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RICHARD C. JOHNSON

Foster Wheeler

Page 370

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN FRANCISCO

-----X
LOUISE L. GALASSI, individually and as
personal representative of the ESTATE
OF PETER GALASSI; DEANNE HILBURN; and
DEBRA GALASSI,
Plaintiffs,

v. Case No. CGC-04-436144

A.W. CHESTERTON COMPANY, et al.,
Defendants.

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

-----X
DONNA WALMACH, individually and as
personal representative of the estate of
RICHARD WALMACH, JENNIFER M. ORCHARD,
JULIE A. PITTS and JEFFREY D. WILSON,
Plaintiffs,

v. Case No. BC 336 186

AQUA-CHEM, INC. (d/b/a CLEAVER-BROOKS
COMPANY) et al.,
Defendants.

-----X
VOLUME III
Videotaped Deposition Upon Oral Examination Of:
Richard C. Johnson

Location: Lodge at Woodcliff
199 Woodcliff Drive
Fairport, New York 14450

Date: April 26, 2007

Time: 10:19 a.m.

Reported By: Maria A. Wolczyk, CSR
Alliance Court Reporting, Inc.
Alliance Building, Suite 1500
183 Main Street East
Rochester, New York 14604

CERTIFIED COPY

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33 Videographer:

34 Emmett Connolly

35 Legal Eyes, Inc.

* * *

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 today to testify about what Foster Wheeler knew
3 concerning the hazards of asbestos and when?

4 A. Yes, sir.

5 Q. Okay. And my question to you again is
6 when did Foster Wheeler belong to the National
7 Safety Council?

8 MR. PARKER: Objection.

9 A. My answer is "I don't know."

10 MR. PARKER: Asked and answered.

11 Q. When did Foster Wheeler or any of its
12 employees belong to the American Society of
13 Mechanical Engineers?

14 A. I can't give you any dates, sir, on any
15 of them, because you are speaking about scores of
16 people that were involved. I have no information
17 regarding dates in regard to their membership
18 tenure.

19 Q. When did Foster Wheeler or any employees
20 of Foster Wheeler belong to the American Ceramic
21 Society?

22 A. I was the only one who belonged to the
23 American Ceramic Society. And I joined in 1950
24 before I was employed by Foster Wheeler.

25 Q. Are you still a member of the American

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 Ceramic Society today?

3 A. Yes, sir.

4 Q. Would it be fair to say that during your
5 entire time that you were employed by Foster Wheeler
6 you were a member of the American Ceramic Society?

7 A. That is correct.

8 Q. All right. When was Foster Wheeler a
9 member of the National Founders Association?

10 A. I don't know.

11 Q. When was Foster --

12 MR. PARKER: Let me object for a moment
13 in terms of a foundational question.

14 Do you know if they were ever a member?

15 THE WITNESS: No, I don't. There's a
16 list with all the memberships that we're aware of in
17 the documents.

18 MR. PARKER: I'm just concerned when you
19 say when were they a member of something, it assumes
20 that, in fact, they were a member. And I think he's
21 provided testimony earlier what memberships Foster
22 Wheeler was part of and not. So I don't want you to
23 be misled when he answered it that way.

24 MR. DeLUCA: I will not be misled, sir.

25 MR. PARKER: All right. Well, the

1 RICHARD C. JOHNSON - BY MR. DeLUCA

2 Q. Have you ever been a member of an
3 organization that you dropped out of because it just
4 wasn't of benefit to you?

5 A. No, I haven't.

6 Q. Okay. Now, you told us that you were a
7 member of the American Ceramic Society beginning in
8 1950. Let me hand you what I'm going to mark as
9 Exhibit 31.

10 (The following exhibit was marked for
11 identification: Exhibit 31.)

12 Q. And your lawyer may want to look at this
13 before I ask you about it, so if you could hand that
14 to him first, I would appreciate it.

15 MR. PARKER: I am being handed Exhibit
16 31 and it's rather thick. It's over 100 pages long.
17 Is there anything in particular?

18 MR. DeLUCA: There is. There is.

19 For the record, this is a copy of the
20 American Ceramic Society bulletin from October 1963,
21 which is the membership roster of the American
22 Ceramic Society.

23 Q. And let me -- let me call your attention
24 to page 583.

25 MR. PARKER: I just found it. I think

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 that's the section involving all the members named
3 Johnson.

4 A. Yes, I have it.

5 Q. And, in fact, Mr. Johnson, you are
6 listed as a member in 1963; correct?

7 Do you see that?

8 A. Correct. Yes.

9 Q. And is it listed that you are with the
10 Foster Wheeler Corporation Research Division, Box
11 490, Dansville, New York?

12 A. Yes, sir, that's my address.

13 Q. And there's an R by your name; do you
14 see that?

15 A. Yes.

16 Q. And if you turn to the third page of
17 that document, does it indicate that the R stands
18 for Refractories Division?

19 A. Yes.

20 Q. And you were a member of the
21 Refractories Division; is that right?

22 A. That's correct.

23 Q. And as a member of the American Ceramic
24 Society, did you get periodicals from the society?

25 A. Yes, sir.

1 RICHARD C. JOHNSON - BY MR. DeLUCA

2 Q. Would you have gotten, for example, this
3 roster that I showed you?

4 A. Yes.

5 Q. It was the regular course and practice
6 of the American Ceramic Society, based on your
7 membership in that society, to send lists of its
8 members out?

9 MR. PARKER: Objection. Calls for
10 speculation. Lacks foundation.

11 A. The roster was an annual list of
12 members.

13 Q. And you are not speculating on that,
14 sir. You know that because you got it in the mail;
15 right?

16 A. Yes.

17 Q. And you got it in the mail every year?

18 A. Yes.

19 Q. And the roster of members isn't the only
20 document that you would have gotten from the
21 American Ceramic Society; correct?

22 A. That's correct.

23 Q. What other documents would you have
24 received from the American Ceramic Society?

25 A. I received the Ceramic bulletin monthly.

1 RICHARD C. JOHNSON - BY MR. DeLUCA

2 Q. All right.

3 A. And for a period I received the Journal
4 of the American Ceramic Society, which was a
5 separate subscription.

6 Q. So that's two different categories of
7 documents; correct?

8 A. That's correct.

9 Q. You got the bulletin and you got the
10 journal?

11 A. That's correct.

12 Q. All right. And you got those every
13 month that they were published; is that right?

14 MR. PARKER: Objection. Misstates
15 testimony.

16 A. I received them monthly. But I only
17 received the journal for a shorter period of time.
18 I didn't receive that over the whole period.

19 Q. Okay. Why is that?

20 A. It contained more complicated than the
21 precise information that I required, and it was an
22 extra subscription cost, which I paid for.

23 Q. Do you recall how much it cost?

24 A. No, I don't.

25 Q. But you got the bulletin the whole time

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 you were a member?

3 A. Yes, sir.

4 Q. Can you tell me what types of things
5 would be in the bulletin?

6 MR. PARKER: Objection. Over broad.

7 A. Over 50 years or?

8 Q. Well, I'm not asking you for the precise
9 details, but just generally speaking, can you tell
10 me what kind of articles would be in the bulletin?

11 A. Well, first there was news of the
12 industry.

13 Q. The ceramic industry?

14 A. Yes.

15 Q. Okay.

16 A. There was usually an editorial by the
17 president or the editor of the bulletin. And there
18 were several semi-technical articles regarding
19 ceramic processes. And they had some abstracts of
20 other articles available.

21 Q. When you say "they had abstracts of
22 other articles which were available," can you tell
23 me what you mean by that?

24 A. There were short snippets of other
25 articles that had been reviewed by someone.

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 about the National Safety Council for a little
3 while.

4 Are you familiar with the National
5 Safety Council?

6 A. I know it exists.

7 Q. Okay. You know that it exists, and you
8 know that Foster Wheeler was a member of the
9 National Safety Council; correct?

10 A. That's my understanding, yes, sir.

11 Q. All right. Do you know whether Joseph
12 G. Hand, a labor relations manager for Foster
13 Wheeler Corp. in New York, New York was on the
14 Engineering Committee of the Construction Section of
15 the National Safety Council in 1956 and 1957?

16 A. No.

17 (The following exhibit was marked for
18 identification: Exhibit 42.)

19 Q. Let me hand you what I've marked as
20 Exhibit 42, which is an excerpt from the 1956
21 transactions of the National Safety Council which
22 lists the officers of the Construction Section, and
23 ask if this assists your ability to answer that
24 question for me?

25 MR. PARKER: Well, it's an improper

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 attempt, apparently, to refresh his recollection.
3 So I object on that basis.

4 A. Yes, I see his name there.

5 Q. Okay. But you've never seen the
6 document before?

7 A. No, I have not.

8 Q. And that obviously then would not have
9 been among those materials provided to you by Foster
10 Wheeler and its lawyers; is that right?

11 A. This is 50 years ago. I don't know
12 anything about it.

13 Q. Well, that's not --

14 A. Foster Wheeler does not have that
15 record, sir.

16 Q. Okay. Excuse me for interrupting you.
17 Let me back up a second. That's not what I asked
18 you.

19 The question I asked you, sir, was that
20 document was not among those documents provided to
21 you by Foster Wheeler or its lawyers; right?

22 A. That is right.

23 MR. PARKER: Just so we're clear, the
24 document you're talking about is a portion of the
25 general sessions records from 1956 of the National

1 RICHARD C. JOHNSON - BY MR. DeLUCA
2 Safety Congress, Exhibit 42.

3 Q. Now, you went on to say, Mr. Johnson,
4 that Foster Wheeler doesn't have this document.

5 A. I have not seen the document.

6 Q. Okay. That's different than saying
7 Foster Wheeler doesn't have it; right?

8 A. Perhaps it is. It has not been produced
9 for me to see.

10 Q. Okay. And you don't know whether Foster
11 Wheeler has it or not?

12 A. I have never seen it.

13 Q. I understand that. But the question is,
14 you don't know whether Foster Wheeler has this or
15 not?

16 A. No, sir.

17 Q. Or if Foster Wheeler did have it, what
18 happened to it?

19 A. I have no knowledge of that.

20 Q. Or if Foster Wheeler got this, what they
21 did with it?

22 A. I have no knowledge of that.

23 (The following exhibit was marked for
24 identification: Exhibit 48.)

25 Q. Let me hand you Exhibit 48.

CURRENT SAFETY TOPICS — Volume 1

55



1956 TRANSACTIONS

GENERAL SESSIONS

44th National Safety Congress
(October 22-26, 1956, Chicago, Ill.)

ANNUAL COUNCIL MEETING	
Officers, Trustees and Board of Directors.....	5
Minutes	12
The President's Report (Dunham).....	14
Credo for Teen-Agers (Hedden).....	18
The Price of Mobility (McGaughey).....	20
Award to National Safety Council (Berry).....	25

(Continued on next page)

NATIONAL SAFETY COUNCIL
425 N. MICHIGAN AVENUE, CHICAGO 11, ILLINOIS

EXHIBIT

42

PLAINTIFF'S EXHIBIT

NSC-102

of vehicular accidents. Several local governments, in place of the survey form, sent letters saying they could not afford the time and expense of tabulating accident costs. I think we would question how they can afford not to have this information.

Comments of several administrative officers are significant (from a city of 2,000 employees) "Ever since we designated a safety officer and supported the program he developed, we have had progressive reductions in employee injuries and substantial dividends, as well as lower rates" (from a city of 900 employees) "Although the amount of time spent by the personnel department and by safety-committee representatives in other departments has been small, it has paid dividends. During the eight years' existence of our safety committee, workmen's compensation premium costs have declined from 106 per cent of base rate, to the present level of 104 per cent. The amount of time and money spent in safety activities has paid for itself many times in reductions in premium costs alone." (from a city of 1,000 employees) "We most strongly emphasize that accident prevention is an integral part of each job. With the assistance of our (private) safety consultant we have tried to build this 'safety-cost' approach in our central safety committee, the foreman's committee, and in the employee's approach to his work." (from a city of 500 employees) "Our safety program is integrated with regular functions of city departments. The program is carried by the regular complement of personnel, according to an operational manual." (from a county with 2,000 employees) "During the second and third year of our program, we averaged 53 per cent dividends on our workmen's compensation insurance. We have cut the frequency rate in half in the four years

since we started, and have reduced insurance rates by 15 per cent."

Our discussion would not be complete if we failed to direct some attention to membership growth of the National Safety Council, by sectional affiliation. Public Employee Section membership grew in 1933, but failed to gain in the first part of 1934. From the California survey just discussed and from what we know about the need for effective safety activities in other parts of the United States, it appears that present members of the Public Employee Section have a fertile field for recruiting neighboring agencies.

We have approached the subject "What Should a Good Safety Program Cost?" from the viewpoint of a governmental agency which has "x" numbers of dollars derived principally from taxes, with which it must perform the many services expected by its citizens. It was seen, in general, that public agencies were lagging far behind business and industry in eliminating economic waste, human suffering and inconvenience arising from injuries to employees and accidents involving the motor vehicles. Small companies, without a major capital outlay, have been successful in accident control. We reviewed public-employee injury experience in California, and estimated "safety budgets" and accident costs of a number of these governmental agencies. Progress in public-employee safety in California went to the well-planned program of the Governor's Industrial Safety Conference. And we wind up with a statement made at the outset, "A good safety program pays—it doesn't cost." Accidents and injuries cost, and any governmental agency can control this waste by exerting a little extra effort—and a minimum of dollars!

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