

FILE NAME: Eagle-Picher (EP)

DATE: 1980

DOC#: EP027

DOCUMENT DESCRIPTION: Legal - Direct Examination of
Herman Huelster with BC Notes

- 80-81 Contract units of E-P from 1930s-1943 when the
guy who ran it went into business for himself
84-85. Asb free blanket pipecovering made by E-P until moldered in 1972

27. purpose of asbestos in E-P
insulating cements

28 - sales gin wick

29. EP not pleased to use A

31 expts were made to eliminate asb.

33 asb. contributed nothing to it

- Mktg. of '66 w/o A would meet E-P
requirements

35 1943 wim. fiber plant purchased by EP

57 one-cote easier to apply but not
as good as '66

59-60 Huelster always objected to buying
(A) an ingredient that E-P didn't
manufacture and which didn't help
the product any.

61 A never needed in One Cote cement,
its use entirely to to pressure from Sales Dept. of E-P

62 One Cote had no asb. until around 1960

64 asb. was req. in Naval specs and couldn't be
dropped because "other companies had more clout"

67 EP put warnings on after J-M did in '64

76 A removed from 1-Cote and '66 in 1971.

79 diatomaceous earth was used in 1-Cote

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : MIDDLESEX COUNTY
DOCKET NO. L-32392-77

HELEN M. ZSAMBA, as Executrix of
the Estate of ANDREW E. ZSAMBA,
also known as ANDREW ZSAMBA and
HELEN ZSAMBA, Individually,

Plaintiffs,

vs.

STATE INSULATION CORP., a corp.
of the State of New Jersey; JOHNS-
MANVILLE CORP., EAGLE PITCHER INDUSTRIES,
INC., JOHN DOE (fictitious); RICHARD
DOE (fictitious); RICHARD ROE
(fictitious); JOHN ROE (fictitious),

Defendants.

:
: DEPOSITION OF:

: HERMAN LEE HUELSTER

T R A N S C R I P T of stenographic notes of the

proceedings in the above-entitled matter, as taken before
PATRICIA M. LINK-MULLEN, a Notary Public and Certified
Shorthand Reporter of the State of New Jersey, at the
offices of SCHWARTZ & ANDOLINO, ESQS., 60 Park Place, Newark,
New Jersey, on Thursday, August 28, 1980, commencing at
10:10 a.m.

A P P E A R A N C E S:

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BY: RONALD B. GRAYZEL, ESQ.,
Attorneys for the Plaintiffs.

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P-6

1 **A P P E A R A N C E S C O N T I N U E D :**

2 **ENRIGHT, PORTER & LENNEY, ESQS.,**
3 **BY: MICHAEL P. MC GRATH, ESQ.,**
4 **Attorneys for the Defendant, State Insulation Corp.**

5 **BUDD, LARNER, KENT, GROSS, PICILLO & ROSENBAUM, ESQS.,**
6 **BY: DAVID J. NOVACK, ESQ.,**
7 **Attorneys for the Defendant, Johns-Manville Corp.**

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10 **Attorneys for the Defendant, Eagle Picher Industries,**
11 **Inc.**

12 **LAMB, HUTCHINSON, CHAPPELL, RYAN & HARTUNG, ESQS.,**
13 **BY: BARBARA SCHWAB, ESQ.,**
14 **Attorneys for the Defendant, Celotex.**

I N D E X

Witness

Page

Herman Lee Huelster

Direct by Mr. Grayzel

3

E X H I B I T S

Number

Description

For I.D.

PH-1 Transcript dated January 29, 1980

3

PH-2 Transcript dated July 25, 1978

3

PH-3 Answers to Interrogatories

3

1 (Transcript dated January 29, 1980 is
2 marked PH-1 for identification.)

3 (Transcript dated July 25, 1978 is marked
4 PH-2 for identification.)

5 (Answers to Interrogatories are marked
6 PH-3 for identification.)

7 H E R M A N L E E H U E L S T E R, having been duly sworn
8 according to law, testifies as follows:

9 DIRECT EXAMINATION BY MR. GRAYZEL:

10 Q Mr. Huelster, my name is Grayzel. I repre-
11 sent Helen Zsamba in a lawsuit which has been filed against
12 your former employer and several other companies. I am going
13 to ask you some questions today which I hope will give me
14 some information about this case. I am going to assume that
15 from your own experience and from what your attorney told
16 you that you are familiar with the proceeding called a
17 deposition. All I want to say to you is that if for some
18 reason I haven't made my questions clear, make sure that I
19 do so. Everything that you and I say is going to be taken
20 down, so it is really important that we understand each other.

21 Do you have any questions about what we're going to
22 do here today?

23 A No, sir.

24 Q Where do you presently live, sir?

25 A At Huntsville, Missouri -- Arkansas. I'm originally

1 from Missouri.

2 Q How long have you lived at that address in
3 Arkansas?

4 A Just three years.

5 Q And before that you were living in Missouri?

6 A Joplin.

7 Q How long had you lived in Joplin, Missouri?

8 A Three years.

9 Q What is your date of birth?

10 A July the 4th, 1908.

11 Q Now, at some point in time I assume you
12 went to work for Eagle Picher. Is that correct?

13 A That is correct.

14 Q And what year was that?

15 A October 19, 1942.

16 Q And you continued to work for them up until
17 your retirement, sir?

18 A That is correct.

19 Q What was the date of your retirement?

20 A December 19, 1971.

21 Q And between October of 1942 and December
22 of 1971, were you continuously employed by Eagle Picher?

23 A I was.

24 Q Now, during the entire period of your
25 employment with Eagle Picher, were you working for them in

1 the State of Missouri?

2 A Yes.

3 Q Now, prior to commencing work with Eagle
4 Picher, what was your background? When I say "background,"
5 I am referring to your education and work experience.

6 A My background is engineering.

7 Q You received a -- or you studied education --
8 you studied engineering formally?

9 A I did.

10 Q Where was that?

11 A Washington University and Rankin Schools of Trade,
12 both St. Louis.

13 Q Did you receive a degree from either of
14 those schools?

15 A Neither one.

16 Q What type of engineering did you study at
17 those two institutions?

18 A Washington University, M.E.; Rankin, E.E.

19 Q And as a layman, would I be correct in
20 assuming that that means mechanical engineering and electrical
21 engineering?

22 A Correct.

23 Q Now, did you hold any positions with anyone
24 prior to working for Eagle Picher and during or after your
25 education?

1 A Yes.

2 Q And with whom?

3 A Continental Baking Company.

4 Q When did you go to work for Continental
5 Baking Company?

6 A 1930 I think it was.

7 Q How long did you stay with Continental
8 Baking Company?

9 A Until October of '42.

10 Q What type of a position did you hold with
11 Continental Baking?

12 A Regional engineer.

13 Q What type of business was Continental
14 Baking in when you were with them?

15 A Baking bread, cakes.

16 Q Did you supervise their production of these
17 foodstuffs?

18 A No, sir.

19 Q What did you do for them?

20 A Designed and maintained buildings and equipment.

21 Q Was your work associated with one particular
22 plant?

23 A Four plants in St. Louis, Missouri.

24 Q Now, during the years that you were respon-
25 sible for designing and maintaining this equipment, did you

1 have any dealings or experience with thermal insulation
2 products?

3 A I did.

4 Q Would you explain to me what type of
5 experience you had or dealings you had with these types of
6 products?

7 A A maintenance program was set up by the Maintenance
8 Office which was in New York, and they had, more or less,
9 a bible by which all maintenance and construction was designed
10 around. It included the insulation of steam pipes with
11 eighty-five percent magnesia.

12 Q What types of equipment were there in the
13 plants other than the steam pipes you have already mentioned
14 that had to be insulated while you were working for Continental
15 Baking?

16 A Baking ovens, steam boilers, heating vessels, heat
17 exchangers.

18 Q Any others?

19 A That's pretty much the sum and substance.

20 Q Now, when you designed equipment, did you
21 actually make up specifications or include designs for the
22 inclusion of insulation materials on any of the equipment
23 you designed?

24 A Yes. Insulation could be included in the design.

25 Q And, of course, as someone who is supervising

1 maintenance, you also were involved with supervising the
2 installation of insulation materials on the equipment you
3 mentioned?

4 A Yes.

5 Q Did Continental Baking Company employ
6 insulators or pipe ladders on its company payroll?

7 A Only through contracting.

8 Q So, in other words, the individuals who
9 did the actual insulation work for Continental Baking Company
10 were not their own workers; they were outside employees?

11 A Not necessarily, depending upon the type of material --
12 or type of construction.

13 Q What type of construction went on at
14 Continental Baking wherein you would use your own employees
15 to do insulating work?

16 A Mostly maintenance and repair.

17 Q Would you describe for me what type of
18 maintenance and repair work these insulators did?

19 A That would be in an extending of high temperature
20 pipes such as steam pipes or oil lines and applying insula-
21 tion on those, the maintenance people would do that, or in
22 the case of moving a line or a pipe which would have to be
23 taken down and replaced in a different position and then
24 reinsulated.

25 Q Were you responsible for ordering and

1 purchasing the insulation products that these men would use
2 on your work force who did this maintenance work?

3 A Yes.

4 Q Do you recall generally what types of
5 insulation materials Continental Baking Company used for
6 these maintenance tasks?

7 A Their recommendation was 85 percent magnesia..

8 Q Was 85 percent magnesia a trade name, a
9 generic name? What are you referring to?

10 A It is a composition of asbestos and other ingredients
11 primarily sold by a couple of the major asbestos producers.

12 Q And who were those producers while you
13 were working for Continental Baking?

14 A Continental's specifications called for purchase
15 from J.M., Johns-Manville.

16 Q Did Continental Baking use any insulation
17 products manufactured by Eagle Picher?

18 A Come again?

19 Q Did Continental Baking use any insulation
20 products manufactured by Eagle Picher?

21 A Not while I was with them.

22 Q So, primarily, while you were with them, they
23 used Johns-Manville products?

24 A That is right.

25 Q Did you ever watch any of Continental Baking's

1 employees install or apply these insulation products?

2 A I most certainly did.

3 Q Now, did you ever observe these insulation
4 workers apply 85 percent magnesia to steam pipes?

5 A Yes.

6 Q Would you explain to me what you observed?

7 A They removed the -- these were preformed pipe
8 coverings. They removed them from cartons, stripped back
9 the cloth covering, separated the two halves and placed them
10 around the pipe, reglued the cloth and pressed it back down
11 together.

12 Q Did you ever observe instances where the
13 preformed 85 percent magnesia had to be cut or sawed to be
14 applied to a pipe?

15 A I most certainly did.

16 Q When you observed these insulators do this
17 particular job, did you observe whether that function
18 entailed the creation of any dust?

19 MR. NOVACK: I am going to object to this
20 line of questioning. I think that we may be beyond
21 the scope for purposes for which this witness has
22 been produced as the representative of Eagle Picher.
23 I would like my objection noted.

24 Q Do you remember the question, sir?

25 A Would you repeat it, please?

1 (Whereupon, the pending question is read
2 back by the Court Reporter.)

3 A Anytime you disturb a solid material which is made
4 up of dust, there is bound to be some dust, yes.

5 Q Would it be fair to say that you did
6 observe that?

7 A Oh, yes.

8 Q Do you recall what these insulators did
9 or what materials they used when they got to a joint or an
10 elbow in the pipe? Did you ever observe what materials they
11 used on that occasion?

12 A You are still talking about Continental Baking
13 Company?

14 Q Yes.

15 A We used an asbestos cement produced by Johns-
16 Manville.

17 Q Can you describe for me how they applied
18 and used this material?

19 A Add water to it, made a mastic and then applied it
20 by hand.

21 Q What would they mix it in?

22 A Either a bucket or a trough or a wheelbarrel,
23 depending upon the quantity needed at the time.

24 Q How did this asbestos cement come packaged?

25 A In bags.

1 Q How would the insulators transfer the
2 material from the bag to the pan or bucket?

3 A Either by dipping it out by handfuls or dumping
4 the bag in its entirety.

5 Q Does that function that you observed
6 entail the creation of any dust?

7 A Again, I would like to state that anytime you upset
8 dry material, there is bound to be some dust.

9 Q Would it be fair to say that it did create
10 dust and that you observed it?

11 A Yes.

12 Q So, would it be fair to say that prior to
13 going to work for Eagle Picher in 1942, you were generally
14 familiar with how asbestos-containing insulation products
15 were used and applied?

16 A Yes. I would like to put some limitations on that;
17 only those two particular products.

18 Q Which were?

19 A Pipe covering and the mastic that was used on joints.

20 Q Incidentally, did the insulators on the
21 work force at Continental Baking Company wear any respirators
22 or face masks when they performed their jobs?

23 A There wasn't employed in Continental just insulators,
24 there were maintenance people. No, sir, they did not wear
25 respirators.

1 Q They did not wear any special type of
2 protective clothing?

3 A No.

4 Q Now, when you came to work for Eagle Picher
5 in October of 1942, what was the proper name of the company?

6 A Eagle Picher Lead Company.

7 Q Now, did the name of the company change
8 over the years until your retirement?

9 A Yes, it did.

10 Q Would you describe for me what changes
11 occurred?

12 A I don't think I can give you the exact terminology
13 nor the exact dates.

14 Q Well, basically, what I'm interested in,
15 and I realize you can't remember all the dates, is I am
16 interested in how Eagle Picher Lead finally became Eagle
17 Picher Industries Incorporated.

18 A Well, it changed from Eagle Picher Lead Company to
19 Eagle Picher Company.

20 Q Okay.

21 A And then it changed to Eagle Picher Incorporated,
22 and then it changed to the present name.

23 Q Which is Eagle Picher Industries Incorporated?

24 A Right. I think that is a matter of common record.

25 Q I'm sure it is.

1 Do you remember approximately when your employer
2 changed its name to Eagle Picher Industries, Incorporated?

3 A In the '60s. I'm not sure of the date.

4 Q Would it be fair to say that all of the
5 names that you have mentioned, including Eagle Picher Lead,
6 Eagle Picher Company, Eagle Picher, Incorporated, and the
7 present name of Eagle Picher Industries, Incorporated is the
8 same company for all intents and purposes?

9 A Yes.

10 Q Now, can you give me a brief description
11 of the nature of the business that Eagle Picher Lead was
12 involved in when you first came to work for them in October
13 of 1942?

14 A They were primarily a mining and smelting company.

15 Q Where were their plants and facilities
16 primarily located at that time?

17 A Mostly in what was termed a tri-state district,
18 which is the corner of Missouri, Kansas and Oklahoma.

19 Q What types of materials were they involved
20 in mining and smelting?

21 A Lead and zinc.

22 Q At the time that you first came with Eagle
23 Picher in October of 1942, were they engaged in the manufacture
24 or sale of insulation products?

25 A Yes.

1 Q Was there a particular division of Eagle
2 Picher Lead that was responsible for manufacturing and
3 distributing insulation products?

4 A It originally was a department separate from what
5 is termed the Pigment Division.

6 Q Does this department have a name?

7 A The Insulation Division.

8 Q Were you employed by the Insulation
9 Division when you first came with the company?

10 A I was.

11 Q What was your title?

12 A Engineer.

13 Q Now, has Eagle Picher ever been involved
14 in the mining of asbestos fiber?

15 A Not to my knowledge.

16 Q Would it be fair to say that it is -- well,
17 strike that.

18 When you came to work for them in October of 1942,
19 did they have an existing production facility where insulation
20 products were manufactured?

21 A It was a pilot operation.

22 Q And where was that located?

23 A Joplin, Missouri.

24 Q When you say "pilot operation," does this
25 signify that Eagle Picher was just getting involved in this

1 particular aspect of this business?

2 A Yes.

3 Q Was this pilot operation a part of an
4 existing facility?

5 A It was a chip off, as you might say, from the
6 Pigment Division.

7 Q Did they block off an area of the plant and
8 say that's the Insulation Department?

9 A Separated a few buildings.

10 Q Did the Insulation Department have its
11 own building?

12 A Yes.

13 Q What was the name of that building?

14 A They had numbers, and I'm sorry, I can't recall the
15 numbers.

16 Q We'll just refer to it as the Insulation
17 Department. Okay?

18 A Right.

19 Q Was it a large building?

20 A It was several buildings.

21 Q I see. Do you know how many buildings
22 comprised the Insulation Department?

23 A In its original --

24 Q Yes.

25 A Possibly three.

1 Q Was there an employee at Eagle Picher
2 Industries who was in overall charge of the pilot operation
3 in the manufacture of insulation products for Eagle Picher
4 when you came with the company?

5 A When I came with the company?

6 Q Yes.

7 A Yes.

8 Q And who was that?

9 A Alton Jones.

10 Q What was your position in the hierarchy
11 of the pilot operation?

12 A Engineer.

13 Q How did that fit in on the ladder, if you
14 don't mind me asking?

15 A Designing equipment and designing operational
16 procedures.

17 Q Did you have an office in any one of these
18 particular buildings?

19 A Yes.

20 Q Which one?

21 A In the office building.

22 Q Would you describe for me the particular
23 insulation products that Eagle Picher was manufacturing at
24 the time you came with the company?

25 A The base product was granulated mineral fiber for

1 home insulation.

2 MR. GRAYZEL: Can you read back that answer?

3 (Whereupon, the answer referred to is read
4 back by the Court Reporter.)

5 Q Were there other products?

6 A From that base insulation, we made what is termed
7 66 Insulating Cement.

8 Q Any other products?

9 A I would have to refer back to the beginning dates,
10 but I think One-Cote was involved in that.

11 Q Do you remember if there were any others?

12 A They made a mineral fiber block, also made a vermicu-
13 lite cement, which is expanded mica.

14 Q Any others?

15 A They also produced fabricated blankets from mineral
16 fiber, which is mineral fiber with cardboard cloth or metal
17 fabric.

18 Q Any other products?

19 A That covers it pretty much, I think, at that parti-
20 cular time.

21 Q Back in this time frame, was there any
22 specific field of engineering that specialized or that
23 involved itself especially with the manufacture of insulation
24 products?

25 A I don't quite understand your terminology.

1 Q Did the engineers who worked in the manu-
2 facture and distribution of insulation products, to your
3 knowledge, come from any particular field of engineering
4 when you started in the business?

5 A We had ceramic engineers in the development of the
6 products, yes.

7 Q When you started with Eagle Picher in this
8 pilot operation, did they have a Research and Development
9 Department that was working on the development of these
10 products?

11 A Not per se. They did have two individuals that
12 worked to improve what products we were making and develop
13 others.

14 Q Do you remember who they were?

15 A One was Floyd G. Reed.

16 Q And the other, if you remember?

17 A The name Houlman sticks in my mind.

18 Q Houlman?

19 A Houlman.

20 Q H --

21 A O-u-l-m-a-n.

22 Q Do you remember what Mr. Reed's background
23 was? Was he an engineer?

24 A I think he was a graduate of Rolla School of Mines.
25 I'm not sure.

1 Q You don't know if he was an engineer or
2 not?

3 A I do not.

4 Q How about Houlman?

5 A He was a graduate of Rolla in metallurgy.

6 Q Now, you have mentioned a number of differ-
7 ent products that Eagle Picher was engaged in making in the
8 insulation business. Do you remember when you came with the
9 company whether any of these products used asbestos?

10 A Yes.

11 Q Did the granulated mineral fiber for home
12 insulation contain asbestos?

13 A No way.

14 Q It didn't?

15 A No way.

16 MR. NOVACK: Can I have that answer, please?

17 (Whereupon, the answer referred to is read
18 back by the Court Reporter.)

19 Q How about the 66 Insulating Cement?

20 A It did contain a small percentage of asbestos.

21 Q How about One-Cote?

22 A At that particular time, no.

23 Q At some point in time it did contain asbestos?

24 A It did.

25 Q Do you remember the time frame? Just

1 approximately, sir.

2 A 1960.

3 Q How about mineral fiber block?

4 A No, none.

5 Q Vermiculite cement?

6 A Yes.

7 Q And the fabricated blankets?

8 A None.

9 Q I notice when I asked you about whether or
10 not the home insulation contained it, you were kind of ada-
11 mant about the fact that it didn't.

12 A That's right.

13 Q Were you involved in some type of a decision
14 to exclude it or was it ever considered?

15 A It was never considered.

16 Q Between the time you started working for
17 Eagle Picher until your retirement, did the product 66
18 Insulating Cement basically remain the same product?

19 A When you use the terminology of "basically the same" --

20 Q Let me break that down. That's an unfair
21 question.

22 A I would prefer if you would.

23 Q For what purpose was 66 Insulating Cement
24 designed for?

25 A To be used as an insulating cement for pipe joints,

1 such as elbows, T's, unions.

2 Q Was it designed for any particular tempera-
3 ture range?

4 A Yes.

5 Q What was that?

6 A A thousand degrees plus.

7 Q Now, you mentioned that the product did
8 contain a small amount of asbestos. Is that correct?

9 A That's correct.

10 Q Do you know approximately what the percentage
11 of asbestos was initially when you came with the company?

12 A I believe the records show 2 percent.

13 Q Do you know what type of asbestos was used
14 in this particular product?

15 A Yes, it was termed as asbestos shorts.

16 Q Shorts?

17 A Yes, not like the ones you wear. I might add, too,
18 that the number or the terminology used by the asbestos
19 industry was 7M.

20 Q When I say the particular type of asbestos,
21 I mean, are you familiar with the different kinds of asbestos
22 there were at the time?

23 A Not at that particular time, no, sir.

24 Q Did you subsequently become aware of the
25 different types of asbestos?

1 A Some variations in asbestos.

2 Q Do you know what the names were? Do you
3 remember them?

4 A Amazon fiber, and there were some other samples
5 that were used in research work.

6 Q Do you know what type was used in 66
7 Insulating Cement?

8 A 7M only.

9 Q Do you remember essentially what the other
10 ingredients were in 66 Insulating Cement?

11 A Mineral fiber.

12 Q What does mineral fiber mean?

13 A It is made of slags, lead blast furnace slags,
14 common clay.

15 Q Any diatomaceous earth?

16 A No.

17 Q What other types of ingredients did 66
18 Insulating Cement have?

19 A Bentonite clay.

20 Q Bentonite?

21 A Yes. There was a soap solution in a powdered form
22 and sodium nitrite as a corrosive resistant.

23 Q Anything else you can remember?

24 A I think that covers them all; asbestos.

25 Q Now, do you remember in what quantities

1 your company sold the product?

2 A That I have no records of.

3 Q How was it packaged, do you remember?

4 A It was packaged in sample bags of five pounds,
5 twenty-five pound bags and fifty pound bags.

6 Q In burlap bag material?

7 A No, they were kraft paper.

8 Q Did the product contain a label of any
9 kind when it was shipped out from the plant?

10 A The logo of the Eagle Picher Company plus their
11 name, mixing instructions.

12 Q From the time that you began with the
13 company until you retired, did your company make 66 Insulating
14 Cement?

15 A Yes.

16 Q And during the entire time of your employ-
17 ment with the company, was its designed purpose for the use
18 of insulating pipe joints?

19 A And also for insulating vessels or block insulation
20 or blankets or any other type of insulation.

21 Q Well, 66 Insulating Cement was not a
22 finishing cement, was it?

23 A It was not.

24 Q But it still would have been used over block
25 materials?

1 A Yes. When I say "yes," I mean it could be and it
2 had been.

3 Q Would it be fair to say that the designed
4 purpose of the product remained the same from the time you
5 came with the company until you retired?

6 A Yes.

7 Q Now, other than asbestos, did the ingredi-
8 ents in 66 Insulating Cement remain essentially the same
9 during your employment with Eagle Picher?

10 A There were some variations.

11 Q Were there any of the particular ingredients
12 other than asbestos that were ever eliminated from the
13 product that you can recall?

14 A Not in the terminology of the ingredients. The
15 ingredients were upgraded in a sense or purchased from other
16 suppliers, but the base ingredients remained the same.

17 Q Now, did 66 Insulating Cement always contain
18 asbestos while you were with Eagle Picher?

19 A Up until -- yes, up until 1971. In 1971, we removed
20 it.

21 Q So, would it be basically fair to say that
22 during the time that you commenced your employment with
23 Eagle Picher up until 1971, that the ingredients of the
24 product were basically the same?

25 A With some variations.

1 Q Did the percentage of asbestos used in
2 the product ever change between the time you started with
3 the company until 1971?

4 A Yes.

5 Q Do you remember whether it increased or
6 decreased or whether the type of asbestos changed?

7 A The original, as I stated, was around 2 percent.
8 Then it went up in -- up to 9 percent, I believe, and then
9 it dropped back to about 3 percent, and then it was eliminated
10 entirely.

11 Q Do you remember when it went up to 9 percent?

12 A I think that was in the '50s, without looking at
13 the documents.

14 Q Let's take the year 1958, do you know
15 whether at that particular time 66 Insulating Cement would
16 have contained 9 percent asbestos?

17 A It did not.

18 Q What percentage did it contain in that year?

19 A Somewhere between 3 to 3½ percent, I would assume.
20 I'm not sure.

21 Q Were there any changes in the asbestos
22 content of 66 Insulating Cement between 1958 and 1964?

23 A Yes.

24 Q Do you remember what the changes were?

25 A It was just a gradual reduction of the percentage.

1 Q Do you know what the purpose was for
2 including asbestos in the product 66 Insulating Cement?

3 A Yes, there were two purposes.

4 Q And what were those?

5 A At the time 66 Insulation was designed, no insulation
6 that didn't contain some asbestos was readily accepted by
7 the trade. So, there was a small percentage of asbestos
8 added for that purpose. When the increase went up to 9
9 percent, that was to meet certain performance tests, Navy
10 regulations.

11 Q Have you mentioned both purposes?

12 A That was the two.

13 Q Sir, do you recall being deposed in January
14 of 1980 in Los Angeles, California?

15 A Yes.

16 Q Now, if I may, sir, I'd like to show you
17 what has been marked PH-1, which is a transcript of that
18 deposition, and I'd like to show you some testimony that I
19 believe you gave on Page 49.

20 MR. NOVACK: Can you tell us what case?

21 MR. GRAYZEL: This is in the case of

22 St. Jacques vs. Johns-Manville, et al., and it is
23 docketed in the County of Los Angeles, Superior
24 Court of the State of California.

25 Q I'd like to show you Page 49 of that

1 transcript and I'd like to read a question and an answer,
2 and I'd like to ask you if that was accurate.

3 A Which one?

4 Q The question reads: "What was the purpose
5 of the asbestos fiber?", and referring back to Page 48,
6 they are referring to Super 66 Cement. Is that correct?
7 We're looking at Line 25 where it states, "In 1942 when you
8 came with the company, Super 66 was being manufactured. Is
9 that correct?" Your answer was, "Yes, sir."

10 A Yes.

11 Q And on Page 49 or on Line 1, it says,
12 "And it was used as an insulating cement. Is that correct?"
13 You answered, "Yes, sir."

14 Is that correct?

15 A That's right.

16 Q Now, further down on the page where we
17 were referring before on Line 19, you were asked, "What
18 purpose did the asbestos fiber serve in Super 66 Insulating
19 Cement in 1942?"

20 A Yes, sir.

21 Q And the answer given was, "As a sales
22 gimmick."

23 A That is correct.

24 Q That was your testimony then?

25 A That was my testimony then.

1 Q And is that your testimony now?

2 A As I explained a minute ago.

3 Q Would you explain to me exactly what you
4 meant by the phrase "a sales gimmick"?

5 A I think I clarified that in the question before;
6 that it was not acceptable to the trade without asbestos in
7 it.

8 Q Would it be fair to say that your company
9 did not consider it to be an essential ingredient for the
10 performance of the product?

11 A That is correct.

12 Q Would it be fair to say that your company
13 was not entirely pleased with the fact that it had to include
14 asbestos in the product?

15 A That has always been the opinion.

16 Q When you came with the company, do you
17 remember any discussions about whether or not asbestos
18 should be included in the product Super 66?

19 A That was a general discussion in most of the staff
20 meetings.

21 Q And you attended such staff meetings?

22 A I did.

23 Q And did you participate in any conversations
24 or discussions about whether or not asbestos should be included
25 in the product 66 Insulating Cement?

1 A I did.

2 Q At any of these meetings, were any alterna-
3 tives discussed to the inclusion of asbestos in this product?

4 A Yes.

5 Q What alternatives were discussed?

6 A Educating the public that it was not needed. When
7 I say "public," I mean the customers.

8 Q Let me clarify my question. When I say
9 "alternatives," I am referring to was there any discussion
10 of alternative ingredients that could have been used in lieu
11 of asbestos?

12 A They were questions that came up during discussions,
13 yes.

14 Q What type of alternative ingredients were
15 discussed?

16 A Improvement of fiber, mineral fiber.

17 Q Any others?

18 A Improving the characteristics of the completed
19 cement as to performance.

20 Q Any others?

21 A That's about it.

22 Q In these meetings that you had, these staff
23 meetings that you just described, was it the consensus of the
24 people present that it was feasible to manufacture an efficient
25 product without the use of asbestos, and I'm referring to the

1 66 Insulating Cement?

2 MS. ILARDI: I am going to object to that
3 because the word "feasible" in that question is a
4 little unclear. What do you mean by "feasible"?

5 Q You can answer the question.

6 A Would you repeat it?

7 (Whereupon, the pending question is read
8 back by the Court Reporter.)

9 A The best way I can answer that would be that there
10 were experiments made to eliminate asbestos.

11 Q Who conducted those experiments?

12 A That would have been the Product and Process Develop-
13 ment gentlemen, which included Floyd Reed and Ed Houlman and
14 other employees.

15 Q Are you familiar with the nature of the
16 experiments that they conducted?

17 A Some of them, not in their entirety.

18 Q Did the gentlemen who conducted these
19 experiments ever discuss them with you or make a presentation
20 about them to you?

21 A Oh, yes, we discussed it at times.

22 Q Did they discuss the results of their
23 experiments when you were present?

24 A Sometimes.

25 Q Do you recall what the substance of the

1 discussions were concerning the results of those experiments?

2 A Only in the ability to meet certain performance
3 tests.

4 Q Do you know if any tests were conducted
5 to determine whether or not it was feasible to manufacture
6 66 Insulating Cement without asbestos fiber?

7 A Yes, I think I covered that, didn't we in the previous
8 questions?

9 Q It might be my shortcoming, but I want to
10 be clear on it.

11 Were the results of those experiments that it could
12 be manufactured without asbestos?

13 A With the exception of certain performance tests,
14 as I stated before.

15 Q Let's put aside the performance test for
16 a second. Aside from meeting performance tests -- strike
17 that.

18 These performance tests were not your tests, were
19 they, Eagle Picher tests?

20 A That is correct.

21 Q Aside from these outside performance tests,
22 that you had to comply with, was it the consensus of your
23 company that it could manufacture 66 Insulating Cement without
24 asbestos and still meet performance standards?

25 A You'll have to define the terminology of "performance

1 standards."

2 Q That is fair. Let me revise the question.

3 Was it the consensus of your company that it could
4 manufacture 66 Insulating Cement to meet its own performance
5 expectations without asbestos?

6 A The manufacture of 66 Cement without asbestos would
7 meet our insulating standards.

8 Q And was this true throughout the period of
9 time from 1942 until 1971?

10 A As an insulating material, asbestos contributed
11 nothing to it.

12 Q Now, your company did utilize raw asbestos
13 fiber in the manufacture of 66 Insulating Cement between
14 1942 and 1970. Is that correct?

15 A 7M asbestos, yes.

16 Q Do you know where your company purchased
17 this raw asbestos fiber from?

18 A The exact companies would have to be gotten from the
19 records. My recollection would be Canadian Asbestos, GAF,
20 Ruberoid. Now, it was a different name prior to later years;
21 and small percentages or small bags of sample material from
22 other companies which I couldn't recall at this time.

23 Q I'd like to read you an answer to an
24 Interrogatory given by your company and ask you if it refreshes
25 your recollection as to where the raw fiber came from. The

1 answer is Carey Canadian Mines, Ltd., Phillip Carey Corpora-
2 tion, and GAF Corporation. For the record, I am referring
3 to Interrogatory No. 17.

4 Q Do those companies ring any bells for you?

5 A Yes, they're familiar names.

6 Q And would it be your recollection now that
7 these were the companies that supplied raw asbestos fiber?

8 A From time to time, I would say yes.

9 Q I assume that somehow this raw asbestos
10 fiber was shipped into your plant. Is that correct?

11 A That is correct.

12 Q Incidentally, at some point in time did
13 Eagle Picher make a decision that it was now in the insulation
14 business and that it no longer needed a pilot program?

15 A I don't think there was any decision per se.

16 Q Do you know when in time it ceased being
17 a pilot project and just became a regular part of the company's
18 business?

19 A I think that was in 1939, '40, somewhere in there
20 that it separated from the Pigment Division and established
21 a division of its own.

22 Q And this, of course, was the division that
23 you were first employed with?

24 A Right.

25 Q Between 1942 until your retirement, did the

1 Insulation Division remain in Joplin, Missouri?

2 A No.

3 Q Would you give me a history of the expansion or alteration or modification of the facilities of the
4 Insulation Division utilized between 1942 until 1970?

5 A The main manufacturing plant remained in Joplin,
6 Missouri. In 1943, I think it was, we purchased a mineral
7 fiber plant in Wabash, Indiana.

8 Q Who did you purchase that from, do you
9 remember?

10 A Stewart Miller was the manager. I'm sorry, I don't
11 remember.

12 Q Were there any other plants?

13 A In the late or middle '50s, we obtained a plant in
14 Housatonic, Massachusetts.

15 MR. NOVACK: Can I have that name again,
16 please?

17 THE WITNESS: Housatonic, music center of
18 Massachusetts.

19 Q Did your company ever operate a facility
20 for the production of insulation materials in New Jersey?

21 A Yes.

22 Q Where?

23 A In the early '30s.

24 Q Do you know where in New Jersey?

1 A No. That's beyond my time, before my time.

2 Q That plant was not in operation when you
3 came with Eagle Picher in 1942?

4 A It was not.

5 Q Now, these two plants that you mentioned,
6 Indiana and Massachusetts, were they ever engaged in the
7 manufacture of thermal insulation products?

8 A Yes.

9 Q Now, what I'm trying to ascertain from you
10 in this question that I am trying to compose is: Was there
11 a difference between the different products that the different
12 plants manufactured?

13 A Yes.

14 Q What were those differences?

15 A The difference was in the composition of the mineral
16 fiber.

17 Q Did the plants in Indiana and Massachusetts
18 ever manufacture 66 Insulating Cement?

19 A No.

20 Q Did the plants in Massachusetts or Indiana
21 ever manufacture One-Cote Cement?

22 A No.

23 Q Did the plants in Massachusetts or Indiana
24 ever manufacture a pipe covering material?

25 A No.

1 Q So, would it be fair to say that between
2 1942 until 1970, the insulating cements and pipe covering
3 material were manufactured in Missouri?

4 A Only.

5 Q Now, you mentioned that when you first came
6 to the plant in Missouri, that there were perhaps three dif-
7 ferent buildings used to manufacture these products. Is
8 that correct?

9 A Yes.

10 Q Did that change over time?

11 A Yes.

12 Q Were new facilities built for the Insulation
13 Division?

14 A New facilities and additional buildings.

15 Q Did it remain on the same acreage of land?

16 A It did.

17 Q Do you remember when the first changes in
18 the buildings and structures began in the Insulation Division?

19 A In the time frame that I was with the company?

20 Q Yes.

21 A Beginning 1942.

22 Q Did you participate in the design of the
23 buildings and equipment which eventually housed the manu-
24 facturing facilities for the insulating cements and pipe
25 covering?

1 A That's what I was hired for.

2 Q How many new structures were built to house
3 these facilities over time? Quite a few, I would assume.

4 A Yes, a number of them. To actually list them, I
5 would have to go back to the company plans and specifications.
6 I'm sorry.

7 Q Rather than do that, was there a particular
8 concept or design that your company employed for these pro-
9 duction facilities of insulating cements and pipe covering
10 materials?

11 A When you state "particular," they would have
12 reference to the manufacture of the products, yes.

13 Q Would it be fair to say that the facilities
14 used and the production techniques used for 66 Insulating
15 Cement remained basically the same between 1942 and 1970?

16 A Yes, they did.

17 Q Would that be true for One-Cote and the
18 pipe covering material?

19 A You'll have to separate the two of them because it
20 had no relation to each other.

21 Q Let's go with One-Cote then.

22 A Same facilities.

23 Q Would you explain to me, if you can, from
24 scratch the facilities used and the techniques employed to
25 manufacture 66 Insulating Cement?

1 A The facilities used was a concrete mixer.

2 Q Did you design this concrete mixer yourself?

3 A No, it was purchased.

4 Q Did you design the system that employed
5 the concrete mixer?

6 A When you say "the system that employed the concrete
7 mixer," I think we need some clarification there.

8 Q Let's stick with the concrete mixer.

9 Describe the production for me from scratch, if you will.

10 A It is merely a rotating drum with baffles in it
11 that stir up the material or blends it together.

12 Q Were there any other facilities involved
13 in the production of it other than this concrete mixer?

14 A Scales, means of handling the material, the bucket
15 elevators to handle the material, bagging device.

16 Q How tall was the concrete mixer, do you
17 recall?

18 A I think the drum was somewhere around five or six
19 foot in diameter, possibly four foot wide.

20 Q What type of material was it comprised of,
21 the concrete mixer?

22 A Steel.

23 Q Were the various ingredients of 66 Insulating
24 Cement that you previously described set into this concrete
25 mixer by some means?

1 A By manual means.

2 Q Would that mean an operator himself would
3 dump everything in?

4 A That is correct.

5 Q How many operators were required to put
6 the ingredients into the cement mixer?

7 A One.

8 Q Let me take a step back to where we were
9 before. You mentioned that raw asbestos fibers were shipped
10 into the plant. Is that correct?

11 A That is correct.

12 Q Do you know where in the plant it was
13 shipped or where it was stored when it came in?

14 A In the main building facility.

15 Q Do you recall how this raw asbestos fiber
16 came into the plant, how it was packaged?

17 A In boxcars, in jute bags.

18 Q It was not shipped in bulk?

19 A Never.

20 Q Do you remember what quantity the jute bags
21 were, how much they weighed?

22 A The bags?

23 Q Yes.

24 A One hundred pounds.

25 Q Was there a particular shipping dock where

1 these came into?

2 A Along the railroad siding.

3 Q Were they unloaded manually, these bags?

4 A They were.

5 Q What was the job classification of employees
6 in the plant who unloaded the raw asbestos fiber from either
7 the trucks or the boxcars?

8 A The terminology used was loaders and unloaders.

9 Q Did you ever observe these men work?

10 A I did.

11 MS. ILARDI: I am just going to object
12 generally to this line of questioning, notwithstanding
13 Judge Keefe's ordering me to answer these questions
14 more specifically in the Interrogatories. I don't
15 think that what went on with respect to the handling
16 of asbestos at the job in the plant is relevant.

17 MR. GRAYZEL: We can make that a continuing
18 objection that applies to all questions so it is
19 noted for trial.

20 MS. ILARDI: All right.

21 Q Would they take the bags from the boxcar
22 and load them on the pallets somehow? Would that be the
23 process?

24 A That or four wheel carts, any means of transportation.

25 Q Did you ever observe --

1 A I should say any suitable means of transportation.

2 Q Did you ever observe any of these jute bags
3 breaking during the unloading process?

4 A That's a rather hard question to answer. I don't
5 know.

6 Q Do you recall whether or not the unloading
7 process entailed dusty conditions?

8 A Very little.

9 Q Were any of the loaders provided with
10 respirators or face masks when they performed this job of
11 unloading raw fiber?

12 A Normally, they did not use respirators.

13 Q Were there circumstances where they would
14 be provided with them for this job?

15 A I might state that they were available.

16 Q Were there circumstances under which they
17 were required to wear them when unloading raw asbestos fiber?

18 A No.

19 Q What I am trying to get at is you said
20 under normal circumstances, they wouldn't wear them. Is that
21 correct?

22 A True.

23 Q Does that imply that there were circumstances
24 where they would wear them?

25 A Only if they desired to do so individually.

1 Q From your experience in the plant, are you
2 aware of any conditions under which the workers would wear
3 them when unloading raw asbestos fiber?

4 A I think it would be necessary to go back to a little
5 history to clarify that particular question.

6 Q Okay.

7 A As I have stated before in other Interrogatories --

8 Q I am not referring to lead. I am not
9 referring to any other products in the plant, diatomaceous
10 earth or anything. I am just interested in knowing whether
11 the unloaders themselves ever wore face masks or respirators
12 when unloading raw asbestos fiber.

13 A They did not, nor were they required to.

14 Q Now, did you ever actually get a close up
15 look at these bags of raw asbestos fiber?

16 A Yes. I've handled them.

17 Q Did they have any labels on them?

18 A As I stated before, the bags came -- the shipments
19 came in jute bags, and it is almost an impossibility to print
20 on a jute bag. Now, there may have been some stampings on
21 them, but nothing legible.

22 Q Do you know whether or not these loads of
23 material were ever accompanied by any package inserts or
24 material handling data, safety sheets or things of that sort?

25 A None that I recall.

1 Q Now, at some point in time this raw asbestos
2 fiber was put into the cement mixer. Is that correct?

3 A That is correct.

4 Q What was the name of the job classification
5 of employees who did this job?

6 A Mix man.

7 Q Did you ever observe the mix men put the
8 raw fiber into the cement?

9 A Yes, I did.

10 Q Tell me what they would do?

11 A They would weigh the asbestos out into a container,
12 a certain amount weight, and then dump that container into
13 the mixer.

14 Q So, they'd actually open the jute bag. Is
15 that correct?

16 A Yes.

17 Q And they'd put it into another container?

18 A Right.

19 Q What kind of a container?

20 A This was a big hopper.

21 Q How much would the hopper weigh? Was it a
22 big hopper?

23 A I would say somewhere between ten to twenty bags.

24 You are asking me questions I can't give you an exact answer
25 to.

1 Q You are doing fine. So, the mix man would
2 take ten or twenty bags of raw asbestos fiber and dump them
3 into a hopper. Is that correct?

4 A That's right.

5 Q Did you ever observe the mix man do that?

6 A Yes.

7 Q Did that entail the creation of dust?

8 A Very little.

9 Q Very little? Okay. What would happen to
10 the hopper after it was filled?

11 A He removed the asbestos fiber from the bottom of
12 the hopper, as I stated before, into a container on a scale,
13 weigh out a certain amount of asbestos fiber and then dump
14 that into the mixer.

15 Q How far above the container was the hopper?
16 In other words, how far would the asbestos have to flow to
17 get into the container?

18 A The hopper was filled on the second floor and was
19 taken out on the first floor.

20 Q How was it transported from the second floor
21 to the first floor?

22 A The hopper extended from the second floor down to
23 the first floor at operating level.

24 Q So, the transportation of the asbestos
25 fiber from the second floor to the first floor was closed?

1 A Gravity fall.

2 Q Did the mix men wear face masks or respira-
3 tors when working with raw asbestos fiber?

4 A They were available. Some did; some didn't.

5 Q Did you ever observe mix men wearing
6 respirators or face masks when they were working with raw
7 asbestos fiber?

8 A I have, yes.

9 Q Do you remember what kind of face masks
10 or respirators they used?

11 A The respirators, I don't recall the exact specifi-
12 cations, but they were the same type of respirator that was
13 recommended by the Missouri Safety Bureau for lead zinc
14 oxides.

15 Q Do you know why the men wore the masks?

16 A A carryover from the Pigment Division.

17 Q But why were they wearing them when they
18 were working with raw asbestos fiber?

19 A Personal desire. There was no rules or regulations.

20 Q Did the mix men continue to put the raw
21 asbestos fiber into the cement mixer in the same fashion
22 over a time?

23 A Yes.

24 Q So, between 1942 until 1970, the method by
25 which the mix men would put the fiber into the cement mixer

1 didn't change at all?

2 A Only in the container used, possibly.

3 Q By the year 1945 -- you were working with
4 Eagle Picher at that time. Is that correct?

5 A Yes.

6 Q And I guess we're using the time frame
7 near the end of the Second World War.

8 A Yes.

9 Q Do you recall whether you had ever heard
10 the term "asbestosis"?

11 A I did not.

12 Q Have you ever heard the term "asbestosis"?

13 A Yes.

14 Q What is your understanding of what that
15 term means?

16 MS. ILARDI: I am going to object to that
17 question because Mr. Huelster is not a medical
18 expert.

19 MR. GRAYZEL: That's why I am asking for
20 his understanding.

21 Q What is your understanding of what that
22 term implies or means?

23 A Asbestosis, in my opinion, is -- or understanding
24 I should say is infections of the lung, infection.

25 Q Do you have any understanding of what the

1 cause of that is? Has anyone ever told you what that is?

2 MS. ILARDI: Same objection.

3 Q You can answer.

4 A Only from some of the reviewing of the depositions
5 that I have seen.

6 Q Would it be fair to say -- well, okay.

7 Strike that.

8 Other than reviewing depositions, have you ever
9 heard the term "asbestosis"?

10 A Not until 1964 I think it was.

11 Q By 1945, had you ever heard the term
12 "neumoconiosis"?

13 A That was a new name to me. I didn't get that until
14 '64 or '65.

15 Q In 1945, had you ever heard the term
16 "industrial hygiene"?

17 A Yes.

18 Q What was your understanding of what that
19 term meant in 1945?

20 A Industrial hygiene, in my association with it, was
21 a department in the government of the State of Missouri that
22 issued pamphlets periodically.

23 Q Let's take a step back just for a moment.

24 Back when you worked for Continental Bakeries designing
25 equipment, do you remember ever being concerned with the

1 control of dust emission in the manufacturing process there?

2 A Yes, but I'll have to define that only as far as
3 flour, wheat flour is concerned.

4 Q Tell me what your concern was with wheat
5 flour?

6 A In the baking industry, there is a lot of flour
7 circulating in the air.

8 Q And were you engaged in the design of
9 systems to control that emission?

10 A Yes.

11 Q Give me an example of some of the systems or
12 designs you incorporated to control that particular problem?

13 A Enclosing certain areas where flour bags were opened
14 and discharged into what is termed a blender.

15 Q At the time that you designed these parti-
16 cular systems for the control of the emission of wheat
17 flour, did you have any concerns for the health of the men
18 who were exposed to the wheat flour?

19 A I don't quite understand what you mean by "concerns."

20 Q Did you design these systems to control the
21 emissions of wheat flour for health reasons?

22 A I don't think health ever entered into it. It's
23 the inconvenience or -- what term do I want to use?

24 Q An annoyance factor?

25 A Annoyance factor, yes. Thank you.

1 Q Let's now go back where we were back to
2 a time when you were designing systems for the manufacture
3 of insulating cements. When you designed these particular
4 systems that you were engaged in, were you concerned at all
5 about the control of the emission of dust in that process?

6 A Yes.

7 Q Were you concerned with the control of the
8 emission of asbestos dust in that system?

9 A That was only a small percentage of the dust. The
10 dust we were primarily concerned about was portland cement
11 and bentonite clay.

12 Q Why were you concerned about those two other
13 products you just mentioned?

14 A Because they were extremely dusty products and they
15 were the bulk of the products used in the formulation of
16 those cements.

17 Q Were you interested in controlling these
18 emissions to protect the health of the workers who were
19 being exposed to these substances?

20 A To eliminate an inconvenience or a disturbance
21 to the individuals, yes.

22 Q What kind of a disturbance?

23 A Healthwise, we did not know that there was anything
24 involved.

25 Q Would it be fair to say that in 1945 when

Huelster - direct.

1 you were designing systems for the manufacture of insulating
2 cements, that you were not aware of any health hazards
3 associated with exposure to industrial dusts?

4 A Yes, I had a background of industrial dusts referring
5 to lead zinc oxides.

6 Q Other than lead zinc oxides, were you
7 concerned with the health hazards associated with exposure
8 to industrial dusts?

9 A Only for the convenience of the individuals operating
10 in that area.

11 Q In 1945, had you ever heard the term
12 "silicosis"?

13 A Yes.

14 Q When was the first time that you heard the
15 term "silicosis"?

16 A When I was in grade school.

17 Q And let's not take grade school. Let's
18 go to 1945. What was your understanding of what the term
19 "silicosis" meant?

20 A Silicosis is a common term in the tri-state area
21 because of the hard rock mining in that area.

22 Q What kind of hard rock mining was done in
23 that area?

24 A Lead zinc.

25 Q Would you define for me what your understand

1 of the term "silicosis" was in 1945?

2 A Infection of the respiratory system of the individuals.

3 Q Did you have any indication of what caused
4 that?

5 A Yes, from silica dust, from hard rock mining. .

6 Q In 1945 when you were designing systems
7 for Eagle Picher to manufacture insulation products, were
8 you at all concerned that the exposure to any type of dust
9 could potentially be a health hazard to workers exposed to it?

10 A We made a concentrated effort to clean the plant of
11 as much dust as possible which, in direct relation, could be --
12 may be hazardous to some individuals.

13 Q So, would it be fair to say that in 1945,
14 from your own background and experience and knowledge, you
15 thought it was important to control the emission of any
16 industrial dust?

17 A I think that's the only logical answer you can give.

18 Q And one of the reasons that led you to be
19 concerned about controlling this dust was a possible health
20 hazard to workers who were exposed to it. Is that correct?

21 A Could possibly be.

22 Q At any time that you were employed by
23 Eagle Picher Industries, were you personally ever informed by
24 any of the suppliers of raw asbestos fiber that exposure to
25 that product could be potentially hazardous to workers exposed

1 to it?

2 A At any time by any employee?

3 Q Yes.

4 A Not until 1964.

5 Q Prior to 1964, do you recall any type of
6 notice or notification or communication from any of the
7 suppliers of raw asbestos fiber that your company used that
8 this stuff might be hazardous?

9 A No, sir, never.

10 Q Incidentally, let's take the time frame
11 1945, did Eagle Picher have a Medical Department?

12 A Yes.

13 Q What did the Medical Department consist of,
14 and I am referring specifically to the facilities in Joplin,
15 Missouri?

16 A They had a medical doctor who was in charge of
17 examinations and took care of any accidents, minor.

18 Q Was he right there at the plant?

19 A He was not a resident nor a direct employee.

20 Q Did he have an office at the plant?

21 A They had an infirmary there, first aid room.

22 Q Did this Medical Department or facility
23 expand over a time?

24 A Yes.

25 Q Did Eagle Picher ever employ a full-time

1 medical director in the '40s?

2 A He was on call. He was not a full-time serviceman.

3 Q This was the man who staffed the infirmary?

4 A He was a doctor, medical doctor.

5 Q What was that doctor's name?

6 A I don't know what his initials or first name --
7 Coons, it's C-o-o-n-s.

8 Q How long did Dr. Coons retain his association
9 with Eagle Picher?

10 A I think it was in the late '40s or early '50s.
11 I am not sure.

12 Q Do you know who replaced him?

13 A There were one or two other physicians for a short
14 period of time and then Dr. Virgil Jeans.

15 Q How do you spell that, do you know?

16 A J-e-a-n-s.

17 Q Is Dr. Jeans still with the company?

18 A He is retired.

19 Q How long did he stay with the company?

20 A Until he retired.

21 Q Which was when?

22 A I'm not sure, but I think it was about the same
23 time I retired or shortly thereafter.

24 Q Now, when Dr. Jeans first came to work for
25 the plant, did he staff the infirmary as well?

1 A No.

2 Q Explain to me what his function was for
3 the company?

4 A To perform regular medical examinations for new
5 employees, to examine employees periodically according to
6 his desires and schedule.

7 Q Was he a full-time employee of Eagle
8 Picher?

9 A No, not until he retired.

10 Q I don't understand.

11 A He retired from his own profession as an active
12 physician and maintained an office in the Eagle Picher
13 facilities. Now, how many years, I don't know.

14 Q Has Eagle Picher ever had an overall
15 medical director?

16 A Not as such in that particular area.

17 Q Where is Eagle Picher's corporate head-
18 quarters?

19 A Corporate headquarters?

20 Q Right.

21 A Cincinnati, Ohio.

22 Q Have they been located there since 1962?

23 A Since 1840 something.

24 Q Has there ever been a Medical Department
25 located there in charge of the overall health for all the

1 employees?

2 A Not that I know of.

3 Q Do you know whether or not there was any
4 such department there in 1970?

5 A Not during my tenure with the company.

6 Q So, basically, the Medical Department of
7 Eagle Picher, as far as you know, consisted of the doctor
8 in the infirmary at the plant in Joplin, Missouri?

9 A That is correct.

10 Q When we use the term "One-Cote Cement,"
11 is that spelled C-o-t-e?

12 A Right.

13 Q And how did that particular product differ
14 from 66 Insulating Cement?

15 A One-Cote is a combination product, insulating and
16 finishing.

17 Q What was the designed purpose of One-Cote
18 Cement?

19 A What the name implies.

20 Q I am not very good at what it implies, so
21 if you would, would you explain it to me?

22 A As stated before, that 66 Cement was put on and then
23 a harder finish over the top of it. Instead of a two-coat
24 application, One-Cote was designed for a one-coat application
25 to do the same job.

1 Q Did your company manufacture a finishing
2 cement in addition to 66 Insulating Cement?

3 A Over the past years, I'd have to go back to the
4 product list, but I think there was two or three finishing
5 cements.

6 Q And they would be sold in conjunction with
7 66 Cement?

8 A Prior to One-Cote.

9 Q One-Cote did not replace 66 Insulating
10 Cement, though, did it?

11 A No, sir.

12 Q Why wouldn't that be the case?

13 A One-Cote is not quite ^{as} good an insulator as 66.

14 Q Would there have been instances that you
15 knew of in the marketplace where 66 Insulating Cement and
16 no finishing cement would be employed?

17 A It has been.

18 Q So, 66 Cement continued to be a viable
19 product despite the availability of One-Cote Cement?

20 A That's right.

21 Q Was One-Cote ever used in conjunction with
22 66 Insulating Cement? It would seem that would be unnecessary,
23 wouldn't it?

24 A It would be but it has been.

25 Q So, would it be fair to say that One-Cote

1 Cement is designed both for insulating and finishing purposes?

2 A That was the original purpose.

3 Q Was it also designed for joints and pipes?

4 A Yes, that follows through from the past discussion,
5 a one-coat application.

6 Q And would it also be used to insulate other
7 types of vessels and containers?

8 A Anyplace where insulation is required.

9 Q Over the years, did the ingredients of
10 One-Cote Cement remain basically the same?

11 A There was some changes.

12 Q Why don't we go back to when you first came
13 with the company, and describe for me what the components
14 of One-Cote Cement were?

15 A One-Cote was originally mineral fiber, cement, that
16 is, portland cement, plaster, which would be plaster of Paris,
17 bentonite clay, rust inhibitor, which would be sodium nitrite.
18 I'm not sure, but I think there was a sudsing agent in there.

19 Q Did One-Cote contain asbestos?

20 A Not in its original design.

21 Q Do you remember approximately what year
22 asbestos was added to the ingredients of One-Cote Cement?

23 A In the early '60s.

24 Q So, would it be fair to say that between
25 1942 until the early 1960s, asbestos was not an ingredient in

Muelster - direct

1 One-Cote Cement?

2 A I think that is correct. The dates can be confirmed.

3 Q Between 1942 when you came with the company
4 until the early 1960s, were the other ingredients you just
5 mentioned basically the same in this product?

6 A With the exception of plaster, plaster of Paris was
7 removed I think in the early '50s. That date can be checked,
8 too.

9 Q Was another ingredient substituted for the
10 plaster?

11 A Additional portland cement.

12 Q Do you recall whether or not there were
13 any discussions or meetings of any sort concerning the addi-
14 tion of asbestos to One-Cote Cement?

15 A Yes.

16 Q These meetings would have occurred in the
17 early 1950s?

18 A Yes.

19 Q Do you know recall why it was that asbestos
20 was considered or promoted as an ingredient in this product?

21 A There were two reasons.

22 Q And they are what?

23 A Due to complaints in the field from sales to massive
24 cracking of the material being used on large vessels instead
25 of its original purpose for joints only, asbestos was added

1 to see whether the cracking could be reduced.

2 Number two, to meet certain performance tests required
3 by Navy specifications, asbestos was added. It was a twofold
4 purpose.

5 Q Did you, yourself, personally take a position
6 as to whether or not asbestos should have been added to One-
7 Cote Cement?

8 A In the decision to?

9 Q Yes.

10 A No, only as a consultant in the regular staff meet-
11 ings.

12 Q In these staff meetings, did anyone turn
13 to you and say, What do you think, Herman? Should we add
14 asbestos fiber?

15 A In the later years as a consultant on economics, yes.

16 Q What about in the early '50s when it was
17 first under consideration?

18 A It could have been considered at that time.

19 Q What did you say?

20 A Let's look at the overall performance and cost picture.

21 Q Did you recommend the inclusion of asbestos
22 in One-Cote?

23 A I didn't like the idea, never have.

24 Q Why?

25 A I could never see why we spent big money for an

1 ingredient that we did not manufacture ourselves and did
2 nothing to improve the insulating qualities of the product.

3 Q Was it your opinion in the early 1960s
4 when this was under consideration, that asbestos would add
5 nothing to the overall performance or efficiency of One-Cote
6 Cement?

7 A When you term it as performance, you are correct,
8 but to meet performance specifications, it was necessary.

9 Q But aside from the specifications -- strike
10 that.

11 But it was your opinion that One-Cote Cement met
12 the internal specifications of Eagle Picher without the
13 inclusion of asbestos?

14 A As an insulating material, yes.

15 Q It would appear from your discussions
16 this morning that you personally were not happy about the
17 use of asbestos in Eagle Picher Cements. Is that correct?

18 A That is correct.

19 Q Was your personal opinion shared by others
20 in the Eagle Picher corporate structure?

21 A Yes.

22 Q Would it be fair to say that the inclusion
23 of asbestos in these products was partially a consequence of
24 pressure from sales?

25 A Entirely from sales, I might say.

1 explain this pressure to me, what did it
 2 come from and why was it applied?
 3 The best explanation I think I can give you is when
 4 mechanical elements or parts were put on the machine
 5 the word "refrigerator" was applied, related to some refrigerator
 6 and any time somebody mentioned that they got a home
 7 refrigerator, it was a refrigerator, whether the name was on
 8 there or not.
 9 In other words, as they say, "refrigerator"
 10 psychosist?
 11 right, on the same (topic) as I talked before, when
 12 we got into the examination business, as the term home "refrig-
 13 erator," which was a high temperature field where asbestos
 14 deteriorates at high degrees, offered no insulating qualities
 15 to high-temperature fiber, so it was pressure from the people
 16 on the outside, names and so forth that would not accept a
 17 artificial thing, and other things, unless it contained a few
 18 specks of asbestos.
 19 Between 1942 and 1964, did your company
 20 manufacture any insulating elements which did not contain
 21 asbestos at all?
 22 That would be about 1942.
 23 Yes.
 24 Yes.
 25 sure about the other company, I'd have to look.

1 Q If, as you believed, asbestos did not add
2 anything to the efficiency of the product, where was this
3 pressure coming from? Why was it being applied to be
4 included in the product?

5 MR. NOVACK: I'll object. I don't think
6 the witness has testified to that.

7 MS. ILARDI: I am going to object.

8 MR. GRAYZEL: Let me rephrase that question.

9 Q At some point in time did your company make
10 an effort to persuade the people who made these performance
11 standards they shouldn't have asbestos in it, you shouldn't
12 require it?

13 A Yes.

14 Q Do you remember any specific instances of
15 these efforts by Eagle Picher?

16 A Yes, I recall a gentleman, Floyd Reed making trips
17 to Washington to convince the individuals in charge that
18 mineral fiber cement was just as good as any others.

19 Q Who was he trying to persuade exactly?
20 Are these military people, people in government?

21 A He was in charge of Navy specifications.

22 Q So, he was probably talking to someone who
23 had some control or input into the promulgation of these
24 standards?

25 A Right.

1 Q Are you reaching for a name?

2 A I am trying to. It may come to me later.

3 Q Did this gentleman indicate to you what
4 the results of his efforts were?

5 A Futile.

6 Q Did he indicate why it was futile?

7 A I'll state what I stated in California, lobbyists.

8 Q Explain that to me.

9 A We didn't have enough clout to win over those that
10 we were talking to.

11 Q Who had the clout?

12 A Other companies.

13 Q Who were the companies, according to your
14 impression of things, that were wielding this clout?

15 A Those in the process of producing asbestos.

16 Q Which were who?

17 MR. NOVACK: I am going to object.

18 A You name the companies, any of them.

19 MR. NOVACK: I am going to object to the
20 line of questioning because I don't think that you
21 have established that this witness has any basis,
22 in fact, for any of the testimony that he is offering
23 at this point.

24 Q Were there any internal discussions at your
25 company about this tension between what you wanted and what

1 the asbestos people wanted in the specification?

2 A Yes.

3 Q Were these continuing discussions over the
4 years?

5 A Yes.

6 Q Were you present when discussions were held?

7 A Some of them.

8 Q Were you present when this man who went
9 to Washington had such conversations?

10 A I recall him talking to me about some of his
11 problems, yes.

12 Q Tell me what he related to you about these
13 problems.

14 A He said he couldn't get to first base with the
15 gentleman's name I can't think of.

16 (Whereupon, a brief recess is taken.)

17 (After a brief recess, the proceedings
18 resume.)

19 DIRECT EXAMINATION BY MR. GRAYZEL CONTINUED:

20 Q Did there come some point in time when you
21 became aware of a potential health hazard associated with
22 the use of your company's asbestos-containing cement products
23 specifically referring to MS Cement and One-Coat?

24 A 1984.

25 Q Would you describe for me the circumstances

1 Under which you became aware of such a situation?

2 A We received minutes from NIMA in a meeting in the
3 Spring of 1964 where John Marville stated that they were
4 going to place on their asbestos products a warning. The
5 exact wording of that warning was in these minutes.

6 Q Did you see these minutes?

7 A I saw a copy of them.

8 Q Do you remember what they said?

9 A I'm relaying what my remembrance of those minutes
10 are.

11 Q Go ahead. I just wanted to make sure that
12 in what you are doing.

13 A Yes. The exact terminology of the warning was copied
14 and we felt that if one of the largest companies in the
15 processing, mining and handling of asbestos needed to put
16 that on their products, we would, in turn, do the same.

17 Q Were there any indications in those minutes
18 as to why this decision had been made to put the warning on
19 the products?

20 A Again, I don't think there was anything in the
21 meeting that gave us any direct indication of why, only that
22 the terminology of the warning would be sufficient evidence
23 that there might be a hazard.

24 Q After these minutes came to the company,
25 were there any internal discussions at Eagle Picher concerning

1 the nature of the hazard that was discussed in these minutes?

2 A There was some discussion, yes.

3 Q Did you participate or were you present
4 for these discussions?

5 A In most of the meetings, yes.

6 Q So, these were formal meetings that were
7 conducted after these minutes came back?

8 A The term "formal" --

9 Q Yes, people sitting around a table and
10 somebody conducting it.

11 A Not in that sense of the word, no. I mean, they
12 were gatherings for common discussion.

13 Q Were they held in someone's office?

14 A Usually in the plant manager's office.

15 Q Did a secretary or an officer of the
16 corporation take minutes of these meetings?

17 A Only on staff meetings.

18 Q Were there any staff meetings that occurred
19 after these NIMA minutes came back to the company concerning
20 these minutes?

21 A I'm sure that there were, yes.

22 Q What were some of the discussions that
23 were conducted concerning the nature of the hazard that was
24 brought up by these minutes?

25 A You're going to have to clarify that a little bit,

1 please.

2 Q You got these minutes, and the minutes
3 seemed to indicate that Johns-Manville is going to put a
4 warning on its asbestos products, am I right?

5 A Right.

6 Q Was there any discussions as to why Johns-
7 Manville was doing that or what the problem was that led them
8 to do that?

9 A Yes, I think there was some discussion at the time
10 that the minutes were received, which included Virgil Jeans,
11 Dr. Virgil Jeans,.

12 Q Did Dr. Jeans in these meetings offer any
13 explanation from a medical viewpoint as to what the problem
14 was?

15 A There may have been some discussion by him as to
16 the hazards of it.

17 Q What was the substance of the discussion?

18 A I'm not sure.

19 Q Do you remember whether or not he mentioned
20 the disease asbestosis?

21 A Yes.

22 Q Did he explain at the meeting what the
23 disease was?

24 A Only that -- my recollection is that it is a disease
25 of the pulmonary system of the human being.

1 Q Was there any discussion at these meetings
2 ns to whether or not your products could be involved in this
3 term "asbestosis"?

4 A Being involved -- I think we can clarify that by
5 stating that Virgil Jeans thought we should reinstate annual
6 X rays.

7 C Amongst your own work force?

8 A Right.

9 Q Did he indicate why he thought that should
10 be the case?

11 A In order to check to see whether any of the employees
12 might be affected in any way.

13 Q Did he make any recommendations concerning
14 the sale and distribution of your asbestos-containing insula-
15 tion products?

16 A Not directly. That was made through the rest of the
17 staff.

18 Q Did Dr. Jeans express any concern to anyone
19 about the fact that some of these insulation products contained
20 asbestos?

21 A I don't think he did directly, only as a health
22 measure to reinstate X rays and check for his own information
23 of the employees that were working in and around asbestos.

24 Q In these meetings we have been discussing,
25 did any members of the corporate staff express a concern that

1 your company was selling and distributing asbestos-containing
2 insulation products?

3 A The main discussion was that here was a good way
4 to get rid of asbestos and reduce our cost.

5 Q Was there any discussion about whether or
6 not it constituted a possible health hazard?

7 A Only on the report that we had received in the
8 minutes, yes, sir.

9 Q You had been involved in the production
10 of asbestos-containing insulation products for approximately
11 twenty-two years by the time these minutes came to the company.
12 Is that correct?

13 A Yes.

14 Q Were you surprised at that development?

15 A Yes.

16 Q What was your reaction to these minutes?

17 A We couldn't understand why -- if it was so much
18 of a hazard, why didn't we have some records within the plant
19 that it was such a hazard, and we had none.

20 Q Was everyone in the company surprised as
21 you were that you could observe about these minutes?

22 A You are covering a lot of ground when you say
23 "everyone in the company."

24 Q Let's take these staff meetings that you
25 attended.

1 A Those that attended the staff meetings were rather
2 surprised, yes.

3 Q Was there anyone who wasn't?

4 A Not that I can recall.

5 Q Prior to these minutes, would it be fair
6 to say that your employees were not receiving yearly X-rays?

7 A I would have to go back to the medical performance
8 for the company and give you a background of how things
9 changed.

10 Q Would it be fair to say that at some point
11 in time your company was taking yearly X rays because you
12 were a lead processor or lead manufacturer?

13 A That is correct.

14 Q At some point in time did you cease taking
15 yearly X rays because of the involvement in that business?

16 A Yes, in the Insulation Division.

17 Q So, there was some point in time when you
18 company was taking yearly X rays of the men in the Insulation
19 Division?

20 A That's right.

21 Q When did that commence?

22 A From the inception of the Insulation Division, which
23 was a carryover from the Pigment Division, as I have stated
24 before, in the corporate structure.

25 Q How long did they continue to take these

1 yearly X rays of the men in the Insulation Division?

2 A Until 19 -- the latter part of 1943 or early '44.

3 Q Were any type of X rays taken of the work
4 force in the Insulation Department between 1944 and 1964?

5 A On a three to five to ten year basis.

6 Q Who took those X rays?

7 A They were taken by two radiologists in the City of
8 Joplin.

9 Q Did they work under Dr. Jeans or his
10 predecessor?

11 A No, they were an independent organization. I might
12 add, too, that some of the X rays were taken in the two
13 hospitals there, too. So, there was a source of four possi-
14 bilities.

15 Q After these minutes came down from NIMA,
16 did Dr. Jeans or anyone else go back to take a look at these
17 X rays that had been taken every three to five years of the
18 insulation employees?

19 A Dr. Jeans did look at some of them, yes.

20 Q How do you know that?

21 A Because I was very close to Dr. Jeans and he told me.

22 Q What did he tell you?

23 A He said he was going to check some of the X rays
24 of those individuals who were working around that particular
25 operation.

1 Q Would he have been referring to the operators
2 and the mixers in the Insulation Department?

3 A He was.

4 Q And who else, what other job classifications
5 would have been involved?

6 A The job classifications which included the mixing
7 of cements.

8 Q Did Dr. Jeans ever indicate to you whether
9 he did, in fact, review these X rays?

10 A He did, yes.

11 Q Did he report the results of this survey
12 to you personally or in a meeting?

13 A I think he called me on the phone and said he
14 couldn't find anything.

15 Q Did he indicate to you whether he found
16 anything at all?

17 A He did not find anything he said.

18 Q I would assume then in 1964 he began X rays
19 again on a yearly basis. Is that correct?

20 A Yes.

21 Q Of your employees in the Insulation
22 Division?

23 A Yes.

24 Q Did Dr. Jeans ever discuss -- strike that.
25 Did Dr. Jeans do these X rays or did the radiologists

1 in town?

2 A The radiologists.

3 Q Did Dr. Jeans get involved with them, do
4 you know?

5 A He only sent them up.

6 Q Did these radiologists ever report their
7 findings to the company?

8 A To Dr. Jeans.

9 Q And then, of course, Dr. Jeans conveyed
10 it to the company?

11 A Right.

12 Q Were you ever present when Dr. Jeans
13 conveyed the results of these X rays?

14 A At times.

15 Q Would you indicate to me what information
16 he related to you?

17 A That he had found nothing.

18 Q At some point in time, sir, did your
19 company make a decision to remove asbestos from 66 Cement?

20 A Completely?

21 Q Yes.

22 A Yes.

23 Q Do you remember approximately what year
24 that decision was made?

25 A It was definitely removed in 1971 prior to my

1 retirement.

2 Q Do you know whether or not there were any
3 technical problems involved in implementing that decision
4 in terms of producing the product?

5 A The term "technical" I think doesn't enter into
6 the picture.

7 Q Let me ask it a better way then. As a
8 consequence of this decision, did you have to make any
9 alterations or modifications in the techniques you employed
10 to make this product from 1942 until 1971?

11 A We made some changes in the fiber structure of the
12 mineral fiber to assist in meeting certain performance
13 requirements.

14 Q These were perhaps then the same problems
15 you had discussed back in the '40s when you made the initial
16 decision to include it?

17 A That is correct.

18 Q So, there was nothing new about the parti-
19 cular changes that you had to make; in other words, they had
20 been discussed previously by your company?

21 A That's right.

22 Q As a consequence of this decision to remove
23 asbestos from Super 66, was there any effect on the efficiency
24 of your product?

25 A As an insulator, no.

1 Q Do you know as a consequence of this
2 decision as to whether or not there was any effect on the
3 sales of this product?

4 A I can't answer that question because I don't recall
5 what the sales were before and after. I might add there
6 didn't appear to be any.

7 Q Was this decision in 1971 to remove
8 asbestos from Super 66 Cement also applied to One-Cote Cement?

9 A Yes, sir.

10 Q So, they were implemented at the same
11 time?

12 A Yes, sir.

13 Q As a consequence of this decision, did you
14 have to make any changes in the production process for One-
15 Cote Cement?

16 A No, sir.

17 Q As a consequence of this change, was there
18 any impact on the efficiency of the product One-Cote Cement?

19 A As an insulator, no, sir.

20 Q Do you know whether or not there was any
21 impact on the sale of One-Cote Cement?

22 A There again, I don't know.

23 Q Did there appear to be any?

24 A There didn't appear to be any.

25 Q Incidentally, from a personal viewpoint,

1 and I am referring to you personally, does this incident which
2 manifested itself in 1964 which you described in the NIMA
3 minutes seem ironic to you given your past position on the
4 inclusion of asbestos in the product?

5 MS. ILARDI: I am going to object to the
6 question because the concept of irony is hardly
7 relevant to this lawsuit.

8 Q Do you know what I mean by that?

9 A I don't quite feel out what you are talking about.

10 Q Back in the 1940s, you, yourself did not
11 favor the inclusion of asbestos in these products. Is that
12 correct?

13 A As I stated before, no, sir.

14 Q As a matter of fact, you didn't think it
15 was necessary at all to include it. Is that correct?

16 A I still stand on that.

17 Q And twenty years later, it comes to your
18 attention that this stuff not only is useless, in your
19 opinion, but is hazardous. Is that correct?

20 A That is correct. Can I make a statement off the
21 record?

22 Q Maybe later. Did the health factor raised
23 in these NIMA minutes play any role in your company's decision
24 to remove asbestos from One-Cote Cement and Super 66?

25 A Definitely.

1 Q What role did it play?

2 A The removal of it.

3 Q In other words, the health issues raised
4 in the NIMA minutes were the basis for your company's decision
5 to remove asbestos from these products?

6 A Definitely.

7 Q Was there any reason why there was a seven-
8 year interval between the appearance of these minutes and
9 the decision to remove the asbestos from the product?

10 A Again, it comes back to that performance test in
11 which we had sales for.

12 MR. NOVACK: Would you please read back
13 that last answer?

14 (Whereupon, the answer referred to is read
15 back by the Court Reporter.)

16 Q Did your company ever manufacture any
17 products containing diatomaceous earth?

18 A Yes.

19 Q Was it a great number of products or just
20 a few?

21 A Can I refer back to our products list?

22 Q Sure, if you'd like to.

23 MS. ILARDI: The record should show that
24 Mr. Huelster is referring to a list that has been
25 supplied to Mr. Grayzel as Exhibit 2 to Eagle Picher's

1 Answers to Interrogatories.

2 A There was diatomaceous earth used in One-Cote at one
3 time, according to this listing, also in the High-Low (phonetic)
4 Cement, and diatomaceous earth was also used in a finishing
5 cement called 99. I think that was the sum and substance.

6 Q Did your company manufacture products which
7 contained diatomaceous earth between 1942 and up to your
8 retirement?

9 A We did not have diatomaceous earth available in 1942.
10 That plant wasn't acquired until 1944, I think, '45.

11 Q At any time between 1945 until 1964, did
12 your company ever place any health warnings on any of the
13 products your company manufactured which contained diatomaceous
14 earth?

15 A No.

16 Q Between 1942 and 1964, did your company
17 manufacture any asbestos-containing insulation products which
18 were actually marketed by other companies?

19 A Yes.

20 Q Do you recall which companies you did this
21 for?

22 A They're on the product listing which has been sub-
23 mitted, I believe.

24 Q Do you have a personal recollection of who
25 your company did this for?

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1 A A few of the names.

2 Q Who were they?

3 A A. P. Green, Owens-Corning, Phillips-Corcoran, Armstrong
4 Corporation, Arco, Fenco. I am going to stop there.

5 Q Does your product list contain a list of
6 all the products that you manufactured for each of these
7 companies?

8 A I think that has been presented, yes, sir.

9 Q And does that list contain the particular
10 names that each of these companies gave to your product?
11 If you'd like, you are welcome to consult that list to check
12 that.

13 A Yes. Page 3 of the description.

14 MR. GRAYZEL: For the record, they were
15 previously provided to me in Answers to Interrogatories

16 MS. ILARDI: Page 3 of Exhibit 2.

17 Q Did Eagle Picher ever have a contracting
18 unit?

19 A Yes.

20 Q Do you know what years they had contracting
21 units?

22 A The first one was in the early -- I should say late
23 '30s and was abandoned in '43.

24 Q Do you know why Eagle Picher abandoned its
25 contractor units?

1 A The gentleman who was in charge of that particular
2 setup went in business for himself, took the business with
3 him.

4 Q What did he call his business, do you
5 remember?

6 A Industrial Insulators, Incorporated, I think, of
7 Houston, Texas.

8 Q During the time that you were with Eagle
9 Picher, did you ever go out to construction sites or visit
10 factories where your company's insulation products were used?

11 A I have visited a very small number of construction
12 sites, yes.

13 Q And during those occasions, did you actually
14 watch the various asbestos-containing insulation products
15 your company manufactured being mixed and applied?

16 A No.

17 Q You didn't. Have you ever visited factories
18 where your company's asbestos-containing insulation products
19 were used?

20 A Yes.

21 Q Do you recall what types of plants you
22 visited?

23 A I visited Busch Brewery once in relation to some
24 of our products and Vega Industries.

25 Q Did you ever visit a chemical plant where

1 your company's products were being used?

2 Q Yes. I visited a power plant down in Texas.

3 Q At any of these visits, whether it be

4 Busch Brewery or the power plant in Texas, did you actually

5 see your company's asbestos-containing insulation products

6 being mixed or applied?

7 A Yes, sir.

8 Q Between 1942 and 1964, were there occasions

9 where your own company's machinery and equipment had to be

10 insulated?

11 A Yes.

12 Q And I would assume that your company would

13 have used your own insulation products?

14 A It better.

15 Q Were there specific employees in your

16 company who did the insulation work?

17 A Not per se. Most of the insulating work was done

18 by the Product and Product Process Development staff for

19 their own benefit of developing products or seeing whether

20 any changes in the product might be useful.

21 Q But there was a need for industrial

22 insulation on your own facilities?

23 A Yes.

24 Q Tell me some of the machinery and equipment

25 in your plant that had to be insulated between 1942 and 1964.

1 A Boilers, steam lines, tracer lines for asphaltic
2 solutions.

3 Q Were there other types of kettles or
4 containers or vessels of any kind that had to be insulated
5 from time to time?

6 A Insulated partitions around high temperature
7 furnaces. They were just screens in a sense.

8 Q Any other types of equipment, any other
9 types of piping?

10 A Hot pipes of all descriptions. Anything that was
11 hot, we tried to insulated, yes.

12 Q What was the job classification of the
13 employees in your company who did this insulating work?

14 A Either Maintenance Department employees or, as I
15 stated before, those individuals that were working in the
16 Product and Process Development Lab.

17 Q Were these Maintenance Department employees
18 actually engaged in insulation work on a full-time basis?

19 A No.

20 Q On a regular basis?

21 A Whenever it was required.

22 Q I am trying to get some idea of how much
23 insulation work went on in your company. Can you describe
24 that for me?

25 A Nothing of a long duration or a continuous duration.

1 In other words, if a steam line was put up in a certain
2 location, that line was insulated and that would be the end
3 of it for that period.

4 Q From time to time, would your employees
5 replace old insulation on some of these vessels, containers
6 and pipes you mentioned?

7 A If a line would have to be taken down or replaced,
8 the insulation was removed with it and destroyed. We were
9 in the process of making insulation, so we didn't try to
10 save it.

11 Q Did the men who did the insulation have
12 occasion to use Super 66 Cement?

13 A Yes.

14 Q Did they have occasion to use One-Cote
15 Cement?

16 A Yes.

17 Q Did they have occasion to use your company's
18 pipe covering materials?

19 A When you refer to pipe covering, we were not in the
20 manufacture of pipe coverings until 1972.

21 Q So then, your company didn't use -- didn't
22 manufacture a prefabricated pipe covering material?

23 A Not as such. We made a pipe covering which was in
24 blanket form.

25 Q Did your employees use this?

1 A Yes. That did not contain any asbestos.

2 Q Did you, yourself, ever observe the employees
3 in your company doing this insulation work that you have
4 previously described?

5 A Yes.

6 Q At any time did your company ever provide
7 these maintenance men who did this insulation work with
8 respirators or face masks?

9 A They were available if they wanted to use them.

10 Q Did your company require them to use -- to
11 wear these face masks or respirators?

12 A They did not.

13 Q How about after 1964, did you require
14 them to wear it at that time?

15 A The regulations were not changed.

16 Q At any time before your company implemented
17 its decision to remove asbestos from your thermal insulation
18 products, did you ever instruct the men who did insulation
19 work in your company to wear face masks or respirators?

20 A No.

21 Q What did Super 66 Cement look like?

22 A Let's see. The best way to describe Super 66 Cement
23 would be nodules of mineral fiber, bentonite clay, which is
24 a powder, a small percentage of asbestos along with the
25 other ingredients, such as powdered soap and a rust inhibitor.

1 which is sodium nitrite.

2 Q For the unsophisticated observer, how would
3 you describe its appearance?

4 A A light gray granular material. Now, by granular,
5 I do not mean sand-type, maybe pellets about the size of
6 the ends of your little finger.

7 Q What did it feel like?

8 A Spongy.

9 Q What did One-Cote Cement look like?

10 A Very similar to 66, only it was a white material
11 because it contained white portland cement and a larger
12 percentage of fine powders which is similar to portland
13 cement and bentonite clay. 66 Cement did not contain any
14 portland cement.

15 Q What was its texture like?

16 A Very similar to 66 due to the granulated mineral
17 fiber but the sponginess was less.

18 Q Was it easy to observe the differences
19 between the two?

20 A Both in color and feel.

21 Q Did the Insulation Division employ its own
22 maintenance workers?

23 A Yes.

24 Q So, the maintenance workers who worked in
25 the Insulation Department were not part of a plant-wide

1 maintenance department then?

2 A Each department had their own maintenance people.

3 Q Do you know how many men comprised your

4 Maintenance Department over the years, or would that have

5 varied?

6 A It would vary.

7 Q Can you approximate the size for me?

8 A All the way from twelve to forty.

9 Q Would each of these twelve to forty men

10 have done some type of insulation work?

11 A Not each one of them, no, because there were times

12 when no insulation went on for years.

13 Q Was the doing of thermal insulation work

14 part of the maintenance men's job specifications in your

15 department?

16 A Not specifications per se, but that was their job.

17 Q Was there a union there in your plant?

18 A After 1946, yes.

19 Q And did your company engage in negotiations

20 with them for contracts?

21 A Definitely.

22 Q And as a consequence of those negotiations

23 or your own company policy, did your company promulgate job

24 specifications or instructions for each grade of employee?

25 A We set up a program, yes, in cooperation with the

1 union.

2 Q Tell me what that program is and how it would
3 affect the -- what the specified job duties of the maintenance
4 men were.

5 A In the Maintenance Department there were, if I
6 recall correctly, five classifications, beginners, first,
7 second, third class and group leader.

8 Q Now, did your company promulgate anything
9 written, whether it be rules, instructions or specifications
10 regarding what the job duties of each of these different
11 employees was, whether they be beginners, et cetera? Do you
12 understand my question?

13 A Yes, in a way. I am not particularly clear, but
14 I might be able to answer it this way; I'm the one that
15 instigated the program to begin with, and in maintenance,
16 if an organization -- the word "maintenance individual"
17 would have to do all types of work required within the
18 plant.

19 Q Right.

20 A The classifications are based on the ability to
21 perform those maintenance functions. There was no separate
22 division as to electrician, millwright, machine hand, porter,
23 greaser. It was under one classification, maintenance.

24 Q Would any one of these classifications
25 have been responsible for performing the insulation work in

Huelster - direct

1 the Insulation Department?

2 A Not any one classification nor any one individual.

3 Q So, any of the men in the Maintenance
4 Department, regardless of their classification, would have
5 on occasion been required to do insulation work?

6 A Not necessarily would, but could have.

7 Q Now, in your company anywhere was there a
8 set of instructions, standards or specifications which laid
9 it out in black and white for these men as to what their
10 job entailed?

11 A You said "company." You mean the company as a whole,
12 all divisions?

13 Q No.

14 A All I'm responsible for is one division.

15 Q That's all I want to know.

16 A Was there instructions laid out for each individual?

17 Q Yes. In other words, did you give ther a
18 booklet or a brochure or a list somewhere that said mainten-
19 ance employees, and gave them a list of what they're supposed
20 to do or what they're required to do?

21 A No.

22 Q During the years that you worked with
23 Eagle Picher, do you recall the names of any of the foremen
24 or the old timers in your Maintenance Department who worked
25 with your company for a number of years?

1 A The names of them?

2 Q Yes.

3 A Yes, I recall a few of the men.

4 Q Would you give me some of those names of
5 the men?

6 A Edward Hoeland was one.

7 Q Was he from Missouri?

8 A Yes.

9 Q Do you think he is still with your company?

10 A No, I think he is retired; Gerald Morland. I think
11 he is deceased; Jack Allen, he left the company before I did;
12 John Edwards, who was maintenance foreman for a number of
13 years. He finally retired. Woody Meyers was a maintenance
14 man. How many more do you want?

15 Q That's fine. Do you know whether or not in
16 other areas of your plant other than the Insulation Depart-
17 ment there was a need for insulation work to be done?

18 A I believe I stated that insulation within the plant
19 was done on steam pipes or hot lines or boilers as they
20 were installed or as changes were made.

21 Q To your knowledge, have any of the employees
22 who worked in your Maintenance Department ever filed a claim
23 for Workmen's Compensation for an alleged asbestos-related
24 disease?

25 A No, sir.

1 Q Is there an individual in your company,
2 to your knowledge, who monitors or keeps track of Workmen's
3 Compensation Claims?

4 A The Personnel Director of the Insulation Department
5 did, and then, after that, it was turned over to a joint
6 Personnel Department which included electronics, chemical
7 and fibers.

8 Q Do you know who the man would be who would
9 be in charge of that?

10 A C.D. Wood was the first one. He is retired.
11 Nelson Barbey, I think, is now still present director.

12 Q Do you know if anyone, any employee of
13 Eagle Picher, its predecessors, affiliates, et cetera, have
14 ever become afflicted with an asbestos-related disease?

15 A No.

16 Q Is that you don't know, or as far as you
17 know, there are none?

18 A We have never had a case, never had a reference to
19 a case.

20 Q Does your knowledge extend up to the
21 present time or would have extended to your retirement?

22 A Since 1971, I have been -- have not been directly
23 connected with the operation. What I would say in the past
24 years from '71 to the present time would be only hearsay.

25 Q But whether it be hearsay or personal

1 knowlege, you know of none?

2 4 I know of none, yes, sir.

3 MR. GRAVATT: I believe that's all I have,
4 sir. Thank you.

5 MR. NOVACK: I have no questions.

6 MR. MC GRATH: No questions.

7 MS. SCOWAY: No questions.

8 (Whereupon, the proceedings in this
9 matter are concluded at 12:30 p.m.)
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C E R T I F I C A T E

I, PATRICIA M. LINK-MULLER, a
Notary Public and Certified Shorthand
Reporter of the State of New Jersey, do
hereby certify that the foregoing is a
true and accurate transcript of the
proceedings in the above-entitled matter
as taken by me stenographically on the
date and at the time and place hereinbefore
set forth.

I DO FURTHER CERTIFY that I am
neither of counsel nor attorney for any
party in this action and that I am not
interested in the event nor outcome of
this litigation.

Patricia M Link-Muller
A Notary Public of the State of New Jersey