

**SUMMARY OF 3M'S KNOWLEDGE AND MARKETING OF THE CAPABILITIES OF THE 3M 8500
(NOTE: THE 8500 WAS ALSO REFERRED TO AS THE 8501, 8502, 8503, 8504 AND 8505)**

**NOTE: PASSAGES IN BOLD, BELOW, ARE PROTECTED UNDER THE TAYLOR JOHNSON
INTERRUM PROTECTIVE ORDER.**

- 1933** BLOOMFIELD AND GREENBURG ARTICLE ENTITLED "SAND AND METALLIC ABRASIVE BLASTING AS AN INDUSTRIAL HEALTH HAZARD." ALSO PROVIDES PARTICLE DISTRIBUTION, AND IS INCLUDED IN EX. 5 OF 4/18/00 DEPOSITION OF ROBERT BARGHINI
- 3/58** NATIONAL SAFETY NEWS ARTICLE OUTLINES GENERAL ASPECTS OF RESPIRATORY PROTECTION AND BUREAU OF MINES APPROVAL CATEGORIES FOR MECHANICAL FILTER RESPIRATORS INCLUDING:
1. PNEUMOCONIOSIS PRODUCING AND NUISANCE DUST RESPIRATORS (FOR SUCH DUSTS AS ALUMINUM, CELLULOSE, CEMENT, COAL, CHARCOAL, COKE, FLOUR, GYPSUM, IRON ORE, LIMESTONE AND WOOD);
 2. TOXIC DUST RESPIRATORS (FOR PROTECTION AGAINST DUST NOT SIGNIFICANTLY MORE TOXIC THAN LEAD SUCH AS ARSENIC, CADMIUM, CHROMIUM, LEAD, MANGANESE, SELENIUM, VANADIUM AND THEIR COMPOUNDS);
 3. MIST RESPIRATORS (FOR PROTECTION AGAINST PNEUMOCONIOSIS PRODUCING, CHROME ACID AND NUISANCE MISTS); AND
 4. FUME RESPIRATORS (FOR PROTECTION AGAINST FUMES DEFINED AS SOLID DISPERSOIDS OR PARTICULATE MATTER FORMED BY CONDENSATION OF VAPORS, AS FROM HEATED METALS OR OTHER SUBSTANCES).
- UNDATED** 3M EXHIBITS IDENTIFIED AS 0127789 -- 0127782 AND 3M-10.10 STATES WITH REGARD TO CHOOSING RESPIRATORY PROTECTION THAT PARTICULATE RESPIRATORS HAVE THE FOLLOWING CLASSES THAT INCLUDE: LUNG DAMAGING DUST THAT BECOME EMBEDDED IN LUNG TISSUES, CAUSING DAMAGE OR SCARING OF LUNG TISSUE. OTHER DUST, INCLUDING TOXIC DUST THAT REACH THE LUNGS AND ARE TRANSFERRED TO OTHER AREAS OF THE BODY THROUGH THE BLOODSTREAM AND MAY RESULT IN CENTRAL NERVOUS SYSTEM OR ORGAN DAMAGE. ALSO MENTIONS MISTS AND FUMES.
- APPROX 60** 8200 LITERATURE (THIS WAS THE INITIAL NAME FOR THE 8500, AND IT HAD A SMOOTH FINISH) FILTRATION FACTS: "SAFEST BECAUSE WORKERS WILL WEAR IT...RECOMMENDED FOR PROTECTION AGAINST NON-TOXIC DUSTS AND SPRAYS LIKE THOSE ENCOUNTERED IN WOOD-WORKING, METAL FILING, SANDING, SPRAY PAINTING, AND SIMILAR INDUSTRIAL PROCESSES..." REMOVED 82.9% OF PARTICLES IN A CLOUD CONSISTING OF 96.5% DUST FROM 0-5 AND 3.5% DUST FROM 5-10 MICRONS. "TO ENABLE YOU TO INTERPRET THIS IN TERMS OF YOUR OWN DUST PROBLEM, MICRON SIZES OF SOME COMMON INDUSTRIAL DUSTS ARE LISTED BELOW: CEMENT DUST 1/2-10, SPRAYED ZINC 1-500, FLOUR MILL 2-1000, PULVERIZED COAL 5-500, FERTILIZER 1/2-40, POLLEN 8-200, FOUNDRY DUST 5-1000, TACL 10 AVG, POWDERED COAL ASH 5-10, AND SPRAYED DRIED MILK 1-3 MICRONS." IN EX. 25 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.

- 1961** 3M 8200, A PREDECESSOR TO THE 8500, ADVERTISED TO PROVIDE "FULL PROTECTION AGAINST NON-TOXIC INDUSTRIAL DUSTS AND SPRAYS," AND THAT IT LEADS TO "BETTER COMPLIANCE WITH SAFETY REGULATIONS IN YOUR PLANT." IN EX. 25 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1961** **3M INDICATES THAT 2.97 MILLION FILTER MASKS WERE SOLD IN 1961. IN EX. 13 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 1961** 3M 8500 WAS FIRST SOLD, OTHER SIMILAR 3M MASKS LIKE THE 3M 8200 OR 3M 1800 WERE AVAILABLE FROM 3M PRIOR TO THAT TIME. IN PG. 55 OF 2/13/90 DEPOSITION AND EXHIBITS OF KENNETH SCHEEL.
- 1961** 3M 8502 LITERATURE "SOMETHING THAT GOOD HEALTH DEMANDS...SINCE THE MASK HAS MANY USES IN THE AREA OF RESPIRATORY PROTECTION." IN EX. 25 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 3/61** NATIONAL SAFETY NEWS ARTICLE OUTLINES GENERAL ASPECTS OF RESPIRATORY PROTECTION AND AGAIN DEFINES MECHANICAL FILTER RESPIRATOR CATEGORIES APPROVED BY THE BUREAU OF MINES AS NOTED ABOVE IN 1958.
- 61/63** 3M 8500 ADVERTISEMENT, OFFERS PROTECTION "ALLERGIES SUCH AS HAY FEVER AND ASTHMA, AIR-BORNE DUSTS CAUSED BY CLEANING, SANDING, GRINDING, SPRAY PARTICLES AT HOME OR SHOP." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 3/62** NATIONAL SAFETY NEWS ARTICLE OUTLINES GENERAL ASPECTS OF VENTILATION AND DUST COLLECTION SYSTEMS, AND AGAIN DEFINES MECHANICAL FILTER RESPIRATOR CATEGORIES APPROVED BY THE BUREAU OF MINES AS NOTED ABOVE IN 1958.
- 7/12/62** 3M MEMO REGARDING THE ACTIVITIES OF THE MOLDED FABRIC MASKS SALES FORCE INDICATING THAT THEY CONTINUED WORK WITH THE BUREAU OF MINES ON APPROVAL OF THE 8500 OR A MODIFICATION OF THE BUREAU'S SPECIFICATION HAS NOT GIVEN ENCOURAGING RESULTS. THE BUREAU IS ADAMANT THAT AN EXHALATION VALVE IS NECESSARY. THEY HAVE EXPRESSED THEIR BELIEF THAT NO NEED EXISTS FOR A SEPARATE NUISANCE DUST CATEGORY. THEY ARE NOW PROCEEDING TO DEVELOP A MASK THAT WILL BE OBTAIN BOM APPROVAL. MASK SPECIFICATIONS FOR GSA AND STATE OF PENNSYLVANIA HAVE BEEN GIVEN TO THE SALES GROUP. A FOLD OVER NOSE FLAP WILL ALLEVIATE THE NOSE LEAKAGE PROBLEM. THE CHANGE IN ELASTIC POSITIONING DID NOT GIVE AN IMPROVED FIT. IN EX. 5 OF 5/14/86 DEPOSITION 1-32 OF ROBERT BARGHINI.
- 10/62** 3M 8500 ADVERTISEMENT IN NATIONAL SAFETY NEWS "PROTECTION AGAINST NON-TOXIC DUSTS AND PAINTS SPRAY PARTICLES...HIGH FILTRATION EFFICIENCY...FOR FILTERING NON-TOXIC INDUSTRIAL DUST AND PAINT SPRAY PARTICLES... THE MASK CONFORM TO ANY FACE... HAS 21.2 SQUARE INCHES OF FILTERING AREA, FAR MORE THAN ANY OTHER MASK ON THE MARKET."
- 1962** **3M INDICATES THAT 3.5 MILLION FILTER MASKS WERE SOLD IN 1962. IN EX. 15 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 1963** RESPIRATORY PROTECTIVE DEVICES MANUAL BY THE AMERICAN INDUSTRIAL HYGIENE ASSOCIATION AND THE AMERICAN CONFERENCE OF GOVERNMENTAL

INDUSTRIAL HYGIENISTS. LIST COMMON HOUSEHOLD ITEMS WITH VARIOUS EFFICIENCY. TOILET PAPER IS 91.4% EFFICIENT AGAINST 1-5 MICRON PARTICLES. IN EX. 20 OF 4/6/00 DEPOSITION OF CURTIS THORPE.

- 3/63** 3M 8500 ADVERTISEMENT IN NATIONAL SAFETY NEWS "NOW! A HIGH FILTRATION DUST MASK THAT WORKERS DON'T MIND WEARING. PROVED 90.6% EFFICIENT BY WEIGHT IN NUISANCE DUST ATMOSPHERES WITH 96% OF PARTICLES SMALLER THAN 5 MICRONS."
- 2/22/63** **3M INTEROFFICE CORRESPONDENCE STATING THAT THE 8500 IS BEING ADVERTISED IN THE NEW ENGLAND DIGEST, JOURNAL OF OCCUPATIONAL MEDICINE, OCCUPATIONAL HAZARDS AND NATIONAL SAFETY NEWS A TOTAL OF 31 TIMES THIS YEAR. FURTHER STATES THAT THE ADVERTISEMENT BRINGS OUT TWO MOST IMPORTANT POINTS OF THE 8500; FIRST IS HIGH EFFICIENCY FILTRATION DUST MASK WORKERS DON'T MIND WEARING AND EMPLOYERS DON'T MIND PAYING FOR; AND SECOND THAT THE MASKS ARE ALL FILTER. IN EX. 135 OF 2/3/00 VOLUME 2 DEPOSITION OF CURTIS THORPE.**
- 3/63** NATIONAL SAFETY NEWS ARTICLE OUTLINES GENERAL ASPECTS OF VENTILATION AND DUST COLLECTION SYSTEMS, AND AGAIN DEFINES MECHANICAL FILTER RESPIRATOR CATEGORIES APPROVED BY THE BUREAU OF MINES AS NOTED ABOVE IN 1958.
- 9/63** 3M 8500 ADVERTISEMENT "LET THIS COME BETWEEN YOU AND HAY FEVER DISCOMFORT. ONE SIZE FITS ALL FACES. NEW 3M FILTER MASK FILTERS OUT AIRBORNE PARTICLES, PROVIDES EFFECTIVE RELIEF FOR MOST FOLKS WHO SUFFER FROM HAY FEVER, ASTHMA. BLOCKS POLLEN, OTHER NON-TOXIC DUST AND SPRAY PARTICLES THAT IRRITATE THE RESPIRATORY TRACT." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 9/63** NATIONAL SAFETY NEWS ADVERTISEMENT FOR 3M FILTER MASKS, SHOWS A 8500 AND REFERS TO IT AS HAVING HIGH FILTRATION. IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1963** **3M INDICATES THAT 6.2 MILLION FILTER MASKS WERE SOLD IN 1963. IN EX. 15 OF 4/6/0 DEPOSITION OF CURTIS THORPE.**
- 1964** 3M 8500 NON-TOXIC MASKS ADVERTISEMENT "WHO'S BEHIND THE 3M FILTER MASK - I FINISH DRYWALL. THIS MASK IS THE MOST COMFORTABLE YET TO KEEP FROM BREATHING DUSTS. AND EFFICIENT! BLOCKS DUST ARISING FROM SANDING AND FINISHING, EITHER NON-TOXIC NUISANCE DUSTS AND SPRAY PARTICLES - FOLKS, LIKE ME, WHO WORK WITH GRAIN. IT'S LIGHT, EASY TO BREATHE THROUGH. BLOCKS DUSTS STIRRED UP BY GRAIN AND FEED HANDLING..." IN EX. 155 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 1964** 3M 8500 ADVERTISEMENTS "HELPS PROTECT RESPIRATORY SYSTEM AGAINST POLLEN, DUSTS, SPRAY PAINT...MAXIMUM EFFICIENCY." IN EX. 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1964** 3M 8500 ADVERTISEMENT "BLOCKS NON-TOXIC DUST, SPRAY PARTICLES-EVEN THOSE OF LESS THAN 5-MICRON SIZE." EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.

- 1964** 3M 8500 ADVERTISEMENTS "HELPS PROTECT RESPIRATORY SYSTEM AGAINST POLLEN, DUSTS, SPRAY PAINT...MAXIMUM EFFICIENCY." IN EX. 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1964** 3M 8500 ADDS NON-TOXIC NUISANCE, RECOMMENDED FOR FOUNDRY, PAINT, TEXTILE AND CHEMICAL WORKERS... IN EX. 20, 27, 30, 31, 47, 52 OR 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1964** 3M 8500 NON-TOXIC MASKS ADVERTISEMENT "WHO'S BEHIND THE 3M FILTER MASK - I WORK IN A PAINT PLANT. THIS MASK REALLY DOES A GREAT DUST FILTERING JOB, MAKES BREATHING EASIER - FOUNDRYMEN, LIKE ME. IT'S COMFORTABLE, DOESN'T INTERFERE WITH SAFETY GLASSES. MASK BLOCKS DUSTS ARISING FROM FOUNDRY SANDS, AS WELL AS MOST NON-TOXIC NUISANCE DUSTS AND SPRAY PARTICLES." IN EX. 154 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 3/30/64** 3M INTEROFFICE CORRESPONDENCE STATING THAT THE 8500 ADVERTISING PROGRAM CONCENTRATED ON BROAD INDUSTRY COVERAGE IN THAT THEY WILL BE ADVERTISING IN THE NATIONAL SAFETY NEWS, OCCUPATIONAL HAZARDS, NEW EQUIPMENT DIGEST AND INDUSTRIAL EQUIPMENT NEWS. THE TRADES THEY ARE TARGETING INCLUDE WOODWORKING, TEXTILES, CHEMICAL, PAINT MANUFACTURING, FOUNDRY, SCHOOL SHOPS, FEED AND GRAIN HANDLING, AND DRYWALL FINISHING AND CONSTRUCTION. IN EX. 20 OF SUMMARY OF 4/6/00 DEPOSITION OF CURTIS THORPE
- 5/64** 3M ADVERTISEMENT IN OCCUPATIONAL HAZARDS REFERS TO USING THE 8500 IN THE TEXTILE INDUSTRY AND SHOWS A TEXTILE WORKER OPENING COTTON BALES. ALSO REFERS TO PAINT MAKERS, GRAIN HANDLERS, CHEMICAL WORKERS, ELECTRONICS WORKERS AND WOOD WORKERS. STATES THAT THE BEST MASK IS THE ONE THAT GETS WORN. ALSO REFERS TO THE MASK AS A NUISANCE DUST MASK AND STATES "RECOMMENDED FOR USE AGAINST NON-TOXIC NUISANCE DUST AND SPRAY PARTICLES." IN EX. 144 OF SUMMARY OF 2/3/00 VOLUME 2 DEPOSITION OF CURTIS THORPE.
- 5/8/64** 3M DOCUMENT REFERRED TO ADVERTISING FOR THE 8500 IN 1964 AND LISTS THE TRADE MAGAZINES INCLUDING NATIONAL SAFETY NEWS, NEW EQUIPMENT DIGEST, OCCUPATIONAL HAZARDS, INDUSTRIAL EQUIPMENT NEWS, INDUSTRIAL WOODWORKING MAGAZINE, FOUNDRY MAGAZINE, TEXTILE INDUSTRY'S MAGAZINE, SCHOOL SHOP MAGAZINE, CHEMICAL EQUIPMENT MAGAZINE, FEED GRAIN EQUIPMENT TIMES MAGAZINE, PAINT AND VARNISH MAGAZINE, AND GYPSUM DRYWALL INDUSTRY MAGAZINE. IN EX. 11 OF 4/6/00 DEPOSITION OF CURTIS THORPE
- 6/15/64** 3M TESTS OF 3M 8500 CONCLUDE THAT IT PROVIDES NO RESPIRATORY PROTECTION, NOT EVEN FROM EXCESS LEVELS OF NUISANCE DUST. IN EX. 29 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 6/26/64** 3M INTEROFFICE CORRESPONDENCE FROM CAREY TO ASKREN WITH COPIES TO BARGHINI, TUGGLE AND OTHERS STATES "I BELIEVE THAT YOU, KEETH TUGGLE, AND I RATHER THOROUGHLY DISCUSSED THE USE OF THE #8500 FILTER MASK IN FOUNDRY OPERATIONS. I STILL FEEL THAT WE WOULD BE FOOLISH TO ADVOCATE THE USE OF OUR MASK IN FOUNDRY AREA WHEN WE KNOW THAT SILICA CONTAINING SAND IS USED AS THE PRIMARY FORM FOR CASTINGS. THE CONTINUED ADVERTISING OF THE #8500 MASK FOR USE IN THIS AREA, I FEEL,

WOULD JEOPARDIZE 3M'S RELATIONSHIP WITH THE BUREAU OF MINES. IT HAS BEEN THROUGH THEIR RATHER FIRM EFFORTS THAT SILICOSIS IS NO LONGER BE INDUSTRIAL KILLER THAT IT ONCE WAS. I AM SORRY TO APPEAR SO FIRMLY SET AGAINST THE USE OF OUR MASK IN THE FOUNDRY, BUT I BELIEVE THE POSSIBLE GAIN IN SALES FROM THE AREA WOULD BE LOST IN THE LONG RUN THROUGH LACK OF CONFIDENCE IN THE INDUSTRY. IN DOCUMENTS IN RESPONSE TO PLAINTIFFS FOURTH REQUEST FOR PRODUCTION.

- 1964** **3M INDICATES 8 MILLION FILTER MASKS WERE SOLD IN 1964. IN EX. 15 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 4/13-15/65** 3M FIELD LETTER REGARDING THE WESTERN SAFETY CONGRESS MEETING STATING THAT THE LIMITS OF THE 8500 MASK ARE NOT OBVIOUS. IN EX. 146 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 5/10/65** 3M FIELD LETTER REGARDING THE AMERICAN INDUSTRIAL HYGIENE CONFERENCE STATING THAT THE LOW COST AND COMFORT OF THE 8500 MASK HAS "CAUSED SOME PROBLEM IN THAT THE MASK IS SO COMFORTABLE THAT IT IS SOON USED IN AREAS WHERE IT IS NOT DESIGNED FOR USE, SUCH AS FOR PROTECTION AGAINST TOXIC DUSTS. BECAUSE OF THIS, IN SOME CASES, THE MASK IS OUTLAWED FOR ANY USE FOR FEAR THAT IT MAY BE USED IN THE WRONG AREA." IN EX. 142 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 9/65** 3M 8500 ADVERTISEMENT DEPICTING A FARMER "GIVES EXCELLENT FILTRATION AGAINST POLLENS AND NON-TOXIC DUSTS, POWDERS AND SPRAY PARTICLES." "THEY PROTECT HEALTH AND COMFORT BY BLOCKING FOREIGN PARTICLES FROM YOUR RESPIRATORY PASSAGES." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 9/65** 3M 8500 ADVERTISEMENT DEPICTING VARIOUS ACTIVITIES "GIVES EXCELLENT FILTRATION AGAINST POLLENS AND NON-TOXIC DUSTS, POWDERS AND SPRAY PARTICLES...THEY PROTECT HEALTH..." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 10/29/65** 3M FIELD LETTER REGARDING THE NATIONAL SAFETY CONGRESS AND EXPOSITION STATING "COMMENTS FROM MANAGEMENT PERSONNEL LEAD US TO CONCLUDE, BECAUSE OF THE LOW COST AND COMFORT, THE MASK IS READILY ACCEPTED BY THE WORKER; IN FACT, SOME MANAGEMENT PERSONNEL RECOMMEND USING THE MASK FOR VERY SHORT TIME EXPOSURE TO TOXIC DUSTS SUCH AS SILICA. WE CAUTIONED THEM ON THIS PRACTICE, BUT THE REPLY IS THE MAN ISN'T IN THE AREA LONG ENOUGH AND IT IS DIFFICULT TO GET HIM TO WEAR ANY MASK." THERE WERE MANY QUESTIONS ABOUT THE 8500, SPECIFICALLY THE EFFICIENCY FOR 10-1 MICRON PARTICLES, SERVICE LIFE, USE WITH ASBESTOS, SILICA AND METAL GRINDINGS, AND SPRAY PAINTING. IN EX. 135 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 12/65** 3M 8500 ADVERTISEMENT "SAFE BREATHING NEVER HAD IT SO COMFORTABLE" DEPICTING A MAN OPERATING A POWER SANDER. IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1965** **3M INDICATES THAT 12.5 MILLION FILTER MASKS WERE SOLD IN 1965. IN EX. 13 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**

- 6/3/66** 3M INTEROFFICE CORRESPONDENT FROM ASKREN TO BARGHINI DATING DEAD IN 1965 HE PROMOTED THE 8500 FOR USE OF THE CERAMIC INDUSTRY, AND THAT THEY HAD SOME RESERVATIONS ABOUT THE MARKET BECAUSE OF THE POSSIBLE PRESENCE OF SILICA. AND THEREFORE DISCONTINUED THEIR ADVERTISING. I WONDER IF WE WERE BEING A BIT TIMID AND IF IT WOULD BE EXCEPT TO PROMOTE THE PRODUCT IN THE TRADE BY USING FAIRLY PROMINENT DISCLAIMER. DOCUMENTS IN RESPONSE TO PLAINTIFFS FOURTH REQUEST FOR PRODUCTION.
- 7/66** ASSORTED 3M 8500 ADVERTISEMENTS "GIVES EXCELLENT FILTRATION...PROTECT HEALTH...BLOCK FOREIGN PARTICLES FROM YOUR RESPIRATORY TRACT...ELIMINATES IRRITATING DUST AND POLLEN WHILE YOU CULTIVATE, PLOW, PLANT, STORE CROPS, HARVEST, DO CLEANING AND MAINTENANCE JOBS." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1966** **3M INDICATES THAT 16 MILLION FILTER MASKS WERE SOLD IN 1966. EX. 13 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 1967** 3M 8500 ADVERTISEMENT PROTECTS WORKERS LUNGS, RESPIRATORY PROTECTION, NON-TOXIC DUST MASK. "SINCE THE MASK HAS SO MANY USES IN THE AREA OF RESPIRATORY PROTECTION, IT IS NOW BEING MADE AVAILABLE FOR HOME USE. WHETHER IT BE WORN TO PROTECT AGAINST THE DUSTS OF INDUSTRY..." IN ONE OF EX. 20, 27, 30, 31, 47, 52 OR 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1967** 3M 8500 ADVERTISEMENT "THE SAFEST MASK IS THE ONE WORKERS WILL WEAR." DEPICTS SANDING. IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1967** 3M 8500 ADVERTISEMENT PROTECTS "AGAINST SANDING DUSTS...BAGGING...SPRAY PARTICLES...GRINDING...HIGH FILTRATION...GIVES EXCELLENT FILTRATION FOR NON-TOXIC DUSTS, POWDERS AND SPRAY PARTICLES." IN EX. 4 OF 4/6/00 DEPOSITION OF CURTIS THORPE .
- 3/67** NATIONAL SAFETY NEWS ARTICLE REGARDING RESPIRATORY PHYSIOLOGY DISCUSSES TYPES OF AIRBORNE CONTAMINANTS, THEIR EFFECTS ON THE RESPIRATORY SYSTEM, AND APPROPRIATE RESPIRATORY PROTECTION IN GENERAL TERMS. THESE CONTAMINANTS ARE DIVIDED INTO PNEUMOCONIOSIS PRODUCING DUSTS AND MISTS (SUCH AS SILICA AND ASBESTOS); TOXIC DUSTS AND METAL FUMES AND MISTS; AND RADIONUCLIDES AND HIGHLY TOXIC DUSTS FUMES AND MISTS. THEY ALSO STATE THAT NUISANCE DUSTS AND MISTS ARE INCLUDED WITH SILICA AND ASBESTOS IN THE FIRST-CLASS, AND THAT "BUREAU OF MINES APPROVED RESPIRATORS SHOULD BE USED EVEN FOR NUISANCE MATERIALS SUCH AS COAL, SAWDUST AND FLOUR, SINCE NO ONE CAN FORETELL THE POSSIBLE EFFECTS OF BREATHING SUCH MATERIALS."
- 3-7/67** PIT & QUARRY INDUSTRY MAGAZINE 3M 8500 ADVERTISEMENT STATES "PROTECT WORKERS' LUNGS - 3M BRAND FILTER MASKS ARE PROVED EFFICIENT AGAINST AIRBORNE PARTICLES OF COAL, LIMESTONE, MARBLE, SANDSTONE AND OTHER NON-TOXIC DUSTS..."
- 9/28/67** INTERNAL 3M STATUS REPORT ON THE TOXIC DUST MASK PROJECT DISCUSSES A VISIT WITH DR. SELIKOFF REGARDING THE EFFECTS OF ASBESTOS. THEY DISCUSSED THE 8701 FILTER PAD THAT DR. SELIKOFF CONSIDERED A POTENTIAL HEALTH HAZARD BECAUSE ASBESTOS WAS USED IN THE FIBER AND IS A

CARCINOGEN. THIS LEAD TO DISCUSSIONS ABOUT DEVELOPING AN ASBESTOS FREE FILTER. THEREFORE, 3M WAS AWARE, IN 1967, OF THE CARCINOGENIC NATURE OF ASBESTOS. IN EX. 11 OF 5/14/86 DEPOSITION OF ROBERT BARGHINI.

- 11/17/67** 3M FIELD LETTER REGARDING THE NATIONAL SAFETY CONGRESS AND EXPOSITION STATING THAT A PROBLEM WITH THE 8500 IS THAT THE MASK RAPIDLY SPREADS TO AREAS WHERE IT SHOULDN'T BE USED. IN EX. 147 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 1967** **3M INDICATES THAT 19 MILLION NUISANCE DUSTS MASKS WERE SOLD IN 1967.**
- 1968** 8500 FLIER. STATES "IN ORDER FOR YOU TO INTERPRET THE MASKS EFFICIENCY IN TERMS OF YOUR OWN DUST PROBLEMS, MICRONS SIZES OF SOME COMMON INDUSTRIAL DUST ARE LISTED BELOW." NOTE: THE DUSTS INCLUDE COAL, COTTON, TEXTILE. IN EX. 5 OF 4/6/00 DEPOSITION OF CURTIS THORPE .
- 1968** 3M 8500 PERFORMANCE FACTS "FILTRATION EFFICIENCY- DETERMINED ON LIVE SUBJECTS OF VARIOUS FACIAL TYPES EXPOSED TO A CONTROLLED CLOUD OF NUISANCE DUST PARTICLES OF WHICH 95.8% BY COUNT ARE BELOW 5 MICRONS IN SIZE. IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 7/9/68** 3M INTEROFFICE CORRESPONDENCE REGARDING 8500 USE IN SPRAY PAINTING AND STATING THAT "DURING THE EARLY STAGES OF OUR ENTRY INTO THIS MARKET, SOME OF OUR PUBLISHED INFORMATION MAY HAVE BEEN A LITTLE MISLEADING..." EX. 141 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 7/19/68** **GIFT WRAP LAB DOCUMENT TO COURTNEY FROM BARGHINI STATES " CONDUCT A FEASIBILITY STUDY OF THE INDUSTRY TO DETERMINE WHETHER A COMPLETELY DISPOSABLE TOXIC DUST MASK WOULD BE ACCEPTED IF THIS MASK WERE NOT FORMALLY APPROVED BY THE BUREAU OF MINES." ATTACHED PG. DATED 7/19/68 STATES THE 8700 TOXIC DUST MASK HAS BEEN APPROVED BY THE BUREAU OF MINES, BUT IT HAS BEEN DISCONTINUED BY DIVISION MANAGEMENT; "CONDUCT A FEASIBILITY STUDY OF THE INDUSTRY TO DETERMINE WHETHER A COMPLETELY DISPOSABLE TOXIC DUST MASK WOULD BE ACCEPTED IF THIS MASK WERE NOT FORMALLY APPROVED BY THE BUREAU OF MINES;" AND THAT WITH ADEQUATE DATA THEY MAY BE ABLE TO MAKE A CASE TO OBTAIN BUREAU OF MINES APPROVAL AND THAT THEY WILL ALSO HAVE EXTENSIVE DISCUSSIONS WITH THE BUREAU AND DETERMINE WHETHER TO CONTINUE OR DROP THIS APPROACH. IN EX. 146 OF 2/25/00 DEPOSITION OF ROBERT BARGHINI.**
- 7/22&23/68** 3M FIELD LETTER FROM BARGHINI TO COURTNEY STATE'S "THE ARMY PERSONNEL PRESENT AGREED THAT THE 8500 MASK DOES HAVE A PLACE IN RESPIRATORY PROTECTION. THEY CAN SEE ITS VALUE FOR COMFORT AND MORALE OF USER BUT POINTED OUT THE DIFFICULTY OF CONTROLLING ITS USE AND PREVENTING MISUSE. THERE IS A DIRECTIVE BINDING THE ARMY TO USED ONLY BUREAU APPROVED EQUIPMENT AND IT WAS RECOGNIZED AND ALL REALIZE THIS MASK WAS INTENDED FOR NUISANCE DUST AND, THEREFORE, IT DOESN'T REQUIRE BUREAU APPROVAL. THEY WERE IN AGREEMENT, A FLAT STATEMENT BARRING ITS USE WOULD BE MOST UNJUST TO 3M. A BETTER SOLUTION WOULD BE ADVISING DEPARTMENTS UNDER THEIR CONTROL THAT THE 8500 MASK MAY BE USED UPON WRITTEN REQUEST TO THE SAFETY DIVISION WITH A DETAILED DESCRIPTION OF THE INTENDED USAGE. MR. LEACH WILL

PREPARE A NEW DIRECTIVE TO SUPERSEDE THE APRIL 10 MEMO STATING THE 8500 FILTER MASK MAY BE USED UPON REQUEST FOR APPROVAL BY HIS OFFICE." IN EX. 139 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.

- 10/27-31/68** FIELD LETTER FROM ROBERT BARGHINI TO COURTNEY STATING THAT HE ATTENDED THE ANNUAL NATIONAL SAFETY CONGRESS IN CHICAGO STATING THAT THE MAIN OPPOSITION OF GETTING THE 8500 IN VARIOUS SITES IS A LACK OF BUREAU OF MINES APPROVAL, AND THAT WHEN IT IS ACCEPTED IT SPREADS TO AREAS WHERE IT SHOULD NOT BE USED IN THIS MAKES SUPERVISION DIFFICULT. IN EX. 186 OF 1/15/99 DEPOSITION OF ROBERT BARGHINI.
- 11/11-13/68** 3M FIELD LETTER REGARDING DISPOSABLE MASKS STATES THAT MR. HOLADAY, RETIRED FROM THE U.S. PUBLIC HEALTH SERVICE, WANTS TO BE ASSOCIATED WITH 3M AND FEELS "3M COULD ATTACK THE URANIUM, COAL AND ASBESTOS AREAS WITHOUT BUREAU OF MINES APPROVALS;" AND ED HYATT, A RESPIRATOR EXPERT, QUESTIONS THE NOSE FIT AND HAS CONCERNS ABOUT MISUSE. IN EX. 124 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 1968** **3M INDICATES THAT 23 MILLION NUISANCE DUSTS MASKS WERE SOLD IN 1968. IN EX. 13 OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 1/29/69** 3M MEMO FROM CAIN TO BARGHINI STATES "SILICOSIS IS CAUSED BY INHALATION OF SILICA PARTICLES < 10 MICRONS IN DIAMETER, AND RECENT STUDIES INDICATE THAT PARTICLES LESS THAN 0.6 MICRONS IN DIAMETER MAY BE THE GREATEST IMPORTANCE. THE SAME IS ALSO PROBABLY TRUE FOR ALL DISEASE CAUSING PARTICULATES. DISCUSSES THE PARTICLE SIZE AND QUANTITY THAT MUST BE REMOVED AND IF THE THEORY OF CHEMICAL ACTIVITY IS ACCEPTED AS A BASIS FOR SOME DUST CAUSING DISEASES, THEN PARTICLE SIZE AND SURFACE AREA ARE IMPORTANT. NOTES THAT IF A CUBE OF A MINERAL 1 CM ON EACH SIDE IS GROUND TO CUBES 1 MICRON ON A SIDE YIELDS 1012 PARTICLES WITH A SURFACE AREA OF 6 SQUARE METERS AS COMPARED TO THE ORIGINAL 6 SQUARE CM, OR 1 MILLION TIMES GREATER. ALSO STATES THAT THE ONLY TRUE MEASURE OF EFFECTIVENESS OF PARTICULATE FILTRATION IS THE NUMBER AND SIZE OF PARTICLES WHICH ARE ALLOWED TO PASS THE BARRIER AND ENTER THE RESPIRATORY TRACT. 12/1/99 JOHN CAIN EX.0884
- 1969** 3M 8500 ADVERTISEMENT - NEW DISPOSABLE THAT UNMASKS EXTRA PROFITS. "PROTECTS WORKERS FROM THE HAZARDS OF INHALING CONTAMINATED AIR. INDUSTRIAL WORKERS IN A THOUSAND DIFFERENT JOBS WEAR A FRESH ONE EVERY SHIFT." IN EX. 1 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 4/69** 3M 8500 LITERATURE DEPICTS A CHICKEN WEARING A HOSE MASK IMPLYING THAT THE 8500 IS A BETTER MASK, AND STATES 'SEEN ANY DENIM BREASTED HOSE BEAKS AROUND YOUR SHOP?...THEY BLOCK NON-TOXIC PARTICLES WITH AN EFFICIENCY OF 90%." IN EX. 24 OF 5/14/86 DEPOSITION OF ROBERT BARGHINI.
- 9/7-11/69** 3M FIELD LETTER FROM CAIN INDICATING USE OF A PROTOTYPE RESPIRATOR IN SHIPYARD INSULATORS AND THAT THE MEN COMMENTED THAT THEY WOULD GET WET AND HAD TO USE MORE THAN ONE EACH DAY. THEY DISCUSSED THAT FIBER EFFICIENCY WOULD BE MORE APPROPRIATE THAN WEIGHT EFFICIENCY. ALSO DISCUSSES THE IMPORTANCE OF ASBESTOS WORKERS USING RESPIRATORS. SOME OF THE OLD MEN THAT TESTED THE RESPIRATOR SAID IT WAS DIFFICULT

TO BREATHE THROUGH, BUT THEY WERE RESPIRATORY CRIPPLES. THE JOB OF REMOVING INSULATION WAS MORE HAZARDOUS BECAUSE OF THE FINER FIBER. SOME OF THE WORKERS WORKED IN VERY TIGHT WORKPLACES, AND OTHER WORKERS IN THE AREA WERE EXPOSED TO RATHER HIGH CONCENTRATIONS OF ASBESTOS BUT DID NOT WEAR RESPIRATORY PROTECTION. HE ALSO STATED IF WE GET AN EFFICIENT RESPIRATOR AS COMFORTABLE AS THE 8500, WHICH THEY HAD USED BUT HAD BEEN TOLD TO STOP USING, THEN WE WOULD HAVE A VERY ACCEPTABLE PRODUCT. HE ALSO VISITED AN INSULATION CREW THAT WAS USING THE 8500 AND USING THE SAME TYPE OF ASBESTOS INSULATION MATERIAL. AT ONE WORKSITE THE INSULATORS SAID THAT THE 8500 HAD THE MOST GOOD QUALITIES OF ANY AVAILABLE RESPIRATOR. MR. DOUGLAS WANTED TO KNOW WHO CAIN THOUGHT WAS TO BLAME FOR THE MEN WEARING THE 8500. CAIN EXPLAINED THAT THERE WAS A GUIDE AVAILABLE FOR THE TYPES OF DUST THE 8500 WAS TO BE USED FOR, BUT HE WAS NOT SURE WHO HAD THE GUIDE OR USED THEM. DOUGLAS SAID THAT HE WOULD LIKE TO SEE THE GUIDE IF AT ALL POSSIBLE. NOTE: THE 3M GUIDE WAS NOT PROVIDED BY 3M TO EMPLOYERS OR PURCHASERS. IN EX. 175 OF 12/20/99 DEPOSITION OF JOHN CAINE.

- 11/11-13/68** 3M FIELD LETTER STATES THAT MR. HOLADAY, RETIRED FROM THE U.S. PUBLIC HEALTH SERVICE, WANTS TO BE ASSOCIATED WITH 3M AND FEELS "3M COULD ATTACK THE URANIUM, COAL AND ASBESTOS AREAS WITHOUT BUREAU OF MINES APPROVALS;" HYATT RECOMMENDED THE BUREAU OF MINES CONSIDER DISPOSABLE MASKS IN THEIR SCHEDULE. REGARDING THE 8500, HE QUESTIONS THE NOSE FIT AND HAS CONCERNS ABOUT MISUSE. IN EX. 24 OF 4/18/00 DEPOSITION OF ROBERT BARGHINI.
- 1969** **3M INDICATES THAT 27.5 MILLION FILTER MASKS WERE SOLD IN 1969.**
- 67/70** 3M 8500 PACKAGE STATES "GIVES EXCELLENT FILTRATION FOR NONTOXIC DUSTS, POWDERS AND SPRAY PARTICLES," BUT THE WARNING IS IN MUCH SMALLER PRINT. IN EX. 1(J)-1 OF 3/24&25/86 DEPOSITION OF DARELL A. BEVIS, AND EX. 4 OF 2/13/90 DEPOSITION OF KENNETH SCHEEL.
- 1970** 3M 8500 ADVERTISEMENTS WITH NO LIMITATIONS OR MENTION OF NUISANCE OR NON-TOXIC.
- 1970** 3M 8500 ADVERTISEMENTS, FOR CONTRACTORS, NO LIMITATIONS (NO MENTION OF NUISANCE OR NON-TOXIC), PROTECTS LUNGS FROM DUSTS. IN ONE OF EX. 20, 27, 30, 31, 47, 52 OR 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 1/8/70** **MEMO FROM BARGHINI STATING THAT 7/1/70 IS THE DATE THE BUREAU OF MINES WILL BEGIN ISSUING APPROVAL FOR DISPOSABLE RESPIRATORS FOR USE IN PNEUMOCONIOSIS PROTECTION. DUE TO THE SEVERITY OF THE PROBLEM AND THE PUBLICITY IT HAS RECEIVED (ASBESTOSIS) WE HAVE CHOSEN TO WORK IN THE ASBESTOS AREAS SIMULTANEOUSLY WITH THE ALUMINUM INDUSTRY. FIELD TESTS WERE RUN IN SHIPYARD AREAS, AND THE ONLY MASK THEY LIKED BETTER IS THE 8500, AND IT SHOULD NOT BE USED IN THAT AREA. THERE WERE MANY HEART WARMING STORIES ABOUT WORKERS WHO HAD DIED FROM ASBESTOSIS. EX. 149 OF 2/25/00 DEPOSITION OF ROBERT BARGHINI OR EX. 160 SUMMARY OF 1/15/99 DEPOSITION OF ROBERT BARGHINI.**
- 2/70** 8500 ADVERTISEMENT IN AMERICAN PAINTING CONTRACTOR THAT STATES "OFFER YOUR CONTRACTOR CUSTOMERS CLEAN BREATHING. HOW? WITH 3M

BRAND FILTER MASKS. THEY PROTECT THEIR LUNGS FROM DUST AND SPRAYS." IN EX. 4 OF 11/8/95 DEPOSITION OF ALAN R. JOHNSTON.

- 3/70** NATIONAL SAFETY NEWS ARTICLE DISCUSSING RESPIRATORY PROTECTION SHOWS A WORKER WEARING A 3M 8500 AND STATING "FILTER MASKS, SUCH AS THE ONE SHOWN ABOVE, ARE USEFUL TO PREVENT INHALATION OF HARMFUL DUSTS OR PARTICULATE MATTER."
- 4/26-29/70** 3M FIELD LETTER STATING THAT THE 3M 8500 MIGHT BE TOO EASY TO USE, AS IT GETS USED IN AREAS THAT IT IS NOT DESIGNED FOR. IN EX. 16 OF 5/20/99 DEPOSITION OF CURTIS A. THORPE.
- 5/17-21/70** 3M FIELD LETTER STATED THAT AT THE WAUKEGAN COMMONWEALTH EDISON PLANT, THE MEN WERE SPRAYING ASBESTOS ON A STACK PRECIPITATOR WHILE WEARING THE 3M 8500. SOME OF THE MEN WERE WEARING 10-15 PER SHIFT. THE MEN REFUSED TO WEAR THE USBM APPROVED RESPIRATOR THAT WAS SUPPLIED, BECAUSE IT WAS TOO HARD TO BREATHE THROUGH. THEY TESTED THE 8710 THERE, BUT THERE IS NO INDICATION THAT THEY WARNED THAT THE 8500 WAS NOT ACCEPTABLE. IN EX. 30 OF 5/14/86 DEPOSITION AND EXHIBITS 1-32 OF ROBERT BARGHINI.
- 9/21-24/70** 3M FIELD LETTER REGARDING A DEPARTMENT OF LABOR MEETING STATING THAT AT SOME LOCATIONS, THE 8500 HAS BEEN BANNED BECAUSE OF THE EXTREME DIFFICULTY IN CONTROLLING ITS USE. IN EX. 149 OF 7/31&8/1/86 DEPOSITION OF ROBERT J. BARGHINI.
- 11/15/70** 3M FIELD LETTER FROM BERNARD STATING THAT THE STATE OF TENNESSEE DEPARTMENT OF INDUSTRIAL HYGIENE HAS TAKEN A STRONG STAND ON THE USE OF THE 8500. TO THEIR MIND THIS PRODUCT IS BEING ABUSED, AND WE HAVE HAD FEEDBACK THROUGH OUR SALES OFFICE OF THE INDUSTRIAL HYGIENE DEPARTMENT ORDERING DISCONTINUANCE OF THE USAGE OF IT IN PAINT SPRAY OPERATIONS. THEY ALSO STATED THE 8500 WAS BEING USED ALL OVER THE PLACE AND HAS ACHIEVED TREMENDOUS USAGE AND ACCEPTANCE.
- 1970** 3M INDICATES THAT 32 MILLION FILTER MASKS WERE SOLD IN 1970. IN EX. 13 OF 4/6/00 DEPOSITION OF CURTIS THORPE.
- 1/13&14/71** 3M FIELD LETTER FROM CAIN TO BARGHINI REGARDING ADDITIONAL TESTING BY HYATT. ON THE 14TH "ED (HYATT) STARTED WITH HIS FAVORITE TOPIC, THE #8500, AND A DISCUSSION OF PRODUCT LIABILITY. I WAS UNABLE TO SUPPLY HIM WITH ANY CASES IN WHICH WE WERE HELD LIABLE, BUT HE DID TELL ME OF SOME COMPANIES THAT WERE HAVING DIFFICULTIES IN THIS AREA." IN EX. 148 OF 2/25/00 DEPOSITION OF ROBERT BARGHINI.
- 1/24/71** 3M FIELD LETTER TO OBTAIN DISTRIBUTORS FOR THEIR TEST SELL OF THE 8710, STATING THAT THE ASBESTOS WORKERS APPRENTICE TRAINING PROGRAM USED THE 8500, AND THEY WOULD PREFER TO USE THE 8710. IN EX. 133 OF 7/31&8/1/86 DEPOSITION AND EXHIBITS 60-147 OF ROBERT J. BARGHINI.
- 4/11/71** 3M FIELD LETTER FROM BERNARD REFERS TO SEVERAL INDUSTRY CONTACTS AND STATES REGARDING ASBESTOS THAT MR. SCHNEIDER IS ONE OF THE LARGER CONTRACTORS FOR INSULATION IN THE CHICAGO AREA, AND HE IS THE PURCHASING AGENT AND THEY ARE PRESENTLY BUYING AND DISTRIBUTING THE 8500.

- 10/71** NATIONAL SAFETY NEWS ARTICLE DISCUSSES ESTABLISHING AN EFFECTIVE RESPIRATORY PROTECTION PROGRAM AND PROVIDES ILLUSTRATIONS OF THE ASSORTMENT OF RESPIRATORY PROTECTION EQUIPMENT. SHOWS A WORKER WEARING A 3M 8500 AND STATES "EXAMPLE OF A NON-TOXIC DUST AND PARTICULATE MATTER FILTER, COURTESY OF 3M COMPANY."
- 72-76** 3M BRAND NON-TOXIC PARTICLE MASK 8500. AN EMPLOYEE INSURANCE POLICY THAT COSTS ONLY 14 CENTS...SOMETHING THAT REDUCES EMPLOYEE DOWNTIME AND MAKES THEM MORE PRODUCTIVE TO BOOT. THAT'S AN INSURANCE POLICY NO MATTER HOW YOU LOOK AT IT." IN EX. 7 & 8 OF 4/6/00 DEPOSITION OF CURTIS THORPE.
- 2/2/72** DRAFT OF 2/23/72 LETTER BELOW THAT INCLUDES A HANDWRITTEN STATEMENT REGARDING THEIR TESTING OF THE 8500 THAT "WITHOUT KNOWLEDGE OF THE MASK CONCENTRATIONS OF RESPIRABLE DUST IN THIS CHALLENGE AEROSOL AND RESPIRABLE DUST CONCENTRATIONS IN THE FRACTION PASSING THE RESPIRATOR, QUESTIONS COULD BE ASKED WHICH WOULD BE HARD TO ANSWER. SUCH AS, "AS THAT -- THAT'S BEING TAKEN OUT IS THE NON-RESPIRABLE FRACTION." "WE WOULD BE THE FIRST TO ADMIT BECAUSE OF ITS COMFORT AT COST, IT HAS ALSO MISUSED IN A FEW APPLICATIONS." DEPONENT DOESN'T KNOW WHO WROTE THIS NOTE. IN EX. 3 OF 4/6/00 DEPOSITION OF CURTIS THORPE.
- 2/23/72** LETTER FROM THORPE OF 3M REGARDING THE 8500 TO ALL OSHA INDUSTRIAL HYGIENISTS STATING THAT THEY ARE WRITING TO BRING INFORMATION "ON A SUBJECT OF VITAL MUTUAL INTEREST WHICH HAS RECENTLY ARISEN. UNDER THE CIRCUMSTANCES WE BELIEVE THAT THIS IS THE QUICKEST METHOD OF GIVING YOU DATA WHICH YOU SHOULD HAVE... WE WOULD BE THE FIRST TO ADMIT THAT BECAUSE OF ITS COMFORT AT COST IT HAS ALSO BEEN MISUSED IN A FEW APPLICATIONS. WE HAVE TRIED TO ELIMINATE CONFUSION BY STRESSING IN ALL OF OUR LITERATURE, SALES GUIDE MATERIAL, AND LABELING THAT IT IS DESIGNED FOR NON-TOXIC PARTICLES (NUISANCE PARTICLES) ONLY AND IS NOT TO BE USED FOR PROTECTION AGAINST TOXIC DUSTS... THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1971 DOES REQUIRE "APPROVED" RESPIRATORS IN AREAS WHERE TLVS ARE EXCEEDED. HOWEVER, IN OUR OPINION, THE PROVISION DOES NOT NECESSITATE CHANGES IN OUR APPROACH AS THE NO. 8500 CAN CONTINUE TO BE USED IN AREAS WHERE THE AIRBORNE CONTAMINANTS DO NOT EXCEED TLVS AS DEFINED BY THE AMERICAN CONFERENCE OF GOVERNMENT INDUSTRIAL HYGIENISTS. FOR GENERAL DUSTS OF A NUISANCE OR "INERT" NATURE, THE ESTABLISHED TLV AS PUBLISHED IN THE MAY 29, 1971 FEDERAL REGISTER IS 50 MPPCF OR 15 MG/M3 FOR TOTAL DUST AND 15 MPPCF OR 5 MG/M3 FOR THE RESPIRABLE FRACTION. THE ACGIH INTENDS TO CHANGE THE TLV FOR ALL NUISANCE PARTICULATES TO 10 MG/M3 OR 30 MPPCF. ON SOME OCCASIONS WHICH HAVE RECENTLY BEEN BROUGHT TO OUR ATTENTION, BLANKET CONDEMNATION OF THE USE OF THE NO. 8500 HAVE BEEN ISSUED BY OSHA COMPLIANCE OFFICERS. THIS DOES NOT SEEM TO BE IN ACCORDANCE WITH A SPIRIT OR LETTER OF THE LAW IF A DETERMINATION IS NOT MADE THAT THE TLV OF THE CONTAMINANT IS BEING EXCEEDED. THE MANUFACTURE IN THIS CASE IS ACTUALLY PROVIDING ADDITIONAL PROTECTION WHICH IS NOT REQUIRED BY LAW." THE DOCUMENT THEN REFERS TO THE STANDARD 3M TEST WHERE THE 8500 HAD AN OVERALL EFFICIENCY OF 90.6 % BY WEIGHT WHERE 98.5 PERCENT OF THE PARTICLES WERE BELOW FIVE MICRONS IN SIZE. "IT IS OUR HOPE THAT THIS BRIEF STATEMENT OF OUR POSITION WILL SUPPORT YOU AND

YOUR ASSOCIATES IN YOUR WORK OF INSURING COMPLIANCE WITH THE LAW IN THE PROVIDING THE SAFEST POSSIBLE WORKING CONDITIONS FOR AMERICAN EMPLOYEES." IN EX. 2 OF 4/6/00 DEPOSITION OF CURTIS THORPE.

3/1/72

1972 3M MARKET PLAN

PG. 3 **REGARDING THE STEEL INDUSTRY MARKET IT STATES THAT "THE MAJOR APPLICATION IS PROTECTION FROM GENERAL INDUSTRIAL DUST WITH HIGH SILICA CONTENT. REGARDING 3M PRESENT SHARE, THERE MAY BE SOME 8500'S IN USE IN THIS SEGMENT OF THIS MARKET."**

PG. 5 **REGARDING THE CONSTRUCTION MARKET "THE KEY APPLICATION IS PROTECTION AGAINST ASBESTOS FIBERS IN OR AROUND INSULATION WORK AND AGAINST SILICA CONTAINING DUST IN CONSTRUCTION INVOLVING EARTH MOVING. REGARDING 3M PRESENT SHARE, THERE IS SOME SUBSTANTIAL 8500 USE IN THE MARKET, BUT WE DON'T KNOW HOW MUCH NOR DO WE KNOW WHAT PERCENT IS MISUSE WHERE AN APPROVED RESPIRATOR SHOULD BE USED."**

PG. 7 **REGARDING THE TEXTILE MARKET, THE KEY APPLICATION IS PROTECTION OF WORKERS FROM RAW COTTON AND/OR IMPURITIES ASSOCIATED WITH IT. REGARDING 3M PRESENT SHARE, THERE IS SOME 8500 USE.**

PG. 14 **REGARDING ADVERTISING ITS STATES THAT "ADVERTISING HAS BEEN AN EXTREMELY IMPORTANT INGREDIENT IN THE SUCCESS OF THE NO. 8500 AND WE BELIEVE THE SAME WILL BE TRUE OF THE NO. 8710. THIS ADVERTISING SHOULD ALSO BUILD THE 3M IMAGE AS AN EXPERT IN THE FIELD OF RESPIRATORY PROTECTION."**

PG. 20 **REGARDING OPPORTUNITIES "THE OCCUPATIONAL HEALTH AND SAFETY ACT OF 1971 MAY HURT OUR NO. 8500 BUSINESS SOMEWHAT, BUT IT CERTAINLY PRESENTS AN OPPORTUNITY FOR THE NO. 8710. THE OSHA COMPLIANCE OFFICERS WILL DO A LOT OF OUR MARKETING ONCE OUR APPROVAL ISSUES."**

IN EX. 9 OF 4/6/00 DEPOSITION OF CURTIS THORPE.

4/17-21/72

3M FIELD LETTER FROM BERNARD REFERRED TO A LARGE CONTRACTOR FOR THE INSULATION OF VARIOUS ASBESTOS INSULATION PRODUCTS. THEY DO MOST OF THE CONTRACT WORK FOR THE PHILIP CARREY CO. PRESENTLY THEY'RE USING THE 8500, AND THEY WERE QUESTIONING US AS TO THE DEFENSIBILITY OF THIS PRODUCT IN THE EVENT OF AN OSHA INSPECTION. WE SHOWED THEM THE 8710.

ALSO REFERS TO THE SHERIDAN COMPANY, A SAFETY DISTRIBUTOR PRESENTLY DOING A FINE JOB ON THE 8500, AND STATING THAT ONE OF THEIR PRINCIPAL CUSTOMERS IS THE MANUFACTURER OF BREAK LININGS FOR GENERAL MOTORS. THEY WERE IMPRESSED WHEN THEY SAW THE 8710.

1972

3M INDICATES THAT 48 MILLION FILTER MASKS WERE SOLD IN 1972. IN EX. 13 OF 4/6 IN DEPOSITION OF CURTIS THORPE.

- 1973** 3M 8710 ADVERTISEMENT STATES "BLACK LUNG. STONECUTTER'S DISEASE. ASBESTOSIS. GRINDER'S ROT. ALL OF THEM CAUSED BY DUST PARTICLES IN THE AIR. AND ALL CAN KILL A MAN. THAT'S WHY WORKERS SHOULD WEAR A 3M BRAND RESPIRATOR 8710. THE 8710 STOPS PNEUMONOCOCONIOSIS AND FIBROUS PRODUCING DUSTS FROM EVER REACHING THE LUNGS. IN FACT IT IS SO EFFECTIVE IT HAS RECEIVED BUREAU OF MINES APPROVAL...IT HELPS KEEP DEADLY DUSTS OUT OF YOUR LUNGS." NOTE: 3M WAS AWARE OF THE HAZARDOUS NATURE OF THESE LUNG DAMAGING DUSTS. IN EX. 6 OF 2/13/90 DEPOSITION AND EXHIBITS OF KENNETH SCHEEL.
- 4/73** DEPICTS 8710 AND 8500 "3M IS MAKING A LOT OF WORLDS EASIER TO BREATHE IN. THE WORLDS OF MINING, TEXTILE, ASBESTOS, AND HOW ABOUT GENERAL MANUFACTURING AND PAINTING." IN EX. 46 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.
- 7/23/73** 3M INTER-OFFICE MEMO REGARDING EFFICIENCY TESTING FOR THE 8500 AND THEIR CLAIM THAT ON LIVE SUBJECTS THEY HAVE A WEIGHT EFFICIENCY OF 90.6%. HOWEVER, THEY NO LONGER RUN THIS TEST ON LIVE SUBJECTS, QUALITY CONTROL IS NOW BASED ON STATIC DUST TEST USING THE SAME TEST AEROSOL AND 3M HAS CORRELATED THIS RESULT TO LIVE SUBJECT AND THEREFORE THE EFFICIENCY IS REPORTED TO BE AN AVERAGE > 90.6%. IN EX. 12 OF 7/22/98 DEPOSITION AND EXHIBITS OF ROBERT J. HAGGERTY.
- 12/73** NATIONAL SAFETY NEWS DISCUSSES SILICON EXPOSURE AND ONE FOOT SETTLING TIME FOR SILICA. INDICATING 0.25 MICRON REQUIRES APPROXIMATELY 590 MINUTES, 0.5 MICRON REQUIRES 187 MINUTES, 1.0 MICRON REQUIRES 54 MINUTES, 2.0 MICRON REQUIRES 14.5 MINUTES AND 5.0 MICRON REQUIRES 2.5 MINUTES. IN EX. 4 OF 4/18/00 DEPOSITION OF ROBERT BARGHINI.
- 12/12-14/73** 3M FIELD LETTER REGARDING INTERNATIONAL SHIPYARD HEALTH SYMPOSIUM INCLUDES "MANY SLIDES SHOWING SAFE PROCEDURES FOR HANDLING ASBESTOS CONTAINED WORKERS WEARING 8710'S. TWO MD'S AND ONE UNION OFFICIAL QUESTIONED THE USE OF 8710 WITH ASBESTOS. DUNCAN HOLADAY PUT IT TO THEM BY DOING A TEN MINUTE DIALOGUE ON THE USEFULNESS OF THE 8710 WITH ASBESTOS FIBERS." NOTE: UNTIL 1982 THERE WAS NO INFORMATION PROVIDED BY 3M REGARDING AN UPPER CONCENTRATION LIMIT FOR THESE MASKS. ALSO STATES THAT NIOSH IS NOT ENTHUSIASTIC ABOUT USING DISPOSABLE FOR VAPORS; THAT SILICA KILLS ALL BLASTERS AFTER 4-10 YEARS OF WORK, AND NOBODY KNOWS HOW BAD BYSTANDERS ARE AFFECTED. IN EX. 106 OF 7/31&8/1/86 DEPOSITION OF ROBERT BARGHINI.
- 62-74** NATIONAL SAFETY NEWS HAS 46 ADVERTISEMENTS FOR THE 3M 8500, COMPARED TO 1 FOR THE MSA DUSTFOE, AND 5 FOR THE WILLSON MONOMASK.
- 75/76** 3M SALES MEETING TRANSCRIPT REFERS TO 10/75 JOBBER MAGAZINE "HERE YOU SEE AN ENGINE REPAIR MAN RESURFACING VALVES USING A 6985 MASK TO PROTECT HIS HEALTH. OBVIOUSLY WE HAVE A NEW MARKET THAT WAS CAUSED BY THE GOVERNMENT FOCUSING ATTENTION TO THE HEALTH HAZARDS OF THE MANY INJURIOUS PARTICLES PRESENT IN THE ENVIRONMENT." (THE 6985 IS THE 8500) FURTHER STATES IT IS UP TO THE OSHA COMPLIANCE OFFICER TO PROVE THE EXPOSURE CONCENTRATION IS BEING EXCEEDED, AND THAT HE CANNOT DEMAND THAT ALL RESPIRATORS BE APPROVED, BUT MUST OFFER PROOF OF THE CONCENTRATION. IN EX. 17 OF 7/22/98 DEPOSITION OF ROBERT J. HAGGERTY.

12/20/76 3M 1977 MARKETING COMMUNICATIONS PLAN.

REGARDING ITEM IV SITUATION ANALYSIS STATES WITH REGARD TO THE NO. 9900 "PRESENTLY NO OTHER 3M DISPOSABLE RESPIRATOR IS CERTIFIED PROTECTION AGAINST TOXIC DUST."

REGARDING THE 8500, THE PRIMARY MARKET CONSIST OF INDUSTRIAL APPLICATIONS WHERE LOW CONCENTRATIONS NON-TOXIC DUSTS ARE CONCERNED.

REGARDING PROBLEMS STATES "MISUSE OF THE 8500 IS A SERIOUS PROBLEM. THE 8500, DESIGNED AS A NON-TOXIC, LOW CONCENTRATION, DUST MASK IS BEING USED AS A TOXIC DUST RESPIRATOR IN MANY INDUSTRIAL APPLICATIONS AND FOR PROTECTION AGAINST ASBESTOS IN THE DRYWALL INDUSTRY AS WELL AS VAPORS BY PAINT CONTRACTORS." THE STRATEGY IS TO DEVELOP A GENERAL EDUCATIONAL PROGRAM CONCERNING RESPIRATORY HAZARDS IN INDUSTRY, RECOMMEND THE CORRECT RESPIRATORY PROTECTION, AND REVIEW 8500 LITERATURE TO INCLUDE INFORMATION CONCERNING HAZARDOUS DUST AND VAPORS. BATES 338817

- 1976 3M INDICATES THAT 76 MILLION FILTER MASKS WERE SOLD IN 1976. IN EXHIBITS OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 77-81 3M LITERATURE DEFINES TOXIC AND LUNG DAMAGING DUSTS STATING THAT "TOXIC DUSTS ARE THOSE THAT MAY BE HARMFUL TO THE RESPIRATORY SYSTEM OR TO OTHER PARTS OF THE BODY BY PASSING FROM THE RESPIRATORY TRACT INTO THE BLOOD STREAM. THIS DIFFERS FROM PNEUMOCONIOSIS AND FIBROSIS DUSTS WHICH EMBED THEMSELVES IN THE LUNGS BUT ARE NOT DIFFUSED INTO OTHER PARTS OF THE BODY." ALSO DEFINES TOXIC DUSTS LIKE LEAD, AND LUNG DAMAGING DUSTS LIKE SILICA, AND ASBESTOS. IN EX. 20, 27, 30, 31, 47, 52 OR 53 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.**
- 1/77 3M 8500 ADVERTISEMENT SHOWS WORKERS WEARING THE 8500, INCLUDING SANDERS "PROTECTS AGAINST SANDING DUST;" AND BAGGERS "PROTECTS WEARER'S DURING BAGGING, LOADING AND MIXING OPERATIONS. HIGHLY EFFECTIVE AGAINST MOST AIRBORNE PARTICLES." ALSO SHOWS SPRAYERS AND GRINDERS USING THE 8500, WITH A COMPARISON TABLE OF THE 8500 VS. OTHER MASKS. ALSO STATES "FULL FILTRATION EFFICIENCY -- MAXIMUM COMFORT." IN EX. 20 OF 7/22/98 DEPOSITION OF ROBERT J. HAGGERTY.**
- 1977 3M INDICATES THAT 83 MILLION FILTER MASKS WERE SOLD IN 1977. IN EXHIBITS OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 1978 3M INDICATES THAT 95.4 MILLION FILTER MASKS WERE SOLD IN 1978. IN EXHIBITS OF 4/6/00 DEPOSITION OF CURTIS THORPE.**
- 12/12/78 3M INTEROFFICE CORRESPONDENCE FROM CAIN STATES MUCH DISCUSSION HAS INSUED RECENTLY AS TO THE APPROPRIATE WARNING STATEMENT FOR THE 8500 NON-TOXIC PARTICLE MASK AND RELATED FILTER MASKS. THE RELATED FILTER MASKS ARE THE 6985 NON-TOXIC PARTICLE MASK (ART -- MEANING AUTOMOTIVE RE-FINISHING TRADE), 3180 DUST MASK (AUTOMOTIVE), AND 8651 DUST & POLLEN MASK (HARDWARE). ADDITIONALLY, SIMILAR MASK ARE SOLD BY OTHER 3M DIVISIONS BOTH TO CONSUMERS AND AS PRIVATE-LABEL PRODUCT. THE**

STATEMENT IS "WARNING -- THIS PRODUCT IS NOT DESIGNED FOR USE AS PROTECTION AGAINST ASBESTOS, SILICA, OR COTTON DUST OR ANY OTHER TOXIC DUSTS, FUMES, MISTS, GASES AND VAPORS. NOT FOR USE IN SPRAY PAINT OPERATION." THIS WARNING STATEMENT MUST BE USED ON ALL PACKAGING AND LITERATURE PERTAINING TO PRODUCTS LIKE THE 8500. IN EX. 5 IN 10/4/00 DEPOSITION OF DONALD WILMES

1979 **3M PARTICULAR RESPIRATOR LINE MARKET PLAN-1979. REGARDING THE 8500 PROBLEM/STRATEGY " PROTECT MARKET SHARE BY ESTABLISHING THE 8500 AS A QUALITY/DEPENDABLE PRODUCT IN THE DUST MARKET." REFERS TO MISUSE OF PRODUCT AS A PROBLEM WITH A STRATEGY BEING TO ESTABLISH THE 3M FAMILY OF PARTICULAR RESPIRATORS. BATES 538077**

1979 **3M INDICATES THAT 97.1 MILLION FILTER MASKS WERE SOLD IN 1979. IN EXHIBITS OF 4/6/00 DEPOSITION OF CURTIS THORPE.**

1980 **1981 MARKET PLAN REGARDING PROBLEMS STATES "MISUSE OF THE 8500 EXPOSES OH&SP TO LIABILITIES. ALSO, 8500 MISUSE HAS CAUSED ILL WILL BY SOME KEY PEOPLE IN THE HEALTH/SAFETY FIELD AGAINST ALL 3M RESPIRATORY PRODUCTS. THE 8500 REMAINS THE LOWEST PRICED, MOST ACCEPTED THIS NUISANCE MASK OFFERED TO INDUSTRY. THE STRATEGIES FOR THE 8500 INCLUDE THAT THEY DEVELOP NEW FAMILY OF PRODUCTS ADVERTISEMENTS TO BE RUN IN SAFETY AND HEALTH MAGAZINES, PROMOTE THE 8500 IN RELATED MARKET AREAS WHERE APPROVAL IS NOT IMPORTANT. CONTINUE TO REVIEW ALL SALES AND PACKAGING FOR PROPER WARNING STATEMENTS. BATES 538033.001**

6/2-6/80 **SALES REPRESENTATIVES TECHNICAL TRAINING OCCUPATIONAL HEALTH & SAFETY PRODUCTS DIVISION OF 3M STATES THAT THERE ARE THREE CATEGORIES FOR DUST: NUISANCE DUST; PNEUMOCONIOSIS AND FIBROSIS PRODUCING THAT CAUSE LUNG DAMAGE; AND TOXIC DUST THAT IN ADDITION TO POSSIBLY CAUSING LUNG DAMAGE HAVE THE ABILITY TO REACH THE BLOOD STREAM AND BECOME SYSTEMIC POISONS.**

6/23/80 **1981 MARKET PLAN PARTICULATE RESPIRATORS. A MAJOR THRUST FOR 1981 IS THE FOLLOWING "CHANGE PRODUCT MIX BY SEGMENTING THE LINE ACCORDING TO PRODUCT PERFORMANCE/MARKET ACCEPTANCE, NOT BY PRODUCT APPROVAL." BATES 092108**

1980 **3M PROJECTS THAT 100 MILLION FILTER MASKS WILL BE SOLD IN 1980. IN EXHIBITS OF 4/6/00 DEPOSITION OF CURTIS THORPE.**

UNDATED **SITUATION ANALYSIS ITEM 1 STATES "SALES RELUCTANCE EXIST WITHIN OH&SP TO SELL 'NONAPPROVED' PRODUCT." ITEM 4 STATES "EXPOSURE TO LIABILITY EXISTS FOR OH&SP DUE TO 8500 MISUSE. THIS MISUSE EXPANDS INTO BAD WILL AS IT EFFECT DECISIONS BY INDIVIDUALS IN THE HEALTH AND SAFETY FIELD ON OTHER 3M RESPIRATORS." BATES 092110**

7/80 **EINAR HORNE, THE TECHNICAL DIRECTOR OCCUPATIONAL HEALTH AND SAFETY PRODUCTS OF 3M, TESTIFIED BEFORE A CENTER FOR DISEASE CONTROL HEARING STATING THAT**

PG. 163 "IF THE PERSONAL PROTECTIVE EQUIPMENT MANUFACTURER TAKES THE PROFITS AND GAINS FROM THE SALE OF A PERSONAL

PROTECTIVE DEVICE, HE SHOULD BE LIABLE."

PG. 175 "IN THE CASE OF MAJOR DEFECT BEING DISCOVERED IN THE USER'S PRODUCT, IT IS THE MANUFACTURERS RESPONSIBILITY, NOT NIOSH'S. THE RESPONSIBLE MANUFACTURER MUST LOCATE AND INFORM THEIR CUSTOMERS OF THE PROBLEM."

PG. 167 "WE SELL NONAPPROVED PRODUCTS BECAUSE MARKET STUDIES AND FIELD EVALUATION SHOW THAT THE USER NEED EXISTS EVEN THOUGH THE DESIGN SPECIFICATIONS AND TEST IN THE EXISTING 30 CFR 11 REGULATIONS DO NOT ALLOW CERTIFICATION."

1981 3M BROCHURE SHOWS CATEGORIES FOR PARTICULATE RESPIRATORS DIVIDED INTO LUNG DAMAGING DUST, TOXIC DUST, MISTS, FUMES, RADON DAUGHTERS, AND ASBESTOS.

1982 **REGARDING SITUATION ANALYSIS FOR STATES THAT 3M HAS ENJOYED 90%+ SHARE OF THE FILTER MASK MARKET IN THE PAST FEW YEARS. MARKET SHARE FOR 1982 WAS 80% AND FOR 1983 IS EXPECTED TO BE BETWEEN 62%-72%. REGARDING STRATEGY/TACTICS "MAKE READILY VISIBLE 3M LOGO ON PRODUCT THROUGH EMBOSsing OR PRINTING OR COLOR CHANGE" TO DISTINGUISH DIFFERENCES FROM COMPETITION. BATES 537780**

2/2/82 VARIOUS TEST OF 8500 LOGO MASKS MADE UNDER THE DIRECTION OF OMLAND GASSLINK(?). NOTE: IT IS THEREFORE POSSIBLE TO AFFIX A WARNING TO THE MASK.

1983 **1983 MARKET PLAN DUST PARTICULATE RESPIRATORS. REGARDING PROBLEMS AND OPPORTUNITIES STATES THAT 3M HAS OVER 80% OF THE MARKET SHARE OF FILTER MASKS. BATES 53784**

1984 **3M PROJECTS SALES OF 125 MILLION FILTER MASKS FOR 1984. BATES 538033.001**

8/84 3M JOB HEALTH HIGHLIGHTS VOLUME TO NO. 3 STATES THAT THE MOST PENETRATING PARTICLE SIZE IS 0.2-0.3 MICRONS AND THAT IS A BASIS FOR THE WIDELY USED DOP 0.3 MICRON PARTICLE SIZE. STATES THAT 3M BRAND FILTRETE TYPE G-120 @ 5.3 CM/S WITH A THICKNESS OF 5.6 MM HAS A 96.8% DOP EFFICIENCY, AND FOR THE MOST PENETRATING SILICA PARTICLE DIAMETER OF 0.25 MICRONS THE EFFICIENCY IS 87%, WITH GREATER EFFICIENCY AT LARGER AND SMALLER PARTICLE SIZES, REACHING 100 PERCENT EFFICIENCY FOR PARTICLES > 0.8 MICRONS.

84/85 3M CATALOG. 8500 LITERATURE STATES "THE 8500 PARTICLE MASK ONLY OFFERS RELIEF FROM THE IRRITATING EFFECTS OF NON-TOXIC NUISANCE DUSTS. IT IS NOT A RESPIRATOR AND OFFERS NO RESPIRATORY PROTECTION. NOT FOR HAZARDOUS OR TOXIC PARTICLES OR USE IN SPRAY PAINTING." IN EX. 60 OF 6/18&19/87 DEPOSITION OF KENNETH SCHEEL.

3/21/85 KENNETH SCHEEL OF 3M TESTIFIES

PG. 14 THAT 3M 8500 MASKS "HAVE NOTHING TO DO WITH PROTECTING

THE HUMAN LUNG."

PG. 18 WERE NOT DESIGNED, MANUFACTURED, TESTED OR MARKETING TO PROTECT THE HUMAN LUNG IN ANY WAY.

PG. 20 SHOULD ONLY BE USED FOR NUISANCE DUSTS LEVELS BELOW THE TLV.

PG. 68 THEY KNOW MORE ABOUT THE LIMITATIONS OF THEIR PRODUCTS THAN THE PEOPLE WHO BUY IT.

PG. 114 PROTECTION FACTOR HAS NOTHING TO DO WITH THE 8500 BECAUSE IT IS NOT A RESPIRATOR.

PG. 115 YOU CAN'T MEASURE PF ON A PRODUCT LIKE THIS.

5/14/86 ROBERT BARGHINI OF 3M TESTIFIES

PG. 43 THAT THE 8500 IS WORN FOR COMFORT WHEN NO PROTECTION IS NECESSARY.

7/15/86 3M PROJECT CORRESPONDENCE INDICATES THE OBJECTIVE IS TO GAIN AN UNDERSTANDING OF THE VARIOUS ENVIRONMENTS IN WHICH THE 8710 AND PERHAPS OTHER RESPIRATORS ARE USED. THIS IS NECESSARY TO UNDERSTAND THE IMPLICATIONS OF PACKAGING DECISIONS AND WARNING CONTENT. TO ACCOMPLISH THIS OBJECTIVE THEY ARE CONDUCTING SEVERAL SITES VISITS, OF PARTICULAR INTEREST ARE PEOPLES USE AND UNDERSTANDING OF THE VARIOUS COMMUNICATIONS RELATED TO THE RESPIRATOR. EX. 6 OF 10/4/00 DEPOSITION OF DONALD WILMES.

6/18&19/87 KENNETH SCHEEL OF 3M TESTIFIES

PG. 156 THAT THE 8500 DOES NOT PROTECT THE LUNG FROM HAZARDS

PG. 166 THAT A WARNING COULD HAVE BEEN PRINTED ON THE 8500 OR A TAG ATTACHED TO PREVENT MISUSE.

PG. 171 AND THAT FROM WHEN THE 8500 WAS FIRST INTRODUCED, UNTIL AT LEAST '82, THERE HAS NEVER BEEN ANY PLAIN LANGUAGE WARNING THAT THE MASK SHOULD NOT BE USED FOR SANDBLASTING OR FOR INSULATION WORK.

PG. 188 HE IS AWARE THAT SILICA IS A HAZARD IN FOUNDRIES. HE IS NOT AWARE OF ANY 3M TESTS TO DETERMINE THE APPLICABILITY OF THE 8500 TO FOUNDRY WORK.

PG. 189 IF THERE WERE ANY LEVEL OF FREE SILICA PARTICLES <10 MICRONS IN FOUNDRY ATMOSPHERE, THE 8500 WOULD NOT BE APPROPRIATE. NOW STATES THAT IT CAN'T BE $\geq$ PEL.

PG. 192 THE TOXIC/NONTXIC DESIGNATION WOULD BE HELPFUL TO AN UNEDUCATED FOUNDRY WORKER. IT WILL GET HIM TO ASK SOMEONE.

PG. 223 REASONABLE COMPANIES WOULD TEST A PRODUCT PRIOR TO
MAKING A REPRESENTATION.

1988 3M 8500 PACKAGE NOW STATES "WARNING - DO NOT USE FOR LUNG
PROTECTION...THE 8500 IS NOT A RESPIRATOR. DO NOT USE FOR LUNG
PROTECTION... ON BACK OF PACKAGE "WARNING: DO NOT USE FOR LUNG
PROTECTION. MISUSE MAY RESULT IN SICKNESS OR DEATH. THE 8500 IS TO BE
USED FOR COMFORT ONLY. IT OFFERS RELIEF FROM THE IRRITATING EFFECTS OF
COMMON NUISANCE DUSTS SUCH AS POLLEN, ALFALFA, AND SALT. THE 8500 IS
NOT A RESPIRATOR, IS NOT NIOSH CERTIFIED AND SHOULD NOT BE USED FOR
PROTECTION. DO NOT USE AGAINST ASBESTOS, SILICA, GRAIN DUST, SPRAY
PAINTS OR ANY OTHER SUBSTANCE THAT MAY BE HARMFUL TO YOUR HEALTH.

1995 ADDED TO THE 8500 PACKAGING "REMEMBER, THE...
8500 COMFORT MASK IS NOT A RESPIRATOR
8500 COMFORT MASK IS NOT FOR INDUSTRIAL USE
8500 COMFORT MASK IS NOT GOVERNMENT CERTIFIED
8500 COMFORT MASK IS NOT A RESPIRATOR TO BE USED WHEN DUST
CONCENTRATIONS ARE GREATER THAN THE PERMISSIBLE EXPOSURE LIMIT
8500 COMFORT MASK IS NOT A PAINT SPRAY RESPIRATOR
8500 COMFORT MASK IS NOT TO BE USED AROUND SANDBLASTING"

11/8/95 ALAN R. JOHNSTON OF 3M TESTIFIES

PG. 68 A MASK IS SOMETHING DESIGNED FOR COMFORT OR FOR OTHER
APPLICATIONS THAT ARE NOT HEALTH-RELATED FROM THE
STANDPOINT OF PROTECTING YOUR LUNGS.

PG. 69 THE SAME DEFINITION WOULD HAVE APPLIED IN THE '70'S.

PG. 79 THE 8500 IS FOR COMFORT, SUCH AS WORKING IN THE YARD OR
SWEEPING THE GARAGE.

PG. 50 IN THE '70'S THE 8500 HAD NO WARNING.

PG. 96 THERE WAS NO WARNING DIRECTLY ON THE 8500 IN THE '70'S. A
WARNING WENT DIRECTLY ON THE 8500 MASK IN THE LATE-'80'S
OR EARLY-'90'S.

PG. 104 FINALLY, HE STATED THAT "MY OPINION ABOUT INSTRUCTIONS
AND LIMITATIONS IS THAT THEY NEED TO BE COMMUNICATED
CLEARLY TO THE USER OF THE PRODUCT. WHETHER IT IS ON THE
MASK OR ON THE PACKAGE OR IN SOME OTHER FORMAT, IT HAS
TO BE COMMUNICATED CLEARLY TO THE USER OF THE PRODUCT
AND HAS TO BE AVAILABLE TO THEM THROUGH THE
MANUFACTURERS, THROUGH THE EMPLOYER PROVIDING
INFORMATION, AND THROUGH THE EMPLOYEE TAKING THE
RESPONSIBILITY TO MAKE SURE THAT THEY LISTEN TO THE
INSTRUCTIONS BEING PROVIDED BY THE EMPLOYER."

7/22/98 ROBERT J. HAGGERTY OF 3M TESTIFIES

PG. 25 THAT THE FILTER MASK WAS SOLD TO THE AUTOMOTIVE
BUSINESS. HE DOESN'T KNOW IF THE ABRASIVE AGENTS USED IN

THE GARAGES INCLUDED SILICA, AND 3M NEVER PROVIDED HIM ANY INFORMATION ON THE TYPE OF DUST THAT WOULD BE GENERATED BY ANYONE'S PRODUCT IN THE AUTOMOTIVE BUSINESS.

PG. 43 HE LEFT THIS DIVISION IN 1976, BUT DID NOT BECOME AWARE THAT ASBESTOS WAS USED IN BREAKS AND CLUTCHES UNTIL AFTER 1978.

7/24/98 ROBERT J. HAGGERTY OF 3M TESTIFIES THAT:

PG. 339 :SPEAKING MAY HAVE AN EFFECT ON FACE FIT.

1/14/99 J.E. BERNARD OF 3M TESTIFIES

PG. 135 THAT IN THE LATE '60S HE LEARNED THAT THE 8500 MIGHT NOT ALWAYS BE USED IN THE WAY IT SHOULD BE.

1/15/99 ROBERT BARGHINI OF 3M TESTIFIES

PG. 43 THE 8500 WAS DEVELOPED TO END UP IN THE INDUSTRIAL WORLD, BUT IT WAS DEVELOPED SPECIFICALLY FOR NUISANCE DUST.

PG. 59 IT WAS DESIGNED SOLELY TO PROVIDE COMFORT.

5/20/99 CURTIS A. THORPE OF 3M TESTIFIES

PG.20 THAT SOMETIME IN 1968 HE WAS ASSIGNED TO MARKETING RESPONSIBILITY FOR THE 8500 MASK AND HE REMAINED IN THIS POSITION UNTIL 1972.

PG.44 HE STATED THAT BECAUSE THE 8500 WAS DESIGNED FOR NON-TOXIC PARTICLES, THE LIMITATIONS WERE VERY EASY TO UNDERSTAND.

PG. 45 THEY EMPHASIZE THAT IT WAS A MASK FOR COMFORT OR FOR USE WITH NON-TOXIC PARTICLES.

PG. 161 BETWEEN 1968 AND 1974 THEY DID NOT SPECIFICALLY WARN THAT THE 8500 SHOULD NOT BE USED AROUND ASBESTOS, THEY SAID IT WAS FOR NUISANCE DUST OR NON-TOXIC DUSTS.

PG. 162 IN THE LATE '60S OR EARLY '70S THEY SUSPECTED ASBESTOS WAS A CARCINOGEN, AND THEY KNEW IT WAS A PNEUMOCONIOSIS AND FIBROSIS PRODUCING DUST.

PG. 186 AROUND 1968 HE LEARNED OF ISOLATED INSTANCES WHEN THE 8500 WASN'T USED ACCORDING TO THEIR RECOMMENDATIONS.

PG. 187 HE KNEW OF ISOLATED INSTANCES WHEN THE 8500 WAS BEING USED AGAINST ASBESTOS.

PG. 196 HE SAYS THEY DID NOT PUT A DETAILED DESCRIPTION OF WHAT THE MASK SHOULD AND SHOULD NOT BE USED FOR, THEY PUT

"NON-TOXIC PARTICLE MASK" ON EVERY BOX.

11/15/99CURTIS A. THORPE OF 3M TESTIFIES

PG. 11 THAT WHEN LAST EMPLOYED BY 3M, HE WAS THE PROJECT
MANAGER FOR THE FILTRATION PRODUCTS PROJECT. HE ALSO
HAD RESPONSIBILITY FOR MARKETING OF 3M MASKS. DIRECT
MARKETING RESPONSIBILITY FOR U.S. FINISHED IN 1974. THEN
FROM 1977 ON HE HAD RESPONSIBILITY FOR MARKETING 3M
MASKS OUTSIDE OF THE U.S.

PG.51 HE STATED THAT THEY PUBLISHED A DUST GUIDE THAT
INDICATED WHICH DUSTS WERE DETERMINED TO BE TOXIC AND
WHICH DUSTS WERE NOT.

PG. 64 THE DUST GUIDE WOULD HAVE BEEN DEVELOPED IN THE EARLY
'60S. IT WAS GIVEN TO THE SALES REPRESENTATIVES, AND IN
SOME CASES TO DISTRIBUTORS, AND THEY USED IT TO
DETERMINE APPROPRIATE APPLICATIONS FOR THE 8500.

PG. 66 THEY DID NOT PROVIDE THE DUST GUIDE TO THE EMPLOYER.

PG. 68 THE DUST GUIDE WAS NOT INCLUDED IN ANY OF THE MARKETING
DIRECTED TO THE PURCHASERS OF THE 8500.

PG. 74 3M DECIDED THAT THE 8500 NEEDED TO BE ADVERTISED IN THE
NATIONAL SAFETY NEWS, BECAUSE THAT WAS A PUBLICATION
THAT WENT TO AN AWFUL LOT OF PEOPLE THAT WERE POTENTIAL
CUSTOMERS OF THE 8500.

PG. 84 HE DOES NOT RECALL EVER SHARING THE GUIDE WITH ANY OF
THE INDUSTRIES THAT HE VISITED, BECAUSE IT WAS AN
OVERABUNDANT AMOUNT OF INFORMATION FOR THEM.

PG. 96 WHEN THE 8500 WAS INTRODUCED IN THE EARLY 1960S, IT WAS
AIMED AT HANDKERCHIEFS AND MARTINDALE MASKS, THOSE
PROBABLY WERE THE TWO MAJOR ONES.

PG. 134 3M SELECTED COAL, IRON AGE, IRON, AS PUBLICATIONS TO
ADVERTISE THE 8500 IN THE 1960S. ALSO, FOUNDRY, A
PUBLICATION AIMED AT THE HARDWARE TRADES, PULP AND
PAPER IS ANOTHER ONE.

12/20/99 JOHN CAINE OF 3M TESTIFIES

PG. 7 THAT HE IS EMPLOYED BY 3M IN THE OCCUPATIONAL HEALTH
AND ENVIRONMENTAL SAFETY DIVISION. HE STARTED WORKING
OUT OF HIS HOME FOR 3M IN 1988, AND HAS WORKED FOR THEM
FOR OVER 30 YEARS. WHEN HE STARTED HE WAS IN THE GIFT
WRAP LAB THAT WAS THE DIVISION THAT DEVELOPED THE 8500.
HE JOINED THE DIVISION IN 1969.

PG. 54 HE RECALLS ON ONE OR TWO FIELD TRIPS OBSERVING PERSONNEL
USING THE 8500 IN ASBESTOS APPLICATIONS AT SOME COMPANIES

IN 1969.

PG. 83 AT EVERY WORK SITE HE VISITED, AS NOTED IN EX. 173, THE INSULATORS WERE USING THE 8500. ALL OF THE WORKERS AT THESE WORK SITES CAME FROM THE SAME UNION.

12/20/99 DONALD WILMES OF 3M TESTIFIES

PG. 6 THAT HE HAS WORKED FOR 3M FOR 36 YEARS. HE STARTED AS A PRODUCT CONTROL ENGINEER.

PG. 7 IN 1980 HE BECAME A RESPIRATOR SPECIALIST.

PG. 8 WHEN HE STARTED WORKING THERE THEY WERE SELLING ONLY THE 8500 IN THE 1960S.

PG. 73 THE 8500 WAS NEVER DESIGNED TO PROTECT THE LUNG FROM LUNG DAMAGING DUST.

12/21/99 EINAR HORNE OF 3M TESTIFIES

PG. 8 THAT HE RETIRED FROM 3M IN 6/90.

PG. 11 HE STARTED WITH 3M IN 1957 AS A PROCESS ENGINEER IN THE DUPLICATING PRODUCTS DIVISION.

PG. 12 HE JOINED THE OCCUPATIONAL HEALTH AND SAFETY PRODUCTS DIVISION IN 1971.

PG. 51 HE RECEIVED NO INFORMATION THAT THE 8500 WAS BEING MISUSED.

PG. 52 HE NEVER RECEIVED INFORMATION THAT THE 8500 WAS BEING USED AGAINST LUNG DAMAGING DUST.

2/3/00 CURTIS THORPE OF 3M TESTIFIES

PG. 155 THAT HE RETIRED FROM 3M IN 1996.

PG. 171 THE 8500 WAS MARKETING PRIMARILY TO INDUSTRIAL CUSTOMERS.

PG. 188 THE 8500/6985 WAS MARKETING AS A FILTER MASK UNTIL SOMETIME IN THE 1960S WHEN IT WITH CHANGED TO A NUISANCE DUST MASK.

PG. 189 LATER ON IT WAS MARKETING AS A NON-TOXIC PARTICLE MASK AND LATER CALLED A COMFORT MASK.

PG. 243 3M KNEW THAT READERS OF THE OCCUPATIONAL HAZARDS MAGAZINE WERE LOOKING FOR INFORMATION ABOUT WAYS TO PROTECT THEIR WORKERS.

PG. 250 3M KNEW THAT THE CONSTRUCTION, INSULATION AND

SANDBLASTING INDUSTRY WERE BUYING A LOT OF 3M 8500 FILTER MASKS, BECAUSE THEY WERE TARGETED MARKETS, AND THAT THEY HAD NUISANCE DUST APPLICATIONS.

PG. 251 FROM THE VERY BEGINNING OF THE 1960S, THE 8500 WAS TARGETED AT THE SANDBLASTING INDUSTRY.

2/7/00

KEITH TUGGLE OF 3M TESTIFIES

PG. 5 THAT HE WORKED AT 3M IN THE 1960S FOR 2 OR 3 YEARS AS A MARKETING COORDINATOR IN THE GIFT WRAP AND TAPE DIVISION.

PG. 6 ONE OF HIS RESPONSIBILITIES WAS THE 8500. HE RETIRED FROM 3M ON 5/86 WORKING IN SALES STATISTICS.

PG. 20 HE DOES NOT RECALL ANY OF THE DOCTORS OR INDUSTRIAL HYGIENISTS ON STAFF AT 3M GIVING HIM ANY INPUT ABOUT THE DANGERS OF DIFFERENT DUST OR THE DIRECTION FOR THE 8500 WHILE HE WAS MARKETING COORDINATOR.

PG. 33 CONTRARY TO 3M MARKETING DOCUMENTS, HE STATED THAT THEY DID NOT ACTIVELY TARGET THE SANDBLASTING INDUSTRY, THE SHIP BUILDING INDUSTRY, SANDBLASTING OPERATIONS, FOUNDRY OR STEEL BUSINESS. "WHY WOULD WE MARKET A PRODUCT THAT IS AIMED AT NUISANCE DUST AND NON-TOXIC DUST INTO A TOXIC AREA? WE WOULDN'T DO IT."

PG. 35 HE FURTHER STATED THAT IT WOULD BE IRRESPONSIBLE AND UNETHICAL TO TARGET INDUSTRIES WHERE WORKERS WERE EXPOSED TO ASBESTOS, SILICA, COTTON DUST OR OTHER LUNG DAMAGING DUSTS.

PG. 42 HE WAS UNAWARE OF THE LONG-TERM EFFECTS OF EXPOSURE TO TOXIC DUSTS AND WAS NOT AWARE OF THE TYPES OF TOXIC DUSTS WORKERS IN THE TEXTILE INDUSTRY, FOUNDRY, SHIP BUILDING, AUTOMOTIVE OR SANDBLASTING TRADES WOULD BE REGULARLY EXPOSED TO.

PG. 63 HE DID NOT THINK THAT SELLING THE MASK THROUGH SAFETY DISTRIBUTORS WOULD MISLEAD PURCHASERS THAT THE MASK WAS SAFETY PRODUCT.

PG. 66 HE WAS AWARE THAT IN THE 1960S WHILE MARKETING THE FILTER MASK, THAT THERE WAS NOT WIDESPREAD AWARENESS ABOUT THE HAZARDS OF ASBESTOS, SILICA, COTTON DUST OR COAL DUST TO THE HUMAN LUNG.

PG. 75 HE DOESN'T KNOW WHETHER COTTON DUST IS TOXIC OR NOT.

PG. 76 HE DOESN'T KNOW IF ASBESTOS IS TOXIC AND NO ONE TOLD HIM THAT IT WAS WHEN THEY WERE MARKETING THE MASK IN THE 1960S.

PG. 77 HE DOESN'T KNOW IF THERE WAS ANY SAFE USE FOR THE FILTER MASK IN THE INSULATION BUSINESS, SHIPYARD BUSINESS, OR TEXTILE INDUSTRY.

PG. 78 HE DOES NOT KNOW IF THERE IS ANY SAFE USE FOR THE MASK IN THE CHEMICAL INDUSTRY, FOUNDRY OR STEEL INDUSTRY. THERE WAS ABSOLUTELY NO SAFE USE FOR THE MASK IN THE SANDBLASTING INDUSTRY, BUT HE DOES NOT KNOW IF THERE WAS FOR THE QUARRYING OR GRANITE BUSINESS.

PG. 79 HE DOES NOT KNOW IF THERE WAS ANY SAFE USE FOR THE MASK IN THE SHIPYARD. HE AGAIN INSISTS THAT THERE WASN'T ANY SAFE USE FOR THE MASK IN THE SANDBLASTING FIELD. HE DOES NOT KNOW IF THERE WAS A SAFE USE IN THE ASBESTOS INSULATION FIELD, ALUMINUM SMELTING, OR GRANITE INDUSTRY.

PG. 89 HE WAS NOT GIVEN ANY TRAINING OR EDUCATION OR BACKGROUND IN DUST WHEN HE WAS GIVEN RESPONSIBILITY FOR THE FILTER MASK.

PG. 91 THE MASK WITH SOLD BY THE CASE TO INDIVIDUAL DISTRIBUTORS, AND THERE WAS NO INFORMATION OR LIMITATIONS ON THE CASE ITSELF, IT WAS ON THE INDIVIDUAL BOXES WITHIN THE CASE. THERE WAS NOT ANY EFFORT TO GIVE THE DISTRIBUTOR INFORMATION ABOUT THE LIMITS OR THE HAZARDS OF DUST.

PG. 119 IT WOULD NOT BE REASONABLE TO MARKET THE 8500 AS A PRODUCT TO PROTECT WORKERS HEALTH BECAUSE IT WASN'T DESIGNED HAS A HEALTH MASK.

2/25/00 ROBERT BARGHINI OF 3M TESTIFIES

PG. 29 HE MET WITH DR. SELIKOFF IN THE LATE 1960S AND HE LEARNED THAT INHALING ASBESTOS WAS ASSOCIATED WITH CANCER IN SOME WORKERS.

PG. 46 3M DID NOT SELL THE 8710 PRIOR TO APPROVAL, BUT THEY MADE IT AVAILABLE TO CERTAIN AREAS AND SHOWED DATA THAT SUPPORTED THAT THE PRODUCT WOULD MEET REQUIREMENTS.

PG. 62 3M WAS IN THE MEDICAL MASK BUSINESS ABOUT 18 MONTHS PRIOR TO TARGETING THE 8200 FILTER MASK AT INDUSTRIAL USERS.

PG. 64 THEIR NORMAL RESEARCH TOLD THEM THAT ASBESTOS AND SILICA AND COAL AND COTTON DUST AND OTHER LUNG DAMAGING DUST WERE NOT CONTAMINANTS THAT THE 8500 COULD BE USED AGAINST.

PG. 65 THEY CONSULTED WITH THEIR OWN INDUSTRIAL HYGIENISTS ABOUT LUNG DAMAGING DUST BEFORE SELLING THE 8500.

- PG. 66** **THERE WAS NO USE OF THE 8500 IN THE SANDBLASTING INDUSTRY.**
- PG. 67** **IT SHOULD NOT BE USED IN THAT AREA. IT SHOULD NOT BE USED IN FOUNDRY OPERATIONS IF SILICA WAS PRESENT. IT WAS ACCEPTABLE IN THE COTTON TEXTILE INDUSTRY IF THE DUST LEVEL WAS THE BELOW THE TLV.**
- PG. 70** **THE 8500 WAS ONLY SUITABLE FOR USE IN THE INSULATION INDUSTRY IF FIBERGLASS WAS USED. AND FOR USE IN GENERAL INDUSTRY IF TOXIC DUST WAS NOT PRESENT.**
- PG. 72** **WHEN ASKED IF IT WOULD BE ETHICAL FOR 3M TO TARGET INDUSTRY WHERE WORKERS WERE EXPOSED TO LUNG DAMAGING DUST, WITH THE 8500, HE STATES "I DON'T BELIEVE WE TARGETED ANY INDUSTRY." THOSE THAT FELT THEY HAD USE FOR THE PRODUCT HAD TO MAKE A DECISION ON WHERE THE PRODUCT SHOULD BE USED.**
- PG. 120** **THE EQUIPMENT WAS NOT AVAILABLE IN THE EARLY 1970S TO EVALUATE THE 8710 WITH INSTRUMENTATION UNDER THE FIELD CONDITIONS.**
- PG. 127** **THE FIELD TESTS REFERRED TO IN EX. 149, WERE NOT INSTRUMENT TEST, BUT WERE MARKET ACCEPTANCE TESTS.**
- PG. 141** **THE 8500 WAS INTRODUCED ABOUT 24 MONTHS AFTER THE MEDICAL MASK WAS INTRODUCED.**

2/25/00

JAMES BARNARD OF 3M TESTIFIES

- PG. 7** **HE RETIRED FROM 3M IN 1982. HIS LAST POSITION WAS DISTRIBUTOR RELATIONS AND TRAINING MANAGER FOR OCCUPATIONAL SAFETY AND HEALTH WHICH INCLUDED PRODUCTS LIKE THE 8710.**
- PG. 17** **HE STARTED WITH THE 3M OCCUPATIONAL SAFETY AND HEALTH PRODUCTS DEVELOPMENT BUSINESS IN 1969. PRIOR TO THAT HE WORKED IN GIFT WRAP AND/OR RETAIL TAPE DIVISION FROM 1951 UNTIL 1967.**
- PG. 23** **THE NON-WOVEN FABRIC AND THE ABILITY TO MOLD IT WAS A TECHNOLOGY ORIGINALLY DEVELOPED FOR SASHEEN RIBBON AS A BACKING.**
- PG. 24** **THIS LED TO A MOLDED PRODUCT.**
- PG. 37** **THE 8500 HAD USE AND WAS TARGETED FOR SOME AREAS OF FOUNDRIES, STEEL MILLS AND SHIPYARD, BUT NOT THE SANDBLASTING INDUSTRY. THEY NEVER TARGETED THE SANDBLASTING INDUSTRY FOR 8500 SALES BECAUSE THERE WAS TOO MUCH SILICA IN MOST SANDBLASTING OPERATIONS.**

PG. 38 HE HAS NEVER SEEN ANYTHING TARGETING THE SHIP REPAIR INDUSTRY WITH THE 8500.

PG. 42 HE WAS ADVISED THAT ASBESTOS COULD CAUSE MESOTHELIOMA.

PG. 43 HE LEARNED THAT WHEN HE WAS BEING TRAINED TO BE A SALES MANAGER FOR THE DIVISION.

PG. 82 HE DID NOT KNOW WHETHER THE CONSTRUCTION INDUSTRY THAT INCLUDED SANDBLASTING, INSULATION AND GENERAL BUILDING CONTRACTORS HAD SUBSTANTIAL USE OF THE 8500. ATTORNEY PRESENTS HIM WITH THE 1972 MARKET PLAN FIRST DRAFT DATED 3/1/72.

PG. 85 HE GOT THIS REPORT ALONG WITH THE OTHER MANAGERS.

PG. 86 THE REPORT WAS DEVELOPED BY CURTIS THORPE.

PG. 87 THE REPORT STATES THAT THEY DON'T KNOW HOW MUCH OF THE USE MIGHT BE MISUSE.

PG. 88 WHEN HE WAS INFORMED OF THIS PROBLEM WITH THE 8500 IN 1972, THAT WAS WHY THEY WANTED TO GET TO THE MARKET WITH THE 8710.

PG. 107 ATTORNEY POINTS OUT THAT THE 1977 MARKETING COMMUNICATION PLAN REFERS TO MISUSE OF THE 8500 IMPLYING THAT THIS IS A CONTINUING PROBLEM.

PG. 109 HE DOES NOT RECALL ANYONE CONSIDERING PLACING A WARNING ON THE 8500 FILTER MASK ITSELF.

PG. 112 HE REMEMBERS THE 8500 COMING IN A BOX THAT WAS WHITE WITH BLACK PRINTING BEGINNING IN 1970.

4/5/00

DONALD WILMES OF 3M TESTIFIES

PG. 14 PRIOR TO 1971 THEY ONLY HAD THE 8500 AND A COLD WEATHER MASK.

PG. 15 THE 8500 PROBABLY HAS SOME USE IN INDUSTRY BUT IS NOT INTENDED FOR RESPIRATORY PROTECTION. THEREFORE PRIOR TO 1971 3M WAS NOT IN THE BUSINESS SELLING RESPIRATORY PROTECTIVE DEVICES.

4/6/00

CURTIS A. THORPE OF 3M TESTIFIES

PG. 7 HE CURRENTLY HAS A CONSULTING AGREEMENT WITH ATTORNEYS REPRESENTING 3M.

PG. 31 WHEN THE 8500 WAS INTRODUCED THERE WAS NO SIMILAR CUP SHAPED RESPIRATOR ON THE MARKET. THE MARTINDALE MASK HAD A PIECE OF GAUSE UNDER AN ALUMINUM DIE CAST PIECE

THAT FIT AROUND THE NOSE AND MOUTH WITH THE HOLE OVER THE MOUTH AREA.

PG. 56 IT SHOULD BE NOTED THAT FACESEAL LEAKAGE COULD INCREASE WITH RESPIRATOR LOADING DURING USE BECAUSE IT COULD BECOME THE PATH OF LEAST RESISTANCE.

PG. 62 THE 2/23/72 MEMO WAS SENT TO OSHA INDUSTRIAL HYGIENISTS BECAUSE INSPECTORS IN THE FIELD WERE NOT RECOGNIZING A CATEGORY OF NON-TOXIC DUST AS BEING NON-TOXIC DUST.

PG. 70 THE 8500 LITERATURE LIST JOBS WHERE THERE MIGHT BE TOXIC EXPOSURES, BUT THE MASK IS CLEARLY IDENTIFIED AS A NON-TOXIC DUST MASK.

PG. 136 THEIR LITERATURE DOES NOT STATE THAT THE 8500 COULD NOT BE USED IN NON-TOXIC ATMOSPHERES ABOVE THE TLV FOR NUISANCE DUST.

PG. 137 NON-TOXIC DUST BECOME TOXIC WHEN THEY GET ABOVE THE TLV.

PG. 207 THE 8200 WAS INTRODUCED IN 1960. THE 8500 WAS SIMILAR BUT HAD RIBS AND WAS INTRODUCED IN 1961.

4/18/00

ROBERT BARGHINI OF 3M TESTIFIES

PG. 9 HE STARTED WORKING AT 3M IN 1950.

PG. 13 IN THE LATE 1950S OR EARLY 1960S THEY HAD A MEDICAL MASK.

PG. 19 THE 8500 WAS A SIMILAR MASK THE USED A DIFFERENCE SIZE FIBER.

PG. 24 HE RETIRED IN 1989.

PG. 34 HE MET WITH 3M ATTORNEYS FOR SEVERAL HOURS TO PREPARE FOR THIS DEPOSITION.

PG. 38 HE THINKS THE MEDICAL MASK HAD A BLUE BAND AT ONE TIME.

PG. 234 IF THE EMPLOYERS RESPONSIBILITY TO DETERMINE THE APPROPRIATE APPLICATION AND DUST LEVELS FOR A RESPIRATOR.

PG. 235 WHEN HE LEARNED OF MISUSE OF THE 8500, THEY IMMEDIATELY CORRECTED IT BY PROVIDING THE APPROPRIATE APPLICATION.

NOTE: ANY MISLEADING ADVERTISEMENT, THAT THE READER DOES NOT APPRECIATE AS BEING MISLEADING, WOULD NEVER ELICIT A LETTER FOR CLARIFICATION. IN ADDITION, A MISLEAD OR CONFUSED READER WOULD NOT ALWAYS, OR EVEN USUALLY, SEND A LETTER FOR CLARIFICATION.

PG. 259 THE 8500 COULD BE USED IN A FOUNDRY IN APPLICATIONS WERE

THERE WERE NON-TOXIC DUST. INSIDE THE FOUNDRY THIS COULD INCLUDE SWEEPING LARGE PIECES OF SAND.

PG. 261 REGARDING THE ADVERTISEMENT IN EX. NO. 27, THAT IS THE EMPLOYERS RESPONSIBILITY TO MAKE THAT JUDGMENT AS TO USE OF THE 8500 IN FOUNDRY. BUT IF A TOXIC DUST IS PRESENT THEY SHOULD USE SOMETHING ELSE.

10/4/00 DONALD WILMES OF 3M TESTIFIES

PG. 48 HE KNEW THAT DUST LEVELS IN SANDBLASTING OPERATIONS COULD EXCEED 550 TIMES THE PERMISSIBLE EXPOSURE LEVEL.

PG. 49 3M NEVER CONDUCTED ANY STUDIES OF DUST LEVELS IN OR AROUND SANDBLASTING OPERATIONS.

PG. 51 3M HAD KNOWLEDGE THAT IN EARLY '70S THAT SANDBLASTING OPERATIONS COULD GENERATE SILICA DUST LEVELS THAT WERE VERY HIGH.

10/5/00 ROBERT BARGHINI OF 3M TESTIFIES

PG. 26 HE HAS GIVEN A PRACTICE SESSIONS VIDEOTAPE DEPOSITION FOR 3M ATTORNEYS, LARSON & KING.

NOTE: EXTENSIVE DISCUSSIONS ABOUT HIS RELATIONSHIP WITH LARSON & KING.

PG. 77 HE GAVE NO DEPOSITION AFTER HIS RETIREMENT PRIOR TO THE VIDEOTAPE PRACTICE SESSIONS.

PG. 95 PRIOR TO THE 8500 GOING ON THE MARKET, HE HAD NO FORMAL COURSES IN ANYTHING ASSOCIATED WITH RESPIRATORY PROTECTION.

6/1/01 CURTIS THORPE OF 3M TESTIFIES

PG. 10 :HE DOES NOT KNOW ANY OTHER MASKS IN THE '60S THAT PRECEDED THE 8500 THAT HAD A CUP SHAPE.

PG. 14 :FOUNDRIES WERE A TARGET MARKET FOR THE 8500 BECAUSE THERE WERE POTENTIAL APPLICATIONS DEPENDING ON WHAT THE EMPLOYER DETERMINED WAS APPROPRIATE.

PG. 17 :THE MINING INDUSTRY WAS ALSO A TARGET MARKET. HE DOES NOT THINK ASBESTOS WOULD HAVE BEEN INCLUDED BECAUSE THE 8500 MASK WAS DESIGNED FOR NON-TOXIC PARTICLES. COAL MINING WAS PROBABLY NOT A TARGET MARKET, BUT 3M LOOKED FOR OPPORTUNITIES, AND THE EMPLOYER COULD DETERMINE IF THERE WERE NON-TOXIC PARTICLES PRESENT.

PG. 38 :THE 8500 DOES PROTECT WORKERS LUNGS FROM NON-TOXIC PARTICLES AND THE DISCOMFORT OF THOSE PARTICLES. HE DOES NOT THINK THE 8500 WOULD HELP A FOUNDRY COMPLY WITH

SAFETY REGULATIONS, IT WOULD HELP GIVE THEIR WORKERS MORE COMFORT.

PG. 39 :HE DOES NOT REMEMBER THAT BETWEEN 1962-1972 3M STATED THAT THE 8500 WOULD LEAD TO BETTER COMPLIANCE WITH SAFETY REGULATIONS IN PLANTS.

PG. 47 :HE DOESN'T KNOW OF ANY THING THAT COULD SUPPLY THE BASIS FOR 3M STATING THAT THE 8500 FIT ALL FACES.

PG. 60 :THE MOST PENETRATING PARTICLES INTO THE ALVEOLAR REGION OF THE LUNG ARE IN THE 0.2-0.3 MICRON PARTICLE SIZE.

PG. 66 :ANY RESPIRATOR HAS SOME FACE LEAKAGE AND A SMALL AMOUNT OF LEAKAGE WOULD NOT NECESSARILY BE OBVIOUS.

7/13/01

VOL II DEPOSITION OF ALAN JOHNSTON

PG. 369 : THE 8500 IS FOR COMFORT, IF YOU WANT TO PROVIDE PROTECTION AGAINST SOMETHING THAT MIGHT CAUSE AN EFFECT ON YOUR BODY, YOU SHOULD USE AN APPROVED RESPIRATOR.

PG. 370 : A FOUNDRYMAN SHOULD NOT USE IT 8500 IF THEY HAVE AN EXPOSURE THAT WOULD LEAD THEM TO BE CONCERNED ABOUT LUNG DISEASE. HE WOULD EXPECT THAT MANY, MANY INDIVIDUALS IN A FOUNDRY WOULD HAVE NO SIGNIFICANT EXPOSURE.

PG. 373 : HE DOESN'T KNOW IF THE CHANGE IN COLOR OF THE BAND FOR THE 8500 FROM WHITE WAS A COMPLETE CHANGE FOR ALL THE 3M TYPES OF 8500S.

9/18/01

DEPOSITION OF DONALD C. BRECKLE

PG. 9 :ON 5/15/80 HE WENT TO WORK TO WITH 3M.

PG. 14 :HE CURRENTLY WORKS FOR 3M.

PG. 24 :PRIOR TO WORKING FOR 3M HE DID NOT KNOW ANYTHING ABOUT PNEUMOCONIOSIS DISEASES OR TECHNICAL ASPECTS OF FOUNDRIES. HIS TRAINING SESSION AT 3M LAST TWO WEEKS.

PG. 42 :IN 1984 HE BECAME A MARKETING COORDINATOR, IN 1988 HE BECAME A MARKETING SUPERVISOR AND IN 1991 A MARKETING DEVELOPMENT MANAGER. IN 2001 HE BECAME A MARKETING OPERATIONS MANAGER.

PG. 60 :HIS RESPONSIBILITY FOR FORECASTING THE 8500 WENT FROM 84 THROUGH 1988,

PG. 61 :AND FOR THE 8710, 9920 AND 8511 THROUGH 2000.

PG. 69 :THE TRIANGLE PURCHASE PLAN REQUIRED PURCHASE OF 8500,

8710 AND 9920 TO RECEIVE A SPECIFIC DISCOUNT, AND THAT PURCHASE WAS ONLY AVAILABLE DISTRIBUTORS. THE PLAN WAS IMPLEMENTED.

- PG. 71 :THIS DOCUMENT WAS PREPARED IN 1984 HE UNDERSTOOD THAT THE 8500 "WAS APPROVED UNDER CERTAIN NIOSH CERTIFICATION, AND IT COULD BE USED WHERE THE PRODUCT WAS APPROPRIATE."
- PG. 74 :IN 1984 THE COMPETITIVE PRODUCTS TO THE 8500 WERE FROM MOLDEX AND GERSON.
- PG. 108 :HE DOES NOT REMEMBER ANY 3M ADVERTISING FOR THE 8500 AS LONG AS HE WAS AN EMPLOYEE.
- PG. 113 :THERE WERE NO WARNINGS ON THE 8500.
- PG. 114 :THEY APPLIED A WARNINGS STICKER ON THE FRONT OF THE 8500 PROBABLY IN THE LATE 1980S. HE DOESN'T KNOW WHAT IT SAID.
- PG. 215 :THE 8500 IS NOT AN APPROVED RESPIRATOR.