

IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

RICHARD EADS and
JOANN EADS, his wife,

Plaintiffs,

v.

Civil Action No. 91-C-190

APPALACHIAN POWER COMPANY,
a Virginia corporation,
B. F. GOODRICH,
a New York corporation,
KAISER ALUMINUM & CHEMICAL CORPORATION,
a Delaware corporation,
MONSANTO COMPANY,
a Delaware corporation,
NITRO INDUSTRIAL COVERINGS, INC.,
a West Virginia corporation,
RAVENSWOOD ALUMINUM CORPORATION,
a Delaware corporation,

Defendants.

ANSWERS OF DEFENDANT KAISER ALUMINUM & CHEMICAL
CORPORATION TO PLAINTIFFS' INTERROGATORIES
AND RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS

Defendant Kaiser Aluminum & Chemical Corporation ("Kaiser"), by its undersigned counsel, answers the Plaintiffs' Interrogatories and responds to the Plaintiffs' Request for Production of Documents, as follows:

(a) The information supplied in these Answers to Interrogatories and Responses to Request for Production is not based upon the knowledge of the executing party, but includes the knowledge of the party's agents, representatives, and attorneys, unless privileged, and knowledge obtained from documents,

(b) The language, sentence structure and word usage may be that of the attorney who in fact prepared these Answers to

PLAINTIFF'S
EXHIBIT

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PLAINTIFF'S
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Interrogatories and does not purport to be the exact language of the executing party.

(c) As specified in the Interrogatories and Request for Production, Kaiser's answers are limited to its former Ravenswood, West Virginia, plant, unless otherwise indicated.

(d) Kaiser objects generally to these Interrogatories and Requests as overly broad, burdensome and oppressive as they do not relate in any way to the time frame in which the male plaintiff claims to have been exposed to asbestos-containing products at the Ravenswood Works.

(e) Undoubtedly due to a typographical error, the pronouns "you" and "your" are stated by plaintiff to refer to Appalachian Power Company, also a defendant in this action. Kaiser will construe these pronouns to refer to it and, of course, will not attempt to answer these Interrogatories or respond to these Requests for Production on behalf of Appalachian Power Company.

(f) Kaiser objects to these Interrogatories and Requests for Production to the extent that they seek the disclosure of information protected by the attorney-client privilege or work product doctrine.

(g) Kaiser objects to these Interrogatories and Requests for Production to the extent they seek trade secrets or other proprietary or confidential knowledge of Kaiser.

(h) Kaiser's trial preparation and factual investigation are ongoing. These Answers and Responses are based upon information known at this time. Kaiser assumes no obligation to

supplement these Answers and Responses except as required by the West Virginia Rules of Civil Procedure.

(i) The above general objections and comments apply throughout these Interrogatories and Responses without further reference.

INTERROGATORIES

1. Identify all expert witnesses you expect to call at the trial in this matter. With respect to each expert, please state:

(a) Subject matter on which the expert is expected to testify;

(b) Summary of the witness's testimony;

(c) The basis and grounds for the witness's testimony.

ANSWER: Kaiser objects to this Interrogatory on the ground that it seeks information not discoverable pursuant to Rule 26 of the West Virginia Rules of Civil Procedure. Without waiving the aforesaid objection, Kaiser states that it has not yet identified expert witnesses for use at the trial of this action. Kaiser will identify its expert witnesses and provide proper Rule 26 information at the appropriate time as required by the Court.

2. Identify all fact witnesses known to you at the time you are preparing these answers and all fact witnesses you have talked to and intend to talk to and provide a current address and telephone number for each fact witness. With respect to each fact

witness, describe the subject matter of the witness's testimony and give a summary of the facts of the witness's testimony.

ANSWER: Kaiser objects to this Interrogatory on the ground that it requests information which is privileged under the attorney-client privilege and/or work product doctrine. Kaiser also objects to this Interrogatory as overly broad and premature. Without waiving the aforesaid objections, Kaiser states that it has not yet determined all potential fact witnesses in this case. Kaiser, further, has not yet interviewed numerous known potential witnesses and may not be able to accomplish this for some time. Many such potential witnesses are no longer employed by Kaiser. Kaiser states that persons whose names appear in any of the documents disclosed to plaintiffs with these Answers or Responses are potential fact witnesses.

3. Identify all documentary evidence known to you at this time and which you may introduce at the trial of this matter whether or not you have made a decision as to which specific document you intend to introduce.

ANSWER: Kaiser objects to this Interrogatory as overly broad and as seeking information protected by the attorney-client privilege and work product doctrine. Without waiving the aforesaid objections, Kaiser states that no determination has been made with regard to any documentary evidence which may be introduced at trial. This Answer will be supplemented at a later date. Any document produced in Response to these Interrogatories or the

accompanying Request for Production may be used at the trial of this action.

4. Identify all trade associations to which answering defendant is or has been a member and provide the dates of membership of each such trade association. This request includes, but is not limited to, information concerning membership in the Asbestos Information Association (A.I.A.), the Asbestos Textile Institute (A.T.I.), the National Safety Council (N.S.C.), the Industrial Hygiene Foundation (I.H.F.), and/or the Mellon Institute.

ANSWER: Kaiser objects to this interrogatory as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser's membership over the span of its corporate existence in trade associations, whether or not such trade associations were in any regard concerned with the manufacture or sale of asbestos-containing products or health hazards associated with prolonged exposure to respirable asbestos fibers, is not a subject properly limited in scope to the material issues in this action. Subject to and without waiving its objections, Kaiser states that it was never in the asbestos business. Accordingly, it was never a member of the Asbestos Information Association, the Asbestos Textile Institute, the Mellon Institute or any other trade organization primarily concerned with the mining, manufacture, sale or distribution of asbestos or

asbestos-containing products. Kaiser believes that there were individual or company memberships in at least the following:

- 1) American Aluminum Association.
- 2) American Concrete Institute.
- 3) American Foundryman's Society.
- 4) American Industrial Hygiene Association.
- 5) American Society for Testing and Materials.
- 6) Association of Iron & Steel Engineers.
- 7) Association of Mining, Metallurgical & Petroleum Engineers.
- 8) Industrial Hygiene Foundation of American (now Industrial Health Foundation).
- 9) National Safety Council.
- 10) The Refractories Institute.

Kaiser believes that there were either individual or company memberships in the American Foundryman's Association, the Association of Mining, Metallurgical & Petroleum Engineers, the Association of Iron & Steel Engineers and The Refractories Institute from at least the period 1960 through 1984. Memberships have been held in the American Aluminum Association (at least 1956 to present), American Society for Testing and Materials (late 1940s to present), the American Industrial Hygiene Association (at least 1950s to present) and the National Safety Council (prior to 1961 until the present). An individual membership in the American Concrete Institute was held from approximately 1973 through 1984. A corporate membership in the Industrial Hygiene Foundation was held from approximately 1960 through 1966.

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5. Identify all medical journals to which answering defendant subscribes and indicate the dates during which the answering defendant subscribed to each medical journal.

ANSWER: None at the Ravenswood Works.

6. Have you contracted with or otherwise undertaken to have the Saranac Laboratories study any asbestos product used by you to determine whether a health hazard exists? If so, describe the nature of this contact or consultation and provide dates of the contact. Identify all documents concerning or relating to this contact.

ANSWER: No.

7. Please state whether thermal insulation asbestos products were ever used at the aforementioned plant(s). If so, please provide the following:

(a) Specify the different types of asbestos insulation products used at the plant;

(b) Identify by brand name the different types of asbestos insulation products used at the plant;

(c) Identify the asbestos content, type of asbestos fiber, and percentage of asbestos in the asbestos products used at the plant;

(d) State the names and last known addresses of all manufacturers known to you of the asbestos products used at the plant.

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ANSWER: Yes. It is not reasonably possible to determine all types or brands of thermal asbestos insulation products or other asbestos-containing products that may have been used at one time or another at the Plant. Kaiser objects to this Interrogatory on the ground of vagueness because Kaiser is uncertain exactly what is encompassed within the term "asbestos insulation products." Without waiving said objection, following is a list of thermal insulation products which are believed to have contained asbestos for a period of time. In addition, there were certain intracompany transfers of rebranded insulation products to the Ravenswood Works. These are referenced in the documents produced in response to the accompanying Request for Production. Additional information may also be found in documents produced in response to the accompanying Request for Production of Documents:

(a) <u>Type</u>	(b) <u>Brand</u>	(c) <u>Asbestos Content</u>	(d) <u>Manufacturer</u>
Insulation	Kaylo	Unknown	Owens-Corning Fiberglas
Gaskets	Various types	Hydraulic gaskets (80% chrysotile); Others unknown	Johns-Manville Garlock
Block insulation	Thermobestos	Unknown	Johns-Manville
Mill board	#219	Unknown	Johns-Manville
Asbestos rope	Square Braided	Unknown	Johns-Manville Garlock
Rope seal	Style C-790-S	Unknown	Johns-Manville
Bellow seal	Unknown	Unknown	Johns-Manville
Asbestos paper	1/8 x 10 inch x 127 inches	Unknown	Garlock
Asbestos rope	Unknown	Unknown	Unknown

<u>1) Type</u>	<u>(b) Brand</u>	<u>(c) Asbestos Content</u>	<u>(d) Manufacturer</u>
Asbestos rope	98	Unknown	Garlock
Cerablanket	Asbestos blanket	Unknown	Unknown
Asbestos sheet	Style No. 71	Unknown	Johns-Manville
Insulating strips	Unknown	Unknown	Unknown
Asbestos cloth	Wire impregnated	Unknown	Unknown
Pipe insulation	Kaylo	Unknown	Owens-Corning Fiberglas
Asbestos seal	Unknown	Unknown	Unknown
Asbestos door seal	Unknown	Unknown	Unknown
Asbestos Packing	Felted	Unknown	Johns-Manville
Asbestos Packing	Super Heat Braid	Unknown	Unknown
Asbestos flashing- felt	Unknown	Unknown	Unknown
Asbestos roll board	Unknown	Unknown	Unknown
Asbestos rolls	Hi-tac rolls for roll hearth furnaces	Unknown	Hart Brothers Machine Company
Transite duct insulation	Unknown	Unknown	Unknown
Asbestos cloth	Unknown	Unknown	Unknown
Pipe insulation	Thermobestos Others unknown	Unknown	Johns-Manville
Asbestos shorts	Unknown	Unknown	Johns-Manville
Insulation material	Unknown	Minor quantities of amosite	Unknown
Insulation	Asbestos ebony	Unknown	Johns-Manville
Insulation	Unknown	Unknown	Celotex

8. During what years did you use, request, order, purchase or specify use of any asbestos-containing products (including, but not limited to, asbestos cements, block, pipe

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covering, raw asbestos, asbestos gaskets, asbestos paper, asbestos brake shoes, or asbestos valve packing) on your premises?

(a) Describe what products were used for what years;

(b) Please identify the particular parts of the plant where the asbestos-containing product was used;

(c) Please state for what purpose each asbestos-containing product was used;

(d) Identify all documents containing information relevant to this interrogatory.

ANSWER:

(a) <u>Products Used</u>	(b) <u>Area of Plant</u>	(c) <u>Purpose of Use</u>	(d) <u>Documents</u>
Gaskets	Throughout plant on water and steam piping, gas piping, lube oil piping, fuel oil piping, compressed air piping, hydraulic system piping, general plumping, casting crucible melters, mill looper, air system, compressor building piping, air compressors, boiler house (boiler blow-off valves), dry scrubbers	Typical gasket uses	See below
Kaylo insulation	Boiler House	Insulated box, insulation	See below
Block insulation	Various areas, machine shop, material handling	Insulation	See below
Mill board	Various areas	Insulation	See below
Asbestos rope seal	Duct repair	Reduction plant	See below

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<u>(a) Products Used</u>	<u>(b) Area of Plant</u>	<u>(c) Purpose of Use</u>	<u>(d) Documents</u>
Asbestos bellow seal	Unknown	Unknown	See below
Asbestos paper	Unknown	Unknown	See below
Asbestos rope	Fabrication Plant	Seals and gaskets	See below
Johns-Manville asbestos sheet	Pot rooms	Insulation of pot shields	See below
Asbestos insulating strips	Pot rooms	Pot shield repairs	See below
Asbestos roll board	Pot rooms	Pot shield insulation	See below
Asbestos cloth No. 444	Pot rooms	Pot shield repair	See below
Johns-Manville pipe insulation	Various locations	Insulation	See below
Asbestos mill board	Unknown	Fan conversion	See below
Asbestos cloth	Plate Department	Unknown	1972
Asbestos seal	H.H.T. Furnace	Seal	1969
Asbestos door seal	Unknown	Seal	1970
Celotex insulation	Unknown	Insulation	Unknown
Asbestos flashing-felt	Unknown	Unknown	See below
Asbestos roll board	Unknown	Unknown	See below
Asbestos rolls for roll hearth furnaces	Roll hearth furnaces	Unknown	See below
Pipe insulation	Various areas	Self-explanatory	See below
Thermobestos pipe insulation	Unknown	Self-explanatory	1969
Asbestos shorts	Casting Department	Furnace linings	See below
Johns-Manville asbestos ebony	Pot rooms	Pot leg insulation	See below
Asbestos duct sleeves and siphon gaskets	Pot rooms	Self-explanatory	See below
Asbestos cloth	Various areas	Fire protection	See below

<u>Products Used</u>	<u>(b) Area of Plant</u>	<u>(c) Purpose of Use</u>	<u>(d) Documents</u>
Block insulation	Green Carbon Department	Insulation of steam ducts	See below
Pipe insulation	Carbon Baking Department	Insulation of steam pipes	See below
Cerablanket	Pot repair	Sealing of the cab on the ramming platform	See below
Asbestos shorts	Carbon Baking Department	Used in cement in the flue repair operation	See below
Asbestos shorts	Pot repair	Used in cement in pot repair operation	See below
Asbestos shorts	Fabrication Plant	Used in material for insulation patching and insulating of hot surfaces	See below
Block insulation	Casting Department	Insulation for furnace hoods	See below
Transite	Pot rooms	Pot duct sleeves	See below

(d) Documents containing information relevant to this Interrogatory will be furnished pursuant to Kaiser's Response to the accompanying Request for Production. Additional products may also be identified in those documents. Also, whatever information is available regarding dates of usage may be found in those documents. In addition, there are more than 300,000 blueprints and drawings in existence relating to the initial construction of and modifications to the Plant. It would be unduly burdensome and oppressive to require Kaiser to review and produce all of these documents, and Kaiser objects to this production on that basis. Kaiser further objects to the production of said documents on the ground that many,

if not all, of the documents constitute trade secrets of Kaiser and of the present owner, Ravenswood Aluminum Corporation. It is possible that some of these documents contain references to asbestos-containing products. However, it is believed very unlikely that review of the blueprints and drawings would uncover an identification of significant additional products from those disclosed herein. Kaiser, in any event, does not have custody of these documents at the present time. See also, Answer to Interrogatory No. 7.

9. Please list the names and last known addresses of all sources known to you through which this plant obtained the asbestos products identified in Interrogatory No. 7 above, including, but not limited to, suppliers, distributors, manufacturers, or other plants.

ANSWER:

Supplier

Charleston Electric
Supply Company
P. O. Box 833
Charleston, WV

Jackson County Lumber Company
Ravenswood, WV 26164

Salem-Brosius, Inc.
P. O. Box 2222
Pittsburgh, PA

Sunbeam Engineering Corp.

Johns-Manville
3103 Euclid Ave.
Cleveland, OH

McJunkin Corp.
Charleston, WV

Product

Kaylo Gaskets and insulating
material

Celotex insulation

Various gaskets, Johns-Manville
Thermobestos block insulation,
Johns-Manville square plaited
asbestos rope, Johns-Manville
felted asbestos packing

M-Block insulation and asbestos
rope seal (Johns-Manville style
C-790-5)

Asbestos bellow seal

Various gaskets

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Supplier

The Gage Company
Parkersburg, WV/
Pittsburgh, PA

Inductotherm Industries, Inc.
Rancocas, N.J. 08073

General Engineering
Company
P. O. Box 8247
So. Charleston, WV 25303

Babcock & Wilcox

Baldwin Supply Company
Charleston, WV

Ohio Valley Insulating Company
823 Adams Avenue
Huntington, WV 25704

Fisher Controls
c/o Equipment and Controls, Inc.
512 Castle Shannon Blvd.
Pittsburgh, PA 15239

Joy Manufacturing Company
P. O. Box 158
103 West Plain St.
Knoxville, TN 37901

McJunkin Corporation
Charleston, WV

Tri-State Roofing and Sheet Metal
Company
P. O. Box 1806
Parkersburg, WV

Trojan Steel Company
P. O. Box 2426
Charleston, WV

Hart Brothers Machine Company
Clarksburg, WV

Cincinnati Gasket Packing and
Manufacturing, Inc.
40 Illinois Avenue
Cincinnati, OH 45215

Asbestos and Insulating Company
So. Charleston, WV

Product

Mill board; Johns-Manville asbes-
tos sheet; various gaskets, pipe
insulation, insulating material;
gaskets; Johns-Manville pipe
insulation

Asbestos paper

Garlock asbestos rope

Furnace seals

Asbestos insulating strips; as-
bestos roll board; asbestos
cloth; gaskets and insulating
material

Kaylo insulation

Gaskets

Gaskets

Gaskets

Asbestos flashing and
felt

Asbestos roll board

Asbestos rolls for roll hearth
furnaces

Gaskets

Pipe insulation and furnace insu-
lation

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<u>Supplier</u>	<u>Product</u>
State Electric Supply Huntington, WV	Transite piping
Graybar Electric Supply Charleston, WV	Transite piping
Swindell Dressler Corporation Box 1888 Pittsburgh, PA	Asbestos door seal
Parkersburg Rig & Reel P. O. Box 1160 Parkersburg, WV	Asbestos siding
West Virginia Electrical Supply Huntington, WV	Transite piping

Dates supplied may be determined from the documents produced in response to the accompanying Request for Production. In addition, see Answer to Interrogatory No. 7.

10. For each source of the asbestos products listed above in Interrogatory No. 9, please state the following:

- (a) The years in which the particular source supplied you with asbestos products;
- (b) The particular brands and types of asbestos products supplied by each source listed above;
- (c) The particular parts of the plant in which these asbestos products were used.

ANSWER: See Answers to Interrogatory Nos. 7, 8 and 9.

11. Please state the names and last known addresses of the employees who are or were responsible for ordering and/or purchasing asbestos products for this plant.

ANSWER: William Schindler, Hazel Parsons and John Pauley, among others, had responsibility for purchasing of products at the

Ravenswood Works, including any asbestos-containing products. All are presently employed by Ravenswood Aluminum Corporation.

12. Do you have a record retention policy which pertains to or includes the retention or destruction of records relating to the use, purchase, and specification of asbestos products? If so, please state that policy or, if you will do so without a request for production, please attach a copy of each policy in effect for each of the times identified herein when asbestos insulation were used in your plant.

ANSWER: Kaiser has no records retention policy specific to the use, purchase and specification of asbestos products. A copy of Kaiser's records retention policy will be provided in response to the accompanying Request for Production of Documents.

13. State the names and last known addresses of all employees who would have been responsible for maintaining, filing, storing or otherwise handling of any ordering, purchasing, specification, receiving, and/or delivery records pertaining to asbestos products used at this plant.

ANSWER: See Answer to Interrogatory No. 11.

14. At what particular areas of the plant were asbestos products stored, and, specifically, what type of products were stored at each location?

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ANSWER: Main and C Bay Storeroom--all products used throughout the Plant; all Maintenance areas--insulation, gasket material, power transmission products; Plant Mason Shops--asbestos shorts and cements; Casting Department--products used in production, door seals, gaskets, lid seals; Reduction Carbon Plant--products used in production, furnace seals, asbestos shorts.

15. List the names and last known addresses of all employees known to you who were responsible for the storage and maintenance of asbestos products.

ANSWER: The following had responsibilities for storage and maintenance of products and supplies at the Ravenswood Works, including for any asbestos-containing products:

Bill Kegley, Point Pleasant, WV;

Don Hayes, Point Pleasant, WV;

Oakey Howard, Mason, WV;

Roy Caldwell, Ravenswood, WV;

Jim Hoffman, Ravenswood, WV;

Glen Cundiff, Seberling, FL;

Millard Spaulding, Bidwell, OH;

Jim Stike, Hendersonville, NC;

Mike Tucker, Ravenswood, WV;

Buck Taylor, presently working at Ravenswood Aluminum Corporation;

Jack Scites, Ravenswood, WV;

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Dave Wood, Sr., presently working at Ravenswood Aluminum Corporation;

P. E. (Chief) Hudson, Ravenswood, WV;

Charles Zerkle, Mason, WV;

Robert Hoffman, presently working at Ravenswood Aluminum Corporation;

Lonnie Hodge, presently working at Ravenswood Aluminum Corporation.

Information to answer this Interrogatory was provided by Lonnie Hodge and Robert Hoffman. It is possible that other individuals may have had some responsibility in this regard as well.

16. Have you ever manufactured or sold any asbestos-containing products? If so, describe the products by asbestos composition, percentage of asbestos, type of asbestos, and date of manufacture and sale.

ANSWER: Kaiser Aluminum & Chemical Corporation, at its Ravenswood plant to which these Interrogatories are limited, has never manufactured or sold any asbestos-containing product.

17. Have you ever contracted with the following contractors to perform work on the plant premises identified above between the years 1930 and 1980?

Union Boiler
B. F. Shaw
Riggs Distler
Catalytic, Inc.
Babcock & Wilcox
Blount, Inc.

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H. K. Burgess
Davy McKee Company
Daugherty Company
Natkin & Company
Foster Wheeler
Ross Brothers
Minnote
Pioneer Piping

If you contracted with any of the above listed contractors, please state the following for each contractor:

- (a) What year did you contract with them to perform work on your premises;
- (b) What types of work were they hired to perform;
- (c) In what area of the plant did they perform work.

If you will do so without a request for production, please attach copies of any written contracts with each of the contractors.

ANSWER: During its ownership of the Ravenswood Works, Kaiser performed the great majority of work on plant premises with its own personnel. Kaiser has contracted, from time to time with Union Boiler, Babcock & Wilcox and Davy McKee Company to perform work on the Plant premises. It is not certain whether these contracts preceded 1980. Very few records of contracts exist. No records exist of contracts with the above-named contractors for the years in question except as might be included in the documents produced in Response to the accompanying Request for Production of Documents.

- (a) Various years;
- (b) Furnace repair, mechanical and electrical installation and piping, various other jobs;
- (c) Various areas of the Plant.

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18. From 1930 to 1980 did any employees of any subcontractors perform any of the following work on your premises, either for new construction or maintenance:

- (a) Pipefitting;
- (b) Insulating work;
- (c) Boilermaker work;
- (d) Any other construction or maintenance craft work.

If your answer is yes to any of the above, provide the names of the subcontractors involved, the dates of the work done, and a description of the work.

ANSWER: (a)-(d) Kaiser is not certain what is meant by the use of the term subcontractors in this Interrogatory. Kaiser has no records relating to employees of subcontractors who may not have had a direct contractual relationship to Kaiser. Kaiser believes that independent contractors and their employees generally performed the kinds of work described in this Interrogatory.

Records in this regard are sparse due to existing corporate retention policies. No records exist of contracts for the years in question except as might be included in the documents in Response to the accompany Request for Production of Documents.

19. Did any of the subcontractors described above perform any work that involved contact with respirable airborne asbestos? If so, describe the dates of this work and how these employees would come into contact with airborne asbestos.

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ANSWER: Certain employees of companies that contracted to perform work at the Ravenswood Works may have worked in areas of the Plant where asbestos-containing products were being installed or removed. However, the contractors themselves would be in a better position to determine where their employees worked. Kaiser regularly tested for airborne respirable asbestos at the Ravenswood Works commencing in the early 1970s. This testing, as well as testing performed by NIOSH, demonstrated the absence of an asbestos hazard at the Plant. All contractors engaged in work for Kaiser were hired due to their professed expertise in the kind of work they were hired to perform. Each was an independent contractor. Kaiser did not retain the right to control their work or their employees. Each contractor agreed to protect its employees' safety while on Kaiser premises, to provide necessary protective clothing and to comply with all Federal and State laws and regulations, including, but not limited, to OSHA regulations.

20. Describe the nature and dates of all efforts you made from 1930 to 1972 to investigate whether any hazardous condition existed with regard to the use of asbestos or asbestos-containing products in the vicinity of employees of subcontractors who worked on your premises. With respect to all such efforts, identify all documents concerning or in any way related to such efforts.

ANSWER: It is believed that the Ravenswood Works' personnel were not aware of any potential hazard to persons working in the Plant from the use of asbestos-containing products until late

1971. From late 1971 or early 1972 until the sale of its Ravenswood facility to Ravenswood Aluminum Corporation in 1989, Kaiser undertook numerous efforts to determine whether or not any potentially hazardous conditions were presented by virtue of use of asbestos-containing products in the Ravenswood Works. Information pertaining to these efforts can be obtained from a review of documents provided pursuant to the accompanying Request for Production of Documents.

21. Were any warnings ever given to you by any manufacturer of thermal asbestos insulation products regarding any danger to human health posed by exposure to asbestos fibers? If so, please state the content of the warnings and in what years were they given. Please identify by name and last known address the identity of each manufacturer, the warning given by each, and when such warning was given.

ANSWER: Prior to the early 1970s, Kaiser does not believe that it received any warning of any type from a supplier of thermal insulation products to the Ravenswoods Works. At some point, believed to be in the early 1970s, certain suppliers of thermal asbestos insulation products began providing warnings related to asbestos on their packages. Kaiser has no present record of the dates or substance of any such warnings except as may be included in the documents supplied in response to the accompanying Request for Production.

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22. Describe all efforts undertaken by you to determine whether your employees or employees of your subcontractors came into contact between 1930 and 1980 with hazardous levels of airborne asbestos dust. With respect to all such efforts, provide the dates of the efforts and the results obtained. Identify all documents concerning or in any way related to such efforts.

ANSWER: See Answer to Interrogatory No. 20.

23. Did you make any effort between 1930 and 1980 to determine if your own employees or employees of subcontractors came into contact with airborne respirable asbestos during the performance of their duties? If so, provide the dates and nature of the efforts you made and identify all documents concerning or in any way related to such efforts.

ANSWER: See Answer to Interrogatory No. 20.

24. Do you contend that you ever placed any warning or precautionary signs on any of the asbestos-containing products used by you? If so, describe the nature of the alleged warnings and the dates issued.

ANSWER: No. Kaiser contends that it had no duty to place warning labels on products manufactured and/or supplied by others to it for use in the Ravenswood Works.

25. Between 1930 and 1972, did you make any effort to:

(a) Warn your own employees or employees of subcontractors about the hazards of inhaling asbestos fibers;

(b) Did you provide any precautionary equipment or impose any precautionary work practices on employees or employees of subcontractors who came into contact with respirable asbestos in performance of their duties? If so, describe what you did and identify all documents concerning or in any way related to the above matters.

ANSWER:

(a) No. Prior to late 1971 or early 1972, Kaiser's Ravenswood Works' management was not aware of the potential safety hazard presented by prolonged exposure to respirable asbestos fibers. As soon as management became aware of such problems, they took steps to protect Ravenswood employees and others from hazardous exposures to respirable asbestos fibers.

(b) At all times, Kaiser's contracts with its contractors imposed upon said contractors the obligation to protect the safety of their employees and to comply with all State and Federal laws and regulations applicable to the workplace. Kaiser relied upon its contractors to meet these obligations and did not itself assume responsibility to take the referenced precautionary measures with respect to employees of others.

26. Do you contend that you placed any warnings or precautionary signs in any part of any premises owned by you? If so, describe the nature of the warnings and the dates the warnings were given and the location of the warnings.

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ANSWER: Yes. Caution signs were posted in job areas involving potential exposures to airborne asbestos. Respirators and protective clothing were utilized and air was monitored. Appropriate control and disposal methods were adopted. Documents providing information with regard to this Interrogatory will be supplied in response to the accompanying Request for Production of Documents.

27. Identify all documents or exhibits concerning or in any way related to these alleged warnings.

ANSWER: See Answer to Interrogatory No. 26.

28. Identify by title, date, and author all articles, textbooks, or any other written material in your possession concerning the health effects of asbestos. This request applies only to articles or other information dated or acquired by 1976. With respect to each article, textbook, or other written material, please provide the date on which each was acquired.

ANSWER: Copies of such material that presently exists in the records of the Ravenswood Works are provided in response to the accompanying Requests for Production.

29. Identify all documents concerning or in any way related to consideration of whether you would cease using asbestos-containing products, or consideration of any decision about whether you should warn on the use of asbestos products.

R 000201

ANSWER: Any such documents found in the records of the Ravenswood Works will be supplied in connection with the accompanying Request for Production of Documents.

30. Did you ever, or do you now, have any rules in effect regarding efforts to reduce or eliminate health hazards associated with use of asbestos-containing products? If so, describe the rules, identify all documents concerning or in any way related to the rules, and provide the dates that the rules were implemented.

ANSWER: Yes. Proper respiratory protection and protective clothing were worn for jobs involving potential exposure to airborne asbestos fibers. The job area was taped off, warning signs were posted and proper removal and disposal techniques were utilized. See documents produced in response to the accompanying Request for Production of Documents.

31. When did you first learn, if ever, of the symposium held in New York City for the New York Academy of Sciences in 1964 on the biological effects of asbestos?

(a) Did you have a representative attend the above mentioned symposium?

(b) Do you have in your possession a copy of the proceedings of that conference? If so, when did you acquire the same?

ANSWER: Kaiser objects to this Interrogatory as vague and overly broad since it fails to specify what individuals or group of individuals within Kaiser is intended by the reference to "you."

Furthermore, the Interrogatory fails to specify whose knowledge is deemed to be that of the corporation. It is not reasonably possible to determine when a corporation such as Kaiser, consisting of many thousands of present or former employees, officers or representatives, may have first "learned" of something, much less the symposium referenced in this Interrogatory. Subject to and without waiving its objections, Kaiser states that it is not aware of who, if anybody, among its employees ever became informed concerning the referenced symposium. Kaiser certainly did not have a representative at the symposium. It is not aware of who, if anybody, within the corporation ever acquired a copy of the referenced proceedings.

32. When did you first learn of any TLV's, threshold limit values, that applied to asbestos-containing dust? Indicate from what source you first learned of TLV's.

ANSWER: Kaiser objects to this Interrogatory as vague and overly broad since it fails to specify what individuals or group of individuals is intended by the reference to "you." Furthermore, the Interrogatory fails to specify whose knowledge is deemed to be that of the corporation. Subject to and without waiving its objections, Kaiser states that it is believed that certain industrial hygiene and medical personnel employed by Kaiser became aware of TLVs for exposure to asbestos-containing dust by or at the time of initial regulation of asbestos exposure by OSHA in the early 1970s. It is not reasonably possible to determine by whom any knowledge of TLVs

for asbestos exposure was first acquired and when that knowledge was acquired.

33. Do you contend that any TLV's for asbestos developed between 1938 and 1972 were intended to apply to the use of thermal insulation asbestos products?

ANSWER: At this point, for purposes of this litigation, Kaiser makes no contention regarding the referenced subject.

34. Have you ever communicated any information to any employees or invitees about any alleged threshold limit value for asbestos-containing dust? If so, please provide the dates for such communication and please identify all documents concerning or in any way related to that communication.

ANSWER: Information with regard to exposures to asbestos dust or areas in which such exposures could occur were provided to Kaiser's employees at the Ravenswood Works. Dust sampling results were posted and individual personnel sampler results were provided on request, to the affected employee. At some point, Kaiser began to specifically notify contractors of their employees' potential exposure to asbestos. However, the contractors had always contractually acknowledged their obligation to protect the safety and health of their employees and comply with applicable laws and regulations. All documents relating to this Interrogatory that are currently in Kaiser's possession may be found in the materials

furnished in response to the accompanying Request for Production of Documents.

35. Have you ever tested the asbestos-containing products used by you to determine whether they emit hazardous levels of dust or emit levels of asbestos dust in excess of any TLV? If so, please identify all documents concerning or in any way related to such testing. Please provide dates and the results of any such tests.

ANSWER: Kaiser objects to this Interrogatory as overly broad and ambiguous. Without waiving the aforesaid objection, Kaiser states that it had certain products which were used at the Ravenswood Works tested to determine whether they contained asbestos. This was typically done during demolition or tear out. If such products were found to contain asbestos, protective equipment was worn and work areas were taped off when demolition or tear out occurred. Documents reflecting the results of such tests are furnished in Response to the accompanying Request for Production of Documents. Other than any information contained in the documents to be produced concerning testing of asbestos-containing products used at Ravenswood, Kaiser has no specific knowledge concerning the tests referenced in this Interrogatory.

36. Was air monitoring for asbestos fibers ever conducted by you at this plant site? If so, state the following:

- (a) When the air was monitored;
- (b) Why the air was monitored;

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(c) In which parts of the plant was the air monitored?

ANSWER: (a)-(c) Yes, air monitoring has been conducted at the Ravenswood plant. Documents showing the dates and results of such monitoring are furnished in Response to the accompanying Request for Production of Documents. The air was monitored to determine levels of asbestos fibers in particular areas of the Plant, to ensure that employees and others in the area were not subjected to excessive levels of asbestos fiber, to determine compliance with various laws and regulations, and to determine the safest and most effective means of preventing the release of such fibers.

37. Has OSHA or any other governmental agency or any private independent contractor ever conducted any dust studies at any of your plants to determine whether hazardous asbestos dust levels exist? If so, please identify the dates of such studies, provide the results, and identify any and all documents concerning or in any way related to any such studies.

ANSWER: Kaiser objects to this Interrogatory to the extent that it pertains to any plants other than the Ravenswood Works, as overly broad, burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objection, Kaiser states that the National Institute of Occupational Safety and Health has, on occasion, conducted dust studies at the Ravenswood plant to determine, among other things, whether hazardous asbestos dust levels exist. The results of such testing have indicated the absence of hazardous asbestos levels.

Documents reflecting such studies will be provided in response to the accompanying Request for Production of Documents.

38. Did you ever subscribe to the I.H.F. Digest? If so, indicate the dates during which you subscribed and provide the dates of all copies of the I.H.F. Digest that you received.

ANSWER: Kaiser, after a diligent search, has been unable to determine whether it ever subscribed to the I.H.F. Digest.

39. At any time did you require your employees or the employees of any contractor to wear respiratory masks to protect them from asbestos exposure while working around or with thermal asbestos insulation products? If so, please state:

- (a) The date you first required the use of respirators:
- (b) Why you required the use of respirators?.

ANSWER: Yes, as to employees. Kaiser did not have the right to control the work practices of its contractors. The contractors were obligated to carry out safe work practices and comply with all applicable laws and regulations.

(a) Information relating to the wearing of respirators by Kaiser employees may be found in the documents supplied pursuant to the Response to the accompanying Request for Production of Documents. At some time in the 1970s, Kaiser began to require its employees at Ravenswood to wear respiratory protection and protective clothing when involved in jobs that might produce airborne respirable

asbestos fibers. The area of such jobs was also taped off and marked to warn others to avoid the area.

(b) For the safety of its Ravenswood employees, respirators were required whenever employees were working on jobs or in areas where possible exposure to respirable asbestos existed.

40. When did you first learn that asbestos caused:

- (a) Asbestosis;
- (b) Lung cancer;
- (c) Mesothelioma;
- (d) Asbestos-related pleural disease.

ANSWER: Kaiser objects to this Interrogatory as vague and ambiguous. The Interrogatory fails to specify what individuals or group of individuals within Kaiser is intended by the reference to "you." Furthermore, the Interrogatory fails to specify whose knowledge is deemed to be that of the corporation. It is not reasonably possible to determine when a corporation such as Kaiser, consisting of many thousands of present or former employees, officers or representatives, first "learned" of something. Subject to and without waiving its objections, Kaiser states that various of its industrial hygienists or medical personnel became aware that long term exposure to excessive levels of respirable asbestos fibers could lead to pulmonary complications or certain diseases by or shortly after enactment of OSHA regulations on the matter in the early 1970s.

41. Please identify all persons who from 1930 to 1980 functioned as a medical director, medical consultant, industrial hygienist, or safety director for your company. With respect to each person, provide his job title, description of his duties, description of over which premises he had responsibilities, and provide his last know address and telephone number.

ANSWER: The Ravenswood Works opened in approximately 1956. Between 1956 and 1980, there was no medical director for the Ravenswood Works. During that time, several local physicians provided medical help and consultation to the Ravenswood Plant. David L. Mandry, M.D., who now lives in Ohio, acted as Plant physician from the opening of the Plant until 1989. Samuel Johnson, M.D., now living in Florida, provided the same function from 1956 until 1989. James Hughes, M.D., a consulting physician who still practices in Ripley, West Virginia, did physical examinations and read EKGs. He ceased working for Kaiser in the early 1980s. John Markley, M.D., now deceased, performed physicals in the late 1970s.

Plant Industrial Hygienist during the relevant period included: K. A. Shaw, Environmental Director; Robert Kasberger (deceased); Jack Waugh; Bud Leber; Ralph Fleming; Jeff Niemann; Mark Jones, Environmental Director.

Plant Safety Directors for the same time period included: Tom Eynon, Robert Lowe, Mark Eliopolus, John Spencer, Doug Griner, Jim Travis, Jim Robinson (deceased).

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42. Identify by name, last known address, and telephone number each person acting, employed, or otherwise identified as a plant physician at each of the plants identified above during the period of 1930 to the present.

ANSWER: See Answer and objections to Interrogatory No. 41. Kaiser has not owned the Ravenswood Works since February of 1989, and does not provide an answer for that period of time to the present.

43. Describe all research or other efforts you undertook to determine whether asbestos could cause disease in humans, or whether the asbestos-containing products used in your plant posed a hazard in their normal use. Please provide the dates of each effort and identify all documents concerning or in any way related to such efforts.

ANSWER: Kaiser was not in the asbestos business and accordingly, did not perform independent research on the medical consequences of long term exposure to excessive levels of respirable asbestos fibers at the Ravenswood Works. Kaiser has performed air monitoring to determine the existence of excessive levels of airborne asbestos fiber and has tested bulk samples of certain materials to determine whether or not they contain asbestos in order to engage in proper precautions prior to disturbing such products. Where asbestos hazards were determined to exist, appropriate control, protection, removal and disposal methods were utilized. Additionally, Kaiser has required chest x-rays as part of pre-

employment physical examinations and, by the mid-1980s, had undertaken asbestos screening for employees with potential asbestos exposures. These screenings included periodic x-rays, pulmonary function tests and physical examinations. Records relating to testing for the presence of asbestos in airborne and bulk samples are provided in Response to the accompanying Request for Production of Documents.

44. Identify each person employed as a "plant nurse" for each of the plants identified above during the period of 1930 to the present.

ANSWER: The Ravenswood Works opened in 1956. It was sold by Kaiser to Ravenswood Aluminum Corporation on February 7, 1989. The following persons served as plant nurses during the period 1956 through February 7, 1989:

- a. Patricia Fields, R.N., December 1968 through February 1989; Head Nurse January 1987 through February 1989;
- b. Hilda Sayre, R.N., 1956 through 1981, Head Nurse;
- c. Sheila Holland, R.N., 1968 through 1987; Head Nurse 1981 through January 1987;
- d. Norma Lambert, R.N., prior to December 1968 through early 1969;
- f. Pearl Leifheit, R.N., early 1960s through 1968;
- g. Carol Podbesek, R.N., 1967;
- h. Gail Hall, R.N., 1967 through 1968;

- i. Emily Harman, R.N., 1967;
- j. Alta Hoffman, L.P.N., 1968 through early 1970s;
- k. Louis McCutcheon, L.N., 1967 through 1968;
- l. Rebecca Butcher, L.N., 1976 through 1983 or 1984;
- m. Louis Wyant, L.N., early 1970s through early 1980s;
- n. Leona Sharps, L.N., 1977 through May 1989;
- o. Jane Brown, L.N., 1967 through 1969.

45. From 1930 to 1972 what department or departments or person or persons were responsible for asbestos health matters in your organization? With respect to each person, please provide name, last known address, telephone number, job title, and job description.

ANSWER: Kaiser had no department specifically responsible for asbestos health matters because it was in the aluminum business, not the asbestos business. With respect to the Ravenswood Works, health matters would have been a joint responsibility of the Environmental Department, Safety Department and Medical Department.

46. Has any person ever brought any claim against you alleging that you are responsible for any asbestos-related disease? If so, provide the name of the claimant, the date of the claim, and the alleged disease process. Identify all documents concerning or in any way related to this claim. In answering this interrogatory you may exclude any claims filed after calendar year 1976.

ANSWER: A former Kaiser employee, Edward L. Davidson, brought an occupational pneumoconiosis claim against Kaiser in 1974.

At some point subsequent to that date, the claim became one for alleged exposure to asbestos. Mr. Davidson also developed lung cancer. Kaiser has, to date, been unable to determine at what point Mr. Davidson first alleged exposure to asbestos. A search is continuing, and this Interrogatory Answer will be supplemented if further information is discovered. Except, possibly, for the Davidson claim, no claim was filed against Kaiser based upon any alleged asbestos-related disease prior to the end of calendar year 1976.

47. Did you require or offer chest x-rays to your employees at any time during the period of 1940 to the present? If so, please state:

(a) Whether the x-rays or reports of the x-rays have been retained;

(b) List the employees that had x-rays taken;

(c) Please state who was responsible for taking the x-rays;

~~(d) Please state why the x-rays were taken;~~

(e) Please state the name and last known addresses of employees responsible for storing and handling x-ray reports.

If you will do so without a motion to produce, please attach copies of all x-ray reports available for inspection and copying.

ANSWER: Yes.

(a) Yes.

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(b) Defendant objects to and refuses to produce the names of employees or any information related to their x-ray reports without the employees' consent.

(c) At certain periods of time, any of the nurses on staff at the Ravenswood Works may have done the x-rays. At some point, all x-rays began to be done by Patricia Fields who continued to do the x-rays until the sale of the Plant.

(d) X-rays were done for a variety of reasons, including to detect the possible presence of asbestos-related disease.

(e) Patricia Fields, Ravenswood Aluminum Corporation, Ravenswood, West Virginia.

Kaiser believes that most, if not all, of the referenced x-rays are under the control of the Ravenswood Aluminum Corporation. To the extent that it may still have any such x-rays, Kaiser objects to their production for the same reasons stated in the Answer to Interrogatory No. 47 on behalf of Ravenswood Aluminum Corporation. Therefore, Kaiser does not agree to produce copies of x-ray reports.

48. Have any of your employees ever filed workers' compensation claims for occupational pneumoconiosis? If so, please release to plaintiffs copies of the occupational pneumoconiosis claims.

ANSWER: Yes. Kaiser objects to the request to release copies of these records on grounds of privacy, and refuses to produce such records without a release from the employees involved. Kaiser

also objects to this request as overly broad and burdensome, since it is not reasonably restricted to the time of alleged exposure and conditions of alleged exposure claimed by the Plaintiff. Subject to and without waiving its objections, Kaiser states that very few of these claims have involved alleged asbestos-related diseases.

RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS

1. Please produce for inspection and copying all documents identified in the Response to the above Interrogatories.

Response: All such documents will be available for inspection by Plaintiff at the office of counsel for Kaiser at a mutually agreeable time, except as follows:

1. Certain drawings and other documents that constitute trade secrets and are, therefore, withheld. While certain of these documents may contain references to asbestos-containing products, it is not believed that the information provided on such documents adds anything of a substantial nature to the material otherwise found in the documents produced.

2. Documents protected by attorney-client or attorney work product privileges.

3. Original blueprints and drawings utilized in the construction of the Ravenswood Works and drawings and blueprints utilized in renovations, additions, etc., to the Plant. These drawings, in many cases, also constitute trade secrets. Again, while there may be some references to asbestos-containing products, it is

not believed that these drawings provide any substantial additional information not otherwise covered in the disclosed documents. Furthermore, these documents constitute at least 250,000 in number. It would be unduly and unreasonably burdensome and expensive for Kaiser to undertake the effort necessary to review and produce these documents. Kaiser, therefore, objects to their production.

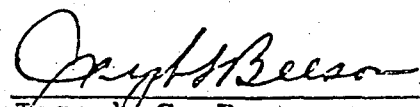
4. All employee records, e.g., workers' compensation records, medical records, personnel records, etc. Kaiser objects to and refuses to produce any such records on the grounds of privacy absent a release from the employees involved.

All documents to be disclosed pursuant to these Interrogatories and Requests for Production have been compiled by counsel for Kaiser and are marked according to the Interrogatories to which they relate. Certain documents may relate to more than one Interrogatory. They are classified in accordance with the best judgment of counsel for Kaiser.

KAISER ALUMINUM & CHEMICAL
CORPORATION

By Counsel

ROBINSON & McELWEE



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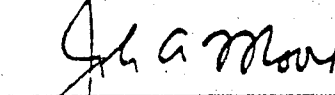
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VERIFICATION

COUNTY OF ALAMEDA :
STATE OF CALIFORNIA : SS


I, John A. Moore, am Secretary of Kaiser Aluminum & Chemical Corporation, and am duly authorized to execute, under oath and on behalf of its former Kaiser Refractories Division, Answers to Plaintiff's Interrogatories.

The information set forth in these answers was collected by corporate personnel and other persons with knowledge of the facts; such information is not necessarily within my personal knowledge. However, on behalf of the corporation, I solemnly affirm, under the penalties of perjury, that the foregoing answers are true and accurate to the best of my knowledge, information, and belief.



John A. Moore

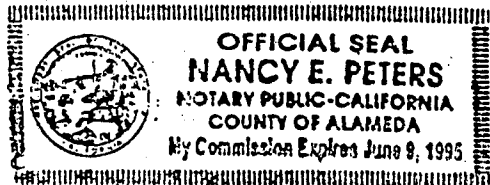
Sworn to before me and subscribed in my presence this
19th day of December, 1991.



Notary Public

My commission expires: June 9, 1995

R 000217



IN THE CIRCUIT COURT OF PUTNAM COUNTY, WEST VIRGINIA

RICHARD EADS and
JOANN EADS, his wife,

Plaintiffs,

v.

Civil Action No. 91-C-190

APPALACHIAN POWER COMPANY,
a Virginia corporation,
B. F. GOODRICH,
a New York corporation,
KAISER ALUMINUM & CHEMICAL CORPORATION,
a Delaware corporation,
MONSANTO COMPANY,
a Delaware corporation,
NITRO INDUSTRIAL COVERINGS, INC.,
a West Virginia corporation,
RAVENSWOOD ALUMINUM CORPORATION,
a Delaware corporation,

Defendants.

CERTIFICATE OF SERVICE

I, Joseph S. Beeson, counsel for Kaiser Aluminum & Chemical Corporation, do hereby certify that service of the attached ANSWERS OF DEFENDANT KAISER ALUMINUM & CHEMICAL CORPORATION TO PLAINTIFFS' INTERROGATORIES AND RESPONSES TO REQUEST FOR PRODUCTION OF DOCUMENTS has been made upon all parties of record by mailing a true and exact copy thereof to their counsel, as follows:

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Calwell, McCormick & Peyton, L.C.
Suite 908, 405 Capitol Street
Post Office Box 113
Charleston, West Virginia 25321

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and
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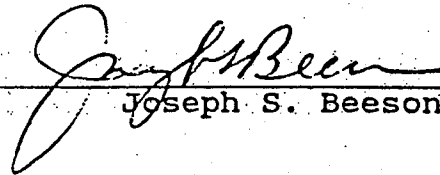
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Counsel for Appalachian Power Company,
Central Operating Company, Kentucky
Power Company and Ohio Power Company

in a properly stamped and addressed envelope this 23rd day of
December, 1991.



Joseph S. Beeson