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1 knew this was an issue.

2 Thank you, but no thank you. The
3 record is clear.

4 MS. ROSENBERG: I think the
5 disclosure of Dr. Marmor's testimony
6 specifically states Union Carbide
7 documents.

8 MR. GIANARIS: The record is
9 perfectly clear. You've made your
10 record. I've made my record. The
11 documents say what they say.

12 I just don't care for them.

13 Thank you.

14 Q. Toxicology reports, you mentioned
15 pelletizing?

16 A. That is a particular action they
17 took, which converting it to little pellets
18 that were dry, and thus avoiding the transfer
19 of it in forms that were by the science of the
20 day unlikely to produce more exposure.

21 The second one was the mention I
22 made of the sales report, which just shows a
23 company that --

24 Q. I wasn't finished. Let's take
25 this one at that time.

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1 MR. GIANARIS: That's fine. I
2 think you need to describe for the
3 record what you're marking.

4 MS. ROSENBERG: Union Carbide 1
5 is a 1964 toxicology report attached to
6 UCC Exhibit 12 on the Madison county
7 exhibit list.

8 (Whereupon Union Carbide 1964
9 toxicology report was marked Exhibit 1
10 for identification as of this date.)

11 MS. ROSENBERG: UCC 2 is the 1969
12 asbestos toxicology report marked as
13 Union Carbide Exhibit 30 on the Madison
14 County exhibit list.

15 (Whereupon Union Carbide 1969
16 asbestos toxicology report was marked
17 Exhibit 2 for identification as of this
18 date.)

19 Q. Professor, you can go ahead and
20 answer.

21 A. Well, an example of what I regard
22 as candid and straightforward is the opening
23 sentence. "It has been known for many years
24 that some persons working in the asbestos
25 production were prone to developing a disabling

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1 A. All right.

2 Q. We talked about all the examples
3 in the toxicology reports that you rely on to
4 say that Union Carbide was reasonable in their
5 balancing act between the positive properties
6 of asbestos and the dangers.

7 Did you rely on from their
8 toxicology reports?

9 A. That's one of the sources I
10 relied on, yes.

11 Q. I want to explore the toxicology
12 reports. I'm just asking you what the
13 toxicology report says?

14 A. Can I do it instead of doing it
15 by memory?

16 Q. Sure.

17 MS. ROSENBERG: Do you want to

18 mark these as exhibits?

19 MR. GIANARIS: I don't care to.

20 MS. ROSENBERG: I think we should

21 for clarity's sake.

22 MR. GIANARIS: It's my witness.

23 I don't care to mark it.

24 MS. ROSENBERG: You can mark

25 those as Union Carbide 1 and 2.

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1 lung disease. In time, this condition became
2 known asbestos and was related to exposure to
3 high concentrations of asbestos dust."

4 That's consistent with what the
5 scientific literature that I found says.

6 Q. That's in 1964?

7 A. Right. The balancing act is in
8 the next sentence, a good example of the
9 balancing act. "With further experience, it
10 was found that men could work with asbestos
11 without development of lung cancer if dust
12 concentrations were kept below a certain
13 level." That is an example of the appeal to
14 control as a way of living.

15 The claim is this now generally
16 accepted -- this is now in 1964 -- that a man
17 can work a 40 hour week for a lifetime without
18 developing asbestosis if the asbestos dust
19 particle count is kept at or below 5 million
20 particles per cubic foot of air. That's the
21 threshold limit value for asbestos, and no
22 cases of asbestosis are known to have occurred
23 when exposures have been maintained at or below
24 this level despite large scale utilization now
25 approaching 1 million tons per year in the