

FILE NAME: Whip-Mix (WM)

DATE: 2021 Apr 21

DOC#: WM002

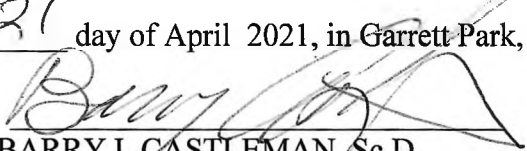
DOCUMENT DESCRIPTION: WM Declaration Signature Page

1 of the California Dental Association also known as the CDA Journal in which the same doctor
2 concluded that "The use of chrysotile asbestos in dentistry can be continued without fear."

3 44. Regulations like the OSHA asbestos standard are published in the Federal
4 Register to provide notice to employers like Whip Mix Corporation who are impacted by the
5 regulation. As an employer whose business included the sale of asbestos products, OSHA's
6 asbestos regulations applied to Whip Mix Corporation. The OSHA's emergency asbestos
7 standard published in 1971 and asbestos standard published in 1972 also put Whip Mix on notice
8 of the hazards of asbestos. Whip Mix acknowledged that it has evidence that it knew of OSHA
9 asbestos regulation as of 1973/4. Whip Mix purchased the asbestos products mentioned above
10 and its employees physically handled these materials to install in other products or to repackage
11 for sale. Whip Mix was subject to OSHA regulations to protect its own employees. Because its
12 employees physically handled the asbestos products, Whip Mix should have known of the friable
13 nature of these products. From the available literature at the time, Whip Mix would have known
14 that its asbestos products would cause exposures to asbestos, that exposure to asbestos causes
15 cancer, but never warned about these cancer risks.

16 45. Thus, based on the above, I can opine that Whip-Mix had actual knowledge of the
17 hazards of asbestos, including that it causes cancer, as early as 1973 or 1974. Further, Whip-Mix
18 should have had knowledge about asbestos hazards through the generally available scientific and
19 medical literature, and more likely than not had knowledge as early as 1967 when it was first
20 reported in a major dental journal. And, finally, if the company did in fact warn end users such
21 as the plaintiff in this case at all, its warning inadequately failed to warn of the cancer risk that
22 Dr. Springer ultimately developed.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct. Executed this 21 day of April 2021, in Garrett Park, Maryland.

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26 
BARRY I. CASTLEMAN, Sc.D.