

FILE NAME: Celanese (CEL)

DATE: 1999 June 14

DOC#: CEL043

DOCUMENT DESCRIPTION: Legal – Deposition of Laubly Vol 1– Tab L

STATE OF NORTH CAROLINA
COUNTY OF MECKLEBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
98-CBS-9670

GARY ROBERT ALBRIGHT, et al.)
)
 Plaintiffs,)
)
v.)
)
HNA HOLDINGS, INC., also)
known as TREVIRA, INC.,)
formerly HOECHST CELANESE, INC.)
and FIBER INDUSTRIES, INC.,)
)
 Defendants.)

VIDEOTAPE DEPOSITION OF CHARLES LAUBLY

JUNE 14, 1999

TUCSON, ARIZONA

VOLUME I

ARIZONA COURT REPORTING
177 North Church Avenue
Suite 1006
Tucson, Arizona 85701
(520) 623-3375

Ronald L. Lunsford, R.P.R.

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E X H I B I T S

Exhibits marked and identified in second volume.

1 BE IT REMEMBERED that Pursuant to Notice
2 for Taking Depositions in the above-styled and numbered
3 cause, the deposition of CHARLES LAUBLY was taken upon
4 oral examination at the University Marriott, in the
5 City of Tucson, State of Arizona, before me, Ronald L.
6 Lunsford, a Notary Public in and for the County of
7 Pima, on the 13th day of June, 1999, commencing at the
8 hour of 9:00 a.m., in a certain cause now pending in
9 the General Court of Justice, Superior Court Division
10 of the State of North Carolina, County of Mecklenburg.

11

12

* * * * *

13

CHARLES LAUBLY,

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E X A M I N A T I O N

19

BY MR. MAURIELLO:

20

Q. Good morning, sir.

21

A. Good morning.

22

23

24

25

Q. Again, for the record, my name is Chris
Mauriello. I represent various plaintiffs that filed a
lawsuit. And I'm here to ask you some questions today.
I don't know how often, if at all, you've had your

1 deposition taken before, I am just going to give you a
2 few ground rules.

3 If, at any time you don't understand my
4 question, just let me know and I'll rephrase the
5 question for you. We are going to be here a while, I
6 have got a few questions for you today, okay?

7 A. Yes.

8 Q. If you need to take a break at any point in
9 time, let me know and we would be more than happy to
10 break for you. And just make sure, sir, that you speak
11 up, so that the court reporter can take everything
12 down. She is going to make a transcript and she can't
13 take down nods of the head.

14 A. Yes.

15 Q. Could you please start off by stating your
16 full name for us.

17 A. Charles Stafford Laubly.

18 Q. And what's your current residence, Mr.
19 Laubly?

20 A. 2225 North Tucson Boulevard, Tucson.

21 Q. Let me start off by asking you background
22 questions for you.

23 How long have you resided at that address
24 on North Tucson Boulevard?

25 A. Since 1979.

1 Q. And are you currently employed?

2 A. No.

3 Q. When is the last time you held any type of
4 employment?

5 A. August 3, 1979.

6 Q. How were you employed back at that point in
7 time? What capacity and what company?

8 A. I was corporate industrial hygienist for
9 Celanese Corporation. Corporate manager of industrial
10 hygiene.

11 Q. Did you retire in that position?

12 A. Yes.

13 Q. And for how long a period of time were you
14 the corporate industrial hygienist for Celanese
15 Corporation?

16 A. From 1966 to 1979.

17 Q. Was that the first and only position you
18 held with Celanese Corporation, corporate industrial
19 hygienist?

20 A. Yes.

21 Q. Had you held any other of various
22 industrial hygienist positions, like a senior hygienist
23 or a group hygienist, or anything like that?

24 Were you always at the corporate level,
25 versus a plant or versus a division or versus a group?

1 A. Prior to coming with Celanese, I was with
2 Kemper Insurance.

3 Q. I'm just talking now about your role with
4 Celanese Corporation, that's all. At Celanese, you
5 were, from '66 to '79, you were a corporate industrial
6 hygienist; is that correct?

7 A. Correct.

8 Q. I'll get to your prior employment in a
9 minute. Would you do me a favor and run down for me
10 your educational background?

11 A. I graduated from Georgia Tech in 1949, with
12 a degree in -- a Bachelor of Science degree in
13 Industrial Management.

14 Q. Do you hold any other type of degrees?

15 A. No.

16 Q. You're not a medical doctor?

17 A. No.

18 Q. You do not hold a Ph.D?

19 A. No.

20 Q. Where did you go to high school?

21 A. Proviso Township High School, Maywood,
22 Illinois.

23 Q. What year did you graduate from high
24 school?

25 A. 1934.

1 Q. Did you work from the time you left high
2 school in 1935 until the time you attended Georgia
3 Tech?

4 A. Yes. I worked and I went to school.

5 Q. Why don't you take me back -- did you work
6 during high school?

7 A. Certainly.

8 Q. What did you do during high school?

9 A. Caddied.

10 Q. What other jobs did you hold?

11 A. After high school, or?

12 Q. Well, let's start with the jobs you had
13 during high school.

14 A. Caddying.

15 Q. Okay. Where did you do that? What golf
16 club?

17 A. Glendale.

18 Q. What did you do after you caddied?

19 A. I worked for the American Can Company.

20 Q. Where is that?

21 A. Maywood.

22 Q. That's in Illinois?

23 A. Illinois.

24 Q. What did you do for the American Can
25 Company?

- 1 A. I worked in the factory as a laborer.
- 2 Q. What did they produce at the American Can
- 3 Company?
- 4 A. Cans.
- 5 Q. What were you doing there at that factory?
- 6 A. Taking cans off the line.
- 7 Q. What year did you start that job?
- 8 A. 1934.
- 9 Q. Is that a full-time position?
- 10 A. Well, it lasted until the season was over.
- 11 Q. Did you work there in 1935?
- 12 A. 1935, I worked at the American Can Company
- 13 Research Division.
- 14 Q. What did you do there in the research?
- 15 A. Laboratory technician.
- 16 Q. What was your role as a laboratory
- 17 technician in the research division? What did you do
- 18 on a day-to-day basis there?
- 19 A. well, I analyzed metal samples, solvent
- 20 samples. Anything that was associated with the
- 21 manufacturing of cans.
- 22 Q. What type of training, if any, did you
- 23 receive in 1935 for that type of occupation?
- 24 A. On the job.
- 25 Q. What type of analysis were you doing on

- 1 metal? Fatigue analysis, what were you doing?
- 2 A. Steel, chemicals. Steel analysis.
- 3 Q. For the content?
- 4 A. For the content. Tin analysis for tin.
- 5 Q. Just for the content of the steel that was
- 6 going into the cans?
- 7 A. Into the can.
- 8 Q. I assume at that time you had a lab tech
- 9 that was -- withdrawn.
- 10 Did you have a supervisor when you were
- 11 with the American Can Company?
- 12 A. Yes.
- 13 Q. How long did you stay in that position in
- 14 1935?
- 15 A. Until May of 1937.
- 16 Q. What did you do then?
- 17 A. I left home and went to California.
- 18 Q. For what purpose?
- 19 A. To try to go to school.
- 20 Q. Did you?
- 21 A. Yes. I went to San Francisco Junior
- 22 College.
- 23 Q. This is in 1937?
- 24 A. 1937.
- 25 Q. You went to San Fran Junior College; is

1 that correct?

2 A. Correct.

3 Q. Did you obtain any type of degree?

4 A. No.

5 Q. How long did you matriculate? How long did
6 you attend school?

7 A. One year.

8 Q. Were you pursuing any type of degree at
9 that point?

10 A. No, I was not. I was just trying to get
11 enough credits to go into school.

12 Q. This is the first formal education you had
13 since high school?

14 A. Yes.

15 Q. Aside from the caddy job that you told me
16 about and the American Can Company, have you worked at
17 any other type of employment before you left for San
18 Francisco in 1937?

19 A. No.

20 Q. What happened after that one year period?
21 Did you drop out?

22 A. Well, I worked for the American Can Company
23 out there in the factory office, part-time. I went to
24 school part-time. And then I left and went down to
25 Atlanta.

1 Q. Well, I'm a little confused. You said you
2 were working for the American Can Company in Maywood,
3 Illinois?

4 A. True.

5 Q. Did you work for the American Can Company
6 in California also?

7 A. True.

8 Q. Did you take a transfer to a plant out
9 there? How did that work?

10 A. No. They wouldn't transfer me there. I
11 just went out there and got a job.

12 Q. What type of job did you have for them in
13 California?

14 A. Office.

15 Q. And is this during the time that you're at
16 San Francisco Junior College?

17 A. Yes. I went to school in the morning and
18 worked in the afternoon.

19 Q. You told me you went to school for about a
20 year?

21 A. Yes.

22 Q. And then you dropped out at that point.

23 A. Yes.

24 Q. For what reason?

25 A. Well, I was told that I could do better if

- 1 I went down to Atlanta.
- 2 Q. Who told you that?
- 3 A. An uncle of mine.
- 4 Q. So this was not job-related?
- 5 A. No, no.
- 6 Q. So you left San Francisco in 1937?
- 7 A. '38.
- 8 Q. And you went down to Atlanta?
- 9 A. True.
- 10 Q. So you spent one year in California?
- 11 A. True.
- 12 Q. All right. When you were at San Francisco
- 13 Junior College, what type of courses did you take?
- 14 A. Oh, just general courses. Math and
- 15 Spanish, and that's all I can remember.
- 16 Q. That was a liberal arts program?
- 17 A. Yes.
- 18 Q. Was that a two-year school?
- 19 A. Yes.
- 20 Q. Were you intending on pursuing an Associate
- 21 Degree, getting a two-year degree from that school?
- 22 A. They didn't have a two-year degrees at that
- 23 time.
- 24 Q. Okay.
- 25 A. It was the only way to get into the

1 University of California. I had to go through the
2 junior college system.

3 Q. And then in 1938 you transfer or you move
4 to Atlanta?

5 A. True.

6 Q. What did you do in Atlanta, in 1938?

7 A. I worked again for the American Can
8 Company.

9 Q. Okay.

10 A. In the factory.

11 Q. I didn't realize that they had so many
12 places.

13 A. They had 50 or 60 plants.

14 Q. All right. What are you doing for the
15 American Can Company in Atlanta?

16 A. Oh, you might call it just a general
17 laborer.

18 Q. You weren't doing any type of technical
19 research or anything like that at that point?

20 A. No.

21 Q. How long did you stay at the American Can
22 Company as a laborer in Atlanta?

23 A. Until school started in the fall.

24 Q. Is that GIT?

25 A. Georgia Tech.

- 1 Q. Did you start there in 1938?
- 2 A. True.
- 3 Q. It's Georgia Institute of Technology,
4 correct?
- 5 A. Right.
- 6 Q. Now, when you were taking those liberal
7 arts courses at San Francisco Junior College, did you
8 take any courses of a vocational nature?
- 9 A. No.
- 10 Q. Did you take any of what I would call
11 industrial type courses? Courses dealing with any type
12 of industry?
- 13 A. No.
- 14 Q. Did you take any health sciences courses?
- 15 A. No.
- 16 Q. Did you take any earth sciences courses?
- 17 A. No.
- 18 Q. Did you start at Georgia Institute in 1938?
- 19 A. Yes.
- 20 Q. Is that a four-year program?
- 21 A. It was a four-year program.
- 22 Q. Were you working when you were at school in
23 Atlanta, as you were attending school?
- 24 A. No. Only summers or when they're in
25 between semesters, I could work.

- 1 Q. So, you were a full-time student?
- 2 A. I was a full-time student.
- 3 Q. Why did you enroll at GIT?
- 4 A. Cause it was the place for me to go. It
- 5 was the cheapest place for me to go to school.
- 6 Q. Did have any particular type of vocational
- 7 aspirations at that point?
- 8 A. As an entering freshman, no. I wanted to
- 9 just get into college.
- 10 Q. And up until 1938, the point when you
- 11 enroll at Georgia Institute of Technology, have we also
- 12 covered all of the employment that you have had? The
- 13 three locations at the American Can Company and as a
- 14 caddy; is that correct?
- 15 A. Yes.
- 16 Q. Had you worked in any plants up until that
- 17 point in time? A.No.
- 18 Q. Had you worked for any other employer up
- 19 until that time? A.No.
- 20 Q. How old were you when you enrolled at GIT
- 21 in 1939?
- 22 A. I enrolled in '38.
- 23 Q. I'm sorry.
- 24 A. I was 22.
- 25 Q. Did you have family in Atlanta?

1 A. Yes.

2 Q. Who did you have in Atlanta at that point
3 in time?

4 A. An aunt and an uncle.

5 Q. Is that who you were living with?

6 A. Yes.

7 Q. All right. After you began attending
8 courses at Georgia Institute of Technology, did you
9 develop some type of vocational aspiration or goal?

10 A. Well, the first year I was still trying to
11 catch up.

12 Q. What do you mean --

13 A. -- so I could get into the college level of
14 courses.

15 Q. Were you not taking college level courses
16 when you started?

17 A. When -- well, yes. They were college
18 level, but -- I don't know how to explain this. Well,
19 they -- I was taking college level courses.

20 Q. Do you recall, as you sit here today, the
21 courses you took the first year?

22 A. Well, mathematics, college algebra,
23 chemistry.

24 Q. Okay. And the first year is 1939?

25 A. '38.

- 1 Q. '38?
- 2 A. 38.
- 3 Q. You said that you enrolled in '38. Did
- 4 your course actually start in the --
- 5 A. In the fall.
- 6 Q. In the fall of 1938.
- 7 A. Right.
- 8 Q. You took some math courses and chemistry?
- 9 A. Right.
- 10 Q. What else?
- 11 A. Military.
- 12 Q. What was the military?
- 13 A. English.
- 14 Q. Describe the military? Was that an ROTC
- 15 program?
- 16 A. ROTC.
- 17 Q. What else did you take?
- 18 A. English.
- 19 Q. What else, if you recall?
- 20 A. That's all I recall for that freshman type
- 21 of --
- 22 Q. All right. Did you continue on in school
- 23 in 1939?
- 24 A. Yes.
- 25 Q. Do you recall the courses you took in 1939

1 at GIT?

2 A. Well, by that time I had expressed an
3 interest in public health engineering.

4 Q. What led you to express an interest in
5 public health and engineering?

6 A. I was just interested in the public health
7 field.

8 Q. Anything in particular that anything you
9 read or anything that somebody said, as you recall?

10 A. No.

11 Q. Did you start to take courses to gear
12 toward that --

13 A. Yes.

14 Q. And did you take courses in 1939 in the
15 public health and engineering fields?

16 A. Yes.

17 Q. What courses did you take for public
18 health, if you recall?

19 A. Well, they were biology and chemistry,
20 physics and mathematics.

21 Q. Anything else that you recall?

22 A. I don't recall the sequence of all the
23 courses but I took some civil engineering courses.

24 Q. Okay.

25 A. This followed in '39, '40, '41.

- 1 Q. You mentioned civil engineering. Anything
2 else along the engineering side of your pursuits that
3 you took? Any other courses?
- 4 A. Surveying.
- 5 Q. Anything else? Did you take mechanical
6 engineering?
- 7 A. I took mechanical engineering drawing, not
8 mechanical engineering.
- 9 Q. Did you take engineering management?
- 10 A. Not at that time.
- 11 Q. Did you take engineering coordination?
- 12 A. No.
- 13 Q. Construction coordination?
- 14 A. No.
- 15 Q. Are you a professional engineer?
- 16 A. No.
- 17 Q. Did you graduate from GIT?
- 18 A. Yes.
- 19 Q. What year?
- 20 A. 1949.
- 21 Q. But you enrolled in 1938?
- 22 A. Yes.
- 23 Q. Did you attend school in 1939?
- 24 A. Yes.
- 25 Q. Was that full-time, as a full-time student?

1 A. Yes.

2 Q. Were you a full-time student in 1940?

3 A. Yes.

4 Q. Were you a full-time student in '41?

5 A. Yes.

6 Q. What happened, if anything, from 1941 until
7 you obtained your degree in 1949 that led to the delay?

8 A. Fifty-two months in the service.

9 Q. What branch of the military did you serve
10 in?

11 A. The Army.

12 Q. Did you -- was this through the ROTC
13 program or were you drafted?

14 A. I was going to be drafted, so I
15 volunteered.

16 Q. Okay. And you volunteered in what year,
17 '42?

18 A. '41. October of '41.

19 Q. All right. At that point in time, had you
20 taken any of your last year, your senior year courses,
21 when you volunteered?

22 A. My schedule was all fouled up.

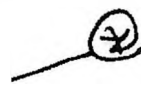
23 Q. Why don't you tell me what happened?

24 A. I was taking some sophomore courses, some
25 junior courses and some senior courses.

1 Q. Had you not volunteered were you scheduled
2 to graduate in 1942?

3 A. No. I think I fell by the wayside.

4 Q. What do you mean by that?

5 A. Flunked out of a few courses. 

6 Q. Do you have any explanation as to why you
7 flunked those courses?

8 A. Well, --

9 Q. Was there something that happened or was it
10 just for a lack of studying or what?

11 A. Well, I don't know. I was just --

12 Q. Do you remember what courses you failed?

13 A. Sure. Chemistry, physics and qualitative
14 analysis.

15 Q. Were these sophomore or junior courses?

16 A. Well, sophomore and junior courses.

17 Q. Were you on any type of academic probation
18 as a result of the grades that you obtained?

19 A. Well, yes, I guess. I left the school and
20 went into night school. And did better in night school
21 than I did in day school.

22 Q. Why did you leave day school and to go into
23 night? Was it because of your failing grades?

24 A. That's right.

25 Q. And you weren't working at that point,

1 correct? You said you were a full-time student.

2 A. I was a full-time student, but I was doing
3 some student work, yes.

4 Q. What type of student work were you doing?

5 A. Biology, laboratory instructor.

6 Q. You were a biology laboratory instructor at
7 Georgia Institute?

8 A. Yes.

9 Q. Who were you instructing?

10 A. Undergraduate students.

11 Q. What year did you do that?

12 A. Well, let's see. I think I've gone ahead.

13 I did most of this -- the instructing was after the
14 war, when I returned.

15 Q. You came back in 1949?

16 A. I came back in '46.

17 Q. The reason I ask this is because it's
18 listed here in some of these legal documents that you
19 graduated in 1949; is that correct?

20 A. True. That's true.

21 Q. So you served in the military and you
22 returned to GIT, Georgia Institute, in 1947?

23 A. '46.

24 Q. '46. Okay. And did you stay there from
25 '46 to '49?

- 1 A. That's right.
- 2 Q. But before you told me that you did
3 matriculate, attend school there in 1939, 1940 and
4 1941; is that correct?
- 5 A. Right.
- 6 Q. You spent three years there and volunteered
7 for the service?
- 8 A. Right.
- 9 Q. You felt you were going to be drafted?
- 10 A. Right.
- 11 Q. And then you came back and you spent
12 another three years?
- 13 A. That's right.
- 14 Q. And you failed the courses of chemistry,
15 physics and qualitative analysis, correct?
- 16 A. Qualitative.
- 17 Q. Qualitative analysis?
- 18 A. Right.
- 19 Q. And some others that you can't recall?
- 20 A. No. Those were enough to bust you out.
- 21 Q. Did you work at any point in time after you
22 returned from the military?
- 23 A. Yes.
- 24 Q. Now, I'm talking about the period of time
25 from the return of the military and the time you

1 graduated in 1949, did you hold any jobs at that point?

2 A. Yes.

3 Q. Why don't you tell me what type of jobs you
4 had then?

5 A. In 1946, January of 1946, I worked for the
6 American Can Research Company again in Maywood,
7 Illinois.

8 Q. Okay.

9 A. And I was an Industrial Hygiene Technician.

10 Q. This is in 1946?

11 A. 1946.

12 Q. This is before you graduated, correct?

13 A. Before I graduated. Then I returned to
14 school in the fall of 1946.

15 Q. I'm going to back up for a minute here.
16 Did you go from the military to Illinois to start your
17 job at the American Can Research Company?

18 A. Yes.

19 Q. In other words, you didn't go back to
20 school when you left the military; is that correct?

21 A. That's right.

22 Q. What was the reason for that?

23 A. Well, I went home.

24 Q. Is that home, Illinois?

25 A. That's right.

1 Q. That was your home at that point?

2 A. Yes.

3 Q. All right. So you left the military and
4 you went back and you worked for the American Can
5 Company for about seven or eight months until the fall?

6 A. Right.

7 Q. All right. And you were an Industrial
8 Hygienist Technician?

9 A. That's right.

10 Q. What type of educational requirements were
11 there, if any, from the American Can Research Company
12 at that point in time that qualified you as an
13 Industrial Hygienist Technician? Did they require that
14 you have any sort of education?

15 A. Well, they knew that I had some college
16 education.

17 Q. Is that a trade or a term that was given to
18 you by the company versus a certification or a
19 licensure? Do you understand my question?

20 A. It was a term by the company.

21 Q. The company called you the Industrial
22 Hygienist Technician; is that correct?

23 A. That's right.

24 Q. You didn't obtain any type of State
25 certifications?

1 A. No.

2 Q. National certifications or anything at that
3 point; is that correct?

4 A. That's correct.

5 Q. Did you apply for that job when you were in
6 the military? A.No.

7 Q. You got out and you decided to go back to
8 Illinois?

9 A. Nepotism got me that job.

10 Q. Oh, okay. Do you have family in the
11 American Can Company?

12 A. Yes.

13 Q. All right. Who is your family in the
14 American Can Research Company? Let me back up. Is
15 this one company? We talked about really two.

16 A. Yes.

17 Q. All right. Why don't you tell me about
18 your family background with the American Can Research
19 Company. Who from your family, the owner or the
20 principal in that company?

21 A. The family was American Can Company. The
22 whole family was American Can Company.

23 Q. Your family?

24 A. My family. My father worked for them for
25 52 years. My brother worked for them for 38. Aunts

- 1 and uncles worked there.
- 2 Q. Okay.
- 3 A. Okay.
- 4 Q. Understood. When was that company formed?
- 5 A. 1901, I guess.
- 6 Q. It was formed by your father?
- 7 A. Oh, no, no, no.
- 8 Q. Your grandfather?
- 9 A. No. My father was a laborer.
- 10 Q. At what point in time did your father have
- 11 any type of ownership in the company?
- 12 A. No ownership.
- 13 Q. Well, tell me what type of positions he
- 14 held with the company?
- 15 A. He was a laborer.
- 16 Q. What about your brother?
- 17 A. He was a tool and die maker.
- 18 Q. Did you know the owner of the company?
- 19 A. No. I mean, it's a large -- it was at the
- 20 time the largest manufacturer of containers in the
- 21 world.
- 22 Q. So your dad had secured a job there?
- 23 A. When he was 13 years old.
- 24 Q. When it came time for you out of school to
- 25 look for a job, he got you a connection.

1 A. The family would go there. The whole town
2 would work there.

3 Q. When you came back in 1946 in the fall as
4 an industrial hygienist technician, did you have to
5 apply for that position?

6 A. I, again, nepotism. I went to New York to
7 see a man in the New York office and asked him if I
8 could work.

9 Q. Okay.

10 A. He got me the job.

11 Q. And did he say to you, we need an
12 industrial hygienist technician at the Illinois plant?

13 A. No.

14 Q. How did that come about?

15 A. This was the entire industrial hygiene
16 function was at the Maywood, the research division of
17 the American Can Company.

18 Q. When you say the entire, do you mean for
19 the entire corporation?

20 A. True.

21 Q. It was industrial hygiene for the American
22 Can Company that was centered at Illinois?

23 A. That's right.

24 Q. In the research division; is that correct?

25 A. Correct.

1 Q. Was there a senior industrial hygienist, at
2 that point?

3 A. Yes.

4 Q. When you started in 1946?

5 A. Yes.

6 Q. What was his name?

7 A. His name was L.V. Taylor.

8 Q. With the understanding that you went to New
9 York for the job, did you have to go through Mr. Taylor
10 for hiring?

11 Did you have to meet with him and talk to
12 him about the job?

13 A. I don't know how that came about, but I had
14 worked for L.V. Taylor prior to the war when on my
15 first job there. I worked in the analytical chemical
16 laboratory. He was a chemist there.

17 Q. All right. When you worked for the
18 American Can Company, originally, back after you
19 graduated from high school before you went down to
20 Atlanta, did you have to deal with the research --
21 besides the lab technician job you told me about
22 earlier, did you have to deal with the industrial
23 hygiene department?

24 A. There was no industrial hygiene department.

25 Q. So, this was something that was created in

- 1 the 40's, perhaps?
- 2 A. In the '40's.
- 3 Q. When was the first time you heard that
- 4 term, industrial hygiene? Was that at Georgia
- 5 Institute or was that at the company?
- 6 A. At the company.
- 7 Q. Did you take any type of courses in
- 8 industrial hygiene up until 1949 when you graduated?
- 9 A. Up to 1949?
- 10 Q. Correct. Was there a course at Georgia
- 11 Institute in the '40's called Industrial Hygiene?
- 12 A. They had one, three-hour course. It was in
- 13 the public health engineering curriculum.
- 14 Q. And did you take that three-hour course?
- 15 A. Yes.
- 16 Q. Did you take that in your senior year, if
- 17 you recall? What I would say -- call 1949, your last
- 18 year.
- 19 A. No. It was in 1939 or '40.
- 20 Q. All right. So, now, in the fall of 1946,
- 21 you go back to Illinois, correct?
- 22 A. Correct.
- 23 Q. In January of 1946 you go back to Illinois?
- 24 A. Right out of the service.
- 25 Q. Right out of the service. And you worked

- 1 there until the fall?
- 2 A. True.
- 3 Q. Is that a full-time position?
- 4 A. Yes.
- 5 Q. And what did you do on a day-to-day basis
- 6 as the Industrial Hygiene Technician for the American
- 7 Can Research Company?
- 8 A. Well, I helped out on plant surveys.
- 9 Q. All right. What else?
- 10 A. Did solvent analyses.
- 11 Q. Okay.
- 12 A. That's basically what it was.
- 13 Q. What you did. And again not to belabor but
- 14 you were only there for about eight months; is that
- 15 correct, or nine months?
- 16 A. Yes.
- 17 Q. What type of plant surveys did you conduct
- 18 for the company?
- 19 A. Lead and solvent vapors.
- 20 Q. When you say a lead survey, in what form
- 21 was the lead contained? Was this lead paint, lead as
- 22 part of the metal -- the can company process?
- 23 A. The soldering operation.
- 24 Q. So part of the manufacturing process?
- 25 A. True.

1 Q. And the solvent analyses was on what?

2 A. On all the solvents that were used in can
3 making.

4 Q. Was this on the premises? All the surveys
5 that you did and the analyses was on the property in
6 Illinois?

7 A. The analytical work was done at the
8 research division.

9 Q. They have like an R&D lab or something?

10 A. Yes.

11 Q. All right. How big was that plant in
12 Illinois?

13 A. The research?

14 Q. No. The entire plant.

15 A. The entire plant? It consisted of about
16 six different factories.

17 Q. All located in one general compound or
18 area?

19 A. One general area.

20 Q. When was the first factory constructed,
21 approximately, if you know, or exactly, if you know?

22 A. Probably 1900. Early 1900.

23 Q. And that's again where your dad and your
24 brother had worked that plant?

25 A. My father worked at one factory, my brother

1 worked at another, and I worked in the research
2 division.

3 Q. Did you ever work on the plant floor or in
4 the factory part, the manufacturing process itself?

5 A. Yes.

6 Q. What period of time?

7 A. Right after I got out of high school.

8 Q. That's what you told me about earlier?

9 A. Yes.

10 Q. When you went back to that eight-month
11 period, did you spend your entire time --

12 A. No, it was just in the industrial hygiene
13 area.

14 Q. All right. Did you obtain your Bachelor's
15 of Science and Industrial Management in 1949; is that
16 correct.

17 A. Yes.

18 Q. And from that day up until today, have you
19 obtained any type of other degrees?

20 A. No.

21 Q. From the time you enrolled in 1938 until
22 you received your degree in 1949, did you take any type
23 of courses in industrial carcinogens?

24 A. No.

25 Q. Did you study industrial carcinogens at

1 all?

2 A. No.

3 Q. Did you study toxic materials or chemicals
4 or fibers at all in that period of time?

5 A. No.

6 Q. Had you heard of the term asbestos before
7 you graduated in 1949?

8 A. The term asbestos?

9 Q. Yes.

10 A. Yes.

11 Q. In what context?

12 A. I worked with it.

13 Q. All right. When did you work with
14 asbestos?

15 A. In 1939.

16 Q. Where and in what manner?

17 A. I was an insulator at the plant in Atlanta.

18 Q. This is the American Can plant; is that
19 correct?

20 A. Yes.

21 Q. Okay. This was during that time period, a
22 short period of time before you started attending
23 school full-time?

24 A. This was during a summer off. Summer job.
25 Since my uncle was a plant manager, I got a job.

1 Q. Were you doing new installation of
2 insulation or were you doing maintenance work?

3 A. Installation of new insulating material.

4 Q. Were you on an insulator's crew?

5 A. It was just on a crew from the machine
6 shop.

7 Q. Did you spend the entire summer in 1939 as
8 an insulator?

9 A. It was just part of the summer job.

10 Q. Quantify for me how much insulation you had
11 installed back in 1939 for the American Can Company?

12 A. Well, it was rather short term because
13 these were done on what they call galvanizing kettles.
14 molten zinc. They dipped a container into a molten
15 zinc. And these kettles had to be insulated on the
16 outside while they were in operation.

17 Q. The kettles were to be kept hot for the
18 molten zinc?

19 A. Yes.

20 Q. And they were insulated with asbestos in
21 order to keep the kettles warm or hot; is that a fair
22 statement?

23 A. Just keep them -- possibly to keep them
24 warm or possibly to keep the heat from radiating into
25 the rest of the room.

- 1 Q. All right. This was thermal insulation?
- 2 A. Thermal insulation.
- 3 Q. How do you know you're installing asbestos?
- 4 A. Well, I saw it on the bag.
- 5 Q. What did you see?
- 6 A. Well, asbestos on a burlap bag.
- 7 Q. Did it have a manufacturer's name?
- 8 A. I don't recall.
- 9 Q. Did it have a product name?
- 10 A. Just asbestos.
- 11 Q. That's all it said was asbestos?
- 12 A. That's all.
- 13 MR. HUTCHINS: It was a bag of asbestos.
- 14 BY MR. MAURIELLO:
- 15 Q. I understood that. Did it say anything
- 16 else besides asbestos?
- 17 A. I don't recall.
- 18 Q. This was asbestos in the dry form?
- 19 A. In the dry form.
- 20 Q. And did you have to mix that asbestos?
- 21 A. Yes.
- 22 Q. What did you do with that asbestos in the
- 23 dry bag? How did you mix it?
- 24 A. Dumped it into a mixing container and mixed
- 25 it with the cement and water.

1 Q. And what were you making; to do what?

2 A. Making a mud to apply to the galvanizing
3 kettle.

4 Q. And you're actually applying this mud to
5 the exterior of the kettle?

6 A. True.

7 Q. All right. I know I asked you this, but
8 you are working along side of other individuals when
9 they're doing that, just on a crew?

10 A. It was probably a two-man crew.

11 Q. Okay. All right. Up until 1939, had you
12 had any other work with asbestos?

13 A. No.

14 Q. Did you learn anything at Georgia Institute
15 of Technology about asbestos?

16 A. Not a thing.

17 Q. So as you sit here today, you're telling me
18 up until 1949, you had not reviewed any type of studies
19 dealing with the hazards of asbestos?

20 A. That's true.

21 Q. You hadn't heard of any of the -- any
22 ongoing studies that were done up until that point in
23 time?

24 A. No, I had not.

25 Q. And the subject of industrial carcinogens,

1 was that discussed at all at Georgia Institute?

2 A. No.

3 Q. You hadn't studied any type of carcinogen?

4 A. I had not.

5 Q. Had you studied any type of toxic material
6 at Georgia Institute; potentially industrial toxicant?

7 A. No.

8 Q. The three-hour course that you told me
9 about, quasi Industrial Hygiene course, I think that's
10 a fair comp, what did you learn in that three-hour
11 course? Generally, what was the topic?

12 A. Well, it was just a general survey of
13 industrial hygiene.

14 Q. When you say "survey", did it tell you
15 about the role of an industrial hygienist?

16 A. I'm sure it did. Our course was geared to
17 be for the information of county health engineers.
18 That's what most of the public health engineers were
19 hired as. So they would run into small plants during
20 their tours of duty.

21 Q. And would you go to various plants at that
22 point in time?

23 A. No.

24 Q. Did you do any type of field work when you
25 were at Georgia Institute? By that I mean, did you go

1 into any type of plants?

2 A. No.

3 Q. Did you speak to management with any type
4 of company?

5 A. No.

6 Q. It was all classroom training; is that
7 correct?

8 A. Classroom training.

9 Q. Did they define for you what an industrial
10 hygienist is at Georgia Institute?

11 A. All I can say is that it was probably in
12 this little pamphlet that we were given as a study
13 outline.

14 Q. Can you define for me now what an
15 industrial hygienist is?

16 A. An industrial hygienist is concerned with
17 the appraisal of workroom situations. It involves the
18 appraisal and the evaluation of work conditions from a
19 worker's health standpoint.

20 Q. Would you agree with me that it involves
21 the recognition of potentially harmful substances to
22 workers?

23 A. Yes.

24 Q. Would you agree with me that it involves
25 the evaluation of those harmful substances?

1 A. Yes.

2 Q. Would you agree with me that it involves
3 the resolution where possible of those effects to
4 workers?

5 A. Pardon?

6 Q. The resolution of those effects, negative
7 effects or health effects to workers, an industrial
8 hygienist?

9 MR. HUTCHINS: I'll object to the form of
10 the question.

11 MR. MAURIELLO: Fine, go ahead. You can
12 answer. Your objection is noted.

13 MR. HUTCHINS: It is noted and you may
14 answer the question, sir.

15 MR. MAURIELLO: Form is his only objection here.

16 MR. HUTCHINS: If you can.

17 MR. MAURIELLO: Go ahead. You can answer
18 the question. I'll repeat it if you don't understand
19 it.

20 THE WITNESS: Go ahead.

21 MR. MAURIELLO: Thank you.

22 BY MR. MAURIELLO:

23 Q. Do you agree with me that an industrial
24 hygienist is defined as someone who is involved in
25 recognizing the negative effects of health, negative

1 health effects to employees or workers in the work
2 place?

3 A. Yes.

4 MR. HUTCHINS: I renew my objection to the
5 form of the question.

6 BY MR. MAURIELLO:

7 Q. Thank you. Do you agree with me that an
8 industrial hygienist is involved in the evaluation of
9 possible negative effects to workers in the work place?

10 A. Not totally.

11 Q. You don't agree with that?

12 A. No.

13 Q. Okay. Do you agree with me that an
14 industrial hygienist is someone whose duties include
15 product safety?

16 A. Yes.

17 Q. Chemical safety?

18 A. Yes.

19 Q. Toxic substances and its safety?

20 A. Yes.

21 Q. Carcinogenic substances and their safety to
22 workers?

23 MR. HUTCHINS: I object again to the form
24 of the question. Subject to the objection you may
25 answer if you can, sir.

1 BY MR. MAURIELLO:

2 Q. Is there something about that question you
3 don't understand?

4 A. Say it again?

5 Q. Sure. Do you agree with me that one of the
6 duties of an industrial hygienist is to look out for
7 the carcinogenic substances in the work place for
8 worker's safety?

9 MR. HUTCHINS: I renew my objection to the
10 question. You can answer.

11 THE WITNESS: Yes.

12 BY MR. MAURIELLO:

13 Q. Before you sat down and testified this
14 morning, have you reviewed any documentation for the
15 purposes of getting you ready for this deposition
16 today?

17 A. No.

18 Q. In the last week or so in order to get
19 ready for today, have you been shown any type of
20 documents at all?

21 A. I was shown one document and I don't recall
22 it now.

23 Q. Who showed you a document?

24 A. I think Mike did, I guess.

25 Q. Mike, being the lawyer?

1 A. Yes.

2 Q. Okay. And when did he show you that
3 document?

4 A. This morning.

5 MR. MAURIELLO: I call for production of
6 whatever you've showed him.

7 MR. HUTCHINS: It was a copy of the
8 interrogatory responses pertaining to Mr. Laubly of
9 which you have a copy.

10 BY MR. MAURIELLO:

11 Q. Have you been shown anything else besides
12 those?

13 A. No.

14 Q. Those are the questions that we asked you?

15 A. Yes.

16 Q. Okay. And you answered those for us; is
17 that correct?

18 A. Yes.

19 Q. Have you been shown any other documents?

20 A. No.

21 Q. Did you have discussions with any attorneys
22 prior to testifying this morning?

23 A. Well, yes. I guess you might call them
24 discussions.

25 Q. Did you have a meeting?

- 1 A. A meeting?
- 2 Q. Yes. Sit down with some people before we
3 got together in this room?
- 4 A. I sat down at the table and we talked.
- 5 Q. Did they talk to you about your testimony?
- 6 A. No.
- 7 Q. What did you talk about?
- 8 A. Why I was here.
- 9 Q. Do you know why you're here?
- 10 A. To give facts about my experiences with
11 Celanese.
- 12 Q. Did they talk to you about what this case
13 is about?
- 14 A. No. Just said that it was some insulators
15 at Salisbury.
- 16 Q. Did they give you any other information
17 about the case?
- 18 A. No. I don't know.
- 19 Q. That was the extent of any conversations
20 you had?
- 21 A. Yes. Yes.
- 22 Q. All right. And you were just shown a copy
23 of your interrogatory answers?
- 24 A. Right.
- 25 Q. Now, after you went back to the American

1 Can -- withdrawn. Move forward.

2 Did you go back to the American Can
3 Research Company before you graduated in 1949, aside
4 from the industrial hygiene tech period that you told
5 me about earlier?

6 A. No.

7 Q. Had you ever returned to that company?

8 A. No.

9 Q. Did you work at any other location besides
10 the American Can Research Company or the American Can
11 Company and as a caddy, before you graduated in 1949?

12 A. No.

13 Q. And did you work only that summer in
14 Atlanta for the American Can Company doing the
15 insulation work or did you work more work than that?

16 A. Well, I worked there in the summer of 1940
17 and in the summer of 1941.

18 Q. Okay. This is in Atlanta?

19 A. In Atlanta.

20 Q. What did you do then?

21 A. Worked in the machine shop and throughout
22 the factory, the machinist's helper, the electrician's
23 helper.

24 Q. Was that an entire year period that you
25 worked or was that a seasonal job, also?

1 A. Seasonal.

2 Q. That was the summer?

3 A. Summer.

4 Q. Any other stint of employment with the

5 American Can Company besides what we have covered so

6 far?

7 A. No.

8 Q. Okay. Now, in 1949 after you graduated

9 from GIT, what did you do?

10 A. Went with Kemper Insurance.

11 Q. Did you graduate in the springtime?

12 A. In May, yes. This is my 50th anniversary.

13 Q. 50th anniversary of your graduation; is

14 that what you meant?

15 A. Yes.

16 Q. What did you do with Kemper?

17 A. Industrial hygienist.

18 Q. At some point in time, did you work for

19 Lumberman's Insurance?

20 A. Well, that's part of the Kemper Group.

21 Q. Lumberman's I thought was out of Chicago;

22 is that correct?

23 A. That's true.

24 Q. Is Kemper Group also out of Chicago or is

25 Kemper located in Hartford?

- 1 A. No, it's out of Chicago.
- 2 Q. All out of Chicago? Okay. So you went to
- 3 -- when it says in your interrogatories here
- 4 Lumberman's Insurance, that's the Kemper Group?
- 5 A. That's true.
- 6 Q. Okay. You said you worked there as an
- 7 industrial hygienist?
- 8 A. Yes.
- 9 Q. That was your -- okay. And where? What
- 10 location?
- 11 A. All over the country.
- 12 Q. Did you have an office?
- 13 A. Yes.
- 14 Q. Where was your office?
- 15 A. Chicago.
- 16 Q. Was that at the home office of Lumberman's
- 17 or Kemper?
- 18 A. Yes. Yes.
- 19 Q. How did you secure that job? Did you apply
- 20 for it?
- 21 A. No, I didn't apply for it. A friend of
- 22 mine at the American Can Research Company was a friend
- 23 of the man at Kemper Insurance and he just referred me.
- 24 Made the reference.
- 25 Q. Again, when you say you were an industrial

1 hygienist for Lumberman's, this was a term that the
2 company gave you?

3 A. Yes.

4 Q. You had not received any certification?

5 A. No.

6 Q. Did you take any particular courses for
7 certification in an industrial hygiene?

8 A. No.

9 Q. You said now that you worked all over.
10 You're now working for an insurance company?

11 A. Yes.

12 Q. And did you have a particular territory
13 that you had to cover for that insurance company?

14 A. All over the country.

15 Q. All right. So literally a national
16 traveling job; is that correct?

17 A. Correct.

18 Q. Did you have a list of plants or locations
19 that you had to cover for Lumberman's?

20 A. Yes.

21 Q. Can you give me an idea of how many plants
22 or locations you had to cover?

23 A. Well, some years -- of the 17 years I was
24 with them, I would go anywhere from 150 to 200 visits a
25 year.

1 Q. All right. I understand that. But I'm
2 trying to find out how many separate clients of Kemper
3 you were performing industrial hygiene work for when
4 you started there in 1949? These are insureds;
5 correct?

6 A. That's true.

7 Q. Kemper is their insurer?

8 A. Right.

9 Q. And you're going to various plants to
10 perform industrial hygiene work?

11 A. Yes.

12 Q. How many insureds did you visit? How many
13 different plants?

14 A. Well, as I say, 150 to 200 a year.

15 Q. Different plants. I thought you said
16 trips.

17 A. Different plants. Different plants.

18 Q. Can you give me the names of some of the
19 more predominant ones?

20 A. When I started out it was Perfect Circle.
21 It was a foundry. Roper, Oneida Limited, Stickly
22 Furniture, Century Furniture, Celanese.

23 Q. Anyone else that you remember?

24 A. Northern Indiana Brass, Chicago Hardware
25 Foundry, Colorado Fuel and Iron. They are locations in

1 Roebbling, New Jersey and in Wharton. Wharton was an
2 iron mine.

3 Q. That's Colorado Fuel and Iron, correct?

4 A. Right.

5 Q. Any others?

6 A. No. Offhand I -- it's hard to remember all
7 now.

8 Q. Okay. Did you do any site visits for
9 Eastman?

10 A. No. They were not insured by Kemper.

11 Q. How about GE?

12 A. GE, no. GT&E.

13 Q. GTE?

14 A. GTE and Sylvania.

15 Q. Did you do any type of, besides Celanese,
16 which of these, if any, were in any either fibers or
17 textile fields, do you recall?

18 A. Besides Celanese?

19 Q. Besides Celanese. Chemical fibers or
20 textile?

21 A. There was one plant in Baltimore that
22 manufactured canvas. I don't recall -- Hooper.

23 Q. Did you do any work for any type of oil
24 refineries?

25 A. I believe I visited -- went down to one in

- 1 Marcus Hook one time. I don't remember.
- 2 Q. Where is that?
- 3 A. Marcus Hook, Pennsylvania.
- 4 Q. Okay. How about any power companies or
- 5 utilities?
- 6 A. No.
- 7 Q. Governmental agencies?
- 8 A. No. Hospitals, yes.
- 9 Q. How about in the mining industry?
- 10 A. Well, Colorado Fuel and Iron. They had one
- 11 iron mine, and then a mica mine in North Carolina.
- 12 Q. Is that in the western part of the state,
- 13 do you recall?
- 14 A. No. It was in the eastern part.
- 15 Q. All right. Who, if anyone at Lumberman's
- 16 or Kemper, would have the most knowledge concerning any
- 17 other plants that you may have visited during your 17
- 18 years?
- 19 Who was your supervisor? Who could we
- 20 contact in Chicago that might have that information?
- 21 A. No one.
- 22 Q. No one would have that information? Do you
- 23 have it anywhere else?
- 24 A. No.
- 25 Q. You didn't keep any type of logs or records

- 1 of the plants you visited?
- 2 A. No.
- 3 Q. The company didn't?
- 4 A. I don't know.
- 5 Q. Did you have to prepare a report?
- 6 A. Yes.
- 7 Q. Did you turn it in to the company?
- 8 A. Yes.
- 9 Q. Who did you turn it in to?
- 10 A. H.T. Walworth.
- 11 Q. Who is that?
- 12 A. He was my superior.
- 13 Q. H.T. Walworth?
- 14 A. Walworth.
- 15 Q. Right. Is he alive?
- 16 A. No.
- 17 Q. Where was he located, in Chicago?
- 18 A. In Chicago.
- 19 Q. What was his title?
- 20 A. Director of industrial hygiene.
- 21 Q. Okay, that was going to get me to my next
- 22 question. When you started there as an industrial
- 23 hygienist, you were working out of a particular
- 24 department for Kemper?
- 25 A. Safety Engineering Department.

- 1 Q. Okay. And again this was in Chicago,
2 correct?
- 3 A. Yes.
- 4 Q. Was Mr. Walworth within that department at
5 that point?
- 6 A. Yes.
- 7 Q. And he was the director of industrial
8 hygiene, correct?
- 9 A. Yes.
- 10 Q. Who did Mr. Walworth report to?
- 11 A. W. Dean Keifer.
- 12 Q. And what was Mr. Keifer's title?
- 13 A. Vice President of Safety Engineering.
- 14 Q. Mr. Keifer he was a member of the National
15 Safety Council, correct?
- 16 A. At one time he was an officer of the
17 National Safety Council.
- 18 Q. What was his position as an officer? Did
19 he serve in a particular trade section of the National
20 Safety Council?
- 21 A. I don't know. I think he was a vice
22 president.
- 23 Q. Do you know Robert Moore?
- 24 A. Yes.
- 25 Q. Who's Mr. Moore? Who do you know him as?

1 A. He was one of the experts that was brought
2 in to the department.

3 Q. Lumberman's was a member of the National
4 Safety Council, correct?

5 A. True.

6 Q. Since the Council was established back in
7 the 30's?

8 A. Yes.

9 Q. And Lumberman's Insurance served on a
10 number of committees?

11 A. Yes.

12 Q. And the representatives serves on
13 committees; is that correct?

14 A. Yes.

15 Q. You mentioned Mr. Keifer. We you talked
16 about Mr. Moore. Wasn't it Mr. Moore who was actually
17 the chairman of the membership committee?

18 A. I don't know. He was a special consultant
19 in safety matters, that's all I know. I didn't see him
20 very much.

21 Q. When you worked within the safety and
22 engineering department, did you receive literature from
23 Lumberman's about industrial hygiene?

24 A. Literature from?

25 Q. Correct. Within the company. Any type of

1 memos, communications.

2 A. Oh, well, yes. Inter office memos.

3 Q. Did you receive any type of training as an
4 industrial hygiene for this insurance company?

5 A. One day.

6 Q. One day of training?

7 A. That's right.

8 Q. Tell me about that?

9 A. Walworth took me out to the Perfect Circle
10 Foundry and showed me how to do sampling. I sampled
11 and brought them into the plant office where he did the
12 counting.

13 Q. I'm sorry. What type of sampling were you
14 doing?

15 A. Dust counting for silica.

16 Q. Were you taking impinger samples?

17 A. Yes.

18 Q. So you had heard obviously about the
19 impinger at that point in time, correct?

20 A. Yes.

21 Q. Had you seen any studies from the National
22 Safety Council on impinger studies?

23 A. No.

24 Q. Had you been trained, aside from that day
25 -- I'm sorry. Who took you out there that day?

1 A. H.T. Walworth.

2 Q. Mr. Walworth, okay. Did you receive any
3 other type of training aside from that day with Mr.
4 Walworth on dust sampling?

5 A. No.

6 Q. Did he teach you how to keep those impinger
7 samples for future reference?

8 A. The samples were not kept.

9 Q. Did you keep the readings?

10 A. Yes.

11 Q. Did you throw away the samples?

12 A. Yes.

13 Q. This is for silica dust at the Perfect
14 Circle Plant?

15 A. Yes.

16 Q. Where was that plant located?

17 A. Indiana. I want to say Richmond, Indiana,
18 but I'm not sure.

19 Q. Your understanding that from that point
20 forward one of your responsibilities was to perform
21 dust samples in other plants? A.Yes.

22 Q. Give me an idea of how often Lumberman's
23 Insurance Company would have you take dust samples at
24 other plants in the 17 years that you were there? On a
25 daily basis, weekly basis?

1 A. No. I tried to visit the plants on an 11-
2 month basis during the current policy.

3 Q. So what you're saying to me is you had a
4 schedule where you would try and hit each plant every
5 11 months?

6 A. Yes.

7 Q. And you performed dust samples; is that
8 correct?

9 A. Yes.

10 Q. Was it all the plants that you outlined for
11 me?

12 A. I tried.

13 Q. I understood you didn't give me an
14 exhaustive list. But when you say you tried, you tried
15 to hit all the plants?

16 A. Yes.

17 Q. Did you compile these dust samples in a
18 particular type of volume or report, notebook?

19 A. A report.

20 Q. Did you turn that into Mr. Walworth?

21 A. Yes.

22 Q. What type of dust sampling did you do
23 besides silica dust?

24 A. That was it.

25 Q. In the 17 years you were there, you were

1 just testing for silica dust?

2 A. Primarily that's what it was.

3 Q. Well, what about secondary? Did you test
4 for anything else?

5 A. Twice for asbestos.

6 Q. When was the first time you tested for
7 asbestos dust?

8 A. It had to be in the early 1950's, was the
9 first one.

10 Q. 1950's; is that correct?

11 A. Early, 1950, '51.

12 Q. That was the first time. When was the
13 second time?

14 A. It was probably in the late 1950's or early
15 1960's when I was transferred to the New York area.

16 Q. The first time you tested for asbestos dust
17 in the early 50's, what plant did you test?

18 A. It was a plant in Chicago that manufactured
19 automobile brake shoes.

20 Q. Was it a Bendix plant?

21 A. No, it was not Bendix.

22 Q. It was in Chicago?

23 A. In Chicago.

24 Q. You don't recall the name of the company?

25 A. No, I don't.

1 Q. Now, you told me earlier that you tried to
2 hit each plant every 11 months or so?

3 A. Yes.

4 Q. Did you go back to this plant or did you
5 just test it one time?

6 A. Just once.

7 Q. Was there a reason why you did not go back
8 and test it on your schedule on any other time?

9 A. Well, I was transferred out of the area.

10 Q. You went to New York, is that what you
11 said?

12 A. I went to New York.

13 Q. We'll get to that in a minute. So did you
14 use an impinger sample?

15 A. Yes.

16 Q. And where were you testing? I know it was
17 in the plant. What general areas of the plant?

18 A. Where they were manufacturing the brake
19 shoes. This plant produced other materials, so they
20 had a department that was producing the brake shoes.

21 Q. Understood. I guess my point is you were
22 in the manufacturing section of the plant?

23 A. Yes. Yes.

24 Q. While the plant was in operation?

25 A. Yes.

- 1 Q. While workers were manufacturing break
2 shoes?
- 3 A. Yes.
- 4 Q. And you are taking impinger asbestos
5 samples; is that correct?
- 6 A. Right.
- 7 Q. And that was in the early 50's, and you
8 reported back to Mr. Walworth?
- 9 A. Yes.
- 10 Q. All right. Where was the second time in
11 the late 50's?
- 12 A. At the Mastic Tile Cooperation.
- 13 Q. And where was that located at, sir?
- 14 A. In the Newburg area.
- 15 Q. That's my hometown.
- 16 A. Newburg or Beacon.
- 17 Q. Fishkill, Newburg area?
- 18 A. Yes.
- 19 Q. Okay. The Mastic Tile Corporation?
- 20 A. Yes.
- 21 Q. Is in Kingston?
- 22 A. It might have been Kingston. I'm not sure.
- 23 Q. And I think it's self-explanatory, but
24 Mastic Tiles, is that what they manufactured?
- 25 A. Yes.

- 1 Q. What area of the plant were you surveying?
- 2 A. The mixing department. The Banbury mixers.
- 3 Q. Banbury?
- 4 A. Yes. B-A-N-B-U-R-Y.
- 5 Q. What's a Banbury mixer?
- 6 A. It's just big -- like a dough mixer.
- 7 Q. And were they mixing asbestos in that?
- 8 A. Yes.
- 9 Q. To make mastic tiles?
- 10 A. Right.
- 11 Q. When you transferred to New York, where was
- 12 your office? Did you have an office out in New York?
- 13 A. Basically I worked out of my house. My
- 14 apartment.
- 15 Q. Where was that?
- 16 A. In New Jersey, Murray Hill.
- 17 Q. Murray Hill, okay. You got up into this
- 18 Sylvan County, Orange County, New York, in that area,
- 19 Ole Ofon? Were you working in the New York
- 20 metropolitan area or were you working up state?
- 21 A. I was working New York and Pennsylvania and
- 22 all points south over as far as Ohio.
- 23 Q. Virginia?
- 24 A. Virginia, yes.
- 25 Q. Okay. And, I'm sorry, I don't think I

1 asked you this. I knew you were there for 17 years.
2 Why don't you just break down for me where you were
3 located.

4 You started in Chicago. How long did you
5 stay in Chicago before you went out to New York?

6 A. It was about two years.

7 Q. Two years in Chicago?

8 A. Yes.

9 Q. Were the other 15 in New York or did you
10 move around from there?

11 A. No. I based myself there, and eventually
12 my office was in Summit, New Jersey.

13 Q. Okay, sir. While you were at Lumberman's
14 Insurance Company, did they give you any information
15 about the hazards of asbestos?

16 A. It may have come down through the office,
17 memos or just passing out material that would come in
18 the publications that they would receive.

19 Q. All right. I'm going to refer you to the
20 interrogatory answers that you gave me.

21 A. Yes.

22 Q. All right. And I asked you when it was the
23 first time that you were aware of the hazards to human
24 health associated with asbestos. Do you recall that
25 question?

1 A. Yes.

2 Q. And you answered: sometime in the 50's
3 while working for Lumberman's Insurance, Mr. Laubly
4 learned that asbestos exposure at certain levels and
5 for a sufficient duration, frequency and length of
6 exposure could potentially cause asbestosis; is that
7 correct?

8 A. Yes.

9 Q. So you had learned in the 50's that
10 exposure to asbestos could cause the disease of
11 asbestosis?

12 A. Yes.

13 Q. Did you learn at some point in time that
14 asbestos was a carcinogen?

15 MR. HUTCHINS: Object to the form of the
16 question. You may answer.

17 MR. MAURIELLO: I'll rephrase the question.

18 BY MR. MAURIELLO:

19 Q. Did you learn at some particular point in
20 time that exposure to asbestos fibers can cause lung
21 cancer?

22 A. When I got -- in 1971, when the Federal
23 Register came out.

24 Q. The first time you heard asbestos was a
25 potential --

1 A. Well --

2 Q. Let me make sure I understand your
3 testimony. Is it your testimony that the first time
4 you were made aware of the possible association between
5 asbestos exposure and lung cancer was in 1971?

6 A. No, no, no, no. We heard about it in the
7 60's.

8 Q. How did you hear about it in the 60's? I'm
9 talking now about asbestos and its potential of causing
10 lung cancer?

11 A. I heard about asbestos when the report came
12 out from Selakauf. That was the first.

13 Q. Dr. Irving Selakauf?

14 A. Yes.

15 Q. When you were in New York, did you attend
16 any symposiums?

17 A. No.

18 Q. Did you attend any meetings with Dr.
19 Selakauf or where any people like that were present?
20 By that I mean any people who were doing research,
21 physicians, pathologists?

22 A. No, not on asbestos.

23 Q. When you were in New York, did you learn
24 about the Saranak Lab in up state New York?

25 A. I heard about the Saranak Lab, yes.

1 Q. When for the first time did you hear about
2 the Saranak Lab?

3 A. Probably after I came with Celanese, '66.

4 Q. Afterwards?

5 A. Afterwards.

6 Q. All right. I want to go back to
7 Lumberman's for a moment. You told me that you worked
8 there for 17 years. Was that continual?

9 A. Yes.

10 Q. No break in employment; is that correct?

11 A. That's true.

12 Q. And it was a full-time position?

13 A. Yes.

14 Q. All right.

15 A. Sixty or seventy hours a week.

16 MR. HUTCHINS: Chris, is it convenient to
17 take a break any time soon here?

18 MR. MAURIELLO: Sure.

19 THE VIDEOGRAPHER: The time is 12:35 and we
20 are going off record.

21 (Short recess taken).

22 THE VIDEOGRAPHER: The time is 1:35. This
23 is the beginning of Tape 2. We are back on record.

24 MR. MAURIELLO: Okay. We are back from
25 lunch, Mr. Laubly. We're going to follow up with some

1 questions I spoke to you about earlier.

2 BY MR. MAURIELLO:

3 Q. I just want to go back for a few minutes
4 and talk to you about what we were speaking of in terms
5 of your employment at American Can Research as an
6 industrial hygienist technician.

7 You told me at that point in time that you
8 were primarily, you did some studies and you were doing
9 some lab work when you went back there; is that
10 correct?

11 A. Yes.

12 Q. And how long did you stay in that capacity,
13 doing that type of work for them?

14 A. Just eight months.

15 Q. Just the eight-month period?

16 A. Yes.

17 Q. Have we covered all the training that you
18 had? When you were there, you said you did some lead
19 paint testing and some solvent analysis; is that
20 correct?

21 A. Not lead paint. Lead metal.

22 Q. Lead metal. I'm sorry.

23 A. Solder. Solder.

24 Q. You're right. That's correct. That was
25 during that seven, eight-month period, correct?

1 A. Yes.

2 Q. All right. And did you receive any type of
3 formalized education or training from them.

4 A. No.

5 Q. Did you attend any type of seminars with
6 that company?

7 A. No.

8 Q. Now, opening the question up to the entire
9 time you were with the American Can Company, did you
10 attend any type of seminars at any point in time when
11 you were with that company?

12 A. No.

13 Q. Did you read any type of trade journals or
14 association texts or manuals or anything like that?

15 A. Probably the only one I would look at would
16 be the Industrial Hygiene Quarterly.

17 Q. They were subscribers to that?

18 A. Oh, yes.

19 Q. All right. And do you recall as you sit
20 here today, reviewing the Industrial Hygiene Quarterly
21 for that company when you were with that company?

22 A. Yes.

23 Q. Do you recall any other type of trade
24 journals or texts that they would have had for you, if
25 any, during your employment there?

1 A. As I recall, they may have had the
2 Industrial Hygiene Digest, and I believe that was
3 produced by IHF, the foundation.

4 Q. Okay.

5 A. I couldn't recall that before, but I think
6 that's what it was.

7 Q. Well, I'll talk to you about that.

8 Are you talking about the Industrial
9 Hygiene Foundation and anything that they published?

10 A. Yes.

11 Q. I guess the question is: You believe you
12 reviewed some Industrial Hygiene Foundation materials
13 when you were with American Can Company?

14 A. Yes.

15 Q. And, now, let me just ask you if you recall
16 reading any type of literature when you were with
17 American Can Company dealing with industrial toxins?

18 A. Lead, yes. Reading on lead.

19 Q. All right. Anything besides lead?

20 A. Solvent exposures.

21 Q. How about any fibrous materials such as any
22 silicates, asbestos, anything of that nature.

23 A. No.

24 Q. All right. And then -- let's go off the
25 record.

1 THE VIDEOGRAPHER: The time is 1:39. We're
2 going off record.

3 (Off the record.)

4 THE VIDEOGRAPHER: We're back on record.
5 The time is 1:41.

6 BY MR. MAURIELLO:

7 Q. Then when you left the American Can Company
8 and you moved into working with Lumberman's Insurance
9 Company, I was asking you some questions about what you
10 did there, and you told me you had one day of training.
11 I think it was Mr. Walworth; is that correct?

12 A. Yes.

13 Q. Now, were you provided any other type of
14 hands-on training by Lumberman's Mutual by any other
15 individual in the company?

16 A. No.

17 Q. What type of trade journals, articles or
18 texts did you review, if any, when you were there at
19 Lumberman's Mutual, or Kemper?

20 In the 17 years that you were there, did
21 you review any type of publications of any nature?

22 A. Well, we received the Industrial Hygiene
23 Quarterly, which eventually became the Industrial
24 Hygiene Journal.

25 Q. Um-hum.

1 A. The Industrial Medicine and publications
2 from the Industrial Hygiene Foundation.

3 Q. All right. You mentioned earlier, I asked
4 you if Mr. Moore was a member of the National Safety
5 Council, and you indicated you believed he was; is that
6 correct?

7 A. Yes.

8 Q. So you had heard the term, National Safety
9 Council, before, correct?

10 A. Yes.

11 Q. And that was a council that was
12 incorporated in the early part of the century, correct?

13 A. I don't know the date.

14 Q. What's your understanding of what is the
15 National Safety Council? How were you made aware of
16 that?

17 A. Well, it's just an organization concerned
18 with safety, industrial safety, automobile safety,
19 school safety.

20 Q. All right. And you knew that before you
21 testified this morning, correct?

22 A. Of course.

23 Q. When you say "of course," I'm not trying to
24 bicker with you or pick on you, but how do you know
25 that information? Did you review any type of

1 literature from the National Safety Council?

2 A. Well, it came across my desk.

3 Q. Did you receive that information when you
4 were with Lumberman's and Kemper?

5 A. Yes.

6 Q. National Safety Council, as you just
7 indicated, they had annual meetings; is that correct?

8 A. Yes.

9 Q. And they would publish articles in what's
10 known as the Transactions of Congress, do you recall
11 those?

12 A. Yes.

13 Q. Those are actually the texts that you are
14 talking about, correct?

15 A. Yes.

16 Q. And we're talking about texts that were
17 published by people like Dr. Selakauf that you
18 mentioned earlier; is that correct?

19 A. I don't recall.

20 Q. Okay. Do you recall industrial hygienists
21 publishing articles in those magazines for the National
22 Safety Council?

23 A. No.

24 Q. You don't recall that? Okay.

25 Historically, that council was comprised of

- 1 the largest industries in the country, wasn't it?
- 2 A. Yes.
- 3 Q. Auto manufacturers?
- 4 A. I don't know the full range.
- 5 Q. All right. Well, let me ask you, power
- 6 companies?
- 7 A. Here, again, I don't know.
- 8 Q. Okay. Do you recall if manufacturers like
- 9 textile industries were listed as members of the
- 10 National Safety Council?
- 11 A. I don't recall any of the membership at
- 12 all.
- 13 Q. Except you recall Lumberman's being?
- 14 A. That's right.
- 15 Q. So insurance companies?
- 16 A. Yes.
- 17 Q. Some of the big insurance companies,
- 18 Metropolitan Life?
- 19 A. I don't know if it was Metropolitan.
- 20 Q. The Hartford?
- 21 A. I don't know Hartford.
- 22 Q. Let me ask you: We spoke about Mr. Moore.
- 23 Do you recall if he was a member -- excuse me -- the
- 24 Chairman of the Membership Committee of the
- 25 Construction Section of the National Safety Council in

1 the '50s?

2 A. I don't know what his affiliation was with
3 it.

4 Q. Now, I'm sorry to ask you this. From what
5 year to what year did you work for Lumberman's? You
6 left there in '66 when you went to work for Celanese,
7 correct?

8 A. Yes.

9 Q. And you started in what year?

10 A. '49.

11 Q. And do you recall a Harold Blancke,

12 B-L-A-N-C-K-E?

13 A. Yes.

14 Q. Who is Mr. Blancke?

15 A. He was Chairman of the Celanese Corporation
16 of America.

17 Q. And my point being, Celanese was also a
18 member of the National Safety Council, weren't they?

19 A. Yes.

20 Q. Celanese of America?

21 A. Yes.

22 Q. Do you know a Glenn Fleming?

23 A. Yes.

24 Q. What was Mr. Fleming's title with Celanese?

25 A. He headed up the safety.

1 Q. Okay. He was the Chairman --

2 A. Safety Director.

3 Q. All right. Wasn't he also the Chairman on
4 the Advisory Committee for the National Safety Council?

5 A. I don't know.

6 Q. He's listed -- withdrawn.

7 Was he not Corporate Safety out of the
8 Charlotte office for Celanese?

9 A. Yes.

10 Q. Henry Thorpe? Do you know Mr. Thorpe?

11 A. Henry Thorpe?

12 Q. Yes, sir.

13 A. Uhm --

14 Q. And he's listed as Supervisor of Safety and
15 Plant Protection for Fiber Industries?

16 MR. HUTCHINS: I object to the form of the
17 question.

18 MR. MAURIELLO: All right. That's fine.
19 I'll withdraw it. I'll reframe the question.

20 BY MR. MAURIELLO:

21 Q. Did you know Henry Thorpe from Fiber
22 Industries?

23 A. I don't recall the name.

24 Q. Okay. How about John McAlpine?

25 A. Yes.

1 Q. What was Mr. McAlpine's title?

2 A. He was, when I first met John, he was at
3 the Amcel Plant of Celanese in Cumberland, Maryland.
4 And eventually he went to Rock Hill, South Carolina.

5 Q. These are all individuals that you came to
6 know after you joined Celanese in 1966; is that
7 correct, or did you know them beforehand?

8 A. Yes.

9 Q. Did you know these individuals when you
10 were at Celanese plants for Lumberman's?

11 A. Yes.

12 Q. Did Lumberman's insure Celanese?

13 A. Yes.

14 Q. Now, when articles from the National Safety
15 Council came to you, I know you don't recall specific
16 articles, do you recall articles on occupational dust?

17 A. I saw the magazine infrequently, and I
18 don't recall.

19 Q. All right. Can you give me an idea of what
20 you mean by infrequently? How often?

21 A. I wasn't in the office very long, very many
22 times, so I didn't get a chance to read the magazine,
23 all the magazines that were there.

24 Q. And you're talking about Lumberman's, when
25 you were with Lumberman's; is that correct?

1 A. That's right.

2 Q. What about when you joined Celanese, and
3 we'll talk about that later, but when you joined
4 Celanese, did you review the National Safety Council
5 records more often?

6 A. Less.

7 Q. And why is that?

8 A. I think there were more, there were other
9 industrial hygiene, or there were industrial hygiene
10 journals and periodicals that I would be interested in.

11 Q. Okay. In other words, you had a preference
12 of some over others?

13 A. Yes.

14 Q. All right. I'll talk to you about that in
15 a few minutes.

16 You talked to us earlier about the two
17 occasions when you had used an impinger to do, perform
18 some asbestos samples, do you remember that?

19 A. Yes.

20 Q. The first time in the early '50s at the
21 Circle Plant -- is that the name of it?

22 A. No.

23 Q. What was the --

24 A. I didn't give you the name because I didn't
25 recall the name.

1 Q. Oh, I'm sorry. I thought you indicated one
2 of the plants was the —

3 A. The Perfect Circle was a foundry that I
4 visited, but that was not asbestos, that was silica
5 dust.

6 Q. You're correct. And you told me that in
7 the early '50s, you, at the auto brake shoe
8 manufacturer in Chicago.

9 A. Well, it was, yes, a auto brake shoe.

10 Q. Correct. We don't know the name of that
11 company.

12 A. I do not know.

13 Q. Why were you performing asbestos sampling
14 in the early '50s for Lumberman's?

15 A. Because someone, I don't know who, told me
16 that asbestos was used in brake linings.

17 Q. All right. You told me earlier that you
18 knew since the early '50s, and you also told us in your
19 interrogatory answers, that you knew since the early
20 '50s of some of the hazards of asbestos; is that
21 correct?

22 A. Yes.

23 Q. And you told me on the record that one of
24 the things you knew about in the '50s was the disease
25 of asbestosis; is that correct?

1 A. Correct.

2 Q. And you knew, did you not, when you were
3 performing these impinger samplings at the brake shoe
4 plant, that asbestos was hazardous?

5 A. Yes.

6 Q. And you knew in the late '50s when you
7 performed the second sample up near Newburg at the
8 Mastic Tile Company, that asbestos was hazardous,
9 correct?

10 A. Yes.

11 Q. Then you told me, I asked you about
12 asbestos and its relationship to lung cancer, and you
13 told me that you believe that the first time you
14 learned of that connection, if I can use that word, was
15 from the Sukkasem studies; is that correct, or when you
16 read the Sukkasem studies?

17 A. I never read the Sukkasem study.

18 Q. All right.

19 A. I think -- really, the first instance I
20 heard about the relationship of asbestos and cancer was
21 when I read the Federal Register.

22 Q. Okay. What did you mean earlier when you
23 mentioned Selikoff?

24 A. Well, I was talking about asbestosis.

25 Q. Okay.

1 A. I was, to me it was a study on asbestosis.

2 Q. Well, then, let's talk about that.

3 In the early '50s when you heard the term
4 asbestosis, first of all, do you recall where you heard
5 that term? Was that through Lumberman's when you were
6 performing these studies?

7 A. It may have been -- I don't know whether I
8 called it asbestosis or not, or an exposure to
9 asbestos.

10 Q. Do you know for how long that term,
11 asbestosis, has been used?

12 A. No.

13 Q. When you read the Federal Register, I
14 assume you read it and that's when you made the
15 connection at some point?

16 A. Yes.

17 Q. What year are you talking about?

18 A. When it came out in '71.

19 Q. Okay. So your testimony now is that the
20 first time you learned of the connection between
21 asbestos as a carcinogen or potentially causing lung
22 cancer, was when you read the Register in '71?

23 MR. HUTCHINS: I'll object to the form of
24 the question. You can answer the question, sir.

25 THE WITNESS: I associated it with cancer

1 in 1971, and not -- I did not refer to it as a
2 carcinogen at that time.

3 BY MR. MAURIELLO:

4 Q. Well, what is -- when you say you
5 associated it with cancer, was it your understanding
6 that asbestos fibers themselves can produce lung
7 cancer?

8 MR. HUTCHINS: Object to the form of the
9 question. You can answer, Mr. Laubly.

10 BY MR. MAURIELLO:

11 Q. What do you mean, sir, when you say
12 associated with lung cancer, if you're not talking
13 about a carcinogen?

14 A. Well, it's associated with cancer, yes. I
15 read it in the Federal Register, so if it's -- I'm
16 muddled up on that.

17 Q. Well, as you sit here today, sir, is it
18 your understanding that exposure to asbestos can
19 potentially cause lung cancer?

20 A. Yes.

21 Q. And how long have you held that opinion?

22 A. Well, since I first read it in the Federal
23 Register.

24 Q. And was that in 1971?

25 A. Yes.

1 Q. Okay. And just so I understand your
2 testimony, you did not receive any type of information
3 when you worked for Lumberman's Insurance Company on
4 the relationship or potential relationship between lung
5 cancer and asbestos?

6 A. No.

7 Q. You did not -- withdrawn.

8 Have you heard of the disease known
9 mesothelioma?

10 A. Yes, I've heard it.

11 Q. A form of cancer?

12 A. A form of cancer.

13 Q. And when have you first heard the term
14 mesothelioma?

15 A. I don't recall when I first heard it.

16 Q. Was that before you read the Federal
17 Register article?

18 A. No.

19 Q. It was after?

20 A. It would have to be after.

21 Q. Okay. Have you ever read any articles by
22 Theodore Hatch, an instructor at Harvard, the Hatch
23 studies?

24 A. The only thing I read of Hatch's was in his
25 book on industrial dust.

- 1 Q. And when did you read that?
- 2 A. 1949, '50.
- 3 Q. Portions of that text were contained in the
- 4 National Safety Council record; is that correct?
- 5 A. I don't know.
- 6 Q. Have you ever seen an article by him
- 7 called, "Methods of Controlling Dust in the Workplace
- 8 for the Protection of Workers"?
- 9 A. I don't recall.
- 10 Q. Did you ever read any articles from Leroy
- 11 Gardner, Dr. Gardner from Ceranak Lab?
- 12 A. No.
- 13 Q. You never read any articles?
- 14 A. No.
- 15 Q. Have you heard of the Ceranak Lab?
- 16 A. Yes.
- 17 Q. In what context?
- 18 A. Just that it was, they studied exposures to
- 19 workroom contaminants.
- 20 Q. And you never read his article on the
- 21 effects of inhalation of dust?
- 22 A. No.
- 23 Q. Have you ever heard the term
- 24 pneumoconiosis?
- 25 A. Yes.

1 Q. When did you first hear that term?

2 A. Probably 1949.

3 Q. And pneumoconiosis is referring to diseases
4 of the lung?

5 A. Yes.

6 Q. Did you ever read any articles by J.J.
7 Bloomfield, a sanitation engineer for the United States
8 Public Health Service?

9 A. I never read any of his articles. I heard
10 the name.

11 Q. Any of the Drinker studies, Philip Drinker,
12 going along —

13 A. I didn't read those studies. I read his
14 book, Drinker and Hatch.

15 Q. You read the Drinker and Hatch book?

16 A. Well, it was a reference of mine.

17 Q. That was a reference?

18 A. Yes.

19 Q. When did you obtain Drinker and Hatch
20 studies as a reference?

21 MR. HUTCHINS: In fairness to the record, I
22 think he said he obtained a copy of a book by Drinker
23 and Hatch.

24 BY MR. MAURIELLO:

25 Q. That's fine. Fair enough.

1 When did you obtain a copy of the book by
2 Drinker and Hatch?

3 A. Probably in '49.

4 Q. Do you remember the title of that book?

5 A. "Industrial Dust," Drinker and Hatch.

6 Q. Did you read it?

7 A. I said I did.

8 Q. Okay. Did you read the entire book?

9 A. Well, I'm not sure. It was a reference
10 material.

11 Q. Okay. Those reference materials mentioned
12 permissible exposures limits, did they not?

13 A. Yes.

14 Q. They mentioned the United States Bureau of
15 Mine standards for dust in the workplace?

16 A. Yes.

17 Q. Do you remember any studies by Dr. Meiter,
18 M-E-I-T-E-R?

19 A. No.

20 Q. Director of Industrial Hygiene from
21 Employer's Mutual?

22 A. No.

23 Q. How about Dr. Greenberg at Yale University?

24 A. No.

25 Q. Did you read Dr. Sayer's articles, the

1 Chief Medical Officer for the United State Public
2 Health Service?

3 A. No.

4 Q. Do you remember any of these articles from
5 the National Safety Council record you told me about
6 earlier that you read infrequently, that might have
7 come across your desk when you were at Lumberman's?

8 A. No, I don't remember.

9 Q. In the 17 years that you were at
10 Lumberman's Insurance as an industrial hygienist, did
11 they require you to read any particular texts or
12 articles?

13 A. No.

14 Q. Aside from that day training, did they
15 provide any type of education to you in terms of what
16 was going on in terms of dust studies?

17 A. No.

18 Q. Did they provide you any information
19 regarding silicosis?

20 A. They just referred the books on the
21 bookshelf.

22 Q. Same question with asbestosis, they just
23 referred you to the books?

24 A. Yes.

25 Q. Now, you told me that out of those, and I

1 don't mean to mischaracterize, you said about 150
2 plants, you'd like to visit them, if you could, every
3 11 months?

4 A. Well, not all of them.

5 Q. That was your goal?

6 A. The larger plants, yes.

7 Q. All right. What did you do when you went
8 there every 11 months?

9 A. Well, I conducted a workroom dust study.

10 Q. Were you doing anything else besides
11 performing dust studies in these plants, or was that
12 your primary function?

13 A. Let me tell you what an industrial
14 hygienist did at that time.

15 Q. Okay. Well, I want to know what you did.

16 A. Well, this is what I did. Okay?

17 Q. Go ahead.

18 A. The industrial hygienist did connect --
19 conduct dust studies. The industrial hygienist did
20 connect (sic) noise studies. The industrial hygienist
21 did radiation studies. The industrial hygienist did
22 work on electrostatic charges, explosive dusts.

23 Q. Explosive dust?

24 A. Explosive dusts.

25 Q. Dust from explosives, is that what you are

1 referring to?

2 A. Explosions from dust.

3 Q. Explosions from dust, okay. What else?

4 A. Inspected atomic reactors. I had a Q
5 clearance.

6 Q. All right. Anything else you recall you
7 were doing?

8 A. We did solvent studies, solvent vapor
9 studies, anything in the workroom that would
10 contaminate the atmosphere.

11 We conducted ventilation studies.

12 Q. Okay.

13 A. That's about what I can recall. I mean, we
14 did everything.

15 Q. Okay. Well, out of that list that you gave
16 me, if you can, just give me an idea of how, what
17 percentage of your time you were conducting dust
18 studies.

19 A. When I was first hired by Kemper Insurance,
20 most of my work was done in foundries and in dust
21 producing plants.

22 Q. Okay. So is the answer the majority of
23 your time?

24 A. At the first, in the beginning.

25 Q. For how long? Did you continue that for

1 the 17 years or so that you were there?

2 A. I can't give you a percentage of time. We
3 had a broad range of insureds and I conducted a study
4 as I saw it necessary in every plant that I visited,
5 whether large or small.

6 Some plants, primary exposure, I felt, was
7 to noise.

8 Q. You told me earlier that when you took the
9 impinger studies, you knew at that point in time of
10 some of the hazards of asbestos, correct?

11 A. That it would cause asbestosis, yes.

12 Q. It could be hazardous to workers? I'm not
13 trying to --

14 A. Yes.

15 Q. All right. How did you -- withdrawn.

16 Were you in the area where there were
17 asbestos dust fibers floating in the air?

18 A. I had to be to make an evaluation.

19 Q. Were you wearing respiratory protection?

20 A. No.

21 Q. Why not?

22 A. At that time we did not call attention to
23 what we were doing.

24 Q. You didn't think you were doing anything
25 negligent, did you?

1 A. No.

2 Q. Did you ask your employer to leave the
3 area?

4 A. I didn't get that question.

5 Q. Lumberman's sent you into a plant to take
6 dust studies.

7 A. Yes.

8 Q. Did you ask Lumberman's that you wanted to
9 be changed to a different job?

10 A. No.

11 Q. Did you ask Lumberman's for respiratory
12 protection at that point?

13 A. No.

14 Q. You continued to do what you had to do for
15 your employer; is that correct?

16 A. Correct.

17 Q. Were the workers around you at that point
18 in time wearing respiratory protection?

19 A. No.

20 Q. What, then, in your mind, was the purpose
21 of taking an impinger sample, for what purpose?

22 A. To see if they were exposed to a hazardous
23 concentration of dust.

24 Q. You told me in your estimation there was
25 dust fibers in the air; is that correct?

- 1 A. Yes.
- 2 Q. Okay.
- 3 A. Dust particles in the air, not dust fibers.
- 4 Q. All right. Dust particles in the air.
- 5 A. Yes.
- 6 Q. Do you recall as you sit here today what
7 were the dust particle counts on those --
- 8 A. What were they?
- 9 Q. Yes.
- 10 A. No.
- 11 Q. You took only two samples in the 17 years
12 you were there, correct?
- 13 A. Two samples? Are we still -- what time are
14 we talking about?
- 15 Q. You told me you took two samples of
16 asbestos.
- 17 A. Yes.
- 18 Q. Only two.
- 19 A. Yes.
- 20 Q. All right. Well, that's what I'm talking
21 about.
- 22 Do you recall what the two asbestos samples
23 were?
- 24 A. No, I don't.
- 25 Q. Okay. After you sampled those areas, did

1 you make any recommendations?

2 A. At the first location, as I recall, we
3 found nothing significant.

4 Q. What about the second one?

5 A. At the Mastic Tile, it was suggested that
6 they concentrate on improving their mechanical
7 ventilation.

8 Q. All right. So the brake manufacturer in
9 Illinois, you found an insignificant, in your terms,
10 amount?

11 A. True.

12 Q. And at Mastic Tile up in Newburg or in that
13 area, you recommended some ventilation because of what
14 you found?

15 A. Yes.

16 Q. Better ventilation, I guess.

17 A. Better ventilation.

18 Q. Okay. And that's because you were
19 measuring asbestos fibers in that plant in the early
20 '50s?

21 A. Yes. We were measuring total dust
22 concentrations at the time.

23 Q. Understood. But you also calibrated to
24 measure asbestos particles in an impinger sample, were
25 you not? You were looking for --

1 A. At that time there was no such thing as
2 calibrating it for asbestos.

3 Q. All right. Well, you were in the area, I
4 think you told me earlier, because you knew asbestos
5 was being used there.

6 A. Yes.

7 Q. And you knew asbestos was a hazard.

8 A. Yes.

9 Q. All right. Mr. Laubly, why did you leave
10 Lumberman's in 1966 and go to work for Celanese?

11 A. Better pay.

12 Q. And Celanese, you knew of, obviously,
13 because they were an insured whose plants you had
14 visited for Lumberman's?

15 A. Yes.

16 Q. And it was in 1966 that you went to work
17 for Celanese?

18 A. Yes.

19 Q. I just want to go through a few things with
20 you about the corporations, if you will.

21 My understanding is Celanese Corporation
22 and a company known as Imperial Chemical Industries had
23 formed a joint partnership; is that correct?

24 A. Yes.

25 Q. You are aware of a company called Imperial

- 1 Chemical Industries?
- 2 A. Yes.
- 3 Q. You are aware of Celanese of America,
4 originally?
- 5 A. Yes.
- 6 Q. Celanese of America had its original
7 headquarters in Manhattan; is that correct?
- 8 A. Correct.
- 9 Q. And Imperial Chemical Industries is an
10 English Company --
- 11 A. Yes.
- 12 Q. -- had its origins in London; is that
13 correct?
- 14 A. Yes.
- 15 Q. Okay. And together, they formed a joint
16 venture known as Fiber Industries?
- 17 A. Yes.
- 18 Q. And I'm just trying to find out who you
19 were working for. In 1966, you were employed directly
20 by Celanese?
- 21 A. Yes.
- 22 Q. Or Fiber Industries?
- 23 A. Fiber -- Celanese.
- 24 Q. All right. And where, physically, did you
25 go to work in 1966 when you worked for Celanese?

- 1 A. Manhattan.
- 2 Q. Fifth Avenue?
- 3 A. Yes.
- 4 Q. And when you went to work for Celanese in
5 1966, what was your title? I think you told me earlier
6 it has been the same, correct?
- 7 A. Well, at the time, I was employed as the
8 industrial hygienist, corporate industrial hygienist.
- 9 Q. For what department?
- 10 A. Medical department.
- 11 Q. And were there any other industrial
12 hygienists on staff who were your superior at that
13 point?
- 14 A. No.
- 15 Q. Had you taken any additional educational
16 courses before you joined Celanese in 1966, besides
17 what you've already told me about at Georgia Institute?
- 18 A. Just the short courses given by the
19 government.
- 20 Q. Had you become certified as an industrial
21 hygienist?
- 22 A. No.
- 23 Q. Have you ever been certified?
- 24 A. No.
- 25 Q. Have you ever sat for either Part A or

1 Part B of the American Conference of Governmental
2 Hygienists exam?

3 A. No.

4 Q. Have you ever taken the lapsed training
5 course, I think it's a five-year course --

6 A. No.

7 Q. -- or in-house training?

8 A. No.

9 Q. So, again, when you get to Celanese in
10 1966, the title of industrial hygienist was a corporate
11 title?

12 A. Yes.

13 Q. It's true, is it not, that Fiber Industries
14 was created for decades before the Salisbury plant was
15 constructed?

16 A. I don't know the history.

17 Q. Well, let me ask you some questions, and if
18 you don't know, just let me -- tell me you don't know.

19 A. Yes.

20 Q. My understanding is that there were two
21 corporate partners, and only two, to Fiber Industries,
22 Celanese and Imperial Chemical; is that correct?

23 A. That's my understanding.

24 Q. And my understanding is that that
25 partnership was formed by a joint venture agreement in

1 the '50s. Do you have any reason to dispute that?

2 A. I don't. No, I can't dispute it.

3 Q. Did Fiber Industries have its own system of
4 management? For example, did it have its own corporate
5 industrial hygienist or own safety director?

6 A. No.

7 Q. Did Fiber Industries have its own safety,
8 health and environmental department?

9 A. No.

10 Q. Did Celanese have a safety, health and
11 environmental department when you started in 1966?

12 A. No.

13 Q. Okay. You just worked under the medical
14 department?

15 A. Yes.

16 Q. Who was the medical director or the
17 individual in charge of the medical department in 1966?

18 A. Ernest Dixon.

19 Q. And do you know for how long Dr. Dixon had
20 been a member of that -- or had been the medical
21 director?

22 A. He came there a year before I did.

23 Q. Had you been inside any Fiber Industries
24 plants when you worked for Lumberman's?

25 A. Yes.

1 Q. What plants did you work in during that
2 time frame?

3 A. Shelby.

4 Q. Okay. Is Shelby part of the fiber
5 division?

6 A. It's Fiber Industries.

7 Q. Correct. Was it the acetate division,
8 which division of fibers?

9 A. Fibers. Fiber Industries, not the, not the
10 old Celanese.

11 Q. What were they manufacturing in Shelby, to
12 the best of your knowledge, when you went in that plant
13 for Lumberman's?

14 A. Polyester fiber.

15 Q. Non-cellulosic fibers; is that correct?

16 A. Yes.

17 Q. Fiber Industries started out, my
18 understanding, is making cellulosic type fibers; is
19 that correct?

20 A. Not Fiber Industries, no.

21 Q. Okay. Celanese, I'm sorry.

22 A. Celanese started out making cellulosic
23 materials.

24 Q. Okay. And do you know when Celanese was
25 originally incorporated?

- 1 A. I think it was around 1923.
- 2 Q. They stayed in continuous business, did
3 they not --
- 4 A. Yes.
- 5 Q. -- once the plant was built?
6 Celanese of America, that was the parent
7 company?
- 8 A. Yes, Celanese Corporation of America.
9 That 1923 might be too late. It may have
10 been earlier.
- 11 Q. All right. Have you seen any type of
12 corporate documents before you testified this morning
13 and now afternoon regarding Celanese? Have you
14 reviewed anything along that line?
- 15 A. Corporate documents?
- 16 Q. Sure.
- 17 A. Yes. When -- the other deposition that I
18 have.
- 19 Q. I haven't talked to you about that yet, but
20 in preparation of testifying today, have you?
- 21 A. No.
- 22 Q. Okay. When did you provide another
23 deposition?
- 24 A. I forget the date now.
- 25 Q. Well, was it this year?

1 A. It was last year.

2 Q. What type of case?

3 A. Pardon?

4 Q. What type of case was it that you provided
5 a deposition at?

6 A. It was an asbestos case.

7 Q. Do you know who the name of the attorneys
8 were?

9 A. The attorneys for?

10 Q. Either. Either for Celanese -- let me
11 withdraw the question.

12 Were you testifying on behalf of Celanese
13 at that point in time, or as a former member of
14 Celanese Corporation?

15 A. As a former member of Celanese Corporation.

16 Q. And were any of the attorneys in this room
17 present?

18 A. Yes.

19 Q. Who was there?

20 A. Mike.

21 Q. And do you know the name of the plaintiff's
22 law firm?

23 A. I don't recall the name. The deposer was
24 Blanks.

25 Q. What plant or plants did that case pertain

1 to?

2 A. Bishop plant.

3 Q. Where is that located?

4 A. Texas.

5 Q. Was that a videotaped deposition like
6 today?

7 A. Yes.

8 Q. How long generally did that deposition
9 last? Was it a day, two days?

10 A. Sixteen hours.

11 Q. Sixteen hours. Do you know how many
12 minutes and seconds, too?

13 All right. Did it take place here, here
14 being in Tucson?

15 A. No, in Dallas.

16 Q. All right. Mr. Laubly, have you testified
17 in any other proceedings?

18 A. Yes.

19 Q. Tell me how many times you've testified.

20 A. Once before.

21 Q. Before that one?

22 A. Yes.

23 Q. Was that also on behalf of Celanese or as a
24 former representative, a former employee?

25 A. Yes.

1 Q. What type of case was that?

2 A. Vinyl chloride.

3 Q. I'm sorry?

4 A. Vinyl chloride.

5 Q. What plant did that pertain to?

6 A. It was a plastics company.

7 Q. Was that a subsidiary of Celanese?

8 A. Yes. Celanese Plastics.

9 Q. And who were the attorneys that represented

10 you or was there at that point in time?

11 A. I don't remember. That was several years

12 ago.

13 Q. Do you have a copy of that deposition?

14 A. I'm going to ask you on the record, please,

15 do not destroy it. I may request that from your

16 attorneys. Okay?

17 I'll request if from you, actually, all

18 right?

19 Getting back to Celanese, my understanding

20 is that there was a number of parent companies, or

21 actually one parent company, Celanese of America, and a

22 number of other operating companies.

23 A. Yes.

24 Q. All right. Celanese Fiber Company, have

25 you heard of that one?

- 1 A. Yes.
- 2 Q. Celanese Fibers Marketing Company?
- 3 A. Yes.
- 4 Q. Celanese Chemical Company?
- 5 A. Yes.
- 6 Q. Celanese Plastics Company?
- 7 A. Yes.
- 8 Q. Celanese Coatings Company?
- 9 A. Yes.
- 10 Q. Chaplin Petroleum Company?
- 11 A. Yes.
- 12 Q. In 1965 when this plant was constructed,
- 13 Celanese was a global company, wasn't it? Had offices
- 14 in Venezuela, Mexico?
- 15 A. I believe so, yes.
- 16 Q. They made a number of products, didn't
- 17 they?
- 18 A. Yes.
- 19 Q. Fibers?
- 20 A. Yes.
- 21 Q. Chemicals?
- 22 A. Yes.
- 23 Q. Plastics?
- 24 A. I'm not sure of plastics.
- 25 Q. Coatings?

1 A. Yes.

2 Q. And in 1965 when the Salisbury plant, when
3 there was groundbreaking for the Salisbury plant, there
4 were a number of subsidiaries for Celanese, correct,
5 subsidiary companies?

6 A. Yes.

7 Q. Let me read some to you and see if you
8 recognize them.

9 Amcel Company, I think you mentioned
10 earlier?

11 A. Yes.

12 Q. Pablin Corporation in New York?

13 A. I don't recall that name.

14 Q. Palentine Dye Company in New York?

15 A. Yes.

16 Q. Pan Am Cal Company?

17 A. I don't recall that name.

18 Q. Chemcell, Ltd.?

19 A. Yes.

20 Q. Columbia Cellulose Company in Columbia?

21 A. Yes.

22 Q. These are all companies you know of?

23 A. Yes.

24 Q. Quimica, a general company in Mexico?

25 A. Quimica?

1 Q. I'm sorry if I pronounced -- Quimica,
2 spelled with a "Q."

3 A. Yes. Yes.

4 Q. Celanese Venezuela?

5 A. Yes.

6 Q. Celanese Euro?

7 MR. HUTCHINS: Just so I'm clear, are you
8 asking whether these existed as subsidiaries of
9 Celanese in '65?

10 MR. MAURIELLO: Correct.

11 MR. HUTCHINS: Okay. Do you understand
12 that, Mr. Laubly?

13 THE WITNESS: Yes. Um-hum.

14 BY MR. MAURIELLO:

15 Q. Is that correct?

16 A. Yes.

17 Q. Amcel U.K. in England?

18 A. Yes.

19 Q. Chaplin Petroleum?

20 A. You already asked me about Chaplin.

21 Q. Oh, I thought I said Pablin Corp in New
22 York. If I said Chaplin, I'm sorry. I've only got it
23 written once.

24 A. Yes.

25 Q. Fresco Incorporated?

- 1 A. I don't recall.
- 2 Q. Celanese Coatings?
- 3 A. Yes.
- 4 Q. Celanese Columbiana in Columbia?
- 5 A. Yes.
- 6 Q. I don't know for sure. I only know later.
- 7 Q. Sayles Biltmore Bleacheries?
- 8 A. Yes.
- 9 Q. Amcel Europe in Belgium? Have you heard of
- 10 that company?
- 11 A. Yes.
- 12 Q. Pontiac Refinery in Texas?
- 13 A. I don't recall that.
- 14 Q. And Fiber Industries?
- 15 A. Yes.
- 16 Q. These were all companies owned by Celanese
- 17 in 1965, is that correct?
- 18 A. As far as I remember.
- 19 Q. Okay. Do you know anything about the
- 20 number of sales that Celanese had in the '60s?
- 21 A. No.
- 22 Q. Have any reason to dispute that they had
- 23 over \$1.1 billion in sales?
- 24 MR. HUTCHINS: I object to the form of the
- 25 question. It calls for speculation.

1 MR. MAURIELLO: Fine.

2 BY MR. MAURIELLO:

3 Q. Do you have any reason to dispute that,
4 sir?

5 MR. HUTCHINS: Well, fine. The objection
6 is fine, too.

7 MR. MAURIELLO: I understand. You're not
8 going to tell him not to answer it. I won't interrupt
9 your questions if you don't interrupt my objections.
10 That's basic courtesy.

11 MR. MAURIELLO: That's fine. I did not
12 interrupt it, but that's fine.

13 BY MR. MAURIELLO:

14 Q. Sir, do you know if Celanese had \$1.1
15 billion in sales in 1965?

16 MR. HUTCHINS: Same objection.

17 THE WITNESS: No, I don't remember.

18 BY MR. MAURIELLO:

19 Q. Okay. Do you know if in 1969, Celanese had
20 59 plants throughout the world?

21 A. I don't know the exact number. I know
22 there was a lot.

23 Q. Would you have any reason to dispute that
24 figure?

25 MR. HUTCHINS: Object to the form of the

1 question. It calls for speculation from the witness.

2 THE WITNESS: I can't say.

3 BY MR. MAURIELLO:

4 Q. You can't say one way or the other?

5 A. No.

6 Q. In 1965, Celanese employed over 37,000
7 people; isn't that true?

8 A. I don't know.

9 Q. Okay. Do you have any reason to dispute
10 that figure?

11 MR. HUTCHINS: Object to the form of the
12 question. It calls for --

13 THE WITNESS: I can't say. I can't give
14 you any figure.

15 BY MR. MAURIELLO:

16 Q. All right. Isn't it true that Celanese in
17 1965 had research and development labs?

18 A. Yes.

19 Q. They had one in Summit, New Jersey?

20 A. Yes.

21 Q. One in Corpus Christi, Texas?

22 A. Yes.

23 Q. One in Louisville, Kentucky?

24 A. Yes.

25 Q. One in Charlotte, North Carolina?

- 1 A. Yes.
- 2 Q. One in Greer, South Carolina?
- 3 A. Yes.
- 4 Q. Do you know why -- withdrawn.
- 5 Do you know what other plants in the fiber
- 6 division were already constructed in 1965 when the
- 7 Salisbury plant began its construction?
- 8 You mentioned Shelby before. I'm just
- 9 going to --
- 10 A. Yes.
- 11 Q. Do you know if Shelby was in existence
- 12 before?
- 13 A. Yes.
- 14 Q. How about the Greer, South Carolina plant?
- 15 A. Yes.
- 16 Q. The Greenville, South Carolina facility?
- 17 A. Yes.
- 18 Q. Celriver, also known as Rock Hill?
- 19 A. Yes.
- 20 Q. Celco plant in West Virginia?
- 21 A. Yes.
- 22 Q. And the Amcel plant in Cumberland,
- 23 Maryland?
- 24 A. Yes.
- 25 Q. Do you know the reasons why the fibers

1 divisions plants were primarily located in the south
2 with the corporate headquarters in New York?

3 A. I have no --

4 Q. No idea, huh?

5 A. No idea.

6 Q. Okay. With a company that size, I'm
7 curious if you know of any of the various associations
8 and memberships that the company participated in. Do
9 you know any?

10 A. No.

11 Q. Do you know -- withdrawn.

12 Is it true, let me ask you if you know
13 these associations.

14 That Celanese was a member of the American
15 Association of Textile Chemists?

16 MR. HUTCHINS: Object to the form of the
17 question.

18 THE WITNESS: I don't know --

19 MR. MAURIELLO: Let me withdraw the
20 question, so it's clear.

21 BY MR. MAURIELLO:

22 Q. Do you know if Celanese was a member of the
23 American Association of Textile Chemists and Colorists
24 since 1921?

25 A. I don't know.

1 Q. Do you know if Celanese was a member of the
2 American Chemical Society since 1876, as that society
3 was created in 1876.

4 A. No, I don't.

5 Q. How about a member of the American Fiber
6 Manufacturers Association?

7 A. I don't know.

8 Q. How about the American Industrial Hygiene
9 Association?

10 A. I don't know that they were a member.

11 Q. Do you know if they were a member of the
12 American Industrial Health Council?

13 A. No.

14 Q. That's, no, you don't know, or they
15 weren't?

16 A. I don't know.

17 Q. The Chemical Manufacturers Association?

18 A. Prior to my coming?

19 Q. Yes, sir. Well, at any time. Do you know
20 at any time when they were a member of that
21 association?

22 A. Oh, yes.

23 Q. Do you know what years?

24 A. No.

25 Q. Society of Toxicology?

1 A. Yes.

2 Q. They were members?

3 A. Yes.

4 Q. American Association of Cancer Education?

5 A. I don't know.

6 Q. The IHF, American Hygiene Foundation.

7 A. Yes.

8 Q. Industrial Hygiene, excuse me. Since,
9 what, 1956?

10 A. I don't know the dates.

11 Q. The IHF, that's a non-profit association
12 for industries, is that correct? You talked about the
13 IHF.

14 A. Yes. I don't remember what the tie-in is.

15 Q. Well, as a member, there's a publication
16 called "Foundation Facts." Have you ever seen that
17 publication?

18 A. Yes.

19 Q. And that's a monthly newsletter that was
20 published by the IHF?

21 A. Yes.

22 Q. And subscribers get that newsletter?

23 A. Yes.

24 Q. And you told me Celanese was a member?

25 A. Yes.

1 Q. The IHF has medical committees that
2 contribute, doctors?

3 A. Yes.

4 Q. Have you heard of Dr. A.J. Lanza?

5 A. Yes.

6 Q. Have you heard of Lanza's studies in the
7 1940s and '50s?

8 A. No.

9 Q. You haven't heard of those studies?

10 A. No.

11 Q. The IHF had annual meetings?

12 A. Yes.

13 Q. Did Celanese attend those annual meetings?

14 A. Yes.

15 Q. And at those meetings, lectures on health
16 were given, correct?

17 A. Correct.

18 Q. The IHF also had a research staff, if you
19 wanted information?

20 A. Yes.

21 Q. Had you ever contacted their research staff
22 for any type of information when you were an industrial
23 hygienist for the company?

24 A. No.

25 Q. This is information you could obtain if you

1 needed any industrial hygiene knowledge or facts; is
2 that correct?

3 A. Yes.

4 Q. The American Industrial Hygiene
5 Association, they also publish a newsletter, correct?
6 Have you ever seen that?

7 A. The AIHA?

8 Q. Yes, sir.

9 A. Well, they produce the monthly journal.

10 Q. All right. And they had annual meetings?

11 A. Yes.

12 Q. Okay. Well, we might have got confused.

13 There's the American -- there's the AIHA.

14 A. Yes.

15 Q. And the AIHC. Have you heard of the AIHC?

16 A. I'm not sure.

17 Q. Okay. Did you ever attend any of the
18 meetings from any of the various associations that we
19 just talked about?

20 A. The AIHA Annual meetings, yes.

21 Q. Did you attend the AIHA meetings when you
22 were an industrial hygienist for Celanese?

23 A. Yes.

24 Q. When is the first time you attended one of
25 those meetings, what year?

1 A. 1950.

2 Q. All right. And then you continued on when
3 you --

4 A. Yes.

5 Q. Did you attend the meeting in 1966 when you
6 joined Celanese?

7 A. Yes.

8 Q. Every year thereafter?

9 A. Yes.

10 Q. What was your job function as the
11 industrial hygienist for Celanese when you came on
12 board in 1966?

13 A. To visit all the plants and determine where
14 the potential exposures to workroom contaminants exist.

15 Q. I want to come back to that in one second,
16 but I want to go back to a point.

17 When you were working for Lumberman's and
18 you visited however many plants it was, 150 or whatever
19 the number was.

20 A. Yes.

21 Q. You were there on behalf of Lumberman's,
22 the insurer, correct?

23 A. Correct.

24 Q. Did any of those companies employ general
25 contractors to do their maintenance, if you know?

1 A. I don't know.

2 Q. Did that fact relate to the job you had to
3 do at all?

4 A. No.

5 Q. When you were in those plants doing
6 sampling, you were just doing it around workers,
7 period, correct?

8 A. Correct.

9 Q. When you were visiting all these plants for
10 Celanese, whose interests were you protecting?

11 MR. HUTCHINS: Object to the form of the
12 question. You may answer, if you can, sir.

13 THE WITNESS: The workers.

14 BY MR. MAURIELLO:

15 Q. The workers in general?

16 A. Sure.

17 Q. As an industrial hygienist, is it fair to
18 say that your job is to secure the worksite for all
19 workers in the plant?

20 A. Yes.

21 Q. Is that a yes?

22 A. Yes.

23 Q. Is it your understanding that the purpose
24 of an industrial hygienist is to — withdrawn.

25 We went through earlier the identification

1 of hazards, remember that testimony?

2 A. That's right.

3 Q. And correcting those hazards, if possible,
4 correct?

5 A. Correct.

6 Q. Is it your understanding that that's for
7 all workers in the plant?

8 A. All workers in the plant.

9 Q. There's no distinction in the literature
10 for industrial hygiene between workers in the plant and
11 employees, is there?

12 MR. HUTCHINS: I object to the form of the
13 question. Answer, if you can, sir.

14 BY MR. MAURIELLO:

15 Q. Do you understand my question?

16 A. No, I really don't.

17 Q. Have you ever learned that your
18 responsibility does not extend to workers in the plant
19 if they are not employed directly by the plant owner?

20 MR. HUTCHINS: I object to the form of the
21 question. I also object on the grounds that it calls
22 for --

23 THE WITNESS: That's still confusing.

24 MR. HUTCHINS: -- a legal conclusion from
25 the witness.

1 MR. MAURIELLO: Your objection is noted.

2 BY MR. MAURIELLO:

3 Q. Do you understand my question?

4 A. It's still confusing.

5 Q. All right. You're confused.

6 A. Yes.

7 Q. You said that when you went to visit the
8 plants, you went there to protect the workers; is that
9 correct?

10 A. That's the ultimate for industrial hygiene.

11 Q. Did you draw any distinction between
12 workers of Celanese versus any other workers that were
13 in the plant?

14 A. No.

15 Q. That wasn't part of your distinction, was
16 it?

17 A. No.

18 Q. Now, what plants did you visit in 1965?

19 You said that you went to visit the plant;
20 is that correct?

21 A. Yes.

22 Q. Do you recall -- maybe I'm making an
23 assumption.

24 Were you visiting Fiber Industries plants
25 or Celanese plants?

- 1 A. In --
- 2 Q. In 1966, excuse me.
- 3 A. In '66 --
- 4 MR. HUTCHINS: You weren't clear. This is
- 5 after he has started with Celanese?
- 6 MR. MAURIELLO: Yeah. Let's get back on.
- 7 BY MR. MAURIELLO:
- 8 Q. You told me earlier that when you started
- 9 for the company, you went from plant to plant?
- 10 A. Yes.
- 11 Q. And I think you told me that was when you
- 12 started in 1966.
- 13 A. Yes.
- 14 Q. All right. My question is: What plants
- 15 did you visit?
- 16 A. In 1966?
- 17 Q. Yes, sir.
- 18 A. Shelby and Greer, all of the fibers plants.
- 19 Some of the coatings plants.
- 20 Q. Were all the plants in the United States?
- 21 A. All the plants.
- 22 Q. Were all the plants that you visited in the
- 23 United States?
- 24 A. No.
- 25 Q. Where else did you go?

1 A. Canada.

2 Q. Anywhere else?

3 A. Mexico.

4 Q. And, again, this is 1966, correct? I'll

5 get to later years in a moment.

6 A. Okay. Mexico is a little premature. It

7 came in '67.

8 Q. All right. Okay. When you came on board

9 in 1966, you went to the medical department and Dr.

10 Dixon was the medical director; is that correct?

11 A. Correct.

12 Q. And you told me earlier that you were the

13 only industrial hygienist, corporate industrial

14 hygienist at that point; is that correct?

15 A. Correct.

16 Q. Were there any other industrial hygienists

17 at the corporate level out of New York when you went

18 there in 1966?

19 A. No.

20 Q. Give me an idea -- withdrawn.

21 Was the medical department also located in

22 New York at that point?

23 A. Yes.

24 Q. Was Mr Dixon -- I don't know if Mr. or Dr.

25 at that point.

- 1 A. Doctor.
- 2 Q. Dr. Dixon located in Manhattan at that
- 3 point?
- 4 A. Yes.
- 5 Q. His offices were there?
- 6 A. Yes.
- 7 Q. That was the medical department, correct?
- 8 A. Correct.
- 9 Q. Who else was in the medical department
- 10 besides you and Dr. Dixon in 1966?
- 11 A. A nurse.
- 12 Q. What was his or her name, the nurse?
- 13 A. I don't remember her name.
- 14 Q. Did you obtain any training from Celanese
- 15 prior to assuming your position as the corporate
- 16 industrial hygienist?
- 17 A. No.
- 18 Q. Did you -- were you offered any classroom
- 19 type training by Celanese?
- 20 A. No.
- 21 Q. Did you receive any on-the-job training?
- 22 By that, I mean accompany anyone else around the
- 23 corporate structure or around the plants?
- 24 A. Not in industrial hygiene, no.
- 25 Q. What training did you receive in any other

1 field or any other area?

2 A. No. No other training.

3 Q. All right. So you, I believe, were working
4 in New Jersey, out of the New Jersey office for
5 Lumberman's?

6 A. Yes.

7 Q. And then you went to the Manhattan office
8 for Celanese?

9 A. Yes.

10 Q. And do you recall when in 1966 was your
11 start date?

12 A. March 14th.

13 Q. And you go to the medical department; Dr.
14 Dixon and this nurse are there, correct?

15 A. Yes.

16 Q. You don't receive any training?

17 A. No.

18 Q. You're then told to do what, if anything,
19 in regards to your job?

20 A. Go out and look for significant exposures.
21 Do what an industrial hygienist does.

22 Q. And are those the things that you just
23 outlined for me a few moments ago that you were doing
24 for Lumberman's?

25 A. Yes, what I've been doing for 17 years.

- 1 Q. So you attended a week-long meeting?
- 2 A. Yes.
- 3 Q. At the Toxicology Association?
- 4 A. Right.
- 5 Q. Where was that?
- 6 A. Williamsburg.
- 7 Q. Pennsylvania?
- 8 A. No. Virginia.
- 9 Q. Virginia. Right. I need to swing up my
- 10 history.
- 11 Okay. So you went to Williamsburg and you
- 12 attended — was this a week-long seminar?
- 13 A. No, it wasn't a seminar. It was just an
- 14 annual meeting.
- 15 Q. Had you attended Toxicology Association
- 16 meetings in the past?
- 17 A. No.
- 18 Q. This was the first time?
- 19 A. Yes.
- 20 Q. Was this because Celanese was a member?
- 21 A. Yes.
- 22 Q. Did you obtain literature from that
- 23 meeting?
- 24 A. I may have. I don't recall.
- 25 Q. You don't recall any materials that were

- 1 Q. Electrostatic examinations.
- 2 A. Everything.
- 3 Q. Everything you told me about earlier,
- 4 correct?
- 5 A. Everything.
- 6 Q. Okay. Correct me if I'm wrong, but you're
- 7 now going to visit a number of additional plants for
- 8 Celanese than you had visited when you were with
- 9 Lumberman's?
- 10 A. Yes.
- 11 Q. All right. Did they give you a schedule?
- 12 Did you have to fly around and actually adhere to a
- 13 schedule?
- 14 A. They didn't adhere to a schedule.
- 15 Q. Did they give you a list of plants to
- 16 visit?
- 17 A. Yes.
- 18 Q. When did you look into the first plant
- 19 after you started on March 14th? When did you start
- 20 going out into the field?
- 21 A. Probably a month later.
- 22 Q. What did you do in that month period in New
- 23 York?
- 24 A. Attended a meeting of the Toxicology
- 25 Association, Day One through the week.

1 given to you?

2 A. No.

3 Q. Do you recall the subject matter? I know
4 it was toxicology, but do you remember generally the
5 more specific subject matter?

6 A. No.

7 Q. Do you recall any particular field of
8 interest or any particular subject that you learned
9 about during that time?

10 A. No.

11 Q. Did you keep any notes of that meeting?

12 A. No.

13 Q. That was a week-long meeting?

14 A. Yes.

15 Q. What did you do the remaining part of the
16 month before you went out to the first plant?

17 A. Probably reviewed office procedure, got to
18 know all the people in the corporation, the office in
19 New York.

20 Q. Okay.

21 MR. HUTCHINS: Chris, is this a convenient
22 time to take a brief break?

23 MR. MAURIELLO: Sure.

24 THE VIDEOGRAPHER: The time is 2:42. We
25 are going off the record.

1 (A recess was taken.)

2 BY MR. MAURIELLO:

3 Q. Mr. Laubly, when we took a break you were
4 talking to me about the first month that you began
5 working at Celanese, and I asked you earlier about some
6 of the corporate structure and specifically some
7 questions about the joint venture between Imperial
8 Chemical Industries and Celanese.

9 How is it that you know about Imperial
10 Chemical Industries? Did you do any work for Imperial
11 Chemical or do you know them through your work with
12 Celanese, or how is that?

13 A. When I was with Kemper, I had to go to get
14 permission to see the ICI plants, FII.

15 Q. Okay.

16 A. So it was very involved to get a visit or
17 to be requested to visit them. At Kemper, we had a
18 coordinator that just handled the Celanese account, so
19 if I wanted to visit an FII plant, I had to go to this
20 coordinator and then he would go to Glenn Fleming —

21 Q. At Lumberman's?

22 A. At Celanese.

23 Q. Excuse me. Right.

24 A. And then I could visit the plant.

25 Q. Okay. And that's how you recall Imperial

1 Chemical, generally?

2 A. That's right.

3 Q. And you mentioned FII. I don't think — if
4 this is played to a jury, that's Fiber Industries?

5 A. Fiber Industries.

6 Q. And so you knew when you worked for
7 Lumberman's, and correct me if I'm wrong, that Imperial
8 Chemical Industries owned Fiber Industries or was a
9 co-owner?

10 A. It was a co-owner.

11 Q. All right. And we already touched on this.
12 The other owner being Celanese?

13 A. Correct.

14 Q. And you knew that in 1966 when you started
15 with Celanese, correct?

16 A. Yes.

17 Q. So when you were going to review these
18 various plants, the owners of the plants are Celanese
19 of American and Imperial Chemical Industries; is that
20 correct?

21 A. Yes.

22 Q. And you are the Chief Industrial Hygienist
23 and your offices are located in New York at the
24 Celanese corporate office; is that correct?

25 A. Yes.

1 Q. Now, did Imperial Chemical Industries have
2 an industrial hygienist that examined any of these
3 plants, to the best of your knowledge?

4 A. No, they did not.

5 Q. Did you have any type of contact, for lack
6 of a better word, from Imperial Chemical Industries
7 while you were occupying your office -- I don't mean
8 physically occupying, but when you were the industrial
9 hygienist in New York, did you communicate to any
10 individual at Imperial Chemical or have anybody
11 communicate with you?

12 A. No.

13 Q. Did Imperial Chemical Industries, to the
14 best of your knowledge, ever send Dr. Dixon or the
15 medical department in New York any type of information?

16 A. I don't know.

17 Q. And, again, all my questions are if you
18 know, so if you don't.

19 A. Yes.

20 Q. Did anything come upon your desk from
21 Imperial Chemical Industries about their treatment of
22 plants or their health concerns or anything of that
23 nature?

24 A. Nothing came across my desk.

25 Q. When you are physically going around to

1 these plants, you are doing so, to the best of your
2 knowledge, on behalf of these owners, the owners of the
3 plants?

4 A. Yes.

5 Q. Well, I'm asking that because your
6 paycheck, if I can use that word, or your employer was
7 Celanese of America, correct?

8 A. Celanese Corporation.

9 Q. Celanese Corporation.

10 A. Yes.

11 Q. But there's another owner of this plant,
12 correct?

13 A. Well, yes.

14 Q. And the other owner of this plant, to the
15 best of your knowledge, did not have anybody going
16 through these plants?

17 A. True.

18 Q. And we talked a little bit earlier about
19 Celanese, and I want to ask you a couple of questions
20 now about Imperial Chemical.

21 I guess I shouldn't, but I'm going to
22 assume you know some things about Imperial Chemical,
23 just the fact that you worked for Celanese, and if you
24 don't know, you tell me, all right?

25 A. Yes.

1 Q. Imperial Chemical Industries, that's —
2 again, we talked about this earlier, that's a company
3 out of London, England; is that correct?

4 A. As far as I know, yes.

5 Q. And the parent company, which is the joint
6 venture of these plants, the Fiber Industries plants,
7 was Imperial Chemical Industries, LTD. Do you know
8 that?

9 A. No, I don't know that.

10 Q. Did you know that Imperial Chemicals was
11 incorporated back in the '20s?

12 A. No.

13 Q. Did you know that that was considered —
14 withdrawn.

15 Have you ever heard of Moody's Industrial
16 Manual, Moody's Index on Industry?

17 A. I've heard the name, yes.

18 Q. Have you ever reviewed any of Moody's
19 Industrial Manuals in terms of Celanese or ICI or any
20 of these companies?

21 A. No.

22 Q. Okay. Is it true, if you know, that
23 Imperial Chemical Industries was an amalgamate of four
24 of the largest chemical companies in the world?

25 MR. HUTCHINS: I'm going to object to the

1 form of the question, but you may answer if you can,
2 Mr. Laubly.

3 THE WITNESS: No, I don't know.

4 BY MR. MAURIELLO:

5 Q. You didn't know that, okay, or you don't
6 know that?

7 A. No.

8 Q. Do you know that -- withdrawn.

9 Did you know in 1965 that Imperial
10 Chemicals was the largest chemical manufacturer in the
11 world?

12 MR. HUTCHINS: I'm going to --

13 THE WITNESS: No. No.

14 MR. HUTCHINS: -- object to the form of the
15 question. Lack of foundation.

16 BY MR. MAURIELLO:

17 Q. Okay. Do you know that, or do you know?

18 A. No.

19 Q. Imperial Chemical Industries, to the best
20 of your knowledge, they were in continuous business
21 from the time they were created in the '20s, weren't
22 they?

23 MR. HUTCHINS: Well, wait a minute. He's
24 already said he doesn't know when they were founded, so
25 he couldn't answer that question.

1 MR. MAURIELLO: All right. I'll withdraw
2 the question.

3 BY MR. MAURIELLO:

4 Q. Do you know if there's been any break in
5 the corporate ownership of Imperial Chemical Industries
6 or the dissolving of that corporation?

7 A. No.

8 Q. Are you aware of the fact that they have
9 subsidiaries?

10 A. No.

11 Q. Okay. Were you aware of the fact that they
12 had 100 factories in England in 1965?

13 MR. HUTCHINS: Object to the form of the
14 question. Lack of foundation.

15 THE WITNESS: No.

16 BY MR. MAURIELLO:

17 Q. Were you aware of the fact they were the
18 largest manufacturer in England in 1965?

19 MR. HUTCHINS: Same objection.

20 THE WITNESS: No.

21 BY MR. MAURIELLO:

22 Q. Are you aware of the fact that they
23 manufacture paints? You've heard of Glidden Paints?

24 A. Yes.

25 Q. Weren't they owned by Imperial Chemical?

- 1 A. I don't know.
- 2 Q. Acrylics? You don't know?
- 3 A. I don't know.
- 4 Q. Okay. Polyurethane?
- 5 A. I don't know.
- 6 Q. Petro chemicals?
- 7 A. I don't know.
- 8 Q. Halo chemicals, halogen?
- 9 A. I don't know.
- 10 Q. Explosives?
- 11 MR. HUTCHINS: Can I have a standing
- 12 objection to the lack of foundation of this line of
- 13 questioning?
- 14 MR. MAURIELLO: Yes. You can have a
- 15 standing objection to this whole deposition, because
- 16 anything as opposed to form is reserved. So I know --
- 17 MR. HUTCHINS: Well, that's your question,
- 18 and that's an objection as to form. I don't want to
- 19 say it after every question.
- 20 MR. MAURIELLO: That's fine. I understand.
- 21 BY MR. MAURIELLO:
- 22 Q. Do you know that they had factories in
- 23 Canada in 1965?
- 24 A. No.
- 25 Q. Did you know they had factories in Holland

1 in 1965?

2 A. No.

3 Q. In India?

4 A. No.

5 Q. In Japan?

6 A. No.

7 Q. In Pakistan?

8 A. No.

9 Q. In France?

10 A. No.

11 Q. In Asia?

12 A. No.

13 Q. Okay. Do you know what trade organizations
14 Imperial Chemical Industries was a member of in 1965?

15 A. No.

16 Q. How about in the United States, do you know
17 any of the trade associations they were members of here
18 in the U.S.?

19 MR. HUTCHINS: Same objection.

20 THE WITNESS: No.

21 BY MR. MAURIELLO:

22 Q. Do you know how many asbestos-containing
23 products Imperial Chemical Industries has manufactured,
24 if any?

25 A. No.

1 Q. You've heard of a company called Turner and
2 Newell?

3 A. No.

4 Q. You've heard of a company called
5 Johns-Manville?

6 A. Yes.

7 Q. A manufacturer of asbestos, mining?

8 A. Yes.

9 Q. You've heard of Turner and Newell, the
10 counterpart in England of Johns-Manville?

11 MR. HUTCHINS: Objection to the form of the
12 question on any number of grounds, to include assuming
13 facts not in evidence.

14 MR. MAURIELLO: All right.

15 BY MR. MAURIELLO:

16 Q. Are you aware of any policy or written
17 policy that was generated in 1967 by Imperial Chemical
18 that they were no longer using asbestos products?

19 MR. HUTCHINS: Objection to the form of the
20 question. Assumes facts not in evidence. Lacks
21 foundation.

22 THE WITNESS: No.

23 MR. MAURIELLO: Wonderful.

24 BY MR. MAURIELLO:

25 Q. Do you understand that question?

1 A. Yes.

2 MR. HUTCHINS: It's silly.

3 MR. MAURIELLO: It's silly?

4 MR. HUTCHINS: Yeah.

5 MR. MAURIELLO: All right. That's fine.

6 BY MR. MAURIELLO:

7 Q. Let me ask you this. Did Imperial Chemical
8 Industries, to the best of your knowledge, ever
9 communicate through Celanese of America that they were
10 no longer using asbestos products in England in 1965?

11 MR. HUTCHINS: Objection to the form of the
12 question. Assumes facts not in evidence.

13 THE WITNESS: No.

14 BY MR. MAURIELLO:

15 Q. Did they communicate it in 1966?

16 MR. HUTCHINS: Same objection.

17 THE WITNESS: I can't recall.

18 BY MR. MAURIELLO:

19 Q. How about 1967?

20 MR. HUTCHINS: Same objection.

21 THE WITNESS: I don't know.

22 BY MR. MAURIELLO:

23 Q. All right. Now, in 1966 when you are
24 visiting these various plants, and you told me earlier
25 for what purpose in terms of industrial hygiene, do you

1 remember the order of the plants you visited?

2 A. No.

3 Q. Do you remember generally what segment of
4 plants that you visited? Did you come to the Charlotte
5 group first or did you go somewhere else?

6 You told me you were there in March of 1966
7 in New York for a one-month period.

8 A. Yes.

9 Q. You took that one week for the toxicology
10 seminar or meeting.

11 A. Yes.

12 Q. And then at some point in time you said you
13 went out on the road to the plants.

14 A. Yes.

15 Q. Now, before you did that, did you receive
16 any information from Dr. Dixon about what you were to
17 do?

18 A. No. He just told me to do the industrial
19 hygiene that was necessary.

20 Q. Okay. And did you go by yourself?

21 A. In most instances, yes.

22 Q. Well, tell me about the ones when you
23 didn't.

24 A. Well, Dr. Dixon might accompany me.

25 Q. Anyone else? The nurse back in New York,

1 did she go with you?

2 A. No.

3 Q. Was your initial purpose in doing an
4 initial assessment of the plants in terms of industrial
5 hygiene, or were you doing some other type of function?

6 A. Introducing myself as the corporate
7 industrial hygienist.

8 Q. And did you have meetings scheduled with
9 various plant personnel for that introduction?

10 A. Yes.

11 Q. In other words, did you let them know in
12 advance that the new corporate industrial hygienist was
13 coming down to meet with them?

14 A. Yes.

15 Q. All right. And who generally were you
16 meeting with on the plant level? Were you meetings
17 with plant managers, supervisors, if you recall?

18 A. Safety supervisor and the industrial
19 relations manager.

20 Q. Now, it's true, is it not, that there were
21 no plant industrial hygienists for Fiber Industries in
22 the '60s; is that correct?

23 A. True.

24 Q. The only industrial hygienist was you at
25 the corporate level?

1 A. Yes.

2 Q. And some years later industrial hygienists
3 were introduced at the group level?

4 A. Yes.

5 Q. Bruce Boyer, for example?

6 A. Yes.

7 Q. You know Bruce?

8 A. Yes.

9 Q. And generally -- withdraw.

10 Initially, the control of the plants in
11 terms of health and safety went to the safety
12 supervisor?

13 A. Yes.

14 Q. Okay. Now, did you visit the Salisbury
15 site in 1966?

16 A. I'm sure I did.

17 Q. Do you recall it?

18 A. I don't recall the exact time, but.

19 Q. Do you recall the plant visit?

20 A. Yes.

21 Q. Do you recall how much of the plant was
22 completed when you visited it in -- withdrawn.

23 Do you recall generally when in 1966 you
24 went to visit the Salisbury site?

25 A. Pardon me?

1 Q. I'm sorry. Do you recall when in 1966 --
2 A. Well, it was sometime soon after I came
3 aboard.
4 Q. Well, was it in the springtime, was it in
5 the fall?
6 A. Summer or fall.
7 Q. And did you meet with the safety supervisor
8 for the Salisbury plant?
9 A. Yes.
10 Q. Do you recall his name?
11 A. Sam Swearingin.
12 Q. Okay. And do you recall the meeting?
13 A. No.
14 Q. Do you recall how long you stayed at
15 Salisbury, at the plant?
16 A. The better part of the day.
17 Q. And I'm sorry to go back. Do you recall
18 generally how much of the plant was operational, if
19 any?
20 A. I don't recall.
21 Q. Do you recall the status of any
22 construction?
23 A. No.
24 Q. Do you recall meeting with anyone from a
25 construction standpoint, such as a construction

1 engineer or anyone in the construction of the plant?

2 A. No.

3 Q. Did you meet with anyone besides Sam
4 Swearingin at the Salisbury site?

5 A. I can't recall. I may have met several
6 people.

7 Q. All right. Do you recall if Dr. Dixon
8 accompanied you to the Salisbury site in the summer or
9 whenever it was of '66?

10 A. He visited the plants with me. I don't
11 know specifically which ones he went to.

12 Q. Okay. When you were going to these various
13 sites, did you meet with anyone from the plant's
14 engineering department?

15 A. Not at that stage.

16 Q. Did you ever have any discussion with
17 anyone within the medical department about materials
18 being used in the construction of new plants?

19 A. No.

20 Q. When you went to the Salisbury site, did
21 you examine any of the materials that were used in the
22 construction of the plant?

23 A. No.

24 Q. Did you ever, as the corporate industrial
25 hygienist, send any type of correspondence in any form

1 to any plant engineering department about the type of
2 materials that were or were not to be used in plant
3 construction?

4 MR. HUTCHINS: Do you mean at any time
5 during his employment with Celanese?

6 BY MR. MAURIELLO:

7 Q. At any time during your employment.

8 A. Yes. And I don't recall the date.

9 Q. Okay. How many times?

10 A. Once when the Federal Register came out.

11 Q. Okay. That was in 1971, as you told me
12 earlier?

13 A. Yes.

14 Q. And who did you speak with at that -- or
15 who did you correspond with at that point?

16 A. Sam Swearingin and the industrial relations
17 manager.

18 Q. Who is, or who was the industrial relations
19 manager? Is that for a plant or for a group --

20 A. For the plant.

21 Q. All right. Do you recall generally what
22 you told Mr. Swearingin at that point, or corresponded?

23 A. I sent him a direct copy of the Federal
24 Register.

25 Q. For what purpose?

1 A. To alert him about the forthcoming OSHA
2 regulations.

3 Q. Okay. What do you recall about those OSHA
4 regulations in the Federal Register in '71 that you
5 wanted to alert him about?

6 A. No specific materials.

7 Q. No specific materials?

8 A. No.

9 Q. All right. So is it fair that you did not
10 send him that Federal Register to specifically alert
11 him about asbestos?

12 A. True.

13 Q. And in 1966, did the medical department for
14 Celanese have any policy about using asbestos in new
15 construction?

16 A. No.

17 Q. To the best of your knowledge, were the
18 plants free to use asbestos in new construction?

19 A. I don't know that.

20 Q. Well, was there any restraint from your
21 department?

22 A. There was no restraints, no.

23 Q. Did you communicate to any engineering
24 department any concern about the use of asbestos in new
25 construction?

1 A. No.

2 Q. Did you communicate to the engineering
3 department of any plant any hazards of asbestos at all?

4 A. No.

5 Q. Why not?

6 A. I didn't think we had a significant
7 exposure.

8 Q. Well, I don't understand. What do you
9 mean, significant exposure?

10 A. I didn't think the workers were exposed to
11 these materials in hazardous amounts.

12 Q. Okay. Is it your testimony that you didn't
13 realize asbestos was being used?

14 A. It didn't cross my mind.

15 Q. It didn't cross your mind that asbestos
16 might be used in new construction?

17 A. No. I wasn't involved in new construction.

18 Q. Why not?

19 A. It wasn't considered part of my job.

20 Q. Whose job was it to review any potentially
21 hazardous materials used in the construction of any
22 plant?

23 A. Plant engineering.

24 Q. Well, was there any type of input given to
25 plant engineering about these materials from any other

1 department that you're aware of?

2 A. I don't know how it was transmitted to the
3 engineering department.

4 Q. Okay.

5 A. Only Sam Swearingin was the one that got
6 the original copy, and how they operated it, I do not
7 know.

8 Q. All right. The corporate engineering
9 department for Celanese at that point was located in
10 Charlotte, was it not?

11 A. Yes.

12 Q. And Charlotte is the office where the specs
13 came for all the plants in the Fiber Industries group;
14 isn't that correct?

15 A. Yes.

16 Q. And Charlotte is the office that drafted
17 the written policies in terms of what materials were to
18 be used in construction of plants; isn't that correct?

19 A. As far as I know, yes.

20 Q. Are you aware of a 1962 written policy?

21 A. No.

22 Q. You've never seen that document before?

23 A. No. That was before my time.

24 Q. Well, that's a good answer.

25 The question, if it began in 1962, and I

1 didn't tell you this, have you ever seen the policy
2 that went from 1962 forward?

3 A. No.

4 Q. Have you seen any policy out of the
5 engineering department from Charlotte about what
6 specifications were allowed to be used in the
7 construction of new plants?

8 A. No.

9 Q. What other department would there be within
10 the corporate structure of Celanese to advise
11 engineering of potential hazards besides the medical
12 department?

13 MR. HUTCHINS: Object to the form of the
14 question.

15 THE WITNESS: I don't -- I don't know.

16 BY MR. MAURIELLO:

17 Q. You were never told when you arrived in
18 1966 that part of your job was to insure that materials
19 going in new construction passed your muster?

20 A. That's true.

21 Q. And to the best of your knowledge, Dr.
22 Dixon didn't do that either, did he?

23 A. I don't know.

24 Q. Well, okay. To the best of your knowledge,
25 did Dr. Dixon ever put any type of requirement on the

1 engineering department in Charlotte in terms of what
2 materials they were to use in construction?

3 MR. HUTCHINS: He just said he didn't know.

4 THE WITNESS: I really don't know.

5 BY MR. MAURIELLO:

6 Q. Do you recall if -- withdrawn.

7 I'm going to ask this final question.

8 Have you ever seen any type of engineering
9 specifications for any plant in the Fiber Industries
10 group for new construction?

11 A. I can't recall.

12 Q. Have you ever seen any specifications from
13 the Charlotte engineering group specifically on
14 insulation to be used? What form of insulation?

15 A. From the engineering department?

16 Q. Correct.

17 A. No.

18 Q. Mr. Laubly, is it your testimony that you
19 were unaware of the fact that asbestos was being used
20 to construct the Salisbury plant in 1966?

21 A. Yes.

22 Q. You didn't know that?

23 A. I did not.

24 Q. Had you known that, would you have allowed
25 it?

1 A. I was not instructed on how I should act on
2 it.

3 Q. I understand that. My question is:
4 As the corporate industrial hygienist in
5 1966, had you known that, would you have allowed it?

6 A. I couldn't say. It was not part of my job.

7 Q. You can't say today whether you would have
8 allowed it in 1966?

9 A. That's right.

10 Q. So the answer is: You may, you could have
11 possibly allowed it?

12 A. No. I don't know.

13 Q. Well, you already told me earlier that you
14 knew in the '50s that asbestos was hazardous.

15 A. Yes.

16 Q. And you told me earlier that you took
17 samples in the '50s about asbestos particles.

18 A. Yes.

19 Q. Were you ever consulted in terms of
20 alternate types of insulation that could be used in
21 plants in the 1960s?

22 A. I was not consulted.

23 Q. Do you know if Dr. Dixon was ever consulted
24 of that?

25 A. No, I don't.

1 Q. Okay. As you sit here today, sir, in 1999,
2 are you aware of the fact that the Salisbury plant
3 contains asbestos?

4 A. Yes.

5 Q. When is the first time you were made aware
6 of the fact that the Salisbury plant has asbestos in
7 it?

8 A. I can't recall.

9 Q. Well, can you give me a time frame,
10 generally? Was it in the '60s, in the '70s?

11 A. Well, it was obvious that insulation was
12 being used. All industry plants used it.

13 Q. All of them?

14 A. Well, not all, but, I mean.

15 Q. You're not saying all --

16 A. It was generally used as an insulating
17 material.

18 Q. Well, is it your testimony that Imperial
19 Chemical Industries was using it in 1965?

20 A. I do not know.

21 Q. Well, I should be more specific.

22 Do you know if Imperial Chemical Industries
23 was using it in their home country, in England?

24 A. No, I don't.

25 Q. Were there any restrictions placed on the

1 areas of the Salisbury plant that asbestos could be
2 used in when it was constructed?

3 A. I don't know.

4 Q. Do you have any reason to dispute the fact
5 that over 75 percent of the plant's insulation at
6 Salisbury contained asbestos?

7 MR. HUTCHINS: I object to the form of the
8 question. Assumes facts not in evidence.

9 THE WITNESS: I do not -- I do not know.

10 BY MR. MAURIELLO:

11 Q. Before you testified today, did you review
12 any depositions?

13 A. Did I review any depositions? No.

14 Q. Yeah, any other depositions in this case?

15 A. No.

16 Q. Okay. You haven't seen the deposition of
17 Dave Smith?

18 A. No.

19 Q. The industrial hygienist in that plant in
20 1987?

21 A. No.

22 Q. Have you looked at any of the removal
23 records from the plant?

24 A. No.

25 Q. Do you have any reason to dispute that over

1 200,000 linear feet of asbestos has been removed from
2 the plant?

3 MR. HUTCHINS: Object to the form of the
4 question. Calls for speculation from the witness.

5 THE WITNESS: No. I don't know anything
6 about that.

7 BY MR. MAURIELLO:

8 Q. Any reason to dispute that asbestos was
9 used on the pipes and lines in the plant?

10 A. I don't know what is used.

11 Q. Well, I just want to ask you today.

12 You were the corporate industrial hygienist
13 in the '60s and '70s. Do you know if asbestos was used
14 in the pipes in that plant?

15 MR. HUTCHINS: Some pipes? All pipes?

16 MR. MAURIELLO: Well, I'll go through it.

17 BY MR. MAURIELLO:

18 Q. Do you know if asbestos was used on the
19 drain lines?

20 A. No.

21 Q. How about the steam lines?

22 A. I don't know exactly.

23 Q. Supply lines?

24 A. I don't know.

25 Q. Condensation lines?

- 1 A. I don't know.
- 2 Q. It's true, wasn't it, that it was used on
3 those?
- 4 A. I don't know.
- 5 Q. Do you know if it was used on the reboiler
6 steam lines?
- 7 A. I don't know.
- 8 Q. Relief lines, vapor lines?
- 9 A. No.
- 10 Q. Do you know the workings of that plant in
11 terms of the H building, the K building, and what's
12 manufactured out of the Salisbury plant?
- 13 A. No.
- 14 Q. Did you ever take a tour through the plant
15 after you met with Mr. Swearingin in 1966?
- 16 A. Yes.
- 17 Q. Have you been to the GRU area, glycol
18 recovery unit?
- 19 A. I probably was.
- 20 Q. Do you know if asbestos was used on the GRU
21 pipes?
- 22 A. No. It was not called to my attention.
- 23 Q. How about the demo wrapping pipes around
24 that area?
- 25 A. No.

1 Q. The dowel lines?

2 A. I don't recall.

3 Q. Many of those pipes in that plant are
4 heated with dowel therm, correct?

5 A. I don't know.

6 Q. You didn't know that?

7 A. No.

8 Q. Do you know what the -- withdrawn.

9 Okay. After you met with Mr. Swearingin in
10 1966, when would have been the next time you went back
11 to Salisbury?

12 A. I don't recall.

13 Q. Did you go to the Salisbury plant on an
14 annual basis?

15 A. No. None of the plants were put on an
16 annual basis.

17 Q. How often would you say between 1966 and
18 1970, as a time frame, that you went to the Salisbury
19 plant?

20 A. At most a half a dozen times, maybe a
21 little more.

22 Q. Did you ever see anyone putting in the
23 insulation for the new construction?

24 A. No.

25 Q. Did you ever see any of the insulators do

1 any of their work between; let's say, 1966 and 1974?

2 A. No.

3 Q. Now, did you impart any information
4 regarding safety to Mr. Swearingin when you went there
5 in 1966? Tell him in any way, any policy, or any way
6 he had to run the plant or what he should do?

7 A. No.

8 Q. Okay. Did you require any type of
9 respiratory protection by any of the construction
10 workers?

11 A. No.

12 Q. Why not?

13 A. It was -- the respiratory protection was
14 enforced by the safety department.

15 Q. That being Mr. Swearingin?

16 A. Mr. Swearingin.

17 Q. So the plant was left up to itself to make
18 that policy?

19 A. Yes.

20 Q. There was no corporate policy regarding
21 respiratory protection in the '60s or '70s, was there?

22 A. Yes, there was.

23 Q. Okay. When for the first time was there a
24 corporate respiratory protection policy in Celanese
25 and/or Fiber Industries?

1 A. I don't know the exact date. It was in the
2 corporate safety manual. There was a section on
3 respiratory protection.

4 Q. Corporate safety manual, starting in what
5 year?

6 A. I don't know.

7 Q. And, again, I'm asking you today. If you
8 don't know, tell me.

9 Is it your testimony that that corporate
10 safety manual with a respiratory policy was in effect
11 in the 1970s?

12 A. As part of the safety manual. That was it.

13 Q. Okay. Any other area where respiratory
14 protection was addressed on a corporate level?

15 A. When?

16 Q. Well, you tell me. Any other time frame or
17 other area. Excuse me. Any other written policy,
18 procedure where the corporation addressed respiratory
19 protection?

20 A. A corporate safety -- respiratory
21 protection manual was produced in the late '70s.

22 Q. Why not in the '60s?

23 A. Because there was a safety manual.

24 Q. Who generated the safety manual?

25 A. Glenn Fleming's office.

1 Q. And where was Mr. Fleming, in Charlotte?

2 A. In Charlotte.

3 Q. All right. So is it your testimony that
4 there was a safety manual out of Charlotte that
5 addressed respiratory protection before the corporate
6 policy was in effect?

7 A. That was the corporate policy.

8 Q. All right. Well, then, I'm getting
9 confused.

10 I'm asking you specifically when for the
11 first time did Celanese have a corporate respiratory
12 policy? Eventually you told me it was in the '70s, and
13 then you said before that --

14 A. No, no. There was a corporate policy
15 incorporated in the safety manual, the safety
16 supervisor's manual, and I don't know when it was, but
17 it was there, as long as I could say, it would be
18 forever.

19 Q. And is it your testimony that Glenn Fleming
20 generated that policy or drafted that policy?

21 A. His office drafted that.

22 Q. And what was the policy?

23 A. I don't know.

24 Q. To whom did it apply?

25 A. As far as I know, all workers in the plant.

1 Q. So all workers in the plant were supposed
2 to have respiratory protection according to that
3 policy?

4 A. Not all workers, no. All those that
5 required that.

6 Q. That's fair. And who were those that were
7 required?

8 A. Those that were exposed to dust or
9 hazardous materials.

10 Q. What type of protection?

11 A. I do not know specifically, other than most
12 of them would be a cartridge type mask, face mask.

13 Q. Okay. Now, is it your testimony that this
14 policy from the corporate -- or actually from the
15 Charlotte office, this corporate policy was in effect
16 when this plant was constructed, this being the
17 Salisbury plant?

18 A. Yes.

19 Q. And is it your testimony, then, that
20 insulators would have been those that were in contact
21 with dust or potentially could have been in contact
22 with dust?

23 A. If it was noted that dust was being
24 produced, yes.

25 Q. Well, with your background in industrial

1 hygiene, would you anticipate that the insulators
2 constructing the Salisbury plant would have come under
3 that policy?

4 A. There was a potential.

5 Q. Okay. Now, Do you know if that policy was
6 carried out?

7 A. No, I don't.

8 Q. Do you know if the insulators that
9 constructed the Salisbury plant had respiratory
10 protection?

11 A. No, I do not know.

12 Q. All right. Is it true that the plants
13 themselves developed their own asbestos policy versus
14 the corporation?

15 A. I don't know that fact.

16 Q. Is it true that any asbestos policy in
17 terms of protection, and then thereafter removal, was
18 left to the individual plant?

19 A. As far as I know, yes.

20 Q. You did no enact at the corporate level --
21 let's take it from time frame.

22 In the 1960s, did Celanese on a corporate
23 level enact an asbestos policy of any sort?

24 A. No.

25 Q. Was there any policy about the use of

1 asbestos?

2 A. No.

3 Q. Any policy about the protection of workers
4 against asbestos?

5 A. No.

6 Q. And each plant could develop and evolve its
7 own policy; is that right?

8 A. As long as it coincided with the corporate
9 safety manual.

10 Q. All right. And the plant we're talking
11 about, the Salisbury plant, that was left up to Sam
12 Swearingin; is that correct?

13 A. Correct.

14 Q. Isn't it true that Sam Swearingin was
15 replaced by Dal Perry in 1979?

16 A. I don't know. I left in '79.

17 Q. Well, I didn't know what month. Do you
18 know Dal Perry?

19 A. No, I don't.

20 Q. Isn't it true that Sam Swearingin never
21 enacted a written asbestos policy for the plant?

22 A. I do not know.

23 MR. HUTCHINS: Object to the form of the
24 question.

25 BY MR. MAURIELLO:

1 Q. So all workers in the plant were supposed
2 to have respiratory protection according to that
3 policy?

4 A. Not all workers, no. All those that
5 required that.

6 Q. That's fair. And who were those that were
7 required?

8 A. Those that were exposed to dust or
9 hazardous materials.

10 Q. What type of protection?

11 A. I do not know specifically, other than most
12 of them would be a cartridge type mask, face mask.

13 Q. Okay. Now, is it your testimony that this
14 policy from the corporate -- or actually from the
15 Charlotte office, this corporate policy was in effect
16 when this plant was constructed, this being the
17 Salisbury plant?

18 A. Yes.

19 Q. And is it your testimony, then, that
20 insulators would have been those that were in contact
21 with dust or potentially could have been in contact
22 with dust?

23 A. If it was noted that dust was being
24 produced, yes.

25 Q. Well, with your background in industrial

1 Q. Do you know of an asbestos policy drafted
2 by Sam Swearingin, otherwise known as Safety Sam, for
3 the plant?

4 A. No.

5 Q. Isn't it true Sam Swearingin was fired?

6 A. I do not know that.

7 Q. Isn't it true that Sam Swearingin was
8 discharged from the company because of embezzlement?

9 A. I do not know that.

10 Q. Who was the plant manager in 1966?

11 A. I can't recall his name. George Pounds? I
12 don't know.

13 Q. Are you aware of an incident that occurred
14 between a plant manager -- withdrawn.

15 Are you aware of an incident that was
16 discovered at the corporate level involving the plant
17 manager and a safety superintendent, Mr. Swearingin?

18 MR. HUTCHINS: Object to the form of the
19 question. Assumes facts not in evidence.

20 MR. MAURIELLO: Well, that's what I'm
21 trying to find out.

22 BY MR. MAURIELLO:

23 Q. Do you know --

24 A. No.

25 Q. You are not aware of any incident?

1 A. No.

2 Q. Are you aware that the plant manager was
3 also terminated?

4 A. No.

5 MR. MAURIELLO: I want to take a short
6 break, if you don't mind, and perhaps mark a few
7 things.

8 THE VIDEOGRAPHER: The time is 3:38 and we
9 are going off the record.

10 (Deposition Exhibit Numbers 1 through 9
11 were marked for identification by the court reporter.)

12 THE VIDEOGRAPHER: The time is 4:05 and we
13 are back on the record.

14 BY MR. MAURIELLO:

15 Q. Mr. Laubly, when we left off, we were
16 talking -- we were talking, we were actually talking
17 about a lot of things. We were talking about generally
18 plant policy at the Salisbury fiber plant, and I want
19 to go back for one minute.

20 Earlier, I questioned you about the various
21 subsidiaries of Celanese and I went through a pretty
22 exhaustive list with you. Do you remember that?

23 A. Yes.

24 Q. I don't mean to go back over it with you.
25 I'm not going to.

1 My question is: Which of those
2 subsidiaries, if any, were you also responsible for as
3 a corporate industrial hygienist besides Fiber
4 Industries?

5 A. Well, the fibers company.

6 Q. Okay.

7 A. The coatings company. The plastics.

8 Q. Any other?

9 A. The Biltmore plant.

10 Q. Is that the bleachery? Is that a
11 bleachery?

12 A. Finishing plant. And I think the plant in
13 Burlington was part of the fibers group, I'm not sure.

14 Q. Okay.

15 A. And then they had a plant in the
16 Philadelphia area, and I don't recall.

17 Q. All right. Do you recall generally,
18 offhand, how many plants we're talking about that were
19 under your responsibility in 1966 and thereafter?

20 Let's start with 1966, because I'm sure it
21 could have changed.

22 A. Oh, I always say between 40 and 50.

23 Q. All right. And how many were in the Fiber
24 Industries group in 1966, do you recall? Generally.
25 I'm not going to hold you to the number. Are we

1 talking about five or six plants? How many total?

2 A. All of the plants in Fiber Industries, so
3 you would take in Salisbury, Shelby, Greenville and
4 Florence.

5 Q. Okay.

6 A. So there's four, whatever was --

7 Q. You mentioned Rock Hill?

8 A. Well Rock Hill is Fibers Group.

9 Q. And you mentioned to me, and correct me if
10 I'm wrong, I think you told me that annually you would
11 attempt to get to each of those plants? Or you can
12 tell me if that's incorrect.

13 A. There was no set schedule to visit. When I
14 would go into the Charlotte area, I would make a round
15 robin of all the plants while I was down there.

16 Q. And with the exception of the time when you
17 went to introduce yourself as a new corporate
18 industrial hygienist and met with Mr. Swearingin, what
19 was the general purpose of going to those various
20 plants after you had already met with the safety
21 supervisor of the plant?

22 A. Just to see if they had any problems they
23 thought about that would be in my area.

24 Q. Did you draft, yourself, any type of
25 written policy in terms of what the safety supervisors

1 had to do to respond to you? In other words, did you
2 require them to provide you with any type of report,
3 plant report, annual report, anything of that nature?

4 A. No.

5 Q. Was there any type of correspondence
6 between you and the plant supervisor, and we can use
7 Mr. Swearingin as an example, but in general.

8 A. Well, not until OSHA was instituted. We
9 started out with circularizing the Federal Register,
10 and then if anything else came up, I would photocopy it
11 and send it to who I thought should be seeing it.

12 Q. Again, are we talking now about when the
13 Register was out in '71?

14 A. Yes.

15 Q. And before that time, did you send any type
16 of written documentation to any of the plant managers
17 for any policy whatsoever?

18 A. No.

19 Q. Did you provide them with any
20 recommendations based on any plant visit that you made
21 between 1966 and the Federal Register in 1971?

22 A. There may have been instances where
23 suggestions were made and they would be made to the
24 safety supervisor or through -- well, to the safety
25 supervisor with a copy to his superior, the industrial

1 relations manager.

2 Q. Now, let's talk about the Charlotte group
3 for a moment. At some point in time, as we talked
4 about earlier, there was actually an industrial
5 hygienist out of the Charlotte office, or actually
6 there were a couple of them, but Bruce Boyer and some
7 others come to mind.

8 A. Yes.

9 Q. Tom Scott, do you know him as the
10 industrial hygienist coordinator at that office?

11 A. No, I don't recall --

12 Q. It probably was after your time.

13 A. Yes.

14 Q. All right. Do you recall when, for the
15 first time, an industrial hygienist position was
16 created on what we've come to know as a group level,
17 and by that I mean in Charlotte, for the fibers group
18 or for that area?

19 A. Not -- no.

20 Q. To the best of your knowledge, if one was
21 created, was it after you left in 1979? Or was one in
22 existence prior to that?

23 A. I don't recall any prior to my leaving.

24 Q. Okay. So was the system, so to speak,
25 between the time you arrived in 1966 until the time you

1 left in 1979, the same as it was in '66, namely, that
2 you were the corporate industrial hygienist and the
3 plants were primarily controlled from the health
4 standpoint by the safety supervisor or safety
5 superintendent?

6 A. Yes.

7 Q. Was there ever any discussion about
8 providing each plant with an industrial hygienist, an
9 on-site hygienist?

10 A. I don't recall any discussions on that.

11 Q. Okay. Did you draft any type of policies
12 or procedures about training new workers within any
13 plant about asbestos?

14 A. No.

15 Q. Did Celanese, through any other individual
16 or principal, draft, at any point of time that you're
17 aware of, any type of policy regarding training of
18 workers or employees within a plant about asbestos
19 hazards?

20 A. No.

21 Q. Did you, during the realm of time you were
22 there from '66 to '79, conduct or request the
23 conducting of any surveys to determine the amount of
24 asbestos, if any, at any plant?

25 A. No.

1 Q. Did you order the testing of any particular
2 materials within a plant to determine its asbestos
3 content?

4 A. No.

5 Q. Did you request any type of air sampling
6 within any plant for asbestos?

7 A. No.

8 Q. Did you take any?

9 A. No.

10 Q. Did anyone within your department? By
11 that, I mean the medical department.

12 A. No.

13 Q. What, if any policy, to the best of your
14 knowledge, was initiated by Dr. Dixon regarding
15 asbestos at any point in time during his tenure?

16 A. I don't know of any.

17 Q. Do you know Herbert Kolonder?

18 A. Yes.

19 Q. How do you know Mr. Kolonder?

20 A. He took over the job of safety director
21 after Glenn Fleming left.

22 Q. And his offices were located where, up in
23 New York?

24 A. Charlotte.

25 Q. In Charlotte, okay.

1 Now, are you aware of any correspondence
2 between Mr. Kolonder and the engineering department in
3 Charlotte about materials to be used in the plant?

4 A. No.

5 Q. Okay. I've marked a few items here and I
6 want to go through them.

7 The first document, and I don't have an
8 extra copy of this one, only because it's rather
9 voluminous and we're here in Arizona and we had to fly
10 here.

11 Do you want to take a break?

12 MR. HUTCHINS: Let's take just a brief
13 break.

14 THE VIDEOGRAPHER: The time is 4:14. We're
15 going off record.

16 (A short recess was taken.)

17 THE VIDEOGRAPHER: The time is 4:19 and
18 we're back on record.

19 BY MR. MAURIELLO:

20 Q. Mr. Laubly, again, because there's only one
21 copy, I'm going to look over your shoulder with you
22 here, okay?

23 A. Okay.

24 Q. What we marked as one exhibit, Plaintiff's
25 1 to your deposition, first of all, let me ask you, do

1 you recognize that document?

2 A. No.

3 Q. All right. I talked to you earlier about
4 engineering specifications and I told you about the
5 date starting in 1962. Do you remember that testimony?

6 A. Yes.

7 Q. For the record, this is a document that was
8 produced by Celanese, and we've got a number on the
9 bottom starting with 14438 all the way to 14475.

10 Have you ever seen, when you were a
11 corporate industrial hygienist, have you ever seen any
12 engineering department records?

13 A. No.

14 Q. Had you ever seen any specifications for
15 insulation?

16 A. No.

17 Q. Have you ever seen any of the priority, the
18 preferential or priority lists given to thermal
19 insulation back in 1965 for the company?

20 A. No.

21 MR. HUTCHINS: I object to the form of the
22 question.

23 BY MR. MAURIELLO:

24 Q. All right. The beginning of the document
25 has: Engineering department materials insulation

1 specs, 1962 to 1985.

2 With the understanding that you had not
3 seen this document per se before, have you ever seen
4 anything coming into the corporate, the medical
5 department in New York from any engineering department
6 that has a similar bearing?

7 A. I can't recall.

8 Q. These documents are divided up into
9 sections. We've got thermal insulation for vessels,
10 minus 50 to zero degrees Fahrenheit. Do you see that?

11 A. I see it, but I've never seen it before.

12 Q. It's true, is it not, that, again, the
13 central engineering office was located in Charlotte?

14 A. Yes.

15 Q. Now, with the understanding that you were
16 not in engineering, you were in industrial hygiene, is
17 it your understanding that these documents are
18 specifications for engineering practices?

19 MR. HUTCHINS: You're asking him if he
20 knows that that's what these things are?

21 THE WITNESS: No, I don't know.

22 BY MR. MAURIELLO:

23 Q. Yes. That's exactly what I'm asking.

24 A. No, I don't know.

25 Q. Is it your understanding that

1 Hurtz-Celanese -- withdrawn.

2 Is it your understanding that Celanese
3 Corporation actually designed the specs for their
4 plants to be built?

5 A. I don't know that fact.

6 Q. Well, these records are specifications. Do
7 you know what they are used for?

8 A. No.

9 Q. If a plant was being built for Fiber
10 Industries, do you know if they had to go through
11 engineering for approval?

12 A. I was never in on that practice.

13 Q. Okay. Were you ever -- did anyone within
14 the company ever discuss with you the availability of
15 thermal insulation back in 1965 and '66 when the Fiber
16 Industries Salisbury plant was constructed?

17 A. No.

18 Q. Anybody ever talk to you about the
19 alternate types of insulation that could be used?

20 A. No.

21 Q. Anybody ever run any of that information by
22 you?

23 A. No.

24 Q. Now, on page, what's marked as HNA 14366,
25 I'm going to draw your attention to that page. Do you

1 see that?

2 A. Yes.

3 Q. Okay. On the top there a little preface
4 section, and it states: The kind of insulation, bone
5 glass, fiberglass, thermobestos, is deliberately
6 selected because of, and it's got some criterion.

7 Do you see those?

8 A. Yes.

9 Q. Did you have any hand in drafting those
10 criterion?

11 A. No.

12 Q. And the criterion are: Resistance to fire,
13 weather, abuse and infestation. Do you see that?

14 A. Yeah, I see it.

15 MR. HUTCHINS: Object to the form of the
16 question. The document says what it says and it speaks
17 for itself.

18 BY MR. MAURIELLO:

19 Q. Number two is: Its availability, a large
20 inventory is not necessary. Do you see that?

21 A. I see that, yes.

22 Q. Number three is: Its ease of application.
23 Do you see that?

24 A. Yeah, I see it.

25 Q. And number four is: Its purchase price.

1 Is that correct?

2 A. I see that.

3 Q. Would you consider any of those criterion
4 to be safety criterion?

5 A. Since I wasn't involved with safety, I
6 don't know.

7 Q. Okay. Is it your understanding that --
8 well, how about a health concern?

9 A. No.

10 Q. Let me be more direct.

11 Was there any type of requirement or
12 criterion into the engineering specification for
13 insulation for employee health?

14 MR. HUTCHINS: You're asking if he knows
15 whether there was?

16 BY MR. MAURIELLO:

17 Q. Was there any policy regarding that in the
18 selection of materials that were to be used in
19 insulation?

20 A. I don't know that there was.

21 Q. And on the bottom of the page, it's got a
22 summary of what type of insulation, the order of
23 alternate selections.

24 Do you see that?

25 A. I see it.

1 Q. And it's got the hot pipe insulation at 140
2 degrees Fahrenheit to 1200 degrees Fahrenheit. Do you
3 see that?

4 A. Yes.

5 Q. And the first order is Kaylo or
6 Thermobestos. Do you see that?

7 A. Yes.

8 Q. Do you know if how long Kaylo or
9 Thermobestos was the first order of alternate
10 selections for thermal insulation --

11 A. I don't know the exact time.

12 MS. HICKS: I'm sorry. For the record,
13 what page was that?

14 MR. MAURIELLO: Page 1.

15 MS. HICKS: No, you gave a --

16 MR. MAURIELLO: Oh, that's HNA 14366.

17 BY MR. MAURIELLO:

18 Q. And the following page, Mr. Laubly, also
19 has a temperature range for hot, in general, 140 to
20 1200 degrees Fahrenheit. Do you see that?

21 A. Yes.

22 Q. And it also has basic insulation, Kaylo or
23 Therm asbestos; is that correct?

24 A. I see it, yes.

25 Q. Now, on Page 3 there's a specification

1 regarding the thickness of insulation that is to be
2 used for pipefittings. Do you see that?

3 A. Yes.

4 Q. Did anybody ever talk to you about the
5 amount of asbestos insulation that was to applied to
6 various pipes and vessels in the plant?

7 A. No.

8 MR. HUTCHINS: Object to the form of the
9 question.

10 BY MR. MAURIELLO:

11 Q. And on Page 4, which is HNA 14369, on the
12 bottom there, it talks about pipes having surface
13 temperatures falling in the range of 140 degrees to 600
14 degrees Fahrenheit should be insulated with Kaylo or
15 Thermobestos.

16 Do you see that?

17 A. I see it.

18 Q. Did anybody ever talk to you about using
19 these particular products for that type of insulation?

20 A. Never.

21 Q. Had they done so, would you have approved
22 it?

23 MR. HUTCHINS: Object to the form.

24 THE WITNESS: I can't say.

25 BY MR. MAURIELLO:

1 Q. Now, on HNA 14377, there is the separate
2 document contained within this larger document
3 entitled, "Index of Engineering Standards and
4 Practices."

5 Have you ever seen that before?

6 A. Never.

7 Q. And this document has a preface section to
8 it, and it lists various engineering practices and
9 standards on Page 14379. Have you ever seen these
10 standards before?

11 A. Never.

12 Q. And under E-13, Number 3, on Page 3, it has
13 "Safety." Do you see that?

14 A. Yes.

15 Q. All right. Now, I'm turning now to the
16 following page. There's a safety section to these
17 engineering standards. Do you see that?

18 A. Yes.

19 Q. Okay. Now, it's true, is it not, that --
20 withdrawn.

21 Have you ever read in any of your
22 industrial handbooks or industrial hygiene manuals the
23 role of engineering and safety together?

24 A. No.

25 Q. You've never talked about how industrial

1 hygiene has a part to play in plant engineering?

2 MR. HUTCHINS: I object to the form of the
3 question.

4 BY MR. MAURIELLO:

5 Q. Do you understand my question?

6 A. Sure.

7 Q. Have you ever read in any of the literature
8 in industrial hygiene the role of an industrial
9 hygienist from an engineering perspective in designing
10 a plant?

11 A. No.

12 MR. HUTCHINS: Same objection.

13 BY MR. MAURIELLO:

14 Q. Okay. Do you agree with me that safety
15 should be a consideration when designing a plant?

16 MR. HUTCHINS: Object to the form of the
17 question. You may answer, if you can.

18 THE WITNESS: I don't know. I really don't
19 know.

20 BY MR. MAURIELLO:

21 Q. Let me ask you: As an industrial
22 hygienist, do you agree with me that the choice of
23 materials in terms of worker safety should be a
24 consideration in designing a plant?

25 MR. HUTCHINS: Object to the form of the

1 question.

2 THE WITNESS: Yes.

3 BY MR. MAURIELLO:

4 Q. Mr. Laubly, if you knew of an alternate
5 type of substance that was not carcinogenic, would you
6 recommend it?

7 MR. HUTCHINS: Object to the form of the
8 question. Assumes facts not in evidence. Lacks
9 foundation. It's far too general to --

10 MR. MAURIELLO: Let's stop with the
11 speeches. This is a North Carolina deposition. All
12 objections are reserved as opposed to form. So I'm
13 going to object to any type of colloquy regarding the
14 witness.

15 If you have an objection, just state it.
16 If he doesn't understand my question, he can tell me he
17 doesn't understand it.

18 MR. HUTCHINS: I understand that. I have
19 not made a lot of objections here, nor do I intend to.
20 I am not interrupting your questions. Do not interrupt
21 me as I make my record.

22 MR. MAURIELLO: That's fine.

23 MR. HUTCHINS: The question is far too
24 general to fairly expect an answer --

25 MR. MAURIELLO: Then that's an objection as

1 to form --

2 MR. HUTCHINS: -- or any other witness. Do
3 not interrupt me again, and I will not interrupt you.

4 MR. MAURIELLO: Fair.

5 BY MR. MAURIELLO:

6 Q. Mr. Laubly, do you understand that
7 question?

8 A. After all of this, I can't remember what
9 the question was.

10 MR. MAURIELLO: Can we have that read back,
11 please?

12 (The requested portion of the record was
13 read by the court reporter.)

14 BY MR. MAURIELLO:

15 Q. I'll rephrase it, all right, to make it
16 simple.

17 Given the choice of two particular types of
18 products used in the insulation of a plant, a
19 carcinogenic substance versus a non-carcinogenic
20 substance, would you recommend a carcinogenic over a
21 non-carcinogenic substance?

22 MR. HUTCHINS: Object to the question.

23 THE WITNESS: I could only suggest the use.

24 BY MR. MAURIELLO:

25 Q. How about a substance that may cause

1 asbestosis versus a substance that may not, would you
2 recommend one over the other?

3 MR. HUTCHINS: Same objection.

4 THE WITNESS: I -- I can't --

5 BY MR. MAURIELLO:

6 Q. You can't answer that question?

7 A. I can't answer the question.

8 Q. Why not?

9 A. Because that's up to the plant to do that.

10 Q. Who at the plant makes that decision?

11 A. The engineering department and the safety
12 department.

13 Q. Is that the way you left it in 1966?

14 A. Yes.

15 Q. Okay. I talked to you earlier about
16 Imperial Chemical Industries, and I asked you about
17 whether or not there was any contact or communication
18 in your department between medical or industrial
19 hygiene and Imperial Chemical.

20 Do you remember that line of questioning?

21 A. Yes.

22 Q. All right. And I think you indicated to me
23 you don't recall any.

24 A. True.

25 Q. Okay. Do you know a gentleman named Dr.

1 M.W. Goldblatt?

2 A. No.

3 Q. You've never heard of Dr. Goldblatt before?

4 A. No.

5 Q. Did you ever see any of his writings that
6 may have come across your desk when you were with
7 Celanese?

8 A. I can't recall.

9 Q. Do you know who was the director and head
10 of industrial hygiene for research lab at Imperial
11 Chemical?

12 A. No.

13 Q. Do you know who was the author in the
14 British Journal of Medicine for Imperial Chemical
15 Industries?

16 A. No.

17 Q. Let me show you what we marked as
18 Plaintiff's Exhibit 2 and ask you if you've ever seen
19 that article before.

20 Take your time and look at it, if you need
21 to.

22 MR. HUTCHINS: Wait before responding, if
23 you would, Mr. Laubly. I want to take a look at it as
24 well.

25 THE WITNESS: I've never seen this article.

1 BY MR. MAURIELLO:

2 Q. Did you look through it?

3 A. Well, I knew from the title that I've never
4 seen it.

5 MR. HUTCHINS: I'm going to instruct the
6 witness not to answer any questions until I've had a
7 moment to look at the exhibit.

8 Thank you.

9 (Reviewing documents.)

10 MR. HUTCHINS: Thank you for affording me
11 that opportunity. Please proceed.

12 MR. MAURIELLO: Thank you. Does he have
13 his copy?

14 MR. HUTCHINS: I thought he had a copy.

15 BY MR. MAURIELLO:

16 Q. All right. Just so I'm clear, so I
17 understand, you've never heard of M.W. Goldblatt, Dr.
18 M.W. Goldblatt before; is that correct?

19 A. As far as I can recall.

20 Q. Do you know he was chief industrial
21 hygienist for Imperial Chemical?

22 A. No.

23 MR. HUTCHINS: Object to the form of the
24 question.

25 BY MR. MAURIELLO:

1 Q. Had not attended -- or did not receive any
2 of his publications --

3 MR. HUTCHINS: Object to the form of the
4 question.

5 THE WITNESS: I've never seen or heard of
6 the man.

7 BY MR. MAURIELLO:

8 Q. Drawing your attention to the article that
9 I handed you, and it's marked as Plaintiff's Exhibit 2.
10 It's entitled, "Industrial Carcinogenesis and
11 Toxicology." Do you see that?

12 A. Yes.

13 Q. Had you ever been presented any type of
14 articles along that line before by any other author?

15 A. No.

16 MR. HUTCHINS: Presented where? Here? At
17 a deposition? In the course of his career?

18 BY MR. MAURIELLO:

19 Q. Well, anywhere in the universe, have you
20 ever seen an article entitled, "Industrial
21 Carcinogenesis and Toxicology"?

22 A. No.

23 Q. Thank you. Have you ever seen any article
24 written in 1950 entitled, "Occupational
25 Carcinogenesis," in the Practitioner, by Dr. Goldblatt?

1 A. No.

2 MR. HUTCHINS: Object to the form of the
3 question.

4 BY MR. MAURIELLO:

5 Q. Have you ever seen a 20-page article in the
6 Research and Industrial Health and Chemical Industry in
7 the British Journal of Industrial Medicine by Dr.
8 Goldblatt?

9 MR. HUTCHINS: Object to the form of the
10 question.

11 THE WITNESS: No.

12 BY MR. MAURIELLO:

13 Q. Had you ever seen in 1956, a 40-page
14 chapter, an article entitled, "Industrial
15 Carcinogenesis and Toxicology," just like you see
16 there, in the Industrial Medicine and Hygiene book?

17 MR. HUTCHINS: I object to the form of the
18 question.

19 THE WITNESS: I have not seen it.

20 BY MR. MAURIELLO:

21 Q. Did you ever see in 1957 a 22-page article
22 entitled, "Industrial Toxicology," by Dr. Goldblatt?

23 MR. HUTCHINS: Object to the form of the
24 question.

25 THE WITNESS: No.

1 BY MR. MAURIELLO:

2 Q. Did you ever see a 1958 article on
3 Occupational Carcinogenesis in a British Medical
4 Bulletin by Dr. Goldblatt?

5 MR. HUTCHINS: Object to the form of the
6 question.

7 THE WITNESS: No.

8 BY MR. MAURIELLO:

9 Q. Now, I'm going to turn your attention to
10 Page 216 of this particular article.

11 I want you to take a look at the first
12 paragraph on that that starts with, "We will first
13 consider," to take a look at that and read that part.

14 A. (Witness complies.)

15 Q. Do you see that?

16 A. Yes.

17 Q. And it states: We will first consider the
18 evidence that asbestosis leads in a proportion of cases
19 to cancer of the lung. As long ago as 1938 a suspicion
20 arose that asbestos workers might be more than normally
21 prone to lung cancer.

22 Do you see that?

23 A. I see it, yes.

24 MR. HUTCHINS: I object to the question.
25 Or the statement, actually.

1 BY MR. MAURIELLO:

2 Q. Do you agree with that statement?

3 A. I can't say.

4 Q. Then they reference the Nordman study in
5 1938.

6 A. Yes.

7 Q. Are you familiar with that study?

8 A. No.

9 Q. And then Dr. Goldblatt references six cases
10 of lung cancer underneath that, with exposure ranges
11 from seven to twenty-one years. Do you see that?

12 A. I see that, yes.

13 Q. Have you ever seen any of those studies?

14 A. No.

15 Q. Anybody in the corporation ever tell you
16 about those studies?

17 A. No.

18 Q. Then they reference the Gloyne study in
19 1936. Have you ever seen the Gloyne study?

20 A. No.

21 Q. Finding six cases of carcinoma. Do you see
22 that?

23 A. I see it, but I --

24 Q. Do you know who E.R.A. Merriweather is?

25 A. No.

1 Q. Have you ever heard of the inspector of
2 factories in England around the turn of the century in
3 asbestos cases?

4 A. No.

5 MR. HUTCHINS: Objection to the form of the
6 question.

7 BY MR. MAURIELLO:

8 Q. And Dr. Goldblatt references in the article
9 U.S. studies of Lynch and Cannon in 1948. Do you ever
10 recall reviewing the Lynch and Cannon studies?

11 A. No.

12 Q. Do you ever recall post-mortem examinations
13 of 40 asbestotics and lung cancer ratio?

14 MR. HUTCHINS: Objection to the form of the
15 question.

16 MR. MAURIELLO: I'll rephrase it.

17 BY MR. MAURIELLO:

18 Q. Do you ever recall seeing any studies in
19 the United States involving post-mortem examinations of
20 40 asbestotics and the lung cancer ratio? This is in
21 1948?

22 MR. HUTCHINS: Objection to the form of the
23 question.

24 THE WITNESS: Never seen it.

25 BY MR. MAURIELLO:

1 Q. Okay. Then the article, if you follow
2 along with me, mentions the Baron study in 1952. Do
3 you recall ever --

4 A. Where is that?

5 Q. Following. I think it's on the same page.

6 MR. HUTCHINS: I object to the form of that
7 question.

8 THE WITNESS: No. I'm not familiar with
9 that.

10 BY MR. MAURIELLO:

11 Q. Okay. And then turning on the next page,
12 217, Dr. Goldblatt's article goes on to review some
13 case studies of Stohl, Bass and Angress in 1951.
14 Apparently, according to this article, they were
15 dissatisfied with statistics.

16 Do you see where he mentions that?

17 A. I see that.

18 MR. HUTCHINS: I object to the form of the
19 question.

20 BY MR. MAURIELLO:

21 Q. Okay. Dr. Goldblatt mentions the first
22 case study of a worker who for six years was covering
23 pipes with asbestos and who refused to take precautions
24 by wearing a respirator.

25 Do you see where he references that?

1 MR. HUTCHINS: I object to the form of the
2 question.

3 THE WITNESS: I see that.

4 BY MR. MAURIELLO:

5 Q. And he indicates that the post-mortem
6 examination showed asbestosis, doesn't it?

7 MR. HUTCHINS: I object to the form of the
8 question.

9 THE WITNESS: I've never seen this.

10 BY MR. MAURIELLO:

11 Q. He goes on to review the Stohl, Bass and
12 Angress studies again, the bottom of that paragraph on
13 that page, 217?

14 A. Okay. The post-mortem examination?

15 Q. Well, there's a -- right. He's got the
16 Werber study and then a post-mortem examination on the
17 bottom by Curatan in 1948.

18 Do you see that?

19 A. Yes.

20 MR. HUTCHINS: I object to the form of the
21 statement.

22 BY MR. MAURIELLO:

23 Q. Okay. Let me show you what we marked as
24 Plaintiff's Exhibit 3. You want to take a look at
25 that? I want to ask you some questions about that,

1 also.

2 (Reviewing documents.)

3 BY MR. MAURIELLO:

4 Q. While you're doing that, then, I'm going to
5 go back to what we marked as Plaintiff's 2, Mr. Laubly,
6 and ask you --

7 MR. HUTCHINS: I'll instruct the witness
8 not to answer the question until I'm done looking at
9 this exhibit.

10 MR. MAURIELLO: You can't --

11 MR. HUTCHINS: Come on, now.

12 MR. MAURIELLO: Excuse me. I'm going to go
13 back to 2. If you want to take a break and go back,
14 it's fine. It happens to be my depo, so let's move on.
15 If you want to take a break on that.

16 MR. HUTCHINS: But, if we move on to 3, I
17 am going to need a moment to finish looking at that.

18 MR. MAURIELLO: That's fine.

19 BY MR. MAURIELLO:

20 Q. Mr. Laubly, I'm going to show you again
21 what we marked as Plaintiff's 2 and ask you to take a
22 look at the last paragraph on the asbestos portion of
23 Dr. Goldblatt's article.

24 A. What do you want -- what do you expect me
25 to do?

1 Q. I just want you to read it and I'm going to
2 ask you a question.

3 The paragraph states: Until this charge is
4 successfully answered, we may for practical purposes
5 regard asbestos or a derivative of asbestos as a
6 probable co-carcinogen in that proportion of cases of
7 diffuse fibrosis of the lung in which the necessary
8 preparedness of the lung has been brought about.

9 Do you see that?

10 A. I see that.

11 MR. HUTCHINS: I object to the form of the
12 statement.

13 BY MR. MAURIELLO:

14 Q. This article was written in 1956; is that
15 correct?

16 MR. HUTCHINS: Object to the form of the
17 statement.

18 THE WITNESS: Yes.

19 BY MR. MAURIELLO:

20 Q. Had anyone from Imperial Chemical
21 Industries or Celanese of America imparted any
22 information to you about the carcinogenic effect of
23 asbestos at any point in time?

24 A. No.

25 Q. Now, if counsel is through looking at 3 —

1 MR. HUTCHINS: Give me one moment. And I'm
2 not trying to get in your way; just in fairness, I just
3 want to check --

4 MR. MAURIELLO: That's fine. If you're
5 going to be a while, we can go off the record.

6 MR. HUTCHINS: I've read it before. I
7 haven't read it today.

8 BY MR. MAURIELLO:

9 Q. Quite frankly, Mr. Laubly, I'm just going
10 to ask you if you recognize these articles, that's all.

11 A. I do not recognize this, no.

12 Q. All right. And just for the record, it's
13 an article in the British Journal of Industrial
14 Medicine, entitled, "Research in Industrial Health in
15 the Chemical Industry," by M.W. Goldblatt.

16 You've never seen that article before?

17 A. No.

18 Q. All right. Let me just show you
19 Plaintiff's 4. All I'm going to ask you is if you've
20 seen that article before in the Practitioner, dated in
21 the volume, January to June of 1950, "Occupational
22 Carcinogenesis," by M.W. Goldblatt.

23 Have you ever seen that article before?

24 A. No.

25 MR. HUTCHINS: Are we done with this one?

1 MR. MAURIELLO: Yes.

2 BY MR. MAURIELLO:

3 Q. Plaintiff's Exhibit 5, "Lectures on the
4 Scientific Medicine," Volume 5 of the British
5 Post-Graduate Medical Federation, University of London,
6 1957, an article on industrial toxicology by M.W.
7 Goldblatt.

8 Have you ever seen that article before?

9 A. No.

10 Q. Plaintiff's 6, a British Medical Bulletin
11 dated May, 1958, entitled, "Occupational
12 Carcinogenesis," again by M.W. Goldblatt.

13 Have you ever seen that article?

14 A. No.

15 Q. Actually, give me that one back. This is
16 your copy.

17 Plaintiff's 7, another article in the
18 Practitioner, dated July through December volume of
19 1958, entitled, "Occupational Cancer," by M.W.
20 Goldblatt.

21 Have you ever seen that article?

22 A. No.

23 Q. Do you know what the purchase policies were
24 of Imperial Chemical Industries of asbestos products in
25 the '60s?

1 A. No.

2 Q. I asked you earlier about Turner and
3 Newell. You indicated you weren't aware of that
4 company, correct?

5 A. Yes.

6 Q. That's, yes, you're not aware of them?

7 A. I am not aware of them.

8 Q. All right. Do you know if Imperial
9 Chemical Industries had any type of policy they enacted
10 in the '60s, at any point in time, regarding the
11 non-use of asbestos material in its factories?

12 A. I don't know of it.

13 Q. Were you ever made aware of any of the
14 activities that were involving in London and in England
15 in 1966 regarding workers working in plants with
16 asbestos by any newspaper articles, industrial hygiene
17 articles, anything of that nature?

18 MR. HUTCHINS: I object to the form of the
19 question.

20 THE WITNESS: No.

21 BY MR. MAURIELLO:

22 Q. Let me show you a document we marked as --
23 I'll give you that one -- Plaintiff's Exhibit 8, and
24 I'm going to look on with you for a moment here.

25 MR. HUTCHINS: I'm sorry. Just to clarify,

1 are you going to ask him if he's ever seen this before
2 or are you going to ask more about it than that?

3 MR. MAURIELLO: I'm going to ask more about
4 it than that.

5 MR. HUTCHINS: All right. If you could,
6 give me just a moment to look at this and perhaps Mr.
7 Laubly can examine it as well.

8 MR. MAURIELLO: Sure. Um-hum.

9 (Reviewing documents.)

10 BY MR. MAURIELLO:

11 Q. Have you had time to look at that?

12 A. Yes.

13 Q. Okay. This document is entitled, "Turner
14 and Newell, Ltd. Board Meeting," May 25, 1967,
15 "Asbestos and Health Publicity Problems."

16 Had you ever received any type of
17 documentation while you were within Celanese from any
18 asbestos manufacturer or distributor?

19 A. No.

20 Q. Now, on Page 3 of the document, I'm just
21 going to read a passage here. It says: The attitude
22 of labor in the docks, building sites and in the
23 contracting industry has naturally become restive and
24 there has been stoppages of work and threats of more on
25 building sites and shipyards where asbestos insulation

1 or fire-resistant partitions are being installed.

2 Do you see that?

3 A. I saw it, yes.

4 Q. Did you read that before?

5 A. I didn't read it all, no.

6 Q. Had you ever received, when you were with
7 Imperial -- when you were with Celanese in New York,
8 any of the articles surrounding anything that may have
9 been transpiring in London at that particular point in
10 time?

11 MR. HUTCHINS: I object to the form of the
12 question.

13 THE WITNESS: I never saw anything.

14 BY MR. MAURIELLO:

15 Q. You never were given, or never shown
16 through any of the industrial hygiene literature what
17 was going on in other factories regarding workers and
18 asbestos?

19 A. No.

20 MR. HUTCHINS: I object to the form of the
21 question.

22 BY MR. MAURIELLO:

23 Q. And it goes on to say: Big customers such
24 as ICI -- does ICI stand for Imperial Chemical
25 Industries, to the best of your knowledge?

1 A. To the best of my knowledge.

2 Q. Okay: Big customers such as ICI, hospital
3 authorities, the Navy and the CEGH are tending to turn
4 to non-asbestos materials where possible.

5 Was that ever conveyed to you in any form?

6 MR. HUTCHINS: I object to the form of the
7 question.

8 THE WITNESS: No. I never saw anything
9 like that.

10 BY MR. MAURIELLO:

11 Q. Specifically what I am asking you is: Were
12 you ever made aware of the fact that in any other area,
13 outside of your office, other companies were turning
14 away from asbestos products?

15 MR. HUTCHINS: Object to the form of the
16 question.

17 THE WITNESS: I don't know. I can't
18 recall.

19 BY MR. MAURIELLO:

20 Q. Were you ever aware of the fact that the
21 owner of the Salisbury fiber plant, one of the
22 co-owners was turning away from asbestos products in --

23 A. I was not.

24 MR. HUTCHINS: I object to the form of the
25 question.

1 What was your answer to that question, Mr.

2 Laubly?

3 THE WITNESS: I wasn't aware of it.

4 BY MR. MAURIELLO:

5 Q. Because as you said earlier, you didn't
6 receive any information from Imperial Chemical
7 Industries, correct?

8 A. That is correct.

9 Q. Now, when you were in Salisbury, though, in
10 1966, you were meeting with Mr. Swearingin because you
11 were the industrial hygienist, correct?

12 A. Correct.

13 Q. And that plant was owned in part by
14 Imperial Chemical; is that correct?

15 A. Yes.

16 Q. Had you ever received any information from
17 1966 until you left in 1979 from Imperial Chemical
18 Industries about anything that was happening in England
19 with their plants over there?

20 A. No.

21 Q. Had you ever received any type of directive
22 about what we're doing with asbestos products from that
23 company --

24 MR. HUTCHINS: I object to the form of the
25 question.

1 BY MR. MAURIELLO:

2 Q. -- at any point in time?

3 I'll rephrase it.

4 Have you ever seen any correspondence or
5 written documentation from any representation from
6 Imperial Chemical Industries about how they were
7 handling or treating the asbestos issue?

8 A. No.

9 MR. HUTCHINS: I object to the form of the
10 question.

11 MR. MAURIELLO: Off the record. Let's take
12 a break.

13 THE VIDEOGRAPHER: The time is 4:55 and
14 we're going off the record.

15 (At this time, the deposition was adjourned
16 for the day.)

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