FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

MAY 19 1971

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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

CLARENCE BOREL)
(
VS.) CIVIL ACTION NO. 6449
(
FIBREBOARD PAPER)
PRODUCTS CORP. ET AL (

DEFENDANT'S SUMMARY OF FIRST PORTION OF
DEPOSITION OF DR. DANIEL E. JENKINS
TAKEN AUGUST 28, 1970

At the outset written interrogatories previously answered by the doctor were introduced.

Page 7 — Dr. Daniel E. Jenkins is now employed at Baylor University College of Medicine.

Page 8 — He has been practicing since 1940 and received his preliminary training at the University of Texas Medical Branch in Galveston. He interned at the University of Michigan and took an additional three years of hospital in service training and thereafter a year in pulmonary disease and an additional year in charge of the Pulmonary Tuberculosis Unit of the University of Michigan Hospital.

Page 9 — Thereafter he came to Baylor University in 1947 when he joined the Department of Medicine as an Assistant Professor of Medicine in charge of the Pulmonary Disease Section of the Department.

Page 10 — He is a member of numerous professional societies.

Page 11 — He practices medical specialty of internal medicine and specializes in pulmonary diseases.

Page 12 — He has written numerous articles in the field of his specialty.

Page 75 — VOIR DIRE EXAMINATION BY MR. WELLER
The doctor has not done any experimental work in relation to asbestosis. He has studied people with asbestosis.

Page 76 — He has not done any research or written any papers on asbestosis.

Page 77 — There has been a research project at this medical school regarding asbestosis.

Page 80 — He advised anyone with asbestosis to stop smoking. With respect to cigarette smoking he gave the following testimony:

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Q. Has it been established, Doctor, by medical and scientific studies that one who smokes is more predisposed to this disease than one who does not?

A. To certain aspects of the disease, yes.

Q. Could you enlarge upon that answer a little?

A. Well, I think the evidence, of which there is a great deal now, tends to show that those who smoke and who have an exposure to asbestos are more prone to develop lung cancer, and perhaps the asbestos may act as a co-carcinogen or a cooperative, sometimes synergistic, causative agent, you know, in the development of the cancer. The mechanisms by which these two act is not known, but because of the epidemiological studies which show the increased incidence, it's thought that these two tend to augment each other.

Page 92 — One article is entitled NEOPLASIA AMONG INSULATION WORKERS IN THE UNITED STATES WITH A SPECIAL REFERENCE TO INTRA-ABDOMINAL NEOPLASIA by Dr. E. C. Hammond, Dr. Selikopf and Dr. Churg reprinted from the Annals of the New York Academy of Sciences, Volume 132, Pages 519-525, December 31, 1965. Dr. Jenkins does not specifically testify that this particular article is authoritative.

Page 93 — The next article is entitled THE DETECTION AND LOCALIZATION OF MINERAL FIBERS IN TISSUE by Drs. C. Berkley, Churg, Selikopf and W. E. Smith reprinted from Annals of the New York Academy of Sciences, Volume 132, Pages 48-63, December 31, 1965. Dr. Jenkins describes what this article contains but does not ever testify that it is authoritative.

Page 94 — The next article is entitled RHEUMATOID FACTOR IN THE SERUM OF INDIVIDUALS EXPOSED TO ASBESTOS by Dr. Pernis Viglioni and Dr. Selikopf reprinted from the Annals of the New York Academy of Sciences, Volume 132, Pages 112-120, December 31, 1965. Dr. Jenkins states that he is acquainted with this article and it is one which makes a rather interesting observation about the presence of certain immune factors associated with pulmonary fibrosis which is secondary and goes along with asbestosis and Dr. Jenkins does not state that the article is authoritative but observes that this is simply an interesting laboratory observation which has very little specificity.

Page 97 — Next article is RELATION BETWEEN EXPOSURES TO ASBESTOS AND MESOTHELIOMA by Drs. Selikopf, Churg and Hammond reprinted from the New England Journal of Medicine, Volume 272, Pages 560-565, March 18, 1965. Dr. Jenkins did not testify that this article is authoritative.

Page 98 — Dr. Jenkins is acquainted with this article. It cites the epidemiologic evidence which has arisen from the 1,200 asbestos insulation workers and is a detailed

accounting of the occurrence of mesothelioma as they have arisen among these people.

Page 99 — Slides discussed. Mr. Weller took witness on voir dire. The doctor testified that he had studied the slides before that day and he knew the circumstances under which most of the slides were made. Some of the slides were not his own photographs but were taken from articles.

Page 100 — The first slide was taken from an article by Dr. Harriett Hardy published in the Transactions of the Association of American Physicians. The doctor was not quite sure of the year of publication but thought it was very close to 1966.

Page 105 — The next unidentified slide is discussed and was apparently prepared by an author in Finland. It is not related to asbestos construction workers.

Page 113 — Objection made to recitation of the written article or written material as being original evidence.

Page 114 — The next slide is a chart taken from one of the articles by Dr. Selikopf and the objection is again made that the article is the best evidence of its content rather than the doctor's recitation of it.

Page 117 — The next slide is from the same article which is DEATHS AMONG 632 ASBESTOS INSULATION WORKERS OBSERVED PROSPECTIVELY. The study was made from 1943 to 1967.

Page 123 — Cigarette smoking is discussed and Dr. Jenkins testified as follows:

THE WITNESS: I think this again is mainly from Hammond's work in association with Selikopf, but I can't give you the exact reference until we run those articles down. But it's during a 52 month period from January 1st, 1963, through April 30th, 1967.

By smoking habits -- here I think that you can see that you have various types of smoking habits, never smoked regularly, history of pipe, cigar smoking only, and then history of regular cigarette smoking, and this asterisk applies to all those workers with more than 20 years from the onset of exposure. So we are talking about people who, let's say, are doubly liable. They have smoked in this regard, and they have 20 years of exposure to -- the length of time from first exposure, observation is more than 20 years. I think it's pretty obvious here that number is much greater in those who have a history of regular cigarette smoking than it is -- probably five or six times greater than those who have never smoked regularly. Cigar, pipe smoking has little effect on it. It's cigarette smoking that obviously pushes the association in which the high figures relate. The observed deaths are insignificant in these groups, but are 24 in those who had a history of regular smoking, and the expected deaths, I

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think you can see here in this group is only about three, and here it's very small in these other groups.

MR. MEHAFFY: Are those figures for expected deaths weighted with reference to smoking habits, or are they the expected deaths in the population as a whole?

A. They are expected deaths in the population as a whole.

MR. MEHAFFY: That's a pretty good article against smoking cigarettes, but it doesn't make much difference about asbestosis.

A. No, asbestosis is confined experience. Where this may come in, in that very first slide I showed you the fact that there is a tremendous amount of asbestos that is being manufactured, and it's in all sorts of things. So the opportunity for exposure to your average individual is certainly greater. But I can't find evidence where anyone is really able to commit the population at large to a high exposure to asbestos. I don't think we have the evidence for this. However, just in random autopsies as they come there, we find these asbestos bodies quite frequently. I will show you an example of what I am talking about. Well, I think these figures simply show that the regular cigarette smoker who is also exposed to asbestos has a very high liability in developing carcinoma of the lung.

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TAKEN AUGUST 28, 1970

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