

FILE NAME: Keene (KNE)

DATE: 1983

DOC#: KNE001

DOCUMENT DESCRIPTION: 1983 Excerpt from Legal Deposition of John McCallister with page of BC notes

70 ~~starting in~~  
 71 ~~starting in~~ 1956, three men  
 in plant died of  
 lung cancer &  
 non-malignant  
 lung conditions  
 one showed his  
 finger clubbing  
 (as a sign of lung  
 disease) to Med  
 71 heard of Solitoff's  
 work the year  
 before it was  
 published (1963)  
 and remembers  
 learning then abt.  
 Mesothelioma  
 72 he thinks Kainer's  
 family filed a comp.  
 claim (prob. 1960)  
 73-76 same products  
 and processes for  
 Navy as for other  
 commercial  
 customers of  
 BEN

{ knew of O-I research at Saranac and  
 learned while at O-I about 1955  
 18 } O-I employee 1947-1952  
 Ebert-Keene 1952-1970  
 19 - plant chemist at Berlin, NJ for O-I  
 20 - recalls reports from SA in 1955-58  
 20, 31 hired by Ebert to develop a  
 calcium silicate product, did small  
 scale trials for 3 years  
 32 Ebert's magnesia product was  
 called "Thermalite"  
 41 dust collectors in process and  
 on finishing operations  
 45-46 employees mixing pilot run  
 batches required to wear respirators  
 47 respirator & goggles req. for cutting  
 and finishing experimental products  
 48 in 1958 or 1959 the process for calcium  
 silicate was commercialized and  
 McAllister surveyed the market for  
 proper respirators - these were bought  
 and made available plant wide  
 51 asb ~~are~~ sampling by insurer in 1958  
 52 given chest X-ray as part of physical at time of  
 hire by Ebert in 1952  
 62-63 no cautionary language put into sales brochures  
 in 1966-1970 for asb. products  
 66-67 warned operators & shift supervisors  
 about asbestos in the years 1952-1973

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK AND NEWPORT NEWS DIVISIONS

RES  
4/25/83

IN RE: ALL ASBESTOS CASE : C.P. NO. 77-1

- - -

IN RE: MASSACHUSETTS : MASSACHUSETTS MULTIPLE  
ASBESTOS CASES : LITIGATION NOS. 1 and 2  
(M.D.L. Nos. 1 and 2)

: UNITED STATES DISTRICT  
COURT, DISTRICT OF  
MASSACHUSETTS

- - -

IN RE: KEY HIGHWAY, : B.M.L. NO. 1

FAIRFIELD AND : (ALL CASES)

SPARROWS POINT : UNITED STATES DISTRICT  
SHIPYARDS -- : COURT, DISTRICT OF  
MARYLAND

ASBESTOS CASES

- - -

HELEN K. GALIARDI, : 82 Civ. 0804  
individually, and as

Executrix of the Estate of : UNITED STATES DISTRICT  
JOHN C. GALIARDI, : COURT, EASTERN DISTRICT  
OF NEW YORK

Plaintiff,

-against-

MANVILLE CORPORATION,

et al

Defendants

- - -

right.

- - -

STIPULATION

- - -

(It is hereby stipulated by and among Counsel for the respective parties that certification and filing are waived, and that all objections, except as to the form of questions be waived until the time of trial.)

- - -

MR. SCHMIDT: Are there any other statements or stipulations that should be in the record?

MR. SILBERT: Off the record.

(Whereupon discussions were held off the record from 9:14 a.m. to 9:15 a.m..)

- - -

BY MR. SCHMIDT:

Q. Sir, would you please state your name and address for the record?

A. My name is John D. McAllister, M-C-A-L-L-I-S-T-E-R. My address is 1479 Woodacres Drive, Mountainside, New Jersey, 07092.

Now, I understand you've been deposed before in

1 ~~some Pennsylvania cases on May 26th, 1983, is that~~  
2 correct?

3 A. That is correct.

4 Q. Have you given a deposition regarding  
5 asbestos related matters at any other time, other  
6 than that deposition?

7 A. Not to the best of my memory.

8 Q. Sir, could you briefly describe your  
9 employment history from the time that you left  
10 school and put in the appropriate dates?

11 A. To simplify matters, I would suggest that  
12 I give you a copy of my resume.

13 Q. I will show you a document and ask if you  
14 can identify that.

15 A. I can.

16 Q. What is that document?

17 A. That is my current resume.

18 MR. SCHMIDT: I would like to have  
19 this marked as Exhibit 1, please.

20 (Whereupon Exhibit McAllister #1 was  
21 marked for identification purposes, as of  
22 this date, March 30, 1983.)

23 BY MR. SCHMIDT:

24 Q. I understand, Mr. McAllister, from your  
25 resume that you were employed by Owens-Illinois from

1 1948 to 1952?

2 A. That's correct.

3 Q. And, subsequently, you were employed by  
4 Ehret Magnesia, Baldwin-Ehret-Hill and Keene  
5 Corporation from 1952 up until 1970?

6 A. Let us back track just a second, the start of  
7 employment with Owens-Illinois was 1947, not 1948.

8 In answer to your last question, yes, I was employed  
9 by Ehret Magnesia and the successor corporations  
10 through July of 1970.

11 Q. Mr. McAllister, when did you first become  
12 aware of the disease process asbestosis?

13 A. As a possible disease process, I became aware  
14 of it when I was working for Owens-Illinois, as an  
15 outshoot from the known hazards of silicosis resulting  
16 from inhalation of crystalline silica particles.

17 Q. And when, if at all, did you first become  
18 aware of research regarding lung diseases that were  
19 done at the Saranac Laboratories in New York?

20 A. In my employment at Owens-Illinois, there were  
21 periodic staff meetings at which were reported  
22 research and development results and findings. One  
23 such report involved a brief summary of an on-going  
24 investigation involving potential respiratory hazards  
25 resulting from inhaling diatomaceous earth, which was

1 one of the calcium silicate raw materials used in the  
2 Berlin kaylo manufacturing operation.

3 Q. What did you do while you were at Owens-  
4 Illinois to familiarize yourself with the raw  
5 materials used there?

6 A. I was hired as a plant chemist to start up  
7 the Sayreville Plant at some point in the future.  
8 As plant chemist, my areas of responsibility were  
9 raw materials characteristics and control, as they  
10 might affect the process and product characteristics.

11 I made fairly extensive literature  
12 searches on all raw materials used in the process.

13 ~~Q. And did that process continue when you were~~  
14 employed by Ehret Magnesia as to the raw materials  
15 used in their production process?

16 MR. LEDWITH: Objection.

17 MR. SCHMIDT: What's the basis?

18 MR. LEDWITH: Leading question. I  
19 object to the form of the question.

20 MS. KAHN: I also object to the

21 ~~form.~~

22 BY MR. SCHMIDT:

23 Q. Well, what did you do while -- what, if  
24 anything, did you do while at Ehret Magnesia and  
25 Baldwin-Ehret-Hill and Keene Corporation to familiarize

1 yourself with the raw materials used?

2 A. My initial hiring at Ehret Magnesia was  
3 for the purpose of putting them into the calcium  
4 silicate business, using a forming and molding  
5 process licensed to them by Pabco Insulations. That  
6 molding process was very sensitive to raw materials  
7 characteristics. In an attempt to develop a viable  
8 molding process for calcium silicate in that plant,  
9 I made very extensive, not only literature researches,  
10 but experimental trial runs of batches in a pilot  
11 plant supplied to me by Ehret Magnesia for a period of  
12 about four years prior to commercial production of  
13 the Thermosil product line.

14 Q. Now, in the course of that extensive  
15 literature research, which you described, to what  
16 extent, if at all, did you become aware of reports  
17 concerning asbestos related diseases emanating from  
18 South Africa?

19 A. Time period, approximately 1955 to 1957 or  
20 '58, there began to appear in the literature, articles  
21 about children in South Africa playing on amosite  
22 waste dumps and such children having an unusually high  
23 incidence of respiratory problems.

24 ~~A. Could you describe the nature of your initial~~  
25 ~~duties at Owens-Illinois, I know you've touched on that~~

1 Q. Now, I understand you started with Ehret  
2 Magnesia in 1952?

3 A. That is correct.

4 Q. Could you describe the nature of your  
5 initial duties at Ehret Magnesia?

6 A. I was hired under the job title, Director of  
7 Research, which was a misnomer as events later proved.  
8 In point of fact, for the first three and half years  
9 of my employment with Ehret Magnesia, I served as  
10 a Research and Development Engineer building and  
11 supervising the operation of a pilot plant to produce  
12 calcium silicate and to put Ehret Magnesia into the  
13 calcium silicate business, using the Pabco  
14 patented molding process.

15 Q. And how long were these your duties?

16 A. Approximately three and a half years as is  
17 indicated in my resume.

18 Q. And, where did you perform those duties?

19 A. In the Ehret Magnesia Plant at Valley Forge.

20 Q. And to what extent, if at all, would you have  
21 had occasion to visit the production areas of the  
22 Ehret Magnesia Plant at Valley Forge at this --  
23 during this time?

24 A. My office was immediately adjacent to the  
25 mold floor. The pilot plant was in that same portion

1 of the plant, one floor above the mold floor and one  
2 floor below the mixing floor, which were superimposed  
3 on each other. I obviously, in the course of  
4 my daily activities, visited both the mold floor,  
5 my office and the pilot plant.

6 When the pilot plant was in operation,  
7 the product produced was put through the normal plant  
8 drying equipment and was cut in the normal plant  
9 finishing equipment.

10 Q. And did you have occasion to observe the  
11 operation of that equipment?

12 A. I did.

13 Q. Now, what products were made at the Valley  
14 Forge Plant during that roughly three and a half  
15 years that we're talking about?

16 A. 85% magnesia, Ehret's tradename was  
17 Thermalite, T-H-E-R-M-A-L-I-T-E, and insulating  
18 cement.

19 There was additionally, for a very  
20 brief period of time, a line of asbestos gaskets  
21 made at that plant.

22 Q. The Thermalite was that both pipe covering  
23 and block?

24 A. Yes.

25 Q. Now, of those products that you have mentioned,

1 which of those products, if any, contained asbestos  
2 at that point in time?

3 A. They all contained asbestos.

4 Q. And what type of asbestos did they contain?

5 A. Both amosite and chrysotile.

6 Q. And what were the sources of that amosite  
7 and chrysotile?

8 A. Essentially, the same as I've described as  
9 being the sources for Owens-Illinois. The chrysotile  
10 asbestos came from domestic and Canadian sources,  
11 common at the time, which were Johns-Manville,  
12 National Gypsum and Ruberoid.

13 The amosite asbestos came from Cape  
14 Asbestos, Turner-Newall, North American Asbestos or  
15 other brokers.

16 Q. Now, other than asbestos, what other types of  
17 raw materials were used at the Valley Forge Plant at  
18 that time?

19 A. For 85% Magnesia production, magnesium oxide  
20 was used. A wetting agent dispersant called  
21 Marasperse was used. For the asbestos gasket operation,  
22 asbestos cloth, which was primarily spinning gray  
23 chrysotile was used, along with rubber based cements of  
24 one sort or another.

25 Q. Would you know the source of the asbestos

1 BY MR. SCHMIDT:

2 ~~Q. Well, what Government Agencies are you~~  
3 ~~speaking?~~

4 A. All of the Government Agencies which used  
5 thermal insulations. These included Navy Yards and  
6 docks, Navy facilities, the Coast Guard, GSA and other  
7 Government Agencies involved in heat conservation  
8 system within their buildings or equipment.

9 Q. To what extent, if at all, were the asbestos  
10 containing products sold by Ehret Magnesia to the  
11 Navy in the early 1950's for use onboard Naval  
12 vessels?

13 A. I'm not quite sure I understand that  
14 question.

15 Q. Okay.

16 ~~Q. Would you restate it, please?~~

17 Q. The products that were sold to the Navy,  
18 where were they to be used?

19 A. In the case of products served to Naval  
20 facilities and Yards and docks agencies, the products  
21 would have been used either aboard ship or at shore  
22 based operations of the Navy.

23 ~~Q. Now, can you describe the process by which~~  
24 ~~these various asbestos containing materials -- well,~~  
25 ~~let me just limit you to the Thermalite and the -- well,~~

1 ~~involved transferring the as molded cylinders to~~  
2 conveyor. The conveyor fed those cylinders through  
3 a bandsaw, which simultaneously trimmed both ends of  
4 the product, and then that thirty-six inch long  
5 cylinder was fed longitudinally through another  
6 bandsaw, which cut the cylinder into two half  
7 cylinders.

8                   Those two half cylinders were  
9 then jacketted by a man using canvas as an outer  
10 wrap around, to hold the two half sections  
11 together. Once the jacket had been installed on that  
12 piece of pipe covering, it was put in a carton. The  
13 carton sealed and shipped.

14                   The block trimming operation involved  
15 taking a series of block from the dryer cars,  
16 stacking them up on a bandsaw table and end trimming  
17 them en masse in full carton quantities. After which,  
18 end trimming that carton quantity of block was put  
19 in a carton. The carton sealed and sent to the  
20 ~~warehouse for shipping.~~

21 Q.           And what type of dust control equipment, if  
22 any, did you observe at the Valley Forge Plant in  
23 the early 1950's?

24 A.           Dust collecting equipment per se was used  
25 for dust control on the mixing floor in the asbestos

1 conveyor and fiberizing area --

2 ~~MR. LEDWITH: What was that~~

3 word?

4 THE WITNESS: Fiberizing. I'm sorry,  
5 I'm having mouth trouble at the moment.

6 In the finishing operation, air dust  
7 control around the end trim and longitudinal  
8 splitting saws was also in use.

9 Additionally, respirators in general,  
10 of the surgical mask nuisance dust type, were  
11 in use by some of the employees in both areas.

12 BY MR. SCHMIDT:

13 Q. Now, was the dust collecting equipment that  
14 you've described, that was a suction type of  
15 equipment?

16 A. Yes.

17 MR. LEDWITH: Objection.

18 BY MR. SCHMIDT:

19 Q. How did that dust collecting equipment  
20 operate, what was the general principle on which it  
21 worked?

22 A. A hood on which negative pressure was  
23 imposed by a suction fan pulling in ambient air across  
24 the face of the work area up into the dust  
25 collecting -- up into the dust collecting hood. And

1 ~~from there into a bag type filter.~~

2 Q. And, if I understand your testimony  
3 correctly, that dust collector was dust collecting  
4 equipment in the early 1950's in both the initial  
5 phases of the manufacturing process and in the  
6 finishing operation?

7 A. That's correct.

8 ~~MR. LEDWITH: Objection.~~

9 MS. KAHN: Object to the form.

10 THE WITNESS: There was dust collecting  
11 equipment at that point in time, as I  
12 previously stated, both on the mixing floor  
13 and during the -- in the finishing operation.

14 BY MR. SCHMIDT:

15 Q. Now, was the dust collecting equipment at  
16 either location modified during the time that you were  
17 at the Valley Forge Plant?

18 A. Yes, sir, during the period of time when the  
19 Plant was being modified to accept a calcium silicate  
20 operation alongside of the magnesia operation, addi-  
21 tional equipment was installed on the mixing or batch  
22 floor. That additional equipment consisted of a  
23 new hood at the asbestos unloading area ahead of the  
24 asbestos mill, a separate cyclone collector for use with  
25 a calcium silicate mixing operation, and also

1 one seat, gasoline operated industrial type vacuum  
2 cleaner with a large bag filter. It had access  
3 only to straight run walkways, it was not useable  
4 in the congested areas of the plant. And in those  
5 areas, the housekeeping continued to be by manually  
6 operated push brooms.

7 Q. Can you describe in a little more detail, the  
8 nature of your duties in getting Ehret Magnesia into  
9 the calcium silicate business and the operation of  
10 the pilot plant, to which you referred?

11 ~~MR. LEDWITH: Objection.~~

12 MR. SCHMIDT: On what basis?

13 MR. LEDWITH: Too general.

14 BY MR. SCHMIDT:

15 Q. Do you understand the question?

16 A. I think I do, but let me start and if you  
17 have further questions, I'm sure you will ask them.

18 Q. ~~Fair enough. Thank you.~~

19 A. As I stated earlier, I was hired primarily  
20 to put Ehret Magnesia into the calcium silicate  
21 business. I was hired based on my previous experience  
22 with Owens-Illinois in producing calcium silicate. The  
23 first three and a half years of my employ with  
24 Ehret Magnesia, as I said earlier, involved researching  
25 raw materials in an attempt to develop a raw materials

1 formulation through pilot plant work that met the  
2 molding requirements of the Pabco licensing equipment.  
3 At the same time produced a commercially acceptable  
4 final product calcium silicate.

5                   During the course of this three and  
6 a half years, I utilized a small pilot plant immediately  
7 under the mixing floor in the Valley Forge Plant,  
8 which was operated by an unskilled laborer who mixed  
9 small experimental batches of calcium silicate  
10 slurry, molded them, indurated them in the pilot  
11 plant and then dried them in the plant drying  
12 equipment. Finished them in the plant finishing  
13 equipment and tested them with the plant testing  
14 equipment.

15 ~~Is that adequate detail?~~

16 Q.           That's adequate detail. Thank you.

17                   Now, to what extent, if at all, did you  
18 recommend that that individual use any special  
19 equipment in performing those duties?

20                   MR. LEDWITH: Objection.

21                   MR. SCHMIDT: What basis?

22                   MR. LEDWITH: Form.

23                   MR. SCHMIDT: What about the form?

24 ~~MR. LEDWITH: It's leading.~~

25 BY MR. SCHMIDT:

1 Q. ~~Could you answer the question?~~

2 MS. KAHN: I object as to the form  
3 as well.

4 BY MR. SCHMIDT:

5 Q. ~~Well, let me ask it --~~ what special equipment,  
6 if any, did that individual use in the course of those  
7 duties?

8 A. That man, because he was responsible for  
9 mixing batches, the ingredients of which were hazardous  
10 in nature was instructed to wear a respirator of  
11 pneumoconic resistance for such airborne dust  
12 protection. He was also instructed to wear  
13 goggles and rubber gloves.

14 The reason that he was instructed to  
15 do that was that of the raw materials used in the  
16 experimental batches, these hazards existed. A powdered  
17 sodium silicate was one of the ingredients. It's  
18 highly caustic in nature. A silica flour was used.  
19 The known hazards of silicosis were apparent. Asbestos  
20 fiber was used and the potential hazards of asbestosis  
21 were recognized by me. Lime was used and it is also  
22 caustic and alkaline and presents a skin hazard.

23 For those purposes, he was instructed  
24 to use protective clothing and respirators.

25 ~~MR. SWORD: Move to strike as~~

1 ~~non-responsive.~~

2 MS. KAHN: I join in that.

3 MR. SCHMIDT: On what grounds?

4 MR. SWORD: I think he went beyond  
5 ~~the scope of your question to him.~~

6 BY MR. SCHMIDT:

7 Q. To what extent, if at all, was any special  
8 equipment used by that individual in the finishing  
9 operation to which you referred?

10 A. When this man was involved in cutting and  
11 finishing of experimental product, he wore a respirator  
12 and he wore goggles at my request.

13 ~~Q. Okay. Now, the type of respirator which you~~  
14 have described there, to what extent, if at all, was  
15 that similar to the type of respirator with which you  
16 became familiar while working for Owens-Illinois?

17 MR. LEDWITH: Objection.

18 BY MR. SCHMIDT:

19 Q. Well, you described them both as being  
20 pneumocononic respirators. What difference, if any,  
21 was there between the respirator with which you became  
22 familiar at Owens-Illinois and the respirator which you  
23 recommended that your assistant use in the pilot  
24 plant?

25 A. ~~There was no difference. They were both~~

1 ~~identical in style, and produced by Mine Safety~~  
2 ~~Appliances.~~

3 Q. And to what extent, if at all, were those  
4 special kind of respirators made available to other  
5 employees in the plant at Valley Forge generally?

6 MS. KAHN: Object to the form of  
7 the question.

8 MR. SCHMIDT: On what basis?

9 MS. KAHN: Your characterization of  
10 the respirator is not that of the witness.  
11 You've incorporated in your question facts  
12 to which he didn't testify.

13 MR. SCHMIDT: Could I hear my  
14 question back, please?

15 (Whereupon the question was read  
16 back.)

17 BY MR. SCHMIDT:

18 Q. To what extent, if at all, were the  
19 pneumoconiotic respirators you have mentioned available  
20 to employees at the Valley Forge Plant generally?

21 A. At that point in time, I don't know.  
22 Subsequent to commercialization of calcium silicate  
23 at Valley Forge, that same type of respirator became  
24 available to all employees from store room issue.

25 Q. And what involvement, if any, did you have in

1 that coming about?

2 A. At the request of Mr. Howell, I surveyed  
3 such respirator types availability.

4 Q. Who was Mr. Howell?

5 A. Mr. Howell was Vice-President in charge of  
6 Purchasing for Ehret Magnesia.

7 Q. And, what type of survey did you make?

8 A. I surveyed all sources available to me of  
9 respirators, specific to pneumoconiosis type airborne  
10 dust protection, and established that type that I had  
11 previously obtained for my employees in the pilot  
12 plant was the best type available. And Mr. Howell  
13 subsequently arranged to make such respirators  
14 available plant-wide to all Ehret employees.

15 Q. And what time frame are you speaking of?

16 A. That would have been late '58, early '59,  
17 I believe.

18 Q. When was the first time, if at all, that steps  
19 were taken to measure the amount of airborne dust  
20 at Valley Forge?

21 ~~MR. LEDWITH: Objection.~~

22 ~~MS. KAHN: I object to the form.~~

23 ~~MR. SCHMIDT: On what basis?~~

24 ~~MS. KAHN: I think the question is~~

25 ~~vague and not susceptible of an answer.~~

1 ~~MR. COSTANTINO: How about an~~  
2 objection as to ambiguity by Pittsburgh-Corning.

3 MR. LEDWITH: I think everybody can  
4 make their objections on the record, and  
5 let the Court sort them out later on.

6 BY MR. SCHMIDT:

7 Q. Did you understand the question?

8 A. I would like to have it repeated.

9 MR. SCHMIDT: Read back the question,  
10 please.

11 Whereupon the Court Reporter read  
12 back the last question to the witness.)

13 BY MR. SCHMIDT:

14 Q. ~~Did you understand that question?~~

15 A. Yes, I don't know that I can answer it  
16 specifically. However, to my knowledge, there was  
17 a dust survey made by Pennsylvania Manufacturing  
18 Association, Ehret Magnesia's insurance carrier,  
19 I believe for Workmens' Compensation. That survey  
20 was made approximately middle, late 1958. And it  
21 involved taking air samples on the batch floor and  
22 in the finishing department.

23 Q. And, specifically, what was being looked for  
24 in taking these air samples?

25 A. To the best of my knowledge, two specific

1 airborne dusts.. One of them chrysotiline silica  
2 and the other one asbestos fibers.

3 Q. Now, what type of pre-employment physical  
4 examinations, if any, were you given, when going with  
5 Ehret Magnesia in 1952?

6 A. I was given a general physical examination  
7 consisting of a chest x-ray, normal body examination for  
8 hernia or heart murmur, respirator murmur, blood  
9 pressure and urinalysis.

10 Q. After the Pennsylvania Manufacturers'  
11 survey that you've mentioned, to what extent, if at all,  
12 were additional chest x-rays provided at Valley Forge?

13 ~~MS. KAHN: I object to the form of~~  
14 the question.

15 MR. SCHMIDT: On what basis?

16 MS. KAHN: I do think that it's a  
17 leading question, and I also think that --  
18 well, perhaps I could hear it again.

19 MR. LEDWITH: Read that over again.

20 (Whereupon the Court Reporter read  
21 back the last question.)

22 MR. SCHMIDT: Let me ask a little  
23 bit different question.

24 BY MR. SCHMIDT:

25 Q. ~~At any point in time, were, to what extent~~

1 ~~if at all, any point in time, were additional~~  
2 chest x-rays provided at Valley Forge?

3 MR. LEDWITH: I object.

4 MR. SCHMIDT: On what basis?

5 MR. LEDWITH: It's an unclear  
6 question.

7 BY MR. SCHMIDT:

8 Q. Do you understand the question, sir?

9 MR. LEDWITH: I'll tell you why  
10 it's unclear. You're using the word  
11 provided. What do you mean by provided,  
12 you mean did Ehret provide it, did someone  
13 else provide it?

14 BY MR. SCHMIDT:

15 Q. Do you understand my question, sir?

16 A. Yes.

17 Q. ~~Could you answer it, please?~~

18 A. There were two occasions after the PMA air  
19 survey on which the Montgomery Tuberculosis Association  
20 Mobile Chest X-ray Unit was brought on plant site and  
21 made available to all those employees at the Valley  
22 Forge Plant, who wished to use it.

23 Q. ~~And when you refer to PMA Survey, are you~~  
24 talking about the Pennsylvania Manufacturers' Association  
25 Survey ~~that you previously mentioned?~~

1 ~~and insulation and also the acoustical ceiling tile~~  
2 ~~and board products.~~

3 Q. And where were these various asbestos containing  
4 products manufactured?

5 A. Two places, again, to the best of my knowledge,  
6 Trenton, New Jersey and Kalamazoo, Michigan.

7 Q. And did the manufacture of those products,  
8 continue after the relationship with Ehret Magnesia  
9 in 1959?

10 A. Yes.

11 Q. At those same locations?

12 A. Yes.

13 Q. And at some point in time, did you physically,  
14 did your office physically change from Valley Forge  
15 to another location?

16 A. Yes.

17 Q. And when was that?

18 A. In 1964.

19 Q. And where was your office moved to, or where  
20 did you move to?

21 A. From Valley Forge to Trenton.

22 Q. And did you remain at Trenton until the time  
23 that you left in 1970?

24 A. No.

25 Q. Okay.

1 A. When the Keene merger with Baldwin Hill  
2 occurred, I was transferred from the Trenton office  
3 to an office in Princeton.

4 Q. And when, approximately, did that occur?

5 A. 1968.

6 Q. Are you familiar with the National Insulation  
7 Manufacturers' Association?

8 A. Yes.

9 Q. What was the nature of that organization?

10 A. It was a trade organization, which had a  
11 forerunner in the Magnesite Insulation Manufacturers'  
12 Association, and it has been succeeded by the  
13 Thermal Insulation Manufacturers' Association. It's  
14 avowed purpose, as I understand it, was to jointly  
15 exchange interest and solve problems common to the  
16 industry without violating the restraint of trade  
17 legalities.

18 Q. And when, if at all, were you involved in the  
19 activities of that organization?

20 A. From 1966 through 1970.

21 Q. ~~And what -- who else were members of that~~  
22 ~~organization during that period of time, what other~~  
23 ~~companies?~~

24 A. I don't remember, specifically, and my list  
25 ~~will not be all inclusive, however, Owens Corning,~~

1 ~~John Manville, Carabanteo, Pabco, Pittsburgh-Corning.~~

2 There may have been others, I don't remember.

3 Q. Are you aware as to whether or not Ruberoid  
4 was a member during that period of time?

5 MS. HESSION: Objection.

6 ~~THE WITNESS: I don't know.~~

7 BY MR. SCHMIDT:

8 Q. And what was the nature of your involvement  
9 in that organization?

10 A. I was Baldwin-Ehret-Hill Keene's representative  
11 on the Technical and Research Committee of that  
12 organization. And from time to time, served as  
13 an ad hoc member of the Government Relations  
14 Committee of that organization.

15 Q. And during the time that you were a member  
16 of the Technical and Research Committee, what was  
17 the nature of the activities of that Committee?

18 A. Primary activities of that Committee were  
19 to police the specifications validity of member products  
20 data sheets, and to attempt to have Government  
21 specifications and ASTM specifications reflect the  
22 realities of product characteristics as produced by  
23 the individual members.

24 Q. ~~What was the nature of the activities of the~~  
25 ~~other Committee that you mentioned during the time that~~

1 Q. Now, as Manager of Technical Services from  
2 1966 to 1970, what involvement, if any, did you have  
3 in reviewing the sales material of Baldwin-Ehret-Hill  
4 and Keene Corporation?

5 A. On several occasions, Baldwin-Ehret-Hill had  
6 sale brochures produced by McGraw Hill. It was  
7 my responsibility to review and/or prepare initial  
8 copy for those brochures. And once the brochure had  
9 been put together by McGraw Hill, to edit and proofread  
10 final copy prior to publication, and prior to use in  
11 Sweet's and McGraw's Blue Book.

12 ~~Q. At anytime during your review of the sales~~  
13 ~~material from 1966 to 1970, did you ever see anything~~  
14 ~~in any of that material advising customers that there~~  
15 ~~was any hazard whatsoever to using the asbestos~~  
16 ~~containing materials described in that sales material?~~

17 MS. KAHN: Object to the form of  
18 the question.

19 MR. SCHMIDT: On what grounds?

20 MS. KAHN: He did not testify that  
21 he reviewed sales information so much as prepared  
22 copy for them, I believe the record would  
23 indicate.

24 BY MR. SCHMIDT:

25 Q. In preparing copy for the salesmen, what would

1 you do?

2 A. I would use previous similar publications  
3 as a base set of copy and revise it to reflect any  
4 changes that had occurred in a specific product  
5 relative to the copy therefore, and then submit that  
6 finally revised copy to the Sales Manager for his  
7 approval.

8 Q. And who was the Sales Manager at that  
9 point?

10 A. Miles Wilson;

11 Q. And at any point between 1966 and 1970, were  
12 you ever requested to revise any of that sales  
13 material with respect to inserting any cautionary  
14 language in that material concerning any hazards or  
15 dangers of exposure to asbestos?

16 A. No.

17 ~~May we break for about five minutes?~~

18 Q. Sure, I'm just about finished.

19 A. Do you want to finish then?

20 Q. No, if you want to break, let's take a break.  
21 I've got about five minutes more.

22 (Whereupon a break was taken from  
23 11:15 a.m. until 11:20 a.m.)

24 MR. SWORD: On behalf of H. K. Porter  
25 and Southern Textile, I would join in the

1 ~~objections made in the New York litigation~~  
2 pending in the Eastern District of New York  
3 and the Connecticut litigation.

4 BY MR. SCHMIDT:

5 Q. During the course of performing those  
6 duties, sir, did you ever see any such cautionary  
7 material in any of that sales material?

8 ~~Let me start over.~~

9 In the course of performing those  
10 duties, did you ever see any such cautionary language  
11 in any of that sales material, with which you were  
12 involved?

13 A. Not that I remember.

14 ~~Now, going back to 1952, when you joined~~  
15 Ehret Magnesia, who were the top management people of  
16 Ehret Magnesia at that time, and what were their  
17 positions?

18 A. Alvin M. Ehret, Jr., President, Mike Howell,  
19 Vice-President, Purchasing, Russell Crawford, Secretary  
20 and Treasurer, R. M. Kinsey, Plant Manager, Utley Smith,  
21 U-T-L-E-Y, Sales Manager, later replaced by  
22 Samuel Garre G-A-R-R-E as Sales Manager.

23 Q. What about the Research Department?

24 A. I'm not sure that Research Department is the  
25 proper designation. Technical Supervisor of Ehret

1 ~~Magnesia was Fred DeMaestri, D.E., Capital M-A-C-C-T-R-Y.~~

2 Q. Okay, thank you.

3 Now, you've described your own aware-  
4 ness as to asbestos related disease prior to coming  
5 with Ehret in 1952.

6 MR. COSTANTINO: I believe he described  
7 asbestosis as the only awareness that he  
8 had.

9 THE WITNESS: And silicosis.

10 MR. COSTANTINO: And silicosis.

11 MR. SCHMIDT: I'm going to restate  
12 the question.

13 BY MR. SCHMIDT:

14 Q. You discussed the nature of your awareness  
15 of asbestos disease prior to coming with Ehret Magnesia  
16 in 1952. To what extent, if at all, did you communicate  
17 your awareness to other persons at the Ehret Magnesia  
18 Valley Forge Plant?

19 ~~MR. LEONETTI: I object.~~

20 MS. KAHN: I object as well. I think  
21 it's a compound question. He stated his  
22 awareness in terms of a number of different  
23 substances.

24 BY MR. SCHMIDT:

25 Q. ~~Would you go ahead and answer the question.~~

1 ~~please.~~

2 A. As I previously testified this morning, I made  
3 my awareness of potential chemical hazards known to  
4 ~~the individual~~ who worked for me in the pilot plant.  
5 I also made that awareness of potential hazards known  
6 to Kinsey, DeMaestri, the individual shift foremen,  
7 the batch mixing personnel in the production operation  
8 and the finishing Department personnel in the  
9 production operation, by word of mouth.

10 Q. And over what period of time did you do  
11 so?

12 A. During that period of time that I was actively  
13 involved at Valley Forge, from inception of pilot  
14 plant work, which was probably starting 1953 through  
15 until my transfer to Trenton, which I believe was  
16 '64, 1965.

17 ~~MR. LEDWITH: Well, let the record~~  
18 note that Mr. McAllister's recollection is  
19 being refreshed again by his resume.

20 MR. SCHMIDT: As to the date, that's  
21 perfectly permissible.

22 THE WITNESS: That's -- the time  
23 period is 1964, not 1962.

24 BY MR. SCHMIDT:

25 Q. And in light of the previous objection, what

1 did you communicate to these people that you have  
2 named?

3 A. That there was certainly hazard involved in  
4 silica flours relative to silicosis and that  
5 there was probable hazard early on with asbestosis,  
6 and certain hazard after 1959 with asbestosis.

7 Q. And again, in light of that objection,  
8 could you again name the people that you communicated  
9 this to?

10 A. Mr. Kinsey, Mr. DeMaestri, the shift  
11 supervisors, Mr. Cox, Mr. Ward, Mr. Harley and  
12 Mr. Kinney, the production mixing personnel, the  
13 brothers Butler, a Mr. Merriwether and a fourth  
14 mixing operator, whose name I have forgotten, the  
15 finishing personnel involved whose names I do not  
16 remember.

17 ~~Q. And also in light of the objection, at~~  
18 what point in time did you begin to convey this informa-  
19 tion to these persons?

20 MR. LEDWITH: Objection. First off,  
21 there are different types of information  
22 that you referred to earlier, and I think  
23 it's a question, the question is unclear and  
24 ~~confusing.~~

25 BY MR. SCHMIDT:

1 Q. ~~Do you understand the question?~~

2 A. Can't say that I do, sorry.

3 MR. LEDWITH: He concurs.

4 BY MR. SCHMIDT:

5 Q. The matters which you communicated,  
6 which you've just described, at what point in time  
7 did you begin to communicate this information to the  
8 persons that you have named?

9 MR. LEDWITH: Again, note my  
10 objection.

11 MR. SCHMIDT: On what grounds?

12 MR. LEDWITH: First off, you're  
13 referring to a general body of information,  
14 and I assume that it was contained in the  
15 previous questions. He described, I believe,  
16 the hazards of silica flour, probable hazards  
17 early on of asbestosis, certain hazards after  
18 1959, he described four, at least fifteen  
19 people that he described these things to at  
20 different periods of time. I don't see how  
21 he can answer a question phrased as you  
22 ~~just phrased one.~~

23 BY MR. SCHMIDT:

24 Q. What do you mean by early on?

25 A. Prior to 1959 defines early on. And at that

1 point in time, I think I stated that starting with the  
2 operation of the pilot plant --

3 Q. Which was in?

4 A. Should have been in 1953 or thereabouts.

5 The certain hazard of silicosis from silica flour and  
6 the potential hazards for asbestosis from asbestos  
7 fiber, those concerns were made known to the individuals  
8 that I have listed.

9 Q. Okay, thank you.

10 Now, to what extent, if at all, did you  
11 become aware of employees of the Valley Forge Plant  
12 developing dust related problems?

13 A. Dust related health problems?

14 Q. Yes, sir.

15 A. There were three individuals, employees of  
16 Ehret Magnesia at the Valley Forge Plant, who showed  
17 symptoms of, or died of respiratory impairment. One  
18 of them, Ralph Lamkin, who was Production Control  
19 Supervisor died of lung cancer in Phoenixville Hospital  
20 approximately 1958 or 1959. Another one by the name  
21 of Domenic, I believe, Ranier; R-A-N-I-E-R-I, died  
22 of a respiratory impairment, and there was a Shift  
23 Supervisor by the name of Julian Ward; A-N, not  
24 E-N, who had very severe breathing problems and  
25 clubbed fingernails. And at one point in time, was

1 having his lungs flushed on a regular basis by a  
2 doctor in the Norristown area. The procedure and  
3 results of which flushing he described to me on  
4 several occasions, and also pointed out to me that  
5 clubbed fingernails were a symptom of respiratory  
6 impairment. A factor that I had not been previously  
7 aware of.

8 Q. And what was the nature of the work  
9 performed by the Mr. Domenic Kanfer; if I pronounced  
10 it correctly, who you have mentioned?

11 A. He had been a mixing operator in the old  
12 process, Ehret Magnesia, magnesium operation. At  
13 the time I knew him, he was a member of the Maintenance  
14 Department.

15 Q. And to what extent, if at all, were these  
16 dust related problems discussed among employees at the  
17 Valley Forge Plant?

18 A. Difficult question to answer. As in all  
19 small societies, when some member of that society  
20 suffers an impairment that apparently is industry  
21 related, there is much discussion. I can't speak for  
22 other employees at Ehret, obviously, but when these  
23 instances occurred, I certainly discussed with those  
24 around me at the time of notification the  
25 possible implications of those dust related impairments.

1 Q. And just as a point of clarification, when  
2 did you become aware that Mr. ~~Watson~~ ~~was~~ was  
3 suffering, was experiencing respiratory problems?

4 A. I can't put a time period on it, but it  
5 would have been between 1956 and approximately 1958,  
6 during the course of daily activities we sat next to  
7 each other in the plant office.

8 Q. And if I understand your testimony correctly,  
9 the death of Mr. ~~Watson~~ ~~from~~ from lung cancer occurred  
10 at approximately the same time?

11 A. That's correct.

12 Q. Now, when, if at all, did you first become  
13 aware of any studies concerning a possible  
14 relationship between exposure to asbestos and  
15 cancer?

16 A. About a year prior to Selikoff's publications  
17 of his findings on an investigation of the asbestos  
18 workers from the New York and Brooklyn Shipyard area.

19 Q. So, that would have been approximately 1963?

20 A. I believe that Selikoff published in '64,  
21 and this would have been a year prior to that, if my  
22 dates for Selikoff's publications is correct.

23 Q. And what was your understanding as to the results  
24 of that study that you mentioned?

25 A. It's my understanding that Selikoff's paper

1 established the relationship between asbestos in the  
2 lungs and at that point in time, a relatively unknown  
3 or little known form of cancer called mesothelioma.  
4 This was my first exposure to that term.

5 Q. ~~If I understand your testimony correctly,~~  
6 you first learned of the disease process asbestosis  
7 prior to joining Ehret Magnesia in 1952?

8 MR. LEDWITH: Objection.

9 MS. KAHN: ~~Object to the form.~~

10 BY MR. SCHMIDT:

11 Q. When did you first learn of the disease  
12 process asbestosis as distinguished from mesothelioma?

13 A. I learned of the potential for asbestosis  
14 while I was with Owens-Illinois.

15 ~~MR. SCHMIDT: Thank you. No further~~  
16 questions.

17 MR. BURNETT: Let's take a break.

18 (Whereupon a break was taken from  
19 11:45 a.m. until 12:00 p.m.)

20 BY MR. BURNETT:

21 Q. Mr. McAllister, I have a couple of questions.

22 Were any Workers' Compensation  
23 claims brought by Mr. -- either Mr. Ward, Mr. Ranieri, or  
24 Mr. Lamkin against BEH or at Ehret?

25 A. It's my understanding that Mr. Ranieri's family

1 filed a claim that resulted in a suit.

2 Q. Do you know if any employee of Ehret or  
3 BEH gave testimony in any proceeding in relation  
4 to that claim?

5 A. I don't know.

6 Q. As a result of your -- strike that.

7 As a result of your participation  
8 in the Committees that you have mentioned in NIMA, do  
9 you have an understanding of how the Government was  
10 setting its specifications for asbestos containing  
11 products at that period of time?

12 A. Yes.

13 Q. What is that understanding?

14 A. That understanding was that the Government  
15 was not setting its standards based on asbestos content  
16 per se. The Government was setting its standards  
17 based on selecting those commercially available  
18 insulating products in the upper tier of quality and  
19 performance. ~~The physical characteristics that make a~~  
20 good insulation were testified by the Navy Testing  
21 Center in Annapolis, Maryland during the qualifications  
22 procedure to add a product, a qualified products list  
23 for Navy and Government use, that QPL, in general,  
24 admitted that line, or those insulating products which  
25 ~~were somewhat better than minimum quality levels~~

1 A. There were many such distributorship  
2 arrangements across the Country.

3 Q. ~~Can you name any, do you know the names of~~  
4 any distributors in Maryland?

5 A. Which were Ehret distributors?  
6 Wallace and Gale, two L's in Wallace and one L in  
7 Gale, G-A-L-E.

8 Q. Do you know when that relationship was  
9 established?

10 A. I do not.

11 Q. Were there any distributors in the  
12 Philadelphia area, with which Ehret had a  
13 relationship?

14 A. I believe that Philadelphia Asbestos now  
15 known as Pacor was an Ehret distributor. Additionally,  
16 Ehret had a branch of its own, a contracting branch  
17 of its own in Philadelphia.

18 MR. CHEYNEY: Objection, move  
19 to strike that answer, if it's overruled  
20 ~~at the time of trial.~~

21 BY MR. BURNETT:

22 Q. What did the -- what was the function of the  
23 contracting branch of Ehret?

24 A. To sell both material and erection of such  
25 material to customers in the Philadelphia area.

1 Q. Do you know the names of any of the  
2 personnel involved in the application by Ehret of  
3 insulation material in the Philadelphia area?

4 A. That operation was headed up by an Ehret  
5 employee whose name I cannot remember at the  
6 moment. But, he was later -- I beg your pardon, his  
7 name was Dwight Satterwaite, S-A-T-T-E-R-W-A-I-T-E,  
8 later succeeded by and replaced by Ed Hogstrom;  
9 H-O-G-S-T-R-O-M.

10 Q. Mr. McAllister, did you ever observe the  
11 installation of thermal insulation material?

12 A. Many times.

13 Q. Where did you observe that?

14 A. During the construction of the Sayreville  
15 Plant for Owens-Illinois. During the modification of  
16 the Valley Forge Plant of Ehret Magnesia and in  
17 many, many field trips of construction sites since  
18 then.

19 Q. Have you ever observed the cutting of pipe  
20 covering on a job site?

21 A. Yes.

22 Q. Is that part of the normal use of the  
23 product?

24 A. Yes.

25 Q. ~~Do you know when the pipe is cut that.~~

1                   You mentioned certain dust  
2 collection equipment in relation to the manufacture  
3 of 85% Magnesia.

4       A.           Yes.

5       Q.           Do you know when that equipment was  
6 installed?

7       A.           Not positively, however, prior to my  
8 employment by Ehret Magnesia in 1952 and, of course,  
9 subsequently during plant modification for  
10 calcium silicate production.

11       Q.       ~~You mentioned ascribe that.~~

12                   Were there ever any Pabco employees  
13 present in the Ehret Plant?

14       A.           Yes.

15       Q.           Did you meet with them yourself?

16       A.           Yes.

17       Q.           On how many occasions?

18       A.           Many occasions. The Pabco relationship  
19 was serviced by a man by the name of Harry Hoopes,  
20 H-O-O-P-E-S, who made periodic visits to the Valley  
21 Forge Plant to service the licensing agreement of  
22 Ehret Magnesia.

23       Q.           Did you visit the production areas of the plant  
24 with Mr. Hoopes?

25       A.       ~~Production areas of the Valley Forge Plant~~

1 BY MS. KAHN:

2 Q. ~~Can you answer my question?~~

3 A. I am not aware of it.

4 Q. And, do you know whether or not ~~Alvin Ehret~~  
5 has given such testimony?

6 A. I don't know.

7 MR. SCHMIDT: Objection to the  
8 form.

9 BY MS. KAHN:

10 Q. Given your knowledge of asbestos as a  
11 potential health hazard dating back to the 1950's,  
12 weren't you afraid for your own safety, while you were  
13 working at the plant?

14 ~~MR. SCHMIDT: Objection to the form.~~

15 THE WITNESS: I'm afraid when I  
16 cross the street here in New York. Yes,  
17 living has its own hazards. And as long as  
18 reasonable precautionary conditions are  
19 established, people go on living.

20 ~~MS. KAHN: Well, I should say I share~~  
21 ~~your fear of crossing the street in New York.~~

22 BY MS. KAHN:

23 Q. Out of your concern and you took reasonable  
24 cautionary procedures; did you not?

25 A. I tried to.

1 Q. And what did you do?

2 A. I wore respirators when I was exposed to  
3 dust of any sort.

4 Q. And you required other employees who were  
5 with you to also wear respirators; did you not?

6 A. Those that were working for me. There is  
7 a difference.

8 Q. ~~Okay.~~

9 And isn't it true that you participated  
10 in the design of the dust collection system that was  
11 installed in connection with the calcium silicate  
12 operation?

13 A. Where?

14 Q. At Ehret.

15 A. I did not.

16 Q. Didn't you testify in your last deposition  
17 that you and Mr. Kinsey and Mr. DeMaestri all played a  
18 part in designing the dust collection system that was  
19 installed in connection with the calcium silicate  
20 production?

21 MR. SCHMIDT: Objection to the form.

22 MR. BURNETT: I join in that.

23 THE WITNESS: I may have. I do not  
24 remember.

25 BY MS. KAHN:

1 Q. Just to complete your answer to an earlier  
2 question, during your eighteen years with the  
3 company, did you do anything other than wear a  
4 respirator to protect your own health from hazards  
5 of asbestos exposure?

6 ~~MR. SCHMIDT: Objection to the form,~~  
7 vague.

8 ~~MR. BURNETT: Objection.~~

9 THE WITNESS: I had occasional  
10 personal chest x-rays.

11 BY MS. KAHN:

12 Q. Did you do anything else?

13 A. I wore goggles when it was necessary.  
14 Aside from that, no.

15 Q. Isn't it a fact, Mr. McAllister, that you  
16 do not really know what prompted the PMA dust study  
17 that you testified about this morning?

18 A. I don't know, and I never so implied.

19 Q. Okay.

20 And isn't it also a fact that you  
21 don't know specifically whether PMA was looking for  
22 asbestos content specifically in these surveys?

23 A. I don't know that that was their initial  
24 intent. I know that they found and reported asbestos  
25 dust in their samples.

1 working for me.

2 Q. The point is, though, that there were  
3 respirators designed to protect against different  
4 hazards, even at that time?

5 A. Oh, yes.

6 Q. And, essentially, you were concerned with the  
7 silica hazard at that time; were you not?

8 ~~MR. BURNETT: Objection.~~

9 THE WITNESS: All dust hazards.

10 BY MR. LEDWITH:

11 Q. So, did you order a respirator for all dust  
12 hazards at the time?

13 A. The respirator that I ordered was reported  
14 by the manufacturer to be adequate for airborne  
15 dust.

16 Q. You testified that you had a number of  
17 protective devices supplied to this particular  
18 employee, including goggles and gloves.

19 A. That's right.

20 Q. What were the goggles designed to protect  
21 against?

22 A. Eye injury from caustics in the batch  
23 mixing.

24 Q. I take it that was the same for the  
25 gloves?

1 A. Yes, and mechanical abrasions from asbestos  
2 fibers.

3 Q. What was the name of that man that worked  
4 for you?

5 A. His name was ~~Richard Pennington~~  
6 P-E-N-N-I-N-G-T-O-N.

7 Q. ~~Now, there was more than one building at~~  
8 Ehret at the time, was there not?

9 A. Yes, but I think that needs some  
10 clarification. There were a number of building  
11 designations, but the structure was continuous, except  
12 for an out building garage, which was separate from  
13 the plant structure.

14 Q. This experimental process that you set up,  
15 that was on a second floor of apparently a three  
16 story building? You stated it was -- there was a  
17 department above you and a department under you; right?

18 A. It was on the third floor of a four story  
19 building in that particular part of the overall  
20 structure.

21 Q. And that's where you did your work; is it  
22 not?

23 A. That's where the pilot plant work was done,  
24 yes.

25 Q. ~~That's where you did your work.~~

1 ~~Went on that NIMA Committee; isn't it?~~

2 A. That's right.

3 I beg your pardon, let me refresh  
4 my memory. No, that would have been subsequent to  
5 1964.

6 Q. What are you referring to?

7 A. My resume.

8 Q. You went on those Committees in 1964?

9 A. And subsequent thereto, yes. This was at  
10 a point in time when I was working in Trenton for  
11 Gen. McBride, Director of Research for Baldwin-Ehret-  
12 ~~Co.~~

13 Q. The times that you met with these Government  
14 employees, though, you did not discuss the asbestos  
15 content of the thermal insulation?

16 A. No.

17 Q. It was never raised by anybody?

18 A. Not that I recall.

19 Q. Super Powerhouse Cement was made in Trenton,  
20 wasn't it?

21 A. Yes.

22 Q. Isn't it true that the civilian version of it  
23 did not contain asbestos?

24 ~~MR. BURNETT: Objection.~~

25 THE WITNESS: I'm not sure that that's

1 so. I don't know, but I don't believe that  
2 there was a difference between the civilian  
3 version and the version supplied to the Navy  
4 in terms of formulation.

5 BY MR. LEDWITH:

6 Q. Well, you were at that point -- oh, you were  
7 Manager of Technical Services from '66 to '70; is that  
8 right?

9 A. That's correct.

10 Q. And Research Engineer from '64 to '66 in  
11 Trenton; is that right?

12 A. That's correct.

13 Q. In those positions, you would know the  
14 content of -- asbestos content of the products manufac-  
15 tured by BEH, wouldn't you?

16 MR. CLANCY: Objection.

17 THE WITNESS: Yes, yes, but I just  
18 said I think that sofar as I remember, there  
19 was no difference in asbestos content between  
20 that Super Powerhouse made for civilian  
21 consumption and that Super Powerhouse Cement  
22 made for Navy specifications. That's in  
23 terms of asbestos content. Now, at one  
24 point in time, there was a superimposed  
25 Navy specification that dealt with chloride

1 stress corrosion cracking inhibition as  
2 it related to Super Powerhouse Cement.

3 And in that instance, the cement supplied for  
4 that purpose had a different formulation than  
5 Super Powerhouse Cement supplied for both  
6 civilian consumption and normal Navy  
7 consumption.

8 BY MR. LEDWITH:

9 Q. ~~What was the difference in the formulation~~

10 A. The difference involved the addition of  
11 sodium silicate as a chloride inhibiting mechanism.

12 Q. Now, you testified this morning that  
13 Ehret and BEH had distributors.

14 A. Yes.

15 Q. Well, when you were hired by Ehret in 1952,  
16 you had nothing to do with distributors, did you?

17 A. No. Did I imply that I did?

18 Q. That's okay.

19 Did you ever have anything to do with  
20 establishing distributors?

21 ~~Establishing distributors, no.~~

22 Q. And you testified, I believe, this morning  
23 about -- perhaps I'm wrong, but did you say there were  
24 Workmen Compensation claims against BEH?

25 A. That's my understanding.

1 ~~MR. HARRY: Does the~~  
2 United States of American want to follow in  
3 some geographical -- I have destroyed my  
4 afternoon appointments.

5 BY MR. CLANCY:

6 Q. Mr. McAllister, I'm Michael Clancy.

7 I represent the Government here today.

8 A. ~~Mr. Clancy:~~

9 Q. I would like to discuss with you a few  
10 minutes the transition from Baldwin-Ehret-Hill to  
11 Keene.

12 A. Yes, sir.

13 Q. Before that change over took place, what  
14 was your position? I believe you testified that you  
15 were in the Sales Department.

16 A. My job title was Manager of Technical  
17 Services. And as such, I reported to Miles Wilson,  
18 the Vice-President in charge of Sales.

19 Q. Were you involved in the sale of products?

20 A. Not directly. I -- one of my responsibilities  
21 was to answer questions by customers for users of our  
22 product line, relative to the technical applications,  
23 connotations of the products.

24 Q. And in 1968, when there came the change over  
25 to Keene, did your position change or job responsibilities

1 change?

2 A. No.

3 Q. ~~Did the product lines change from the time~~  
4 you were with Baldwin-Ehret-Hill and when Keene, the  
5 take over by Keene?

6 MS. KAHN: Objection to the  
7 form.

8 MR. CLANCY: What's the objection?

9 MS. KAHN: I'm not sure what you mean  
10 by take over.

11 MR. CLANCY: Well, the transition  
12 or whatever, stock purchase, acquisition.

13 MS. KAHN: Let's say stock  
14 purchase.

15 MR. CLANCY: I don't want to  
16 characterize for old times sakes this  
17 relationship. I'm just --

18 MS. KAHN: If you said stock purchase,  
19 I would withdraw my objection.

20 BY MR. CLANCY:

21 Q. When you were an employee of Baldwin-Ehret-  
22 Hill as compared to when you were an employee of Keene,  
23 was there any change in the product lines, did they  
24 sell the same products?

25 A. There were, I believe, one or two new product

1 lines added. I don't remember which ones.

2 Q. But none were deleted?

3 A. I think it's unlikely that any were  
4 deleted prior to my having been discharged by  
5 Keene.

6 ~~Q. So, Keene continued to sell Thermacil?~~

7 MR. BERRY: Objection.

8 Leading.

9 MR. CLANCY: I'm on cross  
10 examination. I don't regard it as  
11 leading. We're a Third Party  
12 Defendant.

13 MR. BERRY: My objection is

14 ~~on the record.~~

15 BY MR. CLANCY:

16 Q. What products did Keene continue to  
17 sell that were sold by Baldwin-Ehret-Hill?

18 A. So far as my recollection serves,  
19 the entire product line of Baldwin-Ehret-Hill  
20 was sold to all customers by Keene.

21 ~~Okay.~~

22 Your position as Assistant to the  
23 Technical Supervisor and as Technical Supervisor for  
24 BEH, I'm using BEH as Baldwin-Ehret-Hill, what was

25 ~~to extent of the sales staff.~~

1 A. ~~By extent, you mean number of people?~~

2 Q. Yes.

3 A. I don't know --

4 Q. Was it more than --

5 A. -- positively.

6 Q. Was it more than ~~BEH had some~~

7 A. Oh, yes, there were more than two

8 ~~persons and perhaps less than fifteen.~~

9 Q. And BEH had brochures?

10 A. Yes.

11 Q. And did BEH send these brochures out to  
12 potential customers?

13 A. Yes.

14 Q. And those potential customers included the  
15 Government?

16 A. I assume so.

17 Q. Is it fair to say that BEH actively  
18 attempted to sell its products to consumers?

19 A. If they did not, they were living in a  
20 dream world.

21 Q. Thank you.

22 Now, when you became an employee of  
23 Keene after 1968, did Keene also have a similar  
24 sales staff?

25 A. Yes.

1 Q. Was it larger than BEH's sales staff?

2 A. Yes.

3 Q. And they also aggressively tried to get a  
4 share of the insulation market?

5 A. Yes.

6 Q. And that share of the insulation market  
7 would include the United States Government?

8 A. I believe so.

9 Q. You testified that in 1964, you became the  
10 company's, BEH Company rep to NIMA.

11 A. Yes.

12 Q. And you were associated with the Technical  
13 and Research Committee and Government Liaison Committee  
14 on an Ad Hoc basis.

15 A. Yes.

16 Q. Was one of the functions of NIMA, to serve  
17 as a liaison between the industry and potential  
18 customers as far as educating the consumer about the  
19 industry's products?

20 A. I think so. They periodically published  
21 articles as an organization, which were educational in  
22 nature.

23 Q. ~~Did they advocate the use of types of products~~  
24 ~~manufactured by NIMA members?~~

25 A. ~~Specific generic types. I don't remember. But,~~

1 Q. With respect to the use of the term potential,  
2 do you merely use that term in relation to the  
3 plant area in which you were working, when speaking  
4 of asbestosis?

5 ~~A. I wonder if you would restate the question~~  
6 ~~for me?~~

7 Q. With respect to the use of the term potential  
8 or the health hazard related to asbestos --

9 A. Yes.

10 Q. -- are you merely referring to the specific  
11 work area or the plant area of which your experiences  
12 were involved?

13 MR. LEDWITH: Objection.

14 MS. KAHN: Object to the form.

15 ~~MR. BURNETT: Objection.~~

16 THE WITNESS: A potential hazard of  
17 asbestosis is not geographically limited.

18 BY MR. COSTANTINO:

19 Q. Are you talking about finished products?

20 A. I'm talking about airborne asbestos. It  
21 knows no boundaries. If it is in fact airborne  
22 asbestos, the potential hazard for asbestosis is  
23 wherever it is.

24 ~~A. Now, your experiences relate solely to the~~  
25 ~~plant situation, is that correct?~~

1 Q. Will you tell us if the Government  
2 Inspector wore a respirator?

3 A. I don't remember.

4 Q. Would you tell us if he ever advised the  
5 Government Inspector to wear a respirator?

6 A. I don't remember.

7 Q. Did you wear a respirator at that time?

8 A. Yes.

9 Q. When you speak of the major users of your  
10 products, let's encompass the time period from 1950  
11 to approximately 1970, and all products that you were  
12 involved with. When you speak of major user, was the  
13 Government a major user of a product?

14 A. I have no knowledge of breakdown of total  
15 shipments to customers by user category or classification.

16 Q. Do you have any knowledge of the sales of the  
17 Keene Corporation at that time between 1966 and 1970?

18 MS. KAHN: I object to the form.

19 MR. COSTANTINO: What's the matter  
20 with the form?

21 THE WITNESS: Keene was not in the  
22 insulation business, as far as I know in  
23 1966.

24 BY MR. COSTANTINO:

25 Q. Between 1960 and 1966, do you have any knowledge

1 of the sales of insulation products?

2 A. By whom?

3 Q. By, let's see, you were with BEH for that  
4 period of time.

5 A. Baldwin-Ehret-Hill, I know what the Valley  
6 Forge Plant capacity was. And that was approximately  
7 three and a quarter billion dollars list  
8 value of calcium silicate. I have no knowledge of  
9 what the mineral wool cement acoustical tiles,  
10 acoustical board sales were.

11 Q. Out of that three and a quarter, did you  
12 say million or billion?

13 A. Million.

14 ~~A. Millions. Do you know how much of that~~  
15 was sold to the United States Government?

16 MR. CLANCY: Objection.

17 THE WITNESS: I indicated earlier,  
18 I have no knowledge of the breakdown of  
19 shipments by user interest.

20 BY MR. COSTANTINO:

21 Q. Do you know if they were a major buyer out of  
22 that three and a quarter million?

23 MR. CLANCY: Objection.

24 THE WITNESS: Was who a major  
25 buyer?

1 BY MR. COSTANTINO:

2 ~~Q. Well, you supplied, while you supplied samples~~  
3 to the -- to the Navy at Annapolis, and did you make  
4 them aware of the chemical content of the samples  
5 that you supplied?

6 A. Specifically, no.  
7 I was submitting samples to  
8 qualify to specific Government specifications on a  
9 physical characteristics basis, not a chemical  
10 characteristics basis.

11 Q. So, the chemical content, then, of the  
12 products that you were selling to the Navy in  
13 particular, was the same as the chemical content of  
14 your products being sold for commercial use?

15 A. Yes.

16 Q. And would you -- withdraw that.

17 Did these products that you sold  
18 to the Navy, did they differ physically external wise,  
19 from the products you were selling commercially?

20 ~~MR. CLANCY: OBJECTION.~~

21 THE WITNESS: Not to the best of my  
22 knowledge.

23 BY MR. COSTANTINO:

24 Q. They looked the same as the products you were  
25 selling commercially, would that be accurate?

1 A. They came from production that was made for  
2 commercial consumption.

3 Q. You ran these commercial -- these products  
4 that you were selling to the Navy, you ran them off  
5 the same manufacturing process and assembly line and  
6 all?

7 A. That's what it's all about.

8 Q. And you ran them out of the same molds and  
9 all?

10 A. Certainly.

11 Q. Okay.

12 ~~So, there was no difference in,~~  
13 basically, no difference in the products that you  
14 sold to the Navy than the ones you were selling  
15 commercially?

16 MS. KAHN: I object. I think this  
17 is repetitious. The witness expressed the  
18 limits of his knowledge in this area a number  
19 of times and --

20 THE WITNESS: Normal lot variations  
21 that occur in any commercial production of  
22 insulation occurred with the Navy samples,  
23 as well as those supplied to commerce.

24 BY MR. COSTANTINO:

25 ~~So, just normal variations that occurred?~~