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 KAISER GYPSUM COMPANY, INC.

POS 7/22/97
 VERIF Y (7/28/97)
 LDF 7/19/98

file

TO/TSC
 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SAN FRANCISCO

IN RE: SAN FRANCISCO COUNTY
 COMPLEX ASBESTOS LITIGATION

CASE NO. 828684

KAISER GYPSUM COMPANY, INC.'S
 RESPONSES TO PLAINTIFFS'
 STANDARD INTERROGATORIES
 TO ALL DEFENDANTS

60129

PROPOUNDING PARTY : Plaintiffs
 RESPONDING PARTY : Defendant Kaiser Gypsum Company, Inc.
 SET : Standard
 DATE :

COMES NOW defendant Kaiser Gypsum Company, Inc. (hereinafter "Kaiser Gypsum"), and provides the following responses to Plaintiffs' Standard Interrogatories To All Defendants propounded pursuant to San Francisco County Complex Asbestos Litigation General Order No. 129:

KAISER GYPSUM'S PRELIMINARY STATEMENT

Kaiser Gypsum submits this preliminary statement to memorialize certain steps taken to implement the standard discovery regime adopted pursuant to the revised General Orders filed November 15, 1996 governing asbestos-related personal injury

1 and wrongful death cases filed in San Francisco County Superior Court. Under the
2 terms of General Order No. 129, all defendants must respond to the Plaintiffs' Standard
3 Interrogatories To All Defendants without objection, even where those interrogatories
4 appear objectionable under the rules defined by California statutes and appellate
5 precedent. The General Orders do contemplate that plaintiffs' counsel must meet and
6 confer with defendants and consider a specific defendant's concerns with the standard
7 interrogatories as applied to that defendant's factual and litigation circumstances. In
8 Kaiser Gypsum's case, that process proved sufficiently successful that Kaiser Gypsum
9 did not believe it necessary to file a motion seeking judicial relief from the
10 burdensomeness that would arise in Kaiser Gypsum's circumstances from responding
11 to the literal terms of the discovery.

12 The meet and confer process was structured pursuant to an April 24, 1997 letter
13 circulated by plaintiffs' counsel. In accordance with that procedure, Kaiser Gypsum
14 held a meet and confer session with certain plaintiffs' counsel on May 15, 1997, as
15 contemplated by their April 24 letter. During that session agreements were reached on
16 interpretations of numerous specific provisions of the subject standard interrogatories
17 which have since been concurred in by plaintiffs' counsel that did not attend the May 15
18 meeting. Kaiser Gypsum's non-pursuit of its burdensomeness objections remains
19 contingent on continued realization of the agreements reached at the May 15 meeting.

20 Kaiser Gypsum also stated other objections to the subject Plaintiffs' Standard
21 Interrogatories during the course of the proceedings leading to their adoption. Those
22 objections concerned both the concept of using standard interrogatories for discovery
23 unrelated to the resolution of cases or controversies before the Court, objections to the
24 procedures underlying the development and adoption of the Standard Interrogatories,
25 and objections to specific aspects of the Standard Interrogatories on grounds other than
26 burdensomeness, all of which objections were either accepted or implicitly rejected
27 through adoption of the final Standard Interrogatories. Kaiser Gypsum hereby makes
28 express on the record that by serving its Responses to Plaintiffs' Standard

1 Interrogatories To All Defendants, Kaiser Cement neither intends to nor does it waive its
2 rights to press those objections at an appropriate future opportunity, both in the context
3 of specific cases before the Superior Court and on appellate review.

4 Kaiser Gypsum objects to these interrogatories to the extent that they call for
5 information protected by the attorney/client privilege or work product doctrine.

6 This Preliminary Statement and the objections contained herein are incorporated
7 into each of the responses set forth below.

8 **KAISER GYPSUM'S RESPONSES TO INTERROGATORIES**

9 Kaiser Gypsum was constituted in 1952 and has been headquartered in
10 California since that date. Kaiser Gypsum disposed of its last operating manufacturing
11 plant in August 1978 and subsequently has not engaged in manufacturing or product
12 sales anywhere in the United States. Thus, all Kaiser Gypsum product sales occurred
13 between 1952 and 1978. Therefore, Kaiser Gypsum's responses to plaintiffs' standard
14 interrogatories are based almost entirely on its ongoing review of documents that are
15 presently available to it. These interrogatory responses reflect Kaiser Gypsum's
16 knowledge at this time and supersede any previous interrogatory answers. Kaiser
17 Gypsum reserves the right to further supplement these responses in the event that
18 more complete or accurate information becomes available.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 Joseph R. Hobby, Vice President, 2680 Bishop Drive, Suite 225, San Ramon,
21 California 94583.

22 **RESPONSE TO INTERROGATORY NO. 2:**

23 12/1/95 - present: Vice President

24 **RESPONSE TO INTERROGATORY NO. 3:**

25 Kaiser Gypsum is a corporation.

26 A. Its full and correct corporate name is Kaiser Gypsum Company, Inc.

27 B. Kaiser Gypsum is incorporated under the laws of the State of Washington.
28

1 C. Kaiser Gypsum was organized in 1952 through a somewhat complicated
2 process. Specifically, on June 19, 1952, Permanente Cement Company (later known
3 as Kaiser Cement Corporation) formed a wholly owned subsidiary named Kaiser
4 Gypsum Company, a California Corporation. On August 1, 1952 Kaiser Gypsum
5 Company purchased from the Henry J. Kaiser Company two gypsum wallboard plants
6 located at Long Beach and Redwood City, California.

7 On December 1, 1952, Kaiser Gypsum Company was merged into Pacific Coast
8 Cement Company, another subsidiary of Permanente Cement Company, with Pacific
9 Coast Cement Company, a Washington Corporation, which at the time of the merger
10 had no assets or operations and which was incorporated on November 28, 1927, being
11 the survivor. The name of the combined company was then changed to Kaiser
12 Gypsum Company, Inc.

13 D. Kaiser Gypsum's principal place of business is located at 3000 Busch Road,
14 Pleasanton, California 94566.

15 E. Kaiser Gypsum has held a certificate of authority to do business in California
16 from 1952 to the present.

17 F. Kaiser Gypsum is a wholly owned subsidiary of Kaiser Cement Corporation,
18 whose principal place of business is located at 3000 Busch Road, Pleasanton,
19 California 94566.

20 G. 3000 Busch Road, Pleasanton, California 94566

21 **RESPONSE TO INTERROGATORY NO. 4:**

22 No.

23 **RESPONSE TO INTERROGATORY NO. 5:**

24 Not applicable.

25 **RESPONSE TO INTERROGATORY NO. 6:**

26 Not applicable.

27 **RESPONSE TO INTERROGATORY NO. 7:**

28 Not applicable.

1 **RESPONSE TO INTERROGATORY NO. 8:**

2 Not applicable.

3 **RESPONSE TO INTERROGATORY NO. 9:**

4 Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon, California.

5 **RESPONSE TO INTERROGATORY NO. 10:**

6 A - C: Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
7 California.

8 **RESPONSE TO INTERROGATORY NO. 11:**

9 Kaiser Gypsum has no knowledge that it ever employed a company "physician"
10 or "medical director." During the early 1970's, Mr. A. J. Trommershausen, an industrial
11 hygienist, who was not an employee of Kaiser Gypsum, was retained by Kaiser
12 Gypsum as a consultant to conduct manufacturing on and air sampling tests to evaluate
13 and ensure compliance with new U.S. -Occupational Safety and Health Administration
14 requirements.

15 **RESPONSE TO INTERROGATORY NO. 12:**

16 William L. McKinnon, former Senior Research Engineer, was deposed on August
17 2, 1984 in the following case: Robert Butts v. Kaiser Gypsum Company, Inc. et al.
18 Contra Costa County Superior Court Case No. 251401.

19 Harlan C. Dupuis, former Manager of Research and Development, was deposed
20 on April 16, 1985, in the following case: Katherine Maksim v. U.S. Gypsum et al., San
21 Francisco County Superior Court Case No. 768674.

22 Melissa A. Youngman, former Secretary/Treasurer, was deposed on March 4
23 and 5, 1993, in the following cases: Donald Breslin v. ABEX et al., San Francisco
24 County Superior Court, Case No. 943928; Coy Cossey v. ABEX et al., San Francisco
25 County Superior Court, Case No. 920148; Norma E. Olsen v. ABEX et al., San
26 Francisco County Superior Court, Case No. 914076; Lynn Weimer v. ABEX et al., San
27 Francisco County Superior Court, Case No. 914594; and Ray Person v. ABEX et al.,
28 San Francisco County Superior Court, Case No. 944872.

1 Thomas V. Smith, former Technical Supervisor for Accessory Products, was
2 deposed on March 11, 1992, in the following case: Michael F. Richie et al. v.
3 Raybestos-Manhattan et al. San Francisco County Superior Court, Case No. 933324.

4 Joseph R. Hobby, Vice President, was deposed on April 25, 1997 in the
5 following case: Harry and Gladys Dato v. Abex Corp., et al. San Francisco County
6 Superior Court, Case No. 948558.

7 **RESPONSE TO INTERROGATORY NO. 13:**

8 A - U: No.

9 V: Kaiser Gypsum was a member of the Gypsum Association which in
10 the past included among its members manufacturers, suppliers, and/or sellers of
11 asbestos-containing products.

12 W: Kaiser Gypsum is not aware that any one individual served as its
13 representative to the Gypsum Association.

14 **RESPONSE TO INTERROGATORY NO. 14:**

15 A. The precise dates of Kaiser Gypsum's membership in the Gypsum
16 Association are unknown. It is believed that such membership extended from
17 the 1950's to approximately 1977.

18 B. Kaiser Gypsum occasionally received minutes of meetings and other
19 informational literature from the Gypsum Association

20 C. Kaiser Gypsum will make Gypsum Association minutes and any asbestos-
21 related informational literature received from the Gypsum Association in its possession
22 which may contain the information requested in this interrogatory subpart available for
23 inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush
24 Street, 6th Floor, San Francisco, California.

25 **RESPONSE TO INTERROGATORY NO. 15:**

26 A. Kaiser Gypsum has no knowledge that it ever received documents
27 containing results or conclusions of any such studies and/or tests prior to 1973

28 ///

RESPONSE TO INTERROGATORY NO. 16:

A. Kaiser Gypsum has no knowledge that it ever received copies or portions of any such studies and/or tests prior to 1973. Kaiser Gypsum has never been insured by Metropolitan Life Insurance Company.

RESPONSE TO INTERROGATORY NO. 17:

A. Kaiser Gypsum has no knowledge that it ever received documents containing results or conclusions of the Saranac Laboratory studies or any such studies conducted by any other laboratory prior to 1973.

RESPONSE TO INTERROGATORY NO. 18:

A. Kaiser Gypsum has no knowledge that it ever maintained a library or other company-authorized collection of printed material on occupational disease or asbestos hazards prior to 1973.

RESPONSE TO INTERROGATORY NO. 19:

A and B: During the early 1970's, Mr. A. J. Trommershausen, an industrial hygienist, was retained by Kaiser Gypsum as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with U.S. Occupational Safety and Health Administration requirements.

On December 27, 1971, Kaiser Gypsum's Commodity Purchasing Manager, R.W. Grigg (deceased), wrote to each of Kaiser Gypsum's raw asbestos suppliers. These inquiries included a request for information concerning precautions recommended for handling raw asbestos in Kaiser Gypsum's manufacturing facilities as well as for contractors using and applying asbestos-containing products.

In July 1973, Kaiser Gypsum personnel participated in an ad hoc committee formed by the Gypsum Association to consider the implications of 1972 Occupational Safety and Health Administration regulations with respect to the release of asbestos fibers during sanding and mixing of dry joint compounds. Tests were conducted on behalf of the committee to measure amounts of asbestos and siliceous dusts generated during mixing and sanding of

1 joint compounds on typical jobs.

2 C. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
3 California.

4 **RESPONSE TO INTERROGATORY NO. 20:**

5 No.

6 **RESPONSE TO INTERROGATORY NO. 21:**

7 A - C: During the early 1970's, Mr. A. J. Trommershausen, an industrial
8 hygienist, was retained by Kaiser Gypsum as a consultant to conduct plant inspection
9 and air sampling tests to evaluate and ensure compliance with U.S. Occupational
10 Safety and Health Administration requirements. Plant inspection and air sampling tests
11 were conducted at the following California plants: Antioch: 8/71; 4/72 and 7/72; Santa
12 Ana: 9/71. The addresses of these plants were: Antioch Plant, Wilbur Avenue,
13 Antioch, California; Santa Ana Plant, 1302 Ritchey Street, Santa Ana, California.

14 D. Yes.

15 E. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
16 California.

17 **RESPONSE TO INTERROGATORY NO. 22:**

18 A - E: Other than the plant inspections described in its response to
19 Interrogatory No. 21, Kaiser Gypsum has conducted no such tests.

20 **RESPONSE TO INTERROGATORY NO. 23:**

21 No.

22 **RESPONSE TO INTERROGATORY NO. 24:**

23 Beginning in the early 1970's, Kaiser Gypsum began providing medical
24 examinations for those employees involved in the manufacture of asbestos-containing
25 products.

26 A. The examinations included chest x-rays and pulmonary function tests.

27 B. The examinations were mandatory for those employees involved in the
28 manufacture of asbestos-containing products.

1 C. Yes.

2 D. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
3 California.

4 **RESPONSE TO INTERROGATORY NO. 25:**

5 No.

6 **RESPONSE TO INTERROGATORY NO. 26:**

7 A -D: Kaiser Gypsum is insured under a number of general corporate liability
8 insurance policies that were issued by primary insurance carriers, including Truck
9 Insurance Exchange, Fireman's Fund, The Home Insurance Company and National
10 Union Insurance Company, which Kaiser Gypsum maintains provide coverage for
11 personal injury claims. Certain policy terms and conditions are subject to disputes
12 between Kaiser Gypsum and its carriers. Kaiser Gypsum also believes that it is insured
13 under a number of excess liability insurance policies that were issued by a number of
14 different insurance carriers, including some that may no longer be capable of
15 responding to their obligations. The terms and conditions of these excess policies may
16 be subject to dispute. Kaiser Gypsum is preparing a summary of insurance information
17 in chart form which will be available for inspection upon reasonable notice at the offices
18 of Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California.

19 Kaiser Gypsum will supplement this response in the event the circumstances in a
20 particular case may make more detailed information on insurance policies of relevance,
21 taking into account the carrier and dispute resolution status pertaining at that time.

22 **RESPONSE TO INTERROGATORY NO. 27:**

23 No.

24 **RESPONSE TO INTERROGATORY NO. 28:**

25 No.

26 **RESPONSE TO INTERROGATORY NO. 29:**

27 Not applicable.

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RESPONSE TO INTERROGATORY NO. 30:

- A. See response to 30(E) and 30(G).
- B. No.
- C. See response to 30(E) and 30(G).
- D. See response to 30(E) and 30(G).
- E. Yes. 1952 to 1976.
- F. See response to 30(E) and 30(G).
- G. Yes. 1952 to 1976.
- H. No.

RESPONSE TO INTERROGATORY NO. 31:**I. Kaiser Gypsum's Business: Gypsum Plaster, Gypsum Lath, and Gypsum Wallboard - No Asbestos Used**

Kaiser Gypsum was organized by Henry J. Kaiser (1882-1967), the famous industrialist and World War II hero, in 1952 and terminated its United States sales and manufacturing in 1978. Between 1952 and 1978, Kaiser Gypsum's principal business consisted of manufacturing and marketing gypsum plaster, gypsum lath and gypsum wallboard. The word "gypsum" is derived from the Greek word "gypso," meaning chalk. "Gypsum" is hydrous calcium sulfate. Gypsum plaster is sometimes called Plaster of Paris, because gypsum plaster was widely used in the capital of France during the 19th century. Gypsum occurs in nature in rock form, and is found in abundance in Baja California, Mexico.

A. Gypsum Plaster Products

During Kaiser Gypsum's first years in business, most houses and many other buildings had interior walls that were made with plaster. The plaster products sold by Kaiser Gypsum were essentially finely-ground gypsum rock packaged in bags. Such gypsum plaster products were mixed with water and an aggregate (most commonly sand) at the construction site to form a paste. The paste was applied by hand and smoothed with a trowel to form a wall or ceiling surface. Sometimes several layers of

1 plaster were used, with the underneath layers being brown in color and the surface
2 layer being white. When dried, the plaster became quite hard. A plaster wall or ceiling
3 typically was finished by painting the plaster surface or covering it with wallpaper.

4 Kaiser Gypsum's plaster products designed for the above construction uses
5 included Hardwall Plaster, Fibered Hardwall Plaster, Dual Purpose Fibered Hardwall
6 Plaster, Dual Purpose Unfibered Hardwall Plaster, Wood Fibered Hardwall Plaster,
7 Slow Set Gauging Plaster, and Quick Set Gauging Plaster. They also included plaster
8 products for casting (e.g., making ornaments or statues including Casting Plaster and
9 Slow Set Casting Plaster). Kaiser Gypsum also manufactured Plaster Retarder and
10 Structural Gypsum (Pre-Mixed Gypsum Concrete). Kaiser Gypsum plaster products
11 also included Red-E-Mix plaster, a pre-mixed product which combined plaster and
12 aggregate, that was introduced in 1956. Gun Plaster, introduced in 1957, was applied
13 by mixing the sacked product on the job site in special portable mixing machines, and it
14 was then pumped through a large diameter hose to the inside of a building where it was
15 sprayed by plasterers onto walls, with comparative speed and economy. Kaiser
16 Gypsum never used asbestos as a component in any of those products.

17 B. Gypsum Lath Products

18 The surface to which gypsum plaster was applied was called "lath." Lath was
19 sometimes made of wire, but lath also could be made of hard, paper covered sheets of
20 gypsum plaster (called gypsum stucco). Pieces of gypsum lath sometimes were made
21 with holes in them. The lath sheets would be affixed to the interior wall framing, and
22 plaster would then be applied to the lath. The holes in the lath would help keep the
23 plaster in place while it dried. Kaiser Gypsum made gypsum lath of this type. Kaiser
24 Gypsum lath products included Plain Lath and Perforated Lath, Foil-Back Insulating
25 Lath, Duralath, Gypsum Veneer Base, and Kaiserwall. Kaiser Gypsum never used
26 asbestos as a component in any of those products.

27 ///

1 **C. Gypsum Wallboard Products**

2 In years following the Korean War, there were numerous innovations in housing
3 construction, including many changes intended to lower housing construction costs.
4 One such change was the substitution of gypsum wallboard, or drywall, for plaster.
5 Gypsum wallboard, like gypsum lath, is basically a hard sheet of gypsum plaster that is
6 affixed to the wall framing. Typically gypsum wallboard would be made in pieces that
7 were 4 feet wide and 8 feet long. They typically were 1/2 inch or 5/8 inch thick. During
8 the manufacturing process, the wallboard's core of gypsum plaster was covered by a
9 special paper that could be painted or covered with wallpaper.

10 Because more walls, partitions or ceilings could be made using gypsum
11 wallboard in a given period of time than could be made by plastering over lath,
12 constructing houses, apartments and other buildings with wallboard was less
13 expensive. Over time, as building codes were amended to permit use of gypsum
14 wallboard, more construction of interior walls, partitions and ceilings was done using
15 wallboard and less using plaster. Reflecting this trend, Kaiser Gypsum's business
16 focused more on gypsum wallboard as time passed. By 1960 about half of the
17 construction in California used wallboard and half still used plaster. Plaster use
18 continued to decline, and by the early 1970's substantially all of the market demand
19 was for gypsum wallboard. Kaiser Gypsum never used asbestos as a component in any
20 of its gypsum wallboard products.

21 **D. Non-Asbestos Products Exceeded 90% Of Total Sales**

22 The bulk of Kaiser Gypsum's sales has always consisted of products that did not
23 use asbestos as a component. To illustrate, the following chart shows sales totals in
24 dollars for the years 1969-1975, the last full year prior to the complete cessation of the
25 use of asbestos as a component in Kaiser Gypsum products:

26 ///

27 ///

Year	Non-Asbestos Products	Total Sales	Non-Asbestos Product Percentage Of Total
1969	\$41,360,000	\$43,299,000	96%
1970	\$37,258,000	\$39,457,000	94%
1971	\$48,403,000	\$51,671,000	94%
1972	\$58,468,000	\$63,056,000	93%
1973	\$65,803,000	\$71,382,000	92%
1974	\$64,996,000	\$70,139,000	93%
1975	\$41,318,000	\$43,935,000	94%

As these figures illustrate, Kaiser Gypsum's sales of non-asbestos-containing products always were substantially more than 90% of its business.

II. Accessories For Use With Gypsum Wallboard

A. Nails, Wall And Door Frames, Cornerbead, Paper Products - No Asbestos Used

With the expansion of its gypsum wallboard business, Kaiser Gypsum also began selling other products needed to construct interior walls, partitions or ceilings using gypsum wallboard. These included special nails and other devices used to attach wallboard to the supporting frame. They also included metal wall or partition frames especially made for installing wallboard, metal "cornerbead" used to make partition corners hard, and metal doorframes for use in walls made using gypsum wallboard. Partly to ensure that it could get access to adequate amounts of the special paper used to make wallboard (its gypsum plaster core was permanently covered with paper), Kaiser Gypsum acquired paper plants, where it also manufactured commercial paper products such as cardboard boxes. Kaiser Gypsum never used asbestos as a component in any of those products.

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**B. Wallboard Joint Compounds -
Asbestos Used As A Component**

When the walls or ceilings of a room are made from gypsum wallboard, large pieces of wallboard are installed side by side, leaving small spaces where two pieces of wallboard meet. These spaces need to be filled so that they cannot be seen after the wall is painted or covered with wallpaper. The products used to perform that task are called joint compounds or joint finishing compounds. At the time of use, these joint compounds are thick putty or mud-like substances, which permits them to be pushed into the spaces and smoothed with a putty knife or spatula. Paper or cloth reinforcing tape is pushed into the joint compound to help prevent cracking as the joint compound dries. The joint compound dries to form a hard rock-like substance.

Kaiser Gypsum manufactured and marketed such wallboard joint compounds, and prior to the mid-1970's, these joint compounds contained a small percentage of chrysotile asbestos as a component. The purpose of the chrysotile asbestos component was to prevent cracks from forming as the joint compound dried. "Asbestos" is the Greek word for "incombustible," which refers to things that will not burn. Chrysotile is the most common type of asbestos used in products in the United States. Chrysotile is a fibrous rock material derived from the rock "serpentine" which is very common in California, where it is the "state rock."

These Kaiser Gypsum products were:

1. Joint Cement/Joint Compound
2. Finishing (Topping) Compound
3. 3-Purpose Wallboard Compound
4. One-Day Joint Compound
5. Pre-mix Joint Compound
6. Pre-mix Finishing Compound
7. Pre-mix Dual Purpose Joint Compound
8. Pre-mix Topping Compound

1 9. Laminating Compound

2 Kaiser Gypsum's separate responses to interrogatory subparts (a)-(f) for each of
3 these products are as follows:

4 1. Joint Cement/Joint Compound

5 A. The trade name of this product originally was Kaiser Joint Cement; about
6 1957 it was changed to Kaiser Joint Compound.

7 B. Kaiser Gypsum marketed Kaiser Joint Cement in 1952, but did not itself
8 manufacture all of the product sold. Kaiser Gypsum does not know whether the non-
9 manufactured product marketed in 1952 contained asbestos as a component. Kaiser
10 Gypsum began manufacturing Kaiser Joint Cement in 1952 or 1953, at which time
11 chrysotile asbestos was used as a component.

12 C. Kaiser Gypsum last manufactured Kaiser Joint Compound with chrysotile
13 asbestos as a component in 1975.

14 D. The Kaiser Gypsum California plants that made this product were located at
15 Redwood City and Antioch. These plants were in operation at different times. The
16 product was manufactured at Redwood City from 1952 or 1953 to 1957 and at Antioch
17 from 1957 to 1975. Because of the heavy weight of the product, low profit margin and
18 high transportation costs, distribution tended to center around the location of the
19 manufacturing plant. The product consisted primarily of minerals including casein or
20 polyvinyl, clay, talc, limestone and mica. The product manufactured in Kaiser Gypsum's
21 California plants included between 8% by weight and 16% by weight chrysotile
22 asbestos as a component depending on the formula in effect at a given date.

23 E. This product was a white-to off-white powder. It was packaged and sold in
24 sacks of 10 to 25 lbs. and in boxes of 5 and 18 lbs. Each container was labeled with
25 the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the product
26 and directions for its use.

27 F. This product was a dry powder which, when mixed with water, formed a thick
28 paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum

1 wallboard joints, embed joint reinforcing tape, finish joints and to cover and finish nail
2 heads and metal cornerbead.

3 **2. Finishing (Topping) Compound**

4 A. The trade name of this product was Kaiser Gypsum Finishing (topping)
5 Compound.

6 B. Kaiser Gypsum began manufacturing finishing (topping) compound in 1955,
7 and chrysotile asbestos was used as a component at that time.

8 C. Kaiser Gypsum last manufactured finishing (topping) compound with
9 chrysotile asbestos as a component in 1975.

10 D. The Kaiser Gypsum California plants that made this product were located at
11 Redwood City and Antioch. These plants were in operation at different times. The
12 product was manufactured at Redwood City from 1955 to 1957 and at Antioch from
13 1957 to 1975. Because of the heavy weight of the product, low profit margin and high
14 transportation costs, distribution tended to center around the location of the
15 manufacturing plant. This product consisted primarily of minerals including casein or
16 polyvinyl, clay, talc, limestone and mica. The product included between 5.3% by weight
17 and 16% by weight chrysotile asbestos as a component depending on the formula in
18 effect at a given time.

19 E. This product was a white to off-white powder. It was packaged and sold in
20 sacks of 25 lbs. Each container was labeled with the name of the manufacturer, Kaiser
21 Gypsum Company, Inc., the name of the product and instructions for its use.

22 F. This product was a dry powder which, when mixed with water, formed a thick
23 paste. Upon application it dried to a hard, durable surface. It was used to top and
24 finish gypsum wallboard joints.

25 **3. 3-Purpose Wallboard Compound**

26 A. The trade name of this product was Kaiser Gypsum 3-Purpose Wallboard
27 Compound.
28

1 B. Kaiser Gypsum began manufacturing 3-Purpose Wallboard Compound in
2 1968, and chrysotile asbestos was used as a component at that time.

3 C. Kaiser Gypsum last manufactured 3-Purpose Wallboard Compound with
4 chrysotile asbestos as a component in 1976.

5 D. The Kaiser Gypsum California plant that made this product was located at
6 Antioch. Because of the heavy weight of the product, low profit margin and high
7 transportation costs, distribution tended to center around the location of the
8 manufacturing plant. This product consisted primarily of minerals including casein or
9 polyvinyl, clay, talc, limestone and mica. The product included between 5.1% by weight
10 and 14 2% by weight chrysotile asbestos as a component.

11 E. The product was a white to off-white powder. It was packaged and sold in
12 sacks of 25 lbs. Each sack was labeled with the name of the manufacturer, Kaiser
13 Gypsum Company, Inc., the name of the product and directions for its use.

14 F. This product was a dry powder which, when mixed with water, formed a thick
15 paste. Upon application it dried to a hard, durable surface. It was used to tape, top and
16 finish gypsum wallboard joints, nailheads and metal cornerbead.

17 4. One-Day Joint Compound

18 A. The trade name of this product was Kaiser Gypsum One-Day Joint
19 Compound Powder.

20 B. Kaiser Gypsum began manufacturing One Day Joint Compound Powder in
21 1968, and chrysotile asbestos was used as a component at that time

22 C. Kaiser Gypsum last manufactured One Day Joint Compound Powder with
23 chrysotile asbestos as a component in 1975.

24 D. The Kaiser Gypsum California plants that made this product were located at
25 Santa Ana and Antioch. Because of the heavy weight of the product, low profit margin
26 and high transportation costs, distribution tended to center around the location of the
27 manufacturing plant. The product consisted primarily of casein limestone and mica.
28 The product included 3.4% by weight chrysotile asbestos as a component.

1 E. This product was a white to off-white powder. It was packaged and sold in
2 sacks of 25 lbs. Each sack was labeled with the name of the manufacturer, Kaiser
3 Gypsum Company, Inc., the name of the product and directions for its use.

4 F. This product was a dry powder which, when mixed with water, formed a thick
5 paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum
6 wallboard joints, embed joint reinforcing tape, finish joints and to cover and finish
7 nailhead and metal cornerbead.

8 5. Pre-Mix Joint Compound

9 A. The trade name of this product was Kaiser Gypsum Pre-Mix Joint
10 Compound.

11 B. Kaiser Gypsum began manufacturing Pre-Mix Joint Compound in 1959, and
12 chrysotile asbestos was used as a component at that time.

13 C. Kaiser Gypsum last manufactured Pre-Mix Joint Compound with chrysotile
14 asbestos as a component in 1982.

15 D. The Kaiser Gypsum California plant that made this product was located at
16 Long Beach. Because of the heavy weight of the product, low profit margin and high
17 transportation cost, distribution tended to center around the location of the
18 manufacturing plant. This product consisted primarily of minerals including casein or
19 polyvinyl, clay, talc, limestone and mica. The product included chrysotile asbestos as a
20 component. The percentage presently is unknown. Investigation is continuing.

21 E. This product was a white to off-white colored paste. It was packaged and
22 sold in cans of 4 or 5 gallons and in cartons of 5 gallons. Each container was labeled
23 with the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the
24 product and directions for its use.

25 F. This product was a thick paste like material which upon application dried to a
26 hard, durable surface. It was used to fill gypsum wallboard joints, embed joint
27 reinforcing tape, finish joints and to cover and finish nailheads and cornerbead.

28 ///

1 **6. Pre-Mix Finishing Compound**

2 A. The trade name of this product was Kaiser Gypsum Pre-Mix Finishing
3 Compound.

4 B. Kaiser Gypsum began manufacturing Pre-Mix Finishing Compound in 1959,
5 and chrysotile asbestos was used as a component at that time.

6 C. Kaiser Gypsum last manufactured Pre-Mix Finishing Compound with
7 chrysotile asbestos as a component in 1962.

8 D. The Kaiser Gypsum California plant that made this product was located at
9 Long Beach. Because of the heavy weight of the product, low profit margin and high
10 transportation cost, distribution tended to center around the location of the
11 manufacturing plant. This product consisted primarily of minerals including casein or
12 polyvinyl, clay, talc, limestone and mica. The product included chrysotile asbestos as a
13 component. The percentage presently is unknown. Investigation is continuing.

14 E. This product was a white to off-white colored paste. It was packaged and
15 sold in cans of 4 or 5 gallons and in cartons of 5 gallons. Each container was labeled
16 with the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the
17 product and directions for its use.

18 F. This product was a thick paste like material which upon application dried to a
19 hard, durable surface. It was used to finish gypsum wallboard joints and to cover and
20 finish nailheads and cornerbead.

21 **7. Pre-Mix Dual Purpose Joint Compound**

22 A. The trade name of this product was Kaiser Gypsum Pre-Mix Dual Purpose
23 Joint Compound.

24 B. Kaiser Gypsum began manufacturing Pre-Mix Dual Purpose Joint
25 Compound in 1960, and chrysotile asbestos was used as a component at that time.

26 C. Kaiser Gypsum last manufactured Pre-Mix Dual Purpose Joint Compound
27 with chrysotile asbestos as a component in 1975.
28

1 D. The Kaiser Gypsum California plants that made this product were located at
2 Long Beach, Antioch and Santa Ana. Because of the heavy weight of the product, low
3 profit margin and high transportation costs, distribution tended to center around the
4 location of the manufacturing plant. This product consisted primarily of minerals
5 including polyvinyl, clay, talc, limestone and mica. The product included between 1.5%
6 by weight and 6% by weight chrysotile asbestos as a component depending on the
7 formula in effect at a given date.

8 E. This product was a white to off-white or light buff colored paste. It was
9 packaged and sold in 5 gallon metal cans or plastic pails, and 4 or 5 gallon cartons.
10 Beginning in 1966 small amounts were sold in 5 quart plastic buckets as an
11 accommodation product for lumber dealers under the name 3-purpose premix
12 compound. Each container was labeled with the name of the manufacturer, Kaiser
13 Gypsum Company, Inc., the name of the product and directions for its use.

14 F. This product was a thick paste like material which upon application dried to a
15 hard, durable surface. It was used to finish gypsum wallboard joints, embed joint
16 reinforcing tape, finish joints and to cover and finish nailheads and metal cornerbead.

17 **8. Pre-Mix Topping Compound**

18 A. The trade name of this product was Kaiser Gypsum Pre-Mix Topping
19 Compound.

20 B. Kaiser Gypsum began manufacturing Pre-Mix Topping Compound in 1968,
21 and chrysotile asbestos was used as a component at that time.

22 C. Kaiser Gypsum last manufactured Pre-Mix Topping Compound with
23 chrysotile asbestos as a component in 1976.

24 D The Kaiser Gypsum California plants that made this product were located at
25 Santa Ana and Antioch. Because of the heavy weight of the product, low profit margin
26 and high transportation costs, distribution tended to center around the location of the
27 manufacturing plant. This product consisted primarily of minerals including casein or
28 polyvinyl, clay, talc, limestone and mica. The product included between 0.9% by weight

1 and 2% by weight chrysotile asbestos as a component depending on the formula in
2 effect at a given date.

3 E. This product was a white to off-white or light buff colored paste. It was
4 packaged and sold in metal and plastic buckets of 4 or 5 gallons and in cartons of 4
5 gallons. Each container was labeled with the name of the manufacturer, Kaiser
6 Gypsum Company, Inc., the name of the product and directions for its use.

7 F. This product was a thick paste like material which upon application dried to a
8 hard, durable surface. It was used to top and finish gypsum wallboard joints.

9 9. Laminating Compound

10 A. The trade name of this product was Kaiser Gypsum Laminating Compound.

11 B. Kaiser Gypsum began manufacturing Laminating Compound in 1961, at
12 which time chrysotile asbestos was used as a component.

13 C. Kaiser Gypsum last manufactured Kaiser Gypsum Laminating Compound
14 with chrysotile asbestos as a component in 1972, at which time the product was
15 discontinued.

16 D. The Kaiser Gypsum California plants that made this product were located at
17 Antioch and Santa Ana. These plants were in operation at different times. The product
18 was manufactured at Antioch from 1961 through 1970 and at Santa Ana in 1971 and
19 1972. Because of the heavy weight of the product, low profit margin and high
20 transportation costs, distribution tended to center around the location of the
21 manufacturing plant. The product consisted primarily of soya, flour and limestone. The
22 product included between 6.5% by weight and 10% by weight chrysotile asbestos as a
23 component depending upon the formula in effect at a given date.

24 E. This product was a white to off-white powder. It was packaged and sold in
25 sacks of 25 lbs. Each container was labeled with the name of the manufacturer, Kaiser
26 Gypsum Company, Inc., the name of the product and directions for its use.

27 F. This product was a dry powder, which when mixed with water formed a thick
28 paste. It was used as an adhesive to laminate one piece of gypsum wallboard to

1 another, which was occasionally done to create gypsum drywall partitions having
2 thicker wallboard than could be created by a single sheet. For example, gypsum
3 wallboard typically came in sheets 1/2 inch and 5/8 inch thick. If one wanted a gypsum
4 wallboard that was 1 inch thick, this would be created by laminating together two pieces
5 of gypsum wallboard that were each 1/2 inch thick. Laminating compound was used for
6 this purpose. Additionally, it was used to laminate gypsum wallboard to sound
7 deadening board, which would increase the wall's capacity to prevent transmission of
8 sound from one room to another.

9 * * *

10 Kaiser Gypsum's responses to interrogatory subparts G. - J. applicable to all of
11 the eight wallboard joint compound products discussed above are as follows:

12 G. Kaiser Gypsum is unsure as to the intended meaning of "The U.S.
13 Government's 'Qualified Products List'," but has no knowledge that any of its wallboard
14 joint compound products ever appeared on such a list.

15 H. Kaiser Gypsum is aware of the following suppliers of chrysotile asbestos:

16 John K. Bice

17 Harrison & Crosfield

18 Carmonia Chemical Co.

19 Western Chemical Co.

20 Philip Carey Corp. (Carey Canadian Asbestos)

21 Johns-Manville

22 Union Carbide Corp.

23 E. S. Browning

24 Loomis Chemical Co.

25 Benson Chemical

26 Paul W. Wood (Johns-Manville)

27 Current addresses, if any, are not known to Kaiser Gypsum. Most of the specific
28 time periods during which these firms supplied asbestos are unknown.

1 I. (1 through 3): Kaiser Gypsum is not aware of ever selling such products to
2 shipyards, power companies or refineries. Kaiser Gypsum sold such products to non-
3 governmental customers in Northern California from approximately 1952 to 1976. These
4 customers consisted largely of building contractors or building materials dealers.

5 Kaiser Gypsum has some retained sales orders and sales invoices for some
6 years which identify the purchasers of Kaiser Gypsum products, the dates of sale, the
7 amount of each product sold and, in some cases, the sites to which the products were
8 to be delivered. Sales orders and invoices are not organized by type of product (and
9 often individual documents cover sales of multiple products). Kaiser Gypsum will
10 make its retained sales records covering sales to customers in the Geographic Area
11 available for inspection upon reasonable notice at the offices of Dillingham & Murphy,
12 225 Bush Street, 6th Floor, San Francisco, California.

13 J. Kaiser Gypsum will make responsive documents sufficient to substantiate the
14 above information available for inspection upon reasonable notice at the offices of
15 Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California. Kaiser
16 Gypsum regards and maintains its product formulas as confidential business
17 information. Incident to the sale of production facilities in which asbestos-containing
18 products were previously manufactured, Kaiser Gypsum transferred its trade secrets,
19 intangible property rights, and other confidential and proprietary business information
20 and assumed obligations to maintain their confidentiality. Consistent with those
21 property rights and obligations, Kaiser Gypsum is prepared to produce the formulas for
22 asbestos-containing products marketed in the Geographic Area under a confidentiality
23 agreement.

24 C. **Decorative Texture Finishes For Interior Walls**
25 **Or Ceilings - Asbestos Used As A Component**

26 Drywall partitions or walls made from gypsum wallboard are sometimes
27 decorated with wall covering or wallpaper that is fixed to the wall by an adhesive or
28 glue. On other occasions such walls are finished by painting them. There are many

1 varieties of paint, including some that are intended to create a textured surface (rather
2 than a smooth surface). Kaiser Gypsum manufactured and marketed several texture
3 paint products that during certain years used chrysotile asbestos as one of numerous
4 components. Drywall ceilings are sometimes finished with decorative products, as are
5 the cement slab ceilings found in some high-rise buildings. Kaiser Gypsum also
6 manufactured and marketed decorative texture products for use on such interior
7 ceilings that, during certain years, used chrysotile asbestos as one of numerous
8 components. The Kaiser Gypsum decorative wall and ceiling texture products were:

- 9 1. Cover-Tex texture paint
- 10 2. Spray-Tex or Spray Cover-Tex texture paint
- 11 3. Kaiser-Tex texture paint
- 12 4. Cover-Tex (TSS) wall texture
- 13 5. K-Spray ceiling texture

14 Kaiser Gypsum's responses to interrogatory subparts (a)-(f) for each of these
15 products are as follows:

16 1. Cover-Tex Texture Paint

17 A. The trade name of this product was Cover-Tex texture paint.

18 B. Kaiser Gypsum marketed Cover-Tex texture paint in 1952, but it did not itself
19 manufacture all of the product sold. Kaiser Gypsum does not know whether the non-
20 manufactured product marketed in 1952 contained asbestos. Kaiser Gypsum began
21 manufacturing this product in 1953, at which time chrysotile asbestos was used as a
22 component.

23 C. Kaiser Gypsum last manufactured Cover-Tex texture paint with chrysotile
24 asbestos as a component in 1967, when the product was discontinued.

25 D. The Kaiser Gypsum California plants that made this product were located in
26 Redwood City and Antioch. These plants were in operation at different times. The
27 product was manufactured at Redwood City from 1953 through 1957 and at the Antioch
28 plant from 1957 through 1967. Because of the heavy weight of the product, low profit

1 margin and high transportation costs, distribution tended to center around the location
2 of the manufacturing plant. The product consisted primarily of casein, limestone and
3 mica. The product included between 4.4% by weight and 8.6% by weight chrysotile
4 asbestos as a component depending upon the formula in effect at a given date.

5 E. This product was a white to off-white powder. It was packaged and sold in
6 sacks of 25 lbs. and sacks of 50 lbs. Each container was labeled with the name of the
7 manufacturer, Kaiser Gypsum Company, Inc., the name of the product and directions
8 for its use.

9 F. This product was a dry powder which, when mixed with water formed a
10 texture paint. It was used to produce texture effects over gypsum wallboard surfaces.

11 **2. Spray-Tex Or Spray Cover-Tex Texture Paint**

12 A. The trade name of this product was Spray-Tex. Later it was changed to
13 Spray Cover-Tex texture paint.

14 B. Kaiser Gypsum began manufacturing this product in 1956, at which time
15 chrysotile asbestos was used as a component.

16 C Kaiser Gypsum last manufactured Spray Cover-Tex texture paint with
17 chrysotile asbestos as a component in 1967, when the product was discontinued.

18 D. The Kaiser Gypsum California plants that made this product were located in
19 Redwood City and Antioch. These plants were in operation at different times. The
20 product was manufactured at Redwood City from 1956 through 1957 and at the Antioch
21 plant from 1957 through 1967. Because of the heavy weight of the product, low profit
22 margin and high transportation costs, distribution tended to center around the location
23 of the manufacturing plant. The product consisted primarily of casein, limestone and
24 mica. The product included between 6.6% by weight and 36.6% by weight chrysotile
25 asbestos as a component depending upon the formula in effect at a given date

26 E. This product was a white to off-white powder. However, some colored
27 versions of the product were offered. It was packaged and sold in sacks of 25 lbs. and
28 sacks of 50 lbs. Each container was labeled with the name of the manufacturer, Kaiser

1 Gypsum Company, Inc. The name of the manufacturer, Kaiser Gypsum Company, Inc.,
2 the name of the product and directions for its use.

3 F. This product was a dry powder which, when mixed with water formed a
4 texture paint that was used to produce texture effects over gypsum wallboard surfaces.

5 **3. Kaiser-Tex Texture Paint**

6 A. The trade name of this product was Kaiser-Tex texture paint.

7 B. Kaiser Gypsum marketed Kaiser-Tex texture paint in 1952, but it did not itself
8 manufacture all of the product sold. Kaiser Gypsum does not know whether the non-
9 manufactured product marketed in 1952 contained asbestos. Kaiser Gypsum began
10 manufacturing this product in 1952 or 1953, at which time chrysotile asbestos was used
11 as a component.

12 C. Kaiser Gypsum last manufactured Kaiser-Tex texture paint with chrysotile
13 asbestos as a component in 1967, when the product was discontinued.

14 D. The Kaiser Gypsum California plants that made this product were located in
15 Redwood City and Antioch. These plants were in operation at different times. The
16 product was manufactured at Redwood City from 1952 or 1953 through 1957 and at the
17 Antioch plant from 1957 through 1967. Because of the heavy weight of the product, low
18 profit margin and high transportation costs, distribution tended to center around the
19 location of the manufacturing plant. The product consisted primarily of casein,
20 limestone and mica. The product included between 4.0% by weight and 8.0% by
21 weight chrysotile asbestos as a component depending upon the formula in effect at a
22 given date.

23 E. This product was a white to off-white powder; however, some colored paints
24 were sold. It was packaged and sold in sacks of 10 lbs. and sacks of 25 lbs. Each
25 container was labeled with the name of the manufacturer, Kaiser Gypsum Company,
26 Inc., the name of the product and directions for its use.

27 F. This product was a dry powder which, when mixed with water formed a
28 texture paint. It was used to produce texture effects over gypsum wallboard surfaces

1 **4. Cover-Tex (TSS) Wall Texture**

2 A. The trade name of this product was Kaiser Gypsum Cover-Tex (TSS) wall
3 texture paint.

4 B. Kaiser Gypsum began manufacturing Cover-Tex Wall Texture in 1968, at
5 which time chrysotile asbestos was used as a component.

6 C. Kaiser Gypsum last manufactured Cover-Tex Wall Texture with chrysotile
7 asbestos as a component in 1975.

8 D. The Kaiser Gypsum California plants that manufactured this product were
9 Santa Ana and Antioch. These plants were in operation at different times. The product
10 was manufactured at Santa Ana from 1968 through 1975 and at the Antioch plant from
11 1968 through 1975. Because of the heavy weight of the product, low profit margin and
12 high transportation costs, distribution tended to center around the location of the
13 manufacturing plant. The product consisted primarily of casein, limestone and mica.
14 The product included between 4.2% by weight and 8.7% by weight chrysotile asbestos
15 as a component depending upon the formula in effect at a given date.

16 E. The product was a white to off-white powder. It was packaged and sold in
17 50 lb. sacks. Each container was labeled with the name of the manufacturer, Kaiser
18 Gypsum Company, Inc., the name of the product and directions for its use.

19 F. This was a dry powder which when mixed with water formed a paint-like
20 product designed for hand or spray application. When dry, it produced a hard, durable
21 surface. It was used to produce texture effects over gypsum wallboard surfaces.

22 **5. K-Spray Ceiling Texture**

23 A. The trade name of this product was Kaiser Gypsum K-Spray Ceiling Texture.

24 B. Kaiser Gypsum began manufacturing K-Spray Ceiling Texture in 1961, at
25 which time chrysotile asbestos was used as a component.

26 C. Kaiser Gypsum last manufactured K-Spray Ceiling Texture with chrysotile
27 asbestos as a component in 1975.
28

1 D. The Kaiser Gypsum California plants that manufactured this product were
2 Santa Ana and Antioch. These plants were in operation at different times. The product
3 was manufactured at Santa Ana from 1973 through 1975 and at the Antioch plant from
4 1961 through 1971. Because of the heavy weight of the product, low profit margin and
5 high transportation costs, distribution tended to center around the location of the
6 manufacturing plant. The product consisted primarily of casein, limestone and mica.
7 The product included between 1.3% by weight and 9.9% by weight chrysotile asbestos
8 as a component depending upon the formula in effect at a given date.

9 E. The product was a white powder with either a mineral or polystyrene
10 aggregate. It was packaged and sold in 32 lb. sacks. Each container was labeled with
11 the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the product
12 and directions for its use.

13 F. This was a dry powder which when mixed with water formed a paint-like
14 product designed for spray application. When dry, it produced a hard, durable surface.
15 It was used to produce texture effects over gypsum wallboard or interior concrete
16 ceilings.

17
18 Kaiser Gypsum's responses to interrogatory subparts G.- J. applicable to all of
19 the five decorative texture products discussed above are as follows:

20 G. Kaiser Gypsum is unsure as to the intended meaning of "The U.S.
21 Government's 'Qualified Products List,'" but has no knowledge that any of its decorative
22 texture products ever appeared on such a list.

23 H. Kaiser Gypsum is aware of the following suppliers of chrysotile asbestos:

24 John K. Bice

25 Harrison & Crosfield

26 Carmonia Chemical Co.

27 Western Chemical Co.

28 Philip Carey Corp. (Carey Canadian Asbestos)

1 Johns-Manville

2 Union Carbide Corp.

3 E. S. Browning

4 Loomis Chemical Co.

5 Benson Chemical

6 Paul W. Wood (Johns-Manville)

7 Current addresses, if any, are not known to Kaiser Gypsum. Most of the specific
8 time periods during which these firms supplied asbestos are unknown.

9 I. (1 through 3): Kaiser Gypsum is not aware of ever selling such products to
10 shipyards, power companies or refineries. Kaiser Gypsum sold such products to non-
11 governmental customers in Northern California from approximately 1952 to 1975.
12 These customers consisted largely of building contractors or building materials dealers.

13 Kaiser Gypsum has some retained sales orders and sales invoices for some
14 years which identify the purchasers of Kaiser Gypsum products, the dates of sale, the
15 amount of each product sold, and, in some cases, the sites to which the products were
16 to be delivered. Sales orders and invoices are not organized by type of product (and
17 often individual documents cover sales of multiple products). Kaiser Gypsum will make
18 its retained sales records covering sales to customers in the Geographic Area available
19 for inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush
20 Street, 6th Floor, San Francisco, California.

21 J. Kaiser Gypsum will make responsive documents sufficient to substantiate the
22 above information available for inspection upon reasonable notice at the offices of
23 Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California. Kaiser
24 Gypsum regards and maintains its product formulas as confidential business
25 information. Incident to the sale of production facilities in which asbestos-containing
26 products were previously manufactured, Kaiser Gypsum transferred its trade secrets,
27 intangible property rights, and other confidential and proprietary business information
28 and assumed obligations to maintain their confidentiality. Consistent with those

1 property rights and obligations, Kaiser Gypsum is prepared to produce the formulas for
2 asbestos-containing products marketed in the Geographic Area under a confidentiality
3 agreement.

4 **D. Electric Radiant Heat System Finishing**
5 **Products - Asbestos Used As A Component**

6 In areas where electricity was expected to be particularly inexpensive, some
7 houses and apartments were constructed with electric radiant heating systems. In
8 some such radiant heating systems, grooves were cut in gypsum wallboard ceilings
9 and electrical heating cables secured in the grooves. The groove-cracks were then
10 filled and the ceiling covered with a decorative finish. In other systems, electric heating
11 wires were stapled to the surface of wallboard. Then the ceiling was covered with a
12 thick decorative finish that would conceal the heating wires. Kaiser Gypsum made
13 several products for finishing such systems, and these products used chrysotile
14 asbestos as one of numerous components. These Kaiser Gypsum products were:

- 15 1. Filler Compound
- 16 2. Radiant Heat Compound
- 17 3. Radiant Heat Scrimless Surfacing Compound

18 Kaiser Gypsum's responses to interrogatory subparts (a)-(f) for each of these
19 products are as follows:

20 1. **Filler Compound**

21 A. The trade name of this product was Kaiser Gypsum Filler Compound.

22 B. Kaiser Gypsum began manufacturing Filler Compound in 1961, at which
23 time chrysotile asbestos was used as a component.

24 C. Kaiser Gypsum last manufactured Filler Compound with chrysotile asbestos
25 as a component in 1972, when the product was discontinued.

26 D. The Kaiser Gypsum California plant that made this product was located at
27 Antioch. It manufactured Filler Compound from 1961 to 1970. Because of the heavy
28 weight of the product, the low profit margin and high transportation costs, distribution

1 tended to center around the location of the manufacturing plant. The product consisted
2 primarily of minerals including limestone and mica. The product used chrysotile
3 asbestos as a component in its formula but the amount of asbestos called for in the
4 formula used to manufacture the product at the Antioch plant is uncertain. Investigation
5 is continuing.

6 E. This product was a white to off-white powder. It was packaged and sold in
7 sacks of 50 lbs. Each container was labeled with contained the name of the
8 manufacturer, Kaiser Gypsum Company, Inc., the name of the product and directions
9 for its use.

10 F. This product was a dry powder, which when mixed with water formed a thick
11 paste. Upon application it dried to a hard, durable surface. It was used to cover radiant
12 heating system ceiling surfaces.

13 2. Radiant Heat Compound

14 A. The trade name of this product was Kaiser Gypsum Radiant Heat
15 Compound.

16 B. Kaiser Gypsum began manufacturing this product in 1968, at which time
17 chrysotile asbestos was used as a component.

18 C. Kaiser Gypsum last manufactured Radiant Heat Compound with chrysotile
19 asbestos as a component in 1974, when the product was discontinued.

20 D. The Kaiser Gypsum California plant that made this product was located in
21 Santa Ana, where it was manufactured from
22 1968 through 1974. Because of the heavy weight of the product, the low profit margin
23 and high transportation costs, distribution tended to center around the location of the
24 manufacturing plant. The product consisted primarily of sand and white portland
25 cement. The product included between 3.3% by weight and 3.6% by weight chrysotile
26 asbestos as a component.
27
28

1 E. This product was a white to off-white powder. It was packaged and sold in
2 sacks of 60 lbs. Each container was labeled with the name of the manufacturer, Kaiser
3 Gypsum Company, Inc., the name of the product and directions for its use.

4 F. This product was a dry powder, which when mixed with water formed a thick
5 paste that was used to cover radiant heating cables stapled to ceiling surfaces.

6 **3. Radiant Heat Scrimless Surfacing Compound**

7 A. The trade name of this product was Kaiser Gypsum Radiant Heat Scrimless
8 Surfacing Compound.

9 B. Kaiser Gypsum began manufacturing this product in California in 1972, at
10 which time chrysotile asbestos was used as a component.

11 C. Kaiser Gypsum last manufactured Radiant Heat Scrimless Surfacing
12 Compound with chrysotile asbestos as a component in 1974, when the product was
13 discontinued.

14 D. The Kaiser Gypsum California plant that made this product was located in
15 Santa Ana, where it was manufactured from 1972. Because of the heavy weight of the
16 product, the low profit margin and high transportation costs, distribution tended to
17 center around the location of the manufacturing plant. The product consisted primarily
18 of sand, silica flour and mica. The product included 5% by weight chrysotile asbestos
19 as a component.

20 E. This product was a greenish powder. It was packaged and sold in sacks of
21 25 lbs. and in sacks of 50 lbs. Each container was labeled with the name of the
22 manufacturer, Kaiser Gypsum Company, Inc., the name of the product and directions
23 for its use.

24 F. This product was a dry powder, which when mixed with water formed a thick
25 paste that was used to cover radiant heating cables embedded in ceiling surfaces.

26 * * *

27 Kaiser Gypsum's responses to interrogatory subparts G.- J. applicable to all of
28 the three radiant heating system surfacing products discussed above are as follows:

1 G. Kaiser Gypsum is unsure as to the intended meaning of "The U.S.
2 Government's 'Qualified Products List'," but has no knowledge that any of its radiant
3 heating system surfacing products ever appeared on such a list.

4 H. Kaiser Gypsum is aware of the following suppliers of asbestos:

5 John K. Bica

6 Harrison & Crosfield

7 Carmonia Chemical Co.

8 Western Chemical Co.

9 Philip Carey Corp. (Carey Canadian Asbestos)

10 Johns-Manville

11 Union Carbide Corp.

12 E. S. Browning

13 Loomis Chemical Co.

14 Benson Chemical

15 Paul W. Wood (Johns-Manville)

16 Current addresses, if any, are not known to Kaiser Gypsum. Most of the specific
17 time periods during which these firms supplied asbestos are unknown.

18 I. (1 through 3): Kaiser Gypsum is not aware of ever selling such products to
19 shipyards, power companies or refineries. Kaiser Gypsum sold such products to non-
20 governmental customers in Northern California from approximately 1952 to 1976.
21 These customers consisted largely of building contractors or building materials dealers.

22 Kaiser Gypsum has some retained sales orders and sales invoices for some
23 years which identify the purchasers of Kaiser Gypsum products, the dates of sale, the
24 amount of each product sold, and, in some cases, the sites to which the products were
25 to be delivered. Sales orders and invoices are not organized by type of product (and
26 often individual documents cover sales of multiple products). Kaiser Gypsum will make
27 its retained sales records covering sales to customers in the Geographic Area available
28

1 for inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush
2 Street, 6th Floor, San Francisco, California.

3 J. Kaiser Gypsum will make responsive documents sufficient to substantiate the
4 above information available for inspection upon reasonable notice at the offices of
5 Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California. Kaiser
6 Gypsum regards and maintains its product formulas as confidential business
7 information. Incident to the sale of production facilities in which asbestos-containing
8 products were previously manufactured, Kaiser Gypsum transferred its trade secrets,
9 intangible property rights, and other confidential and proprietary business information
10 and assumed obligations to maintain their confidentiality. Consistent with those
11 property rights and obligations, Kaiser Gypsum is prepared to produce the formulas for
12 asbestos-containing products marketed in the Geographic Area under a confidentiality
13 agreement.

14 **E. Gypsum Wallboard Accessories For**
15 **Exterior Use - Asbestos Used As A Component**

16 Kaiser Gypsum experimented with gypsum wallboard products for use on the
17 exterior surfaces of buildings, but those products proved unsuccessful. Kaiser Gypsum
18 never discovered a way for them to be manufactured that would allow them to
19 effectively withstand the wide variety of weather and temperature conditions that
20 exterior products confront. Those exterior gypsum products were marketed in several
21 test areas and, as in the case of interior gypsum drywall products, required the use of
22 materials to fill the spaces between pieces of gypsum wallboard and to provide a
23 decorative finish. Kaiser Gypsum offered products for those purposes whose
24 components included small percentages of chrysotile asbestos. These products were:

- 25 1. X-Terior Premix Prefill Compound
26 2. X-Terior Premix Wall Texture Compound

27 Kaiser Gypsum's responses to interrogatory subparts (a)-(f) for each of these
28 products are as follows:

1 **1. X-Terior Premix Prefill Compound**

2 A. The trade name of this product was Kaiser Gypsum X-Terior Premix Prefill
3 Compound.

4 B. & C. Kaiser Gypsum began and ceased marketing this product during 1975.
5 Chrysotile asbestos was used as a component for the brief period during which this
6 product was manufactured.

7 D. The Kaiser Gypsum California plant that made this product was located at
8 Antioch. The product was marketed in a limited market area where exterior gypsum
9 wallboard was being sold on a test basis. Kaiser Gypsum X-Terior Premix Prefill
10 Compound was made primarily of raw gypsum, PVA emulsion and mica. The product
11 included 1.5% by weight chrysotile asbestos as a component.

12 E. This product was a white to off-white paste. It was packaged and sold in
13 metal cans and plastic buckets of 60 lbs., and in cartons of 48 and 60 lbs. Each
14 container was labeled with the name of the manufacturer, Kaiser Gypsum Company,
15 Inc., the name of the product and directions for its use.

16 F. This product was a paste that was used to pre-fill joints in gypsum wallboard
17 installed on building exteriors.

18 **2. X-Terior Premix Wall Texture Compound**

19 A. The trade name of this product was Kaiser Gypsum X-Terior Premix Wall
20 Texture Compound.

21 B. & C. Kaiser Gypsum began and ceased marketing this product during 1975.
22 Chrysotile asbestos was used as a component for the brief period during which this
23 product was manufactured.

24 D. The Kaiser Gypsum California plant that made this product was located at
25 Antioch. The product consisted primarily of limestone, acrylic emulsion and mica. The
26 product included 1.5% by weight chrysotile asbestos as a component.

27 E. The product was a white to off-white paste. It was packaged and sold in 58-
28 lb. metal cans, plastic buckets and cartons. Each container was labeled with the name

1 of the manufacturer, Kaiser Gypsum Company, Inc., the name of the product and
2 directions for its use.

3 F. This product was a white to off-white paste that was used to provide surface
4 texture to gypsum wallboard installed on building exteriors.

5
6 Kaiser Gypsum's responses to interrogatory subparts G.-J. applicable to the two
7 exterior finishing products discussed above are as follows:

8 G. Kaiser Gypsum is unsure as to the intended meaning of "The U.S.
9 Government's 'Qualified Products List,'" but has no knowledge that any of its exterior
10 finishing products ever appeared on such a list.

11 H. Kaiser Gypsum is aware of the following suppliers of chrysotile asbestos:

12 John K. Bice
13 Harrison & Crosfield
14 Carmonia Chemical Co.
15 Western Chemical Co.
16 Philip Carey Corp. (Carey Canadian Asbestos)
17 Johns-Manville
18 Union Carbide Corp.
19 E. S. Browning
20 Loomis Chemical Co.
21 Benson Chemical
22 Paul W. Wood (Johns-Manville)

23 Current addresses, if any, are not known to Kaiser Gypsum. Most of the specific
24 time periods during which these firms supplied asbestos are unknown.

25 I. (1 through 3): Kaiser Gypsum is not aware of ever selling these products to
26 shipyards, power companies or refineries. Kaiser Gypsum sold these products to non-
27 governmental customers in Northern California in 1975. These customers consisted
28 largely of building contractors or building materials dealers.

1 Kaiser Gypsum has some retained sales orders and sales invoices for some
2 years which identify the purchasers of Kaiser Gypsum products, the dates of sale, the
3 amount of each product sold, and, in some cases, the sites to which the products were
4 to be delivered. Sales orders and invoices are not organized by type of product (and
5 often individual documents cover sales of multiple products). Kaiser Gypsum will make
6 its retained sales records covering sales to customers in the Geographic Area available
7 for inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush
8 Street, 6th Floor, San Francisco, California.

9 J. Kaiser Gypsum will make responsive documents sufficient to substantiate the
10 above information available for inspection upon reasonable notice at the offices of
11 Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California. Kaiser
12 Gypsum regards and maintains its product formulas as confidential business
13 information. Incident to the sale of production facilities in which asbestos-containing
14 products were previously manufactured, Kaiser Gypsum transferred its trade secrets,
15 intangible property rights, and other confidential and proprietary business information
16 and assumed obligations to maintain their confidentiality. Consistent with those
17 property rights and obligations, Kaiser Gypsum is prepared to produce the formulas for
18 asbestos-containing products marketed in the Geographic Area under a confidentiality
19 agreement.

20 **III. Products Made At Kaiser Gypsum's Oregon Plant**

21 From 1956 to 1978 Kaiser Gypsum owned and operated a plant located at St.
22 Helens, Oregon whose basic capability was to make building construction products by
23 compressing wood fibers extracted from wood chips to make various types of sheets
24 and boards used in constructing buildings.

25 **A. Firtex Products - No Asbestos Used**

26 The overwhelming majority of the products Kaiser Gypsum made at its Oregon
27 plant were sold with the trademark "Firtex." No product sold under this trade name ever
28 used asbestos as a component. Firtex products included various types of materials

1 intended to provide insulation against outside temperatures or to dampen noise. Such
2 products included sheathing that was nailed to walls before outer layers of bricks or
3 siding were installed. They also included sheet products for insulating roofs. They also
4 included sound deadening board that was used in partitions to reduce the noise that
5 could be heard from adjacent rooms.

6 Firtex products also included materials intended for use on ceilings. One type
7 was tiles that could be glued or tacked to ceilings to reduce noise. Another group of
8 such products was used in suspended ceilings. Suspended ceilings are made by
9 hanging a wood or metal frame from the structural members of a ceiling and then laying
10 square or rectangular decorative and insulating pieces into the frame. Those pieces
11 were termed "lay-in boards." Such suspended ceilings used a significant amount of the
12 room's vertical space and because that vertical space cost money to build, suspended
13 ceilings were most commonly found in commercial buildings or office buildings, which
14 typically had higher ceilings than houses during the 1956-1978 period when Kaiser
15 Gypsum made the products. The Firtex line of products was quite successful, and
16 Kaiser Gypsum sold them in great volume.

17 **B. Mineral Fiber Products**

18 **1. Kaiser Gypsum Ordinary And 1-Hour Fire Rated**
19 **Mineral Fiberboard Products - No Asbestos Used**

20 As high-rise buildings became more common in California during the 1960's,
21 building code authorities became increasingly concerned about the risks of fires in
22 those buildings and encouraged the development and use of products that were less
23 likely to burn. Since its Firtex wood-chip products would burn, Kaiser Gypsum sought
24 to develop other ceiling tile and lay-in board products that would be more resistant to
25 fire. Kaiser Gypsum found that the manufacturing machinery at its St. Helens, Oregon
26 plant could be used to make ceiling tiles and lay-in boards for suspended ceilings with
27 various types of mineral wool as the principal component (instead of wood chips).
28 Mineral wool is the name given to products made by heating various types of rock to

1 extremely high temperature (where they melt), spinning them into threads, and then
2 letting them cool. Mineral wool looks something like steel wool that is used for rubbing
3 rust off of metal or used in certain kitchen scouring pads. Mineral wool does resist fire
4 and Kaiser Gypsum was successful in developing ceiling tiles and lay-in boards that
5 fire-resistance testing organizations certified as meeting the 1-hour fire resistance
6 classification. Kaiser Gypsum marketed such "Kaiser Gypsum mineral fiberboard"
7 products for many years. Kaiser Gypsum never used asbestos as a component in any
8 of its 1-hour fire rated products.

9 **2. Two-Hour Fire-Rated Mineral Fiberboard, Underwriters'**
10 **Laboratories, Inc. Design - Asbestos Used As A Component**

11 Fire code officials came to insist that in some types of buildings ceiling tiles or
12 suspended ceiling lay-in boards must be able to resist fire for at least 2 hours. Kaiser
13 Gypsum attempted to qualify mineral fiberboard products manufactured at its St.
14 Helens, Oregon plant under this standard, but initial efforts proved unsuccessful,
15 because, under the fire heat of test conditions, the square or rectangular mineral
16 fiberboard products would lose their shape in less than 2 hours, creating cracks
17 between the pieces that would let the fire through, causing the products to fail the test.
18 Eventually, Kaiser Gypsum discovered that if small amounts of asbestos were added,
19 the mineral fiber ceiling tiles and lay-in boards could be made to hold their shape for 2
20 hours under the conditions of fire tests conducted by Underwriters Laboratories, and
21 those versions of the products received the desired 2-hour fire resistance classification.
22 Kaiser Gypsum marketed the 2-hour fire rated products, called "Underwriters'
23 Laboratories Design" for about a decade, but the product was not very successful due
24 in part to its high cost.

25 Kaiser Gypsum's responses to interrogatory subparts A.- J. for this minor product
26 are as follows:

27 A. The trade name of this product, a mineral fiber product, was Kaiser Mineral
28 Fiberboard - U L. Fire Rated (Underwriters' Laboratories, Inc. Design). The same

1 product was cut into ceiling tiles and lay-in boards for use in suspended ceilings. It was
2 used for acoustical ceiling tile and suspended lay-in board in circumstances where a 2-
3 hour fire resistance classification was specified. Both the ceiling tiles and the lay-in
4 boards were sold under the trade name "Kaiser Mineral Fiberboard-UL Fire Rated
5 (Underwriters' Laboratories, Inc. Design)."

6 B. Kaiser Gypsum began manufacturing Mineral Fiberboard-U.L. Fire Rated
7 with chrysotile asbestos as a component in 1963.

8 C. Kaiser Gypsum last manufactured Mineral Fiberboard-U.L. Fire Rated with
9 chrysotile asbestos as a component in 1974, when the 2-hour fire-rated product was
10 discontinued.

11 D. The plant that made this product was located at St. Helens, Oregon. This
12 product included 1.6% by weight chrysotile asbestos as a component.

13 E. This product consisted of ceiling tiles and lay-in boards with face side white
14 or colored and with a perforated or fissured design for acoustical treatment. The tiles
15 were 5/8" by 12" by 12" and the lay-in boards came in various sizes, the most common
16 being 1/2" or 5/8" by 24" by 24" and 1/2" or 5/8" by 24" by 48." They were packaged
17 and sold in boxes of various quantities. The boxes contained the name of the
18 manufacturer, Kaiser Gypsum Company, Inc., the name of the product and other
19 printed material. Kaiser Gypsum's 2-hour fire-rated ceiling tiles and suspended ceiling
20 lay-in board products (in which chrysotile asbestos was used as a component) were
21 required to be specially marked because they looked similar to other Kaiser Gypsum
22 mineral fiberboard ceiling tiles and lay-in boards (that did not contain asbestos as a
23 component) and building inspectors wanted to be able to check to make sure that
24 products with a 2-hour fire resistance classification actually were being used by the
25 building contractor when those had been specified. It is believed that 2-hour fire-rated
26 ceiling tile and suspended ceiling lay-in board was stamped on the back with either the
27 initial "KG" or the word "Kaiser Gypsum." It is believed that this marking was employed
28

1 during the entire period that the 2-hour fire-rated products were manufactured by Kaiser
2 Gypsum.

3 F. This product was used for acoustical ceiling tile and suspended lay-in board
4 in circumstances where a 2-hour fire resistance classification was specified.

5 G. Kaiser Gypsum is unsure as to the intended meaning of "The U.S.
6 Government's 'Qualified Products List,'" but has no knowledge that any of its 2-hour
7 fire-rated mineral fiberboard products ever appeared on such a list.

8 H. Kaiser Gypsum is aware of the following suppliers of asbestos:

9 John K. Bice
10 Harrison & Crosfield
11 Carmonia Chemical Co.
12 Western Chemical Co.
13 Philip Carey Corp. (Carey Canadian Asbestos)
14 Johns-Manville
15 Union Carbide Corp.
16 E. S. Browning
17 Loomis Chemical Co.
18 Benson Chemical
19 Paul W. Wood (Johns-Manville)

20 Current addresses, if any, are not known to Kaiser Gypsum. Most of the specific
21 time periods during which these firms supplied asbestos are unknown.

22 I. (1 through 3): Kaiser Gypsum is not aware of ever selling such products to
23 shipyards, power companies or refineries. Kaiser Gypsum sold such products to non-
24 governmental customers in California from approximately 1963 to 1974. These
25 customers consisted largely of building contractors or building materials dealers

26 Kaiser Gypsum has some retained sales orders and sales invoices for some
27 years which identify the purchasers of Kaiser Gypsum products, the dates of sale, the
28 amount of each product sold, and, in some cases, the sites to which the products were

1 to be delivered. Sales orders and invoices are not organized by type of product (and
2 often individual documents cover sales of multiple products). Kaiser Gypsum will make
3 its retained sales records covering sales to customers in the Geographic Area available
4 for inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush
5 Street, 6th Floor, San Francisco, California.

6 J. Kaiser Gypsum will make responsive documents sufficient to substantiate the
7 above information available for inspection upon reasonable notice at the offices of
8 Dillingham & Murphy, 225 Bush Street, 6th Floor, San Francisco, California. Kaiser
9 Gypsum regards and maintains its product formulas as confidential business
10 information. Incident to the sale of production facilities in which asbestos-containing
11 products were previously manufactured, Kaiser Gypsum transferred its trade secrets,
12 intangible property rights, and other confidential and proprietary business information
13 and assumed obligations to maintain their confidentiality. Consistent with those
14 property rights and obligations, Kaiser Gypsum is prepared to produce the formulas for
15 asbestos-containing products marketed in the Geographic Area under a confidentiality
16 agreement.

17 **IV. Types Of Products Kaiser Gypsum**
18 **Never Made And Never Marketed**

19 Kaiser Gypsum has never mined, milled or marketed asbestos. Kaiser Gypsum
20 never designed, manufactured, or marketed any product in which amosite, crocidolite or
21 other amphibole forms of asbestos were used as a component. Kaiser Gypsum never
22 designed, manufactured, or marketed floor tile, pipe insulation or pipe covering,
23 refractory products, boiler insulation, acoustical plaster, or sprayed fireproofing or
24 sprayed thermal insulation products. Kaiser Gypsum never designed, manufactured or
25 marketed any sort of brake products. It never designed, manufactured or marketed
26 paper products, textile products, or roofing products in which asbestos was used as a
27 component. Kaiser Gypsum never designed, manufactured or marketed any products
28

1 intended for use in ships or shipyards, or any products intended for use in trains or
2 other railroad equipment or railroad facilities.

3 **V. Null-A-Fire Type-X Gypsum Wallboard -**
4 **Allegedly Contaminated Vermiculite Ore**

5 This part of Kaiser Gypsum's response, though not directly called for by the
6 subject interrogatories, is being made in light of earlier versions of Kaiser Gypsum's
7 responses to standard interrogatories and evolving knowledge, in the context of
8 historical regulatory uncertainties and disputes about whether vermiculite ore used as a
9 component in some Kaiser Gypsum Null-A-Fire Type-X Gypsum Wallboard products
10 may have been contaminated in a way that caused certain workers to be exposed to
11 airborne "asbestos." Kaiser Gypsum's position is that no Kaiser Gypsum Null-A-Fire
12 Type-X Gypsum Wallboard using vermiculite ore as a component could have been a
13 substantial contributing factor to any disease caused by exposure to airborne asbestos
14 fibers.

15 As background, in 1954 Kaiser Gypsum introduced Null-A-Fire brand wallboard,
16 a 5/8" thick gypsum wallboard that was approved by the Research Committee of the
17 Pacific Coast Building Officials Conference and certified by the National Board of Fire
18 Underwriters for a one-hour fire rating. This product was developed in response to the
19 appearance of California building code requirements that walls in several types of public
20 buildings must have such one-hour fire resistance. The term one-hour fire rating meant
21 that, when used as a wall surface, the gypsum wallboard would resist the passage of
22 flame and heat for at least one hour. The certified product had to be made in
23 accordance with Underwriters Laboratories Code No. 3543. Wallboard products that
24 were fire rated were labeled as "Type X" to distinguish them from ordinary gypsum
25 wallboard products that had not passed fire-rating tests.

26 When introduced in 1954, the primary component of Kaiser Gypsum's Null-A-Fire
27 wallboard was gypsum stucco, which is the gypsum plaster that forms the greatest
28 percentage by weight of all gypsum wallboard. Gypsum plaster, including wallboard

1 stucco, does not burn, and consequently, all gypsum plaster and gypsum drywall
2 construction poses less risk of fire than does wall construction featuring wood or plastic
3 paneling. However, the ordinary 5/8" gypsum wallboard did not pass the one-hour fire
4 test, because the heat of the test caused the gypsum plaster to shrink and crack, letting
5 the fire through in less than an hour. Kaiser Gypsum found that, by adding small
6 proportions of glass fiber and perlite, a board could be constructed that would resist
7 shrinking and cracking under the heat of the fire test for the required one-hour period.
8 Perlite is a very light substance, white in color, that looks like puffed breakfast cereal. It
9 is often used in soil for potted plants to help keep the soil from caking. Perlite is made
10 by heating little pieces of volcanic glass to very high temperatures, which causes them
11 to pop like popcorn.

12 Kaiser Gypsum continued to market its Null-A-Fire Type X gypsum wallboard
13 products that contained perlite for more than a decade following their introduction in
14 1954. However, other manufacturers introduced fire-rated wallboard products that used
15 vermiculite instead of perlite to provide added fire protection. Vermiculite is a mica-like
16 mineral found in the ground in a number of places. In the 1890's it was known by gold
17 prospectors as "fool's gold," because it sparkled in the sun like precious metal.
18 Vermiculite does not weigh much, which makes it useful as a component of
19 construction materials, and the melting point of vermiculite is about 2500 degrees,
20 which makes it valuable as fireproofing.

21 Vermiculite consists of many layers of thin plates that have small amounts of
22 water trapped in them. When heated, the water turns to steam causing these plates to
23 expand. Such expanded vermiculite is used by nurseries everywhere to help hold air
24 and moisture in plant soil so that young plants will grow faster and stronger.

25 Until 1965, Kaiser Gypsum could not use vermiculite to provide fire protection in
26 gypsum wallboard, because other companies had secured patents from the United
27 States government which gave them exclusive rights to use vermiculite in their gypsum
28 wallboard products. In 1965, Kaiser Gypsum secured patent licenses from other

1 companies which authorized Kaiser Gypsum to begin using vermiculite in its wallboard
2 products to provide increased protection against fire. Kaiser Gypsum then began to
3 develop such wallboard products and to present them for fire-testing. Since vermiculite
4 expands when it is heated, vermiculite used in a wallboard tends to offset the shrinkage
5 that occurs in gypsum when it is heated, and thus, vermiculite could serve to help a
6 wallboard to hold its shape and provide the desired fire protection. Because the
7 capacity to expand was desired, the Kaiser Gypsum products used as the ingredient
8 vermiculite that had not previously been heat-expanded. This unexpanded vermiculite
9 was referred to sometimes as vermiculite ore. When testing and fire code authorities
10 recognized and certified these Kaiser Gypsum products as fire-rated, or qualified to be
11 marketed as "Type X," Kaiser Gypsum began marketing vermiculite-containing gypsum
12 wallboard under its Null-A-fire brand. Kaiser Gypsum manufactured limited quantities of
13 1/2" Null-A-Fire Type X wallboard beginning in 1967, and began manufacturing 5/8"
14 Null-A-Fire Type X wallboard in 1969. It continued to market such products until it
15 disposed of the last of its gypsum business in April 1978. Like other wallboard
16 products, those Null-A-Fire wallboards consisted primarily of gypsum plaster. The
17 formulas varied over the years but the vermiculite ore percentage did not exceed 4% by
18 weight of the products.

19 Controversy concerning vermiculite reflects the regulatory proposals published
20 and regulations adopted by the U.S. Occupational Safety and Health Administration
21 ("OSHA") and the responses of vermiculite companies to those government actions.
22 OSHA is a U.S. government agency, created by federal legislation in 1970, that adopts
23 and enforces workplace safety and health regulations. OSHA has been politically
24 controversial from the beginning. California originally established a parallel state
25 program administered by its Division of Occupational Safety and Health, but that
26 agency and program were terminated several years ago.

27 The federal OSHA undertook to regulate exposure to "asbestos" in the
28 workplace as one of its first regulatory undertakings, and OSHA adopted regulations on

1 asbestos in 1972. (See Kaiser Gypsum's response to Interrogatory No. 37, below.)
2 Thereafter, it undertook to enforce those regulations. In due course, it began to
3 threaten manufacturers who used various substances other than asbestos with charges
4 of violating the OSHA asbestos exposure regulations. This triggered a long-lasting
5 legal and scientific dispute concerning what minerals are "asbestos" for purposes of the
6 OSHA regulations and what minerals should be regulated like asbestos even if they are
7 not asbestos.

8 In that context, vermiculite supplier W.R. Grace & Co. (hereinafter "Grace")
9 issued an "Important Notice to Vermiculite Ore Processors," dated March 17, 1976
10 warning that "employers of workers handling vermiculite ore" should be "aware of the
11 OSHA regulations," because OSHA was applying them to Grace vermiculite plants and
12 proposed to make the regulation of dust more strict under the regulations. Grace stated
13 that the issues related to vermiculite reflected a "tramp" mineral "found in vermiculite
14 deposits" named "tremolite, defined by OSHA as one of the asbestos family." Disputes
15 over these OSHA proposals persisted for years. Then, on June 20, 1986, OSHA
16 published in the Federal Register (at 51 Fed. Reg. 22612) a "Final Rule" that defined
17 "asbestos" to include "tremolite" and applied asbestos exposure limits and warnings to
18 tremolite. However, shortly thereafter those regulations were "stayed," that is, not
19 made effective, by OSHA as to tremolite and several other minerals to prevent the
20 federal courts from deciding whether the regulations were "arbitrary and capricious."
21 (See 51 Fed. Reg. 37002; Oct. 17, 1986.) The scientific and regulatory debate
22 continued for more years until OSHA published regulations in 1992 (57 Fed. Reg.
23 24310; June 8, 1992) declaring that some tremolite is "platy" or non-fibrous, and "platy
24 tremolite" would not be deemed to be asbestos.

25 However, OSHA found other tremolite was fibrous or "asbestiform" and that such
26 "asbestiform tremolite" would be regulated as asbestos. OSHA further limited these
27 regulations by providing that even products with asbestiform tremolite would not be
28

1 subject to asbestos regulation if asbestiform tremolite "is present in a product in
2 concentrations less than 1.0 percent by weight."

3 Kaiser Gypsum admits that for a limited number of years some of its Null-A-Fire
4 products contained vermiculite, but Kaiser Gypsum denies that these products
5 contained asbestiform tremolite. Kaiser Gypsum further contends that any attempt
6 under state law to deem any products that have less than the amount that would
7 subject them to federal regulation to be asbestos-containing products would be
8 preempted by federal law and the Supremacy Clause of the U.S. Constitution.

9 **RESPONSE TO INTERROGATORY NO. 32:**

10 Not applicable.

11 **RESPONSE TO INTERROGATORY NO. 33:**

12 Not applicable.

13 **RESPONSE TO INTERROGATORY NO. 34:**

14 Not applicable.

15 **RESPONSE TO INTERROGATORY NO. 35:**

16 Kaiser Gypsum is unaware of entering into any such rebranding agreements.

17 **RESPONSE TO INTERROGATORY NO. 36:**

18 During 1952 Kaiser Gypsum purchased Joint Cement, Cover-Tex texture paint
19 and Kaiser-Tex texture paint from Wesco Waterpaints, Inc., then located in Berkeley,
20 California, that was packaged in Kaiser Gypsum's name. It is unknown to Kaiser
21 Gypsum whether asbestos was used as a component of those products. During
22 December 1953, Kaiser Gypsum entered into an agreement with Wesco Waterpaints,
23 Inc., then located in Berkeley, California, to purchase joint cement, topping compound
24 and texture paint packaged in Kaiser Gypsum's name for a period of 90 days. It is
25 unknown to Kaiser Gypsum whether any purchases were made pursuant to this
26 agreement or whether any products purchased had asbestos as a component. In an
27 abundance of caution, Kaiser Gypsum is providing the information it has obtained from
28 its records. Kaiser Gypsum has no information demonstrating that any product

1 obtained from Wesco Waterpaints, Inc. was an asbestos-containing product. Kaiser
2 Gypsum knows of no other agreement entered by it that provided for rebranding any
3 product of another company's which may have been an asbestos-containing product in
4 Kaiser Gypsum's
5 name for sale in California.

6 **RESPONSE TO INTERROGATORY NO. 37:**

7 Yes, as to products marketed in 1972 or thereafter.

8 A. Beginning in 1972, in response to regulations adopted by the U.S.
9 Occupational Safety and Health Administration (see 37 Fed. Reg. 11318, June 7,
10 1972), Kaiser Gypsum affixed caution labels to the packages and containers of its
11 asbestos-containing products. The OSHA regulations requiring this label were made
12 subject to the limitation that "no label is required where asbestos fibers have been
13 modified by a bonding agent, coating, binder, or other material so that during any
14 reasonably foreseeable use, handling, storage, disposal, processing, or transportation,
15 no airborne concentrations of asbestos in excess of the exposure limits prescribed in
16 paragraph B. of this section will be released." In light of then-existing ambiguities as to
17 what tests OSHA would recognize as adequate to demonstrate a product's falling within
18 this exception, Kaiser Gypsum applied the caution label to all its then-manufactured
19 products in which chrysotile asbestos was used as a component.

20 Initially, the labels were four inches by eight inches in size and had yellow
21 backgrounds with red letters. They were affixed to the bag or container of the product
22 by adhesive in a prominent place. Later, as new bags and containers were purchased,
23 the labels were printed onto the side of the bag or container and are believed to have
24 been the same color or colors as the bag/container or the printing thereon. The warning
25 label as prescribed by OSHA read:

26 CAUTION: contains asbestos fibers; avoid creating dust;
27 breathing asbestos dust may cause serious bodily harm.
28

1 Additionally, Kaiser Gypsum Technical Bulletins 5703-A, dated October 1973,
2 and 5707, dated October 1973 and November 1976, prescribed the use of respirators
3 during spray application.

4 B. Yes.

5 C. Beginning in 1972; exact date unknown.

6 D. This caution label remained the same during the remaining time the products
7 upon which it was used continued to use asbestos as a component.

8 E. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
9 California.

10 **RESPONSE TO INTERROGATORY NO. 38:**

11 Most of Kaiser Gypsum's products were sold in the form of a powder or paste;
12 therefore, the name of the company was on the packaging of the product. However,
13 Kaiser Gypsum's 2-hour fire-rated ceiling tiles and suspended ceiling lay-in board
14 products (in which asbestos was used as a component were specially marked because
15 they looked similar to other Kaiser Gypsum mineral fiberboard ceiling tiles and lay-in
16 boards (that did not contain asbestos as a component) and building inspectors wanted
17 to be able to check to make sure that 2-hour fire-rated products actually were being
18 used by the building contractor when those had been specified. It is believed that each
19 piece of 2-hour fire-rated ceiling tile and suspended ceiling lay-in board was stamped
20 on the back with either the initial "KG" or the word "Kaiser Gypsum." Such marking was
21 employed during the entire period that the 2-hour fire-rated products were
22 manufactured by Kaiser Gypsum.

23 **RESPONSE TO INTERROGATORY NO. 39:**

24 Kaiser Gypsum has no knowledge that it ever purchased or otherwise acquired
25 an asbestos-containing product line from another person or entity.

26 **RESPONSE TO INTERROGATORY NO. 40:**

27 Kaiser Gypsum has no knowledge that it ever sold an asbestos-containing
28 product line to another person or entity.

RESPONSE TO INTERROGATORY NO. 41:

A - C: Kaiser Gypsum has retained a number of brochures, pamphlets, catalogs and other product information documents. Many of these documents discuss both asbestos-containing products and other products, and many of the documents are similar. For these reasons, rather than attempting to identify each individual document, Kaiser Gypsum will make representative documents available for inspection upon reasonable notice at the offices of Dillingham & Murphy, 225 Bush Street, 6th floor, San Francisco, California.

D. To provide potential users of such products with information about the products.

E. Some of these documents still exist.

F. See response to A - C.

G. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon, California.

RESPONSE TO INTERROGATORY NO. 42:

The interrogatories define "contract unit" to "mean a branch or division of a defendant which has been or is now engaged in installation and/or removal of 'raw asbestos fibers' and/or 'asbestos-containing products'." Kaiser Gypsum never has had such a unit.

RESPONSE TO INTERROGATORY NO. 43:

Not applicable.

RESPONSE TO INTERROGATORY NO. 44:

In the mid to late 1960's Kaiser Gypsum became generally aware from media, industry and governmental publications of allegations that inhalation of asbestos fibers could have potential health consequences

RESPONSE TO INTERROGATORY NO. 45:

See response to Interrogatory No. 44.

RESPONSE TO INTERROGATORY NO. 46:

1 Kaiser Gypsum will make documents containing the information requested
2 available for inspection upon reasonable notice at the offices of Dillingham & Murphy,
3 225 Bush Street, 6th Floor, San Francisco, California.

4 **RESPONSE TO INTERROGATORY NO. 47:**

5 Beginning in the mid 1960's, Kaiser Gypsum warned its employees concerning
6 the hazards of inhaling asbestos dust or fiber and its employees were given additional
7 instructions regarding the wearing of protective clothing, use of respirators and other
8 methods of avoiding or limiting inhalation of asbestos.

9 A. Memoranda distributed to safety supervisors advised the use of approved
10 respirators during exposure to asbestos dust.

11 B Yes.

12 C. Joseph R. Hobby, Vice President, 2680 Bishop Drive, San Ramon,
13 California.

14 D. See response to subpart A.

15 **RESPONSE TO INTERROGATORY NO. 48:**

16 Kaiser Gypsum has no knowledge that it ever issued such a policy.

17 **RESPONSE TO INTERROGATORY NO. 49:**

18 Yes. See responses to Interrogatory Nos. 37 and 47.

19 **RESPONSE TO INTERROGATORY NO. 50:**

20 Yes.

21 A. 29 CFR 1910.93(e).

22 B. November 2, 1973

23 C. OSHA.

24 D. Unknown.

25 E. Kaiser Gypsum believes the conditions alleged to be violations were
26 changed in a manner satisfactory to OSHA.

27 **RESPONSE TO INTERROGATORY NO. 51:**

28 Not applicable.

1 **RESPONSE TO INTERROGATORY NO. 52:**

2 Not applicable.

3 **RESPONSE TO INTERROGATORY NO. 53:**

4 Yes.

5 A. Kaiser Gypsum shipped asbestos-containing products through ports located
6 in the Geographic Area.

7 B - D: Kaiser Gypsum sales orders and sales invoices show that asbestos-
8 containing products were shipped through the following berths located in the
9 Geographic Area during the years 1968 through 1975: Matson Contract Yard; Matson
10 Lines Dock, Matson Lines, Berth 208; Peters/Matson; Peters/NML; Delta Terminal,
11 Richmond; Berth 154; Terminal 1, Berth 3; Encinal Terminal; San Francisco; 9th
12 Avenue Pier, Oakland; and Berth 0, 7th Street, Oakland.

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14 DATE: 7/22/97

DILLINGHAM & MURPHY

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17 By: E. Jane Wells

PATRICK J. HAGAN, ESQ.

E. JANE WELLS, ESQ.

Attorneys for Defendant

Kaiser Gypsum Company, Inc.

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VERIFICATION

I, the undersigned say:

I have read the foregoing document; to the extent that the information set forth in the foregoing document is personally known to me, the information is true and correct to the best of my knowledge; to the extent that the information set forth in the foregoing document is not known to me but is required by law to be provided in said responses, I believe the responses to be correct; to the extent that the responses state legal objections, the responses have been prepared by my attorneys based on their work product and other information known to them, and are not within my personal knowledge.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 27 day of July, 1997, at San Ramon, California.

Joseph R. Hobby
JOSEPH R. HOBBY

IN RE SAN FRANCISCO COUNTY COMPLEX ASBESTOS LITIGATION
Superior Court Action No. 825584
for DEFENDANT KAISER GYPSUM COMPANY, INC.'S RESPONSES
TO PLAINTIFFS' STANDARD INTERROGATORIES TO ALL DEFENDANTS