IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT	
VS.	CIVIL NO. 5402
COMBUSTION ENGINEERING, INC., ET AL	

FILED
JAN 2 - 1969
M _____ 19___
James R. Cooney, Clerk, U. S. Court
By Margaret Driver DEPUTY

ANSWERS TO DIRECT INTERROGATORIES
M. C. PARMLEY

(ORIGINAL)

Taxable Costs: $ 37.50
Paid by Plaintiff

DAHL AND REED
COURT REPORTERS
HOUSTON FIRST SAVINGS BLDG.
HOUSTON, TEXAS

DEPOSITION SUBPOENA TO TESTIFY OR PRODUCE DOCUMENTS OR THINGS (Revised Oct. 1963) D. C. Form No. 9

United States District Court

FOR THE

SOUTHERN ~~EASTERN~~ DISTRICT OF TEXAS

HOUSTON ~~BEAUMONT~~ DIVISION

CIVIL ACTION FILE NO.

CLAUDE J. TOMPLAIT

COMBUSTION ENGINEERING, INC., ET AL

EASTERN DISTRICT OF TEXAS, BEAUMONT DIV.
5402

TO M. C. Parmley, 2825 West 11th Street, Houston, Texas

YOU ARE COMMANDED to appear at Johns-Manville Products Corporation, 2825 West 11th Street in the city of Houston, Texas, on the 23rd day December, 19 68 at 10:00 o'clock A. M. to testify on behalf of Plaintiff

at the taking of a deposition in the above entitled action pending in the United States District Court for the Eastern District of Texas, Beaumont Division and bring with you[1]

Dated 12-~~23~~, 19 68

Ward Stephenson
Attorney for Plaintiff
Orange, Texas
Address

V. BAILEY THOMAS
Clerk.
By _____
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to h_____ and tendering to h_____ the fee for one day's attendance and the mileage allowed by law.*
Dated: _____

_____, 19_____

By _____

Service Fees
Travel ..... $.....
Services .....

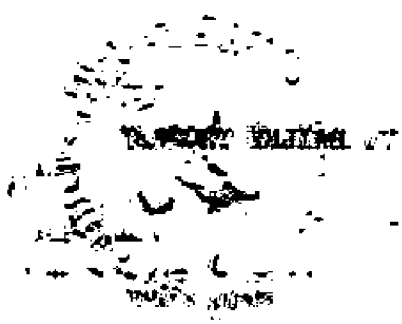
Total ..... $

Subscribed and sworn to before me, a _____ this _____ day of _____ 19_____

_____

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.



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

CLAUDE J. TOMPLAIT :

VS. : CIVIL NO. 5402

COMBUSTION ENGINEERING, INC., ET AL :

NOTICE

TO: Mr. Ben L. Reynolds
Royston, Rayzor and Cook
Attorneys at Law
877 San Jacinto Building
Houston, Texas 77002
Attorney for Defendant EAGLE-PICHER INDUSTRIES, INC.

Mr. John D. Kienstra
Attorney at Law
707 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant OWENS-CORNING FIBER GLASS CORPORATION

Mr. George A. Weiler
Attorney at Law
P. O. Box 350
Beaumont, Texas 77701
Attorney for Defendant FIBERBOARD PAPER PRODUCTS CORPORATION

Mr. Charles S. Pipkin
Attorney at Law
P. O. Box 1632
Beaumont, Texas 77704
Attorney for Defendants COMBUSTION ENGINEERING, INC. and REFRACTORY & INSULATION CORPORATION

Mr. George E. Duncan
Attorney at Law
Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant PITTSBURGH CORNING CORPORATION

Mr. Gordon R. Pate
Attorney at Law
1119 Beaumont Savings Building
Beaumont, Texas 77701
Attorney for Defendant JOHNS-MANVILLE PRODUCTS CORPORATION

Gentlemen: Please take notice that the deposition of

M. C. Parmley, District Manager, Houston District, Johns-Manville Products Corporation, Industrial Insulations Division, 2825 West 11th Street, Houston, Texas, will be taken on behalf of the plaintiff upon certain interrogatories, of which a copy is herewith served upon you, and such cross-interrogatories as may be served herein, before Dahl & Reed, Houston First Savings Building, Houston, Texas 77002.

STEPHENSON, THOMPSON AND MORRIS

By Ward Stephenson
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT	:	
VS.	:	CIVIL NO. 5402
COMBUSTION ENGINEERING, INC., ET AL	:	

INTERROGATORIES

Interrogatories to be propounded to M. C. Parmley, District Manager, Houston District, Johns-Manville Products Corporation, Industrial Insulations Division, 2825 West 11th Street, Houston, Texas, a witness to be produced, sworn and examined on the part of the above named plaintiff by Dahl and Reed, Houston First Savings Building, Houston, Texas 77002:

No. 1 Please give your name, home address, office address, the name of your employer, and your exact position, giving title and responsibilities assigned to you.

No. 2 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.

No. 3 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.

No. 4 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.

No. 5 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.

No. 6 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.

No. 7 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.

No. 8 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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manvil... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 7 of 37 asbestosclaims.law/library/10822/7

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.

No. 9 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?

No. 10 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.

No. 11 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.

No. 12 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.

No. 13 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.

No. 14 Do you agree that asbestos has been directly associated medically with the disease of cor pulmonale?

No. 15 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?

No. 16 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.

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manvil... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 8 of 37 asbestosclaims.law/library/10822/8

No. 17 Do you know of Dr. Irving J. Selikoff of New York?

No. 18 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.

No. 19 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.

No. 20 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.

No. 21 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?

No. 22 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?

No. 23 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?

No. 24 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.

No. 25 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",

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ACL Doc 10822 · Page 9 of 37 asbestosclaims.law/library/10822/9

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.

No. 26 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?

No. 27 Please give the state of incorporation of your company, the date it was organized, and the domicile of your company at this time.

No. 28 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?

No. 29 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.

No. 30 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.

No. 31 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.

No. 32 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.

No. 33 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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 10 of 37 asbestosclaims.law/library/10822/10

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.

No. 34 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.

No. 35 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.

No. 36 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.

No. 37 Please state the net profit made by your company for each of the years since and including the year 1960.

No. 38 Please give the net worth of your company as of the end of your annual accounting period for each of the years since 1960.

No. 39 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.

No. 40 Please give the name and address of the president of your company and also the Chairman of the Board of Directors.

No. 41 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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ACL Doc 10822 · Page 11 of 37 asbestosclaims.law/library/10822/11

No. 42 Have you talked with anyone about these questions before giving your deposition? If so, please state who, his position and what the conversation concerned.

No. 43 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.

STEPHENSON, THOMPSON AND MORRIS

By _____
Attorneys for Plaintiff
Stephenson Building
Orange, Texas 77630

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 12 of 37 **asbestosclaims.law/library/10822/12**

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

CLAUDE J. TOMPLAIT VS. COMBUSTION ENGINEERING, INC., ET AL	CIVIL NO. 5402

ANSWERS AND DEPOSITION OF M. C. PARMLEY, taken on behalf of the Plaintiff, to the accompanying direct interrogatories propounded to him in connection with the above styled and numbered cause, taken before G. E. Tatum, a Notary Public in and for Harris County, Texas, taken on the 23rd day of December, 1968, at Houston, Texas, pursuant to the notice attached hereto.

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 13 of 37 asbestosclaims.law/library/10822/13

M..C. PARMLEY,

being duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in answer to the direct interrogatories as hereinafter indicated, deposes and says as follows:

DIRECT INTERROGATORIES

QUESTION NO. 1:

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

ANSWER:

M. C. Parmley. My home address is 1564 Brashear, my business is 2825 West 11th Street, Houston, Texas. Johns-Manville, District Sales Manager of the Houston District, responsible for the sales of all our industrial insulation products in that area.

QUESTION NO. 2:

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

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ACL Doc 10822 · Page 14 of 37 asbestosclaims.law/library/10822/14

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.

ANSWER:

Yes, I guess that would come under our Industrial Relations Department in New York and -- well, this man has been released. However, I will give you the one -- C. W. Hite, H-I-T-E, but he is retired. I don't know who took his place.

QUESTION NO. 3:

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

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ACL Doc 10822 · Page 15 of 37 **asbestosclaims.law/library/10822/15**

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.

ANSWER:

I haven't -- and, I think the company has, but again it will be New York headquarters.

QUESTION NO. 4:

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.

ANSWER:

I wouldn't know anything about that.

QUESTION NO. 5:

Do you or your company have any regular inspection of areas where workers are using products

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 16 of 37 asbestosclaims.law/library/10822/16

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.

ANSWER:

I would say we don't. I haven't any idea, ~~why that isn't done.~~

QUESTION NO. 6:

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.

ANSWER:

I don't know anything about that.

QUESTION NO. 7:

Do you or your company recognize that in 1924,

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 17 of 37 asbestosclaims.law/library/10822/17

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.

ANSWER:

I don't, and, I can't speak for the company there. Keeping abreast of medical literature would be headquarters, not me.

QUESTION NO. 8:

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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 18 of 37 **asbestosclaims.law/library/10822/18**

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.

ANSWER:

I don't know anything about that, either, Mr. Tatum. I don't know ~~what~~ about the company -- I have no answer there at all.

QUESTION NO. 9:

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?

ANSWER:

I wouldn't know.

QUESTION NO. 10:

What technique, if any, does your company use

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 19 of 37 asbestosclaims.law/library/10822/19

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.

ANSWER:

That, once more, would have to be answered by our industrial group in New York headquarters.

QUESTION NO. 11:

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.

ANSWER:

I personally don't know. In respect to the company recognizing this, I can't answer, really. I don't know. I don't know the answer to the rest of that, Mr. Tatum, in all fairness.

QUESTION NO. 12:

Do you or your company recognize that there is a

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ACL Doc 10822 · Page 20 of 37 asbestosclaims.law/library/10822/20

direct connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If your answer is "Yes" to this question, then please adivse what notices were given to those exposed to your asbestos products of this fact.

ANSWER:

I've never heard of that term.

QUESTION NO. 13:

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.

ANSWER:

Yes, I am not sure, Mr. Tatum, but I believe we've started putting caution labels on cartons and packages four or five years ago. Again, when we started it would have to come from somebody at headquarters. I believe that it would be to protect employees, or anyone, where they are handling products which are dusty in any manner.

QUESTION NO. 14:

Do you agree that asbestos has been directly

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 21 of 37 asbestosclaims.law/library/10822/21

associated medically with the disease of cor pulmonale?

ANSWER:

I don't know what cor pulmonale is.

QUESTION NO. 15:

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?

ANSWER:

I don't. I have worked around this for 33 years, roughly, and I don't know about the company. That, again, would have to be answered by headquarters.

QUESTION NO. 16:

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.

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 22 of 37 asbestosclaims.law/library/10822/22

ANSWER:

I suppose so. That would be headquarters responsibility and they would have to check there again. Yes.

QUESTION NO. 17:

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

ANSWER:

Yes, I know of him. I have heard of him.

QUESTION NO. 18:

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.

ANSWER:

It's my understanding people from our headquarters are now working with Dr. Selikoff. I believe they are fully cooperating with him, also, in his research program.

QUESTION NO. 19:

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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 23 of 37 asbestosclaims.law/library/10822/23

any report or reports from such individual or organization to whom your funds were contributed.

ANSWER:

Yes, I believe our New York group just recently made a hundred thousand dollars available to Dr. Selikoff.

QUESTION NO. 20:

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.

ANSWER:

Locally we don't make any dust count, but we do inspect, continuously, for all types of dust in our warehouse and storage areas, and shops. We use vacuums and exhaust systems, and this applies to all types of dust. We also have our foremen issue masks to protect workers on the job at all times, in any kind of dust.

QUESTION NO. 21:

Have you read or familiaraized yourself with the hearing conducted in March 1967 before the House

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 24 of 37 asbestosclaims.law/library/10822/24

of Representatives of the United States Congress Sub-Committee on Labor?

ANSWER:

I have not.

QUESTION NO. 22:

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?

ANSWER:

I don't think so.

QUESTION NO. 23:

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?

ANSWER:

I have not.

QUESTION NO. 24:

Do you recognize or agree that the problems of

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 25 of 37 asbestosclaims.law/library/10822/25

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.

ANSWER:

I do not recognize that, no. That would have to come from headquarters, again, Mr. Tatum.

QUESTION NO. 25:

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 Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 26 of 37 **asbestosclaims.law/library/10822/26**

the name of such product, who manufactures it, as well as the product manufactured by your competitor.

ANSWER:

I would say the best method to distinguish our product from another's is by our cartons and our labels. However, I believe it would be almost impossible to distinguish between cement we manufacture and our competitors manufacture after they have been poured from the bag, or the package they are originally shipped in. As an example, mineral wool cement manufactured by Eagle-Picher and BEH would be hard to distinguish between, when compared with our same type mineral wool cements. Asbestos mineral cement as manufactured by Turner-Newell would be hard to distinguish from our -- Johns-Manville after they are dumped from the bags, which identify them individually.

QUESTION NO. 26:

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?

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 27 of 37 asbestosclaims.law/library/10822/27

ANSWER:

I think so, yes.

QUESTION NO. 27:

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

ANSWER:

Delaware, the date it was organized, I believe it was 1861. Our headquarters are located at 22 East 40th Street, New York City, New York.

QUESTION NO. 28:

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?

ANSWER:

Since 1861.

QUESTION NO. 29:

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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 28 of 37 **asbestosclaims.law/library/10822/28**

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.

ANSWER:

I really don't know. We do recommend and furnish to our workers the latest and most effective Minnesota Mining Company's respirators to protect an employee against all kinds of dust. We currently use Minnesota Mining, excuse me, I mean Safety Appliance Company's Dust Foe No. 66 respirator.

QUESTION NO. 30:

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.

ANSWER:

Yes.

QUESTION NO. 31:

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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 29 of 37 asbestosclaims.law/library/10822/29

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.

ANSWER:

Personally, so far as I know our products are not harmful. And, I am sure our industrial relations group could furnish you any test information in this respect.

QUESTION NO. 32:

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.

ANSWER:

None that I know of.

QUESTION NO. 33:

Assume for the purpose of this question that it has been known for many years that asbestos dust

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 30 of 37 asbestosclaims.law/library/10822/30

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.

ANSWER:

I don't know how to answer that. I don't know the answer, really, I really don't know.

QUESTION NO. 34:

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

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 31 of 37 asbestosclaims.law/library/10822/31

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.

ANSWER: (1)

Asbestos cement is usually mixed with water and then applied by a trowell, gun, or rubber gloves.

(2) Asbestos pipe covering is fastened on to pipe by means of wire and bands. It requires some cutting at the hangers, or fittings.

(3) Asbestos blocks require a small amount of cutting and fitting, and are usually secured on to the tank or vessel using tie wires, studs, or some other fastening means.

(4) Asbestos sheeting, if any requires very little cutting.

(5) I don't know what they mean.

(6) So far as I know, asbestos insulation, in loose forms, blown into homes requires no cutting, shaping, or mixing. The best way I know of to eliminate workers ihnaling any dust is to use a mine safety face mask and respirator.

QUESTION NO. 35:

Do you have any statistical figures available

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 32 of 37 asbestosclaims.law/library/10822/32

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.

ANSWER:

None.

QUESTION NO. 36:

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 the most frequent cause of death from one suffering from such disease is.

ANSWER:

I am not familiar enough with asbestosis to answer that question.

QUESTION NO. 37:

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

ANSWER:

I don't have that information here, but it is available in our stockholder's report issued annually. New York would be glad to furnish it,

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 33 of 37 **asbestosclaims.law/library/10822/33**

I am sure.

QUESTION NO. 38:

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

ANSWER:

Same as No. 37.

QUESTION NO. 39:

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.

ANSWER:

This information is only available through our New York headquarters. I wouldn't have it locally.

QUESTION NO. 40:

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

ANSWER:

C. B. Burnett.

QUESTION NO. 41:

If in your answers to any of these interrogatories you state that you are not the one in your

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 34 of 37 asbestosclaims.law/library/10822/34

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.

ANSWER:

I believe all of this information would come through our industrial relations office at our, again, headquarters, in New York. They could direct you better than I can to the individual concerned with the technical questions involved.

QUESTION NO. 42:

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

ANSWER:

I have talked with Mr. Pate, attorney in this case only with respect to my being available for this interrogatory. No further details.

QUESTION NO. 43:

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.

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 35 of 37 asbestosclaims.law/library/10822/35

THE STATE OF TEXAS:

COUNTY OF HARRIS:

I, G. E. TATUM, a Notary Public in and for Harris County, Texas, do hereby certify that the facts as stated in the caption hereto are true; that the foregoing answers of the witness, M. C. Parmley, were by said witness made before me, and were sworn to and subscribed by him before me.

G. E. Tatum, Notary Public in and for Harris County, Texas

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 36 of 37 asbestosclaims.law/library/10822/36

ANSWER:

Gordon said he has a list of them. I didn't get it.

M. C. Parmley

THE STATE OF TEXAS:

COUNTY OF HARRIS:

SUBSCRIBED AND SWORN TO BEFORE ME on this the 31st day of December, 1968.

G. E. Tatum, Notary Public in and for Harris County, Texas

The Tomplait v. Combustion Engineering Case File (1962-1969), Written deposition of M. C. Parmley, Johns-Manv... Published by AsbestosClaims.Law
ACL Doc 10822 · Page 37 of 37 asbestosclaims.law/library/10822/37