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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

CHARLES CLARK and MARY CLARK, his wife, Plaintiffs, v. A.C.& S., INC., et al., Defendants.	C.A. # 82C-DE-26 (Asbestos)
CHARLES CONWAY, et al., Plaintiffs, v. A.C.& S., INC., et al., Defendants.	C.A. # [illegible]C-AP-77 (Asbestos)
DOUGLAS DeHART, et al., Plaintiffs, v. A.C.& S., INC., et al., Defendants.	C.A. # 82C-DE-105 (Asbestos)
ANNETTE DIDIO, Individually and as Administratrix of the Estate of Victor Didio deceased, Plaintiff, v. A.C. & S., INC., et al., Defendants.	C.A. # 83C-JA-41 (Asbestos)

CORBETT & ASSOCIATES
REGISTERED PROFESSIONAL REPORTERS
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Deposition of KENNETH KEUPER, taken pursuant to notice before Ellen Corbett Geddes and Kathleen E. Schade, Registered Professional Reporters, at the Radisson Hotel, 700 King Streets, Wilmington, Delaware, beginning at approximately 10:00 a.m. on January 31, 1984 and 10:00 a.m. on February 1, 1984 there being present:

JACOBS & CRUMPLAR
BY: ROBERT JACOBS, ESQUIRE
AND
THOMAS C. CRUMPLAR, ESQUIRE
Attorneys for Plaintiffs in Delaware except Conway and Hunt and in New Jersey Brooksbank

POTTER, ANDERSON & CORROON
BY: SOMERS S. PRICE, ESQUIRE
Attorney for Armstrong Cork

E. I. DU PONT DE NEMOURS & COMPANY
BY: RICHARD ALLEN PAUL, ESQUIRE
AND
CARPENTER, BENNETT & MORRISSEY
BY: THOMAS L. MORRISSEY, ESQUIRE
Attorneys for DuPont Company

MORRIS, JAMES, HITCHENS & WILLIAMS
BY: JAMES W. SEMPLE, ESQUIRE
Attorney for Pittsburgh Corning Corporation

BUONADONNA, BENSON & SPEZIALI
BY: DAVID A. SPEZIALI, ESQUIRE
Attorney for Celotex in New Jersey

SCHMITTINGER & RODRIGUEZ, P.A.
BY: DOUGLAS B. CATTS, ESQUIRE
Attorney for Celotex in Delaware

MARTIN, CRAWSHAW & MAYFIELD
BY: LINTON W. TURNER, ESQUIRE
Attorney for Eagle-Picher, New Jersey

COOCH & TAYLOR
BY: C. SCOTT REESE, ESQUIRE
Attorney for Raymark

1960?

A. Cancer only. Carcinoma.

Q. Cancer was the one you were concerned with?

A. Yes.

Q. Had you ever heard of the term "asbestosis" in 1960?

A. Asbestosis, the term used?

Q. Yes, sir.

A. Yes, I had.

Q. You had heard that in 1960?

A. Right.

Q. Did you appreciate that that was a lung problem other than cancer?

A. Affected the pulmonary process.

Q. So you were aware that in 1960 that both cancer and lung defects not associated with cancer could be caused by asbestos?

A. Right. Your lung defects -- that's why we got into it, because your lung defects could be caused by any dust.

Q. Sure. Okay.

A. Whether it was silica or what.

Q. You told us yesterday, and I will ask, again, to make it a complete record: Who was your

immediate superior or who did you report to in your capacity as an assistant safety engineer?

Safety superintendent. I'm sorry.

A. Assistant safety superintendent? Joe DeLuca.

Q. You reported to Joe.

Did you tell Joe in 1960, Joe, I'm convinced that asbestos is a health hazard?

A. Hell, yes. That's what I just got through telling you.

Q. Do you know what Joe did as a result of your having given him that information?

A. Nothing.

Q. Absolutely nothing?

A. No, not to my knowledge.

Q. To your knowledge, at least. All right.

Did he ever tell you, "Mr. Keuper," or "Ken, leave it alone"?

A. No.

Q. Did he ever discourage you from your research?

A. No.

Q. But he never promoted it, neither?

A. Didn't promote it. He may have been promoting it unbeknownst to me because finally in '62

on the construction sites?

A. At a reduced --

Q. At a reduced amount?

A. -- amount.

Q. And in fact, sir, the reduction took place before the dust level surveys were conducted at the job sites?

A. No, sir.

Q. That is not correct?

A. No, sir.

Q. How many dust studies that you are familiar with were conducted prior to the reduction in use of asbestos?

A. I did it on three sites.

Q. Prior to the reduction of asbestos?

A. Prior to putting out our dust control policies.

Q. What years did you do those studies?

A. We did the studies in 1966.

Q. So then, sir, the reductions in use of asbestos insulation products, in fact, did not occur until after 1966?

A. That's right.

Q. Is there any reason why, sir, you as your

department head, did not implement the reductions prior to 1966?

A. Why?

Q. Yes, sir.

A. Because I couldn't get it accepted by management. I couldn't get it through.

Q. So, in fact, your recommendation --

A. Management of the Design Division.

Q. Who were you making that recommendation to prior to 1966, between 1963 and 1966?

A. Between '63 and '65?

Q. Yes.

A. I was going to the Design Division on it. And to our -- within our group responsibility in the Construction Division management.

Q. If I am following you correctly for that 1963 to 1966 period of time, you were telling them, "Gentlemen, reduce the amount of asbestos used on this job site. In fact, find substitutes"?

A. Yes, sir.

Q. Because it is a health hazard?

A. Yes, sir.

Q. If you recall the names, specifically, who were the gentlemen that you were telling that to?

and 1966 period the company did not adopt a policy of informing the workers that asbestos was a health hazard?

A. Factually I can't. I'd say no. I don't know why.

Q. You said "factually."

A. Right.

Q. So I assume that you have a theory on that subject?

A. The information -- we were at a pioneer stage of this, now. Even Selikoff was starting his research study. There was nothing factual other than what was read from foreign applications and so forth.

Q. Were you ever discouraged between the 1961 and 1966 period of time from telling the workers about this health hazard?

A. No, not today.

Q. Sir, Kreuger 32 which you have talked about in detail, and I certainly am not going to rehash what has already been stated, but would you agree, sir, that this letter of December 14th, 1966 in fact implies that the subject of asbestos health hazard should be kept quiet, at that time, at

least?

A. That's a personal opinion of that individual writing the letter.

Q. Yes. I know, sir. I am not meaning to suggest that that was your opinion. That is a letter that is addressed to you; is that correct?

A. That's correct.

Q. Sir, is the recipient of that letter, did you interpret that is the author's intention, that being that you should keep the subject of asbestos quiet among the workers?

A. Knowing that individual, that's his attitude. That's him.

Q. That is what you interpreted him to mean by that letter he wrote to you?

A. That's right.

Q. Did he want you to communicate that to the craft superintendents?

MR. PAUL: For the record, --

THE WITNESS: It don't matter what he said in there.

MR. SPEZIALI: I understand.

MR. PAUL: That is from two individuals. Which of the two individuals were

May have to sample other items in the future (carbon monoxide, etc.) a shortage of Industrial Hygenists.

KEUPER – We are not "followers" in safety – We are "leaders". 2 years ahead in this phase right now.

Contact Div. Safety office first before making any special studies.

Regular schedule of 1 sample per month. Sample to be made one day during the first week of each month. Sample to be made during one (1), eight (8) hour period.
(USE THE FIRST FULL WEEK OF EACH MONTH).

* Confine samples right now, ONLY to Shop employees. Use employee who has greatest dust exposure. Select man in conjunction with

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