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COUNTY OF NEW YORK: I.A.S. PART 17

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THIS DOCUMENT RELATES TO:

MARIO MALTESE, et al.

VIDEO
DEPOSITION UNDER
ORAL EXAMINATION
OF
RUSSELL SENKOW

TRANSCRIPT of the video deposition of the
witness, called for Oral Examination in the
above-captioned matter, said video deposition being
taken pursuant to Federal Rules of Civil Procedure by
and before ANDREA TEMPALSKY, a Notary Public and
Certified Shorthand Reporter, at the Offices of
GREITZER & LOCKS, ESQS., 1500 Walnut Street,
22nd floor, Philadelphia, Pennsylvania, on Wednesday,
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GLENN REITZEL from Certified Video

I N D E X

WITNESS NAME	PAGE NO.
RUSSELL SENKOW	
Direct by Mr. Placitella	8

E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
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P-4	Citation and Notification of Penalty	39
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1 (Off video record.)

2 MR. CAIRNS: Before we begin I'd like to
3 put on the record my understanding of the scope
4 of today's deposition. Yesterday in court
5 Judge Schackman heard argument on this
6 deposition and stated that the scope -- in the
7 morning he stated that the scope of the
8 deposition and I'm reading from page 2520 of the
9 transcript, the only reason as far as I am
10 concerned for the deposition is to determine the
11 outcome of that particular OSHA complaint,
12 referring to Plaintiff's Westinghouse 114, is
13 not to be expanded because it is not proper
14 during the trial to obtain evidence that you
15 should have had before the trial started.

16 Later in the day at your request I
17 understand that the scope of the deposition was
18 expanded such that you are allowed to ask
19 Mr. Senkow about what products were made at
20 Lester and then in a separate part of the
21 deposition designed as anticipated rebuttal to
22 Westinghouse's argument that the citation was
23 for written reporting only, not failure to give
24 oral information. The question can be asked
25 about what Westinghouse told this witness

1 himself or what Westinghouse relayed to this
2 witness himself about his medical condition.
3 Any other discussion of other employees is
4 excluded. Is that your understanding?

5 MR. PLACITELLA: The first part. It's the
6 supplemental portion that I am not. That's not
7 how it was relayed to me. It was relayed to me
8 that in the event that Westinghouse took the
9 position that if the employees were actually
10 told of something that would open the door to
11 questions about the scope of what the employees
12 were actually told generally. I was going to
13 leave that for -- and/or for a rebuttal case, I
14 was going to leave that portion of the
15 questioning to the end to be segregated from the
16 rest of the deposition.

17 I think your understanding and mine are
18 slightly different on that, but it's also
19 something that the court can deal with in terms
20 of excising if they think certain questions were
21 beyond the scope of the court's directive 'cause
22 I don't have the exact understanding that you
23 do.

24 MR. CAIRNS: Well, the discussion that was
25 had with the court was that any testimony by

1 this witness about what other employees were
2 told would be hearsay and that that was not to
3 be explored in this deposition.

4 MR. PLACITELLA: The problem is that's
5 part of the OSHA issue so we'll have to let
6 the -- we'll have to let the judge deal with
7 that.

8 I understand what your position is. If
9 there's something the judge thinks is improper
10 he'll not let the jury see it, but it's hard for
11 me to say not having been there.

12 I understand the first part of what you
13 said was correct. The last part I'm not so sure
14 on, but, in any event, there won't be any
15 prejudice because the jury won't see it if the
16 judge doesn't think that's what they should see.

17 MR. CAIRNS: Well, I have the judge's
18 telephone numbers from the courtroom. If we're
19 going beyond what he's ordered for this
20 deposition I think what we should do is take a
21 break and --

22 MR. PLACITELLA: Or we'll just ask the
23 questions and he'll excise it. It's the easiest
24 way. Okay.

25 Before we start I was supplied certain

1 documents by Westinghouse pertaining to the 1980
2 OSHA citation. Before we start, are there any
3 other documents related that I have not been
4 provided with?

5 MR. CAIRNS: We found one document last
6 night. It was among industrial hygiene
7 documents that were reviewed by the Motley firm
8 and that is the settlement agreement.

9 MR. PLACITELLA: Just give me two minutes
10 to look at this.

11 The only citation I have been provided
12 with, Scott, is citation number two. This talks
13 about citation one through four. What is one,
14 three and four about?

15 MR. CAIRNS: I actually don't know.

16 MR. PLACITELLA: Okay.

17 MR. CAIRNS: I don't know that they
18 pertain to asbestos. I don't know what they
19 are.

20 MR. PLACITELLA: Okay. So your
21 understanding is that this -- they eventually
22 settled this?

23 MR. CAIRNS: That's correct.

24 MR. PLACITELLA: And that Westinghouse
25 agreed to correct all the violations at least

der citation number two?

MR. CAIRNS: Well, there's a provision at the back that says exactly what is being done. It's contained in appendix B.

MR. PLACITELLA: Okay. Well, why don't we do this. Why don't we -- I'll take a minute and we take a break to read this more fully. I'm not going to get to this part for a few minutes, okay. I'm sorry, Mr. Senkow.

MR. CAIRNS: Before we begin on the video, this, I notice that you have a number of documents that are exhibits from the case that I don't think are within the scope of the judge's limitation on this deposition and I don't think a witness should be examined on it and if we're planning to go into those types of issues then I think we need to get back to the judge and find out exactly what the scope of this deposition is going to be.

MR. PLACITELLA: Let's see what he says. That's for the end. See what he has to say.

(On video record.)

1 R U S S E L L S E N K O W,
2 314 Seneca Street, Lester, Pennsylvania,
3 called as a witness, having been first
4 duly sworn according to law, testifies as
5 follows:
6

7 DIRECT EXAMINATION BY MR. PLACITELLA:

8 Q Good morning, Mr. Senkow. How are you?

9 A Good morning.

10 Q My name is Chris Placitella. I'm with the
11 law firm of Wilentz, Goldman & Spitzer and I represent
12 a number of plaintiffs in this case who were exposed to
13 asbestos while working at Consolidated Edison.

14 We're here today for the purpose of taking
15 your deposition. Have you had the opportunity to have
16 your deposition taken before?

17 A Yes.

18 Q All right. I'm going to ask you a series
19 of questions which I ask that you answer to the best of
20 your ability. If for some reason you can't, please
21 tell me that and I'll try to rephrase the question. Do
22 you understand that?

23 A Yes.

24 Q All right. Now, we never met before
25 today, correct?

1 A That's correct.

2 Q All right. And I called you for the first
3 time last Friday?

4 A Yes.

5 Q And asked you if you would be willing to
6 give testimony in these matters?

7	A	Yes.
---	---	------

8 Q And then for a short period of time before
9 this case -- this deposition started I met with you to
10 find out what the substance of your knowledge was. Is
11 that correct?

12 | A That's correct.

13 Q Now, you are currently how old?

14	A	69.
----	---	-----

15 Q And you reside where?

16 A 314 Seneca Street, ~~Lester~~, Pennsylvania.

17 Q Could you give us the benefit of your
18 education?

19 A I went to third year of high school, Central
20 High.

21 Q Okay. And can you tell us do you have a
22 family?

23	A	Yes.
----	---	------

24 Q All right.

25 | A Wife and two children, two boys.

1 Q Any grandkids yet?

2 A Just one.

3 Q And what's his or her name?

4 A Jacob.

5 Q Okay.

6 A It was my grandfather's name.

7 Q Now, during the course of your employment
8 did you work for Westinghouse?

9 A Yes.

10 Q For approximately how many years?

11 A 45 years and two months.

12 Q When did you start working at
13 Westinghouse?

14 A October the 8th, 1941.

15 Q And where did you work?

16 A In Lester, Pennsylvania in the Lester plant.

17 Q What did -- was it known by something else
18 at that time?

19 At that time it was South Philadelphia Works.

20 Q Then it later became known as the Lester
21 plant?

22 A Yes.

23 Q Because it's in Lester?

24 A That's correct.

25 Q All right. What did they make at the

1 Lester plant while you were there, Westinghouse?

2 A The major product, it was steam turbines. Then
3 we made turbines, gas turbines and we also made gears
4 like for Mt. Palomar in California. We made the
5 propulsion unit for the first nuclear submarine and
6 propulsion units for the United States ship, mostly
7 propulsion units for the Navy and industrial steam
8 turbines and industrial gas turbines. At one time we
9 made aviation gas turbines and that was shipped out to
10 Kansas some years ago.

11 Q Okay. I'm just going to ask you briefly
12 some questions about your own employment background.
13 When you started there in 1941 what was your job?

14 A I was what you call a tool and cutter grinder.

15 Q Okay.

16 A Running surface grinders and other types of
17 grinders, lovejoy grinders. I stayed there for nine
18 and a half years, then I went to what we call a fitter
19 and that would be we built the industrial steam
20 turbines from the ground up and tested them on the sa^{me}
21 site.

22 Q All right. So as a fitter you did what?

23 A Well, we assembled the parts of the turbine.

24 Q You were a part of the assembly process?

25 A That's correct.

1 Q What did a grinder do?

2 A A grinder, we ground the tools and cut the --
3 for lathes, vertical boring mills, horizontal boring
4 mills, sharpen tools and ground and made the tools for
5 the cutting operation.

6 Q And are you familiar with the term lagger?

7 A Yes.

8 Q What was a lagger as you understood it to
9 be while you worked at Westinghouse?

10 A A lagger, the top man would make the blankets,
11 sew the blankets according to the prints and then they
12 would go out on the floor and put blocks and -- white
13 blocks and the muck. First they did, for an example
14 I'll use cover to a steam turbine. They would take and
15 cover that, cut it and fit it. They'd have to cut it
16 and fit it all around the turbine with wire. Sometimes
17 they'd use -- they'd use the electric shooter type
18 thing to shoot -- I forget the name of the thing --
19 into the turbine and that's what they would tie the
20 blocks on with wire.

21 Q Okay. So are they -- was that the trade
22 that insulated the turbines?

23 A Yes, ladders. We called them ladders. Other
24 places called them insulators.

25 Q And so on site part of the turbine was

1 insulated, is that what you're saying?

2 A Right on site, yes. While the other workers
3 were working around there, the fitters and the testers.

4 Q Did you, when you worked at Westinghouse
5 during the entire period of time that you were there,
6 did you have the opportunity to watch the ladders work?

7 A I worked right on the erecting floor after I
8 left the grinding.

9 MR. CAIRNS: I want to object to further
10 examination in this area. It's not within the
11 scope of the judge's limitation that this has to
12 do with products it manufactured. I don't think
13 how they're manufactured is relevant to the
14 scope as the judge has instructed.

15 MR. PLACITELLA: They manufactured
16 turbines there, Mr. Cairns. I'll continue with
17 the questions.

18 MR. CAIRNS: Well, I don't think that how
19 they are manufactured is within the scope. If
20 you're --

21 MR. PLACITELLA: I think you're wrong and
22 I'll ask the questions. If the judge thinks
23 that I'm wrong then he'll cut that part of the
24 deposition. I ask you not to interrupt.

25 MR. CAIRNS: No, I'm interrupting because

1 I think the judge made it clear that that was
2 not the purpose of this deposition and that I'm
3 requesting at this point that we stop and call
4 the judge to get a clarification if you believe,
5 that this is beyond the scope.

6 MR. PLACITELLA: Put this off.

7 (Off video record.)

8 MR. PLACITELLA: I don't believe it's
9 beyond the scope. You believe it's beyond the
10 scope. If the judge wants to excise this he
11 can. I have a right to know what this man's
12 background knowledge is in terms of what he
13 observed and how he knows things were made there
14 and this is absolutely proper. I'm not going to
15 stop the deposition now. I'm going to proceed.

16 For some reason you want to make an
17 application to get this part of the deposition
18 struck, fine, but I want to get this deposition
19 done. Okay. So you can reserve your
20 objections. I understand it. I think it's
21 proper in light of what I know his ruling was.
22 All right. If you don't like it you'll just
23 have it struck. I don't want to sit there and
24 call on every question.

25 MR. CAIRNS: Mr. Ortiz represented that

1 one of the purposes of this deposition was for
2 use in other jurisdictions and I do not want
3 this deposition to go on beyond the scope that
4 Judge Schackman has allowed it and I would
5 suggest that at this point, it will take very
6 little time to call the judge and find out.

7 MR. PLACITELLA: I'm not going to make a
8 phone call when I ask him what a logger does,
9 what a logger is. That's the basis of his
10 knowledge of what was made there and what was
11 done there. Certainly it's impossible for that
12 to be beyond the scope of the deposition.

13 MR. CAIRNS: The scope of the deposition
14 was limited to what products were made at --

15 MR. PLACITELLA: And how would he know
16 that unless he can give background as to the
17 people who made them.

18 MR. CAIRNS: That's not necessary. He can
19 sit there and --

20 MR. PLACITELLA: Well, I'm glad you say
21 that. I'm going to continue. You can put
22 whatever objection you want on the record. Can
23 we go back on the videotape.

24 (On video record.)

25 Q Mr. Senkow, you were telling us about --

1 did you have the opportunity to see ladders work?

2 A Yes.

3 Q How?

4 A Well, I worked right next to them. When they'd
5 come out on the job to block it and they first cut the
6 block to shape, to fit the different form of the cover.
7 I'm going to use covering as an example and after they
8 finished blocking it, then would take the muck and make
9 the paste and go over it and smooth it out and make it,
10 you know, conform with the form of the cover.

11 Q Okay.

12 A Then they would put the cloth on it.

13 Q Now, in this case one of Westinghouse's
14 witnesses testified that Westinghouse never
15 manufactured an asbestos product at any plant. Can you
16 tell me as you sit here today whether, to your
17 knowledge, Westinghouse manufactured any product at the
18 Lester plant that contained asbestos?

19 MR. CAIRNS: I'm going to object to the
20 form of that question. That is a
21 mischaracterization of the testimony of
22 Mr. Vickerstaff (phonetic) which is who --

23 MR. PLACITELLA: What do you say he's
24 testified to, Mr. Cairns? That's exactly what
25 he said.

1 MR. CAIRNS: What he's testified to is
2 that he did not personally know whether blankets
3 were manufactured or made at the Lester
4 facility.

5 MR. PLACITELLA: And are you representing
6 on the record that he never testified that
7 Westinghouse never made an asbestos product, is
8 that what you're saying 'cause I want to know.
9 You have the transcript. Is that what you're
10 saying on this record?

11 MR. CAIRNS: I believe that
12 Mr. Vickerstaff said that Westinghouse made
13 products that contained asbestos.

14 MR. PLACITELLA: That was after I
15 cross-examined him on the issue, was it not,
16 Mr. Cairns, and when he first was asked the
17 question he said -- he said, did he not,
18 Westinghouse never manufactured asbestos, didn't
19 he say that, Mr. Cairns?

20 MR. CAIRNS: I put my objection on the
21 record.

22 MR. PLACITELLA: Fine. I want to proceed.

23 Q Do you know whether Westinghouse
24 manufactured any asbestos-containing products at the
25 Lester plant?

1 A Well, one of the major products they made were
2 the blankets. They would take the cloth, they --

3 Q Who made the blankets?

4 A The lagger, the top lagger double A 1 lagger.

5 Q Okay.

6 A He would have a sewing machine there. He'd cut
7 the fabric, the cloth, then he'd do it according to the
8 prints that were made for him and then he would, at one
9 end of it where he would have an opening, stuff the
10 muck and the other stuff in, other asbestos product,
11 then he'd sew up the ends and they would be used a lot
12 of times for the -- on the heat jobs that they had to
13 bring them up to a certain heat and contain the heat so
14 that they could weld it. They used them on all the
15 products, all the steam, gas products in the plant.

16 Q Now, the blankets --

17 A Right.

18 Q -- the material that you say was cut and
19 sawed, do you know what that was made from -- I mean
20 cut and sewn?

21 A The cloth --

22 Q The cloth.

23 A There would be a thick cloth.

24 Q Right.

25 A It would be, I'd say maybe a sixteenth of an

1 inch thick and then there would be a thinner cloth that
2 would only be a few thousandths thick, maybe.

3 Q Do you know what that cloth was made of?

4 A Asbestos, and then they would use this stuff and
5 even after they got all beat up, you know, and torn
6 they would still use them for packing a lot of the heat
7 jobs.

8 Q All right. Where was the asbestos
9 blanket, when it was completed, placed on the turbine,
10 if you know?

11 A Well, on the covers, on the -- like a gas
12 turbine on combustion. Practically the whole turbine
13 was covered with asbestos except the pedestals and
14 the -- what the heck is the name of that gear, the
15 turning box where the gears were, that wasn't covered
16 but --

17 Q While you were there do you recall whether
18 Westinghouse ever manufactured a turbine for Con
19 Edison?

20 A Many turbines. That was one of our best
21 customers, Con Edison.

22 Q And do you know whether the turbines that
23 were manufactured for Con Edison ever had blankets on
24 them?

25 A Yes, they did, covered with them.

1 Q Now, you also indicated that one of the
2 products that was actually manufactured at this Lester
3 facility was a turbine?

4 A Yes.

5 Q And did that turbine contain asbestos?

6 A The covers, yes.

7 Q All right. And before I think you told us
8 block?

9 A Block, yeah.

10 Q What was your understanding of what the
11 block was made of that was used?

12 A Asbestos, it was all asbestos.

13 Q Are you aware as to -- are you familiar
14 with the term pipe covering?

15 A Yes.

16 Q Was any pipe covering installed on the
17 turbines at Lester facility?

18 A Underneath the turbines -- we tested all the
19 turbines. Underneath the turbines there was all kinds
20 of piping, every type of piping you could think of and
21 any steam piping was covered.

22 Q All right. And do you know what that was
23 made from?

24 A Asbestos.

25 Q And also you said muck, what's muck?

1 A That's a powder that you mix with water and then
2 apply it to the joints mostly and to really make a job
3 look good and for the insulation.

4 Q And do you know what that was made from?

5 A Asbestos.

6 Q Now, am I correct that you never
7 personally installed these products?

8 A No, only the ladders did it.

9 Q But you saw them do it?

10 A Yes, they put it on and they took it off.

11 Q Did you ever, in your job, ever work with
12 any gasket material?

13 A Yes.

14 Q Do you know what that gasket material was
15 made of?

16 A Asbestos.

17 Q Would that gasket material be installed on
18 the turbines that we're discussing?

19 A Yes, between any pipe joint on the horizontal
20 joints of the cover and the base, they'd be.

21 Q Did you personally do that?

22 A Yes.

23 Q Now, did some point in time -- let me ask
24 you this. Were you there -- can you describe, for
25 instance, the conditions in the air when a pipe

1 covering was applied?

2 MR. CAIRNS: This is clearly beyond the
3 scope of what Judge Schackman ordered.

4 MR. PLACITELLA: Why is that?

5 MR. CAIRNS: A specific discussion on the
6 record that we were not to go into the
7 conditions at the plant.

8 MR. PLACITELLA: During the application?

9 MR. CAIRNS: That's correct.

10 MR. PLACITELLA: I'll go on.

11 MR. CAIRNS: Page 2520 I made the
12 objection with respect to the scope of the
13 deposition I would like a limitation that this
14 is only related to the conclusion limited to
15 whether or not there was a finding of -- whether
16 or not there was a finding of liability against
17 Westinghouse in the OSHA matter rather than a
18 deposition that might pertain to the conditions
19 at a Westinghouse facility. The court, you are
20 absolutely right.

21 MR. PLACITELLA: But then it was later
22 amended. I'll go on.

23 MR. CAIRNS: You're going to go on despite
24 Judge Schackman's limitation?

25 MR. PLACITELLA: I'm going to ask him --

1 I'm going to go to a different issue.

2 MR. CAIRNS: All right. Good.

3 MR. PLACITELLA: Relax.

4 MR. CAIRNS: I'm not going to relax if
5 you --

6 MR. PLACITELLA: Relax.

7 MR. CAIRNS: -- try to --

8 MR. PLACITELLA: Just relax. Don't yell
9 at me. Just relax.

10 Q Did there come a time, Mr. Senkow, when
11 you became president of the union at the Lester
12 facility?

13 A Yes.

14 Q And what union was that?

15 A Local 107, United Electrical Radio & Machine
16 Workers of America.

17 Q And what year did you become president?

18 A '64.

19 Q And how long did that first term last?

20 A I stayed as president till '66 and I went for
21 other jobs in the union.

22 Q Did you ever return as president?

23 A Yes.

24 Q And when was that?

25 A Back in '80, '81, around '80.

1 Q 1980?

2 A Yes.

3 Q And --

4 A '81 I think it was. I'm not sure.

5 Q You're not positive?

6 A Not positive.

7 Q When you were president of the union the
8 first time how many men were under your jurisdiction?

9 A Five to 6,000.

10 Q And the second time back in 19 -- in 1980,
11 how long did you stay president of the union?

12 A Till the plant closed.

13 Q And when was that?

14 A December 31st, 1986.

15 Q Okay. Now, the second time, how many
16 people were you -- did you have jurisdiction over?

17 A Well, it started out with about 4,000 and kept
18 dropping down till we were at about 800 when
19 Westinghouse told us in February of '86 that they were
20 closing the plant.

21 Q All right. Now, when you became president
22 of the union the second time in 1980 could you tell the
23 jury what your job responsibilities were?

24 A Well, they had to do with everything that
25 pertained to the people in the plant, pertaining to

1 wages, hours and working conditions.

2 Q All right.

3 A Including safety, things of that nature.

4 Q All right. Was there any kind of health
5 and safety committee in existence at the time that you
6 became the union president for the second time?

7 A We had a safety and health committee for many
8 years in the union.

9 Q The union had it?

10 A Yes.

11 Q And was it part of your responsibility to
12 oversee that committee?

13 A I was the chairman of every committee that we
14 had and anything that happened with the committees, I
15 met with every committee at least once a month.

16 Q Okay. And are you familiar with the mode
17 of communication, the way information was communicated
18 to the workers by Westinghouse concerning issues of
19 health and safety?

20 A Westinghouse, if they ever had any safety hints
21 most of them were on eye care. I guess 95 percent were
22 on eye care. They'd put a little thing on their
23 bulletin boards, a little leaflet.

24 Q My question is if things were
25 communicated, you would know how that was being

1 communicated?

2 A Yes.

3 MR. CAIRNS: Objection to the form of the
4 question.

5 A Yes, by --

6 Q Well, if things were communicated --

7 A They wouldn't tell me.

8 Q All right.

9 A They'd just put it on the bulletin board as
10 their safety --

11 Q Now, at the time you served as union
12 president from 1980 to '86 was there a medical doctor
13 on staff at Westinghouse?

14 A Yes.

15 Q And do you know at that time whether men
16 were being given physicals?

17 A Not -- not as a regular thing. Only if they
18 went over there for something.

19 Q Okay.

20 A The only thing that they did was the x-rays that
21 they were told to do by OSHA.

22 Q Okay.

23 A And they agreed to.

24 Q So x-rays were given to the men when
25 you --

1 A On their birthday.

2 Q On their birthday. And how were the
3 results of the x-rays communicated to the men?

4 A I never --

5 MR. CAIRNS: Objection. I believe that
6 the judge specifically said that this witness
7 was not to testify about anything other than
8 communications with himself.

9 MR. PLACITELLA: I don't think that's true
10 but we'll go on.

11 Q How were the results communicated?

12 A The only thing that anybody that I ever knew
13 that got a letter after an x-ray is the same as I got;
14 after my first x-ray with them, the letter to me said
15 that there's been no significant change since your last
16 x-ray and that's what everybody got.

17 Q All right. Now, did there ever come a
18 time when the union requested that OSHA come in and do
19 an inspection of the plant while you were the union
20 president?

21 A It wasn't at the time I was president. It was
22 the year before --

23 Q Okay.

24 A -- when they made the request.

25 Q All right. And what happened there?

1 A And OSHA came in and one of our chief stewards
2 went all around the plant with them for two days.

3 Q All right. And do you remember that chief
4 steward's name?

5 A I can't pronounce the name but Tony Piancentino
6 (phonetic), sounds like that, Piancentino.

7 Q Okay. And do you know what OSHA did
8 during this inspection -- were you there, by the way?

9 A No, not -- the only one there was the chief
10 steward. He escorted her all over the plant.

11 Q But were you working in the plant at the
12 time?

13 A Yes, yes.

14 Q Do you know what OSHA did, I mean what
15 they were inspecting while that went on?

16 A Well, they were inspecting for asbestos and
17 where this chief worked they had a huge tube that they
18 were working on, it was called a pipe. They put piping
19 in this tube and our welders and grinders had to work
20 inside that thing without any ventilation or anything
21 like that, that was one of the things. The storage of
22 their oxygen and gas tanks, the way they were stored
23 haphazardly all over the plant, a lot of the lagging on
24 the pipes, on steam pipes. The asbestos lagging was
25 broke and falling all over the plant, things of that

1 nature.

2 Q Do you know if they made a review at that
3 time of any employee medical records?

4 A Yes, they did.

5 Q And what did they review, if you know?

6 A They went to the medical records in the
7 dispensary spot picking and I think they pulled out ten
8 or eleven people that had shown on their x-rays that
9 there was something wrong with their lungs but never
10 notified the workers.

11 Q Okay. And do you know as a result of that
12 inspection whether any citation was ever issued by OSHA
13 to Westinghouse?

14 A Yes, there was.

15 Q All right.

16 A And --

17 Q Go ahead.

18 A I forget how many. It was a large number.

19 Q Okay.

20 A And we had a hearing on it.

21 Q Where was the hearing held?

22 A At 3535 Market Street.

23 Q And were you present at that hearing?

24 A Yes.

25 Q All right. And do you know whether

1 Westinghouse eventually paid a fine of any sort
2 pursuant to that?

3 A I don't know whether they did. I know that they
4 were fined a large figure, but I don't know what it was
5 or --

6 Q All right.

7 A -- how much they paid.

8 Q And at this time -- well, strike that.

9 Let me go off the record. I want to look at this.

10 (Off video record.)

11 MR. PLACITELLA: Is it Westinghouse's
12 position that these employees were, in fact,
13 employees in the Lester plant that were found to
14 have disease in the 1980, '81 time frame were,
15 in fact, told of the conditions prior to OSHA
16 getting there?

17 MR. CAIRNS: It is Westinghouse -- it is
18 my understanding as is evidenced by paragraph B
19 of appendix B that there was a group of
20 employees who had been identified for medical
21 surveillance because they possibly worked with
22 or were possibly exposed to asbestos and that
23 the citation was for not giving them a written
24 response or a written description of the results
25 of x-rays and pulmonary function tests that were

1 given to them as part of that surveillance
2 program and that they were notified of the
3 results, that this group of individuals that are
4 involved here who were under medical
5 surveillance were notified of the results
6 verbally and that that citation was for failure
7 to comply with OSHA recordkeeping requirements
8 and failure to give a written notification as
9 indicated by both the citation and appendix B to
10 the settlement agreement to the citation.

11 MR. PLACITELLA: Well, I understand. So
12 just so I understand it because this will govern
13 how I proceed from here, it's Westinghouse's
14 position that prior to OSHA getting there, these
15 people were actually told of their diagnosis?

16 MR. CAIRNS: It depends on who you mean by
17 these people.

18 MR. PLACITELLA: The people who are
19 referenced in the 1980 citation, although not by
20 name, there were a number of people who they
21 found to have asbestos-related disease and I
22 guess my question is because it dictates how I
23 proceed whether it's OSHA's -- I mean
24 Westinghouse's position that these people were
25 told prior to this citation. If they were then

1 I think that expands what I'm permitted to ask
2 this man. If they weren't, then I'll stop.

3 MR. CAIRNS: It is my understanding that
4 the citation was for not giving a written
5 response or written description as indicated on
6 the first page of the citation.

7 MR. PLACITELLA: That's not my question.

8 MR. CAIRNS: I understand.

9 MR. PLACITELLA: Not what the citation
10 says. The question is, is it Westinghouse's
11 position that the men were told. If they were
12 told -- if they weren't told about it, then I
13 have no more questions. If your position is
14 that they were told and that you might bring
15 somebody into court to say that they were told
16 then I have, as I understand it from
17 Judge Schackman's ruling, I have the ability to
18 ask further questions.

19 MR. CAIRNS: It is my understanding that
20 the group of individuals who were involved in
21 this particular medical surveillance were told
22 of the results of their PFTs and x-rays.

23 MR. PLACITELLA: And you intend to bring
24 proof of that in your case in chief?

25 MR. CAIRNS: If it becomes an issue in the

1 case.

2 MR. PLACITELLA: Then either you can make
3 your telephone call at this time or I will
4 proceed to ask this witness questions about what
5 the general procedures were for informing
6 employees about the dangers of asbestos in the
7 work place because I think that's relevant at
8 this point. So if you think you need to make a
9 phone call so we don't sit here and argue about
10 it for a half hour make your phone call.

11 MR. CAIRNS: I will do that. Let me make
12 sure that we understand the parameters. My
13 understanding is that at this point
14 Judge Schackman said that you may ask this
15 witness whether he was informed about his
16 medical condition and that may not go into the
17 discussion of whether others were informed of
18 their medical condition or other issues. If
19 that's what you intend to do --

20 MR. PLACITELLA: I think you should make
21 the call because that's not my understanding of
22 what he ruled so we should get a clarification.

23 MR. CAIRNS: All right.

24 MR. PLACITELLA: Okay.

25 MR. CAIRNS: Let's stop.

1 (Off record phone call with
2 Judge Schackman.)

3 (Documents are marked as P-1, P-2 and P-3
4 for Identification.)

5 (On video record.)

6 Q During the time that you worked at
7 Westinghouse, say, from 1941 to 1980, did Westinghouse
8 ever inform you that asbestos was dangerous to your
9 health?

10 A Not ever, never.

11 Q Did Westinghouse ever inform you that if
12 you worked in the vicinity of ladders who were
13 insulating the turbine that that could harm you in any
14 way?

15 A Never.

16 Q Have you ever heard from Westinghouse of a
17 concept known as a MAC or a maximum allowable
18 concentration?

19 A Never.

20 Q Have you ever heard of the terminology
21 threshold limit value?

22 A No, never.

23 Q Have you ever heard of something called
24 the safe practice data sheet?

25 A No, not -- no.

1 Q All right.

2 A No.

3 Q I'm going to show you what's been
4 premarked P-1 for Identification, ask you to take a
5 look at this. It's been admitted into evidence in this
6 case as the 1953 safe practice data sheet A-20, ask you
7 to take a look at that for a second.

8 A I never seen anything like this and this part
9 here really gets me.

10 Q Well, let me ask you a question first.
11 Have you ever seen this document before today?

12 A Never, never.

13 Q And were you ever told by Westinghouse,
14 for example, that it's only the fine invisible dust
15 particles that are effective in producing asbestosis?

16 A ~~Never~~, nothing of that. Even their safety
17 equipment that they have written on the side there,
18 none of that was available for even the workers, their
19 ladders.

20 Q So --

21 A Not even for them.

22 Q Where it says air-line respirator you
23 never saw such a thing?

24 A No way. No way. All they had was them that you
25 can buy in K-Mart or any -- that just like a little

1 dust mask. That's all they ever had in the tool cribs
2 and most of the times they didn't have that.

3 Q Did they ever tell you to wear that or you
4 would be harmed by asbestos?

5 A Never, never. ~~It's an outrageous lie.~~ *aw*

6 Q Let me show you P-2 which is a process
7 specification insulation of steam turbine and
8 associated equipment and ask if you've ever seen a
9 document like this before?

10 A That document like that or like this, *aw* ^{probably}
11 the only people that got this were industrial relations
12 and they put it in their book and forgot about it.

13 Q I'm just going to ask you a question about
14 the first page. Have you ever seen this document
15 before?

16 A No.

17 Q Okay. The first page says caution, do not
18 breathe dust from asbestos or refractory fiber. Was
19 that ever told to you --

20 A No.

21 Q -- by Westinghouse?

22 A Can I tell what you we did when -- every night
23 or every shift --

24 MR. CAIRNS: I object. It's
25 non-responsive.

1 Q Is there something else you'd like to add
2 to this, Mr. Senkow?

3 A Yeah, three shift operation. We worked 24 hours
4 a day, seven days a week. These ladders worked the
5 same time. After every shift the ladders, where they
6 worked on site and that dust, you know, they'd be
7 cutting these blocks and different things and muck and
8 all that stuff, the dust would be all over the place.
9 Then they would take an air hose and clean up their
10 area which we were all supposed to do, clean up your
11 area after you get done working in it and the ladders
12 would use an air hose and once they started to blow it
13 off the turbine platform, it would be all over. You
14 would be walking in dust.

15 Q Were you ever told when that process was
16 going on that you should protect yourself?

17 A No, never, never.

18 Q Now --

19 A All we did was holler at the guy with the hose
20 and say --

21 Q Now, whether or not you received this, was
22 any of the information in here communicated to you --

1 individual.

2 Q By Westinghouse?

3 A By Westinghouse.

4 Q Now, I'm looking at P-3 which is a
5 January 11, 1946 memo from Mr. E.C. Barnes which has
6 been admitted in evidence in this case and it talks
7 about the use of asbestos in the manufacture of lagging
8 for heat insulation carried out in department W-13.
9 What is W-13?

10 A W-13 was where the sheet metal and the lagging
11 department was.

12 Q All right. Did you work in that
13 department ever?

14 A No, I worked about half a block away from there.

15 Q All right. Did you spend any time in that
16 area?

17 A A lot of time.

18 Q All right. Why?

19 A Well, like I say, my friend was a top -- I was
20 third shift. He was the head double A 1 lagger. He
21 sewed the blankets. He filled the blankets, made all
22 different things and we became personal friends and I'd
23 be there every night an hour, two hours.

24 Q While any insulating was going on?

25 A Yeah, I was sitting there drinking coffee, had a

1 coffee pot going all the time.

2 Q And while that was -- were you ever told
3 while you were there that you should protect yourself?

4 A Never. He didn't have no protection. He would
5 wrap himself with cloth and put a cloth bag over his
6 nose like this. We used to laugh about it, but if
7 that, you know, we were on strike from January the
8 15th, 1946 to May the 15th, 1946 so I don't know what
9 date that come out, maybe while we were out.

10 Q And had you ever been told that you or any
11 of your co-workers were found to have lung conditions
12 possibly related to dust in 1946?

13 A No, we didn't even know what it was.

14 Q Okay. Mr. Senkow, that's all the
15 questions I have as I sit here today.

16 A Okay.

17 MR. PLACITELLA: Thank you.

18 MR. CAIRNS: Let's take a break for a
19 minute and I'll see if I have anything.

20 (Recess.)

21 (Documents are marked as P-4 and P-5 for
22 Identification.)

23 MR. CAIRNS: I don't have any questions of
24 this witness. Thank you.

25 (Deposition adjourns at 10:55 a.m.)

C E R T I F I C A T I O N O F W I T N E S S

I have read the foregoing transcript of my
deposition and find it to be true and accurate to the
best of my knowledge and belief.

RUSSELL SENKOW

Sworn and subscribed to before me on
this day
of , 1993

Notary
My Commission Expires

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C E R T I F I C A T E

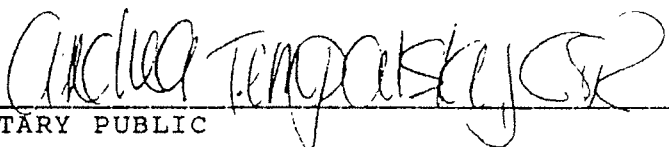
I, ANDREA TEMPALSKY, Notary Public and
Certified Shorthand Reporter hereby certify that prior
to the commencement of the examination

RUSSELL SENKOW

was duly sworn by me to testify the truth, the whole
truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is
a true and accurate transcript of the testimony as
taken stenographically by and before me at the time,
place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a
relative of nor employee nor attorney nor counsel for
any of the parties to this action and that I am neither
a relative nor employee of such attorney or counsel,
and that I am not financially interested in the action.



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DATE: 7/21/93