Page 153

enough publicly known to make it implausible that you could avoid taking into account the health consequences of prolonged exposure to asbestos.

Thirdly, the one that was most speculative, to put it another way, least based on extended information was my impression that the parties whose depositions I've read were people whose deposition and whose private or whose written materials were broadly consistent with one another, that there was a huge gap between what they said in these toxicology reports or said in their other reports and what they said at trial and at depositions.

Q. When you testify at trial, are you going to use this description of a triangle that you used in your trial at West Virginia?

A. That is sort of an aide to explanation or aide to clarification, and I'll have to decide whether it's clarifies or confuses. I haven't reviewed that question yet.

My inclination is to make it simpler and to really deal about a balance between burdens and benefits of asbestos, that

Page 154

balancing act between those.

Q. That's what I kind of had in my mind. When you were talking about the triangle, I pictured an upside-down triangle with the controls being the fulcrum in the middle.

Is that what you're saying; that you would have your dangers on one end, the benefits on the other and the controls in the middle as the balance?

A. No, the balance takes place with respect to the controls. It doesn't depend on the particular image you use, but those are the three considerations that I would want to emphasize.

Q. If you draw it at trial, are you going to draw a triangle or a fulcrum or a balance or a seesaw?

A. I think I'm going to use the word balance and probably not draw anything so that I don't get involved in this explication.

Q. Explain this balance to me.

A. Well, my opinion is that there is no doubt that asbestos is a remarkable product. For much of its history of use is thought to be

Page 155

something close to a miracle product. That's its benefit. All sorts of uses and all sorts of uses were tried.

On the other hand, there are costs of using it, not only financial cost of using it, but the health effects of using it. As time went on and more of those health effects were understood, the question of what kind of control could you put into place that would limit the benefits and keep the good ones was the central question facing responsible either mining companies or manufacturers.

So, it depends on a prior claim of the benefits and assessment of the knowledge about the health dangers, and that leaves you with the concern about whether or not you're able economically to provide the degree of control you would have to do in order to have the benefits without the burdens.

Q. Why was asbestos a miracle product? Why do you say that?

A. Well, that was the expression was used and it's in my document. It was a miracle product in part because of its fire retardant features.

Page 156

Q. Is that your opinion that asbestos was a miracle product?

A. It is a miracle product in that it has extraordinary range of uses for people. It is relevant to retarding fires, relevant to insulating heat. It's relevant to mixing and spraying on to retard. It has properties with respect to a whole set of important uses.

I particularly think the fire side is important. If you go back to the beginning of the 20th century, people are dying in fires was one of the most important sources of death in the United States, and so when it was greeted as a miracle product, that's what it was treated as.

So, I think there is no doubt that many users regarding as both manipulable, helpful insulation, tremendous helpful in binding, a variety of uses. On the other hand, the other part of the testimony that I was giving, my opinion is that starting in the 1920s, you started to have more and more specific knowledge about prolonged exposure to this so-called miracle drug, particularly with a lot of dust around, and that people