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24 Q. Okay. And the other people that are copied
25 on the memo of November 10th, 1978, could you just
26
27
00021:01 briefly tell us their names and what their titles at
02 the plant were?
03 A. H. K. Decker was my boss. He was the
04 superintendent, maintenance superintendent.

.....

04 how that worked. Did each department like welders or
05 pipe fitters or insulators have their own supervisor?
06 A. Well, yes and no. I mean, it's hard to
07 really...
08 Q. All right.
09 A. There's hourly supervisors and salary
10 supervisors --
11 Q. How many different --
12 A. -- and each -- well, go ahead.
13 Q. How many different supervisors reported to
14 Homer Decker?
15 A. Oh, let's see. I would say about six --
16 Q. And --
17 A. -- or seven.

.....

17 Q. Did Mr. Decker ever have meetings where he
18 got all of his supervisors together and talked to
19 y'all?
20 A. Right.
21 Q. At any of those meetings, do you remember
22 the subject of asbestos coming up?
23 A. Not too often.
24 Q. Okay. When is the first time you remember
25 the subject of asbestos coming up?

.....

00026:01 A. I really don't.
02 Q. You don't remember that happened?
03 A. No.
04 Q. Okay. So, it's a true statement that at the
05 meetings that your boss, Mr. Decker, the maintenance
06 supervisor who was over, I guess, all the maintenance
07 crafts --
08 A. Right.
09 Q. -- you don't remember the subject of
10 asbestos or its hazards coming up?

.....

13 A. No.

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03 Q. (BY MR. CHANDLER) You don't remember as you
04 sit here today, sir, after speaking four or five hours
05 with your lawyers --

.....

09 Q. (BY MR. CHANDLER) -- a meeting where your
10 boss, the maintenance supervisor, had a meeting with
11 all the supervisors that reported to him and discussed
12 the hazards of asbestos?

.....

15 Q. (BY MR. CHANDLER) Is that fair? Is that a
16 true statement?
17 A. I do not remember.
18 Q. Okay. Fair enough. And because you were
19 the trade that worked the most with asbestos over all
20 those crafts, that is something that would have stuck
21 out in your mind, do you think?

.....

23 A. Probably.
24 Q. (BY MR. CHANDLER) All right. I mean, I
25 could -- you would understand a heavy equipment
26
27
00028:01 operator not paying attention to that kind of
02 information, right?

.....

04 A. Right.
05 Q. (BY MR. CHANDLER) But you as the supervisor
06 of insulators who worked with asbestos, that's the
07 kind of thing that would have been very relevant to
08 you?
09 A. Right.

.....

22 A. Say that again.
23 Q. Yes, sir. What input, if any, did you have
24 in the spec'ing of asbestos on hot steam lines or
25 boilers, for example, at Union Carbide?

.....

04 A. I had input into it, that's for sure; but --
05 Q. (BY MR. CHANDLER) In what way?
06 A. In the way of suggestion.
07 Q. Suggesting the type or brand or both?
08 A. Yeah, right.
09 Q. Both of those?
10 A. Yes.
11 Q. What asbestos-containing insulation did you
12 think worked best for your applications?
13 A. All of them worked good.

.....

05 Q. (BY MR. CHANDLER) Have you -- can you
06 identify for us, have you ever seen a document that
07 went to an actual insulator at Union Carbide telling
08 him what kind of respirator he needed to wear?
09 A. No.
10 Q. All right. Is the kind of -- well, if a man

.....

.....
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.....

11 got a respirator at Union Carbide, did he have to sign
12 for it?
13 A. Yeah.
14 Q. All right. Because he probably had to
15 return it, too, right?
16 A. Well, no.
17 Q. What was that --
18 A. Usually his supervisor would get them for
19 them.
20 Q. So, the man -- he would not sign for it?
21 A. He personally wouldn't, no.
22 Q. Would the supervisor sign for it?
23 A. Probably, yeah.

.....

19 Q. Do you ever remember it being a requirement
20 for a Union Carbide insulator to get an annual chest
21 x-ray?
22 A. No.
23 Q. All right. Do you ever remember it being a
24 requirement for a Union Carbide insulator to get an
25 annual physical exam?
26
27
00050:01 A. No.
02 Q. Did you ever tell your insulators, "I am
03 requiring you, even though the company doesn't, to go
04 get an annual physical exam"?
05 A. No.
06 Q. Did you ever tell your insulators as their
07 supervisor, even though it wasn't Union Carbide
08 policy, "Go get an annual chest x-ray"?

.....

11 A. No.

.....

20 Q. So, the way I'm looking at No. 23 is men who
21 are currently working in the insulation department and
22 Union Carbide is doing an annual survey for their
23 health, consistent with which you tell us their policy
24 is, right?
25 A. Yeah, right.
26
27
00200:01 Q. Now, did Union Carbide have a policy that if
02 an insulator demonstrated impaired breathing capacity
03 he had to be removed from the insulation --
04 MR. JORDAN: Object to the form of the

.....

06 Q. (BY MR. CHANDLER) -- trade?
07 A. If he couldn't wear a respirator.
08 Q. But what if his breathing tests were
09 abnormal? And I don't care that you know what the
10 abnormal is.
11 A. Yeah.

.....

14 Was there a policy that if an insulator
15 demonstrated abnormal breathing tests on pulmonary
16 function exam where you blow into a tube that you've
17 talked to us about --
18 A. Uh-huh, yeah.

.....

.....
.....

.....

19 Q. -- that he had to be taken out of the
20 insulation trade?
21 A. I don't know.
22 Q. You never knew of such a policy?
23 A. No.
24 Q. All right. Exhibit No. 22, would you look
25 at that, please?
26
27
00201:01 A. Okay. That's this one.
02 Q. I believe you went through this with Union
03 Carbide's lawyer, and what Exhibit No. 22 tells us is
04 you've got a list of insulators who took breathing
05 tests based on vital capacity --
06 A. Yeah.
07 Q. -- and forced expiratory volume, right?
08 A. Correct.
09 Q. Now, look at No. 0101. You see him?
10 A. Sure do.
11 Q. And his vital capacity is 59, right,
12 percent?
13 A. Yeah.
14 Q. And his forced expiratory volume is 61
15 percent, right?
16 A. Correct. I guess that's what it is.
17 Q. In fact, that's what you've told Mr. Jordan
18 it is. These are breathing test results, aren't they?
19 A. Yeah.
20 Q. I'm not asking you to interpret what they
21 mean.
22 A. Right.
23 Q. I'm just asking you to agree that those
24 numbers are what Union Carbide reports they are.
25 A. Okay.
26
27
00202:01 Q. Union Carbide never made up breathing tests
02 for their employees, did they?
03 A. Right, right, right.
04 Q. If they did make up breathing tests for
05 their employees, they certainly wouldn't make up
06 breathing tests that showed abnormal results, would
07 they?
08 A. I don't know what's abnormal.
09 Q. Okay. Has anybody ever communicated to you
10 in the medical department at Union Carbide what an
11 abnormal breathing test is?
12 A. Nope.
13 Q. All right. You agree that you were in
14 charge of the health and safety of the insulators that
15 worked for you, right?

.....

18 A. To a degree.

.....

23 Q. Now, if you'll look on Exhibit No. 23 for
24 me, No. 0101 is still working as an insulator some
25 nine years after his breathing tests demonstrate 59
26
27
00203:01 percent vital capacity and 61 percent forced
02 expiratory volume, according to Exhibits No. 22 and
03 23, right?
04 A. Uh-huh, right.

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05 Q. And we could go down this list; but I'll
06 save it for a medical doctor; but the bottom line is,
07 you never had a policy of which you're aware where
08 your insulators were removed from the insulation trade
09 if they demonstrated abnormal breathing tests?

.....

12 A. That's correct.
13 Q. (BY MR. CHANDLER) Did you ever remove an
14 insulator from the insulation trade because he had
15 abnormal breathing tests?
16 A. No.
17 Q. Okay. And you would have been the one to
18 have removed him, right, as his boss?
19 A. I would have needed a lot of help.
20 Q. Right. But if an insulator was removed from
21 your crew, you would have been involved in the
22 process?
23 A. I would.
24 Q. All right. And you would have known about
25 it?

.....

05 A. Yes.

.....

15 Q. Mr. Jordan, for Union Carbide, asked you
16 whether you knew that visible clouds of asbestos dust
17 presented a hazard, whether you knew that was true;
18 and I believe your answer was no; is that fair?
19 A. That's right.
20 Q. Now, Union Carbide had sophisticated
21 industrial hygienists, right?
22 A. Yeah.
23 Q. They know what they're doing, right?
24 A. Yeah.
25 Q. Good scientists?

26
27

00205:01 A. Correct.
02 Q. If Union Carbide issues an asbestos
03 toxicology report that they gave to customers and
04 published to people, you would expect the information
05 that they gave and published to be accurate, fair?
06 A. Sure.
07 Q. All right. Would you read for me the
08 blocked out portion on what appears on Exhibit No. 16
09 to your deposition, the document entitled "Asbestos
10 Toxicology Report"?

.....

23 A. "This concentration of dust is generally not
24 visible in the average work area unless a beam of
25 light causing a Tyndall effect is present. Usually
26
27
00206:01 the dust concentration must be from 8 to 10 million
02 particles per cubic foot before its presence is
03 visible in average lighting conditions."
04 Q. Now, you knew that the highest level of dust
05 present under any existing threshold limit value was 5
06 million particles per cubic foot, right?

.....

09 A. You said dust.
10 Q. (BY MR. CHANDLER) Yes, sir.
11 A. (Witness shrugs shoulders)
12 Q. The highest level of -- what is the highest
13 threshold limit value you've ever known to apply to
14 dust-containing asbestos?

16 A. I don't know exactly. What was it? You
17 tell me.
18 Q. (BY MR. CHANDLER) Okay. If the Texas
19 Department of Health says it was 5 million particles
20 per cubic foot or if OSHA says it was 5 million
21 particles per cubic foot --
22 A. That's good enough.
23 Q. -- would you disagree or agree?
24 A. No, I wouldn't disagree.
25 Q. Okay. All right. Sir, let me go back to
26
27
00207:01 some of the stuff in the beginning. You talked to us
02 about the great family you raised; and how many kids
03 did you have, sir?
04 A. I had four.
05 Q. What year was the first one born?
06 A. 1945.
07 Q. 1945. Sir, I want to direct your attention
08 to what was marked in your deposition as Exhibit No.
09 4. It was the transactions of the National Safety
10 Council, and what's the date of that document?
11 A. '32.
12 Q. That was 13 years before your first child
13 was ever even born, wasn't it?
14 A. You got it.
15 Q. It was twenty some years before you ever
16 stepped foot on a Union Carbide facility, wasn't it?
17 A. Uh-huh.
18 Q. Yes?
19 A. Right.
20 Q. Sir, did Dr. -- did Mr. Deese, the
21 industrial hygienist; Dr. Dernehl; Dr. Joyner or
22 anybody that you ever had discussions with about the
23 hazards of asbestos ever tell you that Union Carbide
24 as early as 1932 was aware of the disease asbestosis
25 and the effects of inhaled mineral dust?
26
27
00208:01 A. No.

05 A. I hope to hell they did.
06 Q. You hope to hell they did. Okay. Sir, I
07 don't think there's any dispute in this case -- and if
08 there is, tell me -- that you knew as early as 1968
09 about the hazards of asbestos. Nobody disputes that,
10 right?
11 A. No.
12 Q. You personally as the insulation supervisor
13 knew asbestos could kill as early as 1968?

15 A. Yeah.
16 Q. (BY MR. CHANDLER) You knew as early as 1968

.....
.....

.....

17 that spouses, for example, were at risk of asbestos
18 disease from the asbestos brought home on the clothes
19 of their family members?
20 A. Yes.
21 Q. Okay. Sir, Union Carbide -- strike that.
22 Let's talk about the different types of
23 asbestos that were present in the facility. You told
24 us there was -- there was Foamglas, and that was black
25 and cellular?

26
27

00212:01 A. Say that again.
02 Q. I want to talk about the different types of
03 insulation -- thank you -- at Union Carbide's Texas
04 City facility.
05 A. Right.
06 Q. One of the types was Foamglas?
07 A. Correct.
08 Q. And that was a black cellular product?
09 A. Yes.
10 Q. Very different than the Kaylo calcium
11 silicate, would you agree?
12 A. Very.
13 Q. Looks very different?
14 A. Very.
15 Q. You would never confuse the two, would you?
16 A. No.
17 Q. Okay. Then there was fiberglass, and that
18 looked very different than the Kaylo, right?
19 A. Correct.
20 Q. You would never confuse fiberglass for
21 Kaylo?
22 A. No.
23 Q. You would never confuse fiberglass for any
24 asbestos-containing insulation?
25 A. No.

26
27

00213:01 Q. Then there was polyurethane?
02 A. Right.
03 Q. You certainly would never confuse
04 polyurethane for asbestos insulation, would you?
05 A. No.
06 Q. What did polyurethane insulation look like?
07 A. It was an orange-yellowish type of --
08 Q. Okay. Then there was mineral wool. What
09 did mineral wool look like?
10 A. Dark brownish.
11 Q. Dark brownish?
12 A. Yeah.
13 Q. And the calcium silicate Kaylo product, that
14 was a white, chalky-looking stuff, right?
15 A. Correct.
16 Q. You would never confuse mineral wool for
17 Kaylo, would you?
18 A. No.

.....

12 Q. (BY MR. CHANDLER) Okay. Then all of the
13 calcium silicate -- all of the calcium silicate
14 insulation prior to 1972 that you wanted to use and
15 did use was asbestos-containing?
16 A. Mostly, yes.

.....

22 Q. Which Pabco product was it your
23 understanding was asbestos free prior to 1973?

24 A. I don't know which.

25 Q. Okay. Prior to 1973 -- and the reason you

26

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00216:01 didn't use it was what?

02 A. It was just too fragile.

16 There was an insulation available to
17 Union Carbide about which you had actual knowledge
18 that did not contain asbestos that you could have used
19 for the same applications on which asbestos insulation
20 was used, true?

21 A. Yeah.

22 Q. All right. I guess it would have cost you
23 more money to do that because it came broken up, you
24 would have to buy more of it?

25 A. That's exactly right.

26

27

00217:01 Q. And that's exactly why you didn't use it?

02 A. It wasn't worth a damn.

03 Q. But the reason you had to use it is because
04 you had to buy a lot more of it because it would come
05 broken up?

06 A. That's correct.

07 Q. All right. Did you -- but you recognized
08 prior to 1973 that a nonasbestos insulation would have
09 been safer for your men, right?

11 A. Of course.

12 Q. (BY MR. CHANDLER) But you chose not to use
13 it because you would have had to buy more of it?

14 A. That's right.

15 Q. All right. 19 -- I want to talk to you
16 about some, just briefly, of the OSHA regulations.
17 You told Mr. Jordan on the direct examination that
18 Union Carbide complied with OSHA's labeling
19 requirements. Do you recall that?

20 A. Uh-huh.

21 Q. What were OSHA's labeling requirements?

22 A. Put signs out.

23 Q. Put signs out where?

24 A. Around an area that you were working in that
25 asbestos was being handled.

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00218:01 Q. Oh. So, when you say "labeling," do you
02 mean Union Carbide put up signs when asbestos was
03 being worked with or just when it was present
04 somewhere?

05 A. No. When it was being worked with.

06 Q. Union Carbide never labeled the steam lines
07 that contained asbestos --

08 A. Oh, no, no.

09 Q. -- did they?

10 A. No.

11 Q. No labeling like that ever occurred?

12 A. No.

13 Q. And Union Carbide never labeled any boxes or

.....
.....

.....

14 bags of asbestos-containing products that would come
15 in with any label identifying them as
16 asbestos-containing, true?

.....

21 A. No.
22 Q. Any product that contained asbestos or any
23 product you had on hand that you had prior to 1972 --
24 A. Yeah.
25 Q. -- that contained asbestos, you never put a
26
27

00219:01 label on those products?

02 A. No.

.....

07 Q. (BY MR. CHANDLER) Signs were never put up
08 on asbestos-containing lines, true, marking which ones
09 were asbestos?
10 A. No.

.....

13 There were never any signs on the lines
14 which had asbestos-containing insulation, right?

15 A. That's right.

16 Q. All right. There were never any signs in
17 any part of a warehouse where asbestos insulation was
18 stored identifying which part was asbestos and which
19 part wasn't.

20 A. No.

21 Q. That's a true statement?

22 A. True statement.

23 Q. Okay. You talked to us about isolation,
24 when asbestos was being, you know, removed or put on
25 lines. What does that mean? What did you physically
26

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00220:01 see happen?

02 A. Isolation meant roping off an area --

03 Q. Okay. What else?

04 A. -- with a tape that said "hazardous area"
05 and all that --

06 Q. You taped it?

07 A. -- and then putting the signs hanging on the
08 tape --

09 Q. Okay.

10 A. -- that says it was injurious to your health
11 and breathing and all that stuff. And, of course, we
12 bagged the material as it was being removed; and they
13 were all labeled, too.

14 Q. Okay. How did the rope stop the asbestos
15 from going --

16 A. It didn't. It would stop people from coming
17 in the area.

18 Q. But what about people who were outside the
19 rope downwind? How did it stop them from being
20 exposed?

.....

23 A. No way of knowing.

24 Q. (BY MR. CHANDLER) Okay. Did you put up
25 plastic sheeting or anything to maintain the --
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00221:01 A. Not at that time.
02 Q. When did you start plastic sheeting?
03 A. I never did have to. That was after my
04 time.
05 Q. Because -- and that would be 1980's?
06 A. They started that, yeah.
07 Q. Okay. So, at any time while you were at
08 Union Carbide, they never enclosed the space?
09 A. No, no.
10 Q. Their isolation was solely limited to a
11 rope?
12 A. That's right.
13 Q. And the rope did nothing to keep the
14 asbestos contained, did it?
15 A. That's correct.

23 Q. (BY MR. CHANDLER) Okay. Well, when did the
24 roping off start in your opinion?
25 A. It started in '72.
26
27
00224:01 Q. Okay. You didn't start roping off in 1968?
02 A. No.
03 Q. Why not?
04 A. Who said to?
05 Q. What do you mean by "who said to"?
06 A. Did anybody say to do that?
07 Q. What do you mean by that?
08 A. Was there a law?
09 Q. Because there wasn't a law, you didn't rope
10 off?
11 A. There wasn't any reason to.
12 Q. Okay. Well, you knew in 1968 that very
13 brief exposures could kill, right?
14 A. Yeah.
15 Q. Isn't that reason to?
16 A. Who is going to define that?
17 Q. Well, your own mind, sir, you as the
18 insulation supervisor, without regard to exactly what
19 fiber levels, knew that in 1968 very brief exposures
20 could kill. You've told us that countless times.
21 A. I did.

24 Q. (BY MR. CHANDLER) Yet you did nothing to
25 isolate for four years until the Federal Government
26
27
00225:01 finally made you to, right?
02 A. That's correct.
03 Q. You did nothing to wet it down for four
04 years?
05 A. That's right.
06 Q. You did nothing to limit exposure to
07 asbestos for those four years because you weren't
08 required to do it by law?
09 A. That's correct.
10 Q. Okay. Sir, how many people died from
11 exposure to asbestos in the four years from the time
12 that you knew asbestos could kill and the time the
13 Federal Government instituted --

25 Q. Okay. You have seen with your own eyes

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00228:01 workers like pipe fitters removing insulation?
02 A. No. Are you talking about contractors?
03 Q. No. Union Carbide pipe fitters removing
04 insulation. You've seen that?
05 A. I have.

.....

16 Q. (BY MR. CHANDLER) You supervised
17 insulators, right?
18 A. That's it.
19 Q. So, follow my logic here: You were on the
20 job while pipe fitters were present?
21 A. Uh-huh.
22 Q. You supervised insulators?
23 A. Right.
24 Q. Therefore, insulators and pipe fitters
25 worked on the same jobs together?
26
27
00230:01 A. Yeah, I guess you would say that.
02 Q. Okay.
03 A. One would come in and work and the other one
04 would do the job and then the other one would come
05 back.
06 Q. And what did the insulators do before the
07 pipe fitters came in to clean up their mess?
08 A. Very little.
09 Q. Okay. So, the pipe fitter would be walking
10 on all that insulation that was just removed?
11 A. Possibly.
12 Q. Stirring it up?
13 A. Possibly.
14 Q. Or he would kick it up?
15 A. We're talking reality.

.....

00231:01 I want to talk to you about the air
02 monitoring data that Mr. Jordan showed you. I don't
03 remember which exhibit it was, but it's in front of
04 you. Would you look at the Union Carbide exhibits?

.....

09 Q. (BY MR. CHANDLER) Since we've talked about
10 Boots Roberts, who the ladies and gentlemen of the
11 jury will undoubtedly have heard from, will you pull
12 to the one sample where Boots Roberts was doing some
13 work?

.....

19 A. Okay.
20 Q. (BY MR. CHANDLER) Could you show us
21 anywhere on -- which exhibit is this by the way on the
22 front page?
23 A. It says 2.
24 Q. Could you show us anywhere on Exhibit 2
25 where Boots Roberts' industrial hygiene sample as
26
27
00232:01 referenced on the very last page, where it
02 demonstrates that Boots is being sampled or his area
03 is being sampled? Which one is this? A personal
04 sample or an area sample? Can you even tell?

.....

05 A. It would have to be an area sample -- a

18 Q. And where on Exhibit No. 2 does it say that
19 this was personal monitoring versus area monitoring?
20 A. Well, I'm asking you a question. How could
21 the insulation be removed without it being by a
22 person? Is it just going to fall off?
23 Q. No, sir. I agree. Mr. Roberts removed
24 thousands and thousands and thousands of feet of
25 insulation at Union Carbide.

22 Q. (BY MR. CHANDLER) You and I agree that
23 Mr. Roberts is removing the asbestos.
24 A. Okay.
25 Q. Here is my question --

04 Q. Where on Exhibit 2, sir, does it say
05 Mr. Roberts is personally being sampled for asbestos?
06 A. It doesn't say it, per se.
07 Q. Doesn't say. It doesn't say whether it's
08 area sampled --
09 A. No.

12 Q. Do you know that an area sample is a sample
13 that could be 1 foot from the person or it could be 10
14 feet from the person?
15 A. I know that.
16 Q. Okay. Now, I've added up -- and you're free
17 to look through this all you want. You told
18 Mr. Jordan that Thermobestos was something you
19 probably used 5 percent of the time, right?
20 A. Yeah, I would say that.
21 Q. Now, if you look at Exhibit No. 2 -- and
22 we're going to show the jury the percentage of
23 sampling done on Thermobestos versus Kaylo, and I
24 believe that they're going to find Thermobestos is
25 being sampled 47 percent of the time --
26
27

00235:01 A. Uh-huh.
02 Q. -- and Kaylo is being sampled 53 percent of
03 the time. Do you have any reason -- if you want to
04 count it up, count it up.
05 A. I don't want to count it.
06 Q. Sir, that's a little more than a 5 percent
07 representation by Thermobestos, isn't it?
08 A. They don't make the usage in that -- go
09 along with what you're saying.
10 Q. So, we sampled it 47 percent of the time;
11 but you're saying you only bought it 5 percent of the
12 time?
13 A. That might have been done on purpose, too.
14 Q. Why?
15 A. Because it's more dusty material.
16 Q. Because you knew Thermobestos was dustier?
17 A. Yeah.

04 Q. If you're wetting down the product, you're
05 not having dust problems, though, are you?

06 A. Yeah.

04 Q. And in 1972, it was still appropriate for
05 Union Carbide -- or at least it was still their
06 practice -- to reapply or reuse asbestos-containing
07 insulation when it had to be removed to do maintenance
08 and then you guys put it back on, didn't you?

09 A. I don't know what they did.

10 Q. Well, let's -- let's read, just like
11 Mr. Jordan did, Exhibit No. 5 in the middle, "In
12 essence this policy is as follows: The plant will not
13 purchase or stock asbestos-containing insulating
14 materials; however, asbestos-containing insulating
15 materials will be reused when existing insulation is
16 removed from a vessel or piping." Did I read that
17 correctly?

18 A. You read it.

19 Q. Now, it also says your plant, Texas City
20 have not as yet developed a policy regarding the use
21 of asbestos-containing insulating materials, doesn't
22 it?

23 A. That's what it says.

24 Q. And that's pretty consistent with what
25 you've testified, that from '68 --
26
27

00238:01 A. Yeah.

02 Q. -- to '72 you didn't do anything?

03 A. That's right.

05 Q. (BY MR. CHANDLER) Okay. You agree that
06 when insulation is going to be reused, you don't wet
07 it down, do you?

08 A. What was that?

09 Q. If you're going to reuse the insulation
10 you're taking off, you don't wet it down before you
11 remove it?

12 A. Yeah.

13 Q. You agree with that statement?

14 A. Sure.

15 Q. All right. And when you put it back on
16 after 1972, what you're doing is putting back on
17 asbestos-containing insulation?

18 A. What you're talking about, though, is a
19 policy that's going on in, they say, in West Virginia,
20 and not Texas City.

21 Q. Actually, look at the paragraph before it.
22 The paragraph just before it, sir -- -

23 A. Yeah.

24 Q. -- wherein you describe the policy, it says,
25 "At March 6, 7, and 8 meeting of the Insulation
26
27

00239:01 Standards Team at Texas City" --

02 A. Yeah.

03 Q. -- "the team learned that each of the four
04 Gulf Coast plants had individually (unilaterally)
05 studied the OSHA requirements and had made a decision
06 regarding the individual plant's policy regarding the
07 use of asbestos-containing insulating materials. In
08 essence, the policy is as follows" --

09 A. Okay.

10 Q. -- that asbestos-containing insulation will

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.....

.....

11 be reused, right?
12 A. Yeah.
13 Q. That's the four Gulf Coast area plants?
14 A. Uh-huh, right.
15 Q. Yes? That's Texas City, yes?
16 A. Correct.
17 Q. Seadrift, yes?
18 A. Right.

.....

19 Q. Union Carbide gave them the asbestos?

.....

22 A. Right.

.....

00241:01 Q. (BY MR. CHANDLER) Now, there is no question
02 in your mind, based on the limited dust studies we
03 have seen today, that asbestos-containing insulation
04 could be, if done properly, removed so that exposures
05 were below the threshold limit value, right?
06 A. Could be.
07 Q. Now, but in order to do that, special
08 precautions had to be taken in order to ensure that
09 threshold limit values for asbestos were not exceeded.
10 Would you agree?
11 A. Correct.
12 Q. They were precautions like wetting it down,
13 yes?
14 A. Uh-huh, right.
15 Q. Precautions like isolation, yes?
16 A. Yes.
17 Q. Precautions like vacuuming instead of
18 sweeping, yes?
19 A. Yes.
20 Q. Those were all things that took a lot of
21 time?
22 A. Yes.
23 Q. Okay. But if done safely and if done
24 properly, asbestos-containing insulation can be
25 removed under the appropriate circumstances and no one
26
27

00242:01 needs to die, right?

.....

04 A. Can be, yes.

.....

09 UCC Exhibit No. 8 is a memo dated
10 February 27, 1976, with a subject of "Coveralls for
11 Insulators," true?
12 A. Right, yes.
13 Q. Is 1976 the first time that your insulators
14 received coveralls, sir?
15 A. That's what I'm not sure of. I don't know.
16 Q. Okay. Do you know of any memo, policy,
17 letter reflecting coveralls being issued to insulators
18 prior to 1976?
19 A. No.
20 Q. Do you know how much asbestos was taken home
21 on the clothes of insulators prior to 1976 when this
22 policy went into effect?
23 A. No.

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00244:01 A. I don't.
02 Q. (BY MR. CHANDLER) Are anybody -- is anybody
03 on Rapp Exhibit 8, Union Carbide Exhibit 8, dated
04 February 27, 1976, an actual insulator, anybody that
05 it went to or was copied to?
06 A. No.

.....

16 Q. Okay. Did Union Carbide ever do a survey
17 while you were there to identify which steam lines
18 contained asbestos insulation versus which did not?
19 A. Yes, yes.
20 Q. When was that done?
21 A. While I was there.
22 Q. Okay. So, Union Carbide had in its hot
23 little hands, in its possession a survey which told
24 them exactly which lines contained asbestos and which
25 didn't?
26
27
00249:01 A. Uh-huh, yeah.
02 Q. And they never went out to the field to mark
03 them, did they?

.....

05 A. Never had -- no.

.....

14 Q. Hey, Mr. Rapp, do you know all the
15 information that Union Carbide had in its file that
16 they did not share with Dr. Selikoff?

.....

19 A. I don't have any idea.
20 Q. (BY MR. CHANDLER) Are you familiar with all
21 the lobbying efforts Union Carbide did, specifically
22 lobbying against Dr. Irving Selikoff's efforts?

.....

25 A. Not at all.

.....

14 Q. (BY MR. CHANDLER) When did you become aware
15 of Dr. Irving Selikoff's study on insulators?
16 A. Shoot. I never did know about a study on
17 insulators, per se.
18 Q. When did you become familiar with Dr. Irving
19 Selikoff's work?
20 A. Well, when I came to work there. I mean,
21 took over the insulators, '68.
22 Q. You became aware --
23 A. Yeah.
24 Q. -- of Dr. Selikoff's work --
25 A. Yeah.
26
27
00257:01 Q. -- in 1968?
02 A. Uh-huh.
03 Q. Yes?
04 A. Yes.
05 Q. Did you say Dr. Selikoff came to the Texas
06 City facility?

.....

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.....

07 A. He did.
08 Q. When did he come?
09 A. I don't remember what year.
10 Q. After you started working with the
11 insulators?
12 A. Yes.
13 Q. Did you meet him?
14 A. No.
15 Q. Who did?
16 A. I wasn't asked to meet with him.
17 Q. You, the head of the insulators, and you're
18 not asked to meet with Dr. Selikoff?
19 A. You figure that one out. I have not figured
20 it out.
21 Q. Why -- you've never figured out why you
22 weren't asked, right?
23 A. That's right.

.....

13 Q. You can't tell us a single person within
14 Union Carbide Dr. Selikoff met?
15 A. I can't tell you, no.
16 Q. How do you know he was there?
17 A. My boss told me.
18 Q. The only -- the only basis for your
19 knowledge that Dr. Irving Selikoff ever came to Texas
20 City is what somebody else told you?
21 A. That's exactly right.
22 Q. Okay.
23 A. I didn't see him.
24 Q. Okay. And did your boss ever say, "You want
25 to meet with him," or anything like that?
26
27

00259:01 A. Nope.

.....

18 Q. Do you know whether Union Carbide ever
19 turned over any medical information to Dr. Selikoff on
20 its insulators?
21 A. No idea.
22 Q. You were never asked to gather any
23 information to give to Dr. Selikoff?
24 A. No.

.....

21 Q. You knew the identity of the insulators,
22 didn't you?
23 A. Of course.
24 Q. Of course, you did. You knew how they
25 worked, didn't you?
26

27
00261:01 A. Sure.
02 Q. You knew what they worked with, didn't you?
03 A. Sure.

.....

05 Q. (BY MR. CHANDLER) Did anybody at Union
06 Carbide know more about how the insulators worked than
07 you?

.....

09 A. I doubt it.

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10 Q. (BY MR. JORDAN) And nobody ever asked you
11 to sit down with Dr. Irving Selikoff?
12 A. That's right.

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