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DEPOSITION ABSTRACT OF
W. BRANDT CROOKER
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- 4 Examination by Ms. Dolan.
- 5 My address is 12 North Gibbons, Arlington Heights. I am 62 years old.
- 6 I am employed at the Fitz Chem Corporation, and have been since 1985. I sell chemicals; fillers, colors, biocides, etc. Fillers are clays, calcium carbonates.
- 7 Colors are dry pigments that are colors. Biocides are preservatives that keep water from decomposing or from microbes growing in it. None of these products or any others sold by Fitz Chem contain asbestos or any derrivative of it.
- 8 Prior to working for Fitz Chem, I worked for The Donald R. Fitzgerald Company. I do not believe there is a relationship between Fitz Chem and The Fitzgerald Company. They did operated at the same location.
- 9 The Donald R. Fitzgerald Company is not presently doing business under this name and has not been since 1985. Since 1985, I have held the same position at Fitz Chem. I started to work for the Donald R. Fitzgerald Company in 1962 and worked consistently to 1985.
- 10 I was a Vice President since 1975 or 1977. My duties were that of a salesman.
- 12 During the time I was a Vice President, we were located at 5675 North Lincoln in Chicago. When I became a Vice President, I was then included in company meetings.
- 13 Prior to my change in status, I was not included in any company meetings. These meetings were held at least once a year.

- 14 At the meeting Jack Wiseman, who is deceased would make up the company minutes. He was a Vice President who later became President.
- 15 There was not a separate department known as the sales department of Fitzgerald Company.
- 16 The entire company would have a sales meeting. As a salesman, I did not have access to nor was I provided with the minutes that were compiled at any of the company meetings. They were locked in a safe. I have no knowledge of where they are today.
- 17 I have a degree in chemical engineering from Purdue University. I have not ever served in the military.
- 18 As a part of my job with Firestone, I was required to go to Akron University to study rubber chemistry and accounting.
- 19 I did not have any schooling that related to asbestos. As a chemical engineer, you know that certain chemicals are toxic.
- 20 There are toxic chemicals used to produce rubber.
- 21 At Firestone, I learned that certain chemicals including those used in tires were toxic.
- 22 I learned this on the job. It was common knowledge. Xylene was a chemical, and if you breathe it for too long, you would probably pass out.
- 24 My work at Firestone, did not include asbestos products. During the time that I attended college, I worked at the Firestone Tire and Rubber Company in Akron. I started at Firestone in February of 1949. During my senior year in high school, I worked at the Lombard Airport, starting airplanes.
- 25 When I started at Firestone, I was a chemical engineer. My responsibilities included; designing new rubber compounds, producing trial rubbers, trial tires, and developing the puncture proof tire. I did

this for 2 years. At Firestone, all beginning chemical engineers had to take a rubber course.

26 I was next employed at US Gypsum in 1951. I worked there for 12 years as a buyer in the purchasing department. I was buying chemicals similar to the ones I sell right now.

27 US Gypsum used the chemicals for their own manufacturing purposes.

28 During that time I did purchase some asbestos products. The time frame in which I bought asbestos products for US Gypsum was between 1951 and 1959.

29 There were 6 or 8 Gypsum plants that used asbestos. I worked in the main office in Chicago.

30 I was involved in purchasing asbestos for the 6 or eight US Gypsum plants in other states. We had 6 or 7 sources of asbestos. They were put in black books and the plants themselves would issue the purchase orders.

31 The US Gypsum office that I worked at in Chicago did not have a warehouse where asbestos was stored.

32 We purchased asbestos from Johns-Manville, Nicolet, Phillip Carey, and ACL.

33 Part of my duty was to participate in meetings with the salesmen from these various asbestos companies. The purchasing was done on a direct ordering basis. If it was not in the black book, then they weren't allowed to place the order.

34 When the personnel at the New York plant of US Gypsum needed some asbestos, they would go to the black book, see what companies I had listed as appropriate potential sources and directly place an order with the company.

35 Prior to my getting involved as a buyer of asbestos, I did not receive any

training regarding asbestos.

36 I would check with research about what I was buying.

37 No purchasing agent that I know of just blindly goes out and buys something. You have to have a research man approve each and every product.

38 I learned about the different grades of asbestos when I was given the job of buying the product through reasearch and my bosses.

39 Asbestos is a generic name for a fibrous material that probably has its biggest mines up in Canada. US Gypsum used asbestos for joint cements and outside siding.

40 The joint cements were used in construction.

41 I don't know the formula or how the asbestos was used to make joint cements or outdoor siding. They each had to use different grades of asbestos.

42 I learned very little about asbestos while I was at Gypsum.

45 I was not given any written material by research and development or my bosses that I can recall. I did visit a Johns-Manville plant of asbestos.

46 I visited the plant in the early 50's. I did visit the plant of Nicolet, the Phillip Carey mine and the ACL plant.

47 I was sent there by Gypsum. I did witness the processing of asbestos. I stood at the edge of the mine and watched the machinery working.

48 I did observe the remaining processes involved in milling asbestos from the ore.

49 I did not observe any dust. Later on, I did make a distinction in my mind between a mining operation of asbestos and the processing of

asbestos.

- 52 I was too far away to observe any of the workers wearing protective clothing. I don't remember if I was told that the workers were wearing protective clothing.
- 54 I observed the milling of asbestos.
- 55 With regard to my observation of the milling process, all the dust was collected through dust collectors on top of the plants.
- 56 It became my understanding that dust was created by the milling of asbestos.
- 57 No one told me why they were collecting the dust.
- 58 My understanding of why they were collecting the dust was to reuse it.
- 59 I did purchase dust collectors for US Gypsum. One purpose for these dust collectors was not to collect the dust from asbestos.
- 60 During my trip to the asbestos mines, their personnel did not provide me with any information regarding the health hazards associated with asbestos exposure. I became aware of health hazards associated with asbestos in about 1975 when such information was being published in magazines.
- 62 Three of the magazines were the Wall Street Journal, Chemical Week and Chemical Engineering. The research department at US Gypsum had a library.
- 63 I was not a personal subscriber to chemical magazines. I would read them at the library, because I do that all the time. Since college I have been, on a regular basis, reading various chemical magazines.
- 64 Asbestos is a mineral. I did not see any research done from a medical standpoint with regard to health hazards.

- 65 As a chemical engineer, I believe that the inhaling of any dust particles may be harmful to the person.
- 66 I have been a chemical engineer since 1949.
- 67 I knew, back in the 50's that the inhalation of Carbon black dust over a period of time was potentially harmful. When I worked for US Gypsum, I did not know that prolonged inhaling of asbestos dust was potentially harmful. When I was working at US Gypsum, salesman would come to visit my office.
- 68 They would leave data books and brochures of their products. They did not periodically update the data books for me.
- 69 I started doing business with each of those asbestos companies back in 1951. In the course of those 10 years, I continued to do business with those same companies, and they would periodically update their data books.
- 70 I don't recall seeing anything in the books about proper and safe handling of asbestos produced by those companies. For the 10 years that I met with these salesman from the asbestos companies, there was never a discussion in which they relayed to me the proper and safe use of their asbestos products. There are not any US Gypsum plants in Illinois.
- 71 For my job, we were sent by our bosses to visit the plants. We met with personnel. I do not recall seeing the use of asbestos.
- 72 I saw the product line of the plants where the outdoor siding was made. I do not remember the introduction of asbestos to the side. I can remember the siding coming out of the mold. I did see carloads of asbestos being brought into the factory. The asbestos was in bags.
- 73 I did not observe any bags that were broken or opened. I did not observe anybody working with asbestos. I believe in the early 50's, US Gypsum did require its employees who handled asbestos to wear protective devices.

- 75 Three or four months ago was the first time I ever saw joint cement produced.
- 76 When I was at US Gypsum, the name of the salesperson at ACL was Paul LeClerc and his boss was Sandy Steele. On occasion Sandy Steele would come down. During the time I was at US Gypsum, I did not ever have a conversation with Paul LeClerc or Sandy Steele regarding the proper and safe handling of asbestos products.
- 77 I did not have a discussion with either of them in which they recommended that US Gypsum employees handling asbestos should be cautious as to how long they inhaled asbestos. I did not ever inquire of Mr. LeClerc, Mr. Steele or any other representative of an asbestos mining company whether it was safe to use asbestos. I did not ever inquire from any of those sources whether there were any hazards associated with the use of asbestos.
- 78 I did not ever work as an insulator. I have never been a member of any kind of a union. For the last year and a half that I was at Gypsum, I was purchasing machinery; hammer mills, dust collectors.
- 79 The hammer mills were not specifically for the milling of asbestos. They were for calcium sulfate.
- 80 The dust collectors were for calcium sulfate.
- 81 Calcium sulfate is mined similarly to the way asbestos is.
- 82 I immediately went from US Gypsum to the Donald R. Fitzgerald Company. I started as a salesman.
- 83 At that time (1962) Fitzgerald distributed chemicals from WR Grace, and American Cyanamid. I would sell and distribute products from WR Grace and Jenstar to consumers.
- 84 Donald R. Fitzgerald Company was incorporated after 1948. At the time I worked there, there were not any family members of the original

Donald Fitzgerald involved in the business.

85 Donald Fitzgerald was the only principal of the company. I owned 5%
of the stock. The stock was never available to the public.

86 I did not gain voting rights as a shareholder, nor did I have any say so
in the day to day operations. Donald Fitzgerald remained the principal
from 1948 until 1985.

87 When I was at Gypsum Donald Fitzgerald would call on me to sell me
things, which did not include asbestos. To my knowledge, Fitzgerald
did not ever work as an insulator or an insulation contractor.

88 He was not a member of a union.

89 I am familiar with the background of Fitzgerald.

90 In 1962, when I started at Fitzgerald, I made calls on customers, wrote
call reports, and sought to have their research departemnts evaluate
our material for approval. I would then go to our purchasing agent
and get an order.

92 ACL came to the Fitzgerald Company in 1963 or 1964.

94 When I started at Fitzgerald in 1962, the other salespeople were Jack
Wiseman and John Rumbold, who quit.

95 Mr. Wiseman is dead. Mr. Rumbold is in Cleveland somewhere.
When John left, we hired Tobe Taylor who is also dead now. I did
consider Donald Fitzgerald to be my immediate supervisor.

96 We did not have a sales manager. After 1962 more salespeople were
added. Between 1962 and 1985, company meetings were held. Jack
Wiseman attended these meetings.

97 After it became a corporation, corporate meetings took place.

98 We stocked inventory at a public warehouse.

99 Asbestos was transported by public trucks. Fitzgerald Comapny was not
at any time divided into various departments.

100 I was not responsible for any type of research. We were given
brochures from Asbestos Corporation.

101 Throughout the entire period of time that Fitzgerald distributed
asbestos products, the only provider was ACL. I don't know if there
was a written distribution agreement. Paul LeClerc was the rep from
ACL.

102 ACL did not have any other distributors of it's asbestos in the
Chicagoland area while Fitzgerald was a distributor.

106 My understanding of what was in the bags was small particles of
asbestos. I did not ever read the Asbestos Magazine. Fitzgerald did not
subscribe to it.

107 Fitzgerald Company was not ever a member of the Asbestos Textile
Institute or of the Asbestos Information Association of North America.
The Fitzgerald Comapny or any of it's employees, were not a member
of the Illinois Regional Insulation Contractors. As a sales rep for
Fitzgerald, I did not attend any meetings between 1962 and 1975 of any
of the aforementioned groups. Fitzgerald sold asbestos to US Gypsum,
Daly, WR Grace and others.

108 I did sell to WR Grace.

109 WR Grace was already a customer when we became their
representative

110 WR Grace had been an account of ACL. When WR Grace wanted some
asbestos, they would contact Fitzgerald with their order and someone at
Fitzgerald would contact ACL by phone or mail.

111 Lilian, at Fitzgerald would contact ACL. Lilian would take the orders
from WR Grace.

- 112 I was aware of ACL having an office in the Chicagoland area during the time that I was with Fitzgerald. This was during the late 60's or early 70's.
- 113 This is where Paul LeClerc did business on behalf of ACL. Fitzgerald maintained some stock of ACL asbestos at a warehouse in Chicago. This was so they could sell to their small accounts that did not take carloads and as an emergency backup for the carload customer.
- 114 This warehouse was entirely asbestos. Once ACL had received the order for an asbestos shipment, the shipment was sent directly to our customer from ACL's operation up in Canada. There was not ever a time that Fitzgerald acted as an intermediary in terms of shipment. The stock of asbestos that was stored in the warehouse came directly from ACL. It did not go through our office facility in Chicago.
- 115 One of my puporese in making calls on various customers was to solicit them as one of my customers of ACL ascbestos. Fitzgerald was the distributor of ACL from 1963 to 1975.
- 116 We stopped because they would not give us the full line. We carried the grades that we had customers for. At some point before 1975, there were customers or pontential customers who were interested in other lines of ACL asbestos.
- 117 ACL refused to allow Fitgerald distribute to these customers because they were direct accounts. I saw bags of asbestos in our warehouse. I visited the warehouse to pick up a small five gallon pail of something.
- 118 I didn't pick up ACL asbestos because it wouldn't fit in my car. In the beginning the bags were burlap, and towards the end they may have been polyethylene. A jute bag would be the same as burlap. I don't know why they changed bags. The bags supplied by ACL were 100 pounds. They were in individual bags.
- 119 When ACL asbestos arrived at the Fitzgerald warehouse, it came in carloads (railroad).

- 120 Nobody at Fitzgerald was responsible for going out to our warehouse space to determine whether the correct load of ACL asbestos had arrived at the warehouse. The printing on the bags contained their logo and the grade identification.
- 121 I didn't see the bags very closely. The logo was in the center of the bag. The grade, I suppose, was underneath it. The grade identification was about 2 to 3 inches big.
- 122 There would be a N or a T or a B, which indicated the mine. I do not recall seeing any warnings on the bags. There may have been, but I do not recall.
- 123 Warnings were not on the bags in 1962, nor were they present prior to 1970. This is only speculation. Fitzgerald may have received some sort of communication from ACL in which they advised Fitzgerald that warnings were going to be placed on ACL Asbestos. I am just not sure.
- 124 I do not recall any conversation of any kind between Mr. Fitzgerald and myself where we discussed that ACL was going to put warnings on its bags of asbestos.
- 125 The MSDS is a material safety data sheet. Every manufacturer has to have one. It is a US governmental regulation that requires manufacturers to have a MSDS.
- 126 ACL did provide a MSDS to the consumers of its asbestos. They provided it with their initial shipment.
- 127 The MSDS describes the product. It identifies it, and there are other factors that they have listed.
- 128 There was a MSDS for each grade of asbestos. Fitzgerald distributed eight different grades of ACL asbestos. The MSDS's function was to describe any health hazards or health warnings related to the use of that particular asbestos product. I have no idea when the first time was that Fitzgerald was provided with a MSDS.

- 129 These MSDS documents were probable located in Lilian's file. I did not personally see them.
- 130 I don't remember if the MSDS reports provided information as to the proper and safe method of using that particular asbestos. I don't remeber if any of the MSDS reports indicated that persons who used asbestos should use adequate protective devices during their use of the asbestos.
- 131 I do not know if the MSDS sheets had any warnings of any kind on them.
- 132 I did not ever have a discussion with Mr. LeClerc or Mr. Steele regarding any of the information on the MSDS reports. At the time, I probably was interested in what was written on those MSDS reports, so I could discuss it with my customers. My contacts at WR Grace were Joe Scanlon and Steve Cyga. I just remember Scanlon's name. I believe he was a manager of manufacturing at WR Grace. Mr. Cyga was purchasing agent.
- 133 I do not know if WR Grace had any kind of a safety department.