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Representative Expert Witness and Litigation Assistance Experience

Experience - MSDS/Warning Evaluation

Representing a large oil company, I evaluated a chemical MSDS for appropriate health hazard warning statements. An expert report was written which summarized the responsibilities of chemical suppliers and end users with respect to chemical safety and illustrated the adequacy of the MSDS by describing the health hazards associated with the chemical and the controls commonly used to protect workers (all adequately addressed in the MSDS).

Representing a sand supplier to the foundry and abrasive blasting industry in seven separate cases, I conducted an extensive literature review (from the 1920s forward) to determine each industry's level of knowledge of the hazards associated with silica exposure and the methods used to control the hazard. Relevant Federal and State regulations and associated requirements were also identified. A historical review of the use of warning systems in occupational settings was also conducted and the warnings of the sand supplier, both labels and information sheets (including MSDSs), were evaluated to determine if they provided an adequate warning given the state of art at the time used. A series of expert reports were written.

Working for two plaintiff's attorneys and a manufacturing company (three separate cases) all of which were end users of a powdered phenolic resin, I evaluated the adequacy of the warning provided by the chemical supplier on the label and MSDS relative to the combustible dust hazard. I also assessed the level of knowledge of this hazard within the employee populations of the end user. An expert report was written in one case. A deposition and trial testimony was provided in another.

Working for a plaintiff's attorney, I evaluated the warning statement of an MSDS for an HDI (isocyanate) containing graffiti barrier coating that was applied to a Health Center. I performed a literature review on HDI polymer based paints to identify exposure studies and retrieved/reviewed applicable studies. The MSDS in question was compared with similar products by other manufacturers and an opinion was formed regarding the adequacy of the MSDS warning statements for the graffiti barrier coating, the procedures followed in applying the coating and the risk to occupants of using graffiti barrier coating on the exterior of the Health Center.

Representing a sand supplier, I conducted research into the warning systems used to communicate hazards related to food, drug, cosmetic, household chemicals and workplace chemicals from the 1920s to 1990 as well as the regulations and consensus standards that apply to these warning systems. Summaries of all articles were written and a summary report of my findings on the evolution of warning systems was distributed.

Experience – Dose Reconstruction

Representing an asbestos product manufacturer, I reviewed case materials in six separate cases involving employees in several refineries and chemical plants, a light manufacturer and a paper mill and reconstructed the asbestos dose contributed by the manufactures' asbestos product based on the nature of the employee tasks and the asbestos containing materials present in the work environment. Asbestos dose estimates were also developed for the

Plaintiffs on several other asbestos containing materials. Expert reports were written in several of these cases.

Representing a chemical manufacturer, I reviewed the expert report of a plaintiff's industrial hygiene expert and particularly his employee exposure calculations during the period the employee responded to a chemical spill. After performing a literature review on spill evaporative loss models, a spreadsheet based model was constructed to estimate employee exposure given different assumptions regarding the exposure (a Monte Carlo simulation). The plaintiffs' industrial hygiene calculations were reviewed in detail to determine where errors were made. An expert report was written which calculated employee exposures during the spill cleanup, described the chemical's acute inhalation health effects, and critiqued Plaintiff's industrial hygiene expert report.

Representing a sand supplier to the foundry industry, I researched impingement and gravimetric air sampling methods for assessing silica exposure and the studies comparing the results of these two techniques. Occupational exposure data collected by the State Department of Health at three foundries from 1940 to 1976 were obtained and the silica exposures for various tasks and job categories were estimated at the three foundries. Cumulative silica doses were estimated for several Plaintiffs in three separate cases using a Monte Carlo simulation.

Experience – Other Litigation Assistance

Representing an asbestos manufacturer, I reviewed five separate case materials and conducted research into the processes used at the various Plaintiff's work location(s) to determine the likelihood of the presence of the asbestos manufacturers' product, and when present, if sufficient information exists to construct a dose estimation for the Plaintiff. Other asbestos containing materials likely to be present in the work environment were also identified.

Working for a defense attorney, I reviewed case materials and summarized occupational health and safety information that would be useful in defense of Plaintiff's allegations and developed sets of questions to ask witnesses during depositions.

Working for a defense attorney, I conducted research to identify the manufacturer, use and typical work practices associated with specific asbestos containing materials.

Working for a defense attorney, I performed a literature search identifying all available health and safety articles published from the late 30s through the early 60s on the iron and steel industry. References were compiled (approximately 200 of them) in a table and their content summarized. A copy of each article was collected.

Working for a defense attorney, I performed research to determine the level of sophistication of the oil refining industry with respect to health and safety issues and the use of asbestos containing materials in refineries. I identified and collected all available health and safety articles and reference books published between 1900 to 1970 related to oil refining and particularly those that described the status of oil company health and safety programs, the types of hazardous materials found in refineries, and what was know about the toxicity of refinery chemicals. References were compiled in a table and their content summarized. A copy of each document was collected. I also researched and obtained materials related to the asbestos containing materials used in refineries including a recent comprehensive refinery asbestos survey performed prior to demolishing the refinery.

Working for a defense attorney, I conducted research into visual acuity as it relates to the smallest particle that can be distinguished from background by the naked eye. I collected appropriate reference materials and provided technical assistance in defense of evidence that claimed particles, visible to the naked eye under Tyndall lighting, were contributing to asbestos exposure.

Representing an asbestos product manufacturer, I critiqued a video demonstration created by a Plaintiff's expert that purported to simulate the exposure of workers while disrupting an asbestos containing material under Tyndall lighting. I summarized the flaws in the simulation (it did not replicate the actual tasks performed, the manner in which the tasks were performed did not replicate how this work was actually done and the environment in which the simulation was conducted did not resemble the actual work environment). The written report also described how video exposure monitoring is conducted in the Industrial Hygiene profession and explained why the video technique used by the Plaintiff's expert failed as a scientific method and therefore can not be used in estimating exposure.

Representing a sand supplier, I performed research to determine the level of sophistication of the foundry and sand blasting industries in health and safety and specifically their knowledge of silicosis, silica exposures and appropriate control measures to reduce exposure. I collected several hundred articles and book chapters from 1900 to 1975 and summarized findings.

Working for a defense attorney, I conducted research to determine the basis for NIOSH's 1974 silica exposure recommendation as well as the ACGIH silica TLV from 1968 to its present value. I collected applicable articles and summarized my findings in a report that demonstrated NIOSH's 1974 silica exposure recommendation was based on a poorly designed and executed study of the Barre, Vermont granite workers.

Working for a defense attorney, I performed a review of the ethical literature as it relates to the use of human subjects in research studies. I wrote a report outlining the ethical considerations when using human subjects (i.e. workers) in studies intended to produce generalizable knowledge and specifically the ethical deficiencies that would have existed in the Samimi sandblasting studies if today's standards, ethical norms, and professional guidance were applied to his work.

Working for a plaintiff's attorney, I reviewed the housekeeping procedures used by a contractor in the cleaning of a production area and associated ventilation duct work that contained significant levels of a combustible dust. An opinion was formed and an expert report written.

Working for a plaintiff's attorney, I reviewed the corporate health and safety auditing program for an international corporation. An opinion was formed regarding the adequacy of the audit program for identifying a major risk within their facilities and an expert report was written.