

IN THE CIRCUIT COURT FOR BALTIMORE CITY
BALTIMORE, MARYLAND

*	*	*	*	*	*	*	*	*	*	*
ALVIN WRIGHT, et.al.,	*									
Plaintiffs	*	Case No. 94363042/								
v.	*	CL190487								
LEAD INDUSTRIES ASSOC., INC.,	*									
et.al.,	*									
Defendants	*									
*	*	*	*	*	*	*	*	*	*	*
ALLEN WRIGHT, et.al.,	*									
Plaintiffs	*	Case No. 94363043/								
v.	*	CL190488								
LEAD INDUSTRIES ASSOC., INC.,	*									
et.al.,	*									
Defendants	*	Judge Ellen Heller								
*	*	*	*	*	*	*	*	*	*	*

52-168

DEPOSITION OF JEROME F. SMITH

The Deposition of Jerome F. Smith was held in the above-captioned cases on Tuesday, March 26, 1996, commencing at 9:09 a.m., at the Law Offices of Peter G. Angelos, 300 East Lombard Street, Baltimore, Maryland 21202, and was reported by Bonnie Gahagan, a Notary Public.

EVANS REPORTING SERVICE
2422 Southwest Road
Baltimore, Maryland 21234
(410) 882-0208

N39083

Page 2 1 APPEARANCES: 2 RONALD RICHARDSON, ESQUIRE Law Offices of Peter G. Angelos 3 100 East Lombard Street Baltimore, Maryland 21202 4 On Behalf of the Plaintiffs 5 MARK L. SULLIVAN, ESQUIRE Sullivan, Sullivan & Pinta 6 100 Franklin Street Boston, Massachusetts 02110 7 On Behalf of the Defendant, Lead Industries Association, Inc. 8 PHILIP H. CURTIS, ESQUIRE Arnold & Porter 9 399 Park Avenue New York, New York 10022-4690 10 On Behalf of the Defendant, Atlantic Richfield 11 THOMAS J. WHITEFORD, ESQUIRE Whiteford, Taylor & Preston 12 210 West Pennsylvania Avenue Towson, Maryland 21204 13 On Behalf of the Defendant, A. Bauer & Company 14 G. MARC WHITEHEAD, ESQUIRE WILLIAM R. SKALLERUD, ESQUIRE and 15 MICHAEL T. NOLAN, ESQUIRE Kopman, Hank, Schmotrich & Kaufman 16 227 South Ninth Street Minneapolis, Minnesota 55402 17 On Behalf of the Defendant, Glidden Company 18 CHARLES S. HIRSCH, ESQUIRE Ballard, Spahr, Andrews & Ingersoll 19 300 East Lombard Street 20 19th Floor Baltimore, Maryland 21202 21 On Behalf of the Defendant, E.I. Dupont De	Page 3 1 APPEARANCES (CONTINUED) 2 JOSEPH M. DAVID, JR., ESQUIRE Jones, Day, Reavis & Pogue 3 Metropolitan Square 1450 G Street, N.W. 4 Washington, D.C. 20005-2088 On Behalf of the Defendant, Sherwin-Williams 5 FRANK KENNEALLY, ESQUIRE Chapp & Houff 6 117 Water Street 7 Baltimore, Maryland 21202 On Behalf of the Defendant, Sherwin-Williams 8 PAUL G. DONOGHUE, ESQUIRE Rollins, Smalpin, Richards & Mackie 9 401 North Charles Street 10 Baltimore, Maryland 21201 On Behalf of the Defendant, Schumann Hardware 11 ADAM S. CALDWELL, ESQUIRE Jackson & Campbell 12 1120 Twentieth Street, N.W. 13 Washington, D.C. 20036-1437 On Behalf of the Defendant, Doe Run
Page 4 1 PROCEEDINGS: 2 THE VIDEOGRAPHER: This is the deposition 3 of Jerome Smith in the matter of Allen Wright, et al. 4 versus Lead Industries Association, Inc., et al. Case 5 Number 94363042/CL190487. 6 The Court Reporter is Bonnie Gahagan 7 employed by Evans Reporting Service. The videographer 8 is Lynne Livingston, employed by Deposition 9 Specialists. 10 MR. RICHARDSON: For the plaintiffs, this is 11 Ronald E. Richardson. 12 MR. SULLIVAN: I am Mark L. Sullivan. I am 13 the attorney for Lead Industries Association, Inc. 14 MR. WHITEFORD: Thomas Whiteford on behalf 15 of A. Bauer and Company. 16 MR. WHITEHEAD: Marc Whitehead on behalf of 17 Glidden. 18 MR. SKALLERUD: William Skallerud on behalf 19 of Glidden. 20 MR. DONOGHUE: Paul Donoghue on behalf of 21 Schumann Hardware.	Page 5 1 MR. KENNEALLY: Frank Kenneally on behalf of 2 Sherwin-Williams. 3 MR. DAVID: Joe David on behalf of Sherwin- 4 Williams. 5 MR. CALDWELL: Adam Caldwell on behalf of 6 Doe Run. 7 MR. CURTIS: Philip Curtis on behalf of 8 Atlantic Richfield. 9 MR. SULLIVAN: Just to complete the record, 10 I have been told that NL Industries will not be having 11 someone in attendance and neither will Fuller 12 O'Brien. 13 Any objections that will be made today will 14 be -- is applicable to them for all purposes for all 15 defendants. 16 MR. SKALLERUD: Okay. 17 MR. SULLIVAN: Just in keeping with the 18 other stipulations that we have had in the past, I 19 presume that all objections and motions to strike 20 should be made at this time as opposed to reserve for 21 the time at trial.
Page 6 1 Is that okay? 2 MR. RICHARDSON: That is fine. 3 Are you going to make a statement as to the 4 documents produced by -- 5 MR. DAVID: I am sorry, just before you get 6 started on that, did you indicate that stipulation, 7 objections for one is objections for all? 8 MR. RICHARDSON: Yes. 9 MR. DAVID: I am sorry. 10 MR. SULLIVAN: In order for the documents 11 we have produced -- in order to save some time, we can 12 stipulate that the documents that you have are 13 accurate copies of documents that have been retained 14 in the files of the Lead Industries Association. 15 You have received copies of the minutes of 16 the Board of Directors, copies of the minutes of the 17 Executive Committee, and then you received copies of 18 other documents which were maintained on a microfilm, 19 and we have given you selected copies of those that we 20 felt would be applicable to your request for 21 production.	Page 7 1 As to all of those, we will stipulate that 2 those are true and accurate copies of those 3 documents. 4 As to the documents which I gave you 5 yesterday which were documents that were found in the 6 files of ILZRO, we originally believed to be ILZRO 7 documents, but on further review we believe those to 8 be L.I.A. and those are true and accurate copies of 9 the documents that we found in those ILZRO files. 10 MR. RICHARDSON: When you say ILZRO, what 11 does that stand for? 12 MR. SULLIVAN: I am sorry, International 13 Lead Zinc Research Organization. 14 MR. RICHARDSON: I will not ask the deponent 15 any questions on the documents produced by L.I.A., not 16 for the identification. 17 MR. SULLIVAN: You may. 18 MR. RICHARDSON: Because I did receive 19 documents from L.I.A. yesterday afternoon, the 20 plaintiffs must at least reserve their right to at 21 least reopen the deposition should the review of the

1 documents reveal any issues that have not been
 2 addressed today at the deposition.
 3 I do not expect that to happen today since
 4 based on your representation that these are dated in
 5 the '70s, and they do not raise any new issues that
 6 will not be discussed today and until I can review
 7 those documents and say one way or the other, I
 8 believe I must reserve the right to reopen the
 9 deposition should there be something in those
 10 documents and the deposition would only be limited to
 11 whatever was new and addressed in those documents
 12 produced yesterday afternoon.
 13 MR. SULLIVAN: That is satisfactory. Thank
 14 you.
 15 Whereupon,
 16 JEROME F. SMITH,
 17 the witness herein, being first duly sworn to testify the
 18 truth, the whole truth, and nothing but the truth, was
 19 examined and testified as follows:
 20 EXAMINATION
 21 BY MR. RICHARDSON:

1 Q Do you remember which city it was in?
 2 A Oh, it was New Orleans.
 3 Q Okay. So you probably are familiar with
 4 these ground rules, but let me just go over them with
 5 you very quickly.
 6 All of your answers have to be verbalized.
 7 You can't nod your head or make motions because the
 8 Court Reporter won't be able to take those down
 9 accurately.
 10 At any time during the day if you want to
 11 take a break, just say so and we will stop and take a
 12 break.
 13 This deposition will probably take all of
 14 today, so at any time you want to take a break, feel
 15 free to just say so and we will do that.
 16 A All right. Thank you.
 17 Q You have to wait until I finish asking the
 18 questions, and I will wait until you finish answering
 19 the question so that the Court Reporter can, again,
 20 take everything down in such a way that it is not
 21 confusing.

1 A I have a little left.
 2 Q You have got some left?
 3 Beginning with high school, what high school
 4 did you go to?
 5 A I went to Abraham Lincoln High School in
 6 Council Bluffs, Iowa.
 7 Q Are you from Iowa?
 8 A Yes.
 9 Q And did you obtain any education after high
 10 school?
 11 A Yes. I went to college.
 12 Q Where?
 13 A University of Miami in Miami, Florida.
 14 Q And did you obtain a Bachelor degree?
 15 A I did.
 16 Q In?
 17 A Bachelor of Science in geology, minor in
 18 chemistry.
 19 Q And did you obtain another advanced degree?
 20 A No, I did not.
 21 Q Did you undertake any other education after

1 Q Good morning.
 2 A Good morning.
 3 Q Would you state your full name for the
 4 record, please.
 5 A My name is Jerome F. Smith.
 6 Q You have been deposed before, have you not?
 7 A I have.
 8 Q On how many occasions?
 9 A Twice.
 10 Q Twice. Were those in lead-related cases?
 11 A That is correct.
 12 Q Did those involve suits against the lead
 13 industry?
 14 A Yes.
 15 Q Was the L.I.A. a defendant in both of those
 16 cases?
 17 A Yes.
 18 Q And which cases were they? What was the
 19 name of the cases, if you know?
 20 A The one was the Santiago case in 1989, and
 21 the other --

1 And if you don't understand any of my
 2 questions or for that matter if you don't understand
 3 anyone's question, please ask them to rephrase it, and
 4 I am sure everyone will be more than happy to do so
 5 because if you don't do that and you answer the
 6 question, it will be assumed that you understood the
 7 question.
 8 A All right.
 9 Q Now, what is your -- are you currently
 10 employed by the L.I.A.?
 11 A I am.
 12 Q So what is your business address?
 13 A Business address is 295 Madison Avenue, New
 14 York, New York 10017.
 15 Q And your home address?
 16 A My home address is 37 Friends,
 17 F-r-i-e-n-d-s, Lane in Westbury, New York 11 -- excuse
 18 me, 11590.
 19 Q And your date of birth, sir?
 20 A I was born November 7, 1934.
 21 Q Would you like some water or something?

1 college?
 2 A From time to time, I have taken courses in
 3 metallurgy and other things in New York.
 4 (Whereupon, Smith Deposition Exhibit Number
 5 1 was marked for identification.)
 6 BY MR. RICHARDSON:
 7 Q I am going to show you what has been marked
 8 as Exhibit Number 1. It is a copy of a notice.
 9 Now, this notice will not reflect the actual
 10 date of your deposition since that has changed since
 11 that notice came out, but I would like you to just
 12 take a moment and look at that and just let me know if
 13 you have seen that before?
 14 (Whereupon, document tendered to witness.)
 15 A Yes, I have.
 16 Q You understand that that notice is not to
 17 you personally, but to the L.I.A. to designate someone
 18 to testify to the matters that are listed in there; is
 19 that your understanding?
 20 A Yes, sir.
 21 Q And do you believe that you are the person

Page 14 1 most knowledgeable to address the issues listed in 2 that notice? 3 A On behalf of L.I.A., yes. 4 Q On behalf of L.I.A. 5 Is there anyone else who is either currently 6 employed by the L.I.A. or is a former employee of the 7 L.I.A. who would also be knowledgeable about the 8 matters listed in the notice? 9 MR. SULLIVAN: Objection. 10 Q You can answer. 11 A There may be some other people. I don't 12 know who they would be. 13 Q You don't know who they would be? 14 A No. 15 Q Did you do anything to prepare for this 16 deposition? 17 A Yes, I did. 18 Q And what would that be? 19 A I reviewed the documents, some of the 20 documents that you have received. 21 I have also looked at the minutes and other	Page 15 1 things that were the corporate papers that we turned 2 over to you. 3 Q The L.I.A. documents? 4 A That is correct. 5 Q Okay. 6 A So some of the papers that you had given us 7 such as the complaint. 8 Q So that would be the plaintiffs' documents 9 as well? 10 A That is right, and there were some documents 11 from some of the other defendants. 12 Q Did you speak with any of the officers or 13 directors of the L.I.A. to prepare? 14 A No, I did not. 15 Q Did you speak to any former employees or 16 current employees of the L.I.A. to prepare? 17 A No, I did not. 18 Q And did you meet with counsel? 19 A Yes, I did. 20 Q On how many occasions? 21 A Many.
Page 16 1 Q And when was the first time that you were 2 contacted by Mr. Sullivan's office to discuss this 3 deposition? 4 MR. SULLIVAN: Objection. You can answer. 5 A I don't remember. 6 Q Do you remember how long ago it was? 7 A Maybe a month to a month and a half ago, 8 that range. 9 Q Okay. And over the last month, month and a 10 half, do you have any idea how many times you met with 11 Mr. Sullivan's office? 12 MR. SULLIVAN: Objection. I think we are 13 getting into attorney-client issues here. 14 MR. RICHARDSON: I am not talking about 15 substance at all. 16 MR. SULLIVAN: I understand that, but -- 17 MR. RICHARDSON: Just the number of times he 18 met. 19 MR. SULLIVAN: How many times we elect to 20 meet and discuss is not really relevant, but if you 21 have a memory, you can give it to him.	Page 17 1 A Maybe six times, I don't know. 2 Q Were there ever occasions during any of 3 those meetings when counsel other than counsel 4 representing the L.I.A. were present? 5 A During those meetings, no. 6 Q When did you first begin your employment 7 with the L.I.A.? 8 A In 1961. 9 Q How old were you at that time? 10 A About 27. 11 Q All right. What was your first job title 12 there? 13 A I had no job title. 14 Q All right. What did you do then? 15 A I was a technical writer. I answered 16 inquiries and did whatever I was told by some of the 17 others more senior to me. 18 Q And where did you work? What location? 19 A At 292 Madison. 20 Q Okay. Just a couple of doors down from 21 where --
Page 18 1 A Across the street. 2 Q And how long did you remain in that position 3 or did there come a time when you changed your job 4 responsibilities? 5 A From '91 -- from '61 to '65, I was in that 6 position and in '66 I became manager of technical 7 services. 8 Q And what did you do as manager of technical 9 services? 10 A It shifted more of the responsibility for 11 answering technical questions and managing inquiries 12 and that sort of thing to me. 13 Q So you basically managed people who were 14 doing what you used to do? 15 A No. There weren't that many people, but I 16 had a direct responsibility to respond to inquiries. 17 Q Who did you report to as manager of 18 technical services? 19 A I would have reported to Mr. Bruce Fader. 20 Q And how long were you manager of technical 21 services?	Page 19 1 A About four years. 2 Q Approximately 1970? 3 A No, it wouldn't have been that. 4 Q '69? 5 A It would have been '6 -- no, maybe '66. 6 Q Okay. I understand that as a technical 7 writer, answering inquiries, you did that from '61 to 8 '65? 9 A Yes. 10 Q And then '65 -- 11 A '65 to '66 -- 12 Q Okay. 13 A -- yes. 14 Q And then what happened? 15 A '67 I became manager of advertising and 16 technical services. 17 Q And what did you do as manager of 18 advertising? 19 A I directed the company, the agency that 20 handled our advertising. 21 Q Who was that?

Page 20 1 A They had many names over a period of a few 2 years. I believe Poppe Tyson was one. 3 Q Okay. Any others? 4 A Just Tyson because they dropped Poppe. 5 Q Okay. How long did you hold the position of 6 manager of advertising and technical services? 7 A Let's see. About to '76, I believe. 8 Q Were you still reporting to Mr. Fader? 9 A No, Mr. Fader had left. 10 Q Okay. So who were you reporting to at this 11 point? 12 A I was reporting to Mr. Kimberly. 13 Q Do you know his first name? 14 A John Kimberly. 15 Q And did your job change in 1976? 16 A It did. I became secretary and general 17 manager. 18 Q How long did you hold that position? 19 A I held that until '79. 20 Q And what did you do, what was your job 21 responsibilities as secretary and general manager?	Page 21 1 A I, of course, had responsibility, I was 2 corporate secretary, so I had responsibility for the 3 minutes and that sort of thing, all of the corporate 4 records, and as general manager, to see that things 5 functioned properly in the Association. 6 Q So when you say you had responsibility for 7 all corporate records, did that include the documents 8 that were produced in this case? 9 A Many of them, yes. 10 Q So at least as of 1966 you became custodian 11 of those records? 12 A That is correct. 13 MR. SULLIVAN: Objection. I think he said 14 '76. 15 Q '76, I am sorry, just so the record is 16 clear. 17 As of 1976 you became custodian of those 18 records? 19 A That is correct, for that period of time. 20 Q So were those records maintained in the New 21 York office?
Page 22 1 A That is right. 2 Q Had the address at the time that you were 3 secretary and general manager changed to across the 4 street? 5 A No. 6 Q You were still at 291? 7 A 292. 8 Q 292, sorry. 9 And what happened in 1979? 10 A '79 I was made vice-president. 11 Q How long were you vice-president? 12 A Until 1987. 13 Q Were you still custodian of records as vice- 14 president? 15 A No. We had a secretary. 16 Q So did your job change in any way? 17 A Yes. 18 Q In what way? 19 A I did a great deal of travel and was busy 20 with programs, projects for the Association. 21 Q What type of projects were you talking	Page 23 1 about? 2 A Anything from battery-powered trucks, 3 vehicles, trying to introduce a new vehicle, roofing 4 and waterproofing applications, that sort of thing. 5 Q Did these projects have to do with the use 6 of lead in those projects? 7 A Absolutely. 8 Q And in 1987 did your job title change? 9 A Yes. I became executive director. 10 Q And that lasted until when? 11 A Until the present time. 12 Q All right. And do you now have custody of 13 the records or is that still the responsibility of 14 somebody else? 15 A I do have custody of the records now. 16 Q And what was your -- what is your job 17 responsibilities as executive director of the L.I.A.? 18 A I manage the day-to-day affairs of the 19 Association. 20 I see that the programs are carried out, 21 that the financing are in order and that the wishes of
Page 24 1 the Board and Chairman are carried forward. 2 Q When was the L.I.A. incorporated? 3 A In 1961. 4 Q Before that was it a company or was it -- 5 A It was an unincorporated association. 6 Q Okay. And what state did it incorporate 7 itself in? 8 A New York. 9 Q Has the name of the Association changed in 10 any way over the years? 11 A The only change was to add Inc. at the end. 12 Q And when was the company first created? 13 A Lead Industries Association was created in 14 1928. 15 Q The Association? 16 A That is correct. 17 MR. SULLIVAN: Just for clarification, you 18 said when was the company created. 19 Did you mean the corporate structure or -- 20 MR. RICHARDSON: The Association. 21 BY MR. RICHARDSON:	Page 25 1 Q When was the Association created and it was 2 in 1928. 3 Now, this was not a for-profit association; 4 is that correct? 5 A It was a not for-profit association. 6 Q Did it have offices in anyplace other than 7 New York? 8 A No. 9 MR. RICHARDSON: Mark this. 10 (Whereupon, Smith Deposition Exhibit Number 11 2 was marked for identification.) 12 BY MR. RICHARDSON: 13 Q Why was the Association created in 1928? 14 MR. SULLIVAN: Objection. If you know. 15 A I can't answer that. I don't know. 16 Q Okay. When the Association was created in 17 1928, did it have a Board of Directors? 18 A Yes, it did. 19 Q Do you know what the code of the lead 20 industries is? 21 MR. SULLIVAN: Objection. If you know.

Page 26 1 A No. 2 MR. SULLIVAN: Keep your voice up. 3 A I am sorry, no. 4 Q All right. Let me show you what has been 5 marked as Exhibit Number 2, sir. Why don't you take a 6 moment. 7 Let me ask you when you are finished if you 8 recognize that document? 9 (Whereupon, document tendered to witness.) 10 A Yes. 11 Q If I can refer you to -- 12 MR. SULLIVAN: Is that yes, you do recognize 13 it? 14 THE WITNESS: Yes, I do. 15 Q -- to number 2. 16 MR. CURTIS: Could you identify the 17 document? 18 MR. RICHARDSON: I am sorry, yes. 19 Deposition Exhibit Number 2 is the 20 Constitution and Bylaws of the Lead Industries 21 Association dated as of November 14th, 1928 revised as	Page 27 1 of January 19th, 1934. 2 BY MR. RICHARDSON: 3 Q If I can refer you to number 2 as it is 4 numbered at the top of the page. The next page. 5 A Okay. 6 Q Under the category Article 4, inspection of 7 records. 8 MR. SULLIVAN: Just to note, this is not a 9 document that we produced. It does not have an L.I.A. 10 document number on it. 11 MR. RICHARDSON: I understand. I am not 12 asking whether he has produced it or not. 13 BY MR. RICHARDSON: 14 Q Is it your understanding, sir, that the 15 books and records of the L.I.A. were available for 16 public inspection from the date of its inception? 17 A That is certainly what it says here. 18 Q It does. 19 Do you have any reason to believe 20 otherwise? 21 A Open to inspection. I want to correct
Page 28 1 myself here. It says that the books and records shall 2 be open to inspection at all times by the departments 3 or bureaus of government interested. 4 Q Okay. Do you know why the books and records 5 would intentionally be made available to any 6 government or bureaus of government who may be 7 interested? 8 MR. SULLIVAN: Objection. Only if you 9 know. 10 A I do not know. 11 Q And on page 3 under Article 6, membership, 12 it appears that this section distinguishes between 13 voting and nonvoting members. 14 Was there a classification of associate 15 members versus full voting members in the Lead 16 Industries Association? 17 MR. SULLIVAN: Objection. If you know. 18 I believe the document speaks for itself, 19 but if he has personal knowledge beyond that -- 20 MR. RICHARDSON: That is right. 21 A I do not know.	Page 29 1 Q Okay. Mr. Smith, the documents that the 2 L.I.A. produced in these cases, were those documents 3 produced in other litigation? 4 A Yes. 5 Q Were there any documents produced in other 6 litigation that was not produced in these cases? 7 A There would have been some, yes. 8 Q And what documents would they have been? 9 A These would have been items on the microfilm 10 that pertain to the -- 11 MR. SULLIVAN: Objection. Let me -- if he 12 knows what was produced in the other cases, I think he 13 can testify to it. 14 MR. RICHARDSON: It sounds like he knows -- 15 MR. SULLIVAN: But the attorneys in this 16 session have handled the document production. 17 If he has a specific knowledge as to what 18 was produced in each case, he can testify to it. But 19 if he doesn't, I think he should not speculate. 20 MR. RICHARDSON: I have an objection to you 21 instructing your witness now to answer during the
Page 30 1 course of your deposition. 2 He was in the middle of answering the 3 question and you just interrupted and tried to tell 4 him what to say, and I think that is totally 5 improper. 6 MR. SULLIVAN: I don't think that is a 7 proper characterization. 8 As you are well aware in litigation, the 9 attorneys handle document production issues. 10 MR. RICHARDSON: This man is custodian of 11 the records and he knows what records were produced in 12 litigation, and he was about to finish his answer and 13 you interrupted him and trying to suggest -- 14 MR. SULLIVAN: I believe he was answering 15 what was turned over to us. That is something the 16 attorneys handled. 17 If he has specific knowledge, he can 18 testify. 19 MR. RICHARDSON: He does and he was 20 testifying. 21 BY MR. RICHARDSON:	Page 31 1 Q Let me ask you the question again. 2 Were there any documents that were produced 3 in litigation that you are aware of that was not 4 produced in this litigation? 5 MR. SULLIVAN: If you know. 6 A I don't know specifically, but -- well, that 7 is the answer. I don't know. 8 Q What was on the microfilm that you were 9 talking about, the microfiche? 10 A There were 10 microfilms, cassettes. 11 Q Okay. 12 A Five of which pertained to the historical 13 documents, the records, the minutes, and those were 14 produced for you, is my understanding. 15 Q Okay. What about the other five? 16 A The other five deal with the ledgers and 17 financial records of the Association from 1928 to 18 about the '70s. 19 Q Those were not produced, to your knowledge? 20 A To my knowledge -- 21 MR. SULLIVAN: Objection. If you

1 specifically know what was given from the records --
 2 MR. RICHARDSON: He just answered the
 3 question.
 4 MR. SULLIVAN: If he specifically knows.
 5 A I don't know.
 6 MR. RICHARDSON: Again, I have to object to
 7 your testifying on behalf of your client.
 8 MR. SULLIVAN: I object to that
 9 characterization.
 10 BY MR. RICHARDSON:
 11 Q Were there any documents that used to be in
 12 the possession of the L.I.A. that are no longer in its
 13 possession because of a document retention policy, for
 14 instance?
 15 A We do have a document retention policy,
 16 yes.
 17 Q And what is that?
 18 A After a certain period of time, certain
 19 documents are either discarded or dumped.
 20 Q And when you say a certain period of time,
 21 what is that?

1 A It depends on the document. Some things are
 2 retained according to the IRS requirements for up to
 3 seven years.
 4 Some letters and chron. file and things such
 5 as that are kept for about three years.
 6 Q Okay. With respect to correspondence
 7 generated by employees of the L.I.A., what was the
 8 record retention policy with respect to those?
 9 MR. SULLIVAN: Objection. Just time frame.
 10 A You would have to tell me --
 11 Q Any time.
 12 All right. Let me start back between the
 13 date of its inception up until the 1970s?
 14 A For that period I have to -- no answer for
 15 you there. I don't know what the document retention
 16 policy was.
 17 Q All right.
 18 A I am ready for a glass of water.
 19 MR. RICHARDSON: Let's go off the record for
 20 a second.
 21 (Whereupon, discussion off the record.)

1 THE VIDEOGRAPHER: We are back on the
 2 record. The time is 9:40.
 3 BY MR. RICHARDSON:
 4 Q Mr. Smith, isn't it true that lead as a
 5 metal is toxic?
 6 MR. SULLIVAN: Objection. You can answer.
 7 A Yes, lead is toxic when ingested, it can
 8 become toxic.
 9 Q And what do you mean by toxic?
 10 MR. SULLIVAN: Objection.
 11 A I would ask you what you mean by toxic.
 12 Q Well, I am asking you to define the term as
 13 you understand it.
 14 MR. SULLIVAN: Objection. You are the one
 15 who asked the question. I think you ought to have a
 16 definition.
 17 Q My question to you, sir, is to define the
 18 term as you understand it.
 19 MR. SULLIVAN: If you have a medical
 20 knowledge or --
 21 Q I am not asking you for a medical

1 knowledge, sir, I am asking you as the corporate
 2 designee of the L.I.A., do you or the L.I.A. have an
 3 understanding of what that term means and if you do,
 4 please state that.
 5 A We do not have one.
 6 Q Isn't it true, sir, that the L.I.A., and I
 7 am using that acronym instead of saying Lead
 8 Industries Association throughout the deposition, but
 9 isn't it true that the L.I.A. knew as of the date of
 10 its inception that lead was toxic or is toxic?
 11 MR. SULLIVAN: Objection. If you know.
 12 A I believe that it probably did.
 13 MR. RICHARDSON: Mark this.
 14 (Whereupon, Smith Deposition Exhibit Number
 15 3 was marked for identification.)
 16 BY MR. RICHARDSON:
 17 Q Mr. Smith, I am going to show you what has
 18 been marked as Exhibit Number 3. For the record, it
 19 is a copy of the Directors meeting minutes dated May
 20 29th, 1929.
 21 I ask you to take a look and, first of all,

1 whether or not you recognize that document.
 2 (Whereupon, document tendered to witness.)
 3 A Yes.
 4 Q You do recognize that document?
 5 A I do, yes.
 6 Q It has the L.I.A. Bates stamp number at the
 7 bottom?
 8 A That is correct.
 9 Q Okay. Let me refer you, sir, to the first
 10 page. It has present and representing the name of a
 11 person and the company that person represents.
 12 Are these members of the Board or were these
 13 members of the Board of Directors as of that date?
 14 MR. SULLIVAN: If you know.
 15 A I believe they would have been, yes.
 16 Q Okay. And as is listed here, Mr. Clinton
 17 Crane at that time was Chairman of the Board of
 18 Directors?
 19 A That is what this says.
 20 Q And he also represented St. Joseph's Lead
 21 Company?

1 A Yes.
 2 Q Is that correct?
 3 A That is the indication, yes.
 4 Q Was St. Joseph's -- do you know, was --
 5 strike it, let me rephrase it.
 6 Was St. Joseph's Company a mining concern?
 7 MR. CURTIS: Objection.
 8 MR. SULLIVAN: Objection. If you know. You
 9 are talking 1929?
 10 MR. RICHARDSON: Yes.
 11 A St. Joseph's Company?
 12 Q The St. Joseph's Lead Company, was that a
 13 mining concern?
 14 A I believe it was.
 15 Q And the American Smelting and Refining was a
 16 smelterer at that time, and refiner?
 17 A I believe so.
 18 Q Do you know what United Metals Selling
 19 Company was at that time?
 20 A I do not.
 21 Q Do you know what Eagle-Picher Lead Company

Page 38 1 was at that time? 2 A I wasn't familiar and I am not familiar with 3 what they were doing. 4 Q Okay. Your review of the L.I.A. documents, 5 did that indicate to you at any time what the Eagle- 6 Picher Lead Company was? 7 MR. SULLIVAN: From 1928 to the present or 8 to 1980? 9 MR. RICHARDSON: That is right, that is 10 right. 11 A Yes, at one time or another, yes. 12 Q And what was that? 13 MR. SULLIVAN: If you know. 14 A I believe they were manufacturers of 15 pigment. 16 Q Okay. And the National Lead Company, did 17 your review of the records indicate whether or not 18 that company was involved in the mining of lead ore? 19 A Not to my knowledge. 20 Q From your review of the documents, are any 21 of these companies listed as being present at these	Page 39 1 Board of Directors meetings simply paint manufacturers 2 and not involved in the mining or smelting of lead? 3 MR. SULLIVAN: Objection, time frame. 4 Q To your knowledge. I am talking about May 5 of '29? 6 A I don't know. 7 Q I am going to refer you to page 2, sir. 8 You notice under the secretary's report 9 number 3 there is a section entitled lead hazard? 10 A Yes. 11 Q This document seems to indicate, does it 12 not, that as of May of 1929 the L.I.A. was at least 13 aware that there was such a thing as a lead hazard? 14 MR. DAVID: Object to the form of the 15 question. 16 MR. SULLIVAN: Objection. 17 Q Isn't that correct? 18 A Would you repeat that? 19 Q Yes. On page 2 of this document under the 20 category entitled, Secretary's Report under number 3 21 there seems to be a section called lead hazard.
Page 40 1 It states, and I will read it to you, of 2 late, the lead industries have been receiving much 3 undesirable publicity regarding lead poisoning, 4 period. 5 From your review of the documents and as a 6 representative of the L.I.A., do you know whether or 7 not the L.I.A. was aware as of May of 1929 that there 8 was such a disease called lead poisoning? 9 MR. SULLIVAN: Objection. 10 A I believe that the Association was aware 11 that there were claims of lead poisoning at that 12 time. 13 I believe they also were trying to undertake 14 an effort to find out what the facts truly were. 15 Q Okay. Isn't it also true, sir, that at that 16 time the L.I.A. was aware that there was such a thing 17 as childhood lead poisoning? 18 MR. SULLIVAN: Objection. If you know. 19 A I am not aware of that. I am sorry. 20 Q You don't know one way or the other? 21 A No.	Page 41 1 Q Okay. 2 MR. RICHARDSON: Mark that, please. 3 (Whereupon, Smith Deposition Exhibit Number 4 4 was marked for identification.) 5 BY MR. RICHARDSON: 6 Q Mr. Smith, I am now giving you what has been 7 marked as Exhibit Number 4. I am going to try to keep 8 track of these exhibit numbers here. 9 For the record, this is Exhibit A-3 of the 10 Directors meeting minutes dated September 11th, 1929. 11 Do you recognize that document, sir? 12 A It looks like an L.I.A. document, yes. 13 Q If I can refer you, sir, to page 2. At this 14 time, September of 1929, isn't it true that Mr. Felix 15 Wormser was the Secretary of the L.I.A.? 16 A I am sorry, repeat that. 17 Q As of the date of this document, September 18 of 1929, isn't it true that Felix Wormser was the 19 Secretary of the L.I.A.? 20 A I believe he was. 21 Q On page 2 of this document it states that
Page 42 1 Dr. Joseph C. Aub, A-u-b, sent a letter to Mr. Crane, 2 and I believe earlier he was the Chairman of the Board 3 of Directors, at least as of May of 1929; isn't that 4 correct? Seeking to have -- 5 MR. SULLIVAN: Is that a question? 6 MR. RICHARDSON: I thought he answered it. 7 BY MR. RICHARDSON: 8 Q Isn't it true as of May of 1929 Mr. Crane 9 was the Chairman -- 10 A That is what the paper shows. 11 Q All right. Now, this document seems to be 12 discussing a letter presented to the Secretary from 13 Dr. Joseph Aub of Boston relative to continuing the 14 medical research on lead poisoning initiated several 15 years ago and supported privately by some of the 16 members of the Lead Industries Association, and my 17 question to you, sir, is, are you aware of who those 18 members were of the L.I.A. who were funding Dr. Aub's 19 research on lead poisoning prior to the creation of 20 the L.I.A.? 21 A I am not.	Page 43 1 MR. DAVID: I am going to just interpose an 2 objection to the characterization of the document. 3 Q Do you know whether or not the L.I.A. was 4 aware that Dr. Aub was being funded by now-members of 5 the L.I.A. for research on lead poisoning? 6 MR. SULLIVAN: Objection. 7 A I do not know. 8 Q Further down in that same paragraph the 9 document states that this research was part of a 10 program to learn the facts about lead poisoning and 11 was designed to help the medical profession take a 12 more intelligent attitude towards that ailment. 13 My question to you, sir, is, do you know why 14 the research was designed to help the medical 15 profession as opposed to informing or as opposed to 16 obtaining the facts about lead poisoning? 17 MR. SULLIVAN: Objection. 18 MR. WHITEHEAD: Object to that as 19 mischaracterization, argumentative and misstates the 20 fact. 21 MR. RICHARDSON: I am not arguing anything.

1 I am just asking the question.
 2 BY MR. RICHARDSON:
 3 Q If you don't know the answer --
 4 MR. SULLIVAN: If you have specific
 knowledge of what they knew back in --
 5 A I do not.
 6 MR. SULLIVAN: That is your answer.
 7 A It is a compound question besides.
 8 Q Let me rephrase it.
 9 Isn't it true, sir, that the L.I.A. was only
 10 interested in funding medical research for the purpose
 11 of influencing the medical profession to support the
 12 interests of the lead industries?
 13 MR. SULLIVAN: Objection.
 14 A I can't answer that. That is not --
 15 Q Do you know one way or the other?
 16 MR. CURTIS: Same objection.
 17 A The same objection, yeah. I don't -- I
 18 don't know.
 19 Q Okay. That is fair enough.
 20 (Whereupon, Smith Deposition Exhibit Number
 21

1 MR. SULLIVAN: Just for the record, it would
 2 be L.I.A. 00034.
 3 MR. CALDWELL: Thank you.
 4 MR. WHITEHEAD: Could I have Exhibit 1 for a
 5 second.
 6 MR. DAVID: Madam Court Reporter, while the
 7 witness is reviewing that document, would you please
 8 read the last question.
 9 (Whereupon, the record was read by the
 10 reporter.)
 11 MR. DAVID: Thank you.
 12 BY MR. RICHARDSON:
 13 Q This document was produced by the L.I.A.; is
 14 that correct?
 15 A It looks to be, yes.
 16 Q On page 2 under number 3 the document
 17 appears to discuss a product by the name of lithopone,
 18 l-i-t-h-o-p-o-n-e.
 19 Did the L.I.A. know in 1930 that there was a
 20 lead-free substitute for paint called lithopone?
 21 MR. SULLIVAN: Objection.

1 says the most serious example of substitution in lead
 2 is the substitution of inferior materials for white
 3 lead in paint, for six years the demand for white lead
 4 has declined instead of grown.
 5 From your review of the L.I.A. documents,
 6 the documents the defendants produced and the
 7 documents the plaintiffs produced, do you agree that
 8 the demand for white lead was declining in the 1930s?
 9 MR. SULLIVAN: Objection. Are you asking if
 10 he personally agrees or if the L.I.A. had the
 11 knowledge?
 12 Q You are here on behalf of the L.I.A. and you
 13 reviewed these documents on behalf of the L.I.A.
 14 My question to you, sir, is, based on your
 15 review of all of those documents, is it your testimony
 16 that you do conclude that the sale of white lead was,
 17 in fact, declining in the 1930s?
 18 MR. SULLIVAN: Objection. He is here to
 19 testify as to what the corporate knowledge is and he
 20 can only look at what the history is and tell you from
 21 that.

1 5 was marked for identification.)
 2 MR. SULLIVAN: Listen to each question.
 3 Don't respond. Just listen to each question
 4 carefully.
 5 Are you done with this document?
 6 MR. RICHARDSON: Yes, sir.
 7 BY MR. RICHARDSON:
 8 Q The next exhibit that I am showing you for
 9 the record is a copy of the Director meetings minutes
 10 dated October 11th, 1930.
 11 I would ask you to take a moment and look at
 12 that and see if you recognize that as a document
 13 produced by the L.I.A.
 14 (Whereupon, document tendered to witness.)
 15 MR. CALDWELL: Ron, do these have Bates
 16 numbers on them?
 17 MR. RICHARDSON: They do.
 18 MR. CALDWELL: Would you mind reading the
 19 first page of the Bates when you identify the
 20 document?
 21 MR. RICHARDSON: Sure.

1 MR. DAVID: Objection.
 2 MR. SULLIVAN: If you know.
 3 A Well, I do not know.
 4 Q From your review of the documents, are you
 5 aware of any indication that the L.I.A. was aware that
 6 lithopone existed as a lead-free substitute for
 7 paint?
 8 MR. DAVID: Objection.
 9 MR. SULLIVAN: Objection as to the
 10 definition of lead-free.
 11 A If you are talking about this document and
 12 this item number 3?
 13 Q Yes.
 14 A It does not say a lead-free pigment at all.
 15 Q Okay. It does seem to say that it is
 16 suggested, it is claimed that that paint has a life 50
 17 percent better than white lead.
 18 A That is what it says.
 19 MR. SULLIVAN: Objection. The document
 20 speaks for itself.
 21 Q Now, in the next page under white lead it

1 Q You can answer.
 2 MR. SULLIVAN: If you have knowledge from
 3 the documents you have reviewed.
 4 A From the document here, it does indicate
 5 that white lead was declining, yes.
 6 Q Now, if white lead was declining and the
 7 L.I.A. was aware that there was such a thing as lead
 8 poisoning, why didn't the L.I.A. as of 1930 simply
 9 stop using white lead?
 10 MR. SULLIVAN: Objection.
 11 MR. CURTIS: Object to the question.
 12 MR. SULLIVAN: Objection.
 13 A There are three questions there.
 14 MR. SULLIVAN: It is a compound question.
 15 Q No, it is only one question there.
 16 Why did the white lead -- why did the L.I.A.
 17 continue using white lead in paint when the sale of
 18 the product was declining and it was aware that white
 19 lead was causing lead poisoning?
 20 MR. SULLIVAN: Objection. There is a
 21 foundation that L.I.A. never made a product that

Page 50 1 was -- 2 MR. RICHARDSON: I understand. 3 MR. SULLIVAN: You phrased it as if we 4 produced a product. You are well aware that we have 5 never produced a product, we have never made a lead 6 product. 7 BY MR. RICHARDSON: 8 Q You can answer the question. 9 A I have no knowledge that they continued to 10 produce white lead in the face of what you were saying 11 there. 12 Q All right. The very next sentence or 13 sentence after that says the size of the domestic 14 paint market and the outstanding excellence of white 15 lead as a paint pigment would certainly warrant an 16 attempt to correct the situation. 17 Then it skips a sentence -- well, it 18 doesn't, but I am going to skip a sentence and read as 19 follows, although it is true only a few of our members 20 are directly engaged in the white lead business, the 21 subject is of great importance to the lead miners and	Page 51 1 smelters as it affects an important outlet for lead. 2 My question to you, sir, is, from your 3 review of all of the documents that you have talked 4 about so far, do you agree that the miners and 5 smelterers saw the sale of the white lead as an 6 important outlet for them? 7 MR. SULLIVAN: Objection. You are asking 8 him to characterize a third party's knowledge. 9 Q You can answer the question, if you know. 10 A I don't. 11 Q Do you know whether or not the L.I.A. 12 perceived the sale of white lead to be an important 13 outlet for the mining and smelterer members of that 14 association? 15 MR. SULLIVAN: If you know from the 16 documents you have reviewed. 17 A I do not know, but this document says that 18 it was of interest. 19 Q Okay. Do you know what percentage of the 20 members of the L.I.A. were engaged in the white lead 21 business in 1930?
Page 52 1 A I do not. 2 (Whereupon, Smith Deposition Exhibit Number 3 6 was marked for identification.) 4 BY MR. RICHARDSON: 5 Q I am showing you the next numbered exhibit, 6 sir. 7 It is, for the record, a copy of Directors 8 meeting minutes dated September 30th, 1931. It has 9 the Bates stamp L.I.A. 47 on the first page. 10 (Whereupon, document tendered to witness.) 11 A Yes. 12 Q Do you recognize this as a document being 13 produced by the L.I.A.? 14 A I believe this is. 15 Q On the first page, sir, I notice that under 16 the list of attendees to the meeting it appears to be 17 in some cases two or three members of the same company 18 attending the meeting. 19 Do you know whether or not they all were 20 members of the Board of Directors? 21 For instance, it has three members from St.	Page 53 1 Joseph Lead Company at this meeting. 2 Did all three of those individuals or were 3 all three of those individuals members of the Board of 4 Directors as of September of 1931? 5 MR. SULLIVAN: Objection. If you know. 6 A I do not know. 7 Q Could members of the L.I.A. attend the Board 8 of Directors meetings if they were not members? 9 MR. SULLIVAN: Time frame only. Objection 10 to time frame. 1931? 11 MR. RICHARDSON: At any time. 12 MR. DAVID: It is also vague. 13 Did members of the L.I.A. attend meetings of 14 the Board if they weren't members? 15 BY MR. RICHARDSON: 16 Q If they weren't members of the Board of 17 Directors. 18 MR. DAVID: Okay. 19 A I believe they could, but I couldn't tell 20 you for sure. 21 Q You don't know?
Page 54 1 A No, I do not know. 2 Q On what appears to be L.I.A. 50, if you can 3 turn to that page, it states that under number 5, that 4 there was a publication of a book entitled, Useful 5 Information About Lead. 6 Did the L.I.A., in fact, publish a book 7 under that title? 8 A I believe they did. 9 Q Okay. And have you ever had a chance to see 10 that book? 11 A I have. 12 Q Have you reviewed it? 13 A Yes, yes. 14 Q Was there any indication in that book about 15 the hazards of lead products including lead paint 16 products? 17 MR. SULLIVAN: Objection. If you have a 18 specific memory. 19 A I don't recall it. 20 Q Isn't it true that there is no indication? 21 MR. SULLIVAN: Objection.	Page 55 1 A I don't know. 2 Q Okay. The very next paragraph talks about 3 an issue of something called Lead. 4 Wasn't that a magazine that the L.I.A. 5 published? 6 A That is right. 7 Q And they were publishing it as of the date 8 of this document, September 1931? 9 A Yes. 10 Q Okay. In fact, you produced several copies 11 of that magazine to us; isn't that true? 12 A I did, we did. 13 Q Is there a complete set of the Lead 14 magazines that exist today? 15 A There is one that is in the hands of our 16 legal counsel. 17 Q Okay. Would that be Mr. Sullivan's office? 18 A That is correct. 19 Q Have you had a chance to look at those 20 issues? 21 A I have not looked at them for a long time.

1 Q Okay. Do you know whether or not there is
2 any indication about the hazards of lead paint
3 products in any of the issues of Lead?
4 A I don't know.
5 Q On the next page, L.I.A. 51 under number 6,
6 medical research, it talks about a visit to Boston
7 discussing the subject of lead poisoning in infants
8 with some of the medical profession there.
9 Isn't it true, sir, that as of September
10 1931 the L.I.A. was aware that infants could be lead
11 poisoned?
12 MR. SULLIVAN: Objection.
13 MR. DAVID: Object to the form of the
14 question as vague and indefinite and calls for
15 speculation on the part of the witness.
16 Q You can still answer, sir.
17 A I believe the Association was aware that the
18 infants could become poisoned by lead, yes.
19 Q Let me refer you down to the last paragraph
20 of that same section.
21 The Secretary states that he attended the

1 would never publicly inform anyone about the hazards
2 of lead, including lead paint products, unless it was
3 required to do so as a defense?
4 MR. SULLIVAN: Objection. There are so many
5 things wrong with that question as to what definition
6 of defense is, positions --
7 Q You can answer.
8 A I have never seen any such things in any of
9 the documents that I have reviewed. I wasn't there,
10 you realize.
11 Q Okay.
12 MR. RICHARDSON: Mark this.
13 (Whereupon, Smith Deposition Exhibit Number
14 7 was marked for identification.)
15 BY MR. RICHARDSON:
16 Q I am now showing you the next numbered
17 deposition exhibit.
18 For the record, this is a letter dated
19 January 3rd, 1932 from the Secretary of the L.I.A.,
20 Mr. Wormser, to a Dr. Robert A. Kehoe, the University
21 of Cincinnati, and the document number is Plaintiff's

1 MR. RICHARDSON: I asked him to tell me what
2 his review of the documents has indicated to him
3 concerning this letter, not what some person may have
4 said.
5 MR. SULLIVAN: You are asking him to explain
6 something that is in a letter that he has never seen
7 before and asking him to take that information and
8 apply it to other documents.
9 MR. RICHARDSON: I am asking the witness,
10 Mr. Sullivan, to please inform everyone here as to
11 whether or not your review of all of the documents has
12 shed any light upon what is meant in this letter?
13 MR. CURTIS: I object to the form of the
14 question.
15 MR. SULLIVAN: Yeah, objection. It is
16 vague, it is ambiguous.
17 BY MR. RICHARDSON:
18 Q That is all right, but if you understand it,
19 sir, you can answer it.
20 MR. DAVID: It is 63 years later.
21 A I really don't understand it.

1 annual convention of the American Society of Sanitary
2 Engineering having received word that lead poisoning
3 would be discussed, but the topic was zinc poisoning
4 from brass pipes and the comment on lead was not
5 sufficient to warrant stirring up the subject.
6 My question to you, sir, is, isn't it true
7 that the L.I.A. adopted a policy never to initiate any
8 discussions to the public about the hazards of lead
9 unless it was done so in the form of a defense?
10 MR. SULLIVAN: Objection. That is
11 ridiculous. That is argumentative. That isn't a
12 legitimate fact question.
13 Q If you know, answer.
14 MR. SULLIVAN: He is here as a fact witness
15 to talk about the historical situation.
16 A Do you have any document that supports
17 that?
18 Q That is not my question to you, sir.
19 My question to you, sir, isn't it true -- if
20 you don't know, I don't want you to speculate, but
21 isn't it true that the L.I.A. adopted a policy that it

1 Exhibit 452.
2 Have you seen this document before?
3 (Whereupon, document tendered to witness.)
4 A It has a Lead Industries Association
5 letterhead.
6 MR. SULLIVAN: He asked you have you seen it
7 before.
8 A No, I have not seen this.
9 Q Okay. Do you know who Dr. Kehoe was?
10 A Yes, I knew of him.
11 Q And when you say you knew of him, what do
12 you mean?
13 A I never met him.
14 Q Okay. From your review of the documents,
15 the defendants' documents, the L.I.A.'s documents and
16 the plaintiffs' documents, are you able to state --
17 are you able to clarify what the Secretary of the
18 L.I.A. was interested in by asking for a definition of
19 lead poisoning?
20 MR. SULLIVAN: You are asking him to talk
21 about a letter that he has never seen before.

1 Q I am sorry?
2 A I said I really don't understand it.
3 Q You don't understand the question?
4 A No, how it relates to L.I.A. and my review
5 of it.
6 Q So you have not seen anything from your
7 review to shed any light on it?
8 A No, not at all.
9 MR. SULLIVAN: That is not what he said. He
10 said he did not understand your question.
11 MR. RICHARDSON: He did not say that, Mr.
12 Sullivan. I would appreciate it if you would not --
13 MR. SULLIVAN: I think you are
14 mischaracterizing.
15 MR. WHITEHEAD: I am going to object to the
16 question. I have no idea what shed light on and --
17 MR. RICHARDSON: You are an attorney, sir.
18 You should know what shed light on means.
19 BY MR. RICHARDSON:
20 Q That is okay. You have answered the
21 question.

Page 62 1 MR. DAVID: I suppose it means different 2 things to different people. 3 MR. SULLIVAN: Listen to the questions. 4 MR. RICHARDSON: Let's mark this now. 5 (Whereupon, Smith Deposition Exhibit Number 6 8 was marked for identification.) 7 BY MR. RICHARDSON: 8 Q I am next showing you, sir, the next 9 numbered exhibit. 10 It is a letter under L.I.A. letterhead from 11 the Secretary, which I believe is Dr. Wormser, the 12 signature is light, to members of the Lead Industries 13 Association dated September 28th, 1932. The Bates 14 stamp number is L.I.A. 21802. 15 Do you recognize that as being a document 16 produced by the L.I.A., sir? 17 (Whereupon, document tendered to witness.) 18 A I believe it was. It certainly looks like 19 it. 20 Q And you agree that this was sent to members 21 of the L.I.A.; isn't that correct?	Page 63 1 MR. SULLIVAN: Objection. 2 A That is what it says, yes. 3 Q It also seems to suggest that as of 4 September 1932, there were 59 cases of lead poisoning 5 as reported by the Baltimore Health Department; isn't 6 that correct? 7 MR. DAVID: Object to the form of the 8 question. 9 MR. SULLIVAN: Objection. You are asking 10 him to say that is what the document says? 11 MR. RICHARDSON: He heard my question, Mr. 12 Sullivan. 13 BY MR. RICHARDSON: 14 Q Do you have any problems with my question? 15 MR. DAVID: I have a problem with your 16 question as to what the letter suggests. 17 MR. RICHARDSON: You objected. Fine. 18 A Would you repeat the question, please. 19 Q Sure. Isn't it true, sir, that this 20 document in the first sentence states, "During 21 September 1932, 59 cases of lead poisoning of unusual
Page 64 1 origin were reported by the Baltimore Health 2 Department?" 3 A That is what it says. 4 Q Thank you. 5 Do you know in the one, two, three, four, 6 fifth paragraph, the first sentence, do you know what 7 is meant by the phrase -- well, I will read the 8 sentence. 9 Although the Baltimore authorities have the 10 situation well in hand and no further trouble is to be 11 expected there, many other cities in the United States 12 undoubtedly duplicate the Baltimore conditions which 13 led to the outbreak. 14 Do you know what is meant by no further 15 trouble? 16 MR. CURTIS: Object to the form of the 17 question. 18 A I do not. 19 MR. SULLIVAN: I will put in an objection. 20 I am sorry, I was reading the document. 21 Q Do you see anything in this document, sir,	Page 65 1 that discusses the L.I.A.'s concern for those children 2 in Baltimore? 3 MR. SULLIVAN: Objection, objection. 4 Q You can answer that question. 5 MR. SULLIVAN: Just look at this, read the 6 document and then you can respond to the specific 7 question. 8 MR. DAVID: I am going to object to the 9 question. 10 The document speaks for itself and secondly, 11 it presumes that if the document does not have some 12 mention of a concern, that the L.I.A. was not 13 concerned, and thirdly, it talks about -- the question 14 deals with childhood or children, whereas, I don't 15 think it was specified that the 59 reports that are 16 stated in there were of childhood lead poisoning. 17 MR. RICHARDSON: Anything else? 18 MR. DAVID: No, I think that will do it, but 19 I will do it every time if you continue with this kind 20 of questioning. 21 MR. RICHARDSON: You can do whatever you
Page 66 1 want, sir. 2 MR. DAVID: Well, I will do whatever I 3 want. 4 MR. SULLIVAN: Okay. I believe the question 5 was, does this document reflect L.I.A.'s concern about 6 the people who were poisoned; is that correct? 7 BY MR. RICHARDSON: 8 Q Is there any indication in this document 9 that you are aware of that shows L.I.A.'s concern for 10 the children who were poisoned? 11 A Yes. 12 MR. SULLIVAN: Objection. I think it is 13 more than children, but go ahead if you can answer. 14 A I believe there was certainly the last 15 sentence of the one, two, three, four, fifth paragraph 16 as well as the entire 6th paragraph seem to indicate 17 that. 18 Q Well, let's read it. 19 It is, therefore, suggested that whenever 20 possible you advise storage battery scrap dealers 21 about the Baltimore circumstances, requesting them	Page 67 1 either to destroy their old battery boxes, or to dump 2 them where they cannot be reclaimed for fuel by 3 persons apt to use them for that purpose. 4 The 6th paragraph goes on to say that it is 5 hoped that through the widespread cooperation of our 6 members we can avoid a duplication of the Baltimore 7 lead poisoning episode in other cities which would 8 only result in additional alarming publicity to the 9 injury of the lead industries. 10 Isn't that what it says? 11 A That is what it says, yes. 12 Q Thank you. 13 A I believe it indicates that they were 14 interested in eliminating that problem or helping to 15 solve it. 16 Q It appears to me they were only interested 17 in the -- well, strike that. 18 MR. DAVID: I am going to object further to 19 the line of questioning with respect to Exhibit 8 in 20 that it doesn't make reference to lead paint, and if I 21 read the court's earlier order in this case, the case

Page 68 1 is limited to lead paint. 2 MR. RICHARDSON: I object to that 3 characterization of any court order or what the issues 4 in this case is all about. 5 MR. DAVID: Well, you can object to the 6 characterization of the court order, but the fact of 7 the matter is that the court order deals with lead 8 paint, and this case deals with lead paint. 9 It doesn't deal with lead, per se, nor does 10 it deal with lead pigment, per se, nor does it deal 11 with members of the L.I.A. who are not defendants in 12 this case. 13 MR. RICHARDSON: I totally disagree. Now, 14 having said that, let's move on. 15 MR. DAVID: I wonder why. 16 MR. RICHARDSON: Okay. 17 (Whereupon, Smith Deposition Exhibit Number 18 9 was marked for identification.) 19 MR. RICHARDSON: I believe I have marked 20 the next exhibit and have shown it to the witness. 21 For the record, it is a copy of the	Page 69 1 Directors meeting minutes dated September 28th, 1932, 2 and it is Bates stamped L.I.A. 82. 3 BY MR. RICHARDSON: 4 Q After your review, my question would be, do 5 you recognize this as a document produced by the 6 L.I.A.? 7 (Whereupon, document tendered to witness.) 8 MR. DAVID: I would also like to make the 9 request on the record that, in the future and even 10 including this afternoon, that counsel for plaintiff 11 make available at least a copy or two of those 12 exhibits he intends to utilize in the deposition for 13 the rest of the lawyers here in the room. 14 MR. RICHARDSON: I will not do that. Not 15 only will I not do that, but the defendants did not 16 extend the same courtesy when they deposed the mother 17 of these children five straight days with the whole 18 mountain of exhibits that they threw in front of her 19 face and didn't give us one courtesy copy of one page 20 -- 21 MR. DAVID: During the deposition you were
Page 70 1 not -- 2 MR. RICHARDSON: -- at any time. 3 MR. DAVID: I assumed they handed it to the 4 witness and they were able to look at it and -- 5 MR. RICHARDSON: That is what I am doing 6 right now. 7 MR. DAVID: Yes, Mr. Richardson. You were 8 one attorney representing a single client, so you had 9 the opportunity to review the exhibits. 10 We don't have an opportunity to review the 11 exhibits. 12 MR. RICHARDSON: You don't represent this 13 client. 14 MR. DAVID: I don't care that I don't 15 represent this client. 16 There is an issue in this case with regard 17 to this defendant that certainly relates to every 18 defendant in the case, not just to this defendant, so 19 if you are not going to extend the courtesy, then I am 20 going to ask that every exhibit, then, that you 21 provide to this witness be passed around to us to give	Page 71 1 us the opportunity to review it before you question 2 him about it. 3 MR. RICHARDSON: I am not going to do that. 4 If you want to pass it around amongst yourselves, they 5 are right here, they have already been discussed, to 6 look at them. 7 MR. DAVID: No, no, before -- 8 MR. RICHARDSON: You have -- 9 MR. DAVID: No, I am not going to wait a 10 minute. 11 MR. RICHARDSON: You have the opportunity 12 when it is your turn. 13 MR. DAVID: I am going to look at these 14 exhibits before you ask him about these exhibits, Mr. 15 Richardson. 16 MR. RICHARDSON: I am not going to give them 17 to you. 18 MR. DAVID: You don't need to. 19 Mr. Sullivan, would you please pass the 20 exhibit around so I can take a look at them before 21 questioning begins.
Page 72 1 MR. RICHARDSON: I am going to begin 2 questioning. I am not going to wait for you to review 3 it. 4 MR. SULLIVAN: As soon as I am done I will. 5 MR. DAVID: You will pass it around. Thank 6 you. 7 And you will continue to refuse, Mr. 8 Richardson, to provide even one copy to the rest of us 9 to look at -- 10 MR. RICHARDSON: These copies are 11 available -- 12 MR. DAVID: -- prior to -- 13 MR. RICHARDSON: Not prior to questioning. 14 You don't have any right to look at these things prior 15 to my questioning the witness. 16 You do have a right, though, to look at the 17 documents to prepare for any questions you may ask him 18 when it is your turn. 19 MR. DAVID: No, no, no, you misunderstand. 20 As you hand the document to the witness, you 21 are not going to pass around a copy for the other	Page 73 1 defense counsel in this room to look at? 2 MR. RICHARDSON: Mr. Sullivan said he is 3 going to give you a copy to look at, but that is not 4 going to stop me from proceeding with the questioning 5 of the witness, because this will take two weeks to do 6 instead of one day. 7 MR. DAVID: It wouldn't take two weeks if 8 you had the courtesy of passing out a copy of the 9 documents, and that is a responsibility, Mr. 10 Richardson, that you have. 11 BY MR. RICHARDSON: 12 Q Mr. Smith, have you had a chance to look at 13 that document? 14 A Yes, I did. 15 Q Was that document produced by the L.I.A.? 16 A Yes, it was. 17 Q All right. 18 MR. SULLIVAN: We are making some progress. 19 We may want to use yours back and forth, and I know -- 20 MR. DAVID: I object to any questioning 21 until I have had an opportunity to look at the

Page 74 1 document. 2 Q Okay. 3 Isn't it true, sir, that the L.I.A. was 4 funding medical research by -- that was being 5 conducted by Dr. Aub as of September 1932? 6 A I believe they were. 7 Q And isn't it true, in fact, sir, that they 8 have been doing that since their -- 1929? 9 A I am not sure, but they may have been. 10 Q Okay. In fact, isn't it also true, sir, 11 that they continued their relationship with Dr. Aub 12 over the next several decades? 13 A I think -- 14 MR. DAVID: Object to the form of the 15 question. Vague and indefinite. 16 Q You can answer, sir. 17 A I think the L.I.A. did have a relationship 18 with Dr. Aub for many years. 19 Q During the 1930s was there any other medical 20 institution that the L.I.A. was funding besides Dr. 21 Aub's institution?	Page 75 1 MR. SULLIVAN: Objection. While I think 2 they were funding Dr. Aub, when you say the 3 institution -- 4 Q The Harvard Medical School. 5 Was there any other institution besides 6 that, that the L.I.A. was funding during the 1930s? 7 MR. SULLIVAN: If you know. 8 A I don't know. I am not sure. I think they 9 may have been. 10 Q This document seems to be discussing a 11 request by a business concern about the publicity that 12 they have been receiving concerning the use of lead in 13 their product. 14 Is that your understanding from your review 15 of the document? 16 MR. SULLIVAN: Objection. I would just have 17 to have -- okay, thank you. 18 I am sorry, if you could just repeat it? 19 MR. RICHARDSON: Sure, I have no problems 20 with that. 21 MR. WHITEHEAD: What is the date of the
Page 76 1 document? 2 MR. SULLIVAN: September 29 -- 3 THE WITNESS: September 28, 1932. 4 BY MR. RICHARDSON: 5 Q Now, my question to you, sir, isn't it true 6 that this document reflects a concern on the part of a 7 business entity addressed to the L.I.A. about 8 complaints that it has been receiving concerning the 9 use of lead in one of its products? 10 MR. CURTIS: Object to the form of the 11 question. 12 MR. SULLIVAN: Objection to the form of the 13 question because it asks him to speculate as to what 14 is in the mind of someone else. 15 MR. CURTIS: It is also vague and 16 unintelligible. 17 Q Does, in fact, the document reflect a 18 concern raised to the L.I.A. by a business entity 19 about the use of lead in one of its products? 20 MR. CURTIS: Same objection. 21 MR. SULLIVAN: Objection.	Page 77 1 A I would say, yes. 2 MR. DAVID: I am going to move to strike as 3 speculative by the witness. 4 Q Isn't it also true, sir, that that document 5 reflects that the L.I.A. recommends that this business 6 entity investigate the concern by referring the matter 7 to Dr. Aub for medical research? 8 MR. CURTIS: Same objection. 9 MR. SULLIVAN: Objection. If that is an 10 accurate reflection of the document. 11 A Would you say it again, please. 12 Q Isn't it true that the document reflects 13 that the L.I.A. referred this business company to Dr. 14 Aub to conduct research on the potential hazards or 15 the possible hazards associated with the use of lead 16 in that company's products? 17 MR. DAVID: Objection. 18 MR. SULLIVAN: Objection. 19 A What it says is that the dye works was -- we 20 suggested that the safest procedure for the dye works 21 was to investigate the health hazard for lead weighted
Page 78 1 silk thoroughly through an impartial organization and 2 that they base their policies on that investigation. 3 Q Don't they, in fact, suggest that Dr. Aub 4 would be that source for the impartial investigation? 5 MR. DAVID: Object to the question. 6 MR. SULLIVAN: Objection. 7 MR. DAVID: The form of the question. 8 A Arrange for an interview with Dr. Aub. 9 MR. DAVID: Is there a particular portion of 10 the document that you are referring to, Mr. 11 Richardson? 12 It is about five pages long. 13 MR. RICHARDSON: L.I.A. 86. 14 MR. DAVID: Thank you. 15 BY MR. RICHARDSON: 16 Q And on the next page, sir, L.I.A. 87, the 17 beginning of the first full paragraph, doesn't, in 18 fact, the document further discuss the 59 cases in 19 Baltimore that the previous exhibit referred to? 20 A I believe it is. 21 Q And isn't there a phrase there that I	Page 79 1 actually have highlighted in yellow that says, "many 2 among children?" 3 A That is what it says. 4 Q All right. Oh, I am sorry, let me give it 5 back to you. 6 I also have highlighted in that same 7 paragraph the last sentence, and because I don't have 8 it in front of me I can't quote it word for word, but 9 if you could read for me the last sentence of that 10 paragraph? 11 A An ounce of prevention may save us reams of 12 undesirable publicity. 13 This is referring to the effort with the 14 battery boxes. 15 Q Right. Thank you. 16 Isn't it true, Mr. Smith, that one way to 17 prevent adverse publicity is to not use lead in any 18 products? 19 MR. SULLIVAN: Objection. Don't even 20 speculate. Don't -- 21 Q I am not asking you to speculate.

1 Do you agree that one way to avoid adverse
2 publicity is not to use it in the products at all?
3 MR. SULLIVAN: Objection.
4 A No, I am not going to answer that.
5 Q You are not being instructed not to answer,
6 so --
7 MR. SULLIVAN: If you agree with him that --
8 A I do not agree.
9 Q That is all you have to say.
10 (Whereupon, Smith Deposition Exhibit Number
11 10 was marked for identification.)
12 BY MR. RICHARDSON:
13 Q I am now showing you the next numbered
14 exhibit, sir.
15 It is another copy of the Directors meeting
16 minutes, this one dated June 15th, 1933. The first
17 page of the document is Bates stamped L.I.A. 103.
18 I simply ask you, sir, if that is a document
19 that the L.I.A. has produced?
20 (Whereupon, document tendered to witness.)
21 A It looks to be an L.I.A. document, yes.

1 MR. DAVID: How can you utilize a document,
2 Exhibit Number 9, which states zero, absolutely
3 nothing about lead paint, which this case is about,
4 and indicates that the problem of the 59 cases of lead
5 poisoning in Baltimore was directly traced to
6 discarded storage battery boxes used for fuel.
7 MR. RICHARDSON: This case is about
8 knowledge of the hazards of lead products including
9 lead paint.
10 MR. DAVID: No, it is not, sir. No, it is
11 not, sir.
12 MR. RICHARDSON: You are dragging this
13 deposition on because of your unbelievable speaking
14 objections.
15 MR. DAVID: The court has already ruled that
16 lead is a natural product. The court has ruled that
17 lead is not unreasonable in terms of its risks or
18 dangers.
19 The court has ruled that lead is not an
20 inherently dangerous product, so this case is not
21 about lead, sir.

1 stated in this document?
2 Specifically what I am referring to, sir, is
3 that it states in primary lead smelting and refining,
4 the industry is 100 percent represented.
5 MR. SULLIVAN: You are talking of a time
6 frame, June 15, 1933, only?
7 MR. RICHARDSON: Yes.
8 BY MR. RICHARDSON:
9 Q As of that date?
10 A Yes.
11 Q Is it your understanding that --
12 MR. SULLIVAN: If you know.
13 Q -- that in primary lead smelting and
14 refining the industry is 100 percent represented in
15 the L.I.A.?
16 MR. SULLIVAN: Objection.
17 MR. DAVID: Objection, irrelevant.
18 Q Go ahead, sir.
19 A That is what it states here.
20 Q Have you seen anything to disagree with
21 that?

1 Q Okay.
2 (Whereupon, discussion off the record.)
3 THE VIDEOGRAPHER: We are back on the
4 record. The time is approximately 10:39.
5 MR. DAVID: I want to state a further
6 objection to this process by which Mr. Richardson
7 refuses to provide other counsel with a copy of a
8 document. It is -- it could lead to delay.
9 I will object strenuously if Mr. Richardson
10 utilizes that as some sort of a reason to continue
11 this deposition, because it is his own fault and his
12 own lack of professional responsibility that will lead
13 to it.
14 And it is typical of the sandbagging that we
15 have become accustomed to by plaintiffs' counsel in a
16 lot of these cases.
17 MR. RICHARDSON: What is your name?
18 MR. DAVID: My name is Joseph David, Mr.
19 Richardson.
20 MR. RICHARDSON: Mr. David, how can you
21 lie?

1 MR. RICHARDSON: It is about lead, sir,
2 because it goes to what this company actually knew,
3 this Association actually knew, and you are the one
4 that is dragging this deposition out.
5 MR. DAVID: I will take that argument and go
6 to court with it any day.
7 MR. RICHARDSON: You can do whatever you
8 want, sir.
9 BY MR. RICHARDSON:
10 Q All right. If I can refer you, sir, to page
11 L.I.A. 104.
12 MR. SULLIVAN: At the break we had not
13 started reviewing it, so if you can give us a minute,
14 refer us to a paragraph and give us a minute to read
15 it.
16 MR. RICHARDSON: Sure. The first
17 paragraph.
18 BY MR. RICHARDSON:
19 Q My question is simply this, sir:
20 From your review of the documents, have you
21 seen anything that would suggest other than what is

1 MR. SULLIVAN: Objection.
2 A I have not.
3 Q And it says in mining, we have a
4 representation close to 80 percent?
5 MR. SULLIVAN: Objection.
6 Q Have you seen anything to disagree with
7 that, sir?
8 MR. SULLIVAN: Objection.
9 MR. DAVID: Objection, irrelevant.
10 A I have not.
11 Q And then, the lead pigments industry, our
12 representation is close to 100 percent.
13 Have you seen anything in the documents that
14 shows anything other than that?
15 MR. SULLIVAN: Objection. If you know.
16 A I do not know.
17 Q And you have not seen anything?
18 A No.
19 MR. SULLIVAN: Objection. Object.
20 Q Thank you, sir. That is all I have on that
21 document.

1 From your review of the documents, have you
2 seen any documents which would document the inquiries
3 that came into the L.I.A. concerning the hazardous
4 nature of lead products, including lead paint?

5 MR. SULLIVAN: Objection.

6 A I don't even know that there were any
7 inquiries that came in to them regarding the hazards,
8 whatever.

9 Q All right.

10 MR. WHITEHEAD: I am sorry, Mr.

11 Richardson.

12 Could you read back the question?

13 (Whereupon, the record was read by the
14 reporter.)

15 MR. RICHARDSON: Would you mark this,
16 please.

17 (Whereupon, Smith Deposition Exhibit Number
18 11 was marked for identification.)

19 BY MR. RICHARDSON:

20 Q I would ask that you review this to see if
21 this is a document produced by the L.I.A.

1 For the record, it is a copy of the minutes
2 of the annual meeting of the members of the Lead
3 Industries Association dated June 13th, 1935. The
4 Bates stamp number on the first page is L.I.A. 20579.

5 MR. CALDWELL: What was the Bates stamp
6 number again.

7 What was the number again?

8 MR. RICHARDSON: Bates stamp number?

9 MR. CURTIS: Yes, sir.

10 MR. RICHARDSON: L.I.A. 20579.

11 MR. WHITEHEAD: While the witness is doing
12 that, I want to put a statement on the record for
13 Glidden.

14 I am reserving all objections to any of this
15 examination because, without a document, I don't know
16 what objections to make.

17 I tried to sit next to the witness to see
18 the document after the question was asked. I am not
19 in any position to formulate objections.

20 MR. RICHARDSON: I think you are in a
21 perfect position --

1 MR. DAVID: I join that objection.

2 MR. CURTIS: I join that objection as well.

3 MR. WHITEHEAD: I can't make an objection,
4 because I can't see the document.

5 MR. RICHARDSON: I disagree. You have every
6 opportunity to look at the document.

7 If you intentionally refuse to look at the
8 document, that is your own fault.

9 MR. WHITEHEAD: Do you want us to hover
10 around --

11 MR. RICHARDSON: If you intentionally decide
12 not to look at the document when it comes your way,
13 that is your fault.

14 MR. WHITEHEAD: Sir, you have already stated
15 you are going to continue questioning.

16 Sir, I am sorry, you have chosen your way to
17 do it.

18 MR. RICHARDSON: That is the way the
19 defendants have done it all along in the litigation,
20 so I am --

21 MR. WHITEHEAD: Mr. Richardson, I can't make

1 objections.

2 MR. CALDWELL: Doe Run joins in the
3 objection.

4 I want to note for the record that before
5 the document gets to me it has to pass through nine
6 hands.

7 MR. RICHARDSON: You still hear every
8 question that I ask. If you have an objection to the
9 question --

10 MR. CALDWELL: Interrupt you after the fact
11 and state my objection five minutes later?

12 MR. HIRSCH: DuPont joins in the objection,
13 also.

14 MR. RICHARDSON: I understand. All of you
15 can have any objection you want.

16 MR. DAVID: I think it is inexcusable that
17 the issue could be resolved simply by making a couple
18 of extra copies and handing those to counsel while
19 handing it to the witness for initial review.

20 MR. RICHARDSON: I think the defendants
21 could have done the same thing in the deposition of

1 Mrs. Wright.

2 MR. DAVID: The fact of the matter is, Mr.
3 Richardson --

4 MR. RICHARDSON: You are complaining -- your
5 counsel took the deposition of Mrs. Wright.

6 MR. DAVID: Excuse me, sir.

7 MR. RICHARDSON: Your counsel and he did not
8 offer any copies.

9 MR. DAVID: He did not offer any copies
10 because you had an opportunity to -- while sitting
11 right next to Mrs. Wright, to review the copy that he
12 handed to Mrs. Wright along with her.

13 MR. RICHARDSON: I did not have an
14 opportunity --

15 MR. DAVID: We don't have that opportunity.
16 You don't provide us with that opportunity and it is
17 inexcusable --

18 MR. RICHARDSON: I don't have any
19 opportunity either because he was asking her questions
20 as soon as he gave it to her.

21 Are we ready?

1 MR. SULLIVAN: Is there a question?

2 MR. RICHARDSON: Yes.

3 MR. SULLIVAN: Well, one of the problems --

4 it was awkward the last time when we passed it around
5 for Mr. Smith to be able to answer your question --

6 BY MR. RICHARDSON:

7 Q Referring to page L.I.A. --

8 MR. DAVID: Excuse me, I would like to see
9 the document, please.

10 MR. SULLIVAN: 82, that is the lead
11 poisoning.

12 He made a reasonable request.

13 MR. RICHARDSON: Just pass it down to him.

14 MR. SULLIVAN: If you can ask your questions
15 while we keep your copy, that would move it along.

16 MR. DAVID: I object to that procedure.

17 BY MR. RICHARDSON:

18 Q On page L.I.A. 0294 under lead poisoning, it
19 states hardly a day goes by but this subject receives
20 some attention at the headquarters of the
21 Association.

Page 92 1 Have your review of the documents, were you 2 able to show or be able to inform us as to what extent 3 the subject was being discussed by the L.I.A. as of 4 June 1935? MR. SULLIVAN: Objection. MR. DAVID: Object to the question. MR. SULLIVAN: The document speaks for 7 itself. A That is -- all I would know about it is what 9 is there. MR. DAVID: Sir, let me state my objection, 12 please. I further object to the question. It has 14 nothing to do with lead paint. It is irrelevant. MR. RICHARDSON: Okay. BY MR. RICHARDSON: 17 Q I am sorry, what was your answer? 18 A Basically, that what it says there is -- 19 speaks for itself. 20 Q It also says that there would be an attempt 21 to accumulate all possible material of scientific	Page 93 1 value to help us in our efforts. 2 Are you aware of the accumulation of medical 3 or scientific articles by the L.I.A. on the subject of 4 lead poisoning? MR. DAVID: Object to the question. MR. WHITEHEAD: I object, first of all, to 7 the question. MR. SULLIVAN: Go ahead. MR. WHITEHEAD: No, you go, Mark. MR. SULLIVAN: I am going to object to the 11 question. 12 It is vague and the document does speak for 13 itself and, again, it relates to issues that may be 14 beyond the scope of this case. Q All right. Now you can answer the 16 question. MR. WHITEHEAD: I have another objection. I 18 want to object to the question as being intentionally 19 misleading in an effort to confuse this witness, 20 because if you take the entire document in context 21 with the rest of the text, you will clearly
Page 94 1 demonstrate a substantial commitment on the part of 2 the L.I.A. to fund medical research and to bring those 3 issues to the attention of the public. 4 It characterizes the research work and the 5 financing of the L.I.A. as, "being of great value to 6 the entire world," and I don't think it was fair to 7 point the attention of this witness to only a small 8 part of the document without taking it in total 9 context. 10 I think you are trying to mislead the jury 11 in getting them to think that the L.I.A. was not doing 12 a comprehensive medical research effort. MR. RICHARDSON: I think the evidence will 14 prove that, in fact, they weren't doing a 15 comprehensive medical research. MR. SULLIVAN: We certainly disagree with 17 that. MR. RICHARDSON: I understand. BY MR. RICHARDSON: 19 Q My question, sir, from your review of the 20 document, have you seen any review of the documents 21	Page 95 1 which would reflect -- strike that and let me rephrase 2 it. 3 From your review of the documents, were you 4 able to locate any medical or scientific literature on 5 the subject of lead poisoning? MR. SULLIVAN: Question as to time frame? MR. RICHARDSON: At any time. BY MR. RICHARDSON: 9 Q From your review of any of these documents 10 of the L.I.A., did you find any medical or scientific 11 literature on the subject of lead poisoning? MR. WHITEHEAD: I am going to object to the 13 question as being overbroad. A Yes, there were some references to 15 articles. Q There were references to articles? A Yes. Q Did you find actual articles? MR. SULLIVAN: Again, objection as to time 20 frame. 21 Are you talking 1970, 1960s, from 1950,
Page 96 1 1920? 2 Q From the inception in the 1920s, did you 3 find any articles on lead poisoning in the possession 4 of the L.I.A. -- MR. SULLIVAN: In the documents we 6 produced? MR. RICHARDSON: That is correct. MR. SULLIVAN: Speak to the record. A There would have been some in the documents 9 that I believe were turned over to you yesterday. Q Yesterday? Those were documents in the 11 1970s? A '60s and '70s. MR. SULLIVAN: Mr. Richardson, you are well 15 aware there are many articles in the documents we 16 produced to you that cover a wide range of time 17 frame. MR. RICHARDSON: I have not seen any 18 documents that are -- MR. SULLIVAN: I suggest you go back and 21 review them.	Page 97 1 BY MR. RICHARDSON: 2 Q Your testimony is that you are not aware of 3 any other than what was produced yesterday; is that 4 correct? A That is correct. MR. DAVID: I am going to object to the form 7 of the question to the extent that it carries with it 8 any implication that if the witness has not seen any 9 such documents, that such documents did not, in fact, 10 at one point in time exist. MR. RICHARDSON: Mark this, please. 12 (Whereupon, Smith Deposition Exhibit Number 13 12 was marked for identification.) BY MR. RICHARDSON: 15 Q I am showing you now what has been marked as 16 Deposition Exhibit Number 12. 17 For the record, it is a copy of the Board of 18 Directors meetings minutes dated October 1, 1935 and 19 it is Bates stamped on the first page L.I.A. 154. 20 I am specifically only -- I am interested in 21 finding out whether or not you agree that this

Page 98

1 document was produced by the L.I.A., but my question
 2 will be focused specifically on the page L.I.A. 157,
 3 number 5.
 4 (Whereupon, document tendered to witness.)
 5 MR. WHITEHEAD: The date of the document
 6 is?
 7 MR. RICHARDSON: October 1st, 1935.
 8 MR. WHITEHEAD: Thank you.
 9 MR. SULLIVAN: Page 157?
 10 MR. RICHARDSON: Yes.
 11 BY MR. RICHARDSON:
 12 Q Well, first of all, isn't it true, sir, this
 13 is one of the documents produced by the L.I.A.?
 14 A I believe it is, yes.
 15 Q Now, on page L.I.A. 157, number 5, please
 16 let me know, sir, if I am reading this correctly.
 17 There has been no let up in the amount of
 18 attention given by the health writers to the subject
 19 of lead poisoning, and this problem still remains one
 20 of great importance to us.
 21 Did I read that correctly, sir?

Page 99

1 A Yes, you do.
 2 MR. DAVID: I object to the procedure being
 3 followed by counsel to ask questions without providing
 4 copies of the documents to defense counsel.
 5 I further object in that the document has
 6 absolutely nothing to do with lead paint, and I
 7 further object that the question is irrelevant. And I
 8 would like to review the document, if I might,
 9 please.
 10 MR. RICHARDSON: For the record, the
 11 document was provided to counsel for L.I.A.
 12 MR. SULLIVAN: Right. Before we go, I just
 13 want to make sure -- there is more to that paragraph
 14 that I think is important. That first sentence you
 15 read is the first paragraph.
 16 BY MR. RICHARDSON:
 17 Q I will read the second sentence and the last
 18 sentence to that paragraph.
 19 MR. DAVID: Mr. Sullivan, may I look at the
 20 document, please.
 21 MR. SULLIVAN: As he is reading.

Page 100

1 BY MR. RICHARDSON:
 2 Q If you could read the second sentence of
 3 that paragraph, sir?
 4 A The second sentence says the Harvard Medical
 5 School is continuing its research on lead, and we have
 6 supplied them with \$6,000 of the \$10,000
 7 appropriations covering their two years
 8 experimentation.
 9 Q Isn't that the same Harvard Medical School
 10 that the Association has been sponsoring over the last
 11 several years?
 12 A I believe it is.
 13 Q There is no indication in that paragraph of
 14 the L.I.A. sponsoring any other medical research at
 15 any other institution other than the Harvard Medical
 16 School?
 17 MR. WHITEHEAD: Excuse me --
 18 MR. SULLIVAN: Objection. In that specific
 19 paragraph. He can only report what is said.
 20 MR. RICHARDSON: I am asking him the
 21 paragraph.

Page 101

1 A Not in that paragraph.
 2 Q All right.
 3 MR. WHITEHEAD: I have an objection to the
 4 question. I believe the question is misleading and
 5 argumentative.
 6 Mr. Richardson, I can say that you are
 7 either woefully uninformed about the extent of
 8 research taking place in this area or you are
 9 intentionally trying to mislead the witness.
 10 MR. RICHARDSON: I am doing neither, just so
 11 that you know.
 12 BY MR. RICHARDSON:
 13 Q From your review of the documents, Mr.
 14 Smith, are you able to inform us as to why the L.I.A.
 15 considered lead poisoning as a problem as it is stated
 16 in this document, sir?
 17 MR. CURTIS: Objection.
 18 MR. SULLIVAN: Objection.
 19 Q You can answer, if you know.
 20 MR. SULLIVAN: You are talking time frame is
 21 just in October of 1935?

Page 102

1 MR. RICHARDSON: That is right.
 2 MR. SULLIVAN: If you know what the problem
 3 with lead poisoning was in that time.
 4 A In 1935? Well, I believe, in looking at the
 5 information, that the Association had worked with
 6 companies making cribs and toys and other such items
 7 for children that they had encouraged them to
 8 eliminate the use of lead paint.
 9 Q And was that because of a concern for the
 10 children developing lead poisoning, sir?
 11 A I believe it was.
 12 Q Okay. This is as of October 1935?
 13 A That is right.
 14 Q Okay.
 15 Isn't it true, sir, that the Lead magazine
 16 that was published by the L.I.A. developed a
 17 circulation of approximately 30,000 in or around
 18 1936?
 19 MR. SULLIVAN: Objection. I am sorry, I
 20 missed the first part of the question, just the very
 21 first part of the question.

Page 103

1 Something was in circulation --
 2 Q Isn't it true that the L.I.A., their
 3 magazine entitled, Lead, had a circulation of about
 4 30,000 during the mid 1930s?
 5 MR. SULLIVAN: Objection. If you know.
 6 A I don't know what the circulation was at
 7 that time. If you have a document you can show me --
 8 Q Sure.
 9 MR. RICHARDSON: Let's mark that.
 10 (Whereupon, Smith Deposition Exhibit Number
 11 13 was marked for identification.)
 12 BY MR. RICHARDSON:
 13 Q I will refer you specifically to L.I.A.
 14 21700, and for the record, this is a copy of the
 15 Secretary's report of the L.I.A. to members of the
 16 L.I.A. dated February 19th, 1936.
 17 The Bates stamp number on the first page of
 18 the document is L.I.A. 21696.
 19 Again, my question to you, sir, isn't it
 20 true that, at least by 1936, the Lead magazine had a
 21 circulation of approximately 30,000?

Page 104 1 (Whereupon, document tendered to witness.) 2 A This states -- 3 MR. DAVID: I object to the procedure of 4 asking questions without providing counsel the 5 opportunity to review the document. 6 And I also further object on the basis of 7 relevance. 8 Q Go ahead, sir. 9 MR. SULLIVAN: Objection, but you can 10 answer. 11 A This item does state that Lead had a 12 circulation of 30,000. 13 Q Thank you, sir. 14 (Whereupon, Smith Deposition Exhibit Number 15 14 was marked for identification.) 16 BY MR. RICHARDSON: 17 Q I am now showing you what has been marked as 18 Deposition Exhibit Number 14. 19 It appears to be a copy of the Board of 20 Directors meeting minutes dated June 29th, 1937. The 21 first page is Bates stamped L.I.A. 189.	Page 105 1 Was this document produced by the L.I.A., 2 sir? 3 (Whereupon, document tendered to witness.) 4 A I believe it was. 5 MR. DAVID: Counsel, may I see the document, 6 please. 7 Q I will show you this. 8 On page L.I.A. 194 under the category lead 9 poisoning, the document states, the Directors 10 discussed the lead poisoning situation with emphasis 11 on the advisability of the Association issuing a 12 leaflet of a general nature on lead poisoning, but it 13 was unanimously felt that it would be better for the 14 Association to continue as it has in the past by 15 disposing of each situation as it arises. 16 And I will ask that you take a look at that 17 paragraph. I actually have it highlighted, to see if 18 I read that correctly. 19 MR. DAVID: I am going to object to 20 questioning this witness on this document for 21 counsel's failure to provide defense counsel with
Page 106 1 copies to review at the same time. 2 I further object on the basis that there is 3 no mention of lead paint in regard to this document or 4 contained in this document, so, therefore, the 5 document is irrelevant. 6 MR. RICHARDSON: sir, you don't have to 7 repeat yourself after every document. You can have a 8 continuing objection on each of these documents, Mr. 9 David. 10 Let the record reflect, as he makes this 11 objection, he is looking at the document. 12 MR. DAVID: That is true, and it has been 13 true after the last couple of documents. 14 MR. RICHARDSON: It sure has. 15 MR. DAVID: And has led to delay caused by 16 plaintiffs' counsel for his continued failure to even 17 accommodate us by providing eight or nine defense 18 counsel with one copy. 19 BY MR. RICHARDSON: 20 Q Did I read that paragraph correctly, sir? 21 MR. CURTIS: I would like to object to the	Page 107 1 improper procedure in asking the witness to attest as 2 to whether or not the reading of a document is correct 3 or not. 4 MR. RICHARDSON: I understand. 5 MR. SULLIVAN: As you were reading, we 6 weren't following it, so if we can read it into the 7 record, that will reflect what it actually says. 8 MR. RICHARDSON: That is fine. 9 A Under the heading, lead poisoning, it says 10 the Directors discussed the lead poisoning situation 11 with emphasis on the advisability of the Association 12 issuing a leaflet of a general nature on lead 13 poisoning, but it was unanimously felt that it would 14 be better for the Association to continue as it has in 15 the past by disposing of each situation as it arises. 16 Q Do you know why the L.I.A. at that time 17 decided not to publish the leaflet? 18 MR. SULLIVAN: If you know. 19 A I do not. 20 MR. SULLIVAN: Objection. 21 MR. RICHARDSON: Mark this.
Page 108 1 (Whereupon, Smith Deposition Exhibit Number 2 15 was marked for identification.) 3 BY MR. RICHARDSON: 4 Q I am now showing you what has been marked as 5 Deposition Exhibit Number 15. 6 It appears to be a copy of the Board of 7 Directors meetings' minutes and dated May 3rd, 1938. 8 The first page of the document is Bates 9 stamped L.I.A. 203, and I ask whether or not that was 10 a document produced by the L.I.A.? 11 (Whereupon, document tendered to witness.) 12 A I believe it was. 13 Q If you could show it to Mr. David. 14 (Whereupon, document tendered to counsel.) 15 MR. SULLIVAN: We will take a look at it 16 first and then pass it along and we can identify 17 whether it is our document or not. 18 MR. WHITEHEAD: Board meeting of May 3rd, 19 1938? 20 MR. RICHARDSON: May 3rd, 1938. 21 MR. SULLIVAN: Is there a particular --	Page 109 1 MR. DAVID: May I see the document, please. 2 BY MR. RICHARDSON: 3 Q If I can show you this section, and can you 4 identify for the record the L.I.A. Bates stamp number 5 on that page? 6 A Yes, L.I.A. 205. 7 Q Okay. And the category under which I have 8 the highlighted paragraph is? I am sorry, I can't see 9 it. 10 A All right. 11 Q What is it? 12 A It says lead poisoning. 13 Q All right. If you can read that to 14 yourself, I have a question for you, sir. 15 A All right. 16 MR. SULLIVAN: Can he look at it or do you 17 want to ask the question and then he will have to look 18 at it again? 19 Oh, never mind, we have it. 20 MR. DAVID: Same objection as to 21 questioning, as I have prior exhibits.

Page 110 1 Q Now, the paragraph discusses a trip to 2 Baltimore to confer with the health authorities on the 3 general question of lead poisoning among infants, and 4 it states that the outcome of that conference was 5 mutually beneficial. 6 From your review of the documents, were you 7 able to determine to what extent or what is meant by 8 the term, mutually beneficial? 9 MR. SULLIVAN: Objection, if you know. 10 A I do not know what was mutually beneficial. 11 Q As of May of 1938, isn't it true that the 12 L.I.A. was concerned about lead poisoning among 13 infants? 14 MR. SULLIVAN: Objection. If you know. 15 A It says yes, the question of lead poisoning 16 among infants, and it also says that Dr. Aub advised 17 them that he was continuing his work at the Harvard 18 Medical School. 19 Q This is the same Dr. Aub that we have been 20 talking about all along? 21 A Right.	Page 111 1 Q And is there any indication under this 2 category of lead poisoning that the L.I.A. was funding 3 anybody else besides Dr. Aub? 4 MR. SULLIVAN: Objection. The document 5 speaks for itself. 6 A There is no indication there. 7 Q That is right. Thank you, sir. 8 MR. WHITEHEAD: Could I have just one minute 9 with Mr. Sullivan? 10 We don't have to adjourn. 11 MR. RICHARDSON: Okay. 12 We have got to go off the record. There is 13 no use wasting tape. 14 (Whereupon, discussion off the record.) 15 MR. SULLIVAN: Thank you. 16 MR. WHITEHEAD: Thank you, counsel. I just 17 wanted to try to facilitate the document review. 18 THE VIDEOGRAPHER: We are back on the 19 record. The time is 11:12. 20 BY MR. RICHARDSON: 21 Q Mr. Smith, are you aware that the Lead
Page 112 1 Industries Association engaged in a white lead 2 promotional program? 3 MR. SULLIVAN: Objection. 4 A I have seen reference to it, yes. 5 Q Do you know what time frame that program was 6 conducted in? 7 A I believe about 1939 to maybe 1950. 8 Q Okay. 9 What was the purpose of the white lead 10 program? 11 MR. SULLIVAN: Objection. 12 A I don't have the purpose before me and if 13 you have a document that will refer to it. 14 Q All right. 15 (Whereupon, Smith Deposition Exhibit Number 16 16 was marked for identification.) 17 BY MR. RICHARDSON: 18 Q I am now showing you, sir, what has been 19 marked as Exhibit Number 16. It appears to be a copy 20 of a letter to members supporting the white lead 21 promotion program.	Page 113 1 It is dated February 20th, 1939. It is from 2 Felix Wormser, the Secretary of the Lead Industries 3 Association at that time. And the first page is Bates 4 stamped L.I.A. 9004. 5 And my first question to you, sir, is do you 6 recognize that as being a document produced by the 7 L.I.A.? 8 (Whereupon, document tendered to witness.) 9 A I do. 10 Q If you can show that to Mr. David, please. 11 (Whereupon, document tendered to counsel.) 12 MR. SULLIVAN: Let's just take a look at it 13 first. 14 MR. RICHARDSON: For the record, what I will 15 do during the lunch break, for the remaining exhibit I 16 will make one copy available for that end of the table 17 so that other counsel can peruse them. 18 MR. WHITEHEAD: We will hover. 19 MR. RICHARDSON: That is right, over Mr. 20 David. 21 MR. DAVID: I appreciate that.
Page 114 1 MR. CURTIS: since during the lunch break it 2 would be just as easy to make a number of copies -- 3 MR. RICHARDSON: it would not be easy. 4 MR. CURTIS: it would not? Set the machine 5 on two, instead of one. 6 MR. RICHARDSON: No, except that I am all by 7 myself and I have things I have to do with the court 8 and I don't have the time to spend at the machine. 9 BY MR. RICHARDSON: 10 Q You have had a chance to review that 11 document, sir? 12 A We did look at it, yes. 13 Q Again, is that a document that was produced 14 by the L.I.A.? 15 A It is. 16 Q The document states that the reasons for 17 undertaking the trade promotion effort on behalf of 18 white lead may be summarized as follows, and it begins 19 with number 1, that white lead is the most important 20 market for the product of the lead miner today. 21 Have you seen anything in the documents to	Page 115 1 disagree with that? 2 MR. SULLIVAN: Objection. I think the 3 document speaks for itself, one way or another. 4 MR. RICHARDSON: That is not what I am 5 asking you. 6 BY MR. RICHARDSON: 7 Q Have you seen anything in the documents to 8 disagree with that statement, sir? 9 A I have not. 10 Q This document says white lead consumption 11 has been declining. It has a market today of about 12 half as big, and it gives a tonnage, as it had in 13 1922. 14 Have you seen anything in the documents to 15 disagree with that statement, sir? 16 MR. SULLIVAN: Objection. This is setting 17 forth facts of people who had knowledge in those days, 18 and as you know, our L.I.A. documents are just bits 19 and pieces of our history, so -- 20 MR. RICHARDSON: I don't know that to be 21 true.

1 BY MR. RICHARDSON:
 2 Q But my question to you is, sir, from your
 3 review of not only the L.I.A.'s documents, but the
 4 defendant's documents produced in this case which you
 5 said you reviewed and also the plaintiffs' documents
 6 produced in this case which you said you also
 7 reviewed --
 8 MR. SULLIVAN: He has reviewed some of
 9 them.
 10 A Some of them.
 11 Q Whatever you have reviewed, have you seen
 12 anything that would suggest other than what the
 13 statement states?
 14 MR. DAVID: I object to the form of the
 15 question.
 16 MR. SULLIVAN: I object to the form of the
 17 question.
 18 Q You can answer, sir.
 19 A I have not.
 20 Q Okay. It also states, under number 4, that
 21 white lead remains the finest paint pigment known to

1 science and to commerce today.
 2 White lead is used in paste form as the sole
 3 constituent of paint or as an ingredient of prepared
 4 paints generally in minor amounts.
 5 Have you seen anything in the documents to
 6 disagree with that, sir?
 7 MR. DAVID: Objection.
 8 MR. SULLIVAN: Objection. He is not here as
 9 an expert on paint. I think the document, again,
 10 speaks for itself.
 11 Q You can answer, sir.
 12 A No, I have not.
 13 Q On the next page, sir, under number 6 it
 14 states that white lead will continue to lose its
 15 position in the paint industry unless some effort is
 16 devised to offset competitive attacks and to acquaint
 17 the public widely with the merits of the product.
 18 From your review of the documents, do you
 19 know whether or not it was the intention of the L.I.A.
 20 to promote white lead as part of the white lead
 21 promotion campaign by acquainting the public widely

1 with the merits of the product -- of the product?
 2 MR. SULLIVAN: Objection. I think it is a
 3 compound question. And, again, I think the document
 4 speaks for itself and you are asking him to testify to
 5 things that I think even were before he was born. I
 6 may be wrong by five years on that.
 7 A I see what is here, but I can't testify that
 8 it is right or wrong. This is what was done, what was
 9 said.
 10 Q It also states that white lead is also
 11 constantly subject to attack from a health
 12 standpoint.
 13 Are you able to state what is meant by
 14 constant attack?
 15 MR. SULLIVAN: Objection.
 16 A I do not know.
 17 Q You do not know?
 18 Do you know why the L.I.A. would be
 19 interested in increasing the consumption of white lead
 20 in the face of what it knew about the lead poisoning
 21 of children?

1 MR. SULLIVAN: Objection. I think you are
 2 mixing and matching two different things. You have to
 3 establish what the L.I.A. did know at the time about
 4 white lead.
 5 We haven't done that, for the record, so,
 6 therefore, your question is vague and ambiguous and
 7 without any background reference.
 8 Q Do you understand the question, sir?
 9 A I understand the question. I think that the
 10 Association was aware of problems with toys and cribs
 11 and that sort of thing, and that they had gone out to
 12 get an agreement not to use lead paints on those
 13 things. And that was the focus at that time.
 14 Q And --
 15 MR. SULLIVAN: Objection. Move to strike,
 16 because that is only a partial answer as to just
 17 children's toys and cribs.
 18 This covers a lot more, including
 19 occupational, and it is very clear from this document
 20 it does.
 21 MR. RICHARDSON: You are stating his answer

1 is a partial answer?
 2 MR. SULLIVAN: I believe it is.
 3 BY MR. RICHARDSON:
 4 Q Is there anything else that you would like
 5 to add, then, sir?
 6 A There was continuous effort by the
 7 Association to not only address childhood lead
 8 poisoning, but also industrial lead poisoning.
 9 Q I see.
 10 MR. RICHARDSON: Mark this, please.
 11 (Whereupon, Smith Deposition Exhibit Number
 12 17 was marked for identification.)
 13 BY MR. RICHARDSON:
 14 Q I am now showing you, sir, what has been
 15 marked as Deposition Exhibit 17.
 16 It is a copy of the annual meeting of the
 17 members of the Lead Industries Association minutes
 18 dated May 16th, 1939, and the Bates stamp number on
 19 the bottom of this is Plaintiff's Exhibit 683.
 20 MR. SULLIVAN: This is not a document that
 21 the L.I.A. has produced.

1 MR. RICHARDSON: That is correct.
 2 MR. SULLIVAN: It was not in our records and
 3 you would have had it if we had it.
 4 MR. RICHARDSON: Well, it was in somebody's
 5 records because it was produced by us.
 6 MR. SULLIVAN: I am just saying you will
 7 have to see if he has seen it and if he has reviewed
 8 it.
 9 MR. RICHARDSON: Yes.
 10 MR. WHITEHEAD: The exhibit is what number?
 11 MR. RICHARDSON: 17.
 12 MR. SULLIVAN: It is a little hard to read.
 13 I apologize --
 14 MR. RICHARDSON: I can specifically refer
 15 you to the medical research section. That is the only
 16 section I am interested in.
 17 MR. SULLIVAN: There were some parts that
 18 were hard to read what the words said.
 19 BY MR. RICHARDSON:
 20 Q My first question, sir, is have you seen
 21 that document before?

Page 122 1 (Whereupon, document tendered to witness.) 2 A No, I don't recall seeing that. 3 Q All right. At the bottom it had a stamp, 4 Federal Trade Commission. 5 Was the L.I.A. in any way involved in 6 litigation with the Federal Trade Commission? 7 MR. DAVID: Objection, irrelevant. 8 MR. CURTIS: Objection. 9 A I have no idea. 10 Q Do you remember discussing that before in 11 one of your previous depositions? 12 A No, I do not. That was 1938? 13 Q '39, May 16, 1939. 14 MR. SULLIVAN: That was a 1939 document. 15 Q The document under medical research states, 16 and I will show this to you -- and, in fact, why don't 17 I just show it to you and let you read the sentence 18 that I have highlighted. And forgive my notes, but 19 Mr. David is looking at the other copy. 20 MR. SULLIVAN: You didn't highlight the good 21 part, but we will get to that.	Page 123 1 MR. RICHARDSON: Well, we can always talk 2 about the good part. 3 MR. SULLIVAN: I don't want to forget that. 4 Do you want us to read the second 5 paragraph? 6 BY MR. RICHARDSON: 7 Q Read the first sentence, and if you want to 8 read the second sentence, feel free to. I have a 9 couple of questions on that as well. 10 A Okay. Lead poisoning continues to be a 11 serious, troublesome subject to our industry. 12 Hardly a day passes, but what the office of 13 the Lead Industries Association receives is newspaper 14 clippings carrying unfavorable comments about lead and 15 its toxic qualities. 16 Q If you want to read it, it is up to you. 17 A Okay. 18 The Association has always endeavored to 19 meet attacks on the use of its products by 20 ascertaining the truth about any charge made against 21 lead.
Page 124 1 Then he goes on to talk about continuing 2 fundamental search -- 3 MR. SULLIVAN: Read. 4 A All right. 5 The continuation of fundamental research on 6 lead at Harvard University of Cincinnati and the U.S. 7 Public Health Service in Washington are helping to 8 create a better understanding of lead. 9 Q Thank you, sir. 10 Isn't it true that the U.S. Public Health 11 Service was headed by Dr. Fairhall -- 12 MR. SULLIVAN: If you know. 13 Q -- at that time? 14 A I do not. I have no idea. 15 Q What hailed from the Harvard Medical School 16 as an understudy to Dr. Aub? 17 Do you know that, sir? 18 A I do not. 19 Q If the L.I.A. considered in May of 1939 that 20 lead poisoning continues to be a serious troublesome 21 subject to their industry, and as we looked at the	Page 125 1 previous exhibits, one of which stated that an ounce 2 of prevention could save reams of adverse publicity, 3 do you know whether or not the L.I.A. considered just 4 not using white lead in paint so that this adverse 5 publicity would go away? 6 MR. SULLIVAN: Objection. 7 MR. RICHARDSON: All I am asking is does he 8 know. 9 MR. SULLIVAN: That is a compound question 10 with about three or four different parts to it. And 11 it characterizes a prior document that may not be 12 accurately characterized and it asks him to draw a 13 conclusion about a time period that he was not 14 involved with the L.I.A. 15 He is here as a spokesman, and he can tell 16 you what the documents say, but you are asking him to 17 draw conclusions as to why people, years ago, took 18 actions. 19 MR. RICHARDSON: That is why he is here. 20 MR. WHITEHEAD: I further object to the form 21 of the question as being misleading and misstating a
Page 126 1 critically obvious fact. 2 BY MR. RICHARDSON: 3 Q Can you -- 4 MR. WHITEHEAD: Excuse me. I am sorry, Mr. 5 Smith, one of the things we have to do is protect the 6 record and protect the interests of our own clients. 7 Even though what we say may not be terribly 8 important, I at least want to get the objection on the 9 record. 10 I want to repeat that I object to the form 11 of the question because it misstates a fact about the 12 L.I.A. and is misleading in its form. 13 Q Do you want me to rephrase the question, 14 sir? 15 A Yes. 16 Q Do you remember the exhibit, the deposition 17 exhibit that we discussed not too long ago where we 18 quoted a phrase from it that said an ounce of 19 prevention could save reams of adverse publicity? 20 Do you remember that exhibit, sir? 21 MR. SULLIVAN: Objection. If you have the	Page 127 1 exhibit, I think you can show it to him and then, he 2 can confirm it. 3 Q Well, do you remember it, first of all? 4 A I recall something to that effect. 5 Q That is enough for my next question then. 6 MR. SULLIVAN: Objection. Move to strike. 7 I think there is more to that statement that 8 was in the document. 9 MR. RICHARDSON: Okay. We will find it. 10 MR. KENNEALLY: Counsel, it was Exhibit 9, 11 if that would help. 12 MR. RICHARDSON: That does help. 13 Could you pull Exhibit 9, please, out of 14 there. 15 BY MR. RICHARDSON: 16 Q Referring to the page L.I.A. 87, the bottom 17 of the first paragraph or the second full paragraph. 18 If you could read that last sentence, 19 please. 20 MR. SULLIVAN: This is referring to the 21 burning of cases in Baltimore, the burning of the

Page 128 1 battery cases. 2 A You want only the last sentence? 3 Q Just the last sentence. We just want to 4 establish -- 5 A An ounce of prevention may save us reams of 6 undesirable publicity. 7 Q Thank you. 8 Now, if the L.I.A. was concerned about 9 undesirable publicity, and as Exhibit Number -- the 10 last exhibit I just gave you? 11 MR. SULLIVAN: 17. 12 Q 17 states, that lead poisoning continues to 13 be a serious troublesome subject to the industry, from 14 your review of the documents and as a representative 15 of the L.I.A., are you able to say why the L.I.A. did 16 not consider at that time removing white lead from its 17 paint products? 18 MR. SULLIVAN: Objection. 19 MR. DAVID: Objection. 20 Q From its members' paint products? 21 MR. SULLIVAN: Objection on several issues.	Page 129 1 One, with reference to -- 2 MR. RICHARDSON: I am sorry, I will let you 3 state your objection, and I don't want you to forget 4 the question -- 5 MR. SULLIVAN: We will read it back if there 6 is a problem. 7 Objection. First of all, the reference to 8 Exhibit 9 deals with the issue of people being lead 9 poisoned because of burning battery casings which has 10 nothing to do with white lead pigments. 11 Second of all, the L.I.A. is not -- it is a 12 membership organization, it is not in a position of 13 telling its members what to do. They are paint 14 companies and they manufacture their own products. 15 We are not the ones who tell them what to 16 do, and you are well aware of that, so to imply that 17 we have that ability or authority is just totally 18 improper. 19 MR. RICHARDSON: Okay. 20 MR. WHITEHEAD: I further object to the form 21 of the question and, again, it misstates an obvious
Page 130 1 fact that the L.I.A. never made any products. 2 MR. SULLIVAN: With all of that, if you 3 would read the question. 4 (Whereupon, the record was read by the 5 reporter.) 6 MR. SULLIVAN: Objection. 7 A Lead was an extremely useful product. It is 8 today and it will be for a long time. 9 This statement here does not say anything 10 about lead paint. You are trying to make it a 11 specific thing to lead paint. 12 There were cases of lead intoxication in 13 industry and may well -- this may well have been 14 referring to that. 15 Now, the rest of your question? I am sorry, 16 is that -- 17 Q That is okay. So, as I understand your 18 testimony, you are telling me that the L.I.A. decided 19 to continue using white lead -- not the L.I.A., the 20 L.I.A. decided not to inform its members or suggest to 21 its members not to use white lead because it still	Page 131 1 considered it a useful product at that time? 2 MR. SULLIVAN: Objection. That is not what 3 his testimony is. You have totally mischaracterized 4 what he said. 5 MR. RICHARDSON: I am trying my best to 6 rephrase it. 7 MR. SULLIVAN: I know you are. You are 8 doing a fine job of rephrasing what the answer was and 9 it is rephrasing that has nothing to do with the 10 answer. 11 The L.I.A. never made a product. 12 MR. RICHARDSON: I am not saying that the 13 L.I.A. ever made a product. 14 MR. SULLIVAN: It never removed lead 15 pigment, nor did it have to, nor did it have the 16 authority to tell its members. 17 MR. DAVID: It further misstates the 18 testimony. 19 MR. RICHARDSON: That is what I am trying to 20 make clear. 21 BY MR. RICHARDSON:
Page 132 1 Q Why did the L.I.A. -- and if you know, I am 2 not asking you to speculate, but why didn't the L.I.A. 3 inform its members that it would be better for them 4 not to use white lead in its paint products in face of 5 the adverse publicity that it was receiving as of May, 6 1939? 7 MR. SULLIVAN: Objection. The question 8 misstates the facts, misstates the documents and 9 connects white lead pigments to issues that are not 10 reflected or clearly reflected in these documents as 11 having anything to do with white lead pigments. 12 MR. DAVID: Further calls for speculation. 13 MR. RICHARDSON: I have to object to all of 14 these speaking objections. 15 A This sentence that you wanted me to read 16 does not address itself to white lead paint. 17 Q That is right. 18 A Yet, you are, in your question, tying it to 19 white lead paint. 20 Q But -- well, that is fine. 21 Haven't we today, sir, discussed white lead	Page 133 1 with respect to lead poisoning in these exhibits, 2 sir? 3 A From time to time we have. Yes. 4 Q Okay. And to the extent that we have, my 5 question to you is why didn't the L.I.A. make 6 recommendations to its members who were using white 7 lead in their paints not to do so because of the 8 potential adverse publicity that may be received as a 9 result of doing that? 10 MR. SULLIVAN: Objection. 11 MR. DAVID: Object for all of the reasons 12 previously stated to the previous question. 13 MR. SULLIVAN: And I would state it the same 14 way, but just to save time on the record. 15 Q All right. 16 A What I would state is that when they became 17 aware of lead poisoning problems such as with the 18 cribs and toys, the Association did act and did 19 actually get the members and others to not use lead 20 paint for those things that were causing poison. 21 Q When did that happen, sir?

1 A This was in 1934 and '5.
 2 Q It is your testimony, sir, that the L.I.A.
 3 acted to inform its members who used white lead in
 4 their paints not to use white lead in those paints as
 5 of 1934 and 1934?
 6 A No, you have left out --
 7 MR. DAVID: Objection.
 8 Q -- on cribs or toys?
 9 A You better believe it, yes, and that was
 10 part of their effort in the records.
 11 Q Okay.
 12 MR. RICHARDSON: This is a good time for a
 13 lunch break.
 14 MR. SULLIVAN: I guess so.
 15 MR. RICHARDSON: Be back at 12:30 if we
 16 can.
 17 MR. SULLIVAN: Okay. Thank you.
 18 (Whereupon, a luncheon recess was taken --
 19 11:36 a.m.)
 20 (Whereupon, afternoon session -- 12:37 p.m.)
 21 THE VIDEOGRAPHER: We are back on the

1 record. The time is 12:37.
 2 EXAMINATION
 3 BY MR. RICHARDSON:
 4 Q Mr. Smith, during the lunch break, was there
 5 any discussion concerning your testimony today?
 6 A Yes, there was.
 7 MR. SULLIVAN: Keep your voice up, Jerome.
 8 A Yes, there was.
 9 Q Was that with your counsel?
 10 A That is correct.
 11 Q Was that also with other attorneys in this
 12 room?
 13 A No.
 14 Q Are you aware of Maryland rules that you are
 15 not supposed to discuss your testimony during the
 16 course of the deposition at any time even with
 17 counsel?
 18 MR. GRIMM: What rule is that? What rule is
 19 that, Mr. Richardson?
 20 Cite the rule for me, please.
 21 MR. RICHARDSON: If necessary, I will file a

1 motion that does that...
 2 MR. GRIMM: There is no such rule. If you
 3 can cite it, do it.
 4 MR. RICHARDSON: We will see.
 5 MR. SULLIVAN: I would like to object. The
 6 implication is that he cannot be told that. I think
 7 he is doing a fine job and the story is going --
 8 MR. RICHARDSON: I don't think you should
 9 testify on behalf of your witness, sir.
 10 BY MR. RICHARDSON:
 11 Q During the lunch break, sir, were you shown
 12 plaintiffs' resubmission to the court?
 13 A No.
 14 MR. RICHARDSON: For the record, there is a
 15 copy for counsel at the end of the table of the
 16 exhibits to be used this afternoon.
 17 MR. DAVID: Can we have an indication of
 18 what recent submission to the court?
 19 MR. RICHARDSON: Plaintiffs' supplemental
 20 responses to defendants' interrogatories.
 21 MR. DAVID: Oh, thank you.

1 MR. RICHARDSON: As if you didn't know.
 2 Mark this, please.
 3 (Whereupon, Smith Deposition Exhibit Number
 4 18 was marked for identification.)
 5 BY MR. RICHARDSON:
 6 Q Mr. Smith, I am showing you now what has
 7 been marked as Exhibit Number 18.
 8 It appears to be a cover letter with the
 9 National Lead Company letterhead dated February 15th,
 10 1940 to Mr. Wormser, Secretary of the Lead Industries
 11 Association, which has attached to it a document that
 12 simply has the word copy at the top of it.
 13 The document is Bates stamped number at the
 14 beginning page NLI 20442.
 15 (Whereupon, document tendered to witness.)
 16 MR. SULLIVAN: Just for the record, this is
 17 not an L.I.A. document or one that we produced.
 18 Q Let me first ask you, have you ever seen
 19 that before?
 20 A No.
 21 Q Have you seen the copy that is attached to

1 the cover letter?
 2 A No, I have not. It is kind of hard to read
 3 down there, but from what I have seen here, I did
 4 not --
 5 MR. SULLIVAN: The bottom of the second
 6 page, the one that has copy at the top, the word copy
 7 at the top, it is very hard to read. It is a number
 8 3, but after that it is hard to read.
 9 MR. RICHARDSON: My copy is not that bad,
 10 but if necessary, I will show you my copy.
 11 BY MR. RICHARDSON:
 12 Q The first paragraph at the top of page 2,
 13 sir.
 14 MR. SULLIVAN: The second page or page 2 of
 15 the copy? There are two --
 16 MR. RICHARDSON: The second page of the
 17 document.
 18 MR. SULLIVAN: Okay.
 19 BY MR. RICHARDSON:
 20 Q The first paragraph suggests that the St.
 21 Joseph Lead Company, the American Smelting and

1 Refining Company, and the National Lead Company were
 2 responsible for establishing the Lead Industries
 3 Association or were mostly responsible for
 4 establishing the Lead Industries Association.
 5 Do you have any knowledge as to which
 6 companies had or were responsible for establishing the
 7 Lead Industries Association?
 8 MR. SULLIVAN: Objection.
 9 MR. DAVID: Objection.
 10 MR. SULLIVAN: This is a document which he
 11 said he hasn't seen before. If you are just referring
 12 to just that question, does he know who founded it,
 13 that is okay.
 14 BY MR. RICHARDSON:
 15 Q I am not asking you to rely on this
 16 document.
 17 I am asking you from your knowledge do you
 18 know who established the Lead Industries Association?
 19 A I do not.
 20 Q Okay. Were you aware, sir, that as of
 21 February of 1940 the St. Joseph Lead Company was the

Page 140 1 largest mining company of lead? 2 MR. SULLIVAN: Objection. If you know. 3 A No, I do not. 4 Q Were you aware, sir, that the largest lead consumer was National Lead Company at that time? MR. SULLIVAN: Objection. 7 A Again, I would not have known it. 8 Q Number 3 on the same page under lead poisoning, it states that the Association has 9 supported medical research on lead poisoning at 10 Harvard University ever since its inception. 11 Do you have any reason to disagree with that 12 statement? 13 A I wouldn't disagree with it, but there is 14 more to it. There was other research that was being 15 funded. 16 Q My question to you, though, sir, is it your 17 understanding that the L.I.A. has funded medical 18 research on lead poisoning at Harvard since its 19 inception? 20 A I would agree with that. 21	Page 141 1 Q Okay. 2 MR. RICHARDSON: Mark this. 3 (Whereupon, Smith Deposition Exhibit Number 4 19 was marked for identification.) 5 BY MR. RICHARDSON: 6 Q I am now showing you, sir, what has been 7 marked as Exhibit Number 19. 8 It is a copy of the Board of Directors 9 meeting minutes dated January 7th, 1941. It is Bates 10 stamped at the first page L.I.A. 251 and ask you to 11 take a look at it to see if this is a document that 12 L.I.A. has produced? 13 (Whereupon, document tendered to witness.) 14 A I believe it is, yes. 15 MR. SULLIVAN: Keep your voice up. 16 A Yes, I believe it is. 17 Q All right. On the second page, L.I.A. 18 252 -- 19 MR. SULLIVAN: We are missing that page. 20 Let me just see if it is out of order. 21 MR. RICHARDSON: It may not be.
Page 142 1 MR. SULLIVAN: We are missing several 2 pages. They don't seem to all be in sequence. 3 BY MR. RICHARDSON: 4 Q Let me show you my copy of that. I will 5 have to update that exhibit for you and get you a 6 complete copy of it. 7 If you would take a moment and read the 8 section concerning Dr. Barborka. 9 (Whereupon, document tendered to witness.) 10 A Okay. 11 Q Sir, are you able to state why the L.I.A. decided not to fund that doctor's request for funding for medical research at that time? 14 A No, I really couldn't say why. I do not 15 know. 16 Q The document also states, though, that they 17 are continuing their funding? 18 MR. SULLIVAN: Object. I think when you 19 asked him that it hadn't been established what the 20 language said. You just asked him to read it. 21 MR. RICHARDSON: That is right.	Page 143 1 MR. SULLIVAN: So I object to the question. 2 BY MR. RICHARDSON: 3 Q Does the document also state that they 4 continued their funding? 5 I don't have it in front of me, so I don't 6 have the exact -- 7 A Yes, continuing the work at Harvard. 8 Q At Harvard? 9 A Yes. 10 (Whereupon, Smith Deposition Exhibit Number 11 20 was marked for identification.) 12 BY MR. RICHARDSON: 13 Q Mr. Smith, I am now showing you what has 14 been marked as Exhibit Number 20. It is a letter from 15 Mr. Wormser the Secretary of the L.I.A. to Dr. Robert 16 Kehoe under the L.I.A. letterhead dated January 19th, 17 1944, and the Bates stamp number on this document is 18 Plaintiff's Exhibit 1095. 19 I will ask you to take a moment to look at 20 that and then tell me whether or not you have ever 21 seen that document before?
Page 144 1 MR. SULLIVAN: As Mr. Smith is going 2 through, some parts of the pages are very hard to read 3 because of the copies. 4 I know they are probably difficult on the 5 original, too, but they diminish in the copy, so I 6 apologize for the time it is taking. 7 MR. RICHARDSON: I disagree that it is hard 8 to read. I don't -- 9 MR. SULLIVAN: Your copy may be a little 10 better. 11 MR. RICHARDSON: It is the exact copy of 12 this. I made copies myself last night. 13 BY MR. RICHARDSON: 14 Q My question -- I am sorry, you haven't 15 finished yet? 16 A Okay. 17 Q Have you ever seen that document before? 18 A I believe I have. 19 Q It is not a document that the L.I.A. has produced; isn't that correct, though, Mr. Smith? 21 A That is correct.	Page 145 1 Q On page 10 -- 2 MR. SULLIVAN: We did not produce it because 3 we didn't have it in the records. 4 MR. RICHARDSON: I understand. 5 BY MR. RICHARDSON: 6 Q But you have seen it before? 7 A I have seen it. 8 Q On page PL 1096, at the bottom of that page, 9 the paragraph begins, as you know, it is our belief 10 here based on careful investigation that no crib 11 manufacturer in the United States today is using any 12 lead paint on cribs, nor has he used any for years for 13 two reasons. 14 Let me stop there, sir. 15 That is what you have basically testified to 16 is that at some point the members of the L.I.A. 17 stopped using lead paint on cribs; isn't that 18 correct? 19 MR. SULLIVAN: Objection. I think that that 20 mischaracterizes the testimony. Not many crib 21 manufacturers and toy manufacturers were members of

1 the L.I.A.
 2 A None of them were.
 3 Q Is it your understanding, sir, that the
 4 L.I.A. was aware that crib manufacturers were no
 5 longer using lead on their cribs as of January 1944?
 6 A I believe that to be true, yes.
 7 Q And he states two reasons why that was so.
 8 The first is that other paints such as zinc
 9 oxide, lithopone and titanium-based enamels are
 10 cheaper than white lead and, two, they make a harder
 11 and more satisfactory enamel than white lead.
 12 And my question to you, sir, is the paints
 13 that he is referring to here zinc oxide, lithopone and
 14 titanium-based enamels, were those lead-free paints?
 15 MR. SULLIVAN: Objection. If you know.
 16 A I do not know what you mean by lead-free
 17 paints, and I wouldn't be able to characterize it that
 18 way at all.
 19 Q Okay. So you don't know one way or another
 20 whether they were lead-free or not?
 21 A No, no, I wouldn't.

1 Q They were forms of paints, though; isn't
 2 that correct?
 3 A He says that. I am not aware that these
 4 were individual paints or combination. I just don't
 5 know.
 6 (Whereupon, Smith Deposition Exhibit Number
 7 21 was marked for identification.)
 8 BY MR. RICHARDSON:
 9 Q Mr. Smith, I am now showing you what has
 10 been marked as Deposition Exhibit Number 21. It is a
 11 letter from Dr. Kehoe to Mr. Wormser of the Lead
 12 Industries Association dated February 7th, 1944.
 13 The front page of this exhibit is Bates
 14 stamped Plaintiff's Exhibit 1099.
 15 Then I will ask you, sir, if you have seen
 16 that document before?
 17 (Whereupon, document tendered to witness.)
 18 A Okay.
 19 Q Have you ever seen that document before,
 20 sir?
 21 A I believe I have.

1 Q This document seems to be in response to Mr.
 2 Wormser's letter of January 19th as it states in the
 3 first paragraph; isn't that correct?
 4 A Yes.
 5 Q Do you have any idea from your review of the
 6 documents, sir, as to why it was believed by Dr. Kehoe
 7 that Mr. Wormser would be disappointed in his answer
 8 to his letter?
 9 MR. SULLIVAN: Objection.
 10 A Yeah, I couldn't say.
 11 Q As of February of 1944, did your review of
 12 the documents in the possession of L.I.A. indicate any
 13 documents which discussed the mental retardation in
 14 children as a result of lead poisoning?
 15 MR. SULLIVAN: Above and beyond this
 16 document here.
 17 MR. RICHARDSON: Above and beyond this
 18 document here.
 19 MR. SULLIVAN: Do you have a memory?
 20 A I do not recall any such thing.
 21 Q Were you able to locate any other

1 documents -- well, strike that.
 2 On page 2, he appears to be referring Mr.
 3 Wormser to the data on lead poisoning and children on
 4 Queensland.
 5 Do you know whether or not -- I am sorry, I
 6 haven't finished the question.
 7 Do you know what I am talking about? The
 8 second to last sentence in the first full paragraph.
 9 Have you seen the data on lead poisoning in
 10 children in Queensland? Do you see that, sir?
 11 A I do see it.
 12 Q Did your review of the documents in the
 13 possession of the L.I.A. or the documents produced by
 14 the plaintiffs or the other defendants in these cases,
 15 did your review of any of those documents show you one
 16 way or another whether or not Mr. Wormser was able to
 17 review that data on lead poisoning in connection with
 18 the children in Queensland?
 19 A No, there would be no way of knowing whether
 20 he was and whether he had it.
 21 Q So you did not see anything that would

1 indicate that?
 2 A No.
 3 Q Thank you, sir.
 4 (Whereupon, Smith Deposition Exhibit Number
 5 22 was marked for identification.)
 6 BY MR. RICHARDSON:
 7 Q Mr. Smith, I am now showing you what has
 8 been marked as Deposition Exhibit Number 22.
 9 It is a letter to Dr. Kehoe from Mr. Wormser
 10 dated July 25th, 1944 on L.I.A. letterhead, and the
 11 first page of the document is Bates stamped
 12 Plaintiff's Exhibit 1109, and I would ask you to take
 13 a moment to look at that and see if you have ever seen
 14 that document before.
 15 Have you ever seen this document before?
 16 (Whereupon, document tendered to witness.)
 17 A I don't believe so.
 18 Q This appears to be a follow-up to the
 19 preceding exhibit; isn't that correct?
 20 A It looks --
 21 MR. SULLIVAN: Objection. He hasn't seen

1 it, so I don't think he knows.
 2 Q I am not asking you whether or not you have
 3 seen the document, sir.
 4 I am asking you do you believe that this
 5 appears to be a follow-up of the --
 6 A It may be, I don't know.
 7 MR. SULLIVAN: I object.
 8 Q As you read the document, you see there is
 9 an indication on the bottom of page 1 where Mr.
 10 Wormser states that he was interested in reading one
 11 of the reports of the Queensland lead poisoning
 12 literature that you were kind enough to let me
 13 examine.
 14 Does it appear, then, from this document,
 15 that Mr. Wormser did, in fact, have an opportunity to
 16 review at least one of the reports concerning the
 17 Queensland lead poisoning literature?
 18 MR. SULLIVAN: Objection. I think the
 19 document speaks for itself.
 20 A I can't say that he did. It is not our
 21 document. I don't know.

1 Q You have seen nothing in your review of the
2 documents to indicate that he has not seen that
3 report, though, did you?
4 MR. SULLIVAN: Objection.
5 A He may or may not. There is nothing to
6 indicate either way.
7 Q Okay.
8 (Whereupon, Smith Deposition Exhibit Number
9 23 was marked for identification.)
10 MR. SULLIVAN: I think you ought to clarify
11 that.
12 A Could you --
13 Q I am not going to repeat the question, sir.
14 I am ready for the next question.
15 I am now showing you what has been marked as
16 Deposition Exhibit -- what is the number?
17 (Whereupon, document tendered to witness.)
18 THE REPORTER: 23.
19 MR. RICHARDSON: You will have an
20 opportunity to clarify when it is your turn, sir.
21 MR. SULLIVAN: I think at the time -- beyond

1 MR. SULLIVAN: Objection.
2 A I didn't see.
3 Q Okay. Was the Ethyl Corporation a member of
4 the Lead Industries Association at this time?
5 A I do not know.
6 Q Do you know whether or not the Ethyl
7 Corporation was a member of the Board of Directors of
8 the L.I.A. at this time?
9 A I don't.
10 Q Do you know whether or not the Ethyl
11 Corporation ever made this document available to the
12 L.I.A.?
13 MR. SULLIVAN: Just listen. He was reading,
14 so I don't know if he heard the first part of your
15 question.
16 Q Do you know whether or not the Ethyl
17 Corporation ever made this exhibit available to the
18 Board of the L.I.A.?
19 A I do not know.
20 (Whereupon, Smith Deposition Exhibit Number
21 24 was marked for identification.)

1 Q This says a meeting of the Executive
2 Committee of the L.I.A. industries association was
3 held on Friday, December 28th, 1945 and it lists
4 present one of which was the Ethyl Corporation.
5 Doesn't it, in fact, do that?
6 A It lists present, also present, yes.
7 Q Would the L.I.A. have companies who were not
8 members attend its Executive Committee meeting --
9 Executive Committee meetings?
10 MR. SULLIVAN: Objection.
11 A I don't know. They may have.
12 Q Have you seen anything to indicate that that
13 was so?
14 MR. SULLIVAN: Objection.
15 A I have not seen anything either way.
16 Q Wasn't the National Lead Company a member of
17 the L.I.A. at that time?
18 A I believe they were.
19 Q Wasn't the St. Joseph's Lead Company a
20 member of the L.I.A. at that time?
21 A I believe they were.

1 this letter -- this letter says Wormser read it. I
2 don't understand that letter, if that is what you are
3 saying, beyond the letter, because this letter says he
4 did.
5 BY MR. RICHARDSON:
6 Q All right. You have been shown what has
7 been marked as Exhibit Number 23, sir, and I would
8 like you to take a moment to look at that and see if
9 you have ever seen that document before.
10 It is dated January 29th, 1945. It is a
11 letter from Dr. Kehoe to a Mr. J.H. Schaefer,
12 S-c-h-a-e-f-e-r, of the Ethyl Corporation.
13 It is Bates stamped on the front page
14 Plaintiff's Exhibit 1130.
15 MR. SULLIVAN: Have you ever seen that
16 before.
17 Q Have you ever seen this before?
18 A I have not.
19 Q From your review of the documents, Mr.
20 Smith, were you able to determine whether or not Mr.
21 Wormser ever received a copy of this?

1 BY MR. RICHARDSON:
2 Q I am now showing you what has been marked as
3 Deposition Exhibit Number 24.
4 It is a copy of the Executive Committee
5 meeting minutes of the L.I.A. dated December 28th,
6 1945.
7 The first page of which is Bates stamped
8 L.I.A. 2710. It is parallel to the category
9 statistics.
10 (Whereupon, document tendered to witness.)
11 A Okay.
12 Q My first question, sir, is, is this a
13 document that was produced by the L.I.A.?
14 A Yes.
15 Q On the first page under also present it has
16 J.H. Schaefer of the Ethyl Corporation.
17 So at least as of December of 1945 this
18 appears to indicate that the Ethyl Corporation was a
19 member of the L.I.A.; isn't that correct?
20 MR. SULLIVAN: Objection. If --
21 A I can't tell from that.

1 Q And the American Smelting and Refining
2 Company, weren't they also a member at that time?
3 A I think they were.
4 Q And the United States Smelting, Refining and
5 Mining Company, weren't they also a member at that
6 time?
7 A I don't know.
8 Q On page 2, sir, under safety and hygiene
9 program --
10 MR. DAVID: I think that is page 3, if I am
11 not mistaken.
12 MR. RICHARDSON: Actually, it is page 3. I
13 am sorry.
14 MR. SULLIVAN: Is page 2 missing?
15 MR. RICHARDSON: It is a copy on every
16 side. You don't have that on that exhibit?
17 MR. SULLIVAN: The next page is missing. We
18 go from document number 2710 to 2712 to 2714 to 2716.
19 MR. RICHARDSON: I will make another copy of
20 that and I will show you my copy. This is number --
21 THE REPORTER: 24.

Page 158 1 MR. SULLIVAN: 24. 2 BY MR. RICHARDSON: 3 Q On page 3 which is 2712 under the category 4 safety and hygiene program, sir, it reads, after 5 discussion, it was felt desirable to engage in more 6 activity along the lines of safety and hygiene in the 7 interest of better public and private information on 8 lead, but it was not desirable at this time to 9 appropriate the suggested sum of \$62,500 for the 10 purpose. 11 The secretary was authorized, however, to 12 add an assistant to help the staff in organizing in 13 carrying out this important phase of the Association's 14 activities. 15 And my question to you, sir, is, were you 16 able to determine from your review of all of the 17 documents why it was not desirable by the L.I.A. to 18 appropriate that sum for the purpose of developing 19 better public and private information on lead? 20 MR. SULLIVAN: Objection. We have to finish 21 reading. We just flipped to that section, so we will	Page 159 1 finish reading it and then we will answer the 2 question. 3 (Whereupon, pause.) 4 MR. SULLIVAN: Objection, but if you know. 5 Q Let me rephrase the question so that you 6 understand. 7 From your review of all of the documents, 8 were you able to determine why it was that the L.I.A. 9 decided at that point not to appropriate that amount 10 of money for the purpose of developing better public 11 and private information on lead? 12 MR. SULLIVAN: Objection. 13 A I do not know why. 14 Q If you can refer back to what is identified, 15 I guess, as L.I.A. 2727. 16 In fact, it begins on the previous page, and 17 you may just want to look at those two pages to get a 18 complete reading of the document. 19 (Whereupon, pause.) 20 A Okay. 21 Q All right. Isn't it true, Mr. Smith, that
Page 160 1 the most important use of white lead was its use in 2 paints? 3 MR. SULLIVAN: Objection. 4 A I can't say that. I don't know. 5 Q Has your review of the documents indicated 6 one way or the other whether or not the most important 7 outlet for white lead was its use in paints? 8 MR. SULLIVAN: Objection. 9 A These documents, it is like 20,000 of them 10 and I can't say right now that I recall that 11 particular statement. 12 Q Okay. Were you able to locate any documents 13 from your review of the documents which would support 14 the statement that the Lead Industries Association 15 over a period of 15 years had a vast amount of 16 experience in the field of both occupational and 17 public lead poisoning? 18 A I am sorry? 19 Q Were you able to locate any documents to 20 support that statement? 21 A Oh, yes, I think there are items throughout	Page 161 1 the history from up to this period. 2 Q Okay. 3 MR. SULLIVAN: Keep your voice up. 4 A Okay. 5 Q Those documents were in the possession of 6 the L.I.A.? 7 A Yes. 8 Q Okay. On the next page, sir, the third full 9 paragraph, it reads in part, the Lead Industries 10 Association in its internal thinking has always met 11 the problem of lead poisoning frankly and fearlessly. 12 Externally it has avoided public discussion 13 except where driven to a defense, and from your review 14 of the documents, sir, are you able to say why the 15 L.I.A. decided to avoid public discussion of lead 16 poisoning unless driven to a defense? 17 MR. SULLIVAN: Objection. 18 Q If you know. 19 A I do not know. 20 Q And, again, on page L.I.A. 2728. 21 MR. SULLIVAN: That is the next page.
Page 162 1 A Oh. 2 Q Number 5 under education of medical 3 authorities. 4 It says an investigation should be started 5 sometime in the future endeavoring to prove that the 6 ingestion of extremely minute amounts of lead contrary 7 to popular conception may be actually beneficial to 8 public health. 9 MR. SULLIVAN: Objection. 10 Q Did I read that correctly? 11 A You read it. 12 Q Okay. And my question to you, sir, is, from 13 your review of the documents that the L.I.A. produced, 14 that the defendants produced and the plaintiffs 15 produced in this litigation, were you able to 16 determine whether or not such an investigation was, in 17 fact, started? 18 MR. SULLIVAN: Objection. 19 A I know of no such investigation. 20 Q Okay. Were you able to locate any documents 21 which supported the statement that it was the popular	Page 163 1 conception that the ingestion of extremely minute 2 amounts of lead -- 3 MR. SULLIVAN: Where are you reading from 4 now, I am sorry? 5 MR. RICHARDSON: The same thing. 6 BY MR. RICHARDSON: 7 Q -- was harmful? 8 MR. SULLIVAN: Would you repeat the 9 question, please, I am sorry. 10 Q Were you able to locate any documents from 11 those that you reviewed which supported the statement 12 or the contention that the ingestion of extremely 13 minute amounts of lead was harmful? 14 MR. SULLIVAN: Objection. We are talking 15 back in 1945; is that correct? 16 Q At any time from your review of the 17 documents, did you see any documents which would 18 address that statement? 19 MR. SULLIVAN: Objection from a time frame 20 standpoint. 21 A Yeah, this is a long period of time and

Page 164 1 many, many -- 2 Q Did you see any documents? 3 A I saw no documents. 4 Q Okay. Had you heard the name Manfred Bowditch before, sir? 5 A Heard the name? 6 Q Yes. Do you know who Manfred Bowditch was? 7 A I know who he was, yes. 8 Q And who was he? 9 A At one time he was the director of hygiene and safety, I believe. 10 Q For whom? 11 A For the Lead Industries Association. 12 Q Okay. Were you aware, sir, that he was a graduate of Harvard College? 13 A I don't think I was. 14 Q Were you aware, sir, that he was a lecturer and instructor on industrial hygiene at the Harvard School of Public Health? 15 A Yes. 16 MR. RICHARDSON: Mark this one.	Page 165 1 (Whereupon, Smith Deposition Exhibit Number 2 25 was marked for identification.) 3 BY MR. RICHARDSON: 4 Q Sir, I am now showing you what has been 5 marked as Deposition Exhibit Number 25. 6 It appears to be a copy of the Executive 7 Committee meeting minutes dated April 2nd, 1948. The 8 first page of which is Bates stamped L.I.A. 2770, and 9 I would ask you, first, is this a document that was 10 produced by the L.I.A.? 11 (Whereupon, document tendered to witness.) 12 A Yes, it was. 13 Q If I can refer you and then will give you an 14 opportunity to read it, Exhibit A, which is L.I.A. 15 2775. Take a moment and read that. 16 (Whereupon, pause.) 17 BY MR. RICHARDSON: 18 Q Have you read the document, sir? 19 A I have read that page, yes. 20 Q Okay. Doesn't this particular page to the 21 exhibit state that there was an agreement, an
Page 166 1 endorsement of a statement of policy between the 2 American Zinc Institute and the Lead Industries 3 Association where under which they agreed not to 4 attack any publicity concerning the particular 5 products of each of those Association's members? 6 MR. SULLIVAN: Objection. I think that is 7 your characterization. The document speaks for itself 8 as to what it says. 9 Q I am sorry, let me read it into the record. 10 I am reading paragraph 2. 11 The important outcome was the endorsement of 12 a statement of policy which declared that, while the 13 American Zinc Institute and the Lead Industries 14 Association should feel free to defend any unfair 15 attack upon zinc and lead and their products, any 16 defense measures used in behalf of one product which 17 directly or indirectly, stated or implied, involved an 18 attack upon another, should be declared inimical to 19 the interests of the combined industries. 20 Did I read that correctly, sir? 21 A You did.	Page 167 1 Q Is this an agreement between the two bodies, 2 one is an institute and one is an Association, to 3 agree not to attack each other's products because to 4 do so would be inimical to the interests of the 5 combined industries? 6 MR. DAVID: Objection. 7 MR. SULLIVAN: Objection. I think you are 8 asking, one, for a legal conclusion and, two, the 9 document speaks for itself. 10 BY MR. RICHARDSON: 11 Q You can answer the question, if you know. 12 A Again, the document speaks for itself. 13 Q The document also seems to speak to the fact 14 that the National Paint Varnish and Lacquer 15 Association would act as a referee to any such 16 disputes that could not be resolved between the 17 American Zinc Institute and the Lead Industries 18 Association; isn't that, in fact, true? 19 MR. SULLIVAN: Objection. That goes beyond 20 what that paragraph says. 21 The paragraph speaks for itself and it is
Page 168 1 restricted to just unfair statements that are felt to 2 be made between one group and the other group. 3 Q That is what I am talking about, sir. 4 A It says they should seek the assistance of 5 the MPVLA. 6 Q Thank you, sir. 7 (Whereupon, Smith Deposition Exhibit Number 8 26 was marked for identification.) 9 BY MR. RICHARDSON: 10 Q Mr. Smith, I am now showing you what has 11 been marked as Deposition Exhibit Number 26. 12 It is a letter from Manfred Bowditch, 13 Director of Health and Safety, L.I.A., to members of 14 L.I.A. dated December 1st, 1950, and the first page of 15 it is Bates stamped L.I.A. 10784. 16 My question to you, sir, is this a document 17 that the L.I.A. produced? 18 (Whereupon, document tendered to witness.) 19 A Yes, it looks like it is. 20 Q If I can refer you, sir, to L.I.A. 10786 of 21 that. Number 5 under reports of childhood, if you	Page 169 1 could read that section, sir? 2 (Whereupon, pause.) 3 A Okay. 4 Q Sir, isn't it true that the L.I.A. believed 5 that most children who were lead poisoned received 6 that lead poisoning as a result of their exposure to 7 lead-based paints? 8 MR. SULLIVAN: Objection. You are not 9 referring to this document, you are asking generally? 10 MR. RICHARDSON: I am not. 11 MR. SULLIVAN: What time frame are you 12 talking about? 13 MR. RICHARDSON: I am talking about all 14 relevant times from the beginning of its inception up 15 until the 1970s. 16 MR. SULLIVAN: You are asking him to report 17 a whole history here -- 18 MR. RICHARDSON: He has reviewed the 19 documents. 20 MR. SULLIVAN: Mr. Smith, give him the 21 story.

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

3 A You go back to the beginning, the inception,
4 which you mentioned, I started just before lunch and
5 mentioned the fact that there were efforts underway
6 to -- by the Association to look at lead poisoning,
7 whatever the cause, and to try to determine how this
8 was happening and try to get to the bottom of it.

9 One of the efforts that showed promise was
10 removing lead, getting crib manufacturers and toy
11 manufacturers to agree to remove lead paints from
12 those products.

13 This was accomplished around 1933, and in
14 the meantime, of course, there was efforts, studies
15 going on through Dr. Aub and Fairhall and others to
16 try to get a handle on how you actually determine what
17 lead poisoning is, how you can point to it and say
18 this is lead poisoning or this is not.

19 There was an effort with X-ray fluorescence,
20 there were other efforts. Ultimately in the -- in
21 around the late '40s they, I think, turned to urine,

1 and I think they turned to blood leads both to try to
2 determine if somebody had received too much lead, had
3 taken in too much lead because these were biological
4 indicators.

5 They were the keys that, I think, Wormser
6 and possibly some of the others at that time who were
7 having trouble with this -- they really didn't know.

8 You know, there was no good way to determine
9 who had an elevated blood lead and whether it was
10 actually that or some other thing that was causing
11 this problem.

12 Later on there was considerable effort to
13 try to focus on blood and urine because these were
14 considered good determinants.

15 There was a medical group that came up with
16 dithizone as a means for analyzing for lead in urine
17 and blood.

18 This made the whole picture much clearer and
19 it was later on in years around 1960 we came in with
20 atomic absorption.

21 A little bit later than that there were

1 other improvements where you could get down into --
2 measuring blood leads you are talking about parts per
3 billion which is a very, very tiny amount and there
4 were developments where you could -- in the late '70s
5 and long into the '80s and on into the '90s even new
6 methods were developed that would allow one to check
7 the blood and determine the level of lead in it.

8 Q All right. Now, whatever method was used at
9 whatever period of time that you have just gone over
10 to determine how or if a child was lead poisoned, once
11 a determination was made that a particular child was,
12 in fact, lead poisoned, isn't it true that it was the
13 L.I.A.'s position that that lead poisoning came from
14 that child's exposure to lead-based paint as opposed
15 to some other type of a lead product?

16 MR. SULLIVAN: Objection. Again, time
17 frame. If you want him to talk about '28 to '80, that
18 is okay.

19 Q Yes.

20 A We before looked at a case in Baltimore, as
21 a matter of fact, of battery cases.

1 Q That is right.

2 A They were '49, and this had nothing to do
3 with lead-based paint.

4 Q Did there come a time when you on behalf of
5 the L.I.A. held the position that most children
6 exposed -- who were lead poisoned received that lead
7 poisoning as a result of their exposure to lead
8 paint?

9 MR. SULLIVAN: Objection. Again, time
10 frame.

11 Q Did there -- I am sorry.

12 MR. SULLIVAN: I may be --

13 MR. RICHARDSON: I am sorry. I don't want
14 you to answer for him.

15 MR. SULLIVAN: I think the time frame
16 changed. If you want him to give you the story over
17 time, he will do that.

18 MR. RICHARDSON: He already did that.

19 MR. SULLIVAN: If you want the knowledge --

20 A If you want to --

21 MR. RICHARDSON: I actually never asked you

1 how you determined. That is what you went off on.

2 BY MR. RICHARDSON:

3 Q Sir, let me be very specific.

4 In fact, isn't it true you testified in the
5 past that there came a time when you believed that
6 most children who were lead poisoned received that
7 lead poisoning as a result of their exposure to lead-
8 based paint?

9 MR. SULLIVAN: Objection. Again, time
10 frame. You are talking from '28 to 1980 --

11 MR. RICHARDSON: I am sorry, Mr. Sullivan, I
12 am asking him, isn't it true that he has testified to
13 that in the past? There is no time frame to that
14 question.

15 MR. SULLIVAN: He is, I presume, the L.I.A.
16 and the L.I.A. had various positions at various
17 times.

18 MR. DAVID: Overruled.

19 MR. SULLIVAN: If you want him to give you
20 that history, he will do so.

21 BY MR. RICHARDSON:

1 Q Mr. Smith, let me give you a transcript of
2 your deposition in the Santiago case.

3 I am looking for the date of this, October
4 19th, 1989, and I would like to show you page 150. It
5 is midway down the page where the question begins, as
6 we sit here today in 1989. If you could read that
7 question and answer out loud, please.

8 (Whereupon, transcript tendered to witness.)

9 MR. SULLIVAN: You want him to answer
10 today's answer or the answer that he had at the time?

11 MR. RICHARDSON: The answer that he had at
12 the time.

13 MR. SULLIVAN: Okay.

14 A Question, as we sit here today in 1989, does
15 the L.I.A. have a position as to whether or not most
16 children who are alleged to have lead poisoning have
17 that poisoning as a result of exposure to lead-based
18 paints as opposed to exposure to lead from other
19 sources?

20 Answer, I believe that to be a fact.

21 Q Thank you. That was your answer as of that

1 time?
 2 A That was my answer.
 3 Q And you spoke on behalf of the L.I.A. at
 4 that time?
 5 A I did.
 6 MR. SULLIVAN: Objection.
 7 Q Now, with respect to this exhibit now before
 8 you, sir, on the page L.I.A. 10786, from your review
 9 of the documents, sir, were you able to determine
 10 whether or not the L.I.A. ever investigated to confirm
 11 any of these 29 cases of lead poisoning in Baltimore?
 12 MR. SULLIVAN: In 1950?
 13 MR. RICHARDSON: Yes.
 14 A I believe they wanted to investigate this
 15 through Johns Hopkins.
 16 Q Do you ever know if they ever did?
 17 A I believe they did. I believe it was Dr.
 18 Chisolm, I believe.
 19 Q Okay.
 20 A I believe who did that work.
 21 Q All right. In that same paragraph it says,

1 a report in the increase in the number of cases at the
 2 Children's Hospital in Cincinnati has yet to be
 3 confirmed.
 4 Do you know whether or not they went to that
 5 hospital to attempt to confirm those cases of alleged
 6 childhood lead poisoning?
 7 A In 1950?
 8 Q Yes.
 9 A I know there was -- did Dr. Byers do that?
 10 I am not sure. I know there were -- there was
 11 research done in Cincinnati on childhood lead
 12 poisoning about that time.
 13 Q Have you ever seen correspondence or
 14 documents generated by the L.I.A. where those
 15 documents reflected confirmations of childhood lead
 16 poisoning?
 17 MR. SULLIVAN: Objection. Are you talking
 18 from 1928 to 1980?
 19 MR. RICHARDSON: 1928 to the mid 1970s.
 20 MR. CURTIS: I object to the form of the
 21 question.

1 MR. SULLIVAN: Objection.
 2 A Restate that, please.
 3 Q Have you ever seen any documents, L.I.A.
 4 documents, which reflected a confirmation of childhood
 5 lead poisoning between 1928 and the mid 1970s?
 6 MR. DAVID: Objection to the form of the
 7 question, it has nothing to do with lead paint.
 8 MR. SULLIVAN: Objection.
 9 BY MR. RICHARDSON:
 10 Q You may answer the question.
 11 MR. SULLIVAN: I am confused. Confirmation
 12 of childhood lead poisoning reported by whom to whom?
 13 MR. RICHARDSON: By anybody to anybody.
 14 MR. SULLIVAN: You mean like an article or
 15 letter to the L.I.A. We have to define what it is --
 16 MR. RICHARDSON: We don't have to define. I
 17 understand that you are confused though.
 18 MR. SULLIVAN: Maybe the witness is.
 19 MR. RICHARDSON: Well, we sure know that you
 20 are.
 21 MR. SULLIVAN: Yes, I am. It is a bad

1 question.
 2 BY MR. RICHARDSON:
 3 Q Let me try this one more time, sir.
 4 All I am trying to find out is that there is
 5 a lot of indication in these documents about how the
 6 L.I.A. is always trying to address each case as it
 7 comes up for the purpose of trying to determine
 8 whether or not it is a legitimate case of childhood
 9 lead poisoning or not and my question to you, sir, is,
 10 have you seen any documents which would state that we
 11 went to a particular city, we investigated and, yes,
 12 in fact, those cases are legitimate cases of childhood
 13 lead poisoning?
 14 MR. SULLIVAN: Objection.
 15 MR. DAVID: Object to the question.
 16 BY MR. RICHARDSON:
 17 Q Have you seen any documents where that
 18 confirmation has been reflected, to the extent that
 19 you know?
 20 MR. DAVID: Objection, irrelevant and
 21 unrelated to lead paint.

1 Q You can answer the question.
 2 MR. SULLIVAN: Objection. We have -- asked
 3 and answered, we have talked about the Baltimore
 4 investigation, we have talked about these two
 5 investigations. He has answered it.
 6 MR. RICHARDSON: He has not answered it. I
 7 have never asked that question before.
 8 BY MR. RICHARDSON:
 9 Q Can you answer that question, sir?
 10 MR. SULLIVAN: would you read back the
 11 question?
 12 (Whereupon, the record was read by the
 13 reporter.)
 14 MR. SULLIVAN: Objection. These are or are
 15 not legitimate childhood cases.
 16 BY MR. RICHARDSON:
 17 Q You can answer, sir.
 18 A I would hold up the Johns Hopkins effort
 19 right here as one example.
 20 Q Of a confirmation of childhood lead
 21 poisoning?

1 A That is what it appears.
 2 MR. CURTIS: I object to the question.
 3 MR. SULLIVAN: Objection. You mean as to
 4 whether it was to confirm that there was or wasn't?
 5 The investigation is to determine whether
 6 something is or isn't.
 7 MR. RICHARDSON: I am not interested in any
 8 investigation to determine whether there is or isn't,
 9 as I have stated very clearly so far.
 10 BY MR. RICHARDSON:
 11 Q I am trying to ask you as to whether or not
 12 your review of the documents has shown any documents
 13 whether any member of the L.I.A. or any employee of
 14 the L.I.A. has stated in that document that the
 15 investigation was done and the results of that
 16 investigation showed conclusively that there was
 17 legitimate cases of childhood lead poisoning as a
 18 result of exposure to lead-based paint?
 19 MR. DAVID: I object to the form of the
 20 questioning to the extent that if the witness has not
 21 seen any such documents, such document never did exist

1 or doesn't exist at this point.
 2 A I have not seen them at this point.
 3 Q That is all I am asking, whether or not you
 4 have seen any documents.
 5 MR. SULLIVAN: Again, time frame is of
 6 concern to me.
 7 We talked this morning about a case where
 8 they were notified and did investigations at Harvard
 9 and Dr. Aub and so forth. He has also pointed to this
 10 investigation here.
 11 MR. RICHARDSON: We are not talking about
 12 investigations. We are talking about confirmations.
 13 It is a big difference between the two.
 14 MR. SULLIVAN: You get confirmation through
 15 an investigation. Sometimes it may say yes and may
 16 say no.
 17 BY MR. RICHARDSON:
 18 Q Now, the same document, sir, number 5, the
 19 last sentence, it reads as follows:
 20 Whether justified or not, there obviously --
 21 I am sorry, these obviously constitute most adverse

1 publicity and warrant every effort to find effective
 2 preventive measures. I am sorry, means.
 3 Do you see that, sir?
 4 MR. DAVID: I object to the question. It is
 5 irrelevant, immaterial, has nothing to do with lead
 6 paint.
 7 MR. RICHARDSON: I believe it does. That is
 8 why I am asking the question.
 9 MR. DAVID: Do you see lead paint in that
 10 paragraph?
 11 MR. RICHARDSON: I don't have to see lead
 12 paint in that paragraph to ask the question and you
 13 know that to be true.
 14 MR. DAVID: I know it is irrelevant and
 15 misleading.
 16 MR. RICHARDSON: You may think it is
 17 irrelevant and misleading.
 18 MR. DAVID: I know it is irrelevant and
 19 misleading --
 20 MR. RICHARDSON: You are not God, you don't
 21 know --

1 MR. DAVID: That is all right, sir, you
 2 don't want to know the truth.
 3 MR. RICHARDSON: You don't want to know the
 4 truth. Your client -- never mind.
 5 MR. SULLIVAN: Let me get my objection in
 6 here.
 7 Reading that sentence, obviously it refers
 8 to these issues, the word these, and that has to be
 9 defined which is defined by all of that information
 10 that consists in the previous, you know, multiple
 11 sentences that precede it, and I think that to ask him
 12 if those are the words, yes, those are the words,
 13 but --
 14 MR. RICHARDSON: I don't want you to testify
 15 that those are the words. I am asking him.
 16 MR. SULLIVAN: You have the potential to use
 17 this videotape deposition and to read one small
 18 portion of a paragraph that contains a few words but
 19 yet a reference to a whole series of things that
 20 precede it and just use those minor words to
 21 mischaracterize the paragraph is inappropriate.

1 MR. RICHARDSON: I don't think that is my --
 2 MR. SULLIVAN: He should have the whole
 3 paragraph available and read it all into the record
 4 and so the --
 5 BY MR. RICHARDSON:
 6 Q And you have had an opportunity to read that
 7 paragraph to yourself, have you not?
 8 MR. SULLIVAN: I think he ought to read the
 9 whole paragraph into the record. If you want to ask
 10 him about the last sentence, he should read the whole
 11 paragraph.
 12 Q My question to you, sir, is this:
 13 Isn't it true that the most effective,
 14 preventive means of avoiding adverse publicity with
 15 respect to childhood lead poisoning is to take the
 16 lead out of the products that was causing the lead
 17 poisoning?
 18 MR. SULLIVAN: Objection. That is not what
 19 that paragraph says.
 20 MR. RICHARDSON: I am not asking him if that
 21 is what the paragraph says. This is my question to

1 the witness.
 2 MR. CURTIS: I object.
 3 MR. SULLIVAN: He doesn't even understand
 4 the question. It doesn't make any sense.
 5 A No.
 6 Q Okay, that is fine.
 7 MR. SULLIVAN: What did you say?
 8 THE WITNESS: I said no.
 9 MR. RICHARDSON: He understood the
 10 question.
 11 MR. RICHARDSON: Mark this, please.
 12 (Whereupon, Smith Deposition Exhibit Number
 13 27 was marked for identification.)
 14 MR. DAVID: Are we going to get into
 15 anything during the time period he was actually
 16 employed there?
 17 BY MR. RICHARDSON:
 18 Q I am now showing you, sir, what was marked
 19 as Exhibit Number 27. It is a report from Manfred
 20 Bowditch dated January 1952 under the L.I.A.
 21 letterhead, the front page of which is Bates stamped

1 L.I.A. 10886.
 2 I ask you to take a look at that and see if
 3 you have ever seen that before or whether or not that
 4 document was produced by the L.I.A.?
 5 (Whereupon, document tendered to witness.)
 6 MR. SULLIVAN: Is the date --
 7 MR. RICHARDSON: The date is on the last
 8 page.
 9 MR. SULLIVAN: Oh, thank you.
 10 MR. DAVID: Mr. Sullivan, what is the Bates
 11 number on that, please.
 12 MR. SULLIVAN: It is L.I.A. 10886. It looks
 13 like this.
 14 MR. DAVID: Thank you.
 15 (Whereupon, pause.)
 16 BY MR. RICHARDSON:
 17 Q Is this a document, sir, that has been
 18 produced by the L.I.A.?
 19 A Yes, I believe it has.
 20 Q You have seen this document before?
 21 A I do not recall seeing this document. I

1 missed it.
2 Q It appears to be a listing by state as to
3 whether or not a particular state requires some form
4 of labeling on its products.

Is that your reading of the document, sir?

MR. SULLIVAN: Objection. That is your
7 characterization. The document speaks for itself.
8 Q That is what I am asking.

9 Do you interpret this document to be a
10 listing by state of the --

11 A It is very hard to read, but it looks as
12 though it was an inquiry made to these various
13 states.

14 Q As to?

15 A As to whether or not they had to use warning
16 labels.

17 Q The last page, sir, L.I.A. 10890, the
18 paragraph seems to state that the only states
19 requiring warning labeling that are of some concern
20 are California, Hawaii, Illinois and Ohio.

21 And from your review of the documents, are

1 you able to determine why that was of some concern to
2 the L.I.A. at that time?

3 A No. In fact, I couldn't even find what you
4 were referring to here. Let me read it, please.

5 Q Sure.

6 A Okay. And your question was?

7 Q From your review of all of the documents,
8 are you able to determine why the L.I.A. was concerned
9 about the warning labeling requirements of those four
10 states in January of 1952?

11 MR. SULLIVAN: Objection. If you know.

12 A I believe that, at that time, the
13 Association was interested in working with states to
14 -- to help them in determining what kind of warning
15 labels they wanted for their paint products.

16 It may be that -- well, that is
17 speculation.

18 Q Okay, if you don't know, I don't want you to
19 speculate.

20 A I don't. This was an effort that preceded
21 the L.I.A.'s work with trying to get an ANSI or ASA

1 standard developed, Z66, which did require warning
2 labels as I understand it. And this took place in
3 '53, '54 and '55, so this was a precursor to that.
4 L.I.A. was trying to help gather the
5 information and get something moved along to get that
6 in place.

7 Q I see. Thank you, sir.

8 (Whereupon, Smith Deposition Exhibit Number
9 28 was marked for identification.)

10 BY MR. RICHARDSON:

11 Q I am now showing you, sir, what has been
12 marked as Exhibit Number 28.

13 It appears to be a report of the Secretary
14 of the L.I.A. to the members of the Lead Industries
15 Association dated April 9th, 1952, the front page of
16 which is Bates stamped L.I.A. 22111.

17 And my first question after you have had a
18 chance to look at it, is this a document that was
19 produced by the L.I.A.?

20 (Whereupon, document tendered to witness.)

21 A Yes, it is.

1 Q Okay. I would like to refer you to page
2 L.I.A. 22114 and ask you to read -- and the next page,
3 to read the section on lead hygiene.

4 I am only interested in the sections 1, 2, 3
5 and 4, but so that you will have a complete reading of
6 the section and be able to answer the question.

7 A Okay.

8 Q So the paragraph number 4 states that
9 childhood lead poisoning continues to be our most
10 troublesome problem and the cause of much publicity.

11 We have accumulated hundreds of newspaper
12 clippings on the subject. It is evident that these
13 cases cannot be run down individually, case by case,
14 with any hope of curing the situation.

15 An overall broad approach of education of
16 the medical profession, education of parents and other
17 protective measures seems essential.

18 And my question to you, sir, is from your
19 review of the documents, were you able to identify
20 anything which reflected specific attempts on the part
21 of the L.I.A. to educate the parents?

1 A Yes.

2 Q And what documents were they?

3 A I am glad you asked.

4 MR. SULLIVAN: Objection, but go ahead, if
5 you can answer.

6 A There were many things that the Association
7 did --

8 Q In 1952?

9 A -- along these lines, yes, sir, education
10 being very important. We obtained documents from the
11 Public Health Service dealing with this. These were
12 distributed broadly.

13 I believe that the Association itself
14 undertook to develop a booklet entitled, Lead and
15 Pediatrics. That was put together to help direct
16 information to the medical community.

17 In addition, through the studies at Johns
18 Hopkins and Harvard and Cincinnati, we were attempting
19 to get the best medical people known to work on means
20 for improving the diagnostics, how to run a blood lead
21 and be sure that the numbers you were getting were

1 real.

2 And that was a very difficult thing to do,
3 as I went through the litany before. Each one of
4 these steps improved the ability to diagnose.

5 It was something that the association was
6 doing way before a lot of others.

7 Q I appreciate your response, but that really
8 wasn't a response to my question.

9 My question was, can you state for me
10 specific attempts on the part of the L.I.A. to inform
11 the parents, only the parents.

12 A No, you didn't mention parents.

13 Q I stated parents. You talked about studies
14 that they got involved with and you talked about how
15 they informed the medical profession.

16 A Absolutely.

17 Q Are you aware of any efforts on the part of
18 the L.I.A. as of 1952 to inform the parents about the
19 problems of childhood lead poisoning?

20 MR. SULLIVAN: Objection.

21 Q You can answer.

1 A There were -- obviously the work that was
2 being done with the ASA which is cited right here is
3 aimed at -- certainly at parents.
4 This is labeling of these materials to show
5 parents and others not to use them.
6 Q We will get to that in a minute as to
7 whether or not that is what that ASA did.
8 A Okay. But beyond that there were many, many
9 efforts.
10 Q But can you name one?
11 A I just named three or four. I thought I
12 named --
13 Q About the parents now. I am not talking
14 about the medical profession or the studies.
15 MR. CURTIS: Objection.
16 MR. SULLIVAN: I object. He has testified
17 earlier about the Baltimore situation where they were
18 able to investigate and solve that problem with the
19 burning of the --
20 MR. RICHARDSON: I don't remember that being
21 his testimony.

1 Anybody else want to say something?
2 MR. WHITEHEAD: The basis of my objection is
3 that the reason I thought it was argumentative is that
4 there are lots of ways you can inform parents.
5 And I think you may be talking about one
6 way, but people may consider other methods such as
7 educating the medical profession, pediatricians, et
8 cetera, as a way to get information out and maybe as
9 effective or less effective.
10 That is the reason.
11 BY MR. RICHARDSON:
12 Q Thank you. I won't be looking at that
13 again.
14 (Whereupon, Smith Deposition Exhibit Number
15 29 was marked for identification.)
16 A It was all basically based on economics --
17 MR. SULLIVAN: Wait for the question.
18 Q I am showing you what has been marked as
19 Exhibit Number 29. It appears to be a Board of
20 Directors meeting minutes of the L.I.A. dated April
21 10, 1953, the Bates stamp which is L.I.A. 502.

1 And I would ask you, sir, if you have ever
2 seen that document before and whether it is a document
3 that has ever been produced by the L.I.A.?
4 (Whereupon, document tendered to witness.)
5 A Yes.
6 Q On the face page, sir, under those present
7 is Mr. Costello of the Ethyl Corporation.
8 To the extent that we were discussing
9 earlier as to whether or not Ethyl Corporation was a
10 member of the L.I.A., does this in any way refresh
11 your memory as to whether or not they were or were not
12 a member of the L.I.A.?
13 MR. SULLIVAN: Objection. Objection.
14 A This wouldn't refresh my memory.
15 Q Okay. Did there come a time when the
16 American Zinc Institute merged with the L.I.A.?
17 MR. SULLIVAN: Objection.
18 A Not to my knowledge.
19 Q On page L.I.A. 503. On the bottom of that
20 there is a category of merger of American Zinc
21 Institute of L.I.A.

1 Do you see that, sir?
2 A I do see it.
3 Q Do you know whether or not that merger, in
4 fact, took place at some point in time?
5 A I do not, but I don't think it did.
6 Q You do not think it did?
7 A I do not.
8 Q Okay. If I can refer you to L.I.A. 511 of
9 that document.
10 MR. SULLIVAN: 511?
11 MR. RICHARDSON: Yes.
12 Q Do you see that, sir?
13 A Yes.
14 Q It is dated April 10th -- I am sorry, April
15 6th, 1953.
16 MR. SULLIVAN: Is that a question or just a
17 statement?
18 MR. RICHARDSON: I just want to make sure he
19 has got the right page.
20 A Oh, yes, yes.
21 Q Have you read it?

1 A I have not.
2 (Whereupon, discussion off the record.)
3 (Whereupon, a brief recess was taken.)
4 THE VIDEOGRAPHER: We are back on the
5 record. The time is approximately 2:17.
6 BY MR. RICHARDSON:
7 Q Mr. Smith, if I can, again, direct you to
8 the last page of the exhibit before you.
9 The first paragraph, there is a phrase in
10 that that states there is a tendency in some quarters
11 to regard any exposure to lead as possibly causing
12 gradual impairment of the circulatory and renal
13 systems.
14 The opinion has been held by some that the
15 degenerative changes thus produced in the heart and
16 kidneys may lead to disease and death without any
17 symptom of lead poisoning itself.
18 My question to you, sir, is were you able to
19 determine from your review of the documents as to what
20 was meant by a tendency in some quarters.
21 MR. SULLIVAN: Objection. I think this

1 document speaks for itself.
2 As to other documents, are you talking about
3 time frame again?
4 Q From your review of the documents, were you
5 ever able to determine what was meant by that phrase?
6 MR. SULLIVAN: Just a tendency in some
7 quarters?
8 Q To regard any exposure as causing gradual
9 impairment to the circulatory and renal systems.
10 MR. DAVID: I am going to object to the
11 questioning about this document, in particular, that
12 portion of the document, if it is an effort in any way
13 to bootstrap some sort of hearsay medical speculation
14 into this record.
15 MR. SULLIVAN: And I would also raise an
16 objection. This letter deals with industrial hygiene
17 issues, and I think that those are the -- the renal
18 failure and so forth we are talking about is involved
19 in an industrial setting.
20 MR. CURTIS: Could I hear the question back,
21 please.

Page 200 1 (Whereupon, the record was read by the 2 reporter.) 3 MR. SULLIVAN: If you can answer it, answer 4 it yes or no. 5 A No, this may have to do with the ability, 6 again -- coming back to that discussion we had 7 earlier, the ability to actually measure precisely the 8 lead in the blood and lead in the body. 9 Q All right. 10 (Whereupon, Smith Deposition Exhibit Number 11 30 was marked for identification.) 12 BY MR. RICHARDSON: 13 Q I am now showing you, sir, what has been 14 marked as Exhibit Number 30 which appears to be a 15 report of the Secretary of the L.I.A. to members of 16 the Lead Industries Association dated March 27th, 17 1953. 18 And the first page of this document is Bates 19 stamped L.I.A. 22717. 20 And let me just ask you initially, sir, 21 these reports of the Secretary, they went to all	Page 201 1 members of the L.I.A.; isn't that correct? 2 (Whereupon, document tendered to witness.) 3 MR. SULLIVAN: Objection. If you know. 4 A I do not know, but they would today. 5 MR. SULLIVAN: He is talking about 1953. 6 A And I wasn't there, I don't know, but, 7 again, they should and most likely did go to all 8 members. 9 Q Thank you. 10 Is this a document that was produced by the 11 L.I.A.? 12 A Yes, it is. 13 Q Did there come a time when the L.I.A. 14 published a book entitled, Lead in Modern Industry? 15 A Yes. 16 Q Have you ever seen that book? 17 A I have. 18 Q Have you read that book? 19 A I think I have read most of it. 20 Q Did you see any indication in that book 21 about the hazardous nature of lead paint?
Page 202 1 MR. SULLIVAN: Objection. I think you 2 should establish when he read it and -- 3 Q Whenever you read the book, did you ever 4 see anything in the book about the hazardous nature of 5 lead paint? 6 A There is a section on industrial hygiene, I 7 believe. 8 MR. SULLIVAN: If you recall. If you don't 9 recall -- 10 A Other than that, I don't recall. There is a 11 section, I believe, on industrial hygiene. 12 Q If I can refer you to the page L.I.A. 13 22720. Well, let me strike that. 14 L.I.A. 22719, and under the bulletins and 15 publications section, I simply want to determine 16 whether or not this indicates that the book we were 17 just talking about was, in fact, published sometime 18 around 1953. 19 Is that correct? 20 A I think it was, yes. 21 Q Okay. And then on the next page, sir, under	Page 203 1 lead hygiene, number 4 specifically. 2 MR. SULLIVAN: I want to have him read the 3 whole section and then he can respond to specifics. 4 MR. RICHARDSON: Okay. 5 (Whereupon, pause.) 6 BY MR. RICHARDSON: 7 Q Have you read it, sir? 8 A Yes, I have. 9 Q Number 4 states that the Association is 10 sponsoring and is represented on a committee of the 11 American Standards Association which will endeavor to 12 establish standards for the safe labeling of paint to 13 be used on children's furniture and toys. 14 And my question to you, sir, is the American 15 Standards Association the outfit that you were talking 16 about earlier when you were talking about the safe 17 limits used on children's furniture and toys? 18 A Yes. 19 MR. SULLIVAN: Objection. When you are 20 talking 1935 or are you talking -- 21 MR. RICHARDSON: I am just asking him if
Page 204 1 this is the same organization he talked about before. 2 MR. SULLIVAN: You are talking about toys 3 and cribs and you made it very much specific and that 4 was a 1930s issue. 5 MR. RICHARDSON: This says furniture and 6 toys. 7 BY MR. RICHARDSON: 8 Q Is this the same ASA that you talked about 9 earlier, sir? 10 A I believe it is. 11 Q It says here the association is sponsoring. 12 What is meant by that? 13 A I do not know. 14 Q In number 8 it talks about nearly 500 15 newspaper clippings featuring lead poisoning were 16 received in the year 1952. 17 Does the L.I.A. currently possess any of 18 those newspaper clippings? 19 A Not that I know. 20 Q Okay. Was there any effort on the part of 21 the L.I.A. to determine how many of those alleged	Page 205 1 cases of lead poisoning were, in fact, legitimate 2 cases? 3 MR. SULLIVAN: Objection. You mean itself 4 or through sponsoring other things? 5 If you do it in two parts, maybe he can 6 answer it. 7 MR. RICHARDSON: He may be able to answer it 8 now. 9 BY MR. RICHARDSON: 10 Q Do you know whether or not the L.I.A. ever 11 undertook any efforts to determine how many of these 12 500 cases of alleged lead poisoning were, in fact, 13 legitimate cases? 14 A Yeah, I think they were channeled, and, in 15 fact, Wormser said in his communique and others that 16 he sent these to Aub at Harvard, he sent some of these 17 to Kehoe, he sent them to Johns Hopkins and so on. 18 Q Sir, by 1953 Wormser was no longer Secretary 19 of the L.I.A.; is that correct? 20 A It is true, but it was still being followed 21 up, I am sure, by Ziegfeld and Bowditch.

Page 206 1 Q Ziegfeld at this time was the Secretary of 2 the L.I.A.? 3 A That is what it says. They continued to 4 fund -- it says right here, they continued to grant 5 monies to these schools to follow up on these to try 6 to do intensive study on the problems to get as much 7 information as possible on it. 8 Q My question, though, sir, is whether or not 9 you are able to determine from your review of the 10 documents whether the L.I.A. actually investigated 11 these specific 500 cases to determine which ones of 12 those were, in fact, legitimate cases? 13 MR. CURTIS: Objection, argumentative. 14 MR. SULLIVAN: Objection. I think he has 15 answered it partially by referring you to paragraph 16 12270, and there may be others. 17 Q Did you find such indication in the records, 18 sir? 19 A Other than what we just cited, no. 20 Q Thank you. 21 A I am sure there were others. They are right	Page 207 1 in the literature. 2 MR. RICHARDSON: Please. 3 (Whereupon, Smith Deposition Exhibit Number 4 31 was marked for identification.) 5 BY MR. RICHARDSON: 6 Q Sir, I am now showing you what has been 7 marked as Deposition Exhibit Number 31. 8 It is another report of the Secretary of the 9 L.I.A. to members of the L.I.A. dated April 12th, 10 1954, the first page of which is Bates stamped L.I.A. 11 22798. 12 Do you have that before you? 13 (Whereupon, document tendered to witness.) 14 A I do. 15 Q Okay. 16 Is this a document that was produced by the 17 L.I.A.? 18 A I believe it was. 19 Q If I may refer you to L.I.A. 22803, and ask 20 you to take a moment to read the section on lead 21 hygiene, or rather, just hygiene.
Page 208 1 (Whereupon, pause.) 2 MR. SULLIVAN: I am sorry, what was the page 3 again, Mr. Richardson? 4 MR. RICHARDSON: 22803. 5 (Whereupon, pause.) 6 A Okay. 7 Q Okay, sir. 8 Number one in that section states that 9 childhood lead poisoning continues to be our major 10 "headache" and source of adverse publicity. 11 Do you have any idea, sir, why they chose to 12 put the word headache in quotes? 13 MR. SULLIVAN: Objection. 14 A I do not. 15 Q Okay. Threats of poison-labeling 16 regulations for lead paints have come from health 17 authorities in New York, Chicago and some other 18 cities. 19 We are working with the Paint Association to 20 combat these moves with the outcome promising, but 21 still in doubt.	Page 209 1 Do you know whether or not the Paint 2 Association referred to here is the National Paint, 3 Varnish and Lacquer Association? 4 MR. SULLIVAN: Objection. If you know. 5 A I do not. 6 Q You do not know? 7 A I do not know. 8 Q On the next page, sir, number 6, it says a 9 committee of the American Standards Association in 10 which both this Association and the Paint Association 11 are well represented has been formed to establish 12 standards for "safe" labeling of paint for children's 13 toys and furniture. 14 And my first question to you, sir, is to 15 what extent were both of these associations, if you 16 know, represented on the ASA? 17 MR. SULLIVAN: Objection. When you say 18 both, are you referring to -- 19 MR. RICHARDSON: It is talking about the 20 Association and the Paint Association. 21 Q If you know, to what extent were they well
Page 210 1 represented on that? 2 A I don't. 3 Q And do you have any idea why they, again, 4 chose to put the word in this case "safe" in quotes? 5 MR. SULLIVAN: If you know. 6 A I don't know. I think they were looking at 7 getting the -- 8 MR. SULLIVAN: That was -- you have answered 9 his question. 10 THE WITNESS: Okay. 11 Q Number 13. Adverse publicity at the rate 12 of 30 to 40 newspaper items per month has appeared on 13 the effects of lead on children, adults, livestock and 14 wildfowl. 15 Wherever possible, these have been followed 16 up with a view to correcting misconceptions and 17 misstatements, often with gratifying results. 18 Do you know what he meant by that? 19 MR. SULLIVAN: Objection. There are 20 multiple parts as to whether you are referring to the 21 article or whether you are referring to the results	Page 211 1 or -- what are you referring to? 2 MR. RICHARDSON: I agree. Let me rephrase 3 the question. 4 BY MR. RICHARDSON: 5 Q Do you have any understanding as to what was 6 meant by the phrase -- by the sentence that, where 7 possible, these have been followed up with a view to 8 correcting misconceptions and misstatements, often 9 with gratifying results. 10 Do you know what kind of results were 11 attained from this? 12 MR. SULLIVAN: Objection. 13 A I do not. 14 Q Okay. And while this seems to state that 15 they were interested in correcting misconceptions and 16 misstatements, is there anything in this document to 17 indicate -- or at least in this session, to indicate 18 that they also attempted to determine whether any of 19 them were, in fact, legitimate cases of poisoning? 20 MR. SULLIVAN: Objection. 21 A Could you rephrase that?

1 Q Do you see anything in this section where
2 the L.I.A. states that not only were they interested
3 in correcting misconceptions and misstatements, but
4 they were also interested in determining whether or
5 not any of these alleged cases of lead poisoning were
6 legitimate?

7 A They certainly had indicated that they were
8 shipping the publicity and pieces to the medical
9 researchers who were looking into it.

10 Q Where does it say that, sir?

11 A Well, they have said that, for instance, in
12 number 2 here and --

13 Q Number 2 talks about research going on at
14 Johns Hopkins?

15 A Right.

16 Q Is there an indication that that research
17 has anything to do with the 30 to 40 newspaper items
18 that came in per month?

19 A There are other documents that indicate that
20 these clippings were -- where they wanted to follow up
21 on it, were routinely sent to these doctors.

1 Plaintiff's Exhibit 1254 and it also has a Sherwin-
2 Williams Bates stamp number on it.

3 (Whereupon, document tendered to witness.)

4 MR. SULLIVAN: This copy is a very fuzzy
5 copy. It is hard to read some of it. We can make out
6 parts of it.

7 Q Have you ever seen that document before?

8 A It appears to be the standard of the
9 American Standards Association.

10 Q If I could refer you to PL 1257. I am
11 specifically interested in the section where it states
12 the members and alternates of the subcommittee which
13 developed the standard are as follows, and then they
14 list some names.

15 A Okay.

16 Q All right. The Union Carbide and Carbon
17 Corporation, was that a member of the L.I.A. at this
18 time?

19 A Not that I know.

20 Q Okay. Do you know for sure or you just
21 don't know one way or the other?

1 Q Let me see your copy.

2 Looks pretty clear to me, but --

3 MR. SULLIVAN: well, we have a difference of
4 opinion. Maybe we are a little older than you are, so
5 our eyes are giving --

6 Q I will represent to you, sir, that that is
7 Manfred Bowditch of the L.I.A. there. Below his name
8 is an R.J. Eckart of the Sapolin Paint, Inc.

9 To your knowledge, was that company a member
10 of the L.I.A. at this time?

11 A To my knowledge, they were not.

12 Q Were they a member of the National Paint,
13 Varnish and Lacquers Association?

14 A I have no idea.

15 Q The next name under that is J.H. Foulger,
16 F-o-u-l-g-e-r, of the DuPont de Nemours Company.

17 At that time was the DuPont Company a member
18 of the L.I.A.?

19 A I do not know.

20 MR. SULLIVAN: Objection. We are taking
21 your word for this spelling because we can't tell.

1 Q Do you have any specific document in mind
2 that you can refer me to?

3 A It is in the materials that you have. There
4 are several references.

5 Q Do you recall any of them today as you sit
6 here?

7 A I couldn't at this moment put my finger on
8 it.

9 Q Okay.

10 (Whereupon, Smith Deposition Exhibit Number
11 32 was marked for identification.)

12 BY MR. RICHARDSON:

13 Q Sir, I am now showing you what has been
14 marked as Deposition Exhibit Number 32.

15 It appears to be a copy of the American
16 Standards specifications to minimize hazards to
17 children from residual surface coating materials
18 sponsored by the American Academy of Pediatrics dated
19 February 16, 1955 and ask you if you have ever seen
20 that document before?

21 The first page of that is Bates stamped

1 A I don't think they were.

2 Q Would you consider them a public health
3 concern or a business -- or a business entity that is
4 involved in the manufacturing, selling, marketing,
5 and/or any way related to lead products?

6 MR. SULLIVAN: Objection. If you know.

7 A I don't know that they ever used lead.

8 Q Isn't it true, though, that they are not a
9 public health concern?

10 MR. SULLIVAN: Objection. If you know.

11 A I do not know them. I know them as a
12 chemical company.

13 MR. SULLIVAN: You mean a governmental
14 public health?

15 MR. RICHARDSON: Right.

16 BY MR. RICHARDSON:

17 Q Mr. Bowditch is there, as you see,
18 representing the L.I.A. on this committee, the left
19 column, second name.

20 MR. SULLIVAN: His name on this copy is
21 very -- it is all just a black line.

1 Q Was the DuPont Company a member of the
2 L.I.A. at this time?

3 A Not to my knowledge.

4 Q The top on the next column is the National
5 Lead Company.

6 Was that company a member of the L.I.A. at
7 this time?

8 A I believe they were.

9 Q The Devoe and Reynolds Company, was that a
10 member of the L.I.A. at this time?

11 A I do not know.

12 Q The Sherwin-Williams Company, was that a
13 member of the L.I.A. at this time?

14 A Under the alternates?

15 Q Yes.

16 MR. SULLIVAN: In 1955?

17 MR. RICHARDSON: Yes.

18 A No, they were not.

19 Q Were they involved with the paint -- well,
20 let me just say the paint business at this time --

21 MR. SULLIVAN: If you know. Objection.

1 A I do not know.
2 Q The Glidden Company, were they a member of
3 the L.I.A. at this time?

4 A I do not know.

5 Q And the Benjamin Franklin Paint and Varnish
6 Company, were they a member of the L.I.A. at this
7 time?

8 A I don't think so.

9 MR. SULLIVAN: Keep your voice up.

10 THE WITNESS: Okay.

11 Q The next page under specifications, and I
12 will read it if your copy is not legible.

13 A liquid coating material to be deemed
14 suitable from a health standpoint for use on articles
15 such as furniture, toys, et cetera, or for interior
16 use in dwelling units where it might be chewed by
17 children shall not contain lead compounds of which the
18 lead content calculated as the elemental symbol for
19 lead, PB, is in excess of 1 percent of the total
20 weight of the contained solids, and it has a
21 parentheses, including pigments and dryer.

1 Did I read that correctly, sir?

2 A I believe you did.

3 Q From your knowledge and experience and from
4 reviewing the documents, is it your understanding that
5 when someone was to paint a surface that they would
6 use more than one coat to do that?

7 MR. SULLIVAN: Objection. What type of
8 surface?

9 Are we talking --

10 MR. RICHARDSON: A wood surface.

11 MR. SULLIVAN: In a house?

12 MR. RICHARDSON: Interior or exterior,
13 doesn't matter, residential.

14 MR. SULLIVAN: House, park bench?

15 MR. RICHARDSON: Residential.

16 A I still couldn't tell you.

17 Q You don't know one way or other?

18 A No.

19 Q Have you ever painted in your house, sir?

20 A Of course, I have.

21 Q Have you used more than one coat to do

1 that?

2 A On some occasions.

3 Q You have?

4 A Uh-huh.

5 Q That is a yes?

6 A That is a yes.

7 Q And if each coating contained 1 percent,
8 isn't it true, sir, that by applying multiple
9 coatings, you would increase the amount of lead that
10 is contained in that paint?

11 MR. SULLIVAN: Objection.

12 MR. GRIMM: 100 coats, you have 100 percent
13 lead?

14 MR. RICHARDSON: No.

15 BY MR. RICHARDSON:

16 Q But you have more than what the lead is from
17 the first coating; is that true?

18 MR. SULLIVAN: Objection, objection. You
19 are calling for speculation. He is not here as a
20 technical person.

21 He is here to tell you about the historical

1 records of the L.I.A. and its activities.

2 MR. RICHARDSON: He is here to talk on
3 behalf of the L.I.A., period.

4 MR. SULLIVAN: No, he is not here as an
5 expert on paint matters.

6 MR. RICHARDSON: I said on behalf of the
7 L.I.A., not as an expert.

8 MR. SKALLERUD: Beyond the scope of the
9 deposition notice.

10 MR. CURTIS: Most fundamentally, it is
11 absurd, but --

12 (Whereupon, discussion off the record.)

13 BY MR. RICHARDSON:

14 Q As of 1955, Mr. Smith, isn't it true that
15 the L.I.A. was aware that the American Standards
16 Association was a regulatory body that would be relied
17 upon by state and local governments for the purpose of
18 setting standards with respect to the use of
19 products?

20 MR. SULLIVAN: Objection. Are you -- my
21 objection is you are choosing that segment of society

1 versus just governments versus everybody else that he
2 relies on?

3 MR. RICHARDSON: That is what I did. Do you
4 have a problem with that?

5 MR. SULLIVAN: Yeah.

6 BY MR. RICHARDSON:

7 Q You can answer the question, please.

8 MR. SULLIVAN: If you can answer.

9 A I can't answer the question. You will have
10 to rephrase it.

11 Q Sure. Did the L.I.A. know that the American
12 Standards Association was a regulatory body that most
13 state and local governments would rely upon for
14 purposes of setting standards promulgated by the ASA?

15 MR. SULLIVAN: Objection. Calls for a
16 conclusion as to what is in the minds of a third
17 party.

18 Q It also calls for any conclusions you may
19 have reached from your review of the documents.

20 A It is still a question and I don't
21 understand it.

1 Q I will try one more time.

2 A Okay.

3 Q From your review of the documents, and that
4 means the L.I.A. documents, the defendant's documents,
5 the plaintiff's documents, were you able to determine
6 whether the L.I.A. knew as of 1955 that the American
7 Standard Association would be relied upon by state and
8 local governments?

9 Are you with me so far, sir?

10 MR. SULLIVAN: Objection. Is that a
11 question?

12 MR. RICHARDSON: Yes.

13 MR. SULLIVAN: Objection.

14 BY MR. RICHARDSON:

15 Q Are you following my question so far?

16 A So far.

17 MR. SULLIVAN: Objection. I think it calls
18 for him to speculate.

19 Q You are going to confuse me. Let me start
20 all over again.

21 Did the L.I.A. know -- and if you don't

Page 224 1 know, that is fine, I don't want you to speculate, but 2 if you know from your review of the documents, I would 3 like to know that. 4 Did the L.I.A. know as of 1955 that this 5 association, the American Standard Association, would 6 be relied upon by state and local governments with 7 respect to any standards that it promulgated? 8 MR. SULLIVAN: Objection. Again, it calls 9 for him to draw a conclusion as to what is in the mind 10 of a third party. 11 Q You can answer. 12 A I really wouldn't know what the -- 13 Q Okay. 14 MR. SULLIVAN: Don't speculate. 15 MR. RICHARDSON: Please. 16 (Whereupon, Smith Deposition Exhibit Number 17 33 was marked for identification.) 18 BY MR. RICHARDSON: 19 Q Mr. Smith, I am now showing you what has 20 been marked as Deposition Exhibit Number 33. 21 It is a report of the Secretary of the	Page 225 1 L.I.A. to the members of the L.I.A. dated April 12th, 2 1955, the first page of which is Bates stamped L.I.A. 3 22880. 4 My question to you, sir, is this a document 5 that the L.I.A. produced in this litigation? 6 (Whereupon, document tendered to witness.) 7 MR. SULLIVAN: Answer. 8 A Yes. 9 Q Okay. Have you seen this document before? 10 A Let me take a quick look. 11 (Whereupon, pause.) 12 BY MR. RICHARDSON: 13 Q Have you ever seen it before? 14 A Yes. 15 Q Okay. At page L.I.A. 22887, you are already 16 there? 17 A Yes. 18 Q Under childhood lead poison, it states as 19 follows: 20 This problem has been a major "headache" and 21 source of considerable adverse publicity.
Page 226 1 Mr. Bowditch served as Secretary to the 2 American Standard Association's subcommittee on 3 hazards to children from residual surface coating 4 materials of the committee to minimize home hazards to 5 children. 6 A standard was developed and adopted by ASA 7 for toxic ingredients of paints for surfaces which may 8 be chewed by children. 9 The basic part of the standard has been 10 accepted by New York City and Chicago health 11 authorities, a step towards uniformity among 12 municipalities unalterably determined to attack this 13 problem by the seemingly futile means of warning 14 labels on paints. 15 My question to you, sir, are you able to 16 say why the L.I.A. felt at this time that warning 17 labels on paints was futile? 18 MR. SULLIVAN: Objection. 19 A I believe the reference there would be to 20 the fact that this would apply to future applications 21 and that there would still be paints on the walls that	Page 227 1 would have been higher lead level, so this wouldn't 2 take care of those. 3 Q Okay. And was it the L.I.A.'s position at 4 this time that it was unnecessary to place warnings on 5 paints for future? 6 A No, it was not. 7 Q Okay. So that they at least felt that some 8 type of warning was necessary? 9 A L.I.A. supported that. 10 MR. SULLIVAN: Objection. 11 Q They did that in the form of the ASA? 12 A I am sorry? 13 Q Did they do that in the form of the ASA? 14 A Well, the ASA and also in Baltimore there 15 was a labeling requirement that was passed in -- what 16 was it, 1952 or '3. 17 Q There was one in Baltimore. 18 A There sure was. 19 Q There was also one in 1959. 20 Were you aware of the L.I.A. lobby to repeal 21 that?
Page 228 1 MR. SULLIVAN: Objection. 2 Q Are you aware of that, sir? 3 MR. SULLIVAN: You are -- 4 MR. RICHARDSON: He can tell me -- 5 MR. SULLIVAN: No, what you have said is 6 that they have opposed it. You have established 7 nothing as a prerequisite. 8 There is no foundation for that question and 9 you don't have to answer it. 10 MR. RICHARDSON: Are you instructing him not 11 to answer? 12 MR. SULLIVAN: Yes. If you present a 13 foundation for that question -- 14 MR. RICHARDSON: I will certify that 15 question. 16 BY MR. RICHARDSON: 17 Q Do you know why, again, they chose to put 18 the word headache in quotes, sir? 19 MR. SULLIVAN: Objection. 20 A I do not. 21 Q This appears to confirm that Mr. Bowditch	Page 229 1 did, in fact, serve on that subcommittee; isn't that 2 correct, sir? 3 MR. CURTIS: Objection, calls for 4 speculation. 5 A That is what this says. 6 Q Do you know whether or not the L.I.A. 7 attempted to gain the support of the City of New York 8 and Chicago to the ASA standard? 9 A Well, what this says is that the basic part 10 of the standard had been accepted by New York City and 11 Chicago health authorities. 12 Q I understand. 13 Did the L.I.A. play any role in that 14 acceptance? 15 MR. SULLIVAN: Objection. If you know. 16 Q If you know. 17 A Yes, there were New York representatives on 18 the ASA committee. 19 Q I understand that, sir, but that is not my 20 question, with all due respect. 21 A Okay.

Page 230 1 Q Do you know whether or not the L.I.A. played 2 any role in -- 3 A I do not. 4 Q Okay. Thank you, sir. 5 Isn't it true, sir, that by 1955 the L.I.A. 6 was concerned that there was a trend for the total 7 banning of lead in paint? 8 MR. SULLIVAN: Objection. 9 A I am not aware of that. 10 (Whereupon, Smith Deposition Exhibit Number 11 34 was marked for identification.) 12 BY MR. RICHARDSON: 13 Q Sir, I am now showing you what has been 14 marked as Deposition Exhibit Number 34. 15 It is a copy of the Board of Directors 16 meeting minutes of the L.I.A. dated December 5th, 17 1955, the first page of which is Bates stamped L.I.A. 18 547 and ask you whether or not this is a document that 19 the L.I.A. has produced in this litigation? 20 (Whereupon, document tendered to witness.) 21 MR. CURTIS: I am sorry, what exhibit number	Page 231 1 did you say this was? 2 MR. SULLIVAN: This would be Number 34. 3 THE REPORTER: 34. 4 A Okay. 5 MR. SULLIVAN: Is that the document we 6 produced? 7 THE WITNESS: Yes. 8 Q Is this a document that you have seen 9 before? 10 A Yes. 11 Q At page L.I.A. 551, this document appears to 12 discuss efforts of the American Standards Association 13 to increase the allowable limits of lead in the 14 atmosphere, the third paragraph from the bottom. 15 MR. DAVID: Object to the form of the 16 question. 17 Q Do you know if there were -- I am sorry, 18 have you read that? 19 A I have read that paragraph. 20 MR. SULLIVAN: I want to read the paragraphs 21 surrounding.
Page 232 1 MR. RICHARDSON: My question has nothing to 2 do with the rest of the document, but -- 3 MR. SULLIVAN: I know, but maybe the answer 4 will. 5 MR. RICHARDSON: Maybe. 6 (Whereupon, pause.) 7 BY MR. RICHARDSON: 8 Q Do you know whether or not the ASA ever 9 promulgated a standard that did, in fact, increase the 10 allowable limits of lead in the atmosphere? 11 MR. SULLIVAN: Objection. The reason I am 12 saying objection is we haven't determined whether that 13 is industrial atmosphere or the outside general air 14 standard, and I don't think that has been made clear 15 by you. 16 Q Do you know whether or not that was ever 17 done, sir? 18 MR. SULLIVAN: Objection. 19 A I do not. 20 MR. SULLIVAN: Vague and ambiguous. 21 Q You do not know?	Page 233 1 A I do not know. 2 MR. SULLIVAN: If you understand it. Make 3 sure you understand the question. 4 Q I am not quite sure if I asked you this 5 question, but I apologize if I had. 6 Isn't it true, sir, that the information 7 relied upon by the ASA to set the standard concerning 8 the 1 percent content of lead paints, isn't it true 9 that that standard -- that the information relied upon 10 by the ASA to develop that standard was furnished and 11 provided to that organization by the paint industry? 12 MR. SULLIVAN: Objection. 13 A I don't think there is anything to indicate 14 that. There were members, as we just said, from the 15 New York City Health Department, from a number of 16 different organizations, the New York State Department 17 of Health, so I don't know that it says that there 18 were any particular specialists that the standard and 19 the levels was relied upon. 20 Q So you don't know one way or the other or do 21 you know for a fact that it wasn't supplied by the
Page 234 1 paint industry? 2 MR. SULLIVAN: You are talking only by the 3 paint industry? 4 MR. RICHARDSON: That is right. 5 MR. SULLIVAN: Objection to that. 6 A I don't think the standards organization 7 worked that way. I know they don't now. 8 Q Thank you. 9 (Whereupon, Smith Deposition Exhibit Number 10 35 was marked for identification.) 11 BY MR. RICHARDSON: 12 Q Sir, I am now showing you what has been 13 marked as Deposition Exhibit Number 35. 14 It is a quarterly report of the Secretary 15 dated April 2nd, 1956, the Secretary of the L.I.A., 16 the first page of which is Bates stamped L.I.A. 17 22960. 18 Is this a document that has been produced by 19 the L.I.A. in this litigation? 20 (Whereupon, document tendered to witness.) 21 A I believe it is.	Page 235 1 Q Have you seen this document before, sir? 2 A I believe I have. 3 Q On page 2 under number 16 it says talk on 4 lead poisoning. 5 On request, in the interest of accuracy, we 6 virtually prepared a talk on lead poisoning that a New 7 York doctor delivered before a group of pediatricians 8 in that city. 9 Do you see that, sir? 10 A I see that. 11 Q Why, if you know, why would a doctor come 12 to the L.I.A. to prepare a talk on lead poisoning that 13 he would be presenting to a group of other doctors? 14 A You put your finger right on it. They would 15 come to L.I.A. because people at L.I.A. had sponsored 16 the most work on diagnosing lead poisoning. 17 They had paid over 20 years or more, 28 18 years, I guess, at that stage, of money to a number of 19 top flight researchers to, as I had said before, get 20 the proper diagnosis of lead poisoning to allow people 21 to do the proper testing. And that is exactly what

1 this would lead to.
 2 Q Were there any doctors on the staff of the
 3 L.I.A.?
 4 A No.
 5 Q Were there any medical consultants that were
 6 on the staff of the L.I.A., on the staff of the
 7 L.I.A.?
 8 MR. SULLIVAN: Objection.
 9 A No. It was also an industrial hygienist,
 10 however.
 11 Q Is he a medical doctor, sir?
 12 A Well, you yourself said he had a degree from
 13 Harvard.
 14 Q Was he a medical doctor, sir?
 15 A Not to my knowledge.
 16 Q Thank you.
 17 A An industrial hygienist.
 18 MR. RICHARDSON: Mark this, Bonnie.
 19 (Whereupon, Smith Deposition Exhibit Number
 20 36 was marked for identification.)
 21 BY MR. RICHARDSON:

1 A I think I may have seen this before.
 2 Q Is this now a document that you believe you
 3 have seen before?
 4 A Yes.
 5 Q If I can refer you to page L.I.A. 22968,
 6 number 8 on that page.
 7 The document appears to state that the
 8 circulation for the magazine lead has now increased to
 9 50,000.
 10 Do you have any reason to disagree with
 11 that?
 12 A No, I do not.
 13 Q As of 1955?
 14 A No.
 15 Q Okay. Then, on page L.I.A. 22972, at the
 16 top of the page it says, as two members of our
 17 subcommittee are a member and chairman of the
 18 Governmental Committee which promulgates such
 19 standards, uniformity in the figures adopted by the
 20 two principal committees looked to for guidance in
 21 such matters is also to be anticipated.

1 series of warning labels applicable to lead compounds
 2 has been submitted to all states.
 3 And my question is was -- were they
 4 submitted by the L.I.A., do you know?
 5 A I don't know. It doesn't say.
 6 Q It doesn't say and I was wondering whether
 7 you knew. Okay.
 8 And these warning labels, if you know, did
 9 they contain the language of the American Standard
 10 Association?
 11 MR. SULLIVAN: If you have any idea.
 12 A I do not have any idea.
 13 Q Okay. Under the New York City paint label
 14 section, immediately under that, it states that the
 15 initial proposal of the New York City Health
 16 Department to require a poison label on all paints
 17 containing any lead whatsoever was ultimately modified
 18 through the establishment, at our insistence, of a
 19 committee on the American Standards Association which
 20 evolved a standard permitting up to 1 percent of lead
 21 in paints used on services which might be chewed by

1 Q Sir, I am now showing you what has been
 2 marked as Deposition Exhibit Number 36.
 3 It is an annual report of the Secretary/
 4 Treasurer of the L.I.A. to the members of the L.I.A.
 5 dated April 13th, 1956, the first page of which is
 6 Bates stamped L.I.A. 22965 and ask you, sir, is this a
 7 document that has been produced by the L.I.A. in this
 8 litigation?
 9 (Whereupon, document tendered to witness.)
 10 A I believe it is.
 11 Q Have you seen this document before, sir?
 12 A I will have to look at it and see.
 13 (Whereupon, pause.)
 14 A I don't believe I have seen it.
 15 Q Okay.
 16 A Okay.
 17 (Whereupon, pause.)
 18 BY MR. RICHARDSON:
 19 Q Are you finished, sir?
 20 A Yes, sir.
 21 Q Okay.

1 My question to you, sir, is why was it
 2 anticipated that these figures would be adopted simply
 3 because two members were on the subcommittee?
 4 MR. SULLIVAN: Objection. Again, relevancy
 5 on this one since that committee relates to the
 6 atmospheric lead standard which has nothing to do with
 7 this case.
 8 A Would you repeat the question?
 9 Q Yes. Why was it anticipated simply because
 10 two members were on the subcommittee that the
 11 standards would be adopted by the two principal
 12 committee, if you know?
 13 MR. SULLIVAN: Objection. I think that is
 14 total speculation and, on your part, that one has
 15 anything to do with the other, just because you have
 16 members on a committee, that somehow they will pass
 17 the standard.
 18 Q Do you know, sir?
 19 A I do not know.
 20 Q Thank you.
 21 Under uniform labeling, it states that a

1 children, thus allowing the inclusion of lead dryers
 2 in such paints.
 3 The poison wording was also modified.
 4 My question to you, sir, is it, in fact,
 5 true that the whole effort to have the ASA develop a
 6 standard with respect to the use of lead paints was
 7 the brainchild of the L.I.A.?
 8 MR. SULLIVAN: Oh, objection.
 9 MR. CURTIS: Object to the form.
 10 MR. SULLIVAN: Objection.
 11 A I don't know how you came by that. I think
 12 that the American standard that was developed was
 13 sponsored by the American Academy of Pediatrics, and I
 14 think they are the people that probably wanted to see
 15 this done more than anyone else.
 16 Q Do you know why they used the phrase "at our
 17 insistence" then in this document, sir?
 18 A Well, this -- where is this thing? This,
 19 right here, New York City Health Department to require
 20 a poison label on all paints containing lead -- I
 21 would think --

1 MR. CURTIS: I object to the question.
 2 Q You can answer, sir.
 3 A I would think that the fact that there had
 4 been a standard developed which addressed the problem,
 5 there was no need to put a poison label on to single
 6 out lead paints to put a poison label on them.
 7 I think that was the unfairness of it and
 8 that --
 9 Q So as I understand what you are telling me,
 10 you do not read this -- I want to make sure I am
 11 reading it correctly.
 12 A Yes.
 13 Q You do not read this to mean that the Lead
 14 Industries Association, at their insistence,
 15 established a committee of the American Standards
 16 Association which developed a standard for lead
 17 paint?
 18 MR. CURTIS: I object to the question.
 19 MR. SULLIVAN: I object.
 20 A No, I do not.
 21 Can I get a little more water, please.

1 MR. RICHARDSON: Absolutely. In fact, I
 2 will get it for you.
 3 (Whereupon, discussion off the record.)
 4 THE WITNESS: We were on the ASA, right?
 5 THE VIDEOGRAPHER: We are back on the
 6 record. The time is approximately 3:15.
 7 (Whereupon, Smith Deposition Exhibit Number
 8 37 was marked for identification.)
 9 BY MR. RICHARDSON:
 10 Q Sir, I am now showing you what has been
 11 marked as Deposition Exhibit Number 37.
 12 It is a report of the Health and Safety
 13 Director, Manfred Bowditch of the L.I.A., which was
 14 presented at the 28th annual meeting of the L.I.A.
 15 April 24th-25th, 1956. And the first page of which is
 16 Bates stamped L.I.A. 22991.
 17 And my question to you, sir, is this a
 18 document that was produced by the L.I.A. in this
 19 litigation?
 20 (Whereupon, document tendered to witness.)
 21 A Do you have a 92?

1 Q I am also missing a 92.
 2 MR. SULLIVAN: We are missing the second
 3 page.
 4 Q Is this a document that was produced, and I
 5 believe it was produced in this fashion?
 6 However, if you do locate a page 22992, if
 7 you could send me a copy.
 8 MR. SULLIVAN: The pages as set forth in
 9 this exhibit appear to run numerically, page 1, 2 and
 10 3.
 11 MR. RICHARDSON: It does.
 12 MR. SULLIVAN: Even though the L.I.A. Bates
 13 numbers don't seem to run consecutively, but just for
 14 clarity for the record.
 15 MR. RICHARDSON: If you are able to
 16 determine that such a page of 92 does exist, I would
 17 appreciate a copy.
 18 BY MR. RICHARDSON:
 19 Q Is this something that the L.I.A. produced?
 20 A I believe it is, yes.
 21 Q Have you seen this before?

1 A Let me take a gander at it.
 2 (Whereupon, pause.)
 3 BY MR. RICHARDSON:
 4 Q All right, sir. I don't remember if I asked
 5 you, but was this produced by the L.I.A.?
 6 A Yes.
 7 Q Have you seen this before?
 8 A Yes.
 9 Q On the first page under the category
 10 industrial lead poisoning, it states that Mr. Bowditch
 11 at least as of 1956 recognized that lead poisoning as
 12 a disease dates back to antiquity.
 13 Isn't that correct, sir?
 14 MR. SULLIVAN: Objection. The document
 15 speaks for itself.
 16 A That is what it says.
 17 Q Also on the second page, sir, under the
 18 category uniform labeling in the middle of the
 19 paragraph it states modification of the New York City
 20 lead paint labeling regulation was secured by means of
 21 American Standards Z66.1 prepared by a committee of

1 the American Standards Association sponsored by the
 2 Lead Industries Association.
 3 My question to you, sir, is, doesn't this,
 4 in fact, answer my earlier question to you as to
 5 whether or not the American Standards Association
 6 standard Z66.1 was used to secure the modification of
 7 the New York City lead paint labeling regulation?
 8 MR. CURTIS: I object to the form of the
 9 question.
 10 MR. SULLIVAN: Objection. It calls for
 11 speculation and a compound question.
 12 BY MR. RICHARDSON:
 13 Q You can answer, sir.
 14 A I have no idea. All I know is that the
 15 American Standards Association Z66.1 was a very good
 16 standard and one that the Lead Industries Association
 17 worked hard to promulgate and get out to health
 18 authorities all around the country.
 19 Q Oh I believe that, sir.
 20 And my question to you is that this document
 21 seems to indicate that that standard was also used to

1 help secure the modification of New York City lead
 2 paint labeling regulation and my question to you is
 3 doesn't that -- isn't that what is reflected in this
 4 document?
 5 MR. CURTIS: I object to the question.
 6 MR. SULLIVAN: Objection.
 7 Mischaracterization --
 8 BY MR. RICHARDSON:
 9 Q You can answer.
 10 MR. SULLIVAN: -- of the document.
 11 A I don't think it does show that.
 12 Q Modification of the New York City lead paint
 13 labeling regulation was secured by means of American
 14 Standards Z66.1.
 15 What does that mean to you, sir?
 16 MR. SULLIVAN: Objection. If you can even
 17 draw a conclusion from it. Or if you know, tell him.
 18 A Well, if you can rephrase it.
 19 Q Well, modification of the New York City lead
 20 paint labeling regulation was secured by means of
 21 American Standards Z66.1.

Page 248 1 A It doesn't say who secured it. 2 Q I am not interested in who secured it. 3 My only question to you, sir, is, isn't it 4 true that this document indicates that that standard 5 was used to secure the modification of the New York 6 City lead paint regulation? 7 MR. CURTIS: I object to the form of the 8 question. 9 MR. SULLIVAN: I object, and I think you are 10 characterizing. You are trying to take a couple of 11 words and twist it around. 12 We are talking about a gentleman who wrote 13 this, who is now dead, who wrote this back in 1950 14 something and -- 15 BY MR. RICHARDSON: 16 Q Is that what is accurately reflected in the 17 document? 18 MR. SULLIVAN: You can read the words. 19 A I cannot draw an inference, no. 20 Q Thank you, sir. It also says here that the 21 committee of the American Standards Association was	Page 249 1 sponsored by the Lead Industries Association. 2 Do you know what was meant by that 3 statement? 4 A I do not. 5 MR. SULLIVAN: Object. 6 Q Were you able to identify any indication 7 from your review of the records as to how or if the 8 L.I.A. did, in fact, sponsor that association? 9 MR. SULLIVAN: Objection. You can answer if 10 you know how the L.I.A. was involved with this. 11 A I think the L.I.A. was a participant, and I 12 believe the American Academy of Pediatrics sponsored 13 the ANSI. 14 Q Isn't it also true, sir, between the L.I.A. 15 and the National Paint, Varnish and Lacquers 16 Association they dominated and controlled the American 17 Standards Association? 18 MR. SULLIVAN: Objection. If you have 19 documents to show us, he is here as a -- 20 MR. RICHARDSON: I object to your speaking 21 objections, sir. You know the Maryland rules.
Page 250 1 With respect to form, you are allowed to 2 object and to clarify the record so that a change can 3 be made at the time of the deposition. 4 All other objections are reserved until the 5 admission of the evidence so that you can then 6 specify -- 7 MR. SULLIVAN: Oh, absolutely not. 8 MR. RICHARDSON: I think if you ask anybody 9 who is familiar with the Maryland rules, they will 10 tell you for purposes of any other objections other 11 than objection for form, you are not allowed to go 12 into any detail as to the objection and the objections 13 are reserved for the point in time when the 14 admissibility of that testimony becomes an issue. 15 MR. SULLIVAN: Your firm, you in particular, 16 and Mr. Samuel, have both said that all objections are 17 to be made now on the record and not reserved for the 18 time of trial. 19 MR. RICHARDSON: Objections, but not 20 speaking objections. 21 MR. SULLIVAN: I am objecting and the	Page 251 1 speaking objections may help you rephrase the 2 question, so that it can be answered intelligently. 3 That one can't be. 4 BY MR. RICHARDSON: 5 Q Isn't it true, sir, and if you do not 6 believe it true, say so, but isn't it true, sir, that 7 the L.I.A. and the National Paint, Varnish and Lacquer 8 Associations together controlled the American 9 Standards Association? 10 MR. CURTIS: Object to the form of the 11 question. 12 MR. SULLIVAN: Objection. The whole 13 American Standards Association? 14 A That is absurd. 15 Q Okay. 16 (Whereupon, Smith Deposition Exhibit Number 17 38 was marked for identification.) 18 BY MR. RICHARDSON: 19 Q Sir, I am now showing you what has been 20 marked as Deposition Exhibit Number 38. 21 It is a quarterly report of the Secretary of
Page 252 1 the L.I.A. dated April 1st, 1957. The first page of 2 which is Bates stamped L.I.A. 21409. 3 I would first ask you, sir, is this a 4 document that was produced by the L.I.A. in this 5 litigation? 6 (Whereupon, document tendered to witness.) 7 A I believe it was. 8 Q Have you seen this document before? 9 A I would have to look at it first. 10 (Whereupon, pause.) 11 BY MR. RICHARDSON: 12 Q Have you seen this before? 13 A Yes. 14 Q On page L.I.A. 21410 under health and 15 safety, number 9, it reads as follows: 16 Proposed legislation, inimical to the 17 interests of the lead industries has been followed and 18 as of this writing with favorable results. 19 Gratifying evidence of the value of the 20 American Standards specification to minimize hazards 21 to children from residual surface coating materials	Page 253 1 developed at our insistence was shown by its use by 2 the health commissioner of Baltimore in opposing a 3 Maryland bill which would have been materially 4 damaging to our interests. 5 From your review of the documents in this 6 case, sir, were you able to determine which Maryland 7 bill that was? 8 A I do not know. 9 Q Okay. Do you know, again, why or what is 10 meant by the phrase "developed at our insistence"? 11 MR. SULLIVAN: Objection. The document 12 speaks for itself. 13 A I do not know. 14 Q All right. Did the L.I.A. have any 15 involvement in the process of opposing the Maryland 16 bill in 1957? 17 And I am not just limiting it to the doctor, 18 but are you aware from your review of the documents of 19 any participation by the L.I.A. and the opposition of 20 this Maryland bill? 21 MR. SULLIVAN: Objection.

Page 254

1 Q In 1957?

2 A I am not aware that the L.I.A. had opposed

3 any bill. It speaks for itself, again.

4 Q All right, sir.

5 MR. SULLIVAN: Just to clarify the record,

6 the language that you read indicates here that the

7 Health Commissioner of Baltimore opposed the Maryland

8 bill.

9 MR. RICHARDSON: I didn't contest what the

10 document said. My question to him was --

11 MR. SULLIVAN: Right, but I think you are

12 trying to put it in the way -- the clear language is

13 that the health commissioner opposed it and then you

14 are trying to implicate by use of this language that

15 L.I.A. opposed it just because it is in the L.I.A.

16 minutes and it is simply a mischaracterization.

17 MR. RICHARDSON: I simply asked the witness,

18 Mr. Sullivan, whether or not he was aware if the

19 L.I.A. was involved in any way in the opposition of

20 this bill in addition to what the Commissioner was

21 doing.

Page 256

1 Proprietary Limited.

2 The presentation was made at the 29th annual

3 meeting of the L.I.A. in Chicago, Illinois on April

4 24th and 25th of 1957.

5 Is this a document that the L.I.A. has

6 produced in this litigation?

7 (Whereupon, document tendered to witness.)

8 A Yes, we have.

9 Q Have you seen this before?

10 A I am not sure. I will have to look at it

11 now.

12 (Whereupon, pause.)

13 MR. SULLIVAN: Have you seen it?

14 A I have not seen this before.

15 Q Okay. Were you aware, sir, that the L.I.A.

16 knew as of 1957 that exposure to minimal quantities of

17 lead insufficient to produce clinical manifestation of

18 lead poisoning would later develop chronic

19 degenerative diseases?

20 A Can you tell me --

21 MR. DAVID: I object to the --

Page 258

1 A Minimal doesn't --

2 Q That is true, but were you aware of that

3 fact?

4 MR. SULLIVAN: If you have knowledge from

5 the documents or let the document speak for itself.

6 You can respond. If you have knowledge, if you

7 don't --

8 A I am not sure that it is a fact.

9 Q I am not saying it is a fact either, sir.

10 A I am sorry.

11 Q If the documents reflect in any way that the

12 L.I.A. was aware or even suspected that exposure to

13 minimal amounts of lead could cause chronic

14 degenerative disease.

15 MR. SULLIVAN: Objection.

16 MR. DAVID: I object. It assumes facts not

17 in evidence.

18 BY MR. RICHARDSON:

19 Q Did you see anything in the documents to

20 discuss that, sir?

21 MR. SULLIVAN: What time period are you

Page 255

1 MR. SULLIVAN: That is a nice addition.

2 MR. RICHARDSON: But that is what the

3 question was. He understood that question that way.

4 There is no inference here of any --

5 BY MR. RICHARDSON:

6 Q I am not trying to mislead you in any way,

7 Mr. Smith.

8 MR. SULLIVAN: We will let the record speak

9 for itself on that.

10 MR. RICHARDSON: Oh, it shall.

11 (Whereupon, Smith Deposition Exhibit Number

12 39 was marked for identification.)

13 BY MR. RICHARDSON:

14 Q Sir, I have now given you what has been

15 marked as Deposition Exhibit Number 39.

16 It appears to be a letter to the members of

17 the L.I.A. dated April 6th, 1957. The first page of

18 which is Bates stamped L.I.A. 10966 with an attached

19 presentation entitled, A Review of Certain Health

20 Problems Associated with Lead by Dr. William E.

21 George, Chief Medical Officer, Consolidated Zinc

Page 257

1 MR. SULLIVAN: I was going to --

2 MR. RICHARDSON: I will refer to it. He

3 says he has never seen it before. I wasn't going --

4 BY MR. RICHARDSON:

5 Q I am not going to rely on the document since

6 you have never seen it before, sir.

7 My question is, from your review of the

8 documents in this case --

9 MR. SULLIVAN: Just listen to the question.

10 Q -- were you able to determine whether or not

11 the L.I.A. was aware in 1957 that exposure to minimal

12 amounts of lead would result in chronic degenerative

13 diseases?

14 MR. DAVID: Object to the form of the

15 question, object to the fact that it is stated as a

16 conclusion.

17 It is unproven.

18 MR. SULLIVAN: Objection.

19 BY MR. RICHARDSON:

20 Q You can answer the question.

21 Were you aware?

Page 259

1 talking? Just around this time period from 1928 on?

2 Q Any time period.

3 Did you see anything in the documents

4 without any limit to time period that discussed the

5 L.I.A.'s awareness that exposure to minimal amounts of

6 lead could cause chronic degenerative disease?

7 MR. DAVID: Object to the form of the

8 question. You are stating it as a fact.

9 MR. SULLIVAN: Objection.

10 BY MR. RICHARDSON:

11 Q Did you see anything, sir?

12 MR. SULLIVAN: Just one other objection. I

13 believe that this paper was presented in connection

14 with -- yes, it was the American Industrial

15 Physicians. He was presenting a paper to them,

16 industrial physicians.

17 MR. RICHARDSON: I think you will find as we

18 go through this document it talks about childhood lead

19 poisoning as well, but since he hasn't seen the

20 document, my question was general in nature and I will

21 rephrase it another time for you, sir.

1 A All right.
 2 Q Did your review of the documents produced in
 3 this case reveal any indication that the L.I.A. was
 4 aware, was put on notice that exposure to minimal
 5 amounts of lead could cause chronic degenerative
 6 disease?
 7 MR. SULLIVAN: Objection.
 8 MR. DAVID: Object to the form of the
 9 question, assumes facts not in evidence, conclusion
 10 that is not in evidence.
 11 BY MR. RICHARDSON:
 12 Q You can answer. Did you see any such
 13 documents?
 14 A It is still not clear to me what you are
 15 asking that I have seen.
 16 Q Did you see any documents, any documents,
 17 that show that the L.I.A. was aware or suspected that
 18 exposure to minimal amounts of lead could cause
 19 chronic degenerative disease?
 20 Did you see any such documents in your
 21 review?

1 by L.I.A.
 2 MR. DAVID: You already went over it in the
 3 deposition.
 4 MR. RICHARDSON: Let me further that.
 5 BY MR. RICHARDSON:
 6 Q Were you aware of any studies done by D.A.
 7 Henderson on the subject of lead poisoning?
 8 A No.
 9 Q Are you aware, sir, that he did studies on
 10 lead poisoning in children in Queensland?
 11 MR. SULLIVAN: Objection. If you know.
 12 Q Were you aware?
 13 MR. SULLIVAN: You are talking about Dr.
 14 William George?
 15 MR. RICHARDSON: I am talking about Dr.
 16 Henderson.
 17 BY MR. RICHARDSON:
 18 Q Were you aware that he did studies in
 19 Queensland concerning childhood lead poisoning, sir?
 20 MR. SULLIVAN: Is Dr. Henderson referred to
 21 in there?

1 Q Were you aware, sir?
 2 MR. SULLIVAN: If you were aware of any
 3 Queensland studies.
 4 A No, I am not aware of any.
 5 Q Thank you, sir.
 6 I can find the exhibit, if necessary, but
 7 one of the exhibits we have already talked about, sir,
 8 discussed Mr. Wormser reading a study from
 9 Queensland.
 10 Do you remember that exhibit, sir?
 11 A No, I don't.
 12 Q Do you remember us talking about that
 13 earlier in the deposition though?
 14 A I don't. There has been a lot of water over
 15 the dam here.
 16 Q Well, you were nodding affirmatively when I
 17 was talking about it.
 18 MR. SULLIVAN: I think it may have been in
 19 one of those.
 20 MR. CURTIS: Just for the record, I don't
 21 think that is an accurate representation that the

1 MR. DAVID: Same objection.
 2 MR. SULLIVAN: Objection.
 3 BY MR. RICHARDSON:
 4 Q It is a yes or no answer, sir.
 5 MR. SULLIVAN: Objection. No, it may not be
 6 a yes or no answer.
 7 A It is not.
 8 Q Are you telling me you don't know? If you
 9 don't know, that is a third answer.
 10 A I don't know.
 11 MR. DAVID: He already said he didn't
 12 believe it to be a fact.
 13 MR. RICHARDSON: I didn't ask him if it was
 14 a fact.
 15 MR. DAVID: You stated in your question if
 16 it was a fact.
 17 MR. RICHARDSON: I asked him if he saw any
 18 documents. I think you ought to listen to my
 19 question.
 20 MR. DAVID: You produced the document --
 21 MR. RICHARDSON: The document was produced

1 MR. RICHARDSON: I am not referring to that
 2 document since he has never seen it before, as I have
 3 stated.
 4 MR. SULLIVAN: If you know of Dr. Henderson,
 5 you can respond as to what you know about Dr.
 6 Henderson.
 7 A I do not know Dr. Henderson.
 8 Q All right. Were you -- were you aware of
 9 any studies that were done in Queensland concerning
 10 exposure to lead in childhood that resulted in renal
 11 failure and death as a result of renal failure later
 12 on?
 13 MR. SULLIVAN: Objection.
 14 MR. DAVID: Object to the question. It
 15 assumes facts not in evidence.
 16 It misstates the findings or whatever the
 17 findings were of some study that was done in
 18 Queensland.
 19 It is a deliberate attempt to mislead the
 20 witness.
 21 BY MR. RICHARDSON:

1 witness was nodding affirmatively.
 2 MR. RICHARDSON: He was.
 3 MR. CURTIS: I don't believe he was.
 4 MR. RICHARDSON: well, it is videotaped.
 5 BY MR. RICHARDSON:
 6 Q This was in 1944 or thereabouts with respect
 7 to his communications with Dr. Kehoe.
 8 MR. KENNEALLY: It might be Exhibit 21,
 9 counsel.
 10 MR. DAVID: 21 or 22.
 11 BY MR. RICHARDSON:
 12 Q I will show you Exhibit Number 22 again,
 13 sir, in that last paragraph down there.
 14 MR. SULLIVAN: Are you asking him if that
 15 Queensland article is the one that refers to the kid
 16 -- the children who may have died of renal failure?
 17 We all know it didn't.
 18 MR. RICHARDSON: It didn't? What didn't?
 19 MR. GRIMM: Let's just ask the question and
 20 go on.
 21 MR. RICHARDSON: When you are finished, let

1 me take a look at it.
 2 MR. SULLIVAN: This is Mr. Wormser's
 3 response to Mr. Kehoe, is that the one you are
 4 referring to or are you referring to Kehoe's letter to
 5 Mr. Wormser?
 6 MR. RICHARDSON: I gave him the one I was
 7 referring to, sir.
 8 MR. WHITEHEAD: That is Exhibit Number 22?
 9 MR. RICHARDSON: Yes.
 10 (Whereupon, pause.)
 11 MR. SULLIVAN: I think on 22 he indicated he
 12 hadn't seen that letter, too.
 13 BY MR. RICHARDSON:
 14 Q I am showing you Exhibit Number 22.
 15 It states at the bottom paragraph that out
 16 of 19 cases, 12 were shown not to show any shadows;
 17 isn't that correct, sir?
 18 MR. SULLIVAN: I object. This testified --
 19 Mr. Smith testified that he had not previously seen
 20 this letter, so --
 21 Q I am just asking you, sir, is that what is

1 stated in the letter from your looking at it at
 2 present?
 3 MR. SULLIVAN: You may read the words.
 4 A It says, I recall out of 19 children alleged
 5 to have lead poisoning, 12 did not show any shadow
 6 which is one of the reasons why the use of X-ray is
 7 apparently not held in high regard among the
 8 Australian medical circles to detect lead poisoning in
 9 children.
 10 Q That is right. The exhibit that I just
 11 showed you with the presentation of Dr. George in it
 12 at page L.I.A. 10973, the second paragraph from the
 13 bottom, seems also to discuss the bone lead content of
 14 the 12 subjects.
 15 Does it not, sir?
 16 MR. SULLIVAN: You indicated that you
 17 weren't going to be using this for verification.
 18 MR. RICHARDSON: I am just asking. I am
 19 trying to determine whether or not we are talking
 20 about the same study.
 21 MR. SULLIVAN: If you know what the content

1 of that study was --
 2 A No, I do not.
 3 Q Okay. Do you see that language there in
 4 that paragraph?
 5 A Here?
 6 Q Yes.
 7 A Yes, I see it.
 8 Q Okay. But you are not able to say that they
 9 are talking about one in the same studies?
 10 A I am not.
 11 Q Now, this was before you arrived at the
 12 L.I.A.; is that correct, in 1957?
 13 A Yes.
 14 Q Isn't it true, sir, that by 1957 that L.I.A.
 15 was aware that childhood exposure to lead could result
 16 in chronic kidney disease?
 17 MR. DAVID: Objection to the form of the
 18 question.
 19 MR. SULLIVAN: Objection.
 20 MR. DAVID: Calls for speculation on the
 21 part of this witness and states a --

1 A I don't know that L.I.A. was aware of that.
 2 MR. SULLIVAN: Let him finish his
 3 objection.
 4 MR. DAVID: It is a misleading question.
 5 BY MR. RICHARDSON:
 6 Q Okay.
 7 MR. SULLIVAN: Objection.
 8 Q You can restate your answer, just so that
 9 the record is clear.
 10 A Well, I said I do not know L.I.A. would have
 11 been aware of that.
 12 (Whereupon, Smith Deposition Exhibit Number
 13 40 was marked for identification.)
 14 BY MR. RICHARDSON:
 15 Q Sir, I am now showing you what has been
 16 marked as Deposition Exhibit Number 40.
 17 It is the quarterly report of the Secretary
 18 of L.I.A. dated October 1st, 1957. The first page of
 19 which is Bates stamped L.I.A. 21478.
 20 Is this a document that was produced in this
 21 litigation by the L.I.A.?

1 (Whereupon, document tendered to witness.)
 2 A Yes, it is.
 3 Q And have you seen this document before?
 4 A I believe I have.
 5 Q On page 2 under warning labels, it begins by
 6 saying as had been predicted, a wave of legislation
 7 relative to requirement of warning labels on products
 8 allegedly hazardous to health has been sweeping the
 9 country.
 10 Were you able to determine from your review
 11 of the documents any support or any documentation to
 12 explain or how it was predicted by the L.I.A. that
 13 this would happen?
 14 MR. SULLIVAN: Objection. He should have
 15 the opportunity to read that section and that page.
 16 MR. RICHARDSON: That is fine.
 17 (Whereupon, pause.)
 18 A Okay.
 19 Q Were you able to determine from your review
 20 of the documents on what basis it was predicted that
 21 the wave of legislation concerning requirement of

1 warning labels on products allegedly hazardous would
 2 sweep the country?
 3 MR. SULLIVAN: Objection.
 4 A No, this is a speculation, I think.
 5 Q Do you believe that the author was
 6 speculating?
 7 MR. SULLIVAN: Objection.
 8 Q Is that a yes, sir? I am sorry, you can't
 9 nod.
 10 A Yes, I am sorry.
 11 Q It also states in that section, as a further
 12 move towards uniformity, a conference was held on
 13 September 26th with representatives of the MCA with
 14 the purpose of bringing their labeling recommendations
 15 into line with those of the American Standards
 16 Association.
 17 Do you see that, sir?
 18 A I see it.
 19 Q Is the MCA referred to there the
 20 Manufacturing Chemists Association as referred to in
 21 one of the previous sentences?

1 A I believe it would be, yes.
 2 Q Okay. And do you know whether or not the
 3 L.I.A. attended that conference?
 4 A I do not.
 5 MR. RICHARDSON: Do you want to take a short
 6 break?
 7 MR. SULLIVAN: Yes, he would like a break.
 8 MR. RICHARDSON: That is fine.
 9 (Whereupon, a brief recess was taken.)
 10 THE VIDEOGRAPHER: We are back on the
 11 record. The time is approximately 4:07.
 12 (Whereupon, Smith Deposition Exhibit Number
 13 41 was marked for identification.)
 14 BY MR. RICHARDSON:
 15 Q Sir, I am now showing you what has been
 16 marked as Deposition Exhibit Number 41. It is another
 17 quarterly report of the Secretary of the L.I.A. dated
 18 April 2nd, 1958.
 19 The first page of which is Bates stamped
 20 L.I.A. 22233; is that correct, sir?
 21 (Whereupon, document tendered to witness.)

1 whether or not that was, in fact, true?
 2 MR. SULLIVAN: Objection.
 3 MR. GRIMM: Objection.
 4 A I made no effort to determine whether that
 5 was true or not.
 6 Q Okay. It says here that the correspondence
 7 with the health authorities of four major cities have
 8 brought in the following 1957 figures, and among which
 9 is for Baltimore 55 cases, three deaths.
 10 Do you see that, sir?
 11 A I do.
 12 Q Was there any effort on the part of the
 13 L.I.A. to determine how many of those 55 cases were,
 14 in fact, legitimate cases of childhood lead
 15 poisoning?
 16 MR. DAVID: I object to the form of the
 17 question. It is vague as to the term legitimate.
 18 MR. SULLIVAN: Objection.
 19 BY MR. RICHARDSON:
 20 Q You can answer, sir.
 21 A The fact is that, again, L.I.A. was funding

1 That is absolutely wrong.
 2 Mischaracterization.
 3 A I would say definitely it was a
 4 mischaracterization. L.I.A. was very much concerned
 5 and continued to be concerned throughout the years.
 6 Q Do you agree, sir, that this document
 7 suggests that the L.I.A. was aware as of 1958 that
 8 many of the surviving children may be permanently
 9 mentally retarded?
 10 MR. DAVID: I object to that.
 11 MR. SULLIVAN: Objection.
 12 A This document does say something to that
 13 effect, but this, again, and I don't even know who
 14 wrote it.
 15 Q The Secretary of the L.I.A., sir.
 16 A All right.
 17 Q Who was Mr. Ziegfeld at that time?
 18 A That is right, Robert Ziegfeld. But L.I.A.
 19 was concerned, and I think it even comes through on
 20 this that it was something that was very much of
 21 concern and not just because of the money.

1 A Yes.
 2 Q Has the L.I.A. produced this document in
 3 this litigation?
 4 A Yes.
 5 Q Have you seen this document before, sir?
 6 A Let me review it briefly.
 7 (Whereupon, pause.)
 8 A Yes.
 9 Q Have you seen it before, sir?
 10 A Yes, I have.
 11 Q Page 2 under childhood lead poisoning, do
 12 you see that section, sir?
 13 A I do.
 14 Q Have you read that already or do you need a
 15 moment to look at that?
 16 A No, I have read it.
 17 Q Okay. This document seems to suggest that
 18 the problem of lead poisoning in small children is
 19 mainly confined to the slums of our older cities.
 20 My question to you, sir, is, from your
 21 review of the documents, were you able to determine

1 researchers in Baltimore and several other cities,
 2 Cincinnati, Boston, and I believe Dr. Chisolm right
 3 here in Baltimore was doing work on this and L.I.A.
 4 was doing its best to try to -- as it says here, it is
 5 a continuing study and a preventive effort.
 6 Q Sir, it says here that though these numbers
 7 may not seem large, it must be borne in mind that
 8 every such case is a potential source of most damaging
 9 publicity, and that many of the surviving children may
 10 be permanently mentally retarded.
 11 My question to you, sir, is, why does it
 12 appear that the L.I.A. is more concerned with the
 13 damaging publicity from these cases as opposed to the
 14 injuries actually suffered by these children?
 15 MR. DAVID: Object.
 16 MR. SULLIVAN: Objection. That is a
 17 mischaracterization of that paragraph.
 18 It says they are trying to do studies and it
 19 is a preventive effort and now you are
 20 mischaracterizing it and saying they don't care at the
 21 end.

1 I think all along the Association was in the
 2 forefront of trying to solve this, trying to find out
 3 how best to handle these and prevent them.
 4 Q And isn't one possible way of preventing it
 5 is to not use white lead in paint?
 6 MR. SULLIVAN: Objection.
 7 Q Isn't that one possible way, sir?
 8 A No, I think that is a mischaracterization.
 9 MR. SULLIVAN: Objection. L.I.A. never made
 10 a product.
 11 Q I am not asking you whether L.I.A. ever made
 12 a product despite what your counsel is suggesting.
 13 My question to you, sir, is, isn't one way
 14 to prevent childhood lead poisoning not to use lead in
 15 paint in the first place?
 16 MR. SULLIVAN: Objection.
 17 Q Regardless of this document?
 18 MR. SULLIVAN: Objection. That calls for
 19 speculation.
 20 A That is -- that is your statement and --
 21 Q Do you agree with it?

1 A No, I cannot go along with that. I think
2 that Lead Industries Association, first of all, as he
3 said, was not using this and secondly, there were
4 many, many, many products that were out there very,
5 very useful.
6 Without them we would fail to have
7 automobile starters and on down the line. Thousands
8 of products.
9 Q I understand. I am only talking about lead
10 paint now, and my question -- well, you have answered
11 my question.
12 (Whereupon, Smith Deposition Exhibit Number
13 42 was marked for identification.)
14 BY MR. RICHARDSON:
15 Q Sir, I am showing you what has been marked
16 as Deposition Exhibit Number 42.
17 It is a report of the Health and Safety
18 Division, Mr. Manfred Bowditch, Bowditch -- Bowditch,
19 I'm sorry, Director of the Health and Safety Division,
20 Lead Industries Association presented at the 30th
21 annual meeting of the L.I.A., St. Louis, April 15th

1 and 16th of 1958. The first page of which is Bates
2 stamped L.I.A. 22241.
3 I ask you, sir, is this a document that was
4 produced by the L.I.A. in this litigation?
5 (Whereupon, document tendered to witness.)
6 A I believe it was.
7 Q Have you seen this document before?
8 A I would like to look at it first to
9 determine that.
10 (Whereupon, pause.)
11 (Whereupon, discussion off the record.)
12 THE VIDEOGRAPHER: We are back on the
13 record. The time is 4:20.
14 BY MR. RICHARDSON:
15 Q So, have you seen this document before,
16 sir?
17 A Yes.
18 Q If I can refer you to the page Bates stamped
19 L.I.A. 22243.
20 A Okay.
21 Q Do you know why Mr. Bowditch stated in his

1 report that there was no municipal health department
2 more alive to the implications of lead poison in
3 children than that of the City of Baltimore?
4 MR. SULLIVAN: Objection. If you know.
5 A I assume that he did that because we were
6 funding research here and had been for a long time and
7 had taken the results of that research and that
8 information on lead poisoning to the Baltimore City
9 Health Department and were working with them to try to
10 get them to educate parents as to the hazards of lead
11 poison.
12 Q Isn't it also true, sir, that the City of
13 Baltimore was at the forefront with respect to lead
14 poison in addressing that issue?
15 MR. SULLIVAN: Objection. You can answer.
16 A Somewhere here it did say that very point.
17 Q Do you agree with the statement as it is
18 stated in the last full paragraph of this page.
19 Do you agree with the statement, for those
20 children who are lead poisoned, there may be permanent
21 brain damage and paralysis and the child becomes a

1 lifelong drain on the family, if it can bear the
2 expense or the mental strain or on the community.
3 Do you agree with that statement, sir?
4 MR. DAVID: I object. It calls for an
5 expert opinion on the part of this witness and he is
6 not an expert obviously, medical expert.
7 MR. SULLIVAN: I object.
8 A I could not say that for sure.
9 Q Okay. The last page of this document seems
10 to state that since 1931 there have been 607 cases of
11 lead poisoning in Baltimore children.
12 From your review of the documents, have you
13 seen anything to contradict that statement, sir?
14 MR. SULLIVAN: Objection. If you can answer
15 one way or another.
16 A I can't answer either way.
17 Q You have not seen anything to contradict
18 that?
19 A No.
20 MR. DAVID: He hasn't seen anything to
21 confirm it either, I assume?

1 MR. SULLIVAN: I think he said either way.
2 A Either to support it or refute it.
3 MR. SULLIVAN: Keep your voice up. Mr.
4 Richardson has a good strong voice. We want your
5 voice to be a good strong voice.
6 (Whereupon, Smith Deposition Exhibit Number
7 43 was marked for identification.)
8 MR. RICHARDSON: Can we go off for a
9 second?
10 (Whereupon, discussion off the record.)
11 THE VIDEOGRAPHER: We are back on the
12 record. The time is 4:24.
13 BY MR. RICHARDSON:
14 Q Sir, I am now showing you what has been
15 marked as Deposition Exhibit Number 43.
16 It is entitled, Precautionary Labeling of
17 Lead Products by John H. Foulger, F-o-u-l-g-e-r, M.D.,
18 the first page of which is Bates stamped L.I.A.
19 11085.
20 Is this a document, sir, that was produced
21 by the L.I.A. in this litigation?

1 (Whereupon, document tendered to witness.)
2 A Yes, it is.
3 Q Have you seen this before, sir?
4 A I have, and I couldn't read it then either.
5 Q Well, let me try to help you.
6 Was Dr. Foulger at this time employed by the
7 DuPont Company, if you know?
8 MR. SULLIVAN: Objection.
9 A I do not know.
10 MR. SULLIVAN: I will just note for the
11 record that our copy is so fuzzy, it is very, very --
12 it is almost impossible to read this, especially if
13 you get later into the document.
14 Q Well, if you turn to the next page, the
15 second column, the first full paragraph, I will read
16 it to you as follows and the defendants here at the
17 table have another copy, so --
18 MR. SULLIVAN: I will just make a comment
19 and that is Mr. Smith identified seeing this document
20 and he also indicated he couldn't read it earlier, so
21 if you are going to ask a question, it is not a

1 document that he has analyzed --
 2 MR. RICHARDSON: It is not that illegible.
 3 I am able to read it on the record right now.
 4 MR. SULLIVAN: Well, that is your
 characterization of your copy.
 5 BY MR. RICHARDSON:
 6 Q Okay. That paragraph states, sir, there has
 7 been a lot of dispute as to how it was founded.
 8 Now, I was on the Z66 subcommittee of the
 9 ASA which established it, and I was one of the group
 10 including Dr. Lanza and Dr. Cranch who finally set up
 11 this 1 percent level.
 12 It was based on these considerations which
 13 in turn came from information we obtained from the
 14 paint industry.
 15 Do you see that, sir?
 16 A I do.
 17 MR. SULLIVAN: We have been able to read --
 18 I can read certain words, most of those words, but not
 19 all of them.
 20 Q From your review of the documents, were you

1 BY MR. RICHARDSON:
 2 Q You can answer.
 3 A I can make no judgment on that.
 4 Q You do not have an opinion one way or the
 5 other?
 6 A No.
 7 (Whereupon, Smith Deposition Exhibit Number
 8 44 was marked for identification.)
 9 BY MR. RICHARDSON:
 10 Q Sir, I am now showing you what has been
 11 marked as Deposition Exhibit Number 44.
 12 It is a quarterly report of a Secretary of
 13 the L.I.A. dated January 14th, 1959. The first page
 14 of which is Bates stamped L.I.A. 22349.
 15 I ask if you have ever -- if that document
 16 was produced by the L.I.A. in this litigation, sir?
 17 (Whereupon, document tendered to witness.)
 18 A Yes, it was.
 19 Q Have you ever seen this before, sir?
 20 A I will take a look at it first, please.
 21 (Whereupon, pause.)

1 whether or not they were successful in persuading,
 2 specifically, the City of Baltimore to adopt uniform
 3 regulations?
 4 MR. SULLIVAN: Objection.
 5 Q If you know.
 6 A I do not know for sure.
 7 Q All right. Are you aware that in 1958 or
 8 thereabouts the City of Baltimore enacted legislation
 9 which cited, in part, the ASA standard Z66?
 10 A I am aware that they were interested in
 11 that, yes.
 12 Q Do you know that they, in fact, did
 13 promulgate an ordinance?
 14 A I believe they did, yes. I believe this
 15 was -- this would have been a follow-up to it.
 16 Q All right.
 17 A This was intended to bring --
 18 MR. RICHARDSON: Mark this.
 19 (Whereupon, Smith Deposition Exhibit Number
 20 45 was marked for identification.)
 21 BY MR. RICHARDSON:

1 able to confirm whether or not the information relied
 2 upon by this subcommittee was, in fact, obtained from
 3 the paint industry?
 4 MR. SULLIVAN: If you -- objection, if you
 5 have knowledge.
 6 A I do not have knowledge.
 7 Q All right. The last page, sir --
 8 MR. SULLIVAN: This is the worst page of all
 9 of the ones we have.
 10 Q The first column. Are you on the last
 11 page?
 12 A Yes, 3070?
 13 Q Yes. The first column, the first full
 14 paragraph begins with Dr. Foulger, but I am really
 15 interested in the one below that.
 16 It says, it is the duty of everybody who
 17 makes or sells or gives away a compound to know what
 18 it will do.
 19 Do you agree with that statement, sir?
 20 MR. SULLIVAN: Objection.
 21 MR. DAVID: Objection.

1 BY MR. RICHARDSON:
 2 Q Have you read it, sir?
 3 A Yes, yes.
 4 Q Sir, have you seen this before?
 5 A Yes.
 6 Q On page 2, sir, under number 8, you are at
 7 the point now where you know exactly where to go.
 8 Under uniform labeling of lead paints it
 9 states, in cooperation with the NPVLA, efforts have
 10 been underway during the quarter to persuade the
 11 health authorities of such municipalities of New York
 12 and Baltimore, each inclined to be a law unto itself,
 13 to adopt uniform regulations relative to precautionary
 14 labeling of lead paints. Lacking such uniformity, a
 15 chaotic condition could develop.
 16 My question to you, sir, my first question,
 17 do you know what efforts were, in fact, initiated to
 18 do this?
 19 MR. SULLIVAN: Objection. Do you know?
 20 A No, I do not know.
 21 Q And my second question is, do you know

1 Q Sir, I am now showing you what has been
 2 marked as Deposition Exhibit Number 45.
 3 It is a letter from the Secretary of the
 4 L.I.A. to the members of the L.I.A. dated April 1st,
 5 1960. The first page is Bates stamped L.I.A. 19433.
 6 It has attached to it an article entitled,
 7 Lead Dome Marks 25th Service-Free Year.
 8 Do you see that, sir?
 9 (Whereupon, document tendered to witness.)
 10 A I see the title, yes.
 11 Q Was this document produced by the L.I.A. in
 12 this litigation?
 13 A I believe it was, yes.
 14 Q And have you seen this document before,
 15 sir?
 16 A I don't recall it, but I may have.
 17 MR. SULLIVAN: Is there a particular part of
 18 it you would like him to look at it just for purposes
 19 of seeing whether that part refreshes his recollection
 20 as to whether he has, in fact, seen it or not?
 21 MR. RICHARDSON: Well, I am interested in

1 pages 3 and 4 of the report.
 2 (Whereupon, pause.)
 3 A Okay.
 4 Q Sir, on page 3 at the top it states that
 5 they have developed two -- developed a new advertising
 6 campaign in two leading design magazines, one of which
 7 is Materials and Design Engineering.
 8 Had you ever heard of that before?
 9 A Yes, I have.
 10 Q What was that?
 11 A It is a publication that goes to design
 12 engineers.
 13 Q Was that something that the L.I.A. put out
 14 or someone else?
 15 A No, it is a publication, it is a magazine.
 16 Q Who put it out?
 17 A I believe -- don't know, sir.
 18 Q Okay. And have you ever heard of Product
 19 Engineering?
 20 A Yes, I have.
 21 Q And what was that?

1 Q You do not know?
 2 A I do not know.
 3 Q Okay. It also states here in the third
 4 paragraph that, all in all, in 1959 through the
 5 L.I.A.'s direct mail and space advertising of
 6 publicity, well over 3.5 million individual messages
 7 about lead were delivered to the industry.
 8 Do you see that, sir?
 9 A I do see it.
 10 Q Do you know whether any of those individual
 11 messages involved the use of lead in paint?
 12 MR. SULLIVAN: Objection.
 13 A I do not know.
 14 Q On the next page, sir, page 4, in the first
 15 paragraph it says in the middle of that, the toxicity
 16 of lead poses a problem that other nonferrous
 17 industries generally do not have to face.
 18 Lead poisoning or the threat of it hurts our
 19 business in several ways. While it is difficult to
 20 count exactly in dollars and cents, it is taking money
 21 out of your pockets every day.

1 the first place, it means thousands of items of
 2 unfavorable publicity each year.
 3 Do you see that, sir?
 4 A I see it.
 5 Q This is particularly true since most cases
 6 of lead poisoning today are in children, and anything
 7 sad that happens to a child is meat for newspaper
 8 editors and is gobbled up by the public.
 9 It makes no difference that it is
 10 essentially a problem of slums, a public welfare
 11 problem. Just the same, the publicity hits us where
 12 it hurts.
 13 And my question to you, sir, is from your
 14 review of the documents, are you able to determine
 15 what the Secretary of the L.I.A. was relying upon to
 16 make the statements he has made in that paragraph?
 17 MR. CURTIS: Object to the form of the
 18 question.
 19 MR. SULLIVAN: Objection.
 20 A I do not know. That was -- whatever you see
 21 here, it speaks for itself.

1 A It is also a magazine.
 2 Q Okay. And was that a product of the L.I.A.
 3 or some other organization?
 4 A No, this is a product of a company. I don't
 5 know their name.
 6 Q And it states here that the combined
 7 circulation was over 70,000 people.
 8 Is that your understanding?
 9 A That is what this says.
 10 Q Okay. And the ads that they put into these
 11 two magazines were designed to emphasize the varieties
 12 of lead's properties and the variety of jobs it is
 13 efficiently performing for the industry today.
 14 My question to you, sir, is do you know
 15 whether or not that included the use of lead in
 16 paints?
 17 MR. SULLIVAN: Objection.
 18 A I do not know.
 19 MR. SULLIVAN: This is 1959?
 20 MR. RICHARDSON: Yes.
 21 BY MR. RICHARDSON:

1 Do you know how or why -- strike that.
 2 From your review of the documents, were you
 3 ever able to determine in what ways the problem of the
 4 toxicity of lead was taking dollars out of the pockets
 5 of the members of the L.I.A.?
 6 MR. SULLIVAN: Objection. Time frame.
 7 Are you referring just in 1959?
 8 MR. RICHARDSON: 1959.
 9 A I believe that the industry was concerned
 10 about lead poisoning and that concern was also out in
 11 the public arena and they certainly felt that it
 12 was -- it could hurt the business, the use of lead.
 13 Q In other words, it could hurt sales --
 14 A It could.
 15 MR. SULLIVAN: Objection.
 16 Q -- and profits there from; is that correct,
 17 sir?
 18 MR. CURTIS: Objection to the question.
 19 MR. SULLIVAN: Objection.
 20 A I don't know about that.
 21 Q It goes on in the next paragraph to state in

1 Q That it does.
 2 It says secondly, it means that we are often
 3 subjected to unnecessarily onerous regulations either
 4 in the use of our product or in its labeling.
 5 This may mean either an added expense in
 6 labeling or in control equipment in your or your
 7 customers' plants.
 8 It may even mean that your product won't be
 9 used at all because your potential customer doesn't
 10 want the problems that the use of lead may involve.
 11 With respect to that paragraph, sir, is
 12 there any -- well, not just that paragraph. You have
 13 had a chance to read this entire section, sir.
 14 Is there any indication here that the L.I.A.
 15 is concerned about what effect lead poisoning has on
 16 children?
 17 A Absolutely. The next paragraph. What are
 18 we going to do about all of this?
 19 We are working closely with governmental
 20 health authorities, childhood poisoning centers, the
 21 medical profession, and organizations like the

1 American Standards Association; Paint, Varnish and
 2 Lacquer Association; Manufacturing Chemists
 3 Association to prevent an unfair and onerous
 4 regulations.
 5 They were doing everything they could to try
 6 to get information out and at the same time working
 7 with organizations who themselves would get
 8 information out on childhood lead poisoning.
 9 Q Doesn't, in fact, what you just read, sir,
 10 suggest that the L.I.A. states that what it is doing
 11 about the money being taken out of their pockets and
 12 the unfair publicity is that they are trying to
 13 prevent the enactment of unfair and onerous
 14 regulations and not prevent childhood lead poisoning?
 15 MR. SULLIVAN: Objection. That is a
 16 mischaracterization, I think, of the entire document.
 17 A No.
 18 Q In fact, the next sentence goes on to say.
 19 In fact, we were largely responsible for the increase
 20 of one-third in the maximum permissible concentration
 21 of lead dust in fumes that became effective a couple

1 of years ago.
 2 Why would they brag about taking -- about
 3 increasing the amount of lead in the air when they are
 4 talking about childhood lead poisoning?
 5 MR. SULLIVAN: Objection. You haven't
 6 established the fact that that relates to the other
 7 material we have been talking about which was
 8 industrial use and with different types of industrial
 9 applications.
 10 A Clearly they were talking about industrial
 11 applications.
 12 Q They were?
 13 A I am sure of it.
 14 Q Do you understand why it was, in fact,
 15 important that they put it in here?
 16 MR. SULLIVAN: Objection, if you know why
 17 they put it in here, if you have actual knowledge.
 18 A I do not.
 19 Q Thank you.
 20 (Whereupon, Smith Deposition Exhibit Number
 21 46 was marked for identification.)

1 BY MR. RICHARDSON:
 2 Q Sir, I am showing you what has been marked
 3 as Deposition Exhibit Number 46.
 4 It is another copy of a quarterly report of
 5 the Secretary of the L.I.A. dated April 4th, 1960, the
 6 first page of which is Bates stamped L.I.A. 22586 and
 7 ask you whether or not this is a document that was
 8 produced by the L.I.A. in this litigation?
 9 (Whereupon, document tendered to witness.)
 10 A Yes, I believe it is.
 11 Q And have you seen this document before,
 12 sir?
 13 A I would like to look at it first.
 14 MR. RICHARDSON: I am sorry? Oh, I thought
 15 there was a question.
 16 MR. WHITEFORD: I think they were just
 17 trying to get the number.
 18 Q I am specifically only interested in page 2,
 19 but --
 20 A Okay.
 21 (Whereupon, pause.)

1 BY MR. RICHARDSON:
 2 Q All right, sir, if I can -- well, have you
 3 seen this document before?
 4 A Yes.
 5 Q On page 2, number 8, under Harvard lead
 6 toxicity study -- by the way, this appears to indicate
 7 that, at least as of April 1960, the L.I.A. was still
 8 involved in funding research at Harvard; is that
 9 correct?
 10 A I believe they were, yes.
 11 Q Okay. It states there that the American
 12 Standards Association holds long established
 13 leadership in the setting of allowable limits on
 14 substances which may be hazardous to health.
 15 Do you know what documents exist which would
 16 support his statement that the ASA holds long
 17 established leadership in the setting of allowable
 18 limits on substances which may be hazardous to
 19 health?
 20 MR. SULLIVAN: L.I.A. documents?
 21 Are you talking about documents throughout

1 the universe alone?
 2 Q That you are aware that you have seen in
 3 connection with this litigation?
 4 A Well, I have basically have seen only L.I.A.
 5 documents.
 6 The documents that they are referring to are
 7 American Standards documents such as the copy of the
 8 one you have there.
 9 Q And --
 10 A They are promulgated by the standards
 11 organization itself.
 12 Q Okay. It says two committees of the ASA,
 13 both of which have a leading part.
 14 Do you know what he means by that?
 15 A I do not, but I know that L.I.A. was very
 16 much interested in seeing that these standards were
 17 distributed widely and that they were utilized.
 18 Q Okay.
 19 A It was our method of attacking the problem
 20 that we have been talking about here.
 21 Q I agree, since these American Standards are

1 quite generally looked to by governmental agencies in
 2 the promulgation of laws and regulations.
 3 And let me just stop there and ask you, sir,
 4 that isn't it true that this document indicates that
 5 it was understood by the L.I.A. in 1960 that
 6 governmental agencies looked to the ASA in the
 7 promulgations of laws and regulations?
 8 MR. SULLIVAN: Object to the form of the
 9 question.
 10 A I think that is an overstatement in large
 11 manner.
 12 I believe that ASA would have been looked to
 13 as would other standards organizations in a given
 14 particular field.
 15 A government agency certainly might call on
 16 them to provide whatever information they have.
 17 Q That was not stated in this document, was
 18 it, sir?
 19 A It wasn't couched in that direction, but it
 20 is --
 21 Q And, in fact, you were not employed by the

1 L.I.A. as of April of 1960, were you, sir?
 2 A No, I was not.
 3 MR. SULLIVAN: Objection.
 4 Q And it goes on to state that, after
 5 consideration of the potentialities of findings by
 6 several scientific institutions, the Harvard School of
 7 Public Health has been invited to submit a proposal
 8 for research in this field over a three-year period.
 9 My question to you, sir, is do you know
 10 which other potential scientific institutions were
 11 considered besides the Harvard School of Public Health
 12 before that decision was made?
 13 MR. SULLIVAN: Objection.
 14 A I do not. I don't --
 15 Q Do you know why they chose the Harvard
 16 School of Public Health to do this particular
 17 research?
 18 A I don't, but I think it is a very
 19 prestigious organization. I am sure that there was
 20 some consideration of that.
 21 Q And, in fact, it is the Harvard school --

1 the Harvard institution has been one that the L.I.A.
 2 has been intimately involved in since its inception;
 3 isn't that correct?
 4 MR. SULLIVAN: Inception of L.I.A.?
 5 MR. RICHARDSON: Yes.
 6 MR. DAVID: Object to the form of the
 7 question. Vague and indefinite as to what intimately
 8 involved in means.
 9 Q You can answer, sir.
 10 MR. SULLIVAN: I am going to object on the
 11 same grounds.
 12 A L.I.A. did deal with Dr. Aub from Harvard.
 13 Q From its inception or shortly thereafter?
 14 A I believe so. Again, we were doing good
 15 work all the way along in asking Dr. Aub to help us,
 16 again, determine things about childhood lead poisoning
 17 that were unknown.
 18 Q I move to strike since it is nonresponsive
 19 and there is no question pending.
 20 MR. DAVID: I object to the motion. It is
 21 totally responsive.

1 (Whereupon, Smith Deposition Exhibit Number
 2 47 was marked for identification.)
 3 BY MR. RICHARDSON:
 4 Q Sir, I am showing you what has been marked
 5 as Deposition Exhibit Number 47.
 6 It is a letter from the Secretary of the
 7 L.I.A. to the Board of Directors and the industry
 8 development committee of the L.I.A.
 9 It is attached -- it is dated March 16th,
 10 1960 and it is attached as Exhibit D to the Board of
 11 Director meeting minutes dated April 6th, 1960.
 12 For the record, the minutes are not
 13 attached, but Exhibit D is what is reflected in this
 14 document; is that correct?
 15 (Whereupon, document tendered to witness.)
 16 A Yes, I think so.
 17 Q The first page of it is Bates stamped L.I.A.
 18 682.
 19 Is this a document that was produced by the
 20 L.I.A. in this litigation?
 21 A I believe it was.

1 Q And have you seen this before?
 2 A I would look to look through it first.
 3 Q Absolutely.
 4 (Whereupon, pause.)
 5 (Whereupon, discussion off the record.)
 6 THE VIDEOGRAPHER: We are back on the
 7 record. The time is 4:52.
 8 (Whereupon, pause.)
 9 MR. SULLIVAN: Do you want Mr. Smith to go
 10 through and read all of the parts of the proposal?
 11 MR. RICHARDSON: No, I am going to deal only
 12 with the first two pages.
 13 BY MR. RICHARDSON:
 14 Q Have you finished?
 15 A Yes.
 16 Q Have you seen this before?
 17 A Just now.
 18 Q Okay. Other than just now, though, you have
 19 never seen it before?
 20 A I don't remember seeing it.
 21 Q Okay. Was the secretary in March of 1960

1 still Mr. Ziegfeld of the L.I.A.?
 2 A Yes.
 3 Q Okay. Do you know why he would state in the
 4 first paragraph that the potential hazard of lead
 5 compounds due to their toxicity often hampers or even
 6 completely precludes their sale for many uses and
 7 costs our industry probably several million dollars a
 8 year in additional markets.
 9 Do you know why he would say that?
 10 MR. SULLIVAN: Objection.
 11 A No, I do not.
 12 Q On page 2 -- I am sorry, I understand that
 13 you haven't seen this document before, but it states
 14 that we also feel that the Harvard School of Public
 15 Health is as well suited as any organization in the
 16 country to conduct this research and that its findings
 17 would be accepted as authoritative by industries and
 18 governmental agencies.
 19 Do you see that, sir?
 20 A I do.
 21 Q Do you know from your review of the

1 documents whether or not it was the L.I.A.'s belief
 2 from the first time it began funding research at the
 3 Harvard School of Public Health whether or not it knew
 4 that this institution was authoritative and would be
 5 accepted by governmental agencies?
 6 A I don't really know that. I can't say
 7 that.
 8 Q If you don't know, you don't know, sir.
 9 MR. SULLIVAN: Are you done with that
 10 document?
 11 MR. RICHARDSON: Yes.
 12 (Whereupon, Smith Deposition Exhibit Number
 13 48 was marked for identification.)
 14 BY MR. RICHARDSON:
 15 Q I am now showing you what has been marked as
 16 Deposition Exhibit Number 48.
 17 It appears to be a copy of the American
 18 Standard specifications to minimize hazards to
 19 children from residual surface coating materials
 20 sponsored by the American Academy of Pediatrics,
 21 approved April 29th, 1964, the first page of which is

1 Bates stamped L.I.A. 25045.
 2 Is this a document that was produced by the
 3 L.I.A. in this litigation?
 4 (Whereupon, document tendered to witness.)
 5 A Yes, I believe it was.
 6 Q And have you seen this before?
 7 A I have seen this before.
 8 Q Is this a revision of the earlier standard
 9 that we were discussing in 1955?
 10 A I believe it is, yes.
 11 Q In fact, up in the top right-hand corner of
 12 the first page it states revision of Z66.1, 1955;
 13 isn't that correct?
 14 A Yes.
 15 Q Okay. To what extent was it revised.
 16 Do you know?
 17 A I would have to look at it --
 18 Q Take your time.
 19 A -- for a moment.
 20 (Whereupon, pause.)
 21 A Okay. Could I have your question again,

1 Q What is that?
 2 A I believe this would mean the film after the
 3 volatiles had --
 4 Q Evaporated?
 5 A -- evaporated.
 6 Q And if you turn to page L.I.A. 25047, it
 7 states that the ASA sectional committee Z66 which
 8 reviewed and approved the standard had the following
 9 personnel at the time of approval, and it lists an
 10 individual by the name of Don G. Fowler, F-o-w-l-e-r,
 11 on behalf of the L.I.A.
 12 Do you know who that gentleman is?
 13 A Yes. He was an employee of L.I.A.
 14 Q He was?
 15 A Yes.
 16 Q Do you know what position he held as of
 17 1964?
 18 A I think he was Director of Environmental
 19 Health.
 20 Q You had been working for the company for
 21 approximately three or a little bit more years by this

1 Do you see that, sir?
 2 A Yes, I see that.
 3 Q And at this point in time, having had three
 4 years of employment at the L.I.A., did you know who he
 5 was?
 6 A No, I did not.
 7 Q You had not met him at this time?
 8 A No.
 9 Q It also has a D.S. Ring on behalf of the
 10 National Paint, Varnish and Lacquer Association.
 11 Had you met Mr. Ring by this time?
 12 A No.
 13 Q Okay.
 14 Now, the next page, it says the Z66.1
 15 subcommittee which prepared the standard had the
 16 following personnel, and it lists as Chairman, Mr.
 17 Eckart and as Secretary, Mr. Fowler of the L.I.A.
 18 Did you know as of 1964 that he served on
 19 the ASA subcommittee?
 20 A If I did, it would only have been in passing
 21 interest. I would not have paid any attention to it.

1 please.
 2 Q Sure.
 3 Are you able to tell me to what extent the
 4 standard in 1955 was revised in 1964?
 5 A I believe there was some wording that was
 6 changed, and I believe barium compounds were added to
 7 the list of materials.
 8 Q Under the category specifications on page
 9 L.I.A. 25049, was there anything under number 1 that
 10 was changed?
 11 And you have in front of you both of them, I
 12 take it --
 13 A Yes.
 14 Q -- the '55 and the '64?
 15 A The wording, film solids was added.
 16 Q Okay. And the paragraph preceding the
 17 subpart one, it refers to a term, dry film.
 18 Do you see that?
 19 A Under -- again, under 2, specifications?
 20 Q Yes.
 21 A I see the word dry film.

1 time, by 1964?
 2 A No, I had been there about three years.
 3 Q Had you known him by that time or did you
 4 meet him later?
 5 A I did know Don Fowler.
 6 Q It also has an R.L. Ziegfeld as an alternate
 7 on behalf of L.I.A.
 8 Is he the Secretary of L.I.A.?
 9 A That is correct.
 10 Q Or at least was at that time?
 11 A Was at that time, that is right.
 12 Q Was the L.I.A. a member of the National
 13 Paint, Varnish and Lacquers Association?
 14 A No.
 15 MR. SULLIVAN: Just object to time frame.
 16 You mean, at any point in history?
 17 Q At this time.
 18 A No, it was not.
 19 Q I see here that Mr. Eckart or Sapolin Paint
 20 represent the National Paint, Varnish and Lacquer
 21 Association in 1964.

1 Q Okay.
 2 MR. SULLIVAN: Are you asking him in his
 3 personal knowledge or corporate knowledge of L.I.A.?
 4 Q Well, you are testifying on behalf of the
 5 company, but you testified that you would have been
 6 working as of three years at this time.
 7 A I was.
 8 Q So I was just concerned as to whether or not
 9 you ever knew this gentleman or that he served on this
 10 committee at that time?
 11 A Mr. Eckart, no.
 12 Q No, Mr. Fowler.
 13 A Oh, Mr. Fowler, I did know him.
 14 Q Did you know that he was on this committee?
 15 A No, I did not.
 16 Q That is all I was asking.
 17 As of 1964, was the Sherwin-Williams Company
 18 a member of the L.I.A.?
 19 A No, they were not.
 20 Q Okay. Was the DuPont Company a member of
 21 the L.I.A. in 1964, to your knowledge?

1 A I don't know.
 2 Q And do you know if the National Lead Company
 3 was a member of the L.I.A. in 1964?
 4 A Yes, I believe they were.
 5 Q And having looked at these names, do you
 6 know any of these other gentlemen listed there, for
 7 instance, Mr. Averill of the Hercules Powder Company?
 8 A Are you on the first part of that or --
 9 Q Yes, the first part, left column, Myron
 10 Averill.
 11 Did you know him?
 12 A No, I did not.
 13 Q Did you know Mr. Higgins of the Benjamin
 14 Moore Company?
 15 A No, sir.
 16 Q Or Mr. Hoover of the Toy Manufacturers of
 17 the USA?
 18 A No.
 19 Q Did you know him?
 20 A No, I did not.
 21 Q Did you know Mr. Lutz of Pratt & Lambert?

1 A No, I did not.
 2 Q Did you know Mr. Nale, N-a-l-e, of the Union
 3 Carbide Corp?
 4 A No.
 5 Q Lutz is spelled L-u-t-z, by the way.
 6 Did you know Mr. Sparre, S-p-a-r-r-e, of the
 7 DuPont Company in 1964?
 8 A No, I did not.
 9 Q Did you know Mr. Whitson, W-h-i-t-s-o-n, of
 10 the National Lead Company in 1964?
 11 A I am not sure. I may have met him.
 12 Q Okay.
 13 (Whereupon, Smith Deposition Exhibit Number
 14 49 was marked for identification.)
 15 BY MR. RICHARDSON:
 16 Q Sir, I am now showing you what has been
 17 marked as Deposition Exhibit Number 49.
 18 This is a summary of a paper delivered by
 19 Dr. Byran Emmerson, B-y-r-a-n, E-m-m-e-r-s-o-n, of
 20 Queensland, Australia, which was presented at the
 21 conference on lead poison in children at the

1 Rockefeller University, May 25th, 1969, the first page
 2 of which is Bates stamped NLI 20907.
 3 And my question, first of all, to you, sir,
 4 is have you ever seen this before since it was not
 5 produced by L.I.A.?
 6 (Whereupon, document tendered to witness.)
 7 A Not to my knowledge.
 8 Q Do you know whether or not the L.I.A.
 9 attended the conference on lead poisoning in children
 10 at the Rockefeller University in May of 1969?
 11 A I do not.
 12 Q Do you know whether or not they sponsored
 13 such a conference?
 14 A I do not.
 15 Q Had you ever heard of Dr. Emmerson?
 16 A No.
 17 (Whereupon, discussion off the record.)
 18 BY MR. RICHARDSON:
 19 Q Were you aware that, as of 1969, Australia,
 20 Queensland, Australia had completely eliminated the
 21 use of lead in paint?

1 A No.
 2 Q Were you aware, sir, that during the 1920s
 3 and 1930s, that European countries had prohibited the
 4 use of white lead in residential paint --
 5 MR. SULLIVAN: Objection.
 6 Q -- for interior use?
 7 MR. SULLIVAN: Objection. That is a
 8 mischaracterization.
 9 Q Had you ever heard of anything like that,
 10 sir?
 11 A No, I have not heard that.
 12 Q Okay. Is there any difference between the
 13 international zinc research organization and the
 14 American Zinc Institute?
 15 Are they one in the same or two different
 16 organizations?
 17 A They were two different organizations.
 18 Q Okay. I want to show you, sir, some
 19 testimony of yours.
 20 We referred to this earlier, your testimony
 21 in the Santiago case dated October 19th, 1989, and I

1 would like to specifically refer you to pages 211 and
 2 212 beginning around line 10 of 211.
 3 And if you can read that to yourself first,
 4 sir, over to line 23 of the next page, to the end of
 5 the next page, I would appreciate it.
 6 (Whereupon, pause.)
 7 MR. RICHARDSON: I object to the counseling
 8 of the witness as he reads this transcript.
 9 MR. SULLIVAN: What we are doing is -- it
 10 actually starts back further and there is differences.
 11 We pick up in the middle of the discussion and we are
 12 talking about interior and exterior issues and we have
 13 to distinguish between what is going on. We are
 14 trying to do that.
 15 MR. SKALLERUD: There also needs to be a
 16 foundation laid as to which there has been a complete
 17 lack of foundation.
 18 MR. RICHARDSON: It has already been stated
 19 earlier in the deposition.
 20 MR. SKALLERUD: Oh, I am aware of that and
 21 there was an objection stated then, and I am stating

1 it here.
 2 I also object to the -- to the way you are
 3 using -- I don't think there is any impeachment.
 4 BY MR. RICHARDSON:
 5 Q Have you finished?
 6 A I have.
 7 Q Do you remember giving that deposition, back
 8 in '89?
 9 A I do.
 10 Q Isn't it true, sir, that the application of
 11 a coat of lead paint results in a dry film after the
 12 other solubles on it has evaporated?
 13 MR. SULLIVAN: Objection.
 14 Q Isn't that true?
 15 MR. SULLIVAN: If you know.
 16 A I am not a paint chemist and I am not an
 17 expert.
 18 Q From your experience in working for the
 19 L.I.A., isn't it true that what is left is a dry film
 20 as --
 21 A I believe that is true.

Page 320 1 MR. SULLIVAN: Let him finish his question 2 and then you can give the answer. 3 Q Now, isn't it also true that if you have 4 multiple applications of a coating of paint, even 5 though the percentage remains the same, you have an 6 increase in the amount of lead that is on that 7 surface, unless that surface is scraped or something 8 to remove the previous coatings? 9 But if that is not true, if the coatings 10 remain there, the dry film that accumulates from the 11 multiple applications from different coatings 12 increases the amount of lead there, albeit the 13 percentage staying the same; isn't that true, sir? 14 MR. SULLIVAN: Objection. I am not sure -- 15 objection. I can't understand the question. 16 Q You can answer, if you understand it. 17 A That is a mathematical problem, I presume, 18 that I don't know. I couldn't give you an honest, 19 clear answer. 20 Q Do you remember being asked that question in 21 this deposition?	Page 321 1 A I see it here. 2 Q And do you remember what your answer was 3 then? 4 A My answer was possibly, yes. 5 Q Okay. And just so that we are clear, can 6 you read the question and the answer that you are now 7 referring to? 8 MR. SULLIVAN: Well, that is part of the 9 problem that we were having when you said I am 10 coaching him. I am not, because this question 11 actually is -- comprises about four pages of testimony 12 here trying to get the question even asked in a way 13 that he could respond to it. And it is in bits and 14 pieces over that period of time. 15 MR. RICHARDSON: Can I see the deposition? 16 MR. SULLIVAN: That question was very 17 similar to what you were arguing about the paint. It 18 was an accumulating question over pages finally 19 materialized into something. 20 BY MR. RICHARDSON: 21 Q I am going to read beginning on page 212
Page 322 1 line 14 down to line 23, and just let me know if I am 2 reading it correctly, sir. 3 So that if there were very little lead in 4 one coat, if you had an accumulation of coats, it 5 could present the same hazard. Your answer, that is 6 correct, so do I understand the L.I.A. position that 7 lead which has accumulated like that on interior 8 surfaces like you described to us can be a hazard to 9 children if so ingested. We believe so. 10 Did I read that correctly, sir? 11 MR. SKALLERUD: Objection. 12 MR. SULLIVAN: Objection. 13 Q Did I read that correctly, sir? 14 MR. SKALLERUD: For the record, you have 15 left out the objections raised by counsel at that 16 deposition. 17 MR. RICHARDSON: I am reading a section that 18 didn't have anything -- there was no objection to that 19 last question at the deposition. 20 MR. SKALLERUD: That is contrary to the copy 21 I have.	Page 323 1 MR. RICHARDSON: Page 212. Question, 2 answer, no objection in between. That is all I was 3 referring to was the last question. 4 MR. SKALLERUD: For the record, start with 5 line 14, and there is an objection on line 17 and 6 another objection following the second question 7 beginning on line 24. 8 BY MR. RICHARDSON: 9 Q Sir, are you aware or can you tell me 10 whether or not the L.I.A. was named as a defendant in 11 this civil conspiracy suit filed by a paint 12 manufacturer in or around 1950 alleging a conspiracy 13 to control the sale or distribution of titanium 14 pigments? 15 MR. SULLIVAN: Objection. 16 Q Do you know whether or not -- 17 MR. SULLIVAN: Objection as to the 18 characterization of it and let's see some foundation. 19 A Have you got anything in documents -- 20 Q Do you have any independent knowledge of 21 that?
Page 324 1 A -- to refresh my knowledge? 2 I don't know what you are talking about. 3 MR. SULLIVAN: I object to the 4 characterization and -- 5 MR. RICHARDSON: I asked him and he said he 6 doesn't know. 7 Q Did the L.I.A. belong to any other trade 8 associations? 9 MR. SULLIVAN: Objection as to time frame. 10 MR. RICHARDSON: 1928 to the 1970s. 11 A When you say any other -- 12 Q Well, it itself was a trade association. 13 Did it belong to any other trade 14 associations or organizations? 15 A I would not know that. 16 Q Did the L.I.A. subscribe to any medical 17 journals, to your knowledge? 18 MR. SULLIVAN: Again, just objection as to 19 time frame. Are you talking '28 to 197 -- 20 Q Same time period, 1928 to the mid '70s, 21 sir.	Page 325 1 A I think it did, yes. 2 Q Do you know which ones? 3 A I do not. 4 Q Do you know whether or not they subscribed 5 to the New England Journal of Medicine? 6 MR. SULLIVAN: Again, time frame, but if you 7 can answer. 8 A From time to time I am aware that they did 9 receive the New England Journal of Medicine. 10 Q In fact, you have testified to that effect, 11 haven't you, sir? 12 A I don't know. 13 Q Did the members of the L.I.A. pay dues? 14 A Yes. 15 Q And do you know how the dues were determined 16 for a particular member? 17 MR. SULLIVAN: Objection as to time frame. 18 A That would vary with the years. 19 Q Between the 1928 and the mid 1970s, how was 20 dues determined? 21 MR. SULLIVAN: Objection, again.

Page 326 1 A Again, it varied over the years. 2 Q Okay. In the beginning years, how was it 3 determined? 4 A Well, I don't have that right at hand. If 5 you have a document that you can show me, I will look 6 at it. 7 Q So you don't know off the top of your head, 8 sir? 9 A No, I sure don't. 10 Q Okay. 11 Sir, do you have any reason to disagree with 12 the statement that the national lead industries was a 13 member of the L.I.A. from 1928 to approximately 1982? 14 A I don't understand the question. 15 Q Have you seen anything in the documents that 16 you reviewed to indicate that the national lead 17 industries was not a member of the L.I.A. between 1928 18 and 1982? 19 MR. SULLIVAN: Objection. 20 A I still don't understand that question. 21 Q What I am trying to determine, sir, is	Page 327 1 whether or not you are aware that the National Lead -- 2 I am not trying to determine it, you already told me 3 you don't know that. 4 What I am trying to determine is whether or 5 not you would disagree with responses to discovery 6 requests from several defendants in which they 7 indicate -- or through the form of letters in which 8 they indicate that they were members of the L.I.A. And 9 I am giving you specific years for each defendant, and 10 I am asking you whether or not you have any knowledge 11 to disagree with that. And the first one that I am 12 giving you information about is national lead 13 industries. 14 Do you have any reason to disagree that they 15 were a member of the L.I.A. between 1928 and 1982? 16 MR. SULLIVAN: Objection. You have laid a 17 lot of purported foundation in there. I think, if you 18 ask him about dates, he may have trouble giving them 19 to you, but if you are asking him if you have 20 documents that show the dates, he can give you that. 21 Q I am interested in finding out if you have
Page 328 1 any reason to believe this not to be true? 2 MR. SULLIVAN: You have to show us what they 3 submitted to confirm -- 4 MR. RICHARDSON: I am not asking about the 5 documents. 6 BY MR. RICHARDSON: 7 Q I am asking whether or not you are able to 8 say anything to disagree with that statement? 9 MR. SULLIVAN: Well, I think he has to say 10 disagree or agree. If he has knowledge one way or 11 another, he can do so. You are purporting these are 12 representations -- 13 MR. RICHARDSON: Mr. Sullivan, please. 14 MR. SULLIVAN: If you have representations 15 given by them, we can say if we agree or disagree. 16 BY MR. RICHARDSON: 17 Q Do you agree or do you have any reason to 18 disagree with the statement that the National Lead 19 Industries was a member of the L.I.A. from 1928 to 20 1982? Simple question. 21 MR. SULLIVAN: Say one way or another.	Page 329 1 A I would disagree. 2 Q You would disagree with that? 3 A Yes. 4 Q Okay. Do you disagree with the statement 5 that the St. Joseph Lead Company was a member of the 6 L.I.A. from 1928 and the present? 7 MR. HIRSCH: Objection. 8 MR. SULLIVAN: Objection. If you know the 9 information, you can give it to him as to what the 10 membership of any of the purported defendants is. 11 A St. Joe Lead was a member up until about 12 1985. 13 Q All right. But you do not know one way or 14 the other after that date? 15 A I know they weren't. 16 Q You know that for a fact? 17 A Yes. 18 Q Do you agree or disagree with the statement 19 that the International Smelting and Refining Company 20 was a member of the L.I.A. from 1929 to 1971? 21 MR. SULLIVAN: If you can agree or
Page 330 1 disagree. 2 A I would disagree. 3 Q Would you agree or disagree that the Glidden 4 Company was a member of the L.I.A. between 1928 and 5 1960? 6 MR. WHITEHEAD: Are you saying that is 7 continuously? 8 MR. RICHARDSON: I am sorry, yes. 9 MR. WHITEHEAD: Is it your assumption that 10 is continuously? 11 MR. RICHARDSON: That is right. 12 MR. WHITEHEAD: You got that information 13 from -- 14 MR. SULLIVAN: Do you agree or disagree? 15 A No. 16 MR. SULLIVAN: For ease, all of our records 17 would have that information in it and we have produced 18 them to you. 19 MR. RICHARDSON: They don't have them -- 20 MR. SULLIVAN: We can only tell you what is 21 in our records.	Page 331 1 MR. RICHARDSON: That is what I am asking. 2 MR. WHITEHEAD: I am going to object to the 3 question on Glidden for lack of foundation. 4 BY MR. RICHARDSON: 5 Q With respect to the defendant DuPont 6 Company, are you able to agree or disagree with the 7 statement that they were a member of the L.I.A. 8 between 1947 and 1958 and, again, from 1963 to 1982? 9 MR. HIRSCH: Objection. 10 A I am not able to agree or disagree. 11 Q Are you able to agree or disagree that the 12 W.A. Fuller company was a member of the L.I.A. between 13 1947 and 1957? 14 MR. SULLIVAN: Objection. W.P. Fuller is 15 not a defendant in the case. 16 Q You can still answer. 17 MR. SULLIVAN: If you know. 18 A I do not know. 19 Q Do you know one way or the other whether or 20 not the Sherwin-Williams Company was a member of the 21 L.I.A. between 1928 and 1947?

Page 332 1 MR. SULLIVAN: Objection. If you have 2 information, you can tell him. 3 A Sherwin-Williams was a member. 4 Q During those years? 5 A During those years, yes. 6 Q Isn't it true, sir, that the L.I.A. was 7 aware of a Baltimore City ordinance in 1961 which 8 restrict the use of lead paint for interior use in 9 residential buildings? 10 MR. SULLIVAN: Objection. If you have 11 knowledge, you can answer the question. 12 A Would you state it again, please. 13 Q Was the L.I.A. aware of a Baltimore City 14 ordinance in 1951 limiting the use of lead paint for 15 interior residential dwellings? 16 MR. SULLIVAN: Objection. I think you 17 should show him the ordinance so he can determine 18 whether your characterization is accurate. 19 MR. RICHARDSON: I am not -- 20 MR. SULLIVAN: You just want to ask him if 21 he has the knowledge?	Page 333 1 MR. RICHARDSON: I appreciate your 2 suggesting how I should ask questions, but I refuse to 3 do so. 4 MR. SULLIVAN: It might help us get along. 5 MR. RICHARDSON: It won't. Go ahead, sir. 6 MR. DAVID: Nothing works. 7 A I believe that there was a lead paint 8 ordinance in Baltimore in 1951. 9 Q Was there -- do you also know whether -- 10 MR. SULLIVAN: Is there more to the 11 question? 12 MR. RICHARDSON: To the question? 13 MR. SULLIVAN: More to the answer? Is that 14 the end of your answer? 15 A I believe the Lead Industries Association 16 supported the development of this. 17 Q Do you have any proof of that, sir? 18 A Well, again, in going through the documents 19 that we have seen, I have seen reference to that. 20 Q Can you cite me one document that supports 21 what you just said?
Page 334 1 MR. SULLIVAN: If you happen to have a 2 specific memory, you can tell him. 3 A I don't have a specific. 4 Q Are you aware, sir, in 1958 the City of 5 Baltimore enacted a Baltimore City ordinance which 6 required a label on the use of residential paints 7 where the lead content was 1 percent or more? 8 MR. SULLIVAN: Do you have a specific 9 knowledge? 10 I object and the objection is to the 11 characterization of the act. 12 A I do not have specific information on that. 13 Q Okay. 14 Did the Lead Industries Association maintain 15 insurance coverage? 16 MR. SULLIVAN: Objection. 17 A You would have to be more specific. 18 Q Between 1928 and the mid 1970s. 19 A I honestly don't know. 20 Q Do you know whether or not the Lead 21 Industries Association worked with insurance companies	Page 335 1 for the purpose of participating in studies of the 2 subject of childhood lead poisoning? 3 MR. SULLIVAN: Objection. Again, time 4 frame. 5 MR. RICHARDSON: 1928 to the mid 1970s. 6 A I do not know that. 7 Q Okay. Do you know whether or not in the 8 white lead promotional program conducted by the L.I.A. 9 whether at any time during that program they promoted 10 their members' lead products as being nontoxic or 11 safe? 12 MR. SULLIVAN: Objection. If you have a 13 specific memory. 14 A I know of no such thing. 15 Q All right. 16 Do you know if the L.I.A. in any of its 17 promotions of its members' lead products, including 18 their members' lead paint products, that they promoted 19 those products as being nontoxic or safe? 20 MR. SULLIVAN: Objection. 21 MR. WHITEHEAD: I am going to object to the
Page 336 1 question. It contains an assumption that is not in 2 evidence. 3 Q You can answer, sir. 4 A I don't know of any such promotion. 5 Q Isn't it true, sir, that white lead carbon 6 was first produced in the United States in the early 7 1800s? 8 MR. SULLIVAN: Objection. 9 A I have no way of knowing. 10 Q Isn't it true, sir, that in 1943 the L.I.A. 11 assisted in a publication of a manual for painting 12 farm buildings and equipment which promoted the use of 13 white lead paint for interior and exterior residential 14 surfaces? 15 MR. SULLIVAN: Objection. If you know. 16 A I have read of that, yes. 17 Q Did the L.I.A. ever make use of the public 18 libraries -- 19 MR. SULLIVAN: Objection. 20 Q -- with respect to their research of the 21 medical and scientific literature on childhood lead	Page 337 1 poisoning between 1928 and the mid 1970s? 2 A I have no way of knowing. 3 MR. SULLIVAN: Objection. 4 Do you mean, did they have research done for 5 them or did they go to the library? 6 Q That is right. 7 Did they ever go to the public library to 8 determine what medical and scientific literature was 9 available between the 1928 and 1970s? 10 MR. SULLIVAN: If you ever know of anybody 11 going to the library. 12 A No way of knowing who did that. 13 Q Was there anyone assigned to the task of 14 monitoring the medical and scientific literature 15 available regarding childhood lead poisoning? 16 MR. SULLIVAN: 1928 to -- 17 Q In L.I.A. mid 1928 and the mid 1970s? 18 MR. SULLIVAN: Objection. If you know, you 19 can answer. 20 A I don't know. 21 Q Did the L.I.A. ever fund any efforts to

1 remove the paint that was on the residential dwellings
2 in the inner cities?
3 MR. DAVID: I object to the question. It is
4 irrelevant.
5 MR. SULLIVAN: Objection.
6 A I have no knowledge of that.
7 MR. RICHARDSON: Just give me one moment.
8 (Whereupon, pause.)
9 BY MR. RICHARDSON:
10 Q Did there come a time, Mr. Smith, that the
11 L.I.A. believed that white lead should not be used in
12 paints for residential surfaces whether interior or
13 exterior?
14 MR. SULLIVAN: Objection.
15 A I have no knowledge of that.
16 MR. RICHARDSON: Okay.
17 That is all of the questions that I have.
18 Anyone else have any questions?
19 MR. WHITEHEAD: I reserve my right to ask
20 questions of the witness.
21 MR. RICHARDSON: You want to keep the

1 deposition open?
2 MR. WHITEHEAD: No, if I have more
3 questions, I will request the attendance of the
4 witness.
5 MR. RICHARDSON: Anybody else?
6 MR. DAVID: Well, I have a couple of hours,
7 but I think I will probably put them off until another
8 day.
9 I am just kidding. No questions.
10 MR. RICHARDSON: Thank you very much, sir,
11 for coming down from New York.
12 Will he read and sign or will he waive?
13 MR. SULLIVAN: No, we will read and sign.
14 THE VIDEOGRAPHER: The deposition of Jerome
15 Smith is concluded. The time is approximately 5:33.
16 (Thereupon, at 5:33 p.m., the videotaped
17 deposition was concluded.)
18
19
20
21

1 State of Maryland
2 City of Baltimore
3 I, Bonnie L. Gahagan, a Notary Public of the
4 State of Maryland, City of Baltimore, do hereby
5 certify that the within-named witness personally
6 appeared before me at the time and place herein set
7 out, and after having been first duly sworn by me,
8 according to law, was examined by counsel.
9 I further certify that the examination was
10 recorded stenographically by me and this transcript is
11 a true record of the proceedings.
12 I further certify that I am not of counsel
13 to any of the parties, nor an employee of counsel, nor
14 related to any of the parties, nor in any way
15 interested in the outcome of the action.
16 As witness my hand and seal this 27th day of
17 March, 1996.
18
19 Bonnie L. Gahagan
20 My Commission Expires 10-01-96
21

1 INDEX
2 Deposition of Jerome F. Smith
3 March 26, 1996
4 EXAMINATION BY: PAGE
5 Mr. Richardson 8
6 Smith
7 EXHIBITS DESCRIPTION PAGE
8 1 Notice of Videotape Deposition 13
9 2 Constitution and By-laws, 11-14-28 25
10 3 Directors Meeting of 5-29-29 35
11 4 Directors Meeting of 9-11-29 41
12 5 Directors Meeting of 10-1-30 44
13 6 Directors Meeting of 9-30-31 52
14 7 1-3-32 letter from F. Wormser 58
15 8 9-28-32 letter to members of L.I.A. 62
16 9 Directors Meeting of 9-28-32 68
17 10 Directors Meeting of 6-15-33 80
18 11 Annual Meeting minutes of 6-13-35 86
19 12 Board of Directors Meeting of 10-1-35 97
20 13 Secretary and Treasurers reports of 103
21 14 Board of Directors Meeting of 6-29-37 104

INDEX (CONTINUED)		
Smith EXHIBITS	DESCRIPTION	PAGE
16	2-20-30 letter to Members of L.I.A.	112
17	Annual Meeting of members of 5-16-39	120
18	2-15-40 letter to Mr. Wormser	137
19	Board of Directors Meeting of 1-7-41	141
20	1-19-44 letter to Dr. Kehoe	143
21	2-7-44 letter from Dr. Kehoe to Mr. Wormser	147
22	7-25-44 letter to Dr. Kehoe	150
23	1-29-45 letter to Schaefer	152
24	Executive Committee Meeting of 12-28-45	154
25	Executive Committee Meeting of 4-2-48	165
26	12-1-50 letter to members of L.I.A.	168
27	L.I.A. letter from Manfred Bowditch of January 1952	186
28	4-9-52 letter to members of L.I.A.	190
29	Board of Directors Meeting of 4-10-53	195
30	3-27-53 letter to members of L.I.A.	200
31	4-12-54 letter to members of L.I.A.	207
32	American Standards Specifications approved 2-16-55	213

INDEX (CONTINUED)		
Smith EXHIBITS	DESCRIPTION	PAGE
33	Letter to members of L.I.A.	224
34	Board of Directors Meeting of 12-5-55	230
35	Quarterly Report dated 4-2-56	234
36	4-13-56 letter to members of L.I.A.	236
37	Report of Health and Safety Division	243
38	Quarterly Report dated 4-1-57	251
39	8-6-57 letter to members of L.I.A.	255
40	Quarterly Report dated 10-1-57	269
41	Quarterly Report dated 4-2-58	272
42	Report of Health and Safety Division	278
43	Precautionary Labeling of Lead Products	282
44	Quarterly Report dated 1-14-59	286
45	4-1-60 letter to members of L.I.A.	288
46	Quarterly Report dated 4-4-60	297
47	3-16-60 letter to Board of Directors	304
48	American Standards Specification approved 4-29-64	307
49	Conference on Lead Poisoning in Children	315

1
2
3
4
.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

\$10,000 [1]	100:6	84:14	85:12	220:12	16 [6]	112:16	112:19	1943 [1]	336:10	1980 [3]	38:8	174:10
\$6,000 [1]	100:6	220:12			122:13	213:19	235:3	19433 [1]	289:5	177:18		
\$62,500 [1]	158:9	10017 [1]	11:14		342:3			1944 [6]	143:17	146:5	1982 [5]	326:13
'28 [3]	172:17	10022-4690 [1]			165 [1]	342:13		147:12	148:11	150:10	327:15	328:20
324:19		2:10			168 [1]	342:14		265:6			1985 [1]	329:12
'29 [1]	39:5	103 [2]	80:17	341:19	16th [3]	120:18	279:1	1945 [5]	153:10	155:6	1987 [2]	22:12
'3 [1]	227:16	104 [2]	83:11	341:20	304:9			155:17	156:3	163:15	1989 [5]	9:20
'39 [1]	122:13	10784 [1]	168:15		17 [8]	120:12	120:15	1947 [3]	331:8	331:13	175:6	175:14
'40s [1]	170:21	10786 [2]	168:20		121:11	128:11	128:12	331:21			1996 [3]	1:12
'49 [1]	173:2	176:8			198:5	323:5	342:4	1948 [1]	165:7		341:2	340:17
'5 [1]	134:1	10886 [2]	187:1		18 [3]	137:4	137:7	195 [1]	342:17		19th [7]	2:20
'53 [1]	190:3	187:12			342:5			1950 [7]	95:21	112:7	103:16	143:16
'54 [1]	190:3	10890 [1]	188:17		1800s [1]	336:7		168:14	176:12	177:7	175:4	317:21
'55 [2]	190:3	1095 [1]	143:18		186 [1]	342:15		248:13	323:12		1st [5]	98:7
'6 [1]	19:5	1096 [1]	145:8		189 [1]	104:21		1951 [2]	332:14	333:8	252:1	269:18
'60s [1]	96:13	10966 [1]	255:18		19 [5]	141:4	141:7	1952 [8]	186:20	189:10	26:15	25:11
'61 [2]	18:5	10973 [1]	267:12		266:16	267:4	342:6	190:15	192:8	193:18	26:15	26:19
'64 [1]	309:14	1099 [1]	147:14		190 [1]	342:16		204:16	227:16	342:15	39:7	39:19
'65 [4]	18:5	10th [1]	197:14		1920 [1]	96:1		1953 [6]	195:21	197:15	41:21	46:16
19:10	19:11	11 [5]	11:17	86:18	1920s [2]	96:2		200:17	201:5	202:18	138:14	149:2
'66 [3]	18:6	111:19	134:19	341:17	317:2			205:18			157:14	166:10
19:11		11-14-28 [1]	341:8		1922 [1]	115:13		1954 [1]	207:10		198:5	212:12
'67 [1]	19:15	11085 [1]	282:19		1928 [27]	24:14		1955 [12]	213:19		235:3	244:9
'69 [1]	19:4	1109 [1]	150:12		25:2	25:13	25:17	217:16	221:14	223:6	273:11	287:6
'70s [5]	8:5	112 [1]	342:3		26:21	31:17	38:7	224:4	225:2	230:5	299:5	306:12
96:13	172:4	1120 [1]	3:12		177:18	177:19	178:5	230:17	238:13	308:9	341:8	
'76 [3]	20:7	1130 [1]	153:14		259:1	324:10	324:20	308:12	309:4		2-15-40 [1]	342:5
21:15		11590 [1]	11:18		325:19	326:13	326:17	1956 [4]	234:15	237:5	2-16-55 [1]	342:21
'79 [2]	20:19	117 [1]	3:6		327:15	328:19	329:6	243:15	245:11		2-19-36 [1]	341:19
'80 [1]	172:17	11th [2]	41:10	45:10	330:4	331:21	334:18	1957 [12]	252:1		2-20-30 [1]	342:3
'80s [1]	172:5	12 [10]	97:13	97:16	335:5	337:1	337:9	253:16	254:1	255:17	2-7-44 [1]	342:8
'89 [1]	319:8	111:19	134:15	134:20	337:16	337:17		256:4	256:16	257:11	20 [5]	143:11
'90s [1]	172:5	135:1	266:16	267:5	1929 [11]	35:20		268:12	268:14	269:18	235:17	279:13
'91 [1]	18:5	267:14	341:18		37:9	39:12	40:7	274:8	331:13		20,000 [1]	160:9
's [11]	59:15	12-1-50 [1]	342:14		41:10	41:14	41:18	1958 [6]	272:18	276:7	200 [1]	342:18
66:5	66:9	12-28-45 [1]	342:12		42:3	42:8	74:8	279:1	288:7	331:8	2000s-2088 [1]	3:4
172:13	189:21	12-5-55 [1]	343:4		329:20			334:4			20036-3437 [1]	3:13
259:5	292:5	120 [1]	342:4		1930 [4]	45:10	46:19	1959 [6]	227:19	286:13	203 [1]	108:9
00034 [1]	46:2	12270 [1]	206:16		49:8	51:21		291:19	292:4	293:7	20442 [1]	137:14
02110 [1]	2:6	1254 [1]	214:1		1930s [7]	48:8		293:8			205 [1]	109:6
0294 [1]	91:18	1257 [1]	214:10		48:17	74:19	75:6	1960 [10]	171:19		20579 [2]	87:4
07 [1]	272:11	12th [2]	207:9	225:1	103:4	204:4	317:3	289:5	298:5	299:7	87:10	
09 [1]	1:13	13 [4]	103:11	210:11	1931 [6]	52:8	53:4	301:5	302:1	304:10	207 [1]	342:19
1 [16]	13:5	341:7	341:19		53:10	55:8	56:10	304:11	305:21	330:5	20907 [1]	316:2
46:4	97:18	137 [1]	342:5		281:10			1960s [1]	95:21		20th [1]	113:1
151:9	191:4	13th [2]	87:3	237:5	1932 [7]	58:19	62:13	1961 [3]	17:8	24:3	21 [5]	147:7
220:7	233:8	14 [5]	104:15	104:18	63:4	63:21	69:1	332:7			265:8	265:10
244:9	284:12	322:1	323:5	341:20	74:5	76:3		1963 [1]	331:8		210 [1]	2:12
334:7	341:7	141 [1]	342:6		1933 [3]	80:16	84:6	315:10			211 [2]	318:1
1-14-59 [1]	343:14	143 [1]	342:7		170:13			1966 [1]	21:10		212 [3]	318:2
1-19-44 [1]	342:7	1450 [1]	3:3		134:1	134:5	134:5	1969 [3]	316:1	316:10	323:1	321:21
1-29-45 [1]	342:11	147 [1]	342:9		1935 [8]	87:3	92:4	316:19			21201 [1]	3:10
1-3-32 [1]	341:13	14th [2]	26:21	286:13	97:18	98:7	101:21	197 [1]	324:19		21202 [4]	1:15
1-7-41 [1]	342:6	15 [5]	84:6	108:2	102:4	102:12	203:20	1970 [2]	19:2	95:21	2:3	2:20
10 [7]	31:10	108:5	160:15	243:6	1937 [1]	104:20		1970s [12]	33:13		2:13	
81:4	145:1	150 [2]	175:4	342:10	1938 [5]	108:7	108:19	96:12	169:15	177:19	2:20	
318:2	341:16	152 [1]	342:11		108:20	110:11	122:12	178:5	324:10	325:19	21204 [1]	2:13
10-01-96 [1]	340:20	154 [2]	97:19	342:12	1939 [7]	112:7	113:1	334:18	335:5	337:1	21234 [1]	1:20
10-1-30 [1]	341:11	157 [3]	98:2	98:9	120:18	122:13	122:14	337:9	337:17		213 [1]	342:21
10-1-35 [1]	341:18	98:15			124:19	132:6		1971 [1]	329:20		21409 [1]	252:2
10-1-57 [1]	343:10	15th [3]	80:16	137:9	194 [1]	105:8		1976 [2]	20:15	21:17	21410 [1]	252:14
100 [6]	2:6	278:21			1940 [2]	137:10	139:21	1979 [1]	22:9		21478 [1]	269:19
					1941 [1]	141:9					21696 [1]	103:18
											21700 [1]	103:14

21802 [1]	62:14	2727 [1]	159:15	255:15	343:9	551 [1]	231:11	160:19	161:14	162:15
22 [8]	150:5	2728 [1]	161:20	399 [1]	2:9	55402 [1]	2:17	162:20	163:10	176:9
265:10	265:12	2770 [1]	165:8	3rd [4]	58:19	58 [1]	341:13	189:1	189:8	191:6
266:11	266:14	2775 [1]	165:15	108:18	108:20	59 [5]	63:4	191:19	194:18	198:18
2111 [1]	190:16	278 [1]	343:12	4 [15]	27:6	65:15	78:18	199:5	205:7	206:9
1114 [1]	191:2	27th [2]	200:16	41:7	116:20	5th [1]	230:16	223:5	226:15	244:15
222 [1]	2:16	28 [5]	76:3	191:8	203:1	6 [6]	28:11	249:6	253:6	257:10
22233 [1]	272:20	272:11	279:13	272:11	279:13	56:5	117:13	268:8	270:10	270:19
22241 [1]	279:2	290:1	292:14	290:1	292:14	341:12		273:21	284:3	284:18
22243 [1]	279:19	341:10		4-1-57 [1]	343:8	6-13-35 [1]	341:17	285:1	293:3	294:14
22349 [1]	286:14	282 [1]	343:13	4-1-60 [1]	343:15	6-15-33 [1]	341:16	309:3	328:7	331:6
224 [1]	343:3	286 [1]	343:14	4-10-53 [1]	342:17	6-29-37 [1]	341:20	331:10	331:11	
22586 [1]	298:6	288 [1]	343:15	4-12-54 [1]	342:19	607 [1]	281:10	Above [2]	148:15	
22717 [1]	200:19	28th [5]	62:13	4-2-48 [1]	342:13	62 [1]	341:14	148:17		
22719 [1]	202:14	155:5	156:3	4-2-56 [1]	343:5	63 [1]	60:20	above-captioned [1]	1:12	
22720 [1]	202:13	29 [5]	76:2	4-2-58 [1]	343:11	68 [1]	341:15	Abraham [1]	12:5	
22798 [1]	207:11	195:15	195:19	4-2-64 [1]	343:19	682 [1]	304:18	absolutely [9]	23:7	
22803 [2]	207:19	291 [1]	22:6	4-4-60 [1]	343:16	683 [1]	120:19	82:2	99:6	193:16
208:4		292 [3]	17:19	4-9-52 [1]	342:16	6th [5]	66:16	243:1	250:7	276:1
22880 [1]	225:3	22:8		40 [6]	34:2	197:15	255:17	295:17	305:3	
22887 [1]	225:15	295 [1]	11:13	212:17	269:13	7 [3]	11:20	absorption [1]	171:20	
22960 [1]	234:17	297 [1]	343:16	343:10		341:13		absurd [2]	221:11	
22965 [1]	237:6	29th [5]	35:20	401 [1]	3:9	7-25-44 [1]	342:10	251:14		
22968 [1]	238:5	153:10	256:2	41 [4]	272:13	70,000 [1]	291:7	Academy [4]	213:18	
22972 [1]	238:15	272:18		341:10	343:11	7th [2]	141:9	241:13	249:12	307:20
22991 [1]	243:16	3 [18]	28:11	42 [3]	278:13	8 [8]	62:6	acceptance [1]	229:14	
22992 [1]	244:6	35:18	39:9	410 [1]	1:21	204:14	238:6	accepted [4]	226:10	
23 [6]	152:9	46:16	47:12	42 [3]	278:13	299:5	341:4	229:10	306:17	307:5
153:7	318:4	140:8	157:10	43 [3]	282:7	8-6-57 [1]	343:9	accommodate [1]	106:17	
342:11		158:3	191:4	343:12	282:15	80 [2]	85:4	accomplished [1]	170:13	
30 [1]	343:4	244:10	290:1	343:13	282:15	82 [2]	69:2	according [2]	33:2	
34 [1]	343:5	341:9		44 [4]	286:8	86 [2]	78:13	340:8		
236 [1]	343:6	3-16-60 [1]	343:17	341:11	343:14	87 [2]	78:16	accumulate [1]	92:21	
24 [7]	154:21	3-27-53 [1]	342:18	45 [3]	288:20	882-0208 [1]	1:21	accumulated [2]	191:11	322:7
157:21	158:1	3.5 [1]	292:6	343:15		9 [9]	1:13	accumulates [1]	320:10	
323:7	342:12	30 [6]	134:15	452 [1]	59:1	68:18	82:2	accumulating [1]	321:18	
2422 [1]	1:20	200:14	210:12	46 [3]	297:21	127:13	129:8	accumulation [2]	93:2	322:4
243 [1]	343:7	342:18		343:16		127:13	129:8	accuracy [1]	235:5	
24th [1]	256:4	30,000 [4]	102:17	47 [4]	52:9	252:15		accurate [6]	6:13	
24th-25th [1]	243:15	103:4	103:21	304:5	343:17	9-11-29 [1]	341:10	7:2	7:8	77:10
25 [4]	165:2	2:19	2:3	48 [3]	307:13	9-28-32 [2]	341:14	264:21	332:18	
341:8	342:13	304 [1]	343:17	343:18	307:16	341:15		accurately [3]	10:9	
25045 [1]	308:1	307 [1]	343:19	49 [3]	315:14	9-30-31 [1]	341:12	125:12	248:16	
25047 [1]	310:6	3070 [1]	285:12	343:20	315:17	9004 [1]	113:4	accustomed [1]	81:15	
25049 [1]	309:9	30th [2]	52:8	4th [1]	298:5	92 [3]	243:21	acquaint [1]	117:16	
251 [2]	141:10	31 [3]	207:4	5 [10]	45:1	244:16		acquainting [1]	117:21	
252 [1]	141:18	342:19		98:3	98:15	94363042/ [1]	1:3	acronym [1]	35:7	
255 [1]	343:9	315 [1]	343:20	168:21	182:18	94363042/CL190487 [1]	4:5	act [3]	133:18	167:15
25th [4]	150:10	32 [3]	213:11	339:16	341:11	94363043/ [1]	1:6	334:11		
289:7	316:1	33 [5]	224:17	5-16-39 [1]	342:4	97 [1]	341:18	acted [1]	134:3	
26 [5]	1:12	339:15	339:16	5-29-29 [1]	341:9	9th [1]	190:15	action [1]	340:15	
168:11	341:2	34 [5]	230:11	50 [2]	47:16	A-3 [1]	41:9	actions [1]	125:18	
342:14		231:2	231:3	50,000 [1]	238:9	A-u-b [1]	42:1	activities [2]	158:14	
269 [1]	343:10	35 [4]	234:10	500 [3]	204:14	a.m [2]	1:13	221:1		
26th [1]	271:13	341:9	343:5	206:11		ability [4]	129:17	activity [1]	158:6	
27 [4]	17:10	36 [4]	134:19	502 [1]	195:21	193:4	200:5	actual [3]	13:9	
186:19	342:15	237:2	343:6	503 [1]	196:19	59:17	70:4	Adam [2]	3:11	
2710 [2]	155:8	37 [6]	11:16	51 [1]	56:5	59:17	70:4	5:5		
712 [2]	157:18	135:1	243:8	511 [2]	197:8	92:2	92:2			
714 [1]	157:18	343:7		52 [2]	305:7	101:14	110:7			
2716 [1]	157:18	38 [3]	251:17	547 [1]	230:18	128:15	142:11			
272 [1]	343:11	343:8		55 [2]	274:9	148:21	149:16			
		39 [4]	81:4		274:13	158:16	159:8			
			255:12			160:12				

add [3] 24:11 120:5 158:12 added [3] 295:5 309:6 309:15 addition [3] 192:17 254:20 255:1 additional [2] 67:8 306:8 address [10] 11:12 11:13 11:15 11:16 14:1 22:2 120:7 132:16 163:18 179:6 addressed [4] 8:2 8:11 76:7 242:4 addressing [1] 280:14 adjourn [1] 111:10 admissibility [1] 250:14 admission [1] 250:5 adopt [2] 287:13 288:2 adopted [6] 57:7 57:21 226:6 238:19 239:2 239:11 ads [1] 291:10 adults [1] 210:13 advanced [1] 12:19 adverse [12] 79:17 80:1 125:2 125:4 126:19 132:5 133:8 182:21 185:14 208:10 210:11 225:21 advertising [6] 19:15 19:18 19:20 20:6 290:5 292:5 advisability [2] 105:11 107:11 advise [1] 66:20 advised [1] 110:16 affairs [1] 23:18 affects [1] 51:1 affirmatively [2] 264:16 265:1 afternoon [5] 7:19 8:12 69:10 134:20 136:16 again [49] 10:19 31:1 32:6 77:11 87:6 87:7 93:13 95:19 103:19 109:18 114:13 117:9 118:3 129:21 140:7 161:20 167:12 172:16 173:9 174:9 182:5 195:13 198:7 199:3 200:6 201:7 208:3 210:3 223:20 224:8 228:17 239:4 253:9 254:3 265:12 274:21 276:13 303:14 303:16 308:21 309:19 324:18 325:6 325:21 326:1 331:8 332:12 333:18 335:3 against [2] 9:12 123:20 agencies [4] 301:1 301:6 306:18 307:5	agency [2] 19:19 301:15 ago [6] 16:6 16:7 42:15 125:17 126:17 297:1 agree [28] 48:7 51:4 62:20 80:1 80:7 80:8 97:21 140:21 167:3 170:11 211:2 276:6 277:21 280:17 280:19 281:3 285:19 300:21 328:10 328:15 328:17 329:18 329:21 330:3 330:14 331:6 331:10 331:11 agreed [1] 166:3 agreement [3] 119:12 165:21 167:1 agrees [1] 48:10 ahead [6] 66:13 84:18 93:8 104:8 192:4 333:5 ailment [1] 43:12 aimed [1] 194:3 air [2] 232:13 297:3 al [2] 4:3 4:4 alarming [1] 67:8 albeit [1] 320:12 alive [1] 280:2 alleged [6] 175:16 177:5 204:21 205:12 212:5 267:4 allegedly [2] 270:8 271:1 alleging [1] 323:12 Allen [2] 1:6 4:3 allow [2] 172:6 235:20 allowable [4] 231:13 232:10 299:13 299:17 allowed [2] 250:1 250:11 allowing [1] 241:1 almost [1] 283:12 alone [1] 300:1 along [12] 88:19 90:12 91:15 108:16 110:20 158:6 190:5 192:9 277:1 278:1 303:15 333:4 alternate [1] 311:6 alternates [2] 214:12 217:14 ALVIN [1] 1:2 always [4] 123:1 123:18 161:10 179:6 ambiguous [3] 60:16 119:6 232:20 American [49] 37:15 57:1 138:21 157:1 166:2 166:13 167:17 196:16 196:20 203:11 203:14 209:9 213:15 213:18 214:9 221:15 222:11 223:6 224:5	226:2 231:12 240:9 240:19 241:12 241:13 242:15 245:21 246:1 246:5 246:15 247:13 247:21 248:21 249:12 249:16 251:8 251:13 252:20 259:14 271:15 296:1 299:11 300:7 300:21 307:17 307:20 317:14 342:20 343:18 among [7] 79:2 110:3 110:12 110:16 226:11 267:7 274:8 amongst [1] 71:4 amount [8] 98:17 159:9 160:15 172:3 220:9 297:3 320:6 320:12 amounts [9] 117:4 162:6 163:2 163:13 257:12 258:13 259:5 260:5 260:18 analyzed [1] 284:1 analyzing [1] 171:16 Andrews [1] 2:19 Angelos [2] 1:14 2:2 annual [9] 57:1 87:2 120:16 237:3 243:14 256:2 278:21 341:17 342:4 ANSI [2] 189:21 249:13 answer [99] 11:5 14:10 16:4 25:15 29:21 30:12 31:7 33:14 34:6 44:3 44:7 44:15 49:1 50:8 51:9 56:16 57:13 58:7 60:19 65:4 66:13 74:16 80:4 80:5 91:5 92:17 93:15 101:19 104:10 116:18 117:11 119:16 119:21 120:1 131:8 131:10 148:7 159:1 167:11 173:14 175:7 175:9 175:10 175:10 175:11 175:20 175:21 176:2 178:10 180:1 180:9 180:17 191:6 192:5 193:21 200:3 200:3 205:6 205:7 222:7 222:8 222:9 224:11 225:7 228:9 228:11 232:3 242:2 246:4 246:13 247:9 249:9 257:20 260:12 261:4 261:6 261:9 269:8 274:20 280:15 281:14 281:16 286:2 303:9 320:2 320:16 320:19 321:2 321:4 321:6 322:5 323:2 325:7 331:16 332:11 333:13 333:14 336:3 337:19 answered [11] 17:15 32:2 42:6 61:20 180:3 180:5 180:6 206:15 210:8 251:2	278:10 answering [5] 10:18 18:11 19:7 30:2 30:14 answers [1] 10:6 anticipated [3] 238:21 239:2 239:9 antiquity [1] 245:12 anyone's [1] 11:3 anyplace [1] 25:6 apologize [3] 121:13 144:6 233:5 appear [3] 151:14 244:9 275:12 APPEARANCES [2] 2:1 3:1 appeared [2] 210:12 340:6 applicable [3] 5:14 6:20 240:1 application [1] 319:10 applications [6] 23:4 226:20 297:9 297:11 320:4 320:11 apply [2] 60:8 226:20 applying [1] 220:8 appreciate [6] 61:12 113:21 193:7 244:17 318:5 333:1 approach [1] 191:15 appropriate [3] 158:9 158:18 159:9 appropriations [1] 100:7 approval [1] 310:9 approved [4] 307:21 310:8 342:21 343:19 April [21] 165:7 190:15 195:20 197:14 197:14 207:9 225:1 234:15 237:5 243:15 252:1 255:17 256:3 272:18 278:21 289:4 298:5 299:7 302:1 304:11 307:21 apt [1] 67:3 area [1] 101:8 arena [1] 293:11 arguing [2] 43:21 321:17 argument [1] 83:5 argumentative [5] 43:19 57:11 101:5 195:3 206:13 arises [2] 105:15 107:15 Arnold [1] 2:9 Arrange [1] 78:8 arrived [1] 268:11 article [6] 27:6 28:11 178:14 210:21 265:15 289:6 articles [7] 93:3 95:15 95:16 95:18	96:3 96:15 218:14 ASA [25] 189:21 194:2 194:7 204:8 209:16 222:14 226:6 227:11 227:13 227:14 229:8 229:18 232:8 233:7 233:10 241:5 243:4 284:10 288:9 299:16 300:12 301:6 301:12 310:7 312:19 ascertaining [1] 123:20 asks [2] 76:13 125:12 assigned [1] 337:13 assistance [1] 168:4 assistant [1] 158:12 assisted [1] 336:11 ASSOC [2] 1:4 1:7 associate [1] 28:14 associated [2] 77:15 255:20 association [120] 2:7 4:4 4:13 6:14 21:5 22:20 23:19 24:5 24:9 24:13 24:15 24:20 25:1 25:3 25:5 25:13 25:16 26:21 28:16 31:17 35:8 40:10 42:16 51:14 56:17 59:4 62:13 83:3 87:3 91:21 100:10 102:5 105:11 105:14 107:11 107:14 112:1 113:3 119:10 120:7 120:17 123:13 123:18 133:18 137:11 139:3 139:4 139:7 139:18 140:9 147:12 154:4 156:2 160:14 161:10 164:13 166:3 166:14 167:2 167:15 167:18 170:6 189:13 190:15 192:6 192:13 193:5 200:16 203:9 203:11 203:15 204:11 208:19 209:2 209:3 209:9 209:10 209:10 209:20 209:20 214:9 216:13 221:16 222:12 223:7 224:5 224:5 231:12 240:10 240:19 242:14 242:16 246:1 246:2 246:5 246:15 246:16 248:21 249:1 249:8 249:16 249:17 251:9 251:13 271:16 271:20 277:1 278:2 278:20 296:1 296:2 296:3 299:12 311:13 311:21 312:10 324:12 333:15 334:14 334:21 Association's [3] 158:13 166:5 226:2 associations [4] 209:15 251:8 324:8 324:14 assume [2] 280:5 281:21
---	---	--	--	--

assumed [2]	11:6	226:11	229:11	246:18	barium [1]	309:6	below [2]	216:7	born [2]	11:20	118:5
70:3		274:7	287:11	295:20	base [1]	78:2	285:15		borne [1]	275:7	
assumes [3]	258:16	authority [2]	129:17		based [6]	8:4	bench [1]	219:14	Boston [4]	2:6	
260:9	263:15	131:16			48:14	145:10	beneficial [4]	110:5	42:13	56:6	275:2
assumption [2]	330:9	authorized [1]	158:11		195:16	284:13	110:8	110:10	162:7		
36:1		automobile [1]	278:7		basic [2]	226:9	Benjamin [2]	218:5	bottom [12]	36:7	
Atlantic [2]	2:10	available [10]	27:15		basis [4]	104:6	314:13		120:19	122:3	127:16
5:8		28:5	69:11	72:11	195:2	270:20	best [4]	131:5	138:5	145:8	151:9
atmosphere [3]	231:14	113:16	154:11	154:17	Bates [33]	36:6	275:4	277:3	170:8	196:19	231:14
232:10	232:13	185:3	337:9	337:15	45:15	45:19	better [10]	47:17	266:15	267:13	
atmospheric [1]		Avenue [3]	2:9		62:13	69:2	105:13	107:14	Bowditch [16]	164:5	
239:6		2:12	11:13		87:4	87:5	132:3	134:9	164:7	168:12	186:20
atomic [1]	171:20	Averill [2]	314:7		97:19	103:17	158:7	158:19	205:21	215:17	216:7
attached [7]	137:11	314:10			108:8	109:4	between [22]	28:12	226:1	228:21	243:13
137:21	255:18	avoid [3]	67:6		120:18	137:13	33:12	166:1	245:10	278:18	278:18
304:9	304:10	80:1	161:15		143:17	147:13	167:16	168:2	278:18	279:21	342:15
attack [7]	118:11	avoided [1]	161:12		153:13	155:7	182:13	249:14	boxes [3]	67:1	
118:14	166:4	avoiding [1]	185:14		168:15	186:21	318:13	323:2	79:14	82:6	
166:18	167:3	aware [70]	30:8		190:16	195:21	326:17	327:15	brag [1]	297:2	
attacking [1]	300:19	31:3	39:13	40:7	207:10	213:21	331:8	331:12	brain [1]	280:21	
attacks [2]	117:16	40:10	40:16	40:19	225:2	230:17	334:18	337:1	brainchild [1]	241:7	
123:19		42:17	43:4	47:5	237:6	243:16	beyond [9]	28:19	brass [1]	57:4	
attained [1]	211:11	47:5	49:7	49:18	252:2	255:18	93:14	148:15	break [11]	10:11	
attempt [4]	50:16	50:4	56:10	56:17	272:19	279:1	152:21	153:3	10:12	10:14	83:12
92:20	177:5	66:9	93:2	96:15	282:18	286:14	194:8	221:8	113:15	114:1	134:13
attempted [2]	211:18	97:2	111:21	119:10	298:6	304:17	big [2]	115:12	135:4	136:11	272:6
229:7		129:16	133:17	135:14	316:2		bill [7]	253:3	272:7		
attempting [1]	192:18	139:20	140:4	146:4	battery [7]	66:20	253:16	253:20	brief [2]	198:3	272:9
attempts [2]	191:20	147:3	164:14	164:17	67:1	79:14	254:8	254:20	briefly [1]	273:6	
193:10		193:17	221:15	227:20	128:1	129:9	billion [1]	172:3	bring [2]	94:2	288:17
attend [3]	53:7	228:2	230:9	253:18	battery-powered [1]	23:2	biological [1]	171:3	bringing [1]		271:14
53:13	156:8	254:2	254:18	256:15	Bauer [2]	2:13	birth [1]	11:19	broad [1]		191:15
attendance [2]	5:11	257:11	257:21	258:2	4:15		bit [2]	171:21	broadly [1]		192:12
39:3		258:12	260:4	260:17	bear [1]	281:1	bits [2]	115:18	brought [1]		274:8
attended [3]	56:21	262:6	262:9	262:12	became [8]	18:6	black [1]	215:21	Bruce [1]		1

290:6		218:15		175:16	210:13	213:17	119:19	131:20	216:2	communiqué [1]	
Campbell [1]	3:12	chairman [6]	24:1	218:17	226:3	226:5	232:14	254:12	260:14	205:15	
cannot [5]	67:2	36:17	42:2	226:8	241:1	252:21	269:9	320:19	321:5	community [2]	192:16
136:6	191:13	238:17	312:16	262:10	265:16	267:4				281:2	
278:1		chance [6]	54:9	267:9	273:18	275:9	clearer [1]		171:18	companies [6]	38:21
Carbide [2]	214:16	55:19	73:12	275:14	276:8	280:3	clearly [4]		93:21	102:6	129:14
315:3		190:18	295:13	280:20	281:11	294:6	132:10	181:9	297:10	156:7	334:21
carbon [2]	214:16	change [5]	20:15	295:16	307:19	315:21	client [5]		32:7	company [60]	2:13
336:5		22:16	23:8	316:9	322:9	343:20	70:8	70:13	70:15	2:17	4:15
care [3]	70:14	250:2		children's [5]	119:17		184:4			24:4	24:12
275:20	227:2	changed [7]	13:10	177:2	203:13	203:17	clients [1]		126:6	36:11	36:21
careful [1]	145:10	18:3	22:3	209:12			clinical [1]		256:17	37:11	37:12
carefully [1]	45:4	173:16	309:6	Chisolm [2]	176:18		Clinton [1]		36:16	37:21	38:6
carried [2]	23:20	changes [1]	198:15	275:2			clippings [5]		123:14	38:18	52:17
24:1		channeled [1]	205:14	choosing [1]	221:21		191:12	204:15	204:18	77:13	83:2
carries [1]	97:7	chaotic [1]	287:15	chose [4]	208:11		212:20			138:21	139:1
carrying [2]	123:14	characterization [12]		210:4	228:17	302:15	close [2]	85:4	85:12	139:21	140:1
158:13		30:7	32:9	chosen [1]	88:16		closely [1]		295:19	156:16	156:19
case [34]	1:3	68:3	68:6	chron [1]	33:4		coaching [1]		321:10	157:5	215:12
4:4	9:20	188:7	284:5	chronic [7]	256:18		coat [4]	219:6	219:21	216:16	216:17
29:18	67:21	324:4	332:18	257:12	258:13	259:6	319:11	322:4		217:5	217:6
68:4	68:8	characterize [2]	51:8	260:5	260:19	268:16	coating [8]	213:17		217:12	218:2
70:16	70:18	146:17		Church [1]	3:6		218:13	220:7	220:17	283:7	291:4
82:7	82:20	characterized [1]	125:12	Cincinnati [6]	58:21		226:3	252:21	307:19	313:5	313:17
116:4	116:6	characterizes [2]	94:4	192:18	275:2		320:4			314:2	314:7
175:2	179:6	characterizing [1]	248:10	circles [1]	267:8		coatings [4]	220:9		315:7	315:10
182:7	191:13	charge [1]	123:20	CIRCUI [1]	1:1		320:8	320:9	320:11	329:19	330:4
210:4	239:7	Charles [2]	2:18	circulation [8]	102:17		coats [2]	220:12	322:4	331:12	331:20
257:8	260:3	3:9		103:1	103:3	103:6	code [1]	25:19		company's [1]	77:16
317:21	331:15	cheaper [1]	146:10	103:21	104:12	238:8	college [3]	12:11		competitive [1]	117:16
cases [42]	1:12	check [1]	172:6	291:7			13:1	164:15		complaining [1]	90:4
9:10	9:16	chemical [1]	215:12	circulatory [2]	198:12		column [6]	215:19		complaint [1]	15:7
9:19	29:2	chemist [1]	319:16	199:9			217:4	283:15	285:10	complaints [1]	76:8
29:12	52:17	chemistry [1]	12:18	circumstances [1]	66:21		285:13	314:9		complete [6]	5:9
63:21	78:18	Chemists [2]	271:20	cite [3]	135:20	136:3	combat [1]	208:20		55:13	142:6
82:4	127:21	296:2		333:20			combination [1]			191:5	318:16
130:12	149:14	chewed [3]	218:16	cited [3]	194:2	206:19	147:4			completely [2]	306:6
176:11	177:1	226:8	240:21	288:9			combined [3]	166:19		316:20	
179:12	179:12	Chicago [5]	208:17	cities [7]	64:11		167:5	291:6		compound [6]	44:8
181:17	191:13	226:10	229:8	67:7	208:18	273:19	coming [2]	200:6		49:14	118:3
205:2	205:12	256:3		274:7	275:1	338:2	339:11			246:11	285:17
206:11	206:12	Chief [1]	255:21	city [28]	1:1	10:1	commencing [1]	1:13		compounds [4]	218:17
212:5	266:16	child [4]	172:10	179:11	226:10	229:7	comment [2]	57:4		240:1	306:5
274:13	274:14	280:21	294:7	229:10	233:15	235:8	283:18			comprehensive [2]	94:12
281:10	294:5	child's [1]	172:14	240:13	240:15	241:19	comments [1]	123:14		comprises [1]	321:11
casings [1]	129:9	childhood [35]	40:17	245:19	246:7	247:1	commerce [1]	117:1		concentration [1]	296:20
cassettes [1]	31:10	65:14	65:16	247:12	247:19	248:6	Commission [3]			conception [2]	162:7
category [11]	27:6	168:21	177:6	280:3	280:8	280:12	122:4	122:6	340:20	163:1	
39:20	105:8	177:15	178:4	288:2	288:8	332:7	commissioner [4]	253:2	254:7	concern [18]	37:6
111:2	155:8	180:20	181:17	340:2	340:4		254:20			37:13	65:1
196:20	245:9	191:9	193:19	civil [1]	323:11		commitment [1]			66:5	66:9
309:8		225:18	259:18	CL190487 [1]	1:3		94:1			76:6	76:18
caused [1]	106:15	263:10	268:15	CL190488 [1]	1:7		committee [25]	6:17		102:9	182:6
causing [6]	49:19	274:14	277:14	claimed [1]	47:16		155:4	156:2	156:8	189:1	215:9
133:20	171:10	296:8	296:14	claims [1]	40:11		156:9	165:7	203:10	276:21	293:10
198:11	199:8	303:16	335:2	clarification [1]			209:9	215:18	226:4	concerned [12]	65:13
centers [1]	295:20	337:15		24:17			229:18	238:18	239:5	110:12	128:8
cents [1]	292:20	children [43]	65:1	clarify [5]	59:17		239:12	239:16	240:19	230:6	275:12
certain [5]	32:18	65:14	66:10	152:10	152:20	250:2	242:15	245:21	248:21	276:5	276:19
32:18	32:20	69:17	79:2	254:5			304:8	310:7	313:10	295:15	313:8
284:19		102:10	118:21	clarity [1]	244:14		313:14	342:12	342:13	concerning [12]	60:3
certainly [10]	27:17	149:3	149:10	classification [1]			committees [2]	238:20		75:12	76:8
50:15	62:18	169:5	173:5	clear [10]	21:16		300:12			135:5	142:8
70:17	94:16						communications [1]			166:4	233:7
212:7	293:11						265:7			263:9	270:21
certify [4]	228:14									conclude [1]	48:16
340:5	340:9										
cetera [2]	195:8										

concluded [2] 339:15 339:17	consumption [2] 115:10 118:19	142:4 142:6 144:5 144:9 144:11 153:21 155:4 157:15 157:19 157:20 165:6 213:15 214:4 214:5 215:20 216:1 218:12 230:15 244:7 244:17 283:11 283:17 284:5 298:4 300:7 307:17 322:20 308:11	248:10 296:21 339:6 21:1 30:1 135:16 170:14 219:20 courses [1] 13:2 court [15] 1:1 4:6 10:8 10:19 46:6 68:3 68:6 68:7 82:15 82:16 82:19 83:6 114:7 136:12 136:18	data [3] 149:3 149:9 149:17 date [15] 11:19 13:10 27:16 33:13 35:9 36:13 41:17 55:7 75:21 84:9 98:5 175:3 187:6 187:7 329:14 dated [53] 8:4 26:21 35:19 41:10 45:10 52:8 58:18 62:13 69:1 80:16 87:3 97:18 103:16 104:20 108:7 113:1 120:18 137:9 141:9 143:16 147:12 150:10 153:10 155:5 165:7 168:14 186:20 190:15 195:20 197:14 200:16 207:9 213:18 225:1 230:16 234:15 237:5 252:1 255:17 269:18 272:17 286:13 289:4 298:5 304:9 304:11 317:21 343:5 343:8 343:10 343:11 343:14 343:16 dates [3] 245:12 327:18 327:20 David [136] 3:2 5:3 5:3 6:5 6:9 39:14 43:1 46:6 46:11 47:1 47:8 53:12 53:18 56:13 60:20 62:1 63:7 63:15 65:8 65:18 66:2 67:18 68:5 68:15 69:8 69:21 70:3 70:7 70:14 71:7 71:9 71:13 71:18 72:5 72:12 72:19 73:7 73:20 74:14 77:2 77:17 78:5 78:7 78:9 78:14 81:5 81:18 81:18 81:20 82:1 82:10 82:15 83:5 84:17 85:9 88:1 89:16 90:2 90:6 90:9 90:15 91:8 91:16 92:6 92:11 93:5 97:6 99:2 99:19 104:3 105:5 105:19 106:9 106:12 106:15 108:13 109:1 109:20 113:10 113:20 113:21 116:14 117:7 122:7 122:19 128:19 131:17 132:12 133:11 134:7 136:17 136:21 139:9 157:10 167:6 174:18 178:6 179:15 179:20 181:19 183:4 183:9 183:14 183:18 184:1 186:14 187:10 187:14 199:10 231:15 256:21 257:14 258:16 259:7 260:8 261:1 261:11 261:15 261:20 262:2 263:14 265:10 268:17 268:20 269:4 274:16 275:15 276:10 281:4 281:20
conclusion [7] 125:13 167:8 222:16 224:9 247:17 257:16 260:9 conclusions [2] 125:17 222:18 conclusively [1] 181:16 condition [1] 287:15 conditions [1] 64:12 conduct [2] 77:14 306:16 conducted [3] 74:5 112:6 335:8 confer [1] 110:2 conference [7] 110:4 271:12 272:3 315:21 316:9 316:13 343:20 confined [1] 273:19 confirm [8] 127:2 176:10 177:5 181:4 228:21 281:21 285:1 328:3 confirmation [5] 178:4 178:11 179:18 180:20 182:14 confirmations [2] 177:15 182:12 confirmed [1] 177:3 confuse [2] 93:19 223:19 confused [2] 178:11 78:17 confusing [1] 10:21 connection [3] 149:17 259:13 300:3 connects [1] 132:9 consecutively [1] 244:13 consider [3] 128:16 195:6 215:2 considerable [2] 171:12 225:21 consideration [2] 302:5 302:20 considerations [1] 284:13 considered [6] 101:15 124:19 125:3 131:1 171:14 302:11 consists [1] 184:10 Consolidated [1] 255:21 conspiracy [2] 323:11 323:12 constant [1] 118:14 constantly [1] 118:11 constituent [1] 117:3 constitute [1] 182:21 constitution [2] 16:20 341:8 consultants [1] 236:5 consumer [1] 140:5	contacted [1] 16:2 contain [2] 218:17 240:9 contained [4] 106:4 218:20 220:7 220:10 containing [2] 240:17 241:20 contains [2] 184:18 336:1 content [5] 218:18 233:8 267:13 267:21 334:7 contention [1] 163:12 contest [1] 254:9 context [2] 93:20 94:9 continuation [1] 124:5 continue [9] 49:17 65:19 72:7 81:10 88:15 105:14 107:14 117:14 130:19 continued [10] 3:1 50:9 74:11 106:16 143:4 206:3 206:4 276:5 342:1 343:1 continues [5] 123:10 124:20 128:12 191:9 208:9 continuing [8] 42:13 100:5 106:8 110:17 124:1 142:17 143:7 275:5 continuous [1] 120:6 continuously [2] 330:7 330:10 contradict [2] 281:13 281:17 contrary [2] 162:6 322:20 control [2] 295:6 323:13 controlled [2] 249:16 251:8 convention [1] 57:1 cooperation [2] 67:5 287:9 copies [17] 6:13 6:15 6:16 6:17 6:19 7:2 7:8 55:10 72:10 89:18 90:8 90:9 99:4 106:1 114:2 144:3 144:12 copy [61] 13:8 35:19 45:9 52:7 68:21 69:11 69:19 72:8 72:21 73:3 73:8 80:15 81:7 87:1 90:11 91:15 97:17 103:14 104:19 106:18 108:6 112:19 113:16 120:16 122:19 136:15 137:12 137:21 138:6 138:6 138:9 138:10 138:15 141:8	corner [1] Corp [1] 315:3 corporate [8] 15:1 21:2 21:3 21:7 24:19 35:1 48:19 313:3 Corporation [11] 153:12 154:3 154:7 154:11 154:17 155:16 155:18 156:4 196:7 196:9 214:17 correct [46] 9:11 15:4 21:12 21:19 24:16 25:4 27:21 36:8 37:2 39:17 42:4 46:14 50:16 55:18 62:21 63:6 66:6 96:7 97:4 97:5 107:2 121:1 135:10 144:20 144:21 145:18 147:2 148:3 150:19 155:19 163:15 201:1 202:19 205:19 229:2 245:13 266:17 268:12 272:20 293:16 299:9 303:3 304:14 308:13 311:9 322:6 correcting [4] 210:16 211:8 211:15 212:3 correctly [11] 98:16 98:21 105:18 106:20 162:10 166:20 219:1 242:11 322:2 322:10 322:13 correspondence [3] 33:6 177:13 274:6 Costello [1] 196:7 costs [1] 306:7 couched [1] 301:19 Council [1] 12:6 counsel [33] 15:18 17:3 17:3 55:16 69:10 73:1 81:7 81:15 89:18 90:5 90:7 99:3 99:4 99:11 104:4 105:5 105:21 106:16 106:18 108:14 111:16 113:11 113:17 127:10 135:9 135:17 136:15 265:9 277:12 322:15 340:8 340:12 340:13 counsel's [1] 105:21 counseling [1] 318:7 count [1] 292:20 countries [1] 317:3 country [4] 246:18 270:9 271:2 306:16 couple [7] 17:20 89:17 106:13 123:9	course [5] 21:1 30:1 135:16 170:14 219:20 courses [1] 13:2 court [15] 1:1 4:6 10:8 10:19 46:6 68:3 68:6 68:7 82:15 82:16 82:19 83:6 114:7 136:12 136:18 court's [1] 67:21 courtesy [4] 69:16 69:19 70:19 73:8 cover [3] 96:16 137:8 138:1 coverage [1] 334:15 covering [1] 100:7 covers [1] 119:18 Cranch [1] 284:11 Crane [3] 36:17 42:1 42:8 create [1] 124:8 created [6] 24:12 24:13 24:18 25:1 25:13 25:16 creation [1] 42:19 crib [4] 145:10 145:20 146:4 170:10 cribs [9] 102:6 119:10 119:17 133:18 134:8 145:12 145:17 146:5 204:3 critically [1] 126:1 curing [1] 191:14 current [1] 15:16 Curtis [40] 2:8 5:7 5:7 26:16 37:7 44:17 49:11 60:13 64:16 76:10 76:15 76:20 77:8 87:9 88:2 101:17 106:21 114:1 114:4 122:8 177:20 181:2 186:2 194:15 199:20 206:13 221:10 229:3 230:21 241:9 242:1 242:18 246:8 247:5 248:7 251:10 264:20 265:3 293:18 294:17 custodian [4] 21:10 21:17 22:13 30:10 custody [2] 23:12 23:15 customer [1] 295:9 customers' [1] 295:7 D [2] 304:10 304:13 D.A [1] 262:6 D.C [2] 3:4 3:13 D.S [1] 312:9 dam [1] 264:15 damage [1] 280:21 damaging [3] 253:4 275:8 275:13 dangerous [1] 82:20 dangers [1] 82:18	

285:21 303:6 303:20	12:19 236:12	desirable [3] 158:5	directly [3] 50:20	distinguishes [1] 28:12
333:6 338:3 339:6	delay [2] 81:8	158:8 158:17	82:5 166:17	distributed [2] 192:12
day-to-day [1] 23:18	106:15	despite [1] 277:12	director [9] 23:9	300:17
days [2] 69:17 115:17	deliberate [1] 263:19	destroy [1] 67:1	23:17 45:9 164:10	distribution [1] 323:13
de [2] 2:21 216:16	delivered [3] 235:7	detail [1] 250:12	168:13 243:13 278:19	dithizone [1] 171:16
dead [1] 248:13	292:7 315:18	detect [1] 267:8	304:11 310:18	Division [4] 278:18
deal [7] 22:19 31:16	demand [2] 48:3	determinants [1] 171:14	directors [38] 6:16	278:19 343:7 343:12
68:9 68:10 68:10	demonstrate [1] 94:1	determination [1] 172:11	15:13 25:17 35:19	doctor [5] 235:7
303:12 305:11	department [8] 63:5	determine [44] 110:7	36:13 36:18 39:1	235:11 236:11 236:14
dealers [1] 66:20	64:2 233:15 233:16	153:20 158:16 159:8	41:10 42:3 52:7	253:17
dealing [1] 192:11	240:16 241:19 280:1	162:16 170:7 170:16	52:20 53:4 53:8	doctor's [1] 142:12
deals [5] 65:14 68:7	departments [1] 28:2	171:2 171:8 172:7	53:17 69:1 80:15	doctors [3] 212:21
68:8 129:8 199:16	deponent [1] 7:14	172:10 176:9 179:7	97:18 104:20 105:9	235:13 236:2
death [2] 198:16	deposed [2] 9:6	181:5 181:8 189:1	107:10 108:7 141:8	document [304] 13:14
263:11	69:16	189:8 198:19 199:5	154:7 195:20 230:15	26:8 26:9 26:17
deaths [1] 274:9	deposition [120] 1:10	202:15 204:21 205:11	304:7 341:9 341:10	27:9 27:10 28:18
decades [1] 74:12	1:11 4:2 4:8	206:9 206:11 211:18	341:11 341:12 341:15	29:16 30:9 32:13
December [5] 155:5	7:21 8:2 8:9	223:5 244:16 253:6	341:16 341:18 341:20	32:15 33:1 33:15
155:17 156:3 168:14	8:10 10:13 13:4	257:10 267:19 270:10	342:6 342:17 343:4	36:1 36:2 36:4
230:16	13:10 14:16 16:3	270:19 273:21 274:4	disagree [32] 68:13	39:11 39:19 41:11
decide [1] 88:11	25:10 26:19 30:1	274:13 279:9 293:3	84:20 85:6 88:5	41:12 41:17 41:21
decided [6] 107:17	35:8 35:14 41:3	294:14 303:16 326:21	94:16 115:1 115:8	42:11 43:2 43:9
130:18 130:20 142:12	44:21 52:2 58:13	327:2 327:4 332:17	115:15 117:6 140:12	45:5 45:12 45:14
159:9 161:15	58:17 62:5 68:17	337:8	140:14 144:7 238:10	45:20 46:7 46:13
decision [1] 302:12	69:12 69:21 80:10	determined [6] 174:1	326:11 327:5 327:11	46:16 47:11 47:19
declared [2] 166:12	81:11 82:13 83:4	226:12 232:12 325:15	327:14 328:8 328:10	49:4 51:17 52:10
166:18	86:17 89:21 90:5	325:20 326:3	328:15 328:18 329:1	52:12 55:8 57:16
declined [1] 48:4	97:12 97:16 103:10	determining [2] 189:14	329:2 329:4 329:18	58:21 59:2 59:3
declining [6] 48:8	104:14 104:18 108:1	212:4	330:1 330:2 330:3	62:15 62:17 63:10
48:17 49:5 49:6	108:5 112:15 120:11	develop [5] 192:14	330:14 331:6 331:10	63:20 64:20 64:21
49:18 115:11	120:15 126:16 135:16	233:10 241:5 256:18	disappointed [1] 148:7	65:6 65:10 65:11
deemed [1] 218:13	137:3 141:3 143:10	287:15	discarded [2] 32:19	66:5 66:8 69:5
defend [1] 166:14	147:6 147:10 150:4	developed [12] 102:16	82:6	69:7 72:20 73:13
defendant [17] 2:7	150:8 152:8 152:16	172:6 190:1 214:13	discovery [1] 327:5	73:15 74:1 75:10
2:10 2:13 2:17	154:20 155:3 165:1	226:6 241:12 242:4	discuss [8] 16:2	75:15 76:1 76:6
2:21 3:4 3:7	165:5 168:7 168:11	242:16 253:1 253:10	16:20 46:17 78:18	76:17 77:4 77:10
3:10 3:13 9:15	175:2 184:17 186:12	290:5 290:5	135:15 231:12 258:20	77:12 78:10 78:18
70:17 70:18 70:18	190:8 195:14 200:10	developing [3] 102:10	267:13	80:17 80:18 80:20
323:10 327:9 331:5	207:3 207:7 213:10	158:18 159:10	discussed [11] 8:6	80:21 81:8 82:1
defendant's [2] 116:4	213:14 221:9 224:16	development [2] 304:8 333:16	57:3 71:5 92:3	84:1 85:21 86:2
223:4	224:20 230:10 230:14	developments [1] 172:4	105:10 107:10 126:17	86:21 87:15 87:18
defendants [14] 1:5	234:9 234:13 236:19	devised [1] 117:16	132:21 148:13 259:4	88:4 88:6 88:8
1:8 5:15 15:11	237:2 243:7 243:11	Devoe [1] 217:9	264:8	88:12 89:5 91:9
48:6 68:11 69:15	250:3 251:16 251:20	diagnose [1] 193:4	discusses [2] 65:1	92:7 93:12 93:20
88:19 89:20 149:14	255:11 255:15 262:3	diagnosing [1] 235:16	110:1	94:8 94:21 98:1
162:14 283:16 327:6	264:13 269:12 269:16	diagnosis [1] 235:20	discussing [6] 42:12	98:4 98:5 99:5
329:10	272:12 272:16 278:12	diagnostics [1] 192:20	56:7 75:10 122:10	99:8 99:11 99:20
defendants' [2] 59:15	278:16 282:6 282:15	died [1] 265:16	196:8 308:9	101:16 103:7 103:18
136:20	286:7 286:11 288:19	difference [4] 182:13	discuss [16] 33:21	104:1 104:5 105:1
defense [10] 57:9	289:2 297:20 298:3	216:3 294:9 317:12	81:2 111:14 135:5	105:3 105:5 105:9
58:3 58:6 73:1	304:1 304:5 307:12	differences [1] 318:10	158:5 161:12 161:15	105:20 106:3 106:4
99:4 105:21 106:17	307:16 315:13 315:17	different [9] 62:1	198:2 200:6 221:12	106:5 106:7 106:11
161:13 161:16 166:16	318:19 319:7 320:21	62:2 119:2 125:10	243:3 279:11 282:10	107:2 108:8 108:10
define [4] 34:12	321:15 322:16 322:19	233:16 297:8 317:15	305:5 316:17 318:11	108:11 108:14 108:17
34:17 178:15 178:16	339:1 339:14 339:17	317:17 320:11	discussions [1] 57:8	109:1 111:4 111:17
defined [2] 184:9	341:1 341:7	difficult [3] 144:4	disease [8] 40:8	112:13 113:6 113:8
definitely [1] 276:3	depositions [1] 122:11	193:2 292:19	198:16 245:12 258:14	113:11 114:11 114:13
definition [4] 34:16	described [1] 322:8	diminish [1] 144:5	259:6 260:6 260:19	114:16 115:3 115:10
47:10 58:5 59:18	DESCRIPTION [3] 341:6 342:2 343:2	direct [4] 18:16	268:16	117:9 118:3 119:19
degenerative [7] 198:15 256:19 257:12	design [3] 290:6	192:15 198:7 292:5	diseases [2] 256:19	120:20 121:21 122:1
258:14 259:6 260:5	designate [1] 13:17	directed [1] 19:19	257:13	122:14 122:15 125:11
260:19	designed [3] 43:11	direction [1] 301:19	disposing [2] 105:15	127:8 137:11 137:13
degree [3] 12:14	43:14 291:11		107:15	137:15 137:17 138:17
	designee [1] 35:2		dispute [1] 284:8	139:10 139:16 141:11
			disputes [1] 167:16	141:13 142:9 142:16
			distinguish [1] 318:13	143:3 143:17 143:21
				144:17 144:19 147:16
				147:17 147:19 148:1
				148:16 148:18 150:11
				150:14 150:15 150:16
				151:3 151:8 151:14

151:19	151:21	152:17	116:4	116:5	117:5	110:19	111:3	124:11	editors [1]	294:8	endeavored [1]	123:18
153:9	154:11	155:10	117:18	125:16	128:14	124:16	142:8	143:15	educate [2]	191:21	endeavoring [1]	
155:13	157:18	159:18	132:8	132:10	148:6	147:11	148:6	150:9	280:10		162:5	
165:9	165:11	165:18	148:12	148:13	149:1	153:11	170:15	176:17	educating [1]	195:7	endorsement [2]	
166:7	167:9	167:12	149:12	149:13	149:15	177:9	182:9	255:20	education [6]	12:9	166:1 166:11	
67:13	168:16	168:18	152:2	153:19	158:17	262:13	262:15	262:20	12:21 162:2	191:15	engage [1]	158:5
69:9	181:14	181:21	159:7	160:5	160:9	263:4	263:5	263:7	191:16 192:9		engaged [3]	50:20
182:18	187:4	187:5	160:12	160:13	160:19	265:7	267:11	275:2	effect [4]	127:4	51:20 112:1	
187:17	187:20	187:21	161:5	161:14	162:13	283:6	284:11	284:11	276:13 295:15	325:10	Engineering [3]	57:2
188:5	188:7	188:9	162:20	163:10	163:17	285:14	303:12	303:15	effective [5]	183:1	290:7 290:19	
190:18	190:20	196:2	163:17	164:2	164:3	315:19	316:15	342:7	185:13 195:9	195:9	engineers [1]	290:12
196:2	196:4	197:9	169:19	176:9	177:14	342:8	342:10		296:21		England [2]	325:5
199:1	199:11	199:12	177:15	178:3	178:4	dragging [2]	82:12		effects [1]	210:13	325:9	
200:18	201:2	201:10	179:5	179:10	179:17	83:4			efficiently [1]	291:13	entire [5]	66:16
207:13	207:16	211:16	181:12	181:12	181:21	drain [1]	281:1		effort [20]	40:14	93:20 94:6	295:13
213:1	213:20	214:3	182:4	188:21	189:7	draw [5]	125:12	125:17	79:13 93:19	94:12	296:16	
214:7	225:4	225:6	191:19	192:2	192:10	224:9	247:17	248:19	114:17 117:15	120:6	entitled [9]	39:9
225:9	230:18	230:20	198:19	199:2	199:4	driven [2]		161:13	134:10 170:19	171:12	39:20 54:4	103:3
231:5	231:8	231:11	206:10	212:19	219:4	161:16			180:18 183:1	189:20	192:14 201:14	255:19
232:2	234:18	234:20	222:19	223:3	223:4	dropped [1]		20:4	199:12 204:20	241:5	282:16 289:6	
235:1	237:7	237:9	223:4	223:5	224:2	dry [5]	309:17	309:21	274:4 274:12	275:5	entity [4]	76:7
237:11	238:2	238:7	249:19	253:5	253:18	dryer [1]	218:21		275:19		76:18 77:6	215:3
241:17	243:18	243:20	257:8	258:5	258:11	dryers [1]		241:1	efforts [12]	93:1	Environmental [1]	
244:4	245:14	246:20	258:19	259:3	260:2	due [2]	229:20	306:5	170:5 170:9	170:14	310:18	
247:4	247:10	248:4	260:13	260:16	260:16	dues [3]	325:13	325:15	170:20 193:17	194:9	episode [1]	67:7
248:17	252:4	252:6	260:20	261:18	270:11	325:20			205:11 231:12	287:9	equipment [2]	295:6
252:8	253:11	254:10	270:20	273:21	281:12	duly [2]	8:17	340:7	287:17 337:21		336:12	
256:5	256:7	257:5	284:21	293:2	294:14	dump [1]		67:1	eight [1]	106:17	especially [1]	283:12
258:5	259:18	259:20	299:15	299:20	299:21	dumped [1]		32:19	either [15]	14:5	ESQUIRE [12]	2:2
261:20	261:21	263:2	300:5	300:6	300:7	duplicate [1]		64:12	32:19 67:1	90:19	2:5 2:8	2:11
269:20	270:1	270:3	307:1	323:19	326:15	duplication [1]		67:6	101:7 152:6	156:15	2:14 2:15	2:15
272:21	273:2	273:5	327:20	328:5	333:18	Dupont [9]		2:21	258:9 281:16	281:21	2:18 3:2	3:5
273:17	276:6	276:12	Doe [3]	3:13	5:6	89:12	216:16	216:17	282:1 282:2	283:4	3:8 3:11	
277:17	279:3	279:5	89:2			217:1	283:7	313:20	295:3 295:5		essential [1]	191:17
279:7	279:15	281:9	doesn't [20]	29:19		315:7	331:5		elect [1]	16:19	essentially [1]	294:10
282:20	283:1	283:13	50:18	67:20	68:9	during [20]		10:10	elemental [1]	218:18	establish [5]	119:3
283:19	284:1	286:15	78:17	156:5	165:20	17:2	17:5	29:21	elevated [1]	171:9	128:4 202:2	203:12
86:17	289:9	289:11	182:1	186:3	186:4	63:20	69:21	74:19	eliminate [1]	102:8	209:11	
289:14	296:16	298:7	219:13	240:5	240:6	75:6	103:4	113:15	eliminated [1]	316:20	established [8]	139:18
298:9	298:11	299:3	246:3	247:3	248:1	114:1	135:4	135:15	eliminating [1]	67:14	142:19 228:6	242:15
301:4	301:17	304:14	258:1	295:9	296:9	136:11	186:15	287:10	Ellen [1]	1:8	284:10 297:6	299:12
304:15	304:19	306:13	324:6			317:2	332:4	332:5	Emmerson [2]	315:19	299:17	
307:10	308:2	308:4	dollars [3]	292:20		335:9			316:15		establishing [3]	139:2
316:6	326:5	333:20	293:4	306:7		dust [1]	296:21		emphasis [2]	105:10	139:4 139:6	
documentation [1]			Dome [1]	289:7		duty [1]	285:16		107:11		establishment [1]	
270:11			domestic [1]	50:13		dwelling [1]		218:16	emphasize [1]	291:11	240:18	
documents [174]			dominated [1]	249:16		dwelling [2]		332:15	employed [7]	4:7	et [4]	4:4
6:4	6:10	6:12	Don [2]	310:10	311:5	338:1			4:8 11:10	14:6	195:7 218:15	
6:13	6:18	7:3	done [17]	45:5		dye [2]	77:19	77:20	186:16 283:6	301:21	et.al [4]	1:2 1:4
7:4	7:5	7:7	57:9	72:4	88:19	E [2]	4:11	255:20	employee [4]	14:6	1:6 1:8	
7:9	7:15	7:19	89:21	118:8	119:5	E-m-m-e-r-s-o-n [1]			181:13 310:13	340:13	Ethyl [10]	153:12
8:1	8:7	8:10	177:11	181:15	194:2	315:19			employees [3]	15:15	154:3 154:6	154:10
8:11	14:19	14:20	232:17	241:15	262:6	E.I [1]	2:21		15:16 33:7		154:16 155:16	155:18
15:3	15:8	15:10	263:9	263:17	307:9	Eagle [1]		38:5	employment [2]		156:4 196:7	196:9
21:7	29:1	29:2	337:4			Eagle-Picher [1]		37:21	17:6 312:4		European [1]	317:3
29:5	29:8	31:2	Donoghue [3]	3:8		early [1]	336:6		enacted [2]	288:8	Evans [2]	1:19
31:13	32:11	32:19	4:20	4:20		ease [1]	330:16		334:5		4:7	
38:4	38:20	40:5	doors [1]	17:20		East [3]	1:14	2:3	enactment [1]	296:13	evaporated [3]	310:4
47:4	48:5	48:6	doubt [1]	208:21		2:19			enamel [1]	146:11	310:5 319:12	
48:7	48:13	48:15	down [14]	10:8		easy [2]	114:2	114:3	enamels [2]	146:9	everybody [2]	222:1
49:3	51:3	51:16	10:20	17:20	43:8	Eckart [4]		216:8	146:14		285:16	
58:9	59:14	59:15	56:19	91:13	138:3	311:19	312:17	313:11	encouraged [1]	102:7	evidence [8]	94:13
59:15	59:16	60:2	172:1	175:5	191:13	312:17			end [6]	24:11	250:5 252:19	258:17
60:8	60:11	72:17	265:13	278:7	322:1	economics [1]	195:16		136:15 275:21	318:4	260:9 260:10	263:15
73:9	83:20	85:13	339:11						333:14		336:2	
86:1	86:2	92:1	Dr [52]	42:1	42:13				endeavor [1]	203:11	evident [1]	191:12
94:21	95:3	95:9	42:18	43:4	58:20							
96:5	96:9	96:11	59:9	62:11	74:5							
96:15	96:19	97:9	74:11	74:18	74:20							
7:9	98:13	99:4	75:2	77:7	77:13							
101:13	106:8	106:13	78:3	78:8	110:16							
110:6	114:21	115:7										
115:14	115:18	116:3										

evolved [1]	240:20	315:13	315:17	162:17	167:13	167:18	financial [1]	31:17	follow [2]	206:5
exact [2]	143:6	144:11	exhibits [14]	69:12	170:5	172:12	financing [2]	23:21	212:20	
exactly [3]	235:21	287:7	69:18	70:9	174:4	175:20	94:5		follow-up [3]	150:18
287:7	292:20	71:14	71:14	109:21	189:3	197:4	finding [2]	97:21	151:5	288:15
examination [5]		125:1	133:1	136:16	205:1	205:12	327:21		followed [5]	99:3
8:20	87:15	264:7	341:6	342:2	206:12	211:19	findings [4]	263:16	205:20	210:15
340:9	341:3	343:2			229:1	232:9	263:17	302:5	252:17	211:7
examine [1]	151:13	exist [6]	55:14	97:10	241:4	242:3	finds [1]	264:6	following [6]	107:6
examined [2]	8:19	181:21	182:1	244:16	246:4	249:8	fine [10]	6:2	223:15	274:8
340:8		299:15			258:3	258:8	107:8	131:8	312:16	323:6
example [2]	48:1	existed [1]		47:6	259:8	261:12	136:7	186:6	follows [8]	8:19
180:19		expect [1]		8:3	261:16	274:1	270:16	272:8	50:19	114:18
excellence [1]	50:14	expected [1]		64:11	274:21	285:2			214:13	225:19
except [2]	114:6	expense [2]		281:2	288:12	289:20	finest [1]	116:21	283:16	252:15
161:13		295:5			296:18	296:19	finger [2]	213:7	for-profit [2]	25:3
excess [1]	218:19	experience [3]	160:16		297:14	301:21	235:14		25:5	
excuse [5]	11:17	experimentation [1]			308:11	325:10	finish [7]	10:17	forefront [2]	277:2
90:6	91:8	100:8			43:10		10:18	30:12	280:13	
126:4		expert [7]	117:9		43:16	115:17	159:1	269:2	forget [2]	123:3
executive [10]	6:17	221:5	221:7	281:5	258:16	260:9	144:15	149:6	129:3	
23:9	23:17	281:6	281:6	319:17	Fader [3]	20:8	265:21	305:14	forgive [1]	122:18
156:1	156:8	Expires [1]		340:20	20:8	20:9	237:19		form [41]	39:14
165:6	342:12	explain [2]	60:5		fail [1]	278:6	319:5		56:13	57:9
165:6	342:12	270:12			failure [6]		firm [1]	250:15	63:7	64:16
13:8	25:10	exposed [1]	173:6		106:16	199:18	first [102]	8:17	76:10	76:12
26:19	35:14	exposure [17]	169:6		263:11	265:16	16:1	17:6	97:6	116:14
35:18		172:14	173:7	174:7	fair [2]	44:20	20:13	24:12	117:2	125:20
41:3	41:7	175:17	175:18	181:18	Fairhall [2]		36:9	45:19	126:12	129:20
41:9	44:21	198:11	199:8	256:16	170:15		52:15	63:20	177:20	178:6
46:4	52:2	257:11	258:12	259:5	familiar [4]	10:3	78:17	80:16	188:3	227:11
58:13	58:17	260:4	260:18	263:10	38:2	38:2	87:4	93:6	231:15	241:9
62:5	62:9	268:15			family [1]	281:1	98:12	99:14	248:7	250:1
68:17	68:20	extend [2]	69:16		far [5]	51:4	102:20	102:21	251:10	257:14
71:20	78:19	70:19			223:9	223:15	104:21	108:8	260:8	268:17
80:14	82:2	extent [12]	92:2		farm [1]	336:12	113:3	113:5	294:17	301:8
97:12	97:16	97:7	101:7	110:7	fashion [1]	244:5	121:20	123:7	327:7	
104:14	104:18	133:4	179:18	181:20	fault [3]	81:11	127:17	129:7	formed [1]	209:11
108:5	112:15	196:8	209:15	209:21	88:13		138:12	138:20	former [2]	14:6
113:15	120:11	308:15	309:3		favorable [1]	252:18	146:8	148:3	15:15	
120:19	121:10	exterior [4]	219:12		fearlessly [1]	161:11	150:11	154:14	forms [1]	147:1
126:17	126:20	Externally [1]	161:12		featuring [1]	204:15	155:12	155:15	formulate [1]	87:19
127:10	127:13	extra [1]	89:18		February [7]	103:16	165:9	168:14	forth [5]	73:19
128:10	129:8	extremely [4]	130:7		113:1	137:9	198:9	200:18	182:9	199:18
137:7	141:3	eyes [1]	216:5		147:12	148:11	209:14	213:21	forward [1]	24:1
142:5	143:10	F [6]	1:10	1:11	Federal [2]	122:4	225:2	230:17	Foulger [4]	216:15
143:18	147:6	8:16	9:5	341:1	122:6		237:5	243:15	282:17	283:6
147:13	147:14	341:13			Felix [3]	41:14	252:1	252:3	found [2]	7:5
150:8	150:12	F-o-u-l-g-e-r [2]	216:16	282:17	113:2		255:17	269:18	7:9	
152:8	152:16	F-o-w-l-e-r [1]	310:10		felt [8]	6:20	277:15	278:2	foundation [8]	49:21
153:14	154:17	F-r-i-e-n-d-s [1]	11:17		107:13	158:5	279:8	282:18	228:8	228:13
155:3	157:16	11:17			226:16	227:7	285:10	285:13	318:17	323:18
165:5	165:14	face [6]	50:10	69:19	few [3]	20:1	286:13	286:20	331:3	
168:7	168:11	118:20	132:4	196:6	184:18		289:5	292:14	founded [2]	139:12
186:12	186:19	292:17			field [3]	160:16	298:6	298:13	284:8	
190:12	195:14	facilitate [1]	111:17		fifth [2]	64:6	305:2	305:12	four [8]	19:1
198:8	200:10	fact [74]	43:20	48:17	figures [3]		307:2	307:21	66:15	125:10
207:3	207:7	54:6	55:10	57:12	file [2]	33:4	314:8	314:9	194:11	274:7
213:14	214:1	57:14	68:6	74:7	filed [1]	323:11	316:3	318:3	Fowler [5]	310:10
224:20	230:10	74:10	76:17	78:3	files [3]	6:14	336:6	340:7	311:5	312:17
230:21	234:9	78:18	89:10	90:2	7:9		five [7]	31:12	313:13	
236:19	237:2	94:14	97:9	122:16	film [7]	309:15	31:16	69:17	frame [26]	33:9
243:11	244:9	126:1	126:11	130:1	309:21	310:2	89:11	118:6	39:3	53:9
251:20	255:11	151:15	156:5	159:16	319:19	320:10	flight [1]		84:6	95:6
264:6	264:10				finally [2]	284:11	flipped [1]		96:17	101:20
265:12	266:8				321:18		Floor [1]	2:20	163:19	169:11
267:10	269:12						Florida [1]	12:13	173:10	173:15
272:12	272:16						fluorescence [1]		174:13	182:5
278:16	282:6						170:19		293:6	311:15
286:7	286:11						focus [2]	119:13		
289:2	297:20						171:13			
304:1	304:5						focused [1]	98:2		
304:13	307:12									

324:19 325:6 325:17 335:4	geology [1] 12:17	handing [2] 89:18	hear [2] 89:7 199:20	hurts [2] 292:18 294:12
Frank [2] 3:5	George [3] 255:21	89:19	heard [9] 63:11	hygiene [12] 157:8
5:1	262:14 267:11	handle [3] 30:9	154:14 164:4 164:6	158:4 158:6 164:10
Franklin [2] 2:6	given [7] 6:19	170:16 277:3	290:8 290:18 316:15	164:18 191:3 199:16
18:5	15:6 32:1 98:18	handled [3] 19:20	317:9 317:11	202:6 202:11 203:1
frankly [1] 161:11	255:14 301:13 328:15	29:16 30:16	hearsay [1] 199:13	207:21 207:21
free [3] 10:15 123:8	giving [6] 41:6	hands [2] 55:15	heart [1] 198:15	hygienist [2] 236:9
166:14	216:5 319:7 327:9	89:6	held [8] 1:11 20:19	236:17
Friday [1] 156:3	327:12 327:18	happening [1] 170:8	156:3 173:5 198:14	idea [11] 16:10 61:16
Friends [1] 11:16	glad [1] 192:3	happy [1] 11:4	267:7 271:12 310:16	122:9 124:14 148:5
front [8] 69:18 79:8	glass [1] 33:18	hard [10] 121:12 121:18	Heller [1] 1:8	208:11 210:3 216:14
143:5 147:13 153:13	Glidden [7] 2:17	138:2 138:7 138:8	help [14] 43:11 43:14	240:11 240:12 246:14
186:21 190:15 309:11	4:17 4:19 87:13	144:2 144:7 188:11	93:1 127:11 127:12	identification [50]
fuel [2] 67:2 82:6	218:2 330:3 331:3	214:5 246:17	158:12 189:14 190:4	7:16 13:5 25:11
full [9] 9:3 28:15	gobbled [1] 294:8	harder [1] 146:10	192:15 247:1 251:1	35:15 41:4 45:1
78:17 127:17 149:8	God [1] 183:20	hardly [2] 91:19	283:5 303:15 333:4	52:3 58:14 62:6
161:8 280:18 283:15	goes [9] 67:4 83:2	123:12	helping [2] 67:14	68:18 80:11 86:18
285:13	91:19 124:1 167:19	Hardware [2] 3:10	124:7	97:13 103:11 104:15
Fuller [3] 5:11	290:11 293:21 296:18	4:21	Henderson [6] 262:7	108:2 112:16 120:12
331:12 331:14	302:4	harmful [2] 163:7	262:16 262:20 263:4	137:4 141:4 143:11
fumes [1] 296:21	gone [2] 119:11 172:9	163:13	263:6 263:7	147:7 150:5 152:9
functioned [1] 21:5	good [11] 9:1	Harvard [27] 75:4	Hercules [1] 314:7	154:21 165:2 168:8
fund [4] 94:2 142:12	9:2 122:20 123:2	100:4 100:9 100:15	hereby [1] 340:4	186:13 190:9 195:15
206:4 337:21	134:12 171:8 171:14	110:17 124:6 124:15	herein [2] 8:17	200:11 207:4 213:11
fundamental [2]	246:15 282:4 282:5	140:11 140:19 143:7	340:6	224:17 230:11 234:10
124:2 124:5	303:14	143:8 164:15 164:18	Higgins [1] 314:13	236:20 243:8 251:17
fundamentally [1]	government [4] 28:3	182:8 192:18 205:16	high [5] 12:3 12:3	255:12 269:13 272:13
221:10	28:6 28:6 301:15	236:13 299:5 299:8	12:5 12:9 267:7	278:13 282:7 286:8
funded [3] 43:4	governmental [7]	302:6 302:11 302:15	higher [1] 227:1	288:20 297:21 304:2
140:16 140:18	215:13 238:18 295:19	302:21 303:1 303:12	highlight [1] 122:20	307:13 315:14
funding [14] 42:18	301:1 301:6 306:18	306:14 307:3	highlighted [5] 79:1	identified [2] 159:14
14:11 74:4 74:20	307:5	Hawaii [1] 188:20	79:6 105:17 109:8	283:19
5:2 75:6 111:2	governments [5]	hazard [7] 39:9	122:18	identify [6] 26:16
142:12 142:17 143:4	221:17 222:1 222:13	39:13 39:21 77:21	HIRSCH [4] 2:18	45:19 108:16 109:4
274:21 280:6 299:8	223:8 224:6	306:4 322:5 322:8	89:12 329:7 331:9	191:19 249:6
307:2	gradual [2] 198:12	hazardous [7] 86:3	historical [3] 31:12	illegible [1] 284:2
furnished [1] 233:10	199:8	201:21 202:4 270:8	57:15 220:21	Illinois [2] 188:20
furniture [5] 203:13	graduate [1] 164:15	271:1 299:14 299:18	history [6] 48:20	256:3
203:17 204:5 209:13	grant [1] 206:4	hazards [14] 54:15	115:19 161:1 169:17	ILZRO [4] 7:6
218:15	211:9 252:19	56:2 57:8 58:1	174:20 311:16	7:6 7:9 7:10
futile [2] 226:13	great [4] 22:19 50:21	77:14 77:15 82:8	hits [1] 294:11	immaterial [1] 183:5
226:17	94:5 98:20	86:7 213:16 226:3	hold [3] 20:5 20:18	immediately [1]
future [4] 69:9	GRIMM [5] 135:18	226:4 252:20 280:10	180:18	240:14
162:5 226:20 227:5	136:2 220:12 265:19	head [2] 10:7 326:7	holds [2] 299:12	impairment [2] 198:12
fuzzy [2] 214:4	274:3	headache [4] 208:10	299:16	199:9
283:11	ground [1] 10:4	208:12 225:20 228:18	home [3] 11:15	impartial [2] 78:1
G [6] 1:14 2:2	grounds [1] 303:11	headed [1] 124:11	11:16 226:4	78:4
2:14 3:3 3:8	group [6] 168:2	heading [1] 107:9	honest [1] 320:18	impeachment [1]
310:10	168:2 171:15 235:7	headquarters [1] 91:20	honestly [1] 334:19	319:3
Gahagan [4] 1:15	235:13 284:10	health [48] 63:5	Hoover [1] 314:16	implicate [1] 254:14
4:6 340:3 340:19	grown [1] 48:4	64:1 77:21 98:18	hope [1] 191:14	implication [2] 97:8
gain [1] 229:7	guess [3] 134:14	110:2 118:11 124:7	hoped [1] 67:5	136:6
gander [1] 245:1	159:15 235:18	124:10 162:8 164:19	Hopkins [5] 176:15	implications [1]
gather [1] 190:4	guidance [1] 238:20	168:13 192:11 208:16	180:18 192:18 205:17	280:2
general [9] 20:16	H [2] 2:8 282:17	215:2 215:9 215:14	212:14	implied [1] 166:17
20:21 21:4 22:3	Haik [1] 2:16	218:14 226:10 229:11	hospital [2] 177:2	imply [1] 129:16
105:12 107:12 110:3	hailed [1] 124:15	233:15 233:17 240:15	177:5	importance [2] 50:21
232:13 259:20	half [3] 16:7 16:10	241:19 243:12 246:17	Houff [1] 3:6	98:20
generally [4] 117:4	115:12	252:14 253:2 254:7	hours [1] 339:6	important [12] 51:1
169:9 292:17 301:1	hampers [1] 306:5	254:13 255:19 270:8	house [3] 219:11	51:6 51:12 99:14
nerated [2] 33:7	hand [4] 64:10 72:20	274:7 278:17 278:19	219:14 219:19	114:19 126:8 158:13
177:14	326:4 340:16	280:1 280:9 287:11	hover [2] 88:9	160:1 160:6 166:11
gentleman [3] 248:12	handed [2] 70:3	295:20 299:14 299:19	113:18	192:10 297:15
310:12 313:9	90:12	302:7 302:11 302:16	hundreds [1] 191:11	impossible [1] 283:12
gentlemen [1] 314:6		306:15 307:3 310:19	hurt [2] 293:12 293:13	improper [3] 30:5
		343:7 343:12		107:1 129:18
				improved [1] 193:4

improvements [1]	164:18 199:16 199:19	240:15	interpose [1]	43:1	294:21 300:11 324:12
172:1	202:6 202:11 232:13	initiate [1]	57:7	interpret [1]	J [1] 2:11
improving [1]	236:9 236:17 245:10	initiated [2]	42:14	interrogatories [1]	J.H [3] 153:11 155:16
inappropriate [1]	259:14 259:16 297:8	287:17	136:20	Interrupt [1]	216:15
184:21	297:8 297:10	injuries [1]	89:10	interrupted [2]	Jackson [1] 3:12
Inc [7]	1:4 1:7	injury [1]	67:9	30:13	January [11] 27:1
2:7 4:4 4:13	4:13 5:10 6:14	inner [1]	338:2	interview [1]	58:19 141:9 143:16
24:11 216:8	24:13 25:20 26:20	inquiries [6]	17:16	intimately [2]	146:5 148:2 153:10
inception [11]	27:16	18:11 18:16 19:7	303:2	303:7	186:20 189:10 286:13
33:13 35:10 96:2	42:16 44:13 59:4	inquiry [1]	188:12	intoxication [1]	342:15
140:11 140:20 169:14	62:12 67:9 87:3	insistence [5]	240:18	130:12	Jerome [8] 1:10
170:3 303:2 303:4	112:1 113:2 120:17	241:17 242:14 253:1	253:10	introduce [1]	1:11 4:3 8:16
303:13	123:13 137:10 139:2	inspection [4]	27:6	investigate [4]	9:5 135:7 339:14
inclined [1]	139:4 139:7 139:18	27:16 27:21 28:2	77:21 176:14 194:18	77:21 176:14 194:18	341:1
include [1]	147:12 154:4 156:2	instance [4]	32:14	investigated [3]	job [10] 17:11 17:13
included [1]	160:14 161:9 164:13	52:21 212:11 314:7	176:10 179:11 206:10	176:10 179:11 206:10	18:3 20:15 20:20
including [9]	166:2 166:13 166:19	instead [4]	35:7	investigation [13]	22:16 23:8 23:16
58:2 69:10 82:8	167:5 167:17 190:14	48:4 73:6 114:5	78:2 78:4 145:10	78:2 78:4 145:10	131:8 136:7
86:4 119:18 218:21	200:16 242:14 246:2	institute [7]	166:2	162:4 162:16 162:19	jobs [1] 291:12
284:11 335:17	246:16 249:1 252:17	166:13 167:2 167:17	180:4 181:5 181:8	180:4 181:5 181:8	Joe [2] 5:3 329:11
inclusion [1]	278:2 278:20 292:17	196:16 196:21 317:14	181:15 181:16 182:10	181:15 181:16 182:10	John [2] 20:14 282:17
incorporate [1]	306:17 326:12 326:17	institution [7]	182:15	182:15	Johns [5] 176:15
incorporated [1]	327:13 328:19 333:15	74:21 75:3 75:5	investigations [3]	180:5 182:8 182:12	180:18 192:17 205:17
24:2	334:14 334:21	100:15 303:1 307:4	180:5 182:8 182:12	180:5 182:8 182:12	212:14
increase [6]	industry [20] 9:13	302:10	invited [1]	involved [15]	join [2] 88:1 88:2
220:9 231:13 232:9	84:4 84:14 85:11	instructed [1]	302:7	39:2 122:5 125:14	joins [2] 89:2 89:12
296:19 320:6	117:15 123:11 124:21	instructing [2]	9:12	166:17 193:14 199:18	Jones [1] 3:2
increased [1]	128:13 130:13 201:14	228:10	295:10	215:4 217:19 249:10	Joseph [8] 3:2
increases [1]	233:11 234:1 234:3	instructor [1]	38:18	254:19 292:11 299:8	42:1 42:13 53:1
increasing [2]	284:15 285:3 291:13	insufficient [1]	39:2 122:5 125:14	303:2 303:8	81:18 138:21 139:21
118:19	292:7 293:9 304:7	insurance [2]	166:17 193:14 199:18	295:10	329:5
297:3	306:7	334:21	215:4 217:19 249:10	253:15	Joseph's [6] 36:20
indefinite [3]	inexcusable [2] 89:16	intelligent [1]	254:19 292:11 299:8	253:15	37:4 37:6 37:11
56:14	90:17	intelligently [1]	303:2 303:8	253:15	37:12 156:19
74:15 303:7	infants [6] 56:7	251:2	involve [2]	253:15	Journal [2] 325:5
independent [1]	56:10 56:18 110:3	intended [1]	295:10	253:15	325:9
323:20	110:13 110:16	intends [1]	302:6	253:15	journals [1] 324:17
INDEX [3]	inference [2] 248:19	intensive [1]	302:6	253:15	JR [1] 3:2
342:1 343:1	255:4	intention [1]	302:6	253:15	Judge [1] 1:8
indicate [21]	inferior [1] 48:2	intentionally [5]	302:6	253:15	judgment [1] 286:3
38:5 38:17 39:11	influencing [1] 44:12	28:5 88:7 88:11	302:6	253:15	July [1] 150:10
49:4 66:16 148:12	inform [10] 58:1	93:18 101:9	302:6	253:15	June [5] 80:16 84:6
150:1 152:2 152:6	60:10 92:2 101:14	interest [4]	302:6	253:15	87:3 92:4 104:20
155:18 156:12 211:17	130:20 132:3 134:3	158:7 235:5 312:21	302:6	253:15	jury [1] 94:10
211:17 212:19 233:13	193:10 193:18 195:4	interested [25]	302:6	253:15	justified [1] 182:20
246:21 299:6 326:16	information [25]	28:7 44:11 59:18	302:6	253:15	Kaufman [1] 2:16
327:7 327:8	54:5 60:7 102:5	67:14 67:16 97:20	302:6	253:15	keep [9] 26:2 41:7
indicated [6]	158:7 158:19 159:11	118:19 121:16 151:10	302:6	253:15	91:15 135:7 141:15
160:5 212:7 266:11	184:9 190:5 192:16	181:7 189:13 191:4	302:6	253:15	161:3 218:9 282:3
267:16 283:20	195:8 206:7 233:6	211:15 212:2 212:4	302:6	253:15	338:21
indicates [6]	233:9 280:8 284:14	214:11 248:2 285:15	302:6	253:15	keeping [1] 5:17
82:4 202:16 248:4	285:1 296:6 296:8	288:10 289:21 298:18	302:6	253:15	Kehoe [13] 58:20
254:6 301:4	301:16 327:12 329:9	300:16 327:21 340:15	302:6	253:15	59:9 143:16 147:11
indication [18]	330:12 330:17 332:2	interests [6]	302:6	253:15	148:6 150:9 153:11
47:5 54:14 54:20	334:12	126:6 166:19 167:4	302:6	253:15	205:17 265:7 266:3
56:2 66:8 100:13	informed [1] 193:15	252:17 253:4	302:6	253:15	342:7 342:8 342:10
111:1 111:6 136:17	informing [1] 43:15	interior [9]	302:6	253:15	Kehoe's [1] 266:4
151:9 179:5 201:20	Ingersoll [1] 2:19	219:12 317:6 318:12	302:6	253:15	Kennally [5] 3:5
206:17 212:16 249:6	ingested [2] 34:7	322:7 332:8 332:15	302:6	253:15	5:1 5:1 127:10
260:3 295:14	322:9	336:13 338:12	302:6	253:15	265:8
indicators [1]	ingestion [3] 162:6	internal [1] 161:10	302:6	253:15	kept [1] 33:5
indirectly [1]	163:1 163:12	international [3]	302:6	253:15	keys [1] 171:5
individual [4]	ingredient [1] 117:3	7:12 317:13 329:19	302:6	253:15	kid [1] 265:15
147:4	ingredients [1] 226:7		302:6	253:15	kidding [1] 339:9
292:6 292:10 310:10	inherently [1] 82:20		302:6	253:15	kidney [1] 268:16
individually [1]	inimical [3] 166:18		302:6	253:15	
191:13	167:4 252:16		302:6	253:15	
individuals [2]	initial [2] 89:19		302:6	253:15	
53:3			302:6	253:15	
industrial [15]			302:6	253:15	
120:8			302:6	253:15	

kidneys - lead

Multi-Page™

kidneys [1] 198:16	92:3 93:3 94:2	267:12 268:14 269:1	209:3 251:7 296:2	85:11 86:4 86:4
Kimberly [2] 20:12	94:5 94:11 95:10	269:10 269:18 269:19	311:20 312:10	87:2 91:10 91:18
20:14	96:4 97:19 98:1	270:12 272:3 272:17	Lacquers [3] 216:13	92:14 93:4 95:5
kind [5] 65:19 138:2	98:2 98:15 99:11	272:20 273:2 274:13	249:15 311:13	95:11 96:3 98:19
151:12 189:14 211:10	100:14 101:14 102:16	274:21 275:3 275:12	laid [2] 318:16 327:16	99:6 100:5 101:15
law [12] 35:9	103:2 103:13 103:15	276:4 276:7 276:15	Lambert [1] 314:21	102:3 102:8 102:10
44:5 59:10 59:11	103:16 103:18 104:21	276:18 277:9 277:11	Lane [1] 11:17	102:15 103:3 103:20
83:2 83:3 118:20	105:1 105:8 107:16	278:21 279:2 279:4	language [6] 142:20	104:11 105:8 105:10
223:6 240:7 256:16	108:9 109:4 109:6	279:19 282:18 282:21	240:9 254:6 254:12	105:12 106:3 107:9
307:3 313:9	110:12 111:2 113:4	286:13 286:14 286:16	254:14 268:3	107:10 107:12 109:12
knowing [4] 149:19	115:18 116:3 117:19	289:4 289:4 289:5	Lanza [1] 284:11	110:3 110:12 110:15
336:9 337:2 337:12	118:18 119:3 120:21	289:11 290:13 291:2	large [2] 275:7 301:10	111:2 111:21 112:1
knowledge [45] 28:19	122:5 124:19 125:3	292:5 294:15 295:14	largely [1] 296:19	112:9 112:20 113:2
29:17 30:17 31:19	125:14 126:12 127:16	296:10 298:5 298:6	largest [2] 140:1	114:18 114:19 114:20
31:20 34:20 35:1	128:8 128:15 128:15	298:8 299:7 299:20	last [28] 16:9 46:8	115:10 116:21 117:2
38:19 39:4 44:5	129:11 130:1 130:18	300:4 300:15 301:5	56:19 66:14 79:7	117:14 117:20 117:20
48:11 48:19 49:2	130:19 130:20 131:11	302:1 303:1 303:12	79:9 91:4 99:17	118:10 118:19 118:20
50:9 51:8 82:8	131:13 132:1 132:2	304:7 304:8 304:17	100:10 106:13 127:18	119:4 119:12 120:7
115:17 139:5 139:17	133:5 134:2 137:17	304:20 307:1 308:1	128:2 128:3 128:10	120:8 120:17 123:10
173:19 196:18 216:9	140:18 141:10 141:12	308:3 309:9 310:6	144:12 149:8 182:19	123:13 123:14 123:21
216:11 217:3 219:3	141:17 142:11 143:15	310:11 310:13 311:7	185:10 187:7 188:17	124:6 124:8 124:20
236:15 258:4 258:6	143:16 144:19 145:16	311:12 312:4 312:17	198:8 265:13 280:18	125:4 128:12 128:16
285:5 285:6 297:17	146:1 146:4 148:12	313:21 314:3 316:8	322:19 323:3	129:8 129:10 130:7
313:3 313:3 313:21	149:13 150:10 154:8	319:19 322:6 323:10	lasted [1] 23:10	130:10 130:11 130:12
316:7 323:20 324:1	155:5 155:8 156:2	324:7 324:16 325:13	late [3] 40:2 170:21	130:19 130:21 131:14
324:17 327:10 328:10	156:7 156:17 156:20	326:13 326:17 327:8	172:4	132:4 132:9 132:11
332:11 332:21 334:9	158:17 159:8 159:15	327:15 328:19 329:6	law [4] 1:13 2:2	132:16 132:19 132:21
338:6 338:15	161:15 161:20 162:13	329:20 330:4 331:7	287:12 340:8	133:1 133:7 133:17
knowledgeable [2] 14:1 14:7	165:8 165:14 168:13	331:12 331:21 332:6	laws [2] 301:2	133:19 134:3 134:4
known [4] 116:21	168:14 168:15 168:17	332:13 335:8 335:16	lawyers [1] 69:13	137:9 137:10 138:21
140:7 192:19 311:3	168:20 169:4 172:13	336:10 336:17 337:17	lead [449] 1:4	139:1 139:2 139:4
knows [5] 29:12	173:5 174:15 174:16	337:21 338:11 341:14	1:7 2:7 4:4	139:7 139:18 139:21
29:14 30:11 32:4	175:15 176:3 176:8	342:3 342:14 342:15	4:13 6:14 7:13	140:1 140:4 140:5
151:1	176:10 177:14 178:3	342:16 342:18 342:19	9:12 23:6 24:13	140:8 140:10 140:19
[4] 2:5 4:12	178:15 179:6 181:13	343:3 343:6 343:9	25:19 26:20 28:15	145:12 145:17 146:5
340:3 340:19	181:14 186:20 187:1	L.I.A. [47] 11:10	34:4 34:7 35:7	146:10 146:11 147:11
l-i-t-h-o-p-o-n-e [1] 46:18	187:12 188:17 189:2	17:7 23:17 41:15	35:10 36:20 37:12	148:14 149:3 149:9
L-u-t-z [1] 315:5	189:8 189:21 190:4	41:19 42:20 46:13	37:21 38:6 38:16	149:17 151:11 151:17
L.I.A. [419] 7:8	190:14 190:16 191:2	52:13 62:21 69:6	38:18 39:2 39:9	154:4 156:16 156:19
7:15 7:19 9:15	191:21 193:10 193:18	73:15 84:15 98:13	39:13 39:21 40:2	158:8 158:19 159:11
13:17 14:3 14:4	195:20 195:21 196:10	108:10 113:7 114:14	40:3 40:8 40:11	160:1 160:7 160:14
14:6 14:7 15:3	196:19 196:21 197:8	154:12 154:18 155:13	40:17 42:14 42:16	160:17 161:9 161:11
15:13 15:16 17:4	200:15 200:19 201:13	155:19 161:6 165:10	42:19 43:5 43:10	161:15 162:6 163:2
24:2 27:9 27:15	202:12 202:14 204:17	187:4 187:18 190:19	43:16 44:13 47:17	163:13 164:13 166:2
29:2 32:12 33:7	204:21 205:10 206:10	196:3 196:12 196:16	47:21 48:1 48:3	166:13 166:15 167:17
35:2 35:2 35:6	207:9 207:9 207:10	201:1 201:11 205:19	48:3 48:8 48:16	169:5 169:6 170:6
35:9 36:6 38:4	207:19 212:2 214:17	206:2 207:17 216:18	49:5 49:6 49:7	170:10 170:11 170:17
39:12 40:6 40:7	215:18 216:7 216:10	236:3 236:7 241:7	49:9 49:16 49:17	170:18 171:2 171:3
40:16 41:12 42:18	217:2 217:6 217:10	245:5 268:12 269:21	49:19 49:19 50:5	171:9 171:16 172:7
43:3 43:5 44:10	217:13 218:3 218:6	293:5 303:4 306:1	50:10 50:15 50:20	172:10 172:12 172:13
45:13 46:2 46:19	221:1 221:3 221:7	311:8 313:3 313:18	50:21 51:1 51:5	172:15 173:6 173:6
47:5 48:5 48:10	221:15 222:11 223:4	label [6] 240:13 240:16	51:12 51:20 53:1	173:7 174:6 174:7
48:12 48:13 49:7	223:6 223:21 224:4	241:20 242:5 242:6	54:5 54:15 54:15	174:7 175:16 175:18
49:8 49:16 49:21	225:1 225:1 225:2	334:6	55:3 55:13 56:2	176:11 177:6 177:11
51:11 51:20 52:9	225:5 225:15 226:16	labeling [21] 188:4	56:3 56:7 56:10	177:15 178:5 178:7
53:7 53:13 54:2	227:3 227:9 227:20	188:19 189:9 194:4	56:18 57:2 57:4	178:12 179:9 179:13
54:6 55:4 56:5	229:6 229:13 230:1	203:12 209:12 227:15	57:8 58:2 58:2	179:21 180:20 181:17
56:10 57:7 57:21	230:5 230:16 230:17	239:21 245:18 245:20	59:4 59:19 62:12	183:5 183:9 183:11
58:19 59:15 59:18	230:19 231:11 234:15	246:7 247:2 247:13	63:4 63:21 65:16	185:15 185:16 185:16
61:4 62:10 62:14	234:16 234:19 235:12	247:20 271:14 282:16	67:7 67:9 67:20	190:14 191:3 191:9
62:16 65:1 65:12	235:15 235:15 236:6	287:8 287:14 295:4	68:1 68:7 68:8	192:14 192:20 193:19
66:5 66:9 68:11	237:4 237:4 237:6	labels [10] 188:16	68:9 68:10 75:12	198:11 198:16 198:17
69:2 74:3 74:17	237:7 238:5 238:15	189:15 190:2 226:14	76:9 76:19 77:15	200:8 200:8 200:16
74:20 75:6 76:7	240:4 243:13 243:14	226:17 240:1 240:8	77:21 79:17 81:8	201:14 201:21 202:5
6:18 77:5 77:13	243:16 243:18 244:12	270:5 270:7 271:1	81:12 82:3 82:4	203:1 204:15 205:1
78:13 78:16 80:17	244:19 249:8 249:10	lack [3] 81:12 318:17	82:8 82:9 82:16	205:12 207:20 208:9
80:19 80:21 83:11	249:11 249:14 251:7	331:3	82:17 82:19 82:21	208:16 210:13 212:5
86:3 86:21 87:4	252:1 252:2 252:4	Lacking [1] 287:14	83:1 84:3 84:13	215:5 215:7 217:5
87:10 91:7 91:18	252:14 253:14 253:19	Lacquer [6] 167:14		218:17 218:18 218:19
	254:2 254:15 254:15			220:9 220:13 220:16
	254:19 255:17 255:18			225:18 227:1 230:7
	256:3 256:5 256:15			231:13 232:10 233:8
	257:11 258:12 259:5			235:4 235:6 235:12
	260:3 260:17 262:1			235:16 235:20 236:1

238:8	239:6	240:1	270:6	270:21	288:8	lists [4]	156:3	156:6	luncheon [1]	134:18	41:7	45:1	52:3
240:17	240:20	241:1	legitimate [12]	57:12		310:9	312:16		Lutz [2]	314:21	58:14	62:6	68:18
241:6	241:20	242:6	179:8	179:12	180:15	litany [1]		193:3	Lynne [1]	4:8	68:19	80:11	86:18
242:13	242:16	245:10	181:17	205:1	205:13	literature [8]	95:4		M [1]	3:2	97:13	97:15	103:11
245:11	245:20	246:2	206:12	211:19	212:6	95:11	151:12	151:17	M.D [1]	282:17	104:15	104:17	108:2
246:7	246:16	247:1	274:14	274:17		207:1	336:21	337:8	machine [2]	114:4	108:4	112:16	112:19
247:12	247:19	248:6	less [1]	195:9		337:14			114:8		120:12	120:15	137:4
249:1	252:17	255:20	letter [51]	42:1		lithopone [5]	46:17		Mackie [1]	3:9	137:7	141:4	141:7
256:17	256:18	257:12	42:12	58:18	59:21	46:20	47:6	146:9	Madam [1]	46:6	143:11	143:14	147:7
258:13	259:6	259:18	60:3	60:6	60:12	146:13			Madison [2]	11:13	147:10	150:5	150:8
260:5	260:18	262:7	62:10	63:16	112:20	litigation [26]	29:3		17:19		152:9	152:15	153:7
262:10	262:19	263:10	137:8	138:1	143:14	29:6	30:8	30:12	magazine [8]	55:4	154:21	155:2	165:2
267:5	267:8	267:13	147:11	148:2	148:8	31:3	31:4	88:19	55:11	102:15	165:5	168:8	168:11
268:15	273:11	273:18	150:9	153:1	153:1	122:6	162:15	225:5	55:11	102:15	186:13	186:18	190:9
274:14	277:5	277:14	153:2	153:3	153:3	230:19	234:19	237:8	103:20	238:8	190:12	195:15	195:18
277:14	278:2	278:9	153:11	168:12	178:15	243:19	252:5	256:6	291:1		200:11	200:14	207:4
278:20	280:2	280:8	199:16	255:16	266:4	269:21	273:3	279:4	magazines [3]	55:14	207:7	213:11	213:14
280:10	280:13	280:20	266:12	266:20	267:1	282:21	286:16	289:12	290:6	291:11	224:17	224:20	230:11
281:11	282:17	287:8	289:3	304:6	341:13	298:8	300:3	304:20	mail [1]	292:5	230:14	234:10	234:13
287:14	289:7	291:15	341:14	342:3	342:5	308:3			maintain [1]	334:14	236:20	237:2	243:8
292:7	292:11	292:16	342:7	342:8	342:10	livestock [1]	210:13		maintained [2]	6:18	243:11	251:17	251:20
292:18	293:4	293:10	342:11	342:14	342:15	Livingston [1]	4:8		21:20		255:12	255:15	269:13
293:12	294:6	295:10	342:16	342:18	342:19	lobby [1]	227:20		major [3]	208:9	269:16	272:13	272:16
295:15	296:8	296:14	343:3	343:6	343:9	local [4]	221:17	222:13	225:20	274:7	278:13	278:15	282:7
296:21	297:3	297:4	343:15	343:17		locate [7]	95:4		makes [3]	106:10	282:15	286:8	286:11
299:5	303:16	306:4	letterhead [6]	59:5		148:21	160:12	160:19	285:17	294:9	288:20	289:2	297:21
314:2	315:10	315:21	62:10	137:9	143:16	162:20	163:10	244:6	man [1]	30:10	298:2	304:2	304:4
316:9	316:21	317:4	letters [2]	33:4		location [1]	17:18		managing [1]	18:11	307:13	307:15	315:14
319:11	320:6	320:12	327:7			Lombard [3]	1:14		manage [1]	23:18	market [3]		50:14
322:3	322:7	326:12	level [3]	172:7	227:1	2:3	2:19		managed [1]	18:13	114:20	115:11	
326:16	327:1	327:12	284:12			longer [3]	32:12		manager [11]	18:6	marketing [1]		215:4
328:18	329:5	329:11	levels [1]	233:19		146:5	205:18		18:8	18:17	markets [1]		306:8
332:8	332:14	333:7	libraries [1]	336:18		look [49]	13:12	35:21	19:15	19:17	Marks [1]		289:7
333:15	334:7	334:14	library [3]	337:5		45:11	48:20	55:19	20:17	20:21	Maryland [18]	1:1	
334:20	335:2	335:8	lie [1]	81:21		65:5	70:4	71:6	22:3		1:15	1:20	2:3
335:10	335:17	335:18	life [1]	47:16		71:13	71:20	72:9	managing [1]	18:11	2:13	2:20	3:7
336:5	336:13	336:21	lifelong [1]	281:1		72:14	72:16	73:1	Manfred [8]	164:4	3:10	135:14	249:21
337:15	338:11	343:13	light [5]	60:12	61:7	73:3	73:12	73:21	164:7	168:12	250:9	253:3	253:6
343:20			61:16	61:18	62:12	88:6	88:7	88:12	216:7	243:13	253:15	253:20	254:7
lead's [1]	291:12		likely [1]	201:7		99:19	105:16	108:15	342:15		340:1	340:4	
lead-based [5]	169:7		limit [1]	259:4		109:16	109:17	113:12	manifestation [1]		Massachusetts [1]		
172:14	173:3	175:17	limited [3]	8:10		114:12	141:11	143:19	256:17		2:6		
181:18			68:1	256:1		150:13	153:8	159:17	manner [1]	301:11	matching [1]	119:2	
lead-free [7]	46:20		limiting [2]	253:17		170:6	187:2	190:18	manual [1]	336:11	material [3]	92:21	
47:6	47:10	47:14	limits [5]	203:17		225:10	237:12	252:9	manufacture [1]		218:13	297:7	
146:14	146:16	146:20	231:13	232:10	299:13	256:10	266:1	273:15	129:14		materialized [1]		
lead-related [1]	9:10		299:18			279:8	286:20	289:18	manufacturer [2]		321:19		
leadership [2]	299:13		Lincoln [1]	12:5		298:13	305:2	305:2	145:11	323:12	materially [1]	253:3	
299:17			line [11]	67:19	215:21	308:17	326:5		manufacturers [8]		materials [9]	48:2	
leading [2]	290:6		271:15	278:7	318:2	looked [9]	14:21		38:14	39:1	194:4	213:3	213:17
300:13			318:4	322:1	322:1	55:21	124:21	172:20	145:21	146:4	226:4	252:21	290:7
leads [2]	171:1	172:2	323:5	323:5	323:7	238:20	301:1	301:6	170:11	314:16	307:19	309:7	
leaflet [3]	105:12		lines [2]	158:6	192:9	301:12	314:5		manufacturing [3]		mathematical [1]		
107:12	107:17		liquid [1]	218:13		looking [8]	102:4		215:4	271:20	320:17		
learn [1]	43:10		list [3]	52:16	214:14	106:11	122:19	175:3	Marc [2]	2:14	matter [7]	4:3	
least [15]	7:20		listed [6]	13:18		195:12	210:6	212:9	March [6]	1:12	11:2	68:7	77:6
7:21	21:10	39:12	14:1	14:8	36:16	267:1			200:16	304:9	90:2	172:21	219:13
42:3	69:11	103:20	38:21	314:6		looks [9]	41:12		340:17	341:2	matters [4]	13:18	
126:8	151:16	155:17	listen [6]	45:2		46:15	62:18	80:21	mark [19]	2:5	14:8	221:5	238:21
211:17	227:7	245:11	257:9	261:18		150:20	168:19	187:12	4:12	25:9	maximum [1]	296:20	
299:7	311:10		listing [2]	188:2		188:11	216:2		41:2	58:12	may [78]	7:17	14:11
lecturer [1]	164:17					lose [1]	117:14		86:15	93:9	28:6	35:19	39:4
led [2]	64:13	106:15				lots [1]	195:4		103:9	107:21	39:12	40:7	42:3
ledgers [1]	31:16					loud [1]	175:7		137:2	141:2	42:8	60:3	72:17
left [8]	12:1	12:2				Louis [1]	278:21		186:11	236:18	73:19	74:9	75:9
20:9	134:6	215:18				lunch [6]	113:15		marked [92]	13:5	79:11	93:13	99:19
314:9	319:19	322:15				114:1	134:13	135:4	13:7	25:11	105:5	108:7	108:18
legal [2]	55:16	167:8				136:11	170:4		35:15	35:18	108:20	109:1	110:11
legible [1]	218:12										114:18	118:6	120:18
legislation [4]	252:16												

122:13	124:19	125:11	165:7	195:20	230:16	118:1	165:7	195:20	230:16	185:13	191:9	201:7
126:7	128:5	130:13	243:14	256:3	278:21	messages [2]	254:16	304:11	304:12	201:19	221:10	222:12
130:13	132:5	133:8	304:11	341:9	341:10	292:11	341:17			235:16	275:8	284:19
141:21	144:9	151:6	341:11	341:12	341:15	met [7]				294:5		
152:5	152:5	156:11	341:16	341:17	341:18	59:13	161:10	16:18		mostly [1]	139:3	
59:17	162:7	173:12	341:20	342:4	342:6	312:11	315:11	312:7		mother [1]	69:16	
78:10	182:15	182:15	342:12	342:13	342:17	metal [1]		34:5		motion [2]	136:1	
183:16	189:16	195:5	343:4			metallurgy [1]		13:3		303:20		
195:6	198:16	200:5	meetings [8]	17:3		Metals [1]		37:18		motions [2]	5:19	
205:7	206:16	207:19	17:5	39:1	45:9	method [2]		172:8		10:7		
222:18	226:7	238:1	53:8	53:13	97:18	300:19				mountain [1]	69:18	
251:1	261:5	264:18	156:9			methods [2]		172:6		move [7]	68:14	
265:16	267:3	275:7	meetings' [1]	108:7		195:6				77:2	91:15	119:15
275:9	276:8	280:20	member [38]	154:3		Metropolitan [1]				127:6	271:12	303:18
289:16	295:5	295:8	154:7	155:19	156:16	3:3				moved [1]	190:5	
295:10	299:14	299:18	156:20	157:2	157:5	Miami [2]	12:13			moves [1]	208:20	
315:11	316:1	316:10	181:13	196:10	196:12	12:13				MPVLA [1]	168:5	
327:18			214:17	216:9	216:12	MICHAEL [1]	2:15			Mrs [4]	90:1	90:5
MCA [2]	271:13		216:17	217:1	217:6	microfiche [1]	31:9			90:11	90:12	
271:19			217:10	217:13	218:2	microfilm [3]	6:18			multiple [5]	184:10	
mean [16]	24:19		218:6	238:17	311:12	29:9	31:8			210:20	220:8	320:4
34:9	34:11	59:12	313:18	313:20	314:3	microfilms [1]	31:10			320:11		
146:16	178:14	181:3	325:16	326:13	326:17	mid [10]	103:4	177:19		municipal [1]	280:1	
205:3	215:13	242:13	327:15	328:19	329:5	178:5	324:20	325:19		municipalities [2]		
247:15	295:5	295:8	329:11	329:20	330:4	334:18	335:5	337:1		226:12	287:11	
310:2	311:16	337:4	331:7	331:12	331:20	337:17	337:17			must [3]	7:20	8:8
means [16]	35:3		332:3			middle [4]	30:2			275:7		
61:18	62:1	171:16	members [69]	28:13		245:18	292:15	318:11		mutually [3]	110:5	
183:2	185:14	192:19	28:15	28:15	36:12	midway [1]	175:5			110:8	110:10	
223:4	226:13	245:20	36:13	42:16	42:18	might [6]	99:8			Myron [1]	314:9	
247:13	247:20	294:1	50:19	51:13	51:20	218:16	240:21	265:8		N-a-l-e [1]	315:2	
295:2	300:14	303:8	52:17	52:20	52:21	301:15	333:4			N.W [2]	3:3	3:12
meant [12]	60:12		53:3	53:7	53:8	million [2]	292:6			Nale [1]	315:2	
64:7	64:14	110:7	53:13	53:14	53:16	306:7				name [18]	9:3	
118:13	198:20	199:5	62:12	62:20	67:6	mind [7]	45:18	76:14		9:5	9:19	20:13
204:12	210:18	211:6	68:11	87:2	103:15	109:19	184:4	213:1		24:9	36:10	46:17
49:2	253:10		112:20	120:17	129:13	224:9	275:7			81:17	81:18	164:4
meantime [1]	170:14		130:20	130:21	131:16	minds [1]		222:16		164:6	194:10	215:19
measure [1]	200:7		132:3	133:6	133:19	miner [1]		114:20		215:20	216:7	216:15
measures [3]	166:16		134:3	145:16	145:21	miners [2]		50:21		291:5	310:10	
183:2	191:17		156:8	166:5	168:13	51:4				named [3]	194:11	
measuring [1]	172:2		190:14	200:15	201:1	minimal [7]	256:16			194:12	323:10	
meat [1]	294:7		201:8	207:9	214:12	257:11	258:1	258:13		names [3]	20:1	
medical [51]	34:19		225:1	233:14	237:4	259:5	260:4	260:18		214:14	314:5	
34:21	42:14	43:11	238:16	239:3	239:10	minimize [4]	213:16	307:18		national [21]	38:16	
43:14	44:11	44:12	239:16	255:16	289:4	226:4	252:20			137:9	139:1	140:5
56:6	56:8	74:4	293:5	325:13	327:8	mining [8]	37:6			156:16	167:14	209:2
74:19	75:4	77:7	341:14	342:3	342:4	37:13	38:18	39:2		216:12	217:4	249:15
93:2	94:2	94:12	342:14	342:16	342:18	51:13	85:3	140:1		251:7	311:12	311:20
94:15	95:4	95:10	342:19	343:3	343:6	157:5				312:10	314:2	315:10
100:4	100:9	100:14	343:9	343:15		Minneapolis [1]				326:12	326:16	327:1
100:15	110:18	121:15	members' [4]	128:20		2:17				327:12	328:18	
122:15	124:15	140:10	335:10	335:17	335:18	Minnesota [1]	2:17			natural [1]	82:16	
140:18	142:13	162:2	membership [3]	28:11	129:12	minor [3]	12:17			nature [6]	86:4	
171:15	191:16	192:16	28:11	129:12	329:10	117:4	184:20			105:12	107:12	201:21
192:19	193:15	194:14	memory [7]	16:21		minute [8]	71:10			202:4	259:20	
195:7	199:13	212:8	54:18	148:19	196:11	83:13	83:14	111:8		nearly [1]	204:14	
236:5	236:11	236:14	196:14	334:2	335:13	162:6	163:1	163:13		necessary [4]	135:21	
255:21	267:8	281:6	mental [2]	148:13		194:6				138:10	227:8	264:6
295:21	324:16	336:21	281:2			minuties [26]	6:15			need [3]	71:18	242:5
337:8	337:14		mentally [2]	275:10		6:16	14:21	21:3		273:14		
Medicine [2]	325:5		276:9			31:13	35:19	41:10		needs [1]	318:15	
325:9			mention [3]	65:12		45:9	52:8	69:1		neither [2]	5:11	
meet [4]	15:18	16:20	106:3	193:12		80:16	87:1	89:11		101:10		
123:19	311:4		mentioned [2]	170:4		97:18	104:20	108:7		Nemours [1]	216:16	
meeting [38]	35:19		170:5			120:17	141:9	155:5		never [22]	49:21	
1:10	52:8	52:16	merged [1]	196:16								
52:18	53:1	69:1	merger [2]	196:20								
80:15	87:2	104:20	197:3									
108:18	120:16	141:9	merits [2]	117:17								
155:5	156:1	156:8										

50:5	50:5	57:7	14:2	14:8	39:8	213:14	214:2	224:16	48:18	49:10	49:12	274:18	275:16	276:11
58:1	58:8	59:13	52:15	221:9	260:4	224:20	230:10	230:14	49:20	51:7	53:5	277:6	277:9	277:16
59:21	60:6	109:19	341:7			230:21	231:2	233:15	53:9	54:17	54:21	277:18	280:4	280:15
130:1	131:11	131:14	notified [1]		182:8	234:9	234:13	235:3	56:12	57:10	58:4	281:14	283:8	285:4
173:21	180:7	181:21	November [2]		11:20	235:18	236:19	237:2	60:15	63:1	63:9	285:20	285:21	287:19
184:4	257:3	257:6	26:21			238:6	243:7	243:11	64:19	65:3	65:3	288:4	291:17	292:12
263:2	277:9	305:19	now [79]		11:9	251:16	251:20	252:15	66:12	75:1	75:16	293:6	293:15	293:18
new [36]			23:12	23:15	25:3	255:11	255:15	265:12	76:12	76:20	76:21	293:19	294:19	296:15
8:5	8:11	10:2	29:21	41:6	42:11	266:8	266:14	269:12	77:8	77:9	77:17	297:5	297:16	302:3
11:13	11:14	11:17	47:21	49:6	58:16	269:16	272:12	272:16	77:18	78:6	79:19	302:13	306:10	317:5
13:3	21:20	23:3	62:4	68:13	70:6	278:12	278:16	282:6	80:3	81:6	84:16	317:7	318:21	319:13
24:8	25:7	172:5	76:5	80:13	93:15	282:15	286:7	286:11	84:17	85:1	85:5	320:14	320:15	322:11
208:17	226:10	229:7	97:15	98:15	104:17	287:6	288:19	289:2	85:8	85:9	85:15	322:12	322:18	323:2
229:10	229:17	233:15	108:4	110:1	112:18	297:20	298:3	298:17	85:19	86:5	88:1	323:5	323:6	323:15
233:16	235:6	240:13	120:14	128:8	130:15	299:5	304:1	304:5	88:2	88:3	89:3	323:17	324:9	324:18
240:15	241:19	245:19	137:6	141:6	143:13	307:12	307:16	309:9	89:8	89:11	89:12	325:17	325:21	326:19
246:7	247:1	247:12	147:9	150:7	152:15	315:13	315:17		89:15	92:5	92:11	327:16	329:7	329:8
247:19	248:5	287:11	155:2	160:10	163:4	numbered [5]		27:4	93:17	95:19	100:18	331:9	331:14	332:1
290:5	325:5	325:9	165:4	168:10	172:8	52:5	58:16	62:9	101:3	101:17	101:18	332:10	332:16	334:10
339:11			176:7	176:7	182:18	80:13			102:19	103:5	104:9	334:16	335:3	335:12
newspaper [7]			186:18	190:11	194:13	numbers [5]		41:8	106:8	106:11	107:20	335:20	336:8	336:15
191:11	204:15	204:18	200:13	205:8	207:6	45:16	192:21	244:13	109:20	110:9	110:14	336:19	337:3	337:18
210:12	212:17	294:7	213:13	224:19	230:13	275:6			111:4	112:3	112:11	338:5	338:14	
next [36]			234:7	234:12	237:1	numerically [1]		244:9	115:2	115:16	117:7	objections [19]		
47:21	50:12	52:5	238:2	238:8	243:10	O'Brien [1]		5:12	117:8	118:2	118:15	5:19	6:7	6:7
55:2	56:5	58:16	248:13	250:17	251:19	object [96]		32:6	119:1	119:15	122:7	82:14	87:14	87:16
62:8	62:8	68:20	255:14	256:11	268:11	32:8	39:14	43:18	122:8	125:6	126:8	87:19	89:1	132:14
74:12	78:16	80:13	269:15	272:15	275:19	49:11	56:13	60:13	126:21	127:6	128:18	249:21	250:4	250:10
87:17	90:11	117:13	278:10	282:14	284:3	61:15	63:7	64:16	128:19	128:21	129:3	250:12	250:16	250:19
127:5	152:14	157:17	284:9	286:10	287:7	65:8	67:18	68:2	129:7	130:6	131:2	250:20	251:1	322:15
161:8	161:21	191:2	289:1	305:17	305:18	68:5	73:20	74:14	132:7	133:10	134:7	obtain [3]		
202:21	209:8	216:15	307:15	312:14	315:16	76:10	78:5	81:9	139:8	139:9	140:2	12:14	12:19	12:9
217:4	218:11	283:14	320:3	321:6		85:19	91:16	92:6	140:6	145:19	146:15	obtained [3]		
292:14	293:21	295:17	now-members [1]		43:4	92:13	93:5	93:6	148:9	150:21	151:18	284:14	285:2	192:10
296:18	312:14	318:4	NPVLA [1]		287:9	93:10	93:18	95:12	152:4	154:1	155:20	obtaining [1]		
318:5			number [156]		4:5	97:6	99:2	99:5	156:10	156:14	158:20	obvious [2]		
nice [1]			13:4	13:8	16:17	99:7	104:3	104:6	159:4	159:12	160:3	129:21		126:1
night [1]			25:10	26:5	26:15	105:19	106:2	106:21	160:8	161:17	162:9	obviously [5]		
nine [2]			26:19	27:3	27:10	116:14	116:16	125:20	162:18	163:14	163:19	182:21	184:7	194:1
Ninth [1]			35:14	35:18	36:6	126:10	129:20	132:13	166:6	167:6	167:7	281:6		
NL [1]			39:9	39:20	41:3	133:11	136:5	142:18	167:19	169:8	172:16	occasions [4]		
NLI [2]			41:7	44:21	46:16	143:1	151:7	170:1	173:9	174:9	176:6	15:20	17:2	220:2
nod [2]			47:12	52:2	54:3	177:20	179:15	181:2	177:17	178:1	178:6	occupational [2]		
NOLAN [1]			56:5	58:13	58:21	181:19	183:4	186:2	178:8	179:14	179:20	119:19	160:16	
None [1]			62:5	62:14	68:17	194:16	199:10	231:15	180:2	180:14	181:3	October [8]		
nonferrous [1]			80:10	82:2	86:17	241:9	242:1	242:18	184:5	185:18	188:6	97:18	98:7	101:21
nonresponsive [1]			87:4	87:6	87:7	242:19	246:8	247:5	189:11	192:4	193:20	102:12	175:3	269:18
303:18			87:8	97:12	97:16	248:7	248:9	249:5	196:13	196:17	198:21	317:21		
nontoxic [2]			98:3	98:15	103:10	249:20	250:2	251:10	199:16	201:3	202:1	off [16]		
335:19			103:17	104:14	104:18	256:21	257:14	257:15	203:19	205:3	206:13	33:19	33:21	
nonvoting [1]			108:1	108:5	109:4	258:16	259:7	260:8	206:14	208:13	209:4	81:2	111:12	111:14
nor [8]			112:15	112:19	114:2	263:14	266:18	274:16	209:17	210:19	211:12	174:1	198:2	221:12
131:15	131:15	145:12	114:19	116:20	117:13	275:15	276:10	281:4	211:20	215:6	215:10	243:3	279:11	282:8
340:13	340:13	340:14	120:11	120:18	121:10	281:7	294:17	301:8	216:20	217:21	219:7	282:10	305:5	316:17
North [1]			128:9	137:3	137:7	303:6	303:10	303:20	220:11	220:18	220:18	326:7	339:7	
Notary [2]			137:13	138:7	140:8	311:15	318:7	319:2	221:20	221:21	222:15	offer [2]		
340:3			141:3	141:7	143:10	324:3	331:2	334:10	223:10	223:13	223:17	90:8	90:9	
note [3]			143:14	143:17	147:6	335:21	338:3		224:8	226:18	227:10	office [5]		
283:10			147:10	150:4	150:8	objected [1]		63:17	228:1	228:19	229:3	16:11	21:21	55:17
notes [1]			152:8	152:16	153:7	objecting [1]		250:21	229:15	230:8	232:11	123:12		
nothing [15]			154:20	155:3	157:18	objection [324]		14:9	232:12	232:18	233:12	Officer [1]		
82:3	92:14	99:6	157:20	162:2	165:1	16:4	16:12	21:13	234:5	236:8	239:4	officers [1]		
129:10	131:9	152:1	165:5	168:7	168:11	25:14	25:21	28:8	239:13	241:8	241:10	offices [3]		
152:5	173:2	178:7	168:21	177:1	182:18	28:17	29:11	29:20	245:14	246:10	247:6	2:2	25:6	
183:5	228:7	232:1	186:12	186:19	187:11	31:21	33:9	34:6	247:16	249:9	249:18	offset [1]		
239:6	333:6		190:8	190:12	191:8	34:10	34:14	35:11	250:11	250:12	251:12	often [4]		
notice [11]			195:14	195:19	200:10	37:7	37:8	39:3	253:11	253:21	257:18	210:17	211:8	
13:9	13:11	13:16	200:14	203:1	203:9	39:16	40:9	40:18	258:15	259:9	259:12	295:2	306:5	
			204:14	207:3	207:7	43:2	43:6	43:17	260:7	261:1	261:2	Ohio [1]		
			208:8	209:8	210:11	44:14	44:17	44:18	261:5	262:11	263:13	188:20		
			212:12	212:13	213:10	46:21	47:1	47:8	268:17	268:19	269:3	old [2]		
						47:9	47:19	48:9	269:7	270:14	271:3	17:9	67:1	
									271:7	274:2	274:3	older [2]		
												216:4	273:19	
												once [1]		
												172:10		

one - person

Multi-Page™

one [102] 6:7 8:7 9:20 20:2 34:14 35:5 38:11 40:20 44:16 49:15 55:15 64:5 66:15 69:19 9:19 70:8 72:8 73:6 76:9 76:19 79:16 80:1 80:16 83:3 91:3 97:10 98:13 98:19 106:18 111:8 113:16 114:5 115:3 122:11 125:1 126:5 129:1 137:17 138:6 146:19 149:15 151:10 151:16 156:4 160:6 164:10 164:21 166:16 167:2 167:2 167:8 168:2 170:9 172:6 179:3 180:19 184:17 193:3 194:10 195:5 208:8 214:21 219:6 219:17 219:21 223:1 227:17 227:19 233:20 239:5 239:14 246:16 251:3 259:12 264:7 264:19 265:15 266:3 266:6 267:6 268:9 271:21 277:4 277:7 277:13 281:15 284:10 285:15 286:4 290:6 300:8 303:1 309:17 317:15 322:4 327:11 328:10 328:21 329:13 331:19 333:20 338:7	one-third [1] 296:20 nerous [3] 295:3 96:3 296:13 ones [4] 129:15 206:11 285:9 325:2 open [3] 27:21 28:2 339:1 opinion [4] 198:14 216:4 281:5 286:4 opportunity [17] 70:9 70:10 71:1 71:11 73:21 88:6 90:10 90:14 90:15 90:16 90:19 104:5 151:15 152:20 165:14 185:6 270:15 opposed [11] 5:20 43:15 43:15 172:14 175:18 228:6 254:2 254:7 254:13 254:15 275:13 opposing [2] 253:2 253:15 opposition [2] 253:19 254:19 order [8] 6:10 6:11 23:21 67:21 68:3 68:6 68:7 141:20 ordinance [6] 288:13 332:7 332:14 332:17 333:8 334:5 e [1] 38:18 organization [11] 7:13 78:1 129:12 204:1 233:11 234:6 291:3 300:11 302:19	306:15 317:13 organizations [7] 233:16 295:21 296:7 301:13 317:16 317:17 324:14 organizing [1] 158:12 origin [1] 64:1 original [1] 144:5 originally [1] 7:6 Orleans [1] 10:2 otherwise [1] 27:20 ought [4] 34:15 152:10 185:8 261:18 ounce [4] 79:11 125:1 126:18 128:5 outbreak [1] 64:13 outcome [4] 110:4 166:11 208:20 340:15 outfit [1] 203:15 outlet [4] 51:1 51:6 51:13 160:7 outside [1] 232:13 outstanding [1] 50:14 overall [1] 191:15 overbroad [1] 95:13 Overruled [1] 174:18 overstatement [1] 301:10 own [5] 81:11 81:12 88:8 126:6 129:14 oxide [2] 146:9 p.m [2] 134:20 339:16 page [150] 27:4 28:11 36:10 39:7 39:19 41:13 41:21 45:19 46:16 47:21 52:9 52:15 54:3 56:5 69:19 78:16 80:17 83:10 87:4 91:7 91:18 97:19 98:2 98:9 98:15 103:17 104:21 105:8 108:8 109:5 113:3 117:13 127:16 137:14 138:6 138:12 138:14 138:14 138:16 140:8 141:10 141:17 141:19 145:1 145:8 145:8 147:13 149:2 150:11 151:9 153:13 155:7 155:15 157:8 157:10 157:12 157:14 157:17 158:3 159:16 161:8 161:20 161:21 165:8 165:19 165:20 168:14 175:4 175:5 176:8 186:21 187:8 188:17 190:15 191:1 191:2 196:6 196:19 197:19 198:8 200:18 202:12 202:21 207:10 208:2 209:8 213:21 218:11 225:2 225:15 230:17 231:11 234:16 235:3 237:5 238:5 238:6 238:15 238:16 243:15 244:3 244:6	244:9 244:16 245:9 245:17 252:1 252:14 255:17 267:12 269:18 270:5 270:15 272:19 273:11 279:1 279:18 280:18 281:9 282:18 283:14 285:7 285:8 285:11 286:13 287:6 289:5 290:4 292:14 292:14 298:6 298:18 299:5 304:17 306:12 307:21 308:12 309:8 310:6 312:14 316:1 318:4 318:5 321:21 323:1 341:3 341:6 342:2 343:2 pages [10] 78:12 142:2 144:2 159:17 244:8 290:1 305:12 318:1 321:11 321:18 paid [2] 235:17 312:21 paint [105] 46:20 47:7 47:16 48:3 49:17 50:14 50:15 54:15 56:2 58:2 67:20 68:1 68:8 68:8 82:3 82:9 86:4 92:14 99:6 102:8 106:3 116:21 117:3 117:9 117:15 125:4 128:17 128:20 129:13 130:10 130:11 132:4 132:16 132:19 133:20 145:12 145:17 167:14 172:14 173:3 173:8 174:8 178:7 179:21 181:18 183:6 183:9 183:12 189:15 201:21 202:5 203:12 208:19 209:1 209:2 209:10 209:12 209:20 216:8 216:12 217:19 217:20 218:5 219:5 220:10 221:5 230:7 233:11 234:1 234:3 240:13 242:17 245:20 246:7 247:2 247:12 247:20 248:6 249:15 251:7 277:5 277:15 278:10 284:15 285:3 292:11 296:1 311:13 311:19 311:20 312:10 316:21 317:4 319:11 319:16 320:4 321:17 323:11 332:8 332:14 333:7 335:18 336:13 338:1 painted [1] 219:19 painting [1] 336:11 paints [34] 119:12 133:7 134:4 134:4 146:8 146:12 146:14 146:17 147:1 147:4 160:2 160:7 169:7 170:11 175:18 208:16 226:7 226:14 226:17 226:21 227:5 233:8 240:16 240:21 241:2 241:6 241:20 242:6 287:8 287:14 291:16 334:6 338:12 paper [4] 42:10	259:13 259:15 315:18 papers [2] 15:1 15:6 paragraph [72] 43:8 55:2 56:19 64:6 66:15 66:16 67:4 78:17 79:7 79:10 83:14 83:17 99:13 99:15 99:18 100:3 100:13 100:19 100:21 101:1 105:17 106:20 109:8 110:1 123:5 127:17 127:17 138:12 138:20 145:9 148:3 149:8 161:9 166:10 167:20 167:21 176:21 183:10 183:12 184:18 184:21 185:3 185:7 185:9 185:11 185:19 185:21 188:18 191:8 198:9 206:15 231:14 231:19 245:19 265:13 266:15 267:12 268:4 275:17 280:18 283:15 284:7 285:14 292:4 292:15 293:21 294:16 295:11 295:12 295:17 306:4 309:16 paragraphs [1] 231:20 parallel [1] 155:8 paralysis [1] 280:21 parentheses [1] 218:21 parents [12] 191:16 191:21 193:11 193:11 193:12 193:13 193:18 194:3 194:5 194:13 195:4 280:10 park [2] 2:9 219:14 part [30] 43:9 56:15 76:6 94:1 94:8 102:20 102:21 117:20 122:21 123:2 134:10 154:14 161:9 191:20 193:10 193:17 204:20 226:9 229:9 239:14 268:21 274:12 281:5 288:9 289:17 289:19 300:13 314:8 314:9 321:8 partial [2] 119:16 120:1 partially [1] 206:15 participant [1] 249:11 participating [1] 335:1 participation [1] 253:19 particular [15] 78:9 108:21 160:11 165:20 166:4 172:11 179:11 188:3 199:11 233:18 250:15 289:17 301:14 302:16 325:16 particularly [1] 294:5 parties [2] 340:13 340:14 parts [8] 121:17 125:10 144:2 172:2 205:5 210:20 214:6 305:10	party [2] 222:17 224:10 party's [1] 51:8 pass [8] 71:4 71:19 72:5 72:21 89:5 91:13 108:16 239:16 passed [3] 70:21 91:4 227:15 passes [1] 123:12 passing [2] 73:8 312:20 past [5] 5:18 105:14 107:15 174:5 174:13 paste [1] 117:2 Paul [2] 3:8 4:20 pause [27] 159:3 159:19 165:16 169:2 187:15 203:5 208:1 208:5 225:11 232:6 237:13 237:17 245:2 252:10 256:12 266:10 270:17 273:7 279:10 286:21 290:2 298:21 305:4 305:8 308:20 318:6 338:8 pay [1] 325:13 PB [1] 218:19 pediatricians [2] 195:7 235:7 Pediatrics [5] 192:15 213:18 241:13 249:12 307:20 pending [1] 303:19 Pennsylvania [1] 2:12 people [14] 14:11 18:13 18:15 62:2 66:6 115:17 125:17 129:8 192:19 195:6 235:15 235:20 241:14 291:7 per [5] 68:9 68:10 172:2 210:12 212:18 perceived [1] 51:12 percent [12] 47:17 84:4 84:14 85:4 85:12 218:19 220:7 220:12 233:8 240:20 284:12 334:7 percentage [3] 51:19 320:5 320:13 perfect [1] 87:21 performing [1] 291:13 period [20] 20:1 21:19 32:18 32:20 33:14 40:4 125:13 160:15 161:1 163:21 172:9 186:15 221:3 258:21 259:1 259:2 259:4 302:8 321:14 324:20 permanent [1] 280:20 permanently [2] 275:10 276:8 permissible [1] 296:20 permitting [1] 240:20 person [5] 13:21 36:11 36:11 60:3
---	---	--	---	---	---

220:20	pointed [1]	182:9	18:6	20:5	20:18	prevention [4]	79:11	product [26]	46:17	
personal [2]	28:19	poison [11]	133:20	87:19	87:21	117:15	125:2	49:18	49:21	50:4
313:3		225:18	240:16	129:12	172:13	173:5	preventive [4]	50:5	50:6	75:13
personally [3]	13:17	241:20	242:5	175:15	227:3	310:16	185:14	82:16	82:20	114:20
48:10	340:5	280:2	280:11	322:6			previous [8]	117:17	118:1	118:1
personnel [2]	310:9	315:21		positions [2]	58:6		122:11	130:7	131:1	131:11
312:16		poison-labeling [1]		174:16			125:1	131:13	166:16	172:15
persons [1]	67:3	208:15		possess [1]	204:17		159:16	277:10	277:12	290:18
persuade [1]	287:10	poisoned [11]	56:11	possession [6]	32:12		184:10	291:2	291:4	295:4
persuading [1]	288:1	56:18	66:6	32:13	96:3	148:12	previously [2]	295:8		
pertain [1]	29:10	129:9	169:5	149:13	161:5		266:19	production [3]	6:21	
pertained [1]	31:12	172:12	173:6	possible [8]	66:20		primary [2]	29:16	30:9	
peruse [1]	113:17	280:20		77:15	92:21	206:7	84:13	products [36]	54:15	
Peter [2]	1:13	poisoning [125]	40:3	210:15	211:7	277:4	principal [2]	54:16	56:3	58:2
phase [1]	158:13	40:8	40:11	277:7			239:11	76:9	76:19	77:16
Philip [2]	2:8	42:14	42:19	possibly [3]	171:6		private [3]	79:18	80:2	82:8
5:7		43:10	43:16	198:11	321:4		158:19	86:4	123:19	128:17
phrase [8]	64:7	49:19	56:7	potential [7]	77:14		159:11	128:20	129:14	130:1
78:21	126:18	57:3	59:19	133:8	184:16	275:8	privately [1]	132:4	166:5	166:15
199:5	211:6	63:21	65:16	295:9	302:10	306:4	problem [23]	167:3	170:12	185:16
253:10		82:5	91:11	potentialities [1]	302:5		67:14	188:4	189:15	215:5
phrased [1]	50:3	93:4	95:5	Powder [1]	314:7		101:15	221:19	270:7	271:1
physicians [2]	259:15	96:3	98:19	Pratt [1]	314:21		102:2	278:4	278:8	282:17
259:16		102:3	102:10	precautionary [3]	282:16	287:13	129:6	335:10	335:17	335:18
Picher [1]	38:6	105:10	105:12	282:16	287:13	343:13	225:20	335:19	343:13	
pick [1]	318:11	107:10	107:13	precede [2]	184:11		321:9	profession [9]	43:11	
picture [1]	171:18	110:3	110:12	184:20			63:14	43:15	44:12	56:8
pieces [3]	115:19	120:8	123:10	preceded [1]	189:20		119:10	191:16	193:15	194:14
212:8	321:14	128:12	133:1	preceding [2]	150:19		206:6	195:7	295:21	
pigment [6]	38:15	140:9	140:10	309:16			77:20	professional [1]	81:12	
47:14	50:15	148:14	149:3	precisely [1]	200:7		104:3	profits [1]	293:16	
116:21	131:15	149:17	151:11	precludes [1]	306:6		107:1	program [9]	43:10	
pigments [6]	85:11	160:17	161:11	precursor [1]	190:3		proceeding [1]	112:2	112:5	112:10
129:10	132:9	169:6	170:6	predicted [3]	270:6		73:4	112:21	157:9	158:4
218:21	323:14	170:18	172:13	270:12	270:20		4:1	335:8	335:9	
Pinta [1]	2:5	174:7	175:16	270:12	270:20		81:6	programs [2]	22:20	
pipes [1]	57:4	176:11	177:6	prepare [5]	14:15		253:15	23:20		
PL [2]	145:8	177:16	178:5	15:13	15:16	72:17	50:10	progress [1]	73:18	
214:10		179:9	179:13	235:12			145:2	prohibited [1]	317:3	
place [8]	101:8	181:17	185:15	prepared [4]	117:3		256:17	projects [4]	22:20	
190:6	197:4	191:9	193:19	235:6	245:21	312:15	6:4	22:21	23:5	23:6
227:4		204:15	205:1	235:16	235:20	245:10	6:11	promise [1]	170:9	
277:15	294:1	208:9	211:19	245:11	256:18	259:19	7:15	promising [1]	208:20	
plaintiff [1]	69:10	235:4	235:6	262:7	262:10	262:19	8:12	promote [1]	117:20	
plaintiff's [8]	58:21	245:11	256:18	267:5	267:8	273:11	27:12	promoted [3]	335:9	
120:19	143:18	262:7	262:10	273:18	274:15	277:14	29:5	335:18	336:12	
150:12	153:14	273:18	274:15	280:8	281:11	292:18	29:18	promotion [4]	112:21	
223:5		280:8	281:11	293:10	294:6	295:15	29:18	114:17	117:21	336:4
plaintiffs [8]	1:3	293:10	294:6	295:20	296:8	296:14	31:4	promotional [2]	112:2	335:8
1:6	2:4	295:20	296:8	297:4	303:16	316:9	45:13	112:2	335:8	
7:20	48:7	335:2	337:1	335:2	337:1	337:15	48:7	promotions [1]	335:17	
162:14		343:20		343:20			52:13	promulgate [2]	246:17	
plaintiffs' [7]	15:8	policies [1]	78:2				69:5	288:13		
59:16	81:15	policy [8]	32:13	presentation [3]	255:19	256:2	86:21	promulgated [4]	222:14	224:7
116:5	136:12	32:15	33:8	243:14	259:13	278:20	97:3	232:9		
plants [1]	295:7	57:7	57:21	315:20			105:1	300:10		
play [1]	229:13	166:12		presenting [2]	235:13		108:10	promulgates [1]	238:18	
played [1]	230:1	Popham [1]	2:16	259:15			113:6	promulgation [1]		
pockets [3]	292:21	Poppe [2]	20:2	present [14]	17:4		116:6	301:2		
293:4	296:11	20:4		23:11	36:10	38:7	120:21	promulgations [1]	301:7	
Pogue [1]	3:2	popular [2]	162:7	38:21	155:15	156:4	121:5	proof [1]	333:17	
point [14]	20:11	Porter [1]	2:9	156:6	156:6	196:6	141:12	proper [3]	30:7	
94:7	97:10	portion [3]	78:9	228:12	267:2	322:5	145:13	235:20	235:21	
159:9	170:17	184:18	199:12	329:6			155:13	properly [1]	21:5	
182:2	197:4	poses [1]	292:16	presentation [3]	255:19	256:2	162:15			
280:16	287:7	position [14]	18:2	255:19	256:2	267:11	168:17			
312:3				267:11			187:18			
				267:11			190:19			
				278:20			201:10			
				278:20			207:16			
				278:20			231:6			
				278:20			243:18			
				278:20			244:5			
				278:20			252:4			
				278:20			256:6			
				278:20			261:21			
				278:20			279:4			
				278:20			289:11			
				278:20			308:2			
				278:20			336:6			

properties - removing

Multi-Page™

properties [1]	291:12	quarter [1]	287:10	203:7	207:20	214:5	9:4	21:15	33:8	66:5	76:17	95:1
proposal [3]	240:15	quarterly [12]	234:14	218:12	219:1	231:18	33:19	33:21	34:2	106:10	107:7	258:11
302:7 305:10		251:21 269:17	272:17	231:19	231:20	242:10	35:18	41:9	45:9	reflected [9]		132:10
Proposed [1]	252:16	286:12 298:4	343:5	242:13	248:18	254:6	46:1	46:9	52:7	132:10 177:15		178:4
Proprietary [1]	256:1	343:8 343:10	343:11	267:3	270:15	273:14	58:18	68:21	69:9	179:18 191:20		247:3
Protect [2]	126:5	343:14 343:16		273:16	283:4	283:12	81:2	81:4	86:13	248:16 304:13		
126:6		quarters [3]	198:10	283:15	283:20	284:3	87:1	87:12	89:4	reflection [1]		77:10
protective [1]	191:17	198:20 199:7		284:18	284:19	287:2	96:8	97:17	99:10	reflects [3]		76:6
prove [2]	94:14	Queensland [14]		295:13	296:9	305:10	103:14	106:10	107:7	77:5 77:12		
162:5		149:4 149:10	149:18	318:3	321:6	321:21	109:4	111:12	111:14	refresh [3]		196:10
provide [6]	70:21	151:11 151:17	262:10	322:10	322:13	336:16	111:19	113:14	119:5	196:14 324:1		
72:8 81:7	90:16	262:19 263:9	263:18	339:12	339:13		126:6	126:9	130:4	refreshes [1]		289:19
105:21 301:16		264:3 264:9	265:15	reading [20]	45:18		133:14	135:1	136:14	refuse [3]		72:7
provided [2]	99:11	315:20 316:20		64:20	98:16	99:21	137:16	166:9	180:12	88:7 333:2		
233:11		questioning [13]		107:2	107:5	151:10	185:3	185:9	198:2	refuses [1]		81:7
providing [3]	99:3	65:20 67:19	71:21	154:13	158:21	159:1	198:5	199:14	200:1	refute [1]		282:2
104:4 106:17		72:2 72:13	72:15	159:18	163:3	166:10	221:12	243:3	243:6	regard [5]		70:16
public [31]	1:16	73:4 73:20	88:15	184:7	188:5	191:5	244:14	250:2	250:17	106:3 198:11		199:8
27:16 57:8	94:3	105:20 109:21	181:20	242:11	264:8	322:2	254:5	255:8	264:20	267:7		
117:17 117:21	124:7	199:11		322:17			269:9	272:11	279:11	regarding [3]		40:3
124:10 158:7	158:19	questions [18]	7:15	reads [5]	158:4	161:9	279:13	282:10	282:12	86:7 337:15		
159:10 160:17	161:12	10:18 11:2	18:11	182:19	252:15	318:8	283:11	284:3	304:12	Regardless [1]		277:17
161:15 162:8	164:19	49:13 62:3	72:17	ready [3]		33:18	305:5	305:7	316:17	regulation [6]		245:20
192:11 215:2	215:9	90:19 91:14	99:3	90:21	152:14		322:14	323:4	340:11	246:7 247:2		247:13
215:14 293:11	294:8	104:4 123:9	333:2	real [1]	193:1		recorded [1]		340:10	247:20 248:6		
294:10 302:7	302:11	338:17 338:18	338:20	realize [1]		58:10	records [27]		21:4	regulations [8]		208:16
302:16 306:14	307:3	339:3 339:9		really [9]		16:20	21:7	21:11	21:18	287:13 288:3		295:3
336:17 337:7	340:3	quick [1]	225:10	60:21 61:2	142:14		21:20	22:13	23:13	296:4 296:14		301:2
publication [4]	54:4	quickly [1]	10:5	171:7 193:7	224:12		23:15	27:7	27:15	301:7		
290:11 290:15	336:11	quite [2]	233:4	285:14 307:6			28:1	28:4	30:11	regulatory [2]		221:16
publications [1]		quote [1]	79:8	reams [4]		79:11	30:11	31:13	31:17	222:12		
202:15		quoted [1]	126:18	125:2 126:19	128:5		32:1	38:17	121:2	related [2]		215:5
publicity [27]	40:3	quotes [3]	208:12	reason [11]		27:19	121:5	134:10	145:3	340:14		
57:8 75:11	79:12	210:4 228:18		81:10 140:12	195:3		206:17	221:1	249:7	relates [5]		61:4
9:17 80:2	125:2	R [1]	2:15	195:10 232:11	238:10		330:16	330:21		70:17 93:13		239:5
125:5 126:19	128:6	R.J [1]	216:8	326:11 327:14	328:1		refer [24]		26:11	297:6		
128:9 132:5	133:8	R.L [1]	311:6	328:17			27:3	36:9	39:7	relationship [2]		74:11
166:4 183:1	185:14	raise [2]	8:5	reasonable [1]	91:12		41:13	56:19	83:10	74:17		
191:10 208:10	210:11	raised [2]	76:18	reasons [5]	114:16		83:14	103:13	112:13	relative [3]		42:13
212:8 225:21	275:9	322:15		133:11 145:13	146:7		121:14	159:14	165:13	270:7 287:13		
275:13 292:6	294:2	range [2]	16:8	267:6			168:20	191:1	197:8	relevance [1]		104:7
294:11 296:12		96:16		Reavis [1]	3:2		202:12	207:19	213:2	relevancy [1]		239:4
publicly [1]	58:1	rate [1]	210:11	receive [2]	7:18		214:10	238:5	257:2	relevant [2]		16:20
publish [2]	54:6	rather [1]	207:21	325:9			279:18	318:1		169:14		
107:17		reached [1]	222:19	received [11]	6:15		referee [1]		167:15	relied [7]		221:16
published [4]	55:5	read [105]	40:1	6:17 14:20	57:2		reference [8]		67:20	223:7 224:6		233:7
102:16 201:14	202:17	46:8 46:9	50:18	133:8 153:21	169:5		112:4	119:7	129:1	233:9 233:19		285:1
publishing [1]	55:7	64:7 65:5	66:18	171:2 173:6	174:6		129:7	184:19	226:19	relied [7]		222:2
pull [1]	127:13	67:21 79:9	83:14	204:16			333:19			233:7 233:19		285:1
purported [2]	327:17	86:12 86:13	98:21	receives [2]	91:19		references [3]		95:14	relied [7]		221:16
329:10		99:15 99:17	100:2	123:13			95:16	213:4		223:7 224:6		233:7
purporting [1]	328:11	105:18 106:20	107:6	receiving [4]	40:2		referred [7]		77:13	233:9 233:19		285:1
purpose [11]	44:11	109:13 121:12	121:18	75:12 76:8	132:5		78:19	209:2	262:20	relied [7]		222:2
67:3 112:9	112:12	122:17 123:4	123:7	recent [1]	136:18		271:19	271:20	317:20	rely [3]		139:15
158:10 158:18	159:10	123:8 123:16	124:3	recess [3]	134:18		referring [26]		77:6	257:5		
179:7 221:17	271:14	127:18 129:5	130:3	198:3 272:9			78:10	79:13	84:2	relying [1]		294:15
335:1		130:4 132:15	138:2	reclaimed [1]	67:2		91:7	127:16	127:20	remain [2]		18:2
purposes [4]	5:14	138:7 138:8	142:7	recognize [10]	26:8		130:14	139:11	146:13	320:10		
222:14 250:10	289:18	142:20 144:2	144:8	26:12 36:1	36:4		149:2	169:9	189:4	remaining [1]		113:15
put [18]	64:19	151:8 153:1	162:10	41:11 45:12	52:12		206:15	209:18	210:20	remains [3]		98:19
192:15 208:12	210:4	162:11 165:14	165:15	62:15 69:5	113:6		210:21	211:1	263:1	116:21 320:5		
213:7 228:17	235:14	165:18 165:19	166:9	recognized [1]	245:11		266:4	266:4	266:7	remember [15]		10:1
242:5 242:6	254:12	166:20 169:1	175:6	recollection [1]	289:19		293:7	300:6	321:7	16:5 16:6		122:10
60:4 290:13	290:16	180:10 180:12	184:17	recommendations [2]			323:3			126:16 126:20		127:3
291:10 297:15	297:17	185:3 185:6	185:8	77:5			refers [3]		184:7	194:20 245:4		264:10
339:7		185:10 188:11	189:4	record [73]	5:9		refiner [1]		37:16	264:12 305:20		319:7
qualities [1]	123:15	191:2 191:3	197:21				refining [7]		37:15	320:20 321:2		
quantities [1]	256:16	200:1 201:18	201:19				84:3 84:14	139:1		remove [3]		170:11
		202:2 202:3	203:2				157:1 157:4	329:19		320:8 338:1		
							reflect [7]	13:9		removed [1]		131:14
										removing [2]		128:16

170:10	240:16 241:19	resubmission [1]	25:12 26:18 27:2	153:5 155:1 157:12
renal [6] 198:12 199:9	required [2] 58:3	136:12	27:11 27:13 28:20	157:15 157:19 158:2
199:17 263:10 263:11	334:6	result [11] 67:8	29:14 29:20 30:10	163:5 163:6 164:21
265:16	requirement [3] 227:15	133:9 148:14 169:6	30:19 30:21 32:2	165:3 165:17 167:10
reopen [2] 7:21	270:7 270:21	173:7 174:7 175:17	32:6 32:10 33:19	168:9 169:10 169:13
8:8	requirements [2]	181:18 257:12 263:11	34:3 35:13 35:16	169:18 173:13 173:18
repeal [1] 227:20	33:2 189:9	268:15	37:10 38:9 41:2	173:21 174:2 174:11
repeat [9] 39:18	requires [1] 188:3	resulted [1] 263:10	41:5 42:6 42:7	174:21 175:11 176:13
41:16 63:18 75:18	requiring [1] 188:19	results [8] 181:15	43:21 44:2 45:6	177:19 178:9 178:13
106:7 126:10 152:13	research [38] 7:13	210:17 210:21 211:9	45:7 45:17 45:21	178:16 178:19 179:2
163:8 239:8	42:14 42:19 43:5	211:10 252:18 280:7	46:12 50:2 50:7	179:16 180:6 180:8
rephrase [13] 11:3	43:9 43:14 44:11	319:11	52:4 53:11 53:15	180:16 181:7 181:10
37:5 44:9 95:1	56:6 74:4 77:7	retained [2] 6:13	58:12 58:15 60:1	182:11 182:17 183:7
126:13 131:6 159:5	77:14 94:2 94:4	33:2	60:9 60:17 61:11	183:11 183:16 183:20
211:2 211:21 222:10	94:12 94:15 100:5	retardation [1] 148:13	61:17 61:19 62:4	184:3 184:14 185:1
247:18 251:1 259:21	100:14 101:8 121:15	retarded [2] 275:10	62:7 63:11 63:13	185:5 185:20 186:9
rephrasing [2] 131:8	122:15 124:5 140:10	276:9	63:17 65:17 65:21	186:11 186:17 187:7
131:9	140:15 140:19 142:13	retention [4] 32:13	66:7 68:2 68:13	187:16 190:10 194:20
report [32] 18:17	177:11 212:13 212:16	32:15 33:8 33:15	68:16 68:19 69:3	195:11 197:11 197:18
39:8 39:20 100:19	280:6 280:7 299:8	reveal [2] 8:1	69:14 70:2 70:5	198:6 200:12 203:4
103:15 152:3 169:16	302:8 302:17 306:16	260:3	70:7 70:12 71:3	203:6 203:21 204:5
177:1 186:19 190:13	307:2 317:13 336:20	review [85] 7:7	71:8 71:11 71:15	204:7 205:7 205:9
200:15 207:8 224:21	337:4	7:21 8:6 38:4	71:16 72:1 72:8	207:2 207:5 208:3
234:14 237:3 243:12	researchers [3] 212:9	38:17 38:20 40:5	72:10 72:13 73:2	208:4 209:19 211:2
251:21 269:17 272:17	235:19 275:1	47:4 48:5 48:15	73:10 73:11 75:19	211:4 213:12 215:15
278:17 280:1 286:12	reserve [4] 5:20	51:3 59:14 60:2	76:4 78:11 78:13	215:16 217:17 219:10
290:1 298:4 343:5	7:20 8:8 338:19	60:11 61:4 61:7	78:15 80:12 81:6	219:12 219:15 220:14
343:7 343:8 343:10	reserved [3] 250:4	69:4 70:9 70:10	81:9 81:17 81:19	220:15 221:2 221:6
343:11 343:12 343:14	250:13 250:17	71:1 72:2 75:14	81:20 82:7 82:12	221:13 222:3 222:6
343:16	reserving [1] 87:14	83:20 86:1 86:20	83:1 83:7 83:9	223:12 223:14 224:15
reported [5] 1:15	residential [9] 219:13	89:19 90:11 92:1	83:16 83:18 84:7	224:18 225:12 228:4
18:19 63:5 64:1	219:15 317:4 332:9	94:20 94:21 95:3	84:8 86:11 86:15	228:10 228:14 228:16
178:12	332:15 334:6 336:13	95:9 96:21 99:8	86:19 87:8 87:10	230:12 232:1 232:5
reporter [12] 4:6	338:1 338:12	101:13 104:5 106:1	87:20 88:5 88:11	232:7 234:4 234:11
10:8 10:19 46:6	residual [4] 213:17	110:6 111:17 114:10	88:18 88:21 89:7	236:18 236:21 237:18
46:10 86:14 130:5	226:3 252:21 307:19	116:3 117:18 128:14	89:14 89:20 90:3	243:1 243:9 244:11
152:18 157:21 180:13	resolved [2] 89:17	148:5 148:11 149:12	90:4 90:7 90:13	244:15 244:18 245:3
200:2 231:3	167:16	149:15 149:17 151:16	90:18 91:2 91:6	246:12 247:8 248:15
reporting [5] 1:19	respect [16] 33:6	152:1 153:19 158:16	91:13 91:17 92:15	249:20 250:8 250:19
4:7 20:8 20:10	33:8 67:19 133:1	159:7 160:5 160:13	92:16 94:13 94:18	251:4 251:18 252:11
20:12	176:7 185:15 221:18	161:13 162:13 163:16	94:19 95:7 95:8	254:9 254:17 255:2
reports [6] 65:15	224:7 229:20 241:6	176:8 181:12 188:21	96:7 96:14 96:18	255:5 255:10 255:13
151:11 151:16 168:21	250:1 265:6 280:13	189:7 191:19 198:19	97:1 97:11 97:14	257:2 257:4 257:19
200:21 341:19	295:11 331:5 336:20	199:4 206:9 222:19	98:7 98:10 98:11	258:18 259:10 259:17
represent [4] 70:12	respond [7] 18:16	223:3 224:2 249:7	99:10 99:16 100:1	260:11 261:3 261:13
70:15 216:6 311:20	45:3 65:6 203:3	253:5 253:18 255:19	100:20 101:6 101:10	261:17 261:21 262:4
representation [4] 8:4	258:6 263:5 321:13	257:7 260:2 260:21	101:12 102:1 103:9	262:5 262:15 262:17
85:4 85:12	response [4] 148:1	270:10 270:19 273:6	103:12 104:16 106:6	263:1 263:21 265:2
264:21	193:7 193:8 266:3	273:21 281:12 284:21	106:14 106:19 107:4	265:4 265:5 265:11
representations [2] 328:12	responses [2] 136:20	293:2 294:14 306:21	107:8 107:21 108:3	265:18 265:21 266:6
328:12 328:14	327:5	reviewed [15] 14:19	108:20 109:2 111:11	266:9 266:13 267:18
representative [2] 40:6	responsibilities [3] 18:4	48:13 49:3 51:16	111:20 112:17 113:14	269:5 269:14 270:16
128:14	20:21 23:17	54:12 58:9 116:5	113:19 114:3 114:6	272:5 272:8 272:14
representatives [2] 229:17	responsibility [8] 18:10	116:7 116:8 116:11	114:9 115:4 115:6	274:19 278:14 279:14
271:13	18:10 18:16 21:1	121:7 163:11 169:18	115:20 116:1 119:21	282:4 282:8 282:13
represented [7] 36:20	21:2 21:6 23:13	310:8 326:16	120:3 120:10 120:13	284:2 284:6 286:1
84:4 84:14 203:10	73:9 81:12	reviewing [3] 46:7	121:1 121:4 121:9	286:9 287:1 288:18
209:11 209:16 210:1	responsible [4] 139:2	83:13 219:4	121:11 121:14 121:19	288:21 289:21 291:20
representing [4] 17:4	139:3 139:6 296:19	revised [3] 26:21	123:1 123:6 125:7	291:21 293:8 298:1
36:10 70:8	responsive [1] 303:21	308:15 309:4	125:19 126:2 127:9	298:14 299:1 303:5
215:18	rest [5] 69:13 72:8	reynolds [1] 217:9	127:12 127:15 129:2	304:3 305:11 305:13
represents [1] 36:11	93:21 130:15 232:2	Richards [1] 3:9	129:19 131:5 131:12	307:11 307:14 315:15
request [7] 6:20	restate [2] 178:2	Richardson [455] 2:2	131:19 131:21 132:13	316:18 318:7 318:18
69:9 75:11 91:12	269:8	2:2 4:10 4:11	134:12 134:15 135:3	319:4 321:15 321:20
142:12 235:5 339:3	restrict [1] 332:8	6:2 6:8 7:10	135:19 135:21 136:4	322:17 323:1 323:8
requesting [1] 66:21	restricted [1] 168:1	7:14 7:18 8:21	136:8 136:10 136:14	324:5 324:10 328:4
requests [1] 327:6		13:6 16:14 16:17	136:19 137:1 137:5	328:6 328:13 328:16
require [3] 190:1		24:20 24:21 25:9	138:9 138:11 138:16	330:8 330:11 330:19
			138:19 139:14 141:2	331:1 331:4 332:19
			141:5 141:21 142:3	333:1 333:5 333:12
			142:21 143:2 143:12	335:5 338:7 338:9
			144:7 144:11 144:13	338:16 338:21 339:5
			145:4 145:5 147:8	339:10 341:4
			148:17 150:6 152:19	Richfield [2] 2:10

5:8

ridiculous [1]

57:11

right [90]

7:20

8:8

10:16

11:8

5:10

17:11

17:14

2:1

23:12

26:4

28:20

33:12

33:17

38:9

38:10

42:11

50:12

55:6

60:18

70:6

71:5

72:14

72:16

73:17

79:4

79:15

83:10

86:9

90:11

93:15

99:12

101:2

102:1

102:13

109:10

109:13

109:15

110:21

111:7

112:14

113:19

118:8

122:3

124:4

132:17

133:15

141:17

142:21

153:6

159:21

160:10

172:8

173:1

176:21

180:19

184:1

194:2

197:19

200:9

206:4

206:21

212:15

214:16

215:15

234:4

235:14

241:19

243:4

245:4

253:14

254:4

254:11

260:1

263:8

267:10

275:2

276:16

276:18

284:3

285:7

288:7

288:16

299:2

311:11

326:4

329:13

330:11

335:15

337:6

338:19

right-hand [1]

308:11

Ring [2]

312:9

312:11

sks [1]

82:17

load [1]

1:20

Robert [3]

58:20

143:15

276:18

Rockefeller [2]

316:1

316:10

role [2]

229:13

230:2

Rollins [1]

3:9

Ron [1]

45:15

Ronald [2]

2:2

4:11

roofing [1]

23:3

room [3]

69:13

73:1

135:12

routinely [1]

212:21

rule [4]

135:18

135:18

135:20

136:2

ruled [3]

82:15

82:16

82:19

rules [4]

10:4

135:14

249:21

250:9

run [7]

3:13

5:6

89:2

191:13

192:20

244:9

244:13

S [2]

2:18

3:11

S-c-h-a-e-f-e-r [1]

153:12

S-p-a-r-r-e [1]

315:6

d [1]

294:7

safe [6]

203:12

203:16

209:12

210:4

335:11

335:19

safest [1]

77:20

safety [1]

157:8

158:4

158:6

164:11

168:13

243:12

252:15

278:17

278:19

343:7

343:12

sale [6]

48:16

49:17

51:5

51:12

306:6

323:13

sales [1]

293:13

Samuel [1]

250:16

sandbagging [1]

81:14

Sanitary [1]

57:1

Santiago [3]

9:20

175:2

317:21

Sapolin [2]

216:8

311:19

satisfactory [2]

8:13

146:11

save [6]

6:11

79:11

125:2

126:19

128:5

133:14

saw [3]

51:5

164:3

261:17

says [60]

27:17

28:1

36:19

47:18

48:1

50:13

51:17

63:2

63:10

64:3

67:10

67:11

77:19

79:1

79:3

85:3

92:18

92:20

100:4

107:7

107:9

109:12

110:15

110:16

115:10

147:3

153:1

153:3

156:1

162:4

166:8

167:20

168:4

176:21

185:19

185:21

204:5

204:11

206:3

206:4

209:8

229:5

229:9

233:17

235:3

238:16

245:16

248:20

257:3

267:4

274:6

275:4

275:6

275:18

285:16

291:9

292:15

295:2

300:12

312:14

Schaefer [3]

153:11

155:16

342:11

Schnobrich [1]

2:16

school [17]

12:3

12:5

12:10

75:4

100:5

100:9

100:16

110:18

124:15

164:19

302:6

302:11

302:16

302:21

306:14

307:3

schools [1]

206:5

Schumann [2]

3:10

4:21

science [2]

12:17

117:1

scientific [9]

92:21

93:3

95:4

95:10

302:6

302:10

336:21

337:8

337:14

scope [2]

93:14

221:8

scrap [1]

66:20

scraped [1]

320:7

se [2]

68:9

68:10

seal [1]

340:16

search [1]

124:2

second [22]

33:20

46:5

99:17

100:2

100:4

123:4

123:8

127:17

129:11

138:5

138:14

138:16

141:17

149:8

215:19

244:2

245:17

267:12

282:9

283:15

287:21

323:6

secondly [3]

65:10

278:3

295:2

secretary [39]

20:16

20:21

21:2

22:3

22:15

41:15

41:19

42:12

56:21

58:19

59:17

62:11

113:2

137:10

143:15

158:11

190:13

200:15

200:21

205:18

206:1

207:8

224:21

226:1

234:14

234:15

251:21

269:17

272:17

276:15

286:12

289:3

294:15

298:5

304:6

305:21

311:8

312:17

341:19

secretary's [3]

39:8

39:20

103:15

Secretary [1]

237:3

section [26]

28:12

39:9

39:21

56:20

109:3

121:15

121:16

142:8

158:21

169:1

191:3

191:6

202:6

202:11

202:15

203:3

207:20

208:8

212:1

214:11

240:14

270:15

271:11

273:12

295:13

322:17

sectional [1]

310:7

sections [1]

191:4

secure [3]

246:6

247:1

248:5

secured [5]

245:20

247:13

247:20

248:1

248:2

see [75]

20:7

21:4

23:20

45:12

54:9

64:21

86:20

87:17

88:4

91:8

105:5

105:17

109:1

109:8

118:7

120:9

121:7

136:4

141:11

141:20

149:10

149:11

149:21

150:13

151:8

153:8

154:2

163:17

164:2

183:3

183:9

183:11

187:2

190:7

197:1

197:2

197:12

201:20

202:4

212:1

215:17

216:1

235:9

235:10

237:12

241:14

258:19

259:3

259:11

260:12

260:16

260:20

268:3

268:7

271:17

271:18

273:12

274:10

284:16

289:8

289:10

292:8

292:9

294:3

294:4

294:20

306:19

309:18

309:21

311:19

312:1

312:2

321:1

321:15

323:18

seeing [6]

122:2

187:21

283:19

289:19

300:16

305:20

seek [1]

168:4

Seeking [1]

42:4

seem [5]

47:15

66:16

142:2

244:13

275:7

seemingly [1]

226:13

segment [1]

221:21

selected [1]

6:19

selling [2]

37:18

215:4

sells [1]

285:17

send [1]

244:7

senior [1]

17:17

sense [1]

186:4

sent [6]

42:1

62:20

205:16

205:16

205:17

212:21

sentence [28]

50:12

50:13

50:17

50:18

63:20

64:6

64:8

66:15

79:7

79:9

99:14

99:17

99:18

100:2

100:4

122:17

123:7

123:8

127:18

128:2

128:3

132:15

149:8

182:19

184:7

185:10

211:6

296:18

sentences [2]

184:11

271:21

September [15]

41:10

41:14

41:17

52:8

53:4

55:8

56:9

62:13

63:4

63:21

69:1

74:5

76:2

76:3

271:13

sequence [1]

142:2

series [2]

184:19

240:1

serious [4]

48:1

123:11

124:20

128:13

serve [1]

229:1

served [3]

226:1

312:18

313:9

Service [5]

1:19

4:7

124:7

124:11

192:11

Service-Free [1]

289:7

services [7]

18:7

18:9

18:18

18:21

19:16

20:6

240:21

session [3]

29:16

134:20

211:17

set [6]

55:13

114:4

233:7

244:8

284:11

340:6

setting [6]

115:16

199:19

221:18

222:14

299:13

299:17

seven [1]

33:3

several [12]

42:14

55:10

74:12

100:11

128:21

142:1

213:4

275:1

292:19

302:6

306:7

327:6

shadow [1]

267:5

shadows [1]

266:16

shall [3]

28:1

218:17

255:10

shed [4]

60:12

61:7

61:16

61:18

Sherwin [2]

5:3

214:1

Sherwin-Williams [7]

3:4

3:7

5:2

217:12

313:17

331:20

332:3

shifted [1]

18:10

shipping [1]

212:8

short [1]

272:5

shortly [1]

303:13

show [29]

13:7

26:4

35:17

92:2

103:7

105:7

108:13

109:3

113:10

122:16

122:17

127:1

138:10

142:4

149:15

157:20

175:4

194:4

247:11

249:19

260:17

265:12

266:16

267:5

317:18

326:5

327:20

328:2

332:17

showed [3]

170:9

181:16

267:11

showing [42]

45:8

52:5

58:16

62:8

80:13

97:15

104:17

108:4

112:18

120:14

137:6

141:6

143:13

147:9

150:7

152:15

155:2

165:4

168:10

186:18

190:11

195:18

200:13

207:6

213:13

224:19

230:13

234:12

237:1

243:10

251:19

266:14

269:15

272:15

278:15

282:14

286:10

289:1

298:2

304:4

307:15

315:16

shown [6]

68:20

136:11

153:6

181:12

253:1

266:16

shows [3]

42:10

66:9

85:14

side [1]

157:16

sign [2]

339:12

339:13

signature [1]

62:12

silk [1]

78:1

similar [1]

321:17

Simple [1]

328:20

simply [11]

39:1

49:8

80:18

83:19

89:17

137:12

202:15

239:2

239:9

254:16

254:17

single [2]

70:8

242:5

sit [4]

87:17

175:5

213:5

sitting [1]

90:10

situation [9] 50:16 57:15 64:10 105:10 105:15 107:10 107:15 191:14 194:17	six [2] 17:1 48:3	size [1] 50:13	Skallerud [11] 2:15 4:18 4:18 5:16 221:8 318:15 318:20 322:11 322:14 322:20 323:4	skip [1] 50:18	skips [1] 50:17	slums [2] 273:19 294:10	Smalkin [1] 3:9	small [3] 94:7 184:17 273:18	smelterer [2] 37:16 51:13	smelterers [1] 51:5	smeltering [1] 39:2	smelters [1] 51:1	smelting [7] 37:15 84:3 84:13 138:21 157:1 157:4 329:19	Smith [89] 1:10 1:11 4:3 8:16 9:5 13:4 25:10 29:1 34:4 35:14 35:17 41:3 41:6 44:21 52:2 58:13 62:5 68:17 73:12 79:16 80:10 86:17 91:5 97:12 101:14 103:10 104:14 108:1 111:21 112:15 120:11 126:5 135:4 137:3 137:6 141:3 143:10 143:13 144:1 144:20 147:6 147:9 150:4 150:7 152:8 153:20 154:20 159:21 165:1 168:7 168:10 169:20 175:1 186:12 190:8 195:14 198:7 200:10 207:3 213:10 221:14 224:16 224:19 230:10 234:9 236:19 243:7 251:16 255:7 255:11 266:19 269:12 272:12 278:12 282:6 283:19 286:7 288:19 297:20 304:1 305:9 307:12 315:13 338:10 339:15 341:1 341:5 342:2 343:2	society [2] 57:1 221:21	sole [1] 117:2	solids [2] 218:20 309:15	solubles [1] 319:12	solve [3] 67:15 194:18 277:2	someone [5] 5:11 13:17 76:14 219:5 290:14	Someplace [1] 280:16	sometime [2] 162:5 202:17	Sometimes [1] 182:15	soon [2] 72:4 90:20	sorry [45] 6:5 6:9 7:12 21:15 22:8 26:3 26:18 40:19 41:16 61:1 64:20 75:18 79:4 86:10 88:16 92:17 102:19 109:8 126:4 129:2 130:15 144:14 149:5 157:13 160:18 163:4 163:9 166:9 173:11 173:13 174:11 182:21 183:2 197:14 208:2 227:12 230:21 231:17 258:10 271:8 271:10 278:19 298:14 306:12 330:8	sort [6] 18:12 21:3 23:4 81:10 119:11 199:13	sounds [1] 29:14	source [4] 78:4 208:10 225:21 275:8	sources [1] 175:19	South [1] 2:16	Southwest [1] 1:20	space [1] 292:5	Spahr [1] 2:19	Sparre [1] 315:6	speak [7] 15:12 15:15 93:12 96:8 167:13 255:8 258:5	speaking [5] 82:13 132:14 249:20 250:20 251:1	speaks [20] 28:18 47:20 65:10 92:7 92:19 111:5 115:3 117:10 118:4 151:19 166:7 167:9 167:12 167:21 188:7 199:1 245:15 253:12 254:3 294:21	specialists [2] 4:9 233:18	specific [20] 29:17 30:17 44:4 54:18 65:6 100:18 130:11 174:3 191:20 193:10 204:3 206:11 213:1 327:9 334:2 334:3 334:8 334:12 334:17 335:13	specifically [13] 31:6 32:1 32:4 84:2 97:20 98:2 103:13 121:14 203:1 214:11 288:2 298:18 318:1	specification [2] 252:20 343:18	specifications [6] 213:16 218:11 307:18 309:8 309:19 342:20	specifics [1] 203:3	specified [1] 65:15	specify [1] 250:6	speculate [10] 29:19 57:20 76:13 79:20 79:21 132:2 189:19 223:18 224:1 224:14	speculating [1] 271:6	speculation [11] 56:15 132:12 189:17 199:13 220:19 229:4 239:14 246:11 268:20 271:4 277:19	speculative [1] 77:3	spelled [1] 315:5	spelling [1] 216:21	spend [1] 114:8	spoke [1] 176:3	spokesman [1] 125:15	sponsor [1] 249:8	sponsored [8] 213:18 235:15 241:13 246:1 249:1 249:12 307:20 316:12	sponsoring [5] 100:10 100:14 203:10 204:11 205:4	Square [1] 3:3	St [12] 36:20 37:4 37:6 37:11 37:12 52:21 138:20 139:21 156:19 278:21 329:5 329:11	staff [4] 158:12 236:2 236:6 236:6	stage [1] 235:18	stamp [13] 36:6 52:9 62:14 87:4 87:5 87:8 103:17 109:4 120:18 122:3 143:17 195:21 214:2	stamped [37] 69:2 80:17 97:19 104:21 108:9 113:4 137:13 141:10 147:14 150:11 153:13 155:7 165:8 168:15 186:21 190:16 200:19 207:10 213:21 225:2 230:17 234:16 237:6 243:16 252:2 255:18 269:19 272:19 279:2 279:18 282:18 286:14 289:5 298:6 304:17 308:1 316:2 7:11	stand [1] 7:11	standard [34] 190:1 214:8 214:13 223:7 224:5 226:2 226:6 226:9 229:8 229:10 232:9 232:14 233:7 233:9 233:10 233:18 239:6 239:17 240:9 240:20 241:6 241:12 242:4 242:16 246:6 246:16 246:21 248:4 288:9 307:18 308:8 309:4 310:8 312:15	standards [39] 203:11 203:12 203:15 209:9	209:12 213:16 214:9 221:15 221:18 222:12 222:14 224:7 231:12 234:6 238:19 239:11 240:19 242:15 245:21 246:1 246:5 246:15 247:14 247:21 248:21 249:17 251:9 251:13 252:20 271:15 296:1 299:12 300:7 300:10 300:16 300:21 301:13 342:20 343:18	standpoint [3] 118:12 163:20 218:14	start [3] 33:12 223:19 323:4	started [5] 6:6 83:13 162:4 162:17 170:4	starters [1] 278:7	starts [1] 318:10	state [35] 9:3 24:6 35:4 59:16 81:5 89:11 92:11 104:11 118:13 129:3 133:13 133:16 142:11 143:3 165:21 179:10 188:2 188:3 188:10 188:18 193:9 211:14 221:17 222:13 223:7 224:6 233:16 238:7 281:10 293:21 302:4 306:3 332:12 340:1 340:4	statement [31] 6:3 87:12 115:8 115:15 116:13 127:7 130:9 140:13 160:11 160:14 160:20 162:21 163:11 163:18 166:1 166:12 197:17 249:3 277:20 280:17 280:19 281:3 281:13 285:19 299:16 326:12 328:8 328:18 329:4 329:18 331:7	statements [2] 168:1 294:16	states [58] 40:1 41:21 43:9 54:3 56:21 63:20 64:11 82:2 84:3 84:19 91:19 104:2 105:9 110:4 114:16 116:13 116:20 117:14 118:10 122:15 128:12 140:9 142:16 145:11 146:7 148:2 151:10 157:4 188:13 188:18 189:10 189:13 191:8 198:10 203:9 208:8 212:2 214:11 225:18 239:21 240:2 240:14 245:10 245:19 266:15 268:21 271:11 284:7 287:9 290:4 291:6 292:3 296:10 299:11 306:13 308:12 310:7 336:6	stating [3] 119:21 259:8 318:21	statistics [1] 155:9	staying [1] 320:13	stenographically [1] 340:10	step [1] 226:11	steps [1] 193:4	still [18] 20:8 22:6 22:13 23:13 56:16 89:7 98:19 130:21 205:20 208:21 219:16 222:20 226:21 260:14 299:7 306:1 326:20 331:16	stipulate [2] 6:12 7:1	stipulation [1] 6:6	stipulations [1] 5:18	stirring [1] 57:5	stop [5] 10:11 49:9 73:4 145:14 301:3	stopped [1] 145:17	storage [2] 66:20 82:6	story [3] 136:7 169:21 173:16	straight [1] 69:17	strain [1] 281:2	street [11] 1:14 2:3 2:6 2:16 2:19 3:3 3:6 3:9 3:12 18:1 22:4	strenuously [1] 81:9	strike [11] 5:19 37:5 67:17 77:2 95:1 119:15 127:6 149:1 202:13 293:1 303:18	strong [2] 282:4 282:5	structure [1] 24:19	studies [12] 170:14 192:17 193:13 194:14 262:6 262:9 262:18 263:9 264:3 268:9 275:18 335:1	study [7] 206:6 263:17 264:8 267:20 268:1 275:5 299:6	subcommittee [10] 214:12 226:2 229:1 238:17 239:3 239:10 284:9 285:2 312:15 312:19	subject [16] 50:21 56:7 57:5 91:19 92:3 93:3 95:5 95:11 98:18 118:11 123:11 124:21 128:13 191:12 262:7 335:2	subjected [1] 295:3	subjects [1] 267:14	submission [1] 136:18	submit [1] 302:7	submitted [3] 240:2 240:4 328:3	subpart [1] 309:17	subscribe [1] 324:16
---	--------------------------	-----------------------	--	-----------------------	------------------------	-----------------------------------	------------------------	--	-------------------------------------	----------------------------	----------------------------	--------------------------	--	--	-----------------------------------	-----------------------	------------------------------------	----------------------------	--	--	-----------------------------	-------------------------------------	-----------------------------	----------------------------	---	---	-------------------------	---	---------------------------	-----------------------	---------------------------	------------------------	-----------------------	-------------------------	--	--	---	--------------------------------------	---	---	--	---	----------------------------	----------------------------	--------------------------	---	------------------------------	--	-----------------------------	--------------------------	----------------------------	------------------------	------------------------	-----------------------------	--------------------------	---	---	-----------------------	---	--	-------------------------	--	--	-----------------------	--	---	---	---	--	---	---------------------------	--------------------------	--	---	---------------------------------------	--	---	-----------------------------	---------------------------	------------------------------------	------------------------	------------------------	---	----------------------------------	----------------------------	------------------------------	--------------------------	---	---------------------------	----------------------------------	---	---------------------------	-------------------------	--	-----------------------------	---	----------------------------------	----------------------------	---	--	--	--	----------------------------	----------------------------	------------------------------	-------------------------	---	---------------------------	-----------------------------

subscribed [1]	325:4	63:12	64:19	65:3	201:3	201:5	202:1	337:3	337:10	337:16	69:7	80:20	98:4
substance [1]	16:15	65:5	66:4	66:12	202:8	203:2	203:19	337:18	338:5	338:14	104:1	105:3	108:11
substances [2]	299:14	71:19	72:4	73:2	204:2	205:3	206:14	339:13			108:14	113:8	113:11
299:18		73:18	75:1	75:7	208:2	208:13	209:4	Sullivan's [3]	16:2		122:1	137:15	141:13
abstantial [1]	94:1	75:16	76:2	76:12	209:17	210:5	210:8	16:11	55:17		142:9	147:17	150:16
abstitute [2]	46:20	76:21	77:9	77:18	210:19	211:12	211:20	sum [2]	158:9	158:18	152:17	155:10	165:11
47:6		78:6	79:19	80:3	214:4	215:6	215:10	summarized [1]	114:18		168:18	175:8	187:5
substitution [2]	48:1	80:7	83:12	84:5	215:13	215:20	216:3	summary [1]	315:18		190:20	196:4	201:2
48:2		84:12	84:16	85:1	216:20	217:16	217:21	supplemental [1]			207:13	214:3	225:6
successful [1]	288:1	85:5	85:8	85:15	218:9	219:7	219:11	136:19			230:20	234:20	237:9
such [36]	10:20	85:19	86:5	91:1	219:14	220:11	220:18	supplied [2]	100:6		243:20	252:6	256:7
15:7	33:4	91:3	91:10	91:14	221:4	221:20	222:5	233:21			270:1	272:21	279:5
40:8	40:16	92:5	92:7	93:8	222:8	222:15	223:10	support [7]	44:12		283:1	286:17	289:9
58:8	97:9	93:10	94:16	95:6	223:13	223:17	224:8	160:13	160:20	229:7	298:9	304:15	308:4
102:6	133:17	95:19	96:5	96:8	224:14	225:7	226:18	270:11	282:2	299:16	316:6		
146:8	148:20	96:14	96:20	98:9	227:10	228:1	228:3	supported [6]	42:15		term [6]	34:12	34:18
162:19	167:15	99:12	99:19	99:21	228:5	228:12	228:19	140:10	162:21	163:11	35:3	110:8	274:17
181:21	195:6	100:18	101:18	101:20	229:15	230:8	231:2	227:9	333:16		309:17		
218:15	238:18	102:2	102:19	103:5	231:5	231:20	232:3	supporting [1]	112:20		terms [1]		82:17
241:2	244:16	104:9	107:5	107:18	232:11	232:18	232:20	supports [2]	57:16		terribly [1]		126:7
260:20	275:8	107:20	108:15	108:21	233:2	233:12	234:2	333:20			testified [9]		8:19
287:14	300:7	109:16	110:9	110:14	234:5	236:8	239:4	suppose [1]	62:1		145:15	174:4	174:12
335:14	336:4	111:4	111:9	111:15	239:13	240:11	241:8	supposed [1]	135:15		194:16	266:18	266:19
suffered [1]	275:14	112:3	112:11	113:12	241:10	242:19	244:2	surface [9]	213:17		313:5	325:10	
sufficient [1]	57:5	115:2	115:16	116:8	244:8	244:12	245:14	219:5	219:8	219:10	testify [10]		8:17
suggest [9]	30:13	116:16	117:8	118:2	246:10	247:6	247:10	226:3	252:21	307:19	13:18	29:13	29:18
63:3	78:3	118:15	119:1	119:15	247:16	248:9	248:18	320:7	320:7		30:18	48:19	118:4
96:20	116:12	120:2	120:20	121:2	249:5	249:9	249:18	surfaces [4]	226:7		118:7	136:9	184:14
273:17	296:10	121:6	121:12	121:17	250:7	250:15	250:21	322:8	336:14	338:12	testifying [3]		30:20
suggested [4]	47:16	122:14	122:20	123:3	251:12	253:11	253:21	surrounding [1]	231:21		32:7	313:4	
66:19	77:20	124:3	124:12	125:6	254:5	254:11	254:18	surviving [2]	275:9		testimony [14]		48:15
suggesting [2]	277:12	125:9	126:21	127:6	255:1	255:8	256:13	276:8			97:2	130:18	131:3
333:2		127:20	128:11	128:18	257:1	257:9	257:18	suspected [2]	258:12		131:18	134:2	135:5
suggests [3]	63:16	128:21	129:5	130:2	258:4	258:15	258:21	260:17			135:15	145:20	194:21
38:20	276:7	130:6	131:2	131:7	259:9	259:12	260:7	261:2			250:14	317:19	317:20
suit [1]	323:11	131:14	132:7	133:10	261:2	261:5	262:11	263:4			321:11		
suitable [1]	218:14	133:13	134:14	134:17	262:13	262:20	263:4	swEEP [1]	271:2		testing [1]		235:21
suited [1]	306:15	135:7	136:5	137:16	263:13	264:2	264:18	sweeping [1]	270:8		text [1]	93:21	
suits [1]	9:12	138:5	138:14	138:18	265:14	266:2	266:11	sworn [2]	8:17		thank [37]		
Sullivan [339]	2:5	139:8	139:10	140:2	266:18	267:3	267:16	340:7			10:16	46:3	46:11
2:5	2:5	140:6	141:15	141:19	267:21	268:19	269:2	symbol [1]	218:18		64:4	67:12	72:5
4:12	5:9	142:1	142:18	143:1	269:7	270:14	271:3	symptom [1]	198:17		75:17	78:14	79:15
6:10	7:12	144:1	144:9	145:2	271:7	272:7	274:2	systems [2]	198:13		85:20	98:8	104:13
8:13	14:9	145:19	146:15	148:9	274:18	275:16	276:11	199:9			111:7	111:15	111:16
16:12	16:16	148:15	148:19	150:21	277:6	277:9	277:16	T [1]	2:15		124:9	128:7	134:17
21:13	24:17	151:7	151:18	152:4	277:18	280:4	280:15	table [3]	113:16	136:15	136:21	150:3	168:6
25:21	26:2	152:10	152:21	153:15	281:7	281:14	282:1	283:17			175:21	187:9	187:14
27:8	28:8	154:1	154:13	155:20	282:3	283:8	283:10	taking [7]	94:8		190:7	195:12	201:9
29:11	29:15	156:10	156:14	157:14	283:18	284:4	284:18	101:8	144:6	216:20	206:20	230:4	234:8
30:14	31:5	157:17	158:1	158:20	285:4	285:8	285:20	292:20	293:4	297:2	236:16	239:20	248:20
32:4	32:8	159:4	159:12	160:3	287:19	288:4	289:17	297:5			264:5	297:19	339:10
34:6	34:10	160:8	161:3	161:17	291:17	291:19	292:12	302:3	302:13	303:4	themselves [1]		296:7
34:19	35:11	161:21	162:9	162:18	293:6	293:15	293:19	303:10	305:9	306:10	thereabouts [2]		265:6
37:8	38:7	163:3	163:8	163:14	294:19	296:15	297:5	307:9	311:15	313:2	288:8		
39:3	39:16	163:19	166:6	167:7	297:16	299:20	301:8	317:5	317:7	318:9	thereafter [1]		303:13
40:18	42:5	167:19	169:8	169:11	302:3	305:3	306:10	319:13	319:15	320:1	therefore [3]		66:19
43:17	44:4	169:16	169:20	172:16	303:10	305:9	306:10	320:14	321:8	321:16	106:4	119:6	
44:14	45:2	173:9	173:12	173:15	307:9	311:15	313:2	322:12	323:15	323:17	Thereupon [1]		339:16
46:21	47:2	173:19	174:9	174:11	317:5	317:7	318:9	324:3	324:9	324:18	thinking [1]		161:10
47:19	48:9	174:15	174:19	175:9	319:13	319:15	320:1	technical [10]	17:15		third [7]	51:8	161:8
49:2	49:10	175:13	176:6	176:12	320:14	321:8	321:16	18:6	18:8	18:11	222:16	224:10	231:14
49:14	49:20	177:17	178:1	178:8	322:12	323:15	323:17	18:18	18:20	19:6	261:9	292:3	
51:7	51:15	178:11	178:14	178:18	324:3	324:9	324:18	19:16	20:6	220:20	thirdly [1]		65:13
53:9	54:17	178:21	179:14	180:2	325:6	325:17	325:21	telling [4]	129:13		Thomas [2]		2:11
56:12	57:10	180:10	180:14	181:3	326:19	327:16	328:2	130:18	242:9	261:8	4:14		
58:4	59:6	182:5	182:14	184:5	328:9	328:13	328:14	tendency [3]	198:20	199:6	thoroughly [1]		78:1
60:5	60:10	184:16	185:2	185:8	328:21	329:8	329:21	tendered [50]	13:14		thought [4]		42:6
61:9	61:12	185:18	186:3	186:7	330:14	330:16	330:20	26:9	36:2	45:14	194:11	195:3	298:14
62:3	63:1	187:6	187:9	187:10	331:14	331:17	332:1	52:10	59:3	62:17			
		187:12	188:6	189:11	332:10	332:16	332:20						
		192:4	193:20	194:16	333:4	333:10	333:13						
		195:17	196:13	196:17	334:1	334:8	334:16						
		197:10	197:16	198:21	335:3	335:12	335:20						
		199:6	199:15	200:3	336:8	336:15	336:19						

thousands [2] 278:7	119:17 133:18 134:8	Tuesday [1] 1:12	understood [4] 11:6	171:16
294:1	203:13 203:17 204:2	turn [7] 54:3 71:12	186:9 255:3 301:5	USA [1] 314:17
threat [1] 292:18	204:6 209:13 218:15	72:18 152:20 283:14	understudy [1] 124:16	used [20] 18:14
Threats [1] 208:15	traced [1] 82:5	284:14 310:6	undertake [2] 12:21	32:11 82:6 117:2
three [15] 33:5	track [1] 41:8	turned [5] 15:1	40:13	134:3 136:16 145:12
49:13 52:17 52:21	trade [6] 114:17 122:4	30:15 96:10 170:21	undertaking [1] 114:17	166:16 172:8 203:13
53:2 53:3 64:5	122:6 324:7 324:12	171:1	undertook [2] 192:14	203:17 215:7 219:21
66:15 125:10 194:11	324:13	Twentieth [1] 3:12	205:11	240:21 241:16 246:6
274:9 310:21 311:2	transcript [4] 175:1	Twice [2] 9:9	underway [2] 170:5	246:21 248:5 295:9
312:3 313:6	175:8 318:8 340:10	9:10	287:10	338:11
three-year [1] 302:8	travel [1] 22:19	twist [1] 248:11	undesirable [4] 40:3	useful [4] 54:4
threw [1] 69:18	Treasurer [1] 237:4	two [31] 52:17 64:5	79:12 128:6 128:9	130:7 131:1 278:5
through [18] 67:5	Treasurers [1] 341:19	66:15 69:11 73:5	undoubtedly [1] 64:12	uses [1] 306:6
78:1 89:5 144:2	trend [1] 230:6	73:7 100:7 114:5	unfair [5] 166:14	using [12] 35:7
170:15 176:15 182:14	trial [2] 5:21 250:18	119:2 138:15 145:13	168:1 296:3 296:12	49:9 49:17 125:4
192:17 193:3 205:4	tried [2] 30:3 87:17	146:7 146:10 159:17	296:13	130:19 133:6 145:11
240:18 259:18 276:19	trip [1] 110:1	167:1 167:8 180:4	unfairness [1] 242:7	145:17 146:5 267:17
292:4 305:2 305:10	trouble [4] 64:10	182:13 205:5 238:16	unfavorable [2] 123:14	278:3 319:3
327:7 333:18	64:15 171:7 327:18	238:20 239:3 239:10	294:2	utilize [2] 69:12
throughout [4] 35:8	troublesome [4] 123:11 124:20 128:13	239:11 290:5 290:6	294:2	82:1
160:21 276:5 299:21	191:10	291:11 300:12 305:12	uniform [5] 239:21	utilized [1] 300:17
times [7] 16:10	trucks [1] 23:2	317:15 317:17	245:18 287:8 287:13	utilizes [1] 81:10
16:17 16:19 17:1	true [76] 7:2 7:8	tying [1] 132:18	288:2	v [2] 1:3 1:7
28:2 169:14 174:17	34:4 35:6 35:9	type [4] 22:21 172:15	uniformity [4] 226:11	vague [10] 53:12
tiny [1] 172:3	40:15 41:14 41:18	219:7 227:8	238:19 271:12 287:14	56:14 60:16 74:15
titanium [1] 323:13	42:8 44:10 50:19	types [1] 297:8	unincorporated [1] 24:5	76:15 93:12 119:6
titanium-based [2] 146:9 146:14	54:20 55:11 56:9	typical [1] 81:14	uninformed [1] 101:7	232:20 274:17 303:7
title [5] 17:11 17:13	57:6 57:19 57:21	Tyson [2] 20:2	unintelligible [1] 76:16	value [3] 93:1
23:8 54:7 289:10	63:19 74:3 74:7	20:4	Union [2] 214:16	94:5 252:19
today [19] 5:13	74:10 76:5 77:4	U.S. [2] 124:6 124:10	315:2	varied [1] 326:1
8:2 8:3 8:6	77:12 79:16 98:12	ultimately [2] 170:20	United [5] 37:18	varieties [1] 291:11
10:14 55:14 114:20	102:15 103:2 103:20	240:17	64:11 145:11 157:4	variety [1] 291:12
115:11 117:1 130:8	106:12 106:13 110:11	unalterably [1] 226:12	336:6	various [3] 174:16
132:21 135:5 145:11	115:21 124:10 146:6	unanimously [2] 105:13 107:13	units [1] 218:16	Varnish [10] 167:14
175:6 175:14 201:4	159:21 167:18 169:4	unbelievable [1] 82:13	universe [1] 300:1	209:3 216:13 218:5
213:5 291:13 294:6	172:12 174:4 174:12	under [52] 27:6	University [6] 12:13	249:15 251:7 296:1
today's [1] 175:10	183:13 185:13 205:20	28:11 39:8 39:19	58:20 124:6 140:11	311:13 311:20 312:10
together [2] 192:15	215:8 220:8 220:17	39:20 46:16 47:21	316:1 316:10	vary [1] 325:18
251:8	221:14 230:5 233:6	52:15 54:3 54:7	unknown [1] 303:17	vast [1] 160:15
tonnage [1] 115:12	233:8 241:5 248:4	56:5 62:10 91:18	unless [5] 57:9	vehicle [1] 23:3
too [3] 126:17 144:5	249:14 251:5 251:6	105:8 107:9 109:7	58:2 117:15 161:16	vehicles [1] 23:3
171:2 171:3 266:12	251:6 258:2 268:14	111:1 116:20 117:13	320:7	verbalized [1] 10:6
took [4] 90:5 125:17	274:1 274:5 280:12	122:15 140:8 143:16	unnecessarily [1] 295:3	verification [1] 267:17
190:2 197:4	294:5 301:4 319:10	155:15 157:8 158:3	unnecessary [1] 227:4	versus [4] 4:4
top [11] 27:4 137:12	319:14 319:19 319:21	162:2 166:3 168:21	unproven [1] 257:17	28:15 222:1 222:1
138:6 138:7 138:12	320:3 320:9 320:13	186:20 196:6 202:14	unreasonable [1] 82:17	vice [1] 22:13
217:4 235:19 238:16	328:1 332:6 336:5	202:21 216:15 217:14	unrelated [1] 179:21	vice-president [2] 22:10 22:11
290:4 308:11 326:7	336:10 340:11	218:11 225:18 235:3	unto [1] 287:12	videographer [13] 4:2 4:7 34:1
topic [1] 57:3	truly [1] 40:14	239:21 240:13 240:14	unusual [1] 63:21	81:3 111:18 134:21
total [4] 94:8 218:19	truth [6] 8:18 8:18	245:9 245:17 252:14	up [27] 26:2 33:2	198:4 243:5 272:10
230:6 239:14	8:18 123:20 184:2	270:5 273:11 287:6	33:13 57:5 98:17	279:12 282:11 305:6
totally [5] 30:4	184:4	287:8 299:5 309:8	123:16 135:7 141:15	339:14
68:13 129:17 131:3	try [14] 41:7 111:17	309:9 309:19 309:19	161:1 161:3 169:14	videotape [2] 184:17
303:21	170:7 170:8 170:16	understand [40] 11:1	171:15 179:7 180:18	341:7
towards [3] 43:12	171:1 171:13 179:3	11:2 13:16 16:16	205:21 206:5 210:16	videotaped [2] 265:4
226:11 271:12	206:5 223:1 275:4	19:6 27:11 34:13	211:7 212:20 218:9	339:16
Towson [1] 2:13	280:9 283:5 296:5	34:18 50:2 60:18	240:20 282:3 284:11	view [2] 210:16 211:7
toxic [9] 34:5 34:7	trying [29] 23:3	60:21 61:2 61:3	329:11	virtually [1] 235:6
34:8 34:9 34:11	30:13 40:13 94:10	61:10 89:14 94:18	update [1] 142:5	visit [1] 56:6
35:10 35:10 123:15	101:9 130:10 131:5	107:4 119:8 119:9	urine [3] 170:21 171:13	voice [9] 26:2
226:7	131:19 179:4 179:6	130:17 145:4 153:2		135:7 141:15 161:3
toxicity [4] 292:15	179:7 181:11 189:21	159:6 178:17 186:3		218:9 282:3 282:4
293:4 299:6 306:5	190:4 248:10 254:12	190:2 222:21 229:12		282:5 282:5
toy [3] 145:21 170:10	254:14 255:6 267:19	229:19 233:2 233:3		
314:16	275:18 277:2 277:2	242:9 278:9 297:14		
toys [11] 102:6 119:10	296:12 298:17 318:14	306:12 320:15 320:16		
	321:12 326:21 327:2	322:6 326:14 326:20		
	327:4			

volatiles [1]	310:3	88:9	88:14	88:21	210:4	216:21	228:18	yourself [5]	106:7
voting [2]	28:13	93:6	93:9	93:17	309:21			109:14	185:7
28:15		95:12	98:5	98:8				318:3	236:12
W-h-i-t-s-o-n [1]		100:17	101:3	108:18	wording [3]	241:3		yourself [5]	71:4
315:9		111:8	111:16	113:18	309:5	309:15		Z66 [4]	190:1
W.A [1]	331:12	121:10	125:20	126:4	words [12]		121:18	288:9	310:7
W.P [1]	331:14	129:20	195:2	266:8	184:12	184:12	184:15	Z66.1 [7]	245:21
wait [5]	10:17	330:6	330:9	330:12	184:18	184:20	248:11	246:6	246:15
71:9	72:2	331:2	335:21	338:19	248:18	267:3	284:19	247:21	308:12
waive [1]	339:12	339:2			284:19	293:13		312:14	
walls [1]	226:21	Whitson [1]	315:9		worked [4]		102:5	zero [1]	82:2
warning [13]	188:15	whole [11]	8:18		234:7	246:17	334:21	Ziegfeld [6]	205:21
188:19	189:9	69:17	169:17	171:18	works [3]		77:19	206:1	276:17
190:1	226:13	184:19	185:2	185:9	77:20	333:6		306:1	311:6
227:8	240:1	185:10	203:3	241:5	world [1]		94:6	zinc [13]	7:13
270:5	270:7	251:12			Wormser [24]		41:15	146:8	146:13
warnings [1]	227:4	wide [1]	96:16		41:18	58:20	62:11	166:13	166:15
warrant [3]	50:15	widely [3]		117:17	113:2	137:10	143:15	196:16	196:20
57:5	183:1	117:21	300:17		147:11	148:7	149:3	317:13	317:14
Washington [3]	3:4	widespread [1]	67:5		149:16	150:9	151:10		
3:13	124:7	wildfowl [1]	210:14		151:15	153:1	153:21		
wasting [1]	111:13	William [4]	2:15		171:5	205:15	205:18		
water [5]	3:6	4:18	255:20	262:14	264:8	266:5	341:13		
11:21	33:18	Williams [2]	5:4		342:5	342:9			
264:14		214:2			Wormser's [2]	148:2			
waterproofing [1]		wishes [1]	23:21		266:2				
23:4		within-named [1]			worst [1]	285:8			
wave [2]	270:6	340:5			Wright [7]	1:2			
ways [3]	195:4	without [8]	87:15		1:6	4:3	90:1		
293:3		94:8	99:3	104:4	90:5	90:11	90:12		
weeks [2]	73:5	119:7	198:16	259:4	writer [2]		17:15		
73:7		278:6			19:7				
eight [1]	218:20	witness [91]	8:17		writers [1]	98:18			
eighted [1]	77:21	13:14	26:9	26:14	writing [1]	252:18			
welfare [1]	294:10	29:21	36:2	45:14	wrong [4]	58:5			
West [1]	2:12	46:7	52:10	56:15	118:6	118:8	276:1		
Westbury [1]	11:17	57:14	59:3	60:9	wrote [3]		248:12		
whatsoever [1]	240:17	62:17	68:20	69:7	248:13	276:14			
whereas [1]	65:14	70:4	70:21	72:15	X-ray [2]		170:19		
Wherever [1]	210:15	72:20	73:5	76:3	267:6				
white [56]	47:17	77:3	80:20	87:11	year [4]	204:16	289:7		
47:21	48:2	87:17	89:19	93:19	294:2	306:8			
48:8	48:16	94:7	97:8	98:4	years [30]		19:1		
49:6	49:9	101:9	104:1	105:3	20:2	24:10	33:3		
49:17	49:18	105:20	107:1	108:11	33:5	42:15	48:3		
50:14	50:20	113:8	122:1	136:9	60:20	74:18	100:7		
51:12	51:20	137:15	141:13	142:9	100:11	118:6	125:17		
112:9	112:20	147:17	150:16	152:17	145:12	160:15	171:19		
114:19	115:10	155:10	165:11	168:18	235:17	235:18	276:5		
117:2	117:14	175:8	178:18	181:20	297:1	310:21	311:2		
117:20	118:10	186:1	186:8	187:5	312:4	313:6	325:18		
119:4	125:4	190:20	196:4	201:2	326:1	326:2	327:9		
129:10	130:19	207:13	210:10	214:3	332:4	332:5			
132:4	132:9	218:10	225:6	230:20	yellow [1]		79:1		
132:16	132:19	231:7	234:20	237:9	yesterday [6]		7:5		
133:6	134:3	243:4	243:20	252:6	7:19	8:12	96:10		
146:10	146:11	254:17	256:7	263:20	96:11	97:3			
160:7	277:5	265:1	268:21	270:1	yet [4]	132:18	144:15		
335:8	336:5	272:21	279:5	281:5	177:2	184:19			
338:11		283:1	286:17	289:9	York [28]		2:10		
Whiteford [5]	2:11	298:9	304:15	308:4	2:10	11:14	11:14		
2:12	4:14	316:6	318:8	338:20	11:17	13:3	21:21		
98:16		339:4	340:5	340:16	24:8	25:7	208:17		
Whitehead [38]	2:14	woefully [1]	101:7		226:10	229:7	229:10		
4:16	4:16	wonder [1]	68:15		229:17	233:15	233:16		
46:4	61:15	wondering [1]	240:6		235:7	240:13	240:15		
86:10	87:11	wood [1]	219:10		241:19	245:19	246:7		
		word [11]	57:2		247:1	247:12	247:19		
		79:8	79:8	137:12	248:5	287:11	339:11		
		138:6	184:8	208:12					