

FILE NAME: ALCOA (ALC)

DATE: 2018

DOC#: ALC082

DOCUMENT DESCRIPTION: BC Expert Report in Beverage vs. ALCOA

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

LARRY C. BEVERAGE, Individually
and as Personal Representative of the
Estate of CHARLES E. BEVERAGE,
Deceased, and LINDA K. ANDERSON,
and BONNIE K. VALENTINE,

Plaintiffs,

v.

ALCOA, INC., *et al.*,

Defendants.

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CASE NO. LACE129455

EXPERT REPORT OF BARRY I. CASTLEMAN

STATE OF MARYLAND

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COUNTY OF MONTGOMERY

Before me, the undersigned on this day personally appeared Dr. Barry I. Castleman, known to me or through his driver's license and who, being by me duly sworn upon his oath, deposes and states as follows:

"My name is Barry I. Castleman. I am over the age of 18 years and fully competent to make this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

I. Qualifications

My education consists of a Bachelors Degree in Chemical Engineering from Johns Hopkins University 1968. I have a Masters Degree in Environmental Engineering, which was mainly in areas related to air pollution control from Johns Hopkins University, 1972. I have a Doctor of Science Degree in Health Policy from Johns Hopkins School of Hygiene and Public Health, 1985. My curriculum vitae is attached as Exhibit A.

My professional experience goes back over 40 years in the area of asbestos and other occupational and environmental health problems. My field is occupational and environmental

health policy, which is a branch of Public Health, mainly oriented towards the recognition of risk factors and the prevention of disease from industrial activities.

The Doctoral degree was awarded for two years of course work, various examinations, and the writing of a doctoral dissertation. The course work was mainly in the areas of toxicology, epidemiology, biostatistics, physiology, and public health policy. These are the tools that are used to understand how the body works and can be damaged by toxic substances, how these effects can be identified by means of various studies of people, studies of animals experimentally exposed and so on.

My Doctoral thesis was, Asbestos: An Historical Case Study of Corporate Response to an Industrial Health Hazard, and is largely identical to a book published in 1984 by Prentice Hall Law and Business called Asbestos: Medical and Legal Aspects (now in its 5th Edition, 2005). The doctoral thesis is an historical review of the asbestos problem as a public health problem in society worldwide, but mainly in the United States. It encompasses a comprehensive review of medical literature of all kinds, as well as other literature available in libraries and published sources such as government publications, safety magazines, engineering journals, trade magazines, insurance publications, encyclopedias, popular magazines, and newspapers. The doctoral thesis also involved research based on unpublished government records. The government records included workers' compensation claims files where claims had been made by individuals alleging that they had asbestos-related diseases of the lungs, claims against various companies that were their employers, some of which companies were also manufacturers of asbestos insulation products these individuals has used in the course of their work.

In addition to published information of all kinds, I examined files, unpublished information available from the U.S. government archives, the archives of scientists and the archives of institutions that had worked for and with asbestos companies. I also looked at unpublished information which was obtained in legal discovery. This included trade association minutes, corporate documents, and testimony of corporate officials who were associated with asbestos hazards over the years -- doctors, plant managers, executives, and other people who were aware of events that transpired.

In addition to published information and corporate knowledge that came out of mainly legal discovery, I have also interviewed a bunch of old-timers in the field of industrial medicine and hygiene. They included physicians who were active in the field of occupational medicine, such as Harold Stewart, who first published on asbestosis in 1931, and Alfred Angrist, who first published on asbestos and lung cancer in 1942. They are both pathologists. Another, Dr. Wilhelm Hueper, was a leading United States authority in the field of occupational cancer and first director of the environmental cancer section of the National Cancer Institute. Dr. Irving J. Selikoff was the leading epidemiologist and asbestos authority in the US. Dr. Hueper, Dr. Harriet Hardy, Dr. Thomas Mancuso, Dr. Gerrit Schepers, Dr. Richard Doll, Dr. Morris Greenberg, and others I have interviewed were involved in the area of asbestos and health over the past decades.

II. The Body of Knowledge That Exists

A. Asbestosis

First let us consider what was available in published sources and how the published knowledge base developed. The originally published reports in the era of the modern asbestos industry came at just before the turn of the century, and the first reports in the English language were included in the annual reports of the chief inspector of factories and workshops in Great Britain. The report published in 1899, the report for the year 1898, talked about the observation of lung disease in individuals who had worked in asbestos manufacturing plants and about the “evil effects of asbestos dust.”

The medical literature of asbestos disease mainly developed after the publication of a case report in the British Medical Journal by Dr. Cooke, a pathologist in Britain in 1924. This was called, “Fibrosis of the Lungs Due to the Inhalation of Asbestos Dust.” Dr. Cooke reported on the death of a 33-year-old woman who had worked off and on in asbestos plants from the age of 13. According to Cooke, the scarring of her lung tissues was largely attributable to the inhalation of asbestos in the course of her work. There followed a number of other reports in British sources, and this is reflected as well in the United States in editorials of the Journal of the American Medical Association. In one on January 14, 1928, called “Pulmonary Asbestosis,” reference is made to Cooke’s case and other reports on the disease now called asbestosis. The Journal of the American Medical Association recommended that further attention be paid to this disease, as it may well be occurring in the United States. The Journal of the American Medical Association issued another editorial in 1930 about asbestosis, this time noting the asbestosis had become a compensable occupational disease in Great Britain under the workers’ compensation law. The Journal of the American Medical Association was believed to have been read by 80% of American physicians in those years, medical historians have written.

In the meantime, there were additional reports of asbestosis published in the British Medical Journal, which is in every medical library I have ever walked into. The reports mainly involved deaths of individuals who were verified as having asbestosis by autopsy.

In 1930, a report was published by a physician, Dr. E.R.A. Merewether, and an engineer named C. W. Price. Merewether and Price reported a survey that had been conducted by the Factory Inspectorate in England, including 363 asbestos workers who were actively employed. Of these individuals, 26% were found to have asbestosis. Merewether and Price reported that the people longest exposed had the highest prevalence of the disease: 80% in workers with 20 years or more in the industry. There were no cases of asbestosis in individuals with less than five years, and Merewether referred to that phenomenon that the disease was delayed in appearance and developed gradually over a period of years. It could in seven years be substantially developed in the most severe cases, but more often 11 years or more would elapse before the disease had become largely developed in exposed individuals. This is the time from the onset of exposure. Merewether urged that workers be educated to a sane appreciation of the risk to health posed by asbestos dust. Merewether’s 1930 writings on asbestosis are among those most often cited in the literature on asbestosis.

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There were reports also of the progression of disease caused by asbestos fibers trapped in the lungs, including a report by the radiologist, Sparks, called "Pulmonary Asbestosis", published in the United States in 1931. Sparks talked about the fact that the disease progressed in some individuals after the cessation of exposure. This was demonstrated by the chest x-rays of the individuals who had been removed from exposure but who had continued to go downhill in terms of their lung conditions.

There are also publications by Dr. Harold Stewart, whom I mentioned, and his coworkers in 1931, describing two cases of asbestosis in the Archives of Pathology, published in the United States. One of these individuals had been exposed for only nine months to uncontrolled asbestos dust conditions and nine years later had developed a severe degree of asbestosis when seen at autopsy.

Other sources were also remarking on the disease, asbestosis. A journal called National Underwriter, a publication of the insurance industry, in a 1932 article called "Occupational Diseases are Not Generally Understood," repeatedly called attention to asbestosis and referred to asbestos industries as dangerous industries from the standpoint of insurers who might be prevailed upon to sell coverage of various kinds for the health of workers in such industries.

In this connection, I would mention that back in 1918 there was a United States publication authored by Frederick Hoffman called Mortality from Respiratory Diseases in Dusty Trades. This made reference to the annual reports of the Chief Inspector of Factories in England and the reports of asbestos disease there. This 1918 report, written by an insurance company actuary, noted that it was the practice of American and Canadian life insurance companies to not sell life insurance to asbestos workers on account of the assumed deleterious conditions in the industry.

By 1932 there were 60 or more publications in print on asbestosis. These were noted by way of reference in a bibliography published by the International Labor Organization in 1932. These publications continued to emerge from many countries. The first cases of asbestosis in the United States were reported in 1930. Asbestosis was also described in an article in the trade magazine Asbestos in the United States in the March 1930 issue, amid numerous advertisements from asbestos mining and manufacturing companies.

In 1932, the first case of asbestosis in an asbestos product user was reported at a conference held by the Industrial Commission of Wisconsin, proceedings of which were published. Here, Dr. Albert Russell of the United States Bureau of Mines described an individual who had worked maintaining the insulations on pipes in a government hospital and had been diagnosed as having asbestosis and had been compensated by the government for disability sustained from this asbestos condition. This is the first published product user case. There were other cases reported in the United States in 1933 by Philip Ellman and also reported by Ellman in 1934 in The British Journal of Radiology. Wood and Gloyne reported in 1934 on cases of asbestosis including a boiler riveter who would have been exposed to asbestos because it was used as an insulation material on boilers. Wood & Gloyne's report was called "Pulmonary Asbestosis: A Review of 100 Cases." That was published in The Lancet, the world's oldest medical journal, in 1934. The Lancet is, like the British Medical Journal, a general medical

journal published in England and available very widely in medical libraries in the English-speaking world. This article was widely cited in subsequent literature. Of the hundred cases of asbestosis they reported on, the shortest duration of exposure in any case was six months, in the case of two women who had worked in an asbestos plant.

In 1933 and 1934 in the British journal, Tubercle, Dr. Merewether published "A Memorandum on Asbestosis." He emphatically noted that asbestosis shortened people's lives. Merewether showed that, in the British experience, individuals who had died with silicosis, another occupational lung disease, had an average age at death of 54. In the case of asbestosis, the average age at death was only 41. The duration of exposure was similarly very much different. In the cases of silicosis in which death occurred, the average duration of exposure was 40 years. For asbestosis, the average duration of exposure was only 15 years.

In 1935, the Pennsylvania state authorities published a report on asbestosis in the industry in the state. This was called Asbestosis, published by Fulton and his coworkers at the Pennsylvania Department of Labor and Industry. One-fourth of the workers they examined had asbestosis. They included an impressive bibliography of 125 references to asbestos-related disease previously published in journals in the United States, England, France, Italy, Germany and other countries. The Pennsylvania study included an effort to relate dose and response. The authors had sampled the exposure of the workers to dust in four asbestos plants and the found that, overall, average concentrations of dust could be broken down into three groups that varied from 4.64 million particles per cubic foot up to 44 million. Asbestosis was reported in all three groups, with the prevalence and severity of disease greater in the more heavily exposed groups. But no level of exposure was found to be free of the disease. This was one of the first surveys of this kind in the United States similar to that which had been done by Merewether and Price and published in Great Britain and the United States separately in 1930. In all of these studies at least 25% of the workers were diagnosed as having asbestosis.

The study by Lanza and his coworkers at Metropolitan Life, published in 1935 and initiated at the request of representatives of the asbestos industry, found that 53% of the workers examined with three or more years of exposure had asbestosis.

In 1938, a similar study was done by the Public Health Service, including an effort to account for workers who had been discharged before the Public Health Service was admitted to the North Carolina asbestos textile plants to do the study. An estimated asbestosis rate in the workplace was given as 27 1/2%. The report recommended that dust exposure in asbestos plants be limited to 5 million particles per cubic foot. This guideline was recommended as a tentative occupational exposure limit, though it was noted that the Pennsylvania study had found cases of asbestosis at that level of exposure.

Literature on asbestosis was substantially developed by 1935. The disease was shown to have a distinctive pathological appearance with asbestos bodies, types of scarring that would form around the asbestos fibers trapped in the lung tissues. This was commented upon a great deal by pathologists in the 1920s. The disease was shown to have an identifiable radiological appearance on chest X-ray distinctly different from such diseases as TB and silicosis. The disease was also characterized by shortness of breath, which would become more pronounced as the individual became more seriously affected by the disease.

The risk of the disease involved not only mining and manufacturing plant workers but by 1935 it had come to include users of some asbestos products, mainly insulation products such as these used by insulation workers. Also, there were two reports on clerical workers in asbestos manufacturing plants with 30 to 40 years of experience, and these individuals were among the victims of asbestosis described in the medical literature published in Britain and the United States in 1934 and 1935.

The disease was consistently found to affect a large percentage of people who were employed in the industries where asbestos products were manufactured. This was reported in four surveys in the United States and Britain by the mid to late 1930s.

B. Lung Cancer

In 1935, another aspect of the hazard of asbestosis was identified with the publication of medical case reports of asbestosis in combination with lung cancer. The first such reports were published by Lynch and Smith in the United States in 1935 in the American Journal of Cancer and by Dr. Gloyne in Great Britain in Tubercle in two separate reports in 1935 and 1936. In these reports, the question was raised that chronic irritation of the lung tissues from asbestos might be producing cancer as well as lung scarring already well identified as an asbestos-related phenomenon.

There were additional reports of lung cancer in combination with asbestosis reported by Egbert and Geiger at Yale in 1936, and Nordmann in 1938. An abstract of this last publication appeared in the United States in the Journal of Industrial Hygiene & Toxicology, also in 1938. The article was entitled "The Occupational Cancer of Asbestos Workers." The German author, Nordmann concluded that asbestosis was definitely related to lung cancer, that lung cancer was in fact an occupational disease of asbestos workers. Various features of the six cases Nordmann knew of were tabulated to justify that. Nordmann noted, among other things, that the prevalence of lung cancer among autopsied victims of asbestosis was one in six both in Germany and Great Britain. This was very much higher than the prevalence of lung cancer in the general population, which tended to be more like 1% or several percent at most. The high rate of lung cancer among people dying with asbestosis would be a most consistent finding around the world.

There were additional publications of cases of lung cancer and asbestosis in 1939 in the United States and in 1941 and 1942 in Germany. Holleb and Angrist reported in the American Journal of Pathology on two individuals who had been pipe coverers (users of asbestos products) diagnosed at autopsy as having both asbestosis and lung cancer. These were the first cases of cancer and asbestosis in users of asbestos products published in the medical literature. Holleb and Angrist tabulated a total of 10 cases of lung cancer in combination with asbestosis that had been published in the United States, Britain, and Germany. This gave readers of their articles the benefit of a review of what had come up until that time in worldwide literature on lung cancer and asbestosis. This was a feature of many medical articles on asbestos disease; that is, they make extensive reference to preceding work. So, that if one finds a single article, one has the windows open on a great deal of knowledge that preceded it.

In 1942, Dr. Wilhelm Hueper published a book on occupational cancer called Occupational Tumors and Allied Diseases, nearly 900 pages long. It included a lengthy section on asbestosis and cancer from asbestos, in which a large number of references from the United States, Great Britain and Germany were cited in support of the view that asbestos most likely did cause occupational cancer. Dr. Hueper made unequivocal statements the next year in the article called, "Cancer in its Relation to Occupational and Environment" published in the Bulletin of the American Society for the Control of Cancer. There, Hueper said that asbestosis cancer of the lung as he called it then, was the newest proved occupational cancer of the lung, to be listed with the ones that were already known up at that time. In the Journal of the American Medical Association (JAMA), there appeared an editorial called "Environmental Cancer" in 1944, in which asbestos was listed among agents known and suspected of causing occupational cancer.

By 1950, there were more than 80 articles and abstracts referring to the lung cancer hazard of asbestos, including writings in newspapers and popular magazines (see D below).

C. Mesothelioma

The disease mesothelioma of the pleura was attributed to exposure to asbestos or asbestosis starting in 1943 with the report of Dr. H.W. Wedler in Heidelberg. There were additional reports in the German literature as well as British literature. The case reports that appeared prior to 1960 are annotated and cited by way of reference in Chapter 2, table 5 of my book. Dr. Wedler was the first to state that he believed the pleural cancers were occupational cancers, and his work was prominently cited in the United States in the 1940s. Other German pathologists starting with Leicher in 1954 would identify peritoneal mesothelioma as an asbestos disease.

A major report of pleural mesothelioma came from South Africa by Wagner and his coworkers, published in the British Journal of Industrial Medicine in 1960. Within a very short time it was widely accepted: that asbestos did cause mesothelioma; that levels of asbestos exposure present from environmental exposure as well as occupational exposure were sufficient to cause mesothelioma; and that mesothelioma was affecting a considerable number of workers in shipyards. Reports, such as those in the British Medical Journal in 1962, described the different types of workers who were being affected by mesothelioma in shipyards.

In 1964, Dr. Irving Selikoff and his coworkers published a mortality study in JAMA showing that there was a substantial excess of occupational cancer and deaths from asbestosis among people involved in the insulating trades. A group of workers who installed insulation and removed it regularly was found to have 45 deaths from pulmonary cancer in a group where only six or seven such deaths would have been expected. There were four deaths from peritoneal and pleural mesothelioma in this cohort, and this was described as a very rare disease and a substantial excess over what would have been expected. There were also 12 deaths from asbestosis in this work force.

Subsequently, later in 1964, at an international conference held in New York and published in 1965, Selikoff and coworkers reported that around 80% of the people who were in the insulating trade had developed asbestosis by the time they had been in trade for 20 or

30 years or more. At the conference in New York, British researchers Newhouse and Thompson presented a report on 76 deceased mesothelioma patients and an equal number of “controls”, based on interviews with relatives. Their report showed strong evidence that mesothelioma patients were far more likely to have had occupational, household, or neighborhood exposure to asbestos than the comparison patients who died from other causes at the same hospital.

D. Other Sources of Knowledge

The subject of asbestosis was receiving attention in other types of circles. The Encyclopedia Britannica first noted the disease asbestosis in the regular publication of the Encyclopedia in 1940.

By this time, The National Safety Council had been established for 28 years as management’s response to the industrial safety issue, with its associated problems of disability compensation and labor unrest. Starting in the 1930s the National Safety Council has published numerous articles, pamphlets and other materials concerning the hazards of asbestosis in the 1930s. Many of the annual congresses held forums and discussions about dust disease. The transactions of these meetings were automatically mailed to the industrial members.

During the 1930s there were an increasing number of lawsuits for dust diseases contracted in the workplace. To confront this dust disease threat, a meeting of about 250 people representing over 50 industries with industrial disease problems was held on January 15, 1935. The meeting covered the hazards of asbestos and silica dust, and one focus of the meeting was on “the menace of ambulance chasing lawyers in combination with unscrupulous doctors.” During this and subsequent meetings of the association, which was initially called the Air Hygiene Foundation, lawyers outlined a plan to limit dust disease lawsuits and compensation. This included eliminating the right to trial and limiting workers’ ability to claim workers compensation.

The refractories industry played a major role in this meeting and subsequent establishment of the Air Hygiene Foundation (renamed the Industrial Hygiene Foundation in 1941). As chairman of the Temporary Organizing Committee, Mr. Hitchens, of the American Refractories Institute, oversaw much of the planning of the structure and outline of purposes of the organization. Through Industrial Hygiene Foundation publications, meetings and conferences, its members have been long aware about dust diseases and the responsibilities of manufacturers to warn concerning hazards associated with their products.

Among the means by which the Industrial Hygiene Foundation disseminated information was the Industrial Hygiene Digest, which published abstracts of articles from hundreds of journals that were being published. The Industrial Hygiene Digest included abstracts of industrial medicine articles that had appeared in the journals included reference to cancers of the lung and pleura reported originally by Dr. Wedler in 1943, in January of 1945. Wedler’s article had been published in the German Medical Weekly. Here, we see the first references to cancers of the pleura as well as cancers of the lungs all being counted as pulmonary, asbestos-related cancers in literature.

In 1944, a trade magazine called Heating and Ventilating carried an article called ADust is an Industrial Health Hazard@ by Hutchinson, in which was noted that fatal cases of asbestosis occurred in shorter periods of time than fatal cases of silicosis, and also that the hazard of asbestosis extended to industries including the insulating industry. Hutchinson said at that time there was no known safe level of exposure.

The Journal of the American Medical Association carried an editorial called “Asbestosis and Cancer of the Lung” in August of 1949. This reported British statistics on 235 deaths in which asbestosis had played a part. Of these 235, 31 (13%) of the individuals were also found to have cancers of the lung or pleura. This was considered quite excessive compared to the normal rate of lung cancer in the general population of 1% of all autopsies. This editorial in the Journal of the American Medical Association was promptly summarized in the abstract form in the Industrial Hygiene Digest in 1949.

Reference to cancer from asbestos appeared in the New York Times on Jan. 7, 1948, Business Week Nov. 13, 1948, Washington Post Nov. 21, 1948, and Scientific American in January 1949 in an article called ACancer and Environment@. It appeared in Newsweek magazine May 15, 1950. The reference to asbestos in Newsweek was in relation to the rising rate of lung cancer in urban dwellers compared with people in the rural areas. This was partly attributed to the presence of carcinogens like asbestos in urban air, according to Dr. Hueper, Chief of the Environmental Cancer Section, US National Cancer Institute. The Los Angeles Times noted the carcinogenicity of asbestos April 6, 1951, the Chicago Tribune on June 10, 1951. The Encyclopedia Britannica made reference to asbestos as one of the causes of occupational cancer under the title “cancer” in 1952, and asbestos was described as a lung cancer hazard to steamfitters working with asbestos in the Wall Street Journal on April 7, 1959.

E. TLVs

Various guidelines have been recommended to limit asbestosis as a hazard in places where asbestos is used. These guidelines included so-called Threshold Limit Values (TLVs) or maximum allowable concentrations. The Public Health Service in its survey in 1938 recommended 5 million particles per cubic foot for dust in which asbestos was present in the workplace, as a ceiling concentration. This was adopted by non-governmental group, a volunteer professional organization. It was recommended as a guideline in some states prior to the enactment of the Occupational Safety and Health Act in 1970.

Authors in other countries took issue with the idea that one could recommend an occupational exposure limit of dust in the air and thereby completely control health hazards. Under the heading “The Prevention of the Dust Disease” Dr. McLaughlin, of the Factory Inspectorate in Great Britain, writing in The Lancet in 1953, said that people in some countries who recommend these maximum allowable concentrations seem to think that man is a “standardized machine which he clearly is not.” McLaughlin noted a number of factors that would distinguish people in terms of their risks in ways that we could recognize as well as the fact that there are also ways that we can’t recognize, where one individual exposed to the same things as another working right next to him gets sick and the other one does not.

Others such as that of Dr. May Mayers of New York, in 1952, and Warren Cook, also writing in the United States in 1956, observed that maximum allowable concentrations that were recommended to prevent other effects than cancer could not be considered to be safe if the substances also caused cancer. Asbestos was noted by both of those authors as one such substance that caused cancer.

The Documentation of the Threshold Limit Values published in 1962 and in its second edition in 1966, clearly indicated that the asbestos TLV was based on the 1938 Public Health Service study and was only suggested to protect against the disease asbestosis. The word cancer was not even mentioned in the 1966 Documentation, whose most recent cited reference on asbestos was dated 1955.

With asbestos, as with many other substances, it was infrequent that the TLV or the basis for it were reviewed in the light of recent literature once the substance was on the list. The limited efforts of unpaid volunteers working on the TLV committees appear to have been mainly devoted to adding new substances to the list during the 1950s and thereafter.

F. End-Products Users

There were many articles coming out in the 1940s and 1950s that noted the risk of asbestosis and in some cases cancer in individuals who were exposed to asbestos in the course of using asbestos-containing products; there were more than 50 separate case reports, some involving one or two individuals, some involving as many as ten or more. These case reports were published mostly in the English language in medical journals between 1932 and 1963. These reports are tabulated in Chapter 5, Tables 2 and 3 in my book, Asbestos: Medical and Legal Aspects.

Companies marketing products that could give rise to respirable asbestos dust either were or should have been aware that most dusts can either cause or aggravate problems in the lungs of end-product users. Some specific company knowledge includes the following. Westinghouse's medical director wrote a book in 1947 in which he state that asbestos produced serious effects, including the progressive disease of asbestosis, yet the company did virtually nothing to warn users of its products until required to do so by federal regulations. Mine Safety Appliances Company published several pamphlets outlining the problems associated with dusts and recommending the usage of respirators, yet did not put warnings on its asbestos clothing. In 1964 Eagle-Picher told GREFCO and NARCO that it was putting warning labels on the asbestos products it manufactured for them, but neither company put warnings on its own manufactured asbestos products. These are but a few examples of widespread failure to warn workers concerning the hazards associated with asbestos and other dusts.

G. Asbestos Gasket Use

Asbestos-containing gaskets were predominantly composed of asbestos. Hazards of asbestos exposure in gasket manufacture were recognized in the 1930s (Merewether and Price, 1930; JN Shirley, National Safety Congress 1936). Early reports identified gaskets as

having the potential to cause asbestos exposure and disease (Memorandum on the Industrial Diseases of Silicosis and Asbestosis, 1935; WC Hueper, Occupational Tumors and Allied Diseases, 1942). However, no measurements of exposures from some processes in gasket use were published until 1978 (LR Liukonen et al., Asbestos Exposure from Gasket Operations, Naval Regional Medical Center, Bremerton, Washington). It would not be until 2002 that data were published on exposures from power wire brushing of adhering gasket material from metal surfaces, with worker exposures as high as 15-31 fibers/cc, exceeding the 15-minute ceiling limit for asbestos exposure in the 1972 OSHA standard, 10 f/cc (Longo et al., *Appl. Occ. Env. Hyg.* 17: 55-62, 2002).

H. Oil Industry Knowledge of the Hazards of Asbestos

The hazards of asbestos were well known in the oil industry, where tremendous amounts of asbestos-containing thermal insulation were used. Standard Oil of New Jersey industrial hygienist Roy Bonsib wrote an extensive report in 1937, "Dust Producing Operations in the Production of Petroleum Products and Associated Activities", which stressed the hazards of asbestos from insulation work. The American Petroleum Institute had regular meetings of doctors from the oil companies starting at least as early as 1945, with the formation of subcommittees including a subcommittee on carcinogenicity. Among the reports that the doctors' group, the Medical Advisory Committee (MAC), reviewed, was Shell Oil chemist HH Zuidema's "Carcinogenic Hydrocarbons and Related Compounds/ A Literature Review", which named asbestos as having been documented to have cancer-producing ability (1945).

In 1948, the MAC received a memorandum summarizing a presentation by Dr. WC Hueper at the annual meeting of the American Public Health Association, in which Hueper identified asbestos as a material for which a definite correlation with cancer incidence had been shown. Hueper was the Chief of the Environmental Cancer Section, US National Cancer Institute, and the most prolific author of articles on occupational cancer in the US. It was the practice of the committee to circulate memorandums such as this and published papers to its members.

Additionally, in the early 1950s, Dr. Hueper was invited to appear at one of the MAC meetings. In January 1953, one of Dr. Hueper's articles, "Environmental Cancers: A Review", published in 1952 in the journal Cancer Research, was circulated to members and associates of the MAC. This article pointed to asbestos as a cause of lung cancer.

In 1954, Hueper presented a paper to the National Petroleum Association, again describing asbestos as a cause of occupational cancer. This was published in a 1955 article, "Occupational Cancer Hazards", by the US Department of Labor, and was circulated to members of the MAC and others prior to a meeting of the MAC and its Subcommittee on Carcinogenicity in April 1955.

Additional discussion of oil industry knowledge and the knowledge of specific oil companies about asbestos hazards is in the 5th edition of my book, Asbestos: Medical and Legal Aspects (pp. 627-646).

III. Summary

So, to summarize, the literature had largely established that asbestos was a lethal material by the early 1930s, causing disability and deaths from asbestosis. By the mid-1940s, it was widely accepted by people writing on the matter that asbestos inhalation could also cause lung cancer. There were several dozen reports of cases as well as editorials and other publications referring to the cancer risk of asbestos in the literature. Most of the authors by that time were concluding that asbestos probably or definitely caused cancer of the lungs, and in some cases cancers of the pleura were counted in as if they were also occupational pulmonary cancers caused by asbestos. The added hazard of cancer from asbestos was sufficiently well-known to start appearing in more general references like the New York Times and Business Week in 1948, Scientific American magazine in 1949, Newsweek in 1950, and the Encyclopedia Britannica in 1952. Further, the hazard of asbestos exposure to families of the workers was scientifically knowable since the 1950s. The risk of mesothelioma especially in individuals with environmental, nonoccupational asbestos exposure became a subject of intense discussion in the early 1960s subsequent to the publication Wagner and his co-workers in 1960.

That was what was available in the medical libraries to anyone who knew how to spell the word asbestosis. You could find the information at any time by using Index Medicus, which is a subject index of worldwide medical literature. The Index Medicus has been published since 1879 and can be used to identify articles that are newly emerging on any medical subject including asbestosis. It is one of the things I used in my research. There were many medical texts on occupational diseases, pathology, internal medicine, cancer, lung diseases, and public health, that spoke of asbestos hazards, published in the 1930s and thereafter. Also, the articles themselves often contained numerous references to prior articles, and so in this way one could easily find in a matter of a few hours in a library a great deal of information about a subject like asbestosis using the classical methods. None of this would require using any kind of a computer search or any other kind of modern technique.

IV. Knowledge of Alcoa, Inc.

Several of Alcoa's officers had actual knowledge about the health hazards of asbestos very early on, including Alcoa vice-principals Thomas Bonney, Bertram Dinman, and John Harper. Alcoa's corporate representative, Jeffrey Shockey, also provides such evidence.

1. Thomas Bonney

Thomas Bonney worked at Alcoa from 1948 to 1987. Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 102:21-24, 152:21-25. During this entire time period, he was part of Alcoa's corporate industrial hygiene department. During the mid to late 1950's and into the mid-1960's, he was responsible for the general administration of the industrial hygiene program at Alcoa's corporate office in Pittsburgh. Bonney Depo., 2/25/98, *Whatley v. Alcoa*, at 26-27. In the late 1960's, he was a senior industrial hygienist at Alcoa. *Id.* at 146. He became chief industrial hygienist around 1970. After that, he became manager of industrial hygiene. *Id.*

Part of Mr. Bonney's job was to stay abreast of the scientific literature, including the scientific literature related to asbestos. Bonney Depo., 2/25/98, at 23:17-24:16; Bonney Depo., 4/1/98, at 437:21-438:1; Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 120:13-121:14. An important part of his work as an industrial hygienist was dealing with occupational diseases. Bonney Depo., 2/25/98, at 22-24.

In the late 1940's and early 1950's, Alcoa was a sophisticated company capable of researching and analyzing industrial health hazards involved in its aluminum operations, including health hazards related to asbestos exposure. Bonney Depo., 2/25/98, at 438:11-22; *see also*, Alcoa Internal Correspondence, 7/2/48; Letter to Thomas Bonney, 12/15/53; Industrial Hygiene Reference Materials; Internal Correspondence, 10/14/58.

Alcoa was a founding member of the Industrial Hygiene Foundation ("IHF"), and Alcoa received and read the IHF's publication, "The Industrial Hygiene Digest" on a regular basis. Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 120:13-121:14, 126:6-8, 188:24-189:2; Bonney Depo., 2/25/98, at 23:17-24:16; 437:21-438:1. Prior to 1970, The Industrial Hygiene Digest contained numerous abstracts of articles linking asbestos exposure to asbestosis, lung cancer, and mesothelioma. Bonney Depo., 2/25/98, at 93:12-94:25; 101:13-23; 102:15-20; 103:8-17; 104:4-8; 106:5-13; 116, 8-21; 163:16-164:10; 166:13-17; 166:21-167:3; Bonney Depo., 9/17/03, at 215-216, 998.

Mr. Bonney personally reviewed the abstracts from the Industrial Hygiene Digest to keep up with possible hazards in the workplace. Bonney Depo., 2/25/98, at 87. Alcoa sent the local plants the Industrial Hygiene Digest on a monthly basis starting in the 1950's. Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 120:21-25. The purpose of sending the plants this digest was so they would have the information that might apply to their plants. Bonney Depo., 9/17/03, at 216-217, 929-930, 998.

Mr. Bonney authored most of the industrial hygiene newsletters sent to the local plants "in the early years." Bonney Depo., 9/17/03, at 269-270. He reported to Miles Colwell when Colwell was medical director at Alcoa. *Id.* at 328. One of Mr. Bonney's job duties was to know the types of asbestos-containing materials used in the plants. *Id.* at 827. He testified that asbestos use at Alcoa plants was "ubiquitous." Bonney Depo., 2/25/98, at 238:1-15; Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 163:10-14; Bonney Depo., 9/26/03, 757:13-758:1.

When Mr. Bonney joined Alcoa in 1948, he understood, and Alcoa understood, that exposure to asbestos could cause asbestosis. Bonney Depo., 2/25/98, at 61:21-24, 270:15-18; Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 119:4-10, 155:4-18, 168:7-18. Alcoa was also aware, through the health department and industrial hygiene department, of the 1955 study by Sir Richard Doll concerning lung cancer in asbestos workers. Bonney Depo., 2/25/98, at 61-63. ("Certainly we in the health department and industrial hygiene would be."). Alcoa received the Doll study in the September 1955 Industrial Hygiene Digest. Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 123:21-125:14.

Through Alcoa's receipt of the abstracts of the Industrial Hygiene Foundation Digest

and, through the routine surveillance of the medical and scientific literature, by the mid-1960s Alcoa was aware that asbestos exposure could cause lung cancer. Bonney Depo., 2/25/98, at 93:12- 94:25; 101:13-23; 102:15-20; 103:8-17; 104:4-8; 106:5-13; 116, 8-21; 175:4-10; 278:23-279:12; Bonney Depo., 9/26/03, at 649:21-25. In fact, as early as 1949, Alcoa received an editorial from the American Medical Association that warned exposure to asbestos could cause both asbestosis and lung cancer. Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 200:1-25.

One of the abstracts Alcoa received from the Industrial Hygiene Foundation in 1943 was titled “Asbestos and Pulmonary Carcinoma,” and it reported that 16% of those with asbestosis also had “malignant diseases of the lung and pleura.” Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 180:24-181:16. By 1960, other studies were referring to pleural cancer. *See, e.g.,* Wedler, *Lung Cancer in Asbestosis Patients*, German Arch Clin Med (1943), at 8, 12, 21. Through Alcoa’s receipt of the abstracts of the Industrial Hygiene Foundation Digest and through the routine surveillance of the medical and scientific literature, Alcoa was aware by the mid-to-late 1960s that even low-level, intermittent asbestos exposure could cause mesothelioma. Bonney Depo., 2/25/98, at 163:16-164:10; 205:21-206:4; Bonney Trial Testimony, *Behringer v. Alcoa*, 10/24/05, at 148:6-149:12; Bonney Depo., 9/26/03, at 773:2-11. This literature included the landmark studies by Sir Richard Doll, Wagner, and Dr. Irving Selikoff, as reported in the Industrial Hygiene Foundation Digest.

In 1964, Mr. Bonney acknowledged receipt of a copy of a New York Times article titled “A Rare Carcinoma Believed on the Rise.” Shockey Depo., 11/29/12, at 85:10-91:25. Mr. Bonney wrote, “Thank you for calling to our attention the recent newspaper article that alleges a rare type of cancer to be caused by occupational exposure to asbestos.” Bonney Memorandum, October 30, 1964. The newspaper article in question informed the reader that mesothelioma is fatal, that its incidence is increasing, that even a single heavy exposure could produce a cancer after a latency period of 30 years or more, and that researchers did not know what a safe level of asbestos exposure would be. *Id.* Thus, by November 1964, one of the top industrial hygienists at Alcoa had possession of this information about mesothelioma. Shockey Depo., 11/29/12, at 87:18-23, 89:7-12, 90:25-91:25, 99:20-100:3.

Bonney Depo., 9/26/03, at 751:2-752:14. Mr. Bonney testified that Alcoa was fully aware of the OSHA regulations governing exposure to asbestos in the workplace that were promulgated in or about 1972. Bonney Depo., 2/25/98, at 304:12-306:11; 307:14-308:12; 309:11-14; 310:4-20; 311:4-23; 312:19-313:17; 314:10-16, 25; 315:1-8, 15-17; 327:16-328:8; 329:4-13; 330:16-21; 392:14-17; 393:3-9.

2. Bertram Dinman

Dr. Dinman, a certified occupational medicine specialist and Alcoa’s former medical director and vice president of health and safety, has testified that he became aware of a confirmed link between asbestos exposure and lung cancer in 1955 with Sir Richard Doll’s study. Dinman Depo., 9/18/03, at 14:6-20; 21:16-22:6; 35:20-36:1; 95:9-25; 309:4-310:25; 311:18-313:21. Further, Dr. Dinman testified that by 1973, the link between asbestos exposure and cancer was “pretty clear.” *Id.* at 217:14-17. Dr. Dinman further testified that he

became aware of the confirmed link between asbestos exposure and mesothelioma around 1964, *id.* at 388:13-17, and that he read an article from the New England Journal of Medicine in 1971 written by Dr. Ferris, whom he knew personally, regarding the effects of low concentrations of asbestos exposure and a need to lower the threshold limit values. *Id.* at 364:5-366:17. Dr. Dinman began working at Alcoa in 1973, *id.* at 21:16-22:6, which means that he brought this knowledge with him to Alcoa. *Id.* at 109:16-21.

3. John Harper

In October 1962, John Harper, Alcoa's Vice President, presented a paper at the 27th Annual Meeting of the Industrial Hygiene Foundation entitled "The Growing Importance of Industrial Hygiene." *Id.* In this paper, Mr. Harper discussed the importance of companies setting up well-planned industrial hygiene programs. Clearly, as these excerpts from his presentation demonstrate, Mr. Harper was keenly aware of the purpose of an industrial hygiene program and the way to implement such a program so that management and employees would embrace it for their mutual benefit:

Industrial hygiene today, concerned as it is with man, animals, property, and vegetation, is awesome in scope and challenging in responsibility. Its pattern over the years has been transformed from one of curative medicine to that of prevention of occupational illness, injury and damage.

* * *

Success in this field requires that management fully understands the scope and importance of industrial hygiene, the need for a well-planned program, and the benefits which can be achieved.

* * *

A most important primary step is for management to make its endorsement of an industrial hygiene program known throughout the company so that all workers are aware of the interest and support backing the effort. Next, the atmosphere and contacts which form the over-all environment created by the very existence of the work site must be examined and understood.

* * *

While such a wide scope of responsibility is staggering, it presents no challenge that cannot be overcome by a management willing to take direct action wherever possible while overseeing the job to fulfillment. This requires a constant surveillance of man and his environment. The environmental facts must be recognized, measured, and thoroughly understood and, where necessary, controlled and changed to meet adequate health standards.

* * *

Perhaps the heart of an industrial hygiene program in the preventive sense is the building of a constant awareness of existent potential hazards. Because everyone at a work site is involved with atmosphere and contacts, this awareness can only be built up through mass employee communication. Industrial hygiene should be stressed in training programs, house organs, letter to employees, meetings, bulletin boards, and by any other communication methods used to reach the various levels of company personnel.

* * *

An employer has an obligation to provide a safe and healthful atmosphere for those he hires and should be solicitous toward the effect his working site has on the surrounding community.

Id.

4. Jeffrey Shockey

Jeff Shockey is Alcoa's corporate representative. By the 1940s, Alcoa had both a medical department and an industrial hygiene department. Shockey Depo., 11/29/12, at 27:18-21. Alcoa's industrial hygienist dating back to the mid-1940s was Lester Cralley, a "very reputable" and "pretty well-published" industrial hygienist in the industry. *Id.* at 26:3-27:7. Alcoa was a founding member of the Industrial Hygiene Foundation, and received its monthly publication that included abstracts of medical and scientific articles from around the world. *Id.* at 67:11-68:16. Alcoa has been a member of the National Safety Council since 1924, and receives their publication, the National Safety News. *Id.* at 71:6-25. Alcoa has long been at the cutting edge of knowledge about industrial hygiene and safety. *Id.* at 75:7-21.

Alcoa acknowledges that there were articles about asbestos exposure in the National Safety News going back to the 1930s. *Id.* at 72:20-73:3. Alcoa knows that occupational diseases are generally preventable. *Id.* at 30:12-20. It knows that asbestosis, lung cancer, and mesothelioma are fatal occupational diseases caused by exposure to asbestos. *Id.* at 32:5-33:11, 51:7-16. Mr. Shockey is personally aware of a number of Alcoa employees that have died from mesothelioma. *Id.* at 54:25-55:5.

Alcoa knew by the 1920s that asbestos exposure could cause asbestosis. *Id.* at 74:14-18. Alcoa knew by the 1950s that asbestos exposure could cause lung cancer. *Id.* at 74:19-23, 92:13-19. Alcoa knew by 1964 that asbestos exposure could cause mesothelioma. *Id.* at 75:22-76:4, 79:24-80:9.

Regarding the risk of mesothelioma, Alcoa was aware of a 1960 study reporting mesotheliomas in the asbestos mining industry in South Africa. *Id.* at 79:16-23. By 1964, Alcoa knew that light, intermittent exposure created a risk of mesothelioma and a number of other cancers. *Id.* at 81:14-82:7. Alcoa knew at that time that mesothelioma was a fatal disease. *Id.* at 84:4-19.

By 1964, Alcoa knew that relatively brief exposures to asbestos could cause mesothelioma:

Q. Okay. In 1964 Alcoa's industrial hygiene department became aware that light intermittent exposure to asbestos created a higher risk for mesothelioma, stomach, colon and rectal cancers; true?

A. Based on the work that Selikoff did I think Alcoa became aware that there was the potential for, beyond lung cancer, there was the potential for mesothelioma in end users that had intermittent exposure to asbestos based on, you know, what the job was, duration of the exposure, that sort of thing, so, yes, the Selikoff study was out, it was available, and they had access to that.

Shockey Depo., 4/19/12, at 46:20-47:9.

5. Additional reliance materials

In addition to the Alcoa depositions and documents already cited, I am also relying on the following Alcoa documents for my opinions about Alcoa's knowledge about asbestos hazards:

1	Book review of <i>Air Pollution Manual</i> , which produced by the Air Pollution Committee in 1960; includes handwritten notes.
2	Memo. Date: June 29, 1971. From: E. M. Fenner. To: G. E. Grimshaw. Subject: Alcoa – Pittsburgh, PA; molten metal marinite.
3	Handwritten plaintiff notes by someone named Jack. Dated 4-20-1978.
4	Handwritten memo. Dated Nov. 13, 1961.
5	Meeting minutes of the Industrial Hygiene Committee. Date: April 9, 1965
6	Confidential memo. From: H. A. Semken. Subject: Re: Potroom crucible repairs. Date: January 12, 1968.
7	Newspaper article attached to a memo. Title: New Cancer Cause Puzzle to Doctors. Date: December 26, 1967.
8	Confidential memo regarding crocidolite and asbestos cement. Date: January 16, 1968.
9	Unpublished company report regarding the environmental effects of asbestos. Produced by the Environmental Health Committee. Date: March 3, 1971.
10	Industry warning info regarding compliance with OSHA requirements for asbestos. Date: May 29, 1973.
11	Confidential memo. From: Ray Owen, Jr. To: T. B. Bonney and R. P. Carter. Subject: Reporting of asbestos concentrations to exposed employees. Date: March 28, 1974.
12	Memo. From: Thomas B. Bonney. To: Dr. M. O. Colwell. Subject: Point comfort – violations of asbestos standard. Date: December 9, 1974.
13	Memo. From: J. K. McClain. Subject: Safety. Date: 11-27-1977.
14	Government report of inspection attached to an internal memo. Report includes citations for various safety violations. Date: 12-12-1977.
15	Unpublished company report – asbestos survey. Lists asbestos-containing items in store catalogs. Date: 8-31-1978.
16	Unpublished company report – re: Tennessee operations, industrial hygiene audit.

	Date: 4-19-1979.
17	Memo. From: Thomas B. Bonney. To: Rolf Rolles. Subject: Joint interests – ACD, EC, and IH. Date: 4-23-1979.
18	Letter from E. E. Rumberger, Manager of Industrial Hygiene for Alcoa, to C. Wayne Bickerstaff, Manager of Industrial Hygiene & Safety for Westinghouse. Date: 6-25-1980.
19	Memo. From: T. I. Alkire. To: E. E. Rumberger. Subject: Asbestos in the workplace. Date: 7-29-1982.
20	Industry warning info attached to a memo. Title: Employee requests for documenting “potential” work exposures – action guidelines. Date: 2-24-1983.
21	Memo. From: E. E. Rumberger. Subject: Asbestos exposure and potential health hazard. Date: 6-15-1983.
22	Unpublished company report. Title: Industrial Hygiene Technical Bulletin Re: Asbestos Exposures. Date: 7-14-1983
23	Confidential memo. From: E. Brooks Parker. To: W. T. Washam, M.D. Title: Medical surveillance for asbestos exposed workers. Date: 9-20-1983.
24	Industry warning info. Lists the number of employees at different locations being periodically screened for asbestos exposure. Date: 1985.
25	Memo. From: C. F. Fetterolf. Subject: Asbestos. Date: 1-4-1989
26	Unpublished company reports attached to a memo. Titles: “Chemical release/land management special situation – asbestos management” and “TSCA section 8(c) and 8(e) awareness.” Date: 6-21-1993.
27	Company report. Title: Rockdale Operations Asbestos Management Plan. Date: 8-30-1996.
28	Deposition of Thomas B. Bonney, taken on 2-25-1998 in the case of Whatley v. Alcoa Power Marketing, et al., in the district court of Milam County, Texas, 20 th Judicial District, cause no. 25093. Includes some handwritten notes.
29	Deposition of Thomas B. Bonney, taken on 4-1-1998 in the case of Whatley v. Alcoa Power Marketing, et al., in the district court of Milam County, Texas, 20 th Judicial District, cause no. 25093.
30	Handwritten notes, author unknown, no date.
31	List of IHF members from 1937-1976
32	OSHA regulations, effective 7-1-1958. Title: Maximum permissible concentrations of atmospheric contaminants in places of employment.
33	Handwritten notes on 4-1-1998 Bonney depo.
34	Memo. From: J. W. Smythe of the metallurgical dept. To: F. H. Regehr. Subject: Visist by Vernon Health Dept. Date: 1-16-1962.
35	Draft report attached to a memo. Title: Removal of asbestos-containing products. Dated 10-20-1982.
36	Scientific article abstracts published in the Industrial Hygiene Digest, June 1953. Both of the abstracts discuss the relationship between asbestos and lung disease or lung cancer.
37	Scientific article abstract published in the Industrial Hygiene Digest, September 1955.

	Title: Mortality from Lung Cancer in Asbestos Workers.
38	Scientific article abstracts published in the Industrial Hygiene Digest, February 1956. Titles include: "Carcinoma of the Lung in Asbestosis: Report of Two Additional Cases," and "Asbestosis and Pulmonary Carcinoma in an Asbestos Spinner: Notes on the Induction of Lung Cancer by Asbestos Fibers."
39	Scientific article abstracts published in the Industrial Hygiene Digest, September 1956. Almost all the titles related to asbestos-related illness.
40	Scientific article abstracts published in the Industrial Hygiene Digest, March 1960. Several titles discuss either silicosis or asbestos-related illness.
41	Scientific article abstracts published in the Industrial Hygiene Digest, May 1964. Includes a Selikoff article titled "Asbestos Exposure and Neoplasia."
42	Scientific article abstracts published in the Industrial Hygiene Digest, January 1966. None of the articles appear to directly relate to asbestos.
43	Scientific article abstracts published in the Industrial Hygiene Digest, September 1966. Includes several abstracts discussing asbestos-related illness.
44	Scientific article published in The Ohio State Medical Journal. Title: Occupational Cancer. Date: September 1959. Appears to be a literature review, not a study.
45	Scientific paper published in the Archives of Environmental Health, May 1971. Title: An Experimental Approach to Study the Toxicity of Nonparticulate Air Pollutants. Dr. Dinman is among the authors.
46	Editorial by Dr. Dinman. Title: the necessity for civil disputation. Date unknown.
47	Memo. From: E. E. Rumberger. Subject: Coatings and paint containing constituent asbestos. Date: 7-6-1982.
48	Unpublished report attached to a memo. Report contains sampling data from atmospheric tests. Tests conducted in 1961, memo dated 1-24-1962.
49	Letter. From: Kenneth W. Smith, M.D., Medical Director of Johns-Manville. To: Alcoa (name unintelligible). Date: 8-12-1964.
50	OSHA form certifying abatement of citations at Alcoa. Date: August 1978.
51	OSHA inspection results. Eight citations were issued to Alcoa for violations at Warrick Operations. Date: 3-28-1973.
52	Letter. From: Bonney(?). To: Dr. K. W. Smith at Johns-Manville. Discusses marinite. Date: 8-21-1964
53	Letter. From: Dr. Kenneth W. Smith, Medical Director of Johns-Manville. To: Thomas Bonney of Alcoa. Date: 8-27-1964.
54	Memo. From: H. N. Mueller, Safety and Health Administrator of Rockdale Works. To: D. D. McGregor, Works Manager for Rockdale Works. Subject: Safety and health committee meeting. Date: 8-15-1976.
55	Excerpt from "Pittsburgh and Beyond: The Experience of the Jewish Community – A Guide to the NCJW Pittsburgh Section, Oral History Collection." Includes a summary of an interview of Bertram David Dinman, conducted in 1994. Doc dated 2002.
56	Letter. From: Leroy Gardner, M.D. To: Dr. Francis Frary, Alcoa. Date: 3-19-1941.
57	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Mostly discusses research pertaining to aluminum manufacturing and aluminum hydroxide. Date: 3-21-1941.

58	Letter. From: Dr. Leroy Gardner, MD. To: Dr. Francis Frary. Discusses silica testing in animals. Date: 3-25-1941.
	<i>There is no document in the folder numbered 59</i>
60	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses specs for an aluminum ball mill. Date: 9-24-1941.
61	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses risk of dust aggravating tuberculosis. Dated 9-25-1941.
62	Letter. From: Dr. Leroy Gardner. To: Dr. Francis Frary. Dated 9-26-1941.
63	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses funding for experiments on inhalation of aluminum dust. Date:10-3-1941.
64	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses experiments on effects of rabbits inhaling alumina dust. Date: 12-17-1941.
65	Letter. From: Dr. Leroy Gardner. To: Dr. Francis Frary. Date: 12-19-1941.
	<i>There is no document in the folder numbered 66</i>
67	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses silica inhalation experiments. Date: 7-13-1944.
68	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Discusses conducting more silica experiments. Date: 7-24-1944.
69	Letter. From: Dr. Leroy Gardner. To: Dr. Francis Frary. Discusses a paper on silicosis arising from silicon alloy manufacturing. Date: 7-20-1944.
70	Letter. From: Francis Frary. To: Dr. Leroy Gardner. Date: 10-19-1944.
71	Letter. From: Dudley Irwin. To: Dr. Leroy Gardner. Discusses a case in which Dr. Gardner was asked to testify but was later canceled. Date: 1-9-1945.
72	Letter. To: Dudley Irwin, Medical Director of Alcoa. From: Dr. Leroy Gardner. Date: 1-22-1945.
73	Letter. From: Dr. Leroy Gardner. To: Dr. Francis Frary. Discusses experiments involving the injection of silica into guinea pigs. Date: 4-26-1944.
74	Letter. From: Herbert L. Davis. To: F. C. Frary. Discusses therapeutic uses of aluminum foil. Date: 1-3-1949.
75	List of attendees to a meeting about silicosis in 1935 attached to an extended memo by Vandivep Brown. Date: 1-18-1935.
76	Scientific paper titled "Pneumoconiosis: A Study of 379 Cases," written by Harry B. Williams and published in the Medical Bulletin of the Veterans' Administration. Date: 1942.
77	Memo. From: G. D. Dickson. To: Dr. Lester Cralley. Subject: Safety clothing and equipment. Date: 7-2-1948.
78	Unpublished internal report. Title: Report of Industrial Hygiene made for United Staten Asbestos Division of Raybestos-Manhattan, Inc. Date: 3-14-1944.
79	Conference proceedings on foundry practice. Title: Health Protection in Foundry Practice. Only has a cover page. Date: 1952.

"FURTHER AFFIANT SAYETH NOT."

Dated: November 12, 2018

Barry Ira Castleman, Sc.D.