

CIVIL DISTRICT COURT  
PARISH OF ORLEANS  
STATE OF LOUISIANA

GERALD F. RODRIGUEZ                      CIVIL ACTION

NO. 2005-4764

VERSUS                                      DIVISION L  
SECTION 6

ANCO INSULATIONS, INC., ET AL

CORPORATE DEPOSITION OF  
E. I. DUPONT DE NEMOURS AND COMPANY

BY

BRUCE W. KARRH, SR.,

7 Pepper Bush Circle, Savannah, Georgia 31411  
taken in the offices of ABBOTT, SIMSES &  
KUCHLER, 400 Lafayette Street, Suite 200, New  
Orleans, Louisiana on Wednesday, November 8,  
2006.

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2  
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13 REPORTED BY:  
14 ROGER D. JOHNS, RDR, CRR, RMR  
15 Certified Court Reporter  
16 State of Louisiana  
17  
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## S T I P U L A T I O N

1  
2  
3 IT IS STIPULATED AND AGREED by and between  
4 counsel for the parties hereto that the  
5 deposition of the aforementioned witness is  
6 hereby being taken under the Louisiana Code of  
7 Civil Procedure, Article 1421, et seq., for  
8 all purposes, in accordance with law;

9 That the formalities, save reading and  
10 signing of the original transcript, are  
11 specifically waived;

12 That the formalities of sealing,  
13 certification and filing are specifically  
14 waived;

15 That all objections, save those as to the  
16 form of the question and the responsiveness of  
17 the answer, are hereby reserved until such  
18 time as this deposition, or any part thereof,  
19 may be used or sought to be used in evidence.

20 \* \* \* \*

21 ROGER D. JOHNS, Certified Shorthand  
22 Reporter, in and for the State of Louisiana,  
23 officiated in administering the oath to the  
24 witness.  
25

I N D E X

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(FROM HIXSON TO MATA, 6/24/74, "EVALUATION OF  
3M BRAND RESPIRATOR")

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OF COUNSEL..... 115

1 CORPORATE DEPOSITION OF  
2 E. I. DUPONT DE NEMOURS AND COMPANY

3 BY

4 BRUCE W. KARRH, SR.,  
5 7 Pepper Bush Circle, Savannah, Georgia 31411,  
6 after having been duly sworn by the  
7 before-mentioned court reporter, did testify  
8 as follows:

9 MR. COTTEN:

10 Do we want to put something on  
11 the record about -- I guess I do. On  
12 the pro hac motion? This is Larry  
13 Cotten. I represent DuPont. A motion  
14 for pro hac vice has been prepared and  
15 filed with the Court. It's not yet  
16 been ruled on, as I understand it, but  
17 I think we have an agreement with  
18 Counsel that it's okay for us to  
19 proceed under those circumstances.

20 MS. ROUSSEL:

21 That is correct.

22 MR. COTTEN:

23 Right.

24 EXAMINATION BY MR. CLEMENT:

25 Q. Dr. Karrh, my name is Jonathan

1       **Clement. I'm one of the attorneys for the**  
2       **Plaintiff in this case. Basically just to go**  
3       **ahead and begin, would you state your name for**  
4       **the record?**

5           A.     First name is Bruce, B R U C E,  
6       initial W, K A R R H, Sr.

7           **Q.     And your Social Security number,**  
8       **please?**

9           A.     422-46-6642.

10          **Q.     All right, sir. Your date of birth?**

11          A.     August 29, 1936.

12          **Q.     And your home address one more time?**

13          A.     7 Pepper Bush Circle, three words,  
14       Savannah, Georgia 31411.

15          **Q.     You're retired, as I understand it;**  
16       **correct?**

17          A.     That's correct.

18          **Q.     When did you retire?**

19          A.     March 31st of 1996.

20          **Q.     And is it your understanding that**  
21       **you're here to give testimony as the corporate**  
22       **representative of E. I. DuPont de Nemours and**  
23       **Company?**

24          A.     Yes. Yes.

25          **Q.     Sir, about how many depositions have**

1 **you given before?**

2 A. I have no idea. I get asked that  
3 every time. And the last time I was asked, I  
4 said somewhere around 50.

5 Q. **Around 50? Okay. So I am guessing**  
6 **you're very familiar with the ground rules.**

7 A. Generally, yes.

8 Q. **So I won't bore you with that. But**  
9 **you do have a right to read and sign your**  
10 **deposition.**

11 MR. CLEMENT:

12 Yes?

13 MR. COTTEN:

14 We want to do that.

15 EXAMINATION BY MR. CLEMENT:

16 Q. **Okay. Basically just let me know if**  
17 **there's a question you don't understand that I**  
18 **am asking and I will try my best to clarify**  
19 **it.**

20 A. All right.

21 Q. **In these 50 or so cases you said you**  
22 **have testified in, have they all been on**  
23 **behalf of DuPont?**

24 A. Not all of them. Most of them.

25 Q. **Most of them have? All right. And**



1       **about how many of them were asbestos or silica**  
2       **type cases?**

3           A.     Asbestos was the majority of the  
4       ones I have testified on. But there have been  
5       others.

6           **Q.     And your most recent one, sir?**

7           A.     I testified in trial July before  
8       last; and I think the deposition prior to that  
9       was perhaps a month prior to that, so it would  
10      have been sometime perhaps in June of 2005.

11          **Q.     And where was this trial at?**

12          A.     Dallas.

13          **Q.     Texas?**

14          A.     Texas.

15          **Q.     Okay. And so you have testified at**  
16      **trial on behalf of DuPont in asbestos cases?**

17          A.     Only that one.

18          **Q.     Only that one?**

19          A.     At trial.

20          **Q.     Okay. And have you ever given any**  
21      **testimony at trial as far as an expert, where**  
22      **you have been qualified as an expert?**

23          A.     Yes.

24          **Q.     And what have you been qualified in,**  
25      **if you recall?**

1           A.     Well, one was a personal injury  
2 lawsuit, an automobile accident where I  
3 testified on behalf of the Plaintiffs.  
4 Another one was a child rape case when I was  
5 in practice in Alabama, or right after I left  
6 practice in Alabama. One was an unlawful  
7 discharge case. I'm thinking back through.  
8 It's been many years. I have probably  
9 testified at trial -- at trial about six or  
10 seven times.

11           **Q.     All right. Have you ever been**  
12 **qualified as an expert in any type of asbestos**  
13 **case?**

14           A.     No.

15           **Q.     No?**

16           A.     Not qualified as one.

17           **Q.     Okay. What did you do to prepare**  
18 **for this deposition today?**

19           A.     I just reviewed some documents.

20           **Q.     Do you know about how many documents**  
21 **you reviewed or what documents you reviewed?**

22           A.     There were perhaps 15 or 20  
23 documents. I don't remember specifically  
24 which ones.

25           **Q.     Sir, have you reviewed the Notice of**

1       **Deposition --**

2           A.     Yes.

3           **Q.     -- that we sent out?  Which items**  
4       **are you prepared to talk to?  Is that**  
5       **something I should ask your Counsel?**

6           A.     You need to ask my Counsel.  I don't  
7       have a copy with me right now.

8           MR. COTTEN:

9                    If you have got your notice in  
10          front of you, we can set this out.  
11          Your first topic, corporate history.  
12          The second topic, corporate  
13          structure.  Topic 3, business  
14          operations.  Topic 5, ventilation  
15          programs.  Topic 12, identification of  
16          personnel with responsibility for  
17          recognition and identification of  
18          asbestos hazards.

19                   Some of these, due to Dr. Karrh's  
20          position with the company, he can  
21          describe those areas pretty well, but  
22          more generally as opposed to maybe  
23          giving you names.

24                   Topic 13, with the same  
25          qualification on responsibility for

1 dissemination of information  
2 concerning hazards. Topic 16, medical  
3 surveillance. Topic 17, membership in  
4 professional associations.

5 As you might imagine, with  
6 respect to a company the age of  
7 DuPont, probably can't tick off every  
8 one, but if you have ones of interest  
9 and you want to ask him about it, he  
10 may be in a position to tell you  
11 whether DuPont was a member of that  
12 organization.

13 Topic 19, instructions and  
14 warnings to workers concerning  
15 asbestos, he can speak to that from  
16 the corporate level. Topic 24,  
17 knowledge of asbestos-related hazards  
18 obtained. Topic 26, safety manuals.  
19 He's got general familiarity with  
20 those.

21 Topic 29, warnings, safety  
22 programs, governmental compliance,  
23 surveillance programs, et cetera.

24 Topic 33, that again is  
25 memberships in trade associations with

1 the same qualification.

2 Topic 34, state and Federal  
3 agencies with whom DuPont had to  
4 comply, again, probably a little more  
5 general in that area.

6 Topic 37, health hazards  
7 associated with asbestos exposure. He  
8 can -- He can talk about those health  
9 hazards. With respect to those  
10 specific products that are listed in  
11 the topic, he's probably not  
12 knowledgeable about the specifics as  
13 to each product.

14 Topic 38, recommendations  
15 concerning installation of  
16 asbestos-containing products, I think  
17 he can cover that, but it would be  
18 rather broadly. Again, not having  
19 specific information on particular  
20 product manufacturers.

21 Topic 39, I don't think, other  
22 than this last trial that he referred  
23 to, he probably has information on  
24 that.

25 Topic 45, he has knowledge

1 concerning some of the communications  
2 to DuPont concerning asbestos hazards  
3 such as NIOSH, OSHA, those type of  
4 things.

5 Topic 48, policies and procedures  
6 to keep up with developments  
7 concerning hazards.

8 Topic 50, DuPont's documents with  
9 respect to asbestos hazards. Again,  
10 this is a pretty broad request, so it  
11 depends on what document you may ask  
12 him about.

13 Topic 54, reports, memos,  
14 research related to research,  
15 experiments tests and/or studies by  
16 DuPont concerning the propensity of  
17 asbestos to cause disease, again, he  
18 can talk about that fairly generally.

19 Topic 56, air monitoring  
20 results. Probably no specifics with  
21 respect to any given site, but he can  
22 talk generally about those as they  
23 affected DuPont's information and  
24 program.

25 Topic 57, studies regarding fiber

1 release of products used by DuPont.  
2 Topic -- And that would be with  
3 respect to products used by the  
4 company.

5 Topic 58, he can talk about that  
6 topic.

7 So those are the ones that he can  
8 cover.

9 EXAMINATION BY MR. CLEMENT:

10 Q. All right. Basically, Dr. Karrh,  
11 first I am just going to go through your  
12 background. What I have is basically in 1958,  
13 you received a Bachelor of Science in  
14 chemistry from the University of Alabama?

15 A. That's correct.

16 Q. Okay. And then you received your  
17 medical degree from the Medical College of  
18 Alabama?

19 A. Yes.

20 Q. Is that correct? Okay. And  
21 throughout your time as far as in your  
22 chemistry studies or your medical college  
23 studies, have you taken any type of courses  
24 that referred to asbestos or covered asbestos?

25 A. I have taken several what you might

1 call continuing medical education courses over  
2 the years, some of which would have asbestos  
3 as one of the topics that was being covered.

4 **Q. You said over the years. What about**  
5 **prior to your graduation from medical school;**  
6 **had you ever taken any type of course in**  
7 **medical school?**

8 A. In medical school we had -- we had a  
9 section on public health, of which asbestos  
10 was one of the topics that was covered in  
11 that.

12 **Q. Do you have any recollection of what**  
13 **was actually talked about?**

14 A. No recall.

15 **Q. That was in 1962 when you graduated?**

16 A. It was prior to '62.

17 **Q. Okay.**

18 A. Somewhere between '58 and '62.

19 **Q. All right. So then once you**  
20 **graduated from I guess medical school, you**  
21 **went into the U.S. Army?**

22 A. Yes.

23 **Q. What exactly did you do there?**

24 A. I was an intern my first year at  
25 Brook General Hospital in San Antonio, Texas.



1 Then I went through the U.S. Army Medical  
2 Field Service School, the U.S. Air Force  
3 School of Aerospace Medicine and U.S. Army  
4 School of Aviation Medicine.

5 **Q. And what years would that bring us**  
6 **through, from '63 through?**

7 A. To the end of '63. About November,  
8 mid November of '63.

9 **Q. And then the next thing I have on**  
10 **here is from '63 to '65 you were a flight**  
11 **surgeon in the U.S. Army?**

12 A. That's correct.

13 **Q. Is that the next thing?**

14 A. That's correct.

15 **Q. What basically did you do there?**

16 A. Took care of flight crews. That was  
17 the U.S. Army, primarily helicopter school in  
18 Fort Walters, Texas, and our job as flight  
19 surgeon was -- we had a lot of students coming  
20 through being trained to be helicopter pilots  
21 and our job there was to make sure they were  
22 physically qualified to fly and then keep up  
23 with any illness they may have or any medical  
24 problem they may have incurred.

25 **Q. So then after that, from I guess '65**

1 through '70, you were in private practice in  
2 Alabama?

3 A. That's correct.

4 Q. And what type of practice was this?

5 A. General practice.

6 Q. Just general practice?

7 A. Yes.

8 Q. Okay. And throughout this time from  
9 '65 to '70, or I guess prior to '70 besides  
10 that one class you mentioned, had you had any  
11 type of dealings with asbestos-related  
12 diseases or anything like that as far as  
13 treating a patient or anything like that?

14 A. No.

15 Q. No? So then you became the medical  
16 supervisor for DuPont's Spruance plant? Is  
17 that correct?

18 A. That's correct.

19 Q. From '70 through '73?

20 A. Yes.

21 Q. Where is the Spruance plant?

22 A. Richmond, Virginia.

23 Q. Was this the first time that you  
24 came into contact with issues regarding  
25 asbestos --

1           A.     Yes.

2           **Q.     -- at this time?  And as the medical**  
3           **supervisor for DuPont's Spruance plant, what**  
4           **were your job responsibilities?**

5           A.     This was a multi-fibrous plant that  
6           made four different fibers, textile fibers,  
7           synthetic fibers that we put in effect while I  
8           was there, but it used several different  
9           chemicals of different types.  We had a work  
10          force of about 2,400 when I first got there.  
11          And by the time I left we were up around 3,000  
12          because we were putting in a new process.  And  
13          my job was to supervise the medical program  
14          there, the occupational medical program.  
15          There was another physician who was there and  
16          we had six nurses, and they all worked under  
17          my supervision.  And what we were trying to do  
18          was make sure that the people were physically  
19          capable of doing the jobs to which they were  
20          assigned and then we did periodic physical  
21          examinations on all employees, so that we had  
22          responsibility to do that and make sure that  
23          they were not suffering any personal medical  
24          problem or any ill effects from the workplace.

25          **Q.     And these medical surveillances**

1       **between '70 and '73, were you checking for**  
2       **asbestosis or anything?**

3           A.     Yes.

4           Q.     You were? Then the next thing I  
5       **have, your next title I guess was from '73 to**  
6       **'74 you were research manager of the**  
7       **Environmental Services Group at the Haskell**  
8       **Laboratory?**

9           A.     Yes.

10          Q.     **What is the Haskell Laboratory**  
11       **exactly?**

12          A.     Haskell Laboratory for Toxicology  
13       and Industrial Medicine. It was started by  
14       DuPont in 1935. And it's a laboratory that  
15       the principal responsibility is to make sure  
16       that the products that DuPont makes are safe  
17       for use by others and by consumers, and that  
18       if there's not enough toxicological  
19       information on the products that we may use in  
20       the manufacturing of these other products, to  
21       find out more about them toxicologically.

22          Q.     **All right. And would part of the I**  
23       **guess task of the Haskell Laboratory be to**  
24       **protect the employees from health hazards,**  
25       **exposure to things like asbestos?**

1           A.     The primarily responsibility was  
2 protecting employees in any health hazard they  
3 might encounter in the workplace and to help  
4 protect the public from any exposure they  
5 might have encountered from our products that  
6 were being made. Asbestos was just one of the  
7 many that were being looked at.

8           **Q.     Okay. And did Haskell -- I think I**  
9 **thought I read somewhere that they may have**  
10 **had a library or something where they kept**  
11 **medical literature? Did that date all the way**  
12 **back to 1935 when it started?**

13          A.     Yes.

14          **Q.     Was there somewhere before the**  
15 **Haskell Laboratory that DuPont would gather**  
16 **literature, articles, journals, things of that**  
17 **nature?**

18          A.     The Medical Division, of which  
19 Haskell was originally a part, had a smaller  
20 library, and I can't tell you what all was in  
21 there prior to the start of Haskell. But when  
22 Haskell started in 1935, Haskell then became  
23 the repository of all medical and  
24 toxicological information.

25          **Q.     When did the Medical Division start?**

1 A. In 1917.

2 Q. 1917?

3 A. 1915. I'm sorry.

4 Q. Just so I can get my bearings, when  
5 did DuPont first start out?

6 A. 1802.

7 Q. 1802. Who was responsible for  
8 implementing the safety policies that would go  
9 out through all of the DuPont plants? Was it  
10 Haskell, or how did that work?

11 A. Implementation and follow-up would  
12 be the responsibility of the site, the plant.

13 Q. Okay.

14 A. Haskell and the Medical Division and  
15 the Safety and Fire Protection Division all  
16 had responsibility to disseminate that  
17 information, make sure that it was understood,  
18 and that they had -- that the plants had the  
19 information they needed to implement it and  
20 carry it out. And then the plant was  
21 responsible for implementation in carrying it  
22 out.

23 Q. As far as let's say Haskell, you  
24 know, if they came across something they  
25 thought was hazardous, would they have to go

1 up to a higher corporate level and discuss it  
2 with the executives on the corporate level and  
3 then y'all would, like Haskell, along with the  
4 corporate execs, come to a conclusion that  
5 this is going to be our safety policy and  
6 implement it throughout the plants and send it  
7 out?

8 A. It was somewhat --

9 MR. COTTEN:

10 Excuse me. Objection to form.  
11 It's multifarious.

12 THE WITNESS:

13 It was somewhat like that. It  
14 didn't have to go to the corporate  
15 management. DuPont used a reiterative  
16 type process to get something right  
17 before it was sent out. So every --  
18 At that time DuPont was organized in  
19 operating departments. Like the  
20 Fibers Department, the Films  
21 Department, depending on what the  
22 products were that were being made.  
23 So a representative of each department  
24 would meet with the representatives  
25 from Haskell or from the Medical

1           Division or the Safety and Fire  
2           Protection Division, or all three and  
3           then we'd come to a conclusion on what  
4           type of program was appropriate for  
5           whatever the hazard was deemed to be.  
6           And then that would be finalized over  
7           a reiterative process to make sure  
8           everyone had an opportunity to put  
9           their inputs into it and then it would  
10          be sent out to the plants.

11       EXAMINATION BY MR. CLEMENT:

12           **Q.    All right.  And then once you were**  
13           **finished with your time spent at Haskell, you**  
14           **then became the -- First of all, where is**  
15           **Haskell located?**

16           A.    Newark, Delaware.

17           **Q.    Then you became Assistant Medical**  
18           **Director in '74 to '77?**

19           A.    That's correct.

20           **Q.    Did you have a change of location,**  
21           **or were you still at Haskell?**

22           A.    I went to downtown Wilmington,  
23           Delaware, 16 miles away.

24           **Q.    Is that corporate headquarters?**

25           A.    Yes.



1           **Q.     And was this I guess Assistant**  
2 **Medical Director of the entire DuPont**  
3 **organization?**

4           A.     Yes.   Worldwide.

5           **Q.     And basically you just kind of**  
6 **discussed what your job responsibilities were**  
7 **as the Assistant Medical Director?**

8           A.     My primary job was to assist the  
9 Medical Director in making sure we had proper  
10 medical programs in place and policies in  
11 place and that the plants were aware of these  
12 and were implementing them to the best of  
13 their ability depending upon what they needed  
14 for that particular site.  And then to follow  
15 up on that and make sure that they were doing  
16 the job that they should have been done.  We  
17 also had an Epidemiology Group in the Medical  
18 Division that reported to me and we had -- at  
19 the time when I got there we had five people  
20 in epidemiology.  It expanded later.  So we  
21 did periodic plant surveys in the Epidemiology  
22 Group every two years.  We would survey all  
23 the plants to see if they had an unusual  
24 incidence of certain diseases and then any  
25 study that needed to be done, specific study

1 to be done by the department.

2 **Q. Are you aware of whether there was a**  
3 **policy at the DuPont organization for each**  
4 **plant to have like a plant physician?**

5 A. The policy on that depended on the  
6 size of the plant. Each plant had to have  
7 some relationship with a physician. Smaller  
8 plants would be a contract physician that was  
9 out in the community, in private practice in  
10 the community and DuPont, the plant, would  
11 contract with them to provide medical programs  
12 for the plant. The larger plants would have  
13 one or more physicians on the plant full  
14 time.

15 **Q. And then '77 to '83 you became the**  
16 **actual Medical Director of DuPont. So**  
17 **everything that you assisted with, you were**  
18 **the main guy; correct?**

19 A. That's correct. Yes.

20 **Q. Then '83 to '84 you were the General**  
21 **Director for Fire Safety and Environmental**  
22 **Affairs? Is that correct?**

23 A. No, Medical, Safety and Fire  
24 Protection.

25 **Q. Medical, Safety and Fire**

1       **Protection?**

2           A.     Yes.

3           **Q.     Can you explain, is that a different**  
4 **group I am guessing from the Medical? Is that**  
5 **a different division?**

6           A.     Well, the Director of Safety and  
7 Fire Protection Division died and it was  
8 decided that with my background and  
9 experience, that it would be appropriate to  
10 roll the Safety and Fire Protection Division  
11 and the Medical Division into one group, which  
12 was done and I became General Director of  
13 Medical, Safety and Fire Protection.

14          **Q.     Would your job responsibilities have**  
15 **been the same as far as --**

16          A.     They were the same, plus I had  
17 corporate responsibility of the Safety and  
18 Fire Protection.

19          **Q.     And I think we're at '84 now. What**  
20 **did you do after '84?**

21          A.     Became Vice-president of Safety,  
22 Health and Environmental Affairs.

23          **Q.     Would you have the same**  
24 **responsibilities at that point?**

25          A.     The same responsibilities plus

1 responsibilities for worldwide environmental  
2 activities for the corporation.

3 **Q. And finally in 1993 to 1996 you were**  
4 **Vice President for Integrated Health Care?**

5 A. Yes.

6 **Q. What did that entail?**

7 A. We had -- We were insuring about  
8 300,000 lives in the United States on health  
9 insurance and we were running a \$500 million a  
10 year bill for that and it was deemed it was  
11 probably going to go to a billion within the  
12 next five years. With my background and  
13 experience, it was decided that we needed to  
14 redesign our healthcare benefit to try to  
15 allay some of the costs that would likely be  
16 incurred. So I was moved over to that job to  
17 redesign the healthcare benefit.

18 **Q. Dr. Karrh, have you ever visited**  
19 **DuPont's Burnside facility in Louisiana?**

20 A. No.

21 **Q. Never visited? Okay. What about**  
22 **the Pontchartrain West facility?**

23 A. Yes.

24 **Q. Do you remember when?**

25 A. The first time would have been

1 somewhere -- I have to give you a range,  
2 because I don't remember the exact date.  
3 Somewhere in the range of '75 to '77 would  
4 have been the first time.

5 **Q. Do you remember why you went there?**

6 A. Periodic review of plant sites. I  
7 had not been to that plant prior and it was an  
8 opportunity for me to see the plant, to meet  
9 the physician who was there, and to meet the  
10 plant personnel and to, on a kind of a quick  
11 survey, to see if they had the information  
12 they needed for the medical surveillance  
13 program, that they were carrying it out.  
14 Also, generally when I would go to a plant  
15 site, I would meet with physicians in the  
16 local community to try to encourage their  
17 support and help out the plant physician in  
18 making sure that employees were being treated  
19 for any condition they may have.

20 **Q. All right. From my reading your**  
21 **prior deposition, is my understanding correct**  
22 **that DuPont was aware that asbestos could**  
23 **cause asbestosis in the '40s and '50s?**

24 A. I am not sure exactly of those  
25 dates. I was looking back through some

1 material that led me to believe that maybe it  
2 was DuPont became aware of some of these in  
3 perhaps the '50 to '60 range, but these were  
4 in the milling and mining, asbestos milling  
5 and mining industries, not in an  
6 insulation-using industry.

7 MS. ROUSSEL:

8 Move to strike, non-responsive.

9 EXAMINATION BY MR. CLEMENT:

10 **Q. Would they have been aware in the**  
11 **'40s and '50s just in general that asbestos**  
12 **was hazardous, maybe not relating to asbestos?**

13 A. I can't give you a specific date on  
14 that. I may have given a date on that in a  
15 deposition before. I can't give you a  
16 specific date at this time.

17 **Q. So if you have given a date in a**  
18 **prior deposition, would you have any reason to**  
19 **dispute that date now?**

20 A. I'd have to see it.

21 **Q. I mean, if there's a range?**

22 A. I would have to see it and see what  
23 context it was in.

24 **Q. Sir, is it DuPont's position that**  
25 **they were aware that asbestos could cause lung**

1 **cancer in the '40s and '50s?**

2 A. Again, I have to give you the same  
3 answer I gave you before. Whatever date we  
4 were aware of the hazard of asbestos, then  
5 shortly after that our knowledge of cancer  
6 would have been comparable.

7 **Q. Comparable? Is that the same thing**  
8 **with mesothelioma? Would they have been aware**  
9 **at the same time?**

10 A. Yes.

11 **Q. In regards to safety at DuPont, did**  
12 **DuPont ever have to abide by any regulations**  
13 **set forth by the Federal government?**

14 A. Well, prior to OSHA in 1970, DuPont  
15 complied with the Walsh-Healey Act  
16 requirements which also incorporated some  
17 safety and health requirements, but DuPont had  
18 its own safety and health program and so we  
19 would always comply with corporate policy or  
20 the appropriate regulation, whichever was more  
21 strict. That was the company's policy. And  
22 if there was not an existing regulation, the  
23 company would have a policy with which the  
24 plant would comply.

25 **Q. How far back, if you have knowledge**

1 of this, did DuPont actually have contracts  
2 with the government in excess of like  
3 \$10,000? How far back would they have been  
4 doing business with the government?

5 A. I can't answer that except to say  
6 that DuPont ran a lot of munitions plants for  
7 the government, Newport, Indiana, for  
8 instance, and then others. DuPont ran the  
9 Hanford Works in Richland, Washington, which  
10 built the atomic bomb. That was started about  
11 1942. DuPont built and ran the Savannah River  
12 plant starting in 1950. So at least from  
13 those periods of time probably -- The least I  
14 can say is we had contracts with the  
15 government exceeding \$10,000 starting about  
16 1942.

17 Q. 1942?

18 A. And possibly prior to that, but I  
19 don't know.

20 Q. Do you still have contracts with the  
21 government through today?

22 A. I don't know. I retired in '96.

23 Q. Well, through '96 were you aware --

24 A. We no longer were operating the  
25 Savannah River plant. We canceled that



1 contract in '89. I don't know -- I don't  
2 know.

3 Q. So at least through '89 they would  
4 have had contracts with the government?

5 A. Yes. Yes.

6 Q. All right. It's also my  
7 understanding from reading prior depositions  
8 that DuPont incorporated the TLVs promulgated  
9 by the ACGIH? Is that correct?

10 A. That's correct.

11 Q. And is it your understanding or  
12 DuPont's understanding that these TLVs are not  
13 known to protect against diseases,  
14 asbestos-related diseases at these levels?

15 MR. COTTEN:

16 Objection to form.

17 THE WITNESS:

18 It was DuPont's understanding at  
19 the time that they were incorporated  
20 that they were protected. Because  
21 that's what the ACGIH said they were.  
22 That they would, if applied  
23 appropriately, eight hour TLV, TWA,  
24 time-weighted average, that those TLVs  
25 would be adequate to protect. Now,

1           the TLVs have changed over time as  
2           more and more knowledge came out.  
3           They haven't been static. They have  
4           been progressive. And as ACGIH or  
5           OSHA or others would get new data and  
6           change the TLVs, then DuPont would  
7           change their compliance with them.

8           EXAMINATION BY MR. CLEMENT:

9           **Q.     Is DuPont aware that these TLVs will**  
10          **not protect against lung cancer?**

11          MR. COTTEN:

12                 Objection to form. It fails to  
13                 state a time frame.

14          EXAMINATION BY MR. CLEMENT:

15          **Q.     Sir, when was DuPont aware that the**  
16          **TLVs would not protect against mesothelioma?**

17          A.     I don't know that DuPont was ever  
18          aware of that as such. DuPont always complied  
19          with the TLVs, in which case they had superior  
20          knowledge of what the TLVs were based on and  
21          felt they were adequately protected. The  
22          ACGIH itself said that the TLVs would be  
23          adequately protective if applied appropriately  
24          the way they were intended to be applied. And  
25          so DuPont had every confidence in the ACGIH,

1 which was a governmental entity, to comply  
2 with the TLVs, and the TLV Committee had the  
3 most recent data.

4 MS. ROUSSEL:

5 Move to strike as  
6 non-responsive.

7 EXAMINATION BY MR. CLEMENT:

8 **Q. Sir, are you aware that the OSHA**  
9 **standard states in the preamble that the TLVs**  
10 **will not protect against mesothelioma?**

11 A. You would have to show me a document  
12 saying that. I am not right now -- at this  
13 point in time I am not aware of it.

14 **Q. Dr. Karrh, is it your understanding**  
15 **that if you could see dust, that you would be**  
16 **above the TLV limits?**

17 A. Not necessarily. DuPont operated in  
18 such a way that you didn't have visible dust  
19 in the workplace. And so it was always  
20 DuPont's -- housekeeping was a primary part of  
21 our safety program. It was always DuPont's  
22 program to keep dust to an absolute minimum;  
23 and certainly if you saw visible dust, that  
24 was not good for housekeeping.

25 MS. ROUSSEL:

1                   Move to strike as  
2                   non-responsive.

3                   EXAMINATION BY MS. ROUSSEL:

4                   **Q.     So if you saw visible dust, you were**  
5                   **aware that it was more likely than not, if it**  
6                   **were coming from an asbestos-containing**  
7                   **product, it was in excess of the TLV?**

8                   MR. COTTEN:

9                   I am not sure that I understood  
10                  the question. I apologize. Could you  
11                  restate the question?

12                  MS. ROUSSEL:

13                  I moved to strike his answer as  
14                  not being responsive.

15                  MR. COTTEN:

16                  Understood.

17                  EXAMINATION BY MS. ROUSSEL:

18                  **Q.     The question was, were you aware**  
19                  **that if visible dust was being emitted from an**  
20                  **asbestos-containing product, that more likely**  
21                  **than not there was an excess of the TLV?**

22                  MR. COTTEN:

23                  Objection to the form of the  
24                  question. Assumes facts not in  
25                  evidence.

1 THE WITNESS:

2 Absent any air monitoring data, I  
3 don't think you can make that  
4 assumption, because you don't know  
5 what else might have been in the dust.

6 EXAMINATION BY MS. ROUSSEL:

7 Q. So you would agree that whenever an  
8 asbestos-containing product was being  
9 manipulated, at that point air monitoring  
10 should have been conducted to determine a  
11 level that was being emitted from that  
12 product?

13 MR. COTTEN:

14 Go ahead and answer.

15 THE WITNESS:

16 Once the air monitoring  
17 capability came out, which didn't come  
18 out until later, then that may well be  
19 true.

20 EXAMINATION BY MS. ROUSSEL:

21 Q. You are aware that TLVs were set  
22 based upon air monitoring?

23 A. No.

24 MR. COTTEN:

25 Objection, form.

1 EXAMINATION BY MS. ROUSSEL:

2 Q. Okay. When is your understanding  
3 that air monitoring capabilities first came  
4 out?

5 MR. COTTEN:

6 Objection to form. Vague.

7 THE WITNESS:

8 The early form of air monitoring  
9 was for total particulate dust.

10 EXAMINATION BY MS. ROUSSEL:

11 Q. When did that come out?

12 A. I couldn't give you a date on that.

13 Q. And existed at least in the '30s and  
14 '40s, didn't it?

15 A. I don't know that.

16 Q. Okay. So you don't have a response  
17 to that question?

18 A. I responded I don't know.

19 MS. ROUSSEL:

20 Okay.

21 EXAMINATION BY MR. CLEMENT:

22 Q. Dr. Karrh, whenever DuPont would I  
23 guess find out certain safety problems or  
24 safety issues, how would they go about  
25 informing their various plants? What was the

1 **procedure?**

2 A. Again, I described the procedure for  
3 you earlier in my testimony today, that when  
4 the data came out, whoever got the data in  
5 DuPont, whether it was Haskell Medical  
6 Division or the medical operating departments  
7 or someone else, they would then analyze the  
8 data and put together an appropriate group  
9 made up of the appropriate people to assess  
10 the data and determine the validity of the  
11 data first and then what programs needed to be  
12 put in place and then they would go through a  
13 reiterative process repeatedly to make sure  
14 that whatever we communicated to the plants  
15 was going to be proper and appropriately  
16 protected.

17 **Q. And so that would have been done**  
18 **with regards to asbestos and the hazards?**

19 A. Yes.

20 **Q. Do you know when this was done?**

21 A. Well, it was done -- Before I came  
22 to the company in 1970, it was being done,  
23 because there was already an asbestos  
24 surveillance program in place at the Spruance  
25 plant when I got there. And so I can't tell

1 you the date. I know that that program  
2 started somewhere around '67, '68. It was a  
3 special asbestos monitoring program, whereas  
4 workers who were working with asbestos as  
5 insulators, ladders and people like that,  
6 would have a chest X-ray every six months, an  
7 examination by a physician or a nurse every  
8 six months, and then plus their regular  
9 physical exam, which was every year if they  
10 were over 40 years old and every two years if  
11 they were 40 and under.

12 **Q. Do you know when this information**  
13 **was disseminated to the Burnside plant?**

14 A. No, I don't.

15 **Q. The same question with respect to**  
16 **the Pontchartrain facility.**

17 A. No, I don't.

18 **Q. Sir, do you feel that DuPont has a**  
19 **responsibility to provide a safe working place**  
20 **for its employees that are on its premises?**

21 A. DuPont's policy, corporate policy  
22 was to provide a safe and healthful workplace  
23 while in place.

24 **Q. And do you feel that DuPont has a**  
25 **responsibility to provide a safe working**



1 **environment for other contractors who are on**  
2 **its premises?**

3 A. DuPont has a responsibility to  
4 inform the contracting company, the  
5 contracting agency what hazard might be on  
6 that plant and what measures are being taken  
7 to control those hazards and to -- and to  
8 inform that contracting company or agency or  
9 whatever it was that it was highly recommended  
10 that they do the same for their employees.

11 **Q. Are you aware of when DuPont would**  
12 **have begun to warn these other contractors**  
13 **that asbestos was harmful?**

14 A. DuPont would warn the contractors  
15 whenever they got the information that caused  
16 DuPont to take action as far as their own  
17 workplace, their own workers were concerned.  
18 The contracting companies or contractors would  
19 be informed of what we knew and what steps we  
20 were taking and would help them get whatever  
21 programs they needed to put in place put in  
22 place.

23 **Q. Dr. Karrh, do you know if that was**  
24 **done at the Burnside facility?**

25 A. It was company policy that it be

1 done. Now, --

2 MS. ROUSSEL:

3 Move to strike as non-responsive.

4 MR. COTTEN:

5 I'm sorry, he wasn't through with  
6 his answer.

7 You can go ahead.

8 THE WITNESS:

9 Can I finish?

10 MS. ROUSSEL:

11 Yes.

12 THE WITNESS:

13 Thank you. I can't tell you when  
14 it was in place at the Burnside plant,  
15 but it would have been communicated  
16 throughout the company at the time  
17 DuPont had that knowledge and it would  
18 have been expected that Burnside would  
19 comply with whatever the company  
20 policy was.

21 MS. ROUSSEL:

22 Move to strike as non-responsive.

23 EXAMINATION BY MR. CLEMENT:

24 **Q. Dr. Karrh, do you know when the**  
25 **contractors at the Pontchartrain facility were**

1 **warned?**

2 A. That would be the same answer --

3 **Q. The same answer?**

4 A. -- as I gave before.

5 MS. ROUSSEL:

6 So the answer is no, you don't  
7 know.

8 THE WITNESS:

9 No, I don't know, but it would be  
10 company policy that would be  
11 communicated to the plants and the  
12 plants would be responsible for  
13 communicating it to their  
14 contractors.

15 MS. ROUSSEL:

16 Move to strike as non-responsive  
17 the second part of the answer.

18 EXAMINATION BY MR. CLEMENT:

19 **Q. Did DuPont ever have any -- did they**  
20 **implement any ventilation or engineering**  
21 **control programs in the 1950s with regards to**  
22 **asbestos?**

23 A. Well, as I answered earlier, dust  
24 was a housekeeping problem. So whatever  
25 ventilation programs were needed to keep dust

1 to a complete minimum, they would have been  
2 implemented.

3 **Q. Do you know if this was done at the**  
4 **Pontchartrain facility in the 1960s?**

5 A. DuPont was -- I mean, the  
6 Pontchartrain was built, I forget when it was  
7 built, but it was in the '60s and it would  
8 have been a part of the operation of the plant  
9 from the time the plant started up.

10 **Q. Would your answer be the same with**  
11 **regards to the Burnside plant in the 1960s**  
12 **when it was built?**

13 A. Yes.

14 **Q. In the 1950s did DuPont implement**  
15 **medical surveillance programs?**

16 A. DuPont implemented medical  
17 surveillance programs in 1935.

18 MS. ROUSSEL:

19 For asbestos.

20 THE WITNESS:

21 I'm sorry.

22 MS. ROUSSEL:

23 For asbestos.

24 MR. COTTEN:

25 That wasn't the question.

1 THE WITNESS:

2 That was not the question.

3 EXAMINATION BY MR. CLEMENT:

4 Q. Let me clarify that.

5 A. Who do I respond to? I'm getting a  
6 little confused.

7 MR. COTTEN:

8 I don't mind both of you  
9 participating, but if we could do it  
10 one at a time, it would helpful.

11 MS. ROUSSEL:

12 Sure.

13 EXAMINATION BY MR. CLEMENT:

14 Q. With regard to asbestos, when did  
15 DuPont begin to implement medical surveillance  
16 programs?

17 A. That would have been sometime in the  
18 '60s, around '6- -- somewhere between '65 and  
19 '68. Because when I got to Spruance, the  
20 program was in place and it had been put in  
21 place there by '68.

22 Q. Do you know if medical surveillance  
23 programs were implemented at the Pontchartrain  
24 Works facility in the '60s?

25 A. Medical surveillance programs, as I

1 said, were implemented in 1917. That's when  
2 the Medical Division was started. And  
3 Pontchartrain was not built until the '60s.  
4 Pontchartrain would have come on line with a  
5 medical surveillance program.

6 **Q. That would be with regards to**  
7 **asbestos?**

8 A. No, that wasn't the question you  
9 asked.

10 **Q. I'm asking that one now, though.**

11 A. Would you ask your question again?

12 **Q. Yes, sir, I will. With regards to**  
13 **asbestos, did DuPont implement a medical**  
14 **surveillance program at the Pontchartrain**  
15 **Works facility in the 1960s?**

16 A. I can't answer that regarding  
17 Pontchartrain. I'm sure that Pontchartrain  
18 Works DuPont can.

19 **Q. With regards to asbestos, did DuPont**  
20 **implement a medical surveillance program at**  
21 **the Burnside facility in the 1960s?**

22 A. The same answer.

23 **Q. You don't know for sure whether it**  
24 **was implemented at the Burnside plant? Is**  
25 **that the answer?**

1           A.     That's what I said.

2           **Q.     With regards to asbestos, did DuPont**  
3 **provide respirators to the various plants in**  
4 **the 1950s?**

5           A.     DuPont would have provided to the  
6 plant managements the recommendations  
7 regarding whether or not respirators should be  
8 used, under what conditions, and then the  
9 plant would have the responsibility to provide  
10 those respirators.

11          **Q.     With regards to asbestos, was this**  
12 **done at the Pontchartrain facility in the**  
13 **1960s?**

14          A.     It would have been done at all  
15 facilities whenever the corporate  
16 recommendation came out.

17          **Q.     Would you have any knowledge, like**  
18 **personal knowledge of whether those plants**  
19 **actually did provide respirators at the**  
20 **Pontchartrain plant with regard to asbestos?**

21                 MR. COTTEN:

22                         Again, we're talking in the  
23 1960s?

24                 MR. CLEMENT:

25                         1960s, yes.

1 THE WITNESS:

2 I don't have special knowledge.

3 EXAMINATION BY MR. CLEMENT:

4 Q. Again with regards to asbestos in  
5 the 1960s, would you have personal knowledge  
6 of whether these plants, the Burnside plant in  
7 particular, provided respirators to its  
8 employees in the 1960s?

9 A. I don't have personal knowledge.

10 Q. In the 1950s did DuPont implement  
11 any programs with regards to asbestos where  
12 they would have required the different crafts  
13 who were working on its premises to be  
14 isolated when asbestos was involved with one  
15 of the crafts?

16 MR. COTTEN:

17 Objection.

18 THE WITNESS:

19 I don't have any personal  
20 knowledge.

21 MR. COTTEN:

22 Objection to form.

23 EXAMINATION BY MR. CLEMENT:

24 Q. In the '60s with regard to asbestos,  
25 would DuPont have implemented a policy



1       **regarding the various plants, whenever a craft**  
2       **was working with asbestos, to isolate the**  
3       **other crafts from that craft?**

4               MR. COTTEN:

5               Objection, form.

6               THE WITNESS:

7               I know in '68 when the medical  
8               surveillance, asbestos medical  
9               surveillance program started at  
10              Spruance that that would have been the  
11              policy, that the insulators would have  
12              had their own work area. And they  
13              would have been, if they were out in  
14              the general work area, then their area  
15              would have been isolated from the  
16              others.

17              EXAMINATION BY MR. CLEMENT:

18              **Q.     Do you have any personal knowledge**  
19              **with regards to asbestos at the Pontchartrain**  
20              **facility whether that was done?**

21              A.     No. No personal knowledge.

22              **Q.     The same question with regards to**  
23              **the Burnside facility.**

24              A.     No.

25              **Q.     In the 1950s, with regards to**

1       **asbestos, did DuPont require its employees to**  
2       **change their clothes before going home from**  
3       **work?**

4           A.     What was the time frame?

5           **Q.     1950s.**

6           A.     I don't have any knowledge of that.

7           **Q.     No knowledge of that. Okay. The**  
8       **same question, 1960s.**

9           A.     As I answered earlier on an earlier  
10       question, starting somewhere in the late '60s,  
11       around '67, '68, DuPont began the special  
12       medical surveillance for asbestos workers and  
13       that would have included having separate  
14       change facilities or separate clothes, a  
15       locker for street clothes, a locker for work  
16       clothes.

17          **Q.     Do you have any personal knowledge**  
18       **of whether in the 1960s with regards to**  
19       **asbestos these facilities were provided at the**  
20       **Pontchartrain facility?**

21          A.     I don't have any personal  
22       knowledge.

23          **Q.     The same question with regard to the**  
24       **Burnside facility?**

25          A.     No personal knowledge.

1           **Q.     Dr. Karrh, are you aware of when the**  
2 **first occupational lung disease was brought**  
3 **against DuPont?**

4           A.     I'm sorry would you answer that -- I  
5 mean, give me that question again?

6           **Q.     Sure. Are you aware of when the**  
7 **first occupational lung disease claim was**  
8 **brought against DuPont, what year?**

9           A.     Are you asking regarding asbestos or  
10 --

11          **Q.     Just in general right now.**

12          A.     A general question, I can't answer.

13          **Q.     Okay. A claim -- Now the same**  
14 **question, when was the first asbestosis claim**  
15 **that was brought against DuPont?**

16          A.     There was not a claim brought  
17 against DuPont. In 1974 we detected the first  
18 two cases of what turned out to be  
19 asbestosis. DuPont did not wait for claims to  
20 be filed if an employee had been injured.  
21 DuPont would go ahead and get the employee the  
22 proper medical care and then provide whatever  
23 workers' comp or other medical provisions they  
24 needed or were called for by law.

25                   MS. ROUSSEL:

1 Move to strike as non-responsive.

2 EXAMINATION BY MR. CLEMENT:

3 Q. When was the first lung cancer claim  
4 with regards to asbestos brought against  
5 DuPont?

6 A. 1977.

7 Q. 1977? When was the first claim  
8 regarding mesothelioma brought against  
9 DuPont?

10 A. You keep using the phrase "claim  
11 brought against", and I have try to explain  
12 claims were not necessarily brought against  
13 DuPont. DuPont would find these cases and  
14 then would take care of them before any claim  
15 was filed, or even help the employee file a  
16 claim if it was appropriate under worker's  
17 comp. So your phraseology I am having a  
18 little trouble with, but with the question I  
19 can't answer specifically with regards to  
20 mesothelioma.

21 MS. ROUSSEL:

22 Move to strike as non-responsive.

23 EXAMINATION BY MR. CLEMENT:

24 Q. You said you went around to the  
25 various plants from time to time as part of

1 your job responsibilities, so I guess you  
2 viewed what was going on, stuff like that? Is  
3 that correct?

4 A. That's correct.

5 Q. Did you ever witness any pipe  
6 insulation ever being removed?

7 A. Yes.

8 Q. So you would be familiar with the  
9 procedures I guess in general, in a general  
10 way?

11 A. Yes.

12 Q. Could you describe how the  
13 insulation would be removed?

14 A. It would depend upon the operation  
15 of the plant, what the plant was making, how  
16 the insulation was being used, and it would  
17 also depend upon the time that you're talking  
18 about.

19 Q. Let's go with the 1950s first.

20 A. I wasn't there in the 1950s. I  
21 would have started in 1970.

22 Q. Let's go to the 1970s then.

23 A. Okay.

24 Q. Do you have any recollection of pipe  
25 insulation being removed?

1 A. Yes.

2 **Q. In the 1970s?**

3 A. Yes.

4 **Q. Could you just kind of describe what**  
5 **you saw or how it was removed?**

6 A. Well, in the early '70s, in the  
7 1970s it would have been removed by the  
8 insulators, who were the ones that would be  
9 removing, wearing masks, either -- depending  
10 upon how dusty they thought the operation  
11 would be, either just a Confo mask or an  
12 air-supplied respirator or a mask with a  
13 cartridge respirator. And then it would be  
14 split or sawed and then removed and, depending  
15 upon the operation and how the asbestos was  
16 going to be handled later, it would either be  
17 removed intact so it could be reapplied, which  
18 occurred on the fibers plants and some of the  
19 other plants, or it might be, if it was  
20 already friable or something, it might be  
21 destroyed.

22 EXAMINATION BY MS. ROUSSEL:

23 **Q. Where did you see asbestos being**  
24 **removed?**

25 A. Spruance.

1           **Q.     Okay. Did you ever see it being**  
2 **removed from the Burnside facility?**

3           A.     I haven't been to Burnside, as I  
4 answered earlier.

5           **Q.     What about the Pontchartrain LaPlace**  
6 **facility? Did you ever see it being removed**  
7 **from the Pontchartrain LaPlace facility?**

8           A.     I don't recall seeing it being  
9 removed.

10          **Q.     When was the first time that you**  
11 **went to the LaPlace DuPont facility?**

12          A.     I answered that earlier. It would  
13 have been somewhere around '75 to '77.

14          **Q.     And how many times have you been**  
15 **there?**

16          A.     I have been there three to five  
17 times. I am not sure whether it was three or  
18 whether it was five. But somewhere in that  
19 range.

20          **Q.     Let's take the first time that you**  
21 **went there. Why did you go there?**

22          A.     I have answered that previously  
23 also.

24                   MR. COTTEN:

25                   That was.

1 EXAMINATION BY MS. ROUSSEL:

2 **Q. What was it?**

3 A. To go there to familiarize myself  
4 with the plant, to meet with the plant  
5 physician, to meet with the plant management  
6 and to meet with the local medical community.

7 **Q. And the local medical community, who**  
8 **did you meet with?**

9 A. Physicians in the LaPlace area.

10 **Q. Who specifically?**

11 A. I can only tell you who our plant  
12 physician was at that time. I don't -- Ma'am,  
13 I never kept up with who practiced in what  
14 city or what state.

15 **Q. Who was your plant physician at that**  
16 **time?**

17 A. Dr. Billy St. Martin.

18 **Q. And Dr. St. Martin, what -- isn't he**  
19 **just a GP?**

20 A. Yes.

21 **Q. So he certainly doesn't have any**  
22 **particular training in occupational lung**  
23 **diseases, does he?**

24 A. No, but as a plant physician you  
25 don't need that. You need someone who can do



1 the medical program, look for abnormalities,  
2 and then refer them to the proper specialist  
3 after that.

4 **Q. The next time that you went to the**  
5 **LaPlace facility, why did you go there?**

6 A. The same reason.

7 **Q. Okay. Every time that you went**  
8 **there, it was for the same reason?**

9 A. Except one time. And -- Well, it  
10 was the same reason.

11 **Q. When you went for the reason that**  
12 **you have explained, did you go into the**  
13 **workings of the plant to watch what the**  
14 **workers were doing?**

15 A. Yes.

16 **Q. And what specifically did you --**  
17 **where did you go specifically in a plant?**

18 A. Ma'am, I don't know. You know, I  
19 went -- I went wherever they carried me,  
20 wherever they directed me to go and show me  
21 work being done to get a sense of the  
22 operation.

23 **Q. Who directed you to go there?**

24 A. Either Dr. St. Martin or the safety  
25 supervisor or whoever my host was at that

1 time.

2 Q. The first time that you went to the  
3 LaPlace plant, who was the safety supervisor?

4 A. I don't know.

5 Q. On any of the occasions that you  
6 went to the LaPlace DuPont plant, who was the  
7 supervisor?

8 A. I don't recall.

9 Q. Did you ever meet with any other  
10 physician at the DuPont facility other than  
11 Dr. St. Martin?

12 A. At the Pontchartrain facility?

13 Q. Yes.

14 A. Yes.

15 Q. And who else did you meet with at  
16 the DuPont facility?

17 A. Dr. George Herman. Actually, after  
18 Dr. Herman was put there as a full time  
19 position.

20 Q. When was Dr. Herman put there first  
21 as a full time physician?

22 A. Sometime in the early '80s. I can  
23 only give you a range.

24 Q. And as a full time physician, did he  
25 do things like conduct pre-employment

1       **physicals, that type of thing?**

2           A.     Yes.

3           **Q.     Did DuPont ever employ at its**  
4       **LaPlace facility an occupational medicine**  
5       **physician?**

6           A.     These were all considered  
7       occupational medical physicians even though  
8       they were not Board Certified in occupational  
9       medicine.

10          **Q.     Do you know when Dr. St. Martin**  
11       **first became aware of asbestos-related**  
12       **hazards?**

13          A.     No.

14          **Q.     Do you know when Dr. Herman first**  
15       **became aware of asbestos-related hazards?**

16          A.     No.

17          **Q.     At any time that you went to the**  
18       **DuPont LaPlace facility, were there**  
19       **contractors working on the premises?**

20          A.     I don't recall whether they were or  
21       not.

22          **Q.     At any time that you went to the**  
23       **DuPont LaPlace facility, was it during a**  
24       **turnaround?**

25          A.     I don't recall there being a

1       turnaround when I was there.

2               **Q.     So just the normal day-to-day**  
3 **activities were going on?**

4               A.     Yes.

5               **Q.     Did you see any normal day-to-day**  
6 **activities involving changing of gaskets?**

7               A.     No.

8               **Q.     Did you just not pay attention or**  
9 **did you specifically know there were no**  
10 **changing of gaskets today?**

11              A.     Ma'am, I paid attention to  
12 everything I saw. I just don't recall having  
13 seen any.

14              **Q.     You would agree that in a plant the**  
15 **size of DuPont LaPlace, changing of gaskets is**  
16 **something that occurred on a regular basis?**

17              MR. COTTEN:

18                     Objection, form.

19              THE WITNESS:

20                     I can't speak to the operations  
21 of the LaPlace because I wasn't in  
22 operations there. I can't tell you  
23 how many times they changed gaskets.

24              EXAMINATION BY MS. ROUSSEL:

25              **Q.     Well, the first time that you went**

1       **there, how long did you stay there?**

2           A.     I was at the plant for one day.

3           **Q.     The second time you went, how long**  
4 **were you there?**

5           A.     Approximately the same time.

6           **Q.     Each time you went, it was about a**  
7 **day of time?**

8           A.     Yes.

9           **Q.     And during this day time you were**  
10 **meeting with the physicians?**

11          A.     With the plant physician, usually  
12 the safety supervisor, and usually the plant  
13 manager.

14          **Q.     You have already told me you didn't**  
15 **remember the name of any of the safety**  
16 **supervisors that were there when you went**  
17 **there. Correct?**

18          A.     That's correct. That's correct.

19          **Q.     Do you know the names of any of the**  
20 **plant managers who where there when you were**  
21 **there?**

22          A.     No.

23          **Q.     Now, you talked about Confo and**  
24 **air-supplied respiratory equipment. You would**  
25 **agree that a 3M white dust mask, those**

1 surgical looking masks with a rubber band  
2 around the head, is not designed to protect  
3 against asbestos, would you not?

4 A. I wouldn't necessarily agree with  
5 that. I think it depends upon the  
6 circumstances in the workplace, what work was  
7 being done.

8 Q. Well, when you left DuPont, are you  
9 aware that NIOSH prohibited the use of white  
10 dust masks for protection against asbestos?

11 A. Yes, but I left in 1996.

12 Q. When you started at DuPont was what  
13 year? Give me that year again.

14 A. 1970.

15 Q. And in 1970, was any of the 3M white  
16 dusk masks approved for use with asbestos?

17 A. I don't recall.

18 Q. If I were to tell you that they were  
19 not, would that surprise you?

20 A. That wouldn't surprise me, but I  
21 wouldn't agree with it unless I got published  
22 information.

23 Q. Do you know the 3M white dusk mask  
24 did not contain a HEPA filter?

25 A. I do know that, yes.

1 Q. You know you can't get a proper fit  
2 with a 3M type white dust mask to protect  
3 against asbestos, don't you?

4 A. I don't know that.

5 Q. Who at DuPont would know that?

6 A. I can't answer that. I don't know.

7 Q. Are you aware that under the  
8 standards as they exist today, that if air  
9 monitoring is not done to determine the level  
10 of asbestos, that any time an asbestos product  
11 is manipulated in any way, that air-supplied  
12 equipment is required?

13 A. I am not familiar with regulations  
14 now. They have been evolving over the years  
15 since they came out in the early '70s.

16 Q. And in any event, you don't know  
17 what was done at the DuPont LaPlace facility  
18 in that regard anyhow, do you?

19 A. That's correct.

20 Q. Nor do you know what was done at the  
21 Burnside facility in that regard, do you?

22 A. That's correct.

23 Q. You have talked about certain things  
24 happening starting in about '68 or '69 with  
25 regard to asbestos at the corporate policy

1 **level. What happened in '68 or '69 that**  
2 **changed the policy at the corporate policy**  
3 **level?**

4 A. I don't know that anything specific  
5 happened. Starting about the mid '60s, DuPont  
6 became aware that people who were in the  
7 insulating area, not in the milling, --  
8 asbestos milling and mining industry, but in  
9 the use of insulation materials like in a  
10 chemical facility, that they had some exposure  
11 to asbestos that had not previously been  
12 known. So DuPont started this reiterative  
13 process that I mentioned four or five times  
14 trying to develop what would be the  
15 appropriate policy for DuPont to communicate  
16 to the plants and have the plants implement to  
17 make sure that our asbestos workers,  
18 insulators were being properly protected.

19 **Q. Now, you're familiar with the 1943**  
20 **Maritime and Navy standards?**

21 A. No, I am not.

22 **Q. Are you familiar with the**  
23 **Fleischer-Drinker studies?**

24 A. No, I am not.

25 **Q. You would assume that DuPont would**



1 have been familiar with the studies that  
2 existed during that time period, correct?

3 A. I can't say yes or no to that.

4 Q. You talked about the fact that you  
5 had a laboratory to determine what the health  
6 hazards were that were associated with various  
7 toxins; correct?

8 A. Various what? I'm sorry.

9 Q. Toxins.

10 A. Haskell Laboratory was built in 1935  
11 to assure that DuPont had the toxicological  
12 information that they needed to provide safe  
13 and healthful workplaces.

14 Q. And that would have included  
15 asbestos, which was something used on the  
16 DuPont premises, was it not?

17 A. In the 1935 year they would not have  
18 been, because there was no data at that time  
19 that indicated that asbestos could be a threat  
20 to anybody that wasn't working in the milling  
21 and mining industry.

22 Q. Move to strike as non-responsive.

23 A. What was the answer --

24 Q. During the 1930s time period, was  
25 there asbestos on DuPont's premises?

1           A.     I can't answer that specifically. I  
2 wasn't there.

3           **Q.     During the 1940s time period, was**  
4 **there asbestos on DuPont's premises?**

5           A.     I can't answer that specifically.

6           **Q.     During the 1950s time period, was**  
7 **there asbestos on DuPont's premises?**

8           A.     I can't answer that specifically.

9           **Q.     During the 1960s time period, was**  
10 **there asbestos on DuPont's premises?**

11          A.     Yes.

12          **Q.     Okay. How do you know that?**

13          A.     Because when I got there in 1970  
14 there was asbestos in use at the Spruance  
15 plant in the 1970s.

16          **Q.     And how long had that plant been in**  
17 **operation?**

18          A.     That plant was built in 1928, 1929,  
19 something like that.

20          **Q.     And what you saw there was their**  
21 **equipment that had been in there since the**  
22 **beginning?**

23          A.     No, because the process had  
24 changed. The plant was built as a rayon  
25 plant. Rayon was no longer being

1 manufactured. Nylon was now being  
2 manufactured.

3 **Q. When did that occur?**

4 A. I think that plant converted from  
5 rayon to nylon about 1964.

6 **Q. And when it converted from making**  
7 **rayon to nylon, did it keep the same units in**  
8 **operation?**

9 A. No. Totally different process.

10 **Q. Did they go in and rip out all the**  
11 **pipings?**

12 A. I wasn't there so I can't answer  
13 that. But they put in a totally new process.

14 **Q. Okay. Now, putting in a new**  
15 **process, what would that have involved?**

16 A. It would have involved whatever  
17 equipment changes had to be made to make nylon  
18 instead of rayon.

19 **Q. And what would that have required?**

20 A. Ma'am, I am not an expert on that.  
21 I'm sorry.

22 **Q. Was some of the original equipment**  
23 **left in place?**

24 A. I never was told that there was  
25 original equipment there, so I don't know.

1           **Q.     You don't know one way or the other?**

2           A.     No, I don't.

3           **Q.     Was there original piping that was**  
4 **left in place?**

5           A.     I don't know.

6           **Q.     Was there original boilers or**  
7 **turbines that were left in place?**

8           A.     I don't know. Well, let me retract  
9 that question partially. They had a large  
10 pipe that provided power and steam for the  
11 whole plant. The turbine in the power plant,  
12 in answer to your -- specific answer to your  
13 question, the power plant was built when the  
14 rayon facility first came in and so that --  
15 the turbine would still have been there in the  
16 steam generating plant.

17           **Q.     Okay. So the power plant was the**  
18 **original power plant?**

19           A.     Yes.

20           **Q.     And are you aware that in connection**  
21 **with the power plant there were**  
22 **asbestos-containing products?**

23           A.     I am not aware of that.

24           **Q.     Are you aware that the piping to and**  
25 **from turbines and boilers would have been**

1 insulated with asbestos-containing products?

2 A. I am not aware of that.

3 Q. You don't know? You have never  
4 learned that as you sit here?

5 A. I don't recall having learned it.

6 Q. As a medical doctor, more likely  
7 than not you would agree that those, the  
8 piping to and from turbines and boilers during  
9 the 1950s, '60s, '70s, and early -- early to  
10 mid '70s would have contained asbestos;  
11 correct?

12 A. No.

13 Q. You don't know that one way or the  
14 other?

15 A. I don't know that.

16 Q. Did you as a medical doctor ever  
17 investigate to determine if that was true?

18 A. No.

19 Q. Who, if anybody, at DuPont would  
20 have been in charge of determining that?

21 A. The powerhouse supervisor, the  
22 insulation supervisor, and the safety  
23 supervisor, as well as the plant manager.

24 Q. You would agree that the Medical  
25 Department, which was part of your department,

1 **had an obligation to determine where and if**  
2 **employees were being exposed to asbestos;**  
3 **correct?**

4 MR. COTTEN:

5 Objection to form.

6 THE WITNESS:

7 Answer? We had an obligation to  
8 find out from the supervisors of those  
9 various other entities that I  
10 mentioned where people were possibly  
11 being exposed to anything that could  
12 be harmful to them and then to take  
13 appropriate medical steps to make sure  
14 their health was being protected.

15 EXAMINATION BY MS. ROUSSEL:

16 **Q. Now, are you Board Certified?**

17 A. Yes.

18 **Q. In what areas?**

19 A. Occupational medicine.

20 **Q. When did you become Board Certified**  
21 **in occupational medicine?**

22 A. 1977.

23 **Q. Are you Board Certified in any other**  
24 **areas?**

25 A. No. But that's by the American

1 Board of Preventive Medicine.

2 **Q. You're not a Board Certified**  
3 **toxicologist, are you?**

4 A. No.

5 **Q. You're not a Board Certified**  
6 **epidemiologist, are you?**

7 A. I have never held myself out to be  
8 either.

9 **Q. Prior to 1977 did you hold any board**  
10 **certifications?**

11 A. No.

12 **Q. Now, when you were answering**  
13 **questions earlier, did you say that asbestos**  
14 **was a component of certain of the products**  
15 **manufactured by DuPont?**

16 A. I don't recall having said that.

17 **Q. Was asbestos a component of any of**  
18 **the products manufactured by DuPont?**

19 A. Asbestos was used in a few products  
20 that DuPont made.

21 **Q. What were those products?**

22 A. DuPont owned Remington Arms, and  
23 asbestos at one time was used for the shotgun  
24 shell wadding. There was a radiator stop-leak  
25 that DuPont manufactured and sold that had

1 some asbestos in it. That's all that I can  
2 recall right now.

3 **Q. And when was asbestos a component of**  
4 **these DuPont products? What was the earliest**  
5 **date that asbestos would have been a component**  
6 **of those products?**

7 A. I don't know the earliest date.

8 **Q. When was the latest date that**  
9 **asbestos would have been a component of those**  
10 **products?**

11 A. I think the shotgun shell wadding  
12 asbestos was discontinued in that in the early  
13 '70s. I can't tell you a date certain. The  
14 same thing with radiator stop-leak.

15 **Q. And so because asbestos was a**  
16 **component of these products, that was one of**  
17 **the things that the Haskell Laboratory would**  
18 **have been evaluating, the hazards of those**  
19 **products with asbestos?**

20 A. The Product Manufacturing Department  
21 would have had the responsibility to get the  
22 appropriate data on that. They would have  
23 come to Haskell if they needed more data or  
24 they needed Haskell to get that data.

25 **Q. But the bottom line is that DuPont**



1 had a responsibility to know the health  
2 hazards associated with the components of its  
3 various products. You would agree with that?

4 A. Yes, DuPont had a responsibility to  
5 know the health hazards.

6 Q. Now, you said you have been to the  
7 DuPont LaPlace facility. How many employees  
8 were actually DuPont employees at that  
9 facility when you first went there?

10 A. Over time it varied. LaPlace was  
11 never what you would call a big plant, but it  
12 was a good sized plant. And as I recall, and  
13 this is going back to somewhere in the mid  
14 '70s, LaPlace would have had around 900  
15 employees, DuPont employees. Could have been  
16 1,000, could have been 800. But somewhere in  
17 that range.

18 Q. And in addition to having direct  
19 employees itself, it also had contractors who  
20 were working on the premises?

21 A. I don't know that, because, you  
22 know, I wasn't there enough to know what their  
23 contracting relationships were.

24 Q. And how many feet of insulated  
25 piping would you approximate that they had at

1       **that plant when you first went there?**

2           A.     I have no way of estimating that.

3           **Q.     Miles?**

4           A.     I have no idea.

5           **Q.     You would agree that when an**  
6       **asbestos-containing product is being**  
7       **manipulated that it can be emitting asbestos**  
8       **in excess of the TLV even if no visible dust**  
9       **is seen?**

10           MR. COTTEN:

11                 Objection, form.

12       EXAMINATION BY MS. ROUSSEL:

13           **Q.     Is that correct?**

14           MR. COTTEN:

15                 Objection, form.

16           THE WITNESS:

17                 I don't have knowledge that would  
18                 tell me that.

19       EXAMINATION BY MS. ROUSSEL:

20           **Q.     You don't know one way or the other?**

21           A.     That's correct.

22           **Q.     And you're not an industrial**  
23       **hygienist?**

24           A.     No.

25           **Q.     You have never tested an**

1       **asbestos-containing product to determine the**  
2       **levels of emissions when it's manipulated,**  
3       **have you?**

4           A.    No.

5           **Q.    No, you have not?**

6           A.    I answered no.

7           **Q.    No, you haven't?**

8           A.    Well, I answered the question.  I'll  
9       answer it -- All it needed was a "yes" or "no"  
10      answer and I gave you a "no" answer.

11          **Q.    Have you ever witnessed a person**  
12       **taking a sample from an asbestos-containing**  
13       **product?**

14          A.    Yes.

15          **Q.    When and where?**

16          A.    In Spruance when I was there from  
17       '70 to '73.

18          **Q.    And who was doing it?**

19          A.    One of the insulators and insulation  
20       supervisor.

21          **Q.    Who was testing it?**

22          A.    I don't recall where it was being  
23       sent for testing, so I don't know.

24          **Q.    Who was actually capturing the**  
25       **sample?**

1           A.     The insulator and insulation  
2 supervisor.

3           **Q.     What was being done to the**  
4 **insulation?**

5           A.     At Spruance they had an insulation  
6 shop where all the work was being done.  
7 Fabricating and everything was being done in  
8 this insulation shop. Then once it was ready  
9 to be applied, it would taken out to the field  
10 and put on the application. What I witnessed  
11 was in the insulation shop, samples were being  
12 taken as material was being manipulated or  
13 sawed or cut. And then out in the field, the  
14 same thing would be happening as it was being  
15 applied.

16           **Q.     So did you see it being applied in**  
17 **the field?**

18           A.     Yes.

19           **Q.     Did you see it being cut in the**  
20 **field?**

21           A.     Yes.

22           **Q.     Did you see the saw that they were**  
23 **cutting it with?**

24           A.     In the field.

25           **Q.     In the field?**

1           A.     And in the insulation shop, both,  
2     yes.

3           **Q.     In the field what kind of saw were**  
4     **they cutting it with?**

5           A.     I don't recall, because this would  
6     have been in the early '70s period of time.

7           **Q.     Do you remember if it was a hand saw**  
8     **or was it an electrical saw?**

9           A.     I don't recall which it was.

10          **Q.     Was there any air capturing device**  
11     **on the saw itself?**

12          A.     In the early '70s, no.   But later  
13     there were.

14          **Q.     How much later?**

15          A.     Somewhere in the early '70s, '71,  
16     '72 time frame.

17                 MR. COTTEN:

18                         Excuse me.   Just for  
19     clarification, are we talking about  
20     the saw in the field or the saw in the  
21     shop?

22                 MS. ROUSSEL:

23                         I'm talking about the saw in the  
24     field.

25                 MR. COTTEN:

1           That's what I thought. Okay.

2           EXAMINATION BY MS. ROUSSEL:

3           **Q.     And so DuPont at the facility that**  
4 **you were at -- again, and which facility was**  
5 **that?**

6           A.     Spruance textile fibers plant.

7           **Q.     And what state is that in?**

8           A.     Richmond, Virginia.

9           **Q.     Okay. So in this Virginia plant in**  
10 **the early '70s, out in the field DuPont**  
11 **actually implemented onto its equipment fiber**  
12 **capturing devices?**

13          A.     They implemented dust capturing  
14 devices. I can't tell you exactly what time  
15 frame that was. But I know it was prior to my  
16 leaving there in January of '7- -- March of  
17 '73.

18          **Q.     And, sir, from your standpoint why**  
19 **would that be important, to have an air**  
20 **capturing device on a hand saw being used to**  
21 **manipulate an asbestos-containing product?**

22          A.     As I have testified earlier, you  
23 wanted to minimize any dust in the workplace,  
24 any housekeeping problems, and so it was  
25 important to try to minimize that wherever you

1 could minimize it. At the source if possible,  
2 and that's what that would have been, at a  
3 source, a collection system.

4 Q. And when you came to DuPont LaPlace,  
5 did you discuss the fact that that type of  
6 equipment should be used in DuPont LaPlace?

7 A. I don't remember having such a  
8 discussion.

9 Q. Now, you said when you first started  
10 with DuPont out in the field there was no air  
11 capturing or particle capturing device on the  
12 equipment. Do you know how long it was before  
13 that was actually begun?

14 A. No, I don't.

15 Q. Do you know if it was years or  
16 months?

17 A. I don't know.

18 Q. As a medical doctor, you are aware  
19 that there is no known safe limit, with regard  
20 to development of mesothelioma, as to exposure  
21 to asbestos? Or are you aware of that?

22 A. I am not aware of a stated safe  
23 level.

24 Q. With regard to asbestosis, are you  
25 aware -- you would agree that that's a

1 **cumulative disease?**

2 A. It -- It has many exposure-related  
3 things. It depends upon the amount of  
4 exposure you have and the length of time that  
5 you have that exposure. That's why they use a  
6 time-weighted average exposure. So if you can  
7 get the exposure low enough or extend -- you  
8 know, have the time exposure short enough,  
9 then you don't have to worry about it. It's  
10 all dependent upon the exposure level and the  
11 time the person is exposed.

12 **Q. Move to strike as non-responsive.**

13 **Maybe my question wasn't clear.**

14 **But let's assume an individual develops**  
15 **asbestosis. You would agree that that**  
16 **asbestosis that is ultimately diagnosed**  
17 **resulted because of the cumulative effect of**  
18 **the exposure over a period of time?**

19 MR. COTTEN:

20 Objection to form.

21 THE WITNESS:

22 Yes, depending upon the amount of  
23 exposure and the length of time.

24 EXAMINATION BY MS. ROUSSEL:

25 **Q. When you started with DuPont, what**



1 **was its corporate name?**

2 A. E. I. DuPont de Nemours and  
3 Company. Which is what it's been since it was  
4 founded in 1802.

5 **Q. And the facility which existed at**  
6 **LaPlace, the Pontchartrain facility, is that**  
7 **the name of that company as well, E. I. DuPont**  
8 **de Nemours and Company?**

9 A. De Nemours, yes.

10 **Q. The same thing with Burnside? Is**  
11 **that the name of that company?**

12 A. They're not separate companies.  
13 They're all a part of the E. I. DuPont de  
14 Nemours, Incorporated company, but not  
15 incorporated -- an E. I. DuPont de Nemours and  
16 Company company.

17 **Q. At the Burnside facility, give me**  
18 **the corporate structure.**

19 A. I -- As I have told you, I have  
20 never been to Burnside, but I can tell you  
21 what a typical corporate structure would have  
22 been.

23 **Q. Okay.**

24 A. The head person from DuPont at the  
25 plant would be the plant manager. Then he or

1 she would have various supervisors under them  
2 that would have responsibility for various  
3 areas of the plant or various work type --  
4 work sites at the plant. They would report to  
5 the plant manager. Then the plant manager  
6 would report to his or her boss, who then  
7 reported up through their department line or  
8 their business line to the head of that  
9 department or that business, depending on what  
10 period of time you're talking about.

11 **Q. With regard to the Burnside plant,**  
12 **and this is with regard to corporate**  
13 **structure, to whom would the plant manager of**  
14 **the Burnside plant have reported?**

15 A. He or she would have what we call a  
16 production manager that -- to whom they would  
17 report.

18 **Q. And during the 1960s time period,**  
19 **what is the name of the production manager to**  
20 **whom the Burnside plant manager would have**  
21 **reported?**

22 A. I don't know.

23 **Q. Okay.**

24 MS. ROUSSEL:

25 Are y'all going to be producing

1           somebody to answer those questions?

2           MR. COTTEN:

3           I think we can -- I think we can  
4           either provide you with the answers or  
5           find someone who can. I don't know if  
6           -- Those seems like things we could  
7           provide in a written answer to you.

8           MS. ROUSSEL:

9           By when would you be able to  
10          provide a written answer to that?

11          MR. COTTEN:

12          I don't know. I need to --

13          MS. MACCHERONE:

14          We need to investigate that.

15          MS. ROUSSEL:

16          While we're on this, topic number  
17          2 was one of the areas that was  
18          indicated this morning this gentleman  
19          would be testifying about.

20          MR. COTTEN:

21          With respect to the corporate  
22          structure.

23          MS. ROUSSEL:

24          With regard to the corporate  
25          structure.

1 MS. MACCHERONE:

2 It wasn't that specific. He is  
3 testifying with regard to the  
4 corporate structure of DuPont.

5 MS. ROUSSEL:

6 Well, we all know, and the notice  
7 specifically talks about LaPlace,  
8 Louisiana and Burnside, Louisiana, and  
9 so we know that at each of those  
10 facilities the top person would be the  
11 plant manager.

12 EXAMINATION BY MS. ROUSSEL:

13 **Q. Is that correct, sir?**

14 A. At the facility, yes.

15 **Q. Okay. But then the plant manager**  
16 **would report to somebody in the corporate**  
17 **level. Correct?**

18 A. Yes.

19 **Q. Okay.**

20 MS. ROUSSEL:

21 So with regard to that corporate  
22 structure, we are going to call for  
23 production of to whom the plant  
24 manager at Burnside and the plant  
25 manager at LaPlace would have reported

1 to.

2 MS. MACCHERONE:

3 And we produced a witness to  
4 discuss Burnside yesterday and someone  
5 will be discussing Pontchartrain Works  
6 this afternoon.

7 MS. ROUSSEL:

8 Well, my understanding is neither  
9 one of those individuals is going to  
10 know at the corporate level --

11 MS. MACCHERONE:

12 Okay.

13 MS. ROUSSEL:

14 -- to whom to plant manager  
15 would have reported, but if I am wrong  
16 about that, I guess we'll learn that  
17 later. I can tell you the gentleman  
18 yesterday had no clue about corporate.

19 MS. MACCHERONE:

20 Okay. Well, I will check on  
21 that.

22 MS. ROUSSEL:

23 By when am I going to have a  
24 written response as to corporate  
25 structure?

1 MS. MACCHERONE:

2 What time frame do you want?

3 MS. ROUSSEL:

4 '51 through '86.

5 MS. MACCHERONE:

6 Okay. Those plants didn't exist  
7 until the late '60s, so I am assuming  
8 when they came into existence.

9 MS. ROUSSEL:

10 Well, yes.

11 MS. MACCHERONE:

12 Okay.

13 MS. ROUSSEL:

14 Whoever was responsible for --  
15 set out the design for them. I want  
16 to know -- This goes from '51 to '86.  
17 Our notice also requests corporate  
18 structure of DuPont including  
19 executive management, safety  
20 personnel, design research personnel,  
21 management and sales management.

22 MS. MACCHERONE:

23 And I believe Dr. Karrh has  
24 addressed the corporate structure of  
25 the DuPont Company.

1 MS. ROUSSEL:

2 Okay. Then maybe I'm just having  
3 a problem hearing Dr. Karrh.

4 EXAMINATION BY MS. ROUSSEL:

5 **Q. To whom did the plant manager at**  
6 **Burnside report to at the corporate level?**

7 A. He or she, as I have answered, I  
8 think twice already, would have reported to  
9 the production manager for that particular  
10 product line.

11 **Q. Okay. What was the product line at**  
12 **Burnside?**

13 A. Acid, sulfuric acid, and then  
14 there's sulfur dioxide and sulfur trioxide.

15 **Q. What was the product manager to whom**  
16 **the Burnside would have reported at the**  
17 **corporate level?**

18 A. And I have already answered, I don't  
19 recall. I don't know.

20 **Q. Okay. Then I wasn't having a**  
21 **problem hearing.**

22 MS. ROUSSEL:

23 By when am I going to be given a  
24 response to the corporate organization  
25 with regard to Burnside and LaPlace?

1 MR. COTTEN:

2 Would it be acceptable if, since  
3 we know specific -- the specifics of  
4 your inquiry right now, to be able to  
5 tell you that by the end of the day  
6 today?

7 MS. ROUSSEL:

8 That would be great. Yes. If we  
9 could have -- Are we going to attach  
10 it as a written response to this  
11 deposition?

12 MR. COTTEN:

13 What I am saying is when we can  
14 tell you.

15 MS. ROUSSEL:

16 Oh, I see what you're saying.

17 MR. COTTEN:

18 Because I just don't know how  
19 long it will take us to determine  
20 those answers. But I think I know  
21 where you're going. You want the  
22 names of the individuals to whom these  
23 plant managers would have reported  
24 during that time frame.

25 MS. ROUSSEL:



1           Correct. And for each of these  
2           areas in the notice. And that's at --  
3           Item 2 is the question that I am on  
4           right now.

5           EXAMINATION BY MS. ROUSSEL:

6           **Q. To whom would the plant manager at**  
7           **DuPont LaPlace have reported?**

8           A. To the production manager for that  
9           product line.

10          **Q. And what was the product line of**  
11          **DuPont LaPlace?**

12          A. Primarily it was chloroprene used in  
13          -- as an intermediate in making neoprene.  
14          Also I think there were some other  
15          intermediates that were made there.

16          **Q. What were the other intermediates?**

17          A. I'm sorry, I don't recall  
18          specifically what was made on that plant over  
19          time. Plants -- Plants were sort of evolving  
20          types of things and the product line changes  
21          as more or less demand for whatever product  
22          they're making, whatever intermediate they're  
23          making.

24          **Q. Would the plant manager have**  
25          **reported to different types of product**

1 **managers, the plant manager at LaPlace?**

2 A. It's possible if there was -- if the  
3 product lines were varied enough that they  
4 came out of different departments or different  
5 business systems, then it's possible that the  
6 plant manager could report to more than one  
7 production manager.

8 **Q. When the DuPont LaPlace plant was**  
9 **first built, who was in charge of safety?**

10 A. That would have -- When it was being  
11 built, that would have come under the  
12 Construction Division, which was responsible  
13 for all the new construction in the company  
14 and I don't know who the safety supervisor  
15 would have been at that site, but there would  
16 have been a Construction Division safety  
17 supervisor.

18 **Q. And to whom would that person have**  
19 **reported?**

20 A. That person would have reported to  
21 either the site construction manager during  
22 construction or to the site manager if it was  
23 after construction and the plant was started.

24 **Q. And that safety manager would have**  
25 **been on site at DuPont LaPlace when that plant**

1 **was being constructed?**

2 A. I used the term "safety supervisor",  
3 but the answer to the question is yes, the  
4 safety supervisor would have been on site.

5 **Q. The same thing with regard to**  
6 **Burnside; would the safety supervisor have**  
7 **been on site when that plant was being**  
8 **constructed?**

9 A. Yes.

10 **Q. Now, after the plant was**  
11 **constructed, was there an on site safety**  
12 **supervisor?**

13 A. At Pontchartrain the answer is yes,  
14 because Pontchartrain was large enough to have  
15 a full time safety supervisor. At Burnside,  
16 it's possible, and I don't know this, but it's  
17 possible that there could have been someone  
18 else that was supervising some other operation  
19 there who had the responsibility as safety  
20 supervisor for that site.

21 **Q. Who would know that?**

22 A. Someone that was at Burnside at that  
23 time.

24 **Q. Well, the gentleman at Burnside**  
25 **yesterday said that there was no one there**

1 **with the title of safety supervisor.**

2 A. Well, that's what I just explained.  
3 He or she may have had some other title, some  
4 other responsibilities, but they would have  
5 also had the responsibility as a safety  
6 supervisor.

7 **Q. Who would have assured that that**  
8 **safety supervisor knew what the hazards were**  
9 **that were associated with the operations of**  
10 **that plant?**

11 A. Now we're talking two different  
12 things now. I'm trying to separate them out.  
13 If you want to talk about construction, then  
14 that person would have been reporting through  
15 the Construction Division to the safety  
16 supervisor in Construction Division in  
17 addition to reporting to the site supervisor  
18 of construction. If we're just talking about  
19 operations once the plant goes into operation,  
20 that safety supervisor there would have been  
21 reporting to the plant manager, but then he  
22 would have had -- he or she would have had a  
23 secondary reporting position to the  
24 departmental safety supervisor for whatever  
25 department the plant was in, or business

1 operation.

2 **Q. So at the corporate level you're**  
3 **talking about?**

4 A. Yes.

5 **Q. Do you know who the safety -- the**  
6 **person in safety during operations was once**  
7 **the LaPlace facility was in operation?**

8 A. No, I don't. But the safety  
9 supervisor would change like every other job  
10 in a company. As the plant manager changes  
11 every two or three years, the safety  
12 supervisor would change in some period of time  
13 depending upon other opportunities for them,  
14 where their expertise was needed.

15 **Q. If Burnside did not have a safety**  
16 **supervisor once that plant was in operation,**  
17 **who would have had the responsibility for**  
18 **safety in that facility?**

19 A. At all of DuPont's plants, the plant  
20 manager is ultimately responsible for all  
21 safety. If he or she did not have a  
22 designated safety supervisor, then he or she  
23 would have that direct responsibility.

24 **Q. At DuPont LaPlace, during the**  
25 **construction phase, there would have been a**

1 **safety supervisor for construction?**

2 A. There would have been someone there  
3 with that responsibility. Now, it may --  
4 Again, depending on how many people they had  
5 involved, it may have been the site  
6 construction superintendent himself or  
7 herself. But there would have been someone  
8 with that ultimate responsibility for that  
9 site and the safety supervisor, if there was  
10 one, would have assisted that person carrying  
11 out those responsibilities.

12 **Q. During the construction activities?**

13 A. Yes.

14 **Q. And that would be true for both the**  
15 **LaPlace facility and the Burnside facility?**

16 A. That's correct.

17 **Q. And this safety supervisor would**  
18 **have also had responsibility for the safety of**  
19 **all individuals working on that premises?**

20 A. It gets a little bit complicated,  
21 but at DuPont a site manager is ultimately  
22 responsible for the safety and health of  
23 everyone on that site. The safety supervisor  
24 assists that plant manager carrying out his or  
25 her responsibilities.

1           **Q.     And the site manager and the safety**  
2 **supervisor would be a DuPont employee?**

3           A.     Yes.

4           **Q.     And the site manager and/or the**  
5 **safety supervisor would be responsible for the**  
6 **safety of everything going on at that site,**  
7 **whether it be done by a direct employee or by**  
8 **a contractor?**

9           A.     The site manager, like I just  
10 explained, has ultimate responsibility for the  
11 operation, safe and healthful operations of  
12 that site. The safety supervisor assists the  
13 site manager in carrying that out. Now, in  
14 the case where there are contractors on the  
15 site and the contractors are employed by  
16 someone other than DuPont, that contractor,  
17 contracting company has the responsibility for  
18 the safety and health of their own employees,  
19 but DuPont would need to provide a safe and  
20 healthful workplace for the contractor  
21 employees and to provide the contracting  
22 company with the information they needed to  
23 assure that they were protecting the safety  
24 and health of their employees.

25           **Q.     So the site manager, with the**

1 assistance of the safety supervisor, has an  
2 obligation to oversee the operation,  
3 regardless of who it's being done by and to  
4 assure that it's being done in a safe manner?

5 MR. COTTEN:

6 Objection, form.

7 EXAMINATION BY MS. ROUSSEL:

8 Q. Correct?

9 A. No, I wouldn't agree with that. I  
10 tried to explain it. I'll try it one more  
11 time --

12 Q. Please.

13 A. -- if I can.

14 Q. And now let me get you to narrow  
15 it. Now specifically I am talking about  
16 contract employees working on a DuPont  
17 facility.

18 A. As I tried to explain a couple of  
19 minutes ago, the plant manager has the  
20 responsibility to make sure that the workplace  
21 is safe and healthful. The contracting  
22 company has the responsibility to make sure  
23 that their employees are being adequately  
24 protected from any health or safety hazards on  
25 the work site. Now, the site manager, the



1 DuPont Company site manager has the  
2 responsibility to make sure that contracting  
3 company has the information they need to have  
4 to make sure that they are provided safe and  
5 healthful workplaces for their employees.

6 **Q. If a site manager sees an insulator**  
7 **doing work in an unsafe manner, is the site**  
8 **manager obligated to correct that?**

9 MR. COTTEN:

10 Objection, form.

11 THE WITNESS:

12 If it's a DuPont employee  
13 insulator, the site manager is  
14 responsible to correct it with that  
15 employee at the time and to go to that  
16 employee's supervisor and make sure  
17 the supervisor is aware of it and is  
18 following through. If it's a  
19 construction employee that the site  
20 manager sees doing something that's  
21 unsafe, then he has an obligation to  
22 go to that construction company  
23 employee's supervisor and tell them  
24 that their employees are not following  
25 what are the safety rules and

1 regulations.

2 EXAMINATION BY MS. ROUSSEL:

3 Q. And --

4 MR. COTTEN:

5 For clarification, you said  
6 "construction". Are you meaning a  
7 contractor employee?

8 THE WITNESS:

9 Yes, I'm sorry. I misspoke. I  
10 meant contracting company employee.

11 Yes.

12 EXAMINATION BY MS. ROUSSEL:

13 Q. Now, we have been talking about  
14 construction activities. Let's talk about  
15 once the plant is built and it's in regular  
16 operation. Do you still have the site manager  
17 and the safety supervisor under typical  
18 circumstances?

19 A. Yes.

20 Q. And it would be the same type of  
21 situation that you're describing now, whether  
22 it be a contract employee or a direct  
23 employee? Once it went into operation.

24 A. If it was in operation, then the  
25 site manager has the responsibility to provide

1 a safe and healthful workplace. If there are  
2 contractor employees on there that are  
3 employed by a contracting company, then that  
4 contracting company has an obligation to  
5 provide a safe and healthful workplace for  
6 their employees, but then the DuPont site  
7 manager has the responsibility to provide that  
8 contracting company person adequate  
9 information to tell them what hazards might be  
10 there and what protections DuPont recommends  
11 be taken.

12 **Q. And likewise, if a contract employee**  
13 **is operating in an unsafe manner, it is the**  
14 **site manager's obligation to make certain that**  
15 **that is corrected?**

16 A. If it's a contracting employee as  
17 you have described it here, the site manager,  
18 as I mentioned, has the responsibility to go  
19 to the contracting company representative and  
20 let them know that he or she observed someone  
21 operating in an unsafe manner, that it was one  
22 of their employees, one of the contractor  
23 employees, and then the contracting company  
24 would have the responsibility then to correct  
25 that.

1           **Q.     But the site manager would have an**  
2 **obligation to make certain that it was**  
3 **corrected ultimately?**

4           A.     I don't think that's true. The site  
5 manager would have the responsibility to tell  
6 the contractor company that that contracting  
7 company employee was operating in an unsafe  
8 manner. And then the contracting company has  
9 an obligation then, because they're an  
10 employer, too, they have an obligation then to  
11 correct whatever unsafe act that employee is  
12 doing.

13           **Q.     And does the site manager have an**  
14 **obligation to make certain that it ultimately**  
15 **got corrected?**

16           A.     Well, if the site manager saw it  
17 occurring again, then he or she would go back  
18 to that contracting company representative and  
19 insist it be corrected.

20           **Q.     And so that that's simply my**  
21 **question. So the site manager would have an**  
22 **obligation to make certain that that situation**  
23 **was ultimately corrected?**

24           A.     I'm trying to answer that as best I  
25 can, but not necessarily. DuPont site

1 managers have an obligation, if they see a  
2 contractor employee doing something unsafe, to  
3 inform that employee's boss, the contractor,  
4 that something unsafe is being done and then  
5 have every expectation that that company  
6 person, that contracting company person would  
7 make sure it was corrected.

8 **Q. And so if they went back the next**  
9 **day and it wasn't, what would be the site**  
10 **manager's responsibility?**

11 A. As I have described once before, to  
12 go back to that company representative, the  
13 contracting company representative and inform  
14 them again it was not being corrected.

15 **Q. And if they went back the next day**  
16 **and it was not being corrected, what would**  
17 **they do?**

18 A. I don't know how many days they  
19 would go through this, but ultimately the  
20 contractor would lose the contract.

21 **Q. Okay. So the site manager would**  
22 **continue to evaluate the situation?**

23 A. To the extent that he or she could  
24 or became aware of it.

25 **Q. Once they became aware of a**

1 **situation, would they continue to follow up on**  
2 **it?**

3 MR. COTTEN:

4 Go ahead.

5 THE WITNESS:

6 Not necessarily. Because the  
7 contractors, when they come on site,  
8 they are given the contract and  
9 they're given some outline of what the  
10 hazards are on the plant and then it's  
11 expected that that employer, that  
12 contractor company employer would  
13 provide a safe and healthful workplace  
14 for his or her employees. And so  
15 DuPont had an obligation to inform the  
16 contractor, the contracting company  
17 representative, of what might create  
18 safety or health problems and then  
19 have every expectation that that  
20 contracting company is going to carry  
21 that responsibility out.

22 EXAMINATION BY MS. ROUSSEL:

23 **Q. And once they informed them of the**  
24 **hazards that they expected they might**  
25 **encounter, did DuPont have anything in place**

1 **to make certain that those contract employees**  
2 **would not be harmed by that hazard?**

3 A. They were not DuPont employees.  
4 They were contractor company employees. The  
5 contractors have an equal obligation to DuPont  
6 to provide a safe and healthful workplace.

7 **Q. Okay. And so what you're saying is**  
8 **there was an obligation to provide a safe and**  
9 **healthful workplace and it was an obligation**  
10 **of DuPont as well as the contractor?**

11 A. It's DuPont's responsibility to make  
12 sure that the workplace is safe and healthful  
13 and that the contractor employee -- employer  
14 knows what needs to be done to protect their  
15 employees. It's the contractor employer that  
16 has the responsibility to carry those out and  
17 make sure they're carried out.

18 MR. COTTEN:

19 If you are reaching a good  
20 breaking point, I would like to take a  
21 break.

22 MS. ROUSSEL:

23 Sure. Did you all want to take a  
24 short break or a lunch break?

25 MR. COTTEN:

1 A short break.

2 MS. ROUSSEL:

3 Okay. I actually am almost  
4 finished with this witness. So I  
5 don't have a problem taking a short  
6 break.

7 MR. COTTEN:

8 If I could have about five to ten  
9 minutes? Thank you.

10 (Recess.)

11 EXAMINATION BY MS. ROUSSEL:

12 Q. We were earlier talking about the 3M  
13 white dust mask, and are you aware of any  
14 internal correspondence from DuPont indicating  
15 that 3M's dust mask should not be used around  
16 asbestos at any period of time?

17 A. I am not aware of any.

18 Q. Were you aware that the 3M dust mask  
19 was known by DuPont not to protect against a  
20 carcinogen, including asbestos?

21 A. I am not aware of that knowledge.

22 Q. As you sit here today, are you aware  
23 that the 3M dust mask does not protect against  
24 asbestos?

25 A. I am not aware of that knowledge.



1           **Q.     Okay.**

2                   MS. ROUSSEL:

3                   I am going to attach as exhibit  
4                   -- Off the record.

5                   (Whereupon a discussion was held  
6                   off the record.)

7           EXAMINATION BY MS. ROUSSEL:

8           **Q.     Let me ask you, before we go into**  
9           **this document, who is F. H. Hixson, H I X S O**  
10           **N?**

11           A.     I'm not familiar with that name.

12           **Q.     C. A. Mata, M A T A?**

13           A.     I am not familiar with that name.

14           **Q.     D. E. Thompson, T H O M P S O N?**

15           A.     Not familiar with that name.

16           **Q.     W. H. Webb, W E B B?**

17           A.     Not familiar with that name.

18           **Q.     E. E. Kirby, K I R B Y?**

19           A.     Not familiar with that name.

20           **Q.     DuPont has produced in connection**  
21           **with this corporate deposition a document**  
22           **which is Bates stamped as DUP-0903470. I am**  
23           **going to ask you to take a few minutes to read**  
24           **that document. And we're going to attach it**  
25           **to the deposition as Exhibit Number 1.**

1 A. Okay.

2 Q. Is today the first day you have ever  
3 seen that document?

4 A. Yes, it is.

5 Q. Okay. Do you recall having any  
6 discussions with anybody at DuPont at any  
7 level with regard to the inadequacy of the  
8 white dust mask to protect against  
9 carcinogens, including asbestos?

10 A. I don't recall such discussion.

11 Q. And the question was asked earlier  
12 with regard to claims filed against DuPont for  
13 asbestos-related diseases. Do you know when  
14 the first claim was filed against DuPont for  
15 an asbestos-related condition?

16 A. I tried to explain it earlier and I  
17 may not have done a very good job. The first  
18 cases that we saw that we recognized as being  
19 asbestos --

20 Q. I heard that answer. I heard that  
21 answer.

22 A. Okay. I don't -- Your question is  
23 different?

24 Q. My question was specifically with  
25 regard to claims. I.e., be it a comp claim or

1 **a lawsuit. When was the first claim filed**  
2 **against DuPont?**

3 A. DuPont helped the employees file the  
4 claims against DuPont's workers' comp carriers  
5 in 1974, as I tried to explain earlier. Now,  
6 if that answers your question as far as a  
7 claim or if you're talking about a de novo  
8 claim that DuPont did not know anything about,  
9 including a HIPPA claim, I cannot answer that.

10 **Q. Did DuPont have a list of claims**  
11 **that have been filed against them?**

12 A. For what purpose?

13 **Q. For asbestos-related diseases.**

14 A. There was such a list when I  
15 retired. But again, I am trying to make it  
16 clear that DuPont didn't wait for a claim to  
17 be filed. If DuPont detected that an employee  
18 or pensioner had an asbestos-related medical  
19 condition, DuPont would help that employee or  
20 pensioner file that claim. So there's a -- I  
21 am trying to describe a distinction between a  
22 de novo claim and a claim that DuPont itself  
23 generated.

24 **Q. Move to strike as non-responsive.**

25 MS. ROUSSEL:

1                   We're going to call for  
2                   production of the list of claims  
3                   against DuPont for asbestos-related  
4                   diseases.

5                   MR. COTTEN:

6                   Say again?

7                   MS. ROUSSEL:

8                   We're calling for production of  
9                   the list of claims against DuPont for  
10                  asbestos-related diseases. When can  
11                  that be provided to us?

12                  MR. COTTEN:

13                  Was it part of your notice?

14                  MS. ROUSSEL:

15                  Yes.

16                  MR. COTTEN:

17                  I don't know of a list outside of  
18                  -- I know what he just testified to,  
19                  but not -- I'm unaware of that list.

20                  MS. ROUSSEL:

21                  It's item number 41.

22                  MR. COTTEN:

23                  But I am unaware --

24                  MS. ROUSSEL:

25                  Are you going to today, at the

1 end of the day tell me as with regard  
2 to the other information?

3 MR. COTTEN:

4 My commitment was a date by which  
5 we could tell you the information.

6 MS. ROUSSEL:

7 By the end of today?

8 MR. COTTEN:

9 And I have to make a  
10 determination as to whether or not  
11 that list exists and then, secondly,  
12 whether or not that list is -- whether  
13 there's a privilege that attaches to  
14 that list. So we'll make those --  
15 we'll make a commitment to you to  
16 communicate to you in writing today a  
17 time frame with which we can give you  
18 the answer.

19 EXAMINATION BY MS. ROUSSEL:

20 **Q. And, sir, you said you testified at**  
21 **trial in the summer of '05 with regard to an**  
22 **asbestos-related claim. Correct?**

23 A. That's correct.

24 **Q. What type of disease was involved in**  
25 **that?**

1 A. That was an asbestosis.

2 Q. **And what was the verdict?**

3 A. Not guilty.

4 Q. **Have you testified at any other**  
5 **cases?**

6 A. As I mentioned earlier, I have  
7 testified in other cases, but that's the only  
8 --

9 Q. **Asbestos-related cases.**

10 A. Okay. You didn't make it clear.

11 Q. **I'm sorry. That was my fault.**

12 A. No, I haven't.

13 Q. **So the only trial, and just for**  
14 **clarification, you only testified once at**  
15 **trial in an asbestos-related case?**

16 A. That's correct.

17 Q. **And that was in the summer of '05?**

18 A. That's correct.

19 Q. **Were you qualified as an expert at**  
20 **that time?**

21 A. No, I was a fact witness.

22 Q. **And what was the site at issue in**  
23 **that case?**

24 A. La Porte, Texas.

25 Q. **And was a claim brought by an**

1 **employee or -- a direct employee or someone**  
2 **other than a direct employee?**

3 A. A direct employee who had been  
4 retired for I believe about ten years.

5 **Q. And who represented that employee?**

6 A. It was a Baron & Budd subsidiary,  
7 but I can't think of the name of the firm.

8 **Q. What was the name of the plaintiff?**

9 A. Berry, B E R R Y.

10 MS. ROUSSEL:

11 We're going to call for  
12 production of Dr. Karrh's --

13 EXAMINATION BY MS. ROUSSEL:

14 **Q. You were the corporate**  
15 **representative in that case?**

16 A. Yes.

17 MS. ROUSSEL:

18 We're going to call for  
19 production of that testimony. It's  
20 responsive to item number 42. Will  
21 that be produced to us?

22 MR. COTTEN:

23 Well, first it depends on whether  
24 or not that testimony was  
25 transcribed. But if it was and it's a

1 subject of proper production, we'll  
2 provide it to you.

3 MS. ROUSSEL:

4 And by when?

5 MR. COTTEN:

6 We'll communicate that to you in  
7 the same correspondence as the two  
8 other questions at issue.

9 MS. ROUSSEL:

10 That's all I have. Thank you,  
11 Dr. Karrh.

12 THE WITNESS:

13 Thank you.

14 MR. COTTEN:

15 Anybody else have any other  
16 questions? We'll reserve our  
17 questions for the time of trial.

18 (Recess in testimony.)

19 MS. ROUSSEL:

20 We got all the issues so we can  
21 go on and discuss them?

22 MS. WEINER:

23 Thank you.

24 MS. ROUSSEL:

25 Let's go on. We're back on the



1 record with regard to earlier this  
2 morning we were told we would be  
3 provided with information at the  
4 conclusion of the corporate  
5 deposition, and Monique Weiner has  
6 some.

7 MS. WEINER:

8 I'll respond on behalf of DuPont  
9 to the issues that were outstanding  
10 from the deposition obtained from Dr.  
11 Bruce Karrh as the corporate deponent  
12 for DuPont. The issues that were  
13 outstanding, as I understand them,  
14 were whether the trial testimony from  
15 Dr. Karrh would be produced as to the  
16 Berry trial. We will agree to produce  
17 that and we'll provide that to Counsel  
18 for Plaintiff as soon as it can be  
19 obtained.

20 MS. ROUSSEL:

21 But no later than --

22 MS. WEINER:

23 But no later than -- What date  
24 would you suggest?

25 MS. ROUSSEL:

1                   This Friday.

2                   MS. WEINER:

3                   I can't get it within two days.

4                   Because he said --

5                   MS. ROUSSEL:

6                   What is today?

7                   MS. WEINER:

8                   Today is Wednesday.

9                   MS. ROUSSEL:

10                  Two days is plenty of time.

11                  Okay. When can you provide it?

12                  MS. WEINER:

13                  Why don't -- Since we have agreed

14                  to provide other information, why

15                  don't we say that we'll work to

16                  provide it to you by the close of

17                  business Thursday, November --

18                  November 16, I believe is next

19                  Thursday.

20                  MR. ENGERON:

21                  Yes.

22                  MS. WEINER:

23                  So we'll provide you with the

24                  Berry trial transcript. If there is

25                  any problem in connection with the

1 Court Reporter, that it hasn't been  
2 transcribed or something in that  
3 respect, I will let you know in  
4 advance of that date.

5 With respect to the request that  
6 has been made for all workers'  
7 compensation claims and personal  
8 injury lawsuits, we have the same  
9 objection to producing that material  
10 as was stated in connection with the  
11 deposition of Pat Falterman that was  
12 taken yesterday, and I am losing track  
13 of the dates. That would be --

14 MR. ENGERON:

15 November 7.

16 MS. WEINER:

17 7th. Thank you. So we have the  
18 same objection that we stated on the  
19 record at that time.

20 MS. ROUSSEL:

21 And we ask that the deposition be  
22 marked at this point, because we do  
23 intend to file a motion on that.

24 MS. WEINER:

25 Sure. And then the last

1 outstanding issue, as I understand it,  
2 is whether DuPont will agree to  
3 provide the information as to the  
4 plant managers at the Pontchartrain  
5 facility from '64 to '86 and who their  
6 reports to, their direct reports to  
7 were in the corporate organization.  
8 We will work to provide that  
9 information and we'll have responsive  
10 information to you by the close of  
11 business on Thursday.

12 To the extent that plant managers  
13 aren't living and we can't find that  
14 information, we'll make our best  
15 effort to return what we can by the  
16 close of business Thursday, November  
17 16.

18 MS. ROUSSEL:

19 Okay. And just for further  
20 clarification, the plant managers at  
21 the time period that they were plant  
22 managers, if they're currently  
23 existing, their current addresses.

24 MS. WEINER:

25 Say that again.

1 MS. ROUSSEL:

2 If they are living, their current  
3 address, last known addresses.

4 MS. WEINER:

5 Sure. We can provide that.

6 MS. ROUSSEL:

7 Okay. And then the individuals  
8 at the corporate level to whom they  
9 reported, their names, positions and  
10 addresses.

11 MS. WEINER:

12 And those would have to be the  
13 same situation. If they're no longer  
14 with the company, last known  
15 addresses, last positions they held.

16 MS. ROUSSEL:

17 Correct.

18 MS. WEINER:

19 Okay. That's fine. I think that  
20 concludes the issues that we had  
21 outstanding.

22 \* \* \*

23

24

25

1  
2 WITNESS'S CERTIFICATE

3  
4 I, BRUCE KARRH, read or have had the  
5 preceding testimony read to me, and hereby  
6 certify that it is a true and correct  
7 transcription of my testimony, with the  
8 exception of any attached corrections or  
9 changes.  
10

11  
12 \_\_\_\_\_  
(Witness' Signature)

13 \_\_\_\_\_  
DATE SIGNED

14  
15 DEPONENT PLEASE INITIAL ONE:

16 \_\_\_\_\_ Read with no corrections

17  
18 \_\_\_\_\_ Read and correction sheet attached  
19

20  
21 DATE TAKEN: NOVEMBER 8, 2006  
22  
23  
24  
25

## REPORTER'S CERTIFICATE

1  
2  
3  
4 I, ROGER D. JOHNS, RMR, RDR, CRR,  
5 Certified Court Reporter, do hereby certify  
6 that the above-named witness, after having  
7 been first duly sworn by me to testify to the  
8 truth, did testify as hereinabove set forth;  
9 that the testimony was reported by me in  
10 shorthand and transcribed under my personal  
11 direction and supervision, and is a true and  
12 correct transcript, to the best of my ability  
13 and understanding; that I am not of counsel,  
14 not related to counsel or the parties hereto,  
15 and not in any way interested in the outcome  
16 of this matter.  
17  
18  
19

20 ROGER D. JOHNS  
21 CERTIFIED COURT REPORTER  
22 STATE OF LOUISIANA  
23  
24  
25

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