UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

HOLLY M. SMITH, Administratrix of the Estate of WILLIAM R. SMITH, Deceased, and Individually as the Widow of WILLIAM R. SMITH and as Parent of and on Behalf of the Infant Child, ASHLEY MARIE SMITH

Plaintiffs,

-vs- 94-CV-0393S

THE DOW CHEMICAL COMPANY, PPG INDUSTRIES, INC., and SHELL OIL COMPANY,

Defendant.

THE DOW CHEMICAL COMPANY, PPG INDUSTRIES, INC., and SHELL OIL COMPANY

Third-Party Plaintiffs

-vs- 94-CV-0393S

THE GOODYEAR TIRE & RUBBER COMPANY

Third-Party Defendant.

Deposition of LAWRENCE G. WINKWORTH, held before Mary Ann Youknut, Notary Public, at 1600 Empire Tower, Buffalo, New York, on Tuesday, July 18, 1995, at 9:30 a.m. pursuant to notice.

R&S165157

APPEARANCES:

STEVEN H. WODKA, ESQ.,
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NIXON, HARGRAVE, DEVANS & DOYLE
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Defendant

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REPORTER: Usual stipulations?

MR. GOLDBLATT: We'll talk to the witness about reading and signing in a minute. Swear him in first.

L A W R E N C E G. W I N K W O R T H, 999 Balmer Road, Lot C-3, Youngstown, New York, 14174 having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MR. GOLDBLATT:

Q. Mr. Winkworth, my name is Sam Goldblatt and I represent the Defendants in an action commenced by Mrs. Smith which is pending here in the Western District of New York. Mrs. Smith is represented by Mr. Wodka who is seated to your left. Ms. Bosse who is seated to my right represents the 3rd Party Defendant, Goodyear in that same action, so you understand each of the people that are here, is that right?

A. Yes.

Q. Do you understand that you are here today to give testimony pursuant to subpoena as a

nonparty witness in this lawsuit, is that right?
A. Yes.
Q. The woman seated to my left, your right is our court reporter. She will be taking down each of the questions that I ask and each of the answers that you give. In order for her to do her job it's important that you let me finish asking the question before you answer and that I in turn let you finish your answer before asking the next question. Do you understand that?
A. Yes, I do.
Q. Okay. In addition, you may hear some of the attorneys make objections for the record from time to time. When you hear them do give them an opportunity to do that so that we're not talking over each other which makes it very difficult for the court reporter, okay?

One of the first questions that you need to answer is whether you would like the opportunity to read and review the transcript of your deposition when it is ready for accuracy and to be able to note any corrections that you feel are necessary in your testimony and to sign it.

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As a nonparty witness you have the right to read and sign the transcript.

On the other hand you can waive that right in which case the transcript will have been deemed to be accurate. So the first question we all have for you is what would you like to do as a witness? Do you want to read and sign your transcript or do you wish to waive that right?

A. I'd like to read and sign it.

Q. Okay. Then pursuant to our rules when the original transcript is ready it will be provided to you by the court reporter. The rules provide that you have 30 days within which to note any corrections and to return the correction sheets and the signed transcript. If for whatever reason you fail to do that within the 30 days the transcript will be deemed to be accurate as if you had read it, corrected it and signed it. Do you understand that?

A. Yes.

Q. Okay. With that, let's begin with the deposition. I will be the first person to ask you questions and as we proceed if for any

reason you don't understand what I'm asking you or it's not clear to you what I'm asking, please tell me and I will try to ask you a different question or ask the question in a different way. Do you have that understanding?

A. Yes.

Q. Okay. By whom are you currently employed?

A. Goodyear Tire and Rubber Company.

Q. What do you do for them?

A. Right now I'm in the shipping department as a warehouse person.

Q. How long have you held that position?

A. Seven months.

Q. How long in total have you been employed at Goodyear?

A. 27 years.

Q. When did you begin?

A. June 7th, 1968.

Q. Are you currently assigned to any department within Goodyear?

A. Department 121.

Q. What does that department make or do?

A. It's a shipping department.

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Q. What product do you ship?
A. Vinyl and Nalex, can't think of their particular name for it but it's a rubber compound.
Q. Okay. We will come back to your employment at Goodyear in a minute. I want to ask you a couple other background questions first. Are you currently under any medical disability or taking any medication or being treated for any disease that might interfere with your ability to testify here today?
A. No.
Q. Tell us your educational background, if you will?
A. Graduated from LaSalle High School in Niagara Falls in 1967. I took a couple adult continuation education courses. That's it.
Q. What were these courses and the types of things?
A. Bookkeeping.
Q. Are you a native to Western New York?
A. Yes.
Q. Born and raised in Niagara County?
A. Yes.
Q. Lived there your entire life?

R&S165163

A. Yes.
Q. Are you married?
A. Yes.
Q. What is your spouse's name?
A. Penny.
Q. Kids, do you have any children?
A. Yes, I have five.
Q. Are you a member of any union?
A. Yes.
Q. What union?
A. Oil, Chemical and Atomic Workers International Union.
Q. Are you a member of a local?
A. Local 8-277.
Q. Where is that local located?
A. 110 24th Street, Niagara Falls, New York, 14303.
Q. How long have you been a member of the international and the local?
A. 27 years. Almost 27 years.
Q. Joined shortly after you began work at Goodyear?
A. Yes.
Q. Have you held any positions, either appointed, elected or voluntary in either the international

R&S165164

or the local?
A. Yes, I have.
Q. Would you tell me what positions you have held and when?
A. First off was union steward somewhere around 1970 and secondly as a secretary/treasurer from April '91 until April '95 and now I'm currently a trustee.
Q. When did you become a trustee?
A. April '95.
Q. What does a union steward do?
A. Protect the rights of the workers in the work place.
Q. How long were you a union steward?
A. Maybe a year, year and a half.
Q. Fair to say based on your recollection you were a union steward from about 1970 to about 1971 or early 1972?
A. Yes, I would say that would be close.
Q. Who-- strike that. You were a union steward then for purposes of your employment at the Goodyear facility, is that right?
A. For purposes--

Q. Well, let me ask you a different question then. You told me that a union steward protects the rights of workers?
A. Yes, according to the, according to the agreement, the contract agreement between the company and the bargaining unit members.
Q. Is that what is commonly referred to as a collective bargaining agreement?
A. Yes.
Q. The workers to whom you are referring are workers for Goodyear, is that right?
A. Yes.
Q. And were you responsible for a certain segment of workers or all workers? Can you explain that for us?
A. For a certain segment of workers.
Q. What was that segment?
A. My work group was in department 232, compound.
Q. Were there other union stewards at Goodyear?
A. Yes.
Q. Can you tell me about how many there were in this period in the 1970's when you were a union steward?

R&S165166

A. I would say under 16. You know, 14 to 16.
Q. Was there a union steward in and around this period of time for Department 145?
A. Yes.
Q. Who was that?
A. There was one per shift in each department. I don't remember who they all were. I can't say. I know a few but there was a steward at the time, one would be Gene Campagna, Sr.
Q. Let me ask--
A. There's quite a few of them.
Q. I understand. Let me ask you a more specific question. Do you know who the union stewards were for the shifts for Department 145 during the years 1973 and 1974?
A. Not offhand, no.
Q. Fair to say you were not a union steward for that department during that time period, is that correct?
A. That is correct.
Q. Were you ever a union steward with responsibility for Department 145?
A. No.

Q. How-- I'm sorry?
A. Yes. Yes, I was.
Q. You were?
A. Can't remember the years but it would be somewhere around '84, '85 was also a union steward again in Department 145.
Q. Is this an elected or appointed position?
A. Both.
Q. How did you get elected?
A. From the bargaining unit, employees on your shift.
Q. Okay. So you get together and you decide who is going to be the union steward and you have an election, is that right?
A. If more than one person wants to run, you have an election.
Q. Okay. And is the position for one year or more than one year?
A. Two.
Q. Two year term. Are there records kept of the identity of the union stewards elected for the different time periods?
A. I'm not sure.

Q. Were there records kept at that time when you were a union steward?
A. I'm not sure.
Q. You were treasurer of the unit of the local between 1991 and 1995?
A. Yes.
Q. In that capacity did you become familiar with that which were regularly generated, kept and maintained by the local?
A. Not all, no.
Q. Was that secretary for the union in the 1970's for the local?
A. Yes.
Q. Who was the secretary?
A. Joe Lougette.
Q. Would the secretary be the person most familiar with what's generated, kept and maintained by the local?
A. Secretary, that is his responsibility.
Q. Was Bill Smith ever a steward?
A. Not that I am aware of.
Q. Do you know who currently is secretary of the local?

R&S165169

A. John Pallaci, P-a-l-l-a-c-i.
Q. Did you ever hold any office or position at the international?
A. No.
Q. Are you acquainted with any of the attorneys or the parties to this lawsuit?
A. Yes.
Q. Who are you acquainted with?
A. Steven Wodka.
Q. Tell me what the nature of your acquaintance is?
A. I met Steve a few years back at one of our district eight council meetings.
Q. In what capacity was he there, if you know?
A. He was representing one of our retiree groups.
Q. What is the district eight counsel?
A. That is for the local 8-277. The eight stands for district eight for the international.
Q. Does the counsel consist then of representatives for the different locals within that district?
A. Yes.
Q. Do you know what these other locals are, where they're located within the district?
A. There are 17.

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Q. Are any of them plants involved in the manufacture or production or use of vinyl chloride polymers or vinyl chloride polymerized products?
A. Not that I know of.
Q. Tell me a little bit more about your acquaintance with Mr. Wodka. Have you met him on other occasions?
A. Yes, I have.
Q. And on about how many occasions?
A. Very few. Less than five or six times.
Q. When was this district counsel meeting that you first met Mr. Wodka at?
A. I would roughly say June, May or June of '93. I think it was Cherry Hill, New Jersey.
Q. Now, other than that meeting that you had have there also been district counsel meeting--that is a poor question. Let me rephrase.

The other five of six times that you met with Mr. Wodka were these also at district council meetings?
A. All but one.
Q. And about how often are these district council

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meetings held?
A. Every six months.
Q. And have you seen Mr. Wodka then at each of the district council meetings that have been held between June of 1993 and the present?
A. Yes. Comes in on occasion, yes.
Q. Has his role or reason for being there changed from meeting to meeting or always the same?
A. I'm not sure.
Q. Have you had any professional dealings with Mr. Wodka in connection with your union position or activities?
A. I would say we've referred clients to him that I know of.
Q. What kind of clients?
A. That was not my end of the dealings in my local. I know people have been referred to him from our local.
Q. Who is the "we" that you are referring to?
A. Executive board members of my local, mainly the president and vice-president.
Q. So that group has, from time to time, been in a position to make a recommendation to someone

R&S165172

regarding counsel for some matter and your testimony is that on these occasions Mr. Wodka was the name that was provided to these individuals, correct?

A. Other lawyers also but yes, he was one.

Q. Okay. Do you yourself have an attorney client relationship with Mr. Wodka?

A. No.

Q. Not representing you currently in any matter?

A. No.

Q. Has he represented you in any matter in the past?

A. No.

Q. Have you ever met with Mr. Wodka concerning vinyl chloride matters?

A. Yes.

Q. When did you first meet with him about that subject?

A. Last night.

Q. Prior to last night had you had any discussions with Mr. Wodka either in person or on the telephone or communications in writing concerning anything having to do with vinyl

chloride?
A. Yes.
Q. When was the first communications between you and Mr. Wodka about vinyl chloride?
A. It's been in the past year. I would not give you exact dates.
Q. Have you had more than one communication with him or just one during the past year?
A. More than one.
Q. About how many?
A. Maybe three.
Q. Have any of these communications involved face to face meetings?
A. I think only one, that was last night.
Q. So the first time that you met face to face with Mr. Wodka about anything having to do with vinyl chloride is last night, is that right?
A. Yes.
Q. Was that in preparing for the testimony that you are giving here today?
A. Uh-huh.
Q. Yes?
A. Yes.

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Q. Let me back up and talk to you about the prior communications that you had with him, okay?
A. I'm sorry.
Q. That's okay. The court reporter can take down a nod of the head but we leave it up to her to interpret how that nod is so please try and answer audibly. The question I had for you; what were the nature of these prior communications? Were they in writing, on the telephone? Tell us what they were?
A. On the telephone.
Q. Were all of them on the telephone?
A. Yes.
Q. Have you exchanged any communications in writing?
A. Yes.
Q. Tell us what written communications you have had?
A. He sent me a picture of Bill Smith and a list of people that may have been on his shift during the time in question.
Q. Now, did this written communication follow one of your telephone communications?

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A. Yes.
Q. In other words, he just didn't send you the letter and picture out of the blue?
A. Yes.
Q. It was a prior telephone communication?
A. Yes.
Q. Was the prior telephone communication your first communication with Mr. Wodka about vinyl chloride?
MS. BOSSE: I don't think--
Q. Let me ask a different question then. Thank you. You told me before that you had one to three communications with Mr. Wodka?
A. Telephone.
Q. Communications and you told me that you exchanged one written communication with him and you told me that your written communications were preceded by a verbal or telephone communication. What I'm trying to find out is did you get the picture from him right after the first conversation that you had?
A. I believe it was, yes.
Q. So let's talk about that very first conversation

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you had with Mr. Wodka. Did you, before you got the picture and list, did you call him or did he call you?

A. That is a good question. I can't remember right offhand how it started.

Q. Did anyone ask you to contact Mr. Wodka about the Smith matter?

A. Maybe, yes.

Q. Can you be any more specific? Did someone in particular ask you to do that?

A. I believe it may have been from our executive board.

Q. This would be the executive board of the local?

A. Yes.

Q. And who on the board made that request to you?

A. What it is, I may have seen a letter that Mr. Wodka sent to the local and I responded on it.

Q. Do you have a copy of that letter?

A. No, I don't.

Q. What did that letter say?

A. I don't remember the exact content of it other than I believe he asked for help in finding people that would remember working with Bill

Smith.
Q. Why did you respond to that letter?
A. I remember working directly with Bill Smith.
Q. When do you remember that?
A. Somewhere between December of '73 and December of '74.
Q. When you-- by the way, did anyone else respond to that letter, if you know?
A. All I know of is the other person that showed up here today.
Q. Is that Mr. Messing?
A. Yes.
Q. Is it your belief that he responded to that same inquiry?
A. Yes.
Q. Now, regardless of whether he called Mr. Wodka or he called you, tell me as best as you can the substance of what you discussed during that first telephone conversation?
A. If I had a recollection of working directly with Bill Smith and whether I knew prior to 1974, if I knew if vinyl chloride was harmful to us in the work place. I think in general that would

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be a start to answer your question.
Q. So your general recollection is that in substance you discussed two issues, one whether you recall working with Bill Smith during that time frame and two, what if anything you knew about the health affects of working with vinyl chloride prior to 1974, is that fair?
A. Right.
Q. Were these questions that Mr. Wodka asked of you?
A. Yes.
Q. Now, as of that moment in time did you remember Bill Smith?
A. Oh, yes.
Q. Did you work with him for any period of time other than December of 1973 to December of 1974?
A. Yes.
Q. What other periods had you worked with Mr. Smith?
A. I was on the same shift with Bill from approximately, approximately now, 1980 to 1985.
Q. In what capacity?
A. 145.

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Q. Did you work with Bill Smith on the same shift as Bill Smith from 1985 to 1993?
A. Say that again.
Q. Did you work on the same shift with Bill Smith at any later point in time after 1985?
A. Yes.
Q. What other periods of time did you work the same shift with him?
A. I took a job that was called day shift relief in the E-2 building that would work with these people on Bill's shift one week a month when we were on day shift.
Q. Was Bill on swing shift during this period of time?
A. Yes.
Q. And referring to the period from 1985 until he left Goodyear in about January of 1993?
A. Yes.
Q. And you were assigned to work the day shift only, is that right?
A. Yes.
Q. So whenever his shift worked day shift then you would be on the same shift, is that right?

R&S165180

A. Correct.
Q. Now, do you claim to have worked side by side with Mr. Smith during any of these periods of time?
A. Oh, yes.
Q. Which periods of time?
A. The earliest recollection would be, like I said, between December '73 and December '74 and occasionally on other dates. The other dates from '85 to '93 that is the occasional part but we interacted together between my job and his job, you know.
Q. How did your jobs interact together during that period of time?
A. He supplied vinyl chloride to the building and I in turn charged reactors with this.
Q. During this period of time after 1985 was Bill involved in unloading tank cars of VC delivered to the facility?
MR. WODKA: I thought you were talking about '80 to '85.
MR. GOLDBLATT: Your point is well taken. I was looking at the later part of my notes

R&S165181

instead of the first part.

MR. WODKA: Why don't you clarify that.

Q. During the period from 1980 to 1993 did you understand that Bill was involved in unloading of tank cars of VC for Department 145?

A. Yes.

Q. And then your job involved the charge of reactors within the department building with that VC, is that right?

A. Right.

Q. Did you tell all of this to Mr. Wodka during this first conversation?

A. Yes.

Q. And do you recall what Mr. Smith looked like?

A. Oh, yes.

Q. What else did you tell Mr. Wodka during that first conversation about your work relationship with Bill Smith, if anything?

A. One thing that stayed in my memory about working with Bill was at the time I was in the maintenance shop and that was a shift, as a shift maintenance person I would follow particular shift and one of my duties were

installing a platform in reactors, large reactors in order for individuals to reach the top of the reactors for cleaning and the operators used to assist in assembling these platforms in the reactors and one time in particular I remember Bill, he almost dropped a piece of it on me.

Q. So you have an independent recollection of that but you almost got hit by something?

A. Oh, yes.

Q. Was this during this period of 1973 to 1974?

A. Oh, yes.

Q. Did you relate anything else to Mr. Wodka during that conversation about this same subject?

A. I believe he questioned me about the use of respirators during that time and I think that was about it basically.

Q. What did you tell Mr. Wodka on the subject of respirator use during that time period?

A. I told him that respirators were not given to the operators, to my knowledge, to clean reactors, ever.

Q. You're talking right through the present?

R&S165183

A. No.
Q. Okay. You used the word ever.
A. Ever up to somewhere near 1975 is when Goodyear began instituting mandatory wearing of respirators when in high parts per million exposure.
Q. To vinyl chloride?
A. To vinyl chloride.
Q. Is it your testimony then that to the best of your knowledge Goodyear did not issue respirators to Department 145 chemical and production operators for use in cleaning reactors until sometime in 1975?
MS. BOSSE: Object to the form.
A. Pardon?
Q. She objected to the form. You may answer the question. I told you from time to time the attorneys will interpose objections.
A. Yes, I do not remember the operators being given respirators.
Q. Did you ever see Bill Smith wear a respirator during 1973 or 1974?
A. Sir?

R&S165184

Q. Do you know of your own knowledge whether Bill Smith was issued a respirator by Goodyear during 1973 or 1974?
A. No, he was not.
Q. To the best of your knowledge he was not issued one?
A. No.
Q. Did you ever-- strike that. What is it about 1975 that you recall as the date when respirators were issued by Goodyear to workers?
MS. BOSSE: Object to the form.
A. The respirators that they issued were lined respirators where you had an air supply to them. The pipe work for this supply system probably was not completed until late '74, early '75, maybe.
Q. So then is it your belief that the issuance of respirators was tied in with the completion of an air supply piping system for the facility?
A. Yes.
Q. Were you involved in installing that system?
A. Yes, I was.
Q. What did you do in that regard?

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A. In the E-1, in the E-2 building worked overtime installing these lines.
Q. Were respirators ever issued for use in the E-1 building?
A. Not to the chemical operators or the production people, no. Not in that time period.
Q. You agree with me that Goodyear ultimately decided to close the E-1 building, is that right?
A. Oh, yes.
Q. Do you recall when that was?
A. Late '74.
Q. And so my question to you then is, let me ask this more specific question-- strike that. Was the air supply system that you described completed for building E-1?
A. No.
Q. Were respirators ever issued for use on an air supply basis within building E-1 by production or chemical operators such as Bill Smith?
A. No, I don't believe they were.
Q. So the air supply was not completed and the respirators were not issued for use in that

R&S165186

building, is that your testimony?
A. Right. What they did do there, they had areas that they considered hot points, that they wanted the air supply done, completed first and it was for mostly for maintenance people that had to clean VC filters.
Q. And these were the hot spots, these were completed first?
A. Yes.
Q. Are you telling us that prior to 1975 respirators were issued to some but not all of the Department 145 employees?
A. The Department 145 employees were not given respirators, maintenance personnel were.
Q. So maintenance personnel who worked within the Department 145 facility were issued respirators prior to 1975, is that your testimony?
A. The shift maintenance men were issued respirators and the rest of the maintenance department had access to respirators from the maintenance department.
Q. Did Bill Smith ever work in these groups during this period of '73 to '74?

A. No.
Q. We were talking about the first conversation with Mr. Wodka. Did you tell him anything else about the subject of respirator use that we have not talked about yet?
A. Not that I know of.
Q. The other subject that you discussed with Mr. Wodka during this first conversation had to do with what you knew about the effects of working with vinyl chloride prior to 1974. Tell me what you discussed with Mr. Wodka about that subject?
A. He asked me if I knew if it was harmful, if I knew whether it was or was not harmful to breathe vinyl chloride before 1974 and I told him no.
Q. Prior to 1974 were you given any information by Goodyear about the health effects, if any, of working with vinyl chloride at that plant?
A. No.
Q. Prior to January of 1974 were you given anything by the company in writing about that subject?
A. No.
Q. Prior to January 1974 had you seen anything

R&SI65188

posted at the plant, either a notice or warning sign or any other cautionary information about the subject of the health effects of working with vinyl chloride?

A. No.

Q. Now, the questions that you were asked were keyed to 1974 in your first conversation with Mr. Wodka. Now, let me ask you the other side of the question. Did there come a time after January of 1974 when you did learn information about the health effects of working with vinyl chloride?

MS. BOSSE: Object to the form of the question in that you said after January.

Q. Let me ask a different question.

MR. WODKA: When did, when did you learn about the health effects.

A. I learned--

Q. Let me finish the question. When did you learn about the health effects, if any, of working with vinyl chloride at the Goodyear Niagara Falls plant?

A. I learned about the possibility of health

effects of vinyl chloride at a union meeting somewhere in February of 1974.

Q. Did you talk about this subject with Mr. Wodka during that first conversation?

A. I may have.

Q. And who was at that meeting?

A. Telephone conversation.

Q. No, I'm sorry. The union meeting that you referred to in February 1974, who was there?

A. The executive board, the local executive board and a minimum of 15 people to start the meeting. Who in general, I know Frank McCalley was president at the time and I believe Joe Lougette was secretary.

Q. The meeting was open to all of the members of the local?

A. Oh, yes.

Q. And was there a prior notice distributed to the members about the meeting?

A. Yes.

Q. And did that notice reflect that this was a subject to be discussed at the meeting?

A. I don't remember offhand.

R&SI65190

Q. You recall getting notice of this meeting and you knew it was going to take place?
A. The meeting times and dates are always posted ten days prior to the meeting on the union, on the union bulletin board sign at the plant.
Q. Was the meeting called in response to the disclosure by BF Goodrich of the death of several of its workers in Louisville from angiosarcoma of the liver, do you know?
MR. WODKA: No foundation.
MR. GOLDBLATT: I asked if he knew.
A. No.
Q. Do you know what prompted the meeting?
A. Yes. They were trying to find out why some of the workers were becoming ill at the plant in the vinyl department.
Q. Do you know what kind of illness they were getting?
A. A type of liver cancer that I know of and they listed other things but I don't remember exactly what they were.
Q. Was that the first time that you had heard of a possible link between exposure to vinyl chloride

and cancer?
A. Yes.
Q. Now, prior to that meeting at the union local had you received any information from Goodyear about that subject?
A. No.
Q. Had you attended any meeting at Goodyear about that subject?
A. No.
Q. We're talking about your first discussion with Mr. Wodka. Did you talk about anything else with him during that first conversation that you have not told me about already?
A. Like I said, not off the top of my head. I can't think of anything.
Q. Did Mr. Wodka ask you if you would be a witness in Bill Smith's case?
A. Yes.
Q. Did you agree to do that?
A. Yes.
Q. Did he ask you if you knew of anyone else who might have knowledge about these same subjects?
A. He asked me if I knew of anyone.

R&S165192

Q. Were you able to provide him with the names of any other people who you felt would know about the same things that you know about?
A. One.
Q. Who is that?
A. Charles Messing.
Q. Mr. Messing, do you understand, is also going to testify here today, is that right?
A. Yes.
Q. Now, how is it then or-- strike that. When you left this first conversation with Mr. Wodka did you understand that he was going to be sending you the photograph and the list that you told me about earlier?
A. Yes.
Q. Why was he sending you a photograph? What were the circumstances surrounding that?
A. He sent me a photograph of Bill at a younger age during this time period.
Q. Why was that?
A. Because his hair had grayed and he put on a couple pounds, changed his appearance, combed his hair differently.

Q. When you received that photograph did you recognize him as the man that you had been thinking about?
A. Oh, yes.
Q. Do you still have that photograph?
A. Yes.
Q. Did you bring it with you here today?
A. No.
Q. Do you have the list that Mr. Wodka provided you?
A. I believe I do.
Q. Did you bring that with you today?
A. No, I did not. I didn't even think of it.
Q. Did you receive a subpoena asking you to bring some documents today?
A. Yes.
Q. Did you make a search of your personal recollection to see if you had anything responsive to that subpoena?
A. No.
Q. Did you find anything?
A. Not really, no.
Q. Tell us what you did to look for records?

R&S165194

A. I have a small metal chest at home that I keep some documents in but I didn't have anything in there on Goodyear.
Q. Did you maintain files at the union local?
A. Yes, I did.
Q. Did you check these files to see if you had anything responsive to the company?
A. No. They were all financial files is all I kept.
Q. So to the best of your knowledge no documents in your possession at home or at the facility, the local that you have that are responsive to the subpoena?
A. Right.
Q. But you do believe that you have a photograph and list some where at home?
A. Yes, I believe, I do believe I do. I could not put my hands on it and I didn't think of it until I was on my way up here.
Q. Do you have any objection to providing that photograph and that list when you return the original transcript so it can be made a permanent record of your deposition?

R&S165195

A. No.
Q. I ask you then to do that?
A. As long as I can find it.
Q. Will you make a search?
A. Oh yes, I will.
Q. Okay. Now from the list that Mr. Wodka provided you were you able to identify any people who may have worked with Mr. Smith during this same time period?
A. Nobody really remembered him then.
Q. Did you actual talk to these folks and try to find out who might remember him?
A. Yes.
Q. After you got that list you made your own investigation for Mr. Wodka to see if any of these people had knowledge about the same subject, right?
A. Yes.
Q. And did you talk to each one of them?
A. No. Some weren't working at Goodyear anymore and I talked to most people that were on that list.
Q. Okay. Was Mr. Messing the only person that

R&S165196

you've been able to identify who has knowledge about these subjects?
A. Yes. Wait.
Q. I'm sorry, go ahead.
A. Mr. Messing is the only one who had direct recollection of working with Bill Smith.
Q. Did any of these people have knowledge about these two subjects that you explored with Mr. Wodka on the phone?
A. No.
Q. Did you talk to anybody at the local or the international about what Niagara Falls plant employees such as yourself were told about the health effects of working with vinyl chloride either before 1974 or after?
A. Did I have conversations with the international?
Q. In other words, did you make inquiry at either the local or international for information about these two subjects that you discussed with Mr. Wodka?
A. No.
Q. Did you talk to anyone else associated with the

union like Mr. DeLong or anyone else about these subjects?
A. I personally did not, no.
Q. Did you suggest that Mr. Wodka talk to anybody associated with the union?
A. I may have, yes.
Q. Who did you suggest?
A. Like I said, I may have. I'm not sure if I did or not.
Q. Do you have a recollection of who that might have been?
A. No.
Q. During the course of your conversation with any of the folks listed that you talked to did you learn of the existence of any documents or writings about these subjects?
A. None.
Q. Okay. Then you had one or two more telephone conversations with Mr. Wodka before your meeting last night. Tell us what was discussed during these conversations?
A. One was in general if I did find anybody that remembered working with Bill and I believe that

R&S165198

was, and I believe that was a short call and the other call I don't really remember what we discussed other than the vinyl chloride issue.
Q. So you recall one call where you reported the results of your having contacted these folks to see who knew something about that subject, right?
A. Yes.
Q. Then you had one other conversation about the vinyl chloride issue generally?
A. In general, yes.
Q. And what did you discuss during that conversation?
A. I don't remember. I didn't take notes during the conversation.
Q. Have no notes of any of these conversations?
A. No.
Q. Did you discuss any subject other than these that you identified for us already?
A. I don't believe so.
Q. Okay. Have you given any statements in writing to Mr. Wodka or anyone else about these matters?
A. I don't know if I wrote anything for you or

R&S165199

not. Did I personally you mean?

MR. WODKA: Answer his question.

A. I don't remember if I did or not.

Q. If you did, did you keep a copy of it?

A. No.

Q. Did you give any interviews that were recorded, to your knowledge?

A. I may have with Mr. Wodka, yes.

Q. And were these the telephone conversations?

A. Yes.

Q. Did he ask you for permission to record them?

A. Yes.

Q. Did you give him that permission?

A. Yes.

Q. And in preparing for your testimony here today were you given an opportunity to review the transcripts of the recordings, if any?

A. No, I didn't really need to, I don't think.

Q. Did you ask for that opportunity?

A. No.

Q. Was that opportunity offered to you?

A. I believe it was through a telephone conversation, yes.

R&S165200

Q. And was anything read to you that you understood was from these recordings?
A. No.
Q. Have you been interviewed by anyone else about this case?
A. I spoke with Diane one day.
Q. You're referring to Ms. Bosse?
A. Yes.
Q. When did you do that?
A. Monday.
Q. That would be Monday of this week?
A. I believe it was.
Q. How did that come about?
A. She sent a fax to the plant requesting to meet with me prior to this meeting.
Q. And who gave you that fax?
A. Jim Leary.
Q. Who is he?
A. He is personnel staff.
Q. Personnel staff. Was the fax directed to him or to you?
A. To me.
Q. Did you bring that fax with you here today?

R&S165201

A. No, not the fax.
Q. Do you have a copy of that fax? Did you keep it?
A. Yes, I did.
Q. Would you also attach that with your transcript?
A. Sure.
Q. By the way, did you bring any documents here today?
A. No.
Q. All right. So there was a request from Ms. Bosse through personnel at Goodyear to meet with you before you testified here today?
A. Yes.
Q. What did, what did it say, do you remember?
A. Basically the time and you know, it was an hour prior to meeting here and she wanted to go over what was going to be discussed.
Q. Were you lead to believe that you had to meet with her?
A. No.
Q. Were you lead to understand that it was voluntary?
A. I asked if it was voluntary.

R&S165202

Q. You wanted to know whether you had to or not?
A. Yes.
Q. Who did you make that inquiry of?
A. I asked Ms. Bosse myself.
Q. On the phone you called her up?
A. Yes.
Q. What did she tell you?
A. She said no, it was not mandatory, that it would be voluntary.
Q. Did she tell you anything else?
A. Not as such. That's basically the conversation.
Q. And did you agree to meet with her?
A. No, I did not.
Q. When she told you it was voluntary you decided not to meet with her?
A. Yes.
Q. Why would you, tell me why you decided not to meet with her?
A. I didn't feel it was necessary.
Q. Why did you feel it was necessary to meet with Mr. Wodka last night but you felt it was not necessary to meet with Ms. Bosse?
MR. WODKA: Objection to form.

A. I would say I wanted to make the testimony, the deposition.
Q. Did you agree to meet with Mr. Wodka but not Ms. Bosse because you felt that you wanted to be cooperative with Mr. Wodka but not with Ms. Bosse?
A. No.
Q. What reason did you give Ms. Bosse for refusing to go meet with her?
A. I felt it was not necessary.
Q. Why did you feel it was not necessary?
A. I just didn't feel like it was necessary.
Q. Why did you feel it was necessary to meet with Mr. Wodka last night?

MR. WODKA: Objection. It's been asked and answered.

MS. BOSSE: Well, I would make an observation for the record, that the prior answer was not responsive so I think that is an inappropriate objection.

MR. WODKA: Referring to the question before? I think you pounded this pretty well, Sam.

R&S165204

MR. GOLDBLATT: I'd like an answer to the question. Read it back.

(record read back by the reporter)

Q. Why did you feel that it was necessary to meet with Mr. Wodka last night?

MR. WODKA: Objection. Its been asked and answered?

A. He asked me to.

Q. Where did you meet with Mr. Wodka last night?

A. At my home.

Q. About what time?

A. Four o'clock p.m.

Q. How long did the meeting last?

A. Hour, hour and a quarter.

Q. And did you discuss any subject other than your testimony here today?

A. No.

Q. Tell me in substance what you talked about with Mr. Wodka during this hour or hour and a half meeting last night?

A. He just asked, he just asked me questions regarding what was going to take place here today. Asked me if I still remembered working

with Bill and just things of that nature and the vinyl chloride and the respirator.
Q. Did he ask you the questions that he suggested might be asking during the course of your deposition here today?
A. Repeat that.
Q. In other words, did he go over with you what he felt might be asked of you during your deposition here today?
A. Yes.
Q. Did you give him the answers to these questions as you felt they were?
A. Yes.
Q. Did you have a chance to discuss these answers with him?
A. There was not much discussion of the answers.
Q. You had an opportunity to ask him whatever questions that you had about these subjects, right?
A. Yes.
Q. And he had an opportunity to ask you whatever he wanted about these subjects, right?
A. I believe so, yes.

Q. Was your conversation recorded or transcribed like your deposition is here today?
A. Just took a couple notes.
Q. Is that he took notes?
A. Yes.
Q. He took notes of what you said?
A. Yes.
Q. Were you given a copy of these notes?
A. No.
Q. Okay. I'd like to ask you as best at you can tell me the substance of what information you provided him last night?
A. Just my recollection of working with Bill. I told him why I remember, because he almost dropped a piece of equipment on me and asked me about respirators being used prior to '74.
Q. Did you have any conversation about the subject of exposure limits at Goodyear before and after 1974?
A. Could you be more definite? What are you saying?
Q. You used a term before, parts per million. Do you remember that?

R&S165207

A. Yes.
Q. And what does that term mean to you?
A. Parts of vinyl chloride in the atmosphere.
Q. Measurement of the amount of vinyl chloride in an environment?
A. Right.
Q. Are you familiar with any limits for the exposure of workers to vinyl chloride in the work place?
A. Now I am, yes.
Q. Did you discuss that subject with Mr. Wodka?
A. No. We discussed parts per million of VC in strip batches.
Q. What is a strip batch?
A. Once a reactor is finished reacting they transfer it to a reservoir and they steam strip it under a vacuum.
Q. Do they steam strip the reactors with a vacuum?
A. Some they do, some they don't.
Q. Okay. My question is did he--
A. Depends on the type of material.
Q. Then what is steam strip?
A. Q and M resin.

R&S165208

Q. So these are particular resins that are placed in reactors at Goodyear?
A. Right but they're steam stripped in a receiver.
Q. And what if any significance do you attach to that in terms of parts per million of vinyl chloride?
A. They wanted it down to a certain level so it's safe to handle in the drying end of the process.
Q. Is this near the bagging operation?
A. Yes.
Q. Was this in the K-1 building?
A. The steam stripping?
Q. Yes.
A. No, no. The steam stripping was done in E-2.
Q. E-2. Now, did you ever work on the steam stripping?
A. Oh, yes.
Q. Did Bill Smith work on steam stripping?
A. No. He did work in steam stripping, he didn't work in steam stripping the finished product, no.
Q. Did the steam stripping operation that you described have something to do with the

background or ambient air level of VC in that building?
A. Oh, yes.
Q. Okay. Was that a subject that you discussed with Mr. Wodka about steam stripping?
A. We just touched on it.
Q. So it's fair to say that you touched on it in the discussion about the subject of sources of VC for the plant environment in that building?
A. Right.
Q. During what period of time were you referring to?
A. Between '73 and '74.
Q. Okay. Talk about anything else with Mr. Wodka today you recall now that you have not told me about already?
A. No.
Q. Okay. Fair to say then, Mr. Winkworth, as you sit here the only attorney in this case who you have not talked to before is me?
A. Yes.
MR. WODKA: Objection.
Q. Now, in your conversation with Ms. Bosse on the

telephone did you get into the substance of any matters?

A. No.

Q. All right. Have you met with anyone else about this case that you have not told me about already?

A. No.

Q. Have you met Holly Smith before this morning?

A. Yes.

Q. Did you know the Smiths socially?

A. No.

Q. Was your acquaintance then with Bill Smith limited to a working acquaintance?

A. Yes but you know, you do run into people outside the plant.

Q. Might run into each other in a grocery store or movie house?

A. Or plant picnic.

Q. And I'm trying to find out how. Did you and your spouse have a social relationship with the Smiths?

A. Not at all.

Q. Do you know Bill's daughter?

R&S165211

A. I met her a couple times, yes but not recently. It's been years since I've seen the child.
Q. Okay. Have you done anything to refresh your recollection about the matters that you understood that you were going to testify here today about other than what you described?
A. No.
Q. You have not looked at any documents, is that right?
A. No.
Q. Have not talked to anybody else, is that right?
A. Right.
Q. I'd like to now talk about your employment history at Goodyear and get a sense of what you've done over the years and where you have done it. Can you describe briefly, trace for me what positions you've held when you held them since you joined the company after graduating from high school?
A. Starting in June of '68 I was hired in as a production bagger, entry level and then I was immediately taken to E-1 and E-2 building to be trained in charge reactors, charge stripping and

R&S165212

transfer reactors.
Q. How long did you do that?
A. About 13 months. 12, 13 months.
Q. Were you assigned to a particular department?
A. 145.
Q. Was this generally the entry level job in the late '60's?
MS. BOSSE: Form.
A. Entry level job was always bagging and they took me to the E-1, E-2 building to train for a relief position.
Q. As what?
A. Relieve people for days off and vacation.
Q. I'm sorry, my question was not specific. Were you being trained for a specific relief position or chemical operator or production operator?
A. Chemical operator relief is what they call it.
Q. I see in some of the documents that have been made available that in addition I have seen reference to chemical operators and production operators; are these the same job or different jobs as you understand it?
A. Different jobs.

R&S165213

Q. Okay. What did you do next?
A. I went to Department 232 compound. I was there until roughly September, October of '69 to May or June of '72.
Q. And what did they do in Department 232?
A. We made shoe sole compound.
Q. Out of what?
A. Out of vinyl resin that we made in the plant.
Q. This would be the end product, is that right?
A. We didn't make the shoe soles themselves, we just made the compound for them and shipped them to the shoe manufacturing industry.
Q. Did you have a specific title or position there?
A. Just production operator.
Q. Where did you work next?
A. I worked in the storeroom from approximately June '72 until November of '73.
Q. Where? I'm sorry, tell us what you did in the storeroom?
A. Dispensed store items like gloves, gaskets, pumps, paper products, things of that nature. Supplies, just simply supplies.
Q. Was it for Department 145 only or all?

R&S165214

A. All departments.
Q. Fair to say then that you were mostly involved in delivering materials throughout the plant that were needed in the process?
A. They came to me, I didn't deliver.
Q. You were an operates in the storeroom and people would come and requisition material?
A. Yes.
Q. You did that for a little more than a year, almost a year and a half, right?
A. Yes.
Q. Was that the storeroom that included Department 145?
A. Was not in the same building as Department one.
Q. I'm sorry, my question was not clear. Was that the same storeroom that people in Department 145 would come to for things?
A. Yes.
Q. During that period of time did you stock respirators?
A. No.
Q. Did you stock cartridges for respirators?
A. No.

Q. Did you stock any components that you understood were used in respirators in the plant?
A. They had paper dust masks.
Q. Where were they used?
A. Usually in the bagging stations where it was dusty.
Q. Did you store any monitoring equipment?
A. We did have some lab store supplies, you know, pH testing equipment.
Q. Did you stock any equipment or supplies for any monitoring devices that you understood were used to measure the amount of vinyl chloride in any of the environments at the plant?
A. No.
Q. Are you aware of any monitoring being performed at the plant prior to 1974?
A. Rarely.
Q. What did you know about that monitoring?
A. I knew they checked for oxygen levels in reactors in Department 245.
Q. Is that the other side of the plant?
A. Yes.
Q. How do you know that?

R&S165216

A. On occasion if they were short they'd pull one of us to go over and work and then I witnessed them using, I believe it was an oxygen meter.
Q. Are you aware of any other monitoring performed before 1974?
A. No.
Q. As you sit here today do you have any knowledge of any monitoring done at Goodyear within Department 145 for vinyl chloride prior to 1974?
A. Not for vinyl chloride.
Q. Do you know of any monitoring that was done in the vinyl chloride polymer reactors at Department 145 before 1974?
A. No.
Q. What did you do after you left the storeroom?
A. I went into the maintenance department as a millwright.
Q. What is a millwright?
A. Jack-of-all-trades, fix it all.
Q. How long were you a millwright?
A. For 13 months. From November of '73 until approximately January '75 and then we had a cut back in the maintenance department and I was

R&S165217

bumped to another department.
Q. Where were you bumped to?
A. To Department 245.
Q. How long were you in 245?
A. About seven months. Six, seven months.
Q. Where did you go after that?
A. Back to Department 145.
Q. As what?
A. As a bagger.
Q. Is this sometime in 1975 still then?
A. Yes. Early '75 or that would be near late '75.
Q. How long were you a bagger in 145 then?
A. Couple months.
Q. What did you do after that?
A. I had the same position Bill had as utility operator.
Q. When did you do that?
A. Pardon?
Q. When did you do that?
A. Probably December '75, somewhere in that area.
Q. For how long?
A. For the next seven months or so. Six, seven months and then we went on strike in '76, March

R&S165218

15th of '76 until December 9th, somewhere in that area.

Q. '76?

A. '76.

Q. After the strike what did you do?

A. Went back as a utility operator.

Q. From when to when?

A. Until approximately-- I had it for a couple three years.

Q. Until about 1980?

A. Oh, no. I take that back. I went back in the maintenance shop for about a year and a half until they had another-- about four years, I take that back and then I was bumped out of there in November of '82 but I was utility operator for a couple years there, you know, two and a half years from like January '77 when we got off strike until mid '78 or something like that. Then I went back to the maintenance department until November of '82.

Q. As a millwright?

A. Yes.

Q. What did you do after that?

R&S165219

A. I was bumped back into Department 245.
Q. How long were you there?
A. Just a few months that I can remember.
Q. What did you do after that?
A. I went back to Department 145 and became a chemical operator in E-2 building.
Q. And how long, from when to when were you a chemical operator in E-2?
A. From approximately May, June of '78 until November '95.
Q. I'm sorry, I'm a little confused. Some of these dates seem to be overlapping.
A. Well, I'm trying to give you the best that I can.
Q. Okay. You just told me that you were chemical operator in the E-2 building from May of '78 through November of '95. I thought you had just told me that?
A. Right.
Q. That for some period of time from '77 to '78 you were utility operator?
A. Right.
Q. And that for some period of time from '76 to '82

R&S165220

you were also a maintenance person as a millwright again. Can you help me out here?
A. Sure. When exactly I went back to, back into the maintenance shop prior to '82 I was trying to give you my best recollection. I think it was somewhere around mid '78.
Q. This would be after you worked as a utility operator sometime between '77 and '78?
A. Yes.
Q. Then you went back to maintenance for some period of time?
A. Yes, until November '82.
Q. And then in November '82 you went to Department 245?
A. Yes.
Q. For a few months only, right?
A. Yes.
Q. So then some time in late 1982 or early 1983 did you then go to 145 as a chemical operator?
A. Yes.
Q. So would be early '83 to about November '95 that you worked as a chemical operator in the E-2 building?

R&S165221

MS. BOSSE: I don't think that we're there yet, November of '95.

A. '94. Nice try.

Q. Okay. Then you took your current position, is that right?

A. Yes.

Q. Now, when you were employed as an utility operator what did you do?

A. I stocked supplies for E-2 building and unloaded the VC rail cars and prepared equipment for maintenance.

Q. Do you have a recollection of your activities as a utility operator?

A. Yes.

Q. Do you have a specific recollection of unloading VC cars?

A. Yes, I do.

Q. And tell me as best as you recall about these cars. What do you remember about them, what they looked like, their appearance, their size, things like that?

A. They're 23,000 gallon capacity cars under pressure. Could you be more specific?

R&S165222

Q. Sure. Did these-- how often did these cars arrive at the plant during that period of time?
A. Once or twice a week.
Q. How many cars would arrive?
A. How many cars did they deliver?
Q. At that time, yes?
A. That varied also. You know, as little as five or six and as many I would say up to 14.
Q. Did you handle any paperwork associated with the delivery of these rail cars to the plant?
A. No.
Q. Do you have any knowledge of the identity of the manufacturer of the materials inside of these rail cars?
A. Yes.
Q. And what is that knowledge based on? Is it based on observations you made or was it based upon documents or things that you heard from other people?
A. It would be documents when we unloaded cars depending on who the manufacturer was. We had to split them up into different storage tanks in the facility.

R&S165223

Q. Were they all kinds of materials-- strike that. What kinds of materials were delivered in rail cars?
A. Vinyl chloride is about all of it, as far as rail cars for Department 145.
Q. Okay. And during these few months when you were working as a utility operator in January of '77 to sometime in 1978 did Goodyear receive rail cars of vinyl chloride from more than one manufacturer or just one?
A. Yes.
Q. And do you believe that you have knowledge regarding the identity of manufacturers of any specific rail cars?
A. That's all I can remember is three manufacturers.
Q. So you have a general recollection of three names on the rail cars, is that what you are telling us?
A. Not three names on rail cars.
Q. Okay. I'm trying to find out what is the basis for what it is that you know?
A. (no response).

R&S165224

Q. Can you tell me?
A. They would post car numbers and manufacturers in the unloading station building and you would have to unload them into certain tanks depending on the manufacturer.
Q. Were there separate storage tanks for vinyl chloride for different manufacturers back then?
A. No, we just made sure they were empty before we would begin unloading a particular car in to a given tank.
Q. Okay. And how did you identify or note what materials was contained within which storage tank?
A. We would write it down and notify the supervisor what we unloaded so they knew what to use in the building.
Q. Where would you note it? Where would you write it down?
A. Just a note pad and tear it off and hand it to the supervisor and he would notify the operator in the building.
Q. And so then would-- strike that. So you would see a notice posted that would tell you that

R&S165225

rail cars were arriving and would associate a name of a company, right?

A. Yes.

Q. And is that the basis for your knowledge and belief about the manufacturer of the contents of cars that you unloaded during this period of time?

A. Yes.

Q. Did you see anything else in writing that lead you to believe that you knew the identity of the manufacturer of vinyl chloride delivered during that period of time?

A. Almost all cars are painted a certain color.

Q. What color?

A. I'm somewhat colorblind. You got me. It's like an off cream type white.

Q. How about the other cars?

A. Black.

Q. And so that in your own mind you can at least associate particular cars with manufacturers by the color of the car, is that right?

A. Yes.

Q. Are you able to tell us anything about specific

R&S165226

cars or number of cars delivered from any particular manufacturer or any particular distributor during this period of time?

A. No.

Q. You're not in a position then to give us numbers in terms of the number of cars delivered, the amount of material or frequency of delivery or anything like that during this period of time, are you?

A. No.

Q. Fair to say then that your knowledge and information is based on a general sense of recollection from that time period?

A. Well, I can tell you that almost all of the vinyl chloride cars were Dow and I believe to my knowledge that if Dow was going to run a little short and could not supply us that is about the only time Goodyear would pick up from another supplier because it was not, the other suppliers of vinyl was not as pure, I guess, as Dow.

Q. What is your, what is your basis for that knowledge? Is that something someone told you?

A. Oh yes, the lab personnel.

R&S165227

Q. Are you able to identify any particular people who told you that?
A. Yes, man by the name of Don Burton.
Q. So is it your general sense that during this period of time when you were the utility operator Dow was the principal supplier to Goodyear as you understood it?
A. Yes.
Q. But did you understand that from time to time Goodyear would make purchases of vinyl chloride from other manufacturer as well?
A. Yes.
Q. Now, do you have a specific recollection of unloading cars from other manufacturers?
A. Oh, I know I have.
Q. And how do you know that?
A. Like I said, basically by the color. I don't believe Dow owns a black railroad vinyl chloride car.
Q. What I'm asking you though; do you have a specific recollection of unloading other manufacturers chemicals?
A. Yes.

R&S165228

Q. Can you tell us anything about the frequency of these deliveries, the amount of these deliveries or any specifics of that during this period of time of '77 to '78?
A. Other manufacturers other than Dow is very few, very few. I would say Dow was the major supplier.
Q. I understand that. Can you tell us the name of other companies whose vinyl chloride you personally were involved with in unloading during this period of time?
A. Georgia Pacific and BF Goodrich.
Q. And you recall them as having black rail cars, is that right?
A. Yes.
Q. Do you recall seeing those names on these notices that were posted for you?
A. Yes.
Q. Mr. Winkworth, I want to go back to your first job when you first joined the company back in June of 1968. Was there a formal training program at Goodyear when you joined the company?
A. No.

R&S165229

Q. Can you describe for us generally what your training consisted of from the company?
A. They were entry level bagging positions is what most of it was in either department. Was always a bagging position. They would pair you up with an individual and he would go through the particular process of drying the material or grinding the material depending on what it would be but you would package it somehow until you learned the job and he would stay with you until you knew it.
Q. Okay.
A. Each individual job.
Q. So your training was on-the-job?
A. Right.
Q. And it consisted primarily of being assigned to someone who is experienced in the operation of that job who would teach you how to do it but personal observation and verbally explain to you what needed to be done?
A. Yes.
Q. Do you know did Bill Smith ever work as a production bagger in Department 145?

R&S165230

A. Yes.
Q. And you also told us that you would then take and train as a chemical operator relief, is that right?
A. Uh-huh.
Q. Did Bill Smith ever work as a chemical operator?
A. Not to my knowledge.
Q. Let me stay with your first-- I'm sorry, did you want to correct something?
A. No, no.
Q. Now, were you given anything in writing from the company when you joined in June of 1968?
MS. BOSSE: Object to the form.
Q. Let me ask a more specific question. Were you given an employee manual, a health and safety manual or any similar kind of document when you joined the company?
MR. WODKA: Object to the form.
A. No.
Q. Let me ask a more limited question so I overcome the objection. Were you given a health and safety manual?
A. No.

R&S165231

Q. Were you given a safety manual of any kind?
A. No.
Q. Were you given any written information about the jobs that you were going to perform?
A. No.
Q. Were you given any information about the product that you were going to work with?
A. No.
Q. Were you given any material safety data sheets for vinyl chloride?
A. No.
Q. Do you know what a material safety data sheet is?
A. Yes.
Q. What is it?
A. It's describes the compound in question.
Q. Okay. Does it also give you information about exposure limits and possible health effects and things of that nature?
A. If they note it, yes.
Q. Did there come a time when you were given MSDS's for vinyl chloride?
A. Yes, there was a time.

R&S165232

Q. When was that?
A. During the late '80's.
Q. Who gave them to you?
A. Nobody gave them to you, they put them in a book, loose-leaf binder and had them in the building.
Q. Okay. And you were advised that they were available for your review?
A. Yes.
Q. Did you go and review them?
A. Not immediately, no.
Q. Did you at some point in time review the MSDS?
A. Yes.
Q. Did you review the MSDS for vinyl chloride?
A. Yes.
Q. And do you recall who prepared that MSDS, whose name is on it?
A. Dow.
Q. Was there just one MSDS or more than one?
A. One that I can remember.
MS. BOSSE: You mean one for vinyl chloride?
A. One for vinyl chloride.
Q. Is that the first time that you had seen an MSDS

R&S165233

by Dow or anyone else about vinyl chloride?
A. Yes.
Q. Is that the first time that you had, were you aware that MSDS's were available for you at the plant about vinyl chloride?
A. Yes.
Q. At any time prior to 19-- strike that. At anytime during 1973 or 1974 were you provided with or given an opportunity to look at any MSDS for vinyl chloride?
A. No.
Q. You had not seen any, right?
A. Right.
Q. Were you given any manufacturers brochures or literature or information about vinyl chloride when you joined the company?
A. No.
Q. Were you given that kind of material?
MS. BOSSE: Object to the form.
A. Later in the '80's, you know.
Q. What were you given?
A. The company somewhere around '84, '85, I believe, it would hold a safety meeting and they

R&S165234

would go over certain items of certain chemical items to be aware of.

Q. We'll get to this meeting. These are meetings that took place in the '80's is your recollection?

A. Yes.

Q. What if anything do you remember about the Dow MSDS for vinyl chloride that you looked at?

A. In particular?

Q. Yes.

A. I read it. I mean, you know, it was flammable and a health risk, they said. I believe it was a possible carcinogen.

Q. Was it referred to as a cancer suspect agent?

A. Yes.

Q. Now, was that new to you at that time or had you already heard that before?

A. Oh, in what time span are you talking about?

Q. Well, you told us that you looked at this MSDS in the mid '80's sometime. What I'm trying to find out; did it give you information that you didn't already have? Was anything new to you that you found in that document?

R&S165235

A. No, no.
Q. So basically by that time you had heard about the things that were listed in the MSDS, right and did I hear--
A. Yes.
Q. And had you heard about it from people at Goodyear?
A. Yes.
Q. Had you also heard about it at the union meetings?
A. Yes.
Q. Had heard about it from any other source?
A. No.

MR. WODKA: Can we take a break?

MR. GOLDBLATT: Sure.

(recess)

BY MR. GOLDBLATT:

Q. Mr. Winkworth, just before the break we were talking about these material safety data sheets that were available for you. Is it fair to say that they were available for any of the workers

R&S165236

at maintenance to look at?

MR. WODKA: Time frame?

Q. Well, why don't you tell us when were they first available, sir?

A. To the best of my recollection it was around '86, '87, '88, somewhere in there but you had to ask for them. They kept them in the office pretty much at that time and I think some were around '89 or '90 when they placed them in the building. Like I said, I'm not real sure about the exact dates.

Q. When they were first made available were they made available to everyone?

MR. WODKA: Object to the form. What do you mean by "made available".

MR. GOLDBLATT: The witness just said or said earlier that MSDS's were made available in a book.

Q. You had to go and look at them. You said initially this was some time in the mid 1980's and I'm trying to find out was it made available to everyone or was it made available to particular people? Was it made available to him

R&S165237

because of his position with the union? What was the story?

A. I would say most people didn't know about the MSDS sheets.

Q. What is your basis for saying that?

A. Because of the maintenance training that they have now they explained to the operators in the late '80's, early '90, '91 what MSDS sheets were for.

Q. So at some time the MSDS's were incorporated into the training program that was given to new employees, right?

A. Yes.

Q. Now, let me you ask how did the existence and availability of these MSDS's become known to you?

A. In 1991, before '91 I heard of MSDS sheets but-- you know and looked at a couple-- as far as like formal training for MSDS sheets and the direct importance of them I probably somewhere around '91, you know, they said that you should know everything that you are working with and everyone should have knowledge of what they're

R&S165238

working with.
Q. Did the "they" that you are referring to, is that Goodyear?
A. Pardon?
Q. Who is the "they" that you're referring to?
A. The plant, yes.
Q. And you told me about that before, that you went and looked at MSDS's for vinyl chloride?
A. Right.
Q. In the mid '80's, right?
A. Somewhere in that, yes.
Q. What I'm trying to find out is how did you know that that document was available? How did that come to your attention? Who told you about that?
A. Through my safety man.
Q. Who was that?
A. Don't remember offhand.
Q. What did he tell you?
A. That Goodyear had information on vinyl chloride.
Q. And was that the first time somebody told you that?
A. Yes.

R&S165239

Q. So you went to look at it?
A. Yes. I wanted to know where they were.
Q. Where did you go to look for them?
A. In the foreman's office.
Q. Who was that?
A. There were several foremen and they had an office of their own, each shift had a form and my immediate foreman was Don Moreland at the time.
Q. And so you went to his office and you asked to see these?
A. Yes.
Q. Did he give them to you?
A. Yes.
Q. Did anybody give you a hard time about it?
MR. WODKA: Objection.
A. Not that I recall.
Q. Okay. And did you then let other people know about the availability of these MSDS's on vinyl chloride?
A. I'm not sure.
Q. Did you ever talk to Bill Smith about it?
A. No.

R&S165240

Q. Ever ask or suggest to Bill Smith that he look at the MSDS--
A. No.
MR. WODKA: Objection. No foundation that there were MSDS's available at the time Mr. Smith was there at the, excuse me, at the time-- I see where you are going.
MR. GOLDBLATT: Repeat the question.
Q. Let me finish the question. Did you ever suggest to Bill Smith that he look at the MSDS on vinyl chloride that you looked at in the mid '80's?
A. No.
Q. Did you ever suggest to anyone else with whom you worked that they do that at that time?
A. Not that I know of.
Q. Okay. Let me, before I leave your job description, are we clear that in 1973 and 1974 when Bill Smith worked at the plant you were working for the maintenance department as a millwright?
A. Right.
Q. Okay. And you held that job throughout the

period of time when Bill was first employed at the plant from November '73 to about December'74, is that right?

A. Right.

Q. Now, when you were-- strike that. Did you ever work within the vinyl production side of the business at Goodyear?

A. No, that was shut down before I was hired.

Q. Did you ever work unloading tank cars other than during the time period we talked about before?

A. I would say the first time I unloaded a tank car was when I was, when I first went on utility.

Q. Okay. Perhaps I confused you. We talked about the period of time-- oh, I'm sorry. Did you also work as a utility operator for a couple months in late 1975, early '76?

A. Yes.

Q. And were you unloading tanks cars at that time, too?

A. Yes.

Q. And do you have a recollection of unloading vinyl chloride tank cars during that period of time?

R&S165242

A. Yes.
Q. And is your recollection of the manufacturers of vinyl chloride essentially the same as what you told us occurred when you next worked as a utility operator in 1977 to '78?
A. Yes.
MR. WODKA: Objection to form.
Q. Do you have any more knowledge about the identity of the makers of vinyl chloride that was delivered to the plant during this period of time in '75 and '76 than you do about the makers of the vinyl chloride later?
A. No.
Q. Okay. Now, there came a time then after you joined the company that you were given training for charging, stripping and transferring vinyl chloride at the reactors in the E-1 and E-2 building?
A. Right.
Q. Were you involved at all in cleaning reactors?
A. Yes.
Q. Okay. At what point in your career were you involved in cleaning reactors?

R&S165243

A. From the first day I started until approximately September of '69 and then from there they were letting us do it again and I moved to another department and we were not included in their overtime sheets again until sometime in '71 or something, I think it was early '71 and I was able, I was allowed to, from '71 until '72 when I went into the storeroom.

Q. Were you involved in reactor cleaning at any other time during your career at Goodyear?

A. Not reactor cleaning, no.

Q. Let's--

A. I did maintenance on reactors when I was in the maintenance job.

Q. You told us you erected platforms to assist in the cleaning operation. Are you also talking about as a millwright where you actually would be working around the reactors themselves?

A. Yes.

Q. Okay. Let me get a little better sense of Department 145 during this period of time. Can you tell us generally what was done at Department 145?

A. What time period?
Q. Let's talk about from '68 when you joined the company through 1974 when you understand Bill Smith left the first time.
A. Could you be more specific on what went on?
Q. I'm trying to understand what was the process, what were they making there? What were they doing? Give us a general description of what you and other workers were engaged in doing so we have a framework to work forward.
A. Well, they would charge reactors, that was open charging, it was not closed charging when I was first hired. You want the process of charging reactors?
Q. Not yet, just tell me generally about the steps in the process as you understood them.
A. You would charge the reactors, the reactors cook is what we're getting at and once the reaction was completed you would transfer from the reactor a receiver and batch them, would be steam stripped to certain specifications and then it would be transferred over an open selectro and transfer box pumping system to F

R&S165245

building where the storage tanks were for the drying process.

The drying process, I was involved in all of it being relief man for the building and as a production operator. I would then open certain lines from the tanks and put them through a de-watering centrifuge and then through the dryer and then package it out either in bags or GRB's which were tubes, were rubber bags that were capable of holding 2,000 pounds of resin or transferring them from the dry resin, transfer the dry resin from a hopper into a large farm type silo for storage and then if I was working on the bulk system, that was the bulk system, the silo was the bulk system, you would fill air slide railroad cars.

MS. BOSSE: Fill, I'm sorry?

A. Fill air slide railroad cars. Basically that is just a general rundown.

Q. So what you just described is the general process at 145 for making vinyl chloride resin and drying it and packaging it for storing it?

A. Right.

R&S165246

Q. That is generally what was being done at Department 145 during this period of time, is that right?
A. Right.
Q. So do you understand vinyl chloride polymers would be brought to the reactors and placed into resin and then dried and hand packaged? Is that a general overview?
A. Sure.
Q. Now, about how many men were, men or women were involved in that process during this period of time?
A. We're still talking '68, '69 time frame. Each shift was approximately 30, 35 people.
Q. How many shifts were they running?
A. Four.
Q. Okay. For those of us who are having trouble with the math can you explain how they ran four shifts?
A. Continuous shift process, 28 day schedule.
Q. How did it work?
A. Beginning with the afternoon shift on Wednesday you would work seven afternoons which you would

R&S165247

finish up Tuesday afternoon, you would have two rotating days off which were Wednesday and Thursday, you would start days Friday through the following Thursday with a rotating day off in between Monday and Thursday of the day shift and then you would begin midnights, Friday midnight and finish up eight o'clock in the morning the following Friday.

Q. Then two days off?

A. Would actually have all of Saturday, Sunday and Monday and Tuesday off.

Q. And you would go back on?

A. Start all over again.

Q. By doing this it was possible to then keep the maintenance in a continuous 24 hour operation, cover everybody's day off and--

A. Just in production, yes.

Q. But on any particular shift there was somewhere between 30 or 35 people involved in this production process?

A. In the late '60's I believe there were, yes.

Q. Did that remain generally the same through about 1974 when Bill left the first time?

R&S165248

A. Up until we installed the THF cleaning system for the vinyl reactors they held approximately this many positions per shift.
Q. When was THF installed?
A. I don't remember exactly but it was like late '74, early '75.
Q. Was it after your first learned that vinyl chloride was a cancer suspect agent?
A. Yes.
Q. What is the THF cleaning system?
A. It is a chemical solution that we would pump in the bottom of the reactor and out the top and back to the tank farm that we had at the tank farm headed it would dissolve the residual vinyl in the reactor vessel itself.
Q. Was this a solvent cleaning system for the reactors?
A. Yes.
Q. Was this a system installed to replace the prior manual system whereby workers were asked to enter reactors to manually remove by hand vinyl chloride residue?
A. Yes.

R&S165249

Q. Was this system ever installed in building E-1?
A. No.
Q. Was it installed in only building E-2?
A. Yes.
Q. Were reactors ever cleaned by solvent or any other automatic method in building E-1?
A. No.
Q. Reactors were always cleaned by hand to the best of your knowledge in building E-1 while you were employed at the company?
A. Yes.
Q. Were there both union and nonunion people on each shift?
A. Yes.
Q. How many of the 30 or 35 people were union and how many were nonunion?
A. Only nonunion personnel was supervision, management people.
Q. Perhaps you can describe for us what the shift structure was during this period of time in terms of management or supervision, overall personnel and production personnel. Can you do that for us, give us an overview?

R&S165250

A. You had a foreman who would take care of, he would oversee the two supervisors. There were three salaried personnel directly involved with Department 145 per shift; foreman would oversee all operations in Department 145 and then we had a specific supervisor for E-1, E-2 building and a supervisor for the F building. Operators, there were four in E-1 building, there were four chemical operators per shift and I would have two men upstairs in charge of reactors and you would have one man downstairs transferring batches from reactors to receivers and transferring stripped resin to the F building and then would have had a pump room operator who would operate weigh scales and tanks, tanks on weigh scales for specific amounts of vinyl chloride to be charged to each reactor.

Q. Who would be the person who would determine the amount going into the reactors before the batch was started?

MS. BOSSE: Object to the form.

A. We had two scales in the pump room and generally we ran two product lines in E-1 building at the

R&S165251

same time, generally two. So we would, the amounts would be the same for half and the other half and you would leave certain amounts just for certain reactors and the man would call you and tell you which one he was going to charge and you would automatically know by the spec sheets how much you were supposed to give him.

Q. I interrupted your description of the people, I'm sorry. After the pump room who else was on the shift?

A. The utility man who unloaded VC cars and supplied the building with other chemical material. The production end there were several rotating positions. We never worked the same job all the time.

Q. What were they called?

A. You had P-1 rotary bagger operator and P-1 relief man who would give him the breaks. P-2 rotary bagger operator and P-2 relief man. You had two emp operators.

Q. Emp?

A. Emp.

Q. E-m-p?

R&S165252

A. I think it's e-m-p and he was a grinder operator and bagger and a three emp mill operator bagger. You had a dry blend operator and bagger or boxer. You had two atomizer bagging positions. You had three PNS operators, they were separate dryers; 1PNS, 2PNS, 3PNS and one of these individuals of the three would monitor the levels in the storage tanks of polyvinyl and you had two rotary operators and two rotary relief persons and then you had a seal bin operator. These were large, they're ten thousand bags, rubber bags and you had a bulk car operator and then you had two relief people, I believe they called us floaters, then you would float for two weeks and you would be given, 90 percent of the time you would be cleaning reactors during these two week periods or relieving somebody in the bagging station that would be on vacation or reported off, something on that line but 90 percent of it was cleaning reactors. I'm trying to think who else. I did the E-1 building.

In the E-2 building they had three

operators, their positions were small reactor operator, other one was large reactor operator and there were two large reactors and seven small ones and then you had a transfer man downstairs. Then you had a lab office in the department at the time, was like little satellite building office and he would do moisture and solids and slurries and packaging stations, Things of that nature. He was a salaried position and we had a bag maker, he would stencil product codes on bags for all bagging stations. I think that's it.

Q. Who was the foreman for, who were the foremen during this period of time, do you know? Let me ask a more specific question.

A. I can hit on that.

Q. Can you? Okay, tell me who the foremen were.

A. Bob Richardson, Masikas, Blinkly, Blinkly or Blakely, I can't remember and the fourth one, can't remember. Oh, Bookout.

MR. WODKA: Who?

A. Ed Bookout. I believe his name was spelled as it sounds.

R&S165254

Q. Who were the supervisors?
A. Okay. Directly under Richardson was Ed Bowen and Paul Pardee. Under Masikas, I believe one of them was Al Sarkes and Bill Free. I can't think of the other right offhand.
Q. What did the supervisor do?
A. He was just guiding people in the operation of their job.
Q. Who would assign people to a particular job on the shift?
A. It was, it was mostly a decision on what your pool was to work from during the day but your E buildings and utility jobs were posted jobs so you always knew where you were working on these and you followed the rotation for bagging stations so it was more or less written in stone where you would work, as far as, you know, if you were bagging you would rotate in a particular fashion.
Q. So there were records generated at the time which indicated what each person was doing on their shift, right?
A. I don't know if this would be an accurate record

R&S165255

to show exactly what you did from day to day other than you're working in F building or let's say you worked over, you were held over that day, I don't know if they would actually say the man was cleaning reactors or he was just sweeping a floor or--

Q. Let me ask you a different question. Are there records that at least would tell me what building they would be assigned to, what position they would be filling?

A. Sure.

Q. What were these called, these records?

A. Job postings. It was a permanent posting, job award posting.

Q. If it was not permanent?

A. We used to have a book, like a ledger book, just straight line ledger book on how your rotation works from week to week.

Q. Which of the positions that you described regularly involved cleaning reactors?

A. 90 percent, 95 percent of the time I would say that two floating personnel at the time, they had more than two, maybe three and sometimes one

but it was generally two throughout my experience.

Q. Was any one individual in charge of reactor cleaning?

A. E-2 supervision. E-1, E-2 supervision.

Q. These would be supervisors that you referred to earlier?

A. Yes.

Q. Was there any other floaters--let me ask it this way. Was there anyone else involved in cleaning reactors besides the floaters?

A. There were never enough personnel to run a shift without having to ask for overtime. Never. During, between my experience in '68 to '74 They always asked for overtime every night, every shift to clean reactors or to, if you were trained accordingly to replace somebody that booked off of charging reactors or something of that deal but there was always overtime for cleaning reactors.

Q. My question is; was that particular job description in addition to floaters that involved reactor cleaning?

R&S165257

A. Not in general. If they ran short of people they would pull the bag makers or possibly shut the job down in order to get enough manpower to clean reactors.
Q. Would the chemical operators regularly be involved in cleaning reactors?
MS. BOSSE: Object to the form.
A. Not on their particular shift. On overtime they would--
Q. So that--
A. --offer it.
Q. If they booked on for overtime essentially a floater to clean reactors they might be involved in that, is that what you're saying?
A. Oh, they'd tell you. They would tell you when they asked you for overtime what the job opening was and depending on your hours, if you were the low man in history you would have your choice of which job you were capable of doing and it would come down in fact like that.
Q. You told me before that they ran two product lines in building E-1, do you recall that?
A. Two and maybe three. At times there was three.

R&S165258

Q. How many product lines did they run in E-2?
A. Two.
Q. Okay. What were the product lines that they ran in building E-1 during this period of time and in particular 1973, 1974 when Bill Smith worked for the company?
A. They made K-resins, that's the only name for them, K-resins, M-resins and AO/WO, these were both latex and they were very similar. They ran one and they would clean reactors and run the other one when needed.
Q. What about building E-2, what lines did they run?
A. They ran them all as E-1 but they would only run two at a time and that would be M or K-resins and WO/AO.
Q. Were both buildings open systems?
A. Yes.
MS. BOSSE: Object to the form.
Q. Can you tell us how many reactors there were in building E-1?
A. 22 1500 gallon reactors.
Q. How many reactors were there in E-2?

R&S165259

A. Nine. There were 73 500 gallon reactors and two 10,000 gallon reactors.
Q. How often would the reactor have to be cleaned on a shift?
MS. BOSSE: Object to the form.
Q. You may answer.
A. You would get approximately four to five batches per reactor before cleaning unless there was a problem with the batch. Rarely they would go to six because you just could not keep control of the batch for the heat transfer to keep it under control.
Q. Were all the reactors usually in service on every shift?
A. No.
Q. Can you give us some order of magnitude of how many reactors would be in service?
A. Well, I would say at any given time per shift you probably had three or four reactors in E-1 being cleaned, I think two to four, let's say two to four and E-2 building there is always at least one, sometimes two or three and if you had a problem with the process you'd cleaned them

R&S165260

all, you were just down.
Q. I'm trying to understand. Are you telling us that in building E-2 during this period of time '73-'74, at anytime during a shift two to four reactors were in the process of being cleaned?
A. E-2.
MS. BOSSE: Object to the form.
A. E-2.
Q. E-1?
A. Minimum of two. Minimum.
Q. And are you telling us that in building E-2 during this time frame at least one and sometimes two or three reactors were in the process of being cleaned at any one time?
A. Right.
MS. BOSSE: Object to the form.
Q. What is your basis for knowing that during this time frame?
A. I was involved in cleaning. I would see other reactors being cleaned at the same time as I was doing mine.
Q. In addition to the people that you described would there be maintenance personnel who would

R&S165261

be in and around these facilities on any given shift?

A. Yes.

Q. How many maintenance people?

A. You had two maintenance shift men on each of the four shifts and the rest were called in as needed except for day shift. Day shift was a full maintenance crew of approximately 40 to 50.

Q. During '73 and '74 were you actually involved in physically entering and cleaning these reactors?

A. I was in the maintenance shop, I did not clean reactors per say as we know as you're getting at right now. I would enter the reactor to do maintenance work which would be installing the platform for the operators to use during their cleaning procedure and from my end of it I would install and disassemble the platform and I would also do some maintenance on the top of the body of the reactors while the operators were in it like before the operator could enter the reactor I had to break off certain lines before they went in, remove the pieces of the discharge valve, they were called diaphragm valves and you

R&S165262

would remove the bonnet from the diaphragm involved and I would perform, like maybe change a ruptured disk on top or clean a line.

Q. Was it always necessary for a millwright to do some preparatory work before reactors were cleaned?

A. Yes.

Q. Was it always necessary for a millwright to do some preparatory work after the reactor was cleaned and before it was put back into service?

A. Yes.

Q. And so how much of your time was spent during this period of time, '73 to '74 involved in these activities?

A. On a daily basis I would say, I would have to prepare about half of the reactors in question that I said would be manually cleaned on a daily basis.

Q. Who was the other millwright who worked your shift during this period of time '73-'74?

A. Bill Sapp.

Q. Spell his name.

A. S-a-p-p.

R&S165263

Q. Is he alive?
A. Yes.
Q. Is he one of the people that you contacted?
A. No.
Q. Have you discussed this case with him?
A. No. I believe he lives in Florida. I'm not sure. He owned a house on Woodcup in Niagara Falls.
Q. I want to see if I can get some order of magnitude here. You told us about how many reactors were in the process of being cleaned at any one time during a shift. What I would like to do is get some total idea. Building E-1, how many reactors were typically cleaned? How many times were reactors typically-- strike that. Let me start over and rephrase my question.

During the time period 1973 and 1974 how many reactors were cleaned on a typical shift in building E-1?

A. I already answered that. Two to four reactors.
Q. How many times were they cleaned on a typical shift?
A. That is not a good question. You only clean them

R&S165264

after so many batches so you didn't do every reactor every shift. That is what I'm getting from you.

Q. Okay. Is it correct then that on a typical shift during this period of time men were involved in cleaning reactors two to four times per shift?

MS. BOSSE: Object to the form.

A. All right. The process of cleaning reactors, production people, it would be two men per reactor. Maybe this is where you are missing. One man would be the safety man outside of the vessel overlooking the man that was inside the vessel and you would usually switch on and off every half hour to give yourself a break from doing all the hammering with the hammer and chisels.

Q. So then at any one time in building E-1 several teams of men were involved in cleaning reactors, is that right?

MS. BOSSE: Form.

A. Right.

Q. How long did it take to clean the reactors?

R&S165265

A. To clean a WO/AO 1500 gallon reactor would take approximately four to six hours. To clean a K or M resin reactor, normal type cleaning, no problem type stuff, three to four hours, approximately. A 350 gallon E-2 K or M resin reactor would be six to eight hours and a 10,000 gallon K or M resin reactor which was No. 9 would take also four to six hours some times. No. 8 reactor which was an A/WO reactor, that was 10,000 gallons and that would take sometimes approximately more than eight hours at times, possibly 10, 11.

Q. During the same time period, 1972 to 1973 were there any placards or signs posted on the reactors?

MR. WODKA: I'm confused. I thought it was '73-'74 and you said '72-'73.

Q. Strike the question. Slowing down. During the time period '73-'74 that we've been discussing were there any signs or placards or writings of any kind on the reactors?

A. Just the number of the reactors and they did identify some lines by paint and lettering.

R&S165266

Q. Were there any signs or placards that talked about precautionary information or hazard information concerning the materials contained within the vessels?
A. No.
Q. Were there any written procedures for reactor cleaning during this time period that you are aware of?
A. I'm not sure. They did have, I'm not sure of the time frame though, you would have to say they did have a checkoff list of operators and reactor cleaners, excuse me, maintenance men and the reactor cleaners before entering a vessel to see if blanked, that certain lines were blanked off and the bonnet of the discharge valves and so on. There was a list of maybe 15, 20 questions but I don't know if-- I don't remember that being in effect in '68 to '74. It may have been but I'm not sure.
Q. Now, I apologize if I asked you this question, I'm sure everybody will jump all over me but I don't have it clear in my notes; were you ever in your early years actually involved in the

R&S165267

hand cleaning of reactors?
A. Yes.
Q. So you did that yourself for a period of time?
A. Yes.
Q. And was that during this first 12 to 13 months when you were employed in Department 145?
A. Yes.
Q. So were you then familiar with the procedure for cleaning reactors back then?
A. Not really. I knew how to clean them, I was taught how to enter them and that sort of thing.
Q. So you knew what you were told back then and how you were instructed to do that job?
A. Yes.
Q. And is it your testimony that you also had an opportunity in 1973 and '74 to observe other people cleaning reactors?
A. Oh, yes.
Q. And was the procedure generally the same or was it different than the one that you had been taught back in '68?
A. It was exactly the same.
Q. We'll come back to the your training and

R&S165268

instruction for cleaning reactors in a minute but let me see if I can get time parameters around something about your relationship with Bill Smith. When did you first meet Bill?

A. Oh, probably shortly after he was hired.

Q. When was he hired?

A. I believe November, December '73, something like that.

Q. How do you know that? Is that your recollection or is that information that you've been provided?

A. Well, speaking with Bill on several occasions seeing that I worked with him, yes. It did come up in conversation.

Q. Let me ask a different question. Do you have a recollection as you sit here today in 1995 of Bill first coming to go work at the plant some 22 years ago?

A. Yes.

Q. What is your first recollection of Mr. Smith?

A. Cleaning reactors.

Q. When did it occur?

A. Well, it had to have happened somewhere around,

R&S165269

between December of '73 and December of '74.
Q. Can you be any more specific?
A. Well, I got to meet all the new people. I tried to meet everybody, that is the way that I am but when the people are helping you install platforms in reactors and stuff you get to know them right away.
Q. What shift were you working back in November and December of 1973?
A. I believe I was on Cliff Gannon's shift. I don't remember if it was B shift or D shift. I'm not real sure. It was one of the two. I'm almost sure.
Q. Who were the supervisors on that shift or these shifts?
A. It would be Paul Pardee, Bob Richardson and there was another Bob there, I can't think of his last name.
Q. Is Richardson the foreman?
A. Yes. Bob Leonard.
Q. Were you on the same shift throughout 1973 and 1974?
A. Yes.

R&S165270

Q. What shift was Bill Smith on?
A. I'm not sure but I don't believe he was on my shift.
Q. Would Bill be on the same shift as you if he worked overtime and was on a different shift from his regular shift?
A. And vice versa, me working over on another shift, his shift.
Q. So during this 12 month or so period of time when you first worked at the plant you would be on the same shift when either of you were working overtime and happened to be on the same shift?
A. Right.
Q. Is that right?
A. Yes.
Q. But you didn't work together on regular shifts, right?
A. Not in '73-'74.
Q. So during the--
A. I don't think so.
Q. During the period of time November 26th, 1973 through December 8, 1974 when Bill first worked

R&S165271

at the plant are you in a position to tell us exactly how many shifts you worked on together?
A. No.
Q. Do you have any records that would reflect that?
A. No.
Q. Do you know how much overtime you had during that period of time?
A. No.
Q. Do you know what percentage of your personal time at the plant was overtime versus regular time?
A. I was known to work one shift extra a week average.
Q. Do you have any records or recollection or other information that would permit you to tell us on what specific days you and Bill Smith worked the same shift?
A. No.
Q. Do you know of any records at maintenance that would do that?
A. No.
Q. Do you know of any people at the plant who might have that knowledge?

R&S165272

A. No, I don't.
Q. Now, were you involved in hiring Bill Smith?
A. No.
Q. You didn't have anything to do with him getting the job, right?
A. No.
Q. Do you know what he was hired as?
A. If he was in my department he was hired for one of two things, production bagger or for the sole purpose of cleaning reactors for his first 90 days.
Q. And if he was hired for someone else's department do you know what he would have been hired as?
A. Entry level packaging.
Q. When you say hired for your department, what department are you referring to?
A. Referring to 145. That is where I spent most of my time at Goodyear.
Q. What other department could he have been hired in?
A. At the time the only place he would have been hired would have been Department 245 and on a

R&S165273

very rare occasion they had a temporary entry level for the yard or something.

Q. And from time to time would people from these other departments work Department 145?

A. No. Yard people would perform duties in all departments but-- no.

Q. As you sit here today do you know if he was hired for the yard department?

A. No, I'm almost positive that he was hired directly for Department 145.

Q. But you are not certain, are you?

A. No. Once they hired someone they very rarely jumped you from department to department. That, you know, that just didn't happen.

Q. Okay. Was there a position known as production operator at Department 145 during this time frame of December '73 to, I'm sorry, November '73 to December '74?

A. Exact title, offhand I believe they were called production operators.

Q. Can you tell me what Bill Smith's specific title was during the period November 1973 to December 1974?

A. Production operator.
Q. And what is that based on?
A. At that time they didn't get hired off the street and put into a reactor building because higher senior personnel wanted these positions and you just had to have like ten years minimum seniority in order to bid on them.
Q. So then did most people coming into the department work at other areas of the plant before coming into 145?
MR. WODKA: Objection. By other--
Q. I'm sorry, maybe I misunderstood. Are you telling us that the Department 145 workers usually had some years at Goodyear before they came into that department?
A. No, not necessarily. What I'm getting at is the E-2 jobs, E-1's were preference posted positions. They paid a little bit more money and you needed some seniority in order to bid on a job when there was an opening in order to be awarded that position and rarely to my knowledge did anyone less than ten years seniority ever have was a chemical operator, permanent chemical

R&S165275

operator in these instances.
Q. If people came into the department from off of the street what position did they usually come in at?
A. Either a production bagger or reactor cleaning and when I say that, you still have your 90 days in. The union cannot force the company to start training you on any particular job beginning position which there were several. You were like, for lack of a better word, the company slave for the first 90 days. They would use you anywhere they wanted and it was usually cleaning reactors.
Q. Under the collective bargaining agreement then after 90 days was the company required to designate a specific union designation job or slot for each person?
A. They would have to after 90 days and after the union would enforce the company to start training you on bagging positions, someone to quote, train you so you can get into the rotation slot over in the packaging area.
Q. Did you have anything do with Mr. Smith's

R&S165276

training when he first joined the company?
A. No.
Q. Can you tell us who trained Mr. Smith during his first 90 days for the job that he performed?
A. No.
Q. Can you tell us who taught Mr. Smith to clean reactors assuming that he did clean reactors during this period of time?
A. No.
Q. Was there a particular person in Department 145 during this period of this, November '73 to December of 1974 that trained all of the new people in cleaning reactors?
A. There was no one individual. Everybody was trained by someone who knew how to do it and clean reactors was not a high skill job, you went in there and you used a hammer and chisel and scrapper, whatever needed to be done.
Q. So if we assume for purposes of my next question that Mr. Smith was involved in cleaning reactors during this period of time he would have been assigned essentially to someone more experienced than him to teach him how to do it, is that

R&S165277

right?

MS. BOSSE: Form.

Q. You can answer.

A. A person that would have two to three days on Bill would be able to teach him how to clean reactors because I guaranty you when you are hired you were cleaning reactors right off the street.

Q. So what you're saying is that the nature of the job was such that with a few days experience you could master the work and you could in fact teach someone else how to do it, is that what you are saying?

A. Yes.

Q. Okay. So you don't know of your own personal knowledge who taught Bill Smith how to clean reactors?

A. No.

Q. Do you have any knowledge or information that would help shed light on that question?

A. No.

Q. Do you have any understanding as to who the people were on his shift that would have been in

R&S165278

a position to teach him at that time?
A. Do I know people that were on his shift?
Q. Yes, that would have been in that position?
A. Yes.
Q. Can you give me their names?
A. Not all of them.
Q. Give me as many as you can.
A. I know of one in particular, two in particular. I believe one was Rich Wilson and Bob Dutton. I think possibly Larry Moser was on his shift.
Q. Do you know of any-- I'm sorry, go ahead.
A. I can relate to this because we played ball against different shifts. That was quite a deal.
Q. Do you know anybody on your shift who you believe trained Bill Smith in cleaning reactors?
A. No.
Q. Okay. Did you do any work with Bill Smith bagging during this period of time?
A. No.
Q. If he was working as a bagger as a new man during this 12 month period and assuming that for the purpose of my next question, do you have

R&S165279

any knowledge who would have taught him how to do that job?
A. These same people that I just mentioned and others, whoever he may have been put with.
Q. Safe to say it was not you?
A. Definitely was not me.
Q. Had you ever done that job?
A. Yes.
Q. During that same period of time in 1968?
A. I trained people in that department before I left it.
Q. When someone first came to the department back in November of 1973, early '74 were they assigned to a particular building?
A. F building. Everybody started entry level, packager and reactor cleaning in either Department 245 or 145.
Q. And is it your testimony that they would have principally been engaged in these two activities during at least the first 90 days of their employment with the company?
A. Yes and mostly cleaning reactors.
Q. Would they be assigned to one building, one

R&S165280

reactor building versus another or would they float between the two?

A. Didn't matter.

Q. So if you were cleaning reactors you would clean them in E-1 or clean them in E-2?

A. Yes.

Q. If you were bagging, you were bagging in F-1, is that right?

A. Yes.

Q. Do you have any personal knowledge of what information if any Bill Smith was provided with during the first 90 days of his employment about cleaning reactors or bagging?

A. General knowledge was, general knowledge was there was not anything there to hurt you, you know. Vinyl chloride being what it is isn't like chlorine or bleach, you know, lesser of the more pungent type chemical or gases. It's sweet and it does not interrupt your breathing like chlorine or something on that nature. So you didn't really feel like it was going to be something that's harmful and was told to me directly by supervisors, don't worry about it,

R&S165281

that stuff won't hurt you.
Q. What you just told me is your perception of the general belief during this period of time before you first became aware that this VC was a cancer suspect agent as you told us about before, right?
A. Right.
Q. And is that based upon your having been in that plant since about June of 1968, right?
A. Right.
Q. And are you telling us that you had a specific conversation with supervisory personnel at the plant during these years where they made representations to you about the possible health effects from exposure to vinyl chloride in the work place?
A. Supervisors and bargaining unit members both. Don't worry about it they said.
Q. I'd like you to tell me specifically as you can who you talked to and who made what representations to you in that regard?
A. I would probably have-- I can't remember exactly but it probably would have to be just direct

R&S165282

supervision in general because I didn't work overtime when I was first hired there cleaning reactors, that was my first two to three weeks on the job so I would, I would say I guess that was as a trainee cleaning reactors would probably be my primary source of information.

Q. Would that be a supervisor?

A. Not exactly but to the best of my knowledge I do believe one of them, you know, which would probably be my immediate supervisor which would have been either Richardson or Ed Bowen saying don't worry about it, it's not going to hurt you. When I was hired I was skeptical about going in an enclosed vessel, you know and that is basically how that all comes about, you know.

Q. So is it your testimony then that Mr. Richardson and Mr. Bowen would have told you not to worry about entering the reactor, vinyl chloride won't hurt you?

A. Right.

Q. Do you recall any other conversation with anyone, other supervisors or personnel over the years about that same subject?

R&S165283

A. No.
Q. Leading up to, of course, the point in time when you attended meetings about VC?
A. No, I would not say.
Q. Now, correct me if I'm wrong, I thought I understood you to say you were not involved in Bill Smith's training, is that right?
A. Right.
Q. So you don't have any personal knowledge and you can't tell me who specifically trained him in either reactor cleaning or bagging, is that right?
A. Yes.
Q. So would you agree with me then you have no personal knowledge of what information in particular he was given when he was trained to do these jobs?
A. I do not have that knowledge.
Q. Okay. You also don't have any knowledge about what if anything in writing he was given at that time, do you?
A. No.
Q. Can you tell me when is your first recollection

R&S165284

of working side by side with Bill Smith?
A. I could not give a date. I mean an exact date, between like December and so of '73 to December of '74 but I did work directly with him.
Q. In your mind's eye can you see your first occasion to work with Bill Smith during that time period?
A. Oh, yes.
Q. What were you doing?
A. I was installing a platform in a reactor that he was previously cleaning.
Q. Who else was on that cleaning operation?
A. I don't remember.
Q. So you remember Bill but you don't remember other men who would have been working with him, is that your testimony?
A. Yes.
Q. Is that the occasion when something was dropped on you?
A. Yes.
Q. And you can't be anymore specific as to when it occurred, can you?
A. No.

R&S165285

Q. How long did you work together on that occasion?
A. Probably about 25 minutes to a half hour.
Q. What were you doing during that period of time?
A. I was in the vessel installing pieces of this platform to stand on.
Q. Were there platforms that were prefabricated for each vessel or did you make them each time the vessel was cleaned?
A. No, it was metal. It was-- it was metal scaffolding, let's say and it had like five or six fins that came off the agitator, flat V-shaped fins that you would put grading on. There were several pieces involved but there was a platform for the 10,000 gallon reactors and a platform for the 3500 gallon reactor. They would be different sizes. Like I said, there were several pieces to it and they would hand them down to me as I was installing them.
Q. So there was some platforms that you would erect on location each time, they weren't necessarily prefabricated and you had all the parts, you just had to erect them in place, is that what you're telling us?

R&S165286

A. Right.
Q. You have a recollection of doing that on this occasion when you first met Mr. Smith, right?
A. It would not be the first day I met Bill.
Q. But the first time you worked with him side by side though, isn't it?
A. Yes.
Q. What building were you in?
A. E-2.
Q. What reactor were you working on?
A. No. 8.
Q. How big was it?
A. 10,000 gallons.
Q. Had any cleaning been done before you got there?
A. Yes.
Q. And was it usually the case that they began cleaning the lower parts before upper parts?
A. Yes.
Q. Had you done any work to set that reactor up for cleaning before they entered the vessel?
A. Yes.
Q. I'd like you to-- strike that. As of this period of time your first recollection of

R&S165287

working side by side with Bill, I'd like to confine my questions now to that occasion, that time period, okay, is that clear?

A. Yes.

Q. Were reactors purged before cleaning?

MS. BOSSE: Objection to form.

A. Reactors were ventilated with an air mover prior to entry.

Q. Can you describe for me as completely as you can what the procedure was for preparing a reactor for manual cleaning?

A. Well, first off you would call maintenance and they would remove the discharge flange or discharge value bonnet and blank any lines going to that valve and then maintenance would go upstairs and blank various lines that chemicals come through for charging that reactor and the operator would remove the manway lid reactor which is approximately 26, 28 inches in diameter and they would get in an air moving device with an inlet and discharge hose and lower the inlet hose into the reactor and try to make it go through a doorway or window for the discharge

R&S165288

hose to vent outside.
Q. Okay. Are you telling us that they'd take two lines and they introduce air into the reactor and they'd exhaust what was in the reactor to some exterior portion of the building?
A. Right.
Q. Was there any automated system for purging or ventilating these vessels at that time?
MS. BOSSE: Form.
A. When a maintenance man worked on the vessel he would first get a hold of the operator or go visually check this chart to make sure the reactor was on vacuum before he started working on it.
Q. What is on vacuum mean?
A. Below atmospheric pressure.
Q. Okay. How was that accomplished?
A. By degassing the equipment in the building.
Q. What kind of equipment?
A. Vacuum pumps.
Q. And would they have to bring their equipment to the particular reactor?
A. No. There is a line already on the vessel and

R&S165289

we just had to open the valve or two to perform that.
Q. And what did that accomplish? What did that do to whatever the environment was within the reactor?
A. It would remove any pressure and bring the reactor on a vacuum.
Q. What if anything did they have to do before opening the manway?
A. The operator?
Q. Or maintenance?
A. Make sure all the valves were closed and started installing flanges.
Q. Was there any procedure in place for determining testing or monitoring the concentration of vinyl chloride in the environment within the reactor before the manway was opened?
A. No.
Q. Was there any process or procedure for determining or testing the concentration of vinyl chloride when the manway was opened?
A. No.
Q. Was there portable or other monitoring or

R&S165290

testing equipment that was available for purposes of determining the amount of vinyl chloride there in the environment before anyone was asked to enter the vessel?

A. No.

Q. So then after the manway is opened then for some period of time an attempt would be made to ventilate that atmosphere, is that right?

A. Yes.

Q. With the hose that you described?

A. Yes.

Q. Where would the hose exhaust to?

A. Most of the time we vented them out a window or a door that would always be on the second floor. That is where the manway would be that is on top of the reactor.

Q. And what would you pump in?

A. You didn't pump anything in, you just removed--you moved air out of the vessel and into the atmosphere.

Q. I'm sorry, I thought there were two hoses and one was fresh intake?

A. No. Two hoses; one went on the discharge side

R&S165291

of this air mover, be like your furnace blower basically is what it is and there would be an inlet hose approximately six inches and discharge hose of six inches and just pulls air, you would pull vapors or air out of the vessel and into the atmosphere.

Q. Okay. What was replaced in the vessel?

A. (no response).

Q. Was it air from within the plant itself?

A. Yes.

Q. From within the building?

A. Yes.

Q. Is the ventilator something that you actually physically place into the reactor?

A. You didn't place it inside, not the blower itself, did not go inside the reactor, just the hose.

Q. Where was it located, up on the gangway near the manway?

A. Just on the reactor deck.

Q. How many of these did they have at Goodyear at this time?

A. I would say there was four, five. Four in E-2

R&S165292

building and probably six in E-1 building.
Q. Were they all the same size or were they different capacities?
A. Different capacities, two different capacities.
Q. What were they?
A. I believe one took four inch hose and the other two, six inch hoses.
Q. Was there a procedure at Goodyear for how long these reactors would be ventilated before they were cleaned?
A. 20 minutes.
Q. That was standard?
A. Yes.
Q. Did it matter if the reactor was bigger or smaller?
A. No.
Q. Was it a practice back then to always give 20 minutes whether it needed it or not?
A. Yes.
Q. Did you ever give it more time?
A. Yes.
Q. How would you determine if you needed to give it more time?

R&S165293

A. You didn't.
Q. What would determine whether you gave it more time?
A. What would give it more time is like if they had a problem with the reaction and could not get the entire batch out of the reactor then you would give it more time. If you saw heavy residue in the bottom or something.
Q. So it's a judgment call by people cleaning the reactor who made the determination?
A. That is the way that you were trained.
Q. I'm just trying to find out who made the decision. In other words, would it be the people who were cleaning it if they looked in and saw there was more residue than usual, they might run the ventilator more?
A. No. Probably contact the supervisor and let them know.
Q. Why was it that the reactors were ventilated before men entered?
A. It was supposed to bring in more oxygenated air into the vessel.
Q. Why was that important, do you know?

R&S165294

A. Because there would be heavy concentration of vinyl chloride gas in the reactor.
Q. What significance is that to you?
A. If there was too much you become very light headed, possibly get headaches, you know.
Q. So you understood there could be some adverse affects from exposure to too much vinyl chloride?
MR. WODKA: Objection to form.
Q. You may answer.
A. Yes.
Q. Were you given any information about how much may have been too much?
A. No, not at all.
Q. As of this point in time had you heard anything about parts per million mentioned?
A. Never.
Q. Was there a standard that was used for permissible exposure limits to vinyl chloride as of this point in time in the plant?
A. Not that I know of.
Q. Anybody ever tell you that Goodyear was following the five hundred parts per million

R&SI65295

standard or 200 parts per million standard or 350 parts per million standard, for example?
A. Not to my knowledge.
Q. Okay. And I take it then there was no procedure for determining just how many parts per million if any of vinyl chloride were in the reactors before men were asked to enter, is that correct?
A. I know of some testing going on to determine how long a blower and hose should be hooked up to a reactor before entering but I never knew the results of it, was never passed on to the operator.
Q. Who was doing this work?
A. The lab, I think.
Q. When were they doing it?
A. '74.
Q. Were they doing it before or after this first time you worked side by side with Bill Smith?
A. After.
Q. Okay. What would be left in the reactor after it was ventilated. In other words, if you looked into the reactor through the manway what would you see? Can you describe that for us?

R&S165296

A. Normally you would see deposits of white vinyl against a blue line reactor and it was glass lined. At the time it would be heavy where you could see no blue all the way up the straight side of the reactor.
Q. What would the consistency of the material be?
A. Depends on the type of product that you were running.
Q. Tell us what are the variances?
A. K and M-resins were usually very hard and thick like a melted plastic ball or hard plastic ball or very hard plastic sheet depending on how dirty the reactor was. Some were dirtier than others. The WO/AO reactors were always very dirty and heavy build up on the wall and the bottom the whole vessel, the whole vessel was real dirty, agitator, the whole bit.
Q. Can you give us a feel for the size within the vessel? In other words, if you climb through the manway what is the configuration of the space that you would be in?
A. On a 1500 gallon reactor I would roughly say it's approximately six foot wide and ten foot

R&S165297

high, maybe. That is rough.
Q. On larger reactors?
A. 3500 gallon reactor I would say would be 8, 9 feet in diameter and 20 feet deep, approximately, from the manway.
Q. Was anything else done to prepare the reactor before men entered it to clean?
A. Wash it.
Q. Tell us how they washed it?
A. They washed it with city water pressure, half inch hose by hand.
Q. Somebody would stand inside the reactor or outside?
A. Outside.
Q. And they sprayed the water on the sides and top and bottom of the reactor from the outside using a hose?
A. Yes, just to get rid of the fine particle sizes and try to remove as much of the slime you could from the WO reactors.
Q. Was anything else added to the water?
A. No.
Q. Any chemical used to speed up that process?

R&S165298

Anything more efficient or anything like that?
A. No.
Q. How long would that take, typically?
A. A few minutes.
Q. Would one of the two men who were cleaning the reactors do that?
A. Yes.
Q. Was anything else done to the reactor to prepare it?
A. Not that I can remember.
Q. Now, how then would the residue on the wall of the reactor be removed?
A. Either by hammer and chisels or by approximately a six inch scrapper, five foot handle.
Q. These are the tools that were prepared for performing this work?
A. Yes.
Q. Were these the tools given for performing this work back in '68?
A. Yes.
Q. And the steps that you just described then to us, are they the steps that you were taught to do back in 1968?

R&SI65299

A. Yes.
Q. And were men given anything else to perform this work?
A. No.
Q. Now--
A. Cotton gloves.
Q. Cotton gloves, okay. Cotton gloves standard issue for them at that time?
A. Yes.
Q. Available from the storeroom where you worked?
A. Right from the office, right from the production office.
Q. So they can get as many of these as they want?
A. Yes.
Q. Were the men provided with impervious clothing at that point in time?
A. No.

MR. WODKA: Off the record.

(discussion held off the record)

(lunch recess)

R&S165300

PROCEEDINGS AFTER LUNCH RECESS:

MR. WODKA: I have represented to all parties that there were no statements taken of Mr. Winkworth by myself or anybody connected with me and to date no such statements have been taken of anyone in this case other than what already has been provided to counsel.

MR. GOLDBLATT: That includes, just so the record is clear, there were no recordings of telephone conversations or any recordings of conversations in the face to face meeting as the witness has testified to for whatever mistaken reason or whatever the reason?

MR. WODKA: That's correct.

MS. BOSSE: That's fine.

BY MR. GOLDBLATT:

Q. Mr. Winkworth, welcome back. Let's continue. When we left for the break we were talking about the procedure for cleaning reactors in this period of time around 1973 to 1974 when you first worked side by side with Bill Smith on the occasion that you described earlier, okay? You have that back in your mind?

R&S165301

A. Yes.
Q. The last question I asked you was whether any impervious clothing or gloves had been issued by Goodyear for use by reactor cleaners or maintenance personnel in performing reactor cleaning operations and your answer was no, is that right?
A. I think you added something to that as far as maintenance personnel.
Q. Okay.
A. Production, no. Maintenance, they did have full face masks for the sole purpose of cleaning lines and reactors because they may apply pressure back on, pressure back on you as you were cleaning.
Q. First of all is it true that production workers including these that were cleaning reactors were not issued impervious clothing; aprons, shirts, jackets, pants, booties or gloves for purposes of reactor cleaning?
MS. BOSSE: Can you put a time frame on that?
Q. Same time period, 1973 or 1974 when you first

R&S/65302

worked side by side with Bill Smith. Is that a true statement?
A. Cotton gloves for reactor cleaners, everyone had access to cotton gloves.
Q. Was that the only thing in terms of personal protective equipment or clothing the production people were given to use when performing this work?
A. Yes.
Q. Now, are you telling us that respirators for air supply, for air supply were issued to maintenance personnel?
A. Right.
Q. Describe these respirators for us?
A. They were full face shields. The respirators, the first ones they issued were a cartridge type and then after the lines were, the breathing air lines were installed they issued us other face shields for in-line breathing.
Q. You already told us that the air lines were installed in time, right?
A. They started on it sometime in '74 but I know that E-1 was never finished as far as air supply

R&S165303

and I don't know exactly when E-2 was finished where everybody had access to a line.
Q. Did they start on it after the meeting you told us about before where you learned that vinyl chloride was a cancer suspect agent?
A. I don't believe they started on it until somewhere around June or July of '74.
Q. Okay.
A. I think that is the earliest.
Q. Were the cartridge type respirators issued to maintenance people before you learned that vinyl chloride was a cancer suspect agent?
A. I don't believe so, no.
Q. To the best of your knowledge when were the cartridge type respirators issued to you?
A. After someone had an accident where a line blew back on them.
Q. Who was that person?
A. I don't know for sure but I'm almost positive it was a shift maintenance millwright.
Q. What happened to him?
A. They were cleaning out a line that was plugged and there was pressure in between the two lines

R&S165304

that was plugged. When he broke into one side of it it blew back on him.
Q. So he was sprayed with material?
A. Material.
Q. What kind of material?
A. If I'm not mistaken it was a catalyst called, Goodyear code I believe was P7609. I can find out the true chemical name but it's, you could not breathe it. Your normal reaction, you would not breathe it and it burnt your skin and eyes badly.
Q. What was your understanding of when maintenance people were to wear these respirators?
A. When drilling out and unplugging lines.
Q. When did maintenance personnel typically do that?
A. Time-wise?
Q. Or in the course of the operation?
A. Or year? When they were notified they were sure there was a plugged line somewhere.
Q. What I'm trying to find out; is it your testimony that this had nothing to do with cleaning reactors?

R&S165305

A. Correct.
Q. Okay. So you're not telling us that these respirators were issued for the purpose of preparing reactors to be cleaned, are you?
A. No.
Q. Okay. And is it your testimony then that no respirators of any kind were issued to either production or maintenance people, maintenance people for purposes of cleaning reactors prior to the time that you learned that vinyl chloride was a cancer suspect agent?

MR. WODKA: You keep using that term and his testimony was he learned of the possible effects of vinyl chloride. He didn't use the term cancer suspect agent according to my notes.

MR. GOLDBLATT: I disagree with your recollection. I think there was some testimony about that.

MR. WODKA: But that was much later. That was much later in time.

MR. GOLDBLATT: Well, we'll get to that and clean it up. Your objection to the form is noted.

R&S165306

Q. Talked about respirators, talked about clothing, talked about ventilation of the reactors, we talked about the tools that the men were provided with to clean the reactors. What if anything else was to be done to prepare reactors before the men went in to physically remove the residue from walls? Is there anything else that we have not talked about?
A. Not that I can think of.
Q. Okay. Now, how would the men enter the manway? Would there be a ladder for them?
A. Yes.
Q. And was there a practice followed at Goodyear at that point in time to limit the amount of time that any man spent inside the reactor?
A. No, not to my knowledge. The reactor cleaning people would either work a half hour at a time or an hour at a time depending on who you worked with.
Q. While they're in the reactors was it the practice to continue to ventilate the reactor?
A. Yes.
Q. How would that be done?

R&S165307

A. You would remove the hose from the reactor, then you would descend through the manway down the ladder and when you were in and near clear of the reactor the man would reinstall the hose into the vessel.
Q. So that at all times when a man was inside the reactor the ventilation equipment was to be running, is that right?
A. Yes.
Q. Okay. Do you know what the capability of the equipment was in terms of the ability to turn over--
A. CFM's?
Q. Yes.
A. No.
Q. Were any other procedures followed while the man was in the reactor that you have not told me about already?
A. The man on top would supply him with sharpened tools as he needed them lowering them down in a bucket or by rope, what needed to be and making sure that he didn't fall and hurt himself.
Q. Was the second man always to be present top

R&S165308

side?
A. Yes.
Q. Was that, was it your understanding that was for safety purposes?
A. Yes.
Q. Okay. Was the man inside the reactor tied with a lifeline or harness to any device so that he could be extracted from the reactor?
A. Yes. He had a belt and the line.
Q. And do you know why that was done, sir?
A. For emergency purposes. If the man fell and hurt himself because there were a probe sticking up from the bottom of the reactor, a temperature problem and there may have been something else sticking up from the bottom of the reactor and if he was to fall on it he could be severely injured and if something else would have happened by some chance, an accident where there was gas released in the building or something and/or he became dizzy you could get him out of the reactor.
Q. Did you ever become dizzy or suffer any affects like getting high as you described before while

R&S165309

cleaning reactors?
A. Yes.
Q. On how many occasions?
A. Several.
Q. This is back in 1968?
A. Yes. Through all the time I was able or I should say offered to work these areas it happened several occasions, not every time but there were several occasions.
Q. What would happen to you?
A. You would become light-headed and you weren't in tune with your legs, so to speak. If you wanted to walk you actually had to look at your legs to make sure they were going in the direction or doing what you wanted them to do because you lost all reality that your legs were part of you and your arms too at this time.
Q. And what would you do for that?
A. Well, if I was in the vessel I would yell up to the man upstairs and immediately get out of the vessel.
Q. Is that one of the reasons why there was a belt harness?

R&S165310

A. Yes. It was mandatory that you wore it.
Q. Were belts and harnesses issued to particular people? How were they available?
A. We had ladders with chisels, hammers, safety belts and ropes at our access to clean reactors.
Q. And it was mandatory that the man entering the vessel have this belt harness?
A. It was mandatory.
Q. After you got out of the reactor what if anything would be done for you when you experienced these symptoms?
A. You would take in fresh air until you were feeling proper. No medical attention.
Q. When you say you would take in fresh air, take you outside, take you someplace, where did you go?
A. Outside.
Q. For how long did you have to go outside?
A. Up to 15, 20 minutes if it was severe.
Q. What would happen to you? Would you recover your gait or your sense or what would happen?
A. Yes, you would.
Q. Did you complain about this to anyone?

R&S165311

A. Yes, I do remember once in particular I told a Mr. Sarkes who was the supervisor that he thought I was just playing a game with him, didn't want to go down and clean reactors right away or something and I told him there was a lot of gas in there and yes we needed more ventilation and then he told me to get back down inside and I refused and I just told him I was not going back down in for safety reasons until we had a better purge reactor through the vent.

Q. Was this back in 1968?

A. No, this was like '72 or so.

Q. One--

A. One of the later times, one of the last times basically I cleaned a reactor.

Q. Were you volunteering or not, involuntary? Were you on an overtime shift at that time?

A. Yes.

Q. And what if any action was taken?

A. None.

Q. Did you make any other complaints?

A. No.

Q. Did you file a grievance?

R&SI65312

A. No.
Q. Do you know if anybody else complained, made similar complaints?
A. No, I don't know but I'm sure there were.
Q. Were you personally aware of, in other words, did you see anyone else have similar experiences while you've been employed at the company?
A. Yes.
Q. On how many occasions?
A. One individual, several and we finally got them out of the building where he could just not work.
Q. Who was that?
A. Gerry Joris.
Q. Spell that.
A. I think J-o-r-i-s.
Q. What did you see?
A. Anytime he became, anytime he was near any exposure of vinyl chloride he just passed right out. He passed right out and he was not, he was an E-1 chemical operator and the company and the union finally decided to get him out of that particular job.

R&S165313

Q. When was that?
A. I don't remember exact dates. I really don't.
Q. Was it early in your tenure or later?
A. I would say it was, to the best of my knowledge, it was between December '73 and December '74.
Q. Was it before or after you attended that first meeting at the local about health effects from vinyl chloride exposure?
A. I believe it was before.
Q. Do you know what his medical status is?
A. Dead.
Q. When did he die?
A. Oh, I would have to say in the past six years.
Q. Do you know what he died of?
A. No.
Q. Was there a formal grievance procedure with respect to the incident involving Mr. Joris?
A. I don't remember exactly how it worked out but the company didn't want to let him out of the job. I know there was union intervention into getting him out.
Q. Do you have personal knowledge of any similar events occurring to Mr. Smith?

R&S165314

MR. WODKA: What do you mean by similar?
Q. Let me rephrase. Do you have any personal knowledge as to, did you ever see Mr. Smith in the reactor and experience the same kind of symptoms that you described in terms of dizziness, loss of connection with his legs, these phenomenon?
A. No, I never witnessed that.
Q. You told us before that vinyl chloride had a sweet smell, do you remember that?
A. Yes, pleasant.
Q. Pleasant smell. Were you always able to smell vinyl chloride at the plant during this period of time '73-'74?
MS. BOSSE: Object to the form.
Q. Let me rephrase. When if at all were you able to smell vinyl chloride at the Niagara Falls plant in 1973 and 1974?
A. In E-1 building you could always smell vinyl chloride in the building almost constantly. E-2 building I believe had a little better ventilation. Didn't smell it as often.
Q. What about from--

R&S165315

A. F-1?
Q. F-1.
A. You could smell vinyl chloride in F-1 always around the storage tanks, the slurry storage tanks.
Q. Okay. I want to finish up on the reactor pleading. Once the man entered the vessel he would then use hammers and chisels and the scrappers to remove the residue from the sides of the vessel?
A. From the whole interior of the vessel.
Q. What would they do with the residue that was coming off of the sides?
MS. BOSSE: Object to the form.
Q. How, if at all, would the man dispose of the material that he was scraping or hammering or chiselling from the vessel?
A. All the materials would basically fall to the bottom of the vessel. We started from the bottom, you work your way up. Maintenance would install a platform and you would finish around the top and around the baffles and around the oil seal, anywhere where there was a buildup and

R&S165316

then maintenance would return and remove the scaffolding and the reactor cleaner would go down to the bottom of the vessel and sweep or pick up large pieces by hand, put them into a clothing bag, tie it off and the man on top would rise it through the manway.

Q. Where would it be taken?

A. To a dumpster outside.

Q. Okay. And then would the maintenance personnel return in order to prepare the reactor for the next batch?

A. Yes.

Q. Would the reactor cleaning have anything else that he would have to do that was part of the cleaning process?

A. Before maintenance would come over they would rinse the reactor real well by hand.

Q. And what do you mean, take pails or how would they do it?

A. They would do it with a steady water hose.

Q. From outside the vessel?

A. Yes, half inch.

Q. Were there any other steps in the reactor

R&S165317

cleaning process that we have not talked about already?
A. I don't believe so.
Q. Okay. Now, framework for this discussion had been, this first occasion when you worked side by side with Bill Smith, you told us that you recall him coming over after he and a coworker had cleaned the lower half and you were going to install the platform?
A. Yes.
Q. Did he help you install that platform?
A. Yes, he lowered pieces to me.
Q. Was this the occasion when something fell toward you?
A. Yes.
Q. Were you actually struck by anything?
A. Almost. I was not struck.
Q. Didn't have to go to first aid or anything like that?
A. No, no.
Q. And what happened next after the platform was installed? Did they then finish cleaning the reactor?

A. Yes.
Q. Do you know who was between the two of them? Was the one inside the reactor and one on top of the reactor?
A. I think Bill went in right after I installed the platform.
Q. You saw them do that?
A. Yes.
Q. Was he wearing a respirator?
A. No.
Q. Was he wearing cotton gloves?
A. I would say most likely everybody did because it was easier to grab the hammer with cotton gloves on.
Q. What I'm asking though, do you specifically recall seeing him wear cotton gloves when he entered the vessel on that occasion?
A. No.
Q. Can you tell us what clothing he was wearing?
A. Blue jeans.
Q. What kind of shirt was he wearing?
A. I don't remember.
Q. Okay. Did you stay at the reactor?

R&S165319

A. For a few minutes.
Q. What were you doing?
A. I was watching him going in and waiting for this other person to show up.
Q. There was no second man there?
A. Well, he was on his way.
Q. Did you have the safety harness and tether?
A. Yes.
Q. What was it tethered to? Where was the other end of the line?
A. You just tie it to one of the pipes on the outside of the vessel.
Q. So you were serving as a second man until the other guy showed up?
A. Just for a minute or two.
Q. Then where did you go?
A. I had to go button up another reactor.
Q. You didn't stay with him?
A. No.
Q. Did you return to that reactor again?
A. Yes, I did.
Q. Do you remember doing that?
A. Yes, I do.

R&S165320

Q. When was it?
A. At the very end of the shift.
Q. About how long, how much time had expired when you left and when you returned?
A. I would say about three, three and a half hours.
Q. And who was there when you got back?
A. Bill was there.
Q. Who else?
A. Probably the man he was working with.
Q. Probably. Do you have a recollection?
A. No, no. There is a routine these guys used to do, you know. I mean the recollection part is, the routine was like when you were done at the end of the day and if was time to button up the reactor, the main man would go in and hand these pieces of the platform out and the other guy would grab these one or two five gallon pails of chisels and take them back to the maintenance shop so that the shift men, other shift men can sharpen them. That is the way that things always worked, you know.
Q. I appreciate that. What I want to know is whether you have a specific recollection, that

R&S165321

is, can you see in your mind's eye as you sit here today who was there?
A. Not the other guys, no, I don't remember.
Q. Okay. When was the next time that you worked with Bill Smith after that side by side?
A. Not in a vessel that I can remember. Not in a vessel. I worked with him when I went back to E-2 building as an operator.
Q. So is it fair to say you have no other recollection of working with Bill Smith side by side cleaning reactors?
A. Right.
Q. Okay. Now you went back to the E-2 building as an operator in early 1983, is that right?
A. Yes.
Q. Did you have any other occasion to work side by side with Bill Smith between the things that you told us about and early 1983?
A. No.
Q. We touched on the ventilation in the E-1 and E-2 buildings and I'd like to ask you a few more questions about that. Will you describe first off as a millwright were you familiar with the

R&S165322

ventilation system in these buildings?
A. Yes.
Q. Did you have occasion to work on these ventilation systems from time to time during this period leading up to 1973 and 1974?
A. Yes.
Q. Okay. Would you describe for me as best as you can what the ventilation system was in E-1 building and let me, so there is a framework for my question, I want to know before any changes were made in 1974 after the meetings about possible health effects from vinyl chloride. Do you have that clear in your mind?
A. Uh-huh.
Q. We both agree there were some changes that were made starting in 1974 and going forward, right?
A. Yes.
Q. What I want to do now is I want to talk about before the changes were made so we get a clear picture of what it was like before that, okay?
A. Yes.
Q. Okay. So describe for us as best as you can what the ventilation system for E-1 building was

before the changes were made?
A. Ventilation consisted of fans on the first floor drawing air from in the building outside.
Q. How big is the building?
A. Approximately one hundred by one hundred and twenty, forty something like that.
Q. One hundred feet by approximately one hundred forty feet?
A. Right.
Q. How many stories is it?
A. Two.
Q. Are they split-level or is just a two story building?
A. It actually is two levels and the control room where all the reactors, gages were, charts. There was a cement floor in there. Everywhere else throughout the building was floor, grated steel floor where you can look down and see the people walking on the first level or look and see them walking on the second.
Q. Air could pass from one level to another?
A. Yes.
Q. Do you know when the building was constructed?

R&S165324

A. Best of my knowledge is 1946.
Q. Now, how many fans were there?
A. Approximately eight, maybe a few more.
Q. Can you describe the size or capacity of the fans?
A. I would say the size of the fan was two and a half to three foot diameter with four to six blades on it.
Q. Do you know who made them, where they came from, anything like that?
A. No.
Q. How often were they running?
A. 24 hours a day when they were running.
Q. Were they built into the walls or the structure?
A. Into the cinder block.
Q. And were they controlled by a master switch or individually?
A. Individually.
Q. So someone had to go up while they were running continuously until they broke down?
A. Yes.
Q. Who would repair them when they broke down?
A. Yes, electrician.

R&S165325

Q. They were in the maintenance department?
A. Yes.
Q. Can you tell us about anything where they were located in the circumference or exterior of the building?
A. There would be at least one fan probably ten, twelve feet away from each corner of the building and probably the doorway, the east doorway on the first floor was in the middle of the one hundred foot structure and it would probably be a fan or there was, again, the best that I can remember is 12, 14 feet on either side of the entrance-way.
Q. Were there also windows to the exterior?
A. On the second floor.
Q. Are there any windows on the first floor?
A. No.
Q. Was there a policy of opening or closing the windows?
A. No.
Q. Who decided or determined if the windows were open or closed on any given shift?
A. Probably the operator.

Q. Were there any roof vents or fans?
A. Yes.
Q. How many?
A. One that I know of and that would be a fan going directly into the control room, not a fan but at least a stack to draw the air down.
Q. Any other ventilation to that facility?
A. No.
Q. Were any of the reactors within that facility, did they have direct ventilation?
A. That is what ventilation is.
Q. Let me ask a more specific question. Was there a mechanical ventilation system within the plant for any of the pieces of equipment in the process?
A. Not before '75.
Q. No ventilation for the dryers?
A. That is a different building.
Q. Oh, I'm sorry. Staying within E-2. Before 1975 there was no mechanical ventilation system for the machinery equipment that was in your plant, is that your testimony?
A. Yes.

R&S165327

Q. Are you aware of any monitoring that was done in the E-1 building to determine what the levels of vinyl chloride were with the background air?
A. I know--
Q. Again, the same time period.
MS. BOSSE: This is before?
Q. So you understand, this is before any changes were made in '74 that was the last time?
A. I know that they did some testing but I don't believe that they checked for-- well, they must have checked. I know they did some testing in '74 but like I said, information was not passed on to operators.
Q. Prior to your attending the first meeting at which health effects from vinyl chloride were discussed with the union local did you ever see anybody walking around Department 145 with personal monitoring devices? That is, devices that would monitor their personal exposure to vinyl chloride while performing their duties?
A. Not before the meeting, no.
Q. Did you wear any personal monitoring devices before that meeting?

R&S165328

A. No.
Q. Later years were you asked to do that?
A. Yes.
Q. And were you advised of the results of that monitoring?
A. Yes.
Q. Can you describe for us the results of the monitoring that was performed on you?
A. There were a few times when I was overexposed for the jobs that I, that I was doing at the time.
Q. How was overexposure defined at that time?
A. Above five parts per million in an eight hour period.
Q. And so you're aware that there were records kept of that monitoring, is that right?
A. Yes.
Q. Have you seen these records?
A. They post them.
Q. So they were made available at the plant?
A. Yes.
Q. Are you aware of any monitoring that was performed on you that indicate that you were

R&S165329

exposed above 25 parts per million?
A. No. There may have been but you know, I can't say for sure if I was over 25 but there is a possibility I could have been. I remember an incident but I don't know if I was wearing a device then or not.
Q. How often did you wear this device?
A. I wore it more than other people because I was on steady days for a while. The later years I was in the department and it was easier to get a hold of me than other people. They wanted to get everybody, if I'm not mistaken, a minimum of twice a year to be monitored but they tried to do it more.
Q. And are you supposed to perform your regular tasks for that period of time and the equipment is constantly monitoring you, is that what happened?
A. Yes and you also have to mark down if you were in a high concentration area during that eight hour period.
Q. Okay. We've been talking about ventilation. Have you had a chance to describe for us all the

R&S165330

ventilation within building E-1 before the meeting?

A. That I can remember.

Q. Let's go to building E-2 then.

MS. BOSSE: Let me interrupt you for a second, Sam, so I can ask a question.

When you say "before the meeting", are we talking about that first meeting that you talked about in February of 1974, a union meeting at which you said you first heard of the possible link between vinyl chloride and cancer? Is that the meeting?

A. Yes.

MS. BOSSE: I thought that is what he was referring to. You referred to a couple meetings.

MR. WODKA: He learned of the possibility of effects of vinyl chloride.

MS. BOSSE: My notes say the first possible link between VC and cancer--

MR. GOLDBLATT: The court reporter has it in the transcript and that will be the final arbiter of what was testified to.

Q. Mr. Winkworth, let's then move to building E-2,

if you can. Can you describe for us the ventilation system for building E-2 as it existed before any changes were made in 1974?

A. Yes. There was a one roof vent and about the same amount of first floor fans as was in E-1 building.

Q. You told us before that you felt the ventilation in E-2 was a little bit better than E-1. Can you explain why that was?

A. E-2 is a newer building, it was built in '57, something like that and was newer equipment and less leaks. I believe that is why it was better because there were less leaks. E-1 building there were many leaks.

Q. Would it be fair to say then that you were not really saying the ventilation is better, what you're saying is that there was less vinyl chloride in the atmosphere in the E-2 building than E-1 building?

MS. BOSSE: Form..

A. Yes.

Q. You attribute that to the age of the equipment and the existence of leakage within the

R&S165332

equipment, is that right?
A. Yes.
MS. BOSSE: Form.
Q. As a millwright or maintenance department personnel were you involved in curing leaks within these facilities?
A. Yes.
Q. And tell us what you did in that regard again during the same period of time, prior to that first meeting with the local that you went to about health effects from vinyl chloride?
A. It was common practice to just de-pressure a line. I'm just talking lines now, I'm not talking vessel leaks, just line leaks. We would just de-pressure the line and then change the A-gasket and then tighten the line back up again.

As far as vessel leaks, they would be checked with soapy water and determine where the leak was at and then when the bag was out they would send maintenance over to either tighten a flange or a foot bearing or what may be the leak and--

R&S165333

Q. When you say de-pressure the line, are you saying if you had a to change a gasket or something you'd just open the line as opposed to purging the line before breaking the connection?
A. Right.
Q. Would that cause a release of material into the plant environment?
A. Yes.
MS. BOSSE: Form.
Q. What kind of material was in these lines?
A. Vinyl chloride for one, water, gelatin, tensik, other material that we used for charging reactors.
Q. Were the vinyl chloride storage tanks inside the building or outside?
A. Outside.
Q. Was the vinyl chloride monitor then pumped to the reactor like that? Let me ask; how did the vinyl chloride monitor get from the storage tank outside the building to the reactor?
A. There was a storage tank inside the way scale. You had 14,000 gallon capacity tanks and 22,000 gallon capacity tanks at the tank farm where you

R&S165334

would unload the VC railroad cars to and from there, you would pump VC from the storage tanks at the tank farm to the way scale inside the building and from the way scale then to the reactor.

Q. What was the ventilation system in the F-1 building where the bagging operations took place?

A. Poor.

Q. How big was that building?

A. Not past tense, it's still there.

Q. How big is the building?

A. It's a few hundred feet. The production area itself is a few hundred feet by a few hundred feet.

Q. Is it larger than E-1?

A. Yes.

Q. Larger than E-2?

A. Yes.

Q. Is E-2 bigger than E-1?

A. It was taller.

Q. And what did the ventilation system for F-1 consist of leaving aside however you may

R&S165335

characterize its effectiveness?

MS. BOSSE: Again we are talking about a particular time frame?

Q. Same time frame prior to the first meeting you attended at the local concerning health effects, possible health effects of vinyl chloride.

A. You didn't have as many ventilation fans. That's about all that I can say. Ventilation was poor.

MS. BOSSE: I object to the characterization.

Q. Are you aware of any testing or monitoring of the level of vinyl chloride within either E-2 building or F-1 building? Again, this period of time, for this period of time prior to that first meeting at the local that you attended?

A. No.

Q. Mr. Winkworth, I want to focus in on the pleading and events which occurred in early 1974 that first brought to your attention possible health effects from vinyl chloride. You told us before that your first recollection was attending a meeting at the union local in

R&S165336

Niagara Falls, is that right?
A. Yes.
Q. Prior to attending that meeting had you attended any meetings at Goodyear where the same subject was discussed?
A. I don't recall.
Q. Do you recall attending meetings at Goodyear where the subject was discussed?
MR. WODKA: At any time?
Q. At any time?
A. Before? I mean what time frame are you talking about?
Q. 1974.
A. No, I don't recall.
Q. Who lead the discussions or made the presentation about the health effects at the meeting at the local?
A. I believe it was Frank McCalley.
Q. Frank who?
A. McCalley.
Q. Who is he?
A. He was president of our local at the time.
Q. Was Bill Smith at that meeting to your

R&S165337

knowledge?
A. I couldn't say.
Q. Were any nonunion people at the meeting?
A. No.
Q. Any representatives of Goodyear management or supervision?
A. I don't believe so, no.
Q. Were any medical doctors present?
A. I don't remember.
Q. Were any representatives of the oil, chemical and atomic workers international present?
A. No.
Q. How long did the meeting last?
A. I don't remember how long that particular meeting was.
Q. Can you tell us the substance of what Mr. McCalley said about the subject of health effects of vinyl chloride?
A. Only thing that I can really remember is that he said that he believed there was a link between some of the illnesses in the plant and vinyl chloride and he wanted us all to participate in a physical that was going to be performed by Mt.

R&SI65338

Sinai Hospital.

Q. And what were the health effects that had been experiencing at the plant that he was referring to?

MR. WODKA: Object to the form. Are you saying what did he report or what did he think was going on?

MR. GOLDBLATT: All right. Read back the witness' answer about the substance of what Mr. McCalley said.

(record read back by the reporter)

Q. What were the illnesses in the plant that you understood he was referring to?

MR. WODKA: Same time?

MR. GOLDBLATT: Yes.

MR. WODKA: In 1974.

A. Liver cancer was one and he said anyone could possibly contract this if they recall becoming dizzy from the vinyl chloride and people who were more exposed were more likely, were more at risk.

Q. So the illness that you understood he believed was linked to vinyl chloride was liver cancer,

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right?
A. That's all I personally can remember at this time.
Q. And had people at the plant, had you been told that people at the plant had died from liver cancer?
A. I do recall him saying that yes, people had become ill and I do remember him saying he didn't want to say anything more for whatever reason. I don't remember his reason. Like he didn't want to let the cat out of the bag type of thing. It was early in what he was trying to get accomplished.
Q. Did you later learn that in fact three people from the Goodyear plant had two or three problems, from the Goodyear Niagara Falls plant had died of liver cancer?
A. I don't remember the number but I do remember, you know, the talk being that people had contracted the disease.
Q. Okay. You strike me as a thoughtful kind of person, you told us before that you had experienced at least a couple occasions where

R&S165340

you became dizzy and I take that it what Mr. McCalley reported was of some concern to you then?

A. Yes.

Q. Fair to say at least as of that moment you understood that there was a risk of cancer from exposure to vinyl chloride?

A. Yes.

Q. And you understood that it was important for your exposure to vinyl chloride to be reduced as much as possible if not eliminated to reduce that?

A. Yes.

Q. When is the first--

A. When the first reaction levels came out they were much higher than one in five, they were 500 or whatever it was when they first brought it out and then shortly they reduced it to what it is now.

Q. Mr. Winkworth, if a meeting was called of the Goodyear workers in Department 145 wherein you were invited to attend to talk about health effects from vinyl chloride exposure in 1974, is

R&S165341

there any reason why you would not attend such a meeting?

MR. WODKA: Object to that. You're entering into raw speculation. If there was a meeting? Was there a meeting or wasn't there?

MR. GOLDBLATT: There was and we'll get to that.

MR. WODKA: Why don't you ask him that.

MR. GOLDBLATT: I can ask him whatever questions I want in whatever order. You made your objection to the form.

A. I don't recall at this time.

Q. Okay. You don't recall there being a meeting?

A. No.

Q. Okay. What I'm asking you; can you conceive of you learning of a meeting and not wanting to attend for any reason having to do with this subject?

MR. WODKA: Objection.

A. I just don't recall at this time.

Q. I mean is this a hard question for you? If this subject, if you were told the subject was going to be discussed at a meeting back then, could

R&S165342

you conceive that you would not attend?

MR. WODKA: Objection.

A. If there was a meeting I may have gone, I just don't know what to tell you here at this point.

Q. Well I'm asking you, sir and if my question is not clear please tell me, all I'm asking you is if the people at Goodyear said we're going to have a meeting about this subject and you were told that you should attend because it would be important to you--

MR. WODKA: First of all, on that subject it's been asked and answered.

Q. --since the subject is the health effects from exposure to vinyl chloride would you attend?

MR. WODKA: Objection.

Q. Can you answer that question, sir?

MR. WODKA: You have my objection?

REPORTER: Yes.

A. No, I would probably go.

Q. Now, let me ask you a more specific question; did you attend any meeting at Goodyear on either February 7th or February 8th, 1974 about health effects from vinyl chloride? Do you have a

R&S165343

recollection of attending a meeting as you sit here now?
A. No.
Q. Do you have a recollection of seeing any notice postings about such a meeting?
A. No.
Q. Was there a bulletin board or posting place where things would be posted in this period of time, January or February 1974 for department employees to review?
A. Yes.
Q. Where was that?
A. It's a big building. It's near the mens locker room.
Q. In what building?
A. F-1.
Q. F-1. And this would be a place that you would have visited or passed by each day?
A. If you went to the building, yes, you would walk passed it but you would be like 20 feet from it. Normally going in, you, know, entering the plant, going to the locker room and leaving the plant it was, it was away from your--

R&S165344

Q. Okay.

MR. GOLDBLATT: Anybody remember what the last marked exhibit was?

MR. WODKA: Why don't you do like I have suggested, mark it Winkworth Exhibit

The following was marked for identification: Winkworth Exhibit 1

Q. Mr. Winkworth, I'm going to show you a copy of a three page document entitled Notice to Employees that has been produced by your employer, Goodyear and I'd like you to take a couple minutes and read that document and then I will ask you some questions about the document and events described in it. Okay. Have you had a chance to look at that document, sir?

A. Yes.

Q. Have you ever seen that document before?

A. No.

Q. Do you have any recollection of ever seeing that document posted anywhere at Goodyear in and around February of 1974?

R&S/65345

A. No, I don't recall.
Q. You will agree with me that the first sentence of the document says, quote; following information was given at employee meetings scheduled February 7 and February 8, 1974. I read that correctly, didn't I?
A. Yes.
Q. Does that refresh your recollection about meetings at Goodyear in and around this time period at which the subject of health effects from vinyl chloride exposure was discussed?
MR. WODKA; objection to form.
A. No.
Q. So having read that document, it does not refresh your recollection? You still don't recall attending any such meeting, right?
A. No, not at this point.
Q. And you don't have a recollection of any such meeting being published about this period of time, notice being given to employee to attend such a meeting?
MS. BOSSE: Form.
A. No.

R&S165346

Q. Am I correct that this does not refresh your recollection as to the notice? You still don't recall the notice being given to you to attend such a meeting?
A. No.
Q. Do you recall attending any meeting at which representatives of management at Goodyear made a presentation about the same subjects that are listed in this memo?
A. I do recall John Gilmore came to one of our union meetings.
Q. Who is John Gilmore?
A. Plant manager.
Q. Back in 1974?
A. Yes.
Q. Can you tell us when in 1974?
A. No.
Q. Could it have been as early as February of 1947?
A. I don't recall.
Q. Was it before or after the meeting that you attended where Mr. McCalley made the presentation?
A. I'm not sure.

R&S165347

Q. Tell us as best-- well, strike that. Was the meeting that Mr. Gilmore attended at the union local?
A. Yes.
Q. How many people were there?
A. Many.
Q. Was the hall large enough to accommodate everybody in the union from the Niagara Falls plant?
A. Yes.
Q. And the first meeting with Mr. McCalley, what is your recollection about how many people were there? Was it a pretty full house?
A. I don't remember.
Q. What about the second meeting with Mr. Gilmore, was that pretty well attended?
A. Yes.
Q. Do you recall seeing Bill Smith there?
A. No.
Q. Do you have any recollection one way or the other whether he was there? Any knowledge?
A. No.
Q. Was there any attendance list kept of this

R&S165348

meeting from a check-in, sign-in?
A. I believe people signed in, yes.
Q. And who would keep the register or logs, if you signed in?
A. They should be at the union hall.
Q. If I wanted to see those documents who would I ask for them? What would I ask to see?
A. You would ask for a meeting sign-in book. We used a book at the time.
Q. Were there agendas for those meeting that were posted?
A. For the union meetings themselves?
Q. Yes.
A. Yes, there is always.
Q. Who keeps those?
A. They would be at the union hall also right now.
Q. Who?
A. For that time period, you know, they would be at the hall if we still had them.
Q. Who is in charge of records? Who has custody of records or who has responsibility at the union now?
A. John Polongi.

R&S165349

Q. And tell us as best as you can what you recall Mr. Gilmore saying at this meeting?
A. One of the highlights was that he would never put anybody's life in jeopardy and he was referring to the vinyl chloride matter and he was investigating, there was an ongoing investigation to what was going on. That is basically all I remember of what he was getting across and I do know that he made a lot of other people upset by what he was saying because a lot of people just didn't believe that Goodyear didn't know that VC was harmful.
Q. Did anyone else from the company speak at that meeting?
A. I don't remember offhand.
Q. Did anyone else from the company attend that meeting?
A. There were salaried people there, lab-- mostly lab people and supervisors.
Q. Do you recall anything else that was discussed?
A. No.
Q. Do you have any notes of these meetings?
A. No.

R&S165350

Q. Do you recall attending any other meetings at the local about this subject?
A. Not offhand, no.
Q. Were there regular meetings at the local? In other words, was there standard meetings, standing meetings every month or every two months?
A. First Friday of every month.
Q. And if you wanted to see what was on the agenda for that meeting where did you have to go?
A. Union bulletin which was posted in four or five places throughout the plant.
Q. Did you yourself have any discussion with Bill Smith about health effects or possible health effects or risks to your health from working in the plant as a result of exposure to vinyl chloride?
MR. WODKA: At what point in time?
Q. Any point in time?
A. Yes, I do recall talking to Bill sometime in the '80's about being real careful.
Q. One conversation or more than one?
A. Definitely one. There may have been more but--

R&S165351

Q. Tell me as best as you can what you said to him and what he said to you?
A. He was explaining a problem that he was having at unloading a station and basically told him how to try to correct it to keep from exposing himself.
Q. What was the problem?
A. Pressure between the plug and the valve at the top of the car.
Q. How was this problem manifesting itself?
A. What was happening is there was pressure in between the two points and you had to remove this plug and there is no ventilation hose or anything to carry this away and I was concerned about his hands, you know, possible absorption through the skin.
Q. Is that a concern that had been discussed over the years, that is, exposure through the skin?
A. Not that I know of.
Q. Have you heard of the phrase acro-osteloysis?
A. No.
Q. Have you ever heard of finger disease from exposure to vinyl chloride?

R&S165352

A. Yes.
Q. When did you first hear about that?
A. When Mt. Sinai came they wanted to x-ray our hands. I believe they did our hands and our chest.
Q. Now, the discussion that you had with Mr. Smith, did he indicate to you that he was concerned about how to do this in order to minimize or avoid exposing himself to vinyl chloride?
A. Yes.
Q. You at least understood from that conversation that he was concerned about that, right?
A. Yes.
Q. And did you give him some suggestions as for how to do that, to cure that problem?
A. Yes.
Q. Do you have a recollection of any other conversations that you had with Mr. Smith about possible health effects from exposure to vinyl chloride?
A. No.
Q. Any other meetings at the union locally or international about this subject that you recall

R&S165353

that we have not talked about already?
A. No.
Q. Now, in the Goodyear notice to employees, Winkworth Exhibit No.1 there is reference on the second page to a recommendation of going to a 50 ppm maximum exposure for vinyl chloride. Do you see that in the document?
A. Yes.
Q. There is some suggestion at least in this document that as of that time Goodyear was adopting that recommendation for the Niagara Falls plant. Do you see that, too?
A. Yes.
Q. Were you aware of that as of February 1974?
A. I don't recall if it was February.
Q. Do you recall a point in time when Goodyear did go to a 50 ppm maximum exposure limit at the plant?
A. Yes.
Q. And did you understand that in order to reach that goal changes were going to have to be made at the plant?
A. Yes.

R&S165354

Q. And were these some of the changes that you were referring to earlier in your testimony that took place in '74 and '75 and thereafter?
A. Yes.
Q. And you yourself personally were involved in making some of these changes as a maintenance department employee, isn't that right?
A. Yes.
Q. There's also reference on page two of Winkworth Exhibit No. 1 to some earlier exposure levels. In about the middle of the document there is reference to 500 ppm exposure limit and then a change last February. I'm assuming that refers to February of 1972 to a TLV of 200 parts per million. Do you have any recollection of being advised of any changes in the exposure limits in and around February of 1972?

MS. BOSSE: Object to the form in that I assume last February is not February of '73.

Q. Oh, all right. I'm sorry. Thank you. You're entirely right, I got my years screwed up. Let me rephrase the question and strike it.

In the big paragraph in the middle of the

R&S165355

document there is reference to a change from 500 parts per million to 200 parts per million in February of 1973. Do you have any recollection or knowledge of such a change occurring at the plant?

A. I have a recollection but a lot of this, what they said they were going to implement with this meter I don't believe they checked everything like they were saying. I don't remember anyone coming to go check levels in reactors or vessels in general.

Q. Okay. So you don't recall, you don't have a specific recollection of some of the things referenced in this document having been taken place in your presence or to your knowledge, right?

A. No.

Q. My question was a little more specific and perhaps I didn't ask it very clearly. Do you remember any discussions at maintenance the year before, back in February of '73 about reducing the level of exposure to employees of vinyl chloride at the plant?

R&S165356

A. I don't recall at this point.
Q. In the proceeding paragraph, again page two, the document says; we have been, as you know, monitoring the vinyl chloride levels on a continuing basis for quite sometime now. The instrument that we use for this monitoring is a Johnson and Williams meter. Do you see that paragraph?
A. Yes, I do.
Q. Did you see any evidence at the plant on the shift that you worked that vinyl chloride monitoring was ongoing on a continuing basis for quite sometime prior to February 1974?
MS. BOSSE: Object to the form.
A. No.
Q. Were you ever made aware of the results of any such monitoring?
A. Not that I'm aware of.
Q. Later on on that same page there is an indication that as a result of the monitoring they uncovered several, quote, trouble spots, close quote and taking steps to correct them. There is reference to the selectro in E building

R&S165357

particularly. Are you familiar with these devices?
A. Yes.
Q. Do you have any knowledge as to the problem that is referred to in that paragraph?
A. Yes.
Q. Can you describe that problem for us and what if anything was done about it?
A. We used to get a lot of fumes off selectro which is a sifter device and the fumes used to pour out of each end, they did and I don't know when they attached ventilation to these but I don't recall them putting any ventilation on any of them in the E-1 building, ever.
Q. Further down on that same page there is reference to a budget having been approved for improving ventilation in the E-1 building to provide central exhaust for E-1 reactor purging. Do you see that reference?
A. Yes.
Q. And was that ever done?
A. If it was, it was very late.
Q. When you say "very late" are you talking very

R&S165358

close in time to when the plant closed building E-1?

A. Yes. That's all I remember are the original blowers that were used to remove air from the reactors.

Q. Okay. That is what is referred to as the coppus, c-o-p-p-u-s, blower?

A. That is what they referred to it as.

Q. What did you refer to it as?

A. I don't recall them bringing in anything different than what I originally used when I was hired.

Q. Okay. In the next paragraph it suggests that the company had on order respirators to be furnished to operators which were to be worn when, quote, contaminations were above 350 parts per million. Do you see that reference?

A. Yes.

Q. Were respirators provided to the operators soon after February of '74?

A. I don't recall that.

Q. Do you have a recollection of Department 145 personnel walking around the facilities with

R&S165359

personal respirators either on their belts or in their hands or around their neck in that period of time, early to mid to late 1974?

A. No.

Q. At any time during 1974 were you issued a personal respirator for your own use?

A. In '74?

Q. Yes.

A. Yes.

Q. Did you have to sign for it?

A. I don't recall.

Q. Did you have to turn them in each day to be cleaned?

A. No, we cleaned them ourselves at first.

Q. When were you issued the respirators?

A. I don't recall.

Q. Was building E-1 closed?

A. Yes.

Q. What was your understanding of when you were supposed to use it?

A. Anytime I opened up certain lines that I was working on.

Q. Were there particular lines that you were told

R&S165360

to open, if you opened it up or was it left to your judgment?
A. Rephrase that.
Q. I'll try. When did you use it?
A. I used it while I was drilling outlines going into the vessel and cleaning headers.
Q. What did the respirators look like?
A. It was full face, the ones that we were issued.
Q. Did it have a cartridge?
A. Yes.
Q. Did it have air supply?
A. No.
Q. So that it would filter the air that you were breathing, is that correct?
A. That is what it was supposed to do.
Q. From the nature of your answer I'm sensing some cynicism. Do you believe for some reason it didn't work?
A. Yes.
Q. What was that based on?
A. That the cartridges were not able to filter out all this, were not capable of filtering VC through to the exposure level that we were being

R&S165361

exposed.
Q. How do you know that?
A. Because the company, I believe either the company or our safety people found out that this was not working.
Q. Who made these respirators?
A. I think it was Scott.
Q. Scott air packs?
A. Yes.
Q. Were you issued new respirators?
A. Yes.
Q. When were you issued new respirators?
A. I don't recall exactly.
Q. Do you recall the manufacturer, the name or model?
A. I believe they were still Scott. Mine was full face.
Q. How were they different from the ones that you had before?
A. They were in-line air.
Q. Okay.
A. And we used to have to string a lot of hose in order to use them. It was inconvenient.

R&S165362

Q. Were these respirators that hooked up to an air supply?
A. Yes.
Q. Were you ever issued or other personnel respirators that was cartridge or filter type that did not have to be hooked up to an air line?
A. Yes.
Q. When was that?
A. In the 1980's.
Q. Were you issued any such respirators in 1974 besides the Scott air packs?
A. I don't recall that.
Q. The document, Winkworth Exhibit 1 is signed by John Gilmore, is that right?
A. Yes.
Q. That is the same John Gilmore who attended the meeting that you referred to earlier, right?
A. Yes.
Q. Did there come a time in 1974 when workers who were entering reactors to clean them were required to wear full face respirators hooked to air supply?

R&S165363

A. I don't recall and a lot of it may not have been enforced either as far as--
Q. Let me ask the question this way. Following the discussion about possible health effects and cancer from exposure to vinyl chloride were changes made in the procedures for manually cleaning the reactors in building E-1 and E-2?
A. I'm not really sure.
Q. Okay. You would agree with me that at a certain point in time Goodyear went to a solvent cleaning method that eliminated a man having to manually remove the residue as they had done in the past?
A. Yes.
Q. That occurred for building E-2, is that right?
A. Right.
Q. And it occurred after they closed building E-1, right?
MS. BOSSE: Form.
A. Yes.
Q. And to the best of your recollection that practice was never implemented in E-1, is that right?

R&S165364

MR. WODKA: Solvent cleaning?
A. Right.
Q. Okay. Now what I'm asking you is before then were any changes made in the procedures that were followed in cleaning reactors?
A. At that time I wouldn't know.
Q. Okay. So as you sit here today you don't know what changes if any were implemented by Goodyear for manually cleaning reactors during this time frame?
A. I don't recall.
Q. Now, you told us before that you were advised that a medical examination program was being established through Mt. Sinai Hospital, is that right?
MR. WODKA: Objection. That is not what he said.
Q. Okay. Let me ask a different question. You learned that at some point that medical examination of workers at the Niagara Falls plant were going to be performed by people from Mt. Sinai, right?
A. Yes.

R&S165365

Q. And I think you told us that you learned that at this meeting with Mr. McCalley, is that right?
A. Yes.
Q. What was your understanding of arrangements with Mt. Sinai at that time?
A. I don't know what you mean.
Q. Okay. Had you heard of Mt. Sinai before?
A. No.
Q. Did they mention the name of any physicians in particular?
A. Yes.
Q. Who?
A. I don't recall but they did particular physicians.
Q. Does the name Dr. Selicoff refresh your recollection?
A. If sounds familiar like a name that might have been mentioned.
Q. Tell me as best as you can what you were told they were going to do for workers such as yourself?
A. They were going to examine us and ask us a series of questions about exposure and things of

R&S165366

that nature.
Q. What was your understanding of the reason why that was being done?
A. I would imagine, the only thing I can remember is that they were looking in to see if there were anymore cases of cancer linked to VC.
Q. Were you examined?
A. Yes.
Q. Once or more than once?
A. Initially by Mt. Sinai and then yearly I believe afterwards by the plant physician.
Q. Before then had you been examined yearly by the plant physician?
A. No.
Q. So one of the things that occurred following these discussions was annual physical exams by the plant?
MR. WODKA: What discussion?
Q. The discussions about vinyl chloride health effects?
MR. WODKA: Oh, all right.
Q. And have you gone to these exams yearly?
A. Pretty much, yes.

R&S165367

Q. Are some people examined more than yearly?
A. Yes.
Q. Who is examined more than once a year?
A. Anybody in the wet end is twice a year and all maintenance personnel and anyone over, I believe, 20 years seniority in the plant.
Q. What is the wet end?
A. The reactor end.
Q. People working in building E-1 and E-2?
A. And utility operators.
Q. Where were you examined by the Mt. Sinai people?
A. The union hall.
Q. When?
A. Early '74 I think it was.
Q. Can you be anymore specific?
A. I kind of think it was March, April type of thing. Somewhere in there.
Q. And did you meet with a physician at that time?
A. Several.
Q. What if anything did they tell you about vinyl chloride or your health?
A. I don't think they said anything to me about vinyl chloride. They just asked me personal

R&S165368

health questions.
Q. Did you fill out a questionnaire?
A. I do believe I did.
Q. Okay. Did you meet with them more than once or just once?
A. I believe I only met with them once.
Q. Did you receive anything from them on the results of your exam?
A. I believe everyone that attended.
Q. Did you get a letter from them?
A. I think I did.
Q. Do you recall what if anything it said?
A. No.
Q. Do you recall if it offered you any prognosis for future health?
A. I don't recall at this time.
Q. Did you ever receive anything in writing from your union about health effects from exposure to vinyl chloride?
A. Ever?
Q. Yes.
A. I think I have.
Q. What kind of things have you received?

R&S165369

A. Newsletters, things of that nature. I don't think I got anything personally as a letter. I don't, I don't believe it was that.
Q. Is there a newsletter that is published regularly by the international?
A. Yes.
Q. How often does it come out?
A. I think it's every six weeks or so.
Q. What is it called?
A. It's just OCOG(sic) Reporter, I think it is.
Q. Does the local publish a newsletter as well?
A. I don't recall.
Q. During this period of time of 1974 and thereafter when changes were being made in the plant were people from the union involved in discussions with management about these changes?
A. I was not personally involved.
Q. Who would have represented the local in these discussions at that time?
A. Union executive board I'm just saying I'm sure they would be and the plant safety man.
Q. Who was the plant safety man in 1974?
A. I believe it was Jack DeLong.

R&S165370

Q. Would he have been the person that you would go to if you had questions about your personal safety at the plant?
A. I would if I was on that shift, maybe.
Q. If he is not on your shift who would you go to?
A. Maybe my supervisor.
Q. Okay. Were there regular safety meetings at Goodyear during this period of time 1973, 1974 and '75?
MR. WODKA: Conducted by whom?
Q. By Goodyear?
A. You're saying like per shift or per plant?
Q. Yes or department, actually?
A. I don't recall any.
Q. Did there come a time at all in your tenure with the company where they instituted a practice of having regular safety meetings?
A. Yes.
Q. When was that started?
A. In the '80's that I know of. My first exposure to them would probably be somewhere late '82 if I was exposed to it, if I was exposed initially.
Q. Now, some of the documents that have been

R&S165371

produced in this case have suggested that following February 1974 monitoring devices were installed at different buildings and in Department 145. Do you have any recollection of that occurring in 1974?

A. I recall installing the Bendix system. The date I'm not sure of.

Q. Where was it installed?

A. In the E-2 building.

Q. Were you involved in its installation?

A. No.

Q. What did you understand it did?

A. Monitor parts per million in 20 areas.

Q. Were the results posted?

A. No.

Q. How if at all were the results communicated to workers?

A. Over the intercom. If an area became out, we called it out of spec. I would do it over the intercom system.

Q. So after this-- strike that. Was the installation of the Bendix the first time when they instituted this procedure of advising

R&S165372

people of the out of spec conditions?
A. Yes. Yes, that I know of that.
Q. Prior to the installation of the Bendix system was there any other type of equipment that had been installed that performed the similar functions, did the same thing?
A. I don't recall them ever getting one to work correctly before the Bendix.
Q. Do you recall that different devices were installed and efforts were made to make them functional?
A. I don't remember how much effort was put into this. Only one that I remember working correctly or near correctly was Bendix.
Q. Was that installed in E-2 only?
A. Yes.
Q. Was any similar device ever installed in building E-1?
A. Don't recall one.
Q. What if anything would be said on the intercom when out of spec conditions occurred?
A. You would give the parts per million and the location.

R&S165373

Q. What if anything would people do in response to that information?
A. They were to either leave the area depending on the concentration or don their masks.
Q. And did they have masks that they carried with them for that purpose?
A. No one carried masks with them. To this day they don't carry them with them. They're all up in the control room.
Q. Is there a mask for everyone on the shift?
A. Everyone is issued one. Should be somewhere they can get their hands on it.
Q. Okay. Did there come a time when-- do you know whether there came a time when workers were provided with impervious clothing and clothes for use in reactor cleaning?
MS. BOSSE: Object to the form.
A. No.
Q. Was an alarm system installed that had to do with VC exposure?
A. It is included in the Bendix system.
Q. So would an audible sound or alarm be heard when out of spec conditions existed?

R&S165374

MR. WODKA: Where?

Q. At any of the locations monitored by the Bendix machine in E-2?

A. An audible alarm would only go off where the Bendix was in E-2.

Q. How loud was it? Could it be heard throughout the building?

A. Not necessarily, no.

Q. Do you recall any other changes being made in building E-1, E-2 or F-1 during 1974 and up to the period of time when the E-1 building was closed?

A. No, I don't.

Q. What is your first recollection of the closure of the E-1 building?

MS. BOSSE: Object to the form of it. I don't understand it. I don't know if the witness does.

Q. Let me ask a different question. When did you first learn that they were going to shut down or close the E-1 building?

A. I don't recall the exact date.

Q. When was that facility shut down?

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A. Late '74 that I can recollect.
Q. What were you told about the reason why it was being shut down?
A. Outdated equipment and they could not keep it in spec below five million parts or 350 parts, whatever it was.
Q. So was it your understanding then that whatever the permissible exposure level was they could not bring that building into compliance and that is why they were shutting it down?
A. Yes.
Q. How was that communicated to you and other workers at the plant?
A. I don't remember.
Q. Did you get anything in writing?
A. I don't know.
Q. Did you attend any meetings?
A. I don't know.

MR. GOLDBLATT: I may be done. I need to look at my notes. You're done.

(deposition concluded)

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E X H I B I T S

WINKWORTH	PAGE
1- Document entitled Notice to Employees consisting of 3 pages	189

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DOS 07-18-95 PROPOSED ERRATA SHEET

PAGE	LINE	CORRECTION
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I have read the foregoing transcript and, with the above proposed errata, if any, I find it to be a complete and accurate transcription of my testimony in the above captioned matter.

Signature _____

Date _____

Subscribed and sworn to before me this _____ day of _____, 1995

_____

R&S165378

DOS 07-18-95 PROPOSED ERRATA SHEET

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I have read the foregoing transcript and, with the above proposed errata, if any, I find it to be a complete and accurate transcription of my testimony in the above captioned matter.

Signature _____

Date _____

Subscribed and sworn to before me this _____ day of _____, 1995

_____

R&S165379

DOS 07-18-95 PROPOSED ERRATA SHEET

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I have read the foregoing transcript and, with the above proposed errata, if any, I find it to be a complete and accurate transcription of my testimony in the above captioned matter.

Signature _____

Date _____

Subscribed and sworn to before me this _____ day of _____, 1995

_____

R&S165380

STATE OF NEW YORK)

) ss.

COUNTY OF ERIE)

I, Mary Ann Youknut, Notary Public, in and for the County of Erie, State of New York, do hereby certify:

That the witness whose testimony appears hereinbefore was, before the commencement of their testimony, duly sworn to testify the truth, the whole truth and nothing but the truth; that said testimony was taken pursuant to notice at the time and place as herein set forth; that said testimony was taken down by me and thereafter transcribed into typewriting, and I hereby certify the foregoing testimony is a full, true and correct transcription of my shorthand notes so taken.

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

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my seal this 28th day of July, 1995

Mary Ann Youknut
Notary Public
State of New York
County of Erie
Commission expires
5-31-96

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