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CAUSE NO. 02-8988

PETER GUSTAFSON and,) IN THE 192ND
CHARLAINE GUSTAFSON,)
Plaintiffs,)
v.) JUDICIAL DISTRICT COURT
AMETEK, INC., et al.,)
Defendants.) DALLAS COUNTY, TEXAS

THE VIDEOTAPED ORAL DEPOSITION OF

MARK PERRIELLO

MAY 7, 2003

THE VIDEOTAPED ORAL DEPOSITION OF MARK
PERRIELLO, produced as a witness at the instance of
the Plaintiffs and duly sworn, was taken in the
above-styled and numbered cause on the 7th day of
May, 2003, from 1:17 p.m. to 4:50 p.m., before
JAMIE PRINCE, CSR in and for the State of Texas, at
the offices of GODWIN GRUBER, 1201 Elm Street,
Suite 1800, Dallas, Dallas County, Texas, pursuant
to the Texas Rules of Civil Procedure and the
provisions stated on the record or attached hereto.

MARK PERRIELLO

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3	1 INDEX 2 3 PAGE 4 Appearances 2 5 Index 4 6 WITNESS - MARK PERRIELLO 7 Examination by Ms. Bradshaw 5 8 Witness Signature Page/Corrections 116 9 Reporter's Certificate 117 10 11 EXHIBITS 12 13 NUMBER DESCRIPTION MARKED 14 1 Notice 6 15 2 Medical Engineering Control of Industrial Health Hazards by 16 Lyle Hazlett 58 17 3 Article from The Westinghouse News 80 18 4 Documents regarding discarding of documents by Jeffrey Bair and 19 C.W. Biggerstaff 99 20 5 3/8/88 Letter to S.R. Pitts from Jeffrey Bair 105 21 6 1/29/88 Letter to J.W. Fisch from C.W. Biggerstaff 106 22 23 24 25	5
5	1 PROCEEDINGS 2 THE VIDEOGRAPHER: On the record at 3 1:17 p.m. 4 MR. HENDRYX: I'm Mike Hendryx. I 5 represent Viacom/Westinghouse, and we're producing 6 Mr. Perriello today subject to an agreement and 7 notice, and we are -- by agreement. He has to make 8 the last flight out, which means that he has to 9 leave at 5 o'clock, and so we're ready to work just 10 as hard as -- 11 MS. BRADSHAW: Leave here? 12 MR. HENDRYX: Yes. I think that's 13 right. Dallas people, tell me, but with security 14 and so on, we've been told that if he leaves here 15 at 5 o'clock, he can make it. 16 MS. BRADSHAW: That's it? 17 MR. HENDRYX: That's it. 18 MS. BRADSHAW: All right. Very 19 good. 13:17:44 20 MARK PERRIELLO, having been first duly sworn, testified as follows: 22 EXAMINATION 23 BY MS. BRADSHAW: 24 Q. Sir, will you state your name for the 25 record, please.	

66 1 departments on -- like medical department. 2 Basically, at that particular time -- we're talking 3 about this article here, of course -- one 4 industrial hygiene reported to the medical 5 department. 6 Q. Anything else? 7 A. Not that I can remember. 8 Q. Okay. Do you agree with this statement: 9 Any person working with a hazardous material has a 10 right to know about the associated hazards and the 11 necessary precautions for safe usage? 12 Did you want me to read it again? 13 A. Please. 14 Q. Do you agree with this statement: Any 15 person working with a hazardous material has a 16 right to know about the associated hazards and the 17 necessary precaution for safe usage? 18 A. Yes, I agree. 19 Q. When was the first time that Westinghouse 20 designed turbines to eliminate the hazard of 21 asbestos? 22 A. I believe it was in the -- they started 23 making them asbestos-free. Not all turbines 24 contained asbestos. Some did and some didn't. 25 Depended on the customers, what they wanted. But	68 1 not perceived to be a hazard. 2 MS. BRADSHAW: Objection, 3 nonresponsive. 4 Q. (By Ms. Bradshaw) Did Westinghouse ever 5 send out any notice to its customers to remove 6 asbestos from its turbines? 7 A. I'm not aware of any. 8 Q. Did Westinghouse ever issue any warnings 9 to its customers concerning the hazards of 10 asbestos? 11 A. There was process -- specification 12 process data had -- I'm thinking in the late '40s 13 there was a process that talked about hazards of 14 asbestos, or gave a warning to it. There was 15 material cards that would be associated with the 16 manufacturing of turbines, for example, as we 17 talked about that, that would have the ingredients, 18 and there could be a caution clause on it. Whether 19 that was passed on to the customer or not, I'm not 20 sure. 21 MS. BRADSHAW: Objection, 22 nonresponsive. 23 Q. (By Ms. Bradshaw) As you sit here today, 24 do you know if any warnings were ever provided by 25 Westinghouse to its customers concerning the
67 1 completely turbines went out the door was in the 2 early to mid-'70s, I believe, that were 3 asbestos-free. 4 Q. And the turbines that were still in 5 service were not asbestos-free; is that correct? 6 A. Well, if they -- I'm not sure of that. 7 If the turbines -- during a period of time during 8 that course of time, if they were asbestos at the 9 beginning, they could still be there, or they might 10 have been removed during the process of servicing 11 it. It's too difficult for me to -- 12 Q. You don't know the answer to that 13 question? 14 A. No, I don't know. 15 Q. This is jumping ahead of what I want to 16 talk about, but did Westinghouse ever issue any 17 directives to its turbine customers to remove 18 asbestos from the turbines that were in place? 19 A. I believe we were dealing with -- 20 Westinghouse dealt with large corporations which 21 had knowledgeable people. Did they direct them to 22 remove it? Pretty much the utilities and the 23 refineries and other industrial customers had the 24 same knowledge. But there was no -- there was 25 nothing sent out that says remove it because it was	69 1 asbestos hazard? 2 A. No. I don't believe that there was any 3 provided. 4 Q. Did Westinghouse -- I apologize if I'm 5 recovering a little bit of the same territory. 6 Since the 1930s, has Westinghouse ever 7 done any of their own testing to determine the 8 potential hazards of asbestos? 9 A. When you're talking about testing, you're 10 talking about medical testing or research? 11 Q. Correct. 12 A. No. 13 Q. Did Westinghouse ever pay for any medical 14 research or testing concerning the hazards of 15 asbestos? 16 A. Not that I'm aware of, no. 17 Q. Did Westinghouse ever require its workers 18 to use respirators while working with asbestos? 19 A. I believe it would -- are you saying -- 20 respirators during what process? When they're 21 manufacturing? 22 Q. Any process. Manufacture, maintenance. 23 A. I believe there was times that they would 24 require them based on the assessment as an 25 industrial hygienist would make. If it required

70 1 respirators to be worn because the level of 2 whatever material, then it would be prescribed the 3 type of respirator that would be necessary to be 4 used. 5 Now, did they use it? Is that your 6 question? Did they ever use it? 7 Q. I guess my question is, was there ever a 8 program, policy by Westinghouse that required 9 workers to wear respirators working around 10 asbestos? 11 A. Not a blanket requirement. 12 Q. I'm curious. If Westinghouse knew since 13 the 1930s that there was potential health hazards 14 associated with asbestos and if they knew from the 15 1940s that it was a carcinogenic and they knew from 16 their own medical director that whenever there's 17 possibility for a health hazard -- when there is a 18 health hazard for workers that you should try to 19 eliminate the hazard, why did Westinghouse wait 20 until the late 1970s before they removed asbestos 21 from their turbines? 22 MR. MORGAN: Objection. Assumes 23 facts not in evidence. Object to the form. 24 A. Let me break it up. They knew in the 25 1930s, after Dreessen, that textile workers could	72 1 keep it below 5 million particles that there was 2 not a hazard to developing asbestosis. I don't 3 believe it was until '60 -- I don't believe until 4 '65 that Selikoff said that if you have asbestosis 5 and you're a cigarette smoker that you can develop 6 lung cancer, so it wouldn't be in the '40s. 7 Is there more to the -- it was a long 8 question. I don't know if I answered -- 9 MS. BRADSHAW: Objection, 10 nonresponsive. 11 Q. (By Ms. Bradshaw) Let's -- one second. 12 A. When you get a chance, can I take a 13 five-minute break? 14 Q. Yes. Let me finish this round, and then 15 I'll be happy to give you a break. 16 Do you know who Wayne Biggerstaff is? 17 A. Yes. 18 Q. Do you -- would you agree with Wayne 19 Biggerstaff has as much knowledge or more about 20 you, generally, about what Westinghouse knew? 21 A. Wayne was -- Wayne Biggerstaff was with 22 Westinghouse a long time. He was a health 23 physicist. I believe that's what his master's 24 degree was. I worked for Wayne. 25 Q. So your answer would be yes?
71 1 have a potential -- 2 MS. BRADSHAW: Let me interrupt you 3 for one second. 4 Are you admitted here in Texas? 5 MR. HENDRYX: I'll make the 6 objection. Sorry about that. 7 MS. BRADSHAW: Only one attorney. 8 Go ahead. 9 MR. HENDRYX: I object to the form 10 of the question. 11 A. If I remember the question, I'll try 12 again. 13 In the 1930s, the Dreessen report 14 would -- indicated that keeping it below 5 million 15 particles per cubic foot, no asbestosis would 16 limit -- no cases of asbestosis would occur. That 17 was dealing with the textile workers, and that was 18 not the business we were in. We were in the end 19 product of the electrical components, making 20 electrical equipment. 21 Then you said something in the '40s, if 22 I'm correct, and you talked about cancer. I'm not 23 sure I agree that we -- I don't -- I'm not sure if 24 I remember -- Drinker, in the '40s, talked about 25 insulator worker -- insulation workers, that if you	73 1 A. That he knew more? 2 Q. As much as you did about what 3 Westinghouse knew or has known about the hazards of 4 asbestos. 5 A. You know, that's a judgment call. You 6 know, did he know -- yes, I think he did. 7 Q. And so if Mr. Biggerstaff said in 1992 in 8 sworn testimony that Westinghouse knew that 9 asbestos had been associated with cancer sometime 10 in the early '40s, would you dispute that? 11 A. Yes. 12 MR. HENDRYX: Object to the form. 13 Q. (By Ms. Bradshaw) You would dispute 14 that? 15 A. Yes, I would. 16 MS. BRADSHAW: Let's go back to the 17 question and reread the question. 18 (Requested material was read back.) 19 MR. HENDRYX: Object to the form of 20 the question. 21 Q. (By Ms. Bradshaw) The only amendment I 22 have to that question is you can -- we can leave 23 out the 1940s part of it. 24 MR. HENDRYX: Object to the form of 25 the question.

74 1 A. I think Westinghouse grew the same as the 2 other corporations as far as its knowledge of 3 asbestos. They didn't have anything more. They 4 have no secret or -- no information that was 5 indicated they had more knowledge than any other 6 manufacturer. 7 They always did strive -- the medical 8 director talked about striving. They always would 9 do assessments and make recommendations to reduce 10 the exposure below -- and they didn't use the term 11 whatever the TLV was at that point. They would 12 continue to make recommendations of how they could 13 reduce it even further. So they did follow the 14 medical director's advice or recommendation from 15 1938. 16 MS. BRADSHAW: Objection, 17 nonresponsive. 18 Q. (By Ms. Bradshaw) Westinghouse 19 eliminated asbestos in the late '70s because why? 20 A. Well, as reducing it, the expos- -- 21 reducing the level of asbestos fibers as OSHA's or 22 the government -- well, OSHA reduced their 23 permissible exposure limit, and the greater 24 knowledge that was being learned from various 25 studies that we talked about, the Selikoff and so	76 1 THE VIDEOGRAPHER: Back on the 2 record at 3:30 p.m. 3 Q. (By Ms. Bradshaw) Sir, I think you said 4 that in the late '70s you realized that the health 5 hazard was more than we had originally thought. Is 6 that correct? 7 A. During the '70s, when OSHA changed their 8 permissible exposure limits, the world knew that 9 there was more things that needed to be done to 10 reduce the exposures. 11 Q. And other than OSHA, is there anything 12 else that Westinghouse was -- found out? Other 13 than what OSHA said, were there any other articles 14 or information or... 15 A. No. I believe whatever was in the 16 general public domain that was available to 17 companies and unions and anyone else, I mean, that 18 was the only source. There was no -- 19 Q. It was all those sources as well? 20 A. Well, I mean, if it was appropriate. But 21 let me just say, we would look at OSHA as the -- 22 setting the -- the government setting the stage. 23 Q. When was the first time that Westinghouse 24 used the wetting process on asbestos? 25 A. I mean, the wetting process is a method
75 1 on, it became important for Westinghouse to seek 2 those substitutes that they needed to reduce the 3 exposure because it became impractical. 4 MS. BRADSHAW: Objection, 5 nonresponsive. 6 Q. (By Ms. Bradshaw) Did they eliminate it 7 because the government required them to? 8 A. They -- the government didn't -- well, 9 the government did through various EPA and other 10 things, made some more restrictions, but it was to 11 the point of where decisions were made that we 12 could not do -- because the permissible exposure 13 limit was being reduced during the '70s that there 14 was not a practical way -- there's not a practical 15 way to keep going, and it didn't make sense at that 16 particular time when new evidence or new 17 information that occurred in the late '60s and 18 early '70s that the health hazard was more than 19 what we believed in the past. 20 MS. BRADSHAW: Objection, 21 nonresponsive. 22 We've got to take a break now. 23 THE VIDEOGRAPHER: Off the record at 24 3:23. 25 (Recess.)	77 1 to hold down dust for any type of -- like, if I can 2 use the word how -- like a saw or drilling 3 operation, then you could use wetting to keep down 4 the dust. I'm not sure exactly when that came into 5 practice, but I think a long time. 6 Q. Do you know, as you sit here today, when 7 was the first time that Westinghouse had any 8 program or policy to use a wetting process on 9 asbestos-containing products that might produce 10 dust? 11 A. I don't know exact time, if that's what 12 you're asking, when -- 13 Q. Do you know decades? 14 A. I don't think it was -- from my 15 understanding of what the wetting process would be 16 is the material that you're using to wet down has 17 to be able to take a mist or a wet without 18 destroying the material itself. This is not -- 19 what we're talking about is asbestos-containing or 20 materials that contain asbestos, so there's other 21 mixture of chemicals or materials that are in there 22 that if you wet it, it might dissolve on you. So 23 it depends on when it was used. 24 It's not a -- it would not be a general 25 practice that tomorrow you're going to start doing

78 1 all wetting. If it was practical, if that was the 2 best means, then that's what would be used. 3 MS. BRADSHAW: Objection, 4 nonresponsive. 5 Q. (By Ms. Bradshaw) Is it true that 6 Westinghouse never had a requirement or policy in 7 place that required wetting of asbestos-containing 8 products that might create dust? 9 A. That was one of the methods that was 10 available. There was no -- from an industrial 11 hygiene standpoint. Ventilation is another via. 12 If you can wet it down, great. There's other 13 things that you can do, but it's not a blanket 14 policy. 15 Q. Not a blanket policy. All right. 16 Did Westinghouse manufacture 17 asbestos-containing products? 18 A. Westinghouse made electrical components 19 that had -- that part of the components could be 20 asbestos-containing. I mean -- 21 Q. So is your answer yes? 22 A. Well, when I heard your question, I sort 23 of get, like, we put the asbestos in there, raw 24 material in. We never used the raw asbestos and 25 put it in. We would use a product that would	80 1 A. They did put together for their own 2 units. For their turbines, they would, I believe, 3 put the turbine blankets together to put onto the 4 turbine, yes. 5 (EXHIBIT NO. 3 MARKED.) 6 Q. (By Ms. Bradshaw) Sir, I'm going to hand 7 you what the court reporter's marked as Exhibit 8 No. 3 and ask you if you've seen this document 9 before. 10 A. I'm going to look at it, read through it, 11 I guess. 12 Okay. Sorry it took -- 13 Q. It's very small, I know. 14 A. The print is so small, you have to take 15 your glasses off. 16 Q. Have you seen this document before today? 17 A. I'm not sure I've seen this exact 18 document. I think I've seen this information, yes. 19 Q. And this is something that was published 20 in The Westinghouse News in 1950; is that correct? 21 A. Well, I can't tell whether that says '50 22 or '60. 23 Q. Good point. 24 A. That's what I was looking for, to see -- 25 Q. I think it's '50.
79 1 contain asbestos and put it into the product, so is 2 that what you mean? 3 Q. Never in the course of this manufacturing 4 process did Westinghouse use pure asbestos as it 5 was mined. Is that what you're saying? 6 A. For turbines. Is that what you're -- 7 Q. For any product. 8 A. It's hard for me to say that they never. 9 It goes back a hundred years, like you said. 10 Whether they were put into a cement or something to 11 use... 12 Q. So your answer is Westinghouse may have 13 used pure asbestos in some form in some product it 14 manufactured? 15 A. I don't know. 16 Q. You do not know. All right. 17 Did Westinghouse manufacture products 18 that contained asbestos in any form? 19 A. If -- like a turbine? 20 Q. Correct. 21 A. Some turbines did contain asbestos. 22 Q. And Micarta board? 23 A. Some Micarta contained. 24 Q. Did Westinghouse actually manufacture 25 turbine blankets?	81 1 What does this article talk about? 2 A. Making insulation blankets to conserve 3 heat in the turbine. 4 Q. All right. And you had just told me that 5 Westinghouse did manufacture turbine blankets for 6 its turbines; is that correct? 7 A. Yes. 8 Q. And these were made with asbestos; is 9 that correct? 10 A. Yeah. They used asbestos. 11 Q. And this article talks about the fact 12 that they actually had turbine tailors who designed 13 and fitted these blankets to the -- or topcoats to 14 the turbines; is that correct? 15 A. Yes. 16 Q. Is it your understanding that 17 Westinghouse specified asbestos-containing 18 insulation for its turbines? 19 A. No. No. I don't -- a lot of the 20 turbines, or most of the turbines, were specified 21 by the customer. 22 Q. Okay. What do you base that on? 23 A. Well, I've seen information that 24 indicated -- in fact, I think it may have been in 25 the interrogatories that said that the customer