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PITTSBURGH CORNING CORPORATION

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

TRISTAN NOBRIGA, Plaintiff, vs. JOHNS-MANVILLE SALES CORPORATION, formerly known as JOHNS-MANVILLE PRODUCTS CORPORATION, a Delaware corporation, also formerly known as JOHNS-MANVILLE CORPORATION, a New York corporation, et al., Defendants.	Civil No. 55624 DEFENDANT PITTSBURGH CORNING CORPORATION'S ANSWERS TO INTERROGATORIES OF PLAINTIFF

DEFENDANT PITTSBURGH CORNING CORPORATION'S
ANSWERS TO INTERROGATORIES OF PLAINTIFF

COMES NOW Defendant PITTSBURGH CORNING CORPORATION, through its attorneys, and hereby answers the interrogatories (numbers 1 through 97 attached hereto) propounded upon it by Plaintiff as follows:

Certificate of Service Attached)

GENERAL OBJECTION APPLICABLE TO ALL INTERROGATORIES:

Defendant manufactured an asbestos-containing pipe insulation only from July 1, 1962 to February 1, 1972. Unless otherwise stated in answer to specific interrogatories, the responses herein shall be limited to such period. Defendant objects to providing answers for any other period of time on the grounds that such additional information sought is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence and, furthermore, would be burdensome, expensive and harrassing to comply with. Furthermore, insofar as information is called for regarding "predecessors" of Pittsburgh Corning Corporation, answers contained herein do not relate to this information.

Instructions and Definitions

1. The words "writing" and "document" are used herein in their boradest sense, and includes any original reproduction or copy of any kind of written or documentary material, including without limitations correspondence, memoranda, inter-office communications, notes, diaries, contracts, documents, drawings, plans, specifications, estimates, vouchers, permits, written ordinances, minutes of meetings, invoices, billings, checks, reports, studies, telegrams, notes of telephone conversations, and notes of any and all communications in every other means of recording any tangible thing, any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof.

2. Whenever any writing must be described or identified, all writings in the possession or control of the defendant are included, and all such writings shall be identified by date, authority, addressees, titles, subjects, title of document (contract, invoice, record, letter, or other identifying designation), number and pyhsical description.

3. All interrogatories relating to oral communications, are intended and it is requested that the answers to each said interrogatories set forth whether or not the oral communication was by telephone, or face-to-face, and also that each answer set forth names, present addresses, business postions and occupations of the parties involved in said communication, and the names and addresses of any other persons present during said communications.

4. The word "representative" shall be liberally construed and shall include, but not be limited to, all agents, employees, officials, officers, executives, directors, and any others who directly or indirectly represent in any manner the defendant.

5. You are requested to furnish all information in your possession and all information available to you, not merely such information as you know of your own personal knowledge, but also all knowledge that is available to you, your employees, officers and agents, by reason of inquiry including inquiry of their representatives.

6. If you are unable to answer the following interrogatories completely, answer to the extent possible, specifically stating the reason for your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portion.

7. Pearl Harbor (hereinafter referred to as PH) refers to Pearl Harbor Naval Shipyard.

8. "Asbestos products" includes any product, materials supplies or equipment containing or including asbestos in whole or in mixture with other products.

9. Pursuant to HRCP 26(e), these interrogatories shall be deemed continuing and defendants are required to supplement their response in the event new or additional information is acquired.

10. As used herein "you" or "your", unless otherwise specified, means the defendant corporation answering these interrogatories, its subsidiaries and predecessors, its present and former officers, executives, directors, agents and employees and all other persons acting or purporting to act on behalf of the defendant corporation or its subsidiaries or predecessors.

1. State the name, address, telephone number and position of the corporate officer answering these interrogatories.

Ans.

Mr. Robert E. Buckley
Vice President and Assisant to the President
800 Presque Isle Drive
Pittsburgh, Pennsylvania 15239
(412) 327-6100

2. State the full and complete legal name under which your company is now doing business and has done business at all times from the date when it began mining, processing, manufacturing and/or selling asbestos products and materials up until the present time.

Ans.

Pittsburgh Corning Corporation.

3. Please state in which state or states of the United States or what foreign country your business is incorporated.

Ans.

Pennsylvania

4. Please state whether:

a) Your company is authorized to do business in Hawaii.

b) Your company does business in Hawaii.

c) Your products are or have been used in Hawaii.

Ans.

a) Defendant does not understand what is meant by "authorized to do business."
b) Yes.
c) Yes.

5. Is your firm now or has it or its predecessor ever been engaged in:

a) The mining of asbestos material.

b) The processing and/or refining of asbestos material.

c) The manufacture of asbestos insulation products.

d) The sale and/or distribution of asbestos products.

Ans.

a) No.
b) No.
c) Yes.
d) Yes.

6. If any subpart of Interrogatory 5 is answered affirmatively, state for each such affirmative answer:

a) The inception date.

b) The location of each mine, plant and sales or distribution facility.

c) The name, present address and title of the officers responsbile for such facility from its inception to the present time.

Ans.

Defendant sold an asbestos product manufactured at defendant's factory located at Tyler, Texas beginning July 1, 1962, and at Port Allegany, Pennsylvania beginning April, 1964.

Robert E. Buckley, as a company officer, shared responsibility for such facilities. (See answer to Interrog. No. 1.)

7. State the names and positions of all corporate officers or officials having responsiblity for creating, directing or setting the policy of your firm with regard to the mining, manufacturing, processing, sale and packaging of asbestos products since 1930.

Ans.

Defendant objects to this Interrogatory on the basis that it is vague, ambiguous, overly broad and calculated to burden and harass defendant.

8. Have you at any time since 1930 sold, delivered or supplied any "asbestos products" to PH or any military or civilian shipyard.

Ans. Defendant's records, if they exist and to the extent they exist, containing information on sales to U.S. Government agencies and/or facilities are available for examination at the office of defendant's counsel in Pittsburgh, Pennsylvania.

9. If Interrogatory 8 is answered in the affirmative, state for each such sale and delivery:

a) The date of each sale or delivery.

b) The generic name of the "asbestos product".

c) The brand name of the "asbestos product".

d) The Trademark name of the "asbestos product".

e) The chemical composition of such "asbestos product".

f) The quantity of each such sale or delivery.

g) The price paid by PH for the shipment.

h) The invoice and purchase order number of such shipment and any other information required to identify each such document.

i) The department and officer or employee at PH who:

i. placed the order;

ii. accepted delivery.

j) The department and officer or employee at your company who:

i. accepted the order;

ii. packaged the order;

iii. shipped the order;

iv. has possession, at the present time, of the records concerning each shipment.

Ans.

See answer to Interrogatory No. 8.

10. With regard to each order of asbestos products sold or delivered by you to PH, state whether:

a) Your provided PH with speficiations concerning the asbestos products sold.

b) PH provided product specifications to you concerning the asbestos products it ordered from you.

c) You provided PH with any advertising or promotional material.

d) You provided any instructions concerning the proper use of the asbestos material.

e) You provided any warnings regarding the asbestos products you sold and/or delivered.

f) You provided any warranties concerning the asbestos products.

Ans.

See answer on attached page 5a.

11. If any part of Interrogatory 10 is answered in the affirmative, identify each such document by:

a) Date.

b) Title and identification number.

c) Name of person who prepared it.

d) Name of person who authorized its use.

e) Present location and custodian of the document.

Ans.

See answer to Interrogatory No. 10. (d-e).

ANS.

10. (a-b) Defendant routinely supplied product ordered by U.S. Government according to Military Specification Number which was cited on purchase order document. (c) Defendant does not have information requested. (d-e) Beginning in November, 1968, defendant caused a 5-inch by 3-inch notice to be printed in red on all cartons containing Unibestos. The notice reads as follows: "This product contains asbestos fibers. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by U.S. Bureau of Mines." Defendant is unable to state the name of the author of the warning label.

In or about 1968, defendant participated in the distribution of a National Insulation Manufacturers Association ("NIMA") booklet to distributors describing precautions to be observed when handling or applying asbestos-containing products. This booklet was published by NIMA. Copies of label and NIMA booklet are attached. (f) No.

12. If you performed any acts which altered the asbestos products between the time they came into your possession and the time they were delivered to PH describe:

a) The form the asbestos products were in when they first came into your possession.

b) What alteration you made to the asbestos product.

c) The reason for the alteration made by you before you shipped the asbestos product to PH.

Ans.

Defendant objects to this Interrogatory on the basis that it is vague, ambiguous, and calculated to burden and harass defendant.

13. Did you provide any warnings, instructions or information as to the dangers of asbestos inhalation when you sold, shipped and delivered each order of asbestos products to PH. If so, for each shipment:

a) Describe in detail each such warning, instruction or information given.

b) State whether such warning, instruction or information was oral or written.

c) If oral, identify the substance of the warning, instruction or information given and the date and name of the person at PH to whom given.

d) If written, attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product.

Ans.

See answer to Interrogatory No. 10.

14. Specify all correspondence (other than the invoices and purchase orders referred to in Interrogatory 9) between you and PH by:

a) Document number;

b) Subject matter;

c) Date;

d) Name and title of sender;

e) Name and title of addressee;

and state where such documents are presently located and the name of the custodian of such documents.

Ans.

To the best of defendant's knowledge, none exist.

15. Has any officer, employee or representative of your company visited PH? If so, state:

a) The name, address and title of each employee who visited PH.

b) The date of the visit.

c) The purpose of the visit.

d) Who at PH he saw and spoke to.

Ans.

Defendant does not have information requested.

16. Have you at any time since 1930 bought from, sold to, delivered or supplied any "asbestos products" to any other defendant?

Ans.

Yes.

17. If Interrogatory 16 is answered in the affirmative, state for each such sale and delivery:

a) The date such products were bought, sold and delivered.

b) The generic name of the "asbestos product".

c) The brand name of the "asbestos product".

d) The Trademark name of the "asbestos product".

e) The chemical composition of such "asbestos products".

f) The quantity of each such purchase, sale and delivery.

g) The price paid by the buyer for the shipment.

h) The invoice and purchase order number of such shipment and any other information required to identify each such document.

i) The department and officer or employee who placed the order.

j) The department and officer or employee who accepted the order.

Ans.

When defendant purchased certain selected facilities related to UNIBESTOS pipe insulation business from Union Asbestos and Rubber Company (UNARCO) on July 1, 1962, the purchase agreement required defendant to supply certain product to UNARCO to fill orders in hand or anticipated through December, 1963. Further, defendant supplied $200 of product to Johns-Manville Corporation in 1965. Records of these sales to the extent they exist, if they exist, can be examined at office of defendant's counsel in Pittsburgh, Pennsylvania.

18. With regard to each order of asbestos products bought sold or delivered by you to other defendants, state whether:

a) You provided other defendants with specifications concerning the asbestos products sold.

b) The other defendants provided product specifications to you concerning the asbestos products it ordered from you.

c) You provided other defendants with any advertising or promotional material.

d) You provided any instructions concerning the proper use of the asbestos material.

e) You provided any warnings regarding the asbestos products you sold and/or delivered.

f) You provided any warranties concerning the asbestos products.

g) You received any warranties concerning the asbestos products.

Ans.

(a-b) Defendant routinely supplied product according to trade name and sizes called for on buyers' purchase orders.
(c) Defendant does not have information requested.
(d-e) See answer to Interrogatory No. 10. (d-e).
(f) No.
(g) Not applicable.

19. If any part of Interrogatory 18 is answered in the affirmative, identify each such document by:

a) Date.

b) Title and identification number.

c) Name of person who prepared it.

d) Name of person who authorized its use.

e) Present location and custodian of the document.

Ans.

See answer to Interrogatory No. 8.

20. If you performed any acts which altered the asbestos products between the time they came into your possession and the time they were delivered to any other defendant, describe:

a) The form the asbestos products were in when they first came into your possession.

b) What alteration you made to the asbestos products.

c) The reason for the alteration made by you before you shipped the asbestos product to any other defendant.

Ans.

See answer to Interrogatory No. 12.

21. Did you receive or give any warning, instructions, or information as to the dangers of asbestos inhalation when you purchased, sold, shipped and delivered each order of asbestos products to or from any other defendant? If so, for each shipment, state:

a) Describe in detail each such warning, instruction or information given or received.

b) State whether such warning, instruction or information was oral or written.

c) If oral, identify the substance of the warning, instruction or information given and the date and name of the person to whom given or from whom received by other defendants.

d) If written, attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product.

Ans.

See answer to Interrogatory No. 10 (d-e).

22. Since 1930, state the names and addresses of all professional, industrial and safety associations you have been a member of indicating the date you originally joined and the date of termination.

Ans.

Defendant became a member of the National Insulation Manufacturers Association (NIMA) in the late 1950's or early 1960's and remained a member during most of the period during which defendant manfuactured our asbestos-containing product.

23. Since 1930, state the names and addresses of any organizations to which you have belonged having anything to do with the setting of standards, regulations, information, lobbying, research, engineering, or use of asbestos products, materials, or fibers.

Ans.

None to the best of defendant's knowledge with respect to asbestos rpoducts.

24. Does defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering? If so, state:

a) The date defendants established the library.

b) The location of the library.

c) The name or names of the librarian(s) since 1930.

d) All journals subscribed to by defendant concerning asbestos, industrial hygiene, medicine, safety and/or engineering.

e) All books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

Ans.

No.

25. Has defendant conducted or had conducted for it any investigation, study, test, review or analysis (hereinafter referred to as "study") concerning asbestos-related diseases, asbestosis, pulmonary diseases and/or the safety aspects concerning use of defendant's product? If so, identify each such study by:

a) The date each study was conducted.

b) The person authorizing the study.

c) The person in charge of the study.

d) The people participating in the study.

e) The title and subject of the study.

f) The results of each study.

g) If statistical analyses were made, state the results and describe the date and assumptions upon which they were based.

h) If in writing, either attach a copy of the study or identify it by date, title, identification number, present location and custodian.

Ans.

See answer on page 12a attached.

26. State whether any claims have been made concerning any injury or disease caused by asbestos exposure prior to 1969 and as to each claim, state the name and address of the claimant, the date of the claim, the forum, if any, in which such claim was made and the disposition of each claim.

Ans.

Defendant objects to this Interrogatory on the basis that it seeks information which is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence.

Ans.

25. No. However, during the period 1966 through 1970, defendant participated in a study conducted by the Industrial Hygiene Foundation of America, Inc. chiefly to learn about the bio-effects of amosite asbestos fibers on laboratory animals. A preliminary report indicated that amostie asbestos fibers were intorduced into rats, and that asbestosis was noted in some of the animals that were autopsied according to schedule for study purposes. The remaining animals were pastured for the purpose of observice whether lung cancer or mesothelioma tumors developed. The pastured animals died unexpectedly in a laboratory epidemic about January, 1972, before conclusions could be drawn concerning cancers or tumors.

27. If any employee or officer of defendant has testified at trial or by deposition in such litigation, or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

a) The name, address and title of each person who testififed.

b) The date, location and forum of such testimony.

c) Whether defendant has a copy of such testimony.

d) Whether defendant will voluntarily produce such testimony.

Ans.

See pages 13a and 13b attached.

28. Has defendant, at any time since 1930, maintained any office or department dealing with medical research? If so, state:

a) The name of such department.

b) The location of such department.

c) The name, address and title of each person who has been in charge of the department.

Ans.

No.

27. (a) E. W. Holman
Vice President of Marketing
Pittsburgh Corning Corporation
800 Presque Isle Drive
Pittsburgh, PA 15239

(b) September 22, 1971
Beaumont, Texas
Clarence Borel vs. Fibreboard Paper Products Corp. Pittsburgh Corning Corp., et al.
United States District Court for the Eastern District of Texas, Beaumont Division

(a) Robert E. Buckley
Vice President and Assistant to the President
Pittsburgh Corning Corporation
800 Presque Isle Drive
Pittsburgh, PA 15239

(b) September 23, 1975
Pittsburgh, Pennsylvania
Herman Yandle, et al. vs. PPG Industries, Inc., Pittsburgh Corning Corp., et al.
United States District Court for the Eastern District of Texas, Tyler Division

(b) January, 1977
Knoxville, Tennessee
Jakie R. Starnes vs. Combustion Engineering, Inc., Pittsburgh Corning Corp., et al.
United States District Court for the Eastern District of Tennessee

(a) James H. Bierer
President
Pittsburgh Corning Corporation
800 Presque Isle Drive
Pittsburgh, PA 15239

(b) October 7, 1976
Dallas, Texas
Herman Yandle, et al. vs. PPG Industies, Inc., Pittsburgh Corning Corporation, et al.
United States District Court for the Eastern District of Texas, Tyler Division

(a) Byrl Stout
Works Manager
Pittsburgh Corning Corporation
Box 716
Sedalia, Missouri

(b) October 7, 1976
Dallas, Texas
Herman Yandle, et al. vs. PPG Industries, Inc., Pittsburgh Corning Corp., et al.
United States District Court for the Eastern District of Texas, Tyler Division

(a) Robert E. Buckley
Vice President and Assistant to the President
Pittsburgh Corning Corporation
800 Presque Isle Drive
Pittsburgh, PA 15239

(b) January 23-24, 1978
Pittsburgh, PA
Walter S. Anderson, et al. vs. Johns-Manville Corp., Pittsburgh Corning Corp., et al.
United States District Court for the Eastern District of Virginia, Richmond Division

29. State whether from 1930 to date defendant has promulgated any rules, written or oral, for the handling of asbestos products by its own employees? If so, state:

a) When such rules were promulgated.

b) The substance of the rules, if oral, and the name, address and title of the person who disseminated them.

c) If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof.

d) Whether any such material was provided to PH or any other defendant and, if so, when and to whom.

Ans.

Plaintiff was never employed by defendand and defendant, therefore, objects to this Interrogatory because it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence.

30. With respect to each asbestos product referred to in your answers 8, 9 and 16 or which were directly or indirectly made available to PH or any other shipyard, state:

a) The brand or Trade name and description of each product.

b) The intended use of the product.

c) The form in which the product is sold, e.g., bags, drums, boxes, etc.

d) Does the asbestos product have to be cut, sawed, shaped, mixed or otherwise worked before or during application. If so, describe what the user had to do to process the product before applying and using the product.

Ans. With respect to defendant's asbestos product:
a) Unibestos, supplied in rigid half-cylinders.
b) Thermal insulation for piping.
c) Cartons.
d) No. On occasion defendant's product may have been cut with a saw.

31. For each product referred to in Answer 30, state:

a) The date the product was first commercially sold.

b) The date and place where the product was designed or developed.

c) The identity and present whereabouts of the person or persons responsible for the design or development of the product.

d) The identity and present location of all records describing and dealing with the design and development of the process.

e) The identity and present location of all records dealing with the testing of the product.

f) The professional qualifications of the person or persons responsible for the design or development of the process, including:

i) his education;
ii) his experience in various professional positions that he has held in the past with your company or any previous employer;
iii) whether he has had any special training in this specific area of asbestos use;
iv) whether he is licensed by any government agency or holds membership in a professional society or association;
v) whether he has published any papers or books or given lectures on subjects dealing with use of asbestos, and if so, the title of each paper and the date and place of publication;
vi) what trade or professional journals he subscribes to or reads on a regular basis;
vii) those fields in which he feels that he qualifies as an expert.

Ans.

On July 1, 1962, defendant purchased an on-going asbestos product business and does not have the information requested in this Interrogatory.

32. With respect to each asbestos product referred to in Answer 30, state whether you gave any consideration to the possibility of inhalation of asbestos fibers by users of the product. If so:

a) Describe, in detail, the factors considered.

b) Give the date, location and names of participants at each meeting where the matter was discussed or considered.

c) Identify each document recording such consideration by date, title, file designation, author and present location.

Ans. Defendant states that it had no control of or access to job sites or job site workers and the numerous job site variables known only to, and capable of being affected only by insulation contractors, their employees or union. However, see answer to Interrogatory No. 10 (d-e).

33. With respect to each asbestos product referred to in Answer 30, state whether any instructions, operating instructions or warnings were given to purchasers of the product. If so, state separately for each product:

a) The name, title and present address of the author of each such warning and/or instructions.

b) The verbatim content of each warning or instructions.

c) The inclusive dates of use of each such warning or instruction.

d) Whether the instructions were communicated or delivered to the distributor and/or purchaser of the product, and if so, state the name, address and telephone number of the persons who communicated and who received the instructions and the date delivered to the purchaser.

e) Whether the warning and instructions were attached to the product when sold and/or delivered by you, and if so, the method of attachment.

f) Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located.

g) Whether any studies, evaluations or analyses were conducted by you prior to your use of each warning and/or instructions. If so, identify the study by date, author, title and file number and state its present location.

Ans.

See answer to Interrogatory No. 32.

34. Have you ever imposed or considered any restriction or limitation on the use of the asbestos products referred to in Answer 30? If so, state separately for each product:

a) The verbatim content of each limitation indicating which product it applied to.

b) The date it was first imposed.

c) The reason for imposing the restriction or limitations.

d) If the reason for the restriction is stated in any document identify each document by date, author, title and state where it is presently located.

e) The person responsible for imposing the restriction or limitation.

f) If the limitation or restriction was communicated to purchasers of the product, state how this was communicated and if in writing, identify the communication and attach a copy to your answer.

g) If not imposed, state why not.

Ans.

No. See answer to Interrogatory No. 10 (d-e).

35. At the time of the development of each asbestos product listed in Answer 30 did you attempt to determine whether the product complied with the then applicable safety standards, safety orders, regulations, laws, rules and design requirements of any city, county, state, or the Federal Government of the United States?

a) If the answer is in the negative, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis.

b) If the answer is in the affirmative, identify those safety standards, safety orders, regulations, laws, rules, or toher ordinances which you claim you considered.

Ans.

See answer to Interrogaory No. 31.

36. At the time of the development of each asbestos product listed in Answer 30, did you attempt to determine whether the product complied with any applicable safety standards, orders or rules, regulations or design requirements promulgated by any professional society or association?

a) If the is in the negative, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis.

b) If the answer is in the affirmative, identify the safety standards, safety orders, rules, regulations, which you claim you considered by naming the title; number, page and date of the regulation, and identifying the place where a copy can be obtained of said regulations.

Ans.

See answer to Interrogatory No. 31.

37. With respect to each asbestos product listed in Answer 30, state whether there has been any change, alteration or modification (hereinafter collectively called "change") from when it was first developed to the present. If so, state:

a) The nature of each such change.

b) The reason for each such change.

c) The details of how the changed product differed from the original product.

d) The names of each person recommending and/or approving such change.

e) The date each change was accepted by you and made commercially available.

f) Whether there were any studies, evaluations or tests made in connection with such change, and if so, identify each such study by title, date, name of author and present location and custodian.

Ans.

No, with respect to period during which defendant manufactured the asbestos product.

38. Did defendant ever recommend to purchasers or users of the asbestos products listed in your Answer 30 that respirators, protective masks and/or protective clothing be worn with the product? If so, state:

a) The date or dates when such recommendation was made to PH or any other shipyard.

b) The date or dates when each such recommendation was made to each user.

c) Who made the recommendation?

d) Who received the recommendation?

e) If oral, the manner and substance of the recommendation.

f) If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

Ans.

See answer to Interrogatory No. 32.

39. Have you undertaken or financed any studies to determine what type of respirator and/or protective mask would either eliminate or afford maximum protection against the inhalation of asbestos fibers? If so, state:

a) Who made the study?

b) When was the study made?

c) What was the result of the study?

d) If the result was written, identify the document by title, date, file designation and author of each such study, and the location and present custodian thereof.

Ans.

No. Defendant relied on the recommendations of the United States Bureau of Mines.

40. Have you undertaken or financed any tests or studies to determine what type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces? If so, state:

a) Who made the test or study?

b) When was the test or study made?

c) What was the result of the study or tests?

d) If the result was written, identify the document by title, date, file designation and author or each such test or study, and the location and present custodian thereof.

Ans.

Defendant states that it had no control of our access of job sites or job site workers and the numerous job site variables known only to, and capable of being affected only by insulation contractors, their employees or union. Therefore, defendant did not undertake or finance activities described in this Interrogatory.

41. Has your company had as part of its processing, distribution and sales of asbestos materials and products a system of inspections?

a) If the answer is in the negative, please state the facts for not having such a system, and give the name, present address and telephone number of the person responsible on behalf of your company for making such a decision.

b) If the answer is in the affirmative, state:

i) when the system was initiated;

ii) who was responsible for initiating and overseeing the system;

iii) describe the system used;

iv) if there are any documents describing the inspection system, identify each such document.

Ans.

Defendant routinely inspected its asbestos product during the manufacturing process with respect to conformance to quality standards for dimensions, density and appearance.

42. Were the asbestos materials and products sold, distributed or delivered to PH, directly or indirectly, subject to such a system of inspection? If so, describe the inspection system used.

Ans.

See answer to Interrogatory No. 41.

43. Please state for each inspection of material sold, distributed or delivered to PH:

a) The stage of the production, processing and packing of the asbestos material when such inspections were performed.

b) The name, present title and present address of the persons responsible for each and every such inspection.

c) The present location of all notes and records for each such inspection.

Ans.

See answer to Interrogatory No. 41. Additional information requested in this Interrogatory is not available to defendant.

44. State whether any such asbestos products were rejected during the inspection process. If so, state what the reasons were for any such rejection.

Ans.

See answer to Interrogatory No. 43.

45. State whether any subsequent corrections, changes or modifications were made in your procedures as a result of a rejection made during the inspection of asbestos products or materials sold and/or distributed to PH.

Ans.
See answer to Interrogatory No. 43.

46. Identify all records of inspections and state the name, present address and telephone number of the custodian of such records, including notations or corrections to be made and whether or not the corrections were made.

a) If the answer to the foregoing interrogatory is all records of such inspections and corrections were oral communications state the date, name of the person making the oral communication and the subject matter of each such communication.

Ans.

See answer to Interrogatory No. 43.

47. State whether the asbestos products listed in Answer 30 were the subject of any type of advertisement regardless of media, issued in behalf of your company. If so, state for each product:

a) The subject matter of the advertisement.

b) The media in which the advertisement was placed.

c) When the advertisement(s) was so placed.

d) The geographic area(s) the advertisement was used in.

e) Whether any photographs or diagrams were included in the copy of the advertisement.

f) Identify the advertisement by author, date, and present location and custodian, and attach copies of all advertisements.

g) Was anyone, besides you, involved in the preparation of the copy for the advertisement, and if so, state such others name and address.

Ans.

Advertisements for defendant's asbestos product were placed in the following magazines during the 1962-1972 period:

Consulting Engineer
Actual Specifying Engineer
Hydrocarbon Processing and Petroleum Refiner
Chemical and Engineering News
Plant Engineering
Factory
Marine Engineering Log
Power
Chemical Engineering

Additional information requested in this Interrogatory is not available to defendant.

48. State whether any brochures, writings, or other materials, written or photographic, were made available to distributors, ultimate users or the general public concerning the design, manufacture, distribution, selling, and/or use of the asbestos product referred to in your Answer 30. If so, for each such brochure or material:

a) State the purpose of the brochure and material.

b) When was the material accepted on behalf of the company for general distribution.

c) Give the name, present address, telephone number of the person responsible for the preparation and acceptance of the material for general distribution on behalf of the company.

d) Identify the brochure or material by author, date and present location and custodian, and attach copies of each.

e) Please attach a copy of the applicable aforementioned material to your answers.

Ans.

Copy of sales brochure relating to defendant's asbestos product is attached. Additional information requested in this Interrogatory is not available to defendant.

49. Have you ever provided a warning directly to workers at PH concerning the danger of exposure to asbestos inhalation as a result of use of your asbestos products? If so:

a) State the date of each such direct warning.

b) Identify the name of your employee who provided the direct warning.

c) If the warning was in writing, identify each document containing the warning and state the content of each warning.

d) If the warning was oral, state the substance of the warning, where given and the names of the PH employees to whom it was given.

Ans.

See answer to Interrogatory No. 10 (d-e).

50. Have you stopped producing, distributing and/or selling any of the asbestos products listed in Answer 30? If so, state:

a) The reason you stopped.

b) When you stopped.

c) Who authorized or directed the stopping.

d) Whether any studies were conducted before you directed that production and sale be stopped and if so, identify each study by date, author, title and subject matter and attach a copy.

Ans. The decision to close defendant's asbestos insulation plant was made in the latter half of 1971, and defendant permanently ceased production of Unibestos on approximately February 1, 1972. Defendant ceased the manufacture of its asbestos-containing product due to the recognition that it was not economically or practically possible to install equipment which would conform to proposed federal standards regarding the manufacturing process, an increasing awareness of the suspicion that inhalation of asbestos fibers could conceivably create possible health hazards in circumstances not previously believed to be of concern, a lack of supply of the necessary raw material and a lack of profitability.

51. Have you conducted, participated, financed or had conducted for you any tests, studies, investigations or analyses (hereinafter referred to collectively as "studies") to determine the effects of your product on workers working with your asbestos insulation product? If so, state for each study:

a) The subject matter, title and date of each study.

b) The date and name of the person authorizing the study.

c) The reason for the study.

d) The names of the person who conducted the study.

e) The date the study was completed.

f) Whether the results were published and disseminated, and if so, where and to whom.

g) The results of each study.

h) If statistical analyses were made, state the results and describe the date and assumptions upon which they were based.

i) If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

Ans.

See answer to Interrogatory No. 25.

52. Have you conducted, participated, financed or had conducted for you any tests, studies, investigations or analyses (hereinafter referred to collectively as "studies") to determine the effects of inhalation of asbestos dust or fibers by one using or being exposed to asbestos insulation products manufactured by your company? If so, state for each study:

a) The subject matter, title and date of each study.

b) The date and name of the person authorizing the study.

c) The reason for the study.

d) The names of the person who conducted the study.

e) The date the study was completed.

f) Whether the results were published and disseminated, and if so, where and to whom.

g) The results of each study.

h) If statistical analyses were made, state the results and describe the date and assumptions upon which they were based.

i) If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

Ans.

See answer to Interrogatory No. 25.

53. Have you conducted, participated, financed or had conducted for you any tests, studies, investigations or analyses (hereinafter referred to collectively as "studies") which had the purpose to prevent, minimize, or eliminate inhalation of asbestos dust and fibers by those using or exposed to your asbestos insulation products? If so, state for each study:

a) The subject matter, title and date of each study.

b) The date and name of the person authorizing the study.

c) The reason for the study.

d) The names of the person who conducted the study.

e) The date the study was completed.

f) Whether the results were published and disseminated, and if so, where and to whom.

g) The results of each study.

h) If statistical analyses were made, state the results and describe the date and assumptions upon which they were based.

i) If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

Ans.

See page 29a attached.

54. State whether you considered or took any action as a result of any of the studies listed in Answers to interrogatories 51, 52 or 53. If so:

a) Describe what factors you considered.

b) Describe the action taken.

c) Identify who authorized or directed the action.

d) When was the action taken.

e) Identify all documents discussing the study, the action considered and the action taken by date, title, subject, author and present custodian and location and product the documents.

Ans.

See answer to Interrogatory No. 25 and No. 53. Furthermore, neither were meant to develop changes in products.

Ans.

53. No, however, defendant did not conduct studies as specifically described herein. However, during the period 1966 through 1970, defendant participated in a study conducted by the Industrial Hygiene Foundation of America, Inc. chiefly to learn about the bio-effects of amosite asbestos fibers on laboratory animals. A preliminary report indicated that amosite asbestos fibers were introduced into rats, and that asbestosis was noted in some of the animals that were autopsied according to schedule for study purposes. The remaining animals were pastured for the purpose of observing whether lung cancer or mesothelioma tumors developed. According to defendant's recollection, the pastured animals died unexpectedly in a laboratory epidemic about January, 1972, before conclusions could be drawn concerning cancers or tumors.

Additionally, during 1970, defendant caused a study to be conducted at The University of California, Berkeley. The purpose of the study was to develop a method for measuring the airborne dust concentrations of four different asbestos containing pipe insulation materials. The study was conducted by J. Leroy Blazer, W. Clark Cooper, M.D. and Irving R. Tabershaw, M.D.

The conclusions reached were:

1. A method by which certain construction materials can be tested for their potential for airborne dust generation had been developed in the course of study.

2. The material containing the highest percentage of asbestos produced the highest concentration of airborne asbestos fibers under the conditions of the test.

3. Measurement of the total dust concentration was a poor indicator of the airborne asbestos fiber concentration.

4. Pulverizing of any of the tested products within the combined spaces may result in airborne asbestos fiber concentrations greater than the threshold limit value proposed in 1970.

It was not the intent of the study to produce recommendations but simply to develop a method of measuring the dust potential of different products.

55. If your company manufactures any insulating products which are commonly used by insulation workers and which contain asbestos, please describe how the following are cut, shaped, mixed and applied on the jobs:

a) Asbestos cement mixers.

b) Asbestos pipe covering.

c) Asbestos bricks or blocks.

d) Asbestos sheeting.

e) Asbestos insulation used to cover extremes of heat as well as cold.

f) Asbestos insulation in loose form which may be blown into homes or buildings.

g) Asbestos in spray form,

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste. Then please state if there is any way known to you that the above products can be used and applied without the worker inhaling any asbestos dust or fibers.

Ans.

Not applicable.

56. Is it possible to distinguish the asbestos products listed by you in Answer 30 from those manufactured by a competitor?

a) If the answer is "Yes", please describe how you contend your product can be distinguished and identify the products by trade and generic name.

b) If there are products which cannot be, in your

opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the trade name of the product manufactured by your competitor.

Ans.

Yes, by comparing the form and substance of other products to that of defendant's asbestos product.

57. When did you first learn that there were health hazards associated with the use and fabrication of asbestos; state the date, source, nature and extent of such information.

Ans.

Beginning perhaps as early as 1965, defendant gradually became aware of news media reports circulated which indicated fibers inhaled over a long period of time under certain conditions might be related to adverse health consequences.

58. Does your company recognize that asbestos causes asbestosis?

a) If your answer is "Yes", when did you come to the realization and what action, if any, did you take in response to it?

b) If your answer is "No", explain the basis for this answer and/or why no studies were made by your company to learn this fact and to thereafter advise those exposed of the danger.

Ans.

Defendant objects to this Interrogatory on the basis that it does not inquire into fact, rather it seeks to require an expert medical opinion which defendant is unable to render.

59. Does your company recognize that asbestos causes asbestos-induced lung cancer?

a) If your answer is "Yes", when did you come to such realization and what action, if any, did you take in response thereto?

b) If your answer is "No", explain the basis for this answer and/or why no studies were made by your company to ascertain this fact and thereafter to take action to advise those exposed to your products of their dangerous nature.

Ans.

See answer to Interrogatory No. 58.

60. Does your company recognize that there is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If your answer is "Yes", state what notices were given to those exposed to your asbestos products of this fact, the dates of such notices and the methods of dissemination or publication of same.

Ans.

See answer to Interrogatory No. 58.

61. Does your company recognize that there is a connection between inhalation of asbestos dust and fibers and other diseases of the lungs and gastro-intestinal area? If your answer is "Yes", state what disease or diseases you recognized and what notices were given to those exposed to your asbestos products of this fact, the dates of such notices and the methods of dissemination or publication of same.

Ans.

See answer to Interrogatory No. 58.

62. Does your company recognize that the physical and chemical properties of asbestos fibers persist unimpaired after being inhaled into the human body and do not eventually dissipate?

Ans.

See answer to Interrogatory No. 58.

63. Do you agree that once asbestos fibers or dust are inhaled into the lungs, there is no way to eliminate such dust or fibers from the lungs for the balance of such person's life?

Ans.

See answer to Interrogatory No. 58.

64. Do you agree that the symptoms of asbestosis and other asbestos-induced lung diseases may not manifest themselves until many years after the asbestos was inhaled into the body?

Ans.

See answer to Interrogatory No. 58.

65. Do you recognize that prolonged use of the asbestos material listed in Answer 30 can cause or contribute to various occupational diseases, including asbestosis, emphysema, mesothelioma, cancer and other lung and respiratory diseases?

Ans.

See answer to Interrogatory No. 58.

66. Do you recognize that the asbestos insulating products listed in Answer 30 are dangerous and harmful to human health? If your answer to this question is "yes", expalin when you came to this conclusion and what, if anything, you have done about it to notify the public. If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

Ans.

See answer to Interrogatory No. 58.

67. Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

a) Other workers in the area where the asbestos products are being used.

b) Members of the families of workers.

Ans.

See answer to Interrogatory No. 58.

68. If your answer to Interrogatory No. 67(a) is "No", state whether you are familiar with the testimony of Dr. William H. Steward, former Surgeon-General of the United States before the House Labor Committee that probably three and one-half million construction workers are being exposed to asbestos dust in addition to those workers actually handling the materials contaning asbestos?

Ans.

Not applicable.

69. State whether you had knowledge of any deaths or cases of lung disease or lung impairment among your employees which are or may be attributable to the inhalation of asbestos dust or fibers. If so, please give the number, the name and address of such persons, together with the dates of treatment and the names and address of the doctors who administered treatment to such persons and reports of occupational disease furnished Industrial Commission of the states and attach copies of the latter.

Ans.

See answer to Interrogatory No. 29.

70. Do you have any statistical data showing the number of your employees who have been exposed to asbestos dust and fibers for more than ten years who have asbestos-related lung disease or lung impairment. If so, identify the date and provide the figures.

Ans.

See answer to Interrogatory No. 29.

71. Have any workman's compensation claims based on asbestosis or asbestos-induced diseases been filed against you? If so, state:

a) When and where the claims were filed.

b) The number of claims filed.

c) The outcome of the claims.

Ans.

See answer to Interrogatory No. 29.

72. When did you learn for the first time of a diagnosed case of asbestosis or any asbestos-induced carcinoma:

a) Within your own employees?

b) Involving users of asbestos insulation products?

c) Involving users of asbestos products manufactured, sold or distributed by you.

d) Involving families of workers using your product.

Ans.

See answer to Interrogatory No. 58.

73. Have you ever been named as a defendant in any other action in which damages were sought for personal injuries, sickness or death, as a result of use of your asbestos product? If so, state:

a) What products were involved.

b) The name of the court, the docket number and each party to the lawsuit.

c) The date the action was filed.

d) The judgment that was rendered in the action.

e) The date set for trial of any action not yet concluded.

f) State the terms by which any settlement was arrived at and disposition of any such aforementioned legal action.

Ans.

Defendant objects to this Interrogatory on the basis that it is burdensome and oppressive, and not calculated to lead to admissible evidence.

74. Have you ever conducted any inspection or made any dust count of areas at PH or at other facilities where workers used asbestos products manufactured by your company?

a) If you have not, explain why this was not done.

b) If you have, explain what action, if any, was taken by your company following the inspection or the taking od dust counsts at any of the locations referred to above. Also, please give the dates and places, if any, that your company first started making such dust count, and set forth in detail the dates and places this has been done since the results.

Ans.

Defendant states that it had no control of or access to job sites or job site workers and the numerous job site variable known only to, and capable of being affected only by insulation contractors, their employees or union.

75. When and where did you first begin-monitoring asbestos dust levels in your own plant and manufacturing facilities?

Ans.

See answer to Interrogatory No. 29.

76. Was the monitoring of asbestos dust levels required by any Government regulation or rule of any government, agency or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

Ans.

See answer to Interrogatory No. 29.

77. What technique, if any, do you use to take asbestos dust samplings, explaining the technique, when it was commenced, what the purpose was and what action has been taken in response to the findings as to the dust samples.

Ans.

See answer to Interrogatory No. 29.

78. State whether from 1930 to date you have promulgated any rules, written or oral, for the handling of asbestos products by your own employees? If so, state:

a) When such rules were promulgated.

b) The substance of the rules, if oral, and the name, address and title of the person who disseminated them.

c) If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof.

d) Whether any such material was provided to PH or any other defendant and, if so, when and to whom.

Ans.

See answer to Interrogatory No. 29.

79. Since 1930, state the names and addresses of any organizations to which you have belonged having anything to do with the setting of standards, regualtions, information, lobbying, research, engineering, or use of asbestos products, materials, or fibers.

Ans.

See answer to Interrogatory No. 23.

80. Do you maintain a library dealing with industrial hygiene, medicine, safety and engineering? If so, state:

a) The date you established the library.

b) The location of the library.

c) The name or names of the librarian(s) since 1940.

d) All journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety and/or engineering.

e) All books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

Ans.

See answer to Interrogatory No. 24.

81. Have you, at any time since 1940, maintained any office or department dealing with medical research? If so, state:

a) The name of such department.

b) The location of such department.

c) The name, address and title of each person who has been in charge of the department.

Ans.

See answers to Interrogatory No. 28.

82. When was the first time you hired a "medical director"? Please state:

a) The reason for hiring such a medical director.

b) The location where the medical director was assigned.

c) The duties of the medical director.

d) The names and addresses of the persons hiring such medical director and of the medical director.

Ans.

From about 1965 to present, defendant arranged with Dr. Lee B. Grant, PPG Industries, Inc., One Gateway Center, Pittsburgh, Pennsylvania, to consult with defendant at times when defendant judged that consultation was indicated on any medical topic.

83. When was the first time you hired an "industrial hygienist"? Please state:

a) The reason for hiring such a hygienist.

b) The location where the hygienist was assigned.

c) The duties of the hygienist.

d) The names and addresses of the persons hiring such hygienist and of the hygienist.

Ans.

Defendant, on occasion, had used the services of an industrial hygiene firm.

84. Had you done anything prior to 1972 to notify users of your products of the dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did and give the dates.

Ans.

See answer to Interrogatory No. 10 (d-e)

85. State separately for each year from 1930 to the present:

a) Total sales.

b) Asbestos product sales.

Ans.

		UNIBESTOS Sales			UNIBESTOS Sales
1962	=	506,339	1967	=	2,522,429
1963	=	1,365,562	1968	=	3,067,446
1964	=	1,418,941	1969	=	2,716,514
1965	=	1,784,229	1970	=	2,933,457
1966	=	2,471,026	1971	=	2,989,873

86. Have you contributed any funds to research concerning asbestos and its relation to lung, heart and larynx disease? If so, please state for each year the amount of money contributed, when and to whom, attaching any report or reports from each individual or organization to whom your funds were contributed.

Ans.

See answer to Interrogatory No. 25. Defendant contributed $35,000.00 to the IHF study.

87. Would any respirators or other breathing devices prevent inhalation of the asbestos dust and fibers in your product? If so, state:

a) When the respirator was sold.

b) Give the detailed description of such respirator or other breathing device.

c) The basis of your claim will prevent the inhalation of such dust and fibers.

d) Identify any tests performed by date, title, author and number.

Ans.

See answer to Interrogatory No. 58.

88. If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

a) The name, address and title of each person who testified.

b) The date, location and forum of such testimony.

c) Whether defendant has a copy of such testimony.

Ans.

See answer to Interrogatory No. 27.

89. Does your company recognize that as early as 1900 Dr. H. Montague Murray, a physician in London's Charing Cross Hospital, found spicules of asbestos in the lung tissue? If you agree with this, then state when you learned of this and what action, if any, your company has taken since then to prevent, reduce or eliminate the dangers to those using your asbestos products from inhaling the dust and fibers.

Ans.

Defendant has no knowledge of the subject matter of this interrogatory.

90. Does your company recognize that in 1924, Dr. W. E. Cook, of England, found evidence of asbestosis and that such discovery was published in the British Medical Journal of July 26, 1924, and re-published in 1927? If you do, then please state what action, if any, was taken by your company based upon these studies to prevent, reduce or eliminate asbestosis in those using your products. If your answer is that you do not recognize the truth of such statement, then please state what your company has done in an effort to keep abreast of medical literature concerning the disease produced from the products which you manufacture.

Ans.

See answer to Interrogatory No. 89.

91. Doe your company recognize that in 1931, the English Parliament passed legislation making asbestosis a compensable disease and requesting improved methods of exhaust ventilation and dust suppression in asbestos-textile factories, and also instituted periodical medical examinations for workers engaged in particularly dusty processes in the asbestos-textile industry? If yo do, state what action, if any, your company took in response to such knowledge in an effort to prevent, reduce or eliminate the effects of asbestos to those using your products. If you do not recognize the truth of such statement, then please state why your company did not keep in touch with legislation and programs adopted to reduce or eliminate the disease of asbestosis in those using asbestos products.

Ans.

See answer to Interrogatory No. 89.

92. Do you agree that the following states had a Workmen's Compensation Law covering the occupatinal disease of asbestosis beginning in the years set opposite their respective names:

Iowa	1913	Virginia	1944
Illinois	1913	New Mexico	1945
Hawaii	1915	Florida	1945
California	1917	New Jersey	1945
Wisconsin	1919	Colorado	1945
Connecticut	1919	Alaska	1946
New York	1935	Georgia	1946
Pennsylvania	1937	Tennessee	1947
Indiana	1937	New Hampshire	1947
Ohio	1937	Nevada	1947
Washington	1939	Arkansas	1948
Maryland	1939	West Virginia	1949
Delaware	1941	South Carolina	1949
Oregon	1943	Vermont	1951
Nebraska	1943	Guam	1952
Minnesota	1943	Oklahoma	1953
Michigan	1943	Missouri	1959
Arizona	1944		

Ans.

Defendant objects to this Interrogatory on the basis that it seeks a legal conclusion which defendant is not qualified to give.

93. Is your company familiar with the hearing conducted in March, 1967, before the House of Representatives of the United States Congress Sub-Committee on Labor concerning asbestos-related occupational illnesses? If so, state what action was taken in response to the information.

Ans.

No.

94. List and identify by name of insurer, date of issue, term, policy number, and amount of coverage of every policy of liability insurance insuring you against losses as a result of claims for bodily injury or death as a result of use of your asbestos products.

Ans. Primary liability coverage is as follows:

The Travelers Insurance Company	6/1/62-6/30/70	$1-million
Insurance Co. of North America	7/1/70-6/30/73	$1-million
Kemper Insurance Co.	7/1/73-6/20/75	$1-million

95. Have you, at any time, used the services of an industrial health organization? If so, state:

a) The name of the organization.

b) The dates such services were used.

c) The name of the persons in your company and in the health organization who negotiated the agreement or understanding.

d) Whether any reports or documents concerning the services were prepared and, if so, identify the documents by name, date, title, file number and present location.

Ans.

See answer to Interrogatory No. 25.

96. Did you in any way assist or participate in the 1929 Metropolitan Insurance Company study of asbestos? If so:

a) State what role or action you took.

b) Identify all documents by name, date, title, file number and present location.

Ans.

No.

97. Do you maintain a library or file of pathological findings, slides, x-rays and related material concerning asbestos induced injuries, disability or impairment? If so, state:

a) The date such file was first organized.

b) All past and present custodians of the file.

c) Where the file is presently located.

d) Identify the material included in the file.

Ans.

No.

GORDON R. PATE
ATTORNEY AT LAW
1201 Beaumont Savings Building
BEAUMONT, TEXAS 77701

Area Code 713
Telephone 838-6578

Pate

December 29, 1981

RECEIVED
JAN 11 1982
LEGAL DEPARTMENT

Mr. Murray L. Harris
United States District Clerk
Room 212, U. S. Courthouse
& Federal Building
Beaumont, TX 77701

Re: Cause No. B-81-717-CA
Valva J. Evilsizor vs.
Fibreboard Corporation,
et al

Dear Mr. Harris:

Enclosed please find duplicate originals of the following instruments which I would appreciate your filing in the above case:

1) Answers of Pittsburgh Corning Corporation to Plaintiff's Interrogatories;

2) Order Sustaining Objections.

Yours very truly,

Gordon R. Pate
GORDON R. PATE

GRP/jv

Enclosures

cc: Mr. Stephen Hanks Certified Mail No. P241 870 456
All Defense Counsel

JAN 4 1982

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

LVA L. J. EVILSIZOR	:	
VS.	:	CIVIL ACTION NO. B-81-717-CA
FIBREBOARD CORPORATION, ET AL	:	

ANSWER OF THE DEFENDANT, PITTSBURGH CORNING CORPORATION, TO THE INTERROGATORIES PROPOUNDED BY THE PLAINTIFF

TO: VALVA L. J. EVILSIZOR and/or his attorney of record, Stephen W. Hanks, 2800 Two Houston Center, Houston, Texas 77010.

COMES NOW the Defendant, Pittsburgh Corning Corporation, and files this, its objections and answers to the interrogatories propounded by the Plaintiff herein.

This Defendant manufactured an asbestos thermal insulation product, pipe insulation, from July 1, 1962 to February 1, 1972. Unless otherwise stated in answer to specific interrogatories, the responses herein shall be limited to such product and time period. This Defendant objects to providing answers for any other period of time on the grounds that such additional information sought is irrevelent, immaterial, not calculated to lead to the discovery of admissible evidence, and, furthermore, could be burdensome, expensive and harassing to comply with.

The mineral asbestos may be found in a wide variety of product forms, including ceiling tiles, floor tiles, gaskets, gloves, mastics, protective aprons, protective matting, etc. This Defendant objects generally to the Plaintiff's interrogatories as vague, overbroad, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence so far as they relate or refer to unidentified thermal insulation asbestos-containing products or materials and will limit its answers as stated above.

This Defendant states that there never existed a predecessor corporation with respect to Defendant; further, Defendant states that its answers to any interrogatory herein relate only to this Defendant and are not to be construed to imply the existence of a predecessor corporation.

1. Has Defendant, at any time, engaged in the mining, manufacture or sale of insulation products containing asbestos fibers? If so, please state a description of the physical (chemical) composition of each such product including the type of asbestos contained in each such product (i.e., amosite, chrysotile or crocidolite), the quantitative percentage of asbestos in each product, and a description of the physical appearance of each such product.

During the period of July 1, 1962 - February 1, 1972, this Defendant manufactured and sold an asbestos thermal insulation product containing amosite asbestos, diamotaceous earth and sodium silicate, in rigid 3-foot long, half cylinders. Defendant is presently reviewing and recalculating the composition of its asbestos thermal insulation product. A response will be provided when review is complete.

2. Please describe in detail the type of packages in which Defendant has sold asbestos material, listing the dates each type of packaging was used, a physical description thereof, and a description of any printed material or trademarks that appeared thereon.

During the period this Defendant manufactured an asbestos thermal insulation product, the product was shipped in paperboard cartons measuring three (3) feet in length. The other dimensions varied according to the diameters of the contents. Printed material on the carton included among other information the following: corporate identification; product name; size of contents; generic description; corporate logo; warning label, beginning in 1968, which read: "This product contains asbestos fibers. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by U. S. Bureau of Mines."

3. Has the Defendant, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials (including any caution labels on containers) of any kind or character that contain any warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of the products listed in your answer to the previous interrogatory? If so, state:

(a) The wording of each such warning;
(b) A description of each such printed material;
(c) The method used to distribute the warning to persons who are likely to use the products;
(d) The date each such warning was issued;
(e) The name, address and job classification of each person who presently has possession of the above described documents.
(f) If you will without a motion, please attach a copy of such warning.
(g) State whether any industrial psychologists or human factors engineers were consulted prior to utilizing such warnings, cautions, etc.

(a) through (f): Beginning in November 1968 this Defendant caused a 5-inch by 3-inch notice to be printed in red on all cartons containing UNIBESTOS. The notice read as follows: "This product contains asbestos fibers. If dust is created when this product is handled, avoid breathing the dust. If adequate ventialtion control is not possible, wear respirator approved by U. S. Bureau of Mines." Further, in or about 1968 this Defendant participated in the distribution by mail and by hand of a National Insulation Manufacturers Association (NIMA) booklet to distributors describing precautions to be observed when handling, applying, removing or ripping out asbestos thermal insulation products. A copy of the warning label and the NIMA booklet are attached.

(g) No.

4. Did you receive any reports or communications from your workmen's compensation carrier or products liability insurance carrier with regard to the hazards incident to use of asbestos containing insulation products? If so, please state who had possession of said reports, the location of said reports and the substance of the contents of said reports, listing for each such report the respective insurance company, its address, and the agent signing such correspondence.

No.

5. Has this Defendant exchanged results of research, tests, medical studies or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including lung cancer and asbestosis since 1930 with any other company which manufactured or sold asbestos-containing products? If s state:

(a) When these exchanges took place.
(b) Who participated in these exchanges.
(c) Summarize the content of these exchanges of studies.

No.

6. Please state if the Defendant or anybody on behalf of the Defendant ever conducted or sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful. If so, please state:

(a) By whom the research was conducted, giving complete names and addresses.
(b) The dates that each such test was conducted.
(c) The complete results of each test or study.
(d) Supply copies of reports of the research department pertaining to the use by the corporation of asbestos in their manufactured insulation products.

This Defendant did not conduct studies as specifically described in this interrogatory. However, during the period of 1966 through 1970 this Defendant participated in a study conducted by the Industrial Hygiene Foundation of America, Inc. chiefly to learn about the bio-effects of amosite asbestos fibers on laboratory animals. A preliminary report indicated that amosite asbestos fibers were introduced into rats, and that asbestosis was noted in some of the animals that were autopsied according to schedule for study purposes. The remaining animals were pastured for the purpose of observing whether lung cancer or mesothelioma tumors developed. According to Defendant's recollection, the pastured animals died unexpectedly in a laboratory epidemic about January 1972 before conclusions could be drawn concerning cancers or tumors.

7. Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by the Defendant at any of its facilities from the years of 1930 until the present time, including chief medical officers.

None. However, beginning in 1965 this Defendant requested consulting service from time to time from Dr. Lee B. Grant, PPG Industries, Inc., One Gateway Center, Pittsburgh, Pennsylvania. Defendant's requests varied depending on the circumstances which indicated the usefulness of consultation. In general, these consultations related to Defendant's manufacturing facilities.

8. Please state the names and addresses of all persons employed by Defendant from 1930 until the present time who functioned as industrial hygienists. As contemplated by these Interrogatories, an industrial hygienist is one who performs engineering or health studies to identify, and evaluate potential occupational health hazards and suggest methods of dealing with the same. Please state:

(a) The facility or office to which they were assigned.
(b) Their complete and precise duties and responsibilities.

None.

9. Please state if the Defendant's medical officers ever made at any time any recommendations and/or suggestions to the Defendant pertaining to the risks or hazards to persons involved in the manufacturing or use of insulation products containing asbestos. If so, please state:

(a) Where were such recommendations and/or suggestions made?
(b) To whom were such recommendations and/or suggestions made?
(c) By whom were these recommendations and/or suggestions made?
(d) The substance of the recommendations and/or suggestions.

Not applicable. However, in or around January 1969 this Defendant's medical consultant stated that the suspected connection, in certain circumstances between certain types of asbestos and certain adverse health consequences suggested the possibility that the asbestos in UNIBESTOS could perhaps eventually lead to adverse health consequences. This Defendant's medical consultant further suggested: The use of a warning label with the product; that the NIMA pamphlet be circulated; and that efforts be made to find a substitute for asbestos in UNIBESTOS. All of said "suggestions" had already been accomplished or initiated by Defendant.

10. Please state the names of trade association periodicals to which the Defendant subscribed from 1928 to the present date. State whether or not the Defendant had any knowledge of any articles being printed in industry trade journal essays, memoranda and other similar sources pertaining to the hazardous potentials of asbestos and which of such articles were received by you.

This Defendant objects to this interrogatory on the basis that it is overly broad, irrelevant, immaterial and is not calculated to lead to the discovery of admissible evidence.

11. Please state organizations, groups, inter-company or industrial organizations to which the Defendant belongs which conducted studies or researched the relationship, if any, between exposure to asbestos fibers or products and asbestosis and lung cancer from 1945 to 1970, and in regard to such studies, state:

(a) The type or nature of the studies.
(b) When the studies were conducted.
(c) The complete results of the studies.
(d) The recommendations of the studies.
(e) The resulting implementation of the studies by Defendant.
(f) The date when first implemented.

None, to the best knowledge of this Defendant.

12. Please state whether the Defendant has or had a department, division or section devoted to scientific and/or medical research during the period from 1936 until the present time. If so, please state when it was first formed.

No, with respect to its asbestos thermal insulation product.

13. Please state the scientific or medical periodicals to which the Defendants, its medical department or industrial hygiene division subscribed during the period between 1950 and 1964, specifying the date such subscriptions were begun.

This Defendant objects to this interrogatory on the basis that it is overly broad, irrelevant, immaterial and is not calculated to lead to the discovery of admissible evidence.

14. Please state whether any employee of the Defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state. If so, please state the date that the Defendant first received notice of any claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state and state the total number of claims filed for the years 1946 to 1965.

Plaintiff was never employed by this Defendant and Defendant, therefore, objects to this interrogatory because it is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence.

15. Has the Defendant ever been a member of the Asbestos Textile. Institute, the Industrial Hygiene Foundation or the Industria Health Foundation? If so, when did it first become a member and list the years inclusively of membership.

No, with respect to the period of 1962 - 1972.

16. Since 1930, has the Defendant sponsored for its employees or distributors any meetings, seminars, conferences, or conventions where the subject of occupational health and exposure to asbestos was discussed? If so, state:

(a) The date and place of such meeting, seminar, conference, or convention where the subject of occupational health and exposure to asbestos was discussed.
(b) The name and address of the speaker or discussant.

On January 9, 1969 Dr. L. B. Grant gave a talk at Defendant's office. On September 25, 1969 Dr. Morton Corn gave a seminar at this Defendant's office. Dr. Corn's address at that time was University of Pittsburgh, Pittsburgh, Pennsylvania 15250.

17. At any time prior to 1964 were any tests or studies conducted or sponsored by you to determine:

(a) The level of dust or fiber concentration incident to:
(i) Cutting or sawing your insulation products containing asbestos;
(ii) Implacing the product on pipes and/or boilers;
(iii) Tearing down the product during repair and maintenance functions;
(iv) Mixing asbestos containing insulating cements.

(b) Whether long term (20 years or more) exposure to insulation products containing 15 percent asbestos or less for work periods less than 8 hours a day, both indoors and outdoors, which resulted in the liberation of asbestos dust or fiber below 5 million particles per cubic foot (mppcf) might cause asbestosis or expose such worker to an increased statistical risk of contracting bronchogenic cancer, mesothelioma (pleural or peritoneal) or gastrointestinal cancer.

This Defendant did not conduct studies as specifically described in this interrogatory. However, during 1970 this Defendant caused a study to be conducted at the University of California, Berkeley. The purpose of the study was to develop a method for measuring the airborne dust concentrations of four different asbestos containing pipe insulation materials. The study was conducted by J. Leroy Balzer, W. Clark Cooper, M.D. and Irving R. Tabershaw, M.D. The conclusions reached were:

1. A method by which certain construction materials can be tested for their potential for airborne dust generation had been developed in the course of study.

2. The material containing the highest percentage of asbestos produced the highest concentration of airborne asbestos fibers under the conditions of the test.

3. Measurement of the total dust concentration was a poor indicator of the airborne asbestos fiber concentration.

4. Pulverizing of any of the tested products within confined spaces may result in airborne asbestos fiber concentrations greater than the threshold limit value proposed in 1970.

It was not the intent of the study to produce recommendations but simply to develop a method of measuring the dust potential of the different products.

18. Please identify all texts, articles, publications, pamphlets, standards and rules upon which you intend to rely at the time of trial to support your case.

Will furnish later - investigation continuing.

19. Please describe and define threshold limit value of dust containing asbestos and the application of threshold limit value to the asbestos manufacturing and insulating trade, and state the date and the source from which you recieved your first notice and awareness of threshold values pertaining to the concentration of airborne asbestos fibers.

To the best of this Defendant's knowledge Defendant became aware of threshold limit values pertaining to the concentration of airborne asbestos fibers in manufacturing environments in July of 1962 when Defendant purchased the UNIBESTOS product and selected related assets and facilities from Union Asbestos and Rubber Company (UNARCO). The information otherwise requested herein is public information and is as available to the Plaintiff as it is to this Defendant.

20. Please state whether or not you ever obtained any knowledge concerning the likelihood of asbestos inhalation being hazardous to health, and if so, state when the corporation first became aware of the hazardous potential of asbestos and its products. State how the Defendant first obtained this knowledge and became so aware of said hazards and from what source this information was obtained.

Defendant is unable to state when it knew of any particular health hazard presently alleged to be associated with asbestos exposure. However, beginning perhaps as early as 1965 this Defendant gradually became aware of news media reports being circulated which indicated large amounts of certain types of respirable asbestos fibers inhaled over a long period of time under certain conditions might be related to adverse health consequences. This Defendant's awareness related mainly to manufacturing environments.

21. Please state whether or not Defendant ever maintained a library or collection of medical information pertaining to effects of asbestos upon human health, including its hazardous effects, and if so, where said library or collection was and is located, the names and addresses of all medical librarians employed by Defendant since 1930, and what bibliography of medical articles, materials, and other reports were a part of said library on said subject, including journals, publications, reports and all memoranda published and received by you since 1930.

No.

22. Please state the date when you first notified your employees working in your manufacturing plants and factories as to the need to wear and use a respirator.

Plaintiff was never employed by this Defendant and Defendant, therefore, objects to this interrogatory because it is irrelevant, immaterial and not calculated to lead ot the discovery of admissible evidence.

23. State the name of any expert witness that you intend to rely upon at the trial of this action, and identify the subject matter upon which each said expert will testify, his opinions, and the grounds upon which the opinions are based.

Will furnish later - investigation continuing.

24. Please state if the Defendant intends to assert a defense of the Statute of Limitations. If so, state all facts on which the Defendant bases its contention that the Statute of Limitations had run on the Plaintiff's claim.

Defendant intends to assert all defenses available to it based on the facts.

25. Please state any product within your knowledge which could be or is being used for the same purpose as asbestos containing insulation material, and state when it was determined that said materials could be used as a substitute for asbestos insulation products.

This Defendant is not presently engaged in the manufacture of an asbestos thermal insulation product and is therefore not qualified to render an opinion on the question set forth in this interrogatory.

Respectfully submitted,

GORDON R. PATE
1201 Beaumont Savings Bldg.
Beaumont, Tx 77701
(713) 838-6578
TBA: 15563000

ATTORNEY FOR THE DEFENDANT,
PITTSBURGH CORNING CORPORATION

######

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA: :

COUNTY OF ALLEGHENY :

BEFORE ME, the undersigned authority in and for said Commonwealth and County, personally appeared ROBERT E. BUCKLEY, who being duly sworn, deposes and says that he is the former Vice President and Assistant to the President of Pittsburgh Corning Corporation, and he is currently a Consultant to the Company, that he is authorized to make this affidavit on its behalf, and that the facts contained in the foregoing Asnwers to Interrogatories are true and correct to the best of his knowledge or information and belief.

ROBERT E. BUCKLEY

SWORN TO AND SUBSCRIBED before me this 28th day of December, 1981.

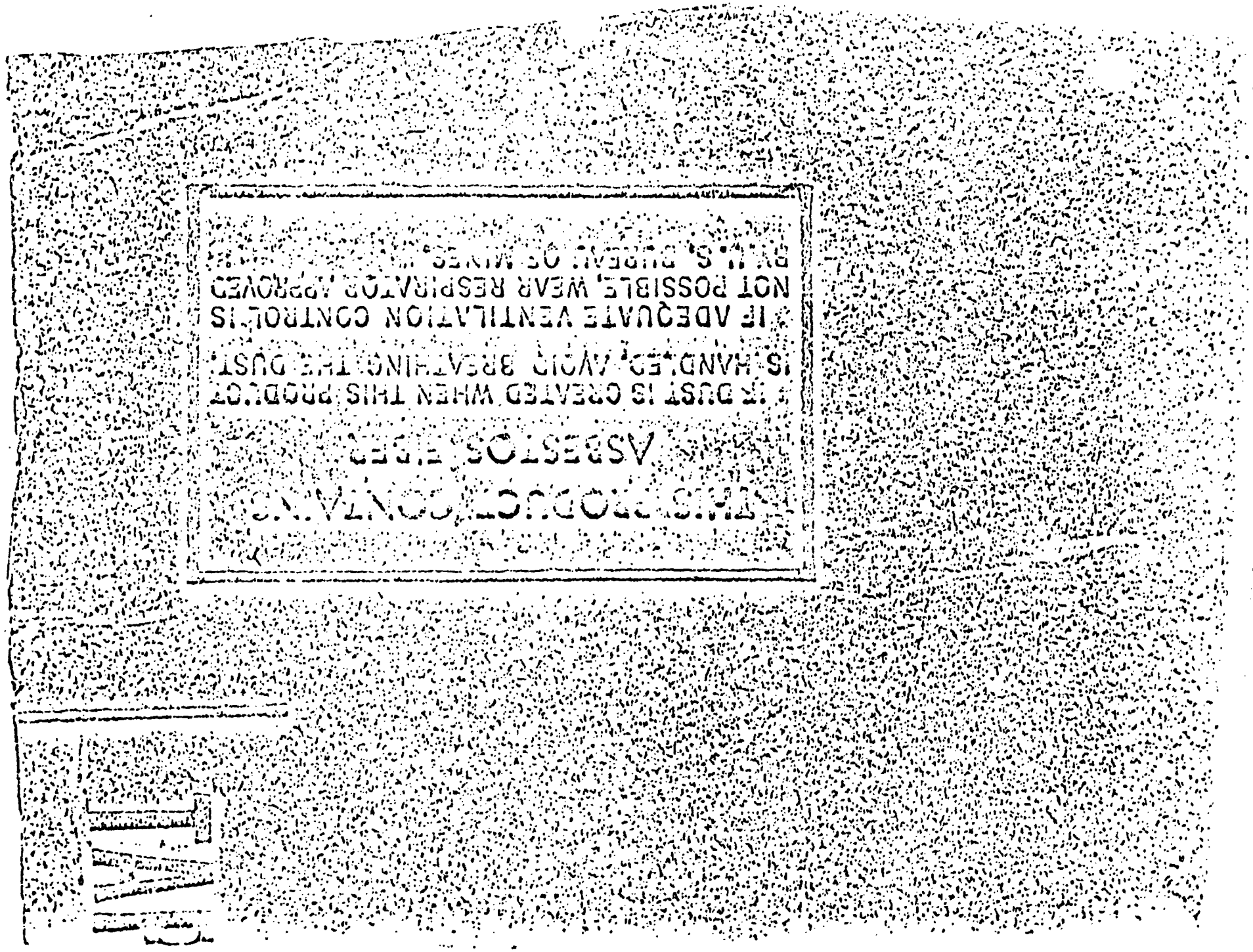
NOTARY PUBLIC

GENE H. RENZIEHAUSEN, Notary Public
Plum Borough, Allegheny County, PA.
Commission Expires August 8, 1985

CERTIFICATE OF SERVICE

The foregoing Answers to Plaintiff's Second Set of Interrogatories were served by mailing copies thereof in the United States Mail, on this 30th day of December, 1981, to Plaintiff's counsel, and to counsel for all other parties to these actions.

GORDON R. PATE



RECOMMENDED HEALTH SAFETY PRACTICES

For Handling And Applying Thermal Insulation Products Containing Asbestos

for additional copies, write:

Executive Secretary
National Insulation Manufacturers Association, Inc.
211 Lexington Avenue, New York, N.Y. 10017

NATIONAL INSULATION MANUFACTURERS ASSOCIATION

INTRODUCTION

The modern mass production of hundreds of natural and synthetic materials, such as asbestos, has brought the need to protect workers from certain health risks, known or suspected.

Manufacturers of Thermal Insulation Products containing asbestos have for years been taking protective measures to eliminate excessive exposures to inhalation of dusts that may be injurious.

Based on the fact that all materials can be handled safely, the National Insulation Manufacturers Association recommends the following practices for handling and applying Thermal Insulation Products containing asbestos and/or other potentially injurious materials to protect the worker.

Insulation contractors and applicators are urged to study these recommended practices carefully and to see that they are observed by all workers handling insulation materials. As with Safety Regulations, it is in the interest of both employer and employee to see that health protection practices are strictly observed.

Prepared By
COMMITTEE ON SAFETY AND HEALTH

NATIONAL INSULATION
NIMA
MANUFACTURERS ASS'N.

CONTENTS

INTRODUCTION	2nd COVER
HOUSEKEEPING	4
PIPE AND BLOCK INSULATIONS	5-8
CEMENTS	9-10
SPRAYING OF THERMAL INSULATION	11-12
STRIPPING OF THERMAL INSULATION	13-14
RESPIRATORY EQUIPMENT	15

FOR HEALTH SAFETY'S SAKE

Three major points to keep in mind in the handling and use of materials containing asbestos:

- *Take every precaution to keep dust to a minimum.*
- *Wear U.S. Bureau of Mines-approved Respirators when exposed to excessive dusts. (See Page 15)*
- *Maintain good housekeeping at all times.*

HOUSEKEEPING

An organized housekeeping program should be maintained in all areas and on all operations at all times.

A major source of excessive airborne dust is from loose materials, scrap and debris distributed throughout the job area and disintegrated by trampling on, running over, etc. Much of the airborne contamination can be eliminated by exercising simple good housekeeping practices.

Specific standards and practices designed for providing safe, clean and orderly working conditions should be defined.

Efficient supervisory control, planning of systematic cleaning plus day to day follow-up are the basic requirements for dust control and injury prevention.

PIPE AND BLOCK INSULATIONS

Warehousing, Storage and Handling

Under normal conditions, the handling, storage and warehousing of undamaged cartons of pipe and block insulations, containing asbestos, present no health safety problems. If cartons are broken or materials damaged while insulation is being handled, the following steps should be taken:

1 If spillage occurs, debris should be cleaned up immediately. Repack usable materials.

2 Care should be taken to avoid generating dust when piling, stacking or placing pieces into containers.

3 When cleaning spillage, vacuum equipment is recommended for picking up dust and small particles.

4 If large quantities of spillage occurs and cleaning involves sweeping and or shoveling that could create excessive airborne dust, *Respirators should be worn.

5 Only usable material should be returned from the job site to the warehouse.

6 When returning material from the job site, clean dust and debris off cartons. Repack odd lot pieces. Close cartons.

*Bureau of Mines-approved respirators. See page 11.

Fabrication in Warehouse and Job Site Shops

1 Open and remove the material from cartons with care.

2 Handle and stack pieces of material in a manner that will avoid generating dust and breakage.

3 Mechanical dust collecting systems adequately designed to remove dust at the source should be installed on power-operated, fixed and portable equipment in the warehouse shop and, or in the job site shop.

4 All machines should be furnished with suitable waste containers for the collection of scrap and waste to prevent the material from falling on the floor and generating dust.

5 Shop-fabricated pieces of Thermal Insulation such as fittings, segments, etc., should be placed in containers. Care should be taken when handling these pieces during piling, stacking and packing.

6 Containers should be closed after packing and remain closed until the material is used.

Application Procedures

1 Unpacking and application of the material should be done in a manner that will minimize airborne dust.

2 Avoid dropping, throwing or unnecessary rough handling of insulation materials.

3 Keep floors and surfaces clean of scrap, shavings and debris. Put unusable material into waste containers immediately.

4 Hand sawing, cutting, jacket stripping, etc. should be done in a manner that will create minimal airborne dust. Use of proper methods and tools will help considerably towards dust abatement.

5 When working in confined spaces, portable dust collectors or exhaust blowers should be provided to remove dust from the source.

(Continued on Next Page)

Application Procedures (Cont'd)

6 If conditions prevent collecting or exhausting dust from the source, use exhaust blowers to provide general room air changes.

7 Avoid exhausting into other working areas.

8 In confined spaces, if mechanical exhaust equipment cannot be used, *Respirators should be worn.

9 When wiring or banding insulation and applying jackets or facings, care should be taken to avoid generating excessive dust, using the precautionary measures described above.

10 Surplus usable materials should be placed in cartons, which should be closed and returned to the warehouse.

*Bureau of Mines-approved respirators. See page 15.

CEMENTS

Warehousing, *Storage and Handling*

Handling and storage of closed bags containing cements do not present health safety hazards provided bags are unopened and not broken.

1 When unloading railroad cars and trucks, if there is excessive loose material resulting from opened or broken bags, *Respirators should be worn during clean-up and unloading.

2 Spillage should be cleaned up and open or broken bags repacked, resealed or discarded immediately to prevent distribution of dust into other areas.

3 If bags are damaged and spillage occurs in the warehouse, material should be cleaned up immediately to prevent distribution into other areas. Vacuum equipment is recommended for this cleaning.

4 If large quantities of spillage occurs and cleaning involves sweeping and or shoveling that could create excessive dust, *Respirators should be worn.

*Bureau of Mines-approved respirators. See page 15.

Application of Cements

Opening, dumping and discarding of bags should be done with the utmost care to avoid generating excessive dust.

Open the bag wide enough to empty without shaking.

2 When dumping, keep bag on the mortar box mixing level to avoid dropping.

3 Do not shake bags.

4 [illegible] empty bags in a container, wet down contents, and discard.

5 Mixing area should be well ventilated but free from heavy drafts that will cause dry material to become airborne.

6 Material should be mixed in a mortar box, pail or tub and not on the floor.

7 Wet the material and mix into a slurry as quickly as possible.

8 When mixing cement in a confined space where proper ventilation is inadequate, *Respirators should be worn.

Cleaning

1 Bag breakage, cleaning up dry cement and discarding bags at the mixing area should be done in the same manner as recommended under *Warehousing, Storage and Handling.*

2 Wet down tools, mortar boxes, wheelbarrows, mixing containers, and any spillage before scraping and cleaning.

3 Cements should be handled wet whenever possible. Wet material will create no dust problem.

*Bureau of Mines-approved respirators. See page 15.

SPRAYING OF THERMAL INSULATION

Spraying Areas

Spraying of Thermal Insulation Products containing asbestos requires special precautionary measures. Refer to the Sprayed Mineral Fiber Manufacturers Association for Sprayed Fiber Application Practices.†

1 The equipment and machinery to be sprayed should be shielded by adequate wind breaks and, where practicable, drop cloths to prevent excessive dust and contamination in adjacent areas.

2 Workers not engaged in the spraying operations should wear *Respirators when entering an area within 15 feet of the spraying machine, nozzle or equipment.

3 Where Sprayed Fiber Application Practices cannot be followed and excessive airborne dust is generated, it is recommended that portable mechanical exhaust ventilation be used to remove airborne dust. Exhaust must be located to avoid contamination of other occupied areas.

Application

1 All personnel in the immediate area engaged in the machine feeding and spraying operation should wear *Respirators, whether in confined or open areas, ventilated or not ventilated.

2 *Respirators should be worn after the spraying operation has been concluded and until the generated dust concentration has cleared.

†For copy of Practices, write to Executive Secretary, Sprayed Mineral Fiber Manufacturers Association, P.O. Box [illegible], Westfield, New Jersey [illegible]

*Bureau of Mines-approved respirators. See page 15.

Other Workmen

All personnel not involved with the machine feeding and spraying operation should be kept from the spraying area until the generated dust concentration has cleared.

Cleaning

1 Spillage and excess spraying materials should be cleaned up immediately after spraying operations have been completed.

2 Settled dust and fly material should be removed from all surfaces to avoid airborne contamination. Vacuum cleaning is recommended for this purpose.

3 Scrap spray material should be wet down and placed in closed containers for disposal.

4 Tools, ladders, etc. should be cleaned wet.

5 Avoid brushing, sweeping and shoveling dry material whenever possible.

6 *Respirators should be worn during clean-up.

*Bureau of Mines-approved respirators. See page 15.

STRIPPING OF THERMAL INSULATION

Stripping Area

Careful work methods, use of proper tools, and wetting down will minimize excessive dusts in stripping operations.

1 The area in which stripping takes place should be confined by means of curtains, portable partitions, etc., to prevent excessive dust contamination in adjacent areas.

2 If area cannot be confined, only workmen engaged in stripping should be permitted in the work location.

Stripping and Tearing Off

1 All personnel in the stripping area engaged in tearing off, handling, cleaning and disposing of material should wear *Respirators.

2 Where circumstances permit, materials should be wetted down prior to and during removal.

3 Where applicable, portable mechanical exhaust ventilation should be used to remove airborne dust.

4 Avoid unnecessary re-handling of scrap.

(Continued on Next Page)

*Bureau of Mines-approved respirators. See page 15.

5 Locate truck, dumpster bucket or final disposal equipment as close to stripping site as possible.

6 Wet down scrap material before shoveling, hauling or dumping.

7 Do not permit accumulation of scrap and debris on floor and other surfaces.

8 Vacuum equipment is recommended for cleaning up during and after stripping.

Other Workmen

1 Personnel not involved in the stripping and tearing off operation should not be permitted in the stripping area.

2 If it is essential for other workmen to be in the work area, *Respirators should be worn by them.

*Bureau of Mines-approved respirators. See page 15.

RESPIRATORY EQUIPMENT

Only U.S. Bureau of Mines-approved respiratory equipment is recommended for use with asbestos, silica and other pneumoconiosis-producing dusts. Approved respiratory equipment must be used at all operations where dust control is not sufficient to maintain airborne dust concentration within allowable limits for asbestos and other pneumoconiosis-producing dusts, as established by governmental and professional agencies.

The efficiency and effectiveness of respiratory equipment is dependent upon proper care, cleaning and maintenance. A systematic procedure should be established to assure that this is done.

Lists of currently approved respiratory equipment can be obtained from:

Bureau of Mines
United States Department of the Interior
Nineteenth and E Streets, N.W.
Washington, D.C. 20240

American Industrial Hygiene Association
14125 Prevost
Detroit, Michigan 48227

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

VALVA J. EVILSIZOR	§	
VS.	§	CIVIL ACTION NO. B-81-717-CA
FIBREBOARD CORPORATION, ET AL	§	

ORDER SUSTAINING OBJECTIONS

On this the _____day of _____, 198__, came on to be heard the objections of Pittsburgh Corning Corporation to Interrogatories No. 10 and 13, served upon it by the Plaintiff, and it appearing to the Court that said objections are well founded and should be sustained.

It is, therefore, ORDERED, ADJUDGED AND DECREED that Defendant's objections to Interrogatories No. 10 and 13 be, and the same are in all things sustained, and Defendant is not required to answer said interrogatories.

SIGNED and ENTERED this _____day of _____, 198__.

_____

JUDGE PRESIDING

IN THE CIRCUIT COURT OF THE
17TH JUDICIAL CIRCUIT IN AND
FOR BROWARD COUNTY, FLORIDA

CASE NO.81-04711 "J" Weissing

DOMENIC MENNA and
MARIE MENNA,his Wife,

Plaintiffs,

vs.

JOHNS-MANVILLE PRODUCTS
CORPORATION, etc., et al.,

Defendants.

_____/

ANSWERS TO INTERROGATORIES
PROPOUNDED BY PLAINTIFF

NOW COMES the Defendant, PITTSBURGH CORNING CORPORATION, by and through its undersigned counsel, and answers the Interrogatories propounded by the Plaintiff herein.

WE HEREBY CERTIFY that a true copy of the foregoing was mailed this 30th day of June, 1981 to all counsel of record on the list attached.

THOMPSON AND CLARK
Attorneys for Pittsburgh
Corning Corporation
516 Ingraham Building
25 Southeast Second Avenue
Miami, Florida 33131
Tel: (305) 373-7611

By: _____
ROBERT H. SCHWARTZ

INTERROGATORIES TO ALL DEFENDANTS

(See General Objection Applicable to All Interrogatories on Pg. 9)

1. Identify the registered name of answering defendant, as well as all prior names or predecessor entities by which defendant has existed.

Pittsburgh Corning Corporation

2. Identify all divisions, subsidiaries, or afflilitated companies to answer defendant, having any function which now or in the past engaged in any phase of mining, manufacturing, sale, supply or distribution of asbestos or asbestos products. With respect to each of such divisions, subsidiaries or companies, identify the nature and extent of such functions during the relevant period of time in which such activities have or had occurred.

None.

3. Identify each and every asbestos product from 1925 to the present which answering defendant manufactured, processed, compounded, converted, sold, supplied or distributed. With each such product:

A. State in which pase of commerce defendant engaged:

This defendant manufactured and sold UNIBESTOS thermal pipe insulation during July 1, 1962 - February 1, 1972.

B. State during what period of time such product has been associated with the defendant.

See answer to A above.

C. Identify all sales literature, including brochures, advertisements, pamphlets or other material describing such product, its uses and methods of application or installation.

See attached copy of this defendant's sales brochure.

D. State how such product was packaged, transported, stored or supplied.

Cartons.

E. Identify any warning labels, inserts or other writings provided with such product and with every such printed warning, state what period of time it has or had accompanied the products, the exact wording of the warning, any amendments made to the wording, where the warning was located on the product or packaging, and on what asbestos products the warnings appeared.

Beginning in November, 1968, this defendant caused a 5-inch by 3-inch notice to be printed in red on all cartons containing UNIBESTOS. This notice read as follows: "This product contains asbestos fibers. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by U.S. Bureau of Mines." A copy of the warning label is attached.

F. Identify any special instructions provided with such product regarding the use, protection or safety procedures to be employed by persons handling such product.

In or about 1968, this defendant participated in the distribution by mail and by hand of a National Insulation Manufacturers Association (NIMA) booklet to distributors describing precautions to be observed when handling, applying, removing or ripping out asbestos thermal insulation products. A copy of the NIMA booklet is attached.

4. With respect to your answer to interrogatory #3, did you claim your product to be either safe, effective, and/ or easy to handle? If so, identify all such documents, including but not limited to brochures or advertisements (radio, television, or printed); and revisions thereof by publication and date.

This defendant objects to this Interrogatory on the basis that it is overly broad, vague and ambiguous and is not calculated to lead to the discovery of admissible evidence.

5. With respect to your answer to interrogatory #3, did you specifically inform the purchaser or user of your products during the same time period that your products could cause cancer, asbestosis. or other serious diseases? If so, identify the document containing such information by date and location.

See answer to Interrogatory #3.

6. Identify any and all labelling or relabelling agreements in existence since 1925 between answering defendant and other persons, including other defendants.

None.

7. Identify the distribution chain of defendant's asbestos products since 1925 along with any documents evidencing or confirming such chain, including but not limited to distribution from and to other defendants.

This defendant routinely sold its asbestos thermal insulation product to distributors who applied the product or who sold the product to other applicators or to user-customers.

8. Identify your distributors and/or suppliers of raw asbestos asbestos cement and other asbestos products with which you had business contact. This defendant purchased amosite asbestos fibers from the following suppliers:

Union Asbestos & Rubber Co. (UNARCO)
332 South Michigan Avenue
Chicago, Illinois 60604

North American Asbestos Corporation
(North American)
200 South Michigan Avenue
Chicago, Illinois 60604

EGNEP (Pty.) Limited (EGNEP)
(Owned by Cape Asbestos Company, Ltd.)
Burlington House
22 Rissik Street
Johannesburg, South Africa

General Services Administration (GSA)
United States of America
Stockpile Disposal Division
Property Management and Disposal Services
Washington, D.C. 20405 (Cont'd. on Pg. 9)

9. As to any answering defendant not engaged in some phase of production, please state: Not applicable.

A. Whether defendant is or was a supplier, distributor or contractor of asbestos products.

B. For which of the other defendants answering defendant engaged in such activities.

C. Over what period of time and in what geographical area such activities were conducted.

D. With which asbestos products were answering defendants involved in such activities.

E. What warnings, safety procedures, or methods were employed by the answering defendant to protect persons against hazards from exposure to said asbestos or asbestos products?

10. As to any answering defendant engaged, inter alia, in production, please state: This defendant cannot interpret this Interrogatory as presently stated.

A. Whether defendant is or was a supplier, distributor, or contractor of such products.

B. For which of the other defendants answer defendant engaged in such activities.

C. Over what period of time and in what geographical area such activities were conducted.

D. With which asbestos products were answering defendants involved in such activities.

E. What warnings, safety procedures or methods were employed by answering defendant to protect persons against hazards from exposure to said asbestos or asbestos products.

11. Is answering defendant aware or possessed of knowledge concerning the reported causal connection between exposure to asbestos or asbestos products and: This defendant objects to this Interrogatory on the basis that it seeks to require an expert medical opinion which this defendant is unable to render

A. Asbestosis?

B. Lung Cancer?

C. Mesothelioma?

D. Other cancers?

12. If your answer to Interrrogatory #11, as to any or all of its subparts, is the affirmative: Identify: NOT APPLICABLE

A. When and how defendant first learned of such connection.

B. If knowledge was obtained by attendance at any conferences, lecture, convention, symposium or meeting. Identify such meeting and provide identify of persons attending or documents obtained.

C. If knowledge was obtained from medical or scientific studies, or any other published work, identify the same.

D. -If otherwise obtained, identify the manner of the receipt of the document or communication.

13. With regard to any knowledge obtained subsequent to that identified in your answer to Interrogatory #12(a) above, please identify: NOT APPLICABLE.

A. All documents or other communications, oral or written concerning the causal connection between exposure to asbestos or asbestos products and disease, and identity of the persons so communicating.

B. Did answering defendant obtain from or transmit any such information to other defendants in this case? If so, identify:

1. Manner of receipt or communication for each contact..

2. All documents and persons involved.

14. As to any knowledge possessed by answering defendant at any time referred to in your answers to Interrogatories #11, #12 and #13, did you educate your employees, distributors, or purchasers of the hazards known to you and the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of your products? If so identify:

NOT APPLICABLE.

A. When and in what manner customers, insulators, factory workers and the general public were so informed.

B. Documents communicating or otherwise disseminating such information.

C. Programs initiated or sponsored to establish or promote safety procedures, methos or usage of equipment.

D. Published articles or reports by employees (present or prior) including those of medical doctors, scientists, engineers or other professionals.

E. Symposia or lectures sponsored for the benefit of asbestos workers and/or the general public.

15. When and by what manner were you first aware of the hazards relating to exposure to asbestos or asbestos products?

See answer to this Interrogatory on Page 9.

A. For inside insulators and contractors?

B. For outside insulators and contractors?

16.- If you have knowledge or information concerning the follwoing, answer in the affirmative or negative, whether:

See answer to this Interrogatory on Page 9.

A. Early detection of mesothelioma results in any appreciable rate of cure or arrest?

B. A single exposure to asbestos may cause mesothelioma, other cancers or asbestosis?

C. Cumulative or multiple exposures to asbestos result in a greater risk of harm to the exposed person?

D. An outside insulator has a risk of harm from exposure to asbestos or asbestos products?

E. Stripping or removing old asbestos creates a risk greater than installation of asbestos or asbestos products?

F. Cancer resulting from exposure to asbestos develops generally after:

1. 1 - 5 years?

2. 6 - 10 years?

3. 11 - 20 years?

4. More than 20 years?

G. There is any known relationship between smoking and mesothelioma?

H. There is any reported cause of mesothelioma other than exposure to asbestos?

17. As to each answer to interrogatory #16, identify at least one person or document upon which answering defendant relies.

NOT APPLICABLE.

18. Did you perform, direct to be performed, finance, sponsor, or receive the results of any studies or tests concerning the relationship between asbestos exposure and asbestosis and/or cancer?

See answer to this Interrogatory on Page 9.

If so, identify:

A. When, where, and at what intervals such studies were performed?

B. Were such studies in writing or reported at a later date in writing?

C. Were the results of such studied published or otherwise disseminated? If so, state to whom and when.

D. Who performed such studies?

E. Will you produce the results of such studies at this time or state where the results are maintained?

GENERAL OBJECTION APPLICABLE TO ALL INTERROGATORIES:

This defendant only manufactured an asbestos thermal insulation product, pipe insulation, only from July 1, 1962, to February 1, 1972. Unless otherwise stated in answer to specific Interrogatories, the responses herein shall be limited to such product and time period. This defendant objects to providing answers for any other product or time period on the grounds that such additional information is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence; and, furthermore, would be burdensome, expensive and harassing to comply with.

This defendant states that there never existed a predecessor corporation with respect to defendant; further, defendant states that its answers to any Interrogatory herein relate only to this defendant and are not to be construed to imply the existence of a predecessor corporation.

ANSWER TO INTERROGATORY #8 (Cont'd.)

Cape Asbestos Company, Limited, with offices in London, England, together with its subsidiary, North American Asbestos Corporation, acted, when requested by Pittsburgh Corning Corporation, as liaison between Pittsburgh Corning and EGNEP, but were not involved in the actual buy-sell transaction between the parties.

With regard to asbestos sold by North America to Pittsburgh Corning Corporation, all of it was purchased by North America from GSA.

North American purchased such asbestos and, in turn, billed Pittsburgh Corning Corporation upon shipment.

ANSWER TO INTERROGATORY #15:

Defendant is unable to state when it knew of any particular health hazard presently alleged to be associated with asbestos exposure. However, beginning perhaps as early as 1965, this defendant gradually became aware of news media reports being circulated which indicated large amounts of certain types of respirable asbestos fibers inhaled over a long period of time under certain conditions might be related to adverse health consequences. This defendant's awareness related mainly to manufacturing environments.

ANSWER TO INTERROGATORY #16:

This defendant objects to this Interrogatory on the grounds that it seeks to require an expert medical opinion which defendant is not able to render and further the question is broad, vague and non-specific as to times, jobs, amounts, conditions, smoking and other factors necessary to permit even a medical expert to answer such a question.

ANSWER TO INTERROGATORY #18:

This defendant did not conduct studies as specifically described in this Interrogatory. However, during the period 1966 through 1970, this defendant participated in a study conducted by the Industrial Hygiene Foundation of America, Inc. chiefly to learn about the bio-effects of amosite asbestos fibers on laboratory animals. A preliminary report indicated that amosite asbestos fibers were introduced into rats, and that asbestosis was noted in some of the animals that were autopsied according to schedule for study purposes. The remaining animals were pastured for the purpose of observing whether lung cancer or mesothelioma tumors developed. According to defendant's recollection, the pastured animals died unexpectedly in a laboratory epidemic about January, 1972, before conclusions could be drawn concerning cancers or tumors.

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

THIS DAY personally appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, ROBERT E. BUCKLEY as CONSULTANT of PITTSBURGH CORNING CORPORATION, to me known to be the person described herein, and upon first being duly sworn, deposes and says that the foregoing Answers to Interrogatories are true and correct to the best of his knowledge, information and belief, and that he executed same, freely and voluntarily, for and on behalf of said corporation.

PITTSBURGH CORNING CORPORATION

By _____ (SEAL)

SUBSCRIBED and SWORN TO before me this 28th day of May, 1981.

_____
NOTARY PUBLIC

My Commission Expires:

GENE H. RENZIEHAUSEN, NOTARY PUBLIC
PLUM BOROUGH, ALLEGHENY COUNTY, PA
COMMISSION EXPIRES AUGUST 8, 1983

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA)
) S.S.
COUNTY OF ALLEGHENY)

Robert E. Buckley, being duly sworn, deposes and says that he is Vice President and Assistant to the President of Pittsburgh Corning Corporation; that he is authorized to execute this Affidavit on behalf of Pittsburgh Corning Corporation; and that each of the foregoing answers to interrogatories is true and correct, in part upon the basis of his personal knowledge, in part upon the basis of the business records of Pittsburgh Corning Corporation which he has personally examined in order to prepare these answers, and in part upon the basis of information which he believes to be true.

Robert E. Buckley

Sworn to and subscribed before me

Gene H. Renziehausen
Notary Public

this 2nd day of May 1979.

GENE H. RENZIEHAUSEN, NOTARY PUBLIC
PLUM BOROUGH, ALLEGHENY COUNTY, PA
COMMISSION EXPIRES AUGUST 8, 1981