IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil No. 5402
	:	
COMBUSTION ENGINEERING, INC., ET AL	:	
	:	
Defendant.	:	

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Interrogatories propounded to F. H. EDWARDS, Owens-Corning Fiberglas Corporation, First National Bank Building, P. O. Box 901, Toledo, Ohio, 43601, a witness to be produced, sworn and examined on the part of the above-named Plaintiff by Mr. Philip H. Gaines a Notary Public in and for the State of Ohio.

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MR. LOGAN: Prior to Mr. Edwards answering any questions I shall state for the record that Owens-Corning Fiberglas Corporation does now object to the form of all questions to be submitted to Mr. Edwards and Owens-Corning Fiberglas does further reserve all its rights and privileges to object at any time hereafter to the form of each and every question and to object on the grounds of relevancy, competency or materiality or other suitable grounds to the introduction of any question or answer thereto as evidence in the trial of this action.

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F. H. EDWARDS,

was by me first duly sworn, as hereinafter certified, and deposed and said as follows:

EXAMINATION

INTERROGATORIES:

Q1 Please give your name, home address, office address, the name of your employer, and your exact position, giving title and responsibilities assigned to you.

A1 Francis H. Edwards, 2530 Robinwood Avenue, Toledo,

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Ohio 43610, Owens-Corning Fiberglas Corporation, National Bank Building, 608 Madison Avenue, Toledo, Ohio 43601. Industrial Relations Specialist. Have supervised customer relations in the parameters of health and hygiene.

Q2 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.

A2 Neither I nor Owens-Corning Fiberglas has conducted such studies.

Q3 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.

A3 Neither I nor Owens-Corning Fiberglas, nor any Owens-Corning Fiberglas employee has conducted such studies.

Q4 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.

A4 Dr. Irving J. Selikoff did not request information from Owens-Corning Fiberglas about the health experience of our employees.

Q5 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, please explain what action if any is

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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.

A5 No. Owens-Corning Fiberglas customers for our asbestos-containing products are widely scattered throughout the nation. Considering the comparatively small application of our products, a program such as that suggested is not economically feasible.

Q6 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.

A6 I do not know of Dr. Murray's report.

Q7 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

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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.

A7 I do not know of Dr. Cook's work.

Q8 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.

A8 No. We do not produce or use asbestos textiles. Owens-Corning Fiberglas does not produce asbestos.

All of the asbestos purchased by Owens-Corning Fiberglas is introduced into a solid matrix before sale to the consumer and, as a result, creates little air-borne "fly".

Q9 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?

A9 I do not know.

Q10 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 is to the dust samples.

A10 Owens-Corning Fiberglas does not take air samplings.

Q11 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

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fact was indeed true and thereafter to take action to advise those exposed to your products of its dangerous nature.

A11 I do not know.

Q12 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.

A12 I do not know.

Q13 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 used such warning notices.

A13 Yes.

The label is stamped on the shipping cartons containing the product. The label was first used in February, 1967. The label states:

<u>This Product Contains Asbestos Fiber</u>

If dust is created when this product is handled, avoid breathing the dust.

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If adequate ventilation control is not possible, wear respirator approved by the U. S. Burea of Mines.

The statement on the label provides the reason for its use.

Q14 Do you agree that asbestos has been directly associated medically with the disease of cor pulmonale?

A14 I do not know.

Q15 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?

A15 I do not know.

Q16 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.

A16 I do not know.

Q17 Do you know of Dr. Irving J. Selikoff of New York?

A17 Yes.

Q18 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.

A18 Neither I nor Owens-Corning Fiberglas have consulted with Dr. Selikoff about asbestosis.

Q19 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.

A19 Owens-Corning Fiberglas has not contributed to research concerning asbestos and its relation to lung and larynx disease.

Q20 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.

A20 No.

Q21 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?

A21 If this question refers to the Occupational Health and Safety Act of 1968, I have not read nor familiarized myself with it.

Q22 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?

A22 I do not know.

Q23 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. Stewart, 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?

A23 I am not familiar with Dr. William H. Stewart's testimony.

Q24 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.

A24 I do not know.

Q25 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 that of a competitor.

If there are products which cannot be, in your opinion, 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.

A25 I do not know.

Q26 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?

A26 I do not know.

Q27 Please give the state of incorporation of your company, the date it was organized, and the domicile of your company at this time.

A27 State of Delaware; November, 1938; the National Bank Building, Toledo, Ohio.

Q28 How many years has your company been engaged in the manufacture of products containing asbestos and which are commonly used by insulators and asbestos workers?

A28 Since May, 1958.

Q29 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.

A29 We do not recommend any specific respirator except as noted on the label previously mentioned.

Q30 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.

A30 Owens-Corning Fiberglas has manufactured an asbestos-containing product since 1958.

Q31 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.

A31 I do not recognize the accuracy of the statement as made. Most toxic substances may be injurious to health only when the quantity of air-borne particulate exceeds certain levels over a period of time.

To my knowledge, there have been no studies or surveys to show that construction workers are exposed to excessive quantities of air-borne asbestos fibers.

Q32 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 addresss of the doctor who administered treatment to such persons, if known.

A32 Yes, Mr. Preston Dawson.

Employed by Owens-Corning Fiberglas, Berlin, New Jersey plant.

Other requested information unknown to me.

Q33 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.

A33 I do not accept the truth of the question as stated. Other activities of Owens-Corning Fiberglas in this area are previously noted.

Q34 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:

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(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.

A34 Owens-Corning Fiberglas manufactures cement, pipe covering, and blocks.

I am not familiar with the application of these products and do not know what operations are entailed.

To reduce or eliminate any air-borne particles use collection devices, respirators, wet-down dusty materials, maintain good housekeeping practices.

Q35 Do you have any statistical figures available show-

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ing 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.

A35 No. We have manufactured asbestos-containing products since 1958.

Q36 If you have available, do you have any medical information or information of your own knowledge, concerning the most common cause of death or one having asbestosis, then please describe what the most frequent cause of death from one suffering from such disease is.

A36 I do not know.

Q37 Please state the net profit made by your company for each of the years since and including the year 1960.

A37 The Owens-Corning Fiberglas Annual Report for 1967 shows net income for 1967 to be $14,813,182 and for 1966 to be $18,844,00.

Income figures for prior years are a matter of public record and are readily obtainable.

Q38 Please give the net worth of your company as of the end of your annual accounting period for each of the years since 1960.

A38 The Owens-Corning Fiberglas net worth as shown in the

1967 Annual Report is for 1967 - $210,874,538 and for 1966 - $179,899.184.

Similar figures for prior years are a matter of public record.

Q39 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.

A39 The Owens-Corning Fiberglas net sales for 1967 were $376,484,091 and for 1966 were $373,673,079. Sales of asbestos-containing products are not separately stated but are approximately $7,000,000 annually.

Q40 Please give the name and address of the president of your company and also the Chairman of the Board of Directors.

A40 Mr. John H. Thomas, President, River Road, Perrysburg, Ohio.

General Lauris Norstad, Chairman of the Board, 1920 Collingwood Avenue, Toledo, Ohio.

Q41 If in your answers 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.

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A41 I did not so indicate.

Q42 Have you talked with anyone about these questions before giving your deposition?

If so, please state who, his position and what the conversation concerned.

A42 Owens-Corning Fiberglas Staff Attorney, Robert L. Logan, Jr., gave me a copy of the interrogatory with instructions to discuss the questions with no one except himself.

Q43 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.

A43 Yes. See answer to previous question.

Q44 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.

A44 Yes, I agree.

Owens-Corning Fiberglas does not produce asbestos fibers. Owens-Corning Fiberglas purchases a comparatively small quantity of asbestos annually for use in our asbestos-containing products.

The asbestos in these products is embedded in a solid matrix so that "fly" is minimal.

Q45 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.

A45 I agree with the statement as made by the attorney.

My opinion is based upon the fact that the asbestos fibers in our asbestos-containing products are generally retained in the matrix, thus preventing excessive air-borne contamination.

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Q46 In answer to interrogatories previously propounded to your attorneys, they have stated that your company has no information or belief that prolonged use of its products containing asbestos fibers will cause asbestosis. Do you agree with this statement?

If you do, answer "Yes."

If you do not agree, answer "No." In either event, stat the medical basis for your answer.

A46 I agree with this statement.

It is my opinion that accepted threshold limit values are seldom, if ever, exceeded in the construction field.

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F. H. EDWARDS

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C E R T I F I C A T E

State of Ohio)
)SS.
County of Lucas)

I, Philip H. Gaines, a Notary Public within and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within-named witness, F. H. EDWARDS, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth in the cause aforesaid; that the testimony then given by him was by me reduced to stenotype in the presence of said witness, afterwards transcribed upon a typewriter; that the foregoing is a true and correct transcription of the testimony so given by him as aforesaid.

I do further certify that this deposition was taken at the time and place in the foregoing caption specified, and was completed without adjournment.

I do further certify that I am not a relative, counsel or attorney of either party or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Toledo, Ohio, on this 21 day of November, 1968.

Phil H. Gaines

PHILIP H. GAINES
Notary Public
in and for the State of Ohio

My Commission expires August 25, 1972.

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