

Excerpts of depositions of Survivair Respirators executives in lawsuit in St. Louis by the family of Rob Morrison

**James Beckstead, Western regional sales manager, Survivair, describing a 20 percent failure rate for the PASS alarms in Los Angeles, and why they weren't recalled.**

**1:34-2:10**

Q. When did the problem of water getting in start developing, to your knowledge?

A. Right after the integrated PASS was introduced.

Q. Which would be when?

A. 1997-1998.

Q. What were the departments that you recall that had problems with the PASS devices, with water?

A. I'm most familiar with LA city.

Q. And that would be about what year?

A. 1999, 2000.

**2:22-4:59**

Q. Well, was there a determination that in fact those PASS devices were leaking?

A. Yes.

Q. By Survivair?

A. Yes.

Q. OK, So 20 percent of the LA City PASS devices were leaking.

A. As an estimate.

Q. So they went into service at the end of 1999.

A. I think so. As I recall.

Q. Alright. How many were shipped to LA City?

A. 1,500.

Q. So 20 percent leaking would be about 300?

A. Approximately.

Q. Was there any consideration given, Mr. Beckstead, to recalling all of them?

A. No.

Q. Did you consider, or did Survivair or Bacou-Dalloz consider at all, taking them all back in to do the testing?

A. Not to the best of my knowledge. I don't know.

Q. And is there anything unique about the LA City PASS devices that would be any different from any other others that would have been shipped in, say, in 1998, 1999, or anytime before the 100 percent leak testing was done?

A. No. They'd be the same.

Q. You've said there was no recall. You've also said that there was no calling the PASS devices in for testing that were out there in the field. Was there any kind of a warning sent, a warning letter or call made, to fire departments that had the devices that were not water tested -- about, hey, along the lines, we've found a leakage problem, and be on the lookout, or anything like that?

A. Not that I recall.

Q. Any particular reason why not?

A. The only reason we would not do that is we don't deem it a safety issue.

Q. This is a life-saving device, isn't it?

A. It's a component of a life-saving device.

Q. OK. What's the total sales volume of Bacou-Dalloz nationally?

A. The FSG [Fire Service Group], or are you talking about globally?

Q. Globally.

A. Globally would be around 900 million.

Q. That's annual sales?

A. For Bacou-Dalloz.

Q. And what about Survivair?

A. Survivair's roughly about 60, 70 million.

Q. Globally?

A. Globally.

**Duane Decker, former project engineer, Survivair, describes the two problems with the alarms: failure to stop alarming, and failure to alarm at all**

**02:58-03:34**

Q. And you told us earlier that the problems that had been identified, that resulted from water leaking into the PASS device, were, one, that the PASS device would go into alarm and would not shut off. Is that correct? That was one of them.

A. Yes.

Q. And the second one you mentioned was that the PASS device would fail to go into alarm, and/or fail to have the LED lights work.

A. Yes.

Q. And what was your understanding as to the problem that was happening?

A. They would retain some moisture inside the compartment.

**Kirk Thompson, vice president of sales, Bacou-Dalloz, says no warning was given to customers**

**2:46-3:06**

Q. At the time that you were making this sales pitch to sell the PASS device, did you also indicate those circumstances under which the PASS device would not operate as expected?

A. No.

**5:45-6:13**

Q. But as vice president of sales you would agree with me that any negative information about your produce would hurt sales?

A. It certainly can.

Q. And part of that obviously is included in making a safe product, because you're not going to sell a lot of units if it's discovered there's a lot of defects, right?

A. It would be very difficult to sell product that way.

Q. So your market share of SCBAs [self-contained breathing apparatus] would be in the neighborhood of 10 to 15 percent, something like that?

A. That's my estimate.

**Carl Toft, project engineer, reacts to watching a CDC test of Rob Morrison's PASS alarm, in which it does not alarm, although it does not appear to be moving**

**10:00-10:38.**

Q. If you had performed this test, exactly as you see it on this tape, would you send that PASS device back to a fireman for use?

A. (attorney for Survivair): Objection! Improper foundation.

A. As it was just as we watched on the tape?

Q. Yes.

A. No, I would not.

**Steven Weinstein, senior product manager, Survivair, says complaints of failing PASS alarms came in from dozens of fire departments, but the company did not send out a warning.**

**02:33-03:00**

Q. Alright. What are the departments that you recall reporting this problem?

A. I couldn't give you specific ones. There were quite a few.

Q. By quite a few, give me some -- what do you mean by that, some number?

A. I wasn't counting. Dozens. Certainly dozens.

**08:44-10:02**

Q. Did Survivair, to your knowledge, tell them of the problem with their equipment?

A. Not to my knowledge?

Q. Well, let me ask it in reverse then. You don't see any problem, do you, Mr. Weinstein, with keeping firefighters and fire departments in the dark about PASS devices' potential for malfunctioning due to a moisture problem when they're relying on those PASS devices to work if a firefighter goes down?

A. Well, I do see a problem keeping firefighters in the dark if there is a potential safety issue that is likely to happen. I would agree with that.

Q. OK. So would it be a good idea to notify the St. Louis Fire Department even now -- even now -- that moisture or chemicals could cause a malfunctioning and a failure of the PASS devices that these guys rely on?

A. If there is a likelihood of such a thing happening from moisture getting in, then I would say, yes, it would be a good idea to notify fire departments of that.

Q. But the St. Louis Fire Department has never been informed of anything.

A. That is correct.