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1 WALTER ROYAL, et al, *

2 v. * Civil Action No.K-33-2436-

3 BETHLEHEM STEEL CORP., et al*

4 * * * * *

5 WILBERT R. HENSON, et al, *

6 v. * Civil Action No.K-31-2112-

7 BETHLEHEM STEEL CORP., et al*

8 * * * * *

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10 JULY 1, 1935

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12 Deposition of ALDO P. OSTI taken on
13 behalf of the Plaintiffs at the law offices of Schnader,
14 Harrison, Segal and Lewis, Suite 3600, 1600 Market
15 Street, Philadelphia, Pennsylvania, on the above
16 mentioned date, commencing at or about 9:30 a.m., before
17 Diane C. DiMidio, C.S.R., R.P.R.

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1 APPEARANCES:

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16 ALSO PRESENT:

17 GEORGE W. EVANS

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I N D E X

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Osti No. 14	Asbestos Air Pollution, State of Illinois, Institute for Environmental Quality November 1971	130
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SAMPLE 15963

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Article from The Lancet,
August 25, 1973

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Osti No. 18

Asbestos Criteria
Document Highlights

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CERTIFIED QUESTIONS

BY MR. HOFFMAN:

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1 (It is hereby stipulated by and
2 between counsel that sealing, filing and
3 certification of the within deposition are
4 hereby waived.

5 All objections, except as to the
6 form of the question, are reserved until the
7 time of trial.)

8 - - -

9 ALDO P. OSTI, having been duly sworn,
10 was examined and testified as follows:

11 BY MR. HOFFMAN:

12 Q Good morning, Mr. Osti. My name is Shepard
13 Hoffman. I am from the law office of Peter Angelos in
14 Baltimore. I'm here at this deposition today to ask you
15 some questions.

16 have you ever been deposed before?

17 A Yes.

18 Q Can you tell me if you have ever been deposed
19 before in connection with any asbestos related
20 litigation?

21 A No.

22 Q When was the last time you were deposed for
23 any purpose?

24 A About four years ago.

25 Q If you remember, a deposition is a proceeding

1 under oath. You just took an oath. It's important
2 that you understand the questions that I ask. If
3 anything I ask is not understood, please let me know
4 and I will try and rephrase the question in a manner so
5 that you can give an answer to what it is I have asked.

6 A Sure.

7 Q Your name is Aldo, middle initial --

8 A P.

9 Q Osti. What does the P stand for?

10 A Primo.

11 Q The first?

12 A Yes.

13 Q Mr. Osti, would you tell us a little bit about
14 your educational background.

15 A Well, you don't want me to start all the way
16 back in grammar school, I'm sure.

17 Q No. We can start with what you did after high
18 school.

19 A Brooklyn Polytech, mechanical engineering in
20 1949. New York University, certification in safety,
21 1955, and then a number of other schools, if you would,
22 for management courses.

23 Q What did your course of study for your degree
24 in mechanical engineering consist of?

25 A I don't understand.

1 Q What kinds of courses did you take?

2 A Basic engineering principles, strength and
3 materials, economics, report writing, English,
4 thermodynamics. I can't remember beyond that.

5 Q Any courses in material science or the
6 equivalent?

7 A Strength and materials was on material
8 sciences.

9 Q How about at NYU, what did you do in order to
10 receive the certification in safety?

11 A There it's sort of a basic course that the
12 various professors would go through on what were the
13 past incidences and the history of the world, how to
14 compile statistics, the basic ethics, the basic
15 principles of safety, courses similar to that nature.

16 Q You mentioned statistics. Did you have any
17 instruction in either statistical analysis or
18 statistical techniques?

19 A No, not basically, no. These were how to
20 compute statistics, frequency, severity.

21 Q Does the term epidemiology mean anything to
22 you?

23 A Yes.

24 Q What do you understand epidemiology to be?

25 A A review of the past for what it means to the

1 present.

2 Q Is that the kind of statistics training that
3 you had in connection with the certification?

4 A No.

5 Q How did the statistical training that you got
6 in connection with the certification in safety at NYU
7 differ from what you understand epidemiology to be?

8 A A means of measuring performance, which was
9 frequency, the number of accidents that might have
10 occurred, and their severity, so that you can come up
11 with an index on how to do it and what it meant rather
12 than just a plain number.

13 Q In connection with the NYU course, did you
14 have any courses in industrial hygiene?

15 A No.

16 Q Any courses in toxicology?

17 A No.

18 Q How about industrial safety or industrial
19 health?

20 A Industrial safety.

21 Q In answering yes to industrial safety and no
22 to industrial hygiene, I gather that you make a
23 distinction between the two?

24 A Yes, I do.

25 Q What is the distinction in your mind?

1 A Well, basically safety is for the things and
2 actions of an individual versus the industrial hygiene,
3 which is exposures and the influence it might have to
4 the individual.

5 Q Is it fair to say that one of the differences
6 between the two concerns the ability of the individual
7 to control either the environment or that which he is
8 acting upon or being acted upon him for purposes of
9 his health or safety?

10 MR. HAMMETT: Do you understand
11 that question?

12 THE WITNESS: No, I don't really.

13 MR. HAMMETT: I didn't, either.

14 THE WITNESS: You have lumped too
15 many things together there.

16 BY MR. HOFFMAN:

17 Q Is it fair to say that a difference between
18 industrial hygiene and industrial safety is in
19 industrial safety we're dealing with what the worker
20 can do to protect himself as opposed to industrial
21 hygiene, which concerns the health of the environment
22 in which the worker is employed?

23 A I'd have to answer no to that. You added too
24 many things there.

25 Q Okay. Does industrial safety include dealing

1 with protecting the worker from what may be a harmful
2 work environment?

3 A Yes.

4 Q Does industrial safety include determining
5 whether there's a need, for instance, for a worker to
6 wear some kind of respirator or air filtering device in
7 his employment?

8 A Yes.

9 Q I'm just trying to understand so we
10 communicate on the same wavelength. Does industrial
11 hygiene include that, also?

12 A Yes.

13 Q So there's an overlap between the two?

14 A Yes.

15 Q Subsequent to the certification at NYU, did
16 you ever have any training or course work in
17 industrial hygiene?

18 A No.

19 Q And the same question with regard, if it's
20 different, to industrial health.

21 A No. First aid courses, if that's what you
22 mean.

23 Q You are currently employed by Pfizer
24 Incorporated?

25 A Yes.

1 Q How long have you been with Pfizer?

2 A Since August the 7th of 1950.

3 Q Which, if I'm not mistaken, is shortly after
4 you graduated from Brooklyn Polytech?

5 A Shortly after.

6 Q The first job after college?

7 A No. First big job.

8 Q What were the less than big jobs?

9 A A lot of incidentals just to sort of make a
10 living.

11 Q Do you remember what any of them were?

12 A Oh, yes. I worked for myself for a while. I
13 worked for Associated Merchandising Corporation, taxi
14 cab driver. Things along that line. I don't recall
15 all the others.

16 Q Let me ask you, when was the first time,
17 looking back on it as you sit here today, that you
18 recall having any knowledge whatsoever about possible
19 health hazards from exposure to asbestos?

20 A Sometime in the mid '60s to the late '60s. I
21 don't recall exactly. I received a phone call from one
22 of our safety coordinators.

23 MR. HAMNETT: Well --

24 BY MR. HOFFMAN:

25 Q That's all right. I'll go ahead and ask you.

1 Why don't you tell me, if you would,
2 what you recall as being the manner in which you first
3 came to learn that there may be health hazards from
4 asbestos.

5 A Well, I'd like to qualify that by saying that
6 the inquiry that came in was not to identify a health
7 hazard but it was to ask the question from one of our
8 safety coordinators as to what was available on a
9 medical, I guess, frequency of medical or physicals
10 that can be conducted for people who worked in the
11 pipe insulation area.

12 Q And you received an inquiry by telephone?

13 A Yes, by telephone.

14 Q And this was sometime in the mid 1960's or
15 thereabouts?

16 A Mid, late '60s, somewhere about.

17 Q Who did the inquiry come from?

18 A The safety coordinator at the Groton Plant.

19 Q Who was that at that time?

20 A Chris Roche, R-O-C-H-E.

21 Q Is Mr. Roche still with -- was that a Pfizer
22 plant?

23 A Yes.

24 Q Is Mr. Roche still with Pfizer?

25 A No.

1 Q Mr. Roche was the safety coordinator at the
2 Groton Plant?

3 A Yes.

4 Q What kind of products did the Groton Plant
5 produce?

6 A It's bulk chemicals for our pharmaceutical
7 industry.

8 Q How is it, if you know, that Mr. Roche was
9 concerned about medical surveillance programs for
10 persons working with pipe insulation?

11 A I don't understand your question.

12 Q Well, if the plant made bulk chemicals -- the
13 plant didn't make pipe insulation?

14 A No, sir.

15 Q How is it Mr. Roche was calling you with an
16 inquiry about pipe insulation?

17 A There are maintenance people that are there.

18 Q Was it your understanding that those
19 maintenance people worked with pipe insulation?

20 A Not necessarily. His inquiry was what are the
21 frequencies of physicals that are offered for people
22 who work in the pipe insulation area.

23 Q Was it your understanding at that time that in
24 referring to frequency of physicals, he was referring to
25 frequency of physicals for persons working with asbestos

1 containing pipe insulation?

2 A Yes.

3 Q Prior to getting that phone call from Mr.
4 Roche -- well, let me ask it a better way. When you
5 got the phone call from Mr. Roche, did you have any
6 knowledge with which to immediately answer him with?

7 A No.

8 Q What did you do in order to find out the
9 answer to his question?

10 A I called a few of the people that I knew who
11 are in the industries, you know, peers, what is it
12 that's going on. I tried to check with some of the
13 union people to find out what might be going on.

14 Q And did you find out what was going on?

15 A Yes.

16 Q What was it you found out?

17 A They indicated that the kind of physicals
18 that would be offered were general in nature and their
19 frequency would be dependent upon the individual and
20 really nothing more than that.

21 Q And what peers, if you recall, did you speak
22 with to try to get this information?

23 A Oh, fellow safety engineers, fellow safety
24 directors.

25 Q At Pfizer or --

1 A Oh, no, no. Outside of Pfizer.

2 Q Who were your fellow safety engineers or
3 directors at that time in other industries or in
4 other businesses in the same industry or others?

5 A I don't really recall to give you the
6 specifics on that. When you're in this business, you
7 make a lot of contacts. But specifically who, I don't
8 recall.

9 Q How about union people?

10 A I don't recall that, either, sir.

11 Q What unions were you dealing with at that
12 time as Safety Director?

13 A None.

14 Q If you weren't dealing with any unions, how
15 is it that you recall that you consulted with some
16 union people to try and find out the answer?

17 A Because one of the peers that I had spoken
18 with said that the best place to get it would be from
19 the union halls and they would have looked into this
20 for their own value.

21 Q Do you remember what unions you consulted or
22 contacted?

23 A No, I don't.

24 Q Aside from phone calls to your peers or to
25 union people, did you do anything else to try and get

1 the information that Mr. Roche requested?

2 A No, I didn't.

3 Q What was your understanding at the time as to
4 why Mr. Roche wanted this information?

5 A His concern was the frequency of physicals
6 that might be offered and the type of physical, maybe.
7 But I can't answer anything more than that.

8 Q Did you understand at the time that there was
9 a need for the physical because of the person's work
10 with the asbestos containing pipe insulation?

11 A No.

12 Q You didn't?

13 A No.

14 Q Did you ask Mr. Roche why it was that he was
15 interested in getting this information?

16 A No.

17 Q You had no interest in knowing why Mr. Roche
18 wanted to get the information about providing physicals
19 to persons working with asbestos pipe insulation?

20 A No.

21 Q What was your position with Pfizer at the time?

22 A I was the Manager of Safety and Environmental
23 Health, or at that time it was called Occupational
24 Health.

25 Q Did you have responsibility for safety and

1 occupational health for the entire Pfizer Corporation?

2 A Yes.

3 Q Was there a Pfizer policy at the time regarding
4 providing physicals to employees of Pfizer?

5 A There were policies available, yes.

6 Q There were?

7 A Yes.

8 Q Do you recall what the policy was at that time
9 for employees?

10 A No. They were usually set up by divisions and
11 by facility, given the exposure and the frequency they
12 had for the doctors' services that were provided.

13 Q When you say the frequency of exposures,
14 you're talking about frequency of exposures to
15 materials which presented possible health problems?

16 A No.

17 Q What do you mean by exposures then?

18 A Work load, stress, hours of work, capabilities
19 to be able to perform a certain job, whether they were
20 handicapped or what have you.

21 Q And it would include, wouldn't it, and in
22 fact did include at the time the need to account for
23 the fact that some employees may be exposed to
24 materials in the production process which presented a
25 possible health problem?

1 A I don't think I can answer that.

2 Q Well, in the mid to late 1960's when you had the
3 conversation with Mr. Roche, were there any Pfizer
4 employees whose work included or involved exposure to
5 materials which presented possible health problems?

6 A Yes.

7 Q And wasn't Pfizer at that time concerned about
8 the possible health problems which those employees
9 might have from working with those materials?

10 A Yes.

11 Q And in fact, didn't Pfizer have, as part of its
12 corporate policy, a medical program which provided
13 surveillance of those employees who worked with possible
14 harmful materials?

15 MR. HAMMETT: I object to the form of
16 the question. I don't know what you mean by
17 surveillance.

18 BY MR. HOFFMAN:

19 Q Well, didn't Pfizer provide some kind of medical
20 program for employees?

21 MR. HAMMETT: Well, I object to the
22 form of the question. I think he's told you
23 that there was a program of medical examinations
24 and that's what this inquiry from Mr. Roche
25 concerned.

1 BY MR. HOFFMAN:

2 Q Was there a program of medical examinations in
3 place at Pfizer in the mid to late 1960's which included
4 the examination of employees who were exposed to
5 materials that could have had possible harmful effects
6 on them?

7 A General physicals were provided to all of the
8 employees.

9 Q All of the employees of Pfizer?

10 A At that facility.

11 Q At the Groton facility?

12 A At that facility.

13 Q And were general physicals of Pfizer employees
14 provided to all employees of Pfizer everywhere?

15 A I don't think so. I don't know.

16 Q And Mr. Roche was calling to get information
17 from you to determine what kind of physical examination
18 should be administered to Pfizer employees working with
19 asbestos containing pipe insulation; isn't that correct?

20 MR. HAMLETT: I object to the form of
21 the question. That's not what his testimony
22 was. His testimony was that Mr. Rocne inquired
23 as to the frequency of medical examinations for
24 these people.

25

1 BY MR. HOFFMAN:

2 Q Isn't it your understanding that the reason Mr.
3 Roche was inquiring about the frequency of medical
4 examinations for Pfizer employees working with asbestos
5 containing pipe covering was because there was a health
6 hazard for working with asbestos containing pipe
7 covering?

8 MR. HAMMETT: I object to the form of
9 the question. Go ahead and answer it, if you
10 can.

11 THE WITNESS: The answer is no.

12 BY MR. HOFFMAN:

13 Q What information did you pass on to Mr. Roche
14 at that time?

15 A We talked on the phone about the general
16 physical that had been reviewed with me by the other
17 people that I had spoken with, and we concluded that the
18 physical being conducted at the time was satisfactory.

19 Q What did the physical being conducted at the
20 time consist of?

21 A I don't recall.

22 Q How did you conclude that it was satisfactory?

23 A Because he was responsible for that facility,
24 that is Chris Roche, and if he had a physical program at
25 that site, it was satisfactory to me.

1 Q Were you responsible for seeing to it that the
2 physical programs at the various Pfizer sites were
3 adequate?

4 MR. HAMMETT: Well, I object to the
5 form of the question. Are you talking now
6 about Groton?

7 MR. HOFFMAN: No, I'm trying to
8 determine whether in the mid to late 1960's
9 when Mr. Osti had a conversation with Mr. Roche
10 his job responsibilities included seeing to it
11 that the medical examination programs at the
12 various Pfizer sites where there were
13 examination programs were adequate.

14 MR. HAMMETT: Well, I object to the
15 form of the question. I think you're getting
16 pretty far afield. If you want to ask him
17 about Mr. Roche and Groton, I have no objection
18 to that. But I'm not going to have you fish
19 around into every aspect of Pfizer's business.
20 Why don't you confine it to Mr. Roche and
21 Groton. That's perfectly legitimate. I have no
22 problem with that.

23 BY MR. HOFFMAN:

24 Q Well, when was the next time after you dealt
25 with Mr. Roche at the Groton facility that you recall

1 receiving any inquiry from anyone, if ever, concerning
2 asbestos?

3 A Oh, the early '70s.

4 Q And between the time of the conversation with
5 Mr. Roche and the next inquiry in the early '70s, did
6 you receive any information of any kind from anyone --

7 A No.

8 Q -- concerning asbestos?

9 A No.

10 Q Am I correct that Mr. Roche was the only
11 person at the Groton Plant who you dealt with concerning
12 this question of the type of examination or the
13 frequency of examinations?

14 A Yes.

15 Q And you did no research of your own into the
16 question of what frequency of examination should be
17 given to asbestos exposed persons?

18 MR. HAMNETT: I object to the form of
19 the question. He told you what he did. I
20 don't think you should characterize that as
21 research or not research.

22 BY MR. HOFFMAN:

23 Q Did you do any research of your own?

24 A No.

25 Q I will go back. Did you do any research of

1 your own for purposes of determining what kind of
2 frequency of examination was needed to be given to
3 employees who worked with asbestos pipe insulation?

4 A No.

5 Q Did anyone on your staff do any such research?

6 MR. HAMMETT: What time are you
7 talking about? At the time of this discussion
8 with Mr. Roche?

9 MR. HOFFMAN: In an effort to try to
10 provide a response to Mr. Roche's inquiry.

11 MR. HAMMETT: Okay.

12 THE WITNESS: No.

13 BY MR. HOFFMAN:

14 Q Now, when was the first time that you learned,
15 if you ever obtained such knowledge, that a Pfizer plant
16 was producing a material made with asbestos?

17 A Mid '70s.

18 Q Prior to that you had no knowledge as to any
19 Pfizer plant producing a material made with asbestos?

20 A No.

21 Q What operation is it you recall first learning
22 was the producer of an asbestos containing product?

23 A I don't recall, sir.

24 Q How many Pfizer sites or plants have in the
25 past produced an asbestos containing product?

1 A I don't recall.

2 Q More than one?

3 A I don't recall.

4 Q But you do recall at sometime in the past
5 Pfizer has produced an asbestos containing product?

6 A Yes.

7 Q So we know there must be at least one place
8 where an asbestos containing product was produced, right?

9 A Yes.

10 Q Have you ever visted a Pfizer facility where
11 an asbestos containing product was produced?

12 A Yes.

13 Q And would you tell me what facility or
14 facilities you have visited where an asbestos containing
15 product was produced?

16 A The Old Bridge Plant.

17 Q That's Old Bridge, New Jersey?

18 A Yes.

19 Q That's the Old Bridge, New Jersey Plant of
20 Quigley Company?

21 A Yes.

22 Q Aside from that plant have you ever visited
23 another plant where any asbestos containing product was
24 produced as opposed to being used?

25 A I visited plants but not to my knowledge if

1 there was asbestos there.

2 Q You have visited other plants of Pfizer?

3 A Yes.

4 Q But to your knowledge none of the other plants
5 of Pfizer that you have visited were producing an
6 asbestos containing product at the time you visited
7 them?

8 A Yes.

9 Q I guess the last question I have along this
10 line is can you tell me, if you recall, whether you have
11 ever visited a Pfizer plant which at some point in time
12 prior to your visit had previously produced an asbestos
13 containing product other than the Old Bridge Plant?

14 A No.

15 Q You have no recollection of having visited such
16 a plant?

17 A No.

18 Q Good. Thank you.

19 When would you say the first time was
20 that you started to have some understanding yourself as
21 to the possible health effects from breathing asbestos?

22 A Early '70s.

23 Q Can you describe how it came to pass that you
24 obtained the first knowledge you had about harms from
25 asbestos exposure?

1 A Our duties are such that we're advice and
2 counsel, if you would, or guidance to the facilities.
3 Therefore, we get the chance to read a Federal Register
4 once in a while and the Federal Register contained
5 something that OSHA was going to introduce, information
6 regarding asbestos.

7 Q Do you get the Federal Register at your office?

8 A No.

9 Q Did you get the Federal Register at your office
10 in the early 1970's?

11 A Sometimes.

12 Q Was it as a result of your own personal reading
13 that you saw some entry in the Federal Register
14 concerning OSHA and asbestos?

15 A Yes.

16 Q And did you see that for the first time
17 yourself or did someone call it to your attention?

18 A No, I noticed it myself.

19 Q Is it fair to say then that at least at
20 whatever point in time you first noticed it, your office
21 was receiving the Federal Register?

22 A No.

23 Q How, if you can tell me, was it that the
24 Federal Register was available for you to read on that
25 occasion?

1 A Every once in a while we would have lunches
2 that would be sponsored by one group or another in the
3 neighborhood, and there happened to be a regional office
4 of OSHA in the area and the OSHA people would highlight
5 some of the things that might be coming down the pike
6 at the lunch. That's how I reacted or triggered that
7 the Federal Register contained some information.

8 Q When you say some lunches sponsored by one
9 group or another in the neighborhood, is that in the
10 neighborhood of 42nd Street in New York City?

11 A Yes.

12 Q And one of the kids on the block, so to speak,
13 was an OSHA office?

14 A Yes.

15 Q And you went to an OSHA office luncheon?

16 A No, no. It was just a casual, informal
17 luncheon, a get-together, today we'll have lunch here,
18 today we'll have lunch there.

19 Q I wouldn't expect the Federal Government to be
20 sponsoring luncheons for anybody.

21 A Oh, no.

22 Q At this casual luncheon was there present
23 someone from the OSHA office in New York, do you recall?

24 A There had to be, yes.

25 Q Who were you dealing with at that time in the

1 OSHA office in New York?

2 MR. HAMMETT: You mean at these
3 luncheons?

4 BY MR. HOFFMAN:

5 Q In the early 1970's who did you have occasion
6 to deal with in the OSHA office in New York in your
7 capacity at Pfizer?

8 A Infrequently the Regional Administrator.

9 Q Do you recall what his name was?

10 A Not specifically. I'd have to guess.

11 MR. HAMMETT: Well, don't guess.

12 THE WITNESS: No.

13 BY MR. HOFFMAN:

14 Q Do you remember the name of any OSHA employees
15 from the early 1970's --

16 A Sure.

17 Q -- from the New York office?

18 A Yes.

19 Q Would you give me those names.

20 A Carl Meyers, Al Barden, Larry Carvey.

21 MR. HAMMETT: How do you spell that?

22 THE WITNESS: C-A-R-V-E-Y. Al

23 Storch, S-T-O-R-C-H.

24 Do you want more?

25

1 BY MR. HOFFMAN:

2 Q Sure.

3 A Rosemary -- I forgot her name -- Rosemary, who
4 was the main secretary.

5 Q That's the only woman so far, and you forgot
6 her name.

7 A I can't recall any more.

8 Q Relate to me, as best you can, these many
9 years after it occurred, the substance of what you
10 learned at the informal meeting or informal lunch that
11 you had when you first became aware that there may be
12 some health hazards from exposure to asbestos.

13 A That the Federal Government was looking into
14 the idea of asbestos and that there was an awful lot of
15 confusion as to whether or not it was considered harmful
16 and how much of it should be considered harmful and what
17 to do about it.

18 Q At the time you first got this information,
19 did you know that Pfizer had any facilities that were
20 working with asbestos?

21 A Yes.

22 Q And what did you understand at that time to be
23 the Pfizer facilities that were working with asbestos?

24 A Old Bridge.

25 Q You were also aware, were you not, that at least

1 in Groton there were Pfizer employees working with
2 asbestos containing pipe covering?

3 A Yes.

4 Q Were any other employees of Pfizer present at
5 the informal luncheon when you got this information from
6 the OSHA person or persons who were there?

7 A No.

8 Q Aside from you and whatever person or persons
9 were there from OSHA, were there any other persons there?
10 Any of your peers, let's say.

11 MR. HAMMETT: You're talking about
12 these luncheons?

13 BY MR. HOFFMAN:

14 Q At this particular one, yes.

15 A Yes.

16 Q If you recall, who else was present?

17 A I made it a habit to be --

18 MR. HAMMETT: Now, don't tell us what
19 you made a habit of. If you remember who was
20 there, tell him. If you don't, you don't.
21 But we're not interested in what habits were.

22 THE WITNESS: Harvey Segal of the
23 New York Times.

24 BY MR. HOFFMAN:

25 Q Anybody else who you recall as being there?

1 A No, I'm sorry.

2 Q I just choose this characterization. Was there
3 a regular lunch bunch, so to speak, who went to these
4 casual luncheons?

5 A No.

6 Q Who set up the luncheons?

7 A Very informal.

8 Q Aside from Harvey Segal and people from OSHA,
9 were there other persons who on somewhat regular
10 occasions you went to lunch with?

11 A No. Sort of like a casual place. If there was
12 somebody else who was there, well, fine. If not, no.

13 Q If you remember, what was Harvey Segal's
14 position with the New York Times?

15 A Safety Engineer.

16 Q Do you know if Harvey Segal is still alive?

17 A He's dead.

18 Q Am I correct that you actually had a chance to
19 read the portion of the Federal Register which talked
20 about the OSHA asbestos proposal?

21 A I scanned it.

22 Q And did somebody have it at this luncheon?

23 A Oh, no.

24 Q So after the luncheon you got a copy of it?

25 A Yes.

1 Q Did you do that yourself?

2 A Yes.

3 Q Aside from obtaining a copy of the Federal
4 Register section on asbestos, did you do anything else
5 following the receipt of this knowledge about the
6 possible hazards from asbestos exposure?

7 A No.

8 Q That was all that you did?

9 A Yes.

10 Q Did you communicate what you learned to anyone?

11 A Oh, yes.

12 Q Who did you pass what you had learned on to?

13 A As I said before, we're a group that acts as
14 consultants and advisors. Therefore, what we did was
15 prepared sort of a summary of what we read and what was
16 available and distributed it to the Safety Coordinators
17 that existed at that time within all of the Pfizer
18 facilities.

19 Q Mr. Osti, do you know what a carcinogen is?

20 A Yes.

21 Q And what do you understand a carcinogen to be?

22 A Cancer producing substance.

23 Q Do you have any understanding as to whether
24 asbestos is a carcinogen?

25 MR. HAMMETT: All right. Wait a

1 minute. What time are you talking about?

2 BY MR. HOFFMAN:

3 Q As you sit here today.

4 MR. HAMMETT: Does he at the present

5 time have any knowledge with respect to that?

6 MR. HOFFMAN: Yes.

7 MR. HAMMETT: At the present time?

8 MR. HOFFMAN: Correct.

9 THE WITNESS: Would you define

10 certain words that you're asking, sir? I don't

11 understand your question.

12 BY MR. HOFFMAN:

13 Q Sure. Sure. Do you, as you're sitting here

14 testifying today, have any understanding as to whether

15 asbestos is a carcinogen, using the definition of

16 carcinogen you just gave us?

17 A I have read that it is one.

18 Q Well, do you believe what you have read

19 concerning asbestos being a carcinogen?

20 A I have read that it is a suspected carcinogen

21 and that cases -- people have been -- had developed a

22 cancer condition as a result of given exposures.

23 Q You just used the word suspect carcinogen.

24 Is there a difference between a suspect carcinogen and

25 a carcinogen?

1 A Yes.

2 Q What is the difference between the two?

3 A That the substance can create a problem to a
4 cell versus that the cell could be interfered with but
5 not necessarily have it destroyed because of the
6 substance that came in contact with it.

7 Q The latter being the suspect carcinogen, the
8 former being the carcinogen?

9 A Yes.

10 Q Why don't we do it one at a time. Do you
11 believe that asbestos is a suspect carcinogen?

12 MR. HAMMETT: Now, wait a minute.

13 BY MR. HOFFMAN:

14 Q As you sit here and testify today.

15 MR. HAMMETT: All right. Now I'm
16 going to object to the form of that question
17 and to this line of questioning. I don't see
18 the relevance of what he believes today to
19 anything involved in this litigation. In the
20 first place, he's not a medical expert. And as
21 you know, there are great differences in views
22 by medical experts on that subject, and I don't
23 think this is an appropriate line of inquiry.
24 So I direct him not to answer. Don't answer
25 that.

1 MR. HOFFMAN: Certify that, would
2 you.

3 BY MR. HOFFMAN:

4 Q When was the first time that you obtained any
5 knowledge that asbestos was a suspect carcinogen?

6 A In the early '70s.

7 Q Did there come a time when you in fact obtained
8 a knowledge that asbestos was a carcinogen rather than a
9 suspect carcinogen?

10 A From the Federal Register.

11 Q Did you believe when you read the Federal
12 Register that asbestos was a carcinogen?

13 MR. HAMMETT: I object to the form
14 of the question. I don't know what you mean by
15 asbestos, whether you mean raw asbestos, do you
16 mean a product that contained a small percentage
17 of asbestos? What are you talking about?

18 BY MR. HOFFMAN:

19 Q Well, when you read the Federal Register, what
20 did you understand with respect to asbestos being a
21 carcinogen?

22 MR. HAMMETT: I object to the form of
23 the question for the same reason. I think you
24 have got to break that down between raw
25 asbestos, product containing a small quantity

1 of asbestos. What are you talking about?

2 BY MR. HOFFMAN:

3 Q When you read the Federal Register, what was
4 your understanding concerning the effects of exposure
5 to asbestos?

6 A That it could cause some problems to the body.

7 Q And you understood at that time that it could
8 cause cancer?

9 A I read that they indicated that it could cause
10 some problems to the body.

11 Q And you had no reason to dispute the assertion
12 that you read that it could cause cancer, did you?

13 A No.

14 Q At the time you first read the Federal Register
15 which made the connection between asbestos and harm to
16 the body, did you have an understanding or did you
17 believe there was a distinction between exposure to a
18 material that was a hundred percent asbestos as opposed
19 to a material that was only partly made up of asbestos?

20 A I don't understand your question, please.

21 Q At the time you read the Federal Register, was
22 there any distinction in your mind between exposure to
23 100 percent asbestos and exposure to a material that
24 contained less than 100 percent asbestos?

25 A There was a lot of confusion in my mind, yes.

1 Q And from where did that confusion arise?

2 A Because they weren't certain in the Federal
3 Register what quantity could be considered detrimental.

4 Q Do you recall if the Federal Register that you
5 read set forth proposed guidelines for the quantity of
6 asbestos that was permissible to breathe?

7 A Yes.

8 Q Do you recall today what those guidelines were
9 that you first read?

10 MR. HAMMETT: You're talking about
11 the guidelines that he read in the early
12 1970's in the Federal Register?

13 THE WITNESS: 100 parts per million?

14 MR. HAMMETT: Well, do you remember
15 or don't you?

16 THE WITNESS: No, I don't remember.

17 MR. HAMMETT: Don't guess.

18 (At which time there was a brief
19 recess.)

20 BY MR. HOFFMAN:

21 Q Mr. Osti, before I go on with the lines of
22 questions I have been asking, I think I would like to
23 ask you a little bit more about your employment history
24 with Pfizer.

25 When you first began in 1950, what

1 was your position with Pfizer?

2 A Safety Coordinator.

3 Q And was that Safety Coordinator for the entire
4 corporation?

5 A No. For the Brooklyn Plant.

6 Q And what did your responsibilities at the
7 Brooklyn Plant include as Safety Coordinator?

8 A To attempt to define for supervision and
9 management the concepts of safety.

10 Q And did it include recommending to them
11 programs or action which would carry out the concepts
12 of safety that you defined for them?

13 A Yes.

14 Q Explain to me, if you know, how a graduate of
15 Brooklyn Polytech in mechanical engineering gets a job
16 as a Safety Director at a Brooklyn plant of Pfizer.

17 A Safety Coordinator.

18 Q Safety Coordinator, sorry.

19 A In 1950, sometime early in the '50s, a man by
20 the name of Worthington, I think his name was, told me
21 that there was an opportunity in a plant or in a
22 facility or a company known as Pfizer that happened to
23 be about 30 blocks from where I lived. So I went down
24 to the plant and I met with a fellow who was in charge
25 of personnel at the time, and we talked a bit and the

1 discussion was, we have an opportunity here in the
2 Personnel Department, and some of the things you would
3 be responsible for would be safety. And with that, I
4 guess I volunteered to say I'll look into it and went
5 home.

6 The next day I got a call. Maybe
7 they didn't interview anybody else. I don't know.
8 Nobody else wanted the job. I don't know. So I got the
9 job. That's how an ME gets into a chemical company.

10 Q Am I correct that you had very little
11 background in safety at the time you first took the job?

12 A Formal background.

13 Q Just briefly, if you would, what do you consider
14 to have been your informal background in safety?

15 A Being concerned --

16 MR. HAMMETT: Going back to 1950?

17 MR. HOFFMAN: Right.

18 MR. HAMMETT: Well, all right. I
19 don't really think we need to belabor this.

20 BY MR. HOFFMAN:

21 Q Just briefly. Was there anything arising out
22 of your education at Brooklyn Polytech?

23 A No. No.

24 Q Okay. That's fine.

25 How long were you Safety Coordinator

1 at the Brooklyn Plant?

2 A 1950 to 1962, I believe. I had gotten
3 promotions along the way.

4 Q But you remained at the Brooklyn Plant the
5 entire time, from '50 to '62?

6 A '62.

7 Q What did the promotions consist of?

8 A Safety Supervisor, Safety Engineer. That's it.

9 Q What did they do at the Brooklyn Plant?

10 A Bulk chemicals and packaging plant of
11 pharmaceuticals.

12 Q In addition to you with your responsibilities
13 for safety, did anyone have any responsibilities for
14 industrial hygiene --

15 A No.

16 Q -- at the plant?

17 A No.

18 Q Were there any nurses or doctors employed at
19 the plant?

20 A Two full-time nurses and some part-time doctors.

21 Q Was there a medical examination program at that
22 plant at anytime during the '50 to '62 period?

23 A Oh, yes.

24 Q Did you have any responsibility for determining
25 the scope of the medical examination program?

1 A No.

2 Q Who did, by job title, not individual?

3 MR. HAMMETT: Hold on. I'm going to

4 object to this. I don't think that you should

5 be going into great detail as to what was done

6 or wasn't done at the Brooklyn Plant of Pfizer

7 unless you can --

8 MR. HOFFMAN: I think that's

9 reasonable.

10 MR. HAMMETT: All right. Don't

11 answer that.

12 BY MR. HOFFMAN:

13 Q After 1962 -- well, during that period did you

14 go to any seminars or conferences where you had

15 presentations on, I guess, industrial safety?

16 A Yes.

17 Q And would it be fair to say that there were

18 also, as part of the presentations on industrial safety,

19 there were presentations on industrial health and

20 hygiene at the same conferences or seminars?

21 A Sometimes.

22 Q After 1962 what was your next position with

23 Pfizer?

24 A I was given the opportunity to work as the

25 Safety Engineer -- Corporate Safety Engineer at

1 headquarters.

2 Q And you took that position in 1962?

3 A '62.

4 Q What department, if that is the proper term,
5 was the Corporate Safety Engineer in?

6 A In personnel.

7 Q So you were in the headquarters personnel
8 office?

9 A Yes.

10 Q How long were you Corporate Safety Engineer?

11 A Few years.

12 Q Mid '60s, sometime?

13 A Mid '60s.

14 Q And then did you receive a promotion from
15 there?

16 A Yes.

17 Q What was your next position?

18 A Manager of Corporate Safety and Occupational
19 Health.

20 Q And this is sometime in the mid '60s that you
21 got this position?

22 A I don't recall exactly.

23 Q Was this a new position or a position that had
24 existed previously?

25 A No, a new position.

1 Q Did your job responsibilities change when you
2 moved from being Corporate Safety Engineer to Manager
3 of Corporate Safety and Occupational Health?

4 A No.

5 Q So you were given a new title but no new job
6 responsibilities?

7 A True.

8 Q And was the position of Corporate Safety
9 Engineer filled when you left it to become Manager of
10 Corporate Safety and Occupational Health?

11 A You have to be more specific as to when.

12 Q When you left.

13 A No.

14 Q Sometime thereafter was the position of
15 Corporate Safety Engineer filled?

16 A Yes.

17 Q Did the person who was the Corporate Safety
18 Engineer have different responsibilities from the
19 responsibilities that you had when you were Corporate
20 Safety Engineer?

21 A No.

22 Q Then I'm confused, and I will try to explain
23 why I am.

24 I believe you stated that when you
25 went from Corporate Safety Engineer to Manager of

1 Corporate Safety and Occupational Health, it was a
2 newly created position with the same responsibilities
3 as when you were Corporate Safety Engineer.

4 A Yes.

5 Q Sometime after you took the job as Manager, a
6 new Corporate Safety Enginner was hired?

7 A Yes.

8 Q And he was doing the same work that you were
9 doing when you were Corporate Safety Engineer?

10 A Yes.

11 Q But as Manager of Corporate Safety and
12 Occupational Health, you were also doing the same work
13 you were doing as Corporate Safety Engineer; is that
14 right?

15 A Yes.

16 Q So now there's two of you doing the job that
17 you used to do alone?

18 A Yes. That's it.

19 Q But the Corporate Safety Engineer is under you,
20 reports to you?

21 A Yes.

22 MR. HAMMETT: See, it's very simple,
23 Mr. Hoffman.

24 MR. HOFFMAN: It's simple if you have
25 sufficient intelligence.

1 BY MR. HOFFMAN:

2 Q How long did you remain in the position of
3 Manager of Corporate Safety and Occupational Health?

4 A A few more years.

5 Q Until approximately when?

6 A About '78.

7 Q And what happened in 1978 concerning that
8 position?

9 A I assumed the Corporate Director's job of
10 Safety and Environmental Health Services.

11 Q And is that your current position?

12 A Yes.

13 Q And how does that position differ, if at all,
14 in responsibilities from the position of Manager of
15 Corporate Safety and Occupational Health?

16 A Just more work.

17 Q So it's all of the same responsibilities and
18 more?

19 A Yes.

20 Q Am I correct that at some point in time a new
21 person was hired to fill the position of Manager of
22 Corporate Safety and Occupational Health after you
23 became Corporate Director?

24 A Yes.

25 Q When you were in the position of Manager of

1 Corporate Safety and Occupational Health, were you still
2 an employee of the Personnel Department?

3 A Yes.

4 Q What employees were there in the Personnel
5 Department whose job responsibilities included
6 corporate safety and occupational health aside from you
7 by job title?

8 MR. HAMMETT: When?

9 BY MR. HOFFMAN:

10 Q During the period that you were Manager of
11 Corporate Safety and Occupational Health. There's you
12 and at some point there's also a Corporate Safety
13 Director?

14 A No, no, no.

15 MR. HAMMETT: No. You're having an
16 awful lot of trouble with this, Mr. Hoffman.

17 BY MR. HOFFMAN:

18 Q I thought you testified at some point after
19 becoming Manager of Corporate Safety and Occupational
20 Health someone --

21 MR. HAMMETT: Why don't you just ask
22 him who worked for him.

23 BY MR. HOFFMAN:

24 Q You can tell me who worked for and with you
25 when you were Corporate Safety Engineer. We will start

1 with that one.

2 A I was alone.

3 Q Pfizer had no one else who had anything to do
4 with corporate safety at that time?

5 A I have to explain.

6 MR. HAMMETT: Well, don't.

7 THE WITNESS: Well, all right.

8 BY MR. HOFFMAN:

9 Q There were no other employees of corporate
10 safety at that time?

11 A Not when I went over to the corporate
12 headquarters, no.

13 Q You were the first person that Pfizer ever had
14 to deal with corporate safety?

15 A Yes, sir.

16 Q At that time did Pfizer employ any industrial
17 hygienists?

18 A No, sir.

19 Q Did Pfizer employ any physicians, do you know?

20 A Part-time people in many facilities.

21 MR. HAMMETT: What are you talking
22 about? You mean within the Personnel
23 Department? Really, I think we are belaboring
24 -- just hold it. It's so simple to ask him who
25 worked with him.

1 MR. HOFFMAN: I'm interested in more
2 than who worked for him. There's a difference
3 between corporate safety and industrial safety
4 and industrial hygiene and industrial health.

5 BY MR. HOFFMAN:

6 Q You had no one that worked for you or with
7 you on corporate safety matters during the years you
8 were Corporate Safety Engineer; is that correct?

9 MR. HAMMETT: That would be from --

10 THE WITNESS: No, no, no.

11 MR. HAMMETT: Tell us who worked for
12 you then, if anybody.

13 THE WITNESS: We hired Dennis
14 Hoffman.

15 BY MR. HOFFMAN:

16 Q And he was hired sometime while you were
17 Corporate Safety Engineer?

18 A Yes.

19 Q What was he hired to do?

20 A Safety engineering work.

21 Q What were his responsibilities?

22 A Same as mine, that I had before.

23 Q Why don't you describe for me what Mr. Hoffman's
24 job responsibilities were.

25 A To offer guidance and assistance to the various

1 facilities that were under the corporate umbrella.

2 Q At some point after Dennis Hoffman was hired,
3 was someone else hired to deal with the same kinds of
4 responsibilities?

5 A Yes.

6 Q Who was the next person who was hired?

7 A Dennis left and went to Long Island -- I mean
8 to Long Beach and then King Hamilton joined us, E.
9 Kingdon Hamilton.

10 Q When was that, approximately?

11 A '72, '73.

12 Q Is there any overlap between Dennis Hoffman
13 and Hamilton?

14 A Maybe a month.

15 Q Hamilton came on board when you were Manager
16 of Corporate Safety and Occupational Health, correct?

17 A Yes.

18 Q Who else worked for you when you were Manager
19 of Corporate Safety and Occupational Health aside from --

20 A At that time?

21 Q At anytime during the period.

22 MR. HAMMETT: Well, you mean other
23 than Dennis Hoffman or Hamilton?

24 MR. HOFFMAN: Right.

25 MR. HAMMETT: If anybody.

1 THE WITNESS: Please. I'm confused
2 now. Would you rephrase your question.

3 BY MR. HOFFMAN:

4 Q Sure. During the years you were Manager of
5 Corporate Safety and Occupational Health, you have
6 stated that Dennis Hoffman worked for you.

7 A When I was Safety Engineer.

8 Q Didn't Dennis Hoffman's employment with you
9 also carry over to the portion of the period when you
10 were Manager of Corporate Safety and Occupational
11 Health?

12 A No.

13 Q Well, I thought you said that King Hamilton
14 came in approximately '72 or '73; isn't that right?

15 A Right.

16 Q And Dennis Hoffman left --

17 A Prior to that.

18 Q At approximately the same time that Hamilton
19 came?

20 A Yes.

21 Q And at that time weren't you Manager of
22 Corporate Safety and Occupational Health?

23 A I got the title around '75, I think, as Manager.

24 Q Okay. Then I have written my notes down wrong
25 and we will have to go back to the beginning. I

1 apologize.

2 I have written down here that you
3 were Corporate Safety Engineer in the headquarters
4 Personnel Department from approximately 1962 to sometime
5 in the mid 1960's.

6 A Yes.

7 Q The next thing I have is that sometime in the
8 mid 1960's or thereabouts you became Manager of Corporate
9 Safety and Occupational Health and continued in
10 that position until approximately 1973.

11 A It was late '60s that I got the title as
12 Manager.

13 Q Okay. That's fine. Late 1960's?

14 A Yes.

15 Q And continued in that until approximately 1978?

16 A Yes.

17 Q And then in 1978 --

18 A Now I know what you want or what you're asking.

19 Q What I'm asking is, aside from Dennis Hoffman,
20 who was with you both when you were Corporate Safety
21 Engineer and when you were Manager of Corporate Safety
22 and Occupational Health, and King Hamilton, who came to
23 work with you after you had become Manager of Corporate
24 Safety and Occupational Health, who else has worked with
25 you, if anyone, over the year when you were Manager of

1 Corporate Safety and Occupational Health?

2 A Paul Bradley, Marty Herskevich.

3 MR. HAMMETT: Spell it, please.

4 THE WITNESS: H-E-R-S-K-E-V-I-C-H,
5 I hope. That's all the names I can remember
6 at the moment.

7 BY MR. HOFFMAN:

8 Q Okay. What were their jobs?

9 A Statisticians.

10 Q Both of them?

11 A Yes.

12 Q What statistics were they responsible for
13 compiling?

14 A The statistics of the Log 200 as established
15 by OSHA.

16 Q Aside from the OSHA 200 Log did they have any
17 other responsibilities?

18 A No.

19 Q When you were Corporate Safety Engineer, to
20 whom did you report?

21 A The Vice President, Industrial Relations, I
22 think.

23 Q You reported directly to the Vice President of
24 Industrial Relations or whatever that Vice President's
25 title was?

1 A Yes.

2 Q Was there a director or manager or vice
3 president of personnel?

4 A Yes.

5 Q You were in the Personnel Department but you
6 did not report to that individual; is that correct?

7 A What individual?

8 Q The Vice President of Personnel or the Director
9 of Personnel, whatever it is.

10 A Excuse me. I'm getting confused again. Please.

11 Q I thought you stated previously when you were
12 Corporate Safety Engineer you were in the Personnel
13 Department?

14 A Yes.

15 Q Who was the highest corporate official assigned
16 to the Personnel Department?

17 A That was the Vice President of Employee
18 Relations.

19 Q In your capacity as Corporate Safety Engineer
20 you did not report to the Vice President of Employee
21 Relations?

22 A No.

23 Q No, you did not report to him?

24 A No, I did not report to him.

25 Q When you were Manager of Corporate Safety and

1 Occupational Health, to whom did you report?

2 A Oh, boy. The Vice President in charge of
3 Industrial Relations.

4 Q The same person whom you reported to as
5 Corporate Safety Engineer?

6 A Yes.

7 Q And how about currently as Corporate Director
8 of Safety and Environmental Health Services, to whom
9 do you report?

10 A The same office.

11 Q I need to know who the Vice President of
12 Industrial Relations was when you were Corporate Safety
13 Engineer, and if that person has changed since that
14 time, I need to know who has occupied the office since
15 then.

16 A In 1962, D.C. Lum, L-U-M.

17 Would you rephrase your question.

18 Q Sure. Is Mr. Lum still Vice President of
19 Industrial Relations?

20 A No, he's not. He's retired.

21 Q And who was the next Vice President of
22 Industrial Relations after Mr. Lum?

23 A Bruce Ellig, E-L-L-I-G.

24 Q And is he also retired?

25 A No, no.

1 Q He's the current --

2 A He's the current man.

3 Q When did Mr. Lum leave and Mr. Ellig begin, if
4 you know, approximately?

5 A April of this year.

6 Q During the years you were Corporate Safety
7 Engineer, was there any other department within Pfizer
8 that dealt with employee safety or health other than
9 yourself?

10 A No.

11 Q And is the same true for the years when you
12 were Manager of Corporate Safety and Occupational
13 Health? There was no other department which dealt with
14 employee safety or employee health during that period?

15 A I don't understand your question, to be honest
16 with you. Please, do it one more time.

17 Q When you were Manager of Corporate Safety and
18 Occupational Health, was there any other department or
19 any other branch of Pfizer which dealt with employee
20 safety and employee health?

21 A There was one department which we in there
22 established and each facility had its own Safety
23 Coordinator, who in turn implemented the programs as
24 that plant would require.

25 Q Am I correct that the Safety Coordinators in

1 each of the plants reported to you during the years you
2 were Corporate Safety Engineer?

3 A No, they don't.

4 Q To whom did they report?

5 A To their own individual Plant Managers.

6 Q What, if any, contact did you have with the
7 Plant Safety Director?

8 A Plant Safety Coordinator.

9 Q Plant Safety Coordinator. I'm sorry.

10 A Gathered statistics, phone calls.

11 Q During the years you were Corporate Safety
12 Engineer, whose responsibility, if anyone's, in Pfizer
13 was it to advise the various plants or keep the various
14 plants up to date on information concerning possible
15 health hazards of materials being used at those plants?

16 A It was usually something that came from our
17 office as an alert. A thing called POSHA, is what we
18 developed at that time, and then after that was a
19 highlight alert, keeping everybody informed.

20 Q What did you do to keep yourself up to date on
21 developments concerning possible health hazards from
22 various materials? You must have done reading, that
23 type of thing.

24 A Oh, yes. I read the Federal Register, had some
25 other professional journals that would come into the

1 office.

2 Q What journals came into the office when you
3 were Corporate Safety Engineer?

4 A Let's see. I belonged to the ASSE and they had
5 a publication called the Safety Journal.

6 Q American Society of Safety --

7 A Engineers, ASSE.

8 Q Are you a member of any other professional
9 associations aside from the ASSE or professional
10 societies?

11 A The National Safety Council. Do you mean that
12 kind of society?

13 Q Yes.

14 A National Society to Prevent Blindness. That's
15 it.

16 Q How long have you been a member of the National
17 Safety Council?

18 A The company is a member and I represent the
19 company at the National Safety Council.

20 Q Was the company a member of the National Safety
21 Council when you became Corporate Safety Engineer?

22 A Yes.

23 Q Do you know how long the company has been a
24 member of the National Safety Council?

25 A 1916.

1 Q Do you attend or have you in the past attended
2 the annual transactions of the National Safety Council?

3 A The annual transactions?

4 Q The annual meetings.

5 A Yes, I've attended some.

6 Q Have you received copies of what they call the
7 Annual Transactions, the summaries of the presentations
8 that take place at those meetings?

9 A Not all of them, no.

10 Q But you have received some of them?

11 A Some.

12 Q Do you keep those? Do you have any of those in
13 your office?

14 A No. The transactions we haven't kept them.

15 No.

16 Q Are they kept anywhere within the corporation,
17 Pfizer, do you know?

18 A I doubt it, no.

19 Q Am I correct that when you received them, you
20 would review them or read them and then dispose of them?

21 A No.

22 Q What did you do when you received whatever
23 transactions of the National Safety Council that you got?

24 A Read the section that I attended for
25 recollection value, I guess.

1 Q And was there a particular section that you
2 attended?

3 A Chemical section.

4 Q And no other section that you attended?

5 A You'd walk through some sections but not
6 attended, and sat there.

7 Q Is there a reason why you didn't read the other
8 sections of the transactions?

9 A The National Safety Council is made up of a
10 number of industries, and they vary. When the
11 transactions come through, they're voluminous.
12 Therefore, it's rather difficult to cover everything.
13 So you read the section or the part of the transaction
14 that you attended, and the rest of it wasn't really
15 relevant, I guess.

16 Q Aside from the Federal Register, was there a
17 publication or journal from the ASSE?

18 A Yes.

19 Q Aside from those two things, what other
20 publications were regularly received when you were
21 Corporate Safety Engineer and Manager of Corporate
22 Safety and Occupational Health?

23 A Some other magazines that would come in. Some
24 of the suppliers would give you a free subscription to
25 them and you'd get them in the door.

1 Q Were there annual or regular meetings of the
2 Plant Safety Coordinators and you when you were Corporate
3 Safety Engineer and Manager of Corporate Safety?

4 A We had one or two, but it was limited to a few
5 of the Safety Coordinators.

6 Q Was Mr. Roche a Safety Coordinator at the
7 Groton Plant?

8 A Yes.

9 Q Who was Safety Coordinator at Old Bridge, if
10 you remember, when you first became Corporate Safety
11 Engineer?

12 A I don't remember his name.

13 Q How far back can you go as far as remembering
14 the name of a Plant Safety Coordinator at Old Bridge?

15 A Jack Majors.

16 Q Aside from the informal lunch that we talked
17 about earlier where you and the gentleman from the New
18 York Times and a person or persons from OSHA was present,
19 have you ever been to any meetings or conferences,
20 symposia, that included specific discussions of the
21 health effects of asbestos exposure?

22 MR. HAMMETT: When? What period of
23 time are you talking about?

24 MR. HOFFMAN: At anytime is probably
25 the easiest way because if the answer is no,

1 then I won't have to go any further.

2 THE WITNESS: At anytime?

3 BY MR. HOFFMAN:

4 Q Yes. Anytime.

5 A Like yesterday?

6 Q Yes.

7 A Yes.

8 Q At anytime where you were Manager of Corporate
9 Safety and Occupational Health --

10 A No.

11 Q -- did you go to any sessions?

12 A No.

13 Q So it was sometime subsequent to your
14 becoming the Corporate Director of Safety and
15 Environmental Health?

16 A Yes.

17 (At which time there was a brief
18 recess.)

19 BY MR. HOFFMAN:

20 Q During the years you have worked for Pfizer,
21 have you had any involvement in any epidemiological
22 studies done by Pfizer?

23 A No.

24 Q Have you ever received any training in
25 connection with or for the purpose of determining

1 whether there is potentially hazardous amounts of dust
2 in the air where employees are working?

3 A. No.

4 Q Do you have any knowledge as to whether any
5 dust studies have ever been conducted at any of the
6 plants or facilities --

7 A Yes.

8 Q -- of Pfizer or its subsidiaries? The answer
9 is yes?

10 A Yes.

11 Q To the best of your knowledge when was the
12 first such dust study conducted at a facility of Pfizer
13 or one of its facilities?

14 A I don't recall.

15 Q Was any dust study conducted during the years
16 you were Corporate Safety Engineer?

17 A No.

18 Q Am I correct that you have a recollection of a
19 dust study or more than one dust study having been
20 conducted at the Old Bridge, New Jersey Plant of Quigley?

21 MR. HAMMETT: I object to the form of
22 that question. That was not his testimony.

23 BY MR. HOFFMAN:

24 Q Well, do you have any recollection as to
25 whether there were any dust studies conducted at the Old

1 Bridge, New Jersey Plant of Quigley at any point in
2 time?

3 A The answer is no.

4 Q I'm doing a bad job here of trying to figure
5 out where you first recall a dust study having been
6 done within the Pfizer Corporation. Can you tell me
7 what, if any, recollection you have as to a dust study
8 or an air monitoring study having been done?

9 MR. HAMMETT: Anywhere within Pfizer?

10 MR. HOFFMAN: Yes.

11 MR. HAMMETT: Well, all right. I
12 will let him answer that.

13 THE WITNESS: Yes.

14 BY MR. HOFFMAN:

15 Q When was the first time you can recall such a
16 study having been done, approximately?

17 A The early '70s.

18 Q In connection with what material or what
19 product?

20 A Nuisance dust is about the only thing I can
21 think of.

22 Q And what nuisance dust? What does that term
23 mean, nuisance dust?

24 A Any type of airborne particulate that would
25 cause an individual to be uncomfortable.

1 Q Am I correct that there is a difference between
2 nuisance dust and toxic dust?

3 A No, you're not correct.

4 Q Is asbestos a nuisance dust?

5 MR. HAMMETT: I object to the form of
6 the question.

7 BY MR. HOFFMAN:

8 Q I will ask you again. Is asbestos a nuisance
9 dust? Is asbestos dust a nuisance dust?

10 A Then? Today?

11 MR. HAMMETT: What time are you
12 talking about?

13 THE WITNESS: I'm confused.

14 BY MR. HOFFMAN:

15 Q When you first learned about the possible
16 health hazards associated with exposure to asbestos in
17 the early 1970's when you read the Federal Register, did
18 you have any understanding as to what kind of dust asbestos
19 was, nuisance dust, toxic dust, fibrogenic dust?

20 A Yes.

21 Q And what was your understanding at that time?

22 A That the asbestos dust -- no, the asbestos
23 fiber had a threshold limit value that required
24 specific respirators.

25 Q You used the phrase "threshold limit value."

1 A Yes.

2 Q When was the first time you obtained any
3 familiarity with that term?

4 A When I first started in the business, probably
5 the early '60s or probably even sooner than that.

6 Q What is a threshold limit value? What does
7 that mean?

8 A You want the -- let's see.

9 MR. HAMMETT: You mean as a general
10 proposition?

11 BY MR. HOFFMAN:

12 Q What does that term mean to you? I need to
13 know what we're talking about.

14 A It's the amount of material that could be
15 inhaled over an eight-hour period.

16 Q The amount that is allowable or permissible to
17 inhale?

18 MR. HAMMETT: Now, wait a minute.
19 Are we talking about this in general terms?
20 How are we using this phrase, threshold limit
21 value?

22 MR. HOFFMAN: I don't know, because
23 he used it, not me. I think Mr. Osti said
24 that it was sometime around the start of his
25 career or thereabouts that he first became

1 familiar with the term "threshold limit value,"
2 and I've asked what his understanding was at
3 the time he first became familiar with it as to
4 what the term meant.

5 MR. HAMMETT: You're not talking
6 about asbestos, you're just talking generally?

7 MR. HOFFMAN: I'm just talking
8 threshold limit value.

9 BY MR. HOFFMAN:

10 Q The next question I was going to ask was
11 whether during your years at Pfizer your understanding
12 of the term has changed from what you first understood
13 it to be.

14 A No, it's the same. General words, terminology
15 used in the business.

16 Q Are there threshold limit values for different
17 substances?

18 A Yes.

19 Q Where does one go, if you know, to find what
20 the threshold limit value for different substances are?

21 A There are publications that are available that
22 offer you that information.

23 Q And can you recommend to me or tell me what
24 one or more of those publications are?

25 A One is published by the American Industrial

1 Hygiene Association, and they get their information from
2 the American Conference of Governmental Hygienists.

3 Q When you became Corporate Safety Director, did
4 you have available to you a publication that listed the
5 threshold limit values for various materials?

6 A Yes.

7 Q And I take it the same is true for the years
8 you had the title Manager of Corporate Safety and
9 Occupational Health? You had such a publication
10 available to you?

11 A Yes.

12 Q Is there a threshold limit value for asbestos?

13 A Yes.

14 MR. HAMMETT: What are you talking
15 about? Now or ever?

16 BY MR. HOFFMAN:

17 Q Do you know whether at the time you were
18 Corporate Safety Engineer there was a threshold limit
19 value for asbestos?

20 A Yes.

21 Q Is that yes, there was a threshold limit value
22 for asbestos as of the time you were Corporate Safety
23 Engineer?

24 A I knew of one.

25 Q Okay. You knew of one at the time?

1 A Yes.

2 Q And the same would be true for when you were
3 Manager of Corporate Safety and Occupational Health?

4 A Yes.

5 Q If you know, did the threshold limit value for
6 asbestos change as a result of the OSHA regulations?

7 A Yes.

8 Q And can you tell me what happened as a result
9 of the OSHA regulations to the threshold limit value
10 for asbestos? Did it go down?

11 A The threshold limit value is established as a
12 consensus group and it identifies what might be
13 considered a harmful substance. The OSHA people
14 adopted the threshold limit values in 1970 or '71 as a
15 consensus standard. There was a review conducted, as
16 indicated in the Federal Register, by OSHA and their
17 technical agencies that the fiber count at that time
18 should be reduced and it's to be reduced over a period
19 of years from that publication, from that date.

20 Q As you testify today, is it possible for you
21 to state what the threshold limit value for asbestos was
22 when you were Corporate Safety Engineer?

23 MR. HAMMETT: You mean prior to OSHA?

24 MR. HOFFMAN: Yes.

25 MR. HAMMETT: Well, do you know or

1 don't you know?

2 THE WITNESS: No, I don't know. I
3 don't remember.

4 BY MR. HOFFMAN:

5 Q I guess that's a better way of asking it. Do
6 you know what the threshold limit value for asbestos
7 was prior to OSHA?

8 A I don't remember.

9 Q In a work environment where asbestos is being
10 used, how, if you know, is it determined whether the
11 threshold limit value is being exceeded?

12 MR. HAMMETT: You mean the OSHA
13 threshold limit value?

14 BY MR. HOFFMAN:

15 Q Well, if you want to do it by time periods.
16 When you were Corporate Safety Engineer, what procedures
17 needed to be followed in order to determine whether the
18 threshold limit value of asbestos was exceeded in any
19 particular place? What would be done to figure that out?

20 A There was a monitoring method that's used to
21 trap an airborne sample to determine how many fibers
22 there were per cubic centimeter of air.

23 MR. HAMMETT: Have you finished?

24 THE WITNESS: Yes. Thank you.

25

SAMPLE 16029

1 BY MR. HOFFMAN:

2 Q Again, as far as you remember, was that
3 technology available at the time you were Corporate
4 Safety Engineer? And by that technology, I mean
5 technology by which it was possible to trap a sample of
6 air and determine how many asbestos fibers were present.

7 A No.

8 Q When, to the best of your knowledge, did such
9 technology become available?

10 A After the technical arm of OSHA had done some
11 research and suppliers or manufacturers were able to
12 design adequate filter media to be able to trap a
13 sample of air.

14 Q Prior to the design of this equipment, what
15 methods were available for determining whether the
16 threshold limit value for asbestos had been exceeded in
17 any particular environment?

18 A I don't know.

19 Q Have any tests ever been done at any Pfizer
20 sites or plants to determine whether the threshold limit
21 value of asbestos or to determine whether the threshold
22 limit value of asbestos had been exceeded?

23 MR. HAMMETT: When?

24 BY MR. HOFFMAN:

25 Q At anytime.

SAMPLE 16030

1 A Yes.

2 Q And at what plant or what sites?

3 A Well, anywhere from the New York office to
4 any of our production sites, I would imagine. I don't
5 have it specifically in mind which ones.

6 Q Well, let me do it this way. Let's talk about
7 production sites. If you know, when was the last time
8 any Pfizer or subsidiaries' plant manufactured an
9 asbestos containing product?

10 A Say it again.

11 Q When was the last time Pfizer or any
12 subsidiary manufactured an asbestos containing product?

13 A I don't know.

14 Q Well, have any dust studies in connection with
15 asbestos been done in the last five years, do you know?
16 That would take us back to 1930.

17 MR. HAMMETT: Well, I'm going to
18 object to the form of that question.

19 BY MR. HOFFMAN:

20 Q Mr. Osti, you said that you were familiar with
21 or aware that some kinds of studies had been done at a
22 Pfizer plant or facility to determine whether the
23 threshold limit value for asbestos had been exceeded.
24 All I'm trying to figure out is what plant or what
25 facility and when and where.

1 A I wouldn't have -- I don't remember.

2 Q Are there any documents or anything concerning
3 that, do you know?

4 A If the studies were conducted, there would be
5 documents available, I imagine.

6 Q Somewhere within your control?

7 A Again, when? Are we talking about now?

8 Q Yes, now. Would the documents be in your
9 control if such a study was conducted?

10 A They would be available among our present
11 staff.

12 Q You're not a member of the American Industrial
13 Hygienists Association?

14 A No.

15 Q And you are not a member of the American
16 Conference of Governmental Industrial Hygienists?

17 A No.

18 Q Has Pfizer had any employees that you know of
19 who were members of either of those associations?

20 A Yes.

21 Q And did they have any employees who were
22 members when you were Corporate Safety Engineer?

23 A No.

24 Q And how about when you were Manager of
25 Corporate Safety and Occupational Health?

1 A. Yes.

2 Q. And who was that and during what periods was he
3 an employee of Pfizer or she?

4 A. We hired Kenneth Goddfrey very late '70s,
5 early '80s. About '80.

6 Q. Before Mr. Goddfrey was hired, who, if anyone,
7 was responsible for the duties that Mr. Goddfrey was
8 hired to perform?

9 A. No one.

10 MR. HAMMETT: Well, now, wait a
11 minute. We haven't established what duties he
12 was hired to perform.

13 BY MR. HOFFMAN:

14 Q. What was Mr. Goddfrey hired to do?

15 A. He was Industrial Hygienist.

16 Q. Before he was hired who, if anyone, had the job
17 responsibilities of Industrial Hygienist for Pfizer?

18 A. No one.

19 Q. What, if any, for lack of a better word,
20 outside consultants were ever used by Pfizer, to your
21 knowledge, in connection with industrial hygiene issues
22 or matters?

23 MR. HAMMETT: You mean before Mr.
24 Goddfrey was hired?

25 MR. HOFFMAN: Right.

1 BY MR. HOFFMAN:

2 Q Did Pfizer ever use any outside industrial
3 hygienists, consultants, independent contractors, that
4 type of thing?

5 A Oh, no. I see what you're saying now. No.

6 Q You used the term before "threshold limit
7 value." What, if anything, do you know about whether
8 there is a threshold limit value for a material that is
9 a suspect carcinogen?

10 A The threshold limit value booklet is broken
11 down into three or four sections, one which would be a
12 substance where a consensus standard has been
13 established; two would be a substance which is of a
14 non-gaseous form; three would be, I believe, the
15 ceiling values; and four would be proposed changes
16 within that two-year period or whatever period of time;
17 and five, physical agents. I believe that's what was in
18 the little booklet.

19 Q From the booklet and whatever other sources
20 you have had to gain whatever knowledge it is you have
21 about asbestos, do you have an understanding, or maybe
22 the better way of doing it is did you have an
23 understanding when you were Manager of Corporate Safety
24 and Occupational Health as to what the permissible
25 levels of exposure to asbestos were?

1 MR. HAMMETT: I object to the form
2 of that question.

3 BY MR. HOFFMAN:

4 Q Did you have an understanding when you were
5 Manager of Corporate Safety and Occupational Health as
6 to what the permissible levels of exposure to asbestos
7 were?

8 MR. HAMMETT: I object to the form
9 of the question. I think you first ought to
10 establish when this booklet appeared or when
11 Mr. Osti first had knowledge of this booklet.
12 I don't think that's been established yet.

13 BY MR. HOFFMAN:

14 Q Okay. Before we go to the booklet, and I will
15 do that in a moment, what I would like to know is
16 whether at any point in time while you were Manager of
17 Corporate Safety and Health you obtained knowledge
18 concerning what the permissible levels of exposure to
19 asbestos were.

20 MR. HAMMETT: I object to the form of
21 the question. I think that's been asked and
22 answered.

23 BY MR. HOFFMAN:

24 Q Is the answer to that yes?

25 A I'm confused.

1 Q I will be happy to ask it again.

2 A Please.

3 Q The question is whether at any point in time
4 while you were Manager of Corporate Safety and
5 Occupational Health you obtained an understanding as to
6 what the permissible levels of exposure to asbestos
7 were.

8 MR. HAMMETT: I object, again,
9 because I think that's been asked and answered.

10 MR. HOFFMAN: Well, I don't believe
11 it was.

12 MR. HAMMETT: Well, it was. First,
13 are you talking pre-OSHA or after OSHA or what
14 are you talking about?

15 MR. HOFFMAN: First we will find out
16 whether he knew that during the period he was
17 Manager of Corporate Safety and Health, and
18 then we will narrow it down, if necessary.

19 BY MR. HOFFMAN:

20 Q The question is whether at any point in time
21 while you were Manager of Corporate Safety and
22 Occupational Health you obtained knowledge as to what
23 the permissible levels of exposure to asbestos were.

24 MR. HAMMETT: Hasn't he told you that
25 he read the proposed OSHA regulation in the

1 Federal Register and he discussed them at
2 these luncheons and so on? I think we covered
3 all that. That's why I say I think it's
4 repetitious. Don't answer.

5 MR. HOFFMAN: Would you just put a
6 notch on that page, please.

7 MR. HAMMETT: I think you can
8 straighten it out. I'm not trying to cut you
9 off. I just think you're going over the same
10 ground.

11 BY MR. HOFFMAN:

12 Q Mr. Osti, has Pfizer done any airborne dust
13 studies concerning any materials for which there was a
14 TLV?

15 A Yes.

16 Q When is the first time you can remember a dust
17 study having been done by Pfizer for a material which
18 has a threshold limit value?

19 A Nuisance dust. I couldn't give you a specific
20 date, but for nuisance dust it was done. I can zero in.

21 MR. HAMMETT: All right. You have
22 answered.

23 BY MR. HOFFMAN:

24 Q Let's see if we can do it, perhaps, by job
25 titles.

1 When you were Corporate Safety
2 Engineer, was any air monitoring done at any Pfizer
3 facility in connection with a material for which there
4 was a threshold limit value?

5 A Each facility coordinates its own program, and
6 certainly if there was a request or a concern, they
7 would have conducted such studies.

8 Q Let me ask it this way. During the years you
9 were Corporate Safety Engineer, did you recommend or
10 suggest that any air monitorings be done at any Pfizer
11 facilities in connection with determining if there was
12 an exposure to an amount in excess of threshold limit
13 value for a particular substance?

14 MR. HAMMETT: All right. I object to
15 that question in terms of the broadness of it.
16 You say any Pfizer facility?

17 BY MR. HOFFMAN:

18 Q Right. While you were Corporate Safety
19 Engineer did you recommend that any air monitoring be
20 done in connection with threshold limit values?

21 MR. HAMMETT: In any Pfizer facility?

22 MR. HOFFMAN: Correct.

23 MR. HAMMETT: Well, that's my problem
24 If you want to ask him about Old Bridge, I have
25 no problem. But I really don't want you

1 inquiring into every conceivable Pfizer
2 facility.

3 MR. HOFFMAN: Well, I think it's
4 relevant if he instructed that air monitorings
5 be done certain places or recommended they be
6 done certain places in order to determine
7 compliance with threshold limit value. I think
8 it's relevant regardless of whether it was
9 asbestos or nuisance dust or something else.

10 MR. HAMMETT: All right. Go ahead.

11 THE WITNESS: I would have
12 recommended it depending upon why they called
13 upon our office for services.

14 BY MR. HOFFMAN:

15 Q Well, do you have any specific recollection of
16 ever having recommended during the time you were
17 Corporate Safety Engineer that an air monitoring be
18 done in connection with the threshold limit value for
19 material or materials?

20 A Specifically, no.

21 Q Do you have any recollection of making any kind
22 of specific recommendation or suggestion concerning air
23 monitoring during the time you were Manager of Corporate
24 Safety and Occupational Health?

25 A Specifically, no.

1 Q Now, what, if any, policy was there when you
2 were Corporate Safety Engineer concerning compliance
3 with threshold limit values?

4 A There were guidelines that had been
5 established keeping with what was published by the
6 Federal Register.

7 Q Were these Pfizer guidelines?

8 A They were guidelines that came from the Federal
9 Register.

10 Q Prior to the Federal Register during the years
11 you were Corporate Safety Engineer from 1962 to sometime
12 in the mid to late '60s, was there a Pfizer policy or
13 Pfizer guidelines concerning compliance with threshold
14 limit values?

15 A Nothing that would have been specific. It
16 would have been general concerns for any nuisance dust,
17 any physical agent.

18 Q What were the general policies or general
19 guidelines concerning dust, or let me call them
20 airborne physical agents at Pfizer's facilities?

21 A I don't recall. I don't recall.

22 Q You don't recall what they were?

23 A Yes.

24 Q But it is your recollection that there were
25 some such guidelines or policies?

1 A Yes.

2 Q Is there in existence today a written policy
3 concerning dusts or airborne contaminants that may
4 exist at Pfizer's facilities?

5 A No.

6 Q When you were Corporate Safety Director, were
7 there specific materials for which Pfizer conducted
8 tests to determine compliance with the threshold limit
9 value?

10 A Would you rephrase that, please.

11 Q Sure. When you were Corporate Safety Engineer

12 A Before I was Director?

13 Q I'm sorry, it's my mistake.

14 MR. HAMMETT: You're confusing these
15 things and getting everybody all mixed up, Mr.
16 Hoffman.

17 MR. HOFFMAN: It's my problem. I'll
18 correct it.

19 BY MR. HOFFMAN:

20 Q When you were Corporate Safety Engineer were
21 there any specific substances for which Pfizer conducted
22 testing to determine compliance with the threshold limit
23 value for that substance?

24 A Nothing specific.

25 Q And again, when you were Manager of Corporate

1 Safety and Occupational Health, were there any
2 substances with a threshold limit value for which Pfizer
3 conducted airborne monitoring or testing?

4 A It might have been recommended by someone in my
5 department. Specifically I don't recall.

6 Q Mr. Osti, is it your testimony that Pfizer has
7 done airborne dust studies but you have no specific
8 recollection of those studies?

9 A Yes.

10 Q Is it also correct that any such studies were
11 undertaken at your direction in your capacity as either
12 Corporate Safety Engineer, Manager of Corporate Safety
13 and Occupational Health or in your current position?

14 MR. HAMMETT: I object to the form
15 of the question. I don't think that is his
16 testimony.

17 BY MR. HOFFMAN:

18 Q Well, do you have knowledge of any dust studies
19 undertaken by Pfizer that were initiated by someone
20 other than you or someone in your department?

21 A Yes.

22 Q And what studies do you have knowledge of in
23 that regard, studies initiated by someone other than
24 you or someone in your department?

25 A Noise.

1 Q I'm talking about dust studies. I'm sorry.

2 A Nuisance dust. There were recommendations to
3 take other particular studies, but I don't recollect in
4 detail.

5 Q Was there ever a nuisance dust problem at the
6 Old Bridge Plant of Quigley?

7 A The conditions as seen were that there were
8 airborne particulates either blowing up from the ground
9 or from some other source that created or possibly could
10 have been creating a nuisance.

11 Q And at some point in time there was an air
12 monitoring conducted to determine what, if any, nuisance
13 the dust created?

14 A I don't recall.

15 Q At some point in time was an air monitoring
16 conducted at the Old Bridge Plant concerning how much,
17 if any, asbestos dust or asbestos fibers was in the air
18 at the Old Bridge Plant?

19 A I don't know if they ever did it.

20 Q Did you ever recommend that it be done?

21 A Someone in my team, that would be the
22 representative who was assigned that facility, and I
23 discussed it at one time, that monitoring should be
24 conducted.

25 Q And when was the first time that you discussed

1 with anyone that monitoring should be conducted at the
2 Old Bridge Plant of Quigley concerning asbestos?

3 A I don't remember the specific date.

4 Q Would it be fair to say that it was sometime
5 in the early to mid 1970's?

6 A Early to mid -- to late -- early to mid '70s,
7 yes.

8 Q Who on your team did you discuss it with?

9 A King Hamilton.

10 Q What was the reason that you suggested that
11 an air monitoring be done at the Old Bridge Plant of
12 Quigley concerning asbestos?

13 MR. HAMMETT: I object to the form
14 of the question. That was not his testimony.
15 He said he discussed it with Hamilton.

16 MR. HOFFMAN: Well, I think he said
17 previous to that that he discussed it with
18 Hamilton and that a member of his team was
19 supposed to make the recommendation.

20 BY MR. HOFFMAN:

21 Q Did you discuss with Mr. Hamilton the need for
22 an air monitoring to be conducted at the Old Bridge
23 Plant concerning asbestos?

24 A Among many of the other comments that were made,
25 that was one of the suggestions that we had offered.

1 Q And was it your expectation that Mr. Hamilton
2 would communicate that suggestion to the people at the
3 Old Bridge Plant?

4 A Yes.

5 Q And wasn't the reason that you passed that
6 suggestion on to Mr. Hamilton because you wanted to
7 determine what, if any, asbestos dust or fibers were in
8 the air where employees were working at the Old Bridge
9 Plant?

10 A King Hamilton discussed with me a plan of
11 action that he had proposed, and what we had done there
12 was to sort of analyze what would be the best approach
13 to identifying whether or not we had a problem. And
14 among those discussions came the idea of a monitoring
15 to determine what we have.

16 Q And isn't it true that the reason that the
17 monitoring was one of the suggestions is because the
18 monitoring would allow for a determination as to how
19 much, if any, asbestos fibers or dust were in the air
20 at the plant?

21 A To determine what level there are, yes.

22 Q And in fact without doing an air monitoring or
23 a dust count, you cannot determine how much, if any,
24 asbestos is in the air, can you?

25 A No.

1 Q Do you know whether Mr. Hamilton conveyed the
2 suggestion to anyone at the Old Bridge Plant?

3 A Memos were written along that line, yes.

4 Q Did you ever speak with anyone at the Old
5 Bridge Plant concerning the suggestion that an air
6 monitoring be done?

7 A Yes.

8 Q Who at the Old Bridge Plant did you speak with
9 and when was the first time that you can recall?

10 A Jack Majors, mid '70s, and others at the
11 corporate level.

12 Q You mentioned others at the corporate level.
13 I take it when you say corporate level, you mean the
14 New York office?

15 A Yes.

16 Q Who at the corporate level did you speak with
17 concerning the recommendation that there be an asbestos
18 air monitoring at the Old Bridge Plant?

19 A We received some correspondence from Joe Marino.

20 Q Who at that time was also located in the New
21 York office of Quigley; is that correct?

22 A I don't understand your question.

23 Q Well, I'm sorry. You mentioned that you spoke
24 about this with others at the corporate level. Is that
25 Joe Marino?

1 A Other rather than plural. Joe Marino.

2 Q Aside from the information that you got from
3 the Federal Register and the other written sources you
4 had about possible health and hazards from asbestos,
5 did you obtain any other information about asbestos when
6 you were Manager of Corporate Safety and Occupational
7 Health?

8 A Yes.

9 Q What other information did you obtain, when and
10 from whom? If you can give it to me chronologically, it
11 would be a help.

12 A We subscribed to a publication known as the
13 Bureau of National Affairs, BNA, which we received, oh,
14 boy, twice a month, and we subscribed to that mid '70s,
15 and references would be published in that which we would
16 communicate.

17 Q When you mentioned mid '70s, am I correct that
18 at least as of 1972 a subscription to BNA was being
19 received at your office?

20 A Yes.

21 Q Aside from the BNA publication, any other
22 materials that come to mind that provided you with
23 information about asbestos while you were the Manager of
24 Corporate Safety and Occupational Health?

25 A Other publications, as mentioned earlier, other

1 publications.

2 Q Okay. Does Pfizer have a corporate library?

3 A There are reference centers that we have
4 available.

5 Q Are there any reference centers within the
6 New York office?

7 A Yes.

8 Q And are there any reference centers within the
9 New York office that have medical journals and
10 periodicals in them?

11 A Yes.

12 Q And are there any reference centers in the New
13 York office that have medical textbooks or medical
14 treatises as opposed to articles and journals?

15 A Yes.

16 Q Is there more than one center that contains
17 medical journals and periodicals?

18 A In the New York office?

19 Q Right.

20 A No.

21 Q And where is the center, the reference center,
22 located within the New York office that has the medical
23 journals and periodicals?

24 A It's changed a number of times. They're on the
25 fifth floor of 235 East 42nd Street.

1 Q Has there been a reference center with medical
2 journals and periodicals in it at Pfizer ever since you
3 became Corporate Safety Engineer?

4 A I couldn't -- I don't know.

5 Q From your experience in the New York office,
6 when is the first time you can recollect the presence
7 of the reference center that contains medical journals
8 and periodicals? How far back?

9 A Mid '70s.

10 Q Have you ever used it?

11 A Oh, yes.

12 Q When was the first time you used it for anything

13 A Mid '70s.

14 Q Prior to the mid '70s when you used it yourself,
15 had you ever requested any information or research or
16 articles from this reference center that has the medical
17 journals and periodicals?

18 A No.

19 Q When you first used it, did you have open
20 access to it as a corporate employee?

21 A Yes.

22 Q Is there a certain section or department which
23 maintains the reference center that contains the medical
24 journals and periodicals?

25 A I don't know.

1 Q Is it located within a particular department
2 or section?

3 A It's a reference center.

4 Q In itself? It's not located within a medical
5 department or research department or technical
6 department?

7 A No. It's on the fifth floor of 235. It's an
8 area that's assigned to them.

9 Q Do they have a staff in that reference center
10 or anyone who works there?

11 A Oh, yes, there is somebody who works there.
12 I don't know about it being a staff.

13 Q There's someone who works there?

14 A Yes.

15 Q Have you ever made a request of a person who
16 works there to provide you with some research or some
17 information?

18 A When?

19 Q At anytime.

20 A Oh, yes.

21 Q Am I correct that sometime in the mid '70s is
22 the first time you recollect using it yourself, and that
23 subsequent to that you first made a request for somebody
24 there to do some research?

25 A Yes. The word research is too broad.

1 Q What did you request that they do for you the
2 first time you used it?

3 A The first time?

4 Q Well, what generally do you request that they
5 do for you when you make a request?

6 A If there's something that's published in the
7 Federal Register or something that comes out of a
8 technical agency, like noise or vibration, a physical
9 agent, I would ask somebody in the library, have you got
10 any articles on this material or on this agent, I mean,
11 and they would, I guess, look up in their index somehow
12 and say, yes, we do or no, we don't.

13 Q Have you ever made a request of that sort to
14 anyone in this reference center concerning asbestos?

15 A No.

16 Q To your knowledge has Pfizer itself ever
17 undertaken any studies to determine how much, if any,
18 asbestos was released from products manufactured by
19 Pfizer or its subsidiaries?

20 A No.

21 Q And the same question with respect to Quigley.
22 Am I correct that to your knowledge there have never
23 been any studies undertaken by Quigley to determine how
24 much, if any, asbestos was released from the use of a
25 Quigley asbestos containing product?

1 A. I don't have any knowledge.

2 Q No such studies have been done, to your
3 knowledge?

4 A To my knowledge.

5 Q I think you stated before when was the first
6 time you went to the Old Bridge Plant, as best you can
7 recall. Did you go there, for instance, when you were
8 Corporate Safety Engineer?

9 A No.

10 Q The first time then was sometime as Manager of
11 Corporate Safety and Occupational Health?

12 A Yes.

13 Q Was the first time you went there after the
14 Federal Register had come out with information concerning
15 asbestos?

16 A Please, one more time. Ask the question again.

17 Q Sure. In connection with your visits or visit
18 to the Old Bridge, New Jersey Plant of Quigley, was the
19 first time you visited that plant before OSHA came out
20 with the Federal Register information about asbestos?

21 A All I can recollect is that we were over there
22 for an introductory visit to provide the staff at that
23 time our services. But I can't recollect -- I can't
24 remember.

25 Q As part of your responsibilities as Manager of

1 Corporate Safety and Occupational Health, did you visit
2 numerous Pfizer facilities?

3 A On request.

4 Q But it was not a part of your normal routine
5 to schedule unrequested plant visits; is that correct?

6 A That's correct.

7 Q At some point in time did you get a request to
8 visit the Old Bridge, New Jersey Plant of Quigley in
9 connection with asbestos?

10 A No.

11 Q Did you ever visit the Old Bridge, New Jersey
12 Plant having as one of the reasons for your visit their
13 use of asbestos?

14 A No.

15 Q Do you know whether the Old Bridge Plant has
16 had a respirator policy for any of its employees at any
17 point in time?

18 A No.

19 Q You do not know whether they have or not?

20 A No.

21 Q Whose responsibility would it be at the plant
22 to determine whether it was necessary for certain
23 employees to wear respirators?

24 A Jack Majors.

25 Q And what job title does he have or did he have?

1 A He had two. One is Plant Manager and the other
2 is he was Safety Coordinator. He had many more, I guess.

3 MR. HAMMETT: Don't guess.

4 THE WITNESS: Sorry.

5 MR. HAMMETT: Answer his questions
6 to the best of your knowledge.

7 BY MR. HOFFMAN:

8 Q When you were Corporate Safety Engineer did you
9 ever recommend or suggest the implementation of a
10 respirator policy at any Pfizer facility?

11 A We published a guide on respirators in the late
12 '70s as to what would be considered an approved
13 respirator for any given exposure, and our reference
14 source was a technical arm of OSHA and what OSHA had
15 promulgated and indicated as being an approved type.

16 Q And prior to that there was no written policy
17 or recommendations of Pfizer concerning the use of
18 respirators?

19 A General comments only.

20 Q Right. Nothing specific?

21 A That I can recollect, no.

22 MR. HAMMETT: That you can recall?

23 THE WITNESS: That I can recall.

24 BY MR. HOFFMAN:

25 Q Mr. Osti, after you first learned that OSHA had

1 set forth some proposed regulations for asbestos in the
2 Federal Register, did there come a time when you learned
3 that included within those proposed regulations was a
4 requirement that notices or warnings be placed on boxes
5 or packages of asbestos containing products?

6 MR. HAMMETT: I object to the form
7 of the question. That assumes facts that have
8 not been established.

9 MR. HOFFMAN: Would you read back the
10 question, please.

11 (At which time the Reporter read as
12 directed.)

13 BY MR. HOFFMAN:

14 Q. Same question.

15 MR. HAMMETT: I object to the form of
16 the question for the reasons previously stated.

17 BY MR. HOFFMAN:

18 Q. You can answer.

19 A. I can answer?

20 Q. Yes.

21 MR. HAMMETT: Yes, go ahead and
22 answer, subject to my objection.

23 THE WITNESS: Within the Federal
24 Register there were a lot of indications as to
25 what needed to be done for anyone working with

1 asbestos, but I can't specifically identify it
2 as being put on, quote, a product.

3 BY MR. HOFFMAN:

4 Q Was it your responsibility as Manager of
5 Corporate Safety and Occupational Health to see to it
6 that OSHA regulations were complied with by the various
7 Pfizer facilities?

8 A Our position within the corporate structure
9 was to guide and advise, not to act as an enforcement
10 bureau.

11 Q Well, in terms of guiding and advising various
12 Pfizer facilities, am I correct that it was your
13 department's responsibility to provide advice and
14 guidance with respect to complying with OSHA regulations?

15 A Yes.

16 Q Am I also correct that it was the responsibility
17 of your department to provide advice and guidance in
18 areas of safety and health? And I'm talking about the
19 years when you were Manager of Corporate Safety and
20 Occupational Health, that it was the responsibility of
21 your department to provide advice and guidance in safety
22 and health matters regardless of whether they happened
23 to be regulated by OSHA.

24 A Yes.

25 Q In other words, merely because OSHA didn't

1 regulate something didn't mean that it wasn't a matter
2 that might be of concern?

3 MR. HAMMETT: Well, I object to the
4 form.

5 MR. HOFFMAN: Okay. I will withdraw
6 the previous question.

7 BY MR. HOFFMAN:

8 Q Did you ever at anytime when you were Manager
9 of Corporate Safety and Occupational Health give any
10 consideration to the need for placing a notice or
11 warning on asbestos containing products produced by
12 Pfizer or Quigley?

13 A No.

14 Q Why not?

15 A Our concern within the structure was the safety
16 of our employees within the fence line, if you would.
17 And products were not our responsibility.

18 Q Whose responsibility within the structure,
19 within whose fences was responsibility for determining
20 whether a product produced by Pfizer required or should
21 have a warning notice of some sort on it?

22 A The individual facility.

23 Q In other words, there was at the time no
24 corporate policy concerning the determination as to
25 whether a warning notice or a label should be placed on

1 a particular product or material manufactured by Pfizer?

2 MR. HAMMETT: I object to the form
3 of the question. I mean you're all over the
4 map now. You're talking about all sorts of
5 different products that have no relevance to
6 this litigation. I really think you ought to
7 confine yourself to the area that you're
8 interested in, which is not pharmaceuticals,
9 for example.

10 MR. HOFFMAN: It's an area that I
11 will probe, and we can consider it
12 respectively over lunch. Pfizer produces many,
13 many products, and among the products that it
14 produces, I'm sure, are a number which have in
15 the past during relevant points in time had
16 warning notices or labels on them intended for
17 the user or purchaser of the product. And
18 insofar as warning notices and labels are
19 placed on some such products, there must be
20 a mechanism by which a determination is made as
21 to what products need warning notices and
22 labels, and in turn there must be a mechanism
23 by which a determination is made as to what
24 composition of the respective warning notice or
25 label should be.

1 I believe inquiries into the area are
2 both relevant and material, and that's an area
3 I would like to pursue with Mr. Osti to the
4 extent he has knowledge. If he doesn't, and it
5 appears he doesn't, then to try to find the
6 areas within the corporate structure where such
7 determinations, et cetera, are made for
8 purposes of finding out what, if any,
9 consideration was given to that with respect to
10 asbestos. And if not, why not.

11 MR. HAMMETT: All right. Well, I
12 will consider that during the luncheon break,
13 but let me just say this preliminarily. You're
14 talking about pharmaceutical products where
15 there are requirements by the FDA and various
16 other federal instrumentalities that have to
17 be complied with. As I understand them,
18 although I'm no expert on that, they're very
19 specific and they make specific requirements.

20 I'm not going to permit you to go
21 into a fishing expedition to determine whether
22 Pfizer Pharmaceuticals complied with these FDA
23 requirements or whether they didn't. That's
24 got nothing to do with this litigation, and you
25 know it doesn't have anything to do with this

1 litigation.

2 You've got areas that you're entitled
3 to go into. You've got documents, none of
4 which you've used yet. I have no intention of
5 stopping you from doing that. But I'll tell
6 you right now in a friendly fashion that we're
7 not going to sit here all afternoon and explore
8 Pfizer's policies with respect to its
9 pharmaceutical division.

10 MR. HOFFMAN: No, I'm not very
11 interested in anything specific having to do
12 with compliance with federal or local
13 regulations concerning the production or
14 distribution of pharmaceuticals.

15 MR. HAMMETT: Well, that's where
16 you're heading.

17 MR. HOFFMAN: Well, I don't mean to
18 inquire about pharmaceuticals. I simply want
19 to know and will ask questions which will allow
20 me to find out who is responsible for
21 determining whether a particular product
22 requires a warning, and if it does require a
23 warning, how that decision is made and who deals
24 with composing the language for the warning. I
25 don't intend to go into anything having to do

1 with pharmaceuticals. But my understanding is
2 that at least for a certain period of time
3 Quigley was a subsidiary of Pfizer, Quigley
4 made a product, that product was sold, just the
5 way Pfizer or other subsidiaries made products
6 and were sold or put into the stream of
7 commerce.

8 MR. HAMMETT: I have no problem with
9 your asking what he knows about Quigley.

10 Well, let's take a break and then we
11 will see where we go.

12 (Whereupon, a lunch recess was taken.)

13 BY MR. HOFFMAN:

14 Q Mr. Osti, sometime in the early 1970's did you
15 participate in any meetings or discussions concerning
16 the placing of a warning notice or a warning label on
17 any Quigley products?

18 A We had some discussions regarding what
19 exposures existed in the Quigley facility, but I don't
20 recall products.

21 Q Okay. Let me ask it again so the answer is
22 clear on the record.

23 Did you at anytime participate in any
24 discussions or meetings at which time the question of
25 placing warning notices or labels on Quigley products

1 was discussed?

2 A. No.

3 Q Do you have any knowledge as to whether any
4 consideration was ever given to putting a warning label
5 or warning notice on any Quigley products which contained
6 asbestos?

7 A. No.

8 Q Whose responsibility was it, if anyone's, to
9 determine whether a warning label or notice was
10 necessary in connection with a product manufactured by
11 Quigley?

12 MR. HAMMETT: Objection. Asked and
13 answered.

14 Go ahead and answer it.

15 THE WITNESS: Pardon me?

16 BY MR. HOFFMAN:

17 Q Go ahead and answer.

18 A. It's usually the facility that does it.

19 Q But facilities don't make decisions. Whose job
20 was it at the Quigley facility in Old Bridge, New Jersey,
21 to determine what, if any, warning notice or label should
22 be placed on a Quigley product which contained asbestos?

23 A. I do not know.

24 Q In the early 1970's were decisions concerning
25 the placing of warning notices on labels on Quigley

1 products something which was the responsibility -- I

2 apologize. Is it the Plant Safety Coordinator?

3 A No.

4 Q Is that the right term?

5 A Facility Coordinator.

6 Q Facility Coordinator. So because it took me so
7 long to look for that word, so that I understand, the
8 responsibility of the Facility Safety Coordinator in the
9 early 1970's did not include determining what, if any,
10 warning notice or label should be placed on a product?

11 A No.

12 Q Your answer is no, meaning yes, my statement
13 is correct, right?

14 A Yes.

15 Q Yes, my statement is correct. Okay.

16 Whose responsibility was it by job
17 title in the early 1970's, if anyone's, to make such a
18 determination with respect to Quigley products?

19 MR. HAMMETT: I object to that. You
20 already asked him that and he said he didn't
21 know. If you're asking him for an individual,
22 I think his testimony was he didn't know the
23 individual. But if that's incorrect, he can
24 correct me.

25

1 BY MR. HOFFMAN:

2 Q Well, as you understood the structure, the
3 corporate structure of Pfizer and Quigley in the early
4 1970's, whose responsibility, if anyone's, within the
5 Quigley organization was it to determine whether a
6 product required a warning label or notice on it?

7 A I do not know.

8 MR. HAMMETT: That's what I thought
9 he said.

10 BY MR. HOFFMAN:

11 Q Does anyone presently have such responsibility
12 at the Quigley Plant, do you know?

13 A No, I do not know.

14 Q Within Pfizer is there a department or a
15 section which has responsibility for dealing with
16 questions as to whether warning notices or labels should
17 be placed on Pfizer products?

18 A Well, collectively every facility is guided by
19 whatever government regulations are called for, and it's
20 within the facility to pass on that. I think they also
21 prepare what they call package inserts, which contain
22 details.

23 Q In other words, let me see if I understand you.
24 Each facility that produces a product determines on its
25 own what, if any, notice or warning needs to accompany

1 the products which that facility produces?

2 A. The specific lettering information, yes.

3 Q Am I correct, also, that the facility which
4 produces the particular product makes the decision as to
5 whether or not a warning label or notice is necessary in
6 the first place?

7 A I couldn't answer -- I don't know. I don't
8 know if the decision is their's, final or absolute. I
9 don't know.

10 Q Who within Pfizer or what department within
11 Pfizer deals with questions, if you know, concerning the
12 need to place a warning label or notice on a particular
13 product?

14 A I do not know.

15 Q You don't know what department or section that
16 might be?

17 A I do not know anything about products. What
18 we're concerned about is the idea of safety and
19 environmental health for the employees and their actions
20 within the plant. As far as products are concerned,
21 that's not my responsibility, I guess.

22 Q Have your job responsibilities at anytime
23 included the providing of guidance and information to
24 Pfizer facilities concerning anything other than the
25 health and safety of employees?

1 A Would you please give me an example of what
2 you're referring to. Like the outing -- annual outing
3 or blood program?

4 MR. HAMMETT: No, he's not referring
5 to that, at least I don't think he is. You
6 weren't, were you, Mr. Hoffman?

7 MR. HOFFMAN: No. Let's see if I can
8 phrase it differently.

9 BY MR. HOFFMAN:

10 Q Am I correct that your job responsibilities
11 have been and are to provide advice and guidance to
12 various Pfizer facilities concerning the health and
13 safety of employees but not to provide guidance and
14 advice concerning the question of what, if any, impact
15 the use of a product may have on a customer?

16 A Correct.

17 Q Who, if you know, has responsibility within
18 Pfizer for providing information or providing guidance
19 and information to facilities concerning what, if any,
20 impact a product may have on a customer?

21 MR. HAMMETT: I think he's already
22 answered that about five times.

23 MR. HOFFMAN: If the answer is I
24 don't know, he can just say I don't know.

25 MR. HAMMETT: Well, he's told you that

1 it's up to the particular facility. Then you
2 try to press him and get him to mention some
3 specific name, and he says he can't do that.
4 But I mean I think you have the answer to that.

5 However, go ahead.

6 THE WITNESS: I do not know, sir.

7 BY MR. HOFFMAN:

8 Q What is the connection between Quigley and
9 Pfizer, as you understand it?

10 MR. HAMMETT: Well, you know the
11 answer to that, Mr. Hoffman.

12 MR. HOFFMAN: That's all right.

13 THE WITNESS: They're a subsidiary of
14 Pfizer.

15 BY MR. HOFFMAN:

16 Q When did they become a subsidiary of Pfizer?

17 A I don't have the exact date, but I think very
18 late '60s.

19 Q Did anyone on your staff make any inspection of
20 the Quigley Old Bridge, New Jersey Plant soon after it
21 was acquired by Pfizer?

22 A No, not soon after, no.

23 Q Do you have any knowledge as to what, if any,
24 advice or information was given to employees at the Old
25 Bridge, New Jersey Plant concerning exposure to asbestos

1 during the years that that plant produced an asbestos
2 containing product?

3 A No, I do not.

4 Q Did you make any recommendations to anyone at
5 that plant or to Mr. Hamilton to pass on to that plant
6 concerning how employees at Old Bridge should deal with
7 possible asbestos exposures?

8 A During what period of time, sir?

9 Q During the period of time from whenever it was
10 that Pfizer acquired Quigley until 1975.

11 A Yes.

12 Q What is it that you recall having done for the
13 purpose of relaying advice and guidance to the Quigley
14 Plant's employees concerning asbestos exposure?

15 A When the Federal Register came out identifying
16 asbestos and its concerns, we published a document known
17 as POSHA and indicated that there was a need for people
18 to be alerted that asbestos was being proposed as a
19 problem maker, and from there the information was passed
20 to the Safety Coordinator. That's all I remember.

21 Q What does POSHA stand for?

22 A It means the Pfizer OSHA. P-O-S-H-A I think it
23 is.

24 Q Pfizer Occupational Safety Health something or
25 other?

1 A. Yes. That's it.

2 Q. And subsequent to passing this information on
3 to someone at the Quigley Plant, did you have any
4 further contact concerning the matter of asbestos and
5 its use at the Old Bridge Plant?

6 A. No.

7 Q. Have you ever seen a bag or a container in
8 which any Quigley products were packaged?

9 A. I've seen some bags that were handled while I
10 was over during the time of my visit in the Old Bridge
11 Plant. I had seen some.

12 Q. Do you know whether they were bags of raw
13 material coming in for production as opposed to bags
14 of finished material ready for sale?

15 A. No. My concern was only that -- no.

16 Q. No, you don't know which it was?

17 A. No, I don't know which it was.

18 Q. You started to say your concern was with the
19 use of raw materials and not with what happened with
20 the finished products?

21 A. No. That they wouldn't get asbestias in handling
22 the bags.

23 Q. When you first obtained the OSHA Federal
24 Register proposed regulations concerning asbestos, did
25 you read them?

1 A I glanced through them. I briefed through.

2 Q Well, wouldn't it be fair to say that you read
3 them carefully because it was a matter of concern
4 insofar as your responsibilities went?

5 A There were many regulations that were coming
6 through at that time, and it was a matter of trying to
7 review, if you would, all that was coming down the pike.
8 And so what I would do is just scan through so I'd get
9 a smattering of knowledge of concerns that the Federal
10 Government was advocating.

11 Q If you recall, who was the first person to deal
12 with you concerning that proposed regulation and the
13 presence of asbestos at the Old Bridge, New Jersey Plant?

14 A Who was the first person?

15 Q Right.

16 MR. HAMMETT: I think you already
17 asked him that, but you can answer again.

18 BY MR. HOFFMAN:

19 Q Who was the first person?

20 A Joe Marino.

21 Q Who is or was someone named MacDonald?

22 A Oh, that's --

23 Q F. MacDonald?

24 A That's Fritz MacDonald.

25 Q Who is that or was that?

1 A He's now passed away. He was a Personnel
2 Manager for, oh, a conglomerate of organizations. Let's
3 see. I guess you might --

4 MR. HAMMETT: Well, do you know or
5 don't you know?

6 THE WITNESS: I don't know for certain.

7 BY MR. HOFFMAN:

8 Q Was he a Pfizer employee?

9 A Yes, he was a Pfizer employee.

10 Q What was his position with Pfizer in 1971, if
11 you know?

12 A I don't know specifically. Personnel Manager.

13 Q Am I correct that on occasion the Personnel
14 Manager of Pfizer requested that the corporate safety
15 department look into actual or possible problems at
16 various facilities?

17 A That's how we got -- yes.

18 Q That's how you got your requests?

19 A Yes.

20 Q Did your requests come both through personnel
21 and from the plants or facilities directly?

22 A Yes.

23 MR. HOFFMAN: Let's mark that as
24 No. 1, if we can.

25 (At which time the Reporter marked

Osti Exhibit 1 for identification.)

MR. HAMMETT: I take it, Mr. Hoffman, that Osti Deposition Exhibit 1 is one of the documents that we recently produced to you; is that correct?

MR. HOFFMAN: I think it's been produced to us by you, and I think it was in the most recent production, but I can't swear to that.

MR. HAMMETT: All right. Thank you.

BY MR. HOFFMAN:

Q Let me ask you to take a look at that document, Mr. Osti, and tell me if you have ever seen it before.

A Yes, I've seen this before.

Q Did you see that document at or about the time that it appears to have been written, which would be, I guess, in late October 1971?

A Yes.

Q And you were aware of the request by Fritz MacDonald to Dennis Hoffman that he attend a sort of OSHA steering committee type meeting at the Quigley Plant in Old Bridge?

A Yes.

Q And to the best of your knowledge Dennis Hoffman attended a meeting down there at Old Bridge?

1 A Yes.

2 Q And he was your assistant at that time?

3 A Yes.

4 MR. HOFFMAN: Let's mark this No. 2.

5 (At which time the Reporter marked
6 Osti Exhibit 2 for identification.)

7 BY MR. HOFFMAN:

8 Q Deposition Exhibit 2 is what appears to be a
9 memorandum dated November 1, 1971, from F.L. MacDonald
10 to D.R. Thacker. Did you receive a copy of that
11 memorandum at or about November 1 of '71?

12 A Yes. I'm checked off. I guess.

13 Q Well, before you came to this deposition today,
14 did you review your files to see if they contained any
15 documents which concerned the Quigley Plant in Old
16 Bridge and questions of asbestos or occupational health?

17 A Not in depth, no.

18 Q So you don't know one way or the other whether
19 your files contain a copy of this then?

20 MR. HAMMETT: Well, the Exhibit shows
21 that a copy was sent to him, doesn't it, Mr.
22 Hoffman?

23 BY MR. HOFFMAN:

24 Q And as far as you know, you received it?

25 A Yes. You're asking me a specific question?

1 Q No problem.

2 A Thank you.

3 Q The memo talks about the formation of a
4 committee consisting of eight people.

5 A Yes, sir.

6 Q Are any of the people listed among the eight
7 persons not employed or at that time were not employed
8 by Quigley?

9 A Oh, I couldn't answer that.

10 Q Do you know any of those eight?

11 A Maybe John Kuch, maybe.

12 Q Who is it that you think he was?

13 A The only thing I could say, a gopher, get me
14 materials, get details, keep records -- no, not records,
15 statistics.

16 Q A gopher in the corporate office?

17 A No, no, no. These are all people, if anything
18 -- no, I don't know who they are.

19 Q If you don't know who they are --

20 A No. It's the Old Bridge people.

21 Q And do you know who L.J. Dreyling was?

22 A If I remember right -- yes, I do. He was Vice
23 President there.

24 Q Was he at that time in '71 an employee of
25 Quigley, do you know?

1 Q Who was that or who were those persons?
2 A Bill McCreery was one of them. That's about
3 it.
4 Q Is he still with Pfizer?
5 A Yes.
6 Q The next line after that says EKH File.
7 A Yes.
8 Q Is it your understanding that that means to Mr.
9 Hamilton's file?
10 A A follow-up system, yes.
11 Q And the last line says File: Asbestos RIP.
12 What does that mean?
13 A File, asbestos file. RIP is raw materials,
14 intermediates and products.
15 Q It's not rest in peace?
16 A No. No.
17 Q Raw materials, intermediates and products?
18 A Yes.
19 Q What does that mean?
20 A Before King Hamilton joined me, who happens to
21 be a very capable person, I didn't really have a good
22 system of being able to hold on to materials. So what
23 we did or I did -- I decided, having been alone, to put
24 any and all correspondence in a file called RIP. That's
25 what the general RIP means, not rest in peace.

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1 A Yes.

2 Q And it's to G.H. Brown?

3 A Yes.

4 Q Do you know what either the G or H stand for?

5 A George.

6 Q I figured it would be George Brown.

7 And Mr. Brown was at the Brooklyn
8 Plant?

9 A Yes.

10 Q Is that the same facility where you got your
11 start?

12 A Yes.

13 Q And were you aware of an inquiry having been
14 made sometime in January or February of 1972 by Mr.
15 Brown concerning the spraying of asbestos at the
16 Brooklyn Plant?

17 A I do not recall.

18 Q When inquiries were made by officials of a
19 particular Pfizer facility, was it a regular course of
20 conduct for them to come only to you or were other
21 persons on your staff authorized to take inquiries or
22 questions?

23 A Oh, everybody was authorized to answer the
24 phone and listen to what the comments were and prepare
25 an answer.

1 Q In preparing the answer was it standard
2 procedure for you to review the proposed answer that was
3 prepared by your staff member before it was sent out?

4 A No.

5 Q So in this case or in general at the time Mr.
6 Hamilton had authority to determine what he felt the
7 answer to health or safety questions were and provide
8 that answer without first running it by you?

9 A Yes.

10 Q Under the cc's there's a cc to a Mr. J.J.
11 Marino.

12 A Yes.

13 Q Is that Mr. Joseph Marino?

14 A Yes.

15 Q Who was at that time located at the Old Bridge
16 Plant of Quigley; is that right?

17 MR. HAMMETT: Wrong.

18 THE WITNESS: I think he was at
19 headquarters.

20 BY MR. HOFFMAN:

21 Q Okay. He was located at the New York office of
22 Quigley?

23 A New York office, yes.

24 Q And the next cc is to you, Mr. A.P. Osti, and
25 the next one is to Mr. E.F. Harger?

1 A. Yes.

2 Q. Who is Mr. Harger?

3 A. He was the Chief Engineer of Headquarters
4 Design. He was the -- the Director of Headquarters
5 Design.

6 Q. And at the time what did you understand his
7 general job responsibility to be? What did he do?

8 A. He was in charge of a number of design
9 engineers.

10 Q. What did all of these design engineers do for
11 Pfizer?

12 A. They were involved with the idea of designing
13 processes. That's it. That's their basic function.

14 Q. Internal design group for Pfizer?

15 A. Thank you. Internal design group for --

16 MR. HAMMETT: Well, don't agree with
17 him if he's not correct. If he's correct, you
18 can agree with him.

19 THE WITNESS: In part.

20 BY MR. HOFFMAN:

21 Q. Do you know who Mr. Harger reported to at that
22 time?

23 A. No, I don't know exactly.

24 Q. Well, who do you think he reported to?

25 A. The next level of management above him.

1 Q And what section or department of Pfizer was
2 the design people that he supervised?

3 A The chemical section.

4 Q The next lines says Mr. T.J. Gallagher. Who
5 was Mr. T.J. Gallagher?

6 A He's an attorney.

7 Q You say he is. Is he still around?

8 A Yes. Terry Gallagher.

9 Q Is he an attorney employed by Pfizer?

10 A Yes.

11 Q And is he what is sometimes referred to as
12 in-house counsel rather than with an outside law firm,
13 if you know?

14 A He is in the legal division and was assigned
15 to the section of Pfizer known as chemical. To the best
16 of my knowledge that's all I remember.

17 Q Was there an attorney with Pfizer in the early
18 1970's who was assigned to the section that had the
19 corporate safety department in it? If you had a legal
20 question in the early 1970's, who did you go to?

21 A It wasn't a specific attorney, no.

22 Q Was there one or two attorneys in particular
23 who you usually dealt with in the early 1970's if you
24 had a legal related question?

25 A Yes, there was.

SAMPLE 16079

1 Q Well, you didn't put every piece of
2 correspondence you got in the RIP file, did you?

3 A No.

4 Q How did you decide what went in the RIP file
5 as opposed to going elsewhere?

6 A Well, things like certain solvents, items that
7 I didn't have a full understanding of.

8 Q So if it concerned a raw material, an
9 intermediate or a product, it went in the RIP file?

10 A To the best of my knowledge whether it was one
11 that was related to that.

12 Q What is an intermediate? Is it what it sounds
13 like? It's something in between?

14 A Something in between, meaning that you take
15 this, mix it with that, and come up with that which is
16 the intermediate before it goes out as an end result.

17 Q It's a material produced during the production
18 process but not the end product?

19 A Right.

20 MR. HOFFMAN: Could we mark this as
21 Exhibit 4(A) through (E).

22 (At which time the Reporter marked
23 Osti Exhibits 4(A) through 4(E) for
24 identification.)

25 THE WITNESS: Do you want me to read

1 all of these pages?

2 BY MR. HOFFMAN:

3 Q I want you to be familiar with the document
4 so that I can ask you questions about it.

5 Mr. Osti, we have marked as
6 Deposition Exhibits 4(A) through (E) a March 30, 1977
7 memorandum from E.K. Hamilton to Mr. J.J. Marino. I
8 need to know if you received a copy of the memorandum
9 and the attachments that are B through E with this
10 section.

11 A Yes.

12 Q When you received the copy, did you read it?

13 A Yes.

14 Q Attached to it are, if I'm not mistaken,
15 excerpts from the BNA Reporter that you described as
16 having received at certain times in your office; is that
17 correct?

18 A Yes.

19 Q Are the attachments that are labeled B, C, D
20 and E all from the BNA?

21 A Yes.

22 Q And at the time you first saw these, did you
23 understand what was set forth in the BNA excerpts as
24 being the proposed OSHA regulations for asbestos?

25 A Part of it contained something about New York

1 City and the idea of fireproofing compound, and the
2 other one was the rules or proposal that the Advisory
3 Committee had put forth on asbestos dust exposure.

4 Q The one for New York City, am I correct that
5 it's an excerpt which talks about the banning of the
6 spraying of materials containing asbestos?

7 MR. HAMMETT: I'm going to object to
8 the form of the question. That's not what it
9 relates to.

10 BY MR. HOFFMAN:

11 Q Why don't you tell us what it relates to.

12 MR. HAMMETT: It says the spraying
13 of asbestos fireproofing compound.

14 BY MR. HOFFMAN:

15 Q Is that what you understood it to relate to
16 at the time?

17 A Yes. Construction. Yes.

18 Q And the pages that relate to the proposed OSHA
19 regulations, did you read those pages at the time you
20 received the memorandum?

21 A Yes.

22 Q And I would ask you to turn to Page 4(E) and
23 to the section in the upper left-hand portion of the
24 page which has the designation with a parentheses,
25 small F, and then a closed parentheses and it's labeled

1 "warning label and signs."

2 A I see it.

3 Q Did you read that section when you received
4 this document in 1972?

5 A I scanned over it, yes.

6 Q And among other things does that proposed
7 section set forth any proposals concerning what had to
8 be done for employees of Quigley who worked with or
9 were exposed to asbestos?

10 A No.

11 Q What was your understanding in 1972 when you
12 read that section, Section F on Page 4(E) as to what it
13 required?

14 A The total content of the entire proposal was
15 under discussion as to whether or not certain mandated
16 standards were to be promulgated, and if I remember
17 right, there was a lot of controversy that was posted
18 within the whole system here, within the rules,
19 specifically -- here it is here, under this paragraph,
20 if I could point it to you, where it was not in total
21 agreement whereby everybody decided that it was not, if
22 you would, to be labeled accordingly. In other words,
23 it wasn't a total unanimous vote against the whole
24 advisory committee.

25 Q I understand that.

SAMPLE 16083

1 MR. HAMMETT: Well, let's identify
2 what you're talking about.

3 THE WITNESS: Well, I'm looking at
4 the section --

5 BY MR. HOFFMAN:

6 Q You're referring to a section B, (f) on what
7 has been marked as Page 4(C) of your deposition
8 Exhibit?

9 A Yes. Where it identifies that there was
10 discussion there in controversy.

11 Q Well, I recognize that it identifies that there
12 was discussion on controversy. What I'm asking is with
13 respect to the section that is designated as (f) on
14 Page 4(E) of your Exhibit, I'm simply asking you what,
15 if anything, you understood that section meant or what
16 it proposed to require, if anything, with respect to
17 Quigley employees.

18 MR. HAMMETT: I think he answered
19 that question.

20 MR. HOFFMAN: Well, he said there was
21 a great deal of controversy at that time. I'm
22 asking what was his understanding of what that
23 proposal did or did not require of Quigley
24 employees.

25 THE WITNESS: Well --

1 MR. HAMMETT: I think he answered
2 that.

3 THE WITNESS: Not being --

4 MR. HAMMETT: He said that he didn't
5 think it required anything because there was a
6 great deal of controversy about it.

7 BY MR. HOFFMAN:

8 Q What did you believe there was a great deal
9 of controversy about?

10 MR. HAMMETT: I think he just told
11 you that.

12 MR. HOFFMAN: No, he didn't tell me
13 that.

14 BY MR. HOFFMAN:

15 Q What did you think there was a great deal of
16 controversy about?

17 A As to the type of wording the label should
18 contain, plus the one concern, as I mentioned before,
19 I'm concerned about the employee and what materials
20 they would be working with and how to identify any
21 concerns they have, not as a finished product.

22 Q Well, that gets back to the original question,
23 which was with respect to Section F, what, if anything,
24 does Section F propose with respect to Quigley
25 employees? Why don't you take a moment and read it.

SAMPLE 16085

1 A. It proposes that they should be required to
2 wear protective measures when and if they were working
3 with anything that contained asbestos.

4 Q I'm sorry, I have to take you back up to
5 Section F, which is labeled "warning labels and signs."

6 MR. HAMMETT: He's reading No. 3,
7 which is right before that.

8 MR. HOFFMAN: Right. I understand
9 that.

10 MR. HAMMETT: I think it has to be
11 answered in that context. We went through this
12 with Mr. Marino.

13 BY MR. HOFFMAN:

14 Q If you want to answer it that way, that's fine.
15 For the moment I'm interested in knowing --

16 MR. HAMMETT: We're not going to
17 break it down the way you want to break it
18 down. We read the thing in context.

19 MR. HOFFMAN: He can explain to me
20 what he understands Section F to require in
21 context. That's fine.

22 MR. HAMMETT: That's exactly what he
23 was doing.

24 MR. HOFFMAN: Would you please read
25 Section F.

1 MR. HAMMETT: No.

2 MR. HOFFMAN: Let me put it on so

3 you can instruct him so I can take it to Court.

4 BY MR. HOFFMAN:

5 Q Would you please read Section F of Page 4(E).

6 Mr. Osti, would you please read Section F into the

7 record so that I'm sure my questions are about the same

8 thing. If Mr. Hammett wants you to read additional

9 things, I have no problem with that.

10 MR. HAMMETT: I object to that

11 question unless he prefaces his reading of

12 Section F by the reading of No. 3, which

13 directly precedes Section F.

14 MR. HOFFMAN: That's fine.

15 MR. HAMMETT: All right.

16 BY MR. HOFFMAN:

17 Q Go ahead.

18 A I'm reading from "Recommendations of the

19 Advisory Committee on Asbestos Dust Regarding the

20 Proposed Standard for Asbestos Dust Exposure."

21 "The Advisory Committee on asbestos

22 dust was established January 24, 1972, to review the

23 Department of Labor - OSHA proposed 'Standard for

24 Exposure to Asbestos Dust' published in the Federal

25 Register January 12, 1972 and prepare written

1 recommendations regarding the proposed standard."

2 This committee got together -- there
3 are a number of guides that were offered under the
4 proposal, and among those guides that the advisory
5 committee proposed were certain sections of voting --

6 MR. HAMMETT: He wants you to read
7 that, No. 3, and then he wants you to read this
8 business about the warnings. Is that right?

9 MR. HOFFMAN: Yes.

10 MR. HAMMETT: Okay.

11 THE WITNESS: And under (c), which
12 was respiratory protective devices, Section
13 93(f) identifies -- no, Section 93, "employees
14 exposed to the spraying of asbestos, to the
15 demolition of pipes, structures or equipment
16 covered or insulated with asbestos, or to the
17 demolition of insulated strippings, shall be
18 provided with personal protection in
19 accordance with Paragraph (c) (6) of this
20 section." And (c) (6) goes back to the idea
21 of "for protection exceeding 500 times the
22 limit a Type C continuous flow supplied-air
23 respirator shall be used."

24 Of this section, Section (f) has a
25 heading known as "warning label and signs."

1 A Yes, it's my handwriting.

2 Q Am I correct that you have seen this document
3 previously?

4 A Yes.

5 Q And did you receive it at or about November 1st
6 of '72?

7 A Yes.

8 Q Let me ask you this: Is it basically a memo
9 to yourself describing what occurred in connection with
10 a conversation with Mr. Marino?

11 MR. HAMMETT: If you know.

12 BY MR. HOFFMAN:

13 Q If you know.

14 A I have no idea. I don't remember. No.

15 Q No, you don't remember? Okay.

16 Do you have any recollection of a
17 phone call with Mr. Marino that day?

18 A No.

19 Q How about a phone call with Mr. Brown that day?

20 A No.

21 Q The first paragraph says, "Mr. J. Marino
22 called, reference literature release on asbestos
23 substitute insulation product. Wanted to know
24 propriety of statement on envelope that product met
25 OSHA regulations."

1 Next paragraph says, "I said that
2 such a statement can not be made because while we have
3 NIOSH approval regarding the product as a nuisance dust,
4 such dusts still may be harmful if exposure is too
5 severe. Suggested also that any such statement as that
6 proposed would have to be cleared by Bill McCreery."

7 "Mr. Marino decided to leave
8 statement off envelope."

9 Do you know what envelope that last
10 sentence refers to?

11 A No, I do not.

12 Q The same word "envelope" appears in the last
13 line of the first paragraph.

14 The last sentence of the second
15 paragraph says, "Suggested also that any such statement
16 as that proposed would have to be cleared by Bill
17 McCreery."

18 What position did Bill McCreery have
19 in November of 1972 with Pfizer?

20 A Attorney.

21 MR. HAMMETT: Let me make a
22 suggestion. Don't you think you ought to ask
23 the witness whether he wrote or caused this to
24 be typed?

25 MR. HOFFMAN: I think we asked that.

1 He said he didn't recall. I will ask him
2 again. I don't like to repeat myself because
3 I know that you don't like that.

4 BY MR. HOFFMAN:

5 Q Mr. Osti, do you recall whether you authored
6 this document?

7 A No, I don't recall.

8 Q Do you have any recollection as to who did?

9 A No.

10 Q That is your writing in the upper right-hand
11 corner?

12 A Yes.

13 MR. HAMMETT: He said that.

14 BY MR. HOFFMAN:

15 Q Am I correct this document came from your files?

16 MR. HAMMETT: Yes.

17 THE WITNESS: Yes.

18 BY MR. HOFFMAN:

19 Q When I say your files, I don't mean Pfizer's
20 files. I mean the files that Aldo Osti keeps at Pfizer.

21 A What's the difference?

22 Q Well, the files of Pfizer would include
23 wherever they come from within the corporation.

24 A Oh, you mean within my office? Sorry. I
25 didn't understand. But this says asbestos substitute.

SAMPLE 16091

1 MR. HAMMETT: Well, he hasn't asked
2 you about that. Let's not worry about that.
3 We will worry about that when we get to that.

4 BY MR. HOFFMAN:

5 Q What file within your office, if you know, did
6 this come from?

7 A Oh, the Quigley file.

8 Q And you have a separate file on Quigley in your
9 office; is that correct?

10 A Yes.

11 Q And that's different from the RIP file?

12 A Yes.

13 Q In 1972 had you had any dealings with NIOSH
14 concerning asbestos?

15 A No.

16 Q In 1973 did you have any dealings with NIOSH
17 concerning asbestos?

18 A No.

19 Q Do you know what NIOSH is?

20 A Yes.

21 Q And that's the National Institute of
22 Occupational Safety and Health?

23 A Yes.

24 Q Did you have any dealings with them at all in
25 the early 1970's for any purpose?

1 A Yes.

2 Q And who did you deal with at NIOSH in the early
3 1970's and for what purpose?

4 A I didn't deal with anybody specific. All I did
5 was to get the information that NIOSH might have
6 published as indicated in some of the journals or the
7 publications I've read.

8 Q Did you request NIOSH literature, if they had
9 it, on asbestos in the early 1970's?

10 A I don't recall the early '70s.

11 Q Have you any idea who authored this 11/1/72
12 note that was found in your files?

13 A No, I do not.

14 Q Do you think you did?

15 A That's why I keep looking at it here. Can I
16 guess?

17 MR. HAMMETT: No, I don't want you to
18 guess.

19 BY MR. HOFFMAN:

20 Q Again, my question is, do you think you wrote
21 that note or you caused it to be written by dictating
22 it to someone?

23 A I do not recall.

24 Q What does this say? I can read the first word
25 in the upper right-hand corner. It says Quigley. What

1 does the other word below that say?

2 A Permanent.

3 Q Does that designate that it goes to the Quigley
4 permanent file?

5 A Yes.

6 Q That's what that means?

7 A Yes.

8 Q Aside from the Corporate Safety Department,
9 did any other department at Pfizer in November of 1972
10 have responsibility for taking inquiries concerning
11 Section 1910 of the Occupational Safety and Health Act?

12 A Section 1910? 1910 is the whole act. 22,000
13 standards in there.

14 Q Let me rephrase the question.

15 A Please.

16 Q The 11/1/72 typewritten notes that you have
17 in front of you include one that refers to a call from
18 Mr. G. Brown and an inquiry that he made, and the second
19 to the last sentence says, "Gave him reference from
20 1910."

21 Do you see that?

22 A Yes.

23 Q 1910 refers to the Occupational Safety and
24 Health Act, doesn't it?

25 A Yes.

1 Q As of November of 1972 was there any other
2 department or section at Pfizer other than the Corporate
3 Safety Department which had the responsibility for
4 dealing with the Occupational Safety and Health Act?

5 A No.

6 Q Is it fair to say then that while you don't
7 know whether or not you wrote this, that this was
8 authored by someone in the Corporate Safety Department?

9 A Yes.

10 Q Am I also correct that you testified previously
11 that the Corporate Safety Department did not have as one
12 of its responsibilities matters concerning products that
13 were manufactured by Pfizer or any of its subsidiaries?

14 A Correct.

15 Q Thank you.

16 Let me ask you to take a look at
17 13(A), (B) and (C), a memo dated November 21, 1973,
18 from J.J. Marino, Quigley Company, to Mr. A. Osti,
19 Corporate Safety, to which is attached a two-page memo
20 dated November 19, 1973, from Dean R. Thacker to Mr.
21 J.J. Marino.

22 A I've read it. Thank you.

23 Q Do you recall having received a copy of both
24 the November 21, 1973 memo to you from Mr. Marino and
25 the two-page attachment?

1 A. Only the cover, the top one. I don't ever
2 remember seeing this one or having received it.

3 Q Well, let me ask it this way. The November
4 21, 1973 memorandum from Mr. Marino to you states in
5 the first line, "The attached memorandum by Mr. Thacker."
6 Are you telling me that what you recall is receiving
7 the cover page but not the attached memorandum?

8 A That's what my recollection goes.

9 Q Well, if you had received the cover page
10 without the attached memorandum, wouldn't you have
11 requested a copy of the attached memorandum?

12 A Yes. Maybe that's why I put down here, "Please
13 give me notes re visit with Mr. Marino on 11/21."

14 Q At some point in time did you obtain a copy of
15 the attached memorandum? Without necessarily going
16 through that, it is this memorandum here. Did you get
17 the attached memorandum at some point?

18 A I don't recall. Yes, I must have, yes.

19 Q Let me ask it this way. Earlier I asked you
20 some questions about a two-page handwritten document
21 that is labeled as Osti Exhibit 12(A) and 12(B), and I
22 believe you said that they were in the handwriting of
23 Mr. Hamilton; is that correct?

24 A Yes.

25 Q What you started to say at some point was that

1 there was a typed up -- something was typed up that
2 reflected this; isn't that correct?

3 A Yes.

4 Q And isn't the memo attached here from Mr.
5 Thacker to Mr. Marino a memo which reflects that which
6 Mr. Hamilton has written on those two handwritten pages
7 that are 12(A) and (B)?

8 MR. HAMMETT: Well, that's a little
9 involved, Mr. Hoffman. What do you want him
10 to do, compare line by line?

11 MR. HOFFMAN: I want to know whether
12 this is --

13 MR. HAMMETT: This is a memorandum
14 from Mr. Thacker.

15 MR. HOFFMAN: I understand that.

16 MR. HAMMETT: To Marino. Now you're
17 asking him whether it's the same as some
18 handwritten notes by Mr. Hamilton.

19 BY MR. HOFFMAN:

20 Q Earlier, am I correct with respect to the
21 handwritten notes of Mr. Hamilton, you recall having
22 seen some document which in typed form contains much of
23 what is in those handwritten notes of Mr. Hamilton?

24 MR. HAMMETT: I don't remember him
25 saying that, but maybe he did.

1 THE WITNESS: Would you please
2 rephrase the question.

3 BY MR. HOFFMAN:

4 Q Have you seen a typed document which contains
5 much of what is in the handwritten notes of Mr. Hamilton?

6 A Yes.

7 Q Can you identify for me the typed document
8 which contains those things?

9 MR. HAMMETT: Well, now, wait a
10 minute. I think there's confusion here.

11 MR. HOFFMAN: I agree there's
12 confusion. I'm not trying to trap you into doing
13 something. He stated earlier when we were
14 talking about the handwritten document --

15 MR. HAMMETT: Now you're talking
16 about something apparently Thacker wrote. I
17 don't know how that could be the counterpart
18 of something Mr. Hamilton wrote.

19 MR. HOFFMAN: If what Mr. Thacker
20 wrote is in Mr. Osti's files and he saw it
21 about that time and it included much of what
22 Mr. Hamilton suggested to Mr. Thacker, then
23 that would explain it.

24 MR. HAMMETT: All right. If you want
25 to belabor this, go ahead. It seems to me it's

1 an awfully involved way of going at it.

2 BY MR. HOFFMAN:

3 Q All right. Let me do this, Mr. Osti, since

4 there seems to be some question about that whole thing.

5 Let me go back to Exhibit 12(A) and 12(B). Am I correct

6 you testified previously you have seen those before?

7 A Yes.

8 Q The handwritten document?

9 A Yes.

10 Q And you had copies of those in your files?

11 A Yes.

12 Q Would you go to the second page, 12(B), and

13 would you read for me, please, the entry that is next

14 to the number 5.

15 A No. 5 under Final Program Agreed is "Label

16 bags like J. Manville."

17 Q Can you tell me what that entry next to No. 5,

18 "Label bags like J. Manville" meant to you at the time

19 you obtained this document?

20 A I'm sorry, I was reading the next line, which

21 I think is part of it.

22 Q That's all right. Take your time. Go right

23 ahead.

24 A Now, your question again, sir?

25 Q Sure. My question is, at the time you read the

1 entry No. 5, "Label bags like J. Manville," what did
2 that entry mean to you? For the moment I would like you
3 to do that just with respect to this handwritten
4 document that is 12(3).

5 A What it means to me is that we had a phase-out
6 program of some, I guess, excess amount of asbestos that
7 was available in the plant, and as it indicates in the
8 beginning of this letter, it says, "Empty bags are
9 discarded."

10 We were concerned about the idea that
11 when you dispose of these, that these should be labeled
12 and that the product -- no, raw material, the raw
13 material that was there in the house should be bagged
14 up and labeled when we disposed of it. That's what I
15 recollect on this.

16 Q And did you participate in making that
17 recommendation concerning the labeling of the bags with
18 the raw material that was to be discarded?

19 A We had a meeting where King Hamilton, Joe
20 Marino and I sat together and discussed this.

21 Q Was it at that meeting that the decision was
22 made to label bags like J. Manville?

23 A I don't believe a decision was made. I think
24 a recommendation was offered and then it was passed on
25 by Marino to others.

1 Q From whom did the recommendation come?

2 A I think it was a collective idea that it should
3 be done that way to contain it.

4 Q Were you familiar at the time with the label
5 which Johns Manville had on its bags of asbestos or
6 asbestos materials?

7 A No.

8 Q And by "at the time" I mean in November of
9 1973.

10 A I do believe that this was referred to as that
11 which was available from NIOSH and the criteria
12 document as to the kind of labeling that a bag of this
13 substance should have on it. Reference like Johns
14 Manville was probably -- no, it was, not probably --
15 our competitor. It was a reference to going back to
16 another person, another supplier.

17 Q So you were familiar at that time, were you,
18 that Johns Manville had warning labels or notices on
19 bags of asbestos?

20 MR. HANNETT: No. I object to the
21 form of that question.

22 BY MR. HOFFMAN:

23 Q Were you aware at that time that Johns Manville
24 had warning labels or notices on bags or containers that
25 contained asbestos?

1 MR. HAMMETT: I object to the form
2 of that question because he's just told you
3 where he got his knowledge. He said it was
4 from NIOSH.

5 MR. HOFFMAN: I understand that.
6 But this is a separate question.

7 BY MR. HOFFMAN:

8 Q Were you aware in November of 1973 that Johns
9 Manville had warning notices or labels on its bags or
10 cartons of asbestos?

11 A From reference sources that were made available
12 to me by NIOSH.

13 Q So are you saying that NIOSH provided you with
14 reference materials which indicated that Johns Manville
15 had warnings on bags or cartons of asbestos?

16 A I can't answer that question. I don't remember.

17 Q Then I need to ask you again when, if ever,
18 the first time was that you knew that Johns Manville had
19 a warning label or notice on a bag or carton of asbestos?

20 A From the NIOSH criteria documents.

21 Q I understand that. But you just stated, and
22 I'm not trying to put words in your mouth -- you just
23 stated that you do not know whether the NIOSH criteria
24 documents referred to Johns Manville.

25 A Correct.

1 Q Then how, if you did, did you get knowledge
2 that Johns Manville had a warning on a bag or carton
3 of asbestos concerning the health hazards from asbestos?
4 A It must have been referred to in the NIOSH
5 document reference section rather than being
6 specifically identified in NIOSH because they had the
7 warning label identified as the four triangles, if I
8 recall.
9 Q Did you ever see a Johns Manville product with
10 a warning notice or label on it?
11 A No.
12 Q Have you ever seen one?
13 A No, sir.
14 Q Did anyone at this meeting indicate that they
15 had ever seen a Johns Manville product with a warning
16 notice or label on it concerning asbestos, the meeting
17 in November of 1973?
18 A I don't remember that.
19 Q Do you remember what language it was that was
20 finally agreed upon and placed on the bags of asbestos
21 to be disposed of from the Quigley Plant?
22 A No, sir.
23 Q Deposition Exhibit 13(A), the November 21, 1973
24 memo from Mr. Marino to you, states in the last.
25 sentence of the first paragraph, "Your recommendations

1 relative to safety have been completely accepted and
2 will be implemented."

3 It refers back to, I believe, the
4 phasing out of asbestos containing products. What
5 recommendations did you make to Mr. Marino concerning
6 the phasing out of asbestos containing products at the
7 Quigley Plant in Old Bridge, New Jersey?

8 A The ones that were listed in King Hamilton's
9 handwriting here of November 9, '73.

10 Q So you took the recommendations which were in
11 King Hamilton's writing and passed them on yourself to
12 Mr. Marino; is that correct?

13 A No. We all sat together and talked about this
14 in Mr. Marino's office.

15 Q And that was on November 9th of 1973; is that
16 correct?

17 A Yes.

18 Q Was one of the recommendations you made to Mr.
19 Marino the establishment of a physical examination of
20 Old Bridge employees who had been working with asbestos?

21 A A form of physical that would be available via
22 mobile units to identify whether or not there were
23 problems.

24 Q And were those examinations in fact conducted?

25 A I don't know.

1 Q But you did make that recommendation to the
2 Quigley people?

3 A Yes, sir.

4 Q Am I correct that having made the recommendatio
5 it's then up to the Quigley people to determine whether
6 or not to carry it out?

7 A Yes, sir.

8 Q Am I also correct that as Manager of Corporate
9 Safety and Occupational Health you had no line authority
10 over the Plant Safety Directors of the various Pfizer
11 facilities or facilities of subsidiaries?

12 A Correct.

13 Q Did anyone with Pfizer have any line authority
14 with respect to Plant Safety Directors of various
15 facilities other than the Plant Manager of that facility?

16 A Could you elaborate on how you're referring to
17 that question, please.

18 Q By line authority, you know what a corporate
19 flow chart looks like?

20 A Sure.

21 Q What I'm wondering is, did the various Plant
22 Safety Directors --

23 A Safety Coordinators, sir, please.

24 Q Did the various Plant Safety Coordinators
25 report in any way to anyone outside of the particular

1 plant in which they worked at respectively?

2 A No, they did not.

3 (At which time the Reporter marked
4 Osti Exhibit 14 for identification.)

5 BY MR. HOFFMAN:

6 Q Mr. Osti, I would like you to look at
7 Deposition Exhibit 14, a document entitled Asbestos
8 Air Pollution, State of Illinois, Institute for
9 Environmental Quality, November 1971. It's a rather
10 thick document, half an inch thick or so. I ask you to
11 take a look at it and tell me if you have seen it
12 before and if it comes from the files in your office.

13 MR. HAMMETT: Perhaps we can
14 expedite things by saying this Exhibit came
15 from the files in Mr. Osti's office.

16 BY MR. HOFFMAN:

17 Q I'm assuming that.

18 A Yes.

19 Q That's fine.

20 Did you obtain this document sometime
21 in the end of '71 or 1972?

22 A Yes.

23 Q Let's do Exhibit 15. This is a document
24 entitled Occupational Exposure to Asbestos, U.S.
25 Department of Health, Education and Welfare.

1 Is this also a document that is found
2 in your files?

3 MR. HAMMETT: I will stipulate that
4 this document, Exhibit 15, was found in Mr.
5 Osti's files.

6 THE WITNESS: Yes.

7 BY MR. HOFFMAN:

8 Q That's fine.

9 Let's do 16 and I will ask the same
10 stipulation on 16. This is 16, and I have put them
11 together like this. But there's one cover page to Mr.
12 Osti, one with a check to Mr. Hamilton. Then, there's
13 a third cover page. What I was provided with are the
14 different cover pages and then a single copy of the
15 document itself, if you follow what I'm saying. I
16 don't need a stipulation that Mr. Hamilton's copy is
17 in Mr. Osti's file, but just that Mr. Osti had a copy of
18 the entire article in his files.

19 MR. HAMMETT: You may have that.

20 MR. HOFFMAN: And that's Exhibit 16.

21 THE WITNESS: May I see it?

22 MR. HOFFMAN: Of course.

23 MR. HAMMETT: He doesn't want to ask
24 you anything about it, so don't bother with it.

25 MR. HOFFMAN: Same stipulation as to

1 17?

2 MR. HAMMETT: Yes. 17 is a document
3 produced to you from Mr. Osti's file.

4 BY MR. HOFFMAN:

5 Q Mr. Osti, are you a member of the ASSE?

6 A Yes.

7 Q Have you ever attended any of its meetings,
8 annual meetings or conferences, that type of thing?

9 A Once.

10 Q Did you attend the meeting that took place in
11 June of 1973 in Dallas, Texas?

12 A No.

13 MR. HOFFMAN: This is the last one.
14 This is 18, I believe.

15 (At which time the Reporter marked
16 Osti Exhibit 13 for identification.)

17 MR. HOFFMAN: I will ask for the same
18 stipulation as to 18, and then I have a couple
19 of questions about this one. Do we have the
20 same stipulation with regard to that document
21 as having come from Mr. Osti's files?

22 MR. HAMMETT: Yes.

23 MR. HOFFMAN: We do. Okay.

24 BY MR. HOFFMAN:

25 Q Mr. Osti, am I correct that Deposition Exhibit

1 13 entitled Asbestos Criteria Document Highlights is
2 an excerpt from the ASSE Journal in March of 1974?

3 A Yes.

4 Q Do you receive the ASSE Journal?

5 A Yes.

6 Q And how long have you received the ASSE Journal?

7 A Ever since I've been a member of the ASSE.

8 Q When did you join the ASSE?

9 A A long time ago. Let's see. I guess 20 years
10 ago.

11 Q And have you maintained your membership in
12 good standing ever since you joined?

13 A Yes.

14 Q And how often is the ASSE Journal published?
15 Is it a monthly journal?

16 A No. I think it's every two months. They have
17 seven issues, six or seven issues a year.

18 Q And do you receive that at the office?

19 A Yes.

20 Q And has that always been the case at the office
21 wherever that was, as opposed to at home?

22 A I changed the address. I receive it at home
23 because we were receiving other copies in the office.
24 So both places.

25 Q But there's no question in your mind that you

1 have received that journal consistently since you first
2 became a member of the ASSE?

3 A Oh, no. Yes.

4 Q Since you may have received it at home, where
5 is home? What is your home address?

6 A 8647 105 Street, Richmondville, New York,
7 11418.

8 Q And your office address is Pfizer Incorporated
9 at 235 East 42nd Street?

10 A East 42nd Street, New York City, New York,
11 10017.

12 Q And aside from living and working in New York,
13 does your business regularly take you, as opposed to
14 occasionally, regularly take you any place in particular?
15 Do you make regular visits to any Pfizer facilities in
16 New Jersey, for instance?

17 A Not regularly, no.

18 Q How about in Pennsylvania?

19 A Not regularly, no.

20 Q If you will give me just a minute, I think I'm
21 done. But let me take a look.

22 (At which time there was a brief
23 recess.)

24 BY MR. HOFFMAN:

25 Q I'm just tying up some loose ends, Mr. Osti.

1 Mr. Lum who retired earlier this
2 year --

3 A April.

4 Q Right. Is he still in the New York area, do
5 you know?

6 A I'm not sure.

7 Q He's still alive, though?

8 A As of Friday, God willing.

9 Q How many different facilities or plants do you
10 have responsibility for or did you have responsibility
11 for during the years that you were Manager of Corporate
12 Safety and Occupational Health?

13 A None.

14 Q Well, how many plants or facilities did you
15 deal with during the years you were Manager of Corporate
16 Safety and Occupational Health?

17 A We serviced -- I never really counted them out.
18 Could you qualify the word facility for me, please.

19 Q Sure. How many sites of Pfizer or its
20 subsidiaries were there who could call upon your office
21 for guidance or information during the years you were
22 Manager of Corporate Safety and Occupational Health?

23 MR. HAMMETT: Well, I really think
24 you're getting beyond the bounds of --

25 MR. HOFFMAN: All I want to do is

1 find out what the scope of his --

2 BY MR. HOFFMAN:

3 Q Well, there's more than Quigley, right?

4 A Oh, yes.

5 Q A lot more than Quigley?

6 A Yes.

7 Q Approximately how many more facilities or
8 sites or plants or operations?

9 A Can I ask a question?

10 MR. HAMMETT: If you don't understand
11 the question.

12 THE WITNESS: Well, I have to ask,
13 a salesman is a representative. There's
14 thousands of those all around.

15 BY MR. HOFFMAN:

16 Q I don't mean that. What kind of facility would
17 you call the Quigley Old Bridge Plant?

18 A Operating facility.

19 Q How many operating facilities were there whose
20 employees could call upon you for information and
21 guidance during the years you were Manager of Corporate
22 Safety and Occupational Health, approximately?

23 A And the employees you're referring to are
24 Safety Coordinators?

25 Q Yes.

1 A 45 or 50.

2 MR. HAMMETT: Is that what you wanted

3 to know?

4 MR. HOFFMAN: That's what I wanted

5 to know.

6 I don't have anything else.

7 MR. HAMMETT: All right. Will you

8 give me just a couple of minutes to look over

9 my notes.

10 MR. HOFFMAN: Sure.

11 (At which time there was a brief

12 recess.)

13 BY MR. HAMMETT:

14 Q Mr. Osti, I show you Osti Deposition Exhibit

15 13, which appears to be an excerpt from the March 1974

16 journal of the ASSE. Does that appear to you to be

17 correct, sir?

18 A Yes.

19 Q Now, on the left-hand corner there's some

20 handwriting. Do you see that, sir?

21 A Yes.

22 Q Is that your handwriting?

23 A No.

24 Q Can you read that handwriting?

25 A That says asbestos.

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1 Q Do you know whose handwriting that is?

2 A One of the secretaries that work with us.

3 Q Would that be in your department?

4 A In our department.

5 Q Would it be your belief that one of the
6 secretaries in this department, in your department,
7 filed this document in your files sometime after March
8 1974?

9 A Yes.

10 Q And did I understand you to have told Mr.
11 Hoffman that you did not attend the session of the ASSE
12 which occurred in Dallas, Texas, on June 25 to June 27,
13 1973?

14 A I did not attend it.

15 MR. HAMMETT: All right. I have no
16 further questions.

17 BY MR. HOFFMAN:

18 Q Just one.

19 Deposition Exhibit 13 from the ASSE
20 Journal concerns an abstract of a presentation by
21 Irving J. Selikoff, M.D. Prior to receiving the ASSE
22 Journal that had this presentation by Dr. Selikoff, had
23 you ever heard of Dr. Irving J. Selikoff?

24 A Yes.

25 Q How is it that you had heard of him previously?

1 A In casual conversation.

2 Q And am I correct that those casual
3 conversations which made reference to Dr. Selikoff
4 concerned the work that he had done or was doing in
5 connection with exposure to asbestos?

6 A Not the work that he was doing but the
7 involvement that he had with asbestos.

8 Q Are you aware that sometime in 1966 Dr.
9 Selikoff published a study of approximately 17,000
10 asbestos insulation workers that dealt with their
11 exposure over a period of years to asbestos containing
12 products?

13 MR. HAMNETT: As of what time?

14 BY MR. HOFFMAN:

15 Q Well, are you aware of that today?

16 A Today I'm aware of it, yes.

17 Q When did you first become aware that Dr.
18 Selikoff did research that resulted in the publication
19 in 1966 of material concerning his study of
20 approximately 17,000 asbestos insulation workers?
21 When did you first learn about that?

22 A About 1933.

23 Q But you did mention previously that before
24 receiving this article in the ASSE Journal that you had
25 heard of Dr. Selikoff in casual conversations?

1 A Yes.

2 Q And again, those casual conversations where
3 Dr. Selikoff's name was brought up in some way
4 concerned asbestos, am I correct?

5 A In some way concerned it, yes.

6 Q When was the first time that you learned who
7 Dr. Selikoff was?

8 A About 1972, '73, '74, '75, somewhere in that
9 period of time.

10 Q Well, this ASSE Journal is March of '74. So if
11 you had run across Dr. Selikoff's name in casual
12 conversations prior to getting the journal, it had to be
13 sometime prior to March of '74, correct?

14 A Possibly.

15 Q Can you tell me with whom it was you were
16 engaged in casual conversation when Dr. Selikoff's name
17 came up?

18 A It could have been at some ASSE meeting or it
19 could have been at the National Safety Council, it could
20 have been at our informal get-togethers at the luncheons.
21 It could be many places.

22 Q What ASSE meetings were you going to in the
23 late 1960's and early 1970's? Was there a local
24 chapter of the ASSE?

25 A Local chapter.

1 Q Where?
2 A Metropolitan.
3 Q New York?
4 A Yes.
5 Q How often were there meetings of the local
6 Metropolitan New York Chapter of the ASSE?
7 A Usually monthly, except for the summer months.
8 Q And were there presentations or deliveries,
9 presentations by people at these meetings?
10 A No.
11 Q Never happened?
12 A Very infrequent.
13 Q Were they more social in nature?
14 A Yes.
15 Q Was there a local chapter of the National
16 Safety Council for New York?
17 A No.
18 Q Did you ever attend any National Safety Council
19 meetings other than the annual meetings?
20 A Yes.
21 Q Did you attend meetings of the chemical section
22 on occasion?
23 A Yes.
24 Q And when did you first attend any meetings of
25 the chemical section when you were Corporate --

1 MR. HAMMETT: I think he already
2 answered that.

3 BY MR. HOFFMAN:

4 Q What about meetings of the chemical section?

5 I don't think we went into that. When did you first
6 attend a meeting of the chemical section of the National
7 Safety Council?

8 A I've always been a member of that.

9 Q Well, are there regularly scheduled meetings
10 of the chemical section?

11 A There are usually two or three meetings that
12 are scheduled throughout the year in some part of the
13 United States for the chemical section.

14 Q As a matter of course have you attended all of
15 those meetings of the chemical section?

16 A Not all of them, no.

17 Q Have you attended most of them?

18 A No, not most of them.

19 Q Do you receive from the National Safety Council
20 Minutes of the meetings of the chemical section?

21 MR. HAMMETT: I think you already
22 asked him that.

23 MR. HOFFMAN: No. That was the
24 transactions of the Safety Council itself.
25 The sections keep their own Minutes.

1 THE WITNESS: Sometimes we received

2 the Minutes, yes.

3 BY MR. HOFFMAN:

4 Q Have you ever served in any official capacity
5 with the chemical section, held any office?

6 A Yes.

7 Q What office have you held and when?

8 MR. HAMMETT: Well, just a minute.

9 I'm going to object. I think you're going
10 beyond the scope of my examination. I mean
11 you're getting back into things that you
12 already went into, the chemical section and so
13 on and so forth. I object.

14 MR. HOFFMAN: Well, it arises out of
15 his answer to a question as to how he learned
16 about Dr. Selikoff. I won't be too long with
17 it.

18 MR. HAMMETT: All right. Go ahead.

19 BY MR. HOFFMAN:

20 Q What positions have you held with respect to
21 the chemical section of the National Safety Council?

22 A The chemical section is a group of people made
23 up of chemical companies who have formal programs and
24 meetings, and the meetings are specifically designed
25 for what should the next year's program be, where should

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1 the next meeting be held, what kind of articles might ..
2 be in a newsletter, what materials can the section
3 provide for the Council so that they can improve their
4 revenue return.

5 Q But my question is what office or position
6 you held with the chemical section at some time.

7 A There was a structure that said that each of
8 the members should have some type of an office activity
9 and they would rotate that office among the membership.
10 I can best tell you that I have never been the Chairman
11 of it or the Vice Chairman of it or the Treasurer or
12 the Secretary. But I have probably had some involvement
13 with all the other offices or activities.

14 Q Did the chemicals section have subcommittees?

15 A Yes.

16 Q Does the chemical section have at some point
17 in time a subcommittee on safety and health?

18 A Oh, yes. That was a whole committee.

19 Q Did you ever hold a position with respect to the
20 subcommittee that dealt particularly with those issues?

21 A Yes. In one way or another.

22 Q During what period of time did you hold a
23 position either by serving on that subcommittee or
24 chairing it or being a co-chairman?

25 A You mean as far as dates are concerned?

1 Q Right. Approximately the years that you were
2 on that subcommittee.

3 A I guess the early '50s.

4 Q Are you on that subcommittee today?

5 A You rotate out of there. Every year a new
6 Chair is appointed. You're either elected, you're
7 dropped off or you become a member at large.

8 Q During the late '60s or early '70s were you on
9 the subcommittee at all that dealt with safety and
10 health of this chemical section?

11 A No.

12 Q Aside from the meetings of the ASSE for
13 Metropolitan New York and any meetings connected with
14 the National Safety Council, have you attended any other
15 meetings of professional organizations or whatever at
16 which you believe Dr. Selikoff's name may have come up
17 in casual conversation?

18 A No.

19 Q When Mr. Roche made his inquiry to you from the
20 Groton Plant, were you aware of who Dr. Selikoff was?

21 A No.

22 Q And you're sure of that?

23 A Positive.

24 Q And you're quite sure that the inquiry from
25 Mr. Roche was sometime in the late 1960's?

1 A. To the best of my recollection, yes.

2 MR. HOFFMAN: I have nothing else.

3 Thank you.

4 MR. HAMMETT: I have nothing further.

5 - - -

6 (Deposition concluded.)

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1 I, ALDO P. OSTI, have read the
2 foregoing transcript of my testimony taken on July 1,
3 1985, contained within Pages 1 through 195, inclusive,
4 and it is true, correct and complete to the best of my
5 knowledge, recollection and belief except for the list
6 of corrections, if any, attached on a separate sheet
7 herewith.

8
9
10 ALDO P. OSTI

11 (DATE)
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C E R T I F I C A T I O N

I, Diane C. DiMidio, hereby certify that the testimony and proceedings in the foregoing matter taken on July 1, 1985, are contained fully and accurately in the stenographic notes taken by me, and that Pages 1 through 196, inclusive, of this testimony are a true and correct transcript of the same.

Diane C. DiMidio,
C.S.R., R.P.R.

The foregoing certification of this transcript does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the certifying Shorthand Reporter.

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