?	11 MR BERG Objection, form, foundation
12 A I'm not aware	12 MR KRAUSE Objection
13 Q Okay If Ford did sell asbestos products in its own	13 A I have no idea
14 packaging, and you're saying you don't know if they did	14 Q (BY MR JONES) While you were at Ford, one of
15 or they didn't?	15 the concerns of yourself and your department was
16 A I have no idea	16 controlling exposures to asbestos, is that true?
17 Q Okay You don't know who would be in charge of	17 A It was one, yes
18 supplying those warnings?	18 Q Was that one of your concerns when you started in
19 A No	19 1972?
20 Q Okay Your staff was not in charge of determining	20 A Yes, because I was knowledgeable about the hazards,
21 whether or not an asbestos warning went on products	21 some of the -- at least asbestosis as a risk factor in
22 that Ford sold if they included asbestos?	22 the 1950's before Dr Selikoff's studies of cancer in
23 MR BERG In the aftermarket?	23 asbestos, but I certainly was aware of that, and as a
24 MR JONES Anywhere	24 medical corpsman on an aircraft carrier built in World
25 A Well, now and then we might encounter an asbestos	25 War II which was replete with asbestos, I became aware
51	53
1 product in the manufacturing operations that had no	1 of the hazards of asbestos dust inhalation
2 warnings or flimsy warnings That was our	2 MR JONES Let me know if you're picking up
3 responsibility, but as far as aftermarket products, we	3 the flipping of paper
4 had no jurisdiction there	4 MR BERG I'm sorry
5 Q (BY MR JONES) And you didn't have any input say or	5 MR JONES I'm not saying you are I'm just
6 supplying warnings with new Ford Motor vehicles that	6 saying sometimes, so let me know
7 had asbestos components in them?	7 MR BERG If I'm doing something that picks
8 A No, sir	8 up, just let me know
9 Q Okay Did Ford have a legal department when you were	9 MR JONES I'm not accusing you of anything
10 there?	10 but sometimes people
11 A They did	11 Q (BY MR JONES) So when you started at Ford in 1972,
12 Q And did you ever have any interaction with the legal	12 you knew some things about asbestos hazards, true?
13 department?	13 A I did
14 A I did	14 Q Now, when you showed up, were you the only one that
15 Q What interaction did you have with the legal	15 knew it?
16 department?	16 MR BERG Objection, form, foundation
17 A It was limited Now and then over the years there	17 MR KRAUSE Objection, foundation
18 would be claims against Ford Motor Company for a	18 A Others in my department knew about the hazards of
19 defective product The bulk of those had to do	19 asbestos Maybe they were not aware of mesothelioma
20 with concerns about a leaking exhaust system that	20 The issue -- my -- I am reasonably certain that the
21 resulted in carbon monoxide poisoning and deaths in	21 degree of knowledge regarding asbestos in my department
22 some cases	22 when I started as a junior industrial hygienist was
23 My and my people's involvement would be to	23 simply asbestosis, nothing more, nothing less
24 study those vehicles usually in the state or the	24 Q (BY MR JONES) How do you know that others in your
25 location where these occurred by taking air samples,	25 department were aware of asbestos hazards when you

54	56
1 started? 2 MR BERG Objection, form 3 A Because one of our -- one of my colleagues was doing 4 asbestos studies in a Ford facility 5 Q (BY MR JONES) Who was that? 6 A Henry Lick 7 Q Was Mr Lick your supervisor at any time? 8 A No, he was -- we were both industrial hygienists 9 Q Did you end up being his supervisor? 10 A Yes, I did, and then I rehired him after he left the 11 department Yes, I was 12 Q So when you started, an industrial hygienist named 13 Henry Lick was doing asbestos studies? 14 A Yes 15 Q What was he doing? 16 A We had a facility at Sheldon Road Plant in a suburb of 17 Michigan in Plymouth, Michigan that handled very large 18 quantities of asbestos, and his concern was the 19 occupational exposures of workers to asbestos fibers in 20 that facility 21 Q You mentioned a Dr Selikoff Who is Dr Irving 22 Selikoff or who was he? 23 A The late Dr Selikoff was a pioneer in the study of 24 asbestos exposures I believed he worked with groups 25 of insulation workers, trades persons, and as a	1 time The third time is always a charm 2 Dr Selikoff's work that got a lot of 3 attention as it relates to asbestos was his 1964 4 conference on asbestos where he discussed the insulator 5 study you described, true? 6 A Yes 7 Q And the Ford Motor Company was aware of Dr Selikoff 8 true? 9 MR BERG Objection to form 10 A Ford Motor Company had almost half a million 11 employees Did every worker and employee, of course 12 not My department was aware of it The corporate 13 medical department was aware of it Beyond that, I 14 can't speak to anybody else 15 Q (BY MR JONES) Fair enough You've personally met 16 with Dr Selikoff, is that true? 17 A No, I've never met the man I've read his papers 18 I've never met him 19 Q Have you ever met with other members of Mt Sinai? 20 A No 21 Q He was at Mt Sinai, is that true? 22 A And also at State University of New York 23 Q Are you familiar with a gentleman by the name of 24 John M Dement? We are going way back here I 25 understand
55	57
1 physician and an epidemiologist he looked at a variety 2 of issues over a fairly large cohort of exposed 3 insulation workers and controls, and I believe he made 4 the link between tobacco smoking and chrysotile 5 asbestos exposure and also mesothelioma as a risk 6 factor 7 Q When you say between chrysotile asbestos and 8 tobacco smoking, you mean in the causation of lung 9 cancer? 10 A Yes 11 Q Not in the causation of mesothelioma? 12 A No There is no link, to my knowledge, that tobacco 13 smoking is synergistic or an additive risk for 14 mesothelioma. 15 Q It doesn't cause or contribute to mesothelioma, 16 right? 17 MR. BERG Objection Come on now He's not 18 here to testify as an expert witness 19 MR JONES I'm just clearing it up 20 MR BERG Clearing what up? 21 MR. JONES. You made your objection 22 Q (BY MR. JONES) Is that true? 23 A True 24 Q The Ford Motor Company -- well, strike that. 25 Mr. Sel or Mr. -- we will try it one more	1 A I know the man I believe he's an industrial 2 hygienist I don't know that I've met him I think 3 I've seen some papers or a book of his 4 Q I'm going to show you what we will mark as Exhibit 2 to 5 the deposition 6 (Deposition Exhibit Number 2 7 was marked for identification) 8 MR KRAUSE Do you have another copy of it so 9 I can take a look at it? 10 MR JONES I don't, and this time this one is 11 highlighted 12 MR BERG Here, Bob, why don't you take a 13 look at that before 14 A Well, I've read the cover page 15 Q (BY MR JONES) Go ahead and flip through it, and then 16 I'll ask you a question about it 17 MR BERG Are you going to ask him questions 18 about the attached minutes? 19 MR JONES Yes 20 A This will take a moment or two maybe 21 MR JONES We will change the tape while you 22 read that We will go off the record 23 VIDEO TECHNICIAN Okay Off the record at 24 2 35 Off the record 25 (Off the record)

58	60
1 VIDEO TECHNICIAN We are now back on the	1 Q Thank you for the clarification And does this exhibit
2 record The time is 2 44 p m	2 refresh your recollection that you heard Dr Selikoff
3 Q (BY MR JONES) Have you had a chance to read over	3 speak in person?
4 what I've marked as Exhibit 2?	4 A Yes
5 A Yes	5 Q And, in fact, Dr Selikoff spoke about potential
6 Q Exhibit 2 is a letter dated May 13, 1976, is that true?	6 hazards to asbestos from brakes and clutches, true?
7 A It is	7 MR BERG Objection, form, foundation
8 Q And it's on the letterhead of the Department of Health,	8 A He did
9 Education and Welfare, Public Health Service, Center	9 Q (BY MR JONES) Okay Is this information that others
10 for Disease Control, true?	10 in Ford's Industrial Hygiene Department would have been
11 A True	11 aware of?
12 Q It's a letter from a John M Dement, assistant chief,	12 MR KRAUSE Objection, foundation
13 Industrial Hygiene Section, true?	13 A Yes
14 A Yes	14 Q (BY MR JONES) How do you know others would have been
15 Q And it's sent to Roger Wabeke, Ford Motor Company,	15 aware of it?
16 true?	16 A Well, because when I received memos that I thought
17 A Right	17 would be helpful to my staff, I circulated them, and LL
18 Q And is that you?	18 was Mr Libardo LaToire The capital what looks like a
19 A Yes	19 R was Dr Sheldon Rabinowitz who reported to me CP is
20 Q It mentions that -- Mr Dement mentions he's	20 Chuck Plasters KL is Keith Lee I can't decipher the
21 attaching the minutes of a March 19, 1976 meeting	21 other two, but it would have been Sharkie Magella, and
22 on "Occupational Exposure to Asbestos Dust During Brake	22 Michael O'Brien, that appears to be his scribble, but I
23 and Clutch Servicing", true?	23 would generally circulate it to the field staff with
24 A Yes	24 the exception of Libardo who was a chemist in the
25 Q And those minutes appear to be attached to this	25 laboratory
59	61
1 exhibit, is that true?	1 Q So you thought this was important?
2 A Yes	2 A Of course
3 Q Do you have any reason to dispute that you received	3 Q In this -- in the minutes of the meeting it describes
4 this letter?	4 Dr. Selikoff's statements about the hazards of asbestos
5 A No	5 associated with brake and clutch work, true?
6 Q While you were employed at Ford?	6 MR BERG Objection, form, foundation
7 A I initialed it	7 Q (BY MR JONES) The second paragraph reads
8 Q Your initials are on this letter?	8 "Dr Selikoff briefly summarized environmental
9 A They are	9 and medical studies conducted with Local 259 of the
10 Q Where are they?	10 United States -- United Auto Workers and the New York
11 A Directly under the date Do you see RW?	11 Automobile Dealers Association These studies
12 Q Okay So those initials indicate that you received	12 demonstrated peak asbestos fiber exposures of 0.5 to
13 this letter and the minutes?	13 35 fibers per cubic centimeter as determined by the
14 A Yes	14 standard OSHA phase contrast counting method Using
15 Q Now, the minutes seem to show that you were there, and	15 electron microscopic techniques, it was shown that 80
16 Dr Selikoff was there?	16 to 99 percent of the fibers were shorter than the five
17 A Yes	17 micron in length Medical examinations of 93 brake
18 Q Do you recall that or maybe you forgot?	18 repair workers with 10 to 40 years of exposure
19 A I do recall it I had a senior moment earlier I said	19 demonstrated a substantial number with x-ray and
20 I never met the man I didn't personally speak with	20 pulmonary function abnormalities" Did I read that
21 him, but he was the speaker that day	21 correctly?
22 Q Okay I get it you guys never sat down and had a	22 A You did
23 sandwich, but he's spoken with a bunch of people, and	23 Q And is that in fact what Dr Selikoff said at the
24 you were there?	24 meeting you attended?
25 A Exactly	25 A Yes That isn't necessarily I had questions about his

62	64
1 findings, but that's what he stated	1 meeting in fact
2 Q And you circulated that information to other industrial	2 Q And I'll move to strike the nonresponsive portions
3 hygienists at Ford, true?	3 Thank you for that
4 A I did	4 And if you look at the last page, it lists
5 Q And if you'll go to the next page, at the top it	5 you as an attendee, Roger Wabeke, for the Ford Motor
6 says "Dr George Wright, industrial medical consultant,	6 Company; is that true?
7 pointed out that many garage mechanics performed	7 A It is
8 grinding operations in addition to cleaning of the	8 Q And again you don't dispute that you were at the
9 brake wear dusts" Did I read that correctly?	9 meeting?
10 A You did	10 A I was at the meeting.
11 Q And were you aware of that, that mechanics would grind	11 Q Thank you, Mr Wabeke You mentioned before that you
12 brakes?	12 were also aware of Dr Selikoff's work, true?
13 MR BERG Objection, form, foundation	13 A In a general sense, yes
14 A Yes	14 Q And I think you mentioned that you read some studies
15 Q (BY MR JONES) And were other industrial hygienists	15 about asbestos from Mt Sinai and Dr Selikoff, is that
16 at Ford aware that mechanics would grind brakes?	16 true?
17 A I can't speak to all of them, but some certainly did,	17 A I did
18 yes We discussed it	18 MR BERG You've got to take a breath between
19 Q That was discussed amongst you and other industrial	19 his question and your answer so I have an opportunity
20 hygienists?	20 to object as well as the other lawyers in the room
21 A Correct	21 A I'll do that Thank you Is that an objection?
22 Q Would you agree with me a concern at that time was that	22 MR BERG No You've already answered the
23 the actual garage mechanics working with brakes weren't	23 question, so we will move on to the next one
24 aware of the potential asbestos hazards?	24 Q (BY MR JONES) The Ford Motor Company manufactured
25 MR KRAUSE Objection, foundation	25 cars that had asbestos brakes and clutches in them, is
63	65
1 Q (BY MR JONES) That is at this time in 1976?	1 that true?
2 MR BERG Objection, form, foundation.	2 A True
3 A Mr Jones, I don't have a crystal ball I can't get	3 Q There were also some instances where Ford Motor Company
4 into the minds of mechanics of what they did or did not	4 employees had to service brakes and clutches, is that
5 know. Perhaps some did	5 true?
6 Q (BY MR JONES) Okay	6 A On a limited basis, yes
7 A You're asking me to speak to an universe of mechanics	7 MR BERG On cars, is that what you're
8 around our country, in fact, the world I can't	8 saying?
9 address that	9 Q (BY MR JONES) Yes, cars, trucks, things like that
10 Q Can you please flip to the next page? The fifth	10 A The major -- no, not the major source of service in my
11 paragraph it says "John Marsh indicated that informing	11 view
12 garage mechanics of the hazards associated with	12 Q Pardon?
13 exposures to wear dust and associated work practice to	13 A No No Ford mechanics was not -- the major source of
14 minimize these exposures is an enormous problem " Did	14 servicing brakes was not on cars and trucks It was on
15 I read that correctly?	15 vehicles that are used to transport, hi-los, tug
16 A You did	16 tractors within our plants
17 Q And that's information that you circulated to other	17 Q Ford also had a fleet of their own vehicles that would
18 Ford industrial hygienists, true?	18 be serviced by Ford mechanics, true?
19 MR BERG Objection, asked and answered,	19 A Not in all cases, sometimes by outside firms
20 form	20 Q And Ford also had we know the Arizona Proving Grounds
21 A Yes, but I would like to make it clear, just because I	21 where they would do work on brakes and clutches?
22 circulated it, doesn't mean that I and my people	22 A They did
23 endorsed all of this	23 Q So asbestos hazards from brakes and clutches to Ford
24 Q (BY MR JONES) Fair enough	24 employees was one of your responsibilities, is that
25 A This raised many questions that were raised at the	25 true?

66		68	
1	MR KRAUSE Objection, foundation	1	give it back
2	A It was	2	MR JONES It's a short one May I?
3	MR JONES I gave him all of my stuff to	3	MR BERG: Yes
4	copy, and now I don't have the next in line So give	4	Q (BY MR JONES) Exhibit 3 is a letter on Ford Motor
5	me one moment	5	Company letterhead; is that true?
6	MR BERG I don't know where he is	6	A It is.
7	MR JONES Let's go off the record	7	Q Do you recognize that letterhead from your time at
8	VIDEO TECHNICIAN We are off the record at	8	Ford?
9	2 54 p m	9	A The letterhead, yes.
10	(Off the record)	10	Q It's a letter dated June 2, 1975?
11	VIDEO TECHNICIAN We are back on the record	11	A No, sir The letterhead, I thought you meant the Ford
12	The time is 3 01 p m	12	logo
13	Q (BY MR JONES) Mr Wabeke --	13	Q Yes
14	MR BERG Hold on a second Didn't Counsel	14	A Yes, it's the Ford logo I've never seen this report
15	want to interpose an objection?	15	Q That's all I meant. I didn't ask if you recognized the
16	MR JONES Oh, yeah I'm sorry	16	letter, just the letterhead
17	MR LEWI Objection to the last question,	17	A Right.
18	argumentative, assumes facts Thanks	18	Q We are on the same page It's a letter dated June 2,
19	Q (BY MR JONES) Mr Wabeke, in fact, you or industria	19	1975, is that true?
20	hygienists you supervised at Ford monitored potential	20	A It is.
21	asbestos exposure where brakes and clutches were	21	Q And it's from Duane L. Block, M D ?
22	served, is that true?	22	A Yes
23	MR KRAUSE Objection, foundation	23	Q Do you know who Mr. Block is?
24	A Your question, Mr Jones, implies we did all employees	24	A Very well, yes
25	at all times We did not	25	Q Dr. Block?
67		69	
1	Q (BY MR JONES) But at sometimes?	1	A He's deceased now
2	A At sometimes we did, yes	2	Q Who was Dr Block?
3	Q At sometimes Ford industrial hygienists would monitor	3	A He was the medical director of Ford Motor Company on my
4	potential asbestos exposures during brake and clutch	4	watch
5	servicing, true?	5	Q Have you seen his signature before?
6	A Yes	6	A Yes This is his
7	Q And as the supervisor of the industrial hygiene	7	Q So this is Mr Block's signature?
8	section, you would review those reports when they came	8	A No question
9	in, is that true?	9	Q And it's a letter to Paul Kotin, M D , Health,
10	A I did, yes	10	Safety and Environment Department at Johns-Manville
11	Q Were you aware of reports in 1975 that brake mechanics	11	Corporation, is that true?
12	were being diagnosed with malignant mesothelioma?	12	A Yes
13	MR BERG Objection, form, foundation	13	Q Do you know who that is?
14	MR KRAUSE Objection, foundation	14	A It speaks for itself
15	A No, I was not Within Ford Motor Company or in the	15	Q I mean did you know him? I'm sorry
16	world?	16	A I don't know him, no I heard his name, but I never
17	Q (BY MR JONES) In general, not in the Ford Motor	17	met the man
18	Company	18	Q And I don't have anything in here saying different
19	MR BERG Same objections	19	You didn't see this letter while you were at Ford, is
20	A I was not aware	20	that true?
21	Q (BY MR JONES) Let me show what we will mark as	21	A This is the first time
22	Exhibit 3 to the deposition	22	Q You've never seen it?
23	(Deposition Exhibit Number 3	23	A Never
24	was marked for identification)	24	Q The letter references an Irv Selikoff That's probably
25	MR BERG I'll take a quick peak, and I'll	25	Dr Irving Selikoff?

74	76
1 employees might face, true? 2 A Yes 3 Q This article, one of the things it talks about is 4 whether or not there is asbestos found in wear dust? 5 A Correct 6 Q And the conclusion of this article is that an average 7 of three to six percent of the brake dust is asbestos, 8 chrysotile asbestos, is that true? 9 A Yes 10 Q Is that your recollection? 11 MR BERG Your recollection of the report or 12 of what was actually in the dust? 13 MR JONES That's the report 14 MR BERG That's the reason why I'm asking 15 the question 16 MR JONES What are you asking me? 17 MR BERG I'm asking are you asking him about 18 his recollection of how much asbestos dust was in -- 19 asbestos was in dust or what this report states? Your 20 question is ambiguous 21 MR JONES I was talking about the report 22 MR BERG Okay. So can you point to where 23 you're reading, Counsel? 24 MR JONES Page 113 25 Q (BY MR JONES) Under methods analysis of brake drum	1 Q And was it your understanding the entire time you were 2 at Ford that -- let me withdraw that 3 I'm going to completely withdraw it and not 4 even come back to it 5 MR KRAUSE Good 6 Q (BY MR JONES) I'm going to get you some pom poms so 7 you can cheer for me 8 Can you please flip to Page 120? One of the 9 things that this article said was that the typical 10 method for analyzing and counting asbestos fibers 11 wouldn't detect most of the asbestos fibers found in 12 brake dust, true? 13 A That's a general -- that's true based on polarizing 14 light microscopy testing procedures 15 Q What you knew is that you needed a transmission 16 electron microscope to see the very small asbestos 17 fibers that would occur in brake dust, true? 18 A And/or scanning electron 19 Q Go ahead I'm sorry 20 A And/or scanning electron TEM would be the standard of 21 care, but sometimes you need all three 22 Q And in this article the paragraph that starts at the 23 bottom, it says that "The OSHA asbestos standard does 24 not require that short fibers less than 50 microns in 25 length be counted or controlled This oversight may
75	77
1 dust, it says they looked at ten samples of brake drum 2 dust, true? 3 A Yes. 4 Q And if you go to the third paragraph of that section, 5 it says "Chrysotile reflections were observed in all 6 ten samples. Quantitative determination of chrysotile 7 content was made by comparison of unknowns with 8 calibrations of chrysotile dilution standards The 9 weight occurrence ranged from 2 to 15 percent with an 10 average ranging from 3 to 6 percent." Did I read that 11 correctly? 12 A You did 13 Q And was it your understanding when you were an 14 industrial hygienist at the Ford Motor Company that 15 brake dust in fact included chrysotile asbestos? 16 A I was, yes 17 Q And is it still your belief? 18 A At that time, yes, not in present brakes, no, but at 19 that time, yes 20 Q Brakes that had asbestos? 21 A Correct 22 Q And the entire time you were an industrial hygienist at 23 Ford, was it your belief that brake dust included 24 asbestos? 25 A Among other toxicants, yes	1 have considerable biological significance in that small 2 chrysotile fibers readily produce asbestos disease " 3 Did I read that correctly? 4 A You did 5 Q And that's information that you had when you worked for 6 the Ford Motor Company, true? 7 A I did, yes 8 Q This particular study was performed at franchise auto 9 dealer garages, taxi fleet repair shops and a municipal 10 truck repair shop in New York City, and that's listed 11 on 116 Is that your recollection? 116 Go ahead 12 I'm sorry Under the heading personal air sampling 13 during brake repair work? 14 A Yes Yes 15 Q This study also concluded that bystanders, meaning 16 people not performing work on brakes, were also at risk 17 of developing asbestos disease, true? 18 MR BERG Objection to form 19 MR KRAUSE Objection to form 20 A That's a leap I can't agree to that I'd have to 21 study the article again We can hypothetically make 22 that sort of statement, but I'm going to stick to the 23 facts 24 Q (BY MR JONES) Can you go to Page 126 please under 25 Number 6?

78	80
1 A Read 2 Q This discusses hazards from asbestos from grinding 3 truck brake shoes, true? 4 A Yes 5 Q And your sampling confirmed that the grinding of 6 asbestos brake shoes can cause high exposures to 7 asbestos? 8 MR BERG Objection, form, foundation 9 Q. (BY MR. JONES) And I mean the samples you did at 10 Ford 11 MR KRAUSE Same objection 12 MR BERG Same objection 13 A In some cases, yes, not in all 14 Q (BY MR. JONES) The last sentence under Number 6 15 reads "The background measurements during both 16 automobile and truck brake work indicate that many 17 employees in garages other than brake lining workers 18 are potentially exposed to asbestos including other 19 mechanics and shop management" Did I read that 20 correctly? 21 A. You did 22 Q And that's information that you had while you were 23 working at Ford? 24 A Well, it's a sloppy sentence The operative word is 25 potentially. Potentially can be all sorts of things.	1 respiratory protection There was little awareness of 2 the potential hazard of brake dust" Did I read that 3 correctly? 4 A You did 5 Q And that's information that you had while you were an 6 industrial hygienist at Ford? 7 A Yes, based on this It speaks to this study It 8 doesn't speak to the universe of shops 9 Q I move to strike the nonresponsive portions 10 MS BOWLBY Mr Wabeke, would you mind 11 keeping your voice up for us on the phone please? 12 A I'll try Thank you 13 MR JONES He'd try harder if you called him 14 Mr Wabeke 15 MS BOWLBY Thank you, Mr Wabeke 16 Q (BY MR JONES) We will show you what we will mark as 17 Exhibit 5 to the deposition 18 (Deposition Exhibit Number 5 19 was marked for identification) 20 Q (BY MR JONES) Are you ready? 21 A I haven't read all of it 22 Q Are you familiar with what I've marked as Exhibit 5? 23 A I don't recall seeing this report 24 Q Okay 25 A Mt Sinai Journal of Medicine, it's not something that
79	81
1 I would agree potentially, yes, but to imply that's 2 what's happening where the word potential is used is 3 disingenuous 4 Q And I'll respectfully move to strike the nonresponsive 5 portions Thank you 6 This article while you received at Ford also 7 concluded that in general garage mechanics were not 8 aware of the hazards of asbestos from brake and clutch 9 servicing, true? 10 MR BERG Objection, form 11 MR KRAUSE Foundation 12 A I can't speak to the universe of garage mechanics I 13 have encountered some who did who were well aware and 14 many who were not so 15 Q (BY MR JONES) Certainly then based on your 16 experience in the 1970's it wasn't universally known 17 from people you spoke with that asbestos in brakes and 18 clutches hurt people? 19 MR BERG Objection, form and foundation He 20 testified already his responsibilities were within the 21 Ford Motor Company 22 Q (BY MR JONES) I'll withdraw the question Let's go 23 to Page 118 please, the first full paragraph "It was 24 generally found that there was minimal, if any, effort 25 to control dust in most garages Workmen do not use	1 would normally pass my desk, and for that reason I 2 think I'd recall this 3 Q Okay 4 MR BERG So we will move on to the next 5 exhibit 6 Q (BY MR JONES) Give me a second, Cowboy Yeah, we 7 can move on Actually I just want to bring your 8 attention to one other thing This article -- let me 9 identify it This article is entitled "Asbestos 10 Exposure of Brake Repair Workers in the United States", 11 true? 12 A Yes 13 Q By Lorimer, Rohl, Miller, Nicholson and Selikoff, 14 true? 15 A Yes 16 Q And Dr Selikoff was a person at that meeting you 17 attended where they talked about brake and clutch 18 hazards? 19 A Yes 20 Q And it's in the Mt Sinai Journal of Medicine, and it's 21 dated May, June, 1976, is that true? 22 A Yes 23 Q And this study is also funded in part by the Ford Motor 24 Company, true? 25 MR KRAUSE Objection

82	84
1 Q (BY MR JONES) Go to the bottom of the front page	1 A I don't recall seeing it there
2 MR BERG Are you asking him whether he knows	2 Q This exhibit attaches what appears to be a letter to
3 that or whether that's what this document says,	3 the editor, is that true?
4 Counsel?	4 A Yes
5 Q (BY MR JONES) Is that what the document says?	5 Q And the title of the particular letter I'd like to ask
6 A It is, yes	6 you about is Mesothelioma in a Brake Repair Worker Do
7 Q And do you have any reason to dispute that?	7 you see that?
8 A No	8 A I do
9 Q You didn't see this article while you were at Ford?	9 Q Okay And it's authored by, if you flip to the last
10 A No	10 page, A M Langer and W T E McCaughey Did I read
11 Q Okay Do you think others did?	11 that correctly?
12 MR BERG Objection, form	12 A Yes
13 MR KRAUSE Objection, form, foundation	13 Q Did I pronounce that correctly, McCaughey?
14 A I don't have a crystal ball -- I'm sorry -- or a time	14 A McCaughey
15 machine I'm sorry	15 Q McCaughey?
16 Q (BY MR JONES) They funded it They probably read	16 A McCaughey I would say
17 it, right?	17 Q And according to this publication they're at the
18 A Yeah	18 Environmental Sciences Laboratory, Mt Sinai School of
19 MR BERG Objection	19 Medicine, true?
20 MR KRAUSE Objection	20 A True
21 A But that's --	21 Q And we recognize Dr Langer from the first study we
22 Q (BY MR JONES) Can you look at the next -- look at	22 talked about that you had read while you were at the
23 Page 217 It's the next to the last page under	23 Ford Motor Company, is that true?
24 acknowledgments The second paragraph lists some	24 A Yes
25 names Are you familiar with any of those people?	25 Q Did you ever see this particular journal while you were
83	85
1 A No Wait a minute I just read the first sentence	1 at the Ford Motor Company?
2 No	2 A No
3 Q (BY MR JONES) Okay I'm going to show you what I'll	3 MR BERG Asked and answered
4 mark as Exhibit 6 to the deposition	4 Q (BY MR JONES) I mean this actual letter to the
5 (Deposition Exhibit Number 6	5 editor That's what I mean
6 was marked for identification)	6 A No, sir
7 MR BERG Thank you	7 Q Did anyone at Ford communicate to you that there was
8 MR KRAUSE Thanks	8 another report of a mesothelioma in a brake worker?
9 MR JONES You're welcome	9 A No
10 Q (BY MR JONES) Exhibit 6 is the cover page for the	10 MR BERG Objection, form
11 journal, the Lancet, dated Saturday, 13 November 1982,	11 Q (BY MR JONES) This is something that Ford's Medica
12 is that correct?	12 and Industrial Hygiene Department would be interested
13 A Correct	13 in though, true?
14 Q And are you familiar with the Lancet?	14 MR BERG Objection, form, foundation
15 A Generally, British, yes I believe it's British	15 A Well, it's part of our duties and responsibilities,
16 Q It says Boston, Mass and London on the front I don't	16 yes, I would say that
17 know Maybe they split time, but you're familiar with	17 Q (BY MR JONES) And did professionals at Ford try to
18 this journal?	18 locate articles like this, health hazards associated
19 A I am	19 with products that Ford worked with or sold?
20 Q Is this a journal you've read before, not every one of	20 MR KRAUSE Objection to foundation
21 them, but you've seen?	21 MR BERG Form
22 A In my career maybe half a dozen papers	22 A I can speak for my department I don't believe there
23 Q And have you seen the Lancet, for example, as one of	23 is any systematic way of going about doing this Our
24 the journals that might be on the desk of the doctors	24 hands were full with so many things In an ideal world
25 at Ford?	25 we would have every journal and study every one, but we

86	88
1 didn't We had tons of documents floating through our 2 offices, and we did our best 3 Q (BY MR JONES) Okay Thank you We talked a little 4 bit before, but I'd like to discuss in a little more 5 detail some of the testing you did at Ford and air 6 sampling and that kind of thing? 7 A Okay 8 Q Ford had a lot of different manufacturing facilities 9 when you started at that company in 1972, is that true? 10 A Many 11 Q They had foundries? 12 A Yes 13 Q Coke ovens? 14 A Yes 15 Q Blast furnaces? 16 A Yes 17 Q Glass plant? 18 A Yes 19 Q A stamping plant? 20 A Well, several of each, several glass, several stamping 21 but yes 22 Q Let me know if there is more Hot strip mill? 23 A Yes 24 Q Cold strip mill? 25 A Yes	1 A In some cases, yes 2 Q And I believe you testified previously that during your 3 time at Ford you either personally performed or 4 reviewed the studies of thousands of tests for asbestos 5 content? 6 MR BERG Objection, form, foundation 7 MR KRAUSE Objection, form, foundation 8 A I'm not sure about thousands Certainly in the 9 hundreds but not thousandths 10 Q (BY MR JONES) You've tested steam pipe insulation? 11 A Yes 12 Q At the Ford Motor Company? 13 A Yes Now when you say studied, do you mean air 14 sampling? 15 Q I'm sorry I mean bulk samples 16 A Well, in many cases experienced industrial hygienists 17 doesn't have to take a sample Based on experience, 18 they can recognize by observation pretty much the type 19 of asbestos unless it's a mixture of anthrabortls (sic) 20 and serpentine, but if we see something in disrepair, 21 we don't necessarily sample and test it We intervene 22 and say do something about it as indicated 23 Q You were deposed in an asbestos case in 1988 Does 24 that sound familiar in Oakland? 25 A In Oakland, California, correct
87	89
1 Q Continuous caster plant? 2 A Yes 3 Q Electric remelt plant? 4 A Several 5 Q Scarfing mill? 6 A Yes 7 Q Skull cracker? 8 A Yes 9 Q And then power plants that had boilers and turbines? 10 A Of course 11 Q Ford used many different asbestos products in its 12 manufacturing facilities, is that true? 13 MR. BERG. Objection, form. 14 MR. KRAUSE. Objection, foundation 15 A As a component of our products or within the 16 facilities? 17 Q (BY MR. JONES) Within the facilities 18 A Well, many is a loose word I would say during my 19 watch all of the facilities you just mentioned would 20 have had asbestos insulation perhaps in ovens and other 21 sources 22 Q Part of your job as an industrial hygienist at Ford, 23 and this wasn't all of your job, but part of your job 24 was to do bulk samples to determine whether or not a 25 material contained asbestos, is that true?	1 Q And you were an expert called on behalf of defendant in 2 that case? 3 A I was 4 Q And I read that deposition, and in that deposition -- I 5 can show it to you -- you said you either were 6 personally involved or reviewed thousands of asbestos 7 tests Is that not your recollection? 8 A Tests and studies are two different things I 9 personally along with another colleague spent the 10 better part of over three months, at least two to three 11 days a week each, going through every facility in 12 Ford's Rouge Complex, a huge manufacturing complex, to 13 identify sources of asbestos and to comment on their 14 degree of friability and their integrity 15 That doesn't mean we took air samples or bulk 16 samples because my colleague and I were reasonably 17 experienced in what is or is not asbestos So those 18 were studies, but they didn't have to be quantified 19 It was a survey to find out where it is, how much is 20 there and what's the state of repair 21 Q Fair enough You took steps to identify potential 22 sources of asbestos exposure throughout Ford plants 23 throughout your career there, true? 24 MR BERG Objection, form, foundation 25 MR KRAUSE And relevance There is no

90	92
1 indication that your client ever stepped foot in a Ford	1 MR. KRAUSE: Relevance
2 plant You're just on a fishing expedition I think	2 A I should explain from the start, to survey every Ford
3 the record should indicate he nodded his head yes	3 facility just in the United States and Canada -- I
4 MR JONES I didn't nod my head yes, and it's	4 should mention I had counterparts in Brazil, Argentina,
5 not a fishing expedition, and if you keep listening,	5 England, Spain and other countries, the Philippines,
6 maybe you'll think it's relevant Maybe you won't	6 Australia, New Zealand, we were focusing just on the
7 May I continue?	7 United States
8 MR KRAUSE I haven't instructed him not to	8 Q (BY MR JONES) Okay
9 answer yet	9 A And as a matter, just tactically and strategically and
10 MR JONES Do you represent him?	10 with manpower reserves that we had, it was agreed
11 MR KRAUSE I represent Ford Motor Company,	11 through my manager to identify certain typical plants
12 and you're questioning him about activities that took	12 and from those findings issue a report to all
13 place during his employment	13 facilities to be mindful of these certain things, and
14 MR JONES But you don't represent the	14 that's where this gentleman, Mr Plasters, and I did
15 witness? Do you represent the witness?	15 this robust survey of just the Rouge Complex
16 MR KRAUSE No	16 Q And the Rouge complex I think is more than 20 --
17 MR JONES Okay	17 A About that
18 Q (BY MR JONES) You found that asbestos was used in	18 Q -- plants?
19 many different locations throughout those facilities,	19 A Big, probably 40,000 employees when I worked there.
20 true?	20 Q While you were there, it was the largest manufacturing
21 A True	21 facility in the world, is that true?
22 MR KRAUSE Objection, relevance, foundation	22 A. Close to it. It was at one time during World War II
23 Q (BY MR JONES) You found asbestos insulation in the	23 It may not be today
24 different ovens and furnaces and boilers, true?	24 Q. When you did that survey, your job was to determine
25 A True	25 potential asbestos health hazards that Ford employees
91	93
1 MR KRAUSE Same objection	1 would encounter, true?
2 Q (BY MR JONES) You found asbestos pipe covering used	2 A. No, we didn't take it to that next step, to identify
3 throughout the facilities, true?	3 the presence of asbestos, where it was located, its
4 MR KRAUSE Same objection	4 degree of friability and the opportunity for exposure
5 A Throughout is a blanket statement that it's every	5 during regular production operations and during
6 where No In some facilities we found it In other	6 maintenance operations
7 facilities we found alternative insulation material	7 Q And the idea is that with that knowledge you could
8 such as fibrous glass	8 prevent exposures, true?
9 Q (BY MR JONES) So sometimes things other than	9 A That was our hope, yes
10 asbestos was found?	10 Q. During your time at Ford you performed ambient air
11 A Correct	11 studies to determine asbestos in the air?
12 Q But the majority of the time, if you were looking at	12 A Well, not ambient That would be outside the plant in
13 steam piping that was insulated before 1972, it was	13 my view
14 asbestos, true?	14 Q I'm sorry.
15 MR BERG Objection, form	15 A Personal breathing samples of workers as they went
16 A In general, yes	16 about doing their work
17 Q (BY MR JONES) There was asbestos rope gasket	17 Q So you took air samples in the breathing zone of a
18 material used on furnaces and boilers and things like	18 worker who was doing some work with asbestos
19 that, true?	19 products?
20 A Yes	20 A Yes
21 MR KRAUSE Objection, relevance	21 Q And did you do that many times while you were at
22 Q (BY MR JONES) How many plants did Ford have in	22 Ford?
23 1972 where you surveyed them and found asbestos	23 A I didn't personally. Members of my staff did.
24 material?	24 Q And you reviewed those studies?
25 MR BERG Objection, form, foundation	25 A. I did.

94	96
1 Q We mentioned you've done bulk samples and reviewed bulk 2 samples at the plant? 3 A Correct 4 MR KRAUSE Counsel, I'm warning you, I'm 5 very close to shutting this down If you want to talk 6 about the exposures your client had to friction 7 products, that's one thing, but this witness is not 8 here to explain everything he knows to you about the 9 Rouge Complex or any other Ford plant 10 MR JONES He already has 11 MR KRAUSE You're on a fishing expedition 12 MR JONES He was deposed in 1988 He's 13 already said a lot more than this I'm not going 14 through all of it If I wanted to, I would just use 15 that deposition 16 MR KRAUSE Then why don't you 17 MR JONES Why don't you let me complete my 18 examination 19 MR KRAUSE Because you're on a fishing 20 expedition 21 MR JONES To find out there is asbestos in 22 Rouge, that's my fishing expedition? 23 MR KRAUSE Yes 24 MR JONES They've produced thousands of 25 documents on that subject That's not news I'm going	1 samples in the period of time before you came to Ford? 2 MR KRAUSE Objection. foundation 3 A Ambient? 4 MR BERG Ambient air samples 5 Q (BY MR JONES) It says ambient I think they meant 6 asbestos Here, I'll just show you the testimony I 7 don't have another copy I'll show you the testimony 8 MR BERG Why don't you ask your questions 9 The testimony -- 10 MR JONES All right Let me ask you if 11 you -- I was going to give him the deposition I've 12 never had a lawyer stop me from handing over a 13 deposition 14 MR BERG There is always a first 15 MR KRAUSE There is always a first time for 16 everything 17 MR JONES That's right 18 MR KRAUSE We do things differently here in 19 Michigan 20 MR JONES No It's the same It's not 21 different 22 Q (BY MR JONES) Do you recall if you testified to the 23 following "As manager of industrial hygienist for Ford 24 Motor Company, I had a compelling interest to study the 25 history of the Ford plants While I didn't read every
95	97
1 to continue my examination, but that's not news 2 MR KRAUSE I'm about to shut you down, so 3 you keep it up 4 MR JONES Okay You do what you have to do 5 at your own peril 6 A If I may -- 7 MR KRAUSE I understand that 8 MR JONES Okay 9 MR BERG There is no question pending 10 Q (BY MR JONES) When you became the industrial hygiene 11 manager at Ford -- oh, I'm sorry -- when you became the 12 supervisor of the industrial hygiene section at Ford, 13 you had a compelling interest to learn about exposure 14 histories at Ford plants, true? 15 MR BERG Objection, form 16 A I'm not sure what you mean 17 MR KRAUSE Relevance 18 Q (BY MR JONES) You wanted to -- you did some research 19 to look at old tests from industrial hygienists about 20 exposures at Ford plants, exposure to asbestos, is that 21 true? 22 A No 23 MR KRAUSE Objection, relevance 24 A To an extremely limited extent 25 Q (BY MR JONES) Did you review reports of ambient air	1 report on 70 plants throughout the United States and 2 Canada, I made a point of trying to review several 3 files each week going back trying to get an idea of 4 what the exposures were like" 5 MR BERG Do you remember giving that 6 testimony? That's his question 7 Q (BY MR JONES) Would you like to read it? 8 A This is 20 years old I take it for what it is, and 9 that's generally true but not in all cases 10 Q And I didn't mean to imply that My point is when you 11 were the supervisor of industrial hygiene, you did a 12 little historical work to learn generally about 13 asbestos exposures at Ford, true? 14 A I had only seven or eight years experience when I came 15 to Ford If I had to learn something about a 16 manufacturing process other than the chemical industry, 17 of course, I would do that 18 Q So you made it a point to be aware of the asbestos 19 hazards at Ford, true? 20 MR BERG Objection, form 21 MR KRAUSE Objection 22 A No, I didn't do that The purpose of my studies was to 23 understand the manufacturing processes at these 24 facilities Knowing the manufacturing processes, I had 25 a very good field like training experience what

98	100
1 materials would be associated with those manufacturing	1 do you guys mind if I rip off the front page? It looks
2 activities	2 like it shouldn't be attached to this, and I don't have
3 Q (BY MR JONES) Based on your work and the work of	3 any questions about it, and I didn't intend for it to
4 other industrial hygienists at Ford, the Ford	4 be part of the exhibit
5 Industrial Hygiene Department was able to determine	5 MR BERG You can mark it, whatever I don't
6 work that creates the most significant asbestos	6 know what foundation has been laid
7 hazards, is that true?	7 MR JONES. I haven't done anything I'm just
8 MR BERG Objection, form	8 talking about whatever we do
9 MR KRAUSE Objection, form, foundation,	9 MR BERG It's your deposition I mean
10 relevance	10 do you want to withdraw the exhibit and have it
11 A We attempted to do that Hopefully we didn't overlook	11 remarked?
12 any	12 MR JONES Yeah Rip off that front page
13 MR BERG We are not going through all of	13 MR BERG Hold on We are going to have to
14 that, are we, Trey?	14 withdraw the exhibit
15 MR JONES We might We are It's going to	15 MR JONES I'm withdrawing the exhibit, and
16 be quick	16 I'm going to remark it
17 Q (BY MR JONES) The Ford Industrial Hygiene Section	17 MR KRAUSE As Exhibit 7?
18 determined that and other safety professionals at Ford	18 MR JONES Yes
19 determined that work with asbestos brakes and clutches	19 (Deposition Exhibit Number 7
20 presented significant asbestos hazards, true?	20 was marked for identification)
21 MR BERG Objection, form	21 (Off the record)
22 MR KRAUSE Objection, form, foundation	22 Q (BY MR JONES) Mr Wabeke, are you familiar with the
23 A You had some adjectives, significant, for example	23 Ford Motor Company's Carcinogens Task Force?
24 That would be based on the study in our findings	24 A No
25 Clearly asbestos is a hazard Whether it's a risk is	25 Q Do you recall an effort in the late seventies, early
99	101
1 dependent on exposure My department determined	1 1980's to identify carcinogens in Ford Motor plants?
2 exposure, and that has many variables among that I'm	2 A No
3 not going to give a blanket statement that all asbestos	3 Q Do you recognize any of the names on this document?
4 exposures were significant That would be wrong	4 A Other than Dr Block, no, and Mr Sussman
5 Q (BY MR JONES) And I didn't mean to state that The	5 MR BERG And the names on the document
6 Ford Industrial Hygiene Section did determine	6 you're specifically referring to is the first page of
7 significant asbestos hazards could be present during	7 Exhibit 7?
8 brake and clutch servicing, true?	8 MR JONES Correct
9 MR BERG Objection, form, foundation	9 MR BERG Thank you
10 A Could, the possibility and probability is loose	10 Q (BY MR JONES) Do you recognize Dr Block?
11 Those are fuzzy words I'm not going to buy into	11 A Dr Block and Victor Sussman
12 those, sir	12 Q Who is Victor Sussman?
13 Q (BY MR JONES) Let me show you what I'll mark as	13 A At the time I believe he was the manager of the
14 Exhibit 7 to the deposition, and we will go off the	14 stationary source environmental -- stationary source
15 record to change the tape	15 and environmental control office
16 VIDEO TECHNICIAN We are going off the record	16 Said another way, his department's
17 at 3 45 p m	17 responsibility were with respect to community air
18 (Off the record)	18 pollution and water pollution
19 VIDEO TECHNICIAN We are back on the record	19 Q Do you know what the E&R and M&S subcommittees are?
20 The time is 3 51 p m	20 A I don't have a clue I could guess, but I don't think
21 Q (BY MR JONES) Mr Wabeke, I've shown you what I've	21 you'd want me to
22 marked as Exhibit 7 Have you seen this document	22 MR BERG He doesn't want you to guess
23 before?	23 Q (BY MR JONES) I don't want you to guess And do you
24 A Not until today	24 know who J W Durstine is?
25 MR JONES Okay You know what, flip to --	25 A I have no idea

102	104
1 Q Okay Can you flip to the page, Page 5 that I directed 2 you to off the record It's the one that says 3 asbestos 4 A I have it 5 Q The third sentence says "Asbestos is found in a variety 6 of automotive components, and thus many occupational 7 exposures are possible " Did I read that correctly? 8 A You did 9 MR BERG For the record, there are several 10 Page 5's One is just labeled Page 5, and it looks 11 like you're on the page that's entitled draft, 12 carcinogenic substance, asbestos 13 MR JONES That's what we are on 14 A One paragraph 15 Q (BY MR JONES) Did I read that correctly? 16 A You did 17 Q And do you disagree with that statement? 18 MR BERG Objection 19 Q (BY MR JONES) Let me ask it this way In 1980 when 20 you were at the Ford Motor Company, was this your 21 understanding? 22 MR BERG Objection, form, foundation 23 A No, I don't agree with that statement Virtually 24 everything is possible Probability is the operative 25 word	1 MR BERG He was looking 2 Q (BY MR. JONES) I'll ask the question again We are 3 done with that 4 A We are done with 7? 5 Q Yes So I'll withdraw the question and ask it again 6 Mr Wabeke, would you agree with me that you 7 and your industrial hygiene staff reviewed industrial 8 hygiene records and study reports to identify 9 representative employees and job classifications where 10 significant asbestos exposures were documented or could 11 be reasonably expected to occur? 12 A I believe we did in the context of that two person 13 study of which I was one member for about a three month 14 period in the Rouge Complex 15 Q And you determined that one of the job classifications 16 where significant asbestos exposures were documented or 17 could be reasonably expected to occur was among brake 18 mechanics, true? 19 MR BERG What type? Objection, form 20 A I'm lost I'm sorry Maybe it's late in the day 21 Reasonable, sure A possibility, yeah Sure, there 22 is probably a possibility, but if you have to go 23 through to consider all the variables and the 24 probabilities of the significant exposure, that's 25 something else
103	105
1 Q (BY MR JONES) Well, you don't agree that many 2 occupational exposures are possible? 3 A Yes, they're possible, but that doesn't translate into 4 exposure 5 Q I agree, but this just says they're possible, and you 6 agree with that? 7 A I agree with what's said I don't disagree with these 8 words They're words on paper 9 MR BERG Hold on a second We have to go 10 off the record 11 VIDEO TECHNICIAN We are going off the record 12 at 3 56 p m 13 MR JONES Let's go back on the record 14 VIDEO TECHNICIAN We are back on the record 15 at 3 59 p m 16 Q (BY MR JONES) Mr Wabeke, at some point you and your 17 staff reviewed industrial hygiene records and study 18 reports to identify representative employees and job 19 classifications where significant asbestos exposures 20 were documented or could be reasonably expected to 21 occur? 22 MR BERG Objection, form 23 Q (BY MR JONES) It's not in that document I'm done 24 with that document Do you want me to repeat the 25 question?	1 Q (BY MR JONES) Let me show you what I've marked as 2 Exhibit 8 3 (Deposition Exhibit Number 8 4 was marked for identification) 5 MR BERG Thank you 6 Q (BY MR JONES) Do you recognize what I've marked as 7 Exhibit 8? 8 A It has come back, yes Thank you 9 Q What is Exhibit 8? 10 A It is my report to my manager, Dr Viola, regarding 11 asbestos exposure dated January 3rd, 1983 12 Q And in that report you identify representative 13 employees and job classifications where significant 14 asbestos exposures were documented or could be 15 reasonably expected to occur? 16 A Correct 17 Q And that's all asbestos exposures, true? 18 MR BERG Objection, form 19 A I won't say it's all I'm sorry 20 Q (BY MR JONES) You certainly included people working 21 with, around insulation, true? 22 A Yes 23 Q And you listed brake mechanics as a job classification 24 where significant asbestos exposure was documented or 25 could reasonably be expected to occur, true?

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1 A This is not my list. It's a list of one of my	1 A I understand what you're saying
2 subordinates for which I put my cover letter	2 Q On the list of Ford employees or job classifications
3 Q. Okay What you attached to this list -- strike that	3 where significant asbestos exposures were either
4 You wrote this memo, true?	4 documented or reasonably expected, the first thing
5 A. I did	5 listed is a test engineer at the brake research lab,
6 Q. And you attached a list of job classifications, true?	6 true?
7 A. Correct	7 A I would like to go back to the cover letter please
8 Q The job classifications attached to your memo were	8 Yes Okay True
9 identified as those where significant asbestos	9 Q Okay And the second, third, fourth and fifth
10 exposures were documented or could be reasonably	10 employees listed as people with significant asbestos
11 expected to occur, true?	11 exposures that were documented or could be reasonably
12 A Yes	12 expected were brake mechanics, true?
13 Q. And attached to your memo was a list that included	13 MR KRAUSE One is just listed as a
14 brake mechanics under that category, true?	14 mechanic
15 A Yes	15 A Uh-huh That's the proving grounds, right?
16 Q If you look at the -- and it also lists particular	16 Q (BY MR JONES) What's the answer?
17 employees Do you see that on the first page?	17 A Well, I agree with Mr Krause Two are brake
18 A. Yes, in those cases where air samples were obtained in	18 mechanics One is a mechanic He might be working on
19 their breathing zone, correct	19 engines
20 Q So that means that air samples of people working with	20 Q Three are brake mechanics?
21 brakes showed significant exposures to asbestos?	21 A So far three are, correct
22 A. It showed exposures This does not speak to	22 Q I'll ask a clean question because I don't think we are
23 significant It speaks to the potential	23 going to play Mr Krause's testimony unless we swear
24 Q Well, it's certainly listed as a classification where	24 him in He knows better than that
25 the asbestos exposure is either documented or	25 Of the next four job classifications listed in
107	109
1 reasonably expected to occur, true?	1 the list of people with significant asbestos exposures
2 A Correct.	2 documented or reasonably expected three of the four are
3 Q. And you include -- you include test engineers at the	3 brake mechanics, true?
4 sci lab brake research?	4 A Yes
5 A We had a laboratory that researched brakes	5 Q And one is a mechanic, true?
6 Q. And you included the test engineer at that facility on	6 A. Correct.
7 the list?	7 Q. Can you please flip to -- it's several pages
8 A Yes	8 MR. BERG The Bates number at the top of the
9 Q You also included it looks like three persons	9 page, it will be help
10 identified as brake mechanics and then one as a	10 Q (BY MR. JONES). Oh, it says Page 4 of the list, and
11 mechanic, true?	11 it's got a Bates number of 596
12 A. Where do you see that?	12 A I don't see the Bates, but I'm on the page, Page 4
13 Q Under the test engineers	13 Q. Okay The list of job classifications where
14 A At scientific brake research?	14 significant asbestos exposures were documented or
15 Q. I'm going down to the next two plants I'm sorry	15 could be reasonably expected also included gasket
16 I'll withdraw it and ask it again.	16 inspectors; is that true?
17 A I'm looking at the third one down as Arizona Proving	17 A Yes
18 Grounds	18 Q. And is that from their work inspecting asbestos
19 Q. No, we are looking at the same thing	19 gaskets?
20 A Yes	20 MR BERG Objection, form, foundation He
21 Q Okay.	21 didn't prepare the report.
22 A. I don't see test engineers anywhere on here	22 MS BOWLBY. Also overly broad
23 Q Right under job class, the first thing	23 A. I did -- I know who prepared this report from my cover
24 A Oh, to the right. I see	24 letter by the handwriting. I don't see a signature
25 Q. So I'll withdraw the question.	25 Q (BY MR JONES) Whose handwriting is it?

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1 A Henry Lick 2 Q And you don't know what the gasket inspectors were 3 doing? 4 A Well, I have a pretty good idea if you want me to 5 speculate I don't think I'm speculating They would 6 remove old gaskets from engines that had been in 7 operation for a while because perhaps they leaked or 8 cracked or were brittle 9 They removed the gaskets by a variety of 10 tools They would do some sanding and grinding and 11 replace the gaskets This might be between the head 12 and the block, well, whatever, on the transmission It 13 could be many areas 14 Q And your letter includes that work, removing those 15 gaskets as a job classification where significant 16 asbestos exposure was either documented or could be 17 reasonably expected to occur, true? 18 MR BERG Objection, form 19 A Correct 20 Q (BY MR JONES) What was your answer? 21 A Correct 22 Q Thank you In the 1980's you encouraged people in the 23 Ford Motor Company to substitute asbestos out of 24 products wherever they could, true? 25 MR BERG Objection, form	1 A Menthey 2 Q Menthey and the subject is asbestos substitutes, true? 3 A Yes 4 Q You first urged Mr Menthey to substitute asbestos in 5 1976, true? 6 MR BERG Objection, form, foundation 7 A At his request for possible viable alternatives to 8 asbestos 9 (Deposition Exhibit Number 10 10 was marked for identification) 11 Q (BY MR JONES) I'll show you what I've marked as 12 Exhibit 10 I've got one for you It appears that you 13 again urged people at the Ford division safety -- 14 strike that 15 It appears that you continued to request or 16 suggest substitutions for asbestos materials into the 17 1980's, is that true? 18 MR BERG Objection, form 19 A To the extent the engineers would find these products 20 as viable as the existing product 21 Q (BY MR JONES) And the date on this memo appears to 22 be May 16, 1983 or is that -- 23 A It could be '73 24 Q It could be '73? 25 A I'm not sure
111	113
1 Q (BY MR JONES) And I'll show you -- actually I'm 2 going to do this way You actually started doing that 3 in the seventies, right? You started -- in the 1970's 4 you were recommending that the Ford Motor Company 5 substitute asbestos? 6 MR BERG Objection, form 7 A Yes, in collaboration with our research and engineering 8 center 9 (Deposition Exhibit Number 9 10 was marked for identification) 11 Q (BY MR JONES) And I've shown you what I've marked as 12 Exhibit 9 to the deposition? 13 A You have 14 Q Are you familiar with Exhibit 9? 15 A I authored it 16 Q It's on -- it's an interoffice memo on Ford letterhead, 17 is that true? 18 A Correct 19 Q It's dated May 16 -- 20 MR BERG Where is the Ford letterhead? 21 Q (BY MR JONES) I'm sorry I mixed it up It's not 22 on Ford letterhead It's dated May 17, 1976, is that 23 true? 24 A It is 25 Q And it's memo from you to Mr R J Menthey?	1 MR BERG It could be '93 2 MR JONES I'll stipulate it's 2003 3 A I'm not going to guess It appears '73, but I'm not 4 sure 5 MR BERG For the record, the date is 6 illegible 7 Q (BY MR JONES) From the appearance of the -- if you 8 compare this to the 1976, is there any way you can tell 9 what decade it's from or not by the letterhead or the 10 appearance of the document? 11 A Do you want me to guess? 12 Q You were there in the seventies, and then you were 13 there in the eighties Does the appearance of the 14 letterhead shed any light as to the decade the document 15 was generated? 16 A Well, my title was -- 17 Q Or who you're writing to? 18 A I was a senior industrial hygienist That would have 19 to be 1973 20 Q Okay 21 A In 1983 I was the supervisor 22 Q There we go There we go So through the process of 23 deduction it appears in 1973 you were actively 24 encouraging people to switch from asbestos to other 25 materials where they could?

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1 MR BERG: Objection, form 2 A Where they could 3 Q (BY MR. JONES): Okay Thank you 4 (Off the record) 5 (Deposition Exhibit Number 11 6 was marked for identification) 7 Q. (BY MR. JONES): I'll show you what I've marked as 8 Exhibit 11. What is Exhibit 11? 9 A This is one of many bulletins produced by my 10 department This is -- it's the overall bulletin on 11 asbestos to alert our friends about the health hazards 12 of asbestos and steps that can be taken to reduce 13 exposure 14 Q And this document is dated August 22nd, 1983; is that 15 true, top left? 16 MR BERG There is two dates on there There 17 is two dates on the document 18 Q (BY MR. JONES) I think that's a supersedes date 19 A. It is 20 Q You can explain to me, what's the date of this 21 document? 22 A '83 23 Q Okay August 22nd? 24 A Yes. 25 Q And it supersedes a similar document?	1 Company may occur from -- and the third and fourth 2 bulletin points are clutch and brake linings for 3 various machinery and transportation equipment, power 4 presses, conveyor belts, hi-los, locomotives, tow 5 tractors, trucks, automobiles, and the next bulletin 6 high temperature gasket material for manifolds, pipes" 7 Did I read that correctly? 8 A You did 9 Q And that's what you wrote, true? 10 A Yes 11 Q You also concluded that insulation removal or repair 12 and brake and clutch servicing can be especially 13 hazardous, true? 14 A True 15 Q And that's what you put in this document, true? 16 A True 17 Q Was this document sent to other people within Ford? 18 A Yes 19 Q Who was it sent to? 20 A It would have been distributed to Ford facilities 21 worldwide typically through what was called then the 22 industrial relations departments 23 Now we refer to it as human resources It 24 would be through the human resources managers, medical 25 departments, safety engineers
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1 A Correct 2 Q Dated July 18th, 1975? 3 A Correct 4 Q Was this document generated by your staff? 5 A I wrote it with input by my staff 6 Q So you authored Exhibit 11? 7 A I did 8 Q And it's based on your training as an industrial 9 hygienist, true? 10 A Yes 11 Q It's also based on your experience as an industrial 12 hygienist, true? 13 A Yes 14 Q It's also based on your experience testing potential 15 sources of asbestos exposure? 16 MR BERG Objection, form 17 Q (BY MR. JONES) True? 18 A Yes 19 Q It's also based on your experience evaluating potential 20 asbestos hazards at Ford Motor Company facilities, 21 true? 22 MR BERG Objection, form, foundation 23 A Yes 24 Q (BY MR. JONES) And can you flip to the second page? 25 You mentioned that asbestos exposures within Ford Motor	1 Q. So this was distributed widely at Ford? 2 A Yes 3 (Deposition Exhibit Number 12 4 was marked for identification) 5 Q (BY MR. JONES): Okay Let me show you what I've 6 marked as Exhibit 12 to the deposition. What is 7 Exhibit 12? 8 A This is the first companion document to the prior 9 exhibit, Exhibit 11, and it focuses on asbestos brake 10 and clutch servicing. 11 Q Did you write this document? 12 A I did. 13 Q This document is also -- was based on your experience 14 as an industrial hygienist at the time? 15 A Yes 16 Q. It was also based on your knowledge of work practices 17 during brake and clutch servicing? 18 A Yes 19 Q It was also based on your study and testing of work 20 practices involving brake and clutch servicing at 21 Ford? 22 A. Yes 23 Q. It was also based on your review of reports of testing 24 of brake and clutch servicing at Ford? 25 A Yes.

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1 Q Okay The document is dated August 22nd, 1983? 2 A It is 3 Q And it's titled "Asbestos Brake and Clutch Servicing, Supplement to Bulletin Number 4", true? 4 A Correct 6 Q So this is a supplement to the previous exhibit? 7 A It is 8 Q The top of it reads "The following procedures are recommended to minimize asbestos dust exposures during brake and clutch servicing of trucks, tractors, trailers, automobiles, locomotives, forklifts and tow tugs", true? 13 A Yes 14 Q You recommend placing a warning in the area where brake and clutch servicing is occurring, true? 16 A True 17 Q In that warning you recommend that you include the word cancer, true? 19 A Yes 20 Q The warning you recommend says asbestos, dust hazard, avoid breathing dust, wear assigned protective equipment, do not remain in area unless work requires it, breathing asbestos dust may cause asbestosis and cancer, true? 25 A True	1 A Reports in the literature Plus the characteristics of the bags that were used on the grinding machines didn't have high efficiency particulate aerosol filters 4 Q You were familiar with those grinding machines? 5 A Yes, not all, but many 6 Q And in your experience the dust bag collection method did not adequately prevent asbestos exposures during the grinding of asbestos brakes? 9 MR BERG Objection, form, foundation 10 MS BOWLBY Overly broad 11 A It could reduce exposure but wasn't sufficiently quantitative for our purposes 13 Q (BY MR JONES) You recommended that asbestos containing debris be sealed in plastic bags and labeled, true? 16 A True 17 Q That includes brake dust, true? 18 A Yes 19 Q You recommended that the asbestos debris and brake dust have the following label, caution, contains asbestos fibers, avoid breathing dust, breathing asbestos dust may cause asbestosis and cancer, true? 23 A Correct 24 Q You recommended that the area where brake servicing and clutch servicing occurred be cleaned with a high
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1 Q You recommended that people wear approved respirators, an air purifying respirator during brake servicing, true? 4 A True 5 Q You recommended that people use high efficiency filter vacuums to clean brake drums, true? 7 A True 8 Q You recommend that because you recognized that using compressed air creates an asbestos hazard when cleaning a brake drum, true? 11 MR BERG Objection, form, foundation 12 MS BOWLBY Foundation 13 A It can depending on other variables 14 Q (BY MR JONES) And the reason you recommend using a vacuum is to avoid hazards created by using compressed air to clean brake drums, true? 17 A Yes 18 Q You recommend if grinding to brakes must occur, you recommend local exhaust, true? 20 A True 21 Q You also write that a dust bag on an arcing machine is not sufficient to prevent asbestos hazards during grinding, true? 23 A True 25 Q Was that based on your studies?	1 efficiency particulate vacuum, true? 2 A True 3 Q You also recommended that the people cleaning the area where brake and clutch servicing took place wear respirators, true? 6 A True 7 Q You also recommended that people performing brake servicing and clutching servicing follow OSHA regulations on asbestos concerning special clothing and change rooms, true? 11 A True 12 Q In fact, you recommended that people doing brake and clutch servicing wear Dupont Tyvek disposable coveralls, true? 15 A True 16 Q And is that the sort of white moon suit looking thing? 17 A Yes 18 Q And it was your recommendation that employees of Ford who performed brake and clutch servicing wear a respirator and the Tyvek moon suit while doing that work, true? 22 A Yes 23 Q And that's based on your experience including tests performed at the Ford Motor Company, true? 25 A True

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1 Q You would agree with me when you were at the Ford Motor 2 Company it was recognized by your department that 3 asbestos was one of the few clearly recognized human 4 carcinogens? 5 MR BERG Objection, form, foundation 6 A Is that what it says? May I see that please? 7 Q (BY MR JONES) You may I'm going to show you what 8 I've marked as Exhibit 13 9 (Deposition Exhibit Number 13 10 was marked for identification) 11 A Thank you Where in this document did you quote? 12 Q (BY MR JONES) One, two, three, four, fifth paragraph 13 down 14 A That's what I stated 15 Q Okay And let me ask this What is Exhibit 13? 16 A It's my report to the plant physician for our Kentucky 17 Truck Plant 18 Q The document is on Ford letterhead, true? 19 A Yes 20 Q It's dated November 10, 1983? 21 A It is 22 Q And your signature is found on the second page? 23 A It is 24 Q And in your report you state "It is the considered 25 opinion of Industrial Hygiene and the Associate Medical	1 lower the dose, the lower the risk, of course, and dose 2 is not just how much is inhaled but how long it's 3 inhaled, the fiber dimensions, respirability of those 4 fibers and all sorts of factors 5 In general the lower the dose, the lower the 6 risk That goes without saying, but we have learned 7 much since the date of this report 8 MR BERG So if you start asking opinions, we 9 are going to have a problem after this because this is 10 the end of his tenure 11 Q (BY MR JONES) Your recommendation was to inform 12 all who work in the area of the presence of asbestos, 13 true? 14 MR BERG Objection, form, foundation 15 A No Our guidance to the plant was that if -- and I 16 should -- I had a tiny department for a company with 17 almost half a million employees We had a train the 18 trainer approach 19 We trained people in our plants, primarily 20 safety engineers and sometimes nurses to identify the 21 presence of asbestos, but more importantly than that, 22 is it available for inhalation, is it friable, is it 23 unprotected 24 There is a distinction between hazard and 25 risk, and I think I alluded to this earlier If the
123	125
1 Director of Environmental Affairs, Employee Health 2 Services, F V Viola, M D , that the threshold of 3 asbestos carcinogenesis, if any, is unknown, true? 4 A True 5 Q And what you meant was no one knows how much asbestos 6 it takes to cause cancer, true? 7 MR BERG Objection, form, foundation 8 A Well, this is what we stated Since then we have 9 learned a lot more about that Most industrial 10 hygienists would agree it's not binary issue above 11 which you're diseased and below which you're not It's 12 not that simple 13 Q (BY MR JONES) Right You stated "Accordingly, it 14 cannot be said with any certainty that there is any 15 safe dose of inhaled asbestos fibers", true? 16 A Correct 17 Q And you would agree with me that any exposure to a 18 carcinogen should be avoided? 19 MS BOWLBY Foundation, beyond scope, overly 20 broad 21 A No, I won't agree with you on that, Mr Jones We are 22 inhaling asbestos fibers in this room as we sit here 23 I'm reasonably confident in saying that 24 We have to apply a reason or a degree of 25 practicality and reasonableness to all of this The	1 integrity is good in the asbestos there, clearly it's a 2 hazard, but it's not a risk 3 Q Would you agree with me workers need to know the risk 4 to avoid the hazard? 5 A Yes, of course 6 MR BERG Objection, form, foundation 7 A Yes 8 Q (BY MR JONES) And workers should be informed of the 9 asbestos risk with asbestos products? 10 A I maintain that, yes 11 Q And workers should be informed of the risk of working 12 with asbestos products so they can avoid that risk and 13 avoid the hazard? 14 MR BERG Objection 15 MS BOWLBY Foundation, beyond the scope 16 A Yes 17 Q (BY MR JONES) I'm done with that 18 MR BERG How much time do you have left on 19 your tape? 20 VIDEO TECHNICIAN 23 minutes 21 MR JONES That might get us through this 22 A Good, five o'clock 23 Q (BY MR JONES) What time is it now? 24 A 4:28 25 Q Okay When you were at Ford, the Industrial Hygiene

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1 Department was concerned that information about 2 asbestos hazards from brake and clutch maintenance 3 needed to be sent to Ford dealerships, true? 4 MR BERG Objection, form 5 A If you're reading from a report, I'd like to see it 6 (Deposition Exhibit Number 14 7 was marked for identification) 8 Q (BY MR JONES) Okay I'll show you what I've marked. 9 as Exhibit 14 to the deposition Do you recognize 10 Exhibit 14? 11 A Yes 12 Q Exhibit 14 is an interoffice memorandum from H B Lick, 13 industrial hygiene associate to several people, and you 14 were cc'd, is that true? 15 A True 16 Q So you received a copy of this document? 17 A I did 18 Q It's dated August 15, 1983, is that true? 19 A Yes 20 Q And it's on Ford Motor Company letterhead, true? 21 A True 22 Q Mr Lick worked for you at this time? 23 A I'm not sure He was in the department when I was 24 employed by Ford Then he left, and I think he was 25 gone during that interval He went to our transmission	1 should be told about the hazard of asbestos from 2 clutches and brakes? 3 A Our dealers are reasonably sophisticated 4 They're large corporations They have their own 5 responsibilities under the law to step up to what 6 they have If they receive products that have 7 hazard warning labels on them, I think it's fair to 8 state they would receive material data sheets from 9 suppliers 10 Q I move to strike the portions that are based on 11 speculation, lack of foundation and that are 12 nonresponsive 13 MR BERG. That's why I objected to the form 14 of the question Mr Lick was not working for the 15 witness at this time 16 Q (BY MR. JONES). Okay You're telling me it's a bad 17 thing for the Ford Motor Company to send information 18 about the hazards of asbestos in brakes and clutches to 19 the dealerships? 20 MR BERG. Objection, form 21 MR. KRAUSE Objection, argumentative 22 A Of course it is not a bad thing However, given the 23 constraints of a tiny staff and what I had to do, we 24 had bigger fish to fry 25 If Mr Lick took it upon himself to share this
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1 and chassis division He didn't report to me 2 So I believe this memo was generated not under 3 my direction but either on his own or through somebody 4 else's, but he copied me and my manager and a few other 5 people I -- well, I'm not going to volunteer 6 anything 7 Q And in Mr Lick's letter to other people including you, 8 he said "We would like to discuss the most efficient 9 method of disseminating health hazard information to 10 dealerships At this time we are specifically 11 interested in asbestos exposure from brake and clutch 12 servicing, but we would like to develop a relationship 13 to assure that any information we should uncover from 14 Ford manufacturing operations is passed on to the 15 dealers" Did I read that correctly? 16 A You did 17 Q And that means when your industrial hygiene staff finds 18 hazards at your facilities, you want to communicate 19 those to the dealerships? 20 MR BERG No Objection, form, foundation 21 A If Mr Lick was reporting -- I'm reasonably certain if 22 he was reporting at this time. I would review this 23 letter before it went out, and I don't agree with his 24 recommendation 25 Q (BY MR JONES) You don't agree that the dealerships	1 with whoever, Ford parts and service division, he 2 didn't do it under my auspices because I'm cc'd on it 3 as a courtesy 4 Q Well, good for him I mean as many people as possible 5 should know about the hazards of asbestos from brakes 6 and clutches, true? 7 MR KRAUSE Objection, form 8 MS BOWLBY Objection, beyond the scope 9 Q (BY MR JONES) What's your answer? 10 A He was singing to the choir I don't know about 11 Mr Donnellan, but Roslinski, Viola and Wabeke, we knew 12 the hazards of asbestos He wasn't preaching to us 13 He was trying to get the word out to the Ford Parts and 14 Service Division 15 Q And you support that? 16 MR BERG Objection, form, foundation 17 Q (BY MR JONES) Right? 18 MR KRAUSE Objection 19 Q (BY MR JONES) I'll withdraw it You agree that as 20 many people as possible should know about the health 21 hazards of work with asbestos brakes and clutches, 22 true? 23 MR BERG Objection, form 24 MR. KRAUSE Objection, form, foundation 25 A That is such a broad statement that I can't agree with

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1 it	1 Q (BY MR JONES) Not yet
2 Q (BY MR JONES) You don't think people should know?	2 A Oh, I'm sorry
3 A Of course people should know. However, they know	3 MR BERG This is 15
4 through the hazard and material data safety sheets	4 Q (BY MR JONES) Exhibit 15 is a letter or an
5 supplied by the suppliers to the dealerships	5 interoffice memorandum dated September 20, 1983 on Ford
6 It is their duty as a matter of law to step up	6 letterhead, is that true?
7 to the hazard communication standard and inform their	7 A Yes
8 employees	8 Q This is also from Mr. Lick?
9 Q Okay. You don't know if that happened or not. You	9 A It is
10 weren't at any of the dealerships, right?	10 Q And you're not cc'd. It's to a Mr. Keoleian, and it's
11 MR BERG Objection, form, foundation	11 cc'd to a Mr. Donnellan and Roslinski, true?
12 Q (BY MR JONES) True?	12 A True
13 MR BERG Same objections	13 Q It appears Mr. Lick in describing what should be in a
14 Q (BY MR JONES) You're just speculating now. You	14 technical service bulletin is repeating the information
15 never personally sent a material safety data sheet to a	15 found in your brake and clutch service or your brake
16 Ford dealership, did you?	16 and clutch supplement?
17 A That is not my duty. That is the retailer's duty	17 MR BERG Objection to form
18 Q Did you know that --	18 A I'm sorry. Without a side by side comparison, word for
19 A Wholesaler's duty or retailer	19 word I can't -- I see some similar language, yes
20 Q Did you know asbestos -- I've already called Ford	20 Q (BY MR JONES) Mr. Lick apparently thought there was
21 asbestos	21 a need to communicate to the dealers the hazards of
22 Did you know that Ford shipped asbestos brakes	22 asbestos clutches and brakes?
23 to be used as replacement parts to dealerships?	23 MR BERG Objection, foundation
24 MR BERG Asked and answered	24 MR KRAUSE Objection, foundation
25 MR KRAUSE Asked and answered	25 A Presumably. He didn't share it with me or my
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1 A I don't know	1 supervisor
2 Q (BY MR JONES) And did you know Ford didn't include	2 Q (BY MR JONES) Perhaps Mr. Lick wasn't working for
3 any warning about the hazards of asbestos on those	3 you at that time?
4 parts until 1980?	4 A No, because it's personnel and organization staff, and
5 MR BERG Objection, asked and answered	5 I believe in 1983 he was working there and not in
6 MR KRAUSE Objection	6 employee health services
7 A I didn't know that	7 Q This indicates he's in a different department from
8 Q (BY MR JONES) Did you know Ford never included a	8 you?
9 warning concerning the hazards of asbestos with any	9 A Yes
10 vehicle that included asbestos components?	10 Q Mr. Lick recommends a warning in areas where brake
11 MR KRAUSE Objection, foundation, form	11 and clutch repairs are taking place that includes the
12 A You mean a label on the brake or on the door handle?	12 word cancer. That's something you've recommended,
13 Q (BY MR JONES) Anywhere. There is no mention in the	13 true?
14 vehicle, on the vehicle, even in the owner's manual	14 A True
15 that the car includes asbestos and that asbestos could	15 Q Mr. Lick recommends the use of respirator. That's
16 be hazardous, did you know that?	16 something you recommended, true?
17 MR KRAUSE Objection, foundation	17 A As needed, yes
18 A No, I didn't know that	18 Q Mr. Lick recommends the use of a respirator both during
19 Q (BY MR JONES) Let me show you what I'll mark as	19 brake servicing and during clutch removal and cleaning,
20 Exhibit 15 to the deposition	20 true?
21 (Deposition Exhibit Number 15	21 A He does. I don't necessarily agree with that. Just in
22 was marked for identification)	22 context respirator is the last choice of protection for
23 MR BERG You have to slow down and let us	23 workers
24 get our objections in please	24 Q So you should do other things first to reduce dust
25 A I'm sorry. Is there a question pending?	25 exposure?

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1 A To the extent possible, yes 2 Q He recommends the use of local exhaust and a respirator 3 when grinding brakes, true? 4 A He does 5 Q And that's something you've recommended? 6 A Yes 7 Q He recommends that asbestos debris including asbestos 8 brake dust include a warning about asbestos that 9 includes the word cancer? 10 A Yes 11 Q And that's something you've recommended? 12 A Yes 13 Q He recommends the cleanup of the area where asbestos 14 servicing has taken place be done with an approved 15 vacuum cleaner and by a person wearing a respirator, 16 true? 17 A True 18 Q And that's what you recommended? 19 A It is 20 Q Okay Thank you 21 MR BERG Does that mean we are done? 22 MR JONES With that document 23 MR. BERG Oh 24 MR JONES It's going to be more of a 25 production when we are done with the whole thing	1 Q -- the congressional office over here informed us about 2 superseding documents 3 A Would the court report please -- would you please 4 repeat the question please? 5 Q I'll ask it again Are you familiar with any EPA 6 documents concerning preventing asbestos disease among 7 auto mechanics from your time at Ford? 8 MR BERG Objection 9 MR KRAUSE Asked and answered 10 A I would say two or three documents I can't give you 11 the titles or names as I sit here, but, yes, I might 12 have them in my personal library 13 Q (BY MR JONES) Do you know if this is one of them, or 14 you don't remember? 15 A No, I've never seen this before 16 Q Okay Do you believe you have guidance from the EPA 17 about brake and clutch servicing at your home? 18 A Either in my medical school office or in my home 19 office, yes 20 Q From what years? 21 A I don't recall 22 Q Decades? 23 A In the eighties 24 Q Is that something you could produce? 25 A Perhaps I'm not an expert though
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1 (Deposition Exhibit Number 16 2 was marked for identification) 3 Q (BY MR JONES) Let me show you what I've marked as 4 Exhibit 16 5 A I'm looking for a date on this 6 Q It's on the front, the top Have you seen Exhibit 16 7 before? 8 A No 9 Q You're not familiar with any EPA guidance concerning 10 Preventing Asbestos Disease Among Auto Mechanics? 11 MR BERG Well, I object to the form of the 12 question 13 MR KRAUSE And I'm going to object to 14 questions about this document It is a document that 15 has been withdrawn by the EPA and superseded 16 MR JONES Your experts are going to have to 17 testify about that 18 MR KRAUSE My objection stands 19 MR JONES I know, but you can't testify 20 Q (BY MR JONES) Do you have the question in mind? 21 MR BERG No He's here to answer the 22 question 23 A I'm waiting for your question 24 Q (BY MR JONES) I had one before -- 25 A Oh, I'm sorry	1 MR BERG The time for asking for documents 2 has come and gone 3 MR JONES No, it hasn't There is a 4 subpoena duces tecum on the deposition notice 5 MR BERG To which he has no response of 6 documents 7 MR JONES Maybe he does 8 MR BERG You haven't asked him that, but he 9 can ask him 10 Q (BY MR JONES) You do have those documents? 11 A I believe 12 Q Okay 13 MR BERG You're assuming a fact 14 MR JONES No No I was assuming a fact 15 Now I know a fact 16 MR BERG Okay 17 Q (BY MR JONES) That's something you could produce? 18 A Yeah, with a little diligence I believe I'm not sure 19 if it's one or two but certainly one 20 MR JONES We will leave Exhibit 17 open for 21 those documents, and I'll attach this to the air 22 MR BERG To the extent that you -- we are 23 going to preserve any objection to the production of 24 those documents We don't know what they are We 25 don't know if they're within the scope of the subpoena

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1 that was issued, and we don't know whether the	1 Q It is different
2 acquisition of those documents preceded, were	2 A It is different You're right I'm sorry That they
3 concurrent with or postdated his employment at Ford	3 consider purchasing this for their facilities if they
4 Motor Company	4 have mechanics involved in brake servicing
5 To the extent they were acquired before or	5 Q And you said that this EPA video entitled "Don't Blow
6 after he left Ford Motor Company, they would not be	6 It" would be useful for auto and truck dealer
7 appropriate documents for subpoena in this case	7 mechanics, tow tractor and plant lift truck mechanics
8 Right? You would agree with that, Counsel, right?	8 and fleet truck and locomotive brake mechanics, true?
9 MR JONES I'm not agreeing with anything	9 MR. BERG Objection, form
10 You're just talking, and I'm not getting in your way	10 A That's what it says
11 MR BERG Okay	11 Q (BY MR JONES) That's what you said?
12 MR JONES No, I don't agree with all the	12 A Yes That's what I said, yes
13 stuff you said	13 Q And when you sent this letter, you were working for the
14 MR BERG Okay.	14 Ford Motor Company?
15 MR JONES I don't remember all of it	15 A I was
16 either I know there is a subpoena duces tecum I	16 Q And you sent this letter to it looks like many safety
17 know that	17 professionals within the Ford Motor Company, true?
18 Q (BY MR JONES) Before you left the Ford Motor	18 A Correct
19 Company, you recommended that information about the	19 Q Certainly you were aware of the EPA's "Don't Blow It"
20 hazards of asbestos be distributed to brake and clutch	20 video at the time?
21 mechanics, true?	21 MR. BERG Objection, form
22 MR. BERG Objection, form, foundation	22 A Yes
23 A Within Ford Motor Company facilities, yes	23 Q (BY MR JONES) And through this letter it looks like
24 Q (BY MR JONES) And you wanted those mechanics to know	24 many Ford safety professionals, including one medical
25 the potential hazards of working with brakes and	25 doctor, were aware of the EPA's "Don't Blow It" video,
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1 clutches, true?	1 true?
2 A Yes	2 MR. BERG Objection, foundation
3 Q And you wanted those mechanics to know safe work	3 A Well, I don't know if they're aware of the video
4 practices to avoid those hazards, true?	4 They have my report and the availability of the video,
5 A Yes	5 yes
6 Q And to do that, you recommended that they view an EPA	6 Q (BY MR JONES) Well, they're aware of the existence
7 video entitled "Don't Blow It", is that true?	7 of the video?
8 MR. BERG Objection to form, foundation	8 A Yes
9 MR. KRAUSE Objection, form, foundation	9 Q Because you sent them a letter saying here's a video,
10 A I don't remember There might have been a cover	10 right?
11 letter by me to this exhibit I don't know if there	11 A Your question, Mr. Jones, suggested they had seen the
12 is or not, if I said it in passing or if there is	12 video or studied it I can't speak to that
13 something	13 Q Fair enough You recommended they get the video?
14 (Deposition Exhibit Number 18	14 A Yes
15 was marked for identification)	15 Q Whether they actually got it or not, you don't know?
16 Q (BY MR JONES) I'll show you what I've marked as	16 A I don't know
17 Exhibit 18	17 Q Okay And you thought that video "Don't Blow It" from
18 A The question pending?	18 the EPA must have been dated 1987 or before, right?
19 Q What is Exhibit 18?	19 A Yes
20 A This is my report to the Division Safety Engineers and	20 Q You thought that video would be important for mechanics
21 to Mr. Lick who was an industrial hygienist at our	21 to see, true?
22 Transmission and Safety Division or Transmission and	22 MR. BERG Objection, form
23 Chassis Division, and it's my recommendation to	23 MR. KRAUSE Form
24 purchase the videotape reflected in exhibit -- no No	24 Q (BY MR JONES) And you recommended that mechanics
25 I'm sorry	25 working for Ford at least watch the EPA's "Don't Blow

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1 It" video? 2 A Yes 3 MR BERG Objection, form 4 A Yes 5 MR BERG Slow down 6 A I'm sorry 7 Q (BY MR JONES) It looks like in 1987 the "Don't Blow 8 It" video was \$18 35 for beta and \$17 50 for VHS, is 9 that right? 10 A Yes 11 Q And you included the address where these people could 12 order the video and the phone numbers they could call 13 to order the video, true? 14 A True 15 Q At this time clearly you thought it was important 16 that mechanics get as much information as they could 17 about the hazards of asbestos from brakes and clutches, 18 true? 19 MR BERG Objection, form 20 MR KRAUSE Objection, form 21 MR BERG Foundation 22 A That's only partially true, Mr Jones First, there is 23 an axiom of industrial hygiene, never use compressed 24 air for blowing anything off any matrix period, and, 25 two, the hazards of road dust accumulated on brakes are	1 A There is an art and science in industrial hygiene 2 It's a matter of communication as well Asbestos had 3 captured the thoughts and minds of most people in our 4 country at that time 5 MR JONES We have got to go off the record 6 to change the tape 7 VIDEO TECHNICIAN We are going off the record 8 at 4 52 p m 9 (Off the record) 10 VIDEO TECHNICIAN We are back on the record 11 The time is 4 57 p m 12 Q (BY MR JONES) Mr Wabeke, can we agree in 1987 you 13 thought mechanics should have more information about 14 the hazards of using compressed air as it relates to 15 asbestos and other particulates? 16 MR BERG Objection, form 17 MR KRAUSE Form 18 A More information? 19 Q (BY MR JONES) In the form of the EPA "Don't Blow It" 20 video? 21 A Well, I never saw that video There might be flaws in 22 it I took it on trust, and I'm not sure how it was 23 brought to my attention No, I see it there 24 Q This is real simple The only hazard you mentioned 25 when you recommend the video --
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1 far more asbestos 2 They include silica dust which is a long 3 carcinogen and could cause silicosis, dust disease of 4 the lung It includes lead dust at that time because 5 they used a lot of tetraethyl lead in our gasoline, and 6 this is present in road dust It included polynuclear 7 meta hydrocarbons, long carcinogens present in diesel 8 exhaust This is in road dust as well So this was 9 not -- while it says asbestos because that had the 10 attention of the public, another motive of mine was 11 don't use compressed air for anything 12 Q (BY MR JONES) What you said was "Don't Blow It" 13 covers the potential health hazards from exposure to 14 asbestos in brake dust and how to effectively control 15 brake dust? 16 A Exactly You're taking it out of context in light of 17 what I just said 18 Q No I'm not taking it out of context I read that 19 directly from your letter, true? 20 A True 21 Q And this is the information you wanted brake mechanics 22 to receive, this video, true? 23 A Yes, to also protect them from the other health hazards 24 in brake dust 25 Q But asbestos is the only one you listed?	1 MR BERG Hold on one second Were you done 2 with your answer? You cut the witness off 3 MR JONES I don't think I did Go ahead if 4 you've got more 5 A Well, again I have not seen the video Perhaps I took 6 it on good faith Maybe I relied and trusted on the 7 EPA They put out some good documents with a lot of 8 peer review, but there might be flaws in that 9 Q (BY MR JONES) My question, you recommended the 10 video, yes? 11 A Yes 12 MR BERG Asked and answered 13 Q (BY MR JONES) The reason you recommended the video, 14 the only hazard you mentioned in this letter is 15 asbestos, yes or no? 16 MR BERG Objection, asked and answered 17 A Yes. That's what it says 18 Q (BY MR JONES) Thank you Mr Wabeke, we spoke on 19 the telephone before this deposition, true? 20 A Yes 21 Q On a couple of occasions I believe, true? 22 A Twice 23 Q At some point after we spoke you got a lawyer, is that 24 true? 25 A A lawyer was brought to my attention, and since I've

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1 not been a fact witness for 30 years or so, I thought 2 it might be a good idea to have free Counsel 3 Q So the lawyer is free? 4 A Yes 5 Q You're not paying for your lawyer? 6 A No 7 Q Who brought the lawyer to your attention? 8 A An attorney by the name of Mr -- I think it was 9 Daryl Grahams in Dallas 10 Q And did Mr Grahams tell you that the attorney was 11 free? 12 A I asked He said yes 13 Q Do you know who Mr. Grahams is? 14 A Not exactly I think he's an attorney That's all I 15 know 16 Q Do you know that Mr Grahams represents the Ford Motor 17 Company? 18 A That doesn't surprise me 19 Q When did you talk to Mr Grahams? 20 A Perhaps a week and a half ago 21 Q Okay What did you and Mr Grahams discuss? 22 A Well, I called him out of the blue because I received 23 this subpoena to appear I had no idea what it was 24 about Whatever, I thought it would be a good idea to 25 get a heads up In fact, Mr Jones, you were going to	1 so it must have been after that 2 A It was after that because I got a heads up from you 3 what nature of the claim was, and I believe he 4 contacted me I didn't call him You didn't give me 5 his telephone number 6 Q I certainly did not 7 A He called me, so somehow he was in the loop 8 Q Daryl Grahams called you? 9 A Yes 10 Q Daryl Grahams offered to provide an attorney for this 11 deposition? 12 A Yes 13 Q And at some point did Mr Grahams identify that he 14 worked for the Ford Motor Company? 15 A Perhaps I don't remember 16 Q Have you had any communications with Mr Grahams other 17 than that phone call? 18 A Never 19 Q Have you received any emails or letters? 20 A No 21 Q Have you had any discussions with anyone at the Ford 22 Motor Company about this deposition? 23 A No 24 Q Have you had any discussions with representatives of 25 the Ford Motor Company about this deposition?
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1 send me some records, and I never received them, but, 2 in any event, so I gave a call to explain. 3 He explained in general terms this is 4 regarding a Ford dealership mechanic who I thought had 5 mesothelioma, whatever, and I was going to be deposed 6 as a fact witness on that, and he offered the services 7 of an attorney, and that turned into local Counsel with 8 Mr Berg 9 Q So Mr Grahams said he was going to provide an attorney 10 for you? 11 MR BERG Objection, form 12 A I don't know how it came about He would make a 13 recommendation I guess to this firm Clark Hill to have 14 somebody sit in and represent me if needed 15 Q (BY MR JONES) Well, you knew you weren't going to 16 have to pay for it? 17 A Yes 18 Q Mr Grahams told you a lawyer would be provided to you 19 for free? 20 A Yes 21 Q When did that happen? 22 MR BERG Asked and answered 23 A I'd say a week, week and a half ago 24 Q (BY MR JONES) It must have been after -- the last 25 time we had any communication I believe was on Monday, 25	1 A No 2 Q You haven't talked to Mr Krause about the deposition? 3 A No 4 Q Did you meet with anyone other than your attorney 5 before this deposition? 6 A No 7 Q Does your attorney represent you beyond this 8 deposition? 9 A In other matters? 10 Q Yes 11 A No 12 Q Your attorney's representation of you ends with this 13 deposition, is that true? 14 A That's my understanding 15 MR JONES I'll pass the witness 16 MR KRAUSE Let me show you a document I 17 don't have copies of it but take a look at that Mark 18 that as what, Exhibit 19 19 MR JONES Yes 20 (Deposition Exhibit Number 19 21 was marked for identification) 22 MR BERG Hold on What was 18? 23 MR JONES The "Don't Blow It" video 24 MR KRAUSE "Don't Blow It" 25 MR ABRAMSON 17 is the air