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Newspaper Article & Answers to Interrogatories

A.
BENDIX

September 12, 1966

Mr. Noel Hendry
Canadian Johns Manville Co. Ltd.
Asbestos, Quebec
Canada

Dear Noel

Just to be sure you have a copy, an article that appeared in
Chemical Week magazine is inclosed.

So that you'll know that Asbestos is not the only contaminat~~ed~~^{ing},
a second article from O.P. & D Reporter assesses a share of the
blame on trees.

My answer to the problem is: if you have enjoyed a good life
while working with asbestos products why not die from it. There's
got to be some cause.

Director Of Purchases

E. A. Martin

EAM:MAC
EEC:

Taking Giant Steps

Two chemical process companies took giant steps toward diversifying into the oceanography field last week, and two paper companies with combined sales of nearly \$1 billion/year reached a tentative agreement to merge.

(1) Bendix Corp. (Detroit) expanded its oceanic activities by acquiring for an undisclosed amount of stock Marine Advisers (La Jolla, Calif.), producer of oceanographic instruments for petroleum and utility companies, state and federal agencies, and firms engaged in scientific programs.

(2) Fluor Corp. (Los Angeles) and B. L. McFarland and Associates (Fort Worth and Midland, Tex.), a group of five companies involved in offshore and onshore drilling operations, have agreed to merge, subject to stockholders' approval. The McFarland group operates five offshore drilling rigs in the Gulf of Mexico.

(3) A tentative agreement to merge has been reached by U.S. Plywood Corp. (New York) and Champion Papers, Inc. (Hamilton, O.). It is subject to both directors' and stockholders' approval. The corporate identities of both companies will be preserved.

Reducing Gas Rates

The Federal Power Commission has ordered El Paso Natural Gas Co. and Transwestern Pipeline Co. to reduce by \$17 million/year the price of natural gas in the southern California market.

The rate cut stems from the July 26 decision in which FPC turned down the application of Gulf Pacific Pipeline Co. (a Tenneco subsidiary) to supply gas to the Los Angeles area (*CW*, Aug. 6, p. 20). Gulf Pacific last week filed for a rehearing.

El Paso and Transwestern were told they would have to lower their rates to reflect the lower costs resulting from the bigger deliveries possible in the expanded system. At the same time, FPC said it would conduct further proceedings to decide if customers should get additional benefits resulting from more liberal depreciation allowances.

FPC has given the companies 45 days to show cause why the reduction should not take place.

Sources of airborne asbestos

Asbestos-lined ducts used in centrally air-conditioned buildings.

Asbestos ducts and insulation in home central-heating plants.

Motor vehicle brake linings and clutch plates.

Auto undercoatings.

Asbestos ceiling and floor tiles.

Asbestos shingles and slidings.

Construction and demolition

Fitting, cutting, and removing asbestos-filled wallboards and floorings, piping and insulation.

Incineration of asbestos-filled scrap.

Improperly filtered effluent from asbestos processing plants.

Asbestos: Awaiting 'Trial'

The asbestos industry—whose end products are valued at more than \$500 million/year—may be in for a shake-up. It could come in the form of federal legislation limiting the use of asbestos, because asbestos has been accused—though not yet “convicted”—as a significant health hazard. Probable contender for asbestos markets: plastics.

Recent studies have convinced U.S. Public Health Service specialists and other medical authorities that about 40% of all Americans have mild, chronic cases of asbestosis, even though most of them never worked directly with asbestos.

Unlike other airborne dust particles, asbestos fibers have the ability—almost as much as activated carbon—to absorb polycyclic hydrocarbons and arsenicals. Furthermore, says USPHS, in the past 30 years the asbestos-related cancer rate has increased sixfold.

The Inferences: While the average asbestos worker is well protected, the man on the street is not. The 3x1-micron asbestos fibers in his lungs can come from a variety of sources (*table, above*).

And medical experts say there's no way to assess hydrocarbon content in those lung deposits.

American Cancer Society researchers feel certain there is a synergistic relationship among airborne asbestos, smoking and lung cancer. They reason that the nondegradable, hydrocarbon-soaked fibers may well be a constant source of lung irritation.

PHS officials think it may take them up to five years to establish asbestos' true role as an air pollutant. However, Congress may act before the research is finished. Says Representative Robert Watkins (R., Pa.): “We've seen enough evidence already. Asbestos will never get a clean bill of health. With just a little more data we'll move for controls and strict ones.”

Some form of asbestos control is in the offing, public health officials are certain, if only part of a larger clean-ambient-air program. However, there is the danger that Congress may enact rigorous controls on the quantity of asbestos that could be used.

In that case both Canada and U.S. asbestos products manufacturers would be hard hit. Of the five forms of asbestos mined today, chrysotile asbestos holds the predominant market position because of its insulating and processing qualities. Canada produces more than 80% of the chrysotile asbestos used in the U.S. In both countries, a number of serious dislocations would occur.

At present, there is no known material that could fill all of asbestos' strategic roles. On the other hand, should federal controls merely call for higher standards for binders and shieldings, that would spark a rise of new products, with plastics taking the lead.

Reason, say industry spokesmen, present polymer technology could easily turn up products to replace asbestos in most end-uses.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In Re: Asbestos Litigation) Master File No. Misc. 85-100
) Limited to:
) C.A. No. 85-688(JJF) (Fortugno)
) C.A. No. 85-581(JJF) (Kracyla)
) C.A. No. 85-580(JJF) (DiMedio)
) C.A. No. 85-673(JJF) (Paris)

ANSWERS OF ALLIED CORPORATION TO PLAINTIFFS'
STANDARD SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION TO ALL DEFENDANTS
LIMITED TO JURISDICTION AND PRODUCT NEXUS

PREFATORY STATEMENT

Please take note that more than fifty per cent (50%) of the voting stock of The Bendix Corporation ("Bendix") was acquired by Allied Corporation ("Allied") as of December 21, 1982. As of January 31, 1983, Allied was the sole common stockholder of Bendix. On April 1, 1985, Bendix ceased to exist as a legal entity. Bendix was incorporated in the State of Delaware and had its principal place of business in the State of Michigan. The successor in interest to Bendix is Allied which was incorporated in the State of New York in 1920. Allied has its headquarters at Morristown, New Jersey. The answers, responses, and objections to plaintiffs' Interrogatories to Defendant have been prepared on the basis of information supplied by employees of Bendix or documents which were in the possession of Bendix up to and including March 31, 1985. The answers herein similarly reflect information or documents acquired by or known to employees of the Automotive Sector of Allied after March 31, 1985, the business unit within Allied which continues the Bendix friction materials product lines demanded in answer to Interrogatory No. 1.

Beyond the undertaking to respond as described in the preceding paragraph, Defendant objects to all Interrogatories calling for information about "affiliated companies", "subsidiaries" and "alleged predecessors"; these portions of plaintiffs' Interrogatories are overbroad and unduly burdensome as there is no indication that any of the plaintiffs in this action were exposed to products of any such entities as a part of their employment with the Railroads.

1. Describe in detail, with specificity and particularity each product mined, produced, manufactured or sold by the answering defendant or its predecessors in title or

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subsidiaries which contained asbestos for each year from 1936 until 1980; and for each such product describe:

(a) Its chemical ingredients;

(b) State the manner in which it was intended to be used, i.e., in the construction and/or insulation of buildings and/or equipment, etc.;

(c) For each ingredient contained therein state:

(i) The name or chemical composition of each substance what harmful effects, if any are known, that it produces in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;

(ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;

(iii) Identify each individual who participated in such determination and/or obtained such knowledge;

(iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;

(v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(vi) Which products or ingredients were mined, which were manufactured and which were distributed by answering defendants.

ANSWER: Bendix has manufactured, sold and distributed the following friction material products containing processed chrysotile asbestos fibers:

Brake lining segments

Marshall	1939 to present
Eclipse	1939 to present
Bendix	1939 to present
Master	1945 to present
EDF	1946 to present
FK	1955 to present
Friction King	1960 to present

Disc brake pads:

Bendix	1966 to present
Friction King (FK II)	1979 to present

Brake blocks:

Bendix	1947 to present
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Clutch facings:

Bendix	October 1974 to early 1979, sold only to Borg and Beck.
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All of the preformed friction material products are presently on the market except Bendix woven brake linings which were used in industrial, nonvehicular applications and which were withdrawn from the market in 1959 because of decreasing market demand. Clutch facings are no longer on the market, they were sold only to Borg and Beck for use in Borg and Beck service clutch assemblies for light trucks; these were first sold in October 1974, and they were withdrawn from the market in early 1979 because of poor market penetration.

(a) The composition of the Bendix friction material brake linings, disc brake pads, brake blocks and clutch facings are trade secrets and therefore proprietary. This Defendant objects to this interrogatory insofar as it requests proprietary information. However, in an effort to provide a good faith response, the following information is provided: the percentage by weight of chrysotile asbestos fibers in the brake lining segments, brake blocks and disc brake pads varies from 25% to 50%, depending on the particular composition, and in clutch facings approximates 49 1/2%.

(b) As to brakes, to stop or slow motor vehicles; as to clutch facings, to connect or disconnect a driving or a driven part of a mechanism smoothly

(c) Objected to as beyond the scope of discovery permitted by Case Management Order No. 4.

2. If any product identified in answer to Interrogatory No. 1 and was produced, manufactured and/or sold under a trade name, identify that trade name(s) and state the time period that each such product was sold under such trade name.

ANSWER: The trade names are identified in the response to Interrogatory No. 1.

3. For each product identified in answer to Interrogatory No. 1, state:

(a) The address of each plant where it was manufactured, processed or packaged;

(b) Whether you were the sole producer, manufacturer and/or distributor of the product and, if not:

(i) The name and address of each other person, firm or other entity engaged in the production, manufacture and/or distribution of the product (including companies which rebranded for the answering defendant);

(ii) Whether any other manufacturer produced the product by virtue of a franchise or license from you;

(iii) The persons or firms who produced the product for distribution in the United States;

(iv) The person or firms who produced the product for distribution in the State of Delaware.

(c) All products the answering defendant manufactured, mined or sold which it would relabel for others and the names of any entity such relabeling occurred for, including when, where and with whom defendant dealt with.

(d) Any changes answering defendant made in the product or packaging for others of its products and any changes answering defendant requested be made in products or packaging of products others rebranded for the answering defendant.

ANSWER: Defendant objects to this interrogatory on the grounds that it seeks information which is neither relevant nor calculated to lead to the discovery of relevant evidence, is overbroad, unlimited in scope, and unduly burdensome. However, in an effort to provide a good faith response, and without waiving the foregoing objections, defendant responds that it has manufactured friction material products containing processed chrysotile asbestos fibers at the following facilities:

Friction Materials Division

Troy, New York plant

arcuate brake

lining segments,

1939 to present

disc brake pads,

1966 to present

brake blocks

1947 to 1964

clutch facings

1974 to 1979