

1 Q What kind of research did you do?

2 A Well, we had been collecting, you know, basic
3 stuff out of the, out of the medical literature.

4 Q When you say "we," who are you talking
5 about?

6 A Well, Hill and Knowlton and Johns-Manville.

7 Q So Hill and Knowlton had a relationship
8 with Johns-Manville at that time?

9 A Yes.

10 Q Okay, go ahead.

11 A I can recall at one point a meeting at which
12 somebody commented on the fact that we had more than
13 4,000 papers on asbestos and health in the file at that
14 particular point in time.

15 Q Now, when you say at that point I found
16 about 4,000 articles on asbestos and health, at what
17 point in time are we discussing, just so I know, about
18 1968?

19 A Well, it was probably later than that. We're
20 probably talking '71 or something in that ballpark.

21 Q Did Hill and Knowlton maintain their own
22 file on asbestos and health at that time?

23 A Yes, they did have -- yeah, they did.

24 Q And who was the custodian of that file?

25 A Probably a fellow named Carl Thompson.

1 Q Is Carl still with the company, do you
2 know?

3 A No, he's retired.

4 Q Now, after Carl left what happened to that
5 file?

6 A No, but it's different than that. What happened
7 was that when Manville moved to Denver all of the Hill
8 and Knowlton files were turned over to the trade
9 association.

10 Q What trade association?

11 A The Asbestos Information Association.

12 Q Okay. And when was that?

13 A Late 1971 probably.

14 Q Okay. So Hill and Knowlton didn't retain
15 copies?

16 A Not to the best of my knowledge.

17 Q Now, you said you did some research for
18 Mansville when you took over in this public relations
19 job. Did you ever document the earliest articles that
20 you can recall concerning asbestos and health?

21 A I'm sorry, I don't quite understand.

22 Q Let me rephrase the question. Did you
23 breakdown the articles into the various diseases, or
24 did you just lump medical articles together when you
25 were doing --.

1 affiliated with, as I recall, St. Luke's Hospital in, I
2 can't remember where it was. I just remember it was
3 St. Luke's Hospital someplace.

4 Q When you had this job in public relations,
5 did you consult or collaborate with any other asbestos
6 companies?

7 A Not until the trade association was formed.

8 Q And when was that?

9 A In, I think, maybe late 1970.

10 Q Can you recall with respect to the paper
11 on Asbestos Insulation and Health what the earliest
12 articles you were able to find in the medical
13 literature were implicating asbestos insulation as a
14 health hazard?

15 A No.

16 Q Do you remember from what decade they
17 came?

18 A No, not really. I remember better the, you
19 know, when the diseases were found, you know, in the
20 medical literature as opposed to their association with
21 any particular product.

22 Q Okay. Well, can you recall with respect
23 to asbestosis the earliest articles you were able to
24 find in the medical literature?

25 A My recollection is that they were probably in

1 the 1930s.

2 Q Do you remember the authors of any of
3 those papers?

4 A No.

5 Q Do you remember what the papers said?

6 A Just basically that heavy exposure to asbestos
7 insulations or asbestos could cause, you know,
8 asbestosis.

9 Q Okay. Did you have any discussion with
10 any physicians or any other representatives of Manville
11 concerning those findings?

12 MS. FIGUEREDO: By those findings you
13 mean?

14 Q The papers dating back to the 1930s on
15 asbestosis.

16 A I'm not quite sure about what you mean by
17 discussions.

18 Q Well, did you have discuss with Dr.
19 Wright, for instance, about the articles you found
20 dating, concerning asbestosis back in the 1930s?

21 A Probably no specific discussions.

22 Q Was it part of your job to communicate
23 your findings to someone else within the company?

24 A Well, it's not findings. You know, we had the
25 processes -- basically we had this great body of

1 essentially looking at, is to try and determine what
2 sort of, what would make sense in that regard.

3 Q Did you reach any conclusions or did
4 anyone working with you reach any conclusions
5 concerning the reliability of an established threshold
6 limit value?

7 A In other words, would it work?

8 Q Right.

9 A Yeah, I think they believed that there was a
10 level that could be set by the government that would
11 protect people, if that's what you mean.

12 Q Do you know what that was?

13 A No, they thought, I think, you know, in the low
14 numbers of fiber per cubic centimeter, whether it was
15 going to be -- whether it would be two or four or five
16 or somewhere in that general ballpark.

17 Q Did you also do research and prepare a
18 background paper concerning asbestos and lung cancer?

19 A I'm sure I did.

20 Q Okay. And who did you consult, or what
21 did you consult in preparing that paper?

22 A The same processes as the other ones.

23 Q Can you recall the first articles that you
24 were able to -- the earliest articles you were able to
25 find demonstrating an association between asbestos and

1 lung cancer?

2 A My recollection, probably in the late '40s,
3 something like that.

4 Q Can you recall who the author of those
5 articles were?

6 A No, I have the recollection it was a British
7 paper, but I'm not sure.

8 Q Can you recall any particular
9 epidemiological studies that you found which
10 established an association between asbestos and lung
11 cancer?

12 A Well, that's what I'm referring to,
13 epidemiological studies.

14 Q Okay. Did Manville ever give you any of
15 their own data with respect to their own employees when
16 you were writing up these background papers?

17 A No.

18 Q So this was basically a search of what was
19 out there at the time?

20 A Yes, that's correct.

21 Q Did you put your conclusions as to when
22 this first association became known in this background
23 paper?

24 A Most likely. I mean, that would be the standard
25 way I would write things. So I would assume I did

1 that.

2 Q Did anyone, to your knowledge, come back
3 to you and disagree with your conclusions?

4 A No.

5 Q Did you submit those papers to Dr. Wright
6 again for review?

7 A Oh, yes.

8 Q And did he disagree with the determination
9 or conclusions that you reached concerning asbestos and
10 lung cancer?

11 A No, not to the best of my recollection.

12 Q Did you also attempt to determine whether
13 there was a safe level of exposure in terms of
14 contracting lung cancer from asbestos?

15 A The process of looking at TLV's for asbestos was
16 just applied across the board for all the diseases.

17 Q Did you ever do a background paper
18 concerning exposure to asbestos and mesothelioma?

19 A Again, I'm -- don't remember precisely doing
20 that, but I assume I did, because we had a great body
21 of those papers, eight or nine of one type or another.
22 So that would be naturally one to be done.

23 Q Do you recall the earliest articles that
24 you found in Manville's files demonstrating an
25 association between asbestos and mesothelioma?

1 and Certain-Teed in the late 1960s retaining Hill and
2 Knowlton concerning the issues of asbestos and health?

3 A When would this have been?

4 Q '67, '68, '69.

5 A No, I thought it was just Manville.

6 Q Did Hill and Knowlton have its own medical
7 people at the time that assisted Manville?

8 A You mean doctors, professionals.

9 Q Doctors.

10 A No.

11 Q What type of assistance did it give
12 Manville other than writing copy for them and helping
13 them with press releases, that type of thing?

14 A Just, you know, just counsel them on, as I said,
15 on public relations aspects of the issue.

16 Q Did Hill and Knowlton give Manville any
17 technical support?

18 A No.

19 Q Did they ever, during the time that you
20 worked there, counsel Manville on how to deal with
21 lawsuits arising out of asbestos?

22 A No.

23 Q Can you recall what specifically Hill and
24 Knowlton advised Manville to do with respect to the
25 problem of asbestos and health?

1 A I believe in late 1970.

2 Q And was that patterned after any other
3 organization, to your knowledge?

4 A Yes, an Asbestos Information Association type of
5 a group in England.

6 Q Do you know whether Hill and Knowlton had
7 advised the AIA in England prior to that time?

8 A Yes, they had.

9 Q Do you recall in the 1970s what companies
10 founded the AIA of North America?

11 A I could name a couple. It's in some of the
12 material I passed on for the deposition before.
13 Certain-Teed, of course Manville, Raybestos-Manhattan,
14 National Gypsum. It seems to me there were seven or
15 eight. GAF, that's all I can remember of the initial.

16 Q Was Owens-Corning a member?

17 A I don't believe so.

18 Q What about Baldwin, Ehret, Hill, do you
19 recall that, or Keene Company?

20 A No.

21 Q Celotex or Philip Carey?

22 A Philip Carey I think may have come in in the
23 second group much later. They expanded it from the
24 original seven or eight up until about 22 or 23. And I
25 can't, again, I also can't remember too many of them,

1 Q On page 3 the sentence says; "First, there
2 is no doubt that the inhalation of substantial amounts
3 of asbestos being lead to increased rates of various
4 types of lung disease, including two forms of cancer.
5 These are facts which cannot be denied, even if they do
6 not apply in all circumstances and under all
7 conditions." Is that a statement that you believe was
8 true in 1973?

9 A Yes.

10 Q Do you believe that the members of the
11 organization ascribed to that statement?

12 A Yes.

13 Q All right. I'd like to read you the next
14 sentence: "The medical literature is full of solid
15 evidence linking asbestos to disease. In my office I
16 have on file more than 2,000 medical papers dealing
17 with the health risk of asbestos, and hundreds more are
18 published every year." At that time in 1973 did you
19 have at least 2,000 papers in your office --

20 A Sure.

21 Q -- on asbestos disease?

22 A Probably was more.

23 Q Can you recall ever making that statement?

24 A Yes. I mean --.

25 Q Okay. Let me just go on to the next

1 sentence: "Secondly, the spreading of alarm over the
2 health risks of asbestos has as its prime spokesman one
3 of the most talented medical publicists of the age, Dr.
4 Irving Selikoff of New York City Mount Sinai Hospital."
5 Did you believe that at the time?

6 A Uh-huh.

7 Q Do you recall stating that?

8 A I don't recall stating it.

9 Q I ask you to turn to page four.

10 The first full paragraph says: "While Dr. Selikoff has,
11 in his zeal, unquestionably painted a far darker
12 pictures than the facts warrant, we should always
13 remember in his defense that the insulation workers he
14 has been studying for far more than a decade were and
15 still are dying from asbestos-related disease at an
16 appalling rate." Do you believe that statement to be
17 true in 1973?

18 A Yes.

19 Q Did the members of the organization in
20 1973, to your knowledge, ascribe to that statement as
21 well?

22 A I would think so.

23 MS. FIGUEREDO: One second.

24 (Witness and Counsel confer).

25 Q I'd ask you to look at page 7.

1 effectively represent an entire industry in dealing
2 with the press and with government officials." Do you
3 believe that to be true at the time?

4 A Yes.

5 Q I read this paragraph to you before, and
6 I'd like to give you the opportunity to address it.
7 The second paragraph on Page 8. It says:

8 "Fortunately, and properly the Association has had the
9 wisdom to alter its original limited concept of its
10 proper functions, and now endeavors to assume whatever
11 activities and responsibilities it deems necessary to
12 protect the interests of the asbestos manufacturing
13 industry in the United States vis-a-vis asbestos and
14 health." Did you believe that to be true at the time?

15 A Yes.

16 Q And was that the position of the various
17 members of the Asbestos Information Association at the
18 time?

19 A I would have to assume so.

20 Q The next page discusses the nine fields
21 of endeavor for the Asbestos Information Association.
22 And it lists medical affairs, legal affairs, government
23 affairs, environmental control, publicity and public
24 relations, customer relations, employee relations and
25 inter-industry relations. Was that true at the time?

1 ways with asbestos where they're not exposed to huge
2 amounts of asbestos dust the way the insulation trade
3 were will not develop diseases at this sort of levels
4 that Selikoff had in his study.

5 Q Well, did you have a conclusion at the
6 time that they would develop diseases at lower levels?

7 A In some areas yes, and in some areas no.

8 Q What do you mean by that?

9 A In other words, if you looked at the textile
10 mills, for example, they had problems not as serious as
11 Selikoff's, but problems particularly with asbestosis.
12 If you looked at asbestos cement pipe, before they got
13 the crocidolite out you had some mesothelioma problems
14 there. Most other asbestos cement situations there
15 didn't seem to be any problems at all. The mining
16 situation, for whatever reason, did not seem to be bad
17 except in South Africa. So it was a mixed bag of
18 things.

19 Q Well, how long was it known that high
20 levels of fibers were generated by asbestos insulation
21 workers?

22 A I don't know. I can't say.

23 Q Okay. You did believe prior to 1973,
24 however, did you not, that individuals who were family
25 members were at risk of developing asbestos disease?

1 A Yes.

2 Q You said that there was demonstration that
3 people who worked with asbestos cement pipe could get
4 sick, correct?

5 A Dating back before controls were put into place.

6 Q All right. And when was that, '40s?

7 A Yeah, probably.

8 Q '50s?

9 A I don't know, before my time.

10 Q You say that there was evidence that
11 people who worked in the asbestos textile factories
12 could get sick, correct?

13 A Yes, many studies.

14 Q All right. There was evidence that people
15 who worked in the asbestos insulation industry could
16 get sick, correct?

17 A Not in the manufacturing side.

18 Q That I don't understand. What do you
19 mean?

20 A In other words, the people -- I mean, to the
21 best of my recollection, I don't think that there were
22 any studies that indicated the people who made the pipe
23 insulation had a problem. It was only the people who
24 installed it and ripped it out that had the problem.
25 But I may be wrong. But that's my recollection.

1 A I don't recall making such a recommendation.

2 Q Can you recall any instances in the past
3 where Hill and Knowlton advised any member of the
4 insulation industry to set up research foundations or
5 medical research to help assist it on the asbestos and
6 health issues

7 A Only the, only going back to the establishment
8 of that joint program with Selikoff back in the late
9 '60s.

10 Q Other than that, you can't think of any?

11 A No, I cannot think of any.

12 Q In your capacity at the Asbestos
13 Information Association, had you ever discussed the
14 hazards of asbestos specifically with any industry
15 member representatives other than Johns-Manville?

16 MS. FIGUEREDO: Can you repeat the
17 question?

18 (Read back.)

19 A Well, that was the purpose of the trade
20 association. So, sure, with all the other member
21 companies when they would come to meetings or whatever.

22 Q I'm reading from P-2, the statement that
23 says; "Most finished asbestos-containing products when
24 correctly used will not produce dust levels high enough
25 to be a hazard to workers." Do you know what is meant

1 presentations made by the AIA on behalf of the industry
2 members?

3 A Yes, I believe they would, as I recall.

4 Q Can you tell me specifically which doctors
5 you can recall dealing with from those companies?

6 A I believe George Wright. I believe around that
7 time Manville had retained Dr. Paul Kotin as well.
8 There was a doctor from Raybestos, but I cannot
9 remember his name, I believe. And those are the only
10 ones that frankly come to mind.

11 Q Did any member of the insurance industry
12 ever have any relationship with Hill and Knowlton in
13 terms of the issues of asbestos and health?

14 A Not to my knowledge.

15 Q Now, was there a policy within the
16 Asbestos Information Association that nothing could be
17 released unless it was approved by the member
18 companies, and that no statement should be made without
19 the approval of the member companies?

20 A Well, there was -- there was an approval
21 process. I cannot specifically say what it was. I
22 know that not everybody had to approve a statement that
23 needed to be made in a short period of time. But I
24 don't remember what the approval process was.

25 Q But generally there was approval on behalf

1 of the industry members --

2 A Yes.

3 Q -- of anything that was published or
4 presented?

5 A That's correct.

6 Q So, for instance, were you made a
7 presentation to Congress, the substance of that
8 presentation would have to be approved by the member
9 companies or members of it?

10 A That's correct, although I've never made a
11 presentation to Congress or any Congressional
12 committee.

13 Q For instance, when you testified before
14 OSHA --

15 A Yes.

16 Q -- was the substance of your testimony
17 first reviewed by the member companies?

18 A Yes.

19 Q Before any of these pamphlets are sent out
20 are they all approved by the member companies?

21 A If the pamphlets were produced when I was there,
22 yes. What happens today, I have no idea.

23 Q Am I correct that you as you sit here
24 today you don't have a recollection of a specific
25 approval procedure?