

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA

At Huntington

IN RE ASBESTOSIS CASES:

DOREEN ADKINS, Administratrix of
the Estate of Donald Adkins, et al.,

Plaintiffs,

v.

CIVIL ACTION NOS. 77-3032, et a

COMBUSTION ENGINEERING, INC.,
et als.,

Defendants.

ANSWERS OF DEFENDANT GAF CORPORATION
TO PLAINTIFFS' INTERROGATORIES SERVED ON
NOVEMBER 13, 1979

Pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure, defendant GAF Corporation hereby responds separately, in writing and under oath to each of the Interrogatories served upon it by the plaintiffs herein on November 13, 1979, the time of said defendant to respond thereto having been extended on various occasions pursuant to agreement of counsel. For the convenience of the Court, each Interrogatory will be restated in its entirety, followed by the response of GAF Corporation thereto:

"1. List the asbestos-containing insulation products by brand name which were manufactured by this defendant for the years 1935-72 where applicable."

"Calsilite"; "115" and "214" cements; "T/NA-100", and Asbestos Paper and Millboard.

"2. For each product listed in No. 1:

(a) Give the dates that each particular product was on the market;

(b) State the use and/or application for each such product."

"Calsilite" was manufactured from the early 1940's until mid-1970 at which time GAF commenced production of asbestos-free Calsilite ("Calsilite II"). Calsilite was used as a high temperature pipe covering and block.

"115" and "214" were manufactured from 1936 through September, 1975. These were insulating cements known generically as 7M and 7K type cements.

"T/NA-100" was manufactured from 1962 to September, 1971. "T/NA-100" was a two-ply, laminated insulation jacketing.

Asbestos Paper and Millboard was manufactured from 1928. Asbestos Paper was used as a jacketing or pipe wrap. Millboard was used primarily as an industrial fire barrier. Its present use is limited primarily to the manufacture of gaskets and insulating components used in consumer products.

"3. List the products by brand name that were distributed by this defendant but were manufactured by some company other than this defendant and list the name of said manufacturer and the dates of manufacture."

None.

"4. For each product listed in No. 3, state whether or not that product was distributed under the brand name of this defendant or the brand name given that product by the other manufacturer."

Not applicable.

"5. For each product listed in No. 1, state the physical appearance of that product, giving the color, size, shape, consistency and composition (asbestos content, fiber type and other ingredients)."

"Calsilite" was white and was made in various thickness of pipe covering and blocks. Sectional pipe covering was furnished in thirty-six inch (36") lengths composed of two semi-cylindrical pieces to fit pipes up to six inches (6") in one inch (1") nominal thickness; to twelve inches (12") in one and one-half inch (1-1/2") and two inch (2") nominal thickness; to ten inches (10") in two and one-half inches (2-1/2") and three inches (3") nominal thickness, all in single layer. Double layer was furnished in sectional and three segmental

pieces in nominal thicknesses of two inches (2"), three inches (3") and four inches (4"). Curved segmental blocks six inches (6") wide were furnished for pipe sizes up to thirty-three inches (33"). Calsilite flat blocks were made from one inch (1") to and including four inches (4") in thickness. Blocks were furnished in three inches (3"), six inches (6") and twelve inches (12") in width in pieces eighteen inches (18") and thirty-six inches (36") long.

Calsilite contained approximately ten percent (10%) amosite and two percent (2%) chrysotile asbestos fiber, and the remainder consisted of hydrous lime silicate and diatomaceous earth.

"115" and "114" Insulating Cements were white to gray in color and were composed entirely of chrysotile fibers. These cements were furnished in fifty pound (50 lbs.) and one hundred pound (100 lbs.) bags.

"T/NA-100" Insulating Jacketing was white in color and furnished in rolls which were thirty-five and five-twelvths inches (35.5") wide and one hundred sixty-six and seven-twelvths linear feet (166.7') in length, each roll weighing sixty pounds (60 lbs.). "T/NA-100" was a two-ply laminated product consisting of layer of asbestos paper in which chrysotile asbestos fibers were bonded with Neoprene and a layer of polyvinyl fluoride (Tedlar) plastic film attached by adhesive on one side.

Asbestos Paper was white and furnished in rolls thirty-seven inches (37") wide, each weighing forty-two pounds (42 lbs.) and packed in cartons. It was composed of predominately asbestos fiber and organic materials.

Asbestos Millboard was white and furnished in one standard size, being forty-two inches (42") by forty-eight inches (48"). It was shipped in cartons or crates, each carton weighing one hundred pounds (100 lbs.).

"6. For each product listed in No. 3, state the physical appearance of that product, giving the color, size, shape, consistency and composition (asbestos content, fiber type and other ingredients.)"

Not applicable.

"7. For each product listed in No. 1 and for each year of manufacture, give a description of the container or carton that the product was packaged in for distribution including:

- (a) Color;
- (b) Logo;
- (c) Printing on said container;
- (d) Size and configuration."

Most industrial thermal insulation products were sold in corrugated cardboard boxes bearing the names of Ruberoid and GAF. Insulating cements were sold in heavy-duty bags bearing the names of Ruberoid and GAF. Cardboard boxes and bags were beige in color and company name of Ruberoid in black and GAF in red. Descriptive language included trade name of product and in some instances the temperatures up to which the product could be used was imprinted thereon.

The foregoing products also contained the following WARNING LANGUAGE for the following periods:

In late 1965 or early 1966, Ruberoid began placing the following warning on packages of its industrial thermal insulation products containing asbestos fiber:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In 1970, this warning label was changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL. AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL. AVOID BREATHING DUST.

"8. State for any asbestos-containing insulation product manufactured or distributed by you whether:

(a) The cement changed colors when water was applied;

(b) Describe the appearance of said cement after it is properly applied; that is, whether it was rough or smooth, its consistency and color."

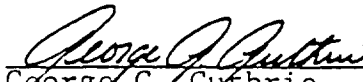
No. Both cements described herein were white to light gray in color and smooth when applied.

"9. State whether the defendant has photographs or catalogs of each product listed in No. 1 and No. 3, and if so, where the same are located."

GAF has photographs and catalogs of some of the products specified in response to Interrogatory No. 1 above. These photographs and catalogs are in the possession of its counsel, George G. Guthrie.

"10. State whether any pipe covering, block or insulating cloth had any distinctive markings, design or wearing and describe same in detail."

No.

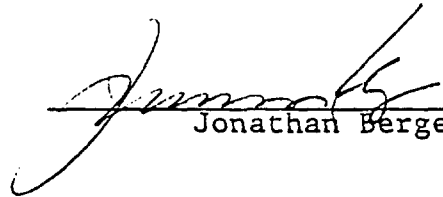

George G. Guthrie
Counsel for Defendant,
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Charleston, W. Va. 25321

SPILMAN, THOMAS, BATTLE & KLOSTERMEYER

Of Counsel.

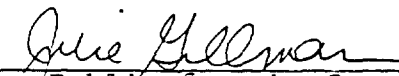
VERIFICATION

JONATHAN BERGER, being first duly sworn, deposes and says: that he is an Assistant Secretary of GAF Corporation and in such capacity is authorized to execute this Verification on its behalf; that he has read and is familiar with the "Plaintiffs' Interrogatories served on November 13, 1979" and the responses of GAF Corporation thereto; that the information furnished by GAF Corporation in response to such Interrogatories is true, except insofar as the same is furnished upon information or belief, in which event he believes the same to be true.

 (SEAL)
Jonathan Berger

Taken, subscribed and sworn to before the undersigned authority this 6th day of May, 1980.

My Commission expires: 3/30/82


Notary Public for the State of New York
JULIE GILLMAN
Notary Public, State of New York
No. 41-4679-106
Qualified in Queens County
Commission Expires March 30, 1982

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Defendants.

ANSWERS OF DEFENDANT GAF CORPORATION
TO SECOND SET OF INTERROGATORIES TO
DEFENDANTS REGARDING PRODUCT INFORMATION

Pursuant to the provisions of Rule 33 of the Federal Rules of Civil Procedure, defendant GAF Corporation hereby responds separately, in writing and under oath to each of the Interrogatories contained in the "Second Set of Interrogatories to Defendants Regarding Product Information," the time of said defendant to respond thereto having been extended on various occasions pursuant to mutual agreement of counsel. For the convenience of the Court, each Interrogatory will be restated in its entirety, followed by the response of GAF Corporation thereto:

"1. State name and official capacity of person answering Interrogatories."

Jonathan Berger, an Assistant Secretary, GAF Corporation, 140 West 51st Street, New York, New York 10020.

"2. State whether any of your asbestos-containing insulation products were placed in containers with the corporate name of any other company, that is, state whether your said products were relabeled or rebranded to reflect that they were manufactured or distributed by another defendant in these cases."

No.

"3. State whether your asbestos-containing insulation products were ever tested to determine:

(a) The level of asbestos-containing dust created when the product was handled, mixed, sawed, or installed;

(b) Whether exposure to dust created by handling of the product would cause disease in human beings;

(c) Whether any animal experiments were performed on said products, and if so, the dates of such tests and the results obtained. Attach a copy of all documents regarding these tests as an exhibit to your Answers."

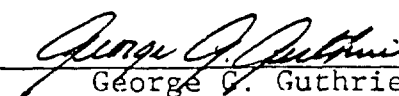
No.

"4. List the names and current addresses of all distributors, franchisees, or retailers of your products in the states of West Virginia, Kentucky and Ohio."

GAF has in its possession shipping records for certain of its industrial thermal insulation products for the years 1967-1969 (in part) and 1970-1971 (whole). The partial records are presently stored at GAF's facility in Gloucester, New Jersey. These records, voluminous in number, are generally in numerical order by invoice number but in certain instances are retrievable according to either type of product, distributor, contractor, sub-contractor and job site wherever possible. GAF will review these records and attempt to furnish the information requested herein as soon as such review has been completed.

"5. State the date on which caution labels and/or warning labels involving exposure to asbestos-containing dust were first placed on each of your asbestos-containing insulation products."

See response of GAF Corporation to Interrogatory No. 7 of "Answers of Defendant GAF Corporation to Plaintiff's Interrogatories served on November 13, 1979."


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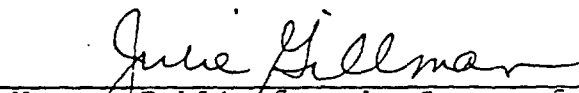
VERIFICATION

JONATHAN BERGER, being first duly sworn, deposes and says: that he is an Assistant Secretary of the GAF Corporation and in such capacity is authorized to execute this Verification on its behalf; that he has read and is familiar with the "Second Set of Interrogatories to Defendants" and the responses of GAF Corporation thereto; that the information furnished by GAF Corporation in response to such Interrogatories is true, except insofar as the same is furnished upon information and belief in which event he believes the same to be true.

 (SEAL)
Jonathan Berger

Taken, subscribed and sworn to before the undersigned authority this 6 day of May, 1980.

My Commission expires: 3/30/82


Notary Public for the State of
New York.

JULIE GILLMAN
Notary Public, State of New York
No. 41-4679406
Qualified in Queens County
Commission Expires March 30, 1982