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1
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF DELAWARE
4

5 ROBERT P. O'NEAL,)

6 Plaintiff,)

7 v.)

8 HUXLEY DEVELOPMENT CORPORATION,)

9 Defendant and)

10 Third-Party)

11 Plaintiff,)

12 v.)

13 OY PARTER AB, t/a)

14 PARAISTEN KALKKI OY, et al.,)

15 Third-Party)

16 Defendants.)

17 Deposition of EDWARD RABON, taken before

18 T. Ann Wilkes, a Notary Public and Stenographic Reporter,

19 on June 19, 1985 at 10:00 a.m., at the Chamber of Commerce

20 Building, Wilmington, Delaware.
21
22
23

RABON - CRUMPLAR

your reservation.

BY MR. CRUMPLAR:

Q. Fine.

Mr. Rabon, could you give me your home and business address?

A. My business address is 4455 North Sixth Street, in Philadelphia. My home address is 97 Kendall Boulevard, in Oaklyn, New Jersey.

Q. Do you have any present intentions or plans to retire from Charles Wagner anytime soon?

A. Well, I'm 74 years old, so you can form your own conclusion. But I have no specific plans.

Q. It's not like you've announced that you're leaving at the end of this year?

A. No. Definitely not. I like what I'm doing.

Q. Good. Can you tell me what your present position is with the Charles Wagner Company?

A. I'm president.

Q. And how long have you been president?

A. About 20 years.

Q. So, about 1965 or so?

A. Yes.

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Q. When were you first associated with the Charles Wagner Corporation?

A. 1929.

Q. Charles Wagner is a corporation, is it not?

A. Yes. In Pennsylvania.

Q. It was incorporated in Pennsylvania?

A. Yes.

Q. Now, I notice on Wagner Exhibit 2, they have, I guess, the Charles Wagner seal, and it says, established in 1910. That was the founding of the corporation?

A. Mr. Charles A. Wagner established it in 1910 as a proprietorship and he incorporated in 1920. And I have retained the name for all the years.

Q. In 1929, when you started with Charles Wagner, what was your position at that time?

A. Office boy. I remember the salary too.

Q. That's all right. We don't need to go into that.

If we could go through chronologically your positions at the Wagner Company?

A. Chronologically, for a few years I was doing general office work. Recordkeeping, the usual thing. And

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2 and halfway to Baltimore. Generally speaking. There are some
3 exceptions.

4 Q Southeastern Pennsylvania, southern Jersey,
5 Delaware, and maybe a portion of Maryland?

6 A Possibly. Again depending upon product lines.

7 Q And that general market area has been true
8 since the beginning of Charles Wagner?

9 A Correct. We've never had any branches or
10 anything.

11 Q Now, you were a salesman from 1935 until
12 about when, sir?

13 A I'm still a salesman. When did I become an
14 officer? I became a vice president, but I honestly don't
15 know the date. I couldn't tell you the date. At some point
16 during that time.

17 Q Sometime in the 1930's?

18 A No. Later than that.

19 Q In 1958, what was your position with the
20 company?

21 A Vice president.

22 Q Just vice president period, or vice president
23 in charge of --

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2 A. They are loosely described as non-metallic
3 minerals. To distinguish them from the metallics. And they
4 are mostly clay, talc. We sell pumice stone. We sell a whole
5 host of them as listed on the brochure there. But generally
6 speaking, the major part of our line are products which are
7 dug out of the ground, beneficiated in some manner, put in
8 packages, and sold.

9 Q. You said dug out of the ground and beneficiated
10 in some manner. You'll have to explain what you mean by that.

11 A. Well, you get it out as crude, you have to
12 crush it, you have to dry it, you have to grind it to different
13 mesh sizes, depending on the market.

14 Q. Somehow processed and then packaged and then
15 sent to you, and then you sell it or distribute it to the
16 ultimate customer?

17 A. Yes.

18 Q. When was the first time that Charles Wagner
19 sold, distributed, handled, an asbestos containing material
20 to anyone?

21 A. I think you have to distinguish between asbestos
22 containing materials and --

23 Q. Or raw asbestos.

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2 A. Natural crude asbestos, yes. Again, I don't
3 have the details, but I can infer that it was approximately
4 the mid '50's.

5 Q. It's your belief prior to the mid '50's,
6 Wagner had never handled asbestos?

7 A. That's true. We never did.

8 Q. When was the last time that you sold, distributed
9 handled, asbestos or an asbestos containing material?

10 A. As accurately as I can pinpoint it, it was
11 '71, '72. The reason I'm not sure about the last date is
12 because when you discontinue handling a product line, you
13 sell off your inventory obviously. But the last purchase,
14 I think, was probably around '71, '72, whatever the invoices
15 say.

16 Q. We can go to the cards. I'm just trying to
17 get a general ball park number.

18 MS. YOUNG: Can I interrupt you just a second,

19 Tom?

20 MR. CRUMPLAR: Sure.

21 MS. YOUNG: Since it's your deposition, you
22 can do what you want, but a minute ago, I think
23 the two of you agreed that we must differentiate

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2 between asbestos containing material and asbestos,
3 and nobody did.

4 MR. CRUMPLAR: I'm going to do that right now.

5 BY MR. CRUMPLAR:

6 Q Can you describe the asbestos that Charles
7 Wagner handled? And if there was more than one type, describe
8 that.

9 A Well, mineralogically, I don't think you are
10 concerned about that, because I'm not knowledgeable on that.
11 We only handled asbestos, first of all, from Asbestos Corpora-
12 tion Limited, Thetford Mines, Quebec, Canada.

13 Q It's your testimony that was the sole supplier
14 of the asbestos?

15 A That's right. So, the only asbestos we ever
16 handled is generally spoken of as asbestos fiber. That's
17 usually the trade designation, asbestos fiber. Not necessarily
18 raw or crude, but asbestos fiber. And that was treated in
19 the same manner that I mentioned previously. They took it out
20 of huge mines, and they go through certain procedures. In
21 the case of asbestos, they tried to preserve the long fibers
22 because they were more valuable than the short fibers. And
23 most distributors, including ourselves, only get to sell the

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shorts, which are the lower end of the scale. They are the cheapest and almost the bottom of the pile. So, we only sold to my recollection four different grades, and they are designated by numbers in the literature.

Q. And those were four different grades of the asbestos shorts?

A. That's right.

Q. And I take it that is the asbestos that was mined, and somehow processed?

A. Right.

Q. And then that came to you in bags?

A. Right.

Q. Was it only in bags as far as you can recall?

A. Yes. Only in bags.

Q. In those bags, was there anything other than asbestos? I used the term asbestos containing, but we are simply talking about asbestos.

A. It was pure, if you want to call it that, natural asbestos fiber.

Q. You did not carry, what I'll call asbestos containing products, either insulation material that had asbestos and something else, or any other sort of matter?

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2 A. No. We didn't carry anything else relating
3 to that.

4 Q You stated just a moment ago that distributors
5 such as yourself could only carry the asbestos shorts, the
6 bottom end of the market. Could you explain that?

7 A. Well, it wasn't a matter of only -- it was
8 a case that they were only made available. I can only speak
9 for myself. As far as we were concerned, we didn't have
10 access to, or were given the opportunity of selling the longer
11 fibers, which were used for different purposes and, of course,
12 spinning fibers, because of a highly specialized business I
13 suppose. And what was available was sold directly by the
14 producers. So, in other words, it was a case of here it is,
15 if you want to sell asbestos, this is what it is.

16 Q The producers only needed people such as you
17 to sell, as far as you knew, the asbestos shorts?

18 A. As far as I know, since we did not sell --

19 Q The longer fibers?

20 A. The opportunity was not afforded us of selling
21 the longer fibers.

22 Q Did you ever attempt to try to sell anything
23 other than the asbestos shorts? Did you ever have any

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A. Yes.

Q. How long have they been your insurance agent?

A. Well, probably at least 40 years or so.

Mr. Wagner was still alive.

Q. Pardon?

A. Mr. Wagner was still alive.

Q. Do you recall the first time that Charles Wagner Corporation took out product liability insurance?

A. No.

Q. Do you recall any discussions as to why you should take that out?

A. No discussions. No. But, of course, I belong to two or three trade associations, three or four trade associations, and unless you are deaf, dumb and blind, you have discussions or hear things when you go to meetings. So, obviously, it became clear that a good business manager should be aware of these things and take steps to protect themselves.

Q. You mentioned trade associations. What trade associations has Charles Wagner belonged to or participated in?

A. The National Paint and Coatings Association. We still are. I have a 50 year pin to prove it.

Q. That's your 50 years or Charles Wagner's

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50 years?

A. My personal 50 years. The NACD. The National Association of Chemical Distributors.

Q. Anyone else?

A. Well, we belong to a Philadelphia Rubber Group. I can't recall offhand, but I see the bills for the dues.

Q. Do you get any magazines from any of the trade associations?

A. No. We get bulletins, but not magazines.

Q. And these associations have regular meetings or annual meetings?

A. An annual meeting. National annual meetings.

Q. Is it your general custom to attend the annual meetings?

A. Yes.

Q. At any of the meetings at any of the trade associations, do you ever at any time recall the subject of asbestos, either the use of asbestos, the hazards of asbestos, just the word asbestos, being mentioned at any of the trade associations?

A. Of course it was mentioned. But I can't tell

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you about a specific meeting. I can't tell you in what connection. But, as I said before, I'm a business manager and you must hear these things.

Q My question, sir, is, do you have any recollection as to the first time, or anytime that it was mentioned, and in what context that it was mentioned? We are talking about over a period of 50 years.

A I really can't. These things just accumulate. And I honestly can't tell you.

Q You don't have any specific recollection of at some meeting, and I'm not interested whether it was in 1941 or 1979, but at any particular meeting where there was a discussion about, let's say, the use of asbestos in paints and coatings, or the use of asbestos in materials, or a discussion about how the asbestos industry was doing, or a discussion about the hazards of asbestos, or a discussion of asbestos lawsuits? Or anything else dealing with asbestos.

A Well, the lawsuits came recently. But, I can only answer as I have in a general way. Obviously, I'm reasonably alert, and I do attend meetings. I do talk to people, and I do hear things. And I am being as frank as I can, I just cannot pinpoint any particular thing and time.

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2 Q I appreciate that, and realize it. And all
3 I am asking for is what your best recollection is.

4 A As to when, I really have no idea. Because
5 there are other things in the marketplace getting attention
6 besides asbestos.

7 Q I'm certainly aware of that. In all of my
8 questions, I'd ask you to think about it and give me your
9 best belief.

10 A That's what I'm trying to do.

11 Q But I realize we are talking about a long
12 period of time and I can certainly understand that.

13 A That's right.

14 Q Who are your major competitors in the Delaware
15 Valley area who do similar things as Charles Wagner, that
16 you compete with?

17 A I don't mind answering that question, but I
18 think I would be doing a disservice -- is that appropriate?

19 MS. YOUNG: There's a limit to how far they
20 can go. But, yes, I think you ought to try to give
21 him the names.

22 THE WITNESS: Well, I'll try to name a few.
23 Van Horn Metz & Company, Conshohocken. Peltz, Powley.

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BY MR. CRUMPLAR:

Q Where are they located?

A In Philadelphia. E.W. Kauffman Company, and they were in Flower Town, they are in suburban Philadelphia. There are a number of others, but I will have to refresh my memory.

Q Now, with any of these three, or any other ones, do you know if they ever sold asbestos shorts, or any sort of asbestos products?

MS. YOUNG: To the best of your knowledge.

MR. CRUMPLAR: That's my only question.

THE WITNESS: To the best of my knowledge, yes.

BY MR. CRUMPLAR:

Q So I have an understanding in terms of how the market was set up, would they be selling asbestos products from other mines?

A Yes. Other mines.

Q But you were the only one selling for Asbestos Corporation Limited?

A That's right. We were more or less an exclusive.

Q Do you know what mines they were selling for?

A Not from my personal knowledge, only from

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they handled asbestos.

Q And for E.W. Kauffman.

A I'm not certain about them either.

Q Whether they handled it, and, if so, whose asbestos?

A That's right.

Q Okay, fine.

You mentioned that the only source of asbestos that you handled was from Asbestos Corporation Limited. Did you ever visit any of their facilities, either their plants, their headquarters, any of their offices?

A One time.

Q And when was that?

A Oh well, this will be an approximate date. It would have probably been in the '60's. I will have to guess. We started business with them somewhere in the '50's. It was either late '50's or around '60. That's my best guess.

Q Shortly after you started the business relationship?

A Yes. That's the usual procedure.

Q And where did you go on your visit?

A Thetford Mines.

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Q Can you describe what you did, what you saw, who you spoke with, to the best of your recollection?

A I can't tell you who, but I can tell you that it's the usual thing. They have all their agents from all over the country who are invited up, and they take you around and say, "This is the mine, this is where we do this." And the whole thing becomes a blur, and it's a general visit to orient you with product lines that you expect to be able to sell. But, so far as people, I can't tell you.

Q And basically you had a feel for the people you would be dealing with, the size of the operation, and what they did?

A Right.

Q Other than that one visit, and are we talking about a day, several days, a week?

A My recollection is it was two or three days. That's the normal thing.

Q Did anyone else from Charles Wagner ever visit an Asbestos Corporation Limited mine?

A Only at the same time.

Q Who else went with you?

A One person who is retired, Ward Stackhouse.

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Q What was his name?

3

A His first name was Ward. The last name was

4

Stackhouse.

5

Q What was Mr. Stackhouse's position with

6

Charles Wagner?

7

A He was vice president at that time. And my

8

son, Wayne, went with us at that time. That's all, I think,

9

just the three of us.

10

Q Did you actually visit, see the mines and

11

the mill where they would process the material, as best you

12

can recall?

13

A Yes, I have been to many, many plants in my

14

time, and normally that's what they do. My recollection is,

15

they had an open pit mine, which means that it's just a vast

16

expansion, and you go up on the hill and you look down. But,

17

to answer your question, yes. They show you the operation

18

within reason.

19

Q Do you recall in your visit to Thetford Mines,

20

and if you don't recall, I can certainly understand, ever

21

seeing any of the workers wear any sort of masks or respirators?

22

A I can't say, but I'm certain that any plant

23

I've ever visited, they handle a lot of powder materials,

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these mined products I spoke about, and they always have respirators. Any dust, regardless, whatever it is.

Q So, it's your belief that there were?

A Yes. Sure.

Q Was there anyone in particular, or type of person, position, that you dealt with with Asbestos Corporation in the course of the relationship?

A I've been thinking about it. I only have two names. The one was the sales manager who handled our area. His name was Paul LeClerc.

Q And he was the sales manager?

A He was the sales manager and he was responsible for cracking the whip on us and other service agents. And the other was a man by the name of Steele, I don't even know his first name. I think he was more of an office person, where if you had any problems you would call him up. They are the only names that I can recall. I don't have correspondence.

Q With them?

A I don't have any correspondence as far as getting names of people is concerned.

Q When you needed some asbestos, would it

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1 A. I haven't the remotest idea.

2 Q Did you ever learn what use duPont was going
3 to be making of this asbestos fiber ?
4

5 A. No. I inferred it after I got your papers
6 here. You referred to a sweeping compound. So, I'm intelli-
7 gent enough to put the two together. And I assume that's
8 what it was. But I didn't know what it was used for.

9 Q My question is, while you were selling the
10 material, which was sometime into the early '70's, did you
11 ever know how duPont was going to use that material?

12 A. No.

13 Q You just knew that they wanted it at their
14 Seaford plant for one reason or another?

15 A. Yes.

16 Q Now, you sold asbestos fibers to other
17 companies, and as I understand the only company on the list
18 that I have given you is duPont. Do you know how any of
19 those companies, I'm not interested in the particular names,
20 made use of the asbestos material?

21 A. Generally speaking, roof coatings was one
22 of the major uses. And various types of flooring compounds.

23 Q So, the other customers of the asbestos fibers,

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as far as you knew, were for roof coatings and flooring compounds?

A. And some miscellaneous uses I'm sure.

Q Do you know what any of those miscellaneous uses were?

A. Well, allied caulking Compounds, anyplace where the fiber structure would aid the end product.

Q So they were going to be using, as far as you knew, the asbestos fibers in producing a product?

A. Yes.

Q They were going to incorporate it into a particular product?

A. Yes.

Q Did you ever assume duPont was using the asbestos fibers for one of their products, or is this just something you never gave any thought to?

A. Ask me the question again.

Q I'll rephrase it.

Do you ever recall thinking what use duPont was likely to put to this product? Was it your assumption that they were using it in their manufacturing process, incorporating it in one of their materials? Or, as far as you

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2 can recall, that's just something you don't remember thinking
3 about one way or another?

4 A. No, I didn't think about it one way or another.
5 This usage is quite small. Not something that I would be
6 dwelling on. I just don't know. And, of course, duPont is
7 not the kind of company that take you into their confidence
8 in terms of what they are doing.

9 Q. In terms of what they are doing. Fine.

10 I would ask you to take a moment and look at
11 Rabon 3. Just go ahead and flip through it.

12 A. What am I looking for?

13 Q. Really the volume. That's what my question
14 is going to be. Given those sales to duPont Seaford, during
15 that period of time, what's your best estimate of what
16 percentage the asbestos sales to duPont represented of your
17 asbestos sales period? Are we talking about duPont asbestos,
18 of the asbestos fibers that you handled, being 10 percent,
19 20 percent, 40 percent? Just to have some kind of rough
20 comparison to the other customers of your asbestos.

21 A. It's quite small. But I think I might mislead
22 you if I try to put a number on it, without knowing some
23 other numbers to compare it to.

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2 Q Well, when you say it's quite small, are you
3 referring to, it's quite small compared to your overall
4 business?

5 A Yes. That's what I'm speaking about.

6 Q Let me ask it a different way. The first time
7 we see handling asbestos for duPont is 1958. When was the
8 first time you recall handling asbestos period? And I may
9 have asked you this before.

10 A In the mid '50's to the best of my knowledge.
11 But I honestly don't know the date.

12 Q Do you think there was some company that you
13 sold to prior to duPont?

14 A On that list?

15 Q No, not on that list. Period. duPont wasn't
16 the first company you sold asbestos to?

17 A Oh, no. That would be my recollection, they
18 were not.

19 Q What percentage did the asbestos end of your
20 business, during the period of time you were carrying asbestos,
21 the mid '50's to early '70's, what percentage did it represent
22 of the overall product line. And if it varied significantly,
23 you can tell me.

1 RABON - CRUMPLAR

2 A. I don't think it varied significantly, and
3 it was small, again even in the overall picture. I would
4 have to say that it was probably less than five percent.

5 Q. And you really couldn't say of that five
6 percent what percentage duPont represented?

7 A. No, these are numbers that you could really
8 come back and haunt me with them. I'm really just guessing.

9 Q. Your best recollection is that the asbestos
10 was small, and you are picking the five percent --

11 A. The total sale of asbestos was small, and I'm
12 picking a number of less than five percent. That can go down
13 to one percent. The fact that it was small and apparently
14 didn't grow, indicates why we don't have asbestos anymore.

15 Q. That you dropped it simply because it wasn't
16 a major component of your business?

17 A. It wasn't even carrying its own weight. In
18 other words, in any distribution operation, you evaluate the
19 products and how much warehouse space they take up and all
20 this stuff. And if a thing is not paying for itself, you
21 don't handle it.

22 Q. And the decision to drop it in the early
23 '70's was an economic decision? It simply wasn't a profitable

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2 line of your business?

3 A. That's right. As compared to some others.

4 Yes.

5 Q I'd like you to take a look at Exhibit A to
6 the deposition notice which has been marked as Rabon 1. And
7 if you will just take a moment and go through that list, and
8 if there are any companies that you've heard of and associate
9 in any way with asbestos. I'm not talking about --

10 THE WITNESS: Johns Manville?

11 MR. CRUMPLAR: Let's say, for instance, we
12 have General Motors Corporation. I'm sure you've
13 heard of that, but my question is whether you
14 associate any of those companies with asbestos. I'd
15 like you to just take a pen and just check those.

16 MS. YOUNG: Wait a minute. I'm not sure
17 what you are asking the witness to do.

18 MR. CRUMPLAR: I'm simply asking him to go
19 through, and this is just simply a time-saver rather
20 than going down each one, if any of these companies
21 on this list, I'm not asking in terms of sales to
22 them, because it is my understanding that he looked
23 at it and has given the information in terms of sales,

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2 A. No. Atlas Asbestos, no connection, I think
3 they were local at one time. Bell Asbestos Mines is a miner,
4 I've never had any business with them.

5 Q. The Atlas Asbestos that you say you think
6 they were local, tell me everything that you know about that
7 asbestos?

8 A. I've just heard the name. And my recollection
9 was it was somewhere in Philadelphia.

10 Q. That it was a local company?

11 A. Right. But I don't know anything about them.
12 Bendix, I assume they make brake linings. And if they make
13 brake linings, they have to use asbestos, but I don't know
14 that personally. Bird and Sons, they make flooring, the
15 same comments apply to them as with Armstrong. I've never
16 done any business with them. Blomely, I don't know. Briggs,
17 I don't know. Cape Asbestos, there's another -- that's
18 South Africa. I know that they are miners, but I've never
19 had any dealings with them. Canadian Johns Manville, everybody
20 knows them. Carey, the same thing. No business dealings.

21 Q. Did you have any business dealings with
22 Johns Manville at any time, or any discussions?

23 A. Not on asbestos.

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Q. What was the nature of your dealings with
Johns Manville? On what subject?

A. As a supplier of materials in other lines.

Q. Non asbestos lines?

A. That's right. Non asbestos lines.

Carlisle I don't know. Catalytic I don't know. Celotex,
they could make -- I don't think they even make flooring.
I don't know anything about them. Central Scientific, no.
C.F. Braun, I don't know. Chrysler, I don't know.

Combustion Engineering, no. Consolidated
Rail, no. Cork Insulation, No, either one. County Insulation,
no. Delaware Insulation, no. Delmarva Power, Dravo, Crown
Cork & Seal, no.

Q. Let me just ask you one question, on Carey
or Carey Canadian Mines, I gather from your earlier testimony
you are familiar with them as a mining company. In fact,
you mentioned Peltz, I guess, being one of their distributors?

A. Right.

Q. Other than that knowledge, do you have any
knowledge about Carey?

A. No.

Q. Any knowledge about the company, Philip Carey

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Manufacturing Company?

A. Other than they are in Plymouth Meeting, no.

Q. Let's go on to the next page.

A. Drayco, no. Eagle Picher, I've done business with them, but not asbestos.

Q. What is the nature of the business you have done with Eagle Picher?

A. We supplied -- we didn't supply, we sold their diatomaceous earth products, which were mined in California or someplace out there. And they were subsequently bought by somebody else, or the mine was bought by somebody else.

Q. An Eagle Picher mine out in California which had a diatomaceous earth product that Charles Wagner sold.

A. Yes. At one time.

Q. Did it have a name to the product?

A. Celatom.

Q. Did you ever sell that to duPont?

A. Well, that's another investigation.

Q. Your basic recollection right now.

A. Yes, we did sell it to duPont. They put it in their Duco Number 7 auto wax.

Q. As far as you know, this diatomaceous earth

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A. My son, Wayne, was in charge of the warehouse.

Q. And your son, Wayne, is still working with Charles Wagner?

A. Yes.

Q. Do you know if there was ever a problem with bags breaking? The asbestos shorts that you had in your warehouse? Breaking, ripping open?

A. You mean, did one ever rip open?

Q. Yes.

A. Yes. It wasn't a problem, however. Otherwise we would have taken some steps to correct it. It was just from normal handling. It was either, if you had a tear in it, you got some adhesive tape and patched it. Or if it was damaged to the point that you had to dispose of it, you either disposed of it or put it in another package, one or the other. But there was a minimal of those.

Q. So, there were occasions where there was some damage to the bags, such that there would be some spillage. And on some occasions you would simply tape it up, and on other occasions you would put it in a new bag?

A. Yes.

MS. YOUNG: Are you asking him specifically

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Q Prior to filling out those in conformity with government regulations, did you send out any type of description to any customers, for any products, that would talk about the hazards associated with that product? I'm not just talking about asbestos.

A Well, you're getting into another area. There are certain products which are labeled in a certain way. Some are innocuous in themselves, but dust of any kind if inhaled deeply for a prolonged period of time is going to hurt you. And in most of those cases, and in practically all cases, it says, "Do not handle without a respirator", or do not do certain other things. But, so far as asbestos is concerned, -- you asked me whether we sent out anything to anybody on any products.

Q Prior to the material safety data sheets.

A Not in the routine manner as now required.
No.

Q Now, you just mentioned in terms of dust, do not handle without a respirator. In any of the materials that you sold, was that label on any of the materials, or did you ever send that statement in a written form or orally to any of your customers? I'm not talking about asbestos,

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2 A. Well, that's something we add. In other words,
3 to get the bags from our warehouse to the customer, the
4 carrier must have some direction, and they have to be marked
5 in case they get lost.

6 Q. Now, I understand, you don't recall seeing
7 any kind of warning or cautionary label on the asbestos bags.
8 You can't be 100 percent sure one way or the other. I under-
9 stand that. Do you recall here today seeing a warning or
10 cautionary label on any bags of any product handled by
11 Charles Wagner?

12 A. Yes.

13 Q. What types of products and when?

14 A. Well, most of our products are powder material.
15 And I think in the atmosphere and marketplace today, there
16 is a tendency more to put these things on bags, and now they
17 are starting to appear.

18 Q. Prior to 1972, do you recall seeing any sort
19 of warning or cautionary label on any product that you carried?

20 A. I don't recall having seen any. No.

21 Q. When is about the first time that you can
22 recall seeing, "Use a respirator" or that language appearing --

23 A. I couldn't tell you. That would be a pure

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guess.

Q But you think it's within the last 10 or 12 years?

A. Yes.

Q Your best recollection of the '60s and '50s, you didn't see that type of thing?

A. That's my best recollection.

Q At Charles Wagner in the warehouse, did you have any sort of signs that would mention the fact that asbestos was being unloaded or stored?

A. No.

Q Did you have any sort of requirement of the warehouse people, the people who handled the materials, and this is not just the asbestos, that they had to wear a respirator or any sort of mask?

A. We make respirators available. That's about all I can tell you.

Q When do you recall first making respirators available?

A. Many years ago.

Q That goes back more than 15 years ago?

A. Yes. Definitely.

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Q. In the '60's they were available?

A. That's right. But bear in mind, we have a warehouse, and the only dust we get is if something breaks. And when they re-bag, they better have their respirator on, or they might get canned. But, for the normal course of events, it's a fairly clean place.

Q. So, the respirators are available in case --

A. And they are urged to use them.

Q. And they are urged to use them if the material --

A. At any time. They are urged to use them at all times.

Q. And the purpose of that is to protect them from the dust of the materials they are handling?

A. Any dust. That's correct.

Q. And that's because in your opinion, or your company's opinion, exposure to dust could be harmful?

MS. YOUNG: I object to the question. It's leading. But you can answer it,

THE WITNESS: In other words, it's a matter of their comfort. You get just as much dirt off the streets in Wilmington as you did in our warehouse many times.

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BY MR. CRUMPLAR:

Q Mr. Rabon, what is your understanding, or your knowledge today, as to what, if any health hazards there are associated with exposure to asbestos?

A I can't answer that truthfully other than the fact that I know there are, I don't know how many, hundreds or thousands of lawsuits out there. And I'm sure that the people who are doing this, are being urged to do this, if you will pardon the expression, by their legal counsel. They must have reasons, I suppose, but I personally don't know about these things.

Q My question is, what your knowledge is, what you have learned from any source, in terms of what the health risks are with asbestos? What exposure to asbestos causes or is said to cause. And if you are not really sure what it causes or what it's supposed to cause, that's the information I wish to obtain.

A I know it causes pulmonary problems, but I don't know whether you have to be exposed to it for five minutes or 50 years. I don't know anything about that.

Q Do you know whether or not it's thought to cause cancer?

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2 A. I've heard that said.

3 Q When was the first time that you heard anything
4 that would suggest that exposure to asbestos would cause
5 pulmonary or breathing problems?

6 A. I just don't know. I can't answer that.

7 Q Has that been something recent, or has that
8 been something that you have been aware of or heard about
9 a fairly long time?

10 A. In terms of 55 years in the business, I'd
11 call it recent.

12 Q The last 20 years?

13 A. No, I don't remember. I wouldn't say that 20
14 years ago they were talking about cancer, no.

15 Q And breathing problems? Not just cancer, but
16 any problems with asbestos?

17 A. No.

18 Q During the period 1958 to 1972, what was
19 your knowledge as to what, if any, harm could result to some-
20 one from breathing asbestos dust, as opposed to any other
21 dust? I understand in terms of the requirement of respirators
22 for dust in general because you could see a harm to that.
23 My question is, did you associate a specific greater level of

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danger for someone dealing with asbestos dust as opposed to the other dusts of the materials that were handled?

A. No, I did not have any.

Q. So that, you considered asbestos no different than the other materials that you were handling? Something that if handled, a respirator should be used, but there was nothing particular or special about asbestos?

A. No. Back in the time frame you are talking about.

(Whereupon Rabon Exhibit 8 was marked for identification.)

BY MR. CRUMPLAR:

Q. This is a document which has been produced to us by duPont. I think it's been introduced at an earlier deposition of duPont Seaford people, but I'm not positive of that fact. It's a memo dated March 23, 1972 from R.V. Lauber to F.J. Klein, Process Hazards Committee.

My first question, Mr. Rabon, is, have you ever seen that document before?

A. To the best of my knowledge, no.

Q. I just want to go through the names here and see if any of those names are familiar to you. I think,

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A. To the best of my knowledge, we never sold 6D to anybody except duPont. So, anytime KB653 appears, that's duPont. But, that could be the last purchase. I'm not sure about that.

Q. It's on the third page of Exhibit 4, that reference is to grade 6D?

A. Right.

Q. And on the first two pages where we have KB-775 and 753, that's a different grade?

A. A different classification. Right.

Q. And Exhibit Number 5, I see on the third page, five tons, 100 bags of KB -- no, that's 753.

A. The only one that I believe is on here is the one we just went over.

Q. Okay. And on Exhibit Number 6 we have 762 -- that's not the 6D grade?

A. No, it's not.

Q. Sir, can you tell me what the highest degree of your education is? Whether you graduated from high school, college, graduate school?

A. Well, after high school I went to work for Charles Wagner in '29. And I spent five years at Drexel

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Institute at night, and I spent two years at the Wharton School at night. I spent two years at Penn in Chemistry at night.

Q The five years at Drexel at night, did you get a degree?

A No, I got a certificate in business organization and management.

Q In Wharton what was the course of your studies there?

A General accounting.

Q Did you get a certificate or a degree?

A I don't know.

Q And at Penn in chemistry, how long were you there?

A Two years of inorganic and organic.

Q Simply to learn something more about the business?

A Yes.

Q And that was the purpose of all this, to make you better suited to handle the business that you are in?

A Yes. So I can answer depositions.

Q Right. Have you had any jobs either before

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and the work that you were doing, whether or not there were any dangers associated with it?

A. Me personally?

Q. For you, for your employees, or any of your customers?

A. No. I saw no reason to.

Q. Have you ever heard of a Doctor Irving Seligson?

A. No. Not to my knowledge.

Q. Has anybody from OSHA ever come to your warehouse?

A. No.

Q. Are you aware whether or not there are any OSHA regulations that apply to asbestos handling?

A. I don't know personally since we haven't had it since the early '70's. I keep current on things we do have. I'm sure there are, but I just don't know what they are.

Q. As I understand it, you sold the asbestos shorts from Asbestos Corporation Limited to various different customers besides duPont, and you sold different types. But the manner in which you sold them, the packaging, the whole sales relationship, did it vary between customers?

A. No. There was no variance at all.

Q. The manner in which you sold the asbestos shorts