

1 evidence shows. But you are going to have the
2 evidence back in that jury room to look at.
3 You are going to have the benefit of the
4 documents that Mr. Shellenberger talked about, and you
5 are going to have the benefit of the testimony of the
6 industrial hygienist who worked for Owens-Illinois,
7 Mr. Hazard.

8 And he is going to be able to tell you --
9 and, unfortunately, it has to be through deposition,
10 because all of this happened a lot of years ago, and
11 Mr. Hazard is deceased -- to explain to you what
12 Owens-Illinois did with the material that it received
13 and what it thought about it.

14 I want to take a few minutes to talk to you
15 about the Saranac Laboratory. It was the preeminent
16 testing facility in the 1940s and the 1950s.

17 What Owens-Illinois did was, it hired it.
18 And it said, Saranac, can you help us out here? Can
19 you test our product?

20 Why did we do that? Because Kaylo contained
21 two raw ingredients, asbestos and silica. And there

1 summarized the results for Owens-Illinois.

2 Now, Saranac did not expose these laboratory
3 animals to five million particles per cubic foot of
4 air, the standard that we have been talking about.

5 Instead, they exposed the animals to 120
6 million particles and up to 200 million particles per
7 cubic foot, and they did it 24 hours a day, five and a
8 half days a week. They overexposed the animals.

9 Saranac updated Owens-Illinois as to the
10 results of the studies. And you are going to see the
11 documents.

12 During the first three years, all of the
13 tests were negative. Owens-Illinois was advised, and
14 everything is going well.

15 The fifth year into the study, Owens-
16 Illinois was advised that, under these test
17 conditions, the extremely high concentrations of
18 asbestos dusts, mild fibrosis was induced in one of
19 the three species of animals that were being tested.

20 As a result of that, at that time,
21 Owens-Illinois took certain actions. It hired Saranac

1 was a lot of concern back then about silica and
2 silicosis and its ability to cause disease. So can
3 you go ahead and test this product and give us the
4 results.

5 Owens-Illinois was familiar with the silica
6 because of its experience in the glass industry.
7 Silica is one of the ingredients that is used to make
8 glass.

9 They are aware of TLVs also because of their
10 experience in the glass industry. And as I told you,
11 there was a TLV for asbestos that Owens-Illinois knew
12 about. So it did the prudent, responsible thing and
13 had the Kaylo tested.

14 Now, Saranac didn't laugh at Owens-Illinois
15 in 1943 and say, what are you hiring us to do this
16 for? Everybody knows everything there is about
17 asbestos. They didn't say that.

18 They developed tests and did them for the
19 company. And from 1943 up through 1952 when they
20 issued their final report, Saranac designed and
21 performed a series of animal inhalation tests and

1 to come to their manufacturing facilities and do test
2 measurements of the workers there and take X-rays of
3 their workers to see whether or not there was any
4 fibrosis showing up on the people working in the
5 manufacturing plant with the pure raw asbestos.

6 No cases of asbestosis were found in our
7 employees. No workers' compensation claims were filed
8 by our employees during the time that we manufactured
9 Kaylo.

10 We had no communication or correspondence
11 from anyone using Kaylo in the field that said, dear,
12 Owens-Illinois, I am using your product, and I think I
13 am sick.

14 So when all of the tests were done, what was
15 Owens-Illinois told? Keep the exposures below the
16 then accepted TLV, and you will provide a safe working
17 environment.

18 Nowhere in the report to Owens-Illinois does
19 it say, Kaylo causes cancer. Not one of the animals
20 developed cancer.

21 Nowhere in the report was Owens-Illinois