

INTERROGATORY NO. 119:

[Withdrawn under April 14, 2000 Order.]

INTERROGATORY NO. 120:

Has Defendant, any predecessor or any related company, ever [between 1930 and 1980,] been cited, warned, fined, sanctioned for, any violation of a federal or state statute, law, rule, ordinance, code, administrative order, executive order, or the like, by any federal or state governmental entity, which violation concerned asbestos in any way?

ANSWER:

Defendant currently is aware of two OSHA citations. One was on February 22, 1979 in violation of 29 C.F.R. 1910.1001(j)(3) for failure to provide or make available comprehensive medical examinations to new employees in an occupation exposed to airborne levels of asbestos fibers within 30 days of employment. The Company contested the violation. OSHA imposed no penalty. The other citation was between December 1, 1977 and January 12, 1978 in violation of 29 C.F.R. 1910.1001(f)(2)(ii) for insufficient airborne asbestos monitoring. A follow-up inspection on February 22, 1979 found Warner Electric Brake & Clutch Company in compliance. No penalty was assessed.

INTERROGATORY NO. 121:

If your Answer to Interrogatory No. 120 is "yes," with respect to each such violation [between 1930 and 1980]:

- (a) State the date of the citation, warning, fine, sanction or write-up;
- (b) Describe the violation and state the date(s) during which it occurred;