

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

RESPONSE:

With respect to asbestos, in accordance with federal regulations first implemented in the 1970s and as current today, axles dressed with brake assemblies made with brake linings made with asbestos and/or that had as a component asbestos-containing cover gaskets did not require a warning. See, *e.g.*, 29 C.F.R. § 1910.1200. Among other things, with respect to brake assemblies with brake linings made with asbestos: 1) The fibers were encapsulated in the product; 2) The exposure to the linings in the brake assemblies, if any, would have been of such short duration that there would be no opportunity for a meaningful exposure; 3) The type of asbestos generally used in brake linings does not create a significant risk of harm at levels of exposure associated with such facings; 4) The exposure to the brake lining would not have occurred on a frequent basis; 5) Historical medical and scientific evidence did not support a risk of harm from exposure to asbestos in brake linings. Likewise, with respect to gaskets made with asbestos: 1) The fibers were locked into the product with elastomeric or other binders; 2) The exposure to the gaskets, if any, would have been of such short duration that there would be no opportunity for a meaningful exposure; 3) The type of asbestos generally used in gaskets does not create a significant risk of harm at levels of exposure associated with gaskets; 4) The exposure to gaskets would not have occurred on a frequent basis; 5) Historical medical and scientific evidence did not support a risk of harm from gaskets. Accordingly, axles and the components of axles that contained asbestos, if any, were not of a nature or type

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