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1 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

2 IN AND FOR THE COUNTY OF KING

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4 ROBERT KINSMAN and CAROL)

5 KINSMAN, husband and wife,)

6 Plaintiff,)

7 vs.) 01-2-09967-1 SEA

8 FOSTER-WHEELER ENERGY)

9 CORPORATION, et al.,)

10 Defendants.)

COPY

11 -----
12 Deposition Upon Oral Examination Of

13 CARL MANGOLD

14 -----
15 October 16, 2001

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17 Seattle, Washington
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25 REPORTED BY: PEGGY FRITSCHY, RPR, CSR FRITSPMR422MB

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1 insulation work, that was done by other shipyard
2 workers, scalers, or laborers in both shipyard; is
3 that correct?

4 A. That's what I saw.

5 Q. Okay. And in that time period, '65 to '66,
6 at both shipyards they conducted themselves pretty
7 much in the same way: the scalers and laborers doing
8 the asbestos clean-up of compartments?

9 A. I saw some minor differences, but all in all,
10 theirs were pretty much the same because the pipe
11 coverers and insulators came out of Local 7 except for
12 the metal trades people at the shipyard, and many of
13 those used to be in Local 7, and so here they were
14 journeymen, all trained the same way, and so their
15 practices were almost identical.

16 Q. Okay. At the various shipyards in the Puget
17 Sound area that you observed?

18 A. Yes.

19 Q. And worked at?

20 A. At major large shipyards. Some smaller
21 shipyards on Lake Union, they don't even fit to what
22 we're trying to talk about.

23 Q. Let's talk about your opportunity to observe
24 what was going on at Lockheed at that time. You
25 arrived at PSNS, just to orient here, in '62; is that

1 right?

2 A. Yes.

3 Q. You were in the industrial hygiene office as
4 a relatively young industrial hygienist; correct?

5 A. Let's see, I was 31 years old. I wasn't a
6 pup any more.

7 Q. There were times when you were called on to
8 go to shipyards over here, is that right, Lockheed,
9 Todd, other shipyards over here?

10 A. Yes, mainly at the bidding of the ROICC, or
11 resident officer in charge of construction. If there
12 was something going on with a naval vessel and he
13 wanted some help out of us, we either got on a ferry
14 or drove around and helped them.

15 Q. Resident officer being a naval position?

16 A. Yes. Generally those were an engineering
17 officer who wasn't at sea who was given the
18 responsibility to make sure that the U.S. Navy
19 contract requirements were being carried out and it
20 was being built like it's supposed to be built, I
21 mean, the wells and the asbestos and the tanks and all
22 of that kind of stuff. He had a staff that looked at
23 that.

24 Q. Okay. Do you believe you visited Lockheed at
25 the request of the resident officer in charge of

1 construction during the '60s?

2 A. Yes. I remember my first visit in the '60s
3 was at the U.S. Navy request.

4 Q. What else do you remember about your first
5 visit at Lockheed?

6 A. Well, the resident officer and his staff give
7 me a pretty good tour of the shipyard. They wanted me
8 to be familiar with what was going on, and by that
9 time the Navy was starting to, for want of another
10 term, starting to tighten the screws on the way
11 asbestos was handled, and this information was being
12 supplied to ships at sea and also naval facilities,
13 and it was starting to be written in the contracts.

14 Q. So do you believe that your first visit had
15 specifically to do with asbestos, visit to Lockheed?

16 A. I don't recall any more. I made a number of
17 visits over there, but some of the most memorable were
18 to look at the asbestos-control program because I was
19 designing programs. I was always looking for new
20 ideas or new ways to do things, so I spent a lot of
21 time looking at what they were doing, who was doing
22 it, and I think it's the first time I ever bumped into
23 E.J. Bartells.

24 Q. Was at Lockheed?

25 A. Yes, I believe that's correct.

1 Q. Now, my client, Bob Kinsman, Bob Kinsman was
2 at Lockheed during one very specific time period, 1965
3 to 1966. What I would like to know is if you believe
4 you were at Lockheed looking at their asbestos-control
5 situation prior to 1965 to '66? Did you make
6 observations prior to that?

7 A. Give me one moment.

8 Q. Prior to or during. Let me amend my
9 question. Do you believe you made observations of
10 the situation with regard to exposures to asbestos
11 dust at Lockheed prior to or during the period 1965 to
12 '66?

13 A. Yes.

14 Q. What do you base that on?

15 A. Well, you have read my depositions before
16 that when Selikoff and Jacob Churg and Harry Hammond
17 published "Asbestos Exposure and Neoplasia" in the
18 JAMA in April 1964, and we began to read that. We
19 knew that a lot of things had to change, and so it was
20 pivotal, I call it. We spent a lot of time and
21 energy, and because there were other contracts out
22 there and because these naval officers were seeing
23 these communications, Roger Beckett and myself made
24 visits to those shipyards generally on call, and I
25 recall talking to naval officers about this is a

1 practice that you ought not to tolerate on a naval
2 vessel because it tends to contaminate the entire
3 vessel. I remember talking to him about that.

4 Q. What is a practice that you ought not to
5 tolerate?

6 A. They were ventilating from down below and not
7 sending it overboard, that is, clear up out of the
8 ship, so if you look at the ship, they were only
9 ventilating about half the way up and ventilating into
10 some of the top compartments and hoping that the wind
11 coming through the seaside to the, or port to the
12 starboard or whichever way the wind was blowing would
13 expel that out, and we were saying no, you are
14 exposing people unnecessarily. Make sure they put the
15 stacks at least 10 feet above any obstruction, and
16 showed him the ventilation engineering data and
17 pictures, and I recall that specifically, that we
18 didn't want the asbestos to contaminate the top half
19 of that naval vessel.

20 Q. When you took your tour of the shipyard,
21 Lockheed Shipyard, that is, did you meet Lockheed
22 personnel?

23 A. Oh, yeah. You couldn't get through the gate
24 unless you, they knew you were coming, and then once
25 you got through the gate with your letter and pass and

1 whatnot, depending on which Lockheed it was, and I
2 think we are all talking about No. 1, sometimes you
3 were either accompanied to the office or they give you
4 a badge and a hard hat, check and make sure you had
5 hard-toe shoes and all of those things and that you
6 were who you said you were, then they would sometimes
7 accompany you to where you had to go.

8 So, I go to the safety department. A lot
9 of times the safety people would come with me, and I
10 would talk to them about what we were doing and what
11 they were doing. Most of my involvement was with
12 upper management and their safety department.

13 Q. Do you recall the names of any of those
14 people by chance?

15 A. Kristin, not now. I mean, that's 30 some
16 years ago. I do recall what I did. I went there,
17 identified myself, went to the personnel office, got
18 checked out, and went to the safety people to talk to
19 them. They knew where I was going. Sometimes if I
20 didn't know where I was going, they would show me
21 where to go, where to find the ship.

22 Q. When you say that you met with top management
23 people, do you recall what their positions were at
24 Lockheed, vice-president or president, or what level
25 of person, ship superintendent, what level of person

1 are we talking about, or all of the above?

2 A. Mainly the ship superintendent and/or his
3 staff. You know, to get the attention of a ship's
4 superintendent, you got to have good reason, because
5 he's busy, but he had staff working for him, and a lot
6 of times if you wanted to talk to them or say okay,
7 you want to just come over, we are supposed to look at
8 this thing, it's not being done, when are you going to
9 do it, those kinds of things, we would look at the
10 scheduling and make sure we didn't waste our time.

11 Q. So generally the people you met with at
12 Lockheed when you were over there were the ship
13 superintendents and their staff and safety people?

14 A. Well, sometimes I was introduced to a foreman
15 and I would ask him questions about the ship and the
16 safety people would be talking to him, because if you
17 know something about how a shipyard is run, why, you
18 go from the superintendent on down to finally you get
19 a leading man who is on the bottom. There's a whole
20 gradation and a hierarchy.

21 Q. Within the trade and within the ship?

22 A. Within the trade, it looks like a big
23 triangle.

24 Q. Let me throw out some names and ask if you
25 have ever met those individuals in case you remember

1 them. Martin Ingwersen, or Marty Ingwersen I think he
2 was called, was at Lockheed for quite some time, a
3 vice-president and had other positions.

4 A. No, I wouldn't have had occasion as a young
5 industrial hygienist to go meet with the
6 vice-president. I met mainly the ship superintendent
7 and the foreman or people down below and the safety
8 department and the Navy ROICC and his staff.

9 Q. You didn't ever meet James McCurdy either,
10 the president of Lockheed at one point in time?

11 A. No, I wouldn't have had the occasion to meet
12 him.

13 Q. Did you ever meet a gentleman named Ernie
14 Ufer, U-F-E-R, that you recall?

15 A. No.

16 Q. Last name is Pashel, P-A-S-H-E-L?

17 A. John?

18 Q. I don't know his first name.

19 A. I have to be careful I don't mix that up with
20 a lot of shipyard workers I knew. I don't know. Put
21 a question mark.

22 Q. Did you ever run into a Wayne Nettacoven in
23 the '60s?

24 A. The name is familiar to me.

25 Q. He had a case, so --

1 A. I wasn't involved in Nettacoven's case if he
2 had one.

3 Q. Okay. But you recall meeting him during the
4 '60s?

5 A. No. I don't know why I know his name,
6 because when I went over there also I generally left
7 with a pile of documents, and sometimes you would see
8 who signed them.

9 Q. Do you recall ever meeting an insulator
10 foreman at Lockheed or supervisor?

11 A. No. As close as I got to that, Puget Sound
12 Naval Shipyard sent one of their top level people over
13 to talk to the shipyard about how the subcontractors
14 ought to be doing their work, and we didn't go with
15 him, but we were over there at the same time looking,
16 so I knew he was there. So Lockheed was being advised
17 by people like Puget Sound Naval Shipyard because U.S.
18 Naval vessels were involved.

19 Q. Do I understand you correctly that prior to
20 or during the period 1965 to '66 when you were at
21 Lockheed you were discussing asbestos-control measures
22 and issues with Lockheed safety people and ship
23 superintendents and their staff?

24 A. And the ROICC and his staff.

25 Q. Right.

1 What do you recall of those discussions,
2 the nature of those discussions as of that time
3 period? We are talking, you know, '62 would have been
4 the earliest date you could have possibly gone to '66.
5 Are you looking again for the date of "Asbestos
6 Exposure and Neoplasia"? Go ahead. Are you looking
7 for the change-of-work practices?

8 A. I'm looking for the little place that gives
9 the elements of our program.

10 Q. Is that the change-of-work practices? It's
11 page 6.

12 A. Well, change-of-work practices was only one.
13 Respirators, change-of-work practices, engineering
14 control, substitution, and a number of others that are
15 too small to begin to talk about, but one of them that
16 was very important to us and that we discussed with
17 the naval officer, it was about clean-up because we
18 had experience at Puget Sound Naval Shipyard if we did
19 a little better with our clean-up, we could save over
20 \$20,000 on a guided-missile frigate, and that's
21 substantial. We were sharing that kind of
22 information.

23 Q. With both the naval officer and the ship
24 superintendent at Lockheed?

25 A. If they asked. Sometimes the ship

1 superintendent and the ROICC would be together because
2 they work together shoulder to shoulder.

3 Q. When you were out visiting at Lockheed as you
4 described earlier, you were aware of Selikoff's
5 article in JAMA in '64 "Asbestos and Neoplasia"?

6 A. Oh, and also the Marr's article and an
7 article starting to come out of South Africa, so we
8 were pretty much aware of some of this. I was just a
9 young man, but the medical officer and some of the
10 staff in the shipyard and the Bureau of Medicine
11 Surgery, they were all aware of this and we were
12 starting to move.

13 Q. So you shared this kind of knowledge and
14 concern on your visits to Todd and Lockheed as one of
15 the reasons that they should be working on asbestos
16 dust-control practices; is that right?

17 A. Yes. I was fairly proud of some of the
18 successes we had already, so we were sharing with
19 anybody who would listen.

20 Q. What was Lockheed's reaction to this; do you
21 recall?

22 A. Oh, I never run into anybody who said that
23 was a bunch of bunk or this guy doesn't know what he's
24 talking about, like Johns Manville did to me.

25 Q. They seemed to appear to believe you,

1 Lockheed management?

2 A. Well, they knew who I was, and some of the
3 safety people there, as I recall, they had the total
4 responsibility from certifying tanks to measuring
5 hazardous materials, hydrogen sulfide and some of
6 that, and to some degree dust control, and asbestos
7 fell in the dust-control procedures, and they looked
8 at respirators and hard hats and safety glasses. They
9 had a wide range, and I was aware of that, so I was
10 trying to share what they thought we knew about how
11 you could reduce overall exposures to all the workmen
12 aboard a ship.

13 Q. And you had a certain credibility, you
14 believe, when you made these visits to Todd and
15 Lockheed because of your training as an industrial
16 hygiene and the efforts you had made at Puget Sound
17 Naval Shipyard to start to get this problem under
18 control; is that correct?

19 A. Yes, and they were not unaware that I had
20 been invited over there. I wasn't a visitor. I had
21 been invited over there by the Navy.

22 Q. So that gave you additional credibility, you
23 believe, with Lockheed?

24 A. More than if I was just a visitor walking in
25 there and trying to tell them how to run their

1 business.

2 Q. Right.

3 A. They would have issued me out of there. If
4 they would listen, I would share.

5 Q. And they listened?

6 A. Some of them did, yes.

7 Q. At Lockheed?

8 A. I'm sure some of them did.

9 Q. How many times do you think you were out
10 there at Lockheed, and we are talking in the period,
11 let's say, '64 to '66?

12 A. I would estimate about once a quarter, so
13 about, I was there -- I'm doing this from my mind's
14 eye.

15 Q. I know.

16 A. And I think we were over there about every
17 three months.

18 Q. Okay. And asbestos was at least one of the
19 things you were talking to them about on those visits?

20 A. Well, by that time we were into the
21 asbestos-control program up to here (indicating)
22 looking at ways to reduce exposure and to save money,
23 and so I was always looking for new ideas, so, of
24 course, I looked at what was being done and I saw what
25 the subcontractors were doing, and I even stopped by

1 OC on Florida Avenue for a short period of time, but I
2 was not invited in.

3 Q. So, did you learn anything from Lockheed
4 about dust-control practices that you adopted at the
5 PSNS, or was the learning mostly the other way around?

6 A. Well, I learned a little something about the
7 way they controlled the contractor. The contractor
8 could have a little workhouse of his own, or in one
9 end of it they had for their clothes and lunch and
10 everything, and the rest of it was their materials
11 that they could lock shut at the end of a shift, and
12 the pipe coverers and insulators did not always,
13 didn't work always three shifts. Other things were
14 being done, pipe fitters and those people, and then
15 they would come in and continue on the next day.

16 So, the subcontractors pretty much had
17 their own little kingdom there, and they operated out
18 of there, and sometimes they would have an office in
19 them, you know, just a cubicle office, and it was an
20 idea that we thought would work well at the shipyard,
21 and when we wanted to move it, we would have the
22 gantry crane pick him up and put him somewhere else,
23 and that way we could control documents and have a
24 place for the dock-side supervisor, pipe coverer, and
25 insulator to hang his hat.

1 That's the only one I think of now, but we
2 were proud of what we were doing, and we just showed
3 them everything, or anything they asked. But I did
4 see that that dock-side workhouse was an excellent
5 idea because then we could begin to control the
6 workers' clothing.

7 Q. Okay. How could you control the clothing
8 through the workhouse?

9 A. Well, you didn't wear -- if you were pipe
10 coverers and insulators, you didn't wear the
11 coveralls -- they were wearing cotton coveralls -- you
12 didn't wear it for more than a couple days. No way.
13 It had to go in for washing. They made sure there was
14 a supply of new coveralls out there and that the guys
15 were taught that they had to change those because it
16 was a way to reduce their overall exposure, and then
17 later on at Puget Sound Naval Shipyard, which we also
18 shared at other shipyards, is that we learned how to
19 use paper coveralls, and so those are throwaways, so
20 they threw them away each day.

21 Q. I want to be clear here. Was Lockheed doing
22 that in the mid-'60s, having workers change into new
23 coveralls every day at that dock-side workhouse or
24 work structure in '65, '66, or did it just give you
25 the idea that there was, you could create an area

1 where this could occur based on the set-up at
2 Lockheed?

3 A. Yes. I told you I took that idea back with
4 me, but these guys would wear coveralls and change
5 everyday.

6 Q. Yes to what? Yes, Lockheed had a practice of
7 having people change their coveralls everyday, or
8 Lockheed's work area gave you the idea of how it could
9 be structured and then you created a practice out of
10 that?

11 A. The answer is Lockheed didn't do it. The
12 subcontractor to Lockheed did it, and they had a place
13 for these guys to take off their work clothes and put
14 on their street clothes and go home. That was at
15 least one step.

16 Q. I see.

17 A. But the second part of that answer is I saw
18 this, and I thought, Wow, this means every one of
19 those guys has to come to this location, and at that
20 point we have some visual control and can start to
21 control what he's wearing.

22 Q. Right.

23 A. And I remember that specific thing about the
24 dock-side change room they're now known as.

25 Q. You said that you had a pretty good tour of

1 the shipyard at Lockheed the first time you went. Did
2 you go on ships during that first tour?

3 A. To the best of my knowledge, I did.

4 Q. Do you think you went on ships on subsequent
5 visits at Lockheed during this mid-'60s period?

6 A. Well, yeah, that's where the action is.
7 That's where the asbestos is being installed. You
8 know, we would see it, we would look to see what they
9 were doing dock side, of course, and then we would go
10 aboard the ship and see what was going on there. I
11 told you in one case I found where improper
12 ventilation was causing unnecessary exposure to
13 everybody on the upper decks, and --

14 Q. So you spoke to someone at Lockheed about
15 correcting that?

16 A. I spoke to the ROICC because it was a naval
17 vessel. He has the power to do about anything he
18 wants, so he listened. He said, Well, yeah, you are
19 right. I will have them extend it up.

20 Q. When you were on board ship at Lockheed in
21 the mid-'60s, did you observe insulators at work?

22 A. Yes.

23 Q. Did you observe anything different about
24 their operations or practices at Lockheed than the way
25 they applied their trade at PSNS in any significant

1 respect?

2 A. Not in any different principle at all,
3 because these guys came from roughly the same union.
4 Some of them were ex-PSNS employees, they were
5 journeymen, and they were working on naval vessels
6 that require it to be applied in a particular way.

7 Q. And then after Mr. Kinsman's time at
8 Lockheed, what's your understanding of the nature of
9 his exposure after that? He was at Todd for a short
10 time. Did you see that?

11 A. He was at Todd, but then, as I recall, he
12 worked in a large number of places for OC and
13 eventually worked for other insulating companies, a
14 large number of places any where from the University
15 of Washington to hospitals to -- you know, so he had,
16 what did he say? 400 different jobs during that
17 period.

18 Q. I know he talked several hundred kind of
19 range, 200.

20 A. I think the number is 400.

21 Q. Did you make any estimates of his exposure on
22 these uptown sites or do you have any comments about
23 them relative to other exposures?

24 A. By that time, he would have been an
25 apprentice and he would have been spending maybe one