Transcript of Proceedings

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

JOHNS-MANSVILLE CORPORATION, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Civil Action Number

C81-4561

DEPOSITION OF JOE R. QUINN

San Antonio, Texas

Monday, September 24, 1984

ACE - FEDERAL REPORTERS, INC.

Official Reporters

444 North Capitol Street

Washington, D.C. 20001

NATIONWIDE COVERAGE - DAILY

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A No.

Q Did you have any role in distributing warnings to the United States Government as a customer up to 1967?

MR. JARVIS: "Warnings" as to asbestos, or as to -- ?

MS. COLLINS: "Warnings" as to asbestos?

THE WITNESS: Well, here again, they are not a customer. They are an end-user.

But I never distributed warnings, as I recall.

MS. COLLINS: Okay.

BY MS. COLLINS:

Q For any of the questions as to health effects, safe use, or concerning the literature, would your answer change if the term "end-user" were used?

A It would be the same.

Q Okay.

Did, up until 1967, did you ever distribute literature on health effects or safe use or warnings as to asbestos to any customers other than the United States -- customers or end-users other than the United States?

A Not that I recall.

Q During the time that you were with the Building Products Division, did you ever receive any training from JM on the health effects of asbestos?

A Not that I recall.

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You've told us that salesmen had to go to the shipyard and make contacts; is that correct?

A Yes.

Q And that you -- your job was to cut the red-tape and facilitate those calls, is that right?

A Yes.

Q So that it would be fair to say that it was considered an important job to have someone -- strike the question.

It was -- a job was created for you in this region of California to go into the government facilities and cut the red-tape, is that right?

A Yes.

Q And the purpose for cutting the red tape was that so a JM salesman could have a contact in the shipyard to distribute the literature?

A Right.

Q So that it was a multi-step-process: you made the contact, you let the salesperson know; and the salesperson then dropped off the literature?

A Yes.

Q So that your total function, your primary function, as the government area manager, was to make a contact for the dropping-off of literature to the Federal Government?

A (Nodding affirmatively.)

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Q You have to say it in words?

A Yes.

Q But you did not distribute literature, yourself?

A Occasionally.

Q Wouldn't it have been a far-simpler job to make a contact and distribute literature, yourself?

A No.

Q And can you tell me why?

A Once I went to a military facility and established the contact, and I relayed that contact to the district manager of a certain sales group; I did not go back to that government installation unless requested because of personnel being transferred one one side or the other, or some changes being made, some need for me to go there.

Q Okay.

So let us say that there were approximately, I think you said, 44 Federal Government installations in your region; is that right?

A (Nodding affirmatively.)

Q You would have made about one call apiece on those installations, and made one contact person?

A Probably not more than one on each of those per year, and some of them not even that often.

MR. JARVIS: Off the record here.

(Discussion off the record.)

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MS. COLLINS: Back on the record.

BY MS. COLLINS:

Q Just before we took a break you were saying that it would not have been less work for you to merely make the calls on the government installations to distribute the literature, yourself; is that correct?

A That's right.

Q Okay.

Is the reason for that, that you went to each of the installations once a year or less often?

A (Nodding affirmatively.)

Q You have to say?

A Yes.

Q So that your function -- what other functions did you have in addition to cutting red-tape for the sale or, or distribution of, Johns Manville products to the Federal Government, other than the single call per year in order to facilitate the distribution of literature?

A That was it. None.

Q And that was your sole responsibility in the government area manager, as a government area manager, with respect to the Federal Government?

A That's right.

Q And did you have responsibilities for the sale -- and I'm using the term "sale" meaning traditional sale --

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of Johns Manville products, or their distribution, to local or state governments?

A Yes.

Excuse me: not for the sale.

Q Was that done by the individual units?

A Operated the same way: the salesmen did this, made the calls on those agencies when requested to do so, or when necessary.

Q So division sales people would make the actual sales calls if they were to be made with state or local government, is that right?

A Yes.

Q And you would facilitate those -- create a contact person with state and local governments?

A Correct.

Q And in that job did you contact architects and engineers in order to get Manville products used in a given state or local construction project?

A No.

Q Did you ever contact architects or engineers or planners in order to create a market, or a market for a JM product?

MR. JARVIS: State and local governments?

MS. COLLINS: State and local?

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THE WITNESS: No.

BY MS. COLLINS:

Q Did you ever do that for federal projects?

A No.

Q Was -- in relationship to state and local governments, did you have a broader role than to establish a contact for the drop-off of literature?

A No.

Q So that for those two units of governments, meaning for state and local government, and for Federal Government, that was the extent of your responsibility in the office?

A Right.

Q Now, that leaves us with your relationship, I would take it, with large industry; is that right?

A Yes.

Q All right.

What was your role in relationship to large industry?

A Much the same.

Q All right.

And, again, you were merely the conduit for the contact for the salesmen within the division?

A Correct.

Q And how many calls a year would you say you made to state and local government in '67 to '69?

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Q -- was to get you to increase the share of JM?

A Yes.

Q Okay.

And that was true for the Federal Government as well as for private corporations and for state and local government, is that right?

A Yes.

Q What did you do in the government relations office to increase government sales?

A Our biggest tool was a federal specification book in which it described the requirements by a certain federal spec.

Q And what did you do with that book?

A We left one in various agencies where they wanted one.

Q Now, not meaning to insult your job, but virtually anyone could have left a book of government specifications in a government office; couldn't they?

A That's right.

Q Now, were you on salary?

A Excuse me?

Q Yes?

A That is not right, because some of the other departments didn't have those books in their regular file of literature.

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And we had had a request -- how I got onto the thing -- we had had a request from a pipe contractor that used a lot of our material, saying, "there's a job here, I can't bid it because of the specifications."

Q So that when the specification excluded you, you would examine the specification and see if there was another specification, or a similar specification, or part of that specification, that you could meet; isn't that right?

A The specification does not exclude us. The contracting department at Twentynine Palms excluded us on an arbitrary decision that they made based on a recommendation by civilian engineers that they contracted with.

And his recommendation was they use this particular pipe.

As it happened this particular pipe, I said, was guaranteed for 40 years, and lasted 9 or 10; and they were going to redo the same thing.

I as a taxpayer would raise heck if I had known that, that they were going to do the same thing again.

Q Did the salesman at Johns Manville deliver sales literature to the United States Government at govenrment installations?

A Brochures, yes; I'm sure they did.

Q And in those brochures it described the product, is that right?

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A Most of our brochures described the product and I believe, if not all, 99-percent of our brochures had a little blurb on there saying "this meets federal specification so-and-so-and-so-and-so-and-so."

Q Now, the brochures that you distributed to the United States Government were the same as the ones delivered to local governments; is that right?

A (Nodding affirmatively.)

Q And were they the same as the brochures that you delivered to private industry?

A Yes.

Q So that there was no distinction made in the sales literature between the United States Government and any other activity?

A That's right.

Q Was there any distinction made between the United States Government and any other consumer in the frequency of contact of salesmen?

A Oh, yes. The other -- the civilian portion of the country we call on regularly.

That's where we got the name -- salesmen.

Q And did you call regularly on contractors?

A Yes.

Q And many of those contractors might be the same ones that worked for the national government, is that right?

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A Once or twice.

Q When you were with JM were you acquainted with any members of the medical staff of the industrial health or hygiene staff?

A No.

Q Even on a personal basis?

A No.

Q In 1969 you left the government trade and relations office, right?

A I believe so.

Q Okay.

Did you ever have any formal relationship with the government after that time?

A No.

Q Okay.

You went back to the building products division, and in the Assistant District Manager's slot?

A Right.

Q Now, from the time that you took that position until the time you left JM, you had salesmen who were working for you; is that right?

A Yes.

Q And in several of those positions you had salesmen who were selling asbestos-containing products, correct?

A Yes.

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Q Did you ever at any time distribute safety practice literature to your salesmen?

A I don't recall.

Q Did you ever instruct your salesmen to distribute safety practice literature to any customers, including the government?

A Not that I recall.

Q Do you recall any time that you were, from 1969 to the time you left, that you ever distributed to your salesmen any literature on the relationship between asbestos and health?

A No, I just don't remember.

Q Do you ever remember any meetings for your salesmen or salesmen of Johns Manville in which the issue of asbestos safety and health was discussed?

A About 1972 or '73 when I was in the acoustical department, and we had responsiblity for cement boards, our-- excuse me -- the fabricators that used our products were made aware by someone, I don't know who, concerning the use of the collection bags and disposal of tailings from the mills and their mill and so forth.

Q Now that --

A I just can't remember if we had a meeting with those people and told them. We did meet with their fabricators.

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Q You were never asked -- not just when you were in the government department?

A My answer would be the same.

Q You were never asked any of those four questions.

A Never.

Q Did the United States, Mr. Quinn, ever tell you or advise you either in writing or orally, that shipyard workers were being exposed to high levels of asbestos dust?

MS. COLLINS: Objection to the foundation of the whole series of questions, since the witness has repeatedly testified that he walked in and offered literature.

MR. JARVIS: That's not what the witness has testified to.

The witness testified that he was a liaison, that he helped expedite matters, that if there were problems he put the right person in Manville in touch with the United States if they called him; they kept his number on call as the Manville contact for the facilities that he contacted, as well as possibly any individual salesmen that they might call directly; but that he was the primary Manville contact.

I believe that that is on the record, that he has testified to all of that.

I am just asking him, did the United States ever advise him of any of the facts that I'm getting ready to go into.

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Navy specifications that deal with the individual component products, themselves?

A No.

Q Did you have anything to do with that?

A No.

Q At one point this afternoon you testified that you had difficulty getting an appointment with a -- I will use a quote -- you said "director" of a shipyard.

Is that the same as the commander of a shipyard, or is that a different position?

A It's the same -- it's for the same category; that is, one -- you have a commander who is the military head; but then you have a "director" who is generally civilian-head who works underneath them, who is a permanent employee, rather than one that's transferred every two or three years.

Q You were asked about "brochures" this afternoon, also; and I believe you testified about brochures given to the government, and given to -- Federal Government and then to state and local government -- and then brochures that are also given to private industry?

A Um-huh.

Q Did you testify that the brochures given to the Federal Government -- I believe in your term 99.9-percent or something like that -- had information on them concerning

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the appropriate government specification they complied with?

MS. COLLINS: Objection.

The witness' testimony speaks for itself.

BY MR. JARVIS:

Q The brochures that were to be given to the civilian world on any given product, would it have government specification data in it?

A Yes.

Q It would also say what -- that this product met a government specification?

A Right.

Q Who were the brochures primarily printed for, the benefit of the public or the government?

MS. COLLINS: Objection; foundation.

THE WITNESS: Public.

BY MR. JARVIS:

Q Let me ask you a number of questions about what the United States either asked you or told you, to make sure I've covered everything or any possibility.

What, if anything, during your career with Manville, did anyone in the employ of the United States tell you about asbestos exposure, and government employees?

A No.

Q Will you --

A I can't recall anyone that I called on in the

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government saying anything to the effect that, "we have a problem with this," or "we have the results of that," or "something else as a result of asbestos fiber".

Q Did anyone in the United States ever have discussions about asbestos in workers?

A You mean from the government?

Q Right?

A Not that I know of.

MR. JARVIS: That's all the questions I have.

EXAMINATION

BY MS. COLLINS:

Q Mr. Quinn, did you ever try to make contact with any safety or healty officers within the United States Navy?

A No.

Q Did you ever try to contact any industrial hygienist in any branch of the United States Government?

A No.

Q Did you ever try to contact any safety or health officers in any part of the United States Government?

A That was not my responsibility.

Q Okay.

Now, did you know any of the medical staff of the United States Government?

A No.

Q Did you ever make contact at any point in your

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career with anyone in the United States Government whose primary responsibility was workers' safety and health?

A No.

Q Did you ever offer yourself to anyone with the United States Government as a liaison for information from the United States to Johns Manville about occupational safety and health issues?

A I don't recall ever discussing it.

Q So that when your job description was given to you by Mr. Fowler, were you ever told to collect any information at all from the United States Government about occupational safety and health?

A I was never assigned that duty.

Q And did you independently, on your own, undertake such a duty at any time?

A Oh, it never occurred to me.

Q Now, you told us before that you recalled distributing any literature to the United States Government on safety and health; is that right?

A I don't recall that.

Q So that as far as you know and have testified here today, you never had any contact with the United States Government for any issue of occupational safety and health?

A That's right.

Q Did you ever at any time before you left Johns

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