

1 which is in re: All Asbestos Cases.

2 John D. McAllister, after having first been
3 duly sworn was examined and testified as follows:

4 Page 17.

5 READING OF DEPOSITION OF JOHN D. McALLISTER

6 TAKEN ON MARCH 30, 1983

7 (Whereupon, the questions were read by Mr.
8 Smith and Ms. Tostanoski and the answers were read by
9 Mr. Ignatowski.)

10 BY MR. SMITH:

11 Q Mr. McAllister, from your resume -- excuse
12 me.

13 I understand, Mr. McAllister, from your
14 resume that you were employed by Owens-Illinois from
15 1948 to 1952?

16 A That is correct. Let us backtrack just a
17 second. The start of employment with Owens-Illinois
18 was 1947, not 1948.

19 Q Mr. McAllister, when did you first become
20 aware of the disease process asbestosis?

21 A As a possible disease process, I became

1 aware of it when I was working for Owens-Illinois as
2 an outshoot from the known hazards of silicosis
3 resulting from inhalation of crystalline silica
4 particles.

5 Q And when, if at all, did you first become
6 aware of research regarding lung diseases that were
7 done at the Saranac Laboratories in New York?

8 A In my employment at Owens-Illinois, there
9 were periodic staff meetings at which were reported
10 research and development results and findings.

11 One such report involved a brief summary of
12 an ongoing investigation involving potential
13 respiratory hazards resulting from inhaling
14 diatomaceous earth, which was one of the calcium
15 silicate raw materials used in the Berlin Kaylo
16 manufacturing operation.

17 Q What did you do while you were at Owens-
18 Illinois to familiarize yourself with the raw
19 materials used there?

20 A I was hired as a plant chemist to start up
21 the Sayreville plant at some point in the future.

1 As plant chemist, my areas of responsibility
2 were raw materials characteristics and control as they
3 might affect the process and product characteristics.

4 I made fairly extensive literature searches
5 on all raw materials used in the process.

6 Q Could you describe the nature of your
7 initial duties at Owens-Illinois?

8 I know you have touched on that before, but
9 go into a little more detail.

10 A I was hired at Owens-Illinois, as I said, to
11 be a plant chemist at the Sayreville plant when it
12 went into operation.

13 There was a period of about a year and a
14 half in which I served as a research and development
15 engineer mixing small trial batches of Kaylo, calcium
16 silicate using different raw material sources.

17 At the same time in conjunction with those
18 trial batches, the characteristics, the physical and
19 chemical characteristics of the individual raw
20 materials and raw material sources being investigated
21 were made.

1 This included materials such as quick and
2 hydrated lime, various sources of diatomaceous earth,
3 natural diatomaceous earth as opposed to calcine
4 diatomaceous earth, clay, amosite, chrysotile
5 asbestos, various finenesses of silica flour.

6 Q And where were those duties performed that
7 you described?

8 A In the Berlin plant.

9 Q Again, what products were made there at that
10 point in time?

11 A The Berlin plant at that point in time
12 produced a mix line of pipecovering, insulating block,
13 fireproof door core material, and some experimental
14 batches of roof tile.

15 Q Now, which, if any, of those products
16 contained asbestos?

17 A They all contained asbestos.

18 Q And what type of asbestos was that?

19 A It varied from time to time, but typically
20 all of the products contained both chrysotile and
21 amosite asbestos.

1 Q And --

2 A The proportions varied depending on the
3 slurring characteristics.

4 Q What about the insulation block that you
5 described? Did that contain both types?

6 A As I said earlier, all products contained
7 both types of asbestos.

8 Q And would you have any knowledge as to the
9 sources of that asbestos?

10 A The chrysotile asbestos was obtained from
11 most of the United States' Canadian sources then in
12 existence.

13 As I remember them, they were
14 Johns-Manville, National Gypsum, and Ruberoid.

15 The amosite asbestos was purchased from
16 these sources as I remember them. Union Asbestos and
17 Rubber, Turner & Newall, Cape Asbestos, and various
18 asbestos brokers.

19 Q And the name of the insulation block was
20 Kaylo?

21 A Kaylo.

1 Q Can you describe the products by which that
2 insulation block was made at the Berlin plant while
3 you were there?

4 A Typically a water slurry was formed by
5 adding asbestos, either quick or hydrated lime,
6 diatomaceous earth, and silica flour.

7 That water slurry was then pumped by hose
8 into a rectangular pan-type mold of the appropriate
9 width and length and thickness to form a product which
10 varied primarily in thickness from inch and a half
11 thick to as much as three and a half inches thick.

12 Typically the length and width dimensions
13 were 18 and a quarter inches wide by 36 and a half
14 inches long.

15 Q And what happened after that?

16 A That product, that pan, that mold containing
17 the slurry was placed on a car along with other molds
18 of similar fill and the car was pushed along with
19 other cars into an autoclave in which the product was
20 exposed to temperatures in excess of 325 degrees and
21 steam pressures in excess of 125 pounds per square

1 . inch gauge, and the lime and silicious materials were
2 reacted under those conditions to what was deemed to
3 be complete reaction.

4 Typically that time period was five to eight
5 hours at saturated steam pressure.

6 The autoclave was vented. The cars
7 containing the product were transferred from that
8 autoclave to a hot hair drier, the excess water driven
9 off to dry the product out, at which point in time the
10 product was stripped in the mold pan and finished the
11 final dimension in a finishing process involving end
12 trimming and side trimming with band saws and
13 thickness surfacing with a high speed router, after
14 which the finished and fully dimensioned product was
15 packed in cartons for sale.

16 Q Now, what, if any, equipment -- what, if
17 any, dust control equipment did you observe in
18 operation at the Berlin, New Jersey, plant of
19 Owens-Illinois at that time?

20 A On the mixing floor starting out from
21 receipt of raw materials, those men involved in

1 unloading and handling raw materials from railcar or
2 truck to storage warehouse wore pneumoconic
3 preventive respirators.

4 The material on the arresting floor for
5 batch purposes was handled by batch mixers, mixing men
6 who also wore respirators.

7 Q The same type of respirator?

8 A The same type of respirator. In those
9 instances where amosite asbestos was being used and
10 mixed, that amosite asbestos was put through an
11 attrition mill or hammer mill to open up the bundles
12 of fibers.

13 The men who serviced those mills and handled
14 and processed that asbestos wore the same type of
15 respirator.

16 In the finishing operation or as the molded
17 product was trimmed to final dimension, the men
18 operating the saws wore such respirators.

19 Additionally, in the finishing operation at
20 all cutting points, there were air handling dust
21 collecting systems installed, which took the dust kerf

1 loss from such cutting operations to a bag-type
2 collector, dust collector.

3 Q Was this a vacuum-type of dust control?

4 A Yes.

5 Q And you were at -- if I understand your
6 testimony correctly, you were at the Berlin, New
7 Jersey, plant from --

8 A 1947 through the start of the Sayreville
9 plant which, I believe, was late 1948 or early 1949.

10 Q At that point did the nature of your work
11 and duties change at that point?

12 A At what point?

13 Q I am sorry. After the startup of the
14 Sayreville plant.

15 A Yes. Upon startup of the Sayreville plant,
16 I moved from the Berlin operation to the Sayreville
17 operation and my duties changed from that of research
18 and development engineer to that of initially plant
19 chemist.

20 Subsequent to having operated as plant
21 chemist, I also became supervisor of the batching

1 department and the forming or processing departments.

2 Q Now, what products were made at Sayreville
3 while you were there?

4 A Initially roof tile and fireproof door core
5 material and light density block insulation.

6 Later on just prior to the shutdown of the
7 Sayreville plant, pipecovering was also made at
8 Sayreville in limited quantities.

9 Q Did that pipecovering have any particular
10 trade name?

11 A The entire product line, block and pipe, was
12 called Kaylo.

13 Q Now, of the products that were manufactured
14 there, which, if any, of those products contained
15 asbestos?

16 A They all did.

17 Q What type of asbestos did they contain?

18 A The same types of asbestos as reported for
19 the Berlin plant. Mixtures of chrysotile and
20 amosite.

21 Q And would the sources of that chrysotile and

1 amosite be the same as you have already testified to?

2 A Subject to market availability conditions,
3 yes.

4 BY MS. TOSTANOSKI:

5 Q Now, could you describe the process by which
6 the pipecovering block was made?

7 Well, first, insofar as the block material
8 that was made there, did that process differ from the
9 process that you had observed at Berlin?

10 A Yes. It involved an intermediate step which
11 took the slurry, the liquid slurry which had been cast
12 and panned and put it through a medium temperature
13 steam atmosphere to give it a hardening effect, after
14 which reaction the product in the mold pans was put
15 into the ware cars and subsequently processed.

16 Essentially the same as that at the Berlin
17 plant.

18 Q Did the Sayreville plant have the same dust
19 control equipment and availability of respirators as
20 you have described with respect to the Berlin plant?

21 A The Sayreville plant, because it was newer

1 and designed specifically for the purpose, had
2 additional dust collecting equipment that was not
3 available at Berlin.

4 Q What was that additional equipment?

5 A That additional equipment involved dust
6 collection systems for the raw materials storage areas
7 and bins, inasmuch as the raw materials at Sayreville
8 in main were received in bulk, rather than in bag
9 form.

10 Respirators were available of the same type
11 at Sayreville as had been made available at Berlin.

12 Q With respect to the process for
13 manufacturing pipecovering which you observed at
14 Sayreville, to what extent did that differ from the
15 process for producing the Kaylo block there, if it
16 did?

17 A Pipecovering molding operations were hand
18 operated, involving hand-held hydraulic hoses to
19 transmit the slurry to the mold forms.

20 And after indurating and drying, the product
21 was stripped from those molds by hand, whereas all of

1 the block products, all of the rectangular products
2 made at Sayreville were handled automatically by
3 equipment rather than by hand operation.

4 Q Was the finishing process for the Kaylo
5 block -- pipecovering the same as the -- similar to
6 the finishing process for the Kaylo block?

7 A Similar in that the molded pieces were ends
8 trimmed and edge trimmed to final dimensions through
9 the same general types of band saw cutting equipment.
10 Different in that the block material lost a
11 great deal more of the product in the finishing
12 operation by virtue of the routing operation that
13 brought the material to the appropriate design
14 thickness from that as molding.

15 Q Was the same dust control equipment in
16 operation with respect to the finishing operation for
17 the pipecovering as you have described with respect to
18 the finishing operation for the block?

19 A Yes.

20 MR. SMITH: Gerry, I would like to read the
21 next question and answer.

1 BY MR. SMITH:

2 Q And were the special kind of respirators
3 that you have mentioned, the pneumoconiotic, if I
4 pronounced that correctly, were they also available
5 and used for that -- for the trimming and slitting and
6 the finishing of the pipecovering material?

7 A Yes, that very kind.

8 MR. SMITH: Thank you.

9 BY MS. TOSTANOSKI:

10 Q Now, when, if at all, did you first become
11 aware of any studies concerning a possible
12 relationship between exposure to asbestos and cancer?

13 A About a year prior to Selikoff's
14 publications of his findings on an investigation of
15 the asbestos workers from the New York and Brooklyn
16 shipyard area.

17 Q So that would have been approximately 1963?

18 A I believe that Selikoff published in '64 and
19 this would have been a year prior to that, if my dates
20 for Selikoff's publications is correct.

21 MR. SMITH: We would like to read a couple

1 of more questions.

2 BY MR. SMITH:

3 Q And what was your understanding as to the
4 results of that study that you mentioned?

5 A It is my understanding that Selikoff's paper
6 established the relationship between asbestos in the
7 lung and at that point in time a relatively unknown or
8 little known form of cancer called mesothelioma.

9 This was my first exposure to that term.

10 Q If I understand your answer correctly, you
11 first learned of the disease process asbestosis prior
12 to joining Ehret Magnesia in 1952?

13 MR. SMITH: Then there is an objection.

14 BY MR. SMITH:

15 Q When did you first learn of the disease
16 process asbestosis as distinguished from
17 mesothelioma?

18 A I learned of the potential for asbestosis
19 while I was with Owens-Illinois.

20 MR. SMITH: Page 76.

21 BY MR. SMITH:

1 Q Mr. McAllister, did you ever observe the
2 installation of thermal insulation material?

3 A Many times.

4 Q Where did you observe that?

5 A During the construction of the Sayreville
6 plant for Owens-Illinois, during the modification of
7 the Valley Forge plant of Ehret Magnesia, and in many,
8 many field trips and construction sites since then.

9 Q Have you ever observed the cutting of
10 pipecovering on a jobsite?

11 A Yes.

12 Q Is that part of the normal use of the
13 product?

14 A Yes.

15 MR. SMITH: Page 98.

16 MS. TOSTANOSKI: This is the first question,
17 Your Honor, that I had an objection to.

18 THE COURT: Overruled.

19 BY MR. SMITH:

20 Q Isn't it a fact that your opinion as to the
21 potential hazards of asbestos insofar as it came from

1 the literature, came from trade journals rather than
2 from medical journals?

3 A Yes.

4 Q Isn't it also true that during the period
5 prior to Dr. Selikoff's report, you had never heard of
6 a report called the Fleischer-Drinker report?

7 A That is correct.

8 MR. SMITH: Page 195, please.

9 BY MR. SMITH:

10 Q With respect to the use of the term
11 potential, or the health hazard related to asbestos --

12 A Yes.

13 Q -- are you merely referring to the specific
14 work area or the plant area of which your experiences
15 were involved?

16 MS. TOSTANOSKI: Objection.

17 THE COURT: Overruled.

18 A A potential hazard of asbestosis is not
19 geographically limited.

20 Q Are you talking about finished products?

21 A I am talking about airborne asbestos. It

1 knows no boundaries.

2 If it is, in fact, airborne asbestos, the
3 potential hazard for asbestosis is wherever it is.

4 BY MS. TOSTANOSKI:

5 Q Could you describe briefly bearing in mind
6 the hour of the day the reason why one used asbestos
7 fibers in hydrous calcium silicates?

8 A The insulation products were subject to
9 physical damage breaking, cracking.

10 Asbestos was used as a reinforcing medium in
11 the formulation of calcium silicate, and 85 percent
12 magnesium.

13 And it had superior properties in that
14 regard, in that it resisted face change to extremely
15 high temperatures.

16 Q And based upon your rather extensive
17 experience at least during the 1950s, I take it there
18 was an absence of a satisfactorily commercially
19 feasible alternative to asbestos fibers at least to
20 the high temperature insulation?

21 A That is correct, to the best of my

1 knowledge.

2 Q You were familiar with the raw materials end
3 of the production of high temperature insulation for a
4 considerable amount of time.

5 Is it correct that as among the raw
6 materials asbestos was relatively expensive?

7 A Yes.

8 Q And, in fact, as even appears on Keene
9 Exhibit 14 which is your partially completed report,
10 it is correct, isn't it, that Owens-Illinois had tried
11 without success both to use glass fiber and a gas as a
12 substitute for asbestos fibers?

13 A As well as cotton linter, l-i-n-t-e-r, corn
14 stalks, paper pulp, yes.

15 Q And regrettably, none of them worked
16 satisfactorily as well as asbestos fibers did at that
17 time?

18 A That is correct. And if I may digress
19 briefly, the original formulation for 85 percent
20 magnesia was developed in the late 1800s using silk as
21 a reinforcement fiber.

1 It was not until that silk was replaced with
2 asbestos that 85 percent magnesia was a commercially
3 acceptable product for use at temperatures above 200
4 degrees Fahrenheit.

5 Q In the period roughly 1947 to 1948 you were
6 in quality control, involved in product development of
7 hydrous calcium silicate for Owens-Illinois?

8 A That is correct.

9 Q At the Sayreville plant, the pipe insulation
10 manufacturing which you described was just prior to
11 the plant shutdown in 1952 and was rather limited in
12 time and amount?

13 A Correct.

14 Q In addition to its having certain high
15 temperature properties hydrous calcium silicate, which
16 you indeed, helped to develop, at least at AEM was
17 relatively less friable than some of the other
18 asbestos insulation materials which had been earlier
19 in use, such as 85 percent mag.

20 A Yes.

21 Q Sometime around 1958 you became familiar

1 with a concept called the threshold limit value?

2 A I was familiar with that term as applied to
3 other hazardous chemicals.

4 Q Right.

5 A Prior to 1958.

6 Q And in 1958, and I apologize because you had
7 corrected me earlier, you became familiar with it as
8 applied to asbestos particles?

9 A I became aware that a threshold limit value
10 had been established by someone for asbestos fibers
11 specifically.

12 Q And it was that TLV was then regarded as a
13 yardstick for a safe level of exposure; is that
14 correct?

15 A That is implicit in the term.

16 MS. TOSTANOSKI: Skip to 207.

17 MR. SMITH: It is 208.

18 MS. TOSTANOSKI: 208.

19 BY MS. TOSTANOSKI:

20 Q During the time you were employed by Owens-
21 Illinois, is it correct that you don't have any

1 recollection of any dust-related health problems among
2 the employees?

3 A At the time that I was employed by Owens-
4 Illinois, that is correct.

5 Q During that period of employment, if you
6 could, would you describe or characterize the
7 practices of Owens-Illinois with respect to the health
8 and safety of their workers?

9 A Owens-Illinois is a glass manufacturer who
10 was extremely cognizant of the hazards of silicosis.

11 Their company policy and practices in
12 relation to reducing exposure to silicosis hazards
13 throughout their entire corporate structure was quite
14 good and that applied to the Berlin plant and the
15 Sayreville plant as well as their glass plant.

16 MR. SMITH: That concludes the reading of
17 the deposition, Your Honor.

18 THE COURT: All right. Thank you.

19 MR. IGNATOWSKI: Your Honor, at this time we
20 have about seven or eight Owens-Illinois documents
21 that we want to finish up.

1 Mr. Smith and I will do that.

2 (Whereupon, the documents were published to
3 the jury via the overhead projector.)

4 MR. IGNATOWSKI: Mr. Smith, is this the
5 corrected version?

6 MR. SMITH: It is.

7 MR. IGNATOWSKI: Your Honor, this is the
8 document that we showed the other day that was retyped
9 that Ms. Tostanoski was unsure about.

10 We showed her a copy of the retyped version,
11 and it is now agreed that it is correct.

12 Is that correct, Ms. Tostanoski?

13 MS. TOSTANOSKI: That is correct.

14 MR. IGNATOWSKI: The interim report
15 regarding the biological activity of Kaylo dust.

16 This is our Exhibit OI-26.

17 It is to the Illinois Glass Company, Toledo,
18 Ohio, by the Saranac Laboratory, Saranac Lake, New
19 York, October 30th, 1948, submitted by Dr. Vorwald,
20 director to the Trudeau Foundation.

21 THE COURT: That is admitted in evidence.

1 (Whereupon, Plaintiffs' Exhibit Number OI-26
2 was received into evidence.)

3 PRESENTATION OF DOCUMENTS

4 MR. IGNATOWSKI: The laboratory has
5 recently completed a large amount of work with
6 asbestos, which has been reported to certain other
7 supporting companies, but not as yet published.

8 The following discussion of the problem is
9 drawn largely from that work, and we would request
10 that those comments be considered confidential.

11 It is felt that the following information
12 may be of aid to the Owens-Illinois health department
13 in formulating a safety program which certainly is
14 necessary in view of the results of this Kaylo
15 experiment.

16 Asbestosis, both in man and animals, is a
17 chronic, slowly developing peribronchiolar fibrosis,
18 which in late stages extends from the original site of
19 localization into the surrounding alveoli.

20 Down to the last paragraph.

21 Certain investigations have indicated that a

1 . seemingly negligible proportion of fibrous asbestos is
2 sufficient to produce the characteristic reaction.

3 It was found to be impossible to break up
4 all of the fibers and about 1 percent of the air
5 suspended dust consisted of fibers.

6 The characteristic peribronchiolar fibrosis
7 developed in the exposed animals after 40 months.

8 Thus it appears that very small numbers of
9 fibers are capable of producing asbestosis, although
10 the development of the lesions is delayed.

11 The present experiment with Kaylo is also an
12 example of this fact.

13 Conclusions, page 6, number 1. Kaylo,
14 because of its content of an appreciable amount of
15 fibrous chrysotile, is capable of producing asbestosis
16 and should be handled as a hazardous industrial dust.

17 The next is our Exhibit Number Owens-
18 Illinois 476. It is a special hazard survey prepared
19 for Owens-Illinois Kaylo division, Berlin, New Jersey,
20 April 28th and May 2nd, 1958, by the Aetna Life
21 affiliated companies.

1 THE COURT: It will be admitted in
2 evidence.

3 (Whereupon, Plaintiffs' Exhibit Number
4 OI-476 was received into evidence.)

5 MR. IGNATOWSKI: The purpose of this visit
6 was to determine the employee exposure to dust in
7 production operations.

8 Down to air sample number 3. Horizontal
9 splitting saw. Taken at the breathing level of the
10 operator separating the pieces as they came through
11 the saw. Taken between the user and the operator.
12 91.8 million particles per cubic foot of air.

13 Air sample number 4. Flatware finishing.
14 Charging end. Taken at breathing level of operator
15 feeding flatware to the trim saw. 46.3 million
16 particles per cubic foot of air.

17 Air sample number 6. Packaging. Taken at
18 the breathing level midway between the two men filling
19 boxes. 11.5 million particles per cubic foot of air.

20 Air sample number 3 -- and this is on page 3
21 -- shows a dangerously high count.

1 In the operation here, which is the
2 splitting of the flatware on a band saw, the men
3 removing the pieces separates the two pieces, and the
4 dust is due to this handling of the ware.

5 We feel that an exhaust system should be
6 installed which will remove this excessive dust from
7 the breathing area of the man.

8 We noted that this operator was not wearing
9 a respirator. Use of a respirator for this operation
10 should be mandatory.

11 Recommendations, Owens-Illinois Kaylo
12 division, Berlin, New Jersey.

13 A. Two respirators should be provided for
14 each employee exposed to dust so that one respirator
15 can be cleaned, checked, and sterilized while the
16 other is being used.

17 D. Respirators should be worn in all
18 dust-producing areas which include takeoff at the
19 splitter, charging at the flatware line, unloading
20 boxcars, molded stripping, between rubbers on flatware
21 line and packaging of flatware.

1 MS. TOSTANOSKI: Mr. Ignatowski, could you
2 go back and just read the introduction to number one?

3 MR. IGNATOWSKI: Right here?

4 MS. TOSTANOSKI: Yes.

5 MR. IGNATOWSKI: Number one. A review
6 should be made of the present respirator program in
7 order to bring it up to Owens-Illinois standards and
8 should include the following.

9 Is there anything else there, Ms.
10 Tostanoski?

11 MS. TOSTANOSKI: The only thing I had was in
12 the page before that which you probably don't have,
13 the last page of the report where it is signed.

14 MR. SMITH: Yes. I might have it. Hold
15 on.

16 MR. IGNATOWSKI: Which portion?

17 MS. TOSTANOSKI: The second to the last
18 paragraph.

19 MR. IGNATOWSKI: Right here?

20 MS. TOSTANOSKI: Yes.

21 MR. IGNATOWSKI: In discussing the X-ray

1 program, we find that production workers exposed to
2 dust are given X-rays once a year and for all other
3 employees once every two years.

4 X-rays are sent to Dr. Trido at Saranac Lab
5 for interpretation. There has been no reported cases
6 of either silicosis or asbestosis at this plant. J.M.
7 Robinson.

8 MS. TOSTANOSKI: Thank you.

9 MR. IGNATOWSKI: You are welcome.

10 The next is Exhibit Number OI-1065, Saranac
11 symposium, 6th, Saranac Lake, New York, 1947.

12 It is edited by Dr. Arthur J. Vorwald.
13 Pneumoconiosis. Leroy U. Gardner, Memorial Volume.

14 On page 595, it indicates Mr. Willis G.
15 Hazard of Owens-Illinois Glass Company, Toledo, Ohio,
16 as one of the participants in the 6th Saranac
17 symposium.

18 THE COURT: It will be admitted into
19 evidence.

20 (Whereupon, Plaintiffs' Exhibit Number
21 OI-1065 was received into evidence.)

1 MR. IGNATOWSKI: On page 569.

2 Maximum limits are prescribed for a great
3 variety of materials which -- with which I have no
4 familiarity, but it is my -- may I move up there, Your
5 Honor?

6 THE COURT: You may.

7 MR. IGNATOWSKI: I am having problems
8 reading this one.

9 But it is my earnest hope that these limits
10 have been arrived at on the basis of a better factual
11 and scientific background than exists in the case of
12 asbestos.

13 So far as I have ever been able to
14 ascertain, no one can state with certainty what is the
15 maximum allowable limit for asbestos dust.

16 I am certain no study has been made
17 specifically directed toward ascertaining this figure,
18 and I question whether there exists sufficient data
19 correlating the disease to the degree of exposure to
20 warrant any determination that will even approximate
21 accuracy.

1 That was presented by Mr. Vandiver Brown. I
2 just wanted that to be clear for the record from that
3 document.

4 MR. SMITH: I didn't put this on the
5 overhead, the sign-in sheet for the 7th Saranac
6 symposium.

7 MR. IGNATOWSKI: That is our Exhibit 1085,
8 7th Saranac symposium, September 24th, 1952, at the
9 Saranac Laboratory, Edward L. Trudeau Foundation,
10 Saranac, New York.

11 THE COURT: It will be admitted into
12 evidence.

13 (Whereupon, Plaintiffs' Exhibit Number 1085
14 was received into evidence.)

15 MR. SMITH: Here is the sign-in sheet for
16 the participants of the symposium. I didn't put it on
17 the overhead, but Mr. Hazard attended for
18 Owens-Illinois, and Mr. Ames, whose deposition we read
19 last week, attended for OCF.

20 MR. IGNATOWSKI: 9 a.m. to 1 p.m. and this
21 is on page 334, pneumoconiosis and pulmonary cancer,

1 chairman, Dr. Rhodes. Discussion led by E.R.A.
2 Merewether.

3 In 1948 I made a note of the deaths from
4 asbestosis, asbestosis with tuberculosis and either of
5 these with also cancer of the lung, recorded in the
6 United Kingdom from 1924 to 1947.

7 I have now brought these figures up to
8 date.

9 Our latest figures are recorded deaths from
10 asbestosis, asbestosis with tuberculosis, or either
11 complicated with cancer of the lung, with cancer, are
12 306.

13 I am excluding 10 of these where there is
14 also cancer of sites other than the lungs.

15 Our net figures are, therefore, 296 deaths
16 and of these 48 or 16.2 percent were associated with
17 cancer of the lung.

18 This shows an increase from a 13.2 percent
19 disclosed by our earlier figures. This means that, as
20 more deaths from asbestosis come to hand, the
21 cumulative percentage of deaths with complicating

1 cancer of the lung is rising rather than falling.

2 MS. TOSTANOSKI: I want to continue
3 briefly.

4 Now, where do we go from here? Are those
5 figures sufficient to indicate a causal relationship
6 between the retention of asbestos dust in the lungs
7 and subsequent cancer of the lung?

8 That is it.

9 MR. IGNATOWSKI: The small numbers certainly
10 dictate caution.

11 Nevertheless, they represent the great
12 majority of the deaths from asbestosis which have
13 occurred in the United Kingdom during the past quarter
14 of a century.

15 Anything else from that, Ms. Tostanoski?

16 MS. TOSTANOSKI: No.

17 MR. SMITH: Start on the first full
18 paragraph.

19 MR. IGNATOWSKI: Regarding these cancer
20 cases, the mean age of death I said was 53.4 years.

21 Now, the occupations involved are somewhat

1 interesting. They are always different, as you know,
2 because sometimes two occupations carried out in the
3 same room with different dust exposures or with other
4 different factors, but it is a little interesting to
5 see that the majority of these 48 cases, that the more
6 dusty the process, of course, it is most fallacious,
7 but still to watch with care, for instance, weaving.

8 Weaving is notoriously dusty. One case
9 there with 10 of these cancer lung cases. One case
10 also associated with carding and spinning that the man
11 had done and one case mixing and sorting,
12 disintegrating and mixing, either -- well, eight pipe
13 and boiler coverers, including mixing, seven, in
14 mattress making, six, and all the rest are below that
15 and all of those are dusty jobs.

16 MS. TOSTANOSKI: Continuing with the next
17 couple of sentences.

18 MR. IGNATOWSKI: Well, what, then, is the
19 etiological factor, if any here? And I would be most
20 grateful for your views.

21 MS. TOSTANOSKI: That is fine.

1 THE COURT: Is that it?

2 MR. SMITH: Yes.

3 MR. IGNATOWSKI: That is the end of the
4 documents.

5 THE COURT: All right.

6 (Whereupon, the documents were removed from
7 the screen of the overhead projector.)

8 THE COURT: Next, please.

9 MR. SMITH: Thank you, Your Honor.

10 At this time we would like to read another
11 deposition. Let me get organized here.

12 This is the deposition of John Thomas, and I
13 will hand Your Honor a copy.

14 THE COURT: Mr. Smith will be doing the
15 questions and Mr. Ignatowski the answers.

16 MR. IGNATOWSKI: Yes, sir.

17 THE COURT: And Mr. McGowan, do you have any
18 designations?

19 MR. MCGOWAN: Yes, I do, Your Honor.

20 THE COURT: All right. You will do your
21 designations.

1 MR. MCGOWAN: Yes.

2 THE COURT: Mr. Williams, do you have
3 designations?

4 MR. WILLIAMS: No, Your Honor.

5 THE COURT: Ms. Tostanoski?

6 MS. TOSTANOSKI: No, sir.

7 THE COURT: All right.

8 MR. SMITH: With the Court's permission,
9 Your Honor, we would like to give the jury a copy of
10 the documents that are referenced by Mr. Thomas in his
11 deposition.

12 THE COURT: Please.

13 MR. SMITH: We have individual folders for
14 each of the jurors.

15 THE COURT: Ladies and gentlemen, don't open
16 those until a reference is made to those specific
17 items during the course of the examination.

18 Obviously, with your notes -- leave those
19 with your notes on your seats as you leave the
20 courtroom. Don't take them out of the courtroom.

21 MR. SMITH: Thank you, Your Honor.