

KRIEGER, C.V.

Manville

Memo

TO	DATE
FROM	LOCATION
SUBJECT	LOCATION

Manning Lx MM Jy
" BB Log entry 8/27/67
4/15/57
Ay dep 329-331 letter dated 4/15/57
also Jy 2006-2007 Ay depo CVK dep 153

Ay dep 340-341 memo 3/4/61 in Netzed
Ay dep 332

Manning 1866-1902 Renovation plan
8/1/62
Address renovation pg 16/100

Manning 1868 Report Proprietary Renovation
by K. Karp & V. K. Karp (agreement for R/F
including Kellogg, agreement for R/F)

Manville

Memo

DATE	
TO	LOCATION
FROM	LOCATION
SUBJECT	
Exhibit cccc Aug Box 169	
Box 16212	
Box 355 Aug Aug 8/9/02	
- 322-324 Aug - Minimum Requirements	
Box 345 ³⁵² Aug	
Box 366+367 Aug	
Box 365-369 Aug	
Box 16540 Aug	
Box 343-356 Aug	

Agg. 11/17/69
Pg 2357

Pg 124 Agg

Pg 123 Agg

Pg 289 Agg

Pg 16288

444 Agg Pg 68564-6859

Pg 484+485 Agg

Pg 457-473 Agg

XX Pg 51-70 Manning - 10/1/69 - 10/1/69
Pg 300 Manning
Pg 300 Manning

16277 Agg

124 Manning

123, 124, 125 Agg

Memo

MC-594 (4/82)

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*ROBERT L. DICKSON
*HAROLD HANSEN BROWN
*MICHAEL J. BONESTEEL
*GEORGE C. MCCARTHY
*GARY C. OTTOSON
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WILLIAM E. IRELAND
THOMAS M. MOORE
RICHARD S. HALL
AMOR A. ESTEBAN

GEROLD C. DUNN
(1911-1980)

*A PROFESSIONAL CORPORATION

201 SANTA MONICA BOULEVARD
P. O. BOX 680
SANTA MONICA, CA 90406
(213) 458-1000

1800 EAST SEVENTEENTH STREET
SANTA ANA, CA 92701
(714) 953-9345

TELECOPIER
(213) 393-1581
TELEX
705837

OF COUNSEL
GEORGE CLARK LYON
CHARLES B. SMITH
WILLIAM M. FITZHUGH

IN REPLY REFER TO:
Mr. Hoch
Santa Monica

February 11, 1985

Nata
Ms. Paula Moore
Manville Corporation
Post Office Box 5723
Denver, Colorado 80217

Re: JM Government Litigation

Dear Paula:

I have received your memorandum of February 5, 1985. I will try to get to you the line and page designations of those that are missing as soon as possible. As to Cliff Krieger, a signature and corrections were waived on this deposition as he chose not to reread it.

Very truly yours,

Steven L. Hoch
Steven L. Hoch
HAIGHT, DICKSON, BROWN & BONESTEEL

SLH:slw

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OFFLINE PRINT REQUEST
USERID: RLEG062

COMMAND: P,5,TEXTB, SORT

DATABASE: GOVTRS

DATE: 04/16/86

TIME: 141528

Krieger, CV
Vol. I

SESSION HISTORY

SET 1 - 56 DOCUMENTS IN GOVTRS DOCNO=MWB00001
SET 2 - 33 DOCUMENTS IN GOVTRS DOCNO=CLS00005
SET 3 - 24 DOCUMENTS IN GOVTRS DOCNO=JMW00001
SET 4 - 38 DOCUMENTS IN GOVTRS DOCNO=JKO00001
SET 5 - 40 DOCUMENTS IN GOVTRS DOCNO=CVK00001

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 DATABASE: GOVTRS DATE: 04/16/86 TIME: 141528

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0000 STARTING PAGE: 0000 ENDING PAGE: 0000
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 CLIFFORD V. KRIEGER
 LONG BEACH NAVAL SHIPYARD (LBNS)
 OCTOBER 3, 1984
 SANTA MONICA, CALIFORNIA
 VOLUME 1

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DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0001 STARTING PAGE: 0004 ENDING PAGE: 0009
 TOPIC: KRIEGER'S, CV
 BACKGROUND

(EXAMINATION BY HOCH, SL FOR JMC.) (COLLOQUY RE: QUESTION ABOUT THE NOTICE IN THIS CASE; NO STIPULATION THAT THIS DEPOSITION WILL APPLY IN THE DENVER CASES BECAUSE THAT MOTION IS PENDING. PP. 4-5.) Krieger, CV has no questions about the nature of a deposition. Has testified before in a deposition and in court. Was employed at the Long Beach Naval Shipyard (LBNS) from May of 1956 to 1974; left in the latter part of November 1974, but was not off the payrolls until January or February of 1975 due to accumulated leave. Krieger's, CV position was Safety Superintendent; had a GS grade of 13; is retired now. Is appearing today (OCTOBER 3, 1984) pursuant to a subpoena that was served on him. Has had an opportunity to speak, at separate times, with Mahoney, J and Hoch, SL about this deposition. Has stated to Hoch, SL that he has emphysema. Graduated from high school; his additional education was obtained from non-credit extension schools such as Port Hueneme and engineering school. Worked 31 years with the government (USA). Started at Bethlehem Steel Company (BSC) after high school, in the 1930's and left in 1944; was a welder, a weighmaster, and his last job was chief fire inspector. Went to Philadelphia Naval Shipyard (PANS); was a Safety Inspector, GS7. From there went to Naval Aviation Supply Depot, Philadelphia; was a Safety Engineer, GS9. Came to Long Beach Naval Shipyard (LBNS) as a GS12. After retirement from Long Beach Naval Shipyard (LBNS), was employed at California University in Long Beach, California as Environmental Health and Safety Officer. Krieger's, CV duties were to advise faculty and staff on safety procedures and to do some training of first-line supervisors, and inspect the campus for hazards. Was employed

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there from 1974 to approximately 1981. Is retired now, October 3, 1984. Resides at 6522 Farinella Drive, Huntington Beach, California.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0002 STARTING PAGE: 0009 ENDING PAGE: 0012
TOPIC: LONG BEACH

NAVAL SHIPYARD
(LBNS):
FUNCTION,
SIZE, CODES,
AND SHOPS

Krieger,CV was at Long Beach Naval Shipyard (LBNS) approximately 18 years. Understood the function of Long Beach Naval Shipyard (LBNS) to be the repair of ships: destroyers, destroyer escorts, carriers, one battleship, cruisers, all vessels of the United States NAVY. Long Beach Naval Shipyard (LBNS) was operated by the United States Government (USA), the Department of NAVY. Krieger,CV was, in fact, paid by the United States Government (USA). Guesses that the physical size of the Long Beach Naval Shipyard (LBNS) was probably 350 acres during the 18 years he was there. The work force size varied from 7,000 to 9,000 workers, depending on world events. During Krieger's,CV time at Long Beach Naval Shipyard (LBNS), the codes were the same. A code system was used: 100 was the shipyard commander and the people that worked for him; 150 was the industrial relations office; 300 was production; 700 was medical; 500 was supply; 200 was planning and engineering. Within those codes, individuals would have specific numbers which would delineate their job title and description. Code 185 was Safety Superintendent, Krieger's,CV position. The term "Shop" in relation to Long Beach Naval Shipyard (LBNS) meant that the Production Department was broken up into shops, and were also numbered. The most important shops would be: 31 Shop, inside machinists; 38 , outside machinists; 67, electronics; 51, electricians; 99, temporary services, and 56, pipe fitters.

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PARA NUMBER: 0003 STARTING PAGE: 0012 ENDING PAGE: 0013
TOPIC: KRIEGER'S,CV
STAFF

Krieger,CV had a staff which varied in size during the 18 years at Long Beach Naval Shipyard (LBNS). The smallest staff was probably two safety inspectors and a compensation clerk; has no idea when that was. The largest staff accumulated when a big ship, like the New Jersey, was in, and Krieger,CV was given four safety inspectors for temporary help. Normally there would be two safety inspectors and a compensation clerk. Cannot remember exactly when this would have been but throughout the entire 18 years he worked, it fluctuated with the workload.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0004 STARTING PAGE: 0013 ENDING PAGE: 0019
TOPIC: KRIEGER'S,CV
JOB DESCRIPTION
/SAFETY ORDERS

Krieger's,CV job description did not change much during the 18 years at the Long Beach Naval Shipyard (LBNS). The job description of the Safety Superintendent was, generally, to advise and counsel the supervisors on safety practices, and to oversee the workers' compensation program. In terms of the workers' compensation program, if a person was injured and went to the dispensary or to a doctor, Krieger,CV and/or his staff was responsible for helping them process a workers' compensation claim, forward it to San Francisco to the Bureau of Employee Compensation (DOL) Regional Office, and to follow up to get their workers' compensation; this was a responsibility of Krieger's,CV office from 1956 to 1974. In terms of the responsibilities of advising and counseling supervisors on safety practices, it was also Krieger's,CV responsibility to prepare safety orders which would go up the chain of command to be signed by the shipyard commander. If the safety orders involved a department, they had to go through the department head for their "chop", their "chop" would be attached before it went to the shipyard commander. From the shipyard commander, the safety order would be issued as a policy or regulation and come back down to the supervisors. The supervisors had stand-up safety meetings during Krieger's,CV 18 years at Long Beach Naval Shipyard (LBNS). Krieger's,CV office put out a memo by Monday afternoon. The first thing Tuesday morning the Supervisors would hold their safety meetings; they had the publication and had time to talk on their own about the particular situation they were going to work with. (OBJECTION

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(OBJ): SPECULATION RE: WHAT SHOP SUPERVISORS DID. P. 15.)
 (COLLOQUY RE: STIPULATION ABOUT OBJECTIONS. P. 15.) Krieger, CV thought he was giving the format; whether the supervisors followed it or not he has no knowledge. (OBJECTION (OBJ): LEADING RE: THE ANSWER JUST READ BACK IS SOMETHING KRIEGER, CV CAME TO KNOW FROM 18 YEARS AT THE LONG BEACH NAVAL SHIPYARD (LBNS) AS TO HOW THE INFORMATION WAS TO FLOW TO THE WORKERS; IS THAT CORRECT? P. 16.) Krieger, CV was trying to say that he put out a publication that should take five minutes, leaving the supervisors ten minutes to talk about their own individual situations. Krieger's, CV information had to be general and cover a hundred trades or more; the specifics had to come from the supervisors. The purpose of providing supervisors with Safety Memoranda was to provide them with a subject and material to talk about at the safety meetings. As Safety Officer, believed that the need to educate workers on safety matters was the reason for the safety meetings; received instructions from supervisors on safety at a later date. In Krieger's, CV opinion, as Safety Superintendent Advisor at Long Beach Naval Shipyard (LBNS), education was more important than enforcement. (OBJECTION (OBJ): ASKING EXPERT WITNESS QUESTIONS RE: IN KRIEGER'S, CV OPINION, AS SAFETY SUPERINTENDENT ADVISOR AT LONG BEACH NAVAL SHIPYARD (LBNS) WHICH IS MORE IMPORTANT, EDUCATION OR ENFORCEMENT? PP. 17-18.) (COLLOQUY RE: KRIEGER'S, CV NOTICE AS AN EXPERT WITNESS OR A FACT WITNESS. PP. 18-19.)

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0005 STARTING PAGE: 0019 ENDING PAGE: 0020
 TOPIC: CHAIN OF
 COMMAND/ENFORCE
 MENT POWER

Within the Safety Department, Krieger, CV answered to the Industrial Relations Officer who answered directly to the Commanding Officer. Krieger, CV understands the term "enforcement power" to mean someone who can give disciplinary action. The Safety Supervisor had no enforcement power. The immediate supervisor, in "those days" the leading man, who is now foreman, had the enforcement power in terms of making a worker follow a safety rule or regulation. The chain of command in the old terminology was: leading man reported to quartermen who answered to chief quartermen who answered to foreman who answered to a master, who was head of the shop. Present terminology would be foreman to general foreman, to "something in between", and to superintendent. Does not know when the change in terminology took place; is just a change in the names.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0006 STARTING PAGE: 0020 ENDING PAGE: 0023
 TOPIC: DIFFERENCE
 BETWEEN SAFETY
 AND INDUSTRIAL
 HYGIENE

(OBJECTION (OBJ): VAGUE AND AMBIGUOUS RE: BASED ON KNOWLEDGE OF FIELD OF SAFETY, WAS THERE A DIFFERENCE BETWEEN THE DISCIPLINES OF SAFETY AND INDUSTRIAL HYGIENE? PP. 20-21.) In the military, there are line and staff; line has authority, staff has no authority, staff is advisory. The industrial hygienist would be advisory, the same as a safety officer. Safety was primarily responsible for conditions that resulted in traumatic injuries. Industrial hygiene was responsible for systematic types of injury, including loss of hearing; so they would be responsible for any fumes, dust, that type of thing. There was an Industrial Hygiene department at Long Beach Naval Shipyard (LBNS). Krieger's, CV department and the Industrial Hygiene Department worked together from time to time on certain projects. (OBJECTION (OBJ): VAGUE RE: CAN KRIEGER, CV DESCRIBE WHAT HE UNDERSTOOD THE CHAIN OF COMMAND OF INDUSTRIAL HYGIENE TO BE? P. 22.) The Industrial Hygiene Department answered to the medical officer who answered to the shipyard commander. The Industrial Hygiene Department was regionalized just prior to Krieger's, CV departure from Long Beach Naval Shipyard (LBNS) in 1974. Does not know if that changed the chain of command; the best source of that information would be the industrial hygienist.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0007 STARTING PAGE: 0023 ENDING PAGE: 0027
 TOPIC: LAGGERS/ASBESTO
 SIS CLAIMS

During Krieger's, CV tour with Long Beach Naval Shipyard (LBNS), the heads of the Medical Department were: Thompson, Robbins, HM,

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Watkins, P. Smith, and Felton. Cannot remember the name of the person who preceded him as Safety Officer, it was someone there on a temporary basis for about three or four months. Sheehan, J was the Industrial Hygienist when Krieger, CV began working at Long Beach Naval Shipyard (LBNS). Never had the opportunity of viewing any of Sheehan's, J work. Has become familiar, during his 18 years, with the work done by insulators, ladders and pipe coverers; usually referred to them as ladders. They referred to themselves officially as heat, frost, insulator workers. The job of a ladder did not change during the 18 years Krieger, CV was at Long Beach Naval Shipyard (LBNS). Understands ladders applied insulation on pipes, valves, boilers; removed insulation prior to other mechanics working "on the stuff." They operated out of Shop 56. Before he came to Long Beach Naval Shipyard (LBNS), Krieger, CV did not have any knowledge or information concerning whether or not asbestos was considered to be a potential health hazard to ladders; believes the first time he came to that knowledge was in 1956. A couple of claims for workers' compensation came in from Shop 56 ladders who were diagnosed as having asbestosis; that was the first time Krieger, CV heard of asbestosis. Did make inquiries as to what asbestosis was and how it was caused. Recalls talking to Ay, W who was the Business Agent of the Heat, Frost, Insulator Workers of America (IUHF), the ladders union. In 1956, all the ladders that worked for Long Beach Naval Shipyard (LBNS) were not in the union. (OBJECTION (OBJ): LINE OF QUESTIONING RE: DOES KRIEGER, CV RECALL THE NAMES OF ANY OF THE INDIVIDUALS WHO WERE FIRST DIAGNOSED AS HAVING ASBESTOSIS? P. 26.) Recalls there were about seven individuals diagnosed as having asbestosis. Eades, L, Phipps, A, Zapato, G are the three that stick in Krieger's, CV mind. Brewer, C claimed workers' compensation, but it was never proven that he had asbestosis; his claim went to San Francisco and he probably went to San Francisco for an examination. Recalls Brewer, C had emphysema; does not think Brewer's, C claim was ever approved.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0008 STARTING PAGE: 0027 ENDING PAGE: 0031
 TOPIC: DISCUSSIONS
 WITH AY, W/UNION
 MEETING/POSTER

(OBJECTION (OBJ): NO GROUNDS STATED RE: CAN KRIEGER, CV RECOUNT THE GENERAL DISCUSSIONS HE HAD WITH AY, W IN 1956 RELATIVE TO THESE WORKERS' COMPENSATION CLAIMS? P. 27.) Krieger, CV does not recall anything specific about the discussions he had with Ay, W in 1956 relative to these workers' compensation claims. Did talk about asbestosis. Ay, W got in touch with Selikoff, IJ, an expert in the asbestos field, who furnished much information on the disease, not on the prevention. Ay, W invited Krieger, CV to speak at a union meeting which Krieger, CV did. Told those at the meeting about the workers' compensation cases that were being handled and the percentage of disability the claimants had, and that it was due to not protecting themselves by wearing respirators while they were working with asbestos. Stemming from those conversations at the meeting, Krieger, CV and Ay, W designed a poster. (INTRODUCED PLAINTIFF'S EXHIBIT 1: POSTER, "WEAR YOUR RESPIRATOR" DEVELOPED BY KRIEGER, CV AND AY, W.) (COLLOQUY RE: DISAGREEMENT ON THE AUTHENTICATION OF RECORDS: MARKING OF EXHIBITS. PP. 28-30.) Krieger, CV has looked at Plaintiff's Exhibit 1 and it is the poster for which he and Ay, W gave information to Bransford, A, the Long Beach Naval Shipyard (LBNS) artist who created it. Bransford, A signed the poster, Plaintiff's Exhibit 1, and the date underneath his name is April 1957. Plaintiff's Exhibit 1 was given out to all the union members by Ay, W and posted throughout the 56 Shop where the ladders would see it. By "posted", means they put the poster on the bulletin boards and at the entrance to the shop.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0009 STARTING PAGE: 0031 ENDING PAGE: 0035
 TOPIC: TRIPS TO
 SHIPYARDS WITH
 MEEKER, O

About the time the poster, Plaintiff's Exhibit 1, was made (APRIL 1957), Krieger, CV went with Meeker, O back East; cannot remember when. (INTRODUCED PLAINTIFF'S EXHIBIT 2: LETTER FROM KRIEGER, CV TO TURNBALL, A, JANUARY 3, 1963.) Krieger, CV recognizes this carbon copy of a letter, Plaintiff's Exhibit 2; it must be a carbon copy because there is no signature. Plaintiff's Exhibit 2

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is a letter which Krieger, CV wrote to Turnball, A, the Assistant Director, Safety Division, Office of Industrial Relations in Washington, District of Columbia. The date on Plaintiff's Exhibit 2 was changed from 1962 to 1963, a "3" was written in; assumes Plaintiff's Exhibit 2 was written in 1963. Krieger, CV is talking about October 1962 in paragraph 1, page 2 of Plaintiff's Exhibit 2, so the letter could not possibly be dated January 3, 1962 correctly which is why he is assuming it is 1963. Plaintiff's Exhibit 2, page 2, paragraph 2 makes reference to a tour Krieger, CV made with a master pipe fitter "about four years ago." Assumes the trip with Meeker, O was in 1959. Krieger, CV recalls he and Meeker, O went to Philadelphia, Boston, Portsmouth; may have gone to New York and South but does not remember. Visited naval shipyards to see what they were doing about handling asbestos. Discovered they were in about the same boat as Long Beach Naval Shipyard (LBNS), that they knew the problem existed and were handling it. Krieger, CV thinks that he and Meeker, O "picked up" the wetting-down process from one shipyard, types of ventilation from another, and ways of handling the problem. It was required to make a report after return from a trip. The report would have gone to Hendrickson, D, Industrial Relations Officer, Krieger's, CV superior, but does not recall making such a report.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0010 STARTING PAGE: 0035 ENDING PAGE: 0040
TOPIC: TRANSCRIPT OF
TAPE

Krieger, CV is familiar with Marr, WT who was the Industrial Hygienist at Long Beach Naval Shipyard (LBNS). Would guess Marr, WT came to Long Beach Naval Shipyard (LBNS) around 1957, 1958; does not recall when Marr, WT left. Did work with Marr, WT on problems concerning asbestos. Is familiar with a paper Marr, WT published but did not have anything to do with that paper. Krieger, CV supplied Marr, WT with information on the claims; Marr, WT went out and did the field work, got his information together and wrote a paper. Took Marr, WT to meet Phipps, A who was out on workers' compensation due to asbestosis; was at the meeting. At a later date, Marr, WT went back for another meeting with Phipps, A when a tape was made. At the first meeting, Phipps, A talked about his condition, how he felt, where he had worked and lived prior to coming to work at Long Beach Naval Shipyard (LBNS). Krieger, CV was not present at the later meeting of Marr, WT and Phipps, A at which a tape was made. Does not recall hearing the tape; might have read a transcription of that tape but does not remember. (INTRODUCED PLAINTIFF'S EXHIBIT 3: TRANSCRIPT OF TAPE MADE BY MARR, WT WITH PHIPPS, A PAGES 7L, 7M, 7N OF ATTACHMENTS TO A COVER LETTER FROM ROBBINS, HM, MEDICAL OFFICER, LONG BEACH NAVAL SHIPYARD (LBNS) TO MEDICAL OFFICER, PHILADELPHIA NAVAL SHIPYARD (PANS), AUGUST 28, 1959.) Krieger, CV has seen Plaintiff's Exhibit 3, pages 7L, 7M, 7N, before but does not remember when. Marr, WT made a tape with Phipps, A, and as Krieger, CV recalls, this is it. (OBJECTION (OBJ): NO GROUNDS STATED RE: IS PLAINTIFF'S EXHIBIT 3, PAGES 7L, 7M, 7N, A COPY OF THE TRANSCRIPT OF THE TAPE MARR, WT MADE WITH PHIPPS, A? P. 38.) Plaintiff's Exhibit 3, pages 7L, 7M, 7N, refreshes Krieger's, CV recollection as the transcript that he may have seen sometime in the past. (OBJECTION (OBJ): NO FOUNDATION RE: DOES PLAINTIFF'S EXHIBIT 3, PAGES 7L, 7M, 7N, REFRESH KRIEGER'S, CV RECOLLECTION AS BEING THE TRANSCRIPT HE MAY HAVE SEEN SOMETIME IN THE PAST? P. 39.) Krieger, CV does not recall when in the past he has seen Plaintiff's Exhibit 3, pages 7L, 7M, 7N. Although Krieger, CV has not heard the tape, knows Plaintiff's Exhibit 3, pages 7L, 7M, 7N, is a transcription of the tape because recognizes Phipps', A history; did not have many people coming from Oklahoma. The paragraph on page 7L of Plaintiff's Exhibit 3, "I was raised on a farm, done farm work up till I was about 16. Went into town..." fits only Phipps, A; recognizes this as Phipps, A background. Knew that Marr, WT went out and made a tape with Phipps, A; knows Marr, WT used the tape in his training programs. From the description, is assuming that this is Phipps, A, and that Plaintiff's Exhibit 3, pages 7L, 7M, 7N, is the transcription of the tape. Does not know if this is a transcription of the tape.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS

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PARA NUMBER: 0011 STARTING PAGE: 0040 ENDING PAGE: 0043
TOPIC: ROBBINS,HM
SIGNATURE

Krieger,CV thinks he would recognize Robbins',HM signature. (WITHDRAWS PLAINTIFF'S EXHIBIT 3 AND REPLACES IT WITH A MORE COMPLETE PLAINTIFF'S EXHIBIT 3.) (COLOQUY RE: EVEN IF KRIEGER,CV IS ABLE TO RECOGNIZE SOMEONE'S SIGNATURE, HE STILL CANNOT IDENTIFY OR RELATE THE TAPE WITH THE TRANSCRIPT, BECAUSE HE HAS NEVER HEARD THE TAPE. PP. 40-42.) Is pretty sure that the handwriting on page 1 of Plaintiff's Exhibit 3 is Robbins',HM. (OBJECTION (OBJ): FOUNDATION RE: DOES KRIEGER,CV RECOGNIZE THE SIGNATURE ON PAGE 1 OF PLAINTIFF'S EXHIBIT 3 TO BE THAT OF ROBBINS,HM? PP. 42-43.) Has seen Robbins',HM signature a hundred times before and the signature on page 1, Plaintiff's Exhibit 3 looks like his signature. Recognizes Robbins,HM as the Medical Officer of Long Beach Naval Shipyard (LBNS).

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0012 STARTING PAGE: 0044 ENDING PAGE: 0048
TOPIC: STUDY OF
MEDICAL
RECORDS BY
HETZEL,VL

Krieger's,CV best estimate of the number of insulators at Long Beach Naval Shipyard (LBNS) during 1956 to 1960 would be about 160. When he received workers' compensation claims, advised Robbins,HM they had been received; does not think that Robbins,HM took any action in response. Knows Hetzel,VL; Hetzel,VL was a civilian assigned to Krieger's,CV office on a two-week training cruise. Krieger,CV asked Hetzel,VL to make a study of the medical records regarding the validity of the diagnostic reading of the x-rays on the ladders or insulators because there were discrepancies from year to year. Was aware, prior to asking Hetzel,VL to make the study, that the ladders were having x-rays taken about once a year. Became familiar with that because Krieger,CV looked over some of the records and compiled the records for about five or six years and was not satisfied with the written diagnoses; had no medical background, incidentally. This investigation occurred as a result of the workers' compensation claims coming into Krieger's,CV office. (INTRODUCED PLAINTIFF'S EXHIBIT 4: REPORT ENTITLED "LONG BEACH NAVAL SHIPYARD (LBNS) STUDY OF ASBESTOS WORKERS IN RELATION TO ASBESTOSIS," HETZEL,VL, JUNE 3-16, 1961.) Believes that the date on top of Plaintiff's Exhibit 4 is June, 1961; it says 3 dash 16 which would indicate the two weeks Hetzel,VL was assigned to Krieger's,CV office. Recalls seeing Plaintiff's Exhibit 4; it is the report received from Hetzel,VL. The report, Plaintiff's Exhibit 4, did reflect the kind of inconsistencies in the x-rays when Krieger,CV looked at the records of them. Plaintiff's Exhibit 4 indicates that there was a table attached to this report which is not attached but Krieger,CV does not recall what the table, the basis for Hetzel's,VL study, was. Believes he called Plaintiff's Exhibit 4 to the attention of Robbins,HM, the Medical Officer. Did have some discussion with Robbins,HM about Plaintiff's Exhibit 4 but does not recall what was said or any action that Robbins,HM took as a result of the discussion on this report, Plaintiff's Exhibit 4.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0013 STARTING PAGE: 0048 ENDING PAGE: 0053
TOPIC: INFORMATION
SENT TO THE
BUREAU OF
EMPLOYEE
COMPENSATION
(DOL)

Krieger,CV tried to get some diagnostic procedure that would be valid in his response to receiving Hetzel's,VL report, Plaintiff's Exhibit 4. Went to the United States Department of Labor (DOL) for money and eventually, he thinks, went to his own boss for it. Opened some conversations with the Bureau of Employee Compensation (DOL) in San Francisco. Dealt with Gray,EB and Schroeder,AB. Krieger's,CV purpose was to get them to give "us" money so "we" could have "these" people run through a battery of tests to diagnose "them". Did not care where the tests were done. Did gather further information together to send to the Bureau of Employee Compensation (DOL); sent the results of this study. (INTRODUCED PLAINTIFF'S EXHIBIT 5: LETTER FROM KRIEGER,CV TO GRAY,EB, AUGUST 9, 1962 AND ATTACHMENTS: A CHART ENTITLED "INCIDENCE OF POSITIVE CHEST X-RAY FINDINGS IN PIPE COVERERS AND INSULATORS VERSUS YEARS OF EMPLOYMENT IN SHIPYARD", A CHART ENTITLED "SUPPLEMENTAL", AND A LISTING ENTITLED "REASSIGNED AFTER

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MEDICAL EVALUATION".) (OBJECTION (OBJ): ATTACHMENTS ARE HEARSAY RE: PLAINTIFF'S EXHIBIT 5. P. 49.) (COLLOQUY RE: 35 PAGES OF THE "REASSIGNED AFTER MEDICAL EVALUATION" LISTING, PAGES 1866 THROUGH 1902, PAGE 1901 MISSING. P. 50.) Is familiar with the letter dated August 9, 1962, in Plaintiff's Exhibit 5; it is a letter Krieger, CV wrote to Gray, EB; the attachments to the letter, Plaintiff's Exhibit 5, were sent with the letter to Gray, EB. The information in the chart marked "Incidence of Positive Chest X-ray Findings" came from the medical and personnel records because Hetzel, VL worked in both the Personnel Department and the Medical Department on this study. This chart was part of the information Krieger, CV asked Hetzel, VL to document during his two-week tour. Krieger, CV just told Hetzel, VL about his doubts as to the validity of the reading of the x-rays because of the contradictory readings in order to ascertain who might be afflicted with asbestosis. By contradictory readings, Krieger, CV was referring to the fact that he noticed on certain years all of the readings were negative and in other years, they were all, or most of them, positive. Instructed Hetzel, VL to look at the medical records of the ladders and at their personnel files which was information obtained at Long Beach Naval Shipyard (LBNS) in the regular course of business. From the individual reports, the compilation entitled "Incidence of Positive Chest X-rays," Plaintiff's Exhibit 5, was found. Plaintiff's Exhibit 5, the chart entitled "Supplemental," was a list of the workers who were already on workers' compensation or who had applied for it. The exception was Brewer, C who was diagnosed as having emphysema; he was not receiving workers' compensation. This list came from information in Krieger's, CV workers' compensation claim files. The addition of the numbers listed under "Number of Employees" on the chart entitled "Incidence of Positive Chest X-rays," Plaintiff's Exhibit 5, which totals 104, would have been all of the ladders that were studied. Is sure there were others that may not have been studied, including those that were there only a year, apprentices, or whatever. The cover letter of Plaintiff's Exhibit 5 indicated copies were sent to Code 700, Robbins, HM; and Code 956, Meeker, O who was the Master Mechanic of Shop 56. Does not recall but is sure he had a discussion with Robbins, HM concerning Plaintiff's Exhibit 5. To the best of Krieger's, CV knowledge, Plaintiff's Exhibit 5 represents accurate information concerning what was found in the files.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0014 STARTING PAGE: 0053 ENDING PAGE: 0055
 TOPIC: RESPONSE FROM
 SCHROEDER, AB,
 BUREAU OF
 EMPLOYEE
 COMPENSATION
 (DOL)

Krieger, CV received a response from the Bureau of Employees Compensation (DOL) to Plaintiff's Exhibit 5; they eventually told him they could not furnish monies for diagnostic procedures. (INTRODUCED PLAINTIFF'S EXHIBIT 6: LETTER FROM SCHROEDER, AB TO KRIEGER, CV, SEPTEMBER 18, 1962.) Plaintiff's Exhibit 6 is a copy of the letter that was sent back to Krieger, CV by the Bureau of Employee Compensation (DOL) in response to his letter of August 9, 1962. Plaintiff's Exhibit 5, bearing the signature of Schroeder, AB. Had dealings with Schroeder, AB before this time, August 1962. On "sticky" compensation cases, Krieger, CV would call or go to see Schroeder, AB; had regular communications with Schroeder, AB. (REFERS TO PLAINTIFF'S EXHIBIT 6, PARAGRAPH 2. Paragraph 2 of Plaintiff's Exhibit 6 was read correctly. Did not call or speak to Schroeder, AB about that comment after receiving Plaintiff's Exhibit 6. Did not pursue further with Schroeder, AB or anyone at the Bureau of Employees Compensation (DOL) the possibility of getting funding from them; Plaintiff's Exhibit 6 was Krieger's, CV rejection.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0015 STARTING PAGE: 0055 ENDING PAGE: 0056
 TOPIC: FURTHER
 ATTEMPTS TO
 GET MEDICAL
 PROGRAM GOING

As a result of the rejection, Krieger, CV took further action in an attempt to get a medical program going. Talked to Ellestad, ME who headed the Heart and Lung Department of Memorial Hospital about somebody coming over and reading the x-rays or setting up some kind of a pilot program; is assuming he did this after Plaintiff's Exhibit 6 but does not know. Went to Memorial Hospital because it

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was close to Long Beach Naval Shipyard (LBNS) and it was a community thing. As a result, Ellestad, ME and his assistant got involved in coming over and reading the x-rays, and then eventually took some ladders to Memorial Hospital and ran them through vital capacity tests and came up with the diagnoses that were sent to the Medical Officer. Thinks this went on for a period of a couple of years or more. This was a pilot program at first. Then Krieger, CV sought to have funding from the Long Beach Naval Shipyard (LBNS) for a regular program. Thinks that would have been the sequence that occurred.

DOCUMENT NUMBER: CVK00001

WITNESS: KRIEGER, CV

LBNS

PARA NUMBER: 0016

STARTING PAGE: 0056

ENDING PAGE: 0060

TOPIC: EXAMINATIONS

BY ELLESTAD, ME

(INTRODUCED PLAINTIFF'S EXHIBIT 7: MEMORANDUM FROM KRIEGER, CV, CODE 185 TO HENDRICKSON, D, CODE 150, JUNE 5, 1963, WITH ATTACHMENT ENTITLED "PROPOSED PHYSICAL EXAMINATION OF OUR LAGGERS BY ELLESTAD, ME AT MEMORIAL HOSPITAL, LONG BEACH," UNDATED.) (OBJECTION (OBJ): HEARSAY WITHIN HEARSAY RE: PLAINTIFF'S EXHIBIT 7, P. 57.) Krieger, CV has looked over Plaintiff's Exhibit 7 and it is a true and correct copy of the memorandum he authored to Hendrickson, D on June 5, 1963. Code 150 was Hendrickson, D. Krieger's, CV signature appears on page 2 of Plaintiff's Exhibit 7. Plaintiff's Exhibit 7 contains information Krieger, CV knew to be true as of June 5, 1963. Plaintiff's Exhibit 7 did not ask for all the insulators to be examined by Ellestad, ME. Ellestad, ME was willing to give clinical examination to 15 suspected cases for a fee of 110 dollars. These were people suspected of having serious cases of asbestosis. Believes this was in fact at some point funded by the Long Beach Naval Shipyard (LBNS); these people were examined by Ellestad, ME and reports of those examinations were returned to the Medical Department, not to Krieger, CV. Does not know what happened to those reports when they went to the Medical Department. Does not recall a visit by the U.S. Public Health Service (USPHS) in or around June 13, 1963. The names Enterline and Cralley, LJ do not ring any bells with Krieger, CV. This program with Ellestad, ME expanded to cover other ladders but cannot recall when. Believes they put them through the vital capacity tests and took x-rays. To Krieger, CV vital capacity testing is synonymous with pulmonary function testing. In 1956, Sheehan, J ran vital capacity testing on insulators but not as sophisticated as Ellestad's, ME.

DOCUMENT NUMBER: CVK00001

WITNESS: KRIEGER, CV

LBNS

PARA NUMBER: 0017

STARTING PAGE: 0060

ENDING PAGE: 0063

TOPIC: EXAMINATION

PROGRAM FOR A
LARGER GROUP
OF INSULATORS/A
PPROVAL OF
FUNDING

(INTRODUCED PLAINTIFF'S EXHIBIT 8: LETTER FROM ELLESTAD, ME TO KRIEGER, CV, MAY 27, 1965.) (INTRODUCED PLAINTIFF'S EXHIBIT 9: MEMORANDUM FROM KRIEGER, CV TO CODE 150, HENDRICKSON, D, JUNE 10, 1965.) Krieger, CV has reviewed Plaintiff's Exhibit 8; is a copy of a letter he got from Ellestad, ME in which Ellestad, ME proposed to do the examination for 60 men. Refreshes recollection that sometime after May 1965 was the time when the examinations started for a large group of insulators. As a result of Plaintiff's Exhibit 8, Krieger, CV then authored Plaintiff's Exhibit 9, which is a true and correct copy of the memorandum he forwarded to his boss, Hendrickson, D, requesting permission to fund the program. That money was funded by Long Beach Naval Shipyard (LBNS). Recalls the funding was based on Plaintiff's Exhibit 8 not on Krieger's, CV request, Plaintiff's Exhibit 9. Krieger, CV "wanted ten extra men in here, because I wanted five men working with plastics and five men working with glass, and I do not think they were funded." What was funded was only the insulators working with asbestos. A copy of Plaintiff's Exhibit 9 went to Ellestad, ME; the Medical Director; Code 940, which would have been the group superintendent; Meeker's, D boss; Meeker, D; and Ay, W. The printing on the bottom of Plaintiff's Exhibit 9 is Krieger's, CV. It says "Webb approved, 150. Sent forward to 700 for action, Cliff." It means that Hendrickson, D had approved probably the 3,000 dollars for the study, and the money would have been transferred to the Medical Department for action. Krieger, CV would be out of the picture completely; the scheduling and running of the tests and reaching of results would not have been his

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bailiwick. As far as Krieger, CV knows, the program went forward for a time; believes it was probably terminated, the following year. It was picked up by the NAVY hospital. Does not know where the results of Ellestad's, ME work went. Based on the custom and practice of the Long Beach Naval Shipyard (LBNS) it would have gone in the workers' medical files. The NAVY is very strict about medical information remaining between medical doctors, not laymen.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0018 STARTING PAGE: 0063 ENDING PAGE: 0066
TOPIC: EXAMINATION
PROGRAM TAKEN
OVER BY THE
NAVY

Krieger, CV believes the examination program was picked up by the NAVY. Can remember a station wagon full of four men at a time, running out to the NAVY hospital for the vital capacity tests and x-rays; does not know how many went. Has no knowledge as to what happened to the results of those tests. (OBJECTION (OBJ): SPECULATIVE RE: BASED ON HIS UNDERSTANDING OF THE CUSTOM AND PRACTICE OF THE NAVY AT LONG BEACH NAVAL SHIPYARD (LBNS), DOES KRIEGER, CV BELIEVE, LIKEWISE THESE RECORDS OF THE TEST RESULTS WOULD HAVE GONE TO THE WORKERS' MEDICAL FILES? PP. 63-64.) Either the records of the test results went to the workers' medical files or the Medical Department kept a special file on asbestosis. Was not privy to any of the quarterly reports filed by the Medical Department to the Bureau of Medicine and Surgery (BUMED). Did not receive any official information after the program was switched to the NAVY that workers were complaining that they were not getting results of these tests. Ay, W again mentioned that he did not think the workers were getting enough information. Did not take any action as a result of Ay's, W information. Ay, W took action and talked to Hendrickson, D but that is all Krieger, CV knows personally.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0019 STARTING PAGE: 0066 ENDING PAGE: 0068
TOPIC: REPORT ON
MEETING WHERE
SELIKOFF, IJ
SPOKE

Krieger, CV attended a conference at the New York Academy of Science (NYAS) where Selikoff, IJ spoke in or around 1964 in New York. The trip was paid for by the NAVY. Had to submit paper work to get approval for the trip. Hendrickson, D approved the trip. Heard Selikoff, IJ speak at the meeting; attended all the meetings. To Krieger's, CV knowledge there was not anyone else from the United States Government (USA) present at that meeting. Learned that asbestos was bad, which was his personal belief prior to this time, 1964; this was just affirmed by the Russians, English and Africans. A copy of Krieger's, CV report was subpoenaed from Long Beach Naval Shipyard (LBNS), and should be in the possession of counsel. Krieger, CV filed a report after his return, which was the custom and practice of the NAVY. Does not recall the title. It was a rather lengthy report; attached about 25 or 30 pages of the papers received at the meeting, all of which dealt with asbestos; no other subjects were discussed at this meeting. Gave this report to Hendrickson, D. Would not think it was carbon copied to anyone else. Does not know if Hendrickson, D gave it to anyone else. Does not know if Hendrickson, D had to report to his superior on trips such as this one but does not think he would.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0020 STARTING PAGE: 0068 ENDING PAGE: 0072
TOPIC: INTERIM PERIOD
WITHOUT AN
INDUSTRIAL
HYGIENIST AT
LONG BEACH
NAVAL SHIPYARD
(LBNS)

Krieger, CV is not familiar with the quarterly Bureau of Medicine and Surgery (BUMED) reports that the Medical Department would have to file. Is sure that the Industrial Relations Department and the Long Beach Naval Shipyard (LBNS) have to file annual, semiannual or quarterly reports to the NAVY but does not know. Does not recall any of the comments in the report given to Hendrickson, D. Thought Marr, WT left Long Beach Naval Shipyard (LBNS) before the meeting in 1964 when Selikoff, IJ spoke, but cannot be sure. Following the departure of Marr, WT, there was a period of time when there was no industrial hygienist at Long Beach Naval Shipyard (LBNS). Manning, S was the next industrial hygienist. Later on there was a Manning, R who was over Manning, S; Krieger, CV thought Manning, R came into Long Beach Naval Shipyard (LBNS) and

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later became regional, but maybe he was hired as Regional Industrial Hygienist. Does not recall when Manning,S came to Long Beach Naval Shipyard (LBNS). During the period of time when there was no industrial hygienist at Long Beach Naval Shipyard (LBNS), the physical instruments and all the equipment went to the chief chemist. Krieger,CV got the library. Did not get any of Marr's,WT notes or records, just books. Does not have any idea what happened to Marr's,WT notes and records. The Safety Department did not fill in as industrial hygienist but handled complaints, even investigated complaints along with laboratory personnel. Nobody in the Safety Department was qualified as an industrial hygienist so they could not take tests, run experiments or perform industrial hygiene investigations. The Chemistry Department did do some studies on ventilation and acids. Krieger,CV called the Chemistry Department in on those particular complaints, like in the plating shop. There was nobody qualified to do any dust samplings relative to asbestos concentrations during the time period when there was no industrial hygienist at Long Beach Naval Shipyard (LBNS). Watkins,G was the head of the Medical Department during the time there was no industrial hygienist. (OBJECTION (OBJ): NO GROUNDS STATED RE: DOES KRIEGER,CV KNOW IF THERE WAS A REQUIREMENT PLACED UPON THE LONG BEACH NAVAL SHIPYARD (LBNS) BY THE NAVY OR THE UNITED STATES GOVERNMENT (USA) IN GENERAL, TO TAKE DUST SAMPLINGS PERIODICALLY FOR ASBESTOS DURING THIS TIME WHEN THERE WAS NO INDUSTRIAL HYGIENIST? P. 72.) Krieger,CV does not recall any requirements for Long Beach Naval Shipyard (LBNS) to take dust samplings by the NAVY or the United States Government (USA) during the time when there was no industrial hygienist.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0021 STARTING PAGE: 0072 ENDING PAGE: 0074
TOPIC: MEETINGS WITH
SELIKOFF,IJ

In 1967, Krieger,CV again attended a meeting where Selikoff,IJ spoke in Chicago at the national convention of the Heat, Frost, Insulator Workers of America (IUHF), also known as the Asbestos Workers Union. Was accompanied by Watkins,G. Heard Selikoff,IJ speak about the fact that asbestos was dangerous; Selikoff,IJ placed a lot of emphasis on smoking, and practically guaranteed that if a person smoked and worked with asbestos that he would get mesothelioma. Watkins,G and Krieger,CV had two meetings with Selikoff,IJ; discussed asbestos and asbestos health problems, which is all Selikoff,IJ ever talked about. Ay,W and Carmines,C, another member from the local, went to that meeting with Krieger,CV and Watkins,G. Thinks it was a result of the trip to the convention that Watkins,G hired Manning,S as the industrial hygienist. Anything that was done thereafter concerning asbestos control was as a result of that billet being filled and Manning,S functioning as industrial hygienist. (OBJECTION (OBJ): VAGUE AND AMBIGUOUS RE: ANYTHING THAT WAS DONE THEREAFTER CONCERNING ASBESTOS CONTROL WAS AS A RESULT OF THAT BILLET BEING FILLED AND MANNING,S FUNCTIONING AS INDUSTRIAL HYGIENIST? PP. 73-74.)

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER,CV LBNS
PARA NUMBER: 0022 STARTING PAGE: 0074 ENDING PAGE: 0080
TOPIC: "DEPARTMENT OF
THE NAVY
SAFETY PRECAUTIONS FOR SHORE
ACTIVITIES"

Krieger,CV is familiar with a document entitled "Department of the Navy Safety Precautions for Shore Activities." (INTRODUCED PLAINTIFF'S EXHIBIT 10: COVER SHEET AND PAGES 20-22 OF DOCUMENT ENTITLED "DEPARTMENT OF THE NAVY SAFETY PRECAUTIONS FOR SHORE ACTIVITIES," "NAVSO" P2455, APRIL, 1965.) (OBJECTION (OBJ): MAHONEY,J STATES STANDING OBJECTION (OBJ) TO USE OF PLAINTIFF'S EXHIBIT 10. P. 75.) (COLLOQUY RE: PUTTING IN ALL 20 PLUS CHAPTERS TO ASK A SINGLE QUESTION. PAGE NUMBERS NOT IDENTIFYING THAT THE PAGE COMES FROM THIS DOCUMENT. P. 75.) Krieger,CV has looked at Plaintiff's Exhibit 10 and is familiar with the document entitled "Department of the NAVY Safety Precautions for Shore Activities." It was used at Long Beach Naval Shipyard (LBNS). It was not used as of April 1965 but sometime after that; guesses six to eight months later. Does not know the significance of "NAVSO P2455"; it is evidently something to do with industrial relations. Looks like "NAVSO P2455" was promulgated by the Department of NAVY Industrial Relations Division. Plaintiff's Exhibit 10 would

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be a document that would filter down to the Long Beach Naval Shipyard (LBNS) and all naval activities. Recalls the type of information appearing in the "Safety Precautions for Shore Activities". Estimates "Safety Precautions for Shore Activities" was probably 30 chapters, 800 pages long. It dealt with everything: how to cut a lawn, how to spray the shrubbery, how to put a scaffold up, radioactive material; each chapter was devoted to a different subject. (MAHONEY, J STATES OBJECTION (OBJ) TO KRIEGER, CV ANSWERING NO QUESTION ON THE FLOOR, P. 77.) When this document was received by the Industrial Relations Department, the entire volume would be distributed to all codes. This was done as often as it was published. At some late date, it was supplemented by Long Beach Naval Shipyard (LBNS) instructions or comments concerning what the Industrial Relations Department of the NAVY had set down. Can read that pages 20-22 of Plaintiff's Exhibit 10 deal with asbestosis; this would have been for action by Code 700, this was not traumatic, not safety. The Safety Department in Washington, District of Columbia mixed the two together. The departments would pick out what applied to them. In the normal course and practice of the Long Beach Naval Shipyard (LBNS) in and around 1965, Krieger, CV would receive from the Industrial Relations Department of the NAVY a large multi-volume document entitled "Department of the NAVY Safety Precautions for Shore Activities." In and around 1965, it was the custom and practice of the Industrial Relations Department to send that document to other departments within Long Beach Naval Shipyard (LBNS); one of the other departments would be the Medical Department.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0023 STARTING PAGE: 0080 ENDING PAGE: 0082
 TOPIC: CONTACT WITH
 MANNING, S

Krieger, CV and Manning, S did not work together on any project relative to asbestos control. If Manning, S wanted to schedule a meeting with the insulators, he had to go through the Industrial Relations Department. Manning, S normally came to Krieger, CV; recalls Manning, S coming to him. Attended the asbestos meetings with Manning, S. Manning, S would come to Krieger, CV to ask the Training Department to schedule the meetings, which was the Training Department's function. Some of the meetings were held, and Krieger, CV attended them. Recalls the first meeting was probably within a month after Manning, S came to Long Beach Naval Shipyard (LBNS); there were additional meetings as long as Manning, S was at Long Beach Naval Shipyard (LBNS). (OBJECTION (OBJ): NO GROUNDS STATED RE: DURING MANNING, S, S TERM AT LONG BEACH NAVAL SHIPYARD (LBNS). DID MANNING, S COMPLAIN TO KRIEGER, CV ABOUT PROBLEMS MANNING, S WAS HAVING FUNCTIONING AS INDUSTRIAL HYGIENIST? PP. 81-82.) Manning, S did complain to Krieger, CV about problems he was having functioning as industrial hygienist; Manning, S was unhappy with his job. (OBJECTION (OBJ): NO GROUNDS STATED RE: CAN KRIEGER, CV TELL WHAT MANNING, S COMPLAINED ABOUT? P. 82.) Manning, S complained to Krieger, CV that Manning, R "leaned" on him. Has no specific situations. Manning, R and Manning, S did not get along very well. (OBJECTION (OBJ): NO GROUNDS STATED RE: DID MANNING, S EVER COMPLAIN TO KRIEGER, CV ABOUT LACK OF EQUIPMENT? P. 82.) Does not recall Manning, S complaining about lack of equipment. (OBJECTION (OBJ): NO GROUNDS STATED RE: DID MANNING, S EVER COMPLAIN TO KRIEGER, CV ABOUT LACK OF ASSISTANCE OR SUPPORT FROM THE MEDICAL DEPARTMENT? P. 82.) Manning, S did complain about the lack of secretarial assistance and that he had no assistance for field work.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0024 STARTING PAGE: 0082 ENDING PAGE: 0084
 TOPIC: NAVAL SHIP
 SYSTEMS
 COMMAND
 (NVSHIP)
 INSTRUCTION .
 5100.26

(INTRODUCED PLAINTIFF'S EXHIBIT 11: NAVAL SHIP SYSTEMS COMMAND (NVSHIP) INSTRUCTION 5100.26, FEBRUARY 9, 1971.) (COLLOQUY RE: PAGE 8 OF PLAINTIFF'S EXHIBIT 11 IS MISSING. P. 83.) Krieger, CV has reviewed Plaintiff's Exhibit 11; it refreshes his recollection of Naval Ship Systems Command (NVSHIP) Instruction 5100.26. Became familiar with it on February 9, 1971 when it came through his office and he read it. Does not remember whether he made any attempt at the time this instruction, Plaintiff's Exhibit 11, was received to ascertain whether or not Long Beach Naval Shipyard

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(LBNS) was in compliance with this instruction. Plaintiff's Exhibit 11 was an instruction, to Krieger's, CV knowledge, that Long Beach Naval Shipyard (LBNS) was required to comply with. Long Beach Naval Shipyard (LBNS) would have been ordered to come up to compliance with Instruction 5100.26, Plaintiff's Exhibit 11, but it should have been done between the shop and the industrial hygienist. Plaintiff's Exhibit 11 did not have any particular bearing on the Safety Department so it would not have been in Krieger's, CV sphere of responsibility to see that it was followed up; it would have been the responsibility of the production officer and the medical officer. (OBJECTION (OBJ): NO GROUNDS STATED RE: DOES KRIEGER, CV KNOW WHETHER OR NOT THE PRODUCTION DEPARTMENT AND THE MEDICAL DEPARTMENT DID TAKE THE ACTIONS REFERRED TO UPON RECEIPT OF PLAINTIFF'S EXHIBIT 11? P. 84.) Krieger, CV does not recall if the Production Department and the Medical Department took the actions referred to upon receipt of Plaintiff's Exhibit 11.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0025 STARTING PAGE: 0084 ENDING PAGE: 0087
 TOPIC: VISIT TO PUGET
 SOUND NAVAL
 SHIPYARD (PSNS)

Krieger, CV did visit Puget Sound Naval Shipyard (PSNS) in 1972. The purpose of that visit was asbestos because Krieger, CV went with Ay, W. Believes they went there to look at some ventilation and some downdraft tables. Believes he made recommendations that certain changes in procedures be accomplished and certain equipment be bought. The downdraft tables and ventilation were used in the Pad Department, where asbestos pads were made by ladders. 56 Shop of Puget Sound Naval Shipyard (PSNS). Long Beach Naval Shipyard (LBNS) also had such a shop. Thinks Long Beach Naval Shipyard (LBNS) had an overhead ventilation system; there was an updraft, and used a wetting process. Puget Sound Naval Shipyard (PSNS) used stainless steel tables with downdraft; they used a dry process. Also recommended purchasing "SearsRoebuck" type vacuum cleaners for cleaning up asbestos dust. Does not remember that these vacuum cleaners were ever purchased. Thinks everything was wet down and swept up.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0026 STARTING PAGE: 0087 ENDING PAGE: 0090
 TOPIC: ORDERING
 ASBESTOS
 PRODUCTS

Does not remember if, at some point in time, it came to Krieger's, CV attention that the NAVY had ceased ordering asbestos-containing products for use at Long Beach Naval Shipyard (LBNS). Does not recall that the NAVY at some point in time wanted to purge asbestos from its supply system. (INTRODUCED PLAINTIFF'S EXHIBIT 12: MEMORANDUM FROM KRIEGER, CV TO CODE 100 VIA CODE 150, HENDRICKSON, D, NOVEMBER 13, 1974.) (COLLOQUY RE: CLEARER COPY MADE. PP. 87-88.) Krieger's, CV signature is at the bottom of Plaintiff's Exhibit 12. Plaintiff's Exhibit 12 is a true and correct copy of the memorandum from Krieger, CV on November 13, 1974. In November 1974, the NAVY did not have a policy of not ordering asbestos products. Krieger, CV was attempting, in paragraph 2 of Plaintiff's Exhibit 12, to have the shipyard commander come up with a policy saying, "do not use any asbestos products." Plaintiff's Exhibit 12 was written by Krieger, CV about ten days before he left Long Beach Naval Shipyard (LBNS). Does not know if this memorandum, Plaintiff's Exhibit 12, was ever answered or if any action took place. (OBJECTION (OBJ): NO GROUNDS STATED RE: DID IT COME TO KRIEGER'S, CV ATTENTION BEFORE NOVEMBER 13, 1974, THAT BOTH ASBESTOS AND NON-ASBESTOS CONTAINING MATERIALS WERE STOCKED AND ORDERED UNDER THE SAME STOCK NUMBER? P. 89.) Before November 13, 1974, to Krieger's, CV knowledge, both asbestos and non-asbestos containing materials were stocked and ordered under the same stock number. Over a period of years, Code 185 objected to the fact that the two types of products were under the same stock number.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0027 STARTING PAGE: 0090 ENDING PAGE: 0091
 TOPIC: REASON FOR MEMO

Krieger, CV cannot recall when Ay, W died; visited Ay, W every day in the hospital, but does not remember whether he went to the

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hospital from the Long Beach Naval Shipyard (LBNS) or the university. Plaintiff's Exhibit 12 was a result of Ay,W and Krieger,CV finding asbestos-containing material and non-asbestos containing materials stacked and stocked together. (OBJECTION (OBJ): NO GROUNDS STATED RE: DID AY,W TELL KRIEGER,CV THAT IT WAS AY'S,W UNDERSTANDING THAT LONG BEACH NAVAL SHIPYARD (LBNS) WAS NOT TO USE ASBESTOS ANY MORE? PP. 90-91.) Ay,W would have only taken Krieger,CV down to look at the asbestos-containing material still in Long Beach Naval Shipyard (LBNS), some of which had been newly ordered, to prove Ay's,W point that Long Beach Naval Shipyard (LBNS) was still getting asbestos products. Plaintiff's Exhibit 12 was sent to the Production Department; the Supply Department; Code 920, which included the metal-working departments; Code 930, the machinists; Code 200, planning; and Code 400, maintenance and public works.

DOCUMENT NUMBER: CVK00001

WITNESS: KRIEGER,CV

LBNS

PARA NUMBER: 0028 STARTING PAGE: 0091 ENDING PAGE: 0095

TOPIC: LOCKER ROOMS

Between 1970 and 1974, the asbestos workers had a locker room in which they changed, which was not the same locker room facility they had in the 1960's. The change took place in the early 1970's. Krieger,CV had been to the locker room in the 1960's; it was quite large, and contained about 300 lockers with benches. It was not for just the pipe coverers; it was for all of Shop 56, including the pipefitters who would normally be dealing with asbestos containing products. (OBJECTION (OBJ): NO GROUNDS STATED RE: WOULD THE LAGGERS AND THE PIPE FITTERS EVER BE IN THAT SAME LOCKER ROOM TOGETHER CHANGING WORK CLOTHES? P. 92.) The ladders and the pipe fitters would be in the same locker room changing work clothes. Did acutally observe this occurring on one occasion. Krieger,CV went to see what the situation was and went back and recommended a new locker room; this was in the late 1960's or early 1970's. Recommended separate locker rooms because, in the late 1960's, he had ordered protective clothing, individual respirators, coveralls, booties, and throw away gloves to be issued twice a day. Wanted a separate room to put clean clothes in and throw this protective gear away; it was only worn once. Made the recommendation to Meeker,0 and thinks he, or somebody, complied. Another facility was made available; does not know when, but it was prior to Krieger's,CV leaving Long Beach Naval Shipyard (LBNS) (1974). An issue room was put in to issue the clean clothing and to gather the contaminated clothing. The workers had clean and dirty lockers that were segregated. This was done sometime between the late 1960's to 1974, is specifically unsure of when that occurred. (OBJECTION (OBJ): FORM OF THE QUESTION RE: WHEN, IF AT ALL, DID IT COME TO KRIEGER'S,CV ATTENTION THAT TRADES OTHER THAN LAGGERS MAY BE EXPOSED TO ASBESTOS IN CONCENTRATIONS THAT COULD CONCEIVABLY PROVE TO BE HARMFUL TO THEM WHILE WORKING AT LONG BEACH NAVAL SHIPYARD (LBNS)? P. 94.) After leaving Long Beach Naval Shipyard (LBNS) (1974), it came to Krieger's,CV attention that trades other than ladders may be exposed to asbestos in concentrations that could prove to be harmful to them while working at the Long Beach Naval Shipyard (LBNS). Had a lot of contacts who told Krieger,CV what was going on in Long Beach Naval Shipyard (LBNS).

DOCUMENT NUMBER: CVK00001

WITNESS: KRIEGER,CV

LBNS

PARA NUMBER: 0029 STARTING PAGE: 0095 ENDING PAGE: 0100

TOPIC: DUTIES AND

PROBLEMS AS
SAFETY SUPERINT
ENDENT/AWARDS

(EXAMINATION BY MAHONEY,J FOR USA.) Krieger,CV signed on at Long Beach Naval Shipyard (LBNS) in May of 1956 as Safety Superintendent. Had a career with the NAVY at Philadelphia Naval Shipyard (PANS) and at the Naval Aviation Supply Depot in Philadelphia before coming to Long Beach Naval Shipyard (LBNS). Worked for Bethlehem Steel (BSC) after Krieger,CV "eventually" graduated from high school. Krieger's,CV understanding of his job duties as Safety Superintendent at Long Beach Naval Shipyard (LBNS) was to set up a safety program for the employees involving traumatic injuries. This safety program did not involve health hazards like systemic illnesses. Krieger's,CV duties involved working with medical officers, gas-free engineers, radiation safety engineers, and with the diving office. Did not involve

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working with the security office for driver training or with the Rigging Department for testing cranes. Was not Krieger's, CV responsibility to make sure that men driving trucks in the yard were driving safely; that was the responsibility of the Security Department. Krieger, CV probably did testify to that effect on his deposition given in the Beauregard, RE case. In 1956, one of the problems which Krieger, CV confronted, in terms of safety, was whether or not silica was a factor or hazard in sandblasting operations at Long Beach Naval Shipyard (LBNS). Determined with the help of the Chemistry Department that the problem was granite, not silica; there was less than one percent silica in the ground-up granules. Also in his early years at Long Beach Naval Shipyard (LBNS), Krieger, CV processed the claims for workers' compensation on hearing problems. During his first year as Safety Officer, Krieger, CV spent most of his time with safety issues that dealt with electrical lines on the deck. Electrical hazards were a big problem. Another problem was whether or not the ladders which the men were using were safe and secure. Is talking about oxygen lines, acetylene lines, electrical lines, high pressure air lines, fresh-water lines, potable-water lines, salt water fire lines, telephone lines; all of these things were on the deck. Getting all of these lines out of the walkways came within Krieger's, CV jurisdiction as Safety Superintendent so the men would not trip over them or that they would not malfunction. Krieger, CV was concerned with the safety of the workers at Long Beach Naval Shipyard (LBNS) from the first day he arrived. Felt he did a good job at Long Beach Naval Shipyard (LBNS). Has over 20 Secretary of NAVY Safety Awards for achievement in safety and two civilian meritorious awards, which is the second highest award for a civilian, awarded by the Secretary of the NAVY. Is talking about over a 30 year span. The over 20 safety awards were given annually so Krieger, CV must have missed about eight years out of his 31 years with the government (USA).

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0030 STARTING PAGE: 0100 ENDING PAGE: 0104
TOPIC: STAND-UP

SAFETY MEETINGS
/KRIEGER'S, CV
PHILOSOPHY ON
SAFETY

When Krieger, CV arrived at Long Beach Naval Shipyard (LBNS), there were weekly stand-up safety meetings conducted by the supervisors. Did not attend those safety meetings, but furnished the bulletin for the supervisors to use at the stand-up safety meetings. The first part of the bulletin was a review of the more serious accidents for the week before, and any observations of dangerous conditions the safety inspectors had made on their tours; not wearing hard hats, not wearing ear plugs, or that type of thing. The injuries which occurred included: finger, hand, head, foot injuries; broken bones from falls down ladders and falls into the dry dock. There might be about six or seven hundred accidents. Thinks accidents were reduced quite a bit, would think 60 percent, during Krieger's, CV tenure at Long Beach Naval Shipyard (LBNS) of which part was due to the education program along with the publicity. A lot of it would depend on how strong the commanding officer was at the time. Equipment played a part in Krieger's, CV success. The NAVY went from hammering scaffolds together to Tube Lox staging which is steel staging bolted together; it is very secure, which was a big improvement. As the technique of the workers increased, safety became more prevalent. Krieger's, CV philosophy on safety is a belief in education. "Engineering out" the hazards of any given product is the most important part of safety. (OBJECTION (OBJ): NO FOUNDATION RE: DOES KRIEGER, CV BELIEVE IN ENGINEERING OUT THE HAZARDS OF ANY GIVEN PRODUCT? P. 103.) This is Krieger's, CV personal philosophy on safety; after having 41 years experience in safety.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
PARA NUMBER: 0031 STARTING PAGE: 0104 ENDING PAGE: 0108
TOPIC: REVIEW OF

TESTIMONY/HETZE
L, VL PREPARED
EXHIBIT 5
ATTACHMENTS

(OBJECTION (OBJ): VAGUE AS TO TIME RE: WHILE AT LONG BEACH NAVAL SHIPYARD (LBNS), WITH WHAT FREQUENCY DID KRIEGER, CV VISIT SHOP 56? P. 104.) Krieger, CV probably visited Shop 56 ten times a year while at Long Beach Naval Shipyard (LBNS). Went on board a ship undergoing ripout only once in his tenure at Long Beach Naval Shipyard (LBNS). 7,000 to 9,000 men were at Long Beach Naval

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Shipyard (LBNS) at any given time; up to 9,000, down to 7,000 or lower. After seeing these exhibits, believes the number of insulators at Long Beach Naval Shipyard (LBNS) was closer to 100; would have estimated 160 but was evidently wrong. Has stated that there was a medical program in existence at Long Beach Naval Shipyard (LBNS) when he arrived, in 1956. (OBJECTION (OBJ): VAGUE AND AMBIGUOUS RE: HAS KRIEGER, CV STATED THAT THERE WAS A MEDICAL PROGRAM IN EXISTANCE AT LONG BEACH NAVAL SHIPYARD (LBNS) WHEN HE ARRIVED IN 1956? P. 105.) Also stated that the insulators or pipe coverers received x-ray examinations in 1956. Does not believe he looked at any of the files of the industrial hygienist in 1956. Did become concerned about insulators and pipe coverers while at Long Beach Naval Shipyard (LBNS). Did take steps to secure what he felt was better medical diagnoses for these insulators. (REFERS TO PLAINTIFF'S EXHIBIT 4.) Plaintiff's Exhibit 4 is dated June 3, 1961. Remembers that Hoch, CV asked him if June 3 to June 16, 1961 represented the two-week period that Hetzel, VL was at Long Beach Naval Shipyard (LBNS). Remembers that Hetzel, VL came into Long Beach Naval Shipyard (LBNS) for only two weeks. Krieger, CV had Hetzel, VL write Plaintiff's Exhibit 4 while he was at Long Beach Naval Shipyard (LBNS) on that two-week stint. (REFERS TO PLAINTIFF'S EXHIBIT 5). Looked at Plaintiff's Exhibit 5, "Reassigned After Medical Evaluation;" has attributed it to the work of Hetzel, VL. Has said Hetzel, VL was only at Long Beach Naval Shipyard (LBNS) from June 3, 1961 to June 16, 1961. Plaintiff's Exhibit 5 is a letter from Krieger, CV to Gray, EB. Krieger, CV has attributed the attachments to the letter in Plaintiff's Exhibit 5 to Hetzel, VL. Hetzel, VL either prepared the attachments or they were prepared, assembled for his benefit. Hetzel, VL did not rotate back into Long Beach Naval Shipyard (LBNS). To the best of Krieger's, CV knowledge, Hetzel, VL did prepare the attachments to the August 9, 1962 letter, Plaintiff's Exhibit 5.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0032 STARTING PAGE: 0108 ENDING PAGE: 0110
 TOPIC: DEPOSITION TO
 BEAUREGARD, RE
 CASE

Krieger, CV remembers that he gave a deposition in the Beauregard, RE case in which JMC was a named defendant on June 22, 1979. Does not recall that he was questioned about the letter to Gray, EB and the attachments, Plaintiff's Exhibit 5. (REFERS TO EXHIBIT 355 FROM THE BEAUREGARD, RE DEPOSITION) (REFERS TO PLAINTIFF'S EXHIBIT 5.) Patterson was Krieger's, CV assistant. Evidently cannot remember now (OCTOBER 3, 1984) who prepared this report, Plaintiff's Exhibit 5.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0033 STARTING PAGE: 0110 ENDING PAGE: 0112
 TOPIC: FUNDING BY
 LONG BEACH
 NAVAL SHIPYARD
 (LBNS)

The refusal of Gray, EB to cooperate led Krieger, CV to find a different way to have the diagnosis performed, so he went to Ellestad, ME. The Ellestad, ME program was funded by the Long Beach Naval Shipyard (LBNS). In 1964, Krieger, CV went to a conference at which Selikoff, IU spoke; this was funded by Long Beach Naval Shipyard (LBNS) and no one said he could not go. In 1967 he again traveled to hear Selikoff, IU speak in Chicago and this was also funded by Long Beach Naval Shipyard (LBNS). Traveled east with Meeker, D and visited various shipyards, and this was funded by Long Beach Naval Shipyard (LBNS). This was part and parcel of Krieger's, CV responsibilities as Safety Officer to accumulate information which would help the safety of the men and women at Long Beach Naval Shipyard (LBNS).

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0034 STARTING PAGE: 0112 ENDING PAGE: 0115
 TOPIC: 1964 AND 1967
 MEETINGS

(REFERS TO PLAINTIFF'S EXHIBIT 12.) Krieger, CV does not recognize a project known as the "Philadelphia Study FA 287." Does not recall a project called the Asbestos Elimination Substitution Personnel Protection Program started by the NAVY. Did not have anything to do with specifications or procurement. Did not talk to any representative from JMC when he attended the meeting in 1964. (COLLOQUY RE: CLARIFICATION OF WHAT MEETING IS BEING TALKED

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ABOUT. PP. 112-113.) At the 1974 New York meeting, at which Selikoff, IJ spoke, Krieger, CV does not recall any representative of JMC taking the podium to warn of the hazards of JMC's products.

Brought the report of the meeting back to Long Beach Naval Shipyard (LBNS) and gave a copy of it to Ay, W and to the Medical Department. If JMC had started putting warnings on its products in 1964 and had been at that meeting and told Krieger, CV of the warnings, he would have brought that information back to Long Beach Naval Shipyard (LBNS). In 1967, Krieger, CV, again at the expense of the Long Beach Naval Shipyard (LBNS), attended another meeting in Chicago. There were not, to Krieger's, CV knowledge, any members of the asbestos manufacturing industry at that meeting. They would have had to be invited. It was a union meeting and they selected their own speakers, and Selikoff, IJ was a very popular speaker in those days. (OBJECTION (OBJ): ASSUMES A FACT NOT IN EVIDENCE RE: DID ANY REPRESENTATIVES OF JMC STAND UP AT THAT MEETING AND WARN THE PEOPLE OR ADVISE THE PEOPLE PRESENT AT THAT MEETING OF THE HAZARDS OF ITS PRODUCTS? P. 114.) To Krieger's, CV knowledge, no representative of JMC stood up at that meeting and warned or advised of the hazards of its products.

Has said earlier that it was at this 1967 meeting that Selikoff, IJ stressed that asbestos workers should not smoke. This meeting was not the first time Krieger, CV heard the word mesothelioma but that is the first time that Selikoff, IJ emphasized the smoking in connection with asbestos work. There was something like one case of mesothelioma in 10,000 but where asbestos workers are concerned, it was six cases in 10,000; this is what Selikoff, IJ was dwelling on. JMC at no time in Krieger's, CV career as Safety Officer discussed with him the health hazards related to exposure to asbestos; JMC did not come to Long Beach Naval Shipyard (LBNS) and talk to him.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0035 STARTING PAGE: 0115 ENDING PAGE: 0119
 TOPIC: TYPES OF

VESSELS/MARR, WT
 AND MANNING, S/
 SHOP 56

Krieger, CV recalls that the types of NAVY vessels of which he was aware and which were repaired at Long Beach Naval Shipyard (LBNS) were: battleships; aircraft carriers, all sizes; cruisers, light and heavy; destroyers and destroyer escorts; auxiliary ships, oil skimmers, tugs, "LST's"; every kind except submarines. Had a lot going on as Safety Officer at Long Beach Naval Shipyard (LBNS). During Krieger's, CV 18 years, spent something less than one percent of his time on asbestos-related matters. (OBJECTION (OBJ): CALLS FOR EXPERT OPINION RE: WHAT IS KRIEGER'S, CV OPINION OF MARR, WT AS A PROFESSIONAL? P. 117.) Marr, WT was an excellent professional. Had opportunity to observe Marr, WT at work at Long Beach Naval Shipyard (LBNS). Was at Long Beach Naval Shipyard (LBNS) all the time Marr, WT was there but cannot remember how long he was there. But from his observation of Marr, WT, in Krieger's, CV judgement, Marr, WT was excellent. Knew Manning, S who was also an industrial hygienist; had occasion to observe his work at Long Beach Naval Shipyard (LBNS). Thinks the relative sizes of Shop 56 at Puget Sound Naval Shipyard (PSNS) and Shop 56 at Long Beach Naval Shipyard (LBNS) would be comparable. Spent some time at Shop 56 at Puget Sound Naval Shipyard (PSNS), thinks Shop 56 was probably the same size. If men who worked in Shop 56 in the 1960s were to say to this "court" that amosite was effectively eliminated in the 1960s, Krieger, CV could not call them liars or anything because does not remember. The men in Shop 56 would be in a better position to observe what they were using in the shop than Krieger, CV. Based on his experiences as Safety Officer for 18 years at Long Beach Naval Shipyard (LBNS), Krieger, CV thinks that the NAVY was, on the whole, a safety conscious organization.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0036 STARTING PAGE: 0119 ENDING PAGE: 0121
 TOPIC: PREPARATION OF

THE ATTACHMENT
 TO PLAINTIFF'S
 EXHIBIT 5

(EXAMINATION BY HOCH, SL FOR JMC.) (REFERS TO PLAINTIFF'S EXHIBIT 5.) Krieger, CV thought that the attachments to Plaintiff's Exhibit 5 were originally done by Hetzel, VL. The deposition transcript, Exhibit 355 from the Beauregard, RE deposition, referred to Patterson, one of Krieger's, CV assistants; it was written some 22 years ago. Does not have a specific recollection

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of who prepared that 55 page document in Plaintiff's Exhibit 5. Krieger's, CV recollection is that maybe Patterson prepared some of this information and fed it to Hetzel, VL. Hetzel, VL did not come into Krieger's, CV office and work for two weeks to give Krieger, CV two pages of information in two weeks; which is why Krieger, CV said he thought Hetzel, VL did it. Regardless of who prepared it, Plaintiff's Exhibit 5 came out of Krieger's, CV office and he is responsible for the whole thing. The material came from the medical and personnel records of Long Beach Naval Shipyard (LBNS) at Krieger's, CV direction, control, and supervision.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0037 STARTING PAGE: 0121 ENDING PAGE: 0122
 TOPIC: CONTACTING

MANUFACTURERS
 ABOUT ASBESTOS/
 KNOWLEDGE THAT
 ASBESTOS WAS
 DANGEROUS

Krieger, CV made a trip with Ay, W to an asbestos company in San Pedro to look at the way they were handling insulation materials and how they were venting their saws. Does not know who the company was but it was San Pedro and they were preparing the round pipe covering sections. Does not recall anything else. Did not pick up the phone and call JMC or write JMC a letter. (OBJECTION (OBJ): FORM OF THE QUESTION RE: DID KRIEGER, CV HAVE A PERSONAL BELIEF THAT HE HAD A FULL UNDERSTANDING OF WHAT THE ASBESTOS HAZARD WAS, AS A LAY PERSON, TO INSULATORS AT LONG BEACH NAVAL SHIPYARD (LBNS), AFTER HAVING HEARD SELIKOFF, IJ AND HAVING THE EXPERIENCE HE HAD WITH COMPENSATION CLAIMS? PP. 122-123.) Krieger, CV knew before he went to New York that asbestos was dangerous because he had compensation cases to prove it, including biopsies on the men's lungs with the particles in them. So all Krieger, CV got when he went to the meeting in New York was reaffirmation that asbestos was dangerous. Had this knowledge during the time he was an employee of the United States NAVY. (OBJECTION (OBJ): NO GROUNDS STATED RE: KRIEGER, CV DID NOT NEED A MANUFACTURER TO STAND UP AT THAT MEETING AND TELL HIM THAT ASBESTOS COULD BE DANGEROUS. IS THAT CORRECT? P. 122.) Krieger, CV did not need a manufacturer to tell him that asbestos could be dangerous. Came back to Long Beach Naval Shipyard (LBNS) with this information and made a report to his superior.

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 0038 STARTING PAGE: 0123 ENDING PAGE: 0129
 TOPIC: X-RAYS IN 1956

FOR PIPE
 COVERERS AND
 INSULATORS

(EXAMINATION BY MAHONEY, J FOR USA.) Prior to Krieger's, CV arrival at Long Beach Naval Shipyard (LBNS) in 1956, certain insulators and pipe coverers were being x-rayed and were receiving pulmonary function tests or vital-capacity tests. (REFERS TO PLAINTIFF'S EXHIBIT 5.) It could be twice a year or it could be once a year that the insulators and pipe coverers had x-rays. Krieger, CV does not recall that he testified in the case Hogard, RJ versus Johns-Manville Products Corporation (JMPC). There are indications that some of the men were x-rayed twice a year in 1956 at Long Beach Naval Shipyard (LBNS). (COLLOQUY RE: TIME FRAME OF THE QUESTION. PP. 124-125.) (MAHONEY, J READS FROM THE TRIAL TRANSCRIPT OF HOGARD, RJ VERSUS JOHNS-MANVILLE PRODUCTS CORPORATION (JMPC), PP. 125-126.) Krieger, CV believes that was the x-ray program that was in existence in 1956 when he came to Long Beach Naval Shipyard (LBNS). Krieger's, CV opinion is that Selikoff, IJ was not a spokesman for the asbestos industry; he was a spokesman for the workers. (COLLOQUY RE: READING AND SIGNING THIS DEPOSITION. PP. 126-129.)

DOCUMENT NUMBER: CVK00001 WITNESS: KRIEGER, CV LBNS
 PARA NUMBER: 9999 STARTING PAGE: 0000 ENDING PAGE: 0000
 TOPIC: EXHIBIT INDEX

NUMBER	DESCRIPTION
PLAINTIFF'S	
1	OTH: Poster, "Wear Your Respirator" developed by Krieger, CV and Ay, W. p. 28
2	COR: Krieger, CV to Turnbull, A, January 3, 1963 p. 32
3	COR: Robbins, HM, Medical Officer, Long Beach Naval Shipyard (LBNS) to Medical Officer,

- 3 Philadelphia Naval Shipyard (PANS), August 28, 1959
p. 38
OTH: Transcript of tape made by Marr, WT with Phipps, A, pages 7L, 7M, 7N of attachments to a cover letter from Robbins, HM, Medical Officer, Long Beach Naval Shipyard (LBNS) to Medical Officer, Philadelphia Naval Shipyard (PANS), August 28, 1959, undated.
pp. 38, 41
- 4 RPT: "Long Beach Naval Shipyard (LBNS) Study of Asbestos Workers in Relation to Asbestosis,"

Hetzel, VL, June 3-16, 1961.
pp. 46, 48, 106
- 5 COR: Krieger, CV to Gray, EB, August 9, 1962
pp. 49, 53, 107, 110, 119, 123
- 5 OTH: A chart entitled "Incidence of Positive Chest X-Ray Findings in Pipe Coverers and Insulators Versus Year of employment in Shipyard"
pp. 49, 53, 107, 110, 119, 123
- 5 OTH: A chart entitled "Supplemental"
pp. 44, 53, 107, 110, 119, 123
- 5 OTH: Listing entitled "Reassigned After Medical Evaluations."
pp. 49, 53, 107, 110, 119, 123
- 6 COR: Schroeder, AB to Krieger, CV, September 18, 1962.
p. 54, 55
- 7 IOM: Krieger, CV, Code 185, to Code 150, Hendrickson, D, June 5, 1963
p. 57
- 7 OTH: Document entitled "Proposed Physical Examination of Our Ladders by Ellestad, ME at Memorial Hospital, Long Beach," Undated
p. 57
- 8 COR: Ellestad, ME to Krieger, CV, May 27, 1965.
p. 60.
- 9 IOM: Krieger, CV, to Code 150, Hendrickson, D June 10, 1965.
p. 60
- 10 MAN: Cover Page and Page 20-22 of "Department of the NAVY Safety Precautions for Shore Activities," "NAVS0" P2455, April 1965.
p. 74.
- 11 INS: Naval Ships Command (NAVSHIPS) Instruction 5100.26, February 9, 1971.
p. 83.
- 12 IOM: Krieger, CV to Code 100 via Code 150, Hendrickson, D, November 13, 1974.
pp. 87, 90, 112

CLIFF KREIGER

Deposition taken June 21, 1979

Mr. Kreiger was formerly the Safety Superintendent for the Long Beach Naval Shipyard from 1956 through 1974. He was one of the individuals who worked with Bill Marr prior to 1964 on the asbestos problems found in the Long Beach Naval Shipyard. During the course of his career there he had association with all of the industrial hygienists who worked there and worked particularly closely with Webb Ay (insulator foreman) on a variety of asbestos related problems.

He was instrumental, along with Mr. Ay, in suggesting substitutes for asbestos in the mid 60's.

Prior to his leaving he issued a series of memorandums which indicated that there still are problems at the Long Beach Naval Shipyard relative to asbestos and somewhat in support of Sheldon Manning's predicament as the industrial hygienist in the early 1970's. He is an extremely affective and good witness on Navy problems.

*John Haight - witness
4/14/82*

Krieger establishes:

1. Description of Safety Superintendent/Officer at LBNS
2. Difference between Industrial Hygiene and Safety in theory and in operation at LBNS
3. Chain of command, line vs. staff
4. Safety department had more help than Industrial Hygiene
5. Safety had responsibility for compensation claims
6. First knowledge of a health hazard re: asbestos
7. Actions taken in regard to claims for asbestos disability
8. Action taken in regards to warning insulation workers; suggestions on substitution; Ellstadt pulmonary function
9. Co-operation with Marr
10. Safety did not replace Industrial Hygiene function during the periods of there were no Industrial Hygienists
11. Was in attendance at two conferences of Dr. Selikoff
12. Supports S. Manning complaints
13. Hazard pay issue
14. Asbestos purge failures

- witness #1
- prefer live

Manville

Internal Correspondence

To: Lee Polk

2-17

Date:

Aug. 24, 1984

From:

Paula Moore 

2-20

Copies:

-

Subject:

Long Beach Witnesses

I have the following information on the location of the Long Beach witnesses:

1. Hogard, Richard J. - his last known address was P.O. Box 252, St. James, Missouri. This information is taken from his deposition dated November 20, 1979. Directory Assistance shows no listing for a "Hogard" at that address. There are 2 listings for the last name "Hogard" in the St. Louis area, which is where Richard Hogard grew up. The first is for Larry Hargard in St. Marys, Missouri (Phone number: (314) 547-5765), and a Robert Hogard in Marthasville, Missouri (Phone number: (314) 433-2313). These may be relatives of Richard Hogard. Mr. Hogard, as of 1979, had been married 5 times, but had no children. He also liked to move around a lot. I checked in the case file for Hogard, but there is no recent information. Since this file is on appeal, we may be able to get information from his attorney of record, Robert Steinberg, of the firm Rose, Klein & Marias, 888 West 6th Street, Los Angeles, CA.
2. Krieger, Cliff - last known address: 6522 Farinella Drive, Huntington Beach, California. This information is from Mr. Krieger's deposition dated June 21, 1979. There is no telephone listing at that address. His last known employment was at Long Beach State University; however, he is no longer there. By calling Directory Assistance in the state of California, I found a listing for a 'Cliff Krieger' in Olinda, California, address: 5996 Happy Valley Road. Phone number: (916) 357-2400. There is also a 'C. Krieger' in Enterprise, California, address: 1113 Echo Road, phone number (916) 222-2173. These numbers and towns are in the Redding, California area, which is northern California, and since Mr. Krieger is old enough to have been retired for a couple of years, it is very possible that he moved to this area.

- Correct* 3. Langston, Roosevelt - address: 1810 West 137th Street, Compton, California; phone: (213) 637-0971. I obtained his address from a deposition dated January 19, 1982. The address was confirmed by Directory Assistance on August 22, 1984. According to the 1982 deposition, Mr. Langston was employed at the Naval Weapons Station at Seal Beach, California, as supervisor of personnel staff specialist.
- Correct* 4. Manning, Sheldon H. - Mr. Manning's address is 15403 Piuma Avenue, Norwalk, California. His telephone number is (213) 868-1054. His address was obtained from his deposition dated December 12, 1980, and was confirmed by Directory Assistance in August 1984.
- Correct* 5. Workman, James H. - last known address, 4333 Albury Ave., Lakewood, California. This information was obtained in his deposition dated April 20, 1982. There is no telephone listing at the Albury address. There is a listing for a "J. Workman" at 12100 Monticito Avenue, Rosemore Seal Beach, California. The telephone number at the Monticito Avenue address is (213) 430-0756. As of 1982, Mr. Workman was still employed at Long Beach Naval Shipyard.
6. Scoggins, Doris - last known address is 805 S. Pannes Avenue, Compton, California. I received a phone number through Directory Assistance for a "D. Scoggins," no address listed. The phone number is (213) 864-5009. The information on Mr. Scoggins' address came from medical records that were in his case file. There is no date on the medical records, only that they were reviewed in May of 1982. It also appears that he was still at Long Beach Naval Shipyard as of 1981.
7. Dolan, J. W. As you requested, I checked Directory Assistance in the Los Angeles area, and there is a listing for a "J. Dolan" at 234 North Hoover, Los Angeles; phone number (213) 382-5974.

If you wish me to follow up on any of this information, please let me know.

ofk

Manville

Internal Correspondence

To: See Distribution*

Date: March 9, 1984

From: Paula Moore

RECEIVED

Copies: Karen Miley
Anita Christen

Subject: Clifford Krieger

LEGAL DEPARTMENT

While coding the deposition summaries for the GOVPPL data base, I came across a reference to the 1964 Selikoff Conference at the New York Academy of Science, in the summary of Clifford Krieger. Mr. Krieger was the Safety Officer at LBNS from 1956 to 1974, and was a civilian employee of the Navy. In this capacity, he attended the Conference that took place October, 1964, in New York. Although he is not "uniformed Navy" as Denny would have preferred, I felt that documentation of his presence at this conference was significant.

I have attached the references from his testimony in the 6/21/79 deposition and the 5/5/80 Hogard trial, along with a copy of the exhibit referred to in the deposition. The exhibit is one of our "HS" documents pulled from GOVDOC and was used as an exhibit to Sheldon Manning's deposition that was taken in Manning's case.

As I do further coding, I will keep an eye out for any other "Navy types" that may have been in attendance.

/pm

*Distribution

✓ D. H. Markusson
R. D. Batson
J. K. Green
H. K. Jarvis
H. L. Marsh
R. A. Orr
R. L. Wilson
B. Diemer
L. Gaul

JCS:cc(700)
Ser 700-107-70
13 July 1970

MEMORANDUM

From: Senior Medical Officer
To: Industrial Hygienist

Subj: Your memo of 30 June 1970 regarding the Industrial Hygiene Program
at the Long Beach Naval Shipyard

1. Your memorandum has been received, the contents reviewed and as you are aware discussion was held in my office on 7 July 1970. The criticisms that you level at personnel formerly and presently employed at the Shipyard are significant of your frustrations. I am taking this opportunity to comment on your memorandum.

2. Part A or background material is considered to be an affront to the previous Medical Officers and your predecessors in the office of Industrial Hygienist. Except for certain portions in this section where personnel records would indicate you are in error I have no first hand knowledge of the situation therefore I will make general comments only. By the same token, you are impertinent in your assumptions that certain Medical Officers were indifferent and lacking in understanding of what an Industrial Hygiene program should be. Your second hand reporting of Mr. Sheehan does you no credit. You are generous in your appraisal of Mr. Bessmer and that fact is appreciated. As I mentioned personnel records indicate some discrepancy in your reporting. A program of education in the dangers of asbestos dust was started in 1956 some two years prior to Mr. Marr's reporting aboard.

Mr. Krieger attended the conference at the American Academy of Sciences in October of 1964 as Mr. Marr had departed the Shipyard in September of 1964. If the "expert" as you say stayed home it was at a place other than the Shipyard. When Mr. Marr left the shipyard he was a GS-12 - Step 6 not a GS-11 as you imply. It is regrettable that your office was not equipped at the time of your reporting aboard, this would not be an unusual situation when a billet had not been filled for some period of time. A qualified individual such as yourself should experience no difficulty in making his needs known and operating accordingly. Secretarial help has always been available to you on a needed basis. As you mentioned the previous Medical Officer did wish that all written reports bear his signature. This did not prevent you from preparing reports and submitting them to him for editing. You are in error when you state that all quarterly reports were assigned to you, you are responsible only for the report of Occupational Health Services. There are several other quarterly reports of which you have no knowledge.

3. We shall now deal with your present status and the recommendations you present. I have required you to submit weekly reports to me outlining the duties performed, therefore, I am well aware of what your activity has

JCS:co(700)
Ser 700-107-70
13 Jul 1970

been. With regard to your request for regular secretarial help, you are aware of the continuing austerity program throughout the Navy, we are affected by this and as of November 1970 our employment allowance will be 21 rather than the present 22. It appears at present that the help provided to you on a needed basis is sufficient, however, should your program gain impetus I will approach the Shipyard Commander with a request for an increase in our billet structure. Your request for promotion will be evaluated by the Wage and Classification section of the Industrial Relations Division. You will be contacted by that office, your qualifications plus past and present performances can be presented at that time. Within our allowed billet structure it is not considered feasible to have another trained Industrial Hygienist on the staff, your temporary absences do not constitute an undue hardship as evidenced by your recent six-week absence. Your comments that the majority of shipyard workers are dissatisfied with the health services provided by my staff is of concern to me. Such employees should be encouraged to bring their specific complaint to myself or the Administrative Officer so that appropriate action can be taken to correct the shortcomings. Any contribution you can lend to this effort will be most welcome. We are both aware that a certain amount of criticism is levelled at any program be it medical, administrative, or whatever. Your comment regarding our meeting of 31 May 1970 indicating that the pharmacist be trained in fundamental aspects of Industrial Hygiene is not well taken, it was not and is not the intent to make him a part of your staff but rather to relieve you of some duties that he could perform in addition to his own so that his present billet could be strengthened for possible promotion. Your comment regarding a college degree is totally irrelevant. No mention of this proposal was made to him so that his hopes for promotion would not be elevated with resultant disappointment if the situation did not come about. However, you took it upon yourself to advise him that you could not be promoted unless he was added to your staff. Therefore the "cruel hoax" that you mention has been perpetrated only by you and your comments, if indeed it has been perpetrated. The matter of issuing ear plugs and strict compliance with current BUMED instruction is under consideration, strict compliance with the instruction will be carried out, whether or not you will continue to issue the plugs will be decided and I will give you my decision within a short period of time. You were to present me with a recommended criteria for the running of urine porphyrin examinations, upon that presentation I will decide whether or not you will continue to perform the examination. I feel that the entire Occupational Health Services Report is of interest to you if only in an educational endeavor to keep you statistically informed and you will continue to prepare it. Your request for private telephone service is recognized as valid and will be acted upon except for the portion requesting autovon privileges, such privileges are limited and my office has the only autovon service in the department. This is available to you if the need arises. The pass office will be notified of your authority to pass visitors to your office. Your comments regarding your improper listing in the telephone directory are childish and not worthy of reply except to note that a corrected listing for the next edition has been submitted. You have been advised in the past to submit your wants regarding

JCS:cc(700)
Ser 700-107-70
13 Jul 1970

supplies and equipment to the Administrative Officer, within reason there is no restriction placed on you. I feel well qualified to decide on your need for travel and training and will continue to do so, regardless of whether you are aware of it or not, funds are set aside for you to attend the Industrial Hygienist Conference each year. You have attended the Western Industrial Health Conference and will continue to do so within the limits of funds allotted. Any further training or travel will be considered on an individual basis.

4. In the discussion portion of your memorandum you expressed a pessimistic attitude toward expecting tangible benefits from your suggestions. I regret that you have this attitude. In this portion you again mention promotion and venture the opinion that the Administrative Officer is responsible for your present grade level. This is not fact, neither he nor myself are responsible for grading you but as previously set forth this is a function of the Wage & Classification personnel. His suggestion that you have an expanded program before requesting reclassification was thought to be in your best interest. In this portion you again mention denial of your TAD to Detroit, you would again hold the Administrative Officer responsible, it has been emphasized to you that the Shipyard Commander denied this type of travel under the direction of the Naval Ships System Command. You conclude by remarking that this Shipyard never was and never will be interested in a strong Industrial Hygiene Program, you go on to say that perhaps your services could be used to better advantage elsewhere, I resent your conclusion as I am deeply interested in the Industrial Hygiene Program. I regret that you have such deep frustrations if indeed your frustrations contributed to your illness and if you feel the situation intolerable you should take such measures necessary to protect your health.

5. I am available for further discussion if you feel it is indicated.

JOSE' C. SMITH
CDR, MC, USN
Senior Medical Officer

FILE COPY

CVR 7901

Superior Court of the State of California,
For the County of Los Angeles.

RICHARD E. BEAUREGARD, et al.,
Plaintiffs,

vs.

JOHNS-MANVILLE PRODUCTS CORPORATION,
et al.,
Defendants.

No. C 137466

VOLUME I

DEPOSITION OF CLIFFORD V. KRIEGER

June 21, 1979

VIRGIN, SEIJAS & RADOGNA

CERTIFIED SHORTHAND REPORTERS

1830 WEST 8TH STREET, SUITE 301

LOS ANGELES, CALIFORNIA 90057

487-7910

389-2131

1 A. Yes.

2 Q. The sentence I want to draw your attention to,
3 and then you can read the whole memo if you like, is as
4 follows: "A program of education in the dangers of asbestos
5 dust was started in 1956, some two years prior to Mr. Marr
6 reporting aboard."

7 It is underlined in red. You may read it.
8 Read the whole document.

9 A. I don't believe it.

10 Q. You don't believe that what is written there
11 by Dr. Smith is true?

12 A. That's true.

13 MS. ROCK: Why don't you read the article and
14 respond to any questions.

15 MR. MCKAY: Identify what page number.

16 MR. VAN DAM: Page 803 to the Manning exhibits.

17 THE WITNESS: This is costing me \$150 a day, and I
18 am not to worry about the time?

19 Seriously, I feel guilty about the whole damn
20 thing. I have done nothing wrong.

21 BY MR. VAN DAM:

22 Q. Let me explain something to you. I am not
23 suggesting that you have done anything wrong. I am trying
24 to find out whatever you know about what was going on in
25 that shipyard while you were there. I don't know what you
26 feel guilty about.

27 MS. ROCK: I will object to any question at this
28 point until the witness has had a chance to read the article.

1 MR. VAN DAM: Off the record.

2 (Discussion off the record.)

3 MR. VAN DAM: Back on the record.

4 Q Now, Mr. --

5 MS. ROCK: I would request that you identify this
6 document for the record with either a marking from this
7 deposition or a designation as received in a prior deposition.

8 MR. VAN DAM: I just identified it. It is page 803
9 through 805 of the exhibits to Sheldon Manning's deposition.

10 Q Now, you have had a chance to read that memo
11 in its entirety; is that correct?

12 A Yes.

13 Q Now, you have told me that this statement in
14 here about the program of education and dangers of asbestos
15 dust being started in 1956, is wrong.

16 A That's right. That's wrong.

17 Q Was there, from your observation in the year
18 1956, any program of any kind with regard to education on the
19 dangers of asbestos dust in the Long Beach Naval Shipyard?

20 A Certainly not by me, and that's what he says.

21 Q Well, let me clarify something here.

22 The sentence that I read to you, as you will
23 recall from reading it, doesn't have your name in it.

24 A Sorry about that. I felt it did.

25 To my knowledge, there was no program as
26 mentioned in that memo.

27 Q In 1956?

28 A In 1956.

1 Q How frequently did you deal in 1956, in the
2 seven months that you were there, with Mr. Sheehan?

3 A Twice.

4 Q In the entire seven months?

5 A Yes.

6 Q Did you attempt to find out when you first
7 came to the shipyard what various educational programs having
8 to do with safety were in existence as of the time you got
9 to the shipyard?

10 A I looked through the safety records. You are
11 talking about hygiene records?

12 Q Do you segregate in your mind --

13 A Totally, right through the middle.

14 Q Let me finish my question.

15 (Continuing) -- your function as safety
16 superintendent from hygiene matters, and you put the issue
17 of asbestos control in the field of hygiene; is that right?

18 A Exactly.

19 Q When you started working for the shipyard in
20 1956, did you do anything to find out what sort of hygiene
21 programs were in existence?

22 A No, I did not.

23 Q So as you sit here today, you don't know
24 whether or not a hygiene program having to do with education
25 in the dangers of asbestos dust was in existence in 1956?

26 A I don't.

27 Q Now, did you ever become personally involved
28 in such a program at any time?

1 A Yes.

2 Q When? In conjunction with Bill Marr?

3 A After we discovered -- yes.

4 Q Prior to 1960?

5 A I believe.

6 Q And, by the way, does reviewing this letter
7 refresh your recollection as to when Mr. Marr came to the
8 shipyard?

9 A I think it was mentioned in there, wasn't it?

10 Q The sentence I read refers to 1956, as some
11 two years prior to Mr. Marr's reporting aboard which leads
12 me to believe it was sometime in 1958.

13 Does that comport with your recollection?

14 A It could be.

15 Q You just don't know?

16 A I don't remember.

17 Q The next sentence in this letter states,

X 18 "Mr. Krieger attended the conference at the American Academy
19 of Science in October of 1964, as Mr. Marr had departed the
20 shipyard in September of 1964."

21 Is that the New York conference you went to?

22 A Yes.

23 Q Did Dr. Selikoff deliver a paper at that
24 conference?

25 A Yes.

26 Q And do you know what the subject of the paper
27 was?

28 A Well, it had to do with asbestos exposure to

1 rats, as I recall.

2 Q Was there anything discussed in the conference
3 about asbestos exposure to people?

4 A Yes.

5 Q What do you remember being said?

6 A There was a lot of argument that -- whether
7 Amosite was worse than Chrysotile, and Chrysotile was worse
8 than -- what is it?

9 Q Crocidolite?

10 A Crocidolite and so forth. There was a discussion
11 about which was worse. They were trying -- in fact, I think
12 the idea at that time was to see if there wasn't a safe
13 asbestos.

14 Q Do you recall there being speakers addressing
15 the issue of whether there was a safe asbestos?

16 A Well, there were no conclusions drawn to
17 this effect. I said these were the questions that were
18 posed in the conference.

19 Q Did the various participants in the conference
20 also discuss what workers who work in an environment in
21 which there is some asbestos dust could do to protect
22 themselves?

23 A I don't remember them.

24 Q It was after this meeting in October of 1964,
25 that you came back to Long Beach and had a meeting with the
26 ladders in Shop 56?

27 A Yes, sir.

28 Q In that meeting, did you tell them everything

1 that you had learned in the conference in New York?

2 A. Yes.

3 Q. Did you at that time issue any orders to
4 supervisors about what they were specifically supposed to do
5 about the things that you had learned?

6 A. We had meetings with the ladders and the
7 supervisors, and they were the only ones involved. There
8 were only about three or four supervisors involved.

9 Q. Do you know who they were?

10 A. Web Ay.

11 Q. Aside from Web Ay?

12 A. Yes, I know -- no, I don't.

13 Q. Was attendance at the meeting or meetings,
14 whichever it may have been, by the ladders mandatory?

15 A. If they were aboard, yes, sir. If they were
16 sick we -- we had a follow-up program to pick up those that
17 were absent, and if they were absent the second time we
18 didn't catch them -- we didn't have a third go around.

19 Q. What time period separated the first go
20 around and the second go around?

21 A. About a week.

22 Q. Was there a separate meeting held on each
23 shift?

24 A. At that particular time, I think we brought
25 them all in from the graveyard shift and the daylight shift
26 and paid the swing shift overtime for that particular
27 meeting, as I recall.

28 Q. So the word went out to everybody that the

1 meeting was going to occur, and they were required to attend?

2 A. Exactly.

3 Q. Now, did you have the same kind of meeting
4 after your attendance at the Chicago conference?

5 A. That's when the medical department -- sometime
6 in this period the medical department took over these meetings
7 and held them every six months.

8 Q. From time to time while Sheldon Manning and
9 you were both at the shipyard, did you hear him voice
10 complaints about his inability to get sufficient help and
11 cooperation from the medical people?

12 MS. ROCK: Object to the leading question.

13 BY MR. VAN DAM:

14 Q. Go ahead and answer.

15 A. Yes.

16 Q. As a matter of fact, he complained about that
17 a lot in the early years, didn't he?

18 MS. ROCK: Object to the leading question.

19 THE WITNESS: That's what that letter is all about.

20 BY MR. VAN DAM:

21 Q. The letter that you are pointing to is the
22 one that starts at page 803?

23 A. Yes.

24 Q. During the course of your association with
25 Mr. Sheldon Manning, did you come to be close friends?

26 A. Define close friends.

27 Q. Do you see Mr. Manning socially?

28 A. No.

CVR8001

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 4

HON. EARL F. RILEY, JUDGE

FILE COPY

RICHARD J. HOGARD,

Plaintiff,

vs.

No. C 137 466

JOHNS-MANVILLE PRODUCTS
CORPORATION, Etc., et al.,

Defendants.

REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

Monday, May 5, 1980

APPEARANCES:

(See Volume 1)

VOLUME NO. 15

Pages 1925 - 2073, Incl.

DIANA R. GRACE, CSR #1672

and

THELMA A. ROBERTS, CSR #785

Official Reporters

7
1 Q Was there a time when the testing of workers
2 ceased at the Long Beach Memorial Hospital?

3 A Yes, sir.

4 Q And can you tell me approximately when that was,
5 please?

6 A It seemed to me about three or four years later.

7 Q In other words, it started perhaps in the early
8 Sixties and ended three or four years later?

9 A And then it was brought back in-house, that's
10 right.

11 MR. NORBY: Nothing further at this time, Your Honor.

12 THE COURT: Mr. Haight?

13
14 CROSS-EXAMINATION

15 BY MR. HAIGHT:

16 Q Mr. Krieger, do you recall attending the New
17 York Academy of Science presentation of Dr. Selikoff in October
18 of 1964?

19 A Yes, sir. That is what we talked about.

20 Q Was that the first time you met Dr. Selikoff?

21 A Yes, sir.

22 Q And were you invited to that?

23 A Yes, I was.

24 Q By Dr. Selikoff?

25 A Yes.

26 Q Do you have any memory of how he got in touch
27 with you?

28 A Webby Ay recommended to him that he invite me.

7.2

1 Q All right. When you returned to the shipyard
2 after that conference, did you have meetings with the workers
3 on the subject matter of the conference?

4 A Yes. As I stated, I met with Mr. Meeker and
5 Mr. By; and then we had the regular meeting.

6 Q And you discussed the subject that was raised
7 at that conference with all of the workers?

8 A That's right.

9 Q All right. Now, do you recall if at that
10 particular time Mr. Marr had just left the shipyard or had
11 been transferred?

12 A I believe so.

13 Q And Mr. Manning had not yet come on as the
14 industrial hygienist; is that correct?

15 A I don't remember.

16 Q All right. There was a period of time when --
17 after Mr. Marr left and before Mr. Manning came when there
18 was no industrial hygienist; is that correct?

19 A Yes, sir.

20 Q Do you recall how long that was? Do you have
21 any idea?

22 A I said about a year.

23 Q And during that period of time did you attempt
24 to fill in on the hygiene program?

25 A No, I did not.

26 Q Did anyone?

27 A Well, as I stated in my deposition, if there was
28 an emergency, then the gas-free engineer and myself would be

QA 1 Q All right. During the period late Fifties and
2 early 1960's were there shipyard safety meetings of any kind?

3 A Yes.

4 Q And did you attend those meetings?

5 A By and large, no.

6 Q There were meetings that were held by the
7 various departments?

8 A They were held by supervisors. There were
9 stand-up safety meetings held by the supervisors, the
10 immediate supervisors.

11 Q And those took place every, what, month or so?

12 A At first they were weekly, I believe.

13 Q I believe you indicated that then it became
14 every month or so?

15 A They became monthly, yes.

16 Q You didn't feel there was any necessity for any
17 meetings any more often than once a month?

18 A Well, they were having very little effect on
19 the number of accidents we were having.

20 Q As far as the content of what was said at
21 those meetings, I take it that you had really no say over that.
22 That was done by the supervisors; is that correct?

23 A That's correct.

24 Q And you did not attend those meetings?

25 A Very few.

26 Q You indicated that you did attend a meeting of
27 shipyard pipe coverers and insulators sometime after you returned
28 from the New York Academy of Science meeting, which was held

9

1 Q It was attended by a number of people?

2 A Yes. Most of them from Russia and Canada,
3 Africa; probably a lot of Americans. I don't know. I don't
4 know who they were.

5 Q There were industry representatives there, too?

6 A I don't know, sir.

7 Q You did not meet any?

8 A I did not.

9 Q And the hazards associated with asbestos exposure
10 were discussed at that meeting; is that correct?

11 A Yes, they were.

12 Q And, I take it, you weren't shocked by anything
13 you heard at that meeting?

14 A No.

15 Q Was there anything particularly -- one of the
16 subjects that was discussed at the meeting was the hazard
17 present to insulators?

18 A Yes.

19 Q And you heard Dr. Selikoff speak at the meeting?

20 A Yes.

21 Q And you heard from him personally about the
22 results of some studies that he had done previously?

23 A Yes. He addressed the group, yes.

24 Q And he did discuss the studies that were done?

25 A Yes, he did.

26 Q Do you recall him advising the group that as
27 a result -- that his study that was done included over 1500
28 members of the insulators union local in the New York-New Jersey

1 area?

2 A I don't remember that specifically, no, sir.

3 Q Do you remember his advising the group that
4 he arrived at certain findings with respect to the extent of
5 asbestos disease that these insulators had experienced over
6 their working life?

7 A The whole discussion was on the fact that
8 people were getting asbestosis from breathing asbestos.

9 Q And that included insulators?

10 A It was mostly insulators, yes, sir.

11 Q And you knew from your experience at Long Beach
12 that insulators were getting asbestosis at Long Beach?

13 A Yes, sir.

14 Q And that was your experience when you got to
15 the shipyard in 1956?

16 A Yes, sir.

17 Q You knew then that there were, what, eight or
18 ten people that were disabled?

19 A Something less than 10, yes, sir.

20 Q Some of them had died; is that correct?

21 A By the time I got there?

22 Q Well, I am sorry. Withdraw that question.

23 A No.

24 Q I believe Mr. Phipps passed away after you got
25 there?

26 A Yes, he did.

27 Q Did you discuss with any industry representatives
28 at Mount Sinai Dr. Selikoff's remarks?

1 A No, I did not.

2 Q Did any industry representatives approach you
3 as a representative from the Long Beach Naval Shipyard about
4 the subject of the conference?

5 A No, they did not.

6 Q Now, when you got back from that meeting, I
7 believe you told us sometime around six months later you shared
8 the matters that you heard at the conference with some of the
9 people at Long Beach Naval Shipyard; is that correct?

10 A Yes, sir.

11 Q And I believe you said you met first with some
12 of the supervisors?

13 A I think first we met with Meeker and Webby Ay.

14 Q And who was Meeker, again?

15 A He was the head of Shop 56.

16 Q And then you had a meeting with, I believe you
17 said, the ladders?

18 A Yes.

19 Q That would be the pipe coverers and insulators?

20 A Yes.

21

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28

9A

EXHIBIT A
FOR IDENTIFICATION

6/25 1979

February 1974

MEMORANDUM

From: Code 185

To: Code 300

Subj: Asbestos Products; used in the Long Beach Naval Shipyard

Asbestos products are available for use in the Shipyard and are stored in Building 59. Of the hundreds of boxes observed those containing asbestos products are mixed with those that do not contain asbestos, even on the same pallet. Since these products have the same stock number they are issued at random with no consideration to their content.

After the block or preformed pipe covering is removed from the carton there is no identifying markings on the material to show that it contains asbestos.

The boxes are poorly marked with a 5"x7" warning on one of the six panels of a box approximately 3'x3'x2'. These materials contain about 15% asbestos and must be handled, cut and sawed to fit the job.

It is estimated that 30% of the pipe covering and block used contains asbestos. This block and preformed covering cannot be effectively wet for use.

Insulation cement (mud) is either completely asbestos free or 100% asbestos. The bags are clearly marked and 56 Shop uses the asbestos free until they run out and then use the asbestos product only on an emergency basis, about 30% of the mud used is pure asbestos.

After the fiber is put into bags or drums for wetting and mixing the hazard is almost non-existent.

All cloth, filler and thread used is glass or ceramic fiber, but there are many larger rolls of asbestos cloth in storage and ready for issue in Building 59. This loose asbestos also endangers the supply and trucking personnel in that the cloth is loosely wrapped in torn burlap.

Shop 56 should have the authority to refuse asbestos containing products and have the authority to purchase safe products locally.

Those personnel in supply involved with this product should be indoctrinated on the hazards of asbestos by the Medical Department on an annual basis.

Shop 26 has switched to glass for their work and the supply of asbestos in shop stores, Building 128, will be disposed of immediately.

F25189

124

Shop 31 is now using glass for all of their annealing and preheating.

Shop 41 still uses asbestos, wire inserted cloth for boiler casing, door gaskets. It is estimated that 75 sq. ft. is used each month. The employees working with this product in Shop 41 are indoctrinated by the Medical Department.

Until Navy supply system is completely purged of asbestos products there will always remain the danger of asbestosis. The uninitiated will still use asbestos for curtains as a shield against heat, cold or drafts, and situations will always arise where asbestos must be used in an "emergency" situation, so the educational process must continue to be stressed.

C. V. KRIEGER
C. V. KRIEGER

Copy to: 956
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*These are the exhibits
to Krieger 6/25/79
need from De Ann
Jenkins 7/9/84 -
According to the
summary ~~these~~ as exhibits
are not complete as NR
there were others marked*

F25190

125

free release

EIO:rm(185.2)
13 November 1974

MEMORANDUM

From: Code 185
To: Code 100
Via: Code 150

Exhibit B
EXHIBIT B
FOR IDENTIFICATION
ROBERT W. KRIEGER
6/25 1974

Subj: Asbestos products carried in Supply Department

Ref: (a) NAVSHIPSINST 5100.26, para 2a(19)
(b) BUMEDINST 6260.14, para 4e
(c) NAVSHIPYDLBEACHINST 5100.27C, SAFSUP #2058,2, para 3k

Encl: (1) Code 185 memo dated 27 Feb 1974
(2) Recommended policy statement

1. References (a), (b) and (c) all require the use of suitable replacement materials for asbestos containing material whenever practicable. Enclosure (1) is evidence of this Division's efforts to restrict the use of asbestos material within this shipyard.

2. A current problem exists in that asbestos material continues to be stocked, ordered and used even though acceptable substitutes are available. It is this Division's contention that the asbestos problem will never be resolved until, as a beginning, we cease installation of such material. Guidance provided by the references and savings in future compensation costs dictate that asbestos free material be utilized whenever practicable. Presently there are ten (10) former shipyard employees or their survivors receiving continuing injury compensation for occupational asbestosis (estimated cost approximately \$100 thousand dollars per year).

3. To alleviate this problem, it is requested that the Shipyard Commander issue a policy statement on this subject. Enclosure (2) is a suggested statement of policy.

C. V. KRIEGER
C. V. KRIEGER

Copy to:
Code 300
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Encl 11

AB 210
18 344

April 8, 1974

LOL letter

Kreger

U. S. Department of Labor
Office of Federal Employees' Compensation
450 Golden Gate Avenue
San Francisco, California

Re: File No. A13-418-248

Gentlemen:

I have been active in the field of asbestos control since 1956. For long periods of time the Industrial Hygiene billet was abolished in the Long Beach Naval Shipyard and, consequently by default the responsibilities to provide Industrial Hygiene service fell on the Safety Department.

When Mr. Manning came aboard the Shipyard as the Industrial Hygienist we formed a close partnership in the fight to control toxic health hazards in the Shipyard for Mr. Manning had little backing from his own people in the Medical Department.

Together we studied the problems of control of injurious substances in the working environment, especially asbestos. We went to engineering spaces aboard ships when asbestos insulation was being removed. The spaces were clouded with dust. Asbestos cloth was being used at the time in the fabricating shop and on the mixing barge; we were there together repeatedly. We inspected certain boiler room areas where asbestos was used. In those days we were ignorant of the full effects of asbestos exposure so we did not bother to wear a respirator. Later we realized that the only defence against the asbestos dust was during insulation removal aboard ships was a good dust respirator. We wore respirators for example. Mr. Manning had an unfortunate experience with respect to wearing his respirator. In the Shipyard the function of buying, issuing cleaning, or sanitation of respirators is in the hands of the Central Tool Shop. The dust respirators issued at the time were manufactured by Mike Safety Appliance Company and were called Dust Fox respirators. Later the company improved the model by increasing the size of the filter and filter holder they called it Dust Fox 66. Both filter holders would get in the same respirator. In the interest of false economy the small filter holders were not recalled and as a result two sizes of filters and two sizes of filter holders were being used at the same time. The people that issued the safety equipment were not always properly indoctrinated. They issued Mr. Manning a pocket of small filter holders. As a result Mr. Manning while wearing a respirator was breathing raw unfiltered air during sampling in heavy concentrations of asbestos dust. He did not discover the error for years until Pipecoverer and Insulator, Mr. Charles Ay, pointed the mistake out to him.

0101022336

Re: MM for DL

3-6-79

Encl. Manning

1

Needless to say the small filter holder and filter disappeared from the Safety Issue Shop, but the damage had been done.

I have watched Mr. Manning's decline in exertional capacity which became especially noticeable in the last six months. He was short of breath and just could not keep up on inspection parties and conducted Tours of visiting high ranking dignitaries.

Fortunately, Mr. Manning realized that his physical condition was serious and sought the best pulmonary function specialist in the area, Dr. Oscar Balshyn, M.D., Professor of Medicine at University of Southern California Medical Center. He has a world wide reputation. As a result of a day and one-half work up, his condition was diagnosed as pulmonary emphysema, asbestosis, fibrosis and pleural thickening. His exertional capacity is 55% of a man his age and weight. Additionally it was discovered that he had a genetic defect that predisposes him to lung damage when exposed to irritants. I can attest to the fact that Mr. Manning has been exposed to many irritants since my office would. originally the shipyard was a very toxic area the matter was to the shipyard's air, dust, fumes and toxic gas con- ditions.

It is my opinion that this is a case of job related disability. Mr. Manning's condition is due to his exposure in the Long Beach Naval Shipyard.


C. V. KRIEGER
Safety Superintendent
Long Beach Naval Shipyard

101022337

King 5/5/80

Ward Haight 003-0002119
CVK8001

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

DEPARTMENT NO. 4

HON. EARL F. RILEY, JUDGE

FILE COPY

RICHARD J. HOGARD,

Plaintiff,

vs.

No. C 137 466

JOHNS-MANVILLE PRODUCTS
CORPORATION, Etc., et al.,

Defendants.

REPORTERS' DAILY TRANSCRIPT OF PROCEEDINGS

Monday, May 5, 1980

APPEARANCES:

(See Volume 1)

VOLUME NO. 15

Pages 1925 - 2073, Incl.

DIANA R. GRACE, CSR #1672

and

THELMA A. ROBERTS, CSR #785

Official Reporters

PRODUCED
JM - 83

1 LOS ANGELES, CALIFORNIA; MONDAY, MAY 5, 1980; 10:00 A.M.

2 - - -

3
4 (The following proceedings were held
5 in open court out of the presence of
6 the jury:)

7
8 THE COURT: In the Hogard matter, anything for the
9 record before the jury comes out?

10 MR. STEINBERG: Nothing further, Your Honor.

11 MR. HAIGHT: No, Your Honor.

12 MR. NORBY: No, Your Honor.

13 THE COURT: May we have the jury, please.

14
15 (The following proceedings were held
16 in open court in the presence of the
17 jury:)

18
19 THE COURT: I will congratulate you. You all got back,
20 and you got back on time. Good for you.

21 Defense may call their next witness.

22 MR. NORBY: Yes. I would like to call Mr. Krieger,
23 please.

24
25 CLIFFORD M. KRIEGER,
26 called as a witness by the defendant Raybestos-Manhattan, was
27 sworn and testified as follows:
28

PRODUCED
JM - 83

1 THE CLERK: Would you please state and spell your name
2 for the record.

3 THE WITNESS: Clifford V. Krieger, K-r-i-e-g-e-r.

4 THE CLERK: Thank you.

5
6 DIRECT EXAMINATION

7 BY MR. NORBY:

8 Q Mr. Krieger, what area do you live in, sir?

9 A Huntington Beach.

10 Q And how long have you lived there, approximately?

11 A Seven or eight years.

12 Q And what is your present employment, Mr. Krieger?

13 A California State University, Long Beach.

14 Q And in what capacity are you employed at Long
15 Beach State?

16 A Environmental health and safety officer.

17 Q And do you teach there? Do you teach there
18 at Long Beach?

19 A Yes.

20 Q And approximately how many courses do you teach,
21 Mr. Krieger?

22 A One course.

23 Q And what is that course on?

24 A Industrial supervision.

25 Q How long have you been employed at Long Beach
26 State?

27 A Five and a half years.

28 Q What was your employment before Long Beach State?

PRODUCED

JM - 83

1 A I was at the Long Beach Naval Shipyard.

2 Q And would you tell us what years you were at
3 the Long Beach Naval Shipyard, please?

4 A 1956 to 1974.

5 Q You went from the shipyard to Long Beach State?

6 A Yes, sir.

7 Q And before you were at the Long Beach Naval
8 Shipyard, between 1956 and 1974, where were you employed?

9 A Philadelphia, naval aviation supply office and
10 depot.

11 Q And what work did you do at the Philadelphia
12 Naval Shipyard?

13 A At the shipyard?

14 Q Oh, did you work at the shipyard?

15 A Yeah, I worked at the shipyard before I went
16 to the naval aviation supply office.

17 Q Okay. And so the supply was separated from
18 the shipyard, was it?

19 A Yes, it was.

20 Q Okay. But you were employed in Philadelphia
21 for the Navy before 1944 and 1956?

22 A Right.

23 Q And what was your job title at the Philadelphia
24 Naval Shipyard?

25 A At the shipyard?

26 Q Yeah.

27 A I was a safety inspector.

28 Q Now, did you have any special training for your

PRODUCED
JM - 83

2.2 1 work with the Navy during that period of time?

2 A Well, I was trained from time to time with
3 different courses throughout the years. I also took some
4 independent courses.

5 Q Did you take any safety courses at the Navy,
6 while you were with the Navy or the shipyard, at either supply
7 or otherwise?

8 A Well, like conferences. We'd go to conferences.
9 We'd have training at different areas. An example might be
10 Edward's arsenal, to study radiological safety, that type of
11 thing.

12 Q Did you take a Navy safety course?

13 A Numerous Navy safety courses.

14 Q And commencing when? Was that before your
15 employment in Philadelphia, during, or after?

16 A During my employment in Philadelphia, yes.

17 Q And then you came to work in the Long Beach
18 Naval Shipyard in approximately 1956; is that correct?

19 A Yes.

20 Q And you stayed there until 1974?

21 A Right.

22 Q And in what capacity were you at the Long
23 Beach Naval Shipyard?

24 A I was a safety superintendent.

25 Q Would you explain to me what the duties were of
26 a safety superintendent at the Long Beach Naval Shipyard in
27 1956?

28 A Well, I had to set up a safety program or

PRODUCED

JM - 83

1 continuing safety program that would involve safety on the
2 ships, and in the shops, and in the warehouse, and so forth,
3 mostly dealing with traumatic safety.

4 Q Traumatic as contrasted with what, Mr. Krieger?

5 A Systemic; in other words, the difference between
6 an accidental type of injury and an illness.

7 Q In other words, would you characterize -- if
8 somebody fell down and broke a leg on the job --

9 A Traumatic.

10 Q And would you give us an example of the other
11 type?

12 A The illness?

13 Q Yes.

14 A Asbestosis.

15 Q That's why we are here. That's one of the
16 illnesses you dealt with; is that correct?

17 A Yeah, that's about the only large volume we
18 had. We had some other complaints but they were minor.

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PRODUCED
JM - 83

1 Q And at the time you came to the Long Beach Naval
2 Shipyard, who was your superior at the shipyard?

3 A David Hendrickson.

4 Q And what was his title?

5 A Industrial relations officer.

6 Q Do you know who Mr. Hendrickson's superior was?

7 A The commanding officer.

8 Q Of the shipyard?

9 A Yes.

10 Q At the time you came to the Long Beach Naval
11 Shipyard, was there any safety manual then in existence?

12 A I am sorry. I didn't hear it.

13 Q At the time you came to the Long Beach Naval
14 Shipyard, was there a safety manual in existence?

15 A No, there was not.

16 Q And was one of the first problems you dealt with,
17 when you were dealing with a problem, pertaining to silica dust?

18 A Yes, sir.

19 Q And what were your responsibilities in regard
20 to silica dust?

21 A Well, somebody brought attention -- to my
22 attention that there was a possibility that there was silica
23 in the sand we were using for blasting; and I took it up with
24 the industrial hygienist, and we found out that this was not
25 so. It was a granite without silica.

26 Q My next series of questions, sir, are going to
27 deal with maybe the first one or two years that you were at the
28 Long Beach Naval Shipyard, to give you some type of frame of

PRODUCED

JM - 83

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1 reference. So when I say, "During that period of time," we
2 will say one or two years after you started work at the Long
3 Beach Naval Shipyard, if that is convenient for you.

4 A I understand.

5 Q During that period of time, did you have occasion
6 to meet various people at the Long Beach Naval Shipyard?

7 A Yes.

8 Q And did you have occasion to meet a Mr. Meeker?

9 A Yes.

10 Q And who was Mr. Meeker?

11 A He was the head of the pipefitters shop.

12 Q And is there a number designation for that?

13 A 9 -- 56.

14 Q Okay. And what was done at Shop 56?

15 A Pipe fitting, pipe covering and insulating,
16 copper work, pipe work and antennaes.

17 Q And what was Mr. Meeker's job title at Shop 56?

18 A At that time he was the master of the shop. He
19 was later known as the superintendent.

20 Q And did he -- Was he a civilian employee?

21 A Yes, he was.

22 Q And did he answer or did he report to you on
23 matters pertaining to safety?

24 A No. We discussed matters, but he did not
25 report to me.

26 Q Okay. Did you, during that period of time, have
27 occasion to meet Mr. Webster Ay?

28 A Yes, I did.

PRODUCED
JH - 83

1 Q And who was Mr. Webster Ay?

2 A He was a foreman -- he may have been a foreman
3 at that time. I don't know. But he eventually became a
4 foreman in the pipe covering shop. He was also the head of the
5 Metal Trades Council.

6 Q Can you tell me what the Metal Trades Council
7 was during that period of time?

8 A That was a group of unions within the shipyard.

9 Q During that period of time we referred to, did
10 you have occasion to deal with asbestos and asbestosis, injury?

11 A Yes, I did.

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PRODUCED
JM - 83

3A

1 Q And were there certain people at the shipyard
2 at that time, during that period of time, who had Workers'
3 Compensation claims for the disease asbestosis?

4 A Yes, there was.

5 Q And can you tell me approximately how many
6 people, as of the period of time we are referring to, had the --
7 had claims at that time?

8 A Less than 10.

9 Q And at the time you came on there was there in
10 existence or -- well, during the period of time was there
11 an x-ray program at the Long Beach Naval Shipyard?

12 A Yes, there was.

13 Q Can you describe that x-ray program for us?

14 A Prior to my coming there?

15 Q Right, at the time, as you found it in 1956.

16 A X-rays were given, I believe, every six months
17 only to those people involved with pipe covering and insulating.

18 Q Do you know -- was that the program that was
19 in existence as of the time you came there?

20 A Yes.

21 Q As part of your job duties and responsibilities
22 did you make any determinations as to whether that program
23 was or was not working?

24 A It was not part of my job, but I questioned the
25 program.

26 Q And what was the problem, if you would define
27 it for us, please?

28 A Well, because sometimes the x-rays were read

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JM - 83

3A.2

1 positive and sometimes they were read negative. So in going
2 back over the period of years, we ascertained that maybe
3 different doctors read x-rays differently.

4 Q I am sorry. Were you through with your answer?

5 A Yes.

6 Q When you say an x-ray is positive or negative,
7 would you explain what that means, please, Mr. Krieger?

8 A Well, in going back over the years -- and I want
9 you to know I have no medical background whatsoever, but I can
10 read when it says that there -- when it says "negative," that
11 means nothing. And when it says there were markings, I suspected
12 that they were talking about positive markings.

13 Q Okay. Do you know what the purpose of the x-ray
14 program was at the Long Beach Naval Shipyard?

15 A I would assume it was to see if there was
16 anything wrong with the workers' lungs.

17 Q And you said there was some inconsistency between
18 the positive and negative, I believe. What did you mean by that?

19 A From period to period there would be inconsistencies.

20 Q What was that, Mr. Krieger?

21 A Well, like at one particular time it would say
22 positive; and then it would say negative; and negative, and
23 then it would say positive.

24 Q Were these x-rays over in the medical department?

25 A Yes, they were.

26 Q And from time to time --

27 Who was the director of the medical department
28 at the time you were there, in the period we have talked about?

JM - 83

1 A This would be Captain Thompson, I believe.

2 Q Okay. And was he a medical doctor?

3 A Yes.

4 Q And was that job always occupied by a medical
5 doctor during the time you were there from '56 to '74?

6 A No. From '56 to -- yeah, from '56 to '74. We
7 got a civilian in '74.

8 Q Okay. Approximately how many medical directors
9 were there during that period of time, Mr. Krieger?

10 A Four.

11 Q Now, did you at some time during the early years
12 of your tenure there do anything with reference to the
13 establishment of other and different medical exams or x-ray
14 reports or tests?

15 A Yes.

16 Q And would you tell us what that was, Mr. Krieger?

17 A I recommended that we go to Memorial Hospital
18 Clinic and involve the Heat, Frost, Insulator workers with
19 x-rays and studies of their lungs, vital capacity tests.

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PRODUCED
JM - 83

1 Q Was this related to asbestosis?

2 A Yes. It was the diagnosis.

3 Q During this period of time that you were employed
4 at Long Beach Naval Shipyard, were you also at that time teach-
5 ing outside of the Long Beach Naval Shipyard?

6 A Yes, I was.

7 Q And where were you teaching?

8 A I taught at City College for about five or six
9 years and then I taught at Cal State University, Long Beach,
10 for about nine years.

11 Q And during any of those courses that you taught,
12 did you lecture in the disease of asbestosis or safety
13 procedures relating to the handling of asbestos?

14 A Yes, I did.

15 Q Can you tell us when your earliest lecture was
16 in regard to asbestosis or safe handling of asbestos?

17 A No, I can't.

18 Q Can you give us a time frame, a decade, something
19 like that?

20 A It seems to me it would have been at Cal State
21 University, which would be fourteen years ago.

22 Q Who was Captain Robbins?

23 A Medical director.

24 Q During what period of time?

25 A I don't remember, sir.

26 Q Who was Dr. Jose Smith?

27 A Medical director.

28 Q Do you know what period of time he was there?

PRODUCED

JM - 83

4.2

1 A I believe he left in '74. I don't remember
2 when he came.

3 Q Were any of your responsibilities dealing with
4 safety orders in the shipyard?

5 A Yes, they were.

6 Q Were they pertaining to anything that came
7 within your jurisdiction?

8 A Yes.

9 Q Now, was one of your problems communicating --
10 or one of your functions, I guess, communicating safety
11 practices with regard to handling asbestos to the workers?

12 A Yes.

13 Q And can you tell me during that period of time
14 we have been talking about how you went about doing that?

15 A What I'd like to straighten out first is the
16 fact that this particular problem you are talking about was
17 the medical department's responsibility, and from time to time
18 I got involved, but it was the primary responsibility of the
19 medical department and they, from time to time, gave training
20 to the pipe covers and insulators, like every six months,
21 discussing asbestos, smoking -- I'm sorry, the dangers of
22 asbestos, the dangers of smoking when you are working with
23 asbestos, using protective gear, that type of thing.

24 MR. STEINBERG: Your Honor, I'm going to request that
25 answer be stricken at least to that portion which is not
26 within the witness's knowledge with respect to what the medical
27 department did.

28 THE COURT: I think you are going to have to lay a

PRODUCED
JM - 83

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1 foundation as to how he knows that.

2 MR. NORBY: Withdraw the question.

3 Q Do you know if there were safety meetings set
4 up with the medical directors present at those meetings?

5 A Yes, there were.

6 Q Did you attend any of those?

7 A Yes.

8 Q Would you tell me what was discussed at the
9 meetings you attended, Mr. Krieger?

10 MR. STEINBERG: Objected to, Your Honor, as to time.

11 THE COURT: Fix your time.

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PRODUCED
JM - 83

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1 Q BY MR. NORBY: Okay. At what time did you
2 attend the safety meetings, Mr. Krieger?

3 A I can't tell you that.

4 Q Can you give us a year range, whether it was in
5 the Sixties or up to that period of time, up to the end of the
6 Sixties, let's say?

7 A I would say it was late Sixties and Seventies,
8 yes, definitely.

9 Q Okay. Can you tell me what you heard discussed
10 at the meetings during the late Sixties, if you would?

11 A Just as I said before, the fact that asbestos
12 was dangerous and that smoking with asbestos was fatal, and
13 that -- or primarily that, and that the person should protect
14 themselves.

15 Q During this early period of time, did you have
16 occasion to discuss any problems pertaining to safe handling
17 of asbestos with Mr. Webster Ay, the head of the local
18 committee?

19 MR. STEINBERG: Objected to as vague and ambiguous.
20 I'm not sure I understand the question as to time.

21 MR. NORBY: Let me withdraw it.

22 THE COURT: Very well.

23 Q BY MR. NORBY: During the period of time we
24 have talked about, your early period at Long Beach Naval
25 Shipyard, '56, '57, '58, did you have occasion to discuss
26 safe handling of asbestos and those problems with Mr. Webster
27 Ay?

28 A Yes.

PRODUCED
JM - 83

1 MR. NORBY: May I approach the witness?

2 THE COURT: The invitation is still open.

3 MR. NORBY: Yes.

4 Q I'm going to show you something -- it appears
5 to be a picture. I'd like to mark it as defendants' next in
6 order.

7 THE COURT: That's Raybestos-Manhattan 1008.

8 Q BY MR. NORBY: I'm going to show you what I have
9 marked in the left-hand corner as 1008 and ask you if you
10 recognize that, Mr. Krieger.

11 A Yes, I do.

12 Q Would you describe it for us, please.

13 A It is a poster showing death with his sickle/
14 scythe and it says, "Is this your future?"

15 In other words, death or with your family,
16 wear your respirator.

17 Q And do you know who the artist was that did that
18 poster, Mr. Krieger?

19 A Artie Bransford.

20 Q And do you know in what year he prepared that
21 poster?

22 A April of 1957.

23 Q Now, I notice down at the bottom it has your
24 name in there as Mr. Krieger; is that correct?

25 A Yes, it does.

26 Q It also has Mr. Ay's name on there, too, as head
27 of Local 20, Business Agent; is that correct?

28 A Yes.

PRODUCED
JM - 83

1 Q Can you step down here for a minute so we can
2 describe this exhibit, 1008?

3 Can you, first of all, tell me what size that
4 was at the Long Beach Naval Shipyard?

5 A Approximately the same size.

6 Q Can you tell me where it was posted?

7 A Throughout the shop, the asbestos handling
8 shop, and it was given out at union meetings, as I recall.

9 Q And do you remember how many of them,
10 approximately, appeared in the Long Beach Naval Shipyard?

11 A No, I do not.

12 Q Do you know if any of them ended up in the pad
13 shop or Shop 56?

14 A Yes.

15 Q Now, you were pointing, I think -- we couldn't
16 see the picture. Can you tell me what this is? It is not
17 very clear, this picture on the left.

18 A It is death.

19 Q The grim reaper?

20 A That's it, the grim reaper.

21 Q And do you know who was instrumental in
22 developing that picture?

23 A Mr. Ay, Webster Ay.

24 Q And did he tell you what he was -- You can
25 resume the stand, if you would.

26 Would you tell us, did he ever relate to you
27 what he was trying to --

28 MR. STEINBERG: Objected to as calling for hearsay,

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1 Your Honor.

2 THE COURT: Sustained.

3 Q BY MR. NORBY: At the time that picture was
4 developed, Mr. Krieger, did you yourself feel that that was
5 an appropriate way to get any message pertaining to safe
6 handling of asbestos out to the workers?

7 A No.

8 Q Can you tell us why you did not believe in this
9 particular method of communication to the workers?

10 A I don't believe in scare tactics for safety.

11 Q What approach did you prefer to use with the
12 workers, Mr. Krieger?

13 A Education.

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1 Q Meaning what in this time frame?

2 A Well, I would rather call them in, talk to them
3 or go to them, as the case may be, and discuss hazards rather
4 than this type of thing.

5 Q Okay. And did you put into effect some sort
6 of educational program that dealt with the -- dealing with
7 asbestos in a safe manner?

8 A Yes.

9 Q Would you describe that program for us,
10 Mr. Krieger?

11 A Well, I believe the first part involved going
12 to the union meetings. I think once or twice I went to the
13 union meetings in Long Beach and discussed the fact that we
14 had people with asbestosis and they got it probably from not
15 being protected..

16 And then later we brought -- because that was
17 only involving union members, we brought the educational
18 program into the shop, 56 Shop. It would involve all ladders,
19 union and nonunion.

20 Q When you say "ladders," is that an expression?

21 A Heat, Frost, Insulator workers, yes.

22 Q As I understand it -- or let me ask you: Were
23 there some insulators there who were not members of the union?

24 A At the union meeting?

25 Q Yes.

26 A No, I wouldn't think so.

27 Q Okay. Did you take any steps, or do you recall
28 any steps, to insure the fact that union personnel or union

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1 members would attend these meetings, Mr. Krieger?

2 A No. No.

3 Q While you were at the Long Beach Naval Shipyard
4 did you take any steps to further your own education with
5 regard to asbestos and asbestosis?

6 A Yes.

7 Q Did you attend any of Dr. Selikoff's seminars
8 or meetings?

9 A Yes, I did.

10 Q Can you tell me when you first did that,
11 Mr. Krieger?

12 A No, I can't.

13 Q Can you give us a time frame, decade, half
14 decade or thereabouts, please, as best you can?

15 A My guess would be late Fifties or early Sixties.

16 Q And did you, in any way, impart the information
17 that you received at the Selikoff seminars to the workers at
18 the Long Beach Naval Shipyard?

19 A When I came back, we discussed this conference
20 with Mr. Meeker and Mr. Ay. And then -- you understand that
21 when we had an industrial hygienist, the industrial hygienist
22 and the medical department had these conferences. And I would
23 also probably discuss it with them.

24 Q Okay. There was, at the time you came there,
25 also an industrial hygienist, I believe you said?

26 A Yes.

27 Q And can you tell me who the industrial hygienist
28 was?

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A Jim Sheehan.

Q And after Mr. Sheehan, who was it?

A Bill Marr.

Q And how long was Mr. Bill Marr there?

A I don't remember.

Q Do you recall when he left?

A Yes.

Q And when did he leave?

A I don't -- I recall him leaving, not when he left.

Q Okay. I believe you drew a distinction a moment ago that I would like to explore, hygienists as contrasted with your job.

Would you draw that distinction between the director of safety, which you were and the industrial hygienist, say, during the early Sixties, Mr. Krieger?

A Industrial hygienists are trained in an entirely different field, certified by an industrial hygiene board. Their education is more on the medical end of it, whereas a safety -- I am an engineer, for instance. Our education is more, again, to the traumatic-type thing, how to build a scaffold, how to run lines safely, this type of thing.

5A

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5A

1 Q More to preventing the traumatic type of injury;
2 is that correct?

3 A That's right.

4 Q Mr. Marr's responsibilities, as contrasted with
5 yours, was what, Mr. Krieger?

6 A Well, he was responsible for prevention of
7 systemic types of things. In other words, loss of hearing
8 would be one, the protection against loss of hearing; and,
9 again, protecting the people against toxic paints and asbestos
10 and that sort of thing.

11 Q So that when you are talking about some of these
12 meetings with union leaders, would those be more frequently
13 attended by Mr. Marr or by yourself?

14 A I don't think Mr. Marr was involved in the
15 union meetings. I think I was the only one involved in the
16 union meetings. Then they were brought back into the
17 shipyard and everyone was involved.

18 Q Okay. Can you tell me -- excuse me.

19 A And then Mr. Marr would have taken over.

20 Q Approximately when were the meetings brought
21 back into the shipyard, Mr. Krieger?

22 A Well, I think it was during Mr. Marr's tenure.
23 That has got to be in the record someplace. I just don't
24 recall when it was.

25 Q When Mr. Marr left, was there a period of time
26 when there was no industrial hygienist?

27 A That's right.

28 Q And do you recall: Did an industrial hygienist

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1 eventually come in to take the former responsibilities of
2 Mr. Marr?

3 A Yes.

4 Q And who was that?

5 A Mr. Sheldon Manning.

6 Q Can you recall approximately when he came, Mr.
7 Krieger?

8 A No, I can't.

9 Q Do you know how much of a time period there
10 was in between Mr. Marr leaving and Mr. Manning coming on?

11 A My guess would be about a year.

12 Q In 1956 approximately how often were x-rays
13 being taken of the employees to determine lung problems?

14 A It should have been every six months.

15 Q When was the first time that respirators became
16 mandatory in the shipyard?

17 A About 1956. By "mandatory" this means instructions
18 were given that they should be worn. That doesn't mean they
19 were worn.

20 Q You had occasion to walk through the shipyard
21 and see places where respirators were and were not used; is
22 that correct?

23 A That's right.

24 Q And sometimes you would see the wearing of
25 respirators and sometimes you would not?

26 A That's right.

27 Q And would you take any steps, upon encountering
28 a worker that was not wearing a respirator, or did you feel that

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1 was in your area of responsibility?

2 A I was not a supervisor of any men. If I did
3 anything, it would have been to contact the supervisor.

4 Q Did you, with regard to your dealings, deal
5 more with the workers themselves or more with supervisors of
6 workers?

7 A With the supervisors.

8 Q Okay. And why was that, Mr. Krieger?

9 A Why was that?

10 Q Yes.

11 A There were 8,000 to 10,000 workers and about 500
12 supervisors, so it was easier to deal with the shop heads because
13 now you are talking about maybe 20 or 30 men.
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1 Q Okay. Then would you tell them to pass the
2 word on?

3 A Yes. Can I make a comment here?

4 Q Sure. Please do.

5 A Everybody gets the idea that safety people can
6 crack down on somebody or that we have police authority or
7 something of that nature.

8 A safety person is advisory only. The supervisor
9 is completely responsible for the workers.

10 Q Okay. Well, let's discuss that for just a
11 moment.

12 In other words, you felt your capacity was
13 advisory only?

14 A That's right.

15 Q And if you saw a problem, you felt you could
16 advise rather than -- I think you used the word "police" the
17 actual problem that was going on; is that correct?

18 A That's right.

19 Q And so you would advise people that were in a
20 position to do something about some of the problems you were
21 having; is that correct?

22 A That's right.

23 Q But that you could not compel your superiors
24 to issue an order or do something. Is that a fair statement?

25 A I don't think it is a fair statement. My
26 superiors issued a lot of instructions that I wrote; like the
27 shipyard commander issued eventually a safety manual.

28 Q Can you tell us when the safety manual was issued

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1 by the shipyard commander?

2 A I can't tell you.

3 Q Can you give us, again, the time frame that
4 you are comfortable with?

5 A Again, I would assume in the late Sixties.

6 Q Now, were you aware at one time of the existence
7 of a tape recording pertaining to an employee by the name of
8 Phipps? P-h-i-p-p-s, I guess.

9 MR. STEINBERG: Objection; assumes facts not in evidence,
10 that there was such a tape recording.

11 MR. NORBY: I'll withdraw the question.

12 Q Do you know whether or not Mr. Marr did anything
13 with regard to tape recordings of any employees?

14 A Yes.

15 Q Can you tell us what that is, please?

16 A I believe he went over to Mr. Phipps's house
17 and made a tape describing how badly he felt, because he was
18 completely disabled due to asbestosis.

19 Q And did Mr. Marr take a tape recording of
20 Mr. Phipps?

21 A Yes.

22 Q And what subject matter did it cover, Mr. Krieger?

23 A I believe it was aimed at the apprentice, to tell
24 them of the hazards of asbestos.

25 Q And do you know where that tape is now?

26 A I have no idea.

27 Q Do you know what Mr. Marr did with that tape
28 recording of Mr. Phipps?

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1 A Well, he used it in some of his meetings. I
2 did not attend any of those meetings, but I believe he used
3 it in his meetings.

4 MR. STEINBERG: Object to the answer as speculation,
5 Your Honor.

6 THE COURT: It may go out.

7 Q BY MR. NORBY: Do you know what Mr. Marr's
8 custom and practice would have been with regard to the
9 utilization of that tape?

10 MR. STEINBERG: Objected to as to form, that there was
11 a custom and practice.

12 THE COURT: Well, let's do it this way: Do you know
13 what he did? Without making any assumption on the subject.

14 THE WITNESS: No, sir.

15 Q BY MR. NORBY: Did you hear the tape yourself,
16 Mr. Krieger?

17 A No, sir; I did not.

18 Q Was there a time when some people, some doctors
19 visited the shipyard in the Sixties with an eye towards
20 investigating or looking at the asbestos problem or asbestosis
21 problem?

22 A I don't recall.

23 Q Do you remember the names of Cralley,
24 Enterline and Kusher?

25 A No, sir.

26 Q Did you ever communicate with the shipyard
27 commander about the problems of asbestos and asbestosis?

28 A Yes.

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1 Q Can you tell me when you first did that,
2 Mr. Krieger?

3 A No, I can't.

4 Q Can you give us a time frame that's comfortable
5 for you?

6 A I really don't remember the first time I would
7 have talked to a shipyard commander about it.

8 MR. NORBY: May I have a moment, Your Honor?

9 THE COURT: Certainly.

10 Q BY MR. NORBY: Do you remember how long Mr.
11 Meeker remained the head of Shop 56?

12 A No, I can't remember when he left.

13 Q Incidentally, the pad shop is the equivalent
14 of Shop 56, or is it a part of Shop 56?

15 A It is a very small part of Shop 56.

16 Q When Mr. Manning came, did you play any part
17 in his training or education to become of the head of
18 industrial hygiene?

19 A No, sir. I showed him the shipyard, but I
20 couldn't train him.

21 Q I believe you indicated that early on there was
22 a period of time when the workers were sent to Long Beach
23 Memorial Hospital?

24 A Yes, sir.

25 Q I'm not sure we fixed a time frame on that.
26 Would that be early on in your tenure?

27 A In the Sixties, early Sixties.

28 Q Did you do that in connection with a

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1 Dr. Ellestad at the Long Beach Memorial Hospital?

2 A Dr. Ellestad made the studies, yes.

3 Q And do you know whether or not there were any
4 pulmonary function tests established with regard to that
5 study?

6 A Yes, there were.

7 Q And do you know who financed those pulmonary
8 function tests?

9 A The medical department.

10 Q Of the Long Beach Naval Shipyard?

11 A Yes.

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1 Q Was there a time when the testing of workers
2 ceased at the Long Beach Memorial Hospital?

3 A Yes, sir.

4 Q And can you tell me approximately when that was,
5 please?

6 A It seemed to me about three or four years later.

7 Q In other words, it started perhaps in the early
8 Sixties and ended three or four years later?

9 A And then it was brought back in-house, that's
10 right.

11 MR. NORBY: Nothing further at this time, Your Honor.

12 THE COURT: Mr. Haight?

13
14 CROSS-EXAMINATION

15 BY MR. HAIGHT:

16 Q Mr. Krieger, do you recall attending the New
17 York Academy of Science presentation of Dr. Selikoff in October
18 of 1964?

19 A Yes, sir. That is what we talked about.

20 Q Was that the first time you met Dr. Selikoff?

21 A Yes, sir.

22 Q And were you invited to that?

23 A Yes, I was.

24 Q By Dr. Selikoff?

25 A Yes.

26 Q Do you have any memory of how he got in touch
27 with you?

28 A Webby Ay recommended to him that he invite me.

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7.2

1 Q All right. When you returned to the shipyard
2 after that conference, did you have meetings with the workers
3 on the subject matter of the conference?

4 A Yes. As I stated, I met with Mr. Meeker and
5 Mr. Ay; and then we had the regular meeting.

6 Q And you discussed the subject that was raised
7 at that conference with all of the workers?

8 A That's right.

9 Q All right. Now, do you recall if at that
10 particular time Mr. Marr had just left the shipyard or had
11 been transferred?

12 A I believe so.

13 Q And Mr. Manning had not yet come on as the
14 industrial hygienist; is that correct?

15 A I don't remember.

16 Q All right. There was a period of time when --
17 after Mr. Marr left and before Mr. Manning came when there
18 was no industrial hygienist; is that correct?

19 A Yes, sir.

20 Q Do you recall how long that was? Do you have
21 any idea?

22 A I said about a year.

23 Q And during that period of time did you attempt
24 to fill in on the hygiene program?

25 A No, I did not.

26 Q Did anyone?

27 A Well, as I stated in my deposition, if there was
28 an emergency, then the gas-free engineer and myself would be

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1 called in to the situation. And there were very few times
2 when we did this. But I could not substitute as an industrial
3 hygienist.

4 Q You were not trained as an industrial hygienist?

5 A That's right, sir.

6 Q Did you know how to take dust samples?

7 A No, I do not.

8 Q Did you at that time?

9 A And still don't.

10 Q Okay. You did not take any dust samples?

11 A I did not, sir.

12 MR. HAIGHT: Your Honor, could you give me the
13 number for the Johns-Manville next exhibit?

14 THE COURT: I think it is 538.

15 MR. HAIGHT: Thank you.

16 Q Mr. Krieger, referring to this exhibit I have
17 just marked with a 538, it bears your name at the bottom.
18 Do you recognize that memorandum? Take a minute and look at
19 it, if you need to.

20 A Yes, sir.

21 Q What is that document?

22 A It's a letter from the safety superintendent,
23 myself, to the industrial relations officer, Mr. Hendrickson.

24 Q And what is the date of that letter?

25 A 10 June, 1965.

26 Q And without reading the entire thing, what do
27 you request in that letter?

28 A Well, the first paragraph we talk about Dr. Ellestad

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1 from Long Beach Memorial Hospital has been running tests on
2 our asbestos workers for the past two years; and I am asking
3 that he continue to do this.

4 Q And that is a request for funding so you could
5 continue to run the pulmonary function studies of the
6 workers; is that correct?

7 A Yes, sir.

8 Q And I think you list in one of the later
9 paragraphs the number of men who would be involved, and the
10 total cost would be \$4100?

11 A Yes, sir.

12 Q Thank you.

13 Do you remember who it was that started this
14 program of the pulmonary function studies? Was it yourself or
15 Mr. Marr, or do you have any idea?

16 A With Dr. Ellestad?

17 Q Yes.

18 A It was done by Dr. Robbins and myself.

19 Q Dr. Robbins was the medical director at that
20 time?

21 A Yes, he was.

22 MR. HAIGHT: I have nothing further, Your Honor.

23 THE COURT: I am going to have to interrupt you for
24 a break here. Should I do it now?

25 All right. Let's take our break at this time.
26 15 minutes, please.

27
28 (Recess.)

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THE COURT: Mr. Steinberg.

MR. STEINBERG: Thank you, Your Honor.

CROSS EXAMINATION

BY MR. STEINBERG:

Q Mr. Krieger, I believe you told us you came to the shipyard in 1956; is that correct?

A Yes, sir.

Q And were there about 8,000 people working at the shipyard at that time as well? You mentioned that figure earlier.

A Approximately; yes, sir.

Q Did that remain fairly constant up until the time you left?

A I believe so; yes, sir.

Q And you were the only safety officer of the shipyard from '56 to '74?

A I was the only safety superintendent. I had a staff.

Q And how many departments were there in the shipyard entirely, 30, 40, something like that?

A Oh, no. My guess would be about 12.

Q And you and your staff were responsible for taking care of the entire shipyard?

A Yes, sir.

Q I take it there were other problems at the shipyard other than an asbestos problem?

A Many.

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1 Q And I believe you indicated in your direct
2 testimony that your primary work as a safety officer dealt
3 with, I believe you told us, traumatic injuries?

4 A Yes, sir.

5 Q That's people falling off scaffolds or tripping
6 over electrical cables?

7 A Yes, sir.

8 Q Was that your primary responsibility?

9 A Yes, sir.

10 Q And did you feel during the years you were at
11 the shipyard that's where your primary emphasis was?

12 A Yes, sir.

13 Q I take it whatever time you devoted to the
14 asbestos hazard, to the extent it existed in the shipyard,
15 was only a fraction of your time?

16 A Yes, sir.

17 Q Was it true of the entire time you were at the
18 shipyard, the period from '56 to '74?

19 A Yes, sir.

20 Q You were aware that there were other health
21 hazards at the shipyard that had to be looked into, such as
22 toxic materials that had to be protected against?

23 A Yes, sir.

24 Q Was that in your field or was that the field of
25 the industrial hygienist?

26 A Industrial hygienist.

27 Q Did you spend any time at all with those
28 problems?

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1 A I don't recall.

2 Q Now, when you got to the shipyard in 1956, I
3 believe you told us that there were some compensation claims
4 for asbestos disease that you discovered?

5 A Yes, sir.

6 Q And one of them was a Mr. Phipps; is that correct?

7 A Yes, sir.

8 Q And he later died from the disease?

9 A Yes, sir.

10 Q I believe you told us there were several others;
11 is that correct?

12 A Right.

13 Q And in your experience in Philadelphia, before
14 you came to Long Beach, did you have any experience or exposure
15 to an asbestos hazard or problem?

16 A None whatsoever.

17 Q Your first contact with it was at the Long Beach
18 Naval Shipyard?

19 A Yes.

20 Q And I believe you told us that in '56 or '57
21 you attended some union meetings?

22 A Yes.

23 Q Was that more than just a couple of union
24 meetings?

25 A Just two, as I recall it.

26 Q And do you recall attending any union meetings
27 after that at all?

28 A No, I can't.

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1 Q Okay.

2 A Yeah. We discussed one in the deposition. I
3 went back to Chicago to a union meeting, to an international
4 meeting.

5 Q That was sometime in the late Sixties; is that
6 correct?

7 A I believe so, sir.

8 Q But as far as the time frame, 1956 to 1960,
9 when you first came to the shipyard, there were just a couple
10 of union meetings that you went to?

11 A Yes.

12 Q Now, whatever department meetings were held
13 in the late Fifties or early 1960's, I take it you were not
14 a part of those department meetings; is that correct?

15 A I don't understand the question.

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1 Q All right. During the period late Fifties and
2 early 1960's were there shipyard safety meetings of any kind?

3 A Yes.

4 Q And did you attend those meetings?

5 A By and large, no.

6 Q There were meetings that were held by the
7 various departments?

8 A They were held by supervisors. There were
9 stand-up safety meetings held by the supervisors, the
10 immediate supervisors.

11 Q And those took place every, what, month or so?

12 A At first they were weekly, I believe.

13 Q I believe you indicated that then it became
14 every month or so?

15 A They became monthly, yes.

16 Q You didn't feel there was any necessity for any
17 meetings any more often than once a month?

18 A Well, they were having very little effect on
19 the number of accidents we were having.

20 Q As far as the content of what was said at
21 those meetings, I take it that you had really no say over that.
22 That was done by the supervisors; is that correct?

23 A That's correct.

24 Q And you did not attend those meetings?

25 A Very few.

26 Q You indicated that you did attend a meeting of
27 shipyard pipe coverers and insulators sometime after you returned
28 from the New York Academy of Science meeting, which was held

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1 in 1964; is that correct?

2 A Yes.

3 Q And at that time Mr. Marr was already gone
4 from the shipyard; is that correct?

5 A I believe so.

6 Q And wasn't it a fact that you attended the
7 New York Academy of Science meeting because of the fact there
8 was no industrial hygienist at Long Beach at the time and as
9 a safety officer it was appropriate that you go?

10 A I believe that's correct.

11 Q This was the first time you had heard any
12 lectures by Dr. Selikoff?

13 A No, sir.

14 Q You heard them before that?

15 A Yes, I had met him -- no, I'm sorry. This is
16 the first time I met Selikoff; yes, sir.

17 Q And at the New York Academy of Science meeting
18 in 1964 I take it there were industrial hygienists present
19 from around the country?

20 A I can't answer that question.

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Q It was attended by a number of people?

A Yes. Most of them from Russia and Canada, Africa; probably a lot of Americans. I don't know. I don't know who they were.

Q There were industry representatives there, too?

A I don't know, sir.

Q You did not meet any?

A I did not.

Q And the hazards associated with asbestos exposure were discussed at that meeting; is that correct?

A Yes, they were.

Q And, I take it, you weren't shocked by anything you heard at that meeting?

A No.

Q Was there anything particularly -- one of the subjects that was discussed at the meeting was the hazard present to insulators?

A Yes.

Q And you heard Dr. Selikoff speak at the meeting?

A Yes.

Q And you heard from him personally about the results of some studies that he had done previously?

A Yes. He addressed the group, yes.

Q And he did discuss the studies that were done?

A Yes, he did.

Q Do you recall him advising the group that as a result -- that his study that was done included over 1500 members of the insulators union local in the New York-New Jersey

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1 area?

2 A I don't remember that specifically, no, sir.

3 Q Do you remember his advising the group that
4 he arrived at certain findings with respect to the extent of
5 asbestos disease that these insulators had experienced over
6 their working life?

7 A The whole discussion was on the fact that
8 people were getting asbestosis from breathing asbestos.

9 Q And that included insulators?

10 A It was mostly insulators, yes, sir.

11 Q And you knew from your experience at Long Beach
12 that insulators were getting asbestosis at Long Beach?

13 A Yes, sir.

14 Q And that was your experience when you got to
15 the shipyard in 1956?

16 A Yes, sir.

17 Q You knew then that there were, what, eight or
18 ten people that were disabled?

19 A Something less than 10, yes, sir.

20 Q Some of them had died; is that correct?

21 A By the time I got there?

22 Q Well, I am sorry. Withdraw that question.

23 A No.

24 Q I believe Mr. Phipps passed away after you got
25 there?

26 A Yes, he did.

27 Q Did you discuss with any industry representatives
28 at Mount Sinai Dr. Selikoff's remarks?

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1 A No, I did not.

2 Q Did any industry representatives approach you
3 as a representative from the Long Beach Naval Shipyard about
4 the subject of the conference?

5 A No, they did not.

6 Q Now, when you got back from that meeting, I
7 believe you told us sometime around six months later you shared
8 the matters that you heard at the conference with some of the
9 people at Long Beach Naval Shipyard; is that correct?

10 A Yes, sir.

11 Q And I believe you said you met first with some
12 of the supervisors?

13 A I think first we met with Meeker and Webby Ay.

14 Q And who was Meeker, again?

15 A He was the head of Shop 56.

16 Q And then you had a meeting with, I believe you
17 said, the ladders?

18 A Yes.

19 Q That would be the pipe coverers and insulators?

20 A Yes.

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Q And you suggested to them that they protect themselves?

A Yes, I did.

Q And try to quit smoking?

A Yes.

Q And that the way to protect themselves was the wearing of respirators; is that correct?

A Yes.

Q And at that time at the shipyard in 1964, the only respirators that were available were filter-type respirators?

A That's right.

Q And those were a Dustfoe 66 that was previously described here?

A Well, there were several types available. I would assume the one you mention was part of them.

Q And you felt, did you not -- strike that.

You did indicate to the shipyard workers with whom you discussed the problems of asbestos in 1964 that you felt that they would be well-protected by the wearing of a respirator?

A Yes.

Q And, in fact, that is the only thing you knew that could protect them, was the wearing of a respirator?

A At that time, yes.

Q You did not caution them about wearing a respirator at all times, just under certain conditions; is that correct?

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1 A. We felt that during ripout it was an absolute
2 necessity and that during mixing that it was a necessity and
3 dusty periods.

4 Q In other words, you pretty much left it up to
5 the workers to decide for themselves how much dust was in the
6 air and when to put on or take off their respirator, other
7 than situations involving ripout, along with mixing of
8 materials?

9 A. Yes.

10 Q That is a fair statement?

11 A. Yes.

12 Q Okay. However, you did realize at that time,
13 did you not, that there were problems in the wearing of a
14 respirator?

15 A. Yes, sir.

16 Q A worker could only wear a respirator for a
17 very limited period of time; is that correct?

18 A. That is my --

19 MR. HAIGHT: Just a minute. I am going to object
20 to that, Your Honor; no foundation.

21 THE COURT: Sustained at this point.

22 MR. STEINBERG: All right.

23 Q You mentioned that there were some problems
24 wearing a respirator. What are the problems you felt were
25 involved in wearing a respirator?

26 A. Well, the complaints we got mostly were the
27 fact that they were too heavy and it was hard to breathe
28 through a respirator; and they were hot, and you sweat a lot.

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1 Q And these were understandable problems?

2 A Yes.

3 Q And isn't it true that you felt that the
4 wearing of a respirator was an impossible task for eight
5 hours a day?

6 MR. HAIGHT: Objection. Again, Your Honor, calling
7 for a conclusion of the witness at this point; no foundation.

8 MR. STEINBERG: I am not sure I understand what the
9 foundation is.

10 THE COURT: Let me see you over here.

11
12 (The following proceedings were
13 held at the bench:)

14
15 MR. HAIGHT: Your Honor, my objection is predicated
16 on the fact that I have no objection to his telling about
17 what the problems were and what the complaints were, but to
18 jump to the conclusion that it was impossible to wear, which
19 is what the question is, is a conclusion on the witness's
20 part without any foundation. And I don't believe -- I don't
21 think it is an appropriate question.

22 There is no foundation this man is an expert on
23 wearing respirators.

24 THE COURT: Or that he ever wore one.

25 MR. STEINBERG: Yeah, that's right. That is what he
26 said in his deposition. I was just trying to frame a question
27 that was in line with the deposition.

28 MR. HAIGHT: Whether he said it in deposition --

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1 MR. STEINBERG: I understand that. I understand that.
2 All right.

3 THE COURT: I think the objection has to be sustained.

4 MR. STEINBERG: Yeah. Okay.

5
6 (The following proceedings were
7 held in open court in the
8 presence of the jury:)
9

10 Q BY MR. STEINBERG: One of the problems of
11 wearing a respirator was the inability for the worker to
12 communicate with other workers?

13 A I don't know. Could be.

14 Q Did you ever try to talk through a respirator?

15 A Yes.

16 Q It is difficult, isn't it?

17 A But not impossible.

18 Q Did you at any time do anything to test the
19 effectiveness of respirators?

20 A That would not be my job.

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1 Q Did you know when you recommended the use of
2 a respirator what tests had been done on the available
3 respirators at the shipyard to determine the effectiveness?

4 A All of the respirators purchased by the shipyard
5 were purchased under Government specifications. They were all
6 acceptable for the industry, every one of them.

7 Q Do you know in the late 1950's or middle 1960's,
8 at the time when you were recommending the use of a respirator,
9 whether any of those respirators had been approved by the
10 Bureau of Mines as being useful against asbestos fiber?

11 A I would assume all of them were.

12 Q Aside from your assumption, do you know or
13 did you undertake any study to find out?

14 A No, I did not.

15 Q But you made that assumption?

16 A Yes.

17 Q And your caution to the workers was to use the
18 respirators during ripout; is that correct?

19 A Yes.

20 Q And to use their judgment in using the
21 respirators at other times?

22 A Yes.

23 Q Mr. Marr left in 1964; is that correct?

24 A I believe so.

25 Q And Mr. Manning came sometime in 1967?

26 A I believe that's right.

27 Q Isn't it true that during that period of time
28 you had no personal knowledge of any meetings with pipe coverers

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10.2 1 and insulators that were held with them that concerned themselves
2 with the subject of asbestos?

3 A I don't remember.

4 Q Now, at the times that you did meet with pipe
5 coverers and insulators and studied asbestos hazards with them,
6 it was a time, was it not, when there were actually no warnings
7 at all on the material itself?

8 A I don't recall that.

9 Q Asbestos insulation material I'm referring to.

10 A I don't recall.

11 Q Well, do you recall any warnings on the materials
12 in the late 1950's?

13 A I don't remember any, no.

14 Q Do you recall any warnings on the materials in
15 1964?

16 A I remember seeing some warnings eventually but
17 I don't know when I first noticed them.

18 Q Fine. Certainly when you discussed any hazards
19 involved in the use of asbestos with pipe coverers and insulators
20 in 1957 that was a time, certainly, when there was no warning
21 on the material itself; is that correct?

22 A As I said, I don't recall.

23 Q All right. And at that time was there any
24 warning on the containers in which the materials came to the
25 shipyard?

26 A I don't recall.

27 Q Were you familiar with a product called
28 Thermobestos?

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1 A No, I was not.

2 Q Did you ever see a box of insulating materials
3 in the shipyard that carried the name Thermobestos?

4 A I don't remember.

5 Q Are you familiar with preformed pipe covering?

6 A Have I seen it?

7 Q Right.

8 A Yes.

9 Q You have seen it applied in the shipyard?

10 A Yes.

11 Q Seen it applied by insulators?

12 A Yes.

13 Q And are you familiar with the chemical
14 composition of any of the preformed pipe covering that was
15 installed by shipyard workers?

16 A No, I am not.

17 Q Have you ever heard of any of the preformed
18 pipe covering material containing a chemical composition known
19 as calcium silicate?

20 A No, I don't.

21 Q Now, at some time in the shipyard you did
22 recommend to your superiors the use of substitute products,
23 did you not?

24 A Yes, I did.

25 Q And you recommended that because you felt that
26 the products that contained asbestos fiber were hazardous?

27 A Yes, I did.

28 Q They could cause asbestosis?

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1 A Yes.

2 Q And you recommended it because you also knew
3 that insulation materials that could be used in the shipyard
4 were historically used without any asbestos as a binder; isn't
5 that correct?

6 A I'm sorry, I missed that.

7 Q You did recommend the use of substitute materials
8 because you knew that substitute materials had been used in
9 the past --

10 MR. HAIGHT: Your Honor --

11 Q BY MR. STEINBERG: -- without asbestos fiber as
12 a binder?

13 MR. HAIGHT: Excuse me. I didn't mean to interrupt
14 your question but I would like to have a hearing, if we might,
15 before the question is answered.

16 THE COURT: All right.

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(The following proceedings
were held at the bench:)

MR. HAIGHT: Your Honor, there's absolutely no foundation. This is way beyond the direct. But even beyond that, Mr. Steinberg is adopting a technique of just asking usually leading questions on new subject matter without any foundation whatsoever and getting into opinion testimony and all other sorts of areas, and I submit there is no foundation for that.

This man obviously doesn't know whether there was or was not, in my opinion, and unless --

These leading questions of this nature are not proper cross. This is not an adversary witness, frankly, to either one of us, but without foundation and going beyond the direct examination, I don't understand the propriety of these questions.

MR. NORBY: I join in the objection and on the additional ground that there is no foundation as to his qualification of expertise.

THE COURT: It is certainly beyond the scope.

MR. STEINBERG: Well, he did answer a previous question that he had recommended substitute products. It came in without objection. I'm just asking him --

MR. HAIGHT: It doesn't change the overall rule.

MR. STEINBERG: It is true it is beyond the scope.

MR. HAIGHT: All right, beyond the scope.

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(The following proceedings were
held in open court in the
presence of the jury:)

Q BY MR. STEINBERG: Did you ever caution shipyard
pipe coverers and insulators about avoiding breathing the
dust generated by their work?

A Well, that's what it was all about.

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1 Q As a practical matter, isn't it true that there
2 was just no way really to avoid breathing the dust?

3 Isn't that correct?

4 MR. HAIGHT: Objection, again, Your Honor; no foundation.

5 Q BY MR. STEINBERG: You did observe shipyard
6 ladders working at their trade?

7 A Yes.

8 Q You did observe them in the engineering spaces
9 below deck, did you not?

10 A From time to time.

11 Q You observed them in the fire rooms below deck?

12 A Yes.

13 Q You would go on ships from time to time, wouldn't
14 you, Mr. Krieger?

15 A Yes.

16 Q That was part of your regular routine as a
17 shipyard safety superintendent?

18 A Yes.

19 Q And you did see shipyard ladders working install-
20 ing preformed pipe covering, did you not?

21 A No, I don't recall.

22 Q Well, you saw them installing block material
23 on pipes and on boilers and furnaces, did you not?

24 A Yes.

25 Q And in each of these engineering spaces and
26 fire rooms that you observed below deck you would see dust
27 generated in connection with the shipyard ladders' work,
28 would you not?

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1 A Yes.

2 Q It was just on some occasions there was more
3 dust than on other occasions?

4 A I would assume so.

5 Q And the shipyard logger customarily would get
6 dust about his clothing each day that he worked, wouldn't he?

7 A I would assume so, yes.

8 Q And you saw that?

9 A Yes.

10 Q And you saw that he got dust from the materials
11 he was working with on his clothing -- strike that -- on his
12 person as well as on his clothing?

13 A He was wearing protective clothing as well as
14 a respirator.

15 Q When you say "protective clothing," what was
16 he wearing?

17 A Coveralls.

18 Q The times he was wearing a respirator, that
19 covered his mouth and his nose?

20 A Yes.

21 Q And there were other times when he would not
22 wear a respirator?

23 A I assume so.

24 Q And the question of the effectiveness of the
25 respirator was not something that you personally tested; is
26 that correct?

27 A We checked out respirators from time to time
28 to see if the men approved the type. We tried to buy the

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1 type they wanted.

2 This was all before we went to the throw-away
3 respirator.

4 Q You went to the throw-away respirators in the
5 early 1970's?

6 A I don't remember.

7 Q Well, they were not available before 1971 or
8 1972; is that right?

9 A Okay.

10 Q Is that your recollection?

11 A I don't remember.

12 Q You have no recollection at all as to when they
13 became available?

14 A No, I don't.

15 Q You went to the throw-away respirators because
16 you understood that the mask-type respirator was just not
17 being used; is that correct?

18 A That's right.

19 Q And it wasn't being used because of the
20 complaints you heard about it at the shipyard from the ladders
21 who had to wear them; isn't that correct?

22 A Well, they were uncomfortable. We discussed
23 that.

24 Q You couldn't breathe through them; is that
25 correct?

26 A Of course, you could breathe through them.
27 That was the idea of the respirator.

28 Q Well, breathing was difficult through them;

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1 is that correct?

2 A After a period of time, yes.

3 Q And there were problems in communicating; isn't
4 that correct?

5 A I don't know that.

6 Q You have worn a respirator yourself on
7 occasion?

8 A Yes, I have.
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1 Q All right. Now, during your time at the
2 shipyard from 1956 to 1974 did you ever see a representative
3 of the Johns-Manville Corporation come out and talk to the
4 shipyard pipe coverers and insulators?

5 MR. HAIGHT: Again, Your Honor, that is beyond the
6 direct examination.

7 THE COURT: Sustained.

8 Q BY MR. STEINBERG: During the time that you
9 met with any shipyard ladders did you have the assistance of
10 anyone from either Johns-Manville or the Raybestos-Manhattan
11 Company instructing the shipyard ladders in the use of their
12 products?

13 A I don't know any representative of either
14 company?

15 Q And, in fact, you don't know any representative
16 of either company that ever came to the shipyard to assist you --

17 A To assist me, no. They could have seen the
18 industrial hygienist, not me.

19 MR. STEINBERG: I have nothing further.

20 THE COURT: Mr. Norby.

21
22 REDIRECT EXAMINATION

23 BY MR. NORBY:

24 Q You indicated that you did have a staff as part
25 of your -- under your supervision; is that correct, Mr. Krieger?

26 A Yes, sir.

27 Q Would you describe that staff, please?

28 A Just some safety inspectors, three or four

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safety inspectors.

MR. NORBY: I have nothing further.

MR. HAIGHT: Nothing further, Your Honor.

THE COURT: Mr. Steinberg.

MR. STEINBERG: Nothing further.

THE COURT: Thank you, sir. You may step down.

THE WITNESS: Thank you, sir.

MR. HAIGHT: Your Honor, Mr. Sheldon Manning, would you take the stand.

SHELDON H. MANNING,

called as a witness by the defendant Johns-Manville, was sworn and testified as follows:

THE CLERK: Would you please state and spell your name for the record.

THE WITNESS: My name is Sheldon H. Manning, M-a-n-n-i-n-g.

THE CLERK: Would you spell your first name.

THE WITNESS: S-h-e-l-d-o-n.

DIRECT EXAMINATION

BY MR. HAIGHT:

Q Mr. Manning, during the period of time in the Sixties and Seventies did you work at the Long Beach Naval Shipyard?

A Yes.

Q What were the years that you worked there?

A I worked from early March, 1967, to February 25,

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Kreger 10/3/84

003-0002118

UNITED STATES DISTRICT
NORTHERN DISTRICT OF CALIFORNIA

JOHNS-MANVILLE SALES CORPORATION,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendants.

No. C 81 4561 RFP

DEPOSITION OF CLIFFORD V. KRIEGER, a witness, taken by
the plaintiff, at 11:10 a.m., Wednesday, October 3,
1984, at 201 Santa Monica Boulevard, Santa Monica,
California, before Judith E. Thiel, CSR #2618, CP,
RPR, a Notary Public.

Hutchings No. OLA 5089-84



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IN THE UNITED STATES CLAIMS COURT

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

vs.)

Civil No. 465-83C

UNITED STATES OF AMERICA,)

Defendant.)

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

vs.)

Civil No. 688-83C

UNITED STATES OF AMERICA,)

Defendant.)

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

vs.)

Civil No. 1-84C

UNITED STATES OF AMERICA,)

Defendant.)

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF COLORADO
3

4 JOHNS-MANVILLE SALES CORPORATION,)

5 Plaintiff,)

6 vs.)

7 UNITED STATES OF AMERICA,)

8 Defendant.)

 Civil Action
 No. 84-C-893

9 JOHNS-MANVILLE SALES CORPORATION,)

10 Plaintiff,)

11 vs.)

12 UNITED STATES OF AMERICA,)

13 Defendant.)

 Civil Action
 No. 84-C-894

1 APPEARANCES OF COUNSEL:

2 For Plaintiff Haight, Dickson, Brown &
3 Johns-Manville Sales BONESTEEL
Corporation: BY STEVEN L. HOCH

4 For Defendant United JANE MAHONEY
5 States of America: and
ELIZABETH F. KROOP
6 DEPARTMENT OF JUSTICE

7 Also Present: ANN TRACEY-O'ROURKE
8 COURT VISION COMMUNICATIONS
BY RON B. ROBBINS

9 I N D E X

10 WITNESS: Clifford V. Krieger

11 <u>EXAMINATION BY:</u>	12 <u>PAGE</u>
13 Mr. Hoch	4, 119
14 Ms. Mahoney	95, 123

15 QUESTIONS THE WITNESS WAS INSTRUCTED NOT TO ANSWER

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RON B. ROBBINS,
the videotape operator, is sworn by the reporter, as follows:

MR. ROBBINS: I solemnly swear that I will accurately and completely record all of the proceedings in this action in connection with the deposition of James Harvey Workman and in accordance with all of the provisions set forth in the Stipulation Regarding Depositions entered into by the parties hereto on October 3, 1984.

THE REPORTER: I am Judy Thiel. I am a certified shorthand reporter.

MR. HOCH: Steven Hoch, Haight, Dickson, Brown, Bonesteel, for Johns-Manville.

MS. MAHONEY: My name is Jane Mahoney. I'm a lawyer with the Department of Justice. I represent the United States of America.

MS. KROOP: My name is Elizabeth Kroop. I'm with the Department of Justice, and I represent the United States of America.

MS. O'ROURKE: My name is Ann Tracey-O'Rourke, a paralegal for Haight, Dickson, Brown & Bonesteel.

CLIFFORD V. KRIEGER,
a witness herein, having been first duly sworn, was examined and testified as follows:

///

EXAMINATION

1

2 BY MR. HOCH:

3 Q Please state your full name for the record,
4 sir.

5 A Clifford V. Krieger.

6 Q Mr. Krieger, before we begin your deposition,
7 just a few housekeeping matters.8 We have an agreement with Counsel that the -- she is
9 looking at his videotape right now to make sure it's
10 properly centered, which I guess it is. Is it?

11 MS. MAHONEY: It's properly centered.

12 MR. HOCH: We went through the qualifications of the
13 videotape operator Monday in the deposition of Mr. Workman.
14 As I understand it, there is no need to go through them
15 again at this time; is that correct?

16 MS. MAHONEY: That is correct.

17 MR. HOCH: There was a lingering question about the
18 notice in this case. We have noticed this case in the
19 Northern District of California case, apparently has also
20 been noticed in all the claims cases, and there is some
21 confusion as to whether or not it's been in fact noticed in
22 the cases pending in Denver, and that will be resolved by
23 whether or not the court has acted upon the government's
24 motion to stay discovery in those cases at this time or not.
25 I will just accede to whatever the court did there.26 MS. MAHONEY: I don't think it's -- I think what we
27 are saying at this moment is that there is no stipulation,
28 that this deposition will apply in the Denver cases,

1 as far as we know. The reason why the stipulation does not
2 apply is because that motion is pending.

3 MR. HOCH: I have no idea whether that is correct or
4 not. That is your position.

5 MS. MAHONEY: Okay.

6 MR. HOCH: Let other people work it out at the time.

7 Q Mr. Krieger, my name is Steven Hoch. I'm an
8 attorney representing Johns-Manville Corporation in a
9 lawsuit filed against the United States Government --
10 several lawsuits, as a matter of fact. We are going to
11 take your videotape deposition today, and I just want to go
12 over a few things so that you understand what a deposition
13 is, and if you have any questions about it, you can ask me
14 then. All right?

15 A All right.

16 Q You have been put under oath by a court
17 reporter who is an officer of the court, and the oath you
18 have taken is the same oath you would take in a court of
19 law, and same force and effect.

20 You understand that, sir?

21 A I do.

22 Q Okay. We are going to be asking you several
23 questions. When I'm completed, counsel for the government
24 can ask you questions, and we want you to answer all those
25 questions truthfully and accurately, as best you possibly
26 can.

27 It's quite all right if you don't remember something
28 to say so, and we don't want you to guess or speculate on

1 anything.

2 Do you understand that, sir?

3 A All right.

4 Q It's going to be -- the deposition will go on
5 for some time, and if you ever want to take a break, please
6 say so; we'll try to take breaks every so often. But
7 sometimes we forget and get carried away. So if you need
8 some time, please speak right up and we'll stop. All
9 rightie?

10 A Thank you.

11 Q Do you have any questions about the nature of a
12 deposition?

13 A None.

14 Q Mr. Krieger, you have testified before in a
15 deposition, haven't you?

16 A Yes, I have.

17 Q And I believe that counsel for the government
18 made you aware at some point in time that you testified in
19 court as well?

20 A I have testified in court, yes.

21 Q Mr. Krieger, were you ever employed at the Long
22 Beach Naval Shipyard?

23 A Yes, I was.

24 Q If so, when, sir?

25 A I think it was May of '56 to 1974.

26 Q Do you recall approximately when in '74 you
27 left?

28 A I left physically the latter part of November,

1 and I was off their rolls, I believe, in January or
2 February, due to leave, accumulated leave.

3 Q What was your position at the Long Beach Naval
4 Shipyard?

5 A Safety superintendent.

6 Q Did that have a GS grade of some kind?

7 A 13.

8 Q You are now retired, sir?

9 A Yes.

10 Q You are appearing here today pursuant to a
11 subpoena that was served on you?

12 A Yes.

13 Q And prior to coming to this deposition, you
14 have had an opportunity to speak with both Ms. Mahoney and
15 myself about the deposition?

16 A Yes.

17 Q Separate times, of course?

18 A Yes.

19 Q I believe in one of the discussions you
20 mentioned to me that you do have emphysema, and if you do
21 find it difficult at any time, aside from the normal breaks,
22 we understand you may want to take some more breaks; is that
23 all right?

24 A Yes.

25 Q Can you give us a general educational
26 background.

27 A Very little. I graduated from high school, and
28 everything else was usually non-credited extension or

1 government-type work. In other words, I would be sent to
2 schools such as Port Hueneme and engineering school, and
3 that sort of thing. I was 31 years with the government.

4 Q What was your work history at the time you
5 came to Long Beach from the time you left high school?

6 A Well, let's see. I went to Bethlehem Steel
7 Company, left Bethlehem Steel Company in -- I started there
8 in the thirties, left there in '44, I think.

9 Q What did you do there?

10 A Well, let's see. I was a welder, I was a
11 weighmaster, I was a chief fire inspector; and that is the
12 last job I had, chief fire inspector.

13 From there I went to Long Beach -- sorry -- I went to
14 Philadelphia Naval Shipyard, safety inspector, GS 7.

15 Q And from there?

16 A Naval Aviation Supply Depot, Philadelphia.

17 Q What was your position there?

18 A Safety engineer.

19 Q What was your GS rating there?

20 A 9.

21 Q From there, sir?

22 A Long Beach Naval Shipyard.

23 Q Did you come into Long Beach as a GS 13?

24 A 12.

25 Q Since your retirement from Long Beach Naval
26 Shipyard, have you -- did you hold any other employment?

27 A Yes. Cal State, Long Beach; Cal State
28 University, Long Beach.

1 Q What did you do there, sir?

2 A Environmental health and safety officer.

3 Q Can you describe briefly what your duties were
4 there.

5 A To advise faculty and staff on safe procedures
6 and to do some training of first-line supervisors and
7 inspect the campus for hazards.

8 Q How long were you employed there, sir?

9 A Well, let's see. That would have been from '74
10 to about three years ago.

11 Q About 1981?

12 A Yeah, approximately.

13 Q You are retired now?

14 A Yes.

15 Q Can you give us your residence address, sir.

16 A 6522 Farinella Drive, Huntington Beach,
17 California.

18 Q You were at Long Beach approximately 18 years;
19 correct?

20 A Yes.

21 Q Can you tell us, based upon your tour of duty
22 there at Long Beach, what you understood the function of the
23 Long Beach Naval Shipyard to be?

24 A Repair ships.

25 Q Any specific kind of ships?

26 A Let's see. We had destroyers and destroyer
27 escorts and carriers, one battleship, cruisers.

28 Q All vessels of the United States Navy?

1 A Yes.

2 Q And the Long Beach Naval Shipyard was operated
3 by the United States Government, the Department of Navy?

4 A Yes.

5 Q And you were in fact paid by the United States
6 Government?

7 A Yes.

8 Q Can you tell me what the physical size of the
9 shipyard was during those 18 years you were there?

10 A No, I couldn't.

11 Q Do you have an estimate?

12 A My guess would be probably 350 acres.

13 Q And what was the work force at the shipyard? I
14 know it varied from time to time --

15 A Seven to nine thousand.

16 Q Seven to nine thousand?

17 A Seven thousand to nine thousand.

18 Q My assumption was correct, I assume, it would
19 vary from time to time --

20 A Oh, yes.

21 Q -- what was going on in the world, et cetera?

22 A That's right.

23 Q Now, can you tell us, sir, if the -- how the
24 shipyard is broken down into various operating entities?

25 MS. MAHONEY: Objection.

26 Q BY MR. HOCH: Can you describe that to us?

27 MS. MAHONEY: Objection. What point in time,
28 Counsel?

1 Q BY MR. HOCH: Well, did it ever change?

2 MS. MAHONEY: From when to when?

3 MR. HOCH: In the 18 years he was there, obviously.

4 THE WITNESS: I have got to understand. Are you
5 talking departments?

6 MR. HOCH: Yeah.

7 THE WITNESS: Yeah. There was the administrative
8 department.

9 MS. MAHONEY: When was this, Mr. Krieger, what point
10 in time? '56?

11 THE WITNESS: Well, from the time I got there until
12 the time I left, the codes were the same. Like we used a
13 code system, and 100 was the shipyard commander and the
14 people that worked for him, and then 150 was the industrial
15 relations office, and -- you want them all?

16 MR. HOCH: No.

17 Q Was there a production department?

18 A Three hundred. Code 300 was production, and
19 like code 700 was medical, and code 500 was supply. Code
20 200 was planning and engineering.

21 Q All right. Within those codes, individuals
22 would have specific numbers that would delineate their job
23 title and description?

24 A Exactly.

25 Q What was the code, if any, for the -- your
26 position?

27 A 185.

28 Q That was safety superintendent?

1 A Right.

2 Q Does the term "shop" have any meaning to you,
3 sir?

4 A Yes.

5 Q Of course, this is in relation to the Long
6 Beach Naval Shipyard. What does that mean, sir?

7 A The production department was broken up into
8 shops, also numbered.

9 Q Can you describe those to us, generally?

10 A Yeah. Let's see. I think the most important
11 ones would be like 31 shop was inside machinists, and 38 was
12 outside machinists, and 67 were the electronics, and 51 were
13 the electricians, and 99 were the temporary services, and 56
14 were pipe fitters. Like that.

15 Q Did you have a staff that worked with you at
16 some point throughout the 18 years?

17 A Yes. It varied.

18 Q What was the smallest to the largest?

19 A The smallest was probably two safety inspectors
20 and a compensation clerk.

21 Q About when was that?

22 A I have no idea. I don't remember.

23 Q What was the largest staff you had?

24 A For inspectors -- now -- sorry, just a minute.
25 When we had a big ship in, like the NEW JERSEY, I was given
26 temporary help, sometimes four safety inspectors.

27 Q But normally it would be two safety inspectors
28 and a compensation --

1 A Two to three safety inspectors and a comp
2 clerk.

3 MS. MAHONEY: Again, Mr. Hoch, are you pinpointing a
4 period in time?

5 MR. HOCH: Just generally. He said he couldn't give
6 me specifics.

7 THE WITNESS: I can't remember exactly when this would
8 have been. It just fluctuated with the workload of the
9 shipyard.

10 MS. MAHONEY: Throughout the entire 18 years you were
11 there?

12 THE WITNESS: Yes.

13 MR. HOCH: That is what I understood him to say.

14 Q Could you give us -- strike that.

15 Mr. Krieger, did your job description change at all
16 during the 18 years at the shipyard?

17 A Not that much, no.

18 Q Can you give us a general job description of
19 the safety superintendent.

20 A Well, I don't think I can. It was about three
21 pages long.

22 Generally, to advise and counsel the supervisors
23 throughout the shipyard on safety practices, and to
24 oversee the workers' compensation program.

25 Q In terms of the compensation program, you were
26 responsible for what, sir?

27 A Well, if a person was injured, go to the
28 dispensary or a doctor and then it was up to us to

1 process -- help them process a claim for workers' comp and
2 forward it to San Francisco to the Bureau of Employees
3 Compensation regional office, and to follow up, to try to
4 get their workers' comp.

5 Q Was that a responsibility that your office had
6 from '56 to '74?

7 A Yes.

8 Q In terms of the responsibilities of advising
9 and counseling supervisors on safety practices, was it also
10 your responsibility to issue or promulgate safety orders?

11 A Yes, it was.

12 Sorry. It was my job to prepare them. They had to be
13 signed by -- usually the shipyard commander.

14 Q So you would prepare a safety order and it
15 would go up the chain of command to the commander?

16 A Yes. And also if it involved their
17 departments, it had to go through the department head for
18 their chop, and then their chop would be attached before it
19 went to the shipyard commander.

20 Q And from the shipyard commander, it would come
21 back down to the supervisors; is that correct?

22 A Yes. It would be issued as a policy or as a
23 regulation, or whatever.

24 Q And did you have stand-up safety meetings
25 during the 18 years at the shipyard?

26 A Yes, I did. I didn't, but the supervisors
27 did.

28 Q And did they -- were they instructed to use

1 those safety orders that were issued from your office up the
2 chain of command?

3 A We put out a memo, tried to get it to them by
4 Monday afternoon, so that by Tuesday morning they could look
5 at it, and the first thing Tuesday morning they would hold
6 their safety meetings, and they had our publication, and
7 then they had time on their own to talk about the particular
8 situation they were going to work with.

9 MS. MAHONEY: I'm going to object to the witness
10 speculating as to what the supervisor of the shops did, if
11 indeed they did receive the memos, and what they talked
12 about beforehand.

13 I think Mr. Hoch is asking what you know, sir.

14 MR. HOCH: First of all, I think we have -- supposedly
15 have part of the stipulation is we don't have any objections
16 except as to form. I'm not sure if that is a form objection
17 or not.

18 Second of all, I understood him to indicate that that
19 was the knowledge he had as to how things were to work, and
20 it was his responsibility to so get this information to the
21 supervisors. If the government has taken the position that
22 the supervisors didn't get that, I will stipulate to that.

23 MS. MAHONEY: I'm not taking that position; I am just
24 asking Mr. Krieger to testify as to what he knows as facts.

25 THE WITNESS: I thought I was given the format.
26 Whether the supervisors followed it, I would have no
27 knowledge.

28 MR. HOCH: Could I have the question and his answer

1 read back, please?

2 (Record read.)

3 Q BY MR. HOCH: So there is no misunderstanding,
4 Mr. Krieger, the answer that was just read back to you is
5 something that you came to know from your 18 years at the
6 shipyard as to how the information was to flow to the
7 workers; is that correct?

8 MS. MAHONEY: Objection; leading.

9 THE WITNESS: What I was trying to say was that we put
10 out a publication that should take five minutes, leaving
11 them ten minutes to talk about their own individual
12 situation. What I'm trying to say is, my information had to
13 be general and cover a hundred trades or more. The specific
14 had to come from the supervisors.

15 Q BY MR. HOCH: What was the purpose of providing
16 supervisors with safety memorandum?

17 A So that they would have a subject and material
18 to talk about at the safety meetings.

19 Q Was there ever -- strike that.

20 Did you ever suggest to anyone that orders should be
21 given on certain safety instructions with no backup
22 memorandum?

23 A I don't think I understand that.

24 Q All right. Let me rephrase it.

25 Did you have an opinion, sir, while you were the
26 safety officer at the shipyard, concerning the need to
27 educate workers on safety matters?

28 A Yes.

1 Q What was your opinion?

2 A Well, this is why we had the safety meetings.
3 At a later date we had instructions for supervisors on
4 safety.

5 Q Did you have an opinion, sir, while you were
6 the safety supervisor at the Long Beach Naval Shipyard,
7 concerning the giving of a safety order without educational
8 backup?

9 MS. MAHONEY: Objection.

10 THE WITNESS: I don't think I can answer it, anyway.

11 MR. HOCH: Okay.

12 THE WITNESS: Maybe I'm being dense.

13 MR. HOCH: Okay.

14 THE WITNESS: See, the safety office gave no orders to
15 anybody. We didn't have authority.

16 Q BY MR. HOCH: Well, we'll get to enforcement in
17 a bit. I just want to know what your opinion was concerning
18 an order versus education on safety matters, if you have
19 one.

20 MS. MAHONEY: Objection; leading; vague. The witness
21 has indicated he doesn't understand the question.

22 Q BY MR. HOCH: Okay. If you don't understand
23 it, just say so. Not everything I say is wonderful; I will
24 stipulate to that.

25 A Are you asking me my opinion of whether
26 education or enforcement, which is more important?

27 Q Okay. I'll ask you that question. In your
28 opinion, as a safety superintendent advisor at Long Beach

1 Naval Shipyard, what is more important, education or
2 enforcement?

3 A Education.

4 MS. MAHONEY: Objection.

5 THE WITNESS: I'm sorry?

6 MS. MAHONEY: I'm just asking -- Mr. Krieger, it
7 appears to me that Mr Hoch is asking you expert-witness
8 questions, and it was my understanding that you were brought
9 here today as a fact witness. And then he appears to be
10 asking you opinions within your realm of safety, and I --
11 I'm objecting, because he wasn't -- you were not noticed as
12 an expert witness.

13 MR. HOCH: Whether he was noticed as an expert witness
14 or not is rather incidental. He's a percipient witness as
15 to what went on at the Long Beach Naval Shipyard over 18
16 years. As such -- and as such being a safety supervisor,
17 what his thought process was and how the safety department
18 was structured around that thought process and operated is
19 certainly relevant to what went on. And I'm not asking him
20 as an expert in the field, although I think he may well be.
21 I'm not qualifying him as such, but what his state of mind
22 was and what his opinions were are certainly relevant as a
23 percipient witness.

24 Now, if you want to say he wasn't an expert in his
25 field, and you want to stipulate he was not, and if that is
26 what the government has as a safety supervisor, a
27 nonexpert --

28 MS. MAHONEY: No, we're not saying that.

1 MR. HOCH: -- I'll accept that stipulation, too.

2 MS. MAHONEY: No, Mr. Hoch, and I think you are
3 confusing Mr. Krieger. You and I know the legal niceties of
4 whether someone is noticed as a fact witness or an expert
5 witness, and I'm certainly not impugning Mr. Krieger's
6 qualifications.

7 MR. HOCH: Nor am I.

8 MS. MAHONEY: Your question sir.

9 Q BY MR. HOCH: Would you describe to us, Mr.
10 Krieger, the chain of command in the safety department.

11 A I answered to the industrial relations officer,
12 and he answered directly to the commanding officer.

13 Q And did the -- did you as a safety
14 supervisor -- strike that.

15 Do you understand the term "enforcement power"?

16 A Yes.

17 Q Could you explain to us what your understanding
18 of that means.

19 A Someone who can give disciplinary action.

20 Q Did the safety supervisor have any enforcement
21 power?

22 A None.

23 Q In terms of making a worker follow a safety
24 rule, regulation, at the Long Beach Naval Shipyard, who had
25 enforcement power?

26 A The immediate supervisor. In those days he was
27 a leading man. Now he's a foreman.

28 Q Who did he answer to up the chain of command?

1 A You want the old terminology or the new?

2 Q Better give us both.

3 A Okay.

4 The leading man reported to a general foreman -- no, a
5 quartermaster. I'm sorry. He answered to a quartermaster. The
6 quartermaster answered to a chief quartermaster. The chief
7 quartermaster answered to a foreman, and the foreman answered
8 to a master. That was the head of the shop.

9 Present terminology, foreman, general foreman,
10 something in between, and a superintendent.

11 Q Do you know when that change took place?

12 A No, I don't.

13 Q Was it a change essentially just in names
14 of --

15 A Just change in the names.

16 Q Now, based on your knowledge of the practices
17 at the Long Beach Naval Shipyard -- strike that.

18 Based on your knowledge of the field of safety, was
19 there a difference between the disciplines of safety and
20 industrial hygiene?

21 MS. MAHONEY: I'm going to object. I don't think
22 there is any foundation. Where have we discussed safety and
23 his knowledge of safety? I think you need to do a little
24 more ground work here, Mr. Hoch.

25 MR. HOCH: I don't think so. I think his work at the
26 government speaks for himself -- his position at the Long
27 Beach Naval Shipyard -- and again you seem to be impugning a
28 government employee and his ability to function in his job.

1 He is a safety supervisor with responsibility over some
2 seven to nine thousand individuals at the shipyard --

3 MS. MAHONEY: Let's stop your jury speech --

4 MR. HOCH: -- and I'm asking him if there is a
5 difference, based on his knowledge of safety, between what a
6 safety officer does, a safety supervisor, and industrial
7 hygienist.

8 MS. MAHONEY: Why don't we, if we could -- if we could
9 end your diatribe -- have the court reporter read your
10 question back, the one to Mr. Krieger, the one before the
11 jury speech, and we'll -- let me listen to it again.

12 MR. HOCH: Oh, certainly. Your privilege.

13 (Record read.)

14 MS. MAHONEY: I will object --

15 Before you answer, Mr. Krieger, I will just note on
16 the record an objection to the form of the question as vague
17 and ambiguous.

18 Q BY MR. HOCH: Can you answer it, Mr. Krieger?

19 A If you're asking whether the industrial
20 hygienist had any more authority than I did, you got to
21 understand the military. In a military, there are line and
22 staff (indicating). Line has authority; staff has no
23 authority. Staff is advisory.

24 So the industrial hygienist would be advisory, the
25 same as a safety office would be advisory.

26 Is that what you asked?

27 Q No. Was there a difference at the Long Beach
28 Naval Shipyard between what you were supposed to do as a

1 safety officer --

2 A Oh.

3 Q -- and the industrial hygienist was supposed to
4 do as an industrial hygienist?

5 A Got you. Safety was primarily responsible for
6 conditions that would result in traumatic injuries -- slips,
7 falls, trips, whatever. Industrial hygiene was responsible
8 for systemic type, including, for some reason or other, loss
9 of hearing. So they would be responsible for any fumes,
10 dust, that type of thing.

11 Q Was there -- as those -- strike that.

12 There was an industrial hygiene billet or department
13 at the Long Beach Naval Shipyard; correct?

14 A There was.

15 Q As those -- as your department and the
16 industrial hygiene department functioned, was there any
17 overlap?

18 A We worked together from time to time on certain
19 projects.

20 Q Based on your knowledge of how the industrial
21 hygiene office functioned at the Long Beach Naval Shipyard
22 over the 18 years that you were there, can you describe to
23 us what you understood the chain of command of industrial
24 hygiene to be?

25 MS. MAHONEY: Objection as too vague with reference
26 to time.

27 You have an 18-year time span.

28 Q BY MR. HOCH: You can answer it sir.

1 A Industrial hygienist answered to the medical
2 officer, who answered to the shipyard commander.

3 Q Did there come a time during your 18 years at
4 the shipyard when the industrial hygiene department, if you
5 know, was regionalized?

6 A Yes.

7 Q Do you --

8 A Just prior to my leaving the shipyard.

9 Q Did that change the chain of command, to your
10 knowledge?

11 A I really don't know.

12 Q Our best source of information, it would be the
13 industrial hygienist; correct?

14 A Yes.

15 Q Can you tell us, Mr. Krieger, who the heads of
16 the medical department were during your tour with the Long
17 Beach Naval Shipyard?

18 A Yeah. Captain Thompson, Captain Robbins,
19 Captain Watkins, Commander Smith, and Dr. Felton, civilian.

20 Q Who preceded you as a safety officer at the
21 shipyard, if you know?

22 A Well, there was someone there on a temporary
23 basis for about three or four months before I got there.
24 And prior to that -- I can't remember his name.

25 Q When you began working at the shipyard,
26 was there an industrial hygienist at the shipyard?

27 A Yes.

28 Q Do you know who that was?

1 A Sheehan.

2 Q Jim Sheehan?

3 A Yes.

4 Q Did you ever have the opportunity of viewing
5 any of his work?

6 A Not really.

7 Q Have you become familiar at any time during the
8 18 years or so you were at the shipyard with the work that
9 was done by insulators or ladders or pipe coverers?

10 A Yes.

11 Q Did you use those terms synonymously?

12 A We referred to them mostly as ladders. They
13 referred to themselves officially as heat, frost, insulator
14 workers.

15 Q Would you describe generally the work of a
16 ladder at the shipyard.

17 MS. MAHONEY: Objection. What point in time? For 18
18 years, do you want Mr. Krieger to describe the work?

19 Q BY MR. HOCH: Mr. Krieger, did the job of a
20 ladder, as you know it change at all during the 18 years you
21 were in the shipyard?

22 A No.

23 Q Why don't you describe for us your
24 understanding of what they did.

25 A Well, they applied insulation on pipes, valves,
26 boilers. They also removed insulation prior to other
27 mechanics working on the stuff. Basically, that is what
28 they did. They insulated things.

1 Q Did they operate out of a specific shop
2 number?

3 A Yes, they did.

4 Q Which one was that?

5 A 56.

6 Q Before you came to the Long Beach Naval
7 Shipyard, did you have any knowledge or information
8 concerning whether or not asbestos was considered to be a
9 potential health hazard --

10 A No.

11 Q -- to ladders?

12 A No.

13 Q At some point in time while you were at the
14 Long Beach Naval Shipyard, did you come to that knowledge?

15 A Yes.

16 Q Do you recall approximately when the first time
17 that knowledge --

18 A I believe it was '56.

19 Q And what occurred that brought this to your
20 attention?

21 A A couple of claims -- or a number of claims for
22 workers' comp came into the office from the 56 shop, the
23 ladders, and they were diagnosed as having asbestosis.

24 Q Was that the first time you heard of that
25 disease?

26 A Yes.

27 Q Did you make inquiries as to what it was, how
28 it was caused?

1 A Oh, yeah.

2 Q Do you remember who you talked to?

3 A Well, mostly for the cause -- mostly I talked
4 to Webb Ay, who was the union rep.

5 Q Which union?

6 A I think at that time he was the business agent
7 of the Heat, Frost, Insulator Workers of America.

8 Q The ladders?

9 A Yes.

10 Q Now, at this time in 1956, all the ladders that
11 worked for the shipyard weren't in the union, were they?

12 A No.

13 Q Do you recall the names of any of the
14 individuals who may have been so first diagnosed as having
15 asbestosis?

16 A Yes.

17 Q Can you tell us who they were?

18 A The first batch were --

19 MS. MAHONEY: I'm going to object to this whole line
20 of questioning.

21 But go -- you may answer. Go ahead.

22 THE WITNESS: Louie Eades.

23 THE REPORTER: I didn't hear you, sir.

24 THE WITNESS: Louie Eades.

25 Q BY MR. HOCH: E-a-d-e-s?

26 A I don't -- I think so. Phipps.

27 Q P-h-i-p-p-s?

28 A Yes. Guadalupe Zapato. You spell that one.

1 Oh, boy. There were about seven of them. Those are three
2 that stick out in my mind.

3 Q Was Cloyce Brewer one of them?

4 A He claimed workers' comp, but it was never
5 proven that he had asbestosis.

6 Q His claim didn't go anyplace, or it failed?

7 A Well, it went to San Francisco, and I
8 believe -- I would have to guess that he probably went to
9 San Francisco for an examination. He had emphysema, as I
10 recall, but I don't think his claim was ever approved.

11 Q Okay.

12 What kind of -- can you tell us the general
13 discussions you had with Webb Ay in 1956 relative to these
14 comp claims?

15 MS. MAHONEY: Objection.

16 THE WITNESS: I don't remember anything specific on
17 them.

18 Q BY MR. HOCH: Did you talk about asbestosis?

19 A Yes.

20 Q As a result of your discussions with Mr. Ay,
21 did you do anything?

22 A Well, he mostly did it. He got in touch with
23 Selikoff, who is an expert in the asbestos field, who
24 furnished us with much information on the disease, not on
25 the prevention.

26 Q Did he invite you to speak at a union meeting?

27 A Yes. And I did.

28 Q Was this after work sometime?

1 A Yes. At night.

2 Q And you did go?

3 A Yes, I did.

4 Q Did you say anything there?

5 A We told them about the case -- workers'
6 compensation cases that we were handling and the percentage
7 of disability that the fellows had, the claimants, the
8 percentage of disability they had, and that it was due to
9 not protecting themselves while they were working with
10 asbestos.

11 Q And by "protecting themselves," did you
12 elaborate on that at all?

13 A Wearing -- they weren't wearing a respirator.

14 Q Did -- stemming from those conversations at
15 that meeting, did you and Mr. Ay design a poster?

16 A Yes, we did.

17 Q Let me show you a poster, which we will mark as
18 Plaintiff's Exhibit 1.

19 Will you show that to the witness, please.

20 Is that --

21 MS. MAHONEY: Could we stop -- Mr. Video Operator,
22 could we stop for a moment? We have a disagreement on the
23 authentication of the records.

24 MR. HOCH: Let's stay on the record, but cut the
25 tape.

26 MS. MAHONEY: Mr. Hoch, it appears as though we have a
27 different copy. This is why we wanted your assistant here.

28 MR. HOCH: Does it really matter?

1 MS. KROOP: You are going to mark this one; is
2 that correct?

3 MR. HOCH: I don't care which one you are going
4 to mark.

5 MS. MAHONEY: If you want to go on record with the
6 court as you don't care if the exhibits you have given to
7 the government are the same as the exhibits you are showing
8 to the witness, then let the record reflect that, but I
9 thought we went through the exhibits.

10 You give me a moment to assure accuracy for the
11 judge.

12 MR. HOCH: The exhibits are the same. One of them has
13 a marking from another deposition of Mr. Marr, where the
14 government was present and participated in the deposition.

15 MS. MAHONEY: All we are asking is --

16 MR. HOCH: They are exactly the same.

17 MS. MAHONEY: We are asking for a transcript that will
18 be accurate.

19 MR. HOCH: He will get it very accurate. If you
20 choose -- Do you want to use either one -- I really don't
21 care. I'll leave it up to you.

22 MS. MAHONEY: At this moment are you going to have the
23 court reporter mark these as we go along?

24 MR. HOCH: I thought what we would do is put a
25 notation on them, to save time -- to save time we can write
26 on the back, if you like -- you can write on the back --
27 "Exhibit Number 1." If you want to take the time to mark
28 each one as we go along, that is fine. Just trying to make

1 this a little bit easier so we can go along. At the end of
2 the deposition, I then thought we could have the court
3 reporter then officially stamp each one.

4 Would you like to do it as we go along?

5 MS. MAHONEY: I would be more comfortable marking them
6 as we go along.

7 MR. HOCH: Okay. Which one do you want to use?

8 MS. MAHONEY: Let your assistant show us.

9 MS. O'ROURKE: I'll show him the same one you have.

10 MS. MAHONEY: Seems to have a marking on the bottom,
11 "F23332."

12 MS. O'ROURKE: Right.

13 MS. MAHONEY: Then do you want Mr. Krieger to hand
14 that to the court reporter --

15 MR. HOCH: The court reporter, sure.

16 MS. MAHONEY: -- to be marked?

17 Thank you.

18 MR. HOCH: We'll take a two-minute break for a
19 second.

20 (Whereupon the above-mentioned document is marked by
21 the notary public as Plaintiff's Exhibit 1 for
22 identification.)

23 MR. ROBBINS: Shall I start back up again?

24 MR. HOCH: Yes.

25 MR. ROBBINS: You're back on.

26 Q BY MR. HOCH: Mr. Krieger, have you looked at
27 that exhibit we have marked as number 1?

28 A Yes, I have.

1 Q Is it familiar to you?

2 A Yes, it is.

3 Q Is it the poster that you and Mr. Ay created?

4 A We gave the information to the shipyard artist
5 who created this, yes.

6 Q Mr. Bransford?

7 A Yes.

8 Q There is a date underneath his name, sir. Is
9 that -- want to make sure I'm reading it right -- April,
10 '57?

11 A Yeah.

12 Q Do you recall what was done with this poster?

13 A It was given out to all the union members by
14 Webbie Ay, and we posted it throughout the shop, 56 shop,
15 where the ladders would see it.

16 Q When you say "posted," what do you mean?

17 A Put it on the bulletin boards and at the
18 entrance to the shop where the men worked.

19 Q At or about the time that this poster was made,
20 did you also have an opportunity to take a trip with one of
21 the master mechanics back East?

22 A I went with Olin Meeker back East. I don't
23 remember when it was.

24 Q Do you recall that it was sometime between the
25 time you came to the shipyard and 1960, in that time frame?

26 A I would have to guess, but that would be
27 about -- yeah, I would think so.

28 MS. MAHONEY: I will object to the guessing by

1 Mr. Krieger.

2 I don't think they want you to guess.

3 Am I wrong, Mr. Hoch?

4 MR. HOCH: Nobody wants you to guess --

5 THE WITNESS: I'm sorry.

6 MR. HOCH: -- Mr. Krieger. Just asking for your best
7 estimate, or best recollection.

8 THE WITNESS: I really -- I went back East with Mr.
9 Meeker. I cannot remember when I went back East with Mr.
10 Meeker.

11 MR. HOCH: Excuse me. I'm just looking for an exhibit
12 that might help you refresh your recollection.

13 Can we just take a 60-second break so I can find
14 this?

15 MS. MAHONEY: Certainly.

16 (Whereupon a discussion is held off the record.)

17 MR. HOCH: Let's go back on the record now.

18 MR. ROBBINS: Back on.

19 MR. HOCH: You have handed Mr. Krieger a memo -- or a
20 letter -- that I would like him to take a look at and then
21 pass it to the court reporter for marking, which would be
22 Plaintiff's Exhibit 2.

23 THE WITNESS: I have read it.

24 MR. HOCH: Would you please pass it to the court
25 reporter so she can mark it.

26 (Whereupon the above-mentioned document is marked by
27 the notary public as Plaintiff's Exhibit 2 for
28 identification.)

1 Q BY MR. HOCH: Mr. Krieger, do you recognize
2 this -- I guess it's a carbon copy of a letter?

3 A Yes, I do.

4 Q Is that what it is?

5 A It must be, because there is no signature on
6 it.

7 Q And is this a letter you wrote to Mr. Turnbull,
8 the Assistant Director, Safety Division, Office of
9 Industrial Relations, in Washington?

10 A Yes, it is.

11 Q On the upper right-hand corner of both of these
12 exhibits is a date, and the "2" in "1962" is crossed out and
13 someone wrote "3" -- I don't know who did.

14 Do you have any recollection of when this written?

15 A I would assume it was '63.

16 Q That is your best recollection at this time?

17 A Yes.

18 Q On the second page, the paragraph begins,
19 "About four years ago..."

20 DO you see that?

21 A Let me point smething out in the first
22 paragraph. Since I'm talking about October of '62, the
23 letter couldn't possibly be January, '62. That is why I'm
24 assuming it's '63.

25 Q All right.

26 A I have the paragraph, yes.

27 Q Do you see that paragraph?

28 A Yes.

1 Q It makes reference to a tour that you made with
2 a master pipe fitter, it says "about four years ago."

3 A Yes.

4 Q Does that help refresh your recollection of
5 when this trip with Olin Meeker was?

6 A I assume we -- take four years from '63.

7 Q Can you tell us where you went on that trip and
8 what you observed?

9 A What I can remember of this trip is that we
10 went to Philadelphia, Boston, Portsmouth, maybe New York --
11 I can't remember -- and we may have gone south, but I don't
12 remember. The only three I recall were Philadelphia,
13 Boston, and Portsmouth.

14 Q Those are naval shipyards you visited?

15 A Yes.

16 Q And what was the purpose of that trip?

17 A To see what they were doing about handling
18 asbestos.

19 Q And what did you discover?

20 A That they were in about the same boat we were
21 in Long Beach, that they had -- they knew that the problem
22 existed, and they were -- I went to see how they were
23 handling it.

24 Q Do you have a recollection at this point in
25 time how they were handling it?

26 A Oh, I think we picked up wetting-down process
27 from one shipyard, types of ventilation from another
28 shipyard, that type of thing.

1 Q When you came back from the trip, would it have
2 been your custom and practice to make some kind of report?

3 A Yes.

4 Q Was that required?

5 A Yes.

6 Q And who would that report have gone to?

7 A Dave Hendrickson, industrial relations
8 officer.

9 Q He was your superior?

10 A Yes, he was.

11 Q Do you recall making such a report concerning
12 this trip?

13 A No, I don't.

14 Q Are you familiar with the name of Bill Marr?

15 A Yes, I am.

16 Q Can you tell me who he is?

17 A He was the industrial hygienist at the
18 shipyard, Long Beach Naval Shipyard.

19 Q Do you recall approximately when he came to the
20 shipyard?

21 A I would guess around '57, '58.

22 Q And do you recall when he left?

23 A No, I don't.

24 Q Was it in the sixties?

25 A I really don't remember. I'm sure it's a
26 matter of record, but I just don't remember when he left.

27 Q Did you have -- strike that.

28 Did you work with him at all on problems concerning

1 asbestos?

2 A Yes, I did.

3 Q It's correct, sir, that he eventually published
4 a paper -- which we'll discuss a little later -- but are you
5 familiar with the paper he published?

6 A Yes, I am.

7 Q Did you have anything to do with that paper?

8 A No. He was the expert.

9 Q What did you and Mr. Marr work on together
10 relative to the asbestos situation?

11 A Well, I just supplied the information to him of
12 the claims we had, and he went out and did the field work,
13 got his information together, and wrote a paper on it. And
14 I took him over to meet Mr. Phipps, who was out on workers'
15 comp due to asbestos -- asbestosis.

16 Q And were you present at a meeting between those
17 two?

18 A Yes.

19 Q Can you --

20 A Not when the tape was made. He went back and
21 did that on his own.

22 Q Do you recall what was discussed at the meeting
23 you were present at?

24 A Well, he was just talking about his condition
25 and how he felt and where he had worked and where he
26 lived prior -- where he worked and where he lived prior to
27 coming to work at the shipyard.

28 Q Then I think you indicated that Mr. Marr made a

1 tape?

2 A Yes, he made a tape with Mr. Phipps at a later
3 date.

4 Q And you weren't present when that was made?

5 A No, I was not.

6 Q Did you hear the tape after --

7 A No.

8 Q -- it was made?

9 A Not to my recollection.

10 Q Did you ever read a transcription of that
11 tape?

12 A I might have, but I don't remember.

13 Q Let me show you an exhibit -- part of an
14 exhibit --

15 Counsel, I only intend to use the transcript of the
16 tape out of the exhibit that is the Robbins letter dated 28
17 August, '59. Do you wish the whole thing to be put in or
18 just that part I'm showing the witness? The part I intend
19 to show him is labeled -- looks like 7-L, 7-M and 7-N, in
20 handwriting on the bottom.

21 MS. MAHONEY: You are showing him a transcript of the
22 tape which he has never heard, was not present at at the
23 making, and --

24 MR. HOCH: No. I asked him if he ever saw a
25 transcription of it, and he said he doesn't recall, and I
26 will attempt to refresh his recollection by showing him
27 this. But I don't know if you want to hand him the whole
28 packet of documents or not. It's up to you.

1 MS. MAHONEY: Why don't we -- you have indicated where
2 in the document is contained. Why don't you show him the
3 three pages you intend to use.

4 MR. HOCH: Fine. Want to show them first?

5 MS. O'ROURKE: 7-L, 7-M, 7-N?

6 MS. MAHONEY: Yes.

7 MR. HOCH: Okay. Have that marked Plaintiff's next in
8 order, which will be 3. I will ask Mr. Krieger to look at
9 it and pass it to the court reporter.

10 THE WITNESS: I have seen this before.

11 MR. HOCH: Let's have it marked first.

12 (Whereupon the above-mentioned transcription is marked
13 by the notary public as Plaintiff's Exhibit 3 for
14 identification.)

15 MS. MAHONEY: Because of his prior testimony, when did
16 you see it, Mr. Krieger?

17 THE WITNESS: I don't remember, but I know I have
18 seen it before.

19 MR. HOCH: Counsel, if you don't mind, there wasn't a
20 question pending, and I was going to ask him, anyway, so
21 let's just try to get it on the record.

22 Q Is that a copy of the transcription of the
23 tape, Mr. Krieger?

24 A This is (indicating) -- Bill Marr made a
25 tape --

26 MS. MAHONEY: Objection.

27 THE WITNESS: -- and, as I recall, this is it, with
28 Mr. Phipps.

1 Q BY MR. HOCH: Does this refresh your
2 recollection as being the transcript that you may have seen
3 sometime in the past?

4 A Yes.

5 MS. MAHONEY: I'm going to object to that, Mr.
6 Krieger, only for the reason, Mr Hoch, he never listened to
7 the tape, so how can he identify transcription of the tape
8 as being accurate transcription if he never heard the tape?

9 That's all. That is my problem with this line of
10 questioning.

11 Q BY MR. HOCH: Do you recall when in the past
12 you have seen this?

13 A No, I don't.

14 Q Counsel poses an interesting question, Mr.
15 Krieger. How do you know it's a transcription of the tape?

16 A Because I recognize Phipps' history. We didn't
17 have that many people coming from Oklahoma.

18 Q So out of the people in the shipyard who were
19 ladders who filed compensation claims, in your mind this
20 fits Mr. Phipps; he is the only one that it fits?

21 A Apparently -- there is a paragraph here that
22 fits only Mr. Phipps.

23 Q Which paragraph is that?

24 A "I was raised on a farm, done farm work up till
25 I was about 16. Went into town and had done odd jobs for a
26 while. Finally went to work in a little restaurant --
27 wasn't really a restaurant; it was a hamburger joint," and
28 so forth.

1 I recognize this as Phipps' background.

2 MS. MAHONEY: Mr. Krieger, I think what Mr. Hoch is
3 asking you is, is this a transcript of the tape? And you
4 have stated under oath that you have never heard the tape.
5 How can then -- you then say that this is what was on the
6 tape, if you have never heard the tape? That is like saying
7 you read a transcript of a television show and you say, "I
8 never watched the TV show, but I know this is what the
9 transcript of the television show was."

10 THE WITNESS: Well, I knew that Bill Marr went out and
11 made a tape with Phipps.

12 MS. MAHONEY: Yeah.

13 THE WITNESS: I know he used it in his training
14 programs. Up here it says "Bill Marr" (indicating). From
15 the description, I am assuming that this is Phipps we're
16 talking about.

17 MS. MAHONEY: Okay. You are assuming that this is an
18 accurate -- that this is the transcription of the tape?

19 THE WITNESS: Okay.

20 MS. MAHONEY: I think that is what Mr. Hoch's original
21 question was to you before going afield with your
22 assumptions. I think he wanted you to answer a specific
23 question. Do you know this is a transcription of the tape?

24 THE WITNESS: Do I know? No.

25 MS. MAHONEY: All right.

26 Q BY MR. HOCH: Let me ask you this, Mr. Krieger,
27 now that Counsel has tramped all over my questions.

28 Would you recognize Dr. Robbins' signature?

1 A Yes, I think so.

2 Q Why don't we show Mr. -- I would like to show
3 you, Mr. Krieger, the rest of where this exhibit came out
4 of. It's a multipage document, starts -- marked page 7 and
5 goes to 7-G. -H, -I, -J, -K, -L, -M, -N is the purported
6 transcript. Out of order is -C and -B, which is the Jackson
7 letter.

8 I would like to show that to counsel for the
9 government, and then to the witness.

10 MS. O'ROURKE: Unless they are somewhere else, I don't
11 have 7-B. -G, -H, -I, -J, and -K.

12 Q BY MR. HOCH: And there is this letter
13 (indicating) as well, two pages.

14 MS. O'ROURKE: Oh. Beg your pardon. Okay. Excuse
15 me.

16 MR. HOCH: Just put those all together in order, as I
17 have indicated them. Just pass them back to her.

18 THE WITNESS: (Witness complies.)

19 MS. O'ROURKE: 7?

20 MR. HOCH: Right.

21 MS. O'ROURKE: -G?

22 MR. HOCH: -G, -H, -I, -J, -K, -L, -M, -N, and -C and
23 -B, the Jackson letter at the end.

24 MS. O'ROURKE: And then -B and -C?

25 MR. HOCH: Yes. Just like that. You got it. May I
26 withdraw -- may I withdraw this -- there is a cover page.
27 May I withdraw my last exhibit to make this the entire
28 exhibit?

1 MS. MAHONEY: Yes, you may.

2 MR. HOCH: This will be Plaintiff's Exhibit 3.

3 Q Will you just take a look at that.

4 A Yes. All of it?

5 Q Just skim over the whole exhibit, so you are
6 familiar with it.

7 A Some of this you can't even read.

8 Q I understand.

9 MS. MAHONEY: Mr. Hoch, while Mr. Krieger is looking
10 at that, I will put an objection on the record that even if
11 he is able to recognize someone's signature, that he still
12 cannot identify or relate the tape with the transcript,
13 because he never heard the tape.

14 But I will permit you -- I'm not going to interfere
15 with your questioning.

16 MR. HOCH: Your objection stands. I understand. I'm
17 sure Mr. Marr will be able to ID it also, but we can go on.

18 Will you hand that to the court reporter, please.
19 What she is going to do is remove the markings from the
20 other page and put them on the cover page here. Okay.

21 (Whereupon the above-mentioned pages are remarked as
22 Plaintiff's Exhibit 3 for identification.)

23 MR. HOCH: Back on the record.

24 Q We have handed you, Mr. Krieger, what we have
25 marked now as Plaintiff's Exhibit 3. Can you read the first
26 page of this exhibit? Is it legible?

27 A Yes.

28 Q There is a handwriting above "H. M. Robbins."

1 Can you see that, sir?

2 A Yes.

3 Q Do you recognize that as Dr. Robbins'
4 signature?

5 A I'm pretty sure it is.

6 MS. MAHONEY: I will object on the basis of
7 foundation.

8 Q BY MR. HOCH: You have seen his signature
9 before?

10 A Oh, yes.

11 Q How many times, sir?

12 A Many.

13 Q How many is "many"?

14 A A hundred.

15 Q Does this look like --

16 A Yes.

17 Q -- H. M. Robbins' signature?

18 A Yes, it does.

19 Q You recognize him as the medical officer of
20 Long Beach Naval Shipyard?

21 A Yes.

22 MR. HOCH: Why don't we break now for lunch and go off
23 tape and go off the record.

24 MR. ROBBINS: You're off.

25 (A lunch recess is taken from 12:15 p.m. until
26 2:05 p.m.)

27 MR. HOCH: Ready?

28 MR. ROBBINS: Back on.

1 Q BY MR. HOCH: Mr. Krieger, during the period of
2 1956 to 1960, do you have an estimate of the number of
3 insulators at Long Beach Naval Shipyard?

4 A My guess would be about a hundred and sixty.

5 Q Again, we don't want you to guess. Is that an
6 estimate?

7 A That is an estimate.

8 Q Is that your best estimate, based on your
9 recollection of the events back then?

10 A Yes.

11 Q Now, concerning the comp claims that you
12 discussed a few moments ago, when you received these comp
13 claims, did you advise Dr. Robbins they had been received in
14 your office?

15 A Yes, I did.

16 Q And in response to that information being
17 passed on to him, do you know if he took any action?

18 A I don't think so.

19 Q You don't think he did?

20 A I don't think he did.

21 Q Do you know a Commander Victor Hertzelt -- I
22 can't read it -- H-e-r-t-z-e-l?

23 A It's Hetzel.

24 Q H-e-t-z-e-l?

25 A Yes.

26 Q Do you know who he is?

27 A Yes.

28 Q Can you tell us who he was?

1 A Yeah. He worked at -- well, he was a civilian,
2 came into the shipyard on a two-week training cruise, and he
3 was assigned to my office.

4 Q Did he perform some task for you?

5 A Yes.

6 Q Do you recall -- excuse me -- do you recall
7 when that was?

8 A No.

9 Q Can you tell us what task you asked him to
10 perform?

11 A Yes. I was in doubt as to the validity of the
12 diagnostic reading of the X rays on the ladders, insulators,
13 and -- because there were discrepancies from year to year.

14 So I asked him to make a study of the medical records
15 regarding this and document it.

16 Q Well, prior to your asking him to make the
17 study, you were aware, I would assume, from your comments,
18 that the ladders were having X rays taken at some periodic
19 interval at the shipyard?

20 A About once a year.

21 Q How did you become familiar with that?

22 A I had looked over some of the records and
23 compiled the records for about five or six years, and I
24 wasn't satisfied -- with no medical background,
25 incidentally -- I wasn't satisfied with the written
26 diagnosis.

27 Q This occurred as a result of the comp claims
28 coming into your office --

1 A Yes.

2 Q -- this investigation of yours?

3 A Yes.

4 MR. HOCH: I would like to show the witness a
5 memorandum, which we will ask the court reporter to mark as
6 plaintiff's next in order, which I think is 4, dated, I
7 think, 16 June, 1961. It has got the typewritten name of
8 Commander Victor L. Hetzel, USNR, at the top.

9 MS. MAHONEY: I have it. Thank you.

10 MR. HOCH: Fine.

11 Would you just take a look at it and then pass it on
12 to the court reporter.

13 THE WITNESS: (Witness complies.) Yes.

14 (Whereupon the above-mentioned document is marked by
15 the notary public as Plaintiff's Exhibit 4 for
16 identification.)

17 Q BY MR. HOCH: Does the date on top of this
18 particular memorandum, Plaintiff's Exhibit 4 -- I believe
19 it's 16 June, 1961 --

20 A That is what it says.

21 Q It says 3 dash sixteen.

22 Would that indicate the two weeks he was there,
23 perhaps, if you know?

24 A Yes. Yeah, that would be it, two weeks.

25 Q And do you recall seeing this -- that this is
26 the memo you received from Commander Hetzel?

27 A Yes.

28 Q Did you -- in reading this memo, did this

1 reflect the kind of inconsistencies you were seeing in the
2 X rays when you looked at the records of them?

3 A Yes, it did.

4 Q It indicates there is a table that -- is an
5 attachment to this report. Unfortunately, it's not
6 attached.

7 Do you recall what was in the table?

8 A Well, the basis for his study is attached,
9 isn't it?

10 Q It's only a one-page document. That's all that
11 has been found. I will represent that to you, sir.

12 A I thought I saw in the exhibits the backup
13 material for this (indicating).

14 Q Okay. Well, maybe we'll come to it, but off
15 the top of your head, at this point in time, do you recall
16 what it was?

17 A No, I don't.

18 Q As a result of receiving this memorandum, did
19 you pass it on to someone?

20 A Well, I believe I called it to the attention of
21 the medical officer.

22 Q That was?

23 A Dr. Robbins.

24 Q And did you have some discussion with him about
25 that?

26 A I'm sure I did.

27 Q Do you recall what was said at this point in
28 time?

1 A No, I don't.

2 Q Do you recall any action that Dr. Robbins took
3 as a result of either the discussion you had with him or
4 this memorandum specifically?

5 A No, I don't remember it.

6 Q In response to receiving this information,
7 other than discussing it with Dr. Robbins, did you take any
8 action?

9 A Well, eventually I tried to get some diagnostic
10 procedure that would be valid, and, as I recall, I went to
11 the United States Department of Labor for money, and
12 eventually I think I went to my own boss for it.

13 Q Are you saying you opened some conversations
14 with -- was it the Bureau of Employee Compensation in San
15 Francisco?

16 A Yes.

17 Q Did you deal with a Mr. Gray there?

18 A Yes. And Schroeder.

19 Q And Schroeder?

20 A (Nods his head in the affirmative.)

21 Q Your purpose was to do what sir?

22 A To try to get them to give us some money so we
23 could have the -- these people run through a battery of
24 tests to diagnose them.

25 Q Did you envision these tests would be done at
26 the shipyard?

27 A I didn't care where they were done.

28 Q In regard to that, did you gather other,

1 further information together or request that other, further
2 information be gathered together to send up to the Bureau of
3 Employee Compensation?

4 A Yes, I believe I sent the results of this
5 test -- or this study -- I'm sorry.

6 Q Can I show you -- show the witness an exhibit I
7 would like to be marked next in order as Plaintiff's 5.
8 It's the letter to Mr. Gray, dated 9 August, 1962, and the
9 attachments, which are two charts, and then the 55 pages of
10 "Reassigned After Medical Evaluation" information.

11 MS. O'ROURKE: What are the two titles?

12 MR. HOCH: "Incidence of Positive Chest X-ray Findings in
13 Pipe Coverers and Insulators Versus Years of Employment in the
14 Shipyard." a chart entitled "Supplemental," and then the 55 pages
15 of the "Reassigned After Medical Evaluation."

16 MS. MAHONEY: I'm going to object to everything but
17 the letter as being hearsay. But you can certainly show it
18 to the witness.

19 (Whereupon a discussion is held off the record.)

20 MS. MAHONEY: Yes. We have it here.

21 MR. HOCH: I ask Mr. Krieger to just review that and
22 then pass it to the court reporter for marking.

23 MR. ROBBINS: Want to stop tape?

24 MR. HOCH: (Shakes his head in the negative.)

25 (Whereupon the above-mentioned document is marked by
26 the notary public as Plaintiff's Exhibit 5 for
27 identification.)

28 MR. HOCH: We have had the exhibit marked as 5,

1 and the letter is to your right, Mr. Krieger.

2 MS. MAHONEY: Fifty-five pages?

3 MR. HOCH: Fifty-five pages of the "Reassigned After
4 Medical Evaluation" chart.

5 MS. O'ROURKE: I think that says "35." Excuse me.

6 MR. HOCH: Thirty-five?

7 MS. O'ROURKE: Yes.

8 MR. HOCH: It goes from stamped page 1866 through --
9 so there is no misunderstandings -- 18 -- sorry -- 1902.

10 Q Do you have all that, Mr. Krieger?

11 A Uh-huh. 1901 is missing. Oh, no, sorry about
12 that.

13 Q Okay.

14 A Yeah, I got it.

15 Q First of all, are you familiar with the letter
16 dated 9 August, '62?

17 A Yes.

18 Q That is a letter that indeed you authored and
19 wrote to Mr. Gray?

20 A Right.

21 Q The attachments, going in order, the one that
22 is marked "Incidence of Positive Chest X-ray Findings," was
23 that attachment to this letter?

24 A These were sent forward with the letter
25 (indicating).

26 Q Yes, that is what I meant.

27 A Yes.

28 Q The next page says "Supplemental" on top.

1 That too went with the letter?

2 A Yes.

3 Q And as did the 55 pages of "Reassigned After
4 Medical Evaluation"?

5 A Yes.

6 Q Concerning the chart marked "Incidence of
7 Positive Chest X-ray Findings," where did that information
8 come from, sir?

9 A The medical records and the employment records,
10 because Hetzel worked in both personnel and medical
11 department on this study.

12 Q This particular chart was part of the
13 information you asked Commander Hetzel to --

14 A Yes.

15 Q -- to do during his two-week tour?

16 A That's right.

17 Q What instructions did you give him?

18 A Well, I just told him about my doubts as to the
19 validity of the reading of the X rays, as I mentioned in
20 this letter to Gray in paragraph -- because of the
21 contradictory readings in the order -- in order to ascertain
22 who may be afflicted with asbestos, and so forth.

23 Q By "contradictory readings," you were saying
24 what, sir? You meant what?

25 A Well, if you look at the exhibits -- I can pick
26 any one of them -- you will notice on certain years all of
27 the readings were negative, and then in other years they
28 were all positive, or most of them were positive.

1 Q As part of your instructions to Commander
2 Hetzel, you instructed him to look at the medical records of
3 ladders and at their personnel files as well?

4 A I did.

5 Q That was information contained at the shipyard
6 in regular course of business --

7 A Yes.

8 Q -- at the shipyard?

9 And from the individual reports, this compilation
10 entitled "Incidence of Positive Chest X rays" were found?

11 A Yes.

12 Q Can you describe to us what the chart entitled
13 "Supplemental" was meant to show?

14 A Well, this was just a list of the fellows that
15 were already -- the workers that were already on workers'
16 comp or had applied for it.

17 But you will notice that Brewer was diagnosed as
18 emphysema; he was not receiving workers' comp. But the rest
19 of them were.

20 Q This came from information again from the
21 shipyard files?

22 A These came from my files.

23 Q Compensation --

24 A He got them from my files.

25 Q Compensation claim files?

26 A Yes.

27 Q Asking you to turn back for a moment to the
28 first chart, "Incidence" -- sorry, I missed -- missed one

1 question I did want to ask you.

2 Under the category, "Number of Employees," if you
3 add that up, according to my trusty calculator, comes to a
4 hundred and four.

5 Would that have been all of the ladders?

6 A Well, all that were studied.

7 Q Were there others that may have not been
8 studied?

9 A Oh, I'm sure there were. Those that were only
10 there a year or were apprentices, or whatever.

11 Q Now the cover letter that was sent to Mr. Gray
12 also indicates copies were sent to two codes, 700 and 956.

13 A Yeah. Dr. Robbins and Olin Meeker.

14 Q That would have been Olin Meeker was the shop
15 head -- sorry -- master mechanic of Shop 56?

16 A Yes. And 700 was the doctor.

17 Q Did you ever have any discussions with Dr.
18 Robbins concerning this letter and/or the charts that are
19 attached?

20 A I don't recall. I'm sure I did, but I don't
21 recall it.

22 Q To the best of your knowledge, this represents
23 accurate information concerning what was found in the
24 files?

25 A Yes.

26 Q Thank you, sir.

27 Did you receive some response back from the Bureau of
28 Employee Compensation after this information was forwarded?

1 A Yeah. Eventually they told me they wouldn't --
2 that they could not furnish monies for diagnostic
3 procedures.

4 Q I show you another exhibit, sir, which we will
5 mark as Plaintiff's 6, on the letterhead of the U.S.
6 Department of Labor, Bureau of Employees Compensation, dated
7 September 18th, 1962. It's a two-page letter purportedly
8 signed by somebody named A. B. Schroeder,
9 S-c-h-r-o-e-d-e-r.

10 Once again we'll ask you to take a look at it and pass
11 it over to the court reporter for marking.

12 (Whereupon the above-mentioned document is marked by
13 the notary public as Plaintiff's Exhibit 6 for
14 identification.)

15 Q BY MR. HOCH: Mr. Krieger, is this the
16 letter that was sent back to you by the Bureau of Employees
17 Compensation in response to your letter of August 9th,
18 1962?

19 A Yes, it was.

20 Q Do you recognize it as a copy of that letter,
21 bearing the signature of Mr. Schroeder?

22 A Yes.

23 Q Did you have any dealings with Mr. Schroeder
24 before this time?

25 A Oh, yes.

26 Q Can you tell us about what those dealings
27 were?

28 A Well, on sticky compensation cases I would call

1 him or go up and see him.

2 Q So you had regular communications --

3 A I did.

4 Q -- before this time?

5 In the second paragraph of this letter, second
6 sentence, it says, quote: "It's the consensus here that
7 while the medical data presented points to a significant
8 problem in industrial safety, there presently is no basis
9 for the initiation of any action by the bureau," unquote.

10 Did I read that correctly?

11 A Yes.

12 Q Did you after receiving this letter call or
13 speak to Mr. Schroeder about that comment?

14 A No. I don't think so.

15 Q Did you pursue with Mr. Schroeder or anyone at
16 that bureau further the possibility of getting funding from
17 them?

18 A No. This was my rejection.

19 Q As a result of that rejection, did you take any
20 further action in an attempt to get a medical program going,
21 as you have previously described?

22 A Yes.

23 Q What did you do, sir?

24 A I talked to Memorial Hospital -- heart and lung
25 department -- and told Dr. Ellestad, who was heading that up
26 at that time -- now, I don't know when this was, but
27 after -- I'm assuming it was after this (indicating) that I
28 got in touch with Memorial Hospital and talked to Dr.

1 Ellestad about maybe somebody coming over and reading the
2 X rays or setting up some kind of a program -- a pilot
3 program, or whatever.

4 Q Is there a reason you went to Memorial
5 Hospital?

6 A Well, it was close to the shipyard and it was a
7 community thing.

8 Q As a result of those conversations with Dr.
9 Ellestad, did -- what was done next, if anything?

10 A Well, I don't know if -- what the order would
11 be, but Dr. Ellestad and his assistant got involved in
12 coming over and reading the X rays, and then eventually
13 taking people to Memorial Hospital -- ladders -- some
14 ladders to Memorial Hospital and ran them through
15 vital-capacity tests, and came up with the diagnoses that
16 were sent back to the medical officer. And I think this
17 went on for a period of a couple years or more.

18 Q Is it correct that there was a pilot program at
19 first?

20 A Yes.

21 Q And then you sought to have funding from the
22 shipyard for a regular program?

23 A Yes.

24 Q That would have been the sequence that it
25 occurred?

26 A I would think so.

27 MR. HOCH: I would like to show the witness a
28 memorandum from Code 185 to Code 150, dated 5 June, '63,

1 two pages, with an attachment, which we will label as
2 Plaintiff's 7.

3 MS. O'ROURKE: You said two pages?

4 MR. HOCH: Two pages, plus an attachment that looks
5 like this (indicating).

6 Do you see it?

7 MS. MAHONEY: You are showing the witness three
8 pages?

9 MR. HOCH: Three pages altogether, correct.

10 MS. MAHONEY: Madam Court Reporter, on the record, I'm
11 going to object to this exhibit which has been marked as P-7
12 as hearsay within hearsay. But Mr. Hoch can question the
13 witness should he see fit.

14 THE WITNESS: Yes.

15 (Whereupon the above-mentioned document is marked by
16 the notary public as Plaintiff's Exhibit 7 for
17 identification.)

18 Q BY MR. HOCH: Have you had a chance to look
19 over that exhibit marked Plaintiff's 7?

20 A Yes.

21 Q And is that a true and correct copy of the
22 memorandum that you authored to, I guess it would be, Dave
23 Hendrickson, on 5 June, 1963?

24 A Yes.

25 Q Code 185 was your boss, Dave Hendrickson?

26 A No. Code 185 was me.

27 Q I am sorry. 150 was your boss?

28 A Yes.

1 Q Has your signature on the second page?

2 A Yes.

3 Q This contains information that you knew to be
4 true at the time?

5 A Yes.

6 Q From this memo -- should say, following this
7 memo, did the plan go forward to have the -- all the
8 insulators examined by Dr. Ellestad?

9 A This wasn't asking for all.

10 Q Was asking for which, then, sir?

11 A Dr. Ellestad is willing to give clinical
12 examination to 15 suspected cases for a fee of a hundred ten
13 dollars.

14 Q These were people who you suspected of
15 having -- possibly having asbestosis?

16 A Yes. The more -- I don't know what word I'm
17 looking for -- serious cases.

18 Q And that was in fact funded at some point in
19 time by the shipyard?

20 A I believe this was, yes.

21 Q And these people were examined by Dr.
22 Ellestad?

23 A Yes.

24 Q Were reports of those examinations returned to
25 you?

26 A No.

27 Q Do you know where they went?

28 A To the medical department.

1 Q Do you know what happened to those reports --

2 A No.

3 Q Let me finish my question.

4 Do you know what happened to those reports when they
5 went to the medical department?

6 A No, I don't.

7 Q Now, it mentions in paragraph three at the
8 bottom that this examination of these 15 suspected cases was
9 to wait, quote, "until 13 June, when the three
10 representatives from the U.S. Public Health Service are here
11 to study our asbestos problem," unquote.

12 Do you recall a visit by the U.S. Public Health
13 Service in and around 13 June, 1963?

14 A I don't.

15 Q Does the name Enterline or Cralley ring any
16 bells with you?

17 A No, it doesn't.

18 Q At some point in time, was this program with
19 Dr. Ellestad expanded to cover other ladders other than the
20 15 we talked about?

21 A Yes.

22 Q And do you recall when that was?

23 A No, I don't.

24 Q What was done for the other ladders, in terms
25 of Dr. Ellestad's examination?

26 A I believe they put them through the
27 vital-capacity test and X rays.

28 Q Is vital-capacity testing also to you

1 synonymous with pulmonary function testing?

2 A Yes.

3 Q And upon your arrival at the shipyard in 1956,
4 had Jim Sheehan run, to your knowledge, vital-capacity
5 testing on insulators?

6 A Yes, he did. Not as sophisticated as
7 Ellestad's.

8 MR. HOCH: I would like to show the witness two
9 exhibits, which we will mark Plaintiff's 8 and Plaintiff's
10 9, respectively. The first one is a letter from Dr.
11 Ellestad to Mr. Krieger, dated May 27th, 1965, which we will
12 date as Plaintiff's 8.

13 And the second is a memorandum of Mr. Krieger, dated
14 10 June, '65, which we will label as Plaintiff's 9.

15 MS. MAHONEY: We have the May 27, 1965, letter.

16 MS. O'ROURKE: That is Plaintiff's 8.

17 MR. HOCH: We are just going to cut this -- turn off
18 the tape for a second.

19 Go off.

20 (Whereupon a discussion is held off the record.)

21 (A brief recess is taken.)

22 (Whereupon the above-mentioned documents are marked by
23 the notary public as Plaintiffs' Exhibits 8 and 9,
24 respectively, for identification.)

25 MR. HOCH: We can go on.

26 Q Mr. Krieger, have you had an opportunity to
27 review Exhibit 8?

28 A Yes.

1 Q Was in fact that a copy of a letter you got
2 from Dr. Ellestad in which he proposed to do the exam for 60
3 men?

4 A Yes.

5 Q And does that date, May, '65, ring a bell with
6 you, or refresh your recollection -- to coin a legal
7 phrase -- as to the time when the exam started for a larger
8 group of insulators?

9 A Sometime after this period, yes.

10 Q And as a result of receiving this letter from
11 Dr. Ellestad, did you then author Exhibit 9?

12 A Yes.

13 Q Exhibit 9 is a true and correct copy of the
14 memorandum that you forwarded to your boss requesting
15 permission to fund the program?

16 A Yes.

17 Q And that money was funded by the shipyard?

18 A Yes, it was.

19 Q Out of industrial relations?

20 A Pardon me. As I recall, the funding was based
21 on this letter (indicating). It wasn't based on my request.
22 I wanted ten extra men in here, because I wanted five men
23 working with plastics and five men working with glass, and I
24 don't think they were funded.

25 Q So what was funded was only the insulators
26 working with asbestos?

27 A Yes.

28 Q And a copy of this memorandum went to who,

1 sir?

2 A Dr. Ellestad, the medical director, 940. I
3 can't remember who 940 was. I don't know. Oh, I know. 940
4 would have been the group superintendent. I think they had
5 grouped by that time, which meant that Meeker now had a
6 boss. And so it went to him, and then it went to Meek --
7 Mr. Meeker -- and Webb Ay.

8 Q And on the bottom of this exhibit there is some
9 printing. Is that your writing, sir?

10 A It sure is.

11 Q Can you tell me if I'm reading it correctly?
12 It says, "Webb approved, 150. Sent forward to 700 for
13 action, Cliff."

14 A Yes.

15 Q What does that mean?

16 A Well, it means that Mr. Hendrickson had
17 approved probably the \$3,000 for the study, and the money
18 would have been transferred to the medical department for
19 action, and I would be out of the picture completely. The
20 scheduling and the running of the tests and the reading of
21 the results, and so forth, would not have been my
22 bailiwick.

23 Q As far as you know, the program did go forward
24 for a time; correct?

25 A Yes.

26 Q Do you know if it was terminated at some time?

27 A Yes. I believe it was later terminated.

28 Probably the following year.

1 Q Is that your best recollection?

2 A Yes. It was picked up by the Navy -- Navy
3 hospital.

4 Q The results from Dr. Ellestad's work, do you
5 know where those went to?

6 A No.

7 Q Based on the custom and practice of the
8 shipyard, do you believe they would have gone to the medical
9 department?

10 A It would have to go to the medical department,
11 yes. The Navy is very strict about medical information
12 being between medical doctors, not laymen.

13 Q Again, based on your knowledge of the custom
14 and practice, would it have gone into the shipyard workers'
15 medical file?

16 A Yes.

17 Q Now, you mentioned that after this you believe
18 the Navy picked up this program.

19 A I believe that is true.

20 Q How do you come to that knowledge, sir?

21 A I can remember them running a station wagon
22 full of -- like four at a time -- out to the Navy hospital
23 for the vital capacity and X rays. How many went and
24 whatever, I don't know.

25 Q Do you have any knowledge, sir, as to what
26 happened to the results of those tests?

27 A No, I do not, sir.

28 Q Based upon your understanding of the custom and

1 practice of the Navy at the shipyard, do you likewise
2 believe they would have gone to the workers' medical file?

3 MS. MAHONEY: I'm going to object as speculative.

4 THE WITNESS: Either that, or if they kept a special
5 file on asbestosis.

6 Q BY MR. HOCH: That you don't know?

7 A No, I do not.

8 Q But you do believe it went to the medical
9 department?

10 A Yes.

11 Q Were you privy to any of the quarterly reports
12 filed by the medical department to Bu Med?

13 A No, I was not.

14 Q At some point in time after the program had
15 been switched to the Navy, did you receive any information
16 that workers were complaining that they weren't getting
17 results of those tests?

18 A Nothing official, no.

19 Q Something you heard at the shipyard?

20 A Webb Ay again mentioned that he didn't think
21 that they were getting the re- -- enough information.

22 Q Can we just pause for a minute, please?

23 (Interruption in the proceedings.)

24 MS. MAHONEY: When you come back on, I am going to
25 object to Mr. Krieger's last answer and move that it be
26 stricken; nonresponsive to the question.

27 Also, there is a hearsay objection associated with
28 that. Thank you.

1 MR. HOCH: Well, I'll tell you what. If you can
2 produce Webb Ay for me, I think you will get a ruling in
3 your favor, but if you can't --

4 MS. KROOP: I think we have some other situations like
5 that.

6 MR. HOCH: We have a lot of situations like that,
7 unfortunately.

8 MS. KROOP: He only died once, though, didn't he?

9 MR. HOCH: Only once.

10 MS. MAHONEY: We're on the record.

11 MR. HOCH: Would you note Mr. Hoch laughed. Yes, I
12 laughed to her embarrassment. We can go back on the tape
13 now.

14 THE WITNESS: Thank you.

15 MR. ROBBINS: Back on.

16 MR. HOCH: Did you want to put your objection on
17 tape?

18 MS. MAHONEY: No, I indicated that I thought it proper
19 for you to come back on the tape.

20 MR. HOCH: Fine. Thank you.

21 I'm sorry.

22 Q As a result of Webb Ay informing you that some
23 of the workers were complaining they didn't get results
24 back, did you take any action?

25 A No.

26 Q Do you know if anyone took any action?

27 A Yeah. Webb.

28 Q Do you know what he did?

1 A He talked to Dave Hendrickson, and that is as
2 much as I know about it.

3 Q And you know this of your own personal
4 knowledge --

5 A Yes.

6 Q -- that he did in fact talk to Dave
7 Hendrickson?

8 A Yes, I do.

9 Q In and around 1964, Mr. Krieger, did you attend
10 a conference at the New York Academy of Science where Dr.
11 Selikoff spoke?

12 A I believe that was the date, yes.

13 Q That was in New York?

14 A Yes.

15 Q Was that trip paid for by the Navy?

16 A Yes.

17 Q You had to submit some sort of paper work to
18 get approval for that?

19 A Yes.

20 Q By the way, who would have approved of that
21 trip?

22 A Dave Hendrickson.

23 Q Can you tell us what -- did you hear Dr.
24 Selikoff speak at that meeting?

25 A Yes. Yes, I did.

26 Q Did you read any reports or paper he gave at
27 that meeting?

28 A I attended all the meetings.

1 Q Do you know, sir, if there was anyone else from
2 the United States Government present at that meeting?

3 A Not to my knowledge.

4 Q Can you tell us what you learned at that
5 meeting?

6 A Mostly that asbestos was bad.

7 Q That is something that you at least had some
8 personal belief of prior to this time; was that true?

9 A Yes, but this was just affirmed by the Russians
10 and the English and the Africans. You have a copy of my
11 report from that trip. They subpoenaed it from the
12 shipyard. Yes, you did.

13 Q News to me.

14 A It's this long (indicating). The pages are
15 this long (indicating).

16 Q Well, I will have to check up on that.

17 Excuse me. After you returned from hearing Dr.
18 Selikoff speak, did you file a report?

19 A I sure did.

20 Q And was that custom and practice in the Navy to
21 do so?

22 A Yes, sir.

23 Q And do you recall what the title of that report
24 was?

25 A No, I do not.

26 Q It was a rather lengthy report?

27 A Yes, it was.

28 Q Did you attach some of the papers you had

1 received while at that meeting?

2 A Oh, yes, about 25 or 30 pages of it.

3 Q And those that you would attach, some of them
4 at least deal with asbestos?

5 A All of them.

6 Q Who --

7 A There were no other subjects discussed at this
8 meeting.

9 Q And to whom was this report given?

10 A Dave Hendrickson.

11 Q Was it carbon-copied to anyone else?

12 A I wouldn't think so.

13 Q Do you know if Mr. Hendrickson gave it to
14 anyone else?

15 A I do not know.

16 Q Do you know if Mr. Hendrickson, as part of his
17 job, had to report to his superior on trips such as the one
18 you took?

19 A No, sir.

20 Q You do not know or --

21 A I don't think he would.

22 Q Do you know if the safety department, Long
23 Beach -- strike that.

24 Are you familiar with the -- what the quarterly Bu Med
25 reports are that the medical department would have to file?

26 A No.

27 Q Did the safety department -- excuse me -- did
28 the industrial relations department and the Long Beach Naval

1 Shipyard have to file any annual, semiannual, quarterly
2 report to its parent entity in the Navy?

3 A I am sure they did. I don't know.

4 Q You don't know?

5 A (Nods his head in the affirmative.)

6 Q Do you recall any of the comments you made in
7 the report that you gave to Mr. Hendrickson?

8 A No, I don't.

9 Q Was it at or about the time that you went to
10 this meeting and heard Dr. Selikoff speak that Bill Marr
11 left the shipyard?

12 A I thought he was already gone.

13 Q May have been right -- a little bit after he
14 left?

15 A I don't remember.

16 Q Okay.

17 A Are you sure Mr. Manning wasn't there at the
18 time I went to this conference?

19 Q I'm sure, but I can't testify, unfortunately.

20 A I can't remember.

21 Q Following the departure of Mr. Marr, was there
22 a period of time when there was no industrial hygienist at
23 the Long Beach Naval Shipyard?

24 A That is true.

25 Q And the next industrial hygienist to occupy
26 that billet was who?

27 A Mr. Manning.

28 Q That is Sheldon Manning?

1 A Sheldon Manning.

2 Q Just in case we forget, just to make the record
3 clear, later on there was a regional industrial hygienist
4 named Robert Manning; is that correct?

5 A I believe he was hired -- I better not say.
6 There was a Robert Manning who was over Sheldon Manning.

7 Q Sorry. Go ahead.

8 A I thought that he came into the shipyard and
9 later became regional, but maybe he was hired as a
10 regional.

11 Q Just so there is no confusion, we'll be
12 speaking -- if we speak of "Mr. Manning," we are speaking of
13 Sheldon Manning and not Robert Manning. All right?

14 A All right.

15 Q Do you recall approximately when Mr. Manning
16 came to the shipyard?

17 A No, I do not.

18 Q During the period of time when there was no
19 industrial hygienist at the shipyard, what happened to the
20 equipment, if you know, sir, that was in the industrial
21 hygiene laboratory?

22 A The physical equipment, instruments, went to
23 the chief chemist.

24 Q Do you know where any of the other equipment
25 went to?

26 A No. All the equipment went to the chemist. I
27 got the library.

28 Q Did you get any of Mr. Marr's notes or

1 records?

2 A None. Just books.

3 Q Do you have any idea what happened to his notes
4 and records?

5 A No, I do not.

6 Q During the time that there was no industrial
7 hygienist at the shipyard, did the safety department fill in
8 as industrial hygienist?

9 A No. We handled complaints. We even
10 investigated complaints along with the laboratory personnel.
11 Nobody in the safety office was qualified as an industrial
12 hygienist, so we couldn't be -- we couldn't take tests, and
13 we couldn't run experiments or investigations -- industrial
14 hygiene investigations -- and so forth. The chemistry
15 department did do some studies on ventilation, acids, and so
16 forth, that I recall, because I happened to call them in on
17 those -- I called them in on the particular complaints, like
18 in the plating shop, and so forth.

19 Q Was -- to your knowledge, sir, did anyone
20 during the time period when there was no industrial
21 hygienist at the Long Beach Naval Shipyard do any dust
22 samplings relative to asbestos concentrations?

23 A That I can answer: There was nobody qualified
24 to do it.

25 Q During the time there was no industrial
26 hygienist at the shipyard, who was the head of the medical
27 department?

28 A I think it was Dr. Watkins.

1 Q George Watkins?

2 A George Watkins.

3 Q Do you know, sir, if there was a requirement
4 placed upon the Long Beach Naval Shipyard by the Navy or the
5 United States Government in general to take dust samplings
6 periodically for asbestos during this time when there was no
7 industrial hygienist there?

8 MS. MAHONEY: Objection.

9 THE WITNESS: I don't recall.

10 Q BY MR. HOCH: Sometime in 1967, did you again
11 attend some sort of meeting where Dr. Selikoff spoke?

12 A Yes.

13 Q Can you tell us where that was?

14 A Chicago.

15 Q And what kind of meeting it was?

16 A It was the national convention of the Heat,
17 Frost, Insulator Workers of America.

18 Q That is also known as the asbestos workers
19 union?

20 A Yes.

21 Q And did someone else accompany you there?

22 A George Watkins.

23 Q And do you recall the substance -- strike that.
24 Did you hear Dr. Selikoff speak?

25 A Yes.

26 Q Do you recall the substance of what he talked
27 about?

28 A Yeah. The fact that asbestos was dangerous,

1 and he laid an awful lot of emphasis on smoking, and
2 practically guaranteed that if you smoked and worked with
3 asbestos that you would get mesothelioma.

4 Q Did you and Dr. Watkins have the opportunity to
5 meet Dr. Selikoff and chat with him informally?

6 A Yes. We had two meals with him.

7 Q Was asbestos and asbestos health problems
8 discussed?

9 A Yes. That is all Dr. Selikoff ever talks
10 about.

11 Q Do you recall anyone else who may have come
12 with you from the shipyard to that meeting?

13 A Webster Ay and maybe -- I don't know. I think
14 maybe one other member from the local.

15 Q Charlie Carmines?

16 A I think that sounds -- yeah.

17 Q As a result of -- strike that.

18 After you and Dr. Watkins returned back from the
19 asbestos workers union meeting, do you recall within the
20 next six months or so any changes in any safety or health
21 practices dealing with asbestos occurring at the shipyard?

22 A Well, I think it was as a result of the trip
23 back East that Watkins hired Sheldon Manning as the
24 industrial hygienist.

25 Q Anything that was done thereafter concerning
26 asbestos control was as a result of that billet being filled
27 and Mr. Manning functioning as industrial hygienist?

28 A Yes.

1 MS. MAHONEY: I'm going to object, if I may --

2 MR. HOCH: Sure.

3 MS. MAHONEY: -- to the question --

4 MR. HOCH: Any time.

5 MS. MAHONEY: -- as being extremely vague and
6 ambiguous. I'm just objecting to the form.

7 MR. HOCH: Okay. I'm not hurt.

8 Q Are you familiar, Mr. Krieger, with a document
9 entitled -- I've got to find it -- "Department of the Navy
10 Safety Precautions for Shore Activities"?

11 A Yes, I am.

12 Q I would like to show the witness this and label
13 it as plaintiff's next in order, which is number 10, and the
14 one I intend to use has -- bears the logo of NAVSO P-2455,
15 April, 1965, two-page document.

16 MS. O'ROURKE: 1960?

17 MR. HOCH: '65.

18 MS. MAHONEY: Is there a seal on the one you are
19 using?

20 MR. HOCH: No. The one without the seal.

21 MS. KROOP: How many pages?

22 (Whereupon a discussion is held off the record.)

23 MR. HOCH: Take a look at that Mr. Krieger, and then
24 please hand it to the court reporter and mark it as
25 Plaintiffs Exhibit 10.

26 (Whereupon the above-mentioned document is marked by
27 the notary public as Plaintiff's Exhibit 10 for
28 identification.)

1 (Whereupon a discussion is held off the record.)

2 MS. MAHONEY: Madam Court Reporter is ready.

3 While Mr. Krieger is looking at what we have marked --
4 or you have marked -- as P-10, I will put on the record an
5 objection to the use of this exhibit, because we appear to
6 have a cover page to a document which is larger than the
7 isolated page which we have here. So out of context, I must
8 object to the use of the document.

9 MR. HOCH: Well, I understand that. I was going to
10 say that unfortunately we only have these two pages.
11 However, it would seem rather absurd to put in all 20-plus
12 chapters of this to ask a single question I have. But I'm
13 sure the government will be more than happy at the time of
14 trial to provide the court with a full and complete copy of
15 all 20-odd chapters of this volume.

16 MS. MAHONEY: I guess the problem is, Mr. Hoch, that
17 the page numbers at the bottom doesn't identify that the
18 page comes from the document which purportedly is introduced
19 by the cover sheet.

20 MR. HOCH: Oh, I understand that. I just said, you go
21 back to your office and look at it, you will see that it
22 will. But I'm sure I can clear this up with the witness.

23 Q Have you had a chance to look at that, Mr.
24 Krieger?

25 A Yes, I have.

26 Q Are you familiar with the document entitled
27 "Department of the Navy Safety Precautions for Shore
28 Activities"?

1 A Yes.

2 Q Is that something that was used at the Long
3 Beach Naval Shipyard?

4 A Yes.

5 Q And was it used as of April, 1965?

6 A Well, no. Sometime after that. My guess would
7 be six to eight months later.

8 Q All right.

9 What is NAVSO P-2455, if you know?

10 A I have -- I don't know. Evidently something to
11 do with industrial relations.

12 Q This was something that was promulgated --
13 excuse me. Was this something that was promulgated by the
14 Department of Navy Industrial Relations Department -- or
15 Division?

16 A Looks like it yes.

17 Q And this would be a document that would filter
18 down to the Long Beach Naval Shipyard?

19 A Yes.

20 Q Now --

21 A All naval activities.

22 Q All naval activities.

23 Now, if you will turn to the second page of the
24 exhibit, marked page 20-22, in the middle of the page we
25 find the title "Dusts."

26 Do you recall this page -- strike that.

27 Do you recall first this type of information appearing
28 in the safety precautions for shore activities?

1 A Yes.

2 Q This was a rather voluminous document, was it
3 not?

4 A Quite large.

5 Q Can you give us an estimate?

6 A Thirty chapters, probably.

7 Q About how many pages would that be? Just an
8 estimate.

9 A It -- my guess, estimate, 800.

10 Q And what did it deal with?

11 A Everything.

12 Q What do you mean by "everything"?

13 A How to cut the lawn and how to spray the
14 shrubbery and how to put a scaffold up. And, as you can see
15 here, radioactive material, mercury, zinc (indicating).
16 Each chapter was devoted to some different subject. For
17 instance, if this would come into the shipyard --

18 MS. MAHONEY: I'm going to object at this point, Mr.
19 Krieger. I don't believe there is a question here. I think
20 Mr. Hoch wants you to -- there is no question on the floor,
21 and you are starting to just talk.

22 Q BY MR. HOCH: When this document was received
23 by industrial relations department at the shipyard, what was
24 done with it?

25 A It would be distributed to all codes in the
26 shipyard.

27 Q The entire volume?

28 A Yes.

1 Q And was this done on a regular basis?

2 A As often as it was published.

3 Q And would it be supplemented at that time of
4 distribution with local -- I mean -- what I mean by "local,"
5 I mean promulgated from the Long Beach Naval Shipyard
6 instructions or comments concerning what the industrial
7 relations department of the Navy has set down.

8 A At some later date it was.

9 Q Do you recognize page 20-22 as dealing with
10 asbestosis?

11 A I can read it, yes.

12 Q Do you recognize -- do you have a recollection
13 this was vintage 1965?

14 A Well, see, this would have been for action by
15 Code 700. This is not traumatic. This is not safety.
16 Unfortunately, the safety department in Washington mixed the
17 two together. Not unfortunately; that is the way it worked.
18 But then we would pick out -- the departments would pick out
19 what applied to them.

20 Q So if this volume as published in 1965 did in
21 fact come to Long Beach Naval Shipyard and it contained what
22 I will -- what is represented on page 20-22, the sum total
23 of the volume, including that, would have gone to the
24 shipyard --

25 MS. MAHONEY: Objection; speculative.

26 Q BY MR. HOCH: -- to the medical department?

27 A Yes.

28 MS. MAHONEY: Objection; speculative.

1 Q As you sit here right now, you don't
2 specifically recall receiving this specific (indicating)
3 document, though?

4 A I don't recall it, but we would have gotten a
5 whole publication in the safety office, but so would the
6 medical department, so would the production officer. That
7 is all I'm trying to put across.

8 Q That is fine. I just want to know where it
9 went and how it came in.

10 MS. MAHONEY: All I am trying to say, Mr. Krieger,
11 is -- when I object, is when you speculate, again I don't
12 think the judge wants to hear your assumptions or your
13 speculations. So when we have "woulds" or "ifs," I don't
14 think that is giving the type of evidence to the court that
15 the evidence needs -- that the court needs.

16 MR. HOCH: I will clean that up. We have to change
17 the tape, so we will take a minute break or so.

18 Off the record.

19 (Whereupon a discussion is held off the record.)

20 MR. HOCH: Go back on.

21 MR. ROBBINS: You're back on.

22 Q BY MR. HOCH: In the normal course and practice
23 of the Long Beach Naval Shipyard, Mr. Krieger, in and around
24 1965, you would receive the document -- you would
25 receive from the industrial relations department of the Navy
26 a large multivolume document entitled "Department of the
27 Navy Safety Precautions for Shore Activities."

28 A Yes.

1 Q And in and around that same time period, it
2 was the custom and practice of the industrial relations
3 department to send that to other departments within the
4 shipyard; correct?

5 A Yes.

6 Q And one of the other departments that you would
7 send it to would be the medical department?

8 A Yes.

9 Q Now, during Mr. Manning's time at the shipyard,
10 did you and he at any time interact on the subject of
11 asbestos and asbestos control?

12 MS. MAHONEY: I'm going to object, unless Mr. Krieger
13 can give us some time frame with Mr. Manning.

14 MR. HOCH: My question was at any time while Mr.
15 Manning was at the shipyard, so it doesn't matter when he
16 was there.

17 MS. MAHONEY: I will still object to the form as
18 vague.

19 MR. HOCH: Doesn't cost anything.

20 Q Go ahead.

21 A I can't answer the question, anyway. I would
22 have to assume that we would. We worked together.

23 Q Well, let me put it this way. Do you have any
24 specific recollections of you and he working on any project
25 relative to asbestos control?

26 A No. We did not.

27 Q If Mr. Manning wanted to schedule a meeting
28 with the insulators, did he have to go through the

1 industrial relations department?

2 A Yes, he did.

3 Q Would he have normally then come to you?

4 A Yes.

5 Q Do you have a recollection of him doing that?

6 A Yes. I did attend the asbestos meetings with
7 him.

8 Q So he would have come to you to ask you to
9 schedule meetings wherein he could talk about asbestos?

10 A He would come to me to ask the training
11 department to schedule the meetings.

12 Q And that was the training department's
13 function?

14 A Yes.

15 Q And in fact some of those meetings were held?

16 A Oh, yes.

17 Q And you attended those meetings?

18 A Yes.

19 Q Do you recall when the first meeting was?

20 A Right after Manning came aboard. Probably
21 within a month.

22 Q Subsequent to that first meeting, were there
23 additional meetings as long as Mr. Manning was still at the
24 shipyard?

25 A Oh, yes.

26 Q Now, during Mr. Manning's term at the shipyard,
27 did he ever complain to you about problems he was having
28 functioning as industrial hygienist?

1 MS. MAHONEY: Objection. Objection.

2 MR. HOCH: That is two. She gets two for the price of
3 one.

4 THE WITNESS: Yes, he was unhappy with his job.

5 Q BY MR. HOCH: Can you tell us what he
6 complained to you about?

7 MS. MAHONEY: Objection.

8 THE WITNESS: They leaned on him -- Robert Manning.

9 Q BY MR. HOCH: Can you --

10 A I have no specific situations.

11 Q That is the phrase he used to you?

12 A They didn't get along very well.

13 Q Did Mr. Manning ever complain to you about lack
14 of equipment?

15 MS. MAHONEY: Objection.

16 THE WITNESS: I don't recall that.

17 Q BY MR. HOCH: Did he ever complain to you about
18 lack of assistance or support from the medical department?

19 MS. MAHONEY: Objection.

20 THE WITNESS: Yeah. Secretarial, and he had no
21 assistance for field work.

22 MR. HOCH: Excuse me.

23 Q At some point in time, Mr. Krieger, did you
24 become familiar with a NAVSHIPS instruction which was
25 numbered 5100.26?

26 A I don't know.

27 Q I would like to show you that instruction,
28 which we will mark as Plaintiff's Exhibit 11, and ask you

1 to take a look at it and see if it refreshes your
2 recollection.

3 MS. O'ROURKE: Is there a date on that?

4 MR. HOCH: The date is 9 February, 1971.

5 MS. MAHONEY: We appear to be missing page 8, Mr.
6 Hoch. Let me take a look. Yours is also missing page 8.

7 MR. HOCH: Olney is page 7.

8 Oh, I see.

9 MS. MAHONEY: So we agree, the record should reflect
10 this exhibit jumps from page 7 to page 9.

11 MR. HOCH: Yes, so stipulated.

12 Q Again I will ask you to review it and provide
13 it to the court reporter for marking.

14 (Witness complies.)

15 (Whereupon the above-mentioned document is marked by
16 the notary public as Plaintiff's Exhibit 11 for
17 identification.)

18 Q BY MR. HOCH: Have you had a chance to review
19 that?

20 A Yes.

21 Q Mr. Krieger, does that refresh your
22 recollection as to tihs particular instruction?

23 A Yes.

24 Q And did you become familiar with it on or about
25 9 February, 1971?

26 A Yes.

27 Q Do you recall how you became familiar with it?

28 A When it came through my office and I read it.

1 Q At the time you received this instruction
2 and you read it over, do you recall whether or not you made
3 any attempt to ascertain whether or not at that time this
4 shipyard was in compliance with this instruction?

5 A I don't remember.

6 Q Was this an instruction, to your knowledge,
7 that the shipyard was ordered to comply with -- required to
8 comply with?

9 A Yes.

10 Q It was?

11 A The shipyard would have been ordered to come up
12 to compliance with this, but it should have been done
13 between the shop and the industrial hygienist.

14 Q This particular instruction didn't have any
15 particular bearing on the safety department, did it?

16 A No.

17 Q So it wouldn't have been in your sphere of
18 responsibility to see that it was followed up?

19 A No. It would have been the production officer
20 and the medical officer.

21 Q Do you know whether or not the production
22 department and the medical department upon receipt of this
23 did take the actions referred to?

24 MS. MAHONEY: Objection.

25 THE WITNESS: I don't remember.

26 Q BY MR. HOCH: In 1972, did you visit the Puget
27 Sound Naval Shipyard?

28 A Yes.

1 Q What was the purpose of that visit?

2 A I think it was about asbestos and general
3 subjects. It must have been asbestos, because I went up
4 with Webbie Ay.

5 Are we through with this (indicating)?

6 Q Yes.

7 A I went up with Webb Ay, so it must have been
8 asbestos.

9 Q As a result of that visit, did you recommend to
10 anybody at the shipyard that certain changes in procedures
11 be accomplished and certain equipment be bought?

12 A I believe we went up there with the idea of
13 looking at some ventilation and some downdraft tables.

14 Q And --

15 A And I believe we made that recommendation.

16 Q Those downdraft tables and ventilation were
17 used where, sir?

18 A Puget.

19 Q I am sorry. In what part of the Puget Sound
20 Shipyard?

21 A In the -- what I call the pad department.

22 THE REPORTER: Called what?

23 THE WITNESS: Pad, p-a-d.

24 Q BY MR. HOCH: Is that where they made asbestos
25 pads?

26 A Yes.

27 Q These were made by ladders?

28 A Yes.

1 Q It was in one of the shops?

2 A In the 56 shops, yes.

3 Q Did the Long Beach Naval Shipyard have such a
4 shop?

5 A Yes.

6 Q Did they have the same type of ventilation that
7 they had at Puget Sound?

8 A No.

9 Q What was the difference?

10 A Well, the Puget, as I recall, they were
11 stainless steel tables with downdraft -- with holes on the
12 table and the draft would go down through -- the ventilation
13 would go down through. I think ours was overhead.

14 Q Was an updraft?

15 A Yes. And we used wetting process. See, they
16 worked theirs dry; we worked ours wet.

17 Q Did you also recommend purchasing of vacuum
18 cleaners?

19 A Yes.

20 Q What was -- what kind of vacuum cleaners and
21 why the need to purchase them?

22 A For cleaning up, Sears Roebuck type.

23 Q Cleaning up what?

24 A Asbestos dust.

25 Q Do you know if those were ever purchased?

26 A I don't remember that they were.

27 Q Were vacuum cleaners used at all to clean up
28 asbestos dust at the Long Beach Naval Shipyard at the time

1 you made the recommendation to purchase them?

2 A I think everything was wet down and swept up.

3 Q Did it ever come to your attention, sir, that
4 there was -- strike that.

5 At some point in time, did it come to your attention
6 that the Navy had ceased ordering asbestos-containing
7 products for use at the shipyard?

8 A I don't remember that.

9 Q Do you recall that there may have -- the Navy
10 at some point in time wanted to purge asbestos from their
11 supply system?

12 A Again, I don't remember that.

13 Q Let me show you, sir, an exhibit which we'll
14 mark now as Plaintiff's 12. It's a memorandum from you,
15 dated 13 November, 1974, one page. Perhaps it will refresh
16 your recollection.

17 MS. MAHONEY: One page, Mr. Hoch?

18 MR. HOCH: One page.

19 MS. MAHONEY: Yes, we have it. Thank you.

20 MR. HOCH: I will show it to the witness and we will
21 ask him to review it and hand it to the court reporter to be
22 labeled.

23 MS. MAHONEY: Madam Court Reporter, which is the
24 number, the next --

25 THE REPORTER: Twelve.

26 MS. MAHONEY: Thank you.

27 THE WITNESS: This is impossible to read. I'm sorry.

28 Q BY MR. HOCH: Okay. Let me show you --

1 A My glasses aren't that good.

2 Q Let me show you another copy that perhaps is
3 clearer. And I will make a copy of that and give it to the
4 court reporter.

5 Is that clearer, sir?

6 A Yes, much better. Yes.

7 (Whereupon the above-mentioned document is marked by
8 the notary public as Plaintiff's Exhibit 12 for
9 identification.)

10 Q BY MR. HOCH: Mr. Krieger, is that your
11 signature at the bottom of the page?

12 A It is.

13 Q Is this a true and correct copy of the memo
14 offered by you on 13 November, 1974?

15 A Yes.

16 Q This paragraph marked number 2, you state,
17 quote: "A current problem exists in that asbestos material
18 continues to be stocked, ordered, and used, even though
19 acceptable substitutes are available," unquote.

20 Can you explain, sir, whether or not that refreshes
21 your recollection as to at that time whether there was some
22 order or rule by the Navy that they did not want to have
23 asbestos products stock ordered and used at the shipyard?

24 A Let me understand that.

25 MS. MAHONEY: Would you like him to restate the
26 question, sir?

27 THE WITNESS: Are you saying did the Navy have a
28 policy of not ordering asbestos products?

1 Q BY MR. HOCH: At that time.

2 A At that time? Evidently not.

3 Q Was it -- for what purpose, then, is this
4 phrase included in your memorandum?

5 A I start the paragraph out by saying, "The Navy
6 continues to stock, order, and use asbestos products in
7 spite of the fact that there are substitutes available."

8 Q And were you attempting -- what were you
9 attempting to tell somebody by that statement?

10 A I wanted the shipyard to -- commander to come
11 up with a policy saying, "Don't use any asbestos products."

12 Q To the time that you left the shipyard, do you
13 know if that policy was issued?

14 A Well, this was written about -- ten days before
15 I left the shipyard.

16 Q So at least no action took place, that you
17 know, within those ten days?

18 A I don't even know if this was ever answered.

19 Q Did it come to your attention before this time
20 that both asbestos and non-asbestos-containing materials
21 were stocked and ordered under the same stock number?

22 MS. MAHONEY: Objection.

23 THE WITNESS: Yes.

24 Q BY MR. HOCH: How did you come to that, sir?

25 A Well, many, many -- over a period of years, we
26 objected to the fact that the two types of products were
27 under the same stock number.

28 Q So this was knowledge that you had going back

1 a few years, many years in the shipyard?

2 A Yes.

3 Q Was Webb Ay still alive when you left the
4 shipyard?

5 A I asked my wife that this morning. I really
6 can't remember when he died.

7 Q If you answered, she would say it was hearsay.

8 A I went to visit him in the hospital every day,
9 and when I went from the shipyard -- or the university, I
10 don't remember. I will tell you one thing, though, that
11 memo (indicating) -- this memo (indicating) -- was a result
12 of Webb Ay and I looking at this product.

13 Q Well, let me go back --

14 A So, then, maybe he was alive. I don't know.

15 Q Let me go back.

16 MS. MAHONEY: You looked at one product?

17 THE WITNESS: This memo is the basis of Webbie and I
18 look -- finding asbestos-containing material and
19 non-asbestos-containing material stacked and stocked
20 together.

21 Q BY MR. HOCH: Even though Counsel asked the
22 question, I'm sure they will object later on when we use it,
23 so I will ask you, what prompted you to write this memo,
24 sir, Plaintiff's Exhibit 12?

25 A I just said it: Webbie Ay brought me down to
26 look at it.

27 Q Brought you down to look at what, sir?

28 A To the asbestos-containing material that was

1 still in the shipyard, newly ordered in the shipyard.

2 Q Did he tell you that it was his understanding
3 that they weren't to use it any more?

4 MS. MAHONEY: Objection.

5 THE WITNESS: Webbie would only have taken me down
6 there to prove his point that we were still getting asbestos
7 products in the shipyard.

8 Q BY MR. HOCH: Was this memo sent to the supply
9 department?

10 A It sure was.

11 Q And to production department?

12 A Yes.

13 Q And to the medical department?

14 A Nope. Can I tell you who it went to?

15 Q Yes, please, sir, a lot easier than me
16 guessing.

17 A Well, it was production, and the second is
18 supply, and 920 group, which would be all of the
19 metal-working departments -- the 930 group, which would be
20 the machinist-type groups, Code 200 was planning, and Code
21 400 was, I believe -- 400 -- I believe it was the shipyard
22 maintenance, public works department-type people.

23 Q Mr. Krieger, did the asbestos workers have a
24 locker room in which they changed in -- let me finish my
25 question -- I want to talk about the time period between
26 1970 and the time you left the shipyard.

27 A Yes.

28 Q Had that been the same locker room facility

1 they had in the sixties?

2 A No.

3 Q When did the change take place?

4 A About early seventies.

5 Q In the sixties, can you describe to us --
6 strike that.

7 In the sixties, had you ever been to that locker
8 room?

9 A Yes, sir.

10 Q Can you describe to us its physical dimensions
11 and facilities?

12 A Well, it was quite large, probably contained
13 about 300 lockers, with benches -- an ordinary locker room.
14 Now, that wasn't for just the pipe coverers; it was for
15 the -- all of Shop 56.

16 Q And that would have been for other trades other
17 than the ladders?

18 A Yes. Pipe fitters.

19 Q But these were all men that dealt with
20 asbestos-containing products?

21 A No, the pipe fitters would normally not be
22 messing around with it.

23 Q Would the ladders and the pipe fitters ever be
24 in that same locker room together changing work clothes?

25 MS. MAHONEY: Objection.

26 THE WITNESS: Yes, they would.

27 Q BY MR. HOCH: And did you actually observe that
28 occurring?

1 A Yes.

2 Q On more than one occasion?

3 A No. On the occasion that I used to recommend a
4 new locker room.

5 Q You went in there for -- for an inspection of
6 some type?

7 A Just went in to see what the situation was and
8 went back and recommended a new locker room.

9 Q This was in the late sixties?

10 A Yes. No. Yeah. All right. Or early
11 seventies.

12 Q The reason for your recommendation?

13 A So that we could dish -- at that time we had
14 ordered protective clothing -- in the late sixties -- we had
15 ordered protective clothing, individual respirators to be
16 issued twice a day, coveralls (indicating), booties, like
17 that. I think we had throwaway gloves. So we wanted a
18 separate room where they could go in and put their clean
19 clothes and throw these -- you could only wear this
20 protective gear once.

21 Q And did you make that recommendation to
22 somebody

23 A Yes. I think I made it to Mr. Meeker, and I
24 think he complied. I know he complied, or somebody
25 complied.

26 Q Another facility was made available?

27 A Yes.

28 Q Do you know when it was made available?

1 A No.

2 Q Was it made available prior to your leaving the
3 shipyard?

4 A Yes.

5 Q Can you describe the changes that were made
6 or --

7 A Just they were separate -- we put a tool
8 room -- an issue room in there to issue the clean clothing
9 and to gather the contaminated clothing, and they had a
10 clean and dirty locker each, and they were segregated -- it
11 was built onto the building on -- as an addition to the
12 regular locker room.

13 Q This was done sometime between '70-'74?

14 A Late sixties to whenever.

15 Q "To whenever"; you mean to sometime when you
16 left?

17 A Yes.

18 Q You are specifically unsure of when that
19 occurred?

20 A (No response.)

21 Q Yes, you are specifically unsure?

22 A Yes.

23 Q Mr. Krieger, when, if at all, did it come to
24 your attention that trades other than ladders may be exposed
25 to asbestos in concentrations that could conceivably prove
26 to be harmful to them while working at the shipyard?

27 MS. MAHONEY: Objection to the form.

28 THE WITNESS: After I left the shipyard.

1 Q BY MR. HOCH: And how did that knowledge come
2 to your information? I should say, how did that information
3 come to your knowledge?

4 A Well, having just left the shipyard, naturally
5 I had a lot of contacts who told me what was going on in the
6 shipyard, and I showed an interest in those days, so it was
7 all word of mouth.

8 MR. HOCH: Excuse me. Thank you. I have no further
9 questions at this time.

10 Do you want to take a break now?

11 MS. MAHONEY: I would like to take a break.

12 MR. HOCH: Sure. Off the record.

13 (Whereupon a discussion is held off the record.)

14 MR. ROBBINS: You are back on.

15

16 EXAMINATION

17 BY MS. MAHONEY:

18 Q Mr. Krieger, I'll identify myself on the
19 record and --

20 (Interruption in the proceeding.)

21 MS. MAHONEY: Are you ready, Madam Court Reporter?

22 I was in the process of identifying myself, Mr.
23 Krieger. My name is Jane Mahoney. I'm a lawyer with the
24 Department of Justice. I represent the United States. I'm
25 going to ask you some questions about the questions Mr. Hoch
26 put to you and perhaps some others.

27 As I understand your testimony earlier today, you
28 signed on at Long Beach Naval Shipyard in May of 1956?

1 A Yes.

2 Q As a safety superintendent?

3 A Yes.

4 Q You had a career with the Navy at the

5 Philadelphia Naval Shipyard and at the Naval Station in

6 Philadelphia?

7 A Naval Supply Depot -- Naval Aviation Supply

8 Depot.

9 Q Philadelphia?

10 A In Philadelphia.

11 Q Before you came out to Long Beach?

12 A Yes.

13 Q Before that you worked for Bethlehem Steel?

14 A Yes.

15 Q Before you graduated from high school?

16 A Eventually, yes.

17 Q When you arrived at Long Beach Naval Shipyard,

18 could you tell us what your understanding was of your job

19 duties as superintendent at Long Beach Naval Shipyard.

20 A To set up a safety program for the shipyard

21 employees involving traumatic injuries.

22 Q As opposed to some other type of injury?

23 A As opposed to health hazards.

24 Q Would health hazards include systemic

25 illnesses?

26 A Yes.

27 Q Did your duties involve working with medical

28 officers at Long Beach Naval Shipyard?

1 A Yes.

2 Q Gas-free engineers?

3 A Yes.

4 Q Radiation safety engineers?

5 A Yes.

6 Q With the security department for driver
7 training?

8 A No.

9 Q With the rigging department for testing trains?

10 A Cranes.

11 Q Cranes?

12 A No.

13 Q With the diving office?

14 A Yes.

15 Q When you were at Long Beach, none of your
16 responsibilities included making sure that the men who were
17 driving trucks in the yard were driving properly and
18 safely?

19 A No, that was the security department.

20 Q You never testified to that effect on your
21 deposition given in the Beauregard case?

22 A I cannot answer that. I probably did.

23 Q When you got to the shipyard in 1956, would you
24 agree that the first hazard that you were confronted with on
25 the yard in terms of safety was sandblasting and whether or
26 not silica was a factor or hazard in sandblasting operations
27 at Long Beach Naval Shipyard at that time?

28 A That was one of the problems.

1 Q Did you determine with the help of the
2 industrial hygienist that it was not a problem and that it
3 was granite and not silica?

4 A No. That was with the chemistry department.

5 Q What was the result of your investigation?

6 A That there was less than one percent silica in
7 the ground-up granules -- granite.

8 Q You worked with the chemistry department on
9 that?

10 A Yes.

11 Q Did you also in your early years at Long Beach
12 Naval Shipyard work on hearing problems, have anything to do
13 with hearing problems?

14 A I processed the claims for workers'
15 compensation on the hearing.

16 Q Would you agree that most of your first year as
17 a safety officer in Long Beach Naval Shipyard was spent with
18 safety issues that dealt with lines on the deck, electrical
19 lines?

20 A That was a big problem.

21 Q Electrical hazards?

22 A That was a big problem, yes.

23 Q Whether or not the ladders which the men were
24 using were safe and secure?

25 A Yes.

26 Q And just overall electrical wiring involving
27 the many operations at the shipyard?

28 A I think that it would be better to clarify what

1 we are talking about. We are talking about oxygen lines,
2 acetylene lines, electrical lines, high-pressure air lines,
3 and fresh-water lines, potable-water lines, saltwater fire
4 lines, telephone lines -- all of these things unfortunately
5 were on the deck where you walk, so it just wasn't
6 electrical lines.

7 Q All these lines came within your jurisdiction
8 as a safety -- as the safety superintendent at Long Beach?

9 A To get them out of the walkways.

10 Q So that the men wouldn't trip on them or that
11 they would not malfunction?

12 A That's right.

13 Q You were then concerned with the safety of the
14 workers at Long Beach Naval Shipyard?

15 A Yes.

16 Q From the first day that you arrived there, that
17 was your concern?

18 A Yes.

19 Q The safety of the men --

20 A Yes.

21 Q -- and women working there?

22 A Yes.

23 Q Do you feel you did a good job while you were
24 at Long Beach Naval Shipyard?

25 A Yes.

26 Q Did you receive certain citations from the
27 Secretary of the Navy applauding your performance while you
28 were at Long Beach Naval Shipyard?

1 A Yes. I had over 20 Secretary of Navy safety
2 awards for achievement in safety and two civilian
3 meritorious awards, which is the second highest award you
4 can get for a civilian.

5 Q Who awards that award, Mr. Krieger?

6 A Secretary of the Navy.

7 Q You received those awards in the years 1964 and
8 1966?

9 A No. I'm talking about from the time I was
10 hired until the time I retired. I'm talking a 30-year
11 span. The 20 -- over 20 safety -- Secretary of Navy safety
12 awards are only given annually, so I must have missed about
13 eight years.

14 Q Out of your 31 years --

15 A Yes.

16 Q -- with the government?

17 I believe you told us earlier that when you arrived at
18 Long Beach Naval Shipyard that there were weekly stand-up
19 safety meetings.

20 A Yes.

21 Q And that these safety meetings were conducted
22 by the supervisors?

23 A Yes.

24 Q Did you attend those safety meetings?

25 A No.

26 Q You played some part in seeing what was
27 discussed at those safety meetings?

28 A I furnished the bulletin for them to use at the

1 stand-up safety meeting.

2 Q And as far as you can tell today, you exercised
3 your best judgment on a week-to-week basis as to what was a
4 hot topic to be discussed at any given meeting?

5 MR. HOCH: Counsel, insofar as that question calls for
6 an opinion -- because you have already said this man isn't
7 here as an expert; you tried to preclude me from asking
8 those questions -- I would likewise object. If inasmuch as
9 you are framing a hypothetical question, it's an incomplete
10 hypothetical question, and on that ground I also object.

11 MS. MAHONEY: Thank you.

12 MR. HOCH: And if in fact you are also propounding
13 this question as an expert, there is no foundation. All of
14 those I don't think are true, since I think your objection
15 to mine was spurious, but if we are going to say it, we'll
16 say it.

17 MS. MAHONEY: I will rephrase my question.

18 Q Mr. Krieger, did -- what influenced -- what
19 activities at the shipyard influenced what type of
20 memorandum or whatever type of memorandum you gave to the
21 supervisors week by week?

22 A Well, the first part of the memorandum was a
23 review of the more serious accidents for the week before,
24 and any observations the safety inspectors had made on their
25 tours as to what they thought was dangerous, whether it
26 would be not wearing hard hats or whether the people weren't
27 wearing their ear plugs, or that type of thing.

28 Q Could you give us some idea of the various

1 types of injuries which occurred, to your knowledge, during
2 the, say, first two to three years of your tenure as
3 superintendent at Long Beach Naval Shipyard of a traumatic
4 nature?

5 A No.

6 Q You can't tell me the people broke their legs?

7 A Yes. People broke their legs and their feet
8 and their hands. It's a fact that parts of the body are
9 broken; for instance, fingers are number one (indicating).
10 In the United States, people hurt their fingers more than
11 they do any other part of their body. We were no exception.
12 We had finger injuries, we had hand injuries, we had head
13 injuries, feet injuries. We had broken bones from falls
14 down ladders and falls into the dry dock, this type of
15 thing.

16 But to tell you, you know, we may be talking about six
17 or seven hundred accidents.

18 Q And during your tenure at Long Beach Naval
19 Shipyard, I believe accidents were reduced by 60 percent
20 while you were there

21 A They were reduced quite a bit, yes. I would
22 think so.

23 Q In order to do that -- in order to reduce them
24 to this level, to what do you attribute your success?

25 A Well, part of it would be the education program
26 that we put on, along with the publicity, and a lot of it
27 would depend on how strong the commanding officer was at the
28 time.

1 Q Did equipment play any part in your success?

2 A Oh, of course.

3 Q Are we talking about hard hats?

4 A No. We are talking about, for instance, the
5 Navy went from hammering scaffold together with wood to
6 Tube, T-u-b-e, Lox, L-o-x -- Tube Lox staging, which means
7 this is steel staging that is bolted together and is very
8 secure. This was a heck of an improvement.

9 So as the technique of the worker increased, safety
10 became more prevalent.

11 Q Do you have a philosophy on safety, Mr.
12 Krieger?

13 A Yeah. I believe in education.

14 Q You believe in engineering out the hazards of
15 any given product?

16 A Yes. That is the most important part of
17 safety.

18 Q The engineering out the hazards?

19 A Yes.

20 MR. HOCH: I will just interpose an objection to the
21 last two questions; don't want to ruin your train of thought
22 on the videotape, but same objections as stated before as,
23 quote, expertness, unquote. If you wish to withdraw yours,
24 I will withdraw mine.

25 Q BY MS. MAHONEY: This is your personal
26 philosophy --

27 A Yes.

28 Q -- on safety?

1 And you have had over a 31-year career in safety?

2 A And more like 41 years.

3 Q Let me ask you this: When you were at Long
4 Beach Naval Shipyard, with what frequency did you visit Shop
5 56?

6 MR. HOCH: Objection; vague as to time.

7 THE WITNESS: I don't know. Probably ten times a
8 year.

9 Q BY MS. MAHONEY: In any given year during your
10 tenure at Long Beach Naval Shipyard, with what frequency did
11 you go on board ships which were undergoing what we call a
12 ripout?

13 A Once.

14 Q Once in your whole tenure there?

15 A (Nods his head in the affirmative.)

16 Q Were ripouts ever performed on land? Are you
17 aware of ripouts being performed on land?

18 A I don't think I understand.

19 Q I will withdraw the question.

20 How many men were at Long Beach Naval Shipyard in any
21 given time? I believe you gave an estimate to Mr. Hoch
22 while you were there -- total population at the yard.

23 A Yeah, I said seven to nine thousand.

24 Q And that it could be up to nine thousand or
25 down to seven thousand during your tenure there?

26 A Or probably lower, yes.

27 Q And the number of insulators that you are aware
28 that were on the yard or at the yard at any given time

1 during your tenure there?

2 A Well, I told Mr. Hoch that there were a hundred
3 and sixty, but after seeing the studies we made, or the
4 memos I wrote, it was closer to a hundred (indicating)
5 insulators, just going by one of the exhibits that I read
6 (indicating).

7 Q Okay.

8 A In the Dr. Ellestad letter.

9 Q Okay. I'm going to ask you your personal
10 knowledge, though. You would have estimated higher --

11 A I would have estimated 160, and I was evidently
12 wrong.

13 Q When you arrived at Long Beach Naval Shipyard,
14 I believe you have stated that there was a medical program
15 in existence at the Long Beach Naval Shipyard.

16 A Medical program?

17 Q A medical program.

18 A Yes.

19 MR. HOCH: Objection; vague and ambiguous and
20 unintelligible.

21 Q BY MS. MAHONEY: Well, I also believe you also
22 stated that the insulators or the pipe coverers were --
23 received X-ray examinations when you arrived there.

24 A Yes.

25 Q Did you, Mr. Krieger, when you arrived, look at
26 any of the files of the industrial hygienist when you
27 arrived?

28 A I don't believe so, no.

1 Q You did become concerned about insulators and
2 pipe coverers while you were there?

3 A Yes.

4 Q And you did take steps to secure what you felt
5 was -- for lack of a better word -- better medical treatment
6 for these insulators?

7 A Not medical treatment. Medical diagnoses.

8 Q Medical diagnoses? I'm trying to remember -- I
9 believe you referred to a document which was marked by Madam
10 Court Reporter as Plaintiff's Exhibit P-5. Do you recall
11 that? It's the (indicating) --

12 Does someone have the exhibit?

13 A That's all right. I know what it is. The
14 Hetzel report?

15 Q The Hetzel report. If you would look at P-4
16 again.

17 A (Witness complies.) What number is that?

18 Q P-4, Plaintiff's Exhibit Number 4.

19 A (Witness complies.) Got it.

20 Q Do you have it? Okay. Dated 3-16 June, 1961;
21 is that correct?

22 A Yes.

23 Q Do you remember that Mr. Hoch asked you, does
24 the 3-16 June, 1961 represent the two-week period that
25 Victor Hetzel was at Long Beach Naval Shipyard?

26 A Yes.

27 Q And do you remember that you stated that he was
28 on a rotating tour and he came into the shipyard for only

1 two weeks?

2 A Yes.

3 Q And that you had him write this while he was
4 there on that two-week stint?

5 A Yes.

6 Q And then you looked at P-5, which is dated
7 August 9, 1962 --

8 A Yes.

9 Q -- and you attributed this -- what we have
10 described -- what Mr. Hoch has described as a 55-page report
11 which lists the X-ray examinations to Commander Hetzel
12 also -- now, if he rotated in for only two weeks in 1961,
13 could you tell me how he could have written this document
14 (indicating) and done the research on these diagnoses?

15 A I don't --

16 Q Look at the "Reassigned After Medical
17 Evaluation."

18 A (Witness complies.) Yes.

19 Q You have attributed them -- you have said these
20 are the work of Victor Hetzel.

21 A Yes. That's what I said.

22 Q If Victor Hetzel was only at Long Beach from
23 June 3rd, 1961, to June 16, 1961 --

24 A Yes.

25 Q -- that is what you told Mr. Hoch earlier
26 today; is that correct?

27 A Yes, that is what I said.

28 Q And then we looked at P-5, which is dated

1 August 9, 1962 --

2 A Yes.

3 Q -- and that is a letter you are writing to Mr.
4 Gray, sending him your compilation of information regarding
5 Long Beach Naval Shipyard employees; is that correct?

6 A Yes.

7 Q You attributed the attachments to that letter
8 to Victor Hetzel?

9 A Yes. That is what I said.

10 Q Would you look at it again. Did Victor Hetzel
11 prepare the attachments to your letter dated August 9,
12 1962?

13 A Well, he either prepared them or they were
14 prepared for his benefit, assembled them.

15 Q Did he rotate back into Long Beach Naval
16 Shipyard?

17 A No. I don't understand.

18 Q Okay. I'm wondering --

19 A He was there in 1961 of June. A year and some
20 months later I write to Gray using his information.

21 Q Okay. I am just wondering if it's your
22 testimony that he did prepare the attachments to the August
23 9, 1962, letter that you wrote to Mr. Gray?

24 A To the best of my knowledge, yes.

25 Q Do you remember, Mr. Krieger, that you gave a
26 deposition in the Richard E. Beauregard case, a case in
27 which Johns-Manville Products Corporation is a named
28 defendant, and that you gave that deposition on June 22,

1 1979?

2 A Yes.

3 Q And do you remember that you were questioned
4 about this letter that you wrote to Mr. Gray --

5 A No.

6 Q -- and the enclosures?

7 Do you have the deposition Counsel?

8 MR. HOCH: No, I don't.

9 MS. MAHONEY: Okay.

10 MR. HOCH: But if you are going to read from page 161
11 or thereabouts, I know what is on it.

12 Q BY MS. MAHONEY: Now, put this in some type of
13 context.

14 You were questioned in that deposition that "The
15 letter you have in front of you, which is Exhibit 355, you
16 had a chance to decipher that letter over the break, to the
17 best of your ability, haven't you?"

18 The answer was "Yes."

19 "Having now read it, does it refresh your recollection
20 about why it was written?"

21 Answer, "Yes."

22 "And tell us why it was written."

23 Answer, "I can read the first line or two, which says,
24 'At your request we compiled the enclosed information
25 regarding the Long Beach Naval Shipyard employees known to
26 have been exposed to asbestos and its related products and
27 so forth,'" end of quote.

28 Would you -- could you take out P-5 again, Mr.

1 Krieger?

2 A (Witness complies.) Yes.

3 Q Would you read the first paragraph of that
4 letter, please, aloud, please.

5 A "At your request we compiled the enclosed
6 information regarding Long Beach Naval Shipyard employees
7 known to have been exposed to asbestos and its related
8 products in the work of insulating or preparing materials
9 for insulation."

10 Q Then your answer went on, "This then brings to
11 mind the fact I made the assignment for the study to Mr.
12 Patterson that we discussed earlier."

13 Do you recall Mr. Patterson?

14 A Yes.

15 Q Who is Mr. Patterson?

16 A He was my assistant.

17 Q Can you remember now who prepared this report?

18 A Evidently not.

19 Q You told Mr. Hoch earlier -- you told the court
20 that it was the enclosures attached to this letter to Mr.
21 Gray which triggered or was one of the triggering factors in
22 the Ellestad program at Long Beach Naval Shipyard.

23 A The refusal of Gray to cooperate with us led to
24 us finding a different way to get the diagnosing done.

25 Q So you went to Dr. Ellestad?

26 A Yes.

27 Q And this was funded by the Long Beach Naval
28 Shipyard?

1 A Yes.

2 Q In 1964 you went to a conference at which Dr.
3 Selikoff spoke?

4 A Yes.

5 Q And this was funded by Long Beach Naval
6 Shipyard?

7 A Yes.

8 Q No one said you could not go?

9 A No.

10 Q And then in 1967 you again traveled to hear Dr.
11 Selikoff in Chicago?

12 A Yes. I guess those are the dates, yeah.

13 Q This was funded by Long Beach Naval Shipyard?

14 A Yes.

15 Q And I believe earlier in your testimony you
16 stated you were able to travel East with Mr. Meeker?

17 A Yes.

18 Q And you visited various shipyards?

19 A Yes.

20 Q And this was funded by Long Beach Naval
21 Shipyard?

22 A Yes.

23 Q And this was part and parcel of your
24 responsibilities as safety officer --

25 A Yes.

26 Q -- to accumulate information which would help
27 the safety of the men and women at Long Beach Naval
28 Shipyard?

1 A Yes.

2 Q All right.

3 You spoke to Mr. Hoch about a 1974 memo which you
4 wrote concerning you and Mr. Ay having found
5 asbestos-containing products at Long Beach Naval Shipyard.

6 A Yes.

7 Q Are you aware, Mr. Krieger, of a project known
8 as the Philadelphia Study, F.A.287?

9 A I don't recognize that.

10 Q Are you aware of a project called the Asbestos
11 Elimination Substitution Personnel Protection Program,
12 started by the Navy?

13 A I don't recall it.

14 Q Do you have anything to with specifications,
15 Mr. Krieger?

16 A None whatsoever.

17 Q Did you have anything to do with procurement?

18 A None.

19 Q When you at any of those meetings in 1964 --
20 when you were at the meeting in 1964, did you talk to any
21 representative from Johns-Manville?

22 A No, I did not.

23 Q Did anyone from Johns-Manville get up at those
24 meetings and tell the members -- not the members -- the
25 people in attendance at those meetings that their products
26 were hazardous?

27 MR. HOCH: Just for clarification, what meeting are we
28 talking about?

1 MS. MAHONEY: 1964.

2 MR. HOCH: What meeting? The one with Selikoff?

3 MS. MAHONEY: Sorry, the one that Mr. Krieger
4 testified to in 1964.

5 MR. HOCH: New York Academy of Science?

6 MS. MAHONEY: The one you mentioned, Mr. Hoch, in your
7 direct --

8 MR. HOCH: Talked about a lot of meetings. There are
9 a lot of things occurred in 1964. I object to your question
10 as being vague as to time. I just don't know what you are
11 talking about.

12 MS. MAHONEY: Thank you for giving me a chance to
13 rephrase.

14 Q I believe when you were answering questions for
15 Mr. Hoch you indicated that you went to a meeting in New
16 York in 1964 at which Dr. Selikoff spoke.

17 A I believe that is true, yes.

18 Q And at that meeting, did any representative of
19 Johns-Manville take the podium and warn the people in
20 attendance at that meeting of the hazards of
21 Johns-Manville's products?

22 A I don't recall, no.

23 Q If they had done so, would you have brought the
24 word back to the shipyard?

25 A I brought the report of the meeting back to the
26 shipyard and gave part of it to Webbie Ay and part of it --
27 and a copy of it to Webb Ay and a copy of it to the medical
28 department.

1 Q So if Johns-Manville had started putting
2 warnings on its products in 1964 and had been at that
3 meeting and told you that, you would have brought that
4 information back to the shipyard?

5 A Yes, I would.

6 MR. HOCH: Just object; assumes a fact not in
7 evidence.

8 Q BY MS. MAHONEY: In 1967, again at the expense
9 of the Long Beach Naval Shipyard, you attended another
10 meeting in Chicago?

11 A Yes.

12 Q Were there any members of the asbestos
13 manufacturing industry at that meeting?

14 A Not to my knowledge.

15 Q So you --

16 A They would have had to be invited. It was a
17 union meeting, and they selected their own speakers. And
18 Selikoff was a very popular speaker in those days.

19 Q Did any representative of Johns-Manville stand
20 up at that meeting and warn the people or advise the people
21 present at that meeting of the hazards of its product?

22 MR. HOCH: Objection; assumes a fact not in evidence.

23 THE WITNESS: I -- not to my knowledge.

24 Q BY MS. MAHONEY: You told Mr. Hoch that it was
25 at that meeting that Dr. Selikoff stressed that workers --
26 that asbestos workers should not smoke?

27 A Yes.

28 Q Is that the meeting -- is that the first time

1 you heard the word "mesothelioma"?

2 A No, but that is the first time that he
3 emphasized the smoking in connection with asbestos work. In
4 those days -- I'm trying to think what the figures are, but
5 there is something like one case of mesothelioma in 10,000.
6 But where asbestos workers are concerned, it was six cases
7 of mesothelioma in 10,000. And this is what he was dwelling
8 on, I think.

9 Q Was there ever a time, Mr. Krieger, when you --
10 no, strike that. I withdraw the question.

11 Give me a moment and I will look at my notes.

12 At any time in your career as a safety officer, did
13 Johns-Manville discuss with you the health hazards related
14 to exposure to asbestos?

15 A No.

16 Q They didn't come to the yard and talk to you?

17 A No.

18 Q I think that may be about it, Mr. Krieger.
19 Give me one more moment.

20 Make you think back to approximately the beginning of
21 Mr. Hoch's examination -- don't flip that page -- when he
22 was asking you about the business of Long Beach Naval
23 Shipyard and about the types of U.S. vessels which were
24 repaired at Long Beach. Could you go over the list of -- of
25 U.S. Naval vessels that you were aware of that were
26 repaired? Not by name, but type.

27 A And try to be as accurate as I was the first
28 time? Battleship.

1 Q Battleship?

2 A Aircraft carrier, all sizes; cruisers, light
3 and heavy; destroyers and destroyer escorts; auxiliary
4 vehicle -- auxiliary ships -- which might be oil skimmers,
5 tugs, LST's -- you name it. If it wasn't a submarine, we
6 had it.

7 Q No submarines?

8 A No submarines. The pink submarine is in --
9 anchored outside the Long Beach Naval Shipyard; they use it
10 for making movies.

11 Q No submarines.

12 Now, let me ask you this: You had a lot going on when
13 you were safety officer at Long Beach Naval Shipyard?

14 A Yes.

15 Q And you -- in the beginning of my examination,
16 I tried to -- I'm trying to give the court some idea of how
17 many different safety issues you were confronted with as the
18 safety superintendent in Long Beach Naval Shipyard, and I
19 went through you worked with medical officers and you worked
20 with gas engineers and you worked with other people in the
21 yard. And we went through electrical hazards and
22 entrance-and-exit hazards and welding fumes and gas fumes,
23 things like that.

24 Can you, as you look at your 18 years at Long Beach
25 Naval Shipyard, tell me what percentage of your time you
26 spent on asbestos-related matters?

27 A Something less than one percent. A small
28 percentage of one percent.

1 Q What is your opinion of Bill Marr as a
2 professional?

3 MR. HOCH: Objection.

4 Q BY MS. MAHONEY: Bill Marr --

5 MR. HOCH: Objection.

6 THE WITNESS: Excellent.

7 MR. HOCH: Excuse me.

8 MS. MAHONEY: Sorry.

9 THE WITNESS: Excellent.

10 MR. HOCH: Objection, inasmuch as it calls for expert
11 opinion, Counsel. I just want to remind you, he may be a
12 fine fellow, but --

13 Q BY MS. MAHONEY: You had an opportunity to
14 observe William Marr at work at Long Beach Naval
15 Shipyard --

16 A Yes.

17 Q -- is that correct?

18 And I think you were unclear as to when he arrived at
19 the yard.

20 A That's right. I was unclear.

21 Q Can you give me a ballpark figure of how many
22 years he was at Long Beach while you were at Long Beach?

23 A Well, I was at Long Beach all the time he was
24 there.

25 Q Okay.

26 A Because I was -- Sheehan was there when I got
27 there.

28 Q Uh-huh.

1 A And my guess would be that within the two-year
2 period -- sometime within a two-year period Sheehan left and
3 Marr came in, and I have no idea -- I can't remember how
4 long Marr was there.

5 Q But from your observation of him as a fellow
6 professional, in your judgment he was excellent?

7 A Yes.

8 Q And you knew Sheldon Manning?

9 A Yes.

10 Q He also was an industrial hygienist?

11 A Yes, he was.

12 Q You had occasion to observe his work at Long
13 Beach Naval Shipyard?

14 A Yes.

15 Q When you went up to Puget Sound on that trip in
16 1971 or 1972 --

17 A Yes.

18 Q -- can you give us an idea -- can you compare
19 for me the relative sizes of shop 56 at Puget Sound
20 vis-a-vis Shop 56 at Long Beach?

21 A No. I would think they would be comparable.

22 Q Did you look at Shop 56 up there?

23 A Oh, yes, I spent some time up there.

24 Q But you can't --

25 A I can't remember that.

26 Q -- make a ballpark --

27 A No. But I -- my guess would be that since the
28 shipyard is comparable in size at that time, that they --

1 Shop 56 was probably the same size.

2 Q Mr. Krieger, if men who worked in Shop 56 in
3 the sixties were to say -- were to say to this court that
4 amosite was effectively eliminated from the yard in the
5 1960's, would you call them liars?

6 MR. HOCH: Well, that is a --

7 THE WITNESS: I couldn't call them anything. I don't
8 remember.

9 Q BY MS. MAHONEY: Do you have any reason to
10 doubt that?

11 A No.

12 Q Would they be in a better position to observe
13 what they were using in the shop than you were?

14 A Yes.

15 (Whereupon a discussion is held off the record.)

16 MS. MAHONEY: One final question. I'm not going to
17 ask those.

18 Q Based upon your experiences as a safety
19 officer, 18 years at Long Beach Naval Shipyard, do you think
20 that the Navy was on the whole a safety-conscious
21 organization?

22 A Yes.

23 MS. MAHONEY: I have no other questions. Thank you.

24

25 EXAMINATION

26 BY MR. HOCH:

27 Q Mr. Krieger, will you look again at exhibit --
28 Plaintiff's Exhibit 5, since there seems to be something

1 that disturbs Counsel about that.

2 Now, the attachments there -- particularly the
3 55-page -- when I was talking to you and asking you
4 questions, you thought it was done by -- originally done by
5 Commander Hetzel; correct?

6 A That is what I thought.

7 Q According to the deposition transcript that
8 Counsel read to you, it referred to one of your assistants,
9 Mr. Patterson; correct?

10 A That is what it evidently testified to.

11 Q Now, this was written some 22 years ago?

12 A Yes.

13 Q And is it correct that you just don't have a
14 specific recollection of who prepared that 55-page
15 document?

16 A If this had its binder on it and had been kept
17 intact, then I would know. My recollection is that maybe
18 Patterson prepared some of this information and fed it to
19 Vic Hetzel.

20 Now, Vic Hetzel did not come into my office and work
21 for two weeks to give me two pages of information in two
22 weeks. That's why I said that I thought that Vic Hetzel did
23 it.

24 Q Regardless of who may have prepared it or even
25 if --

26 A It came out of my office, and I'm responsible
27 for the whole thing.

28 Q And the material there came from the medical

1 records and the personnel records of Long Beach Naval
2 Shipyard?

3 A Exactly.

4 Q It was done at your direction and control and
5 supervision?

6 A Yes.

7 Q Mr. Krieger, Counsel asked you whether or not
8 anyone from J-M ever came to talk to you. Did you ever go
9 to talk to anyone from J-M?

10 A I made one trip to a company -- an asbestos
11 company -- in San Pedro, to look at the way they were
12 handling insulation materials. Who that company was, I do
13 not know, but Webb Ay and I went over to see how they were
14 venting their saws, and this sort of thing.

15 Q Okay.

16 A But it was in San Pedro, and they were
17 preparing the round (indicating) pipe covering sections.
18 That's it.

19 Q You don't remember anything else other than
20 that?

21 A No, I don't.

22 Q All right. But you didn't pick up the phone
23 and call Johns-Manville or write them a letter?

24 A No.

25 Q Okay.

26 Now, after you had gone to Dr. Selikoff's meeting in
27 New York in 1964 and heard what he had to say and had the
28 experience that you did have with the compensation claims at

1 Long Beach, to that point did you have a personal belief
2 that consistent -- did you have a personal belief that you
3 had a full understanding of what the asbestos hazard was as
4 a lay person to insulators at the Long Beach Naval Shipyard?

5 MS. MAHONEY: Objection as to form.

6 THE WITNESS: I knew before I went to New York that
7 asbestos was dangerous, because I had compensation cases to
8 prove it, where we had run biopsies on the men's lungs and
9 found the particles in there.

10 So when I went to New York, all I got was
11 reaffirmation that asbestos was dangerous.

12 Q BY MR. HOCH: And at the time that you had this
13 knowledge, you were a government employee of the United
14 States Navy; is that correct?

15 A That's right.

16 Q And you didn't need a manufacturer to stand up
17 at that meeting and tell you that asbestos could be
18 dangerous; that's what Dr. Selikoff and his other doctors
19 were doing; right?

20 MS. MAHONEY: Objection.

21 THE WITNESS: Yes.

22 Q BY MR. HOCH: And you came back to the Long
23 Beach Naval Shipyard with this information, and, as you told
24 us, you made a report to your superior?

25 A Yes.

26 MR. HOCH: Thank you, Mr. Krieger. No other
27 questions.

28 MS. MAHONEY: I may have one or two more, Mr. Krieger.

1 Just a moment.

2

3

EXAMINATION

4 BY MS. MAHONEY:

5 Q I would just like to determine when you arrived
6 at Long Beach Naval Shipyard in 1956 that certain insulators
7 and pipe coverers were being X-rayed at the shipyard?

8 A Yes. Prior to my arrival.

9 Q Prior to your arrival. And they were receiving
10 pulmonary function tests or vital-capacity tests?

11 A Yes.

12 Q Now, do you recall how many times a year they
13 were given those tests?

14 You are referring to P-5 and its enclosures?

15 A Well, I just opened this up to see -- here is a
16 man had chest X rays in '52, then in '54, then in '56, then
17 in '57, two in '58, one in '59, one in '60, two in '61, and
18 so forth, and so forth, and so forth.

19 Q So it could be twice a year or it could be once
20 a year?

21 A Yeah.

22 Q At least that gentleman it seemed to be.

23 So if you had testified in the Hogard trial that the
24 men were receiving them twice a year, that would be
25 consistent with the document you are looking at now?

26 MR. HOCH: Well, I object to that, Counsel, that, A,
27 possibly could misstate his testimony; vague, ambiguous,
28 unintelligible, not giving any time frame. It's as close

1 to an unethical question as I could possibly think of.

2 MS. MAHONEY: What --

3 MR. HOCH: As close to unethical as I could possibly
4 think of, as phrased.

5 Q BY MS. MAHONEY: Mr. Krieger, do you remember
6 that you testified in a case called Richard J. Hogard
7 against Johns-Manville Products Corporation?

8 A Would you believe that I don't remember that?

9 Q You don't remember that?

10 A I can see that it was quite a testimony, but I
11 don't remember being there.

12 Q All right.

13 A Does the judge understand I'm 70 years old and
14 a little senile?

15 Q He understands that. I understand it. There
16 was testimony -- I have the trial transcript here, which I
17 will show Mr. Hoch, and there is indication in the
18 testimony -- I believe it's line 10, is it, Mr. Hoch? You
19 have it now. -- that you testified that the men were
20 X-rayed twice a year at the time you arrived at Long Beach
21 Naval Shipyard?

22 A Well, there are indications that some of them
23 were.

24 Q Good. That is the only thing I was trying to
25 establish.

26 THE WITNESS: Could we have a copy of that made?

27 (Whereupon a discussion is held off the record.)

28 MR. HOCH: Just so I understand, you are taking the

1 position that this comment is discussing the time when he
2 first came to the shipyard?

3 MS. MAHONEY: You have the deposition now, Mr. Hoch,
4 if I can look at it again.

5 MR. HOCH: I will return it back to you.

6 MS. MAHONEY: Sorry. I ask the court's indulgence.
7 I believe the question is, Mr. Hoch --

8 MR. HOCH: No, no, no. I know what he said there. I
9 want to know if the question you asked him and he responded
10 to --

11 MS. MAHONEY: I am sorry. Yes, I am assuming when I
12 say 1956, and Mr. Krieger has said he signed on in 1956,
13 that that would mean to him at the time he came to Long
14 Beach Naval Shipyard. And the question in the Hogard trial
15 that was put to you was:

16 Question, "And at the time you came on there, was
17 there in existence or -- well, during the period of time,
18 was there an X-ray program at the Long Beach Naval
19 Shipyard?"

20 Your answer was, "Yes, there was."

21 Question, "Can you describe that X-ray program for
22 us?"

23 "A. Prior to my coming there?"

24 Question, "Right, at the time, as you found it in 1956."

25 Answer was, "X rays were given, I believe, every six
26 months, only to those people involved with pipe covering and
27 insulation."

28 And then the question was, "Do you know, was that the

1 program that was in existence as of the time you came
2 there?"

3 And your answer was, "Yes."

4 That is all I'm asking you.

5 A Fine. I'm glad the word "I believe" is in
6 there.

7 Q Okay. And I am asking you, do you -- I'm
8 reading your testimony in, that's all.

9 MR. HOCH: I will stipulate that that is the testimony
10 from the trial.

11 MS. MAHONEY: Very good. I think we may have one
12 other question, and that will be it.

13 Q When we were discussing the 1964 conference and
14 the 1967 conference -- specifically the 1967 conference at
15 which Dr. Selikoff spoke -- did you feel when you attended
16 that meeting that Dr. Selikoff was the spokesman for the
17 asbestos industry?

18 A For the asbestos industry?

19 Q As regards to exposure to thermal insulation,
20 exposure to thermal insulation and its health hazards.

21 A No. My opinion is that Dr. Selikoff was not a
22 spokesman for the asbestos industry; he was a spokesman for
23 the worker types.

24 MS. MAHONEY: Okay. Thank you. I have no other
25 questions.

26 MR. HOCH: Nothing further. Can we have the same
27 stipulation we had on the Workman deposition?

28 MS. MAHONEY: I don't know. Can you read this thing?

1 Will you be able to read this thing?

2 THE WITNESS: Read what thing?

3 MS. MAHONEY: Read the deposition and sign it.

4 MR. HOCH: It will be long, but --

5 THE WITNESS: I'll sign it, but I'm not going to read
6 it.

7 MS. MAHONEY: Would you have difficulty reading a
8 transcript of this length?

9 THE WITNESS: Hell, yes. I'll sign it.

10 MS. MAHONEY: Well, I don't think that's appropriate,
11 to sign it unless you have read it. The point of the
12 signing is -- means that you have read it and what is
13 recorded there is accurate.

14 THE WITNESS: Did I sign that thing you have in front
15 of you?

16 MS. MAHONEY: This is from the trial.

17 THE WITNESS: Did I sign that thing?

18 MS. MAHONEY: You don't -- This is what a stenographer
19 in a court of law -- in court put down.

20 THE WITNESS: Would you believe I don't remember being
21 at that damn thing?

22 MR. HOCH: I have no problems with it. The only
23 problem I have is if there is some -- although I know this
24 would never happen with this court reporter -- but
25 occasionally there may be a transcription or word error, and
26 we do want to have a clear record.

27 MS. MAHONEY: Let's go off the record.

28 MR. HOCH: Let's go off the record.

1 (Whereupon a discussion is held off the record.)

2 MR. HOCH: Let's go back on both.

3 MR. ROBBINS: You're back on.

4 MR. HOCH: Having had a discussion off the record, I
5 think we are going to stipulate that in order to make it
6 easier for Mr. Krieger, when the deposition transcript is
7 completed by the court reporter, if she will hold the
8 original, send copies marked "Draft" to both the government
9 and ourselves, we will take it upon ourselves to read it and
10 review it, and any questions that we mutually have, we'll
11 get in contact with Mr. Krieger, and on those specific
12 questions ask him either to read it or we'll read it to him
13 and notify each other of what -- and the court reporter of
14 what the corrections will be, if any. And at that point in
15 time, the court reporter will then put out a final copy, an
16 original, and that will be deemed to be the copy to be used
17 at all times.

18 MS. MAHONEY: I ask --

19 MR. HOCH: Waive signature, et cetera?

20 MS. MAHONEY: No ex parte -- if I may use that
21 expression -- exchanges with Mr. Krieger. I think we should
22 review these things, Mr. Hoch, and then go with a joint --
23 if there are any questions --

24 MR. HOCH: Fine.

25 MS. MAHONEY: -- questions to Mr. Krieger --

26 MR. HOCH: Fine. Agree that within, say, 15 days of
27 receipt of the now-considered-to-be-draft transcript, you
28 and I will discuss it and we will draft a mutual letter to

1 Mr. Krieger, or conference call, or whatever.

2 MS. MAHONEY: Is that acceptable to you, Mr. Krieger?

3 THE WITNESS: Yes, fine.

4 MR. HOCH: We will waive signature, and everything
5 else; correct? Say "correct."

6 MS. MAHONEY: Yes, yes.

7 MR. HOCH: You've got to.

8 Thank you.

9 (The deposition adjourns at 4:55 p.m.)

10 I declare under penalty of perjury that
11 the foregoing is true and correct.

12 Executed at _____, _____,
13 on _____
14 CITY STATE

15 _____
16 CLIFFORD V. KRIEGER
17
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1
2 STATE OF CALIFORNIA) SS
3
4

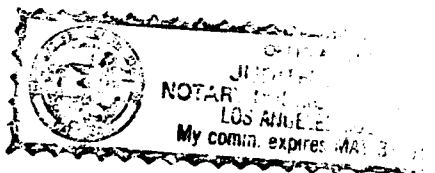
5
6 I, JUDITH E. THIEL, CSR, a
7 Notary Public in and for the State of California, do hereby
8 certify:

9 That, prior to being examined, the witness named in
10 the foregoing deposition was by me duly sworn to testify the
11 truth, the whole truth and nothing but the truth.

12 That said deposition was taken down by me in shorthand
13 at the time and place therein named and thereafter reduced
14 to typewriting under my direction.

15 I further certify that I have no interest in the event
16 of the action.

17
18 WITNESS my hand and seal this 27th day of
19 October, 19 84.
20



Judith E. Thiel
JUDITH E. THIEL, CSR #2618, CP
Registered Professional Reporter

Notary Public in and for
the State of California.

QUESTIONS THE WITNESS WAS INSTRUCTED NOT TO ANSWER

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→ Lee Polk

2

IN THE
UNITED STATES CLAIMS COURT

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U. S. CLAIMS COURT

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

Civil No. 465-83C

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

Civil No. 688-83C

JOHNS-MANVILLE CORPORATION, et al.,)

Plaintiffs,)

v.)

UNITED STATES OF AMERICA,)

Defendant.)

Civil No. 1-84C

STIPULATION REGARDING VIDEOTAPE DEPOSITIONS

IT IS HEREBY STIPULATED and agreed, by and between plaintiffs Johns-Manville Corporation and Johns-Manville Sales Corporation and defendant United States of America, that any depo-

sitions, in the above-captioned action may, at the request of either party, be videotaped. The parties so agree upon the condition that each such videotaped deposition shall be conducted according to the procedures and requirements set forth herein.

1. The request that a deposition be videotaped may be contained in the notice of deposition which shall describe with reasonable particularity the matters on which the deponent will be examined.

2. At least three business days before commencement of the deposition, the party noticing the deposition shall furnish to the other party copies of any documents used by the witness to refresh his memory before testifying and copies of any documents to be used or referred to by the witness while testifying. At least one business day before commencement of the deposition, the opposing party shall furnish copies of any documents which it intends to use or refer to during cross-examination of the witness. Failure strictly to comply with this provision shall not preclude use of a document or the opportunity to adduce testimony related to a document as long as a good faith effort has been made to comply and the omission was not intentional nor reasonably avoidable.

3. All such documents shall be marked for identification prior to commencement of the deposition.

4., All documents marked for identification for depositions in this action shall be numbered consecutively; plaintiff's exhibits shall be marked P-1, P-2, etc. and defendant's exhibits shall be marked D-1, D-2, etc. Before or after each deposition, all exhibits shall be bound in sturdy covers suitable to withstand frequent use and handling and bearing an appropriate identification label. Plaintiff's and defendant's exhibits will be bound in covers of different colors. Each document within any volume of bound exhibits shall be separated with a divider with a numbered tab corresponding to the number of the exhibit. Exhibits shall not be attached to the stenographic transcripts but such transcripts shall contain an index to documents referred to during the examination of the witness and citations to the pages of the transcript where such testimony appears.

5. Videotaped deposition shall be simultaneously recorded by stenographic means by a competent and duly qualified person.

6. The party requesting that a deposition be videotaped shall be responsible for providing all necessary equipment for the videotape recording at the date, time and place scheduled for the deposition and shall bear all costs of the original videotape recording.

7. At a reasonable time prior to commencement of a videotape deposition, the party requesting that the deposition be videotaped shall provide to opposing counsel the qualifications

of the person or persons to operate the equipment they propose to use, including (a) the number of years such person has operated the equipment; (b) any challenges in the past which have been made to his or her qualifications to operate the videotape equipment; (c) an approximation of the number of depositions the operator has videotaped; (d) a statement as to whether any videotaped deposition which the operator has taken has been excluded at any subsequent hearing or trial on grounds dealing with or relating to the improper taking or recording of the deposition; and (e) a description of the videotape equipment which will be used including the make, model and manufacturer.

8. The videotape recording shall be in color.

9. One-half inch, two-hour cassette, VHS equipment shall be used to record the deposition.

10. Only such lighting as may be required for the purposes of accurately making a videotape recording of the deposition shall be employed.

11. The audio recording equipment, including lapel microphones, mixer and audio recorder, shall be of sufficient capacity to insure an accurate audio record not only of the testimony of the witness but of objections which counsel may interpose.

12. Only the deponent will appear on the video recording. The deponent will wear ordinary, business attire and will appear in a sitting position in front of a plain background. No

full length view will be employed. The video camera shall be fixed at approximately the same level as the witness' head and shoulders and at an appropriate distance so as to avoid distortion. The camera field of vision shall remain stationary at all times during the deposition, and will not pan or zoom such as to alter the image size or the apparent distance between the camera and the witness or any other person at the deposition; provided, however, that the camera field may be shifted and refocused to include any chart, model, or other demonstrative evidence used to illustrate or explain a witness' testimony, but only during such time as the testimony is directed to such chart, model, or other demonstrative evidence. Once the witness and videotape operator are sworn, and counsel have had a reasonable opportunity to approve the field of view on a video monitor and the audio and video recording of the appearances of counsel, there shall be no changes in camera angle, lighting, field of view or sound levels.

✓ 13. Before the witness is sworn, the videotape operator shall take an oath, on camera, before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held in the following form:

I solemnly swear that I will accurately and completely record all of the proceedings in this action in connection with the deposition of [state deponent's name] and in accordance with all of the provisions set forth in the Stipulation Regarding Depositions entered into by the parties hereto on [insert date].

14. Only the parties, their counsel and persons necessary to conduct the deposition or to assist the parties and counsel shall be permitted to attend any deposition.

15. All persons in attendance at the deposition shall identify themselves and, when applicable, their client for the stenographic record.

16. The attorney conducting examination or cross-examination of the witness shall identify himself on the videotape and audio recording before commencement of the deposition and before the witness is sworn.

17. The swearing or affirming of the witness shall be recorded by videotape after the appearances of counsel are recorded.

18. The videotape recorder shall run continuously throughout the deposition from beginning to end. Videotaping shall not be discontinued during colloquy among counsel.

19. Only one counsel may examine, cross-examine or interpose objections during the examination of a witness. If a deposition is adjourned for good cause or by mutual consent and cannot reasonably be reconvened at a time when or place where the examining attorney reasonably can attend, a different attorney may complete the deposition.

20. Except as otherwise herein provided, examination and cross-examination of the witness shall proceed as permitted at the trial under the provisions of the Federal Rules of Evidence.

21. Except as to claims of privilege or claims that the examination of the witness is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or a party, all objections to the examination of the witness except as to the form of the questions and answers shall be reserved. Except as to a claim of privilege or an instruction to the witness to refuse to answer a question, evidence objected to shall be taken subject to the objections which shall be reserved for the trial judge.

22. In the event of a disagreement among counsel with respect to the conduct of a deposition subject to this stipulation and as a condition precedent to the suspension of the deposition upon a demand pursuant to Rule 30(d) of the Rules of the United States Claims Court, counsel shall be required in good faith to confer to resolve such differences and, in the event that they cannot, the objecting party or deponent may apply to the Claims Court for an appropriate order by telephone and shall provide the opposing party a fair opportunity to participate.

23. The original videotape cassettes shall be delivered to the custody of the party noticing the deposition who shall maintain them securely and without alteration or modification of any kind. Upon request of a party, one or more copies shall be made by or at the direction of the videotape operator before delivery of the original and any such copy shall be accompanied

by a certificate of the videotape operator that it is a true and complete record. After delivery of the original videotape cassettes, the custodial party shall, upon request, provide a copy at the expense of the requesting party or a reasonable opportunity to view the original, or both, and shall deliver them to the Court upon request.

24. The deponent shall not be required to view the videotape recording of the deposition.

25. A copy of any part or all of the videotape recording shall be made by or pursuant to the instruction and supervision of the videotape operator at the request of a party at its expense under conditions which assure that the original videotape recording is not altered or damaged in any manner.

26. A copy of any part or all of the stenographic transcript shall be made by the stenographic reporter at the request of a party at its expense.

27. Any party may require that the deponent, within 30 days after completion of the stenographic transcript, read the stenographic transcript of his or her deposition, record any changes in form or substance which the witness desires to make upon separate sheets of paper with a full and complete statement of the reasons for making them, which sheets shall be affixed to all copies of the stenographic transcript, and sign the stenographic transcript under oath or unsworn declaration under penalty of perjury swearing or declaring that the witness

has read the transcript and that, subject to any such changes, it is a true and correct transcript of the questions asked and the answers given by the witness.

28. No change or modification of the video recording shall be made on account of changes to the stenographic transcript and the parties reserve the right to reconvene a videotape deposition to examine the witness concerning any such changes and the reasons given therefor.

29. Except as herein otherwise agreed, depositions and their use shall be governed by the Rules of this Court, the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

30. This stipulation shall be presented to the Court for approval and is binding and enforceable only upon such approval.

DATED:

Feb 28, 1984


David V. Anthony

Petit & Martin
1800 Massachusetts Ave., NW
Washington, DC 20036
Attorney for Plaintiffs
Johns-Manville Corporation
and Johns-Manville Sales
Corporation


Peter A. Nowinski

U.S. Department of Justice

Attorney for Defendant
United States of America

APPROVED:

DATED: _____

JUDGE

UNITED STATES DISTRICT
NORTHERN DISTRICT OF CALIFORNIA

FILE COPY

JOHNS-MANVILLE SALES CORPORATION,)

Plaintiff,)

vs.)

UNITED STATES OF AMERICA,)

Defendants.)

No. C 81 4561 RFP

PLAINTIFF'S EXHIBITS 1 THROUGH 12 TO THE

DEPOSITION OF CLIFFORD V. KRIEGER, a witness, taken by
the plaintiff, at 11:10 a.m., Wednesday, October 3,
1984, at 201 Santa Monica Boulevard, Santa Monica,
California, before Judith E. Thiel, CSR #2618, CP,
RPR, a Notary Public.

Hutchings No. OLA 5089-84



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APRIL 57

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Alum N.P.
NN 19 1978*

Or Them?

☐ Pitt.	☐ Deft.
Exhibit No. <u>1</u>	
Date <u>10-3-89</u>	
Witness <u>Krieger</u>	
Judith E. Thiel, N.P.	

F23332

WEAR YOUR RESPIRATOR

Developed through efforts of Safety Superintendent C. V. Krieger of Long Beach Naval Shipyard and Business Agent Webster Ay of Local No. 28

1 0015

2

005 147)
3 January 1962/3

Mr. Alan Turnbull
Assistant Director Safety Division
Office of Industrial Relations
Washington 25, D.C.

Dear Alan:

I'll try to answer both letters at once. 1. On the Rose Spray: Mermal Smith was spraying with Isotox and Orthorix as he usually does. He became sick, this was back in October 1962. He was hospitalized for five days with toxic hepatitis (liver infection). Later December he was again hospitalized for eight days, same thing. This could be a large overdose, or an allergy, because we all use this stuff in abundance, one of the penalties for living in California. (P.S. the label tells you to be careful).

2. On the asbestosis. In our letter to you, Walt, (I was on vacation) stated there were 7 asbestosis cases. As you can see by the enclosure he sent, there are eight (8) cases of employees no longer on the rolls. They are:

1. Andy Banks - went out on disability retirement. Due to many things, not too much asbestosis however.

2. Wade Blevins - went out on compensation 17 October 1959 due to asbestosis.

3. Cloyce Brewer - claimed asbestosis in 1956, but it was ruled emphysema (non-occupational)

4. Floyd Duff - ruled asbestosis (will be reported on the 1962 Form 110)

5. Louis Eads - ruled as 15% asbestosis in 1956. Disabling compensation effective 2 April 1950.

6. Albert Fipps - you know about.

7. Antonio Benigno - Claim and diagnosis pending (will be reported on 1962 Form 110)

8. Guadalupe Zapata - Came up with a one (1) year jail sentence. Currently is unemployed, we can't hire him due to Civil Service Regulations. Has some asbestosis, but is not considered disabling.

☒ Plff. ☐ Deft.
Exhibit No. 2
Date 10-3-84
Witness Krieger
Judith E. Thiel, N.P.

2
MT-PWHD-01

F 101004

3 January 1962³

If you look real careful at the report we sent you, you'll see that some doctors can see nothing in any of the X-rays and some get overly enthusiastic in their diagnosis. In February 1963 we will run all the asbestos workers through a big X-ray and then try to find a good roengenologist to read them.

About four (4) years ago the Master Pipefitter and I took a tour of the east coast shipyards and found that this is a universal problem. May I suggest that you too take a swing around the Shipyards on this subject, starting with Long Beach. Then maybe we could coordinate the problem of finding this disease and diagnosing it properly and also come up with non-toxic substitutes for asbestos. ✓

It's nice here this time of year.

C. V. KRIEGER

62

IN REPLY REFER TO:
(700)HNR:om
NY13 6240/1
Scr: 700-112-59

28 August 1952

PLAINTIFF'S
EXHIBIT

TP-145

p/a 78-6401

From: Medical Officer, Long Beach Naval Shipyard
To : Medical Officer, Philadelphia Naval Shipyard

Subj: Asbestos and Asbestosis

Encls: (1) Tape recording of interview with compensation case
(2) Information from Johns-Manville Corp.
(3) Information from Public Health Service
(4) Information on study at Long Beach Naval Shipyard
(5) Copy of Tape Recording

1. The Safety Division, Philadelphia Naval Shipyard requested the enclosed information from the Long Beach Naval Shipyard Safety Supervisor.

2. In response to request, enclosed is forwarded for your information.

H. M. ROBBINS

☐ Plt.	☐ Deft.
Exhibit No.	3
Date	10-3-84
Witness	K. E. Thiel
Judith E. Thiel, N.P.	

LEIST JANUARY 1959

The working conditions, lack of protective equipment and method of handling asbestos material by our pipecoverers and insulators appeared to be a potential health hazard. A study was made of their working environment and sixty (60) employees were given a periodic vital capacity test and chest X-ray. The results of these tests are found in the enclosures. A Very excellent detailed report was published by Drinker et al in the Journal of Industrial Hygiene and Toxicology Vol. 28, No. 1, January 1946, on this subject.

Compensation Cases. One former employee from this shop has been collecting compensation for asbestoses since 1954. He was employed in this trade for nine years, his only exposure to asbestos being at the shipyard. Another claim was paid for about a year but is now rejected. Other claims have been made and rejected. An unrehearsed interview was conducted and recorded on tape with the former employee now on disability retirement. This tape was played and a discussion conducted with small groups of pipecoverers and insulators to encourage the use of protective equipment while working with asbestos material. Written copy of this tape is found in the enclosures.

St Studies. In our study of dust particle size and dust counts, we find that particles above 10 microns settle so rapidly that even dust sampling devices fail to catch them in significant numbers. According to DallaValla, this is true for practically all dust except asbestos dust. He states that, "particles of this dust exceeding 100 microns in length have been recovered from lung lesions of deceased asbestos workers. Asbestos fibers are thin, often not as thin as a micron in thickness, and it is possible they remain floating in air for longer than an equivalent spherical particle of the same mass. Furthermore, their sliver like form permits them to work down into the small alveoli of the lungs and set up a sort of foreign body reaction there."

Drinker gives us some interesting information from his experimental work with guinea pigs breathing asbestos dust. He developed typical asbestosis bodies in the lungs of guinea pigs after about 70 days exposure to 43,000,000 particles per cubic foot of air. By removing a group of animals from the exposure, he demonstrated that the reaction to inhaled asbestos dust was not a progressive one. He states that, "these experimental observations seem to be indicating that asbestos fibers cause fibrosis in the lungs because they act as mechanical irritants in an organ whose function involves considerable movement. The long fibers cannot effectively be removed by phagocytes and the lymphatic system; they penetrate the walls of the bronchioles and with each respiratory effort they continue to injure adjacent cells. The development of a protective coating on them must materially reduce the friction but as the inhalation continues uncoated fibers are constantly accumulating to keep up irritation. This is inferred from the lack of progression after the exposure has ceased." Drinker's working environment on board naval vessels is constantly changing and it is difficult to get an average dust exposure. Drinker states that, "view of the varied character of the environmental dust exposure in the pipe

CL (4)

5

76

... it is definitely impossible to find a direct correlation between the percent of asbestos in the parent material and the percent of asbestos in the parent material does not mean you will find the same percent of material in the suspended dust.

Dust studies were made in the shop where asbestos pads are shaped for shipboard fittings, pipe fixtures and joints. One overhead exhaust system is available near the augite table. This exhaust system was not operated constantly previous to this investigation. The employees felt the exhaust caused asbestos material to be drawn by their breathing zone. Dust studies with the exhaust system off revealed 10-20 mppcf. With the exhaust system in operation, the maximum allowable concentration of 5 mppcf was not exceeded. Dust counts made of the very dusty conditions during the removal of old insulation revealed up to 200 mppcf. This operation was being performed by two employees without dust respirators. A wide variety of dust counts both above and below the 5 mppcf was found in other shipboard operations.

Vital Capacity of Lungs. As shown in the enclosures, an attempt was made to determine the significance and value of lung vital capacity tests. Health checkups were checked to compare recent vital capacity test with those in the past. The vital capacity in the same person from one year to the next varies considerably, sometimes it increases, sometimes it decreases. With this inconsistent results, we consider the vital capacity test as only a crude indicator. Some graphs of vital capacity results are found in the enclosures. In each case of consistently low vital capacity, however, we did have significant x-ray findings.

We are interested in the changes of vital capacity with the age and were sent the following information from Dr. J. A. Myer's book on Vital Capacity of the Lungs: Between the ages of forty and fifty years Wintrich found a slight decrease in the vital capacity; while between the ages of fifty and sixty years he observed great variation in vital capacities. In well developed people, even at sixty-four years and over, he found that the vital capacity did not differ greatly from that of people between the ages of forty-five to fifty-five. In people after seventy-six years old Wintrich observed a decline in vital capacity to that of childhood ages."

Clinical X-Ray Study: The sixty (60) ladders from shop, 56 have an average age of 46.7 years, and an average of 13.6 years working in asbestos. Out of the thirty 70mm x-rays, nine ladders were recalled for a 14x17 x-ray. Six of these were found to have increased density. A partial health history of these six is found in the enclosures.

Conclusion: Our pipecoverers and insulators are now accumulating a considerable number of years at their trade. We have found some consistently low vital capacity and lung markings on several employees with over 18 years experience. The work habits, personal protection and working environment of these men are not of desirable standards. These conditions, plus their increasing years of exposure and the medical study, indicate the need for corrective action.

7H

Corrective Action:

The six employees with lung markings were interviewed, individually, in the medical department. There was a discussion at this time of their working environment, physical condition and the potential health hazard of their occupation.

An educational program was conducted with the pipefitters and insulators on the potential health hazard of asbestos material.

Shop supervisor issued orders and will enforce the wearing of dust respirators personnel performing shipyard lagging.

Milson dust respirators were first tested for comfort by the personnel and later furnished.

A decision was made by medical department to make one semiannual chest x-ray 14x17 and one a 70mm.

A system is under study which would moisten the cloth before it is fabricated the asbestos rock.

The asbestos work room was given a thorough cleaning and arrangements made for a periodic cleaning.

The exhaust system in the asbestos room operates continually during working hours.

75

PARTIAL HEALTH HISTORY OF SIX (6) PIPECOVERERS & INSULATORS

NO.	AGE	TOTAL YEARS IN ASBESTOS	TOTAL YEARS IN SHIPYARD ASESTOS	X-RAY 14 x 17	VITAL CAPACITY			
					Apr 57	Apr 58	Jan 59	Feb
1.	70	18	18	Has history since 1952. Latest: Imp: (1) Pulm. fibrosis (2) Bronchestosis bcc. silicosis, asbestosis Hist. since 1957	68	46	41	73
2.	63	30	11.	Imp: (1) Early fibrosis of the lung. (2) Mild emphysema Hist. since 52	64	50	55	
3.	63	15	15	Imp: (1) Fibrosis, rt. lung lower $\frac{1}{2}$ (2) Thickened pleura	71	68	55	
4.	57	13	13	No history Latest: Asbestosis of the left lung or silicosis				
5.	50	23	1	Picked up on Pre-employment Latest: Imp: Fibrosis of the lungs due to asbestos or silica		75	62	
6.	49	13	7	Hist. since 56 Imp: Early fibrosis of lung	24		70	
Avg.	58.6	18.6	10.8				57.5	

MATERIAL USED% ASBESTOS

GF 5640-281-8637	Asbestos Insulating Felt (Amosite)	100
GF 2650-250-1871	Sectional Covering (85% Magnesia)	15
	Various Asbestos Cloth	95

Questions by: W. T. Harr, Industrial Hygienist, LBNSM

Answers by: Former Employee of LBNSM

Q. How long were you at the shipyard?

A. I went to work in July, in 1945.

Q. Did you work in asbestos material all the time?

A. All the time, when I was with the yard, yes.

Q. Tell me some of your work history. Where did you come from, what state?

A. Well, I came from Oklahoma.

Q. What year did you move out here?

A. I moved out here in January of '45, first of the year.

Q. What kind of work did you do when you were younger, back before 1945?

A. Oh, I've done several different kinds of work. I was raised on a farm, done farm work, up till I was about 16, went into town, and I had done odd-jobs, for awhile, and I finally went to work in a little restaurant. It wasn't really a restaurant, it was a hamburger joint! I worked in it for years, and I would farm along with it. And that's about all I knew, was farm work, and working in small restaurants.

Q. You never did work in or around asbestos until you came out here?

A. I worked a short while out at Chancellor Refinery, and it wasn't really asbestos work. I got over in that department, and we were just taping pipe to put under ground, like black asphalt tape to wrap pipe with.

Q. You have a couple of children. How old is your boys?

A. The oldest boy was born in '29, the youngest was born in '34.

Q. Have you any grandchildren?

A. Four grandchildren -----

Q. At the shipyard, did you do most of the work in the shop?

A. No, practically all my work was done out on the ship.

Q. Is that right, that's interesting.

A. I was only in the shop, oh I suppose 12 years I was there. I wasn't in the shop over a week. I would go into the shop, maybe a couple of mornings for awhile. Last few years, I kind of took care of pad end of it for my leadingsman, that I was working with at that time; and I would go into the shop, give them my drawings of plans.

☒ Aff. ☐ Deft.
Exhibit No. _____
Date 10-2-87
Witness K. E. Thiel
Judith E. Thiel, R.P.

- A. (cont.) Maybe I would go back to the shop for a week until the pads were made, go back in and get them, and get them cut to the ship, and get them put on. Each guy kinda done his own pad work at that time, whatever the department you were working in or with, if you needed pads, you drew off your pads and took them to the ship.
- Q. You said you went to work in '45. What indication did you first have that your health wasn't what it should have been?
- A. Well, I didn't have much indication of that until about '50, I would say '52, when it first began to show up. I started to cough, cough, cough, and I had done an awful lot of coughing and I would sneeze a lot, I would get spells of sneezing, and I would sneeze maybe 30 or 40 times before I could get stopped. And every time they would send us over for an x-ray, I would think, well, if there was something wrong, they would let me know. When I never did hear anything or report, I kept getting worse, worse; long towards the last there, I got to where I could come up out of an engine room or a fire room, I would have to hold on to the side of the ship until I could get enough air to walk away, I would be that exhausted. And I thought, well brother, this time I ought to be doing something.
- Q. Did you feel like it was the material then that you was working with?
- A. I didn't know really what it was.
- Q. Were you given dust respirators back then at that time?
- A. No, nobody had dust respirators then, only grinders and painters.
- Q. So nobody wore them.
- A. Nobody wore them at that time, just guys that was doing grinding and painting at that time.
- Q. How does your physical condition affect you now? Are you able to get around very much?
- A. Well, I can get around like some man--soon be 52 years old--I get around like some man 90.
- Q. You're not able to do much work?
- A. I'm not able to do anything.
- Q. When did you start receiving compensation for asbestosis?
- A. Well, nine months later, after I went out of the yard, I finally started receiving my compensation.

7M

When did you go out of the yard?

1. I believe my last day of work was May 8th, 1955.

2. That's 10 years, did your work seem very dusty to you at the time you were doing it?

3. At times it would. It would seem quite dusty, and at other times, no one ever noticed it. At times it was worse.

4. I noticed it is quite difficult to these people who work in it now, find it difficult to protect themselves. Well, I suppose if you knew then what you do now, you would have done things a little differently now, I suppose, would have you?

5. Well, if I knew then what I do now, I would never become a logger. I would had never taken the trade up.

6. Well, there are people who are in it now working—I guess they will continue to be loggers.

7. There will be loggers as long as there is any other type of work. As long as there is coal miners, miners, plumbers, pipefitters, there will be loggers.

8. We do have to have them, as long as there is this type of work.

9. It's necessary they have men to do this kind of work—but I think—the men should wear all precautions that are available at all times.

10. Well, we are trying to get them to wear something.

11. When it once shows up on you, well brother, it's too late.

Mr. William T. Marr

June 23, 1954

-

Our approach to control utilizes the standard techniques, that is, ventilation control of the dust at its source, vacuum cleaning of settled dust, use of respirators in areas incapable of being otherwise controlled.

Our health maintenance program is tied into the other preventive measures and the periodic physical examination results are used as an additional evaluation of the work environment. There are some problems in differential diagnosis of asbestosis and some of the x-rays I have attached touch on that point.

- If after reviewing the attached references, there are further questions, I would be glad to try to answer them.

Yours very truly,

H.M. JACKSON, MANAGER
INDUSTRIAL HEALTH PROGRAM

Attache.

14

LONG BEACH NAVAL SHIPYARD
STUDY OF ASBESTOS WORKERS
IN RELATION TO ASBESTOSIS

3-16 June 1981

Cdr. Victor L. HETZEL, USN

17 names of asbestos workers with symptoms of asbestosis were submitted. Their personnel jackets were reviewed and their experience in asbestos and related employment and age tabulated (Table 1). These 17 employees averaged 55.3 years of age and showed an average of 17.4 years in asbestos, 10.4 years of which was in the Long Beach Naval Shipyard. They also averaged 2.8 years in related employment. The diagnosis of these men ranged from slight, or mild fibrosis, to total disability due to asbestosis.

At the present time there are roughly 80 asbestos workers in this activity who have not been diagnosed as having asbestosis. A random sampling of 21 of these were reviewed and tabulated, as in the first group. Table 2 shows that these workers averaged 49.9 years of age, with 16.2 years in asbestos work including 9.3 years in the yard. This group averaged an additional 2.7 years in related employment.

The two groups show a combined experience totaling 619 years in asbestos, including 371 years in the Shipyard. Comparing the two groups it is found the workers with asbestosis averaging 17.4 years exposure was only 1/2 year greater than those with a negative diagnosis. Their experience in this activity was 1.1 years more and the related employment only 0.1 years greater. The age of those with a positive diagnosis was only 5.4 years older.

In the positive group Case #4 at 64 years of age had the most experience in asbestos, with 32 years and no related experience. Case #2 in the negative group at 63 had 28 years in asbestos, plus 13 years as a plasterer.

The two cases with minimum experience or exposure were positive Case #9 with 9 years experience at age 55 and an additional 11 years as a plasterer. Case #21 in the negative group had 9 years experience at age 30, but no related experience.

An analysis of these tables points to the fact that experience, alone, is not indicative of the positive diagnosis, but that other factors as well must be considered.

☐ Plt.	☐ Deft.
Exhibit No.	4
Date	10-3-84
Witness	Krege
Judith E. Thiel, N.P.	

5

5010 1-77

9 August 1962

Mr. E. B. Gray
Acting Chief, Branch of Claims
Bureau of Employees' Compensation
305 Golden Gate Avenue
San Francisco 2, California

Dear Mr. Gray:

At your request we compiled the enclosed information regarding those Long Beach Naval Shipyard employees known to have been exposed to asbestos and its related products in the work of insulating or preparing materials for insulation.

It may be noted that in most cases in the enclosure the x-ray readings of 1956 show some positive diagnosis and in 1957, 1958, 1959 and 1960 the readings were essentially negative. However, in 1961 the readings again indicate positive and in later 1961 and in 1962 they again read negative. Since there were several physicians interpreting these films it must be assumed that they have a difference of opinion in their interpretation as regards pathology. Because of the contradictory readings and in order to ascertain who may be afflicted with asbestosis it is recommended that these employees be referred to a medical specialist to determine whether or not x-ray findings are indicative of asbestosis. The Long Beach Naval Shipyard will cooperate by making available all previous 14 x 17 chest films for interpretation by the designated specialist.

We would appreciate your assistance in determining which cases should be established with the Bureau of Employees' Compensation by the submission of forms CA-1 and CA-2.

Sincerely yours,

C. V. KEEGER

Enclosure
Medical Information Regarding
LENS employees exposed to asbestos
(2 copies)

Copy to:
Code 700(2)
956(2)
file

☐ Plff.	☐ Deft.
Exhibit No.	5
Date	10-3-64
Witness	Kuegel
Judith E. Thiel, N.P.	

F121226

INCIDENCE OF POSITIVE CHEST X-RAY FINDINGS IN PIPECOVERERS & INSULATORS
VERSUS
YEARS OF EMPLOYMENT IN SHIPYARD

Years Employed At Shipyard	Number Of Employees	Median Age	Number With Positive X-Rays	Percent Of Group	Percent Of Total Workers
0-5	47	38	5	11	5
6-10	21	47	4	19	4
11-15	13	44	3	23	3
16-20	14	56	8	57	8
21-25	8	56	4	50	4
25-	1	62	1	100	1

The positive X-ray findings shown on this table includes all reported abnormalities. Most of the abnormalities could be construed as being the result of exposure to asbestos dust, but not necessarily so, and do not represent diagnosed cases of asbestosis.

SUPPLEMENTAL

← LIMITED INFORMATION REGARDING EMPLOYEES NO LONGER ON THE ROLLS OF THE
LONG BEACH NAVAL SHIPYARD.

<u>NAME</u>	<u>AGE</u>	<u>YEARS OF ASBESTOS WORK</u>	<u>PRESENT STATUS</u>
BANKS, ANDREW	56	9	Disability Retirement
BLEVINS, WADE	52	13	Disabled. On Disability Compensation Automatic Payroll.
BREWER, CLOYCE	63		Disability Retirement (Emphysema)
DUFF, FLOYD	68	23	Disability Retirement. Compensation claim is pending at Bureau. <i>APPROVED 9/18/62</i>
EADS, LOUIS	73	18	Disabled. On Disability Compensation Automatic Payroll
FIPPS, ALBERT	55	11	Compensation until deceased 7-16-62.
BENIGNO, ANTONIO	66	16	Compensation claim is pending at Bureau. - <i>Disallowed</i>
ZAPATA, GUADALUPE	59	17	Presently unemployed BEC file no. A13-117766

0081

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18

1867

REASSIGNED AFTER MEDICAL EVALUATION

BROWN, HARRY A.
1128 E. Maple Street
Glendale, California

EOD: 2-12-38
DOB: 5-19-39

DATE:

X-RAY

2-11-58	Negative
5-22-58	14 x 17 reveals generalized accentuation of basilar lung markings with diffuse basilar mottling. The heart is enlarged in transverse diameter and the diaphragms are flattened. Refer to clinical study.
12-17-58	Increased density due to severe fibrosis of both lung fields in the lower halves. Obliterated costo-phrenic angles. Heart, right side, slightly enlarged. Impression: Fibrosis of the lungs due to scoliosis or asbestosis. Suggest clinical evaluation.
1-8-59	Clinical evaluation done this date by H.M. Robbins, Capt. MC USN and E. K. Ownbey, M.D.
3-11-59	Pre-employment physical - lungs clear.
7-31-59	Memo. Because of abnormal chest findings, suggestive of early asbestosis, I wish to recommend that subject employee be removed from pipe covering aboard ship and placed in the shop where the concentration of asbestos fibers is less. E.K. Ownbey, M.D.
2-11-58	PA Chest. A single PA film of the chest is technically poor but shows increased markings in both lower lung fields and blunting of both costo-phrenic angles. The cardiac shadow appears to be normal as to size. Findings does not have the appearance of an acute inflammatory process, however if previous films are available they should be obtained for comparison.
7-17-59	Fibrosis in both lung fields. No appreciable changes from last films. Suggest clinical evaluation.
7-30-59	Clinical evaluation done this date by F. J. Vaccaro, M.D. Patient referred to own doctor. /s/ F. J. Vaccaro, M.D.
11-17-59	Fibrosis is worse since last report.
11-18-59	Memo. 1. Review of chest x-rays taken on 17 Nov 1959 shows a progression of fibrosis in both lung fields as compared with films taken in July 1959. This pulmonary fibrosis is a complication of asbestosis. 2. In view of these chest findings it is recommended subject named be removed from contact with asbestos. /s/ H.M. Robbins Note to Memo of 11-18-59. This man transferred to pipe fitters shop.
9-26-60	Heart within normal limits. Considerable pulmonary infiltrate bilaterally. For clinical evaluation.
9-22-60	(70 mm) Pulmonary infiltration.
4-14-61	Basal increased density.
4-19-61	Interstitial infiltration in both bases. For clinical evaluation.

Vital Capacity

4-1-58	75%
1-8-59	62%
2-9-59	72%

1866

*Diff Ex E for Ed
Alfheim NP
NW 19 1979*

F23334

19

EMTC, COLIE
315 Los Altos Avenue
Long Beach 15, California

DOB: 6-2-38
DOB: 1-22-31

DATE: X-RAY

6-27-43 Slight increase in peripheral lung markings.
6-27-46 Root with inferior lung markings accentuated.
11-18-57 No definite diagnostic findings.
11-22-58 Negative
7-3-59 Negative
1-20-60 Negative
1-21-61 Pulmonary markings slightly accentuated.
1-22-61 Negative
1-23-61 Negative

VITAL CAPACITY

6-27-43 105%
6-27-46 109%
1-21-60 32%

SPENCEOUR, EMEROYE K.
1116 Mainly Avenue
Long Beach, California

DOB: 10-6-07
DOB: 1-13-31

DATE: X-RAY

1-21-60 Bilateral and inferior markings accent noted.
1-22-60 Negative
1-23-60 Negative
1-24-60 Negative
1-25-60 Generalized increased density in both lung fields due to chronic fibrosis. Heart slightly enlarged.
1-26-60 Thickened transverse fissure. Pulmonary markings accentuated.
1-27-60 There is some pulmonary involvement in both lower bases due to asbestosis. No appreciable changes from last film.
1-28-60 No appreciable change.
1-29-60 The fine basal markings remain stable and are unchanged since film of 2-17-60.

VITAL CAPACITY

1-29-60 74%

1868

F23336

20

PIPECOVERER AND INSULATOR, LEADINGMEN

AY, WEBSTER F.
4602 Knoxville Street
Lakewood, California

DOB: 3-24-17

EOD: 6-18-51

DATE:

X-RAY:

3-13-56 Hilar and radiating lung markings are accentuated.
Slight emphysema suggestive. Not specific diagnostic for
pneumoconiosis.
12-12-56 Negative
11-18-57 Negative
4-24-58 Negative
7-3-59 Negative
2-15-60 Basal markings are somewhat accentuated.
1961 Pulmonary markings are accentuated.
9-28-61 Negative
5-28-62 Negative

VITAL CAPACITY

4-17-57 101%
2-9-59 109%
2-25-60 96%

CARMINES, CHARLES G.
311 East 44th Street
Long Beach, California

DOB: 4-18-12

EOD: 1-16-51

DATE:

X-RAY:

4-3-55 Minimal scarring over the left lower lung, without evidence of
active disease at this time.
11-18-57 Negative
12-15-58 Negative
7-22-59 Negative
2-15-60 Negative
1961 Hilar markings accentuated. Broncho vasc. markings also
accentuated in both bases. There is a slight change from
the last report.
2-21-62 Lung fields are clear and unchanged from 2-15-60.

VITAL CAPACITY

808 4-17-57 91% normal
4-3-58 66% normal (chest cold)
2-9-59 87% normal
2-15-62 64%

F23337

21

1869

TFARFORD, MAX C.
5213 Kildes Street
Long Beach, California

DOB: 2-18-18
EOD: 6-20-52

DATE:	X-RAY:
2-29-36	Negative
2-11-58	Negative
7-2-59	Negative
2-15-60	Hilar markings slightly accentuated.
9-13-60	Negative
3-28-61	Negative
2-21-62	Negative. No change since 2-15-60.

VITAL CAPACITY

4-17-57	100%
2-11-59	89%
2-15-62	75%

PIPECOVERER AND INSULATOR, APPRENTICE (2)

DENNIS, WILLIAM R.
9911 MacAlpine Avenue
Garden Grove, California

DOB:
EOD:

DATE:	X-RAY
9-27-58	Negative
8-27-59	Negative
2-12-60	Pulmonary markings accentuated in both lung fields.
9-13-60	Negative
1961	No appreciable changes.
8-4-61	Negative
9-28-61	Negative
5-22-62	PA Chest: Stable chest since film of 2-12-60. There is faintly increased markings in the right middle lobe region.

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22

WIRESCREWER AND INSULATOR, APPRENTICE (2)

PAGE 4

MASBOTH, FRANK T.
2223 Goldbrook Avenue
Long Beach 10, California

DOB: 12-14-36
DOD: 11-11-58

TEST: X-RAY:
1-11-60 Negative
1-11-60 Negative
1-11-60 Negative
1-11-60 Negative
1-11-60 No appreciable change.
1-11-60 Negative
1-11-60 No change since 2-11-60.

VITAL CAPACITY

1-11-60 108%
1-11-60 113%
2-11-62 102%

WIRESCREWER AND INSULATOR, HELPERS

ALME, NANCY (FEMALE)
2223 Carlarik Avenue
Long Beach 10, California

DOB: 4-11-33
DOD: 9-11-50

TEST: X-RAY
1-11-60 Negative
1-11-60 No diagnostic findings
1-11-60 Negative
1-11-60 Negative
1-11-60 Negative
1-11-60 Negative
1-11-60 Left breast markings accentuated.
1-11-60 No change since 2-15-60.

VITAL CAPACITY

1-11-60 83%
1-11-60 61%
2-11-62 89%

1870

F23338

23

MT-PWHD-0115

FRANK, FRANK
1144 Central Avenue
Los Angeles 2, California

DOB: 1-13-22
DOB: 1-11-62

DATE: X-RAY
1-11-62 Negative

GEORGE F.
10415 South Figueroa Street
Los Angeles, California

DOB: 1-2-22
DOB: 1-1-62

DATE: X-RAY
1-11-62 Negative

RONALD T.
1111 South Orange Avenue
Los Angeles, California

DOB: 1-1-22
DOB: 1-1-62

DATE: X-RAY
1-11-62 Negative
1-11-62 Hilar gland (lymph nodes slightly prominent) NCD
1-11-62 Negative
1-11-62 Hilar and Basal markings accentuated.
1-11-62 Basal markings slightly more prominent has compared with 1 year ago.
1-11-62 Negative
1-11-62 Negative heart and lungs. No change since 2-9-60

VITAL CAPACITY

1-11-62 112%
1-11-62 105%

CHARLES L.
1111 E. Carson Street
Los Angeles, California

DOB: 1-1-22
DOB: 1-1-62

DATE: X-RAY
1-11-62 Scalloped right diaph. NCD
1-11-62 Normal
1-11-62 PA Chest: There is some fibrosis along both cardiac borders &

1872

24

F23340

FRIDLEY, FRANK
11144 C. Avenue
Los Angeles 2, California

DOB: 1-15-22
DOB: 1-11-62

DATE: X-RAY
1-1-62 Negative

FRIDLEY, GEORGE F.
10015 South Figueroa Street
Los Angeles, California

DOB: 1-1-22
DOB: 1-1-62

DATE: X-RAY
1-1-62 Negative

FRIDLEY, RONALD T.
11111 South Orange Avenue
Los Angeles, California

DOB: 1-1-22
DOB: 11-12-32

DATE: X-RAY
1-1-62 Negative
1-1-62 Hilar gland (lymph nodes slightly prominent) NCD
1-1-62 Negative
1-1-62 Hilar and Basal markings accentuated.
1-1-62 Basal markings slightly more prominent has compared with 1 year ago.
1-1-62 Negative
1-1-62 Negative heart and lungs. No change since 2-9-60

VITAL CAPACITY

1-1-62 112%
1-1-62 106%

FRIDLEY, CHARLES L.
11111 E. Carson Street
Los Angeles, California

DOB: 1-1-22
DOB: 11-12-32

DATE: X-RAY
1-1-62 Scalloped right diaph. NCD
1-1-62 Normal
1-1-62 PA Chest: There is some fibrosis along both cardiac borders &

F23341

1872

25

AY, CHARLES W.
4602 Knoxville Avenue
Lakewood, California

DOB: 10-14-39
EOD: 4-1-60

DATE: X-RAY
2-13-60 Negative
1961 Essentially negative
2-28-61 Normal

VITAL CAPACITY

2-15-60 108%

RAIR, IRA D.
13301 Bardsuch Avenue
Westminster, California

DOB: 10-9-18
EOD: 6-17-56 & 2-10-60

DATE: X-RAY
2-15-60 Essentially negative
2-9-60 Negative
9-13-60 Negative
1961 No appreciable change from last report.
9-28-61 Normal
3-8-62 PA Chest: Normal. No change since 2-15-60.

VITAL CAPACITY

2-15-62 68%

CASBY, ELBERT
1036 West 48th Street
Los Angeles, California

DOB: 12-9-34
EOD: 12-14-59

DATE: X-RAY
12-11-59 Negative
2-12-60 Hilur markings accentuated
9-13-60 Negative
5-22-61 Negative
2-22-62 Negative

VITAL CAPACITY

2-23-60 76%
2-23-60 87%

F23342

1873

26

BAZAWAY, CHARLES L. (continued from page 6)

3-5-62 at the apex of the heart. The heart size is normal and the lung fields are otherwise clear. Impression: Some fibrosis noted on the initial film in the series.

VITAL CAPACITY

2-15-62 50%

KILLOUGH, JESSIE D.
2175 Stanbridge Avenue
Long Beach 15, California

DOB: 11-5-01
EOD: 3-7-60

DATE:	X-RAY:
2-23-60	Negative
9-13-60	Negative
1961	Hilar and basal markings accentuated.
9-28-61	Normal.
2-5-62	PA Chest: Normal. No change since 2-10-61.

VITAL CAPACITY

2-15-62 56%

SCHULZE, GEORGE S.
1719 East Ocean Blvd, Apt #10
Long Beach, California

DOB: 10-19-07
EOD: 6-5-62

DATE:	X-RAY
6-4-62	Negative

SEXTON, JOSEPH T.
6059 Gardenia Avenue
Long Beach 5, California

DOB: 1-20-36
EOD: 9-12-58 and 11-14-60

DATE:	X-RAY
9-8-58	Negative
12-9-58	Left hilar calcified lymph node. NCD.

Continued on page 8.

1875

27

F23344

SEXTON, JOSEPH T. (continued from page 7)

2-3-59 Negative
 11-10-59 Emphysema. NCD
 5-22-61 Normal.
 2-3-62 PA Chest: Normal, there are old calcified scars on the left
 hilum measuring 15 x 15 mm in greatest diameter.
 A few old scars are also seen in the right lower lobe region.
 Impression: Old granulomatous scarring. No evidence of active
 disease.

VITAL CAPACITY

2-3-59 115%
 2-11-62 103%

ELCAN, JEROME J.
 412 Mayo Avenue
 Compton, California

DOB: 6-25-22
 EOD: 3-31-62

DATE: X-RAY:
 7-13-61 Negative

STOWERS, RICHARD
 1203 E. 3rd Street
 Long Beach, California

DOB: 2-12-30
 EOD: 6-11-62

DATE: X-RAY:
 3-8-61 Negative

WARD, JAMES
 2604 Broadway Avenue
 Long Beach, California

VITAL CAPACITY:

DOB: 1-7-32
 EOD: 11-10-59

2-25-60 119%
 2-15-62 144%

DATE: X-RAY
 12-10-59 Negative
 2-11-60 Negative
 3-12-60 Negative
 1961 No appreciable changes

DATE: X-RAY
 9-28-61 Negative
 3-22-62 Negative. No change
 since 2-10-60.

1874

F23343

28

PIPECOVERER AND INSULATOR, HELPERS

PAGE 9

WORKMAN, JAMES HARVEY
9516 Mayne Street
Bellflower, California

DOB: 10-5-39
EOD: 6-19-62

DATE: X-RAY:
6-18-62 Negative

PIPECOVER AND INSULATORS

AUTH, CHARLES FREDERICK
3212 Bellflower Blvd
Long Beach, California

DOB: 4-25-23
EOD: 4-3-62

DATE: X-RAY
4-2-62 Negative

BRADY, HARRY
1121 West "F" Street
Wilmington, California

DOB: 10-22-05
EOD: 1-30-51

DATE: X-RAY:
4-4-56 Negative
4-24-58 Negative
7-9-59 Negative
2-8-60 Negative
1961 No appreciable changes from last report. Pulmonary basal markings slightly accentuated.
2-28-62 Eleven ribs are seen above the diaphragm. There is some suggestion of emphysema. Findings not changed since our earliest film of 2-8-60.

VITAL CAPACITY

4-17-57 91Z
2-9-59 95Z
2-8-60 91Z
2-15-62 62Z

1877

F23346

29

BERUBE, ARMAND L.
4219 Falcon Avenue
Long Beach, California

DOB: 1-31-10
EOD: 7-30-54

DATE:	X-RAY:
7-10-52	Negative
7-15-54	Negative
11-15-56	Negative
11-18-57	Negative
12-9-58	Negative
4-28-58	Negative
7-9-59	Negative
2-12-60	Essentially negative
1961	Pulmonary markings somewhat accentuated.
9-28-61	Normal
4-16-62	Negative

VITAL CAPACITY

4-17-57	82%
4-2-58	78%
2-11-59	77%
2-25-60	87%
4-16-62	53%

BOCK JAMES L.
1827 West 261st Street
Hawthorne City, California

DOB: 11-25-07
EOD: 12-23-60

DATE:	X-RAY
10-3-50	Negative
9-28-61	Normal

ROCK, JOE E.
1127 East 212th Street
Hawthorne, California

DOB: 2-14-10
EOD: 4-26-61

DATE:	X-RAY
1-13-61	Negative
4-28-61	Normal
1-1-62	PA Chest: Normal

VITAL CAPACITY

1-13-62

68%

F23345

1876

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PIPECOVERER AND INSULATOR

PAGE 11

CARLTON, GENE C.
633 East First Street, Apt #9
Long Beach 2, California

DOB: 9-23-27
EOD: 4-10-61

DATE:	X-RAY;
4-6-61	Negative
9-28-61	Negative
3-6-62	PA Chest: Normal

VITAL CAPACITY

2-15-62 73%

CHAMBERS, FRANCIS
11871 Turquoise Avenue
Garden Grove, California

DOB: 1-29-11
EOD: 7-26-56

DATE:	X-RAY:
7-19-56	Negative
5-5-58	Essentially negative
12-9-58	Negative
7-9-59	Negative
2-10-60	Hilar markings accentuated.
9-13-60	Negative
1961	Hilar and broncho vasc. markings accentuated.
10-18-61	Negative
3-1-62	PA Chest: Normal. No change since 2-10-60.

VITAL CAPACITY

4-17-57	105%
2-10-60	95%
2-15-62	68%

COOKE, GEORGE C.
343 Fletcher
Orange, California

DOB: 1-8-07
EOD: 3-17-58 and 8-15-55

DATE:	X-RAY
8-10-55	Negative
3-19-56	Negative

continued on page 12.

F23348

1879

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COOKE, GEORGE C. (continued from page 11)

2-22-57 Negative
 2-9-58 Negative
 7-1-59 Thick pleura right costo-phrenic angle. NCD.
 2-11-60 Transverse fissure prominent otherwise essentially negative.
 2-12-60 Negative
 2-1-61 Hilar and basal markings accentuated.
 2-10-61 Negative
 2-2-62 PA Chest. There are fine fibrotic changes in both bases which appear slightly on the original film of 2-10-61
 Review of the film 2-7-61 shows slightly less changes than at present.
 Impression: Increasing parenchymal fibrosis in the past 2 years.
 Heart size unchanged.
 2-12-62 CA-1, coughed up blood. Impression: Chronic bronchitis with probable beginning bronchiectasis (marked increase in peribronchial markings.)

VITAL CAPACITY

2-12-60 93%
 2-15-62 70%

CLUSE, JOSEPH K.
 227 West 55th Street
 Long Beach, California

DOB: 4-25-30
 EOB: 2-7-61

DATE: X-RAY

2-1-61 Negative
 3-29-61 Normal

CONNELL, Bernard M.
 1244 Shipway Avenue
 Long Beach, California

DOB: 5-25-23
 EOB: 4-23-58

DATE: X-RAY

2-22-58 Negative
 2-9-58 Negative
 2-15-60 Negative
 2-12-60 Negative
 2-1-61 No change
 9-19-61 Negative
 2-2-62 No change since 2-16-60.

VITAL CAPACITY

2-1-62 117%
 2-15-62 90%

1878

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F23347

PIPECOVERER AND INSULATORS

PAGE 13

DELUCA, JULIUS
6523 Fairman Avenue
Lakewood, California

DOB: 6-3-17
EOD: 6-28-51 and 12-8-59

DATE:	X-RAY:
12-7-59	Negative
2-9-60	Basal markings slightly accentuated
9-13-60	Negative
1961	Base markings accentuated and more prominent.
9-20-61	Negative
3-6-62	Normal hilar and lungs. No change since 1960.

	VITAL CAPACITY
2-8-60	98%
2-13-62	80%

DENNIS, ALONZO W.
8711 MacAlpine Avenue
Garden Grove, California

DOB: 5-2-15
EOD: 10-20-53

DATE:	X-RAY:
4-13-52	Negative
4-3-56	Negative
11-15-56	Negative
11-19-57	Negative
4-24-58	Negative
12-9-58	Negative
2-9-60	Negative
9-13-60	Essentially negative.
1961	No changes in comparison with previous films.
2-18-62	No change since 2-8-60

	VITAL CAPACITY
4-17-57	97%
2-11-59	93%
2-8-60	93%

DENNIS, HARTSON
9673 Hazzard Avenue
Santa Ana, California

DOB: 3-24-06
EOD: 7-20-62

DATE: X-RAY
RATED ELIGIBLE PENDING X-RAY READINGS

1881

33

BERNARD, WAYNE O.
10000 Sarsia
San Diego, California

DOB: 8-27-38
EOD: 8-8-65

DATE: X-RAY:

8-27-55 Negative
8-27-55 Negative
11-11-56 Routine exam of chest shows lungs to be clear and cardio-vasc structure normal. There is a fibrosis dysplasia-like lesion involving the medial end of the right clavical. Further studies using bone technique and angle view are suggested for further evaluation of this lesion which I feel is benign.
11-11-57 Negative
11-11-57 Essentially negative
11-11-57 No appreciable change noted.
11-11-57 Negative
11-11-57 Normal. No change since 2-9-60

VITAL CAPACITY

8-27-57 94%
11-11-57 108%
11-11-57 100%
11-11-57 96%

DR. BERNARD, ROBERT N.
10000 E. Chaswell Street
San Diego, California

DOB: 8-2-33
EOD: 8-8-60

DATE: X-RAY:

11-17-53 PA Chest: Negative
11-17-53 A PA view of the chest is within normal limits.
11-17-53 Negative chest
11-17-53 Within normal limits
11-17-53 Normal chest
11-17-53 Transverse fissure prominent otherwise essentially negative.
11-17-53 Negative
11-17-53 No appreciable changes from last report.
11-17-53 Normal.

VITAL CAPACITY

11-17-53 60%

DR. WALTER C.
100 West "D" Street
Wilmington, California

DOB: 12-19-13
EOD: 7-11-62

RATED ELIGIBLE PENDING X-RAY READINGS

F23349

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1880

PIPECOVERER AND INSULATORS

PAGE 15

ECK, DAN L.
5522 Laurelton Avenue
Garden Grove, California

BOB: 7-8-35
EOD: 2-18-58

DATE:	X-RAY:
2-17-58	Negative
4-24-58	Negative
2-8-60	Essentially negative
9-13-60	Negative
9-28-61	Negative

VITAL CAPACITY

2-9-59	120%
2-8-60	120%
2-15-62	105%

EDWARDS, KISLAR L.
722 West 118th Street
Los Angeles 44, California

BOB: 7-6-26
EOD: February 1951

DATE:	X-RAY:
3-26-56	Basal markings heavy accent noted. No specific diagnostic findings.
3-25-57	Negative
11-18-57	Negative
12-9-58	Negative
2-15-60	Negative
9-13-60	Negative
1961	Broncho-vasc. markings accentuated. There is some infiltration in the left lower lung field and slightly in the right.
3-23-61	Negative
3-1-62	Negative. No infiltrates. No change since 2-15-60.

VITAL CAPACITY

2-3-59	100%
2-15-62	76%

FARROW, MOSES R.
725 Chestnut Avenue
Long Beach, California

BOB: 2-12-31
EOD: 11-21-51, 10-12-52, 9-26-58
continued on page 16.

1883

F23352

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MT-PWHD-011516

HARRIS, MOSES R. (continued from page 15)

8-22-58 Negative
 1-11-59 Negative
 2-11-59 Negative
 1961 No change.
 2-11-60 Negative
 2-11-61 No change since 2-11-50

VITAL CAPACITY

8-22-58 108%
 2-11-59 114%
 2-11-61 103%

PERENCE, SCOTT JR.
 119 East 57th Street
 Los Angeles 11, California

DOB: 8-29-38
 EOD: 1-22-51

DATE: X-RAY

8-29-58 Negative
 11-10-58 Negative
 2-15-59 Negative
 11-9-59 Negative
 1961 Transverse fissure prominent. Basal markings slightly increased.
 1961 No appreciable changes from last report.
 2-11-61 Negative
 2-11-62 Negative

VITAL CAPACITY

2-11-62 52%

PERCO, ALBERT J.
 114 S. 1st
 Anaheim, California

VITAL CAPACITY

2-11-59 108%
 2-9-60 95%
 2-15-62 72%

DATE: X-RAY

7-12-57 Essentially negative chest
 11-17-57 Negative
 11-1-58 Negative
 7-2-59 Negative
 2-2-60 Hilar markings slightly accentuated.
 1-12-60 Negative
 1961 Hilar and broncho-vasc. markings accentuated
 1-11-61 Negative
 1-11-62 No change since 2-9-60.

F23351

1882
 36

SCOVERER AND INSULATOR

PAGE 17 -

MASON, HARRY A.
322 Morab
Minster, California

DOB: 7-18-11
DOD: 10-13-53

DATE:

X-RAY:

1-18-57	Negative
1-24-56	Hazy accentuated root basal markings. Impression: No specific diagnostic findings.
11-18-57	Negative
12-9-58	Negative
1-6-59	Basal markings accentuated.
2-16-60	Transverse fissure slightly prominent. Otherwise essentially negative.
1-12-60	Tenting of diaphragm. NCD
1961	Pulmonary markings accentuated.
9-28-61	Negative
4-16-62	Negative

VITAL CAPACITY

4-17-57	93%
4-8-58	80%
2-11-59	80%
4-16-62	75%

HAMILTON, DON H.
2421 West 157th Street
Gardena, California

DOB: 3-23-08
DOD: 1-19-51

DATE:

X-RAY:

3-26-56	Root markings increased basal lung markings also hazy increased.
11-18-57	Negative
4-24-58	Negative
2-12-60	Definite increased density in both lung fields due to fibrosis.
1960.	There is some pulmonary infiltrate indicative of mild fibrosis, no appreciable changes from last film. There is definite infiltration of the lungs especially in perihilar and basal areas. No appreciable change from last report.
2-21-62	The fine fibrotic changes are unchanged since film of 2-12-60.

VITAL CAPACITY

4-17-57	87%
2-11-59	68%
2-23-60	91%
2-15-62	78%

1885

F23354

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MT-PWHD-011518

HINTON, J. C.
 200 W. 33rd Way
 Long Beach, California

DOB: 3-8-11
 ECD: 1-22-51

DATE: X-RAY

4-2-56 Negative
 11-15-56 Moderate hilar shadows
 11-18-57 Negative
 7-12-58 Negative
 7-9-59 Negative
 11-1 Transverse fissure prominent. Pulmonary markings slightly
 accentuated, generalized and particularly in right apical area
 1-1 No appreciable changes
 7-29-61 Negative

VITAL CAPACITY

4-17-59 120%

HOLSHOUSE, TROY L.
 1411 Sheffield Avenue
 Long Beach 8, California

DOB: 7-17-07
 ECD: 9-10-56

DATE: X-RAY

7-10-56 Negative
 11-15-56 Negative
 11-18-57 Negative
 4-28-58 Negative
 11-9-59 Negative
 2-2-60 Essentially negative.
 1-1 No appreciable changes. Basal markings accentuated.
 1-23-61 Negative
 1-2-62 Negative. No change since 2-8-60.

VITAL CAPACITY

2-27-57 115%
 2-8-60 98%
 1-23-62 89%

1884

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F23353

PIPECOVERER AND INSULATOR

PAGE 19

JACOBS, EMANUEL M.
400 E. Arbor
Long Beach, California

DOB: 5-9-18
EOD: 3-24-52

DATE:	X-RAY:
4-3-51	Negative
3-14-56	No specific changes
11-18-57	Negative
12-9-59	Negative
2-10-60	Negative
1961	No appreciable changes noted.
9-28-61	Negative
2-21-62	No changes, same 2-10-60.

VITAL CAPACITY

4-17-57	79%
2-9-59	99%
2-25-60	94%
2-15-62	71%

JAMISON, WILLIAM L.
118 East Burnett, Apt #2
Long Beach 6, California

DOB: 8-23-15
EOD: 5-15-61

DATE:	X-RAY:
4-18-51	70 mm chest x-ray, well healed GHON complex right lung zone. NCD.

JOHNSON, CLYDE SR.
4610 South San Pedro
Los Angeles 11, California

VITAL CAPACITY

DOB: 5-16-11	2-9-59	91%
EOD: 2-1-51	2-16-62	64%

DATE:	X-RAY
3-28-56	No specific diagnostic findings. Some increase in linear inferior lung markings.
11-25-57	Negative
12-9-58	Negative
2-12-60	Hilar markings accentuated. Transverse fissure slightly prominent. The pulmonary markings accentuated with slight degree of pulmonary fibrosis.
9-13-60	No appreciable changes. Pulmonary markings accentuated in basal areas
1961	No appreciable changes from last report
10-18-61	Heart and lungs normal 3-1-62: Normal

39 1887

F23356

KING, RODNEY G.
2235 Tulane Avenue
Long Beach 15, California

DOB: 2-29-21
EOD: 11-13-32

DATE:	X-RAY:
11-3-52	Negative
3-14-55	Essentially negative
11-12-57	Negative
12-3-58	Negative
7-8-59	Negative
2-11-60	Hilar pulmonary markings accentuated.
3-7-60	Markings accentuated in upper left lobe.
1961	Hilar and pulmonary markings accentuated to a greater degree than in previous films.
3-28-61	Negative
2-21-62	No change since our earliest film 2-11-60. Chest is normal.

VITAL CAPACITY:

1-12-57	111%
3-11-59	111%
3-12-60	111%

KOSLOFF, HOWARD R.
701 East 8th Street, Apt #6
Long Beach 13, California

DOB: 7-26-18
EOD: 6-1-37

DATE:	X-RAY
3-25-55	No specific diagnostic findings.
11-19-57	Negative
11-3-59	Negative
2-10-60	Transverse fissure prominent. Mild fibrosis in both lower lung fields.
9-12-60	No appreciable changes. Pulmonary markings slightly accentuated.
1961	No appreciable changes
3-25-61	Negative
4-25-62	Negative

VITAL CAPACITY

1-17-57	96%
7-3-59	96%
1-15-62	87%

1886

F23355

40

LANGSTON, ROOSEVELT
1810 West 137th Street
Compton, California

DOB: 8-24-24
EOD: 4-28-52

DATE:	X-RAY:
3-25-56	Pleural thickening left costo-phrenic sinus. Hilar thickening calcified deposits especially left which are minimal. Possible calcified nodes, right hilar Mediastmal (under penetrated) No specific diagnostic findings for active disease.
1-22-57	No change as reported 3-26-56.
12-4-57	PA & LAT Chest: Re-exam of chest reveals 4.7 x 2.4 CM calcific density in the right lung field at the hilum. There is a calcific cluster in the left lungs at the inferior pole of the hilum and also a density behind the heart which appears to be calcific aortic nodes. The left costo-phrenic sulci is blunted and the lung fields essentially clear. No appreciable interval changes. Impression: Calcified nodes. NCD.
12-9-58	Negative.
8-13-59	The pulmonary markings not as prominent as in previous films.
2-9-60	Basal markings slightly accentuated.
9-13-60	Negative
1961	Large calcified nodes in the right hilum. No appreciable change. Also calcified nodes in the left post mediastinum.
9-28-61	Lungs appear unchanged since 3-56. No fibrosis seen in either lung. Old calcified nodes in lung fields unchanged in size or position. Impression: Stable chest 5 years.
2-21-62	Lung fields are clear. No change in the calcification of lungs since earliest films of 1956.

VITAL CAPACITY

4-17-57	109%
2-7-59	105%
2-25-62	91%

1889

F23358

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LESTER, FRANK B.
1400 Rose Avenue, Apt A
Long Beach 13, California

DOB: 5-27-21
EOD: 4-16-51

DATE:	X-RAY:
4-22-59	Negative
12-9-58	Negative
2-16-50	Negative
1951	Basal markings slightly accentuated. No appreciable change since last film.
4-7-61	Basal markings accentuated. NCD.
8-21-62	No change since 2-16-50.

VITAL CAPACITY

4-27-57	100%
2-11-59	105%
2-15-62	81%

INDELL, ROY C.
2411 Stanford Avenue
Garden Grove, California

DOB: 1-28-09
EOD: 6-22-35

DATE:	X-RAY:
6-22-35	Negative
4-28-36	Negative
11-19-37	Negative
12-9-38	Negative
7-3-39	Negative
2-9-50	Essentially negative.
1951	Hilar markings accentuated.
9-28-61	Heart and lungs are unchanged from our earliest film 2-9-60.
	There are a few calcified nodes in the left hilar region.
	No evidence of fibrosis seen. Impression: Stable chest 18 months.
3-2-62	No change since 2-9-60.

VITAL CAPACITY

4-27-57	89%
2-9-59	104%
2-9-60	94%
2-15-62	85%

F23357

1888

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MT-PWHD-011523

PIPECOVERER AND INSULATOR

PAGE 23

MAC LEAN PETER J.
1218 Tulita
Redondo Beach, California

DOB: 2-7-98
EOD: 11-15-54

DATE:	X-RAY:
10-54	Negative
3-13-56	Slight increase hilar and linear lung markings, heart not enlarged. Ring calcification aortic knob. Impression: No specific diagnostic disease pulmonary.
11-15-56	Negative
11-18-57	Negative
1958	Re-exam fails to confirm findings of 70 millimeter exam. The heart and lungs and mediastinum are essentially negative for age group.
9-24-58	Negative
12-9-58	Calcified aortic knob.
7-9-59	Negative
2-18-60	Calcified aortic knob left ventricular somewhat enlarged. Lungs essentially negative.
9-13-60	Negative
10-18-60	Negative
1961	Hilar markings prominent and pulmonary markings accentuated.
3-1-62	Review and comparison of films shows normal heart and lungs. No change since 2-8-60.

	VITAL CAPACITY
4-17-57	80%
2-9-59	83%
2-8-60	90%
2-15-62	57%

MARKS, TAFT T.
9225 LaRosa Drive
Temple City, California

DOB: 10-18-09
EOD: 3-14-55

DATE:	X-RAY:
10-6-53	Negative
3-11-55	Negative
3-14-56	PA Chest: Moderate accentuation of lung markings which suggest slight peribronchial fibrosis. Heart shadow normal. Impression: No active disease or specific diagnostic findings.
11-15-56	Negative
11-18-57	Negative
4-28-58	Negative
12-9-58	Negative
7-9-59	Negative
2-15-60	Negative
7-9-59	Negative

(continued on page 24)

F23360

1891

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RECOVERERS AND INSULATORS

PAGE 24

WATTS, T. (continued from page 23)

2-12-60 Negative
 2-12-60 Negative
 2-12-60 Bronco vascular markings accentuated, suggestion of small air pocket at extreme end (laterally)
 Right side at level on fifth rib anteriorly.
 2-24-61 Normal
 2-13-62 Normal, no change since 2-13-60.

VITAL CAPACITY

4-17-57 115%
 2-9-59 99%
 2-15-62 82%

WATTS, WARREN A.
 314 Park Circle, Apt #17
 Long Beach, California

ECB: 2-14-64
 ECB: 7-13-62

PAID ELIGIBLE PENDING X-RAY READINGS

WATTS, STEVEN P.
 1771 Chestnut Avenue
 Long Beach, California

ECB: 12-26-63
 ECB: 7-13-62

DATE: X-RAY

7-13-62 Negative

MC CORMICK, DONALD B.
 1050 Lakeside Avenue
 Long Beach, California

ECB: 4-24-63
 ECB: 2-7-61

DATE:	X-RAY:	DATE:	VITAL CAPACITY
4-17-57	Negative	4-17-57	105%
2-9-59	Negative	2-9-59	93%
2-15-62	Negative	2-15-62	70%
7-13-62	Negative		
2-13-62	Transverse fissure prominent. Pulmonary markings throughout both lung fields definitely prominent.		
2-12-60	Negative		
2-12-60	No appreciable changes		
2-12-60	Markings not changed since 1960. Very faint fibrotic changes are present.		

F23359

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1890

PIPECOVERERS AND INSULATORS

PAGE 25

MCWHERTER, JOY L.
5703 Silva
Lakewood, California

DOB: 1-3-17
EOD: 9-10-56

DATE:	X-RAY
9-5-55	Negative
11-15-56	Negative
11-18-57	Negative
12-11-58	Negative
2-11-60	Hilar and basal markings accentuated
9-13-60	Negative
1961	No appreciable changes. Pulmonary markings and hilar are accentuated.
3-2-62	No change since earlier film 2-11-60

VITAL CAPACITY

4-17-57	120%
2-25-60	114%
2-15-62	109%

MILROY, RAYMOND B.
17826 Jersey Avenue
Artesia, California

DOB: 5-4-04
EOD: 1-19-51

DATE:	X-RAY
3-14-36	No diagnostic findings
11-18-57	Negative
12-9-58	Negative
7-9-59	Negative
2-15-60	Elevated right diaphragm. Transverse fissure prominent. Otherwise essentially negative.
1961	Hilar markings accentuated. No appreciable changes from last report.
4-16-62	Negative

VITAL CAPACITY

4-8-57	80%
2-9-59	89%
4-16-62	56%

1893

5021

F23362

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MT-PWHD-011526

HELICOPTERS AND INSULATORS

PAGE 26

MONTEZ, JUAN
10132 Robert Lane
Tarzana Grove, California

DOB: 8-2-03
EOD: 3-12-51

DATE: X-RAY

1-10-50 Negative
1-14-55 Inferior lung markings increased revealing some evidence of peribronchial fibrosis. No specific diagnostic findings.
11-19-57 Negative
10-9-58 Negative
2-12-60 Changes in lower lung fields are typical of mild fibrosis.
3-12-60 Basal markings accentuated. No appreciable changes from last film.
1961 No appreciable changes noted.
1-19-61 Very minimal fibrotic changes. No evidence of active disease. This man has least changes of any film we have reviewed in the recent series.
4-16-62 Negative

VITAL CAPACITY

4-17-57 100%
2-9-59 100%
2-21-60 84%
4-16-62 73%

MOORE, MELVIN
1875 Magnolia Avenue
Long Beach 6, California

DOB: 8-4-18
EOD: 10-14-59 & 11-13-60

DATE: X-RAY

10-6-59 Negative
2-9-60 Pulmonary markings accentuated in the right middle lobe.
3-12-60 Negative
1961 Comparing with older film there are no appreciable changes.
3-22-61 Negative
3-19-61 Normal
3-2-62 PA Chest: Normal. No change since 2-9-60.

VITAL CAPACITY

2-11-62 81%

1892

F23361

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MT-PWHD-011527

PIPECOVERERS AND INSULATORS

PAGE 27

MOSES, ARNOLD
3575 Lees Avenue
Long Beach, California

DOB: 9-1-02
EOD: 4-25-60

DATE:	X-RAY
11-17-48	Negative
4-1-49	Chest essentially negative
2-11-52	Negative
12-17-52	Negative
6-28-54	Negative
6-29-55	Essentially negative chest.
7-9-56	Essentially negative chest.
3-27-57	Negative
11-7-57	Negative
3-29-60	Essentially negative
9-13-60	Negative
1961	Left ventricle prominent. Lungs essentially negative
9-28-61	Normal
3-5-62	PA Chest: Normal No change.

VITAL CAPACITY

2-15-62 49%

NOTES, J. T.
1012 Loma Vista Drive
Long Beach, California

DOB: 12-10-19
EOD: 7-11-62

RATED ELIGIBLE PENDING X-RAY READINGS

NIDEVER, WADE C.
9920 LaReina Avenue
Downey, California

DOB: 1-8-36
EOD: 9-11-56

DATE: VITAL CAPACITY

DATE:	X-RAY	4-17-57	117%
9-10-56	Negative		
11-15-56	Negative		
11-18-57	Negative		
12-9-58	Negative		
7-9-59	Negative		
2-15-60	Pulmonary markings slightly accentuated.		
9-22-60	Negative		
1961	No appreciable changes, pulmonary markings accentuated		
9-28-61	Negative		

1895

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F23364

DISCOVERERS AND INSULATORS

PAGE 28

GIBBS, ROBERT A.
1522 Pilomar Street
Westminster, California

DOB: 4-13-31
EOD: 2-11-56

DATE:	X-RAY:
4-11-56	Negative
11-11-56	Negative
11-15-57	Negative
11-9-58	Negative
2-11-60	Negative
5-13-60	Negative
1961	Broncho-vasc markings accentuated
6-18-61	Negative

VITAL CAPACITY

4-17-57 102%

PARR, FRED
4036 West Kent
Santa Ana, California

DOB: 6-3-99
EOD: 8-52

DATE:	X-RAY:
2-27-51	PA Chest: Negative
2-14-53	Prominent pulmonary artery shadow left. Left paratracheal node calcified. Fibro-calcific density 1/2 cm in L2 and L7 anteriorly.
2-11-56	Negative
11-6-56	Negative
8-1-57	Negative
5-17-58	Negative
8-20-59	Negative
5-16-60	Negative
5-11-61	Negative
5-17-62	Negative

QUALLS, LOYD F.
21733 Mayler Street
Lawrence, California

DATE:
2-25-60

VITAL CAPACITY
84%

DOB: 9-2-17
EOD: 2-17-59

DATE:	X-RAY
2-16-59	Negative
5-10-60	Negative
1961	Pulmonary markings accentuated

DATE:
9-28-61
2-11-62

X-RAY
Negative
Negative

1894

F23363

100%

RAPP, ROBERT C.
185 Ximeno Avenue
Long Beach 3, California

DOB: 10-13-01
EOD: 7-25-54

DATE: X-RAY

1-18-52	Negative
11-15-56	Negative
11-18-57	Negative
4-24-58	Negative
7-9-59	Negative
2-10-60	Mod. mottling of lung parenchyma bilaterally indicative of involvement of lung with asbestosis.
9-4-60	Diffuse mottling of both lung fields indicating pulmonary parenchymal involvement with asbestosis. No change from previous films.
1961	No changes since last report. This is definite pulmonary infiltration
3-1-62	PA Chest: There are considerable fibrotic changes in both lung fields. There has been no change since our earliest film 2-10-60. The tiny calcification in the right base seems clear at this examination due to less motion-blurring with hi-speed techniques on a new machine.

VITAL CAPACITY

4-17-57	75%
4-3-58	69%
2-9-59	75%
2-8-60	75%
2-15-62	54%

RIGSBY, WALTER C.
18310 Falda Avenue
Torrance, California

DOB: 9-24-17
EOD: 6-7-62

DATE: X-RAY

6-5-62	Negative
6-6-62	PA Chest: Normal
6-8-62	Negative.

ROPCZYCKI, GERALD M.
6522 Tillamook
Westminster, California

DOB: 10-7-32
EOD: 2-27-53

DATE: X-RAY
(continued on page 30)

1897

F23366

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FIRECOVERERS AND INSULATORS

PAGE 30

RCPCZYCKI, GERALD M. (continued from page 29)

2-12-13 Negative
 2-22-35 No definite diagnostic findings. Slight prominent root markings and linear shadows
 11-18-37 Negative
 1-24-38 Negative
 1-3-39 Negative
 2-16-60 Transverse fissure prominent, including the basal markings.
 1961 No appreciable changes.
 3-28-61 Negative
 2-21-62 Negative. No change since 2-16-60.

VITAL CAPACITY

4-17-57 102%
 2-9-59 94%
 2-15-62 75%

RCSS, LEONIDAS J.
 12713 South San Pedro Street
 Los Angeles 6, California

DOB: 9-19-19
 ECD: 4-16-51

DATE: X-RAY

4-4-56 Negative
 4-1-57 Negative
 12-9-58 Negative
 7-7-60 Transverse fissure prominent. Essentially negative.
 9-12-60 Negative
 1961 No appreciable changes
 3-28-61 Negative
 2-21-62 No change since 3-7-60.

VITAL CAPACITY

4-17-57 97%
 2-15-62 74%

RCY, GEORGE F. JR.
 1680 West 254th Street
 Harbor City, California

DOB: 12-2-25 2-26-62 Negative
 ECD: 2-27-52

DATE: X-RAY

4-29-52 Examination of chest is essentially negative
 4-25-56 PA Chest: Accentuated root, perihilar and basal lung markings especially left where peribronchial infiltrate fibrosis and some reticulium of lung markings present. Fine calcified strippling questionable. Impression: No specific diagnostic findings for pneumoconiosis.

F23365

1896

50

PIPECOVERERS AND INSULATORS

PAGE 31

SCHERER, CHARLES R.
1715 West 24th Street
Lomita, California

DOB: 9-17-33

EOD: 9-8-58 and 7-5-51

DATE: X-RAY

9-3-58	Negative
12-9-58	Negative
7-9-59	Negative
2-16-60	Transverse Fissure slightly prominent otherwise essentially negative.
9-13-60	Negative
1961	No appreciable changes
9-28-61	Negative

SHELLEY, ORVETT W.
2008 North Parmelee Avenue
Compton, 4, California

DOB: 9-18-23

EOD: 10-19-53

DATE: X-RAY

10-9-53	Negative
3-15-56	No diagnostic findings.
11-18-57	Negative
4-24-58	Negative
12-9-58	Negative
7-9-59	Negative
2-10-60	Essentially negative
9-13-60	Negative
9-28-61	No change
2-21-62	Normal. No change since 2-10-60.

VITAL CAPACITY

4-17-57	90%
2-9-59	100%
2-25-60	92%
2-15-62	73%

SHOOK, TILLMAN H.
260 Nevada Street Apt #8
Long Beach, California

DOB: 10-31-10

EOD: 7-17-52

DATE: X-RAY
7-16-52 Normal
11-15-56 Negative
(continued on page 32)

1899

F23368

51

WHEELER, JOHN A.
 1110 Lullaby Lane
 Sanborn, California

DOB: 8-7-20
 EOB: 9-16-52

DATE: X-RAY

7-11-52 Negative
 4-2-56 Shows scarring in left cardiophrenic angle. There is no evidence of an acute process at this time.
 11-18-57 Negative
 12-9-58 Negative
 2-15-60 Essentially negative
 1-61 No appreciable changes
 3-18-61 Negative
 2-15-62 Negative. No change since 2-15-60.

VITAL CAPACITY

4-17-57 110%
 1-11-59 94%
 2-15-62 75%

WARD, JOHN M.
 1104 Ohio Avenue
 Long Beach, California
 DOB: 7-12-96
 EOB: 3-18-55

3-1-62. this is unchanged since our earliest films of 2-12-60.

DATE: X-RAY: 4-17-57 64%
 1-8-59 55%
 2-25-60 50%
 2-15-62 46%
 VITAL CAPACITY

7-11-52 Negative
 1-11-56 Negative
 1-11-58 Negative
 1-11-59 Negative
 1-11-60 Negative
 1-11-61 Negative
 1-11-62 Negative
 There is a plate like atelectasis in right lower lung. The diaphragms are depressed and flattened. & the costo phrenic sulci are obliterated. Lung parenchyma and heart are essentially negative. Impression: Residual old inflammatory disease.
 1-11-58 No change since 12-4-57.
 1-11-58 Mild emphysema right costophrenic angle obliterated due to thickened pleura. Basal markings accentuated. Heart normal. Impression: (1) Early fibrosis of the lung. (2) Mild emphysema. Suggest clinical evaluation.
 1-11-59 Plural thickening and adhesions right costo phrenic angle. Hilar and basal markings accentuated. Heart not enlarged.
 1-11-59 There is some progression of the pathology as described 12-18-58.
 1-11-60 No appreciable change in comparison with previous films.
 1-11-60 Hilar markings accentuated. Mild fibrosis of the parenchyma of both lower halves of lung fields.
 1-11-60 Basal markings accentuated.
 1-11-61 Negative.
 1-11-62 PA Chest: The RML region still shows some increased marking.

52

1900

F23369

ST. JACQUE, JOHN J.
4 American Gold Star Homes
Long Beach 10, California

DOB: 3-12-13
EOD: 5-11-61

DATE: X-RAY
5-9-61 Negative

SULLIVAN, DANIEL (NMI)
4181 Green Street
Los Alamitos, California

DOB: 4-7-03
EOD: 4-4-61

DATE: X-RAY:
3-27-61 Negative
9-28-61 Normal
3-6-62 PA Chest: The center is 16/30 with slight prominence
of the left ventricle. The lung fields are clear. Impression:
Minor cardiac enlargement. NCD

2-15-62 VITAL CAPACITY
2-15-62 52%

THOMAS, WILLIAM A.
11865 East Centralia
Artesia, California

DOB: 7-2-16
EOD: 1-19-51

DATE: X-RAY
1-23-56 Negative
12-19-56 Within normal limits, light hilar shadow.
5-26-58 Lungs clear.
7-9-59 Negative
2-12-60 Transverse fissure prominent otherwise essentially negative.
2-1-61 No appreciable changes in comparison with previous film.
2-21-62 Normal

VITAL CAPACITY
4-17-57 110%
2-11-59 99%
2-15-62 81%

1901

F23370

58

PIPECOVERERS AND INSULATORS

PAGE 33

WEST, KENNETH N.
3768 San Anselmo
Long Beach, California

DOB: 1-3-26
EOD: 11-9-60

DATE:	X-RAY:
11-9-60	Negative
3-28-61	Negative
2-5-62	PA Chest: Normal.

VITAL CAPACITY

2-15-62	111%
---------	------

WHEELER, RAYMOND B.
12730 Faculty Avenue
Bullflower, California

DOB: 6-29-06
EOD: 1-22-51

DATE:	X-RAY:
11-18-57	Negative
12-9-59	Negative
7-9-59	Negative
2-9-60	Negative
3-13-60	Negative
3-28-61	Negative
1-10-62	Normal. No change since 2-9-60. A few old calcified scars exist in the right hilum.

VITAL CAPACITY

1-27-57	96%
1-2-58	83%
1-9-59	89%
2-15-62	68%

WILLIAMS, RAYMOND O.
42 E. 120th Street
Los Angeles, California

DOB: 1-27-19
EOD: 2-2-61

DATE:	X-RAY
2-7-61	Normal

1902

F23371

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1045 1475

U.S. DEPARTMENT OF LABOR
BUREAU OF EMPLOYEES' COMPENSATION
305 Golden Gate Avenue
San Francisco 2, California
September 18, 1962

ON REPLY REFER TO FILE NO.
General File

Commanding Officer
Long Beach Naval Shipyard
Long Beach 2, California

Attn: C. V. Krieger
Safety Officer

Dear Sir:

We wish to acknowledge your letter of August 9, 1962, and enclosures, concerning employees of the Long Beach Naval Shipyard who have been exposed to asbestos.

The enclosures have been carefully reviewed by Dr. Chas. R. Mallary, District Medical Director, and by Supervisory Claims Examiners in this office. It is the consensus here that while the medical data presented points to a significant problem in industrial safety, there presently is no basis for the initiation of any action by the Bureau. ✓

The summaries will, however, be of material assistance to us in adjudication if any of the employees develop evidence of injury or disability and submit a request for compensation.

Examinations such as you have suggested appear to come within the scope of a preventative medical program and are not authorized by the Federal Employees' Compensation Act. Too, the information presented does not appear to be such as to permit this office to determine which cases should be reported to the Bureau as injuries. We can say that if any employee believes he has sustained injury from exposure to asbestos, whether such belief is on the basis of the reported results of periodic chest examinations or otherwise, such employee should immediately complete a notice of injury on Form C.A. 1, which should be retained until required to be submitted to the Bureau with Form C.A. 2 pursuant to the provisions of Section 1.3 of the Bureau's regulations.

☒ Plff.	☐ Deft.
Exhibit No.	6
Date	10-3-84
Witness	Krieger
Judith E. Thiel, N.P.	

F121228

Once the employee has given the required notice of injury and filed his original claim for compensation (C.A.1) with the Bureau, we would be able to authorize such further examinations as might be necessary to reach a firm diagnosis. However, this is not to suggest that each employee named in your enclosures should complete Form C.A. 1. Whether an employee should be informed of possible abnormal findings seemingly rests upon the judgment of the physician making the examination.

We are aware that the information herein will provide little if any assistance in meeting your problem. While the Bureau has an interest in preventing injuries, the benefits which are authorized under the Federal Employees' Compensation Act can only be extended after the injury has been sustained (or alleged) -- not before.

Very truly yours,



A. B. Schroeder

Assistant Deputy Commissioner

5 June 1963
CVK/ymh (185)

MEMORANDUM

From: Code 185
To: Code 150 *d/*

Subj: Asbestos Workers; medical information concerning

1. After the death of Mr. Albert Pippa (due to asbestosis) in July 1962, Mr. Web Ay approached Mr. Meeker and myself on the subject of asbestosis. His concern was the possibility of Shop 56 employees having contracted this disease. Knowing that to work with asbestos almost certainly means breathing it, Mr. Ay asked that the men be examined and told of the findings. Mr. Meeker agreed with this. The Safety Division in August of 1962 prepared a "Resume of Diagnosis" for each of these employees. The only conclusions one could reach was that: (1) X-rays are inconclusive and, (2) the opinions of the Roentgenologist differ widely. This opinion was born out by Dr. Robbins.

2. It was decided that in February 1963 the Dispensary would take large (14X17) X-rays and have them read by Dr. Cureton from the USHS HAVEN. Dr. Cureton spoke to me and said that X-rays were inconclusive unless they were tied into a full clinical evaluation. After reading the latest X-rays, Dr. Cureton reported that there were indications of two (2) cases of moderate asbestosis, seven (7) cases of minimal asbestosis and six (6) cases of equivocal minimal asbestosis.

3. In the interim (August 1962) I wrote to the Bureau of Employees' Compensation, San Francisco, asking them for a clinical evaluation of all our suspected cases and Mr. Schroeder, Deputy Commissioner, replied that the examinations that I suggested come within the scope of preventative medical program and could not be authorized by the Bureau. Based on this information I asked Captain Robbins if we could seek assistance of an outside Clinic and he agreed that we could explore the possibilities. Based on this I contacted Dr. Ellstad of the Memorial Medical Center; Dr. Ellstad is willing to give a clinical examination to the fifteen (15) suspected cases for a fee of \$110.00 each. The examination would take eight (8) hours ~~each~~ each and includes \$40.00 worth of tests at Memorial Hospital. Dr. Ownbey and I reported this to Dr. Robbins and he suggested that we wait until 13 June when the three representatives from U. S. Public Health Service are here to study our asbestos problem.

☐ Piff.	☐ Deft.
Exhibit No. <u>7</u>	
Date <u>10-3-84</u>	
Witness <u>K. E. Thiel</u>	
Judith E. Thiel, M.P.	

4. If these men are of the opinion that this evaluation would be practical and informative I would like to recommend that we establish a contract with Dr. Elstad for this work.

C. V. Krueger
C. V. KRUEGER

Proposed physical examination of our ladders by Dr. Myrvin Ellstad, M.D.
at Memorial Hospital, Long Beach

History and Physical	\$28.00
X-Ray	\$10.00
ECG	\$ 5.00
CBC and Urinalysis	\$ 7.00
Report	\$10.00
Pulmonary Function	<u>\$40.00</u>

Total per Patient \$110.00



8

ELLISTON FARRELL M.D.
MYRVIN H. ELLESTAD, M.D.
OSCAR W. SHADLE M.D.

2885 ATLANTIC AVENUE
LONG BEACH 6, CALIFORNIA

INTERNAL MEDICINE

CANFIELD 6-3333

May 27, 1965

Mr. C.V. Krieger
Safety superintendent
Long Beach Naval Shipyards
Long Beach 2, California

Dear Mr. Krieger:

As agreed upon during my last visit, I am writing you this letter presenting as a formal plan the arrangement for performing the pulmonary function tests on the men in your shipyard who have dust exposure. Those especially with asbestos and others with fibre glass or other potential noxious dust preparations.

It is my proposal that we examine 60 men annually for a charge of \$50.00 a piece. This will be a total of \$3,000.00 annually.

As you know, this examination will be to evaluate the potential dangers of the dust-laden atmosphere that they are exposed to and will help us pick out the men who are having serious lung damage prior to the full-blown development of symptoms.

Thank you very much for your consideration in this regard,

Sincerely yours,

Myrvyn H. Ellestad
Myrvyn H. Ellestad, M.D.
Director, Cardiopulmonary Laboratory
Memorial Hospital of Long Beach

ME:rb

☒ Pltf.	☐ Deft.
Exhibit No. <u>8</u>	
Date <u>10-3-84</u>	
Witness <u>Krieger</u>	
Judith E. Thiel, N.P.	

EXHIBIT # J.
WITNESS # G. WATKIN
Pete S. Hunt, K. inter
DATE 1-5-80

0060 0510
10 June 1965

MEMORANDUM

From: Cole 185
To: Cole 150

Subj: Asbestosis Study; funding requirements

Encl: (1) Affected Pipe Coverer & Insulators

1. Dr. Myrvin H. Ellestad, Director, Cardiopulmonary Laboratory, Long Beach Memorial Hospital, has been running tests on our asbestos workers for the past two years. Dr. Ellestad would like to continue these studies so as to pick out asbestos workers who may have serious lung damage prior to the full blown development of symptoms.

2. In the past we have depended on X-ray diagnosis and found that in all cases the man was incarcerated due to asbestosis before the diagnosis was made. Since 1956 we have had 2 deaths due to asbestosis, and numerous cases of asbestosis (see enclosure (1)).

3. Dr. Ellestad was instrumental in procuring test equipment now located in Long Beach Memorial Hospital, and he has requested funds to continue this study from the California Tuberculosis and Health Association.

4. It is proposed that the Long Beach Naval Shipyard pay the medical technicians at the Memorial Hospital at the rate of \$50.00 per patient per year. There are 62 mechanics, 13 helpers, 6 supervisors and 6 apprentices on board at this time, 12 of the mechanics and 3 helpers are temporary employees and should not be included in the program; this would leave 72. In addition, it is proposed that 5 men working with plastic and 5 men working with glass be introduced into the program as pilot groups. The annual cost to the Shipyard would then be \$4,100.00.

5. If this money can be made available I will ask Dr. Ellestad to go ahead with the program.

C. V. KRIEGER

☒ Pfti.	☐ Cert.
Exhibit No. <u>9</u>	
Date <u>10-3-84</u>	
Witness <u>Krieger</u>	
Judith E. Thiel, N.P.	

Copy to:
Dr. Ellestad (2)
Code 700
Code 940
Code 956
Webb Ay

*Webb Approved, 150. sent forward to 700 for
Action.*
Cliff

F23287

394

DEPARTMENT OF THE NAVY
SAFETY PRECAUTIONS FOR SHORE ACTIVITIES

NAVSO P-2455

APRIL 1965

Reviewed and Approved:



R. L. MOORE, JR.
Chief of Industrial Relations

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C., 20402 - Price \$2.75

☒ Pftt.	☐ Deft.
Exhibit No.	10
Date	10-3-84
Witness	Kriegs
Judith E. Thiel, N.P.	

F 128098

Hazardous Materials

health hazard in the cleaning of leaded gasoline storage tanks (see 2020.3).

5. **Mercury.** Absorption of comparatively large amounts of mercury or its compounds by ingestion or inhalation can result in acute poisoning (kidney damage) which may be fatal. Chronic poisoning resulting from long exposure is usually manifested in damage to the nervous system or by mental disturbances. One of the principal hazards in Navy industrial activities with respect to mercury is involved in the filling of mercury manometers commonly used in measuring pressures and fluid flow in various equipments and processes. The careless handling of mercury in this operation many times results in accumulations of spilled mercury on table

tops, floors, etc. such that hazardous mercury vapor concentrations may develop if the space is confined and ventilation is inadequate. See article 1798.2a for appropriate precautions and decontamination procedures.

6. **Zinc.** Although zinc fumes are not highly toxic and do not appear to produce chronic symptoms or cumulative effects, the common occurrences of the annoying and sometimes disabling transient effects is worthy of mention. The welding or torch cutting of galvanized steels and casting of brass and bronze occasionally result in the occurrence of metal-fume fever (fever and chills) and any such operations should be performed with adequate ventilation or suitable respiratory protection.

DUSTS

2058. MINERAL DUSTS

Certain mineral dusts are pneumoconiosis (a pathological lung condition produced by mineral or metallic dust inhalation) producing. The most prevalent and insidious forms are silicosis and asbestosis caused by prolonged inhalation of dusts (or mists) containing silica and asbestos.

1. **Silicosis.** Silicosis has long been recognized as an occupational disease in such industries as mining and quarrying. The damage done is permanent and progressive with continued exposure. In its more advanced stages, it is evidenced by shortness of breath, decreased chest expansion, lessened capacity for work, and increased susceptibility to tuberculosis and other lung diseases. Therefore, any operations which create appreciable quantities of silica (quartz, principally) such as in sand blasting should be well ventilated and, if necessary, personnel should wear appropriate respiratory protection.

2. **Asbestosis.** The effects of asbestosis are similar to and just as disabling as those of silicosis. There is evidence, however, that the handling of asbestos products in the Navy are not so well controlled, if the prevalence of cases of asbestosis is any indication. Exposure to asbestos dust is usually encountered in the installation, repair, and removal of insulating pipe covering used principally aboard ship. The following precautions should be taken in any dust making operations involving asbestos products:

- a. Provide permanent general ventilation in areas where dust producing operations are usually performed.
- b. Install exhaust hoods over saws and other dust making machine tools.
- c. Require workers to wear dust respirators where dusty operations cannot be adequately ventilated.
- d. Use industrial vacuum cleaners in lieu of dry sweeping of floors and other surfaces.

RADIOACTIVE MATERIALS

2059. GENERAL.

The precautions applicable to the use and storage of hazardous radioactive materials

are adequately covered by manuals and instructions issued by the bureaus and offices of the Navy Department. For reference pur-



DEPARTMENT OF THE NAVY
NAVAL SHIP SYSTEMS COMMAND
WASHINGTON, D.C. 20380

NAVSHIPSINST 5100.26
07D:JC:1b
Ser 70-07D
9 February 1971

NAVSHIPS INSTRUCTION 5100.26

From: Commander, Naval Ship Systems Command

Subj: Asbestos Exposure Hazards; control of

Ref: (a) MIL-STD 769C of 15 Nov 1969, Thermal Insulating Requirements for Machinery and Piping
(b) NAVSHIPS Technical Manual 9390 of Sep 1967
(c) NAVMAT P-5100 "Safety Precautions for Shore Activities"
(d) NAVMAT P-10470 "Safety Equipment Manual"

Encl: (1) Suggested Warning Signs

1. Purpose. To prescribe appropriate safety precautions during the use of asbestos.

2. Background.

a. Asbestos is a broad term applied to a group of fibrous minerals such as amosite, chrysotile, crocidolite, etc., composed of silicates of iron, sodium, calcium and/or magnesium.

b. The most critical use of asbestos in the Navy from a safety viewpoint is in the fabrication, installation, repair or removal of pipe and boiler insulation materials. Some workers sustain accidental contacts either while employed in various capacities where asbestos products are processed or when working in plant areas in which an environmental pollution of the air exists due to asbestos. The severe effects of asbestos on the lungs is the main factor for considering the elimination of asbestos as an insulation material on piping, ducts and boilers. References (a) and (b) set standards of materials which are to be used. These references will be reviewed periodically and changed as necessary to reflect the use of new materials that meet or exceed the standards now in use. Reference (c) also provides guidance on precautions regarding asbestos.

3. Action. The following safety precautions will be observed by all supervisors and workers engaged in the fabrication, installation and/or removal (rip-out) of asbestos-containing insulation/material. The provisions of this instruction will be effective as of this date. The provisions of this instruction are considered as minimum health and safety requirements; more stringent restrictions may be applied by local Commanders.

FOR _____ ORG. L

PATRICIA RUBY, N.P.

DATE: DOLAN 10-14-80

F26304

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VSHIPINST 5100.26

February 1971

a. Fabrication:

(1) Asbestos operations should be segregated from other operations so as not to expose other personnel to asbestos dusts. If the work cannot be separated, personnel in immediately adjacent areas will wear a Bureau of Mines approved respirator for irritant dusts and other prescribed, personal, protective equipment. The various items of personal, protective equipment will be those approved by the Industrial Hygienist, the Medical Officer, or as authorized by reference (d).

(2) The handling and fabrication areas will be restricted to the necessary workers, supervisors and inspection personnel directly concerned with the asbestos operations. Casual visitors or passers-by will be restricted from entry into any area where asbestos containing materials are being fabricated. All supervisors, workers, inspectors, etc., will wear approved respirators for irritant dusts when they are working with dry material containing asbestos or are in asbestos-contaminated areas of work spaces.

(3) Asbestos cloth cutting tables or benches provided with adequate local exhaust ventilation should be used whenever cutting operations are performed. Exhaust air containing asbestos dust will not be dispersed into the atmosphere without being adequately filtered. Filters will be carefully changed or cleaned to prevent atmospheric contamination.

(4) Power saws will be located in a suitable enclosure which is equipped with exhaust ventilation to a filter trap. This exhaust ventilation will be independent of the shop ventilation supply/exhaust system. The switches will be interlocked so that the exhaust system operates at all times while the saw blades are in operation.

(5) Suitable waste containers lined with disposable plastic bags will be provided at each cutting table/fabrication operation. Discarded and scrap asbestos materials will be immediately placed in plastic bags which are then sealed for disposal. Scrap should be disposed of on a daily basis.

(6) The Industrial Hygienist or Medical Officer will recommend the exact method and place of disposal of asbestos dusts and scrap to minimize exposures.

(7) Shop walls, ceilings and floors should be designed to prevent dust accumulations and to facilitate housekeeping measures.

NAVSHIPSINST 5100.26
9 February 1971

(8) Industrial type vacuum cleaners should be used to pick up dusts and scrap. The vacuum cleaner operator will wear an approved respirator when operating his cleaner. The water impaction collection system vacuums best and safely. Dry sweeping of scrap or dust should not be permitted. If sweeping is necessary, the scrap and possible dust will be wet down with a fine water spray prior to sweeping. Drop cloths will be placed under work tables or areas if scraps and dust will fall into difficult to clean areas or crevices.

* (9) Asbestos cloth or tape will not be torn or ripped. Scissors or cutting knives will be used.

(10) In-Shop operations for mixing of all cements will be provided with permanent exhaust ventilation equipment. This exhaust air will not be vented into the shop atmosphere and must be adequately filtered before its release to the outside atmosphere. In-bag mixing may be done without exhaust ventilation so long as bag integrity is maintained.

(11) The asbestos cloth shall be wet down prior to fabrication.

(12) All regularly assigned insulation workers and supervisors will be given a 14" x 17" annual chest X-ray. This will be done on the same continuing, periodic basis even if the worker is transferred or reassigned into another job title. X-ray films of asbestos workers, active, reassigned or retired, will be specially identified to the consulting radiologist to alert him to the need for a special type of reporting. The health records of insulation workers will be marked "Asbestos worker".

(13) Insulation workers should be provided with clean coveralls at the beginning of each shift or as often as needed. The coveralls will be removed before the removal of the respirator and should not be "beaten" to remove excess dusts or scrap adhering to it. Contaminated coveralls will be placed in plastic bags, until disposed of or laundered.

(14) Materials will be removed from their cartons or package with care to reduce dust or scrap generation. Wetting of the material prior to removal substantially reduces dust production.

(15) The Industrial Hygienist will provide at least twice yearly indoctrination talks to all asbestos workers on the proper measures of personal protection against asbestos exposure.

NAVSHIPSINST 5100.26
9 February 1971

(16) Adequate warning signs (enclosure (1) or similar) will be posted at all entrances to the fabrication shop sites to alert workers and other personnel that asbestos operations are in progress.

(17) The Industrial Hygienist should make frequent inspection of the Fabrication and Installation sites to check the level of airborne contamination. These inspections should be done monthly or more often as required. The Threshold Limit Value (TLV) for airborne asbestos is 5 fibers greater than 5 microns per milliliter. If this TLV is exceeded, the Industrial Hygienist will assist the shop foreman in designing better preventive measures to control the airborne contamination. Asbestos installation, fabrication or removal operations should be suspended until the proper TLV can be maintained so as to protect the workers and others in the area.

(18) Cement bags will be opened wide to permit emptying of the contents without shaking. The material should be made into a slurry as quickly as possible to prevent dust generation. Empty bags will be wet down and placed in a waste container.

(19) Suitable replacement materials for asbestos will be used when practicable. New or untested replacement materials will be submitted to NAVSEC for evaluation and approval prior to use.

b. Installation:

(1) Personnel engaged in Installation operations will wear Industrial Hygienist approved respirators whenever asbestos containing materials are being handled. The Medical Officer will be the approval authority for any exceptions.

(2) Unpacking and application of insulation materials at the installation site will be done in such a manner that will minimize airborne dust.

(3) The area around the installation procedures should be isolated when possible. Adequate warning signs (enclosure (1)) will be posted. Only persons whose work requires their presence should be permitted in such areas. If airborne asbestos dust is present, they will wear Bureau of Mines approved respirators for dusts or leave the area.

(4) The Industrial Hygienist will be requested to determine suitable methods for preventing large scale contamination of machinery and engine spaces when installation or removal operations are performed in these areas.

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NAVSHIPSINST-5100.26
9 February 1971

(5) Suitable waste containers lined with disposable plastic bags will be kept available at the installation site so that discarded or scrap insulation materials can be immediately placed in them.

(6) The exact method and place of disposal of scrap asbestos and asbestos dust will be approved by the Industrial Hygienist or the Medical Officer. Personnel assigned these tasks will be specifically advised on needed precautions by the Industrial Hygienist or the shop supervisor.

(7) The ventilation requirements of shipboard or confined spaces will be determined by the Industrial Hygienist or Safety Officer and will be in accord with Article 0212 1045-1054 of reference (c).

(8) Portable dust collectors/industrial-type vacuum cleaners should be placed in use at the point of operations within confined spaces when possible.

(9) Decks and spaces contaminated by insulation debris will not be dry swept. These areas must be wet down by a fine spray prior to sweeping (when vacuum cleaners cannot be used).

(10) Workers performing insulation work should be provided with clean paper coveralls when dusty conditions are to be encountered. The coveralls will be removed before the respirator is removed. The coveralls should not be "beaten" to remove excess dusts or scraps adhering to it. Contaminated coveralls will be disposed of by placement in the asbestos scrap bag.

c. Removal (Rip-Out):

(1) Personnel engaged in Removal operations will wear Bureau of Mines approved respirators whenever asbestos containing materials are being handled. The Medical Officer will be the approval authority for any exceptions.

(2) The area around the Removal procedures should be isolated when possible. Adequate warning signs (enclosure (1)) will be posted. Only persons whose work requires their presence will be permitted in such areas. If airborne asbestos dust is present, they will wear Bureau of Mines approved respirators for irritant dusts or leave the area.

(3) The Industrial Hygienist/Medical Officer should designate specific procedures to collect scrap and dust in the machinery spaces.

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February 1971

(4) The area(s) in which asbestos removal takes place will be confined when possible by means of curtains, portable partitions, drop cloths, etc., to prevent excessive contamination of other areas.

(5) In removal operations that involve dusty work, clean paper coveralls will be supplied at the start of each shift; then for lunch, the workers will dispose of the dirty coveralls, then dispose of their respirator filters. After lunch they will put on clean coveralls and respirators with new filters. At the end of the shift all contaminated coveralls will be disposed of by placement in the asbestos scrap bags.

(6) Suitable waste containers lined with disposable plastic bags will be kept available at the removal site so that discarded or scrap insulation materials can be immediately placed in them.

(7) The exact method and place of disposal of scrap asbestos and asbestos dust will be approved by the Industrial Hygienist/Medical Officer. This is particularly applicable on-board ships and in machinery spaces.

(8) High asbestos-containing scrap material should be wet down before collection, hauling or dumping. Personnel assigned these tasks will be specifically advised on needed precautions by the Industrial Hygienist or the insulation shop supervisor.

(9) The ventilation requirements of shipboard or confined spaces will be determined by the Industrial Hygienist or Safety Officer and will be in accord with articles 0212, 1045-1054 of reference (c).

(10) Portable dust collectors/industrial-type vacuum cleaners should be placed in use at the point of operations within confined spaces. They may be used to temporarily and partially clean a worker who has to leave the work area for a short time.

(11) Decks and spaces contaminated by insulation debris should be dry swept. These areas must be wet down by a fine spray prior to sweeping (when vacuum cleaners cannot be used).

(12) A cast cutter similar to the Number 845 STRYKER CUTTER will be used when possible during removal operations. This is a cutter used by doctors to remove plaster casts from patients. Old insulation should not be ripped or torn. It should be cut whenever possible. The addition of a vacuum attachment to the STRYKER CUTTER will materially aid in controlling dust generation. This attachment should be used whenever practicable.

NAVSHIPSINST 5100.26
9 February 1971

(13) The Industrial Hygienist will periodically evaluate the level of asbestos exposure and recommend positive measures for dust control in various areas. This evaluation should be done at the start of each new asbestos operation and as often thereafter as the findings indicate to provide effective control over dust producing operations.

(14) The use of off-hours work should be considered to minimize the number of personnel susceptible to exposure of irritant dusts.

d. Approved Safety Materials/Clothing:

(1) The Industrial Hygienist will recommend and approve the various types of respirators, overalls and other needed personal protective equipment to be used by personnel engaged in various asbestos operations. Only personal protective equipment approved in accordance with Federal Specification GGG-X-125, Type III, Classes 1 and 2 as set forth in reference (d) will be used.

(2) Each worker will be responsible for maintaining his respirator and filters in a satisfactory condition. He will wear it in a proper manner when working on dust producing operations and during all asbestos removal operations.

(3) Supervisors will enforce the proper use of personal protective equipment during all phases of asbestos work. They will arrange for prompt, scheduled physical examinations and X-rays as prescribed by the Medical Officer (normally annually).

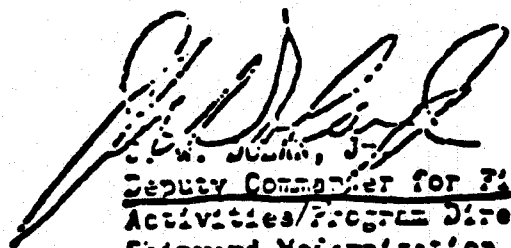
(4) Supervisors will arrange for an adequate supply of clean overalls and new filters for the respirators used by insulation workers.

e. Application of Substitute Materials For Asbestos:

(1) Any proposed materials for use in place of asbestos will be submitted to NAVSIC for evaluation and approval prior to use.

Distribution:

Encl FRL1	NAVSHIPYD
FRL2	SUPSHIP
FRL6	INACTSHIPFAC
FB30	NAVSHIPREFFAC
FB34	FLEACT SASEEO


J. W. Smith, Jr.
Deputy Commander for Field
Activities/Program Director for
Shipyard Modernization and Management

0180 2736

NAVSHIPSINST 5100.26
9 February 1971

SUGGESTED WARNING SIGNS

RESTRICTED ACCESS
ASBESTOS FABRICATION AREA

RESTRICTED ACCESS
ASBESTOS INSTALLATION/REPAIR OUT
WEARING OF RESPIRATORS REQUIRED

9

F26311'

ENCLOSURE (1)

71

106
551

MT-PWHD-0115

EIO:rm(185.2)
13 November 1974

MEMORANDUM

From: Code 185
To: Code 100
Via: Code 150

File
EXHIBIT B
FOR IDENTIFICATION
6/25 18.29

Subj: Asbestos products carried in Supply Department

Ref: (a) NAVSHIPSINST 5100.26, para 2a(19)
(b) BUMEDINST 6260.14, para 4e
(c) NAVSHIPYDL3EACHINST 5100.27C, S.F.SUP #2058,2, para 3k

Encl: (1) Code 185 memo dated 27 Feb 1974
(2) Recommended policy statement

1. References (a), (b) and (c) all require the use of suitable replacement materials for asbestos containing material whenever practicable. Enclosure (1) is evidence of this Division's efforts to restrict the use of asbestos material within this shipyard.

2. A current problem exists in that asbestos material continues to be stocked, ordered and used even though acceptable substitutes are available. It is this Division's contention that the asbestos problem will never be resolved until, as a beginning, we cease installation of such material. Guidance provided by the references and savings in future compensation costs dictate that asbestos free material be utilized whenever practicable. Presently there are ten (10) former shipyard employees (or their survivors) receiving continuing injury compensation for occupational asbestosis (estimated cost approximately \$100 thousand dollars per year).

3. To alleviate this problem, it is requested that the Shipyard Commander issue a policy statement on this subject. Enclosure (2) is a suggested statement of policy.

C. V. KRIEGER
C. V. KRIEGER

Copy to:
Code 300
500
920
930
200
400

☐ Pkt.	☐ Deft.
Exhibit No.	12
Date	10-3-84
Witness	Krieger
	Judith E. Thiel, N.P.

525191

B
123

HAIGHT, DICKSON, BROWN & BONESTEEL

LAWYERS

* FULTON HAIGHT
* ROBERT L. DICKSON
* HAROLD HANSEN BROWN
* MICHAEL J. BONESTEEL
* GEORGE C. MCCARTHY
* GARY C. OTTOSON
* ELLIOTT D. OLSON
* KIM H. COLLINS
* RONALD C. KLINE
* CHRISTOPHER ROLIN
* DEAN V. AMBROSE
* ROY G. WEATHERUP
* WILLIAM K. KOSKA
* PETER O. EZZELL
* DENNIS K. WHEELER
* STEVEN L. HOCH
* JOHN W. SELLER
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* PETER A. DUBRAWSKI
* DELOS E. BROWN
* MICHAEL J. LEAHY

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DEBRA E. POLE
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RALPH V. PALMIERI
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KEVIN R. CRISP
DAVID J. FLEMING
MARIA ELIZABETH TICSE
BRUCE L. CLEELAND
C. DUFFY BUCHANAN

SIDNEY A. MOSS
(1893-1963)

DONALD S. RALPHS
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EDWARD P. KERNS
ALEXANDER S. POLSKY
MAUREEN A. MCKINLEY

GEROLD C. DUNN
(1911-1980)

201 SANTA MONICA BOULEVARD
P.O. BOX 680
SANTA MONICA, CA 90406
(213) 458-1000

1800 EAST SEVENTEENTH STREET
SANTA ANA, CA 92701
(714) 953-9345

TELECOPIER
(213) 393-1581
TELEX
705837

OF COUNSEL
GEORGE CLARK LYON
CHARLES B. SMITH

IN REPLY REFER TO:
Mr. Hoch
Santa Monica

October 29, 1984

Bob Batson, Esq.
Manville Corporation
Post Office Box 5723
Denver, Colorado 80217

Re: JM Government Litigation - Robinson

Dear Bob:

Enclosed please find the deposition summary of Mr. Kreiger. Mr. Kreiger was the safety inspector at the Long Beach Naval Shipyard. His videotaped deposition I thought went very well but I will admit that it is longer than I anticipated. I would think there is approximately four hours worth of usable tape. There were many documents which were of importance in the deposition and they are ones which should be read along with the deposition to give flavor and context to the questioning.

Very truly yours,

Steven L. Hoch
HAIGHT, DICKSON, BROWN &
BONESTEEL

RECEIVED

OCT 31 1984

LEGAL DEPARTMENT

SLH:slw
Enclosure

cc: Dennis Markusson w/o encl.
Helen Marsh w/o encl.
Clark Burnham w/encl.
Barbara Diemer w/encl.

MEMO TO
IN RE:

MANVILLE CORPORATION

HAIGHT, DICKSON, BROWN & BONESTEEL

JM Government Litigation - Robinson
Computer No. 12097

SANTA MONICA, CALIFORNIA

SANTA ANA, CALIFORNIA

TRIAL DATE:
CONFERENCE DATE:
TRIAL ATTORNEYS:

October 23, 1984

SUMMARY OF THE DEPOSITION OF
CLIFFORD KREIGER

The deposition of Mr. Kreiger was taken pursuant to subpoena on October 3, 1984 in our office. The undersigned appeared on behalf of Manville, the United States was represented by Jane Mahoney and Elizabeth Kroop. The deposition was videotaped.

IMPRESSION OF WITNESS

Mr. Kreiger was a very good witness. He is in his 70s with gray hair and a full gray beard. He speaks very well, has a decent recall of facts and is forthright in his responses. He very carefully chooses his words, however, he does not come across as being picky. He got visibly angry at some of the questions that were asked of him by the Government. I would say that he would make an above-average witness for Manville.

BACKGROUND

Mr. Kreiger was a safety supervisor of the Long Beach Naval Shipyard from 1956 through November of 1974, GS 13. He is a high school graduate. He worked for Bethlehem Steel as a welder and chief fire inspector; for the Philadelphia Naval Shipyard as a safety inspector; for the Naval Aviation Depot in Philadelphia as a safety engineer and then for the Long Beach Naval Shipyard as safety superintendent. After leaving LBNS he worked for Cal State University at Long Beach as the Environmental Health and Safety Officer from 1974 to 1981. He is now retired and resides at 6522 Farinella Dr., Huntington Beach, California.

LONG BEACH NAVAL SHIPYARD

1.

Job Function

The function of the Long Beach Naval Shipyard was the repair and maintenance of U.S. Navy vessels. It consists of

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October 24, 1984
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SANTA MONICA, CALIFORNIA

SANTA ANA, CALIFORNIA

about 350 acres and during the tour of his duty had between 7,000 and 9,000 workers. Under his authority he had two or three safety inspectors, and one compensation clerk, although this fluctuated somewhat during the 18 years he was there.

The job of the Safety Supervisor (Code 185) was to advise and counsel other supervisors on safety practices and to run the workman's compensation program. His immediate supervisor was the Industrial Relations officer. He himself as a staff officer has no enforcement powers and would have to work through the chain of command to line officers who do have such power.

He indicated that the safety department dealt with traumatic injuries whereas the industrial hygiene department dealt with systemic injuries with the exception of hearing loss, which for some reason or other came under the Industrial Hygiene department.

He set up the standup safety meetings and authored the memos sent to the supervisors which were read to the workers. The purpose of these meetings was to educate the workers.

2.

Asbestos Knowledge

He was well aware of the job of laggers and what they did. He came to this knowledge before he was at the Long Beach Naval Shipyard. They worked out of Shop 56. He believes that by 1956 he had sufficient knowledge because of the beginning of the compensation claims which were diagnosed as asbestos is to say that both the occupation was hazardous and that asbestos could cause asbestosis under certain conditions to insulators. He discussed the problems with Webb Aye around that time and, in fact, he believes after the first compensation claims came in he may have gone to the union for a meeting where he told the workers about the compensation case and advised them to wear protection, to wear respirators while working with asbestos due to the asbestosis possibility.

The first claims were for Mr. Eades, Mr. Phipps, Mr. Zapato and about seven others. This is how Marr became interested in the subjects Kruger did not help Marr in preparing his report.

MEMO TO
IN RE:

MANVILLE CORPORATION

HAIGHT, DICKSON, BROWN & BONESTEEL

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He recalls attending the 1964 conference at the New York Academy of Science where he heard Dr. Selikoff speak. It was his impression that he was the only one from the government there. When he came back he reported to his boss about what he had heard and provided to his boss everything that he collected at the meeting. He believes he wrote a report and gave it to Mr. Hendrickson but does not know what happened to it.

He also recalls his travel to the asbestos worker's snion along with Dr. Watkins to hear Dr. Selikoff speak in 1967. He indicated that the material given at that lecture was about the same as that given in '64 with a lot more emphasis on smoking. He believes that Dr. Watkins did not come back with him from the meeting, but rather went on to interview Sheldon Manning who then lived in New Jersey, and hired him.

He is quite clear that there was no industrial hygienist at the shipyard from about 1964 until Sheldon Manning came in 1967. All of Bill Marr's books went to him and the equipment went to the chemist. During the time period when there was no industrial hygienist at the shipyard, he can say without any qualification that his department did no asbestos sampling whatsoever, and further did not take up the role of the industrial hygienist at all. There was no one qualified to do that work.

He indicated that when Sheldon Manning came to the Shipyard he did hear Sheldon make complaints about not getting assistance, including secretarial help, and having problems with equipment and other such matters. He stated that R. Manning leaned on Sheldon. He did help Sheldon schedule the first insulator meeting to discuss asbestos problems.

He recalls the locker room where the insulators changed and that it was small. He knows that in the late '60s they made some changes to it.

He heard that after he left that other trades had been claiming that they got asbestosis and he was quite surprised about that.

Plaintiff's Exhibit 1: Is the "Grim Reaper" poster which he identified as seeing throughout the shipyard. He wasn't necessarily in favor of it but it was spread around the yard quite a lot. There were also other posters of similar nature warning men to wear their respirators.

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SANTA ANA, CALIFORNIA

Plaintiff's Exhibit 2: Is a document which refreshed his recollection about the trip that he and Olin Meeker (head of Shop 56) took sometime in 1959. They visited Philadelphia, Boston, Portsmouth and he believes New York Naval Shipyard. Their reason for this trip was to determine how they were handling asbestos. He indicated that in all places that he went to and spoke to people there, that they all knew that there was some problem with asbestos containing insulation and that there was the possibility of insulators getting asbestosis. He believes he did issue a report after his trip which was delivered to his boss. He doesn't know what happened to the report.

Plaintiff's Exhibit 3: Is a letter written by Dr. Robbins, with attachments, to Medical Officer, Philadelphia Naval Shipyard, who was the shipyard physician at the time that he and Bill Marr were present at LBNS. It concerns Mr. Phipps. He believes he can identify the transcript of the tape made by Mr. Marr although he never heard it, because he remembers a discussion that he had with Marr and Phipps in which they got some preliminary information which is the same as in the tape. He did, over the years, himself tell Dr. Robbins of the asbestosis workman's compensation claims but doesn't think that Robbins took any particular action.

Plaintiff's Exhibit 4: is the Hetzel memorandum of 6/16/61 which was identified. He did call it to the attention of Robbins but doesn't recall what Robbins did. The report was done because Kreiger had some doubts of the validity of the x-ray reading which was being done at the yard on the ladders. They were inconsistent from year to year. He was attempting to rectify the problem.

Plaintiff's Exhibit 5: is a letter to Mr. Gray at the Bureau of Employee Compensation dated 9 August, 1962 with attachments. It was information which he forwarded stemming from Hetzel's work. This was also sent to Dr. Robbins and Meeker.

Plaintiff's Exhibit 6: was a letter from Mr. Schroeder dated 1962 which rejected Kreiger's request to the Bureau of Employee Compensation for funding of a survey of the shipyard insulators. It was at that time that Industrial Relations funded it themselves and sent the ladders to Long Beach Memorial Hospital to be examined by Dr. Ellstadt.

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SANTA ANA, CALIFORNIA

Plaintiff's Exhibit 7 is the 5 June 1963 memorandum requesting funding at the Ellstadt program. Initially it was to examine fifteen workers suspected of having serious asbestosis. Unfortunately, Mr. Kreiger could not recall what happened to the results.

Plaintiff's Exhibit 8: is the Elstadt letter to Mr. Krieger of 27 May, 1965 proposing the testing of 60 ladders.

Plaintiff's Exhibit 9: is Kreiger's letter dated 10 June 1965 concerning the same.

[The reason that Kreiger wanted to set these up was that in fact the men were getting inconsistent readings on their x-rays, that is, one year they would have a positive and the next year a negative and the next year a positive. He knew this was impossible and he was looking for a consistent source of reading. Also, the pulmonary function equipment at the Long Beach Memorial Hospital was far more sophisticated than that available at the Shipyard. He doesn't remember who told him about this but he believed it would be better to have the shipyard workers examined, at least as to pulmonary function tests, somewhere else.]

Plaintiff's Exhibit 10: is the safety precaution for shore activity dated 1965. He identified this and indicated that this was the document that would be binding on the shipyard. [It contained some interesting language relative to what the Navy knew at that time]. This was a document which filtered down all levels of the yard. The entire volume dealt with "everything."

Plaintiff's Exhibit 11: is NAVSHIP 5100.26 which the witness cannot frankly recall if at the time it was issued the shipyard was in compliance or not.

Plaintiff's Exhibit 12: is Cliff Kreiger's memo of 13 November 1974 to the shipyard commander and others wherein he was advising people that the shipyard was still receiving asbestos containing material and shouldn't be.

CROSS-EXAMINATION

He was only aboard a ship during a ripout one time. He believes that there were probably closer to 100 insulators after seeing some of the exhibits generally speaking over the span of time he was in the shipyard.

MEMO TO
IN RE:

MANVILLE CORPORATION

HAIGHT, DICKSON, BROWN & BONESTEEL

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SANTA ANA, CALIFORNIA

In a prior deposition he indicated that plaintiff's Exhibit 5 may have been done by Mr. Patterson and not by Hetzel and the Government tried to have him repudiate its authenticity based on that. On re-direct this was clarified and he plainly stated that whether Hetzel did it or Patterson did it is of no significance because the information came out of the shipyard records and it was done under his authority and can vouch for its accuracy.

He indicated he had nothing to do with specifications or procurement and that no submarines were ever repaired at the Long Beach Naval Shipyard. He believes he spent less than 1% of his time overall in the years he was at Long Beach Naval Shipyard on asbestos.

RE-DIRECT

Aside from clearing up his testimony on plaintiff's Exhibit 5, he also indicated that he had no reason to have any manufacturer tell him about the hazards of asbestos in 1964 inasmuch as he was fully aware of the problems beforehand and certainly after his hearing Dr. Selikoff there was no need to.

Steven L. Hoch

SLH:slw
DRD/12097-R2

MT-PWHD-011567

PENINSULA OFFICE
2275 EAST BAYSHORE ROAD
PALO ALTO, CALIFORNIA 94303
TELEPHONE (415) 855-4800

PORTLAND OFFICE
LLOYD CENTER TOWER
PORTLAND, OREGON 97232
TELEPHONE (503) 238-1700

HELLER, EHRMAN, WHITE & MCAULIFFE
ATTORNEYS

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

44 MONTGOMERY STREET · SAN FRANCISCO, CALIFORNIA 94104
CABLE HELPOW · TELEX 340-895 · TELECOPIER (415) 772-6269
TELEPHONE (415) 772-6000

SEATTLE OFFICE
ONE UNION SQUARE
SEATTLE, WASHINGTON 98101
TELEPHONE (206) 447-0900

HONG KONG OFFICE
CAXTON HOUSE, 17/F
1 DUDDELL STREET
HONG KONG
TELEPHONE 8-266616
TELEX 65666 LAWYR HX

August 21, 1984

J-10-64

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AUG 27 1984

Steven L. Hoch, Esq.
Haight, Dickson, Brown & Bonesteel
201 Santa Monica Boulevard
P. O. Box 680
Santa Monica, California 90406

LEGAL DEPARTMENT

J-M v. United States

Dear Steve:

Enclosed is a copy of a document regarding Cliff Krieger's 1972 visit to Puget Sound Naval Shipyard. If Mr. Krieger has not previously been asked about his impressions of Puget Sound, perhaps such inquiries should be made in his upcoming deposition.

Very truly yours,

Michael L. Rugen

Enclosure

cc: Robert D. Batson, Esq. w/Encl.
Ms. Barbara Diemer w/Encl. ✓
Clark J. Burnham, Esq. w/Encl.

MT-PWHD-011568

3 March 1972

MEMORANDUM

From: Code 185
To: Code 300
Via: Code 700

Subj: Asbestos problem, comments concerning

1. On 28 and 29 February, the undersigned along with others of the Shipyard visited the Puget Sound Naval Shipyard and found in my opinion an excellent program for the control of asbestos.
2. The control was basically ventilation and lots of it. Each machine and each table had exhaust and/or down draft ventilation.
3. I would like to recommend that for the present
 - a. One or two Sears Roebuck "Wet/Dry" vacuum cleaners be purchased for test in the shop and aboard ship. This is an efficient plastic cleaner.
 - b. That a block cutting saw fully enclosed as the one used in Puget be fabricated.
 - c. That a \$400.00 hand saw vacuum as described in the latest Industrial Hygiene Report be procured for use in this Shipyard.
 - d. I would further recommend that consideration be given to locating all asbestos preparation in one building with central exhaust ventilation, locker room, logging and mixing operations, sawing and sewing so that the prepared materials could be transported to the water from with the major portion of the problem (except rip-out) confined to one controllable area.
4. The Puget Sound Industrial Hygienist is of the opinion that cloth coveralls are dangerous as they retain asbestos particles on the cloth or allow the fibers to penetrate. They are using, with success, a plasticized paper coverall that sheds the fibers. These are more expensive than rented cloth but may be more efficient.
5. The item of extra pay was discussed and they do not pay extra pay when a man can wear a respirator..

C. V. BRIDGER

0016360

MT-PWHD-011569

PRIVILEGED
J-M 83

CV 8001

FILE COPY

TRIAL TESTIMONY SUMMARY OF
CLIFFORD V. KRIEGER
HOGARD VS. J-M PRODUCTS CORP., ET AL.
MAY 5, 1980
LOS ANGELES, CALIFORNIA

CALLED AS WITNESS BY DEFENDANT RAYBESTOS-MANHATTAN

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TRIAL TESTIMONY SUMMARY OF
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LOS ANGELES, CALIFORNIA

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Knowledge of Other Subjects

- Info. Re: Poster, "Is This Your Future?" p. 1940
- Info. Re: Poster, "Is This Your Future?" (Cont.)
p. 1940-1942
- Tape Recording of Mr. Phipps p. 1950-1951
- Defendant R-M's Exhibit #1008 p. 1940 (Poster "Is This
Your Future?")
- J-M Exhibit #538 p. 1956 (6-10-65 Letter From Krieger
to Hendrickson Re: Testing LBNS Asbestos Workers)

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TRIAL TESTIMONY SUMMARY OF
CLIFFORD V. KRIEGER
HOGARD VS. J-M PRODUCTS CORP., ET AL.
MAY 5, 1980
LOS ANGELES, CALIFORNIA

CALLED AS WITNESS BY DEFENDANT RAYBESTOS-MANHATTAN

DIRECT EXAMINATION BY MR. NORBY

Background p. 1926	Clifford V. Krieger. Presently resides at Huntington Beach, California, and has lived there the past 7-8 years.
Employment History p. 1926-1927	Environmental Health and Safety officer at California State University, Long Beach, California. Also, presently teaches one course, Industrial Supervision. Employed at Long Beach State for past 5-1/2 years. Prior to Long Beach State, from - 56 thru 74, employed at Long Beach Naval Shipyard. Prior to LBNS, employed at Philadelphia Naval Aviation Supply Office and Department. Worked at Philadelphia Naval Shipyard prior to the Naval Aviation Supply Office. Employed in Philadelphia for the Navy before '44 and '56 (no specific starting date given). Was Safety Inspector at Philadelphia Naval Shipyard.
Educational Background p. 1927-1928	Regarding work for Philadelphia Naval Shipyard, was trained from time to time with different courses throughout the years. Also took some independant courses. Attended Naval conferences, that trained in different areas. Example: Edward's Arsenal, to study radiological safety. Attended numerous Navy Safety Courses during employment at Philadelphia.
Employment History (Continued) p. 1928-1930	Employed at LBNS from '56-'74 as Safety Supterintendant, of which, duties in '56 involved setting up safety program, continuing safety program that would involve safety on ships, in shops and in warehouses, etc.; mostly dealing with traumatic safety. Traumatic as contrasted with systemic, the difference between an accidental type of injury and an illness. Traumatic, a broken leg on the job; an

illness, asbestosis. Asbestosis, one of the illnesses dealt with; and "that's about the only large volume we had. We had some other complaints but they were minor."

Knowledge of Individuals
p. 1930

David Hendrickson, Industrial Relations Officer, Krieger's superior at the LBNS. The commanding officer was Mr. Hendrickson's superior at LBNS.

Employment History
(Continued)
p. 1930

David Hendrickson, Industrial Relations Officer, Krieger's superior at the LBNS. Hendrickson's superior was the commanding officer of the shipyard.

Info Regarding Long
Beach Naval Shipyard
p. 1930

Upon arrival in '56 at LBNS there was no safety manual in existence. One of first problems dealt with, pertained to silica dust. Krieger's responsibility regarding silica dust involved someone bringing to his attention that there was a possibility that there was silica in the sand being used for blasting; and Krieger took it up with the Industrial Hygienist, and they found that this was not so. It was a granite without silica.

Knowledge of
Individuals
p. 1931

During first 1-2 years at LBNS, met various people. Met Mr. Meeker, Head of Pipefitters Shop (number designation 9 -- 56).

Long Beach Naval
Shipyard Info
(Continued)
p. 1931

During first 1-2 years at LBNS, met Mr. Meeker, Head of Pipefitters Shop and (number designation 9 -- 56). Following work done at shop 56: pipefitting, pipe-covering, insulating, copper work, pipe work and antennae. At that time, Mr. Meeker was master of the shop, later known as superintendant. Meeker was a civilian employee. Between themselves, they discussed matters pertaining to safety, but Meeker did not answer or report to Krieger regarding safety.

Knowledge of
Individuals
p. 1932

Mr. Webster Ay, Foreman in Pipecovering Shop, and Head of Metal Trades Counsel. Metal Trades Counsel, during that period of time, was a group of unions within shipyard.

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LBNS Info.
(Continued)
p. 1932-1934

During same period of time, '56 - '58, dealt with asbestosis and injury. There were certain people at the shipyard at that time who had Workers' Compensation claims for the disease asbestosis (amounting to less than 10 claims).

As found upon arrival in '56, x-ray program at LBNS involved taking x-rays every 6 months only of people involved with pipe covering and insulating. It was not part of Krieger's job to make any determinations as to whether that program was or was not working, but he questioned the program. Sometimes the x-rays were read positive and sometimes they were negative, and they ascertained that maybe different doctors read x-rays differently. Krieger's distinction between positive and negative was that when the x-ray says "negative" that means nothing, and when it says "there were markings", he suspected they were talking about positive markings. Believes purpose of x-ray program at LBNS was to find problems with workers' lungs. Explained the inconsistencies between positive and negative readings as being inconsistent from period to period. At one particular time it would say positive, and then it would say negative, etc. These x-rays located in medical department.

Knowledge of
Individuals
p. 1934-1935

Captain Thompson, Director of Medical Department at LBNS while Krieger employed at same.

Long Beach Naval
Shipyard Info
(Continued)
p. 1934-1936

During '56 - '58, Captain Thompson (Medical Doctor) was Director of Medical Department. From '56 to '74, that position was always occupied by a medical doctor. In '74, they got a civilian. During '56 through '74, there were four medical directors. During early years at LBNS, recommended that they go to Memorial Hospital Clinic and involve the Heat, Frost, Insulator workers with x-rays and studies of their lungs, vital capacity tests. This was the diagnosis of asbestosis.

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Classes Conducted
Involving Asbestosis
p. 1936

During employment at LBNS, was also teaching outside of shipyard. Taught at City College for approximately 5-6 years and taught at Cal State University, Long Beach, for approximately 9 years. Lectures involved the disease of asbestosis and safety procedures relating to handling of asbestos. Believes approximately 14 years ago, while at Cal State University, was his earliest lecture in regard to asbestosis or safe handling of asbestos.

Knowledge of
Individuals
p. 1936-1937

Captain Robbins, Medical Director
(uncertain as to what period of time).

Dr. Jose Smith, Medical Director, who he believed left in '74 (did not recall when he began).

Krieger's Responsi-
bilities at LBNS
p. 1937-1940

Dealt with safety orders in shipyard which pertained to anything that came within his jurisdiction. Responsible for communicating safety practices to workers with regard to handling asbestos. This particular communications "problem" was the Medical Department's responsibility, and from time to time Krieger got involved; but it was primary responsibility of Medical Department and they, from time to time, gave training to pipe coverers and insulators, every 6 months, discussing dangers of asbestos, dangers of smoking when working with asbestos, using protective gear, etc.

(Mr. Steinberg requested that the answer be stricken at least to that portion which is not within the witnesses knowledge with respect to what the Medical Department did, and Mr. Norby withdrew the question.)

Safety meetings were set up with medical directors present. In late '60's and '70's, Krieger attended those safety meetings. During late '60's, Krieger heard discussions regarding the fact that asbestos was dangerous and that smoking with asbestos was fatal and that the person should protect themselves.

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During '56 through '58, had occasion to discuss safe handling of asbestos and those problems with Mr. Webster Ay, Head of the Local Committee.

Defendant Raybestos-
Manhattan's Exhibit
#1008
p. 1940

Poster showing death with his sickle/scythe and it says, "Is This Your Future?" In other words, death or with your family, wear your respirator.

Info Regarding Poster,
"Is This Your Future?"
p. 1940

Defendant Raybestos-Manhattan's Exhibit #1008, poster showing death with his sickle/scythe and it says, "is this your future?" Artie Bransford was the artist who drew that poster in April of '57.

Knowledge of
Individuals
p. 1940

Artie Bransford, artist who drew poster, "Is This Your Future?"

Info Regarding
Poster, "Is This Your
Future?" (Continued)
p. 1940-1942

At bottom of poster is Mr. Krieger's name. Ay's name also appears there, as Head of Local 20, Business Agent.

This Exhibit was approximately the same size that was at LBNS. It was posted throughout the asbestos handling shop and was given out at union meetings. Some of them ended up in the pad shop, Shop 56.

Mr. Ay was instrumental in developing that poster picture.

Preventive & Safety
Practices at LBNS
p. 1942-1944

At time poster developed (in '57), did not feel this was an appropriate way to get any message pertaining to safe handling of asbestos out to workers. Personally does not believe in scare tactics for safety. Preferred approach of educating workers. Preferred to call them in or go to them and discuss the hazards. Personally put together a program dealing with asbestos in a safe manner. First part involved attending union meetings. Believes he attended 2 union meetings in Long Beach where he discussed the fact that he had people with asbestosis and they got it probably from not being protected. Then, because that only involved union members, they brought the educational program into Shop 56. That involved all ladders (Heat,

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Frost, Insulator workers), union and nonunion. No steps were taken to insure that union members would have attended these meetings.

Further Education
Personally Attained
Re: Asbestos &
Asbestosis
p. 1944

While at LBNS in late '50's - early '60's, attended Dr. Selikoff's seminars & mtgs. Upon return from same, discussed info. obtained with Mr. Meeker & Mr. Ay. Also, would probably have discussed it at medical department conferences of which the industrial hygienist also attended.

Knowledge of
Individuals
p. 1944-1945

Jim Sheehan, Industrial Hygienist at LBNS in '56.

Bill Marr, Industrial Hygienist at LBNS after Sheehan (does not recall dates of his tenure).

Industrial Hygienists
at LBNS
p. 1944-1945

Jim Sheehan in '56, and Bill Marr followed him (does not recall dates of Marr's tenure).

Distinction Between
His & Ind. Hygienists
Responsibilities,
Early '60's
p. 1945-1946

Ind. hygienists are trained in an entirely different field (more medical), and are certified by an industrial hygiene board. In Safety, he's an engineer, for example, with education (more to preventing traumatic type things) in building scaffolds, how to run safety lines, etc. Marr was responsible for prevention of systematic type things like protection against: loss of hearing, toxic paints, asbestos, etc.

Re: Mtgs. with union leaders, doesn't believe Marr was involved. Believes he personally was only one involved in union meetings. Then they were brought back into the shipyard and everyone was involved. Then Marr would have taken over. Believes was during Marr's tenure when meetings brought back to shipyard (doesn't recall exact date).

Knowledge of
Individuals
p. 1946-1947

Sheldon Manning, Industrial Hygienist after Marr.

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Industrial Hygienist
at LBNS After Marr
p. 1946-1947

When Marr left, there was a period when there was no industrial hygienist. Eventually, Sheldon Manning, Industrial Hygienist, came in to take former responsibilities of Marr. Believes there was one year between Marr and Manning.

Preventive and Safety
Practices at LBNS
(Cont.)
p. 1947-1949

When questioned as to how often x-rays being taken of employees to determine lung problems in '56, responded that it should have been every 6 months. About '56, is first time respirators became mandatory in shipyard. "Mandatory" means instructions were given that they should be worn. That doesn't mean they were worn. Personally had occasion to walk through shipyard and see places where respirators were and were not used. Krieger did not take any steps upon encountering a worker that was not wearing a respirator. He was not a supervisor of any men, and if he did anything, it would have been to contact supervisor. Krieger dealt more with supervisors because there were 8,000 to 10,000 workers, and about 500 supervisors; so it was easier to deal with shop heads because then you were talking about 20 to 30 men. Krieger would then tell them to pass the word on.

Director of Safety's
Responsibilities
p. 1949-1950

Everyone gets the idea that safety people can crack down on somebody or that they have police authority or something of that nature. A safety person is advisory only. The supervisor is completely responsible for workers. He felt he could advise rather than police the actual problem that was going on. He would advise people that were in a position to do something about problems encountered. Regarding whether or not he could compel his superiors to issue an order or do something, his superiors issued a lot of instructions that he wrote. For example: the shipyard commander issued, eventually, a safety manual. Assumes late '60's when safety manual issued by shipyard commander.

Tape Recording of
Mr. Phipps
p. 1950-1951

Believes Marr went to Phipp's house and made a tape recording describing how badly he felt due to complete disability from asbestosis. Regarding subject matter, believes it was aimed at the apprentice,

to inform them of asbestos hazards. Has no idea where tape is now. Did not personally hear tape.

LBNS Info (Continued)
p. 1951

Does not recall any doctors visiting the shipyards in '60's with an eye towards investigating the asbestos or asbestosis problem.

Knowledge of
Individuals
p. 1951

Does not recall names of Cralley, Enterline or Kusher.

LBNS Info (Continued)
p. 1951-1954

Does recall communicating with shipyard commander about problems of asbestos and asbestosis, but cannot recall exact initial date.

Uncertain how long Mr. Meeker remained head of Shop 56. Shop 56 is a very small part of the Pad Shop.

When Mr. Manning came, personally did not play any part in his training or education in becoming head of industrial hygiene. Only showed him the shipyard.

In early '60's, there was a period of time when workers were sent to Long Beach Memorial Hospital in connection with studies by Dr. Ellestad at the same hospital. Recalls there were pulmonary function tests established with regard to that study. The Medical Department of LBNS financed those pulmonary function tests. Approximately 3-4 years later, testing of workers ceased at Long Beach Memorial Hospital. Then it was brought back in-house.

CROSS EXAMINATION BY MR. HAIGHT

Dr. Selikoff's
Presentation In 10-64
p. 1954-1956

Recalls attending New York Academy of Science Presentation of Dr. Selikoff in October of '64, and recalls it was first time he met Dr. Selikoff. Was invited to presentation by Dr. Selikoff through the recommendation of Webby Ay that he be invited. Upon return to shipyard after conference, met with Meeker and Ay, and then they held the regular meeting. They discussed subject raised at that presenta-

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tion with all workers. Believes at that particular time, Marr had just left the shipyard or had been transferred, and didn't remember whether Manning had come on yet as the industrial hygienist. Regarding the approximate 1 year span between Marr and Manning, when there was no industrial hygienist, did not personally attempt to fill in on the Industrial Hygiene Program. If there was an emergency, the gas-free engineer and his self would be called in to the situation, and there were very few times when they did this. He did not substitute as an industrial hygienist. He was not trained as an industrial hygienist, and does not know how to take dust samples, either at that time or the present.

J-M Exhibit #538
p. 1956

6-10-65 letter from Safety Superintendant, himself, to Industrial Relations Officer, Mr. Hendrickson.

6-10-65 Letter From
Krieger to
Hendrickson
p. 1956-1957

Defendant J-M's Exhibit #538, 6-10-65 letter from Krieger to Hendrickson which regards the following: first paragraph discusses Dr. Ellestad from Long Beach Memorial Hospital and that he has been running tests on their asbestos workers for the past 2 years, and that Krieger is asking that he continue to do this. It is a request for funding so they could continue to run pulmonary function studies of workers. One of later paragraphs refers to number of men who would be involved, and that total cost would be \$4,100.00.

Dr. Robbins, himself and Dr. Ellestad were responsible for starting this program of the pulmonary function studies. Dr. Robbins, medical director at that time.

Knowledge of
Individuals
p. 1957

Dr. Robbins, Medical Director at LBNS in '65.

CROSS EXAMINATION BY MR. STEINBERG

LBNS Info (Continued)
p. 1958-1962

When he began in '56, there were approximately 8,000 people working at the shipyard, which remained fairly constant up

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until the time he left. Was only safety superintendant in shipyard from '56 to '74, and he had a staff. Approximately 12 departments in entire shipyard. He and his staff were responsible for taking care of entire shipyard. There were many other problems at the shipyard other than asbestos problems, and his primary work, as a safety officer, dealt with traumatic injuries. During his years at the shipyard, that was where his primary emphasis was. Whatever time he devoted to the asbestos hazard, to the extent it existed in the shipyard, was only a fraction of his time, which was true for his whole tenure at LBNS from '56 thru '74. Aware of other health hazards at the shipyard that had to be looked into, such as toxic materials that had to be protected against. Those such hazards are in the field of the industrial hygienist. Doesn't recall whether he spent any time at all with those problems.

Regarding compensation claims he discovered upon arrival in '56, one was Mr. Phipps, who later died from the disease. In Philadelphia, before going to Long Beach, he had no experience or exposure whatsoever to an asbestos hazard or problem. His first contact with it was at LBNS. Recalls attending just 2 union meetings during '56 or '57, and recalls attending an international union meeting in Chicago sometime in late 60's.

Safety Meetings at
LBNS
p. 1962-1964

During period of late 50's and early 60's, there were shipyard safety meetings which by and large he did not attend. Stand up safety meetings were held by the immediate supervisors, and those took place weekly (he believes) and then became monthly. Regarding whether he felt there was a necessity for meetings more often than once a month, the meetings were having very little effect on the number of accidents they were having. As far as the context of what was said at those meetings, he really had no say over that. That was done by the supervisors.

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He did attend a meeting of shipyard pipe coverers and insulators sometime after he returned from the New York Academy of Science meeting in '64. At that time, believes Marr was already gone from the shipyard. In fact, believes he attended the New York Academy of Science meeting because of the fact that there was no industrial hygienist at LBNS at the time and as a safety officer, it was appropriate that he go. This was not first attendance of Dr. Selikoff's lectures, but it was the first time he had met him. This meeting was attended by a number of people, mostly from Russia, Canada and Africa, and probably a lot from America. Didn't recall who they were. Did not know whether there were industry representatives there, as he did not meet any. The hazards associated with asbestos exposure were discussed at that meeting, and he wasn't shocked by anything he heard.

Knowledge of
Selikoff's Presentation in '64 Regarding Insulation Workers
p. 1964-1967

One subject discussed at meeting was the hazard present to insulators. Selikoff spoke with him personally about the results of some studies that he had done previously, and he also addressed the group. He discussed studies that were done, but doesn't recall specifically his advising the group that his study included over 1,500 members of the insulators union local in the New York - New Jersey area. Also, did not specifically remember his advising the group that he arrived at certain findings, with respect to the extent of asbestos disease that these insulators had experienced over their working life, but that the whole discussion concerned the fact that people were getting asbestosis from breathing asbestos and that included mostly insulators. He knew from his experience at LBNS that insulators were getting asbestosis, and that was his experience after he arrived at the shipyard in '56. Also, when he arrived in '56, he knew then that there were less than 10 people disabled at his shipyard.

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Did not discuss, with any industry representatives at Mt. Sinai, Dr. Selikoff's remarks. He was also not approached by any other industry representative as an industry representative for LBNS re: subject of conference. Approximately 6 months after return from meeting is when he shared the matters he heard at the conference with some of the people at LBNS. First met with Meeker, head of Shop 56, and Webby Ay; then they met with ladders (pipe coverers and insulators), and suggested to them that they protect themselves. They also suggested that they try to quit smoking and that the way to protect themselves was wearing of respirators.

Respirator Use at LBNS
p. 1967-1971

At LBNS in '64, only respirators available were filter type respirators. Dustfoe 66, previously described in these proceedings, he assumes, was one of the several types available. He indicated to shipyard workers with whom he discussed problems of asbestos in '64, that he felt they would be well protected by wearing respirators; and, in fact, that that was the only thing he knew that could protect them at that time. They did not caution them about wearing a respirator at all times, just under certain conditions. They felt that during ripout, mixing and dusty periods it was an absolute necessity. In other words, they pretty much left it up to the workers to decide for themselves how much dust was in the air and when to put on or take off the respirator in other than situations involving ripout, along with mixing of materials. However, he did realize at that time, that there were problems in the wearing of a respirator. Complaints mostly received were the fact that they were too heavy and it was hard to breathe through a respirator; also they were hot, and you sweat a lot. These were understandable problems. Also, it was difficult to communicate with other workers through the respirator, but not impossible. It was not Krieger's job to test the effectiveness of the respirators. Regarding whether he had knowledge of what tests had been done on available

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respirators at the shipyard to determine effectiveness, all respirators purchased by the shipyard were purchased under government specifications. They were all acceptable for the industry, every one of them. Assumed all of them were approved by the Bureau of Mines as being useful against asbestos fiber, however, aside from assumption he did not undertake any study to find out. His caution to workers was to use respirators during ripout, and to use their judgment in using respirators at other times.

Knowledge of
Individuals
p. 1971

Believes Marr left LBNS in '64.

Believes Mr. Manning came to LBNS in '67.

LBNS Info (Continued)
p. 1971-1981

Believes Marr left LBNS in '64, and Manning came sometime in '67. Doesn't recall whether during that period of time there were any meetings with pipe coverers and insulators that were held with them concerning asbestos. At the times that he did meet with pipe coverers and insulators and studied asbestos hazards with them, does not recall whether there were actually any warnings at all on the asbestos insulation material. Does not remember any warnings on the materials in the late '50's. Does remember seeing some warnings eventually but does not recall when first became aware of them. Discussions with pipe coverers and insulators regarding hazards involved in the use of asbestos were held in '57, and does not recall whether there were warnings on the material itself. Also, does not recall whether there were any warnings on the containers in which the materials came to the shipyard.

Was not familiar with Thermobestos. Has seen preformed pipe covering, and has seen it applied in the shipyard by insulators. Is not familiar with chemical composition of any of preformed pipe covering installed by shipyard workers. Unaware of any preformed pipe covering material containing a chemical composition known as calcium silicate.

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At some time in the shipyard, recommended to superiors using substitute products because products containing asbestos fiber were hazardous and could cause asbestosis.

Observed shipyard ladders working in their trade, and from time to time observed them in the engineering spaces below deck. Also observed them in the fire rooms below deck. Would go on ships from time to time, which was part of his regular routine as a shipyard safety superintendent. Observed shipyard ladders installing block material on pipes, boilers and furnaces. In each of these engineering spaces and fire rooms observed below deck, would see dust generated in connection with the shipyard ladders' work. Assumed it was just on some occasions there was more dust than on other occasions. Observed that the shipyard ladder customarily would get dust about his clothing each day that he worked. The workers were wearing protective clothing (coveralls) as well as a respirator, which covered his mouth and nose. Assumes there were other times when he would not wear the respirator. Regarding whether he personally tested the effectiveness of the respirator, they checked out respirators from time to time to see if the men approved the type. They tried to buy the type they wanted. This was all before they went to the throw-away respirator. Does not recall when they went to the throw-away respirators. They went to the throw-away respirators because they understood that the mask-type respirator was just not being used. Ladders complained that they were uncomfortable. After a period of time, it was difficult to breathe through them; but of course you could breathe through them, that was the idea of the respirator. Unaware of whether there was a problem in communicating while wearing the respirator. Has worn a respirator himself on occasion.

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Concerning the time he met with shipyard ladders, and whether he had the assistance of anyone from either J-M or the Raybestos-Manhattan Company instructing the shipyard ladders in the use of their products, does not know any representative of either company. Did not know any representative of either company that ever came to the shipyard to assist him, but they could have seen the industrial hygienist.

REDIRECT EXAMINATION BY MR. NORBY

Krieger's Staff at
LBNS
p. 1981

The staff under his supervision consisted of 3-4 safety inspectors.

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