IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

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CLAUDE J. TOMPLAIT *	CIVIL NO. 5402
vs. *	HELD AT WINDSOR
COMBUSTION ENGINEERING, *	NOVEMBER 15, 1968
INC., ET AL *	
* * * * * * * * * * * * *	

Deposition of Dr. Edward F. Murphy, 1000 Prospect Hill Road, Windsor, Connecticut, taken on behalf of the plaintiff upon certain interrgatories pursuant to Notice before Miss Theresa M. Glowinski, a Notary Public within and for the State of Connecticut.

FILED
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James R. Cooney, Clerk, U. S. Court
By Margaret Trivers
DEPUTY

. . . Deposition of Dr. Edward F. Murphy, witness of lawful age, taken on behalf of the plaintiff in the above-entitled cause pending in the District Court for the Eastern District of Texas Beaumont Division, pursuant to Notice, before Miss Theresa M. Glowinski, a Notary Public, in and for the State of Connecticut, County of Hartford, in a Conference Room of the Legal Department of Combustion Engineering, 1000 Prospect Hill Road, Windsor, Connecticut, on Friday, November 15, 1968 at 2:15 p. m., at which time Mr. Dale K. Little, Esq. of the Combustion Engineering Legal Staff was also present.

D R. E D W A R D F. M U R P H Y, 18 Eastview Drive, Windsor, Connecticut, called as a witness, being duly sworn, testified as follows:

Q Please give your name, home address, office address, the name of your employer, and your exact position, giving title and responsibilities assigned to you.

A Dr. Edward F. Murphy, 18 Eastview Drive, Windsor, Connecticut, 1000 Prospect Hill Road, Combustion Engineering, Medical Director. I am responsible for pre-employment, and annual executive examinations of the employees of Combustion Engineering located in Windsor, and we take care of illnesses, accidents, and injuries that occur on the premises.

Q Have you done any studies or has your company conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using or being exposed to any of the asbestos materials manufactured by your company? In answer to this question, please give the date and nature of your studies, if any, the name or names of the persons conducting the studies and their address, what the purpose of the studies were, and attach a copy of any report based upon such studies, showing to whom such report was given and when.

A I have no knowledge in this area. I am unaware of any studies.

Q Have you or your company or any of its employees conducted studies designed to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the name or names of such persons conducting such studies, attach copies of reports of such studies, by whom they were made, and to whom they were given, and when, and state what action, if any, was taken based upon such studies in an effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company.

A I have no knowledge in this area. I have no knowledge.

Q In an article in the October 12, 1968 issue of the New Yorker magazine, it is stated, "He (referring to Dr. Irving J. Selikoff) wrote to several other large asbestos manufacturers in the United States, inquiring about the health experiences in their plants, and was unable to obtain information from any of them." Please state whether or not your company was one of the companies contacted by Dr. Selikoff in this regard and if it was, why you or your company did not furnish him with the information requested.

A I have no knowledge of this article. I don't know if Dr. Selikoff contacted this company or not.

Q Do you or your company have any regular inspection of areas where workers are using products manufactured by your company containing asbestos as to the dust count? If you do not, then please explain why this is not done, and if you do, please explain what action if any is taken by your company following the taking of dust counts at any of the locations referred to above. Also please give the dates if any that your company first started making this dust count.

A I have no knowledge in this area. I have no knowledge of whether this is done or not.

Q Do you or your company recognize that as early as the year 1900 Dr. H. Montague Murray, a physician in London's Charing Cross Hospital, found spicules of asbestos in the lung tissue? If you agree with this, then state what action if any your company has taken since 1900 to reduce or eliminate the dangers to those using your asbestos products from inhaling the dust and fibers.

A I am unfamiliar with Dr. Murray and his findings. I am unfamiliar with any actions taken by this company in regard to this question.

Q Do you or your company recognize that in 1924,

Dr. W. E. Cook, also of England, found clear evidence of asbestosis and that such discovery was published in the British Medical Journal of July 26, 1924, and re-published in 1927? If you do, then please state what action if any was taken by your company based upon these studies to reduce or eliminate asbestosis in those using your products. If your answer is that you do not recognize the truth of such statement, then please state what you or your company has done in an effort to keep abreast of medical literature concerning the disease produced from the products which you manufacture, if in truth you have.

A I am unfamiliar with the article published by Dr. Cook.

Q Do you or your company recognize that in 1931, an English Parliament passed legislation making asbestosis a compensable disease and requesting improved methods of exhault ventilation and dust suppression in asbestos-textile factories, and also instituted periodical medical examinations for workers engaged in particularly dusty processes in the asbestos-textile industry? If you do recognize the truth of the statement above, please state what action if any you or your company took in response to such knowledge in an effort to reduce or eliminate the effects of asbestos to those using your products. If you do not recognize the

truth of such statement then please state why you or your company did not keep in touch with legislation and programs adopted endeavoring to reduce or eliminate the disease of asbestosis in those using asbestos products.

A The answer would be: I am unfamiliar with this legislation. I am unaware of this legislation and have no knowledge as to what this company has done or has not done.

Q Do you agree that once asbestos fibers or dust are inhaled into the lungs there is no way to eliminate such dust or fibers from the lungs for the balance of such person's life?

A Yes.

Q What technique, if any, does your company use to make dust samplings, explaining the technique and when it was commenced and what the purpose was and what action has been taken in response to the findings as to the dust samples.

A I am unfamiliar with any techniques in this regard.

Q Do you or your company recognize that asbestos causes asbestos-induced lung cancer? If your answer is "Yes" when did you come to such realization and what action did you take in response thereto? If your answer is "No" then

please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of its dangerous nature.

A I am not aware that this is a proven fact.

Q Do you or your company recognize that there is a direct connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If your answer is "Yes" to this question, then please advise what notices were given to those exposed to your asbestos products of this fact.

A I am not certain that there is a direct connection.

Q Does your company place any warning signs on its asbestos products? If so, please state exactly what the warning is, where it is used and when its use was first begun. If your answer to this question is "Yes" then please explain why your company uses such warning notices.

A I don't know.

Q Do you agree that asbestos has been directly associated medically with the disease of cor pulmonale?

A Yes.

Q Do you or your company recognize that asbestos fiber exists for an infinity of years? In other words,

unlike some dangerous products, it does not eventually dissipate or reduce itself in danger to those who might be exposed to it?

A Yes.

Q Do you or your company recognize that year-by-year more asbestos is used in the United States and therefore, the public is being exposed to a greater and greater extent to the inhalation of asbestos dust and fiber? If your answer is "Yes" then please state what action you or your company have taken to reduce or eliminate this danger and what action, if any, you have taken to notify the public at large of this danger.

A I have no knowledge of this subject.

Q Do you know of Dr. Irving J. Selikoff of New Your?

A No.

Q Have you or your company consulted with Dr. Selikoff concerning asbestosis, and if so, please state when and under what circumstances and what information, if any, was furnished by your company, giving dates, to him.

A I don't know.

Q Does your company contribute any funds to research concerning asbestos and its relation to lung and larynx disease? If so, please state the amount of money

contributed, when and to whom, attaching any report or reports from such individual or organization to whom your funds were contributed.

A I have no knowledge of any contributions.

Q Do you have any labor inspectors or anyone from your company whose job it is to go to areas where your products are being used to make a dust level count, and if so, please state when your company started such procedure, the purpose of it, and what action, if any, was taken in response to your findings.

A Not to my knowledge.

Q Have you read or familiarized yourself with the hearing conducted in March 1967 before the House of Representatives of the United States Congress Sub-Committee on Labor?

A No.

Q Do you agree that the problem of asbestos dust extends further than to those merely using your products but that the exposure is shared with other construction workers as well?

A I am not aware of this.

Q If your answer to the preceding Interrogatory No. 22 is "No" then please state whether or not you have familiarized yourself with Dr. William H. Steward, Surgeon

General of the United States, testifying before the Committee mentioned above that probably three and one-half million construction workers are being exposed to asbestos dust in addition to those workers actually using the materials containing asbestos?

A I have not familiarized myself with Dr. Stewart's comments.

Q Do you recognize or agree that the problems of air laden with asbestos dust is so great that possibly millions of the people in the United States are being exposed to the inhalation of asbestos dust who have nothing to do with its use or application? If your answer is "Yes" then please advise what action your company has taken, if any, to advise the general public of the dangerous nature of asbestos and what steps have been taken to endeavor to protect the general public from the dangerous effects of the inhalation of the asbestos dust and fibers, when such action was taken, and what it consists of.

A I have no knowledge of the problem of air laden asbestos dust.

Q Is it possible with all of your products containing asbestos to distinguish your products from those manufactured by a competitor? If your answer is "Yes", please describe how you contend your products in all instances

can be distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the product manufactured by your competitor.

A I have no knowledge. I have no knowledge in regard to this problem.

Q It is true, is it not, that most of the products manufactured by your company containing asbestos will in most instances have to be cut, sawed, scribed, shaped or mixed by the ultimate user and his employees?

A I don't know what they do with them.

Q Please give the state of incorporation of your company, the date it was organized, and the domicile of your company at this time.

A I'm unfamiliar; I really don't know where it is incorporated. I don't know when it was organized, and I don't know what the term domicile means.

Q How many years has your company been engaged in the manufacture of products containing asbestos which are commonly used by insulators and asbestos workers?

A I don't know.

Q If you, your company or your company's attorney contend that any respirators or other breathing device is currently on the market that will prevent the inhalation of

asbestos dust and fibers, give the detailed description of such respirator or other breathing device, together with how you know this will prevent the inhalation of such dust and fibers, what tests were conducted, by whom and where, with sufficient detail to enable us to obtain the results of such tests.

A I have no knowledge in this field.

Q It is true, is it not, that your company has for many years manufactured insulating materials containing asbestos and that such products have been placed upon the open market to be purchased and used by the public.

A Combustion Engineering has made some recent acquisitions and so in the context of this question I would have to disagree.

Q Do you or your company recognize that such asbestos insulating materials are dangerous and harmful to human beings and to the health of man? If your answer to this question is "Yes" then please explain when you came to this conclusion and what, if anything, you have done about it to notify the public. If your answer is that your products are not harmful then explain what tests were made upon which you base such conclusion.

A I recognize that asbestos when improperly handled can be harmful to health, and so can most other

materials.

Q Please state whether or not you or your company has had knowledge of any deaths or serious lung disease among your employees or your company's employees which has been attributed to the inhalation of asbestos dust or fibers. If so, please give the number, the name where known, and address of such persons, together with the name and address of the doctor who administered treatment to such persons, if known.

A I have no knowledge of any deaths or serious lung diseases among our employees in this matter.

Q Assume for the purpose of this question that it has been known for many years that asbestos dust and fibers have been dangerous to human beings: Assuming the truth of such statement, has your company done anything prior to 1966 to notify any segment of the American population of such danger? If so, please explain what.

A I don't know.

Q If your company manufactures any insulating products which are commonly used by insulators and which contain asbestos, please describe how the following products are cut, shaped, mixed and applied on the jobs:

(1) Asbestos cement;

(2) Asbestos pipe covering;

(3) Asbestos bricks or blocks;

(4) Asbestos sheeting;

(5) Asbestos insulation used to cover extremes of heat as well as cold;

(6) Asbestos insulation in loose form which may be blown into homes or buildings,

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste. Then please state if there is any way known to you that the above products can be used and applied without the worker inhaling any of the asbestos dust or fibers.

A I have no knowledge as to how any of the listed products are cut, shaped, mixed or applied.

Q Do you have any statistical figures available showing the number of employees employed with your company who are exposed to asbestos dust and fibers and who have worked for your company twenty years or longer who have lung disease? If so please give such figures.

A No.

Q If you have available, do you have any medical information or information of your own knowledge, concerning the most common cause of death of one having asbestosis, then please describe what the most frequent cause of death

from one suffering from such disease is.

A I do not know what the most common cause of death of one having asbestosis is.

Q Please state the net profit made by your company for each of the years since and including the year 1960.

A I don't know.

Q Please give the net worth of your company as of the end of your annual accounting period for each of the years since 1960.

A I don't know.

Q Please give the total volume of sales of products manufactured by your company and include, if possible, the total amount of sales of products of your company containing asbestos for each of the years since 1960.

A I have no information on this regard.

Q Please give the name and address of the president of your company and also the Chairman of the Board of Directors.

A The president is: Arthur J. Santry, Jr. His address is 770 Park Avenue--I think--New York City, and I don't believe we have a Chairman of the Board of Directors at this time.

Q If in your answer to any of these interrogatories you state that you are not the one in your company having

knowledge of the matter inquired about in such question, please give the name and address of such person in your company who does know the answer.

A — I just don't know at all.

Q Have you talked with anyone about these questions before giving your deposition? If so, please state who, his position and what the conversation concerned.

A I spoke with Mr. Dale Little. He is a company lawyer, and he advised me that I should answer these questions as truthfully as possible.

Q Have you read or been shown these questions prior to them being asked you by the court reporter? If so, please state by whom, his position and when.

A Mr. Dale Little. He is a company lawyer, and when: that would be about one o'clock this afternoon.

Q In questions propounded previously, your attorneys have answered that you or your company did not make studies of the dangerous nature of asbestos. Do you agree with this? If you do, please state why no studies were made and what, if anything, your company did to determine the safe or unsafe nature of the products it manufactured containing asbestos. If you do not agree with this statement, please explain what studies were made and what efforts your company used to determine the safe or unsafe nature of the

asbestos products it manufactures.

A I have no knowledge as to whether this company has or has not made any studies.

Q In the previous interrogatories propounded to your attorneys, they have stated that your company does not recognize any connection between asbestos or products which you manufacture containing asbestos and the disease of asbestosis. If you disagree with this, please state that there is a connection and your company recognizes it. If you agree with his answer, then please state the medical basis for your conclusion and upon what studies you have based your answer and explain where the name of the disease "asbestosis" comes from.

A I feel that there is a connection between asbestos and asbestosis.

Q Your attorneys in interrogatories previously propounded have answered that your company believes that if properly handled and used, asbestos fibers will not be inhaled. Please explain in detail if you agree with this the proper handling and use which would result in the fibers not being inhaled. If you disagree with this, please state that you disagree with it affirmatively.

A I have no knowledge of how these products are handled or used.

Q If you have stated in the preceding answer that you agreed with your attorneys' statement that if properly handled and used, asbestos fibers will not be inhaled, please state whether or not any notices were given to those who might come in contact with asbestos fibers of the manner or method your company suggests which might prevent inhalation of such dust and fibers.

A I have no knowledge of any notices given by this company to those who might come in contact with asbestos fibers.

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Dr. Edward F. Murphy

Subscribed and sworn to before me this

20th day of November, 1968.

Notary Public

STATE OF CONNECTICUT)
) ss.
COUNTY OF HARTFORD)

I, Theresa M. Glowinski, a Notary Public within and for the State of Connecticut, do hereby certify that I took the deposition of Dr. Edward F. Murphy, as requested pursuant to Notice on November 15, 1968, at Combustion Engineering, 1000 Prospect Hill Road, Windsor, Connecticut, beginning at 2:15 o'clock p. m.

I further certify that said witness was by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting by me, and the foregoing pages contain a full, true, and correct transcription of all the testimony of said witness.

I further certify that I am not related to any of the parties hereto or their counsel, and that I am in no way interested in the outcome of said cause.

Dated at Hartford, Connecticut, this 18th day of November, 1968.

Theresa M. Glowinski
Theresa M. Glowinski
Notary Public

My commission expires
April 1972