

173

1 correct?

2 A. Basically.

3 Q. And you don't remember who told you it
4 wasn't something you needed to worry about?

5 A. Specifically, no.

6 Q. Did you attend any meetings of Regional
7 Contractor Associations?

8 A. Yes.

9 Q. When is the first time after -- strike
10 that.

11 After 1962, what's the first time you
12 attended a Regional Contractor Association
13 meeting?

14 A. '62.

15 Q. Did you ever, as part of your
16 attendance at a Regional Contractor Association
17 meeting, discuss the potential relationship
18 between asbestos exposure and lung disease?

19 A. Yes.

20 Q. Can you tell me the first time, the
21 date, the first time that was discussed?

22 A. It was in the late '60s. The late '60s
23 in my mind tend to run together, so I'm not
24 positive, but I would guess it was, oh, '68,

175

1 associations were there?

2 A. Massachusetts would be part of the
3 region of the northeast.

4 Q. So, you were travelling throughout the
5 country?

6 A. Yes.

7 Q. And Massachusetts fell within the
8 northeast region?

9 A. At that time it was the New England
10 region.

11 Q. Who else was on the team making the
12 presentation?

13 MS. PETERSON: Objection.

14 A. A John Vyverburg representing Owens-
15 Corning, V-Y-V-E-R-B-U-R-G, Cliff Scheckler,
16 S-C-H-E-C-K-L-E-R representing Johns-Manville,
17 and Jack Barnhart, B-A-R-N-H-A-R-T, representing
18 the Manufacturers Association.

19 Q. Was that NIMA?

20 A. NIMA.

21 Q. Can you give me a summary of the
22 presentation that your team gave at these
23 regional contractor meetings?

24 A. Mr. Scheckler started the presentation

174

1 something like that, was the first.

2 Q. And do you recall what was discussed at
3 the Regional Contractor Association meetings
4 regarding asbestos exposure and lung disease?

5 A. I was part of a team that was making a
6 presentation to the regional meeting on the
7 problems of asbestos and how to deal with it, how
8 to protect the workers' health, et cetera.

9 Q. For whom was this presentation being
10 addressed?

11 A. Whoever was in attendance, but it was
12 mostly the contractors and suppliers.

13 Q. And is this Regional Contractor
14 Association a regional group of the IDCNA?

15 A. Yes, it was.

16 Q. Did you make presentations to any other
17 contractor associations?

18 A. Well, there were eight regional
19 associations.

20 Q. And were they different regional
21 associations or were they just different regions?

22 A. There was a different regional
23 association in each region.

24 Q. In Massachusetts, how many regional

176

1 by discussing the properties of asbestos and the
2 recommendations at that point from NIMA as to the
3 handling of asbestos and the reducing of dust,
4 pointing out that, like any dust, it was -- any
5 dust can be dangerous and that asbestos should be
6 included as being treated with large
7 concentrations of dust and how to do that.

8 Mr. Vyverburg essentially followed up,
9 essentially not dealing with it with the
10 technical part, but with sort of a sales approach
11 to it. And Jack Barnhart was sort of introducing
12 people rather than making a presentation, and
13 then I would follow with specifics from the point
14 of view of contractors and then handle the
15 questions from the floor, from the people
16 present.

17 Q. Mr. Vyverburg's sales approach, was
18 that intended as a way for the attendees to
19 address potential issues about asbestos exposure
20 raised by customers?

21 MS. BOYD: Objection.

22 MR. KIRBY: Objection.

23 A. No.

24 Q. Can you tell me what you meant by

Theodore Brodie

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

December 5, 200

177

1 "sales approach"?

2 MS. BOYD: Objection. Relevance.

3 A. That properly handled, asbestos was a
4 safe material to deal with, and they pointed out
5 there are a lot of materials that are -- were in
6 use at that point that were dangerous materials,
7 but could be safely handled if proper precautions
8 were taken. That's what I meant by more of a
9 general approach, rather than the technical
10 approach of Mr. Scheckler.

11 Q. Did the presentation inform the
12 attendees of a relationship between asbestos
13 exposure and lung disease or did it deal more
14 with pneumoconiosis-producing dusts?

15 MS. TAYYAB: Objection.

16 A. Pneumoconiosis-producing dusts.

17 Q. So, the presentation was aimed more at
18 the dusts than a particular dust particle or a
19 particular mineral such as asbestos?

20 A. No, they referred to the pneumoconiosis
21 dust, but it was in regard to asbestos. There
22 was no question that asbestos was being talked
23 about and the possible health -- negative health
24 effects if you didn't follow safe work practices.

179

1 Q. Okay. Did the pamphlet specifically
2 mention asbestos dust as something that should be
3 avoided or minimized?

4 A. Yes.

5 Q. It didn't just refer to pneumoconiosis-
6 producing dusts?

7 A. No, it specifically stated asbestos.

8 Q. At the presentation, were the attendees
9 informed of a potential relationship between
10 mesothelioma and asbestos exposure?

11 A. From my memory, no.

12 Q. Were the attendees informed of a
13 potential relationship between asbestos exposure
14 and lung cancer?

15 A. Yes.

16 Q. And were the attendees informed of a
17 potential relationship between asbestos exposure
18 and asbestosis?

19 A. Yes.

20 Q. Was threshold limit value discussed at
21 those presentations?

22 A. Yes.

23 Q. What was said in regard to threshold
24 limit value?

178

1 Q. Were recommendations made as to what
2 were safe work practices?

3 A. Yes, and handouts were given out.

4 Q. Can you tell me what recommendations
5 were made?

6 A. Applying the material in such a way
7 that dust was minimized; having the men wear
8 respirators, sort of discouraging the use of the
9 paper mask, but the use of the rubberized mask
10 with the filter; the way you would open a bag of
11 cement and pour it into a trough before you mixed
12 it, the mixing trough. All kinds of things that
13 would tend to limit dust and exposure.

14 Q. And what was contained in the pamphlet
15 that was handed out?

16 A. Essentially, they would bullet the
17 procedures that were being recommended by NIMA,
18 and the publisher of the pamphlet was NIMA.

19 Q. Do you have any copies of the pamphlets
20 that were handed out at those presentations?

21 A. At this time, no.

22 Q. When is the last time you've seen a
23 copy of the pamphlet?

24 A. Oh, goodness, I couldn't tell you.

180

1 A. I'm trying to remember if there was a
2 specific fiber count. I don't believe there was.

3 I think they did it on the basis of the other
4 measurement procedure, which is milligrams per --

5 Q. Cubic foot?

6 A. I think it's cubic foot.

7 MR. KIRBY: Objection.

8 Q. When is the first time you heard of the
9 term threshold limit value or TLV?

10 A. In the mid to late '60s. I don't
11 remember the specific timing of which
12 conversation it might have been in.

13 Q. And the first time you heard of it was
14 in a conversation?

15 A. I believe so.

16 Q. With whom were you conversing at the
17 time you heard it?

18 A. As I said, I can't remember exactly who
19 it was or what the conversation was.

20 Q. Was this at one of the national
21 meetings you discussed earlier?

22 A. I can't pin it down.

23 Q. Okay. What is your present
24 understanding of TLV?

Theodore Brodie

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

December 5, 2000

181

1 A. Threshold limit value?

2 Q. Yes.

3 A. It's the -- I usually refer to it in
4 terms of the fiber count. The number of fibers
5 that can be -- that can be safely in the area
6 that could be ingested, breathed in, without
7 harming an individual, and exceeding that TLV
8 would be harmful to the individual.

9 Q. Do you know where the New England
10 Regional Contractor Association meeting was held?

11 A. Generally at the -- in Sturbridge at
12 the Old Publick House.

13 Q. Do you recall how many persons attended
14 that meeting?

15 A. Normally somewhere around eight to 10
16 contractors.

17 MR. KIRBY: Objection. Move to strike.

18 Q. Do you know the identity of any of the
19 contractors who attended that meeting?

20 A. At the time I knew them all.

21 Q. Do you recall today any of them?

22 A. By name or by company?

23 Q. By company.

24 A. Johnson Asbestos, Cummings Insulation,

183

1 after -- to the union. It was also after the
2 Selikoff presentation to the Association, so it
3 would have been the following year probably.

4 Q. Very good. New England Insulation was
5 a subscriber to Asbestos Worker Magazine; is that
6 correct?

7 A. You don't subscribe to it. The union
8 automatically sends it to you.

9 Q. New England Insulation was a recipient
10 of the magazine?

11 A. That's correct.

12 Q. When did you first see a warning in the
13 Asbestos Worker Magazine regarding the potential
14 relationship between asbestos and lung disease?

15 A. A warning was probably about the same
16 time I was going around the country to the
17 regionals.

18 Q. And Asbestos Worker Magazine, you said,
19 was automatically sent out by the union. It was
20 sent out to its membership, I take it?

21 A. To its membership and to all signatory
22 contractors.

23 Q. And was a signatory contractor someone
24 who agreed to a collective bargaining agreement

182

1 P.S. Thorsen. At that time it would have been
2 ACandS. Those are the primary companies.

3 * Q. Do you know if Eastern Refractories
4 attended that meeting?

5 MR. FELICE: Objection.

6 * A. You're right, they did.

7 MR. KIRBY: You know, Mike, I'm sorry.
8 I missed that one. What was that one? Can
9 you read that back, Lorene.

10 (* Question and Answer read back)

11 Q. Was that NIMA pamphlet that you handed
12 out at the Regional Contractor Association
13 meetings distributed in any other capacity
14 outside the meeting?

15 MR. LAVOIE: To his knowledge?

16 MR. SHEPARD: Yes, always.

17 A. I don't know.

18 Q. Do you know when NIMA put that document
19 together?

20 A. As I say, the years in the mid to late
21 '60s, '65 through to about '69 and so on start
22 blending together, and so, I don't know the
23 specific date. It was -- I can go by the events.
24 It was after the Selikoff presentation. It was

184

1 through the union?

2 A. Who would sign a collective bargaining
3 agreement.

4 Q. Did New England Insulation ever warn
5 Boston Edison about a potential relationship
6 between asbestos and lung disease?

7 A. No, we weren't working for them.

8 Q. Can you recall the first time New
9 England Insulation -- strike that.

10 Can you recall the first time you saw a
11 warning on an asbestos-containing product?

12 A. Sometime in the late '60s, I think.

13 Q. Do you remember the name of the product
14 you first saw a warning on?

15 MS. TAYYAB: Objection.

16 A. Kaylo.

17 Q. Did New England Insulation ever test
18 any of the products that it sold or supplied or
19 provided pursuant to a contract for fiber
20 release, asbestos fiber release?

21 A. No.

22 Q. Did New England Insulation participate
23 in any studies regarding a potential relationship
24 between asbestos and lung disease?

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 200

185

1 A. Nope.
2 Q. Did New England Insulation ever conduct
3 any tests of its own facilities for the presence
4 of asbestos?
5 A. Yes.
6 Q. When was the first time New England
7 Insulation tested its own facilities for the
8 presence of asbestos?
9 A. Probably 1970.
10 Q. What type of test was conducted?
11 A. Air monitoring and -- both individual
12 and space. Personnel monitoring and space
13 monitoring.
14 Q. Was this done at the Canton location?
15 A. That's correct.
16 Q. What were the results of that test?
17 A. We were well below TLVs. Again, it was
18 hardly measurable.
19 Q. Was this after you had removed all
20 asbestos-containing products from the premises?
21 A. I think this was during.
22 Q. Were the results of that test presented
23 to New England Insulation in a document of some
24 sort?

187

1 Canton.
2 Q. And was the dust precaution to keep
3 down dust from the construction of the building?
4 A. No.
5 Q. What precautions were taken then?
6 A. We did some fabrication at the
7 facility, and I contacted Dr. Hardy, she
8 recommended an industrial hygienist in Quincy who
9 designed a dust control system for us for where
10 the saws were located, and sucked it out and put
11 it into a dust collector outside the building.
12 MR. KIRBY: Can we take a break?
13 MR. SHEPARD: Sure.
14 (Off the record, 3:24-3:43)
15 MR. SHEPARD: Back on the record.
16 Q. The industrial hygienist that designed
17 the dust collector for the saws, what was that
18 person's name?
19 A. I don't remember.
20 Q. Was it a male or a female?
21 A. Male.
22 Q. And he was out of Quincy?
23 A. Yes, he was based out of Quincy.
24 Heavy-set man.

186

1 A. I'm sure we got a report from the lab.
2 Q. Do you recall the name of the lab that
3 did the work?
4 A. No.
5 Q. Do you have a copy of the report?
6 A. I don't personally, no.
7 Q. Do you know if your counsel has a copy
8 of the report?
9 A. No, he doesn't have it.
10 Q. When is the last time you've seen a
11 copy of the report?
12 A. Probably 1970.
13 Q. Would that report potentially be
14 something that's kept in the document repository,
15 document storage?
16 A. If it's anywhere, that's where it will
17 be.
18 Q. Did New England Insulation at any time
19 take precautions to keep down the amount of dust
20 in any of its facilities?
21 A. Yes.
22 Q. When was the first time a precaution
23 was taken by New England Insulation?
24 A. As we were building the new building in

188

1 Q. Do you know what his address was in
2 Quincy?
3 A. No.
4 Q. Do you know what his business was
5 called?
6 A. No.
7 Q. And this was in 1970 when the building
8 was being built?
9 A. Yeah, I think he designed it in maybe
10 December of '69, it might have been the winter of
11 '70, and it was installed in the late spring of
12 '70.
13 Q. We've talked about Dr. Selikoff's
14 presentation at the Chicago meeting, but I
15 haven't asked you what he said. Can you tell me
16 briefly what the substance of Dr. Selikoff's
17 presentation was?
18 A. The substance was he reported on the
19 statistical data that had been collected by E.
20 Cuyler Hammond representing the American Cancer
21 Society and the participation of Local 22 and 12
22 of the Asbestos Workers in New York and New
23 Jersey, and what the meaning of the -- how they
24 brought the excess numbers of cancer, diagnosed

189

1 cancers, in that cohort and why it was a good
2 cohort and so on.

3 I don't remember him going into any of
4 the medical studies at that time. In fact, I
5 don't believe that there were that many medical
6 studies at that time, and then went into, I'll
7 call it a harangue, about the fact that they
8 should never work without respirators and how bad
9 the suppliers or manufacturers of the material
10 were, and it was sort of a political
11 pronouncement kind of thing, which in terms of
12 warning the men I think he felt would be
13 effective.

14 Q. What was the ultimate conclusion he
15 reached in that presentation regarding the
16 relationship with asbestos and lung disease?

17 A. That when using it, you should do it
18 with care and as much protection as you could.

19 Q. Did he draw a causative relationship
20 between asbestos exposure and lung disease?

21 A. I believe he did.

22 Q. When masks or respirators were made
23 available to New England Insulation employees,
24 what, if anything, were the employees told about

191

1 your men; is that true?

2 A. Yes, that's correct.

3 Q. But in the beginning, you were just
4 warning them that there's a potential problem
5 here and you should be wearing masks?

6 A. I informed my superintendent and he
7 informed the men that it appeared that there was
8 a problem, we didn't know that there was a
9 problem, and that we would keep them advised of
10 whatever we were able to find out.

11 Q. Did New England Insulation employees
12 provide masks to any bystanders at any
13 construction site at which they were doing work?
14 By bystander, I mean --

15 A. Not to my knowledge.

16 Q. And by bystander, any non-New England
17 Insulation employee?

18 A. Not to my knowledge.

19 Q. Do you know if any New England
20 Insulation employees gave warnings or
21 instructions to persons present at jobsites at
22 which they were working that they should wear a
23 mask or respirator?

24 A. At what time?

190

1 their use?

2 A. That it was possible and we had
3 information that asbestos could be or might be
4 harmful to their health, that there were some
5 reports that it could cause cancer of the lung,
6 and that we recommended that they use these
7 respirators, masks, whatever, and when applying
8 it, when you -- to reduce dust when you're
9 applying the product.

10 Q. Was this, all of this information,
11 given immediately following the first Selikoff
12 conference?

13 A. I wouldn't say immediately, no. I
14 relayed the information to the national
15 association, and as far as my own company was
16 concerned, discussed it with the -- our outside
17 superintendent, and he discussed it with the
18 foremen, and with varying degrees of success, we
19 alerted the men that there could be a problem and
20 that they should protect themselves.

21 Q. And if I understand your testimony
22 correctly, then, as you and your company learned
23 more about asbestos and its relationship with
24 lung disease, more information was passed down to

192

1 Q. Let's start with when -- let's start
2 with 1965.

3 A. I would say no.

4 Q. Can you tell me when the first time is
5 that you believe that a New England Insulation
6 employee would instruct others at a jobsite that
7 they should be wearing masks?

8 A. I really couldn't say because I
9 wouldn't be there when they were doing it, so I
10 couldn't put a time on it.

11 Q. Did New England Insulation instruct any
12 of its employees that they should be informing
13 non-New England Insulation employees at jobsites
14 about the hazards of asbestos or the requirement
15 that they should be wearing masks?

16 A. I don't know whether our superintendent
17 did or not.

18 Q. Was the death of your stepfather the
19 first occasion you had to learn of a person
20 employed in the insulation business who died from
21 what you understood to be an asbestos-related
22 illness?

23 A. Yes.

24 Q. Did any New England Insulation

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 200

193 1 employees complain about dust prior to 1962? 2 A. Not to my knowledge. 3 Q. Okay. Prior to your warning the 4 employees about the hazards of dust, do you know 5 whether any New England Insulation employee ever 6 complained about dust? 7 A. Not to me. 8 Q. Do you know whether any complaints were 9 made to the outside supervisor or any of your 10 employees, other employees? 11 A. I was not aware of any. 12 Q. What was the first workers' 13 compensation claim, if any, filed against New 14 England Insulation regarding an asbestos or an 15 alleged asbestos-related injury? 16 A. I don't remember which one. 17 Q. Do you remember what year the first one 18 would have been in? 19 A. No. 20 Q. Do you remember the decade? 21 A. I would say in the '70s at the 22 earliest. It might have even been the '80s. 23 Q. Who is Frank Marlow? 24 A. Frank Marlow? Frank Marlow?	195 1 A. No. 2 Q. Did you inform Owens-Corning Fiberglas 3 that your father-in-law had an asbestos-related 4 injury? 5 A. My father-in-law died at the age of 92 6 and never had any asbestos injury. 7 Q. Did your stepfather ever assert a claim 8 for an asbestos-related injury? 9 A. No. 10 Q. And do you know if you informed 11 Owens-Corning fiberglass that your stepfather had 12 an asbestos-related injury? 13 A. Formally, I did not. 14 Q. Informally? 15 A. I might have mentioned it to local 16 people for Owens-Corning. 17 Q. When you contacted representatives of 18 Owens-Corning and Johns-Manville investigating a 19 potential relationship between asbestos and 20 health hazards, did they ask you why you were 21 asking these questions? 22 A. No. 23 Q. Did you give them any reason why you 24 were investigating this potential relationship?
194 1 Q. Uh-huh. 2 A. It's not striking a bell. Help me. 3 Q. Did you have a brother-in-law? 4 A. Not that I know of. Wait a minute. I 5 have a brother-in-law, Carlos Auriema, who lives 6 in New York. 7 Q. Did he ever work for New England 8 Insulation? 9 A. He was the CEO of a hundred million 10 dollar company. 11 Q. Is that no? 12 A. That's no. 13 Q. So, you did not have a brother-in-law 14 that was diagnosed with asbestosis, then? 15 A. No, sir. 16 Q. Okay. Do you know if your father- 17 in-law ever, or any of your father-in-law's 18 estate representatives, ever asserted a claim 19 against anyone regarding his exposure to 20 asbestos? 21 A. He did not. 22 Q. Did you ever inform Owens-Corning 23 Fiberglas that you had a brother-in-law who had 24 an asbestos-related injury?	196 1 A. Owens-Corning or Manville? 2 Q. Let's start with Owens-Corning. 3 A. With Owens-Corning, when I inquired, I 4 told them that I had heard rumors of problems 5 with asbestos and I wanted more information 6 relative to it. 7 Q. What was -- what, if anything, did you 8 tell Johns-Manville representatives regarding 9 your inquiry? 10 A. By the time I was talking to Manville, 11 I was doing it as a member of the board of 12 directors of IDCNA and further as the chairman of 13 the health and safety committee, so they knew why 14 I was asking. 15 Q. When did New England Insulation join 16 the IDCNA? 17 A. I believe it was '57. 18 Q. And is the IDCNA still in existence? 19 A. After several name changes, yes, it is. 20 Q. What is its present name? 21 A. National Insulation Association, NIA. 22 Q. What other names has it been known by? 23 A. NICA, N-I-C-A. 24 Q. What does that stand for?

Pamela Ondik, et al vs. ACandS, Inc., et al

Theodore Brodie

Volume One

December 5, 2000

197

1 A. National Insulation Contractors
2 Association. I lose track. There were two
3 others, and I got disgusted and didn't even want
4 to remember them.

5 Q. Is New England Insulation presently a
6 member of the National Insulation Association?

7 A. We are.

8 Q. Has New England Insulation been a
9 member of what started out as the IDCNA and is
10 now the NIA continuously since 1957?

11 A. We have.

12 Q. Has New England Insulation ever been a
13 member of the Boston Insulation Contractors
14 Association?

15 A. We have.

16 Q. And when did New England Insulation
17 join that association?

18 A. 1935. It was a different name then.

19 Q. What was it called then?

20 A. Asbestos Contractors of Boston, I
21 believe.

22 Q. Do you know when it changed its name to
23 Boston Insulation Contractors Association?

24 A. Sometime in the '70s.

198

1 Q. And is New England Insulation presently
2 a member of the Boston Insulation Contractors
3 Association?

4 A. We are.

5 Q. Has New England Insulation been a
6 member of what started out as the Asbestos
7 Contractors of Boston and is now Boston
8 Insulation Contractors Association continuously
9 between 1935 and the present?

10 A. We have.

11 Q. Has New England Insulation ever been a
12 member of the Eastern Atlantic States Insulation
13 Association?

14 A. We are.

15 Q. When did New England Insulation first
16 join that association?

17 A. When they combined the Mid Atlantic
18 Insulation Contractors Association with the
19 Northeast Insulation Contractors Association.

20 Q. So, is it your testimony that the
21 Northeast Insulation Contractors Association and
22 the Mid Atlantic Insulation Contractors
23 Association combined to form the Eastern Atlantic
24 States Insulation Association?

199

1 A. That is correct.

2 Q. And can you tell me when that
3 combination took place?

4 A. Only roughly. Probably in the late
5 '70s.

6 Q. And when did New England Insulation, if
7 ever, join the Northeast Insulation Contractors
8 Association?

9 A. When I formed it.

10 Q. When did you form it?

11 A. Approximately late '60s.

12 Q. Did you also form the Mid Atlantic
13 Contractors Association?

14 A. No. Let me think the date of that.
15 I'm trying to remember. Northeast Insulation was
16 formed in the early '60s.

17 Q. Was the Mid Atlantic Contractors
18 Association already operating at that time?

19 A. No.

20 Q. That was formed later?

21 A. I formed that in about the same time.

22 Q. So, you formed both the Northeast and
23 the Mid Atlantic Contractors Associations?

24 A. I aided in forming six of the eight

200

1 regional associations.

2 Q. And these are regional -

3 A. Five of the eight. I want to be
4 accurate. Five of the eight.

5 Q. These are regional associations of the
6 IDCNA?

7 A. That is correct.

8 Q. Has New England Insulation ever
9 belonged to any other trade organizations?

10 A. Yes.

11 Q. Can you name them for me?

12 A. National Association of Manufacturers,
13 Associated General Contractors, Mass.
14 Subcontractors Association or Subcontractors
15 Association of Mass., Smaller Business
16 Association of New England, which is referred to
17 as SBANE, Sales Management Execs Club of Boston,
18 which is a trade association, Associated
19 Industries of Mass. I think that's it.

20 Q. Is New England Insulation presently a
21 member of all of these organizations?

22 A. I believe so.

23 Q. Can you tell me which, if any, of the
24 organizations you've just listed issued any

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 200

201

1 warnings or information regarding the potential
2 health hazard associated with asbestos exposure?
3 MR. HUNT: Objection.
4 A. Most of them would have had no reason
5 to.
6 Q. Would the National Association of
7 Manufacturers have any reason to?
8 A. I don't know.
9 Q. What do they do?
10 A. They're an association of
11 manufacturers. We're not a member of that now.
12 When Mr. Swanson -- he was the primary member
13 there, and when he retired, that ended that
14 membership. I'm not sure why he belonged to it,
15 but he did. They had a good meeting.
16 Q. Do you know what the association, the
17 manufacturers in that association, what industry
18 they were in?
19 A. I believe they're throughout industry.
20 Q. Throughout industry. Did the
21 Association of General Contractors ever issue any
22 warnings or information about potential health
23 hazards associated with asbestos?
24 MR. HUNT: Objection.

202

1 A. I don't know.
2 Q. Same question for the Mass.
3 Subcontractors Association?
4 MR. HUNT: Objection.
5 A. Not to my knowledge.
6 Q. Same question for the Smaller Business
7 Association of New England, SBANE?
8 A. I would say no.
9 Q. Same questions for the Sales Management
10 Execs Club of Boston?
11 A. No.
12 Q. And same question for Associated
13 Industries of Massachusetts?
14 A. Not to my knowledge.
15 Q. How long has New England Insulation
16 been a member of the Association of General
17 Contractors?
18 A. It's actually A.F. Underhill I have
19 designated as the member. We've been a member of
20 AGC for -- probably since 1980.
21 Q. How long has New England Insulation
22 been a member of the Mass. Subcontractors
23 Association?
24 A. From about the time Joe Coreland

203

1 started it, which was -- I think he started it in
2 '54 or '55, so we would have become members in
3 '56 or '57, somewhere in there.
4 Q. Did that association hold regular
5 meetings of any sort?
6 A. Still does.
7 Q. What type of business is conducted by
8 that association?
9 A. Normally they're looking at problems of
10 contract between subcontractors and general
11 contractors and negotiating with the state for
12 sub bid law.
13 Q. And does that association have any sort
14 of health and safety division or has it ever had?
15 A. No, it has no need to. It's not in its
16 charter.
17 Q. How long has New England Insulation
18 been a member of the Associated Industries of
19 Massachusetts?
20 A. 10 years, maybe.
21 Q. Does New England Insulation have
22 insurance available to pay any potential verdict
23 that might be rendered against it in the Ondik
24 case?

204

1 MR. RUSSELL: Objection. You can
2 answer.
3 A. I believe so.
4 Q. Can you tell me the name of the
5 insurance company that would provide that
6 coverage?
7 MR. RUSSELL: Objection.
8 A. Well, there are a whole bunch of them,
9 but the primary one is Liberty Mutual.
10 Q. Are there any policy limits on the
11 various insurance policies covering the potential
12 for liability in this case?
13 MR. RUSSELL: Objection.
14 A. There may be, but I'm not verse in it
15 right now to quote various insurance policies.
16 Q. Do you know if there's an aggregate
17 limit on asbestos claims that might be alleged
18 against New England Insulation?
19 MR. RUSSELL: Objection.
20 A. There may be, but I'm not sure what it
21 is.
22 Q. Not sure what that is. Will you be in
23 the area, the Boston area, during the first three
24 weeks of January?

205

1 A. Probably not, if I can help it.
 2 Q. If you can help it, where would you be
 3 during the first three weeks of January?
 4 A. My wife and I haven't decided that yet.
 5 Q. Are you intending on going to warmer
 6 climates?
 7 A. That's a safe assumption.
 8 ** Q. Can you tell me the figure of net
 9 profit for New England Insulation for the last
 10 fiscal year?
 11 MR. RUSSELL: Objection.
 12 A. The last fiscal year?
 13 Q. Or the last year of your accounting
 14 cycle.
 15 MR. RUSSELL: I'm going to instruct the
 16 witness not to answer that. I think it's
 17 well beyond the scope of what this is all
 18 about.
 19 MR. SHEPARD: Mark the question. We
 20 may or may not come back to it.
 21 (** Question marked)
 22 MR. SHEPARD: That's it for my
 23 questions right now. I'm going to look
 24 through my notes while everyone else asks

207

1 all of the information that you have provided to
 2 us would have -- about the knowledge of asbestos
 3 as far as the trade association and New England
 4 Insulation came after the '68 presentation by Dr.
 5 Selikoff?
 6 A. No. We discussed, because we had
 7 information from the union, what Selikoff was
 8 talking about long before he made his
 9 presentation. I would say about a year or two.
 10 Q. So '67, then?
 11 A. Say '67, something like that.
 12 Q. And everything else --
 13 MR. SHEPARD: Objection.
 14 Q. And everything else is after that?
 15 A. "Everything" meaning what?
 16 Q. Your presentation to the board about
 17 health and safety, to the unions when you're
 18 doing your next contract, that was after that?
 19 A. No, I discussed with the board what was
 20 coming up from the union. In fact, other board
 21 members also were raising the question probably
 22 in the '67, '66, '67 period because the studies
 23 that have been done by Selikoff were obviously
 24 before. They had done it with two of the unions,

206

1 questions.
 2 MR. FELICE: I have questions, but I'm
 3 going to let others go while I form them.
 4
 5 CROSS-EXAMINATION BY MR. KIRBY:
 6
 7 Q. Good afternoon, Mr. Brodie.
 8 A. Hi.
 9 Q. My memory is a little faulty, but it
 10 seems to me that I remember Dr. Selikoff first
 11 published his concerns about asbestos in the New
 12 York Annals of Science in 1964 and first
 13 presented it in 1965. Would that comport with
 14 your memory?
 15 A. I think so.
 16 Q. And his next presentation was in 1968
 17 to the asbestos workers. Would that also comport
 18 with your memory?
 19 A. It would.
 20 Q. And do you -- the presentation in 1968,
 21 is that the Chicago meeting that you're referring
 22 to?
 23 A. Yes.
 24 Q. Would I be accurate in then saying that

208

1 and the union agents talked to other union
 2 agents, so our agent here was raising questions.
 3 The contractors all over the country were
 4 starting to ask some questions, what's going on,
 5 so that's when it went to the board, probably
 6 '66, '67. It's vague in terms of my dates, but
 7 it's in that range.
 8 MR. KIRBY: Okay. It's amazing I have
 9 to do this for my own question, but I move
 10 to strike the latter portion of that answer
 11 as being not responsive to my question.
 12 MR. RUSSELL: Well, I move to strike
 13 that.
 14 MR. KIRBY: I'm just muttering to
 15 myself.
 16 MR. RUSSELL: Well, mutter softly.
 17 MR. KIRBY: I'm sure that Lorene didn't
 18 put that on the record.
 19 MR. SHEPARD: Objection.
 20 MR. RUSSELL: She's looking the other
 21 way, so I don't know what that means.
 22 Q. Mr. Brodie, when I ask you a question,
 23 I would appreciate it if you would answer the
 24 question I ask. If I want you to expand on your

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 200

209

1 answer, I will certainly ask another question so
2 you can do that.
3 MR. RUSSELL: I object to your lecture.
4 MR. KIRBY: I'm not lecturing. I'm
5 just asking him to directly answer the
6 question.
7 Q. Now, do I understand you, sir,
8 correctly that when you say you worked at the New
9 Boston facility of the Boston Edison, you
10 differentiate that between the L Street facility;
11 is that correct?
12 A. Absolutely.
13 Q. Can you explain to me how you
14 differentiate that?
15 A. They were two separate buildings.
16 Q. Where were they located?
17 A. Off of L Street between -- well, I
18 guess you call it the east side of L Street, but
19 south of the Four Point -- not Four Point, but
20 the channel that runs between there and the
21 Boston Army base.
22 Q. And, so, to the lay person, both of
23 them would look like L Street, but they were, in
24 fact, two separate locations?

211

1 quantities we're talking about?
2 A. Considerable.
3 Q. Are we talking about a pickup truck
4 load?
5 A. No, we're talking probably on the order
6 of four or five carloads.
7 Q. When you say "carloads," are you
8 referring to train carloads?
9 A. Train carloads. That's the way the
10 product was delivered.
11 Q. Did you use any other -- anybody else's
12 product besides Owens-Corning's product at that
13 jobsite?
14 A. Not on the base insulation. It was all
15 Owens-Corning.
16 Q. And the facilities were not operational
17 at the time you were working there; is that
18 correct?
19 A. That's correct.
20 Q. Do you know when the first unit came
21 on-line?
22 A. I would say about a year after we
23 started work, which would have been probably '68,
24 '69, somewhere in there.

210

1 A. Before construction, all you would have
2 seen was L Street. When construction started,
3 they built a separate building, but if you drove
4 by there today, it would appear to be -- yeah, it
5 would appear to be one structure.
6 Q. When you say the first time you did
7 work at New Boston, was this new construction or
8 repair?
9 A. New construction.
10 Q. Was the facility a secure facility, and
11 when I say a "secure facility," I mean a facility
12 that non-contractors could enter?
13 A. It was restricted solely to contractor
14 personnel.
15 Q. And would that prevent Boston Edison
16 personnel from entering?
17 A. That is correct.
18 Q. And if I understand your testimony
19 earlier, the product that you used there in
20 insulating the non-boiler pipelines was Kaylo?
21 A. That is correct.
22 Q. And from whom did you obtain the Kaylo?
23 A. Owens-Corning.
24 Q. And can you tell me what type of

212

1 Q. And do you recall when the second unit
2 came on-line?
3 A. About 14, 15 months after the first
4 unit.
5 Q. And is it my understanding -- strike
6 that.
7 So, that would have been --
8 A. I'm guessing at that. I'm trying to go
9 on my memory on that.
10 Q. So, we're talking about '69, 1970?
11 A. Yes.
12 MR. SHEPARD: Objection.
13 Q. Is that correct?
14 A. Yes, that's to the best of my knowledge
15 right now.
16 Q. And this is the first time that New
17 England Insulation had ever done any work with
18 Boston Edison, to your knowledge?
19 A. That's correct.
20 Q. And this certainly comes from your
21 personal knowledge, from 1956 to the present
22 time; is that right?
23 A. That's correct.
24 Q. And would that be true of any Boston

213

- 1 Edison facility?
- 2 A. That's correct.
- 3 Q. So, when you talked about having
- 4 purchased products from various entities on an ad
- 5 hoc basis, none of these products were ever used
- 6 at the Boston Edison facility by New England
- 7 Insulation; is that correct?
- 8 A. That's correct.
- 9 MR. SHEPARD: Objection.
- 10 Q. And when you referred to purchasing or
- 11 trading products manufactured by Baldwin Erhet
- 12 Hill or Erhet with Hinman Associates, you were
- 13 referring to a time period in the early 1950s; is
- 14 that accurate?
- 15 MR. SHEPARD: Objection.
- 16 A. '50s and '60s. Erhet it would just
- 17 have been in the '50s.
- 18 Q. And then you became a purchaser of BEH
- 19 products at some time in the late '50s, early
- 20 '60s?
- 21 A. No, we never purchased BEH direct.
- 22 Q. You never purchased BEH direct?
- 23 A. That's correct.
- 24 Q. Did you use BEH cement?

214

- 1 A. If we did, it was peripherally.
- 2 Q. From whom would you purchase your BEH
- 3 products?
- 4 A. Off the top of my head, I can't
- 5 remember.
- 6 * Q. And do you have any personal knowledge
- 7 of the corporate structure between Hinman and
- 8 General Insulation?
- 9 A. Can we go off the record for a minute?
- 10 I want to ask a question.
- 11 Q. If you want to clarify a previous
- 12 answer, please do.
- 13 A. Yes. Did BEH make Powerhouse? I know
- 14 I bought Powerhouse, but I don't know who the
- 15 manufacturer was. Okay.
- 16 Q. Okay. All right. To be honest with
- 17 you, I thought you said BEH was the manufacturer
- 18 of Powerhouse earlier in your deposition, but I
- 19 don't know that that's right.
- 20 A. I'm just trying to make sure.
- 21 MR. KIRBY: Lorene, would you read the
- 22 question back, please.
- 23 (* Question read back, Page 214)
- 24 A. I do not.

215

- 1 Q. Do you have any personal knowledge of
- 2 whom -- from whom Hinman would have purchased
- 3 products?
- 4 A. By talking to the people at Hinman,
- 5 through that method, yes.
- 6 Q. Do you know if Hinman purchased all of
- 7 their products from one source or did they use
- 8 more than one source, from your personal
- 9 knowledge?
- 10 A. I couldn't say whether they got it from
- 11 one or from multiple.
- 12 Q. But it was your understanding that they
- 13 did purchase some products from General
- 14 Insulation?
- 15 MR. SHEPARD: Objection.
- 16 A. From who?
- 17 Q. General Insulation.
- 18 A. Hinman purchased from General?
- 19 Q. Correct.
- 20 A. Yes.
- 21 Q. You talked about Bird -- a Bird product
- 22 that went on pipes outside; is that correct?
- 23 A. That's correct.
- 24 Q. Did you ever purchase Bird products for

216

- 1 use at Boston Edison when you were doing the
- 2 contract at New Boston?
- 3 A. No, I did not.
- 4 Q. And, therefore, you never purchased
- 5 Bird products for use at Boston Edison prior to
- 6 1968; is that correct?
- 7 MR. SHEPARD: Objection.
- 8 A. That's correct.
- 9 Q. If that's when the contract started?
- 10 A. That's correct.
- 11 Q. We haven't got an exact date of when
- 12 the contract started, do we?
- 13 A. Not in my mind.
- 14 Q. Do we have any records that might
- 15 reflect when that contract started?
- 16 A. They probably are existent in the
- 17 record storage area.
- 18 Q. Of New England Insulation?
- 19 A. Of New England Insulation in Canton.
- 20 Q. Do you know where you may have used
- 21 Bird products that you did purchase at any time?
- 22 A. Yes.
- 23 Q. Would that be at any Boston Edison
- 24 location?

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 200

217

1 A. No.
2 Q. Would that be at --
3 A. Excuse me? At any time?
4 Q. From 1956 up to 1975.
5 A. No.
6 Q. Would that be at any Boston Naval
7 Shipyard facility?
8 A. Did we work at any Boston Naval
9 Shipyard?
10 Q. And you used Bird product.
11 A. No, we never worked there.
12 Q. Never worked there, okay. You
13 testified that you had purchased a number of
14 different products from Bird, and I believe you
15 indicated that the roofing paper that went on the
16 outside pipes, the pipes that were out to the
17 element, was a product that you understood later
18 had asbestos in it; is that correct?
19 A. That's correct.
20 Q. Do you know if any of the other
21 products that you purchased from Bird contained
22 asbestos?
23 A. I think basically those are the
24 products that we used, the felt and the 35- and

219

1 Q. So, if you had testified that you had
2 information concerning the hazards of asbestos as
3 it relates to asbestosis in 1959, that would not
4 have been correct; that would have been a
5 misstatement of the date; is that right?
6 MR. SHEPARD: Objection.
7 MR. RUSSELL: Objection.
8 A. No, I knew of the term asbestosis, as I
9 said, back when I was in high school. I heard
10 the term, and, you know, I'll leave it there.
11 Q. But am I accurate -- am I restating
12 your testimony accurately that your first
13 knowledge of any health hazards associated with
14 asbestos, whether it be called asbestosis, lung
15 cancer, mesothelioma, or any other type of
16 disease that may or may not be related to
17 exposure to asbestos products was after your
18 stepfather died in '62?
19 MR. SHEPARD: Objection.
20 A. No, that was with regard to its effect
21 on cancer, not to any possible health hazards at
22 all.
23 Q. So, it is your testimony that you were
24 aware of health hazards related to breathing in

218

1 45-pound roofing paper.
2 Q. And was the 35- and 45-pound roofing
3 paper always used to cover pipes that were
4 outside?
5 A. Yes. There might have been a rare case
6 when it was used inside, but it would have been
7 very rare.
8 Q. Do you recall any particular time that
9 you put it on a pipe inside?
10 A. I can't.
11 Q. And from that question or answer, I
12 assume you cannot say that you put it on inside
13 at any particular location?
14 A. That's correct.
15 MR. SHEPARD: Objection.
16 Q. I just want to make sure I have a
17 couple of other things accurate as well. It
18 seems my memory says that you first became aware
19 of the potential hazards from asbestos after your
20 stepfather died; is that correct?
21 A. That's correct.
22 Q. And you didn't have any knowledge of
23 the hazards of asbestos prior to that?
24 A. I did not.

220

1 asbestos dust prior to 1962?
2 A. I don't think I or the industry
3 considered it a health hazard. We were aware
4 that there was a term such as asbestosis, and we
5 were informed by our manufacturers that it wasn't
6 a problem with the kinds of work that we were
7 doing.
8 Q. And am I accurate in your testimony
9 that you made specific inquiries to manufacturers
10 prior to 1962 concerning the inhalation of
11 asbestos fibers by the workers that you employed?
12 A. Relative to asbestosis, I believe I
13 mentioned it to them, yes.
14 Q. Do you have any documentation that
15 would indicate when you may have made these
16 inquiries?
17 A. It was all verbal.
18 Q. Do you know if there are any records
19 that exist concerning the formation of the health
20 and safety committee of the IDCNA? Is that the
21 correct --
22 A. Yes. It should be in the minutes of
23 the association.
24 Q. Where is the association located today?

Theodore Brodie

Pamela Ondak, et al vs. ACandS, Inc., et al
Volume One

December 5, 2000

221

1 A. Alexandria, Virginia.
2 Q. And what about the regional offices, do
3 they still exist today?
4 A. The regions still exist, yes.
5 Q. Do they have regional offices?
6 A. Most of them, I believe, do.
7 Q. And do you know if records are kept at
8 the regional offices or the headquarters?
9 A. I assume they were. I don't know.
10 Q. And is it my understanding that the
11 health and safety committee was established after
12 the first Selikoff report?
13 A. It was right around the time. Whether
14 it was immediately before or immediately after, I
15 don't recall.
16 Q. So, if the first Selikoff report was
17 December 31, 1965, it would be sometime after
18 that?
19 MR. SHEPARD: Objection.
20 A. I think it was around the time when
21 Selikoff made his presentation to the asbestos
22 workers. It was a year or two -- it was a year
23 either before or after that. I don't believe it
24 was related to his report. We did not receive

223

1 winter of -- more than likely the winter of 1966,
2 1967?
3 A. Somewhere in there, yes.
4 MR. SHEPARD: Objection.
5 Q. In preparation for your spring 1967
6 annual meeting?
7 MR. SHEPARD: Objection.
8 A. It wouldn't be in preparation for it,
9 but it would have been before that, yes. I can
10 pin it down by saying it was just before the --
11 Q. Chicago presentation?
12 A. No, before the Worlds Fair in Montreal.
13 It was a year before that.
14 MR. LAVOIE: The Expo?
15 A. Whenever that was.
16 MR. LAVOIE: '67.
17 A. So that would make it '66.
18 MR. LAVOIE: You can't tie it to the
19 Red Sox?
20 Q. Did you hold -- strike that.
21 Did you provide or give any
22 presentations to Local 6 as a result of forming
23 this health and safety committee?
24 A. Not to the membership, but to the

222

1 copies of that report.
2 Q. So, I have here a copy of Dr. Irving
3 Selikoff's Address to the Delegates of the
4 Twenty-First Convention of the International
5 Association of Heat and Frost Insulators and
6 Asbestos Workers in Chicago, Illinois in
7 September of 1967.
8 A. Right, so it probably would have been
9 sometime in '66, whenever our board of directors'
10 meeting would have been.
11 MR. SHEPARD: Can we get that marked?
12 MR. KIRBY: Sure.
13
14 (Exhibit 4, Dr. Selikoff's Address,
15 marked for identification)
16
17 Q. Do you recall when the board of
18 directors met?
19 A. Not specifically, but in that time
20 frame, I think the annual meeting was held in the
21 spring, but then there would have been a board
22 meeting sometime in the winter, so it's hard for
23 me to know exactly which board meeting it was.
24 Q. So, either the board meeting of the

224

1 business agent and the negotiating team, yes. I
2 wouldn't call it a presentation. We had a
3 discussion.
4 Q. And was that the discussion you talked
5 about earlier when you suggested that the union
6 workers wear respirators and if they didn't wear
7 respirators and were reprimanded three times,
8 that they should be let go?
9 A. Right, and that occurred over a period
10 of probably two or three weeks during
11 negotiations at various times.
12 Q. So, this would have been in the
13 negotiations that took place in either 1967 or
14 1968, whenever the next contract period was up?
15 A. Right.
16 Q. How long did you normally have a
17 contract period for?
18 A. Usually two years. That was the usual.
19 That particular one, I don't know whether it was
20 a one year or a two year.
21 Q. Did you ever have contract periods for
22 three or four years?
23 A. We have lately, yes, three years.
24 Q. Did you ever communicate in writing as

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 2001

225

1 a member of the health and safety committee to
2 the manufacturers concerning your concerns with
3 asbestos?

4 A. I don't recall having done so.

5 Q. Did you ever communicate in writing
6 with the locals that you were dealing with your
7 concerns of working with asbestos?

8 A. I don't believe so.

9 Q. Did you feel as if it was appropriate
10 or — strike that.

11 Were you of the opinion that you could
12 work with asbestos in a safe manner at that time?

13 A. I think we all were, yes.

14 Q. Were the contractors of the day looking
15 to assist the workers in maintaining their health
16 by using respirators and informing them of the
17 issues that were presented at the time?

18 MR. SHEPARD: Objection.

19 A. Some were, some weren't.

20 Q. It was certainly your intention to
21 assist the workers in providing a safe workplace;
22 is that correct?

23 A. That's correct.

24 Q. And it was the intention of the

227

1 A. The international would have sent the
2 recommendations to all of the locals, not just
3 Local 6.

4 Q. Well, would I be accurate in saying
5 that your day-to-day dealing with the asbestos
6 workers was through Local 6?

7 A. Our day-to-day dealings were, yes.
8 Day-to-day would be our own workmen.

9 Q. And if you wanted to disseminate
10 information, you would disseminate it through
11 your own workmen and the local of your area; is
12 that correct?

13 MR. SHEPARD: Objection.

14 A. That's correct. That's correct.

15 Q. And did you do that?

16 A. We did.

17 Q. And in your opinion, was it an
18 effective message to be sent out to the union?

19 A. We hoped it was, but I saw an awful lot
20 of guys smoking, so I assumed that it wasn't.

21 Q. And just to throw my foot into my mouth
22 right here, what does smoking have to do with it?

23 A. It had become a suspect that they were
24 related because the original study done by E.

226

1 organization to provide a safe work area; is that
2 correct?

3 A. That's correct.

4 Q. And that was the purpose behind the
5 establishment of the safety committee; is that
6 right?

7 A. That's correct.

8 Q. Do you know if the workers adopted all
9 of your recommendations?

10 A. Of my own knowledge?

11 Q. Yes.

12 A. Some did, some didn't.

13 Q. Did the union adopt all of your
14 recommendations?

15 A. Formally, I think we were in agreement
16 on the recommendations.

17 Q. When you say "formally" you think you
18 were in agreement, what do you mean by that?

19 A. That we had extensive conversations
20 with the international officers and they had them
21 with us about methods and procedures to be
22 followed, and there was agreement on that.

23 Q. And did you also have those
24 conversations with Local 6?

228

1 Cuyler Hammond for the American Cancer Society
2 was to determine the hazards of smoking, period,
3 and they fell into the asbestos thing.

4 Q. So, was it your recommendation that the
5 workers who were working with the locals and
6 working with asbestos not smoke?

7 A. That would have been our
8 recommendation. Still is.

9 Q. Just so I make sure I understand what
10 you're saying. You're saying that would have
11 been your recommendation. My question is: Was
12 it your recommendation?

13 A. Yes.

14 Q. And do you know if that was advocated
15 by the members or the officers of Local 6?

16 A. I don't believe they specifically
17 included smoking in their warnings.

18 Q. Do you know if the officers of Local 6
19 recommended or required their workers to use
20 respirators?

21 A. They recommended it.

22 Q. It's your understanding that there was
23 no requirement?

24 A. There was no requirement.

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

Theodore Brodie

December 5, 2000

229

1 Q. Did you require your own workers to use
2 respirators?

3 A. We made them available on their
4 request. We did not make it a requirement.

5 Q. Is it a requirement today?

6 A. Nobody is installing asbestos today.

7 Q. In the removal of asbestos?

8 A. That none of them smoke? To my
9 knowledge, they don't have a requirement to that
10 effect, no.

11 Q. Does New England Insulation do any
12 removal now of asbestos?

13 A. We have never done removal.

14 Q. Okay. After the work at New Boston,
15 when was the next time you did any work for
16 Boston Edison at any location?

17 MR. SHEPARD: Objection. Asked and
18 answered.

19 MR. KIRBY: You can answer.

20 A. I'm trying to remember. Mystic. Over
21 at the Mystic Station, Mystic 7. New
22 construction.

23 Q. And do you know when that took place?

24 A. That was in the mid to late '70s, I

231

1 annealed iron.

2 Q. Was that the wire that you had
3 described that you would wrap the pipecovering
4 with to attach it?

5 A. That would have been one of the uses of
6 it.

7 Q. You never bought any electrical wire?

8 MR. SHEPARD: Objection.

9 A. No.

10 MR. SAH: Okay. That's it. Thank you.

11
12 (Whereupon, the deposition suspended
13 at 4:52 p.m.)
14
15
16
17
18
19
20
21
22
23
24

230

1 believe.

2 Q. Did New England Insulation install any
3 asbestos-containing product when it was
4 performing its work at the Mystic Station, Mystic
5 7, for Boston Edison?

6 A. No, we did not.

7 Q. I think I'm pretty much done.

8 MR. KIRBY: I don't have any other
9 questions. Thank you very much.

10 THE WITNESS: You're welcome.

11 MS. TAYYAB: Are we going to keep going
12 today?

13 MR. RUSSELL: Let's go off the record.
14 (Off the record, 4:43-4:51)

15 MR. SAH: Back on the record.

16
17 CROSS-EXAMINATION BY MR. SAH:
18

19 Q. My name is Perrin Sah. Earlier you
20 testified that you guys purchased some wire from
21 American Steel & Wire; is that correct?

22 A. Yes.

23 Q. What kind of wire was that?

24 A. A combination of copper wire and soft

232

COMMONWEALTH OF MASSACHUSETTS
Middlesex, ss.

I, LORENE R. EPPLEY, a Registered
Professional Reporter and Notary Public in and
for the Commonwealth of Massachusetts, do hereby
certify that the foregoing deposition was taken
before me on the 5th day of December, 2000;

That the witness named in the deposition,
prior to being examined, was by me first duly
sworn;

That said deposition was taken before me at
the time and place therein set forth, and was
taken down by me in shorthand and thereafter
transcribed into typewriting under my direction
and supervision;

That said deposition is a true record of the
testimony given by the witness and of all
objections made at the time of the examination.

I further certify that I am neither counsel
for nor related to any party to said action, nor
in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my
name and affixed my seal this 15th day of
December, 2000.

Lorene R. Eppley, Notary Public in and for
the Commonwealth of Massachusetts
My Commission expires: May 26, 2006

PLEASE NOTE:

THE FOREGOING CERTIFICATION OF THIS
TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF
THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT
CONTROL AND/OR DIRECTION OF THE CERTIFYING
REPORTER.

Theodore Brodie

Pamela Ondik, et al vs. ACandS, Inc., et al
Volume One

December 5, 2000

233

December 15, 2000

John M. Russell, Jr., Esq.
LAW OFFICE OF JOHN M. RUSSELL, JR.
66 Manomet Avenue
Hull, MA 02045

Re: Pamela Ondik, et al
Vs: ACandS, Inc., et al
C.A. No.: 00-2463

Dear Attorney Russell:

Enclosed herewith is a copy of the deposition transcript of THEODORE BRODIE (Volume One) taken on Tuesday, December 5, 2000, in the above-captioned case.

According to the Massachusetts Rules of Civil Procedure, the witness has 30 days to read and sign the deposition transcript.

Please have the witness read and sign the signature page/errata sheet. If the witness has not read and signed the original signature page within 30 days from the above date, it will be deemed signed.

Please have the witness forward the signed signature page/errata sheet to Attorney Michael Shepard so that he may attach same to the original deposition transcript. Thank you in advance for your cooperation in this matter.

Sincerely,

Lorene R. Eppley

cc: All Counsel of Record.

235

SIGNATURE-ERRATA SHEET

I, THEODORE BRODIE, hereby certify under the pains and penalties of perjury that I have read the foregoing transcript of my testimony and further certify that said transcript is a true and accurate record of my testimony (with the exception of the corrections, additions, and/or deletions noted below).

PAGE LINE CORRECTION, ADDITION, OR DELETION

Signed under the penalties of perjury this
day of _____, 2000.

THEODORE BRODIE

234

INSTRUCTIONS TO DEPONENT

After reading this volume of your deposition, indicate any corrections or changes to your testimony and the reasons therefor on the Errata Sheet supplied to you, and sign it.

**DO NOT MAKE MARKS OR NOTATIONS
ON THE TRANSCRIPT VOLUME ITSELF!**

ERRATA SHEET HANDLING/DISTRIBUTION

The original of the Errata Sheet has been delivered to Michael Shepard, Esq. When the Errata Sheet has been completed by the deponent and signed, a copy thereof should be delivered to each party of record and the ORIGINAL thereof delivered to John Russell, Esq., to whom the original deposition transcript was delivered.

**PLEASE REPLACE THIS PAGE OF THE TRANSCRIPT
WITH THE COMPLETED AND SIGNED ERRATA SHEET
WHEN YOU RECEIVE IT.**

236

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