talking hypothetical Employee Smith, is exposed to a level of asbestos dust over the OSHA PEL at the time, has General Motors violated OSHA?

MR. LANKFORD: Objection.

THE WITNESS: Your question is if after 1972 a sample is collected and it's a time-weighted average sample, and that sample is over the contemporaneous PEL, have they violated OSHA?

BY MR. RUCKDESCHEL:

Q Correct.

A They would be over the OSHA guideline if the person was not wearing a respirator some of the time, that would be considered above the guideline. It wouldn't be a violation unless the OSHA inspector was there and took the sample that day.

Q So it's only a violation if OSHA is there?

A Sure, because the violation means they've been cited.

Q It's like speeding. You're not speeding unless you get the radar and you get a ticket?

A It's not like speeding. I think if you said to me did you get a violation for going over the speed limit, then I would say if you got a ticket you got a violation. That's different than asking me if they were speeding. Do you see the difference? You asked