FILE NAME: Mannington Mills (MM)

DATE: 0000

DOC#: MM001

DOCUMENT DESCRIPTION: Notes on Tarkett, a Swedish Flooring Products Co.

Roland, I am enclosing a number of documents, per your request. These indicate that Tarkett, a Swedish flooring products company, made its entrance into the U.S. market via its acquisition of GAF's flooring products division in September of 1981.

Before it bought GAF, it knew of the hazards of asbestos.

See document from the Manville Trust Repository in Denver, where Tarkett-Sweden sent correspondence to the German "Ministry for Youth-Family-Health" on March 18, 1976 which discussed the "Cancer Danger in the Asbestos Dust caused during the laying of floor coverings". (This is a full 5 years before Tarkett entered the U.S. flooring market). The letter goes on to mention that Sweden's Royal Authority for the Protection of Workers was to ban the use of floor coverings backed with asbestos-latex felt as of January 1, 1977.

See also March 31, 1981 patent, with Tarkett AB as the assignee, for "non-asbestos flooring felt containing particulate inorganic filler, a mixture of fibers and a binder," patent No. 4,373,992. In the body of the patent, it states, "The use of asbestos fibers in such felt is considered to represent a health hazard."

Tarlett bought GAF and it agreed to provide Mannington Mills asbestos-backing for its product. Tarkett was fully aware that the backing it sold to Mannington Mills presented a health hazard.

In verified General Order interrogatory responses, Tarkett asserted that it was out of the asbestos-containing product supply business at the end of 1981.

However, latter after a document production by another defendant, Tarkett acknowledged (in verified discovery responses in *Biron v. Owens Corning*, Case No 81561-1 ("*Biron case*"), that they manufactured an asbestos-containing felt backing from 9/28/81 through 12/82. They used some of this material in their own sheet vinyl products under the GAFSTAR label up until 2/82 but continued to sell this material to Mannington Mills until the end of 1982. In fact, in 1982, Tarkett was supplying all of Mannington Mills' asbestos requirements (See 5/18/82

correspondence). The fiber for this material was purchased from JM, Carey-Canada and Lake Asbestos

In correspondence dated 1/27/82, from its own insurance carrier, Kemper Group, Tarkett was informed that its insurance coverage under Kemper Group would be cancelled as Kemper was concerned with workers compensation and general liability/asbestos product issues at Tarkett's Whitehall, Pennsylvania plant where asbestos was still being used.

In Tarkett Interoffice Correspondence, dated 2/11/82, regarding its recent purchase of the GAF Flooring Division, Tarkett executives indicated that they had written a letter to Mannington Mills informing Mannington Mills of the asbestos risk, so that Mannington Mills could not come back to Tarkett with 3rd party claims.

In the May 18, 1982 letter from Jay D. Tuthill, Sr. Vice President of Mannington Mills, Inc. to Wayne Page of Tarkett, Inc., produced by Tarkett in the *Biron* case, Mannington Mills confirmed that "Tarkett wanted to continue to supply Mannington Mills with all of their asbestos requirements."

In the letter dated 6/21/82 from Wayne Page, Tarkett, to Jay Tuthill, Mannington Mills, Tarkett confirmed that it will honor its agreement to provide asbestos to Mannington.

The telex from 10/6/82 indicates that Tarkett was still selling sheet vinyls with asbestos-backing.

According to Tarkett Interoffice Correspondence dated 1/17/83, at the end of December, 1982 Tarkett's Inventory of Sheet Vinyl included 5.2% asbestos backed material and their Inventory of Floor Tile included 5.6% asbestos backed material.

According to JM reports, Tarkett purchased raw fiber from JM for its Whitehall, PA plant. Sales total were $296,522.74 in 1981 and $905,197 in 1982.