

ZAPP

1964

22 AT ALL. IT WAS PESTICIDES. BUT THERE WAS A
23 BRITISH DOCTOR ON THE COMMITTEE AT THE SAME TIME
24 WHO HAD HAD EXPERIENCE IN ENGLAND AND IN AFRICA,
25 SOUTH AFRICA WITH ASBESTOS CASES. AND I DID LEARN

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1 A GOOD BIT OF WHAT STOPPS LEARNED AT THE MEETING
2 IN NEW YORK FROM THIS DR. GILSON. SO IT HAPPENED
3 AS A COINCIDENCE BUT I WAS NOT IN THE COUNTRY WHEN
4 THIS TOOK PLACE.

5 Q. CAN YOU EXPLAIN ON THE TOP LEFT-HAND SIDE OF
6 THAT MEMO THERE IS A HANDWRITTEN -- TWO WORDS ARE
7 HANDWRITTEN. IT SAYS: FILE. ASBESTOS. DO YOU
8 KNOW WHAT THAT MEANS?

9 A. SURE. THIS WAS SIMPLY AN INDICATION TO THE
0 SECRETARY TO FILE IT UNDER ASBESTOS.

20 Q. SO AT THAT POINT IN TIME, YOU HAD A FILE IN
21 HASKELL LABORATORY ON ASBESTOS?

22 A. WE ALWAYS HAD A FILE ON ASBESTOS THAT WOULD
23 BE IN THERE AND IF WE HAD ANY DOCUMENTS RELATING
24 TO IT TO STICK IN IT. I MEAN THERE WAS A FILE
25 WHEN I CAME AND I'M SURE THERE'S STILL A FILE.

12 ALL.

13 Q. IN THE SECOND PARAGRAPH OF THE DR. STOPPS
14 REPORT, ON THE SECOND LINE, HE REFERS TO THE FACT
15 THAT: ASBESTOSIS AND COMPLICATIONS OF ASBESTOSIS
16 HAVE NOW BEEN FOUND IN PERSONS WHO WOULD NOT IN
17 THE ORDINARY WAY COME TO MIND AS BEING EXPOSED TO
18 ASBESTOS. DO YOU SEE THAT?

19 A. YES, THAT'S RIGHT.

20 Q. WERE YOU, PRIOR TO THE TIME THAT THIS MEMO
21 WAS WRITTEN, WERE YOU FAMILIAR WITH THE FACT THAT
22 ASBESTOS EXPOSURE WAS ASSOCIATED WITH ASBESTOSIS
23 AS A DISEASE?

24 A. OH, YES, YES.

1 KNOWLEDGE?

2 A. WELL, LONG BEFORE 1964. THE DISEASE -- THE
3 FACT THAT ASBESTOS COULD PRODUCE A PULMONARY
4 DISEASE WAS REPORTED IN ROMAN TIMES BY THE ROMAN
5 HISTORIAN CLINIC SO THERE'S AMONG THAT A CHAPTER
6 OF DISEASES ON SLAVES. THEY DIDN'T WORK WITH VERY
7 GOOD VENTILATION BUT THEY DID. WE HAVE ASBESTOS
8 EVEN BACK IN ROMAN TIMES AND THIS WAS KNOWN.

9 YOU'VE GOT TO GO INTO THE HISTORY OF
10 ASBESTOSIS IN THE UNITED STATES TO UNDERSTAND, I
11 THINK, WHAT HAPPENS. IN THE UNITED STATES, VERY
12 FEW STUDIES WERE DONE ON ASBESTOS WORKERS IN THE
13 MORE DANGEROUS OCCUPATIONS OF MINING AND WEAVING.
14 THAT'S WHERE THE BIG DUST EXPOSURES OCCUR. THEY
15 WERE LATE IN STARTING. THE BRITISH IN ENGLAND
16 STARTED MUCH EARLIER. ALMOST IN THE BEGINNING OF
17 THE CENTURY THEY WERE OBSERVING IN THE ASBESTOS
18 WEAVING PLANTS IN ENGLAND THAT THEY WERE GETTING
19 INTO TROUBLE.

20 ANOTHER PLACE THAT PROBABLY BECAUSE OF ITS
21 RELATION TO ENGLAND IN WHICH STUDIES WERE DONE
22 BEFORE THE U.S. WAS IN CANADA, MINING OF CANADA,
23 UP IN THE ASBESTOS AREAS UP THERE. AND THERE WAS
24 A QUEBEC ASBESTOS MINING ASSOCIATION, I THINK,
25 THAT HAD SOME STUDIES DONE BACK IN THE THIRTIES --

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1 I DON'T KNOW. I MEAN THESE DATES ARE A LITTLE BIT
2 FOGGY BUT I GENERALLY PUT IT IN THE 30'S THAT
3 STUDIES WERE DONE ON THE CANADIAN MINERS AND
4 INDICATED AN EXCESS OF LUNG DISEASE. BUT THESE
5 WERE THE HEAVY EXPOSURE AREAS IN THESE VARIOUS
6 COUNTRIES.

7 AND IT WAS A LONG TIME BEFORE THEY GOT
8 AROUND TO THE SECONDARY, WHAT THEY CALL SECONDARY,
9 EXPOSURES OF PEOPLE WHO WERE USING WOVEN ASBESTOS,
10 SAY, TO INSULATE PIPES, OR MIGHT HAVE BEEN
11 HANDLING ASBESTOS MATERIALS OF ONE SORT OR
12 ANOTHER.

13 NOW, IN THE UNITED STATES IN THE 40'S, I
14 THINK, OR THE EARLY FIFTIES, A STUDY OF A
15 JOHNS-MANVILLE PLANT IN CANADA WAS MADE WHICH
16 INDICATED THAT THEY HAD SOME EXCESS LUNG DISEASE,
17 AND, OF COURSE, THAT BECAME KNOWN IN THE UNITED
18 STATES TO JOHNS-MANVILLE AND THROUGH THE ASBESTOS
19 MANUFACTURERS ASSOCIATION. THERE WAS AN A.T.I.,
20 ASBESTOS TEXTILE INDUSTRIES ASSOCIATION. IT
21 BECAME KNOWN TO AT LEAST SOME PEOPLE IN THE
22 COMPANY THAT, YES, MAYBE THERE IS A PROBLEM.
23 MAYBE WE BETTER LOOK AROUND HERE IN OUR OWN
24 PLANTS.

25 MS. ALITO: DOCTOR, EXCUSE ME FOR

~~CONFIDENTIAL~~

THE WITNESS: OKAY. IN THE UNITED STATES -- I'LL JUST CUT RIGHT TO THAT. IN THE UNITED STATES, THE FIRST INDICATION OF ASBESTOS CASES AMONG SECONDARY EXPOSURES WAS DR. SELIKOFF'S STUDY OF THE PIPE INSULATORS. AND THAT'S WHAT THIS CONFERENCE WAS ALL ABOUT.

BY MR. SPINER:

Q. MY ORIGINAL QUESTION, DOCTOR, WAS WHEN YOU BECAME AWARE OF THE ASSOCIATION BETWEEN ASBESTOS EXPOSURE IN GENERAL AND THE DISEASE CALLED ASBESTOSIS. YOU OBVIOUSLY HAVE A GREAT DEAL OF KNOWLEDGE ABOUT HOW THE LITERATURE DEVELOPED IN THIS AREA BUT I WANTED TO KNOW WHEN DID YOU FIRST BECOME AWARE OF THE LITERATURE?

A. BEFORE THIS, BEFORE THIS (INDICATING). NOW, THERE WAS, FOR EXAMPLE, A TEXTBOOK ON INDUSTRIAL HYGIENE AND TOXICOLOGY BY PATTY, P-A-T-T-Y. IT APPEARED, I THINK, IN 1949 WAS THE FIRST EDITION. IT'S DISCUSSED IN THAT BOOK. WE HAD OTHER BOOKS AROUND THE HASKELL LAB THAT DESCRIBED THE PATHOLOGY OF THE CASES. ALSO, DR. SCHEPERS, A PATHOLOGIST WHO HAD DONE A LOT OF WORK IN

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1 ASBESTOS, WORKED AT THE HASKELL LABORATORY FOR
2 ABOUT FIVE YEARS AND WROTE A CHAPTER IN THE BOOK
3 MODERN OCCUPATIONAL MEDICINE BY -- EDITED BY
4 FLEMING, D'ALONZO AND ZAPP. AND THAT PAPER
5 CONTAINS SEVERAL PAGES ON ASBESTOSIS. SO I CAN
6 SAY I READ IT ABOUT 1960, ANYWAY.

11 Q. TOWARDS THE MIDDLE OF THE PAGE, THERE'S A --
12 MIDDLE OF THE PARAGRAPH, THERE'S A SENTENCE THAT
13 BEGINS: SINCE THE PROGNOSIS?

14 A. YES.

15 Q. AND WITHIN THAT SENTENCE, IT SAYS: IT IS
16 IMPORTANT THAT NO PERSONS WITHIN THE COMPANY
17 SHOULD BE EXPOSED TO ASBESTOS. AND IT GOES ON
18 FROM THERE.

19 WHAT DID YOU UNDERSTAND DR. STOPPS TO BE
20 SAYING IN THIS PARAGRAPH AND IN THAT SENTENCE IN
21 PARTICULAR?

WHAT DID YOU UNDERSTAND DR. STOPPS TO BE SAYING IN THIS PARAGRAPH AND IN THAT SENTENCE IN PARTICULAR?

A. IF YOU HAVE ASBESTOS IN A PLANT OR ON INSULATION OR SOMETHING LIKE THAT, IT IS IMPORTANT THAT PEOPLE NOT BE EXPOSED TO THE INHALATION OF THE DUST FROM IT. THAT'S ALL. HE POINTS OUT

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1 LATER, I THINK, THAT THE REMEDY IS -- YES, RIGHT
2 HERE, THIRD LINE FROM THE BOTTOM. STARTING ON THE
3 FOURTH: THERE IS NO REASON TO BELIEVE THAT GOOD
4 INDUSTRIAL HYGIENE PRACTICE SUCH AS THE USE OF
5 MASKS WHEN CUTTING ASBESTOS OR USING POWDERED OR
6 FIBROUS ASBESTOS PRODUCTS IS NOT COMPLETELY
7 EFFECTIVE IN PREVENTING LATER DISEASE.

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Q. THIS WAS IN 1964?

A. THIS WAS IN '64, YES, SO HE WAS OBVIOUSLY THERE THEN. HE CAME TO US FROM PENNSYLVANIA RAILROAD WHERE HE WAS THEIR CHIEF INDUSTRIAL HYGIENIST. AND WHEN THEY BEGIN TO GET INTO HARD TIMES, THE MANAGEMENT ABOLISHED THE INDUSTRIAL HYGIENIST AND SAID THEY COULDN'T AFFORD IT. I PICKED UP MORGAN.

4 BY MR. SPIELBERG:

5 Q. LET ME HAND YOU ALSO P-ZAPP-17 WHICH IS A
6 JULY 27, 1966 MEMO WHICH IS REFERRED TO IN
7 P-ZAPP-16 (HANDING).

8 MR. PARENPT. WHO WAS THAT TO AND

A. ALL RIGHT.

Q. IN THE MIDDLE OF THAT PARAGRAPH, IT STATES:
A REVIEW OF THE RECORDS OF THE REMAINING MEN SHOW
X-RAY FINDINGS WHICH DESCRIBE MILD PARENCHYMAL
CHANGES CONSISTENT WITH EARLY FIBROSIS.

WERE YOU AWARE BEFORE RECEIVING THIS MEMO
THAT A REVIEW OF THE MEDICAL RECORDS WAS BEING
CARRIED OUT AT THE CHAMBERS WORKS PLANT RELATED TO
ASBESTOS DISEASE?

A. NO. THAT WAS DR. NEEDL'S RESPONSIBILITY.
HE DIDN'T HAVE TO ASK ME OR TELL ME.

Q. I'M GOING TO SHOW YOU A DOCUMENT, DR. ZAPP, THAT'S ALREADY BEEN MARKED P-ZAPP-2 AS ONE OF THE DOCUMENTS THAT YOU REVIEWED YESTERDAY PRIOR TO COMING TO THE DEPOSITION. IT'S AN OCTOBER 25, 1966 MEMO FROM DR. D'ALONZO TO GEORGE TICE (HANDING).

A. YES.

Q. AND YOU WERE LISTED AS A C.C. ON THIS PARTICULAR MEMORANDUM. PRIOR TO RECEIVING THIS MEMORANDUM, WERE YOU AWARE OF ANY EMPLOYEES AT THE DU PONT PLANT WHO HAD BEEN DIAGNOSED AS HAVING MESOTHELIOMA?

A. NO, I WAS NOT.