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ATTORNEYS FOR Plaintiff

SEP 12 1986

AUG 28 9 37 AM '86

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIF.  
AT SAURAMENTS

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

6761

DEEDOC/SPTRAN  
APRIL  
FIFTH

IN RE ASBESTOS LITIGATION;  
EASTERN DISTRICT OF CALIFORNIA:

MARCUS S. REEDER, SR.,

Plaintiff,

vs.

SOUTHERN PACIFIC TRANSPORTATION  
COMPANY, et al.,

Defendants.

AND RELATION CROSS-CLAIMS.

CASE NO. CVS 84-416 RAR

RELATES ONLY TO NAMED  
CASE

NO. CIVS 84-0968 RAR

SUPPLEMENTAL AFFIDAVIT OF  
MEIER SCHNEIDER;  
DECLARATION OF ROSS GILL;  
DECLARATION OF PAUL  
HAWKINS; DECLARATION OF  
ALVA RANSFORD

DATE: September 10, 1986  
TIME: 11:00 a.m.  
DEPT: Hon. Judge Ramirez

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PLAINTIFF'S EXHIBIT

RR-1167

AFFIDAVIT OF MEIER SCHNEIDER

I, Meier Schneider, do declare and state as follows:

1. I am registered in the State of California as a professional engineer (P.E.) in both chemical and safety engineering, and am a Certified Industrial Hygienist (C.I.H.) in the chemical aspects and comprehensive practice of industrial hygiene. In addition, I am a Certified Safety Professional (C.S.P.) and possess a Masters degree in occupational and environmental health from California State University at Northridge. I am, of my own first hand knowledge, competent to testify as to the matters set forth herein.

2. In the course and scope of my practice as a health and safety professional, I have acquired a working personal knowledge of the chemical, physical and toxicological properties of asbestos as well as the safe handling procedures and mandates for individuals working with asbestos and asbestos containing products. In particular, I am knowledgeable of the risk assessment procedures necessary for the safety of individuals handling and working with high friction materials such as brake shoes and friction linings containing asbestos. In addition, I am knowledgeable as to the procedures and data set forth in the applicable literature necessary to substantiate the risk assessment of individuals exposed to asbestos containing friction products in the workplace.

3. The encapsulation of asbestos fibers in composition friction lining products that make up brake shoe material does not eliminate and prohibit the release and emission of

1 respirable asbestos fibers into the ambient air in the workplace  
2 during the use or changing of said products. The decomposition  
3 process of asbestos-containing brake lining material during  
4 braking action releases from the lining asbestos fibers, fibers  
5 that are not themselves destroyed by the heat generated thereby.  
6 Subjecting railroad or motor vehicle asbestos-containing friction  
7 products to braking action will result in the release of some  
8 asbestos fibers.

9 I am familiar with the literature in the field of asbestos  
10 and asbestos fiber control in friction products and can say that  
11 it is recognized that during braking action fibers of asbestos  
12 are indeed released from the lining material itself. Some of  
13 these fibers enter the atmosphere and others combine with general  
14 non-descript road dust, settle on the various parts of the trucks  
15 and brake systems and are retained within the constituent pieces  
16 of the brake equipment itself. These fibers pose a serious  
17 potential health hazard to mechanics. The changing of railroad  
18 or motor vehicle brake shoes is a procedure whereby these  
19 residual asbestos fibers become disturbed and enter the breathing  
20 zone of the mechanic. This potential health hazard confronts  
21 both railroad and automobile mechanics who are involved in these  
22 operations.

23 4. I acknowledge the distinction between asbestos-  
24 containing industrial brake products and passenger vehicle  
25 (car/truck) brake products. However, there is no distinction  
26 between the two in terms of the release into the air of asbestos  
27 fibers from decomposed asbestos-containing brake material or the  
28 serious asbestos hazard to those working on the brakes. There is

1 a recognized asbestos health hazard working on any brake system  
2 that incorporates and involves asbestos-containing brake lining  
3 materials. Whatsmore, absent respirators, wet down procedures or  
4 the use of various asbestos fiber recovery systems during the  
5 replacement of brake shoes, residue from decomposed asbestos-  
6 containing friction linings presents a health hazard to anyone  
7 who might breathe the workplace air surrounding the operation.

8 I declare under penalty of perjury that the foregoing is  
9 true and correct, executed this 24th day of August, 1986 at Los  
10 Angeles, California.

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13 MEIER SCHNEIDER, Affiant  
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# VERIFICATION

STATE OF CALIFORNIA, COUNTY OF \_\_\_\_\_

I, the undersigned, declare (check and complete applicable paragraphs):

- ☐ I am a party to this action. I have read the foregoing \_\_\_\_\_ and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief and as to those matters, I believe them to be true.
- ☐ I am an officer of \_\_\_\_\_ a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing \_\_\_\_\_ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.
- ☐ I am ☐ a partner ☐ a \_\_\_\_\_ of \_\_\_\_\_ a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing \_\_\_\_\_ and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief and as to those matters, I believe them to be true.
- ☐ I am one of the attorneys for \_\_\_\_\_ a party to this action. Such party is absent from the aforesaid county where I/we have my/our office, and I make this verification for and on behalf that party for that reason. I have read the foregoing \_\_\_\_\_ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.
- ☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 19\_\_\_\_

Signature of Declarant

Type or print full name of Declarant and title, if applicable

## ACKNOWLEDGMENT OF RECEIPT (other than Summons and Complaint)

The undersigned acknowledges receipt of a copy of the foregoing document on \_\_\_\_\_, 19\_\_\_\_

Type or print full name and title, if applicable

Signature

## PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF L.A.

I, JUDY HOLLICK, am a resident of/employed in the aforesaid county, State of California.

I am over the age of 18 years and not a party to the within action; my business/residence address is: \_\_\_\_\_

10351 Santa Monica Blvd. #406, L.A. CA 90025

On Aug. 26, 1986, I served the foregoing (set forth the exact date of the document served)

SUPPLEMENTAL AFFIDAVIT OF MEIER SCHNEIDER; DECLARATIONS

\_\_\_\_\_ on interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

See attached sheet

(check applicable paragraphs)

- ☒ (BY MAIL) I caused such envelope with postage thereon fully paid to be placed in the United States mail at L.A., California.
- ☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
- ☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☒ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of member of the bar of this Court at whose direction the service was made.

WOLCOTT'S FORM 814-Rev. 7/84  
WOLCOTT'S INC. 1984

Executed on 8/26, 1986

Judy Hollick  
Signature of Declarant