



VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

WILLIAM S. OVERBY,

Plaintiff,

v.

DOCKET NO. 20555-M

RAYMARK INDUSTRIES, INC., et al

Defendants.

REVISED ANSWERS OF H. K. PORTER COMPANY,
INC. AND SOUTHERN TEXTILE CORPORATION
TO PLAINTIFF'S INITIAL INTERROGATORIES

These defendants have included where possible information known, regarding Southern Asbestos Company from 1930 to 1958. There is no individual alive who can provide much of the information sought by these Interrogatories.

These defendants reserve the right to amend and/or supplement these answers, if it is found that inadvertent omissions are made, or in the event more information becomes available that is required to be provided by the Rules of the Supreme Court of Virginia, or by the Court.

1. If defendant or any predecessor or subsidiary corporation of defendant has, at any time, been engaged in the mining, manufacturing, producing, processing, compounding or converting (hereinafter commonly referred to as "manufacturing" or "manufactured"), selling, merchandising, supplying, distribution, and/or otherwise placing in the stream of commerce (hereinafter commonly referred to as "distributing",

"distributed" or "distribution") of asbestos, material containing asbestos, asbestos products and compounds (hereinafter commonly referred to as "product(s) containing asbestos"), then:

State the trade name(s) of each product containing asbestos manufactured and/or distributed by defendant:

State the dates during which defendant manufactured and/or distributed said products containing asbestos:

State in detail all of the uses of each product containing asbestos manufactured and/or distributed by defendant:

ANSWER:

1. Based upon information and belief, these defendants state that Southern Asbestos Company manufactured generic asbestos textile products: cloth, yarn tape and rope. We assume that these products were at times, manufactured to military specifications in effect. Some reference to pre-1958 military specifications exist in the records of Southern/Porter held by Porter in Pittsburgh, Pennsylvania. These references are in documents made available to plaintiff's counsel.

The following products were manufactured by Thermoid Division from October 31, 1958 to April 30, 1974:

(a) Cloth 1958-1974 (White);

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- (b) Thermagard 1967-1974 (Silver);
- (c) Portersite 1964-1970 (White);
- (d) Porterlag 1967-1974 (White) (custom lag);
- (e) Flamegard 1958-1974 (Yellow, Green); and
- (f) Cleangard 1072-1974 (White).

Southern Textile Corporation from May 1, 1974, to February, 1983, when Southern Textile Corporation was purchased by an unrelated third party, manufactured:

- (a) Cleangard 1974-1983) (White);
- (b) Covergard 1975-1983 (Beige);
- (c) Flamegard 1974-1983 new product not same as Porter Flamegard (Blue);
- (d) Heatgard 1974-1983 (Plain Brown);
- (e) Splashgard 1074-1983 (same as former Flamegard - Green);
- (f) Weldgard 1974-1983 (Orange);
- (g) Insulgard 1976-1983 (Glass - Plain);
- (h) Soundgard 1976 - 1983 (Black);
- (i) Cloth 1974 - 1983 (White)
- (j) Thermagard 1974-1983 (Silver).

H. K. Porter Company, Inc. Refractories Division from December 1958 to 1974 (exact date unknown) manufactured:

- (a) Bonding Water #20 (1958-1974);
- (b) LACO High Temps Cement (1958_1974);
- (c) Duo-Flex (1958-1974);

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(d) Laclede - 48 #1800 and #700 blocks (1958-June 3, 1960);

(e) Laclede - 48 (1958-June 3, 1960).

It is virtually impossible to list all of the uses of these products which have a wide, and almost unlimited variety of applications in industry, and construction. Wherever heat or cold needs preservation or protection these products may be used. Generally textile products are utilized not as primarily insulation, that is, for direct application to the hot or cold element, but as secondary insulation, that is on the outside of primary insulation, such as pipe sections, cement, board, blocks, etc.

2. State in detail the labeling, licensing and/or product line sales history for each product containing asbestos which defendant manufactured and/or distributed. Include identification of all other manufacturers, repackagers or distributors of each product containing asbestos from whom you bought asbestos products, with whom you traded raw materials or finished products and/or to whom you sold for relabeled resale asbestos-containing products, stating the beginning and ending dates that you did so. Your response shall completely detail the history of each and every asbestos-containing product in which your company or companies dealt in during the operational history.

ANSWER:

2. Upon information and belief, there may have been sales to Southern Asbestos Company for or to other asbestos manufacturers. There may have been one sale to Keasbey Mattison in 1951. Depositions of previous Southern/Porter employees do not support such sales except on one or two occasions. Porter/Southern have not manufactured asbestos textile products for other manufacturers. These defendants have, on at least one occasion, sold asbestos tape to Johns-Manville Sales. If asbestos yarn is a product they have on one occasion purchased asbestos yarn from Raybestos in 1970 or 1971; asbestos was purchased from Johns-Manville Sales in 1970-1971.

3. Describe in detail defendant's complete corporate history, including any mergers, consolidations, asset purchases, acquisitions or spin-offs having to do with the manufacture or distribution of asbestos-containing products. In addition:

If you have bought or sold any asbestos product line or stock in a company dealing in asbestos-containing products, state the date of the sale and identify the seller or purchaser;

Identify each document related to the history or transaction(s) set forth above.

State whether defendant agreed to be or has been held to be legally responsible for the past liabilities of any nature of any other such corporation or entity.

ANSWER:

3. There have been two companies named Southern Asbestos Company, one of which was formed in 1927, later acquired by the Thermoid Company and then liquidated by Porter in 1959, and the other, a wholly owned subsidiary of Porter, was formed in 1974.

The first Southern Asbestos Company was incorporated in Delaware on December 8, 1927. One of the purposes of that Company was to purchase or otherwise acquire the assets and business of Southern Asbestos Manufacturing Company, a North Carolina corporation.

In 1929 Thermoid Company acquired a controlling interest in the stock of Southern Asbestos. In 1941 Thermoid purchased the fixed assets of Southern Asbestos which included the Charlotte Works, Charlotte, North Carolina. Southern Asbestos then became a sales agency for asbestos products.

In 1959 Porter, by means of a merger, acquired Thermoid Company.

As a result of this transaction, Porter acquired the stock of Southern Asbestos Company. On or about December 31, 1959, Porter liquidated Southern Asbestos. Between the acquisition and liquidation, Southern Asbestos acted as the selling agency for asbestos products.

On October 14, 1963, Porter acquired substantially all of the outstanding capital shares of Carolina Asbestos Company, Inc., a North Carolina corporation. On November 30, 1963 Carolina Asbestos was liquidated. Carolina Asbestos Company owned the Davidson Works, Davidson, North Carolina, which was closed in November, 1970, and sold in March, 1971, to A-A-A Distribution Services, Inc., Charlotte, North Carolina.

On December 30, 1964, Porter acquired the common stock of The Russell Manufacturing Company of Middletown, Connecticut. Russell owned the Bennettsville Works, Bennettsville, South Carolina. On January 32, 1965, Russell Manufacturing was liquidated. The Bennettsville Works was closed in October, 1976, and sold in July, 1978, to Godley Auction Co., Charlotte, North Carolina.

In late 1968 and 1969 Porter acquired Pacific Asbestos Corporation which mined raw asbestos in Copperopolis, California. Pacific Asbestos ceased operations in April of 1974, was declared bankrupt on August 27, 1974, and the assets sold to Calaveras Asbestos Ltd., Copperopolis, California, on October 24, 1975.

On February 17, 1969, Porter acquired all of the common stock of Tallman-McCluskey Fabrics Company of St. Louis, and on February 28, 1969, Tallman was liquidated. Tallman owned the St. Louis Works, St. Louis, Missouri, which

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was closed in October, 1970, and sold on June 30, 1972, to Lloyd S. Rubin of St. Louis, Missouri.

In 1974 Porter formed a wholly owned subsidiary, Southern ~~Asbestos~~ Company, and as of May 1, 1974, transferred the Charlotte Works and The Bennettsville Works to Southern Asbestos. Effective January 1, 1979, the name of Southern Asbestos Company was changed to Southern Textile Corporation. On February 18, 1983 the assets of Southern Textile Corporation were sold. This was the textile plant in Charlotte, North Carolina.

Neither Porter or Southern Textile produce or sell asbestos textile products any longer.

Documents relating to this history are available for inspection at the offices of Pender & Coward. These documents are the best information available as to whether or not successor liability was contemplated.

4. State in detail and with complete descriptions all components (with percentage amounts) for each product containing asbestos manufactured and/or distributed by defendant. Include all product specifications, formulas, and technical descriptions for each product. For any product containing asbestos with particular colors and/or designs, provide accurate representations in color of all products, including photographs, if available.

ANSWER:

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4. Upon information and belief, products manufactured by Southern Asbestos Company probably contained the same percentages of chrysotile asbestos, 65% - 95% as did products produced after 1958. There is no available product literature regarding Southern Asbestos Company products.

All products manufactured by Southern Textile Corporation and/or H. K. Porter Company, Inc., Thermoid Division, contain chrysotile asbestos in varying amounts from 65% to 95% - except Portersite which contained amosite asbestos. Carrier fiber was usually rayon but may have contained small percentages of cotton, polyester and acrylic, in certain products. Products can be grouped generally as:

Cloth - broad woven fabrics.

Tape - Narrow woven fabrics.

Yarn/Cord - Self-explanatory.

Felt - A mat made up of fiber and bound together with yard by a weaving or knitting process.

Roving - An untwisted reinforced soft material similar in appearance to a knitting yarn.

Rope and Wick - Self-explanatory.

Cloth - Has various uses, as a lagging or pipe wrap, as a material for safety clothing, as a shield against sparks and heat, as a fire curtain, as a plastic laminate, as a gasket material.

Tape - As an insulation wrapped on electrical cables, steam lines, etc. and as friction material for brakes.

Yarn - used in a variety of industries for further manufacture in clutch facings, packings, dryer felts, parachute flare cords, and friction materials.

Covergard - is to be rewetted for application.

All other products are applied or used by the various construction/heating/insulation trades in the particular trade involved.

The asbestos type used in products manufactured by or for H. K. Porter Company, Inc., Refractories Division, is presently unknown. The composition and general description of those products is:

Bonding Mortar #20 - Contained 1.32% asbestos fiber, shipped in wet form, used as bonding mortar on the inside of refractories.

LACO Hi-Temp Cement - Contained 1.31% asbestos fiber, shipped in wet form, used on the inside of refractories.

Duoflex - Contained 3% asbestos fiber, stripped in dry form, used on the inside of refractories.

Laclede - 48 No. 1800 and No. 700 Block - Insulating blocks of varying sizes, used on outside refractories; exact asbestos content presently unknown.

5. Please state the name and address of each entity from whom defendant has ever bought or received raw asbestos fiber, and as to each such transaction please state the following:

The date and amount of each purchase or receipt of asbestos fiber;

The seller or provider of the asbestos fiber;

The type of fiber sold or provided (e.g., amosite, chrysotile or crocidolite);

The use (including the type of product the asbestos fiber was used in) made of each sale or supply of asbestos fiber.

ANSWER:

5. The following supplied raw asbestos to these defendants:

<u>Supplier</u>	<u>Type of Asbestos Supplied</u>
Bell Asbestos Mines, Ltee Thetford Mines Quebec, Canada	Chrysotile
Cassifar Resources Division of Brinco Mining Limited 2000 Guinness Tower 1055 W. Hastings Street Vancouver, British Columbia Canada V643V3	Chrysotile
Asbestos Corporation 1155 Metcalfe Street Montreal, P.Q. - Canada	Chrysotile

Lac d'Amiante du Quebec Ltee Chrysotile
120 Broadway
New York, New York

Johns-Manville Sales Corp. Chrysotile
Greenwood Plaza
Denver Colorado

Shabanie & Mashaba Mines Ltd. Chrysotile
75 Main Street
Bulawayo, Rhodesia

North American Asbestos Corporation Amosite
200 South Michigan Avenue
Chicago, Illinois

United States Government

The date and amount of each and every purchase or receipt of asbestos is unknown, as is the specific use made of any particular asbestos fiber purchased.

6. If defendant has, at any time, been a member of any "trade organization" or "association" composed of other miners, manufacturers, producers, processors, compounders, converters, sellers, merchandisers, suppliers, distributors and/or anyone otherwise placing in the stream of commerce products containing asbestos, state:

The name and address of each such association or organization;

The dates during which time you were a member;

The names of any publications published by or written by such association or organization;

The names and dates of membership of all other members of such association or organization.

ANSWER:

6. Asbestos Information Association, 1660 L Street, N.W., Washington, D.C., H. K. Porter Co. 1971-1974; Southern Textile Corporation 1974-1975.

Asbestos Textile Institute, 131 North York Road, Willow Grove, Pennsylvania, H. K. Porter Co., Inc. 1958-1974; Southern Textile Corp.; National Insulation Contractors Association, 1120 19th street, N.W., Suite 405, Washington, D.C. 20036; H. K. Porter Co., Inc. 1968-1974; Southern Textile Corp. 1974-1982. (While this is answered yes, it was the practice of ATI to have individuals as members from the various manufacturing entities.)

These defendants are aware these associations have published from time to time; these defendants understand it was the practice of these associations, and particularly ATI to send its publication to the individuals then active with the association. These defendants did not receive these publications per se, but are aware that certain of their employees did. These defendants have not systematically kept these publications, nor have these publications been compiled in a list or report so that their names, dates of publications, or various topics would now be available. Some of these publications have been located in the files of these defendants.

Porter and Southern do not have lists of the entire membership of these associations.

7. If defendant has ever made any changes in the work practices and/or equipment used by defendant's employees to limit their exposure to asbestos, state:

The specific nature of each such change;

The date(s) said changes were put into effect;

The reason the changes were made;

What, if anything, was communicated to your employees concerning these changes.

ANSWER:

7. Upon information and belief, Southern Asbestos Company and Thermoid Company from 1930 to 1958 did make changes with regard to work practices and/or equipment and employee exposure to asbestos.

It is impossible to specifically described each change. As a result of studies, including Dreessen in 1935 which resulted in the 1938 U. S. Public Health service publication and certain North Carolina statutes, Southern Asbestos Company undertook to assure compliance with the guidelines and suggestions contained therein. Dr. Hillis Seay has testified that from some time in the 1930's on, dust counts were taken periodically, and employees were subject to x-ray examination to comply with the North Carolina Workmen's Compensation Act of 1935. It is not now known what specific

information was given employees with respect to these changes in the workplace. Employees working at facilities in which work practices were changed were, of course, able to recognize such changes. The 1962 article by Jerry Mitchell, entitled "Health Progress In an Asbestos Textile Works," outlines other changes made.

At Porter and Southern facilities from 1958 to 1980, certain work practices, including employee monitoring, x-ray programs, dust counts and ventilation, would change from time to time to reflect the standards imposed by the State of North Carolina Board of Health, and since 1972 by OSHA requirements, as codified. (Refer to the depositions of Jerry Mitchell, Dr. Hillis Seay, Dr. Herman Eason, and Ernie Bratt.)

It is virtually impossible to state at this time every work practice which may have been affected or changed, or what information, if any, was communicated to any particular employee regarding any such change.

8. If defendant has ever given any information to defendant's employees concerning any potential hazards of exposure to asbestos, state:

The specific information given:

The date(s) on which said information was given;

The manner in which said information was given;

By whom was said information given (give names and current addresses);

To whom was said information given (give names and current addresses);

The name and current address of the custodian of any records concerning the information given.

ANSWER:

8. As regards Southern Asbestos Company, from 1930 to 1958, these defendants in good faith state that they do not know what information was given to employees concerning potential hazards from exposure to asbestos, nor do they know what information regarding such potential hazards was given to other employees before 1975.

From 1975 to 1982 Southern Textile corporation plant workers were provide a booklet entitled "Caution - Asbestos Dust Information Booklet." This booklet was prepared in cooperation with NIOSH (National Institute for Occupational Safety.)

9. Has defendant ever given medical examinations to defendant's employees who were exposed to asbestos?

If so, state:

When said examinations were given;

Whether chest x-rays were included in the examination;

The names and current addresses of the person who conducted these examinations;

Whether any employees who were found to have any abnormality were so advised.

ANSWER:

9. Yes. The State of North Carolina has long required all employees working in dusty trades (including the manufacture of asbestos textiles) to be medically screened for pre-employment and continuing employment certifications. Based upon information and belief, this standard was established in 1935 as a part of North Carolina's Workmen's Compensation Act and, in one form or another has been in force since. Pre-employment physicals and x-rays were taken at defendant's facilities including the Charlotte facility of Southern Asbestos Company. Dr. Hellis Seay participated in pre-employment physicals for Porter and Southern Asbestos employees from 1949 until 1981.

There were also examinations conducted by Dreessen, et al. and Shull, which were reported on by them.

10. Identify with particularity each lawsuit (including actions in which appeals are or may be pending, actions in which appeals are concluded, and actions which were subsequently settled) wherein the finder of fact, either judge or jury, has found that defendant is liable for punitive damages due to an asbestos-induced injury (including death) or disease that was alleged to have been caused, in whole or in part, by asbestos-containing products that were alleged to have been manufactured, sold or distributed by defendant.

ANSWER:

10. None.

11. State when defendant received notice of any claim for illness, disease or death to any of defendant's employees or members of their immediate families as a result of their exposure to asbestos.

As to each claim state:

The date said notice was received;

The name and current address for each claimant;

The specific disease or illness complained of;

The disposition of said claim, including benefits paid, if any;

The name and current address of the custodian of any and all documents concerning any such claim.

ANSWER:

11. These defendants are unable to provide the information requested by this Interrogatory. There is no index or record of documents available. With regard to claims by employees of Southern Asbestos Company, H. K. Porter or Southern Textile or their immediate families. A claim of which these defendants are aware is Blasinggame. These defendants acknowledge that Workmen's Compensation claims have been made during the period 1935-1983 for disease or injury from asbestos exposure.

12. State in detail the following concerning the first occurrence wherein defendant was named as a defendant in an action to recover for disease or death as a result of exposure to asbestos.

The date you were notified of the claim;

The name and current address of the claimant;

The name and location of the court in which the action was filed and the number of the action;

The specific disease or illness complained of;

The name and address of the attorney for the claimant;

The disposition of such action, whether settled, verdict or appeal; if funds paid, the total amount thereof and the amount contributed by each co-defendant;

The name and current address of the custodian of the files involving the above actions.

ANSWER:

12. These defendants are not aware of any unreported cases or lawsuits, in which they are named defendants, before 1972, which are not in a national reporting system. Otherwise, there is no compilation or index of this information.

13. Please state whether defendant at any time ever discussed or considered the possible impact that warning users about asbestos hazards would or could have on sales as well as

what impact greater public knowledge of asbestos hazards would or could have on sales.

If so, please identify and produce all documents pertaining to each such discussion or consideration.

ANSWER:

13. These defendants are not presently aware of any such discussion or consideration.

14. As to each product containing asbestos manufactured and/or distributed by defendant, state whether any of said products were shipped by defendant with any cautionary language on the product itself.

ANSWER:

14. Before 1972 there was no national or state government requirement for labeling asbestos products or packaging with warnings of any kind and such was not done. In 1972 the United States Government for the first time required, under the Occupational Safety and Health act (OSHA), labeling of non-bonded asbestos products. This Federal OSHA standard of 1972 did not require cautionary language to be on the product itself. These defendants have fully complied with the OSHA requirements since their inception.

15. If any cautionary language ever appeared on the package of any product containing asbestos manufactured and/or distributed by defendant, state the specific dates during which said cautionary language appeared and state in detail

the specific language that was used giving its size and location on the package.

ANSWER:

15. Before October 18, 1972, there were no legal requirements to affix warnings to either packages or products. On October 18, 1972 the United States Department of Labor's Occupational Safety and Health Administration announced a series of Occupational Safety and Health Standards. Among them was the first legal standard for asbestos, and asbestos containing products. The standards included provisions for caution labels to be affixed to all products containing asbestos fibers or their containers. However, the standard specifically excluded labeling "where asbestos fibers have been modified by a bonding agent, a coating, a binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentration of asbestos fibers in excess of the exposure limits prescribed will be released."

Those products manufactured by these defendants having the letters "g-a-r-d" as a part of the name are those which have been treated with the "Cleangard" process. The "Cleangard" process is the application of an acrylic or other chemical coating to the product which seals and locks in the asbestos fibers, so that during any reasonably foreseeable use

no airborne concentration of asbestos fibers in excess of the exposure limits are released. The "Cleangard" process was being utilized by the defendant Porter as to some of its product prior to the establishment of the OSHA standards. Since the products listed have been treated and therefore do not release asbestos fibers in excess of the limits prescribed by the standard, they do not require caution labels, and they have not been so labeled. Beginning in November 1978, in an abundance of caution, even those bonded products were labeled.

As to the remaining products, each has had a caution label affixed either to its packaging or to the product itself continuously since the 1972 date of the standard. This labeling applies to all untreated cloth, tape, yarn, cord, felt, roving, rope and wick manufactured by these defendants during the time each defendant manufactured the products.

Product packages have included the company names and trade names, and since 1972 packages for those products requiring warnings have included the following: Caution -- Contain Asbestos Fibers -- Avoid Creating Dust -- Breathing Asbestps Dust May Cause Serious Bodily Harm. From November 1978, until July 16, 1979, all packages of asbestos-containing products or the products themselves carried this warning. Since July 16, 1979, packages of all asbestos-containing products or the products themselves have been printed with the following: CAUTION -- Contains Asbestos Fiber - Avoid

Creating Dust - Breathing Asbestos Dust May Cause Serious Bodily Harm or Fatal Diseases.

16. With regard to any product containing asbestos manufactured and/or distributed by defendant without cautionary language on the package or on the product itself, has defendant ever recalled the product for the purpose of affixing cautionary language describing the health hazards of exposure of human beings to asbestos and/or how the product could be safely used. ANSWER:

16. No. Recall has not been required by any government agency, law, regulation, or order of any court.

17. State in detail the instructions on safe use, warnings and cautionary notes supplied to the end user by defendant with each product containing asbestos manufactured and/or distributed by defendant, including the date(s) supplied and how supplied.

ANSWER:

17. Since 1972 products which were required by OSHA standards to include certain information had such. Upon information and belief, these defendants are not in a position to state whether or not an end user saw such warnings. It is impossible to state what the condition of any product was when it reached the "end user." Some information which may be considered advisory was contained in certain sales literature, as related to product applications.

18. Does defendant contend that plaintiff or any employee of the plaintiff improperly used product containing asbestos manufactured and/or distributed by defendant?

If so, please set out in detail in which respect each said product containing asbestos was improperly used.

ANSWER:

18. These defendants are without information that plaintiff used products containing asbestos manufactured by them.

19. When did defendant first receive any information that exposure to asbestos might cause any illness or disease.

ANSWER:

19. Defendants state upon information and belief that Southern Asbestos Company was likely aware of the 1935 North Carolina Workmen's Compensation statute which defined asbestos as a "dusty trade", and provided for compensation for asbestosis and required medical screening to assure continued eligibility for such work, and should also have been aware of the information contained in the 1938 U. S. Public Health Service Bulletin 241 authored by Dr. Dreessen and others, as part of the study involved the Charlotte Southern Asbestos facility. Dr. Dreessen reviewed the studies of Drs. Shull and McPheeters which included evaluation of some employees at the Charlotte Southern Asbestos facility. The particular time when these defendants including the predecessor Southern

Asbestos Company received any information that exposure to asbestos may cause any illness or disease is not known.

Dr. Hillis Seay has testified that he knew in the late '30's that a plant worker could get asbestos from working in an asbestos plant.

The existence of a potential health hazard to users of asbestos-containing products was the focus of intense medical and scientific study in the mid 1960's in the United States following the presenting of papers by Dr. Irving Selikoff, Mt. Sinai Hospital, New York, New York, and others, at the New York Academy of Sciences meeting in October 1964. There for the first time a potential risk to the ultimate user of asbestos products was enunciated and over the next few years verified.

Before the mid-1960's the ultimate user was believed to be relatively safe in using asbestos products according to the then existing state of knowledge of the medical and scientific community. the epidemiological study of Fleischer of 1946, recognized by Dr. Selikoff in 1964, was the only large scale survey of asbestos insulation workers undertaken in the United States, and it concluded, among other things that "pipecovering (insulation work) is not a dangerous occupation."

The Surgeon General of the United States, the United States Navy and Maritime Commissions in World War II, and the

American Congress of Governmental Industrial Hygienists studied and spoke to the asbestos health concern in the 1939 - 1964 time frame. None documented the ultimate user to be at risk until the mid-1960's, but all recommended dust prevention and control measures and regular medical checkups, which if followed were believed to be sufficient safeguards to the miner, manufacturer and ultimate user.

20. As to each asbestos associated disease (asbestosis, lung cancer, mesothelioma, etc.) of which defendant is presently aware, state the date that defendant first received any information that said disease process might be caused by exposure to asbestos.

ANSWER:

20. Southern Asbestos Company, as a predecessor to the named defendants, became aware that asbestos could be related to asbestosis in textile factory workers sometime during the 1935-1938 time frame in connection with the Dreessen study.

When H. K. Porter and Southern Textile or Southern Asbestos first received any information regarding each disease process and whether it might be caused by exposure to asbestos is unknown. Dr. Hillis Seay has testified in 1964 that he attended the World Conference on Asbestosis presented by the New York Academy of Sciences, at the request of Porter and Southern, and that this was the first time he heard

information regarding risks to "end users" of asbestos-containing products.

As regards cancer/mesothelioma, Dr. Seay recalls knowledge of one case of mesothelioma from an asbestos plant in Charlotte in the 1968-1970 time frame. Otherwise these defendants have no information at present with regard to the first receipt of information that these disease processes might be caused by exposure to asbestos. It is believed this knowledge would follow closely the time the world was given evidence of these associations and would place that time in the mid to late 1960's.

21. Has defendant ever consulted with any entity or medical experts in order to determine the existence of any potential hazard of exposure to asbestos. If so, state:

The date(s) of the consultation(s);

The names and current addresses of said entities or medical experts;

What was learned from said consultation;

What was done as a result of said consultation;

The name and current address of the custodian of the information received;

ANSWER:

21. Yes. U. S. Public Health Bulletin No. 241, August 1938, entitled "A Study of Asbestosis in the Asbestos Textile Industry" by Dreessen, Dallavalle, Edwards, Miller and

Sayers, with the assistance of H. F. Eason, M.D. and M. F. Trice, discussed the presence of asbestos-related diseases in the asbestos textile worker population which included employees of the Charlotte facility of Southern Asbestos Company. Although it is not positively known whether or not there were consultations per se, from 1935 to 1958, it seems likely that employees of Southern Asbestos Company were at least aware of the study being conducted by Dr. Dreessen and others, since North Carolina law required annual physicals for asbestos health reasons as a prerequisite to continued employment. Dr. Hillis Seay, a North Carolina physician, has testified that Southern Asbestos Company sponsored physical examinations and x-ray programs of their employees from the 1935 forward. Apparently, x-rays were also reviewed from time to time by the State of North Carolina, Division of Industrial Hygiene, Dr. Eason's employer. Dr. Eason, also a North Carolina doctor, has testified in depositions taken from 1939 until 1982 he interpreted chest x-rays of people working the "dusty trades," which included Southern Asbestos personnel. Dr. Eason did not conduct any consultation work on behalf of Southern Asbestos Company, H. K. Porter or Southern Textile, nor was he an employee or independent contractor for Southern Asbestos Company.

Upon information and belief, various employees of Southern Asbestos Company, H. K. Porter, and Southern Textile

have attended meetings of the Asbestos Textile Institute since the 1940's. these defendants have no information regarding any consultations between Southern personnel and any physicians affiliated with the Asbestos Textile Institute.

Dr, Hillis Seay has testified that he attended in 1964 the lectures of Dr. Irving Selikoff and the New York Academy of Science presentation on asbestos at the request of Southern Asbestos, and wrote a letter to Southern regarding that conference.

The last known address of Dr. H. F. Eason is P. O. Box 1521, Wilson, North Carolina and of Dr. Hillis Seay is Huntersville, North Carolina. Minutes of the Air Hygiene Committee of the Asbestos Textile Institute, dated October 6, 1954, list Dr. O. A. Sanders as present supposedly representing Southern Asbestos Company. This suggest that these defendants might have consulted with Dr. O. A. Sanders about health hazards. These defendants do not admit the authenticity of these minutes nor the veracity of its contents. Jerry Mitchell (Jerry Mitchell was associated with Southern Asbestos in the 1950's and later in the 1970's), before his ~~death stated that~~ Dr. Sanders was not a Southern consultant. These defendants do not know state whether Dr. Sanders did, in fact, consult with Southern Asbestos Company.

Upon information and belief, Southern Asbestos Company, Porter and Southern attempted to comply with the

guidelines set forth in the Dreessen report of 1938 and later with the requirements set forth by OSHA. It is virtually impossible to identify every specific action taken. Dust counts, examination of workers, and installation of ventilation equipment, including fans, occurred from time to time.

Upon information and belief, there are no written consultation reports known at this time.

22. State whether or not any research or test were ever conducted by defendant, or at defendant's request, to determine the health hazard associated with the exposure of human beings to asbestos.

If so, state the date(s) of the research; the name and current address of anyone connected with conducting said research; and the results of said research.

22. Until 1972 and the Federal requirements under OSHA, testing related to product use was not required and was not done. From time to time since 1935 dust counts were taken at Southern Asbestos facilities to ensure that the number of asbestos particles in the air were within the threshold limits in effect at a particular time. These studies were with regard to asbestos textile workers working in Southern Asbestos Company, Porter or Southern Textile facilities.

Upon information and belief, most product testing was concerned with adherence to specifications with regard to asbestos content, purity, and tensile strength.

Upon information and belief, testing did occur in January through May, 1970, at the Norfolk Naval Shipyard to compare "treated" Porter/Southern material, and untreated material.

Porter and Southern Textile utilized both a vibration and a membrane filter test to assure compliance with OSHA standards in order to distribute products without the need of health hazard labeling initiated in 1972. Products made when using the "Cleangard" process met OSHA standards for distribution without the need for such labeling. The most recent testing to assure OSHA compliance was in 1977. Before OSHA standards became effective in 1972, there was no standard published by any state or federal agency regarding testing with respect to asbestos exposure and no such tests were conducted.

23. List all published literature or medical articles of which defendant is aware which deal with illness, sickness or disease due to exposure to asbestos. Specify the date, month and year of each such article and how long after publication defendant became aware of the existence of the article.

ANSWER:

23. These defendants do not have any file or index of published literature or medical articles which deal with illness, sickness and disease due to exposure to asbestos.

These defendants acknowledge the 1938 Dreessen report and the Shull and McPheeters study therein, the 1964 New York Academy presentation as reported through Dr. Seay, and the Jerry Mitchell article entitled "Health Progress in an Asbestos Textile Works" appearing in the Archives of Environmental Health, Volume 3, July - December 1964.

These defendants know of no one who can testify regarding any other articles present or not present in any H. K. Porter or Southern Textile file; upon information and belief, no such articles exist.

Insofar as this Interrogatory requests names of published literature of which these defendants are aware after the litigation with regard to asbestos began in the late 1970's, this information is privileged as having been developed by their counsel separately and independently of them and as such are not subject to discovery.

These defendants have not maintained a medical library either as Southern Asbestos Company, H. K. Porter or Southern Textile. They have from time to time subscribed to various trade publications which may have carried articles regarding the asbestos health problem. However, defendants have kept no index of articles appearing in such publications, nor the publications themselves and they do not know the dates of any such publications.

Southern Asbestos Company, Porter and Southern textile have from time to time had employees who were individual members of the American Textile Institute, and minutes of meetings of the institute were kept.

24. If any employee or agent of defendant has ever testified before any governmental agency or body regarding the health hazards associated with the exposure of human beings to asbestos?

State:

The name(s) and current address(es) of the person(s) giving such testimony;

The governmental agency or body before whom such testimony was given and the date(s) of such testimony;

Whether the person(s) testifying prepared a written statement of defendant's position;

The present location of such prepared statement, including the name and current address of the custodian of such statement;

Whether a transcript was made of the testimony given;

If a transcript of such testimony was made, attach copies of all such transcripts.

ANSWER:

24. No.

25. Has defendant manufactured for and/or distributed to Raymark Industries, Inc., Owens-Corning Fiberglas Corporation, Owens-Illinois Glass Company, Nicolet, Inc., Pittsburgh Corning Corporation, GAF Corporation, The Celotex Corporation, Armstrong World Industries, Inc., Garlock Inc., Precision Seal Division, Eagle-Picher Industries, Inc., Keene Corporation, Fibreboard Corporation, United States Gypsum Company, National Gypsum Company, F. H. Gaskins Co., Inc., C. E. Thurston & Sons, Inc., Noland Company, Tomlinson Company, Inc., Brambleton Hardware, County Plumbing & Heating Company, Cavalier Plumbing & Heating Supply, George S. Lee Company, H.S. Dixon Plumbing, John R. Lockhart & Sons Plumbing & Heating, Billups & Ellington Plumbing & Heating, Brockett Plumbing & Heating Contractor, Plumbers & Fitters Local Union #110, and/or any other business or entity selling and/or distributing asbestos-containing products to plumbers and/or plumbing contractors in Norfolk, Portsmouth, Virginia Beach, Chesapeake, Suffolk, Hampton and/or Newport News, Virginia any products containing asbestos.

If your answer to the preceding Interrogatory is in the affirmative, state:

The name of the company to which products containing asbestos were distributed;

Whether said product(s) was manufactured and/or distributed by defendant directly or through an agent, subsidiary, or other company;

The date(s) said product containing asbestos was manufactured and/or distributed;

The trade name of said product(s) manufactured and/or distributed;

The quantity of said product(s) distributed;

The manufacturer(s) of said products containing asbestos;

The name(s) and current address(es) of any individual(s) employed by you or formerly employed by you who have knowledge of such distribution.

ANSWER:

25. Between 1958 and 1974 Porter sold the following asbestos textile products to other manufacturers:

1. Johns-Manville - tape
2. Amatex - Cloth, tape, yarn
3. Garlock - Cloth, yarn, tubing

After 1974 Southern Textile sold cloth, yarn, tubing to Garlock.

Copies of sales records which may be relevant will be provided in response to plaintiff's Request for Production.

26. As to the products containing asbestos manufactured and/or distributed by defendant, has defendant ever advised Noland Company, Tomlinson Company, Inc., Brambleton Hardware, County Plumbing & Heating Supply, Cavalier Plumbing & Heating Supply, George G. Lee Company, H. S. Dixon Plumbing,

John R. Lockhart & Sons Plumbing & Heating, Billups & Ellington Plumbing & Heating, Brockett Plumbing & Heating Contractor, Plumbers & Fitters Local Union #110, and/or any other business or entity selling and/or distributing asbestos-containing products to plumbers and/or plumbing contractors in Norfolk, Portsmouth, Virginia Beach, Chesapeake, Suffolk, Hampton and/or Newport News, Virginia or the employees of the above companies, businesses or entities of any potential hazards of exposure of human beings to asbestos or how to safely use products manufactured and/or distributed by defendant containing asbestos?

If so, please summarize the advice given and state the name(s) and address(es) of all persons employed or formerly employed by defendant who have knowledge of said advice; the name(s) and address(es) of all persons employed or formerly employed by the above companies, businesses or entities who have knowledge of said advice; and the date(s) said advice was first given.

ANSWER:

26. These defendants are not aware of any information other than that which was available to all potential purchasers, purchasers and users of their products; e.g., product and sales literature, and package markings, labels, and warnings.

27. What information, if any, was ever given by

Raymark Industries, Inc., Owens-Corning Fiberglas Corporation, Owens-Illinois Glass Company, Nicolet, Inc., Pittsburgh Corning Corporation, GAF Corporation, The Celotex Corporation, Armstrong World Industries, Inc., Garlock, Inc., Precision Seal Division, Eagle-Picher Industries, Inc., Keene Corporation, Fibreboard Corporation, United States Gypsum Company, National Gypsum Company, F. H. Gaskins Co., Inc., and C. E. Thurston & Sons, Inc., to defendant regarding the potential health hazards of exposure to asbestos?

Based upon information and belief, no such information was given by any manufacturers to these defendants. These defendants are aware of a document identified as a letter from John A. Brown to an employee of Porter. This letter is not in the corporate files nor can these defendants authenticate the document or the receipt of such information.

28. What information, if any, was ever given by defendant to Raymark Industries, Inc., Owens-Corning Fiberglas Corporation, Owens-Illinois Glass Company, Nicolet, Inc., Pittsburgh Corning Corporation, GAF Corporation, The Celotex Corporation, Armstrong World Industries, Inc., Garlock, Inc., Precision Seal Division, Eagle-Picher Industries, Inc., Keene Corporation, Fibreboard Corporation, United States Gypsum Company, National Gypsum Company, F. H. Gaskins Co., Inc., and C. E. Thurston & sons, Inc. regarding the potential health hazards of exposure to asbestos?

ANSWER:

28. Based upon information available at this time and belief, these defendants are unable to state what information, if any, was ever given by these defendants to other defendants. These defendants admit that plaintiffs have previously designated exhibits including letters from employees of Southern Asbestos Company to other companies. Insofar as this may constitute information given, these defendants will identify these documents without authenticating or admitting receipt of such or that these are part of these defendants' corporate files:

- (a) The various Minutes of the Asbestos Textile Institute may reflect information supposedly communicated between Porter and some of these defendants.
- (b) Plaintiff had previously designated a letter dated December 18, 1936 from George Fabel to S. Simpson, President of Raybestos-Manhattan. These defendants merely identify this letter and in no way admits to its authenticity.
- (c) These defendants do not know if any of the other defendants read or received an article entitled "Health Progress in an Asbestos Textile Works" by Jerry Mitchell, Archives of Environmental Health, Volume 3, December 1961.

H. K. PORTER COMPANY, INC.
SOUTHERN TEXTILE CORPORATION

By: Richard W. Bean

Of Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing
was mailed to all counsel of record, this 12th day
of March, 1986.


Richard J. Beaver

031010/pd/ASB

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