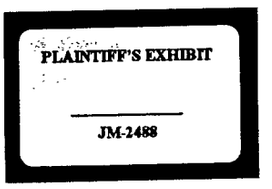
IN THE CIRCUIT COURT FOR THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION
CASE NO. 80-9229




GLENN H. ADAMS, ET UX )
)
Plaintiff )
)
vs. )
)
JOHNS-MANVILLE SALES CORPORATION, )
ET AL., )
)
Defendants )

ANSWERS OF DEFENDANT JOHNS-MANVILLE SALES CORPORATION,
SUCCESSOR BY MERGER WITH JOHNS-MANVILLE PRODUCTS CORPORATION,
TO PLAINTIFFS' INTERROGATORIES

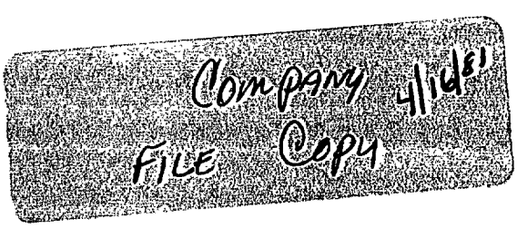
TO ALL ATTORNEYS OF RECORD:

In accordance with the applicable court rules, Johns-Manville Sales Corporation, successor by merger with Johns-Manville Products Corporation, hereby answers Plaintiffs' Interrogatories served on Defendant's counsel.

Defendant reserves the right to amend or supplement its answers if it finds that inadvertent omissions or errors have been made or if additional or more accurate information becomes available that is required to be provided by the said rules.

1. State the date when you or your successor first began the manufacture and/or distribution of asbestos-containing insulation products, including brake linings, brake lining components, gaskets, packing material, or any other industrial or textile product containing asbestos.

ANSWER: See Exhibit A attached hereto for a list of asbestos-containing industrial thermal insulation products and their dates of manufacture. Defendant ceased manufacturing asbestos-containing industrial thermal insulation products in 1972-1973 with the exception of certain accessory items containing "Chrysotile" asbestos fiber.



Defendant objects to the balance of this Interrogatory on the grounds that the same is irrelevant, immaterial, not reasonably calculated to lead to the discovery of admissible evidence since Plaintiff does not allege exposure to products other than industrial thermal insulation products.

2. For each asbestos-containing product manufactured and/or distributed by you from the date of initial manufacture to 1981, state:

a. The brand name of the product and the years of manufacture and/or distribution.

b. The asbestos content by weight of each product for each year.

c. The type of asbestos fiber used in each product, i.e., chrysotile, amosite, crocidolite, or admixtures.

d. The applications to which such product was to be put including:

i. the highest temperature the product could withstand;

ii. whether the product was a cement, aircell, pipecovering, cloth, or other type of thermal insulation product;

iii. the type of container which the product was shipped in, including the color and any logo or any other printing or descriptive terms used on the carton from the first date of manufacture to 1974.

e. Describe in full the method of manufacture of the product.

ANSWER: (a) See Exhibit A attached hereto. Trade names are in capital letters.

(b) See Exhibit B attached hereto for the percentage of asbestos contained in each product listed in Exhibit A.

(c) See Exhibit C for the type of asbestos used in each product listed in Exhibit A.

(d) See Exhibit A for the classification of each. Such products were packaged in boxes and/or cartons and/or packages and/or pails and/or bales and/or multi-walled Kraft paper bags.

Defendant objects to the balance of this Interrogatory on the grounds that the same is overly broad and unduly burdensome.

Defendant further objects to this subpart on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence since Plaintiff did not come in contact with materials other than industrial thermal insulation products.

(e) Defendant objects to furnishing the precise method of manufacture of said products as the same constitutes a trade secret and would be overly burdensome. However, in an effort to be responsive, see Exhibit B for the percentage of asbestos and Exhibit C for type of asbestos used in each product listed on Exhibit A.

3. State whether any of your products were placed in containers with the corporate name of a co-defendant in these lawsuits, that is, state whether your products were relabeled or repackaged to reflect that they were manufactured or distributed by another defendant in these cases.

ANSWER: Not to the best of Defendant's present knowledge.

4. State the color of the product in question.

ANSWER: Defendant objects to this Interrogatory on the grounds that the same is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

5. State whether your 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.

ANSWER: (a) Since early 1970 to 1973, approximately one hundred tests were taken by Defendant's Environmental Control Department at Defendant's fabrication shops and construction sites. These tests were conducted under the direction of E. M. Fenner, Director, Environmental Services.

In addition, beginning in January, 1973, Defendant had a staff engineer who visited our own contract unit job sites to make dust counts to evaluate the dust levels at various locations. Since January, 1973, Defendant has taken approximately one hundred sixty field tests for airborne concentration of asbestos fibers. All the tests were in a fabrication shop cutting asbestos-containing materials on a circular band saw or cutting and shaping material on the job and installing it. The times of the tests varied from fifteen to ninety minutes, and the sampling flow rates were between 1.9 and 2.2 liters per minute.

The results of the above tests fall into the below pattern:

| | Test Results |
|---|---|
| Between 10.00 and 5.00 fibers | 5 |
| Between 4.99 and 3.00 fibers | 30 |
| Between 2.99 and 1.00 fibers | 65 |
| Under .99 fibers | 60 |
| Total Tests | 160 |

The five test results over the then present 5.0 fiber standard did not involve on-the-job cutting, shaping or installing of insulation products. These tests were conducted under the direction of Fred A. Vito.

Prior to 1970, Defendant provided the services of an industrial hygienist to Dr. Selikoff and the Mt. Sinai Hospital, New York, New York, for the purpose of making environmental evaluations, including dust counts, at the construction sites where thermal insulation products were being installed. This service was provided in conjunction with the joint scientific research program being conducted by the Mt. Sinai Environmental Sciences Laboratory, Johns-Manville Corporation and the Heat and Frost Insulators and Asbestos Workers Union. Reports of this program were published from time to time and are contained in the "Insulation Hygiene Progress Reports from the Insulation

Industry Hygiene Research Program, Environmental Sciences Laboratory, Mt. Sinai School of Medicine, New York, New York".

Monitoring equipment was used to determine the amount of asbestos particles in the air. The method used was that recommended by the U. S. Public Health Service (NIOSH). The results of this testing showed that the level of fiber an individual worker was exposed to varied considerably with the job he was performing. The results of that survey are too extensive to quote verbatim.

Defendant conducts regular safety and proper housekeeping programs at its facilities.

Defendant requires its insulation installers to use respirators approved by NIOSH (formerly the responsibility of the U. S. Bureau of Mines) in accordance with the requirements of the Occupational Safety and Health Administration (OSHA) Standard for Exposure to Asbestos Dust.

Defendant follows established and proven safe operating practices. These practices include those outlined in the National Insulation Manufacturers Association safe practices booklet.

With respect to areas where workers who are not employed by Defendant are working with industrial insulation products manufactured by Defendant which contain asbestos, Defendant has no jurisdiction over these people or any right to inspect the premises of their employers, who are independent contractors and independent of Defendant. Defendant has however, (a) fixed clear warning labels on the packaging of industrial insulation products manufactured by Defendant which contain asbestos; and (b) participated in the educational program conducted by the National Insulation Manufacturers Association designed to teach safe and healthful operating procedures to the employers. Such employer has the duty to pass such information on to the employees. Also see Answer to Interrogatory No. 7.

(a)-(c) Preliminarily, the significant difference between "asbestos workers", usually meaning workers in asbestos factories where 100% asbestos fiber is processed, and the "insulation workers", or "insulators", who work with products containing 15%

or less asbestos fiber, must be clearly understood. Those studies involving "insulators" are as follows:

In 1958, Johns-Manville joined in the establishment of the Insulation Industry Hygiene Research Program of Mt. Sinai Hospital. The purposes of this study are:

(1) To develop improved methods for minimizing inhalation by insulation workers of dust and fumes encountered in their work;

(2) To disseminate knowledge of these improved methods of dust and fume control wherever they may be applied advantageously; and

(3) To offer cooperation, advice and assistance toward universal adoption of these methods.

The Program Director is Irving J. Selikoff, M.D., Director of the Environmental Sciences Laboratory, Mt. Sinai School of Medicine, New York, New York. These studies have not been concluded. Reports have been published from time to time and circulated to the trade through the union and are presumably available to Plaintiff's attorney through the Director of the Program, Dr. Irving J. Selikoff. In 1969-1970 at Defendant's Research and Engineering Center at Manville, New Jersey, tests were conducted for the Insulation Industry Hygiene Research Program by Thomas J. Weeks and Allen F. Burns. A copy of the report on such tests entitled "Performance of Dust Respirators Against a Fibrous Dust" by Messrs. Weeks and Burns, published in American Industrial Hygiene Association Journal (May-June, 1970), is available for copying at the office of Defendant's counsel.

Additionally, an epidemiological study of the biological effects of asbestos dust among the Port of Genoa and LaSpezia Arsenal insulation workers, among others, is being conducted by the Clinica del Lavoro, Milano, Italy, under the sponsorship of the Institute of Occupational and Environmental Health, which Institute in turn is funded by the Quebec Asbestos Mining Association. Defendant is the principal contributor to the funding of the Quebec Asbestos Mining Association. This study was initiated early in 1966. This study has generated the following:

"Research Project: Epidemiological Study on the Biological Effects of Asbestos Dust at the Balangero Mine and among the Port of Genoa and LaSpezia Arsenal Insulation Workers" by Enrico C. Vigliani (June 16, 1972), Societa Clinica del Lavoro "Luigi Devoto", a copy of which is available for inspection and copying at the office of Defendant's counsel.

Defendant, through its membership in the National Insulation Manufacturers Association, has funded, in part, the studies conducted by Dr. Clark Cooper, et al, at the University of California at Berkeley. The following have been generated by this study:

"Industrial Hygiene for Insulation Workers", by J. Leroy Balzer, published in the Journal of Occupational Medicine (January, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Environmental Exposures in the Insulation Trade" by J. Leroy Balzer, published in IIGA Bulletin (April, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Evaluation and Control of Asbestos Exposures in the Insulating Trade", by Clark W. Cooper and J. Leroy Balzer, 3rd International Conference Biological Effects of Asbestos, Dresden, (1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Asbestos In Relation to the Type of Fibre and Dose in the Insulation Industry", by W. Clark Cooper and J. Miedema, WHO Conference (October, 1972), a copy of which is available for inspection and copying in the office of Defendant's counsel.

The first of the studies under the direction of Dr. Cooper, mentioned above, was published in the Journal of Occupational Medicine (January, 1968) and reported to numerous persons and entities including the Eleventh Annual Western Industrial Health Conference. The second study directed by Dr. Cooper, referred to above, was published in the National Insulation Contractors Association's magazine Dialogue during or about 1970.

In addition to studies relating to end uses of products, Defendant has directly and/or indirectly sponsored, or participated in numerous studies relating to raw fiber usage in a mining or manufacturing context, including a group commencing in 1929 on mining and manufacturing workers who were dealing with raw asbestos. Initially, Defendant and/or Johns-Manville Corporation contributed funds to sponsor animal research on the effects of asbestosis at the Saranac Laboratory of the Trudeau Foundation in Upstate New York commencing in 1929. The funds were contributed

by Defendant and/or Johns-Manville Corporation in the form of premium payments and assessments to the Metropolitan Life Insurance Company, which was the immediate sponsor.

In early 1951, a report of this animal experiment was published by Dr. Leroy U. Gardner (the original director of this project) in Vol. 13 No. 3 (March 31, issue) of the Journal of Industrial Hygiene. This report is entitled "Studies on Experimental Pneumonoconiosis. VI. Inhalation of Asbestos Dust: Its Effect Upon Primary Tuberculous Infection". A copy of such report is available for inspection and copying in the office of Defendant's counsel.

In 1929, shortly after the launching of the Saranac studies, Defendant and/or Johns-Manville Corporation and other companies in the asbestos industry asked the Metropolitan Life Insurance Company to determine whether asbestos dust was an occupational hazard and, if so, the nature of the hazard and what could be done to control it. The Industrial Hygiene Division of the Department of Public Health of the McGill University Medical School in Montreal assisted Metropolitan Life in this research. The results were published in 1935 in the Public Health Reports, Vol. 50, No. 1, issued by the U. S. Public Health Service in an article entitled "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers" by A. J. Lanza, et al. A copy of this report is available for inspection and copying in the office of Defendant's counsel.

As a result of the aforesaid Metropolitan Life study, additional health research on the effects of prolonged and excessive inhalation of asbestos fiber on human beings was undertaken at the Saranac Laboratory. The Quebec Asbestos Mining Association ("QAMA"), of which Johns-Manville Corporation was and is a principal member, contributed to this new research. A report on this research was delivered at the Seventh Saranac Lakes Symposium in 1962, and was entitled "Pulmonary Function Studies in Men exposed for Ten or More Years to Inhalation of Asbestos Fibers" by Fernand Gravoire and George W. Wright. A copy of such

report is available for inspection and copying in the office of Defendant's counsel.

Another report arising out of the industry-sponsored studies at Saranac Laboratory was entitled "Experimental Studies of Asbestosis". It was written by Arthur J. Vorwald, Thomas M. Durkin and Philip C. Pratt, and appeared in the A.M.A. Archives of Industrial Hygiene and Occupational Medicine in January, 1951, at Vol. 3, Page 1. A copy of this paper is available for inspection and copying in the office of Defendant's counsel.

In the early 1950's, an animal research project to investigate the reported association between asbestos exposure and lung cancer was begun at Saranac Lake and funded by JAMA. A report entitled "Asbestosis and Pulmonary Cancer" by Arthur J. Vorwald was released in 1952. A copy thereof is available for inspection and copying at the office of Defendant's counsel.

Another project was an epidemiological study of lung cancer among asbestos miners in the Province of Quebec in Canada. This study was also sponsored by JAMA, and, again Johns-Manville Corporation furnished a significant portion of the funding. The study was conducted by Daniel C. Braun and P. David Truan for the Industrial Hygiene Foundation of America, Pittsburgh, Pennsylvania. The study was completed in 1957 and published in the June 1958, Vol. 17 issue of the A.M.A. Archives of Industrial Health at Page 634 and was entitled "An Epidemiological Study of Lung Cancer in Asbestos Miners". A copy of this study is available for inspection and copying at the office of Defendant's counsel.

Inter-tracheal injection experiments on test animals were conducted by the Industrial Hygiene Foundation of America (and completed in July, 1958) using asbestos fiber taken from a mine of Johns-Manville Corporation. This study is entitled "The Pulmonary Response to Coalinga Asbestos Dust: A Preliminary Investigation", by Paul Gross, et al. A copy of this study is available for inspection and copying at the office of Defendant's counsel.

Defendant has contributed the time of its personnel and data to a seven to ten year environmental clinical and epidemiological study of workers exposed to asbestos which is now being conducted by the Division of Occupational Health of the United States Public Health Service and is entitled "Asbestos Industry Study: U. S. Public Health Service". The following reports relate to and/or are based on such study:

"Measurement of Asbestos Exposure" by Jeremiah R. Lynch and Howard F. Ayer published in the Journal of Occupational Medicine (January, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Research on Health Effects of Asbestos" by Lewis J. Cralley, et al., and published in the Journal of Occupational Medicine (January, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"The Role of Trace Metals in Chemical Carcinogenesis-Asbestos Cancers" by J. F. Dixon, et al., unpublished, but presented at the International Congress on Occupational Health, Tokyo, Japan, (September, 1969), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Identification and Control of Asbestos Exposures" by Lewis J. Cralley, unpublished but presented at the International Congress on Occupational Health, Tokyo, Japan (September, 1969), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Techniques for the Detection, Identification and Analysis of Fibers" by Robert J. Keenan and Jeremiah R. Lynch published in the American Industrial Hygiene Association Journal (September - October, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Fibrous and Mineral Content of Cosmetic Talcum Products" by Lewis J. Cralley, et al., published in the American Industrial Hygiene Association Journal (July, August, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

Johns-Manville Corporation funded a study which was conducted by the Mt. Sinai School of Medicine, City University of New York, entitled "Biological Effects of Modified Inorganic Fibrous Microparticles" which was commenced November 1, 1969 and was completed October 31, 1970. The purpose of the study was to explore the development of new biological test systems for fibrous materials and to determine the effect on biological activity of asbestos fiber which has been coated with a variety of physical and/or chemical substances.

A related study which was funded by Johns-Manville Corporation produced a report entitled "Asbestos Pyrolysis" by R. J. Schnitzer and F. L. Pundsack (an employee of Defendant), which was reported in March, 1969 and published in Environmental Research, January, 1970). A copy thereof is available for inspection and copying in the office of Defendant's counsel.

Johns-Manville Corporation has contributed to the Industrial Hygiene Foundation of America's "Fibrous Dust Study". The purpose of this program is to investigate factors involved in the pathogenicity of major varieties of asbestos fiber to determine the true nature of ferruginous bodies. Reports related to and/or based on this study include the following:

"Proceedings Fibrous Dust Seminar" of the Industrial Hygiene Foundation of America, published in its Medical Series Bulletin No. 15-72 (November 22, 1969), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Experimental Asbestosis: The Development of Lung Cancer in Rats with Pulmonary Deposits of Chrysotile Asbestos Dust" by Dr. Paul Gross, et al., published in the Archives of Environmental Health, Vol. 16, (Sept. 1967), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"The Pulmonary Response to Fibrous Dusts of Diverse Compositions" by Dr. Paul Gross, et al., published in the American Industrial Hygiene Association Journal, Vol. 31 (March, April, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"'Ferruginous Bodies' in Guinea Pigs" by John M. G. Davis, et al., published in the Archives of Pathology, Vol 89, (April, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Pulmonary Ferruginous Bodies" by Dr. Paul Gross, et al., published in the Archives of Pathology, Vol. 85 (May, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Pulmonary Ferruginous Bodies in City Dwellers, A Study of Their Central Fiber" by Dr. Paul Gross, et al., published in the Archives of Environmental Health, Vol. 19 (August, 1969), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Ferruginous Bodies in Human Lungs", by Michael D. Utidjian, et al., published in the Archives of Environmental Health, Vol. 17 (September, 1968), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Asbestos Biological Research for Industry", by the Industrial Hygiene Foundation of America, Inc., published in its Medical Series, Bulletin No. 11 (1966), a copy of which is available for inspection and copying in the office of Defendant's counsel.

QAMA is sponsoring a study of the health effects of asbestos, if any, on workers in the asbestos cement manufacturing industry in the New Orleans area. In addition, Johns-Manville Corporation is contributing time of its personnel. This study began in 1969 and is concentrating on the health status of present and past employees in the plants of Defendant and National Gypsum Company in and around New Orleans and has generated the following:

"Asbestosis in Asbestos Cement Workers" by Philip E. Enterline, and Hans Weill, presented at LYD Conference, (Oct. 1972), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Radiographic and Physiologic Patterns Among Workers Engaged in Manufacture of Asbestos Cement Products, a Preliminary Report", by Hans Weill, et al., published in the Journal of Occupational Medicine, Vol. 15 (Mar. 1973) a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Lung Function Consequences of Dust Exposure in Asbestos Cement Manufacturing Plants" by Hans Weill, et al., published in Archives of Environmental Health, Vol. 30, (February, 1975), a copy of which is available for inspection and copying in the office of Defendant's counsel.

The Institute of Occupational and Environmental Health of QAMA is conducting a study to relate the health status of the asbestos-exposed population to a non-exposed population in Canada. This study is under the direction of Dr. J. C. McDonald of McGill University, Montreal, Canada. The following reports have been generated by this study.

"Qualitative Aspects of Dust Exposure in the Quebec Asbestos Mining and Milling Industry" by G. W. Gibbs, presented at the Third International Symposium on Inhaled Particles, British Occupational Hygiene Society, London, (September, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Epidemiology of Primary Malignant Mesothelial Tumors in Canada" by A. D. McDonald, et al., published in CANCER Vol. 25, No. 4 (October, 1970), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Mortality from Lung Cancer and Other Causes in the Chrysotile Asbestos Mines and Mills of Quebec" by Dr. J. Corbett McDonald, et al., published in the Archives of Environmental Health, Vol. 22 (June, 1971), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Recent Developments in Asbestosis", by Dr. Premysl V. Pelnar, published in Studia Laboris et Salutis (1970) a copy of which is available for inspection and copying in the office of Defendant's counsel.

Johns-Manville Corporation also paid for certain studies by Dr. Kenneth W. Smith who was then a full-time employee of said corporation. Reports of Dr. Smith's studies are as follows:

"Asbestosis" printed in The Pneumoconioses by Kenneth W. Smith (approximately 1963), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Pulmonary Disability in Asbestos Workers" by Kenneth W. Smith printed in the A.M.A. Archives of Industrial Health, Vol. 12 (August, 1955), a copy of which is available for inspection and copying in the office of Defendant's counsel.

"Trends in the Health of the Asbestos Worker" by Kenneth W. Smith published in the Annals of the New York Academy of Sciences, Vol. 132, Article 1 (Dec. 1965), a copy of which is available for inspection and copying in the office of Defendant's counsel.

In January, 1977, Johns-Manville Corporation contributed to the Mt. Sinai School of Medicine to fund a mesothelioma treatment study and program. This was a cooperative effort by the Corporation and the Heat, Frost & Insulators Union with the Union contributing a like amount toward the funding of this Program. The director of the Program is Dr. Irving J. Selikoff.

6. List all distributors, franchisees, or retailers of your products in the State of Florida.

ANSWER: Defendant lists below its Industrial Products Division distributors in the State of Florida as best as can be compiled from existing records:

| | | |
|---|---|---|
| Clearwater | H.B. Adams Refrigeration | 2050 Palmetto St., 33515 |
| Ft. Lauderdale | Bingham Insulation | P.O. Box 32146, 33315 |
| Ft. Lauderdale | Coastline Distributing, Inc. | P.O. Box 5088, 33310 |
| Ft. Myers | Baker Brothers, Inc. | 2050 Marine, 33901 |
| Ft. Myers | Coastline Distributing, Inc. | 3542 Work Drive, 33900 |
| Ft. Myers | Pioneer Metals, Inc. | 2545 Palm Ave., 33901 |
| Gainesville | Baker Brothers, Inc. | 2901 N.W. 20th Way, 32601 |
| Gainesville | Coastline Distributing Company | 2419 N.W. 13th Drive, 32601 |
| Jacksonville | Coastline Distributing Company | 2140 Dennis St., 32204 |
| Jacksonville | Industrial Assoc., Inc. | 1510 S. Adams St., 36206 |
| Jacksonville | J-M Contract Unit | 4859 Victor St., 32207 |
| Lakeland | H.B. Adams Refrigeration | 1109 E. Memorial Blvd., 33801 |
| Miami | Coastline Distributing, Inc. | 2555 N.W. 75th Ave., 33122 |
| Miami | J-M Contract Unit | 255 N.E. 69th St., 33138 |
| Ocala | Baker Brothers, Inc. | 1009 S.W. 17th St., 32670 |
| Orlando | C & C Contracting | P.O. Box 5246, 32805 |
| Orlando | Coastline Distributing, Inc.. | P.O. Box 7726, 32804 |
| Panama City | Tri-State Ptg. & A/C Supply | 2501 E. Jenks Ave., 32405 |

| | | |
|---|---|---|
| Pensacola | Great Barrier Insul., Co. | P.O. Box 1931, 32502 |
| Riviera Beach | Coastline Distributing, Inc. | 1604 Avenue L, 33404 |
| St. Petersburg | Coastline Distributing, Inc. | 1[illegible] N. 4th St., 33714 |
| St. Petersburg | K&M Supply House | 1000 30th St., South, 33733 |
| St. Petersburg | Victor Distributing Co. | 4490 60th Ave. North, 33714 |
| Tallahassee | Baker Brothers, Inc. | 860 Apps Dr., 32404 |
| Tampa | Coastline Distributing, Inc. | 5113 W. Dilewilde |
| Tampa | H.P. Adams Refrigeration | 1109 W. Memorial Blvd., 33801 |
| Tampa | J-M Contract Unit | 5507 N. 56th St., 33610 |
| Tampa | Mechanical Insulation | 6409 Ambassador Dr., 33615 |
| Tampa | Victor Distributing Co. | 5044 N. 21st St., 33610 |
| W. Palm Beach | Baker Brothers, Inc. | 2610 Florida Ave., 33401 |

7. State the date on which caution labels were first placed on each of your asbestos-containing products.

ANSWER: Defendant placed warning notices on the packaging of its industrial thermal insulation products which contained asbestos which might release dust upon installation. The warning labels and the dates of use are as follows:

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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 DUSTS.

(1964-1970)

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CAUTION

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

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, USE PROPER PROTECTION.

IF PROPER DUST CONTROL CANNOT BE PROVIDED, RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PROTECTION AGAINST PNEUMOCONIOSIS-PRODUCING DUSTS SHOULD BE WORN.

(1970-1972)

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CAUTION

CONTAINS ASBESTOS FIBER
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM

(1972-1978)

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CAUTION

CONTAINS ASBESTOS FIBERS

AVOID BREATHING DUST

BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM

SMOKING GREATLY INCREASES THE
RISK OF SERIOUS BODILY HARM

(1978-PRESENT)

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These warnings or some modification thereof were used on the packaging of all industrial thermal insulation products of Defendant which contained asbestos which might release dust upon application. Use of warning labels was commenced during 1964. Defendant used such warning notices because in 1964, it was reported by a member of the medical profession that there might exist a risk to some persons who installed industrial insulation products containing asbestos, in that inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions might create a risk of the contracting of asbestosis to some persons. The label in use from 1972 to 1978 was prescribed by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) pursuant to 29 C.F.R. Sec. 1910.1001, such regulation being promulgated by OSHA in 1972.

This label was revised by Defendant to include a no-smoking warning, implementation of which commenced in November, 1978.

In addition, sales and service personnel, whose identity is presently unknown to Defendant, may have in the ordinary course of business communicated information to those using products

manufactured by Johns-Manville Products Corporation or employees installing such products as to the then current threshold limit values.

See Exhibit A attached hereto for the date each product was labelled.

Dated this 16 day of April, 1981.

HIGH, STACY, LANDRY, BENDER, PALANCH AND LACASA

By: _____

Attorney for Defendant
Johns-Manville Sales
Corporation, successor by merger
with Johns-Manville Products
Corporation
Penthouse, Suite 3000
Biscayne Tower Building
100 North Biscayne Boulevard
Miami, FL 33132
(305) 377-9351

GA-51-81

EXHIBIT A

Industrial Thermal Insulation Products
Containing Asbestos

| PRODUCT | Date Commenced | Date Discontinued | Date Labeled |
|---|---|---|---|
| **Block** | | | |
| 85% Magnesia | 1902 | 1970 | 11/14/65 |
| SUPEREX-M | 1930 | 1970 | 11/14/66 |
| SUPEREX 1900 | 1922 | 1971 | 11/14/66 |
| SUPEREX 2000 | 1971 | 1972 | 4/8/71 |
| THERMOBESTOS | 1939 | 1973 | 9/10/64 |
| Silicated THERMOBESTOS | 1966 | 1973 | 9/10/64 |
| **Pipe** | | | |
| ASBESTOCEL (aircell) | 1902 | 1965 | none |
| ANTI-SWEAT | 1903 | 1965 | none |
| 85% Magnesia | 1902 | 1970 | 3/12/65 |
| SUPEREX-M | 1930 | 1970 | 3/12/65 |
| SUPEREX 1900 | 1922 | 1972 | 3/12/65 |
| THERMOBESTOS | 1939 | 1973 | 5/25/66 |
| Silicated THERMOBESTOS | 1966 | 1973 | 5/25/66 |
| METAL-ON | 1959 | 1973 | 7/01/70 |
| **Sheets** | | | |
| ASBESTOCITE | 1927 | 1975 | 7/01/70 |
| **Finishes** | | | |
| AERTITE | 1926 | | none |
| INSULKOTE SG | 1929 | | none |
| INSULKOTE ST | 1929 | | none |
| INSULKOTE ET | 1929 | | none |
| **Paper, Felt, Blankets** | | | |
| Asbestos Roll FIRE FELT | 1891 | 1973 | 7/01/70 |
| D.C. FLEXSTONE | 1929 | | 7/01/70 |
| Asbestos Firetard | 1931 | | 7/01/70 |
| #50 Asbestos Weatherproofing Felt | 1931 | | none |
| Commercial Grade Asbestos Paper | 1929 | | 7/01/70 |
| 15A Asbestos Jacket | 1931 | | none |
| 45A Asbestos Jacket | 1931 | | none |
| 7700 Coated Asbestos Jacket | 1931 | | none |
| Asbestos Turbine Blanket | 1951 | | 9/14/71 |
| Asbestos FIRE FELT | 1891 | 1962 | none |
| ASBESTOS-SPONGE FELT | 1890 | 1961 | none |
| Asbestos Pipe Blanket | 1898 | 1960 | none |
| Engineers Insulating Tape | 1926 | 1956 | none |
| White Surface Asbestos Jacket | 1931 | 1968 | none |
| THERMOWRAP | 1951 | 1954 | none |
| THERMOTAPE | 1951 | 1964 | none |
| **Cements** | | | |
| SUPEREX Cement | 1931 | 1973 | 11/04/65 |
| THERMOBESTOS Cement | 1959 | 1969 | none |
| LAPTITE Cement | 1952 | | 1970 |
| Fibrous Adhesive | 1930 | | none |
| 302 Cement | 1930 | 1970 | 8/23/65 |
| 352 Cement | 1930 | 1973 | 8/23/65 |
| 301 Cement | 1953 | 1971 | 8/23/65 |
| 450 Cement | 1930 | 1972 | 11/04/65 |
| 500 Cement | 1933 | 1972 | 11/04/65 |
| 85% Magnesia Cement | 1931 | 1970 | 8/23/65 |
| 300 Cement | 1932 | 1970 | none |
| 304 Cement | 1931 | 1969 | 8/23/65 |
| 340 Cement | 1931 | 1969 | none |
| 0352 Cement | 1931 | 1969 | none |
| 364 Cement | 1930 | 1955 | none |
| 400 Cement | 1931 | 1969 | 8/23/65 |

EXHIBIT B

Asbestos Bearing Industrial Thermal Insulation Products

| PRODUCT | % ASBESTOS FIBER | |
|---|---|---|
| **Block** | | |
| 85% Magnesia | 8.7 | 10.3 |
| SUPEREX-M | 9.6 | 11.1 |
| SUPEREX 1900 | 10. | 12. |
| SUPEREX 2000 | 12.0 | |
| THERMOBESTOS | 10.6 | 14.3 |
| Silicated THERMOBESTOS | 10.6 | 14.3 |
| **Pipe** | | |
| ASBESTOCEL (aircell) | 93.4 | 96.2 |
| ANTI-SWEAT (wool felt) | | |
| 85% Magnesia | 8.7 | 10.3 |
| SUPEREX-M | 9.6 | 11.1 |
| SUPEREX 1900 | 12.0 | |
| THERMOBESTOS | 10.6 | 14.3 |
| Silicated THERMOBESTOS | 10.6 | 14.3 |
| METAL-ON | 33.3 | |
| **Sheets** | | |
| ASBESTOCITE | 42.9 | 51.1 |
| **Finishes** | | |
| AERTITE | 15.0 | |
| INSULKOTE SG | 13.6 | |
| INSULKOTE ST | 15.0 | |
| INSULKOTE ET | 6.7 | 7.0 |
| **Paper, Felt, Blankets** | | |
| Asbestos Roll FIRE FELT | 99.0 | |
| D. C. FLEXSTONE | 84.2 | 85.0 |
| Asbestos Firetard | 88.9 | 92.0 |
| #50 Asbestos Weatherproofing Felt | 84.2 | 85.0 |
| Commercial Grade Asbestos Paper | 94.3 | 99.0 |
| 15A Asbestos Jacket | 89.4 | 90.1 |
| 45A Asbestos Jacket | 89.4 | 90.1 |
| 7700 Coated Asbestos Jacket | 89.4 | 90.1 |
| Asbestos Turbine Blanket | 100.0 | |
| Asbestos FIRE FELT | 90.0 | |
| ASBESTOS-SPONGE FELT | 93.4 | 96.2 |
| Asbestos Pipe Blanket | Unknown | |
| Engineers Insulating Tape | Unknown | |
| White Surface Asbestos Jacket | Unknown | |
| THERMOWRAP | 90.0 | |
| THERMOTAPE | 75.0 | |
| **Cements** | | |
| SUPEREX Cement | 9.6 | 11.1 |
| THERMOBESTOS Cement | 10.6 | 14.3 |
| LAPTITE Cement | 10.0 | 16.9 |
| Fibrous Adhesive | 14.0 | |
| 302 Cement | 49.4 | 55.0 |
| 352 Cement | 100.0 | |
| 301 Cement | 14.7 | 17.3 |
| 450 Cement | 7.1 | 38.5 |
| 500 Cement | 16.7 | 20.0 |
| 85% Magnesia Cement | 8.7 | 10.3 |
| 300 Cement | 100 | |
| 304 Cement | 50.0 | 53.4 |
| 340 Cement | 60.0 | |
| 0352 Cement | 25.0 | 40.0 |
| 364 Cement | 60.0 | |
| 400 Cement | 22.9 | 23.1 |

EXHIBIT C

LIST OF INSULATION PRODUCTS BY ASBESTOS TYPE

## CHRYSOTILE

### Block

85% Magnesia
SUPEREX-M
SUPEREX 1900
THERMOBESTOS
SUPEREX 2000

### Pipe

85% Magnesia
SUPEREX-M
SUPEREX 1900
THERMOBESTOS
METAL-ON
Silicated THERMOBESTOS

### Sheets

ASBESTOCITE

### Finishes

AERTITE
INSULKOTE SG
INSULKOTE ST
INSULKOTE ET

### Paper, Felt, Blankets

Asbestos Roll FIRE FELT
Asbestos Firetard
#50 Asb. Weatherproofing Felt
Commercial Grade Asb. Paper
15A Asbestos Jacket
45A Asbestos Jacket
7700 Coated Asbestos Jacket

### Cements

SUPEREX Cement
THERMOBESTOS Cement
LAPTITE Cement
Fibrous Adhesive
302 Cement
352 Cement
301 Cement
450 Cement
500 Cement
85% Magnesia Cement

## AMOSITE

### Block

85% Magnesia
SUPEREX-M
SUPEREX 1900
THERMOBESTOS

### Pipe

85% Magnesia
SUPEREX-M
SUPEREX 1900
THERMOBESTOS

### Paper, Felt, Blankets

Asbestos Turbine Blanket

### Cements

85% Magnesia Cement
THERMOBESTOS Cement

## UNKNOWN (PROBABLY CHRYSOTILE)

### Pipe

ASBESTOCEL (aircell)
ANTI-SWEAT

### Paper, Felt, Blankets

Asbestos FIRE FELT
ASBESTOS-SPONGE FELT
Asbestos Pipe Blanket
Engineers Insulating Tape
White Surface Asbestos Jacket
THERMOWRAP
THERMOTAPE

### Cements

300 Cement
304 Cement
340 Cement
0352 Cement
400 Cement
364 Cement

AFFIDAVIT

STATE OF COLORADO )
) ss:.
COUNTY OF JEFFERSON )

R. B. VON WALD being duly sworn according to law deposes and says he is Vice President and Corporate Counsel of JOHNS-MANVILLE SALES CORPORATION, a defendant in this action, that he is authorized to make this Affidavit on its behalf and that the facts set forth in the foregoing pleading have been supplied to him by others upon whom he relies and are true and correct to the best of his knowledge, information and belief.

R. B. VON WALD

Sworn and subscribed to before me this 8 day of April, 1981.

NOTARY PUBLIC

My Commission expires Nov. 12, 1984