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STATE OF CALIFORNIA : SUPERIOR COURT
FOR THE COUNTY OF LOS ANGELES

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DOROTHY ST. JACQUE, ET AL, :

Plaintiffs, :

-versus- : No. C 137 465

JOHNS-MANVILLE SALES :

CORPORATION, ET AL,

Defendants. :

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Deposition of J. H. MAIN, taken
pursuant to Notice at the United States Courthouse,
746 Chapel Street, New Haven, Connecticut, before
Gerald Gale, a Registered Professional Reporter
and a Notary Public in and for the State of
Connecticut, on Thursday, September 20, 1984 at
10:00 a.m.

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1
2 MR. SCHROETER: We are here for the noticed
3 deposition of Mr. James Main, retired from the
4 Flintkote Company, and I am Schroeter, counsel
5 for the Flintkote Company; Keith Carson, to my
6 right, counsel for the Flintkote Company, both
7 on questions and with consent of Mr. Main,
8 counsel for him for purposes of this proceeding,
9 and in that capacity; and wanting you all to know
10 how the day will go, I want to tell you right now
11 that for reasons of the health and strength of
12 Mr. Main, we must limit you on this occasion to
13 today. The deposition notice spoke of two days,
14 but I am asking you to do what you can in one
15 day, and if there must be another, it must be
16 on another occasion.

17 And I will tell you that Mr. Main is on a
18 variety of medications, and I know that some of
19 you are doing medical malpractice work and you love
20 hearing these names. I want to give them to you.

21 He is taking essentially daily the following:
22 One is Tenormin, T-e-n-o-r-m-i-n. It keeps the
23 heart going the way it should, he hopes. He is
24 taking for blood pressure Hydrochlorthiazide.

25 He is taking Valium. He has a bottle of

1
2 nitroglycerin in his pocket for use when needed,
3 I gather. And he is, in addition, for non-coronary
4 purposes, taking a uric acid balancing type of
5 medication called Allopurinol.

6 I am not a doctor, and he is not a doctor,
7 but we both and you all appreciate that given
8 the fact that Mr. Main is 79 years of age, the
9 request to make this a one-day session is
10 reasonable, and at any rate, we will insist upon
11 it.

12 Certainly Mr. Main will try to be as concise
13 and efficient in his responses, as you no doubt
14 will be in your questions, and I have asked Mr.
15 Main and, in fact, Roman Silberfeld has wanted to
16 be sure that we do it this way, that Mr. Main
17 tell us when he needs a rest or would like to just
18 walk about a little bit and relax for a few
19 minutes. He will tell us.

20 We will rely on you, Mr. Main, to let us
21 all know. So the gavel goes to you, Roman.

22 J. H. M A I N, called as a witness, having
23 been first duly sworn by Gerald Gale, a Notary Public
24 in and for the State of Connecticut, was examined
25 and testified as follows:

1
2 DIRECT EXAMINATION

3 BY MR. SILBERFELD:

4 Q Good morning, Mr. Main.

5 A Good morning.

6 Q I want to ask you at the outset, if you would,
7 because there are a number of people down at the end of the
8 room, please try to keep your voice up.

9 A I will.

10 Q I am sure you have had a chance to talk to Mr.
11 Schroeter about the nature of the deposition, have you not?

12 A Yes.

13 Q Have you ever had your deposition taken before, sir?

14 A Yes.

15 Q In connection with any claims against your former
16 employer, the Flintkote Company?

17 A No.

18 Q What type of matter was it?

19 A Litigation involving patents and licensing.

20 Q At the risk of repeating some of the things you may
21 already know about a deposition or some things Mr. Schroeter
22 may have told you, let me tell you what we are here about
23 specifically.

24 Most of the lawyers here represent people in
25 California who have filed lawsuits against certain asbestos

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2 manufacturers, including the Flintkote Company, arising out
3 of their exposure to asbestos products and their claims
4 that those exposures have caused them certain injuries.

5 This deposition is part of the lawsuits that have
6 been filed in California; you understand that, sir?

7 A. Yes.

8 Q. We have come to take your deposition in connection
9 with what you know about your former employer and its
10 operations as it relates to asbestos products; you understand
11 that, sir?

12 A. Yes.

13 Q. What the deposition will consist of is primarily
14 a question and answer session, and everything that is said
15 here today is being taken down by the court reporter who is
16 seated between us.

17 At the end of the deposition, he will cause his
18 notes to be typed up into a booklet. It looks something
19 like this booklet, which is another deposition taken in these
20 cases.

21 You will be given the booklet and you will be asked
22 to review it and probably sign it under penalty of perjury.
23 That will become your testimony in these Los Angeles cases
24 except if you were to come to Los Angeles and testify in
25 person at some later time.

1
2 If at any time during the deposition I ask you
3 a question or for that matter anyone asks you a question
4 which you don't understand or which doesn't make any sense
5 to you, I would like you to tell us that because we don't
6 want you to answer a question which doesn't make sense. We
7 want your best testimony here today, and if we ask a question
8 which is nonsensical, just tell us that. Would you do that,
9 sir?

10 A. Yes.

11 Q It's important for the sake of the record that
12 we keep the questions and answers a little separate. Also
13 allows Mr. Schroeter, in the event he has any legal objection
14 to make, to make that objection.

15 So what I would ask you to do, if you could, is to
16 pause a little bit before you begin your answer at the end
17 of my question, even though you probably will get a sense of
18 where my question is going by the beginning of it. Will
19 you try to do that?

20 A. I will.

21 Q If at any time you want to take a break, just tell
22 us that, and we will certainly oblige you.

23 A. Thank you.

24 Q I think Mr. Schoerter told us you're 79?

25 A. I will be 79 on December 14. I was born December 14,

1905.

Q With regard to the list of medications that Mr. Schoerter read to us a moment ago, do you believe, based on how you feel this morning, that you are able to give us your testimony here today?

A Yes, subject to tiring possibly, if it's a long, drawn-out question.

Q We will try not to make it long and drawn out. We will try to finish today certainly.

A Thank you.

Q Again, I want to reemphasize, we don't want you to get tired, and we don't want you to get fatigued by the process, and if it means taking breaks every hour, we will certainly do that; but you have to tell us that, sir.

A I appreciate that.

Q Other than taking breaks, do you feel there is anything about the medication that you're presently taking which would affect your ability to either understand the questions or reply to them?

A No.

Q Are any of the medications, to your knowledge, the kind that would affect mental processes, your ability to think clearly?

A Other than tiring, I don't think so.

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Q You feel reasonably well today?

A I do.

Q Clear-headed today?

A It's a relative term, but as clear-headed as ever.

Q Let's start, if we can, by having you give us
a brief description of your educational background.

A I went to grade school and high school and college.

Q Where did you attend college, sir?

A Harvard College.

Q What years?

A Graduated in 1928 with a Bachelor's.

Q Bachelor's degree in what?

A Science.

Q Any specific discipline?

A History, government and economics.

Q Do you have any post-graduate formal training?

A I did some studying nights in accounting and I might
have -- yes, I studied one semester at Suffolk Law School in
Boston.

Q After college, what was your first formal employment?

A With the Flintkote Company in Boston.

Q What year was that, sir?

A Late 1928 or early 1929. I'm not sure, but it was
about then, the beginning of the year.

Q What was your first job with the company?

A My first job was office manager in the Boston office, which was then the home office of the Flintkote Company.

Q Jumping to the end of the story very quickly, if we might, when did you retire from any active work?

A I retired in August 1969.

Q From what company did you retire?

A From the Flintkote Company.

Q You were with the company approximately 40 years?

A Approximately 40 years.

Q As office manager of the home office in Boston, your first job now, going back to the beginning of the story, what were your duties and responsibilities?

A My duties were to supervise the running of the office, to hire personnel, to centralize the filing system, to centralize the stenographic department, to centralize the purchasing of all office supplies and equipment for the home office and all of the branch offices.

Q At the time when you first joined the company, how long had the Flintkote Company been in business, to your knowledge?

A I believe the Flintkote Company was incorporated as such in 1902.

Q At the time you joined the company in about 1928 or 1929, what was the business of the company?

A The principal business of the company was the manufacture and sale of asphalt roofing. Secondary business was the manufacture and sale of asphalt emulsions.

Q Any other major product categories that you can think of at this time?

A I can't think of any other major ones at that time.

Q At the time when you first joined the company, did either the asbestos roofing products or the asbestos -- asphalt, rather -- Let me start again.

As of the time you first joined the company, did the asphalt roofing products contain asbestos, to your knowledge?

A Not to my knowledge.

Q Same question with regard to the asphalt emulsion products: did they contain asbestos?

A They may have. I don't know.

Q Would it be fair to say that at the time you were the office manager at the home office your function was primarily an administrative and internal function in terms of the running of your office?

A That's correct.

Q Did you have any duties or responsibilities at that time to have contact with the customers of the Flintkote

Company?

A. No.

Q. How long were you office manager, sir?

A. Until about 1932 or '33.

Q. At that time, what job did you take?

A. At that time, I took the job of assisting the assistant treasurer with some of his real estate tax and insurance problems.

Q. Did you do that job in Boston?

A. No. At that time, we had moved our offices to New York.

Q. Can you generally describe what your duties and responsibilities were with regard to the real estate tax and insurance problems that the treasurer had?

A. I was in that job only a short time, and my principal duty was handling the settlement of some extensive fire and use and occupancy claims at two of our plants.

Q. What was your next job after that?

A. The next job was transferred to a subsidiary of the Flintkote Company. The name of that subsidiary was the Patent and Licensing Corporation.

Q. Where was the Patent and Licensing Corporation located at that time?

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2 A. Its principal office was in New York. It had offices
3 in Chicago and San Francisco.

4 Q. For what period of time did you work for the
5 Patent and Licensing subsidiary?

6 A. Until the middle 1950's sometime.

7 Q. Approximately 20 years?

8 A. Approximately 20 years.

9 Q. For ease of reference, can we say you were there
10 from approximately 1933 to approximately 1955?

11 A. Yes.

12 Q. What were your duties and responsibilities if you
13 only had one job -- if you had several, tell us about it --
14 with regard to the Patent and Licensing subsidiary?

15 A. My first job was assistant to the vice-president.
16 About 1945, I became the vice-president in charge of the
17 Patent and Licensing Corporation.

18 Q. You held that job until 1955, approximately?

19 A. That's correct, until that corporation was
20 dissolved. I think it was about that time.

21 Q. As the vice-president of the Patent and Licensing
22 subsidiary, what were your duties and responsibilities?

23 A. My duties were to license our patents and protect
24 our patents.

25 Q. At the time that you became the vice-president of the

Patent and Licensing Corporation in 1945, did the company at that time have any products in its product line which contained asbestos?

A. The Patent and Licensing Corporation?

Q. No, the Flintkote Company.

A. Yes.

Q. Do you know when for the first time the Flintkote Company got into the business of selling products that contained asbestos?

A. I testified before that I wasn't sure whether there was asbestos in their asphalt emulsions. I am sure by that time there was.

Q. By "that time," you mean roughly 1945?

A. Yes. And before that. In the middle 1930's, the Flintkote Company started the asphalt shingle and siding business. That product contained asbestos fiber.

Q. As part of your job in protecting the patents of the company, did you become familiar in the '30's and '40's with any of the technical aspects of the product of the company?

A. Only insofar as the patents related to those operations, certain of the patents.

Q. I kind of get the impression that you were a person whose background was primarily in business and accounting; would that be a fair statement, rather than

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2 chemistry and engineering?

3 A. That's correct.

4 Q To a certain limited degree, however, you did
5 develop an understanding of the technical aspects of the
6 products as it related to the product's contents, for
7 example?

8 A. By osmosis, I guess, I absorbed a little of it.

9 Q Did you personally participate in patent
10 applications for certain products of the company that
11 contained asbestos?

12 A. Not to my knowledge, no.

13 Q In an organizational sense, Mr. Main, who did the
14 actual work within the Patent and Licensing Corporation in
15 terms of protecting the patents?

16 A. We had two -- I had two patent attorneys reporting
17 to me.

18 Q That was at the New York City office?

19 A. Yes.

20 Q It was their job to execute the legal work involved?

21 A. Yes.

22 A. Along with outside counsel.

23 Q Do you recall the names of the patent attorneys
24 who were in house?

25 A. Yes. We had one man named Olson, and we had a man

1
2 named Stearman. We had a man named Wiley and we had a
3 man named Stewart.

4 Q Regardless of whether you personally participated
5 in the process, do you know whether, during your years with
6 the Patent and Licensing Corporation, certain products of the
7 company were patented that contained asbestos?

8 A I can't recall any offhand, no.

9 Q At the time that you were involved with the Patent
10 and Licensing Corporation, did the company have either
11 an engineering department or an engineering staff which worked
12 with your patent people in the development of the information
13 necessary to submit for patent?

14 A Yes. We had a research laboratory and, of course,
15 we had an engineering department.

16 Q Where was the research laboratory located, sir?

17 A The research laboratory was first located at East
18 Rutherford, New Jersey, and about 1945, it was moved to
19 Whippany, New Jersey.

20 Q Can you tell me the names of any people who headed
21 up the research laboratory during the years that you were
22 with the Patent and Licensing Corporation?

23 A Yes. Dr. Kirschbraun was our first research
24 director, followed by General Kabrick for a brief period.

25 Q Can you spell Kabrick?

1
2 A I can't. K-a-b-r-i-c-k would be my guess. He
3 wasn't there very long, and he was followed by Dr. McCabe,
4 M-c-C-a-b-e. He was followed by Richard Cubberley,
5 C-u-b-b-e-r-l-e-y, and he was followed by Frank Califano,
6 C-a-l-i-f-a-n-o.

7 Q If you can describe it in a general sense, what
8 was the work of the research laboratory work dedicated to?

9 A It was dedicated to the development of new products,
10 to the improvement and perfection of existing products and
11 the testing of products and product ideas submitted to the
12 company for consideration.

13 Q Do you know whether any of the people you have
14 listed from Dr. Kirschbraun to Mr. Califano are still living?

15 A Kirschbraun is dead, Kabrick I don't know, McCabe
16 is dead, Cubberley is dead, and Califano is dead.

17 Q When you last knew of his whereabouts, what was
18 General Kabrick located?

19 A General Kabrick came with us for a brief period
20 after World War II. He had been with the U. S. --
21 with the U. S. Army. I don't know in what capacity and
22 I don't know where he went after he left us. He was only
23 there a short while.

24 Q To your knowledge, are there any people who worked
25 in the research laboratory during the time that you were with

1
2 the Patent and Licensing Corporation that are still living,
3 that worked there in any sort of supervisory capacity?

4 A. There is a John Schmidt. I don't know what his
5 capacity was in the research department. I haven't kept
6 in touch with anyone else. I think he is still with the
7 Flintkote Company.

8 Q. Do you know where?

9 A. I think in New Jersey somewhere, if they have
10 an office in New Jersey.

11 Q. Do you have any idea when the research department
12 was first created by the company?

13 A. No. It was before I went with the company.

14 Q. Before you joined them in 1928 or 1928?

15 A. That's right.

16 Q. At that time, there was already a research department
17 in place?

18 A. Yes.

19 Q. Let's talk for a moment about the engineering
20 department. During any of the years that you were with the
21 Patent and Licensing Corporation, can you tell me who headed
22 up the engineering department?

23 A. I really can't remember offhand. I suppose if I
24 thought about it long enough, I might remember some names, but
25 before Califano, I can't remember who headed it up.

Q If any names come to mind during the course of the day, would you tell us that, sir?

A I will.

Q Where was the engineering department located?

A Its last location was Whippany, New Jersey. Before that, it was in East Rutherford, New Jersey.

Q During the years you were with the Patent & Licensing Corporation, can you tell us the number of patents, just an estimate, that were applied for and received by the company?

A We had hundreds of patents.

Q Of those patents that were applied for and received by the company, can you describe the general product categories that those patents were in?

A Most of the patents related to asphalt shingles, and asphalt emulsions and dispersions of reclaimed rubber and their uses.

Q During the times that you were with the Patent & Licensing Corporation, do you recall any applications for patent for any asphalt roofing product?

A Yes. The Flintkote Company held the original patent for the asphalt strip shingle. Are you familiar with what an asphalt strip shingle is?

Q No, sir.

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2 A It's a shingle used on most of our houses today.
3 It's a strip approximately 12 by 36 inches, the lower half
4 of which is cut into shapes that resemble three shingles. The
5 top half is solid, very much like a separator in an egg crate.
6 If you took that out, it would look like an asphalt strip
7 shingle.

8 The Flintkote Company had the original patent
9 on the asphalt strip shingle, and they had many patents on
10 modifications of it, designs of it, improvements of it, and
11 so on.

12 Q Did any of the patents that the company had with
13 respect to asphalt roofing products refer to products that
14 contained asbestos in their composition?

15 A Not to my knowledge.

16 Q What else --

17 A They may have, but not to my knowledge.

18 Q During the years that you were with the Patent &
19 Licensing Corporation, do you recall any instances where
20 the company attempted to patent a product which had as its
21 significant feature the fact that it was an asbestos-free
22 product?

23 A Not to my knowledge.

24 Q After the job with the Patent & Licensing Corporation
25 ended, approximately the mid-'50's, what was your next job?

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2 A. The next job was manager of the industrial
3 department. Let me modify that and say the industrial
4 sales department.

5 Q. In that capacity where did you do your work?

6 A. I did my work first at 30 Rockefeller Plaza, New
7 York. Later in East Rutherford, New Jersey.

8 Q. How long, regardless of location, did you have
9 that job?

10 A. Until I retired in 1969.

11 Q. So roughly '55 to '69?

12 A. That's right.

13 Q. As manager of the industrial sales department, in
14 an organizational sense who did you report to up the line?

15 A. I reported to the vice-president in that capacity,
16 the vice-president in charge of sales.

17 Q. Do you know the line below you who worked for you?
18 I don't mean the names of the people but their job titles
19 and categories.

20 A. The manager of our railroad sales department, the
21 manager of our paving sales department, the manager of our
22 paper sales department. By "paper sales," I mean sales to
23 the paper trade. A manager of our export department.

24 How many have I got there?

25 Q. Four. Railroad, paving, paper and export.

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2 A I think that's it as far as that job is concerned.

3 Q Were your responsibilities nationwide?

4 A No. East of the Rockies. All except the 11 western
5 states, Hawaii and Alaska.

6 Q Was there another manager of the industrial sales
7 department for west of the Rockies, Alaska and Hawaii?

8 A I'm not sure how they were organized. That was
9 the pioneer division. I'm not sure how they were organized
10 out there.

11 Q Did you have a counterpart in the western region
12 who had essentially the same job as you but a different
13 geographical location?

14 A I doubt it. I doubt it because we were organized
15 a little differently in the East than we were in the West.
16 A lot of their industrial sales were sold along with roofing
17 sales.

18 Q When you were the manager of industrial sales, of
19 the industrial sales department, was your employer the
20 Flintkote Company?

21 A Yes.

22 Q So you were not at that time working for any
23 subsidiary?

24 A Except the Patent & Licensing Corporation.

25 Q Did you hold those two jobs at the same time?

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A. For a while.

Q. As the manager of the industrial sales department, what were your duties and responsibilities?

A. To supervise the work of the sales managers that I mentioned.

Q. Was this the only job that you had during all of that 14-year period, approximately, from '55 to '69?

A. No. In about 1959 or '60 I was given the job of selling asbestos fiber for Flintkote Mines, Ltd., which was a wholly-owned subsidiary of the Flintkote Company, and made a vice-president of that company.

Q. So that from approximately '55 to '59 you were only the manager of the industrial sales department for the Flintkote Company?

A. And tailing out the Patent & Licensing Corporation whose patents were expiring.

Q. That was on the way out?

A. Yes. They overlapped maybe to some extent.

Q. From '59 to '69 you wore two hats, industrial sales and vice-president of the Flintkote Mines, Ltd.?

A. Right, plus a few more hats.

Q. Let's talk about the hats. What other hats did you wear and during what periods?

A. I was given a number of assignments toward the end

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2 of my career. We were consolidating -- The Flintkote
3 Company was consolidating some of its operations. They were
4 closing some of their plants and they had a real estate
5 problem, and they gave me the job of disposing of their
6 closed plants.

7 Q Approximately when was that, sir?

8 A That must have been between 1965 and 1969.

9 Q We'll come back and talk about that in a few
10 minutes. Any other major projects or jobs that you had in
11 that last 10-year period between --

12 A There may have been a few inconsequential things
13 like handling problems with rights of way of the roads and
14 so on through our properties and negotiating with zoning
15 boards of the towns and subdividing plans that we wanted
16 to sell. Special assignments of that type nobody else
17 wanted.

18 Q As manager of the industrial sales department
19 from '55 through 1969, did you have responsibility overall
20 for the sales of any products of the company containing
21 asbestos?

22 A Would you give me the period again?

23 Q '55 to '69.

24 A Yes. Some of our asphalt emulsions contained
25 asbestos.

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2 Q Would that be in the paving sales category?

3 A That would be in paving sales, railroad sales and
4 general industrial sales.

5 Q Did the manager of general industrial sales report
6 to you as well?

7 A Yes, he did, too. I'm sorry I missed that.

8 Q Under the category of railroad sales, what product
9 groups would be listed under railroad sales?

10 A Under railroad sales, we had principally a product
11 called car cements. That is a product that is used to
12 protect the undercarriage of railroad moving stock, to prevent
13 it from abrasion, rust and so on.

14 We also had a product to coat the roofs of
15 railroad rolling stock, principally boxcars, and we also
16 had a product to line the interior of hopper cars to prevent
17 them from corrosion, abrasion and so on. And to the best
18 of my recollection, some of those products did contain
19 asbestos.

20 Q During the years you were the manager of industrial
21 sales, do you recall who the manager of the railroad sales
22 of the company was?

23 A Yes.

24 Q Who was that, sir?

25 A Anthony Joseph Healey.

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Q Is Mr. Healey still with us?

A No, Mr. Healey has departed.

Q Any other managers of that particular portion of the business other than Mr. Healey during your years?

A No.

Q With regard to the sales of railroad-related products that you described to us, would it be correct to say that you had responsibility only east of the Rockies?

A Yes.

Q Would that be true of all the product categories, or did you sell any of them nationally?

A We are now talking about the industrial department?

Q No. Maybe I'm confused. You told us, I think, that you were the manager of industrial sales and that certain managers reported to you, railroad, paving, paper, export and industrial.

A Right.

Q I got the impression that your responsibility was east of the Rockies.

A Correct.

Q My question is: For any of these product groups, did you sell on a national basis?

A It's possible that we sold paving products on a national basis in cooperation with the Pioneer Division. By

"Pioneer Division," I mean the division that operated west of the Rockies.

Q Was there some sort of either formal or informal division of the company such that the Pioneer Division took care of the western 11 states, Alaska and Hawaii, and the remainder of the company took care of the balance of the country; is that about how it broke down?

A That was generally true. There were one or two possible slight exceptions; where they didn't have a product, we would, as I say, like paving, operate on a national basis with their cooperation and with them.

Q At the time that you were the manager of the industrial sales department, can you list for us the major manufacturing facilities that the company had?

A For which products?

Q For the product line generally; how many manufacturing facilities did the company have at that time between '55 and '69?

A I'm not clear about your question. Do you mean all the Flintkote products or just those that I was involved with?

Q A good clarification. Just the ones you were involved in to begin with.

A The ones that I was involved with we had a plant at

1
2 East Rutherford, New Jersey, a plant at Whippany, New Jersey,
3 a plant at Lockport, New York, a plant at New Orleans, a
4 plant at Chicago Heights, Illinois, and the Pioneer Division
5 had a plant at Los Angeles, and maybe other places on the
6 West Coast.

7 Q How many other plants, manufacturing plants, did
8 the company have for products that you were not directly
9 responsible for?

10 A You're going to tax me. I could recite a lot of
11 plants and I probably leave out half of them.

12 Q Approximately how many --

13 A There were so many lines of business they were in.

14 Q Let's go back and talk about the paving sales.

15 With regard to the paving sales category, what product
16 groups would fall under that category, sir?

17 A Well, our principal paving products were rubber
18 asphalt joint sealers, to seal the joints in concrete
19 pavements and principally airport runways.

20 Secondly, coal tar pitch emulsion coatings for
21 asphalt, particularly airport runways and for driveways;
22 and thirdly, we manufactured an asphalt emulsion product
23 for a certain type of penetration macadam road construction
24 for the Shell Oil Company. We manufactured the emulsion.
25 We didn't build the roads.

Q Did any of the paving products that you just mentioned, to your knowledge, the product categories, contain asbestos?

A Yes, a few of them did, and I would have to -- Do you want me to explain how?

Q If you could briefly, sir.

A Well, if you are fixing up your driveway and there are potholes in it and you first want to fill the potholes before you resurface it, you would fill the potholes with a heavy material.

That material, the paving material, would possibly contain asbestos to give it body. The coating product would not contain asbestos.

Q In the general categories that you gave us, joint sealers, coal tar emulsions and asphalt emulsion for the road, did those contain asbestos?

A No, not to my knowledge.

Q Going back up to the railroad sales product groups, to your knowledge, did the car cements contain asbestos for the undercoating?

A I believe so. I believe so.

Q How about the roof coatings for the rolling stock?

A They could.

Q The hopper car linings?

1
2 A. They could.

3 Q The next major product category we had were sales
4 to the paper industry. What product categories did Flintkote
5 have that related to the paper industry?

6 A. We made an asphalt emulsion product which we
7 sold to the paper industry. The paper industry would put
8 this liquid asphalt product into the paper beater with their
9 paper mix to give it waterproofing -- moisture-proofing
10 properties.

11 They would also introduce it into their paper-making
12 process between the cylinders on a paper-making machine in
13 the form of a film with an applicator roll to insert a
14 waterproof film between the plys of paper. That product
15 would be used to make boxboard and products of that type.

16 Q To your knowledge, did the asphalt paper emulsion
17 product contain asbestos?

18 A. No, not to my knowledge.

19 Q Other than this emulsion, did the Flintkote Company
20 have any other products that related specifically to the
21 paper industry?

22 A. Not that I can think of.

23 Q With regard to the export sales of the company,
24 can you tell me what major product categories were exported
25 by the Flintkote Company?

1
2 A. We had a small export department that exported
3 principally asphalt emulsion products to the Caribbean
4 area, South America, and the developing countries of Africa.

5 We did not export elsewhere as we had a company
6 in London that handled the rest of the world.

7 Q What was the name of that company?

8 A. Flintkote Company, Ltd.

9 Q Were any products of the company exported only --
10 or to put that another way, were there any products of the
11 company that were not sold in this country but were sold
12 overseas?

13 A. Not that I remember.

14 Q Lastly, with regard to industrial products, can
15 you tell me what general product categories were included
16 in industrial sales?

17 A. Principally asphalt emulsions and asphalt cutbacks
18 and colored coatings with asphaltic or resin bases.

19 Q When you use the term "cutbacks," what do you
20 refer to?

21 A. There are two ways to liquify asphalt. Three ways.
22 You can heat it, you can cut it back as we call it in the
23 vernacular with higher volatile materials, such as benzene,
24 kerosene and gasoline and so on, or you can emulsify it.

25 Q Into which of these major product categories would

list the roofing products of the company?

A. The roofing product -- Where are we now?

Q. Again we are still from '55 to '69; you're still the manager of industrial sales.

A. You mean in industrial sales roofing products?

Q. Yes.

A. We have to distinguish between the liquid product roofing products and the asphalt shingles and roll roofings. That's quite another kettle of fish.

Let's have the question again.

Q. Let's start with the liquid products. With regard to the liquid products, which category of products that we have talked about would those liquid products fall into during the years that you were the manager of industrial sales?

A. I'm still not sure that I understand the question.

MR. SCHOERTER: Are you asking him which of the products he told us about qualify as liquid products?

MR. SILBERFELD: Roofing products.

A. The roofing liquid products?

Q. Yes.

A. You want to know what category the liquid roofing products would fall into?

1
2 Q Correct.

3 A They would be liquid products -- I have
4 answered the question. Asphalt liquid products.

5 Q With regard to this shingle and roll products,
6 what category of product would they fall into?

7 A Well, we call those -- They would fall under
8 the building material products, the building material products,
9 which are so largely to the trade buyers and so on and
10 dealers and jobbers.

11 Q During the years you were the manager of industrial
12 sales, did you have responsibility for selling the building
13 material products?

14 A Only for export.

15 Q Who was your counterpart at the company during
16 those years that was responsible for the building material
17 sales?

18 A Well, now, where are we going to start, what year?

19 Q When you started as manager of industrial sales.

20 A That would have been '55.

21 Q Approximately.

22 A The first manager would be Stewart Ralph. He was
23 followed by a man named Wittamore. He was followed by a man
24 named McDonald, and then I left.

25 Q Any of those three gentlemen still living, to your

knowledge?

A. Ralph is not living. Wittamore is not living, but I would think that McDonald was still living. He may be retired by now or still with Flintkote.

Q. Do you know his first name?

A. Yes. Just a minute now. We had several McDonalds. Tom McDonald.

Q. Where did Mr. McDonald work out of when he was in charge of building material sales?

A. He worked out of 30 Rockefeller Plaza.

Q. During the time that you were the manager of the industrial sales department, did the Flintkote Company have a line of floor tile products?

A. Yes, beginning in the middle 1940's they did.

Q. When you were the manager of the industrial sales department, did you have any responsibility for the sales of floor tile made by the company?

A. Only for export.

Q. Would it have been the building materials department that had responsibility for sales of the floor tile domestically?

A. No, they had a separate department for floor tile.

Q. Who was the head of that department while you were the manager of industrial sales?

A. Well, I believe the first man was a man named

Glatte, G-l-a-t-t-e, and then there was -- he was followed by Harper, and I think he was followed by McDonald, who, by that time, had been transferred from building materials to floor tile. Tom McDonald.

Q Do you know if Mr. Glatte or Harper are still alive?

A I don't know whether Glatte is still alive. The last I heard, Harper was still alive.

Q Where was he when you last heard of him?

A He was in Orlando, Florida in the tile business, running his own company.

Q Do you know the name of the company?

A No. It was a distributor of tile.

Q How long ago was that that you knew him in that business?

A I can't say the last time I heard from him.

Q Was it the '70's or '60's?

A Oh, it would have been the '70's.

Q In the same sense that your duties and responsibilities, Mr. Main, for industrial sales were limited to east of the Rockies, except for isolated instances, is it your understanding that the building material sales were also limited to east of the Rockies and that Pioneer took care of the West?

A That's right.

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2 Q Would the same be true of the floor tile sales?

3 A That's right.

4 Q So the Pioneer Division had its own building
5 materials product line that took care of the Western
6 United States; is that true?

7 A That's right.

8 Q The same is true of the floor tile, the Pioneer
9 Division had a floor tile plant?

10 A That's right.

11 Q I want to turn for a few moments to the job you
12 had at Flintkote Mines. You took that on about 1959 or 1960?

13 A That's right.

14 Q Do you know who you succeeded in that job?

15 A I know I succeeded as -- I'm not sure. I think
16 there was a little reorganization there. I would have to
17 kind of explain it to you. I can't answer your question.

18 Q I would appreciate the explanation.

19 A I will make it as concise as possible.

20 Q And yet complete.

21 A The Flintkote Mines was an adjunct to our purchasing
22 and manufacturing operation. It was started in the mid-1940's
23 and it came under the general manufacturing manager who was
24 responsible for manufacturing and purchasing, and reported
25 to the executive vice-president.

1 The mine was run by the general manufacturing
2 manager and his subordinates and his staff.
3

4 The executive vice-president who represented the
5 company on the board of the mine and also attended the
6 meetings of the mine association, the mining association in
7 Quebec, known as the Quebec Asbestos Mining Association.

8 Most of the fiber product by the mine was used
9 by the company. Excess fiber and grades which were not
10 produced had to be sold. So the manufacturing manager,
11 who was in charge of the mine, hired a man to sell the fiber.

12 As time went on, inventories of unsold fiber
13 were piling up. The executive vice-president decided that
14 the manufacturing department was not capable of selling
15 fiber, so they said "We got to get someone who is. We will
16 transfer the selling of the fiber away from the manufacturing
17 department and give it to someone we think can sell it,"
18 and being a man of many hats and jobs, no one else wanted it,
19 I got it.

20 So I reported to the executive vice-president on the
21 sale of fiber, but the operation of the mine was still the
22 function of the vice-president in charge of manufacturing.

23 Q I take it from that explanation, which I thank you
24 for, by the way, that when you became a vice-president of
25 Flintkote Mines, Ltd., that was in essence a brand new position?

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2 A. No. I think they had a vice-president before. I
3 think our executive vice-president was also vice-president
4 of the mine.

5 Q The executive vice-president of the Flintkote
6 Company?

7 A. Yes. He was also vice-president of the mine.
8 Bearing in mind that the president of the Flintkote Company
9 was also president of all of the subsidiaries at that time.

10 Later I think they had presidents of some of the
11 subsidiaries who were different than the president of the
12 Flintkote Company.

13 Q Let's fill in some names to some of these titles
14 if we can. When you became the vice-president of the mine
15 company in roughly '59 or '60, who was the president of
16 the Flintkote Company?

17 A. I. J. Harvey.

18 Q Mr. Harvey from your explanation, I take it, was
19 also the president of Flintkote Mines, Ltd.?

20 A. That's correct.

21 Q Who was the executive vice-president of the
22 Flintkote Company at the time you became vice-president of
23 the mining company?

24 A. At that time I think it was George K. McKenzie.

25 Q Would it be correct to say that this notion of

1
2 dividing the mining operation from the sales operation was
3 Mr. McKenzie's brainchild?

4 A. He is the one who transmitted that information
5 to me, yes.

6 Q. And who was the vice-president of manufacturing
7 who had the responsibility for sales of this excess raw
8 material?

9 A. A man named Evans.

10 Q. Mr. Evans still living, do you know?

11 A. The last I knew he was.

12 Q. Do you know where?

13 A. He was retired and living in Venice, Florida.

14 Q. As of what period of time did you have any
15 contact with him last, '80's, '70's, '60's?

16 A. '60's, early '60's.

17 Q. How about Mr. McKenzie? Do you know if he is
18 still living?

19 A. The last I knew he was.

20 Q. Do you know where?

21 A. He is living in New York City.

22 Q. How recent is that information?

23 A. I had a Christmas card from him.

24 Q. Last December?

25 A. Last Christmas.

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Q How about Mr. Harvey?

A Mr. Harvey is dead.

Q When you took over as the vice-president of Flintkote Mines, Ltd., I take it that you were also still an employee of the Flintkote Company?

A That's correct.

Q Did you have any duties and responsibilities with regard to the mining company at the beginning other than the disposal of this ever-increasing inventory of unused raw fiber?

A No, other than the fact that I represented the company at the meetings of the mining association, the QAMA, Quebec Asbestos Mining Association.

Q When you had the job with the mine, this ran for approximately ten years, nine or ten years?

A Approximately.

Q During that time, other than representing the company at QAMA meeting and disposing of the raw fiber that was excess over the company's own needs, did you have any other duties and responsibilities specifically with regard to your job at Flintkote Mines?

A No.

Q At the time that you took over as vice-president of the mining company, I take it you reported up the line to

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2 Mr. Harvey as president of the mining company?

3 A. No. My contacts with Mr. Harvey -- By the way,
4 I'm not clear on the dates. This is close to the time we
5 had a change in our organization, and Mr. Harvey became
6 chairman of the board, and a man named Roe was president
7 for a short period of time, and after Mr. Roe, a man named
8 Pecaro was president.

9 My contacts were always with the executive
10 vice-president who was first Mr. McKenzie and then Mr. Moran,
11 after Mr. McKenzie left.

12 Q. So that's who you reported to up the line? That's
13 how you reported up the line?

14 A. Yes.

15 Q. Do you know the line organizationally who reported
16 to you from the mining company?

17 A. Mr. Koehler, K-o-e-h-l-e-r, who was the fiber
18 sales representative.

19 Q. Would it be correct to say, Mr. Main, that you had
20 no responsibilities for the mining operation itself?

21 A. That's correct.

22 Q. That was still under the vice-president of
23 manufacturing?

24 A. That's correct.

25 Q. Was Mr. Koehler the only fiber salesman that reported

1
2 to you during the roughly ten-year period that you were
3 involved with the mining company?

4 A. That's correct.

5 Q. Is he still living, to your knowledge?

6 A. No, he is not.

7 Q. Do you know with regard to your representation
8 of the company at QAMA meetings how long the company had
9 been a member of QAMA?

10 A. I don't know how long they had been a member.

11 Q. Do you know who had represented the company at
12 such meetings prior to the time that you began doing that?

13 A. Mr. McKenzie.

14 Q. At the time you began attending such meetings,
15 approximately how many members of QAMA were there?

16 A. You want the number? I have to almost name them
17 if I can think of them. Do you want the names of them?

18 Q. Sure, if you can.

19 A. We'll start at the top, Johns-Manville, Asbestos
20 Corporation, Lake Asbestos, the Bell Mine, Carey Canadian
21 Mine, National Asbestos. I'm getting down to the little
22 fellows now. Flintkote and Nicolet. I think that's all.

23 Q. When you characterize certain companies as larger
24 than others, with what frame of reference do you do that,
25 sir, sales, tonnage or what?

1
2 A I believe our dues were assessed on the basis
3 of tonnage. Whether it was tonnage mined or tonnage billed,
4 I'm not clear, but it was roughly on the volume produced.

5 Q In addition to representing the company at QAMA
6 meetings, did you ever serve as an officer of that
7 organization?

8 A I was a director.

9 Q During what period of time, sir?

10 A I would say most of the time that I was there,
11 which would be roughly ten years, perhaps.

12 Q Had Mr. McKenzie been a director before you?

13 A Yes.

14 Q In addition to being an attendee at meetings
15 and serving as a director, did you ever serve on any special
16 committees?

17 A No.

18 Q In terms of the structure of QAMA for the ten-year
19 period that you were involved, did it have standing
20 committees?

21 A Yes.

22 Q Can you name any of those?

23 A Well, I'll try. I believe they had a technical
24 committee, a publicity committee, a tariff committee, a traffic
25 committee, and a safety committee and perhaps others. I can't

1
2 remember them all.

3 Q Did the Flintkote Company or Flintkote Mines have
4 employees of the company serving on any of the committees
5 you just named?

6 A Yes. Our mining manager prior to the penultimate
7 mine manager was head of the technical committee.

8 Q Who was that?

9 A Fred Hodgson, H-o-d-g-s-o-n.

10 Q He was second to the last mine manager?

11 A Yes.

12 Q Who was the last one?

13 A Dalma Poirier.

14 Q Mr. Hodgson served as head of the technical
15 committee. Do you know if any representative of the
16 company served on the publicity committee?

17 A I don't believe so.

18 Q How about the safety committee?

19 A I'm not sure.

20 Q At the time that you began attending QAMA meetings,
21 was there a file kept at your office or Mr. McKenzie's
22 office or somewhere at Flintkote Mines that related to any
23 minutes or publications of QAMA that had come out before you
24 took over?

25 A I don't know before I took over. I don't know.

1
2 Q Do you have a recollection of ever reviewing any
3 files and materials that were in existence at the time you
4 became the vice-president of Flintkote Mines, specifically
5 relating to QAMA at its prior meetings before your joining
6 the company?

7 MR. SCHOERTER: You mean in existence
8 within the Flintkote Company or within Flintkote
9 Mines? -

10 MR. SILBERFELD: Yes.

11 Q Do you understand the question?

12 A Let's have it again.

13 Q What I am getting at is this: When you became --
14 Let me approach it this way: When you became the vice-president
15 of Flintkote Mines, did you have a particular office
16 somewhere where you did that job?

17 A I handled it from my own office.

18 Q Did Flintkote Mines, Ltd. have offices somewhere?

19 A Flintkote Mines, Ltd. had offices at the plant.

20 Q That was at Thetford Mines?

21 A Yes.

22 Q Did you ever visit those offices?

23 A Yes.

24 Q On any of those visits when you first took on
25 the job, did you review any files that the company had at that

1
2 time relating to QAMA and the meetings of that organization?

3 A. I don't think so, no.

4 Q. When you first started attending QAMA meetings
5 yourself, did you have a habit or practice of reviewing the
6 minutes that were generated from that organization?

7 A. I don't think so.

8 Q. Did you have a habit or custom of reporting to
9 anyone either down the line or up the line of any
10 developments that occurred at any of the QAMA meetings that
11 you attended?

12 A. Yes.

13 Q. What was your habit?

14 A. Usually verbal, perhaps sometimes written of things
15 which I thought might be of interest to that person.

16 Q. When you first became vice-president of the
17 mining company, do you know approximately what the size of
18 the raw material inventory was?

19 A. No. I do know we had a limited capacity in the
20 warehouse and the warehouse was bulging at the seams and
21 we were renting warehouse space to store the rest of the
22 fiber.

23 I can't tell you now from memory how many tons
24 it was, no.

25 Q. Were you --

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A. Considerable inventory.

Q At the time you became vice-president of the mining company, do you have any estimate as to the percentage of total fiber produced by the mine that was used by the company as distinguished from excess that was sold?

A No, I have not. I can't tell you what the balance was between the production capacity of the mine and Flintkote's use of fiber. I can't remember that.

Q Do you know if Flintkote's use was greater or less than 50 percent of the total, if you have any idea?

A I would think Flintkote's use would be greater than 50 percent of the total.

Q Greater than 75 percent?

A I can't tell you that.

Q Mr. Main, at the time that you became the vice-president of the mining company, did the mine produce different grades of raw material?

A Yes.

Q Can you describe to us the grades of raw material that were produced by the mine?

A We produced grade four fiber, grade five fiber, grade six fiber, grade seven fiber, and shorts.

Q Shorts?

A Shorts. Shorter than grade seven.

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Q What did the various grades refer to, the numbers?

A Well, fiber is graded by a standard test known as the Quebec standard test. I'm going to try to tell you what it is, if you are interested.

Q Certainly.

A The Quebec standard test consists briefly of taking a pound of fiber and vibrating it through a series of screens, and when a different quantities -- when different quantities, the ounces that stays on each screen, the number four -- well, there are higher screens than four, but the four screen, the five screen, six screen, this is mesh, size of mesh, and the fines is what is left over.

And grade four fiber would have so many ounces of this and that, and so on. That's essentially what the -- as I remember, what the Quebec standard test was, and that is the test that's used to classify fiber, how much is left on each of those screens.

Q Is it correct that certain grades of fiber were used for certain types of asbestos-containing products?

A That's correct.

Q Was there a grade one, two and three?

A Well, the higher grades I'm not too familiar with because our mine and our mine body was such that we didn't have those higher grades. They are sometimes referred

1
2 to as the spinning grades. Whether they are called one,
3 two and three or not, I don't know. But of the grades
4 which are -- the ore body produced were between four and seven
5 and what was left over were the fines.

6 Q What were the shorts?

7 A The shorts are what's left over after the last
8 screen.

9 Q As an example, do you know what grade of raw
10 material Flintkote used in its floor tile product?

11 A Grade seven.

12 Q Do you know what grade of raw material Flintkote
13 used in its asphalt shingle roofing product?

14 A I'm not sure that Flintkote used asbestos fiber
15 in their asphalt shingle roofing products.

16 Q Are you aware of any insulating materials that
17 were manufactured by others other than Flintkote that
18 used raw asbestos in the formulation of product?

19 A Am I aware of grades made by others?

20 Q No. Are you aware that companies other than
21 Flintkote made insulation materials such as pipe covering
22 or block material that contained asbestos?

23 A Yes, I'm aware that others did.

24 Q Do you know what grades of asbestos were used by
25 other companies for their insulating materials?

1
2 A I can't tell you what they did, no. I'm not
3 familiar with that field.

4 Q With regard to the grade four raw material which
5 Flintkote produced out of its own mine, do you know what
6 product categories, if any, Flintkote used the grade four
7 material for?

8 A Yes. They used grade four material in asbestos
9 cement pipe.

10 Q Just so that I get a general understanding of the
11 grading, is the lower number the finer material or the
12 higher number?

13 A The lower number is the finer material.

14 Q Generally, again, what was the grade five material
15 used for by Flintkote within Flintkote?

16 A Asbestos cement siding.

17 Q Grade six?

18 A The same.

19 Q Grade seven?

20 A Floor tile and liquid products.

21 (Recess taken.)

22 BY MR. SILBERFELD:

23 Q Mr. Main, while we took a break, we were having
24 some conversation about one of the questions I had asked you
25 earlier about the maning of the grading numbers.

1
2 Is it true that the higher the number the shorter
3 the fiber length?

4 A That's right. The seven is a shorter fiber
5 than the six and six is shorter than five, five shorter
6 than four and so on.

7 Q At the time that you were the vice-president of
8 the mining company, Mr. Evans was in charge of the
9 manufacturing of Flintkote Company; correct, the vice-president
10 of manufacturing?

11 A When I first went -- Yes, at first.

12 Q He also wore a second hat and he was in charge of
13 the mining operation of the Flintkote Mines; is that correct?

14 A The mining company came under Evans. He was a
15 director of the Flintkote Company, he was vice-president
16 in charge of all production and manufacturing and as such, all
17 of our mining operations, whether it be gypsum or asbestos
18 or whatever came under his control.

19 Now, he had a staff, certain ones assigned to
20 certain projects, manufacturing, mining project.

21 Q Like the mine manager would report to him?

22 A The mine manager would report to him.

23 Q Did Mr. Evans, in addition to being vice-president
24 of manufacturing of the Flintkote Company, have a title or
25 an officership in the Flintkote Mines, Ltd. company?

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2 A. Not to my knowledge, no.

3 Q During the years that you were vice-president of
4 Flintkote Mines, are you aware as to whether or not the
5 Flintkote Company ever purchased raw fiber from any other
6 asbestos producers in the Quebec area other than what it
7 got from its own mines?

8 A. Yes.

9 Q Do you know the names of any of the companies
10 that it purchased raw fiber from during the ten-year period
11 you were involved in?

12 A. Yes.

13 Q Can you name them for us?

14 A. Purchased fibers from Johns-Manville, they purchased
15 fibers from Asbestos Corporation, they purchased fibers from
16 Carey Canadian Mines, and they may possibly have purchased
17 some from others, including Lake Asbestos.

18 Q With regard to purchases made by the Flintkote
19 Company from other asbestos-mining companies, did these
20 other companies, such as Asbestos Corp., have grades of
21 asbestos similar to those that the Flintkote mine produced,
22 namely, four through seven?

23 A. Yes.

24 Q Did those companies also mine raw material that
25 was of different grades than that mined at the Flintkote mine?

1

2

A. Some of them, yes.

3

Q. Which ones?

4

5

6

A. Well, I'm not familiar with the operations of these other mines, but I do know that they had other grades that we did not have.

7

8

Q. I take it those other grades were necessary for certain Flintkote manufacturing operations?

-

9

10

11

12

A. Not necessarily. Different -- There are different characteristics to the same grade of fiber. Some fibers are more open than others because of the way the fiber lies in the ore body.

13

14

15

16

Fibers lie in an ore body either vertically or horizontally. The horizontal fibers are called slip fibers. They are not as apt to be as open as the vertical fibers. Some fibers have different color characteristics than others.

17

18

19

20

So it's quite possible that one mine's fiber might be more suitable for a particular use than the same grade of fiber, grade being the length, the screening test, than another mine's fiber.

21

22

23

24

25

So it's common for companies to both produce their own requirements and buy requirements from another mine.

Q. Going to the flip side of the question I just asked about Flintkote purchasing from other asbestos producers, when you first became the vice-president of Flintkote Mines

and you had this inventory of raw material that had to be sold and that was your charge to sell it, do you know who you sold the fiber to?

A. Yes.

Q. Who was that, sir?

A. Well, my philosophy of selling --

MR. SCHROETER: He didn't ask you about philosophy.

A. I sold to Johns-Manville, I sold to Asbestos Corporation, I sold to the Philip Carey Company and among the other mines. Do you want to know the customers we sold to?

Q. Let's take it in categories. There were mining customers that you sold to and then nonmining customers, manufacturing customers.

A. Take the mining companies. I sold to all those mining companies that sold fiber to Flintkote Company.

Q. That was your selling philosophy?

A. I can answer that yes, that was my selling philosophy. It kept down sales expense.

Q. With regard to the nonmining customers for this raw material inventory that you had on your hands at that time, who did you sell to?

A. Our largest customer was in Japan, a trading company

known as Ataka, A-t-a-k-a.

I would think our second largest customer would have been Flintkote Company, Ltd., who had the distribution of our fiber in the United Kingdom.

We also made spot sales to Poland, to Spain, perhaps some to France, and we had a few small customers in the United States.

Q During your ten years, approximately, as vice-president of sales of the mining company, did you develop any other major customers for raw material other than those that you have already described?

A Didn't I answer that question? You asked me who our principal customers were, and I gave you that list. What's the followup question?

Q My original question was: When you first became vice-president and you had this inventory, who did you sell to, and you listed those.

My question now is: For the remainder of your time as vice-president, that roughly ten-year period, did you develop any other major customers for the raw material inventory of the company other than what you already described?

A Some of those that I already described became our customers after I became vice-president. They weren't all our customers the day I became vice-president, but they became

1
2 our customers during my tenure as vice-president, some of
3 them.

4 I can't tell you which ones we had when I went
5 in and which ones we developed.

6 Q Can you estimate for us what percentage of the
7 raw material inventory that you had to sell was sold to the
8 mining customers as distinguished from the manufacturing
9 customers of the company?

10 A I can't give you that percentage. I can't remember
11 it. I might have known it at one time.

12 Q Do you have an impression in your mind whether it
13 was more or less than 50 percent of the inventory that
14 you had to sell?

15 A Maybe 50 percent.

16 Q At the time that you became the vice-president
17 of the mining company, did you have an opportunity to see
18 any of the mining operations taking place at the Thetford
19 mines in Quebec?

20 A Yes.

21 Q On how many occasions did you have a chance to
22 observe that?

23 A Oh, perhaps half a dozen.

24 Q The pure mining operation is one that is conducted
25 outdoors, is it not?

1

2

A. Right.

3

Q As I understand it, there is also a milling operation

4

A. That's right.

5

Q And that milling operation is done indoors; is that

6

correct?

7

A. That's right.

8

Q Is that, at least as of the time that you observed

9

it, was that milling operation in an enclosed building or

10

just a covered area that was outdoors?

11

A. I believe both.

12

Q I take it you had an opportunity to observe the

13

milling operations as well?

14

A. Yes.

15

Q In a very shorthand way, would you describe what

16

you observed about the mining operation?

17

A. Well --

18

MR. SCHROETER: When he says "very short,"

19

you make it very, very short.

20

A. We had what is known as an open pit mine as opposed

21

to an underground mine. An open pit mine is like a quarry

22

as you know it.

23

And to mine an open pit mine, you have various

24

benches. Those are levels, and you cut back a roadway going

25

down to the various levels where the ore body is.

1
2 With the pneumatic hammers and pneumatic drills
3 and so on you dig out the ore from the side of the hill
4 into sizable, handleable sizes, and we loaded it on a skip
5 hoist and took it up out of the pit, loaded it onto cars and
6 took it from the cars to the mill to be ground by hammer
7 mills and grinding equipment and so on into smaller portions.

8 The milling is a series of grinding and screening
9 and grinding and screening and so on, until at the end of the
10 process you have about 150 tons of fiber for every ton of
11 ore that you mill.

12 So you get about -- What's that? Seven and a
13 half percent.

14 Q You didn't mean to say 150 tons per ton; you meant
15 150 pounds?

16 A 150 pounds for every ton. Yes. 150 pounds for
17 every ton. 150 tons a day was our capacity. We had
18 2,000 tons of ore to produce 150 tons of fiber. That's
19 essentially it.

20 Then you screen it and bag it into the various
21 categories, fours, fives, sixes and sevens.

22 Q Did you have an opportunity over the course of
23 the ten years that you were vice-president of the mining
24 company to see the mining operation at various times?

25 A I don't think I ever went down into the pit more than

perhaps once.

Q Did you ever see the mining operation ongoing at any of the competitors of the Flintkote Mines, Ltd.?

A Yes. I visited the Jeffery Mines of Johns-Manville on one occasion.

Q Was that an open pit or underground?

A That was an open pit mine.

Q What other mines did you visit?

A I might have -- I think I went on one occasion to ithe -- one of the mines of Asbestos Corporation.

Q Was that an open pit type?

A Open pit, also.

Q During any of the visits that you had to mining operations, did you notice whether the mining operation produced any visible dust?

A The mining operation produces the same amount of dust as any quarrying operation would where you are breaking up rock with pneumatic drills, yes, but it's in the open air.

Q It did produce visible dust?

A Yes.

Q Did you ever form an impression in your mind as to whether or not any of that dust contained asbestos fibers?

A Not particularly, no.

1
2 Q During any of the visits that you made to the
3 Flintkote mine and observed the mining operation, did any
4 of the workers involved in the mining operation wear any
5 form of face protection?

6 A Yes. They wore respirators.

7 Q Do you know what type of respirators they wore,
8 sir?

9 A No, I don't.

10 Q Were they the type of respirators that were simply
11 some sort of face covering as distinguished from a respirator
12 that had an airline attached to it?

13 A I don't really recall, no.

14 Q To your knowledge, were all of the workers involved
15 in the mining operation wearing respirators when you observed
16 them or only some of them?

17 A I can't remember.

18 Q Do you have an impression in your mind as to whether
19 or not those wearing the respirators were the workers actually
20 involved in the chipping of the rock or the transportation
21 of material up to the mill or both?

22 A I'm sure the ones involved with the chipping of the
23 rock were, and I'm not too sure about the ones transporting
24 it.

25 Q On those occasions when you had the opportunity to

1
2 observe the mining operation at the Flintkote mine, were
3 you able to observe whether the transportation of the raw
4 material from the mine to the mill produced visible dust?

5 A. I don't recall any dust in the transportation.

6 Q. Going to the milling operation, grinding and
7 screening and grinding and screening that you previously
8 described to us, did that operation at the times that you
9 observed it at Flintkote produce visible dust?

10 A. Yes, there was visible dust in that. That is
11 particularly when I first observed it.

12 Q. Did you form an impression in your mind as to whether
13 the milling operation released asbestos in this dust that
14 was visible?

15 A. Well, there was dust.

16 Q. Did any of the workers that you observed in the
17 milling operation of Flintkote, when you first observed it,
18 wear any sort of face protection?

19 A. Yes.

20 Q. Same type of respirators as we already described?

21 A. I suppose so. I didn't particularly pay any
22 attention to it.

23 Q. When you observed these operations ongoing, were
24 you wearing a respirator?

25 A. No.

1
2 Q To your knowledge, did the milling operation have
3 any sort of ventilation equipment operating at the time that
4 the milling operation was going on?

5 A Yes. As time went on, more and more ventilating
6 and suction and aspirating equipment was installed at
7 those dusty operations. In my last visit it was clipped
8 as clean as a hound's tooth.

9 Q That would have been at the end of your tenure?

10 A Right.

11 Q Would that condition at the end of your tenure
12 be different from what it was when you first observed it
13 in the late '50's or early '60's?

14 A Well, when I first observed it was before the
15 '50's and '60's. It was on a trip to the mine while I was
16 on vacation just as a visit, as a visitor. That's when I
17 observed the dusty operation, and the following time, I don't
18 know when it was, it was very much improved, and toward the
19 end, it was a pretty clean operation.

20 Q When was it that you visited the mine as part
21 of your vacation?

22 A I would say in the late 1940's.

23 Q Do you know whether you ever visited the mine after
24 that time but before you became the vice-president of the
25 mining operation?

1
2 A. No, I didn't.

3 Q When you visited it in the late '40's, your
4 impression was that it was a dusty operation both in mining
5 and in milling?

6 A. Yes.

7 Q And that by the late '60's, when you retired, at
8 least in the milling operation, the dustiness was much
9 improved?

10 A. Very much improved.

11 Q When you were there in the late '40's, was this the
12 instance that you described to us earlier where respirators
13 were being worn?

14 A. Yes.

15 Q By some of the workers both in the milling and
16 in the mining?

17 A. Yes.

18 Q At the time that you visited there in the late
19 '40's, did you have an opportunity to observe the bagging
20 or packaging portion of the operation?

21 A. Yes, I went through the entire operation. I was
22 conducted through the entire operation.

23 Q Can you tell me what type of container the raw
24 material was put into at the time of your visit in the late
25 '40's?

1

2

A. Burlap bags.

3

Q. What color were the bags?

4

A. Burlap bags.

5

Q. Burlap color?

6

A. Yes.

7

Q. Did the burlap bags have a label on them?

8

A. I can't tell you that. I don't know.

9

- Q. When you visited the mine in the late '50's or

10

early '60's, when you first became vice-president, did you have

11

an opportunity to observe the packaging?

12

A. Yes.

13

Q. Was it still being packaged in burlap bags at that

14

time?

15

A. Paper bags.

16

Q. What color was the paper?

17

A. Craft color.

18

Q. Brown?

19

A. Brown.

20

Q. Did the paper bags have labels?

21

A. I can't tell you. I don't know.

22

Q. When you observed the packaging of the raw material

23

in the burlap in the late '40's, did that specific function

24

produce visible dust?

25

MR. SCHROETER: What function? The burlap --

MR. SILBERFELD: The loading of material into a bag.

A. I don't recall that specific operation at that time, no.

Q By the time of your retirement in the late '60's, was the packaging of the raw material that was being done at the Flintkote mines still using paper bags?

A. Yes.

Q When you became the vice-president of the mining company, did you learn at that time what modes of shipment or methods of shipment were used to deliver raw material to the customers of the company?

A. The bags of finished fiber were trucked from the mill to a railroad siding, loaded in boxcars and shipped to the customer.

Q At the time of your visit in the '40's, when you saw the burlap bags being used, do you know how those bags were sealed?

A. No, I don't.

Q How about the paper bags you saw in the '60's?

A. I don't know how they were sealed. They were sealed.

Q As part of your duties as a representative of the company to the QAMA, did you ever participate in any discussions having to do with the packaging of raw material in an effort

1
2 to reduce dust created either by the packaging or unloading
3 of the material from the container?

4 A. No.

5 Q. Do you know if any recommendations or recommended
6 practices were ever developed by QAMA for mining operations
7 that would reduce dust in the packaging or unloading of raw
8 material?

9 A. They had a committee, either the technical committee
10 or another committee on packaging, that discussed this
11 subject at length. I'm not aware of any of the details of
12 those discussions, but as an association, they were always
13 trying to improve their packaging, but I'm not aware of the
14 nature of their discussions, plans.

15 Q. As part of your duties as an attendee at QAMA
16 meetings, do you recall any discussions at any time about
17 the need for wearing face protection either in the mining
18 or the milling operations?

19 A. I don't recall, but as I say, they had these
20 committees like the safety committee who were always
21 keeping the fellow members up to date with the latest in
22 safety devices in the mill in all respects.

23 Q. I get the impression, Mr. Main, from your testimony
24 that there was a steady improvement in the dust control methods
25 that were employed by the company at its mining operations in

Canada.

A. Quite noticeably.

Q. What, to your knowledge, was the impetus for that steady improvement in dust control measures?

A. Well, I don't know what the impetus was other than the constant desire of any company to improve their working conditions for their workers.

Q. Was there a concern on the part of the company that you became aware of at some point that exposure to dusts could be hazardous to the health of the workers?

A. What's that question again?

(Question read.)

A. By the company, whom do you mean?

Q. The Flintkote Company.

A. Flintkote Company mines, Flintkote Company?

Q. Both.

A. Well, I think to any individual or to any company there is always an awareness that breathing dust is not the most desirable form of oxygen to take into your lungs. I'm sure. I don't know what the company felt and I don't know what the individuals in the company felt, but the actions of the company were that they were always trying, constantly trying, to reduce the hurt, the dust hazard in any part of the work area anywhere.

1
2 Q At some point in time did you personally, Mr.
3 Main, not the company or anybody else, become aware of a
4 concern that a health risk existed for workers exposed to
5 asbestos dust?

6 A Me personally?

7 Q Yes, when did you personally first become aware
8 of that?

9 A The first time I became aware that asbestos dust
10 might be hazardous was in the mid-1960's, I would say, when
11 I read in The New York Times about some studies that had
12 been made by a Dr. Selikoff of Mount Sinai Hospital on
13 work that he had done in studying the case histories of some
14 shipyard workers, I think in the New York or Brooklyn area,
15 and that's the first time I thought there might be a serious
16 dust problem to asbestos dust.

17 Q At the time you personally first learned that there
18 might be an asbestos health hazard associated with the
19 breathing or inhalation of the asbestos dust, was it your
20 understanding that the only class of worker involved was a
21 shipyard worker?

22 MR. SCHROETER: Just a moment for clarification,
23 that the only worker involved in Selikoff's studies
24 or the only worker involved in the general family
25 of people that might have a hazard from asbestos?

1
2 MR. SILBERFELD: The former.

3 MR. MOHER: Could I have the qualifications
4 read back?

5 MR. SILBERFELD: Let me restate the question.

6 BY MR. SILBERFELD:

7 Q At the time you first learned about asbestos
8 health hazards, do you understand from what you read that
9 the class of person involved was a shipyard worker as
10 distinguished from other trades?

11 MR. SCHROETER: The class of persons in
12 Selikoff's study?

13 MR. SILBERFELD: From what he read.

14 A I think I was personally alerted that generally --

15 MR. SCHROETER: Objection. He asked you what
16 your understanding was of the kind of people that
17 Selikoff studied, were they shipyard workers or
18 other people as well. What did you understand
19 Selikoff was studying?

20 A Shipyard workers, yes.

21 Q At the time you read about Dr. Selikoff's work,
22 did you form an impression in your mind as to whether any other
23 class of worker other than shipyard workers would be at risk
24 for these health effects associated with asbestos exposure?

25 A Well, I don't recall what my trend of thought was

1
2 at the time or reading that article, it's so long ago, but
3 at least I pricked up my ears.

4 Q In addition to pricking up your ears, did you
5 report this news that you had heard to anybody at Flintkote?

6 A As I recall, I cut that article out of the paper
7 and icrculated it to the men whom I reported to.

8 Q At that time were you still reporting to Mr.
9 McKenzie?

10 A I don't know. At that time it might have been Mr.
11 Moran. I can't tell from the dates. I can't remember when
12 the transition took place between Moran and McKenzie, and
13 I can't tell when I read the article, but let's say in the
14 mid-1960's, and I reported it to whoever was the executive
15 vice-president at the time.

16 Q Did you report it down the line to anyone who had
17 the responsibility to report to you?

18 A No. I don't recall everything. I may have
19 mentioned it, but I don't recall having sent that one article
20 to more than one person.

21 Q Do you recall whether you personally did anything
22 in response to hearing about Dr. Selikoff and his work other
23 than circulating the article to your boss?

24 A I can't remember at this time whether I did. I
25 may have.

Q Do you know whether your sending the article to your boss prompted some action on their part that you later learned about?

A I don't know.

Q As far as you know, once having sent the article to the person you were reporting to, was that the end of the matter as far as you know?

A As I recall it, the next meeting I attended of the QAMA the subject was discussed.

Q Is that the next time it came up?

A As far as I recall it. It may have come up in between, but I do recall it came up at the next meeting.

Q Would that have been roughly within a year of the time that you read this article?

A Oh, probably less than that.

Q Within that period?

A Yes.

Q What was the substance of the discussions at the QAMA meeting?

A Well, most other people had read the article, also, and I can't tell you what was discussed about it, pros and cons, but I'm sure there were some pros and cons and limitations on the type of people who were exposed to it and conditions under which they were exposed at that time.

Q Do you recall any discussions at the time of that QAMA meeting about the applicability of Dr. Selikoff's findings to mining and milling operations?

A. No.

Q Did you ever concern yourself at the time you first learned about Dr. Selikoff's findings as to whether or not Flintkote employees in the mining and milling functions were at risk for similar health effects because of their work with asbestos?

A. No, I didn't concern myself with that because, as I told you previously, we had our men using respirators.

Q At any time during the time that you were the vice-president of the mining company, did you have any duty or responsibility with regard to the safety or health and welfare of the mining and milling employees?

A. No.

Q Would that have been the manufacturing vice-president responsibility?

A. That's right.

Q Was there a separate safety director for the mine?

A. I don't know.

Q Do you know if there was a medical officer or medical director or hygienist of any kind employed at the mine?

A. I don't know.

1
2 Q At the time that you first learned about the
3 Selikoff findings, did you become concerned at all as to
4 whether or not those findings were applicable to Flintkote
5 employees who worked in Flintkote manufacturing operations
6 that concerned themselves with asbestos?

7 A No, not particularly.

8 Q In the 12-month period, let's say, following the
9 time that you first learned about Dr. Selikoff's findings,
10 did you hear from any sources within the Flintkote Company
11 that a review was being conducted or an investigation or
12 analysis was being conducted to determine whether those
13 findings were applicable to mining and milling employees?

14 A No, I can't remember that.

15 Q Do you recall whether any such analysis or review
16 of the applicability of the findings was ever done specifically
17 with regard to manufacturing employees that worked with
18 asbestos?

19 A I can't remember that.

20 MR. SCHROETER: For clarification, Counsel,
21 do your answers mean that maybe such reviews and
22 analyses and studies were made -- maybe they were
23 not made, you don't know?

24 THE WITNESS: I don't know whether they were
25 or not.

1
2 BY MR. SILBERFELD:

3 Q You don't know one way or the other?

4 A No. We had --

5 MR. SCHROETER: That answers the question.

6 Q Do you want to clarify your answer?

7 MR. SCHROETER: The next question he wants
8 to answer.

9 (Luncheon recess taken.)

10 MR. MOHER: My name is James Moher and I
11 represent H. K. Porter and Southern Textile
12 Corporation. It's my understanding that we are
13 proceeding today under the normal stipulations
14 that all objections except as to form are
15 reserved until the time of trial; is that correct?

16 MR. SILBERFELD: Yes.

17 BY MR. SILBERFELD:

18 Q During any of the times, sir, that you were the
19 vice-president of the mining company did you participate
20 in any discussion or procedure that had as its purpose
21 the development of safe handling practices for raw asbestos
22 fiber?

23 A No.

24 Q Do you know whether that was ever done by
25 Flintkote Mines or the Flintkote Company?

1

2

A. I don't know of my personal knowledge, no.

3

Q. Do you know from any source?

4

A. I assume it was?

5

Q. What do you base that assumption on?

6

A. My assumption that they were conscious of safety in the plants at all times.

8

Q. During any of the times that you were the vice-president of the mining company, do you know whether there was any regular practice either by employees of Flintkote or outside persons to take air samples of any of the mining or milling operations at the mine in Quebec?

13

A. No, I don't know.

14

Q. Are you aware of whether any air sampling was ever done at any manufacturing facility of Flintkote during that ten-year period from '59 to '69?

17

A. No, I'm not.

18

Q. Between 1959 and 1969, did you ever participate in any discussions or meetings that had as their purpose the development of a warning label to be placed either on the manufactured product or the raw asbestos product of the Flintkote Company?

23

A. Yes.

24

Q. Which products are we talking about, the raw product or the manufactured product?

25

1

2

A. The raw product.

3

4

Q When did you participate in that sort of conversation?

5

6

A. I would say sometime between 1965 and the time that I retired.

7

Q Roughly '66 to '69, somewhere in there?

8

A. Yes.

9

10

Q Who else other than you was involved in that discussion, sir?

11

12

13

A. The mine manager and the liaison representative of the vice-president in charge of manufacturing of the Flintkote Company.

14

Q The mine manager would have been --

15

A. Dal Poirier at that time.

16

17

Q Who was the liaison rep of the vice-president of manufacturing?

18

A. Steve Jobbins.

19

Q Is Mr. Jobbins still alive?

20

A. No.

21

22

23

Q What was the substance of the conversation or discussions that you, Mr. Poirier and Mr. Jobbins had regarding warning labels?

24

A. I don't recall.

25

Q Your last answer was --

1
2 A. I don't recall the substance of the discussions.

3 Q. In a very general way, was the purpose of it to
4 try to develop a warning label for the raw asbestos being
5 produced and shipped from the mine?

6 A. Yes.

7 MR. HARRIS: Object to the form.

8 Q. What prompted that discussion, sir?

9 A. I believe recommendations of the packaging
10 committee of the QAMA. I believe.

11 Q. Can you recall whether the packaging committee
12 of QAMA recommended an actual form of a warning label?

13 A. I don't recall that.

14 Q. Did you contact any of the other mining companies
15 that were members of QAMA to see what they were doing about
16 warning?

17 A. I did not, no.

18 Q. Do you know whether either Mr. Poirier or Mr. Jobbins
19 did that?

20 A. I don't know whether they did or not.

21 Q. Do you know whether as a result of those discussions
22 a warning was actually placed on raw material shipped from
23 Flintkote?

24 A. I believe it was.

25 Q. Do you know when that was first done?

1
2 A. Sometime the latter part of that period, '65 to
3 '69.

4 Q From the time that the discussion was first
5 brought up about warning labels to the time that a warning
6 label was actually placed on the product, do you know what
7 period of time we are talking about there?

8 A. No, I don't.

- 9 Q More or less than a year; do you have any estimate
10 for us?

11 A. I couldn't guess, no.

12 Q Let me show you, Mr. Main, five exhibits at once.
13 I will mark them one through five for this deposition, but
14 for the sake of the record, we should indicate that they
15 are also Exhibits 4, 5, 6, 7 and 8 to the Hooker deposition
16 taken April 12, 1984.

17 So there is no confusion, we will remark them
18 today. I will put the mark in the lower left-hand corner --

19 MR. SILBERFELD: I will mark them now and
20 the reporter will mark them formally at the end
21 of the deposition.

22 MR. MOHER: These are being marked for
23 identification?

24 MR. SILBERFELD: Sure.

25 BY MR. SILBERFELD:

Q Let me show you one through five, Mr. Main, show them to your counsel, and I ask you to review them for a minute or two.

(Discussion off the record.)

BY MR. SILBERFELD:

Q With regard to Exhibits 1 through 5, which are now before you, do you recognize those as being various forms of warning labels?

A As various forms of warning labels?

Q Yes, sir.

A Yes.

Q Do you know whether any of those warning labels were ever used by the Flintkote Company or Flintkote Mines?

A No, I don't.

Q Do you know whether any of those labels --
Withdraw that.

Are you able to tell us whether there is any sequence in terms of when particular labels were used in time before or after on the labels?

MR. SCHROETER: Objection. It assumes a fact that is not in evidence here. That is that he has ever seen them or knows anything about their use by anybody at any time.

Q Is this the first time you have seen those labels?

1
2 A I don't recall. I don't recall having seen them
3 before, no. But I may have seen one or possibly more of
4 them, but I don't recall.

5 Q Do you have any recollection whatsoever that would
6 help you tell us whether or not there is any particular
7 sequence or order to those warning labels, namely, one
8 coming before another in time?

9 A No, I can't.

10 Q Do you have any idea whether any of those products --
11 Pardon me -- whether any of those warning labels were ever
12 actually used on any Flintkote products?

13 A No, I have not.

14 MR. SILBERFELD: Let me mark as Plaintiffs'
15 Exhibit No. 6 a letter dated May 2nd, 1968 signed
16 by Mr. Main directed to a Mr. Albert Fay, F-a-y,
17 vice-president of marketing, National Gypsum
18 Company. It consists of five pages. Take a
19 moment to look at that.

20 (Warning label containing the words "Contains
21 Asbestos Dust" marked Main Plaintiffs' Exhibit
22 No. 1 for identification.)

23 (Warning label "Caution, contains asbestos
24 fibers, avoid creating dust" marked Main Plaintiffs'
25 Exhibit No. 2 for identification.)

(Warning label, "Asbestos, Harmful: May cause delayed lung injury" marked Main Plaintiffs' Exhibit No. 3 for identification.)

(Warning label, "Caution, contains asbestos fibers, avoid creating dust" marked Main Plaintiffs' Exhibit No. 4 for identification.)

(Warning label, "Asbestos fibers present cancer hazard exists, do not release contents of this bag" marked Main Plaintiffs' Exhibit No. 5 for identification.)

(Letter dated May 2, 1968 marked Main Plaintiffs Exhibit No. 6 for identification.)

BY MR. SILBERFELD:

Q Have you had a chance to look at that?

A I have.

Q I would like to ask you some questions about it.

With regard to Plaintiffs' Exhibit 6, Mr. Main, first of all, in an overview way, do you recall the circumstances that prompted your writing this letter to Mr. Fay?

A Yes. Now I do.

Q Would you describe those circumstances to us?

MR. SCHROETER: In a previous way.

A As the letter indicates, the QAMA was doing considerable work on the study of the problem, both from the

1
2 past history and from current information at their disposal.

3 As the letter indicates, they had employed medical
4 assistance in helping them determine the significance of the
5 health aspects of the problem, specifically Dr. Wright of
6 Cleveland. This was very costly to the few asbestos
7 producers, since we felt in QAMA that the users might possibly
8 also be at risk by the use of fiber, we would like to enlist
9 their help in footing the bill. I tried to briefly tell
10 them in the letter, one of the users, the asbestos cement
11 products users, what we had learned from our studies to date
12 and what we felt we had yet to learn, that a meeting was
13 being called in the offices of Johns-Manville to do that;
14 and in writing Mr. Fay, who was president of the Asbestos
15 Cement Producers Association, I suggested an agenda and
16 possible speakers for that meeting.

17 Briefly that's what the letter said.

18 Q Prior to the time that you wrote this letter, was
19 there some decision made at QAMA to try to enlist the help,
20 the financial help, of asbestos users or manufacturers in
21 defraying the cost of this rather expensive medical
22 investigation that had been undertaken?

23 A. I can't remember whether it was an action of the
24 QAMA or an action of certain individuals in QAMA.

25 Q Are you sure in your mind that it was one or the
other?

1
2 A. Yes.

3 Q Who within QAMA, if it was not the association
4 itself, came up with the idea of going to the users or the
5 manufacturers, as the case may be, and soliciting their
6 financial help?

7 A. I don't know, but obviously I wrote the letter.

8 Q Do you know whether you were charged with the
9 responsibility of contacting a number of user groups or
10 just this one, the Asbestos Cement Association?

11 A. As I recall, this is the only group I contacted,
12 and it may be that this may have been my assignment.

13 Q Do you know whether any other representatives
14 of companies who were members of QAMA contacted other user
15 associations?

16 A. I don't know. I don't remember.

17 Q Do you know the names of any of the people
18 representing other companies at QAMA who might have
19 participated in this decision to try to get financial help
20 to defray these expenses?

21 A. I don't remember at this time, no.

22 Q In writing this letter to Mr. Fay, did you have
23 any assistance from anyone?

24 A. I don't remember any, no.

25 Q Prior to actually drafting the letter, did you review

any of the medical information that is referred to in the letter?

A. I refer in the letter briefly to certain studies. I knew they existed. Whether I studied them all in detail or not, I don't remember.

Q Did you keep any sort of medical file which had these studies in it as part of your personal papers or workpapers?

A. I had in my files all information that had been distributed by QAMA to all of the members. As I recall, they distributed it in a duplicate. I would keep one copy in my files and circulate the second copy.

Q You would circulate it to your boss?

A. To my boss and other interested parties, but like this letter, principally to my two copies; one is to the executive vice-president of the Flintkote Company, the other is to the president of the Flintkote Company.

Q Mr. Moran was the executive vice-president?

A. No, Mr. Carpenter at this time was executive vice-president and Mr. Moran was president. I believe.

Q Is that Monte Carpenter?

A. Monte Carpenter. I believe. It could be that Mr. Moran was executive vice-president and Mr. Carpenter was general manager. They were both designated to go on to the

next higher position.

Q Let me direct you to certain parts of the letter, and I want to ask you some questions about it, if I may.

Q In the third line, the second paragraph, "The first Industrial Health Clinic was established in Asbestos, Quebec by Dr. Lanza in the late twenties and operated continuously since that time."

Did you learn that from any records that you reviewed or did someone else tell you that?

A I can't tell you where I learned it. Possibly from hearsay. Probably from hearsay if it was in the '20's.

Q During the time that you were the vice-president of the mining operation, were you aware that there was an Industrial Health Clinic established in Asbestos, Quebec?

A I don't recall whether I was or not.

Q Are you aware that during the time you were the vice-president of the mining operations the health records of the mining and milling employees were being monitored or reviewed on some regular basis for health effects associated with asbestos exposure?

A I might have been aware, but I don't remember it.

Q To the extent that was going on, was there a particular office or officer of Flintkote Mines, Ltd. who would have been charged with the responsibility of seeing

1
2 that was done?

3 A. The mine manager would, yes.

4 Q. The letter also indicates that in the late 1940's
5 an Industrial Clinic similar to the one at Asbestos was
6 established at Thetford Mines.

7 Do you recall that part of the letter?

8 A. I read it here in the letter, yes.

9 Q. Do you have any information about that health
10 clinic independent of what's contained in this letter?

11 A. No.

12 Q. At the time that you visited the mines, not as
13 vice-president but back in the late '40's, do you remember
14 that visit when you went on your vacation you went up there?

15 A. Yes.

16 Q. What was the purpose of that visit, Mr. Main?

17 A. The purpose -- My wife and I were taking a trip
18 through Quebec and it was shortly after we had opened up
19 the mill and mine, and as an officer of the Flintkote Company,
20 I was curious to see what an asbestos mine was like and to
21 see what this new property was. So we dropped off and they
22 gave me the 25-cent tour through the mine, and we went on
23 our way.

24 Q. Let me refer you to the part of the letter that is
25 a few lines past the part I just read, and it indicates, "Dust

counts are conducted periodically at all mines and mills by the QAMA."

Does that refresh your memory in any way whether dust counts were actually ever taken or air samples were ever actually ever taken at Flintkote's mine?

A. Well, I don't know of my own knowledge that they were taken, but obviously I wouldn't have said that if I had not heard or thought that they were.

Q. There is a reference at the bottom of the first page to a study done by Dr. Braun, formerly of the Industrial Hygiene Foundation.

Did you ever review that study prior to the time that you wrote the letter?

A. I can't remember.

Q. Over on page two, the first line -- I should start at the bottom of the page before "I am."

"I am citing this one isolated study, not to indicate that the industry has no problems because I think it has, but rather to indicate the danger of drawing conclusions on any one particular study."

With regard to the problems that you believe the industry did have, what were you referring to at that time, sir?

A. Well, it was merely a caution not to be lulled to

1
2 sleep by one study because you know in all of these things
3 there are two sides to every question, and it indicated the
4 need of more study and more work.

5 Q As of May of 1968, were you concerned that there
6 was a health risk associated with asbestos exposure?

7 MR. SCHROETER: You mean raw asbestos?

8 MR. SILBERFELD: Yes.

9 A Prior-to 1968?

10 Q As of the date of writing this letter, May of '68,
11 at that time were you personally concerned there was a health
12 risk associated with raw asbestos exposure?

13 A Well, I obviously, from what I said at the top
14 of page two in this letter, thought that there could be or
15 might be.

16 Q At the time that you wrote this letter, did you
17 have in mind any concern about any possible health risks
18 associated with exposure to finished asbestos products
19 or manufactured products rather than raw asbestos?

20 A Not of any products that we were concerned with,
21 no.

22 Q Did you have that concern with regard to any
23 products even though they might not have been manufactured
24 by Flintkote?

25 A Only from what Dr. Selikoff's study showed.

Q The next paragraph, the first full paragraph of the second page, it indicates a budget for QAMA of \$300,000. Was that the budget for the health investigation done by QAMA or was that the entire budget of QAMA?

A From this letter, I assume that was just for the health study, yes.

Q There is a reference in the next line to a scientific committee of the QAMA. Do you recall whether any employee of Flintkote ever sat on that committee?

MR. SCHROETER: Objection. You're misreading something. It says the institute consists of two committees, not the QAMA. These are committees of the institute.

MR. SILBERFELD: Sorry. You're right.

MR. SCHROETER: Which was a creature of QAMA but it was not the QAMA.

BY MR. SILBERFELD:

Q Are you aware or is your memory refreshed in any way by this letter that the QAMA established something called the Institute of Occupational and Environmental Health?

A I'm aware that the QAMA established the Institute of Occupational Health, which was an ad hoc committee, yes.

Q Did any employee of Flintkote ever serve on any committee of the Institute of Occupational and Environmental

1
2 Health?

3 A. Not to my knowledge, no.

4 Q. Were the members of the institute representatives
5 of members of the QAMA, in other words, for mining companies?

6 A. Yes. I believe they brought into the institute
7 the Cassiar mine, which was not a Quebec mine; it was a mine
8 in Western Canada. I believe they were also members of the
9 institute, but were not members of QAMA. There may have
10 been others, but I remember Cassiar in particular.

11 Q. Specifically do you know whether any members of
12 the QAMA, such as J-M, or Asbestos Corporation, or Lake, were
13 represented in the institute by any employees of those companies?

14 A. I don't know.

15 Q. Was the institute comprised in part at all by
16 professionally trained people such as medical doctors or
17 industrial hygienists?

18 A. Yes. Dr. Wright was a member. Others I can't
19 remember.

20 Q. During any of your years as the vice-president
21 of the mining company, did you ever have any contact
22 specifically with Dr. Wright?

23 A. Socially, yes.

24 Q. As part of those social contacts, did you and he
25 ever discuss the health effect of asbestos exposure?

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2

A. No, not that I remember.

3

4

Q. Did you have any contacts professionally or socially with Dr. Kotin?

5

A. No.

6

Q. How about Dr. Cushner?

7

A. No.

8

9

Q. Any of the other doctors mentioned here in the second paragraph, Dr. Gregoire? -

10

11

A. No, not to my knowledge, I don't remember any of them. Braun, Pelnar, no.

12

13

14

Q. Did the Flintkote Company and Flintkote Mines contribute its share of the budget amount mentioned in the second paragraph of this letter?

15

A. Yes.

16

Q. Do you know what Flintkote's share was?

17

18

19

20

21

22

A. No, but it would be very minor. I don't recall now what our relationship of the tonnage was to the total tonnage, but it was based on tonnage, and I would say it would be considerably less than ten percent, maybe less than five percent; but the figures escape me now. I don't remember.

23

24

Q. Do you know of any records that might exist that would reflect what the percentage was?

25

A. Yes. It would be records in the offices of QAMA,

possibly offices of Flintkote.

Q The last paragraph of the second page refers to certain conferences being held. Did you ever attend any of these conferences, sir?

A No.

Q Do you know whether any representative of Flintkote ever attended these conferences?

A No.

Q Please turn to the third page. The first full paragraph refers to certain studies or projects that the institute is sponsoring and there are six listed there. Do you see that?

A Yes.

Q By sponsoring these projects, is it meant there that the institute was financially supporting those projects?

A Yes. They were funding them, all or part of them.

Q Did you ever follow up prior to the time that you retired from the company what the results of any of those studies were?

A No, not that I remember.

Q From the middle of the page on now, there appears to be a list of tentative conclusions, if we can call them that. Would that be a fair statement, sir, as of May of 1968?

1
2 A. Let me read the paragraph.

3 I think that's an editorial "we." It's probably
4 "I'm beginning to believe."

5 Q. My question is overall first and then we will talk
6 about them individually. Would it be fair to characterize
7 these as tentative conclusions reached based on available
8 evidence as of May of 1968 about the subject discussed?

9 A. Yes. I would say a progress report to date.

10 Q. You noted that when you used the word "we," that
11 it was the editorial "we" and it was you speaking for yourself?

12 A. Yes. I think so. I didn't consult with anybody
13 in writing this that I remember.

14 Q. But at the time you wrote this, did you believe
15 that a representative, a fair appraisal of the information
16 was then available to you and your colleagues at QAMA?

17 A. I think these conclusions bring us up to date
18 at that time as to what I perceived of the subject of these
19 studies.

20 Q. These five conclusions that are listed here would
21 rise above the level of speculation, would they not, Mr.
22 Main? These were fairly well-founded based on medical
23 evidence?

24 A. Not necessarily, no. It could be speculation.

25 Q. With regard to the first one, where you say there is

1
2 a definite lineage between asbestos and lung health which
3 becomes manifest after long exposure, paren, 20 years, close
4 parens, period.

5 In referring to asbestos in that paragraph, did
6 you mean raw asbestos, asbestos manufactured products or
7 both?

8 A. I don't know. I assume raw asbestos.

9 Q. Is that because there was no particular concern
10 in your mind at that time about any of the manufactured
11 finished products that were made by the Flintkote Company?

12 A. That's right.

13 Q. The second paragraph refers to a worsening of the
14 lung condition when the worker is a smoker. Do you see that,
15 sir?

16 A. Yes.

17 Q. Do you recall whether the Flintkote Company ever
18 either at this time or after warned its own workers, mining
19 employees and manufacturing employees, about the dangers
20 of smoking in the presence of asbestos exposure?

21 A. I don't recall, no.

22 Q. With regard to the last conclusion about protection
23 against exposure, do you see that, sir?

24 A. Yes.

25 Q. Do you have any specific methods of protection in

mind that you had in mind at that time that would yield beneficial results?

A. The first obvious one I can think of is respirators. There may have been others. I don't know now what I had in mind then.

Q At the bottom of the page it goes on to discuss five as yet unanswered questions. Would that be a fair characterization of it?

A. "What we do not know is"?

Q Yes, there are two at the bottom of that page and three more at the top of page four.

A. Yes, I think they all point to possible avenues of improvement.

Q During any of the time that you participated in QAMA meetings, did the subject of substituting another material for asbestos ever come up for discussion?

A. Not to my knowledge, no.

Q I take it this letter was written in a way with the blessing of QAMA by you, was it not?

A. I don't recall. I don't recall that.

Q On the fourth page in the first full paragraph it says, "We in the QAMA feel," et cetera. Would it be correct to say that you were writing the letter on behalf of QAMA?

A. Not necessarily. I don't remember that I was or

whether it was my own -- I don't remember that. I don't know whether I was prompted to or not.

Q The end of the paragraph is basically a pitch for money from the users of asbestos and it says governmental agencies. Do you know whether any governmental agency ever participated in some support funding for the work being done by QAMA?

A I don't remember that, either, no.

Q Was there a particular member of QAMA who was targeted to contact the governmental agency, if you recall?

A I don't remember that. There may have been.

Q In the middle of page four you go on to suggest to Mr. Fay that he have a couple of speakers at this meeting that is going to be held, and one of the people you recommend is Mr. Lindell. Do you see that, sir?

A Yes.

Q He was the chairman of Canadian J-M?

A That's right.

Q Does that refresh your memory that the Institute of Occupational and Environmental Health was composed in part of industry representatives?

A What's that again?

Q I'm asking whether seeing that written on the page refreshes your memory that the institute was composed in part

of industry representatives.

A. What industry?

Q. The mining industry.

A. Oh, yes. Yes, he was president or chief executive of Canadian J-M, and he was an industry representative, and he was on this committee. I think the sentence says that.

Q. Do you know whether this meeting that was proposed here that Mr. Fay was going to conduct ever took place?

A. I believe it did. I believe it did, yes.

Q. Do you know whether you attended?

A. I think I did, yes.

Q. Do you know whether any other representative of Flintkote attended?

A. I can't remember. It's possible.

Q. It indicates at the bottom of the fourth page that the meeting was going to be held in J-M offices. Would that have been New York?

A. That's right.

Q. Do you know whether, following the meeting, you prepared any sort of memo or report or other writing that you transmitted to the people you reported to up the line?

A. I can't remember now.

Q. Lastly, on the last page, there is a very faint signature there. Can you make that out as being your signature?

1
2 A. I can.

3 Q. Is it yours?

4 A. Yes.

5 MR. SILBERFELD: Next is Plaintiffs' Exhibit
6 7, a copy of a letter on the stationery of Canadian
7 Johns-Manville, Ltd., dated June 4, 1968 from Mr.
8 Lindell. It's just addressed to "Dear Sir."

9 Attached to it are three pages of exhibits
10 entitled "QAMA" and a list of medical articles.
11 They number 46 in all.

12 It's previously identified as Exhibit 44 to
13 the Hooker deposition.

14 (Letter dated June 4, 1968 marked Main
15 Plaintiffs' Exhibit No. 7 for identification.)

16 BY MR. SILBERFELD:

17 Q. Have you had a chance to look at it?

18 A. I glanced at it.

19 Q. Do you recognize it?

20 A. I can't say that I do.

21 Q. On the upper right-hand corner there is a received
22 stamp. Do you see that?

23 A. Yes.

24 Q. Do you recognize that as a stamp used by the
25 office of the president of the Flintkote Company at any time?

1
2 A. It may have been, but I don't recognize it
3 as such.

4 Q. There is some handwriting at the upper left-hand
5 corner. Can you make that out, sir?

6 A. Yeah.

7 Q. Do you know who that refers to?

8 A. Yes. It looks like Mr. Heubner.

9 Q. Who is Mr. Heubner?

10 A. Mr. Heubner was the insurance manager of the
11 Flintkote Company. He may have had other offices, too,
12 concerned with workman's compensation and safety. I don't
13 know just what his duties were.

14 Q. Where was Mr. Heubner's office as of 1968?

15 A. New York.

16 Q. Did he office in the same general offices as the
17 office of the president of the company?

18 A. Yes.

19 Q. Attached to the exhibit is a bibliography of
20 sorts. Do you know if you have ever seen that document
21 before today?

22 A. I may may have, but I don't recognize it. I
23 may have seen it.

24 Q. Did the Flintkote Company as of 1968 have a medical
25 library?

1
2 A. I don't know.

3 Q There wasn't any in the offices where you maintain
4 your office?

5 A. My office at this time was in New Jersey.

6 Q East Rutherford?

7 A. East Rutherford. We had no medical library to my
8 knowledge in East Rutherford.

9 MR. SILBERFELD: As Plaintiffs' Exhibit 8,
10 let me mark a copy of a letter on the stationery
11 of Canadian J-M, dated October 1st, 1968. It
12 consists of two pages, addressed to "Gentlemen,"
13 and signed by Mr. Hendry, H-e-n-d-r-y.

14 (Letter dated October 1, 1968 marked Main
15 Plaintiffs' Exhibit No. 8 for identification.)

16 BY MR. SILBERFELD:

17 Q With regard to Plaintiffs' Exhibit 8, have you
18 ever seen that document before?

19 A. I may have. I don't know. I don't remember.

20 Q In substance it would be correct to say that this
21 is a notification by Canadian J-M to its customers of the
22 fact that they are going to put a warning label on their raw
23 asbestos products?

24 A. That's right.

25 Q Do you know whether or not the Flintkote Company

1
2 ever utilized a similar letter to the one that's Plaintiffs'
3 Exhibit 8 and notified its customers?

4 A. I don't recall.

5 Q Do you know whether the language used for a
6 Flintkote warning label actually came from a warning label
7 used by Canadian J-M?

8 A. I don't recall that, either.

9 Q Do you know who Mr. Hendry was?

10 A. Yes.

11 A. Who was he?

12 A. He was the general sales manager for asbestos
13 fiber for Canadian Johns-Manville.

14 Q He would have been your counterpart at Canadian
15 J-M?

16 A. I would like to think I could have sold as much
17 fiber as he did, yes, but --

18 Q I didn't mean in terms of tonnage. I meant in
19 terms of title.

20 A. That's right. I did not have the title of general
21 sales manager of Flintkote or Mines, Ltd.

22 Q Let me go back to your letter to Mr. Fay, the
23 five-page letter. That was May of 1968.

24 With reference to that time period, May of 1968,
25 do you remember whether the Flintkote Company as of that time

1
2 was putting a warning label on its asbestos products?

3 A. No, I don't remember that we were.

4 Q Are there any documents or is there any material
5 that you're aware of that would permit us to fix the date
6 as to when Flintkote first started to put a warning label
7 on its products?

8 MR. SCHROETER: On its raw fiber?

9 MR. SILBERFELD: Yes.

10 A. I couldn't pinpoint that date.

11 Q Do you know from your own knowledge whether or not
12 the company ever put a warning label of any kind on its
13 manufactured products that contained asbestos?

14 A. I don't know.

15 MR. SILBERFELD: Plaintiffs' Exhibit 9 to
16 this deposition, a memo on the interoffice
17 correspondence of the Flintkote Company dated
18 November 19, 1968 to Mr. Heubner from Mr. Johnson,
19 subject, safety precautions, use of asbestos
20 fibers, and this has previously been identified
21 as Exhibit 22 to the Hooker deposition.

22 (Memorandum dated November 19, 1968 marked
23 Main Plaintiffs' Exhibit No. 9 for identification.)

24 A. Yes.

25 Q At the bottom of the page, there are a number of

1
2 people copied. Do you see your name there?

3 A. Yes.

4 Q Do you recall ever receiving this memo?

5 A. I assume I did, yes.

6 Q You assume it based solely on the fact that your
7 name appears at the bottom?

8 A. Yes.

9 Q You don't have any independent recollection of
10 getting this?

11 A. No independent recollection, no.

12 Q Do you know whether the study of the plants that
13 is mentioned in the memo at the last paragraph was ever
14 conducted?

15 A. I don't know.

16 Q Other than probably receiving the memo, did you
17 initiate any action in response to the information contained
18 herein?

19 A. In response to this information?

20 Q Yes, sir. Did you do anything?

21 A. I don't recall, no.

22 Q It indicates in the third paragraph, apparently,
23 that you informed Mr. Heubner -- Pardon me. "I informed
24 Mr. Johnson that Johns-Manville proposes to use a caution
25 label on all bags of asbestos fiber." Do you see that, sir?

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A. I do.

Q. Do you recall so advising Mr. Johnson or anyone else at the Flintkote Company?

A. I recall discussing this whole subject with Mr. Johnson, who was then the head of the tile division, asphalt and asbestos vinyl tile division of the Flintkote Company, yes.

Q. That was the major product being manufactured at East Rutherford?

A. No, not the major. It was not manufactured at East Rutherford. His office was at East Rutherford, but there was not an asphalt tile plant at East Rutherford, no.

Q. Was the subject of your discussion with Mr. Johnson pointed towards the advisability of placing a warning label on the asbestos-containing tile product?

A. As I recall, I brought Mr. Johnson up to date on the subject very much as I did Mr. Fay in that letter, and told him about what the QAMA was doing, what others in the QAMA were doing, including Johns-Manville; and as a result of that, I assume he wrote this letter.

Q. Specifically, though, Mr. Main, do you recall whether your conversation was pointed, if at all, at warning labels relating to raw asbestos or finished products or either one?

1
2 A. Mr. Johnson had nothing to do with raw asbestos.
3 Mr. Johnson was the manager of the tile division, which
4 was a finished product.

5 Q. From that should we understand that discussions
6 centered on the issue of whether or not to warn about the
7 finished product, namely, tile, which was Mr. Johnson's
8 concern?

9 A. I can't draw that conclusion from this. I don't
10 recall it from the conversation.

11 MR. SCHROETER: For clarification only, was
12 Mr. Johnson also in charge of tile manufacturing?

13 THE WITNESS: Yes. He was general manager
14 of the tile division.

15 MR. SCHROETER: So he had under him not only
16 whatever finished products dealings might take place
17 but he had under him the workers working in the
18 plants making tile?

19 THE WITNESS: Yes.

20 MR. SCHROETER: Using raw asbestos?

21 THE WITNESS: Right.

22 BY MR. SILBERFELD:

23 Q. With regard to the middle of the third paragraph,
24 Mr. Main, where it says "These labels will create a
25 considerable amount of discussion among our employees who are

1 -
2 exposed to asbestos and fee that their individual exposure
3 may be harmful." Do you recall having any discussions
4 with Mr. Johnson about that aspect of whether or not to
5 warn?

6 A. No, I do not.

7 Q. Was it ever a personal concern of yours that by
8 placing a warning label on any of the asbestos products
9 manufactured by the company that concern or fear or suspicion
10 would be raised in the minds of the Tlinskote employees?

11 MR. SCHROETER: Objection, vague. Are you
12 talking about what this letter talks about, namely,
13 bags of asbestos fiber, or are you talking about
14 finished products?

15 MR. SILBERFELD: I will restate the question.

16 Q. This memo seems to suggest that the labels may
17 create concern among the employees about exposure to asbestos
18 and specifically speaks of labels on the bags of fiber in
19 the sentence just before that.

20 Do you see that, sir?

21 A. Let's read that again.

22 It appears to me he is talking about the bags.

23 Q. With that in mind, did you ever personally become
24 concerned that the placing of a warning label on bags of
25 raw asbestos could create fear or concern in the minds of

1
2 Flintkote employees?

3 A. He doesn't quote me as saying that in that paragraph.

4 Q My question is: Irrespective of what the memo
5 says, were you ever concerned that the placing of warning
6 labels on bags of raw asbestos might lead to fear or concern
7 on the part of the employees?

8 A. No.

9 Q Did you ever recommend that a warning label not
10 be placed on bags of raw asbestos so that employees would
11 not become concerned?

12 A. Quite the contrary.

13 Q What did you recommend?

14 A. Well, I think I testified before, maybe it was this
15 morning, that we -- or earlier -- that we in QAMA recommended
16 that warnings be placed on the bags of fiber.

17 Q To your knowledge, did anyone within the Flintkote
18 Company ever suggest that warning labels not be placed on
19 bags of raw asbestos so as to avoid raising concern and fear
20 or anxiety on the part of the workers?

21 A. I never heard that, no.

22 Q To your knowledge, as the placing of warning labels
23 on bags of raw asbestos delayed within the company because
24 of a concern that it might raise fear among the workers?

25 A. No, not to my knowledge.

MR. SILBERFELD: Let me mark as the plaintiffs' next exhibit in order, Exhibit 10, a copy of a memo on the interoffice correspondence of Flintkote Company, dated November 6, 1969. It's a memo from Mr. Hooker to Mr. Poirier, and it's been previously identified as Exhibit 11 to the Hooker deposition.

(Memorandum dated November 6, 1969 marked Main Plaintiffs' Exhibit No. 11 for identification.)

A. Yes.

Q. Have you had a chance to review Exhibit 10?

A. I have.

Q. From the effects of the memo, does that refresh your memory that it was around November of 1969 that a warning label was first placed on bags of raw fiber shipped by Flintkote?

A. I retired from Flintkote in August 1969. This is written in November 1969. I don't have any recollection of ever having seen this memo.

Q. Do you know why you would be copied with this memo even though you retired three months earlier?

A. I have no idea.

MR. SCHROETER: They were accustomed to his face.

1
2 A. I had been there 40 years, and they got in the
3 habit, I guess.

4 Q. During any of the time, Mr. Main, that you were
5 the vice-president of Flintkote Mines, do you recall any
6 claims for workers' compensation benefits being made by
7 any mining or milling employee of the company?

8 A. No.

9 MR. SCHROETER:- For the record, objection.

10 It's irrelevant to the subject matter of these
11 actions.

12 Q. During any of the time between 1955 and 1969 that
13 you were involved in sales, do you recall whether or not
14 there were any workers' compensation claims made by any
15 worker employed by the Flintkote Company in a manufacturing
16 setting?

17 MR. SCHROETER: Same objection. It's
18 irrelevant. Don't answer the question, sir.

19 THE WITNESS: I didn't.

20 MR. SILBERFELD: Did you say "Don't answer
21 the question"?

22 MR. SCHROETER: Claims made don't convey
23 knowledge of anything. It's not relevant to any
24 of these claims made in these cases in which this
25 deposition is taken.

1
2 MR. SILBERFELD: This deposition is taken
3 under St. Jacques, where there is at least a
4 dozen plant worker cases that I am aware of,
5 Auzene, A-u-z-e-n-e, being one of them. I could
6 name others, but they are workers whose exposures
7 would be identical to the exposure listed in the
8 question and identical to the exposure of any such
9 worker making the claim between 1955 and 1969.

10 MR. LEWIS: I will join in Mr. Silberfeld's
11 comments. I have 12 such cases.

12 MR. STAMOS: We have such cases.

13 MR. SCHROETER: Of course, you have such
14 cases and I know that. Number two, the counsel
15 representing the Flintkote Corporation in those
16 cases, because his father died over the weekend,
17 could not be here, Larry Judy, and what he
18 would or would not do were he here, I do not know;
19 but thirdly, I point out just so you understand
20 why I'm saying what I'm saying, is that even
21 in the workers cases, there is no issue to which
22 someone else's claim elsewhere would be relevant.

23 The making of a claim conveys nothing. It's
24 merely a historical fact and, in fact, I could
25 point you to superior court rulings on matters of

evidence that are to the same effect.

MR. SILBERFELD: Number one, Mr. Judy called me to advise me that he would not be here because of the death of his father and advised me that you would be representing the interests of the Flintkote Company insofar as they involve the plant worker cases that he represents the company on, so I don't think that your instructions based on his absence is any good.

You may have other grounds for instructing, but don't do it on the grounds that he is not here because he specifically delegated that responsibility to you, at least that's what he told me.

MR. SCHROETER: My instruction was not based solely on his absence. His absence is a recital that I made. It was not a ground.

MR. SILBERFELD: I'm aware of the reasons for his absence.

Secondly, the fact that some superior court in the Bay area has ruled a particular way I don't think binds our superior court in Los Angeles under auto equities. I know it doesn't bind our superior court to decide that way or the same way

1
2 or a different way, so that is an interesting
3 fact, one of history, but totally irrelevant to
4 the subject matter of this discussion.

5 I really would like you to reconsider the
6 instruction primarily because I think that the
7 people who are involved in plant worker cases
8 stand identically in the same shoes as the people
9 who would make such claims if there were such
10 claims, and I think that the fact that a claim
11 exists conveys much more than just a fact but
12 conveys to the company the fact that somebody is
13 claiming that their exposure to a particular
14 substance is harmful which, arguably, creates
15 a duty on the part of the company to investigate
16 that and do something about it.

17 MR. SCHROETER: Can you remember what your
18 question was?

19 MR. SILBERFELD: No, but I'm pretty sure he
20 has it written down.

21 (Question read.)

22 A. No.

23 MR. SILBERFELD: I would like the record
24 to show that Mr. Schroeter has graciously withdrawn
25 his instruction.

At this moment, I'm going to pass to other counsel, review my notes and then wind up my examination.

CROSS-EXAMINATION

BY MR. LEWIS:

Q My name is Guy Lewis, and I represent some plaintiffs in the Los Angeles area.

Earlier Mr. Schroeter said I have three minutes. I will be able to deal with you within that time frame. I don't have too many questions.

While you were the vice-president of Flintkote Mines, you testified earlier this morning that you recall the mines purchased raw asbestos from Johns-Manville, Asbestos Corporation, Carey Canada and Lake Asbestos.

Do you have any recollection of asbestos mines during that period of time purchasing any raw asbestos from National Asbestos Mines, Ltd.?

MR. HARRIS: Objection. Are you saying -- Are you talking about Flintkote Mines purchasing from these people only?

MR. LEWIS: Yes.

MR. COHEN: Place an objection on the record as well. I'm not sure that was actually the subject of Mr. Main's testimony.

1
2 MR. SCHROETER: May I say to guide the
3 record? Mr. Main has talked about two things:
4 Number one, to whom did Flintkote Mines sell;
5 number two, from whom did Flintkote buy.

6 You are raising a third line of inquiry;
7 namely, from whom did Flintkote Mines buy?

8 MR. LEWIS: Yes..

9 MR. SCHROETER: It's a new topic, and it's
10 not referring to something he said before that.

11 MR. LEWIS: If my notes are incorrect, maybe
12 I better start from the beginning.

13 MR. SCHROETER: Let's do that.

14 BY MR. LEWIS:

15 Q Mr. Main, is it your recollection that Flintkote
16 Mines purchased raw asbestos fiber from the Johns-Manville
17 Corporation?

18 A Yes.

19 Q Is it your recollection during the period you were --
20 all of this is during the period you were vice-president
21 of Flintkote Mines -- that they purchased raw asbestos
22 fibers from the Asbestos Corporation?

23 A Yes.

24 Q Did they purchase raw asbestos fibers from Carey
25 Canada?

1
2 A. Yes.

3 Q. Did Flintkote Mines purchase asbestos fibers from
4 Lake Asbestos?

5 A. Yes.

6 Q. Did Flintkote Mines purchase asbestos fibers from
7 National Asbestos Mines, Ltd.?

8 A. They may have, but I have no recollection of it.

9 Q. Did Flintkote Mines purchase asbestos fibers from
10 the Rubberoid Company?

11 MR. HARRIS: Objection. Object to the form
12 of the question.

13 Q. You may answer.

14 A. I have no knowledge.

15 Q. Did Flintkote Mines purchase raw asbestos fibers
16 from Bell Asbestos Mines?

17 A. They may have, but I have no recollection of it.

18 Q. Did Flintkote Mines purchase raw asbestos fibers
19 from Union Carbide?

20 A. Not to my knowledge, no.

21 Q. Did they purchase asbestos fibers from Hill Brothers
22 Chemical Company?

23 A. Not to my knowledge, no.

24 Q. Did they purchase asbestos fibers from Pacific
25 Asbestos?

1
2 A. I have no knowledge of that, either.

3 Q. Do you have any knowledge of them purchasing
4 asbestos fibers from Quebec Asbestos Corporation, Ltd.?

5 A. No, I have no knowledge.

6 Q. I believe that you testified that of the inventory
7 of raw asbestos fibers that you were responsible for
8 selling --

9 A. Yes.

10 Q. -- that some of it was sold to small customers
11 in the United States?

12 A. Yes.

13 Q. Can you identify any of those small customers for
14 me?

15 A. I'll try to pick out a few that I can remember.
16 Raybestos Manhattan, Goodyear, possibly Lewis Asphalt
17 Engineering. L-e-w-i-s. There may have been others, but
18 they don't come to me right away.

19 Q. In addition to those small customers in the
20 U. S., you also mentioned certain mining customers that
21 you sold the inventory of asbestos to, and I think you
22 mentioned the Johns-Manville Corporation, Asbestos Corporation,
23 Philip Carey, among others?

24 A. Right.

25 Q. Did you see any part of that inventory of raw

1
2 asbestos to the Flintkote Company?

3 A. Oh, yes.

4 Q. Did you sell to the Flintkote Company for the
5 same price that you would sell to the other mining -- to
6 mining companies?

7 A. Yes.

8 Q. Was there any differentiation in the price structure
9 of sales from Flintkote Mines to the Flintkote Company and
10 any other customer?

11 A. As I recall, there was a ten percent differential.

12 Q. Was that a ten percent discount given to the
13 Flintkote Company?

14 A. It was an inter-mine discount which was the custom
15 among the Quebec Asbestos Mining Association companies.
16 They would sell one another at a ten percent discount from
17 the price they would sell to other nonmining users.

18 Q. So when Flintkote Mines would sell raw fiber to
19 Johns-Manville, they would give them a ten percent discount?

20 A. That's right.

21 Q. And when they would buy from Johns-Manville,
22 they would receive a ten percent discount?

23 A. That's right.

24 Q. Did Flintkote Mines sell fiber to the Flintkote
25 Company?

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A. Yes.

Q Was the price of the sale to the Flintkote Company the same price that Flintkote Mines would charge any other nonmining entity?

A. No. I believe they got the ten percent discount.

Q Mining companies got a ten percent discount, and the Flintkote Company got a ten percent discount --

A. In other words, Flintkote Mines passed it along to its parent company. I believe that's the way it was handled.

Q A Mr. Heubner was mentioned earlier?

A. Yes.

Q What's that gentleman's first name?

A. Harry.

Q Do you know if he is still alive?

A. No, he is not.

Q On the Exhibit No. 7, while you were with the QAMA, did you ever receive correspondence from Karl Lindell?

A. I believe I may have, yes.

Q Do you recognize the signature on Exhibit 7 as being the signature of Karl Lindell?

A. I don't remember what his signature was, no.

Q Were there minutes of the meetings of the QAMA generated?

1

2

A. Yes.

3

Q. Did you receive copies of those minutes?

4

A. I believe so, yes.

5

6

Q. You mentioned earlier in your testimony that you would frequently receive two copies of documents from the QAMA; is that correct?

7

8

A. Yes. That was from the Health Institute, two copies.

9

10

Q. Would you receive two copies of the QAMA minutes as well?

11

12

A. I can't remember. I may have.

13

Q. What would you do with the minutes after you received them?

14

15

A. Well, my copy I would act on if there was something to be acted on. If there wasn't, I would file it.

16

17

Q. Where would you file it? Did you have a specific file for QAMA minutes?

18

19

A. I don't recall how my help in the office filed it, but they filed it so they could find it when I wanted it. Specifically and how I don't know.

20

21

Q. During the entire period that you were representative of the QAMA, did you preserve or keep all of the minutes that were sent to you?

22

23

A. As I say, they were filed. Whatever the company's

1
2 policy was of preserving files was followed with respect
3 to those files.

4 Q Did you have a successor from the Flintkote Company
5 who followed you on the QAMA after your retirement?

6 A Yes. On the sale of fiber, Mr. Hooker. Art
7 Hooker.

8 Q Do you know whether any files that may have existed
9 with minutes of the QAMA meetings in them would have been
10 passed on to Mr. Hooker?

11 A I assume so.

12 MR. SCHROETER: That means you don't know;
13 maybe they were, maybe not. You don't know?

14 THE WITNESS: I don't know what happened
15 after I left.

16 Q After you left, you have no idea what happened to
17 any of your files.

18 MR. LEWIS: Thank you very much. No
19 further questions.

20 CROSS-EXAMINATION

21 BY MR. STAMOS:

22 Q My name is Gregory Stamos. We represent some
23 additional plaintiffs in the asbestos litigation. I will
24 be skipping around primarily trying to follow up on some
25 of the questions that have been asked previously.

1
2 Please try to bear with me. I'm not trying to
3 confuse you, but question you in each category or some
4 of the categories.

5 When did the Pioneer Division of Flintkote first
6 start?

7 A Just before I came with the company, which was
8 late 1928 or '29, the Flintkote Company purchased the
9 Pioneer Paper Company in Los Angeles.

10 And the Pioneer Paper Company, it was operating
11 in the western states. Shortly after it was purchased, the
12 Flintkote Company organized it as the Pioneer Division of the
13 Flintkote Company operating in the 11 western states, which
14 are now 13 western states.

15 Q And all sales of products by Flintkote in the
16 western states was out of the Pioneer Division?

17 A Generally speaking, yes.

18 Q Were there any products after 1929 or '28 that were
19 shipped into the West Coast that were not manufactured
20 by the Pioneer Division?

21 A I believe so.

22 Q Any asbestos-containing products?

23 A I really don't know. A lot would depend on freight
24 rates and one thing and another. They did manufacture
25 asbestos-containing products on the West Coast, yes.

1
2 Q Did you ever visit any of the manufacturing plants
3 of the Pioneer Division on the West Coast?

4 A Briefly one time.

5 Q When was that?

6 A I don't know, but on one of my visits to California,
7 I was given a trip through the plant, through parts of the
8 plant, not all of it. It might have been in the 1950's,
9 possibly 1960's.

10 Q Is that the Vernon plant?

11 A Yes.

12 Q Did you inspect or travel through all of the
13 various manufacturing divisions at the Vernon plant?

14 A No, it was late in the afternoon after five
15 o'clock, and I called there to go out to dinner with the
16 plant manager, Wilson Harvey, and he said on the way out,
17 "Let me show you through the roofing plant."

18 I think all I saw was the roofing plant.

19 MR. SCHROETER: A twelve and a half cent tour?

20 THE WITNESS: Yes, not even the twenty-five
21 cent tour.

22 Q Did the Vernon plant at that time manufacture
23 floor tile?

24 A Yes.

25 Q An asbestos-containing floor tile?

1

2

A. Yes.

3

4

Q Did you tour the floor tile manufacturing portion of the plant?

5

A. No.

6

Q Is Wilson Harvey still alive?

7

A. Yes.

8

Q Is he still with the company?

9

10

A I don't know. At least he was alive at Christmastime when I got a Christmas card from him.

11

12

Q Have you ever seen the installation of Flintkote's asbestos-containing floor tile?

13

A. Yes.

14

Q How many occasions?

15

16

A I saw the Chicago Heights plant, and I saw the New Orleans plant.

17

Q Have you actually seen the floor tiles installed?

18

A I have installed them in my own house, yes.

19

20

Q When you installed the floor tiles in your own house, did those floor tiles contain asbestos?

21

A. Yes.

22

Q Did you have occasion to cut the tiles?

23

A I didn't do it myself. I had them installed.

24

Q Did you watch the workers install the tile?

25

A. Yes.

1

2

Q Did you see them cut the tile?

3

A Yes.

4

Q When was this installed in your house?

5

A This was -- A long time ago. I would guess in the 1950's perhaps.

7

Q Is that the only time you saw floor tile installed, Flintkote tile?

9

A I can't remember. I may have seen it other times, in the office building or something of that sort. I really can't remember.

12

Q You did see them cut the tile?

13

A Yes, I have seen it cut.

14

Q Would you describe the process that you saw in cutting the tile?

16

A Well, as I recall, they had a guillotine cutter very much like a papercutter, and you would pull it down, and it would cut the tile.

19

Q Did you notice whether that procedure created any visible dust?

21

A I didn't notice any dust, no.

22

Q Did the floor tile workers that worked in your house wear any kind of respirator?

24

A No.

25

Q Did you see the floor tile workers install the tile

1
2 in your house sand the tile?

3 A. No.

4 Q Have you ever seen a worker sand floor tile?

5 A. No.

6 Q Your responsibilities with Flintkote never involved
7 sales of floor tiles; is that correct?

8 A That's right, with one exception. We sold floor
9 tile for export to Puerto Rico. We had an agent in Puerto
10 Rico and the export department handled that, and the export
11 department came under my supervision, and we may have exported
12 it to other countries offshore.

13 Q During your duties with Flintkote and primarily
14 during the period of time where you had some sales
15 responsibilities for floor tile in Puerto Rico, did you
16 ever receive any information that the sanding of floor tile
17 could release asbestos fibers in the atmosphere?

18 A. No.

19 Q Did the Flintkote Company, during the time that
20 you were involved in sales, put out any information as to
21 guidelines to be used in laying down floor tile?

22 A. I don't remember.

23 Q Did the Flintkote Company during that period of
24 time ever put out warnings in regard to sanding of floor tile?

25 A. I don't remember, no.

1
2 Q Do you know of any studies that Flintkote Company
3 or any of its divisions or subsidiaries ever did or had
4 commissioned to determine whether asbestos fibers can be
5 released when asbestos floor tiles are cut or chipped or
6 sanded?

7 A I know of no such studies, no.

8 Q Do you recall any other visits to the West Coast,
9 any visits to a Flintkote manufacturing plant other than the
10 one you already described?

11 A No, I don't.

12 Q Did Flintkote purchase a company by the name of
13 Tiletex in Texas?

14 A Tiletex, where?

15 Q In Texas.

16 A Not in Texas.

17 Q Where is it?

18 A Chicago Heights, Illinois.

19 Q That became the Chicago Heights plant of Flintkote?

20 A No, Flintkote had other plants in Chicago Heights.

21 Q Before Flintkote purchased Tiletex, did Flintkote
22 manufacture any asbestos-containing floor tile?

23 A No.

24 Q Did the Pioneer Division before the Tiletex purchase
25 manufacture tile?

1
2 A. No. That was the nucleus of the tile business.

3 Q Before the purchase of Tiletex, did Flintkote
4 or any of its subsidiaries or divisions sell any asbestos-
5 containing floor product that might have been manufactured
6 by another company?

7 A. I don't believe so, no.

8 Q Referring to Exhibit 6, which was your letter
9 dated May 2, 1968, did you send a letter containing the
10 same information to any other company or person during
11 that period of time?

12 A. I don't remember that I did. No, I don't remember.

13 Q Have you ever had your deposition taken before
14 with regard to an asbestos lawsuit?

15 A. No.

16 Q Did you review any documents before this deposition
17 in preparing for this deposition?

18 A. No.

19 Q Since your retirement from Flintkote, have you seen
20 any documents concerning Flintkote's involvement in the
21 manufacture and sale of asbestos-containing products?

22 A. Since my retirement, have I seen any documents?

23 Q Right.

24 A. What's the rest of the question?

25 Q Concerning Flintkote's involvement in the sale or

1
2 manufacture of asbestos-containing products?

3 A. I may have.

4 Q Under what circumstances was that?

5 MR. SCHROETER: He didn't say it was. He
6 said may have been.

7 Q What circumstances may that have been?

8 MR. SCHROETER: That calls for speculation.

9 Q What caused you to believe that you may have seen
10 some documents?

11 A Well, during the transition period, I see there
12 was a letter here with my name on it several months after
13 I retired. I don't recall having seen it, but it might have
14 been forwarded to me. That's one example.

15 Q At any time since your retirement, have you seen
16 any documents that were shown to you in contemplation of
17 testimony in an asbestos case?

18 A No.

19 Q Did you maintain any of your Flintkote files with
20 you when you retired?

21 A No.

22 Q Did you ever attend any AIA meetings, Asbestos
23 Information Association?

24 A No.

25 Q Did you ever receive copies of minutes or other

1
2 publications from that organization?

3 A. No, not that I remember, no.

4 Q. During your time at Flintkote, do you recall any
5 strikes that occurred at the Flintkote mine?

6 A. No.

7 Q. Do you recall any strikes -- Strike that.

8 Do you recall any work stoppages as a result of
9 workers' complaints about health hazards at the mines?

10 A. No.

11 Q. Are you familiar with the Blue Diamond operation
12 of Flintkote?

13 A. No.

14 MR. STAMOS: That's all.

15 MR. SILBERFELD: Anybody else? I have nothing
16 further.

17 With respect to the original, can we stipulate
18 that the reporter is relieved of his obligation
19 under our code at least with respect to the
20 original transcript, that he can forward it to
21 Mr. Schoerter and Mr. Schroeter will see to it that
22 the witness reviews it, that the witness signs
23 it --

24 MR. COHEN: I have some questions. I take
25 back everything I just said.

CROSS-EXAMINATION

BY MR. COHEN:

Q My name is Roy Cohen and I'm from Porzio, Bromberg & Newman. I represent Lake Asbestos.

You had testified before in response to some questions that you were involved in the selling of raw asbestos fiber for Flintkote Mines; is that right, sir?

A Yes.

Q That was sometime between '59 and 1969?

A That's right.

Q Did your responsibility during that time period also have within it purchase of asbestos fiber from other companies?

A From other mines --

Q Other mining companies.

A Yes.

Q When you recalled in response to questions that Flintkote Mines, Ltd.'s purchased asbestos fiber from Johns-Manville and A.C.L., from what do you draw that knowledge?

A Well, I draw that knowledge from the fact that our principal sources of sales were to other mines, and I recall selling fiber to Johns-Manville and buying fiber from them. And the mine would buy fiber for the Flintkote plants. If the Flintkote plants had a requirement for fiber, they would

1
2 funnel it through the mines so we could get an inter-mine
3 discount.

4 Negotiations with these other mines would be
5 handled by me because I would put the heat on the companies
6 that were selling Flintkote fiber to buy some fiber from
7 me as a means of disposing of our fiber without a great
8 sales expense.

9 Q With response to the question of whether or not
10 Flintkote Mines, Ltd. purchased asbestos fiber from Lake
11 Asbestos, you first said that you might have purchased from
12 Lake and later you said you had thought you purchased from
13 Lake.

14 A I said we might have purchased from Lake because
15 I do recall Lake was very anxious to sell us a 4T fiber.
16 It's used in asbestos cement pipe, it's for our asbestos
17 cement pipe at Ravena, Ohio, run by the Orangeburg Division
18 of the Flintkote Company.

19 I don't recall that Lake was ever in the position
20 to buy any of my fiber, and whether we bought some from
21 them or not, I'm not really quite sure. We may have bought
22 from Lake.

23 Q You don't have any reference or recollection of
24 any specific documents or items that would substantiate it?

25 A No, it would show in our records or yours whether

1
2 we had. That would be handled in Canada between the two
3 mines.

4 Q If Lake's own records reflect that indeed did not
5 take place, your recollection could be wrong?

6 A I will accept that.

7 Q As far as the method in which this asbestos fiber
8 would be transported to a particular Flintkote plant, not
9 necessarily with reference to Lake, but in general, would
10 the asbestos fiber be delivered directly to Flintkote Mines?

11 A No, it would be delivered directly to the plant,
12 Flintkote plant. It would go from Lake's plant to the
13 Flintkote plant.

14 Q So as far as Flintkote Mines, Ltd. was concerned,
15 it would be a paper transaction?

16 A That's right. The billing would be to Flintkote
17 Mines, Ltd.

18 Q Would you have any recollection or reference to
19 any documents that would indicate where that asbestos fiber
20 would be sent?

21 A From Lake?

22 Q From other mining companies.

23 A I would not have a copy of the invoices, the
24 shipping or anything. All I would get would be the reports
25 to keep score of what we were buying and what we were selling

1
2 to each other, manufacturers association. When I saw them.
3 at the QAMA meetings, I could say the balance is in your
4 favor, the balance is in my favor, and let's see what we
5 can do.

6 Q You testified before that you did not have any
7 contact with the Pioneer Flintkote Division; is that correct?

8 A I didn't have any contact with them. They will
9 place their order with Flintkote Mines, Ltd.; the billing
10 people up there would take care of it.

11 If it was to be shipped from Carey, they placed
12 the order with Carey and Carey would ship to the Pioneer
13 Division.

14 MR. COHEN: I have nothing further. Thank
15 you, sir.

16 MR. SILBERFELD: Anyone else? Going back
17 to my dissertation, with respect to the original
18 transcript, we will forward it to Mr. Schroeter
19 who will see that the witness reviews it and
20 signs it under penalty of perjury. Mr. Schroeter
21 will give us notice of changes, and if all that
22 is not accomplished within 60 days of the date
23 that Mr. Schroeter gets the transcript, then a
24 copy can be used for all purposes.

25 MR. SCHROETER: Will you stipulate that Mr.

1
2 Main may sign the original under penalty of perjury?

3 MR. SILBERFELD: I said that.

4 MR. LEWIS: May I have one additional
5 stipulation, for use of this deposition in the
6 Burrell and Blair cases which are coming to trial
7 in December of this year, that in the event a
8 signed original is not available by that date, a
9 copy may be used for all purposes?

10 MR. SCHROETER: Yes. The 60-day provision
11 will no doubt cover us, depending on the reporter,
12 of course, but whichever date comes first.

13 MR. STAMOS: We have a trial October 15. The
14 Miller case.

15 MR. SCHROETER: The beginning of the Ogden
16 group?

17 MR. STAMOS: Right. You're not in Ogden.
18 We may have a time problem. The same stipulation
19 that a copy can be used if they are not signed
20 by that time.

21 MR. SCHROETER: On that special problem, I
22 will agree only that a copy may be used if the
23 original has not been signed, only if, first, I
24 have received the original and Mr. Main has at
25 least been able to see it and confer with me

1
2 telephonically, and I will, as an officer of the
3 court, make those representations at the time,
4 and I will let you know.

5 MR. STAMOS: You will make representations
6 to me now you will expedite the transcript to
7 Mr. Main as soon as you get it?

8 MR. SCHROETER: I will do that.

9 (Whereupon, the deposition was concluded
10 at 3:30 p.m.)

11
12 J. H. MAIN

13
14 SUBSCRIBED AND SWORN TO BEFORE ME,
15 the undersigned authority, on this the ____ day of
16 _____, 1984.

17
18
19 NOTARY PUBLIC

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