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IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO
CIVIL DIVISION

BETTY L. TERRY,

Plaintiff,

vs.

C. JAMES CONRAD,
ADMINISTRATOR, BUREAU OF
WORKERS' COMPENSATION AND
INDUSTRIAL COMMISSION, et al.,

Defendants.

: Case No. - 98-393

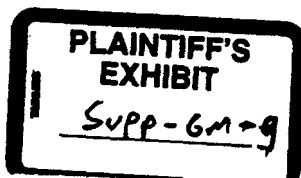
: Judge Patrick J. Foley

: AFFIDAVIT OF RALPH A.
FROEHLICH

STATE OF OHIO)
) SS:
COUNTY OF MONTGOMERY)

Ralph A. Froehlich, being first duly sworn and under oath, deposes and states as follows:

1. I am employed as the President of Helix Environmental, Inc., an occupational and environmental health consulting company located in Dayton, Ohio. I am a certified industrial hygienist. I have maintained my certification since 1983 through two rounds of certification.
2. Since 1984, I have developed experience evaluating asbestos-related health risks through the performance of air sampling to evaluate occupational exposures to airborne asbestos, the evaluation of operations where asbestos-containing materials become airborne, the inspection



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of buildings and work places where asbestos-containing materials may be present and oversight and air monitoring at asbestos abatement projects.

3. In 1974, I graduated from Indiana University in Bloomington, Indiana with a bachelor's degree in Chemistry. In 1982, I obtained my masters degree in Environmental Health (Industrial Hygiene and Air Pollution) from the University of Cincinnati.

4. During the course of my career, I have obtained multiple certifications as an industrial hygienist. My certifications include:

- a) Certified Industrial Hygienist from the American Board of Industrial Hygiene (CIH No. AP-2631, 1983);
- b) Certified Safety Professional from the Board of Certified Safety Professionals (Certification No. 14328);
- c) Qualified Environmental Professional from the Institute for Professional Environmental Practice (Certification No. 06960100);
- d) Several certifications from the Ohio Department of Health, including Asbestos Hazard Evaluation Specialist (Ohio Certification No. 2112), Asbestos Hazard Abatement Specialist (Ohio Certification No. 3074), and Asbestos Abatement Project Designer (Ohio Certification No. 60038);
- e) Certified by the Illinois Department of Public Health as an Asbestos Professional - Inspector (Certification No. A96330) and as an Asbestos Inspector (Certification No. A97352);
- f) Certified by the Kentucky Department for Environmental Protection as an Asbestos Management Planner (Accreditation No. P99-02-0197) and as an Asbestos Project Designer (Accreditation No. D99-02-0198);
- g) Certified as an Asbestos Inspector by the Virginia Department of Professional & Occupational Regulation (Certification No. 3303 002366); and
- h) Certified by the Wisconsin Department of Health & Family Services as an Asbestos Inspector (Certification No. AII-04435) and as an Asbestos Project Designer (Certification No. APD-04435).

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5. Since 1983, I have served as an officer, director and committee member in various professional affiliations, including the Air and Waste Management Association, the American Academy of Industrial Hygiene, the American Chemical Society, and the American Industrial Hygiene Association.

6. Since 1990, I have testified as an expert witness in the area of industrial hygiene and environmental contamination, both at deposition and trial, in twenty-one (21) cases. Eight (8) of the cases related specifically to asbestos hazards, asbestos abatement, air monitoring for asbestos fibers, and product liability issues relating to asbestos.

7. I have reviewed the following documents in this case:

- a. Hubert Terry's work history set forth in a document entitled "Hubert Terry Work History/Asbestos Exposure" (the "Terry Work History"). A true and accurate copy of the Terry Work History is attached hereto as Exhibit 1.
- b. A report prepared by David A. Groth, M.D., one of Plaintiff's expert witnesses, as well as Dr. Groth's deposition transcript; and
- c. Several letters prepared by Robert P. Baughman, M.D., Plaintiff's other expert witness, as well as Dr. Baughman's deposition transcript.

8. I am familiar with the well-accepted, published scientific and medical literature regarding the working conditions of and exposure to asbestos by auto mechanics during the 1960's and 1970's. It is well-accepted in the literature that the composition of automotive brake linings included chrysotile asbestos fiber which comprised approximately 50% of the friction material.

9. During the 1960's and 1970's, the standard process by which brake linings were inspected and repaired involved an auto mechanic removing the wheel from the axle and blowing compressed air into the drum and back plates to remove loose dust. This process, as described in the scientific and medical literature, is consistent with the information contained in the Terry Work History.

10. It is well-accepted in the scientific and medical literature that the asbestos fibers that were blown into the air during the process of using compressed air to clean the drum and back plates were of respirable size. In addition, the scientific and medical literature establishes that the concentrations of asbestos fibers in the breathing zone of the mechanic operating the compressed air hose were substantially higher than acceptable air quality standards for asbestos, and that mechanics working within an area as large as up to 20 meters from the air blowing operation also sustained significant exposures to asbestos.

11. Based on my education, training and experience as a board-certified industrial hygienist, and my review of the Terry Work History and Dr. Groth's report and deposition transcript, it is my opinion that Hubert Terry was exposed to asbestos as he removed old brake linings, used compressed air to clean the drum and back plates and replaced brakes on an average of two cars per day as an auto mechanic at Truesdell Service Station from 1959 through 1972.

12. Based on my education, training and experience as a board-certified industrial hygienist, and my review of the Terry Work History and Dr. Groth's report and deposition transcript, I agree with the opinions expressed by Plaintiff's expert, Dr. David Groth, that Hubert Terry's exposure to asbestos while he worked as an auto mechanic at Truesdell Service Station was both significant and injurious.

13. Assuming the Terry Work History is accurate, meaning Mr. Terry was exposed to asbestos on a regular basis while he worked as a welder at A.K. Steel Corporation for approximately seventeen (17) years, I would also agree with Dr. Groth's opinion that such exposure would have been both significant and injurious.

14. Based on my education, training and experience as a board-certified industrial hygienist, and my review of the Terry Work History, Dr. Groth's report and deposition transcript and Dr. Baughman's letters and deposition transcript, I agree with the opinions expressed by both Drs. Groth and Baughman, that Hubert Terry's exposures to asbestos at GM, Truesdell and A.K. Steel were cumulative and injurious.

FURTHER AFFIANT SAYETH NAUGHT.


Ralph A. Froehlich

NOTARY PUBLIC

Sworn to and subscribed to before me this 24 day of January, 2000.


Notary Public
My Commission Expires: March 14, 2004



JOSEPH A. JONES, Notary Public
in and for the State of Ohio
My Commission Expires March 14, 2004