PLAINTIFF'S EXHIBIT
UC-4810

DEPOSITION EXHIBIT
10-23
Peele
Blumberg No. 6113
PLAINTIFF'S EXHIBIT
K429

AFFIDAVIT OF ROBERT EUGENE PEELE

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, to-wit:

ROBERT EUGENE PEELE, being first duly sworn, deposes and says:

Q. There has been a suggestion made by Owens-Corning in trials in Virginia that your test gave Owens-Corning reason to believe that the use of Kaylo in shipyards was safe.

A. No one talked to me about shipyards. Not in a deposition.

Q. As an industrial hygienist, is the size of the space in which asbestos products are used important in determining the likely amount of asbestos dust that would be in the air from the use of asbestos-containing products?

A. Yes.

Q. Is ventilation important for controlling the amount of asbestos dust in the air from the ordinary use of asbestos-containing products?

A. Yes, whether natural, ~~of~~ a REP local exhaust dilution.

Q. Is the number of workers using the asbestos-containing product important for determining the likely amount of asbestos dust that will be in the air from the use of these products?

A. Yes.

Q. Do the tools used on asbestos-containing products affect the amount of dust created from the use of those products; for example, hand tools vs. power tools?

A. Yes.

Q. Have you ever worked an an industrial hygienist in a shipyard?

RP

A. No.

Q. Have you been onboard a ship when asbestos products were being used?

A. No.

Q. Are you familiar with the work environment onboard ships where asbestos products were used to either construct or repair ships?

A. No, I am unfamiliar with the environment created by the use of asbestos products on ships. I have never been on a ship in a shipyard when asbestos products were being used.

Q. Are you familiar with the nature and extent of ventilation that is used onboard ships while they are being constructed or repaired?

A. No.

Q. Are you familiar with types of work practices used by pipecoverers onboard ships while they are being constructed or repaired?

A. No.

Q. Are you familiar with the typical number of workers using asbestos-containing products onboard ships under construction or repair?

A. No.

Q. Have you ever tested any of the environments in a shipyard to determine whether they are comparable to what you found at your shop at Union Carbide?

A. No.

Q. In the early 1960s, were you familiar with safety standards issued by the Maritime Commission for handling asbestos products onboard ships?

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A. No.

Q. Have you ever tested the effectiveness of any ventilation within an engine room context onboard ships under construction or repair?

A. No.

Q. When you were onboard ship in the Army, did you see Kaylo being used?

A. No.

Q. Are you familiar with the matrix of asbestos products that were typically used in a shipyard environment; i.e., the different types of products such a asbestos cement, cloth, pipecovering, gaskets, etc.

A. No.

Q. If other asbestos products were being used onboard ships along with Kaylo, is there any basis for you to know what the total amount of dust would be in that type of environment?

A. No, I would have to speculate.

Q. In regard to shipyard dust levels created with the use of multiple asbestos products, do you know what contribution Kaylo would make in that context?

A. No.

Q. Do tests performed at Union Carbide in the mid-1960s show that there was a hazard from cutting Kaylo with a handsaw if more than three pipecoverers were cutting the product in the same general area?

A. Yes.

Q. Assume there are 10-15 pipecoverers working at the same time, is that a totally different situation than at Union Carbide?

A. Yes. As many as 10 insulators may have been working at one time at Union Carbide, but not in a confined space.

REP

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Q. Have you ever been on submarines, aircraft carriers, or oil tankers?

A. No, the only ship I have been on is a troop ship.

Q. Did you go in the engine rooms, boiler rooms, or machinery spaces on any troop ships?

A. No.

Q. In regard to the Midget Impinger, as an industrial hygienist, was there any reason why the Midget Impinger could not have been used to test the levels of asbestos dust in engine rooms, boiler rooms, or machinery spaces onboard ships?

A. No.

Q. Is there any reason why Owens-Corning could not have used a Midget Impinger and simulated the work environment onboard ships to determine the amount of asbestos dust created from the use of Kaylo and other asbestos products in that environment?

A. No.

Q. Assume that the law imposes a duty on a manufacturer to test their asbestos-containing products. As an industrial hygienist, is there a reason why it could not be done.

A. No, it could be done.

Q. Have you ever read the Dressen report?

A. No.

Q. Have you ever read the asbestos TLV documentation from ACGIH?

A. No.

Q. Have you ever read the Hemeon report?

A. No, I only heard about it in the 1980s. I did not know him,

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only his reputation.

Q. Do you have any experience or factual data to compare the amount of asbestos dust generated by the use of Kaylo in a shipyard environment; i.e., a ship under construction or repair, with the test results that you achieved in your study of the fabrication shop at Union Carbide?

A. No.

Q. Do you have any experience or factual data to compare the size of the work environment where Kaylo was used onboard ships under construction or repair with the work environment where you tested Kaylo at Union Carbide?

A. No.

Q. Do you have any experience or factual data to compare the relative effects of ventilation within engine rooms or machinery spaces of ships under construction or repair with the ventilationwhich was used on the band saw in your fabrication shop at Union Carbide when you tested Kaylo?

A. No.

Q. Do you have any experience or factual data to compare the amount of asbestos dust created from the use of asbestos-containing products, including Kaylo, onboard ships under construction or repair with the amount of asbestos-containing dust that you measured in your test of Kaylo at the fabrication shop at Union Carbide?

A. No.

Q. Would it have been appropriate for Owens-Corning to take your conclusions that you arrived at that Kaylo was not a hazard as used in the fabrication shop to conclude that Kaylo was not a hazard when used in ship construction or repair onboard ships such as submarines, aircraft carriers, and tankers?

A. No.

Q. Did you ever submit any report to Owens-Corning concerning the amount of asbestos dust created from the use of hand saws to cut Kaylo pipecovering or block?

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A. No.

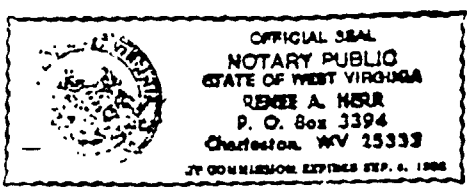
Further Affiant saith not.

Robert Eugene Peele
ROBERT EUGENE PEELE

Taken, subscribed and sworn to before me this 17th day of October, 1990.

My Commission expires September 6, 1992.

Renee A. Hesse
NOTARY PUBLIC



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