

EVIDENTIA

ENGINEERING INC.



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PUBLICATIONS and PATENTS

Lennard Wharton

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EXPERT REPORT OF DR. LENNARD WHARTON

I am a practicing engineer and scientist, and president of Evidentia Engineering, Inc., Short Hills, New Jersey. I have held leading positions as an engineering and research and development executive in the electrical equipment, process equipment, and microelectronics materials and equipment manufacturing industries. I was full Professor of Chemistry at the University of Chicago. I received a Bachelor of Science degree in Chemical Engineering from Massachusetts Institute of Technology, a Master of Arts degree in Chemistry from Cambridge University, and a Ph.D. in Physical Chemistry from Harvard University. I have eighty publications and patents in various technical fields. My professional work has been recognized in the bestowal of several awards and fellowships. I have been active in various professional societies. I am a registered Professional Engineer in the states of New Jersey and Illinois. Also, I have been certified as an asbestos abatement worker by the state of Massachusetts. My curriculum vitae is attached.

I have studied materials that present, produce or address facts and evidence whether elevated concentrations of free airborne asbestos fibers are attributable to vinyl asbestos floor tile products such as those manufactured by the Flintkote Company. I have reviewed and analyzed technical reports, government publications, published articles and expert depositions. I have designed and directed experiments that provide factual information on this issue. Taking into consideration these materials and based upon my professional expertise, knowledge and experience, I have reached certain opinions with respect to vinyl asbestos floor tile manufactured and sold by the Flintkote Company.

I am prepared to describe the protocols and the results of experiments that were conducted under my direction and control relating to the airborne dispersion potential and respirability of particles generated by fracture or usage of vinyl asbestos floor tile. These experiments showed zero release of free airborne asbestos fibers.

I am prepared to describe the protocols and the results of experiments conducted under my direction and control relating to the encapsulated nature of the asbestos fibers in Flintkote vinyl asbestos floor tile. It is my opinion that the nature of the materials and the processes that were used in the manufacture of Flintkote's vinyl asbestos tile resulted in a strong bond in the finished product between the constituent chrysotile asbestos and the vinyl matrix. It is my opinion that the asbestos fibers in Flintkote vinyl asbestos floor tile remain encapsulated by a vinyl polymer matrix under a variety of conditions.

I am familiar with recognized techniques used to identify and to determine the concentrations of asbestos fibers. It is my opinion that the air sample filter preparation technique used for the transmission electron microscope destroys the polyvinyl chloride matrix that encapsulates the asbestos fibers in vinyl asbestos floor tile and as a result, if this is not taken into consideration, can lead to false conclusions regarding the concentration of free airborne asbestos fibers from vinyl asbestos tile.

Finally, based on the foregoing, it is my professional opinion that the vinyl asbestos floor tile products once manufactured by the Flintkote Company are neither defective nor unreasonably dangerous.

Baron & Budd
Butler County
August 1, 1997

An index to my prior asbestos-related testimony is given below. These transcripts contain information which may amplify some of the conclusions discussed above. I reserve the right to amend or revise the areas of testimony set forth above and to employ exhibits as necessary to illustrate my testimony.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lennard Wharton". The signature is written in dark ink and is positioned above a horizontal line.

Lennard Wharton, Ph.D., P.E.

for

Defendant, THE FLINTKOTE COMPANY

LENNARD WHARTON, PhD, P.E. -- PREVIOUS TESTIMONY RELATING
TO ASBESTOS-CONTAINING FLOOR TILE MANUFACTURED BY
THE FLINTKOTE COMPANY

Deposition: July 30, 1990
In Re: Adams-Arapahoe School District
No. 28J v. Celotex Corporation. et al.
U.S. District Court, District of Colorado
C.A. No. 84-C-1974
Court Reporter: Ace-Federal Reporters, Inc.
444 North Capitol Street
Washington, D.C. 20001

Trial Testimony: October 29-30, 1990
In Re: Adams-Arapahoe School District
No. 28J v. Celotex Corporation. et al.
U.S. District Court, District of Colorado
C.A. No. 84-C-1974
Court Reporter: Suzanne Claar
P.O. Box 3564
1961 Stout Street
Denver, CO 80294

Deposition: April 17, 1991
In Re: St. Vrain Valley School District No. RE-1J. et al.,
v. W.R. Grace & Co. et al.
U.S. District Court, District of Colorado
Case No. 87-C-1807
Court Reporter: Susan Soble & Associates
79 West Monroe Street
Suite 1107
Chicago, Illinois 60603

Telephone deposition: October 28, 1991
In Re: Baltimore County, MD v. Keene Corporation, et al.,
and Board of Education of Baltimore County v. Keene
Corporation, et al.
Circuit Court for Baltimore County
C.A. Nos. 84CG1776/5/276 & 85CG2477/6/232
Court Reporter: Knipes-Cohen
400 Market Street
Philadelphia, PA 19106