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SUPREME COURT: ALL COUNTIES
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK STATE
ASBESTOS LITIGATION

GE

DEPOSITION UNDER
ORAL EXAMINATION
OF
MARJORIE A. DRUCKER

This Document Applies To:

FRANK CAMPA - Index No.: 109449/03
ALEX RENOW - Index No.: 106444/03
RONALD SPINELLI - Index No.: 109214/03
MARVIN ZATZ - Index No.: 103644/03

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4 Transcript of the deposition of the
5 witness, called for Oral Examination in the
6 above-captioned matter, said deposition being
7 taken pursuant to Federal Rules of Civil
8 Procedure by and before ELEANOR SEKULIC, a
9 Notary Public and Shorthand Reporter, at the
10 Offices of SEDGWICK, DETERT, MORAN & ARNOLD,
11 ESQS., 125 Broad Street, 39th Floor, New York,
12 New York, on Thursday, June 3, 2004, commencing
13 at 9:55 a.m.
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2 APPEARANCES:
3 WEITZ & LUXENBERG, PC
180 Maiden Lane, 17th Floor
4 New York, New York 10038
By: JERRY KRISTAL, ESQ.
5 Attorneys for the Plaintiffs
6 SPEZIALI, GREENWALD & HAWKINS
1081 Winslow Road, Box 1086
7 Williamstown, New Jersey 08094
By: DAVID SPEZIALI
8 Attorney for the Defendant General Electric
9 SIDLEY, AUSTIN, BROWN & WOOD, LLP
Bank One Plaza
10 10 S. Dearborn Street
Chicago, Illinois 60603
11 By: TIMOTHY E. KAPSHANDY, ESQ.
Attorneys for the Defendant General Electric
12
MALABY, CARLISLE & BRADLEY, LLC
13 150 Broadway
New York, New York 10038
14 By: MICHELLE DULUC, ESQ.
Attorneys for the Defendants
15 Viacom, Weil-McLain and Warren Pumps
16 FLEMMING, ZULACK & WILLIAMSON, ESQS.
One Liberty Plaza
17 New York, New York
By: SCOTT EMERY, ESQ.
18 Attorneys for the Defendant Goodyear
19 ANDERSON, KILL & OLICK, PC
1251 Avenue of the Americas
20 New York, New York 10020
By: GARY CASIMIR, ESQ.
21 Attorneys for the Defendants
Amchem and Union Carbide
22
PEHLIVANIAN & BRAATEN, LLC
23 Paynters Ridge Office Park
2430 Route 34
24 Manasquan, New Jersey 07836
By: CLAUDIA SOLIS, ESQ., Of Counsel
25 Attorneys for the Defendant Dresser-Rand

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3
4 STIPULATIONS
5 IT IS HEREBY STIPULATED AND AGREED by and
6 among the attorneys for the respective parties
7 herein that the sealing, filing and
8 certification of the within Examination Before
9 Trial be waived; that all objections, except as
10 to form, are reserved to the time of trial;
11 That the transcript may be signed before
12 any Notary Public with the same force and effect
13 as if signed before a Clerk or Judge of the
14 Court;
15 That this Examination Before Trial may be
16 utilized for all purposes as provided by the
17 CPLR;
18 That all rights provided to all parties by
19 the CPLR shall not be deemed waived and the
20 appropriate sections of the CPLR shall be
21 controlling with respect thereto.
22
23
24
25

1 Marjorie A. Drucker - Direct
 2 MARJORIE A. DRUCKER, having been
 3 first duly sworn according to law by the Court
 4 Reporter, testifies as follows:

5
 6 DIRECT EXAMINATION BY
 7 MR. KRISTAL:

8 Q. Good morning, Ms. Drucker. How are
 9 you?

10 A. Good morning. Very well, thank you.

11 Q. As I told you a few minutes ago, my
 12 name is Jerry Kristal. I represent Campa, Renow,
 13 Zatz and Roth who have brought cases alleging
 14 that their mesotheliomas were caused by asbestos
 15 exposure and sued a number of different
 16 companies. I assume you understand that?

17 A. Yes.

18 Q. Let me take care of some
 19 housekeeping. I'm marking as Drucker 1 the May
 20 19th, 2004 disclosure of Ms. Drucker as a
 21 witness.

22 (Whereupon, Two-Page Letter 5/19/01
 23 is marked Plaintiff's Drucker Exhibit 1 For
 24 Identification.)

25 Q. Ms. Drucker, have you seen that

1 Marjorie A. Drucker - Direct
 2 before?

3 (Whereupon, the witness peruses the
 4 document.)

5 A. Yes, I have.

6 Q. Okay. When was the first time you saw
 7 that, or a copy of that?

8 A. I recall seeing a copy of this about
 9 two weeks ago.

10 Q. Okay. When were you first contacted
 11 in these four cases?

12 A. With regard specifically to these
 13 four cases, they were brought to my attention
 14 about two weeks ago.

15 Q. Can you give me a date? Do you have a
 16 file on this case?

17 A. No, I don't.

18 Q. Do you maintain any kind of file when
 19 you do legal consulting for a particular case?

20 A. What do you mean by "any kind of
 21 file"?

22 Q. Well, when you're contacted and you
 23 agree to consult on a legal matter, do you have
 24 a folder, a manila folder, or redwell, some kind
 25 of system in which you keep information about

1 Marjorie A. Drucker - Direct
 2 that case in it?

3 A. Well, specifically with regard to
 4 this case, I don't have a file.

5 Q. Okay. Do you maintain billing
 6 records?

7 A. As part of my practice, yes, I keep
 8 track of my time and I maintain records for
 9 billing purposes.

10 Q. Okay. So you have a billing record
 11 for this case, or these cases?

12 A. As far as specifically with these
 13 cases, I have not broken out really specifically
 14 directed to these matters.

15 Q. Okay. When were you first contacted
 16 by GE in terms of whether or not you want to be
 17 engaged as a legal consultant with respect to
 18 the subject matters that you're going to be
 19 testifying to in these cases, when were you
 20 generally first approached?

21 A. Toward the latter part of September
 22 of last year I was contacted by Mr. Kapshandy
 23 and spoke to him in general about similar issues
 24 in regard to cases such as these.

25 Q. Do you have a file? I'm sorry.

1 Marjorie A. Drucker - Direct

2 A. Excuse me. In matters related to
 3 asbestos.

4 Q. And who was the defendant, GE?

5 A. Yes, that's what was my
 6 understanding, that these matters would be
 7 related to GE.

8 Q. Okay. And what was your understanding
 9 as to what you were being asked to do or take
 10 part in back in September of 2003 when you were
 11 first contacted?

12 A. In general, I was asked to look into
 13 historical aspects of industrial hygiene,
 14 state-of-the-art matters and asbestos with
 15 relation to GE.

16 Q. Do you have a file for that work?

17 A. No, I don't have a file for that.

18 Q. Okay. Have you been recording the
 19 hours?

20 A. Let me just say that with regard to
 21 certain aspects of the broad aspect of work that
 22 I did I have created some types of records, but
 23 I don't know what you mean by the broad term
 24 "file."

25 Q. Fair enough.

1 Marjorie A. Drucker - Direct
 2 A. I have created certain records.
 3 Q. Okay.
 4 A. Since beginning this project.
 5 Q. Have you been paid by GE for any work
 6 on this project yet?
 7 A. Yes, I have.
 8 Q. Okay. And did you bill them by the
 9 hour?
 10 A. Yes, I bill by the hour at my
 11 standard rate.
 12 Q. Okay. And that is?
 13 A. My standard rate is \$250 an hour for
 14 preparation, \$300 for testimony.
 15 Q. Have you given any testimony
 16 previously with respect to the subject matters
 17 that GE had asked you to look into, the
 18 historical aspects of industrial hygiene,
 19 state-of-the-art matters and asbestos with
 20 respect to GE?
 21 A. With regard to this specific project
 22 since September of '03, no.
 23 Q. Have you ever testified about those
 24 subjects before?
 25 A. Could you read them back, please?

1 Marjorie A. Drucker - Direct
 2 Q. Sure?
 3 MR. SPEZIALI: To clear your
 4 confusion, if you include for GE in the tag
 5 along to the question I think the answer
 6 will be no, so you may be confused. If you
 7 want to drop out the GE part, you'll
 8 probably get to where you want to go.
 9 Q. Have you ever testified about any of
 10 those matters, historical aspects of industrial
 11 hygiene, state-of-the-art matters and/or asbestos
 12 with respect to GE?
 13 A. Yes.
 14 Q. Previous to September '03?
 15 A. Those matters being specifically what
 16 you just read, those three statements?
 17 Q. Yes.
 18 A. Yes.
 19 MR. SPEZIALI: Can I put a
 20 clarification? Did you understand him to
 21 say as to GE?
 22 MR. KRISTAL: No, I wasn't asking as
 23 to GE.
 24 MR. SPEZIALI: I thought you said that
 25 at the end of your sentence. Maybe I'm

1 Marjorie A. Drucker - Direct
 2 confused. I thought you said as to GE.
 3 Q. Let me back up. Do you draw a
 4 distinction between historical aspect and
 5 state-of-the-art matters, or are they
 6 synonymous?
 7 A. It's a general question, and it would
 8 depend on the specific question posed to me.
 9 Q. Let me back up further. I asked you
 10 what the scope of the project was, and I think
 11 my notes are accurate. You said the historical
 12 aspects of industrial hygiene, state-of-the-art
 13 matters and asbestos with respect to GE. Is that
 14 the scope of the project in terms of GE that you
 15 were asked about?
 16 A. Well, those are certain aspects of
 17 the project. In general, I was asked to look at
 18 GE and non-GE documents to determine their
 19 knowledge of the hazards of asbestos.
 20 Q. What is your understanding of the
 21 scope of the project that GE asked you to look
 22 into, the entire scope since September '03?
 23 A. The entire scope was to look at GE
 24 and non-GE documents to determine, to address
 25 GE's knowledge of the hazards of asbestos.

1 Marjorie A. Drucker - Direct
 2 Q. Anything else?
 3 A. In general, I'd say yes, what the
 4 scope was.
 5 Q. Okay. How about specifically?
 6 A. I don't understand the question.
 7 Q. Well, you said generally that's what
 8 the scope was. You said generally that's what
 9 the scope was, and I want to be as specific as
 10 you can get as to what the scope of the project
 11 was?
 12 A. In general, that's the scope. If you
 13 ask me questions, I can answer them.
 14 Q. Are there any other specific topics
 15 other than looking at GE and non-GE documents to
 16 address GE's knowledge of asbestos hazards?
 17 A. I don't understand the question.
 18 Q. Okay. I'm trying to find out what it
 19 was you were asked to do by GE in September '03.
 20 Are you with me so far?
 21 A. Yes.
 22 Q. Okay. And you said that you were
 23 asked to look at GE and non-GE documents to
 24 address GE's knowledge of asbestos hazards. Did
 25 you say that?

1 Marjorie A. Drucker - Direct

2 A. Yes, I did.

3 Q. Okay. Anything else?

4 A. Well, if other things are posed to
5 me, it's possible.

6 Q. I'm asking if anything else is to be
7 posed to you?

8 A. Can I finish my answer, please?

9 Q. I want you to answer the question.
10 The question is, was it your understanding that
11 the project included anything else?

12 A. My understanding is that it may
13 depending on what was posed to me over different
14 periods of time, but, in general, I'd say that
15 was a general scope of work for the project.

16 Q. When you say "it may," has it to date
17 involved anything else?

18 A. Has it to date?

19 Q. The project involved anything other
20 than looking at GE and non-GE documents to
21 address GE's knowledge of asbestos hazards?

22 A. I would say in general the project
23 has been within that scope.

24 Q. Okay. Is there anything you can think
25 of that has not been within that scope of what

1 Marjorie A. Drucker - Direct

2 A. Yes, those matters had to do with
3 asbestos.

4 Q. Can you tell me what you mean by the
5 historical aspects of industrial hygiene?

6 A. Industrial hygiene as a profession
7 has evolved over periods of time, and, at
8 various periods of time there were different
9 states of knowledge with regard to the
10 recognition, evaluation and control of various
11 types of hazards in the workplace and
12 non-workplace environments.

13 Q. Were you done?

14 A. Yes.

15 Q. Okay. When in your opinion was it
16 first recognized in the industrial hygiene
17 community that asbestos was a hazardous
18 substance?

19 A. In the 1930s it was recognized that
20 high levels of asbestos dust could be hazardous
21 and could cause the fibrosis inducing condition
22 asbestosis.

23 Q. It was recognized in the industrial
24 hygiene community that asbestosis could be
25 potentially permanently disabling in the 1930s?

1 Marjorie A. Drucker - Direct

2 you've been asked to do to date, not what you
3 may be asked to do at some point in the future?

4 A. The best way I can answer is to say
5 that, in general, it's within that scope.

6 Q. Have you ever testified as to that
7 subject, GE and non-GE documents to address GE's
8 knowledge of asbestos hazards?

9 A. That subject being GE's knowledge?

10 Q. Yes.

11 A. No, I have not testified on scope, as
12 I stated, on this GE project.

13 Q. Okay. Have you ever testified about
14 historical aspects of industrial hygiene
15 generally?

16 A. Yes.

17 Q. When was the first such time you did
18 that?

19 A. If I recall, that would go back to
20 the early to mid-1980s.

21 Q. And was the testimony with respect to
22 asbestos?

23 A. I'm going to correct that. I would
24 say the early to mid-1990s.

25 Q. Okay.

1 Marjorie A. Drucker - Direct

2 A. When you say "it was recognized"?

3 Q. Was the fact that asbestosis could
4 potentially be permanently disabling recognized
5 in the industrial hygiene community in the
6 1930s?

7 A. I would say that in general in the
8 1930s it was known by the medical and scientific
9 community that high levels of asbestos dust
10 could cause the fibrosis condition asbestosis.

11 Q. Okay. Tell me what your understanding
12 is of what was known about asbestosis in the
13 1930s by the medical and scientific community?

14 A. The medical and scientific community
15 would have been aware in the 1930s that high
16 levels of asbestos dust could cause a condition,
17 in this case, asbestosis.

18 Q. And what did that community know in
19 the 1930s as to what asbestosis was?

20 A. I think in general the medical and
21 scientific literature would have been aware that
22 high levels of asbestos could cause asbestosis,
23 which is a fibrotic lung condition and which can
24 lead to a disabling condition and ultimately
25 possibly death.

1 Marjorie A. Drucker - Direct
 2 Q. Okay. When you say "high levels,"
 3 what do you mean?
 4 A. Well, it depends on what time period
 5 that we're looking at.
 6 Q. Fair enough. You mentioned high
 7 levels in the context of the 1930s, right?
 8 A. Yes.
 9 Q. What do you mean?
 10 A. Going back to the 1930s, I'd say by
 11 the late 1930s, such as for this study that was
 12 done by Dreesen, it was thought that high levels
 13 of asbestos dust, meaning those levels in excess
 14 of five million particles per cubic foot could
 15 possibly lead to asbestosis.
 16 Q. Five million particles per cubic foot
 17 of what?
 18 A. Well, again, going back to the
 19 Dreesen study, the level that they concluded
 20 that was the safe level was five million
 21 particles per cubic foot of asbestos dust.
 22 Q. And what do you mean by "asbestos
 23 dust"?
 24 A. By "asbestos dust," I mean dust that
 25 is asbestos.

1 Marjorie A. Drucker - Direct
 2 Q. Hundred percent asbestos?
 3 A. There's been over the years, I'd say
 4 that there's been some different changes of
 5 thought with regard to that. Some authors
 6 believe, concluded it was asbestos dust, others
 7 concluded it may be dust containing asbestos.
 8 Those will vary in the literature over time.
 9 MR. SPEZIALI: He's asking about
 10 Dreesen in the thirties now. Just to
 11 expedite it, he wants to know about Dreesen
 12 now in the thirties.
 13 A. Could you ask the question again,
 14 please?
 15 Q. Sure. I'm trying to find out if the
 16 five million particles per cubic foot of air you
 17 said is asbestos dust, I'm asking you, in the
 18 1930s, is it your opinion that meant hundred
 19 percent asbestos dust, any percent asbestos
 20 dust, what did it mean at that time frame?
 21 A. With regard to the Dreesen study in
 22 '38, they were studying textile mills, and, the
 23 textile mill had extremely high concentrations
 24 of asbestos in the dust and they used an
 25 impingement method which didn't measure total

1 Marjorie A. Drucker - Direct
 2 dust.
 3 Q. Were you done?
 4 A. Yes.
 5 Q. And, therefore, five million
 6 particles per cubic foot means total dust?
 7 MR. SPEZIALI: You're talking about
 8 Dreesen, aren't you?
 9 MR. KRISTAL: Yes.
 10 A. Well, with regard to Dreesen, that
 11 would have been dust, total dust containing
 12 asbestos.
 13 Q. Okay. So if you take your impinger
 14 and you collect --
 15 A. They did some break-outs, I should
 16 say, about asbestos.
 17 Q. I'm just trying to find out when you
 18 use the term five million particles per cubic
 19 foot of asbestos dust if you're talking about
 20 five million asbestos fibers or five million
 21 particles of total dust in the sample or
 22 something else?
 23 A. According to Dreesen, it would have
 24 been five million particles of total dust in
 25 that type of a sample, meaning by the

1 Marjorie A. Drucker - Direct
 2 impingement method.
 3 Q. When you used the phrase medical and
 4 scientific literature a couple questions back,
 5 is that different than industrial hygiene
 6 literature, or is that different than the
 7 industrial hygiene community, or was that
 8 industrial hygiene community part of "medical
 9 and scientific"?
 10 A. Generally these are broad terms, but
 11 I would say in general the medical and
 12 scientific literature would have encompassed the
 13 industrial hygiene literature.
 14 Q. Did you need an epidemiological study
 15 to make the determination that asbestos exposure
 16 caused asbestosis historically?
 17 A. I don't understand the question.
 18 Q. Okay. When was it first known, the
 19 very first date that you would say it was known
 20 in the medical and scientific literature that
 21 asbestos could cause any disease?
 22 A. In the early 1900s there were some
 23 case reports reported in the literature where
 24 some physicians reported what they called cases
 25 of, related to cases that we now call

1 Marjorie A. Drucker - Direct
 2 asbestosis.
 3 Q. So that's the first date by which it
 4 was known in the medical and scientific
 5 community that asbestos could cause any kind of
 6 disease?
 7 A. In which it was known, "it" what?
 8 Q. The fact that asbestos could cause
 9 disease.
 10 A. Well, as I said, you asked before
 11 when it was first known, and there were some
 12 cases reported in the early 1900s from high
 13 levels of exposure to asbestos that indicated
 14 that asbestos, that asbestosis may occur.
 15 Q. So that's when it was first known
 16 that asbestos could cause disease, early 1900s?
 17 A. Well, I think that there was some
 18 case reports.
 19 Q. That's what I'm trying --
 20 A. I don't think in general it was
 21 entirely known until certain studies were
 22 performed.
 23 Q. Okay. When was the first such study
 24 that was performed in which it became entirely
 25 known that asbestos could cause disease?

1 Marjorie A. Drucker - Direct
 2 any other industry that asbestos exposure could
 3 cause disease in the 1930s, or, are you saying
 4 it was limited exclusively to the textile
 5 industry?
 6 A. I'm here to talk in general about the
 7 United States Navy and asbestos, and, as far as
 8 the other industries, that's not really in
 9 general what I was prepared to discuss.
 10 Q. You have to understand something
 11 because I'm not trying to give you a hard time.
 12 I'm coming in here in my opinion relatively
 13 blind because I don't have a report from you
 14 saying what your opinions are. I have some very
 15 broad statements included in Exhibit 1. So when
 16 you say you may be testifying about the
 17 historical aspects of industrial hygiene, I'm
 18 asking these questions. I'm not trying to give
 19 you a hard time. I'm just trying to find out
 20 what you may testify.
 21 MR. KRISTAL: Dave, is that accurate
 22 in terms of the scope of the testimony?
 23 MR. SPEZIALI: For these four cases
 24 she's going to talk about the United States
 25 Navy knowledge, I mean, as I understand

1 Marjorie A. Drucker - Direct
 2 A. I don't think it was ever known with
 3 total certainty that asbestos could absolutely
 4 cause certain types of diseases. There were
 5 certain studies that evolved over time which led
 6 the medical and scientific community to certain
 7 conclusions.
 8 Q. And by the 1930s it was concluded by
 9 the medical and scientific community that high
 10 levels of asbestos exposure could cause
 11 asbestosis?
 12 A. By the late 1930s it was known that
 13 high levels of asbestos in certain types of
 14 industries such as in textile mills could cause
 15 asbestosis.
 16 Q. Any other industry?
 17 A. That was the -- by the late 1930s, in
 18 general, textile mills were studied.
 19 Q. I'm asking you if -- I'm sorry. Go
 20 ahead.
 21 A. And high levels of asbestos in
 22 textile mills were thought to cause asbestosis,
 23 and, again, I'm talking about levels in excess
 24 of five million particles per cubic foot.
 25 Q. And I'm asking you, was it known in

1 Marjorie A. Drucker - Direct
 2 Plaintiffs' theory of the case.
 3 MR. KRISTAL: I just want to know --
 4 MR. SPEZIALI: She will address that
 5 issue of the case by which had GE put some
 6 label on turbines the Navy would have
 7 rushed to arms and changed the way it would
 8 have addressed military issues in this
 9 case.
 10 She's going to address what the Navy
 11 knew or didn't know, and, obviously, as you
 12 and I both know, obviously the Navy's
 13 knowledge is part of the published
 14 historical scientific literature, so,
 15 clearly, that literature to the extent we
 16 say historic is going to come into play.
 17 MR. KRISTAL: I understand. But,
 18 generally, it's not going to be starting
 19 from, you know, it's going to be specific
 20 to the Navy?
 21 MR. SPEZIALI: Government knowledge,
 22 yes.
 23 MR. KRISTAL: That's fine.
 24 MR. SPEZIALI: I've got Tom Howard.
 25 He'll do the other problem. I'm not looking

1 Marjorie A. Drucker - Direct
 2 to bring every witness in and repeat the
 3 history of state-of-the-art literature.
 4 Q. When was it first known by the United
 5 States Navy, in your opinion, that asbestos
 6 could cause asbestos disease of any kind?
 7 A. I would say in 1922 the US Navy knew
 8 that high levels of asbestos could cause
 9 asbestos-related disease, asbestosis.
 10 Q. And what is the basis of that
 11 opinion?
 12 A. The basis of that opinion is some
 13 studies in the literature that I reviewed over
 14 time, and, also, that in 1922 the Navy sent some
 15 people to the Harvard School of Public Health
 16 for training.
 17 Q. With respect to asbestos?
 18 A. With respect to general occupational
 19 medicine, and, it would have been further things
 20 such as non-asbestos.
 21 Q. Okay. Tell me the studies and
 22 literature upon which you're basing your opinion
 23 that in 1922 the US Navy knew high levels of
 24 asbestos exposure to cause asbestosis?
 25 A. Some of the studies include an article

1 Marjorie A. Drucker - Direct
 2 by Brown.
 3 Q. Anything else?
 4 A. I've reviewed many materials over
 5 time, even going up to the forties in the
 6 Fisher.
 7 Q. I'm only interested in what you're
 8 basing your opinion on that the Navy knew in
 9 1922. That's the sole scope of my question.
 10 Other than the Brown article, is there anything
 11 else you base your opinion on that the Navy knew
 12 in 1922 that high levels of asbestos exposure
 13 could cause asbestosis?
 14 A. In several of the documents that I
 15 reviewed the history of industrial hygiene and
 16 occupational medicine in the Navy had been
 17 discussed, and, I would have to refer to a list
 18 of documents, but that was the date that it's my
 19 understanding that the Navy sent people to the
 20 Harvard School of Public Health for training,
 21 which would include their study of asbestos.
 22 Q. Okay. What documents are you talking
 23 about that had that history of industrial
 24 hygiene in the Navy upon which you're relying
 25 for your opinion that in 1922 the US Navy knew

1 Marjorie A. Drucker - Direct
 2 that high levels of asbestos exposure to cause
 3 asbestosis?
 4 A. I'd have to refer to a document list.
 5 Q. Okay.
 6 MR. KRISTAL: Do you have that?
 7 MR. SPEZIALI: Tim, do you have the
 8 exhibit list?
 9 MR. KAPSHANDY: I may have it on my
 10 computer. We don't have a hard copy here. I
 11 may be able to find it. It was among the
 12 materials that she reviewed. We didn't
 13 bring hard copies.
 14 MR. SPEZIALI: It's on the CD.
 15 MR. KRISTAL: I'm not understanding.
 16 Is there a list that I can show the witness
 17 now from which she can tell me what she's
 18 relying on the 1922 article?
 19 MR. KAPSHANDY: I gave it to you
 20 before the deposition.
 21 MR. KRISTAL: That's Power Point.
 22 MR. KAPSHANDY: There's an extensive
 23 list.
 24 MR. SPEZIALI: Is it on the CD?
 25 MR. KAPSHANDY: No. That's just the

1 Marjorie A. Drucker - Direct
 2 Alice Hamilton documents.
 3 MR. KRISTAL: Have you given me this
 4 morning which you think contains what Ms.
 5 Drucker relied on?
 6 MR. KAPSHANDY: Not this morning,
 7 previously.
 8 MR. SPEZIALI: Is it possible to pull
 9 that up?
 10 MR. KAPSHANDY: I'm looking for it.
 11 MR. KRISTAL: Thank you. I'll move on
 12 while you're looking for it. I didn't
 13 understand what you were saying.
 14 Q. When did you first come to an opinion
 15 with respect to the United States Navy's
 16 knowledge about the hazards of asbestos?
 17 MR. SPEZIALI: Can I ask, you mean as
 18 of 1922 or any time?
 19 MR. KRISTAL: Any time of the US Navy
 20 and knowledge of asbestos.
 21 A. I worked for the United States Navy
 22 and I knew they had a long-standing program on
 23 occupational exposure and relating to asbestos,
 24 and, more recently, I had an opportunity to
 25 review these articles and determined that in

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 2 1922 they were aware of the hazards of asbestos.
 3 Q. When was it, when you say "more
 4 recently," since September '03?
 5 A. I would say since September '03 I had
 6 recently reviewed those articles, although, I
 7 may have seen them in the past. I had worked
 8 with the Navy.
 9 Q. When was the first time you read the
 10 Captain Brown article?
 11 A. Over the course of my career I've
 12 read hundreds of articles regarding asbestos,
 13 and I may have seen the Brown article in the
 14 past. I do recently recall having seen it within
 15 the past several months since September.
 16 Q. Okay. What leads you to say in the
 17 Brown article that Brown was talking about high
 18 levels of asbestos exposure?
 19 A. I don't think that's what I said
 20 before. We were talking about --
 21 Q. If you didn't say that before, is it
 22 your belief that in 1922 the US Navy knew that
 23 asbestos exposure to cause asbestosis?
 24 A. Yes, I said before that in 1922 the
 25 US Navy would be aware that high levels of

1 Marjorie A. Drucker - Direct
 2 the article.
 3 Q. Okay. So you can't do that without
 4 referring to the article?
 5 A. To answer your question as completely
 6 as I can I feel that I should look at the
 7 article.
 8 Q. How about answering it incompletely?
 9 A. I don't think I should do that.
 10 Q. Okay. So you need the article to
 11 answer the question?
 12 A. I would like to refer to the article
 13 to answer your question completely.
 14 Q. Well, how about incompletely? I'll
 15 take any portion of an answer without looking at
 16 the article.
 17 A. I think you want my best testimony
 18 so...
 19 Q. I want anything, anything that you
 20 can recall from the Brown article that talks
 21 about high levels of asbestos exposure as
 22 opposed to any other level of asbestos exposure?
 23 A. To answer your question I would like
 24 to look at the article.
 25 Q. Fair enough. Brown was not talking

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 2 asbestos exposure could cause asbestosis.
 3 Q. And you said one of the bases of that
 4 opinion was the Brown article?
 5 A. Yes, I said that in general some of
 6 the history of the Navy and the Navy's program
 7 was included in the Brown article and that there
 8 are other articles that I would have to refer to
 9 a list for.
 10 Q. And I'm asking you what in the Brown
 11 article itself leads you to believe that the
 12 Navy was talking about the high levels of
 13 asbestos exposure as opposed to other levels of
 14 asbestos exposure causing asbestosis?
 15 A. I would have to look at the article.
 16 Q. Do you have the article?
 17 A. No, not with me.
 18 Q. We'll have to continue this on some
 19 other day, I imagine.
 20 As you sit here today, you are unable
 21 to tell me what it is in the Brown article that
 22 leads you to believe that Brown was talking
 23 about high levels of asbestos exposure causing
 24 asbestosis?
 25 A. To answer your question I refer to

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 2 about textiles; is that fair to say?
 3 A. Again, I would like to look at the
 4 article.
 5 Q. Okay. Was Brown talking about the
 6 textile industry?
 7 A. I would like to look at the article.
 8 Q. Do you have any idea what asbestos
 9 products Brown was talking about that could lead
 10 to asbestosis?
 11 A. To answer your question I would refer
 12 to the article.
 13 Q. Okay. Are there any other studies at
 14 the time, meaning 1922, or any other articles at
 15 the time, meaning 1922, upon which you're basing
 16 your opinion about the US Navy's knowledge in
 17 1922, as opposed to some book chapter or article
 18 or review by the Navy written years later
 19 looking back? Do you understand what I'm asking?
 20 A. No.
 21 Q. Okay. I'm trying to find out if
 22 there's anything contemporaneous with the 1920s
 23 other than the Brown article on which you're
 24 relying for your opinion that the Navy knew in
 25 1922 that asbestos could cause asbestosis?

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2 A. Yes, as I said before, there were
3 several articles, and, for that, I'd have to
4 look at the master list and cite them for you.

5 Q. Okay. So and I'm not talking about
6 articles that are looking back, I'm talking
7 about in the 1920s. Do you understand that?

8 A. I do.

9 Q. Okay. Do you know the authors of
10 these other articles from the 1920s that you're
11 basing your opinion in part on that the US Navy
12 knew in the 1920s that asbestos exposure could
13 cause asbestosis?

14 A. I've seen some correspondence by
15 Philip Drinker from back in the 1920s, 1930s
16 with respect to some work that he had done with
17 the Navy, but, in general, I'd like to say that
18 I would prefer to look at the list and then cite
19 specifics for you.

20 Q. Who generated this list that you're
21 talking about, whose list is it?

22 A. There have been documents that I
23 reviewed over time with regard to this project,
24 and, the generation of the list is actually from
25 many sources, including myself. There were

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2 articles for background in context of which I
3 had reviewed over the course of my career, and,
4 many of which I actually had in my own library.

5 Q. What did you do to research the issue
6 of when the Navy first knew about the hazards of
7 asbestos? Did you go on-line? Did you go to the
8 library? Did you go to some archive somewhere?
9 Did you ask somebody to do any of those things?
10 Did you get articles from the lawyers? I want to
11 know what you did.

12 A. Your question again, please?

13 Q. When you were looking at the Navy's
14 historical knowledge about the hazards of
15 asbestos, how did you go about doing that?

16 A. Throughout the course of my career,
17 throughout my career and training, I have had
18 years of training with regards to asbestos, and,
19 a lot of the information that I had over the
20 years I had seen from the Navy. When I was a
21 student at the Harvard School of Public Health,
22 one of the authors of the Fisher Drinker article
23 was one of my professors. I worked for the Navy
24 and I'm familiar with their long history of
25 health and safety, and, certainly with regard to

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2 articles that were provided to me for a
3 background in context articles that I
4 contributed to this compendium and materials
5 from a variety of other sources.

6 Q. So who made the list? I'm not asking
7 you who contributed to the articles that were
8 compiled and made into a list. I'm asking you
9 who made the list? Did you? Let's start there.

10 A. Well, I didn't physically type the
11 list. I contributed to the articles in the list,
12 and, the list, as I understand it, was prepared
13 by the Sidley law firm, meaning that it was
14 typed and prepared by them.

15 Q. Okay. And when did you first
16 contribute to the universe of articles that went
17 into this list that Sidley typed up into a list?

18 A. I'd say in general after September of
19 '03 when I began the project.

20 Q. Did the Sidley firm or any other
21 attorneys give you a copy of the Brown article?

22 A. Yes.

23 Q. Okay. Did they give you other
24 articles?

25 A. Yes. The Sidley firm provided various

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2 their efforts on asbestos. So when first it may
3 be difficult to say. It probably goes back to my
4 training at Harvard in the late sixties.

5 Q. After you were first, after you first
6 agreed to take on this historical Navy knowledge
7 review, what did you do?

8 A. Could you be a little more specific?

9 Q. Sure. After September '03, what have
10 you done to inform yourself on these issues
11 regarding the Navy's knowledge?

12 A. Well, since September '03 -- I should
13 backtrack a little. As I said from the
14 beginning, from the late sixties, I've been
15 aware of these issues.

16 Q. I'm not asking you about the late
17 sixties or your knowledge of the issues
18 pre-September '03. I just want to know what
19 you've done since September '03. And if you're
20 saying you did nothing other than what you
21 previously knew, that's fine too?

22 A. Since September '03, I had the
23 opportunity to review various articles and
24 studies, and those would have included those
25 relating to the Navy.

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 2 Q. Where did you get the articles and
 3 studies that related to the Navy since September
 4 '03?
 5 A. Some of the articles that I reviewed
 6 were provided to me by the Sidley firm and some
 7 of the, as I said, I provided articles, as well.
 8 I also have sought some correspondence at
 9 Harvard Medical Library when I was there
 10 reviewing some documents. So it's a combination
 11 of places.
 12 Q. Okay. The basis of your opinion that
 13 the Navy sent people to the Harvard School of
 14 Public Health regarding industrial hygiene in
 15 1922, where did that come from?
 16 A. I had seen documents relating to that
 17 people from the Navy were sent to the Harvard
 18 School of Public Health, and, as I recall, I
 19 talked to a former corporate industrial
 20 hygienist from GE who had also been in the Navy
 21 who related to me certain, that officers and
 22 people from the Navy had gone to the Harvard
 23 School of Public Health.
 24 Q. I'm talking specifically about
 25 starting in 1922, and you're saying somebody

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 2 who's a former GE industrial hygienist told you
 3 that?
 4 A. Told me that, what?
 5 Q. You said earlier that in 1922 the US
 6 Navy knew about high levels of asbestos exposure
 7 causing asbestosis, and you said the basis of
 8 your opinion were studies and literature and
 9 your knowledge that the Navy had sent industrial
 10 hygienists to the Harvard School of Public
 11 Health, right?
 12 A. Yes.
 13 Q. Okay. I'm trying to find out the
 14 basis for your belief that in 1922 the US Navy
 15 sent people to the Harvard School of Public
 16 Health to study industrial hygiene, that's what
 17 I'm trying to find out. What are you basing that
 18 on?
 19 A. I had seen that written in at least
 20 one or more articles, and, I would have to refer
 21 to a list of that.
 22 Q. So in some article you've seen it
 23 said and that's the basis of your opinion?
 24 A. Article or articles, yes.
 25 Q. Okay. Well, how many were there? Can

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 2 you tell me the title? Can you tell me anything
 3 about the articles in terms of where they were
 4 published, when they were published, who
 5 published them?
 6 A. I recall one of the articles stating
 7 that. It was a retrospective of the rich history
 8 of industrial hygiene occupational medicine in
 9 the Navy. It was a retrospective done by the
 10 Navy. And to give you the exact title, I would
 11 have to refer to the list for you.
 12 Q. Anything else?
 13 A. As I said, there were some other
 14 articles, but I'd have to refer to the list.
 15 Q. Okay. What Drinker correspondence
 16 from the 1920s have you seen regarding the
 17 Navy's knowledge of the high risk of asbestos?
 18 Are they in this GE stuff? And by that for the
 19 record there are hard copies of some
 20 correspondence from the 1920s regarding Alice
 21 Hamilton and also there's a CD Rom with a number
 22 of different items on it. I'm assuming most of
 23 them are correspondence. Is it in that group, or
 24 are you talking about some other correspondence?
 25 A. I'd have to check. I'd have to check.

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 2 Q. What list?
 3 A. Could you ask the question again,
 4 please?
 5 Q. Yes. You mentioned as the basis for
 6 your knowledge Drinker correspondence in the
 7 1920s and thirties about the Navy's knowledge of
 8 the hazards of asbestos, did you not?
 9 A. Yes.
 10 Q. And I'm asking you where are those,
 11 or can you point me to where I might find those?
 12 A. You can find some of the
 13 correspondence in this, some of the Alice
 14 Hamilton documents going back, but, again, I'd
 15 have to double check that. I'd have to look at
 16 the listing to give you an answer.
 17 Q. And who was Drinker with respect to
 18 the Navy in the 1920s and thirties?
 19 A. Phil Drinker who was also on the
 20 faculty of Harvard served as a consultant in the
 21 United States Navy for a period of time and also
 22 was a participant in some studies.
 23 Q. And what period of time was Philip
 24 Drinker a consultant for the US Navy?
 25 A. I'd say in general Phil Drinker was a

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 2 consultant to the Navy in the thirties and
 3 forties.
 4 Q. Not the twenties?
 5 A. I'd have to check that.
 6 Q. Well, are you basing your opinion
 7 that the Navy knew in 1922 that asbestos could
 8 cause asbestosis on Drinker correspondence in
 9 the 1920s?
 10 A. What I said before was that I was
 11 basing that the Navy knew in 1922 about asbestos
 12 on several articles, and I would have to refer
 13 to the list to give you those.
 14 Q. Not Drinker correspondence?
 15 A. When you're using the term
 16 "correspondence" I don't know if you're
 17 referring to letters. I'd say that I would have
 18 to refer.
 19 Q. Let me make it clear before you
 20 answer. By "articles," I'm talking about
 21 something that's been published somewhere.
 22 Correspondence unless they're published
 23 contemporaneously is not an article or a
 24 published document.
 25 You mentioned Drinker correspondence

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 2 from the 1920s and 1930s earlier, and I'm asking
 3 you about the 1920s Drinker correspondence, is
 4 there such a thing or more than one thing or not
 5 with respect to the Navy's knowledge of the
 6 hazards of asbestos?
 7 A. I would have to refer to the articles
 8 to give you more specific information.
 9 Q. I'm not talking about any articles.
 10 MR. SPEZIALI: Let me ask this.
 11 MR. KRISTAL: I don't want you to ask
 12 anything.
 13 MR. SPEZIALI: Tim, don't we have the
 14 exhibits here?
 15 MR. KAPSHANDY: No, because they were
 16 provided to him last week.
 17 MR. SPEZIALI: I thought we had them
 18 available in CD?
 19 MR. KAPSHANDY: I'm about to put them
 20 on a disc for him.
 21 MR. SPEZIALI: Do we have them
 22 available that the witness can look at
 23 them?
 24 MR. KAPSHANDY: The Brown and the
 25 Dublin articles he's talking about.

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 2 MR. SPEZIALI: I'm asking about the
 3 Betts exhibits.
 4 MR. KRISTAL: Please, guys. Did
 5 anybody mention the word Dublin?
 6 MR. SPEZIALI: I just want the Betts
 7 exhibits.
 8 MR. KRISTAL: Please don't prompt the
 9 witness. Okay?
 10 Q. I'm talking about Drinker
 11 correspondence from the 1920s. Is there anything
 12 that you're aware of that Drinker wrote in
 13 correspondence that relates to the Navy's
 14 knowledge of the hazards of asbestos?
 15 A. I'd have to refer to the document.
 16 Q. Okay. The Brown article with respect
 17 to asbestosis was talking about insulation, was
 18 it not?
 19 MR. SPEZIALI: I'm going to object. We
 20 have the Brown article here. She's asked to
 21 refer to the Brown article. So if you want
 22 to ask more questions about it, let's refer
 23 to the article.
 24 Q. Let me ask the question. Can you
 25 answer that question as to whether Brown was

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 2 talking about insulation that contained asbestos
 3 without looking at the Brown article?
 4 A. I would like to refer to the article
 5 to answer your question.
 6 Q. Meaning you can't do it without it?
 7 A. Meaning that I would feel more
 8 comfortable in answering your question fully
 9 after I look at the article.
 10 Q. So without looking at the article you
 11 are unwilling to say whether Brown was talking
 12 about asbestos-containing insulation or not; is
 13 that correct?
 14 A. I would like to refer to the article
 15 to answer your question.
 16 Q. Okay. Was the Brown article published
 17 anywhere?
 18 MR. SPEZIALI: Objection. We have the
 19 article.
 20 Q. Do you need to look at the article to
 21 answer that question?
 22 A. I would like to look at the article.
 23 MR. KRISTAL: Do you have the
 24 article?
 25 MR. KAPSHANDY: I have it up, Counsel.

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 2 If it's acceptable, she's asked to look at
 3 it but you don't seem to want her to.
 4 MR. KRISTAL: Just for the record we
 5 have a laptop that Ms. Drucker is
 6 reviewing. I'm assuming, because I can't
 7 see it, that it is the Brown article.
 8 MR. KAPSHANDY: You're welcome to look
 9 at it.
 10 MR. KRISTAL: I trust you that it's
 11 the Brown article.
 12 (Whereupon, the witness peruses
 13 information on the computer.)
 14 A. Thank you.
 15 Q. Was the Brown article published
 16 anywhere? Just for the record you read finished
 17 reading the Brown article?
 18 A. I looked at the Brown article, and
 19 the Brown article it appears, I don't know if it
 20 was published. According to this, it was
 21 presented at the Fifth Annual Meeting of the Air
 22 Hygiene Foundation of America in Pittsburgh
 23 November 12th, 1940.
 24 Q. Do you know what that foundation is,
 25 Air Hygiene Foundation of America?

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 2 A. In terms of what?
 3 Q. In terms of anything.
 4 A. As I recall, when I was a student at
 5 Harvard, I had heard of the Air Hygiene
 6 Foundation.
 7 Q. Okay. Anything else? I asked you what
 8 the Air Hygiene Foundation is, if you know, and
 9 you said you heard of it when you were a
 10 student. That's not my question. Do you know
 11 what the Air Hygiene Foundation is?
 12 A. As I said, as a student at Harvard, I
 13 was familiar that there was an Air Hygiene
 14 Foundation.
 15 Q. Okay. From your familiarity when you
 16 were at Harvard with the Air Hygiene Foundation,
 17 what was the Air Hygiene Foundation?
 18 A. My familiarity from Harvard is that
 19 there were people who did research and gave
 20 papers, and that's the context in which I had
 21 heard of the Air Hygiene Foundation.
 22 Q. Okay. Do you know when it was formed?
 23 A. No.
 24 Q. Do you know whether or not members of
 25 industry were part of the Air Hygiene

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 2 Foundation, any industry?
 3 A. No.
 4 Q. So you can see from reading the
 5 article that it was presented at a conference,
 6 this Fifth Annual Conference in 1922 [sic]; is
 7 that right?
 8 A. I'm scrolling up right now. Fifth
 9 Annual Meeting 1940.
 10 Q. 1940. Okay. What's that got to do
 11 with 1922?
 12 A. Well, as I recall, before you asked
 13 me about in general what kinds of things was I
 14 familiar with about the Navy's program in
 15 industrial hygiene occupational medicine, and I
 16 had mentioned this as one article that I recall.
 17 Q. Okay. Well, the record will speak for
 18 itself.
 19 Are you or are you not relying on
 20 this Brown speech for your belief that in 1922
 21 the US Navy knew about the hazards of asbestos?
 22 A. From the information provided in the
 23 article it's an indication of rich history of
 24 occupation medicine industrial hygiene in the
 25 Navy. Whether it specifically addresses the 1922

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 2 data I'd have to read it in its entirety, but
 3 there are other articles I would have to refer
 4 to to give you that date of 1922.
 5 Q. Okay. Why don't you read the Brown
 6 article? Have you ever read the Brown article in
 7 its entirety?
 8 A. Yes.
 9 Q. Okay. If you need to read the article
 10 in its entirety to tell me if it relates to 1922
 11 or not, go ahead.
 12 (Whereupon, the witness peruses the
 13 computer.)
 14 Q. Have you had a chance to read the
 15 whole Brown article?
 16 A. I skimmed it, yes.
 17 Q. I don't want you to skim it. If you
 18 need to read the whole article take your time
 19 and read the whole article. Do you think you
 20 read it sufficiently to answer questions?
 21 A. Yes, I'll try.
 22 Q. Tell me what in it relates to 1922
 23 and the US Navy knowledge in 1922?
 24 A. In looking at the article I don't see
 25 the date 1922 mentioned. I believe I mentioned

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 2 before that it was part of materials that I saw
 3 that related to the rich and long-standing
 4 program that the Navy has as far as occupational
 5 medicine and industrial hygiene.
 6 Q. So with respect to your opinion that
 7 the US Navy knew in 1922 that high levels of
 8 asbestos exposure could cause asbestosis, the Brown
 9 article doesn't speak to that date, does it?
 10 A. In my reading of it I wouldn't
 11 exclude that. I don't see the date 1922
 12 specifically mentioned, but, obviously, in 1940
 13 the Navy has had a long-standing program, and,
 14 as I said, I saw another article with 1922
 15 mentioned so I could mesh this with that. It's
 16 not inconsistent.
 17 Q. How about 1912, would that article
 18 equally apply to 1912?
 19 MR. SPEZIALI: 1912 what?
 20 MR. KRISTAL: Navy knowledge of the
 21 knowledge of asbestos in 1912.
 22 MR. SPEZIALI: Objection. She never
 23 said that.
 24 Q. You can answer the question.
 25 A. You asked me before from what date

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 2 was the Navy aware? I said 1922. And that's what
 3 I'm relating the knowledge that it's apparently
 4 gathered by this time in 1940. I never mentioned
 5 the date 1912.
 6 Q. Right. And my point is, what does a
 7 1940 article, that particular 1940 article got
 8 to do with your specific opinion that the Navy
 9 knew in 1922 about the hazards asbestos as
 10 opposed to 1912 or 1932?
 11 A. As I mentioned before, there are
 12 other articles that did mention, article or
 13 articles that did mention 1922, and I see this
 14 as meshing consistently with that that obviously
 15 by 1940 they have a long-standing and very, very
 16 rich knowledge of the program, including that
 17 related to asbestos.
 18 Q. Tell me what you're relating to the
 19 long-standing rich knowledge of asbestos about
 20 from the Brown article?
 21 A. Could you repeat that, please?
 22 Q. Sure. You said that the article tells
 23 you that the Navy had a long-standing rich
 24 program about the knowledge of asbestos, right?
 25 A. And occupation medicine industrial

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 2 hygiene in general, yes, including asbestos.
 3 Q. Tell me what in the article leads you
 4 to say that about asbestos long-standing rich
 5 history?
 6 A. There are references to asbestos in
 7 this article itself and the programs that they
 8 developed. So in my reading as an industrial
 9 hygienist I look at an article like this and I'm
 10 aware that it takes time to develop programs of
 11 apparently the sophistication that they have
 12 expressed in this article in 1940. So, to me,
 13 that lends credence that it's been a program of
 14 some standing and it appears rich in knowledge.
 15 Q. Tell me specifically from the article
 16 what you're talking about?
 17 A. I'd say in general the article
 18 addresses many occupational hazards. So it
 19 appears that the Navy is aware in many realms of
 20 various occupational hazards. They do mention
 21 asbestosis.
 22 Q. Right. And what leads you to believe
 23 the Navy had a long-standing knowledge of that
 24 from the Brown article?
 25 A. Well, there are some things mentioned

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 2 in the article itself that indicates that
 3 surveys were made, x-rays were taken, and, as an
 4 industrial hygienist, I know that these kind of
 5 programs, the awareness, investigation of
 6 hazards, medical surveillance such as they're
 7 referring to here in this article take time to
 8 institute. So in my reading of this I see that
 9 there was a lot of knowledge already accumulated
 10 by 1940 when this paper was presented and that
 11 they certainly appear to be fairly well aware of
 12 asbestos hazards as they relate to the Navy at
 13 that point in time.
 14 Q. I'm talking about 1922. What leads
 15 you to believe that there was a long-standing
 16 program that went back to 1922 from the surveys
 17 that were taken, the x-ray program from the
 18 medical surveillance that's mentioned in the
 19 Brown article?
 20 A. That's not what you asked me before.
 21 What you asked me was how, well, what I answered
 22 was that it's apparent to me that by 1940 they
 23 had a rich program with a lot of aspects that
 24 were sophisticated for the time. I said that
 25 other articles, article or articles had brought

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2 to my attention the date 1922.

3 Q. Is there anything in Brown from which
4 you can pin a date to 1922 in terms of the
5 Navy's knowledge of the hazards of asbestos as
6 opposed to 1932 or 1912?

7 A. My reading of it right now on screen,
8 I don't see anything specifically relating to
9 1922. I don't exclude it. I see it as meshing
10 with other articles that describe the Navy's
11 industrial hygiene and medical program going
12 back in time to 1922.

13 Q. Can you give me the name of any
14 article or anything that you're relying on for
15 your opinion that the Navy knew that asbestos
16 caused asbestosis in 1922?

17 MR. SPEZIALI: Objection. Asked and
18 answered. We have the list. If you want to
19 refer to the list, you can refer to the
20 list.

21 MR. KRISTAL: Of course. I'm not
22 ruling that out. You said we have the list.
23 Well, get the list out. I'm trying to move
24 this along. It's not a memory test.

25 MR. SPEZIALI: Do we have the list?

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2 it could be faxed. I'm trying to take a
3 deposition here. I'm not blaming anybody
4 here and not blaming Ms. Drucker. If she
5 needs something to look at to answer a
6 question, it seems logical we ought to have
7 what she needs. Can somebody request the
8 list be faxed?

9 MR. SPEZIALI: Obviously we're going
10 to be bogged down with this list. Let me
11 see if we can get the list. If we can't, we
12 should look for another date. Most of the
13 answers are going to center around this
14 list. Let me make a quick call.

15 MR. KRISTAL: Can we move while you do
16 that? Do you want me to wait?

17 MR. SPEZIALI: Ask some things around
18 it and we'll break.

19 Q. Sticking with Brown, you don't know
20 whether it was published or not other than it
21 was given as a speech at some conference?

22 A. I don't know.

23 Q. Okay. Brown refers to
24 asbestos-containing insulation, correct?

25 A. It's listed in there and I just

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2 MR. KAPSHANDY: Many of them are on
3 the Betts list, as well as the exhibit
4 list, so we can refer to the GE exhibit
5 list and I can give you an exhibit number.

6 MR. KRISTAL: What I'd like to do is
7 refer to whatever list Ms. Drucker is
8 talking about because I don't know what
9 list you're talking about.

10 MR. KAPSHANDY: I told you before on
11 the record it is the list of Betts'
12 exhibits that are attached, many of which
13 are on the exhibit list, both of which have
14 been given to you.

15 MR. KRISTAL: Do we have a copy of the
16 Betts list so Ms. Drucker can look at it to
17 answer the questions? That's all I'm
18 asking.

19 MR. KAPSHANDY: No, not here.

20 MR. KRISTAL: Why don't we agree to do
21 this some other date? This is absurd. We'll
22 have to continue this.

23 MR. KAPSHANDY: We can have them sent
24 over from Newark.

25 MR. KRISTAL: That would be great if

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2 looked at it, and I would read you the list and
3 not refer to my memory. So I could read it to
4 you if we can go back to it.

5 MR. KAPSHANDY: Is that it?

6 THE WITNESS: It's on Page 11 and 12.

7 Q. Are you talking about the chart?

8 A. And there's a descriptor, too.

9 (Whereupon, the witness peruses the
10 computer.)

11 A. On Page 11 of this article under
12 "Dust Diseases" asbestosis is listed as "For
13 makers of pipe insulating covers." And on Page
14 12 it says, "Asbestosis, this is a potential
15 occupational disease hazard due to inhalation of
16 asbestos dust among workers engaged in the
17 manufacture of asbestos insulating covers for
18 flanges, valves and high temperature steam
19 turbines."

20 Q. So what Brown is talking about, at
21 least your understanding of it, is that people
22 who were engaged in using asbestos-containing
23 insulation were at risk of asbestosis?

24 A. The terms he uses are "asbestos
25 insulating covers for flanges, valves and high

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 2 temperature steam turbines."
 3 Q. Okay. So people who were using those
 4 materials were at risk for asbestosis, and that
 5 was known in the 19, at least 1940?
 6 A. Yes, that people exposed to high
 7 levels above five million particles per cubic
 8 foot would have the potential for asbestosis.
 9 Q. Okay. Where are you getting the high
 10 levels above five million particles per cubic
 11 foot from? From the Brown article?
 12 A. I was using that from general
 13 background information.
 14 Q. Does Brown mention high levels of
 15 asbestos exposure?
 16 A. From what I just read, I mean, I
 17 literally read that's what it stated. If I
 18 mention levels, I would have to look back in the
 19 article for you.
 20 Q. Okay. Why don't you do that?
 21 (Whereupon, the witness peruses the
 22 computer.)
 23 A. Thank you.
 24 Q. Have you read the article?
 25 A. I looked at article sections.

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 2 Q. Okay. Does Brown mention high levels
 3 of asbestos?
 4 A. Well, in looking at the article I
 5 didn't see the term literally high levels, but,
 6 as an industrial hygienist reading this article
 7 and understanding what he's saying it is
 8 apparent to me that he's indicating that, yes,
 9 at higher levels we're going to get certain
 10 types of diseases, among which is listed
 11 asbestosis.
 12 Q. Tell me what language you're looking
 13 at for your interpretation that he's talking
 14 about high levels?
 15 A. Well, as I said, as an industrial
 16 hygienist who's trained to look at articles from
 17 the past, I'm looking at this and it seems to me
 18 that what he's describing is the Navy's very
 19 sophisticated program as far as occupational
 20 medicine and industrial hygiene, and, in the
 21 section on asbestosis he indicates doing things
 22 that are in good practice to protect people,
 23 medical evaluations, he mentions exhaust
 24 ventilation, respirators. So it seems as a
 25 trained person reading this he is looking at

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 2 controlling high exposures to prevent problems.
 3 Q. Tell me specifically what you're
 4 saying -- strike that.
 5 Are you saying because he's
 6 recommending control measures by definition he's
 7 talking about high levels of exposure? Is that
 8 what you're saying?
 9 A. You're using the term "high." It's a
 10 general, when you're using the term "high,"
 11 that's a very general statement. I'm saying
 12 looking at this --
 13 Q. You used the term "high." I didn't
 14 use the term high. You said you're getting from
 15 the Brown article that high levels of asbestos
 16 exposure to cause asbestosis and that was known
 17 by the Navy. And I'm asking what in the Brown
 18 article leads you to say he said high levels of
 19 asbestos exposure. Be very specific. Tell me
 20 what he's saying that you're interpreting to
 21 mean he's talking about high levels of asbestos
 22 exposure?
 23 A. As a trained industrial hygienist
 24 looking back at an article historic over time,
 25 throughout this article it appears he's

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 2 describing the Navy program which is well aware
 3 of hazards and highly sophisticated, and, to me
 4 in the way he describes certain diseases and
 5 control measures he's indicated to me a
 6 knowledge that it's important to control certain
 7 types of exposures.
 8 Q. Okay. Tell me specifically what
 9 language he uses that leads you to believe he's
 10 talking about high levels of asbestos?
 11 (Whereupon, the witness peruses the
 12 computer.)
 13 A. I think it's inherent in his
 14 description of certain types of suppression
 15 methods that they knew about then.
 16 Q. Okay. Tell me specifically what it is
 17 you're looking at and quote me the language,
 18 and, then I'm going to ask you why you believe
 19 he's talking about high levels.
 20 A. I can cite you one paragraph. There
 21 may be others.
 22 Q. Well, I want you to cite as many
 23 paragraphs or sentences as you need to do.
 24 A. I could start out with one.
 25 Q. Okay. We'll start with one and then

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 2 we'll move on to others. Start with one.
 3 A. The paragraph reads, "Medical control
 4 consists of taking an x-ray of the lungs
 5 annually. The material is moistened and
 6 localized. Exhaust ventilation is installed over
 7 the work area, a respirator is worn during the
 8 dustiest aspect of the process." And this is
 9 under B "Asbestosis, The Potential Occupation
 10 Disease Hazard Due to Inhalation of Asbestos
 11 Dust."
 12 Q. Okay. So the fact that there is a
 13 recommendation that x-rays be taken leads you to
 14 believe he's talking about high levels of
 15 asbestos exposure?
 16 A. You take what he's saying in its
 17 entirety, it's obvious to me as a trained
 18 industrial hygienist that what he's saying is
 19 that there are certain types of controls that
 20 need to be instituted and worked against type of
 21 material in which he's listing the ones they
 22 used in the Navy at that point in time in 1922.
 23 So they're well aware in 1922 that it's
 24 important to do medical examinations, to use
 25 exhaust ventilation and respirators. And as an

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 2 industrial hygienist, that indicates to me that
 3 they're aware that they need to control these
 4 exposures, they need to make them as low as
 5 possible.
 6 Q. And that certainly was a well
 7 accepted body of knowledge in the industrial
 8 hygiene community with respect to asbestos had
 9 lower exposures by 1940, right?
 10 A. That is referring to what?
 11 Q. Moistening the material, using
 12 localized exhaust ventilation, using
 13 respirators.
 14 A. We're confining our talk this morning
 15 to the Navy.
 16 Q. My question has nothing to do with
 17 the Navy. If you can't answer that question,
 18 then let me just know you can't answer that
 19 question.
 20 A. Well, I'm prepared this morning to
 21 talk about the Navy.
 22 Q. Which means you're not prepared to
 23 answer that other question. If you're not,
 24 you're not and we will move on to the next
 25 question, but I don't need an answer that has

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 2 nothing to do with the question because it's not
 3 advancing the ball.
 4 A. I have not been asked to address
 5 that. What I've been asked to address is the
 6 Navy.
 7 Q. And, therefore, you can't answer the
 8 question as to whether or not the industrial
 9 hygiene community in general knew that by 1940
 10 moistening asbestos-containing materials, using
 11 localized exhaust and respirators were some
 12 methods to reduce exposure to asbestos?
 13 A. Certainly the industrial hygiene
 14 medical community in the Navy knew by 1940 that
 15 they needed to do these types of methods to
 16 lower dust.
 17 Q. And you don't know one way or the
 18 other whether or not any other industrial
 19 hygiene community knew that, you just don't know
 20 as you sit here?
 21 A. I haven't been asked to address that
 22 today, but it's --
 23 Q. Saying you haven't been asked to
 24 address that doesn't say to me you know or not.
 25 So whether you've been asked to address it or

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 2 not, I'm asking whether you know the answer to
 3 that question?
 4 A. I haven't been asked to address it
 5 and I haven't formulated an opinion on that.
 6 Q. Okay. The industrial hygienists that
 7 were in the Navy it's your belief were being
 8 trained at the Harvard School of Public Health?
 9 A. It's my understanding that many of
 10 the industrial hygiene officers and health and
 11 safety professionals did go to the Harvard
 12 School of Public Health.
 13 Q. Starting in 1922?
 14 A. Yes, starting in 1922.
 15 Q. Okay. And, in part, is it your
 16 opinion that that's where they learned about the
 17 hazards of asbestos?
 18 A. Could you repeat that, please?
 19 Q. Sure. Is it your opinion that
 20 industrial hygienists who were in the Navy that
 21 went to the Harvard School of Public Health
 22 starting in 1922 learned about the hazards of
 23 asbestos through their education at the Harvard
 24 School of Public Health in part?
 25 A. I certainly think that in 1922 the

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2 people, the Navy people attending the Harvard
3 School of Public Health, yes, would have learned
4 that high levels of dust, including high levels
5 of asbestos dust causing asbestosis.

6 Q. And those people would have also
7 learned in part how to control the dust levels
8 such as moistening the material, using localized
9 exhaust or using respirators, right?

10 A. I'd have to refer to some documents
11 to answer that.

12 Q. Such as what?

13 A. Such as some of the documents we were
14 talking about before about the Navy's program
15 going back over time.

16 Q. Okay. The information that was being
17 imparted to the Navy industrial hygienists
18 beginning in 1922 about high levels of asbestos
19 exposure causing asbestosis was not limited to
20 those folks that were in the Navy, was it, at
21 the Harvard School of Public Health?

22 A. Would you mind repeating that,
23 please?

24 Q. Sure. Was it your understanding that
25 the Navy industrial hygienists that were in the

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2 Q. Okay. My question is, can you think
3 of any reason why the Harvard School of Public
4 Health would be teaching people who weren't in
5 the Navy differently than they were teaching
6 people who were in the Navy about the hazards of
7 asbestos beginning in 1922?

8 A. I don't know if other people did
9 attend in program starting in 1922, but I can't
10 think of a reason why they would not impart the
11 same information to people.

12 Q. Okay. Anything in Brown that talks
13 about five million particles per cubic foot of
14 air?

15 A. As I was looking the article over
16 just now I did not see five million particles
17 per cubic foot mentioned.

18 Q. Have you read the minimum
19 requirements for contract shipyards document?

20 A. Yes.

21 Q. What year was that, not that you read
22 it, what year was that document published?

23 A. 1943.

24 Q. Is that a secret document of any
25 kind?

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2 Harvard School of Public Health starting in 1922
3 were taught in exclusive classes and nobody else
4 could attend those classes?

5 A. I don't know.

6 Q. Is it your belief that only those
7 folks who were in the Navy at the Harvard School
8 of Public Health beginning in 1922 were given
9 information about the hazards of asbestos?

10 A. I was asked to address the Navy
11 here. I don't know about others.

12 Q. Well, do you think the Harvard School
13 of Public Health would not impart information
14 about the dangers of asbestos to people who were
15 not in the Navy starting in 1922?

16 A. No.

17 Q. So anybody starting in 1922 who was
18 attending the Harvard School of Public Health
19 would have gotten the same information about the
20 hazards of asbestos as the people in the Navy,
21 right? Is there any reason you can think of why
22 they would be given different information?

23 A. I don't know who else attended. It's
24 my understanding that people from the Navy did
25 attend starting in 1922.

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2 A. Not that I'm aware of.

3 Q. Do you know what led up to the
4 promulgation of that document?

5 A. It's my understanding there was some
6 studies conducted that led up to the formulation
7 of the minimum requirements.

8 Q. What do you mean by "studies
9 conducted"?

10 A. Studies of Naval locations. To be
11 more specific I would like to refer to the
12 document to answer your question.

13 Q. Okay. But it's your understanding
14 that there was some studies conducted that led
15 up to the issuing of the minimum requirements
16 for contract shipyard documents?

17 A. As I recall. I prefer to look at the
18 document to be more specific.

19 Q. Look at what document?

20 A. The minimum requirements document.

21 Q. Do you know who wrote the minimum
22 requirements document?

23 MR. SPEZIALI: Tim, do we have the
24 document here?

25 MR. KAPSHANDY: Yes,

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 2 Q. Can you answer any question about the
 3 minimum requirement document without looking at
 4 the minimum requirement document?
 5 A. I would like to refer to the
 6 document.
 7 Q. Okay. So if I asked you who wrote it,
 8 you can't tell me that without looking at the
 9 document?
 10 A. I would like to look at the document
 11 to answer the question.
 12 Q. Do you know who the document was
 13 addressed to?
 14 A. It was for contract Naval shipyards.
 15 Q. What does that mean?
 16 A. It means shipyards that make or
 17 modify ships that are non-Naval shipyards.
 18 Q. Okay.
 19 A. Non-US Navy shipyards. They're
 20 contract shipyards.
 21 Q. The information in minimum
 22 requirements was not a secret, was it? It was
 23 given to contract shipyards throughout the
 24 country?
 25 A. I don't know what you call a

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 2 "secret."
 3 Q. Well, do you have an opinion that
 4 people outside of the Navy had knowledge of the
 5 minimum requirements document in 1943?
 6 A. I haven't been asked to look into
 7 that. I don't know.
 8 Q. So you don't have an opinion one way
 9 or the other?
 10 A. I wasn't asked to look into that, so
 11 I'm not prepared to answer that today.
 12 Q. Was the minimum requirements document
 13 given to anybody?
 14 A. I'd like to look at the document
 15 itself.
 16 Q. So you cannot answer that question
 17 without looking at the document?
 18 MR. KAPSHANDY: I have it up here on
 19 the screen. Can she look at it or not?
 20 MR. KRISTAL: Not yet.
 21 A. Could you repeat that, please?
 22 Q. Did the minimum requirements document
 23 speak about asbestos insulating products?
 24 MR. SPEZIALI: Objection. She's asked
 25 to see the article. This isn't a memory

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 2 game. We're talking about 100 years of
 3 industrial hygiene history and it's unfair.
 4 At this point, she doesn't know. She hasn't
 5 memorized the article.
 6 Q. Is that true, you don't know whether
 7 or not the minimum requirement document relates
 8 to asbestos-containing insulation products?
 9 MR. SPEZIALI: Objection. She's asked
 10 to see the document. Let her see the
 11 document.
 12 A. I'd like to look at the document.
 13 Q. And so you don't know one way or the
 14 other as you sit here without looking at the
 15 document, and we'll let you look at the document
 16 in a minute, whether or not it refers to
 17 asbestos-containing insulating products?
 18 A. As I recall, it does, but I'd like to
 19 look at the document.
 20 Q. Okay. Why don't you look at the
 21 document?
 22 A. Thank you.
 23 (Whereupon, the witness peruses the
 24 computer.)
 25 MR. KRISTAL: Why don't we take a

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 2 break?
 3 Q. Ms. Drucker, you don't have to work
 4 through the break. Take a few minutes and come
 5 back.
 6 (Whereupon, there is a recess in the
 7 proceedings.)
 8 Q. The Brown article notes an increased
 9 risk of asbestosis in people using
 10 asbestos-containing insulating covers; is that
 11 correct?
 12 A. If it could be read back? I read it
 13 literally out of the article. I don't have it in
 14 front of me.
 15 Q. Whatever the term was, I think it was
 16 insulating covers, was the increased risk based
 17 on any epidemiological study that you're aware
 18 of?
 19 A. I'd have to go back and look at it
 20 again. I don't know. I'd have to look at the
 21 article itself.
 22 Q. Do you know if there was any
 23 epidemiological study that looked at whether or
 24 not there was an increased risk of asbestosis of
 25 using any asbestos-containing material that was

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 2 done before 1940?
 3 A. The Dreesen study done in 1938 I
 4 would consider an epidemiological study done on
 5 textile workers in a textile mill.
 6 Q. Okay. With respect to asbestos
 7 insulating covers, or whatever the phrase was
 8 Brown used, are you aware of any epidemiological
 9 study done on those products with respect to
 10 risk of asbestosis?
 11 A. You're saying done before a certain
 12 date?
 13 Q. Before Brown gave that speech.
 14 A. I don't know.
 15 Q. Is it necessary that there have been
 16 an epidemiological study showing an increased
 17 risk from asbestos-containing materials that
 18 Brown was referring to before he could conclude
 19 that there was an increased risk?
 20 A. Could you repeat that, please?
 21 Q. Sure. Is it necessary, or was it
 22 necessary at the time Brown gave his speech for
 23 there to have been an epidemiological study on
 24 the particular asbestos-containing products he
 25 was talking about for which there was an

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 2 increased risk of asbestosis in order for him to
 3 conclude that there was an increased risk of
 4 asbestosis?
 5 A. I'm not here as a medical and
 6 toxicological expert. The question is very
 7 vague, so I, maybe you could reword it for me.
 8 Q. Sure. I want you to assume there was
 9 no epidemiological study showing an increased
 10 risk of asbestosis from the types of products
 11 Brown was talking about in his speech. I want
 12 you to assume that, all right? Are you with me
 13 so far?
 14 A. Could you repeat that?
 15 Q. Sure. I want you to assume there was
 16 no epidemiological study that showed an
 17 increased risk of asbestosis for the kinds of
 18 products that Brown was talking about in his
 19 speech. Do you have that assumption in mind?
 20 A. Yes.
 21 Q. Does that mean that Brown's statement
 22 that there was an increased risk is not valid?
 23 A. I don't understand the question. I'm
 24 sorry.
 25 Q. Okay. Brown said that there was an

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 2 occupational disease. Why don't you get the
 3 sentence? Find the Brown article so we get it
 4 right.
 5 (Whereupon, the witness peruses the
 6 computer.)
 7 A. I think I have the part that you're
 8 referring to in front of me.
 9 Q. Okay. Can you read that sentence?
 10 A. "Asbestosis, there is a potential
 11 occupation disease hazard due to inhalation of
 12 asbestos dust among workers engaged in the
 13 manufacture of asbestos insulating covers,
 14 flanges, valves and high temperature steam
 15 turbines."
 16 Q. Okay. Now, it's your understanding
 17 that Brown is not talking about people in some
 18 private factory somewhere manufacturing
 19 asbestos-containing insulation covers, right?
 20 A. I'm assuming that since he's in the
 21 Navy and he's talking about the Navy, I'm
 22 assuming he's talking about asbestos in the Navy
 23 as a potential occupational disease hazard.
 24 Q. Used in insulation covers for
 25 flanges, valves and high temperature steam

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 2 turbines, as he mentions?
 3 A. Potential occupational disease,
 4 insulation covers for flanges, valves and high
 5 temperature steam turbines.
 6 Q. And is it fair to say you are not
 7 aware one way or the other as to whether or not
 8 there were any epidemiological studies that
 9 showed there was or was not an increased risk
 10 from the use of those materials at that time?
 11 A. At that time?
 12 Q. Yes.
 13 A. In 1940, I'm not aware of an
 14 epidemiologic study having been conducted at the
 15 time in 1940 on these materials that he mentions
 16 in this article.
 17 Q. And I'm including prior to 1940?
 18 A. He's talking about, it's not clear to
 19 me, but he's talking about insulating covers for
 20 flanges, valves and high temperature steam
 21 turbines. An insulating cover in my experience
 22 with the Navy can be a textile material. So
 23 whether he's referring to textiles, it's not
 24 clear to me. So in 1940 he may have been
 25 referring to the study done in the textile

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 2 mills. I don't know.
 3 Q. Okay. So what's your understanding
 4 when he's talking about the product
 5 asbestos-containing insulating covers, what is
 6 he talking about?
 7 A. His description is
 8 asbestos-containing insulating covers for
 9 flanges, valves and high temperature steam
 10 turbines, and that's the description.
 11 Q. Okay. Can you tell me any more
 12 specifically what it is he's talking about?
 13 A. Not based on what's written here, no.
 14 Q. How about based on anything else?
 15 A. There may be other information in
 16 other literature. I don't know. I'm just looking
 17 at the words that are written right here.
 18 Q. So as you sit here now you can't tell
 19 us what Brown was talking about other than the
 20 words he uses which we can all read?
 21 A. I'm taking him at his value of his
 22 listing of words as they are written.
 23 Q. But you can't tell us, can you
 24 describe the product he's talking about other
 25 than the fact that it contains asbestos and is

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 2 used to insulate flanges, valves and high
 3 temperature steam turbines?
 4 A. As I sit here now, not beyond what
 5 he's listed in this.
 6 Q. Fair enough. I want you to assume
 7 there was no epidemiological study showing an
 8 increased risk of asbestosis from the use of
 9 those products. I want you to assume no
 10 epidemiological study showing an increased risk
 11 of asbestos. Does that fact mean that Brown's
 12 conclusion is invalid?
 13 A. I don't know how to answer the
 14 question.
 15 Q. Okay. In order for Brown's
 16 statement that there was an increased risk or
 17 potential increased risk, would it have been
 18 necessary for him to have been relying on an
 19 epidemiological study that showed an increased
 20 risk?
 21 A. I don't understand the question.
 22 Q. Okay. In the field of industrial
 23 hygiene with respect to any substance before you
 24 can say that there is a potential risk of harm
 25 from that substance, does there have to be an

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 2 epidemiological study on that substance showing
 3 an increased risk?
 4 A. We're using the term epidemiological
 5 study a little loosely, so maybe you could
 6 define what you're calling an epidemiological
 7 study and I can try to answer the question. Can
 8 you focus that for me?
 9 Q. Can you tell me your understanding of
 10 what an epidemiological study is?
 11 A. My understanding is that
 12 epidemiologic studies study diseases in
 13 populations.
 14 Q. Do you know anything else about
 15 epidemiological studies?
 16 A. There are a lot of things that relate
 17 to epidemiologic studies. Maybe you could ask
 18 me.
 19 Q. Sure. Are there different kinds of
 20 epidemiological studies?
 21 A. If there were two broad studies,
 22 prospective and retrospective epidemiological
 23 studies.
 24 Q. Okay. With respect to retrospective
 25 epidemiological studies, are there types of

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 2 retrospective epidemiological studies?
 3 A. I'm sure there are. I've had some
 4 general background in epidemiology, but I'm not
 5 an epidemiologist.
 6 Q. What do you mean by retrospective
 7 epidemiological study?
 8 A. Well, in general, retrospective
 9 epidemiological studies look back over time and
 10 study diseases in populations trying to
 11 determine whatever the hypothesis is that
 12 they're studying.
 13 Q. Okay. In the industrial hygiene
 14 community do you need to have a retrospective
 15 epidemiological study in order to come to the
 16 conclusion that a particular substance increases
 17 the risk of that disease? Is that some kind of
 18 requirement?
 19 A. Well, talking about in general?
 20 Q. I'm talking about in general, yes.
 21 A. I don't understand the question.
 22 Q. You're an industrial hygienist?
 23 A. I am.
 24 Q. You deal with hazardous substances?
 25 A. Yes, I do.

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 2 Q. And hazardous substance is a
 3 substance that increases the risk of some
 4 adverse outcome in humans; is that fair to say?
 5 A. In general, I'd say a hazardous
 6 substance for the potential for causing harm.
 7 Q. And an industrial hygienist before
 8 you can conclude that a substance has the
 9 potential to cause harm, do you have to have an
 10 epidemiological study retrospective or
 11 prospective or any other epidemiological study
 12 to come to that conclusion?
 13 A. I'm not a physician or toxicologist.
 14 I have general background in that, and I, I
 15 think the question is so broad it could depend
 16 on a variety of factors. I don't know how to
 17 answer that.
 18 Q. Okay. What are the factors it depends
 19 on?
 20 A. Your question is -- I don't
 21 understand it.
 22 Q. Okay. For every hazardous substance
 23 you're aware of as an industrial hygienist you
 24 believe there's been an epidemiological study
 25 that shows there is an increased risk of the

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 2 harm from that substance?
 3 A. Well, I'd say in the substances
 4 listed for ACGIH threshold limit values or OSHA
 5 acceptable limits they're set based on best
 6 available. Whether that's epidemiologic or not,
 7 it depends.
 8 Q. Okay. So it doesn't have to be an
 9 epidemiological study to conclude a substance is
 10 a hazard? It may be or may not be?
 11 A. Your question is too broad. I can't
 12 answer.
 13 Q. Okay.
 14 A. I can't answer it. Could you focus it
 15 for me, please?
 16 Q. Sure. What's the first
 17 epidemiological study with regard to risk of
 18 disease from asbestos exposure that you're aware
 19 of?
 20 A. I'm aware of the first major
 21 epidemiological study.
 22 Q. I'm not asking major. I'm asking the
 23 first you believe in your opinion is the first
 24 epidemiological study, major, minor, in the
 25 middle?

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 2 A. The first major epidemiological study
 3 done on asbestos was published in 1938 by
 4 Dreesen, and that was a study done in the
 5 asbestos textile mills.
 6 Q. And before that study was published
 7 the Navy at least as of 1922 knew that asbestos
 8 exposure was hazardous, correct?
 9 A. I said that before, that study was
 10 conducted, it was known that high levels of
 11 fibrosis-inducing dust, including asbestos could
 12 cause conditions, in this case, asbestosis or
 13 other fibrotic conditions that could also be
 14 caused.
 15 Q. Are you talking about
 16 asbestos-related disease? You said or other
 17 fibrotic conditions that can be caused. Are you
 18 talking about by asbestos?
 19 A. I was talking in the general scope of
 20 substances that can cause fibrosis of the lung.
 21 Q. I'm not talking --
 22 A. Including asbestos being one of them.
 23 High levels of dust can cause dust disease, the
 24 dusty lung that was known.
 25 Q. I'm talking about asbestosis and

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 2 nothing else. I hope we don't have to go back,
 3 but, it's your opinion in 1922 the Navy knew
 4 high levels of asbestos exposure to cause
 5 asbestosis; is that your opinion?
 6 A. It's my opinion that in 1922 that it
 7 would have been known that high levels of
 8 exposure to dust can cause fibrotic lung
 9 conditions.
 10 Q. Okay. I'm not asking about dust in
 11 general. I'm not asking about fibrotic
 12 conditions in general. It's your opinion that it
 13 was known in 1922 that high levels of asbestos
 14 exposure to cause asbestosis?
 15 A. I'd say at about that time it was
 16 known that high levels of dust could cause
 17 dusty, could cause fibrotic condition, including
 18 asbestos at high levels causing asbestosis.
 19 Q. And with respect to asbestos and
 20 asbestosis then, that was 16 years before the
 21 first epidemiological study on that subject,
 22 right?
 23 A. It was years before the Dreesen study.
 24 Q. And I thought you said the first
 25 epidemiological study with respect to asbestos

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 2 and asbestosis was 1938?
 3 A. That's what I just said.
 4 Q. Okay. So then in 1922 the knowledge
 5 about asbestos causing asbestosis was 16 years
 6 before the first epidemiological study on that
 7 subject?
 8 A. Going back in time being there, back
 9 then it was known that high levels of dust could
 10 cause dusty, a dusty lung type condition, and,
 11 yes, it was 16 years taking the date 1922,
 12 that's 16 years before Dreesen in 1938.
 13 Q. So it was known that asbestos
 14 exposure at high levels could cause asbestosis
 15 16 years before a epidemiological study was done
 16 on that subject?
 17 A. Can you repeat that, please?
 18 Q. Sure. In 1922, it was known that high
 19 levels of asbestos exposure to cause asbestos
 20 disease and that was 16 years before the first
 21 epidemiological study on that subject?
 22 A. What I said before was that the Navy
 23 was aware in 1922, the Navy would have been
 24 aware, and I'm gearing my remarks this morning
 25 to the Navy, and the Navy would have been aware

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 2 that high levels of exposure to different kinds
 3 of dust would have caused a dusty lung
 4 condition, in this case asbestosis.
 5 Q. So 16 years before the first
 6 epidemiological study on the subject of asbestos
 7 the Navy knew that high levels of exposure to
 8 asbestos could cause asbestosis?
 9 A. Well, the health and safety
 10 professionals of the Navy could be trained,
 11 would have been aware of the high level of
 12 exposure to fibrosis conditions such as asbestos
 13 dust could cause in this case asbestosis.
 14 Q. And that was 16 years before the
 15 first epidemiological study on that, that was 16
 16 years before the first epidemiological study on
 17 that subject? It sounds like math to me. I don't
 18 know why we're having such a difficult time
 19 here.
 20 You said the first epidemiological
 21 study was 1938 that showed an increased risk of
 22 asbestos disease from high levels of asbestos
 23 exposure, right?
 24 A. Yes. And I mentioned before that the
 25 term epidemiologic study can be interpreted in a

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 2 few ways, but, yes, I can say that.
 3 Q. Okay. Is there some other
 4 interpretation to epidemiological study that
 5 would lead you to believe that there was a
 6 epidemiological study before 1938 that showed an
 7 increased risk of asbestosis from high levels of
 8 asbestos exposure?
 9 A. In terms of an epidemiological study
 10 correlating various factors, including exposure
 11 in which Dreesen did in 1938, to me, that's the
 12 first epidemiological study of that type
 13 correlating health factors with exposure.
 14 Q. Okay. Is there some other type of
 15 epidemiological study that correlated an
 16 increased risk of asbestosis from asbestos?
 17 A. I'm here not -- maybe what other
 18 people are calling epidemiological studies I
 19 would not.
 20 Q. Have you read the Merriwether study
 21 from 1930 on asbestos exposure and asbestos
 22 disease?
 23 A. Yes, I've read Merriwether and Price
 24 1930.
 25 Q. Is that a epidemiological study?

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 2 A. I'd have to look at the article to
 3 answer your question, but, in terms of
 4 quantifying exposure and correlating it with
 5 disease --
 6 Q. I'm not talking about quantifying
 7 exposure. I'm talking about a belief that there
 8 was an increased risk of asbestosis from
 9 asbestos exposure, what was the first
 10 epidemiological study on that subject, to your
 11 knowledge?
 12 A. I'd rather not use the term since I
 13 don't feel comfortable that we're talking about
 14 the same thing as far as epidemiological study.
 15 I'll say that Dreesen was the first study that
 16 was correlating disease and quantified the
 17 number that they assumed or which they believed
 18 was safe, meaning the five million particles per
 19 cubic foot.
 20 Q. So you're saying a epidemiological
 21 study is only a study that quantifies a number
 22 above or below an increased risk?
 23 A. I'm not a epidemiologist and I'm just
 24 trying to define the study for you, meaning,
 25 they quantified exposure, they measured certain

1 Marjorie A. Drucker - Direct
2 disease factors and came up with a level that
3 they thought was safe. What other people call
4 epidemiologic studies or not, I don't know.

5 Q. So you don't know whether the
6 Merriwether and Price study was or was not an
7 epidemiological study?

8 A. I think we're using the term
9 epidemiological study here more loosely than I
10 feel comfortable with.

11 Q. Okay. An epidemiological study is a
12 study looking at populations of humans that
13 demonstrates or doesn't demonstrate, tests the
14 hypothesis where there's an increased risk from
15 a certain exposure. Using that definition, what
16 was the first epidemiological study with respect
17 to asbestos disease that you're aware of?

18 A. Well, I'll use my definition.

19 Q. I'm asking you to use my definition.

20 A. I can't. I'm sorry.

21 Q. You can't tell us what the first
22 study is that you're aware of that demonstrated
23 an increased risk of asbestosis from any
24 asbestos exposure? It's a simple yes or no. You
25 can or can't. I'm not asking for your

1 Marjorie A. Drucker - Direct
2 as an industrial hygienist, and I really am
3 having trouble with your broad term of
4 epidemiological study.

5 Q. And I understand you're having that
6 trouble, or at least you're saying you're having
7 that trouble. What I'm trying to do now is
8 eliminate that trouble, because I'm asking you
9 for your definition of an epidemiological study?

10 A. Well, as I said before, in general
11 epidemiologic studies study diseases in
12 populations.

13 Q. Are you done?

14 A. That's a general term.

15 Q. Okay.

16 A. As an industrial hygienist I have
17 studied epidemiology, I have a general
18 background in it.

19 Q. Okay. Using your definition, a study
20 that looks at diseases in populations, when was
21 the first such study with respect to asbestos?

22 A. I'd have to look at some documents
23 because you're using this term so broadly right
24 now that I have to return to look at some of the
25 materials.

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2 definition. I'm asking for my definition now.

3 A. Can you repeat that? Your questions
4 seem to be changing and I'm trying to focus in to
5 answer what you're asking.

6 Q. I want you to define epidemiological
7 study as a study that looks at whether or not
8 there's an increased risk of a disease from an
9 exposure. With that definition, can you tell me
10 what the first epidemiological study with
11 respect to asbestos exposure was, when it was
12 done and who authored it?

13 A. If we're looking at an epidemiologic
14 study of textile workers, that was done in 1938
15 by Dreesen where he correlated exposure and
16 disease, came up with a level that he thought
17 was safe, five million particles per cubic foot.

18 Q. Okay. How about any workers? I'm not
19 limiting my definition to textile workers.

20 A. Your question is so broad I don't
21 know how else to answer it.

22 Q. I don't understand why you think my
23 question is broad. Tell me your definition of an
24 epidemiological study?

25 A. I am not a epidemiologist. I sit here

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2 Q. I'm using your definition. You just
3 gave me your definition. I'll take that
4 definition. Can you tell me when was the first
5 such study without looking at documents?

6 A. As I said before, Dreesen was the
7 first study that correlated, that measured
8 exposures and that correlated disease, and, to
9 me, that is an epidemiologic study. Whether
10 there were others, I don't feel comfortable in
11 saying because of this definition being so broad
12 and I need to look at other materials.

13 Q. What definition being so broad?

14 A. When we're talking about
15 epidemiologic study.

16 Q. I'm talking about studies that look
17 at disease in populations, that's what I'm
18 talking about, because that's my understanding
19 of how you defined epidemiologic studies. With
20 that definition, the one that you gave, when was
21 the first such study with respect to asbestos,
22 the study that looked at diseases in populations
23 with respect to asbestos exposure?

24 A. Well, as an industrial hygienist
25 looking at quantifying certain levels --

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2 Q. Your definition didn't mention
3 quantifying levels, did it?

4 A. No.

5 Q. Because if you want to define your
6 definition of an epidemiological study as
7 quantifying measures, we can to --

8 A. If you want me to answer the question
9 the way I can, I'll do it. If you're trying to
10 answer my question, I don't think that's the way
11 this is supposed to work.

12 Q. Put qualification aside. Forget about
13 qualification. I'm just talking about a study
14 that talked about diseases in population without
15 any quantification involved. Do you know when
16 the first such study with respect to asbestos
17 was?

18 A. I'll say as an industrial hygienist
19 that I look at what we're discussing right now,
20 I would say that the Dreesen study in 1938 which
21 studied diseases in textile workers and
22 correlated exposures with diseases established
23 what was considered a safe level of five million
24 per cubic foot at that point is what I
25 consider the first major epidemiologic study

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2 as far as asbestos in this country.

3 Q. I'm not limiting my question to this
4 country. I'm not limiting my question to major
5 or minor. Is your answer the same that --

6 A. I don't know.

7 Q. You qualified your answer with
8 respect to Dreesen in terms of a major study and
9 in this country, and I was not limiting my
10 question to major or otherwise nor to this
11 country. So without those limitations, is your
12 answer any different?

13 A. Well, the way I look at a
14 epidemiologic study being as comprehensive as
15 Dreesen was measuring various factors as far as
16 exposure correlating health effects, I would say
17 that that is the first study of that type in
18 this country.

19 Q. Okay. Is there any other study of any
20 other type that looked at diseases in
21 populations other than Dreesen before Dreesen?

22 A. Well, when we're talking about
23 diseases in populations that's a general term
24 and I would have to look at the documents to be
25 more comprehensive in my answer.

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2 Q. Okay. And by "documents," you're
3 talking about the list that we've been referring
4 to?

5 A. There are some documents that are
6 listed on the list, there are some that may not
7 be that I just know from past experience and
8 training in asbestos.

9 Q. What do you mean that you know?

10 A. That I'm familiar with.

11 Q. Well, then tell me about it. If
12 you're familiar with the article, why can't you
13 tell me about them?

14 MR. SPEZIALI: As you sit here today,
15 do you know off the top of your head any
16 other studies, epidemiological studies
17 anywhere in the world prior to Dreesen.

18 THE WITNESS: As I sit here today,
19 Dreesen is the one that comes to mind.

20 MR. SPEZIALI: Okay.

21 Q. Have you read Dr. Betts' deposition
22 that I took recently?

23 A. Yes.

24 Q. When did you read that?

25 A. About a week ago.

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2 Q. Okay. And have you spoken to Dr.
3 Betts?

4 A. Not since a week ago.

5 Q. Okay. How about before that?

6 A. Several months ago I met Dr. Betts on
7 an occasion.

8 Q. Were you done?

9 A. Yes.

10 Q. Who else was with you when you met
11 Dr. Betts?

12 A. When I met Dr. Betts, Mr. Kapshandy
13 was there, Mr. Fitzpatrick, Mr. Speziali.

14 Q. Anybody else besides you, Dr. Betts
15 and the GE attorneys you've mentioned?

16 A. Not that I recall.

17 Q. Okay. Was your understanding these
18 other folks were GE attorneys?

19 A. Could you say that again?

20 Q. Sure. The folks other than you and
21 Dr. Betts that you just mentioned were General
22 Electric attorneys, attorneys obtained by
23 General Electric with respect to asbestos
24 litigation?

25 A. Yes, that's my understanding, they're

1 Marjorie A. Drucker - Direct
 2 attorneys retained by General Electric.
 3 Q. Where was this meeting?
 4 A. It was in Chicago.
 5 Q. And when was it?
 6 A. I'd say in late fall of 2003.
 7 Q. And did Dr. Betts show you his Power
 8 Point presentation at that time?
 9 A. No.
 10 Q. Did you discuss the subject that
 11 we're discussing now, Navy knowledge of the
 12 hazards of asbestos?
 13 A. Well, it depends on which point in
 14 time. Dr. Betts had an illustrious career with
 15 the Navy and I had worked for the Navy, as well,
 16 and we talked about things that happened in the
 17 Navy contemporaneous when we were there.
 18 Q. You worked for the Navy when?
 19 A. I worked for the Navy from 1976 to
 20 1977.
 21 Q. When in '76?
 22 A. July 1976.
 23 Q. To when in '77?
 24 A. July 1977.
 25 Q. Okay. And that was at the Long Beach

1 Marjorie A. Drucker - Direct
 2 Navy Shipyard?
 3 A. Yes.
 4 Q. So you worked for one year as a
 5 civilian employee of the Navy?
 6 A. Yes.
 7 Q. And you're saying your conversation
 8 with Dr. Betts related only to your experience
 9 in that one year?
 10 A. No.
 11 Q. So you spoke with Dr. Betts and the
 12 GE lawyers about the Navy's knowledge
 13 historically about the hazards of asbestos,
 14 didn't you? You weren't there to talk about the
 15 Cubs?
 16 A. Well, I'd say our conversation was
 17 general, social and did cover on his career,
 18 what he had been doing when I worked for the
 19 Navy, general things like that.
 20 Q. Did you get paid by GE for your time
 21 at the meeting?
 22 A. Yes, I did.
 23 Q. You're saying you were talking about
 24 social things?
 25 A. Well, we knew people who had worked

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 2 for the Navy and we were just talking about
 3 things in general.
 4 Q. Did you discuss anything relating to
 5 the Navy's knowledge historically about the
 6 hazards of asbestos?
 7 A. At what time period are you talking
 8 about?
 9 Q. You had a meeting with Dr. Betts in
 10 late 2003 in Chicago with the GE lawyers, right?
 11 A. Yes.
 12 Q. It's a simple question. Did you
 13 discuss in that meeting the subject of the
 14 Navy's knowledge of the hazards of asbestos
 15 historically with Betts, with anybody else at
 16 the meeting? I'm assuming everybody was talking,
 17 right, or maybe my assumption is wrong?
 18 MR. SPEZIALI: Up to now you said
 19 Betts. Do you understand what I'm saying?
 20 Q. Did the subject of the Navy's
 21 historical knowledge of the hazards of asbestos
 22 come up during that meeting?
 23 A. Well, I'd say in general that Dr.
 24 Betts was very proud of --
 25 Q. I'm not asking you the substance yet.

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 2 I'm just asking you if the subject came up?
 3 A. Well, the question is very broad. I'd
 4 say in general the subject of the Navy and their
 5 excellent health and safety program came up.
 6 Q. And did the subject of the hazards of
 7 asbestos and when the Navy knew of those hazards
 8 come up?
 9 A. As I sit here right now, I don't
 10 recall.
 11 Q. So tell me all the subjects that were
 12 discussed at this meeting? How wonderful the
 13 Navy was. What else?
 14 A. Well, certainly, Dr. Betts was very
 15 proud of the Navy's program.
 16 Q. Okay.
 17 A. The Navy had been on the cutting edge
 18 of information relating to health and safety and
 19 asbestos.
 20 Q. Okay. So other than Dr. Betts' pride
 21 and how wonderful the Navy was, what else?
 22 A. I was familiar with that, too. I
 23 worked with the Navy and I was familiar with
 24 their fine programs in health and safety, and
 25 particularly with regard to asbestos.

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2 Q. Well, what did you know in the 1970s
3 about the Navy's programs with respect to
4 asbestos historically?

5 A. Could you repeat that?

6 Q. Sure. What did you know when you were
7 in the Navy between July '76 and July '77 about
8 the historical knowledge of the Navy with
9 respect to the hazards of asbestos?

10 A. Well, I was a civilian employee with
11 the Navy. I was the industrial hygienist at the
12 Long Beach Naval Shipyard. I did surveys on the
13 ships and on the land and I had contact with
14 medical and industrial hygiene personnel who had
15 been there for long periods of time, and, the
16 history of the Navy and occupational health and
17 safety and industrial hygiene was just part of
18 the background of being in a position like that.

19 I saw documents that went back to,
20 that covered Navy policy and Navy programs, and,
21 just having been there, I was familiar with the
22 Navy's knowledge.

23 Q. Of what?

24 A. Of health and safety.

25 Q. I'm talking about the hazards of

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2 Felton (phonetic), and I had spent considerable
3 time with him, and that was one person from whom
4 I learned about the long tradition of the Navy's
5 health and safety program.

6 Q. I'm talking about the hazards of
7 asbestos?

8 A. Can I finish?

9 Q. If you're talking more broadly than
10 that, I don't really care what your answer is. I
11 really don't. I'm talking about the hazards of
12 asbestos historically?

13 A. I'm trying to answer your question,
14 but you cut me off. I don't know what to do.

15 Q. Did Dr. Gene Spencer Felton talk to
16 you about the Navy's historical knowledge about
17 the hazards of asbestos?

18 A. I would say in general Dr. Gene
19 Spencer Felton did talk to me about the Navy's
20 long-standing tradition in health and safety
21 related to asbestos, yes.

22 When I was there at the Long Beach
23 Navy Shipyard Dr. Selikoff came to talk
24 to workers and I had a chance to spend time
25 with Dr. Selikoff and discuss some of his

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2 asbestos. I want to know what you knew in the
3 1970s about the Navy's knowledge historically
4 about the hazards of asbestos?

5 A. It's a very broad question, but I was
6 hired, one of the main activities that I was to
7 perform was to do asbestos-related work on the
8 ships in these shops, and, as part of my job, I
9 was given background information and training on
10 the Navy's historical knowledge, policies, the
11 way they went about controlling environment,
12 protecting people.

13 Q. Who gave you that?

14 A. Things of that nature, that would be
15 part of the recognition evaluation and control,
16 which is what I as an industrial hygienist did
17 for the Navy.

18 Q. Who gave you that information in the
19 Navy?

20 A. There were a variety of people.

21 Q. Okay. Name one?

22 A. Industrial hygiene people.

23 Q. Name one?

24 A. The medical director for the civilian
25 part of the shipyard was a Dr. Gene Spencer

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2 surveys he was doing, and, as part of what he
3 was talking about at the shipyard when he was
4 meeting with the health and safety staff and the
5 workers, he discussed various things related to
6 asbestos and the surveys he had been doing with
7 the Navy going back over time.

8 Q. Okay. Dr. Selikoff was not around
9 doing studies when Dr. Brown wrote about the
10 risks of asbestos insulating covers and
11 asbestosis, right?

12 A. I don't know what Dr. Selikoff was
13 doing then. He was at the shipyard 1976, '77
14 when I was there. The Brown article, as you
15 know, is from 1940.

16 Q. Right. So what I'm saying is,
17 Selikoff did not discover there was a risk of
18 asbestosis from asbestos insulation from
19 asbestos-containing insulating covers, right?

20 A. No, Dr. Selikoff was not the first
21 person. Can you say that again, please? I want
22 to answer the question.

23 Q. Sure. Do you interpret Brown's
24 article to mean that people who are using
25 asbestos-containing insulating materials are

1 Marjorie A. Drucker - Direct
 2 potentially at risk for asbestos disease in the
 3 1940s?
 4 A. According to Brown's description,
 5 yes, that's what he was writing about, part of
 6 it.
 7 Q. Okay. That was some 20 plus years
 8 before Selikoff ever published anything on
 9 asbestos; is that fair to say?
 10 A. I don't know.
 11 Q. Do you know when Dr. Selikoff first
 12 published on the hazards of asbestos?
 13 A. I'd have to look that up.
 14 Q. Do you know if it was in the fifties?
 15 A. Generally, I'm familiar with his work
 16 in the sixties. If he did do something before
 17 that, before the sixties, you know, I don't
 18 know, but, in general, his studies were, say,
 19 mid-sixties, '70.
 20 Q. What population was Selikoff studying
 21 in the mid-sixties and seventies?
 22 A. In the mid-sixties, 1970, Dr.
 23 Selikoff was primarily studying insulators.
 24 Q. And that risk to insulators from
 25 asbestos exposure was known at least as of 1940,

1 Marjorie A. Drucker - Direct
 2 right?
 3 A. As I said, knowing what we looked at
 4 in the Brown article, I don't know exactly what
 5 he was describing.
 6 Q. Well, we'll get to the minimum
 7 requirements document. But they were talking
 8 about asbestos-containing materials and people
 9 using asbestos-containing insulating materials,
 10 right?
 11 A. I would have to look at the article.
 12 Q. Why don't you look at the article?
 13 A. Okay.
 14 (Whereupon, the witness peruses the
 15 computer.)
 16 Q. Do you have the minimum requirements
 17 there?
 18 A. Yes.
 19 Q. I think the section on asbestosis, I
 20 think it's H 13, maybe Page 9. I'm doing it off
 21 the top of my head so I'm not sure if that's
 22 accurate.
 23 (Whereupon, the witness continues to
 24 peruse the computer.)
 25 Q. Do you have that section?

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 2 A. I have a section, it's called 11.1,
 3 it's under "Jobs Requiring Respiratory
 4 Protective Equipment."
 5 Q. Okay. And what does it say with
 6 respect to asbestosis?
 7 A. It says, "Asbestos (as in covering
 8 pipes) required either an air line respirator or
 9 a dust respirator."
 10 Q. Okay. And that was to reduce the
 11 exposure to asbestos from that activity, right?
 12 A. I would assume that, yes, to reduce
 13 the exposure to asbestos from that -- I don't
 14 know what you mean by "that activity." It was --
 15 Q. Well, it says covering pipes, right?
 16 A. "As in covering pipes," yes. As in
 17 covering pipe activity, yes.
 18 Q. So Selikoff did not discover that
 19 covering of pipes with asbestos-containing
 20 insulation material was a hazard, right? That
 21 was known at least as of 1943?
 22 A. Yes, I would say it was known in 1943
 23 that they needed to keep the dust exposure
 24 levels down so they could recommend certain
 25 minimum requirements, literally, this being for

1 Marjorie A. Drucker - Direct
 2 respiratory protection.
 3 Q. And the reason you wanted to keep the
 4 levels down was because you wanted to reduce the
 5 risk of disease, right?
 6 A. The reason why you wanted to keep the
 7 asbestos levels down, yes, you wanted to reduce
 8 the exposure to asbestos and reduce the
 9 likelihood of disease.
 10 Q. Is that the section on respirators?
 11 A. Yes.
 12 Q. Can you go to the introductory
 13 paragraph of that where they talk about the,
 14 there's a reference to a manual or American
 15 standard with respect to respirators. Do you see
 16 that? Do you want me to try to find it?
 17 A. Yes.
 18 (Whereupon, Mr. Kristal peruses the
 19 computer.)
 20 Q. The section right after that, 11.7,
 21 what does that say?
 22 A. 11.7, "Air supply for air line masks
 23 of all kinds."
 24 Q. Right. What does the section say?
 25 A. "Air at a comfortable temperature and

1 Marjorie A. Drucker - Direct
 2 free from odors and excessive moisture sometimes
 3 is difficult to furnish especially for outdoor
 4 jobs in winter. Air adequate and temperature
 5 shall be used."
 6 Q. I think you're reading the wrong
 7 thing.
 8 A. That's 11.7.
 9 Q. Okay. Maybe I misread it. It referred
 10 to what's in this section, so I apologize
 11 because that caught my eye. This is the section,
 12 10.3, "General Requirements for Respirators." Do
 13 you see that? That references something, does it
 14 not?
 15 A. Yes. Would you like me to read it?
 16 Q. Yes, please.
 17 A. "General Requirements for
 18 Respirators. Adequate protection is defined by
 19 the American Standards Safety Code for the
 20 protection of heads, eyes and respiratory organs
 21 Handbook H 24 November 3rd," it looks like 1938.
 22 Q. Right.
 23 A. "Superintendent of Documents,
 24 Washington DC. Price: \$.15."
 25 Q. Have you ever read that document?

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 2 A. Maybe, maybe not. I don't recall.
 3 Q. Do you know whether GE, a GE employee
 4 was on the committee that wrote that document?
 5 A. No.
 6 Q. Okay. The section that you read about
 7 asbestos exposure and people insulating pipes
 8 required to wear types, the types of respirators
 9 you mentioned, is that the only section in the
 10 minimum requirements on asbestos?
 11 A. I would have to look through the
 12 document to answer that.
 13 Q. All right. Why don't you do that.
 14 MR. SPEZIALI: Are we going to take a
 15 break at some point?
 16 MR. KRISTAL: Sure. Why don't we just
 17 finish this section.
 18 Q. It's in the 13's, I believe, Section
 19 13, I think.
 20 (Whereupon, the witness peruses the
 21 computer.)
 22 A. I don't show a Section 13 on here.
 23 Q. It may not be 13. There's a section
 24 on asbestosis, right, or you need to look to
 25 see?

1 Marjorie A. Drucker - Direct
 2 A. I would like to check.
 3 Q. Okay.
 4 (Whereupon, the witness continues to
 5 peruse the computer.)
 6 MR. SPEZIALI: I'm drawing on memory
 7 here but sort of looking over the shoulder
 8 here. I'm not so sure the entire document
 9 is there. My recollection is it's a
 10 multi-page document, and I'm only seeing
 11 about four pages here.
 12 MR. KRISTAL: Then it's definitely not
 13 there. It's way more than four pages.
 14 MR. SPEZIALI: I know what you're
 15 referring to, and I don't think it's
 16 there.
 17 A. There appears to be four pages in
 18 total here and that's it. I don't have the
 19 entire document in front of me.
 20 Q. If you look at the introduction of
 21 the document, which I think is there, it was
 22 addressed to contractors, was it not?
 23 A. It's addressed all contractors
 24 constructing ships for the United States Navy
 25 and the Maritime Commission.

1 Marjorie A. Drucker - Direct
 2 Q. Okay. So does that lead you to
 3 conclude that the document was widely
 4 disseminated?
 5 A. I think that it went to the people
 6 who it was intended to go to, the contractors
 7 constructing ships for the United States Navy
 8 and the United States Maritime Commission.
 9 Q. Do you know how many such shipyards
 10 there were in the US in 1943, shipyards building
 11 US maritime ships?
 12 A. No, I don't.
 13 Q. Do you know how many contractors
 14 throughout the US that that document would have
 15 been distributed to?
 16 A. You mean how many contractors
 17 constructed ships for the United States Navy and
 18 Maritime Commission?
 19 Q. Yes.
 20 A. Not as I sit here right now.
 21 Q. What do you mean not as you sit here
 22 right now?
 23 A. Well, as I sit here right now, I
 24 don't.
 25 Q. Okay. Is it fair to say though this

1 Marjorie A. Drucker - Direct
2 was not any sort of secret document of any kind,
3 it wasn't meant to be exclusive to the Navy or
4 the US Maritime Commission, right?

5 A. Right, I don't think this was a
6 secret document.

7 Q. So anybody who would have received
8 this document or was aware of the document if
9 they read it would be aware of the information
10 in the document? It's just logic, it seems to me?

11 A. If people received it and read it
12 they would have been aware of the information.

13 Q. And the respirator manual we looked
14 at earlier, Section 10.3, that was available at
15 the time for \$.15 from the government printing
16 office, right?

17 A. If it's the one I just read into the
18 record, yes, that one was available for \$.15 at
19 the time.

20 Q. So publicly available information at
21 the time?

22 A. Yes, if we're talking about the
23 specific information, yes.

24 MR. KRISTAL: Why don't we take a
25 break?

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2 the document to check the date or otherwise
3 intimate that you were off by 20 years?

4 A. No. I was looking at the document.

5 Q. Just on your own?

6 A. I was looking at the documents to
7 double check. I mentioned before I wanted to
8 look at some documents.

9 Q. What led you to double check the
10 date?

11 A. What led me to double check it?

12 Q. Just to double check it for myself.

13 A. Just for myself.

14 Q. What other dates did you double
15 check?

16 A. The date of 1922 from when, from the
17 Navy program starting in 1922.

18 Q. What other dates did you check?

19 A. As I said, the '22 date which I had
20 mentioned for the Navy inception program.

21 Q. My question has nothing to do with
22 that. I'm asking now, what other dates, or, if
23 you didn't check any other dates you can say no
24 other dates?

25 A. No other dates.

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2 (Whereupon, there is a recess in the
3 proceedings.)

4 MR. KRISTAL: Do we have the full
5 minimum requirements?

6 MR. KAPSHANDY: No, I don't believe
7 so.

8 MR. KRISTAL: Okay.

9 Q. Can you pull up the section on the
10 respirator that mentioned asbestos and the types
11 of respirators to be used?

12 A. Yes. I had a chance to double check a
13 document over lunch and I'd like to make a
14 correction to something that I said before, and,
15 that was that the first Naval people went to the
16 Harvard School of Public Health in 1942, not '22
17 as I mentioned before.

18 Q. Okay.

19 A. So I just want to correct that.

20 Q. Who told you that you had made a
21 mistake?

22 A. I went to look at the document and I
23 discovered it myself. So I looked at it and I
24 noticed that it was '42, not '22.

25 Q. Did anybody suggest that you look at

1 Marjorie A. Drucker - Direct

2 MR. SPEZIALI: She had lunch with me,
3 Mr. Kapshandy, Mr. Emery, Mr. Fitzpatrick
4 and we provided her with the transcript
5 from the Betts deposition which we told you
6 we were going to provide her with at the
7 lunch break.

8 Q. Why don't we go to the minimum
9 requirements document.

10 A. I got it here, and I think this is
11 the abbreviated one.

12 Q. Well, when you say "abbreviated,"
13 it's the one that's missing a lot of pages, it's
14 not an abbreviated version?

15 A. Yes.

16 Q. And the section on the respirators
17 that mentioned asbestos and the types of
18 respirators to be used?

19 A. Yes, it has a section on that.

20 Q. And it is saying that when asbestos
21 pipe -- strike that.

22 Can you read the first sentence
23 again, asbestos in pipe covering or something to
24 that effect?

25 A. Yes. It's "Jobs Requiring Respiratory

1 Marjorie A. Drucker - Direct
 2 Protective Equipment," and it's listed "Dust
 3 asbestos as in," it looks like covering pipes
 4 air line respirator, dust respirator.
 5 Q. Okay. And an air line respirator is a
 6 respirator such that the person wearing it is
 7 not breathing any outside air, right, it's
 8 self-contained?
 9 A. No. An air line respirator is a type
 10 of respirator that supplies air from a remote
 11 source, meaning, not from the immediate
 12 vicinity. Sometimes, I don't consider
 13 self-contained breathing apparatus as part of
 14 that what I think you're describing. Air line
 15 meaning to me that there's a line to a remote
 16 source to fresh air bringing it in.
 17 Q. But the air line respirator referred
 18 to there prevents the person from breathing any
 19 of the air that is in an area that asbestos is
 20 being used?
 21 A. Depending on a variety of factors,
 22 yes, it's hoped that an air line respirator
 23 would provide a fresh air supply to the person,
 24 yes.
 25 Q. And the air that's being supplied to

1 Marjorie A. Drucker - Direct
 2 the person is coming from a hose that is far
 3 away from where the asbestos is being used,
 4 right?
 5 A. What you're talking about asbestos,
 6 I'd say in general.
 7 Q. I'm not talking in general. I'm
 8 talking about as you understand that section
 9 where it says jobs requiring respirators for
 10 asbestos, including covering pipes, it says one
 11 of the recommendations or requirements is an air
 12 line respirator, right?
 13 A. Yes.
 14 Q. I'm trying to get your understanding
 15 of what that means. Are you with me?
 16 A. Yes.
 17 Q. Okay. It's your understanding that
 18 that means there's a hose that is leading away
 19 from the person that is accessible to fresh air
 20 so when the person is breathing the person is
 21 breathing from a source that is not in the
 22 immediate area where the asbestos is being used?
 23 A. Right. It's connecting the person by
 24 hose to a source of air where the contaminant of
 25 interest is not present so that, in other words,

1 Marjorie A. Drucker - Direct
 2 they're breathing fresh air.
 3 Q. Okay. And it doesn't say that an air
 4 line respirator is required when there are high
 5 levels of asbestos dust, does it?
 6 A. As I read this right now it just says
 7 dust.
 8 Q. So it's saying when you're doing a
 9 job in which you are using an
 10 asbestos-containing product you should be
 11 wearing an air line respirator or the other
 12 option was the dust respirator, right?
 13 A. No. Specifically what it says here is
 14 when you're covering pipes.
 15 Q. Okay.
 16 A. So it says asbestos covered pipes,
 17 air line respirator or --
 18 Q. It says asbestos as in covering
 19 pipes, right?
 20 A. Correct.
 21 Q. So they're using that as an example,
 22 correct?
 23 A. Yes, it is used as an example. It
 24 says asbestos as in covering pipe.
 25 Q. But it's not meant to be, at least

1 Marjorie A. Drucker - Direct
 2 your understanding of it, exclusive to that
 3 activity of covering pipes, correct?
 4 A. Right.
 5 Q. Okay. And they're not talking about
 6 whether the level is high, low or somewhere in
 7 between, they're saying if you're working with
 8 asbestos as in covering pipes you should wear
 9 either a full air line respirator, right?
 10 A. Okay.
 11 Q. Or the dust respirator, correct?
 12 A. Yes. If we're just looking at this
 13 section, yes, that's what it says. I don't have
 14 the rest of all the, what might be in the
 15 article, but, yes, that's correct, it says
 16 asbestos if it's present.
 17 Q. By that are you saying that you think
 18 there may be something that talks about only
 19 wearing respiratory protection or taking other
 20 protective measures when you're around high
 21 levels of asbestos or you don't know without
 22 looking?
 23 A. Other than looking through the whole
 24 document, just looking at this it just says
 25 asbestos dust.

1 Marjorie A. Drucker - Direct
 2 Q. Okay. No mention in the minimum
 3 requirements about the five million particles
 4 per cubic foot of air?
 5 A. From the section I'm looking at right
 6 now, it doesn't mention that.
 7 Q. Without looking at the other pages
 8 which we don't have in front of us you can't
 9 answer that question?
 10 A. With certainty, no.
 11 Q. How about to a reasonable degree of
 12 certainty?
 13 A. I'd have to refresh myself. I just
 14 looked at the document, so...
 15 Q. Do you know whether the document
 16 refers to various methods of manipulating
 17 asbestos-containing products as increasing your
 18 risk of asbestosis?
 19 A. I'd have to double check and look at
 20 the document.
 21 (Whereupon, Resume is marked
 22 Plaintiff's Drucker Exhibit 2 For
 23 Identification.)
 24 Q. Let me talk about your resume. I
 25 marked this Exhibit 2. Is that a copy of your

1 Marjorie A. Drucker - Direct
 2 resume? Do you have a copy in front of you?
 3 A. Yes, I do.
 4 Q. Have you ever published anything
 5 that's been published in any sort of
 6 professional journal on any subject?
 7 A. I've published some newspaper
 8 articles.
 9 Q. Right. I'm talking about professional
 10 journals. That's why I asked the question that
 11 way?
 12 A. I'm trying to answer your question
 13 fully.
 14 Q. Well, my question is, have you ever
 15 published anything on any topic in any
 16 professional journal?
 17 A. No.
 18 Q. Have you ever published anything on
 19 anything, which is obviously a broader question?
 20 A. I've had newspaper articles that I've
 21 written published.
 22 Q. Anything else?
 23 A. I've given some talks at professional
 24 associations.
 25 Q. I'm talking about things that the

1 Marjorie A. Drucker - Direct
 2 public can look at?
 3 A. I've given talks at professional
 4 association meetings that it's my understanding
 5 were reprinted and the public and technical
 6 people there looked at.
 7 Q. Anything else?
 8 A. Not that I recall.
 9 Q. When you say not that you recall, are
 10 you saying there may be other things and you
 11 just don't remember them, or is that the
 12 universe of broad categories in which you've
 13 published?
 14 A. I'd say that's the universe of broad
 15 categories.
 16 Q. Now, the newspaper articles, are
 17 these articles or columns? Do you know the
 18 difference? An article is reporting something on
 19 a news topic. A column is kind of expressing an
 20 opinion on something.
 21 A. Yes, they were columns.
 22 Q. Okay. And during what period of time
 23 did you write any newspaper columns?
 24 A. I wrote a newspaper column for a
 25 period of time, would have been maybe about the

1 Marjorie A. Drucker - Direct
 2 mid-1990s and another series of articles going
 3 back to probably the early seventies.
 4 Q. So for a period of time in the
 5 mid-1990s you wrote some newspaper columns? I'm
 6 going to get to the seventies in a little
 7 while.
 8 A. Yes.
 9 Q. Okay. How long a period of time? Can
 10 you give me years, or is it less than a year?
 11 A. It was less than a year. I'd say
 12 maybe about five, six months.
 13 Q. How often did you write these
 14 columns? Was it weekly? Monthly? Daily?
 15 A. It was about once a month.
 16 Q. So you've written about five or six
 17 newspaper columns in a one-year period in the
 18 mid-1990s?
 19 A. Yes.
 20 Q. Okay. And for what newspapers did you
 21 write this series of five or six columns?
 22 A. The publication was called the
 23 California Newspaper Publishers Association
 24 Journal Newspaper.
 25 Q. So it was a newspaper for the

1 Marjorie A. Drucker - Direct
 2 California Newspaper Publishers Association?
 3 A. That's correct.
 4 Q. Okay. And so was this publicly
 5 available, in other words, it's not like you go
 6 to a newsstand and pick one up, or maybe you do,
 7 I don't know?
 8 A. I think it went to all the California
 9 newspaper publishers, and, whether it's publicly
 10 available beyond that, I don't know.
 11 Q. And how did you get involved in doing
 12 that?
 13 A. California newspaper publishers, of
 14 which there were many hundred, were looking for
 15 consultants in the State of California to assist
 16 the newspapers and they had a competition like a
 17 request for proposals and they chose a firm from
 18 northern California and a firm for southern
 19 California, and mine was the firm from southern
 20 California chosen to be a consultant throughout
 21 southern California for the newspapers. So as
 22 part of that I suggested and accepted that I
 23 would write a newspaper article for their
 24 publishers on various health and safety topics.
 25 Q. And what were the topics you wrote

1 Marjorie A. Drucker - Direct
 2 for?
 3 A. As I recall, there was one column on
 4 asbestos, maybe one on indoor air quality,
 5 another was an interview with the then chief of
 6 California OSHA, and I don't recall the others.
 7 Q. Whatever the others were, they were
 8 not involving asbestos?
 9 A. As I recall, there was just one on
 10 asbestos.
 11 Q. And what was the topic on asbestos
 12 that you wrote the column on?
 13 A. Well, to be more specific I'd have to
 14 look at it, but, what I remember is, in the
 15 mid-nineties there was a large earthquake in
 16 southern California, and, as a result of that, a
 17 lot of companies were very, they had heightened
 18 awareness about possible asbestos in the
 19 buildings, and, so, this was a column addressing
 20 what they would do as premises owners who are
 21 responsible for the safety of the people within
 22 their premises and it was addressing, you know,
 23 what they should consider and how they would get
 24 testing and things of that nature.
 25 Q. Do you have a copy of this column?

1 Marjorie A. Drucker - Direct
 2 A. Yes, I do.
 3 MR. KRISTAL: I would request a copy
 4 of that.
 5 Q. It didn't discuss at all any of
 6 subjects that you are going to be testifying
 7 about for GE in terms of the Navy's knowledge of
 8 the hazards of asbestos?
 9 A. Except in the broad sense it had to
 10 do with asbestos and asbestos is part of what
 11 I'm looking at. It didn't talk about GE.
 12 Q. And it didn't look at any historical
 13 perspective, did it?
 14 A. Not that I recall, except maybe
 15 talking about standards and things like that.
 16 Q. You're talking about OSHA standards?
 17 A. Relevant standards that people who
 18 have premises would be very interested in
 19 because they're responsible for the safety of
 20 the people within their premises.
 21 Q. So you weren't discussing the
 22 standards in a historical context, you were
 23 informing the premises owners what the standards
 24 were so if they measured they would know if they
 25 were above or below the current standards?

1 Marjorie A. Drucker - Direct
 2 A. Yes.
 3 Q. And somewhere in '76 or that time
 4 frame?
 5 A. I would say early seventies. I was in
 6 Yale and I was in southern Connecticut, and
 7 there was a newspaper in the southern
 8 Connecticut area where there were, there was
 9 something, it might have been around Earth Day,
 10 the first Earth Day, which was around going back
 11 maybe around 1970ish or something, and I think
 12 it had to coincide something around then, and it
 13 was more based on air pollution.
 14 Q. And this is one column?
 15 A. I think it was a series of a few
 16 articles during the week.
 17 Q. Okay. So during a one-week period in
 18 the early 1970s you wrote a series of a few
 19 articles; is that right?
 20 A. Yes.
 21 Q. Anything to do with asbestos?
 22 A. Not that I remember.
 23 Q. Do you have a copy of that article?
 24 A. I don't know.
 25 Q. I'd like to request copies if you do.

1 Marjorie A. Drucker - Direct
2 Talks to professional associations
3 that have been reprinted. Do any of them have to
4 do with asbestos?

5 A. No, not that I recall.

6 Q. So if I'm understanding you
7 correctly, other than one column for premises
8 owners who were concerned about asbestos in
9 buildings after earthquakes in the mid-1990s,
10 you have written nothing about asbestos?

11 A. Well, nothing that was published as
12 in the types of places that you're saying.

13 Q. Okay. What have you written that's
14 not in that category?

15 A. What's not in that category would be
16 industrial hygiene surveys that I've conducted
17 over 30 years.

18 Q. Right. Anything else?

19 A. That would be it.

20 Q. So other than this one column in the
21 mid-1990s and industrial hygiene surveys that
22 related to asbestos, you have not written
23 anything about asbestos; is that right?

24 A. What I recall, yes.

25 Q. Okay. Do you have any problem with

1 Marjorie A. Drucker - Direct
2 way through my practice. I'm currently a
3 California certified asbestos consultant and
4 I've done consultation with companies and with
5 places over 30 years.

6 Q. And let me see if I'm understanding
7 what you're saying about asbestos industrial
8 hygiene surveys. You will go to a location, set
9 up some kind of air sampling monitoring and take
10 the results of the air sampling and get them
11 analyzed and write a report?

12 A. That's one type. There are others.

13 Q. Tell me what the others are?

14 A. There are broad surveys that we've
15 done for bulk samples of asbestos and various
16 types of locations in various types of locations
17 and policies that I put together now for
18 different companies and other types of entities
19 so that they could manage asbestos, just a broad
20 variety of things that would fall under general
21 EPA and OSHA compliance that different
22 organizations would be interested in if they
23 called in an outside consultant, I was involved
24 in.

25 Q. Nothing having to do with Navy

1 Marjorie A. Drucker - Direct
2 your memory? I'm asking you seriously.

3 A. I'm giving you my best recollection.

4 Q. I'm just asking you if you're aware
5 of any problem with your memory?

6 A. I'm not aware of any.

7 Q. When I went for my draft physical
8 many years ago I checked off loss of memory.
9 When the psychiatrist asked me when was the last
10 time I couldn't remember anything, I said I
11 couldn't remember.

12 The industrial hygiene surveys that
13 related to asbestos, were there any industrial
14 hygiene studies solely related to asbestos that
15 you've written?

16 A. Of course, many.

17 Q. When was the first, when was the
18 last, approximately?

19 A. Approximately the first would have
20 been over 32 years ago.

21 Q. Sometime in the early 1970s?

22 A. Maybe even during when I was at
23 Harvard we went and did industrial hygiene
24 surveys, and some would have included asbestos,
25 so that goes back to 1968, '69, and then all the

1 Marjorie A. Drucker - Direct
2 knowledge of asbestos or GE's knowledge of
3 asbestos hazards?

4 A. Well, when I was in the Navy, which
5 is part of my over 30 years, I certainly was
6 doing Navy work, so that would have been part of
7 it.

8 Q. You were doing asbestos air sampling
9 between July of 1976 and July of 1977?

10 A. Among other things, yes, I did
11 asbestos air sampling.

12 Q. Where did you conduct the asbestos
13 air sampling during that period of time?

14 A. That was when I was at the Long Beach
15 Naval Shipyard, and I did do the surveys on the
16 Navy ships and in some of the shops, and it was
17 throughout the Long Beach Naval Shipyard.

18 Q. And was this while there were
19 asbestos products being installed on ships?

20 A. It's my understanding that at that
21 time asbestos products were not being installed,
22 but they were being removed in certain areas.
23 They were still being handled in different
24 manners.

25 Q. So you were measuring asbestos levels

1 Marjorie A. Drucker - Direct
2 while asbestos was being removed from different
3 areas of the ship?

4 A. Yes, that's part of it, yes, I
5 certainly did that.

6 Q. Well, what else did you do in terms
7 of that period of time at the Long Beach Naval
8 Shipyard involving asbestos surveys?

9 A. Your question was narrowed to
10 removing. There were a variety of activity that
11 involved different asbestos.

12 Q. Other than removing, what were they?

13 A. Other than removing?

14 Q. You said they weren't installing them
15 because it was your understanding they weren't
16 being installed at that time, so what else other
17 than removing?

18 A. Well, they may have been doing some
19 re-patching in some places, they may have been
20 using certain type of welding blankets that may
21 have still contained asbestos, you know, people
22 welding on the ships.

23 Q. So you had --

24 A. And there may have been some other
25 activities in the shops where there was still

1 Marjorie A. Drucker - Direct
2 vicinity. I didn't mean to imply that they were
3 reapplying asbestos.

4 Q. Right. What types of ships were you
5 on at that point in time?

6 A. I was on a variety of ships. I do
7 recall a few destroyers, and, as I recall, there
8 was a very large ship, it might have been some
9 sort of a cruiser in for a period of time.

10 Q. Do you know anything about the ships
11 that the four gentlemen whose cases we're here
12 for, what ships they were on?

13 A. Other than what they wrote or
14 testified to, I only know the names of them. I
15 don't know if you're asking anything beyond that.

16 Q. Okay. So tell me what you've reviewed
17 other than what we'll get to, which is the GE
18 documents in terms of Plaintiffs' specific
19 materials?

20 A. I reviewed the Plaintiff depositions
21 for four gentlemen, Mr. Campa, Mr. Renow, Mr.
22 Zatz and Mr. Roth.

23 Q. Anything else?

24 A. No.

25 Q. Do you have any opinion with respect

1 Marjorie A. Drucker - Direct
2 some asbestos materials.

3 Q. I'm asking what you recollect doing
4 with respect to asbestos, not what may have been
5 done, okay?

6 So do you recollect doing asbestos
7 air sampling when there was some kind of
8 re-patching going on?

9 A. As I said, because of the different
10 types of work that's done on a ship when it's in
11 a shipyard, it's in for repair and renovation,
12 yes, I recall having done some work while they
13 were re-patching while they were possibly
14 disturbing. That's what my job was, to test the
15 air and to get the measurements and make
16 recommendations.

17 Q. And are you saying that the Navy was
18 using asbestos-containing products to re-patch
19 an area on the ship?

20 A. I didn't mean to imply that, no. When
21 the ship comes in for certain types of repair
22 and renovation, when a ship comes in, certain
23 areas may possibly be disturbed, and, so, in
24 re-patching it, there may have been areas of
25 still asbestos-containing materials in the

1 Marjorie A. Drucker - Direct
2 to any of the testimony that they rendered?

3 A. With regard to what?

4 Q. Anything.

5 MR. SPEZIALI: We're not going to ask
6 her to address the specific Plaintiffs
7 testimony.

8 MR. KRISTAL: Good. Then we can move
9 on.

10 Q. You got your Master's of Science
11 degree in 1969 from Harvard University, right?

12 A. Yes.

13 Q. Did you have to write a thesis?

14 A. No.

15 Q. What did that program involve, how
16 many credits?

17 A. I don't remember the number of
18 credits, but two full years of school, and it
19 was two full years of multi-disciplinary
20 training in environmental health science,
21 environmental health, epidemiological,
22 biostatistics, legal aspects, multi-disciplinary
23 program in industrial hygiene, and it was two
24 full years.

25 Q. And you became a certified industrial

1 Marjorie A. Drucker - Direct
2 hygienist in air pollution aspects and the
3 comprehensive aspects of industrial hygiene in
4 1976?

5 A. Yes.

6 Q. What qualifies one to take -- strike
7 that.

8 Is there a test that you take to
9 become a certified industrial hygienist?

10 A. Yes, there is. There's a very
11 exacting test. When I took it, there were two
12 full days of testing. It's my understanding now
13 people only take one full day of testing, but,
14 when I took it there were two full days of tests
15 that you had to take, but, before you're allowed
16 to sit for the test you had to meet minimum
17 requirements such as schooling, practical
18 experience and sit for the exam.

19 Q. What schooling did you need?

20 A. You needed, and this is going back a
21 little in time, but, you needed a minimum of a
22 Bachelor of Science degree in science, and, as I
23 recall, five years experience in the field
24 before you could sit for the test, as well as a
25 recommendation by somebody who was also a

1 Marjorie A. Drucker - Direct

2 A. I think that the Master's degree
3 counted for a certain amount of experience. It
4 might have been applicable to, I don't know, I
5 don't recall. It goes back a few years.

6 Q. What did you do for the ILO?

7 A. When I was at the ILO, that's the
8 International Labor Office in Geneva,
9 Switzerland, I was hired to, my total title was
10 specialist -- wait. My title was industrial
11 hygiene official. I was hired under a short-term
12 contract. I took an approved leave of absence
13 from the EPA in Boston. I went to Geneva. I was
14 hired to write what was called the Model Code of
15 Industrial Hygiene Regulations pulling together
16 all of the state-of-the-art industrial hygiene
17 regulations throughout the world so if a country
18 were to develop an OSHA type program they could
19 use this as enabling legislation.

20 Q. When in '75 did you do that?

21 A. I did that from about July through
22 December of 1975.

23 Q. And when in '71 did you start at GE,
24 when in 1970?

25 A. I started in July of 1971.

1 Marjorie A. Drucker - Direct

2 certified industrial hygienist at the time.

3 Q. Five years experience in what field?

4 A. That would be related to industrial
5 hygiene and/or air pollution. I got both
6 certifications.

7 Q. And when you say five years
8 experience in a field related to industrial
9 hygiene, for example, did your time when you
10 were an instructor in public health at Yale for
11 two years count in that five years?

12 A. Yes, that was counted by the American
13 Board of Industrial Hygienists, yes.

14 Q. And when you worked for the EPA as a
15 research and development program specialist that
16 counted in your time?

17 A. According to the board, yes, they
18 looked at all my background experience and
19 determined I was eligible to sit.

20 Q. So having or not having a Master's
21 degree meant nothing in terms of sitting for the
22 CIH exam?

23 A. I don't think it means nothing.

24 Q. Well, it may mean you could have a
25 better pass rate, but it wasn't a requirement?

1 Marjorie A. Drucker - Direct

2 Q. When did you leave GE?

3 A. February of 1972.

4 Q. Why did you leave GE?

5 A. I left GE because the travel became
6 very excessive. When I was hired, there were
7 seven plants that were supposed to be in our
8 division. Our vice president got promoted and
9 took his whole staff with him and we ended up
10 with 44 plants in our group and the travel just
11 became very excessive.

12 Q. You worked as an industrial hygienist
13 for six months?

14 A. I was there for seven months. As it
15 turned out, it was when OSHA first came in. It
16 was a very opportune time. It was particularly
17 relevant to what I'm doing now.

18 Q. And what were your responsibilities
19 at GE for the seven-month period you were there?

20 A. My responsibilities at GE were to do
21 industrial hygiene and environmental control,
22 and, essentially what I did is, I went around, I
23 went to at least 20 to 30 company locations. Our
24 plants were located in the Northeast and
25 throughout the central United States, and I

1 Marjorie A. Drucker - Direct
2 would do industrial hygiene surveys, walk
3 through surveys, sometimes monitoring of a
4 different nature and make recommendations and
5 provide basically as a consultant inside the
6 company to GE, and, again, that's when EPA and
7 OSHA first, you know, came into effect.

8 Q. And you list here General Electric
9 Corporation, Bridgeport, Connecticut. Were you
10 stationed in Bridgeport?

11 A. Our office was physically located in
12 Bridgeport, but the plants were all over.

13 Q. How many industrial hygienists were
14 at GE at that time?

15 A. I don't know how many. I know that
16 there were many and GE has been on the forefront
17 of health and safety and they had many
18 industrial hygienists throughout many of the
19 facilities I visited and throughout other
20 locations of the country because I had an
21 opportunity to attend one of the annual medical
22 conferences at GE while I was there. They also
23 had many occupational physicians in many
24 locations, so there were many.

25 Q. Is it fair to say you were one of the

1 Marjorie A. Drucker - Direct
2 lowest folks on the totem pole?

3 A. I don't know what you mean by that.

4 Q. Well, you started at GE in July of
5 '71. You said there were many industrial
6 hygienists and many occupational medicine
7 physicians, or whatever you just said. It would
8 show you were not a senior person, right?

9 A. I was a newcomer, but I was certainly
10 highly welcomed and actually made many
11 professional friendships with the industrial
12 hygiene medical people that I kept up with until
13 very recently. So it was a very exciting time.

14 Q. How many industrial hygienists at GE
15 were above you?

16 A. Well, in my group I was the only
17 one at the time, and that group was the 44
18 plants. I worked with the management people,
19 and, then, I also worked with a medical
20 physician.

21 Q. Let me see if I'm understanding.
22 You're saying that you were in a group that
23 consisted of, your group had responsibility for
24 44 GE plants?

25 A. The way we were organizationally,

1 Marjorie A. Drucker - Direct
2 yes, I had responsibility for 44 GE locations,
3 and, then, as I said, I had, I reported to
4 management, and I also had dotted line reporting
5 through a medical physician with whom, of
6 course, I consulted with on a frequent basis.

7 Q. What were all these other GE
8 industrial hygienists doing if you had
9 responsibility for 44 plants?

10 A. Well, GE has hundreds and hundreds of
11 plants throughout the country, and, there are
12 certainly large plants of long-standing that had
13 their own industrial hygiene people, but,
14 throughout my travels I met industrial hygiene
15 safety and medical people almost everywhere I
16 went throughout GE.

17 Q. How many GE industrial hygienists
18 were there approximately when you were there?

19 A. My contact, I met many at the annual
20 health conference, and, I've certainly kept up
21 with them. But as far as people I was more
22 familiar with in my areas, that would be in the
23 Northeast and the Central states. I don't want
24 to guess, but I'd give you an estimate of maybe
25 15 or so. And that's just for a part of the

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2 country that I was familiar with.

3 Q. Again, without holding you to an
4 exact number, in terms of the total number of
5 industrial hygienists, are you talking 50, 100,
6 500 for GE during the time period you were
7 there?

8 A. I don't know.

9 Q. I'm just asking you for your best
10 estimate in terms of orders of magnitude?

11 MR. SPEZIALI: Let me object. You're
12 asking for a guess.

13 Q. You were at this meeting?

14 A. Not everybody came. I was in the
15 meetings with a lot of them and a lot of medical
16 people.

17 Q. And approximately how many people
18 were at that meeting?

19 A. I don't recall.

20 Q. Okay. Is there any industrial
21 hygienist that you know of at GE that spent less
22 time at GE than you did?

23 A. You mean less time?

24 Q. Less than seven months.

25 A. Less than seven months, I don't know.

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2 Many of the people who I met there back in the
3 seventies I ended up talking to quite recently
4 and they stayed with the company 40 years, a
5 long time.

6 Q. There are GE industrial hygienists
7 that are alive who you've spoken to recently who
8 have been at GE for decades?

9 A. Yes, there are GE hygienists who have
10 been with the company for decades and some who
11 are retired who have been with the company for
12 decades.

13 Q. And some who are not retired?

14 A. Yes.

15 Q. And on what occasion did you get
16 together and speak to these former GE industrial
17 hygienists who had been at GE for decades?

18 A. Well, over the years I was very
19 active in the American Industrial Hygiene
20 Association and attended our annual conferences,
21 and, over the years I would just see the
22 industrial hygienists at the various meetings
23 for over 20, 25 years, talk to them, and, most
24 recently, I had the opportunity to meet with the
25 corporate industrial hygienist for General

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2 Q. Anybody else?

3 A. There were some other people, a
4 gentleman named Vito Sclerito (phonetic).

5 Q. When you say "some other people," you
6 mentioned in the context of meeting and speaking
7 with the current corporate industrial hygienist
8 that you had met and spoken with other GE
9 industrial hygienists. So one of those is Mark
10 Strife?

11 A. Yes.

12 Q. Anybody else?

13 A. The corporate industrial hygienist's
14 name is Kurt Kruger (phonetic), and he's the
15 gentleman that I was referring to before.

16 Q. Kurt Kruger?

17 A. Kurt Kruger.

18 Q. Okay. When did you last speak to Kurt
19 Kruger?

20 A. I met with Kurt around January or so
21 of this year.

22 Q. Did it have anything to do with your
23 work that you were doing with respect to GE in
24 this case or generally?

25 A. Oh, it had to do with my work in

1 Marjorie A. Drucker - Direct
2 Electric and many of the other, some of the
3 other industrial hygienists who are currently
4 with the company.

5 Q. And who is the corporate industrial
6 hygienist for GE currently?

7 A. I'm sorry. I don't remember his name
8 right now. It will come back to me.

9 Q. Okay. It's a man, I take it?

10 A. It's a gentleman, yes.

11 Q. And you met with him and have spoken
12 with him recently?

13 A. Yes.

14 Q. How many decades has he been with GE?

15 A. He's new to the company. I don't know
16 how many years. I don't think it's a decade.

17 Q. Certainly more than you, he's been at
18 GE as an industrial hygienist longer than you
19 had been at GE?

20 A. That's my understanding.

21 Q. And the other GE industrial
22 hygienists you've spoken to recently, can you
23 give me their names?

24 A. I've spoken to an industrial
25 hygienist whose name is Mark Strife (phonetic).

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2 general for GE, yes.

3 Q. Other than asbestos litigation, what
4 other work are you doing generally for GE?

5 A. You asked in your last question was
6 it referring to these cases or for my work with
7 GE generally. That's how I answered that.

8 Q. Right.

9 A. Meaning, that it's for my general
10 work with GE.

11 Q. Which is limited solely to being
12 retained for asbestos litigation?

13 A. Yes.

14 Q. In other words, you're not doing
15 something --

16 A. I'd say yes, right, with regard to
17 asbestos.

18 Q. With regard to asbestos litigation.
19 What I mean is, you're not consulting with GE
20 generally as an industrial hygienist now on any
21 subject other than asbestos litigation?

22 A. I'm not a lawyer. I sit here as an
23 industrial hygienist. So my understanding is I
24 consult on the general subject of asbestos.
25 Whether it's all related to litigation, I don't

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 2 know.
 3 Q. Well, what lawyers have you discussed
 4 anything about GE with other than Mr. Speziali
 5 and whoever else you mentioned, Mr. Kapshandy.
 6 Who else?
 7 A. What other lawyers have I spoken to?
 8 Q. Yes.
 9 A. At GE?
 10 Q. Yes.
 11 A. One attorney, his name is Henry King,
 12 and, I'm sorry, the name will come back to me.
 13 Q. Okay. Have you billed GE for any work
 14 that you've done that is not related to asbestos
 15 litigation?
 16 A. Again, I'm not a lawyer. As far as I
 17 know I'm working on asbestos and GE's history
 18 and knowledge. If it's all related to
 19 litigation, it is. If it's not wholly, I don't
 20 know. I'm just giving you my best answer.
 21 Q. Other than the project that you've
 22 been working on that you're testifying here
 23 today about, you're not doing any other work for
 24 GE; is that fair to say?
 25 A. Yes.

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 2 helpful. He was able to describe the corporate
 3 set up in terms of safety and environmental
 4 throughout the company and also to relate that
 5 he had tried to locate some records going back
 6 over the years and could give me an update or
 7 briefing on that kind of information.
 8 Q. Okay. Who else was present when you
 9 met with Mr. Kruger?
 10 A. When I met with Mr. Kruger, Mr.
 11 Kapshandy was there and there was some, it was a
 12 former GE physician present, a gentleman named
 13 Steve Hampton who's been with the company almost
 14 50 years as far as safety, and some other GE
 15 attorneys, I think, were present.
 16 Q. And where was this meeting?
 17 A. It was in Fairfield, Connecticut.
 18 Q. Where?
 19 A. At GE corporate headquarters.
 20 Q. And I take it you felt this meeting
 21 with these GE employees and lawyers for GE was
 22 somewhat important to your work in this case?
 23 A. I think Mr. Kruger was very helpful
 24 and the other people in providing background and
 25 history going back over the safety and health

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 2 Q. It's all related to asbestos
 3 litigation?
 4 A. That's what you just said.
 5 Q. Right. You don't know whether that's
 6 all related to asbestos litigation or not?
 7 A. I'm trying to answer your question
 8 wholly and truthfully. As far as I know, it's
 9 all related to asbestos. I don't know whether it
 10 all has to do with litigation.
 11 Q. Well, what else do you think it has
 12 to do with?
 13 A. General background on GE, their
 14 history with asbestos.
 15 Q. For purposes of some GE museum or
 16 archives or related to litigation?
 17 A. Most likely it's related to
 18 litigation, but, again, I don't know all the ins
 19 and outs.
 20 Q. What did you speak to Mr. Kruger
 21 about with respect to your work on the GE
 22 asbestos project, whether it relates to
 23 litigation or not?
 24 A. Well, in general, Mr. Kruger, who's a
 25 certified industrial hygienist, was very

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 2 activities throughout the history of General
 3 Electric. They've been very active and involved
 4 and on the forefront of health and safety.
 5 Q. Was this an interview that you were
 6 conducting? Tell me the format of the meeting
 7 whereby you were getting information from Mr.
 8 Kruger, the former GE physician and Mr. Hampton
 9 and any other lawyers?
 10 A. There might have been other people
 11 present. That's what I'm remembering right now.
 12 Q. Okay.
 13 A. I would say it's a conversation,
 14 interview type of discussion and I was free to
 15 ask any questions and I did.
 16 Q. Okay. Was Mr. Hobson there, David
 17 Hobson?
 18 A. No.
 19 Q. Was Dr. Betts there?
 20 A. No.
 21 Q. Did you take notes?
 22 A. I took some notes.
 23 Q. What did you do with those notes?
 24 A. Well, what I do is, I write them into
 25 a listing of different people that I've spoken

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 2 to, and, then I, after I'm finished with them, I
 3 get rid of them.
 4 Q. So you took notes in longhand, or on
 5 a laptop or how?
 6 A. Longhand.
 7 Q. On sheets of paper, I take it?
 8 A. Yes.
 9 Q. And then you did what with these
 10 notes?
 11 A. What I did, you know, I had an
 12 opportunity to speak to many people throughout the
 13 course of this project, and I consolidated my
 14 notes and wrote things down.
 15 Q. Okay. When you say consolidated
 16 notes, did you write like a memo putting, you
 17 know, everything together?
 18 A. I keep a listing of the people that I
 19 have spoken to and the places that I've gone
 20 with regard to the general project that I'm
 21 doing for GE on history.
 22 Q. Okay.
 23 A. In areas of asbestos over time.
 24 Q. Where is said listing?
 25 A. I have a copy of the listing.

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 2 Q. Good. I'd like to see it.
 3 MR. KRISTAL: Do you have it?
 4 MR. KAPSHANDY: No.
 5 MR. KRISTAL: I can't have it?
 6 MR. KAPSHANDY: I didn't say you
 7 couldn't have it. She wasn't asked to bring
 8 it. She said past tense. We could get it.
 9 MR. KRISTAL: All right. Thank you.
 10 Q. Is there any substance in this
 11 listing? By that I mean, other than names and
 12 when you spoke to people? There must have been
 13 notes on substantive information, right?
 14 A. I hope so, yes.
 15 Q. And that's in this listing?
 16 A. Yes.
 17 Q. Okay. Is there any other document by
 18 any other name whereby you've incorporated any
 19 of your notes other than this listing?
 20 A. No.
 21 Q. And would the listing help you recall
 22 who it was that you spoke to for the people that
 23 you don't remember?
 24 A. Yes.
 25 Q. Okay. And is it a chronology, in

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 2 other words, such and such a date met with so
 3 and so and so and so and substances of what was
 4 spoken and another dates and met with so and so?
 5 A. Yes, I have it written in
 6 chronological order.
 7 Q. Is it stored on a computer or hard
 8 copy or what?
 9 A. It's hard copy.
 10 Q. And where physically do you keep it?
 11 Is it in a folder? Is in a drawer?
 12 A. Physically right now I think it's on
 13 a table.
 14 Q. I know. In the normal course of your
 15 business --
 16 A. In the course of my business?
 17 Q. -- Do you keep it in a file cabinet
 18 under GE? What do you do with this?
 19 A. I just have it as a document.
 20 Q. A running document. Okay. How many
 21 pages is it, approximately?
 22 A. All together with an attachment about
 23 12, 14 pages perhaps.
 24 Q. Does it contain in part information
 25 that you're relying on for your opinions in this

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 2 case, in these cases?
 3 A. I'd say that it certainly, yes, it's
 4 giving me a background about the long history of
 5 health and safety at GE and the program that
 6 they've had for so many years, sure, yes.
 7 Q. Other than this meeting January 4th
 8 with the folks that you mentioned and the prior
 9 meeting September 3rd, have there been other
 10 meetings with other GE folks between September
 11 3rd and today wherein you were asking questions
 12 and speaking to people about the history of GE
 13 with respect to the safety and health issues?
 14 A. Yes.
 15 Q. Okay. How many meetings have you had?
 16 A. How many meetings have I had with
 17 safety and health people?
 18 Q. Yes, from GE currently or formally in
 19 which you were getting information from them
 20 which is the subject of your testimony?
 21 A. I have to refer to the list, but, and
 22 I don't want to guess, but I'd estimate 20 or
 23 so, 25.
 24 Q. Twenty or 25 meetings? I just want to
 25 make sure you're not answering number of

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 2 people.
 3 A. Well, if you were counting each
 4 person as a meeting.
 5 Q. We have about ten people in this
 6 room. If we were meeting, this is one meeting.
 7 I'm asking you how many meetings you had?
 8 A. I'm trying to explain. If I met with a
 9 person, that was a meeting. If I met with
 10 another person not in the same room, that was a
 11 separate meeting.
 12 Q. Right.
 13 A. So I'm estimating. Some people I met
 14 with more than once. I don't want to guess. I'd
 15 say 25.
 16 Q. In order to answer accurately you
 17 would need, in fairness, to look at this list?
 18 A. Yes.
 19 Q. Okay. You had mentioned with respect
 20 to the one meeting on January 4th in which Mr.
 21 Kruger was present that he was going to try to
 22 locate some records of some sort?
 23 A. No. I didn't say January 4th.
 24 Q. I'm sorry.
 25 A. I said January or so.

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 2 Q. I meant January '04. I apologize.
 3 A. Okay.
 4 Q. The meeting you had in January of
 5 2004 in which you mentioned Mr. Kruger was going
 6 to try to locate some records, did he locate
 7 records?
 8 A. Well, of a nature, yes. GE is a
 9 highly decentralized company. It was
 10 incorporated in the late 1890's and has bought
 11 and sold hundreds if not thousands of businesses
 12 all over, and, he attempted to look for records,
 13 but, basically, what he found is that records
 14 are kept at the local businesses that had
 15 conducted the business. But I do recall that he
 16 had run some sort of a general search on a
 17 computerized workers' compensation program and
 18 had run something like that and he was, that was
 19 all he was able to locate.
 20 Q. Okay. You're talking about he was
 21 looking for, if I'm understanding you, claims of
 22 asbestos-related disease by GE workers
 23 historically in part?
 24 A. The computer program only went back
 25 to about 1990. So it would have been a listing

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 2 of those claims for asbestos since that time
 3 period.
 4 Q. So GE as far as you know had no prior
 5 records, workers' comp records?
 6 A. It was my understanding that GE did
 7 have, before the computer program, they had a
 8 card file that was kept by their administrator,
 9 their third-party administrator, and there were
 10 cards going back to the forties and fifties up
 11 through the eighties. There were tens of
 12 thousands of these cards, and, so, there was a
 13 program that was in existence before the
 14 computerized system.
 15 Q. Okay. Have you seen any of those
 16 records with respect to claims of
 17 asbestos-related disease brought by GE workers?
 18 A. Yes, I've seen the records going
 19 back, again, from the card file going back to
 20 the forties or fifties up to the eighties, and I
 21 have seen them, yes.
 22 Q. What is the earliest claim that
 23 you've been able to see brought by a GE employee
 24 for an asbestos-related disease?
 25 A. Well, the earliest claim I saw was in

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 2 1971.
 3 Q. What was the nature of the
 4 allegation?
 5 A. I don't know what you mean by
 6 "allegation." It appeared that --
 7 Q. Does the record contain, the record
 8 that you're talking about contain what it was
 9 that the claimant was claiming?
 10 A. Yes. What it says on the card for the
 11 case in 1971 is for asbestosis.
 12 Q. And does it say what the person's
 13 employment was?
 14 A. On the card it doesn't say what the
 15 person's employment was, no.
 16 Q. Were you able to ascertain that from
 17 any other source?
 18 A. I was not able to do that with
 19 certainty, no.
 20 Q. Okay. How about with any level of
 21 finding out any information?
 22 A. My looking at the records it just
 23 isn't clear to me what the gentleman was doing.
 24 Q. What plant was the person working in?
 25 A. He was in Fitchburg, Massachusetts.

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 2 Q. Working in the turbine plant?
 3 A. I don't think turbines were made in
 4 Fitchburg, so, again, I don't know what the
 5 gentleman was doing.
 6 Q. Do you know what was being
 7 manufactured at Fitchburg at the location where
 8 the gentleman worked by GE?
 9 A. No, I don't remember.
 10 Q. Is it fair to say asbestos was being
 11 used somewhere in that plant?
 12 A. We don't know, we don't know what he
 13 was doing. We know there were shipyards in the
 14 area he may have worked for. We don't know what
 15 the gentleman was doing before GE, how long he
 16 had been there. It's not clear.
 17 Q. I'm talking about your research into
 18 that particular claim. The person must have
 19 claimed some asbestos exposure at GE; is it fair
 20 to say? I'm not saying it's correct or not
 21 correct. I'm just asking it wouldn't be, there
 22 wouldn't be a record unless there was a claim
 23 against GE?
 24 A. All I know is what's on his little
 25 card. They were like three-by-five cards. It

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 2 says the person's name and where he worked and
 3 it says asbestosis.
 4 Q. And did you do any other research
 5 into that claim, in other words, ask people
 6 about it, ask people to ask people about it?
 7 A. Yes, I recall that I did, and I, I
 8 don't recall having come up with any more
 9 definitive information about this case.
 10 Q. Whatever information you came up with
 11 on that particular case, would that have been in
 12 the listing of documents you referenced?
 13 A. I don't think so, no.
 14 Q. Okay. Is there a separate note that
 15 you took on things that you did for this
 16 particular project for GE not involving meetings
 17 with people that would be reflected in this
 18 listing?
 19 A. That would not be involved in the
 20 listings?
 21 Q. Let me try to clarify. My
 22 understanding of the listing document, this 12
 23 or 13 page or however long page document, is
 24 that it's a chronological summary of your notes
 25 of various meetings that you had; is that fair

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 2 to say?
 3 A. Yes.
 4 Q. Is there anything else contained in
 5 the listings document other than a summary of
 6 your notes from meetings that you had, in other
 7 words, if you were reading a document and you
 8 took notes on it or you were looking at a
 9 workers' comp index card and investigating that
 10 case and took notes on it, where would those
 11 notes be?
 12 A. I don't keep notes. What I have is in
 13 that listing.
 14 Q. Okay. So there's no other document in
 15 which you summarize your notes and then threw
 16 them away?
 17 A. No, there's no other document.
 18 Q. It's not a trick question. I'm just
 19 trying to find out.
 20 A. I'm trying to answer. No.
 21 Q. Okay. Are you saying you didn't take
 22 notes except when you were at meetings on any of
 23 the work that you did?
 24 A. Well, I took notes when I was talking
 25 to people which I told you I incorporated into

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 2 my listings, and, occasionally, I keep notes on
 3 to-do items, and, then, when I finish with them
 4 I scratch them off and I discard them. So those
 5 are the kind of notes I keep.
 6 Q. And when you're doing the task of the
 7 to-do notes you don't take notes at all, in
 8 other words, at some point you physically had an
 9 index card with a 1971 workers' comp claim for
 10 asbestosis out of Fitchburg, Massachusetts?
 11 A. I've seen a copy of it, yes.
 12 Q. My question is, did you take notes
 13 about that?
 14 A. No.
 15 Q. Did you take notes when you read any
 16 articles?
 17 A. No.
 18 Q. And you have no notes at all, zero,
 19 for anything other than the conversations you've
 20 had with people?
 21 A. And to-do notes which I mentioned to
 22 you.
 23 Q. Right.
 24 A. No.
 25 Q. Okay. Other than Mr. Kruger locating

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 2 or attempting to locate the various workers'
 3 comp documents were there any other records he
 4 provided you or was looking for?
 5 A. Well, I think he provided some recent
 6 documents on general, these were current GE
 7 corporate policies relating to their current
 8 environmental programs on asbestos and asbestos
 9 management. So other than the very recent type
 10 documents and this listing, that's what he
 11 provided me.
 12 Q. Okay. And the recent type documents
 13 with the current policies, was that something
 14 that in any way is informing your opinion in
 15 this case?
 16 A. Well, I think it shows it's part of
 17 the continuum. GE has been on the forefront of
 18 health and safety for over 80 years, and it just
 19 shows their, currently what their programs are,
 20 which is very impressive.
 21 Q. Okay. Other than Mr. Kruger, Mr.
 22 Hampton, the GE physician who, the former GE
 23 physician whose name you don't recall, do you
 24 recall the names of any other people you met
 25 that you interviewed from GE who were current or

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 2 former GE employees regarding this subject?
 3 A. I did remember the physician from the
 4 meeting in Fairfield, doctor Dennis Stenpin,
 5 S-T-E-N-P-I-N. And your question was other
 6 people?
 7 Q. Yes.
 8 A. Not at that meeting, but in general?
 9 Q. Yes.
 10 A. I had the opportunity to meet and
 11 speak with on many occasions a Dr. Jack Grimaldi
 12 who was the head of safety and industrial
 13 hygiene and environmental for GE going back to
 14 the 1950s through the sixties, and, I met with
 15 Dr. Grimaldi twice and I've spoken to him on the
 16 phone on several occasions.
 17 Q. Could you spell that last name for
 18 us?
 19 A. Sure. G-R-I-M-A-L-D-I.
 20 Q. Was it a doctor?
 21 A. Yes, he's a Ph.D., Dr. Jack Grimaldi.
 22 Q. And is he currently with GE or former
 23 GE?
 24 A. He's former GE. He's retired.
 25 Q. Okay. And he was an industrial

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 2 hygienist?
 3 A. He was a, his specialty was safety
 4 management. He's written many editions of a book
 5 called "Safety Management." In fact, five
 6 editions. He was the head person at GE for
 7 safety industrial hygiene and medical from the
 8 mid-fifties through the sixties.
 9 Q. And whatever the substance of your
 10 conversations were with him would be contained
 11 in the listings?
 12 A. Yes.
 13 Q. Okay. Anyone else you remember?
 14 A. I spoke to many industrial hygienists
 15 who I met when I was with the company and kept
 16 up with throughout the years at the American
 17 Industrial Hygiene Association meetings. I have
 18 spoken to on a few occasions two of the other
 19 gentlemen who worked at Bridgeport, a certified
 20 industrial hygienist named Leo Feliu who was
 21 with the company in the sixties, a certified
 22 industrial hygienist Dale Culp, C-U-L-P. He was
 23 a student of mine at Yale, and, when I left I
 24 referred him and he took my job at GE in
 25 Bridgeport. I have spoken to him on a couple of

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 2 occasions recently, and then there were many
 3 others.
 4 Q. Others from the, how far back were
 5 some of the people? Obviously, Dr. Grimaldi goes
 6 back I think you said to the mid-sixties?
 7 A. Dr. Grimaldi goes back to the
 8 fifties. There's a gentleman named Arnold Rathje
 9 who's a certified industrial hygienist. He was
 10 in Cleveland but serviced a lot of locations. I
 11 kept up with him over the years. He goes back to
 12 the 1950s.
 13 Q. Can you spell his name? We need to
 14 get an accurate record.
 15 A. R-A-T-H-J-E. The gentleman I
 16 mentioned to you before, Steve Hampton, he goes
 17 back to about 1950, as well, and he was a
 18 chemist involved in a lot of safety activity
 19 over the years, but there were many other
 20 people.
 21 Q. Were these meetings or interviews
 22 combinations with and without GE attorneys
 23 there, or were they all with GE attorneys in
 24 terms of litigation?
 25 A. No. I was free, I did a lot of the

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2 interviews on my own. A lot of the interviews
3 with people were over the phone. So it was just
4 me talking to the people, and, Dr. Grimaldi I
5 met with him at length one time alone and spoke
6 with him many times alone over the phone. So I'd
7 say for the most part it was alone.

8 Q. Okay. You mentioned the workers' comp
9 records. You mentioned some other documents, the
10 recent policies. We had the Alice Hamilton
11 documents and we'll mark them in a little while.
12 Any other categories of documents that you have
13 obtained and reviewed pursuant to your work in
14 these cases and generally with respect to GE and
15 asbestos, in other words, were you shown maybe
16 drawings from GE, or technical manuals or any
17 kind of GE documents other than what you have
18 mentioned and the Alice Hamilton series from the
19 1920s?

20 A. Are we talking in general or
21 specifically with regard to this? I missed that.

22 Q. We're talking about anything.

23 MR. SPEZIALI: In other words, in
24 these cases, Jerry, or other projects she's
25 worked on?

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2 sometime. She's been offered, and nobody has
3 taken her up on it, because she has
4 knowledge of corporate documents.

5 And because, frankly, I don't know
6 exactly how far plaintiffs in these cases
7 are going to go, I don't know what
8 subjects. I know about Alice Hamilton. I
9 don't know about others. So I felt the best
10 thing to do is present her as an expert
11 here on industrial hygiene with the idea
12 that we would try to address specific
13 corporate documents if they come up, and, I
14 know only about Alice Hamilton right now.

15 I hope that clarifies a little bit.
16 So the project really was not with respect
17 to these cases.

18 MR. KRISTAL: If I'm understanding,
19 Ms. Drucker is not being produced here as
20 the most knowledgeable person about General
21 Electric hygiene or otherwise, she's being
22 produced as an expert?

23 MR. SPEZIALI: She's being produced in
24 these cases as an expert in industrial
25 hygiene, particularly as to published

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2 MR. KRISTAL: That's what I'm not
3 understanding.

4 MR. SPEZIALI: Yes.

5 Q. My understanding of the project
6 you've been working on is GE historical
7 knowledge of asbestos, one general project that
8 happens to relate to these cases?

9 MR. SPEZIALI: Let me clarify, Jerry.
10 GE finds itself in a situation, and it's
11 not a secret, it's in other cases around
12 the country, obviously, and we find ourself
13 in a situation where it's a big company and
14 an old company and its involvement with
15 asbestos is relevant in lots of different
16 ways throughout the country. GE did not up
17 until recently have a 30B6 witness on the
18 general subject what do you know about
19 asbestos? They didn't have that.

20 And they are not necessarily for the
21 purpose of New York litigation, but there
22 are places in the country we are required
23 to produce a witness. She was hired for
24 that purpose. She has yet to testify, but
25 she will be testifying in the future

1 Marjorie A. Drucker - Direct
2 literature and some of the things Dr. Betts
3 has showed her as to the Navy, but she's
4 going to address Alice Hamilton because
5 that's sort of very published and very
6 public.

7 MR. KRISTAL: Okay.

8 (Whereupon, a discussion is held off
9 the record.)

10 MR. SPEZIALI: Let me mention one more
11 thing. Without question if documents come
12 in evidence, GE specific corporate
13 documents come into evidence that I feel
14 need to be addressed through a GE witness I
15 will. I know it doesn't help you for
16 today's deposition. So I can only be as
17 fair as I can be. I'm going to tell you in
18 advance I may have her address it. You do
19 what you need to do. If you need more
20 depositions. I don't know what you're
21 putting in. I don't know your case in
22 chief.

23 I have deposed Dr. Kauzman (phonetic)
24 on three or four occasions, and, as far as
25 I can tell he has nothing bad to say about

1 Marjorie A. Drucker - Direct
 2 GE. But he's your witness. Perhaps he will
 3 have something different to say some day
 4 and I need to address it. That's the best I
 5 can do. I'm shooting in the dark.
 6 MR. KRISTAL: Gotcha.
 7 Q. Is it fair to say Dr. Grimaldi has
 8 more knowledge about GE industrial hygiene than
 9 you do, having been there for a long time?
 10 A. Well, Dr. Grimaldi certainly in his
 11 time period is rich with information or history
 12 of GE in the fifties and sixties, of course.
 13 Q. So for that time period he certainly
 14 has more knowledge than you?
 15 A. For that time period he has a lot of
 16 information to share, yes.
 17 Q. I'm talking about compared to you he
 18 has more knowledge on that subject in that time
 19 period?
 20 A. He certainly imparted a lot of good
 21 information to me.
 22 Q. And Mr. Hampton also has more
 23 knowledge for the time period he was with GE
 24 than you do about GE industrial hygiene?
 25 A. For the time and for what he did with

1 Marjorie A. Drucker - Direct
 2 the company, yes, he himself would personally
 3 have more knowledge about that specifically with
 4 which he was involved.
 5 Q. What specifically and during what
 6 time period was he involved?
 7 A. Well, as I said, he was a chemist
 8 with the company from about 1950 through the
 9 current time and worked on various projects,
 10 some of which related to asbestos.
 11 Q. Did they relate to asbestos and
 12 industrial hygiene?
 13 A. Well, if we're talking about
 14 industrial hygiene being general safety and
 15 health he's not an industrial hygienist or a
 16 certified industrial hygienist, but he's certainly a
 17 person very steeped in health and safety. I'm
 18 sorry. What was the question?
 19 Q. Well, so then for that time period
 20 1950s to the present as a chemist involved with
 21 health and safety, although not an industrial
 22 hygienist, he knows more about the GE programs
 23 than you?
 24 A. He would know more about what he did.
 25 I haven't come across someone who knows the

1 Marjorie A. Drucker - Di
 2 breadth of the spectrum as much
 3 what he did.
 4 Q. And your knowledge and your
 5 understanding of GE's industrial hygiene program
 6 from your interviews of these people depends on
 7 how accurate their information is, correct?
 8 A. Well, you know, fortunately in this
 9 project there have been a lot of cross checks.
 10 There have just been a lot of ways to cross
 11 check information and various ways through
 12 meetings with different people through documents
 13 that I had the opportunity to review through
 14 thousands of industrial hygiene measurements and
 15 books and other documents through visits through
 16 going to the Radcliffe and Harvard Library. So
 17 there have been a lot of cross checks of this
 18 project. It's an ongoing project, but...
 19 Q. A work in progress. The thousands of
 20 industrial hygiene surveys, what are you talking
 21 about?
 22 A. As I said before, GE has been on the
 23 forefront of health and safety and they handle
 24 asbestos, as all substances that they handle,
 25 responsibly at the time. There are thousands of

1 Marjorie A. Drucker - Direct
 2 industrial hygiene, over 4,500 industrial hygiene
 3 samples that were taken on GE premises for
 4 asbestos going back to the 1950s through the
 5 1990s and I had the opportunity to study all
 6 these samples.
 7 Q. Okay. And that's why when I asked you
 8 any other large categories of documents you
 9 didn't recall those 4,500 industrial hygiene
 10 studies, obviously, right?
 11 A. You stopped the question and I didn't
 12 answer it.
 13 MR. SPEZIALI: I interjected.
 14 Q. So I want to take broad categories.
 15 We have the ones on the record. You mentioned
 16 these surveys, some of which go back to the
 17 1950s, and some pertain to asbestos?
 18 A. These 4,500 samples are all taken on
 19 the GE premises 1950s through 1990s.
 20 Q. What other documents in terms of
 21 broad categories have you reviewed which you
 22 believe you were getting from these people and
 23 generally other documents?
 24 A. Generally, as I said, there were
 25 cross checks in many ways. I reviewed general

1 Marjorie A. Drucker - Direct
2 medical and scientific information over time
3 that I reviewed for context and I reviewed
4 answers to interrogatories prepared over time. I
5 met, as I told you, I met and spoke with many
6 people who had been with the company.

7 Q. I'm not talking about the meetings
8 which you were saying you looked at documents
9 that served as checks?

10 A. I'm getting there. I'm not done.

11 Q. I know. But I'm not interested in
12 meetings because we already talked about.

13 A. I don't want to leave off anything. I
14 had the opportunity to review books and other
15 documents prepared by the company, and that
16 would have related to state-of-the-art
17 information relating to asbestos at various
18 periods of time.

19 Q. Okay. Anything else?

20 A. I mentioned the visits. I went to the
21 Harvard and Radcliffe libraries, visited company
22 locations, I searched the Bridgeport offices of
23 the former industrial hygienist, but, in
24 general, I think we covered it.

25 Q. When you did the search at the office

1 Marjorie A. Drucker - Direct

2 GE.

3 A lot of the other information was
4 just general background scientific information
5 provided for context. I also attributed some of
6 the articles to that, I'd say, body of
7 literature of medical and scientific
8 information.

9 MR. KRISTAL: Why don't we mark this
10 as Exhibit 3. It's called "Asbestos Library
11 Catalog."

12 (Whereupon, Asbestos Library Catalog
13 is marked Plaintiff's Drucker Exhibit 3 For
14 Identification.)

15 Q. Is that the list you referred to
16 earlier today and just now?

17 (Whereupon, the witness peruses the
18 document.)

19 A. I think this is.

20 Q. It is or it isn't?

21 A. This, it is my understanding, is a
22 listing of Dr. Betts' information.

23 Q. Let me back up. This morning you said
24 you needed to look at a list to inform you as to
25 which other articles were involving Navy

1 Marjorie A. Drucker - Direct
2 of the industrial hygienist, were there
3 documents that you found that were not in the
4 categories you mentioned that helped you form
5 your opinions in this case?

6 A. Those documents would fall within the
7 broad categories I mentioned.

8 Q. Are there any other broad categories
9 other than what you just mentioned in your last
10 answer, books and other documents written by GE?

11 A. The industrial hygiene samples, the
12 visits I met with various industrial hygienists,
13 that's the broad categories.

14 Q. Okay. Medical and scientific
15 information over time, are you talking about GE
16 internal medical and scientific information over
17 time or things that are on this list that
18 hopefully we'll get to today, if not, whenever
19 we meet again?

20 A. First of all, GE was not an asbestos
21 company. They used very little asbestos on a very
22 few product lines. A very small amount of those
23 product lines ever contained asbestos. We found
24 actually only two articles in the medical and
25 scientific literature relating to asbestos at

1 Marjorie A. Drucker - Direct
2 knowledge in 1922 as an example. Is Exhibit 3
3 the list you were talking about?

4 A. That might have duplicates. It's not
5 specifically the list that I had in mind.

6 Q. Okay. Then I will mark this Exhibit
7 3, but, does your list that you have in mind
8 have a title?

9 A. I think it says something about
10 index. Other than that, I don't remember.

11 Q. Do you have a copy somewhere of that
12 list?

13 A. Not with me, but yes.

14 Q. Okay. I will request a copy of that
15 list, because there's no sense in using a list
16 if it's not the list you're talking about. It
17 doesn't make sense to me, anyway. Does it make
18 sense to you to wait until we have the actual
19 list?

20 A. Yes.

21 Q. Okay. The two articles that you found
22 that related specifically to GE and asbestos,
23 were these from medical and scientific articles,
24 or newspaper articles, or what kind of articles?

25 A. I didn't say that they related to GE

1 Marjorie A. Drucker - Direct
2 and asbestos. I said we found two articles on
3 asbestos at GE, meaning, it was GE in Bridgeport
4 in the former offices of the industrial
5 hygienist who was there, Leo Feliu, who I told you
6 I spoke to a couple times recently.

7 Q. In other words, somewhere in your
8 search of GE documents you located two articles
9 that somebody had somewhere?

10 A. Again, this wasn't an asbestos
11 company. I don't know what you would expect to
12 find all these years after, but, yes, we were
13 able to locate two articles and these were two
14 articles we found at Bridgeport.

15 Q. And do you know the names of these
16 articles?

17 A. Yes.

18 Q. Okay. What were they?

19 A. One was by Dr. Selikoff and one, and
20 it was entitled "Asbestos exposure Smoking and
21 Neoplasia," and, my best recollection it's from
22 1968.

23 Q. Right.

24 A. And another article was by Philip
25 Interline (phonetic) and I don't recall the

1 Marjorie A. Drucker - Direct
2 title, but it was from 1967.

3 Q. Do you have a belief as to when GE
4 first came into possession of those documents,
5 in other words, you don't know if it was the day
6 before you got there or 35 years ago? I'm being
7 a little facetious, but, do you have any idea
8 when GE first came into possession of those
9 articles?

10 A. No. But what I can say is when I was
11 searching through the files they certainly
12 looked old and it looked like it hadn't been
13 touched in a long time. I also spoke to Leo
14 Feliu before I got there and he steered me on
15 what could you have.

16 Q. Could you spell his last name?

17 A. F-E-L-I-U.

18 Q. And it was in Mr. Feliu's office you
19 found these two articles?

20 A. In the area of Mr. Feliu's office,
21 yes. He was the industrial hygienist, or one of
22 them at Bridgeport.

23 Q. And were these articles in some file
24 or folder or somewhere where he directed you to?

25 A. As I recall, all the files were just

1 Marjorie A. Drucker - Direct
2 put in an area from way back, and, other than
3 him saying, you know, that his office had been
4 there, we just started going through files and
5 looking for things.

6 Q. When you say they were files put in
7 an area from way back, what do you mean?

8 A. That there were some records that had
9 been kept on some industrial hygiene asbestos
10 surveys that had been conducted there, things
11 relating to asbestos within that there were
12 these articles.

13 Q. Okay. And the location where Mr.
14 Feliu was where you found these documents?

15 A. The location, the plant is in
16 Bridgeport, Connecticut.

17 Q. The Answers to Interrogatories over
18 time, when was the earliest GE -- strike that.

19 You're talking about GE's Answers to
20 Interrogatories?

21 A. Yes, GE's Answers to Interrogatories.

22 Q. And do you have a set of those
23 somewhere?

24 A. Yes.

25 Q. Okay.

1 Marjorie A. Drucker - Direct
2 MR. KRISTAL: I request copies of
3 those.

4 MR. SPEZIALI: Again, Jerry, that's
5 not with respect to this case. I mean, that
6 is, again, you're confusing --

7 MR. KRISTAL: I don't think I'm
8 confusing anything.

9 Q. Do the GE Answers to Interrogatories
10 help inform your opinion in these cases in terms
11 of what GE knew about the hazards of asbestos
12 and when?

13 MR. SPEZIALI: Again, she's not being
14 offered for that purpose in this case.

15 MR. KRISTAL: Okay.

16 A. I don't know what kind of thing you
17 may ask me, so I don't know how to answer that
18 in the absence of specific questions. I don't
19 know what I can say, whether the interrogatories
20 would help or not.

21 Q. What information did you get from the
22 interrogatories that you felt was helpful?

23 MR. SPEZIALI: Objection. Helpful as
24 to what?

25 Q. Helpful as to any opinions you have.

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 2 MR. SPEZIALI: In this case?
 3 MR. KRISTAL: Yes.
 4 MR. SPEZIALI: She's not offering
 5 opinions on that.

6 Q. What is the earliest year that you
 7 believe GE knew about the hazards of asbestos?

8 A. The health and safety professionals
 9 at GE would have been aware of the relevant
 10 medical and scientific information relating to
 11 the constituents of their products going back
 12 to, going back over time, and they would have
 13 been aware of relevant NACs, PELs, TLVs from
 14 1930 to, from the early thirties to the
 15 mid-thirties I'd say that the health and safety
 16 professionals at GE would have been aware that
 17 high levels of exposure to asbestos dust can
 18 cause asbestosis.

19 And, then in the person of Dr. Irving
 20 Sacs (phonetic) in GE Schenectady in 1951, as
 21 well as other authors at GE who published to GE
 22 and non-GE alike the state-of-the-art on
 23 asbestos as it was known at the time. In fact,
 24 as it was known at the time all the way up
 25 through OSHA.

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 2 Q. So in your opinion to a reasonable
 3 degree of medical certainty General Electric as
 4 a company in the early thirties to mid-thirties
 5 was aware that high levels of asbestos exposure
 6 caused asbestosis?

7 A. You said to a reasonable degree of
 8 medical certainty. I'm not a doctor and not a
 9 toxicologist.

10 Q. I apologize.

11 A. I'm a certified industrial hygienist.

12 Q. Let me rephrase the question. To a
 13 reasonable degree of certainty, is it your
 14 opinion that General Electric as a company was
 15 aware in the 1930s to mid-1930s that high levels
 16 of exposure to asbestos causes asbestosis?

17 A. Yes, from the early to mid-thirties
 18 the health and safety professionals at GE would
 19 have been aware that high levels of exposure to
 20 asbestos dust causes asbestosis.

21 Q. Is there a difference between would
 22 have been aware and were aware? I mean, if there
 23 isn't, I don't know why you keep using different
 24 language than I'm using. I'm using were aware.

25 A. I didn't mean to be confusing. I

1 Marjorie A. Drucker - Direct
 2 wasn't there. I have a degree, yes, of certainty
 3 that the health and safety professionals at GE
 4 going back to the early thirties would have been
 5 aware that high levels of exposure to asbestos
 6 dust can cause the fibrotic condition
 7 asbestosis.

8 Q. Is there a distinction in your mind
 9 between were aware and would have been aware?

10 A. Since I wasn't there, I can't really
 11 say they were definitely aware because I wasn't
 12 there. I think that what I've been able to
 13 review, what I've been able to get a feel for
 14 over time from reviewing documents that I have a
 15 high degree of certainty that they would have
 16 been aware.

17 Q. Is your opinion about the Navy and
 18 its knowledge of asbestos that the Navy would
 19 have been aware or was aware of the hazards of
 20 asbestos as of 1922?

21 A. Well, according to one of the
 22 documents that is on one of these lists, it's my
 23 understanding that the Navy was aware in 1922
 24 that high levels of dust could cause a fibrotic
 25 condition.

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2 Q. So --

3 A. The term asbestos wasn't until later
 4 that it could cause a fibrotic condition. It was
 5 known that there were dusty lung, and the Navy
 6 certainly knew that.

7 Q. And was Alice Hamilton a consultant
 8 to GE in the 1930s and forties?

9 A. Yes, Alice Hamilton was a consultant
 10 to GE in the 1920s and 1930s on safety,
 11 industrial hygiene and medicine.

12 Q. Have you seen in the 1920s and
 13 thirties conveyed to GE the fact that asbestos
 14 to cause asbestosis?

15 A. I'm familiar with one survey that she
 16 performed at one location in which she, one of
 17 the doctors there had found a case of
 18 asbestosis, conferred with her and they took
 19 appropriate precautions.

20 Q. And the doctor you're talking about
 21 was a GE doctor?

22 A. I don't know if he was a GE doctor.
 23 From the document, it appears he was a GE
 24 doctor.

25 Q. And that was a GE plant that she

1 Marjorie A. Drucker - Direct
 2 surveyed?
 3 A. From what I've been able to determine
 4 in her survey reports, yes, that was a GE plant.
 5 Q. And she was called in at the request
 6 of this GE doctor who had found this case of
 7 asbestosis?
 8 A. That's not the way it reads.
 9 Q. Okay. Tell me your understanding of
 10 how it unfolded?
 11 A. My understanding is that Alice
 12 Hamilton was amazing. Alice Hamilton was hired
 13 by the president of General Electric, his name
 14 was Gerard Swote (phonetic), to go through GE
 15 plants and do environmental health industrial
 16 hygiene surveys at will. She was given a blank
 17 slate to go wherever she wanted. She wrote
 18 reports directly to the president of GE and he,
 19 in turn, made sure everything she recommended
 20 was done.
 21 I in over 32 years as an industrial
 22 hygienist never heard of such an arrangement. It
 23 was phenomenal at the time. It is still
 24 something that is highly commendable, to say the
 25 least. Alice Hamilton was a consultant to GE.

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 2 What was the question?
 3 Q. As part of her consultancy work and
 4 the reports, one of the reports involved
 5 asbestosis; is that fair to say?
 6 A. Yes, one of the reports she wrote in
 7 over ten years of surveys throughout all GE
 8 facilities found that there had been a case of
 9 asbestosis which was taken care of, and, as I
 10 mentioned before, there was no other case that
 11 had come to the company's attention until 1971
 12 over 40 years later.
 13 Q. Okay. That was going to be my
 14 question. In what year was this Alice Hamilton
 15 survey that discussed the asbestosis case done?
 16 A. In this one particular instance this
 17 was a report which I think is from 1934.
 18 Q. Okay.
 19 A. There was a little question about the
 20 date on the paper. It appears to be 1934.
 21 Q. And that report was sent to Mr.
 22 Swote, the president of GE at the time?
 23 A. Well, I don't have the document
 24 specifically, but, all the other reports appear
 25 to have gone to Mr. Swote, so I would assume it

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 2 went to Mr. Swote.
 3 Q. If it didn't go to Mr. Swote, it went
 4 to somebody else involved in health and safety
 5 at GE; is that fair to say? GE got the report
 6 from Dr. Hamilton. There's no question about
 7 that, is there?
 8 A. From what I could determine GE got
 9 the report from Dr. Hamilton, at the time, acted
 10 upon it, removed the man, put the other person
 11 in an air line respirator and no more problems.
 12 Q. So GE knew as of 1934 that asbestos
 13 could cause asbestosis. Not would have known,
 14 they knew?
 15 A. It was no secret at the time.
 16 Q. I'm just asking you the earliest date
 17 that GE knew asbestos could cause asbestosis. So
 18 is it your opinion to a reasonable degree of
 19 certainty that GE knew asbestos could cause
 20 asbestosis in 1934?
 21 A. Again, asbestos in high levels could
 22 cause asbestosis, yes, I would say it was known
 23 in 1934. It was no secret it was known then.
 24 Q. Okay. And GE was informed in part by
 25 Alice Hamilton as to how to reduce the incidence

1 Marjorie A. Drucker - Direct
 2 of asbestosis, how to deal with the problem,
 3 right?
 4 A. In part.
 5 Q. Okay. And in part where else did they
 6 get information as to how to deal with the
 7 problem to avoid asbestos disease, you mean from
 8 other internal industrial hygienists of their
 9 own, where did they get that information other
 10 than from Dr. Hamilton as to how to avoid the
 11 risk of asbestos?
 12 A. They used hundreds of materials.
 13 Q. I know that. I'm just talking about
 14 asbestos?
 15 A. I want to bring this into context for
 16 you. If you look at all the reports she did and
 17 all the surveys she made, it seemed apparent
 18 that GE facilities were aware in the twenties
 19 and thirties that certain types of precautions
 20 should be taken with various types, including
 21 asbestos. GE being on the forefront of health
 22 and safety had measures to control dust and dust
 23 asbestos exposure back to the twenties.
 24 It's in her reports where she goes
 25 from factory to factory and says there's

1 Marjorie A. Drucker - Direct
 2 ventilation there, people in respirators here,
 3 people getting x-rays there. So it was known
 4 throughout the country that there were a lot of
 5 safety and health measures to take for a variety
 6 of substances.
 7 Q. And it was known by 1934 by GE how to
 8 handle asbestos in a manner that would reduce
 9 the risk of asbestos disease?
 10 A. You reduce the dusty exposure. I
 11 don't think it was a secret. Again, this was
 12 part of their overall ongoing health and safety
 13 program at the time. Frankly, at the time the
 14 big occupational disease was silicosis.
 15 Q. Whether it was a secret or not, it's
 16 your opinion to a reasonable degree of certainty
 17 that GE as of 1934 knew how to reduce the risk
 18 of asbestos disease?
 19 A. Yes, I think in 1934 they knew, as
 20 well as other sophisticated companies and other
 21 sophisticated entities at the time. It wasn't a
 22 secret.
 23 Q. Could you tell me what measures were
 24 known by GE to reduce the risk of asbestos
 25 disease in 1934?

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 2 MR. SPEZIALI: Objection. Asked and
 3 answered.
 4 Q. You started listing some of them, but
 5 I want to make sure I get a comprehensive list?
 6 MR. SPEZIALI: In context, we're
 7 talking about at its facilities? Is that
 8 what I understand the question to be?
 9 MR. KRISTAL: The question is what it
 10 is.
 11 MR. SPEZIALI: All right.
 12 A. GE being responsible handling
 13 asbestos responsibly for various periods of
 14 time, as they did all other substances.
 15 Q. I'm talking 1934. I'm talking
 16 asbestos. I'm talking about GE's knowledge of
 17 what measures should be taken to reduce the risk
 18 of asbestos disease?
 19 A. GE health and safety professionals
 20 would have been aware.
 21 Q. I'm not asking would have been aware
 22 now. I'm asking what you believe GE actually
 23 knew?
 24 A. I don't mean to --
 25 Q. It makes a difference in the legal

1 Marjorie A. Drucker - Direct
 2 context. I apologize if you think I'm being
 3 nit-picky.
 4 A. GE health and safety professionals
 5 going back over the years were aware, and, this
 6 is a lot from what I know from reading in the
 7 Alice Hamilton surveys, for over ten years were
 8 aware that certain types of measures would be
 9 taken with various types of dust to control
 10 exposures and prevent disease not only asbestos,
 11 but other potentially harmful material. Asbestos
 12 was just one thing they use. And those measures
 13 would have included --
 14 Q. Before you go on, is it would have
 15 included or included?
 16 A. Included.
 17 Q. Okay.
 18 A. And based, again, based on what I've
 19 seen in Dr. Hamilton's surveys included exhaust
 20 ventilation, wetting methods, respirators,
 21 medical surveillance, meaning x-rays. That's
 22 what I recall.
 23 Q. Okay. Was knowledge of the hazards of
 24 asbestos by the people who were handling the
 25 asbestos an important part of reducing the

1 Marjorie A. Drucker - Direct
 2 incidence of asbestos disease in 1934?
 3 A. The health and safety professionals
 4 at GE over the years devised methods so that
 5 people could work safely with all substances,
 6 including asbestos. So the health and safety
 7 professionals were certainly aware and made the
 8 recommendations so that people were projected.
 9 Q. My question has to do with GE
 10 knowledge of reducing the risk of asbestosis in
 11 1934. Did GE know in 1934 that to reduce the
 12 risk of asbestos disease exhaust ventilation was
 13 one method to do that in your opinion to a
 14 reasonable degree of certainty?
 15 A. The question is to reduce asbestos
 16 disease?
 17 Q. Right.
 18 A. Could you say the whole thing again?
 19 Q. Sure. Is it your opinion to a
 20 reasonable degree of medical certainty that in
 21 1934 GE knew that exhaust ventilation was one
 22 method to reduce the risk of asbestos disease?
 23 A. I'd say by 1934 GE health and safety
 24 professionals would have been aware that exhaust
 25 ventilation was one type of measure that could

1 Marjorie A. Drucker - Direct
2 be utilized to reduce exposure to any number of
3 substances. Asbestos was used in very small
4 quantities for they were dealing with a gamut of
5 industrial exposures.

6 Q. My question is focused on asbestos,
7 so I would like your answers to be focused on
8 asbestos. Is it your opinion that as of 1934 GE
9 knew that exhaust ventilation was one authority,
10 method or measure of reducing the risk of
11 asbestos disease?

12 A. My answer was that in 1934 GE health
13 and safety professionals were aware that exhaust
14 ventilation was one type of measure that could
15 help prevent disease such as asbestosis.

16 Q. Fine. And by 1934 is it your opinion
17 to a reasonable degree of medical certainty that
18 GE health and safety professionals knew that
19 wetting asbestos materials was one way of
20 reducing the risk of asbestos disease?

21 A. Yes, according to Alice Hamilton
22 survey reports in 1934 when she reported --
23 strike that.

24 Can I have your question again?

25 Q. Sure. I'd like to know if in your

1 Marjorie A. Drucker - Direct
2 opinion to a reasonable degree of certainty by
3 1934 GE health and safety specialists knew that
4 wetting asbestos-containing materials was one
5 method whereby they could reduce the risk of
6 asbestos disease?

7 A. Well, there was no secret either.
8 Certainly, by 1934 health and safety
9 professionals knew that wetting could be one
10 method to suppress dust, meaning, an
11 asbestos-containing dust, as well as other dusts
12 of interest.

13 Q. And by reducing the dust they knew
14 that you could reduce the risk of the disease?

15 A. They who?

16 Q. You said the health and safety
17 specialists generally knew that, by 1934 knew
18 that using wet methods would reduce the amount
19 of dust that would be generated when asbestos
20 materials were handled, right?

21 MR. SPEZIALI: Objection. What
22 asbestos-containing products? What are you
23 talking about?

24 Q. What asbestos-containing products
25 were being used by GE at that time?

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2 MR. SPEZIALI: In its facilities?

3 MR. KRISTAL: Anywhere.

4 MR. SPEZIALI: There's a big
5 difference.

6 MR. KRISTAL: You can object to the
7 form of the question.

8 MR. SPEZIALI: I do object. I think
9 it's an unfair question.

10 A. Can I have the question, please?

11 Q. Sure. What asbestos-containing
12 materials was GE using in 1934?

13 A. Well, I don't know, other than the
14 few products that they made, I don't know what
15 other kinds of materials they were using, if it
16 wasn't reported.

17 Q. Okay. What products did GE make that
18 contained asbestos in 1934?

19 A. In 1934?

20 Q. Make it the 1930s if that's easier.

21 A. GE made two types of products, small
22 torques of which contained some amount of
23 asbestos for certain periods of time. From the
24 1930s to 1980, GE made wire and cable products,
25 a small portion of which contained asbestos and

1 Marjorie A. Drucker - Direct

2 encapsulated asbestos. It's estimated that the
3 asbestos products, that the proportion was like
4 five to ten percent, which decreased over time
5 into the seventies when in 1979 the NEC approved
6 the highest temperature wire non-asbestos, and,
7 the business was actually sold in 1980.

8 So wire and cable was one type of
9 product line, again, a small portion of which
10 contained asbestos. The other being polymers and
11 phenolics. Those are divided into two types. One
12 is called textolite, and, textolite was made
13 from the 1930s to 1973. Only about five percent
14 of textolite material ever contained asbestos.
15 That was a laminate board. The other type of
16 phenolic material was a material called genol
17 (phonetic). You gave me, it was made in the 1920s
18 to 1972, and, again, not all genol ever
19 contained asbestos. That was phased out as
20 asbestos-containing in 1972.

21 Q. Anything else?

22 A. Asbestos-containing textolite was
23 phased out in 1973.

24 Q. And the information about these
25 products came in part from the Answers to

1 Marjorie A. Drucker - Direct
 2 Interrogatories that you reviewed?
 3 A. As I said, there were a lot of cross
 4 checks.
 5 Q. I'm just asking you if some of the
 6 information --
 7 A. I'm answering your question.
 8 Q. Okay.
 9 A. In part. But a lot of the material
 10 also came from the states. The oldest material
 11 came from the states. There were search made,
 12 frequent information requests made of state
 13 reports going back over time. So some of these
 14 descriptions of products and constituents were
 15 in reports from the various states.
 16 Q. Okay. So in part you got information
 17 that you just mentioned about these products
 18 from General Electric Answers to Interrogatories
 19 in part and in part you got it from?
 20 A. From industrial hygiene survey
 21 testing reports from the states.
 22 Q. What do you mean from the states?
 23 That's what I'm not understanding.
 24 A. There's some others too.
 25 Q. List the whole thing first.

1 Marjorie A. Drucker - Direct
 2 Industrial hygiene surveys from the states was
 3 the second one?
 4 A. State governments pre-OSHA had state
 5 inspections. Post-OSHA there were OSHA
 6 inspections. And there were searches made of
 7 state records going back to the 1950s and some
 8 of those reports provided information on the
 9 products that I just told you about.
 10 Q. Gotcha.
 11 A. Constituents and things like that,
 12 time periods, information. Some of the material
 13 was, I also learned about from speaking to
 14 people, some of the industrial hygiene medical
 15 people who were with the company over periods of
 16 time. There may have been other information.
 17 That's what I recall right now.
 18 Q. The state inspections, are those
 19 different than the 4,500 industrial hygiene
 20 studies?
 21 A. There were 4,500 samples taken
 22 throughout GE facilities from the fifties to the
 23 nineties, and some of those measurements,
 24 probably a small portion came from the states.
 25 Other were done by a company, others by

1 Marjorie A. Drucker - Direct
 2 consultants for the company.
 3 Q. Other than the products you have
 4 mentioned you are aware that GE used
 5 asbestos-containing insulation to insulate
 6 turbines when they were tested in the twenties,
 7 thirties and forties, are you aware of that?
 8 A. A turbine is not an asbestos product.
 9 A turbine is a metal machine that GE produced.
 10 Q. I'm asking you if in the testing of
 11 those products you're aware that GE used
 12 asbestos-containing insulation to test those
 13 products in the factory?
 14 A. Maybe, maybe not.
 15 Q. You don't know one way or the other?
 16 A. I haven't seen anything relating to
 17 exactly what you're saying.
 18 Q. Have you read Mr. Hobson's deposition
 19 that I took a couple weeks ago?
 20 A. No.
 21 Q. Did you see the photographs from the
 22 GE museum that turbines insulated with thermal
 23 insulation from the twenties, thirties and
 24 forties, have you seen any photographs from any
 25 GE plants, copies of --

1 Marjorie A. Drucker - Direct
 2 A. I've seen photos from GE plants. I'd
 3 have to see exactly what you're talking about.
 4 Q. Have you ever seen any photos of any
 5 GE turbines with thermal insulation on them in
 6 the plants of GE?
 7 A. Not that I recall.
 8 Q. Okay. I want you to assume that there
 9 was asbestos-containing thermal insulation put
 10 on GE turbines when they were tested in the
 11 plant. Okay? Are you with me so far?
 12 A. Yes.
 13 Q. Are you aware of whether or not GE
 14 took any measures to protect the people from the
 15 risk of asbestos diseases who were handling
 16 those products thermal insulation with asbestos?
 17 A. As with all materials, the health and
 18 safety professionals at GE would have devised
 19 measures that would be protective of their
 20 people because they're the employer and it's on
 21 their premises.
 22 Q. Okay. So GE's knowledge about the
 23 hazards of asbestos would relate to any exposure
 24 to asbestos regardless of the source?
 25 MR. SPEZIALI: Objection.

1 Marjorie A. Drucker - Direct

2 Q. Whether it was a thermal insulation,
3 or textile or anything else?

4 MR. SPEZIALI: Objection. You mean in
5 its facilities?

6 MR. KRISTAL: Yes.

7 Q. You're saying GE had this stellar
8 industrial hygiene program?

9 A. GE had a stellar program.

10 Q. And its knowledge about the hazards
11 of asbestos that go back to 1934 included
12 asbestos that would be contained in any asbestos
13 product, right? It wasn't broken out asbestos in
14 1934 we know is dangerous in textiles as opposed
15 to insulation?

16 A. I don't understand the question. I
17 think it's a couple parts.

18 Q. Let me re-ask it. By the mid-1930s,
19 do you have an opinion as to whether or not GE
20 was aware that asbestos-containing thermal
21 insulation presented a risk of asbestos disease?
22 Do you have an opinion on that subject?

23 A. By the middle to late, by the middle
24 1960s to 1970 GE health and safety professionals
25 would have been aware of the studies that were

1 Marjorie A. Drucker - Direct
2 conducted on insulation material.

3 Q. I'm not asking you that. When is the
4 earliest point in time that you believe GE or
5 any GE health and safety professionals were
6 aware that asbestos as in the same materials
7 that we saw in the 1943 minimum requirements
8 document posed a risk of asbestos disease?

9 MR. SPEZIALI: Objection. She's not
10 being offered in that area.

11 A. You're saying disease. That's very
12 broad.

13 Q. Asbestosis?

14 A. I'd say it wasn't a secret. As we
15 said, 1934, mid-thirties it was known in the
16 medical and scientific community that high
17 levels of asbestos dust could cause asbestosis.

18 Q. From whatever the source?

19 A. High levels of asbestos dust, right,
20 from whatever the source.

21 Q. And as we saw from the 1943 minimum
22 requirements document they were talking about
23 asbestos as in pipe covering, right?

24 A. Yes, they said as in pipe covering.

25 Q. So GE health and safety specialists

1 Marjorie A. Drucker - Direct

2 at least as of 1943 would have been aware of
3 that, correct, that asbestos as in pipe covering
4 could pose the risk of asbestosis?

5 A. Well, it appears that the Navy shared
6 that kind of information. I would think that GE
7 health and safety professionals would have been
8 aware of prevailing medical and scientific
9 information at the time, including that
10 forefront material from the United States Navy.

11 Q. Okay. Do you have an opinion as to
12 whether GE knew more or less or about the same
13 as the Navy historically as to the hazards of
14 asbestos?

15 A. My understanding from having worked
16 with the United States Navy and having reviewed
17 documents that the Navy was the foremost source
18 of information about asbestos and its possible
19 hazards. The Navy had a highly invigorated
20 health and safety program rich in tradition
21 going back over time.

22 Q. When you say the Navy was the
23 foremost source of information about the hazards
24 of asbestos, what do you mean?

25 A. I would say the Navy was an expert in

1 Marjorie A. Drucker - Direct

2 asbestos, in its uses, you know, properties.

3 Q. Okay. And you're getting that from
4 the Brown article we saw, right, in part?

5 A. Well, in part. As I said, I worked
6 with the Navy and I'm aware, I worked for the
7 Navy and I'm aware of their tradition in health
8 and safety. I was an industrial hygienist at a
9 shipyard.

10 Q. The Navy had a whole lot more on its
11 plate than GE did?

12 A. I don't know what you mean by that.

13 Q. GE was making product, some of which
14 contained asbestos. The Navy was involved in
15 building ships, fighting, transporting troops,
16 supplying troops. It had a lot of things going
17 on other than asbestos, right?

18 MR. SPEZIALI: Sort of like GE, you
19 mean?

20 MR. KRISTAL: Exactly. That's what I'm
21 saying.

22 A. When you're saying the Navy had a lot
23 on its plate, I don't know what you mean. I
24 don't know if you're being funny or not.

25 Q. I'm not being funny at all. I usually

1 Marjorie A. Drucker - Direct
 2 telegraph my jokes.
 3 Did you say the Navy was the foremost
 4 source of information about asbestos?
 5 A. Yes, the Navy was a highly
 6 sophisticated customer with a long-standing
 7 tradition in health and safety and knowledge.
 8 Q. Would you say that GE was highly
 9 sophisticated with respect to its knowledge
 10 about asbestos?
 11 A. I'd say that GE health and safety
 12 professionals were knowledgeable about the
 13 knowledge of the constituents of their products
 14 and they took measures so that their people,
 15 their employees on their premises could work
 16 safely with that, including other materials.
 17 Q. Okay.
 18 A. That was just one of hundreds of
 19 thousands of materials that they handled safely.
 20 MR. KRISTAL: Are you offering Ms.
 21 Drucker with respect to warnings issues?
 22 MR. SPEZIALI: Am I offering her as to
 23 warnings issues? No.
 24 Q. Is it your opinion to a reasonable
 25 degree of certainty that by 1934 GE health and

1 Marjorie A. Drucker - Direct
 2 safety specialists were aware the use of
 3 respirators could reduce the risk of asbestos
 4 disease?
 5 MR. SPEZIALI: Didn't we do this one
 6 already?
 7 MR. KRISTAL: I don't think so.
 8 A. I don't think it was a secret in the
 9 medical and scientific literature that reducing
 10 exposure to dust can prevent disease. Say, by
 11 the mid-thirties the health and safety
 12 professionals would have been aware.
 13 Q. At GE?
 14 A. The health and safety professionals
 15 at GE would have been aware that reducing
 16 exposure such as respirators would prevent
 17 disease.
 18 Q. And specifically to asbestos?
 19 A. To asbestosis, yes.
 20 Q. Was it important for people using
 21 asbestos at GE to be aware that the material
 22 they were using was potentially hazardous in
 23 terms of them reducing their risk of the
 24 disease?
 25 MR. SPEZIALI: Objection. Relevance.

1 Marjorie A. Drucker - Direct
 2 Go ahead.
 3 A. The people, who? The people?
 4 Q. You said GE had measures in place to
 5 reduce the risk of asbestos disease?
 6 A. I said the health and safety
 7 professionals devised to prevent asbestosis
 8 among other diseases.
 9 Q. To prevent asbestos diseases among
 10 whom are you talking about, GE employees?
 11 A. Well, we're talking about GE
 12 employees on GE premises. That's what they had
 13 control of. So the GE health and safety
 14 professionals who had control of GE employees on
 15 premises devised certain safety measures.
 16 Q. And was one of those measures letting
 17 the people who were being exposed to asbestos
 18 know that they were at risk of asbestos disease
 19 so that the people could take measures to make
 20 sure they would reduce their exposure?
 21 MR. SPEZIALI: Objection.
 22 Q. The GE employees?
 23 A. The GE health and safety employee
 24 professionals were the people who were
 25 knowledgeable, and they devised measures so

1 Marjorie A. Drucker - Direct
 2 people can work safely.
 3 Q. If in 1934 someone who was handling
 4 asbestos was given a respirator do you think it
 5 would have been important for that person to
 6 have been told by the GE health and safety
 7 specialist that there was a risk of disease if
 8 they didn't use the respirator?
 9 MR. SPEZIALI: Same objection.
 10 A. Could you say that again, please?
 11 Q. Let me start again. As an industrial
 12 hygienist you believe it's important for people
 13 to know they're working with a potentially
 14 hazardous substance so they can reduce their
 15 risk?
 16 A. That's certainly the approach OSHA
 17 takes now. Going back over time, it's not clear.
 18 Q. You don't think in the 1930s it was
 19 known by the industrial hygiene community that
 20 one way of reducing risks to hazardous
 21 substances was to let people know that they were
 22 working with a hazardous substance?
 23 A. Well, as a professional who does this
 24 kind of work, the way it works is that the
 25 health and safety professionals study an area,

1 Marjorie A. Drucker - Direct
2 study an environment, make a professional
3 determination as to what needs to be done to
4 protect people, various types of procedures
5 perhaps, and, certainly, as a part would explain
6 to people to utilize the appropriate measures
7 such as respirators and ventilation, but it's
8 the health and safety professionals that go in
9 and have the experience and training and can set
10 up these measures so that they're followed.

11 I've worked for over 30 years doing this
12 kind of work, and, what's most effective is for
13 a premises, for a location, for an area to have
14 controls in place. It doesn't work just telling
15 people about different kind of things. What you
16 have to do is try and engineer problems out and
17 control the source, and that has to be done by
18 people who are trained in the field by
19 professional health and safety people who know
20 how to device measures.

21 Q. I wasn't saying informing people of
22 the hazard was the only measure. But you
23 certainly believe that is one of the measures?

24 A. Certainly from what we know today
25 it's a part of health and safety perhaps such as we

1 Marjorie A. Drucker - Direct
2 It's also important to tell people
3 that things can happen and, you know, this is
4 for their betterment they should use these
5 things in a certain way. But the main way
6 occupational health and safety works is through
7 health and safety professionals devising
8 measures to protect people for employers to
9 protect their employees and to control what can
10 be controlled best by those who can do the
11 controlling.

12 MR. KRISTAL: Why don't we take a
13 break and come back to this?

14 (Whereupon, there is a recess in the
15 proceedings.)

16 (Whereupon, Various Documents are
17 marked Plaintiff's Drucker Exhibit 4 For
18 Identification.)

19 (Whereupon, Various Documents are
20 marked Plaintiff's Drucker Exhibit 5 For
21 Identification.)

22 Q. I've marked as Drucker Exhibit 4 a
23 paper clipped group of documents. On the first
24 page in handwriting it says "Radcliffe - please
25 note stamp on back of each page." Could you tell

1 Marjorie A. Drucker - Direct
2 know now.

3 Q. When, in your opinion, was the
4 earliest that that was a part of health and
5 safety programs?

6 A. I don't know if I can give you an
7 exact date.

8 Q. You don't believe it was a part of
9 health and safety from an industrial hygienist's
10 point to educate workers as to the potential
11 hazards they might be exposed to in the 1930s?

12 A. I think it's part of an overall
13 program that, to me, being a professional and
14 knowing how this works -- can I finish without
15 being cut off?

16 Q. Sure. Go ahead. I wish you would
17 answer the question, though.

18 A. The way it really works, I've worked
19 for companies, I've worked for the Navy, I've
20 worked in various situations, the way it really
21 works, the way to protect people is to put
22 measures in place as the employer, as the
23 premises owner, as the person who has control
24 over what's going on and to institute measures
25 so people are protected.

1 Marjorie A. Drucker - Direct
2 us what Exhibit 4 is?

3 A. This note is something that I wrote.
4 What I did was, about three or four weeks ago, I
5 visited Harvard and Radcliffe libraries to look
6 for papers that were relevant that were Alice
7 Hamilton. I looked at some of the Drinker files.
8 So this collection comes from Radcliffe Library,
9 and, these are some industrial hygiene, some
10 surveys and other correspondence information
11 that I found in Radcliffe in the Alice Hamilton
12 collection that's housed there.

13 Q. Okay.

14 A. Some that I didn't think that I had
15 seen that we had collected before, so I had
16 copies made and then I sent them on to Mr.
17 Kapshandy's firm, and that's how they ended up
18 here.

19 Q. Okay. What were you looking for at
20 the Radcliffe Library in terms of documents you
21 would select out of a larger group of documents?

22 A. What I was looking for principally at
23 Radcliffe were Dr. Alice Hamilton's work she did
24 throughout GE's facilities or anything related
25 to her work at GE, and, what I had with me was a

1 Marjorie A. Drucker - Direct
2 list of some of the articles that we collected
3 on Alice Hamilton and I was adding to it those
4 which I didn't think we had. So I wanted to
5 supplement the collection so that we would have
6 as many as we could.

7 Q. When you say "articles," you mean
8 documents as opposed to, somebody says an
9 article, I think of a published article?

10 A. When I say article here I'm referring
11 to either her letters or industrial hygiene
12 survey reports, or, there are some, I just saw
13 one this week, an article in here, some
14 correspondence back and forth within the
15 company. I meant that in that sense of just --

16 Q. Items?

17 A. Items. Thank you.

18 Q. A -- there's a 1929, it looks like some
19 sort of a report from a foundry; is that
20 correct?

21 A. If it's ear tabbed, it says, "April
22 19th, 1929 and Elmira Foundry."

23 Q. And what is your understanding as to
24 what that document is?

25 A. Can I look it over for a minute?

1 Marjorie A. Drucker - Direct
2 GE? She wasn't just doing this report for her
3 own edification, was she?

4 A. As was her custom, she would forward
5 information, forward the reports to GE.

6 Q. I read that report quickly. It
7 doesn't discuss asbestosis or asbestos at all,
8 does it?

9 A. I didn't see a mention of asbestos or
10 asbestosis.

11 Q. It's focused more on silica?

12 A. It took a lot of her attention. When
13 you look at her body of information, she studied
14 at GE and non-GE alike. Yes, this appears to be
15 non-silica.

16 Q. Are the industrial hygiene principles
17 that relate to silica dust and reducing silica
18 disease in the 1920s that are outlined in that
19 report the same industrial hygiene principles
20 that would apply to any other pneumococcus
21 producing dust such as asbestos?

22 A. I'm going to have to ask you to focus
23 for me and tell me what you're looking at.

24 Q. Why did you copy that document? Let's
25 put it that way.

1 Marjorie A. Drucker - Direct

2 Q. Of course.
3 (Whereupon, the witness peruses the
4 document.)

5 A. Yes. Thank you.

6 Q. My question was, what is your
7 understanding of what that document is?

8 A. Dr. Alice Hamilton visited the Elmira
9 Foundry Company and wrote about it in this
10 report.

11 Q. And sent it to GE; is that your
12 understanding? Let me back up a second. How do
13 you know Alice Hamilton wrote that?

14 A. Well, I found this in her, I found it
15 in the Alice Hamilton collection at Radcliffe,
16 and, I was going through the papers, and, as I
17 was going through the papers I noticed that the
18 type face, she had a typewriter she prepared a
19 lot of reports on. It was in the folder for
20 Alice Hamilton. The type face was the same. The
21 handwriting in the corrections is the same. So I
22 believe this is an Alice Hamilton survey report.

23 Q. And it's also your report that that
24 Alice Hamilton 1929 Elmira survey report was
25 forwarded at or around the date of the report to

1 Marjorie A. Drucker - Direct

2 A. Why did I copy this?

3 Q. Yes.

4 A. As I said, it was part of the Alice
5 Hamilton documents in the GE collection, and, to
6 me, it was very important to show that not only
7 was she visiting GE facilities, but that she was
8 very, paying very much attention to the leading
9 occupational disease at the time that related to
10 silica, silicosis. So it put in context for me
11 the general idea that silica was a leading
12 disease at the time, industrial disease, I
13 should say.

14 Q. And the import of that with respect
15 to opinions you have in this case is what, that
16 people shouldn't have been paying attention to
17 asbestos?

18 A. Well, I think that it puts into
19 context what was really, what was going on in
20 industry and in the health and safety at the
21 time. The leading occupational illness of the
22 time was silicosis. Emphasis was put on silica.
23 And it's not that no heed should be paid to
24 asbestos, but it wasn't, it just was not as big
25 a deal as silicosis and possibly other

1 Marjorie A. Drucker - Direct
2 industrial diseases that were prevalent at the
3 time.

4 MR. SPEZIALI: Just for clarification.

5 I don't plan on having her render those
6 opinions in this case. The reason we
7 brought that is we are going to have her
8 talk about Alice Hamilton and those are
9 part of the Alice Hamilton materials.

10 Q. Do you know who AJ Lanza (phonetic)
11 was?

12 A. I'm familiar with a Dr. Lanza, yes.

13 Q. Okay. Who was Dr. Lanza?

14 A. For more completeness I would refer
15 to my listing, but I'm familiar there was a Dr.
16 Lanza who had done some studies on, including
17 asbestos. I don't recall what else was studied.

18 Q. Is that something you learned from
19 the GE folks you interviewed?

20 A. I certainly got that from some of the
21 medical and scientific literature at the time,
22 and, it's something that over periods of time, I
23 told you I reviewed documents for many years,
24 and it's something that I'm sure I have been
25 familiar with at different periods of time.

1 Marjorie A. Drucker - Direct

2 Q. Have you ever seen a textbook called
3 "Asbestosis and Silicosis" by Lanza?

4 A. Not that I recall.

5 Q. The second tab on Exhibit 4, there's
6 a section I will read you and sentence and hand
7 it back to you. It says, "A canvass screen has
8 been placed to keep from two men the dust which
9 another man raises when he blows out his moles."
10 Do you see that?

11 (Whereupon, the witness peruses the
12 document.)

13 A. I sure do.

14 Q. And that was a well-known industrial
15 hygiene principle of the time, the time being at
16 least 1929, of segregating dusty work so that
17 people who were not involved with dusty work
18 wouldn't be exposed to the dust being created by
19 others?

20 A. I don't know how well-known it was. I
21 would think by very sophisticated entities such
22 as the Navy, sophisticated places would have
23 been aware that that would have been one measure
24 that could be helpful to segregate dust one area
25 to another.

1 Marjorie A. Drucker - Direct

2 Q. So as of 1929, at least from this
3 Alice Hamilton survey of the GE foundry, GE
4 health and safety specialists were aware that
5 individuals who were not working with a dusty
6 product could be exposed to the dust being
7 created by others working nearby; is that fair
8 to say?

9 A. Could you say as of this date?

10 Q. 1929.

11 A. It was no secret. I would think
12 that any sophisticated health and safety
13 professional, medical people at the time it
14 would make sense that you segregate areas.
15 Certainly the Navy would have known something
16 like that at that point in time. Sophisticated
17 places would have known it.

18 Q. Certainly GE knew it?

19 A. We know from this report the premier
20 expert working in the country working for GE
21 mentioned that.

22 Q. And mentioned it to GE?

23 A. Yes, she did.

24 Q. Could you tell us what Exhibit 5 is
25 just for the record.

1 Marjorie A. Drucker - Direct

2 A. This is my handwriting. It says
3 "Harvard - please note stamp on front." I went
4 to Harvard University Medical School Medical
5 Library in Boston and I looked at papers that
6 they were, that they pulled for me on Alice
7 Hamilton, on Philip Drinker, on some of the
8 history of the Harvard School of Public Health,
9 General Electric. There were a few things in
10 there they searched for me, and these were some
11 documents that I found that were not in our
12 collection that I wanted to supplement the
13 collection with to make it more complete.

14 Q. When you say "not in our collection,"
15 who is the "our" that you're referring to?

16 A. The listing that I mentioned to you
17 before, the index listing has a number of
18 documents which I've contributed, which some of
19 them had been contributed by the Sidley law
20 firm. We had both put documents into this
21 listing, and I thought these were absent so I
22 wanted to supplement our collection.

23 Q. Okay.

24 (Whereupon, Videotape is marked
25 Plaintiff's Drucker Exhibit 6 For

1 Marjorie A. Drucker - Direct
 2 Identification.)
 3 Q. This is a videotape marked Exhibit 6.
 4 It says, "Electric Nation PBS"?
 5 A. Yes.
 6 Q. What is that?
 7 A. I highly recommend this. This is a
 8 video that was made of a program, and it's about
 9 the lighting of America and about the history of
 10 lighting in America from the turn of the last
 11 Century, 19th Century and how lighting spread
 12 literally from nothing to lighting the whole
 13 nation. So that's what "Electric Nation" means,
 14 and it's, it shows fantastic growth, and some of
 15 the origination of electricity and major works
 16 in its generation and its transformation were GE
 17 people.
 18 Q. Does it in any way discuss industrial
 19 hygiene?
 20 A. I haven't seen it in a little while
 21 and I don't recall nothing, but that's not to
 22 say it doesn't.
 23 Q. Does it discuss asbestos?
 24 A. Not that I remember.
 25 Q. Does it discuss a Navy knowledge of

1 Marjorie A. Drucker - Direct
 2 A. Yes, I did. There's a Men and Bolts
 3 at War. It's a story of GE in World War II.
 4 Q. Anything about industrial hygiene?
 5 A. I think it puts into perspective
 6 that, you know, GE as a company worked with many
 7 type of health and safety situations. They had
 8 many things they had to do. Men and Bolts at War
 9 deals with GE's contribution to the war effort
 10 and winning the war through the work they did
 11 around the clock for many years during -- I'm
 12 sorry. Your question was?
 13 Q. The question was whether it had
 14 anything to do with industrial hygiene?
 15 A. Well, I think in terms of the
 16 spectrum of what you can see GE got into the
 17 observation that the health and safety
 18 professionals were very premier, and it just
 19 speaks to me in general about the quality of the
 20 company.
 21 Q. Okay. Are you saying that the book
 22 Men and Bolts discusses GE, discusses hygiene at
 23 any level?
 24 MR. SPEZIALI: There is a Men and
 25 Bolts and a Men and Bolts at War.

1 Marjorie A. Drucker - Direct
 2 asbestos, GE knowledge of asbestos?
 3 A. Not that I recall.
 4 Q. Okay. What relevance does it have to
 5 any opinions you may have in this case?
 6 MR. SPEZIALI: I'll answer that. It's
 7 relevant to who GE is.
 8 MR. KRISTAL: Okay.
 9 MR. SPEZIALI: You know, the thing
 10 about other things that they have to do and
 11 worry about, sort of like the Navy.
 12 (Whereupon, Handwritten Note is
 13 marked Plaintiff's Drucker Exhibit 7 For
 14 Identification.)
 15 Q. Drucker 7 is a little note "Men and
 16 Bolts at War (phonetic), GE History, Betts'
 17 Power Point Exhibits"?
 18 MR. KAPSHANDY: No, deposition.
 19 MR. KRISTAL: I'm sorry.
 20 MR. KAPSHANDY: That's my handwriting.
 21 MR. KRISTAL: That's deposition and
 22 exhibit?
 23 MR. KAPSHANDY: Right.
 24 Q. You've reviewed the book Men and
 25 Bolts?

1 Marjorie A. Drucker - Direct
 2 A. Not directly. But as somebody who has
 3 looked at the rich history and GE being on the
 4 forefront of health and safety, it measures to
 5 me they were so on the forefront and all the
 6 contributions they made to the war effort and to
 7 this country winning this war. It's just part to
 8 me of a story.
 9 Q. What does that have to do with
 10 measuring with industrial hygiene? You can have
 11 a company that can do what you just said and
 12 have a great industrial high program or have a
 13 bad industrial hygiene program.
 14 A. I don't know about that. What I've
 15 been able to ascertain, GE had a premier
 16 program. They were on the forefront of health
 17 and safety. This, to me, was just, it directed
 18 me to the contributions that GE made in helping
 19 win World War II and the types of material and
 20 equipment produced and how it helped allow this
 21 country to prevail.
 22 Q. What's that got to do with industrial
 23 hygiene?
 24 A. As a professional, when I look at
 25 organizations and I do analyses, surveys,

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 2 studies of different organizations, I think I've
 3 seen over the course of my career that companies
 4 that are premier, generally have premier
 5 aspects associated with them that, to me, what
 6 this meant in health and safety was here's a
 7 company that is just outstanding and it just
 8 meshed to me in terms of their health and safety
 9 effort over the years how they've been in the
 10 forefront, and it just, to me, it was just
 11 another piece of the GE picture.
 12 Q. Other than being another piece of the
 13 GE picture generally as to what the General
 14 Electric Company was about, it had nothing to do
 15 with industrial hygiene, did it? It doesn't say
 16 what GE knew or didn't know or any measures they
 17 took to prevent any disease or anything about
 18 that?
 19 A. Well, as I said, as a professional,
 20 when I look at an organization, I look at many
 21 times an organization in its totality, and this
 22 company - can I finish?
 23 Q. Of course you can finish.
 24 A. Thank you. And this company made a
 25 major contribution in World War II and things

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 2 view this company.
 3 Q. If you had just read that book would
 4 you be rendering an opinion of what kind of
 5 industrial hygiene company they had?
 6 A. If I had only read this book?
 7 Q. Yes.
 8 A. It's part of a bunch of pieces that
 9 fit together, a bunch of information that all
 10 points in the same direction. It's just part of
 11 the picture of the company that is GE.
 12 Q. And is there any part of that book
 13 that discusses any aspect of industrial hygiene?
 14 A. Not that I could cite right now.
 15 Q. What's the next book, "GE History"?
 16 It's like a coffee table history book?
 17 A. It's actually a great book. It's 1976
 18 to 1986 GE history, and that's the history of
 19 the General Electric Company, and, from its
 20 inception from the companies from which it was
 21 founded in the 1890's and how it consolidated
 22 and grew from there and the contributions it's
 23 made over the years in medicine, in various
 24 services, certainly in electrical products.
 25 It's also, it's a rich history of a

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 2 that they made and the descriptions of how the
 3 factories were run around the clock and just
 4 how the output was continuous and the types, the
 5 varied amounts of materials that they made, and,
 6 obviously, in making these things they had to
 7 work with thousands of types of substances, many
 8 of which could have been hazardous, and they
 9 obviously have been on the forefront of health
 10 and safety, and this was part of it.
 11 Q. You're saying that every company that
 12 made a major contribution to World War II and
 13 had production around the clock had stellar
 14 industrial hygiene programs?
 15 A. What I've been able to gather about
 16 GE from many variety of sources, this was one
 17 more piece of a picture of a company that is,
 18 that's been on the forefront in health and
 19 safety and in other ways too certainly in their
 20 contribution to the war effort in World War II.
 21 Q. And I'm asking if it's your opinion
 22 that all companies who made a major contribution
 23 to the World War II war effort had stellar
 24 industrial hygiene programs?
 25 A. I don't know. I had an opportunity to

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 2 very diversified company, made hundreds if not
 3 thousands of types of products over the years,
 4 and it provides a lot of good background
 5 information on the company.
 6 Q. Nothing in it about industrial
 7 hygiene, right?
 8 A. Not that I recall. To me, again, it's
 9 part of the overall picture of this company.
 10 Q. You're aware that GE made x-ray
 11 equipment beginning in the 1930s to help detect
 12 pneumococcus, including asbestosis?
 13 A. I'm aware that GE made x-ray
 14 equipment. The next part of your question, I'd
 15 have to see some documentation on that.
 16 Q. Have you ever seen some x-ray
 17 equipment?
 18 A. Yes.
 19 Q. It was being promoted to help in the
 20 medical surveillance programs you discussed in
 21 the thirties with respect to asbestos disease?
 22 A. Could you ask that again? I want to
 23 make sure I understand your question.
 24 Q. Sure. The question is whether you
 25 have seen any literature whereby the GE x-ray

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2 equipment as of the 1930s was being promoted for
3 use in medical surveillance type activities such
4 as you mentioned in terms of the knowledge GE
5 had about asbestosis?

6 A. As I sit here right now I can't think
7 of an article on that, but I do know that they
8 made, electric, excuse me, x-ray equipment that
9 would have been used for a variety of medical
10 and health prevention purposes.

11 Q. Including the detection of
12 pneumococcus?

13 A. Quite possibly.

14 Q. What's the next item, Betts'
15 deposition and exhibits?

16 A. Yes.

17 Q. What does that mean?

18 A. That refers to this list, Dr. Betts'
19 exhibits to his deposition.

20 Q. In your hand, Drucker Exhibit 3?

21 A. Yes.

22 Q. What is Exhibit 3?

23 A. It's called "Asbestos Library
24 Catalog." It's my understanding it's Dr. Betts'
25 compendium or list.

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2 Q. And that's what that last note --

3 A. Exhibits to his deposition. So that's
4 what I would say, that is his deposition
5 exhibits.

6 MR. KAPSHANDY: Deposition and
7 exhibits.

8 THE WITNESS: I'm sorry.

9 Q. You read his deposition?

10 A. We went over that before, yes, I did.
11 I had an opportunity to read his deposition.

12 Q. Do you disagree with anything he
13 expressed in his deposition?

14 MR. SPEZIALI: Objection. She's not
15 here as a witness against another witness,
16 nor is she here relevant to all the areas
17 Dr. Betts testified to.

18 Q. Do you disagree with anything he
19 testified to in his deposition?

20 A. It's kind of broad. If you can focus
21 me I'd be happy to answer.

22 Q. With regard to his testimony of stark
23 knowledge with regard to asbestos disease, would
24 you disagree?

25 A. I would have to look at the

1 Marjorie A. Drucker - Direct
2 deposition.

3 Q. Why did you read his deposition?

4 A. For background information.

5 Q. On what subject?

6 A. General material. Dr. Betts had a
7 long and illustrious career with the United
8 States Navy, and I thought that would be
9 productive to read what he had to say.

10 Q. Why?

11 A. Because he had been a physician and
12 an industrial hygienist with the United States
13 Navy. I thought that his, the information he
14 could impart would be contributory, would be
15 informational.

16 Q. Contributory to what?

17 MR. SPEZIALI: Objection. She read it
18 because we asked her to because she's being
19 offered as a witness.

20 MR. KRISTAL: All you need to do is
21 say objection.

22 MR. SPEZIALI: No, not when you're
23 fighting with her.

24 MR. KRISTAL: We will get the judge on
25 the phone. Let's call Judge Freedman.

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2 MR. SPEZIALI: Ask your next question.

3 MR. KRISTAL: If you promise you're
4 not going to do that.

5 MR. SPEZIALI: Let me hear the
6 question.

7 Q. When you said it was contributory,
8 contributory to what?

9 A. Contributory to general information
10 for me. I was asked to read it. I looked at it.
11 It was of interest. Dr. Betts had been a
12 physician and industrial hygienist with the
13 United States Navy.

14 Q. So it was contributory on your
15 knowledge on the subject?

16 A. To certain information that he
17 related.

18 Q. Okay. Such as what?

19 A. I'd have to look at the transcript.

20 Q. Okay. Without looking at the
21 transcript you cannot say what it was in
22 particular that his deposition helped to
23 contribute in terms of your knowledge base?

24 A. I have to look at the transcript.

25 Q. Okay.

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2 MR. KRISTAL: I'm just reading from
3 Exhibit 1. "Ms. Drucker may testify to the
4 state-of-the-art with respect to asbestos
5 in the scientific and industrial hygiene
6 communities, and in particular the
7 evolution of knowledge regarding the
8 effects of asbestos exposure and its
9 control during the time period relevant to
10 this case, i.e., prior to 1973."

11 As I understand it, she's not
12 testifying that broadly, or is she? I
13 thought earlier we were not begging off,
14 but that Ms. Drucker's knowledge as she
15 sits here related to state-of-the-art with
16 respect to asbestos and the Navy and GE.

17 MR. SPEZIALI: I think, I mean, yes. I
18 mean, obviously, when you get into those
19 topics they go a little beyond that and
20 talk about industry in general, but, I
21 mean, that's how I'm going to address it
22 when I present it, that testimony, if that
23 makes sense.

24 Q. Do you have an opinion as to the
25 state-of-the-art with respect to asbestos in the

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2 standards with respect to exposure to asbestos,
3 including TLVs and OSHA-promulgated permissible
4 exposure limits?

5 A. Okay. If we take TLVs at OSHA,
6 permissible exposure limits going back to 1946,
7 the ACGIH, the American Conference of Industrial
8 Hygienists, proposed a promulgated a level that
9 they first called the maximum allowable
10 concentration and changed the name to threshold
11 limit value, and that was 500 particles per
12 cubic foot. In 1968, which the ACGIH then
13 proposed a level of 12 fibers per cc, and then
14 OSHA came into effect in 1971. They also adopted
15 that 12 fiber per cc level in 1972, and that was
16 a permissible exposure. In 1972, OSHA lowered
17 the permissible exposure limit to five fibers
18 per cc, and, in 1976, OSHA lowered that again to
19 two fibers per cc. In 1986, OSHA again lowered
20 that to 0.2 fibers per cc, and, then, in 1994
21 OSHA again lowered it to 0.1 fibers per cc for
22 any 30 minute period, and that's in effect
23 currently now. There were some levels going back
24 over time, I just mentioned the current one,
25 meaning the one we have now since 1994.

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2 scientific and industrial hygiene communities,
3 and in particular as to the evolution of
4 knowledge regarding the effects of asbestos
5 exposure and its control during the period
6 relevant to this case other than with respect to
7 the Navy and GE?

8 MR. SPEZIALI: Again, I'm not going to
9 ask her about that, Jerry.

10 Q. Nor do you have an opinion as you sit
11 here today on that subject?

12 A. I've been asked to concentrate on the
13 Navy in this particular instance.

14 Q. So you don't have an opinion on that
15 as you sit here today?

16 A. As I sit here today, I have not
17 formulated one.

18 Q. Okay. "She may also testify regarding
19 the evolution of various standards for exposure
20 to asbestos, including TLVs and OSHA-promulgated
21 permissible exposure limits."

22 Do you have an opinion on that?

23 A. Well, if you ask me a question I
24 could answer it for you.

25 Q. Could you tell me the evolution of

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2 Q. Do you know the history of the
3 promulgation of the MAC for asbestos by the
4 ACGIH?

5 A. Well, I've seen documents in the
6 documentation for threshold limit values over
7 the years.

8 Q. I'm talking about the first one in
9 1947?

10 A. Well, as I sit here, I don't recall
11 in its entirety. I do recall that it was based
12 on state-of-the-art at the time, which would
13 have included Dreesen.

14 Q. Anything else?

15 A. Which they adopted was the five
16 million particles per cubic foot on the Dreesen
17 study.

18 Q. Anything else?

19 A. Not that I remember right now. I'd
20 have to look at the document.

21 Q. And that was total dust?

22 A. Well, you know, I've seen it both
23 ways. I think at different periods of time it
24 was thought to be either asbestos because in the
25 proceedings, I think in 1946 they broke it out

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2 where they had five million particles per cubic
3 foot asbestos compared to 50 million particles
4 per cubic foot total dust. I'd say over periods
5 of time the thought was, you know, different
6 whether it was total dust, whether it was
7 asbestos-containing dust. It just varied over
8 time.

9 Q. Would you agree that by the 1950s,
10 the early 1950s GE knew if you didn't know the
11 concentration of asbestos dust you should wear a
12 respirator when you were around asbestos?

13 MR. SPEZIALI: Objection.

14 A. I'm not sure I understand your
15 question.

16 Q. Sure. I'm asking you if you have an
17 opinion as to whether GE knew by the early 1950s
18 that if you didn't know what the air measure was
19 you should wear a respirator when you were
20 around asbestos dust?

21 A. Well, GE health and safety
22 professionals looked into a myriad of
23 potentially hazardous materials. Any material
24 can be hazardous. It depends how you work with
25 it safely.

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2 Now, in the case of asbestos, the
3 health and safety professionals would have
4 looked into a devised method so that people
5 could work with it safely, just as they did with
6 all of the other hundreds of thousands of
7 materials.

8 Q. My question is, do you have an
9 opinion as to whether or not GE was aware by the
10 early 1950s that when you were around dust that
11 contained asbestos and didn't know the
12 measurement that you should wear a respirator?

13 MR. SPEZIALI: Same objection.

14 A. Well, I answered that. The health and
15 safety professionals at GE would have devised
16 programs to insure the safety of their employees
17 on their premises, that which they controlled,
18 and, the health and safety people would have
19 taken appropriate measures, whether it was
20 tests, to determine whatever it was involved,
21 they would take protective measures for their
22 people on their premises, that which they had
23 control over.

24 Q. Did GE in the 1950s know that you
25 should wear a respirator if you were around dust

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2 that contained asbestos but did not know how
3 much dust there was, i.e., above or below five
4 million particles per cubic foot? You either
5 have an opinion or don't have an opinion on that
6 subject?

7 A. I don't know how else to answer that
8 question.

9 Q. Your answer had nothing to do with my
10 question.

11 A. It's the employer who's responsible
12 for determining potentially hazardous exposures.

13 Q. Who says?

14 A. Who says?

15 Q. Who said in the 1940s?

16 A. OSHA says what we know now. And
17 before OSHA came into being there was state
18 health departments that said the employer has
19 the responsibility, the employer is the person
20 who's in control of the premises, who's in
21 control of the employee and who can exercise
22 control over any kind of potential exposures to
23 protect the person in place.

24 Q. In your opinion, the manufacturer of
25 an asbestos-containing product has no

1 Marjorie A. Drucker - Direct
2 responsibility to warn of the hazard of
3 asbestos?

4 MR. SPEZIALI: Objection.

5 A. The manufacturer of a product?

6 Q. Yes.

7 A. The manufacturer --

8 Q. Let me ask --

9 A. You asked me a question.

10 Q. Go ahead.

11 A. The manufacturer of a product --

12 Q. Right.

13 A. -- Has responsibility, the
14 manufacturer of a product to learn about that
15 which it knows about its product.

16 Q. Warn whom? Warn. Not learn.

17 MR. SPEZIALI: Same objection.

18 A. The manufacturer of a product has a
19 responsibility to warn.

20 Q. Whom?

21 A. We're talking in the abstract, and I
22 need to know which different type of products.
23 I'd say in general those people who may
24 encounter that type of hazard from their
25 product.

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 2 Q. Okay.
 3 A. The manufacturer's own product, that
 4 which they make.
 5 Q. Do you have an opinion as to whether
 6 or not the manufacturer of a piece of equipment
 7 who knows that a potentially hazardous substance
 8 is being put on its equipment has a duty to warn
 9 or not?
 10 MR. SPEZIALI: Objection. There's no
 11 evidence to support your hypothetical.
 12 Q. You can answer.
 13 A. As I said before, the manufacturer of
 14 a product has a responsibility to warn. I think
 15 that the manufacturer -- were your questions
 16 related to something else? Maybe you can clarify
 17 that.
 18 Q. Sure. I said does the manufacturer of
 19 a product which the manufacturer knows is going
 20 to have a potentially hazardous substance placed
 21 on it have an obligation to warn?
 22 A. Warn about what?
 23 Q. Warn about the dangerous of the
 24 product that's being placed.
 25 A. Warn about what kind of dangers?

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 2 Drucker testify about an employer's
 3 obligation or a sophisticated user's
 4 obligation to warn people. If you're not
 5 going to go into that, I'm not going to go
 6 into this. She dropped the mantra a couple
 7 times.
 8 MR. SPEZIALI: Because you insist over
 9 my objection to take her to areas she's not
 10 going to testify about. She is going to
 11 testify about the responsibility of the
 12 United States Navy, what they published and
 13 what they said they were going to do in
 14 their specs in respect to your plaintiffs'
 15 alleged exposure to equipment made by GE.
 16 MR. KRISTAL: Responsibility.
 17 MR. SPEZIALI: About what their
 18 declaration, about what they said they were
 19 going to do.
 20 MR. KRISTAL: But not what their legal
 21 responsibility or not was?
 22 MR. SPEZIALI: I don't think that's
 23 permissible for your experts or mine.
 24 MR. KRISTAL: I don't disagree with
 25 you.

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 2 Q. Any kind of dangers.
 3 A. Let me finish my answer.
 4 MR. SPEZIALI: Go ahead.
 5 A. Warn about what? The manufacturer can
 6 warn about its own type of product. What can a
 7 manufacturer sit in the abstract and imagine
 8 other kinds of things that may or may not go in
 9 situations in which they have no control over?
 10 One manufacturer, in over 30 years, I've never
 11 heard of one manufacturer warning about another
 12 manufacturer's product. I never heard about that
 13 in over 32 years.
 14 Q. Do you know what the legal
 15 responsibility is of an equipment manufacturer
 16 to warn about the hazards of another
 17 manufacturer's product that it knows is going to
 18 be utilized with its product?
 19 MR. SPEZIALI: Objection.
 20 MR. KRISTAL: I'm just asking a
 21 question.
 22 MR. SPEZIALI: No, no. It's
 23 irrelevant. Number one, she's not here as
 24 an expert in law.
 25 MR. KRISTAL: You're going to have Ms.

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 2 Q. What is your opinion as to what the
 3 United States Navy said it was going to do with
 4 respect to asbestos? Do you have an opinion?
 5 A. When?
 6 Q. At any point in time.
 7 A. Ask me a question, I'll try to answer
 8 it.
 9 Q. I just did.
 10 A. I don't understand your question.
 11 It's huge.
 12 Q. At any point in time, do you have an
 13 opinion as to what the United States Navy said
 14 about what it was going to do about asbestos?
 15 A. At any point in time?
 16 Q. Yes.
 17 A. This is so vague.
 18 Q. Well, if you say no, then we move on.
 19 A. The Navy said a lot of things over
 20 periods of time. If you point to certain things,
 21 I'd be happy to answer.
 22 Q. My question is, do you have an
 23 opinion as to whether or not the Navy said
 24 anything about what it was going to do with
 25 regard to asbestos at any point in time? Do you

have that opinion.

A. Well, I have various opinions, and if you ask me different questions about different types of situations over different periods of time I'll give you answers.

Q. How about the 1930s?

A. How about the 1930s?

Q. Yes.

A. The question again? Could you frame the question again?

Q. Sure.

MR. KRISTAL: Dave, I want to make sure this is the subject you're covering. What the Navy said it was going to do about asbestos, is that what you're going to have her testify about?

Q. I'm trying to use the words you used. I want to get the information I'm entitled to. Here's the question. Do you have an opinion about what the United States Navy said they were going to do in their specs in respect to the plaintiffs' alleged exposure to equipment made by GE? Do you have an opinion on that subject at any point in time?

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A. I don't understand your question.

Q. I'm just rephrasing what Mr. Speziali said was the subject. He said, "She's going to testify about the responsibility of the United States Navy, what they published and what they said they were going to do in their specs in respect to your client's alleged exposure to equipment made by GE."

I'm asking you if you have such an opinion?

A. Well, it's a very general question, and I'll answer it as best I can. The United States Navy was a highly sophisticated entity. It was a highly sophisticated customer of many places, including General Electric. They had the ability and responsibility to maintain and control their own premises and employees, and they had long-standing knowledge about asbestos and disease.

Q. Anything else?

A. The United States Navy from my experience maintains a very tight control over its own environments. I'm familiar with that having worked for the Navy as a civilian in a

shipyard, and the United States Navy has control over its premises, its people and what goes on in the Navy.

Q. Okay.

MR. KRISTAL: Are you going to be asking her that, because a portion of the answer dealt with responsibility to maintain its own premises? If that's not coming out, than I don't need to go into the other. But I want to know if we're going to hear that in court?

MR. SPEZIALI: I am going to ask her whether based on her knowledge of the Navy GE had an option of going aboard these ships without their approval? I mean, you know I'm going to get into the Navy, what you can or can't do with respect to the Navy. Whose rules are they? Whose specs are they? I am going to get into that with her.

MR. KRISTAL: But not to the Navy's responsibility to maintain their own premises?

MR. SPEZIALI: Sure. I'm going to ask her who maintains their ships. Is that what

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you mean?

Q. When you said "maintain their own premises," you weren't talking about maintenance on the ship?

A. I meant control. The Navy controls its premises, the equipment, materials, how they do it, what they do. The Navy is in control, and, I can tell you from having worked for the Navy that the Navy runs its own ships.

Q. Did the Navy allow --

A. So to speak.

Q. Did the Navy allow any warnings for any hazardous substances that were authorized at any point in time in the Navy?

A. Did the Navy allow? I'd have to look at Navy specs. The Navy did what the Navy wanted to do.

Q. My question is, are you aware one way or the other whether the Navy allowed any manufacturer of any kind of product to put any kind of warning about the hazards of that product or the products used with that product?

A. I can't tell you if there were labels on boxes or what. All I know is, anything that

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 2 goes on a ship or on the harbor is done by spec
 3 and approved by the Navy, that nothing gets on
 4 without their absolute control.
 5 Q. My question to you is whether or not
 6 you have an opinion as to whether or not the
 7 Navy allowed any manufacturer with respect to
 8 its products or any other manufacturer's
 9 products to put a warning about any hazardous
 10 substance on or with the product?
 11 A. And, again, I would say that what is
 12 on or with the product, anything that is
 13 installed that is part of a ship, that is part
 14 of a Navy installation onshore is done by spec and
 15 every step of the way is approved by what the
 16 Navy will allow.
 17 Q. I'm asking you if you know one way or
 18 the other whether the Navy allowed anyone to
 19 warn about anyone?
 20 A. That's broad.
 21 Q. I'm asking you the broadest question
 22 I can think of on that question. If the answer
 23 is no, it eliminates a lot of narrower
 24 questions.
 25 A. I don't know.

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 2 Navy would or would not have allowed?
 3 A. The Navy would allow what the Navy
 4 would allow. They were the ultimate, they
 5 decided what they were going to do. They decided
 6 how it was going to be done. They decided what
 7 would be done, how it would be left and they
 8 were completely in charge. They were in control
 9 over the places, over the people. They were in
 10 control.
 11 Q. Since you don't know whether anyone
 12 asked, I take it you have no opinion as to
 13 whether or not the Navy would or wouldn't have
 14 allowed a warning on asbestos-containing
 15 products or about asbestos-containing products?
 16 A. I do have an opinion.
 17 Q. And what's your opinion?
 18 A. Well, I have an opinion. You're
 19 talking about warnings in general?
 20 Q. I'm not talking about warnings in
 21 general now. I'm talking very specifically about
 22 asbestos.
 23 A. I'll tell you something. When you
 24 work for the Navy they are very much aware of
 25 maintaining their personnel and how things are

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 2 Q. So you don't know. How about with
 3 respect to asbestos, do you know if any
 4 manufacturer ever requested of the Navy that
 5 they be allowed to put a warning on any product
 6 that contained asbestos or product that was used
 7 with a product that contained asbestos?
 8 MR. SPEZIALI: Objection.
 9 A. You're talking about a manufacturer
 10 and then you're talking about another type of
 11 thing that's not a manufacturer.
 12 Q. I'm talking about a company that
 13 manufactures an asbestos-containing product and
 14 a company which manufactures a product on which
 15 are asbestos-containing products?
 16 A. What kind of warning?
 17 Q. Any kind of warning about the hazards
 18 of asbestos.
 19 A. All I know is that when you deal with
 20 the Navy the only thing you can have there is
 21 what they allow. So I don't know if anybody
 22 asked, but I know that we only could do what
 23 they allowed you to do.
 24 Q. And if you don't know if anybody
 25 asked, I take it then you don't know whether the

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 2 done, and, if somebody were to put on some sort
 3 of you're talking about a warning, what did you
 4 say label? What's your word?
 5 Q. Any sort of warning.
 6 A. Any sort of warning?
 7 Q. In a manual, on the product, on a
 8 sign on a product, any kind of warning.
 9 A. I'm saying that anything that is
 10 anywhere is approved by the Navy, but, I can
 11 tell you that the Navy would not allow any kind
 12 of sign or anything that might be considered
 13 disruptive, that they would only allow something
 14 that would be in accordance with Naval
 15 principles and operations.
 16 Q. Well, certainly it was in accord
 17 with --
 18 A. Somebody couldn't just voluntarily
 19 say, you know, we're going to just do a sign or
 20 a label. That's not the way it works at the
 21 United States Navy. Everything is speced out.
 22 Everything is done the way the Navy wants it,
 23 and, it's the Navy way or no way. It's the Navy
 24 who has control of these places.
 25 Q. Certainly it would be in accord with

1 Marjorie A. Drucker - Direct
 2 allow something that would be in accordance with
 3 Naval principles and operations."
 4 My question is, are you saying that a
 5 warning about the hazards of asbestos on an
 6 asbestos-containing product or with a product on
 7 which asbestos-containing products were used
 8 would not be in accord with Naval principles and
 9 operations?
 10 A. As I said, everything done for the
 11 Navy is done the Navy way. But a warning doesn't
 12 tell somebody how to work with something safely. A
 13 warning doesn't convey what the person is
 14 supposed to do. Everything depends on various
 15 situations. It's the health and safety
 16 professionals at the site who are in control of
 17 the place, in this case the Navy who's
 18 responsible.
 19 It's inconceivable to expect an
 20 outside firm or company to interject itself into
 21 another employer's workplace, let alone the
 22 United States Navy, and start telling them what
 23 to do and police their, the other employees.
 24 It's not the way the world works.
 25 Q. So are you saying that a warning

1 Marjorie A. Drucker - Direct
 2 MR. SPEZIALI: What
 3 asbestos-containing products?
 4 MR. KRISTAL: Any asbestos-containing
 5 product.
 6 A. For a period of time GE wire and
 7 cable had a warning on it starting around 1972
 8 in response to some tests that were done on the
 9 wire and cable and also in response to OSHA.
 10 Q. Okay. How about otherwise?
 11 MR. SPEZIALI: How about otherwise
 12 what?
 13 MR. KRISTAL: There was no GE warnings
 14 on any piece of equipment on which
 15 asbestos-containing products went other
 16 than what you just said.
 17 MR. SPEZIALI: Okay.
 18 A. Well, a metal product is not an
 19 asbestos product. I described for you before the
 20 types of products that GE made that contained
 21 asbestos. The wire or cable of which was sold in
 22 1980 did have a warning for a period of time,
 23 and, then, the other two types of products,
 24 textolite and genol, were phased out in 1973 to
 25 1972 respectively. So there would be no reason

1 Marjorie A. Drucker - Direct
 2 about the hazards of asbestos is not in accord
 3 with Naval principles and practices?
 4 MR. SPEZIALI: Objection.
 5 A. I'm saying whatever is in accord with
 6 Naval principles, what they allow by spec, what
 7 they allow on a ship is what they allow. I don't
 8 know how else to answer your question. It's
 9 naive to assume that somebody from the outside
 10 can dream up some sort of thing that they think
 11 should be done. Things are done in the Navy
 12 according to the Navy way. That's the way it is
 13 and that's the way it works.
 14 Q. So a warning is in accord with Naval
 15 principles and operations or is not in accord?
 16 MR. SPEZIALI: Objection.
 17 A. Well, it's, what the Navy says is
 18 acceptable in accord is what is done on the Navy
 19 property, the ship and the shore. The Navy is in
 20 control. The Navy is in control of the
 21 workplace, they're in control of the premises,
 22 they're in control of the people.
 23 Q. Did GE ever place a warning on any of
 24 its asbestos-containing products or any
 25 equipment on which any equipment went non-Navy?

1 Marjorie A. Drucker - Direct
 2 to do so.
 3 Q. Was the wire and cable that had the
 4 asbestos warning starting in 1972 sold to the
 5 Navy after 1972?
 6 MR. SPEZIALI: Objection. Go ahead.
 7 A. No.
 8 Q. How do you know?
 9 A. It's my understanding that GE stopped
 10 selling cable to the Navy in the mid-fifties.
 11 Q. And it's your understanding that if
 12 GE had put a warning on its wire and cable in
 13 the 1950s the Navy would have taken it off?
 14 MR. SPEZIALI: Objection. She never
 15 said that.
 16 A. I never said that.
 17 Q. The Navy wouldn't have allowed it?
 18 A. The Navy would have done what the
 19 Navy wanted to do, and that's the way it is.
 20 Q. And I'm asking you, if GE had
 21 requested of the Navy that they wanted to put an
 22 asbestos warning on its wire and cable product,
 23 it's your opinion that the Navy would not have
 24 allowed that?
 25 MR. SPEZIALI: Objection.

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 2 A. If we look back in time at their
 3 role, there would have been no reason. We know
 4 now there was no reason to put the warning on
 5 the wire and cable ever, but, certainly, back in
 6 the 1950s there was no reason to suspect. All
 7 the levels were in appropriate PELs, asbestos
 8 was being handled responsibly at the time, and
 9 there would have been no reason to put the label
 10 on to begin with, but, as I said before,
 11 whatever would be speced out by the Navy and
 12 allowed to be on the premises was that which
 13 would be ultimately in the Navy.

14 Q. And your opinion is that the Navy
 15 would not have allowed GE to put a warning on
 16 its wire and cable products in 1950?

17 MR. SPEZIALI: Objection. This isn't a
 18 wire and cable case.

19 MR. KRISTAL: I understand.

20 MR. SPEZIALI: Why are we talking
 21 about wire and cable?

22 Q. Go ahead.

23 A. Could you kindly repeat that?

24 Q. I'm not asking you whether a warning
 25 should or shouldn't have been on wire and cable

1 Marjorie A. Drucker - Direct

2 MR. SPEZIALI: Objection.

3 A. We know there would have been no
 4 reason to do so. We know that. There wouldn't
 5 have been a reason to put the warning on it
 6 ever. But, as I said before, the Navy being in
 7 control of its environment and specing out
 8 exactly how they want things and how they want
 9 everything, things have to be done according to
 10 their specs.

11 Q. Was there a hazard of asbestos
 12 disease from the use of 100 percent asbestos
 13 cement at any point in time?

14 MR. SPEZIALI: Objection. She's not
 15 being offered about that. She's not a
 16 physician.

17 Q. You don't have an opinion on that
 18 question?

19 MR. SPEZIALI: She's not being offered
 20 for that purpose.

21 MR. KRISTAL: Okay.

22 Q. Do you have an opinion?

23 A. I really wasn't prepared to deal with
 24 that today, so, as I sit here today, I haven't
 25 thought about that.

1 Marjorie A. Drucker - Direct
 2 in the 1950s. I'm asking if it's your opinion if
 3 GE requested the Navy to put a warning on its
 4 asbestos-containing wire and cable your opinion
 5 is the Navy would not have allowed it?

6 MR. SPEZIALI: Objection.

7 Q. Is that your opinion, yes or no?

8 A. My answer is what I can give you.

9 Q. Is your answer yes or no?

10 A. It's not a yes or no question.

11 Q. I'm asking, in your opinion, would
 12 the Navy have allowed it?

13 A. It's not a yes or no.

14 Q. The Navy would have allowed it or
 15 wouldn't have allowed it. There's not too many
 16 answers here.

17 MR. SPEZIALI: Answer how you feel
 18 appropriate.

19 A. I worked for the Navy. They spec out
 20 what they want and how they want it, and that's
 21 what ultimately is used by the Navy.

22 Q. So you don't know if the Navy would
 23 or wouldn't have allowed GE to put a warning on
 24 its wire and cable product that contained
 25 asbestos?

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2 Q. If a manufacturer of raw asbestos
 3 fiber was supplying the Navy and wanted to put a
 4 warning on the burlap bags in the 1930s,
 5 forties, fifties, or sixties, are you saying the
 6 Navy wouldn't have allowed that manufacturer to
 7 put a warning about asbestos?

8 MR. SPEZIALI: Objection.

9 A. What I can tell you is that whatever
 10 got, whatever stayed with that ship would have
 11 only been allowed by Navy spec. So, you know,
 12 whether they brought on the bags and threw them
 13 off and they didn't stay, I don't know. All I
 14 know is what stays on that ship is according to
 15 Navy spec and that's the way it is.

16 Q. My question is whether you have an
 17 opinion as to whether a warning would have been
 18 allowed on a bag of 100 percent asbestos fiber
 19 if it was supplied to the Navy at any point in
 20 time?

21 MR. SPEZIALI: Same objection.

22 A. I have an opinion as to what would
 23 be, what would stay on that ship and what would
 24 be allowed to stay on that ship, and that is
 25 that which is speced out as far as speced out

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1 Marjorie A. Drucker - Direct
2 bags are concerned.
3 Q. How would you know --
4 A. I'm not done.
5 MR. SPEZIALI: Go ahead and finish
6 your answer.
7 A. I do know that what stays on the ship
8 is that which is according to military spec and
9 is approved by the Navy.
10 Q. If there was on a ship a bag of 100
11 percent asbestos cement that was used for
12 repairing insulation that was on a turbine and
13 the manufacturer of that 100 percent asbestos
14 cement in the 1930s, forties, fifties or sixties
15 had requested of the Navy that they want to put
16 a warning about asbestos on that bag of 100
17 percent asbestos cement, is it your opinion that
18 the Navy would not have allowed that?
19 MR. SPEZIALI: Same objection.
20 A. The Navy would allow what they allow
21 by spec.
22 Q. And I'm asking you if a manufacturer
23 requested to do that would the Navy not have
24 allowed them to do that?
25 A. You're talking about the

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1 Marjorie A. Drucker - Direct
2 manufacturer?
3 Q. I'm talking about the manufacturer.
4 A. Of that particular cement?
5 Q. Yes.
6 A. That asbestos product?
7 Q. Yes.
8 A. I do know what ultimately would be on
9 that ship would be that which would be allowed
10 by the Navy. I've said that over and over. I
11 don't know how much clearer I can make it.
12 Q. But with respect to the bag of cement
13 that's on the ship to be used for repairs, you
14 don't know whether the Navy would or wouldn't
15 have approved it, the use of the warning at any
16 point in time?
17 MR. SPEZIALI: Same objection.
18 A. Well, as regards to the manufacture
19 of that asbestos-containing cement product,
20 maybe, maybe not. What I said was what stays on
21 the ship is that which is allowed by the Navy
22 because the Navy runs their ships and their
23 shore. Because the Navy has certain procedures
24 that have to be followed, the Navy only allows
25 certain things, and that's what is done on

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2 ships. And to think otherwise --
3 Q. Do you know what a turbine technical
4 manual is?
5 A. If you're talking about a manual that
6 may or may not accompany a piece of metal
7 equipment like a turbine, yes.
8 Q. Do you know whether or not GE
9 supplied with its turbines technical manuals for
10 Navy turbines?
11 A. My understanding is that the Navy
12 speeded out, and, if the Navy requested a manual,
13 then GE, you know, they worked it out with the
14 Navy, would supply it. But that was done at the
15 request of the Navy. It was part of a contract.
16 It was something that they paid for.
17 Q. I want you to assume that the Navy
18 requested GE to supply technical manuals with
19 its materials. All right?
20 A. That's not the case always, but if
21 you want me to assume it for now.
22 Q. Is it sometimes the case?
23 A. My understanding is it's not, a
24 manual is not always requested from the
25 manufacturer, in this case GE. It depended on

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1 Marjorie A. Drucker - Direct
2 the contract that the Navy had with GE. If they
3 paid extra they got a manual. Whatever they
4 worked out. It was all done by contract.
5 Q. I want you to assume we're dealing
6 with a contract which the Navy requested a
7 technical manual for its turbines. Are you with
8 me so far?
9 A. I am.
10 Q. If GE said to the Navy we would like
11 to put in our technical manual a warning about
12 the hazards of asbestos insulation that we know
13 about on our turbine, are you saying the Navy
14 would not have allowed that?
15 MR. SPEZIALI: Objection.
16 A. When you say "a warning," what kind
17 of warning are you talking about? A warning
18 doesn't tell somebody how to work with something
19 safely. What is involved in a warning, and,
20 rather, what is involved in a health and safety
21 situation is an assessment by a health and
22 safety professional because there are a myriad
23 of factors that can be involved. There is no one
24 size fits all safety warning or safety label
25 that can be put in a manual on anything that

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 2 would apply in various situations. In fact, that
 3 can be downright dangerous.
 4 You can have situations where you're
 5 telling somebody the wrong thing because they
 6 can be working with things that could interact
 7 and be harmful and cause serious harm to the
 8 person. So it's the health and safety
 9 professional people who have control of the
 10 environment who are the ones who are qualified
 11 to make determinations and to devise certain
 12 measures so that people are safe in different
 13 situations.
 14 MR. SPEZIALI: It's five after five.
 15 MR. KRISTAL: Let me just finish.
 16 MR. SPEZIALI: She has to catch an
 17 airplane.
 18 Q. If GE had requested of the Navy that
 19 they want to put information in their technical
 20 manual that the use of asbestos-containing
 21 insulation on their turbines may cause disease,
 22 are you saying that the Navy would not have
 23 allowed that?
 24 MR. SPEZIALI: Objection.
 25 A. That the use of their turbines may

1 Marjorie A. Drucker - Direct
 2 cause asbestos?
 3 Q. Listen to my question. You missed my
 4 question. GE wanted to put information in the
 5 technical manual that the use of
 6 asbestos-containing insulation on its turbine
 7 could pose a hazardous disease. Are you saying
 8 that the Navy would not have allowed GE to do
 9 that?
 10 MR. SPEZIALI: Objection.
 11 A. I never heard of one manufacturer
 12 warn of another manufacturer.
 13 Q. I'm not asking if you've heard of
 14 that.
 15 A. GE wouldn't be privy to all the ins
 16 and outs. It's absurd.
 17 Q. I'm asking if the Navy would or would
 18 not have allowed that, in your opinion?
 19 MR. SPEZIALI: Objection.
 20 A. Maybe, maybe not.
 21 Q. Okay.
 22 A. What I can say is that I have never
 23 seen one manufacturer warn about another
 24 manufacturer's product. That may or may not, as
 25 I said, the health and safety professionals

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 2 people who have control of the environment are
 3 the ones that can look at a health and safety
 4 situation in its totality. Nothing can be taken
 5 out of context and just looked at as a single
 6 type of item. There are a myriad of factors that
 7 are involved on ships that can cause serious
 8 harm, and all those need to be addressed.
 9 MR. KRISTAL: To the extent I need to
 10 do it, I move to strike the non-responsive
 11 portion of that answer.
 12 Why don't we break with the agreement
 13 we need to get a whole host of materials.
 14 MR. SPEZIALI: I'm going to ask you to
 15 make a specific request, and I'll tell you
 16 why. Some I think we're not going to have
 17 any problem. Some I just can't sit here and
 18 agree to.
 19 MR. KRISTAL: It will be reflected in
 20 the transcript.
 21 MR. SPEZIALI: Let me know.
 22 MR. KRISTAL: When you get your copy
 23 it will list the request and the page.
 24 MR. SPEZIALI: I'm probably not going
 25 to agree to all of them.

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 2 MR. KRISTAL: That's fine. You will
 3 have the universe of what I requested
 4 through the transcript.
 5 MR. SPEZIALI: For purposes of teeing
 6 up a motion we can go that route. That's
 7 fine.
 8 Q. Thank you. I hope it wasn't as
 9 horrible as it could have been.
 10 A. Very nice to meet you.
 11 (Deposition Concluded.)
 12 Time Noted: 5:10 p.m.)
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CERTIFICATION OF WITNESS

I have read the foregoing transcript of my deposition and find it to be true and accurate to the best of my knowledge and belief.

MARJORIE A. DRUCKER

Sworn and subscribed to before me on this _____ day of _____, 2004

Notary Public
My Commission Expires _____

CERTIFICATE

STATE OF NEW YORK)
COUNTY OF NEW YORK)

I, ELEANOR SEKULIC, a Notary Public of the State of New York, do hereby certify that the foregoing deposition of MARJORIE A. DRUCKER was taken before me on June 3, 2004.

The said witness was duly sworn before the commencement of her testimony, the said testimony was taken stenographically by myself and then transcribed. The within transcript is a true record of the said deposition.

I am not connected by blood or marriage with any of the said parties, nor interested directly or indirectly in the matter in controversy, nor am I in the employ of any of the Counsel.

Dated: _____

ELEANOR SEKULIC