



Deposition of James R. Hurd
taken on February 27, 1987, in
Decker v. Armstrong World
Industries, Inc., No. 86-2385-D
in the 95th Judicial District
Court of Dallas County, Texas,
along with all exhibits thereto

No. 86-2385-D

NETA DECKER, AS PERSONAL) IN THE DISTRICT COURT OF
REPRESENTATIVE OF THE)
ESTATE AND SURVIVORS OF)
JAMES DECKER, DECEASED)
VS.) DALLAS COUNTY, TEXAS
ARMSTRONG WORLD)
INDUSTRIES, INC., ET AL.) 95TH JUDICIAL DISTRICT

Ga.
Pacific

* * * *

ORAL DEPOSITION

OF

JAMES R. HURD

* * * * *

ANSWERS AND DEPOSITION OF JAMES R. HURD,
produced as a witness at the instance of the
Plaintiff, taken in the above-styled and numbered
cause on the 27th day of February 1987, at 9:30
a.m., before Antonice J. Ruesch, Certified Shorthand
Reporter and Notary Public in and for the State of
Texas, at the offices of Hughes & Luce, 1000 Dallas
Building, in the City of Dallas, County of Dallas,
State of Texas, in accordance with the Notice issued
and the agreement hereinafter set forth.

COPY

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I N D E XPAGE

Examination by Mr. Baron

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A G R E E M E N T

It is hereby agreed by and between the parties hereto, through their attorneys appearing herein, that the Plaintiff may take the deposition of JAMES R. HURD at this time without the service of Notice of time of taking said deposition, said deposition being taken with the same force and effect as though all requirements of the Rules and Statutes had been fully complied with.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that any and all objections to any question or answer contained herein, except objections to the form of questions and the nonresponsiveness of answers, which objections shall be made at the time of the taking of the deposition, may be made upon the offering of this deposition in evidence upon the trial of this cause with the same force and effect as though the witness were present in person and testifying from the witness stand.

It is further agreed by and between the parties hereto, through their attorneys appearing herein, that this deposition may be signed before any Notary Public and thereafter returned into court

1 and used upon the trial of this cause with the same
2 force and effect as though all requirements of the
3 Rules and Statutes with reference to signature and
4 return had been fully complied with.

5 It is further agreed by and between the
6 parties hereto, through their respective attorneys
7 appearing herein, that if this deposition is not
8 signed and filed prior to any hearing in this case
9 that an unsigned but certified copy may be used for
10 all purposes as though signed by said witness.

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1 JAMES R. HURD,
2 the witness hereinbefore named, being first duly
3 cautioned and sworn to testify the truth, the whole
4 truth and nothing but the truth, testified on his
5 oath as follows:

6 EXAMINATION

7 BY MR. BARON:

8 Q. State your name for the record, please.

9 A. James R. Hurd, H-u-r-d.

10 Q. Mr. Hurd, your present address?

11 A. Present address is 2081 Hampton Trail in
12 Conyers, Georgia.

13 Q. Conyers, Georgia, pretty town. Mr.
14 Hurd, my name is Fred Baron. I represent a woman by
15 the name of Neta Decker who is a plaintiff in a
16 lawsuit against Georgia-Pacific and others which is
17 pending here in state court in Dallas, Texas. I'm
18 going to be asking you some questions today about
19 facts that we think might be relevant to that case.
20 If at any time you do not understand my question, I
21 want to be sure that you stop me, so that I can try
22 to rephrase it to be sure we are communicating.
23 That way I'll know that every answer that you've
24 given me on the record is a correct answer to the
25 question that I've asked. All right, sir?

1 A. Yes, sir.

2 Q. Also, as I tell most witnesses, the
3 court reporter is taking everything that you say
4 down and so you have to make an audible response.
5 She doesn't pick up the rattle when you nod your
6 head. All right, sir?

7 A. Yes, sir.

8 (At this time, Mr.
9 Henderson entered the
10 deposition room.)
11 (Discussion off the
12 record.)

13 Q. Mr. Hurd, how are you presently
14 employed?

15 A. I'm presently employed --

16 Q. Or are you presently employed?

17 A. Yes, I am.

18 Q. Okay. At least the last time you
19 looked?

20 A. I may not be when I get back.

21 MR. BISHOP: Note on the
22 record that was a joke.

23 Q. How are you presently employed?

24 A. I'm employed by Georgia-Pacific as the
25 personnel and safety manager of the Gypsum Roofing

1 Division.

2 Q. And how long have you been personnel and
3 safety manager of the Gypsum Division?

4 A. Since January 1, 1974.

5 Q. How long have you been with
6 Georgia-Pacific Corporation?

7 A. I was employed by Georgia-Pacific on
8 August 1, 1967.

9 Q. And prior to going to work for
10 Georgia-Pacific, where were you employed?

11 A. I was employed with Continental Can
12 Company.

13 Q. And what was your job title with
14 Continental Can?

15 A. I was a personnel manager for one of
16 their folding carton plants.

17 Q. For a folding carton plant?

18 A. Yes, sir.

19 Q. And how long were employed by
20 Continental Can?

21 A. For about 13 and a half years.

22 Q. So that have been about 1953, '54?

23 A. Yes, in that time frame.

24 Q. And prior to going to work for
25 Continental Can Corporation in 1953 or '54, by whom

1 were you employed?

2 A. I worked for -- boy -- it was an
3 appliance -- an appliance -- just a distribution
4 store.

5 Q. Sales-type job?

6 A. Sales and store manager.

7 Q. Mr. Hurd, have you had college training?

8 A. No, sir.

9 Q. So you are a high school graduate?

10 A. Yes, sir.

11 Q. And where did you go to school? Are you
12 a Georgia boy?

13 A. No, I'm from northern Wisconsin --
14 Hammond, Wisconsin. That's where I was born and
15 raised.

16 Q. Beautiful city, as well. And what year
17 did you conclude high school?

18 A. 1950.

19 Q. So your job, then, right out of high
20 school would have been in the sales business with
21 the supplies distributor?

22 A. No. I went into the military right out
23 of school.

24 Q. And following the military, then, did
25 you get in with the appliance distributing company?

1 A. No. I sold mens' clothing for a couple
2 of years before I went with the appliance store.

3 Q. And apparently you worked for them for a
4 very short period of time?

5 A. Very short period of time.

6 Q. And then went to work for Continental
7 Can?

8 A. Yes, sir.

9 Q. What was your first job with Continental
10 Can?

11 A. I worked as an assistant to the planning
12 coordinator.

13 Q. What type of job was that?

14 A. Scheduling.

15 Q. Scheduling?

16 A. Scheduling work in the plant.

17 Q. And when did you become the personnel
18 manager?

19 A. I went from the planning assistant into
20 **quality control** and was a quality control supervisor
21 **for about six years** before I got involved in
22 personnel work.

23 Q. All right. Quality control for
24 Continental Can was what type of a job? What did
25 you have to do?

1 A. I was in charge of their quality program
2 for the manufacturing of folding cartons.

3 Q. Made sure that the cartons were what
4 they were supposed to be?

5 A. Yes, sir.

6 Q. And you became personnel manager
7 following about six years of doing that; is that
8 right, sir?

9 A. Yes, sir.

10 Q. What were your jobs as personnel manager
11 for Continental Can?

12 A. I was the employment supervisor, and
13 this was in Elkhart, Indiana.

14 Q. You hired and fired people?

15 A. Yes, sir.

16 Q. Was this for the national organization
17 of Continental Can or just for that one facility?

18 A. Just for that one facility.

19 Q. How many people were employed there?

20 A. Approximately 600.

21 Q. And you left Continental Can in 1967,
22 correct?

23 A. Yes, sir.

24 Q. Why did you leave the company?

25 A. I left the company in order to achieve a

1 promotional opportunity that was available at that
2 time.

3 Q. You started working for Georgia-Pacific
4 August 1 of '67?

5 A. Yes.

6 Q. What was your first job with
7 Georgia-Pacific?

8 A. I was personnel manager at a plant in
9 Aurora, Illinois.

10 Q. What type of a plant was it in Aurora?

11 A. Folding carton plant.

12 Q. The same thing you had done with
13 Continental Can?

14 A. Yes, sir.

15 Q. And what were your job duties as
16 personnel manager at the folding carton plant in
17 Aurora?

18 A. I was in charge of all of the personnel
19 and safety activity for that location.

20 Q. When you say "safety," what are you
21 referring to?

22 A. Well, programs that will protect the
23 health and welfare of the employees and are
24 consistent with the rules and regulations of OSHA.

25 Q. Prior to coming to work for

1 Georgia-Pacific, had you had any specialized
2 training in safety programs?

3 A. I had gone to take personnel management
4 and management courses at Purdue University.

5 Q. That was in personnel management,
6 though, wasn't it?

7 A. Yes, sir.

8 Q. What about in safety or in health and
9 safety?

10 A. That was part of the program at Purdue.

11 Q. In other words, they emphasized that a
12 good work force is one that's healthy, I take it,
13 and that was probably part of your job?

14 A. It was part of the curriculum in the
15 personnel management training.

16 Q. How long did you stay as the personnel
17 manager at the Aurora plant?

18 A. Approximately -- it was about two and a
19 half, three years.

20 Q. And what position did you take after
21 that?

22 A. I was plant manager of that facility.

23 Q. As plant manager of the Aurora facility,
24 what were your job responsibilities?

25 A. The P & L of the plant.

1 Q. The P & L? Profit and loss?

2 A. Yes, sir.

3 Q. In other words, you were the person in
4 charge of making sure it made money?

5 A. Yes, sir.

6 Q. How long did you stay as plant manager
7 of the Aurora plant?

8 A. I was plant manager about four and a
9 half years.

10 Q. That would put it up to about 1972?
11 '73?

12 A. '73.

13 Q. And what position did you take following
14 your position as plant manager of the Aurora
15 corrugated box plant?

16 A. Correction. It wasn't corrugated.
17 Folding box.

18 Q. Folding box, excuse me. I'm sorry.

19 A. If you walk into a supermarket, and all
20 of those bright colored packages that you see that
21 you buy your cereal in, those are folding cartons,
22 not to be confused with the corrugated industry.

23 Q. In other words, that's what we buy our
24 Wheaties in is a folded box as opposed to corrugated
25 box?

1 A. Right.

2 Q. All right. So following your departure
3 as plant manager of the folding box plant in 1973,
4 what job did you take?

5 A. I went into the job I currently have.

6 Q. Which is personnel and safety manager
7 for Georgia-Pacific?

8 A. Yes, sir.

9 Q. Is that corporatewide?

10 A. No, sir.

11 Q. For what parts of Georgia-Pacific?

12 A. Strictly for the Gypsum and Roofing
13 Division of Georgia-Pacific.

14 Q. Georgia-Pacific is headquartered in
15 Atlanta, is it not?

16 A. Yes, it is.

17 Q. And how many divisions does
18 Georgia-Pacific have?

19 A. I'm not sure.

20 Q. Gypsum is one of divisions, is it not?

21 A. Yes, sir.

22 Q. Do you know how many different divisions
23 they have, approximately? Is it more than three or
24 four?

25 A. Yeah, there's -- again, I can only take

1 a guess, but there's a number of them. There's more
2 than four. I would have to go back and count.

3 Q. Do these involve the various operating
4 businesses of Georgia-Pacific --

5 A. Yes.

6 Q. -- each division? About how many people
7 work in the Gypsum Division, or at least how many
8 people worked in the Gypsum Division when you
9 started with them in '73?

10 A. We have currently about -- I guess
11 there's between 1600 and 2,000.

12 Q. About 2,000?

13 A. And that hasn't changed substantially
14 since I've been there.

15 Q. So the Gypsum Division has about 2,000
16 or so people?

17 A. Yes, sir.

18 Q. How many people are employed by
19 Georgia-Pacific now, just as an overall corporation,
20 approximately, ballpark figure?

21 A. Oh, shoot. I'd hesitate to guess. I'm
22 just not sure.

23 Q. Are we talking about 10,000? 20,000?
24 100,000?

25 MR. BISHOP: If you know,

1 tell him, but don't guess.

2 A. I don't know.

3 Q. Let me just ask you, is it in excess of
4 10,000 people?

5 A. Yes, sir.

6 Q. Is it in excess of, say, 20,000?

7 A. I'm going to make an assumption if I
8 say, and I just -- no, I don't know. I have not
9 read the latest.

10 Q. Is it in excess of 50,000, or is that
11 out of the ballpark?

12 A. I don't know.

13 Q. You don't have any idea whether it's
14 20,000 or 50,000 or 100,000?

15 A. I just would be -- I'd hesitate to guess
16 at it. No, I don't know.

17 Q. Okay. To whom do you report?

18 A. I report to Mr. Glen Wilson.

19 Q. And what is Mr. Wilson's title?

20 A. He is the senior vice-president of our
21 division.

22 Q. Is he the executive in charge of the
23 Gypsum Division?

24 A. Yes, sir.

25 Q. And has he been the senior

1 vice-president since 1973 when you started?

2 A. Yes, sir.

3 Q. If we were to break down the time that
4 you have spent since 1973 in your dual capacity as
5 both personnel and safety manager of the Gypsum
6 Division, how much of it is personnel business? How
7 much of it is safety business -- ballpark again?

8 A. I honestly don't know. It varies,
9 depending on the activity that I'm involved with at
10 the time. I get involved in labor negotiations. I
11 get involved with employment. I get involved with
12 all of the programs that involve personnel and
13 safety for the division, so I don't know. I have no
14 idea.

15 Q. Would it be fair to say that about 90
16 percent of your time on personnel matters?

17 MR. BISHOP: I'm going to
18 object to that. He's already answered the question.
19 It's repetitive.

20 Q. Would that be a fair statement that 90
21 percent of your time is dealing with personnel and
22 labor matters and only about 10 percent is safety
23 matters?

24 A. No.

25 Q. That's not correct?

1 A. That's inaccurate.

2 Q. Are you the person that negotiates the
3 labor contracts for the unions?

4 A. I negotiate some of them.

5 Q. And are you the person that deals with
6 employment of personnel?

7 A. Some of it.

8 Q. Do you have people that work under you?

9 A. Yes, sir.

10 Q. How many facilities are involved in the
11 Gypsum Division?

12 A. We currently have 23.

13 Q. 23 plants?

14 A. Yes, sir.

15 Q. That employ a total of about 2,000
16 people?

17 A. Yes, sir.

18 Q. And are these 23 plants spread
19 throughout the United States?

20 A. They are.

21 Q. And would it be fair to say that the 23
22 plants engage in the manufacture of gypsum-type
23 products?

24 A. Not entirely.

25 Q. What else do they do?

1 A. We have five plants that manufacture
2 asphalt roofing.

3 Q. Okay.

4 A. We have three plants that are paper
5 plants that manufacture the face and backing board
6 for wallboard. We have two plants that manufacture
7 -- it's a core for fire doors. We have three plants
8 that manufacture joint system products. Now, I
9 didn't count them. I don't know if that's all of
10 them or not.

11 Q. Okay. Mr. Hurd, do each of these plants
12 have their individual personnel managers?

13 A. Not all of them.

14 Q. Several of them do?

15 A. Yes.

16 Q. And they report to you, in turn?

17 A. No, they report directly to their plant
18 manager.

19 Q. Is there a corporatewide safety director
20 ~~for~~ Georgia-Pacific?

21 A. Yes, sir.

22 Q. And who is that?

23 A. His name is -- Mike Skinner is the
24 corporate director.

25 Q. And what is his title? Do you know?

1 A. I don't know what his official title is.

2 Q. Does he have duties that also involve
3 personnel as well as safety.

4 Q. Not that I'm aware of.

5 Q. Purely safety?

6 A. Purely safety.

7 Q. Has he been with the company for quite
8 some time?

9 A. What's quite some time?

10 Q. Well, as long as you have.

11 A. No, sir.

12 Q. Who is his predecessor? Do you recall?

13 A. A gentleman by the name of Ken Gibson.

14 Q. And where is he now? Do you know?

15 A. I have no idea.

16 Q. Is he alive?

17 A. I don't know.

18 Q. You don't know?

19 A. I don't know.

20 Q. You haven't followed him?

21 A. No.

22 Q. Who was previously in your position?

23 A. There was nobody in my position before I
24 came.

25 Q. The position was created for you?

1 A. Well, the position was created, and I
2 filled it.

3 Q. Then prior to 1973, there was not a
4 divisionwide safety manager for the Gypsum Division
5 of Georgia-Pacific?

6 A. No, sir.

7 Q. Prior to 1973, was there a Gypsum
8 Division of Georgia-Pacific, or was the division
9 created in '73?

10 A. No, there was a Gypsum Division prior to
11 '73.

12 Q. How long has there been a Gypsum
13 Division of Georgia-Pacific, approximately?

14 A. I can only guess at the year.

15 Q. Ballpark. Is it '40s? '50s? '60s?

16 MR. BISHOP: Don't guess. If
17 you know, tell him the answer.

18 Q. Tell me the best answer that --

19 A. Well, I can't give you the exact date,
20 **but** Georgia-Pacific bought Best Wall -- the Gypsum
21 Division from Best Wall.

22 Q. All right. That's what the inquiry is.
23 Was there a Gypsum Division of Georgia-Pacific prior
24 to the acquisition of Best Wall?

25 A. Not that I'm aware of it.

1 Q. And when was the purchase of Best Wall?

2 A. I just told you, I don't know.

3 Q. You don't recall?

4 A. No.

5 Q. Was it in the '60s or '50s or '40s?

6 A. I could only --

7 MR. BISHOP: Don't guess. If
8 you know, tell him. If you don't, don't guess.

9 Q. So you know very little, then, about the
10 corporate history of Best Wall; is that right, Jim?

11 A. Very little.

12 Q. Okay. Is the Best Wall business
13 essentially the core of the Georgia-Pacific gypsum
14 business?

15 A. Yes, the division is a division of GP.
16 It's primarily a gypsum wallboard manufacturer. We
17 have nine plants.

18 Q. All right. And those nine plants were
19 acquired from Best Wall or with the Best Wall
20 acquisition?

21 A. No, sir.

22 Q. Okay. Have they been built since the
23 acquisition?

24 A. Yes. We have two plants that were built
25 since the acquisition.

1 Q. Are there people working at
2 Georgia-Pacific in the Gypsum Division who
3 previously worked for Best Wall?

4 A. Yes, sir.

5 Q. Okay. What about managerial personnel?

6 A. Yes, sir.

7 Q. And are there people working for
8 Georgia-Pacific now in the Gypsum Division who had
9 experience with health and safety duties at Best
10 Wall?

11 A. That are still employed?

12 Q. Yes.

13 A. Direct responsibility?

14 Q. Yes.

15 A. No. Only from a management standpoint,
16 not the safety responsibility.

17 Q. Would you clarify that for me what you
18 mean when you say from a management responsibility?

19 A. Well, any manager that is involved with
20 a plant has safety responsibility.

21 Q. Right. Did Best Wall have a safety
22 director for the corporation, or do you know?

23 A. For Best Wall?

24 Q. For Best Wall.

25 A. I have no idea.

1 Q. So you have not found anybody at
2 Georgia-Pacific who would have knowledge about Best
3 Wall safety and health problems, if any, before they
4 were acquired by Georgia-Pacific or have you?

5 MR. BISHOP: I object to that
6 question because it assumes that he's looked into
7 the history.

8 MR. BARON: No, I'm asking
9 him just a pure question if he knows anybody that's
10 over there that would have had safety responsibility
11 at Best Wall before it was acquired by
12 Georgia-Pacific.

13 MR. BISHOP: That's not the
14 way you phrased it.

15 Q. Okay. Well, that's the question, if you
16 understand it.

17 A. Repeat the question for me.

18 Q. All right. Do you know anybody who is
19 presently with Georgia-Pacific who would have had
20 responsibility for health and safety at Best Wall
21 before it was acquired by Georgia-Pacific?

22 A. No, sir.

23 Q. What was the business of Best Wall when
24 it was acquired? What business was the Best Wall
25 company in when it was acquired by Georgia-Pacific?

1 A. I have no idea. I don't know.

2 Q. You have no idea?

3 A. No. All I know is that the Gypsum
4 Division was a part of it. I don't know what
5 products they produced other than that.

6 Q. Did Georgia-Pacific purchase Best Wall
7 and enter into a merger, or do you know what form
8 the transaction took?

9 A. I wasn't involved at the time. I have
10 no idea.

11 Q. And have not looked back?

12 A. No, sir.

13 Q. Have you ever reviewed safety records
14 from Best Wall that were brought to Georgia-Pacific
15 when Best Wall was acquired?

16 A. No, sir.

17 Q. Do you know of anyone at Georgia-Pacific
18 who has reviewed safety records from Best Wall after
19 Georgia-Pacific acquired it?

20 A. I don't know that there was any records
21 reviewed.

22 Q. Do you know whether there are any
23 records in existence concerning health and safety at
24 Best Wall?

25 A. I have no knowledge of that.

1 Q. Okay. I take it -- well, first of all
2 you've had your deposition taken before, have you
3 not, or is this the first time?

4 A. No, I've given a deposition before.

5 Q. Just one?

6 A. Yes, sir.

7 Q. And when was that?

8 A. About a year ago.

9 Q. Where?

10 A. In -- it was done in Atlanta.

11 Q. Was that someone from Mr. Motley's
12 office that took that deposition?

13 A. No, sir.

14 Q. Do you know who it was?

15 A. I can't recall the lawyer's name.

16 Q. Was it in the asbestos litigation?

17 A. No, sir.

18 Q. What type of litigation was it involved
19 in?

20 A. It was involved with a workmen's
21 compensation disability case.

22 Q. And did it involve a purported lung
23 disease?

24 A. No, sir.

25 Q. So you have been able to stay clear of

1 asbestos litigation, have you not?

2 A. Yes, sir.

3 Q. Do you presently have any
4 responsibilities at Georgia-Pacific concerning
5 asbestos litigation?

6 A. No, sir.

7 Q. You know what asbestos litigation is, I
8 take it?

9 A. I'm familiar with it.

10 MR. BISHOP: I think everyone
11 in the country is.

12 Q. Do you know what the Gypsum Association
13 is?

14 A. Yes, sir.

15 Q. And is Georgia-Pacific a member of the
16 Gypsum Association?

17 A. Yes, it is.

18 Q. And do you know how long it has been a
19 member of the Gypsum Association?

20 A. I have no idea.

21 Q. Do you know who their representative has
22 been to the Gypsum Association?

23 A. Within what time frame?

24 Q. Since you've been employed by
25 Georgia-Pacific.

1 A. Yes, sir.

2 Q. Who has it been?

3 A. Jim Hurd.

4 Q. When did you first become the
5 Georgia-Pacific representative to the Gypsum
6 Association?

7 A. I can't give you a time. I've been
8 involved with them for a number of years.

9 Q. Was it prior to 1973 before you became
10 part of the Gypsum Division?

11 A. No, sir.

12 Q. So again, prior to 1973, you would not
13 have been the representative to the Gypsum
14 Association?

15 A. Do you mean prior to 1974?

16 MR. BISHOP: I think that's
17 what you meant.

18 Q. Okay. I wrote '73. But '74 is when
19 you started with the Gypsum Division?

20 A. Yes.

21 Q. You're right, January 1. Who was the
22 Georgia-Pacific representative to the Gypsum
23 Association prior to January 1, '74?

24 A. I don't know. I don't know whether they
25 had one or not.

1 Q. Do you know an M. F. Fink?

2 A. Yes, sir.

3 Q. Who is he?

4 A. Matt Fink was -- he was a western
5 regional safety man that worked for Mr. Bill
6 Richards at the time I came with the division.

7 Q. Who Bill Richards?

8 A. He was the operations manager.

9 Q. For?

10 A. For the Gypsum plants.

11 Q. And Mr. Fink -- what was his safety
12 title that you just described?

13 A. I don't know what his title was. He was
14 the safety man. He worked in the area of safety and
15 workmen's compensation at the time.

16 Q. Where is he now?

17 A. I have -- I haven't the slightest idea.

18 Q. Does he still work for Georgia-Pacific?

19 A. No, sir.

20 Q. Do you know when he separated his
21 employment?

22 A. No, I can't give you the date. He
23 retired.

24 Q. He retired?

25 A. (Witness nodded head up and down.)

1 Q. And he was located in what city?

2 A. In Portland, Oregon.

3 Q. When did you first become the
4 representative to the Gypsum Association?

5 A. I can't give you a date. It was after I
6 came with the division.

7 Q. Shortly or several years?

8 A. Oh, it was -- I'd be speculating, but it
9 was some time after I came with the division.

10 Q. Have you ever had the opportunity to
11 review the minutes of the Gypsum Association?

12 A. The Gypsum Association?

13 Q. Yes.

14 A. No, sir.

15 Q. When you attend meetings of the Gypsum
16 Association, you subsequently receive the minutes of
17 those meetings, do you not?

18 A. Yes, sir.

19 Q. Okay.

20 A. Now let me clarify that, if I may. I
21 receive the minutes of the Safety Committee of the
22 Gypsum Association.

23 Q. Are you on the Safety Committee of the
24 Gypsum Association?

25 A. Yes, sir.

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1 Q. And how long have you been on the Safety
2 Committee of the Gypsum Association?

3 A. For as long as I've been involved with
4 the association.

5 Q. Was Mr. Fink on the Safety Committee of
6 the Gypsum Association?

7 A. I don't know whether he was or not.

8 Q. Does Georgia-Pacific keep records in one
9 place concerning their relationship with the Gypsum
10 Association?

11 A. I don't know.

12 Q. Do you keep your records in one place
13 concerning the Gypsum Association?

14 A. Yes, sir.

15 Q. So you have a file or something of that
16 nature concerning the Gypsum Association?

17 A. Safety Committee --

18 Q. Safety Committee?

19 A. -- of the Gypsum Association.

20 Q. All right. On January 1, 1974, when you
21 began your work as safety director and personnel
22 manager of the Gypsum Division of Georgia-Pacific,
23 had you had any experience with a material called
24 asbestos?

25 A. No experience.

1 Q. Were you familiar with the material in
2 any way?

3 A. Yes, I knew what asbestos was. I knew
4 that they had used it in brake linings and things
5 like that.

6 Q. Would it be fair to say that your prior
7 experience before January 1, 1974, was with
8 cardboard, primarily? That was your area of
9 expertise?

10 A. Folding cartons was the industry I was
11 in, yes, sir.

12 Q. And you had never done anything
13 professionally with the asbestos industry in any way?

14 A. That's true, correct.

15 Q. In 1974, had you become knowledgeable
16 that asbestos could present a health hazard to
17 people on who inhaled it?

18 A. No, sir.

19 Q. When you came to work for the Gypsum
20 Division in January 1, 1974, were you made aware
21 that the old Best Wall Division used asbestos in
22 some of the their products?

23 A. I did become aware that they did.

24 Q. When did you become so aware?

25 A. Fairly early in '74. I suppose around

1 March, April.

2 Q. And when, if ever, have you become aware
3 that asbestos has a potential health hazard for
4 people who inhale it?

5 A. A potential health hazard?

6 Q. Or a health --

7 A. A potential health hazard?

8 Q. Yes.

9 A. I don't know that there's a health
10 hazard, personally, but the potential, I guess I've
11 known since I became affiliated with the division.

12 Q. So as of today, you are not sure that
13 asbestos really does cause health hazards? You've
14 just heard that from people?

15 A. John, (sic) I'm not a doctor. I don't
16 have a medical expertise.

17 MR. BISHOP: It's Fred.

18 MR. BARON: It's Fred, but
19 I've been called worse.

20 Q. Mr. Hurd, so it would be fair to say as
21 we sit here right now you are not an expert in
22 asbestos-related diseases?

23 A. That's true.

24 Q. And you have not really done any special
25 study or review of asbestos-related diseases that

1 would make you an expert?

2 A. That's true.

3 Q. Is there someone at Georgia-Pacific who
4 is an expert on asbestos-related diseases that you
5 are aware of?

6 A. No that I am aware of.

7 Q. Has there ever been anyone?

8 A. Not that I am aware of.

9 Q. Okay. If we wanted to select a job
10 category at Georgia-Pacific for the person who we
11 would think would be most knowledgeable about
12 asbestos health hazards in the Gypsum Division,
13 would it be your job title?

14 A. I honestly don't know whether there
15 would be anyone that would be more familiar or not.

16 Q. Well, you are the person in charge of
17 health and safety for the Gypsum Division, are you
18 not?

19 A. Yes.

20 Q. The buck stops at your desk for health
21 and safety matters?

22 A. For our division.

23 Q. For the Gypsum Division?

24 A. Yes, sir.

25 Q. And the Gypsum Division is the only

1 division of Georgia-Pacific that's ever used
2 asbestos?

3 A. I don't know that.

4 Q. Do you know otherwise?

5 A. No, sir.

6 Q. So to the best of your knowledge, based
7 on what you understand, the Gypsum Division is the
8 only one that has used it, unless somebody proves
9 otherwise?

10 A. It's the only one that I'm aware of.

11 Q. And you are the person in the Gypsum
12 Division who is in charge of health and safety?

13 A. Yes, sir.

14 Q. And you do not consider yourself to be
15 knowledgeable about the hazards of asbestos; is that
16 right, sir?

17 MR. BISHOP: I think he said
18 he did not consider himself to be an expert in
19 asbestos diseases.

20 MR. BARON: Right.

21 Q. Is that right?

22 A. That's true.

23 Q. Have you done any personal research on
24 asbestos-related diseases?

25 A. No, sir.

1 Q. Have you compiled a medical library or
2 anything of that nature on asbestos-related
3 diseases?

4 A. I have not.

5 Q. Have you attended any seminars on
6 asbestos-related diseases?

7 A. No, sir.

8 Q. Have you directed anyone under you to
9 attend such seminars?

10 A. No, sir.

11 Q. Have you directed anyone under you to
12 accumulate materials on asbestos-related health
13 hazards?

14 A. No, sir.

15 Q. To your knowledge, has Georgia-Pacific
16 corporation ever engaged in testing its products to
17 determine whether they present a health hazard? And
18 when I say "its products," those containing
19 asbestos.

20 A. Whether they contain health hazards?

21 A. Yes, whether Georgia-Pacific products
22 would present a health hazard.

23 A. Any products?

24 Q. No, asbestos-containing products.

25 A. I'm not aware of any.

1 Q. Again, so we make this question clear,
2 you are not aware of any test that Georgia-Pacific
3 has ever done on its asbestos products to determine
4 whether or not they present health hazards?

5 A. I'm not aware of any.

6 Q. Does Georgia-Pacific still manufacture
7 asbestos products?

8 A. Not that I'm aware of.

9 Q. When was the last time they manufactured
10 such products?

11 A. Georgia-Pacific?

12 Q. Yes.

13 A. I have -- I can only speak for our
14 division.

15 Q. All right.

16 A. I have no knowledge.

17 Q. When was the last time your division
18 manufactured asbestos?

19 A. To the best of my knowledge, we got out
20 of asbestos-contained products in '76, I believe.

21 Q. Well, let me see if I can refresh your
22 recollection here.

23 MR. BARON: Let me have you
24 mark this as Exhibit 1 to this deposition.

25 (Deposition Exhibit 1

1 marked for
2 identification.)

3 Q. Mr. Hurd, I'm going to hand you a
4 document that's been marked as Deposition Exhibit
5 No. 1. For the record, it's on the stationery of
6 Georgia-Pacific Corporation, Portland, Oregon, dated
7 May 20, 1977, to Mr. Robert J. -- and I'm going to
8 spell this one -- U-d-a-v-c-a-k, from a town in
9 Pennsylvania from J. R. Hurd, Personnel Manager
10 Gypsum Division, and ask you if you've ever seen
11 this particular document before.

12 A. Yes, sir.

13 Q. Okay. And is that your signature at the
14 bottom?

15 A. Yes, sir.

16 Q. The first question I have is: The
17 stationery is Portland. Were you working in the
18 Portland Division?

19 A. No. That was our headquarters up until
20 ~~about~~ -- almost five years ago.

21 Q. I didn't realize that. Okay. That
22 appears to be a letter to a customer, does it not?

23 A. Yes, sir.

24 Q. Do you have any recollection of that
25 letter?

1 A. Yes, sir.

2 Q. Can you tell us the circumstances.

3 A. This gentleman had written in with a
4 concern over whatever publications he had read that
5 there may be a health hazard in using some of our
6 products in remodeling his home.

7 Q. And was that health hazard asbestos?

8 A. Well, it was a product that contained
9 asbestos.

10 Q. Right. And the date of the letter is
11 1977, is it not?

12 A. Yes, sir.

13 Q. Does that refresh your recollection as
14 to when Georgia-Pacific stopped making
15 asbestos-related products?

16 A. Not necessarily because when we
17 discontinued putting them in the products was
18 different than when we completed the inventories
19 that we had.

20 Q. So it would have been entirely likely
21 that somebody in May of 1977 could have still been
22 buying Georgia-Pacific products that contained
23 asbestos?

24 A. Possible.

25 Q. What particular product was this

1 customer inquiring about? Do you recall?

2 A. Ready-Mix joint compound.

3 Q. Could I see the letter for just a
4 moment. You state in paragraph 3 here, "To our
5 knowledge, Mr." -- whatever his name is -- "there is
6 no known case where harm has come to somebody from
7 their use of our Ready-Mix joint compound containing
8 asbestos fibers, even after prolonged exposure
9 numbered in many years." What was the basis of that
10 opinion that you rendered to Mr. -- whatever his
11 name is?

12 A. The basis for that statement was that
13 the Gypsum Division had manufactured joint compounds
14 that had contained asbestos fibers for a
15 considerable length of time, and we have had no
16 known cases that have suffered any health hazards as
17 result of the use of that material.

18 Q. All right. Now, you say they
19 manufactured joint compounds for a considerable
20 length of time. Did I understand that
21 Georgia-Pacific first got in the asbestos business
22 when they acquired Best Wall, or were they
23 manufacturing them prior to the acquisition?

24 A. No, sir.

25 Q. Now, they acquired Best Wall in what

1 year? Do you recall? Was it '66?

2 MR. BISHOP: Excuse me, let's
3 make that last answer clear. I think you were
4 clear, but he said, "No, sir."

5 MR. BARON: Was it a no, sir
6 to a yes, sir?

7 MR. BISHOP: Would you read
8 back that question. I just want to make sure that
9 the record is clear on it. I think he was agreeing
10 with you.

11 MR. BARON: Okay.

12 (At this time, the
13 requested material was
14 read back by the Court
15 Reporter.)

16 MR. BARON: Well, let me
17 clarify the record. I can clarify it real easily
18 here.

19 Q. Mr. Hurd, I'm going to read some Answers
20 to Interrogatories that have been filed by
21 Georgia-Pacific. One of the questions that was
22 asked of them -- when did Georgia-Pacific begin
23 manufacturing asbestos containing products? And the
24 answer was as follows: Quote, Georgia-Pacific did
25 not begin manufacturing asbestos-containing products

1 until 1965 when it merged with Best Wall Gypsum
2 Company. As stated in the previous answer,
3 Georgia-Pacific became aware of the hazards of
4 asbestos exposure in the early 1970s. So it would
5 be, based on this information that was provided to
6 us under oath, Georgia-Pacific acquired Best Wall in
7 1965. Does that sound about right to you?

8 A. That sounds about right.

9 Q. And so when you said that
10 Georgia-Pacific had been manufacturing joint
11 compounds containing asbestos for a considerable
12 amount of time, the considerable amount of time
13 would have been about 10 or 12 years?

14 A. Would have been back to when we
15 acquired --

16 Q. '65?

17 A. Yes, sir.

18 Q. And at that time, you, then, were not
19 familiar with any hazards associated with the use of
20 asbestos-containing joint compounds; is that right,
21 sir?

22 A. At that time.

23 Q. Yes, 1977 when you wrote the letter
24 because that's what you advised the customer.

25 A. That's right.

1 Q. Would it be fair to say that by May 20
2 of 1977 you were not knowledgeable about health
3 hazards associated with asbestos products?

4 MR. BISHOP: What do you mean
5 by "knowledgeable," Fred? Are you asking him if
6 he --

7 MR. BARON: If he felt that
8 he was expert enough to advise people about hazards
9 of health-related effects of asbestos products.

10 A. The only thing I was aware of, Fred, was
11 that we had no known cases where anybody had had any
12 health problems as a result of using our products.

13 Q. All right.

14 MR. BARON: I want to have
15 this one marked, if I could, as Plaintiff's Exhibit
16 No. 2 to this deposition.

17 (Deposition Exhibit 2
18 marked for
19 identification.)

20 Q. I'm going to hand you what I've marked
21 as Plaintiff's Exhibit No. 2, which is what purports
22 to be a two-page document, an intracompany memo on
23 Georgia-Pacific stationery to Mr. G. E. Wilson from
24 Mr. O. E. Burch, Subject: Asbestos - JT Cement
25 Products, dated May 17, 1974. First of all, who is

1 Mr. G. E. Wilson. Do you know him?

2 A. Yeah, he's our vice-president.

3 Q. He is the vice-president in charge the
4 Gypsum Division, the one that you described earlier?

5 A. Yes.

6 Q. And who is O. E. Burch?

7 A. He is our sales manager.

8 Q. When it says here on the memo "Asbestos
9 - JT Cement Products," would that be joint cement
10 products?

11 A. Joint cement products, yes, sir.

12 Q. So that would be what we've previously
13 described as a joint compound, right?

14 A. Yes.

15 Q. This shows as a c.c. on the memo one J.
16 Hurd, Portland. Would that be you?

17 A. Yes, sir.

18 Q. And it also shows C. W. Lehnert,
19 L-e-h-n-e-r-t. Who is he?

20 A. He is the director of our research and
21 development lab.

22 Q. And that's called the Tigard or Tigard?

23 A. Well, it was located in Tigard at the
24 time this correspondence was --

25 Q. What is the name of laboratory? Do you

1 know?

2 A. The formal name of it?

3 Q. Yes. If you wanted to call the lab,

4 what is the name?

5 A. Our research lab.

6 Q. So Georgia-Pacific has its own research

7 lab?

8 A. Yes, sir.

9 Q. How long has Georgia-Pacific had that?

10 A. I don't know.

11 Q. As long as --

12 A. When I came with the division, it was

13 located in Tigard, Oregon. I don't know when it was

14 established.

15 Q. Where is it now?

16 A. Is in Decatur.

17 Q. Decatur, Georgia?

18 A. Yes.

19 Q. As opposed to Illinois?

20 A. Yes. I'm sorry about that.

21 Q. I grew up near Decatur, Illinois. And

22 it also shows to M. Fink which is the same

23 individual we discussed before at the laboratories?

24 A. Yes, sir.

25 Q. And then Mr. D. C. Corkill,

1 C-o-r-k-i-l-l, in Portland. Who is he?

2 A. Dave was the sales manager for the joint
3 system products at that time, and he reported to Mr.
4 Burch.

5 Q. Do you recall seeing this intracompany
6 memo before? Have you ever seen this one?

7 A. May I see it?

8 Q. Sure. Go right ahead. Take a look. Do
9 you recall ever having looked at this before?

10 A. Well, Fred, you are asking me to recall
11 things that were -- what? -- 12, 13 years ago.

12 Q. Yes.

13 A. And if my name was on it, I guess I have
14 to assume I have seen it, but I don't recall every
15 piece of paper I have seen that long ago.

16 Q. Okay. Well, Mr. Hurd, for the record,
17 the memo has attached to it -- well, again, for the
18 record, the memo is one sentence. It says,
19 "Subject, Asbestos Joint Cement Products. Attached
20 appeared in the Walls & Ceilings magazine, May
21 issue. This is the first time I have seen actual
22 cases reported." And it has attached to it an
23 article saying, "Asbestos Danger Cited. Taping and
24 spackling compounds used in drywall finishing may
25 expose workers to dangerous levels of asbestos

1 fibers, according to OSHA officials. The warning
2 followed an examination of 17 members of a New York
City painters' local. Tests showed the lungs of
4 nine painters had X-ray evidence of fibrosis or
5 excessive secretion build-up in the lungs. Employer
6 groups and unions are being asked to alert workers
7 to the potential hazard, said federal safety
8 authorities." Do you want to take a look at it?

9 MR. BISHOP: Yes, please.

10 MR. HENDERSON: What is the
11 date, Fred?

12 MR. BARON: 1974, and I
13 believe it is May 17, 1974.

14 Q. Okay. So first of all, do you have any
15 question but that you received that memo?

16 A. I don't have any question that I
17 received this.

18 Q. So you believe you did?

19 A. I believe I received it.

20 Q. And that, if you had read it, would have
21 given you knowldege that people using a product such
22 as your joint compound were reported to have illness
23 -- at least reported to have illness?

24 A. It said that they have an illness.

25 Q. Yes. It doesn't prove that they have an

1 illness, but it says that they have got one.

2 A. It says that they have an illness.

3 Q. So when you wrote the letter to your
4 customer three years later, you apparently had
5 forgotten about this particular document; is that
6 right, sir?

7 A. That doesn't prove that that illness was
8 as a result of our product.

9 Q. Okay. It just --

10 A. I have no knowledge, even at that time,
11 that any of our products ever caused a health
12 problem.

13 Q. All right. So what you are telling me,
14 sir, is that the fact that you received an internal
15 memo regarding asbestos in joint compounds, which
16 described asbestos or at least -- how many cases
17 were there? -- that nine painters using this type of
18 material had developed fibrosis of the lungs and
19 secretions in the lungs allegedly caused by the
20 products, that wasn't enough information for you to
21 believe that there might be any harm with your
22 products? Would that be a fair statement?

23 A. I have -- again, I had no knowledge of
24 any specific cases that we had that resulted in any
25 lungs diseases as a result of using our products.

1 Q. All right.

2 A. And I believe that that gentleman was
3 cautioned that he ought to use a respirator as a
4 precaution if he did use any of our products and
5 sanded them.

6 MR. BISHOP: You are
7 referring to Exhibit 1?

8 THE WITNESS: Yes.

9 Q. When you received this memo in 1974, did
10 you do any further inquiry concerning potential
11 asbestos health hazards?

12 A. Not that I'm aware of.

13 Q. And when you received the inquiry from
14 the customer in 1977, did you do any further looking
15 to see about asbestos-related health hazards with
16 joint compounds?

17 A. Not that I can recall.

18 Q. Do you know of anybody at
19 Georgia-Pacific who did?

20 A. No, sir.

21 Q. Mr. Hurd, if you had wanted the
22 laboratories to test to see if the joint compound
23 really was capable of causing lung damage, such as
24 described in that article, would they have been
25 available to do it?

1 A. Not in our division. I assume there's
2 facilities in this country that would have the
3 capability of doing it. I don't know.

4 Q. Well, let's talk about the laboratory in
5 Tigard. Was that laboratory capable of doing such
6 tests in 1974?

7 A. To evaluate for health hazards?

8 Q. Yes.

9 A. No, sir.

10 Q. Was there any facility at
11 Georgia-Pacific, that you are aware of, that had the
12 ability to test Georgia-Pacific products to
13 determine whether they caused harm to people using
14 them?

15 A. No, sir, not that I am aware of.

16 Q. Is there presently such a facility?

17 A. Not that I am aware of.

18 Q. How old a corporation is
19 Georgia-Pacific, by the way? Turn the century or
20 before then?

21 A. I don't know. It started in one little
22 plant in Augusta, Georgia, way back when. I can't
23 give you a date.

24 Q. As far as you know, since it started in
25 that one plant in Augusta, Georgia, and now has

1 hundreds of plants all over the world, has
2 Georgia-Pacific ever had a facility that could test
3 its own products to determine whether they caused
4 harm to users?

5 A. I have no idea.

6 Q. And you are not aware that they have one
7 now?

8 A. No, sir.

9 Q. And so as safety manager of the Gypsum
10 Division, if you were to find that one of the
11 products -- well, let me strike that question and
12 ask it a different way.

13 As safety manager of the Gypsum
14 Division, do you feel like you have any
15 responsibility to people other than Georgia-Pacific
16 employees?

17 A. Yes, sir.

18 Q. So do you feel --

19 A. A concern certainly.

20 Q. Do you feel like Georgia-Pacific should
21 stand behind its product when they sell them?

22 A. With what regard?

23 Q. With regard to their being safe
24 products.

25 MR. BISHOP: What do you mean

1 by that?

2 Q. Let me ask it a different way, so we are
3 sure we are getting proper communication here. If
4 Georgia-Pacific receives information that one of its
5 products is a health hazard, do you think that
6 Georgia-Pacific has an obligation to find out
7 whether that product really is a health hazard?

8 A. Yes, I would think -- I would say that
9 they would.

10 Q. That would be the prudent thing to do,
11 would it not?

12 A. Yes, sir.

13 Q. And the reason to do that is so that you
14 can prevent consumers from receiving injury as a
15 result of products that may be unsafe? Would that
16 be a fair statement?

17 A. Yes, I would say so.

18 Q. In 1974 if it had come to the attention
19 of the Gypsum Division that some of its products
20 were alleged to be unsafe and causing injury to
21 users, who would have been the person in 1974 that
22 was in charge of investigating that problem?

23 A. I suspect I would have been.

24 Q. Did you at any time investigate the
25 health hazards of your asbestos products?

1 A. No, sir.

2 Q. Do you know of anyone at Georgia-Pacific
3 who commissioned such an investigation by an outside
4 source?

5 A. No, sir.

6 MR. BARON: Now, I'd like the
7 reporter to mark this one as PX 3.

8 (Deposition Exhibit 3
9 marked for
10 identification.)

11 Q. I'm going to hand you what I have had
12 the reporter mark as Deposition Exhibit No. 3 which
13 is another Georgia-Pacific intracompany memo to Mr.
14 W. A. Nalbone, N-a-l-b-o-n-e, from J. R. Hurd
15 concerning asbestos caution labels dated June 7,
16 1974, and ask you if you can identify that is your
17 Jim at the bottom.

18 A. Yes, sir.

19 Q. Okay. Do you recall having ever seen
20 that before?

21 A. Again, I'm going -- I have to assume
22 that I've seen it if I wrote it, and it certainly
23 looks like my signature.

24 Q. No bells are going off, though?

25 A. No.

1 Q. Okay. Mr. Hurd, for the record, so that
2 I can read this in because we've got other lawyers
3 sitting here who don't have this in front of them,
4 it states as follows: "This memo is in response to
5 your letter dated June 3, 1974, concerning the above
6 subject," and the subject is asbestos caution
7 labels. Who was Mr. W. A. Nalbone? Do you recall?

8 A. Nalbone was -- he was the quality -- and
9 I believe he was in charge of safety, too, but I
10 know he was a quality guy that was responsible for
11 the testing program at Akron at that time.

12 Q. Okay. When you say the "testing
13 program," what testing program?

14 A. We run standard tests on the product for
15 consistency and so on.

16 Q. Quality control?

17 A. Quality control.

18 Q. Is that what the Akron facility is for?
19 Is that the primary purpose of the Akron facility,
20 to do quality control?

21 A. No.

22 Q. That's just part of their facility?

23 A. It's just a function.

24 Q. The memo states as follows: Quote, I
25 appreciate your concern over the changes in the

1 asbestos caution labels; however, our attorneys are
2 also deeply concerned over recent findings of
3 asbestosis in workers in the construction industry
4 which is a result of working with joint system
5 products. Do you recall the basis for your
6 statement?

7 A. No, sir, I don't.

8 Q. So would it be fair to surmise from that
9 June 7, 1974, memorandum that you were aware that
10 people using joint compounds were having problems
11 with asbestosis or at least it was being alleged?

12 A. The only thing that I could -- that I
13 could recall is that it was being alleged.

14 Q. Had you been the one dealing with the
15 attorneys that were worried about asbestosis in
16 joint compound workers?

17 A. No. The only involvement with attorneys
18 was to help us evaluate the labels that were going
19 on our products.

20 Q. Would it be fair to surmise, however,
21 Mr. Hurd, that on that June 7, 1974, when you wrote
22 this memo, you were at least aware that claims were
23 being made that people using your joint compound
24 were developing asbestosis?

25 MR. BISHOP: Wait a second.

1 I object to that. It doesn't say anywhere in here
2 that it's GP products.

3 Q. Let me rephrase it. Would it be fair to
4 surmise from that memorandum dated June 7, 1974,
5 that workers were making allegations that they were
6 developing asbestos-related disease from using joint
7 compounds, period?

8 A. There was allegations being made.

9 Q. What action did you take to investigate
10 those allegations?

11 A. I didn't take any action to investigate
12 those allegations.

13 Q. Now, your company was making joint
14 compounds that contained asbestos in 1974, was it
15 not?

16 A. Yes, sir.

17 Q. Is there a particular reason why you did
18 not investigate those allegations?

19 A. Well, the reason that we didn't
20 investigate those allegations is that we were -- we
21 had put in place programs as a result of OSHA
22 regulations and because of the involvement with
23 hygienists to come up with the standards. And they
24 did some very extensive studies on that product,
25 with knowledge that our employees were being

1 adequately protected as a result of OSHA's extensive
2 studies on that subject, and they are on the cutting
3 edge of that particular standard. I was comfortable
4 that we were adequately protecting our employees and
5 that there wasn't a health hazard involved in the
6 consumer products.

7 Q. So even when you wrote that letter, you
8 were convinced that consumers using your product
9 were safe?

10 A. I don't -- I'm not qualified to know
11 whether they were safe or not.

12 Q. Who would be qualified to know that?

13 A. I don't know.

14 Q. Did you make any inquiry to determine
15 whether consumers using your products were safe?

16 A. No, sir.

17 Q. Do you know of anyone at Georgia-Pacific
18 who made any inquiry whatsoever of any kind or
19 character to determine whether their customers were
20 developing health problems related to their
21 products?

22 A. Not that I am aware of.

23 MR. BISHOP: I need to take a
24 break.

25 MR. BARON: Sure. Let's take

1 a five-minute break.

2 (Recess taken.)

3 Q. I was showing you what I had marked as
4 Deposition Exhibit No. 3 and had asked you if this
5 was, in fact, your J. R. H. down here, and you said
6 it was?

7 A. Yes, sir.

8 Q. All right. On paragraph 2, you state as
9 follows: "You asked if we as Georgia-Pacific
10 representatives are in a position to recommended the
11 type of approved respirators to be used" -- "to be
12 used to our customers. I feel that we should be
13 prepared to answer and discuss any questions dealing
14 with our products. If we can give assistance to our
15 customers as to what type of respirators are
16 approved by OSHA, I see nothing wrong in doing so."
17 Did you, in fact, do research to determine what type
18 of respirators should be used with such products?

19 A. Yes. The standards are quite clear on
20 the type of respirators that were permissible.

21 Q. And did you familiarize yourself with
22 those standards?

23 A. Yes, sir.

24 Q. And did you advise customers as to what
25 type of respirators should be used?

1 A. I did not advise any customers
2 specifically. I did advise customers that they
3 should be wearing respirators when sanding.

4 Q. Mr. Hurd, I've showed you these memos,
5 and I think it probably kind of, hopefully, stirred
6 your memory a little bit about your dealing with
7 asbestos joint compounds back in the early '70s. Do
8 you believe that this was the first time that
9 Georgia-Pacific had developed information about
10 asbestos hazards with their products, or do you know
11 of any other times that they had?

12 MR. BISHOP: Excuse me, I'm
13 going to object to that question. It makes an
14 assumption that these were Georgia-Pacific products
15 that were being referred to.

16 Q. On the intracompany memo dated June 7,
17 1974, concerning asbestos caution labels, that
18 pertains to Georgia-Pacific asbestos-related
19 products, does it not?

20 A. Yes, sir.

21 Q. And on Plaintiff's Exhibit 2, which is
22 the intracompany memo dated May 17, 1974, concerning
23 asbestos joint cement products, that would also be
24 pertaining to Georgia-Pacific asbestos-containing
25 joint cement products, would it not, or this would

1 be relevant to it?

2 A. This article does not refer to it.

3 Q. Certainly the article does not, but do
4 you believe that the reason that you got this
5 article out of the clear blue was because it was
6 known that Georgia-Pacific made asbestos products?

7 A. Georgia-Pacific did make products that
8 contained asbestos.

9 Q. All right.

10 MR. BARON: I'm going to have
11 the reporter mark this one right here as Deposition
12 Exhibit No. 4, if you would, please.

13 (Deposition Exhibit 4
14 marked for
15 identification.)

16 Q. All right. I'm going to hand you a copy
17 of a letter that is dated September 15, 1971, on the
18 stationery of National Gypsum Corporation, Building
19 Products Division, Buffalo, New York. And it is
20 ~~with~~ the stationery of Albert Fay who is
21 vice-president of research and marketing, and it's
22 addressed to Mr. William Hunt, President of
23 Georgia-Pacific Gypsum Division in Portland,
24 Oregon. First of all, do you know who Mr. William
25 Hunt was or is?

1 A. Do I know who he was?

2 Q. Yes, or who he is. Is it a was or an
3 is?

4 A. I don't know whether he's still alive or
5 not. He was the president of Georgia-Pacific.

6 Q. Was he the president of the entire
7 corporation or just the Gypsum Division?

8 A. Of the entire corporation.

9 Q. When did he retire or leave the company?

10 A. I have no idea.

11 Q. Or has he retired and left the company?

12 A. He has retired and left the company.

13 Q. Okay. Again, for Jennifer's purposes
14 and the record's purposes, on page 2 the letter is
15 dated September 15, 1971, and it's addressed to
16 William Hunt, President of Georgia-Pacific
17 Corporation inviting him to a seminar in New York at
18 the Union League Club on Tuesday, September 21.
19 "The purpose of the" -- and I'm reading from the
20 letter here for Jennifer and the record's purposes
21 -- "The purpose of the Seminar is to acquaint your
22 organization with the background of research and
23 investigation which has been conducted by industry,
24 government and labor concerning the supposed hazards
25 of asbestos. All users of asbestos fibers in any

1 form in products produced will be affected by
2 regulations which are expected to be issued by the
3 Environmental Protection Agency."

4 And it goes on, and in the first
5 paragraph on page 2 it states as follows: "In my
6 opinion, if your Company uses asbestos fiber in any
7 product such as, asbestos cement, joint treatment
8 products, acoustical products, or sprayed interior
9 finishes, it is important that you be informed of
10 its effect on your Company's operation and markets.
11 We hope that you will be able to send someone from
12 your organization to attend this Seminar." Have
13 you ever seen this letter before -- Deposition
14 Exhibit 4?

15 A. No, sir. Let me look, but I'm sure I
16 haven't. I wasn't involved in '71. No, sir

17 (Deposition Exhibits 5
18 and 6 marked for
19 identification.)

20 Q. All right. In 1971, was Georgia-Pacific
21 engaged in the manufacture of asbestos products?

22 A. I don't -- I don't know whether there
23 was asbestos in them at that time or not.

24 Q. Well, there was in 1973 when you
25 became --

1 MR. BISHOP: '74.

2 A. '74.

3 Q. January 1, '74. Do you have any reason
4 to believe that the asbestos was not involved in
5 Georgia-Pacific products in 1971, or is your best
6 information that it was?

7 A. I don't know.

8 Q. You don't have any idea?

9 A. Well, you are asking me to speculate on
10 something I wasn't even involved with in the
11 division at that time. I know it was there when I
12 got there, and how long it had been in there, I have
13 no idea.

14 Q. You honestly have no idea how long it
15 had been there?

16 A. I honestly don't know.

17 Q. And you've never looked at records to
18 see?

19 A. I have never gone back and looked at the
20 records.

21 Q. Have you ever gone back and done a study
22 of the workers who had been manufacturing this
23 compound to see if they have developed
24 asbestos-related diseases?

25 A. No.

1 Q. You have never done any research to find
2 out how much exposure they've had?

3 A. Our employees?

4 Q. Yes, your employees.

5 A. We did tests, certainly, once we had a
6 program in place to monitor our dust.

7 Q. When was that?

8 A. Well, I first became aware of it in 1974
9 when I got involved in the program.

10 Q. So in 1974, there was a program to
11 monitor asbestos dust levels at Gypsum?

12 A. Yes, sir.

13 Q. In the Gypsum Division?

14 A. Yes, sir.

15 Q. And had that program been in effect at
16 the time that you started working for
17 Georgia-Pacific?

18 A. Yes, sir.

19 Q. I mean, for the Gypsum Division?

20 A. Gypsum Division, yes, sir.

21 Q. So on January 1, 1974, when you took
22 over your position with the Gypsum Division of
23 Georgia-Pacific, there was an ongoing program to
24 test your employees to determine whether or not they
25 had asbestos-related injuries, or was it merely to

1 test air concentrations?

2 A. We were testing air concentrations. We
3 were also doing X-ray and pulmonary function tests
4 on employees.

5 Q. Was that because Georgia-Pacific was
6 aware that asbestos could cause health problems to
7 their own employees?

8 A. We were aware of the potential as a
9 result of OSHA putting in their regulation that
10 there was -- the potential was there.

11 Q. So from the time that you started
12 working, January 1, 1974, you, yourself, were aware
13 that asbestos could cause health hazards -- health
14 problems to workers who were exposed to it?

15 A. I don't -- I don't know that. I have no
16 evidence that there was any health problems.

17 Q. It had the potential to cause health
18 problems to people who were exposed. That's why you
19 were doing the testing, was it not?

20 A. The government had done extensive
21 testing, and they came out with regulations as a
22 result of those tests that, yes, they determined
23 that asbestos products could cause health hazards.

24 Q. And you knew that on January 1, 1974, or
25 thereabouts when you started working in the Gypsum

1 Division?

2 A. Thereabouts.

3 Q. And would it be fair to say that whoever
4 was there before you also knew that fact?

5 MR. BISHOP: I object to
6 that. That's asking him to speculate about someone
7 else's knowledge.

8 Q. So you came in, then, on January 1 with
9 a clean slate and never reviewed anything that your
10 predecessor or anyone else in the safety division of
11 Gypsum had done? Is that what you are saying?

12 A. I reviewed the status of the programs
13 that were in effect at that time to reinsure that we
14 were -- we were complying with OSHA regulations. In
15 fact, there was some modifications to those programs
16 that were made in 1974.

17 Q. I show you what's been marked as
18 Deposition Exhibit No. 5 which is a letter dated
19 September 17, 1971, addressed to Albert Fay,
20 Vice-president of National Gypsum Company in
21 Buffalo. And, again, for Jennifer and everyone
22 else's purposes, I will read it into the record.
23 "Dear Al: Thanks for your follow-up letter
24 concerning the Asbestos Information Association
25 meeting. We have already declined the invitation on

1 the theory that we have no active interest in the
2 asbestos business or in products that involve the
3 use of asbestos. For these reasons we really
4 wouldn't fit in this meeting. Our sympathies, of
5 course, are with any problems with which the
6 industry may be faced, and it is my hope that your
7 deliberations will be effective. Best personal
8 regards, sincerely yours." Have you ever seen that
9 before? Has anyone ever shown you that?

10 A. No, sir.

11 Q. Okay. Now, I will hand you Deposition
12 Exhibit 6 which is a letter on the stationery of
13 National Gypsum Company dated September 24, 1971, to
14 Mr. W. H. Hunt, President, Georgia-Pacific
15 Corporation. I'll read it into the record. "Dear
16 Bill: We were indeed sorry that you were unable to
17 attend our seminar. Of course, I cannot be certain,
18 but I would guess that you do use asbestos fiber in
19 joint treatment products and in finishes for
20 wallboard. Our tests indicate that sanding of joint
21 treatment products and particularly the spraying of
22 wall finishes offers some substantial potential
23 hazards. You may feel it advisable to check into
24 this. Sincerely." And it's signed by Albert Fay.
25 Have you ever seen that one before?

1 A. No, sir, I have not.

2 Q. But William Hunt was the president of
3 Georgia-Pacific in September 1971, was he not?

4 A. I have -- I don't know what dates he was
5 president. All I know is he was president of
6 Georgia-Pacific at some point in time.

7 Q. All right.

8 MR. BARON: Let's mark this
9 one as 7.

10 (Deposition Exhibit 7
11 marked for
12 identification.)

13 Q. Now, you mentioned to me, sir, that you
14 were the representative to the Gypsum Association
15 Safety Committee?

16 A. Yes, sir.

17 Q. And that, further, you kept a file
18 concerning your attendance and the minutes of the
19 Gypsum Association Safety Committee, right?

20 A. Yes.

21 Q. Have you ever held an office in the
22 Gypsum Association Safety Committee?

23 A. Yes, sir.

24 Q. What office have you held?

25 A. Committee chairman.

1 Q. Okay. What year were you committee
2 chairman?

3 A. Let me -- let me say this, Fred. I am
4 the current chairman of the Safety Committee and
5 have been for the past year and a half, and I held
6 one other two-year term of office prior to this
7 time, and I can't tell you what years they were.

8 Q. As chairman of the Gypsum Association
9 Safety Committee, have you participated in programs
10 concerning asbestos-related health hazards?

11 A. No, sir.

12 Q. Do you know of any programs that have
13 been sponsored by the Gypsum Safety Committee
14 concerning asbestos?

15 A. No, sir.

16 Q. As chairman of the committee, did you
17 have access to the minutes of the Safety Committee?

18 A. Of the Safety Committee, yes, sir.

19 Q. And that would be on a historical basis
20 -- in other words, minutes that had been kept over
21 the years?

22 A. I don't know whether -- I've never
23 requested to see them. Whether they are available
24 or not, I don't know.

25 Q. I'm going to show you what's has been

1 marked as Deposition Exhibit No. 7 which purports to
2 be the minutes of the Safety Committee meeting at
3 the Marriott Motor Hotel in Saddle Brook, New
4 Jersey, September 19, 1967. Is this the general
5 form that the minutes take, sir? Is that what they
6 normally look like when they come back?

7 A. Yeah, that's the general format.

8 Q. And at the top here it gives the names
9 of those in attendance, and one of them would have
10 been M. F. Fink, Georgia-Pacific Corporation Gypsum
11 Division. I think you stated that you knew who Mr.
12 Fink was, did you not?

13 A. Yes, sir.

14 Q. Was he the representative to the Gypsum
15 Association before you were?

16 A. If he attended the meeting, I guess he
17 was -- he at least attended that meeting. Whether
18 he was a representative on the Safety Committee, I
19 don't know.

20 Q. Do you know who was the representative
21 of Georgia-Pacific before you were?

22 A. No, sir, not in safety.

23 Q. You took it just out of a vacuum? You
24 never found out who did it before you did?

25 A. If Mr. Fink was involved, then he was

1 involved, but I don't know whether he was a regular
2 member of the committee or not. Obviously, he
3 attended the meeting.

4 Q. Have you ever seen these minutes from
5 this meeting before?

6 A. No, sir.

7 Q. What is the purpose of the Gypsum
8 Association Safety Committee?

9 A. The purpose is to discuss and get
10 involved in safety activities of the association in
11 the safety area. We conduct a safety awards program
12 through the association.

13 Q. What's the safety awards program?

14 A. It's an industrywide program that is
15 based on the OSHA statistical record keeping
16 criteria.

17 Q. What else does the Gypsum Safety
18 Committee do?

19 A. We are involved in a safety seminar
20 program that we put on -- it depends on the seminar
21 and the locations, but two to four times a year.

22 Q. And what is the purpose of the safety
23 seminar program?

24 A. It's to conduct safety training for
25 member company employees.

1 Q. What else does the Safety Committee do?

2 A. That's basically it.

3 Q. To your knowledge, has the Safety
4 Committee ever put on a seminar program concerning
5 health hazards regarding asbestos?

6 A. Not that I'm aware of.

7 Q. Do you know why?

8 A. No, sir.

9 Q. Could they have, if they wanted to? If
10 you wanted to put on a seminar for the members who
11 had employees working around asbestos as to how to
12 properly handle that asbestos, could you have done
13 so?

14 A. I don't know, and the reason I say I
15 don't know is because it would have to be approved
16 by the board of directors of the association before
17 we would be allowed to put on any seminar or
18 program, and I can't speak for those folks.

19 Q. And the board of directors of the Gypsum
20 Association is composed of whom?

21 A. I can't name them for you.

22 Q. Does Georgia-Pacific have anybody on the
23 board of directors of the Gypsum Association or have
24 they ever?

25 A. Yes, sir.

1 Q. Do they currently?

2 A. Yes, sir.

3 Q. Who is it?

4 A. Mr. Richards.

5 Q. How long has he been on the board of
6 directors of the Gypsum Association, approximately?

7 A. He's been on there for -- again,
8 approximately -- I can't give you the dates -- for
9 the last two years.

10 Q. Who was the Georgia-Pacific
11 representative before him on the board of directors?

12 A. Mr. Wilson.

13 Q. He was the vice-president in charge the
14 Gypsum Division?

15 A. Yes, sir.

16 Q. Was he on the board of directors for
17 some time?

18 A. Yes, sir.

19 Q. Since you've been there?

20 A. Yes, sir. Now, let me clarify that. He
21 was on and off a couple of times.

22 Q. There have been some workers'
23 compensation claims filed by Georgia-Pacific
24 employees claiming injuries related to asbestos
25 exposure, have there not?

1 A. Not that I'm aware of.

2 Q. Give me just a minute.

3 A. You said as a result of asbestos
4 exposure?

5 Q. Yes.

6 A. That there have been claims filed?

7 Q. That there have been workers'
8 compensation claims filed against Georgia-Pacific by
9 people who claim lung disease from asbestos
10 exposure. You are not aware of any? Is that right,
11 you are not aware of any?

12 A. Well --

13 MR. BISHOP: He's thinking.

14 A. Let me think about it a minute.

15 Q. Okay.

16 (Discussion off the
17 record.)

18 THE WITNESS: There was one
19 claim that was alleged to be asbestos-related in
20 Texas.

21 Q. Okay. And that was a claim out of the
22 the Acme plant?

23 A. Out of the Acme plant.

24 Q. And when was that claim filed? Do you
25 recall?

1 A. I can't tell you the date that it was
2 filed.

3 Q. And do you recall the disposition of the
4 claim?

5 A. It is still in litigation.

6 Q. Okay.

7 MR. BISHOP: Is it a recent
8 claim?

9 THE WITNESS: It's been
10 ongoing for some time, and when I say "some time," I
11 mean a couple of years.

12 Q. It's been a couple of years.

13 A. The employee is deceased now.

14 Q. I'm sorry. I've got some material here,
15 and I just can't put my hands on it. If you give me
16 just a minute. That would be the claim by Shirley
17 Tate, would it not?

18 A. Yes, that is the Tate claim.

19 Q. Are you aware of a claim by Charles
20 Babcock?

21 A. Babcock.

22 Q. Out of a Maine Workers' Compensation
23 Commission. You don't know about that one?

24 A. No.

25 Q. What about Alfred Puglisi in Oregon?

1 A. No.

2 MR. BISHOP: How do you spell
3 that?

4 MR. BARON: P-u-g-l-i-s-i.

5 Q. How about William Weaver in Oregon?

6 A. (Witness shook head from side to side.)

7 Q. You don't know that one either? I take
8 it that was a no?

9 A. No, I'm sorry. No.

10 Q. What about Charles Moody in Oregon? You
11 don't know that one either?

12 A. I'm not aware of that one.

13 Q. Do you have any responsibilities with
14 workers' compensation claims in your present job?

15 A. Yes.

16 Q. What are your responsibilities?

17 A. I have responsibilities to be apprised
18 of decisions made where there is workmen's
19 compensation claims involving our division.

20 Q. To help you out, Mr. Puglisi claims
21 injuries due to asbestos exposure while working as a
22 janitor for Georgia-Pacific in Portland, Oregon.
23 You don't recall that one?

24 A. No, sir.

25 Q. Mr. Weaver was a contract worker working

1 at the control panel at Georgia-Pacific's Toledo,
2 Oregon, plant. You don't recall that one?

3 A. (Witness shook head from side to side.)

4 Q. Mr. Babcock, was a millwright in the
5 Maine plant.

6 A. Never heard of him.

7 Q. And Mr. Moody claims injuries due to
8 asbestos exposure as a pipe fitter and welder at
9 Georgia-Pacific's Toledo, Oregon, plant. You don't
10 know that one?

11 A. No, sir.

12 Q. Does Georgia-Pacific have a library in
13 its headquarter buildings?

14 A. A general library?

15 Q. A general library concerning health and
16 safety.

17 A. I've never seen one, if there is one.

18 Q. If in 1974 you had wanted to find out
19 everything you could know about asbestos-related
20 diseases, where would you have gone?

21 A. I guess my first contact probably would
22 have been with somebody in OSHA because, as far as I
23 know, they have done the most extensive research on
24 the subject.

25 Q. Are you then stating that there was

1 nowhere in Georgia-Pacific that you could have gone
2 to obtain that information?

3 A. Not that I'm aware of.

4 Q. So in 1974, there was no place that you
5 could go in the Georgia-Pacific Corporation to
6 obtain material about asbestos-related health
7 hazards, to the best of your knowledge?

8 MR. BISHOP: Objection, asked
9 and answered.

10 Q. Is that right?

11 A. To the best of my knowledge.

12 Q. In this case, we asked Georgia-Pacific
13 in Interrogatories to list by title, date, and
14 author all books, manuals, and pamphlets or other
15 literature within their possession dealing with
16 drywall, insulation and/or asbestos-containing
17 products. And they have provided us with a list of
18 materials that are in their possession concerning
19 asbestos products. And I'm going to ask you if you
20 have ever seen some of these particular items, if
21 you recall ever having seen them. One of them is
22 called Suspected Carcinogens, a subfile of the NIOSH
23 toxic substance list published in June 1975. Does
24 that ring a bell to you?

25 A. No.

1 Q. Chemical Abstract, American Chemical
2 Society, 1955. You don't recall that?

3 A. (Witness shook head from side to side.)

4 Q. You've never seen that one?

5 A. No, sir.

6 Q. Technical Service Report Data from the
7 National Technical Information Service dated 1974
8 concerning asbestos. You never saw that one?

9 A. I have not seen it.

10 Q. Okay. A book called Environmental
11 Polution dated 1973 by a Mr. Hodges. Does that ring
12 a bell to you?

13 A. No, it doesn't.

14 Q. A book called the Industrial
15 Environment, Its Evlauation and Control, U.S.
16 Department of Health, Education, and Welfare, 1973.
17 Does that ring a bell to you?

18 A. Do that one again.

19 Q. The Industrial Environment, Its
20 Evaluation and Control. It's an HEW publication,
21 1973. Does that ring a bell to you?

22 A. I don't recall seeing it.

23 Q. All right. A book called Occupational
24 Diseases and Industrial Medicine by Johnston and
25 Miller, 1961 edition. It doesn't ring a bell to

1 you?

2 A. No, sir.

3 Q. Another book called Handbook of
4 Industrial Toxicology by Plunket, 1966.

5 A. I'm going to say no. I'm not --

6 Q. Another NIOSH --

7 MR. BISHOP: Wait a second.
8 Let him finish his answer.

9 Q. Okay. It doesn't ring a bell to you?

10 A. No. And if I had any reference to those
11 during that particular period, I don't recall it.

12 Q. A book called Early Detection of
13 Occupational Diseases published by NIOSH, 1974.
14 Does that --

15 A. Yeah.

16 Q. You ring a bell on that one?

17 A. That one rings a bell, yes, sir.

18 Q. Where would you have seen that booklet
19 before?

20 A. I would imagine that I had probably seen
21 it within Georgia-Pacific.

22 Q. Did you have a booklet such as that in
23 your office?

24 A. I don't recall whether I did or not.

25 Q. Do you know whether you had access to

1 booklets such as that if you wanted to use them?

2 A. I would have had access if they were
3 available within GP.

4 Q. Where would they have been kept? Was
5 there a special place for books like that?

6 A. The only logical place would have been
7 in our corporate safety office.

8 Q. And the corporate safety office is where
9 you worked, is it not?

10 A. Yes, sir.

11 Q. Who is the corporate safety director?

12 A. Currently?

13 Q. Yes.

14 A. Mike Skinner.

15 Q. Who was in 1974 when you came into your
16 position?

17 A. Ken Gibson.

18 Q. Did you have any reporting duties to Mr.
19 Gibson?

20 A. No, sir.

21 Q. So you acted autonomously from Mr.
22 Gibson?

23 A. Yes, sir.

24 Q. And as I understand it, the Gypsum
25 Divison was the only division of Georgia-Pacific

1 that used asbestos?

2 A. As far as I know.

3 Q. Have you ever discussed the topic of
4 asbestos-related diseases with the corporate safety
5 department, that you can recall?

6 A. Not that I can recall.

7 MR. BARON: Pass the witness.
8 Thank you very much.

9 MR. HENDERSON: No questions.
10 Thank you.

11 MS. JUDIN: I have no
12 questions.

13 MR. BISHOP: I'll reserve
14 mine.

15 (End of deposition.)
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SIGNATURE OF WITNESS

STATE OF TEXAS)
COUNTY OF _____)

Subscribed and sworn to before me by the said
witness, JAMES R. HURD, on this the ____ day of
_____ 1987.

Notary Public in and for
the State of Texas

1 STATE OF TEXAS)

2 COUNTY OF DALLAS)

3 I, Antonice J. Ruesch, a Certified Shorthand
4 Reporter and Notary Public in and for the State of
5 Texas, do hereby certify that, pursuant to the
6 agreement hereinbefore set forth, there came before
7 me on the 27th day of February 1987, at 9:30 a.m.,
8 at the offices of Hughes & Luce, 1000 Dallas
9 Bulding, Dallas, Texas, the following named person,
10 to wit: JAMES R. HURD, who was by me duly sworn to
11 testify the truth and nothing but the truth of his
12 knowledge touching and concerning the matters in
13 controversy in this cause; and that he was thereupon
14 carefully examined upon his oath and his examination
15 reduced to writing under my supervision; that the
16 deposition is a true record of the testimony given
17 by the witness, and that the deposition may be
18 signed by said witness before any Notary Public,
19 purusant to the agreement of the parties.

20 I further certify that I am neither attorney
21 or counsel for, nor related to or employed by, any
22 of the parties to the action in which this
23 deposition is taken, and further that I am not a
24 relative or employee of any attorney or counsel
25 employed by the parties hereto, or financially

1 interested in the action.

2 In witness whereof, I have hereunto set my
3 hand and affixed my notarial seal this 4th day of
4 March 1987.

5
6
7 *Antonice J. Ruesch*

8 Antonice J. Ruesch, CSR #3389
9 Certified Shorthand Reporter
10 In and for the State of Texas
11 8140 Walnut Hill Lane
Suite 310, LB 15
Dallas, Texas 75231
(214) 373-4977

12 My Commission expires: 12/31/89

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24 TAXABLE COST OF ORIGINAL: 364.50

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LAWYER'S NOTES

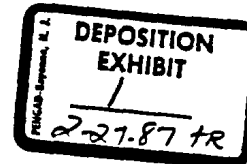
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Georgia-Pacific Corporation

900 S.W. Fifth Avenue
Portland, Oregon 97204
Telephone (503) 222-5561

May 20, 1977



Mr. Robert J. Udavcak
928 Fourth Avenue
East McKeesport, PA 15035

Dear Mr. Udavcak:

Your letter dated May 13, 1977 concerning Georgia-Pacific Ready-Mix Joint Compound has been brought to my attention.

First of all, let me say that we are pleased that you have chosen Georgia-Pacific products for your home remodeling project.

To our knowledge, Mr. Udavcak, there is no known case where harm has come to someone from their use of our Ready-Mix joint compound containing asbestos fibers, even after prolonged exposure numbered in many years.

Your description of the use and handling of our product should eliminate any concern that you may have of being exposed to free asbestos fibers as the fibers were suspended in a wet state during mixing and application and are encased in a dried compound now making it virtually impossible for the fibers to become airborne.

As indicated on the can, precautions should be taken when sanding this product. Sanding will produce dust, which includes airborne asbestos fibers; therefore, a dust mask should be worn during any sanding operation.

I hope that after receipt of this letter you will rest secure in the knowledge that you need have no concern or anxiety over the exposure you or members of your family may have suffered, or may suffer in the future, due to the use of our product.

If I can be of further assistance, please feel free to contact me.

Yours very truly,

J. R. Hurd
J. R. Hurd
Personnel Manager
Gypsum Division

JRH:na

cc: Messrs. G. E. Wilson, O. E. Burch, D. C. Corkill

Georgia-Pacific



intracompany memo

	Mr. G. E. Wilson	location	Portland
from	O. E. Burch	location	Portland
subject	<u>ASBESTOS - JT CEMENT PRODUCTS</u>	date	May 17, 1974

Attached appeared in the Walls & Ceilings magazine, May issue.

This is the first time I have seen actual cases reported.

OEB/mf

O.E.B.

CC Messrs: C. W. Lehnert - Tigard Lab
J. Hurd - Portland
M. Fink - Tigard Lab
D. C. Corkill, Portland

encl.

THIS COPY IS



Is CPSC A Sleeper?

The construction industry had little idea what was over the horizon when the Occupational Safety and Health Act was passed by congress.

In due course, OSHA developed into a major source of concern for all contractors. Everybody's for safety, of course, and few thought passage of the federal law would make very much difference in conducting a business. It's made a whale of a big difference.

Congress has created another bureau which hasn't received a great deal of attention. Maybe it won't have too much impact on construction. On the other hand, it could become a bureaucratic giant affecting almost every business.

It's the Consumer Product Safety Commission, which believes the home is second only to the automobile as the most dangerous "product" on the market today. If CPSC is all that worried about homes, why not offices, warehouses, and all buildings?

The Commission reasons that since it has jurisdiction over appliances, it follows that it has authority over wiring. The wiring's attached to structural framing, so that too must come within their jurisdiction. By

any type of wall and ceiling construction.

Perhaps it won't happen. But then, whoever thought OSHA would become so important?

Asbestos Danger Cited

Taping and spackling compounds used in drywall finishing may expose workers to dangerous levels of asbestos fibers, according to OSHA officials.

The warning followed an examination of 17 members of a New York City painters' local. Tests showed the lungs of nine painters had X-ray evidence of fibrosis, or excessive secretion build-up in the lungs.

Employer groups and unions are being asked to alert workers to the potential hazard, said federal safety authorities.

Louis Moosbrugger Passes

Longtime IWCC member Louis J. Moosbrugger died in Lake Worth, Florida, in February. He founded Northwestern Plastic Art, Milwaukee, in 1923, and developed the Nu-Stone system of simulated stone masonry executed in plaster. Northwestern Plastic Art & Nu-Stone Co., Inc., is now headed by his son, Robert.

When fireproofing with
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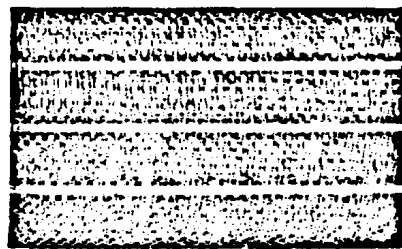
"K" BALLS



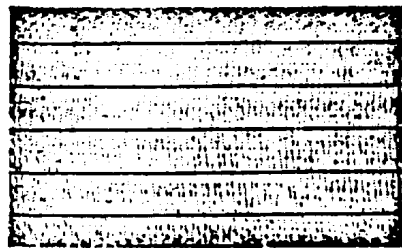
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Longer lasting urethane material.
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NATHAN KIMMEL, INC.

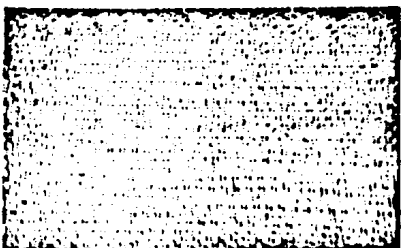
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Georgia-Pacific



intracompany memo

to	Mr. W. A. Malbone	location	Akron, N. Y.
from	J. R. Burd	location	Portland
subject	<u>Asbestos Caution Labels</u>	date	June 7, 1974

This memo is in response to your letter dated June 3, 1974 concerning the above subject.

I appreciate your concern over the changes in the asbestos caution labels; however, our attorneys are also deeply concerned over recent findings of asbestosis in workers in the construction industry which is a result of working with joint system products. The new wording for the caution labels is in compliance with OSHA regulations. The fact that the wording, "Respirator Protection Required When Sanding" was added will only give us additional protection if any liability threats are made against our products. Our sales effort should not be affected, as the implication of the OSHA wording is to wear a respirator while working with these products anyway.

You asked if we as Georgia-Pacific representatives are in a position to recommend the type of approved respirators to be used to our customers. I feel we should be prepared to answer and discuss any questions dealing with our products. If we can give assistance to our customers as to what types of respirators are approved by OSHA, I see nothing wrong in doing so.

I am enclosing a copy of the Occupational Safety and Health Standards which deals with the subject for your reference if you do not already have a copy.

If I can be of further assistance in clarifying this matter for you, please contact me.

J. R. Burd
J. R. H.

JRH:jb

Enclosure

cc: Messrs. J. D. Rauch - Akron, N. Y.
E. B. Hollingsworth - Wilmington
O. E. Burch
C. W. Lehnert - Tigard Lab
H. W. Peels - Wilmington



NATIONAL GYPSUM COMPANY

**BUILDING PRODUCTS DIVISION
BUFFALO, NEW YORK 14201**

ALBERT H. FAY

VICE PRESIDENT - COMMERCIAL AND MARKETING

September 15, 1971

**Mr. William Hunt, President
Georgia Pacific Corporation
Gypsum Division
P.O. Box 311
Portland, Oregon 97207**

Dear Bill:

You have recently received a communication from Asbestos Information Association/North America, inviting your Company to attend a Seminar, in New York at the Union League Club, (38 E. 37th) on Tuesday, September 21, from 10:00 A.M. to 4:00 P.M.

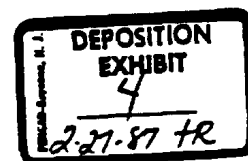
The purpose of the Seminar is to acquaint your organization with the background of research and investigation which has been conducted by industry, government and labor, concerning the supposed hazards of asbestos.

All users of asbestos fibers, in any form in products produced, will be affected by regulations which are expected to be issued by the Environmental Protection Agency.

The use of asbestos fibers in sprayed fire-proofing insulation has already been banned.

The State of Illinois has legislation in progress to ban the use of asbestos in break-linings by 1975.

And there are many more.



September 15, 1971

Mr. William Hunt
page 2

In my opinion, if your Company uses asbestos fiber in any product such as, asbestos cement, joint treatment products, acoustical products, or sprayed interior finishes, it is important that you be informed of its effect on your Company's operation and markets.

We hope that you will be able to send someone from your organization to attend this Seminar.

Sincerely,



AHF:les

*9-16
Card sent in saying "no"
today.*

X
September 17, 1971

Dear Al:

Thanks for your follow-up letter concerning the Asbestos Information Association meeting. We have already declined the invitation on the theory that we have no active interest in the asbestos business or in products that involve the use of asbestos. For these reasons we really wouldn't fit in this meeting.

Our sympathies of course are with any problems with which the industry may be faced and it is my hope that your deliberations will be effective.

Best personal regards.

Sincerely yours,

Mr. Albert R. Fay
Vice President
National Gypsum Company
325 Delaware
Buffalo, New York 14202



16-5
Bill Schatz

NATIONAL GYPSUM COMPANY

BUILDING PRODUCTS DIVISION

BUFFALO, NEW YORK 14203

ALBERT H. FAY

VICE PRESIDENT - RESEARCH AND MARKETING

Albert H. Fay
[Signature]

September 24, 1971

Mr. W.H. Hunt, President
Georgia-Pacific Corporation
900 S.W. Fifth Street
Portland, Oregon 97204

Dear Bill:

We were indeed sorry that you were unable to attend our Seminar.

Of course, I cannot be certain, but I would guess that you do use asbestos fiber in joint treatment products and in finishes for wallboard.

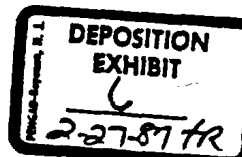
Our tests indicate that sanding of joint treatment products and particularly the spraying of wall finishes offers some substantial potential hazards.

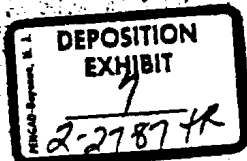
You may feel it advisable to check into this.

Sincerely,

[Signature]

AHF:les





MINUTES OF THE
SAFETY COMMITTEE MEETING
MARRIOTT MOTOR HOTEL
SADDLE BROOK, NEW JERSEY

SEPTEMBER 19, 1967

Mr. F. H. Zimmerman, Chairman of the Gypsum Association Safety Committee, called the meeting to order at the Marriott Motor Hotel, Saddle Brook, New Jersey, at 8:30 a.m. Those in attendance were:

C. J. Saturnia	Celotex Corporation
H. P. Fink	Georgia-Pacific Corporation
J. Gregg	Gypsum Division
R. W. Henly	Kaiser Gypsum Company, Inc.
J. Tuffy	The Flintkote Company
T. D. Tolin	The Flintkote Company
F. H. Zimmerman	National Gypsum Company
P. Kipp	National Gypsum Company
A. V. Abnee, Jr.	United States Gypsum Company
F. J. Rogers	Gypsum Association
	Gypsum Association

1. GYPSUM ASSOCIATION SAFETY BULLETIN

A. The chairman requested that the secretary relate the member company response for safety articles to be used in the Bulletin. Following a brief discussion by the committee, it was their recommendation that each member company stimulate employee participation by urging the plant employees to write and submit safety articles to the Association.

B. The committee reviewed the Bulletin format and it was the consensus that it was satisfactory in its present form. One member suggested that a possible change be considered when the next Bulletin mast head is printed. The secretary indicated that present Bulletin stock supply would be depleted at the end of the fiscal year, and at that time, committee suggestions would be solicited.

The committee requested that the secretary construct a chart showing the industry frequency rating over the past four years, as related to the all industry frequency rating reported by the National Safety Council, and print this chart in the Safety Bulletin. The secretary indicated that such a chart was already being considered for the October issue.

The committee directed that this item be carried on the docket,

PLAINT
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2. "CERTIFICATE OF MERIT" AWARD

The secretary submitted a "Certificate of Merit" award plaque for committee investigation. He informed the committee that the award cost the Association \$20.00 to purchase and mail, and requested that they might consider adopting an award that might have greater utility for the winner, such as an ash tray or pen set. The committee, after much discussion, directed the secretary to obtain a less costly certificate and also purchase an ash tray for the award winners.

Following a thorough review of the last three editions of the Safety Bulletin, the committee selected one article by ballot. The article "Did You Bet Your Life?" by Val Robertson, Assistant Production Superintendent, The Flintkote Company, Blue Diamond Gypsum Division, Fremont, California (August, 1967) won the award. Mr. Robertson will receive a certificate and inscribed ash tray for his contribution to safety.

3. AIR AND STREAM POLLUTION

The chairman cited a few pollution problems involving plants on a local level. He stressed the importance of all committee members keeping abreast with local, state, and federal pollution programs.

One member noted a recent problem involving the asbestos industry where a number of lung carcinoma cases had been reported by inhabitants of the neighborhood surrounding an asbestos plant. It was further noted that clinical tests and investigations had resulted in legal action against the manufacturer by the citizens.

The chairman indicated that air and water pollution problems would have a dramatic effect on all industries and that the committee should take the initiative to meet any such problems head on if they should occur in the gypsum industry.

Following a discussion of pollution problems in various industries, it was the consensus that the safety committee should have a more active program in this area, outlining the problems that exist and what steps have been taken to solve them.

On a motion seconded and carried, the committee recommended that the chairman advise the directors of the pollution problem and suggest that they have plant managers join local groups studying pollution problems, so as to give our industry greater control of the problem.

The committee directed that this subject be carried on the docket.