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SEP 12 1986

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AUG 28 9 37 AM '86

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIF.
SACRAMENTO

BY _____
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DEEDOC/SPTRAN
MAIL
DIRECT

IN RE ASBESTOS LITIGATION;
EASTERN DISTRICT OF CALIFORNIA:

MARCUS S. REEDER, SR.,

Plaintiff,

vs.

SOUTHERN PACIFIC TRANSPORTATION
COMPANY, et al.,

Defendants.

AND RELATION CROSS-CLAIMS.

CASE NO. CVS 84-416 RAR

RELATES ONLY TO NAMED
CASE

NO. CIVS 84-0968 RAR

SUPPLEMENTAL AFFIDAVIT OF
MEIER SCHNEIDER;
DECLARATION OF ROSS GILL;
DECLARATION OF PAUL
HAWKINS; DECLARATION OF
ALVA RANSFORD

DATE: September 10, 1986

TIME: 11:00 a.m.

DEPT: Hon. Judge Ramirez

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PLAINTIFF'S EXHIBIT

RR-1167

AFFIDAVIT OF MEIER SCHNEIDER

I, Meier Schneider, do declare and state as follows:

1. I am registered in the State of California as a professional engineer (P.E.) in both chemical and safety engineering, and am a Certified Industrial Hygienist (C.I.H.) in the chemical aspects and comprehensive practice of industrial hygiene. In addition, I am a Certified Safety Professional (C.S.P.) and possess a Masters degree in occupational and environmental health from California State University at Northridge. I am, of my own first hand knowledge, competent to testify as to the matters set forth herein.

2. In the course and scope of my practice as a health and safety professional, I have acquired a working personal knowledge of the chemical, physical and toxicological properties of asbestos as well as the safe handling procedures and mandates for individuals working with asbestos and asbestos containing products. In particular, I am knowledgeable of the risk assessment procedures necessary for the safety of individuals handling and working with high friction materials such as brake shoes and friction linings containing asbestos. In addition, I am knowledgeable as to the procedures and data set forth in the applicable literature necessary to substantiate the risk assessment of individuals exposed to asbestos containing friction products in the workplace.

3. The encapsulation of asbestos fibers in composition friction lining products that make up brake shoe material does not eliminate and prohibit the release and emission of

1 respirable asbestos fibers into the ambient air in the workplace
2 during the use or changing of said products. The decomposition
3 process of asbestos-containing brake lining material during
4 braking action releases from the lining asbestos fibers, fibers
5 that are not themselves destroyed by the heat generated thereby.
6 Subjecting railroad or motor vehicle asbestos-containing friction
7 products to braking action will result in the release of some
8 asbestos fibers.

9 I am familiar with the literature in the field of asbestos
10 and asbestos fiber control in friction products and can say that
11 it is recognized that during braking action fibers of asbestos
12 are indeed released from the lining material itself. Some of
13 these fibers enter the atmosphere and others combine with general
14 non-descript road dust, settle on the various parts of the trucks
15 and brake systems and are retained within the constituent pieces
16 of the brake equipment itself. These fibers pose a serious
17 potential health hazard to mechanics. The changing of railroad
18 or motor vehicle brake shoes is a procedure whereby these
19 residual asbestos fibers become disturbed and enter the breathing
20 zone of the mechanic. This potential health hazard confronts
21 both railroad and automobile mechanics who are involved in these
22 operations.

23 4. I acknowledge the distinction between asbestos-
24 containing industrial brake products and passenger vehicle
25 (car/truck) brake products. However, there is no distinction
26 between the two in terms of the release into the air of asbestos
27 fibers from decomposed asbestos-containing brake material or the
28 serious asbestos hazard to those working on the brakes. There is

1 a recognized asbestos health hazard working on any brake system
2 that incorporates and involves asbestos-containing brake lining
3 materials. Whatsmore, absent respirators, wet down procedures or
4 the use of various asbestos fiber recovery systems during the
5 replacement of brake shoes, residue from decomposed asbestos-
6 containing friction linings presents a health hazard to anyone
7 who might breathe the workplace air surrounding the operation.

8 I declare under penalty of perjury that the foregoing is
9 true and correct, executed this 24th day of August, 1986 at Los
10 Angeles, California.

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12 Meier Schneider
13 MEIER SCHNEIDER, Affiant
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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF _____

I, the undersigned, declare (check and complete applicable paragraphs):

- ☐ I am a party to this action. I have read the foregoing _____ and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief and as to those matters, I believe them to be true.
- ☐ I am an officer of _____ a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing _____ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.
- ☐ I am ☐ a partner ☐ a _____ of _____ a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing _____ and know its contents. The matters stated in it are true of my own knowledge, except as to those matters which are stated on information and belief and as to those matters, I believe them to be true.
- ☐ I am one of the attorneys for _____ a party to this action. Such party is absent from the aforesaid county where I/we have my/our office, and I make this verification for and on behalf that party for that reason. I have read the foregoing _____ and know its contents. I am informed and believe that the matters stated in it are true, and on that ground allege that the matters stated in it are true.
- ☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Executed on _____, 19____

Signature of Declarant

Type or print full name of Declarant and title, if applicable

ACKNOWLEDGMENT OF RECEIPT (other than Summons and Complaint)

The undersigned acknowledges receipt of a copy of the foregoing document on _____, 19____

Type or print full name and title, if applicable

Signature

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF L.A.

I, JUDY HOLLUK, am a resident of/employed in the aforesaid county, State of California. I am over the age of 18 years and not a party to the within action; my business/residence address is: _____

10351 Santa Monica Blvd. #406, L.A. CA 90025

On Aug. 26, 1986, I served the foregoing (Set forth the exact date of the document served.)

SUPPLEMENTAL AFFIDAVIT OF MEIER SCHNEIDER; DECLARATIONS

_____ on interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

See attached sheet

(check applicable paragraphs)

- ☒ (BY MAIL) I caused such envelope with postage thereon fully paid to be placed in the United States mail at L.A., California.
- ☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.
- ☐ (State) I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☒ (Federal) I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct, and that I am employed in the office of member of the bar of this Court at whose direction the service was made.

WOLCOTT'S FORM 814-Rev. 7-82 Executed on 8/26, 1986

WOLCOTT'S INC. 1984

Judy Holluk
Signature of Declarant